

**STATE OF TEXAS
CITY OF MARFA
COUNTY OF PRESIDIO**

The City Council of the City of Marfa met for a Special Meeting on Wednesday, November 1, 2023, in person at 6:00pm in the Casner Room, located at Marfa's City Hall, 113 South Highland Ave, Marfa Texas 79843. Those in attendance were Mayor Baeza, Council Member Pallarez, Council Member Morrison, Council Member Cash and Mayor Pro Tem Lara. Council Member Acreman was absent.

- 1) Call the meeting to order and establish a quorum.
 - Mayor Baeza called the meeting to order at 6:00pm and established a quorum with four members present.
- 2) Pledge of Allegiance.
- 3) Citizen comment period.
 - At this time, any person may address the Council for a limited time concerning any matter and should limit their remarks to a period of three minutes. The Council is not allowed to take action on any subject presented, nor is the Council required to provide any response. As allowed in Texas Attorney General Opinion KP-0300, all public comments should be presented during this citizen comment period.
 - County Commissioner David Beebe stood to thank the Council for exploring changes to the Zoning Ordinance and to offer his availability outside of the meeting to answer any questions they may have pertaining to Vizcaino Park.

Minutes:

- 4) Discussion with action as appropriate to approve minutes from previous meeting:
 - October 10, 2023 – Typing error in the motion made on item #4. “C” *should be changed to “Council Member”*.
 - Council Member Pallarez made a motion to approve the minutes as corrected. Mayor Pro Tem Lara seconded the motion. All were in favor. Motion carried. 4-0.

Financial Reports:

- 5) Discussion with action as appropriate to approve the AP Report
 - Council Member Pallarez made a motion to approve the AP Report as presented. Council Member Morrison seconded the motion. All were in favor. Motion carried. 4-0.

6) Discussion with action as appropriate to approve the Revenue & Expenditures Report

- Mayor Pro Tem Lara made a motion to approve the Revenue & Expenditure Reports as presented. Council Member Morrison seconded the motion. All were in favor. Motion carried. 4-0.

Presentations:

- Presentation from Dan Dunlap of the Quarter 3 Investment Report.
- Presentation from Planning and Zoning Commission Chairman Stephen "Chick" Raybourn over the Commission's Report regarding suggested amendments to the Planning and Zoning Ordinance No. 02-04.

Old Business:

7) Discussion with action as appropriate to approve the Commission Report from the Planning and Zoning committee.

- Mayor Pro Tem Lara made a motion to accept the Commission Report as presented. Council Member Cash seconded the motion. All were in favor. Motion carried. 4-0.

8) Discussion with action as appropriate to set dates for two Public Hearings for the suggested amendments to the Planning and Zoning Ordinance No. 02-04.

- Council Member Morrison made a motion to schedule a Special Meeting with Public Hearing on December 14, 2023, at 6:00pm and schedule a Public Hearing to be held during the Regular Meeting on January 9, 2023 at 6:00pm. Mayor Pro Tem Lara seconded the motion. All were in favor. Motion carried. 4-0.

9) Discussion with action as appropriate to approve Interlocal Agreement between Marfa ISD and City of Marfa for School Resource Officer for the 2023/2024 school year.

- Council Member Pallarez made a motion to approve the Interlocal Agreement as presented. Council Member Morrison seconded the motion. All were in favor. Motion carried. 4-0.

New Business:

10) Discussion with action as appropriate to direct City Attorney and staff to work on the requested ordinance amendment(s) to the Planning and Zoning Ordinance No. 02-04.

- Council Member Morrison made a motion to direct the City Attorney and staff

to work on the requested Ordinance amendments 1-6 with further discussion to clarify in the Planning and Zoning Ordinance No. 02-04. Council Member Pallarez seconded the motion. All were in favor. Motion carried. 4-0.

11) First Reading of Ordinance No. 2023-11, an ordinance of the City of Marfa establishing Liens against real property of customers for delinquent utility bills served by the City of Marfa, Tx.

- Discussion only.
- Second reading, Public Hearing, and adoption to follow at the next regular meeting.

12) Discussion only concerning Interlocal Agreement to enable City of Marfa Parks and Recreation Development Corporation to lease Vizcaino Park from Presidio County. (Trey Gerfers)

- Mr. Gerfers began by explaining to Council that the presented lease agreement will not actually work out due to the limitations the Parks Board faces with how they are allowed to spend the sales tax funds they receive. He then explained how the talk about Vizcaino Park began; it started around the need for a designated soccer field. Currently soccer players are sharing the softball fields but that is not ideal and has come with some conflicts of interest.
- County Commissioner David Beebe spoke on the financial status of the County in reference to the affordability of keeping the park. He strongly suggested that the park's future is brighter in the city's hands.
- Dawn Shannon spoke in support of the city saving Vizcaino Park.
- Council Member Pallarez expressed interest in continuing this discussion after the county commissioner and attorney have looked further into the legalities of counties and cities exchanging property.

13) Discussion with action as appropriate to approve Resolution 2023-19, casting the City's 511 allocated votes for Eddie Pallarez to the Board of Directors of the Presidio County Appraisal District for a two-year term to begin January 1, 2024.

- Mayor Pro Tem Lara made a motion to approve Resolution No 2023-19 as presented. Council Member Cash seconded the motion. All were in favor. Motion carried. 4-0.

14) Discussion with action as appropriate regarding reclassification of compensation from hourly to salaried personnel for all City Department Heads.

- Council Member Pallarez made a motion to table this agenda item to the next regular meeting with more information from the City Manager. Council Member Cash seconded the motion. All were in favor. Motion carried. 4-0.

15) Discussion with action as appropriate regarding amendments to the Employee Handbook pertaining to On-Call Pay.

- Mayor Pro Tem Lara made a motion to table this item to the next regular meeting. Council Member Morrison seconded the motion. All were in favor. Motion carried. 4-0.

16) Discussion with action as appropriate to accept Parkhill's invitation to participate in their 2024 Group Seal Coat Program.

- Mayor Pro Tem Lara made a motion to approve a budget of up to \$200,000 to participate in the Group Seal Program under the supervision of City Manager and Streets Dept supervisor, Albert Dominguez. Council Member Cash seconded the motion. All were in favor. Motion carried. 4-0.

17) Discussion with action as appropriate regarding a Resolution:

- Authorizing the Mayor, Mayor Pro Tem, or City Manager ("City Officers") to sign the Interlocal Cooperation and Project Development Agreement with Presidio County ("Interlocal Agreement");
 - Consenting to the County extending service of the County System to the areas within the boundaries of the City and ETJ to complete the projects covered by the Interlocal Agreement;
 - Authorizing the City Officers to sign any and all amendments to the Interlocal Agreement required by the TWDB and Texas Attorney General;
 - Authorizing City Officers to sign the Presidio County Easement Agreement;
 - Authorizing the City Officers and the City Attorney to take any action to amend, modify, or revoke any certificate of convenience and necessity to be serviced by the projects covered by the Interlocal Agreement;
 - Authorizing the City Officers to execute, acknowledge, and deliver in the name and on behalf of the City all agreements, instruments, certificates, letter of representations, or other documents as may be necessary or desirable in order to carry out the terms and provisions of the Resolution, the Interlocal Agreement, the County's acceptance of the TWDB Financial Assistance and the construction of the Projects, and the County's issuance of the County Obligations.
- Council Member Pallarez made a motion to approve the Resolution, authorizing the Mayor, Mayor Pro Tem, or City Manager ("City Officers") to sign the Interlocal Cooperation and Project Development Agreement with Presidio County ("Interlocal Agreement"). Council Member Morrison seconded the motion. All were in favor. Motion carried. 4-0.

18) First Reading of Ordinance No. 2023-10, repealing the Juvenile Curfew Ordinance No. 2022-02.

- Discussion only.
- Second reading, Public Hearing, and adoption to follow at the next regular meeting.

19) Discussion regarding petition by La Banda to vacate, close, and abandon a portion


of the city alley located at/near 400 E San Antonio, where the La Banda building is encroaching into the alley. Take action as appropriate to accept the petition, authorize the alley closure process, and set date and time for a public hearing.

- City Attorney explained the request that was received referencing the current encroachment into the city's alley.
- Council Member Morrison made a motion to accept the petition, authorize the alley closure process, and schedule two Public Hearings for December 12 and December 14, 2023. Mayor Pro Tem Lara seconded the motion. All were in favor. Motion carried. 4-0.

The City Council reserves the right to adjourn into executive session at any time during the course of the meeting to discuss any matters listed above as authorized by the Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations) 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.086 (Economic Development).

Reports:

- 20) Mayor's Report – Mayor Baeza wished Council Member Pallarez a Happy Birthday!
- 21) City Manager's Report – City Manager Roane announced that utility bills went in the mail today with the new rates in place and advised Council to please direct any phone calls they may receive in reference to customers' bills being incorrect to the City Hall.
- 22) Council Members' Comments
- 23) Adjourn
 - Mayor Pro Tem Lara made a motion to adjourn the meeting. Council Member Morrison seconded the motion. All were in favor. Motion carried. 4-0. The meeting adjourned at 8:08pm.



Manuel V. Baeza, Mayor

Attest:



Amanda Roane, City Manager