

MINUTES OF THE REGULAR MEETING OF THE
CITY COMMISSION OF THE CITY OF MARSHALL
THURSDAY, NOVEMBER 13, 2014
6:00PM

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

Bill Marshall, District 4

Vernia Calhoun, District 5

Garrett Boersma, District 6

ADMINISTRATIVE STAFF PRESENT:

Kenneth Snyder, Acting City Manager

Todd Fitts, City Attorney

Reggie Cooper, Fire Chief

Jesus 'Eddie' Campa, Police Chief

Lisa Agnor, City Secretary/Finance Director

J. C. Hughes, Public Services Director

Jack Redmon, Support Services Director

Wes Morrison, Planning & Development Director

INVOCATION & PLEDGE: Commissioner Timmins

Chairman Smith stated that Kenneth Snyder, Acting City Manager, asked to withdraw items 8H, 8L, 8N, and 8P from the agenda. There was no opposition to this request. Items 8H, 8L, 8N, and 8P were withdrawn from the agenda.

396. PRESENTATIONS FROM THE PUBLIC

Joyce Weekly of the Marshall Regional Arts Council, 2501 East End Boulevard South, extended an invitation to the Commission to attend the Marshall Regional Arts Council program Friday evening.

397. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the Consent Agenda.

398. CONSENT AGENDA

Commissioner Moon moved to approve the Consent Agenda. Commissioner Timmins seconded the motion, which passed with a vote of 7:0.

A. Consider approval of the minutes from the October 7, 2014 Special-Called meeting; October 13, 2014 Special-Called meeting; October 21, 2014 Special-Called meeting; October 23, 2014 Regular meeting; October 24, 2014 Special-Called meeting (8:45 a.m.); October 24, 2014 Special-Called meeting (5:30 p.m.); October 24, 2014 Special-Called meeting (7:00 p.m.); October 28, 2014 Special-Called meeting; and the October 30, 2014 Special-Called meeting.

EXECUTIVE SESSION:

399. **EXECUTIVE SESSION:**

Commissioner Timmins moved to enter into the Executive Session. Commissioner Moon seconded the motion, which passed with a vote of 7:0. The time was 6:10pm

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 or settlement offer; and Consultation with Attorney on a matter in which the duty of the Attorney to the governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

1. Discussion of matters related to the previous architectural design contract for Memorial City Hall.
2. Discussion of matters related to storm water drainage issues.

B. An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.087: Deliberate the offer of financial and other incentives to a business prospect.

Commissioner Timmins moved to reconvene from the Executive Session. Commissioner Moon seconded the motion, which passed with a vote of 7:0. The time was 7:54pm.

ACTION ITEMS FOLLOWING EXECUTIVE SESSION:

400. **CONSIDER TAKING ACTIONS NECESSARY, IF THE CITY COMMISSION IS READY TO DO SO, AS A RESULT OF EXECUTIVE SESSION DISCUSSION RELATED TO THE PREVIOUS ARCHITECTURAL DESIGN CONTRACT FOR MEMORIAL CITY HALL.**

Commissioner Marshall moved to approve actions pursuant to discussion in Executive Session. Commissioner Timmins seconded the motion, which passed with the following vote:

Ayes 6: Chairman Smith, Commissioners Marshall, Moon, Boersma, Timmins, and Calhoun

Nays 0:

Abstain 1: Commissioner Flowers

401. CONSIDER APPROVAL OF THE MARSHALL ECONOMIC DEVELOPMENT CORPORATION'S PROPOSED MODIFICATIONS TO THE RIO CONSTRUCTION-INCENTIVE PROJECT AS DETAILED IN THE PROPOSED DOCUMENTS TITLED: ADDENDUM NO. 1 TO PERFORMANCE AGREEMENT OF JANUARY 16, 2014; PERFORMANCE AGREEMENT DATED NOVEMBER 16, 2014; CONDITIONAL TRANSFER AGREEMENT OF NOVEMBER 16, 2014; LEASE AGREEMENT OF NOVEMBER 16, 2014; AND THE LOAN PROPOSAL AS OFFERED BY BANCORP SOUTH IN THE AMOUNT \$967,965.00.

Chairman Smith moved to approve the Marshall Economic Development Corporation's proposed modifications to the Rio Construction-Incentive Project as detailed in the proposed documents titled: Addendum No. 1 to Performance Agreement of January 16, 2014; Performance Agreement dated November 16, 2014; Conditional Transfer Agreement of November 16, 2014; Lease Agreement of November 16, 2014; and the loan proposal as offered by Bancorp South in the amount \$967,965.00, modifying the Performance Agreement date to November 18, 2014. Commissioner Timmins seconded the motion, which passed with a vote of 7:0.

PUBLIC HEARING AND ORDINANCE APPROVAL:

402. O-14-18: CONDUCT A PUBLIC HEARING AND CONSIDER AN ORDINANCE AMENDING THE ZONING MAP FROM R-3 SINGLE-FAMILY DWELLING DISTRICT TO MH MOBILE HOME DISTRICT FOR 7.24 ACRES GENERALLY LOCATED NORTH OF HARLETON ROAD, WEST OF HUDSON STREET AND SOUTH OF SCOTTS QUARTER ROAD.

Location: 2400-2500 Block of Harleton Road
Applicant: Victor Whitfield

Wes Morrison, Planning and Development Director, stated the Planning and Zoning Commission voted 3:1 for approval of this request.

The Commission asked questions of Wes Morrison regarding this item.

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

Victor Whitfield (Applicant), 105 Yvonne Street, spoke in favor of this zoning change.

The Commission asked questions of the Applicant.

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.

The Commission engaged in discussion regarding this request.

Commissioner Timmins moved to approve an Ordinance amending the Zoning Map from R-3 Single-Family Dwelling District to MH Mobile Home District for 7.24 acres generally located north of Harleton Road, west of Hudson Street and South of Scotts Quarter Road. Commissioner Calhoun seconded the motion, which passed with a vote of 7:0.

CITY MANAGER REPORTS AND REQUESTS FOR CITY COMMISSION CONSIDERATION:

403. CONSIDER APPROVAL AN AGREEMENT WITH HABITAT FOR HUMANITY OF THE MARSHALL AREA RELATED TO THE DONATION OF PROPERTY LOCATED AT 1505 ELYSIAN FIELDS AVENUE FOR THE PURPOSE OF CONSTRUCTING AFFORDABLE HOUSING FOR LOW AND MODERATE INCOME HOUSEHOLDS.

Wes Morrison asked for approval of an agreement with Habitat for Humanity of the Marshall area related to the donation of property located at 1505 Elysian Fields Avenue for the purpose of constructing affordable housing for low and moderate income households.

Wes Morrison and City Attorney, Todd Fitts, answered questions from the Commission regarding this agenda item.

Commissioner Timmins moved to approve an agreement with Habitat for Humanity of the Marshall area related to the donation of property located at 1505 Elysian Fields Avenue for the purpose of constructing affordable housing for low and moderate income households. Commissioner Moon seconded the motion, which passed with a vote of 7:0.

404. CONSIDER APPROVAL OF A PROPOSAL FROM MKP CONSULTING TO PREPARE THE 2015-2019 HUD CONSOLIDATED PLAN AND FAIR HOUSING PLAN.

Wes Morrison asked for approval of a proposal from MKP Consulting to prepare the 2015-2019 HUD Consolidated Plan and Fair Housing Plan at a cost of \$20,000.

Commissioner Timmins moved to approve a proposal from MKP Consulting to prepare the 2015-2019 HUD Consolidated Plan and Fair Housing Plan at a cost of \$20,000. Commissioner Moon seconded the motion, which passed with a vote of 7:0.

405. CONSIDER APPROVAL OF A CONTRACT FOR AMBULANCE/RESCUE SERVICE WITH EMERGENCY SERVICES DISTRICT NO. 3.

Kenneth Snyder asked to take items 8C, 8D, and 8E together and asked for approval of contracts for Ambulance/Rescue Service with Emergency Services Districts 3, 4, and 6.

The Commission asked questions of Kenneth Snyder regarding the request.

Commissioner Timmins moved to approve items 8C, 8D, and 8E as presented. Commissioner Flowers seconded the motion, which passed with a vote of 7:0.

406. CONSIDER APPROVAL OF A CONTRACT FOR AMBULANCE/RESCUE SERVICE WITH EMERGENCY SERVICES DISTRICT NO. 4.

This item was approved along with item 8C and 8E.

407. CONSIDER APPROVAL OF A CONTRACT FOR AMBULANCE/RESCUE SERVICE WITH EMERGENCY SERVICES DISTRICT NO. 6.

This item was approved along with item 8C and 8D.

408. CONSIDER AUTHORIZING THE ACTING CITY MANAGER TO ESTABLISH A TOURISM AND PROMOTIONS DEPARTMENT FOR THE CITY OF MARSHALL, AND TO BEGIN THE SEARCH FOR A DIRECTOR OF TOURISM AND PROMOTIONS.

Commissioner Moon stated she would like to see the Commission to move forward with this item.

Chairman Smith stated the Commission should visit with the CVB Board regarding this item.

The Commission engaged in discussion regarding this agenda item.

No action was taken.

409. CONSIDER AWARDING A BID FOR THE DEMOLITION OF CONDEMNED STRUCTURES.

Chairman Smith expressed concerns with one of the bidders involved.

The Commission engaged in discussion regarding awarding a bid for the demolition of condemned structures.

Lisa Agnor, City Secretary/Finance Director pointed out City Staff was not making a recommendation but presenting bids as received.

The Commission engaged in discussion.

Commissioner Boersma moved to award the bid for the demolition of condemned structures to low bidder, on a per property basis, between T&C Dozer, Mike Davis Construction and Elwood Services. Commissioner Marshall seconded the motion, which passed with the following vote:

Ayes 6: Chairman Smith, Commissioners Boersma, Marshall, Flowers, Calhoun, and Moon

Nays 0:

Abstain 1: Commissioner Timmins

410. REPORT ON THE RECENT BID PROCESS FOR HOUSING REHABILITATION PROJECTS UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

This item was withdrawn from the agenda.

411. DISCUSSION OF AND CONSIDERATION OF ACTION REGARDING STORM WATER DRAINAGE ISSUES AT 1101 SALLIE SUE.

This item was withdrawn from the agenda.

412. REPORT REGARDING THE STATUS OF THE BUARD HISTORY TRAIL PROJECT.

Jack Redmon, Support Services Director, presented a report on the status of the Buard History Trail Project.

The Commission engaged in discussion.

413. REPORT REGARDING THE SUCCESS THUS FAR OF THE SEWER TAP FEE WAIVER PROGRAM.

JC Hughes, Public Services Director, stated since the Commission passed the Ordinance, three people have responded regarding the Sewer Tap Fee Waiver Program.

The Commission engaged in discussion regarding this agenda item.

414. REPORT REGARDING THE RESULTS OF THE RECENT WARRANT SWEEP BY THE MARSHALL POLICE DEPARTMENT.

This item was withdrawn from the agenda.

415. DISCUSSION REGARDING THE NEEDS OF THE MARSHALL PUBLIC LIBRARY BUILDING.

This item was withdrawn from the agenda.

416. REPORT REGARDING THE EMERGENCY PREPAREDNESS PLAN FOR DISASTER READINESS IN THE CITY OF MARSHALL.

This item was withdrawn from the agenda.

417. RECOMMENDATIONS FOR APPOINTMENTS TO VARIOUS CITY BOARDS, COMMISSIONS, AND COMMITTEES.

Kenneth Snyder asked the Commission to provide names to consider for appointments to various City Boards, Commissions, and Committees.

418. DISCUSSION REGARDING REPORTING PROCEDURES FROM THE MEETINGS OF CITY BOARDS, COMMISSIONS, AND COMMITTEES.

This item was withdrawn from the agenda.

419. DISCUSSION REGARDING THE CITY'S TAKE-HOME VEHICLE POLICY.

Commissioner Moon wants the Commission to take another look at the Emergency Vehicle Take-Home Policy.

The Commission engaged in discussion.

Chairman Smith asked to the City Staff to bring information regarding the budgetary impact of possible changes to the City's Take-Home Vehicle Policy to the next meeting.

420. CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the Consent Agenda.

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

- Discussion of asking Jack Redmon to sit in the City Manager position until the position is filled permanently, if the City does not have a City Manager at the end of the year
- Discuss and consider the Memorial City Hall Renovation Project

Lisa Agnor extended an invitation to the Commission and Community to attend the Wonderland of Lights Lighting Ceremony on November 26, 2014 at 5:30pm.

422. ADJOURNMENT

Commissioner Moon moved to adjourn the meeting. Commissioner Timmins seconded the motion, which passed with a vote of 7:0.

APPROVED:



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

ATTEST:



City Secretary

Ordinance: O-14-18