



**MINUTES  
REGULAR COUNCIL MEETING  
December 15, 2009  
7:00 p.m.**

The City Council of the City of Forest Hill met on the above date at 7:12 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, Interim City Manager Debra Maness, Acting City Secretary Ofilia Rueda, Fire Chief Pat Ekiss, Lt. Dan Dennis, Acting Public Works Director Roberto Duenes, Economic Development and Community Relations Director Venus Wehle, Finance Director Clifford Blackwell, III. Mayor Pro Tem Mustafa Sami and Council Member Andrew Sanders – excused absence.

**Opening Agenda:**

**A. Call to Order**

With a quorum present, Mayor Gosey called the meeting to order at 7:12 p.m.

**B. Invocation**

Invocation was delivered by Council Member Lyndia Thomas.

**C. Pledge of Allegiance to Flags**

Pledges 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.

Ann Frost, 3708 Grady, Forest Hill, TX – stated that she is proud of the current City Council members and that she feels there is not need for a recall.

Helen Collins-Epps, 3509 Lon Stevenson Rd., Forest Hill, TX – stated that her concern as a citizen and business owner is that as the Council makes decisions on behalf of the city, they need to give deep thought before they make these decisions. As a citizen, she is proud of Forest Hill and that we need to look at the bigger and overall picture and make sound decisions.

**E. Staff Reports**

Pat Ekiss, Fire Chief

Update on City Hall and Public Works building projects

Pat Ekiss, Fire Chief updated the Council on the City Hall and Public Works building projects.

Council Member Joubert stated that if the Public Works building was ready for them to move in, then they should do it and present the Council with a punch list of the items that need to be corrected.

The Fire Chief said that he will work with staff to bring the punch list to the Council as soon as possible. He also invited the Council members to the new City Hall building for a tour.

**F. 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. 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
- b) David Miller

2. 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) Interim City Manager
- b) City Attorney

3. Section 551.074, Texas Government Code: Personnel Matters (a)(2) to hear a complaint or charge against an officer or employee

- a) David Miller Grievance dated November 30, 2009

**G. Reconvene into regular session.**  
Council reconvened into regular session at 8:48 p.m.

**H. Take any action necessary pursuant to executive session.**

Council Member Damian Dalcour made a motion to have the City Attorney, pursuant to the Charter and Ethics Ordinance, submit names of at least 5 qualified potential investigators to the City Council to respond to the grievance letter dated November 30, 2009. The motion was seconded by Council Member Thomas.

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

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

Nays: None

Absent: Mayor Pro Tem Sami and Council Member Andrew Sanders

**I. Consent Agenda:** - All consent agenda items listed 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.

4. Consider minutes of the November 17, 2009 regular council meeting.
5. Consider minutes of December 1, 2009 regular council meeting.
6. Consider minutes of December 8, 2009 special council meeting.
7. Consider Interlocal Agreement for administrative cost funding for Section 5310 Program between the Fort Worth Transportation Authority and the City of Forest Hill.

Council Member Joubert made motion to accept consent agenda items as presented. Seconded by Council Member Masimini and **passed** as follows:

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

Nays: None

Absent: Mayor Pro Tem Sami and Council Member Andrew Sanders

## **J. Deliberation Agenda**

### **8. Discuss and consider possible action on the Annual Financial Report for fiscal year ending September 30, 2009. (Clifford Blackwell, Finance Director)**

Council Member Masimini made motion to accept the Annual Financial Report for fiscal year ending September 30, 2009 as presented. Seconded by Council Member Thomas and **passed** as follows:

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

Nays: None

Absent: Mayor Pro Tem Sami and Council Member Andrew Sanders

Council Member Masimini pointed out that the overage in Council budget is due to legal fees.

### **9. Discuss and consider possible action on Ordinance No. 2009025, an ordinance amending Chapter 112, "Sign Regulations" of the City's Code of Ordinances relative to permitting existing off-premise commercial billboards to be converted to changeable electronic variable message signs ("CEVMS") subject to specific approval of the City Council and under enumerated conditions; amending various sections of the sign regulations to be consistent with the ability to convert existing commercial billboards into CEVMS. (Venus Wehle, Director of Economic Development & Community Relations)**

Council Member Masimini made motion to accept action on Ordinance No. 2009025, an ordinance amending Chapter 112, "Sign Regulations" of the City's Code of Ordinances relative to permitting existing off-premise commercial billboards to be converted to changeable electronic variable message signs ("CEVMS") subject to specific approval of the City Council and under enumerated conditions; amending various sections of the sign regulations to be consistent with the ability to convert existing commercial billboards into CEVMS. Seconded by Council Member Joubert and **passed** as follows:

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

Nays: None

Absent: Mayor Pro Tem Sami and Council Member Andrew Sanders

**10. Discuss and consider possible action granting a waiver to Clear Channel Outdoor to change existing billboard located at California Parkway to a CEVMS. (Venus Wehle, Director of Economic Development & Community Relations)**

Council Member Thomas made motion to grant a waiver to Clear Channel to change existing billboard located at California Parkway to a CEVMS. Seconded by Council Member Masimini and **passed** as follows:

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

Nays: None

Absent: Mayor Pro Tem Sami and Council Member Andrew Sanders

**11. Discuss and consider possible action, first reading of Resolution 20-2009, a resolution of the City of Forest Hill granting approval of project of the Forest Hill Community Development Corporation. (Clifford Blackwell, Finance Director)**

Mayor Gosey read Resolution 20-2009, a resolution of the City of Forest Hill granting approval of project of the Forest Hill Community Development Corporation.

No action was taken at this time.

**12. Discuss and consider possible qualifications for the City Manager position which is to be posted on the TML website. (City Council)**

Interim City Manager Debra Maness gave the Council a list of qualifications submitted by two Council Members. Staff will combine the qualifications and post a job opening notice on the TML website. All applications will be presented to the City Council by the 1<sup>st</sup> meeting in February.

No action was taken at this time.

**13. Discuss and consider possible action, scheduling meeting dates and time for Charter Review Committee. (Dulani Masimini, Council Member)**

There were two citizens who spoke on this agenda item.

Malinda Miller, 4205 Burly, Forest Hill, TX – Ms. Miller stated that she is concerned that the City Council does not have any citizens on the Charter Review Committee. She asked the Council to review the Code of Ethics and Conduct.

Bob Shanklin, 3716 Orchard, Forest Hill, TX – Mr. Shanklin addressed the Council and asked them where they got the authority to appoint themselves to the Charter Review Board. He stated that he is against that. He stated that it is a violation of the Charter.

Council Member Masimini stated that the previous administration advised them that they could do that. He stated that even though the Council appointed themselves to the Committee, they will take citizens advice into consideration.

Council Member Thomas addressed the citizens and asked that if there is anything on the Charter

Review that they would like to address, they should contact the Council Members to discuss it.

Council Member Masimini made a motion to have the Charter Review meeting during Council workshop the 5<sup>th</sup> and the 19<sup>th</sup> of January, 2010. The motion was seconded by Council Member Thomas and **passed** as follows:

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

Nays: None

Absent: Mayor Pro Tem Sami and Council Member Andrew Sanders

**14. Discuss and consider progress report and take any appropriate action relative to the structure located at 4607 California Parkway East, Case #SSB 2009-04. (Dylan Whitehead, Building Inspector)**

Dylan Whitehead, Building Inspector addressed the Council and explained that there is not much to report. The building is secured against unauthorized entry and property maintained.

City Attorney Bonnie Goldstein addressed the Council and explained to them that there is a legal situation that someone filed a fraudulent lien and that there is no guarantee how long it is going to take to clear the title.

Council Member Dalcour made a motion to have them come back before the Council on February 1, 2010 to give them a progress report on the Civil Litigation and the bank loan. They also need to keep the building secured against unauthorized entry, clean and maintained consistent with city ordinances. Seconded by Council Member Masimini and **passed** as follows:

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

Nays: None

Absent: Mayor Pro Tem Sami and Council Member Andrew Sanders

**15. Discuss and consider possible action on Ordinance #2009026, an ordinance adopting a new Article III of Chapter 90 “Parks and Recreation” to the City of Forest Hill Code of Ordinances to be entitled “Parks Policies, Rules and Regulations”; establishing park and recreation regulations and procedures; creating offenses for violating parks and recreation regulations; establishing regulations for park use; providing for enforcement by the City Manager or Police Chief; providing a penalty not to exceed \$500. (Venus Wehle, Director of Economic Development & Community Relations)**

Venus Wehle, Director of Economic Development & Community Relations introduced Pearl Jones, Vice-Chair of the Parks Clean City Committee.

Members of the Parks/Clean City Committee asked the Council to amend the fee schedule to include a fee for practicing on the fields.

Council Member Thomas asked to amend Section 90.52 “Restrictions and Violations.”

A motion was made by Council Member Thomas to amend Article III of Chapter 90 “Parks and Recreation” to read in Section 90.52 (g) to read “The Police Chief, or his/her designee...”, change (g) 1 to read “90 days” instead of twelve months and to delete (g) 2. “Any person who has

failed to pay the appropriate fee and failed to cure within ten (10) days of demand. Seconded by Council Member Masimini and **passed** as follows:

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

Nays: Council Member Joubert

Absent: Mayor Pro Tem Sami and Council Member Andrew Sanders

**16. Discuss and consider possible action; procedures for answering citizens' complaints.  
(Lyndia Thomas, Council Member)**

Debbie Maness, Interim City Manager presented a spreadsheet to the Council.

No action was taken at this time.

**K. Adjournment**

With no further business to discuss, the meeting was adjourned at 11:00 p.m.

Respectfully submitted,

Approval:

---

Ofilia Rueda, Acting City Secretary

---

James Gosey, Mayor