

MINUTES
REGULAR MEETING
MINERAL WELLS CITY COUNCIL
CITY HALL ANNEX
January 19, 2016 - 6:00 pm

City Councilmembers present were Mayor Mike Allen, Mayor Pro-Tem John Upham, Councilmembers Clif Wright, Brian Reagan, Thomas Lively, Tammy Underwood, and Wayne Johnson. A quorum of City Councilmembers was present.

Staff members present were City Manager Lance Howerton, Police Chief Dean Sullivan, Fire Chief Mike Pool, Finance Director John Moran, Public Works Director Kelly Jones, City Clerk Juanita Formby and City Attorney George Gault.

Mayor Allen called the meeting to order, Pastor Guy Weathers of Indian Creek Baptist Church of Mineral Wells gave the invocation, and the Pledges of Allegiance to the U.S. and Texas were recited.

CITIZEN COMMENT

Captain Dusty Benthall of the Mineral Wells Fire Department had asked to address the Council on behalf of the Fire Department. Several other Mineral Wells firefighters were also present. Fire Department troops presented to Fire Chief Mike Pool and Captain Ryan Dunn awards acknowledging their dedication to the Fire Department and the fire service. Their service was gratefully acknowledged by the Council and staff.

Mr. Reagan moved and Mr. Upham seconded to approve the following **Consent Agenda** and the motion carried 7-0:

1. Consider minutes of previous meeting held January 5, 2016.
2. Consider approval of budgeted expenditures over \$500.

ITEMS FOR INDIVIDUAL CONSIDERATION

3. Mayor Allen opened a public hearing at 6:05 pm regarding a request for a change of zoning designation on property located at 1015 S.W. 12th Street, from single-family residential to HUD Code Manufactured Home district. The applicant, Marye Brown, hoped to place manufactured homes on the property. The Planning and Zoning Commission met on January 4, 2016 to consider this request, and now recommends to the City Council that the request be granted. Ms. Brown was present, but no one else wished to speak. Mayor Allen closed the public hearing at 6:08 pm. Mr. Upham moved and Mrs. Underwood seconded to pass and approve an ordinance amending the Zoning Ordinance of the City of Mineral Wells, Texas by changing the zoning designation of Lots 1, 2, 3,

and 4, in Palo Pinto County, Texas from single family district (SF-9) to HUD Code manufactured home district (MH). Motion carried 7-0.

4. Mr. Howerton presented Richard Ball of the Mineral Wells Industrial Foundation (MWIF), and Steve Butcher of the Area Growth Council, to give a short talk about the MWIF, its function and purpose and how it operates. Mr. Ball distributed a handout that gave the history of the MWIF which was actually founded in 1957, and invited the Council to call him or Mr. Butcher with any questions they might have after reading the handout. He and Mr. Butcher said the MWIF is currently working with two prospects. Mr. Butcher said they are working with a buyer for the now unoccupied Baker Hughes facility. He reminded the City Council that when B.J. Services originally occupied this property on the Industrial Park, the MWIF gave that concern \$300,000 and 46 acres. The City installed \$1.4 million in streets and infrastructure. The property is a top of the line facility and worth over \$20 million. He also discussed the NOV facility the MWIF and Area Growth Council are trying to market. He said the current Industrial Park has no more room and we need a new one, and are seeking funding for that through federal programs. Mr. Howerton agreed that not having real property to offer is a real handicap, and a new industrial park is imperative to attract industry. Mr. Butcher said the ammunition company that we were working with did not locate here, but we are in negotiations with another ammunition manufacturing concern. Mr. Butcher and Mr. Ball then fielded several questions from the City Council. No action was necessary for this information item.
5. Mr. Howerton said that light poles at Evans Field at West City Park were destroyed or damaged in storms the previous spring. The poles and fixtures were aged and marginal at best, and their replacement will be a substantial improvement for this field used by the Little League. Proceeds for these improvements come from the Texas Municipal League Intergovernmental Risk Pool (\$95,000), the Mineral Wells Little League (\$36,275) and the City (\$10,000). Musco Sports Lighting has submitted a quote in the amount of \$141,167 to do the work. Musco is a vendor with BuyBoard, a state approved buying cooperative whereby the bidding process is already done, relieving the City of that responsibility. Staff recommended acceptance of the bid submitted by Musco in the amount of \$141,167. Mrs. Underwood so moved, Mr. Reagan seconded, and the motion carried 7-0.
6. Council and staff engaged in a lengthy discussion regarding the prohibition or permission for the carrying of handguns, either openly or concealed, into government meetings, particularly meetings of the City Council, Board of Adjustment, and Planning and Zoning Commission. State law has recently been enacted to permit open carry in Texas by those appropriately licensed; with

an exception to the carrying of weapons into courtrooms or court offices. Political subdivisions are empowered to decide if they wish to permit concealed or open carry into government meetings. Municipal Court is held in the City Council Chambers. Two questions put to the City Council were as follows: 1) is the City Council Chambers, which is used for various functions, considered a "courtroom" at times when court is not in session? And 2) does the City Council wish to permit open and/or concealed carry by appropriately licensed individuals into open government meetings? Individual Councilmembers had differing thoughts about the carrying of weapons into open meetings. Appropriate signage is required by the law to advise the public of the City's regulations for weapons. Following the discussion, Mr. Reagan moved and Mr. Upham seconded to instruct the City Attorney to prepare a resolution declaring that for purposes of concealed or open carry of weapons, the City Council Chambers is a "courtroom" only when court is in session, and this motion carried 7-0.

Mr. Reagan further moved and Mr. Wright seconded to instruct the City Attorney to prepare a resolution indicating that concealed carry only is permitted in open government meetings (City Council, Board of Adjustment, and Planning and Zoning Commission); and to cause appropriate signage to be available for display when court is in session or when government meetings are in progress. The vote was as follows: In favor of the motion: Mayor, Reagan, Wright, and Upham. Against the motion: Underwood, Lively, Johnson. The motion carried 4-3. The resolutions described in Item 6 will be considered at the next meeting.

7. Mayor Allen opened a public hearing at 6:56 pm regarding renewal of an ordinance to continue curfew hours for minors in the City of Mineral Wells. Chief Sullivan announced that the ordinance requires renewal every three years. He presented the renewal ordinance which will cause the juvenile curfew ordinance to remain effective from February 2, 2016 to February 2, 2019. Mr. Reagan asked Chief Sullivan to compile statistics as to the curfew's effectiveness in past years to be presented to the City Council at a later date. Ginny Milliken addressed speaking in favor of the ordinance. The public hearing was closed at 7:10 pm. Mr. Reagan moved and Mr. Upham seconded that the City Council pass and approve an ordinance continuing in force and effect the curfew ordinance of the City of Mineral Wells, Texas, as codified in Chapter 66, Sections 76-80 of the Code of Ordinances of the City of Mineral Wells, Texas for the period from February 2, 2016 to February 2, 2019. Motion carried 7-0.
8. Chief Pool presented a resolution which would authorize an agreement between the City and Palo Pinto County for joint funding of an Emergency Operation Center (EOC), which is part of the Palo Pinto Basic Emergency Plan. The Steve Perdue Training Center located at 300 South Oak Avenue in Mineral Wells was

selected as an appropriate site, and will be shared by the City and County to accommodate emergency operations in the case of a major event. In order to provide power in the case of a major power outage, a generator will be installed with budgeted funds in the amount of \$31,000.00. In response to a suggestion by Mayor Pro-Tem Upham, staff agreed to include language in the agreement that if the agreement is terminated earlier than the contemplated five years, the City will retain ownership of all personal property and improvements to the facility. With the inclusion of that language, Mr. Upham moved and Mr. Reagan seconded to adopt the resolution authorizing execution of the EOC agreement with Palo Pinto County. Motion carried 7-0.

9. There was no further business to come before the City Council, so the meeting was adjourned at 7:28 p.m.

/s/ Mike Allen, Mayor

ATTEST:

/s/ Juanita Formby, City Clerk

APPROVED: 02-02-2016