



**MINUTES
REGULAR COUNCIL MEETING
April 19, 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, 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. The following Council Members and officials were absent: Mayor James Gosey

Opening Agenda:

A. Call to Order

With a quorum present Mayor Pro Tem Masimini called the meeting to order at 7:18 P.M.

B. Invocation

Invocation was delivered by Rev. Earl Griggs

C. Pledge of Allegiance to Flags

Pledge to the United States and Texas flags were recited.

D. City Manager's Report:

• **Update on the City of Forest Hill Home Rehabilitation Program**

The City Manager, Sheyi Ipaye stated that this program is in conjunction with Tarrant County, and one-hundred twenty nine (129) home owners have registered for this program. The City of Forest Hill will match the funds by twenty-five (25%) percent. Tarrant County will give the City of Forest Hill up to \$25,000.00 for each home and the City of Forest Hill will have to match the funds by \$6,250.00. The City Manager stated that this program has been very successful. Additionally, Tarrant County recently increased the match amount from twenty-five (25%) percent to thirty (30%) percent. The City Manager stated that the City will need around \$60,000.00 to continue the Forest Hill Rehabilitation Program.

The City Manager invited Mr. James P. Walker, Dallas Real Estate Investment Group to give a brief presentation about the Rent-to-Own Program; which could assist individuals (renters) in our community to eventually become homeowners.

• **Update on the 2010 Census data and youth information**

The City Manager stated that a recent article in the newspaper stating the City of Forest

Hill struggles to serve youth in the community prompted him to look into the 2010 Census Data. The City of Forest Hill is ranked number five (5) with the highest youth population ages 5-19 years old, says the City Manager. Statistics also reflect three (3,000) thousand of the four (4,000) thousand homes in the City of Forest Hill are renters. The City Manager feels this is a major concern.

In most cities, 70% to 80% of the homes occupied within the city are homeowners. The City Manager stated as we try to improve the value of our homes in the City of Forest Hill. He will focus on ways to encourage the renting population in Forest Hill to become homeowners. The City of Forest Hill has nine-hundred sixty nine military veterans living within the City. The 2010 census information also identified two-thousand six hundred and seven individuals living in the City of Forest Hill that are foreign born. This information reflects one-fourth of the cities population.

The median income is \$44,475.00, and the median home value is \$83,500.00. The 2010 Census also reflected four thousand twenty five (4025) individuals living in the City of Forest Hill whom speak another language other than English in the home. With all these statistics, the City Manager stated these areas are collectively affecting property value and the youth population in the City of Forest Hill. The City Manager goes on to say that he will be developing some new plans and strategies to address the youth population within the city. He stated he would building another basketball court on the northern end of the City, as well as install new playground equipment for the youth of Forest Hill.

- **Update on the 2011 State-Wide Warrant Round-Up results**

The City of Forest Hill cleared three hundred twenty seven (327) outstanding warrants. We collected \$45,316.50 and the total value of all warrants cleared is \$110,934.54. The City Manager commended the Municipal Court Department on a job well done.

- **Update on the New NLC Service Line Warranty Program**

The NLC (National League of Cities) Service Line Warranty Program is an affordable home protection solution for our residents to help them deal with the financial burden of unanticipated utility line repair and replacement costs that are not the city's responsibility to repair.

Additional benefits include no cost for cities to participate; affordable rates for residents, repairs made by trusted local contractors, reduces local officials' frustration, and increases citizen satisfaction. The residents can pay an additional charge on their water bill and if a problem should arise; the problem will be corrected at no cost up to a certain amount (\$4,000.00 per incident/per year).

For more information about NLC Service Line Warranty Program, contact Denise Belser, NLC Program Director at belser@nlc.org or (202) 626.3028

- E. 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.

Sal Espino, Fort Worth City Council District 2 – Mr. Espino extended greetings from Mayor Mike Moncrief and colleagues. Mr. Espino congratulated the City of Forest Hill on the newly appointed City of Forest Hill Associate Municipal Judge Mario Perez. He feels that Mario Perez will be an outstanding judge for the City of Forest Hill.

Loretta Muldrew, 3300 Valley Forge Trail – Mrs. Muldrew stated that she really appreciates the City Council. However, Mrs. Muldrew stated that she was curious about how the City

Manager, Sheyi Ipaye can direct a City Council Member to leave the building, and not attend a city council meeting when the City Council are the City Manager's supervisors. Mrs. Muldrew further stated the City Manager answers to the City Council not the other way around.

Jimmie Sanders, 7005 Stonewall Road – Mr. Sanders stated that he would like to discuss executive session. He stated executive session decisions never seem to be right. As if someone is being persuaded to vote a particular way, or some of the city council members are voting from their heart. Mr. Sanders asked if there was any way that the public could know what happens during executive session. Because sometimes the residents stay until 11:00 P.M. and they still do not know what is going on. Mr. Sanders stated that feels some City Council Members are discriminating against other individuals running in the May 14, 2011 General Election, by saying things that are not true.

Mr. Sanders said that he would like to see things stay the same as they are now. Because he cannot see much change being made with the same individuals running. Mr. Sanders stated that he is aware that some of the Council Members are doing things as a favor to other people; however, he encourages those individuals to stop doing favors and do what is right. Stop spreading lies on people that are not guilty. He feels Mayor James Gosey was dismissed wrongfully, and the March 9, 2011 altercation would have never happen if the City Council had not approved the application 10.03 form, which required Mayor Gosey to come to City Hall to complete the necessary candidate filing documents.

PUBLIC HEARINGS

- 1) Case #PZ 2011-11 to receive citizen's comments regarding a request for a Specific Use Permit for a Hotel Facility to be located at 3200 Forest Hill Circle. The current zoning of this property is PD (Planning Development) and the legal description of this property is Lot1, Block 1 of the Patel Addition in the City of Forest Hill, Tarrant County, Texas as requested by Anil Ram with ADR Designs, LLC.

The public hearing for #PZ 2011-11 was opened at 7:49 P.M., Mr. Patel stated that last year this time they applied for the SUP, it did get approved however the plans and platting was delayed which caused the SUP to expire. They are applying for the SUP now and he hopes everything goes well. The public hearing was closed at 7:50 P.M.

- F. 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 March 15, 2011 regular council meeting.

Council Member Sami made a motion to approve Consent Item #1, seconded by Council Member Sanders which passed as follows:

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

Nays: None

Abstain: Council Member Joubert

Absent: Mayor James Gosey

- G. Deliberation Agenda:**

2. Discuss and consider possible action regarding Tarrant County Elections, May 14, 2011 Joint Election Agreement and Contract for Election Services. (Sheyi Ipaye, City Manager)

Charlotte Hogan Price, 3600 Brambleton Place – Ms. Price stated that she has lived in the City of Forest Hill since 1977. She stated the City has a very viable library, with six (6) Trustees and she is one of them. Ms. Price has served since 2003 and has never had an opponent. She goes on to say that every year three (3) Trustee’s are up for re-election and she wants to remind the Council that we have an agreement with the City to hold a Joint Election. Ms. Price feels that it is a matter of changing dates, times and getting signatures. She feels that it is unfair to incur legal fees for a document that is in place, since the inception, we have had two elections and they would like to continue to hold elections with the City to be cost effective. She hopes that there will be no confusion in the years to come. She further stated it is very simple when you call the City of Forest Hill Election, call the Library District’s Election at the same time. Please continue to honor our joint election.

Mayor Pro Tem Masimini asked the City Attorney, Warren Spencer if he had any information regarding Ms. Price’s statements. He stated that there was an agreement that was submitted to Council for approval and it would be submitted to Council each year. They (the Library District) are a separate governmental entity so we cannot provide legal services for them. The City Attorney goes on to say if there were questions regarding their legal contract then they would need to consult with their own legal services for that purpose.

Mayor Pro Tem Masimini asked Ms. Price if we could set a meeting. Ms. Price made several statements that were inaudible, because she was not speaking into a microphone, but speaking from the audience. **Mayor Pro Tem Masimini** asked the City Secretary Grace Edwards if she had any information regarding this issue. Mrs. Edwards stated that the situation with the Library Board did not happen exactly the way it has been explained. The City and the Library did have some meetings and there were some misunderstandings on the Library Districts part, stated Mrs. Edwards. One misunderstanding was the City Secretary for the City of Forest Hill is required by the Joint Election Agreement to call the election for the Library District.

The Secretary of State attorneys recommended/advised the City Secretary that the Library District is responsible for calling their own election; citing the law which states one entity cannot call an election for another entity. Mrs. Edwards also stated that there were other legal issues that were addressed by the Secretary of State attorneys as not complying with state law regarding the Joint Election Contract that has been in place for many years. She feels that there are many things that need to be addressed with regard the Joint Election Contract. There was inaudible conversation from the audience. Mrs. Harvey made remarks that were not recorded, because she spoke from the audience and not from the microphone.

The City Secretary stated that the processes for the Joint Election should be reviewed. Mrs. Harvey continued to speak from the audience. **Mayor Pro Tem Masimini** restated that we needed to schedule a meeting to address the issues. He further stated that we could have the meeting at the Library. Council Member Joubert stated that from the inception of the Library District, the City of Forest Hill and the Library District have had a joint election. He goes on to say that he is not sure if “Call of Election” is the correct terminology but the City and the Library Board have had a standing agreement in writing, they would pay their fifteen hundred dollars, and if there was no election, we would reimburse them. Council Member Joubert said it was not like you have to call our election, he goes on to say that he feels there is a misunderstanding.

Mayor Pro Tem Masimini agreed stating this is why we have the meeting scheduled and if Council Member Joubert would attend. Council Member Thomas informed **Mayor Pro Tem Masimini** that she plans attend the meeting as well. **Mayor Pro Tem Masimini** shared that he is not taking attendance of who can and cannot attend the meeting. He directed the council meeting back to the agenda. Council Member Thomas shared that she hopes the meeting will be posted. **Mayor Pro Tem Masimini**

reiterated Mrs. Harvey stated that this was their (Library Districts) meeting. Inaudible conversation from Mrs. Harvey speaking from the audience. Mayor Pro Tem asked if there were any questions regarding the agenda item itself. Council Member Joubert stated this is all we had to do the first time when we called our election. The City Secretary Grace Edwards further clarified the Library District has to call their own election, the document that she typed stated she was calling the election for the City of Forest Hill only, the Library District would have to do the same for themselves. Council Member Joubert referenced the contract that was in front of him, stating this contract is just a contract of service. Mayor Pro Tem Masimini stated that this contract was different from the joint election contract that Ms. Price and Mrs. Harvey were referring to. They correlate but they are not the same thing.

The contract that was in front of them tonight is the contract for Tarrant County. Council Member Dalcour stated we have the power to change that tonight don't we? Mayor Pro Tem Masimini stated that there was nothing to change. Council Member Dalcour stated that the Library District is just asking for us to reimburse them? Mayor Pro Tem Masimini disagreed with Council Member Dalcour's statement. He stated that the Library District was not asking for reimbursement. Council Member Thomas stated we need to recognize the joint election.

Council Member Thomas made a motion with regard to the Tarrant County Election from this day forward she assumes' that they are discussing May 14, 2011, and that the joint election agreement and the contract for election service be on the agenda. Mayor Pro Tem Masimini stated that he does not understand Council Member Thomas' motion, he asked if Council Member Thomas would please clarify.

Council Member Thomas restated her motion with regard to the Tarrant County Elections May 14, 2011 and the Joint Election Agreement and the Contract for Election Service between the Library District and the City of Forest Hill that we honor it. Mayor Pro Tem Masimini asks for a moment to consult with the City Attorney.

Mayor Pro Tem Masimini stated to Council Member Thomas that her motion must relate to the agenda item itself Council Member Thomas stated her motion is to the Joint Election Agreement. Mayor Pro Tem Masimini stated that he just spoke to the City Attorney and he shared the same concerns about the motion as well. Council Member Thomas asked the City Attorney to explain the document to her. The City Attorney stated that this contract before the City Council tonight is just between the City of Forest Hill, several other cities, and Tarrant County Elections Administrators, and it has nothing to do with the Library District Election; this is our (the City of Forest Hill) agreement with Tarrant County Election Services to provide equipment, and supplies for our election. This contract really has nothing to do with the Library District.

Council Member Thomas asked if the word joint has anything to do with the Library District. The City Attorney disagreed and stated that if she looked on page 1 of 10 there is about twenty (20) entities listed. He goes on to say this contract approves our participation in the contract with Tarrant County Election Services. Council Member Thomas stated that she thought we did that already.

Council Member Thomas stated that she was amending the motion to state with regard to Tarrant County Election of May 14, 2010, the Joint Election Agreement and the Contract for Election Services that we accept it, seconded by Council Member Joubert which *passed* as follows:

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

Nays: None

Absent: Mayor James Gosey

3. Discuss and consider possible action regarding City of Forest Hill City Charter application 10.03 form. (Dulani Masimini, Mayor Pro Tem)

Loretta Muldrew, 3300 Valley Forge Trail – Mrs. Muldrew stated that she did an open record request for a copy of the City Charter. She stated that there were changes made to application 10.03 form that were not in the City Charter. The current form has to be notarized, and the document that is in the City Charter does not have to be notarized. Mrs. Muldrew further stated the only way that something can be changed on the Charter is if the people vote for it. No one can change what is in the City Charter. This current piece of paper is illegal and it needs to be destroyed; and she stated that we need to start over.

Charlotte Hogan Price, 3600 Brambleton Place – Ms. Price stated that seven years ago she was on the Charter Review Board and a record was set in the City of Forest Hill for having the longest ballot there were more than twenty (20) amendments that were outdated, and they all passed. She wishes the City Charter could be used for its intent and purpose, but some of it is still obsolete. Let the citizens decide if the application 10.03 form should be included in the candidate's packets. Ms. Price says to show integrity why not include if you owe taxes or not. How are you going to sit there and look at other people and you have not paid your taxes. Why not disclose the information.

Mayor Pro Tem Masimini stated that the issue for bringing this item back to Council was not a moral integrity issue. The reason for bringing this back to Council was legal issues only. What was provided in the packet was how this could affect us legally, by exposure. There have been a couple of court rooms that they have named, we also have a letter from the Secretary of State telling the City of Forest Hill not to use the form. Presented with this information Mayor Pro Tem Masimini feels the document should be taken off, he heard what Ms. Price had to say and he respects her opinion. However, the State has told us what we need to do; not to expose ourselves.

Council Member Thomas stated that she wants to leave the original City Charter intact. Mayor Pro Tem Masimini stated that he is not suggesting to remove anything from the City Charter. He is suggesting the document not be part of the candidate packet. He simply stated remove the document for the candidate packet. Council Member Joubert stated that we should listen to our citizens. He further stated that if we want to change the Charter place it before the citizens for vote, we have been exposed all this time a little more exposure will not hurt us.

No action was taken on Deliberation Item #3.

4. Discuss and consider possible action regarding appointment to Boards, Committees, and Commissions. (Gerald Joubert, Council Member)

Council Member Joubert made a motion to approve Deliberation Item #4, appointing Cameron Wafer to the Parks and Clean City Committee, seconded by Council Member Sami which *passed* as follows:

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

Nays: None

Absent: Mayor James Gosey

5. Discuss and consider possible action regarding an adjustment to Resolution No. 04-2011, a Resolution agreeing to meet all match contribution requirements for the expenditures under

the Tarrant County Home Investment Partnership Program for Fiscal Year 2010-2011. (Sheyi Ipaye, City Manager)

The City Manager, Sheyi Ipaye stated that if he cannot find the money for this project he would not send the application in. Council Member Joubert is concerned where the money will come from.

Council Member Thomas made a motion to approve Deliberation Item #5, accepting adjustments to Resolution No. #04-2011 with Home Investment Partnership Program, with the understanding that the application will not be submitted if the City does not have the match money available, seconded by Council Member Dalcour which *passed* as follows:

There was some concern regarding the date on Resolution 04-2011, Mayor Pro Tem Masimini was advised that the date on the resolution needed to be amended. The City Secretary informed Mayor Pro Tem Masimini and City Council Members that the date located on the Official Resolution to be signed reflected the correct (today's) date. No amendment was necessary.

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

Nays: None

Absent: Mayor James Gosey

6. Discuss and consider possible action regarding Case #PZ 2011-11 to consider approval of a Specific Use Permit for a Hotel Facility to be located at 3200 Forest Hill Circle. The current zoning of this property is PD (Planning Development) and the legal description of this property is Lot 1, Block 1 of the Patel Addition in the City of Forest Hill, Tarrant County, Texas as requested by Anil Ram with ADR Designs, LLC. (Sheyi Ipaye, City Manager)

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

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

Nays: None

Absent: Mayor James Gosey

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.

7. **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:**

- a) Discuss and consider possible action regarding City Manager Contract. (Dulani Masimini, Mayor Pro Tem)

H. Reconvene into regular session.

Deliberation Item #7 was pulled by Mayor Pro Tem Masimini. The City Council did not recess into executive session.

I. Take any action necessary pursuant to executive session.

Deliberation Item #7 was pulled by Mayor Pro Tem Masimini. The City Council did not recess into executive session.

J. Adjournment

With no further business to address the meeting was adjourned at 9:27 P.M.

Grace Edwards, City Secretary

Dulani Masimini, Mayor Pro Tem