



**MINUTES
REGULAR COUNCIL MEETING
September 15, 2009
7:00 p.m.**

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 Damian Dalcour, Lyndia Thomas, Gerald Joubert, Dulani Masimini, Andrew Sanders, 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 Gosey called the meeting to order at 7:05 p.m.

B. Invocation

Invocation was delivered by Berniece Taylor Johnson

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. Sanders gave a high overview of all the programs that Oncor has available.

Mayor Pro Tem Sami made a motion to take Deliberation Agenda Item #6 out of order and hear it at this time. Motion was seconded by Council Member Joubert; which passed as follows:

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

Nays: None

- 6. Discuss and consider Resolution 13-2009, a resolution of the City Council of the City of Forest Hill, Texas authorizing the purchase of real property located at 3217 California Parkway, Unit 100, entering into a commercial contract - improved property for that purpose, a condominium agreement and an option contract relative to the purchase of the remaining property and authorizing the City Manager to execute all documents necessary to effectuate the purchase of the property. (David Miller, City Manager)**

Council recessed into Executive Session at 7:47 p.m. pursuant to Section 551.072, Texas

Local Government Code: Deliberation regarding real property: To deliberate the purchase, exchange, lease, or value of real property.

Council Member Dalcour was excused from meeting at 7:59 p.m.

Council reconvened into regular session at 7:59 p.m.

Council Member Joubert made the motion to approve Resolution 13-2009, a resolution of the City Council of the City of Forest Hill, Texas authorizing the purchase of real property located at 3217 California Parkway, Unit 100, entering into a commercial contract – improved property, condominium agreement and an option contract relative to the purchase of the remaining property and authorizing the City Manager to execute all documents necessary to effectuate the purchase of the property; providing for an effective date and subjected to the City Attorney approving all documents. Mayor Pro Tem Sami seconded the motion, which passed as follows:

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

Nays: Council Member Thomas

Absent: Council Member Dalcour

- 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.

No one had signed up to speak.

F. Public Hearings

- 1. Case #PZ 2009-08 to receive citizen's comments regarding a request to amend the Stipulations of the Specific Use Permit Case #2008-06. This SUP was granted to allow a hotel facility to be located at 3346 Forest Hill Circle with the legal description being Lot 1, Block 1 of the Shivang Addition in the City of Forest Hill, Tarrant County, Texas as requested by Kalpesh Patel representing SSRJ LLC.**

Mayor Gosey opened the public hearing at 8:07 p.m.

With no one to speak, the Mayor Gosey closed the public hearing at 8:08 p.m.

Deliberation Item # 7

- 7. Case #PZ 2009-08 to discuss and consider approval of a request to amend the Stipulations of the Specific Use Permit Case # 2008-06. This SUP was granted to allow a hotel facility to be located at 3346 Forest Hill Circle with the legal description being Lot 1, Block 1 of the Shivang Addition in the City of Forest Hill, Tarrant County, Texas as requested by Kalpesh Patel representing SSRJ LLC. (Berniece Johnson, Chair, Planning and Zoning Commission)**

Ms. Bernice Johnson, Chair of the Planning and Zoning Commission reported to the Council that on September 14, 2009, the Planning and Zoning had met on Case #PZ 2009-08 and had voted unanimously to recommend approval to the SUP.

There was further discussion about the City requiring the electrical breaker boxes to be hidden from public view by decorative stone and iron fencing.

Mayor Pro Tem Sami made the motion to table this item until October 20, 2009. Seconded by Council Member Masimini, which **passed** as follows:

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

Nays: None

Absent: Council Member Dalcour

Public Hearing

2. **Case #PZ 2009-10 to receive citizen's comments regarding a request to add a definition in the Zoning Ordinance for an unmanned drive-up water vending facility to read as "Drive-up Water Vending Facility – an unmanned water vending kiosk that filters City water on site and is dispensed via a coin-operated device to drive up customers who provide their own containers" as requested by Watermill Express, LLC.**

Mayor Gosey opened the public hearing at 8:39 p.m.

With no one to speak, the Mayor Gosey closed the public hearing at 8:40 p.m.

Deliberation Item # 9

9. **Case #PZ 2009-10 to discuss and consider approval of a request to add a definition in the Zoning Ordinance for an unmanned drive-up water vending facility as requested by Watermill Express, LLC. (Berniece Johnson, Chair, Planning and Zoning Commission)**

Ms. Bernice Johnson, Chair of the Planning and Zoning Commission reported to the Council that on September 14, 2009, the Planning and Zoning had met on Case #PZ 2009-10 and had voted unanimously to recommend the definition for an unmanned water vending facility to read as Drive-up Water Vending Facility – an unmanned water/ice vending kiosk that filters City water on site and is dispensed via a coin-operated device to drive-up customers who provide their own containers.

Council Member Thomas made the motion to add the definition Drive-up Water Vending Facility – an unmanned water/ice vending kiosk that filters City water on site and is dispensed via a coin operated device to drive-up customers who provide their own containers. Seconded by Council Member Sanders, which **passed** as follows:

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

Nays: None

Absent: Council Member Dalcour

- 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.

3. **Consider minutes of the August 27, 2009 special council meeting.**
4. **Consider minutes of the September 8, 2009 special council meeting.**
5. **Consider Resolution No. 14-2009, authorizing the City Manager to execute an agreement with the Texas Department of Transportation wherein the Texas Department of Transportation provides funds for a selective traffic enforcement program (STEP) Wave Grant.**

Council Member Thomas made a motion to approve consent agenda as listed. Motion was seconded by Council Member Joubert, which **passed** as follows:

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

Nays: None

Absent: Council Member Dalcour

H. Deliberation Agenda

8. **Case #PZ 2009-09 to discuss and consider approval of a request for a Final Plat to be called AEO Addition being 19.223 acres located in Block 43 of the Shelby County School Survey, Abstract 1375 in the City of Forest Hill, Tarrant County, Texas. The proposed legal description will be Lots 1 & 2 of the AEO Addition in the City of Forest Hill, Tarrant County, Texas. The property is located on the South East Corner of Anglin Drive and Forest Hill Circle as requested by M. Rodgers, Ltd. (Berniece Johnson, Chair, Planning and Zoning Commission)**

Ms. Berniece Johnson, Chair of the Planning and Zoning Commission reported to the Council that on September 14, 2009, the Planning and Zoning had met on Case #PZ 2009-098 and had voted unanimously to recommend approval of the Final Plat.

Mayor Pro Tem made the motion to approve Case #PZ 2009-09. Seconded by Council Member Thomas, which **passed** as follows:

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

Nays: None

Absent: Council Member Dalcour

10. **Discuss and consider reappointments to Zoning Board of Adjustments. (Lisa Cabrera, Planning and Zoning Coordinator)**

This item was pulled from the agenda by staff.

11. **Discuss and consider rescheduling the Council Meeting for October 6, 2009 due to National Night Out. (David Miller, City Manager)**

Council Member Thomas made the motion to cancel the meeting for October 6, 2009 due to National Night Out and only have one regular scheduled meeting in October. Council Member Sanders seconded, which resulted in a tie:

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

Mayor Pro Tem Sami made a motion to reschedule the meeting for October 6, 2009 to October 13, 2009 because of National Night Out. Council Member Masimini seconded, which **passed** as follows:

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

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.

12. 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

13. 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

J. Reconvene into regular session.

K. Take any action necessary pursuant to executive session.

L. Adjournment

With no further business to discuss meeting was adjourned at 8:56 p.m.

ATTEST:

APPROVED:

Debra W. Maness, City Secretary

James Gosey, Mayor