

CITY OF GLADEWATER
CITY COUNCIL REGULAR SESSION
MINUTES
NOVEMBER 16, 2023
6:00 P.M.

MEMBERS PRESENT: Mayor Scott E. Owens, Mayor Pro-tem Elijah Anderson, Brandy Flanagan, Teddy Sorrells, Rocky Hawkins, Kevin Clark

MEMBERS ABSENT: Michael Webber

STAFF PRESENT: Charlie Smith, Judy Van Houten, Al Harrison, Gordon Freeman, Michael Simmons, Randy Callaway, Tim Bryan

GUESTS PRESENT: Christian Allen, Liz Vaughn, Staci Gold, Trecia Turner, Barbara Dameron, Vincent Phillips, Mark Wittig, Robert Haberle, Lisa Crossman, Luana Howell, Lana Choy, Barbara Taylor, Phillip Green, Kathy Green, Margo Bell, Rose Rachal, Lois Reed, Sandra Ayers, Jim Lambeth

I. CALL TO ORDER

Mayor Owens called the meeting to order at 6:00 p.m.

- a) Invocation – Councilmember Sorrells
- b) Pledge – Councilmember Clark

II. MAYOR'S COMMENTS

Mayor Owens announced the following events and/or updates on events: 1) Beautiful Tribe will host a Chili Cookoff this Saturday, November 18th; 2) the Holiday Open House was a great success; 3) the Christmas Parade will be on Saturday, December 9th starting at 4:30 p.m.; 4) the Wreaths Across America event will begin at the War Memorial on Saturday, December 16th and then volunteers will go to Gladewater Memorial Park Cemetery and Rosedale Cemetery for the actual wreath laying on veterans graves; 5) the next food giveaway at Gladewater Rodeo Grounds will be on Tuesday, November 21st.

Mayor Owens read a letter of appreciation from Hallsville ISD thanking Chief Gordon Freeman and Sgt. Jason Smith for their assistance with the recovery of some stolen property.

We have received a good report from the Texas Water Development Board regarding loan forgiveness. We started out with a forgiveness of \$750,000 and that has been increased to \$1,941,380.

Mayor Owens presented Randy Callaway with a plaque in recognition of his upcoming retirement. Mr. Callaway received a standing ovation from the council, staff, and guests in attendance.

III. CITY MANAGER'S REPORT

City Manager Smith reported the following: 1) the large pile of debris from the June storm has been taken care of; 2) now we are dealing with illegal dumping at the site – addressing that now; 3) burning ban – Fire Chief Simmons recently attended a class where TCEQ and EPA were involved. There are many laws in place to discourage burning. We are in the process of setting up some meetings to see what can be done to make our outdoor burning ordinance acceptable.

IV. CITIZENS COMMENTS

Mark Wittig – 2312 W. Lake Dr. – said he wants to be able to burn again. Anything the city can do to assist in making that possible would be appreciated. He also asked that the city consider offering the homestead exemption like the county and ISD already does.

V. CONSIDERATION of consent agenda:

- a) Minutes – October 19, 2023
- b) Blanket Permit for Chili Cookoff hosted by Beautiful Tribe on Saturday, November 18, 2023, from 10am-2pm
- c) Reappointment of Municipal Judge

Councilmember Clark asked that Item c) be pulled and discussed in executive session as it pertains to personnel.

Councilmember Sorrells made a motion to approve items a) & b) of the consent agenda; seconded by Councilmember Flanagan. Motion carried 6-0.

- VI. PUBLIC HEARING regarding a request for a front set-back variance to Gladewater Code of Ordinance §15.11.120(C)(1)(a) – Single Family Districts at LOT 5, BLK 2 EVERETT WOODLAND, more commonly known as 209 Oak Drive

Mayor Owens opened the public hearing at 6:14 p.m.

Chief Building Officer Harrison explained that this same issue was addressed and allowed in this neighborhood in August 2020. Our code requires a 35' set-back.

Phillip Green – 209 Oak Drive – said he would like to have a 20'x20' carport installed over his driveway. He would like to protect his vehicles from the weather. He said the requested variance is 39'. Officer Harrison clarified that with the 10' easement the actual variance would be 29'.

Mayor Owens stated that the Planning & Zoning Commission unanimously recommended that this be approved.

With no further comments Mayor Owens closed the public hearing at 6:17 p.m.

- VII. DISCUSS AND CONSIDER a request for a front set-back variance to Gladewater Code of Ordinance §15.11.120(C)(1)(a) – Single Family Districts at LOT 5, BLK 2 EVERETT WOODLAND, more commonly known as 209 Oak Drive

Councilmember Sorrells made a motion to approve the requested variance; seconded by Mayor Pro-tem Anderson. Motion carried 6-0.

- VIII. DISCUSS AND CONSIDER selection of attorney for delinquent taxes and other municipal fines and fees

City Manager Smith explained that we have two companies in attendance to present their proposals, MVBA and Linebarger.

Liz Vaughan with MVBA introduced herself and acknowledged her colleagues, John Morris, Staci Gold, and Barbara Dameron. She said there are currently two contracts with the City of Gladewater, the delinquent tax collections contract which renewed on October 1st as well as the delinquent accounts receivable contract that is on a month-to-month basis. They handled our fees & fines in the past until city administration took that back in-house in 2013. Ms. Vaughn said that MVBA has been working with the City of Gladewater since 1977, at that time known as McCreary & Hughey. Ms. Dameron has been working with the City of Gladewater for 31 years and Ms. Vaughn has been working with the City of Gladewater for 15 years. As they have been representing the city for many years, she did not bring a full presentation but rather a collection report. Ms. Vaughn said their fees are based on collection, and those fees are added to and paid by the property owner, not the city. John Morris introduced himself and said he works on the fines & fees side with MVBA. They have handled the utility department collections since 2011. He addressed court fines & fees in brief detail. Councilmember Flanagan asked if there was any data available currently and Mr. Morris explained that as they do not currently handle our court fines & fees there is no data available. Councilmember Sorrells asked if the collection fee is same or similar to the delinquent tax collection fee; is it added on for the defendant to pay. Mr. Morris confirmed that it is paid for by the defendant as allowed by statute.

Jim Lambeth with Linebarger introduced himself and acknowledged his colleagues, Lana Choy, and Barbara Taylor. Mr. Lambeth explained that on the delinquent tax side they work with every city except for Gladewater in both Upshur County and Gregg County. They also provide the software that Upshur County and Gregg County use so integration with those systems is solid. They collect for both Upshur County and Gregg County currently so collecting for the City of Gladewater would just be adding to what they already collect. Mr.

Lambeth said they can provide the same collections numbers presented earlier. In some cities they have been able to surpass those numbers. They also have employees working directly in the tax offices in Gregg County and Upshur County. He further explained that his firm works with Longview, Kilgore, and Tyler on housing in-fill projects. This is a property that has been "struck-off". They work with the cities to get the property to the city so that developers can then come and revitalize the property and get it back on the tax roll. Mayor Owens said he has spoken with several contractors about this who have encouraged us to look into the program. Mr. Lambeth said they also provide hotel occupancy tax collection. He then addressed court fines & fees. They began collecting court fees & fines in the 1990's when the Department of Public Safety stopped allowing municipal courts to enter outstanding warrants into the NCIC/TCIC computer system. Municipal courts can still issue the warrants but they can no longer be entered into the DPS system. There are three ways they handle court fines & fees; 1) get notification to the defendant; 2) get the defendant motivated; and 3) get the defendant at a time when they have the ability to pay. They do not recommend writing off those court fines & fees because in the long arch the defendants will mature out and decide to get them paid. They take those outstanding fines & fees and put them into a database. They are able to buy data at a very low rate due to bulk. Mr. Lambeth said they only get paid when they collect, and it does not come out of the city coffers, it gets added onto the end as a collection fee.

Mayor Owens asked for clarification on the MVBA contract. City Manager Smith said the delinquent tax contract renewed October 1, 2023. Ms. Vaughn said originally it was a two or three year term but has automatic roll-overs on an annual basis if not terminated.

City Manager Smith asked City Attorney Stutes about information he had received regarding evergreen contracts not being binding to current councils if they were executed under a previous council. Mr. Stutes said he would have to review the contract before giving an answer.

Councilmember Sorrells asked if the desire is to make a decision on this tonight. Mayor Owens said he doesn't know if they can make a decision tonight. Councilmember Flanagan said she would like to speak with Judge Bryan to get his thoughts on the matter. Councilmember Sorrells said he would be good with postponing this and Councilmember Hawkins agreed. Mayor Owens stated that the consensus is that council wants to look at the current contract and get a legal opinion on it as well as getting some references.

Councilmember Flanagan made a motion to postpone this item until December's agenda and put it in executive session; seconded by Councilmember Sorrells. Motion carried 6-0.

IX. DISCUSS AND CONSIDER Resolution R-23-11 Gregg Appraisal District Board of Directors for 2024-2025 Official Ballot 2023

Mayor Owens stated that there is a typo in the resolution in the council packet. We only have 39 entitlement votes for Gregg County, not 110 as listed. That will need to be addressed in the motion.

Councilmember Flanagan made a motion amend Resolution R-23-11 to give all 39 entitlement votes to Farrell Alexander; seconded by Councilmember Hawkins. Motion carried 6-0.

X. DISCUSS AND CONSIDER Resolution R-23-12 Upshur County Appraisal District Board of Directors for 2024-2025 Official Ballot 2023

Councilmember Sorrells made a motion to give all 110 entitlement votes to John Ussery; seconded by Councilmember Clark. Motion carried 6-0.

XI. DISCUSS AND CONSIDER SPI's Recommendation of Award – Hendricks Street Water, Sewer and Street Improvements

Lisa Crossman with SPI introduced herself and presented their recommendation that the contract be awarded to the low bidder, W. M. Miller, for a total of \$680,459.54, which includes a \$30,000 contingency. She explained that there were several items mistakenly left off, thus the contingency of \$30,000 to cover those items. They have worked with W. M. Miller previously and had good results.

Councilmember Flanagan made a motion to award the contract to W. M. Miller for \$650,459.54 plus the \$30,000 contingency for a combined total of \$680,459.54; seconded by Mayor Pro-tem Anderson. Motion carried 6-0.

XII. DISCUSS AND CONSIDER ratification of updated Grow Gladewater grant program

Mayor Owens explained that GEDCO asked that no action be taken on this presently. They will notify the city when they are ready to proceed.

XIII. DISCUSS AND CONSIDER purchase of new Christmas tree for downtown Gladewater

Councilmember Clark said he thought a decision had already been made to purchase a new artificial tree. Lois Reed informed the council that she has received \$5,000 in donations. Previous research indicates a new tree will cost approximately \$20,000. As we are soon to be past the holiday season there may be sales that we could capitalize on to save some money. Mayor Owens said he would like a firm dollar amount and revisit this in January 2024. There was general discussion about setting a cap of \$15,000.

Councilmember Sorrells made a motion to set a cap of \$15,000 from the City of Gladewater towards the purchase of a new Christmas tree for a better quality of life; seconded by Councilmember Clark. Motion carried 6-0.

XIV. DISCUSS AND CONSIDER installation and/or sponsorship of fence along south side of the railroad tracks between Ferry Street & Broadway Avenue

City Manager Smith said he checked with several fence companies in the area, and everyone sent him back to Fidelity Metal Works in White Oak. The cost will be \$150 per linier foot, with each block being approximately 250'. We must cover four blocks. The idea previously presented by Councilmember Clark was to sell these panels with family names in them for donations to people throughout the community to help cover the cost. We must commit to seven panels before Fidelity will produce them for us. They are 8' in length and 5' in height. There is another option that would cost around \$60 per linier foot and would be an add-on name panel attached after the fact. Councilmember Flanagan asked if \$1,500 would cover an 8' panel. Councilmember Clark said it should not be more than that.

Mayor Owens said he is apprehensive about whether we can get enough donations to cover the four blocks. If we could sell the first seven panels and get them installed it might be easier to sell more of them.

Councilmember Hawkins suggested that we advertise for promissory pledges up front and see how many we can get. Councilmember Flanagan agreed and said we could put it out on social media and the newspaper to give everyone an opportunity to participate.

Councilmember Clark made a motion to advertise for pledges in the amount of \$1,500 for an 8' panel through sign-up on our website; seconded by Councilmember Flanagan. Motion carried 6-0.

XV. DISCUSS AND CONSIDER removal of Samuel Reddin from the Beautification Advisory Board

Mayor Owens explained that the Beautification Advisory Board recommended Mr. Reddin's removal based on his lack of attendance since he was appointed.

Councilmember Sorrells made a motion to remove Samuel Reddin from the Beautification Advisory Board; seconded by Mayor Pro-tem Anderson. Motion carried 6-0.

XVI. UPDATE regarding Charter Review Committee

Mayor Owens said the committee has been sidelined due to other more important issues recently. They have a meeting scheduled for the week after Thanksgiving. His recommendation is to have two or three amendments to bring before council to go on the May 2024 ballot.

XVII. DISCUSS AND CONSIDER amend City of Gladewater Code of Ordinances §5.03.080(C) – removal of carts from curbside following weekly pick-up

Councilmember Sorrells said he has had some conversations with citizens regarding concerns about removal of carts on the “day of” pick-up. Some people work second or third shifts and are not home and able to remove their carts by 9pm on pick-up day. He asked if we could extend the deadline to 24 hours after pick-up instead. City Clerk Van Houten explained that there is no ordinance to present at this meeting. She will prepare one and have it ready for the December regular council meeting.

Councilmember Sorrells made a motion to extend the hours of removal of carts from curbside to 24 hours from pick-up instead of 9pm on the day of pick-up; seconded by Mayor Pro-tem Anderson. Motion carried 6-0.

XVIII. DISCUSS AND CONSIDER new tax exemption for Childcare Facilities under the Texas Property Tax Code and Section 2308.3155 Government Code

Mayor Owens explained that this is a new law and each taxing entity decides if they will offer the exemption or not. The tax credit must be a minimum of 50% but can go all the way to 100%.

Councilmember Hawkins said we have good childcare in our community. Councilmember Clark said the devil is in the details. Councilmember Flanagan said the red flag for her was when the state passed the law but then left it to each county and city to decide whether to offer.

Mayor Owens said the options are to approve with a % for exemption, deny, or to take no action.

No action taken.

XIX. EXECUTIVE SESSION pursuant to Local Government Code:

- a) §551.071 – receive attorney briefing on Wallace v. City of Gladewater v. CenterPoint Energy Resources, Inc.; Docket number 562-21; in the 115th District Court, Upshur County
- b) §551.072 – deliberation regarding purchase, exchange, lease, or value of real property – Parcel ID P00061569
- c) §551.072 – deliberation regarding purchase, exchange, lease, or value of real property – Parcel ID 53697

Mayor Owens recessed into executive session at 7:50 p.m.

XX. RECONVENE INTO OPEN SESSION and take any action necessary regarding:

- a) Wallace v. City of Gladewater v. CenterPoint Energy Resources, Inc.; Docket number 562-21; in the 115th District Court, Upshur County
- b) Parcel ID P00061569
- c) Parcel ID 53697

Mayor Owens reconvened the meeting at 8:39 p.m. and announced there would be no action on Item a).

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Item b) – Councilmember Sorrells made a motion to approve the sale of the old Moore lift station to TxDOT for road expansion for \$1,000 plus a \$3,000 convenience fee; seconded by Councilmember Flanagan. Motion carried 6-0.

Item c) – Councilmember Flanagan made a motion to advertise for bid requests for the city to sell Parcel ID 53697; seconded by Mayor Pro-tem Anderson. Motion carried 6-0.

Consent Agenda Item c) – Councilmember Clark made a motion to reappoint Tim Bryan as the City of Gladewater Municipal Judge; seconded by Councilmember Flanagan. Motion carried 6-0.

XXI. ADJOURN

Councilmember Sorrells made a motion to adjourn at 8:42 p.m.; seconded by Mayor Pro-tem Anderson. Motion carried 6-0.

SCOTT E. OWENS
MAYOR

ATTEST:

JUDY VAN HOUTEN, TRMC
CITY CLERK