



MINUTES

REGULAR COUNCIL MEETING

March 17, 2009

The City Council of the City of Forest Hill met on the above date at 7:11 p.m. with Mayor James Gosey presiding. The following council members and officials were present: Council Members Damian Dalcour, Lyndia Thomas, Gerald Joubert, Dulani Masimini, Andrew Sanders, Mayor Pro Tem Mustafa Sami, City Manager David Miller, City Secretary Debra Maness, Fire Chief Pat Ekiss, Acting Public Works Director Roberto Duenes, Economic Development and Community Relations Director Venus Wehle and Finance Director Clifford Blackwell, III.

Opening Agenda:

A. Call to Order

With a quorum present, Mayor James Gosey called the meeting to order at 7:11 p.m.

B. Invocation

Invocation was delivered by Mr. James Overton.

C. Pledge of Allegiance to Flags

Pledge to the United States and Texas Flags were recited.

D. Citizens Presentation: At this time, any person with business before the Council not scheduled on the agenda may speak to the Council. No formal action can be taken on these items at this meeting.

There was no one to speak.

E. Staff Report

City Manager – Read letter of appreciation from Larry Ameen Basheer for the assistance Roberto Duenes, Acting Public Works Director, and the Public Works Department had given him dealing with the plumbing company.

Due to the number of public hearings, consent agenda and items on the deliberation agenda that were not part of the public hearings were considered before the public hearings.

G. Consent Agenda: - All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

1. Consider minutes of March 3, 2009 council meeting.
2. Consider Oncon Cities Steering Committee Resolution 05-2009, a resolution endorsing certain legislative changes to enhance the competitive electric market.
3. Consider the request to purchase four new police cars and continue the line item already established within the annual operating budget.
4. Consider the annual racial profiling report for January 1, 2008 – December 31, 2008.

Mayor Pro Tem Sami made motion to accept consent agenda as presented. Seconded by Council Member Thomas and **passed** as follows:

Ayes: Council Members Dalcour, Thomas, Joubert, Masimini, Sanders, Mayor Pro Tem Sami and Mayor Gosey

Nays: None

H. Deliberation Agenda

10. Discuss and consider approving the annual financial report for fiscal year ended September 30, 2008. (Clifford Blackwell)

Clifford Blackwell, Finance Director, introduced Randy Howard of Pingleton, Howard and Company, PC. Mr. Howard presented the Comprehensive Annual Financial Report (CAFR) for fiscal year ending September, 2008 to the Council. Mr. Howard reported to the Council, that in their opinion, the financial statements present fairly the respective financial position City. At the end of the fiscal year 2008, unreserved fund balance for the general fund was \$1,495,127, or 21.5 percent of total general fund expenditures.

Council Member Thomas made a motion to accept the Comprehensive Annual Financial Report as presented by Randy Howard. Seconded by Council Member Masimini and **passed** as follows:

Ayes: Council Members Dalcour, Thomas, Joubert, Masimini, Sanders, Mayor Pro Tem Sami and Mayor Gosey

Nays: None

11. Discuss and consider the awarding of bid for 2008-2009 Street Rehabilitation for the City. (David Miller)

Clifford Blackwell, Finance Director, had prepared a summary of bidder's financials and went over the summary with the Council. Majority of the companies present themselves as financially stable. You like to see companies set aside net income to retained earnings (reserves) and build on that each year. JLB faired the highest, their retained earnings were more than 25 times the amount of income they bring, Reynolds was second with its retained earnings more than 17 times their net income followed by Advanced Paving and Styles Contracting.

Council recessed into executive session at 7:33 p.m. to receive legal advice from the City Attorney.

Council reconvened into regular session at 7:56 p.m.

Mayor Gosey entertained a motion and a second to award the contract to JLB.

Motion was made by Council Member Joubert to award the contract to JLB for the 2008-2009 Street Rehabilitation. Seconded by Council Member Thomas and **failed** as follows:

Ayes: Council Members Thomas and Joubert

Nays: Council Members Dalcour, Masimini, Sanders, Mayor Pro Tem Sami and Mayor Gosey

Mayor Gosey asked the Council what their concerns were with JLB.

Council Member Masimini stated performance along with communications problems, JLB not responding to the City in a timely manner. Council Member Joubert stated that his concern is that the City has a low bid from a company that is financially stable and does not understand why we are passing on the lowest bid. Council Member Thomas stated that her concerns are the same as Council Member Joubert. She also stated that she does not feel that JLB was unresponsive. They were slow, but still responded. Mayor Pro Tem Sami stated that his concerns are based on performance issues of a previous job performed by JLB for the City.

Mayor Gosey entertained a motion to award the contract to Advanced Paving. There being no motion, Mayor Gosey asked the Council what their concerns were with Advanced Paving.

Council Member Masimini stated the he had concerns with the operating capital of Advanced Paving.

Mayor Gosey entertained a motion to award the contract to Styles Contracting. There being no motion, Mayor Gosey asked the Council what their concerns were with Styles Contracting.

Mayor Pro Tem Sami stated that his would be the same as Advanced Paving, working capital and lack of information provided. Council Member Masimini stated that he felt that they still had not provided the information that had been requested from them.

Mayor Gosey entertained a motion to award the bid to Reynolds Asphalt.

Council Member Dalcour made the motion to award the bid for 2008-2009 Street Rehabilitation for the City. The motion was seconded by Council Member Masimini.

There was further discussion. Council Member Thomas stated that she had concerns about the amount that Reynolds Asphalt would be charging the City, while she is sure that they are good at what they do, she also feels that lower bidders are just as good. Mayor Pro Tem Sami stated that that he feels that Reynolds Asphalt is able to do the work and be quite responsive, but he is also concerned that they are being asked to eliminate this name because of political issues. Mayor Gosey stated that the original amount estimate for the work was \$750,000, and Reynolds Asphalt is less than what we anticipated the cost to be. Council Member Thomas would like to make sure that this company is not being selected because of political ties. She stated that the Council needs to treat this like it was our money. She stated that it would be irresponsible if you do not do the job, if something happened and you did not come back and correct or you left us in a lurch. Council Member Masimini feels that when you mess up a relationship with him, he is not going back. Mayor Pro Tem Sami stated that the lowest bid is not always the best and gave example of Forest Hill Drive North. Within five years of the low bid, the company is bankrupt. We have an unstable economy at this time and he does have concerns about the stability of the companies. Council Member Joubert stated that it does not matter about the bid; it is about who will do the job correctly and does it still justify the City spending \$60,000 more.

Mayor Gosey called for a vote on the motion and it **passed** follows:

Ayes: Council Members Dalcour, Masimini, Mayor Pro Tem Sami and Mayor Gosey

Nays: Council Members Thomas, Joubert and Sanders

17. Discuss the amendment to the City of Forest Hill Personnel Policies and Procedures Manual, which deleted employees education and training, not related to job seminars.(Council Member Masimini)

Council Member Masimini led the discussion and would like the option for the employee to be able to receive reimbursement for educational learning; he does not feel that the option should be closed. City Manager David Miller stated that currently the city is not in the financial state to afford the college tuition reimbursement. We have a management team that would rather wait to reinstate this policy when there is a budget line item funded so that is not just out there hanging as a tease. The City fully funds and pays for on the job training and classes related to job functions according the education plan that we laid out at the beginning of the budget year. The appropriate time to address this is at budget time to make sure the finances are available. Council Member Masimini feels that education should be skills sets that can be used at their current job, not necessarily whether they are college courses or not.

18. Discuss vandalism of political signs. (Council Member Thomas)

Council Member Thomas led the discussion. She is concerned that citizens in Forest Hill vandalize political signs. Would like each candidate to act in the most professional manner possible. The destruction of the signs is a reflection of the City. The city attorney informed the Council that the destruction of the signs is actually a crime and depending on the cost of the signs and number of signs would determine the class. Council Member Thomas would like support from the police department about the number of political signs that are being destroyed.

Council took a break at 8:31 p.m.

Council reconvened at 8:39 p.m.

After each public hearing, council will be going to the item under deliberation and voting on the item.

F. Public Hearings –

1. Case #SSB 2009-001 to consider and determine whether the structure located at 4124 Mansfield Highway with the legal description being Tracts 39B1 and 42A of the Marceline De La Garza Survey, Abstract 617 in the City of Forest Hill, Texas, Tarrant County, complies with the minimum standards set out in Section 4 of the Ordinance 200167. The Council may order that the building be demolished by the owner, mortgagee, or lien holder within thirty (30) days from the date of order. Should the owner, lien holder or mortgagee fail to take the ordered action, the City may take action and assess a lien on the property. The owner of record is Continental Real Estate, Inc., with the address of 222 W. Exchange Ave., Suite 105, Fort Worth, Texas 76164.

Mayor Gosey opened the Public Hearing at 8:39 p.m.

Mayor Gosey asked if there were any owners, lien holders, or mortgagees to speak on behalf of the property located at 4124 Mansfield Highway. There was no one to speak. Mr. Dylan Whitehead, building official presented the City's case. The building located at 4124 Mansfield Highway has the whole roof sagging in, the awning is falling in; there are multiple openings throughout the building, and air conditioners units have been stolen. The owner has agreed to demolish the building and have an asbestos study done.

There being no one else to speak, the Public Hearing closed at 8:45 p.m.

Deliberation item 12

Discuss and consider action, including but not limited to, condemnation and demolition 4124 Mansfield Highway as a substandard structure. (Code Compliance)

Council Member Masimini made motion that based on the evidence presented, the Council finds that the property located 4124 Mansfield Highway is in violation of the ordinance relative to substandard structures and that the owners obtain an asbestos study and obtain a demolition permit within thirty days, and the property be secured from unauthorized entry within ten days. Council Member Thomas seconded and **passed** as follows:

Ayes: Council Members Dalcour, Thomas, Joubert, Masimini, Sanders, Mayor Pro Tem Sami and Mayor Gosey

Nays: None

Public Hearing #4

Case #SSB 2009-04 to consider and determine whether the structure located at 3407 Bisbee Street with the legal description being Tract 3M02D of the Mary Horn Survey, Abstract 691 in the City of Forest Hill, Texas, Tarrant County complies with the minimum standards set out in Section 4 of the Ordinance 200167. The Council may order that the building be demolished by the owner, mortgagee, or lien holder within thirty (30) days from the date of order. Should the owner, lien holder or mortgagee fail to take the ordered action, the City may take action and assess a lien on the property. The owner of record is Andre P. Tucker, 10121 Leatherwood Drive, Fort Worth, Texas 76108.

Mayor Gosey opened the Public Hearing at 8:52 p.m.

Dylan Whitehead gave the Council an overview of the property at 3407 Bisbee. Included in the Council packet are pictures of this property. The roof at 3407 Bisbee has already collapsed on itself and some of the windows have been broken out. This property has been in disrepair since Fire Chief Ekiss has been with the city and he is in his seventh year. A 2007 newspaper article was passed around that showed that the property was in this state at that time. The owner has received all necessary notices.

Andre Tucker, owner, spoke before the Council and stated that the only thing wrong with this property is the roof in the center of the living room. Mr. Tucker stated that he had caved the roof in and hauled it off. Mr. Tucker states that the house is a storage building, but unable to use as such because of the roof. He had removed the porch and this is what triggered the ceiling cave in. Mr. Tucker feels that house is structurally sound.

Mr. Whitehead would recommend that a structural engineer sign off on the property being structuring sound.

Mr. Tucker says that there are no cracks in the foundation. This house was built in the 30's and is structurally sound. Only 12 x 15 area of the roof had caved in. Everything else is solid. Nothing is being stored in the building at this time. It is not secure enough to store any of his equipment. The City Attorney asked Mr. Tucker, because the roof has been off, what are the conditions of the interior walls. Mr. Tucker stated that the walls were solid concrete, were made of stucco, concrete filled.

Mr. Tucker again states there is nothing wrong with the structure of the building.

The City Manager asked the Council to note that pictures in the packet were dated.

Mayor Gosey asked if there were any owners, lien holders or mortgagee present or anyone else to speak on this property. There being none, Mayor Gosey closed the public hearing at 9:10 p.m.

Deliberation Item 15

Discuss and consider action, including but not limited to, condemnation and demolition of 3407 Bisbee Street as a substandard structure. (Code Compliance)

Council Member Thomas made the motion to postpone action in order to give the building official time to investigate and bring a report to the Council on April 7, 2009. During this time, Mr. Tucker is to secure the property against unauthorized entry within 10 days, meet with the building inspector and give the City a scope of work to be done along with a plan of action. Motion was seconded by Council Member Joubert and **passed** as follows:

Ayes: Council Members Dalcour, Thomas, Joubert, Masimini, Sanders, Mayor Pro Tem Sami and Mayor Gosey

Nays: None

Public Hearing #5

Case #SSB 2009-05 to consider and determine whether the structure located at 4607 California Parkway with the legal description being Tract 9B of the John Collett Survey, Abstract 261 in the City of Forest Hill, Texas, Tarrant County complies with the minimum standards set out in Section 4 of the Ordinance 200167. The Council may order that the building be demolished by the owner, mortgagee, or lien holder within thirty (30) days from the date of order. Should the owner, lien holder or mortgagee fail to take the ordered action, the City may take action and assess a lien on the property. The owner of record is Healthcore System Mgmt. LLC c/o Aviv Asset Mgt. LLC, 303 Madison Street, Suite 2400, Chicago, IL 60606.

Mayor Gosey opened the public hearing at 9:18 p.m.

Dylan Whitehead stated that property was a nursing home in the past. During his inspection, he found electrical wiring has been ripped out, copper wiring for plumbing has been stolen, the air conditioner units have been stolen, there is no means of any ventilation, and the roof is leaking and sagging in. If the owners wish to repair this building, Mr. Whitehead would recommend that a structural engineer sign off on the structure.

Mr. Steven Hwang, 3010 LBY Freeway, Suite 725, Dallas, TX 75234. Mr. Hwang was speaking for the owner, and they agree that the property has seen better days, and hopefully will see better days. They bought forth a scope of work, with a time plan as to when they would have things done. They are asking the Council for additional time to bring the building up to code. They are aware that the roof, electrical mandatory, and safety are mandatory. **They added that within 10 days secure unauthorized entry and to make it safe. Within 20 days clean up the property and do landscaping around the property, the only question is how long it would take to bring the property up to code.**

Ms. Salvador spoke before the Council and is confident that she will be able to get the funding required to get the building up to code, hiring a majority of people from Forest Hill.

Mayor Gosey asked if there were any owners, lien holders or mortgagee present or anyone else to speak on this property. There being none, Mayor Gosey closed the public hearing at 9:54 p.m

Deliberation Item #16

Discuss and consider action, including but not limited to, condemnation and demolition of 4607 California Parkway as a substandard structure. (Code Compliance)

Council Member Joubert made a motion to accept the scope of work and for the property owners to come back by April 21, 2009 with a plan of action for rehabilitation of the property to bring it up to code, that in the interim they are to secure the property within 10 days, within 20 they are to clean up the property and upgrade the landscaping and prior to the April 21, 2009 meeting they are to meet with staff to work on this plan of action. Seconded by Council Member Masimini and **passed**.

Ayes: Council Members Dalcour, Thomas, Joubert, Masimini, Sanders, Mayor Pro Tem Sami and Mayor Gosey

Nays: None

Mayor Gosey excused himself during the public hearings on properties 7314 Colonial and 7316 Colonial because he is the property manager and turned the meeting over to Mayor Pro Tem Sami during these hearings.

Public Hearing #3

Case #SSB 2009-03 to consider and determine whether the structure located at 7316 Colonial Drive with the legal description being Lot 4, Block C of the Heritage Heights Addition in the City of Forest Hill, Texas, Tarrant County complies with the minimum standards set out in Section 4 of the Ordinance 200167. The Council may order that the building be demolished by the owner, mortgagee, or lien holder within thirty (30) days from the date of order. Should the owner, lien holder or mortgagee fail to take the ordered action, the City may take action and assess a lien on the property. The owner of record is Ronald Brucale, 12 Grove Ave., East Hanover, New Jersey 07936.

Mayor Pro Tem Sami opened the public hearing at 9:56 p.m.

Dylan Whitehead performed an inspection on this property after a fire had been reported at this address. During his inspection, he did not note any structural damage; however the duplex had been vandalized. The electrical wiring had been removed, along with the plumbing, air conditioning units were stolen and windows had been busted out. It was his recommendation that the property be repaired or demolished.

City Manager, David Miller, stated that the City had been presented the scope of work from the property manager. The property manager was asked to present a notarized letter from the owner, stating that he is willing to put funding into bringing the property back to code, asked to clean the building out completely and allow the City to go back to reinspect, because of the unsanitary conditions. This was done and upon inspection, it was noted that wiring had been removed, copper fixture, copper tubing, windows were busted out and water heater stolen. The project manager was also asked to submit scope of work, which was received on March 17, 2009.

Mr. Whitehead feels that the scope of work is going to rectify the problems.

Mayor Pro Tem Sami asked if there were any owners, lien holders or mortgagee present or anyone else to speak on this property. There being none, Mayor Pro Tem Sami closed the public hearing 10:15 p.m.

Deliberation Item #14

Discuss and consider action, including but not limited to, condemnation and demolition of 7316 Colonial Drive as a substandard structure. (Code Compliance)

Council Member Joubert made the motion to adopt the scope of work and make part of the order, of work to begin April 20, and ending May 15. In the interim, the property is to be secured against unauthorized entry within 10 days and a notarized statement from the owner be attached to the order. Seconded by Council Member Sanders and **passed** as follows:

Ayes: Council Members Dalcour, Thomas, Joubert, Masimini, Sanders, Mayor Pro Tem Sami

Nays: None

Absent: Mayor Gosey

Public Hearing #2

Case #SSB 2009-02 to consider and determine whether the structure located at 7314 Colonial Drive with the legal description being Lot 3, Block C of the Heritage Heights Addition in the City of Forest Hill, Texas, Tarrant County complies with the minimum standards set out in Section 4 of the Ordinance 200167. The Council may order that the building be demolished by the owner, mortgagee, or lien holder within thirty (30) days from the date of order. Should the owner, lien holder or mortgagee fail to take the ordered action, the City may take action and assess a lien on the property. The owner of record is Ronald Brucala, 12 Grove Ave., East Hanover, New Jersey 07936.

Mayor Pro Tem Sami opened the public hearing at 10:19 p.m.

Dylan Whitehead presented the City's case of 7314 Colonial Drive. This is a two story duplex. Inspection was performed at this address due to the fire that was located at 7316 Colonial Drive. He found that the electrical wiring had been stolen, along with the copper, there were holes in walls and the building was not secure from unauthorized entry.

City Manager gave the scope of work that had been presented to the staff for the repair and bringing the duplex up to code.

Mayor Pro Tem Sami asked if there were any owners, lien holders or mortgagee present or anyone else that wish to speak. There being none, Mayor Pro Tem Sami closed the public hearing 10:26 p.m.

Deliberation Item # 13

Discuss and consider action, including but not limited to, condemnation and demolition of 7314 Colonial Drive as a substandard structure. (Code Compliance)

Council Member Masimini made the motion to accept the scope of work as presented to the Council along with the time frame, the property to be secured from unauthorized entry within ten days, progress report by April 21, 2009, and notarized owners statement by owner is attached to order. Seconded by Council Member Joubert and **passed** as follows:

Ayes: Council Members Dalcour, Thomas, Joubert, Masimini, Sanders, Mayor Pro Tem Sami

Nays: None

Absent: Mayor Gosey

Mayor Pro Tem gave the chair back to the Mayor.

- I. RECESS INTO EXECUTIVE SESSION** - Pursuant to Section 551.071, Texas Government Code, the Council reserves the right to convene in Executive Session(s) from time to time as deemed necessary during this meeting for any posted agenda item, to receive advice from its attorney as permitted by law.

12. Pending or Contemplated Litigation or to seek the advice of the City Attorney pursuant to Section 551.071.

Destructors, Inc. vs. City of Forest Hill
David Vestal vs. Gladys Hardeman

Council recessed into executive session at 10:33 p.m.

- J. Reconvene into regular session.**
Council reconvened into regular session at 10:41 p.m.
- K. Take any action necessary pursuant to executive session.**
There was no action taken
- L. Adjournment**
With no further business to discuss, council adjourned at 10:42 p.m.

Respectfully submitted,

Approved:

Debra W. Maness, City Secretary

James Gosey, Mayor