

CITY OF GLADEWATER
CITY COUNCIL REGULAR SESSION
MINUTES
MAY 17, 2012
6:00 P.M.

MEMBERS PRESENT: Mayor Walter Derrick (outgoing), Councilmember Jimmy Williams (outgoing), Mayor Pro-tem Scott Owens, Harold R. Wells, Delbert Burlison, Leon Watson, J.D. Shipp and Lana Niemann (incoming)

STAFF PRESENT: Sean Pate, Melba Haralson, Wayne A. Smith, Farrell Alexander, Paul Jaap

GUESTS PRESENT: Elijah Anderson, Christian Allen, Nick Foster, Lanny Buck, Linda Wells, Mary Jane Williams, Jimmy Davis, Terry Johnson, Pat Watson, Pete Wynn, Rebecca Jaap, Hal Wells, Lisa Wells, Ray Peden, Jeannie Richard, Lola May, Mark May, Dorla Whalen, Judy Holt, Tinkie Baygents, Beth Hill, Sondra Daniel, Barbara Monk, Brett Sollars, Brenda Sollars, Stan Dulaney, Paula Hansley, Richard Caldemeyer, E. Stillwell, Penny Gunn, Glenden Spencer, Kathy Spencer, Mark Armstrong, Norma Lacy, Alfred Lacy, Danell Clakly, Marsha Valdetero, Phillip Creel, Mark Carpenter, Robert Johnson, Travis Garner, Sue Moore

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

- a) Invocation – Councilmember Jimmy Williams
- b) Pledge of Allegiance – Mayor Walter Derrick

II. PRESENTATION to outgoing City Council members

City Manager Sean Pate announced that a spectacular retirement reception was held May 14th in honor of Mayor Walter Derrick's retirement after 22 years of service. Mayor Derrick expressed gratitude for being allowed to serve his community and extended best wishes to the Council.

Mr. Pate then presented a plaque to Councilmember Jimmy Williams and thanked him for 12 years of service. Mr. Williams offered words of appreciation.

III. OATH OF OFFICE to newly elected City Council members

City Secretary Melba Haralson administered the Oath of Office to newly elected Mayor Harold Wells and Council Members Lana Niemann and Leon Watson. She presented each of them with a Certificate of Election.

IV. CONSIDERATION of appointment of Mayor Pro-tem

Councilmember Watson moved to reappoint Scott Owens as the Mayor Pro-tem, seconded by Councilmember Shipp. Carried 5-0-1 with Owens abstaining.

V. CITIZENS COMMENTS

1. Penny Gunn, 5900 Yarborough, Longview and owner of Hometown Auctions in Gladewater said she hates public speaking but loves liberty. She expressed strong opposition to the proposed survey (Item XI), specifically to the question regarding the smoking ban within private buildings. She spoke regarding personal choices, civil liberties and private property and business rights. She requested that if the Council decided to approve the survey, the question regarding smoking be omitted.
2. Tinkie Baygents, 1520 E. Sheppard, said she moved here in 1989. She does smoke and does go to Hometown Auction. She asked the Council not to take away her rights.
3. Richard Caldemeyer, 804 S. Tyler, said there is a petition started with several hundred signatures in opposition to the ban on smoking in public places. He read a letter from Brent Sollars, owner of the Texas Traditon Restaurant, which said he is not a smoker but is a believer in personal freedom and the right to choose. He said there are currently 15 restaurants in Gladewater and only 2 allow smoking, which gives customers a choice. He believed there would be economic risk involved if smoking was banned.
4. Dorla Whalen, 804 S. Tyler, said she is a taxpayer and owns approximately 25 properties. She chooses to live, invest and work here. She said business owners should have the right to choose whether or not to allow smoking and non-smokers have the right to choose whether or not to patronize that business. She cited the last

line of the Pledge of Allegiance “with liberty and justice for all” and said it is her right as an American to smoke and she should not be treated as a second hand citizen because of it. She said if you believe the Pledge of Allegiance this should be a dead issue.

Mayor Wells thanked those who commented and encouraged other citizens to do the same.

VI. CONSIDERATION of Consent Agenda

- a) Minutes – April 19, 2012 and April 26, 2012
- b) Request for fireworks display at Gladewater High School graduation on May 25, 2012
- c) Blanket Permit for 6th Annual Juneteenth Parade, June 16, 2012

Councilmember Watson moved to approve, seconded by Councilmember Burlison. Carried 6-0.

VII. PUBLIC HEARING regarding 9-1-1 addressing

Mayor Wells opened the public hearing at 6:26 p.m.

1. Fire Chief Wayne Smith, 2186 N. Main, also serves as the emergency coordinator. He emphasized the importance of sequential and well marked addresses from the emergency response standpoint.
2. Pete Wynn, 2413 W. Harold, asked why it’s the city’s responsibility to do the address changes. He said it should be the responsibility of the citizens. City Manager Pate responded it is regulated by ETCOG and they are the ones actually making the changes.
3. Three other people (whose names were not stated) spoke from the back of the room. Comments not recorded.
4. Ray Peden, 212 Pyeatt, said this should be the City’s job not ETCOG’s. He said it takes 3 months to get a new address from Upshur County.
5. Jimmy Williams explained that Upshur County hired a firm several years ago for this job and they changed companies leaving a big mess.
6. Delbert Burlison, 3067 E. Lake Drive, said has firsthand experience with this. He said if you’re waiting for EMS it is gut wrenching so you will do anything to help them find your house.
7. Dorla Whalen, 804 S. Tyler, explained the process when mailing addresses changed from rural route and box numbers.

With no other public comments Mayor Wells closed the public hearing at 6:48 p.m. and stated this will be on the next agenda as an action item.

VIII. PRESENTATION and CONSIDERATION of Siemens water and energy report

Item was skipped as Siemens representative not in attendance.

IX. PRESENTATION and CONSIDERATION of the water/sewer hydraulic analysis proposal

Lanny Buck, KSA Engineers presented a handout detailing the proposed 2012 water distribution and wastewater system analysis, which calls for mapping existing water lines 6” and larger; surveying existing elevated storage tanks, identify up to 250 nodes in the system where pipes intersect, place average water demands at the various nodes, prepare computer model of distribution system; estimate treated water demand projections for 5, 10 and 20 years and model future water distribution system improvements. A similar analysis will be performed on the wastewater collection system including lift stations, pumps, wet well, force mains, wastewater treatment plant capacity and biosolid disposal methods; and recommended improvements. Analysis combined cost is \$68,000. If we can provide plans/specs on the elevated storage tanks the fee can be reduced by \$4,000.

Mayor Pro-tem Owens asked how this fits in with the GIS Mapping System. City Manager Pate responded this will assist but the study will give flows, pressures, etc. not just the location of the lines. Lanny Buck added that this will also identify lines that don’t meet TCEQ standards.

Councilmember Shipp asked how long before you can tell new business demand. Mr. Buck replied a week or two. Mayor Pro-tem Owens said we are looking at doing this to plan for future development but expressed concern over the cost. He said we don't want to piece mill but we may need to look for an alternate bid.

Councilmember Niemann asked if KSA is doing this analysis somewhere else so we can see the presentation and how it works. Mr. Buck referenced White Oak, Longview, Marshall, Mt. Vernon, Mt. Pleasant to name a few.

Mayor Pro-tem Owens said this would be a beneficial tool for Paul Jaap, our new Public Works Director.

Councilmember Shipp asked about the availability of funds. City Manager Pate said we have \$55,000 budgeted this year for projects that are not happening. We also have \$12,000 balance in GIS budget, totaling \$67,000 if we want to go with this approach.

Mayor Pro-tem Owens asked about getting bids from other engineering firms. City Manager Pate explained we can put out a Request for Qualifications (RFP) but not a bid for price. Mayor Pro-tem Owens said he doesn't think it would be good to switch engineering firms but wants to make sure we have a fair price. Lanny Buck said they have actually cut the cost back.

Councilmember Niemann said she would like more information and moved to table. Motion was seconded by Councilmember Burlison. Carried 6-0.

- X. PRESENTATION and CONSIDERATION of audible noise complaint by Robert and Beverly Wells coming from the new water treatment facility

Item skipped. Mr. and Mrs. Wells were not in attendance.

- XI. CONSIDERATION of proposed June 2012 survey

Councilmember Burlison said he generated this survey and the June date is arbitrary. The proposed survey covers two hot button topics that have been before the Council but it doesn't have to be limited to these two subjects. He said Allied Waste needs to know if we want to continue pursuing the curbside recycle program.

Councilmember Shipp said he is not against surveying the citizens but it should be used as a tool, not to take action based on return rate of the survey, which he believed to be about 10%. He said the survey could be used to get the word out about the non-smoking issue; a public hearing should be held and then be put to a citizen vote.

Councilmember Niemann said we should separate these two issues (smoking in public places and curbside recycling).

Mayor Pro-tem Owens said the citizens elected us to do a job and they hold us accountable. Any ordinance we pass can be overturned, other than appropriation of funds, with a petition and public referendum.

Councilmember Niemann said she is not in favor of the survey and moved to table the issue as more discussion is needed. Councilmember Shipp seconded the motion, carried 5-0-1, with Burlison abstaining.

- XII. EXECUTIVE SESSION pursuant to Government Code §551.076 for deliberation regarding security devices

The Council recessed into executive session at 7:25 p.m.

- XIII. RECONVENE into open session and take any action necessary regarding security devices

The Council reconvened into open session at 7:50 p.m. Mayor Pro-tem Owens moved to delegate staff to take care of the security issue, seconded by Councilmember Niemann. Carried 6-0.

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XIV. CITY MANAGER REPORT regarding grants, special projects and announcements

1. There is a little under \$2.5m not spent yet on the water treatment plant grant. The 12' water line study is in progress.
2. We lost a rotor at the wastewater treatment plant and it costs approximately \$30,000 to replace. We rented a floating rotor for a few months until we can purchase it.
3. On the next agenda we need to consider replacement of the obsolete transformer at the Pacific Street ball field for \$3,200. SWEPCO won't touch it. The city owns the fields and leases them to the association. They don't have the money to repair.
4. We are setting up a legal Q & A with our City Attorney Gary Shaver, possibly in the next couple weeks.
5. By charter the Council needs to appoint someone to fill the vacancy. One or two people have submitted letters of interest. We want anyone interested to apply.

XV. ADJOURN

Councilmember Shipp moved to adjourn at 7:58 p.m., seconded by Councilmember Watson. Adjourned by consensus.

HAROLD R. WELLS, MAYOR

ATTEST:

MELBA HARALSON, CITY SECRETARY