

MINUTES OF THE REGULAR MEETING OF THE  
CITY COMMISSION OF THE CITY OF MARSHALL  
THURSDAY, FEBRUARY 13, 2014  
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

Zephaniah Timmins, District 2

John Flowers, District 3

Bill Marshall, District 4

Charlie Oliver, District 5

Garrett Boersma, District 6

ADMINISTRATIVE STAFF PRESENT:

Kenneth Snyder, Acting City Manager

Todd Fitts, City Attorney

Reggie Cooper, Interim Fire Chief

Leland Benoit, Interim Police Chief

Lisa Agnor, City Secretary/Finance Director

J. C. Hughes, Public Services Director

Jack Redmon, Support Services 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

- Overview on updating Water and Sewer Infrastructure
- Report regarding developing an Ordinance to require mandatory connections to available water and sewer lines
- Report concerning the cost of connecting to City Water / Sewer Services
- Report of earthy smelling and tasting water due to cold water and algae

III. CITY MANAGER REPORTS

Acting City Manager Kenneth Snyder reviewed the agenda packet with the City Staff and City Commission.

IV. ADJOURNMENT

INVOCATION & PLEDGE: Commissioner Timmins

34. PRESENTATIONS FROM THE PUBLIC

Paula Skipworth, 4307 Rebel Lane, presented \$533 in donations for the Marshall Animal Shelter on behalf of the New Year, New You Health Fest.

Amanda Smith, 38 Pine Burr Circle, presented statistics from the Marshall Animal Shelter and expressed the need for a new facility.

Jan Sims, 4701 FM 2625, introduced her rescue dog Nemo and spoke of the need for a new shelter.

Elaine Slaughter, 4100 Victory Drive, spoke in support of Marshall Animal Shelter staff but stated the facility is not adequate.

Mary Hurlburt, 418 Douglas Drive, Hallsville, stated that she adopted two cats from the Marshall Animal Shelter but expressed the need for a new facility.

Christina Anderson, 4448 FR 3379, spoke in support of a new animal shelter and staff at the current animal shelter.

Gary Closkey, 2003 Fairway Lane, spoke regarding the condition of the current animal shelter. He thinks the City should build a new shelter and not renovate the existing building.

Ron Munden, 507 Pumpkin Center Road, stated the current animal shelter facility does not allow staff the opportunity to do the job they want to do.

35. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the Consent Agenda.

36. CONSENT AGENDA

**Commissioner Timmins moved to approve the following under the Consent Agenda. Commissioner Oliver seconded the motion, which passed with a 7:0 vote.**

- A. Consider approval of the minutes from the January 16, 2014 Special- Called meeting, and the January 23, 2014 Regular meeting.

**PRESENTATION:**

37. PRESENTATION OF A RETIREMENT PLAQUE TO TED BARTLEY FOR HIS YEARS OF SERVICE TO THE CITY OF MARSHALL FIRE DEPARTMENT.

Chairman Smith presented Ted Bartley with a retirement plaque for 35 years of service to the City of Marshall Fire Department.

**RESOLUTIONS:**

38. R-14-04: CONSIDER APPROVAL OF A RESOLUTION CALLING FOR A JOINT ELECTION AGREEMENT WITH THE MARSHALL INDEPENDENT SCHOOL DISTRICT FOR THE MAY 10, 2014 GENERAL ELECTION.

**Commissioner Marshall moved to approve a Resolution calling for a Joint Election Agreement with the Marshall Independent School District for the May 10, 2014 General Election. Commissioner Moon seconded the motion which passed with a 7:0 vote.**

39. R-14-05 CONSIDER APPROVAL OF A RESOLUTION ORDERING A GENERAL ELECTION FOR CITY COMMISSIONER DISTRICTS 5, 6, AND 7.

**Commissioner Moon moved to approve a Resolution ordering a General Election for City Commissioner Districts 5, 6, and 7. Commissioner Timmins seconded the motion which passed with a 7:0 vote.**

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

40. CONSIDER APPROVAL OF AN AGREEMENT WITH CANSON AND CANSON TO PRODUCE THE VIDEOGRAPHY PORTION OF THE BUARD HISTORY TRAIL PROJECT. THIS PROJECT WILL BE FUNDED THROUGH A CERTIFIED LOCAL GOVERNMENT GRANT FROM THE NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, ADMINISTERED BY THE TEXAS HISTORICAL COMMISSION TO THE CITY OF MARSHALL HISTORIC LANDMARK PRESERVATION BOARD.

Bo Ellis, Community Facilities Manager, discussed the Buard History Trail Project and asked for approval of an agreement with Canson and Canson to produce the videography portion of the Buard History Trail Project.

The Commission engaged in discussion with Bo Ellis regarding the Buard History Trail Project.

**Commissioner Timmins moved to approve an agreement with Canson and Canson to produce the videography portion of the Buard History Trail Project.**

The Commission engaged in discussion regarding this agenda item.

**Commissioner Oliver seconded the motion to approve this agenda item.**

The Commissioners asked questions of Bo Ellis regarding the agreement with Canson and Canson to produce the videography portion of the Buard History Trail Project.

Chairman Smith called for a vote on the current motion.

**The motion passed with the following vote:**

**Ayes 5: Commissioners Moon, Boersma, Smith, Timmins, and Oliver  
Nays 2: Commissioners Marshall and Flowers.**

41. CONSIDER APPROVAL OF A REVISION TO THE PREVIOUSLY APPROVED TAX ABATEMENT AGREEMENT FOR PEOPLES FUNERAL HOME, LOCATED AT 500 PARK SCHOOL STREET.

Bo Ellis asked for approval of a revision to the previously approved Tax Abatement Agreement for Peoples Funeral Home, located at 500 Park School Street.

**Commissioner Boersma moved to approve the revision to the previously approved Tax Abatement Agreement for Peoples Funeral Home, located at 500 Park School Street. Commissioner Timmins seconded the motion.**

Commissioner Marshall asked questions of Bo Ellis regarding this agenda item.

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

42. CONSIDER APPROVAL OF AN AGREEMENT WITH THE HARRISON COUNTY HISTORICAL MUSEUM FOR USE OF 2014 HOTEL OCCUPANCY FUNDS.

Kenneth Snyder, Acting City Manager, asked for approval of an agreement with the Harrison County Historical Museum for the use of 2014 Hotel Occupancy Funds.

**Commissioner Timmins moved to approve an agreement with the Harrison County Historical Museum for the use of 2014 Hotel Occupancy Funds. Commissioner Oliver seconded the motion which passed with a 7:0 vote.**

43. CONSIDER APPROVAL OF AN AGREEMENT WITH THE MARSHALL REGIONAL ARTS COUNCIL FOR USE OF 2014 HOTEL OCCUPANCY FUNDS.

**Commissioner Timmins moved to approve an agreement with the Marshall Regional Arts Council for the use of 2014 Hotel Occupancy Funds. Commissioner Moon seconded the motion which passed with a 7:0 vote.**

44. CONSIDER APPROVAL OF AN AGREEMENT WITH THE MARSHALL DEPOT, INC. FOR USE OF 2014 HOTEL OCCUPANCY FUNDS.

**Commissioner Timmins moved to approve an agreement with the Marshall Depot for the use of 2014 Hotel Occupancy Funds. Commissioner Moon seconded the motion which passed with a 7:0 vote.**

45. CONSIDER APPROVAL OF AN AGREEMENT WITH THE MICHELSON MUSEUM OF ART FOR USE OF 2014 HOTEL OCCUPANCY FUNDS.

**Commissioner Timmins moved to approve an agreement with the Michelson Museum of Art for the use of 2014 Hotel Occupancy Funds. Commissioner Moon seconded the motion which passed with a 7:0 vote.**

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

Commissioner Flowers asked questions of Lisa Agnor, City Secretary/Finance Director.

**Commissioner Flowers moved to award a bid for Water System Supplies for the City of Marshall. Commissioner Moon seconded the motion which passed with a 7:0 vote.**

47. CONSIDER APPROVAL OF AND ACT ON A REQUEST TO APPROVE CHANGE ORDER #3 TO AMEND THE FINAL WORK ELEMENT QUANTITIES AS PART OF A 2013 STREET IMPROVEMENT PROGRAM CONSTRUCTION CONTRACT, RESULTING IN A COST REDUCTION WITH REYNOLDS & KAY, LTD. OF \$22,584.90.

J.C. Hughes, Public Services Director, asked for approval of Change Order #3 to amend the final work element quantities as part of a 2013 Street Improvement Program Construction Contract, resulting in a cost reduction with Reynolds & Kay, Ltd. of \$22,584.90.

**Commissioner Marshall moved to approve Change Order #3 to amend the final work element quantities as part of a 2013 Street Improvement Program Construction Contract, resulting in a cost reduction with Reynolds & Kay, Ltd. of \$22,584.90. Commissioner Timmins seconded the motion which passed with a 7:0 vote.**

48. CONSIDER APPROVAL OF THE USE OF BUDGETED CONDEMNED STRUCTURE FUNDS TO DEMOLISH TWO HOMES FOR CURRENT FULL-HOUSE REHABILITATION PROJECTS IN THE COMMUNITY DEVELOPMENT BLOCK GRANT HOUSING REHABILITATION PROGRAM.

**Commissioner Timmins moved to approve the use of budgeted Condemned Structure Funds to demolish two homes for current full-house rehabilitation projects in the Community Development Block Grant Housing Rehabilitation Program. Commissioner Oliver seconded the motion which passed with a 7:0 vote.**

49. CONSIDER APPROVAL OF THE PURCHASE OF A NEW FINANCIAL DATA SERVER, AT A COST OF \$22,000.00.

Jack Redmon, Support Services Director answered questions from Commissioner Marshall regarding the agenda item.

**Commissioner Marshall moved to approve the purchase of a new financial data server at a cost of \$22,000.00. Commissioner Flowers seconded the motion which passed with a 7:0 vote.**

50. DISCUSSION OF AND CONSIDER APPROVAL OF POSSIBLE MODIFICATIONS TO CITY OF MARSHALL POLICY REGARDING SEPARATION PAY FOR EMPLOYEES WHO LEAVE EMPLOYEMENT WITH THE CITY DUE TO A REDUCTION IN THE CITY'S WORKFORCE.

Commissioner Timmins stated a change in Personnel Policy would be required to allow for separation pay for employees who leave employment with the City due to a reduction in the City's workforce.

The Commission engaged in discussion.

Commissioner Timmins will bring a proposed amendment to the Personnel Policy back to the Commission after meeting with the City Attorney, City Manager, and Human Resources Manager.

51. DISCUSSION OF AND CONSIDERATION OF THE ELIMINATION OF THE PRE-COMMISSION WORK SESSIONS HELD PRIOR TO THE CITY COMMISSION MEETINGS.

Commissioner Timmins asked the Commission to consider elimination of the Pre-Commission Work Sessions held prior to the City Commission Meetings with a suggestion of a monthly appreciation luncheon for the community to speak with the Commissioners.

**Commissioner Boersma moved to eliminate the Pre-Commission Work Sessions held prior to the City Commission Meetings. Commissioner Timmins seconded the motion.**

Commissioner Marshall suggested considering amending the motion to include changing the start time of the meeting from 6:30 pm to 6:00 pm. Commissioner Timmins stated agreement.

**Commissioner Marshall moved to amend the motion to include moving the Commission meeting to 6:00 pm. Commissioner Timmins seconded the amendment to the motion which passed by a 7:0 vote.**

**The amended motion passed with a 7:0 vote.**

52. REPORT ON THE CITY OF MARSHALL ANIMAL SHELTER.

Leland Benoit, Interim Police Chief, thanked the people who spoke in support for the staff at the Animal Shelter and presented a report on the City of Marshall Animal Shelter.

Chief Benoit introduced Shelly Cullum, Animal Control Supervisor, who answered questions from the Commission.

The Commission engaged in discussion regarding this agenda item.

53. CONSIDER ESTABLISHING A COMMISSION COMMITTEE TO ENLIST A CITIZENS ADVISORY GROUP TO ASSIST IN A FEASIBILITY STUDY FOR A NEW ANIMAL SHELTER AND DISCUSSION OF POSSIBLE SOURCES OF REVENUE FOR BUILDING A NEW ANIMAL SHELTER.

Chairman Ed Smith discussed the need for a new Animal Shelter and asked the Commission to establish a Commission Committee to enlist a Citizen Advisory Group to assist in a feasibility study regarding a new Animal Shelter and discussion of possible sources of revenue for building the new facility.

The Commission engaged in discussion.

Chairman Smith said he would like to serve on the exploratory committee. Commissioner Boersma volunteered to serve on this committee. Commissioner Flowers also stated he would serve on the committee.

**Commissioner Timmins moved to establish a Commission Committee of Chairman Smith, Commissioner Boersma, and Commissioner Flowers to enlist a Citizens Advisory Group to assist in a feasibility study for a new Animal Shelter. Commissioner Marshall seconded the motion which passed with a 7:0 vote.**

54. DISCUSSION AND CONSIDER APPROVAL OF FUNDING FOR ORGANIZATIONS THAT HAVE PENDING FINANCIAL COMMITMENTS FROM THE CONVENTION AND VISITOR BUREAU.

Chairman Smith stated some Commissioners have been contacted by individuals from organizations who have pending financial commitments from the Convention and Visitor Bureau. Chairman Smith would like these organizations to know that the City of Marshall or the Convention and Visitor Bureau will honor these prior commitments.

**Commissioner Marshall moved to approve funding for organizations that have pending financial commitments from the Convention and Visitor Bureau. Commissioner Moon seconded the motion which passed by a vote of 7:0.**

55. DISCUSSION OF AND CONSIDER APPROVAL OF APPOINTING A COMMISSION COMMITTEE TO SERVE AS THE SEARCH COMMITTEE FOR THE PURPOSE OF FILLING THE POSITION OF CITY MANAGER.

Chairman Smith asked the Commission for approval of appointing a Commission Committee to serve as the Search Committee for the purpose of filling the position of City Manager. Chairman Smith would like to Chair the Committee.

Commissioners Moon, Timmins, and Marshall expressed agreement with Chairman Smith regarding his Chairing the Committee and stated that they would like to serve on the Committee.

The Commission engaged in discussion regarding this agenda item.

Commissioner Marshall withdrew his offer to serve on the Committee.

**Commissioner Flowers moved to approve appointing a Commission Committee consisting of Commissioners Smith, Moon, and Timmins to serve as the search Committee for the purpose of filling the position of City Manager. Commissioner Timmins seconded the motion which passed with a 7:0 vote.**

54. CONSIDER SETTING A DATE FOR JOHN KELSH OF GREAT DESTINATION STRATEGIES TO PRESENT A REPORT TO THE CITY COMMISSION REGARDING THE TOURISM PLAN UPDATE.

Chairman Smith said John Kelsh of Great Destination Strategies was available to be in Marshall on February 24<sup>th</sup> and 25<sup>th</sup> for \$2,500.00 plus reasonable travel expenses to and from Marshall. He will meet with Commissioners and the Convention and Visitor Bureau on the 24<sup>th</sup> and 25<sup>th</sup> and will make a formal presentation on February 25<sup>th</sup> at a Special-Called Meeting of the City Commission.

**Commissioner Timmins moved to consider John Kelsh of Great Destination Strategies returning to the City of Marshall for the \$2,500.00 on February 24<sup>th</sup> and 25<sup>th</sup>, 2014 regarding the Tourism Plan Update. Commissioner Moon seconded the motion which passed by a 7:0 vote.**

55. CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the Consent Agenda

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

- Items requested from the prior meeting that were not on this agenda
- Discussion of awarding pay increases to City employees by the end of June 2014 if funds are available to do so.
- Report on the status of when the Efficiency Report can be discussed
- Summary report regarding what changed in the 2014 Adopted Budget from the 2013 Adopted Budget
- Discussion regarding contracts with Howard Performance Architecture
- Action item related to the interlocal agreement regarding Norit Americas, Inc., Harrison County, and the City of Marshall

**EXECUTIVE SESSION:**

57. EXECUTIVE SESSION:

- A. Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.074 Personnel Matters: Discuss or deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: Acting City Manager, Kenneth "Buzz" Snyder.
- B. Executive Session pursuant to the Open Meetings Act, Section 551.071 of the Texas Government Code – 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 regarding issues related to contracts between Norit Americas, Inc., Harrison County, and the City of Marshall.

**Commissioner Timmins moved to enter into the Executive Session. Commissioner Oliver seconded the motion which passed by a 7:0 vote. The time was 8:55 pm.**

**Commissioner Timmins moved to reconvene from the Executive Session. Commissioner Oliver seconded the motion which passed by a 7:0 vote. The time was 10:03 pm.**

**ACTION ITEM FOLLOWING EXECUTIVE SESSION:**

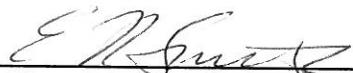
58. CONSIDER APPROVAL OF A CONTRACT BETWEEN THE CITY OF MARSHALL AND KENNETH "BUZZ" SNYDER FOR THE POSITION OF ACTING CITY MANAGER.

**Commissioner Timmins moved to approve a Contract between the City of Marshall and Kenneth "Buzz" Snyder for the position of Acting City Manager as discussed in the Executive Session. Commissioner Oliver seconded the motion which passed by a 7:0 vote.**

59. ADJOURNMENT

**Commissioner Timmins moved to adjourn the meeting. Commissioner Oliver seconded the motion which passed by a 7:0 vote.**

**APPROVED:**

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

**ATTEST:**

  
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**City Secretary**

Resolution: R-14-04  
R-14-05