



**MINUTES
REGULAR COUNCIL MEETING
July 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 Gerald Joubert presiding. The following Council Members and officials were present: Mayor Pro Tem Ozell Birks, Damian Dalcour, Jo Pirtle, Brigitte Mathis, Bob Shanklin, Malinda Miller, City Manager Sheyi I. Ipaye, City Secretary Grace Edwards, Police Chief Robert Herbert, Fire Chief Ed Henderson, and City Attorney Warren Spencer.

Opening Agenda:

A. Call to Order

With a quorum present Mayor Gerald Joubert called the meeting to order at 7:03 P.M.

B. Invocation

Invocation was delivered by Council Member Malinda Miller.

C. Pledge of Allegiance to Flags

Pledge to the United States and Texas Flags were recited.

D. City Manager's Report:

• **Update regarding Monument Signs placement on Mansfield Highway**

City Manager stated that Sign Committee Members requested two monument signs to be moved to a different location. The monument signs in question are located at Forest Hill Drive and California Parkway that sign will be moved to Mansfield Highway and Wichita in front of the Fina Gas Station. The second sign to be moved is located at Mansfield Highway and I-820. This sign will be moved across the street in front of the Valero Gas Station. Additionally, the City Manager is seeking approval from the State of Texas regarding the relocation of the monument signs. The cost to move each sign is \$498.00. City Manager has requested another meeting with the Sign Committee for re-assessment purposes. Sign Committee members are as follows: Council Member Ozell Birks, Council Member Miller, and Council Member Bob Shanklin.

• **Update regarding Hip Hop for HIV Concert**

Mr. John Reed spoke regarding the Hip Hop for HIV Concert. The City of Forest Hill has been used in past as a HIV Testing Site and the City of Forest Hill has been a great source with regard to helping the organization reach it's goals. Last year, the City of Forest Hill helped "Hip Hop for HIV", "97.9 The Beat", The City of Dallas, MLK Jr. Family Clinic,

and John Reed reach their goal of testing over 5,000 people; “97.9 The Beat” will be broadcasting live on August 17, 2011 from 2 p.m. to 6 p.m. They are encouraging citizens of Forest Hill to get tested at Mahaney Community Center located at 6800 Forest Hill Drive, Forest Hill, Texas 76140. Further information will be forthcoming. No concert will be held at the City of Forest Hill’s testing site. The actual concert will be held on August 21, 2011 in Dallas at the Palladium Ballroom. In order to attend the “Hip Hop for HIV Concert” every individual must be tested for HIV.

- **Update regarding 7th Annual Tarrant Back to School Round-Up**

City Manager stated that the 7th Annual Tarrant Back to School Round-Up will be on Wednesday August 10, 2011 from 8 a.m. to 2 p.m. In order to receive a voucher to be admitted into the Round up families must pre-register by July 30, 2011. The Annual Tarrant Back to School Roundup will provide eligible families with free school supplies, backpacks, dental and vision screening, immunizations, and haircuts for public school children ages 4 – 18.

- 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.

Shirley Fowkes, 3901 Shelby Road – Mrs. Fowkes stated that she wanted the city council to be aware that the Handley-Harold Newspaper will no longer be published as of June, 2011 due to Star- Telegram cut backs. Mrs. Fowkes wrote historical articles about the City of Forest Hill. She stated that she was very excited about the last article that was written for the Handley-Harold Newspaper because of its humorous nature. Unfortunately, the article did not get published. However, Mrs. Fowkes shared the unpublished version with the city council and residents of Forest Hill. Mrs. Fowkes stated that the individual in charge of the Handley-Harold Newspaper is considering creating a historical website. Mrs. Fowkes asked the individual to please include the City of Forest Hill. Conclusively, Mrs. Fowkes provided posters to inform residents about the City of Forest Hill City Wide Garage Sale, and National Night Out.

Dr. Lyndia Thomas, 6941 Windy Hill Road – Mrs. Thomas asked the City Council to please consider Council Member Damian Dalcour as President of the Community Development Corporation Board. She informed the council that Council Member Dalcour has a Master’s Degree in this particular area. Mrs. Thomas also suggested City Manager Sheyi Ipaye as another possible candidate for President of the Community Development Corporation Board. Mrs. Thomas informed the council that both individuals have the necessary experience and are currently making a difference in the City of Forest Hill.

PUBLIC HEARINGS

- 1) Case #PZ 2011-13 to receive citizen’s comments regarding a request for a zone change of 0.5821 acres with the legal description being Lot 6, Block 1 of the Oak Crest Addition in the City of Forest Hill, Tarrant County, Texas. The property is located at 5232 High Ridge Road. The zoning at present time is GB (General Business) and is proposed to rezone to LI (Light Industrial) as requested by Glenda Bullard.

Mayor Joubert opened the public hearing regarding a zone change for Glenda Bullard, 5232 High Ridge Road at 7:17 P.M.

Mr. Jerry Bullard, 2409 Longhorn Trail, Fort Worth, Tx. – Mr. Bullard stated that he and the owner of the property adjacent to his have communicated; and both feel that making a zone change from General Business to Light Industrial would be advantageous. He is looking to partner with the neighboring property owner; whose property is already zoned as Light Industrial. Mr. Bullard stated that if the City Council would grant the zone change he feels it

would greatly increase his chances of bringing future businesses into the city limits.

Public Hearing regarding zone change for 5232 High Ridge Road closed at 7:21 P.M.

- 2) Case #PZ 2011-14 to receive citizen's comments regarding a request for a zone change of 0.4342 acres with the legal description being Lot 7, Block 1 of the Oak Crest Addition in the City of Forest Hill, Tarrant County, Texas. The property is located at 5236 High Ridge Road. The zoning at the present time is GB (General Business) and is proposed to rezone to LI (Light Industrial) as requested by Glenda Bullard.

Public Hearing regarding Zone Change for Glenda Bullard, 5236 High Ridge Road opened at 7:22 P.M., with no one present to speak the public hearing was closed at 7:22 P.M.

- 3) Case # PZ 2011-15 to receive citizen's comments regarding a request to add a use to Schedule of Uses Section 5.100 of the Zoning Ordinance of the City of Forest Hill for a Chemical Blending Plant and to propose the allowable zoning districts for the proposed use and add a definition for a Chemical Blending Plant to Section 3.100 of the Zoning Ordinance of the City of Forest Hill as requested by Advance Blending Inc.

Public Hearing regarding a request to add a use to the Schedule of Uses of the Zoning Ordinance of the City of Forest Hill was opened at 7:23 P.M.

Mrs. Laurie Walkenhorst, 208 Sentry, Mansfield, TX. 76063-Ms. Walkenhorst stated that Advanced Blending Incorporated is a 28 year old business located in Mansfield, Texas currently. They are looking forward to possibly relocating to the City of Forest Hill, Texas. The address for the possible relocation is 5230 South East Loop 820. She feels this relocation would improve the businesses accessibility, and would also support upgrading the businesses manufacturing capabilities. The Advanced Blending Incorporated Headquarters would be located in the City of Forest Hill. The company manufactures and blends raw materials/compounds for various cleaning products for the janitorial, food service, laundry, as well as the food processing industries. All materials are cleaning products that are biodegradable (capable of being poured down the drain). Ms. Walkenhorst feels the City of Forest Hill will give her business great visibility as well as room for future growth.

- 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 June 21, 2011 regular council meeting.

Consent Agenda Item #8 was pulled by Council Member Shanklin and placed as a Deliberation Item for discussion.

Council Member Miller motioned to accept Consent Agenda Item(s) #1 through #7 with a correction to the 06-21-11 Regular Council Meeting Minutes, on page 3 of 6 Citizen Presentation, located within Mrs. Loretta Muldrew's comments. The correction was made to the following sentence: *Mrs. Muldrew feels that he old underground pipes need to be replaced first.* This sentence was corrected to read as follows: *Mrs. Muldrew feels that **the old underground pipes need to be replaced first.* No further changes were made.**

2. Accept resignation of Council Member Brigette Mathis from the Community Development Corporation Board. (Sheyi Ipaye, City Manager)
3. Accept resignation of Council Member Ozell Birks from the Civil Service Commission. (Sheyi Ipaye, City Manager)

4. Accept resignation of Council Member Malinda Miller from the Zoning Board of Adjustment. (Sheyi Ipaye, City Manager)
5. Accept resignation of Council Member Bob Shanklin from the Zoning Board of Adjustment. (Sheyi Ipaye, City Manager)
6. Adoption of Ordinance No. #2011-07-001, setting out amendments to Chapter 66 of the Code of Ordinances of Forest Hill by establishing a new fee schedule for Tarrant County Public Health Services; updating regulations of food establishments, including food service establishments, retail food stores, temporary food establishments, mobile food units, and roadside food vendors; and, updating public swimming pool inspections and regulations to conform with those used by Tarrant County and state law. (Sheyi Ipaye, City Manager)
7. Adoption of Resolution No. #14-2011 authorizing payment for Forest Hill's share of services provided by the Steering Committee of Cities served by Oncor. (Sheyi Ipaye, City Manager)

Council Member Miller made a motion to accept the Consent Agenda Items #1 through #7 with the correction made to 06-21-11 regular council meeting minutes, seconded by Council Member Shanklin, which passed as follows:

Ayes: Mayor Joubert and City Council Members: Dalcour, Pirtle, Mathis, Birks, Shanklin, and Miller

Nays: None

Absent: None

G. Deliberation Agenda:

8. Discuss and Consider possible action regarding an adoption of Resolution No. #15-2011 authorizing the extension of an oil and gas lease with Chesapeake for city property. (Sheyi Ipaye, City Manager)

Council Member Shanklin asked questions regarding Resolution No. #15-2011 he requested confirmation with regard to the previous gas well drilling ordinance requirements. It was established that Resolution No. #15-2011 was renewing the lease on the original tracts that were previously leased. This resolution in an extension of options and not an authorization to drill.

Council Member Shanklin made a motion to accept Deliberation Item #8, seconded by Council Member Dalcour which passed as follows:

Ayes: Mayor Joubert and Council Members: Dalcour, Pirtle, Mathis, Birks, Shanklin, and Miller

Nays: None

Absent: None

9. Discuss and consider possible action regarding Case #PZ 2011-13 to consider approval of a request for a zone change of 0.5821 acres with the legal description being Lot 6, Block 1 of the Oak Crest Addition in the City of Forest Hill, Texas. The property is located at 5232 High Ridge Road. The zoning at the present time is GB (General Business) and is proposed to rezone to LI (Light Industrial) as requested by Glenda Bullard. (Sheyi Ipaye, City Manager)

Mayor Joubert combined Deliberation Agenda Item #9 and #10 for discussion and vote.

Mrs. Berniece Johnson, Planning and Zoning Chairperson gave a brief summary of the Planning and Zoning decision regarding PZ #2011-13 and PZ #2011-14.

Council Member Shanklin made a motion to approve Deliberation Item #9 and #10, seconded by Council Member Birks which *passed* as follows:

Ayes: Mayor Joubert and City Council Members: Dalcour, Pirtle, Mathis, Birks, and Shanklin

Nays: Council Member Miller

Absent: None

10. Discuss and consider possible action regarding Case #PZ 2011-14 to consider approval of a request for a zone change of 0.4342 acres with the legal description being Lot 7, Block 1 of the Oak Crest Addition in the City of Forest Hill, Tarrant County, Texas. The property is located at 5236 High Ridge Road. The zoning at the present time is GB (General Business) and is proposed to rezone to LI (Light Industrial) as requested by Glenda Bullard. (Sheyi Ipaye, City Manager)

Deliberation Agenda Item #9 and #10 were combined per Mayor Joubert.

11. Discuss and consider possible action regarding Case #PZ 2011-15 to consider approval of a request to add a use to the Schedule of Uses Section 5.100 of the Zoning Ordinance of the City of Forest Hill for a Chemical Blending Plant and to propose the allowable zoning districts for the proposed use and add a definition for a Chemical Blending Plant to Section 3.100 of the Zoning Ordinance of the City of Forest Hill as requested by Advanced Blending, Inc. (Sheyi Ipaye, City Manager)

Mrs. Berniece Johnson, Planning and Zoning Chairperson gave a brief summary of the Planning and Zoning decision regarding PZ #2011-15.

Council Member Shanklin made a motion to approve Deliberation Item #11, seconded by Council Member Dalcour which *passed* as follows:

Ayes: Mayor Joubert and Council Members: Dalcour, Pirtle, Mathis, Birks, Shanklin, and Miller

Nays: None

Absent: None

12. Discuss and consider possible action regarding City of Forest Hill City Council Agenda issues, including: use of agenda cover sheet; establishing a deadline for submission of information/material for the agenda; expanded use of the consent agenda. (Sheyi Ipaye, City Manager)

Council Member Miller made a motion to approve Deliberation Item #12, seconded by Council Member Dalcour which *passed* as follows:

Ayes: Mayor Joubert and Council Members: Dalcour, Pirtle, Mathis, Birks, Shanklin, and Miller

Nays: None

Absent: None

13. Discuss and consider possible action regarding authorizing a communication workshop for council and council staff appointees to include the services of a facilitator during the workshop and establishing a budget for the workshop not to exceed \$5,000.00 for all expenses associated with the workshop. (Gerald Joubert, Mayor)

Council Member Birks made a motion to approve Deliberation Item #13, seconded by Council Member Miller which *passed* as follows:

Please let the record reflect Council Member Birks made a motion to approve Deliberation Item #13, with the understanding that the City Manager, Mayor, and City Attorney will research the cost up to a certain amount, and will propose candidates to facilitate the communication workshop. The city manager will bring those figures back to the council for final approval, seconded by Council Member Miller which *passed* as follows:

Ayes: Mayor Joubert and Council Members: Dalcour, Pirtle, Mathis, Birks, Shanklin, and Miller

Nays: None

Absent: None

14. Discuss and consider possible action regarding Board, Committee and Commission appointments. (Sheyi Ipaye, City Manager)

Mayor Joubert encouraged all council members to think of prospective candidates to fill open positions on boards, commissions, and committees.

All citizens who are interested in serving on one of the Boards, Commissions, or Committees are encouraged to fill out an application. Discussion ensued regarding vacancies and process for appointments.

Dr. Lyndia Thomas, 6941 Windy Hill Road – Dr. Thomas asked the City Council to please consider her as a candidate for the Community Development Corporation Board, she stated that she has already filled out an application and her term expires in 2015

No action was taken on Deliberation Item #14 per Mayor Joubert.

15. Discuss and consider possible action regarding establishment of an Audit Committee. (Ozell Birks, Mayor Pro Tem)

Mayor Pro Tem Birks stated that he does not know when the City Forest Hill Audit Committee was dissolved. He would like the matter researched. Mayor Pro Tem Birks would like to see the Forest Hill Audit Committee re-established. He feels the Audit Committee is a good tool to have. He further noted the Audit Committee would give recommendations to the City Council.

City Attorney Warren Spencer informed Mayor Joubert that an Ordinance would need to be developed/adopted because currently the Audit Committee does not exist. Mayor Pro Tem Birks questioned the City Attorney as to how the past Audit Committee was brought into existence, and how and when it was dissolved?

Deliberation Item #15 was tabled for further research.

16. Discuss and consider possible action regarding revising the City of Forest Hill Citizen Presentation Form. (Malinda Miller, Council Member)

Council Member Miller proposed a change in the process for the City of Forest Hill Citizen Presentation. Council Member Miller proposed limiting citizen presentation to the citizens/residents of Forest Hill. If a visitor or business person comes forward, Council Member Miller proposes that the individual should be given the City Manager Sheyi Ipaye's card.

The city manager would help the individual resolve any issues they may have. If the city manager feels that the person should be brought before the City Council he will in turn create an agenda item, and the person will be allowed to speak. Council Member Miller stated that another option for the city manager would be to instruct the individual to present their concern in writing. Additionally, Council Member Miller would like to include citizens/residents can speak on an item listed on the agenda during citizen presentation.

City Attorney Warren Spencer elaborated on possible first amendment issues with regard to limiting the Citizen Presentation public comment portion of the City of Forest Hill's City Council Meetings. He cautioned the City Council that by making the proposed changes to the Citizen Presentation public comment section does implicate the first amendment issue and the city could end up in court.

Council Member Shanklin suggested the individual contact a council member and have them place the issue or matter on the agenda which would allow individuals from other cities to speak before the City Council.

Council Member Mathis stated that she had a problem with the proposed citizen presentation changes. She feels the City Council would be treading on the line of infringing on an individuals first amendment rights.

Council Member Mathis encouraged the City Council to allow individuals to speak for three minutes; taking the positive comments along with the negative comments. She further emphasized limiting who can speak during citizen presentation could put the city in a compromised position.

Mayor Pro Tem Birks stated that it is interesting that located within the City of Forest Hill Council Meeting Conduct Rules. It states "City of Forest Hill" specifically. He encouraged all council members to receive a copy of the Council Meeting Conduct Rules, City Charter, and Code of Ordinance Book. Mayor Pro Tem Birks stated that located in the City of Forest Hill Council Meeting Conduct Rules, Section V, Citizen Presentation Section it reads as follows: *Any citizen may, after filling out the appropriate form, address the Council on matters not listed on the agenda. Such address shall be limited, if possible to five (5) minutes. In order for citizens to be recognized, completed forms must be turned in to the City Secretary by the beginning of the meeting. The citizen will be allowed to speak once, and the Council will not enter into a long period of discussion, other than for the purpose of asking questions. No action may be taken by the Council on items which are not listed as agenda items due to constraints of the law.*

Mayor Pro Tem Birks feels that Citizen Presentation is for the citizen of Forest Hill, if a non-citizen has an issue they should see the city manager. Council Member Shanklin concurs. He feels that if the issue is something that needs to be brought before the city council then the matter/item should be placed on the agenda.

Mayor Pro Tem Birks commented on the wording on the agenda for the citizen presentation section and the wording of the City of Forest Hill Council Meeting

Conduct Rules, Citizen Presentation section conflict. Council Member Dalcour suggested changing the wording of the agenda presentation section. Council Member Dalcour further stated that anyone who comes before the council has the right to be heard.

Mayor Joubert suggested the City Attorney and City Manager research this matter and come back to the City Council. The City Attorney informed Mayor Joubert and the City Council that his recommendation/opinion will remain the same.

Loretta Muldrew, 3300 Valley Forge Trail – Mrs. Muldrew spoke regarding this matter. She stated the City Council would be taking away a persons constitutional right to come and speak before the City Council if they do not live in the City of Forest Hill. Perhaps that individual was raised in the City of Forest Hill and just moved away a few months ago. They could simply want to come back and address an issue or matter pertaining to the City. Or possibly the individual could own property within the City of Forest Hill. Mrs. Muldrew reiterated individuals should not have to go through anyone to speak before the City of Forest Hill City Council. Mrs. Muldrew informed the City Council that she feels they are wrong. Conclusively, Mrs. Muldrew stated that we have fought too long for freedom of speech for it to be taken away now.

Jimmie Sanders, 7005 Stonewall Road – Mr. Sanders stated that he would have to agree with Council Member Mathis and Mrs. Muldrew with regard to this matter. He stated that individuals should be able to speak before the entire council at the same time, and should not be required to go to one person. He further states nothing is wrong with giving all individuals who want to speak before the City Council three minutes to do so.

Gene Pirtle, 6106 Guilford Street – Mr. Pirtle stated that he respected the City Council's interest and thoughts on this issue. However, Mr. Pirtle felt the City Council have more important matters to address. Consequently, Mr. Pirtle does not agree with the proposed changes to citizen presentation and he supports keeping the City of Forest Hill open.

Council Member Miller made a motion to approve Deliberation Item #16, seconded by Council Member Birks which *did not pass* as follows:

Ayes: Council Members: Birks, Shanklin, and Miller

Nays: Dalcour, Pirtle, Mathis, and Mayor Joubert

Absent: None

Please let the record reflect before entering into Executive Session City Attorney Warren Spencer informed Mayor Joubert that located within the Administrative Section of the City of Forest Hill City Charter there is a Code for the City of Forest Hill to have an Audit Committee. The City Attorney advised Mayor Pro Tem Birks for the next council meeting; he should come back with ideas of nominations for the Audit Committee Board Members.

RECESS INTO EXECUTIVE SESSION - Pursuant to Section 551.071, Texas Government Code, the Council reserves the right to convene in Executive Session(s) from time to time as deemed necessary during this meeting for any posted agenda item, to receive advice from its attorney as permitted by law.

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

a) Receive information from city attorney regarding lawsuit Venus Wehle vs. City

of Forest Hill.

H. Reconvene into regular session.

Reconvened into regular session at 9:21 P.M.

I. Take any action necessary pursuant to executive session.

No action was taken.

J. Adjournment

With no further business to discuss the meeting was adjourned at 9:22 P.M.

Grace Edwards, City Secretary

Ozell Birks, Mayor Pro Tem