



## MINUTES

### REGULAR COUNCIL MEETING

July 7, 2009

The City Council of the City of Forest Hill met on the above date at 7:10 p.m. with Mayor Gosey presiding. The following Council Members and officials were present: Council Members Damian Dalcour, Gerald Joubert, Dulani Masimini, Andrew Sanders, Mayor Pro Tem Sami, City Manager David Miller, City Secretary Debra Maness, Acting Public Works Director Roberto Duenes, Interim Police Chief Robert Herbert, Economic Development and Community Relations Director Venus Wehle and Finance Director Clifford Blackwell, III. Council Member Lyndia Thomas – excused absence.

Discuss pipeline ordinance and Mid-Tex Right of Way Agreement

Questions and answers regarding any item on the agenda – **City Council Members**

Adjournment

### REGULAR COUNCIL MEETING

July 7, 2009

7:00 p.m.

Notice is hereby given that on the **7th day of July, 2009**, the City Council of the City of Forest Hill will hold a **regular council meeting** at **7:00 p.m.**, in the Mahaney Community Center, 6800 Forest Hill Drive, 76140. The subjects are listed on the agenda which is attached to and made a part of this notice.

#### **Opening Agenda:**

##### **A. Call to Order**

With a quorum present, Mayor James Gosey called the meeting to order at 7:10 p.m.

##### **B. Invocation**

After a minute of silence for Michael Jackson, invocation was delivered by Council Member Dalcour.

##### **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.

Ms. Anne Frost, 3708 Grady Street, Forest Hill, spoke before the Council representing all of the

properties and owners of the land and business of Mansfield Flea Market. Ms. Frost stated that this flea market is the oldest one in Tarrant County. She stated that there were other ordinances that were adopted since 1976. They were adopted in 1981 and 1983. The State of Texas has rules that govern the flea markets, such Tarrant County Health Department, Texas Animal Health Commission, Texas Sales Tax Permit, Forest Hill Building Permit, Forest Hill Electric Permit and Forest Hill Code of Ordinances. She stated that the Forest Hill Code of Ordinances should be eliminated all together and the flea market should be treated as any other business in Forest Hill. She also stated that they have had problems with the City in the past with illegal towing of vehicles, illegal parking tickets, calling 911 and getting no response or delayed response. She also stated that there are cars for sell and selling of other merchandise not in the designated flea market area. Ms. Frost also feels that since Forest Hill is an open and transparent government, the city should contact them directly if the City has any complaints about their business.

Ms. Pearline Moffett, 3608 Grady Street, Forest Hill, came before the Council to inform them about the sewer problem that she has had at home since her and husband purchased this house. They have had twenty-three years of this problem. She is afraid to leave her house because her house would be filled with sewage when she came home, waking up at night with sewage back up in her house. She asked the Council what their priorities would be, if sewage was backing up in their house. She stated that she has spoken with City Manager, David Miller, and feels that they are working together to get this problem corrected.

City Manager stated that we have sent a crew to run a camera in the line. We were unable to find a problem with the line and the next step is having our engineers come out and evaluate the line. It is possible the line has lost it fall. It will probably take about three or four weeks. We are working to get this twenty three year old problem solved.

**E. Presentations:**

Issue Certificate of Appreciation to Robert Daniels – was not present

“Storm Water Planning for the Future” video – a requirement by law for the Council Members to view.

- F. 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 the June 16, 2009 regular council meeting.**

Mayor Pro Tem Sami made the motion to approve the consent agenda. Seconded by Council Member Sanders and **passed** as follows:

- Ayes: Council Members Dalcour, Joubert, Masimini, Sanders, Mayor Pro Tem Sami and Mayor Gosey  
Nays: None  
Absent: Council Member Thomas

**G. Deliberation Agenda**

- 2. 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. (Venus Wehle, Economic Development and Community Relations Director)**

City Manager pulled this item from the agenda and republished for Planning and Zoning Commission and City Council.

Item 5 was taken out of order:

**5. Discuss and consider directing staff to contact owner of property located at 7100 Anglin Drive to lease for youth athletics. (Dulani Masimini, Council Member)**

Council Member Masimini made the motion to direct staff to contact owner of the property located at 7100 Anglin Drive to explore options to lease, purchase, or other opportunities for the property. Seconded by Council Member Dalcour and **passed** as follows:

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

Nays: None

Absent: Council Member Thomas

The following items were taken out of order:

**H. 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 executive session at 7:45 p.m.**

**I. Reconvene into regular session.**

**Council reconvened into regular session at 9:05 p.m.**

**J. Take any action necessary pursuant to executive session.**

**4. Discuss and consider entering into a lease agreement or purchase of the Chase Bank Building located at 3217 California Parkway, Forest Hill, TX 76119. (David Miller, City Manager)**

**12. Pursuant to Section 551.072, Texas Government Code: Deliberation Regarding Real Property: To deliberate the purchase, exchange, lease, or value of real property.**

Lease or purchase of Chase Bank Building located at 3217 California Parkway, Forest Hill, TX 76119

Council Member Masimini made the motion to direct the staff to move in the direction of negotiation a lease/lease purchase agreement for property located at 3217 California Parkway, Forest Hill Texas. Seconded by Council Member Joubert and **passed** as follows:

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

Nays: None

Absent: Council Member Thomas

**3. Discuss and consider regulations for flea markets in the City of Forest Hill. (Lyndia Thomas, Council Member)**

Council Member Masimini made the motion to direct the City staff to begin to put into place business regulations for regulating flea markets within the City and to join into discussion and receive input from the flea market owners to partnership a destination point in the City to utilize to bring visitors into the City for increase of sales tax dollars. Seconded by Council Member Sanders and **passed** as follows:

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

Nays: None

Absent: Council Member Thomas

**11. 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

No action taken on this item

**G. Deliberation Agenda - continued**

**Council Member Dalcour recused himself for item 6, due to conflict of interest.**

**6. Discuss and consider progress report and take any appropriate action relative to the structure located at 3407 Bisbee (Case SSB# 2009-05). (Dylan Whitehead, Building Inspector)**

Dylan Whitehead, Building Inspector informed the Council that Mr. Tucker was trying to get the funding to finish the removal of debris. Mr. Whitehead recommended that the City move to complete the demolition work of the property.

Council Member Joubert made the motion to modify order and direct staff to send a ten day notification letter to the owner of 3407 Bisbee, the City's intent to complete the order given by the City to demolish the structure and remove all the debris. Also to advise the owner that the expenses that are incurred by the City to complete order not completed by the owner will be billed to the property owner. The property owner will have thirty days to pay the bill, if not paid within the thirty days; a lien will be filed with Tarrant County. Seconded by Council Member Sanders and **passed** as follows.

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

Nays: None

Absent: Council Members Dalcour and Thomas

**Council Member Dalcour rejoined the meeting at this time.**

**7. 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 Whitehead, Building Inspector informed the Council that as of June 26, 2009 staff had not heard from the property owner so staff had made an attempt to contact Continental Real Estate to find out the status of the asbestos study. As of this date staff has still yet to hear from the property owner, however the property is still secured against unauthorized entry.

Council Member Joubert made the motion to give property owner an extension to July 31, 2009 to complete the asbestos study and demolition of the building. If not completed by July 31, 2009, the City will proceed with the asbestos study and demolition of the building and invoice owner for the expense and if not paid within thirty days, the City will file a lien with Tarrant County. Seconded by Council Member Masimini and **passed** as follows.

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

Nays: None

Absent: Council Member Thomas

**8. 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 informed the Council that at the June 2, 2009 the Council had granted a four month extension to the owner of the property to secure the loan for funding of the project, provide plans to staff and submit permit applications. As of this date the staff has not heard from the property owner for their first month progress report. The property is secured from unauthorized entry and is being maintained. There has not been any work done to the building, no permits applied for or a SUP applied for.

There was no action taken on this item.

**Mayor Gosey recused himself for the next two items, due to a conflict of interest, and turned the meeting over to Mayor Pro Tem Sami.**

**Council recessed into execution 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 for items 9 and 10 at 9:38 p.m.**

**Council reconvened into regular session at 10:20 p.m.**

**9. 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 reported to the Council that all inspections have been completed and passed. There is no further action required by the Council.

There was no action taken on this item.

10. 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 reported to the Council that this property has passed electrical inspection, HVAC inspection and plumbing repair inspections. However, there are still holes in the wall and the property manager is in the process of making repairs to the rest of the building.

Council Member Masimini made the motion to modify order and give property owner an extension to 07/31/2009 to complete all needed repairs, to have a final inspection completed, and a certificate of occupancy permit. A sign is to be posted stating that this property is substandard and unsafe for the property owner or property manager to allow any one to occupy the premises until a certificate of occupancy has been obtained. Failure to comply or violation of the order may subject the property owner to an administrative penalty in the amount of \$1,000 per day. Seconded by Council Member Sanders and **passed** as follows:

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

Nays: None

Absent: Council Member Thomas and Mayor Gosey.

**K. Adjournment**

With no further business to discuss, council adjourned at 10:28 p.m.

Respectfully Submitted,

Approved:

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Debra W. Maness, City Secretary

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James Gosey, Mayor