



MINUTES

SPECIAL COUNCIL MEETING OCTOBER 21, 2008

The City Council of the City of Forest Hill met on the above date at 7:01 p.m. with Mayor James Gosey presiding. The following council members and officials were present: Council Members Lyndia Thomas, Gerald Joubert, Dulani Masimini, Andrew Sanders, Mayor Pro Tem Mustafa Sami, City Manager David Miller, City Secretary Debbie Maness, Fire Chief Pat Ekiss, Police Chief Rex Phelps, Acting Public Works Director Roberto Duenes, Finance Director Clifford Blackwell, III, Economic Development and Community Relations Director Venus Wehle, and City Attorney Bonnie Goldstein. Council Member Damian Dalcour arrived at 9:30 p.m.

Opening Agenda:

A. Call to Order

With a quorum present, Mayor Gosey called the meeting to order at 7:01 p.m.

B. Invocation

Invocation was delivered by Council Member Andrew Sanders.

C. Pledge to Flags

Pledge to the United States and Texas flags were recited.

D. Proclamation – National Friends of Libraries Week

Mayor Gosey presented proclamation to the Friends of the Library and Library Board.

E. Citizens Presentation

Charlotte Hogan-Price, 3600 Brambleton, Forest Hill, Texas. Ms. Hogan-Price, Chair of the Advisory Committee for Samaritan House, invited Mayor, Council and staff to attend a luncheon benefiting Samaritan House, November 6, 2008. Samaritan House is a facility that houses people living with HIV/AIDS. Ms. Hogan-Price stated that AIDS is the number one killer of black females ages 18-35. She also commended Councilman Dalcour for recently hosting a Hip-Hop rap session on the city grounds for the sake of HIV/AIDS.

F.

Public Hearing

Case #SSB 2008-01 Substandard Structure to consider and determine whether the structure located at 6516 Banbury Drive with the legal description being Lot 5, Block 5 of the Sherwood Forest Addition in the City of Forest Hill, Tarrant County complies with the minimum standards set out in Section 4 of the Ordinance No. 200167. Should the structure be found in violation of the standards set forth in this Ordinance, the Council may order that the building be demolished by the owner, mortgagee, or lien holder within thirty (30) days from the date of order. Should the owner, lien holder or mortgagee fail to take the ordered action the City may take action and assess a lien on the property. The owner of record is Michael W. Bruce, II with the address of 6516 Banbury Drive, Forest Hill, Texas 76119.

Chief Rex Phelps stated that staff and the code compliance officer were recommending the demolition of 6516 Banbury Drive. On August 13, 2008 an administrative search warrant was issued. There were life safety issues as well as code violations found. The code compliance officer has ensured the proper and legal requirements for condemnation has been performed. The legal notifications have been made to the property owner and mortgagees. The property owner will have 30 days to perform the demolition. The inspection report is part of the record, which outlines the minimum standard that the property is in violation of and sent to all property owners, lien holders and mortgagee. Tax records, utility records, and title company was used to determine where notices were sent.

Mayor Gosey opened the public hearing at 7:14 p.m.

City Attorney, Bonnie Goldstein, asked if the owners were present. Then asked if the notifications were sent certified, return receipts requested. The mortgage corporation notification was returned unclaimed, the owner's notification was returned unclaimed, the mortgagee trustees signed for their notification, and were not present, and the receipt for the utility customer's notification had not been received. The city attorney stated that state law does allow that certified returned unclaimed mail is deemed delivered.

The proper notices were sent to the individuals who are responsible for the property located at 6516 Banbury Drive; they were not present.

Mayor Gosey closed public hearing at 7:17 p.m.

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.

1. Consider minutes of September 16, 2008 special council meeting.
2. Consider minutes of September 25, 2008 special council meeting.
3. Consider minutes of October 9, 2008 special council meeting.
4. Consider Ordinance No. 2008120, approving an electric power contract with Cities Aggregation Power Project, Inc. ("CAPP") for electric capacity and energy.

5. Consider Resolution 15-2008, denying ONCOR's rate increase request.
6. Consider Ordinance No. 2008121, establishing a new section 2.15 of Article I, Chapter 2, and Administration of the Code of Ordinance relative to establishing an Identity Theft Prevention Program.

Motion was made by Mayor Pro Tem Sami to remove item number 1) Minutes of September 16, 2008 special council meeting and item number 3) Minutes of October 9, 2008 from the consent agenda and approve consent agenda items 2, 5, 6 & 7. Motion was seconded by Council Member Thomas and **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:

1. Consider minutes of September 16, 2008 special council meeting.

Council Member Joubert made motion to correct minutes page 5 Agenda item X. "Take any action necessary pursuant to executive section", motion should read Council Member Joubert made motion for the City Attorney to proceed as directed in executive session. Motion seconded by Council Member Thomas and **passed** as follows:

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

3. Consider minutes of October 9, 2008 special council meeting.

Mayor Pro Tem Sami made motion to correct page 1 of minutes, Deliberation Agenda, Item 1, under votes Mayor Pro Tem's name was incorrect and should be changed to Sami. Seconded by Thomas and **passed** as follows:

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

8. Discuss and consider condemnation and demolition of 6516 Banbury Drive as a substandard structure. (Code Compliance)

Fire Chief Pat Ekiss gave overview of the report submitted to Council outlining the areas and items that were substandard. Staff is recommending demolition because it is felt that the property would not be able to be repaired and brought up to standards.

Mayor Pro Tem Sami made the motion that the Council adopt the findings and documentation in the council packet as a basis for the determination that the structure located at 6516 Banbury Drive fails to meet the minimum standards and all proper notifications have been given the property owner, lien holders and mortgagee trustee. The owner of the property and/or any lien holder or mortgagee must demolish the structure located at 6516 Banbury Drive and eliminate all unhealthy and unsafe conditions within thirty days of this order, including cleaning and grading the property. Failure to take the ordered actions within the specified time will result in the City taking action to demolish the structure, clean and grade the lot, and establish a lien on the property without further notice or hearing. City Secretary shall file a copy of this order, send copies to owner, lien holders and mortgagee trustee and publish a summary of the order in the newspaper. Motion was seconded by Council Member Masimini and **passed** as follows:

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

Nays: None

Absent: Council Member Dalcour

9. Discuss and consider amendments to the City Charter and appointing charter review committee. (Council Member Masimini)

Council Member Masimini spoke on this item, expressing his desires that citizens and council review the charter and submit any items they would like to have changed to the City Secretary.

A motion was made by Council Member Masimini to table this item until March 3, 2009 to give citizens and council members time to submit recommendations to City Secretary. Seconded by Council Member Thomas and **passed** as follows:

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

Nays: None

Absent: Council Member Dalcour

I. City Manager's Staff Report

- **Update on approved street projects for 2008-2009 fiscal year** – Banbury, Bowlinggreen, Manordale, Grady, Burly, and Chimney Rock will go out for bids; Grady will require an engineering study before it goes out for bid. Anmar Court, Appletree Court, Matthews Court, Shady Hill, Chatham will be County projects. High Ridge and West Lane will be repaired by the city.
- **Update regarding engineer report on Griggs Park hill** – there was nothing but fill dirt and concrete that had been dumped at this location.
- **Update regarding Parks Master Plan** – very pleased with the work that has been performed by the students with UTA in the short amount of time and we are on track to submit the proposal to Texas Parks and Wildlife Department November 30, 2008.
- **Update on Chesapeake Pipeline project** – there will be a Town Hall

meeting, November 17, 6:30 p.m. at the Forest Hill Church of Christ.

- **Update on Chevron Energy Study** – the contracts are signed and Chevron is moving forward with the testing of our water meters and performing analysis of other energy saving items.
- **Update regarding recent AG ruling concerning staff, mayor and council reports** - with the recent AG ruling, we are no longer able to list generic items on the agenda. The agenda has to specifically state what is going to be discussed.

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.

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

City of Forest Hill vs. David Vestal and Charles Gardner
David Vestal vs. City of Forest Hill
Destructors, Inc. vs. City of Forest Hill
Elizabeth Elam, State Bar Grievance
Council conduct, decorum and ethics.

11. 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:

City Attorney Position

Council recessed into executive session at 7:47 p.m.

K. Reconvene into regular session

Council reconvened into regular session at 10:23 p.m.

L. Take any action necessary pursuant to executive session.

Motion was made by Council Member Joubert to have the City Attorney to proceed as directed in Executive Session with Destructors, Inc. Seconded by Council Member Thomas and **passed** as follows:

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

Nays: None

Motion was made by Council Member Joubert to hire Bonnie Goldstein as City Attorney for the City. Seconded by Council Member Thomas and **passed** as follows:

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

Adjournment

With no further business to discuss, council adjourned at 10:25 p.m.

Respectfully submitted,

Approval:

Debra W. Maness, City Secretary

James Gosey, Mayor