



MINUTES

REGULAR COUNCIL MEETING

June 2, 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, Interim Police Chief Robert Herbert, Acting Public Works Director Roberto Duenes, Economic Development and Community Relations Director Venus Wehle and Finance Director Clifford Blackwell, III, City Attorney Bonnie Goldstein

Opening Agenda:

A. Call to Order

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

B. Invocation

Invocation was delivered by Reverend Donald C. Cecil.

C. Pledge of Allegiance to Flags

Pledge to the United States and Texas flags were recited

D. Presentation: Issue Certificate of Election to newly elected Council Member and Library Board of Directors; Oath of Office to Council Member and Library Board of Directors. Issue a Certificate of Appreciation to Robert Daniels.

Mayor Gosey issued Certificate of Election to Council Member Andrew Sanders, Place 5, Library Board of Directors, Ms. Charlotte Hogan-Price, Place 1, Alice Marie Singleton, Place 2, Mr. Johnnie J. Turner, Place 3. City Secretary, Debbie Maness gave the oath of office to all re-elected candidates.

Mr. Robert Daniels was not present to receive Certificate of Appreciation

E. Proclamations:

Mayor Gosey read and presented a Proclamation for Joe Bagby to Carl Holmes; and a Proclamation for Harlean Beal Elementary was presented to Ms. Charlotte Hogan-Price.

- F. 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.

Ms. Gladys Hardeman, 4204 Burly Street, Forest Hill, thanked the citizens for coming to the City's Clean Up Day, and thanked the city employees for their work. Also wanted to let the Council know that the city has made great progress and David Miller is the best City Manager Forest Hill has ever had. We have someone that we would like to reward for his job. "Community Driven" – Saturday proved that this city is community driven.

Ms. Anne Frost, 3708 Grady, Forest Hill, stated that her street was being fixed. She thanked the Council for their positive leadership for the City. She stated that David Miller is a professional, dedicated worker, with a wealth of knowledge. She feels that the best thing for the Council do to at this time is to renew City Manager's, David Miller contract. She stated we need a city manager like David Miller to get us through these tough times.

Ms. Brenda Scruggs, P.O. Box 24504, Fort Worth, stated that she no longer lives in the City, but she wanted the council to know that she is proud of the progress of the City. She requested the Council renew David Miller's contract. He has shown leadership in this community and with this Council. She asked the Council to continue with the great leadership and be unified.

Ms. Charlotte Hogan Price, 3600 Brambleton Place, Forest Hill, stated that after thirty years her street has been fixed. Several years ago, she was uncertain where this City was going. However when David Miller was hired, we were able to see a difference immediately. Thanks to David Miller, we have a Library for the City; we have a Council agree to disagree without hurting the City. She invited everyone in the City to apply for a library card. She listed several programs that are being offered at the Library. Invited the Citizens to visit the Library. She stated that is without reservations that the contract for Mr. Miller be renewed.

Mr. James Overton, 6520 Royal Oaks Drive, Forest Hill, first wanted to say hello to the staff and the community. He spoke about David Miller and requested that council renew his contract. He stated that this City is going to the top with the help of David Miller. He has been a resident for thirty one years and David Miller is the best City Manager this City has had.

G. Staff Report

City Manager's Report

- ✓ Report on ICSC – Stated that his ICSC report is included in business development section under update on goals and objectives.
- ✓ Update on goals and objectives – The Council had given City Manager goals and objectives that were to be used to evaluate him.
 - ❖ Develop a Comprehensive Master Plan (scheduled for Council vote 9/1) - Parks Master Plan – complete; CIP Streets – complete, Water/Sewer infrastructure – to be awarded, Sub-Division Regulations – currently being re-written by staff, Land Use Plan – to be awarded, Thoroughfare Plan – to be awarded
 - ❖ City Hall Renovation - Plans are complete, Working on easement agreement with Tarrant Regional Water District, Will be out for bid in approximately 3 weeks, Arnold Stone – donation, Professional photos of Mayor & Council posted in City Hall lobby in March
 - ❖ Code Compliance & Animal Control - Assigned Officer to "Quality of Life Unit" (formerly called Code Compliance Division), 74.3% voluntary compliance rate

Officers have been divided into 24 city sectors; responsible for enforcing and reporting code compliance issues in their respective sector, 152 vehicles were served notice, 54 were notified of a public hearing, 16 went to trial, 8 complied after judges orders, 8 were ordered removed by judge, identify and alleviating sub-standard buildings, updated ordinance to include provision prohibiting staking of animals in front yards , still struggling with expanding animal control services due to budget constraints.

- ❖ Business Development - 18 new businesses (Arnold Stone, Real Smiles, Dollar Storage, Foodland, Christian Touch Media, 2 new hotels, working with developer on industrial park off of Anglin Drive, “Kleen Center”, self-serve car wash; for 92 acres. family entertainment center, “Big-box” retailers (Sam’s Club, Target, Home Depot, Costco, Wal-Mart Neighborhood store), “Junior box” retailers (TJ Maxx, It’s Fashion Metro), sit-down restaurants (Golden Corral, Texas Roadhouse, Moe’s Southwest Grill, various BBQ chains), other restaurants (Chick-fil-A, Carl’s Jr., Dunkin’ Donuts, Arby’s, additional McDonald’s); working with developers to update 92 acre Conceptual Master Plan, developing plan for potential TIF (Tax Increment Financing) District for 92 acres/Forest Hill Drive and Mansfield Highway, currently preparing overlay stipulations for Mansfield Highway and 92 acre/FHD designed to beautify, enhance and generate new businesses as well as improve existing business hotel with conference center health club/fitness facility (Anytime Fitness), grocery stores (Save-A-Lot, Hispanic chain, developers for available acreage/buildings in city including shopping centers
- ❖ Staff Re-organization Plan – plan will be laid out in a workshop to be held in late June, training established for all employees, new levels of accountability; city-wide employee evaluation process implemented, technology
- ❖ Street Repair Plan – 13 streets plus Anglin Park parking lot; 2 more streets slated for the end of fiscal year; regular street maintenance; street sweeper
- ❖ Community Events/Programs- AIDS Awareness Event, National Night Out, Halloween haunted house, holiday event/tree lighting/snow/fireworks; Volunteer Awards Banquet, Easter Egg Hunt & Festivities, Community Clean-Up Day, summer lunch program, prescription drug card program, Off the Board 3 on 3 basketball tournament, community garage sale
- ❖ City Spirit – grant application submitted Texas Parks and Wildlife for city parks improvements, Parks/Clean City Committee working field leases, park usage plans, fee schedules, passage of smoking ordinance and tree preservation ordinance, re-format Forest Hill News, inter-local agreement with O.D. Wyatt, \$150,000 stimulus money obtained to pay for water lines, application to apply for stimulus money to pay for frozen positions in Police Department, increased volunteerism, working with faith-based organization and landowner to develop and build a recreation center

Interim Police Chief’s Report

- ✓ Direction of Police Department – Interim Police Chief, Robert Herbert, thanked the Council for this opportunity. He stated the police department is moving forward does not see the department making any changes at this time. Mayor Gosey and City Manager, David Miller, reiterated that Robert Herbert has the support of the council and staff.

H. Public Hearing:

1. Case #PZ 2009-02 to receive citizen’s comments regarding a request for a Specific Use

Permit for Best Western, a hotel facility to be located on Forest Hill Circle. The description of the property is being a 1.30 acre parcel of land within the 43.97 acre tract of land described as Tract 28C in the Shelby County School Land Survey, Abstract 1375 in the City of Forest Hill, Tarrant County, Texas as requested by Pricilla Patel.

Mayor Gosey opened the public hearing at 8:15 p.m.

City Manager, David Miller stated that Best Western had submitted a letter to continue this public hearing until the July 7, 2009 meeting.

With no one else to speak, Mayor Gosey closed the public hearing at 8:15 p.m.

Council Member Thomas made the motion to continue this public hearing until the July 7, 2009 Council Meeting. 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

2. **Case #PZ 2009-04 to receive citizen's comments regarding a request to add a use to the Schedule of Uses, Section V of the Zoning Ordinance for the purpose of allowing an unmanned drive-up water vending facility and to propose the allowable zoning districts for the proposed use as 16 by Watermill Express, LLC.**

Mayor Gosey opened the public hearing at 8:16 p.m.

Rick Kelley, with Watermill Express, 3616 Conflans Road, Irving, Texas spoke before the council, explaining the reason for requesting the council to add a use to the schedule of uses to allow unmanned drive-up

With no one else to speak, Mayor Gosey closed the public hearing at 8:19 p.m.

- I. **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.

3. Consider minutes of the May 5, 2009 regular council meeting.
4. Consider minutes of May 14, 2009 special council meeting.
5. Consider Ordinance No. 2009010, an ordinance approving the agreement dated June 2, 2009 between the State of Texas and the City of Forest Hill, for the maintenance, control, supervision and regulation of certain state highways and/or portions of state highways.
6. Consider Resolution No. 07-2009, a resolution to participate in NLC Prescription Discount Card Program.
7. Consider Resolution No. 08-2009, a resolution authorizing continued participation with the Steering Committee of Cities Served by Oncor.

Mayor Pro Tem Sami made the motion to approve consent agenda items 3, 4, 6, 7, with item 5 being removed from the consent agenda. Motion 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

J. Deliberation Agenda

Council Member Joubert made motion to take item 21 out of sequence and deliberate at this time. Seconded by Council Member Thomas and **passed** as follows:

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

21. Discuss and consider renewal of employment contract for David Miller, City Manager

Pursuant to Section 551.071, Texas Government Code the Council recessed into executive session to seek legal advice from the City Attorney on Item 21 at 8:27 p.m.

Council reconvened into regular session at 9:17 p.m.

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

23. Section 551.074, Texas Government Code: Personnel Matters (1) To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee:

Contract of City Manager

Council recessed into executive session at 9:18 p.m.

Council reconvened into regular session at 10:18 p.m.

Council Member Joubert made the motion to renew the City Manager's contract as modified in executive session for three years and that the City Attorney bring the final draft at the next council meeting. Seconded by Council Member Dalcour and **passed** as follows:

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

5. Consider Ordinance No. 2009010, an ordinance approving the agreement dated June 2, 2009 between the State of Texas and the City of Forest Hill, for the maintenance, control, supervision and regulation of certain state highways and/or portions of state highways.

Council Member Masimini made motion to approve Ordinance No. 2009010 with amendments of mowing, vegetation control, litter and sanitary clean up. 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

- 8. Discuss and consider approval of Case #PZ 2009-02, request for a Specific Use Permit for Best Western, a hotel facility to be located on Forest Hill Circle. The description of the property is being a 1.30 acre parcel of land within the 43.97 acre tract of land described as Tract 28C in the Shelby County School Land Survey, Abstract 1375 in the City of Forest Hill, Tarrant County, Texas as requested by Pricilla Patel. (Berniece Johnson, Chairperson, Planning & Zoning Commission)**

Council Member Masimini made the motion to table this item until July 7 council meeting. 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

- 9. Discuss and consider approval of Case #PZ 2009-04, request to add a use to the Schedule of Uses, Section V of the Zoning Ordinance for the purpose of allowing an unmanned drive-up water vending facility and to propose the allowable zoning districts for the proposed use as requested by Watermill Express, LLC. (Berniece Johnson, Chairperson, Planning & Zoning Commission)**

Berniece Johnson, Chairperson of the Planning & Zoning Commission came before the Council explaining that P & Z had met the night before and voted unanimously to approve the request to add a use to the Schedule of Uses for the purpose of allowing an unmanned drive-up water vending facility.

City Manager explained to the Council that at this time, the Council is only approving to add the use to the Schedule of Uses at this time; the Council is not approving the design or the facility.

Council Member Masimini made the motion to approve the addition of allowing unmanned drive-up water vending facility to the Schedule of Uses, Section V of the Zoning Ordinance for Local Retail allowed by SUP only. Mayor Pro Tem Sami seconded and **passed** as follows:

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

- 10. Discuss and consider the awarding of bid for Cardinal Ridge Pumping Station. (Joe Patterson, Teague, Nall & Perkins)**

Joe Patterson with Teague, Nall & Perkins made the recommendation that the bid be awarded to Base Bid III B in the amount of \$546,826 to Steve Dake Construction.

Council Member Thomas made the motion to accept the recommendation of Joe Patterson with Teague, Nall & Perkins to award the bid for Cardinal Ridge Pumping Station to Steve Dake Construction, Base Bid IIIB in the amount of \$546,826. Motion was seconded by Council Member

Dalcour 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 Community Center deposits required by Council Members. (Council Member Masimini)

Mayor Gosey led the discussion stating that he felt that the Council should not have to pay a deposit to rent the Community Center, just make sure that the building was left cleaned. Council Member Thomas disagreed and stated that if the citizens of Forest Hill were required to pay a deposit that the Council should also.

Council Member Thomas made the motion to leave the requirement for Council Members to pay the deposit. Seconded by Mayor Pro Tem Sami and **passed** as follows:

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

Nays: Council Members Joubert, Masimini and Mayor Gosey

12. Discuss and consider progress report and take any appropriate action relative to the structure located at 3407 Bisbee (Case SSB# 2009-005). (Dylan Whitehead, Building Inspector)

City Manager, David Miller, informed the Council that the house has been demolished. There is still some clean up to be done, but the owner is making progress and staff recommends thirty days extension.

Council Member Joubert made motion to accept staff recommendation and give 3407 Bisbee a thirty day extension. 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

13. Discuss and consider progress report and take any appropriate action relative to the structure located at 4124 Mansfield Highway (Case #SSB 2009-01). (Dylan Whitehead, Building Inspector)

Dylan White, Building Inspector informed the Council that the City had received the asbestos study. However, Bonnie Goldstein, City Attorney, stated that she has looked at the report and it not a signed report and indicates that there should be attachments, and stated that this report was not sufficient. City Manager stated that staff recommends a thirty day extension to receive the complete asbestos study.

Mayor Pro Tem Sami made the motion to give property owners an extension of thirty days to complete the asbestos study. 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

14. Discuss and consider ceasing all actions against 4124 Mansfield Highway, Forest Hill, Texas. (Mayor Gosey)

Mayor Gosey pulled this item from the agenda.

15. 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)

The staff has received the asbestos study from the owner, an engineering report and the property is secured from unauthorized entry and is being maintained. The owner has not been given a closing date for the loan by the bank. There was discussion among the Council about how many times the owner had been before the Council and how much longer should be granted to the owner to secure the loan so the renovations could be started.

Council Member Masimini made a motion to give the property owners a four months extension. Seconded by Mayor Gosey and **passed** as follows:

Ayes: Council Member Dalcour, Masimini, Sanders, and Mayor Gosey

Nays: Council Members Thomas, Joubert and Mayor Pro Tem Sami

16. Discuss and consider ceasing all actions against 4607 California Parkway East, Forest Hill Texas. (Mayor Gosey)

Mayor Gosey pulled this item from this agenda.

Items 17 and 18 were moved to end of the deliberation agenda

19. Discuss and consider Council giving direction to staff to proceed with the name change of California parkway to Jewell Kelly. (Council Member Masimini)

Ms. Robin Kelly, daughter of Ms. Jewel Kelly was present. She stated that her mother has been teaching forty-nine years at O.D. Wyatt. She was there to support naming a street after her mother.

There was discussion that California Parkway is an access road and the City would have to get permission from TX DOT to change the name of road. It was also discussed that it would be less costly and timelier if the City were to change the name of an internal street or name a park after Ms. Jewell Kelly.

Council Member Masimini made the motion to have the staff proceed with locating a street, park, or an appropriate landmark to be named after Ms. Jewell Kelly. Seconded by Mayor Pro Sami and **passed** as follows:

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

Nays: None

Council Member Masimini excused himself from the meeting at 11:05 p.m.

20. Discuss and consider evaluating and restructuring the boards and committees of the City of Forest Hill. (Council Member Masimini)

Mayor Gosey stated that he would like to see the Youth Advisory Commission be renamed to Mayor and Council Youth Commission with each Council Member having a youth assigned to them. It was determined there was not enough information to make any decision at this time.

No action taken on this item.

Mayor Gosey recused himself from the meeting at 11:10 p.m. and turned the meeting over to Mayor Pro Tem Sami, due to conflict of interest on the next to items.

17. 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 told the Council that electrical repairs and plumbing repairs have been completed and passed inspection. The property manager is in the process of working on other repairs. David Miller, City Manager, stated that staff recommends a thirty day extension be given to complete the work.

Council Member Joubert made the motion to accept staff's recommendation to give property manager an extension of thirty days to complete the work. Seconded by Council Member Thomas and **passed** as follows:

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

Nays: None

Absent: Council Member Masimini and Mayor Gosey

18. 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)

Dylan Whitehead, Building Inspector informed the Council that all electrical and HVAC work had been completed and passed inspection. The property manager is in the process of working on the other repairs. David Miller, City Manager, stated that the staff recommends a thirty day extension be given to complete the work.

Council Member Joubert made the motion to accept staff's recommendation to give property manager an extension of thirty days to complete the work. Seconded by Council Member Thomas and **passed** as follows:

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

Nays: None

Absent: Council Member Masimini and Mayor Gosey

K. 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.

22. 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

L Reconvene into regular session.

M. Take any action necessary pursuant to executive session.

N. Adjournment

With no further business to discuss, council adjourned at 11:14 p.m.

Respectfully submitted,

Approved:

Debra W. Maness, City Secretary

James Gosey, Mayor