

CITY OF GLADEWATER
CITY COUNCIL REGULAR SESSION
MINUTES
JULY 17, 2014
6:00 P.M.

MEMBERS PRESENT: Mayor Harold Wells, Mayor Pro-tem J.D. Shipp, Leon Watson, Elijah Anderson, Scott Owens, Lana Niemann

STAFF PRESENT: Sean Pate, Melba Haralson, Rob Vine, Michael Kirkwood, Paul Jaap, Wayne A. Smith, Judy Hagle

GUESTS PRESENT: Nick Foster, Michael Tolbert, Don Greenwood, Jan Greenwood, Robert Haberle, Memori Ruesing, Charles Mouton, Jimmy Williams, Mary Williams, Matthew (illegible), Brent Bailey, Colleen Bailey, Ryan Bailey, Mark May, Alfred Lacy, Diane Turner, Linda Wells, Mark Carpenter, Pat Watson, Margaret Larkins, Paul Hall, Winn King, Kathi Corwin, Dennis Robertson, Jim Bardwell

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

- a) Invocation – Councilmember Owens
- b) Pledge of Allegiance – Mayor Wells

II. CITIZENS COMMENTS

- 1. Jan Greenwood spoke in support of appointing Memori Ruesing to City Council place 4. She said others did not have to campaign or buy signs and Memori got 34% of the votes in the May election. She urged the Council to appoint Memori even though her husband also submitted a letter of interest.
- 2. Memori Ruesing said the Council's decision to accept applications is vaguely outlined in city ordinances but she believes it to be a violation of her 14th amendment rights under the Constitution. She said Mayor Wells told her that neither she nor Mark Carpenter would be appointed because they lost the election. She said that is clearly a predetermined decision and they are being penalized under the equal protection law. She urged the Council to consider all applications and that if a predetermined decision has been made to reconsider and appoint either herself or Mark Carpenter.
- 3. Mark Carpenter said he hopes the Council will appoint the most qualified person. Memori Ruesing and he should not be excluded because they ran against some of the Council members. He said he is willing to serve.

III. CONSIDERATION of Consent Agenda

- a) Minutes –June 19, 2014 and July 3, 2014
- b) Investment Report for quarter ending June 30, 2014
- c) Blanket Alcohol Permit for 4th Annual Art Stroll on August 9, 2014
- d) Blanket Permit for City of Gladewater Kids Fishing Day at the Park, sponsored by Texas Parks and Wildlife on August 9, 2014
- e) Ordinance enacting and adopting 2014 S-18 Supplement to the Code of Ordinances
- f) Request to Suddenlink Communications for a 1.5% franchise fee increase

Councilmember Watson moved to approve, motion seconded by Councilmember Owens. Carried 6-0.

IV. CONSIDERATION of awarding bid for manholes and sanitary sewer lines replacement project

Public Works Director Paul Jaap stated 2 bids were received; one from Duplichain, LLC for \$217,900 and JDR Contracting, L.P. for \$177,771. He recommended awarding the bid to the low bidder JDR Contracting, L.P.

Councilmember Owens so moved, seconded by Councilmember Anderson. Carried 6-0. Councilmember Owens expressed appreciation to Paul Jaap and Casey Chambers for saving the City on cost of engineer fees.

V. CONSIDERATION to authorize procurement of two 2014 Chevy Tahoes and secure financing for same

Police Chief Rob Vine said he requested a bid from McKaig Chevrolet however they were unable to provide 2014 models. He said there is a savings of about \$4,200 per vehicle by going with 2014 models and with equipment the savings comes to around \$5,000 per vehicle.

Mayor Pro-tem Shipp said he is concerned about the cost of equipment. Chief Vine said he is not familiar with the company from Shreveport, but he is very familiar with Defender and believes they have better quality equipment.

Councilmember Watson moved to authorize purchase and financing of two 2014 Chevy Tahoes per Chief Vine's request. Motion was seconded by Councilmember Owens who stated with his job and work history he knows that state bids are awarded to only 1 or 2 dealers in the state. He said late into the year the orders are cut off. He police equipment is sophisticated and difficult to get, plus it has to be compatible with have expert installation. He said it is the right decision to buy through a state bid.

Mayor Pro-tem Shipp said he likes to buy local and he had concerns with vendor on equipment but he trusts the Chief's recommendation.

City Manager Pate commented that we bought two public works vehicles last budget and paid \$2,200 more by buying local.

Councilmember Niemann said she was hoping to spend time with the City Manager to be better informed. She said she doesn't have enough information to make her comfortable that we need Tahoes and not another type vehicle. Chief Vine responded that they are discontinuing Crown Vic's and there is more risk with Chargers. He said there are options of smaller vehicles but they are just not practical.

Mayor Wells called for a vote. Motion carried 6-0.

VI. CONSIDERATION of ordinance to close and abandon an undeveloped portion of Marshall Avenue lying in a westerly direction from Dean Street contiguous to the northeast part of NCB 35

City Manager Pate stated this is a dedicated street right of way that was never utilized and there are no utilities there and no plans to construct the street.

Councilmember received confirmation that this was only the portion west of Dean Street and not all the way through to Ferry Street.

Councilmember Niemann commented that a road would not be the best use of the property.

Mayor Pro-tem Shipp moved to approve the ordinance, seconded by Councilmember Anderson. Carried 6-0.

VII. CONSIDERATION of an ordinance to close and abandon alley ways contiguous to Lots 1 through 11, NCB 2, lying in a northeasterly direction from Pacific Avenue continuing in a northwesterly direction to North Mill Street

City Manager Pate said this property is in the vicinity of Broadway School. He said the ordinance is written to close and abandon the alleys "save and except" right of ways for water and sewer lines.

Councilmember Owens received confirmation that this is the area of the old refinery.

Mayor Pro-tem Shipp asked if the fact that there is an easement would restrict developers from putting in a road. City Manager Pate responded that nothing will restrict them from using aggregate but it would not be our responsibility to repair the road if we needed to repair the water or sewer lines. He said we can add language to that effect to the ordinance.

Mayor Pro-tem Shipp moved to approve the ordinance with stipulation that staff insert language that would remove city liability. Motion seconded by Councilmember Watson. Carried 6-0.

VIII. CONSIDERATION of Lake Store lease

City Manager Pate said this should have been on the June agenda. In December 2013 the lease was extended for a 6 month period. He said the reinvestment committee has been looking at how to get best use from the store and house. He said the store is operating now on a month to month basis.

Mayor Pro-tem Shipp said he has no problem continuing the lease, however his problem is that the lease started out at \$400 per month and it was reduced down to \$100 for the drought, then brought back to \$200. He said we are devaluing the house property by leasing the store at \$200. We need to work our way back to \$400 per month. He said what we did was right for Michael Tolbert, but not right for the city.

Councilmember Owens said we were studying ideas for the lake properties but we were tasked with the situation of new ball fields so our priorities moved on us. On both projects we have to find where the money comes from. He said right now the priority goes to the ball park.

Councilmember Watson stated Mr. Tolbert has been running the store on a month to month basis and it is hard to invest or add to it that way. He would like to see the lease extended for 3 years.

Councilmember Niemann said the Council was already working with Mr. Tolbert when she came aboard 4 years ago. Then the fair market value of the store was established at \$400 per month. She said Mr. Tolbert should work with us on going back to \$400 and agreed he does need something firmer than a month to month lease. She said we adjusted the rent for good reason but that reason does not exist anymore. She believed we should go back to fair market value of \$400.

Mayor Wells said he believes \$400 per month is too much. He said Michael is our eyes and ears out there. He said we have a Lake Warden but he can't be everywhere. He said Michael has to provide liability insurance that goes from January to December.

Michael Tolbert stated he would like to rent out paddle boats and jet skis but he can't make that investment on a month to month basis.

City Manager Pate said we received notification yesterday that we were awarded a \$400,000 grant from Texas Parks & Wildlife so there will be a lot of changes to the boat ramp area.

Mayor Wells asked if anyone had met with the Lake Board about these ideas for the Lake Store and police office. Councilmember Owens affirmed that he had. He said he brought engineered drawings to them but nothing was final.

Councilmember Owens moved to renew the lease at \$400 per month until December 2015. Motion was seconded by Mayor Pro-tem Shipp. Motion failed 2-4 with Wells, Anderson, Watson and Niemann opposed.

Councilmember Niemann stated there needs to be language in the lease to opt out.

Councilmember Watson moved to renew the lease at \$200 per month until December 2015. Motion seconded by Councilmember Anderson. Motion failed 3-3 with Shipp, Niemann and Owens opposed.

Councilmember Niemann moved to continue the lease at \$300 per month until December 2015. Motion seconded by Councilmember Shipp. Carried 6-0.

- IX. EXECUTIVE SESSION pursuant to;
- a) Government Code 551.074 for deliberation of letters of interest and appointment to fill vacancy of City Council Place 4
 - b) Government Code 551.087 for deliberation of Chapter 380 agreement request for CII

The Council recessed into executive session at 6:43 p.m.

- X. RECONVENE into open session and take any action necessary regarding;
- a) Letters of interest and appointment to fill vacancy of City Council Place 4
 - b) Chapter 380 agreement request for CII

The Council reconvened into open session at 7:45 and took the following action;

- a) Mayor Wells thanked everyone who sent in letters of interest. Mayor Pro-tem Shipp reiterated, stating there were lots of good folks and he would like them to stay involved by getting on a board or running for office at next election. He then moved to appoint

Chris Bland to fill the vacancy of Place 4. Motion was seconded by Councilmember Watson. Carried 6-0.

- b) Councilmember Owens moved to grant waiver of building permits and tap fees to Celtex Industries, Inc. He said GEDCO has worked hard for over a year to get this business to come to Gladewater. Motion was seconded by Councilmember Watson. Carried 5-0-1 with Niemann abstaining due to the fact she has been working on getting the company to relocate to Gladewater.

XI. ADJOURN

Mayor Pro-tem Shipp moved to adjourn at 7:50 p.m., seconded by Councilmember Anderson. Adjourned by consensus.

HAROLD R. WELLS, MAYOR

ATTEST:

MELBA HARALSON, CITY SECRETARY