



Minutes of
REGULAR COUNCIL MEETING
August 5, 2008

The City Council of the City of Forest Hill met on the above date at 7:00 p.m. with Mayor James Gosey presiding. The following council members and officials were present: Council Member Damian Dalcour, Lyndia Thomas, Gerald Joubert, Dulani Masimini, Drew Sanders, Mayor Pro Tem Mustafa Sami, City Manager David Miller, City Secretary Debbie Maness, Fire Chief Pat Ekiss, Police Chief Rex Phelps, Acting Public Works Director Roberto Duenes, Finance Director Clifford Blackwell, III, Economic Development and Community Relations Director Venus Wehle, and City Attorney Bonnie Goldstein.

Opening Agenda:

I. Call to Order

With a quorum present, Mayor Gosey called the meeting to order at 7:14 p.m.

II. Invocation

Delivered by William Newman

III. Pledge to Flags

Pledge to the United States and Texas flags were recited.

IV. Citizens Presentation

Jess Major of 4200 Forest Hill Circle, Forest Hill, TX spoke before the council. Mr. Major stated that he has concerns with the city's tax rate of \$0.95 per \$100, properties getting exemptions that they should not be allowed, the city spending too much money, not getting service, Forest Hill Circle not actually being a circle, buildings being built without permits and high grass. Mayor Gosey suggested he and the City Manager meet with Mr. Major.

V. Staff Reports

City Manager's Report

- Clifford W. Blackwell, III was introduced as the new Finance Director
- Performing soil/waste evaluation at Griggs Park – the area where the dumping was happening has been chained off to discourage dumping. The city is in the process of having core samples of dirt for an approximate cost of \$10,000. After we receive the results of the core sample, we will be able to start the process of moving the dirt or selling it as fill.
- City Blood Drive – August 25, 2008 to be held 12:00 p.m. to 6:00 p.m. in the Community Center
- Chamber Luncheon, August 14, 2008 – will be held at Glen Garden Country Club.
- Parks Master Plan – no report given
- Job Fair, September 10, 2008 – annual job fair that is hosted by Representative Veasey on Campus Drive will be held from 10:00 a.m. – 2:00 p.m.
- Council Photo – pictures of council members are being made for the lobby
- Tree Lighting Ceremony, Saturday, December 6, 2008
- Passed out Budget Calendar

PUBLIC HEARING

1. **Case No. 2008-06** to receive citizen's comments regarding a request for a Specific Use Permit for a Hotel Facility to be located on Forest Hill Circle. The proposed legal description being Lot 1, Block 1 of Shivang Addition and the current legal description being part of Tract 28C of the Shelby County School Land Survey, Abstract 1375 in the City of Forest Hill, Tarrant County, Texas as requested by Buffalo Forest Hill, LLC.

Mayor James Gosey opened the public hearing at 7:37 p.m.

Mr. Kalpesh Patel, 6209 August Run, Arlington, TX 76017 spoke at the public hearing and thanked the staff for their knowledge, professionalism and help.

There being no other speakers, the public hearing was closed at 7:39 p.m.

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,

- 200881. Consider minutes of July 1, 2008 regular council meeting.
- 200882. Consider removing Jacquelyn Allen from City Bank signatory authority and adding Finance Director, Clifford W. Blackwell, III.
- 200883. Consider Resolution 10-2008, amending authorized representatives of TexPool
- 200884. Consider a Resolution 11-2008, suspending the August 8, 2008, effective date of Oncor Electric Delivery Company requested rate change to permit the city time to study the request and to establish reasonable rates.

Motion made by Council Member Thomas and seconded by Mayor Pro Tem Sami to approve the consent agenda, which **passed** as follows:

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

Nays: None

Abstaining: Council Member Joubert

Deliberation Agenda:

- 200885. To consider approval of an Ordinance of the City Council of the City of Forest Hill, Texas, amending the zoning ordinance by changing the official zoning map and the zoning classification of approximately 1.561 acres of land described as part of Tract 28C of the Shelby County School Land Survey, Abstract 1375 in the City of Forest Hill, Tarrant County, Texas, being Lot 1, Block 1 of the Shivang Addition located on Forest Hill Circle, Forest Hill, Texas zoned Planned Development ("PD") to add a specific use permit for a hotel/motel for La Quinta; repealing all conflicting ordinances, orders or resolutions; providing a severability clause; and providing an effective date.

Fire Chief/Acting Building Official, Pat Ekiss, showed a slide presentation of where the hotel will be located and what it would look like. The building is consistent with the charette that was approved by the Council for the 92 acres. Staff recommends approval of the Specific Use Permit.

Motion was made by Council Member Joubert to accept Ordinance No. 200885. 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

200886. To discuss and consider an Ordinance of the City of Forest Hill, Texas establishing a new Article VII, Sections 42-301 to 42-307 to Chapter 42 of the Code of Ordinances creating a "Building and Standards Commission" by implementing Subchapter C of Chapter 54, of the Texas Local Government Code; providing that said board shall have the quasi-judicial jurisdiction authorized by Subchapter C; providing authority to establish procedures for handling of cases and conducting hearings; providing for notice of commission proceedings; establishing the commission's authority to issue orders and determine and impose civil penalties; providing for judicial review; providing for preservation of municipal court proceedings; providing a severability clause; providing penalties clause; and providing an effective date.

City Attorney, Bonnie Goldstein stated this ordinance addresses nuisance abatement in the City and provides additional process to facilitate nuisance abatement. There were concerns with the Council that if a Building and Standards Commission was established that the Council was being taken out of the process. The City Attorney informed the Council that under Chapter 214 the city is not required to create this commission.

Council Member Masimini made a motion to vote. Motioned died due to a lack of a second.

Council Member Joubert made a motion to **deny** Ordinance No. 200886. 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

200887. To discuss an Ordinance of the City of Forest Hill, Texas amending the city's Zoning Ordinance, Ordinance No. 820, Article V "Schedule of Uses", Section 5.100 "uses" relative to special uses to establish a new subcategory "A" to be re-titled "Educational, Institutional and Special Uses" which shall incorporate those uses listed for schools to provide for group homes/community homes as a matter of right in residential zoning districts; providing for assisted living, continuing care, household care, personal care and rehabilitative facilities in the residential zoning districts and planned development ("PD") zoning districts with a specific use permit; amending Article III, "Definitions", Section 3.100 "Definitions" to provide definitions of "assisted living facility, group homes/community home, continuing care facility, household care facility, personal care facility, rehabilitative treatment facility, rehabilitative treatment institution"; providing a severability clause; providing a penalty clause; and providing for an effective date.

This ordinance involves amending the Zoning Ordinances requiring public hearings and P & Z recommendations. Mayor Pro Tem Sami stated he is looking for an ordinance that would regulate the size and number of group homes that are allowed in an area. The City's Zoning Ordinance currently states that there cannot be more than 5 unrelated persons living in a single home. The City has homes that have fewer than 5 unrelated people living in them; these homes are not license but are following the City's current zoning ordinance. City Manager suggested that instead trying to regulate what we have, we need to determine what the City needs to do to require them to become licensed.

200888. To discuss and consider an Ordinance of the City of Forest Hill, Texas, amending Chapter 112, sign regulations, of the City's Code of Ordinances relative to the regulations of signs; providing a purpose and intent; establishing applicability requirements; establishing definitions; establishing general provisions; establishing regulations for permanent signs permitted by land use; providing additional regulations for permanent signs; establishing regulations for temporary signs relative to commercial and non-commercial signs; establishing regulations for non-classified outdoor display; establishing regulations for official signs; prohibiting enumerated signs; establishing regulations for sign illumination; establishing regulations for double-faced signs; establishing sign permit requirements and exemptions; requiring licensing of sign installers; establishing regulations for the maintenance and removal of signs; requiring sign permits; providing for waiver; establishing violation, penalties and presumptions repealing all conflicting ordinances; providing a severability clause; providing for an effective date.

Motion was made by Council Member Thomas to accept Ordinance No. 200888. 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

200889. To discuss and consider the construction and approximate cost of the new Public Works building and restrooms for Griggs Park and Anglin Park.

Mayor Gosey called for recess at 8:45 p.m. to set up presentation.

Mayor Gosey reconvened meeting at 8:50 p.m.

City Manager, David Miller, stated that there had been \$350,000 budgeted for a new Public Works building; however, the one bid that the city did receive was \$436,000 over what had been budgeted. Since the \$350,000 is not enough to build a new public works building, it is proposed that buy a modular building at a cost of approximately \$118,000. This building would be 1,900 sq ft. There would be room for the Animal Control Officer, it is ADA compliant, has a life expectancy of 40 – 50 fifty years. It can be set on a foundation and bricked which would increase the cost, but still would be less expensive than the \$350,000 which was budgeted. Also by going modular the City would also be able purchase two restrooms for the parks. The restrooms would not be bricked, because they may be moved once a Master Parks Plan has been developed. It was requested that the pea gravel be removed from the area around the restrooms at the parks so that children do not pick the gravel up and throw it into the toilets.

Motion was made by Council Member Thomas to accept the construction and the approximate cost not to exceed \$350,000 on the capital improvements of public works building and restrooms at Griggs and Anglin Parks. 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

200890. Discussion regarding setting certain goals and objectives for the City Manager.

Mayor Pro Tem Sami explained that the council needs to determine what the goals and objectives of the City Manager are. For example, build a new city, or expand existing one. If we expand we have more money for streets. Code compliance issues, Master Plan, Master Parks Plan and that the council needs to establish a time table for our City Manager to make these happen. At the next council meeting, August 19, he will be prepared to make a formal presentation and with other council members make this happen. With the goals and objectives the council would be able to evaluate the performance of the City Manager.

200891. To discuss and consider contract with Mobilitie Investments II, LLC.

Michael Orlie, 3013 Yellowstone Drive, Arlington, TX 76013. Mr.Orlie, representative for Unison spoke on this agenda item. He stated that Unison had been working with the City for several months on a contract to purchase the cellular tower leases.

David Lasky, representative for Mobilitie Investments spoke on this item and stated that his company is not a lease buy out firm; however, they do not enjoy having a third party between them and the City.

City Manager stated that Unison had approached the City about the possibilities of buying the tower leases. There are a couple things that need to be clarified. At no time did the staff commit to enter into a contract with Unison. There was a term agreement that agreed to the terms they were offering. There was a clause in that required the City to serve notice to the tenants that the City was looking at selling these leases. When the City notified Mobilitie, they came back and said before they would like to be included in the bid process. They came back with the same bid of \$501,400 and some easement terms that were a better deal for the City. The City would receive 50% of the additional tower leases. Unison made it clear to us that they would not up their offer, \$501,400 was their final offer and if we did not accept it, the deal would be pulled. The contract has not gone through legal review. Staff asked to tentatively award contract for \$501,400 to Mobilitie pending legal review. Another factor to for our reason to recommend Mobilite is that they already own the tower.

This item was pulled from the agenda by staff

200892. To discuss and consider an Ordinance of the City of Forest Hill, Texas relative to the appointment of a Deputy City Attorney, appointing Deputy City Attorney; appointing a Deputy City Attorney as municipal court prosecutor authorizing the City Attorney to appoint Assistant City Attorneys as needed; providing for a severability clause; providing for an effective date of this ordinance; and providing for the publication of the caption hereof.

City Manager stated this item would need to be moved to executive session to receive advice from the City Attorney.

VI. Mayor and Council Reports

Dulani – reported that at Mayors' Council meeting the TML dates and Emergency Protocol was discussed.

Joubert – Thanked Venus and Forest Hill Youth Soccer Association for their help with sponsorship of the scoreboard. Venus wanted to thank the Public Works department for taking down the old score board and putting up the new one.

Sami – had handouts for Meals on Wheels – indicated that if we would only to devote one hour, one day and one gallon of gas then several people could receive meals.

VII. **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.

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

City of Forest Hill vs. David Vestal and Charles Gardner
David Vestal vs. City of Forest Hill

B. 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:

City Judge, Associate Judge, City Attorney, City Prosecutor

Recessed into Executive Session at 9:56 p.m.

VII. **Reconvene into regular session**

Council Reconvened into regular session at 11.03 p.m.

VIII. Take any action necessary pursuant to executive session.

Council Member Joubert made a motion to accept agenda item 200892. Seconded by Mayor Pro Tem Sami and **passed** as follows:

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

Nays: Thomas

Motion was made by Council member Thomas that we post the positions of City Judge and Associate Judge on TML. Seconded by Council Member Sanders and **failed** as follows:

Ayes: Council Members Dalcour, Thomas and Sanders

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

Motion was made by Council Member Joubert to appoint Glenn Lewis for City Judge. Seconded by Mayor Pro Tem Sami and **passed** as follows:

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

Nays: Council Members Thomas and Sanders

Motion was made by Council Member Joubert to appoint Bobbie Edmonds as Associate Judge. Seconded by Mayor Pro Tem Sami and **passed** as follows:

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

Nays: Council Members Thomas, Masimini and Sanders

Adjournment

With no further business to discuss, council adjourned at 11:07 p.m.

Respectfully submitted,

Approval:

Debra W. Maness, City Secretary

James Gosey, Mayor