

CITY OF GLADEWATER  
CITY COUNCIL SPECIAL SESSION  
MINUTES  
NOVEMBER 30, 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, Richard Ross, Farrell Alexander

GUESTS PRESENT: Mary J. Williams, Chris Meeks, Wanda Allard, Vi Melton, Mark Carpenter, John Moore, John T. Murray, Dennis Merrill, John Choice, Karen Morgan, Haskell Ballew, D.L. Burlison, Don Beale, Alfred Lacy, Norma Lacy, Joyce Hugman, Judy Banner, Paul Banner, John Adams, Kevin Bush, Bennie R. Gordon, David Reeh, Karen Newman

I. CALL TO ORDER

Mayor Derrick called the meeting to order at 6:00 p.m. and welcomed those in attendance.

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

The Council recessed into executive session at 6:00 p.m.

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

The Council reconvened into open session at 6:25 p.m. Councilmember Owens moved to accept Carolyn Kizer's resignation effective December 26, 2009. He reiterated Mayor Pro-tem Ussery's previous words of appreciation for her service since 2004. Motion was seconded by Councilmember Williams. Carried 7-0.

IV. CONSIDERATION of trail project as proposed by Mr. Delbert Burlison

Councilmember Williams expressed concern on behalf of property owners and asked if they will still be liable if an injury occurs on their property. Councilmember Owens questioned the feasibility and believed something could be set in place to alleviate property owner liability. Mayor Derrick also expressed concern over economics. Councilmember Burlison stated this all hinges upon whether or not grants are available and awarded to the City so as to place no hardship on the City. Mrs. Burlison said she is in favor of the project, but because it is being proposed by her husband she will not vote on the issue. Councilmember Owens stated no money should be spent to the detriment of Weldon Bumblebee Park. It needs to be completed first.

Councilmember Owens moved to allow Delbert Burlison to work with staff to do a feasibility study and research available grants and bring findings back to the City Council. Motion was seconded by Councilmember Meadows. Carried 6-0-1, with Councilmember Burlison abstaining.

V. PUBLIC PARTICIPATION OPPORTUNITY regarding contracted privatization services with Veolia Water

Mark Carpenter, 2301 Woodbine said he is in favor of the City taking over to save money. He said companies are in business to make a profit and he's heard they make 20-30% profit. We need to save as much money as we can.

John Murray, 309 Melba said he's lived here 44 years and hasn't been pleased with service since Veolia took over. He believed it should be brought back under City.

Joyce Hugman, 1901 E. Lake said she thinks we can do it cheaper and we have enough people to do the work. She said a lot of business have left town and this is one job we can keep here from top to bottom.

John Adams, 115 N. Ferry said he would like to reiterate what others have said. He said taking it back would result in more control and better service, which he believes had declined drastically. He said we can keep the money here in Gladewater instead of sending it out of town.

Wanda Allard, 107 N. Lee said recently Lee Street was repaved in front of her house and the workers were lovely. She asked them why they paved from the Gardens of Gladewater all the way to Hwy 80 when the only potholes were at Hwy 80. They said they were just doing what they were told. She said according to what it cost her for a driveway she estimated the extra paving added up to about \$100,000, which she felt was a waste of money. She asked the Council if they had an answer for it.

VI. CONSIDERATION of contracted privatization services with Veolia Water and/or any related action regarding future operations of said services

Councilmember Owens explained the street paving was not Veolia's choice. It was the Council's decision which streets were to be repaved. Veolia did the tear out and another paving company did the rest of the work. He said it cost about \$180,000 to re-do all 8 streets. Ms. Allard asked if the Council physically went out to look at those streets. Several Council members affirmed that they did.

Councilmember Owens then addressed four areas of concern on whether or not to take back public works/streets & parks in-house, whether wholly or partially.

1. Liability – We were told Veolia not the City will absorb the liability if we were to be fined by TCEQ. However, he believes TCEQ will fine whoever has the permit. The only fine they may have to pay is if they were negligent.
2. Certifications – We have been told by other cities that we would lose licensed people we have here to other cities with better salary offers. We have great people here and hope to retain them. There is a lot to be said for living and working in a small town, so this is not a big issue.
3. Cost – The only study that gave us hard figures to make a comparison was the last two years before privatization. He took those figures and applied the CPI index over 10 years. According to his calculations we could operate public works in-house for \$293,000 less per year than the contract. We are also in better financial shape than we were 10 years ago.
4. Flexibility – Having these services in-house means we are not restrained by the contract and can use the staff to do other jobs.

Mayor Derrick said this is an action item and called for other comments or a motion.

Mayor Pro-tem Ussery stated we all know the contract and what Councilmember Owens said is wonderful in theory. However, we all took an oath to provide for the security and safety of the town, which involves more than police and fire protection. It also means the safety and security of our drinking water. He said he is not willing to compromise on the water – one of our most valuable resources. The technical aspect has gone above our ability to deal with it. We can rest assured our drinking water is taken care of 24 hours a day. He then suggested a compromise. Several people have not been happy with the street work being privatized. He said we should let the experts run the water treatment and sewer treatment plants and the City take back the streets.

Councilmember Burlison read a prepared statement as follows; "The city's responsibility is to provide its citizens with services in the most efficient and cost effective manner possible. It is a corporation's responsibility to provide services and make a profit. Where does our interest lie? I believe that our interest is best served by returning public works to the City of Gladewater. In doing so, the

city will have more direct control over the quality, timeliness of repairs, and accountability of performance." She then said her only experience of privatization was with her 35 years in public schools. Any time a service was privatized the cost went up and the quality went down.

Mayor Pro-tem Ussery responded that everyone in town practices privatization when they set their garbage out or use EMS. If privatization doesn't work then we need to go back to buying trash trucks and ambulances.

Councilmember Owens said Mayor Pro-tem Ussery is right in that water and sewer services are specialized. The TCEQ mandates are out of control, however he believes we have the resources through TML and engineers to handle the problems that may arise.

Mayor Pro-tem Ussery asked City Manager Stokes to correct him if he is wrong, but TML is not in the water and wastewater treatment business. Mr. Stokes said they do rate studies but do not provide technical expertise.

Councilmember Owens moved to take back street repairs, water treatment and wastewater treatment and do away with privatization at the end of the contract in October 2010. Motion was seconded by Councilmember Burlison. Motion failed 3-4, with Owens, Burlison and Meadows in favor and Derrick, Ussery, Derouen and Williams opposed.

Mayor Pro-tem Ussery moved to instruct City Manager Stokes to draw up an RFP (Request for Proposal) for a privatization company to operate water and sewer plants and the City to take back streets. Councilmember Williams said he did not approve of the 10 year contract and asked if his motion could be amended so that the contract would not exceed 3 years. Motion was so amended by Mr. Ussery and seconded by Councilmember Derouen.

Councilmember Owens asked about the distribution and collection lines. Mayor Pro-tem Ussery said they will be privatized and the City will take back streets and parks.

Mayor Derrick called for a vote. Motion carried 4-3 with Derrick, Ussery, Williams and Derouen in favor and Burlison, Meadows and Owens opposed.

Mayor Pro-tem Ussery then asked City Manager Stokes to pattern our RFP after the City of Cameron. Mr. Stokes said he will visit Cameron in order to get help with the RFP. Mayor Pro-tem Ussery said if any of the Council wished to go they should let Mr. Stokes know.

VII. ADJOURN

Councilmember Burlison moved to adjourn at 7:00 p.m. Adjourned by consensus.

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WALTER DERRICK, MAYOR

ATTEST:

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MELBA HARALSON, CITY SECRETARY