

MINUTES OF THE REGULAR MEETING OF THE
CITY COMMISSION OF THE CITY OF MARSHALL
THURSDAY, AUGUST 23, 2012
6:30PM

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

J. C. Hughes, Public Works 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

A. Report on recycling efforts planned for the Jeans 'n Classics concert on September 14 & 15, 2012.

III. CITY MANAGER REPORTS

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

IV. ADJOURNMENT

INVOCATION & PLEDGE: Commissioner Marshall

332. PRESENTATIONS FROM THE PUBLIC

Sherry Hortman Hall, 505 W. Meredith, said she would like to operate her mobile food truck in Marshall and would like this item on a future agenda.

Ed Michel, CVB Executive Director, 301 N. Washington, expressed his appreciation to the City staff that assisted with the Ghost Conference and gave an update on the upcoming Wonderland of Lights.

333. RECESS TO CONDUCT THE CITY OF MARSHALL EMPLOYEE BENEFITS TRUST MEETING

Commissioner Timmins moved to recess to conduct the City of Marshall Employee Benefits Trust Meeting. Commissioner Oliver seconded the motion, which passed by a 7:0 vote.

334. RECONVENE THE CITY COMMISSION MEETING

Commissioner Timmins moved to reconvene the City Commission Meeting. Commissioner Oliver seconded the motion, which passed by a 7:0 vote.

335. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the consent agenda.

336. CONSENT AGENDA

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

- A. Consider approval of the minutes from the July 26, 2012 Regular meeting, the August 9, 2012 Regular meeting, the August 14, 2012 Budget Workshop and the August 14, 2012 Public Meeting and Hearing.

PUBLIC HEARING

337. PUBLIC HEARING ON PROPOSED BUDGET FOR THE 2013 FISCAL YEAR

Chairman Smith opened the Public Hearing and asked anyone wishing to speak regarding this item to come forward.

Scott Beck, 4408 Rebel Lane, asked the Commission to consider salary increases for the Police Department and provided the Commission with a salary survey of selected police departments.

Joey Hudson, 104 Waverly, asked the Commission to consider pay increases for firefighters, police officers, and all City employees.

Chairman Smith closed the Public Hearing.

ORDINANCE

338. ORDINANCE O-12-13: AMENDING THE 2012 GENERAL FUND BUDGET TO APPROPRIATE \$50,692.00 FROM GENERAL FUND UNOBLIGATED RESERVES TO INCREASE THE PUBLIC WORKS BUDGET TO COVER THE COST OF THE DRAINAGE IMPROVEMENTS ON BROWN'S LAKE BRANCH

City Manager Frank Johnson asked for approval of an Ordinance amending the 2012 General Fund Budget to appropriate \$50,692.00 from General Fund unobligated reserves to increase the Public Works budget to cover the cost of the drainage improvements on Brown's Lake Branch.

Commissioner Marshall moved to approve an Ordinance amending the 2012 General Fund Budget to appropriate \$50,692.00 from General Fund unobligated reserves to increase the Public Works budget to cover the cost of the drainage improvements on Brown's Lake Branch. Commissioner Moon seconded the motion, which passed by a 7:0 vote. (Second reading required)

339. RESOLUTION R-12-17: SUSPENDING THE EFFECTIVE DATE FOR NINETY DAYS IN CONNECTION WITH THE RATE INCREASE FILING OF SOUTHWESTERN ELECTRIC POWER COMPANY ON OR ABOUT JULY 27, 2012; REQUIRING THE REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; AUTHORIZING PARTICIPATION IN THE COALITION OF SIMILARLY SITUATED CITIES; AUTHORIZING INTERVENTION AND PARTICIPATION IN RELATED RATE PROCEEDINGS; AUTHORIZING THE RETENTION OF SPECIAL COUNSEL; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE

Frank Johnson informed the Commission that SWEPCO has filed for a rate increase that would amount to an increase of approximately 34% in their base revenue. He stated that his would be a substantial increase and asked for approval of a Resolution suspending the effective date for ninety days in connection with the rate increase filing of Southwestern Electric Power Company on or about July 27, 2012; requiring the reimbursement of municipal rate case expenses; authorizing participation in the coalition of similarly situated cities; authorizing intervention and participation in related rate proceedings; and authorizing the retention of special counsel.

Commissioner Timmins moved to approve the Resolution as presented. Commissioner Marshall seconded the motion, which passed by a 7:0 vote.

340. CONSIDER APPROVAL OF A RESOLUTION ANNOUNCING A PROPOSED TAX RATE OF \$0.476040 PER \$100 OF VALUATION AND ESTABLISHING THE DATES TO ADOPT THE TAX RATE

Frank Johnson asked for approval of a Resolution announcing a proposed tax rate of \$0.476040 per \$100 of valuation and establishing the dates to adopt the tax rate.

The Commissioner engaged in discussion regarding this agenda item.

Commissioner Marshall moved to table the Resolution announcing a proposed tax rate of \$0.476040 per \$100 of valuation and establishing the dates to adopt the tax rate. Commissioner Timmins seconded the motion, which passed by a 7:0 vote.

341. DISCUSSION OF CONTINUING TO OPERATE THE OAK LAWN MUNICIPAL GOLF COURSE OR THE POSSIBLE CLOSING OF THE OAK LAWN MUNICIPAL GOLF COURSE

The Commission engaged in discussion regarding continuing to operate the Oak Lawn Municipal Golf Course or the possible closing of the Oak Lawn Municipal Golf Course.

342. CONSIDER AUTHORIZATION FOR THE CONTINUED OPERATION OF THE OAK LAWN MUNICIPAL GOLF COURSE OR AUTHORIZATION TO CLOSE THE OAK LAWN MUNICIPAL GOLF COURSE

There was no action taken on this item.

343. CONSIDER APPROVAL OF FINANCING FOR EIGHT (8) NEW POLICE VEHICLES

Assistant City Manager Ardis Wright asked for approval of a proposal from JP Morgan Chase, in the amount of \$267,351.08, for financing for eight (8) new

police vehicles, and requested authorization for the City Manager to execute the documents.

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

344. DISCUSSION OF SECURING PROFESSIONAL SERVICES TO PERFORM A WATER AND WASTEWATER COST OF SERVICE AND RATE DESIGN STUDY

Public Works Director J. C. Hughes outlined the reasons it is important to perform a cost of services and rate design study for our water and sewer rates, and addressed questions by the Commission regarding the need for the study.

345. DISCUSSION OF THE MEMORIAL CITY HALL RENOVATION PROJECT

Chairman Smith said he would like to see this project finished economically and for Memorial City Hall to be operational.

Frank Johnson gave an update on the Memorial City Hall Renovation Project.

346. REPORT ON THE STATUS OF THE PLANNED REPAIRS TO HIGH BRIDGE

J. C. Hughes gave a report on the status of planned repairs to High Bridge.

Frank Johnson said that CDBG funds should be available September 4, 2012 and funding will be available for this project at that time.

347. REPORT ON COMPLIANCE BY CENTERPOINT WITH THE ORDINANCE REQUIRING THEM TO PROVIDE INFORMATION ON THE SOURCE AND COST OF NATURAL GAS

City Attorney Todd Fitts stated that CenterPoint sent a letter to the City in 2005 protesting the Ordinance O-05-10.

Chairman Smith asked Mr. Fitts to draft an amended Ordinance that would be enforceable and stated that he would like to encourage other cities in our coalition to address this same issue.

348. MONTHLY FINANCE REPORT

There were no questions regarding the Monthly Finance Report.

349. CODE ENFORCEMENT REPORT

Main Street Manager Bo Ellis gave the Code Enforcement Report.

350. CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the consent agenda.

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

- A. Reconciliation of the City's and Police Association's salary surveys
- B. Discussion of a comprehensive study of the City's organizational structure
- C. Discussion of criteria to use to evaluate the City Manager, the City Secretary, the City Attorney, and the Municipal Court Judge

D. Discussion of regulations for food trucks

352. EXECUTIVE SESSION

A. 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

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 FIRING RANGE

Commissioner Marshall moved to go into Executive Session, Commissioner Oliver seconded the motion, which passed by a 7:0 vote. The time was 9:40 pm.

Commissioner Moon left prior to Executive Session.

Commissioner Timmins moved to reconvene from Executive Session. Commissioner Boersma seconded the motion, which passed by a 6:0 vote. The time was 10:21 pm.

353. CONSIDER AUTHORIZING THE CITY MANAGER TO SUBMIT A LETTER OF INTENT REGARDING A POSSIBLE NEW SITE FOR THE FIRING RANGE

There was no action taken on this item.

354. ADJOURNMENT

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

APPROVED:



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

ATTEST:



City Secretary

**Ordinance: O-12-13
Resolution: R-12-17**

BUDGET WORKSHOP – DISCUSSION OF 2013 DRAFT BUDGET