

**MINUTES
REGULAR MEETING
MINERAL WELLS CITY COUNCIL
CITY HALL ANNEX
March 15, 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, Councilman Brian Reagan gave the invocation, and the Pledges of Allegiance to the U.S. and Texas were recited.

CITIZEN COMMENT

Charles Thompson had signed to speak regarding on-line message boards for the City Council, when that item was discussed.

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

1. Consider minutes of previous meeting held March 1, 2016.
2. Consider approval of budgeted expenditures over \$500.
3. Consider approval of Financial Report for the month ended October 2015.

ITEMS FOR INDIVIDUAL CONSIDERATION

4. Mr. Peter Morgan of George, Morgan, and Sneed, CPAs, the City's independent auditors, presented the audit report for the fiscal year which ended September 30, 2015. Mr. Morgan went over the report, discussing some of the salient points, and said that his firm gave the City's finances a clean opinion. Councilmembers had received the written audit report when they arrived at the meeting, which has been customary for a number of years. Mr. Howerton told the Council that if they leave the meeting and have questions about the audit, a staff member or one of the auditors would be happy to discuss those questions. Following the discussion, Mr. Reagan moved to accept the audit report as presented, Mr. Upham seconded, Mr. Johnson voted nay, and the motion carried 6-1.

5. Mr. Howerton reminded the Council has previously discussed at some length a method for determining what non-profit organizations in town should be the recipients of funds from the City. There are a number of deserving efforts in the community and the City can ill-afford to help fund all of them, so on November 3, 2015, the City Council approved an application process by which organizations could apply to receive funding from the City. The February 29, 2016 deadline has come and gone, and the City now has application from several organizations. The general consensus of the Council was that a committee of Councilmembers would be named to analyze the applications and return to the balance of the Council with a recommendation as to whom the funds would go. At this time, Mr. Reagan moved and Mr. Upham seconded to ask the Mayor to name two City Councilmembers to this committee. Motion carried 7-0. Mayor Allen then named Councilmembers Brian Reagan and Thomas Lively to the Committee. Organizations who had timely submitted applications were: Mineral Wells Center of Life, Bounce! Mineral Wells Senior Center, Paul Lawrence Dunbar Community Group, Inc., Meals On Wheels of Palo Pinto County, Meraki Ministries, and Children's Alliance Center of Palo Pinto County.

6. Mr. Howerton said that several City Councilmembers had recently attended a webinar regarding the use of social media by Councilmembers, and out of that came the idea of an on-line message board for use by Councilmembers. The message board would permit City Councilmembers to legally post and share ideas, and discuss information among themselves, in full view of the public, but outside of a posted meeting. Citizens and staff would not be able to join the on-line discussion. The Mayor recognized Charles Thompson, of 506 Travis Drive. Mr. Thompson said the idea of the Council communicating via an on-line message board frightened him, because he felt it was an opportunity to circumnavigate the Texas Open Meetings Act and deliberate about matters unknown to the public. The City Attorney said that message boards are sanctioned by the Attorney General, who administers, interprets, and enforces the Texas Open Meetings Act, and they are considered a legal and legitimate way for Councilmembers to communicate with one another. The use of Facebook and other social media by City Councilmembers to impart information to citizens carries risks of violation of the Act. Daniel Vargas, the City's Information Technology Manager, showed the City Council a presentation, showing that it would be part of the City's website and how it would work. Following the presentation and a few questions, Mr. Reagan moved and Mr. Johnson seconded to instruct staff to install the on-line message board for City Councilmembers' use on the City's website. Motion carried 7-0.

7. Mr. Howerton presented a proposed lease agreement for office space in the Terminal Building at the Mineral Wells Municipal Airport to Thion Global, a company which markets vitamins and dietary supplements. He said there are several office spaces available for lease at the Terminal Building; and though this company is not aviation related, it will fill some of the vacant space and provide some revenue for the Airport Fund. The proposed lease contemplates a one-year term beginning in March 2016 at a rental of \$200 monthly. Mr. Upham moved and Mrs. Underwood seconded to adopt a resolution authorizing execution of the subject lease agreement, and the motion carried 7-0.

8. Mr. Kelly Jones gave a report to Council regarding work performed according to a Letter Agreement between the City of Mineral Wells and Dennis L. Young, dated October 6, 2015. The Agreement provides for an upgrade to an 8-inch waterline extension to a 16-inch waterline extension along Highway 180 West to install a fire hydrant to serve his business, Half Price Storage. Due to the configuration of the existing lines, which were on the south side of the highway, it was determined that the best course of action was to bore under the highway to provide service on the north side of the highway, where the service was needed. Appropriate permits were obtained from the State of Texas, and work commenced. However, other expenses were incurred due to unforeseen circumstances, increasing the cost by some \$12,781.40. Mr. Jones is asking the Council to approve payment of the overage to Mr. Young. Councilman Reagan took exception to this, saying that staff should have been aware of the cost overrun before it occurred and the Council should have been made aware of it, through a legitimate change order to the contract. He said this is a poor business move and it must not be repeated; Mr. Wright agreed. Following discussion, Mr. Upham moved and Mrs. Underwood seconded to accept the cost overrun and authorize payment to Mr. Dennis L. Young in the total amount of \$51,789.61. Mr. Reagan and Mr. Wright voted nay, and the motion carried 5-2.

9. Ms. Formby reported that staggered terms on most of the City's various Boards and Commissions expire on the last day of March each year. The Mayor's Committee on Boards and Commissions, Councilmembers Tammy Underwood and John Upham, have reviewed the current expirations, and now present the following recommendations.

Airport Advisory Board: Committee recommends reappointment of sitting members Roger Smith, Robert Upham, and Chuck Hamilton to new terms to expire 03/31/2018.

Board of Adjustment/Building and Standards Commission: Committee recommends reappointment of sitting members Myra Johnson (voting),

Matt Butcher (voting), Jonathan Rusher (voting), and Michael Ward (alternate) to new terms expiring 03/31/2018. Michael Eubanks, who has served on this Board since 2003, has asked to be replaced, and his resignation is accepted, with regrets. This will leave one vacancy on this Board.

Boyce Ditto Public Library Advisory Board: Committee recommends the reappointment of three sitting members, Darleen Garrett, Nelda Glover, and Jeri Calcote, to new three-year terms which will expire 03/31/2019. Ms. Elizabeth O'Quin does not wish to be reappointed, and her resignation is accepted, with regrets. This action will leave one vacancy on this eleven-member Board.

Fire Code Board of Appeals: The Committee recommends the reappointment of Jerry VanNatta, Tommy Blissitte, and Erik Blackwell to new terms to expire on 03/31/2018. There is currently one vacancy on this Board, which meets very infrequently.

Planning and Zoning Commission: Committee recommends reappointment of Richard Ball, Mark Berry, Heath Farmer, and Glenn Mitchell to new terms expiring 03/31/2018.

Woodland Park Cemetery Board of Trustees: Committee recommends reappointment of Marcelinda Williams and Wanda Rusher to new terms to expire 03/31/2018.

Housing Authority: The Housing Authority Board has had a vacancy for quite some time. The Committee recommends the new appointment of Ms. Sibyl Rogers to an unexpired term which will expire January 31, 2018. This will give this Board a full complement.

Mrs. Formby said that if the City Council chooses to make these (re)appointments as recommended, the net result will be a full complement on most of the City's Boards, with vacancies as follows: Board of Adjustment/Building and Standards Commission (1), Library Advisory Board (1), Fire Code Board of Appeals (1), Local Government Corporation (2). She said that notices of these vacancies have appeared on the City's Facebook and on the City's website, and a general invitation to apply for a City Board has appeared on Facebook for the Mineral Wells Index. There was a brief discussion as to how to get people interested in serving on a City board. Following that, Mr. Wright moved and Mr. Reagan seconded to make the (re)appointments as recommended by the Mayor's Committee on Boards and Commissions. Motion carried 7-0.

10. There was no further business to come before the City Council, so the meeting was adjourned at 7:18 p.m.

/s/ Mike Allen, Mayor

ATTEST:

/s/ Juanita Formby, City Clerk

APPROVED: April 5, 2016