

**MINUTES  
REGULAR MEETING  
MINERAL WELLS CITY COUNCIL  
CITY HALL ANNEX  
May 17, 2016 - 6:00 pm**

City Councilmembers present were Mayor Mike Allen, Mayor Pro-Tem John Upham, Councilmembers Brian Reagan, Thomas Lively, Tammy Underwood, and Wayne Johnson. Councilmember Clif Wright 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, and City Clerk Juanita Formby. City Attorney George Gault was absent.

Mayor Allen called the meeting to order, Pastor Ferrel Gage of the Palo Pinto Baptist Association gave the invocation, and the Pledges of Allegiance to the U.S. and Texas were recited.

**CANVASS AND OATH**

1. Mayor Allen conducted the official canvass of the City election held on May 7, 2016, announcing the number of votes received by each candidate in the election, as follows:

Mayor's race:                   Clif Wright - 401  
  Mike Allen - 516  
Councilmember Ward 1: Thomas Lively - 106  
Councilmember Ward 3: John Upham - 289

Following the official canvass, Mr. Reagan moved and Mrs. Underwood seconded to accept the returns as submitted by the Palo Pinto County Elections Administrator, Mayor Allen abstained from the vote, and the motion carried 5-0-1.

2. City Clerk Juanita Formby administered the Oath of Office to the newly elected Mayor and City Councilmembers, Mike Allen, Thomas Lively, and John Upham. They took their seats on the Council.
3. Mrs. Underwood moved and Mr. Lively seconded that Councilman John Upham serve again as Mayor Pro-Tem, Mr. Upham abstained, and the motion carried 5-0-1.

**CITIZEN COMMENT**

No one had signed to speak under general comments.

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

4. Consider minutes of previous meeting held May 3, 2016.
5. Consider approval of budgeted expenditures over \$500.
6. Consider approval of Financial Reports for the month ended January 2016.
7. Consider approval of Investment Report for the quarter ended March 2016.

#### **ITEMS FOR INDIVIDUAL CONSIDERATION**

8. Mayor Allen opened a public hearing at 6:08 pm regarding a request for a change in zoning designation on the former Cullen Grimes Elementary School and playground, located at 1806 N.E. 1<sup>st</sup> Avenue in Mineral Wells. Jon Bumgardner, the applicant, recently acquired the property and hopes to change the zoning from Community Facilities to Commercial, so that he could eventually use this nearly 100-year-old landmark as perhaps an art studio or a wedding venue. In any event, the applicant hoped to expand the possible use of the property. Mr. Howerton said that the Planning and Zoning Commission had met on May 2, 2016 to consider this request, and now recommends that the requested rezoning be granted. Councilman Johnson expressed concern that the request was for Commercial zoning, completely surrounded by residential properties, and asked what controls would apply for various types of uses that might not be compatible? Mr. Howerton said that Commercial zoning is very broad, and there are a multitude of uses by right that would require no further zoning permits to establish those uses, if the Commercial zoning was granted. Councilman Reagan said that the streets surrounding the old school are very narrow, and there is very little parking available. Depending on how the property is used, it could generate a good deal of traffic that the area is ill-equipped to handle. Mr. Bumgardner was not present to address these questions about potential use of the property. Mayor Allen recognized Mr. Kevin Kimbro, who lives at 203 N.E. 16<sup>th</sup> Street, adjacent to the property, and who had asked to speak. Mr. Kimbro had several concerns similar to those already expressed by the City Council. No one else was present to speak, and the public hearing was closed at 6:22 pm. Following the discussion, Mr. Reagan moved and Mr. Upham seconded to table action on this matter until such time as the applicant could be present to give a better idea how he intended to use the property given its limitations, and discuss perhaps if a more restrictive zoning designation would be more appropriate, to provide future development control should the property ever pass from Mr. Bumgardner's ownership. Motion carried 6-0.
9. Mayor Allen opened a public hearing at 6:23 pm regarding a request for a replat of Lot 1, Block 1, W. Bill England Subdivision to the City of Mineral Wells, Palo Pinto County, Texas (3101 MH 379, Mineral Wells, Texas), which would become the Lockwood Addition to the City of Mineral Wells. The Planning and Zoning Commission had met on May 2, 2016 to consider this item, and now recommends its approval by the City Council. No one was present to speak, and

the public hearing was closed at 6:25 pm. Following a brief discussion, Mr. Upham moved to approve the replat as submitted, Mr. Reagan seconded, and the motion carried 6-0.

10. Mayor Allen opened a public hearing at 6:25 pm regarding a request for a platting of 1.5 acres out of the Northeast Quarter of the T&P RR Co. Survey, Section 46, Block A, EOB, Abstract No. 1577, Palo Pinto County, Texas. The purpose is so that Pecan Valley Mental Health Mental Retardation can construct a new clinic at this location (northeast corner of U.S. Highway 180 and Travis Drive). Mr. Howerton said that the Planning and Zoning Commission had met on May 2, 2016 to consider this item, and now recommends that the plat be approved by the City Council. No one was present to speak, and the public hearing was closed at 6:29 pm. Mr. Johnson moved and Mrs. Underwood seconded to approve the plat as submitted, and the motion carried 6-0.

11. Mr. Howerton said that in April, the City Council received a presentation regarding the 2016 BOUNCE Program, a church-sponsored program wherein teens work to repair and restore older homes of people who could not otherwise afford to do so. Homes in Mineral Wells are typically selected concurrent with the Police Department's 356 Project, which targets a specific neighborhood for improvement and increased police activity to elevate the standard of living therein. Mr. Howerton reminded the City Council that in April, they had discussed and had tentatively agreed to fund the 2016 BOUNCE program for up to \$10,000; but had asked Pastor Nathan Buchanan of the First Baptist Church in Mineral Wells to return to them when he had better knowledge of the number of homes and the specific dollar amount he would need from the City. Pastor Buchanan addressed the Council and said that eight (8) homes have been identified as needful of repairs, of the nature that could be done by the BOUNCE participants. The total amount required to repair the eight homes comes to \$13,000. He said the Chamber also pledged \$15,000, and with that the City's \$10,000 pledge, BOUNCE would have a surplus of funds. He suggested a 50/50 split of the \$13,000 between the Chamber and the City. He also said that more homes could be refurbished if he had enough participants, but he wasn't sure that would happen. There was considerable discussion among the Councilmembers as to the final total amount of funds that should be committed. Given that there was a surplus of money pledged between the City and the Chamber, and given that the economic condition of the City is not at its peak, Mr. Reagan and Mr. Johnson both felt that a lesser amount should be committed, perhaps \$7,500. Seventy-five Hundred Dollars from both the City and the Chamber would give the required amount plus a small cushion. Last year, the City's actual expense was only \$8,000. Others on the City Council felt that the Council had previously tentatively pledged \$10,000, which had actually be reduced from an original amount of \$20,000, and inasmuch as this

project was beneficial the community and to individual homeowners, they felt it sent the wrong message to the community to reduce the pledged amount below \$10,000. If there was money left over, it could be committed to a future project. Mr. Johnson said that a combined total from the Chamber and the City in the amount of \$15,000, the cost of the project would be more than covered, he would move that the City commit \$7,500 to the BOUNCE project. Mr. Reagan seconded. Mayor Allen called for a vote, and Councilmembers Johnson and Reagan voted in favor of the motion, Mayor Allen and Councilmembers Lively, Underwood, and Upham voted nay to the motion, which failed 4-2. The amount committed to the BOUNCE 2016 Project remains at \$10,000.

12. Kelly Jones reminded the City Council that in February, they had accepted a bid and awarded a contract to Corrosion Eliminators for exterior painting of the City's water storage tanks and towers, which had been damaged by hail. The contractor, in their inspection of the East Plan ground storage tank, noticed that it did not have a cleanout port, and this addition would be beneficial for future cleaning of the tank. Mr. Jones presented Change Order No 1 in the amount of \$2,800.00 to the contract with Corrosion Eliminators for the installation of the cleanout port. Mr. Reagan asked why this was not included in the bid specifications and made a part of the original bid. Mr. Howerton said that the architect, Paul Presson of Independent Building Consultants in Lubbock, Texas, was asked only to write specifications for the repair and repainting due to hail damage, and he was not tasked with determining if other accoutrements were needed. Mr. Howerton said that, while they should be kept to a minimum, change orders to a contract of this size were to be expected. Mr. Upham then moved and Mr. Reagan seconded to approve Change Order No. 1 in the amount of \$2,800.00. Motion carried 6-0.

There was no further business to be considered, and the meeting was adjourned at 7:04 pm.

/s/ Mike Allen, Mayor

ATTEST:

/s/ Juanita Formby, City Clerk

APPROVED: 06-07-2016