

MINUTES
REGULAR MEETING
MINERAL WELLS CITY COUNCIL
CITY HALL ANNEX
October 4, 2016 - 6:00 pm

City Councilmembers present were Mayor Mike Allen, Councilmembers Clif Wright, Brian Reagan, and Tammy Underwood. Mayor Pro-Tem John Upham and Councilmember Wayne Johnson were absent. There is one vacancy on the Council. 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 Mark Alcorn of the Calvary Baptist Church of Mineral Wells gave the invocation, and the Pledges of Allegiance to the U.S. and Texas were recited.

Mr. Reagan moved and Mrs. Underwood seconded to approve the following **CONSENT AGENDA**, and the motion carried 4-0:

1. Consider minutes of previous meetings held September 20 and September 27, 2016.
2. Consider approval of budgeted expenditures over \$500.
3. Consider Application for Payment from Crawford Roofing in the amount of \$361,586.15.
4. Consider ratification of execution of Agreement for Transfer of Entitlements - TxDOT Aviation/FAA Non-Primary Entitlement (NPE) funds.

ITEMS FOR INDIVIDUAL CONSIDERATION

5. Chief Sullivan and Mayor Allen presented service award plaques to those participating in the 2016 Project 365 SW. Project 365 is a program wherein a specific geographic area of the City is isolated and targeted for intense crime interdiction and property blight remediation for a period of one year. The BOUNCE! program is done in conjunction and the homes that are targeted for repair/renovation by BOUNCE! are selected inside the Project 365 area. Chief Sullivan and Mayor Allen recognized the following individuals and organizations: Sergeant Patrick Adams, Program Coordinator; Sergeant Caleb Randall, Enforcement Coordinator; Donna Robbins, Site coordinator; Lieutenant Brad Belz, Cleanup Coordinator; Waste Connections, Inc., Community Partner; Mission Mineral Wells, Community Partner; Mineral Wells Area Chamber of

Commerce, Community Partner; Sherwin-Williams Paint Store, Community Supporter; Mineral Wells Index, Community Supporter; Mineral Wells Walmart, Community Supporter; John Moran (Court Administrator) Community Supporter; Chris Thibault (Public Works), Project Supporter, Iglesia Templo Bautista, Community Supporter; and First Baptist Church, BOUNCE! host.

6. Mayor Allen and Mr. Howerton recognized Ms. Barbara Corry. At the Council meeting held on September 20, 2016, Ms. Corry had submitted a request for a waiver from the City's requirement that new the exterior of residential construction be 80% masonry. Ms. Corry hopes to place a new modular home at 800 S.W. 5th Avenue. She was hoping that the masonry requirement could be waived and she would be allowed to use hardiplank siding, which would be more compatible with surrounding homes as well as more affordable for her. The Planning and Zoning Commission had considered this request and recommended to the City Council that it be granted. However, several member of the City Council had reservations, Ms. Corry was not at the September 20, 2016 meeting to answer questions, and so the matter was tabled until this evening. Ms. Corry had photos of surrounding homes to show the Council what kind of construction she had in mind. She said that her primary goal was to live in Mineral Wells; if the Council denied her the waiver, she might not buy a modular home, but might buy another home in another area of town. She liked this location because it is next door to her cousin; but she could live elsewhere. She said the masonry requirement would add a significant sum to the cost of placing the modular home, and if that were to be the case, she would probably favor buying a site built home. She stressed several times that she truly desired to live in Mineral Wells. Councilman Reagan mentioned that he would have liked Councilman Johnson to be present for this discussion, as it is in his Ward. Other than that, he felt that regulations such as this were put in place for a reason, and he hesitated to set those regulations aside. Mrs. Underwood expressed similar sentiments. Ms. Corry said that whatever the Council decided, she still intended to live here. At the end of the discussion, those members of the Council who were present were agreeable to allowing Ms. Corry to have only 40% masonry; however, this might require another posted meeting, as the language on the agenda and that on the waiver which was prepared did not contemplate a 40% compromise. The City Attorney did not feel that another public hearing would be required. Mr. Reagan put this consensus in the form of a motion, to require only 40% masonry on a modular home placed in the subject location by Ms. Corry; Mrs. Underwood seconded, and the motion carried 4-0.
7. There was discussion among the City Councilmembers about the method by which they would choose a new Councilmember to replace Mr. Thomas Lively, who recently resigned to work for the Police Department. This position represents Ward One. Five application had been received during the prescribed period for accepting

applications. Following some deliberation, the City Council instructed staff to post a closed Executive Session for Monday, October 17, 2016, at which time the applicants would be interviewed. No further action was taken at this time.

8. Mr. Moran presented an ordinance adjusting water rates, which would represent a 6% increase over current rates. On September 20, 2016, the City Council had passed an ordinance which would effect a 10% increase in water rates. Since then, the City Council enacted an ad valorem tax rate which was a bit higher than had previously been discussed, and Councilman Reagan suggested a lesser water rate increase, a 6% increase rather than 10%. In response to that, staff prepared the proposed ordinance now to be considered. Following a brief discussion, Mrs. Underwood moved and Mr. Reagan seconded to pass an approve an ordinance amending Article II of Chapter 90, Utilities Section, of the Mineral Wells Code of Ordinances by revising water rates and providing for an effective date. Councilman Wright voted nay, and the motion carried 3-1.

9. Mr. Moran said that the City has contracted with the Chamber of Commerce for many years, to promote tourism activities funded through the City's collection of hotel/motel occupancy tax. In looking at the contract, he noted that it is quite dated and both parties would benefit from an update. With that, he presented an updated tourism and promotion contract between the City and the Chamber, which has been approved by the Chamber board. Following a brief discussion, Mrs. Underwood moved and Mr. Reagan seconded to adopt a resolution authorizing execution of the subject agreement, and the motion carried 4-0.

10. Mr. Moran presented Change Order #5 to the contract between the City and Crawford Roofing, in the amount of \$7,995 to install exhaust fans and thermostats at the City's gym. The contract with Crawford Roofing, to repair storm damage to the City's various facilities, was approved by the City Council on February 16, 2016 and included replacement of two fans over the court in the gym. Subsequently, it was discovered that the existing electrical controls were not functional, nor was the fan in the weight room. Mr. Reagan took exception to the Change Order, saying that between the architect and the general contractor, it should have been discovered that the electrical wiring and the fans were not functional. It was Mr. Reagan's contention that the Change Order should be denied and the contractor charged with the expense. There was a lengthy discussion about the responsibility of the architect and the contract to find such problems before the bid is let. Mr. Gault observed that if a pre-bid investigation had revealed the problem, the bid, and thus the contract, would have been that much higher in any event. At the conclusion of the discussion,

Mr. Wright moved and Mrs. Underwood seconded to approve the Change Order No. 5 in the amount of \$7,995. Mr. Reagan voted nay, and the motion carried 3-1.

11. The last item, a discussion regarding the implementation of a Municipal Storm Water Drainage Utility System, was tabled until all Councilmembers could be present.

14. There was no further business to be considered, and the meeting was adjourned at 7:30 pm.

/s/ Mike Allen, Mayor

ATTEST:

/s/ Juanita Formby, City Clerk

APPROVED: 10-18-2016