

MINUTES OF THE REGULAR MEETING OF THE
CITY COMMISSION OF THE CITY OF MARSHALL
THURSDAY, DECEMBER 12, 2013
6:30PM

Chairman Ed Smith called the Regular meeting to order in the Commission Chambers, City Hall at 6:37 pm.

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

ABSENT: Garrett Boersma, District 6

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

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 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

INVOCATION & PLEDGE: Commissioner Marshall

439. PRESENTATIONS FROM THE PUBLIC

Vernia J. Calhoun, 508 University Avenue, stated that she did not understand the reason for the substitute organization chart in the Efficiency Study.

Mrs. Charles Wilson, 706 Whetstone, expressed concern regarding the direction of the Commission and the discord among the Commissioners.

440. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the Consent Agenda.

441. CONSENT AGENDA

Commissioner Marshall moved to approve the Consent Agenda. Commissioner Flowers seconded the motion which passed 6:0.

- A. Consider approval of the minutes from the November 7, 2013 Special-Called meeting, the November 19, 2013 Special-Called meeting, and the November 26, 2013 Special-Called meeting.

SECOND READING OF ORDINANCE:

442. O-13-11: CONSIDER APPROVAL OF AN ORDINANCE AMENDING THE 2013 BUDGET TO APPROPRIATE FUNDS FOR PROJECTS APPROVED BY THE CITY COMMISSION

Frank Johnson, City Manager, stated there was no new information.

Commissioner Marshall moved to approve an Ordinance amending the 2013 Budget to appropriate funds for projects approved by the City Commission. Commissioner Flowers seconded the motion, which passed 6:0.

PUBLIC HEARINGS AND ORDINANCES:

443. O-13-12: A REQUEST FOR A SPECIAL USE PERMIT ON 5.312 ACRES OF LAND, BEING LOTS 1-4, 5, 6, 7, OF THE SOUTH HIGHLANDS ADDITION, AND OL 257C OF THE SW, FOR AN ARCADE

Location: 116 W. Pinecrest Dr.
Applicant: Tina Livingston

Frank Johnson asked for approval of a request for a Special Use Permit on 5.312 acres of land being lots 1-4, 5, 6, 7, of the South Highlands Addition, and OL 257C of the SW, for an arcade. He stated that the Planning and Zoning Committee voted 4:0 to recommend approval.

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

Tina Livingston, applicant, told the Commission of her plans for the arcade.

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 for a Special Use Permit on 5.312 acres of land being lots 1-4, 5, 6, 7, of the South Highlands Addition, and OL 257C of the SW, for an arcade. Commissioner Moon seconded the motion, which passed 6:0.

444. O-13-13: A REQUEST TO REZONE APPROXIMATELY 8.02 ACRES OF LAND IN THE JAMES HARRIS SURVEY, A-12 FROM A-E AGRICULTURE AND ESTATE DISTRICT TO C-2 RETAIL BUSINESS DISTRICT.

Location: 2000 East Loop 390 North
Applicant: Brad Howlett

Frank Johnson asked for approval of a request to rezone approximately 8.02 acres of land in the James Harris Survey, A-12 from A-E Agriculture and Estate District to C-2 Retail Business District. He stated the Planning and Zoning Committee voted 4:0 to recommend approval.

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

Brad Howlett, applicant, spoke in favor of the request. Commissioner Marshall asked questions 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 approximately 8.02 acres of land in the James Harris Survey, A-12 from A-E Agriculture and Estate District to C-2 Retail Business District. Commissioner Flowers seconded the motion which passed 6:0.

ORDINANCE:

445. O-13-14: CONSIDER APPROVAL OF AN AMENDMENT TO SECTION 2B, ARTICLE III, AMBULANCE TRANSFER SERVICES, OF THE CODE OF ORDINANCES OF THE CITY OF MARSHALL.

Chief Kenneth Snyder asked for approval of an amendment to Section 2B, Article III, Ambulance Transfer Services, of the Code of Ordinances of the City of Marshall.

The Commission engaged in discussion with Chief Snyder regarding the request.

Commissioner Timmins moved to approve an amendment to Section 2B, Article III, Ambulance Transfer Services, of the Code of Ordinances of the City of Marshall. Commissioner Oliver seconded the motion which passed 6:0.

446. CONSIDER APPROVAL OF THE APPOINTMENT OF CHAD SIMS TO THE MARSHALL ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS.

Donna Maisel, Executive Director of the Marshall Economic Development Corporation, asked the Commission to consider approval of Chad Sims to the MEDCO Board of Directors to replace the position vacated by the resignation of Danny Kirkland. She stated Mr. Sims is manager of Globe Energy Services, LLC in Marshall.

Commissioner Timmins moved to approve the appointment of Chad Sims to the MEDCO Board of Directors. Commissioner Moon seconded the motion, which passed 6:0.

447. CONSIDER APPROVAL OF THE BUDGET FOR THE MARSHALL CONVENTION AND VISITOR BUREAU FOR THE 2014 FISCAL YEAR.

Ed Michel, Executive Director of the Marshall Convention and Visitor Bureau, presented the budget for the Marshall Convention and Visitor Bureau for the 2014 Fiscal Year.

The Commission engaged in discussion regarding this agenda item.

Commissioner Moon moved to table approval of the budget for the Marshall Convention and Visitor Bureau for the 2014 Fiscal Year. Commissioner Timmins seconded the motion, which passed 6:0.

448. CONSIDER APPROVAL OF A REVISED CONSULTING SERVICES AGREEMENT WITH GALLAGHER BENEFIT SERVICES, INC. FOR EMPLOYEE BENEFIT SERVICES

Frank Johnson asked for approval of a revised Consulting Services Agreement with Gallagher Benefit Services, Inc. for employee benefit services.

Commissioner Marshall moved to approve a revised Consulting Services Agreement with Gallagher Benefit Services, Inc. for employee benefit services. Commissioner Oliver seconded the motion, which passed 6:0.

449. CONSIDER AWARDED A BID FOR WATER SYSTEM SUPPLIES FOR THE CITY OF MARSHALL.

Frank Johnson provided a summary of the options for awarding a bid for water system supplies. Options offered are:

1. Overall Lowest Qualified Bid Amount	\$202,502.12
2. Lowest Total Amount by Sections	\$194,956.26
3. Lowest Total Amount by Local Vendor	\$196,114.23

The Commission engaged in discussion with J. C. Hughes, Public Works Director regarding the options offered.

Commissioner Marshall moved to award \$196,114.23 to Southwest Meter & Supply of Marshall for supplies at the lowest total amount by the local vendor, and to award the balance of supplies to the low bidders as appropriate. Commissioner Timmins seconded the motion, which passed 6:0.

450. CONSIDER APPOINTMENTS/REAPPOINTMENTS TO THE VARIOUS CITY BOARDS, COMMISSIONS, AND COMMITTEES.

Commissioner Timmins moved to approve appointments/reappointments to the various City Boards, Commissions, and Committees as presented. Commissioner Flowers seconded the motion, which passed 6:0.

451. PRESENTATION OF THE 2014-2019 STRATEGIC PLAN FOR THE MARSHALL PUBLIC LIBRARY

Anna Lane, Library Director, presented the 2014-2019 Strategic Plan for the Marshall Public Library.

Commissioner Timmins moved to table items G&H. Commissioner Moon seconded the motion, which passed with the following vote:

**Ayes 5: Commissioners Timmins, Moon, Oliver, Smith, and Marshall
Nays 0**

Abstain1: Commissioner Flowers

452. DISCUSSION OF AND CONSIDER TAKING ACTION ON HOW TO PROCEED WITH ARCHITECTURAL SERVICES AND OTHER MATTERS RELATED TO THE MEMORIAL CITY HALL PROJECT.

This item was tabled.

453. DISCUSSION OF ELECTRICAL ENGINEER'S REPORT ON A GENERATOR FOR THE CONVENTION CENTER

This item was tabled.

454. REPORT ON STATUS OF COMMUNITY DEVELOPMENT BLOCK GRANT HOUSING REHABILITATION.

Frank Johnson reported on status of the Community Development Block Grant Housing Rehabilitation.

The Commission engaged in discussion with Mr. Johnson regarding the Community Development Block Grant Housing Rehabilitation.

455. REPORT ON AND DISCUSSION OF THE FORM OF GOVERNMENT UNDER WHICH THE CITY OF MARSHALL OPERATES AS STATED IN THE CITY CHARTER.

Commissioner Moon asked Frank Johnson to explain the form of government under which the City of Marshall operates as stated in the City Charter.

Frank Johnson explained to the public the Council/Manager form of government under which the City of Marshall operates.

The Commission engaged in discussion regarding this agenda item.

456. DISCUSSION OF SCHEDULING A JOINT MEETING WITH MARSHALL INDEPENDENT SCHOOL DISTRICT OFFICIALS

Commissioner Moon requested scheduling a second meeting with the MISD Officials.

457. MONTHLY FINANCIAL REPORT.

Lisa Agnor, City Secretary/Finance Director, addressed questions from the Commission regarding the Monthly Financial Report.

458. CODE ENFORCEMENT REPORT.

Bo Ellis, Main Street Manager, presented the Code Enforcement Report.

459. CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the Consent Agenda.

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

Discussion regarding eliminating the work session prior to regular City Commission Meetings and setting the start time of regular City Commission Meetings at 6:00 PM.

EXECUTIVE SESSION:

461. SECTION 551.074 OF THE TEXAS GOVERNMENT CODE (PERSONNEL). EVALUATION OF CITY MANAGER'S PERFORMANCE REGARDING PREPARATION OF THE 2014 BUDGET.

Chairman Smith stated the Commission will forgo the Executive Session.

462. ADJOURNMENT

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

APPROVED:



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

ATTEST:



City Secretary

Ordinance: O-13-11
O-13-12
O-13-13
O-13-14