

**WORK SESSION MINUTES  
GREENVILLE CITY COUNCIL  
TUESDAY, JANUARY 24, 2012**

**I. CALL TO ORDER**

Mayor Oliver called the January 24, 2012, work session to order at 5:00 p.m. Present were Councilmembers Perkins, Perks, Dailey, Del Bosque-Hobdy and Franklin. Also present were City Manager Steve Alexander, City Attorney Brent Money, and City Secretary Debra Newell. Councilmember Herrin arrived in Executive Session at 5:55 p.m.

**II. ITEMS TO BE DISCUSSED**

**A. Items on the regular agenda of January 24, 2012**

**III. EXECUTIVE SESSION AS NEEDED FOR AGENDA ITEMS OR EXECUTIVE SESSION ITEMS AS LISTED ON THE REGULAR AGENDA - SECTIONS 551.071, 551.087, 551.072, 551.074, OR 551.073**

The Council went into Executive Session at 5:05 p.m. under as listed on the regular agenda.

**IV. ADJOURN**

Upon reconvening in open session at 6:00 p.m., the work session was adjourned.

**REGULAR COUNCIL MEETING MINUTES  
GREENVILLE CITY COUNCIL  
TUESDAY, JANUARY 24, 2012**

**I. CALL TO ORDER**

Mayor Oliver called the January 24, 2012, regular meeting to order at 6:02 p.m. Present were Councilmembers Perkins, Perks, Dailey, Del Bosque-Hobdy, Herrin and Franklin. Also present were City Manager Steve Alexander, City Attorney Brent Money, and City Secretary Debra Newell.

**II. INVOCATION**

Councilmember Herrin gave the invocation.

**III. PLEDGE OF ALLEGIANCE**

**IV. PRESENTATIONS**

Update on Steel Service Line Replacement Program (*Charles Castleberry and Jeanette Moser, Atmos Energy*)- Mayor Oliver praised the efforts of Atmos on replacing over 900 Steel Service Lines in the City of Greenville. He noted the professional job that was completed.

**V. CITIZENS TO BE HEARD**

Kevin Himes, 107 Owl Tree Trail. Allow me again to state, that although I work for L-3, the views I express are my own. It has been said that everyone gets fifteen minutes of fame. It is becoming apparent that I will take my fifteen minutes in three minute increments. After addressing this body a month and a half ago, where I asked for Mr. Money's resignation, I had no intention of returning. However, Mr. Money suggested that we go to lunch to discuss the situation. I agreed in order to avoid any criticism that I wasn't willing to listen to the other side. After my lunch with Mr. Money, I become concerned that some might think he had convinced me that his view point was correct. So I left, I felt compelled to address this body a second time to assure you that I remain strongly convinced the reason for the deterioration in the relationship between L-3 and the City of Greenville was not only the fault of the City Attorney, but the Mayor and City Manager as well. And, I clearly stated that two weeks ago. Then, Mr. Perkins asked me to go to lunch last Thursday. I agreed. We had a frank discussion and each of us expressed our view points. We did not agree on the genesis of the problem or the solution. After that lunch, I had no intentions of returning to this podium. Then I read the minutes for the Council meeting two weeks ago. And, well, I'm here. Please allow me to read the summary of my comments depicted in your minutes from that meeting which you will be voting to approve in just a few moments. Quote from the minutes, "Kevin Himes said that since the last meeting, he had visited with City Attorney Brent Money and apologized for his tone during the Citizens to Be Heard portion of the meeting." Each and every one of you, sitting on that raised platform, was in attendance that night two weeks ago. From Ms. Newell, all the way around to Ms. Franklin, on my right. With a quick show of hands, how many of you in your heart of hearts, believe this a fair and accurate summary of my words that night? Let it be noted that no one person raised their hand. Mr. Mayor, who's responsible for summarizing the comments at this podium?

Ms. Newell, you did not raise your hand when I asked if this summary was fair and accurate. Obviously, you're not incompetent as you correctly summarize the comments of Ms. Young who spoke before me at the last meeting. Therefore, I can draw only two logical conclusions. Either you intentionally manipulated my comments, or you were directed to so. Do you have any

plausible explanation for attempting to enter inaccurate information into the minutes of a public meeting?

O.k. Allow me to address the residents of Greenville for just a moment. If the City attempts to manipulate the truth on this very small issue, in order to save face, is it any wonder why L-3 mistrusts them and wants to view every available document they can obtain? In conclusion, Mr. Dailey, I will ask you as a person of integrity, if you could take that please, to please move to strike the summary that is currently in the minutes and replace it with this truthful and accurate summary, so that the people of Greenville will know what I said. And this is it, "Kevin Himes again stated that after looking at the facts available to him, he remains convinced the reason for the deterioration in the relationship between L-3 and the City of Greenville rests squarely with, not only the City Attorney, but with the Mayor and City Manager as well. And he apologized to Mr. Jerry Ransom for not being brave enough to speak out with Mr. Ransom a year ago." Does anyone object to that being the summary?

I'm almost complete. Mr. Kellar, I'll give you a copy of my summary as well. If this isn't addressed, I would ask you to please print my summary in your newspaper. Last thing. Mr. Oliver, I offer you a deal....

If no one on this platform invites me to lunch in the next two weeks and your staff proves capable of accurately summarizing my comments from tonight, I will gladly forfeit several of my fifteen minutes of fame at the next Council meeting. Thank you.

Good evening. My name is Fleda Tidwell. I live at 1707 Langford Street and I'm here basically not to make a complaint, cause I normally do, I'm here to commend someone. I had an incident on this past weekend and I did have to have the police to respond. And they did that in a timely manner and I did appreciate that. And upon the police coming and talking and the discussion that we had, I was so pleased with the Police Department. And I'm pleased with the men that responded, the police officers. And then we're talking and they were making some comments and what they were saying to me...me...they wasn't talking about...they didn't make these comments...these comments came within me...me talking to them. I was wanting to commend Chief Busken. He's new to the ci...to our police department and I do want to, you know, I have a past with the, you know, past thing. But I do want to commend you for what you are doing with the police department. On my behalf, you know, this is just me, I don't know about the other citizens of Greenville but I do want to commend you and I want to thank you for what you're doing. Because I've had situations in Greenville, you know, that have come up and, in the past, and what I've heard about him...about you...you're not into politics. This is just what I'm hearing. You know, about the citizens. He want the citizens of Greenville to be comfortable where they're living and he want them to be safe. And I want to thank you and I want the board to know that I, as a citizen of Greenville, you know, appreciate our new Chief of Police and what he's doing for our area. I want the Council to, you know, to hear me not only for complaints but for, you know, the good things that's happening in our area. Thank you.

Council members, I'm Brad Henderson. I'm not a citizen of Greenville, however, I do have two businesses I run and operate and I'm actually a Royse City citizen. Just...and I hope that's o.k. for me to speak at the Council. A week and a half ago, I was travelling, I have a dialysis center behind Hunt Regional. I was travelling home on the wonderful road of Shelby Avenue. I don't know if this is a common topic here, maybe it is or maybe it's not, but I'm still going to use my three minutes of fame just to....So here it is. I'm in my Lexus IS250 going the great speed of 35 mph and I hit a pothole. And at that speed limits set forth by the City, I bend not only one, not only two, not only three, but all four rims on my Lexus IS250 and I'm now stranded in the middle of...well, it's late in the evening, on Shelby Avenue with all four tires completely blown out on this road and by that...and that wasn't the first set of potholes I hit. Mind you, that was the second one that I had hit and I had slowed down greatly by the time I had got there. I then took pictures the following day...and the staff here was phenomenal, I'm not here to complain about the staff. The HR department, they took my, you know, my request...my concern was, much like you, you know, Mayor and the letter that you wrote to Atmos Energy regarding public safety. And how, in the highest thing that you hold is public safety. There is not a whole lot that's safe about this

road. And if it going to remain in that condition I would assume that you could at least barricade it and not allow, you know, through traffic to at least send a signal to people that this truly is not a safe road for people to travel, um, because it's not. If I'm going to literally run the wheels off of my car travelling at a minimal speed shouldn't happen. And if you drive down the road, you know that it's nothing but band-aids. There is patchwork after patchwork after patchwork after patchwork. In my opinion, I'm in the medical field, if I was to continue to do patchwork like this, I would be fell, you know, be found under gross negligence. I'm sorry to say but that road would qualify, in my opinion, under gross negligence as far as road maintenance is concerned. Even after that, it still took road maintenance two days after I called and let know to repair the road. Those potholes and the citizens driving over...now I realize that the car I was in, you know, isn't a big 4x4 pickup, you know, or the Jeep that I'm driving today, that I've been driving for the last two week because of my car being repaired is in that type of situation but that's the experience. Now, I will also say one other thing and that's regarding the police of Greenville. The house that I was parked in front of were flashing their lights because they thought I was an intruder you know in the middle of the night. City of Greenville was, they came out, and responded and they were phenomenal. They waited there until the wrecker came and picked my car up and towed me home to Royse City and they stayed there the whole time, obviously they were very cordial, they were skeptical at first but they understood what was going on. But, um, I will say on that, public safety on one hand disastrous on one end, on one end phenomenal. I thank the Greenville Police Department for that and thank you for the time and for the effort that you guys put forth.

John Kelso, 3503 Highmeadow. I too have come before the Council before, said some things during the Citizens to Be Heard. I too have read the minutes following and being surprised at how scaled down they are and think that's probably wise and the way that it ought to be done. There's never been anything that's been inaccurate about what was said on what I've spoken, just very brief. Again I think that's probably the way it ought to be that's wise. I too was here two weeks ago and I also read the minutes that were following the week thereafter and didn't strike me as inaccurate at all. Very brief, not very comprehensive, but I didn't see anything inaccurate about it. Um, I seem to remember there was a tone of, maybe not a direct apology, but express of regret for the tone that was used in the previous meeting. So, I just want to say, my recollection was nothing inaccurate in the minutes although it was extremely brief. But I couldn't remember anything being inaccurate. Even though the way the minutes were written. I just wanted to say that.

Doug Overly my wife sitting back here, Julie Overly, 6113 Jack Finney Blvd. And, uh, forgive my rookie appearance, I've never done anything like this before. We're originally new here to Greenville from St. Joseph, MO. I wouldn't even be here and trouble you folks but by wife was searching on the internet over a year ago and found a building that you're probably very familiar with, the former Greencrest Manor facility on Jack Finney Blvd. Sovet Browning, her husband Billy Joe is a resident here at Legends. One day she walked in an visited with us and just amazed at this woman and found out they were the founders of the building erecting in 1971, given away to a non-profit organization from which we then purchased the building from them and thus here we are. She expressed that she would like to see the building go on and to help needs in the community and this is what we came down here to do. My wife's a nurse, she's been in geriatric care all of her life, um, I've been in health care the last four years, going through nursing school, I'm not licensed yet. But, we've come to Greenville for an opportunity and you sir, Mr. Herrin, heard in your prayer thanking God for the good things, the good people of Greenville. We come here folks to your community to do good. The reason I'm here tonight addressing you is that this building by design has wonderful opportunities to meet a various number of needs. We did come to visit the possibilities of independent living which exists there. But the building is pretty large and by design and there are a number of ministries that think that have been presented to us and we just feel in our hearts that we want to pursue. One of the facets of outreach is that we would like to do that would require an amendment to zoning is to have parolees from Hunt County that are released that we can work with them and this would be non-violent, non-sexual parolees and first time violators that generally would be issues of they got into trouble with drugs. Really we're looking at education, providing education, do counseling, mentoring, and a number of variety of things there and would require housing these individuals going through a program from a period of about six to nine months. In order to do that facet would

require the amendment on the zoning to the property. And so we're asking to uh, the community to join the community in helping asking you to help us to fulfill that vision and purpose that we would like to venture in doing. Thank you very much.

## **VI. NEW BUSINESS**

**A. CONSENT CALENDAR-** All items listed are considered to be routine by the City Council and will be enacted by one motion.

1. City Council Meeting Minutes – January 10, 2012 *as amended*
2. Action authorizing City Manager to return a \$5,351.44 donation from Bobby Stovall (*City Council*)
3. Resolution accepting bid received on tax judgment properties at 1401 Lee Street (*Debra Newell, City Secretary*)

**Resolution No. 12-02: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE, TEXAS, ACCEPTING BIDS RECEIVED ON TAX JUDGMENT BID PROPERTY; PROVIDING FOR A REPEALING CLAUSE, A SEVERABILITY CLAUSE, AND PROVIDING AN EFFECTIVE DATE.**

Consent Calendar was adopted by unanimous consent of the City Council.

## **B. PUBLIC HEARINGS**

1. Hold a public hearing, discuss and consider a request by William C. Pruett, representing Pruett Realty, LLC, for approval of an amendment to the City's Comprehensive Plan by changing the Future Land Use designation from "Retail" to "Commercial;" and a request for approval of a change in zoning from (GR) General Retail district to (C) Commercial district on a 0.65-acre property comprised of a parcel known as Lot 3C, Block 196 of the Original Town of Greenville, and situated along the west side of Wesley Street between Horsley and Division Streets, and take any action necessary (*Lance Estep, City Planner*)

Lance Estep, City Planner briefed the Council on this request and noted that the Planning and Zoning Commission voted on January 23, 2012 to deny this request. For approval, 6 affirmative votes will be needed. Wesley Street is designated as General Retail. A change for one property to Commercial could be construed as "spot zoning".

Mayor Oliver opened the Public Hearing and asked if anyone wished to speak in favor or against.

William Pruett (applicant), Texarkana, Arkansas, noted that his current business, which is classified as an Alternative Financial Service, could be misclassified. He is seeking this Zone change in order to move his existing business to the new location.

Councilmember Perkins asked Mr. Pruett if he checked the Zoning Regulations prior to purchasing and renovating the property. He responded that he did not.

Councilmember Dailey stated he feels this is a good service and will add a desperately needed job in the City.

Mayor Oliver closed the public hearing.

Councilmember Perkins moved to deny the request, Councilmember Herrin seconded. Motion to deny carried by 6-1 vote, with Councilmember Dailey voting against.

2. Hold a public hearing, discuss and consider a city-initiated revision to Article III: Districts of the City of Greenville Zoning Ordinance, specifically to add Section 3-7 Overlay Districts and to create Section 3-7.1 IH-30 Overlay District, and take any action necessary (*Lance Estep, City Planner*)

Lance Estep, City Planner briefed the Council and noted that the Planning and Zoning Commission voted on January 23, 2012 to table this request. This concept has been discussed in detail as it is part of the Small Area Plan. Lance Estep noted that property owners along the I-30 corridor are eager to see this regulation to protect their property values and encourage development.

Mayor Oliver opened the Public Hearing and asked if anyone wished to speak in favor or against.

Milton Babb, 3403 Lee Street noted he is in favor of this Overly District for the I-30 corridor.

Mayor Oliver closed the public hearing.

### **C. ACTION ITEMS**

1. Consideration and action on a resolution adopting Rules and Regulations for the Municipal Auditorium Rental Agreement (*Tess Todora, Venue Manager*)

Tess Todora, Venue Manager, explained that with recent upgrades and features in the Greenville Municipal Auditorium (GMA), it is necessary to update the policies for the venue. Working with the Fire Marshal, they have drafted regulations to meet Fire Code. She noted that there have been requests to be allowed to sell/and or consume alcohol at events in the GMA. She noted she has been researching this and knows of concerns of alcohol, food or drinks in the actual Auditorium. She understands concerns since the seats do not have cup holders and are quite close together. Councilmember Perkins is opposed to allowing alcohol in the Auditorium and would like to see a designated area (possibly downstairs) for consumption. Councilmember Herrin said he would like to see a cut off time for the sale and/or consumption. He also really likes the new logo and the "GMA" brand for the building.

Larry Green, Jr., 15 Oak Village, applauded the work Ms. Todora has done in promoting and scheduling events in the GMA.

John Kelso, 3503 Highmeadow, does not think concessions should be allowed in the Auditorium.

Bob Mason, Director of the United Way, noted the United Way has sold water and soft drinks during events to raise extra money. He also commended Ms. Todora for her work with the GMA.

Ms. Todora noted that be trial and error to see what works and what doesn't with concessions, but would like the opportunity to try in hopes of increasing the use of the GMA.

Mayor Oliver said the City is fortunate to have an outstanding staff in all areas and they are the ones that will be accountable for the process.

Councilmember Perkins made a motion that any concessions be only allowed in a restricted area and none in the Auditorium. Councilmember Franklin seconded. Motion failed 2- 5 with Councilmembers Oliver, Perks, Dailey, Del Bosque-Hobdy and Herrin voting "no".

Councilmember Herrin moved to approve the item as presented and add any recommendations of the Fire Marshal, Councilmember Del Bosque-Hobdy seconded for the adoption of Resolution No. 12-03: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE, TEXAS, ADOPTING RULES AND REGULATIONS FOR THE MUNICIPAL AUDITORIUM RENTAL AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.** Motion carried by majority (5-2) consent with Councilmembers Perkins and Franklin voting "no".

2. Consideration and action on an ordinance authorizing an amendment to Chapter 16, Public Places of the Code of Ordinances of the City of Greenville and amending Article 16.05 Municipal Auditorium and amending Section 16.05.001 of the Fee Schedule in Appendix A to this Code (*Tess Todora, Venue Manager*)

Tess Todora, Venue Manager, noted this item is related to the policies just approved and will add updated fees to the Code Book.

Councilmember Herrin moved, Councilmember Perks seconded for the enactment of Ordinance No. 12-001: **AN ORDINANCE OF THE CITY OF GREENVILLE, TEXAS, AMENDING CHAPTER 16, PUBLIC PLACES OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE, BY AMENDING ARTICLE 16.05 MUNICIPAL AUDITORIUM AND AMENDING SECTION 16.05.001 OF THE FEE SCHEDULE IN APPENDIX A TO THIS CODE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE JANUARY 24, 2012.** Motion carried by majority (6-1) consent with Councilmember Perkins voting "no".

## **VII. BOARD AND COMMISSION MINUTES/CITY STAFF OR COUNCIL REPORTS**

Report from Police Department (*Daniel J. Busken, Chief of Police*)- Update on comments made by citizen at the January 10, 2012 meeting.

Library Advisory Board Minutes October 13, 2011 and November 10, 2011 December 2011 Financials (*Cliff Copeland, Finance Director*)- noted good news as the Health Care expenses are finally getting under control.

## **VIII. EXECUTIVE SESSION**

Held during the worksession.

**Section 551.071 (1): L-3 Communications vs. City of Greenville Lawsuit; Refund of Sales Tax**

- IX. Take any action on any item discussed in Executive Session as needed.

## **X. ADJOURN**

There being nothing further, the meeting was adjourned at 8:25 p.m.