

CITY OF GLADEWATER
CITY COUNCIL REGULAR SESSION
MINUTES
FEBRUARY 16, 2012
6:00 P.M.

MEMBERS PRESENT: Mayor Walter Derrick, Mayor Pro-tem Scott Owens, Leon Watson, Delbert Burlison, J.D. Shipp, Jimmy Williams, Harold Wells

STAFF PRESENT: Sean Pate, Melba Haralson, Farrell Alexander, Wayne A. Smith, Judy Hagle, Dennis Jones, Judy VanHouten

GUESTS PRESENT: Judith Burlison, Mary J. Williams, Cathy Smith, Vi Melton, Rhonda Owens, Bonnie Murphy, Gabbie Murphy, Macaylah Draper, Nancy Mellott, Pat Watson, John Dunn, Faye Dunn, Terry Johnston, Sarah Frugi, Idramond Maddox, Kaitlyn Murphy, Kamryn Murphy, Jay Van Zandt, Daniel Hardee, Cheyenne Price, Tyler Price, Michelle Jones, Rylee Jones, Raiden Jones, Hannah Ballard, Carrie Ballard, Kaila King, Michael Formby, Diana Formby, Jessica Johnson, Megan Johnson, Josh Johnson, Josh Johnson, Jr., Susan Woodall, Preston Woodall, Grace Woodall, Faith Woodall, Paul Hall, Chloe Medina, Mia Medina, John Ringler, Lonis Aylon, Joyce Hubbard, Kathryn Beard, Monaka Rash, Kimmie Rash, Krista Rash, Fallon Ward, Avaiona Bennett, Anna Marie Viramontes, Charlotte Deann Garcia, Mark Carpenter, Elijah Anderson, Lana Niemann, Robert Johnson, Jim Chism, Gary Traylor, Chrisuna Lane

I. CALL TO ORDER – Mayor Derrick called the meeting to order at 6:00 p.m.

- a) Invocation – Councilmember Williams
- b) Pledge of Allegiance – Girl Scout Troup #1577

II. PROCLAMATION to commemorate Girl Scouts of America Centennial Anniversary

Mayor Derrick presented a proclamation to Girl Scout Troup #1577.

III. CITIZENS COMMENTS

None.

IV. CONSIDERATION of Consent Agenda

- a) Minutes – January 19, 2012
- b) Ratification of Investment Policy
- c) Interlocal Agreement with Upshur County
- d) Ordinance for City Officers Election – May 12, 2012
- e) Resolution supporting the display of the National Motto “In God We Trust” in the City Council chambers

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

V. CONSIDERATION of financial audit for fiscal year 2011

Karen Jacks, CPA, gave an overview of the audit and rendered a clean opinion, which is the highest opinion they can give. She said there were no compliance issues with laws, grants, internal controls or financial accounting.

Councilmember Watson moved to approve, seconded by Councilmember Wells. Carried 7-0.

VI. PRESENTATION by Gene Keenon of Allied Waste regarding curbside recycling at request of Councilmember Burlison

Gene Keenon gave a presentation regarding curbside single stream recycling. He said the cost involved to buy poly carts, provide truck, etc. would add approximately \$2 per month to each household bill. Eventually we would have one pickup per week for regular waste and one pickup for recycle items. He said they would need a 5 year contract in order to recoup the cost of the poly carts.

VII. PUBLIC HEARING regarding possible revisions to animal control ordinance

Mayor Derrick opened the public hearing at 6:37 p.m.

Nancy Mellott, 307 Lee Street, said she was the second animal control officer the city ever had back in 1981. She agreed the laws need to be rewritten but she has concerns about placing a limit on the number of animals one can have. She said she shows and breeds dogs and she is already over the limit. She asked how she would choose which pets to keep and who gets put to sleep. She said the problem is with enforcement and not with the law itself. She said new laws do not make better people.

John Dunn, 204 Maple, said we have a cat population control problem that he faces constantly. He and his wife like to feed and watch birds and at one time had 20 species of birds, which drew in the cat population. He said the cats marked every plant and even the windshield on his pickup. His flower beds have been dug up and made into latrines. He said he treasures personal rights but people should control their animals. One person's rights should not infringe on others. He also commented on being challenged by dogs running at large as he rides his bike.

With no other public comments the public hearing was closed at 6:44 p.m.

VIII. DISCUSSION AND POSSIBLE CONSIDERATION of revisions to animal control ordinance

Councilmember Shipp said the state laws that govern animals are very broad so the city does need an animal control ordinance. He stated our animal control officer is doing a good job. We are having this discussion to find harmony with quality of care and pet ownership and the quality of life of the animals. He said the quantity of animals is a portion of it but a much broader scope needs to be considered. He said he is not prepared to make a motion at this time; the issue needs more study.

Mayor Pro-tem Owens agreed that we do not need to adopt an ordinance tonight but we should discuss the items one by one and bring back to another meeting.

Councilmember Williams said many people have more pets than they can afford to properly care for and the animals don't get the care they deserve. He said we are more concerned about care of the animals, not the people that raise them for breeding.

Mayor Pro-tem Owens moved to table consideration until a future date, but would like to discuss each item so direction can be given to staff. Councilmember Watson seconded motion to table. Carried 7-0.

Mayor Pro-tem Owens read the section on restraint and stated his concern is with aggressive dogs or diggers that break out of confinement. He said it is a public safety concern and advocated for tethering with conditions as fresh water, shelter from weather, etc. Mayor Derrick said the problem is that some dogs are chained with a chain that weighs more than the dog. Councilmember Williams said tethering should not be a permanent way to deep a dog. Councilmember Burlison said his daughter has a tethered dog that is not mistreated; she has food and shelter inside the garage.

Mayor Pro-tem Owens said we need a consensus. Councilmember Williams said we need a workshop. City Manager Pate suggested we combine this issue with a workshop on streets.

IX. CONSIDERATION of Gladewater Police Department Annual Contact Report

Chief Farrell Alexander stated the report is in line with no complaints. Councilmember Williams moved to approve, seconded by Councilmember Burlison. Carried 7-0.

X. CONSIDERATION of Gladewater Police Department Data Audit

Chief Alexander said they did a sampling of two weeks of citations and made recommendations that ethnicity of Hispanic surnames be noted.

Councilmember Williams commended the police department on the report and moved to approve, seconded by Mayor Pro-tem Owens. Carried 7-0.

Mayor Pro-tem Owens added that Chief Alexander has a good report with minorities in the community and has again been asked to speak at the Black History Month ceremony.

- XI. CONSIDERATION of agreement with KSA Engineers for engineering services for Sidewalk Improvements – Main Street Project through 2011 Texas Capital Fund and Texas Department of Agriculture, contingent upon receipt of fully executed State contract

City Manager Pate said we are one of four cities to receive this grant, which will replace the sidewalks on Pacific Street from Main to Dean. He said the engineering fee is \$43,500 and recommended approval.

Councilmember Wells moved to approve, seconded by Councilmember Burlison. Carried 7-0.

- XII. CONSIDERATION of agreement with Gary R. Traylor & Associates, Inc. for grant management services for Sidewalk Improvements – Main Street Project through 2011 Texas Capital Fund and Texas Department of Agriculture, contingent upon receipt of fully executed State contract

City Manager Pate stated we approved \$15k for grant administration in September and invited Gary Traylor to answer questions from the Council. Mr. Traylor confirmed to Councilmember Shipp that the scope of the project is being reviewed by the Texas Historical Commission. Mr. Traylor said the city is admonished to use great care not to remove anything historic. Mayor Pro-tem Owens commented that we are spending over 1/3 of the money on oversight to get the grant funds. He told Mr. Traylor it is a shame and wishes we could streamline and get more money on the ground instead of in your pockets. City Manager Pate gave Robert Johnson, GEDCO Director, the opportunity to speak regarding the level of funding and the state lowered administrative costs down to 10%.

Mayor Pro-tem Owens moved to approve, seconded by Councilmember Williams. Carried 7-0.

- XIII. CONSIDERATION of Ordinance to add §92.02 (X) – Specific Nuisances – Fireworks, to the Gladewater Code of Ordinances

City Manager Pate said it has been brought to administration's attention that we have been lacking an ordinance to prohibit discharge of fireworks inside the city limits. Fire Chief Smith said he receives many complaints and is concerned about the fire danger.

Councilmember Wells moved to approve, seconded by Councilmember Watson. Carried 7-0.

- XIV. CONSIDERATION of Ordinance to delete §30.83 Main Street Board – Membership from the Gladewater Code of Ordinances

City Manager Pate said this is a technicality and this portion of the current ordinance is not relevant to the Main Street Board.

Councilmember Watson moved to approve, seconded by Councilmember Williams. Motion carried 7-0.

- XV. CITY MANAGER REPORT regarding grants, special projects and announcements

1. We have discussed the possibility of a new sign for city hall. GEDCO may sponsor under promotional events.
2. On the sewer main grant we will request a change order for location change to south of Hwy 80 by the Dallas lift station.
3. We have submitted a request to TxDOT to do a study for a continuous turn lane on Hwy 80 from Loop 485 to east city limits.
4. We will have a pre-retreat Monday, February 20th at 3p.m. and the actual retreat will be Thursday, February 23rd at 2 p.m.
5. Citizens are encouraged to sign up for Code Red to receive severe weather warnings. A link is on our city website.

- XVI. ADJOURN

Councilmember Shipp moved to adjourn at 7:43 p.m., seconded by Councilmember Williams. Adjourned by consensus.

WALTER DERRICK, MAYOR

ATTEST:

MELBA HARALSON, CITY SECRETARY