



**MINUTES
REGULAR COUNCIL MEETING
February 15, 2011
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 Pro Tem Dulani Masimini presiding. The following Council Members and officials were present: , Damian Dalcour, Gerald Joubert, Andrew Sanders, Mustafa Sami, City Manager Sheyi I. Ipaye, City Secretary Grace Edwards, Police Chief Robert Herbert, Fire Chief Ed Henderson, and City Attorney Warren Spencer. The following Council Members and officials were absent: Mayor James Gosey and Council Member Lyndia Thomas.

Opening Agenda:

A. Call to Order

With a quorum present Mayor Pro Tem Masimini called the meeting to order at 7:02 P.M.

B. Invocation

Invocation was delivered by Chief Ed Henderson, Forest Hill Fire Department.

C. Pledge of Allegiance to Flags

Pledge to the United States and Texas flags were recited.

D. Presentation: Sheran Goodspeed Keyton, Cultural Arts District

Ms. Sheran Goodspeed Keyton gave an enlightening and informative PowerPoint Presentation regarding DVA Productions, Inc. DVA Productions is a thriving non-profit performing art organization in search of a home. They have considered the City of Forest Hill and would like to share their vision with the City Council and its residents. They feel that they can fit into the City's vision of providing a broad range of cultural arts, youth recreation and entertainment events for the citizen's of Forest Hill.

E. City Manager's Report:

• Update on the City of Forest Hill, City Council budget/expenditures

City Manager, Sheyi Ipaye commended the City Council for managing their budgets very well. He stated that the budget for the City Council is \$145,600.00. Most of the City Council Members line items are under 30%. The City Manager congratulated the City Council Members for what they have done this year. The City Manager thanked the City Council for taking time out of their busy schedules to obtain training. City Manager, Sheyi Ipaye confirmed that the City of Forest Hill budget is intact. Mr. Ipaye also stated that the City of Forest Hill is on its way to a better future.

- **Update on Goals and Strategies for the upcoming year**

The long-term goals for FY 2010-2011 are as follows: (1) Address organizational issues, while emphasizing quality customer service. (2) Promote positive economic development environment. (3) Enhance the quality of life by improving the city capital improvements to all City of Forest Hill Citizens.

The short-term goals are as follows: (1) Look for additional revenue. (2) Strengthen the Code Enforcement Department. (3) Regulate the Flea Market located on Mansfield Highway. (4) Encourage harmony and good relationships among city council members. (5) Acquire Chase Bank Building in sixty (60) to ninety (90) days (6) Work with Forest Hill Youth Soccer Association, Boys and Girls Clubs of America and other, similar organizations; add more parks and athletic fields to the City of Forest Hill. (7) Work with Police and Fire Associations, the City of Forest Hill Lions Club, and possibly a cultural arts district for the City of Forest Hill. (8) Improving the Forest Hill Mall located on Forest Hill Drive. (9) Address all infrastructure improvements. (10)

- **Update on the City of Forest Hill I.S.O. Rating**

Sheyi Ipaye, City Manager stated that a favorable I.S.O. Rating (Insurance Systems Organization) is crucial to lowering home insurance rates in the City of Forest Hill. The City of Forest Hill just completed an I.S.O Examination. Currently, the City of Forest Hill's I.S.O. Rating is five (5), the City Manager would like to see this rating drop to three (3).

F. 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.

Linda Washington, 3325 Landmark Lane – Mrs. Washington spoke against an adult entertainment district in the City of Forest Hill. Mrs. Washington gave several suggestions on how the City of Forest Hill can raise additional money.

Mitchell Washington, 3325 Landmark Lane - Mr. Washington spoke against an adult entertainment district in the City of Forest Hill. Mr. Washington expressed his total opposition against an adult entertainment district in the City of Forest Hill. Mr. Washington asked the City Council to reject the proposed adult entertainment district.

Ann Frost, 3708 Grady Street – Mrs. Frost had concerns about Code Enforcement. She feels that Code Enforcement prematurely asked the food vendors located at the City of Forest Hill Flea Market on Mansfield Highway to obtain new permits; she stated that the current permits were issued March 2010; moreover, Mrs. Frost expressed further concerns regarding a required letter for the use of restroom facilities.

Jerry Bullard, 4809 Gaylewood Court, Arlington, Texas – Mr. Bullard represented his mother Glenda Bullard. Jerry Bullard and Glenda Bullard are against an adult entertainment district. He and his mother feel sexually oriented businesses will hurt City of Forest Hill business owners.

Bobby Bryan, 6628 Oak Crest Drive W. – Mr. Bryan stated that he is offended by the proposal of an adult entertainment district. He asks the City Council to deny all sexually oriented businesses in the City of Forest Hill.

Reverend Earl L. Griggs Sr., 3308 Valley Forge Trail – Reverend Griggs Sr. stated that he is against an adult entertainment district in the City of Forest Hill. He asked the City Council Members “WWJD” “What Would Jesus Do?” Reverend Griggs Sr. strongly encouraged the City of Forest Hill Council Members to please rethink this matter.

Donald Feare, 6628 Oak Crest Drive W., representative for Bobby Bryan and Family – Mr. Feare representative for Bobby Bryan and Family is against sexually oriented businesses, and adult entertainment districts. Mr. Feare states that if “Dreamers” is given a zoning position that is less favorable to the main corridor of the City of Forest Hill, they (Dreamers) will not want to move within the city limits. He further states that sexually oriented businesses will lower property value in the City of Forest Hill. Mr. Feare encourages the City Council to send the message that they will not allow sexually oriented businesses in our City.

Brain Fisher, 11610 Stonefield Road, Crowley, Texas – Mr. Fisher is representing Bobby Bryan and Family, as well as several other families who reside in the City of Forest Hill. He is against adult entertainment districts. He says that this type of business will promote immorality, adultery, fornication, drugs and drinking. He asked the City Council to vote against sexually oriented businesses.

Peggy R. Gatlin, P.O. Box 1079, Springtown, Texas – Mrs. Gatlin, property owner challenges the City Council to respect the feelings of its residents by voting against adult entertainment districts. Mrs. Gatlin’s suggestions to the City Council were to up-grade the services to the residents and business owners that are currently residing within the city limits.

Charles Gatlin, P.O. Box 1079, Springtown, Texas – Mr. Gatlin, property owner is against adult entertainment districts. He feels that the rezoning of his property will negatively affect his property value.

Steven H. Swander, 505 Main Street, Suite #250, Fort Worth, Texas – Mr. Swander is the representative for “Christal’s.” Mr. Swander feels that there is no need to cluster sexually oriented businesses together. There were references made to the City of Kennedale’s effort to cluster or contain all adult entertainment businesses together. Mr. Swander made the analogy that if clustering sexually oriented businesses was unsuccessful for the City of Kennedale. It would be unsuccessful for City of Forest Hill as well.

Joyce Lewis, 3709 Grady Street – Mrs. Lewis is against an adult entertainment district. She feels that the citizen of Forest Hill deserve better. She challenges the City Council to make better decisions than an adult entertainment district. Ms. Lewis stated, “this is not what the citizen’s look forward to for the enhancement and growth of the City of Forest Hill.” Consequently, Mrs. Lewis does not want adult entertainment districts in the City of Forest Hill.

Loretta Muldrew, 3300 Valley Forge Trail – Mrs. Muldrew expressed her concerns about four (4) water main breaks since Valley Forge Trail has been repaved. She stated that the patch and repave work was not done properly. Mrs. Muldrew expressed her concerns about comments that were made to her by a City Council Member during the last council meeting. Mrs. Muldrew stated that Council Member Damian Dalcour informed her that she was on the wrong side. Mrs. Muldrew asked Council Member Dalcour “what side is she supposed to be on?” Mrs. Muldrew further noted that Council Member Dalcour had the nerve to call her a snake. Mrs. Muldrew addressed Council Member Damian Dalcour, stating “she hoped Council Member Dalcour is happy with himself.”

Dorothy Maxie, 6932 Stephens Hill Road – Ms. Maxie suggested that the City Council table this item until a later date. Ms. Maxie stated that she was in favor of sexually oriented businesses moving into the City of Forest Hill. She encouraged the resident’s to educate themselves and their children on the subject. Ms. Maxie stated that not all of the sexually oriented businesses are bad; and the resident’s should visit some of these establishments to see exactly what they have to offer.

PUBLIC HEARINGS

- 1) Case #PZ 2010-13 to receive citizen's comments regarding a request for a Specific Use Permit for a Motor Freight Terminal Facility to be located at 6629 Anglin Drive. The current zoning on the property is LI (Light Industrial) and the legal description is Tract 43B01 of the Shelby County School Land Survey, Abstract 1375 in the City of Forest Hill, Tarrant County, Texas as requested by Ted Kukic with H.E. Trans Inc.

Public Hearing regarding Case #PZ 2010-13 was opened at 8:30 P.M. With no one present to speak the public hearing was closed at 8:31 P.M.

- 2) To receive citizen's comments regarding an Ordinance Amending the Comprehensive Zoning Ordinance of the City of Forest Hill; Amending Section 2.201 to add an Adult Entertainment District; Amending Sections 2.214 to add a purpose for an Adult Entertainment District; Amending Section 3.100 to add definitions associated with an Adult Entertainment District; Amending Section 5.100 to add uses for the Adult Entertainment District to the Schedule of Uses; Amending Section 9.200 thru 9.900 to add lot and setback requirements for the Adult Entertainment District; Amending Section 11.103 to add parking requirements for the Adult Entertainment District; Providing a penalty and authorizing a publication date.

Public Hearing regarding Ordinance No. 2011-02-002 was opened at 8:32 P.M. Mrs. Glenda Bullard, 4809 Gailwood Court, spoke in reference to her opposition of a possible adult entertainment district. With no one else to speak, the public hearing was closed at 8:34 P.M.

- 3) Case # PZ 2011-01 to receive citizen's comments regarding a City initiated zone change of a lot with the legal description being Lot 4, Block 1 of the Oak Crest Addition in the City of Forest Hill, Tarrant County, Texas. The property is located at 5224 High Ridge with the registered owner listed as Charles M. Gatlin Tr with the Gatlin Family Trust. The zoning at the present time is "LI" (Light Industrial) and is proposed to rezone to "AE" (Adult Entertainment) as requested by the City of Forest Hill.

Public Hearing regarding Case #PZ 2011-01 was opened at 8:35 P.M. With no one present to speak the public hearing was closed at 8:35 P.M.

- 4) Case #PZ 2011-02 to receive citizen's comments regarding a City initiated zone change of a lot with the legal description being Lot 5, Block 1 of the Oak Crest Addition in the City of Forest Hill, Tarrant County, Texas. The property is located at 5228 High Ridge with the registered owner listed as Charles M. Gatlin Tr with the Gatlin Family Trust. The zoning at the present time is "LI" (Light Industrial) and is proposed to rezone to "AE" (Adult Entertainment) as requested by the City of Forest Hill.

Public Hearing regarding Case #PZ 2011-02 was opened at 8:36 P.M. With no one present to speak the public hearing was closed at 8:36 P.M.

- 5) Case #PZ 2011-03 to receive citizen's comments regarding a City initiated zone change of a lot with the legal description being Lot 6, Block 1 of the Oak Crest Addition in the City of Forest Hill, Tarrant County, Texas. The property is located at 5232 High Ridge with the registered owner listed as J.E. Bullard. The zoning at the present time is "GB" (General Business) and is proposed to rezone to "AE" (Adult Entertainment) as requested by the City of Forest Hill.

Public Hearing regarding Case #PZ 2011-03 was opened at 8:37 P.M. With no one present to speak the public hearing was closed at 8:37 P.M.

- 6) Case # PZ 2011-04 to receive citizen's comments regarding a City initiated zone change of a lot with the legal description being Lot 7, Block 1 of the Oak Crest Addition in the City of Forest Hill, Tarrant County, Texas. The property is located at 5236 High Ridge with the registered owner listed as J. E. Bullard. The zoning at the present time is "GB" (General Business) and

is proposed to rezone to "AE" (Adult Entertainment) as requested by the City of Forest Hill.

Public Hearing regarding Case #PZ 2011-04 was opened at 8:38 P.M. With no one present to speak the public hearing closed at 8:38 P.M.

- 7) Case #PZ 2011-05 to receive citizen's comments regarding a City initiated zone change of a lot with the legal description being Lot 8, Block 1 of the Oak Crest Addition in the City of Forest Hill, Tarrant County, Texas. The property is located at 5240 High Ridge with the registered owner listed as James H. Webb. The zoning at the present time is "GB" (General Business) and is proposed to rezone to "AE" (Adult Entertainment) as requested by the City of Forest Hill.

Public Hearing regarding Case #PZ 2011-05 was opened at 8:39 P.M. With no one present to speak the public hearing closed at 8:39 P.M.

- 8) Case #PZ 2011-06 to receive citizen's comments regarding a City initiated zone change of a lot with the legal description being Lot 9, Block 1 of the Oak Crest Addition in the City of Forest Hill, Tarrant County, Texas. The property is located at 6616 Oak Crest Drive W with the registered owner listed as James H. Webb. The zoning at the present time is "GB" (General Business) and is proposed to rezone to "AE" (Adult Entertainment) as requested by the City of Forest Hill.

Public Hearing regarding Case #PZ 2011-06 was opened at 8:40 P.M. With no one present to speak the public hearing closed at 8:40 P.M.

- 9) Case #PZ 2011-07 to receive citizen's comments regarding a City initiated zone change of a lot with the legal description being Lot 10, Block 1 of the Oak Crest Addition in the City of Forest Hill, Tarrant County, Texas. The property is located at 6620 Oak Crest Drive W with the registered owner listed as James H. Webb. The zoning at the present time is "GB" (General Business) and is proposed to rezone to "AE" (Adult Entertainment) as requested by the City of Forest Hill.

Public Hearing regarding Case #PZ 2011-07 was opened at 8:41 P.M. With no one present to speak the public hearing closed at 8:41 P.M.

- 10) Case #PZ 2011-08 to receive citizen's comments regarding a City initiated zone change of a lot with the legal description being Lot 11, Block 1 of the Oak Crest Addition in the City of Forest Hill, Tarrant County, Texas. The property is located at 6624 Oak Crest Drive W with the registered owner listed as Charles D. Epps Est. The zoning at the present time is "GB" (General Business) and is proposed to rezone to "AE" (Adult Entertainment) as requested by the City of Forest Hill.

Public Hearing regarding Case #PZ 2011-08 was opened at 8:42 P.M. With no one present to speak the public hearing closed at 8:42 P.M.

- 11) Case #PZ 2011-09 to receive citizen's comments regarding a City initiated zone change of the lots with the legal description being Lots 12A, 12B, & 13, Block 1 of the Oak Crest Addition in the City of Forest Hill, Tarrant County, Texas. The property is located at 5201 SE Loop 820 with the registered owner listed as Bobby G. & Tammy K. Bryan. The zoning at the present time is "GB" (General Business) and is proposed to rezone to "AE" (Adult Entertainment) as requested by the City of Forest Hill.

Public Hearing regarding Case #PZ 2011-09 was opened at 8:43 P.M. With no one present to speak the public hearing closed at 8:43 P.M.

As a matter of record all correspondence received pertaining to the proposed zoning changes listed in the public hearings portion of the agenda have been submitted to Mayor Pro Tem Masimini and all City Council Members by the City Secretary Office.

Mayor Pro Tem Masimini made a motion to incorporate all comments made during the Citizens Presentations portion of the agenda regarding the proposed zoning changes listed in the public hearings portion of the agenda into the public hearings portion of the agenda, seconded by Council Member Joubert, which *passed* as follows:

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

Nays: None

Absent: Mayor James Gosey, and Council Member Lyndia Thomas

G. Consent Agenda: - All consent agenda items 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 the minutes of January 18, 2011 regular council meeting.

Council Member Sami made a motion to accept Consent agenda item #1, seconded by Council Member Joubert, which *passed* as follows:

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

Nays: None

Absent: Mayor James Gosey, and Council Member Lyndia Thomas

H. Deliberation Agenda:

2. Discuss and consider possible action regarding the Annual Financial Audit Report for fiscal year ending September 30, 2010. (Sheyi Ipaye, City Manager)

Council Member Joubert made a motion to accept the Annual Financial Audit Report for fiscal year ending September 30, 2010, seconded by Council Member Dalcour which *passed* as follows:

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

Nays: None

Absent: Mayor James Gosey, and Council Member Lyndia Thomas

3. Discuss and consider possible action regarding approving franchise agreement with Oncor Electric. (Sheyi Ipaye, City Manager)

Deliberation Item #3 was pulled by City Manager.

4. Discuss and consider possible action regarding approving Oncor Electric rate change. (Sheyi Ipaye, City Manager)

Council Member Joubert made a motion to suspend Oncor Electric rate change, seconded by Council Member Dalcour which *passed* as follows:

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

Nays: None

Absent: Mayor James Gosey, and Council Member Lyndia Thomas

5. Discuss and consider possible action regarding Atmos Energy's Franchise Fee Options. (Sheyi Ipaye, City Manager)

Council Member Dalcour made a motion to deny Atmos Energy's Franchise Fee Option, seconded by Council Member Sanders which *passed* as follows:

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

Nays: None

Absent: Mayor James Gosey, and Council Member Lyndia Thomas

6. Discuss and consider possible action regarding Mayor's Wall in Council Chamber. (Dulani Masimini, Mayor Pro Tem)

Council Member Sami made a motion to approve Deliberation Item #6, seconded by Council Member Dalcour which *passed* as follows:

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

Nays: None

Absent: Mayor James Gosey, and Council Member Lyndia Thomas

7. Discuss and consider possible action regarding Resolution No. 02-2011, a Resolution ordering and providing notice of a general election on the 14th day of May 2011. (Dulani Masimini, Mayor Pro Tem)

Council Member Joubert made a motion to accept Deliberation Item #7, seconded by Council Member Sami which *passed* as follows:

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

Nays: None

Absent: Mayor James Gosey, and Council Members Lyndia Thomas

8. Discuss the financial obligation to the City of Forest Hill Municipal Pound. (Gerald Joubert, Council Member)

Deliberation Item #8 was pulled by Council Member Joubert, and moved to March 1, 2011 Regular Council Meeting Agenda.

9. Discuss Sexual Oriented Businesses (SOB), and Adult Entertainment District. (Gerald Joubert, Council Member)

Deliberation Item #9 was pulled by Council Member Joubert.

10. Discuss and consider possible action regarding Case #PZ 2010-13 to consider approval of a request for a Specific Use Permit for a Motor Freight Terminal Facility to be located at 6629

Anglin Drive. The current zoning on the property is LI (Light Industrial) and the legal description is Tract 43B01 of the Shelby County School Land Survey, Abstract 1375 in the City of Forest Hill, Tarrant County, Texas as requested by Ted Kukic with H.E. Trans Inc. (Sheyi Ipaye, City Manager)

Deliberation Item #10 was pulled by City Manager.

11. Discuss and consider possible action regarding a request for a Variance for a sign to be able to cover 75% of the lineal footage of the building located at 5020 S.E. Loop 820. The legal description of the property is Block Lot C of the Forestwood Industrial Addition in the City of Forest Hill, Tarrant County, Texas as requested by Global Signs, Inc. (Sheyi Ipaye, City Manager)

Council Member Joubert made a motion to accept Deliberation Item #11, seconded by Council Member Sanders which *passed* as follows:

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

Nays: None

Absent: Mayor James Gosey, and Council Member Lyndia Thomas

12. Discuss and consider possible action regarding authorizing the City Manager to submit a grant application for the sum of \$10,037.00 to the Department of Justice for Forest Hill Police Department. (Sheyi Ipaye, City Manager)

Deliberation Item #12 was pulled by City Manager.

13. Discuss and consider possible action regarding the approval of Ordinance No. 2011-02-001, Sexually Oriented Businesses, of the City's Code of Ordinances relative to the regulation of sexually oriented business; establishing chapter 110, adult entertainment industry businesses; establishing a purpose and intent, establishing definitions; establishing classifications; establishing license and application requirements; establishing issuance of license requirements; establishing fee's for the license; establishing inspection requirements; establishing expiration of license requirements; establishing suspension of license regulations; establishing revocation of license regulations; establishing an appeal process; establishing regulations regarding the transfer of licenses; establishing location requirements; establishing regulations for the exemption of location restrictions; establishing additional regulations for all adult entertainment industry businesses; establishing regulations for escort agencies; establishing regulations for nude model studios; establishing regulations for adult theaters, adult motion picture theaters, and adult arcades; establishing regulations for adult motels; establishing regulations pertaining to adult arcades and the exhibition of sexually explicit films or videos; establishing regulations for the display of sexually explicit material to minors; establishing regulations for adult entertainment cabarets; establishing enforcement requirements; providing a penalty and authorizing a publication date. (Sheyi Ipaye, City Manager)

Council Member Joubert made a motion to deny Deliberation Item #13, Ordinance No. 2011-02-001, seconded by Council Member Sanders which *passed* as follows:

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

Nays: Council Member Dalcour

Absent: Mayor James Gosey, and Council Member Lyndia Thomas

14. Discuss and consider possible action regarding the approval of Ordinance No. 2011-02-002,

Amending the Comprehensive Zoning Ordinance of the City of Forest Hill; Amending Section 2.201 to add an Adult Entertainment District; Amending Sections 2.214 to add a purpose for an Adult Entertainment District; Amending Section 3.100 to add definitions associated with an Adult Entertainment District; Amending Section 5.100 to add uses for the Adult Entertainment District to the Schedule of Uses; Amending Section 9.200 thru 9.900 to add lot and setback requirements for the Adult Entertainment District; Amending Section 11.103 to add parking requirements for the Adult Entertainment District; Providing a penalty and authorizing a publication date. (Sheyi Ipaye, City Manager)

Deliberation Item #14 thru Deliberation Item #23 will not be addressed, due to the failure of Deliberation Item #13.

15. Discuss and consider possible action regarding Case #PZ 2011-01 to consider approval of a City initiated zone change of a lot with the legal description being Lot 4, Block 1 of the Oak Crest Addition in the City of Forest Hill, Tarrant County, Texas. The property is located at 5224 High Ridge with the registered owner listed as Charles M. Gatlin Tr with the Gatlin Family Trust. The zoning at the present time is "LI" (Light Industrial) and is proposed to rezone to "AE" (Adult Entertainment) as requested by the City of Forest Hill. (Sheyi Ipaye, City Manager)

Deliberation Item #15 thru Deliberation Item #23 will not be addressed, due to the failure of Deliberation Item #13.

16. Discuss and consider possible action regarding Case #PZ 2011-02 to consider approval of a City initiated zone change of a lot with the legal description being Lot 5, Block 1 of the Oak Crest Addition in the City of Forest Hill, Tarrant County, Texas. The property is located at 5228 High Ridge with the registered owner listed as Charles M. Gatlin Tr with the Gatlin Family Trust. The zoning at the present time is "LI" (Light Industrial) and is proposed to rezone to "AE" (Adult Entertainment) as requested by the City of Forest Hill. (Sheyi Ipaye, City Manager)

Deliberation Item #16 thru Deliberation Item #23 will not be addressed, due to the failure of Deliberation Item #13.

17. Discuss and consider possible action regarding Case #PZ 2011-03 to consider approval of a City initiated zone change of a lot with the legal description being Lot 6, Block 1 of the Oak Crest Addition in the City of Forest Hill, Tarrant County, Texas. The property is located at 5232 High Ridge with the registered owner listed as J.E. Bullard. The zoning at the present time is "GB" (General Business) and is proposed to rezone to "AE" (Adult Entertainment) as requested by the City of Forest Hill. (Sheyi Ipaye, City Manager)

Deliberation Item #17 thru Deliberation Item #23 will not be addressed, due to the failure of Deliberation Item #13.

18. Discuss and consider possible action regarding Case #PZ 2011-04 to consider approval of a City initiated zone change of a lot with the legal description being Lot 7, Block 1 of the Oak Crest Addition in the City of Forest Hill, Tarrant County, Texas. The property is located at 5236 High Ridge with the registered owner listed as J.E. Bullard. The zoning at the present time is "GB" (General Business) and is proposed to rezone to "AE" (Adult Entertainment) as requested by the City of Forest Hill. (Sheyi Ipaye, City Manager)

Deliberation Item #18 thru Deliberation Item #23 will not be addressed, due to the failure of Deliberation Item #13.

19. Discuss and consider possible action regarding Case #PZ 2011-05 to consider approval of a City initiated zone change of a lot with the legal description being Lot 8, Block 1 of the Oak Crest Addition in the City of Forest Hill, Tarrant County, Texas. The property is located at 5240 High Ridge with the registered owner listed as James H. Webb. The zoning at the

present time is “GB” (General Business) and is proposed to rezone to “AE” (Adult Entertainment) as requested by the City of Forest Hill. (Sheyi Ipaye, City Manager)

Deliberation Item #19 thru Deliberation Item #23 will not be addressed, due to the failure of Deliberation Item #13.

20. Discuss and consider possible action regarding Case #PZ 2011-06 to consider approval of the City initiated zone change of a lot with the legal description being Lot 9, Block 1 of the Oak Crest Addition in the City of Forest Hill, Tarrant County, Texas. The property is located at 6616 Oak Crest Drive W with the registered owner listed as James H. Webb. The zoning at the present time is “GB” (General Business) and is proposed to rezone to “AE” (Adult Entertainment) as requested by the City of Forest Hill. (Sheyi Ipaye, City Manager)

Deliberation Item #20 thru Deliberation Item #23 will not be addressed, due to the failure of Deliberation Item #13.

21. Discuss and consider possible action regarding Case #PZ 2011-07 to consider approval of a City initiated zone change of a lot with the legal description being Lot 10, Block 1 of the Oak Crest Addition in the City of Forest Hill, Tarrant County, Texas. The property is located at 6620 Oak Crest Drive W with the registered owner listed as James H. Webb. The zoning at the present time is “GB” (General Business) and is proposed to rezone to “AE” (Adult Entertainment) as requested by the City of Forest Hill. (Sheyi Ipaye, City Manager)

Deliberation Item #21 thru Deliberation Item #23 will not be addressed, due to the failure of Deliberation Item #13.

22. Discuss and consider possible action regarding Case #PZ 2011-08 to consider approval of a City initiated zone change of a lot with the legal description being Lot 11, Block 1 of the Oak Crest Addition in the City of Forest Hill, Tarrant County, Texas. The property is located at 6624 Oak Crest Drive W with the registered owner listed as Charles D. Epps Est. The zoning at the present time is “GB” (General Business) and is proposed to rezone to “AE” (Adult Entertainment) as requested by the City of Forest Hill. (Sheyi Ipaye, City Manager)

Deliberation Item #22 thru Deliberation Item #23 will not be addressed, due to the failure of Deliberation Item #13.

23. Discuss and consider possible action regarding Case #PZ 2011-09 to consider approval of a City initiated zone change of the lots with the legal description being Lots 12A, 12B, & 13, Block 1 of the Oak Crest Addition in the City of Forest Hill, Tarrant County, Texas. The property is located at 5201 S.E. Loop 820 with the registered owner listed as Bobby G. & Tammy K. Bryan. The zoning at the present time is “GB” (General Business) and is proposed to rezone to “AE” (Adult Entertainment) as requested by the City of Forest Hill. (Sheyi Ipaye, City Manager)

Deliberation Item #23 will not be addressed, due to the failure of Deliberation Item #13.

24. Discuss and consider possible action regarding a review of the Planning and Zoning Commission Attendance Records. (Sheyi Ipaye, City Manager)

Council Member Joubert made a motion to remove James Reed from the Planning and Zoning Commission due to excessive absences, seconded by Council Member Sami which passed as follows:

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

Nays: None

Absent: Mayor James Gosey, and Council Member Lyndia Thomas

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.

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

- 1) Report from city attorney on status of pending lawsuit; Gosey vs. Forest Hill City Council; including a discussion of settlement authority as required in federal court. (Dulani Masimini, Mayor Pro Tem)
- 2) Report from counsel and TML on status of Gosey and Miller lawsuits and EEOC claim by Wehle. (Sheyi Ipaye, City Manager)
- 3) Receive information from counsel regarding a complaint filed against the City of Forest Hill by Jonathan Banks. (Sheyi Ipaye, City Manager)

26. **Section 551.074, Texas Government Code: Personnel Matters (a)(1) to deliberate the appointment, employment, employment evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee:**

- 1) City Secretary Evaluation (Dulani Masimini, Mayor Pro Tem)
- 2) City Manager Evaluation (Dulani Masimini, Mayor Pro Tem)
- 3) City Employee Anonymous Survey (Mustafa Sami, Council Member)
- 4) Discuss and consider possible action regarding personnel matter concerning Officer Christy Dennis (Sheyi Ipaye, City Manager)

I. Reconvene into regular session.

City Council reconvened into regular session at 11:29 P.M.

J. Take any action necessary pursuant to executive session.

Executive Session Item(s) #25 (1), (2), and (3) no action was taken. Executive Session Items(s) #26 (1), (2), and (3) have been moved to March 1, 2011 regular council meeting; Executive Session Item #26 (4) has been tabled, and moved to March 15, 2011 regular council meeting per City Council.

K. Adjournment

With no further business to discuss the meeting was adjourned at 11:31 P.M.

Grace Edwards, City Secretary

Dulani Masimini, Mayor Pro Tem