

MINUTES OF THE REGULAR MEETING OF THE
CITY COMMISSION OF THE CITY OF MARSHALL
THURSDAY, SEPTEMBER 27, 2018
6:00 PM

Chairman Larry Hurta 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

Terri Brown, District 3

Vernia Calhoun, District 5

Gail Beil, District 2

William Halliday, District 4

Doug Lewis, District 7

ADMINISTRATIVE STAFF PRESENT:

Jack Redmon, Acting City Manager

Scott Rectenwald, City Attorney

J.C. Hughes, Public Services Director

Randy Pritchard, Support Services Superintendant

Wes Morrison, Community & Economic Development Director

Elaine Altman, City Secretary/Finance Director

Reggie Cooper, Fire Chief

Cliff Carruth, Police Chief

INVOCATION & PLEDGE: Commissioner Brown, Giovanni Foster student at Price T. Young Elementary School

303. **CITIZEN COMMENTS**

Mack Guice, II, 1205 Spring St, invited the Commission and public to attend a Christmas concert benefit for children in the community with autism and provided a handout with information regarding the event.

Stormy Nickerson, 202 Sherry Dr, spoke regarding the Chamber lease.

Leo Morris, 505 S. Carter, spoke in opposition of approving the budget and recommended hiring an outside candidate for the position of City Manager.

Kenneth Moon, 507 Wood, spoke against approving the budget and for making infrastructure improvements.

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 **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA**

Items B, E, F and G were withdrawn from the Consent Agenda.

305. **CONSENT AGENDA**

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

A. Consider approval of the minutes from the September 10, 2018 Special-Called meeting, September 13, 2018 Regular meeting and September 14, 2018 Special-Called meeting.

C. Monthly financial report.

D. Code Enforcement report.

H. Consider and act on a request to approve an Advanced Funding Agreement for Voluntary Local Government Contributions for installation of a signal at the intersection of Loop 390 and FM-154.

306. **PROCLAMATION**

A. Presentation of a proclamation declaring the month of October “Domestic Violence Awareness Month”.

Chairman Hurta presented a Proclamation declaring the month of October “Domestic Violence Awareness Month” in Marshall, Texas. The proclamation was presented to Heather Miller and Megan Johnson, representatives for the Women’s Center of East Texas.

ORDINANCES

307. **CONSIDER APPROVAL OF AN ORDINANCE AMENDING CHAPTER 27, ARTICLE IA, SECTION 27-15.2 OF THE CITY CODE OF ORDINANCES – TRAFFIC CODE TO DESIGNATE A NO PARKING AND NO STANDING ZONE WITHIN THE EXISTING SCHOOL ZONE LIMITS ON FM-31 (IN FRONT OF THE MARSHALL JR HIGH SCHOOL) BETWEEN 7:00 AM – 4:00 PM (MONDAY-FRIDAY); AND INSTALL SIGNAGE TO PROVIDE FOR REGULATION AND ENFORCEMENT NOTICE, AND DECLARING AN EMERGENCY.**

J.C. Hughes, Public Services Director, and Cliff Carruth, Police Chief, asked for approval of an ordinance amending Chapter 27, Article IA, Section 27-15.2 of the City Code or Ordinances – Traffic Code. J.C. Hughes stated this ordinance will designate a No Parking and No Standing Zone within the existing school zone limits on FM-31, in front of the Marshall Jr. High School, between 7:00 AM – 4:00 PM, Monday-Friday. Upon passage of this ordinance signage will be installed to provide regulation and enforcement notification.

Commissioners engaged in discussion with City Staff regarding this item.

Commissioner Beil made a motion to approve the ordinance amending Chapter 27, Article IA, Section 27-15.2 of the Code of Ordinances. Commissioner Brown seconded the motion, which passed with a vote of 7:0.

SECOND READING ORDINANCES

308. **CONSIDER APPROVAL OF AN ORDINANCE TO ADOPT THE ANNUAL BUDGET OF THE CITY OF MARSHALL, TEXAS FOR THE 2019 FISCAL YEAR.**

Jack Redmon, Acting City Manager, stated there was no new information regarding this ordinance.

Commissioner Moon made a motion to approve an Ordinance to adopt the Annual Budget of the City of Marshall, Texas for the 2019 Fiscal Year. Commissioner Beil seconded the motion.

The Commission engaged in discussion regarding this item.

This item passed with the following vote:

Ayes: 5, Chairman Hurta, Commissioners Moon, Lewis, Brown and Beil

Nays: 2, Commissioners Halliday and Calhoun

309. CONSIDER APPROVAL OF AN ORDINANCE AFFIXING AND LEVYING 2018 AD VALOREM TAXES FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF MARSHALL FOR THE 2019 FISCAL YEAR AT A RATE OF \$0.542160 PER \$100 OF PROPERTY VALUE, WHICH IS EFFECTIVELY A 2.09 PERCENT INCREASE IN THE TAX RATE. THE TAX RATE OF \$0.542160 WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

Jack Redmon stated there was no new information regarding this item.

Commissioner Lewis moved that the property tax rate be increased by the adoption of a tax rate of \$0.542160, which is effectively a 2.09 percent increase in the tax rate. Commissioner Beil seconded the motion,

Commissioners engaged in discussion regarding this item.

This item passed with the following vote:

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

Nays: 1, Commissioner Halliday

RESOLUTION

310. CONSIDER A RESOLUTION APPROVING A DECREASE IN THE RATES RELATED TO THE APPLICATION OF THE SOUTHWESTERN ELECTRIC POWER COMPANY (SWEPCO) FOR AUTHORITY TO DECREASE RATES SUBMITTED ON OR ABOUT APRIL 4, 2018; DIRECTING SWEPCO TO PROVIDE A REFUND; AND DIRECTING SWEPCO TO REIMBURSE THE CITY'S RATE CASE EXPENSES.

Jack Redmon asked for approval of a resolution approving a decrease in the rates related to the application of the Southwestern Electric Power Company (SWEPCO) for the authority to decrease rates submitted on or about April 4, 2018. He stated this resolution will not only direct SWEPCO to provide a refund, but also to reimburse the City's rate case expenses.

Commissioner Beil made a motion to approve the resolution approving a decrease in the rates related to the application of SWEPCO for authority to decrease rates; directing SWEPCO to provide a refund and to reimburse the City's rate case expenses. Commissioner Moon seconded the motion, which passed with a vote of 7:0.

CITY MANAGER REPORTS AND REQUESTS FOR CITY COMMISSION CONSIDERATION

311. REPORT REGARDING NEEDED APPOINTMENTS TO THE VARIOUS CITY BOARDS, COMMISSIONS, AND COMMITTEES.

Jack Redmon stated City Staff will advertise in the newspaper, on the website and other social media sites to solicit candidates for the various city boards and committees. He also asked the Commission to submit recommendations for appointments.

The Commission engaged in discussion with City Staff regarding this item.

Item C, D & E were taken out of order at this point.

312. REPORT REGARDING PERMITTING AND INSPECTION FEES FOR SCHOOL DISTRICT NEW CONSTRUCTION AND RENOVATIONS.

Commissioner Halliday stated he wanted this information to be on hand for discussion in the executive session.

313. REPORT REGARDING STREET IMPROVEMENT EXPENDITURES.

Commissioner Halliday stated his reasons for requesting this item.

314. REPORT REGARDING THE PERCENTAGE OF INCREASE/DECREASE FOR ESTIMATED EXPENDITURES FOR THE 2019 PROPOSED BUDGET.

Commissioner Halliday stated his reasons for requesting this item.

Commissioners asked questions of Jack Redmon regarding this item.

315. DISCUSSION AND CONSIDERATION OF CHANGES TO THE MARSHALL FIRE FIGHTERS RELIEF AND RETIREMENT FUND.

Elaine Altman, Finance Director, stated the Marshall Fire Fighter's Relief and Retirement Fund Board is asking the Commission to authorize the following changes to the Pension Plan:

- City contributions to be made at the end of the year for unfilled vacancies that exist throughout the year effective December 31, 2018
- Increase the contribution rate by .75% of payroll effective January 1, 2019

Elaine informed the Commission money has been set aside in the 2019 budget to fund these changes. She also reminded the Commission the City does not pay 6.2% for Social Security on civil service employees.

Commissioners asked questions of Elaine Altman and Joey Dunagan, Fire Captain and Chairman of the Fire Fighter's Relief and Retirement Fund, regarding this item.

Commissioner Moon made a motion to approve the changes to the Marshall Fire Fighters Relief and Retirement Fund. Commissioner Calhoun seconded the motion.

Commissioners engaged in further discussion regarding this item.

This item passed with the following vote:

Ayes: 5, Chairman Hurta, Commissioner Moon, Lewis, Beil and Brown

Nays: 1, Commissioner Halliday

Abstain: 1, Commissioner Calhoun

316. STATUS UPDATE ON RELOCATION OF THE MAIN STREET OFFICE AND MUNICIPAL COURT.

Commissioner Calhoun stated her reasons for requesting this item.

Randy Pritchard, Support Services Superintendent, provided an update regarding the relocation of the Main Street Office and Municipal Court.

Commissioners asked questions of Randy Pritchard regarding this item.

317. DISCUSSION AND CONSIDERATION OF PAVING THE CITY HALL PARKING LOT.

Commissioner Calhoun stated her reasons for requesting this item.

Jack Redmon recommended replacing the roof on the Annex building before paving the City Hall parking lot.

318. CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

Commissioners asked questions of City Staff regarding the following items.

- B. Report regarding the status of the Memorial City Hall renovation project.

Commissioners asked questions of Jack Redmon regarding this item.

Commissioner Halliday made a motion to approve item B of the Consent Agenda. Commissioner Brown seconded the motion, which passed with a vote of 7:0.

- E. Consider approval of Change Order #2 to a contract with Schindler Elevator Corporation for the Memorial City Hall renovation project.

Commissioners asked questions of Jack Redmon regarding this item.

Commissioner Beil made a motion to approve item E of the Consent Agenda. Commissioner Lewis seconded the motion, which passed with the following vote:

**Ayes: 4, Commissioners Beil, Lewis, Moon and Brown
Nays: 3, Chairman Hurta, Commissioners Calhoun and Halliday**

- F. Consider approval of an Interlocal Agreement with Harrison County for Sheriff's Department Inmate Services.

Commissioners asked questions of Jack Redmon regarding this item.

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

- G. Consider approval of an agreement with the Marshall Chamber of Commerce for occupancy of space in the Business Development Center.

Commissioners asked questions of Scott Rectenwald, Acting City Attorney, regarding this item. Stormy Nickerson, Executive Director of the Marshall Chamber of Commerce, spoke regarding this item.

Commissioner Beil made a motion to approve item G from the Consent Agenda. Commissioner Calhoun seconded the motion, which passed with the following vote:

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

Nays: 1, Commissioner Halliday

319. **EXECUTIVE SESSION**

- A. AN EXECUTIVE SESSION PURSUANT TO THE OPEN MEETINGS ACT, CHAPTER 551 OF THE TEXAS GOVERNMENT CODE UNDER SECTION 551.071 PENDING OR CONTEMPLATED LITIGATION: CONSIDER, DISCUSS, AND DELIBERATE DAMAGE TO CITY STREETS.
- B. AN EXECUTIVE SESSION PURSUANT TO THE OPEN MEETINGS ACT, CHAPTER 551 OF THE TEXAS GOVERNMENT CODE UNDER SECTION 551.074 PERSONNEL MATTERS: CONSIDER, DISCUSS, AND DELIBERATE THE POSITION OF CITY MANAGER.

Commissioner Moon made a motion to enter into Executive Session. Commissioner Lewis seconded the motion, which passed with a vote of 7:0. The time was 7:22 p.m.

The Commission reconvened from Executive Session. The time was 8:15 p.m.

ACTION ITEMS FOLLOWING EXECUTIVE SESSION, IF NECESSARY

320. CONSIDER AUTHORIZING THE CITY STAFF TO ACT ON BEHALF OF THE CITY OF MARSHALL ON MATTERS RELATED TO DAMAGE TO CITY STREETS AS DISCUSSED IN EXECUTIVE SESSION.

Commissioner Halliday made a motion to have the Acting City Attorney write a letter to request Marshall Independent School District consider helping the City address the damage to the streets adjoining the new schools, caused by the construction of these schools; and further, to provide any documentation concerning that construction that is relevant. Commissioner Moon seconded the motion which passed with a vote of 7:0.

321. **ADJOURNMENT**

Commissioner Lewis made a motion for adjournment. Chairman Hurta 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-18-16
O-18-17
O-18-18
Resolutions: R-18-24