

CITY OF GLADEWATER
CITY COUNCIL REGULAR SESSION
MINUTES
APRIL 18, 2013
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, Casey Chambers, Judy Hagle, Donna Blalock, Farrell Alexander, Barry Wallace

GUESTS PRESENT: Garnet McClure, Stephani Chance, Allen Chance, Monty Graham, Karen White, Robert Haberle, Jimmy Williams, Britta Tipton, Mark Friend, Elaine Roddy, Charlie Mouton, Elijah Anderson, Joey Dierker, Marsha Valdetero, Phillip Creel, Colton Hitt, Scott Turner, Alfred Lacy, Norma Lacy, Chris Aylor, John Ringler, Linda Wells, Joe Wise, Winn King, Robert Johnson, Walter Derrick, Terry Johnson, Jim Bardwell

- I. CALL TO ORDER – Mayor Wells called the meeting to order at 6:00 p.m.
a) Invocation – Councilmember Watson
b) Pledge of Allegiance – Councilmember Burlison

II. CITIZENS COMMENTS

Joe Wise, serves on Airport Board, spoke regarding the board sovereignty issue (related to Item X). He said he appreciates everybody that volunteers to serve on a board. He believes the current Airport Board is a good team and is functioning very well.

III. CONSIDERATION of Consent Agenda

- a) Minutes – March 28, 2013 and April 8 2013
b) Proclamation – Preservation Month
c) Investment Report for quarter ending March 31, 2013

Leon Watson moved to approve, second by Mayor Pro-tem Owens. Carried 6-0.

IV. CONSIDERATION of Main Street Façade Grant

Robert Johnson, Main Street Board member stated that he, Marsha Valdetero, Main Street Board and Sean Pate all worked to develop this grant. He said historic preservation is very important to our town and this will give business owners assistance to make façade improvements that are historically sound. He said we are asking for a pot of \$50,000. There will be an application process that goes through the committee, to the Texas Historic Commission and then to the Council for final approval.

City Manager Pate stated this will add consistency to the aesthetics downtown and the funds can be budgeted next fiscal year. Councilmember Shipp said this is an extra tool to bring new businesses downtown. City Manager Pate added that Gladewater has an identity that we need to capitalize on. Councilmember Burlison requested a copy of the map of the Central Business District (as referenced in the grant) and stated we should take no action without the map. Main Street Director Marsha Valdetero described the boundaries of the Central Business District. City Manager Pate recommended approval contingent upon funding.

Councilmember Watson moved to approve, seconded by Councilmember Shipp. Carried 5-0-1, with Councilmember Burlison abstaining.

V. CONSIDERATION of request to reduce retainage on water treatment plant project

John Ringler, KSA Engineers, stated the new water treatment plant has been in operation since September 2012. He said the only thing outstanding is Change Order #10 for \$134,000 for the chemical feed. The contractor has requested a release of \$244,000 of his retainage. Mr. Ringler said we generally keep 5%, so \$21,000 will more than cover change order #10. Mr. Ringler recommended approval contingent upon RUS approval.

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

VI. CONSIDERATION of Supplemental Agreement for 12 inch water line project

John Ringler, KSA Engineers, explained we are using the balance of the RUS funding to lay a 12" water line along East Lake Drive and Gay Avenue. He said we will have to ask for exclusion to the full environmental study. Mr. Ringler said right-of-way agent services will likely cost about \$110,000. He said we have a budget surplus of approximately \$44,000 and recommended approved contingent upon approval from RUS.

Mayor Pro-tem Owens moved to approve the supplemental agreement contingent upon RUS approval, seconded by Councilmember Burlison. Carried 6-0.

VII. CONSIDERATION of handrails on 2011 Texas Capital Fund Sidewalk Improvement Project – Main Street

John Ringler apologized for last meeting and said KSA has a 35 year history with Gladewater and will do whatever is necessary to maintain a good relationship. Mayor Pro-tem Owens also apologized for statements he made. Mr. Ringler presented an updated drawing depicting which handrails were to be taken out along with striping for 4-foot pedestrian walk-ways for the two remaining handrails located at the light posts. He said this will allow the extra money to be spent on sidewalk along Dean Street.

Mayor Pro-tem Owens moved to approve the new work directive according to guidelines presented. Motion was seconded by Councilmember Niemann. Carried 6-0.

VIII. CONSIDERATION of Performance Contracting Agreement between the City of Gladewater and Siemens Industry, Inc.,

City Manager Pate said City Attorney Gary Shaver has modified the contract so we are comfortable with it. He said the project will pay for itself with greater meter accuracy. Mr. Pate said there will be four receivers; one on each water tower (Gay and Allison), plus two other tower poles to be set and installed. We will be responsible for electrical. There is an \$18,000 annual fee to cover a study to show the savings are intact. We will be obligated for 5 years.

Councilmember Shipp inquired about the onsite training duration. Chad Nobles stated once the collectors are installed they will train the Utility Billing staff for 2 days on the software, then the meters will go in and they will train the crew for 2 days on the install process.

Mayor Wells asked about the lighting project. Mr. Nobles explained that all lighting in all city buildings will be replaced resulting in considerable energy savings.

Mayor Pro-tem Owens explained the project to the public, stating that Siemens guarantees there will be adequate energy savings to pay for the project. He then moved to approve the project contingent upon funding. Motion was seconded by Councilmember Watson. Carried 6-0.

IX. CONSIDERATION of Resolution directing publication of notice of intention to issue certificates of obligation and resolving other matters relating to subject

City Manager Pate explained this funding will be used for Siemens project and to replace approximately 3,000 linear feet of water and sewer lines. He said we are reissuing debt at a lower rate. The money is already allocated from debt that will be paid off this fiscal year.

Joey Dierker of Southwest Securities said all they are asking for today is approval to publish a notice of intent to sell.

Councilmember Niemann moved to approve, seconded by Councilmember Burlison. Mayor Pro-tem Owens explained the main objective is water and sewer line replacement around town that is sorely needed. We have already been budgeting for this project and we have bonds that are paying off. City Manager Pate interjected that we are not raising taxes or water and sewer rates for this project. Motion carried 6-0.

X. CONSIDERATION of Ordinance to amend Chapter 30 – Boards and Commissions, of the Code of Ordinances of the City of Gladewater

Mayor Wells offered thanks to all board members. Councilmember Watson voiced objection to the eligibility requirements of §30.02B (*City Council members may serve on no more than one city appointed board simultaneously during their term of office. Individual citizens may not serve on more than two city appointed boards simultaneously.*) Councilmember Watson said if you have council members or individuals that have talent and energy to serve then we should not limit them.

Councilmember Shipp said we should build on the pros of the ordinance like the application process and the advertising for openings. He also voiced concern over placing limitations until we have a lot of people applying. He added there very qualified people willing to serve who do not live in the city and referenced the Chamber Ambassador who does an outstanding job of serving Gladewater. He said the boards should review applications and submit recommendations to Council.

Councilmember Burlison said the objective was to get more people involved. He said you don't have to be on a board to influence the board.

Mayor Pro-tem Owens explained we had a couple town hall meetings in which there was discussion on how to get more people involved in city government. He said we had no clear process at all of how someone can apply to serve on a board. Councilmember Watson provided a copy of an ad the City of Longview put in the paper and now this year Longview has a surplus of 40-55 people willing to serve on boards. This gives them diversification, covers all geographic areas, age differences and new blood to their boards. As we started the process of developing a policy for Gladewater we found some legality issues that needed to be cleared up regarding sovereignty of some of the advisory boards. He said Council members can serve on the GEDCO board by state statute. He said the eligibility requirements are anybody who is paying ad-valorem taxes to the City, either by renting, having an airplane, leasing a house or building. He said this will eliminate the perception that one or two people run everything in town.

City Manager Pate said he agrees that we need more people willing to serve but asked if we aren't doing an injustice by eliminating someone who wants to serve.

Councilmember Shipp said he doesn't think we need eligibility requirements until we have an abundance of people willing to serve.

Councilmember Niemann she agrees with the purpose of encouraging greater participation. She said she serves on the Main Street Board and GEDCO and she is strong in both boards. She countered the "perceived notion that a handful of people are running everything in town" by asking do we go by perception or go by reality. She said we are making real progress on both boards (Main Street and GEDCO) and all are here for the betterment of Gladewater. She expressed strong disagreement with §30.02B (referenced above). She also disagreed that consideration of board appointments should be taken away from the boards and go straight to the Mayor.

Mayor Wells then recognized Stephani Chance, who serves on the Main Street Board. She said she cannot express how detrimental it will be to take anyone off the Main Street Board; that they have a working board that is focused and moving forward. She referenced street lights, low interest loans, 380 agreement, façade grant, trolley and displayed drawings rendered by Board member Monty Graham for improvements to oil derrick area in central downtown. She said Lana Niemann has expertise needed and is very valuable to the board.

Councilmember Niemann then referenced §30.01 that states *the city endeavors to appoint one new or apprentice member to each board every year.* She said that means some experienced member will have to roll off.

Councilmember Burlison quoted §30.02C that states "*Board members actively serving on city appointed boards at the time of adoption of this policy, who may not meet eligibility requirements of this policy, shall be permitted to complete their full term of appointment.*" He reiterated the objective is not to get rid of people but to encourage more to participate.

Mayor Wells recognized Monty Graham, Main Street Board member who said he was appointed to the board under different leadership. He said he no longer has a business in town so he may not qualify to serve on the board under the new policy. He said he is still

interested in Gladewater and serves to the best of his ability. Councilmember Niemann added that Monty is a valuable member to the board.

Robert Johnson, 509 Post, GEDCO Director and Main Street Board member, called into question the validity of the Doctrine of Incompatibility. He said it is not dual office holding because board members are not getting paid. He said we should just change the language in the ordinance. He challenged the Council to look at all that is going on with Main Street and GEDCO. He said there are some good ideas in the proposed policy; we need recruitment of new members and we need expertise. He asked the Council to be aware of what each board needs and not to require good people to roll off. He said the system we have now should be tweaked, not shoveled.

Councilmember Watson complimented Robert Johnson on bringing GEDCO and Council together.

Mayor Pro-tem Owens stated that he said all along during planning sessions that whatever we do, we do not want to kill the enthusiasm on the boards. He stressed that is not the intent.

Councilmember Shipp moved to table this issue until the committee has the opportunity to consider all these comments and revise the eligibility requirements to place more focus on recruitment. He further moved for this to be brought back to Council at such time the committee is comfortable with it. Motion was seconded by Councilmember Watson. Carried 6-0.

- XI. CONSIDERATION of Ordinance to amend Chapter 96 – Cemetery, of the Code of Ordinances of the City of Gladewater

Mayor Pro-tem Owens moved to table and bring back with board appointment codes, seconded by Councilmember Burlison. Carried 6-0.

- XII. CONSIDERATION of Ordinance to amend Section 154.100 – Board of Adjustments – Organization, of the Code of Ordinances of the City of Gladewater

Councilmember Burlison moved to table, seconded by Mayor Pro-tem Owens. Carried 6-0.

- XIII. EXECUTIVE SESSION pursuant to Government Code 551.074 for annual performance evaluation of City Manager, City Secretary, Municipal Judge, and City Prosecutor

The Council adjourned into executive session at 7:53 p.m.

- XIV. RECONVENE into open session and take any action necessary regarding performance evaluations of City Manager, City Secretary, Municipal Judge, and City Prosecutor

The Council reconvened into open session at 9:40 p.m. and took the following action;

Councilmember Niemann moved to give City Manager Sean Pate and Municipal Judge Donna Blalock and exceeds expectations rating and grant a 4% increase and to reappoint Donna Blalock for another year. She further moved to give City Secretary Melba Haralson an exceeds expectations rating, which will permit her to move up one step on the salary schedule. She moved to give City Prosecutor Barry Wallace a meets expectations rating with no increase at this time since he was recently granted one. Motion was seconded by Mayor Pro-tem Owens. Carried 6-0.

- XV. CITY MANAGER REPORT

- a) Update on ETMC contract – We had a meeting with ETMC and we are at a point that we will need to visit with legal counsel.
- b) Update on Dallas force main – Contracts will be executed when City Attorney Gary Shaver is back in town. TCEQ fined us on a Veolia violation. We sent the notice of violation to them. We will either have to pay the fine or perhaps get someone in upper management of TCEQ to consider a waiver.
- c) Announcement of date changes; May 18th for monthly recycle and May 23rd City Council meeting

XVI. ADJOURN

Councilmember Shipp moved to adjourn at 9:45 p.m., seconded by Councilmember Niemann. Adjourned by consensus.

HAROLD R. WELLS, MAYOR

ATTEST:

MELBA HARALSON, CITY SECRETARY