

MINUTES
Regular Meeting of the City Council
Municipal Building
West 3rd Street and Texas Boulevard
Texarkana, Texas
Monday, September 28, 2009
6:00 p.m.

An Open Meeting will be held concerning the following subject:

Call to Order by Mayor Mayo, Roll Call, Establishment of Quorum

The following Councilmembers were present:

Derrick McGary	Councilmember, Ward 1
Willie Ray	Councilmember, Ward 2
Tina Veal-Gooch	Councilmember, Ward 3
Bob Bruggeman	Councilmember, Ward 4
Scott Norton	Councilmember, Ward 5

Robin Court Councilmember, Ward 6

**Via Videoconference: Councilmember Robin Court located at:
University of Texas
George Sanchez Building, Room 324
1912 Speedway, Austin, Texas 78721**

Also present were: F. Larry Sullivan, CEO/City Manager, Shirley Jaster, Judge Sherry Jackson, Officer Ed Emelia, Craig Lindholm, Chief Shiner, Rose Stewart, Vicki Melde, Pam Burns, Kerry Meredith, City Secretary, Robby Robertson, Jerry Sparks, David Orr.

Closed Session (6:15 p.m.)

The City Council will convene in closed session pursuant to one or more of the following sections of the Texas Open Meetings Act (Chapter 551 of the Texas Government Code):

- | | |
|-----------|--|
| § 551.071 | Private consultation with the Legal Counsel |
| § 551.072 | Discussing or deliberating purchase, exchange, lease or value of real property |
| § 551.073 | Discussing or deliberating negotiated contract for prospective gift or donation |
| § 551.074 | Discussing or deliberating appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or to hear a complaint or charge against an officer or employee |
| § 551.076 | Discussing or deliberating the deployment or specific occasions for implementation of security personnel or devices |
| § 551.084 | Investigation; exclusion of witness from a hearing during examination of another witness |
| § 551.087 | Discussing economic development negotiations or offer of financial or other incentives to business prospects |

The City Council will reconvene in open session at 7:00 p.m. to take any final action, decision, or vote on a matter deliberated in closed session. Returned at 7:30 p.m.

Invocation

The Invocation was given by Councilmember Derrick McGary.

Pledge to the Flag

Pledge led by Councilmember Derrick McGary.

Service Certificates and Pins

Edward Emilia, III	7-28-84	Police	25
Mark Aaron	8-20-84	TWU	25
Randall Craig Hicks	7-03-89	Fire	20
Joe Allen Walker	7-10-89	Police	20
David Ralph Biggar	8-28-89	Police	20
Jane M. Boothman	9-12-89	Health	20
Jack W. Crye	8-08-94	Police	15
Gary W. Green	8-17-94	Fire	15
Marcus Gilliam	8-23-99	Fire	10
Mark Jackson	9-7-99	TWU	10
Charles A. Brown	9-14-99	Demolition	10
Aaron Scott Brower	7-06-04	Police	5
Micah Lynn Brower	7-06-04	Police	5
James Aaron Dean	7-06-04	Police	5
Travis Taylor Frost	7-06-04	Police	5
Hugh Edward StegerJr.	7-06-04	Police	5
Chadwick Collins Tye	7-06-04	Police	5
Kenneth L. Jordan	8-23-04	Parks	5
Josh McGilberry	8-23-04	TWU	5
Doyle Seward	8-23-04	TWU	5
Robert S. Greenway	9-08-04	Fire	5

Presentations

Make A Difference Day Proclamation: Mayor Mayo read proclamation; John and Julie Ray Harrison accepted and Julie Ray asked for the community to join them.

Dixie Baseball League Presentation by Kelly Lusk, President. Mr. Lusk thanked the City for all they have done and stated that the league continues to grow. Mr. Lusk stated all that the league has done for the City by helping with purchasing things for the park. They gave \$12k for lights; and spent over \$100k in the past 3 ½ years on the park for the City. The league would like to see the fields improve.

Announcements by the Mayor: Councilmember Bruggeman, Ward 4, will be having an informal meeting to discuss recycling on September 29, 2009 at 6:30 p.m. in the Spring Lake Park Elementary Cafeteria. Mayor announced the Komen Race for the Cure on October 17th at 8:05 a.m. at the Collins Home.

Open Forum

Amy Poe, Ward 5 resident is opposed to the tax increase. Asked that all grants be checked out before making a decision.

Glenn Johnson of Ward 5 is opposed to the tax increase.

Consideration / Approval of Consent Agenda Items

1. Consider approval of the minutes of the regular meeting held on August 24, 2009.
2. Consider approval of the minutes of the special meeting held on August 31, 2009.
3. Consider approval of the minutes of the special meeting held on September 4, 2009.
4. Consider approval of the minutes of the special meeting held on September 8, 2009.
5. Consider approval of the minutes of the special meeting held on September 14, 2009.
6. Consider approval of the minutes of the special meeting held on September 16, 2009.
7. Consider approval of the minutes of the special meeting held on September 21, 2009.
8. Pulled
9. Consider Ordinance No. 124-09 authorizing the CEO/City Manager to enter into a contract with Texas Department of State Services to provide funding to the WIC supplemental nutrition program.

10. Consider Ordinance No. 128-09 awarding an annual contract for paving services to Gibson Asphalt Construction of Texarkana, Texas.
11. Consider Ordinance No. 129-09 authorizing the CEO/City Manager to execute a contract for the installation of an emergency generator at the South Regional Wastewater Treatment Plant 200 Pump Site with Nantze Electric of Texarkana, Texas in an amount not to exceed \$568,200.00.
12. Consider Ordinance No. 130-09 reconstituting the Housing Authority of the City of Texarkana, Texas Board of Commissioners and establishing the number of Commissioners for the Housing Authority of the City of Texarkana, Texas as five (5), and authorizing the Mayor of the City of Texarkana, Texas to appoint such members in the October, 2009 regular meeting of the City Council.

A motion was made by Councilmember Norton, that the consent agenda be approved, seconded by Councilmember Ray.

The following Councilmembers voted:

Ayes: McGary, Ray, Veal-Gooch, Bruggeman, Norton, Court

Noes: None

Pulled Items:

1. Consider Ordinance No. 118-09 considering Southwestern Electric Power Company Petition and Statement of Intent seeking to increase base rates with the City determining that the existing rates and charges should remain in effect for 90 days before taking final action.

Pulled by Councilmember Bob Bruggeman.

A motion was made by Councilmember Norton, that the item be approved with amendment, seconded by Councilmember Bruggeman.

Amendment: After reasonable notice and hearing, that SWEPCO rates and charges within the city should remain in effect and the Texarkana, Texas City Council desires to suspend the requested SWEPCO rate increase for ninety (90) days in accordance with the Public Utility Regulatory Act (PURA).

The following Councilmembers voted:

Ayes: McGary, Ray, Veal-Gooch, Bruggeman, Norton, Court

Noes: None

Announcement of National Night Out

Action / Discussion Items

1. Public Hearing and consider Ordinance No. 121-2009 approving the Texarkana Water Utilities FY 2010 budget in the amounts shown on the attachment.

Mayor Mayo spoke regarding TWU and stated he and council asked Dr. Sullivan to analyze all departments, not just TWU. Mayor Mayo says he has a good relationship with Mayor Shipp and "WE ARE NOT GOING TO BREAK UP TWU."

Dr. Sullivan stated that the newspaper has stated opinion. Personnel matters are not for discussion and he can't legally talk about them. Dr. Sullivan read a statement. He also said the auditor was requested to do a specific audit.

Retained Legal Counsel, Jeffery Lewis gave a statement responding to the opinions in the media and stated facts.

Dr. Sullivan said he has concerns about the proposed budget and does not recommend approving the budget without amendments.

Mayor Mayo declared the public hearing open.
Mayor Mayo declared the public hearing closed.

A motion was made by Councilmember Ray that this item be approved with amendments, seconded by Councilmember Veal-Gooch.

The following Councilmembers voted:
Ayes: McGary, Ray, Veal-Gooch, Bruggeman, Norton, Court
Noes:

Amendments:

1. An immediate in depth vetting of this budget be accomplished by the Texas City manager and staff for all funds expended for Texas operations and those operations uniquely shared by the two Texarkanas.
 2. The 3% mid-point raise proposed in the TWU budget be frozen until such time as the Texas Council determines that a raise for all other Texarkana, Texas employees may be possible. If not utilized during this fiscal year these funds shall be retained in the Texas TWU fund balance.
 3. An immediate evaluation of all TWU operations be executed by the Texas City Manager in an effort to expedite both accuracy and efficiency of the utility including, but not limited to, the selection of appropriate software that will allow for the correction of the exceptions pointed out in the 2008 audit.
 4. An immediate effort be made to accurately account for the percentages applied to all shared Texas and Arkansas expenditures with particular emphasis on an accurate accounting for the percentages applied to bond/debt repayment that results in future joint ownership of facilities.
2. Consider Ordinance No. 122-09 approving the tax rate for the fiscal year ending September 30, 2010. "THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE."

Mayor Mayo declared the public hearing open.
Robin Court said that now is not the time to raise taxes.
Mayor Mayo said they are listening to everyone.
Dr. Sullivan stated that the Blue Ribbon Committee discussed it. This is not a challenge that is going to leave us magically.
Derrick McGary has seen the issue come up time and time again and they don't take it lightly.

Mayor Mayo declared the public hearing closed.

A motion was made by Councilmember McGary that this item be approved with amendments, seconded by Councilmember Veal-Gooch.

The following Councilmembers voted by roll call:
Ayes: McGary, Ray, Veal-Gooch, Bruggeman, Norton, Court
Noes:

Amendments: There is hereby levied for the fiscal year ending September 30, 2010, upon all real property situated within the corporate limits of said City of Texarkana, Texas, and on all personal property which was owned within the corporate limits of said City of Texarkana, Texas, on the first day of October, A.D. 2009, except so much thereof as may be exempt by the Constitution and Laws of the State of Texas, a total tax of \$.5831 CENTS on each ONE HUNDRED DOLLARS (\$100.00) of assessed valuations on all of said property, which said total tax is here and now levied respectively as follows:

- a. An ad valorem tax of and at the rate of \$.4078 CENTS on each ONE HUNDRED DOLLARS (\$100.00) of assessed valuation of said taxable property is hereby levied for the fiscal year ending September 30, 2010 for the general City purposes to pay the current operating expenses of said

City of Texarkana, Texas, for the fiscal year beginning on October 1, 2009, and ending September 30, 2010, which tax, when collected shall be appropriated to and deposited in and to the credit of the General Fund of said City of Texarkana, Texas. THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE RAISED BY ZERO PERCENT (0%) AND RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$0.00.

b. An ad valorem tax of and at the rate of \$.1753 CENTS on each ONE HUNDRED DOLLARS (\$100.00) of assessed valuation of said taxable property is hereby levied for the fiscal year ending September 30, 2010, for the purpose of creating an Interest and Sinking Fund with which to pay the interest and retire the principal of the valid bonded and warrant indebtedness and Certificates of Obligation of the City of Texarkana, Texas, now outstanding, and such tax, when collected, shall be appropriated and deposited in and to the credit of the Interest and Sinking Fund of the said City of Texarkana, Texas.

3. Public Hearing and consider Ordinance No. 125-09 rezoning a 1.387 acre tract of land in the Thomas Price HRS, A-466, located at 516 Old Boston Road. SF-2 to Commercial. Michael Richardson, owner.

Mayor Mayo declared the public hearing open.
Mike Richardson spoke on behalf of this item.
Mayor Mayo declared the public hearing closed.

A motion was made by Councilmember Norton that this item be approved, seconded by Councilmember Bruggeman.

The following Councilmembers voted:
Ayes: McGary, Ray, Veal-Gooch, Bruggeman, Norton, Court
Noes:

4. Public Hearing and consider Ordinance No. 126-09 rezoning a 1.065 acre tract of land in the George Brinlee HRS, A-18, located at 3315 Richmond Road. Agriculture to PD-General Retail. Brad Vaden, under contract to purchase. Gerald Haire, agent.

Mayor Mayo declared the public hearing open.
Brad Vaden spoke on behalf and said he is building a car wash. General discussion between he and council.
Mayor Mayo declared the public hearing closed.

A motion was made by Councilmember Norton that this item be, seconded by Councilmember Ray.

The following Councilmembers voted by:
Ayes: McGary, Ray, Veal-Gooch, Bruggeman, Norton, Court
Noes:

5. Public Hearing and consider Ordinance No. 127-09 amending PD-09-4(GR): Site plan approval for a car wash on a 1.065 acre tract of land in the George Brinlee HRS, A-18, located at 3315 Richmond Road. Brad Vaden, under contract to purchase. Gerald Haire, agent.

Mayor Mayo declared the public hearing open.
Brad Vaden would like approval.
Mayor Mayo declared the public hearing closed.

A motion was made by Councilmember Norton that this item be approved, seconded by Councilmember Ray.

The following Councilmembers voted by:
Ayes: McGary, Ray, Veal-Gooch, Bruggeman, Norton, Court
Noes:

City Council Discussion w/ City Manager and Staff

Dr. Sullivan discussed TxDot and Morris Lane projects.

Adjournment

A motion was made by Councilmember Bruggeman that this meeting be adjourned, seconded by Councilmember Ray.

The following Councilmembers voted:

Ayes: McGary, Ray, Veal-Gooch, Bruggeman, Norton, Court

Noes: None

Stephen A. Mayo, MAYOR

Kerry Meredith, CITY SECRETARY