

CITY OF GLADEWATER
CITY COUNCIL REGULAR SESSION
MINUTES
OCTOBER 18, 2012
6:00 P.M.

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

STAFF PRESENT: Sean Pate, Wayne A. Smith, Farrell Alexander, Paul Jaap, Casey Chambers

GUESTS PRESENT: Dale Bailey, Yolanda Bailey, Brent Bailey, Colleen Bailey, Ryan Bailey, Dina Reynolds, Robert Haberle, Richard James, Penny Gunn, Christopher Radford, Christina Lane, Jeannie Richard, Pat Watson, Phillip Creel, Linda Wells, Robert Johnson

- I. CALL TO ORDER – Mayor Wells introduced Honorary Mayor, 8-year old Ryan Bailey, who ceremonially called the meeting to order.
- a) Invocation – Mayor Pro-Tem Owens
 - b) Pledge of Allegiance – Councilmember Niemann

Ryan Bailey then recited the 23rd Psalm and turned the meeting back over to Mayor Wells.

- II. PRESENTATION to Ryan Bailey

Mayor Wells presented Ryan with a Proclamation for Down Syndrome Awareness Day and a Certificate of Recognition as Honorary Mayor for 8 minutes.

- III. CITIZENS COMMENTS

1. Penny Gunn, owner of Hometown Auctions addressed the Council regarding the smoke-free city agenda item. She asked if there is an over-riding benefit to the City that would trump private property rights, business owner rights and personal freedom of choice.
2. Dorla Whalen, 804 S. Tyler, said a petition with over 750 signatures in 10 days was presented to the Council in May. She said some who signed the petition are non-smokers but signed because it would take away their rights.

Note: Item IX was considered immediately following Citizens Comments. See below.

- IV. CONSIDERATION of Consent Agenda

- a) Minutes – September 20, 2012
- b) Investment Report for quarter ending September 30, 2012
- c) Investment Report for fiscal year ending September 30, 2012
- d) Blanket Permit for Lions Club Turkey Shoot - November 10, 2012
- e) Resolution establishing an official newspaper for fiscal year 2013
- f) Request for water service outside the city limits at 403 Pyeatt Drive
- g) Resolution denying proposed rate increase requested by Centerpoint Energy-Beaumont/East Texas Division

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

- V. CONSIDERATION of Ordinance to re-plat Lots 74 and 75 of Section W-1 of the Lake Gladewater Subdivision

Richard James, 2302 & 2304 W. Lake Drive explained his request for re-plat. Councilmember Burlison moved to approve the request, seconded by Councilmember Shipp. Carried 6-0.

- VI. CONSIDERATION of Chapter 380 Agreement Policy and Procedures

City Manager Pate stated, as was requested at the last meeting, he and GEDCO Director Robert Johnson drafted Chapter 380 Agreement Policy & Procedures along with criteria, which works in conjunction with our tax abatement. Mr. Pate said staff would do negotiations and bring to Council for final approval.

Councilmember Burlison said it is a good step forward but he would like to see something to say that taxes would not decrease to the City. Robert Johnson concurred that abatement would only be considered on improvements.

Mayor Pro-tem Owens moved to adopt with the additional stipulation that abatement is only for improvements above the original tax value. Councilmember Niemann seconded, Carried 6-0.

VII. CONSIDERATION of revised rendering for City Hall sign replacement

GEDCO Director Robert Johnson said he submitted the modified request to the Texas Historic Commission. They advised not to raise the sign too much and urged us stay with the rendering of the marquis type sign instead of an LED sign, but if we must, get a single color with scrolling only display – no flashes. They also recommended keeping the existing brick foundation as it is complimentary to the building.

Mayor Pro-tem Owens stated the purpose of the sign is to communicate events and announcements to the public. Councilmember Shipp questioned the assertion that City Hall is located in the historic downtown district. He said if there is concern that LED signs will spread through the Main Street area then the ordinance could be revised to restrict this type sign south of Highway 80. Councilmember Niemann said Mr. Johnson is only stating the recommendations of the Texas Historic Commission because we are trying to stay sensitive to the historical nature of town. Councilmember Burlison commented the problem in Gladewater is communication; we only have a weekly newspaper and the communicative value could outweigh the historic value. City Manager Pate said we all agree the current sign needs to be changed and the debate is between marquis & LED. He said it comes down to paying for it. Fire Chief Wayne Smith has received other estimates, however GEDCO's offer is to assist with Texas Historical Commission's rendering up to \$2,500.

After further discussion, Councilmember Shipp made a motion to move forward with the sign rendering as presented; not to modify the existing brick, the marquis display is not to be permanently affixed so that we can add a LED later, and the Main Street sign ordinance is to be revised. Motion was seconded by Councilmember Niemann. Carried 4-2 with Owens and Burlison opposed.

VIII. CONSIDERATION of ordinance to repeal §30.77 (N) – Main Street Board, Meetings by Telephone, from the Gladewater Code of Ordinances

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

IX. DISCUSSION and POSSIBLE CONSIDERATION of smoke-free city ordinance

Note: This item was considered immediately after Item III – Citizens Comments.

Mayor Pro-tem Owens said he asked that this item be tabled in May to give time for citizen input and he has not received much more input since that time. He explained that we have had a request for a no-smoking ordinance many times over the years. Penny Gunn and Dorla Whalen bring up good points regarding businesses rights. There is primarily two issues to consider; 1) is there over-riding benefit for the City as a whole and 2) how does it affect people that cannot make decisions for themselves (children). He said government cannot be parents. We do not have an abundance of businesses that are smoking establishments and therefore do not have an over-riding benefit to the City as a whole but we have a duty to help protect our citizens.

Mayor Pro-tem Owens made a motion to draft an ordinance for future adoption that would require any business open to the public to post a sign at every entrance notifying customers that smoking is permitted.

Councilmember Niemann asked since this primarily concerns only two businesses, instead of putting another ordinance in place, if these businesses would voluntarily post these signs. Mayor Pro-tem Owens said both businesses are willing but we need ordinance for future.

Councilmember Burlison seconded the motion. Carried 6-0.

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Mayor Pro-tem Owens added that this has been the best exercise since he's been on the Council of how government should work. There are 2 diverse sides, both passionate about the issue and they came together.

- X. EXECUTIVE SESSION pursuant to Government Code §551.071 to consult with City Attorney regarding Veolia Water, N.A. contract

The Council recessed into executive session at 7:00 p.m.

- XI. RECONVENE INTO OPEN SESSION and take any action necessary regarding Veolia Water, N.A. contract

The Council reconvened into open session at 7:30 p.m.

Mayor Pro-tem Owens moved to authorize City Attorney Gary Shaver and City Manager Sean Pate to negotiate with Veolia Water to finalize the contract severance. Motion seconded by Councilmember Burlison. Carried 6-0.

- XII. CITY MANAGER REPORT

- a) Update on progress of Public Works conversion
Introduction of Casey Chambers, newly hired Director of Utilities. We are still lacking three employees and vehicles.
- b) Update on Dallas Force Main project
The project is behind schedule due to right of way agreements, but will still happen.
- c) Update on Siemens, Inc. audit
Meters are being installed and we will have accurate data after 30 days to report to Council.

- XIII. ADJOURN

Councilmember Shipp moved to adjourn at 7:35 p.m., seconded by Councilmember Watson. Adjourned by consensus.

HAROLD R. WELLS, MAYOR

ATTEST:

MELBA HARALSON, CITY SECRETARY