



MINUTES

REGULAR COUNCIL MEETING

April 21, 2009

The City Council of the City of Forest Hill met on the above date at 7:03 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, Acting City Secretary Ofilia Rueda, 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 7:03 p.m.

B. Invocation

Invocation was delivered by Reverend Donald Cecil.

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 – Gave updates on upcoming city events, gave an Ethics Ordinance draft to the Mayor and Council and asked them to review and make comments at an upcoming Council meeting, and gave an update on Comprehensive Master Plan. He also discussed several economic stimulus grants that City staff has completed and briefly explained the possibility of a partnership with O.D. Wyatt High School that will benefit the City and the school. Council Member Masimini asked that City staff be sure to have the students sign intern agreements and the City Attorney requested an inter-local agreement be created.

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 17, 2009 council meeting.

2. Consider minutes of April 7, 2009 council meeting.
3. Consider Quarterly Investment Report for 4th Quarter 2008
4. Consider Quarterly Investment Report for 1st Quarter 2009

Council Member Joubert made motion to accept consent agenda as presented. 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

H. Deliberation Agenda

5. Discuss and consider approval of Ordinance No. 2009007 authorizing the issuance of “City of Forest Hill, Texas Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2009.” (Clifford Blackwell, Finance Director)

Council Member Masimini made a motion to accept the approval of Ordinance No. 2009007 authorizing the issuance of “City of Forest Hill, Texas Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2009” as presented by Clifford Blackwell. 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

6. Discuss and consider Ordinance No. 2009005, an ordinance protecting existing trees and creating landscape requirements and standards. (David Miller, City Manager)

David Miller, City Manager, led the discussion on protecting existing trees and talked about tree conservation and how this ordinance will not affect existing developments, but will apply to future developments.

Pearl Jones, Vice-Chair of the Parks/Clean City Committee spoke in favor of the tree Ordinance. (See attachment)

Council Member Joubert made a motion to approve Ordinance No. 2009005, an ordinance protecting existing trees and creating landscape requirements and standards, as presented by David Miller. Seconded by Mayor Pro Tem Sami and **passed** as follows:

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

Nays: None

7. Discuss and consider Ordinance No. 2009006, an ordinance amending Chapter 86, offenses, Article V. smoking of the City’s Code of Ordinances, (David Miller, City Manager)

David Miller, City Manager, led the discussion stating that second hand smoke is dangerous and that this amendment will assist with putting the City in compliance with state laws. Council Member Thomas spoke in favor of the ordinance. She agreed that it would be great to be able to go into Denny’s and not have to smell the smoke. She asked that the ordinance be amended to give existing businesses one year to comply. Council Member Masimini said that he agreed with the ordinance, but

asked it to be amended to exempt nightclubs, bars and adult entertainment establishments in Forest Hill.

Council Member Thomas, made a motion to approve and amend as requested Ordinance No. 2009006, an ordinance amending Chapter 86, offenses, Article V. smoking of the City's Code of Ordinances, as presented by David Miller. Seconded by Mayor Pro Tem Sami and **passed** as follows:

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

Nays: None

8. Discuss and consider a request for a variance by Real Smiles located at 3330 Mansfield Highway, Suite B regarding the 20% window covering requirement in Ordinance 2008-88. (David Miller, City Manager)

David Miller, City Manager, led the discussion, stating that as City Manager, he is only allowed to approve temporary signs and that Real Smiles was requesting a variance regarding the 20% covering for a permanent sign.

Dr. Raffy Kouyoumdjian, dentist and owner of Real Smiles was present and appeared before the council to request a variance to allow him to keep the window covering permanently. He explained to the Council Members that the covering was designed by professionals and used to maintain the privacy of his patients, most of whom are children.

Council Member Masimini stated that the look of the covering was not consistent with what the Council wants in Forest Hill. Council Member Thomas stated that the Council wanted to help him and that what may be in good taste to the owner may not be in good taste to the Council. Mayor Pro Tem Mustafa Sami expressed his concern that the Fire and Police Department staff would not be able to see inside in case of an emergency. Council Member Joubert gave praise to Dr. Kouyoumdjian for going through the process.

Council Member Joubert made a motion to approve a variance for Real Smiles regarding the 20% window covering requirement in Ordinance 2008-88 as presented by David Miller, City Manager. Seconded by Council Member Thomas and **passed** as follows:

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

Nays: Council Member Masimini

9. Discuss and consider progress report and take any appropriate action relative to the structure located at 4607 California Parkway East (Case #SSB 2009-04). (Dylan Whitehead, Building Inspector)

Dylan Whitehead, Building Inspector, gave an update on the property and reported that a new contractor, Noah Construction, had been hired by the owner and submitted his scope of work. The owner has secured the building against unauthorized entry and they have cleaned debris on the property.

Mrs. Rhoda Salvador, the property owner, provided a copy of the asbestos study performed in 2008. She explained to the Council that she is waiting for the bank to approve a loan to start the renovations on the building. She stated that once her loan is approved, then she can start the SUP process.

Councilman Sanders made a motion to grant 4607 California Parkway East until the May 19, 2009 Council meeting to submit a finalized asbestos study, architectural plans, structural engineering reports and a closing date for the loan. Seconded by Mayor Pro Tem Sami, and **passed** as follows:

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

Nays: None

At the request of Mayor Gosey, Items 10 and 11 were moved to the end of the deliberation agenda due to a conflict of interest.

12. Discuss and consider progress report and take any appropriate action relative to the structure located at 4124 Mansfield Highway (Case #SSB 2009-001). (Dylan Whitehead, Building Inspector)

Dylan Whitehead, Building Inspector, gave an update on the property and stated that the owner has not contacted city officials.

Council Member Thomas made a motion to order the owner to demolish the building within 30 days. If the owner fails to do so, the City will take action, demolish the building and assess a lien on the property. An asbestos study must also be completed. The City is to secure the building against unauthorized entry. David Miller, City Manager, asked that the pictures in their packet be submitted as evidence. Seconded by Council Member Sanders and **passed** as follows:

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

Nays: None

13. Discuss and consider City's Procurement Card Policy. (David Miller, City Manager)

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.

City Manager asked the Council to clarify the City's Procurement Card policy.

Council Member Thomas made a motion to keep the current policy and give David Miller, City Manager, authority over it. Seconded by Council Member Joubert and **passed** as follows:

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

Nays: Council Member Masimini

14. Discuss and consider modification to City's policies, procedures, and ordinance for the Mahaney Community Center (David Miller, City Manager)

David Miller, City Manager, led discussion stating that no policy is currently in place to allow the seated Council to use the Community Center free of charge. Most cities allow their Council to use such a facility in exchange for their time they give as a volunteer to the city. He asked the Council to consider a modification to the ordinance allowing for each Council Member to use the facility two times a year at no cost. Each member must pay the deposit fee. He also stated that the community

center must be used for personal not political use. If the Council Member is found to be in violation, they would be billed the appropriate fees and forfeit use of the facility for the second year of their term.

Council Member Thomas made a motion to approve the amendment to the Community Center policies, procedures and ordinance as suggested by the City Manager. 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

15. Discuss and consider conducting traffic studies for amending speed limits on Forest Hill Drive, Anglin Drive and Wichita Street (Mayor Gosey)

Mayor Gosey opened the discussion about raising the speed limits on Forest Hill Drive, Anglin Drive and Wichita Street.

David Miller explained to the Council that in order to do that, the state law requires a traffic study to be done. The approximate cost for the study is \$5,000.00. Chief of Police Rex Phelps explained that equipment could be purchased for approximately \$800 to \$1000 that would allow City staff to track the speed of vehicles and count the number of cars on a city street. The data could be used to make a determination. David Miller added that the equipment could be used for other projects also.

Council Member Joubert made a motion to authorize the purchase of the equipment and conduct a traffic study. 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

Mayor Gosey excused himself during the deliberation on properties 7314 Colonial Drive and 7316 Colonial Drive due to the fact that he is the property manager and turned the meeting over to Mayor Pro Tem Sami during these deliberations.

10. Discuss and consider progress report and take any appropriate action relative to the structure located at 7314 Colonial Drive (Case #SSB 2009-02). (Dylan Whitehead, Building Inspector)

Dylan Whitehead, Building Inspector gave an update on 7314 Colonial Drive.

Council Member Thomas made a motion to grant the property manager at 7314 Colonial Drive until the May 19, 2009 Council meeting to bring the property up to code and to complete the scope of work as previously presented. The property owner was ordered to immediately board up windows and doors. Seconded by Council Member Joubert and **passed** as follows:

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

Nays: None

Absent: Mayor Gosey

11. Discuss and consider progress report and take any appropriate action relative to the structure located at 7316 Colonial Drive (Case # SSB 2009-03). (Dylan Whitehead, Building Inspector)

No action was taken on this item.

Mayor Pro Tem Sami returned the chair back to Mayor Gosey.

- 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.

16. 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

Council did not recess into executive session at this time.

- J. Reconvene into regular session.**
- K. Take any action necessary pursuant to executive session.**
- L. Adjournment**
With no further business to discuss, council adjourned at 10:01 p.m.

Respectfully submitted,

Approved

Ofilia Rueda, Acting City Secretary

James Gosey, Mayor