

MINUTES OF THE REGULAR MEETING OF THE
CITY COMMISSION OF THE CITY OF MARSHALL
THURSDAY, MAY 8, 2014
6:00PM

Chairman Ed Smith called the Regular meeting to order in the Commission Chambers, City Hall at 6:00pm.

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:

Kenneth Snyder, Acting City Manager

Todd Fitts, City Attorney

Reggie Cooper, Interim Fire Chief

Leland Benoit, Interim Police Chief

Lisa Agnor, City Secretary/Finance Director

J. C. Hughes, Public Services Director

Jack Redmon, Support Services Director

Wes Morrison, Planning & Development Director

INVOCATION & PLEDGE: Commissioner Timmins

A moment of silence was held for former City Commissioner Milton Williams.

164. PRESENTATIONS FROM THE PUBLIC

There were no presentations from the public.

165. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the Consent Agenda.

166. CONSENT AGENDA

Commissioner Boersma moved to approve the Consent Agenda. Commissioner Moon seconded the motion which passed with a vote of 7:0.

A. Consider approval of the minutes from the April 15, 2014 Special-Called meeting, and the April 24, 2014 Regular meeting.

PROCLAMATIONS:

167. CONSIDER AND ACT ON APPROVAL OF A PROCLAMATION DESIGNATING THE WEEK OF MAY 18TH-24TH, 2014 AS NATIONAL PUBLIC WORKS WEEK IN THE CITY OF MARSHALL, TEXAS.

Chairman Ed Smith presented a proclamation designating the week of May 18th-24th, 2014 as National Public Works Week in the City of Marshall, Texas.

J.C. Hughes, Public Services Director, recognized Public Works employees in attendance. Employees in attendance were Chris Miles, Kervin Crawford, and James McClendon.

168. PRESENTATION OF A PROCLAMATION DESIGNATING MAY 11-17, 2017 AS "POLICE WEEK" IN MARSHALL, TEXAS AND FURTHER DESIGNATING THAT MAY 15, 2014 BE OBSERVED AS "PEACE OFFICERS MEMORIAL DAY" IN MARSHALL TEXAS.

Chairman Smith presented a proclamation designating May 11-17, 2014 as Police Week in Marshall, Texas and further designating that May 15, 2014 be observed as Peace Officers Memorial Day in Marshall, Texas.

Leland Benoit, Interim Police Chief, stated the Peace Officers Memorial Ceremony will be held May 14, 2014 at the Marshall Convention Center. Interim Chief Benoit recognized the officers in attendance being David Reaves and Bessie Sellers.

The Executive Session was taken out of order here.

EXECUTIVE SESSION:

169. EXECUTIVE SESSION:

A. Executive Session pursuant to the Open Meetings Act, Chapter 551.071 of the Texas Government Code – Consultation with Attorney on a matter in which the duty of the Attorney to the governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

1. Discussion regarding issues related to contracts between Norit Americas, Inc., Harrison County, and the City of Marshall.

Commissioner Moon moved to enter into the Executive Session. Commissioner Timmins seconded the motion which passed with a vote of 7:0. The time was 6:12PM.

Commissioner Timmins moved to reconvene from the Executive Session. Commissioner Marshall seconded the motion which passed with a vote of 7:0. The time was 6:37PM.

RESOLUTION:

170. CONSIDER APPROVAL OF A RESOLUTION AUTHORIZING THE APPEAL OF THE TEXAS PUBLIC UTILITY COMMISSION'S MARCH 6, 2014 ORDER ON REHEARING APPROVING A RATE INCREASE FOR SOUTHWESTERN ELECTRIC POWER COMPANY; REQUIRING THE REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; AUTHORIZING PARTICIPATION IN THE COALITION OF SIMILARLY SITUATED CITIES; AUTHORIZING PARTICIPATION IN THE APPEALS; 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.

Kenneth Snyder, Acting City Manager, asked for approval of a Resolution authorizing the appeal of the Texas Public Utility Commission's March 6, 2014 order on rehearing approving a rate increase for Southwestern Electric Power Company; requiring the reimbursement of municipal rate case expenses; authorizing participation in the Coalition of similarly situated cities; authorizing participation in the appeals; 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.

Commissioner Timmins moved to approve this Resolution as presented. Commissioner Flowers seconded the motion which passed with a vote of 7:0.

CITY MANAGER REPORTS AND REQUESTS FOR CITY COMMISSION CONSIDERATION:

171. CONSIDER APPROVAL OF A REQUEST TO AWARD A BID TO FISH AND STILL EQUIPMENT OF MARSHALL, TEXAS FOR THE PURCHASE OF A LARGE TRACTOR WITH FRONT-END BUCKET ATTACHMENT, AT A COST OF \$33,258.61.

Lisa Agnor, City Secretary/Finance Director asked for approval of a request to award a bid to Fish and Still Equipment of Marshall, Texas for the purchase of a large tractor with front-end bucket attachment, at a cost of \$33,258.61.

Commissioner Moon moved to approve the request to award a bid to Fish and Still Equipment of Marshall, Texas for the purchase of a large tractor with front-end bucket attachment, at a cost of \$33,258.61. Commissioner Timmins seconded the motion which passed with a vote of 7:0.

172. CONSIDER APPROVAL OF A REQUEST TO AWARD A BID TO CHASTANG FORD OF HOUSTON, TEXAS FOR THE PURCHASE OF TWO (2) TWO-TON DUMP TRUCKS WITH 6-YARD BEDS, AT A TOTAL COST OF \$111,590.00.

Lisa Agnor asked for approval of a request to award a bid to Chastang Ford of Houston, Texas for the purchase of two (2) two-ton dump trucks with 6-yard beds, at a total cost of \$111,590.00.

The Commission engaged in discussion with City Staff regarding the request.

Commissioner Marshall moved to approve a request to award a bid to Chastang Ford of Houston, Texas for the purchase of two (2) two-ton dump trucks with 6-yard beds, at a total cost of \$111,590.00. Commissioner Moon seconded the motion which passed with a vote of 7:0.

173. CONSIDER APPROVAL OF AGREEMENTS WITH THE BOYS AND GIRLS CLUB OF THE BIG PINES FOR USE OF 2012 AND 2013 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

Wes Morrison, Planning and Development Director asked for approval of agreements with the Boys and Girls Club of the Big Pines for use of 2012 and 2013 Community Development Block Grant Funds.

Commissioner Marshall moved to approve the agreements with the Boys and Girls Club of the Big Pines for use of 2012 and 2013 Community Development Block Grant Funds. Commissioner Moon seconded the motion which passed with a vote of 7:0.

174. CONSIDER AND ACT ON A RECOMMENDATION TO APPROVE AN EXTENSION OF THE SHORT-TERM TREATED WATER SUPPLY CONTRACT WITH NORIT AMERICAS, INC. FOR A PERIOD COMMENCING MAY 1, 2014, AND TERMINATING NO LATER THAN MAY 31, 2014, WITH THE CURRENT WATER RATE STRUCTURE.

J. C. Hughes asked for approval of an extension of the short-term Treated Water Supply Contract with Norit Americas, Inc. for a period commencing May 1, 2014, and terminating no later than May 31, 2014, with the current water rate structure.

Commissioner Marshall moved for approval of the agenda item as presented. Commissioner Moon seconded the motion which passed with a vote of 7:0.

175. CONSIDER AND ACT ON A RECOMMENDATION TO APPROVE STAFF PROPOSED 2014 STREET IMPROVEMENT PROGRAM AND AWARD A WORK ORDER FOR PROFESSIONAL SERVICES FOR ENGINEERING AND CONSTRUCTION INSPECTION.

J. C. Hughes presented and asked the Commission to approve the Staff proposed 2014 Street Improvement Program and award a work order for professional services for engineering and construction inspection.

Commissioner Marshall moved to approve Staff proposed 2014 Street Improvement Program and award a work order for professional services for engineering and construction inspection. Commissioner Moon seconded the motion which passed with a vote of 7:0.

176. REPORT ON THE ROOF AND HVAC NEEDS FOR CITY OF MARSHALL FACILITIES.

Jack Redmon, Support Services Director, presented a report on the roof and HVAC needs for the City of Marshall facilities.

The Commission engaged in discussion regarding the report.

177. REPORT ON THE NUMBER OF MERIT RAISES THAT HAVE BEEN GIVEN SINCE THE ADOPTION OF THE 2014 BUDGET.

Kenneth Snyder reported that one merit raise had been given since adopting the 2014 Budget.

178. DISCUSSION OF THE PROCEDURE TO FOLLOW FOR A CITY COMMISSIONER TO LODGE A COMPLAINT WHEN THEIR REQUEST TO PLACE AN ITEM ON THE AGENDA IS NOT DONE.

The Commission, City Attorney, and City Staff engaged in discussion regarding this agenda item.

179. CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the Consent Agenda.

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

There were no requests from Commissioners for items to be placed on future agendas.

181. ADJOURNMENT

Commissioner Moon moved to adjourn the meeting. Commissioner Timmins seconded the motion which passed with a vote of 7:0.

APPROVED:



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

ATTEST:



City Secretary

Resolution: R-14-10