

CITY OF GLADEWATER
CITY COUNCIL REGULAR SESSION
MINUTES
JULY 19, 2012
6:00 P.M.

MEMBERS PRESENT: Mayor Harold Wells, Mayor Pro-tem Scott Owens, Delbert Burlison, Leon Watson, J.D. Shipp, Lana Niemann

STAFF PRESENT: Sean Pate, Melba Haralson, Paul Jaap, Farrell Alexander

GUESTS PRESENT: Robert Haberle, Elijah Anderson, Nick D. Foster, Christian Allen, Robert Johnson, Marsha Valdetero, Jimmy Davis, Todd Clifton, Christopher Radford, B.T. Tolbert, Michael Tolbert, Linda Wells, Jimmy Williams, Mary Williams, Mark May, Mark Carpenter, Phillip Creel, Bill Simms

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

- a) Invocation – Councilmember Watson
- b) Pledge of Allegiance – Mayor Wells

II. CITIZENS COMMENTS

None

III. CONSIDERATION of Consent Agenda

- a) Minutes – June 21, 2012
- b) Ordinance enacting and adopting 2012-S16 Supplement to the Gladewater Code of Ordinances
- c) Investment Report for quarter ending June 30, 2012

Mayor Pro-tem Owens moved to approve, seconded by Councilmember Watson. Carried 6-0.

IV. CONSIDERATION of Ordinance to re-plat Lots 57, 58 & 59 of Section E-2 of the Lake Gladewater Subdivision

Note: This item was taken out of order and considered just prior to Item XV to allow time for surveyor George Taylor to be present.

Councilmember Burlison said he has spoken to the owner of Lot 57 and he was opposed to changes. Mayor Pro-tem Owens moved to table until George Taylor could be in attendance to answer questions. Motion was seconded by Councilmember Burlison. Carried 6-0.

V. REPORT/UPDATE by Gladewater Steering Committee

The Gladewater Steering Committee was formed after the meeting with Russell Gallahan from the State Comptroller's office in the spring of this year. Committee members are Robert Johnson, Lana Niemann and Sean Pate. Robert Johnson gave a presentation on the challenges and problems identified thus far; 1) no expedited permitting process; 2) code enforcement and inspection deficiencies; 3) tax increment financing; 4) sales tax; and 5) deficient tax collections (i.e. inaccurate (extremely low) appraised values on several properties, unreported or under reported sales tax and hotel occupancy tax)

VI. CONSIDERATION of Gladewater Economic Development Board appointment to fill an unexpired term until September 2013

GEDCO Director Robert Johnson stated there was a resignation on their board and it was recommended that Todd Clifton be appointed to fill the unexpired term.

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

VII. CONSIDERATION of Ordinance to amend §93.24 (B) Boathouses and Piers and §93.24 (C) (1) Sanitation Requirements of the Code of Ordinances of the City of Gladewater

City Manager Pate stated one important thing to note on this ordinance is the requirement that street addresses be posted on the lake front. There was discussion on whether send a mail out to inform the lake residents.

Mayor Pro-tem Owens pointed out there is a cost involved with mail outs and we do not need that extra expense every time an ordinance is passed. He stated it is published in the newspaper as legally required but perhaps we can turn to email, website, social media, etc. Mr. Owens then moved to approve the ordinance. Councilmember Niemann seconded the motion and added if we do a mail out then we could tell them to periodically check the website. Carried 6-0.

VIII. CONSIDERATION of Ordinance to amend §93.25 – Parks and Recreation; Lake Gladewater; Approval of Alterations, of the Code of Ordinances of the City of Gladewater

City Manager Pate explained this is the second part given to staff last month regarding retaining walls.

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

IX. CONSIDERATION of nomination to the Texas Municipal League Intergovernmental Employee Benefits Pool Region 15 Board of Trustees

Councilmember Niemann moved to nominate incumbent Brenda Samford, seconded by Councilmember Watson. Carried 6-0.

X. CONSIDERATION of Ordinance to abandon Wright Street and Rivers Avenue per request by Antique Capital R.V. Park

Mayor Pro-tem Owens moved to abandon the streets and award property equally to adjoining property owners, seconded by Councilmember Watson. Carried 6-0.

XI. CONSIDERATION of Resolution suspending the effective date for ninety days in connection with the rate increase filing of Centerpoint Energy

City Manager Pate stated Centerpoint has a current request for a rate increase before the Public Utility Commission which would result in an average residential increase of 22.8%. This resolution will suspend action for 90 days to the attorneys can study the request. Bill Simms of Centerpoint Energy said their last rate increase was in 2006 and he offered to answer questions.

Mayor Pro-tem Owens moved to adopt the resolution, seconded by Councilmember Niemann. Carried 6-0.

XII. CONSIDERATION of Lake Store Lease Agreement

There was lengthy discussion regarding terms of lease. Mayor Pro-tem Owens proposed to renew the lease for \$400 per month plus utilities with a discount of \$200 per month if Mr. Tolbert will keep the park restrooms clean and collect trash during the day. Mayor Wells stated there is no money to be generated from the store and was in favor of keeping rent at \$100 per month plus utilities. Councilmember Niemann said we need to remember the lake is a draw for Gladewater and we need to provide a service. She suggested extending the lease at \$200 per month for the rest of the year and offered to work with Mr. Tolbert to help him turn the store into a successful business.

Councilmember Niemann said we can re-evaluate the first of the year and possibly increase to \$400. She respectfully disagreed with the proposition of Mr. Tolbert picking up trash; we have employees to do that. Councilmember Burlison said he has talked to people who believe the store could be made into a viable business.

Mayor Pro-tem Owens moved to amend the lease up to 5 years, renewable one year at a time by consent of both parties at \$400 per month plus utilities with a \$200 per month discount for picking up trash and stocking restrooms. Motion was seconded by Councilmember Burlison.

Councilmember Shipp asked how we are reviewing the \$200 credit. Mayor Pro-tem Owens said there would have to be a certain amount of trust back and forth. The debate continued regarding credit and a fair amount of hours expected. Councilmember Burlison stated if we expect him to clean trash and restrooms then we should just put him on the payroll.

Mayor Wells called for a vote. Motion failed 3-3 with Niemann, Wells and Watson opposed. *(Note: City Charter requires 4 affirmative votes to pass any action.)*

Michael Tolbert addressed the Council and said he is trying to keep people coming back to the lake. He said \$400 per month is not an issue. He's not making a profit but he likes people and he wants to stay out there as long as he can. Mr. Tolbert took exception to the question of trust. Mayor Pro-tem Owens asked what is acceptable to him. Mr. Tolbert replied \$200 per month.

Mayor Pro-tem Owens then moved to extend the lease for 1 year with options to renew up to 5 years for \$200 per month plus utilities and insurance and he will trust Michael to pick up trash and stock restrooms. Michael Tolbert stated he does not want to pick up trash or take care of restrooms. Mayor Pro-tem Owens then withdrew his motion.

Councilmember Watson moved to extend the lease for 1 year at \$200 per month plus utilities and insurance. Motion seconded by Councilmember Niemann.

Carried 4-0-2, with Owens and Burlison abstaining.

XIII. CONSIDERATION of dead tree removal on lots at Lake Gladewater

City Manager Pate said the Lake Board requested we check into the City's possible liability regarding removal of dead trees resulting from last year's drought. He said according to the city attorney we can't place a lien against a taxpayer for tree removal but we can assess a fine.

Mayor Pro-tem Owens said since there is no liability on the City's part he would like us to simply notify residents to cut trees. Councilmember Niemann stated City would be liable if our workers cut a tree and it fell on a structure. She asked if there is any other statute that may apply. City Manager Pate said he will check. Mayor Wells said there are dead trees all over town and we don't need more ordinances. Public Works Director Paul Jaap said he was at the Lake Board meeting and his impression was that they were asking the City's permission to cut dead trees on lake lots.

Councilmember Watson moved to have the Code Enforcement Officer send a letter to residents asking them to removed trees that he deemed to be a hazard. Motion was seconded by Councilmember Burlison. Carried 6-0.

XIV. CONSIDERATION of curbside recycling survey

Councilmember Shipp stated this issue was tabled earlier in the year with respect to providing public awareness. He said if we participate in curbside recycling we will go from having 2 days of trash pick up to 1 day for trash and 1 day for recycling. In order to get the word out we need to send out a survey with the results being tabulated by staff at City Hall. Councilmember Burlison said the content of the survey was based on one sent to the City of Marshal residents. Councilmember Shipp said based on the results of the survey we could ask Allied Waste to do a pilot program.

There was further discussion regarding the format of the survey, numbering, using specialty paper that cannot be duplicated and whether we could include a notice to lake residents regarding addressing requirement as mentioned earlier. City Secretary Haralson stated the mailing service we use is much more cost effective and we would not be able to segregate lake residents from the rest for separate notices.

Councilmember Burlison moved that he and Councilmember Shipp work together to modify the survey as discussed and send out. Motion was seconded by Councilmember Watson. Carried 6-0.

XV. CITY MANAGER REPORT

City Manager Sean Pate gave the following report;

- a) Update on Veolia contract issues – A certified letter was sent to Dr. Bill Roach regarding contract issues and there has been no response to date. We were notified today that TCEQ is issuing violations to the City for lack of properly licensed operators at the water plant. The plant requires that operators be BB certified and currently Veolia only has two D certified operators. We also anticipate fines due to low residuals on the south side of town. Veolia is aware and they are obligated to handle the situation. He said there is a quality of service we should be getting that we are not receiving and we are adamant about taking over. Mayor Pro-tem Owens expressed his discontent over breach of contract and said we should request they terminate service at the end of this budget year. He said we could contract with KSA Engineers to fill those positions.
- b) Update on water treatment plant grant and improvements – Surveys are being conducted for the route of the 12” water main and they are putting up sound panels. The hydraulic study will be starting soon.
- c) Update on Main Street grant – Plans are in the office with updates from KSA. We anticipate going out for bids in 30-45 days.
- d) Update on Clarksville City sewer contract – City Administrator Billy Silvertooth will be sending a letter to request an extension of the sewer contract until probably November 2013 until construction is completed on their new sewer plant.
- e) Update on Dallas Force Main grant – KSA is surveying property owners to obtain easements.

XVI. ADJOURN

Councilmember Shipp moved to adjourn at 8:10 p.m., seconded by Councilmember Watson. Adjourned by consensus.

HAROLD R. WELLS, MAYOR

ATTEST:

MELBA HARALSON, CITY SECRETARY