



AMENDED

**MINUTES
REGULAR COUNCIL MEETING
October 4, 2011
5:00 P.M.**

There is an audio and video recording of this meeting available for the public.

The City Council of the City of Forest Hill met on the above date at **5:00 P.M.** with Mayor Gerald Joubert presiding. The following Council Members and officials were present: Mayor Pro Tem Ozell Birks, 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. Council Member Damian Dalcour was absent.

Opening Agenda:

A. Call to Order

With a quorum present Mayor Joubert called the meeting to order at 5:00 P.M.

B. Invocation

Invocation was delivered by Council Member Brigitte Mathis.

C. Pledge of Allegiance to Flags

Pledge to the United States and Texas Flags were recited.

D. Mayor's Report:

- **Police Department recognition regarding Amber Alert**
- **National Night Out Celebration**

E. Citizens Presentation: At this time, any person with business before the City Council not scheduled on the agenda may speak to the City Council, provided that a "Speaker's Request Form" has been completed and submitted to the City Secretary prior to the start of the meeting. All comments must be directed towards the Chairperson, rather than individual members or staff. All speakers must limit their comments to the subject matter as listed on the "Speaker's Request Form." No formal action can be taken on these items at this meeting.

Teshorn Jackson, 7224 Forest Hill Drive – Spoke regarding developing a community garden.

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 minutes of October 4, 2011 regular council meeting.

Consent Agenda Item #1 was pulled by Council Member Miller and placed under the Deliberation Agenda for discussion.

2. Consider possible action regarding Ordinance No. #2011-10-001, an ordinance amending Chapter 114, streets and sidewalks, adding article 111 Basketball Hoops.

Consent Agenda Item #2 was pulled by Council Member Miller and placed under the Deliberation Agenda for discussion.

3. Consider possible action regarding Ordinance No. #2011-10-002, an ordinance amending Chapter 86, Offenses, enacting new section 86-63, urinating or defecating in public.
4. Consider possible action regarding Ordinance No. #2011-10-003, an ordinance amending Chapter 42, Commissions and Boards, of the City's Code of Ordinances adding Article VII, Historical Preservation Society.
5. Consider possible action regarding Resolution No.17-2011, approval of 37th Year CDBG, Forest Hill Water Line Project for Cardinal Ridge and Mahaney and award the contract to R & D Burns Brothers Inc. for the sum of \$82,440.00.

Council Member Shanklin made a motion to approve Consent Agenda Item(s) #3, #4, and #5, seconded by Council Member Miller which passed as follows:

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

Nays: None

Absent: Council Member Damian Dalcour

G. Deliberation Agenda:

1. Discuss and consider possible action regarding the minutes of September 13, 2011 special council meeting. (Pulled from the Consent Agenda by Council Member Miller).

Council Member Miller noted the following corrections regarding September 13, 2011 special council meeting minutes. Located within the first paragraph last sentence which reads "The following Council Members and officials were absent: City Attorney Warren Spencer." Council Member Miller noted the following change "The City Attorney was absent." Council Member Miller noted that the original wording for Citizen Presentation should be reflected on the September 13, 2011 special council meeting minutes, the new wording was approved during the September 13, 2011 special council meeting: "At this time, any person with business before the City Council not scheduled on the agenda may speak to the City Council, provided that a "Speaker's Request Form" has been completed and submitted to the City Secretary prior to the start of the meeting. All comments must be directed towards the Chairperson, rather than individual members or staff. All speakers must limit their comments to the subject matter as listed on the "Speaker's Request Form." No formal action can be taken on these items at this meeting." Citizen Presentation should be amended to read as follows: 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. Council Member Miller further stated that in the future when someone speaks under citizen presentation she would like to see a subject reflected in the minutes because she does not remember what that particular individual spoke about. Council Member Pirtle stated if you look at Roberts Rules of Order on how to write minutes it says that if you have a speaker you should give the speakers name and the subject, you do not have to write down everything that the speaker said. City Secretary, Grace Edwards informed the Council

that the format for the October 4, 2011 minutes were previously approved by Mayor Joubert and the City Attorney, Warren Spencer. Council Member Miller further stated that Dr. Lyndia Thomas spoke on several deliberation items during the September 13, 2011 meeting and she would like to see the speakers name under each deliberation item that they spoke on, no subject is needed just the speakers name. Council Member Miller stated that it is not necessary to show that the city attorney was absent under the deliberation section of the agenda because he is not a voting member. Remove all the deliberation items that reflect the city attorney was absent. Council Member Miller noted Deliberation Item #11 that reads: *Mayor Joubert made motion to accept Deliberation Item #11, should be amended to read Mayor Joubert made a motion to accept Deliberation Item #11, seconded by Council Member Shanklin which passed as follows.*

Council Member Shanklin made a motion to accept the minutes with corrections, seconded by Council Member Pirtle which passed as follows:

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

Nays: None

Absent: Council Member Damian Dalcour

2. Discuss and consider possible action regarding Ordinance No. #2011-10-001, an ordinance amending Chapter 114, streets and sidewalks, adding Article III Basketball Hoops. (Pulled from consent agenda by Council Member Miller)

Council Member Miller noted the following corrections regarding Consent Agenda Item #2 Ordinance No. #2011-10-001; the word *article* should begin with a capital letter A. Additionally, Council Member Miller noted article 111 should be corrected to read article III. Council Member Miller made a motion to accept Consent Agenda Item #2 with corrections, seconded by Council Member Shanklin which passed as follows:

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

Nays: None

Absent: Council Member Damian Dalcour

6. Discuss and consider possible action regarding a sign variance for ZJ Gifts, the proposed location is 3300 S.E. Loop 820, Lot 1D, Block 3 Park Forest Addition. (Sheyi Ipaye, City Manager)

**Steven Swander, 505 Main St. #250, Fort Worth, Texas
John Von Rosenberg, 907 Bentwater Pkwy, Cedar Hill, Texas**

Mayor Joubert made a motion to deny the sign variance to ZJ Gifts, seconded by Council Member Miller which did not pass as follows:

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

Nays: None

Absent: Council Member Damian Dalcour

7. Discuss and consider possible action regarding authorizing the City Manager to proceed with

the City of Forest Hill General Obligation Refunding Bond Series 2011 and engage bond professional. (Sheyi Ipaye, City Manager)

U.S. Williams, Jr., 1717 Main Street, Suite #4700, Lockbox 47, Dallas, Texas

Council Member Shanklin made a motion to accept Deliberation Item #7 and instruct the City Manager to move forward with this project, seconded by Mayor Pro Tem Birks which passed as follows:

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

Nays: None

Absent: Council Member Damian Dalcour

H. City Manager's Report:

- **Report on Civil Service Commission appointment**
- **Report regarding Resolution No. 16-2011**
- **Report regarding Fire Prevention Week/City of Forest Hill Fire Department Open House**
- **Report regarding FY 2011-2012 Holidays & Furlough Days**

City Manager Sheyi Ipaye welcomed newly appointed board member Pam Stockton to the City of Forest Hill Civil Service Commission.

Mayor Joubert instructed the City Manager, Sheyi Ipaye to place the 2011-2012 Holiday and Furlough Day Schedule on the next city council agenda.

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.

I. Reconvene into regular session.

The City Council did not convene into executive session.

J. Take any action necessary pursuant to executive session.

No action was taken.

K. Adjournment

With no further business to discuss the meeting was adjourned at 5:34 P.M.

Grace Edwards, City Secretary

Gerald Joubert, Mayor