

MINUTES  
COUNCIL MEETING  
CITY OF COLEMAN  
CITY HALL  
THURSDAY, NOVEMBER 20, 2014  
6:00 P.M.

PRESENT: Mayor Kay Joffrion, Mayor Pro Tem Gary Payne, Councilman Johnny Needham, Councilman Danny Jameson, City Manager Paul Catoe, City Attorney Lois Rockefeller and City Secretary Karen Langley.

ABSENT: Councilman Terry Hyden

CALL MEETING TO ORDER: Mayor Kay Joffrion

INVOCATION: City Manager Paul Catoe

PLEDGE OF ALLEGIANCE

WELCOME OF VISITORS AND GUESTS: Mayor Joffrion welcomed guests and visitors.

CONSENT AGENDA:

1. The City Council may consider, discuss and or take actions regarding the approval of the minutes from the regular meeting held on October 16, 2014.
2. The City Council may consider, discuss and or take actions regarding the approval of the Code Enforcement Report for October, 2014.
3. The City Council may consider, discuss and or take actions regarding the approval of the Police Department Report for October, 2014.
4. The City Council may consider, discuss and or take actions regarding the approval of the Municipal Court Report for October, 2014.
5. The City Council may consider, discuss, and or take actions regarding the approval of the Professional Fees for October, 2014.
6. The City Council may consider, discuss, and or take actions regarding the approval of the Quarterly Occupancy Tax Reports for the months of July, August and September, 2014.
7. The City Council may consider, discuss and or take actions regarding the Lake Levels for Hords Creek and Lake Coleman. November, 2014 report.

A motion was made by Mayor Pro Tem Payne to accept the Consent Agenda items 1-7 as presented. Councilman Jameson seconded the motion. The motion carried 3-0.

HEARING OF VISITORS CONCERNING MATTERS NOT ON THE AGENDA:

JoAnn Eddleman requested the cash balance reports show which accounts are restricted and which are not.

Craig Allen read a letter sent out to Council concerning executive session, requesting the executive session be moved to a later time in the meeting.

Nancy Emmert questioned as to why the advertisement for an audit firm only stated utilities? And why go out for bid at all?

Sara Lemone Knox was asking why LCRA needed to be discussed in executive session.

Eric Joffrion requested the Council ask the City Attorneys to clarify whether or not if any prospective buyers would have the availability of the current electric contracts and their amendments.

EXECUTIVE SESSION

The City Council may enter Executive Session to consider and discuss the following items – Mayor Kay Joffrion:

- Discussions regarding the divestiture of the electrical distribution system, a recent court case regarding the City of Boerne vs. the LCRA, and discussions regarding the AEP contract with the city's special Attorney Geoffrey Gay and City Attorney Lois Rockefeller pursuant to section 551.071 of the Government Code.
- Discussion with the City Attorney Lois Rockefeller regarding contract compliance issues regarding the Heart of Texas Contract with the City of Coleman pursuant to section 551.071 of the Government Code.

After leaving Executive Session, the City Council may take whatever actions they may deem appropriate regarding the items as discussed in Executive Session – Mayor Kay Joffrion. A motion was made by Councilman Jameson to enter into Executive Session at 6:36 P.M. Mayor Pro Tem Payne seconded the motion. The motion carried 3-0, with Mayor Joffrion voting no. A motion was made by Councilman Jameson to return to regular session at 8:22 P.M. Councilman Needham seconded the motion. The motion carried 3-0. 1. Mayor Joffrion stated Geoffrey Gay will be attending the city council meeting on January 15<sup>th</sup> to address the citizens of Coleman. Mr. Gay stated defaulting on the contract will result in the city being sued. One option may be possibly allowing the citizens to vote on different options at the end of the contract.

2. Council looked at financials, no actions.

#### OLD BUSINESS

1. The City Council may consider, discuss and or take actions regarding the revisions of section 4.05 of the Personnel Policy Handbook relating to the payment of overtime and compensatory time as per the motion made upon leaving executive session on 07/17/14 – Mayor Kay Joffrion. A motion was made by Councilman Needham to approve the revisions of section 4.05 of the Personnel Policy Handbook relating to the payment of overtime and compensatory time as per the motion made upon leaving executive session on 7/17/14. Councilman Jameson seconded the motion. The motion carried 3-0.
2. The City Council may consider, discuss and or take actions regarding the opening of proposals received and appointment of a firm to evaluate the divestiture of the City's electrical distribution system as requested by Craig Allen during the regular meeting conducted on 10/16/14 – Mayor Kay Joffrion. Two bids were received for appointing a firm to evaluate the divestiture of the City's electrical distribution system.
  - Lloyd Gosselink - \$54,400.00
  - GDS Asso. Inc. - \$8,500 - \$11,500

A motion was made by Councilman Jameson to table this item for January 15<sup>th</sup> meeting until City Manager Catoe has time to review both bids. Mayor Pro Tem Payne seconded the motion. The motion carried 3-0.
3. The City Council may consider, discuss an or take actions regarding the requested amendment of the electrical rate ordinance lowering the Power Cost Recovery Rate to a flat fee of .07 per kilowatt hour resulting in an overall flat rate of .14 per kilowatt hour as requested by Craig Allen during the regular meeting conducted on 10-16-14 – Mayor Kay Joffrion. A motion was made by Mayor Pro Tem Payne to leave as is until City Manager Catoe can get calculations. Councilman Needham seconded the motion. The motion carried 3-0.
4. The City Council may consider, discuss an or take actions regarding the opening of bids and award of a bid as received for a used asphalt distributor – Mayor Kay Joffrion – Jody Payne, Street and Alley Foreman. One bid was received for a used asphalt distributor.
  - Ameripave Asphalt Equipment - \$38,500

A motion was made by Councilman Needham to accept the bid from Ameripave Asphalt in the amount of \$38,500. Mayor Pro Tem Payne seconded the motion. The motion carried 3-0.
5. The City Council may consider, discuss and or take actions regarding the presentation of the 4-A Economic Development Corporation's annual report for the period of 10-01-213 to 09-30-14 – Mayor Kay Joffrion and Drew Hubbard, President of the 4-A Economic Development Corporation. A motion was made by Councilman Jameson to approve the 4-A Economic Development Corp. annual report for the period of 10/1/13 to 9/30/14. Councilman Needham seconded the motion. The motion carried 3-0.
6. The City Council may consider, discuss and or take actions regarding the presentation of the 4-B Coleman Community Coalition's annual report for the period of 10-01-2013 to 09-30-14 – Mayor Kay Joffrion and Joe Haynes, President of the 4-B Coleman Community Coalition. A motion was made by Mayor Pro Tem Payne to approve the 4-B Coleman Community Coalition annual report for the period of 10/1/13 to 9/30/14. Councilman Needham seconded the motion. The motion carried 3-0.
7. The City Council may consider, discuss and or take actions regarding the removal of the City's Electrical Distribution System in the South Park Acres – Mayor Kay Joffrion, David Harrison, and City Manager Paul Catoe. A motion was made by Councilman Needham to approve the removal of the City's Electrical Distribution System in the South Park Acres. Councilman Jameson seconded the motion. The motion carried 3-0.
8. The City Council may consider, discuss and or take actions regarding the approval of the 1<sup>st</sup> reading of an amendment of the City's Drought Contingency Ordinance – Mayor Kay Joffrion, City Attorney Lois Rockefeller and City Manager Paul Catoe. A motion was made by Mayor Pro Tem Payne to approve the first reading of an amendment to

Ordinance 1152 as presented with the change of bulk water to be dispensed by city personal. Councilman Needham seconded the motion. The motion carried 3-0.

#### NEW BUSINESS

1. The City Council may consider, discuss and or take actions regarding the approval of the Performance Agreement, Real Estate Lien Note, Deed of Trust, Guaranty for Robert Williamson and the Guaranty for Laurie Williamson all between the 4-B Coleman Community Coalition and Robert and Laurie Williamson regarding the demolition of a building at the corner of Walnut and Commercial along with the creation of a new Winery – Mayor Kay Joffrion and Joe Haynes, President if the 4-B Coleman Community Coalition. A motion was made by Councilman Needham to approve the Performance Agreement, Real Estate Lien Note, Deed of Trust, Guaranty for Robert Williamson and the Guaranty for Laurie Williamson between the 4-B Colman Community Coalition and Robert and Laurie Williamson. Councilman Jameson seconded the motion. The motion carried 3-0.
2. The City Council may consider, discuss and or take actions regarding the requested increase in garbage rates of 1.66% effective 12-01-2014 based on the increase of the Consumer Price Index rate adjustment – Mayor Kay Joffrion, and Doug Jones, Site Manager for IESI, a Progressive Waste Solutions Company. A motion was by Mayor Pro Tem Payne to approve the increase in garbage rates of 1.66% effective 12/1/14 based on the increase of the Consumer Price Index rate adjustment and allow the City Attorney to prepare an Ordinance stating pass through to the customer. Councilman Jameson seconded the motion. The motion carried 3-0.
3. The City Council may consider, discuss and or take actions regarding the approval of the Routine Airport Maintenance Grant (RAMP PROGRAM) through TxDOT for the Coleman Municipal Airport – Mayor Kay Joffrion and City Manager Paul Catoe. A motion was made by Councilman Jameson to approve the Routine Airport Maintenance Grant through TxDOT for the Coleman Municipal Airport. Councilman Needham seconded the motion. The motion carried 3-0.
4. The City Council may consider, discuss and or take actions regarding the appointment of three members to replace James Wright, Ross Jones and Gary Cox on the Airport Advisory Board – Mayor Kay Joffrion and City Manager Paul Catoe. John Vance recommended to reappoint Gary Cox and to appoint Cecil Johnson and Eric Elkin. A motion was made by Councilman Needham to reappoint Gary Cox and to appoint Cecil Johnson and Eric Elkin. Councilman Jameson seconded the motion. The motion carried 3-0.
5. The City Council may consider, discuss and or take actions regarding the revision of the Bylaws of the Airport Advisory Board – Mayor Kay Joffrion and City Manager Paul Catoe. City Manager Catoe stated the revision being members of the board will serve two year term and they may serve consecutive terms unless they resign or they are removed by the City Council. The meetings may be held at the airport or the council chambers. New officers will be appointed at the first meeting of each fiscal year. A motion was made by Councilman Jameson to approve the revision of the Bylaws for the Airport Advisory Board. Mayor Pro Tem Payne seconded the motion. The motion carried 3-0.
6. The City Council may consider, discuss and or take actions regarding the approval of an agreement with TxDOT to include Resolution #14-09 for the approval of a Christmas Parade to be held on Thursday December 4<sup>th</sup>, 2014 from 6:00 P.M. to 7:00 P.M. – Mayor Kay Joffrion. A motion was made by Councilman Needham to approve Resolution 14-09 for the approval of a Christmas Parade to be held on Thursday December 4<sup>th</sup>. Mayor Pro Tem Payne seconded the motion. The motion carried 3-0.
7. The City Council may consider, discuss and or take actions regarding the bids received for (47) forty-seven round bales of 5x5 Coastal Hay – Mayor Kay Joffrion. Three bids were received for the forty-seven bales of hay:
  - Douglas Watson \$42.50 a bale, Total \$1,997.50
  - Gary Cox \$42.55 a bale, Total \$1,999.85
  - Mark Phillips \$60.01 a bale, Total \$2,820.47
 A motion was made by Councilman Needham to accept the bid from Mark Phillips in the amount of \$60.01 a bale, total \$2,820.47. Councilman Jameson seconded the motion. The motion carried 3-0.
8. The City Council shall consider, discuss, and or take actions regarding the possible purchase of several used Police Package interceptors to take the place of several of our units – Mayor Kay Joffrion, Police Chief Jay Moses and Purchasing Agent Leslie Walters. A motion was made by Councilman Jameson to amend the budget \$18,000 to approve the purchase of two police interceptors. Mayor Pro Tem Payne seconded the motion. The motion carried 3-0.

## STAFF COMMENTS

1. The City Council may consider, discuss and approve the financial report for the month of October, 2014 to include Revenues, Expenditures and to include the Cash Balance Report – Mayor Kay Joffrion and City Manager, Paul Catoe. A motion was made by Councilman Needham to approve the October 2014 financial report as presented. Councilman Jameson seconded the motion. The motion carried 3-0.

## MAYOR AND COUNCIL COMMENTS:

None

## EXECUTIVE SESSION

The City Council may enter into Executive Session to discuss the following items – Mayor Kay Joffrion.

- Discussions regarding personnel and legal issues related to the performance of the City Manager and the Mayor as per the agreement between the City of Coleman, the City Manager and the Mayor of the City of Coleman as dated August 28, 2014 and pursuant to Sections 551.071 and 551.074 of the Government Code – Mayor Kay Joffrion.

The City Council may take whatever action they may deem appropriate after returning to open session regarding any items discussed in Executive Session – Mayor Kay Joffrion.

A motion was made by Councilman Jameson to enter into executive session at 11:00 P.M. Mayor Pro Tem Payne seconded the motion. The motion carried 3-0. A motion was made by Councilman Needham to return to regular session at 11:12 P.M. Mayor Pro Tem Payne seconded the motion. The motion carried 3-0. No action was taken.

With no further business a motion was made by Councilman Jameson to adjourn the meeting at 11:13 P.M. Councilman Needham seconded the motion. The motion carried 3-0.

  
MAYOR

  
CITY SECRETARY