



MINUTES

REGULAR COUNCIL MEETING AUGUST 4, 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, Lyndia Thomas, Gerald Joubert, Dulani Masimini, Mayor Pro Tem Sami, City Manager David Miller, City Secretary Debra Maness, Fire Chief Pat Ekiss, Acting Public Works Director Roberto Duenes, Economic Development and Community Relations Director Venus Wehle, Finance Director Clifford Blackwell, III and City Attorney Bonnie Goldstein. Council Member Andrew Sanders – excused absence.

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

Mayor Pro Tem Sami delivered the invocation.

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.

John Whetstone, 6716 Trailwood Drive, Forest Hill – gas well drilling and condition of streets. Mr. Whetstone was not present.

Ms. Pauline Moffett, 3608 Grady Street, Forest Hill – spoke before the council about the problems that she has had with sewer backup in her home.

Ms. Leslie Lalonde, 7309 Woodbridge Drive, Forest Hill – stated that she would like to thank the Council for the additional funding for police that she had read about in the paper, and thank the fire department for the CPR courses that were given.

E. Staff Report

City Manager – Update on Ms. Pauline Moffett, Grady Street, sewage problems. David Miller passed out to the Council the results of the City running a camera through Ms. Moffet's sewer

line and stated that the engineer for the City had been on vacation on has not had a chance to look at the line to see if it had lost its fall.

F. Public Hearing

1. Case #PZ 2009-02 to receive citizen's comments regarding a request for a Specific Use Permit for Best Western to be located on Forest Hill Circle. The current zoning of this property is PD (Planned Development). The description of the property is being a 1.30 acre parcel of land within the 43.97 acre tract 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 7:23 p.m. to receive comments from the public.

Mr. Anil Ram, 1001 Austrian Road, Grand Prairie, architect for the project came before the Council to answer any questions that the Council may have. There was discussion as to how much frontage the property was going to take up on Forest Hill Circle. It was determined that the building would run perpendicular to Forest Hill Circle and take up about 100 feet of frontage on Forest Hill Circle.

Mr. James Overton, 6520 Royal Oaks, Forest Hill, spoke before the Council against the building of another hotel in the City. Mr. Overton feels that there are enough hotels in the City.

Ms. Leslie Lalonde, 7309 Woodbridge Drive, Forest Hill, spoke before the Council against the building of the hotel. Ms. Lalonde felt that the City needed to wait to see what the impact of the two new hotels have on our roads.

Mr. Patel, owner of Best Western, spoke before the Council and he felt that it would be a benefit to the City for the hotel to come to the City by funding more services for the City.

With no one else to speak, Mayor Gosey closed the public hearing at 7:34 p.m.

Mayor Pro Tem made a motion to hear deliberation item number 8. Council Member Joubert seconded the motions, which **passed** as follows:

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

Nays: None

Absent: Council Member Sanders

Deliberation Item 8

Discuss and consider Case #PZ 2009-02 relative to a request for a Specific Use Permit for Best Western to be located on Forest Hill Circle. The current zoning of this property is PD (Planned Development). The description of the property is being a 1.30 acre parcel of land within the 43.97 acre tract 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 Priscilla Patel. (Berniece Johnson, Planning & Zoning Chairperson)

Ms. Berniece Johnson, Chairperson for the Planning & Zoning Committee informed the Council that at the Planning and Zoning meeting that was held on August 3, 2009 had five members present. This case was voted against 5 – 0.

Mayor Pro Tem Sami made a motion to **deny** the request for a Specific Use Permit for the Best Western to be located on Forest Hill Circle. Council Member Thomas seconded the motion, which **passed** as follows:

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

Nays: Mayor Gosey

Absent: Council Member Sanders

Public Hearing

2. Case #PZ 2009-05 to receive citizen's comments regarding a request for a Specific Use Permit to allow for the drilling of a gas well. The current zoning of this property is R2 (Single Family Residential). The property is located at 4556 Forest Hill Circle with the legal description being Lots 1 & 2 of the Florence G. Whitlock Subdivision and Tract 42B of the Shelby County School Land Survey, Abstract 1375 in the City of Forest Hill, Tarrant County, Texas as requested by Walter Dueease with XTO Energy, Inc.

Mayor Gosey opened the public hearing at 7:39 p.m. to receive comments from the public.

City Secretary read letter that had been received from Carroll Reed, Access Overhead Door, supporting the Specific Use Permit for drilling.

City Manager read letter from John Whetstone expressing opposition of the drilling operation being located so near his home.

There being no else to speak, Mayor Gosey closed the public hearing at 7:42 p.m.

Council Member Joubert made a motion to hear deliberation item number 9 at this time. Mayor Pro Tem Sami seconded, which **passed** as follows:

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

Nays: None

Absent: Council Member Sanders

Deliberation Item 9

Discuss and consider Case #PZ 2009-05 relative to a request for a Specific Use Permit to allow for the drilling of a gas well. The current zoning of this property is R2 (Single Family Residential). The property is located at 4556 Forest Hill Circle with the legal description being Lots 1 & 2 of the Florence G Whitlock Subdivision and tract 42B of the Shelby County School Land Survey, Abstract 1375 in the City of Forest Hill, Tarrant County, Texas as requested by Water Dueease with XTO Energy, Inc. (Berniece Johnson, Planning & Zoning Chairperson)

Ms. Berniece Johnson, Chairperson of Planning Zoning Commission, this case was totally and thoroughly discussed, XTO will comply with all city ordinances that are in effect. The vote was 4 ayes and 1 nay.

Walter Dueease, XTO Energy, 810 Houston Street, Fort Worth, TX, presented an aerial photograph of the proposed drill site and answered questions by the Council.

Council Member Masimini made a motion to approve the request for a Specific Use Permit to allow the drilling of a gas well with the following stipulations that all city ordinances, federal and state regulations, the road repair agreement be completed prior to the issuance of the permit, the driveway and pad site shall be constructed in asphalt with a minimum of 12” base and 4” of asphalt with a minimum of 6” concrete as the all weather surface, a shaker rack will be installed at the entrance of the site, all regulations of the Tree Ordinance must be adhered to, masonary fend around the pad, and a coated 8 foot cyclone fence around the frack pond. Council Member Thomas seconded the motion, which **passed** as follows:

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

Nays: None

Absent: Council Member Sanders

Public Hearing

3. Case #PZ 2009-06 to receive citizen’s comments regarding a request for a Specific Use Permit for permission to sell packaged alcoholic beverages within the facility of the Walgreens store. The current zoning of this property is GB (General Business). The property is located at 6551 Forest Hill Drive with the legal description being Lot 1, Block 1 of the Forest Hill Commercial Center in the City of Forest Hill, Tarrant County, Texas as requested by Walgreens Co.

Mayor Gosey opened the public hearing at 8:31 p.m. to receive comments from the public.

Ms. Leslie Lalonde, 7309 Woodbridge Drive, Forest Hill – spoke in favor of this since everyone else does.

With no one else to speak, Mayor Gosey closed the public hearing at 8:31:57 p.m.

Mayor Pro Tem Sami made a motion to hear deliberation item number 10 at this time. Council Member Masimini seconded, which **passed** as follows:

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

Nays: None

Absent: Council Member Sanders

Deliberation Item 10

Discuss and consider Case #PZ 2009-06 relative to a request for a Specific Use Permit for permission to sell packaged alcoholic beverages within the facility of the Walgreens store. The current zoning of this property is GB (General Business). The property is located at 6551 Forest Hill Drive with the legal description being Lot 1, Block 1 of the Forest Hill Commercial Center in the City of Forest Hill, Tarrant County, Texas as requested by Walgreens Company. (Berniece Johnson, Planning & Zoning Chairperson)

Council Member Thomas stated she was against approving the Specific Use Permit. The City has enough businesses selling alcohol. We are trying to improve the City of Forest Hill.

Ms. Berniece Johnson, Chairperson of Planning and Zoning, reported the P & Z Commission voted

5 – 0 in favor of the Specific Use Permit.

Mayor Pro Tem Sami made a motion to approve a Specific Use Permit for Walgreens to sell packaged alcoholic beverages within the facility of the Walgreens store, with the following stipulations. The business owner shall ensure that the business parking lot stays clear of discarded packaging, cans, bottles, and broken glass and if business is sold to another owner, the new business owner shall reapply for a new Specific Use Permit to sell packaged alcoholic beverages at the location and Walgreens become a member of South Tarrant Chamber of Commerce. Mayor Gosey seconded, which **passed** as follows:

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

Nays: Council Member Thomas

Absent: Council Member Sanders

Council Member Masimini made a motion to move into Executive Session at this time. Seconded by Council Member Thomas, which **passed** as follows:

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

Nays: None

Absent: Council Member Sanders

- 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.

- 20. 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

- 21. 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:

Judge Glenn Lewis

Council recessed into execution session at 8:39 p.m.

- J. **Reconvene into regular session.**

Council reconvened into regular session at 9:18 p.m.

- K. **Take any action necessary pursuant to executive session.**

There was no action taken pursuant to executive session.

- 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.
4. Consider minutes of the July 21, 2009 regular council meeting.
 5. Consider minutes of July 28, 2009 special council meeting
 6. Consider ratifying signature on Agreement with Tarrant County for Collection of Taxes for Fiscal Year 2009-2010.
 7. Consider Resolution No. 10-2009, a resolution authorizing continued participation with the Atmos Steering Committee; and authorizing the payment of two cents (\$0.02) per capita.

Council Member Thomas made a motion to approve the consent agenda. Mayor Pro Tem Sami seconded the motion, which **passed** as follows:

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

H. Deliberation Agenda

11. Discuss and consider excusing Council Member Andrew Sanders absences from Council meetings in accordance with Section 3.10(2) (c) of the City Charter. (Debbie Maness, City Secretary).

Council Member Masimini made a motion to excuse Council Member Sanders from the regular council meetings held July 21, 2009 and August 4, 2009 in accordance with Section 3.10(2)(c) of the City Charter. Council Member Thomas seconded the motion, which **passed** as follows:

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

12. Discuss and consider tax rate for 2009-2010 and take record vote. (Clifford Blackwell, Finance Director)

Clifford Blackwell, Finance Director explained to the Council that they were required to take a record vote to adopt a tax rate on a given future date, in order to comply with Chapter 26 of the Tax Code.

Council Member Joubert made the motion to adopt a tax rate note to exceed the rollback rate of \$1.125734 per \$100 assessed valuation on September 8, 2009, here at the City Council Chambers located at 6812 Forest Hill Drive, 76140 at 7:00 p.m. Council Member Masimini seconded the motion, which **passed** as follows:

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

13. Discuss and consider scheduling two public hearings, August 20, 2009 and August 27, 2009 to discuss the proposed tax rate. (Clifford Blackwell, Finance Director)

Clifford Blackwell, Finance Director explained to the Council that in accordance with the Truth-in-Taxation laws, the City would need to hold two public hearings to discuss the proposed tax rate.

Council Member Thomas was not happy with the dates that were being recommended.

Mayor Pro Tem Sami made the motion to hold two public hearings to discuss the proposed tax rate for the upcoming fiscal year on August 20, 2009 and August 27, 2009, beginning at 7:00 p.m., at 6812 Forest Hill Drive, 76140. Council Member Masimini seconded the motion, which **passed** as follows:

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

Item 14 and 15 were taken together with recommendation of the City Manager.

14. Discuss and consider the sale of the existing Aerial Apparatus. (Pat Ekiss, Fire Chief)
15. Discuss and consider entering into a lease agreement for a new Aerial Apparatus. (Pat Ekiss, Fire Chief)

Chief Ekiss informed the Council he had made a mistake in the amount that was being spent on the maintenance of the existing Aerial Apparatus.

At the request of the Mayor, these items were removed and are to be considered during budget.

16. Discuss progress report on the property located at 3407 Bisbee. (Dylan Whitehead, Building Inspector)

Dylan Whitehead, Building Inspector, informed the Council that the staff had moved forward and began the procedures to complete the demolition and removal of debris from the site. Council was also informed that the Public Works would perform the work, saving the City an estimated \$2,000. It was also stated that the property owner would be billed for all expenses incurred during the project and if the invoice is not paid within thirty days, the City will assess a lien on the property.

No action was taken on this item.

17. 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 the staff had received an email from the property owner containing an update on the status of the demolition. The building inspector also stated that as of July 30, 2009, staff had not received a final asbestos report and has not issued a permit for the demolition.

There was no action taken on this item

18. 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 the Council the monthly update on this property. As of July 30, 2009, the staff had not heard from the property owner for their first or second month progress report. The property is secured from unauthorized entry and is being maintained.

There was no action taken on this item.

Mayor Gosey recused himself at 10:12 p.m. for Item 19, due to a conflict of interest, and turned the meeting over to Mayor Pro Tem Sami.

19. 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, informed the Council that the final inspections and certificate of occupancy inspections have been performed and passed.

There was no action taken on this item.

Mayor Gosey returned to the meeting at 10:13 p.m.

L. Adjournment

With no further business to discuss, council adjourned at 10:13 p.m.

ATTEST:

APPROVED:

Debra W. Maness, City Secretary

James Gosey, Mayor