

MINUTES OF THE REGULAR MEETING OF THE
CITY COMMISSION OF THE CITY OF MARSHALL
THURSDAY, MARCH 28, 2013
6:30PM

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
Kenneth Snyder, Fire Chief
Leland Benoit, Asst. 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

A. Appropriate \$150,000 from the General Fund Reserves to tear down dilapidated structures.

III. CITY MANAGER REPORTS

City Manager Frank Johnson reviewed the agenda packet with the City Staff and City Commission.

IV. ADJOURNMENT

INVOCATION & PLEDGE: Commissioner Oliver

98. PRESENTATIONS FROM THE PUBLIC

David Hollowell, 615 N. Washington, addressed the Commission regarding noise coming from Charlie's Back Yard Bar and Grill.

Mrs. Charles Wilson, 706 Whetstone, asked the Commission to delay the efficiency study and use funds for rehabilitation of homes.

99. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the Consent Agenda.

100. CONSENT AGENDA

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

A. Consider approval of the minutes from the February 28, 2013 Regular Meeting and the March 14, 2013 Regular Meeting.

- B. Consider awarding a bid to Edko, LLC of Shreveport, Louisiana to furnish 'vegetation management services'- (Herbicide Applications) in accordance with the specifications supplied by the City of Marshall.
- C. Consider approval of the quarterly investment report for the quarter ending December 31, 2012.

The following item was taken out of order:

101. PRESENTATION OF SEMI-ANNUAL REPORT BY THE MARSHALL ECONOMIC DEVELOPMENT CORPORATION

Donna Maisel, Executive Director of MEDCO, presented the Marshall Economic Development Corporation semi-annual report.

ORDINANCE

102. ORDINANCE O-13-02: AN AMENDMENT TO THE GENERAL FUND BUDGET AND UTILITY FUND BUDGET FOR THE 2013 FISCAL YEAR TO APPROPRIATE \$74,500.00 FROM GENERAL FUND UNOBLIGATED RESERVES FOR AN EFFICIENCY STUDY

City Manager Frank Johnson stated he had no additional information for this item.

Commissioner Marshall moved for approval of an Ordinance to amend the General Fund budget and Utility Fund budget for the 2013 fiscal year to appropriate \$74,500.00 from General Fund unobligated reserves for an efficiency study. Commissioner Boersma seconded the motion.

The Commission engaged in discussion regarding this item.

The vote passed by the following vote: (Second reading required.)

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

103. CONSIDER APPROVAL OF AN AMENDMENT TO THE GENERAL FUND BUDGET FOR THE 2013 FISCAL YEAR TO APPROPRIATE \$10,000.00 FROM GENERAL FUND UNOBLIGATED RESERVES FOR THE PURCHASE OF TABLETS FOR CITY COMMISSIONERS AND TO PROVIDE HOME INTERNET SERVICE FOR THOSE COMMISSIONERS WHO DO NOT HAVE IT TO ALLOW INFORMATION PACKETS FOR CITY COMMISSION MEETINGS TO BE DISTRIBUTED TO COMMISSIONERS ELECTRONICALLY

Frank Johnson stated that some Commissioners had expressed interest in receiving information packet electronically and this amendment would be necessary to accomplish this.

Commissioner Marshall moved to approve an amendment to the General Fund budget for the 2013 fiscal year to appropriate \$10,000.00 from General Fund unobligated reserves for the purchase of tablets for City Commissioners and to provide home internet service for those Commissioners who do not have it to allow information packets for City Commission meetings to be distributed to Commissioners electronically. The motion failed for the lack of a second.

104. CONSIDER APPROVAL OF AN AGREEMENT WITH THE AZIMUTH GROUP FOR PERFORMANCE OF AN EFFICIENCY STUDY

Frank Johnson said that requested changes had been added to the agreement with the Azimuth Group for performance of an efficiency study and asked for approval. Chairman Smith requested an additional change to the agreement.

Commissioner Marshall moved to approve an agreement, as amended, with the Azimuth Group for performance of an efficiency study. Commissioner Boersma seconded the motion, which passed by the following vote:

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

105. CONSIDER AWARDING A BID FOR THE SALE OF THE FIRING RANGE PROPERTY ON SHADY LANE APPROXIMATELY ONE-HALF MILE WEST OF HIGHWAY 59 SOUTH

Frank Johnson asked for approval to award a bid for the sale of the Firing Range property on Shady Lane approximately one-half mile west of Highway 59 South.

The Commission engaged in discussion regarding this item.

Commissioner Timmins moved to award a bid for the sale of the Firing Range property on Shady Lane approximately one-half mile west of Highway 59 South. Commissioner Oliver seconded the motion, which passed by a 7:0 vote.

106. CONSIDER AND ACT ON A RECOMMENDATION TO APPROVE STAFF PROPOSED 2013 STREET IMPROVEMENT PROGRAM AND AWARD A WORK ORDER FOR PROFESSIONAL SERVICES FOR ENGINEERING AND CONSTRUCTION INSPECTION

Public Works Director J. C. Hughes asked for approval of the staff proposed 2013 Street Improvements Program and to award a work order for the professional services for engineering and construction inspection.

Commissioner Marshall moved to approve the staff proposed 2013 Street Improvement Program and award a Work Order for Professional Services for engineering and construction inspection. Commissioner Moon seconded the motion, which passed by a 7:0 vote.

107. DISCUSSION OF AND CONSIDER APPROVAL OF ACTIONS NECESSARY TO ALLOW CITY COMMISSION MEETINGS TO BE BROADCAST OVER THE INTERNET

Commissioner Marshall stated that he would like to change this item to have video of the Commission Meetings posted on the City's website.

The Commission engaged in discussion regarding this item.

Commissioner Marshall moved to approve actions necessary to allow City Commission meetings to be viewed on the City's website. Commissioner Boersma seconded the motion, which passed by the following vote:

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

The following item was taken out of order:

108. DISCUSSION OF RETURNING GRANTS FOR MEMORIAL CITY HALL TO THE NATIONAL PARK SERVICE AND TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Commissioner Marshall stated he believes the cost to keep a historical designation needs to be known and agrees to table until additional information is available.

109. 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 stated that this item has been on past agendas and that he has no additional information.

The Commission engaged in discussion regarding this item.

The Commission agreed to establish a committee consisting of Chairman Smith, Commissioner Flowers and Commission Boersma to work with City staff to prepare Request for Qualifications for architectural services and construction manager for action at the next meeting.

110. REPORT ON THE EXACT BREAKDOWN OF ENROLLMENT IN MISD SCHOOLS BY ETHNICITY FOR THIS YEAR AND A REPORT FROM THE SCHOOL DISTRICT OF ALL KNOWN PRESENTATIONS BY THE CANSON'S TO MISD SCHOOLS OVER THE PAST TWO YEARS

Commissioner Marshall stated his reason for requesting this agenda item.

The Commission engaged in discussion regarding this item.

111. DISCUSSION OF AND CONSIDER APPROVAL OF AN AMENDMENT TO THE CITY COMMISSION TRAVEL POLICY

Commissioner Marshall expressed his concerns regarding the distribution of the travel budget and stated that he would like to see Commissioners report on conferences they attend.

The Commission engaged in discussion regarding this item.

112. DISCUSSION OF THE STATE OF RECYCLING IN THE CITY OF MARSHALL AND CITY FACILITIES

Commissioner Marshall commended Bo Ellis, Main Street Manager, for providing recycling containers for 2nd Saturday downtown. He stated that the City has made some progress with the recycling but needs continued improvements.

113. DISCUSSION OF AND CONSIDER APPROVAL OF GUIDELINES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT HOUSING REHABILITATION PROGRAM

Frank Johnson provided the Commission information on guidelines used by other cities. He stated that the City of Marshall has always abided by HUD's guidelines and briefly outlined the guidelines.

The Commission established a committee consisting of Commissioner Oliver, Commissioner Marshall, and Commissioner Flowers to work with City staff to review this issue and make recommendations of possible changes to current guidelines.

114. MONTHLY FINANCIAL REPORTS FOR JANUARY AND FEBRUARY

There were no questions regarding the monthly financial reports.

115. CODE ENFORCEMENT REPORT

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

116. CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the Consent Agenda.

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

- A. Discussion of management for the 2013 Wonderland of Lights.
- B. Discussion regarding the Animal Shelter and ways to improve service to the community.

Note: Commissioner Timmins withdrew his request made during the Pre-Commission Work Session to appropriate \$150,000 from the General Fund and stated he would request the item at future date.

118. EXECUTIVE SESSION

- A. 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

Commissioner Flowers moved to go into Executive Session. Commissioner Timmins seconded the motion, which passed by a 7:0 vote. (The time was 8:59 pm.)

Commissioner Timmins moved to reconvene from Executive Session. Commissioner Flowers seconded the motion, which passed by a 7:0 vote. (The time was 9:25 pm.)

119. ADJOURNMENT

Commissioner Moon moved for adjournment. Commissioner Flowers seconded the motion, which passed by a 7:0 vote.

APPROVED:



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

ATTEST:



City Secretary

Ordinance: O-13-02