



**MINUTES
SPECIAL COUNCIL MEETING
September 8, 2009
7:00 p.m.**

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 Members Damian Dalcour, Lyndia Thomas, Gerald Joubert, Dulani Masimini, Mayor Pro Tem Mustafa Sami, City Manager David Miller, City Secretary Debra Maness, Fire Chief Pat Ekiss, Acting Public Works Director Roberto Duenes, Interim Police Chief Robert Herbert, Economic Development and Community Relations Director Venus Wehle, Finance Director Clifford Blackwell, III. Council Member Andrew Sanders – absent.

Opening Agenda:

A. Call to Order

With a quorum present, Mayor James Gosey called the meeting to order at 7:00 p.m.

B. Invocation

Invocation was delivered by Mr. Gene Pirtle

C. Pledge of Allegiance to Flags

Pledge to the United States and Texas Flags were recited.

D. Presentation: Andrea Sanders, Oncor, insulation and weatherizing projects for residents
Ms. Andrea Sanders was not present.

E. 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.

Pearlie Moffett, 3608 Grady Street, Forest Hill – spoke before the Council concerning sewer backup at her house. She asked when our engineers were going to be out to check the line. City Manager David Miller informed Ms. Moffett that our engineers had been out to check and found no problem in the City's portion of the line; however when a camera was run through her line, there was numerous roots in her line. Ms. Moffett stated that she had spoken to several plumbers on the telephone and they agreed with her, that the problem she was having was the City's fault. The City Manager then offered Ms. Moffett the opportunity to have any plumber she wishes to choose to come out and meet with the City staff to review the tape and if it was determined that it was the City's fault, we would pay for the plumber. Ms. Moffett declined.

F. Mayor and Council Reports

Council Member Damian Dalcour – to discuss changes in work schedule.

Council Member Dalcour explained to the Council and citizens present that he was once again teaching at TCC and he would need to leave the Council meetings at 8:00 p.m.

G. Staff Reports

City Manager – to discuss delay in bridge project, post office closures and park grant status

City Manager David Miller stated that due to lack of funding, the bridge replacement at Forest Hill Drive and Village Creek has been delayed indefinitely. He stated that the post offices in our area have been removed from the closure list, and the City's request for park funding had been denied. However, the City would resubmit the application.

H. 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 August 18, 2009 regular council meeting.
2. Consider minutes of the August 20, 2009 special council meeting.
3. Consider contract for collection of delinquent municipal court fines and fees with McCreary, Veslka, Bragg and Allen, P.C.
4. Consider Ordinance No. 2009019, an ordinance of the City of Forest Hill amending Chapter 126 of the Code of Ordinances by adding Section 126-70 entitled "Use of hand-held mobile telephones in school zones" prohibiting the use of a hand-held mobile communication device to engage in a telephone call or to send, read and/or write a text message while operating a moving motor vehicle in an active reduced speed school zone where prohibited by sign.

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

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

Nays: None

Absent: Council Member Sanders

Mayor Pro Tem Sami made the motion to take item #14 out of order and discuss it at this time. Motion was seconded by Council Member Joubert, which **passed** as follows:

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

Nays: None

Absent: Council Member Sanders

14. Discuss and consider Resolution 13-2009, a resolution authorizing the Mayor to enter into a contract with 3217 ChaseForest, LTD, to purchase the property located at 3217 California Parkway, Unit 100, Forest Hill, Texas. (David Miller, City Manager)

Council recessed into Executive Session to receive advice from the City Attorney at 7:22 p.m.

- J. 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.

15. 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

16. Pursuant to Section 551.072, Texas Local 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, Texas 76119

- K. Reconvene into regular session.**

Council reconvened into regular session at 7:53 p.m.

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

Council Member Masimini made a motion to table Item 14 until the next Council Meeting to be held September 15, 2009. Seconded by Council Member Joubert; 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. Deliberation Agenda**

5. Discuss and consider Resolution No. 12-2009, a resolution approving the tax assessment roll for 2009. (Clifford Blackwell, Finance Director)

Council Member Joubert made the motion to approve Resolution No. 12-2009, a resolution approving the Tax Assessment Roll for 2009 tax year for the City of Forest Hill as provided by the Tarrant Appraisal District. Seconded by Mayor Pro Tem Sami, which **passed** as follows;

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

Nays: None

Absent: Council Member Sanders

6. Discuss and consider Ordinance No. 2009021, an ordinance adopting and approving a property tax increase reflected in the budget for the City of Forest Hill for fiscal year beginning October 1, 2009 and ending September 30, 2010, in accordance with Texas Local Government Code Section 102.007. (Clifford Blackwell, Finance Director)

Council Member Joubert made the motion to approve Ordinance No. 2009021 ratifying the property tax revenue increase that is reflected in the FY 2009-10 Budget. Seconded by Mayor Pro Tem Sami, which **passed** as follows

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

Nays: Council Members Dalcour and Thomas

Absent: Council Member Sanders

7. Discuss and consider Ordinance No. 2009022, an ordinance adopting the budget for fiscal year October 1, 2009 through September 30, 2010 for the City of Forest Hill. (Clifford Blackwell, Finance Director)

Council Member Masimini made a motion to approve Ordinance No. 2009022, an ordinance adopting the budget for fiscal year October 1, 2009 through September 30, 2010.

Council Member Masimini withdrew his motion.

Council Member Joubert made a motion to approve Ordinance No. 2009022, an ordinance adopting budget for fiscal year October 1, 2009 through September 30, 2010 with the following amendment that the Mayor and Council Members receive equal amounts in training and travel. Seconded by Mayor Pro Tem Sami; which **passed** as follows:

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

Nays: Council Members Thomas and Masimini

Absent: Council Member Sanders

8. Discuss and consider Ordinance No. 2009023, an ordinance adopting a tax rate for the City of Forest Hill for the 2009-2010 fiscal year. (Clifford Blackwell, Finance Director)

Council Member Masimini moved that the property taxes be increased by the adoption of the tax rate of \$1.06 per \$100 assessed taxable valuation as stated per Ordinance No. 2009023. Seconded by Mayor Pro Tem Sami; which **passed** as follows:

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

Nays: Council Members Dalcour and Thomas

Absent: Council Member Sanders

Council Member Dalcour was excused at 8:05 p.m.

9. Discuss and consider Ordinance No. 2009020, an ordinance establishing park and recreation regulation and procedures, creating offenses for violating parks and recreation regulations; establishing regulations for park use. (Venus Wehle, Economic Development and Community Relations Director)

Council Member Masimini made a motion to table this item until the meeting to be held September 15, 2009 to have more time to evaluate the ordinance. Seconded by Council Member Thomas.

Council Member Masimini withdrew his motion and Council Member Thomas withdrew her second so that discussion could take place on this item.

Pearl Jones with the Parks/Clean City Commission addressed the Council. She stated that this ordinance was very important to the City and that the Parks/Clean City Commission had worked very diligently on this ordinance. She asked that Chad McCarty and Gladys Hardeman stand with her and answer any questions that the Council may have. She informed the Council that the City currently has nothing in place for equitable use of the fields. This Committee analyzed eight neighboring cities documentmention to look for best practices, citizen's feedback, and league organization opinions. She stated that it was her opinion that the Council had received this ordinance for review for two weeks to look at the ordinance and believes that if you had questions you should have asked before tonight.

Chad McCarty, Chairperson of the Parks/Clean City Commission addressed the Council, stating that the Board had worked tirelessly to look at all the documentation. The City is taking a hit by not charging for use of the City fields. He requested that the Council take into the consideration the research that the Parks/Clean City Commission did.

Council Masimini explained that during budget time that the Council has not had enough time to review the ordinance. He does not feel that this should have been on the agenda for this date.

Council Joubert stated that he had concerns about the use of the fields for practice and the amount of the fees, which is why he wants to table this item.

Council Member Joubert made a motion to table agenda item 9 until October 20, 2009. Seconded by Council Member Thomas.

Council Member Joubert withdrew his motion to table and Council Member Thomas withdrew her second.

There was further discussion between the Parks/Clean City Commission and the Council about the use of the fields for practice and fees that are not being charged by the City for use of the fields.

Council Member Joubert made a motion to table item #9 until October 20, 2009. Seconded by Council Member Thomas, which **passed** as follows:

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

Nays: None

Absent: Council Members Dalcour and Sanders

10. Discuss and consider purchasing policies (Dulani Masimini, Council Member)

Council Member Masimini requested that this item be pulled and placed on the October 20, 2009 meeting.

11. 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 the property owner began demolition of the property on September 2, 2009.

Council Member Joubert made the motion that if the demolition is not completed in 181 days that the city start the process to remove the foundation and have the property left in grade, mowable condition. Seconded by Council Member Thomas, **which** passed as follows:

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

Nays: None

Absent: Council Members Dalcour and Sanders

12. Discuss and consider progress report and take any appropriate action relative to the structure located at 4607 California Parkway (Case SSB# 2009-04). (Dylan Whitehead, Building Inspector)

Dylan Whitehead, Building Inspector addressed the Council and informed them that as of this date the staff had not heard from the property owner for their first, second, or third month progress report. The property is secured from unauthorized entry and is being maintained. There has not been any work done to the building itself, there have not been any permits applied for, and there has not been a SUP applied for.

No action was taken on this item.

13. 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 reported to the Council that Public Works has completed the demolition of the property and the site had been cleared of all debris and left in grade mowable condition. The property owner will be invoiced and given thirty days to pay. 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.

M. Adjournment

With not further business to discuss, council adjourned at 8:40 p.m.

ATTEST:

APPROVED:

Debra W. Maness, City Secretary

James Gosey, Mayor