

MINUTES OF THE REGULAR MEETING OF THE
CITY COMMISSION OF THE CITY OF MARSHALL
THURSDAY, JANUARY 9, 2014
6:30PM

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	Charlie Oliver, District 5
Zephaniah Timmins, District 2	Garrett Boersma, District 6
John Flowers, District 3	

ABSENT: Bill Marshall, District 4

ADMINISTRATIVE STAFF PRESENT:

Frank Johnson, City Manager	Lisa Agnor, City Secretary/Finance Director
Todd Fitts, City Attorney	J. C. Hughes, Public Works Director
Kenneth Snyder, Fire Chief	Jack Redmon, Parks Director
Leland Benoit, Interim Police Chief	

ACTING CHAIRMAN TIMMINS 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

- Report on the By- Pass Piping Project

III. CITY MANAGER REPORTS

IV. ADJOURNMENT

INVOCATION & PLEDGE: Commissioner Moon

1. PRESENTATIONS FROM THE PUBLIC

Jack Canson, representing Canson and Canson, 3109 Victory Drive, spoke concerning the recent review of the Tourism Plan. He stated that he did not think the report properly addressed the Boogie Woogie Program.

2. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

Item 4b was withdrawn from the Consent Agenda: Consider approval of the annual Interlocal Agreement with the Marshall – Harrison County Health District.

3. CONSENT AGENDA

Commissioner Timmins moved to approve the following under the Consent Agenda. Commissioner Boersma seconded the motion, which passed 6:0.

A. Consider Approval of the minutes from the December 10, 2013 Special-Called meeting; December 12, 2013 Regular meeting; December 16, 2013 Special-Called meeting; December 17, 2013 Special-Called meeting; December 19, 2013 Special-Called meeting; and the December 20, 2013 Special-Called Meeting

C. Resolution

1. R-14-01: Consider approval of a Resolution amending and adopting the City of Marshall Investment Policy

PUBLIC HEARING:

4. PUBLIC HEARING REGARDING PROPOSED REHABILITATION AND PRESERVATION OF AN AFFORDABLE RENTAL HOUSING DEVELOPMENT OF 64 UNITS LOCATED AT 2500 EAST END BOULEVARD KNOWN AS PINE HAVEN APARTMENTS

Frank Johnson, City Manager, stated Southwest Preservation has purchased the Pine Haven Apartments at 2500 East End Boulevard, South, and is in the process of qualifying for a private activity bond and tax credit from the State of Texas to assist with the financing to undertake an extensive rehabilitation of the apartments in this complex. One of the requirements associated with qualifying for this program is that the unit of local government with jurisdiction over the property must conduct a public hearing regarding the project.

Chairman Ed Smith opened the public hearing and called on anyone wishing to speak in favor of the request.

Terry Coyne, 15227 Columbus Square, Tustin, California, with Southwest Preservation spoke in support of the project and outlined the intentions for the property.

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.

PUBLIC HEARINGS AND ORDINANCE APPROVALS:

5. O-14-01: REQUEST TO REZONE 0.373 ACRES OF LAND AND BEING ALL OF LOT 19 BLOCK 5, OF THE CEDAR CREST ADDITION FROM R-2 SINGLE FAMILY DETACHED DWELLING DISTRICT TO O-OFFICE DISTRICT

Location: 203 Crestwood
Applicant: Clay Allen

Frank Johnson presented the request to rezone 0.373 acres of land and being all of Lot 19 Block 5, of the Cedar Crest Addition form R-2 Single Family Detached Dwelling District to O-Office District and stated the Planning and Zoning Commission voted 4:0 to approve the request.

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

Clay Allen, applicant, 9036 Highway 80 East, spoke in support of the request and answered questions from the Commission regarding the 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 to rezone 0.373 acres of land and being all of Lot 19 Block 5, of the Cedar Crest Addition from R-2 Single Family Detached Dwelling District to O-Office District. Commissioner Flowers seconded the motion which passed 6:0.

6. REQUEST TO REZONE LOT 3 OF THE WOMACK ADDITION, BEING 0.237 ACRES OF LAND, FROM R-2 SINGLE FAMILY DWELLING DISTRICT TO PD-PLANNED DEVELOPMENT DISTRICT

Location: 1102 S. Washington
Applicant: Bill Seibert

Frank Johnson presented the request to rezone Lot 3 of the Womack Addition being 0.237 acres of land, from R-2 Single Family Dwelling District to PD-Planned Development District. He stated that the Planning and Zoning Commission voted 5:0 for approval as a Planned Development District for one living unit in the existing house on the property and one living unit on the second floor of the garage on the property, in keeping with the request by the applicant.

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

Bill Seibert, applicant, 1102 South Washington, spoke in support of the rezoning request and answered questions of the Commission concerning the request.

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

Julia Robb, 106 East Merritt, spoke in opposition to the request. Ms. Robb stated she represented neighbors Vincent Warren, Matt Coleman, Marty Dyer and Charles Kilpatrick, MD.

Vincent Warren, 1100 South Washington, spoke in opposition to the request.

Matt Coleman, 104 Merritt, spoke in opposition to the request.

The Commission asked questions of the applicant.

Chairman Smith closed the public hearing.

The Commission engaged in discussion regarding the request.

Commissioner Flowers moved to table a request to rezone Lot 3 of the Womack Addition being 0.237 acres of land, from R-2 Single Family Dwelling District to PD-Planned Development District. Commissioner Boersma seconded the motion.

The motion failed to pass with the following vote:

**Ayes 3: Commissioners Flowers, Smith, Boersma,
Nays 1: Commissioner Timmins
Abstain 2: Commissioners Oliver, Moon**

Commissioner Timmins moved to deny a request to rezone Lot 3 of the Womack Addition being 0.237 acres of land, from R-2 Single Family Dwelling District to PD-Planned Development District. Commissioner Oliver seconded the motion.

The Commission engaged in discussion.

Commissioner Timmins called the question.

The motion passed with a vote of 5:0:1 with Commissioner Boersma abstaining.

RESOLUTIONS:

7. R-14-02: CONSIDER APPROVAL OF A RESOLUTION OF NO OBJECTION TO THE REHABILITATION AND PRESERVATION OF AN AFFORDABLE RENTAL HOUSING DEVELOPMENT OF 64 UNITS LOCATED AT 2500 EAST END BOULEVARD SOUTH KNOWN AS PINE HAVEN APARTMENTS

Frank Johnson stated there was no additional information regarding the request.

Commissioner Flowers moved to approve a Resolution of No Objection to the rehabilitation and preservation of an affordable retail housing development of 64 units located at 2500 East End Boulevard South, known as Pine Haven Apartments. Commissioner Oliver seconded the motion which passed 6:0.

8. R-14-03: CONSIDER APPROVAL OF A RESOLUTION IN SOUTHWESTERN ELECTRIC POWER COMPANY'S APPLICATION TO INCREASE RATES UNDER ITS TRANSMISSION COST RECOVERY FACTOR; REQUIRING THE REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; AUTHORIZING PARTICIPATION IN THE COALITION OF SIMILARLY SITUATED CITIES; AUTHORIZING INTERVENTION AND PARTICIPATION IN RELATED PROCEEDINGS; AUTHORIZING THE RETENTION OF SPECIAL COUNSEL; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE

Frank Johnson stated that SWEPCO has filed an application for a \$9,843,969 increase in rates through a surcharge referred to as a "transmission cost recovery factor". The increase will result in a four percent increase in the monthly bill for residential customers and small commercial customers.

Frank asked for approval for the City to participate with a group of East Texas Cities in an organization known as Cities Advocating Reasonable Deregulation (CARD) to monitor rate actions taken by SWEPCO.

Commissioner Flowers moved to approve a Resolution in Southwestern Electric Power Company's application to increase rates under its Transmission Cost Recovery Factor; requiring the reimbursement Municipal Rate Case Expenses; authorizing participation in the Coalition of similarly situated Cities; authorizing intervention and participation in related proceedings; authorizing the retention of Special Counsel; finding that the meeting complies with the Open Meetings Act; making other findings and provisions related to the subject; and declaring an effective date. Commissioner Oliver seconded the motion.

The Commission engaged in discussion regarding deregulation.

The motion passed with a vote of 6:0.

CITY MANAGER REPORTS AND REQUEST FOR CITY COMMISSION CONSIDERATION:

9. CONSIDER AUTHORIZATION OF PAYMENTS TO THE CONVENTION AND VISITOR BUREAU UNDER THE 2013 CONTRACT UNTIL SUCH TIME AS THE 2014 CONTRACT IS APPROVED.

Frank Johnson asked the Commission to authorize payments to the Convention and Visitor Bureau under the 2013 Contract until such time as the 2014 Contract is approved.

Commissioner Boersma moved to approve payments to the Convention and Visitor Bureau under the 2013 Contract until such time as the 2014 Contract is approved. Commissioner Flowers seconded the motion which failed with the following vote:

Ayes 3: Commissioners Boersma, Flowers, Smith

Nays 3: Commissioners Moon, Timmins, Oliver

10. CONSIDER DESIGNATING A MEMBER OF THE CITY COMMISSION TO SERVE AS THE CITY COMMISSION'S EX OFFICIO MEMBER ON THE BOARD OF DIRECTORS OF THE MARSHALL CONVENTION AND VISITOR BUREAU

Commissioner Timmins moved to designate Ed Smith as an Ex-Officio Member on the Board of Directors of the Marshall Convention and Visitor Bureau. Commissioner Boersma seconded the motion which passed with a vote of 6:0.

11. REPORT ON WHAT THE BOND REQUIRED IN SECTION 65 OF THE CITY CHARTER COVERS FOR CITY COMMISSIONERS.

Todd Fitts, City Attorney, presented a report on what the bond required in Section 65 of the City Charter covers for City Commissioners.

Commissioner Flowers asked questions of the City Attorney

12. MONTHLY FINANCIAL REPORT

There was no discussion.

13. CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

Item 4b was withdrawn from the Consent Agenda: Consider approval of the annual Interlocal Agreement with the Marshall – Harrison County Health District. This will be covered at a later meeting.

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

- Report regarding what happened for the people losing their jobs.

15. ADJOURNMENT

Commissioner Timmins moved to adjourn the meeting. Commissioner Flowers seconded the motion which passed 6:0.

APPROVED:



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

ATTEST:



City Secretary

Ordinance: O-14-01

Resolution: R-14-01
R-14-02
R-14-03