

MINUTES OF THE REGULAR MEETING OF THE
CITY COMMISSION OF THE CITY OF MARSHALL
THURSDAY, SEPTEMBER 13, 2012
6:30PM

Acting Chairman Timmins 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

Bill Marshall, District 4

Charlie Oliver, District 5

Garrett Boersma, District 6

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

Jack Redmon, Parks Director

J. C. Hughes, Public Works 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. Texas Workforce Report unemployment report by gender, age, and race.
- B. Report on new property added to the tax roll.
- C. Information on low income housing.

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

360. PRESENTATIONS FROM THE PUBLIC

John Bogue, 605 Buffo Street, spoke in opposition to changing retiree's current cost of living adjustment.

Ed Michel, CVB Executive Director, 301 N. Washington, thanked the Commission for discussing financing for inflatable displays and explained plans for instituting a holiday tradition award for best holiday lighting in each district.

361. PRESENTATION OF CITY OF MARSHALL AUDIT REPORT FOR THE 2011 FISCAL YEAR

Mike Hallum, with Knuckols, Duvall, Hallum & Co., presented the City of Marshall Audit Report for the 2011 Fiscal year.

362. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the consent agenda.

363. CONSENT AGENDA

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

- A. Consider approval of the minutes from the August 23, 2012 Regular meeting, the August 30, 2012 Special-Called meeting, and the September 4, 2012 Special-Called meeting.
- B. Second Reading of Ordinance
 - 1. Ordinance O-12-13: Amending the 2012 General Fund Budget to appropriate \$50,692.00 from General Fund unobligated reserves to increase the Public Works budget to cover the cost of the drainage improvements on Brown's Lake Branch.
- C. Consider and act on a request to approve an Engineering and Inspection Services Work Order for reconstruction of East Alvin Street and High Bridge under the 2010-2012 Community Development Block Grant program.
- D. Consider and act on a request to approve an Engineering and Inspection Services Work Order for reconstruction of Avenue B, C, and D under the 2010-2012 Community Development Block Grant program.
- E. Consider approval of the annual interlocal agreement with the Marshall-Harrison County Health District.

PUBLIC HEARING

364. REQUEST TO REZONE LOTS 1-7 OF BLOCK 7, LOTS 8-9 OF BLOCK 6, AND WEST 149.5' OF LOT 10 OF BLOCK 6, AND EAST 10' OF LOT 11 OF BLOCK 6 OF THE REISNER ADDITION FROM R-3 SINGLE FAMILY DETACHED DWELLING TO R-7 DUPLEX DISTRICT (KIM DAVIS/ZIA CONSTRUCTION, LLC, 1901-2005 ELYSIAN FIELDS AVE.)

City Manager Frank Johnson reviewed the request and stated that the Planning and Zoning Commission voted 4:1 to recommend that this request be denied.

Chairman Smith joined the meeting at this point of the agenda.

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

Kim Davis, 113 Woodridge Estates, Longview, TX, spoke in support of the zoning request.

Jan and Mike McClain, 1124 Stillmeadow, Longview, TX, spoke in favor of the rezoning and asked what would be required to move forward with the project.

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

Stan Spence, 2016 Elysian Fields Ave, spoke in opposition of the rezoning and presented a petition in opposition to the request from people in the area.

Chairman Smith closed the Public Hearing.

The Commission engaged in discussion regarding this agenda item.

Commissioner Marshall moved to deny the request to rezone Lots 1-7 of Block 7, Lots 8-9 of Block 6, and west 149.5' of Lot 10 of Block 6, and east 10' of Lot 11 of Block 6 of the Reisner Addition from R-3 Single Family Detached Dwelling to R-7 Duplex District. Commissioner Flowers seconded the motion, which passed by a 7:0 vote.

ORDINANCES

365. ORDINANCE O-12-14: ADOPT THE ANNUAL BUDGET OF THE CITY OF MARSHALL, TEXAS FOR THE 2013 FISCAL YEAR

Frank Johnson presented the staff's original recommendation for the 2013 Annual Budget that did not include employee raises or any reduction in retirement contributions for 2013. He also presented two additional options that were prepared at the request of the Commission; 1) a 3% pay increase for non-managerial positions and a 1% pay increase for managerial positions with a reduction to 17.85% for all retirement contributions; 2) a 3% pay increase for non-managerial positions and a 1% pay increase for managerial positions, a contribution rate of 17.85% to Texas Municipal Retirement System, and a contribution rate of 19.05% to the Marshall Firemen's Pension Fund.

Commissioner Marshall moved to adopt the annual budget of the City of Marshall, Texas for the 2013 fiscal year, which allows for a 3% raise for non-managerial positions and a 1% raise for managerial positions, a contribution rate of 17.85% to Texas Municipal Retirement System, and a contribution rate of 19.05% to the Marshall Firemen's Pension Fund. Commissioner Oliver seconded the motion, which passed by the following vote: (Second reading required.)

Ayes: 4 Commissioners Timmins, Flowers, Marshall, Oliver

Nays: 2 Commissioners Boersma, Moon

Abstain: Chairman Smith

366. ORDINANCE O-12-15: LEVYING AD VALOREM TAXES FOR 2012 FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF MARSHALL, TEXAS, FOR THE 2013 FISCAL YEAR; AND PROVIDING FOR APPORTIONING EACH LEVY FOR SPECIFIC PURPOSES

Frank Johnson presented the Ordinance and stated that the tax rate remains unchanged at \$0.47604% per \$100 valuation.

Commissioner Timmins moved to approve the Ordinance levying ad valorem taxes for 2012 for the use and support of the municipal government of the City of Marshall, Texas, for the 2013 fiscal year; and providing for apportioning each levy for specific purposes. Commissioner Marshall seconded the motion, which passed by a 7:0 vote. (Second reading required.)

367. ORDINANCE O-12-16: AMENDING THE CITY OF MARSHALL'S SELECTED BENEFITS UNDER THE TEXAS MUNICIPAL RETIREMENT SYSTEM TO REDUCE THE AUTOMATIC ANNUAL COST OF LIVING ADJUSTMENT FOR RETIREES FROM 70 PERCENT OF THE RATE OF INCREASE IN THE CONSUMER PRICE INDEX TO 50 PERCENT OF THE RATE OF INCREASE IN THE CONSUMER PRICE INDEX AND DIRECTING THE CITY MANAGER TO NOTIFY THE TEXAS MUNICIPAL RETIREMENT SYSTEM OF SAID CHANGE

Commissioner Marshall moved for approval as presented. Commissioner Timmins seconded the motion, which passed by a 7:0 vote. (Second reading required.)

368. RESOLUTION R-12-18: RATIFYING THE INCREASE OF PROPERTY TAX REVENUE UNDER THE 2013 FISCAL YEAR BUDGET

Frank Johnson asked for approval of a Resolution ratifying the increase of property tax revenue under the 2013 fiscal year budget.

Commissioner Timmins moved to approve the Resolution ratifying the increase of property tax revenue under the 2013 fiscal year budget. Commissioner Oliver seconded the motion, which passed by a 7:0 vote.

369. CONSIDER AN APPOINTMENT TO THE CONVENTION AND VISITOR BUREAU BOARD OF DIRECTORS TO COMPLETE THE UNEXPIRED TERM OF ROXANA SALEH

CVB Executive Director Ed Michel asked for approval of Patrick Hilchey to complete the unexpired term of Roxana Saleh.

Commissioner Timmins moved to approve the appointment of Patrick Hilchey to the Convention and Visitor Bureau Board of Directors to complete the unexpired term of Roxana Saleh. Commissioner Boersma seconded the motion, which passed by a 7:0 vote.

370. DISCUSSION OF RECYCLING EFFORTS PLANNED FOR THE JEANS 'N CLASSICS CONCERT ON SEPTEMBER 14 AND 15, 2012

Commissioner Marshall inquired about recycling efforts for downtown events.

Frank Johnson discussed recycling efforts for events held downtown that would encourage groups to voluntarily use recycling containers placed downtown by the City.

371. CONSIDER APPROVAL OF A PROPOSAL TO UPGRADE THE TELEPHONE SYSTEM FOR SEVERAL CITY DEPARTMENTS TO INCLUDE EQUIPMENT, INSTALLATION AND SERVICE

Assistant City Manager Ardis Wright asked for approval of a proposal submitted by Lantana Communications of Whitehouse, TX, in the amount of \$57,027 to upgrade the telephone system for several City departments to include equipment, installation and service.

Jack Redmon, Parks Director, answered questions posed by the Commission regarding this item.

Commissioner Marshall moved for approval of the proposal submitted by Lantana Communications and funding the project out of the Equipment Replacement Fund, with payback beginning in the budget year 2014. Commissioner Flowers seconded the motion, which passed by a 7:0 vote.

372. CONSIDER AUTHORIZING THE STAFF TO REQUEST QUALIFICATIONS FOR A STUDY OF THE CITY OF MARSHALL'S ORGANIZATIONAL STRUCTURE AND OPPORTUNITIES IN THE ORGANIZATION FOR ACHIEVING ADDITIONAL OPERATIONAL EFFICIENCIES

Chairman Smith discussed wanting to seek requests for qualifications for a study of the City's organizational structure.

The Commission engaged in discussion regarding this item.

Commissioner Marshall moved to form a committee to assist the City staff in defining the scope of work and requesting qualifications for a study of the City of Marshall's organizational structure and opportunities in the organization for achieving additional operational efficiencies. Commissioner Flowers seconded the motion, which passed by a 7:0 vote.

Commissioner Marshall moved that Chairman Smith, Commissioner Oliver, and Commissioner Boersma be appointed to the committee to assist the City staff in defining the scope of work and requesting qualifications for a study of the City of Marshall's organizational structure and opportunities in the organization for achieving additional operational efficiencies, with Chairman Smith acting in the capacity of committee chairman. Commissioner Timmins seconded the motion, which passed by a 7:0 vote.

373. CONSIDER SETTING A DATE FOR A TOWN HALL MEETING TO HEAR COMMENTS FROM CITIZENS, ESPECIALLY MINORITY AND DISADVANTAGED PERSONS, ON HOW THE CITY CAN BE OF ASSISTANCE TO PERSONS TRYING TO ESTABLISH A BUSINESS, WITH AN EMPHASIS ON ASSISTANCE TO MINORITIES AND DISADVANTAGED PERSONS

This item was postponed.

374. CONSIDER ESTABLISHING A COMMITTEE TO EVALUATE AND PREPARE RECOMMENDATIONS TO THE CITY COMMISSION REGARDING AREAS OF THE COMMUNITY THAT CAN BE DEVELOPED OR RE-DEVELOPED, ESPECIALLY IN THOSE PARTS OF THE COMMUNITY THAT HAVE TYPICALLY EXPERIENCED LESS DEVELOPMENT IN RECENT YEARS, WITH AN EMPHASIS ON MINORITIES AND DISADVANTAGED PERSONS

This item was postponed.

375. CONSIDER SETTING A DATE FOR AN OPEN FORUM WITH POLICE OFFICERS AND FIREFIGHTERS REGARDING SALARY INCREASES

This item was postponed.

376. PRESENTATION ON AND DISCUSSION OF REGULATIONS FOR FOOD TRUCKS

Frank Johnson presented regulations for itinerant vendors.

The Commission engaged in discussion regarding this agenda item and posed questions to the City Manager, City Attorney, and Jack Redmon in his capacity of oversight of the Inspections Department.

Belia Bowen and Sherry Hortman Hall, 505 W. Meredith, addressed the Commission about the permitting for their mobile food truck.

377. DISCUSSION OF OPERATION OF THE OAK LAWN MUNICIPAL GOLF COURSE TO INCREASE REVENUE AND/OR REDUCE COSTS, AND CONSIDER ACTION REGARDING THE OPERATION OF OAK LAWN MUNICIPAL GOLF COURSE

This item was postponed.

378. CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the consent agenda.

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

This item was withdrawn.

EXECUTIVE SESSION

380. A. PURSUANT TO THE OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE, SECTION 551.074 (PERSONNEL) - CONVENE IN EXECUTIVE SESSION FOR DISCUSSION OF CRITERIA TO USE TO EVALUATE THE CITY MANAGER, THE CITY SECRETARY, THE CITY ATTORNEY, AND THE MUNICIPAL COURT JUDGE.

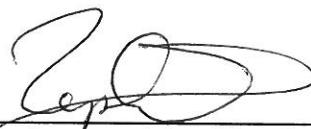
- B. PURSUANT TO THE OPEN MEETINGS ACT, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.072 - CONVENE IN EXECUTIVE SESSION TO DISCUSS MATTERS RELATED TO THE PURCHASE, EXCHANGE, LEASE, SALE, OR VALUE OF REAL PROPERTY. (1. POLICE FIRING RANGE, 2. ARMY RESERVE CENTER AT 1209 E. PINECREST)

This item was postponed.

381. ADJOURNMENT

Commissioner Moon moved for adjournment. Commissioner Timmins seconded the motion, which passed by a 7:0 vote.

APPROVED:



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

ATTEST:



City Secretary

**Ordinance: O-12-13, O-12-14, O-12-15, O-12-16
Resolution: R-12-18**