



**MINUTES
REGULAR COUNCIL MEETING
December 1, 2009**

The City Council of the City of Forest Hill met on the above date at 7:00 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, Mayor Pro Tem Mustafa Sami, City Manager David Miller, City Secretary Debra Maness, Fire Chief Pat Ekiss, Lt. Dan Dennis, Economic Development and Community Relations Director Venus Wehle, Finance Director Clifford Blackwell, III. Council Member Andrew Sanders - excused absence.

Opening Agenda:

A. Call to Order

With a quorum present, Mayor James Gosey called the meeting to order at 7:00 p.m.

B. Invocation

Invocation was delivered by Pastor Mooreland.

C. Pledge of Allegiance to Flags

Pledge to the United States and Texas flags were recited.

Council Member Joubert made a motion to hear Citizens Presentation before Executive Session. Seconded by Mayor Pro Tem Sami; which **failed** with the following votes:

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

Nays: Council Members Thomas, Masimini and Mayor Gosey

Absent: Council Member Sanders

D. 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 (1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee:

1. Discuss resignation/termination of City Manager.

2. Appoint an Interim City Manager.

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

3. **Destructors, Inc. vs. City of Forest Hill**

Council recessed into executive session at 7:05 p.m.

- E. **Reconvene into regular session.**
Council reconvened into regular session at 8:48 p.m.
- F. **Take any action necessary pursuant to executive session.**

City Manager David Miller addressed the Mayor, Council and Citizens, stating that the Council had voice some concerns on his performance as City Manager and he was exercising his right to have those concerns addressed in the open meeting.

Councilman Dalcour voiced concerns that some citizens are not satisfied with his response to their concerns; however at this time he did not provide examples. Councilman Dalcour also stated that two years ago I offered him the City Planner position; that is correct. I explained that being a City employee he could not run for City Council, he said he understood that. He came back to me stating that he had decided to run for Council instead. He feels that it was a ploy by me to get him not to run for council. That is absolutely false. He also states that he doesn't see elected officials in the media that is mostly city staff. I explained that we can only publish that of what we have been informed.

Council Member Masimini concerns were that I have difficulty managing contracts for the City. That is not true. He also states that I've hired incompetent staff and I totally disagree with that. They are competent and I stand by them 100%. We have problems and we make mistakes. We are passionate about the city and our citizens. He also talked about the lack of Code Enforcement.

Council Member Thomas stated that I give the Council only enough information to make a decision that I want on the purchase of the bank building. I disagree with that, they were clearly informed of the risks and the benefits. She also stated that she has not received any updates on the Municipal Court; she is absolutely right on that. I feel that is certainly an area that I can improve on. She also talked about the sewer problems throughout the city; we have had complaints and we have fixed most of them. Another issued that she addressed is that I don't have the ability to make things happen. One example given is that I don't have the ability to track citizen's complaints. She referred about the street lights, we have reported them to TXU and we don't have control over their crews. When she contacted me about a specific street light we contacted our TXU representative. She said that I need to be asked to do things too many times.

Mayor James Gosey asked that I resign 30 days ago and when asked why, he said that we needed new leadership. He accused me of turning the council members against each other, I requested proof of that. He also stated that on a phone conversation we had, he was treated with disrespect to show him who had power over City Council. David Miller stated there is no power play and he was concerned that after an outstanding evaluation and after 3 ½ years of service that these are minor issues. After the major accomplishments over the last year these issues just came to my

attention tonight. Mr. Miller stated that he works for the will of the council.

Leonard Moore, 755 Shady Hill, Burleson, – spoke before the Council stating that he has owns property in the Heritage Heights Addition and he sides with the City Manager and believes that the conflict between the Mayor and City Manager should be resolved.

“Link”Linkenhoker, 4716 Parkwood Drive, Forest Hill – stated that he stands 100% behind the Council and is confident that whatever decision they reach will be the best.

Bob Shanklin, 3716 Orchard, Forest Hill – stated that he had resided in Forest Hill for 46 ½ years and he was here to support City Manager David Miller. He also stated if the contract was renewed then he was performing well and could not see his performance deteriorating that much in five months. He also informed the Council that he has approved and disapproved some of the decisions that have been made.

Ann Frost, 3708 Grady, Forest Hill, - stated that five months ago everything was all right and progress was being made. She felt that things should be worked out and the City Manager should stay with the City. She also stated that she would not interfere unless major things come up.

David Humphreys, 6513 Yorkshire Dr, Forest Hill, – stated that he has lived in Forest Hill for 39 ½ years and considered it a good place to live. He spoke in support of keeping David Miller as City Manager and reminded the City Council that they are elected to represent the citizens.

Malinda Miller, 4205 Burly, Forest Hill, TX – stated that lights, trash, water, that is all petty stuff. You need to fire the City Manager when there is flood, misappropriating money, serious abuse of power. This is the City of Forest Hill and we will fight for it.

Ozell Birks, 3300 Railfence, Forest Hill, TX – spoke in favor of the City Manager, David Miller. He stated that he had sat in Place 4 when this council was in the toilet. He wants the Council to stand for what is right, not set the City of Forest Hill back. He does not feel that there are major problems.

Hanna Masters, 6555 Park Brook, Fort Worth – spoke in favor of the City Manager and stated that it has been a pleasure working with this City.

Matthew Lopez, 5411 Gale Lane, Fort Worth – is with the Forest Hill Police Department Explorers and spoke in support of the City Manager.

Alex Alanis, 6329 Nell Street, Forest Hill – spoke in favor of the City Manager, stating that he is a great person and did not feel that it was fair nor the best thing to get rid of him.

Gladys Hardeman, 4204 Burly, Forest Hill, - spoke in favor of the City Manager, stating that the City of Forest Hill had moved on and had not been in the paper; and she was proud of the progress that City had made. She stated that we have a good City Manager and a good Council and the best staff ever. She saw the City growing.

Dave Gainer, 3513 Lon Stephenson Road, Forest Hill – spoke in support of the City Manager. He encouraged the Council to become more aggressive and assertive and use the power to act on our behalf. Use this power wisely and remember that your term on this council depends on you and your citizens.

There being no other citizen comments, Council recessed into executive session again at 9:40 p.m.

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 (1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee:

**Discuss resignation/termination of City Manager.
Appoint an Interim City Manager.**

Reconvene into regular session.

Council reconvened into regular session at 10:05 p.m.

Council Member Masimini made the motion to terminate the City Manager and pay the severance amount based upon the contract if the City Manager agrees to execute a release waiver and settlement in a form drafted by legal counsel and approved by the City Council. Seconded by Council Member Dalcour:

There was further discussion

Council Member Joubert informed the Council Members and citizens that he was in disarray and did not understand what they are doing. He stated that he did not feel that the Council was listening to the citizens. He also stated that the issues that were mentioned were petty and did not feel that they were grounds for termination. He also stated that most of them know how the City was 10 years ago and that it took somebody to get us to where we are at today. He stated that the City Manager improved the employees' morale.

Council Member Thomas stated that David Miller always had her support without a doubt. If you do whatever we had asked you to do, you would not have to worry about anything. She stated that she is the citizen's voice, doesn't get on anybody's band wagon; but the citizens elected to her to this position, and when you don't follow instructions things don't get done.

Council Member Sami stated to the citizens and staff, this was the saddest day.

Council Member Masimini informed the citizens that if they had all the facts, there would not be this much resistance.

Mayor Gosey stated that we have taken the City in a different direction. He informed the citizens regardless of what happens here tonight, time will reveal if it was a good or bad decision.

David Miller made the statement to the Council and staff that he would miss them and thanked everyone for the opportunity to serve as your City Manager. He stated that he had responded to all the accusations and stands by his statements and his staff.

There being no further discussion the motion **passed** as follows:

Ayes: Council Members Dalcour, Thomas, Masimini and Mayor Gosey

Nays: Council Members Joubert and Mayor Pro Tem Sami

Absent: Council Member Sanders

Council Member Thomas made the motion to appoint Debbie Maness as Interim City Manager. Seconded by Council Member Masimini; which **passed** as follows;

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

Nays: Council Member Joubert

Absent: Council Member Sanders

Council Member Masimini made the motion to table the rest of the agenda until the December 15, 2009 Council meeting. Seconded by Council Member Thomas; which **passed** as follows:

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

Nays: None

Absent: Council Member Sanders

H. Adjournment

With no further business to discuss the meeting was adjourned at 10:18 p.m.

ATTEST:

APPROVED:

Debra W. Maness, City Secretary

James Gosey, Mayor