

ITEM 4A

CONSENT AGENDA

**APPROVAL OF MINUTES FROM THE
MAY 5, 2017 SPECIAL-CALLED MEETING
AND MAY 11, 2017 REGULAR MEETING**

MINUTES OF THE SPECIAL-CALLED MEETING OF THE
CITY COMMISSION OF THE CITY OF MARSHALL
FRIDAY, MAY 5, 2017
4:30 PM

Chairman Eric Neal called the Special-Called meeting to order in the Commission Chambers, City Hall at 4:30 p.m.

PRESENT:

CHAIRMAN: Eric Neal, District 3

COMMISSIONERS:

Gloria Moon, District 1

Vernia Calhoun, District 5

Doug Lewis, District 7

Michael Mitchell, District 2

Larry Hurta, District 6

ABSENT: LaDarius Carter, District 4

ADMINISTRATIVE STAFF PRESENT:

Lisa Agnor, City Manager

Jack Redmon, Support Services Director

Wes Morrison, Planning & Development Director

Elaine Altman, City Secretary/Finance Director

Todd Fitts, City Attorney

REQUESTS FOR CITY COMMISSION CONSIDERATION

139. **DISCUSSION AND CONSIDERATION OF FINANCING OPTIONS AVAILABLE FOR THE MEMORIAL CITY HALL RENOVATION PROJECT.**

Lisa Agnor, City Manager, presented two financing options available for the Memorial City Hall renovation project: 1. \$1,750,000 providing for lower principal payments through 2025, providing for potential additional funds for tourism, this option requires a 2018 Capital Outlay line item of \$200,000; or 2. \$2,000,000 providing for lower principal payments through 2025, providing potential additional funds for tourism without drawing from Capital Outlay in 2018. Lisa stated she anticipates bringing the contracts back before the Commission for final approval in June of 2017.

Commissioners asked questions of Lisa Agnor regarding this item.

Commissioner Hurta made a motion to move forward with the \$2,000,000 Certificate of Obligation series not using General Fund dollars for the Memorial City Hall project. Commissioner Moon seconded the motion, which passed with a vote of 6:0.

140. **CONSIDER REPORT REGARDING THE MEMORIAL CITY HALL RENOVATION PROJECT AND CONSIDER APPROVAL TO AUTHORIZE CITY STAFF TO NEGOTIATE AND/OR EXECUTE CONTRACTS RELATED TO THE MEMORIAL CITY HALL RENOVATION PROJECT OR TAKE OTHER ACTION AS REQUIRED.**

Lisa Agnor stated there was no new information regarding this item at this time.

The Commission engaged in discussion regarding this item.

Chairman Neal made a motion to authorize City Staff to continue negotiations of the construction contracts for the Memorial City Hall

project and issue letters of intent as needed, all contingent upon financing being approved through the method of Certificates of Obligation being authorized as required by law and reject two specific work elements that were rebid; painting and sprinklers. Commissioner Calhoun seconded the motion, which passed with a vote of 6:0.

141. ADJOURNMENT

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

APPROVED:

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

ATTEST:

City Secretary

MINUTES OF THE REGULAR MEETING OF THE
CITY COMMISSION OF THE CITY OF MARSHALL
THURSDAY, MAY 11, 2017
6:00 PM

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

PRESENT:

CHAIRMAN: Larry Hurta, District 6

COMMISSIONERS:

Gloria Moon, District 1
LaDarius Carter, District 4
Doug Lewis, District 7
Terri Brown, District 3

Michael Mitchell, District 2
Vernia Calhoun, District 5
Gail Beil, District 2
William Halliday, District 4

ABSENT: Eric Neal, District 3

ADMINISTRATIVE STAFF PRESENT:

Lisa Agnor, City Manager
J.C. Hughes, Public Services Director
Jack Redmon, Support Services Director
Wes Morrison, Planning & Development Director
Elaine Altman, City Secretary/Finance Director
Carolyn Howard, Tourism & Promotions Director

Todd Fitts, City Attorney
Reggie Cooper, Fire Chief

INVOCATION & PLEDGE: Commissioner Hurta

MINUTES

142. CONSIDER APPROVAL OF THE MINUTES FROM THE APRIL 27, 2017 REGULAR MEETING.

Commissioner Carter made a motion to approve the minutes from the April 27, 2017 Regular meeting. Commissioner Mitchell seconded the motion, which passed with a vote of 6:0.

PROCLAMATION

143. PRESENTATION OF A PROCLAMATION HONORING HAL AND CLAIRE EVANS FOR THEIR SERVICE TO THE T & P DEPOT.

Commissioner Mitchell presented a Proclamation to Hal Evans honoring him and his late wife, Claire, for their service to the T&P Depot and the City of Marshall.

CANVASS ELECTION

144. CONSIDER APPROVAL OF A RESOLUTION CANVASSING THE RESULTS OF THE GENERAL ELECTION HELD ON MAY 6, 2017.

Todd Fitts, City Attorney read the results of the May 6, 2017 General Election into record.

Commissioner Carter made a motion to approve a Resolution canvassing the results of the General Election held on May 6, 2017. Commissioner Mitchell seconded the motion, which passed with a vote of 6:0.

PRESENTATION

145. PRESENTATION OF PLAQUES TO OUTGOING CITY COMMISSIONERS.

Acting Chairman Moon presented plaques to outgoing City Commissioners Carter and Mitchell and thanked them for their service to the City of Marshall.

OATH OF OFFICE AND BOND APPROVAL

146. ISSUE OATH OF OFFICE FOR COMMISSIONERS REPRESENTING DISTRICTS 1, 2, 3, AND 4.

Todd Fitts administered the Oath of Office for the Commissioners representing Districts 1, 2, 3, and 4.

147. CONSIDER APPROVAL OF BONDS FOR COMMISSIONERS REPRESENTING DISTRICTS 1, 2, 3, AND 4.

Elaine Altman, City Secretary, stated the City Charter requires a \$5,000 bond for each new Commissioner and asked for approval of bonds for Commissioners representing Districts 1, 2, 3, and 4.

Commissioner Calhoun made a motion to approve the bonds for Commissioners representing Districts 1, 2, 3, and 4. Commissioner Hurta seconded the motion, which passed with a vote of 7:0.

EXECUTIVE SESSION

148. PURSUANT TO THE OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE, SECTION 551.074 (PERSONNEL) - DISCUSSION OF CHAIRMAN, OR MAYOR, AND ACTING CHAIRMAN, OR MAYOR PRO-TEM, FOR THE CITY COMMISSION.

Commissioner Lewis made a motion to enter into Executive Session. Commissioner Calhoun seconded the motion, which passed with a vote of 7:0. The time was 6:20 p.m.

The Commission reconvened from Executive Session, the time was 6:30 p.m.

ELECTION OF CHAIRMAN AND ACTING CHAIRMAN

149. CONSIDER ELECTION OF THE CHAIRMAN, OR MAYOR, FOR THE CITY COMMISSION.

Commissioner Calhoun nominated Commissioner Larry Hurta for the position of Chairman, or Mayor, for the City Commission. Commissioner Lewis seconded the nomination, which passed with a vote of 7:0.

150. CONSIDER ELECTION OF THE ACTING CHAIRMAN, OR MAYOR PRO-TEM, FOR THE CITY COMMISSION.

Commissioner Lewis nominated Commissioner Moon as Acting Chairman, or Mayor Pro-Tem, for the City Commission.

Commissioner Calhoun seconded the nomination, which passed with the following vote:

Ayes: 6, Chairman Hurta, Commissioners Moon, Lewis, Brown, Beil, and Calhoun

Nays: 0

Abstain: 1, Commissioner Halliday

151. PRESENTATIONS FROM THE PUBLIC

Equila Brightman, 1003 Talley, spoke in opposition of the location of the new animal shelter.

Stormy Nickerson, 208 E. Burluson, encouraged Commissioners to attend Chamber sponsored community and business events and thanked Chairman Hurta for his participation in the Leadership Tomorrow program.

Nancy Stone, 1113 Larry Dr., spoke in favor of the location of the new animal shelter.

152. ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA

Item A was withdrawn from the Consent Agenda.

153. CONSENT AGENDA

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

B. Consider approval of a Municipal Advisory Agreement with Hilltop Securities.

PROCLAMATION

154. PRESENTATION OF A PROCLAMATION DESIGNATING THE WEEK OF MAY 21ST – MAY 27TH, 2017 AS NATIONAL PUBLIC WORKS WEEK IN THE CITY OF MARSHALL – THEME THIS YEAR IS “PUBLIC WORKS CONNECTS US”.

J.C. Hughes, Public Services Director, asked the Public Works Department employees in attendance to come forward to have the Proclamation presented to them.

Chairman Hurta read a Proclamation designating the week of May 21st – May 27th, 2017 as National Public Works Week in the City of Marshall – theme this year is “Public Works Connects Us”.

155. PRESENTATION OF A PROCLAMATION DESIGNATING THE WEEK OF MAY 14TH – 20TH, 2017 AS “POLICE WEEK” IN MARSHALL, TEXAS AND FURTHER DESIGNATING THAT MAY 17, 2017 BE OBSERVED AS “PEACE OFFICERS MEMORIAL DAY” IN MARSHALL, TEXAS.

John Best, Captain of the Marshall Police Department, stated the Marshall Police Department will have a memorial service on May 17, 2017 and invited the Commissioners to attend this event.

Captain John Best asked the members of the Marshall Police Department in attendance to come forward for the Proclamation to be presented to them.

Chairman Hurta read the Proclamation designating the week of May 14th – 20th, 2017 as “Police Week” in Marshall, Texas and further designating that May 17, 2017 be observed as “Peace Officers Memorial Day” in Marshall, Texas.

SECOND READING OF ORDINANCES

156. Z-17-01 – CONSIDER AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP REGARDING A REZONING REQUEST OF A 1.6 ACRE TRACT OF LAND FROM A-E (AGRICULTURAL ESTATE) TO C-3 (GENERAL BUSINESS). THE SUBJECT PROPERTY IS GENERALLY LOCATED ON THE NORTH SIDE OF KARNACK HWY (US HWY 43) APPROXIMATELY 1,000 FEET SOUTH OF ERNEST F. SMITH PKWY (LOOP 390), MORE SPECIFICALLY DEFINED AS 4901 KARNACK HWY.

Wes Morrison, Planning & Development Director, stated the Planning and Zoning Commission approved this item and it was approved with the first reading.

Commissioner Lewis made a motion to approve an ordinance amending the zoning map regarding a 1.6 acre tract of land from A-E (Agricultural and Estate) to C-3 (General Business). Commissioner Bell seconded the motion, which passed with a vote of 7:0.

157. Z-17-02 – CONSIDER AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP REGARDING A REZONING AND APPROVAL OF A SPECIAL USE PERMIT REQUEST FOR A 7.8 ACRE TRACT OF LAND FROM A-E (AGRICULTURAL ESTATE) TO I-2 (HEAVY INDUSTRY) FOR THE USE OF A WRECKING YARD AND AUTOMOBILE STORAGE. THE SUBJECT PROPERTY IS GENERALLY LOCATED NORTHEAST OF EAST END BOULEVARD NORTH (US HWY 59) AND ERNESET F. SMITH FREEWAY (LOOP 390) INTERSECTION, SPECIFICALLY DEFINED AS 3420 EAST END BOULEVARD NORTH.

Wes Morrison stated the Planning and Zoning Commission approved this item and it was approved with the first reading.

Commissioners asked questions of Wes Morrison regarding this item.

Commissioner Moon made a motion to approve an ordinance amending the zoning map regarding a 7.8 acre tract of land from A-E (Agricultural and Estate) to I-2 (Heavy Industry) for the use of a wrecking yard and automobile storage. Commissioner Lewis seconded the motion, which passed with a vote of 7:0.

158. SUP-17-01 – CONSIDER AN ORDINANCE REGARDING SPECIAL USE PERMIT REQUEST FOR AN ANIMAL SHELTER WITH OUTDOOR KENNELS ON A 9.6 ACRE TRACT OF LAND GENERALLY LOCATED ON THE NORTH SIDE OF KARNACK HWY (HWY 43) SOUTH OF THE EXISTING CITY ARENA, MORE SPECIFICALLY DEFINED AS 3215 KARNACK HWY.

Wes Morrison stated the Planning and Zoning Commission approved this item with conditions and it was approved with the first reading.

Commissioner Beil made a motion to approve an ordinance regarding a special use permit request for an animal shelter with outdoor kennels on a 9.6 acre tract of land generally located on the north side of Karnack HWY (HWY 43) south of the existing city arena. Commissioner Brown seconded the motion.

The Commission engaged in discussion regarding this item.

This item passed with the following vote:

Ayes: 6, Chairman Hurta, Commissioners Moon, Halliday, Beil, Brown and Lewis

Nays: 1, Commissioner Calhoun

RESOLUTION

159. CONSIDER APPROVAL OF A RESOLUTION DIRECTING PUBLICATION OF INTENT TO ISSUE CERTIFICATES OF OBLIGATION.

Lisa Agnor, City Manager, asked for approval of a resolution directing publication of intent to issue certificates of obligation stating it would not exceed 2.1 million dollars. Lisa introduced John Martin, Financial Advisor with Hilltop Securities, who explained the financing for the certificates of obligation.

Commissioners asked questions of Lisa Agnor regarding this item.

Commissioner Lewis made a motion to approve a resolution directing publication of intent to issue combination tax and revenue certificates of obligation. Commissioner Beil seconded the motion, which passed with a vote of 7:0.

CITY MANAGER REPORTS AND REQUESTS FOR CITY COMMISSION CONSIDERATION

160. REPORT REGARDING THE FEASIBILITY OF REFURBISHING THE RESTROOM AT CITY PARK.

Jack Redmon, Support Services Director, presented a report regarding the feasibility of refurbishing the restroom at City Park. Jack Redmon stated he would include this item in the upcoming budget.

The Commission engaged in discussion regarding this item.

161. REPORT REGARDING "MARKET ON THE SQUARE" IN DOWNTOWN MARSHALL.

Carolyn Howard, Tourism & Promotions Director, presented a report regarding the "Market on the Square" in downtown Marshall. Carolyn stated the event partners are the Harrison County Farmer's Market. The opening ceremony will honor James Fyffe for his service to the community.

Commissioners asked questions of Carolyn Howard regarding this item.

162. CONSIDER AND ACT ON A REQUEST TO DECLARE AND FUND AN EMERGENCY REPAIR FOR A BIO TOWER #2 SWEEP ARM, APPROVAL OF AN ENGINEERING WORK ORDER, AND APPROVAL TO FUND THE EMERGENCY REPAIR FROM WATER UTILITY UNALLOCATED RESERVES, DUE TO THE EMERGENCY NECESSITY OF THIS PIECE OF EQUIPMENT AS RELATED TO THE ASPECT OF SAFETY AND PUBLIC HEALTH.

J.C. Hughes asked for approval to declare and fund an emergency repair for a Bio Tower #2 sweep arm, of an engineering work order, and to fund the emergency repair from Water Utility Unallocated Reserves, due to the emergency necessity of this piece of equipment as related to the aspect of safety and public health.

Commissioners asked questions of J.C. Hughes regarding this item.

Commissioner Calhoun made a motion to approve declaring and funding an emergency repair for a Bio Tower #2 sweep arm, an engineering work order using Water Utility Unallocated Reserves. Commissioner Brown seconded the motion, which passed with a vote of 7:0.

163. CONSIDER AND ACT ON A REQUEST BY THE EAST TEXAS COUNCIL OF GOVERNMENTS FOR A RATE INCREASE AND ROUTE REVISION FOR THE GOBUS PUBLIC TRANSPORTATION SYSTEM.

Melissa Cure, ETCOG Business Planning Analysis, asked for approval of a rate increase and route revision for the GOBUS Public Transportation System.

Commissioners asked questions of Melissa Cure regarding this item.

Commissioner Lewis made a motion to approve a rate increase and route revision for the GOBUS Public Transportation System. Commissioner Halliday seconded the motion, which passed with a vote of 7:0.

164. CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

A. Consider approval of quarterly investment report.

This item will be added to the next meeting Consent Agenda.

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

- Overview of the Memorial City Hall project documents.
- Consideration of joining a consortium of cities opposed to House Bill 3081.
- Discussion regarding the sale of the Perkins Building.
- Consideration of appealing the use of the terms Mayor and Mayor Pro-Tem.
- Review of the City Charter.
- Report on a marketing plan for Memorial City Hall.
- Discussion of a Master Plan for Memorial City Hall.
- Update on the status of the iPads for City Commissioners.
- Discussion of and consideration of changing the Ordinance regarding water deposits.

EXECUTIVE SESSION

166. **PURSUANT TO THE OPEN MEETINGS ACT, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.074 – PERSONNEL MATTER – CONVENE IN EXECUTIVE SESSION TO DISCUSS CITY MANAGER’S APPOINTMENT OF INTERIM CHIEF OF POLICE.**

The Commission convened to Executive Session; the time was 7:50 p.m.

The Commission reconvened from Executive Session; the time was 8:10 p.m.

ACTION ITEM FOLLOWING EXECUTIVE SESSION

167. **CONSENT TO CITY MANAGER’S APPOINTMENT OF AN INTERIM CHIEF OF POLICE.**

Commissioner Halliday made a motion to approve the appointment of an interim Chief of Police. Commissioner Calhoun seconded the motion, which passed with a vote of 7:0.

Lisa Agnor introduced interim Chief of Police Ron Davis.

168. **ADJOURNMENT**

Commissioner Moon made a motion for adjournment. Commissioner Lewis 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

**Ordinances: O-17-04
O-17-05
O-17-06
O-17-07
Resolutions: R-17-09
R-17-10**