

MINUTES OF THE REGULAR MEETING OF THE  
CITY COMMISSION OF THE CITY OF MARSHALL  
THURSDAY, FEBRUARY 14, 2013  
6:30PM

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Chairman 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:

Frank Johnson, City Manager  
Todd Fitts, City Attorney  
Jack Hanson, Fire Inspector  
Stan Spence, Police Chief

Ardis Wright, Assistant City Manager  
Lisa Agnor, City Secretary/Finance Director  
J. C. Hughes, Public Works Director  
Jack Redmon, Parks Director  
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 place 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 Boersma

46. PRESENTATIONS FROM THE PUBLIC

Chairman Ed Smith recognized Boy Scot Troup 270.

Grady Lee, 207 N. Grove, spoke in opposition to the City providing Canson and Canson with funding for the Boogie Woogie Project.

Jack Canson, 3309 Victory Dr., spoke on the efforts of the Birthplace of Boogie Woogie Program to promote music that brings tourists to Marshall.

47. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the Consent Agenda.

48. CONSENT AGENDA

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

- A. Consider approval of the minutes from the January 22, 2013 Special-  
Called Meeting, the January 24, 2013 Regular Meeting, and the January  
31, 2013 Special-Called Meeting.

49. RESOLUTION R-13-05: RECOGNIZING THE MONTH OF FEBRUARY AS  
BLACK HISTORY MONTH

Commissioner Moon stated she wants the City to recognize the month of  
February as Black History Month.

**Commissioner Timmins moved to approve a Resolution recognizing the  
month of February as Black History Month. Commissioner Oliver seconded  
the motion, which passed by a 7:0 vote.**

50. RESOLUTION R-13-06: SUPPORTING THE LEGISLATIVE ACTIVITIES  
OF THE CITIES ADVOCATING REASONABLE DEREGULATION (CARD)  
DURING THE 83RD LEGISLATIVE SESSION OF THE TEXAS  
LEGISLATURE WITH REGARD TO REGULATION OF ELECTRIC  
UTILITIES

City Manager Frank Johnson asked for approval of a Resolution supporting the  
legislative activities of the Cities Advocating Reasonable Deregulation (CARD)  
during the 83rd legislative session of the Texas Legislature with regard to  
regulation of electric utilities.

The Commission engaged in discussion regarding this item.

**Commissioner Timmins moved to approve a Resolution supporting the  
legislative activities of the Cities Advocating Reasonable Deregulation  
(CARD) during the 83rd legislative session of the Texas Legislature with  
regard to regulation of electric utilities. Commissioner Oliver seconded the  
motion, which passed by a 6:0:1 vote, with Commissioner Flowers  
abstaining.**

51. CONSIDER AWARDING A CONTRACT FOR PEST CONTROL SERVICES  
FOR VARIOUS CITY-OWNED LOCATIONS

Assistant City Manager Ardis Wright asked for approval to award a contract for  
pest control service to the low bidder Gecko Pest Control, LLC. of Marshall, in  
the amount of \$5,520 annually.

**Commissioner Timmins moved to award a contract for pest control services  
as presented. Commissioner Flowers seconded the motion, which passed by  
a 7:0 vote.**

52. CONSIDER AND ACT ON A REQUEST TO AWARD A CONTRACT IN  
RESPONSE TO A REQUEST FOR PROPOSAL TO PERFORM A WATER &  
WASTEWATER COST OF SERVICE AND RATE DESIGN STUDY

Public Works Director J. C. Hughes asked for approval to award a contract to the  
low bidder McClain Decision Support Systems, in the amount of \$23,950, to  
perform a Water and Wastewater Cost of Service and Rate Design Study.

**Commissioner Marshall moved to approve a contract to perform a Water  
and Wastewater Cost of Service and Rate Design Study. Commissioner  
Timmins seconded the motion, which passed by a 7:0 vote.**

53. CONSIDER APPROVAL OF THE ANNUAL CONTRACT FOR HOTEL OCCUPANCY TAX FUNDS WITH MARSHALL DEPOT, INC

Frank Johnson asked for approval of the annual contract for Hotel Occupancy Tax funds with Marshall Depot, Inc.

**Commissioner Timmins moved to approve the annual contract for Hotel Occupancy Tax funds with Marshall Depot, Inc. Commissioner Moon seconded the motion, which passed by a 6:0:1 vote, with Commissioner Marshall abstaining.**

54. DISCUSSION OF AN AMENDMENT TO THE BYLAWS OF THE CONVENTION AND VISITOR BUREAU

Frank Johnson updated the Commission on discussions regarding a possible amendment to the Convention and Visitor Bureau's bylaws regarding board appointments.

He stated that he and the City Attorney will meet with the CVB Executive Director and the CVB Board Chairman to discuss this issue and will report to the Commission for action at a future meeting.

55. DISCUSSION OF HOTEL OCCUPANCY TAX FUNDS, INCLUDING THE ANNUAL CONTRACT TO PROVIDE HOTEL OCCUPANCY TAX FUNDS TO THE CONVENTION AND VISITOR BUREAU

Frank Johnson stated that this item was on the agenda to keep the Commission informed of discussions regarding the annual contract with the Convention and Visitor Bureau. He reviewed two options being considered regarding the Wonderland of Lights. One option outlined that the CVB continues to manage the Wonderland of Lights, and the second option outlined that the CVB would not continue to manage the Wonderland of Lights.

56. CONSIDER APPROVAL OF FUNDING FOR THE BIRTHPLACE OF BOOGIE WOOGIE PROGRAM

A possible means of funding for the Birthplace of Boogie Woogie Program was presented.

**Commissioner Timmins moved to approve funding of the Birthplace of Boogie Woogie Program under the guidelines to be contracted by the City Staff. Commissioner Moon seconded the motion.**

The Commission engaged in discussion regarding this item.

**Commissioner Timmins amended his motion to stipulate that funding would be in the amount of \$30,000 with another \$30,000 held in reserves pending reports on progress of the promotion and that the Commission could consider at a future meeting extending additional funding to the Convention and Visitor Bureau. Commissioner Moon concurred with the amendment.**

**The motion carried by the following vote:**

**Ayes: 5, Commissioners Moon, Timmins, Marshall, Oliver, Smith  
Nays: 1, Commissioner Boersma  
Abstain: 1, Commissioner Flowers**

57. CONSIDER A RECOMMENDATION FROM THE CITY COMMISSION EFFICIENCY STUDY COMMITTEE REGARDING SELECTION OF A CONSULTANT TO PERFORM THE EFFICIENCY STUDY AND CONSIDER AUTHORIZING A CONTRACT TO BE NEGOTIATED WITH THE SELECTED CONSULTANT

Frank Johnson reviewed the recommendations from the City Commission Efficiency Study Committee regarding selection of a consultant to perform the efficiency study. He requested authorization to negotiate a contract with the Azimuth Group from Dallas, Texas. Mr. Johnson stated that approval of the efficiency study will require a budget amendment to appropriate funds for the study.

The Commission engaged in discussion regarding this item.

**Commissioner Boersma moved to authorize a contract be negotiated with the selected consultant. Commissioner Marshall seconded the motion, which passed by the following vote:**

**Ayes: 4, Commissioners Flowers, Marshall, Boersma, Smith  
Nays: 3, Commissioners Moon, Timmins, Oliver**

58. EXECUTIVE SESSION

A. SECTION 551.071 OF THE TEXAS GOVERNMENT CODE – CONSULTATION WITH ATTORNEY REGARDING PENDING OR CONTEMPLATED LITIGATION.

B. SECTION 551.074 OF THE TEXAS GOVERNMENT CODE (PERSONNEL) - CONVENE IN EXECUTIVE SESSION TO DISCUSS ANNUAL EVALUATION OF THE CITY MANAGER, CITY SECRETARY, CITY ATTORNEY, AND MUNICIPAL COURT JUDGE.

**Commissioner Timmins moved to go into Executive Session. Commissioner Oliver seconded the motion, which passed by a 7:0 vote. (The time was 8:45 pm.)**

59. RECONVENE CITY COMMISSION MEETING

**Commissioner Timmins moved to reconvene from Executive Session. Commissioner Oliver seconded the motion, which passed by a 7:0 vote. (The time was 9:30 pm.)**

60. CONSIDER AUTHORIZING THE CITY MANAGER TO ADVERTISE A REQUEST FOR QUALIFICATIONS FOR ARCHITECTURAL SERVICES FOR THE REDRAWING OF SELECTED PLAN PAGES AS NEEDED, FOR BIDDING AND NEGOTIATION SERVICES, AND FOR SERVICES DURING CONSTRUCTION FOR MEMORIAL CITY HALL

Frank Johnson asked for authorization to advertise a Request for Qualifications for architectural services for the redrawing of selected plan pages as needed, for bidding and negotiation services, and for services during construction for Memorial City Hall. He stated that this item was previously tabled and would need to be removed from the table for discussion.

**Commissioner Timmins moved to remove this item off the table for discussion. Commissioner Boersma seconded the motion which passed by a 7:0 vote.**

Frank Johnson engaged in discussion with the Commission regarding required conditions of grants that have been included in funding for the Memorial City

Hall renovation project. He will confirm with the National Parks Service specific Section 106 conditions regarding their grant and report back to the Commission.

**Commissioner Marshall moved to advertise for Request for Qualifications provided that the National Parks Service will not require Section 106 experience by the architect; otherwise, additional approval will be required by the Commission. Commissioner Timmins seconded the motion, which passed by a 6:0:1 vote, with Commissioner Flower abstaining.**

61. CONSIDER AUTHORIZING THE CITY MANAGER TO ADVERTISE A REQUEST FOR QUALIFICATIONS FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE RENOVATION OF MEMORIAL CITY HALL

**Commissioner Marshall moved to authorize the City Manager to advertise a Request for Qualifications for construction management services for the renovation of Memorial City Hall. Commissioner Timmins seconded the motion, which passed by a 6:0:1, with Commissioner Flowers abstaining.**

62. REPORT ON PROJECTED TRAVEL BY CITY COMMISSIONERS DURING 2013 AND COMPARISON OF FUNDS NEEDED FOR PROJECTED TRAVEL WITH FUNDS BUDGETED FOR COMMISSION TRAVEL

Commissioner Marshall stated that revised projected travel by Commissioners should allow travel funds to remain within the budget.

63. DISCUSSION OF COST COMPARISON OF USING LAPTOP COMPUTERS FOR CITY COMMISSION PACKETS COMPARED TO THE COST OF HARD COPY PAPER PACKETS

Frank Johnson stated that it costs the City approximately \$2,000 per year to provide the Commissioners with paper packets.

Parks Director Jack Redmon discussed electronic devices and said that the initial cost for providing the Commission with Laptops would be \$1,000-\$1,300 each or with iPads, \$650 each.

The Commission engaged in discussion regarding this item.

64. REPORT ON CHANGES IN FUNDING FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Commissioner Timmins discussed the decline in Community Development Block Grant Funding.

65. DISCUSSION OF HOW DECISIONS ARE MADE ON SPENDING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS AND WHETHER A TARGETED APPROACH MIGHT BE ADVANTAGEOUS

This item was postponed to a March meeting.

66. CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the Consent Agenda.

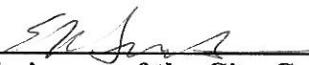
67. REQUESTS FROM COMMISSIONERS FOR ITEMS TO BE PLACED ON FUTURE AGENDAS

- A. Report on room rates and collection of Hotel Occupancy Tax on hotel rooms for AMTRAK crews.
- B. Discussion of additional funding for the Convention and Visitor Bureau.
- C. Discussion of returning grants for Memorial City Hall to the National Park Service and to the U.S. Department of Housing and Urban Development.
- D. Purchase of tablets for Commissioners.
- E. Report on neighborhood improvement grant opportunities
- F. Resolution to State Representatives regarding CARD.

68. ADJOURNMENT

**Commissioner Marshall moved for adjournment. Commissioner Flowers 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**

**Resolutions: R-13-05, R-13-06**