

MINUTES
REGULAT MEETING
MINERAL WELLS CITY COUNCIL
CITY HALL ANNEX
August 2, 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, and City Clerk Juanita Formby. City Attorney George Gault was absent.

Mayor Allen called the meeting to order, Pastor Randy Anderson of the First Church of the Nazarene of Mineral Wells gave the invocation, and the Pledges of Allegiance to the U.S. and Texas were recited.

Ginny Milliken of 605 N.E. 39th Avenue had signed to speak. She spoke against the proposed tax increase that was mentioned in the 2016-2016 budget presentation, saying that the City should find ways to cut expenses like every other business, rather than raising taxes. She said expenses could be cut in supplies and salaries or personnel. She also expressed displeasure with a recent story in the Mineral Wells Index regarding the death of a Mineral Wells resident, in which past criminal acts were mentioned. She said she was disgusted that the Index would disrespect the person who had died, and suggested to the City Council that they find, or act as, an alternate source of information for the community. Councilman Upham asked Ms. Milliken what she considered to be a high salary. Ms. Milliken responded by saying she thought \$63,000 a year was too much for a cemetery supervisor. Mr. Howerton pointed out in the proposed budget that the City's cemetery supervisor makes about \$45,000 a year. Mr. Upham also asked where Ms. Milliken would suggest that cuts be made in the budget. Ms. Milliken said that for instance, office supplies would be purchased at Wal-Mart, rather than Bennett's Office Supply, where they might be more expensive. Regarding her comments about the newspaper coverage, Councilman Reagan mentioned to Ms. Milliken that it is not the function of government to report news; that the City's website and Facebook accounts are to provide information about the City government only, and not to act as a news outlet. He also mentioned that the Index is protected by free speech, and it would not be appropriate for the City Council to attempt to limit free press, nor could they do so even if they felt inclined. He suggested to Ms. Milliken that if she feels strongly about this issue, she could start her own free press on the internet, as a variety of bloggers have done so.

Mr. Reagan moved and Mr. Upham seconded to approve the following CONSENT AGENDA, and the motion carried 7-0:

1. Consider minutes of previous meetings held July 19 and July 28, 2016.
2. Consider approval of budgeted expenditures over \$500.
3. Consider approval of Investment Report for quarter ended June 30, 2016.
4. Consider authorizing payment to Crawford Roofing in the amount of \$300,944.80.

ITEMS FOR INDIVIDUAL CONSIDERATION

5. Mayor Allen opened a public hearing at 6:09 pm regarding a replat of a part of Lot 2 of Subdivision B in Block 13 of College Addition to the City of Mineral Wells and a portion of S.W. 8th Street adjacent thereto, and a variance of six (6) feet to the eighty (80) foot front footage requirement. The applicant, Barbara Corry, requested the replat of the lots because she hoped to construct a new modular home on this property, located at 802 S.W. 5th Avenue. The Planning and Zoning Commission had met the previous evening to consider this item and now recommends that the replat be approved. The new legal description of the property will become Lot 2A-R, Subdivision B, Block 13, College Addition. No one was present to speak, and the public hearing was closed at 6:12 pm. Mr. Upham moved and Mr. Reagan seconded to approve the replat as recommended, and the motion carried 7-0.
6. Mayor Allen opened a public hearing at 6:12 pm regarding an ordinance which would amend the Zoning Ordinance of the City of Mineral Wells by adding definitions of an "ammunition manufacturing and distribution" facility and providing what zoning designation such a facility may be located. This application is made by the City of Mineral Wells in anticipation of the location of American Precision Ammunition, and industrial and economic development prospect, in Mineral Wells. American Precision Ammunition hopes to occupy a large existing manufacturing building located on Garrett Morris Parkway just south of its intersection with U.S. Highway 180 East in Mineral Wells. Staff's primary concern about this location was the fact that it deals with raw materials such as gunpowder, to manufacture bullets and shells, and it was assumed these materials would be volatile in nature, and being hazardous to those nearby businesses in the area. Fire Chief Michael Pool did extensive research and investigation into the nature of the materials in question. Chief Pool showed a slide presentation and videos that showed the parts of the 2012 International Fire Code, which is what the City currently operates under, and the sections that regulate hazardous materials such as this. He showed videos that placed the materials under different types of unusual stress, such as dropping them from a great height, crushing them under a bulldozer, and actually setting fire to

them, which showed that they have surprisingly little propensity to ignite. In the video, when cases of shells or bullets were stacked up and set on fire, they would ignite, but there would be little propulsion. Projectiles ignited outside a firearm have far less energy than if actually fired from a gun. It was determined that the manufacturing materials to be used in this particular project would not be particularly hazardous in this location. Mr. Howerton told the City Council that staff felt their research laid to rest any fear that the manufacture of ammo at this location would pose any danger to nearby businesses. Mr. Howerton also gave some information about the zoning designations the plant would be permitted in and the areas of the City those zoning areas encompassed, and the special conditions that would apply. Mr. Matt Campbell and Mr. Gary Phillips were present to address any other questions. Mr. John Brazil of 1515 N.W. 5th Avenue addressed the Council. He said he had been association with ammo manufacturing and distribution for 20 years, and he advised that there were regulations from the ATF that prohibited the plant from being located in close proximity to major highways. Mr. Campbell said they were familiar with, and met these requirements. Mr. Reagan assured Mr. Brazil that American Precision Ammunition had two other facilities and were not unfamiliar with the federal requirements. Charles Thompson of Travis Drive addressed the Council, and suggested a public meeting to assure citizens of their safety if they were to visit the Burger King or other businesses nearby. No one else was present to speak, the public hearing was closed at 7:09 pm. Mrs. Underwood moved and Mr. Reagan seconded to pass and approve an ordinance amending Appendix B, Zoning of the Code of Ordinances of the City of Mineral Wells, Texas by adding a definition for "ammunition manufacturing and distribution"; adding a new special condition number 43 to Section 3-2A; adding "ammunition manufacturing and distribution" as a permitted use in the LI (Light Industrial) and WP-A (Wolters Park A) districts with the special conditions as listed in Section 3-2A thereof to include numbers 2, 3, 5, 7, 11, 14, 15, and 43; providing for an effective date. Motion carried 7-0.

7. Chief Sullivan presented an ordinance which would reduce the prima facie speed limit on that portion of State Highway 337 inside the City limits, between milepost 10.838 south 0.501 miles to milepost 11.339 to its intersection with Highway 180 West, from 75 to 65 miles per hour. The penalty for violation is set for \$200.00. Following a brief discussion, Mr. Lively moved and Mr. Upham seconded to pass and approve an ordinance altering the prima facie speed limits established for vehicles under the provisions of the Transportation Code, Chapter 545, Section 545.356, upon the basis of an engineering and traffic investigation upon certain streets and highways, or parts thereof, within the corporate limits of the city of Mineral Wells as set out in the ordinance; and providing a penalty of a fine

not to exceed \$200.00 for violation of this ordinance; and providing for an effective date. Motion carried 7-0.

8. Mr. Moran asked the City Council to adopt a resolution which would declare as surplus property a 1991 Ford F350 Aircraft Fuel Truck VIN 1FDKF37M9MNB08641, and provide for disposal of same. A replacement fuel truck has been purchased and placed into service. Mr. Upham so moved, Mrs. Underwood seconded, and the motion carried 7-0.

9. Chief Pool as the City Council to consider an agreement between the City of Mineral Wells and DACO Fire Equipment for the purchase of a 2016 Ford F550 mini pumper, manufactured by Rosenbauer Fire Apparatus. This purchase is the subject of a FEMA Assistance to Firefighters Grants which was submitted in January 2016, and received funding. The cost of the vehicle will be \$201,834, the cost to the City will be \$11,357, after grant proceeds are applied. Following a brief question and answer session, Mr. Lively moved and Mr. Upham seconded to adopt a resolution authorizing execution of the Agreement with DACO Fire Equipment for the purchase described. Motion carried 7-0.

10. Councilman Thomas Lively addressed the City Council and those present. He has recently accepted an offer of employment from the Mineral Wells Police Department, and must therefore resign from the City Council. He expressed his gratitude for the privilege of serving and procuring the position through three elections. He said he was sad to leave the Council, but happy to remain as an employee. Mayor Allen presented Mr. Lively a plaque in honor of his service on the City Council.

There was a brief discussion about the method for selecting a new City Councilmember to represent Ward One, which is done by appointment by the remainder of the Council, per the City Charter. After a brief discussion, Mr. Reagan moved to instruct staff to advertise the position and accept applications through the month of August 2016, after which the Mayor will appoint a committee to review applications and make a recommendation for possible appointment. Mr. Upham seconded and the motion carried 6-0.

11. There was no further business to be considered, and the meeting was adjourned at 7:28 pm.

/s/ Mike Allen, Mayor

ATTEST:

/s/ Juanita Formby, City Clerk

APPROVED: 08-16-2016