

CITY OF GLADEWATER
CITY COUNCIL REGULAR SESSION
MINUTES
NOVEMBER 19, 2009
6:00 P.M.

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

STAFF PRESENT: Jay Stokes, Melba Haralson, Carolyn Kizer, Richard Ross

GUESTS PRESENT: Diane Turner, Delbert Burlison, Lon Welton, Wanda Allard, Mary Jane Williams, Margaret C. Bell, Gary Kizer, Mark Carpenter, Vi Melton, Karen Morgan, Haskell Ballew, Steve Cruz, Chris Meeks, James Draper, B.K. Johnson, Raymond Johnson, Mark Priestner, Brad Baker

I. CALL TO ORDER

- a) Invocation – Councilmember Owens
- b) Pledge of Allegiance – Councilmember Meadows

II. CONSIDERATION OF CONSENT AGENDA

- a) Minutes – October 15, October 29, and November 12, 2009
- b) Blanket Permit for the Gladewater Chamber of Commerce Christmas Parade to be held December 1, 2009
- c) Resolution to approve participation in the Texas Comptroller of Public Accounts Cooperative Purchasing Program
- d) Ordinance to amend FY 2010 Budget for \$294,750 for ETCOG Hurricane Ike Social Services Grant revenue and expenditure for Weldon Bumblebee Park Phase II
- e) Investment Reports for the quarter and fiscal year ending September 30, 2009

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

III. DISCUSSION AND POSSIBLE ACTION regarding Phase II design of Weldon Bumblebee Park

Note: This item was skipped until after Item V. due to the late arrival of Mark Priestner and Brad Baker.

Mark Priestner, of Planning Concepts, said they looked again at where the basketball courts should be located as requested. It would cost approximately \$8,000 more to build the basketball courts across the ditch as opposed to the original design. In addition, the location across the drainage ditch has a lower elevation which would cause drainage problems. In order to minimize noise for the houses in close proximity, the basketball court was rotated 90° and it was recommended we plant dense shrubbery in natural berms.

Mayor Derrick asked if we would still be within budget if we crossed over the drainage ditch. Mr. Priestner said we would but we would if we take out some other elements.

B.K. Johnson agreed it would not be feasible to build the basketball courts in a low lying area. However, he did not believe hedges or shrubbery would be sufficient separation between teenagers and young children and he is opposed to the current location. He asked if the park will at any time encompass the property facing Eleanor Street.

Mayor Derrick answered those lots do not belong to the City and we cannot use grant money to buy property.

Councilmember Owens said we can't make everybody happy and ¾ of the people at last week's meeting prefer the present location. He said we are thankful for the

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grant. The park will be a tremendous asset to the whole city, not just the Weldon community.

Councilmember Derouen added that we must move quickly to spend the grant funding or we will lose it. We don't have additional money to buy other lots.

Councilmember Owens moved to approve the plan as presented by Mark Priestner and Brad Baker. Mayor Derrick asked if he would amend his motion to state that we have the option at a future date to relocate the basketball court and use the slab for another pavilion. Mr. Owens so amended his motion. Motion was seconded by Councilmember Derouen. Carried 7-0.

IV. CONSIDERATION of purchasing downtown public restrooms from the Gladewater Chamber of Commerce

Councilmember Burlison explained for the benefit of the audience the reason for purchasing the restrooms for \$1 from the Chamber of Commerce. Mayor Pro-tem Ussery, who is also the Chamber President, said the Chamber voted to make the sale and said this is a perfect example of two organizations working together in harmony.

Councilmember Owens moved to approve, seconded by Councilmember Derouen. Carried 6-0-1, with Mayor Pro-tem Ussery abstaining.

V. CONSIDERATION of awarding bid for renovation of downtown public restrooms

City Manager Stokes said we received three bids and the low bidder was A & S Builders for \$47,900, which leaves virtually nothing left over. Councilmember Owens questioned whether we advertised and received sealed bids. City Manager Stokes explained that Lon Welton, Main Street Manager did receive sealed bids, but it was not advertised as it is under the \$50,000 threshold required by law. Mr. Owens responded it may not be illegal but it does leave the right perception. Mayor Pro-tem Ussery said it should have stipulated by the Council if they wanted something done differently. City Manager Stokes said we are not in a hurry and we can re-do the bid process, then said we did the purchase of new trucks the same way. Councilmember Owens said he is not upset and withdrew his comments.

Councilmember Derouen moved to accept the low bid of \$47,900 from A & S Builders. Motion was seconded by Councilmember Williams. Carried 7-0.

VI. CONSIDERATION of awarding bid for the Airport Improvement Project

City Manager Stokes said we received 3 bids with the low bid coming in at \$185,951.75 from Longview Road & Bridge, who did previous work at the airport.

Councilmember Williams moved to approve the low bid, seconded by Councilmember Derouen. Carried 7-0.

VII. DISCUSSION of future land use map as recommended by the Planning & Zoning Commission

City Manager Stokes explained we received a grant a couple years ago for a Master Comprehensive Plan. Tim Glendening did about 18 months of field work in order to prepare maps (displayed). One map depicts the present use and the other is proposed future land use. The Planning & Zoning Commission has worked hard all year on the future land use map. They divided the City into four quadrants, separated by Hwy 80 and Hwy 271 and made several suggestions along the way in order to come up with the final proposed use map. They tried to maintain flexibility to allow for many types of growth. The Planning & Zoning Commission is now ready to take the proposed use map and being working on the zoning ordinance, which the Council will ultimately vote on. There will be a lot of opportunity for public input. Mr.

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Stokes asked for a blessing from the Council before moving forward. He said the Planning & Zoning Commission is to be commended. They have worked hard and put in a lot of hours. Margaret Bell, Chairman of the P & Z added the meetings were open to the public and they welcome input.

Mayor Derrick offered words of appreciation for the Planning & Zoning Commission, sentiments echoed by other Council members.

VIII. CONSIDERATION of board appointments

AIRPORT BOARD – reappoint Alfred Lacy, Garnet McClure, Ed Parton, Terry Bewley

BOARD OF ADJUSTMENTS – reappoint John Murray, J.L. Elder, Weldon Davis, Elijah Anderson

CEMETERY BOARD – reappoint Tim Barnett, Steven Best, Michael Formby and appoint Pat Mouton

LAKE BOARD – reappoint Kevin Clark, Jim St. John, Rocky Hawkins, Karen Newman

LIBRARY BOARD – reappoint Darren Richardson, Brenda Kaster, Vi Melton

MAIN STREET BOARD – reappoint David McBride, Linda Wells, Margaret Larkins

PLANNING & ZONING BOARD – reappoint Linda Dougan, Mark Friend, Sheila Faggans, Harry Sutphen

Mayor Pro-tem Ussery moved to approve the above listed appointments / reappointments and expressed appreciation to all our board members. Motion was seconded by Councilmember Meadows. Carried 7-0.

IX. PRESENTATION of proposed trail project by Mr. Delbert Burlison

Delbert Burlison, 3067 E. Lake Drive handed out proposed letters to the Council. He said, as first discussed in September, the trail would bring in younger and more affluent people to our area. He pointed out a proposed route starting at the Lake Park going along E. Lake Drive to Fir Drive. He read the proposed letter and asked the Council for authorization for it to be sent out on City stationery to residents along the trail. He said there is the possibility of an 80/20 grant and the proposed path would require two bridges. Mark Priestner of Planning Concepts told him it would cost about \$1 million, however he (Mr. Burlison) doesn't think it will cost that much.

Councilmember Owens said he initially didn't think we needed something else as we are well on our way with other parks. However, Longview has trail parks and they are nice. He said he doesn't have a problem going forward to see if property owners are in favor.

Mayor Derrick said this is not an action item, so we have time to think it over.

X. CONSIDERATION of awarding construction bids for HOME Grant #1001015

City Manager Stokes explained the bid tabulation for the 2009 HOME Grant. We received 3 bids, with the low bid coming from Whitaker Homes at \$293,225 to demolish and build 5 new houses.

Councilmember Owens stated this is to replace dilapidated housing and moved to award the bid to Whitaker Homes for \$293,225. Motion was seconded by Councilmember Williams. Carried 7-0.

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XI. CONSIDERATION of casting ballot for Gregg County Appraisal District Board of Directors

Councilmember Burlison moved to evenly distribute the 41 votes between the 5 nominees, with the extra vote going to A.P. Merritt. Motion was seconded by Mayor Pro-tem Ussery. Carried 7-0.

XII. CONSIDERATION of casting ballot for Upshur County Appraisal District Board of Directors

Mayor Pro-tem Ussery moved to cast all 106 votes to Darrell McKnight, seconded by Councilmember Owens. Carried 7-0.

XIII. CONSIDERATION of Cemetery Board recommendation to charge a \$100 interment fee at Gladewater Memorial Park Cemetery

Mayor Derrick stated the Cemetery Board felt this funding is necessary for a future need to construct a columbarium. Councilmember Burlison stated she attended several of the Cemetery Board meetings and commended them for their diligence. She then moved to approve the \$100 fee as recommended.

Councilmember Owens explained to the audience that in a few years, after all lots are sold, the cemetery will have to be maintained by General Fund.

Mayor Derrick stated there is a motion on the floor and asked for a 2nd. Motion died for lack of a 2nd.

Mayor Pro-tem Ussery expressed appreciation to the Cemetery Board and moved to table the issue until the next meeting in order to spread the word and get more feedback. Motion was seconded by Councilmember Williams. Carried 7-0.

City Manager Stokes echoed comments made by Councilmember Owens. He said the General Fund is already subsidizing the cemetery with maintenance expenses. He said it costs about 1 ½ cents of the tax rate to maintain a perpetual care cemetery and pay Judy Van Houten's salary. Mr. Stokes said if this proposed fee is not approved we will have to do something. City Secretary Haralson was asked when the last rate increase occurred. She estimated about 5 years ago we went up to \$500 per space and last year we started requiring an outer container.

XIV. CONSIDERATION of donating discarded pipe to the Helen Lee Foundation

Steve Cruz addressed the Council as a volunteer for the Helen Lee Foundation. He said they would like to use salvage pipe at public works for drainage repairs at Helen Lee's Daffodil Gardens. City Manager Stokes confirmed they are a 501c3 corporation.

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

XV. EXECUTIVE SESSION pursuant to Government Code §551.074 regarding resignation of Municipal Judge Carolyn Kizer

The Council recessed into executive session at 7:28 p.m.

XVI. RECONVENE into open session and take any action necessary regarding resignation of Municipal Judge Carolyn Kizer

The Council reconvened into open session at 7:43 p.m. and took no action.

XVII. CITY MANAGER'S REPORT

a) Grants update

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- b) Special projects update
- c) Spillway repairs
- d) Sales Tax collections
- e) Meetings
 - 1. Region XV TML meeting
 - 2. Joint meeting with GISD School Board of Directors
 - 3. Special City Council meeting November 30, 2009

City Manager Jay Stokes gave the following report;

- a)
 - 1. Good news – Made presentation to the Solid Waste Advisory Committee at ETCOG and we were funded for a litter abatement officer; \$30,000 for the 1st year, \$20,000 for the 2nd year and \$10,000 for the 3rd year. We would like this person to be a licensed peace officer, but housed in the Code Enforcement Office.
 - 3. Water Treatment Plant – John Ringler is changing the paperwork and will have it ready next week for the Mayor to sign, then it will be sent to RDA.
 - 4. We are still waiting to hear on the SECO grant.
- b)
 - 1. We are close to having all the streets paved.
 - 2. Gay Avenue contractor will be coming back Tuesday after Thanksgiving to complete warranty work.
- c) We bid the spillway repair for the 2nd time and still received no bids. We will go out for bids again. There's a chance the project does not have to be bid if deemed by the Council that this is a matter of public health.
- d) A spreadsheet of sales tax revenue is in your packet. It should be pointed out that it has dropped in the last 3 months. The Council has budgeted very conservatively for sales tax so there's no need to panic yet.
- e)
 - 1. TML Region 15 will meet in Gladewater the 4th Tuesday of January (1/26/10). Mayor Pro-tem Ussery will be installed as the new president.
 - 2. Dr. J.P. Richardson (GISD) agreed that we should schedule our joint meeting after the first of the year.
 - 3, There will be a special meeting 11/30/09 on privatization. This will be on the agenda as an action item and there will be another public participation opportunity. Mayor Derrick requested we take action on this important issue only when all 7 council members are present.

XVIII. CITIZENS COMMENTS

Mark Carpenter, 2301 Woodbine said he was glad we had 3 bids on the restrooms. He believes the more bids we have the better and pointed out the City's surplus equipment is now bid online. He also commented in regard to the \$100 interment fee, that the only thing sure is death and taxes.

XIX. ADJOURN

Before adjournment, Mayor Pro-tem Ussery expressed appreciation for the service of Municipal Judge Carolyn Kizer. She then asked what happened; did they accept her letter of resignation. Councilmember Williams responded we are thinking about it.

With that, Mayor Pro-tem Ussery moved to adjourn at 7:58 p.m., seconded by Councilmember Meadows. Adjourned by consensus.

WALTER DERRICK, MAYOR

ATTEST:

MELBA HARALSON, CITY SECRETARY