



**MINUTES
SPECIAL COUNCIL MEETING
NOVEMBER 3, 2011
6:00 P.M.**

The City Council of the City of Forest Hill met on November 3, 2011 at 6:00 P.M. with Mayor Gerald Joubert presiding. The following Council Members and Officials were present: Mayor Pro Tem Ozell Birks, Bridette Mathis, Bob Shanklin, City Manager Sheyi I. Ipaye, Police Chief Robert Herbert, Fire Chief Ed Henderson, City Planner Lisa Cabrera, and City Attorney Warren Spencer. Council Members Damian Dalcour, Jo Pirtle, and Malinda Miller were absent.

Opening Agenda:

A. Call to Order

With a quorum present Mayor Joubert called the meeting to order at 6:00 P.M.

B. Invocation

Invocation was delivered by Council Member Brigitte Mathis.

C. Pledge of Allegiance to Flags

The pledge of allegiance to the United States Flag and the Texas Flag were recited.

D. 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 comment 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 J. Muldrew, 3300 Valley Forge Trail, Forest Hill, Texas addressed the Council asking why was Christal's and Dreamer's allowed to come into the City of Forest Hill especially on the strip. She would like to see them closed up and moved out of the City.

E. 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 October 18, 2011 Regular Council Meeting
2. Consider possible action regarding Resolution No. 18-2011, establishing standards and criteria for the use of City-owned property for the installation of gas pipeline infrastructure and related

activities and authorize the City Manager to execute Gas Pipeline Public Right-of-Way Crossing Agreements; and providing an effective date. (Sheyi Ipaye, City Manager)

3. Consider possible action regarding adopting Resolution No. 19-2011, a resolution to continue receiving taxes on goods-in-transit in response to recent State Legislation. (Sheyi Ipaye, City Manager)
4. Consider possible action regarding Tarrant County Emergency Services Mutual Aid Agreement. (Sheyi Ipaye, City Manager)

Mayor Joubert requested that item # 3 be pulled from the Consent Agenda and be placed under the Deliberation Agenda for discussion.

Mayor Pro Tem Birks requested that item # 1 be pulled from the Consent Agenda and be placed under the Deliberation Agenda for discussion.

Council Member Shanklin made a motion to approve Consent Agenda items # 2 and # 4, seconded by Mayor Pro Tem Birks. Motion passed as follows:

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

Nays: None

Absent: Council Members Dalcour, Pirtle, and Miller

F. Deliberation Agenda:

1. Consider the minutes of October 18, 2011 Regular Council Meeting

Mayor Pro Tem Birks informed the City Secretary that on page three (3) of the minutes that the word Atmos should be Oncor.

Mayor Pro Tem Birks made a motion to approve the minutes with corrections, seconded by Council Woman Mathis. Motion passed as follows:

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

Nays: None

Absent: Council Members Dalcour, Pirtle, and Miller

3. Consider possible action regarding adopting Resolution No. 19-2011, a resolution to continue receiving taxes on goods-in-transit in response to recent State Legislation. (Sheyi Ipaye, City Manager)

Mayor Joubert informed the members of the Council that the reason he pulled this item was due to the fact that this case should have had a public hearing and then opened the public hearing at 6:09 P.M.

City Attorney Spencer explained to the members of the Council and the citizens that this is a tax that Forest Hill has always collected, but if we want to continue collecting the tax then we must pass this resolution according to the Texas Legislature. Should we fail to pass this resolution then we opt out of receiving this tax monies. Councilman Shanklin ask if goods-in-transit was like catalogue or internet sales and Mr. Spencer replied that he thought this was a tax for goods that are moved from one location to another or goods that are stored. Councilman Shanklin made a comment that we are not about to give away tax money.

Loretta Muldrew, 3300 Valley Forge Trail, Forest Hill, Texas addressed the Council and asked if we had any storages in the city that we are currently collecting taxes on. Mr. Spencer replied that he was not sure of the tax was apportioned, but if the resolution was not passed then we would not be allowed to collect the taxes however they are apportioned. The real question is do we still want to continue collect the monies then we need to pass the resolution.

Mayor Joubert closed the public hearing at 6:13 P.M.

Councilman Shanklin made a motion to approve the resolution, seconded by Mayor Pro Tem Birks. Motion passed as follows:

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

Nays: None

Absent: Council Members Dalcour, Pirtle, and Miller

5. Discuss and consider possible action regarding replacements for Planning and Zoning Commission. (Gerald Joubert, Mayor)

Berniece T. Johnson, the Planning and Zoning Chairperson addressed the Council and recommended that we expect the City of Forest Hill to start moving forward and a full Commission is needed in order to conduct the business of the City. A discussion ensued regarding the attendance of the Commissioners.

Councilman Shanklin made a motion to remove David Gainer and Adrian Anderson from the Planning and Zoning Commission, seconded by Councilwoman Mathis. Motion passed as follows:

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

Nays: None

Absent: Council Members Dalcour, Pirtle, and Miller

A discussion commenced on applicants and citizens who would be interested in serving.

Mayor Joubert made a motion to replace David Gainer with Ann Pierce, seconded by Mayor Pro Tem Birks. Motion passed as follows:

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

Nays: None

Absent: Council Members Dalcour, Pirtle, and Miller

Councilwoman Mathis made a motion to replace Adrian Anderson with Frankie Mathis, seconded by Mayor Pro Tem Birks. Motion passed as follows:

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

Nays: None

Absent: Council Members Dalcour, Pirtle, and Miller

6. Discuss and consider possible action regarding Board, Committee, and Commission appointments. (Ozell Birks, Mayor Pro Tem) per 10/18/11 Regular Council Meeting.

Mayor Pro Tem Birks informed the Council that Mr. Bohannon will be unable to serve which resulted in a discussion regarding applicants who would be interested in serving on the Zoning Board of Adjustments.

Mayor Pro Tem Birks made a motion to appoint Willie Sneed as a regular voting member of the ZBA and Sue Allen as an alternate of the ZBA, seconded by Councilman Shanklin. Motion passed as follows:

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

Nays: None

Absent: Council Members Dalcour, Pirtle, and Miller

Mayor Joubert explained to the Council that the Historical Preservation Society needed to be filled as well and recommended that Jo Pirtle, Shirley Fowkes, Gracie Ryan, Jane Harris, Marilynn Hicks, Charlotte Hogan Price, and Jerline Harvey be appointed to the Historical Society.

Councilman Shanklin made a motion to appoint Jo Pirtle, Shirley Fowkes, Gracie Ryan, Jane Harris, Marilynn Hicks, Charlotte Hogan Price and Jerline Harvey to the Historical Preservation Society, seconded by Councilwoman Mathis. Motion passed as follows:

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

Nays: None

Absent: Council Members Dalcour, Pirtle, and Miller

7. Discuss and consider possible action replacing Betty Sheffield on the Charter Review Commission. (Sheyi Ipaye, City Manager)

Mayor Joubert informed the Council that Charlotte Hogan Price has turned in an application showing interest in serving on the Charter Review Commission.

Mayor Pro Tem Birks made a motion to replace Betty Sheffield with Charlotte Hogan Price on the Charter Review Commission, seconded by Councilman Shanklin. Motion passed as follows:

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

Nays: None

Absent: Council Members Dalcour, Pirtle, and Miller

G. City Manager's Report:

- Report on Veteran's Day Celebration scheduled for November 11, 2011 at 8:00 a.m.

Mr. Ipaye invited all veterans whether they live in the City of Forest Hill or not to the breakfast celebration at Luby's on November 11, 2011.

- H. **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.

1. 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 evaluation and performance of the City Secretary. (Malinda Miller, Council Member)

I. Reconvene into Regular Session

Council did not recess into executive session.

J. Take any action necessary pursuant to executive session

K. Adjournment

With no further business to discuss Mayor Joubert adjourned the meeting at 6:34 P.M.

Gerald Joubert, Mayor

ATTEST:

Lisa Dawn Cabrera, City Planner