



CITY OF WHITEWRIGHT

City Council
Regular Meeting
Whitewright Visitor Center
111 W. Grand
August 1, 2017 at 6:30 PM

Minutes

The City Council of Whitewright met for a Regular Meeting Tuesday, August 1, 2017 in the Whitewright Visitors Center, the same being open to the public with the following members present:

Councilmember	Sarah Beth Owen
Councilmember	Bart Bodine
Councilmember	Russell Ponder
Councilmember	John Simon
Councilmember	Gregory Owens

Others present: Mayor, Jeremiah Looney, Tona Shippet, Peggy West, Ruby Howell, Jerry Tapp, Kim Palmer, Susan Armstrong, Carl Harrell, Eric Prindle, Allen West, June Gail Purdom, Linda Blanton, Randy Glover, Lance Freer, Barbara Hughes, Wes & Melissa Anderson, Dee Anna Alexander, Beau Heistand, Chris Ely, Leslie Blanton, Amy Messer, Chris Messer, Brian Owens, Dusty Cotter, Rick Webber, Ashley Webber, Michael Green, Mark Munt, Dwayne Henderson, Stephen Bailey, Chris Douglas.

1. Call meeting to Order and Establish a Quorum:

Mayor Looney called the meeting to order and established a quorum at 6:30 p.m.

2. Invocation and Pledge of Allegiance:

Invocation and Pledge of Allegiance was given and led by Councilmember Bart Bodine.

3. Citizens Forum: (State law prohibits the City Council from considering or deliberating on any item not listed on the posted City Council agenda. A person may address the Council on items not on the printed agenda. Comments are limited to three (3) minutes. The Council may not comment or deliberate regarding such statements or comments during this period. Any discussion of the subjects must be limited to a proposal to place the subject on the agenda for a future meeting. Sec. 551.042 of Open Meeting Act).

Randy Glover addressed the council with questions regarding the Facebook post on the City of Whitewright Facebook page. 1. Who authored the post from the city? 2. Who were the accusers and who were they accusing? Which board members were involved in each allegation? He referenced that it is not illegal to discuss what is said in executive session and requested that information be shared either in a follow up post or subsequent meeting about what was said in the three executive sessions. 3. Are the board members going to be prosecuted? Some allegations were criminal and some were inefficiency, how much did these allegations cost the city. If crimes were committed, they should be prosecuted. Councilmember S. Owen responded that the council could not comment or act on items during citizens forum.

Carl Harrell addressed the council and began with passing handouts to each Councilmember and the Mayor. He stated he lives at Goody and Walnut. He referenced city and state health and safety ordinances that he feels are being violated by a couple living in a tent on property adjacent to the rear of his property. He stated that he had been told by Whitewright Police Department that there was nothing they could do. He stated that per the referenced ordinances in the handout that the property is not maintained and there are tall weeds and grass as well as sanitation issues. He stated that each property occupied is required to have city utilities, which this property does not. He stated that by The State of Texas legal definition, a tent is not a dwelling. He requested that the Police department take another look at the issue. Councilmember S. Owen thanked Carl for his address. Mayor Looney thanked Randy and Carl for their input.

4. Action Items:

4a. Consider and approve Minutes from the Regular Meeting dated July 6th, 2017:

Councilmember Bodine moved to approve the minutes. Councilmember Simon seconded the motion. Motion carried 5-0.

4b. Consider and approve current bills for payment:

Councilmember Ponder moved to approve the bills for payments. Councilmember Simon seconded the motion. Motion carried 5-0.

4c. Consider and approve Monthly Departmental Reports:

Police Chief Beau Heistand presented his report. Library Director Chris Ely presented her report. EMS Director Chris Douglas presented his report. City Secretary Tona Shippet presented the court report. Public Works Foreman

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Stephen Bailey presented his report. Councilman Simon presented the Fire Department report in Fire Chief Dwayne Henderson's absence. Councilmember S. Owen moved to approve the monthly departmental reports.

Councilmember G. Owens seconded the motion. Motion carried 5-0.

- 4d. Consider and ratify Contract Change Order to City of Whitewright TWDB CWSRF Wastewater System Improvements Project WTW.001 to allow for additional costs associated with previously approved Generator and replacement of force main at an additional cost of \$6,084.39. The project budget for construction was \$401,500.00, however, there is \$8417.80 remaining in contingency funds to cover these costs at no additional expense to the city.

Councilmember S. Owen moved to approve the Change Order at an additional cost of \$6,084.39. Councilmember Ponder seconded the motion. Motion carried 5-0.

- 4e. Consider and approve Interlocal Agreement between the Texoma Council of Governments and City of Whitewright to provide GIS Services for Fiscal year 2017-2018 at a cost of \$7,000.00.

Councilmember S. Owen moved to table until there is an itemized agreement. Councilmember Ponder seconded the motion. Motion carried 5-0.

- 4f. Consider and set a date for budget hearing to set the 2017 property tax rates.

Councilmember S. Owen moved to set the hearing for August 15 at 6:30 p.m. Councilmember G. Owens seconded the motion. Motion carried 5-0. NOTE: City Secretary Tona Shiplet failed to post the hearing and it was cancelled.

- 4g. Consider and discuss terms of letter of intent with Antero Group and Cogent Management Group for Municipal Building Planning. A 9 month term has been counter proposed by Antero Group and Cogent Management in place of the original 2 year term. No counter proposal was made by Antero Group and Cogent Management Group to the council's objection to the city having no independent means to terminate the agreement.

Councilmember Simon moved to sign the letter of intent. Councilmember Bodine seconded the motion. Motion carried 5-0.

- 4h. Consider and approve Commercial Permit Application for ornamental iron fence at 115 W. Grand Street which is a designated historical building. If not approved applicant requests consideration and approval for 24' wide by 16' deep Dog Run.

Councilmember S. Owen moved to approve the request provided they adhere to the setbacks and utilities at the back of the property. Councilmember G. Owens seconded the motion. Motion carried 5-0.

- 4i. Consider and approve entering into a finance agreement with Government Capital for Public Works equipment in the amount of \$225,453.59 to purchase a drum roller, chip seal spreader, oil trailer, skid steer with plainer, goose neck trailer, dump truck, and 2016 Dodge Ram pickup truck. If approved, determine terms of 10 or 12 annual payments with respective interest rates and annual payments to begin one year from signing.

Councilmember Simon moved to approve the finance agreement for 10 years for the equipment stated. Councilmember Bodine seconded the motion. Motion carried 5-0.

5. Action Items:

- 5a. Consider and approve Resolution EDC 003: Resolution for the Whitewright Economic Development Corporation to accept the Revolving Loan Grant.

Councilmember S. Owen moved to approve the resolution. Councilmember Ponder seconded the motion. Motion carried 5-0.

- 5b. Consider and approve correct 2016-2017 Whitewright Economic Development Corporation budget that is balanced to correct figures in ASYST.

Councilmember S. Owen moved to approve the corrected balanced budget. Councilmember Ponder seconded the motion. Motion carried 5-0.

- 5c. Consider and approve 4A, Whitewright Economic Development Corporation 2017-2018 budget.

Councilmember Ponder moved to approve the 4A EDC 2017-2018 budget. Councilmember Bodine seconded the motion. Motion carried 5-0.

- 5d. Consider and approve 4B, Whitewright Community Development Corporation 2017-2018 budget.

Councilmember Bodine moved to approve the 4B 2017-2018 budget as written. Motion died for lack of a second.

Councilmember Ponder moved to approve the 4B 2017-2018 budget with the stipulation that the mowing is posted for bids and legal contracts executed. Councilmember G. Owens seconded the motion. Motion carried 5-0.

6. Action Items:

- 6a. Consider and Approve amending Planning and Zoning ordinance Sec. 46-32 through Sec. 46-39 to remove façade restrictions as approved by the Planning and Zoning Commission on July 31, 2017.

Councilmember S. Owen moved to approve the amendment. Councilmember Simon seconded the motion. Motion carried 4-1 with Councilmember Bodine voting against.

- 6b. Consider and Approve amending Planning and Zoning ordinance requiring minimum house size restrictions in all zoning districts as approved by the Planning and Zoning Commission on July 31, 2017.

Councilmember Ponder moved to table the amendment. Councilmember Bodine seconded the motion. Motion failed 2-3 with Councilmembers Ponder and Bodine voting for the table and Councilmembers S. Owen, Simon and G. Owens voting against the table. Councilmember S. Owen moved to approve the amendment. Councilmember Simon seconded the motion. Motion passed 3-2 with Councilmembers S. Owen, Simon and G. Owens voting for the amendment and Councilmembers Bodine and Ponder voting against the amendment.

6c. Consider and Approve amending Planning and Zoning ordinance Sec. 46-33 through Sec. 46-35 to remove requirement for attached garage as approved by the Planning and Zoning Commission on July 31, 2017.

Councilmember Ponder moved to approve the amendment. Councilmember S. Owen seconded the motion. Motion carried 5-0.

6d. Consider and Approve creation of new zoning type for Farmers Market as approved by Planning and Zoning Commission on July 31, 2017.

Councilmember Ponder moved to approve adding a zoning type for Farmers Market. Councilmember S. Owen seconded the motion. Motion carried 5-0.

6e. Consider and Approve creation of new zoning type for Brewpub as approved by Planning and Zoning Commission on July 31, 2017.

Councilmember Ponder moved to approve adding a zoning type for Brewpubs. Councilmember G. Owen seconded the motion. Motion carried 5-0.

6f. Consider and Approve amending Planning and Zoning ordinance Sec. 46-149(b) driveway requirements to permit gravel or rock driveways when the driveway would match 80% of the existing homes within eyesight of the proposed driveway in SF-1 and SF-2 and allow gravel or rock driveways in SF-E as approved by Planning and Zoning Commission on July 31, 2017.

Councilmember Ponder moved to approve the amendment. Councilmember Bodine seconded the motion. Motion carried 5-0.

6g. Consider and Approve Planning and Zoning Commissioners for an additional 2 year term beginning June 30, 2017 and expiring June 30, 2019: John Simon for Place 1; George Fenner for Place 3; and John Rushing for Place 5.

Councilmember S. Owen moved to approve the commissioners for an additional 2 year term. Councilmember G. Owens seconded the motion. Motion carried 4-0. Councilmember Simon abstained.

7. Action Items: **EXECUTIVE SESSION**: The Council may convene into Executive Session for:

Deliberation on Personnel Matters

(Texas Government Code, Section 551.074) - to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee;

7a. Police department personnel

Council moved into Executive Session at 7:53 PM

Council may re-convene into Regular Session:

Council re-convened into Regular Session at 10:11 PM

8. Action Items: Consider and act upon items listed under Item 7 – Executive Session as necessary:

8a. Police department personnel

Councilmember Bodine moved to reassign Beau Heistand from Chief to patrolman effective immediately.

Councilmember Simon seconded the motion. Motion carried 5-0.

Councilmember Bodine moved to place Sergeant Rick Webber as Interim Police Chief. Councilmember Simon seconded the motion. Motion carried 5-0.

9. Informational Reports: (These reports are for information only. No discussion is appropriate unless there is a specific item listed below or there is a request that the item be placed on a subsequent agenda as a discussion and action item. Sec. 551.0415 of Open Meetings Act):

9a. Mayor's Report:

Update on Projects: The Lift Station on Bond is close to completion.

New Projects

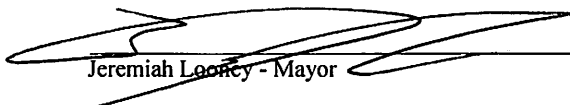
9b. Council Concerns: None

10. Adjourn:

Councilmember Simon moved to adjourn. Councilmember S. Owen seconded the motion. Motion carried 5-0.

ATTEST BY:


Tona Shippet – City Secretary


Jeremiah Leancy - Mayor

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