



**MINUTES
REGULAR COUNCIL MEETING
May 3, 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, 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 7:07 P.M.

B. Invocation

Invocation was delivered by Pastor Dewayne Washington, Gentlemen and Ladies' Society.

C. Pledge of Allegiance to Flags

Pledge to the United States and Texas Flags were recited by Brittany Sanders, Ladies' Society Youth Member.

City Manager, Sheyi Ipaye introduced Adam Beatty as the new IT Specialist for the City of Forest Hill. Formerly employed with North Texas Regional Library System since 1999. Mr. Beatty's area of expertise include technology planning, network administration, equipment installation and deployment, information security, production support, and trouble shooting. The City of Forest Hill Family would like to extend a warm welcome to Mr. Adam Beatty.

The City Manager, Sheyi Ipaye informed the audience that the City of Forest Hill participated and won first place in the 6th Annual J.S. Winston Sound Doctrine Foundation Golf Tournament on Friday, April 29, 2011 located at Texas Star Golf Course in Euless, Texas. The team was lead by Council Member Mustafa Sami, Council Member Damian Dalcour, Building Inspector Dylan Whitehead, and Mr. Paul Henson. Congratulations gentlemen on a job well done.

D. City Manager's Report:

- **Update regarding Forest Hill Assisted Living Facility**

The assisted living facility to be located on California Parkway is still progressing. Their goal is to reopen and give the senior citizens a better place to live.

- **Update regarding Forest Hill Shopping Center Improvement**

The Forest Hill Shopping Center has been closed for over ten (10) years and will be reopened at some point. The City of Forest Hill is in negotiation stages with the owner.

- **Update on the Senior Citizen Relocation and Community Center Improvement**

City Manager, Sheyi Ipaye stated he plans to relocate the senior citizen center to the old community center located at 6800 Forest Hill Drive once the remodeling has been completed. The youth residing in the City of Forest Hill will also share the facility.

- **Update regarding Government Finance Officers Award**

City Manager, Sheyi Ipaye informed the City Council that he was pleased to announce that the Government Finance Officers Association (GFOA) selected the City of Forest Hill as the recipient of the 2010 Distinguished Budget Presentation Award. This award is the highest form of recognition in government budgeting and represents a significant achievement. The guidelines used to assess how well an entity's budget serves as a policy document, financial plan, operations guide, and a communications device. The GFOA issued 1,214 Distinguished Budget Presentation Awards throughout North America. This was the first time the City of Forest Hill has received such an award since 1946. Congratulations Jill McGrew, Finance Director on a job well done.

- **Update regarding Seismic activities in Forest Hill**

Ron Underwood, Gateway Permit Services explained to the City Council how seismic testing works. Chesapeake has partnered with Gateway Permit Services to assist them with seismic activities. Mr. Underwood stated that this survey covers fifty square miles. Gateway Permit Services works with all municipalities involved in the process, and unleased mineral owners in communities. The purpose of the survey is to create an image of the Barnett Shale. A seismic survey creates a road map of the Barnett Shale for Chesapeake to navigate drilling explorations. 3D Seismic Surveys are a requirement for all kinds of drilling.

- **Update regarding Fire Engine 23 Accident Report and Contingency Plan**

Fire Engine No. 23 was involved in an accident. City of Forest Hill, Fire Chief Ed Henderson gave a brief explanation of on how the accident occurred. No one was seriously injured. The Forest Hill Fire Department is in an awkward position because the City's other fire engine is currently in the repair shop as well. Virtually, leaving the Fire Department without a vehicle to protect the citizens of Forest Hill. However, the City of Kennedale allowed the City of Forest Hill to borrow one of their reserve vehicles.

Chief Henderson shared that the City of Forest Hill has a very good relationship with neighboring cities. Moreover, the current City of Forest Hill contingency plan will support the city relying on neighboring cities to support us. Chief Henderson stated the City would have to wait until the Insurance Company (TML Riskpool) identifies what resources will be available to the City of Forest Hill. At that time a long term contingency plan will be developed.

Council Member Sanders asked Chief Henderson how much does a new fire engine cost. Chief Henderson stated the City of Kennedale is in the process of purchasing a new fire engine priced in the range of \$450,000.00. There is a current Interlocal Agreement between the City of Forest Hill and neighboring cities. Thank you City of Kennedale for your generosity and support in our time of need.

Council Member Joubert questioned the plans for the old Senior Citizen Center. City Manager, Sheyi Ipaye stated that the first thing he will do is inspect the old Senior Citizen Center for defects and bring the building up to par. He goes on to say the building has become too expensive for the Senior Citizen Group to maintain. Council Member Joubert stated if plans are in place to remodel the senior citizen center; why move the senior citizens out of the center. Make the necessary repairs and let the senior citizens remain at the same location. Additionally, Council Member Joubert asked for clarification as to the owner of the senior citizen building.

The City Manager confirmed the owner of the building is the City of Forest Hill. Council Member Sami asked if the senior citizens could be placed in the same building after the repairs are made. The City Manager agreed. Mayor Pro Tem Masimini asked if the council could further discuss possible uses for both facilities. Council Member Dalcour stated that he wanted to give the senior citizens a change.

Council Member Dalcour stated it was his suggestion to fix up the old senior citizen center and rent it out. Council Member Joubert asked the City Secretary to place this issue on the next agenda. The City Manager stated that he would come back to the City Council with his plans to allow them the opportunity to decide proper use for the building.

E. Proclamation: “Peace Officer Memorial Day” May 15, 2011

Mayor Pro Tem Masimini read the Proclamation aloud to the City Council Members and residents. The Proclamation was presented to Forest Hill Police Corporal Thomas Gross Jr.

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.

No one signed up to speak during citizen presentation.

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 April 5, 2011 regular council meeting.
2. Consider the minutes of April 19, 2011 regular council meeting.

Council Member Joubert made a motion to accept Consent Agenda Items #1 and #2, 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

H. Deliberation Agenda:

3. Discuss and consider possible action regarding the approval of Resolution No. #05-2011, a resolution authorizing continued participation with Atmos Cities Steering Committee. (Sheyi Ipaye, City Manager)

Council Member Joubert made a motion to approve Deliberation Item #3, seconded by

Mayor Pro Tem Masimini 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

4. Discuss and consider possible action regarding the approval of Ordinance No. #2011-05-002, an ordinance adopting a new Section 86-63, Article III, Miscellaneous Offenses to Chapter 86; prohibiting the use, purchase, possession and sale of illegal smoking products containing certain plant, plant products or derivatives, chemical compounds applied to plants, and plant products. (Sheyi Ipaye, City Manager)

Council Member Joubert made a motion to approve Deliberation Item #4, 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

5. Discuss and consider possible action regarding the approval of North Central Texas Major Case Investigative Team Agreement. (Sheyi Ipaye, City Manager)

Mayor Pro Tem Masimini made a motion to approve Deliberation Item #5, 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

6. Discuss and consider possible action regarding the approval of Ordinance No. #2011-05-001, an ordinance establishing a program response and recovery phases of comprehensive emergency management. (Sheyi Ipaye, City Manager)

Council Member Joubert 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 concerning honoring a Forest Hill Fire, Police, and Veterans Memorial within City of Forest Hill parks. (Dulani Masimini, Mayor Pro Tem)

No action was taken on Deliberation Item #7.

8. Discuss and consider possible action regarding the approval of creating an Arts Commission.

(Dulani Masimini, Mayor Pro Tem)

Council Member Joubert made a motion to approve Deliberation Item #8, 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

9. Discuss and consider possible action regarding codification of City of Forest Hill Ordinances. (Dulani Masimini, Mayor Pro Tem)

Council Member Joubert made a motion to approve Deliberation Item #9, 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 Lyndia Thomas

Council Member Joubert placed a cap of \$16,000.00 on this item (codification services). Per Mayor Pro Tem Masimini the City Manager and City Secretary will go out for RFP's for codification services.

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.**

- a) Discuss and consider possible action regarding settlement in Miller lawsuit

11. **Section 551.072, Texas Government Code: A governmental body may conduct a closed meeting to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.**

- a) Discuss the purchase of 3217 California Parkway.

I. Reconvene into regular session.

City Council reconvened into regular session at 9:08 P.M.

J. Take any action necessary pursuant to executive session.

Council Member Sami made a motion to accept the settlement agreement and Release of claim in the David Miller lawsuit, seconded by Council Member Joubert which *passed* as follows:

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

Nays: None

Absent: Mayor James Gosey, and Council Member Lyndia Thomas

K. Adjournment

With no further business to discuss the meeting adjourned at 9:12 P.M.

Grace Edwards, City Secretary

Lyndia Thomas, Temporary Presiding Officer