

Minutes of

REGULAR COUNCIL MEETING

December 4, 2007

The City Council of the City of Forest Hill met on the above date at 7:05 p.m. with Mayor James Gosey presiding. The following council members and officials were present: Council members Ray Rhyne, James Overton, Gerald Joubert, Drew Sanders, Dulani Masimini, Mustafa Sami, City Manager David Miller, City Secretary Jacquelyn Allen, Finance Director Debbie Maness, Fire Chief Pat Ekiss, Chief of Police Rex Phelps, Community and Economic Development 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.

II. Invocation

Delivered by Council member Dulani Masimini.

III. Pledge of Allegiance to Flags

Led by Khyrie Rockwell, Youth member of Forest Hill Riding Club.

IV. Proclamation -Forest Hill Chaparral's Day

Mayor Gosey proclaimed December 4, 2007 as Forest Hill Chaparral Day and urged all citizens to recognize the importance of organized athletics in the lives of our young people.

Proclamation - Honoring SFC Anthony Jones

Mayor Gosey proclaimed December 4, 2007 as SFC Anthony Jones Day and urged all citizens to recognize and honor the accomplishments and sacrifices made by SFC Anthony Jones for all of us.

PUBLIC HEARING

To receive citizens comments regarding applicant's request for a Specific Use Permit for a four (4) story hotel to be located on the southeast quadrant of I-20 and Forest Hill Drive. Legal description: Lot 1, Block 4, Park Forest Addition, Forest Hill, Tarrant County, Texas. Proponent is Hampton Inn & Suites through their Agent, Viran Nana.

Mayor Gosey opened the public hearing at 7:10 p.m. With no one to speak, the public hearing was closed at 7:11 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 request, in which event the item will be removed from the consent agenda and considered in its normal sequence on the agenda.

- 2007112. Consider minutes of November 6, 2007 regular council meeting.
- 2007113. Consider an Ordinance prescribing the number of positions in each classification of Police Officer and Firefighter.
- 2007114. Consider approving Fiscal Year 2007-2008 Mutual Aid Agreement between Tarrant County Emergency Services and City of Forest Hill.
- 2007115. Consider amending a Resolution recommending to Tarrant County the award of Base Bid 1, Paving Improvements for Nell Street, Phase II in the amount of \$84,722.00
- 2007116. Consider amending a Resolution of the City Council of the City of Forest Hill, Texas, authorizing the City Manager to execute an addendum to the Solid Waste/Trash collection contract with IESI for a

five year term.

Motion by Mayor Pro Tem Joubert, seconded by Council member Overton to approve the consent agenda. Voting Aye: Council member Rhyne, Overton, Mayor Pro Tem Joubert, Masimini, Sanders, Sami and Mayor Gosey. Voting Nay: None.

Deliberation Agenda:

2007117. Consider approving a Specific Use Permit for a four (4) story hotel to be located on the Southeast quadrant of I-20 and Forest Hill Drive.

Acting City Planner Pat Ekiss presented this agenda item. Mr. Ekiss stated that the Planning and Zoning Commission met on December 3rd and reviewed each stipulation to be added into the Specific Use Permit. The commission recommends approval, with two amendments: **To delete item a. under 16: One (1) hydrant with a remote Fire Department Connection and to add Parking lot and ground maintained; free of trash and debris at all times. Landscaping to be maintained year round.**

1. Floor indicator lights on each elevator
2. Interior and exterior cameras with web monitoring by the Police and Fire Departments
3. Camera recordings are to be made available to law enforcement and fire personnel upon their request
4. Exterior structure will be comprised of brick and/or rock facade
5. Restricted height not to exceed 57 feet and to include parapits
6. Air conditioning units hidden from public view on all sides of parapits
7. Telephone system to identify room number when guests call 911
8. Building to include three (3) wall signs as depicted on preliminary site plan
9. No pole signs allowed
10. If monument sign erected, it is to be the same brick and stone combination that matches the building - per owner, up to three (3) might be erected at points on entry
11. In addition to compliance with current city landscape ordinances, the number of trees depicted on preliminary site plan shall be no less than 25; 2/3 to be evergreen trees, each at a 3" minimum in diameter at the time of planting
12. Lighting - owner required to have:
 - a. Amber glow, low sodium vapor lights on any poles or ground lights
 - b. Amber glow high sodium vapor lights for any lights attached to the building
 - c. Entire grounds must be well lit to make the grounds adequately visible
13. No shadowy areas; lighting does not reflect into the street, interfering with traffic visibility
14. Building to be fully sprinkled with smoke and heat detectors in each room; system to be monitored 24 hours a day
15. Owner must submit drawings for fire protection and detection to Fire Chief
16. Hydrant requirements: looped & grided system
 - a. Two (2) hydrants on site (Northwest and Northeast corner)
17. Building to be constructed in accordance with current city codes
18. Owner must submit emergency operation plans for Police and Fire Department
19. Owner must submit a twenty four (24) hour contact for duration of the property
20. Parking lot and ground maintained; free of trash and debris at all times; landscaping to be maintained year round

21. Violation of Specific Use Permit stipulations could render Specific Use Permit null and void

Mr. Ekiss stated that the stipulations placed in the Specific Use Permit has been a cooperative effort between the Economic Development Director, Fire Department and Police Department.

City Manager David Miller added: Violation of Specific Use Permit stipulations could render Specific Use Permit null and void. Mr. Miller also requested that Southeast quadrant of I-20 and Forest Hill Drive be taken out of the Specific Use Permit's caption and Section 4.

Motion by Council member Masimini, seconded by Mayor Pro Tem Joubert, to approve agenda item 2007117 with amendments and to strike southeast quadrant of I-20 and Forest Hill Drive out of the SUP. **Voting Aye: Council members Rhyne, Overton, Mayor Pro Tem Joubert, Masimini, Sanders, Sami and Mayor Gosey. Voting Nay: None.**

2007118. Consider a Resolution for election of members of the Board of the Tarrant Appraisal District.

Motion by Council member Sami, seconded by Mayor Pro Tem Joubert to nominate Dionne Bagsby to the Board of the Tarrant Appraisal District. **Voting Aye: Council members Rhyne, Overton, Mayor Pro Tem Joubert, Masimini, Sanders, Sami and Mayor Gosey. Voting Nay: None.**

2007119. Consider approving Oil and Gas Lease Agreement between the City of Forest Hill and Tidewell Energy.

City Manager David Miller stated that council approved the bid from Tidewell Energy at the September 18th council meeting in the amount of \$82,145.02. Over the past three months, we have negotiated with Tidewell Energy and reached an agreement. The city attorney has approved the agreement and staff recommends approval. Mayor Pro Tem Joubert asked where would the money go. Mr. Miller stated that the money will go into the general fund but council can designate how the money is to be used. Motion was made by Mayor Pro Tem Joubert, seconded by Council member Sami to approve agenda item 2007119. **Voting Aye: Council members Rhyne, Overton, Mayor Pro Tem Joubert, Masimini, Sanders, Sami and Mayor Gosey. Voting Nay: None.**

2007120. Consider Communication Site Lease Agreement between the City of Forest Hill and MetroPCS.

City Manager David Miller stated that this Agreement is for leasing antenna space on the south water tower. MetroPCS agrees to pay \$1200.00 per month. This is a common practice and will generate revenue to the city in the amount of \$14,400 per year. Motion by Council member Sami, seconded by Mayor Pro Tem Joubert to approve agenda item 2007120. **Voting Aye: Council members Rhyne, Overton, Mayor Pro Tem Joubert, Masimini, Sanders, Sami and Mayor Gosey. Voting Nay: None.**

V. Staff Reports

Manager's Report

Council will recess after staff reports are given for a holiday reception.

Have all council agenda requests to City Secretary by Wednesday noon, prior to Tuesday council meeting.

City Hall will be closed December 24th and 25 for Christmas holidays. Will be closed again on January 1, 2008.

Next council meeting will be held January 10, 2008

Will hold a workshop in February to discuss a five year plan. The workshop will probably be held on a Saturday.

Auditors were here this week and gave a fair look at all finances. Mr. Miller commended Finance Director Debbie Maness for the good job she has done in such short time.

Finance Director's Report

General Fund - As of October 31, 2007, the general fund has collected 3.5% of budgeted revenues and expended 6.7% of the budget. Sales tax received through October is \$87,524, which is \$8,151 more than received at this time last year. We have collected \$65,748 of current ad valorem taxes and \$16,691 of delinquent ad valorem taxes.

Motel Revenue Fund - \$29,636 collected in motel taxes

Debt Service Fund - \$13,993 of the current ad valorem taxes and \$6,862 of the delinquent taxes collected for the month of October

Community Development Corporation - \$43,762 or 8.4% of budgeted 4B sales tax was collected in the first month and 2.6% of the current budget was expended

Street Improvement Fund - Sales tax received in October was \$21,881 or 9.1% of the current budget.

Water and Sewer - The operating fund has collected 7.9% of its budgeted revenues as of October. Water and sewer sales are current 8.2% and 7.9%, respectively.

Fire Chief Report

16% increase in calls

Responded to 19 mutual aid calls

1 structure fire on Woody Lane

New administrative building in place

Target areas - north/south for code compliance

Issued three stop work orders

Will ask council in January to consider adoption of ICC Maintenance Code

Chief of Police Report

Monthly activity - November

Total calls for service - 2,787

Officer Initiated - 2,137

Citizen Initiated - 650

Arrests - 69

The department auctioned a seized vehicle for \$17,600. Due to these seizure funds, were able to purchase four administrative vehicles. The total cost of the four vehicles was \$12,000.

This was the most cost effective way to improve and provide for an area in need, while decreasing vehicle repair costs.

Community and Economic Development Director's Report

Hunter Equity - project still pending.

Vista Property - developer will contact the city in December regarding a meeting

Meridian Investments - will call back in December to set meeting about land acquisition opportunities

Salvo Real Estate - continuing to work with owners to purchase the five acres at California Parkway and Forest Hill Drive

Holiday Inn Express/LaQuinta - interested in opening a hotel in Forest Hill

\$200,000 Homeowner Rehab Program - waiting list of at least six months; need to meet with City Manager to determine what the city will offer as the "match" portion of the program

Mayor and Council Reports

Mayor Gosey and Council member Masimini attended the Mayor/Council Banquet
Mayor Gosey requested an update on a former city employee and status of accepting credit cards

Mayor Pro Tem Joubert - Need more articles in the newspaper regarding community events. City Manager will assist to make this a reality.

Council member Sami - Requesting an update on Charter Cable Access Channel

cessed at 8:24 p.m. for a Christmas reception and reconvened into open session at 8:47 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. Council recessed into an executive session at 8:48 p.m.

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

Status of funds possibly paid out in error to former City Manager David Vestal

Demand letter filed by Frank Hill, Attorney for Mayor James Gosey to City of Forest Hill

James Gosey vs. Mark Haney

Potential litigation by Justin Segal

Potential litigation; Bill Lane

IX. Reconvene into regular session.

Council reconvened into regular session at 9:54 p.m.

Take any action necessary pursuant to executive session.

tion by Council member Joubert, seconded by Council member Masimini to table Potential Litigation by Justin Segal for six months unless a lawsuit is

filed.

**Voting Aye: Council members Rhyne, Overton, Mayor Pro Tem
Joubert, Masimini, Sanders, Sami and Mayor Gosey. Voting Nay: None**

With no further business to discuss, council adjourned at 9:56 p.m.

Respectfully submitted,

Approved:

Jacquelyn Allen, City Secretary

*James Gosey,
Mayor*