

MINUTES OF THE REGULAR MEETING OF THE
CITY COMMISSION OF THE CITY OF MARSHALL
THURSDAY, APRIL 14, 2016
6:00 PM

Chairman Eric Neal called the Regular meeting to order in the Commission Chambers, City Hall at 6:00 p.m.

PRESENT:

CHAIRMAN: Eric Neal, District 3

COMMISSIONERS:

Gloria Moon, District 1

LaDarius Carter, District 4

Garrett Boersma, District 6

Michael Mitchell, District 2

Vernia Calhoun, District 5

Ed Smith, District 7

ADMINISTRATIVE STAFF PRESENT:

Lisa Agnor, City Manager

Reggie Cooper, Fire Chief

Jack Redmon, Support Services Director

Wes Morrison, Planning & Development Director

Debbie Manuel, Acting City Secretary/Finance Director

Todd Fitts, City Attorney

Eddie Campa, Police Chief

INVOCATION & PLEDGE: Commissioner Carter

114. **PRESENTATIONS FROM THE PUBLIC**

Virginia Harris, 1021 Terrapin Neck Road, spoke regarding library concerns.

William Putnam, 3200 Indian Springs Drive, Chairman of the Main Street Board, stated he was in attendance to represent the downtown area.

Elaine Slaughter, 3100 Victory Drive, spoke in support of a new animal shelter.

Kaley Sullenger, 1441 FM 1844, Longview, representative for Protecting Pups, stated that the organization was donating equipment to the Marshall Police Department, and provided information regarding donating to the organization to help raise funds for other K9 officers.

Bailey Brown, 830 Fernbrook Lane, spoke in support of a new animal shelter.

Leta Kay, 1104 E. Bowie, spoke in support of a new animal shelter.

Colcy Henson, 1806 Mae Oney Road, spoke in support of a new animal shelter.

Lacy Davies, ETBU Box 432 1 Tiger Drive, spoke in support of a new animal shelter.

John Wilson, 500 E. Woodland Road, President of the Marshall Firefighter Association, spoke in opposition of the Ordinance "Prohibiting certain political activity on the part of employees".

Tyler Owen, 2101 N. East End Blvd., President of the Marshall Police Officer Association, spoke in opposition of the Ordinance "Prohibiting certain political activity on the part of employees".

Bill Elliott, 304 Fairview Street, Chairman of the Marshall Firefighter Political Action Committee, spoke in opposition of the Ordinance "Prohibiting certain political activity on the part of employees".

Gail Beil, 500 Henley Perry, spoke in support of the Wiley Great Debaters and the proclamation for "James Farmer, Jr. Week".

115. **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA**

Items 4D & 4E were withdrawn from the Consent Agenda.

Item 4F will be combined with 11E.

116. **CONSENT AGENDA**

Commissioner Mitchell made a motion to approve the Consent Agenda. Commissioner Calhoun seconded the motion, which passed with a 7:0 vote.

- A. Consider approval of the minutes from the March 24, 2016 Regular meeting; and the April 5, 2016 Special-Called meeting.
- B. Consider approval of an agreement with Dr. Jennifer Chandler for Physician Director Services for the Emergency Medical Services System.
- C. Consider approval of the engagement letter with Knuckols, Duvall, Hallum & Co. for audit services related to the audit of the 2015 fiscal year.
- G. Consider approval of the Planning & Zoning Commission Bylaws.

PRESENTATIONS

117. **PRESENTATION FROM THE DIRECTOR OF THE TEXAS ACADEMY OF ANIMAL CONTROL OFFICERS.**

Alan Spence, Director of the Texas Academy of Animal Control Officers, presented information regarding the animal shelter and options for constructing a new animal shelter or renovating the current shelter.

Commissioners asked questions of Mr. Spence regarding this presentation.

118. **PRESENTATION FROM JAIME PARKINSON REGARDING HANDICAPPED ACCESSIBILITY TO PUBLIC FACILITIES.**

Jaime Parkinson gave a presentation regarding handicapped accessibility to public facilities.

PUBLIC HEARING

119. PUBLIC HEARING ON THE PROPOSED 2016 PROGRAM YEAR COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN IN ACCORDANCE WITH U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT REQUIREMENTS.

Wes Morrison, Planning & Development Director, made a brief presentation regarding the proposed 2016 Program Year Community Development Block Grant Annual Action Plan.

Chairman Neal opened the Public Hearing.

Chris Frazier, 806 Hugh St., Newtown Community Center representative, spoke regarding the services provided by this program and asked for consideration of the total amount of funding requested.

No other members of the public came forward.

Chairman Neal closed the Public Hearing.

PUBLIC HEARING AND ORDINANCE APPROVAL

120. REQUEST FOR A SPECIAL USE PERMIT FOR A TEMPORARY CONCRETE BATCHING PLANT ON A 12.28 ACRE TRACT OF LAND GENERALLY LOCATED ON THE NORTH SIDE OF HARRIS LAKE ROAD AND EAST OF U.S. 59 NORTH, MORE SPECIFICALLY DEFINED AS 2500 EAST END BLVD. NORTH.

Wes Morrison presented the Ordinance for a Special Use Permit for a temporary concrete batching plant on a 12.28 acre tract of land generally located on the north side of Harris Lake Road and east of U.S. 59 North, more specifically defined as 2500 East End Blvd. North. He recommended approval of this Ordinance.

Commissioners asked questions of Wes Morrison regarding this item.

Chairman Neal opened the Public Hearing and asked anyone wishing to speak in regards to this Ordinance to come forward.

No one came forward.

Chairman Neal closed the Public Hearing.

Commissioner Moon made a motion to approve a Special Use Permit for a temporary concrete batching plant on a 12.28 acre tract of land generally located on the north side of Harris Lake Road and east of U.S. 59 North, more specifically defined as 2500 East End Blvd. North. Commissioner Mitchell seconded the motion, which passed with a vote of 7:0.

PROCLAMATION

121. PRESENTATION OF A PROCLAMATION DECLARING THE WEEK OF APRIL 24-30, 2016 AS "JAMES FARMER, JR. WEEK" IN MARSHALL, TEXAS.

Commissioner Boersma recognized Wiley College as being the college James Farmer Jr. attended and the Wiley College Great Debaters as National Champions again and part of James Farmer Jr.'s legacy.

Commissioner Boersma read into record a Proclamation declaring the week of April 24-30, 2016 as "James Farmer, Jr. Week" in Marshall, Texas.

ORDINANCES

122. CONSIDER APPROVAL OF AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION OF ORDINANCES OF THE CITY OF MARSHALL, TEXAS, ADDING A NEW PROVISION OF CHAPTER 2 REQUIRING THAT ANY INCREASE IN WATER AND SEWER REVENUE DURING A FISCAL YEAR BE DEDICATED TO THE WATER AND SEWER REPLACEMENT FUND.

Commissioner Boersma asked for approval of an Ordinance amending Chapter 2, Administration of Ordinances of the City of Marshall, Texas, adding a new provision of Chapter 2 requiring that any increase in water and sewer revenue during a fiscal year be dedicated to the Water and Sewer Replacement Fund.

Commissioner Boersma made a motion to approve an Ordinance amending Chapter 2, Administration of Ordinances of the City of Marshall, Texas, adding a new provision of Chapter 2 requiring that any increase in water and sewer revenue during a fiscal year be dedicated to the Water and Sewer Replacement Fund. Commissioner Smith seconded the motion.

Chairman Neal asked questions of Lisa Agnor, City Manager, regarding this item.

Commissioner Boersma stated his reasons for requesting this Ordinance.

This item failed with the following vote:

Ayes: 2, Commissioners Boersma and Smith

Nays: 5, Chairman Neal, Commissioners Carter, Moon, Calhoun and Mitchell

123. CONSIDER APPROVAL OF AN ORDINANCE ENACTING A NEW SECTION 12-18 TO CHAPTER 12 TO SAID CODE, ENTITLED "PROHIBITING CERTAIN POLITICAL ACTIVITY ON THE PART OF EMPLOYEES".

Commissioner Boersma asked for approval of the Ordinance enacting a new Section 12-18 to Chapter 12 to said Code, entitled "Prohibiting Certain Political Activity on the Part of Employees" and asked Todd Fitts, City Attorney, to present a brief overview of what is being proposed by this Ordinance.

The Commission engaged in discussion regarding this item.

Commissioner Boersma made a motion to approve an Ordinance enacting a new Section 12-18 to Chapter 12 to said Code, entitled "Prohibiting Certain Political Activity on the Part of Employees". Commissioner Smith seconded the motion, which failed with the following vote:

Ayes: 2, Commissioners Boersma and Smith

Nays: 5, Chairman Neal, Commissioners Carter, Moon, Calhoun and Mitchell

RESOLUTIONS

124. CONSIDER APPROVAL OF A RESOLUTION ADOPTING A STRATEGIC PLAN FOR THE CITY OF MARSHALL.

Lisa Agnor discussed and asked for approval of a Resolution adopting a Strategic Plan for the City of Marshall for 2016-2020.

The Commission engaged in discussion regarding this item.

Commissioner Carter made a motion to approve the Resolution adopting a Strategic Plan for the City of Marshall. Commissioner Moon seconded the motion, which passed with a vote of 7:0.

125. CONSIDER APPROVAL OF A RESOLUTION ANNOUNCING THE APPOINTMENT OF ELECTION OFFICERS FOR THE MAY 7, 2016 GENERAL ELECTION.

Lisa Agnor asked for approval of a Resolution announcing the appointment of Election Officers for the May 7, 2016 General Election.

Commissioner Calhoun made a motion to approve the Resolution announcing the appointment of Election Officers for the May 7, 2016 General Election. Commissioner Moon seconded the motion, which passed with a vote of 7:0.

126. CONSIDER APPROVAL OF A RESOLUTION TO INTERVENE IN PROCEEDINGS BEFORE THE PUBLIC UTILITY COMMISSION OF TEXAS AND RELATED PROCEEDINGS REGARDING PROPOSED INCREASES IN RATES BY SOUTHWESTERN ELECTRIC POWER COMPANY.

Todd Fitts discussed and asked for the Commission to authorize the City to continue its membership with Cities Advocating Reasonable Deregulation (CARD) and for approval of a Resolution to intervene in proceedings before the Public Utility Commission of Texas and related proceedings regarding proposed increases in rates by Southwestern Electric Power Company.

The Commission engaged in discussion regarding this item.

Commissioner Boersma made a motion to approve a Resolution to intervene in proceedings before the Public Utility Commission of Texas and related proceedings regarding proposed increases in rates by Southwestern Electric Power Company. Commissioner Carter seconded the motion, which passed with a vote of 7:0.

CITY MANAGER REPORTS AND REQUESTS FOR CITY COMMISSION CONSIDERATION

127. CONSIDER APPROVAL TO AUTHORIZE CITY STAFF TO NEGOTIATE AN ENGINEERING SERVICES CONTRACT FOR ENGINEERING AND SERVICES RELATED TO SPECIFYING, PURCHASING, AND INSTALLING NEW ADVANCED WATER METERS AND READING SYSTEM.

Lisa Agnor asked for approval to authorize City Staff to negotiate an Engineering Services contract for engineering and services related to specifying, purchasing, and installing new advanced water meters and reading system with KSA Engineering of Longview, Texas.

Commissioner Carter made a motion to authorize City Staff to negotiate an Engineering Services contract for engineering and services related to specifying, purchasing, and installing new advanced water meters and reading system with KSA Engineering of Longview, Texas. Commissioner Moon seconded the motion.

The Commission engaged in a brief discussion regarding this item.

This item passed with a vote of 7:0.

128. CONSIDER APPROVAL OF THE PROPOSED 2016 PROGRAM YEAR COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN.

Wes Morrison asked for approval of the proposed 2016 Program Year Community Development Block Grant Annual Action Plan.

Commissioner Carter made a motion to approve the proposed 2016 Program Year Community Development Block Grant Annual Action Plan. Commissioner Moon seconded the motion, which passed with a vote of 7:0.

129. CONSIDER APPROVAL OF A TAX ABATEMENT AGREEMENT WITH OLD LINCO, L.L.C. FOR PROPERTY LOCATED AT 2400 UNIVERSITY AVENUE.

Wes Morrison asked for approval of a tax abatement agreement with Old Linco, L.L.C. for property located at 2400 University Avenue.

Commissioner Boersma made a motion to approve a tax abatement agreement with Old Linco, L.L.C. for property located at 2400 University Avenue. Commissioner Calhoun seconded the motion, which passed with a vote of 7:0.

130. DISCUSSION OF AND CONSIDERATION OF ESTABLISHING A PROGRAM WITH EAST TEXAS BAPTIST UNIVERSITY TO ADDRESS HOUSING DEVELOPMENT FOR LOW TO MODERATE INCOME RESIDENTS.

This item was rescheduled for the April 28th, 2016 meeting.

131. CONSIDER ACTION ON A STAFF RECOMMENDATION REGARDING THE UTILIZATION OF CONSTRUCTION SUPERINTENDENT SERVICES FOR THE RENOVATION OF MEMORIAL CITY HALL.

Combined with Item F from the Consent Agenda

F. Report regarding the status of the Memorial City Hall renovation project.

Commissioners asked questions regarding the status of the Memorial City Hall renovation project.

Jack Redmon, Support Services Director, presented a report regarding the status of the Memorial City Hall renovation project.

Lisa Agnor asked for approval of a Staff recommendation not to engage the services of a Construction Superintendent but to proceed with hiring someone to fill a temporary, full

time position, for the duration of the project, and to act as Construction Foreman under the supervision of Jack Redmon.

Commissioners asked questions of City Staff regarding this item.

Chairman Neal made a motion to approve the Staff recommendation to not engage the services of a Construction Superintendent but to proceed with hiring someone to fill a temporary, full time position, for the duration of the project, and to act as Construction Foreman under the supervision of Jack Redmon. Commissioner Moon seconded the motion, which passed with a vote of 7:0.

132. REPORT REGARDING THE STATUS OF RENOVATIONS AT THE MARSHALL PUBLIC LIBRARY BUILDING.

Anna Lane, Library Director, presented a report regarding the status of renovations at the Marshall Public Library building.

Commissioners asked questions of Anna Lane regarding this item.

133. CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

D. Consider approval of an agreement with the Marshall Youth Baseball Association for usage of Airport Park facilities.

E. Consider approval of an agreement with the Marshall Youth Softball Association for usage of Airport Park facilities.

Commissioner Smith asked for the agreements to be submitted to the City Attorney in order to be revised to better define their intent and purpose, and bring them back at a later date.

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

- Report on completed work that utilizes the Street Maintenance Fund
- Report on status of the plans for the Harrison County Historical Museum Veterans Exhibit
- Report regarding the status of the demolition of substandard structures

135. ADJOURNMENT

Commissioner Moon made a motion for adjournment. Commissioner Mitchell seconded the motion, which passed with a vote of 7:0.

APPROVED:

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

ATTEST:

Acting City Secretary

Ordinances: O-16-07
Resolutions: R-16-05
R-16-06
R-16-07

MINUTES OF THE SPECIAL-CALLED MEETING OF THE
CITY COMMISSION OF THE CITY OF MARSHALL
TUESDAY, APRIL 19, 2016
6:00 PM

Chairman Eric Neal called the Special-Called meeting to order in the Commission Chambers, City Hall at 6:00 p.m.

PRESENT:

CHAIRMAN: Eric Neal, District 3

COMMISSIONERS:

Gloria Moon, District 1
LaDarius Carter, District 4
Ed Smith, District 7

Michael Mitchell, District 2
Garrett Boersma, District 6

ABSENT: Vernia Calhoun, District 5

ADMINISTRATIVE STAFF PRESENT:

Lisa Agnor, City Manager
Reggie Cooper, Fire Chief
Jack Redmon, Support Services Director
Wes Morrison, Planning & Development Director
Debbie Manuel, Acting City Secretary/Finance Director

Todd Fitts, City Attorney
Eddie Campa, Police Chief

REQUESTS FOR CITY COMMISSION CONSIDERATION

136. **DISCUSSION OF AND CONSIDERATION REGARDING ACTION TO ADDRESS ANIMAL CONTROL/ANIMAL SHELTER NEEDS FOR THE CITY OF MARSHALL.**

Chairman Neal made a motion that the City of Marshall, Texas commit \$400,000.00 to fund the construction of a new animal shelter facility, with the potential groundbreaking occurring in January or February 2017. Commissioner Carter seconded the motion.

The Commission engaged in discussion regarding this item.

Chairman Neal amended his motion and moved that the City of Marshall, Texas commit \$400,000.00 to fund the construction of a new animal shelter facility, with the potential groundbreaking occurring in January or February 2017, and to authorize city staff to negotiate an agreement for architectural services. Commissioner Carter seconded the amended motion, which passed with a vote of 6:0.

137. **ADJOURNMENT**

Commissioner Carter made a motion for adjournment. Commissioner Mitchell seconded the motion, which passed with a vote of 6:0.

APPROVED:

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

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ATTEST:

Acting City Secretary