MINUTES
REGULAR COUNCIL MEETING
December 6, 2011
7:00 P.M.
(Please let the record reflect that there is no DVD recording of this meeting.)

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, Brigette Mathis, Robert Shanklin, Malinda Miller, City Manager Sheyi I. Ipaye, City Secretary Grace Edwards, Fire Chief Ed Henderson, and City Attorney Warren Spencer.

Opening Agenda:

A. Call to Order

With a quorum present Mayor Joubert called the meeting to order at 7:00 P.M.

B. Invocation

Invocation was delivered by Council Member Brigette Mathis.

C. Pledge of Allegiance to Flags: Harlean Beal Elementary

Pledge to the United States and Texas Flags were recited.

D. Proclamation: Gwen Barbee, Color Me Beautiful

Mayor Gerald Joubert presented Ms. Gwen Barbee with a proclamation honoring Ms. Barbee's nomination as a "Great Women of Texas."

E. Presentation: Presentation regarding Peak Energy Saver

William Weideman, President, Peak Energy Technology – gave a brief presentation regarding how Peak Energy Technology helps, RV Parks, cities, small businesses, and homeowners to recycle electricity and save money by reducing the amount of electricity they purchase. With a money back guarantee, this technology is now cost effective for everyone and not just large businesses anymore.

F. Mayor's Report:

- **Report regarding National League of Cities information on Utilities**

Council Member Brigette Mathis, gave a brief report regarding National League of Cities information on Utilities. A sewer and waterline program that assists residents with the high cost of sewer and waterline repairs. Mayor Joubert encouraged City Manager, Sheyi Ipaye to research this program, because he feels the National League of Cities Water and Sewer Utilities

Protection Program could be of benefit to the residents of Forest Hill.

G. 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.

Loretta Muldrew, 3300 Valley Forge Trail – Mrs. Muldrew expressed her concerns with regard to the City Secretary's evaluation being placed on the agenda again; during the December 6, 2011 regular council meeting Mayor Joubert stated that the City Manager, Sheyi Ipaye would address all performance issues with regard to Grace Edwards, City Secretary's performance. However, Council Member Miller has decided to place this matter back on the agenda again. What is the reason for this decision? Mrs. Muldrew stated that the City of Forest Hill already has furlough days in place, why was Police Chief Robert Herbert forced to resign early. Now the Council has hired an investment company to save the city a little money. Mrs. Muldrew wanted to know when it is going to stop. If the budget will not be corrected for two more years, why has the City of Forest Hill chosen to waste taxpayer's dollars? Conclusively, Mrs. Muldrew feels the City Council cuts here and there, but ultimately continues to spend money that the city does not have.

H. Public Comments: Receive public comments on CHRISTAL'S business presence

PUBLIC HEARINGS

1. Case # PZ 2011-17 to receive citizen's comments regarding a request for a Specific Use Permit to allow for the drilling of a gas well. The current zoning of this property is R-2 (Single Family Residential). The property is located at 4556 Forest Hill Circle with the legal description being Lots 1 & 2 of the Florence G Whitlock Subdivision and Tract 42B of the Shelby County School Land Survey, Abstract 1375 in the City of Forest Hill, Tarrant County, Texas as requested by Walter Dueease with XTO Energy, Inc.

Public Hearing regarding Case # PZ 2011-17 opened at 7:27P.M. With no one present to speak the Public Hearing was closed at 7 30PM.

2. Case # PZ 2011-18 to receive citizen's comments regarding a request for a Specific Use Permit to allow for the drilling of a gas well. The current zoning of this property is R-2 (Single Family Residential). The property is located at 4556 Forest Hill Circle with the legal description being Lots 1 & 2 of the Florence G Whitlock Subdivision and Tract 42B of the Shelby County School Land Survey, Abstract 1375 in the City of Forest Hill, Tarrant County, Texas as requested by Walter Dueease with XTO Energy, Inc.

Mayor Gerald Joubert combined Case #PZ 2011-18, Case #PZ 2011-19, Case #PZ 2011-20. All three Public Hearing Cases opened at 7:31 P.M., with no one present to speak all three Public Hearing Cases were closed at 7:31 P.M.

3. Case # PZ 2011-19 to receive citizen's comments regarding a request for a Specific Use Permit to allow for the drilling of a gas well. The current zoning of this property is R-2 (Single Family Residential). The property is located at 4556 Forest Hill Circle with the legal description being Lots 1 & 2 of the Florence G Whitlock Subdivision and Tract 42B of the Shelby County School Land Survey, Abstract 1375 in the City of Forest Hill, Tarrant County, Texas as requested by Walter Dueease with XTO Energy, Inc.

4. Case # PZ 2011-20 to receive citizen's comments regarding a request for a Specific Use Permit to allow for the drilling of a gas well. The current zoning of this property is R-2 (Single Family Residential). The property is located at 4556 Forest Hill Circle with the legal description being Lots 1 & 2 of the Florence G Whitlock Subdivision and Tract 42B of the Shelby County School Land Survey, Abstract 1375 in the City of Forest Hill, Tarrant County, Texas as requested by Walter Dueease with XTO Energy, Inc.

5. Case # PZ 2011-21 to receive citizen's comments regarding 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 Health & Fitness Center and to propose the allowable zoning districts for the proposed use and add a definition for a Health & Fitness Center to Section 3.100 of the Zoning Ordinance of the City of Forest Hill as requested by Ken Jonson.

Public Hearing regarding Case PZ 2011-21 opened at 7:32 P.M. With no one present to speak the Public Hearing was closed at 7:33 P.M.

I. 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 November 15, 2011 regular council meeting.
2. Consider possible action regarding moving regular council meeting from January 3, 2011, to January 10, 2012.

Council Member Miller pulled Consent Item #2.

3. Consider possible action regarding Case # PZ 2011-17 to consider approval of a request for a Specific Use Permit to allow for the drilling of a gas well. The current zoning of this property is R-2 (Single Family Residential). The property is located at 4556 Forest Hill Circle with the legal description being Lots 1 & 2 of the Florence G Whitlock Subdivision and Tract 42B of the Shelby County School Land Survey, Abstract 1375 in the City of Forest Hill, Tarrant County, Texas as requested by Walter Dueease with XTO Energy, Inc.
4. Consider possible action regarding Case # PZ 2011-18 to consider approval of a request for a Specific Use Permit to allow for the drilling of a gas well. The current zoning of this property is R-2 (Single Family Residential). The property is located at 4556 Forest Hill Circle with the legal description being Lots 1 & 2 of the Florence G Whitlock Subdivision and Tract 42B of the Shelby County School Land Survey, Abstract 1375 in the City of Forest Hill, Tarrant County, Texas as requested by Walter Dueease with XTO Energy, Inc.
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6. Consider possible action regarding Case # PZ 2011-20 to consider approval of a request for a Specific Use Permit to allow for the drilling of a gas well. The current zoning of this property is R-2 (Single Family Residential). The property is located at 4556 Forest Hill Circle with the legal description being Lots 1 & 2 of the Florence G Whitlock Subdivision and Tract 42B of the Shelby County School Land Survey, Abstract 1375 in the City of Forest Hill, Tarrant County, Texas as requested by Walter Dueease with XTO Energy, Inc.
7. Consider possible action regarding Ordinance No. #2011-12-001 and Ordinance amending the Comprehensive Zoning Ordinance by changing the official Zoning Map and the Zoning Classification.
8. Consider possible action regarding Case # PZ 2011-21 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 Health & Fitness Center and to propose the allowable zoning districts for the proposed use and add a definition for a Health & Fitness Center to Section 3.100 of the Zoning Ordinance of the City of Forest Hill as requested by Ken Johnson.
9. Consider possible action regarding Ordinance No. #2011-12-002 an Ordinance amending the Comprehensive Zoning Ordinance by amending Chapter V-Section 5.100-Schedule of Uses by

adding the use of a Health and Fitness Center; Amending Section 3.100 by adding a definition for a Health and Fitness Center; Establishing a penalty and authorizing publication.

10. Consider approval of a contract retaining Monte Akers as an advisor for the charter amendment process and election.

Council Member Pirtle pulled Consent Item #10. This item will be placed on the January 10, 2012 agenda.

11. Consider possible action regarding amending the budget to cover unanticipated expenses.

Council Member Shanklin made a motion to accept Consent Agenda Items #1, #3, #4, #5, #6, #7, #8, #9, #11 seconded by Council Member Miller which *passed* as follows:

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

Nays: None

J. Deliberation Agenda:

Council Member Miller requested a correction be made on Deliberation Item #2, *January 3, 2011, should read January 3, 2012.*

2. Discuss and consider possible action regarding moving regular council meeting from January 3, 2012, to January 10, 2012.

Council Member Miller made a motion to approve Deliberation Item #2 with correction, seconded by Council Member Shanklin which *passed* as follows*:*

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

Nays: None

12. Discuss and consider possible action regarding a sign variance request for Clear Channel Outdoor Inc., for an electronic billboard. The proposed location is 5111 E. California Parkway with the legal description being A-1376, Tract 3301 of the David Strickland Survey in the City of Forest Hill, Texas. (Sheyi Ipaye, City Manager)

Teresa Moore, Clear Channel Outdoor, Inc – Gave a brief presentation regarding the benefits of placing a LCD Sign at the proposed location. Discussions ensued regarding Deliberation Item #12.

Council Member Shanklin made a motion to deny approval of Deliberation Item #12, motion fail due to lack of second.

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

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

Nays: Council Member Shanklin

13. Discuss and consider possible action regarding authorizing the City Manager to proceed and award bid for the Police Department building for the sum not to exceed $33,000.00. (Sheyi Ipaye, City Manager)

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

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

Nays: None

14. Discuss and consider possible action regarding Execution of Engagement Contracts with the Financial Advisor and Bond Counsel. (Sheyi Ipaye, City Manager)

Council Member Dalcour made a motion to approve Deliberation Item #14, seconded by Council Member Miller which *passed* as follows:

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

Nays: None

15. Discuss and consider possible action regarding Ordinance Authorizing the Issuance of City of Forest Hill, Texas, General Obligation Refunding Bonds, Series 2011, Approving an Official Statement, Authorizing the Execution of a Purchase Agreement and an Escrow Agreement, making provisions for the security thereof, Providing an Effective Date and Ordaining Other Matters relating to the subject. (Sheyi Ipaye, City Manager)

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

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

Nays: None

K. City Manager's Report:

- **Report regarding FY 2010-2011 Year-end Activities**
- **Report regarding furlough day for December 2011**
- **Report on possible violations at Stone Masonry Company located at 5703 Crawford Lane**
- **Report regarding resignation of Robert Herbert, Chief of Police**
- **Report regarding Texas Department of Licensing and Regulation**

City Manager Sheyi Ipaye thanked Charles Wegman and Fred Werner, Certified Public Accountants, for the wonderful job done for the City of Forest Hill. He gave a brief explanation regarding City of Forest Hill revenue, expenditures, and status of the audit. He gave an update on the closed masonry company located at 5703 Crawford Lane, Code Compliance has sent a letter of violation to the bank informing them that they have thirty (30) days to clean up the property. Mr. Ipaye informed Mayor, Council, and residents regarding the letter received from Texas Department of Licensing and Regulation listing twenty-three (23) violations for the City of Forest Hill, City Hall Building. The city has ninety (90) days from the receipt of the violation letter to make the necessary corrections. Confirmation was given that the next City of Forest Hill furlough day will be December 22, 2011.

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.

15. Section 551.074, Texas Government Code: Personnel Matters (a)(1) to deliberate the appointment, employment, employment evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee:

1. Discuss Performance Evaluation and Performance Plan for the City Secretary. (Malinda Miller, Council Member)

L. Reconvene into regular session.

The City Council reconvened into regular session at 9:57 P.M.

M. Take any action necessary pursuant to executive session.

Mayor Joubert stated City Secretary, Grace Edwards was given a cumulative evaluation. He further noted Mrs. Edwards will have 60 days to make the necessary improvements. A re-evaluation will be scheduled for February 7, 2011.

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

Nays: None

N. Adjournment

With no further business to discuss the meeting was adjourned at 9:59 P.M.

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Grace Edwards, City Secretary Gerald Joubert, Mayor