

MINUTES OF THE REGULAR MEETING OF THE
CITY COMMISSION OF THE CITY OF MARSHALL
THURSDAY, JUNE 14, 2012
6:30PM

Chairman Smith called the Regular meeting to order in the Commission Chambers, City Hall at 6:30pm.

PRESENT:

CHAIRMAN: Ed Smith, District 7

COMMISSIONERS:

Gloria Moon, District 1

Zephaniah Timmins, District 2

John Flowers, District 3

Charlie Oliver, District 5

Garrett Boersma, District 6

Absent: Commissioner Bill Marshall, District 4

ADMINISTRATIVE STAFF PRESENT:

Frank Johnson, City Manager

Todd Fitts, City Attorney

Kenneth J. Snyder, Fire Chief

Stan Spence, Police Chief

Ardis Wright, Assistant City Manager

Lisa Agnor, City Secretary/Finance Director

J. C. Hughes, Public Works Director

Jack Redmon, Parks Director

Anna Lane, Library Director

THE CHAIRMAN PRESENTED THE FOLLOWING AGENDA FOR THE PRE-COMMISSION PUBLIC WORK SESSION:

I. ITEMS LISTED ON THE CITY COMMISSION AGENDA & EMERGENCY ITEMS

There were no emergency items.

II. REQUESTS BY THE CITY COMMISSIONERS FOR ITEMS TO BE PLACED ON A FUTURE AGENDA

A. Joint meeting between the City Commission and the School Board.

III. CITY MANAGER REPORTS

City Manager Frank Johnson reviewed the agenda packet with the City Staff and City Commission.

IV. ADJOURNMENT

INVOCATION & PLEDGE: Commissioner Timmins

230. PRESENTATIONS FROM THE PUBLIC

John Bogue, 605 Buffo, asked the Commission to reconsider paying for retiree insurance during 2013 budget process.

Bailey Briggs, Marketing Director for TSTC, 2650 E. End Blvd. S., invited the Commission to an after-hours open house to celebrate Texas State Technical College's 20th year in Marshall.

Chris Clement, 4500 Briarwood, spoke in favor of the Oaklawn Golf Course being converting into a multi-use sports facility.

Paul Reynolds, 4409 Leland, said he would like to keep the golf course, but was in favor of a multi-use facility if the City was not financially able to support the golf course.

Larry Henderson, 1810 Gatewood, spoke in favor of a multi-use facility to provide children with a sporting facility locally.

Ed Michel, Executive Director of CVB, 301 N. Washington, asked the Commission to table the agenda item regarding cost participation for installing a new person-lift at the Depot.

Bryan Partee, 2804 Mary Mack, said he thinks a multi-use facility would be a good community builder.

Trey Hobson, spoke on the importance for Marshall to have a great recreational program.

Michael Runyan, 230 Beavers Bend, spoke in support of the agenda item regarding the golf course.

231. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the consent agenda.

232. CONSENT AGENDA

Commissioner Timmins moved to approve the following under Consent Agenda. Commissioner Boersma seconded the motion, which passed by a 6:0 vote.

- A. Consider approval of the minutes from the May 17, 2012 Special-Called Meeting, and the May 22, 2012 Special-Called Meeting
- B. Second reading of ordinances.
 1. Ordinance O-12-08: Requiring builders and general contractors performing work within the City of Marshall to be registered with the City's Building Inspections Department.

Chairman Smith recommended that items 9I and 9J regarding the golf course be taken out of sequence and discussed at this point in the meeting due to the number of people in attendance concerning these items.

Commission Timmins moved to take agenda items 9I and 9J out of sequence. Commissioner Flowers seconded the motion, which passed by a 6:0 vote.

233. REPORT ON AND DISCUSSION OF BIDS RECEIVED FOR THE PURCHASE OF OAKLAWN MUNICIPAL GOLF COURSE

Parks Director Jack Redmon stated that we have been unsuccessful in selling or leasing the golf course.

Chairman Ed Smith presented a letter from Mr. David Brasher with signatures of people expressing their desire to keep the golf course.

234. CONSIDER APPROVAL OF A RECOMMENDATION FROM THE PARKS ADVISORY BOARD FOR A CHANGE IN USE OF THE OAKLAWN MUNICIPAL GOLF COURSE PROPERTY OR APPROVAL OF AN ALTERNATE COURSE OF ACTION FOR THE OAKLAWN MUNICIPAL GOLF COURSE PROPERTY

Jack Redmon outlined four options for future use of the golf course; 1) repair and mow; 2) close and mow; 3) survey and sell in parcels; and 4) the recommendation of the Parks Board that would convert the golf course into a multi-use facility including walking trails, bicycle trails, recreational softball fields, youth soccer fields, community fishing lake, and a community center.

The Commission engaged in discussion regarding the change in use of the golf course.

This item was tabled until the July 12th meeting to determine a true cost of operation of the golf course and to provide an opportunity for potential developers to meet with City representatives.

PUBLIC HEARINGS

235. ORDINANCE O-12-10: REZONE LOT 3 OF THE WOMACK ADDITION, BEING 0.237 ACRES OF LAND, FROM R-2 SINGLE FAMILY DETACHED DWELLING DISTRICT TO R-6 DUPLEX, TRIPLEX, QUADRAPLEX DWELLING DISTRICT (1102 SOUTH WASHINGTON, BILL SEIBERT)

Chairman Smith opened the Public Hearing and asked anyone wishing to speak in favor of this item to come forward.

Woody Seibert, 1102 S. Washington, spoke in favor of this item.

Chairman Smith asked anyone wishing to speak in opposition to this item to come forward.

No one came forward to speak in opposition to this item.

Chairman Smith closed the Public Hearing.

City Manager Frank Johnson said that the Planning and Zoning Committee recommends approval of this request.

Commissioner Timmins moved to approve the Ordinance to rezone Lot 3 of the Womack Addition, being 0.237 acres of land, from R-2 Single Family Detached Dwelling District to R-6 Duplex, Triplex, Quadraplex Dwelling District. Commissioner Oliver seconded the motion, which passed by a 6:0 vote. (Second reading required.)

236. ORDINANCE O-12-11: REZONE THE EAST HALF OF LOT 4 AND THE WEST HALF OF LOT 4 OF BLOCK 26 OF THE LONGINOTTI ADDITION FROM R-3 SINGLE FAMILY DETACHED DWELLING DISTRICT TO R-6 DUPLEX, TRIPLEX, QUADRAPLEX DWELLING DISTRICT (501 & 503 LOCUST STREET, RENEE VENCES, JR.)

Chairman Smith opened the Public Hearing and asked anyone wishing to speak in favor of this item to come forward.

No one come forward to speak in favor of this item.

Chairman Smith asked anyone wishing to speak in opposition to this item to

come forward.

No one came forward to speak in opposition to this item.

Chairman Smith closed the Public Hearing.

Frank Johnson stated that the original application was for an R-6 District, but the Planning and Zoning Committee recommends an R-7 District and the applicant has no objection.

Commissioner Moon moved to approve an Ordinance to rezone the east half of Lot 4 and the west half of Lot 4 of Block 26 of the Longinotti Addition from R-3 Single Family Detached Dwelling District to an R-7 Duplex Residential District as recommended by the Planning and Zoning Committee. Commission Flowers seconded the motion, which passed by a 6:0 vote. (Second reading required.)

237. PUBLIC HEARING ON ESTABLISHING A MUNICIPAL SETTING DESIGNATION ON THE EAST PART OF OUTLOT 50 SOUTHEAST, OUTLOT 51 SOUTHEAST, ALL OF BLOCK 1 OF THE MONTICELLO PLACE ADDITION, AND ALL OF THE STREET RIGHTS-OF-WAY FOR ARGYLE STREET, KEYTON STREET, LAFAYETTE STREET, AND COLUMBUS STREET ADJACENT TO THESE PROPERTIES

Chairman Smith opened the Public Hearing and asked anyone wishing to speak regarding this item to come forward.

Henry Bradbury spoke in favor of this item on behalf of the owners, Brownfield Redevelopment Corporation of Marshall, and introduced Attorney David Whitten and Geologist Kenneth Tram.

Dr. Kenneth Tram spoke regarding the site and the environmental assessment.

David Whitten spoke about Municipal Setting Designations.

Kay Mayo expressed her concern about trees that might be destroyed in the cleanup.

Chairman Smith closed the Public Hearing.

238. ORDINANCE O-12-12: ESTABLISHING A PROHIBITION ON THE USE OF GROUNDWATER OBTAINED FROM WELLS IN CONJUNCTION WITH A MUNICIPAL SETTING DESIGNATION ON THE EAST PART OF OUTLOT 50 SOUTHEAST, OUTLOT 51 SOUTHEAST, ALL OF BLOCK 1 OF THE MONTICELLO PLACE ADDITION, AND ALL OF THE STREET RIGHTS-OF-WAY FOR ARGYLE STREET, KEYTON STREET, LAFAYETTE STREET, AND COLUMBUS STREET ADJACENT TO THESE PROPERTIES

Frank Johnson said it is the recommendation of the City that the Commission approve the Municipal Setting Designation and asked for approval of the Ordinance.

Commissioner Timmins moved for approval of an Ordinance establishing a prohibition on the use of groundwater obtained from wells in conjunction with a Municipal Setting Designation on the east part of Outlot 50 Southeast, Outlot 51 Southeast, all of Block 1 of the Monticello Place Addition, and all of the street rights-of-way for Argyle Street, Keyton Street, Lafayette Street, and Columbus Street adjacent to these properties. Commissioner Oliver seconded the motion, which passed by a 6:0 vote.

239. CONSIDER APPROVAL OF A RESOLUTION ESTABLISHING THAT THE CHAIRMAN AND ACTING CHAIRMAN OF THE CITY COMMISSION WILL BE REFERRED TO BY THOSE TITLES IN COMPLIANCE WITH THE CHARTER

Commissioner Moon stated she believes we should use titles as referred to in the City Charter.

The Commissioner engaged in discussion regarding this item.

Commissioner Moon moved to approve a Resolution establishing that the Chairman and Acting Chairman of the City Commission be referred to by those titles in compliance with the Charter. Commissioner Oliver seconded motion, which failed by the following vote:

Ayes: 3, Commissioners Moon, Oliver, Timmins

Nays: 3, Commissioners Smith, Boersma, Flowers

240. REPORT ON AND DISCUSSION OF RESPONSE TO THE REQUEST FOR QUALIFICATIONS FOR INSURANCE CONSULTING SERVICES

Assistant City Manager Ardis Wright stated that the City received one request for qualifications from City County Benefits Services for insurance consulting services.

The Commission engaged in general discussion regarding this item.

241. CONSIDER APPROVAL OF AN AGREEMENT WITH CITY COUNTY BENEFIT SERVICES FOR INSURANCE CONSULTING SERVICES

Ardis Wright asked for approval of an agreement with City County Benefit Services for insurance consulting services and authorization for the City Manager to execute the contract.

Commissioner Timmins moved to approve an agreement with City County Benefit Services for insurance consulting services and to authorize the City Manager to execute the contract. Commissioner Oliver seconded the motion, which passed by a 6:0 vote.

242. CONSIDER APPROVAL OF AN APPOINTMENT TO THE CONVENTION AND VISITOR BUREAU BOARD OF DIRECTORS

Ed Michel, Executive Director of the Marshall Convention and Visitor Bureau, stated that Louis Christian resigned from the CVB Board and asked approval to appoint Brad Baker to fill this unexpired term.

Commissioner Timmins moved to approve the appointment of Brad Baker to fill an unexpired term on the Convention and Visitor Bureau Board of Directors. Commissioner Oliver seconded the motion, which passed by a 6:0 vote.

243. PRESENTATION OF QUARTERLY REPORT BY THE CONVENTION AND VISITOR BUREAU

Ed Michel, CVB Executive Director, presented the first quarter 2012 CVB report.

244. UPDATE ON PLANS AND PREPARATIONS FOR WONDERLAND OF LIGHTS 2012 BY THE CONVENTION AND VISITOR BUREAU

Ed Michel, CVB Executive Director, presented an update on plans and preparations for Wonderland of Lights 2012.

245. CONSIDER AND ACT ON A RECOMMENDATION TO APPROVE ENTERING INTO AN AEP/SWEPCO LOAD MANAGEMENT STANDARD OFFER PROGRAM AGREEMENT TO ASSIST IN PEAK ELECTRICAL DEMAND REDUCTION THROUGH AN INTERRUPTION OF ELECTRIC LOAD PROGRAM

Public Works Director J. C. Hughes asked for approval to enter into an agreement with AEP/SWEPCO to assist in peak electrical demand reduction through an interruption of electric load program.

Commissioner Timmins moved to approve entering into an AEP/SWEPCO Load Management Standard Offer Program Agreement to assist in peak electrical demand reduction through an interruption of electric load program. Commissioner Flowers seconded the motion, which passed by a 6:0 vote.

246. CONSIDER APPROVAL OF THE CITY'S PARTICIPATION IN THE COST OF INSTALLING A NEW PERSON-LIFT IN THE TUNNEL TO THE DEPOT

Chairman Smith said that the Commission would like additional information regarding this agenda item.

Commissioner Boersma moved to table the item. Commissioner Timmins seconded the motion.

John Hedrick with East Texas Council of Governments answered questions from the Commission and will provide additional cost information at a future meeting.

The motion passed by a 6:0 vote.

247. CONSIDER APPROVAL OF THE PURCHASE OF EIGHT (8) NEW POLICE VEHICLES FOR PATROL AND CID DIVISIONS

Ardis Wright reviewed the quotes for new police vehicles and asked approval to purchase eight (8) new police vehicles from Dallas Dodge through HGAC for the cost of \$258,805.

Commissioner Timmins moved to approve the purchase of eight (8) new police vehicles for Patrol and CID Divisions. Commission Moon seconded the motion, which passed by a 6:0 vote.

248. REPORT ON AND DISCUSSION OF SCHEDULE FOR PREPARATION OF 2013 BUDGET

Frank Johnson reviewed 2013 budget calendar.

249. MONTHLY FINANCIAL REPORT

There were no questions regarding the Monthly Financial Report.

250. CODE ENFORCEMENT REPORT

Main Street Manager Bo Ellis presented the Code Enforcement Report.

251. CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the consent agenda.

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

There were no requests for items to be placed on future agendas.

253. ADJOURNMENT

Commissioner Timmins moved for adjournment. Commissioner Oliver seconded the motion, which passed by a 6:0 vote.

APPROVED:



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

ATTEST:



City Secretary

Ordinances: O-12-10, O-12-11, O-12-12