

CITY OF GLADEWATER
CITY COUNCIL SPECIAL SESSION
MINUTES
AUGUST 31, 2009
6:00 P.M.

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

MEMBERS ABSENT: Jimmy Williams

STAFF PRESENT: Jay Stokes, Melba Haralson, Wayne Smith, Farrell Alexander

GUESTS PRESENT: Dennis Merrill, Tim McMullen, Jason Tyler, Mark Carpenter, Jimmy Davis, Chris Meeks, Delbert Burlison, Wanda Allard, Ernestine Sawyer, Vi Melton, James Draper, James Cooper, Walton Gordon, Kevin Bush, Karen Morgan, Alton Risinger, Steve Hoover, Kathy Davidson, Lynda Meadows, Mary J. Williams, James Stewart

I. CALL TO ORDER

Mayor Derrick called the meeting to order at 6:00 p.m.

II. DISCUSSION regarding use of City owned equipment

Mayor Derrick said we have a registered citizen complaint and stated we all have great interest in the well being of our City and thanked those in attendance. He then called for the order of speakers to be Veolia Project Manager Chris Meeks, Complainant James Stewart, Veolia officials and finally the City Council.

Chris Meeks read a prepared statement in which he apologized for his recent ignorance in allowing employees to use City equipment. He admitted he exercised poor judgment and said had he known this practice was unacceptable it would have never happened. He said there was no ill intent and he has made restitution according to the FEMA rate for use of the dump truck. He said the dirt and scrap asphalt were of no value and he has routinely accommodated requests from citizens for scrap material. However, he should not have allowed it to go outside the City. He concluded by pointing out the positive things he has done for the City over the past three years and assured the Council that it would never happen again.

James Stewart, 2205 Woodbine said he bought a house in Gladewater and loves living here. On Monday, August 24, 2009 he saw something that bothered and concerned him so he reported it. *[Registered complaint was City of Gladewater dump trucks dumping several loads of dirt late at night in the Pine Tree area.]* Mayor Derrick said there is nothing wrong with a concerned citizen; never has been and never will be.

Dennis Merrill, Veolia Area Manager and Tim McMullen, Veolia HR Manager addressed the Council and said they know they have made a mistake and regret that it has damaged their reputation. They are investigating the incident and want to make it right. They believe the rate of restitution Chris Meeks paid is reasonable but they will do whatever it takes to rectify this situation. Tim McMullen said he is investigating and interviewing employees. He will review the findings with their attorney and disciplinary action will be taken. He knew for certain that disciplinary action will be taken against Chris Meeks, but did not know the extent of it yet. Dennis Merrill introduced Jason Tyler, who they brought in from Oklahoma as interim Project Manager. They assured the Council that this complaint is being taken seriously and will be handled as such.

Mayor Pro-tem Ussery stated this issue is dear to his heart because several years ago he was on the Council that brought Veolia to the City. He said he is an ardent supporter of privatization, but the Council took an oath to safeguard the City assets. Trust has been violated and the citizens expect the Council to be accountable, which is why we are acting immediately. Any other contractor that

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did this would be terminated. We would like to restore the trust that citizens have in us [Council]. He said he is in favor of terminating the contract with Veolia in order to salvage the concept of privatization, which is good for the City.

Councilmember Derouen asked if we have to honor the term of the contract.

Councilmember Owens said he is not necessarily a proponent for privatization. We have been in the process over the past several months of determining whether to renew the contract or not. He said there are times when you shoot yourself in the foot and times when you blow your foot off. He said he's sorry, but Chris must have been given extensive training and has got to know better than this. If it were a City employee they would be gone and it would be turned over to the District Attorney, which will probably happen here. Everybody's money [citizens] has been misused and another great concern is the City's liability if something had happened.

Councilmember Meadows said he is of the same opinion as Mayor Pro-tem Ussery and Councilman Owens. He said it's not a matter of oversight because it happened late at night and looked like they were trying to hide. We don't know if it was the first time or how many employees were involved.

Mayor Derrick said it seems like we are all headed down the same path. Accountability is justified; we must get under control the misuse of City property. Everyone knows it is wrong.

Councilmember Burlison said she is not a strong supporter of privatization but would like to weigh both sides to determine which is most cost effective. She said her biggest concern is the liability. In Chris Meeks' defense, she said he has always been quick to respond and had good customer relations. She regrets this happened and doesn't believe it was done out of maliciousness.

Councilmember Derouen agreed that he has had a good working relationship with Chris Meeks. However, as a contractor his primary concern is also liability. This is unacceptable.

Councilmember Owens asked Chris Meeks if this was the first time. Mr. Meeks replied, "For the dump truck, to the best of my knowledge it is." Mr. Owens said, "Didn't you tell Jay Stokes this had been an ongoing policy?" Chris Meeks responded that he may have allowed employees to borrow a weed eater. He said he had communicated that poorly to Mr. Stokes. Mr. Owens questioned him on the amount of \$50 that was talked about for use of the vehicle. Chris Meeks said that was another miscommunication to City Manager Stokes. Mr. Owens asked when the dump trucks were loaded and with what equipment. Chris Meeks said he allowed the employee to load the dump truck with Veolia's Bobcat after hours.

Councilmember Meadows asked Mr. Meeks where the dirt came from. Mr. Meeks said it was rip-rap (of sorts) that came from Eddy Street, which had no value. He said citizens have been allowed to take excess material in the past, but he should not have allowed it to go outside the city. Mr. Meadows asked how many employees were involved. Mr. Meeks said there was one other employee who had a helper. Councilmember Owens asked how many trucks were involved. Chris Meeks replied there were two. Councilmember Meadows asked if the fencing at the site came from the city. Mr. Meeks said it did not as the city doesn't keep fencing material.

City Manager Stokes confronted Chris Meeks, saying we are at odds here and need to clear up a few things. First, you said it only happened one time, yet you told me previously it also happened in July. Mr. Meeks explained it was one employee on two occasions. Councilmember Owens accused Mr. Meeks of lying to the Council. Mr. Meeks said he didn't lie, he just didn't understand the question. Councilmember Burlison asked if any other employees were allowed to

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do this over the years. Chris Meeks said his memory isn't what it used to be. Tim McMullen, Veolia HR Director then interjected that his interviews have revealed that this is not a repeated practice. City Manager Stokes then brought up his second point of contention for clarification. He said early on Chris told him that he would accept \$50 and apply it toward other city related purchases. Chris Meeks said apparently he is not good at communicating. He said every time the \$50 was used for fuel.

Councilmember Derouen asked if there was a policy regarding people on call taking equipment home. Chris Meeks said there is no written policy but they are not authorized to use equipment. He then recalled letting employees use weed eaters, etc.

Councilmember Meadows asked what type of equipment was used to level the dirt. Mr. Meeks answered the Bobcat that Veolia owns.

James Stewart said there were 8 loads of dirt delivered between 10 p.m. and midnight.

Tim McMullen, Veolia HR Director said there were actually 10 loads taken; 2 employees, 5 trips each. Councilmember Derouen said there needs to be a policy put in place immediately. Mr. McMullen said it is prohibited by state statutes. Dennis Merrill, Veolia Area Manager confirmed that no public equipment can be used on private property.

City Manager Stokes said even though this is a difficult situation, he appreciates all Chris Meeks has done for the City. It is unfortunate this will overshadow all that.

Mayor Derrick said he is sure that policy will come out of this to prevent anything like this from happening again.

Councilmember Meadows asked Tim McMullen if he will share the findings of his investigation with the Council. Mr. McMullen said he will share the part of it that involves disciplinary action.

III. ADJOURN

Councilmember Meadows moved to adjourn at 6:40 p.m. Adjourned by consensus.

WALTER DERRICK, MAYOR

ATTEST:

MELBA HARALSON, CITY SECRETARY