

CITY OF GLADEWATER
CITY COUNCIL REGULAR SESSION
MINUTES
MARCH 16, 2006
6:00 P.M.

MEMBERS PRESENT: Mayor John Paul Tallent, Mayor Pro-tem Walter Derrick, Joe Derouen, Jerry Williams, Scott Owens, Richard Parrish, Jr.

MEMBERS ABSENT: Jimmy Williams

STAFF PRESENT: Jay Stokes, Melba Haralson, Jimmy Davis, Virdell Skelton, Wayne Smith, Les Dolbow

GUESTS PRESENT: Mary J. Williams, Barbara Mackey, Beverly Tallent, Jamie Teague, Charles R. Miller, Elijah Anderson, A.W. Williams, Hercules Wells, Alfred Lacey, Gary Shaver, Phillip Godlock, Bonnie Skelton, Sherri Zander, Arthur Zander, III, B.K. Johnson, Jayme Montgomery, Vi Melton, Megan Middleton, Karen Jacks, Deborah Pike, Linda Patton, Brenda Brown, Linda Hanson, Judy Burlison, D.L. Burlison, Bennie Cornutt, Toni Ingram, Leon Clay

I. CALL TO ORDER

Mayor Tallent called the meeting to order at 6:00 p.m. and gave the invocation. Councilmember Derouen led the Pledge of Allegiance.

II. PRESENTATION TO VIRDELL SKELTON AND LES DOLBOW

Mayor Tallent presented Virdell Skelton and Les Dolbow with plaques and certificates of appreciation in honor of their retirement from the City of Gladewater.

III. CONSIDERATION OF CONSENT AGENDA

- a) Minutes – February 16, 2006
- b) Resolution to Impose Additional Penalty for Collection Costs on Personal Property
- c) Amendment to the Contract for Collection of Delinquent Taxes between the City and McCreary Veselka Bragg & Allen, PC
- d) Consideration of Resolution to approve a conveyance of two tracts of land, consisting of Tract One: 1.86 acres, more or less, situated in the James M. Talent Survey, and more particularly described in Volume 473, Page 70 of the Deed Records of Upshur County; Tract Two: 1.93 acres more or less, situated in the James M. Talent Survey, and more particularly described in Volume 473 Page 73 of the Deed Records of Upshur County.
- e) Resolution accepting the installation of sanitary sewer pipe along Hwy 80 and reconstruction of the Dallas Lift Station
- f) Annual Review and Ratification of Investment Policy

Mayor Pro-tem Derrick moved to approve, seconded by Councilmember Derouen. Carried 6-0.

IV. RECEIVE RESOLUTION FROM MR. CHARLES MILLER

Mr. B.K. Johnson of 309 Eddy, read a resolution from the Concerned Citizens Committee, which expressed dissatisfaction with Gladewater elected officials and City management with regard to the Police Department. The resolution called for 1) the immediate and permanent disassociation of Officer Bryan Naismith; 2) an unfettered meeting with designated representatives to take whatever actions needed in full view of the public, and 3) invited City Council and all other public leaders and officials to join with the CCC to elicit a full and complete truth concerning the death of Jonathan King.

City Manager Jay Stokes stated that he was hired in November 2003, and he has always had an open door policy for every citizen. He takes 250-300 calls per month and does his best to be responsive. He said he can't satisfy everyone 100% of the time but will always listen and do his best to be fair. Mr. Stokes said the he is not at liberty to discuss Bryan Naismith under a directive of our attorneys and City Council because of the threat of pending litigation; however he did confirm that Officer Naismith is on paid administrative leave pending the outcome of the investigation.

On a broader scope, Mr. Stokes addressed several issues related to the Police Department. First, he made it clear that on March 2nd at 9:00 a.m. Chief Jimmy Davis gave notice of his plans to retire effective June 30, 2006, after 35 years of service, which was prior to Charles Miller coming to City Hall requesting that the Mayor and City Council attend the Concerned Citizens Committee meeting on March 6th, and it was also prior to the incident with Officer Naismith and the reporter from the Dallas Morning News, which happened at 9:00 that evening. Mr. Stokes reiterated that there is absolutely no connection between the timing of Chief Jimmy Davis' retirement and these other factors. We wish Chief Davis well. That being said, Mr. Stokes said that he wants everybody to be happy with the City and especially the Police Department. He wants citizens to feel safe and respected. He made it very clear that as long as he is here, there will be no employee hired, fired or promoted based on politics. Mr. Stokes said he wants to hear their concerns and what type of person or qualities they would like to see in a new police chief. He promised that whenever a new police chief is hired, he will bring him/her to their meeting to hear their concerns.

V. CONSIDERATION OF FINANCIAL AUDIT FOR FISCAL YEAR 2005

Karen Jacks gave an overview of the audited financial statement and stated that they issued a clean opinion, which is the highest level of opinion possible.

Councilmember Jerry Williams moved to approve, seconded by Councilmember Parrish with complimentary comments to the staff. Carried 6-0.

VI. PUBLIC HEARING regarding a request for a Specific Use Permit to operate a private counseling office at Lots 1 & 2, Block 8 of the Phillips Heights subdivision, more commonly known as 512 Live Oak, Gregg County, Texas

Mayor Tallent opened the public hearing at 6:35 p.m.

Jamie Teague, 512 Live Oak said that they recently purchased this property, formerly known as St. Mark's Episcopal Church. She said their residence is in the old fellowship hall and she would like to use the old sanctuary to operate a private counseling practice on issues such as stress, relationships, parenting, self esteem, depression, anxiety, etc. She said there shouldn't be more than two cars there at a time and her hours will primarily be from 5-8 p.m. There will be no signage.

With no other public comments, the public hearing was closed.

VII. CONSIDERATION of a request for a Specific Use Permit to operate a private counseling office at Lots 1 & 2, Block 8 of the Phillips Heights subdivision, more commonly known as 512 Live Oak, Gregg County, Texas

City Secretary Haralson stated that the Planning & Zoning Commission unanimously approved the request.

Councilmember Owens moved to approve, seconded by Councilmember Jerry Williams. Carried 6-0.

VIII. CONSIDERATION OF RACIAL PROFILING REPORT

City Manager read the report which stated that in 2005 there were arrests/citations of 1,277 Caucasians and 269 Blacks, 3 Asians and 45 Hispanics. Councilmember Jerry Williams commented that those results appear to be in line with the population at large.

Councilmember Parrish moved to approve, seconded by Mayor Pro-tem Derrick. Carried 6-0.

IX. CONSIDERATION OF ORDINANCE AUTHORIZING ALLIED WASTE PRICE INCREASE

City Manager Stokes explained the increase is 3.4% based on the CPI per the terms of their contract. Councilmember Jerry Williams said that he is very pleased with their excellent service at all his restaurant locations.

Councilmember Derouen moved to approve, seconded by Councilmember Jerry Williams. Carried 6-0.

X. CITY MANAGER REPORT

- a) Benchmark Properties
- b) 2006 HOME Program
- c) Update on Brad West concerns
- d) TDA Award
- e) Main Street Project
- f) Airport Grant
- g) Lease/Purchase update
- h) Playground Equipment
- i) 75th Anniversary celebration

City Manager Stokes gave the following report;

- a) Benchmark Properties no longer wants the sewer study done. They are pursuing the aerobic system option for their development. Hopefully they will be ready to present plans to the Planning & Zoning Commission in April.
- b) The 2006 HOME grant for \$200,000 will require a 21.5% match for approximately four new homes.
- c) Code Enforcement Officer Larry Player is addressing the problems that Brad West brought to our attention at the last meeting on Clearview.
- d) We have received a "Hard Working Rural Community" award from the Texas Department of Agriculture. 90 cities applied and Gladewater was one of the 15 selected for the award.
- e) We have received notification that it may be another 30-60 days before TxDOT finishes their review in order for us to let local bids on the Main Street project.
- f) October 1, 2006 is the earliest date the airport improvement project can start. We have received a grant from TxDOT Aviation for \$1.8 million and the City's part is 10% or \$180,000.
- g) Several entities have been consulted regarding the lease/purchase financing for the Moore lift station. We should have information by the next meeting.
- h) Playground equipment - See Mayor's Report Item A.
- i) April 18th at 6:00 p.m. at the Gladewater Former Students Building we will have a reception in celebration of the 75th anniversary of Gladewater's incorporation. Congressman Louie Gohmert will read a proclamation on the floor of the House of Representatives in Washington D.C. and show us the video.

XI. CITIZEN'S COMMENTS

Judith Burlison, 3067 E. Lake Drive complimented the City Council on the purchase of the new playground equipment, stating that her grandchildren are thoroughly enjoying it.

XII. MAYOR'S REPORT

Mayor Tallent gave the following report;

- a) He read a letter from the Texas Department Housing & Community Affairs on a TCDP grant site visit for the Weldon area.
- b) He complimented the Gardens of Gladewater, stating that the development is near completion and they have superb to work with.
- c) The new playground equipment that was purchased with \$58,000 proceeds of the sale of the old Jaycee Park is installed at Lake Gladewater Ferguson Park and looks great.
- d) Thanks to all our councilmen, all of whom attended our 75th Chamber of Commerce banquet on March 9th. Councilman Richard Parrish was installed as the new president and Councilmember Joe Derouen was named Man of the Year. (City Secretary Haralson added that Beverly Tallent was named Woman of the Year.)
- e) Award - See City Manager Report Item D.
- f) April 8th our Spring Clean-Up Day will be from 8 to 12. We will again furnish dumpsters downtown, pick up household items that are called in to the City ahead of time, and we're going to concentrate on cleaning curbs around town. The Cub Scouts and Little League will be helping.
- g) 75th Anniversary – See City Manager Report Item I.
- h) April 21-22 Gusher Days will be held. Many events are being planned.
- i) Our next regular City Council meeting is on April 20th.
- j) Election Day is Saturday, May 13th and early voting is May 1st – May 9th.

XIII. ADJOURN

Councilmember Parrish moved to adjourn at 7:00 p.m., seconded by Councilmember Owens. Adjourned by consensus.

ATTEST:

JOHN PAUL TALLENT, MAYOR

MELBA HARALSON, CITY SECRETARY