

MINUTES OF THE REGULAR MEETING OF THE  
CITY COMMISSION OF THE CITY OF MARSHALL  
THURSDAY, AUGUST 22, 2013  
6:30PM

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Chairman Ed 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	Bill Marshall, District 4
Zephaniah Timmins, District 2	Charlie Oliver, District 5
John Flowers, District 3	Garrett Boersma, District 6

ADMINISTRATIVE STAFF PRESENT:

Frank Johnson, City Manager	Ardis Wright, Assistant City Manager
Dean Searle, Acting City Attorney	Lisa Agnor, City Secretary/Finance Director
Kenneth Snyder, Fire Chief	J. C. Hughes, Public Works Director
Leland Benoit, Interim Police Chief	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

There were no requests to place items on a future agenda.

III. CITY MANAGER REPORTS

IV. ADJOURNMENT

INVOCATION & PLEDGE: Commissioner Marshall

288. PRESENTATIONS FROM THE PUBLIC

There were no presentations from the public.

289. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

There were no items to be withdrawn from the Consent Agenda.

290. CONSENT AGENDA

**Commissioner Moon moved to approve the following under the Consent Agenda. Commissioner Marshall seconded the motion with passed by a 7:0 vote.**

- A. Consider Approval of the minutes from the August 8, 2013 Regular Meeting and the August 15, 2013 Special-Called Meeting.

PUBLIC HEARING:

291. PUBLIC HEARING ON PROPOSED BUDGET FOR THE 2014 FISCAL YEAR

Chairman Smith opened the Public Hearing on the Proposed Budget for the 2014 Fiscal Year.

No one came forward to speak.

Chairman Smith closed the Public Hearing on the Proposed Budget for the 2014 Fiscal Year.

PUBLIC HEARING AND ORDINANCE APPROVAL:

292. O-13-09: A REQUEST TO REZONE 0.445 ACRES OF LAND IN THE PETER WHETSTONE SURVEY A-756 FROM R-2 SINGLE FAMILY DETACHED DWELLING DISTRICT TO PD-PLANNED DEVELOPMENT DISTRICT

Location: 502 E. Austin

Applicant: J. Rodney and Sherry S. Gilstrap

Frank Johnson, City Manager, requested approval of a request to rezone 0.445 acres of land in the Peter Whetstone Survey A-756 from R-2 Single Family Detached Dwelling District to PD-Planned Development District. The Planning and Zoning Commission voted 4:0 for approval of the request.

Chairman Smith opened the Public Hearing and called on anyone wishing to speak in favor of the request.

Rodney Gilstrap, Applicant, 107 Azalea Way, spoke in favor of the request.

Chairman Smith called on anyone wishing to speak in opposition of the request.

Elizabeth Williams, 508 E. Austin, spoke in opposition of the request expressing concerns about traffic and parking in the area.

Mary Parker, 512 E. Austin, spoke in opposition of the request questioning the impact on property values.

Chairman Smith closed the Public Hearing.

The Applicant answered questions from the Commission.

**Commissioner Timmins moved to approve a request to rezone 0.445 acres of land in the Peter Whetstone Survey A-756 from R-2 Single Family Detached Dwelling District to PD-Planned Development District. Commissioner Flowers seconded the motion, which passed by a 7:0 vote.**

RESOLUTION:

293. R-13-13: CONSIDER APPROVAL OF A RESOLUTION NOMINATING THE HEALTH CARE SERVICES CORPORATION MARSHALL FACILITY, KNOWN LOCALLY AS BLUE CROSS BLUE SHIELD, AS A TEXAS ENTERPRISE PROJECT

Frank Johnson called on representatives of Health Care Services Corporation to speak.

Al Trotter, Director of Corporate Tax and Compliance for Blue Cross Blue Shield of Texas, a division of Health Care Services Corporation, stated the Corporation is making a commitment to retain the current local employment of more than 400 positions over the next 5 years. The Corporation will also commit to investing more than \$5 million pursuant to retaining these positions.

Mr. Trotter introduced Melissa Nunoz, of Ryan Company and Patty Esco, Senior Director of the Marshall Blue Cross Blue Shield facility.

The Commission asked questions of the representatives.

**Commissioner Marshall moved to approve a Resolution nominating the Health Care Services Corporation Marshall Facility, known locally as Blue Cross Blue Shield as a Texas Enterprise Project. Commissioner Flowers seconded the motion which passed by a 7:0 vote.**

293. R-13-14: CONSIDER APPROVAL OF A RESOLUTION ANNOUNCING A PROPOSED TAX RATE OF \$0.476040 PER \$100 OF VALUATION AND ESTABLISHING THE DATES TO ADOPT THE TAX RATE

Frank Johnson asked for approval of a Resolution announcing a proposed tax rate of \$0.476040 per \$100 of valuation and establishing the dates to adopt the tax rate as follows:

Thursday, September 12, 2013 at 6:30 PM

Friday, September 13, 2013 at 8:00AM

**Commissioner Timmins moved to approve a Resolution announcing a proposed tax rate of \$0.476040 per \$100 of valuation, and establishing the dates of September 12, 2013, and September 13, 2013 to adopt the tax rate. Commissioner Moon seconded the motion which passed by a 7:0 vote.**

294. CONSIDER AND ACT ON A REQUEST TO APPROVE CHANGE ORDER #1 TO A CONTRACT WITH REYNOLDS & KAY, LTD., RELATED TO THE 2013 STREET IMPROVEMENT PROGRAM, TO AMEND AND ADD STREETS TO THE 2013 STREET IMPROVEMENT PROGRAM

J. C. Hughes, Public Works Director, requested approval of change order #1 to a contract with Reynolds & Kay, Ltd., related to the 2013 Street Improvement Program, to amend and add streets to the 2013 Street Improvement Program.

**Commissioner Marshall moved to approve change order #1 to a contract with Reynolds & Kay, Ltd., related to the 2013 Street Improvement Program, to amend and add streets to the 2013 Street Improvement Program. Commissioner Timmins seconded the motion which passed by a 7:0 vote.**

295. CONSIDER APPROVAL OF AN AGREEMENT WITH NETWORK COMMUNICATIONS FOR TELECOMMUNICATION SERVICES AND INTERNET SERVICES

Jack Redmon, Parks Director, asked for approval of an agreement with Network Communications for telecommunication services and internet services.

**Commissioner Timmins moved to approve an agreement with Network Communications for telecommunication services and internet services. Commissioner Moon seconded the motion.**

The Commission engaged in discussion regarding the agenda item.

**Chairman Smith called for the vote to approve an agreement with Network Communications for telecommunications services and internet services. The motion passed with the following vote:**

**Ayes 6: Commissioners Moon, Timmins, Flowers, Marshall, Oliver, and Boersma**

**Nays: 0**

**Abstain 1: Commissioner Smith**

296. CONSIDER APPROVAL OF AN AGREEMENT WITH THE WEISMAN'S CO-OP FOR USE OF SPACE AND PROVISION OF MANAGEMENT SERVICES IN THE WEISMAN'S BUILDING

Frank Johnson asked for consideration of approval of an agreement with the Weisman's Co-Op for the use of space and provision of management services in the Weisman's Building.

Mr. Johnson stated the 5 year contract expires August 31, 2013. The Commission can extend the contract for 5 years at the same monthly rent. He also discussed the possibility of entering into a contract with the Co-Op and with Central Perks.

The Commission engaged in discussion.

Brandon Bradbury, President of Weisman Co-Op, addressed the Commission regarding the Co-Op's staffing.

Commissioner Smith recommended a month to month agreement with a stipulation that City Staff meet with the Co-Op and Central Perks and come back to the Commission with recommendations.

**Commissioner Marshall moved to approve the agreement with the Weisman's Co-Op for use of space and provision of management services in the Weisman's Building on a month to month basis and City Staff be directed to negotiate with the Co-Op to determine ways to improve the viability of operations in the Weisman's Center with the perspective of reducing the losses that the City is incurring at the Weisman's Center and to segregate Central Perks as a separate entity with its fair share of the cost. Commissioner Moon seconded the motion.**

**Commissioner Boersma suggested amending the motion to require the same type of financial reporting standards as required in other contracts of recipients of public funds to be included in the contract.**

**Commissioners Marshall and Moon agreed to the amendment. The motion passed by a 7:0 vote.**

297. CONSIDER AUTHORIZING THE CITY STAFF TO SEEK REQUESTS AND/OR PROPOSALS FROM QUALIFIED CONSULTANTS TO REVIEW THE PROGRESS MADE TO IMPLEMENT THE BRANDING, DEVELOPMENT & MARKETING ACTION PLAN ADOPTED BY THE CITY COMMISSION IN 2007 AND PROVIDE ASSESSMENTS, RECOMMENDATIONS, AND ACTIONABLE STEPS WITH REGARD TO THE OVERALL TOURISM PLAN STATUS, INCLUDING AN EVALUATION AS TO THE RELEVANCE AND SIGNIFICANCE OF MARSHALL BEING THE BIRTHPLACE OF BOOGIE WOOGIE AND WHETHER IT MERITS INCORPORATION INTO THE TOURISM PLAN.
298. CONSIDER AUTHORIZING THE CITY STAFF TO SEEK QUALIFICATIONS AND/OR PROPOSALS FROM QUALIFIED CONSULTANTS TO WORK WITH THE STAFF IN DEVELOPING A BUSINESS PLAN FOR THE BOOGIE WOOGIE PROGRAM FOR REVIEW AND APPROVAL BY THE CITY COMMISSION

Frank Johnson requested the Commission consider agenda items 8D and E together. The Commission had no objections.

Frank Johnson asked for direction from the Commission regarding the process and sequence to complete these items.

The Commission engaged in discussion and provided guidance regarding these items. The City Manager will report back at the next regular City Commission meeting.

299. CONSIDER AWARDING A CONTRACT FOR PURCHASE AND INSTALLATION OF THREE OUTDOOR WARNING SIRENS OR CONSIDER REJECTING ALL BIDS FOR PURCHASE AND INSTALLATION OF THREE OUTDOOR WARNING SIRENS

**Commissioner Boersma moved to take this item off the table. Commissioner Marshall seconded the motion. The motion was approved with the following vote.**

**Ayes 6: Commissioners Marshall, Boersma, Moon, Timmins, Smith, and Flowers**

**Nays 1: Commissioner Oliver**

**Commissioner Marshall moved to reject all bids and resubmit for bidding. Commissioner Flowers seconded the motion.**

**The Commission engaged in discussion.**

**The motion passed by a 7:0 vote.**

300. CONSIDER AND ACT ON A REQUEST TO APPROVE A REQUEST TO ADVERTISE FOR PROPOSALS TO PERFORM A STREET LIGHT INVENTORY AND BILLING AUDIT

J. C. Hughes, Public Works Director, asked for authorization to advertise for proposals to perform a street light inventory and billing audit.

The Commission engaged in discussion and asked questions regarding this agenda item.

**Commissioner Marshall moved to approve a request to advertise for proposals to perform a street light inventory and billing audit. Commissioner Timmins seconded the motion which passed 7:0.**

**Commissioner Moon moved to postpone items H, I, J and the Budget Workshop to future date. Commissioner Timmins seconded the motion.**

**Commissioner Moon amended the motion to postpone items H, I, and J to be taken up at a later called meeting. Commissioner Timmins agreed with the amendment. The motion passed with the following vote:**

**Ayes 5: Commissioners Moon, Timmins, Oliver, Flowers, and Boersma**

**Nays 1: Commissioner Marshall**

**Abstain 1: Commissioner Smith**

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

- Report on status of notification of persons on Housing Rehabilitation waiting list regarding the availability of the Emergency Rehabilitation option
- Report on the procedures followed by Harrison County to require heavy trucks to pay a road use and maintenance fee
- Report on policies and ordinances used by other cities to require mandatory connections to available water and sewer lines
- Report on the status of the former Chamber of Commerce building at 213 West Austin
- Report on the status of vacant City-owned buildings
- Report on City regulations regarding operation of a business in a residence

306. EXECUTIVE SESSION

A. PURSUANT TO THE OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE, SECTION 551.071 – CONSULTATION WITH ATTORNEY – CONVENE IN EXECUTIVE SESSION TO DISCUSS CONTEMPLATED LITIGATION REGARDING PREVIOUS ARCHITECTURAL DESIGN CONTRACT FOR MEMORIAL CITY HALL

**Commissioner Timmins moved to enter into the Executive Session. Commissioner Boersma seconded the motion which passed with the following vote:**

**Ayes 6: Commissioners Timmins, Boersma, Smith, Oliver, Moon, and Marshall**

**Nays 0**

**Abstain 1: Commissioner Flowers**

**The time was 8:45 PM.**

Commissioner Moon left during the Executive Session. The time was 8:45

**Commissioner Timmins moved to reconvene from the Executive Session. Commissioner Oliver seconded the motion which passed by the following vote:**

**Ayes 5: Commissioners Timmins, Boersma, Smith, Oliver, and Marshall**

**Nays 0**

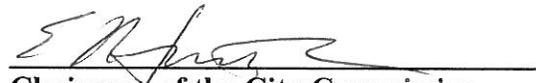
**Abstain 1: Commissioner Flowers**

**The time was 9:25 PM.**

306. ADJOURNMENT

**Commissioner Timmins moved to adjourn. Commissioner Boersma 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

Ordinance: O-13-09

Resolution: R-13-13  
R-13-14

**BUDGET WORKSHOP – DISCUSSION OF 2014 DRAFT BUDGET**