



AMENDED

**MINUTES
REGULAR COUNCIL MEETING
April 5, 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: 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, and Council Member Damian Dalcour.

Opening Agenda:

A. Call to Order

With a quorum present Mayor Pro Tem Masimini called the meeting to order at 7:03 P.M.

B. Invocation

Invocation was delivered by Reverend Kye P. Tatum Sr.

C. Pledge of Allegiance to Flags

Pledge to the United States and Texas Flags were recited.

D. Proclamation: Commissioner Roy C. Brooks (Dulani Masimini, Mayor Pro Tem)

The Proclamation was read aloud and presented to County Commissioner Roy C. Brooks, Precinct No.1 for his service to the City of Forest Hill. The Proclamation was presented by Mayor Pro Tem Masimini. County Commissioner Brooks thanked Mayor Pro Tem Dulani Masimini, and City Council Members, City Manager, and the citizens Forest Hill. County Commissioner Brooks confessed to a degree of amazement, over the entire turn of events with regard to receiving a Proclamation from the City of Forest Hill. County Commissioner Brooks stated that he was grateful for the recognition. He stated that he just received his twenty year pin in county government, and ten years prior to that County Commissioner Brooks served in government in the City of Forest Hill. He served six years on the Forest Hill City Council, and four years on the Planning and Zoning Commission. One thing that he has learned with his thirty years of experience while trying to perform city business is that you have to realize that you have to work with others. County Commissioner Brooks goes on to say there is only one tax payer. That taxpayer may write many different checks to many different entities but ultimately it is the same individual. Government works best when it is collaborative. When the city works with the county, which works with the state, which works with the federal government working together to leverage each other's efforts. A sense of collaboration and civility he goes on to say. County Commissioner Brooks stated that he loves the City of Forest Hill. He lived in the city for

eighteen years; as he stands as our County Commissioner ready to do whatever is necessary to help the City of Forest Hill, the City Council and residents to actualize their dreams for the city. County Commissioner Brooks thanked everyone for the City of Forest Hill's recognition; he stated that this was a tremendous surprise and he cannot think of any thing that he has done lately to deserve such recognition, he thanked the City of Forest Hill and its residents. County Commissioner Roy C. Brooks wished the City of Forest Hill the best in everything that they do.

E. Proclamation: Municipal Judge Glenn O. Lewis (Dulani Masimini, Mayor Pro Tem)

Judge Lewis was unable to attend the April 5, 2011 Regular Council Meeting because he was out of town business.

F. Presentation: Pearl Jones, Chairwomen, Parks and Clean City Commission

Mrs. Pearl Jones gave a presentation along with fellow members of the Parks and Clean City Commission, Mr. Henry Johnson and Mrs. Gladys Hardemen. Mrs. Jones gave an enlightening snapshot brief of accomplishments in an effort to keep the City Council informed. The Parks and Clean City Committee's purpose is as follows: *We are working to make our city's parks accessible, usable, safe, and beautiful as well as helping to enhance the attractiveness of our neighborhoods and streets.* The Parks and Clean City Committee's beliefs are as follow: *We believe it is the responsibility and duty of each resident whether tenant or owner to help prevent and/or remove litter and waste wherever and whenever possible. This is our city and we as a community take pride in its appeal.*

The accomplishments of the Parks and Clean City Committee (tangibles and intangibles) are the proposals of works from the committee, who's theme is *Neighbors Working Together* which is supported through the *Keep Forest Hill Beautification Program* which includes the following projects: *Griggs Park Renovation, Adopt-A-Park, Adopt-A-Median, City-wide Clean Up Days, Neighborhoods/Communities in Action, Senior/Disabled Citizens' Helpers, Family Day At The Park, Graffiti Removal, and GO GREEN-Energy Efficiency In Action.* The purpose of the Beautification Program which consists of nine (9) components (previously mentioned) is to utilize projects to encourage citizen participation in maintaining and enhancing the aesthetic beauty and care of this city.

The recommendations/actions would be identifying volunteers, team appointed captains, setting up procedures to record workers' time/location, and recognize area upon completion. The Parks and Clean City Committee's Acknowledgement is as follows: *The Parks and Clean City Committee would like to thank you for your attentiveness and cooperation. They trust that our effectiveness is a demonstration of commitment to fulfill our obligation to work together delinquently with foresight and alignment of being a community first driven committee.*

Council Member Sami commended Mrs. Pearl Jones, Mr. Henry Johnson, and Mrs. Gladys Hardemen on a well put together presentation. He states that he would also like to commend the other members of the committee. Council Member Sami stated that from the inception he has seen nothing but energy from the Parks and Clean City Committee. He says that this final document for which he has had the pleasure of reading is well thought out, and the goals and action plans are all obtainable.

Council Member Sami stated that it is very encouraging to know that in spite of everything that is going on the Parks and Clean City still maintain a very positive outlook and he appreciates their help. A round of applause was given to the Parks and Clean City Committee for their service and positive and uplifting spirit. Thank you Parks and Clean City Committee for a job well done.

G. Mayor Pro Tem Report:

- **Update on "Boerne is one Tech-Smart City"**

Mayor Pro Tem Masimini gave an update on “Boerne is one Tech-Smart City” article located in the Texas Town and City, February 2011 edition. Mayor Pro Tem Masimini stated that they had spoken to the City Manager, Sheyi Ipaye about the City of Forest Hill’s IT needs for the future. The City Manager concurs. Mayor Pro Tem Masimini stated that he has shared this article with other City Council Members. He goes on to say the City of Boerne is a located about seventy-five miles outside of San Antonio. When Mayor Pro Tem Masimini called to speak to the City of Boerne’s Mayor, and Assistant City Manager they informed him of their IT infrastructure needs with regard to IT and how the City of Boerne is progressing in the areas of IT. Mayor Pro Tem Masimini is focusing on the City of Forest Hill’s progression with regard to all of our departments Public Works Department, Municipal Courts Department, Utility Billing Department, and our Administration Department.

He goes on to say his biggest concern would be as the city purchases software, we focus on securing that the software is capable of being integrated. The Fire and Police Departments are able to share information, which supports better work performance. All city jobs will perform more efficiently, effectively. He states that this is his goal. He has asked the City Manager with an agreement from the City Council to look at the City of Boerne, if necessary going to visit; and the City of Boerne has also agreed to come to the City of Forest Hill if necessary. More importantly, he stated as we buy our software programs it is very important that we make sure, that the software programs can be updated, work together and most importantly be integrated with each other that would be ideal.

Rather than purchasing software one at a time for each department. That is the main focus, and this is where the Mayor Pro Tem would like us to be in twelve months. Mayor Pro Tem Masimini noted the only difference between our city and the City of Boerne is that the City of Boerne owns four (4) city utilities. The City of Forest Hill does not own any city utilities. We have to understand that we are comparing apples to oranges in this situation.

H. City Manager Report:

- **City of Forest Hill Police and Fire Department Strategic Plan**

Chief Ed Henderson, Forest Hill Fire Department gave an enlightening presentation. Chief Henderson began his presentation by stating after seven (7) months and two temporary office spaces he has finally moved to his permanent location. The fire department is finally getting their feet off the ground. Chief Henderson recognized members of his staff in the audience Lieutenant, Jay White, Engineer, Darwin Lockett, along with retired City of Forest Hill Engineer Robert Chapman. Chief Henderson shared the City of Forest Hill Fire Departments Mission Statement with Mayor Pro Tem Masimini, City Council Members and residents. *The mission of the Forest Hill Fire Rescue is to preserve life and property, promote public safety and foster economic growth through leadership, management and actions, as an all risk life safety response provider.*

Chief Henderson substantiated the City of Forest Hill’s Fire Department functions are based solely off the words consisted in the aforementioned mission statement. He stated in evaluating his entire department, he feels each member of the Forest Hill Fire Department holds the mission statement to heart. Every day this mission statement drives the Fire Rescue staff to respond to the citizens of Forest Hill. The Core Values of the Fire Department/Fire Rescue Staff is to *Demonstrate a willingness to care, commitment, courage, devotion to duty, pride and teamwork. Provide services characterized by compassion, honor, integrity, and professionalism. Have trust and respect for all those whom we serve. Strive for personal and professional growth. Aim for the marks which will allow us to exceed the leading edge of our profession.*

Chief Henderson gave statistical information that he feels will reflect Forest Hill Fire Department/Fire Rescue Staffs exceeding the leading edge of their profession. He goes on

to share with Mayor Pro Tem Masimini, City Council Member and residents that it is his intent to fill the positions of Fire Marshall, Firefighter frozen position, and Firefighter vacant position to be able to serve this community not for tomorrow, not for next year, but for the next twenty years plus, and into the future. Chief Henderson admitted that some of the things that he does are what some may “call out of the box,” however, if you are looking for someone who will coheres men into doing things based on the power of their title; he admits he is the wrong person for the job.

He stated that he wants to develop leaders that will take this department where it needs to go. He further commented on the importance of filling the three vacant positions listed on the Fire Department Structural Chart. Conclusively, Chief Henderson addressed and gave a statistical overview of last year’s accomplishments. He stated that if the Fire Rescue staff are going to exceed the cutting edge, the department will require additional training in various areas. The Forest Hill Fire Department will develop a strategic business plan that will represent the Forest Hill Fire Department for the next five (5) years.

The City Manager, Sheyi Ipaye informed the City Council that the ISO rating for the City of Forest Hill currently is five (5), the lowest rating is (6). The new ISO rating for 2011, and the City of Forest Hill is three (3) thanks to the hard work and dedication of Chief Ed Henderson and the Forest Hill Fire Department. This lower rating will give citizens of Forest Hill a reduction on their homeowners insurance.

Chief Robert Herbert, Forest Hill Police Department gave an enlightening presentation. Chief Herbert began his presentation by stating that his brief will be very short and it will deal strictly with statistical results. He will take the opportunity during the budget hearing to present his case to the City Council. The first slide presented showed statistics for *Calls for Service* from January 2009 through December 2009, and January 2010 through December 2010. Chief Herbert stated that an area that fell short was traffic stops. He stated that a shortage of officers was one of the reasons for this drop. Chief Herbert referred to the accident tally report next; he pleasantly noted that the City of Forest Hill traffic accidents went down in FY 2010.

Chief Herbert further thanked TXDOT and the Forest Hill Fire Department. Subsequently, Chief Herbert addressed the *Offenses Reported to the Police* for FY 2009, and 2010. He noted that every category was on an even kill. However, the City of Forest Hill burglary rates and larceny rates are still very high within our city. As well as robbery rates for a city our size. Chief Herbert stated that he has seen these rates fluctuate from year to year, and he attributes the increase to not having enough officers to patrol certain areas within the City of Forest Hill.

The goal of the City of Forest Hill Police Department Presentation is ***“To help participants understand how relations between the community and law enforcement can be strengthened through community policing strategies.*** The objectives of the Forest Hill Police Department are to ***Define community policing and its principles, Describe the benefits and importance of citizen involvement, Identify strategies for effective communications, Identify the six factors for improving police oriented relations, Describe the benefits of Neighborhood Watch.***

The eight “P’s” of Community Oriented Policing are ***A Philosophy of full service Personalized. Policing where the same officer Patrols and works in the same area on a Permanent basis, from decentralized Place, working in Partnership with citizens to identify and solve Problems.*** The City Manager, Sheyi Ipaye stated that the City of Forest Hill Explorer Post #175 had the opportunity to compete with other cities. Officer Chris Stokes training advisor for the Explore Post #175. He stated that April 2, 2011 they had the opportunity to compete in the Texas State Explore Competition, which was the 22nd Annual Competition. Officer Stokes was proud to say that the Forest Hill Explorer Post #175 brought back several trophies’, and the young men and women did very well in this competition.

Officer Stokes was very surprised and pleased with their performance. Because this is, a young group of Explorers that recently competed and they have not had very much training in the Explore Program and represented the City of Forest Hill for the first time in competition. Explorer Captain Chasstin Terry, Officer Stokes did not know that he (Explorer Terry) knew how to ride a bicycle and he brought back 2nd place in the bicycle competition which is the first time this event has been given in the State of Texas, Explorer Lieutenant Clarissa Murillo, Explorer Ethan Anderson, Explorer Marquindo Jones, and Alexis Alanis which is no longer a member of the City of Forest Hill Explore Program. Officer Stokes stated that it is his hope that all the Explores go on to pursue law enforcement careers Ms. Alanis has chosen to pursue a career in the Marine Corps, and that is what her goal is right now.

This year the City of Forest Hill Police Department kept her on board as an advisor because she had been with the Explorer Program for almost five years, and she had a lot of experience to share with the new Explorers. Ms. Alanis took the time to compete in the Explores Advisor Top Dog competition and placed second in this competition. Group pictures were taken.

- **City of Forest Hill Police Department Profiling Report**

Chief Robert Herbert gave a brief presentation regarding racial profiling. Chief Herbert informed the City Council and the City Manager that this is an annual report that has to be reported to the State of Texas. The categories/areas reported on are Number of Motor Vehicle Stops, Race or Ethnicity, Race or Ethnicity known prior to stop, Search Conducted, Was Search Consented. Chief Herbert explained that each time the Police Department makes a traffic stop this information is collected, and the Forest Hill Police Department has an updated system that keeps track of all this data each time a traffic ticket is issued.

- **Update on Budget and Amendments**

City Manager, Sheyi Ipaye stated that the purpose of the amendment was to reconcile the budget. He stated that we started the fiscal year on October 1, 2010 as of March 31, 2011 we have concluded six (6) months into the budget year. This is the reason for an amendment to the budget year. The City Manager asked the Council to turn to page three of the information that was provided for the Council, he goes on to say as he explained earlier the sources of revenue are lease purchases because we discussed this issue during budget time to buy police vehicles, a street sweeper and the money that was placed into the original budget was \$225,000.00, and the amended budget is \$264,000.00 leaving a remaining \$39,000.00 in credit.

As previously mentioned water franchise, we went in last month to pull the money that we are suppose to have in our general fund that comes from this water fund; and we put these funds into the budget for this year that amount is \$172,100.00. The auditors discovered an area were money was not transferred when it should have been last year. That amount was supposed to be \$309,000.00, and when you subtract \$172,100.00 from that total you will have a credit of \$137,250.00. Additionally, there are administration charges for CDC, and the water fund; this is how the total for revenue was calculated. The City Manager stated that the total revenue was \$358,989.00.

The expeditions are the lines that are overspent. Council Member Thomas and Council Member Sami asked questions earlier about this information. The City Manager stated that with the information that he provided the City Council they should be able to see clearly line by line which areas are overspent, as well as, by how much. The Mayor and Council \$4,433.00, City Secretary Office \$2,492.00, City Manager Office \$3,258.00, Finance Department \$8,201.00, Public Works Department \$10,000.00 (because of the street sweeper), Police Department \$30,939.00 (increase because of the purchase police cruisers), Fire Department \$1,864.00 (equipment repair), Building and Grounds

\$6,000.00 (Beautification Programs), Non Departmental \$28,522.00 and at the end of the day the total overage is \$85,709.00 that needs to be amended.

The revenue general fund was \$358,989.00 and the total expenditures general fund was \$85,709, a net increase to general fund balance was \$273,280.00. This balance was added to improve the reserve. The City Manager informed the City Council that Eddie Peacock is here tonight to answer any questions that they may have. An extensive discussion ensued between Mr. Eddie Peacock and City Council Members regarding the budget and its processes.

- **Update on the Good News Project**

Reverend Kyev P. Tatum, President of the Fort Worth-Tarrant County Chapter of the Southern Christian Leadership Conference, and Dr. Mark J. DeHaven Ph.D., Health Institutes of Texas Professor, and UNT Health Science Center, Dallas, Texas – Rev. Tatum stated that he and Dr. DeHaven thanked the Mayor Pro Tem Masimini and City Council for the opportunity to start a dialog and possibly a relationship working with the City of Forest Hill. Rev. Tatum stated that they stand before the City Council by divine province a week ago we had the privilege here in Tarrant County to host Congressman Emmanuel Cleaver who is the Congressman from Missouri, by way of Waxahachie and Wichita Falls. Congressman Cleaver also serves as the Chairman of the Congressional Black Caucus. Rev. Tatum, and Dr. DeHaven's intent was to host Congressman Cleaver at Tarrant County College, however, when Congressman Cleaver's schedule changed their meeting place at the campus was already reserved by another organization.

They had to find not only another place to host the event but another caterer as well. As they began to think of places to host the event they thought about their good friends at Greater Sweethome Baptist Church and the facility that they have. They met with their staff and secured the facility, however Rev. Tatum had not secured the caterer until he went to one of the schools in Arlington, Texas there was this lady that had some of the best sweet potato pie on this side of heaven, a place called Avery Bar B Que. He was so impressed that he went over to eat at the restaurant and almost hurt himself. Rev. Tatum stated that he knew this was a place of quality service, and great prices. The Lord worked it out where as Avery Bar B Que would cater their event.

Subsequently, as they began to layout the plans for this event Rev. Tatum spoke with his good friend Municipal Judge Glen Lewis, City of Forest Hill, and whom Rev. Tatum has worked with many years in Austin, Texas; and in the Legislature as the Chairman of the Board of Regions at Texas Southern University. Rev. Tatum and his constituents wanted Municipal Judge Glen Lewis to be involved with this event. This is how the whole notion of Forest Hill came into the discussion. As they began to talk with Municipal Judge Glenn Lewis and Mayor Pro Tem Dulani Masimini they began to discover that their goals and desire within the Southern Christian Leadership Conference is to create safe healthy communities for all of those who are under our responsibility, and recognize that the City of Forest Hill could possibly be a great place for the Southern Christian Leadership Conference to begin to engage the community in a larger way.

Rev. Tatum believes the City of Forest Hill is a great place because the city is located in the heart of Tarrant County, and the city has, as Rev. Tatum phrased it a lot of promise in the City of Forest Hill. Through the Southern Christian Leadership Conference Dr. King and other Pastors that worked with him understood that none of us could be what we should be, unless we looked out for the underserved communities. Rev. Tatum informed the City Council about a conference on April 7-8, 2011, located at UNT Health Science Center, *Embracing our Community of African American Children*. they are collaborating with the School of Public Health to bring about a historic meeting not only academicians, researchers, scientists, and the usual suspects; but Rev. Tatum and his constituents are also beginning to bring Community Leaders and Grass Roots Leaders as well as, others together to address the emotional, and mental well being of our

children; African American children.

He does not have to alarm the audience with the statistics. They are excited that the UNT Health and Science Center has embraced their idea to bring about substantive resources, and avenues to help our children improve. It was in fact the same conference last year where Rev. Tatum met Dr. DeHaven, he was a mild mannered scientist, researcher and an all around nice guy who was giving a presentation on the ability of African American's within our community to reduce the amount of disease that our community faces every day. He (Dr. DeHaven) stated that eighty (80%) percent of diseases could be prevented if we simply improved our quality of lifestyle. When Rev. Tatum heard Dr. DeHaven speak, they immediately began to form a close friendship, because Dr. DeHaven not only took science, but he added the great component of spirituality, Moreover, for a Baptist Preacher that rang a bell with him because Dr. DeHaven very clearly showed that science and faith can play a key role in improving the quality of life for our children and our communities. In fact, Dr. DeHaven showed them what was happening in Dallas County. When many of the Pastors started talking about how they had lost sixty (60) plus pounds (lbs), and who were type two diabetics.

The individuals came off medication and were living life well. Dr. DeHaven showed Rev. Tatum and his constituent's one project that he and another Pastor were involved with, were they have literally created a healthy safe living environment for seniors that has recently opened called "Carpenter's Point." Rev. Tatum pledged to bring Dr. DeHaven's concept to Tarrant County. Rev. Tatum pledged to bring a similar concept on a grander scale called "Promise Point" to assure that Tarrant County will not only be able to help their seniors, but also help their families with children and become a model for people across this state and country to review. Rev. Tatum has asked Dr. DeHaven to come and speak briefly on this subject.

Rev. Tatum stated that Congressman Cleaver is a vegetarian, and a Pastor; so when they started talking about Dr. DeHaven's GoodNEWS Project, Congressman Cleaver's eyes perked up, his ears were alert and he said this is something that he wants to be involved in. If we can go from Tarrant County, to Forest Hill, to Congress, to around the Country he believes that this is divine and province.

Dr. DeHaven thanked Rev. Tatum. Dr. DeHaven stated to members of the City Council and the residents that it was great to speak before them tonight. Dr. DeHaven stated the program that Rev. Tatum previously spoke about the GoodNEWS Program. Dr. DeHaven stated that GoodNEWS stood for Genes, Nutrition, Exercise, Wellness and Spiritual Growth. He goes on to say that this program is a holistic comprehensive approach to preventing disease. Dr. DeHaven stated that he worked at one of the premier medical research institutions in the world for the last fifteen (15) years where he directed the Division for Community Medicine in Dallas, called UT Southwestern Medical Center. For which he (Dr. DeHaven) worked with the leading gene researchers in the world, and they will tell you everything about the human gene; except there is one thing that they do not know about the human gene; and they are very reluctant to share this with you. They do not know who created the human gene and this is where Rev. Tatum and Dr. DeHaven have become good friends.

Dr. DeHaven stated that genes are created to work in a very specific ways. We have grown too accustomed to thinking that diabetes, heart disease, obesity, hypertension, cancer, and all these diseases are normal. We would really have to think who would create a gene that would be so dysfunctional. We would have to think maybe it is not the gene that is dysfunctional; maybe it is something about the way we are living or the way we are treating the genes, very simply without going into any deep science Dr. DeHaven stated that the living human organism works in two ways chemical and message. Dr. DeHaven stated that you would think that if you feed something vegetables, give them water to drink instead of Coke, no fried chicken, or fried pork chops, only good wholesome chemicals, plenty of exercise, oxygen and everything that you need.

You would have to ask yourself would that person be healthy. The answer is maybe. Because we are two things chemical and message. Dr. DeHaven stated if you give someone a sound chemical structure and surround that person with hatred, prejudice, fear, and anxiety. That person is not going to be healthy. Therefore, it is not only the chemical that we bring to medicine, it is also the message. What the Rev. Tatum brings in terms of kindness, caring, nurturing this is how human living organism function. They have been working with congregations' in South Dallas since 2001. Dr. DeHaven and his constituents have received funding, a two million dollars in grant money to start his work from the Center for Disease Control and Prevention. They have also received additional funding over 2.5 million dollars from the National Institutes of Health to begin investigating whether or not these innovative approaches actually make a difference in the lives of people.

What they have not seen, because they prevented a large part of it is reductions in heart disease risk factors, reductions in the risk factors for strokes, improvements in HDL, lowering LDL, reducing total cholesterol, increasing fruits and vegetables consumption, and listening to Mrs. Pearl Jones talk about parks and recreation here in this city. What people often forget is the most therapeutic ingredient we have in the world that we have been given is nature. If we are able to be outside and we are able to be safe, and we have taken all these principles that Rev. Tatum was talking about and we put them in the context of "Carpenter's Point,"

This project is the first project built with HUD Housing, Dallas Housing Authority, government funding that embraces with these MIH GoodNEWS Principles that we have put into it; ways for keeping people healthy. As we now began to think about shrinking DeHaven feels the solution is by creating a healthy living environment so that the risk of having diabetes, heart disease, stroke, and cancer is reduced. He concluded by saying that he is a resident of Fort Worth now and his team of Cardiologist, Endocrinologist, Social Epidemiologists and others that he has on staff are now located in this area.

He and his constituents are asking for nothing for themselves. Most of the work that he does is in the form of a ministry and the ministry is in the form of a medical school. If they could be helpful or if they would like to continue a dialog about the type of work that they do, Dr. DeHaven welcomed the dialog. Dr. DeHaven thanked the City Council for their time. Rev. Tatum and Dr. DeHaven's presentation was appreciated and ended with a round of applause.

- I. **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.

Rev. Earl Griggs, 3308 Valley Forge Trail – Rev. Griggs said that he was speaking before the City Council tonight to request an apology from the City Manager, Sheyi Ipaye to the citizens of Forest Hill and to Council Member Damian Dalcour for his unauthorized actions of issuing a documented order (Criminal Trespass Warning) to Council Member Damian Dalcour on March 15, 2011 between 8:30 A.M. and 10:00 A.M. Informing Council Member Dalcour that he should not attend the scheduled March 15, 2011 City Council Meeting, and threatening him with arrest if Council Member Dalcour attended this meeting. Rev. Griggs says that Council Member Dalcour was asked to sign this document stating that he received the document; however, he was not given a copy of the actual order. Rev. Griggs further informed the City Manager that he does not have the authority to issue any type of legal order barring anyone from the City Council Meeting; especially the elected City Council Members/Elected Officeholders.

Rev. Griggs goes on to say it does not matter how the City Manager feels about the situation; and just in case the City Manager has not been informed the City of Forest Hill City Council Members police themselves. Rev. Griggs strongly encouraged the City Manager familiarize himself with Section 4.04, Powers and Duties of the City Manager, located in the City of Forest

Hill City Charter.

Jimmie Sanders, 7005 Stonewall Road – Mr. Sanders stated that County Commissioner Brooks made a statement earlier about working together. He says by doing this, it will make things better for all involved. Mr. Sanders stated that he was here tonight to talk about fairness and doing the right thing. Mr. Sanders stated that if the City Council is not fair, and if the right things are not done, nothing will come out right. He believes in doing the right thing. Mr. Sanders stated that he wanted to speak on the behalf of Mayor James Gosey who was suspended about four (4) months ago. He feels that the suspension was not fair, nor was it the right thing to do. Mr. Sanders stated that while Mayor James Gosey and other City Council Members were away traveling on city business, certain members of the City Council were discussing issues that were not about city business. Some held meetings that discussed who was going to be the next Mayor. The Mayor James Gosey supposedly shared something with the City Manager, and the City Manager supposedly informed Council Member Thomas about what was said.

Mr. Sanders goes on to say the four Council Members called a meeting about the allegations; then they called the City Attorney who subsequently completed an agenda for the four council members who ultimately brought the agenda here to the council meeting. Mr. Sanders feels that their actions were not fair nor was this the right thing to do. Mr. Sanders says that Mayor James Gosey was suspended on gossip and rumors. He says that the recalled statements were not quoted correctly. Some council members did not remember certain series of events the same as others. During this meeting a motion was made by Council Member Lyndia Thomas to suspend Mayor James Gosey for four (4) months, Council Member Gerald Joubert seconded the motion. Mr. Sanders noted that no one did any form of an investigation; he in turn feels that this was not the right thing to do.

Mr. Sanders further noted that in the next city council meeting the main issue was being eligible to run for office, and (in arrears on property taxes) owing property taxes. Therefore, the individuals spoke to the City Attorney; and he advised them about the Fourteenth Amendment and on what they could and could not do with regard to application 10.03 form located in the City Charter, Fourteenth Amendment, and the issue of arrears on property taxes. The members of the City Council ignored the City Attorney's suggestions and approved the application 10.03 form anyway, they found a way to change the form; to make sure Mayor James Gosey would be dismissed again. If this form was not approved Mayor James Gosey would not have been present at City Hall and the March 9, 2011 altercation would have never occurred. The Mayor was never told not to come to City Hall. Mr. Sanders said Mayor James Gosey is still a citizen, and each and everyone should know the truth. Therefore, with knowing the truth, they can vote for who they choose. He stated in order to make things right you have to be right yourself.

Mayor Pro Tem Masimini asked the City Secretary how much time did Mr. Sanders go over his three minute time limit. The City Secretary stated that she cleared the time off before looking at the overage. Mayor Pro Tem Masimini instructed the City Secretary to give the remaining individuals speaking during Citizen Presentation additional time.

Bessie L. Johnson, 3712 Grady Street – Ms. Johnson stated that she was here to speak about sewer charges. Ms. Johnson stated that she started inquiring about her sewer charges in December 2010. Ms. Johnson stated that it is her fault that she did not check into the sewer charges before December 2010 because when her bill is sent to her she just pays whatever the bill states that she owes. However in December she noticed that her sewage when from December 2009 to \$21.15, in December 2010 her bill was \$34.65, and as 2011 last month her bill is \$39.85 for sewage. Ms. Johnson stated that if anyone here could divide three into three months at twenty eight thousands gallons of water and their calculations derive at a monthly rate of \$39.85, because she could not successfully calculate those figures.

Mrs. Johnson spoke to Mrs. Clemmons in the Utility Billing Department; she stated that her supervisor was out of the office. Mrs. Johnson said it was as if; I will listen to you, but nothing is going to be done. This was the reason why Mrs. Johnson came to the City Council Meeting tonight because she believes in going through to proper chain of command. Mrs. Johnson

stated this was her other alternative. She asks if someone will check into this matter to see why the sewer rates are so expensive. She noted that there are only two individuals in the home. She further stated that when informed by the Utility Billing Department that December, January, and February were the months that would be used to base her new sewer rate, she immediately started watching her water usage very carefully. Mayor Pro Tem Masimini asked the City Manager to please assist Mrs. Johnson with the matter.

Brenda Scruggs, P.O. Box 24504, Fort Worth, Texas 76124 – Mrs. Scruggs stated that she concurred with Mr. Sanders’ earlier statements. Mrs. Scruggs stated that she has a serious problem with the altering on the City Charter, just to suit someone’s political agenda, and cause injury to Mayor James Gosey. This has embarrassed the City of Forest Hill. Mrs. Scruggs noted that she tried to tell the City Council during the March 15, 2011 Regular Council Meeting that this form was unconstitutional, however, it was too late because the altercation between Council Member Damian Dalcour and Mayor James Gosey had already occurred. The City Attorney, and the City Secretary tried to advise you (the City Council) that there were some issues and concerns regarding the use of this form. Mrs. Scruggs further noted that the City Secretary already had in her possession a form (Secretary of State “Application for a Place on the Ballot” form) that was completed and signed by Mayor James Gosey, instead somebody wanted to change the City Charter. Mrs. Scruggs stated that in section 10.03 the form/application had been changed from its original form; certain wording was removed from this form. Mrs. Scruggs stated that this was illegal and the only way that that anyone could change anything in the City Charter is for the citizens to vote on those changes. She reiterated that these changes are illegal and something needs to be done about it.

The whole city is embarrassed because of this situation. Mrs. Scruggs stated that she is very upset that the City Secretary, Grace Edwards tried to tell the City Council that it is illegal to use application 10.03 form, from the City Charter. Mrs. Scruggs stated that she contacted the Secretary of State and they sent her a letter that she has shared with the City Council, City Manager, City Secretary, and City Attorney. She goes on to say that, she believes in facts and we have been embarrassed by the actions of others for their political agenda. She said you (the City Council) want to know about the taxes for the citizens; Mrs. Scruggs noted that ninety-five (95%) percent of the citizens of Forest Hill do not have a City Charter to be interested in taxes; however, because you have a political agenda, you want to become the Mayor of Forest Hill, and you want to make sure that the citizens of Forest Hill know about taxes. Mrs. Scruggs stated that she has a problem with this issue and she wants to know who changed/altered the City Charter. Mrs. Scruggs asked for all documentation, emails, and all electronic correspondences showing who is responsible for changing the City Charter.

Loretta Muldrew, 3300 Valley Forge Trail – Mrs. Muldrew stated that she wanted to know how the City Council can change the City Charter without it coming before the City Council and citizens to be voted on; Mrs. Muldrew asked that this matter be placed on the next city council agenda. Mrs. Muldrew said to City Manager, Sheyi Ipaye that the City of Forest Hill was paying four thousand plus dollars for bus service, that would pick-up our handicapped, elderly and disabled citizens, taking them to their doctors appointments and bring them back home. Mrs. Muldrew stated that the City Manager’s statement was incorrect. Mrs. Muldrew stated that she has a neighbor sitting in the audience right now that has called you and the “T” on this very subject and you (City Manager) keep giving her the Red Cross’ phone number and when she called the Red Cross they informed her that she had to go on a waiting list. Mrs. Muldrew asked what are we paying the “T” for if they are not going to pick up the residents from their home and transport them to their doctor’s appointments. This individual has to be driven to Wichita Street at 4:00 A.M. in the morning. Conclusively, Mrs. Muldrew further stated that she did not expect the City Manager to comment on this matter right now, however, she would be coming to visit with him tomorrow.

J. 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 March 8, 2011 special council meeting.

Council Member Joubert pulled Consent Agenda Item #1, moving this item to the Deliberation Section of the agenda for discussion.

Council Member Joubert stated that he wanted to ask a question about the March 8, 2011 special council meeting minutes. Council Member Joubert stated that his only comment was, this is the special meeting of March 8, 2011, don't we have another meeting that we had after the special meeting? The City Secretary, Grace Edwards answered Council Member Joubert's question; stating the meeting in question was the March 15, 2011 regular council meeting. Council Member Joubert stated that he guess' his question is; are we supposed to have that March 15, 2011 minutes on this agenda or will we have March 15, 2011 minutes on the next agenda. The City Secretary informed Council Member Joubert that the City Council had three (3) City Council Meetings in one month, rather than the usual two (2) meeting per month; and given the fact that we had additional meetings; those minutes will be delayed. The City Secretary informed Council Member Joubert and the other City Council Members that this issue was discussed during the March 1, 2011 regular council meeting in executive session. Council Member Joubert stated that he must have left that meeting early.

Council Member Joubert made a motion to Consent Agenda Item #1, seconded by Council Member Sami which *passed* as follows:

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

Nays: None

Absent: Mayor James Gosey, and Council Member Damian Dalcour

K. Deliberation Agenda:

2. Discuss and consider possible action regarding approving the franchise agreement with Oncor Electric.

Council Member Joubert made a motion to approve Deliberation Agenda Item #2, seconded by Council Member Thomas which *passed* as follows:

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

Nays: None

Absent: Mayor James Gosey, and Council Member Damian Dalcour

3. Discuss and consider possible action regarding the process for open record requests.

Mayor Pro Tem Masimini asked the City Manager/Administration to provide the processes for handling open record requests to be provided in writing. The City Manager agreed to provide the information requested. Deliberation Item #3 did not require any other action.

11. Discuss and consider possible action regarding Solid Waste rate increase for IESI, Texas Corporation.

Deliberation Item #11 was moved after Deliberation Item #3 per Council Member Joubert.

Council Member Sami made a motion to accept Deliberation Item #11, seconded by Council Member Joubert which passed as follows:

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

Nays: None

Absent: Mayor James Gosey, and Council Member Damian Dalcour

4. Discuss and consider possible action regarding FY 2010-2011 Mid-Year Budget Review.

Council Member Joubert asked to handle Deliberation Item # 4, and #6 at the same time combined together. No vote was taken.

5. Discuss and consider possible action regarding changing regularly scheduled city council meetings from two (2) meetings per month, to one (1) meeting per month.

Council Member Thomas pulled Deliberation Item #5.

6. Discuss and consider possible action regarding FY 2010-2011 budget amendment.

Council Member Joubert suggested that the City Council handle Deliberation Item #4, and Deliberation Item #6 simultaneously. After consulting with the City Attorney, Mayor Pro Tem Masimini for the record informed everyone that Deliberation Item #4, and #6 will be voted on simultaneously. The vote was only taken on Deliberation Item #6. Council Member Joubert stated that the City Manager has answered several of his questions, and he thanked the City Manager for his efforts.

Council Member Sami stated that he understands that the City Manager has listed items for which he would like to amend. However, Council Member Sami would like to ask a question regarding Mayor and Council, Travel and Training line item, Council Member Sami stated that those numbers are not included in the information provided to them today. City Manager, Sheyi Ipaye stated that the Mayor and Council, Travel and Training line items are not over budget currently. The City Manager informed Council Member Sami that they would see information on this line item in September when the final amendment to the budget will be addressed. Council Member Sami asked if he wanted to see the information now where would he go to find this information. The City Manager stated that it is located in his budget packet.

Council Member Joubert had questions and suggestions about budget preparations.

Council Member Thomas made a motion to approve Deliberation Item #6 Resolution No. 2011-04-001, accepting 2010-2011 Budget Amendment, seconded by Council Member Sanders which passed as follows:

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

Nays: None

Absent: Mayor James Gosey, and Council Member Damian Dalcour

7. Discuss and consider possible action regarding the appointment of one additional municipal judge for a total of three judges; designating the current associate municipal judge as municipal judge; and, designating one municipal judge as presiding municipal judge.

Council Member Thomas made a motion to approve Deliberation Item #7, and appointed Judge Lewis as the presiding judge, seconded by Council Member Sanders which *passed* as follows:

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

Nays: None

Absent: Mayor James Gosey, and Council Member Damian Dalcour

8. Discuss and consider possible action regarding acquisition of a Street Sweeper for Public Works Department.

Council Member Thomas made a motion to approve Deliberation Item #8, seconded by Council Member Sami which *passed* as follows:

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

Nays: None

Absent: Mayor James Gosey, and Council Member Damian Dalcour

9. Discuss and consider possible action regarding appointments to Boards, Committees. and Commissions.

Mayor Pro Tem Masimini asked Mrs. Berniece Johnson, Chairwomen, Planning and Zoning Commission, and Mrs. Pearl Jones, Chairwomen, Parks and Clean City Commission to please come forward. Both chairwomen confirmed that there were only one seat to be filled on both commissions.

Council Member Thomas made a motion to appoint Michael Lewis to the Planning and Zoning Commission, seconded by Mayor Pro Tem Masimini which *passed* as follows:

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

Nays: None

Absent: Mayor James Gosey, and Council Member Damian Dalcour

Discussion ensued regarding potential members for the Parks and Clean City Commission. Mayor Pro Tem Masimini reviewed all of the applications for Parks and Clean City Committee, Allen Flennoy, and Deborah Reed were the two individuals that expressed interest in serving on the Park and Clean City Committee. Council Member Thomas stated that there is a conflict of interest with regard to Allen Flennoy serving on the Parks and Clean City Commission. Mr. Flennoy is an employee, and a resident of Forest Hill. Council Member Thomas stated that Deborah Reed should be chosen. Mayor Pro Tem Masimini stated that the Council would discuss all of the applicants.

Council Member Sami questioned if all the applicants were discussed before being appointed to the Planning and Zoning Commission. Council Member Sami stated in the past the City Council did exactly what Mayor Pro Tem Masimini has done which is separate all the applications that want to apply for a certain board and then the City Council by vote chose the individual to be placed on that board, committee, and commission. Council Member Sami stated that he would have loved to see Pam

Stockton's application included in the decision making process.

Council Member Thomas stated that she has concerns about city employees serving on one of the committee's because sometimes the committees can come up with some things that the City Manager might not agree with. And we want people to be compassionate, and steadfast regarding what committee they want the City to adopt. Council Member Thomas stated that an employee that wanted to serve on a board or committee would cause a conflict.

Mayor Pro Tem Masimini stated that in the past we have had employees sit on committees, there is a record of an employee sitting on the Planning and Zoning Committee that might have the very problem that you're speaking of. He goes on to say that the Parks and Clean City Committee does not have promulgating power, this and several other committees only suggest. Mayor Pro Tem Masimini stated that Zoning Board of Adjustments and Planning and Zoning Committee have promulgating powers/duties. Council Member Joubert asks if we are going to start a trend, as long as it is not Zoning Board of Adjustment or Planning and Zoning.

City Manager, Sheyi Ipaye stated that if employees have been appointed to boards, commissions, and committees in the past; it is not to the advantage of the city. The City Manager stated that honestly it was a mistake to put city staff sitting were residents should be sitting. In the Parks and Clean City Commission we already have Mr. Duenes, and Lisa Cabrera sitting on this board. City manager states we do not need a third staff member sitting on the Parks and Clean City Committee. This individual actually reports to Roberto Duenes, and Lisa Cabrera. The City Manager feels that this is not a good situation. If we have done this in the past, it was not right, stated the City Manager. We need to reserve the boards, committees, and commissions for the residents of Forest Hill. The City Manager further states, yes Mr. Flennoy is a resident of the City of Forest Hill, however, he still works for the City of Forest Hill.

Council Member Joubert stated that he has someone that he would like to nominate at the next council meeting for Parks and Clean City Committee. The Parks and Clean City Committee appointment was tabled until the April 19, 2011 Regular Council Meeting.

10. Discuss and consider possible action regarding Community Development Corporation's trip to ICSC in Las Vegas, Nevada.

Deliberation Item #10 was pulled by Council Member Joubert.

11. Discuss and consider possible action regarding Solid Waste rate increase for IESI, Texas Corporation.

Deliberation Item #11 was moved after Deliberation Item #3, per Council Member Joubert.

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.

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

- a) Discussion regarding David Miller vs. City of Forest Hill lawsuit

13. **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 Damian Dalcour and James Gosey March 9, 2011 altercation. (Lyndia Thomas, Council Member)

L. Reconvene into regular session.

City Council reconvened back into regular session at 10:49 P.M.

M. Take any action necessary pursuant to executive session.

Council Member Sami made a motion to authorize the City Attorney to move forward as authorized by Council with regard to the David Miller Case.

N. Adjournment

With no further business to discuss the meeting was adjourned at 10:51 P.M.

Grace Edwards, City Secretary

Dulani Masimini, Mayor Pro Tem