

CITY OF GLADEWATER  
CITY COUNCIL REGULAR SESSION  
MINUTES  
AUGUST 21, 2008  
6:00 P.M.

MEMBERS PRESENT: Mayor Walter Derrick, Mayor Pro-tem John Lee Ussery, Joe Derouen, Jerry Williams, Scott Owens, Richard Parrish

MEMBERS ABSENT: Jimmy Williams

STAFF PRESENT: Jay Stokes, Melba Haralson, Larry Player, Richard Ross

GUESTS PRESENT: James Duckworth, William Syme, Mark Priestner, Charles Meadows, Bennie Cornutt, Brent Bailey, Colleen Bailey, Judith Burlison, Delbert Burlison, Laura Talley, James Haller, Bennie Moore, B.K. Johnson, Brenda Brown, Jimmy Davis, Phillip Creel, Mark Carpenter

I. CALL TO ORDER

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

II. CONSIDERATION OF CONSENT AGENDA

- a) Minutes – July 17, 2008, July 24, 2008 and August 7, 2008
- b) Appointment of Mayor Walter Derrick to the East Texas Council of Governments Board of Directors
- c) Blanket Permit for the Gladewater Arts & Crafts festival to be held September 20-21, 2008
- d) Proclamation of September 1, 2008 as "MDA Day"
- e) Resolution to amend authorized Texpool representatives

Mayor Pro-tem Ussery moved to approve the consent agenda, seconded by Councilmember Owens. Carried 6-0, except that Mayor Derrick abstained from voting on Item B.

III. PUBLIC HEARING regarding a proposal to increase total tax revenues from properties on the tax roll in the preceding tax year by 4.12 percent

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

Judith Burlison, 3057 E. Lake Drive, commended the City for lowering the tax rate and said she understood that the revenue will increase because of increased values.

Delbert Burlison, 3057 E. Lake Drive, asked what the alternative is to accepting the tax rate. Councilmember Owens responded that the budget would have to be re-worked in order to cut services. He said staff has worked hard to put together a budget we can live with considering the increases in fuel costs, salaries, etc.

IV. ANNOUNCEMENT of the meeting date, time and place when the City Council will vote to adopt the tax rate for fiscal year 2009

Mayor Derrick announced that the City Council will vote to adopt the tax rate on September 18, 2008 at 6:00 p.m. in the Council Chambers at City Hall.

V. DISCUSSION regarding tractor-trailer rigs parking in residential areas

Bill Syme, 701 Daniel Street, said there is a real problem with tractor-trailer rigs parking in the Briarcove Subdivision. He said these trucks pose a safety threat to children and the neighborhood as a whole, they are a noise hazard and cause damage to the city streets. He pointed out that there is a poisonous gas line running through the neighborhood at a depth of 36" and the 80,000 pound weight of these trucks is dangerous to the infrastructure. He said the current City ordinance prohibits parking on the streets and they are circumventing the intent of the ordinance by parking on private property, out of jurisdictional reach of the Police Department. Mr. Syme requested an investigation into a

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zoning change or an ordinance to restrict tractor-trailer rigs from parking in a residential area. Mayor Derrick thanked Mr. Syme and said staff will research the situation and determine the best course of action.

- VI. PUBLIC HEARING to consider a request for a Specific Use Permit to build and operate a museum and community building on a 4.2 acre tract, located at Abstract 8 of the Henry W. Augustine Survey, more commonly known as the vicinity of W. Commerce and S. Rodeo Streets

Mayor Derrick opened the public hearing at 6:15 p.m.

Ms. Bennie Moore, of the Red Rock Historical Association, said they wish to create a museum to preserve the African American heritage in Northeast Texas. Ms. Moore then provided specifics regarding the proposed location and layout of the tract of land.

With no further public comments, Mayor Derrick closed the public hearing at 6:18 pm.

- VII. CONSIDERATION of a request for a Specific Use Permit to build and operate a museum and community building on a 4.2 acre tract, located at Abstract 8 of the Henry W. Augustine Survey, more commonly known as the vicinity of W. Commerce and S. Rodeo Streets

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

- VIII. PUBLIC HEARING regarding designation of Commercial / Industrial Reinvestment Zone #5 in the Martha Dillard Survey, Abstract No. 56

Mayor Derrick opened the public hearing at 6:18 p.m.

Councilmember Owens commented that he went out and toured the location with Larry Seery and was extremely impressed. He said it will be a first rate addition for the City. Councilmember Parrish added that it will be a great asset to the City.

B.K. Johnson, spokesman for the CCC (Concerned Citizens Committee) said this will be located directly across from Weldon School and asked what affect will this development have on the kids.

Larry Seery, 416 S. Tyler, President of the Antique Capital RV Park, said this RV park will have 105 spots with large grassy areas between. He said it will attract "snow birds", mostly retired folks with expensive coaches. A lot of people sell their homes and travel when they retire. There will be strict rules to enhance a restful and relaxing atmosphere for RV's. There will be a fishing pond and activity center.

Mayor Derrick addressed Mr. Johnson's question by saying that all the requirements of the City have been met. Mr. Larry Seery and Bennie Cornutt will be happy to answer any other questions you may have.

With no other public comments, Mayor Derrick closed the public hearing at 6:25 p.m.

- IX. CONSIDERATION of Ordinance to create Commercial / Industrial Reinvestment Zone #5 in the Martha Dillard Survey, Abstract No. 56

Councilmember Parrish moved to approve the ordinance, seconded by Councilmember Owens. Carried 6-0.

- X. CONSIDERATION of Resolution to authorize an agreement for Commercial / Industrial Tax Abatement in Reinvestment Zone #5 with Antique Capital RV Park, LLC

Councilmember Owens said we appreciate their investment into the community and we will benefit from sales tax and it will greatly increase the value of the land.

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Mayor Pro-tem Ussery moved to approve, seconded by Councilmember Jerry Williams. Carried 6-0.

- XI. PUBLIC HEARING regarding demolition of structures at the following locations;
- a) Gladeview Addn S177 (A8), Block 5, Lot 14 (North 18'), Lot 15 (South 66') and house, more commonly known as 1211 N. Rodeo
  - b) Gladeview Addn S177 (A8), Block 5, Lot 11 and house, more commonly known as 1203 N. Rodeo

Mayor Derrick opened the public hearing at 6:30 p.m.

James Duckworth, 401 Avalon, said he owns the property at 1203 N. Rodeo. He said five years ago he got a letter from the City about the house and complied with all the City's instructions. He said he doesn't feel the house is a danger. He said it's structurally sound and doesn't leak. Councilmember Owens asked how long ago the house had burned. Mr. Duckworth replied that there was a fire 7 years ago that damaged the living room and dining room. Councilmember Jerry Williams asked if the house is habitable. Mr. Duckworth said it is not. He said it is not readily visible from the street and his kids requested to keep the property for his retirement. He asked the Council for more time to rebuild. Councilmember Owens asked how long it will take him to rebuild. Mr. Duckworth said anytime within the next year. Councilmember Owens then commented that Mr. Duckworth's daughter is buying a house from him and he is working hard on cleaning up that house, although he is apprehensive about it taking him 7 years to get started on this one. Councilmember Jerry Williams said we should consider his property rights and give him a reasonable amount of time to make the repairs.

Mayor Derrick called for comments from Code Enforcement Officer, Larry Player. Mr. Player said he sent Mr. Duckworth the first letter back in 2003 and was told he was going to fix the house up back then. Mr. Player says he cannot have an unlimited amount of time to do the work because he continuously gets complaints. Mr. Player said Mr. Duckworth's daughter called him yesterday and said they want to demolish and rebuild the house and he believes it would be cheaper to rebuild rather than repair.

Councilmember Jerry Williams said we want to protect his property rights and he should be give a reasonable time frame to repair or we will look at demolishing again. He said he respects Mr. Player's judgment and understands the calls from the neighbors, pests and animal problems. Mr. Player said he should not be given more than one year.

City Manager Stokes added that he gets 2<sup>nd</sup> most in complaints on this house. A lot of people see it when they go to the Rodeo Grounds and High School. He said the Council should give a hard, fast date for substantial progress to be made.

Judy Burlison, 3067 E. Lake Drive, asked if there is another house that can be demolished this year if there is a delay on this house. City Manager Stokes said we will consider other houses and carry forward unfinished projects into next year. Councilmember Owens added that we doubled the budgeted amount this year.

Councilmember Derouen asked Mr. Duckworth how soon he could start. Mr. Duckworth said he has some medical issues but will get started as soon as possible. Mayor Pro-tem Ussery suggested we get a report of progress made by the October Council meeting.

With no other public comments, the public hearing was closed at 6:50 p.m.

- XII. CONSIDERATION of demolition of structures at the following locations;
- a) Gladeview Addn S177 (A8), Block 5, Lot 14 (North 18'), Lot 15 (South 66') and house, more commonly known as 1211 N. Rodeo
  - b) Gladeview Addn S177 (A8), Block 5, Lot 11 and house, more commonly known as 1203 N. Rodeo

Councilmember Derouen moved to grant the demolition of property listed in Item A, seconded by Councilmember Jerry Williams. Carried 6-0.

With regard to property listed in Item B, Councilmember Jerry Williams moved to accept Mr. Duckworth's plea for leniency and give him until the October City Council meeting to make marked progress on the repairs. City Code Enforcement Officer Larry Player is to report whether reasonable progress has been made. The work needs to be completed within one year. Motion was seconded by Councilmember Derouen, carried 6-0.

XIII. UPDATE on current condemned structures

Code Enforcement Officer Larry Player reported that the building at 2204 E. Broadway (approved for demolition last month) has been sold at a tax sale. We have to wait six months, but it will be torn down at their expense. Also, work was started today on the other demolition approved last month at 608 Virginia Street.

City Manager Jay Stokes said we will not spend all the budgeted money this year for demolitions, but we will move that money forward into the 2009 budget. Councilmember Owens explained the tax sale stipulations in that we won't be able to recoup money we spent on demolitions. Mr. Player added that the property owner of 315 S. Main was also demolished by the property owner.

XIV. CONSIDERATION of contract with J.C. Johnson Construction for the development of Weldon Bumblebee Park

Mark Priestner, of Planning Concepts, recommended that the City Council approve the contract with J.C. Johnson Construction. He said all the details have been worked out and construction will take approximately 90 days. With the Council's approval he will give the notice to proceed.

B.K. Johnson, spokesman for the (Concerned Citizens Committee) CCC, fervently stated that from the outset the building of this park was labeled a Weldon project. He said the City Council has ignored the input of the community and they reject the pavilion size of 25' x 25'. He said the CCC wants to do whatever it takes to get the size pavilion they want. He requested that the Council hold off on awarding the contract until the pavilion issue can be negotiated. He argued that they want a park, not a playground. He said the Council needs to adhere to and keep its promise to work with the CCC.

Councilmember Owens quickly responded by saying Mr. Johnson's statements are contradictory. He claims they want the park for the whole community, yet the CCC wants to dictate what we do. Councilmember Owens acknowledged that the City Council asked for input from the community, including the CCC, but stated we never turned over the Council's responsibility to the CCC. He said if we delay, the cost goes up and it is already \$30,000 over budget.

Mr. Johnson said the CCC is willing to suffer to get the size pavilion it wants. A member of the audience asked if the CCC is paying the difference. He answered no. Arguments ensued. Mayor Derrick then stated that we are as far as we can go with this discussion. Delays cost more money, we either do the park or we do not. We are here to consider the contract now. We can't continue to delay or we will end up with nothing.

City Manager Stokes clarified that the pavilion can be expanded later if funds are raised. Mark Priestner said there was a lot of time spent with the community during in designing the neighborhood park. The way it's set up is that adjacent multiple pavilions can be added. This is just the first phase of the project.

Councilmember Derouen said if we keep putting the project off, we won't get the park. He said the contractors bid in good faith. If we just throw out the bids they will not be interested in bidding again.

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Councilmember Jerry Williams said he takes exception to the statement that the CCC did not have any input. He recalled several meetings we had at the Garfield Community Center with the CCC and everyone had input. He reiterated that we can't spend money we don't have and getting people to make contributions is harder now than ever. Mr. Williams concluded by saying that anyone that doesn't like it (the park design) can get off the train and let someone with positive input be involved. Councilmember Owens added that he was taught to say thank you when someone gave you something.

Mayor Pro-tem Ussery moved to award the contract to J.C. Johnson Construction for a base bid of \$129,260, seconded by Councilmember Parrish. Carried 6-0.

Mayor Derrick commented that we have just overcome major problems toward construction of the park and he hopes the architects will design a pavilion that can be added to from time to time.

XV. CONSIDERATION of refund to Goldston Oil Corporation for pipeline easement cost

City Manager Stokes explained that the Council granted this easement to Goldston Oil for a pipeline across the old City dumpsite. It has come to light that the easement will not be needed, so they are requesting a refund of \$4,799.85 and they will bear the cost of cancellation.

Councilmember Jerry Williams moved to grant the refund, seconded by Councilmember Owens. Carried 6-0.

XVI. CONSIDERATION of depository bank bids

City Secretary Melba Haralson explained that all four local banks were invited to bid on the City's depository services for the next five years. Bids were received from Austin Bank and Texas Bank & Trust. She outlined the costs involved with each proposal and recommended awarding the bid to Austin Bank, as it is the most advantageous to the City.

Councilmember Ussery moved to award the five year contract to Austin Bank, seconded by Councilmember Jerry Williams. Carried 6-0.

XVII. CONSIDERATION of Ordinance to increase the pavilion rental fee at Lake Gladewater Park

Lake Warden Richard Ross said the increased pavilion rental fees were approved by the Lake Board.

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

XVIII. CONSIDERATION of Loan Resolution to authorize and provide for the incurrence of indebtedness for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving, and/or extending the Water Treatment Plant facility

Councilmember Owens moved to approve. Motion was seconded by Mayor Pro-tem Ussery. Carried 6-0.

XIX. CITY MANAGER'S REPORT

- a. Gay Avenue drainage update
- b. Update on grants
- c. Lake Gladewater dam update
- d. ETCOG SWAC Grant update
- e. Humane Society update
- f. Delinquent Lake lot leases
- g. Task force on important issues
- h. Announcements of upcoming events

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City Manager Jay Stokes gave the following report;

- a) The Gay Avenue drainage project is not going to be completed before school starts as we had hoped. There have been many unexpected issues. The pipe was cut down 15-17 feet below the water main. We had to move the water main over a few feet. We did put a call into the school to let them know. Councilmember Derouen commented that there needs to be flagmen out there.
- b) The Capital Fund project should be completed in about one month. We may be ready to have a public hearing on the Master Plan at next month's Council meeting and meetings with the Planning & Zoning Commission in the fall.
- c) Adams Engineering has submitted a status report to TCEQ, but has not completed the study on what happens if the Lake Gladewater Dam fails.
- d) We have received a \$13,600 solid waste grant from ETCOG, which will purchase recycle bins and fencing to supplement the recycling program already in place for the 2<sup>nd</sup> Saturday of each month.
- e) The Humane Society Board is considering offering entities multi year contracts with annual CPI adjustments. Mr. Stokes said he met with the director and asked to see a list of who is bringing animals in to determine if they live in Gladewater city limits. As it turns out, about half of the people live outside the city limits and it's costing our taxpayers \$29 per animal. We will provide the Humane Society with maps and a street listing used for City elections, plus use of the tax rolls to help verify residency so that the proper entity is charged. The good news is they are willing to work with us.
- f) We have delinquent lake lot leases and seek direction from the Council as to how to proceed. We have sent letters, certified letters, and made phone calls, all of which go unanswered. This is not a prevalent issue, but one we need to revisit and set policy.
- g) There are some important issues to be faced in the coming months/years; 1) the Master Plan, 2) Code enforcement issues, 3) 2010 Veolia contract – We need to start talking and examining the issues now. 4) Supplying sewer to Clarksville City. We have been notified that they can't afford to build a sewer plant. TCEQ said they should talk to us. As per the Settlement Agreement of 2004, they were given 5 years with a 3 year extension. In reality, no judge in 2012 will let sewer run on the ground. Councilmember Jerry Williams said we need a legal assessment and need true costs to be sure we have a good return on our money.
- h) There will be a ribbon cutting ceremony at the Gladewater Airport Tuesday, August 26<sup>th</sup> at 10:00 a.m. There will be a special City Council meeting September 15<sup>th</sup>. National Night Out will be October 7<sup>th</sup>. The Fall Beautification Day will be October 4<sup>th</sup>.

XX. CITIZENS COMMENTS

None.

XXI. ADJOURN

Councilmember Parrish moved to adjourn at 7:55 p.m. Adjourned by consensus.

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WALTER DERRICK, MAYOR

ATTEST:

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MELBA HARALSON, CITY SECRETARY