



**MINUTES
REGULAR COUNCIL MEETING
April 6, 2010
7:00 p.m.**

The City Council of the City of Forest Hill met on the above date at 7:08 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, Interim City Manager Debra Maness, Acting City Secretary Grace Edwards, Interim Police Chief Robert Herbert and Fire Chief Pat Ekiss, and Public Works Supervisor Roberto Duenes.

Opening Agenda:

A. Call to Order

With a quorum present Mayor Gosey called the meeting to order at 7:08 p.m.

B. Invocation

The Invocation was delivered by Coach Jimmie Sanders

C. Pledge of Allegiance to Flags

Pledge to the United States and Texas flags were recited.

**D. Presentation: Introduction of New City Manager, Mr. Sheyi I. Ipaye, CPM
Law Enforcement Contract Data – Robert Herbert, Acting Police Chief**

Mayor James Gosey introduced, and welcomed Mr. Sheyi I. Ipaye, CPM as the New City Manager for the City of Forest Hill. Mayor Gosey asked Judge Glen Lewis to administer an Oath of Office to Mr. Ipaye pledging to faithfully perform the duties of city manager. Mr. Ipaye is the first City Manager to take such an honorable oath.

Acting Police Chief Robert Herbert addressed the City Council and citizens regarding Law Enforcement Contract Data information. Acting Chief Robert Herbert presented his annual report for racial profiling. Chief Herbert states that there was not a significant change in last years numbers. In conclusion, the Contract Data Information did not indicate any racial profiling.

E. Proclamation: Mrs. Erma Johnson Hadley

Dulani Masimini, Council Member acknowledged Mrs. Erma Johnson Hadley's accomplishments and applauded her dedication and service. Mrs. Hadley was extended an invitation to the 04-06-10 Regular Council Meeting but, unfortunately was unable to attend. The Acting City Secretary will make sure that Mrs. Hadley receives this well deserved Proclamation.

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.

Jess Major, 4200 Forest Hill Circle – Mr. Major expressed concern regarding the city's tax rate, the drop in property value, and possible compensation for City Council Members. In conclusion Mr. Major expressed support for the Forest Hill Police Department.

Melinda Miller, 4205 Burly Street – Ms. Miller expressed concerns regarding the recall petition process. Ms. Miller also felt that the signatures on the recall petitions should have been accepted on face value. In addition, Ms. Miller expressed major concern regarding the experience of the Acting City Secretary.

Meto Metiff, 701 S, Industrial Blvd, Euless, Texas 76107 – Mr. Metiff applauded the City Council for traveling to Washington, DC. Additionally, Mr. Metiff stated that he felt the council was moving in the right direction.

Loretta Muldrew, 3300 Valley Forge Trail – Ms. Muldrew is interested in the streets being fixed, possible cuts to employee salaries, and the presence of the Forest Hill Police Department.

Kalpesh & Hannah Patel, 2302 Houston Road, Grand Prairie, Texas 75050 – Mr. and Mrs. Patel Owners of LaQuinta Inn expressed that they support the Forest Hill Police Department. The Patel's are against another hotel located in the City of Forest Hill. Furthermore, the Patel's asked that the Mayor and Council give the City of Forest Hill time to grow, by voting against another hotel in the City of Forest Hill.

Ann Frost, 3708 Grady Street -- Ms. Frost stated that Ordinance # 2010-02-001 regarding portable businesses is targeting flea market vendors. Ms. Frost feels that the City of Forest Hill should refund all of the money that the vendors have paid for permits and notarized letters. In addition, Ms. Frost feels that this ordinance is unfair and should be repealed by the Council.

Clara Faulkner, 4712 Leonard Street – Ms, Faulkner stated that she supports both Fire and Police Departments; consequently, if the City is considering cuts they should look in other areas.

R. A. Linkenhoker, 4716 Parkwood Drive -- Mr. Linkenhoker stated that he would like to rebut previous statements made during citizen presentation regarding the recall petition process as well as the negative comments directed towards the Acting City Secretary. In conclusion, Mr. Linkenhoker feels that the city has suffered enough in the areas of legal settlements.

Brenda Scruggs, 8132 Holthoway, Fort Worth, Texas 76113 – Ms. Scruggs stated that she was present to show support for Mayor James Gosey and Council Member Dulani Masimini. Mrs. Scruggs further suggested that the recall petitions circulated throughout the City of Forest Hill had an agenda behind them. In addition, Mrs. Scruggs states that the recall petition gatherers are individuals that were recalled themselves, thus, encouraging everyone to look at the recall petitions closely. In conclusion, Mrs. Scruggs asks the Council to vote against placing the recall petitions on the May 8, 2010 ballot.

Anita Taylor, Manager, Villa's of Forest Hill, 7415 Forest Hill Drive – Ms. Taylor stated that she was appalled by the statement made previously against the Acting City Secretary, Ms. Taylor stated that it is unfortunate that people lash out at individuals because of the job that they do. Ms. Taylor stated that she felt that the Acting City Secretary was doing a great job. In addition, the Acting City Secretary was one of the first individuals to welcome and extend herself to Ms. Taylor when she first moved to the City of Forest Hill. Finally, Ms. Taylor expressed her appreciation and encouraged the Acting City Secretary to continue to grow and learn with the City of Forest Hill.

PUBLIC HEARINGS

- 1) To receive citizens comments regarding an Ordinance #2010-04-002 amending Section II of

the Forest Hill Comprehensive Zoning Ordinance; Amending 2.201 – R1 – Single Family Detached Residential; Amending Sections 2.202 – R2 – Single Family Detached Residential; Amending Sections 2.203 – R3 – Single Family Detached Residential; Providing a penalty and authorizing publication.

Public Hearing regarding Ordinance #2010-04-002 opened at 7:52 p.m. With no one present to speak the public hearing was closed at 7:55 p.m.

- 2) Case #PZ 2009-13 to receive citizen's comments regarding a request for a Specific Use Permit for Best Western Hotel to be located on Forest Hill Circle. The current zoning of this property is PD (Planned Development). The description of the property is being a 1.30 acre parcel of land within the 43.97 acre tract described as Tract 28C in the Shelby County School Land Survey, Abstract 1375 in the City of Forest Hill, Tarrant County, Texas as requested by Priscilla Patel.

Public Hearing regarding Specific Use Permit for Best Western opened at 7:56 p.m.

Mr. Meto Metiff spoke with concerned that the Planning and Zoning Board has denied the SUP for Best Western. Mr. Metiff questioned "Why should we allow the Best Western to go to Arlington or somewhere else. Mr. Metiff says that the Best Western has gone out of their way to accommodate the city by redoing their plans and purchasing additional land.

Mr. H. Patel, Best Western Hotel – spoke regarding the Specific Use Permit for Best Western Hotel, Mr. H. Patel stated that they have put a lot of money into the hotel to accommodate the expressed desires of the City of Forest Hill. Mr. Patel stated that he feels that there is a potential market for his hotel.

Mrs. Helen Collins Epps – stated that she does not want to see another hotel in the City of Forest Hill. In addition, Mrs. Epps does not want to experience a lot of unwanted traffic and unwelcomed people in the City of Forest Hill. Furthermore, Mrs. Epps encourages the citizens and City Council of Forest Hill to err on the side of caution regarding the approval for the Specific Use Permit for Best Western Hotel.

Mr. Kalpesh & Hannah Patel, La Quinta Inn – spoke regarding the Specific Use Permit for Best Western Hotel. Mr. Kalpesh Patel states that if they delay the approval for the Best Western Hotel it would greatly help the La Quinta Inn's growth. Mr. Kalpesh Patel feels that the La Quinta will be affected if the City Council makes the wrong decision to approve the Specific Use Permit for Best Western.

Public Hearing regarding Specific Use Permit for Best Western closed at 8:10 p.m.

- 3) Case #PZ 2010-01 to receive citizen's comments regarding a request for a Re-plat of Conoco Station Lot 1, Block 1 of the Classic Addition with the current address of 4724 SE Loop 820. 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.

Public Hearing regarding a Re-plat for Conoco Station, 4724 SE Loop 820 opened at 8:10 p.m.

Mr. David Reaves, Grant Engineering spoke regarding the Re-plat for the Conoco Station located at 4724 SE Loop 820, Mr. David Reaves asked the Mayor and Council to consider the approval of the Re-plat for the Conoco Station. Mr. Reaves feels that they have done what was required regarding the Re-plat.

Public Hearing regarding a Re-plat for the Conoco Station was closed at 8:12 p.m.

- 4) Case #PZ 2010-02 to receive citizen's comments regarding a request for a zone change of 0.5853 acres with the legal description being Lots 8B & 8C, Block 10 of the Hanger Estates Addition in the City of Forest Hill, Tarrant County, Texas. The property is located at 6115 Wichita Street. The zoning at the present time is "R2" (Single Family Residential) and is proposed to rezone to "LR" (Local Retail) as requested by Angelica and Efrain Vega.

Public Hearing regarding a Zone Change for Angelica & Efrain Vega, Vega Salon, 6115 Wichita Street opened at 8:12 p.m.

Mrs. Angelica Vega, Vega Salon spoke regarding the Zone Change, Mrs. Vega asked the Council to please consider approving the Zone Change, because she has purchased the land next door and is considering opening another business.

Public Hearing regarding the Zone Change for the Vega Salon closed at 8:15 p.m.

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 minutes of the February 16, 2010 regular council meeting.
2. Consider minutes of the February 20, 2010 special council meeting.
3. Consider minutes of the February 25, 2010 special council meeting.
4. Consider ratifying Ordinance No. 2010-04-001: an amendment of ordinance #2010-003-002 Ordering and providing notice of a Special Election on the 8th Day of May, 2010, for voter consideration of amendment of specific sections of the Home Rule Charter; declaring ballot language for such propositions for amendment.

Council Member Thomas motioned to accept the consent agenda. Seconded by Council Member Sanders; which passed as follows:

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

Nays: None

H. Deliberation Agenda:

5. Discuss and consider possible action regarding Ordinance #2010-04-002 amending the zoning ordinance, sections 2.201, 2.202 and 2.203 – Single Family Detached Residential.(Lisa Cabrera, Planning & Zoning Coordinator)

Mayor Pro Tem Sami motioned to accept the amended Ordinance. Seconded by Council Member Joubert; which passed as follows:

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

Nays: None

6. Discuss and consider possible action regarding Specific Use Permit for Best Western Hotel Case # PZ 2009-13. (Lisa Cabrera, Planning & Zoning Coordinator)

Mrs. Bernice Johnson, Planning and Zoning Board Chairperson, spoke regarding the reasons for Planning and Zoning denying the Specific Use Permit for Best Western Hotel. Mrs. Johnson states that she did not feel that a hotel was the best option for the 92 acre tract of land and the P&Z Board vote 3 to 2 to deny the SUP for Best Western.

Mrs. Johnson stated that she would consider possibly approving the SUP at a later date. Ms. Pam Stockton and Ms. Ann Pierce also members of the P&Z Board stated that they voted against the SUP for Best Western because they also felt the 92 acres could be used for another kind of establishment. Ms. Stockton as well as Ms. Pierce would like to see a different kind of business on the 92 acre tract. Mr. Kalpesh Patel strongly opposed the approval of the SUP for Best Western stating that it would be a mistake that would hurt La Quinta as well as the City of Forest Hill. Mr. Kalpesh encouraged the council to vote against this SUP. Mr. H. Patel, representative for Best Western says that he feels this will be a proactive and profitable endeavor. Mr. H. Patel asks for the Council's approval to move forward with the construction project. After a heated discussion the City Council voted on this item.

Council Member Joubert motioned that the Council deny Best Western Specific Use Permit. Seconded by Mayor Pro Tem Sami; which did not pass as follows:

Ayes: Council Member Joubert, and Mayor Pro Tem Sami

Nays: Mayor Gosey, and Council Members: Dalcour, Thomas, Masimini, Sanders

Mayor Gosey motioned to accept the SUP for Best Western. Seconded by Council Member Thomas; which passed as follows:

Ayes: Mayor Gosey, and Council Members: Dalcour, Thomas, Masimini, Sanders

Nays: Mayor Pro Tem Sami, and Council Member Joubert

Council Member Thomas expressed that she voted to approve this agenda item, because the City of Forest Hill is struggling financially. In addition, Council Member Thomas feels that the Best Western Hotel will bring revenue to the City.

7. Discuss and consider possible action regarding Case # PZ 2010-01 Replat Conoco Station– Lot 1R, Block 1 of the Classic Addition. (Lisa Cabrera, Planning & Zoning Coordinator)

Mayor Pro Tem Sami motioned to accept the Re-plat for Conoco Station. Seconded by Council Member Masimini; which passed as follows:

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

Nays: None

Abstained: Council Member Joubert (Left council chambers at 9:11 p.m.)

8. Discuss and consider possible action regarding Case # PZ 2010-02 Zone Change 6115 Wichita Street from R2 (Single Family Residential) to LR (Local Retail). (Lisa Cabrera, Planning & Zoning Coordinator)

Council Member Thomas motioned to approve Zone Change. Seconded by Mayor Pro Tem Sami; motioned passed as follows:

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

Nays: None

Abstained: Council Member Joubert (Left council chambers at 9:11 p.m.)

9. Discuss and consider possible action regarding entering into an agreement with Barnett Gathering, LP. (Venus Wehle, Director of Economic Development & Community Relations)

Mayor Gosey pulled this item to continue negotiations.

Council Member Joubert returned to council chambers at 9:13 p.m.

Mr. Meto Metiff asked to speak regarding this agenda item. Mr. Metiff stated that he felt this item needed to be referred back to the City Manager because he feels that the City of Forest is not getting a fair price from Barnett Gathering. In conclusion, Mr. Metiff provided documentation for the City Manager to support the fact that Barnett Gathering's offer is less than fair market value.

10. Discuss and consider possible action for the New City Manager, Mr. Shaye Ipaye, to have a financial audit performed. (James Gosey, Mayor)

Council Member Joubert stated that the City just had an audit six months ago; therefore, another audit would be costly and unnecessary at this time.

Council Member Masimini motioned to get bids for an independent audit. Seconded by Mayor Pro Tem Sami, which passed as follows:

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

Nays: Council Member Joubert

11. Discuss and consider possible action regarding hiring freeze. (Dulani Masimini, Council Member)

Council Member Masimini pulled this item from the agenda.

12. Discuss and consider possible action regarding code violation procedures; vehicles. (Damian Dalcour, Council Member)

No action taken regarding this item. However, Council Member Masimini requested that the Police Department and Code Enforcement Department meet to discuss timeframes. Mr. Ipaye assured the Mayor and Council Members that he will address these concerns in the staff meeting scheduled for tomorrow morning. Mr. Ipaye informs Mayor and Council that he intends to implement cross training for City Staff in the near future. Mayor and City Council feel all departments should be on one accord.

Discuss and consider possible action regarding employee attendance and record keeping of absences, leave, etc. (Damian Dalcour, Council Member)

No action taken regarding this item. However, City Manager Mr. Ipaye stated that all interim/acting positions will be evaluated. In an effort to place the right individuals in right positions based on their competency and knowledge. There was additional discussions' regarding who is appointed as Human Resource Director and Civil Service Director. Information regarding 2010 Civil Service Board Meetings and Civil Service Examinations were discussed. In conclusion, currently Interim Finance Director Debra Maness serves as Civil Service Director and Human Resource Director.

13. Discuss and consider possible action regarding a proposed upgrading of the Forest Hill Newspaper. (Brian Ford, The F Group, Advertising Firm)

No action taken. Mayor and Council will bring back to staff at a later date.

14. Discuss and consider granting a variance to display an additional window neon sign at Wing Stop. (Venus Wehle, Director of Economic Development & Community Relations)

Council Member Joubert motioned to grant a variance to display an additional neon sign at Wing Stop, seconded by Council Member Thomas, which passed as follows:

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

Nays: None

Ms. Carol Ellis, Owner, Wing Stop #524, stated that Wing Stop has over 500 stores nationwide, if approved Ms. Ellis will make every effort to keep the neon sign in good working order. Ms. Ellis currently owns three other Wing Stop Restaurants, store #524 will be forth store. The Grand Opening should be May 1, 2010.

15. Discuss and consider possible action on certification of sufficient signatures on the recall petitions. (Grace Edwards, Acting City Secretary)

No action was taken on this item. Acting City Secretary verified the amount of signatures on both recall petitions for Mayor James Gosey and Council Member Dulani Masimini.

16. Discuss and consider possible action regarding calling a Special Election on the November 2010 Uniform Election date. (Gerald Joubert, Council Member)

Council Member Joubert pulled this item until the next regular scheduled city council meeting.

17. Discuss and consider possible action regarding 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) Item was tabled from 2-16-10 regular council meeting.

No action taken on this item. Per Council Member Masimini do not place on next regular council meeting agenda.

18. Discuss and consider possible action regarding medical insurance benefits for council. (Dulani Masimini, Council Member)

Mayor and Council agreed to pull this agenda item until next regularly scheduled council meeting.

19. Discuss the strong mayor form of government. (Gerald Joubert, Council Member)

Council Member Joubert pulled this agenda item until the next regularly scheduled council meeting.

20. Discuss council compensation. (Gerald Joubert, Council Member)

Council Member Joubert pulled this agenda item until the next regularly scheduled council meeting.

21. Discuss three year terms for council members. (Gerald Joubert, Council Member)

Council Member Joubert pulled this agenda item until the next regularly scheduled council meeting.

22. Discuss travel and training budget for council. (Gerald Joubert, Council Member)

Council Member Joubert pulled this agenda item until the next regularly scheduled council meeting.

23. Discuss and consider possible action on Ordinance #2010-04-003, and ordinance of the City of Forest Hill amending Chapter 126, Traffic, of the City's Code of Ordinances; Section 320, towing and impoundment of vehicles illegally parked on public streets, relative to the addition of an administrative fee for towed vehicles; Section 346 relative to the regulation of prohibited parking zones; establishing Section 349 relative to tow violators of prohibited parking; establishing penalty; amending Chapter 102 Section 2 relative to the addition of the fees in Appendix A, schedule of fees. (Mayor Pro Tem Sami & Drew Sanders, Council Member)

Council Member Masimini motioned to table this item for further review by City Manager and staff, seconded by Mayor Gosey, the motion passed as follows:

Likewise, City Manager asks for time to research towing contracts and charges. City Manager will bring this item back to City Council for further discussion. Ms. Ann Frost has asked the Council not to approve Ordinance # 2010-04-003.

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

Nays: None

24. Discuss and consider possible action on replacing "No Parking" signs along Forest Hill Drive, between Deval Court and Mansfield Highway and along the roadway on the south side of Bisbee Street, from Forest Hill Drive to Shackelford Street. (Mayor Pro Tem Sami and Drew Sanders, Council Member)

Council Member Masimini motioned to table this item for further review by City Manager and staff, seconded by Mayor Gosey, the motion passed as follows:

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

Nays: None

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.**

- a) Destructors, Inc. vs. City of Forest Hill
- b) David Miller vs. City of Forest Hill

- 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 – Job Duties

- 27. Section 551.087, Texas Government Code: Deliberation Regarding Economic Development Negotiations: (1)(2) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect**

that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

- a) Purchase of Real Property
- b) Foreclosure of Properties
- c) Obtaining Property by Eminent Domain

I. Reconvene into regular session.

Reconvened into regular session at 11:23 p.m.

Council Member Joubert left meeting at 11:10 p.m.

J. Take any action necessary pursuant to executive session.

No action taken on executive session items.

Council Member Masimini, thanked Mayor Pro Tem Sami and Council Member Sanders for their efforts and accomplishments with the Flea Market Committee.

K. Adjournment

The meeting adjourned at 11:24 p.m.

Grace Edwards, Acting City Secretary

James Gosey, Mayor