

MINUTES OF THE REGULAR MEETING OF THE
CITY COMMISSION OF THE CITY OF MARSHALL
THURSDAY, APRIL 10, 2014
6:00PM

Chairman Ed Smith called the Regular meeting to order in the Commission Chambers, City Hall at 6:00pm.

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

INVOCATION & PLEDGE: Commissioner Flowers

124. PRESENTATIONS FROM THE PUBLIC

Joyce Weekly, 2501 East End Boulevard, invited the City Commission to the Diamonds' Concert.

Geraldine Mauthe, 301 N. Washington, thanked the Convention Center staff for their work during the Goldwing Convention.

125. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

There were no items to be withdrawn from the Consent Agenda.

126. CONSENT AGENDA

Commissioner Moon moved to approve the Consent Agenda. Commissioner Timmins seconded the motion which passed with a vote of 7:0.

A. Consider approval of the minutes from the March 26, 2014 Special- Called meeting and the March 27, 2014 Regular meeting.

PUBLIC HEARINGS:

127. A PUBLIC HEARING ON THE ANNUAL PLAN FOR THE 2014 COMMUNITY DEVELOPMENT BLOCK GRANT.

Kenneth Snyder, Acting City Manager, stated this public hearing is being conducted to give citizens another opportunity to comment on the Annual Plan for the 2014 Community Development Block Grant.

Chairman Ed Smith opened the public hearing.

No one came forward to speak.

Chairman Smith closed the Public Hearing.

128. PUBLIC HEARING REGARDING ADOPTION OF A STATE OF TEXAS MANDATED UPDATE TO THE DROUGHT CONTINGENCY PLAN FOR THE CITY OF MARSHALL TO PROMOTE EFFICIENT USE OF WATER AND ADEQUATELY MANAGE THE CITY'S WATER RESOURCES DURING TIMES OF WATER SHORTAGE, AND TO PROVIDE FOR PENALTIES FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE DROUGHT CONTINGENCY PLAN.

J. C. Hughes, Public Services Director, said the State of Texas mandates that the Drought Contingency Plan be updated every five years and a public hearing is required.

Chairman Smith opened the public hearing,

No one came forward to speak.

Chairman Smith closed the public hearing.

ORDINANCES

129. O-14-05: CONSIDER AND ACT ON A RECOMMENDATION TO APPROVE AN ORDINANCE UPDATING THE WATER CONSERVATION PLAN FOR THE CITY OF MARSHALL TO PROMOTE RESPONSIBLE USE OF WATER BY UTILIZING BEST PRACTICES TO ENCOURAGE PRESERVATION AND CONSERVATION, AND TO PROVIDE FOR PENALTIES FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE WATER CONSERVATION PLAN.

J. C. Hughes said the state mandates that the Drought Contingency plan be updated every five years and asked the Commission to approve an Ordinance updating the Water Conservation Plan for the City of Marshall to promote responsible use of water by utilizing best practices to encourage preservation and conversation, and to provide for penalties for noncompliance with the provisions of the Water Conservation Plan.

The Commission engaged in discussion and asked questions of Mr. Hughes.

Chairman Smith requested to table this agenda item.

Commissioner Marshall requested to vote on this agenda item.

Commissioner Timmins moved to approve an Ordinance updating the Water Conservation Plan for the City of Marshall to promote responsible use of water by utilizing best practices to encourage preservation and conversation, and to provide for penalties for noncompliance with the provisions of the Water Conservation Plan. Commissioner Oliver seconded the motion. The motion passed with the following vote:

Ayes 5: Commissioners Marshall, Timmins, Oliver and Moon

Nays: 0

Abstain 2: Chairman Smith and Commissioner Flowers

130. O-14-06: CONSIDER AND ACT ON A RECOMMENDATION TO APPROVE AN ORDINANCE UPDATING THE DROUGHT CONTINGENCY PLAN FOR THE CITY OF MARSHALL TO PROMOTE EFFICIENT USE OF WATER AND ADEQUATELY MANAGE THE CITY'S WATER RESOURCES DURING TIMES OF WATER SHORTAGE, AND TO PROVIDE FOR PENALTIES FOR NONCOMPLIANCE WITH THE PROVISIONS OF THE DROUGHT CONTINGENCY PLAN.

J. C. Hughes asked for approval of an Ordinance updating the Drought Contingency Plan for the City of Marshall to promote efficient use of water and adequately manage the City's water resources during times of water shortage, and to provide for penalties for noncompliance with the provisions of the Drought Contingency Plan.

The Commission asked questions of Mr. Hughes and engaged in discussion regarding this agenda item.

Commissioner Timmins moved to approve an Ordinance updating the Drought Contingency Plan for the City of Marshall to promote efficient use of water and adequately manage the City's water resources during times of water shortage, and to provide for penalties for noncompliance with the provisions of the Drought Contingency Plan. Commissioner Flowers seconded the motion which passed with the following vote:

Ayes 6: Commissioners Timmins, Oliver, Moon, Marshall and Flowers
Nays: 0
Abstain 1: Chairman Smith

RESOLUTIONS:

131. CONSIDER APPROVAL OF A RESOLUTION REAPPROVING THE FINANCIAL PROPOSAL IN THE AMOUNT OF \$6,540,000, WHICH WAS PREVIOUSLY APPROVED BY THE CITY COMMISSION ON NOVEMBER 26, 2013 FOR THE CONSTRUCTION OF A MANUFACTURING FACILITY ON MARSHALL ECONOMIC DEVELOPMENT CORPORATION PROPERTY USING MEDCO'S DEDICATED SALES TAX REVENUE STREAM AS COLLATERAL.

This agenda item was withdrawn at the request of MEDCO.

132. R-14-08: CONSIDER APPROVAL OF A RESOLUTION SUSPENDING FOR 45 DAYS THE EFFECTIVE DATE PROPOSED BY CENTERPOINT ENERGY RESOURCES CORP., BEAUMONT/EAST TEXAS DIVISION ("CENTERPOINT") IN ITS APPLICATION TO INCREASE RATES, FILED ON OR ABOUT MARCH 31, 2014 PURSUANT TO SECTION 104.31 OF THE GAS UTILITY REGULATORY ACT.

Kenneth Snyder asked for approval of a Resolution suspending for 45 days the effective date proposed by Centerpoint Energy Resources Corp., Beaumont/East Texas Division ("Centerpoint") in its application to increase rates, filed on or about March 31, 2014 pursuant to Section 104.31 of the Gas Utility Regulatory Act.

Commissioner Boersma moved to approve the Resolution as presented. Commissioner Timmins seconded the motion which passed with a vote of 7:0.

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

133. CONSIDER A REVIEW OF THE 2013 WATER AND WASTEWATER COST OF SERVICE AND RATE STUDY.

Commissioner Marshall moved to table item 8A. Commissioner Timmins seconded the motion which passed with a vote of 7:0.

134. CONSIDER APPROVAL OF AN AGREEMENT THAT REFLECTS THE REMITTANCE OF DEDICATED SALES TAX DOLLARS FROM THE CITY OF MARSHALL TO THE MARSHALL ECONOMIC DEVELOPMENT CORPORATION AND OTHER RELATED DOCUMENTS TO SATISFY TEXAS BANK AND TRUST'S REQUIREMENTS FOR THE LOAN.

This agenda item was withdrawn at the request of MEDCO.

135. REPORT ON THE PROGRESS OF THE ALL-AMERICA CITY APPLICATION PROCESS FOR THE CITY OF MARSHALL.

Christina Anderson presented a report on the progress of the All-America City application process for the City of Marshall. Mrs. Anderson said Marshall is in the top 25 finalists. Ten cities will be awarded the All-American City designation.

The Commission expressed their appreciation to Christina Anderson for her hard work on this application.

136. CONSIDER APPROVAL OF AN OIL AND GAS WELL PERMIT FOR THE VALENCE OPERATING COMPANY FOR MARTIN HEIRS GAS WELL #5H EAST OF HIGHWAY 59 SOUTH AND NORTH OF MARTIN LAKE ROAD.

Kenneth Snyder asked for approval of an Oil and Gas Well Permit for the Valence Operating Company for Martin Heirs Gas well #5H East of Highway 59 South and North of Martin Lake Road.

Commissioner Marshall moved to approve an Oil and Gas Well Permit for the Valence Operating Company for Martin Heirs Gas well #5H East of Highway 59 South and North of Martin Lake Road. Commissioner Flowers seconded the motion which passed with a vote of 7:0.

137. CONSIDER APPROVAL OF THE COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL PLAN FOR THE 2014-2015 PROGRAM YEAR.

Kenneth Snyder reviewed the Community Development Advisory Committee recommendations and the City Staff recommendations of the CDBG Annual Plan for the 2014-2015 program year.

Commissioner Marshall moved to approve the City Staff recommendations for the Community Development Block Grant Annual Plan for the 2014-2015 program year. Commissioner Moon seconded the motion which passed with a vote of 7:0.

138. CONSIDER APPROVAL OF APPOINTMENTS TO THE CITY OF MARSHALL PLANNING AND ZONING COMMISSION.

Kenneth Snyder stated four members of the Planning and Zoning Commission will expire and are not eligible for reappointment. These are Doug Young, John Pollard, Dayna Badell, and Dana Harris.

He stated the following persons have expressed interest in serving on the Planning and Zoning Commission: Mike McMurry, Charlie Oliver, Ronnie Oney, and Ed Hoffman. The Planning and Zoning Commission recommended that these four be appointed. If approved, each will serve a three-year term, beginning on June 1, 2014.

Commissioner Moon moved to approve the appointment of Mike McMurry, Charlie Oliver, Ronnie Oney and Ed Hoffman to the Planning and Zoning Commission with a term beginning June 1, 2014. Commissioner Marshall seconded the motion which passed with a vote of 7:0.

139. CONSIDER APPROVAL OF AN AMENDMENT TO THE CITY EMPLOYEE HANDBOOK REGARDING NON-DISCIPLINARY SEPARATION PAY FOR EMPLOYEES WHO ARE SEPARATED FROM EMPLOYMENT DUE TO A REDUCTION IN THE CITY'S WORKFORCE.

Commissioner Timmins presented his recommendations to the City Employee Handbook regarding Non-Disciplinary Separation Pay for employees who are separated from employment due to a reduction in the City's workforce. Commissioner Timmins reviewed the results of the City's survey of other cities and asked the Commission to approve Non-Disciplinary Separation Pay according to the employee's years of service and to change the thirty day notice in the original amendment to two weeks.

The Commission engaged in discussion regarding the agenda item.

Commissioner Timmins moved to approve an amendment to the City Employee Handbook regarding Non-Disciplinary Separation Pay for employees who are separated from employment due to a reduction in the City's workforce with the thirty day notice changed to two weeks. Commissioner Oliver seconded the motion which failed with the following vote:

Ayes 3: Commissioners Timmins, Oliver and Moon

Nays 4: Commissioners Smith, Marshall, Flowers and Boersma

140. REVIEW OF THE UPPER MANAGEMENT TEAM FOR THE CITY OF MARSHALL AND DISCUSSION OF WHY IT DOES NOT REFLECT THE MAKE-UP OF THE CITY.

Commissioner Timmins requested a discussion of why the Upper Management Team for the City of Marshall does not reflect the make-up of the City.

The Commission engaged in discussion regarding this agenda item.

141. MARSHALL CONVENTION CENTER REPORT

Bo Ellis, Community Facilities Manager, presented a report on the Marshall Convention Center.

The Commission asked questions and engaged in discussion regarding this

agenda item.

142. CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the Consent Agenda.

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

- Report regarding last year's meeting between the Marshall Independent School District Board and the City Commission
- A prioritized schedule of deferred maintenance on City buildings with emphasis on needed roof repair/replacement

144. ADJOURNMENT

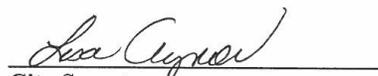
Commissioner Moon moved to adjourn the meeting. Commissioner Flowers seconded the motion which passed with a vote of 7:0.

APPROVED:



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

ATTEST:


City Secretary

Ordinance: O-14-05
O-14-06

Resolution: R-14-08