

MINUTES OF THE REGULAR MEETING OF THE  
CITY COMMISSION OF THE CITY OF MARSHALL  
THURSDAY, OCTOBER 9, 2014  
6:00PM

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Chairman Ed Smith called the Regular meeting to order in the Commission Chambers, City Hall at 6:00pm.

PRESENT:

CHAIRMAN: Ed Smith, District 7

COMMISSIONERS:

Gloria Moon, District 1

Zephaniah Timmins, District 2

John Flowers, District 3

Vernia Calhoun, District 5

Garrett Boersma, District 6

ABSENT: Bill Marshall, District 4

ADMINISTRATIVE STAFF PRESENT:

Kenneth Snyder, Acting City Manager

Todd Fitts, City Attorney

Reggie Cooper, Fire Chief

Wes Morrison, Planning &  
Development Director

Lisa Agnor, City Secretary/Finance Director

J. C. Hughes, Public Services Director

Jack Redmon, Support Services Director

INVOCATION & PLEDGE: Commissioner Timmins

**Commissioner Timmins moved to take the Executive Session out of order following the Consent Agenda. Commissioner Moon seconded the motion, which passed with a vote of 6:0.**

350. PRESENTATIONS FROM THE PUBLIC

Amanda Smith, 38 Pine Bur, invited the Commission and public to a presentation by Dr. Baxter Montgomery at Wiley College on October 18, 2014 at 9:30am.

Katherine Jackson, 1403 Page Street, expressed her concern regarding overgrown weeds in her neighborhood.

351. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the Consent Agenda.

352. CONSENT AGENDA

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

A. Consider approval of the minutes from the September 25, 2014 Regular meeting and the September 26, 2014 Special-Called meeting.

B. Consider and act on approval of Change Order #2, in the amount of \$8,390.90, for the Emergency Bypass Piping Project, to fund additional sleeves, transmitter wiring, and a pressure transmitter.

C. Consider and act on a request to amend Section 3 of the Solid Waste Collection and Disposal Contract, to provide for a contractual 1% CPI rate adjustment in accordance with Section 1 – Sub-section 14.00 – Rate Adjustments.

The Executive Session was taken out of order.

**EXECUTIVE SESSION:**

353. EXECUTIVE SESSION:

A. Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Section 551.071 – Consultation with Attorney to discuss matters related to pending or contemplated litigation regarding the previous architectural design contract for Memorial City Hall.

**Commissioner Moon moved to enter into Executive Session. Commissioner Timmins seconded the motion, which passed with a vote of 6:0. The time was 6:12pm.**

**Commissioner Timmins moved to reconvene from the Executive Session. Commissioner Moon seconded the motion, which passed with a vote of 6:0. The time was 6:52pm.**

**PUBLIC HEARING AND ORDINANCE APPROVAL:**

354. CONDUCT A PUBLIC HEARING AND CONSIDER AN ORDINANCE AMENDING THE ZONING MAP FROM R-3 SINGLE-FAMILY DWELLING DISTRICT TO C-3 GENERAL COMMERCIAL DISTRICT FOR 1.102 ACRES OF LAND LOCATED WEST OF PARKER STREET, BETWEEN HERBERT AND WOODWORTH STREETS.

Location: 601 Parker Street

Applicant: Carmen Navarro

Wes Morrison, Planning & Development Director, stated the Planning and Zoning Commission voted 7:0 to deny this request.

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

No one came forward to speak in favor of this request.

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

No one came forward to speak in opposition to the request.

Chairman Smith closed the Public Hearing.

**Commissioner Timmins moved to approve a request amending the Zoning Map from R-3 Single-Family Dwelling District to C-3 General Commercial District for 1.102 acres of land located west of Parker Street, between Herbert and Woodworth Streets. Commissioner Calhoun seconded the motion.**

The Commission engaged in discussion.

**The motion failed to pass with a vote of 0:6.**

**ORDINANCE:**

355. O-14-17: CONSIDER APPROVAL OF AN ORDINANCE AMENDING CHAPTER 14, GARBAGE, TRASH, AND WEEDS OF THE CODE OF ORDINANCES OF THE CITY OF MARSHALL, TEXAS, AMENDING CERTAIN SECTIONS REGARDING GARBAGE AND SOLID WASTE COLLECTION AND DISPOSAL FEES; AND ESTABLISHING AN EFFECTIVE DATE OF JANUARY 1, 2015.

J.C. Hughes, Public Services Director, asked for approval of an Ordinance amending Chapter 14, Garbage, Trash, and Weeds of the Code of Ordinances of the City of Marshall, Texas, amending certain sections regarding garbage and solid waste collection and disposal fees; and establishing an effective date of January 1, 2015.

The Commission asked questions of J.C. Hughes regarding this request.

**Commissioner Timmins moved to approve the Ordinance as the Chairman outlined. Commissioner Moon seconded the motion, which passed with a vote of 6:0.**

**CITY MANAGER REPORTS AND REQUESTS FOR CITY COMMISSION CONSIDERATION:**

356. CONSIDER APPROVAL OF THE ANNUAL BUDGET FOR 2015 FOR THE TEXAS EASTERN 911 NETWORK.

Kenneth Snyder, Acting City Manager, asked the Commission for approval of the annual budget for 2015 for the Texas Eastern 911 Network.

**Commissioner Moon moved to approve the annual budget for 2015 for the Texas Eastern 911 Network. Commissioner Timmins seconded the motion, which passed with a vote of 6:0.**

357. CONSIDER THE APPOINTMENT OF A MEMBER OF THE CITY COMMISSION TO REPRESENT THE CITY OF MARSHALL ON THE TEXAS EASTERN 911 BOARD OF DIRECTORS.

Kenneth Snyder asked the Commission to consider the appointment of a member of the City Commission to represent the City of Marshall on the Texas Eastern 911 Board of Directors.

**Commissioner Moon moved to appoint Commissioner Boersma to represent the City of Marshall on the Texas Eastern 911 Board of Directors. Commissioner Flowers seconded the motion, which passed with the following vote:**

**Ayes 5: Chairman Smith, Commissioners Flowers, Timmins, Calhoun, and Moon**

**Nays 0:**

**Abstain 1: Commissioner Boersma**

358. CONSIDER APPROVAL OF THE INTERLOCAL AGREEMENT WITH HARRISON COUNTY RELATED TO THE STAR BOOT CAMP PROGRAM.

City Attorney Todd Fitts referenced a corrected version and discussed changes requested by Harrison County Judge Hugh Taylor and Judge Jim Ammerman and other changes made to the Interlocal Agreement between the Harrison County Juvenile Board and City of Marshall related to the Star Boot Camp Program.

**Commissioner Moon moved to approve the Interlocal Agreement with Harrison County related to the Star Boot Camp Program. Commissioner Timmins seconded the motion.**

Commissioner Boersma asked for an amendment to the Agreement to include listing the school districts that have participants in the Star Boot Camp Program.

**Commissioner Moon moved to approve the Interlocal Agreement with Harrison County related to the Star Boot Camp Program with an amendment to include listing the school districts that have participants in the Star Boot Camp Program. Commissioner Flowers seconded the motion, which passed with a vote of 6:0.**

359. CONSIDER AUTHORIZING THE STAFF TO PROCEED WITH THE PURCHASE OF A VEHICLE FOR THE CITY MARSHAL.

Lisa Agnor, City Secretary/Finance Director, asked for approval to proceed with the purchase of a 2015 Chevrolet Tahoe for the City Marshal with funds from the Building Security Fund.

**Commissioner Timmins moved to approve to proceed with the purchase of a vehicle for the City Marshal as stated. Commissioner Calhoun seconded the motion, which passed with a vote of 6:0.**

360. DISCUSSION OF AND CONSIDERATION OF DIRECTING THE STAFF TO APPROPRIATE FUNDING FOR STORM WATER DRAINAGE REPAIRS AT 1101 SALLIE SUE FROM THE GENERAL FUND UNOBLIGATED RESERVES, AS A RESULT OF CREEK EROSION OUTSIDE PLATTED DRAINAGE EASEMENT.

J.C. Hughes asked for consideration by the Commission to direct the staff to appropriate funding for storm water drainage repairs at 1101 Sallie Sue from the General Fund Unobligated Reserves, as a result of creek erosion outside platted drainage easement.

The Commission engaged in discussion regarding the request.

**Chairman Smith moved to approve the staff to appropriate funding for storm water drainage repairs at 1101 Sallie Sue from the General Fund Unobligated Reserves, as a result of creek erosion outside platted drainage easement. Commissioner Boersma seconded the motion which failed with the following vote:**

**Ayes 2: Chairman Smith and Commissioner Boersma**

**Nays 1: Commissioner Timmins**

**Abstain 3: Commissioners Calhoun, Flowers, and Moon**

361. CONSIDER AND ACT ON A STAFF PROPOSAL TO OFFER A 95 GALLON CART LEASE PROGRAM FOR REFUSE AND/OR RECYCLING USE AT A COST OF \$2.00 PER CART, PER MONTH.

This item was withdrawn from the agenda.

362. CONSIDER AND ACT ON A STAFF RECOMMENDATION TO APPROVE CHANGE ORDER #1 WITH LONE STAR EQUIPMENT COMPANY OF HENDERSON, TEXAS FOR THE 2014 STREET IMPROVEMENT PROGRAM, REPROGRAMMING AND ADDING STREETS TO THE PROGRAM AT AN ADDITIONAL COST OF \$58,485.00 AND A NEW CONTRACT TOTAL OF \$1,217,431.25.

J.C. Hughes asked for approval of a Change Order #1 with Lone Star Equipment Company of Henderson, Texas for the 2014 Street Improvement Program, reprogramming and adding streets to the program at an additional cost of \$58,485.00 and a new contract total of \$1,217,431.25.

The Commission engaged in discussion regarding this agenda item.

**Commissioner Timmins moved to approve a Change Order #1 with Lone Star Equipment Company of Henderson, Texas for the 2014 Street Improvement Program, reprogramming and adding streets to the program at an additional cost of \$58,485.00 and a new contract total of \$1,217,431.25. Commissioner Calhoun seconded the motion, which passed with a vote of 6:0.**

363. REPORT ON NEEDED APPOINTMENTS TO THE VARIOUS CITY BOARDS, COMMISSIONS, AND COMMITTEES.

Kenneth Snyder reported on needed appointments to the various City Boards, Commissions, and Committees.

The Commission engaged in discussion regarding this agenda item.

364. CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA.

There were no items withdrawn from the Consent Agenda.

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

- Reporting by City Boards, Commissions and Committees to the City Commission
- Report regarding drainage problems on Rusk Street and throughout the City
- Report on Street Maintenance Tax and the need to renew
- Discussion of take home vehicles
- Update on the search for the Tourism Director
- Item on agenda regarding MEDCO's actions

366. ADJOURNMENT.

**Commissioner Timmins moved to adjourn the meeting. Commissioner Moon seconded the motion, which passed with a vote of 6:0.**

**APPROVED:**



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

**ATTEST:**



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**City Secretary**

Ordinance: O-14-17