



**MINUTES
REGULAR COUNCIL MEETING
November 17, 2009
7:00 p.m.**

The City Council of the City of Forest Hill met on the above date at 7:07 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 – excused absence.

Opening Agenda:

A. Call to Order

With a quorum present, Mayor James Gosey called the meeting to order at 7:07 p.m

B. Invocation

Invocation was delivered by Mayor Pro Tem Mustafa Sami.

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.

There was no one to speak at this time.

E. Proclamations - Mayor James Gosey read proclamations for Mary M. Grigsby, James Overton and Reta Elizabeth Shurley Russell.

F. Presentation – MedStar - Matthew Zavadsky with MedStar gave the Mayor, Council Members and citizens an update on the response times, changes in system management to meet increased call volume, and a preview of new programs.

G. Public Hearing - Case #PZ 2009-12 to receive citizen comments regarding a request for a Replat of Lot 1, Block 1 of the Classic Addition with the current address of 4724 SE Loop 820 (Conoco). The property is zoned LI (Light Industrial). The proposed legal description being Lot 1R, block 1 of the Classic Addition, in the City of forest Hill, Tarrant County, Texas as requested by Noorani Corporation.

Mayor James Gosey opened the public hearing at 7:39 p.m.

Mr. David Reeves, 3244 Hemphill, Fort Worth, TX 76132, spoke before the Council, stating that he was with Grant Engineering and that they were respectfully asking the Council to approve the re-plat.

With no one else to speak, Mayor James Gosey closed the public hearing at 7:40 p.m.

H. Consent Agenda: All consent agenda items listed are consider to be routine by the City Council and will be enacted by one motion. There will be not separate discussion of these items unless a Council Member so request, 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 October 13, 2009 special meeting.**
- 2. Consider Interlocal Agreement for the participation in Fort Worth's environmental collection center household hazardous waste program.**
- 3. Consider Resolution No. 15-2009, a resolution of the City Council of the City of Forest Hill, Texas amending the Financial Policies.**
- 4. Consider Resolution No. 16-2009, a resolution of the City Council of the city of Forest Hill, Texas awarding contract to recommended bidder for the 35th Year CDBG Project, water line replacement for Forest Oak and Forest Haven.**
- 5. Consider Resolution No. 17-2009, a resolution of the City Council of the City of Forest Hill Texas awarding contract to lowest bidder for the CDBG-R Stimulus Project, water line replacement for Forest Oak and Spencer/Story Street.**
- 6. Consider Resolution No. 18-2009, a resolution of the City Council of the City of Forest Hill, Texas, for the Energy Efficiency and Conservation Block Grants.**
- 7. Consider Resolution No. 19-2009, a resolution of the City Council of the City of Forest Hill, Texas to participate in purchasing programs of the Region VIII Education Service Center.**

Mayor Pro Tem Sami made a motion to approve the consent agenda as presented. 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. Deliberation Agenda

- 8. Discuss and consider approval of Case #PZ 2009-12, request for a Re-plat of Lot 1, Block 1 of the Classic Addition with the current address of 4724 SE Loop 820 (Conoco). The property is zoned LI (Light Industrial). The proposed legal description being Lot 1R, Block 1 of the Classic Addition, in the City of Forest Hill, Tarrant County, Texas as requested by Noorani Corporation. (Berniece Johnson, Chairperson Planning and Zoning Commission)**

Ms. Berniece Johnson, Chairperson of the Planning and Zoning Commission spoke before the Council. Ms. Johnson informed the Council that the Planning and Zoning Commission had held

its regular meeting November 2, 2009 at 6:00 p.m. and with a quorum present, the Commission had voted unanimously to approve Case #PZ 2009-12.

Council Member Thomas made the motion to accept the recommendation of the Planning and Zoning Commission to approve Case #PZ 2009-12, request for a Re-plat of Lot 1 Block 1 of the Classic Addition to Lot 1R, Block 1 of the Classic Addition, in the City of Forest Hill, Tarrant County, Texas. 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

9. Discuss and consider dedicating site of the current Public Works building, 3415 Horton Road as a park and naming the park Jewell Kelly Park. (Dulani Masimini, Council Member)

Council Member Thomas made the motion to dedicate the site of the current Public Works building, 3415 Horton Road as a park and name the park Jewell Kelly Park. 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

10. Discuss and consider appointing a Charter Review Committee. (David Miller, City Manager)

Council Member Masimini made the motion to appoint the Mayor and Council Members as the Charter Review Committee. 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

11. 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 White, Building Inspector, informed the Council that the property owner failed to comply with the orders of the Council and did not give staff any progress reports or updates on the status of their loan during the four month extension period that the Council had granted June 2, 2009.

(Council Member Dalcour was excused from the meeting at 8:01 p.m.)

Ms. Salvador and her attorney, Mr. Stephan Hwang, spoke before the Council stating that Heathcore Systems Management (HSM) was in the process of acquiring a renovation loan in order to operate an assisted living facility in the City of Forest Hill. Approximately six weeks ago, the loan was in its final stages and title work was ordered by the bank. This title record

revealed two liens that HSM was not aware of. They have filed a civil case against the lien holders and there is a concurrent criminal investigation by the City of Mansfield Police Department regarding the alleged fraud. They asked for additional time to resolve this issue.

Council Member Masimini made the motion to post-pone any decision on this matter until the Council meeting to be held December 1, 2009, at which time Ms. Salvador will bring all documents to present the Council. Seconded by Council Member Joubert; which **passed** as follows:

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

Nays: Council Member Thomas

Absent: Council Members Dalcour and Sanders

12. Discuss and consider Oncor's design requirement for transformers screening. (Dulani Masimini, Council Member)

Ms. Andrea Sanders with Oncor Electric spoke before the Council explaining the screening clearances.

There was no action taken on this item

13. 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 (Tabled from September 15, 2009 Council Meeting)

Mr. Kalpesh Patel spoke before the Council asking them to approve their request to amend the stipulations of their Specific Use Permit.

Council Member Joubert made the motion to approve the request to amend the Stipulation of the Specific Use Permit Case #2008-06 with the screening around the transformer to consist of red tip photinia, second tier of evergreen holly. Seconded by Council Member Thomas; which **passed** as follows:

Ayes: Council Members Thomas, Joubert and Mayor Gosey

Nays: Council Member Masimini and Mayor Pro Tem Sami

Absent: Council Members Dalcour and Sanders

14. Discuss and consider appointments to the Zoning Board of Adjustments. (Lisa Cabrera, Planning and Zoning Coordinator)

Council Member Thomas made the motion to make the following appointment to the Zoning Board of Adjustment: Place 1 - Clara Faulkner; Place 2 – Robert Shanklin; Place 3 – Nancy Stowe; Place 4 – Malinda Miller; Place 5 – Lonnie Tucker; Place 6 – Mildred Newhouse. Seconded by Council Member Joubert; 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

15. Discuss and consider appointment to the Parks/Clean City Commission. (Gerald Joubert, Council Member)

Council Member Joubert made the motion to appoint Dana Robinson to the position vacated by Gloria Sanders on the Parks/Clean City Commission. Seconded by Council Member Masimini.

There was further discussion among the Council about the Parks/Clean City Commission, after which Council Member Masimini pulled his second.

Council Member Thomas then seconded the motion; which **passed** as follows:

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

Nays: None

Abstain: Council Member Masimini

Absent: Council Members Dalcour and Sanders

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

Mayor Pro Tem Sami made the motion to excused Council Member Andrew Sanders from the regular Council meetings to be held November 17, 2009, December 1, 2009, and December 15, 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

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

Staff is to make changes to the purchasing policies and bring back to the Council for approval. No action was taken on this item.

18. Discuss and consider employment and process selection. (Dulani Masimini, Council Member)

Council Member Masimini led the discussion stating that he would like for the City to enhance its hiring policies. Staff will have something for the Council to review by February. No action was taken on this item.

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.

19. 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

Council recessed into executive session at 9:10 p.m.

K. Reconvene into regular session.

Council reconvened into regular session at 9: 39 p.m.

L. Take any action necessary pursuant to executive session.

No action taken pursuant to executive session.

M. Adjournment

With no further business to discuss the meeting was adjourned at 9:40 p.m.

ATTEST:

APPROVED:

Debra W. Maness, City Secretary

James Gosey, Mayor