

MINUTES OF THE REGULAR MEETING OF THE  
CITY COMMISSION OF THE CITY OF MARSHALL  
THURSDAY, JULY 26, 2012  
6:30PM

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Chairman Smith called the Regular meeting to order in the Commission Chambers, City Hall at 6:30pm.

PRESENT:

CHAIRMAN: Ed Smith, District 7

COMMISSIONERS:

Gloria Moon, District 1

Zephaniah Timmins, District 2

John Flowers, District 3

Bill Marshall, District 4

Charlie Oliver, District 5

Garrett Boersma, District 6

ADMINISTRATIVE STAFF PRESENT:

Frank Johnson, City Manager

Todd Fitts, City Attorney

Kenneth J. Snyder, Fire Chief

Stan Spence, Police Chief

Ardis Wright, Assistant City Manager

Lisa Agnor, City Secretary/Finance Director

Jack Redmon, Parks Director

THE CHAIRMAN PRESENTED THE FOLLOWING AGENDA FOR THE PRE-COMMISSION PUBLIC WORK SESSION:

I. ITEMS LISTED ON THE CITY COMMISSION AGENDA & EMERGENCY ITEMS

There were no emergency items.

II. REQUESTS BY THE CITY COMMISSIONERS FOR ITEMS TO BE PLACED ON A FUTURE AGENDA

There were no items placed on a future agenda.

III. CITY MANAGER REPORTS

City Manager Frank Johnson reviewed the agenda packet with the City Staff and City Commission.

IV. ADJOURNMENT

INVOCATION & PLEDGE: Commissioner Boersma

287. PRESENTATIONS FROM THE PUBLIC

Elaine Slaughter, P. O. Box 403, Marshall, discussed her experience with animal control and stated she was willing to volunteer at the animal shelter.

Gene Keenon, Allied Waste Services, spoke regarding the solid waste service contract extension and his desire to continue providing service to Marshall.

Tony Cain, District Sales Manager for IESI, would like the opportunity to bid on the solid waste service contract.

Ed Michel, CVB Executive Director, 301 N. Washington, thanked City staff for their assistance with the KSLA news broadcast.

288. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the consent agenda.

289. CONSENT AGENDA

**Commissioner Marshall moved to approve the following under Consent Agenda. Commissioner Timmins seconded the motion, which passed by a 7:0 vote.**

A. Consider approval of the minutes from the July 12, 2012 Special-Called meeting and the July 12, 2012 Regular meeting.

B. Consider approval of the quarterly investment reports for the quarters ending March 31, 2012 and June 30, 2012.

290. PRESENTATIONS TO FORMER MAYOR CHRIS PADDIE AND FORMER COMMISSIONER ED HOFFMAN FOR THEIR YEARS OF SERVICE TO THE MARSHALL CITY COMMISSION

Chairman Smith presented former Commissioner Ed Hoffman with a plaque and expressed the Commission's appreciation for his years of service to the Marshall City Commission.

Chris Paddie, former Commission Chairman, was not in attendance. Chairman Smith extended the Commission's appreciation for his service.

291. RESOLUTION R-12-15: SUSPENDING THE EFFECTIVE DATE FOR NINETY DAYS IN CONNECTION WITH THE RATE INCREASE FILING OF CENTERPOINT ENERGY – BEAUMONT/EAST TEXAS DIVISION MADE ON OR ABOUT JULY 2, 2012; REQUIRING THE REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; AUTHORIZING PARTICIPATION IN A COALITION OF SIMILARLY SITUATED CITIES; AUTHORIZING PARTICIPATION IN RELATED RATE PROCEEDINGS; AND AUTHORIZING THE RETENTION OF SPECIAL COUNSEL

City Manager Frank Johnson informed the Commission of CenterPoint's filing of a Statement of Intent to increase base revenue on an overall basis by approximately \$8.6 million. He asked for approval of a Resolution suspending the effective date for ninety days in connection with the rate increase filing of Centerpoint Energy – Beaumont/East Texas division made on or about July 2, 2012; requiring the reimbursement of municipal rate case expenses; authorizing participation in a coalition of similarly situated cities; authorizing participation in related rate proceedings; and authorizing the retention of special counsel.

**Commissioner Timmins moved for approval of the Resolution as presented. Commissioner Oliver seconded the motion, which passed by a 7:0 vote.**

292. CONSIDER APPROVAL OF A RESOLUTION REGARDING POLICY FOR MEETINGS AND COMMUNICATIONS WITH CITY COMMISSIONERS

Commissioner Moon presented her reasons for requesting this item. The Commission engaged in discussion regarding the proposed Resolution.

Commissioner Moon asked for this item to be withdrawn.

293. CONSIDER AND ACT ON A RECOMMENDATION TO ENTER INTO A CONTRACT EXTENSION WITH ALLIED WASTE SYSTEMS FOR SOLID WASTE AND RECYCLING SERVICES FOR A PERIOD BEGINNING OCTOBER 1, 2012 AND ENDING DECEMBER 31, 2013 AT CURRENT RATES AND SERVICE LEVEL

Frank Johnson asked for approval of a contract extension with Allied Waste Services for Solid Waste and Recycling Services. He said that extension would be for a 15 month period beginning October 1, 2012 and ending December 31, 2013 at current rates and same service level.

The Commission engaged in discussion regarding the proposed extension contract and the bidding process for future solid waste and recycling services.

**Commissioner Boersma moved to approve the contract extension with Allied Waste Services for Solid Waste and Recycling Services for a period beginning October 1, 2012 and ending December 31, 2013 at current rates and service level. Commissioner Oliver seconded the motion, which passed by the following vote:**

**Ayes: 5, Commissioners Moon, Timmins, Marshall, Oliver, Boersma**

**Nays: 0**

**Abstained: 2, Commissioner Flowers, Chairman Smith**

294. CONSIDER AND ACT ON A RECOMMENDATION TO ISSUE A FORMAL NOTICE OF CONTRACT TERMINATION TO ALLIED WASTE SYSTEMS OF THE SANITATION & RECYCLING SERVICES HAULING CONTRACT IN ACCORDANCE WITH SECTION 9.0-A OF THE CURRENT AGREEMENT IN THE EVENT THE CONTRACT IS NOT EXTENDED THROUGH DECEMBER 31, 2013 AS PROVIDED FOR IN THE PREVIOUS AGENDA ITEM

This item was withdrawn.

295. CONSIDER AND ACT ON A RECOMMENDATION TO AWARD A CONTRACT TO VIKING CONSTRUCTION, INC. FOR THE MICRO-RESURFACING PORTION OF OUR 2012 STREET IMPROVEMENT PROGRAM AT A COST OF \$282,859.94

Frank Johnson asked for approval to award a contract to Viking Construction, Inc. for the micro-resurfacing portion of our 2012 Street Improvement Program at a cost of \$282,859.94.

Stan Hayes, with Hayes Engineering, discussed micro-resurfacing with the Commission and addressed questions.

**Commissioner Timmins moved for approval to award a contract to Viking Construction, Inc. for the micro-resurfacing portion of our 2012 Street Improvement Program at a cost of \$282,859.94. Commissioner Marshall seconded the motion, which passed by a 7:0 vote.**

296. CONSIDER AND ACT ON A RECOMMENDATION TO AWARD A CONTRACT TO HALTOM CONSTRUCTION, CO. FOR DRAINAGE IMPROVEMENTS TO APPROXIMATELY 950 SQUARE FEET OF BROWN'S LAKE BRANCH AT A COST OF \$43,192.00

Frank Johnson asked for approval to award a contract to Haltom Construction Company for drainage improvements to approximately 950 square feet of Brown's Lake Branch at a cost of \$43,192.00.

**Commissioner Timmins moved for approval to award a contract to Haltom Construction Company for drainage improvements to approximately 950 square feet of Brown's Lake Branch at a cost of \$43,192.00. Commissioner Flowers seconded the motion, which passed by a 7:0 vote.**

297. CONSIDER AUTHORIZING IMPROVEMENTS, UPGRADES AND/OR REPLACEMENT OF PORTIONS OF THE PHONE SYSTEM SERVING CITY BUILDINGS

Parks Director Jack Redmon explained the reasons for the needed improvements to the telephone system for City buildings.

The Commission engaged in discussion regarding needed telephone system improvements for City buildings and recommended going out for bids.

There was no action taken on this item.

**Commissioner Marshall moved to take agenda item 7-H regarding procedures at the animal shelter out of order. Commissioner Timmins seconded the motion, which passed by a 7:0 vote.**

298. DISCUSSION OF PROCEDURES AT THE ANIMAL SHELTER REGARDING CARE, RETENTION, AND EUTHANIZATION OF ANIMALS

Assistance Police Chief Leland Benoit addressed the Commission regarding the care, retention, and euthanization of animals at the animal shelter.

Assistance Chief Benoit and ACO Supervisor Shelly Cullum addressed questions from the Commission.

299. DISCUSSION OF EXTENSION OF CONTRACT WITH BLUE CROSS/BLUE SHIELD FOR HEALTH AND DENTAL INSURANCE AND RELATED SERVICES FOR ONE YEAR

Frank Johnson stated that City-County Benefits Services is recommending that the City of Marshall accept the renewal offers from our current provider, BlueCross/Blue Shield, as it relates to Medical/RX Plan rates (6.8% reduction) and Dental Plan rates (0% change) for the 2012-2013 plan year.

The Commission engaged in discussion regarding this agenda item. The Commission requested that Mr. Burke Sunday with City-County Benefits Services address the Commission on August 9, 2012.

300. CONSIDER APPROVAL OF EXTENSION OF CONTRACT WITH BLUE CROSS/BLUE SHIELD FOR HEALTH AND DENTAL INSURANCE AND RELATED SERVICES FOR ONE YEAR

This item was withdrawn.

301. DISCUSSION OF OPERATION OF OAKLAWN MUNICIPAL GOLF COURSE

The Commission engaged in discussion regarding the operation of Oaklawn Municipal Golf Course.

302. CONSIDER SETTING A DATE FOR A PUBLIC HEARING REGARDING THE CONTINUED OPERATION OF OAKLAWN MUNICIPAL GOLF COURSE AND POSSIBLE ALTERNATIVE USES OF THE PROPERTY ON WHICH THE GOLF COURSE IS LOCATED

The Commission set a Public Hearing for Tuesday, August 14, 2012, 6:00pm, at the Convention Center, regarding the continued operation of Oaklawn Municipal Golf Course and possible alternative uses of the property on which the golf course is located.

303. CONSIDER THE APPOINTMENT OF MAYOR SMITH TO REPRESENT THE CITY OF MARSHALL ON THE I-69 ALLIANCE BOARD

**Commissioner Timmins moved to approve the appointment of Mayor Smith to represent the City of Marshall on the I-69 Alliance board. Commissioner Marshall seconded the motion, which passed by 7:0 vote.**

304. DISCUSSION OF THE COMMITTEE FORMED BY THE CITY COMMISSION TO ADDRESS THE NEED TO COMPLETE THE LOOP AROUND MARSHALL AND CONSIDER APPOINTMENTS TO THE COMMITTEE IF NEEDED

Commissioner Marshall stated that the City Commission previously appointed a committee, consisting of the Mayor, City Manager, and Mr. Rusty Howell, to address the need to complete the loop around Marshall. He stated he would like replace the former Mayor so that the committee can work to acquire any funding that may be available to complete the loop.

**Commissioner Marshall moved to replace former Chairman Chris Paddie with the appointment of Chairman Smith to the committee. Commissioner Moon seconded the motion, which passed by a 7:0 vote.**

305. MONTHLY FINANCIAL REPORT

Finance Director Lisa Agnor addressed Commissioner Marshall's questions regarding the Monthly Financial Report.

306. CODE ENFORCEMENT REPORT

Jack Redmon presented the Code Enforcement Report in the absence of the Main Street Manager Bo Ellis.

307. CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the consent agenda.

308. REQUESTS FROM COMMISSIONERS FOR ITEMS TO BE PLACED ON FUTURE AGENDAS

- A. Report on solid waste rate increases to City
- B. Status of Norwood Street bridge
- C. Update on Memorial City Hall Project

309. EXECUTIVE SESSION

- A. PURSUANT TO THE OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE, SECTION 551.074 (PERSONNEL) - CONVENE IN EXECUTIVE SESSION FOR DISCUSSION OF CRITERIA TO USE TO EVALUATE THE CITY MANAGER, THE CITY SECRETARY, THE CITY ATTORNEY, AND THE MUNICIPAL COURT JUDGE.
- B. PURSUANT TO THE OPEN MEETINGS ACT, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.072 – CONVENE IN EXECUTIVE SESSION TO DISCUSS MATTERS RELATED TO THE PURCHASE, EXCHANGE, LEASE, SALE, OR VALUE OF REAL PROPERTY OF THE U.S. ARMY RESERVE CENTER AT 1209 E. PINECREST.

**Commissioner Marshall moved to go into Executive Session, Commissioner Flowers seconded the motion, which passed by a 7:0 vote. The time was 9:22 pm.**

Commissioner Moon left at this point in the meeting.

**Commissioner Timmins moved to reconvene from Executive Session. Commissioner Oliver seconded the motion, which passed by a 6:0 vote. The time was 9:47 pm.**

310. ADJOURNMENT

**Commissioner Timmins moved for adjournment. Commissioner Oliver seconded the motion, which passed by a 6:0 vote.**

**APPROVED:**

  
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**Chairman of the City Commission  
of the City of Marshall, Texas**

**ATTEST:**

  
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**City Secretary**

**Resolutions: R-12-15**

**BUDGET WORKSHOP CANCELED**