

CITY OF GLADEWATER
CITY COUNCIL REGULAR SESSION
MINUTES
NOVEMBER 18, 2010
6:00 P.M.

MEMBERS PRESENT: Mayor Walter Derrick, Mayor Pro-tem Jimmy Williams, Judith Burlison, Leon Watson, Scott Owens, J.D. Shipp

MEMBERS ABSENT: Joe Derouen

STAFF PRESENT: Sean Pate, Melba Haralson, Farrell Alexander, Judy VanHouten, Richard Ross

GUESTS PRESENT: Art Reilly, John Moore, Marsha Valdetero, Mary Williams, Brian VanHouten, Levi Kegarise, Riley Jones, Raiden Jones, Connor Sweat, Whittney Borard, Brandon Kegarise, Michelle Jones, Bracy Sweat, Martha Davis, Harold Wells, Joyce Hubbard, Jane McCormick, D.L. Burlison, Brent Bailey, Colleen Bailey, Ryan Bailey, Curtis Vasquez, Louie Davis, Heather Sturrock, Benjamin Malcolm

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

- a) Invocation – Mayor Derrick
- b) Pledge of Allegiance – Tiger Scout Pack 196

II. CITIZENS COMMENTS

None

III. CONSIDERATION of Consent Agenda

- a) Minutes – October 21, 2010
- b) Blanket Permit for Gladewater Chamber of Commerce Christmas Parade for December 7, 2010
- c) Engagement Letter for Karen A. Jacks & Associates to perform the financial audit for fiscal year 2010
- d) Resolution authorizing submission of a request to the Texas Department of Housing and community Affairs for participation in the HOME Homeowner Rehabilitation Assistance Program Reservation System

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

IV. CONSIDERATION of Agreement with Crown Civil construction at the recommendation of KSA Engineers, Inc. for emergency repairs to storm sewer system at GISD Middle School practice field

Mike Burns with KSA Engineers stated he solicited proposals and recommended hiring Crown Civil Construction for \$106,855, which is approximately \$5,000 over the original estimate, primarily due to the depth of the pipe and trench safety requirements. He said this is an emergency situation and Crown Civil Construction is a reputable and experienced contractor they have worked with on several occasions.

Councilmember Owens questioned the \$10,000 miscellaneous allowance. Mike Burns said it is set aside for contingencies and will only be used for unforeseen occurrences.

Councilmember Watson moved to approve the agreement with Crown Civil Construction, seconded by Councilmember Burlison. Carried 6-0.

V. CONSIDERATION of Lease Agreement with Boyles Tolbert for lease of City property at Lake Gladewater

City Manager Pate stated the terms of the lease agreement; \$500 deposit, \$400 per month with two 1-year options city a CPI escalation built in. Mr. Boyles will receive 10% of permit sales and is required to carry \$1,000,000 liability insurance.

Councilmember Owens expressed appreciation to Mayor Derrick and Sam Chenoweth who served with him on the committee; then moved to approve the lease agreement. Motion was seconded by Mayor Pro-tem Williams. Carried 6-0.

VI. PUBLIC HEARING regarding a request from Curtis Vasquez to operate a bait house at Lot 15 Block 5 Waddell Addition, more commonly known as 507 W. Gay Avenue

Mayor Derrick opened the public hearing at 6:15 p.m.

1. John Moore, 506 Jeanette, spoke highly of Mr. Vasquez's character and asked the City Council to approve the request.
2. Brent Bailey, 2320 W. Gay, expressed concern that approving a business in a residential area will set precedence and asked the Council to deny the request.
3. Colleen Bailey, 2320 W. Gay, presented petition with 29 signatures of neighbors in opposition to allowing a business in a residential area.
4. Margaret Phillips, 606 Eleanor, said we need another business to sell live bait because the lake store is never open.
5. Heather Strong, 3629 Silktree Rd., spoke in favor saying she would have to drive a long way to get bait and said Mr. Vasquez is just trying to make a living.
6. Jane McCormick, 508 W. Jeanette, said she also shares an alley with Mr. Vasquez and she doesn't see how we would set precedence since each case is reviewed individually. She also said the traffic doesn't interfere with Gay Avenue since they exit through the alley.
7. Francis Tyeskie, Eleanor St, spoke in favor and said it is a blessing for the bait shop to be there.
8. Curtis Vasquez, 507 W. Gay, said he has lived in Gladewater for 40 years and graduated here in 1985. He said he has a small 12' x 15' shop that's been there since 1930. He's not trying to get rich, just trying to survive. He said there is not a lot of business, maybe 3-4 cars per day so no traffic is being held up on Gay Avenue. He really enjoys being able to provide bait for the kids and asked for approval.
9. Jim Talley, 1039 Chevy Chase, said he would normally have a concern about a business in a residential area but he tried to buy bait 4 times and the bait shop at the lake was never open.

With no other public comments, the public hearing was closed at 6:37 p.m.

VII. CONSIDERATION of a request from Curtis Vasquez to operate a bait house at Lot 15 Block 5 Waddell Addition, more commonly known as 507 W. Gay Avenue

Councilmember Burlison received affirmation that he was selling minnows, then pointed out that Ace Hardware sells worms.

Councilmember Owens said the lake store has been closed but we are in transition of that being remedied. The store will soon be open and bait will be available with the new lease we just approved. Mr. Owens said the Council has worked hard to make progress in cleaning up Gladewater so now there is stricter enforcement of ordinances on the books. He said he believes approval of this request would set precedence.

Councilmember Shipp stated Mr. Vasquez is obviously very well respected by his neighbors, but we have to look beyond that because anybody declined a specific use permit in the future could use this as an example.

Councilmember Watson questioned new lake store lessee Michael Tolbert about the bait he will be selling and store hours. Mr. Tolbert said he will be selling live bait and the store will be open from 6 a.m. to 8 p.m.

City Manager Sean Pate spoke on 3 key issues; 1) The issue that there was nowhere to buy bait has been addressed. 2) He agrees that this will set precedence even though requests are considered on a case by case basis. We have to be objective not subjective. 3) Mr. Vasquez is to be commended on taking care of the alley, which apparently had been neglected, is a matter of community pride. However, it is a city right of way and the alley cannot be obstructed in any way.

Mayor Pro-tem Williams expressed concern that the Planning & Zoning Commission didn't get all these questions answered. He said the neighbors won't go for a business in a residential area and he can't see where it would benefit the City to approve it.

Mayor Derrick agreed with Mr. Williams and stated the zoning ordinances won't allow it.

Councilmember Owens moved to deny the request for the specific use permit, seconded by Mayor Pro-tem Williams. Carried 6-0.

VIII. CONSIDERATION of Board appointments

- a) Airport Board
 - b) Board of Adjustments
 - c) Cemetery Board
 - d) Lake Board
 - e) Library Board
 - f) Main Street Board
 - g) Planning & Zoning Commission
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- a) AIRPORT BOARD – Mayor Pro-tem Williams moved to reappoint Joe Wise, Al Heard and Bert Sharp. Motion was seconded by Councilmember Owens. Carried 5-1 with Councilmember Burlison opposed. Mrs. Burlison stated she thinks board members need to be rotated or we won't get new members. Councilmember Owens expressed agreement and said people need to express an interest in serving by writing to City Manager Pate.
 - b) BOARD OF ADJUSTMENTS – Mayor Pro-tem Williams moved to reappoint Dean Simmons, Elwanda Walker and Nancy Holly. Motion was seconded by Councilmember Watson. Carried 5-1 with Councilmember Burlison opposed.
 - c) CEMETERY BOARD – Councilmember Shipp moved to reappoint John Barnett, Tim York and Diana Stokes. Motion was seconded by Mayor Pro-tem Williams. Carried 6-0.
 - d) LAKE BOARD – Councilmember Shipp moved to reappoint Sam Chenoweth, Bruce Stanley and Calvin "Cisco" Frierson. Motion was seconded by Mayor Pro-tem Williams. Carried 5-1, with Councilmember Burlison opposed.
 - e) LIBRARY BOARD – Mayor Pro-tem Williams moved to reappoint Beverly Tallent, Lois Nasados, Sue Clifton-Moore and Barry Cook. Motion was seconded by Councilmember Owens. Carried 5-1, with Councilmember Burlison opposed.
 - f) MAIN STREET BOARD – Councilmember Watson moved to reappoint Brenda Kaster and Monty Graham and to appoint Elaine Roddy to fill the unexpired term of Joan Sturkie until November 2011. Motion was seconded by Councilmember Owens. Carried 6-0.
 - g) PLANNING & ZONING COMMISSION – Mayor Pro-tem Williams moved to reappoint Margaret Bell, Marlene Downing and Ann Clay. Motion was seconded by Councilmember Watson. Carried 6-0.

Councilmember Owens commented that we do need new people on the boards but we appreciate these folks and they have done a good job over the years.

IX. CITY MANAGER REPORT

- a) Grants
- b) Special Projects
- c) Announcements

City Manager Pate gave the following report;

- a)
 - 1. The Police and Fire Departments received a grant for over \$50k for communication services. They are to be commended for a great job in securing grants.
 - 2. Concrete sites are poured for the Water Treatment Plant and Wastewater Treatment Plant generators (through a TCDP grant).
- b)
 - 1. Spillway repairs – We are eagerly anticipating commencement of construction. The contractor assures we will get on the calendar in enough time to pump down the lake level if necessary. Our engineer ran the numbers on siphoning and it is not feasible. It would take ten times the number of days to siphon versus pump.
 - 2. Middle School Drainage – We have pre-construction meeting tomorrow and work will start the week after Thanksgiving.
 - 3. Street overlays – The street overlay work has been completed. Dennis Jones and Street crew is hot patching. We have a demonstration scheduled for equipment seen at TML conference that may improve efficiency. Mr. Pate is working on a master plan grade system that is also tied in with water and sewer so that street repairs, etc. are given a priority ranking.
- c)
 - 1. Burn out is going well. Veolia has completed a 200' extension to loop the water line on Hwy 271 South that will help with residuals in that area. Joyce Hubbard (Veolia Project Manager) is doing a great job and will pull repair logs for existing water and sewer mains to use for master plan.

X. ADJOURN

Councilmember Shipp moved to adjourn at 7:05 p.m. Adjourned by consensus.

WALTER DERRICK, MAYOR

ATTEST:

MELBA HARALSON, CITY SECRETARY