

CITY OF GLADEWATER
CITY COUNCIL REGULAR SESSION
MINUTES
SEPTEMBER 20, 2012
6:00 P.M.

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

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

GUESTS PRESENT: Bennie Cornutt, Jimmy Williams, Mary J. Williams, Chris Aylor, Colden Rich, Marsha Valdetero, Marlene Downing, Chris Downing, Gordon Reynolds, Betty Reynolds, Carol Thomason, Jerry Thomason, Mark May, Cisco Frierson, Pat Watson, George Taylor, Vi Melton, Linda Wells, Memori Ruesing, Matt Ruesing, Dakota Osborne, Beverly Tallent, John Paul Tallent, Elijah Anderson, Paul Hall, Robert Johnson, Diane Turner

I. CALL TO ORDER – Mayor Wells called the meeting to order at 6:03 p.m.

- a) Invocation – Councilmember Watson
- b) Pledge of Allegiance – Councilmember Shipp

II. CITIZENS COMMENTS

City Secretary Haralson publicly recognized everyone that is currently serving on boards, organizations and community events and especially thanked those who volunteer in more than one capacity. She announced that the City Council will be considering board appointments in November and all the City boards are listed on the City's website along with meeting times. She invited those who may be interested in serving to start attending those board meetings. She stated all of the City boards are set up as advisory boards to the City Council and in order to clear up a recent misconception, she announced that none of the City boards are responsible for personnel or for budgeting; those are strictly administrative and legislative functions. Once again she thanked everyone who dedicates their time and energy to serve this community.

Police Chief Farrell Alexander presented John Paul and Beverly Tallent with a Certificate of Appreciation for the sizable donation they made to purchase furniture for the Police Department. *(Note: Due to late arrival of Chief Alexander, this presentation was made after Agenda Item III.)*

III. CONSIDERATION of Consent Agenda

- a) Minutes – August 16, 2012 and August 30, 2012
- b) Contract with East Texas Council of Governments for Database Maintenance
- c) Grant Contract with the Gladewater Youth Baseball Association
- d) Grant Contract with the Gladewater Youth Softball Association
- e) Grant Contract with the Gladewater Flag Football Association
- f) Grant Contract with the Gladewater Youth Track Association
- g) Hotel Occupancy Tax Agreement with Gladewater Chamber of Commerce
- h) Agreement with Gladewater Independent School District for School Resource Officer
- i) Fire Protection Agreement for Upshur County Emergency Services District #1
- j) Fire Protection Agreement for Upshur County Emergency Services District #1 as agent for the City of Union Grove
- k) Fire Protection Agreement for Smith County Emergency Services District #2
- l) Agreement for Private Animal Shelter Services with Humane Society of Northeast Texas
- m) Engagement Letter for Audit of fiscal year ending September 30, 2012
- n) Resolution to establish local Section 3 Policy
- o) Resolution authorizing certain individuals to sign contractual documents associated with the Texas community Development Block Grant Program #711312
- p) Ballot for Texas Municipal League Intergovernmental Employee Benefits Pool Board of Trustees – TML Region 15
- q) Resolution authorizing filing of grant application with the East Texas Council of Governments for a Regional Solid Waste Grants Program grant

Councilmember Burlison requested that items i, j and k be set aside for discussion.

Councilmember Watson moved to approve the consent agenda with the exception of items i, j and k. Motion was seconded by Councilmember Burlison. Carried 6-0.

With respect to items i, j and k, Councilmember Burlison asked what benefit the citizens of Gladewater received from these contracts. City Manager Pate stated it is a benefit to the citizens who live outside the city limits. Councilmember Burlison said he believes Upshur County rides on the back of the City at the expense of our taxpayers and stated he would be voting against all three contracts. There was discussion regarding what Upshur County Emergency Services District and Smith County Emergency Services District pays with each contract. Fire Chief Wayne Smith answered questions regarding the amount of calls the Fire Department responds to outside the city limits. Mayor Pro-tem Owens pointed out we started the Revenue Rescue program last year. City Manager Pate stated we attempted to get more funding from Smith County and they did not approve it.

Mayor Pro-tem Owens moved to approve the contracts as written and authorized staff to continue negotiations for the future. Motion seconded by Councilmember Shipp. Carried 5-1, with Councilmember Burlison opposed.

IV. CONSIDERATION of presentation by KSA Engineers regarding 12" water main project

Colden Rich and Chris Aylor of KSA Engineers presented two options regarding installation of 12-inch water main from the water plant on East Lake Drive to the Gay Avenue water tower. Option 1 routed the line along the existing right-of-way of Gay Avenue, which would necessitate easements from approximately 40 property owners. The estimated cost for this option is \$450,873.89 with an estimated construction time of 13 months. Option 2 is a direction drill under the curb section of Gay Avenue for an estimated cost of \$627,612.50 however construction time would only be 8 months.

Mayor Pro-tem Owens asked why the new line could not follow alongside the existing 12 inch water main that runs through wooded areas in a more direct path to the water tower. City Manager Pate said he doesn't believe there were proper easements filed.

Councilmember Burlison said it would be more expensive in the long run to go with option 1 because of street repairs when there is a line break.

City Manager Pate said the right-of-way easement expense, including land man, can be reimbursed through RUS. Mayor Pro-tem Owens said the existing path is shorter and there are fewer folks to deal with. Councilmember Shipp asked why the existing path was not looked at. Colden Rich said they can check on existing easements and bring back to Council.

Councilmember Burlison moved to table until next month when easement information can be presented. Motion was seconded by Mayor Pro-tem Owens. Carried 6-0.

V. CONSIDERATION of presentation by KSA Engineers regarding Texas Capital Fund Main Street Grant plan review

Colden Rich presented estimated costs of sidewalk repairs under the Texas Capital Fund Grant of \$140,116. He said it should be ready for Council to award the bid at the November meeting.

There was discussion regarding handicap access, street lights and anticipated contractor interest.

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

VI. CONSIDERATION of Request for Qualifications for Energy Performance Contracting

Mayor Pro-tem Owens explained this is a performance contract for automated meter reading and we are guaranteed the money we spend will come back in energy savings. Councilmember Shipp asked if the scope is just meter reading. Duval Allen of Siemens,

Inc. answered that they would like the opportunity to look at a variety of things including the water plant, wastewater plant, lighting, etc. She said we do not pay for the cost of the study unless we back out.

Councilmember Shipp moved to approve the contract strictly for meter reading evaluation and on the October agenda we can possibly expand to the water and wastewater plants. Motion was seconded by Councilmember Watson. Carried 6-0.

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

Surveyor George Taylor explained the survey stating he held the west line of lot 57 as requested by property owner.

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

VIII. CONSIDERATION of request by Herman L. Wilson to review his water rate calculation

Mr. Wilson was not in attendance. Item skipped.

IX. CONSIDERATION of a request by Marilyn Kelley regarding establishing a homeless shelter

Mrs. Kelley was not in attendance. Item skipped.

X. CONSIDERATION of tabulation of Recycle Survey and related action regarding curbside recycle program

Tabulation of survey was discussed. Councilmember Burlison said 95% wanted to recycle but only 50% wanted to pay for it. Councilmember Shipp said his interpretation of the results was that only 12% of the water customers responded and 55% of them said they are not willing to give up 1 day trash pick-up in exchange for recycle pick up and also 51% said they are not willing to pay for it. Councilmember Shipp said he believes the people are not ready for this lifestyle change. He suggested the current recycle bin be made available 24/7 and we let people know about it through our web page in addition to the 2nd Saturday of each month. He said he does not believe a pilot program is warranted by these results.

Councilmember Burlison moved to have Allied Waste evaluate the survey results. Motion was seconded by Councilmember Shipp. Carried 5-1 with Mayor Pro-tem Owens opposed.

XI. CONSIDERATION of Chapter 380 Agreement presented by GEDCO Director Robert Johnson

Robert Johnson, GEDCO Director presented information on Chapter 380 Agreements, stating this is an economic development tool the City can use as an incentive for any type of businesses; retail or industrial. He we need specific criteria established and it could be reviewed by himself, the City Manager and possibly the City Council.

Mayor Pro-tem Owens said we need to see a policy before voting. Councilmember Niemann said we need to have an agreement in place in order to use the program; it would go to the City Manager and then Council for approval. Councilmember Burlison said we need more specifics.

Mayor Pro-tem Owens moved to table until next month so staff can draft a policy to bring back to Council. Motion seconded by Councilmember Burlison. Carried 5-1 with Councilmember Watson opposed.

XII. CONSIDERATION of replacement of City Hall sign presented by GEDCO Director Robert Johnson

GEDCO Director Robert Johnson presented a rendering of a proposed sign from the Texas Historical Commission. He said GEDCO approved paying up to \$2,500, which is half the

cost of a \$5,000 sign. There was discussion regarding LED sign versus the manual marquis style message board as proposed by the Texas Historical Commission. Mayor Pro-tem Owens said the whole impetus is to communicate messages to the public. Councilmember Watson said he is not in favor of a scrolling LED. Councilmember Shipp

added there would be a temptation to put too much information. Councilmember Niemann stated the cost of a LED is \$34,000 as opposed to \$4,000.

Former Mayor John Paul Tallent suggested a stone base would complement the new sign instead of the current brick and offered to get donations or personally underwrite it.

Councilmember Burlison moved to table until Mr. Johnson could look further into these suggestions. Motion died for lack of a second.

Councilmember Watson moved to table to give Robert Johnson time to get estimates for design changes of stone base and raising the height of the sign. Mayor Wells seconded for sake of discussion.

Councilmember Niemann stated City staff should do the work of getting revised estimates instead of GEDCO as they are trying to partner with the City and already put a lot of work into it.

Councilmember Shipp made a motion to move forward with rendering #2 and leave open-ended with respect to the height and bricks.

Mayor Wells stated there was already a motion and second on the floor and asked Councilmember Watson to repeat his motion then called for a vote. Motion carried 4-2 with Mayor Pro-tem Owens and Councilmember Burlison opposed. Mayor Pro-tem Owens stated he was opposed to the sign not being a LED, sentiment was echoed by Councilmember Burlison.

XIII. CONSIDERATION of GEDCO Board appointments

Robert Johnson, GEDCO Director stated the GEDCO Board recommended reappointment of Jimmy Williams for a second term and the appointment of Lana Niemann. Councilmember Burlison also nominated Mark Carpenter to serve on the Board.

Councilmember Shipp moved to approve recommendation of the GEDCO Board to appoint Lana Niemann. Motion was seconded by Councilmember Watson. Carried 5-0-1 with Mayor Pro-tem Owens abstaining.

Councilmember Shipp moved to reappoint Jimmy Williams, seconded by Councilmember Watson. Carried 5-1, with Councilmember Burlison opposed.

XIV. CONSIDERATION of GEDCO Budget for fiscal year 2013

Robert Johnson, GEDCO Director presented the budget approved by the GEDCO Board to the Council and offered to answer questions.

Councilmember Watson moved to approve, seconded by Councilmember Burlison. Carried 6-0. Mayor Pro-tem Owens requested the budget be presented one month earlier next year to give the Council an opportunity to study it.

XV. CONSIDERATION of Ordinance to amend Budget for fiscal year 2012

City Manager Pate explained the budget amendments and stated this will permit us to pay off the asphalt zipper and the police vehicle loans and purchase the floating rotor for the wastewater treatment plant. He said we still anticipate putting about \$50,000 into fund balance.

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

XVI. CONSIDERATION of Agreement with Gladewater Chamber of Commerce for Main Street Director services

(Note: This Item was taken out of order and considered immediately after Item III.)

Councilmember Niemann moved to approve the agreement without additional funding, seconded by Councilmember Watson. Carried 6-0.

XVII. CONSIDERATION of Ordinance to adopt and approve the Budget for fiscal year 2013

City Manager Pate stated the only difference in this budget and the one last presented to the Council is the contract with Veolia is eliminated except for one month of service and a budget was built for the water and sewer departments. This leaves \$170,000 in contingency reserve and purchases of 3 new pick-up trucks for public works. City Secretary Haralson added the \$10,000 increase to the Main Street budget was also eliminated.

Mayor Pro-tem Owens moved to adopt the budget with the contingency reserve as stated and maintain \$22,750 with the Main Street services contract with the Chamber. Motion was seconded by Councilmember Watson. Record vote was taken; Ayes- Niemann, Shipp, Owens, Watson, Wells and Burlison. Carried 6-0.

XVIII. CONSIDERATION of ordinance levying taxes for the use and support of the general government and for retirement of general obligation bonded indebtedness through an interest and sinking fund for fiscal year 2013

Mayor Pro-tem Owens moved to adopt the tax rate of .642560 per \$100 valuation, which is .582964 for General Fund and .059596 for Debt Service. Record vote was taken: Ayes- Niemann, Shipp, Owens, Watson, Wells and Burlison. Carried 6-0.

XIX. EXECUTIVE SESSION pursuant to Government Code §551.074 for deliberation regarding appointment to fill vacancy of City Council Place 5

The City Council recessed into Executive Session at 8:10 p.m.

XX. RECONVENE INTO OPEN SESSION and take any action necessary regarding appointment to fill vacancy of City Council Place 5

The Council reconvened into Open Session at 8:15 p.m. Mayor Wells announced that Place 5 will remain vacant until the next election.

XXI. CITY MANAGER REPORT – City Manager Sean Pate gave the following report;

- a) Update on progress of Public Works conversion – We posted ad for two supervisory positions on TML website and we are close to making an offer. Veolia is negotiating an exit strategy and they want out sooner rather than later. An amicable agreement was reached with an exit date of October 30th. If we are not fully staffed by then we have secured services of a utility contractor.
- b) Update on Dallas Force Main project – The project is in the design phase and KSA is securing right-of-way easements.

City Secretary Haralson announced the Fall Clean-Up Day of October 13th and this year for first time we will have a trailer to take used tires for recycling.

XXII. ADJOURN

Councilmember Shipp moved to adjourn at 8:25 p.m., seconded by Councilmember Niemann. Adjourned by consensus.

HAROLD R. WELLS, MAYOR

ATTEST:

MELBA HARALSON, CITY SECRETARY