



**MINUTES
REGULAR COUNCIL MEETING
March 1, 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 Dulani Masimini, Mayor Pro Tem presiding. The following Council Members and officials were present: Damian Dalcour, Lyndia Thomas, Gerald Joubert, Andrew Sanders, 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 Mustafa Sami.

Opening Agenda:

A. Call to Order

With a quorum present Mayor Pro Tem Masimini called the meeting to order at 7:00 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: Dan Lamers, Senior Program Manager, Transportation Planning, North Central Council of Government (NCTCOG)-Mobility 2035 Plan/Possible Rail Station

Mr. Lamers shared highlights from Metropolitan Transportation Plan/ Mobility 2035 Plan. North Central Council of Government is developing the next long-term transportation plan, Mobility 2035. It will be a comprehensive, financially constrained plan that includes projects and policies aimed at meeting transportation needs through the next 25 years. Staff will review final draft recommendations for railway, rail, bicycle/pedestrian, land use and other projects incorporated in the nearly \$100 billion, 25-year blueprint for transportation in the 12-county North Texas area. The four main goals of this plan are Mobility, System Sustainability, Implementation, and Quality of Life.

E. Presentation: Curvie Hawkins Jr., Director of Planning, Fort Worth Transportation Authority-The "T"

The "T" is starting to focus more into a detail study of Southeast Fort Worth. The Southeast Fort Worth Passenger Rail Feasibility Study found that southeast Fort Worth contributes the highest bus ridership of any part of the city. The overall purpose of such a study is to incorporate public input and technical evaluation towards the determination of the physical, operational and financial feasibility of passenger rail service in southeast Fort Worth. Physical, meaning is it practical to construct? Operational, meaning will it

effectively serve the community in terms of trip origins, destinations, connectivity, travel time and convenience? Financial, meaning how expensive will it be to construct and operate? This Feasibility Study is the first step towards learning what the community wants to develop, and gives insight on a more realistic plan. The timeline for this study is six (6) months, starting January 2011 through June 2011. Mr. Hawkins encouraged the residents of Forest Hill to log on the “T” website to complete a survey. The address is www.the-T.com.

Mr. Hawkins invited the City Council Members and residents to attend an upcoming community meeting March 31, 2011 located at Meadowbrook United Methodist Church, 3900 Meadowbrook Drive, and another meeting scheduled for May 26, 2011 located at TCC South Campus, 5301 Campus Drive. The “T” will talk more about corridors, results from the surveys, as well as the presentation of the final plan.

Presentation: Amir Omar, City of Richardson, City Council “Tree North Texas” (Tree Initiative Program)

The Regional Urban Forestation Initiative supports 30-50 Cities pledging to Tree North Texas by setting goals for their City, as well as, educating and promoting planting trees. Texas Trees Foundation is a resource for advice/education to participating cities; they execute contracted and or volunteer plantings, as well as, facilitate charitable giving and manage grants. The main effort is to plant as many trees as possible to protect the environment. North Central Texas Council of Government is a big supporter of Tree North Texas. Mr. Omar encourages everyone to be a participant in the Tree North Texas Initiative Program.

F. City Manager’s Report:

- **Update on City of Forest Hill short term IT Plan**

The City Manager Sheyi Ipaye provided the City Council with informative proposal from Acxential Business Solutions. Acxential provides a full suite of services to provide both proactive and remedial support via a combination 24x7 system monitoring, automated patch and security update management, active Anti-Virus management, remote and onsite support. Additionally, Clasp Tech will provide monthly support with Helpdesk services.

- **Update on Tarrant County Community Development Home Investment Partnership**

This program is good for the elderly, needy, and the disabled. The Department of Housing and Urban Development (HUD) appropriates funds to entitlement communities through the HOME Investment Partnership Block Grant (Home) Program. These funds are targeted to benefit low to moderate-income persons. Funds are to be used for the development of safe and descent housing by providing homebuyer assistance; and homeowner rehabilitation. The Department of Housing and Urban Development (HUD) requires matching funds on all HOME expenditures. Each applicant is required to provide 30% match for activities undertaken in that city. 80% AMI Area Medium Income. The average income for Forest Hill residents is \$46,000.00 per year. The City Manager informs the residents that money is available to help low to moderate-income individuals who need assistance buying or rehabilitating a home. For more detailed information call Tarrant County Community Development Division (817) 850-7940. Additional information can also be found on the Internet at www.hud.gov.

- **Update on Elections and Filing for Office**

The City Manager Sheyi Ipaye has put information in the council packet regarding an application form located in Section 10.03, page 18 of the City of Forest Hill City Charter. He received information from the City Secretary at 6:57 P.M., regarding an

U.S. Supreme Court Case. The City Manager stated that on page 18 of the City of Forest Hill Charter it states that your age, and your residence are qualifiers to run for public office. This page also makes reference to paying your taxes. He is only stating what is in the City Charter. The City Manager states we need to remember. He is not talking about enforcement, this responsibility lies with the City Council. His job is to bring information forward. He reiterates, individuals running for office must be a resident, your age must be 18yrs or 21 yrs old, and you should not owe the City of Forest Hill any money.

Council Member Thomas stated that she read over the paper that Mrs. Edwards passed out and she feels that the information really does not tie into the City Charter. It talks about a Supreme Court ruling something totally different, and pertaining to a school board. And in that particular ruling they did note that a violation wasn't done. That part of the information was not highlighted. Council Member Thomas feels that it is their duty as City Council Members; again we are talking about rules and regulations, policies and procedures. This is our rule in the City Charter, and she believes that it would be best to follow it. Council Member Thomas states that she feels the application located in Section 10.03, page 18 of the City Charter should be included in the Candidate Filing Packet.

Discussion ensued between Council Member Thomas and Mayor Pro Tem Masimini regarding the fairness in making comments opposed to asking questions about the City Manager's Report. Council Member Thomas asks why has the form located in Section 10.03, page 18 of the City Charter not been included into the Candidate Filing Packet when it is obvious the City Charter says that it should be. Discussion ensued between Council Member Thomas and Mayor Pro Tem Masimini regarding whom her questions were directed. Mayor Pro Tem Masimini stated that the previous city secretary's did not include this form in their Candidate Filing Packets, and the City Manager does not put those packets together. Mayor Pro Tem Masimini stated that under the City Manager's Report; Council Member Thomas can/should ask questions of the City Manager. Stating that this would be the fair approach. Council Member Thomas stated that she would like the next agenda to answer her question.

City Manager stated that he did not bring this issue forward to point fingers at anyone. He brought it forward because if we have a City Charter, we should be able to follow it. We must not and should not expect the Citizens of Forest Hill to live up to certain rules and we should not shrug this issue. The City Manager stated that he brought this item to the City Council. If he wanted the City Council to make a decision tonight he would have put this matter under the deliberation section of the agenda. The information is a matter of FYI. The City Manager stated that this was a caution flag that he is waving, stating that this application is in our City Charter and everyone needs to live up to it in this City. The City Manager stated "That's the bottom line of the matter." If the City Council wants this particular item on the agenda, or if the City Council wants to call a special meeting to address this matter; the City Manager assures the City Council that staff will oblige their wishes.

Council Member Joubert asks that this matter be placed on the next agenda, by adding this item as an addendum to the papers already filed. City Manager states, that staff will honor the City Council's wishes. The deadline to file for a place on the ballot is March 14, 2011. The City Manager informs the City Council that the next regularly scheduled council meeting is March 15, 2011 the City Council may have to call a special meeting to accomplish what they are trying to do. Council Member Thomas said since the item is already in the City Charter and the Council cannot change anything in the Charter unless it goes up for election. It is just the matter of if someone has already signed up to run for a particular seat/office; they will be provided this form as well. It is already in the City Charter. It is not a rule that has to be made.

Mayor Pro Tem Masimini reminded Council Member Thomas that Council Member Joubert and himself spoke to the City Attorney before tonight's meeting. This is one situation, and the other situation was not to create yet another legal issue. These were the topics of concern when speaking to the City Attorney. He encouraged the City Council to get further legal advice from the City Attorney; their questions can be answered completely and fully before the City Council makes a decision. Mayor Pro Tem Masimini states if any aspect of the City Charter goes against state statute or the government of the United States; although it is in our City Charter we still do not want to act on it. This is the issue of what we are speaking of regarding the lawsuit that is in front of us now.

Council Member Thomas stated the lawsuit does not pertain to this matter. Mayor Pro Tem Masimini stated that the State of Texas feels differently. Council Member Thomas stated that if the City of Forest Hill City Charter was already put together and blessed on by an attorney, and this application has been in the City Charter for years; this was an oversight on someone's part. Now, that it has been brought to the City Council's attention something needs to be done. Council Member Thomas stated that her stand is to abide by the City Charter.

Mayor Pro Tem Masimini still encourages the City Council Members to get further legal advice from the City Attorney before they decide to deliberate or take a stand. Council Member Joubert asked the City Attorney what could the City Council legally do to have this application included in the Candidate Filing Packet because he has already filed his application for a place on the ballot. City Attorney advises the City Council that they cannot take any action tonight because the item is not under deliberation. Additionally, the City Attorney explains to Council Member Joubert and the other City Council Members that they will need to call a special meeting to be able to take whatever action they wish.

- **Update on the acquisition of playground equipment for City of Forest Hill Parks**

The City Manager Sheyi Ipaye informed the City Council and residents that there are seven (7) parks located in the City of Forest Hill. Of which, the park located at 7001 Griggs Court is called Griggs Parks, and South Linear Park. The park located at 3770 Carriage Hill is called Carriage Hill Park, and Leo Spicer Park. The park located on 6350 Hanger Park Drive is called Hanger Park, and Meditation Park. The City Manager states that the City Council will not be able to make any decisions on this matter tonight; however, this is something that the City Council should take into consideration. The City Manager recommended that the City Council consider appointing a Parks Board/Commission.

The City Manager gave a short PowerPoint Presentation. The PowerPoint Presentation showed the City Council and resident's playground equipment that will be purchased in the near future, the equipment was super imposed at the various park locations. The parks chosen to receive new playground equipment are as follows: Heritage Park, Trailwood Park, Griggs Park, and Jewel Kelly Park. The City Manager stated that various businesses will give the City of Forest Hill contributions towards the purchase of the much needed playground equipment.

- G. **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.

With no one present to speak, Citizens Presentation was not opened.

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 #PZ 2010-13 was opened at 8:04 P.M. With no one present to speak, the public hearing closed at 8:04 P.M.

- H. **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 February 15, 2011 regular council meeting.

Council Member Joubert made a motion to accept Consent Agenda Item #1, seconded by Mayor Pro Tem Masimini which passed as follows:

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

Nays: None

Absent: Mayor James Gosey, and Council Member Mustafa Sami

- I. **Deliberation Agenda:**

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

Deliberation Agenda Item #2 was pulled by the City Manager.

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

No action was taken on Deliberation Agenda Item #3.

4. Discuss and consider possible action regarding the City of Forest Hill Personnel Policy and Procedure Manual. (Gerald Joubert, City Council)

Deliberation Agenda Item #4 was pulled by Council Member Joubert.

5. Discuss and consider possible action regarding code compliance issues in Heritage Heights Addition. (Gerald Joubert, Council Member)

Deliberation Agenda Item #5 was pulled by Council Member Joubert.

6. 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)

Council Member Thomas made a motion to approve Deliberation Agenda Item #6, seconded by Council Member Joubert which passed as follows:

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

Nays: None

Absent: Mayor James Gosey, and Council Member Sami

7. 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)

Planning and Zoning Chair, Berniece Taylor Johnson gave a brief summary regarding Case #PZ 2010-13. Mrs. Johnson stated that the Planning and Zoning Commission voted unanimously 6-0 to approve a Specific Use Permit for a Motor Freight Terminal Facility to be located at 6629 Anglin Drive with stipulations. The Planning and Zoning Commission welcomed the new business residents to the City of Forest Hill family.

Council Member Joubert made a motion to approve Deliberation Agenda Item #7, seconded by Council Member Thomas which *passed* as followed:

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

Nays: None

Absent: Mayor James Gosey, and Council Member Mustafa Sami

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.

8. **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)

J. Reconvene into regular session.

City Council reconvened into regular session at 10:48 P.M.

K. Take any action necessary pursuant to executive session.

No action was taken.

L. Adjournment

With no further business to discuss the meeting was adjourned at 10:49 P.M.

Grace Edwards, City Secretary

Dulani Masimini, Mayor Pro Tem