

**MINUTES
REGULAR MEETING
MINERAL WELLS CITY COUNCIL
CITY HALL ANNEX
February 16, 2016 - 6:00 pm**

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

No one was present to speak.

Mr. Reagan moved and Mr. Upham seconded to approve the following **Consent Agenda** and the motion carried 6-0:

1. Consider minutes of previous meeting held February 2, 2016.
2. Consider approval of budgeted expenditures over \$500.
3. Consider approval of Investment Report for the quarters ended September 2015 and December 2015.

ITEMS FOR INDIVIDUAL CONSIDERATION

4. Mr. Howerton presented a resolution stating the City Council's position to prohibit open carry by a licensed holder of a handgun in open government meeting of the City which are subject to the Texas Open Meetings Act. This item was the subject of a lengthy discussion at the previous meeting, wherein a resolution was presented which would designate the City Council Chambers as a "courtroom" only at times when court is in session (thereby prohibiting the carrying of a weapon into that area during those specific times); and to prohibit the open carry of a gun into open government meetings of the City. The City Council at that time approved the first part of that resolution, but delayed action on the second part, instructing staff to prepare two separate resolutions for the two separate actions. The resolution presented at this time regards the second point which was delayed.

Mr. Reagan moved and Mr. Johnson seconded to adopt the resolution which would prohibit the open carry of a gun into open government meetings subject to the Texas Open Meetings Act. Mr. Lively voted nay, and the motion carried 5-1.

5. Mr. Howerton advised that for many years the City had operated with two documents containing personnel policies; the actual personnel manual and several ordinances of an administrative nature contained in the Code of Ordinances. This was oftentimes cumbersome, as staff would have to consult two documents regarding personnel matters. Also, if an amendment was done on one document, care had to be taken to make sure the other was in agreement. Mr. Howerton said that the City had retained the services of an employment law attorney well-versed in human resource matters for Texas cities, and that professional had helped draft a new personnel manual to replace the current manual, which had been adopted in 1993 and was amended numerous times. The new manual becomes effective on March 1, 2016, and the attorney had recommended, and the City Attorney concurred, that the administrative ordinances in the Code should be repealed, as that material has all been addressed in the new manual. It was the advice of the attorney that the personnel manual be approved by the City Manager, and not taken before the City Council. This method would provide more latitude when minor revisions were needed; and also protect the Council from liability in the event that the provisions of the manual were legally challenged, as the City Charter prohibits the City Council from involvement with City personnel, other than those who are specifically appointed by the City Council. Mr. Howerton presented an ordinance which would amend the subject portion of the Code by repealing the ordinances regarding employee benefits. Mr. Johnson said that the City Council had not been given an opportunity to see the proposed new personnel manual, and he did not feel comfortable repealing the section of the Code without seeing what would replace it, and Mr. Reagan agreed. There was a discussion regarding this. Mr. Howerton and the City Attorney said that the Charter was clear in its intent to preclude the Council from personnel issues, placing that responsibility solely with the City Manager. The Mayor cautioned the balance of the Council, saying they must take great care about being involved in anything personnel related, and alluding to a circumstance which occurred in 2012 that resulted in the indictment and investigation of a City Councilmember. Following the discussion, Mr. Upham moved and Mr. Lively seconded to pass and approve an ordinance amending Article III, Employee Benefits, of Chapter 2 Administration of the Code of Ordinances of the City of Mineral Wells to change the name of said Article to "Personnel Policies and Procedures"; authorizing the City Manager to adopt and maintain a personnel policy and procedures manual consistent with the City Charter and applicable law; and providing for an effective date. Mr. Reagan abstained, and the motion carried 5-0-1.

6. Mr. Howerton advised that the Famous Water Company has been renovating the former "box factory" to install a water bottling operation to augment their crazy water business. The owners of Famous Water Company, Scott and Carol Elder, are asking for an easement from the City in order to install an underground water line to transport well water from the Famous Water Company to the new bottling facility. A waterline easement was prepared which included a survey and field note description of the easement along with the provision of several conditions to be met by Famous Water Company. Given that the City's conditions are met in the drafting of the easement, and that its approval will serve to benefit a new business concern in the City, staff recommended its approval as presented. The easement is described as follows: A 0.105 acre easement in Northwest 2nd Avenue, extending from Lot 4, Block 5 of Wiggins Addition to Block 28 of said Wiggins Addition to the City of Mineral Wells, according to a plat recorded in Volume I, page 426 of the Deed Records of Palo Pinto County, Texas. Mr. Reagan moved to approve the easement as presented, Mr. Lively seconded, and the motion carried 6-0.

7. Mr. Moran reminded the Council that they had recently authorized staff to advertise and receive bids for the repair of the City's water storage tanks, which had been damaged by hail. Seven bids were received, opened and read aloud on February 2, 2016. Paul Presson, the architect assisting the City with this and other storm damage repairs, reviewed the submittals to assure compliance with the bid specifications. Bids were also reviewed by the Texas Municipal League Intergovernmental Risk Pool, as that organization, the City's property damage insurer, would be covering the damages. Staff now recommended the acceptance of a bid submitted by Corrosion Eliminators, in the total amount of \$768,722. Mr. Upham moved acceptance as recommended, Mr. Reagan seconded, and the motion carried 6-0.

8. Mr. Moran said that a hail storm that occurred on May 15, 2013 damaged numerous City owned buildings. The Texas Municipal League Intergovernmental Risk Pool, the City's insurance carrier, has confirmed that they will cover the cost of repair. The scope of the work includes the removal/replacement/repair of the roofs of several buildings. Bids will be advertised and received on April 6, 2016, with a possible award to be made at the City Council meeting to be held on May 3, 2016. Mr. Reagan moved to authorize staff to advertise and receive bids for roof repair of City buildings, Mr. Upham seconded, and the motion carried 6-0.

9. For the past several months, City Council meetings had been videotaped and uploaded to YouTube for viewing by the public. The vendor who had been providing this service was no longer available, and staff was asked to investigate possible alternatives for providing this service. Mr. Howerton said that

several options were explored, including close circuit television, and it would appear that the most cost efficient method would be to purchase a video camera and have an employee videotape the proceedings. The IT Department can upload the file to YouTube. A discussion ensued. Mr. Reagan asked if staff had obtained statistics from YouTube which showed the viewership of those meetings which had been uploaded. Mr. Howerton provided those numbers, which indicated a somewhat sparse viewership. Following the discussion, Mr. Wright moved and Mr. Lively seconded to approve the purchase of a camera and appurtenances for the purpose of videotaping the meetings in house. Mr. Wright, Mr. Lively, and Mayor Allen voted in favor of the motion. Mr. Reagan, Mr. Upham, and Mr. Johnson voted nay. The motion failed 3-3.

10. There was no further business to come before the City Council, so the meeting was adjourned at 6:46 p.m.

/s/ Mike Allen, Mayor

ATTEST:

/s/ Juanita Formby, City Clerk

APPROVED: March 1, 2016