



**MINUTES
REGULAR COUNCIL MEETING
March 2, 2010
7:30 p.m.**

The City Council of the City of Forest Hill met on the above date at 7:33 p.m. with Mayor James Gosey presiding. The following Council Members and officials were present: Council Members Damian Dalcour, Lyndia Thomas, Gerald Joubert, Dulani Masimini, Andrew Sanders, Mayor Pro Tem Mustafa Sami, Interim City Manager Debra Maness, Acting City Secretary Grace Edwards, and City Attorney Alicia Johnson.

Open Agenda

A. Call to Order

With a quorum present, Mayor James Gosey called the meeting to order at 7:33 p.m.

B. Invocation

Council Member Joubert delivered the Invocation.

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.

There were not any citizens who signed up to speak.

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 Agreement for Election Services between the City of Forest Hill and Forest Hill Library District.
2. Ordinance 2010-03-001, and ordinance adopting a water conservation plan for the City of Forest Hill to promote responsible use of water and provide for penalties and/or the disconnection of water service for noncompliance with the provisions of

- the water conservation plan.
3. Consider Resolution 02-2010, a resolution calling an election to elect the officers for Council Places 1, 2, and 3 to serve until May 2012.

Council Member Joubert requested all three items be pulled from the consent so the following clerical mistakes could be corrected: *Agreement For Election Services Between The City of Forest Hill and Forest Hill Library District, (e)* – Change the word “Application” to “Applications” and correct the date to read March 9, 2010. *Ordinance No. 2010-03-001 – Section 5*, Change the word “designate” to “designee”. *Resolution 02-2010* – in the preamble change the word “person” to “persons”, Section 2 – change the word “is” to “at”, change the subtitle “Section 5” to “Section 4” and the subtitle “Section 6” to “Section 5”.

Council Member Joubert moved to accept the consent agenda with the corrections. Seconded by Council Member Thomas; which **passed** as follows:

Ayes: Mayor Gosey, Council Members: Dalcour, Thomas, Joubert, Masimini, Sanders and Sami.

Nays: None.

Absent: None.

F. Deliberation Agenda:

4. **Discuss and consider possible action on Ordinance No. 2010-003-002, an ordinance ordering and providing notice of a special election on the 8th day of May 2010, for voter consideration of amendment of specific selections of the Home Rule Charter.**

Mayor Pro Tem Sami moved to postpone this item until the next election. Seconded by Council Member Thomas. The concern was that all of the charter amendments were in one ordinance and therefore in order to vote for the ordinance you would need to accept the whole document. The motion **failed** as follows:

Ayes: Mayor Pro Tem Sami.

Nays: Mayor Gosey, Council Members: Dalcour, Thomas, Joubert, Masimini, and Sanders.

Absent: None.

Council Member Masimini moved to accept the Charter Amendments. Council Member Joubert seconded the motion. The motion **passed** as follows:

Ayes: Mayor Gosey, Council Members: Dalcour, Joubert, Masimini, and Sanders.

Nays: Mayor Pro Tem Sami and Council Member Thomas.

Absent: None.

Discussion ensued as to the time expended working on this document and therefore it should move forward. Council Member Joubert asked for Proposition 10, Section 5.05, 1) on page 7 of 10 of the proposed ordinance be amended to include the words, "and the City Council", and read as follows: The City Council shall appoint the City Secretary for an indefinite term and the City Secretary shall report to the Mayor **and the City Council** and who shall serve at the pleasure of the City Council. A spelling correction of the word "Applications", on Proposition 11, Section 5, on page 9 of 10 was also requested.

Council Member Masimini amended his motion to accept the Charter Amendments with the corrections; Council Member Joubert seconded the amended motion. The motion **passed** as follows:

Ayes: Mayor Gosey, Council Members: Dalcour, Joubert, Masimini, and Sanders.

Nays: Mayor Pro Tem Sami and Council Member Thomas.

Absent: None.

5. Discuss and consider possible action regarding certification of petitions for Police Officers Association and call for election.

No action required on this item.

6. Discuss and consider possible action on Ordinance 2010-003-003, ordering a special election for voter consideration adding Local Control of Public Safety.

Council Member Joubert requested the numbering of the sections be corrected on this ordinance.

Council Member Joubert moved to approve Ordinance No. 2010; Mayor Pro Tem Sami seconded the motion. The motion **passed** as follows:

Ayes: Mayor Pro Tem Sami, Council Members: Thomas, Joubert, and Sanders.

Nays: Mayor Gosey, Council Members Dalcour and Masimini.

Absent: None.

7. Discuss and consider possible action regarding waiving platting requirements for United Methodist Church to construct a new driveway, approach and parking lot.

Planning and Zoning Coordinator Lisa Cabrera and Building Official Dylan Whitehead explained to the Council that the United Methodist Church located at 4601 California Parkway needed to build a new driveway, approach and parking lot to accommodate their members. The City's Zoning Ordinance requires that the Church

re-plat the property and because of the cost the members of the Church are requesting this requirement be waived.

Council Member Joubert spoke in favor of waiving the re-plat requirement stating that when it rains the property becomes muddy and there are handicap members who park there. He does not want to put an undo burden on the members of the Church.

Council Member Masimini moved to waive the re-platting requirement and the City fees; Council Member Joubert seconded the motion. The motion **passed** as follows:

Ayes: Mayor Gosey, Mayor Pro Tem Sami, Council Members: Dalcour, Joubert, and Masimini.

Nays: Council Members: Thomas and Sanders.

Absent: None.

8. Discuss and consider possible action on the City Hall building being located at 3219 California Parkway.

Council Member Masimini moved to approve "Plan C" and include a fire sprinkler system; Council Member Thomas seconded the motion. The motion **passed** as follows:

Ayes: Mayor Gosey, Mayor Pro Tem Sami, Council Members: Dalcour, Thomas, Masimini and Sanders.

Nays: Council Member Joubert.

Absent: None.

The Council has asked to be updated on this project once a month.

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.

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

a) Destructors, Inc. vs. City of Forest Hill

10. 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) Review and discuss the terms of the City Managers Contract

G. Reconvened into regular session.

Reconvened back into executive session at 9:28 p.m.

H. Take any action necessary pursuant to executive session.

Mayor Pro Tem Sami motioned to proceed with the presenting to the new city manager contract to the attorney for final draft processing, seconded by Council Member Thomas, which passed as follows:

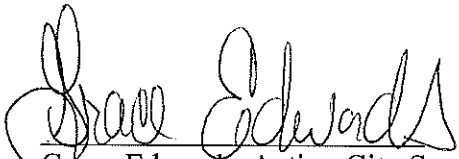
Ayes: Mayor Gosey, Council Members: Dalcour, Thomas, Sanders,
Masimini, Mayor Pro Tem Sami.

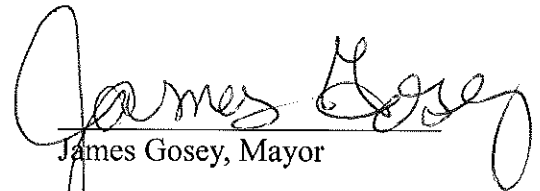
Nays: Council Member Joubert

Absent: None

Respectfully Submitted

Approved:


Grace Edwards, Acting City Secretary


James Gosey, Mayor