



AMENDED

**MINUTES
REGULAR COUNCIL MEETING
August 2, 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 Joubert called the meeting to order at 7:02 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. 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.

Loretta Muldrew, 3300 Valley Forge Trail – Mrs. Muldrew stated that the City of Forest Hill is taking a step backwards, with what she feels are Jim Crow Laws. She stated that the present city council members are bringing these laws back into existence. She supports keeping a fresh and positive atmosphere. Given the fact many former council members were re-elected. Mrs. Muldrew encouraged the council to get rid of their old ideas. Discouraging the old practices of handling city business. In conclusion Mrs. Muldrew stated the old way of handling city business has not been beneficial in the past, and it will not be beneficial in the present.

Lyndia Thomas, 6941 Windy Hill Road – Dr. Thomas thanked Mr. Ipaye, City Manager for working hand in hand with the citizen's of Forest Hill, Library Board, and Senior Citizen Center. Dr. Thomas encouraged the City Council Members to acknowledge the city manager's ability to develop new and creative ways to bring revenue to the City of Forest Hill. She also thanked the city manager for cross training employees, which she feels has helped the city save money with regard to employee salaries and benefits. Dr. Thomas applauded Mr. Ipaye's efforts.

Charlotte Hogan-Price, 3600 Brambleton Place – Mrs. Hogan-Price has a concern about animal control issues in the City of Forest Hill. She expressed concerns about the animal control

officer's ability to catch a stray dog that has dug up the grass and flower beds in her yard. She stated the canine is very elusive and obviously knows the animal control officer because he is very successful with eluding capture. Mrs. Hogan-Price encouraged the Mayor, City Council, and City Manager to find a way to capture the canine because she does not want to hurt the animal.

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 June 28, 2011 regular council meeting.

Council Member Pirtle pulled consent agenda item #1, and placed it under the deliberation section of the agenda for discussion and corrections.

F. Deliberation Agenda:

1. Discuss and consider possible action regarding the minutes of June 28, 2011 regular council meeting.

Council Member Pirtle made the following corrections located on page 3 within Deliberation Item #7 & #8 combined which reads *City Secretary Grace Edwards administered Oath of Office to newly elected City Council Member(s) Jo Pirtle Place 2, and Brigitte Mathis Place 3 simultaneously. The corrections made are as follows: City Secretary Grace Edwards administered Oath of Office to newly appointed City Council Member(s) Jo Pirtle Place 2, and Brigitte Mathis Place 3 simultaneously.*

Council Member Shanklin made the following corrections to Deliberation Item(s) #9, #10, and #11 which reads under the voting section *Absent: Council Member(s): Lyndia Thomas, and Drew Sanders. The corrections made for Deliberation Items #9, #10, and #11 are as follows: Absent: None.*

Council Member Shanklin made a motion to approve Deliberation Item #1 with corrections, 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

2. Discuss and consider possible action regarding city issued credit cards to council members. (Ozell Birks, Mayor Pro Tem)

Charlotte Hogan Price, 3600 Brambleton Place – Mrs. Hogan-Price stated that she was very delighted to see this issue on the agenda. Mrs. Hogan-Price read information aloud from correspondence provided by the Citizens for Integrity, Clean Team campaign pledge recommendations. She stated one of the recommendations was “no city credit cards should be issued to any council member.” Mrs. Hogan-Price stated that she hopes none of the newly elected council members have applied for city issued credit cards.

Mayor Pro Tem Birks stated that this is exactly why this issue has been placed on the agenda. Council Member Shanklin concurred with Mayor Pro Tem Birks.

Council Member Mathis stated as a single mom with a child in college and another in high school; she cannot afford to pay for travel. She feels that sometimes the council jumps too

far over compensating for things that happened in the past. Regulations can be put in place to make sure city issued credit cards are handled properly, she says.

Council Member Dalcour stated that individuals in the past have abused city issued credit card privileges; however no one on the current council has abused this privilege. He feels that each member should speak for themselves. He stated he travels a lot for training and he feels that he is competent enough to handle the responsibilities that come with having a city issued credit card.

Council Member Miller stated that during the time that she was on council before they never used credit cards. The city secretary always planned everything precisely. The city secretary called the hotel; and secured the price of the room with taxes included. She was then given a check for the precise amount needed. Council Member Miller stated that there was never a need for a credit card. All travel arrangements were already figured out prior to travel.

Lyndia Thomas, 6941 Windy Hill Road – Mrs. Thomas stated that each and every one of the council has valid statements with regard to the city issued credit card matter. She further explained the rules and regulations that were put in place during the previous city council's administration regarding city issued credit cards. She elaborated on the purpose and necessity of having a city issued credit card for traveling. Mrs. Thomas expounded on the rules and regulations that have already been put in place. She further shared that not all of the council members followed the rules that were in place. Mrs. Thomas stated that the bottom line with regard to city issued credit cards is trust.

Joseph Berry, 7415 Forest Hill Drive – Mr. Berry stated that what he heard tonight does not make sense. He stated that everything said in tonight's meeting is negative. He gave a simplistic explanation regarding the process for using city issued credit cards, and the necessity of having a credit card for traveling purposes. He stated that the city council should be professional with regard to handling city business. Mr. Berry encouraged the city council to make a decision on this matter and move forward with city business.

Mayor Pro Tem Birks stated that the council can resolve this issue but every decision made is dealing with tax payers dollars. He further stated that the city council has to proceed with caution. Mayor Pro Tem Birks encouraged establishing guidelines with regard to city issued credit card processes.

Council Member Pirtle stated that she is not in favor of having a City of Forest Hill credit card.

Mayor Joubert suggested forming a three member committee to address this issue and come back to the council at a later date with recommendations.

Council Member Mathis suggested this item be pulled until a later date, to allow council time to review and discuss all of the issues surrounding this matter.

Deliberation Item #2 was postponed until the first meeting in September, 2011 per Mayor Pro Tem Birks.

3. Discuss and consider possible action regarding council member's accessibility to the City Hall facility after hours. (Ozell Birks, Mayor Pro Tem)

Mayor Pro Tem Birks stated that it has been brought to his attention that the City of Forest Hill is the only city that allows city council member's access to City Hall twenty-four (24) hours a day, seven days a week. He further stated that he does not know of any reason a council member needs to come to City Hall after hours. Mayor Pro Tem Birks further stated that the cameras on the doors are the only restriction in place. He further informs the council that activities have taken place after hours.

Council Member Miller asked the City Manager why the council members are coming in after hours. The City Manager concluded that the council members are checking their mail. Council Member Dalcour stated that he comes to City Hall after hours to do research on the computer. Council Member Shanklin stated that he does not feel it is necessary to come to City Hall after hours.

Council Member Mathis questioned what time is considered after hours. Mayor Pro Tem Birks stated after City Hall is closed at 5:00 P.M. Council Member Mathis stated that she does not get off work until 4:45 P.M. If a 5:00 P.M. deadline were implemented she would not be able to visit City Hall Monday through Friday because of her work schedule. Mayor Joubert asked what kind of regulations would be put in place if restrictions were implemented.

Mayor Joubert suggested forming a three member committee to address this matter. Council Member Dalcour commented on the purpose of having badges if you are not allowed to use them. Mayor Pro Tem Birks suggested postponing this matter until a committee is formed to address the concerns. The three member committee will come back to the council with recommendations at a later date.

Council Member Shanklin asked Council Member Mathis what time she normally arrives home after work. Council Member Mathis explained her schedule. Council Member Mathis stated that she feels that there is no trust at all among the city council members. She further noted that this situation makes her feel as if she is not an adult; and is not mature enough to handle situations.

Council Member Mathis proposed further discussion regarding this matter at a later time; to address what this council has done wrong to support the proposed changes and safeguards. She feels that the issues currently being discussed are merely issues of trust. Council Member Mathis further suggested re-evaluating items before they are placed on the agenda. She feels it would be in the best interest of the city council to discuss matters such as these before presenting them before the general public.

Mayor Pro Tem Birks stated that he would like to put rules in place so that if someone in the future chooses not to follow the rules we will already have guidelines in place. He stated that everyone doesn't always play by the rules. Council Member Dalcour stated no one should have to suffer for other individuals actions. He does not want to be restricted to other individual's measures.

Council Member Dalcour stated that no one on the council is seeking training other than himself. He stated that certain members on the council do not want to be intellectually inclined about what is going on in the world. Council Member Dalcour feels that the proposed measures are blocking his future.

Mayor Joubert encouraged the council to select a three member committee to address Deliberation Item(s) #2, and #3.

Deliberation Item #3 was postponed until the first meeting in September, 2011 per Mayor Pro Tem Birks. Mayor Joubert developed a three member committee called the Building Access and Credit Card Committee to address Deliberation Item(s) #2, and #3. The members that volunteered for the Building Access and Credit Card Committee were Council Member(s) Damian Dalcour, Brigette Mathis, and Malinda Miller all three members will serve on both boards.

4. Discuss and consider possible action regarding Audit Committee appointments. (Ozell Birks, Mayor Pro Tem)

Mayor Pro Tem Birks explained the purpose for the Audit Committee. He nominated Helen Collins Epps, and Willie Sneed as prospective appointments to the audit committee.

Council Member Mathis questioned how many appointments will be made to the audit committee. Mayor Pro Tem Birks stated three individuals will be appointed to the audit committee. Council Member Dalcour nominated Dr. Lyndia Thomas as a prospective appointment. Mayor Joubert stated that the City Attorney Warren Spencer just informed him that there are set requirements for individuals appointed to this committee.

City Attorney Warren Spencer stated that the audit committee is found in Chapter II of the City of Forest Hill Code of Ordinances. Which reads as follows: An audit committee is hereby created, which shall consist of three voting members, who shall be members of the city council, and at least three nonvoting members. The three nonvoting members shall be appointed by the mayor upon nominations by members of the city council. One of the nonvoting members shall be the city's finance director, and at least one shall be a banker, and at least one resident businessman shall be on the committee.

Council Member Miller asked if the council can vote on the citizen members right now. The City Attorney explained that the individual nominated has to meet the requirements.

Deliberation Item #4 was postponed until the first meeting in September, 2011 per Mayor Pro Tem Birks.

5. Discuss and consider possible action regarding Council, Board, Committee, and Commission Members who owe money to the City. (Gerald Joubert, Mayor)

Mayor Joubert made a motion which stated; any Council, Board, Committee, and Commission Member that owes the City of Forest Hill money for travel expenses has thirty (30) days to reimburse the city, or the individual will not be allowed to participate in any city related travel until the money is paid, seconded by Council Member Shanklin which passed as follows:

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

Nays: None

Absent: None

Immediately following Deliberation Item # 5 Mayor Joubert proceeded to Deliberation Item # 8.

6. Discuss and consider possible action regarding Board, Committee, and Commission appointments. (Gerald Joubert, Mayor)

Deliberation Item #6 was pulled by Mayor Joubert.

7. Discuss and consider possible action regarding the city manager's discretionary fund (\$5,000.00 - \$25,000.00). (Malinda Miller, Council Member)

No action was taken on Deliberation Item #7. Policy states any purchases over \$5,000.00 must come before council.

8. Discuss and consider possible action nomination of citizen board member to the Community Development Corporation Board. (Gerald Joubert, Mayor)

Immediately following Deliberation Item # 5 Mayor Joubert proceeded to Deliberation Item # 8. Mayor Joubert confirmed Lyndia Thomas' citizen member nomination to the community development board, and Brigitte Mathis council member nomination to the community development board. Mayor Joubert reiterated the nomination for Lyndia Thomas was to replace Brigitte Mathis; and the nomination for Brigitte Mathis was to

replace former Council Member Lyndia Thomas.

Mayor Joubert asked if anyone wanted to make additional nominations at this time. City Secretary informed Mayor Joubert that he skipped over Deliberation Item #6, and #7. Mayor Joubert decided to proceed with Deliberation Item #8. Council Member Shanklin nominated Ray Rhyne as citizen member nomination to the community development corporation board, seconded by Council Member Miller.

City Secretary informed Mayor Joubert that there was a citizen that wished to speak on Deliberation Item #8.

Dr. Lyndia Thomas, 6941 Windy Hill Road – Dr. Thomas informed the council that they were out of line. She stated that the citizen nomination for the community development board was brought before the Community Development Corporation during its last meeting. Mr. Ray Rhyne was not selected as one of the individuals to be presented to the council. She further stated there were only two names that received a majority vote; being Brigitte Mathis and Lyndia Thomas.

Dr. Thomas stated Mayor Joubert was out of order opening the floor to council members for additional nominations at this point. Council Member Dalcour asked Mayor Joubert if the council can take a recommendation by the community development board and over ride the recommendation as the city council.

City Attorney Warren Spencer confirmed the city council is the one that appoints the members of the community development board. He stated that a recommendation from the community development board is just a recommendation. It is not a binding decision on the city council. The Articles of Incorporation specify that the city council select the members of the community development corporation. The recommendation by the community development board is not binding.

Council Member Dalcour motioned to appoint Citizen Lyndia Thomas to the community development board, seconded by Council Member Mathis which *did not pass* as follows:

Ayes: Council Members: Dalcour, and Mathis

Nays: Mayor Joubert and Council Members: Pirtle, Birks, Shanklin, and Miller

Absent: None

Council Member Shanklin made a motion to appoint Citizen Ray Rhyne to community development corporation, seconded by Council Member Miller which *passed* as follows:

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

Nays: Council Members: Dalcour, and Mathis

Absent: None

9. Discuss and consider possible action regarding nomination of council member to the Community Development Corporation Board. (Gerald Joubert, Mayor)

Mayor Joubert opened the floor for council member nominations to the community development corporation board. Council Member Shanklin made a motion to appoint Council Member Jo Pirtle to community development corporation, seconded by Council Member Miller.

Mayor Joubert stated that the first vote will be for the community development

corporation board recommendation for Council Member Brigitte Mathis which *did not pass* as follows:

Ayes: Council Members: Dalcour, and Mathis

Nays: Mayor Joubert and Council Members: Pirtle, Birks, Shanklin, and Miller

Absent: None

Mayor Joubert stated that the next vote will be for Council Member Jo Pirtle. Council Member Shanklin made a motion to appoint Council Member Jo Pirtle to the community development corporation board, seconded by Council Member Miller which *passed* as follows:

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

Nays: Council Member: Dalcour

Abstain: Council Member Mathis

Absent: None

10. Discuss and consider possible action regarding Environmental and Geotechnical Services for Griggs Park. (Sheyi Ipaye, City Manager)

Mayor Joubert commented on the new cover page currently being used. He stated this cover sheet will give the city council clarity on all items being presented.

Joe Patterson, Teague, Nall and Perkins - Mr. Patterson spoke regarding the environmental challenges facing the City of Forest Hill concerning Griggs Park.

Council Member Shanklin made a motion to accept the report, seconded by Mayor Pro Tem Birks which *passed* as follows:

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

Nays: None

Absent: None

11. Discuss and consider possible action regarding Ordinance No. #2011-07-003, an ordinance adopting a negotiated resolution between the Atmos Cities Steering Committee (ACSC) and Atmos Energy Corp., Mid-Tex Division regarding the companies fourth annual Rate Review Mechanism (RRM). (Sheyi Ipaye, City Manager)

Mayor Pro Tem Birks made a motion to accept Ordinance No. #2011-07-003, seconded by Council Member Mathis which *passed* as follows:

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

Nays: None

Absent: None

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.

1. Discuss and consider possible action regarding performance issues of the City Manager. (Gerald Joubert, Mayor)

Charlotte Hogan-Price, 3600 Brambleton Place – Mrs. Hogan-Price came before the City Council on behalf of the Sheyi Ipaye, City Manager. She stated that Mr. Ipaye has brought his heart with him to the City of Forest Hill. He has also helped the City recover from many black eyes and embarrassments. She feels that the city manager has accomplished more than any other city manager in the short timeframe that he has been with the City of Forest Hill. Mrs. Hogan-Price stated that the city manager has put citizens, youth, and beautifying many islands within the City of Forest Hill at the top of his list. Mrs. Hogan-Price feels that the city manager's lists of accomplishments far outweigh any mistakes. In conclusion Mrs. Hogan-Price stated that if the city council thinks they can replace the city manager with a less experienced individual who has a pending lawsuit against the city; the city council should expect a fight.

Jimmie Sanders, 7005 Stonewall Road – Mr. Sanders stated the City of Forest Hill is a long way from where the City needs to be per recent agenda items and discussions. Mr. Sanders commended the city manager on what he has done for the City of Forest Hill. Mr. Sanders further stated the city manager has done more for the City of Forest Hill than any other city manager. He noted the current city managers experience and qualifications. Mr. Sanders stated that he did not understand why the city manager's evaluation was on the agenda for discussion. Mr. Sanders stated that the city managers qualities cannot be matched.

Joseph Berry, 7415 Forest Hill Drive – Mr. Berry stated that he hoped the current council would do the right thing. He stated that the council has personal agenda's. He cautions the city council about removing qualified and experience employees, because of deals that were made. Mr. Berry stated if the city manager leaves the City of Forest Hill because of council's fabrications; they will never be able to sit him down. Mr. Berry stated that the elections will be coming up soon and he will be more than a focal point he will be standing tall. He further stated that the City of Forest Hill changes city manager's at the council's pleasure. He encouraged the city council to let personal agenda's go; he stated that the city is moving backwards. The council's divisiveness is hurting us all. In conclusion Mr. Berry states nothing must happen to the city manager.

G. Reconvene into regular session.

The City Council reconvened into regular session at 10:39 P.M.

H. Take any action necessary pursuant to executive session.

No action was taken.

I. Adjournment

With no further business to discuss the meeting was adjourned at 10:40 P.M.

Grace Edwards, City Secretary

Gerald Joubert, Mayor