

CITY OF GLADEWATER  
CITY COUNCIL REGULAR SESSION  
MINUTES  
JULY 20, 2006  
6:00 P.M.

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

STAFF PRESENT: Jay Stokes, Melba Haralson, Wayne Smith, Kerry Blakemore, Clay Robertson, Andrew Turner

GUESTS PRESENT: Mary J. Williams, B.J. Hill, Sara Jo Hill, Richard Nix, Jimmy Davis, Joncie Young, Marilyn Kelley, Harold Wells, Vi Melton, Margaret Larkins, Clayton Scales, Rhonda Farmer, Diane Turner, Linda Patton, Jackie D. Wood, John Adams, Brenda Brown, Sondra Daniel, Charles R. Miller, Alfred Lacy, Norma Lacy, Weldon Davis, Herman Tyeski, Steve Hoover, Megan Middleten, James Moore, Lindsay Moore, Keta Arnold Woods, Curtis Woods, Reba Smith, James Dalley, Mark Carpenter, Shirley Johnson, James Walker, B.K. Johnson, Martha Day, John Shafer, Steve Marchenky, Don Traylor

I. CALL TO ORDER

Mayor Tallent called the meeting to order at 6:00 p.m. City Manager Jay Stokes gave the invocation and Mayor Pro-tem Derrick led the Pledge of Allegiance.

II. CONSIDERATION OF CONSENT AGENDA

- a) Minutes – June 15, 2006
- b) Appointment of Virdell Skelton to Lake Board
- c) 2006 TCDP Grant Engineering Contract
- d) 2006 TCDP Grant Administration Services Contract
- e) Investment Report for quarter ending June 30, 2006
- f) Ordinance adopting supplement to Gladewater Code of Ordinances
- g) Water tap outside city limits at 2100 N. Phillips Springs Rd.
- h) Nomination of Jay Stokes for Texas Municipal League Intergovernmental Employees Benefit Pool Board of Trustees for Region 15

Mayor Pro-tem Derrick moved to approve, seconded by Councilmember Derouen. Carried 7-0.

III. PUBLIC HEARING regarding an application from Goldston Oil Corporation for a drill permit for a gas well to be located 810' FEL and 1,100' FNL of the M. Dillard Survey, A-56, Gregg County, Texas

This item was tabled at the request of Goldston Oil.

IV. CONSIDERATION of an application from Goldston Oil Corporation for a drill permit for a gas well to be located 810' FEL and 1,100' FNL of the M. Dillard Survey, A-56, Gregg County, Texas

This item was tabled at the request of Goldston Oil.

V. PUBLIC HEARING regarding possible closure of Union Pacific railroad crossing located at Ferry Street

Mayor Tallent opened the public hearing at 6:04 p.m.

Steve Marchenky, Union Pacific Manager of Public Projects explained that TxDOT has federal funds earmarked for upgrading active crossing gates. In lieu of placing crossing gates at the Ferry Street crossing, TxDOT will reimburse the City up to \$150,000 for public safety projects if the City will agree to close the crossing. Union Pacific will also contribute \$10,000 toward the closure and do the work.

John Shafer, 187 Pyeatt Drive, questioned whether the City could get stuck without reimbursement and then called the accuracy of Mr. Marchenky's statements into question as he provided excerpts from the 1998 TxDOT Traffic Operations Manual, Railroad Operations Volume. He then asked why Dean Street does not go all the way through to Highway 271 North.

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Margaret Larkins asked if part of the \$150,000 has to go for the work to close the crossing. Mr. Marchenky replied that Union Pacific funds are used for that.

Jackie Wood, 204 Oak, said that it takes less than 30 seconds to go around one block and it doesn't affect EMS and the City has a chance to pick up \$150,000 for the good of everybody.

B.J. Hill, 611 Clearview, said it's not a good idea because if we start closing roads we close up the town.

John Adams, 115 N. Ferry, said a lot of people use that crossing and he doesn't see a good reason to close it. He is concerned that the extra traffic will be pushed over to Dean Street and we may regret it in the future.

James Walker, 1105 Forrest Hill, said the railroad is not paying for the value received compared to the \$5,000 they spend every year to maintain that crossing. He said we are selling out too cheap and Union Pacific should be offering more in the range of \$30-35,000. Councilmember Jerry Williams pointed out that we would also be receiving \$150,000 from TxDOT and asked how he felt about that. Mr. Walker responded that \$150,000 is about all we can get from TxDOT.

Councilmember Jimmy Williams asked Steve Marchenky if these figures are set in stone. Mr. Marchenky replied that TxDOT has authorized more in the past and \$10,000 is the starting offer from Union Pacific, but additional funds would have to be authorized by his boss.

Diane Turner, business owner at 112 N. Main, spoke on behalf of GADA. She said if the City decides to close the crossing, GADA's concern is how we decide where the money is spent. GADA would like to see it spent on parking areas for the Main Street project.

John Shafer suggested a compromise and proposed that the crossing be closed and Dean Street be extended to Highway 271 North.

Marilyn Kelley said she thinks it's a good idea to close the Ferry Street crossing and use the funds for a recreation center or park. Mayor Tallent said the Council will not decide at this meeting where the money is to be spent, only whether or not to close the crossing. He said we would have another public hearing if necessary on how to spend the money.

Martha Day said her brother just purchased a business at W. Pacific and Ferry and she is concerned that closing that crossing will reduce the traffic and have a negative impact on their business.

Rhonda Farmer asked how we know for sure we will get anything from them. City Manager Stokes replied that a contract will be signed.

Weldon Davis, 1505 North, said there is a problem getting down Main Street now and he is concerned that it will hurt downtown.

With no other comments, the Mayor closed the public hearing at 6:36 p.m.

- VI. CONSIDERATION of entering into discussion and possible joint contract with Union Pacific Railroad and the Texas Department of Transportation regarding closing of rail crossing located at Ferry Street and the Union Pacific Railroad; and authorizing Mayor John Paul Tallent to execute said contract

Councilmember Jerry Williams explained that this is a contentious situation, stating that he is conservative by nature and thus adverse to change. He said he thinks Union Pacific would be getting off a bit light, but we could use the \$160,000. He said he is sympathetic toward the new business owner, but they could use the extra parking spaces if the crossing were closed. He said the Council is faced with a dilemma as it's easy to vote on black and white issues, but this one is extremely gray.

Councilmember Derouen said he has not seen much traffic on Ferry Street and he's watched at different times of day. He said the additional parking spaces would be a benefit to the pizza business and Gladewater needs the money. He said he has no problem with starting negotiations with Union Pacific.

Councilmember Owens said he agrees with Councilmember Jerry Williams as he gave a good analysis of the situation; however he is concerned that if we delay too long we may get less from TxDOT.

Councilmember Parrish said this is a gray area, but we're not approving the closing tonight, we are just approving negotiations and the issue will be brought back.

Councilmember Jimmy Williams said we are charged with what is good or detrimental for the City. He said we had to pay Union Pacific in advance for a 20-year lease and recalled the ups and downs since this issue was considered in 1999. He reminded the public that we still have major expenses coming up with the water plant and Main Street project. He asked if we shouldn't use every option available to us to give us a project we can be proud of. He said if we wait too long the opportunity may pass.

City Manager Stokes said the Council could authorize the first part of the agenda item to enter into negotiations and leave out the last segment giving the Mayor the authority to execute the contract.

Mayor Pro-tem Derrick moved to enter into discussion and negotiation with Union Pacific and TxDOT regarding a possible contract to close the Ferry Street crossing, seconded by Councilmember Derouen. Carried 7-0.

VII. CONSIDERATION OF RESOLUTION regarding train speeds through Gladewater city limits

Councilmember Owens moved to approve, seconded by Councilmember Jimmy Williams. Carried 7-0.

VIII. CONSIDERATION OF LOT LINE ADJUSTMENTS for Lots 3E-1 and 4E-1 of Lake Gladewater Subdivision

Councilmember Jimmy Williams moved to approve as presented, seconded by Councilmember Jerry Williams. Carried 7-0.

IX. CONSIDERATION OF REQUEST OF MS. KETA WOOD regarding claim for September 1998 water damage at 3059 E. Lake Drive

Mrs. Woods stated that she first came before the Council on November 18, 1999, regarding a claim that began in September 1998 due to torrential rains and flooding of her parents' home at 3059 E. Lake Drive. She said the house would not have flooded if the culvert had not been clogged. Mrs. Woods presented copies of the original claim and related documents, which was denied by Texas Municipal League, and she alleged misrepresentation and fraud by the City and former City Manager Sharon Johnson. She stated that Curtis Bright (Mayor in 1998) had told her that he would see that the claim was paid. She gave a lengthy and detailed presentation and emphatically stated her belief that the claim was mishandled and the City is liable for the damages. She reminded each Councilmember of the oath they took and demanded payment.

Mayor Tallent informed Mrs. Woods that Curtis Bright, the former Mayor did not have the authority to make such a statement, as it takes a vote of the Council.

Councilmember Jerry Williams said he has been on the Council for 6 years and this is the first he's heard of it. He asked why there was an 8 year delay for her to bring it to the Council. Mrs. Woods said she couldn't get anything done until Sharon Johnson left. Councilmember Jerry Williams replied that she's been gone 3 years. He then asked if the repairs have been done. She said they have sprayed the walls with bleach and replaced the flooring. Councilmember Williams then asked how much she is asking for in damages. She responded \$8,400 plus the cost of the driveway. He then asked the age of the driveway before the flood. She said they built the house in 1984 but the driveway was built in sections.

Mayor Tallent said he had watched a video showing some of our roads that caved in from the torrential rain. He then read a memo from City Manager Stokes stating;

“To summarize a long and complicated story, Ms. Woods believes the City was responsible for causing water damage to her parents’ home due to a clogged culvert near the house. Our insurance carrier, TML reviewed the matter and denied the claim, stating the damage was caused by an act of God, and there was no liability on the part of the City. Ms. Woods addressed the City Council regarding this matter on November 18, 1999, and asked that the City pay the claim itself, which we did not do. There is a two-year statute of limitations on claims such as these, and it passed in September 2000. Ms. Woods was informed of this by TML in a letter sent to her in January 2001. Ms. Woods approached me within the last few weeks asking the City to have TML re-open the case. Essentially, she believes this should be re-opened because former Mayor Curtis Bright was working with her to see that her claim would be paid, while former City Manager Sharon Johnson was working against her to make sure the claim was not paid. I discussed this with TML, and they told me they do not believe it is necessary to re-open the case, nor do they believe re-opening the case will result in a different determination on their part. They also reiterated that the statute of limitations passed nearly six (6) years ago.”

Councilmember Jimmy Williams said this places him in an embarrassing situation because Keta is his niece. Mary Jane Williams said her sister (Mrs. Arnold) called her the morning of the flood and she (Mary Jane Williams) made several calls to try to get Sharon Johnson to come out. She said Steve Hoover (Public Works Project Manager) finally came out about 5:00 p.m. that day. She said the City is wrong.

Mayor Tallent moved to ask TML re-open the claim, seconded by Councilmember Jerry Williams. Carried 6-0-1, with Councilmember Jimmy Williams abstaining.

X. DISCUSS REQUEST FROM GLADEWATER VOTERS FOR A CHANGE FOR PROGRESS regarding amendments to Section 21 of the City Charter

Charles Miller, 316 E. Miller said the purpose of Gladewater Voters for a Change for Progress is to bring citizens and City government together. He says we have come a long way in fighting discriminatory voting practices, and then asked Mayor Pro-tem Derrick to explain being elected “at large”. Mayor Pro-tem Derrick said that it has nothing to do with ethnicity; there are no districts, that each Council member represents all citizens. Mr. Miller then quoted statistics from the 2000 Census stating Gladewater’s population is 79.8% Caucasian and 16.1% African-American. He said we have an unequal population and African Americans are outvoted before they get to the ballot box. He then said it is unconstitutional to elect “at large” and appealed to the Council for single member districts.

Councilmember Jimmy Williams, who was elected in 2000, pointed out that his place was previously held for several years by John Hawley and that Mr. Charles Miller supported and assisted Mr. Williams in his campaign to defeat Mr. Hawley. He also said that Walter Derrick has served on the Council for 16 years. Both Mr. Hawley and Mr. Derrick are African-Americans. Charles Miller retorted that Mr. Derrick does not represent him.

Mayor Tallent added that he had great support from the African-American community in the last election and said he could not have won the election without them.

Councilmember Jerry Williams took offense that Mr. Miller would even suggest that this Council is in any way discriminatory or prejudicial. He said that the President, Governor and county officials are all elected at large, so it is not unconstitutional. He stated that the Council is extremely conscientious and works very hard to represent all of the citizenry. He went on to say that the black representation on the City Council is proportionate to the population and further stated that the City has spent an inordinate amount of money on the south side of town. Mr. Williams further argued that dividing this town of about 3,800 registered voters into seven different districts would not work, it would create waste and very little would be accomplished when each member is arguing for their own agenda. He also pointed out that you may not have anyone willing or qualified to run for office in such a small district. He firmly said that Mr. Miller’s thinking is flawed.

Charles Miller said he will take this matter up with the U.S. Department of Justice.

XI. DISCUSS STATUS OF MOORE LIFT STATION PROJECT

Joncie Young, KSA Engineers, said the existing lift station is in a flood plain and needs to be abandoned and moved across the railroad tracks to higher ground. He said they are currently in the process of trying to acquire the property. The Council will be updated as the project progresses.

XII. CONSIDERATION OF PROJECT FOR 2007-2008 TCDP APPLICATION

Joncie Young said it is their recommendation to apply for funds to replace the existing water line along Old Highway 80 from Shell Camp to George Richey Road. This consists of about 7,400 feet of 8 inch line, 15 fire hydrants and several connections. It will require about 12 road bores. Mr. Young said they will put together the specs for the application if the project is approved. City Manager Stokes added that it is a \$250,000 grant and the City's will have to match \$50,000.

Councilmember Jimmy Williams moved to approve the project, seconded by Councilmember Parrish. Carried 7-0.

XIII. CONSIDERATION OF FY 2006 STREET PAVING PROGRAM

Steve Hoover, Project Manager for Veolia Water said we have \$109,000 to spend on street paving and gave a list of streets with the greatest need to the Council, which included Phillips Springs, W. Lake Drive, Jackson, White and Richey. He asked for the Council's decision on which streets they wanted done since there was not enough funds to do all of them.

Mayor Tallent suggested that we put off paving W. Lake until next year. Councilmember Jerry Williams said he would prefer to do W. Lake over Phillips Springs because of the number of citizens and amount of tax base. Councilmember Owens asked Mr. Hoover if delaying repair until next year will cost more on one street over the other. Mr. Hoover responded that Phillips Springs is in the worst shape and will deteriorate more. It was suggested that the City Secretary look at the tax base and the Police Department do a traffic count on both streets from 6 a.m. to 6 p.m. Mayor Pro-tem Derrick asked that they look at the intersection of Roden and Miller.

After further discussion, Councilmember Jerry Williams moved to pave W. Lake, Jackson, White and Richey and defer Phillips Springs until next year. Motion was seconded by Councilmember Owens. Carried 4-2-1, with Mayor Tallent and Councilmember Owens opposed and Councilmember Derouen abstaining.

XIV. UPDATE ON POLICE DEPARTMENT from Chief Kerry Blakemore

Chief Blakemore announced that Assistant Chief Clay Robertson and C.I.D. Andrew Turner are working on the National Night out to be held August 1<sup>st</sup>. Robertson said we have five host locations so far and several sponsors.

Chief Blakemore then presented his six-month plan as follows;

He first addressed drug activity, saying he would like to one day take part in the CODE unit, but that would require an additional officer, a car and about \$5,000 in overtime. The officer would need to strictly work narcotics, not patrol.

"Are You OK Program" – This is a senior citizen or handicapped person call program where every morning they would be called by an automated system to see if they are ok. If they don't answer the telephone then an officer would be sent out to check.

Chief Blakemore said he would like to utilize the ACO position strictly for animal control and not require them to be a certified peace officer or used as a back up dispatcher.

He said he would like to create a Citizens Review Board for reviewing traffic stops from the dash cameras. The board will make recommendations to the Chief on whether he needs to address any problems.

Chief Blakemore said he has almost completed the Standard Operating Procedures (SOP) for the Police Department and may have it ready for approval next month.

He said he would like to see the department purchase six tasers and obtain training on their use.

Finally, Chief Blakemore plans to close one jail cell and use it strictly for detox.

XV. CITY MANAGER'S REPORT

- a) Update on Main Street project
- b) New downtown banners
- c) Update on water hyacinth

City Manager Stokes reported that the Main Street contracts have been signed and we are waiting to set up a pre-construction meeting, to which all the downtown merchants will be invited. Construction is scheduled to start the third week of August.

He displayed one of the new banners purchased with grant funds from the Department of Agriculture.

He said the State will spray for the water hyacinth for free, but lake residents would not be able to water their yards for a month, so we will wait until later in the year.

XVI. CITIZENS COMMENTS

B.J. Hill, expressed concern over rabies cases in the newspaper recently and would like to see laws enforced for getting pets vaccinated and people keeping their pets under control.

XVII. MAYOR'S REPORT

Mayor Tallent said there will be a pizza appreciation luncheon for all City employees on Tuesday, July 25<sup>th</sup> from noon to 1:00 p.m. at the Chamber of Commerce.

He announced the following meetings and events; July 27<sup>th</sup> budget workshop, August 1<sup>st</sup> National Night Out, August 3<sup>rd</sup> special Council meeting, August 17<sup>th</sup> is the next regular Council meeting, August 24<sup>th</sup> special Council meeting, September 14<sup>th</sup> regular Council meeting moved up one week, and the fall clean-up day will be Saturday, October 14<sup>th</sup> from 8 a.m. to 12 noon.

Mayor Tallent then rebutted a recent Letter to the Editor pertaining to the City's ad-valorem tax rate. He cited tax rates from other Texas cities our size and noted that Gladewater was ranked 23 out of 52, according to the 2006 TML Debt Survey. Mayor Tallent then stated that Gladewater's tax rate has steadily been reduced from .732302 to .576665 in the past ten years.

XVIII. ADJOURN

Councilmember Parrish moved to adjourn at 8:55 p.m. Adjourned by consensus.

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JOHN PAUL TALLENT, MAYOR

ATTEST:

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MELBA HARALSON, CITY SECRETARY