

MINUTES OF THE REGULAR MEETING OF THE  
CITY COMMISSION OF THE CITY OF MARSHALL  
THURSDAY, JUNE 28, 2012  
6:30PM

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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  
John Flowers, District 3  
Bill Marshall, District 4

Charlie Oliver, District 5  
Garrett Boersma, District 6

ABSENT: Commissioner Zephaniah Timmins, District 2

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. Consider an appointment to the Convention and Visitor Bureau Board of Directors.
- B. Discussion of changes in programs and operations at the Marshall Visual Art Center during 2012 compared to previous years.

III. CITY MANAGER REPORTS

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

IV. ADJOURNMENT

INVOCATION & PLEDGE: Commissioner Oliver

254. PRESENTATIONS FROM THE PUBLIC

Tony Cain, District Sales Manager for IESI, asked that the City go out for bids on the City's solid waste contract.

Julia Robb, 106 E. Merritt introduced her neighbors that were in attendance and spoke in opposition to the zoning request at 1102 S. Washington.

Ed Michel, CVB Executive Director, stated that KSLA will broadcast live from the downtown area on July 19<sup>th</sup>, during the 5:00pm and 6:00pm newscast.

Venson Warren, 1100 S. Washington Ave., spoke in opposition to the zoning request at 1102 S. Washington Ave.

Leo Morris, 4500 Victory Dr. #45, spoke in favor of converting the golf course into a multi-purpose park.

255. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the consent agenda.

256. CONSENT AGENDA

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

- A. Consider approval of the minutes from the June 12, 2012 Special-Called Meeting, and the June 14, 2012 Regular Meeting.

257. PRESENTATION OF RETIREMENT PLAQUE TO BENJAMIN LEE CHRISTY FOR HIS YEARS OF SERVICE TO THE MARSHALL FIRE DEPARTMENT

Chairman Ed Smith presented a retirement plaque to Benjamin Lee Christy for his years of service to the City of Marshall Fire Department.

ORDINANCES

258. 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)

City Manager Frank Johnson stated that the City has been presented a signed petition that this request be rejected. He said state law requires a three-fourth vote of the legislative body to approve this request because the owners of 20% or more of the property within 200 feet of the property for which the zoning request has been made have objected in writing.

The Commission engaged in discussion about concerns regarding the zoning of this property.

Bill Siebiet addressed the Commission regarding his intention for the property.

Commissioner Marshall moved to approve the Ordinance. There was no second.

**Commissioner Marshall then moved to deny 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 Moon seconded the motion, which failed by a 6:0 vote.**

259. 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-7 DUPLEX, TRIPLEX, QUADRAPLEX DWELLING DISTRICT (501 & 503 LOCUST STREET, RENEE VENCES, JR.)

Frank Johnson stated that he had no additional information for the second reading of this Ordinance.

**Commissioner Oliver 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 R-7 Duplex, Triplex, Quadraplex Dwelling District. Commissioner Flowers seconded the motion, which passed by a 6:0 vote.**

260. 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 stated that he had no additional information for the second reading of this Ordinance.

**Commissioner Boersma moved to approve 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.**

261. CONSIDER APPROVAL OF A FIVE YEAR EXTENSION TO THE SANITATION AND RECYCLING SERVICES AGREEMENT WITH ALLIED WASTE SERVICES

Public Works Director J. C. Hughes stated that at the April 26<sup>th</sup> meeting the Commission asked the staff to negotiate a contract with Allied Waste Services. Mr. Hughes presented two options: 1) a 2.7% increase for continued bag pickup, and 2) an 8% increase for cart service.

The Commission engaged in discussion regarding the proposed options from Allied Waste Services and the possibility of going out for bids or proposals.

There was no action taken on this item due to the lack of a motion.

262. CONSIDER CALLING A PUBLIC HEARING REGARDING POSSIBLE FUTURE USES OF THE OAKLAWN MUNICIPAL GOLF COURSE PROPERTY

This item was withdrawn.

263. CONSIDER AUTHORIZATION TO PROCEED WITH THE PURCHASE OF AN AMBULANCE

Fire Chief Kenneth J. Snyder explained the need for an ambulance and dependable equipment, and asked for authorization to proceed with the purchase of an ambulance.

**Commissioner Marshall moved to approve authorization to proceed with the purchase of an ambulance. Commissioner Boersma seconded the motion, which passed by a 6:0 vote.**

264. IS IT LEGAL IN THE EYES OF THE DEPARTMENT OF JUSTICE & THE CITY CHARTER FOR ONE CITY COMMISSIONER TO RECEIVE MORE INFORMATION THAN ANOTHER CITY COMMISSIONER PRIOR TO A VOTE?

Commissioner Flowers stated that he believes all Commissioners should receive the same information if written information is provided by the City staff to any Commissioner and requested to know if it is legal for one Commissioner to receive more information than others on the Commission prior to a vote.

City Attorney Todd Fitts said that this was a policy decision for the Commission.

Commissioner Flowers stated that he would put this item on a future agenda as a policy issue.

265. DISCUSS PROJECTED CITY COMMISSION TRAVEL EXPENSES FOR THE REMAINDER OF 2012

Frank Johnson stated that in accordance with the City Commission Travel Policy he wanted to make the Commission aware that the Commission conference and training line item for 2012 could possibly be exceeded.

266. REPORT BY COMMISSIONER MARSHALL ON THE RECENT MEETING OF THE TEXAS MUNICIPAL LEAGUE COMMITTEE ON TAXATION AND REVENUE

This item was withdrawn.

267. MONTHLY FINANCIAL REPORT

There were no questions regarding the Monthly Financial Report.

268. CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the consent agenda.

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

- A. Discussion regarding establishing a policy of the City Commission regarding dissemination of information requested by one Commissioner to all Commissioners.

EXECUTIVE SESSION

270. PERSONNEL – DISCUSSION OF CRITERIA TO USE TO EVALUATE THE CITY MANAGER, THE CITY SECRETARY, THE CITY ATTORNEY, AND THE MUNICIPAL COURT JUDGE

This item was withdrawn.

271. ADJOURNMENT

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

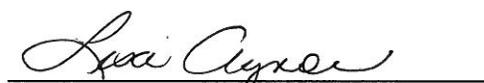
APPROVED:



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

ATTEST:



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City Secretary

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

**BUDGET WORKSHOP-DISCUSSION OF GOALS FOR 2013 BUDGET**