MINUTES OF THE SPECIAL-CALLED MEETING OF THE
CITY COMMISSION OF THE CITY OF MARSHALL
THURSDAY, OCTOBER 25, 2012
5:15PM

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Acting Chairman Timmins called the Special-Called meeting for Executive Session to order in the Second Floor Conference Room, City Hall at 5:15pm.

PRESENT:

ACTING CHAIRMAN: Zephaniah Timmins, District 2

COMMISSIONERS:

Gloria Moon, District 1
John Flowers, District 3
Bill Marshall, District 4
Charlie Oliver, District 5
Garrett Boersma, District 6

ABSENT: Chairman Ed Smith, District 7

ADMINISTRATIVE STAFF PRESENT:

Frank Johnson, City Manager
Todd Fitts, City Attorney
Lisa Agnor, City Secretary/Finance Director

379. EXECUTIVE SESSION

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, CITY SECRETARY, AND CITY ATTORNEY.

Executive Session convened at 5:15pm and concluded at 6:00pm.

380. ADJOURNMENT

The meeting was adjourned.

**APPROVED:**

**Acting 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, OCTOBER 25, 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
Bill Marshall, District 4
Charlie Oliver, District 5
Garrett Boersma, District 6

ADMINISTRATIVE STAFF PRESENT:

Frank Johnson, City Manager
Todd Fitts, City Attorney
Jack Redmon, Parks Director
Leland Benoit, Asst. Police Chief
Ardis Wright, Assistant City Manager
Lisa Agnor, City Secretary/Finance Director
J. C. Hughes, Public Works Director
Reggie Cooper, Asst. Fire Chief

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

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

III. CITY MANAGER REPORTS

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

IV. ADJOURNMENT

(Commissioner Flowers left the meeting.)

INVOCATION & PLEDGE: Commissioner Timmins

381. PRESENTATIONS FROM THE PUBLIC

Kenneth Moon, 616 S. Carter Street, spoke in support of Marshall Independent Schools District's attempts to eliminate dangerous and unsightly structures.

Ed Michel, CVB Executive Director, 301 N. Washington, gave a brief report on the impact of tourism in Marshall.

Skip Thomas, 500 E. Merritt Street, asked the Commission to table item 7I regarding renovation of Memorial City Hall.

382. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the consent agenda.

383. CONSENT AGENDA

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

A. Consider approval of the minutes from the October 11, 2012 Regular Meeting.

PUBLIC HEARING

384. A REQUEST TO REZONE LOTS 2, 3, AND 15 OF BLOCK 2, OF THE HARLEM NORTH 2ND ADDITION FROM R-3 SINGLE FAMILY DETACHED DWELLING DISTRICT TO MH MOBILE HOME DISTRICT (1403 AND 1405 KINGFISH; AND 1402 WARD STREET, CLARICE DANIELS)

This item was withdrawn.

385. CONSIDER APPROVAL OF A RESOLUTION REQUESTING THAT THE MARSHALL CONVENTION AND VISITOR BUREAU INCLUDE REFERENCES TO MARSHALL AS THE "BIRTHPLACE OF BOOGIE WOOGIE" IN ADVERTISING, PROMOTIONAL MATERIAL, SIGNAGE, ETC.

This item was withdrawn.

386. RESOLUTION R-12-19: AUTHORIZING THE CITY MANAGER TO MAKE AN OFFER TO THE U.S. ARMY CORPS OF ENGINEERS REGARDING THE ARMY RESERVE CENTER PROPERTY AND IMPROVEMENTS AT 1209 EAST PINECREST

City Manager Frank Johnson asked for approval of a Resolution authorizing the City Manager to make an offer to the U. S. Army Corps of Engineers regarding the Army Reserve Center property and improvements at 1209 East Pinecrest.

The Commission engaged in discussion regarding this item.

**Commissioner Oliver moved to approve a Resolution authorizing the City Manager to make an offer to the U.S. Army Corps of Engineers regarding the Army Reserve Center property and improvements at 1209 East Pinecrest. Commission Timmins seconded the motion, which passed by the following vote:**

**Ayes: 5, Commissioners Smith, Moon, Timmins, Marshall, Oliver**
**Nays: 1, Commissioner Boersma**

387. RESOLUTION R-12-20: DENYING A PROPOSED RATE INCREASE REQUESTED BY CENTERPOINT ENERGY

Frank Johnson reviewed a Resolution that was previously passed to suspend a proposed rate increase by Centerpoint Energy for 90 days and requested approval of a Resolution denying the proposed rate increase which will cause the case to go before the Railroad Commission for evaluation and hearings.

**Commissioner Timmins moved to approve a Resolution denying a proposed rate increase requested by CenterPoint Energy. Commission Oliver seconded the motion, which passed by a 6:0 vote.**

388. CONSIDER APPROVAL OF A TEMPORARY STREET CLOSING OF WILEY AVENUE FROM UNIVERSITY AVENUE TO MOORE STREET; AND MOORE STREET FROM WILEY AVENUE TO CARTER STREET

Frank Johnson recognized Dr. Joseph Morale from Wiley College and reviewed a request by Wiley College for temporary street closures during construction at the college. He pointed out that the closures would be for the construction period rather than a specific time period.

**Commissioner Timmins moved for approval of a temporary street closing of Wiley Avenue from University Avenue to Moore Street; and Moore Street from Wiley Avenue to Carter Street. Commissioner Moon seconded the motion, which passed by a 6:0 vote.**

389. CONSIDER APPROVAL OF AN APPOINTMENT TO THE MARSHALL HARRISON COUNTY HEALTH DISTRICT BOARD OF DIRECTORS

Frank Johnson asked for approval to appoint Assistant Fire Chief Reggie Cooper to fill the vacant position on the Harrison County Health District Board of Directors. The appointment will be for a three year term from October 1, 2012 to September 30, 2015.

**Commissioner Marshall moved for approval of Reggie Cooper for an appointment to the Marshall Harrison County Health District Board of Directors. Commissioner Moon seconded the motion, which passed by a 6:0 vote.**

At the request of Commissioner Flowers, items 7C, 7J, and 7K were taken out of order.

390. CONSIDER APPROVAL TO AWARD A BID TO PROVIDE 25% SODIUM CHLORITE SOLUTION TO THE CITY OF MARSHALL

Assistant City Manager Ardis Wright asked for approval to award a bid to International Dioxide, Inc. to provide 25% Sodium Chlorite Solution to the City of Marshall at a price of $0.492/pound and to authorize the City Manager to execute the contract.

**Commissioner Timmins moved to approve as presented. Commissioner Oliver seconded the motion, which passed by a 6:0 vote.**

391. CONSIDER AUTHORIZING A REQUEST FOR PROPOSALS REGARDING PERFORMANCE OF AN EFFICIENCY STUDY OF CITY OPERATIONS TO BE ADVERTISED AND DISTRIBUTED TO CONSULTANTS

Frank Johnson discussed a Request for Proposals regarding the performance of an efficiency study of City operations prepared by the Review Committee members Commissioner Smith, Commissioner Oliver, Commission Boersma, and himself, and recommended removing items that would be better addressed by an engineering study. He asked for approval to advertise and distribute the proposal to consultants.

Chairman Smith suggested changes he would like to make, 1) items that fall in the realm of an engineering study be removed from the study; 2) change wording to request that the client list contain all municipal government clients, if any, and 3) revise response address to be addressed to the Review Committee in care of Frank Johnson.

Commissioner Boersma recommended that the Commission authorize the Review Committee and the City Manager to make the recommended changes, finalize the document and submit the document for proposals.

**Commissioner Moon moved to approve authorizing a Request for Proposals regarding performance of an efficiency study of City operations to be advertised and distributed to consultants with the changes and recommendations made by Chairman Smith, Commissioner Boersma and the City Manager. Commissioner Marshall seconded the motion, which passed by a 6:0 vote.**

**Commissioner Timmins moved to table Agenda Items F, G, H and I. Commissioner Marshall seconded the motion, which passed by a 6:0 vote.**

392. DISCUSSION OF THE CURRENT ARCHITECTS AND ENGINEERS OF RECORD ON THE MEMORIAL CITY HALL PROJECT AND DISCUSSION OF REQUIREMENTS OF STATE LAW REGARDING ARCHITECTS AND ENGINEERS OF RECORD

This item was tabled.

393. DISCUSSION OF PAYMENTS TO THE ARCHITECT WHO PREPARED THE PLANS FOR THE RENOVATION OF MEMORIAL CITY HALL

This item was tabled.

394. DISCUSSION OF MEMORIAL CITY HALL PROJECT INCLUDING LEASE RATES, TOTAL PROJECT COSTS INCLUDING FUTURE PHASES AND FUNDING FOR THESE PHASES, AND PROJECTED REVENUE AND EXPENSES

This item was tabled.

395. CONSIDER AUTHORIZING A REQUEST FOR QUALIFICATIONS REGARDING CONSTRUCTION MANAGEMENT SERVICES FOR MEMORIAL CITY HALL TO BE ADVERTISED AND DISTRIBUTED

This item was tabled.

396. REPORT ON STATUS OF DILAPIDATED STRUCTURES IN THE VICINITY OF SCHOOLS AS DISCUSSED IN THE RECENT MEETING WITH THE SCHOOL SUPERINTENDENT AND THE SCHOOL BOARD PRESIDENT

Frank Johnson gave a report on the status of dilapidated structures in the vicinity of schools as discussed in the recent meeting with the School Superintendent and the School Board President.

The Commission engaged in discussion regarding this item and requested that the Main Street Manager provide a report in December on the 2013 demolition plans.

(Chairman Smith left the meeting.)

397. REPORT ON RE-ESTABLISHING A PLANNING DEPARTMENT FOR THE CITY OF MARSHALL

Commissioner Timmins expressed his desire to re-establish the Community Development Block Grant Coordinator position.

Frank Johnson reviewed duties and responsibilities of a Community Development Block Grant Coordinator.

The Commission engaged in discussion regarding this item.

398. MONTHLY FINANCIAL REPORT

Lisa Agnor addressed Commissioner Marshall's questions regarding sales tax revenue.

399. CODE ENFORCEMENT REPORT

Frank Johnson presented the Code Enforcement Report.

400. CONSIDER AND ACT ON A REQUEST TO AWARD A CONTRACT FOR THE 2010/11/12 COMMUNITY DEVELOPMENT BLOCK GRANT AND STREET OVERLAY IMPROVEMENT PROGRAM

The Commission engaged in discussion with City Attorney Todd Fitts regarding this agenda item.

(Commissioner Flowers rejoined the meeting.)

**Commission Marshall moved to table this item. Commissioner Flowers seconded the motion, which passed by a 6:0 vote.**

401. DISCUSSION OF THE REPORT ON ACTIVITY AND REVENUE AT THE OAK LAWN MUNICIPAL GOLF COURSE, INCLUDING PLANS TO ADVERTISE AND PROMOTE THE GOLF COURSE

Commissioner Boersma commented on the progress being made at the Oaklawn Municipal Golf Course.

402. REPORT ON AND DISCUSSION OF RECOMMENDATION BY THE HARRISON COUNTY GOLF ASSOCIATION REGARDING FEES AT OAK LAWN MUNICIPAL GOLF COURSE

Frank Johnson stated that the Harrison County Golf Association recommendations regarding fees at Oak Lawn Municipal Golf Course were in the agenda packet for review. Mr. Johnson said that it is the City's recommendation not to reduce the fees at this time.

The Commission engaged in discussion regarding this item.

403. CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the consent agenda.

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

B. Establish fees for the Oak Lawn Municipal Golf Course.

405. EXECUTIVE SESSION

A. 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 REGARDING THE POLICE FIRING RANGE.

C. SECTION 551.071 OF THE TEXAS GOVERNMENT CODE – CONSULTATION WITH ATTORNEY REGARDING STATUS OF CONSTRUCTION AT POLICE STATION AND FIRE STATION.

**Commissioner Moon moved to go into Executive Session, Commissioner Oliver seconded the motion, which passed by a 6:0 vote. (The time was 8:32 pm.)**

(Commissioner Moon left during the Executive Session.)

**Commissioner Marshall moved to reconvene from Executive Session. Commissioner Oliver seconded the motion, which passed by a 5:0 vote. (The time was 9:24 pm.)**

406. CONSIDER ACTION REGARDING THE POLICE FIRING RANGE

**Commissioner Marshall moved that the City Manager and the City Attorney enter into a lease agreement for coal rights for the police firing range property and prepare an opportunity to place the property for sealed bids. Commissioner Flowers seconded the motion, which passed by a 5:0 vote.**

407. CONSIDER ACTION REGARDING THE CONTRACT WITH HAND CONSTRUCTION FOR CONSTRUCTION OF THE POLICE STATION AND FIRE STATION

**Commissioner Marshall moved to authorize the City Attorney to prepare a letter to Hand Construction detailing the construction issues with the Police Station and Fire Station. Commission Oliver seconded the motion, which passed by a 5:0 vote.**

408. ADJOURNMENT

**Commissioner Marshall moved for adjournment. Commissioner Oliver seconded the motion, which passed by a 5:0 vote.**

**APPROVED:**

E N Smith

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

**ATTEST:**

Lori Ayers

**City Secretary**

**Resolutions: R-12-19, R-12-20**