



**MINUTES
REGULAR COUNCIL MEETING
November 16, 2010
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 James Gosey presiding. The following Council Members and officials were present: Mayor Pro Tem Dulani Masimini, Damian Dalcour, Lyndia Thomas, 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.

Opening Agenda:

A. Call to Order

With a quorum present Mayor Gosey called the meeting to order at 7:05 P.M.

B. Invocation: Pastor David Wynn, Agape Metropolitan Community Church, 4615 California Parkway, Forest Hill, Texas 76119

Invocation was delivered by Pastor David Wynn, Agape Metropolitan Community Church.

C. Pledge of Allegiance to Flags

Pledge to the United States and Texas flags were recited by Mr. Derick Hall Jr., Gentlemen's Society Youth Organization.

D. Proclamation: The Kilongozi Family

Mayor Gosey read the "Celebrating the Life of Mukebo Kilongozi Proclamation" aloud to the audience. Kalao Kilongozi, daughter of Mr. Mukebo Kilongozi was presented with the proclamation by Mayor James Gosey.

E. City Manager's Report:

- **Update on the New Public Works Building located at 3101 Horton Road and the New Police and Fire Department Sub-Station located at 6800 Forest Hill Drive**

The old City Hall Building was tested for asbestos and the results were negative.

- **Update on Tarrant County Street Rehabilitation Project**

The Street Rehabilitation Program has completed 13 streets in the City of Forest Hill, of the 13 streets, four streets were an overlay, nine streets were a total reconstruction.

- **Update on Home Rehabilitation Program**

The City of Forest Hill Home Grant Program has 11 projects that are currently under way, one project has been completed and seven projects are still under construction.

- **Report concerning the Texas Commission on Environmental Quality**

The Texas Commission on Environmental Quality has requested compliance documentation, with regard to the outstanding alleged violations. A written compliance plan should be submitted to the Texas Commission on Environmental Quality by November 19, 2010. Joe Patterson, Teague Nall and Perkins spoke about the alleged violations and his proposal for remediation of the unauthorized waste.

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.

Sam Shafecq, 2916 Glen Garden Drive – Mr. Shafecq expressed high regards for Venus Wehle’s work ethics.

Ozell Burks, 3300 Railfence Road – Mr. Burks stated that Ms. Wehle was a very intelligent, smart, and hard working individual. She will be missed.

Pearl Jones, 6417 Evonshire Drive – Mrs. Jones was shocked that Ms. Wehle is no longer with the City of Forest Hill. Mrs. Jones read aloud a very endearing letter to Mrs. Venus Wehle thanking her for all her hard work, dedication, and support. Ms. Wehle will truly be missed.

Gene Pirtle, 6106 Guilford Street - Mr. Pirtle gave a heartfelt message to Ms. Wehle. He pointed out Ms. Wehle’s strong work ethics, and her genuine desire to perform above and beyond the call of duty.

Gladys Hardeman, 4204 Burly Street – Mrs. Hardeman shared with the Mayor, City Council and audience that Ms. Wehle worked very hard for the City of Forest Hill. Mrs. Hardeman expressed her appreciation for Ms. Wehle’s efforts.

PUBLIC HEARINGS

1) To receive citizen’s comments regarding an ordinance amending Section X of the Forest Hill Comprehensive Zoning Ordinance; Amending Section 10.1100, Exterior façade requirements, to add exterior façade color requirements; Providing a severability clause; Providing for an effective date.

Public Hearing for Exterior Façade Requirements opened at 8:21 P.M., with no one to speak public hearing closed at 8:22 P.M.

2) Case #PZ 2010-12 to receive citizen’s comments regarding a request for a Specific Use Permit for a Licensed Assisted Living Facility to be located at 4607 California Parkway East. The current zoning on the property is MF (Multi-Family Residential) and the legal description is Tract 9B of the John Collett Survey, Abstract 261 in the City of Forest Hill, Tarrant County, Texas as requested by Edgar Santiago with Forest Hill Assisted Living.

Public Hearing for Case #PZ 2010-12 Licensed Assisted Living Facility opened at 8:22 P.M.

Mr. Edgar Santiago, 14232 Marsh Lane, Addison, Texas 75001 – Mr. Santiago and Dr. Lee

McCurly asked the Mayor and Council to approve the Specific Use Permit for the Assisted Living Facility located at 4607 California Parkway East. Both feel this facility will benefit the City of Forest Hill.

Public Hearing for Case #PZ 2010-12 closed at 8:28 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 the minutes of September 21, 2010 regular council meeting.

Consent agenda item #1 was pulled by Council Member Joubert who questioned various motions.

2. Consider the minutes of October 12, 2010 special council meeting.
3. Consider the minutes of October 19, 2010 regular council meeting.

Council Member Sami made a motion to accept consent agenda items #2, and #3 with corrections, seconded by Council Member Sanders which passed as follows:

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

Nays: Council Member Thomas

Absent: None

The following correction was made to deliberation agenda item #2, which read "City Manager, Sheyi Ipaye explained the bid process to the audience. He recited the amount for each "construction" bid that was submitted to the audience." Johnson Construction was the lowest bidder, for which the city manager recommended.

H. Deliberation Agenda:

4. Discuss and consider possible action in regards to administering the Oath of Office to Sgt. Dan Dennis, City of Forest Hill Police Department recently promoted to the position of Lieutenant. (Grace Edwards, City Secretary)

No votes were taken for deliberation item #4 per City Council.

5. Discuss and consider possible action regarding the leasing of vehicles for the police department. (Sheyi Ipaye, City Manager)

Council Member Sami made a motion to accept deliberation item #5, seconded by Mayor Pro Tem Masimini which passed as follows:

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

Nays: Council Member Joubert

Absent: None

6. Discuss and consider possible action regarding the acquisition of two Ford Ranger vehicles for the Utility Billing Department. (Sheyi Ipaye, City Manager)

Mayor Pro Tem Masimini made a motion to accept deliberation agenda item #6, seconded by Council Member Sami which *passed* as follows:

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

Nays: Council Members: Thomas and Joubert

Absent: None

7. Discuss and consider possible action on the approval of Ordinance No. 2010-11-001, an ordinance amending Chapter 78, of the Code of Ordinances of the City of Forest Hill by adding a new section 78-14 establishing a juvenile case manager fee; providing that this ordinance shall be cumulative of all ordinances; providing a severability clause; providing for a savings clause; and providing an effective date. (Sheyi Ipaye, City Manager)

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

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

Nays: None

Absent: None

8. Discuss and consider possible action on the approval of Ordinance No. 2010-11-002, an ordinance amending the Section Z of the Forest Hill Comprehensive Zoning Ordinance; Amending Section 10.1100, Exterior façade requirements, to add exterior façade color requirements; providing a severability clause; providing for an effective date. (Sheyi Ipaye, City Manager)

Council Member Joubert made a motion to accept deliberation item #8, seconded by Council Member Sami which *passed* as follows:

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

Nays: None

Absent: None

9. Discuss and consider possible action on Case #PZ 2010-12 to consider approval of a request for a Specific Use Permit for a Licensed Assisted Living Facility to be located at 4607 California Parkway East. The current zoning on the property is MF (Multi-Family Residential) and the legal description is Tract 9B of the John Collett Survey, Abstract 261 in the City of Forest Hill, Tarrant County, Texas as requested by Edgar Santiago with Forest Hill Assisted Living. (Sheyi Ipaye, City Manager)

Council Member Thomas made a motion to accept deliberation agenda item #9, seconded by Council Member Sanders which *passed* as follows:

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

Nays: None

Absent: None

10. Discuss and consider possible action on Resolution No. 13-2010, a resolution to approve the sale of real property and authorizing the Mayor to execute all necessary documents. (Sheyi Ipaye, City Manager)

Mayor Pro Tem Masimini made a motion to accept deliberation agenda item #10, seconded by Council Member Sami which *passed* as follows:

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

Nays: Council Members: Dalcour, Thomas, and Joubert

Absent: None

Council Member Thomas made a motion to add the property address to deliberation agenda item #10, which *failed* due to a lack of a second.

11. Discuss and consider possible action regarding an Interlocal Agreement with the City of Fort Worth for the Household Hazardous Waste Program. (Sheyi Ipaye, City Manager)

Council Member Joubert made a motion to accept deliberation agenda item #11, seconded by Council Member Dalcour which *passed* as follows:

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

Nays: None

Absent: None

12. Discuss and consider possible action on the approval of Ordinance No. 2010-11-003, amending chapter 42, Commissions and Boards, of the Code of Ordinances clarifying and amending the date of expiration of terms, length of terms and creating carry-over provisions for members of commissions and boards. (Sheyi Ipaye, City Manager)

Council Member Joubert made a motion to accept deliberation agenda item #11, seconded by Council Member Sami which *passed* as follows:

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

Nays: None

Absent: Council Member Thomas

Council Member Lyndia Thomas stepped out of regular session at 9:08 P.M.

13. Discuss and consider possible action regarding facilitating the Forest Hill Veteran's Association. (Sheyi Ipaye, City Manager)

Mayor Pro Tem Masimini made a motion to accept deliberation agenda item #13, seconded by Council Member Sanders which *passed* as follows:

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

Nays: None

Absent: None

14. Discuss and consider possible action concerning Incentive Bonus for current and future city employees residing in the City of Forest Hill. (Lyndia Thomas, Council Member)

Council Member Thomas made a motion for clarification purposes.

Discuss and consider possible action concerning Incentive Bonus for new city employees residing in the City of Forest Hill, seconded by Council Member Joubert which *passed* as follows:

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

Nays: Mayor Pro Tem Masimini

Beckie Hayes, 7317 Woodbridge Drive – Mrs. Hayes stated that the City of Forest Hill should not foolishly spend money. She commended the city manager, and stated that we are headed in the right direction.

Jimmie Sanders, 4500 Stonewall Road – Mr. Sanders states the he feels the Incentive Bonus program is a wonderful idea.

15. Discuss and consider the process for approving changes in council appointee's terms of employment. (Sheyi Ipaye, City Manager)

No vote was taken on deliberation agenda item #14 per city council.

16. Discuss and consider procedures and options available to city council to investigate and enforce allegations of ethics violations by the council members.

No vote was taken on deliberation agenda item #15 per city council.

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.

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

- 1) Discuss and consider possible action regarding City Council Members and City Staff bidding on City owned property that has been auctioned to the general public. (James Gosey, Mayor)
- 2) Discuss and consider possible action regarding the performance of the City Manager, City Secretary, City Attorney, and Municipal Judge. (Warren, Spencer, City Attorney)
- 3) Update on lawsuit David Miller vs. City of Forest Hill. (Warren Spencer, City Attorney)

18. 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. Discuss and consider possible action regarding a report to Council from City Manager and City Attorney regarding personnel matter involving City

- Secretary. (Sheyi Ipaye, City Manager)
2. Discuss and consider possible action regarding the performance of the City Manager, City Secretary, City Attorney, and Municipal Judge. (Dulani Masimini, Mayor Pro Tem)
 3. Discuss and consider possible action regarding performance of the City Secretary. (Lyndia Thomas, Council Member)

I. Reconvene into regular session.

Council reconvened into regular session at 11:01 P.M.

J. Take any action necessary pursuant to executive session.

No action was taken. Council Member Thomas instructed City Secretary to place executive session item #3 on the next agenda.

K. Adjournment

With no further business to discuss the meeting was adjourned at 11:02 P.M.

Grace Edwards, City Secretary

Dulani Masimini, Mayor Pro Tem