

CITY OF GLADEWATER
CITY COUNCIL REGULAR SESSION
MINUTES
JUNE 18, 2009
6:00 P.M.

MEMBERS PRESENT: Mayor Walter Derrick, Mayor Pro-tem John Ussery, Jimmy Williams, Joe Derouen, Judith Burlison, Scott Owens, Charles Meadows

STAFF PRESENT: Jay Stokes, Melba Haralson, Farrell Alexander, Richard Ross

GUESTS PRESENT: Delbert Burlison, Mary J. Willams, John Ringler, James Draper, Ron Hamilton, Chris Meeks, Lois Nasados, Joyce Hugman, Brent Bailey, Colleen Bailey, Ryan Bailey, Bill Manley, Paul Banner, Judy Banner

- I. CALL TO ORDER – Mayor Derrick called the meeting to order at 6:00 p.m.
 - a) Invocation – Councilmember Burlison
 - b) Pledge of Allegiance – Councilmember Meadows

- II. CONSIDERATION OF CONSENT AGENDA
 - a) Minutes – May 21, 2009 and May 28, 2009
 - b) Ordinance to amend §51.46 – Water and Sewer Tap Fees
 - c) Ordinance to adopt 2009 S-13 Supplement to the Gladewater Code of Ordinances
 - d) Resolution authorizing intervention in Southwestern Electric Power Company's upcoming fuel-factor proceedings at the Public Utility Commission of Texas and related proceedings

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

- III. UPDATE on the Water Treatment Plant project by John Ringler, KSA Engineer

Mr. Ringler presented hand-outs and updated the Council on the project and said we hope to advertise for bids in July, award bids in September and start construction in October. Councilmember Burlison asked how long it will take to complete construction. Mr. Ringler said the contract calls for 450 calendar days.

- IV. CONSIDERATION of Bond Resolution for RDA funding of Phase II of Water Treatment Plant improvements

City Manager Stokes explained the Bond Attorney wants specific language that was not received in time for the posting of this agenda and requested that it be tabled until the June 30th meeting.

Councilmember Owens moved to table, seconded by Councilmember Derouen.
Carried 7-0.

- V. CONSIDERATION of a Resolution of the City Council of the City of Gladewater, Texas, Authorizing the Submission of a Texas Community Development Block Grant Program 2008 Supplemental Disaster Recovery Fund Application to the Office of Rural Community Affairs for Disaster Recovery Funds; and authorizing the Mayor to act as the City's Chief Executive Officer and authorized representative in all matters pertaining to the City's participation in the TxCDBG Disaster Recovery Program

City Manager Stokes and John Ringler, KSA Engineers, explained the revised numbers in the Resolution. At the request of Gary Traylor, our grant consultant, asked the Council to adopt more liberal numbers to reduce the ratio ORCA will use to calculate our match.

After Mr. Ringler satisfactorily answered questions regarding the bid calculation and specifications of the generators to be purchased and their projected life expectancy, Councilmember Owens moved to adopt, seconded by Councilmember Williams.
Carried 7-0.

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- VI. CONSIDERATION of a Request from Goldston Oil to have the City of Gladewater sell to Goldston Oil an easement across City property to allow Goldston Oil to diagonally bore pipeline across Eddy Street between Richard Avenue and Clinton Avenue

Ron Hamilton, Field Landman for Goldston Oil explained they are planning to install a salt water disposal system on the south west side of the City near Eddy and Richardson Streets. This will necessitate a road bore to the corner of the Antique Capital RV Park diagonally across Eddy Street. This road bore will be 10-12 feet below the surface, which is far below any utilities. Mr. Hamilton said this will be a fiberglass seamless pipeline, carrying only salt water under low pressure. He proposed a 309 foot easement for \$35/rod. He said he already met with GISD and will bore across the ball fields and under the track, with a provision the line can be relocated in the future if needed. Once the salt water disposal system is in place it will be advantageous for Goldston and other companies to drill more wells here, since it is more costly to truck out the salt water.

Councilmember Derouen asked the size of the line and the amount of pressure. Mr. Hamilton said it will be a 3" line with less than 100 pounds of pressure.

Councilmember Williams moved to grant the easement as specified. Motion was seconded by Mayor Pro-tem Ussery. Carried 7-0.

- VII. CONSIDERATION of Ordinance to close alley between Lots 1-71, Block 1 of the Morning Side Heights Subdivision

City Manager Stokes stated this alley is platted but was never built. Joe Fife has requested the alley abandonment so he can build 3 spec houses.

Councilmember Williams moved to approve the request, seconded by Councilmember Meadows. Carried 7-0.

- VIII. CONSIDERATION of procedures for order of business

Councilmember Burlison said upon inquiry, she found there is no written rules of procedure for the Council meetings other than the Charter that says the Council can set their own rules. She said she wants to appropriately provide input and there is a way to conduct business meetings in a democratic fashion. She proposed that the Council follow Roberts Rules of Order, which would provide a standardized method for each person on the Council to have input.

Councilmember Williams stated he doesn't believe the Council has violated Roberts Rules of Order in the last 10 years since he's been on the Council and asked if this is just to be an understanding of the Council or if she wants an ordinance adopted for the books. Councilmember Burlison said she is not trying to be picky but wants a standardized method of conducting business. Mayor Pro-tem Ussery asked how many members really knew Roberts Rules of Order.

Mayor Derrick said this is a sudden thing and it is difficult to take a vote at this meeting. He suggested it be tabled and brought back to the next meeting.

Councilmember Derouen said he would hate to be like Congress and vote on something before reading it.

Councilmember Owens explained that last month Mrs. Burlison was surprised when John Ussery was appointed Mayor Pro-tem because there wasn't an opportunity for her to make another nomination. He said the most important thing is that we are all heard and have a chance for input. He said if Mayor Derrick is rushing too much call it to his attention and he will take care of it. Mayor Pro-tem Ussery said it's a matter of paying attention to what's going on. Councilmember Owens disagreed and said she is getting used to something new. He said the group is dedicated to working

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together and he doesn't want to stymie discussion by worrying about parliamentary procedure. Councilmember Burlison contended that Roberts Rules of Order does not deter discussion, it promotes it.

Mayor Derrick said our agenda categorizes things so that we can only talk about items on the agenda and we can usually only vote accept or reject. He said he had no idea he was moving too fast but understood Councilmember Burlison's concern. Once again he recommended that we take the issue under advisement and bring it back to the next meeting.

Councilmember Burlison said she was ready to make a motion if permissible. Councilmember Williams said it is her right to make a motion. If it dies for lack of a second then we can move on.

Councilmember Burlison then made the following motion; "Since the City Charter states that the Council shall determine its own rules of procedure and order of business and since there are no written rules, I move the following; Resolved that the City Council of the City of Gladewater, Texas, conduct its proceeding in harmony with all provisions of and in descending priority with: 1) Constitution of the United States of America; 2) Constitution of the State of Texas; 3) Charter of the City of Gladewater, Texas, and Ordinances thereof; and 4) Robert's Rules of Order." The motion was seconded by Councilmember Meadows.

Mayor Derrick called for discussion. Councilmember Derouen questioned how many really know the rules and said he hates for us to vote on something we don't know. Mayor Derrick said he wondered why we didn't take the matter under advisement and bring it back, but apparently we've already parted ways on that. Mayor Pro-tem Ussery said he agrees with Councilmember Derouen and Mayor Derrick. With no other comments, the Mayor called for a vote. Motion failed 2-5, with Burlison and Meadows in favor, Derrick, Ussery, Derouen, Owens and Williams opposed.

IX. CONSIDERATION of proposals to construct a pavilion at Gladewater Memorial Park Cemetery

Councilmember Burlison said she attended the Cemetery Board meeting and they have done a great deal of research. The project is well planned out and it will be good for Gladewater.

City Secretary Haralson reported that Larry Seery, owner of L & M Construction submitted a proposal of \$10,080 to construct a 36' x 40' pavilion on the north end of the cemetery. We have attempted for the past several months to also get a proposal from Ricky Wallace, who did the work on the expansion of the Fire Department, but have not been able to obtain it.

Mayor Pro-tem Ussery moved to accept the proposal from L & M Construction, Option #1 for \$10,080. Motion was seconded by Councilmember Burlison. Carried 7-0.

X. CONSIDERATION of General Fund loan to the Cemetery Fund for construction of pavilion at Gladewater Memorial Park Cemetery and budget amendment for same

City Secretary Haralson stated the Board has received \$2,350 in donations and \$3,000 in pledges thus far. The Cemetery Fund would like to borrow the balance of the construction cost from the General Fund and pay it back as donations come in. This will allow the project to be completed before there are any price increases.

Mayor Pro-tem Ussery moved to permit the General Fund to loan the Cemetery Fund whatever amount is necessary to complete the pavilion project as bid and amend the budget for same. Motion was seconded by Councilmember Burlison. Carried 7-0.

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XI. DISCUSSION regarding FY 2009 Street Repair Program

City Manager Stokes said there is \$100,000 budgeted for street repairs this year. We have taken Gregg County up on their offer to help with some streets and we only pay them for material. We don't have that cost from Gregg County yet. He asked the Council for their suggestions on the streets to be done.

Councilmember Burlison asked if it would be patchwork or complete paving. Mr. Stokes said it would be overlay. Councilmember Williams said we don't want to put asphalt over the brick streets. Councilmember Owens said there are some streets that have been overlaid a couple times and the gutter over-run needs to be cut away.

City Manager Stokes asked the Council to call him with their suggestions. He then informed them the contractor is coming back under their work guarantee to fix the sunken area of the Gay Avenue project.

XII. CITY MANAGER'S REPORT

- a) Grants update
- b) Special projects update
- c) Special meetings

City Manager Stokes gave the following report;

- a) Grants update
 - 1. HOME Grant – We had a meeting Monday and ten people attended. That doesn't mean they will all qualify. We will build five houses and have applications available for anyone that would like to apply.
 - 2. Weldon Bumblebee Park – The Juneteenth Parade will end at the park Saturday at 10:30, followed by the dedication ceremony. We will be serving cake and punch. Texas Parks & Wildlife will be making their final inspection Wednesday.
- b) Special projects update
 - 1. Main Street – We will be getting a refund of Main Street grant money of \$62,922.48, however, according to Sherry Ralston of TxDOT \$13,567.26 will go back to TxDOT for overages. Our net refund will be \$49,355.22. Mayor Pro-tem Ussery asked that we consider using that money for solar antique lights to enhance downtown. Councilmember Owens agreed, saying he would check out options at TML and asked City Manager Stokes to check on prices. Councilmember Burlison said GADA would be very much in favor. Councilmember Meadows added that the lights now go off periodically and it's sometimes dark downtown. City Manager Stokes said he would put this on a future agenda and reminded the Council about the disrepair of the public restrooms downtown.
 - 2. Upshur County Commissioner Lloyd Crabtree and Gladewater resident Stephen See are interested in helping out with maintenance on Gay-Haggans Cemetery. Mr. Crabtree can use inmate help to clean it up and Stephen See will try to maintain it.
 - 3. The weather did not cooperate for the "Movie in the Park" and it had to be moved to First Baptist Church. Thanks to them for opening their doors and to Councilmember Owens for cooking hot dogs. We will get a discount next time so we don't want to give up on the idea. Councilmember Owens said we didn't advertise very well and of course we didn't want to spend any money on it. He said he would like to see us put it in the budget to do again.
- c) Special meetings
 - 1. June 30th we will have two separate meetings, one with the Council for the bond issue and one jointly with the GEDCO Board.
 - 2. We had a meeting scheduled for July 9th with Ron Cox to go over the Strategic Plan, but there is a conflict. By consensus the date was changed to July 13th at 6:00 p.m.

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3. Our budget workshop meeting was scheduled for August 6th and there is a conflict on that date. By consensus the date was changed to August 4th at 10:00 a.m.

XIII. CITIZENS COMMENTS

Colleen Bailey, 2320 Gay Avenue, welcomed the new Council members and thanked everyone for their work. She asked the council to consider budgeting funds to fence the Lake Park around some of the playground equipment that is too close to West Lake Drive. She said this fence would also help with stray dogs. She then pointed out the design of steps on the small children's playground equipment. She said it's difficult to navigate, the step spacing is high and there's no railing. She wondered if it was installed incorrectly and asked that it be checked for safety reasons.

XIV. ADJOURN

Councilmember Meadows moved to adjourn at 7:30 p.m., seconded by Councilmember Williams. Adjourned by consensus.

WALTER DERRICK, MAYOR

ATTEST:

MELBA HARALSON, CITY SECRETARY