MINUTES OF THE REGULAR MEETING OF THE
CITY COMMISSION OF THE CITY OF MARSHALL
THURSDAY, APRIL 11, 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

There were no 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 Timmins

120. PRESENTATIONS FROM THE PUBLIC

Kevin Schmidt, 313 S. Washington, spoke regarding removing fluoride from City water.

Beckie Bates, 105 Azalea Way, Vice-President of Parks Board, encouraged approval of the lease with South Marshall Recreation Association.

Chris Clement, 4500 Briarwood, spoke in favor of the lease with South Marshall Recreation Association.

Paul Todd, 108 Oakley, asked the Commission to consider opening a street to allow access to VanZandt Street from the Scotts Quarters Addition.

Amanda Smith, 38 Pine Burr Circle, spoke regarding upcoming downtown events.

Brett Spivey, 1800 Gail Drive, thanked the Commission for tourism efforts and encouraged the City to fund the CVB at past levels.

Leo Morris, 4500 Victory Drive, spoke in opposition of returning grant money for Memorial City Hall.

121. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the Consent Agenda.

122. CONSENT AGENDA

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

A. Consider approval of the minutes from the March 28, 2013 Regular meeting.

123. PRESENTATION OF A RETIREMENT PLAQUE TO POLICE CHIEF STAN SPENCE FOR HIS YEARS OF SERVICE TO THE MARSHALL POLICE DEPARTMENT

Chairman Smith presented Police Chief Stan Spence with a retirement plaque for his years of service to the Marshall Police Department.

ORDINANCE

124. 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 AND UTILITY FUND UNOBLIGATED RESERVES FOR AN EFFICIENCY STUDY

**Commissioner Marshall moved to approve an Ordinance for an amendment to the General Fund budget and Utility Fund budget for the 2013 fiscal year to appropriate $74,500.00 from General Fund and Utility Fund unobligated reserves for an efficiency study. Commissioner Boersma seconded the motion, which passed by the following vote:**

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

PUBLIC HEARINGS

125. A REQUEST TO REZONE O.L. 187-C SW IN THE PETER WHETSTONE SURVEY, A-756 FROM R-2 SINGLE FAMILY DWELLING DISTRICT TO C-2 RETAIL BUSINESS DISTRICT. (300 UNIVERSITY AVENUE, CRRS INVESTMENTS, LLC)

This item was withdrawn.

**Commissioner Marshall moved to take agenda items 10B, then 10A, 10G, 10H, 10I out of order. Commissioner Moon seconded the motion, which passed by a 7:0 vote.**

126. CONSIDER APPROVAL OF A LEASE WITH THE SOUTH MARSHALL RECREATION ASSOCIATION FOR APPROXIMATELY NINE ACRES OF LAND IN THE VICINITY OF JOHNSON AND MARTIN STREETS, WEST OF THE MARSHALL HIGH SCHOOL ATHLETIC FIELDS, FOR USE AS AN ATHLETIC COMPLEX

Parks Director Jack Redmon introduced South Marshall Recreation Association Board Members and asked for approval of a lease with the South Marshall Recreation Association for land that will be used as soccer fields and other recreational sports.

**Commissioner Timmins moved for approval of a lease with the South Marshall Recreation Association for approximately nine acres of land in the vicinity of Johnson and Martin Streets, west of the Marshall High School athletic fields, for use as an athletic complex. Commissioner Oliver seconded the motion.**

The Commission engaged in discussion regarding the lease agreement.

**Commission Timmins amended his motion and moved for approval of a lease with the South Marshall Recreation Association for approximately nine acres of land in the vicinity of Johnson and Martin Streets, west of the Marshall High School athletic fields, for use as an athletic complex subject to due diligence and lease review. Commission Oliver seconded the motion, which passed by a 7:0 vote.**

127. PRESENTATION BY THE DOWNTOWN ASSOCIATION

Shawn Somerford, Chair of the Marshall Downtown Association, presented a progress recap of downtown Marshall and encouraged continued support of organizations and events that promote tourism downtown.

Henry Bradbury presented a slideshow of downtown Marshall and summarized changes since 2006.

128. PRESENTATION ON AND DISCUSSION OF THE CONVENTION AND VISITOR BUREAU'S PLAN FOR THE DIRECTION OF THE 2013 WONDERLAND OF LIGHTS FESTIVAL

Ed Michel, CVB Executive Director, introduced Steve Carlile, CVB Board Member, and Dr. Dean McCorkle with Agricultural Economics Department at College Station. Mr. Carlile made a presentation on the Wonderland of Lights Festival and requested continued support from the City. Dr. McCorkle made a presentation on the economic impact of the Wonderland of Lights Festival.

Guy Bower, El Chico General Manager, Patrick Hilchey, Holiday Express General Manager, and Brian VanWinkle with the Weisman Center spoke regarding the benefits the Wonderland of Lights Festival provides local business establishments.

Ed Michel presented the CVB's goals for the 2013 Wonderland of Lights.

George Carter, CVB Treasurer, outlined the sources of funding for the Wonderland of Lights Festival and proposed the City become a sponsor of the Wonderland of Lights Festival for $85,000, provide continued labiality insurance, and additional assistance as outlined in their proposal. He stated that without this support the Wonderland of Lights Festival would be a no go for CVB.

129. DISCUSSION OF WONDERLAND OF LIGHTS FOR 2013

This item was discussed in the previous agenda item.

130. DISCUSSION OF RETAINING THE SERVICES OF DESTINATION DEVELOPMENT, INC. TO REVIEW PROGRESS OF IMPLEMENTATION OF TOURISM PLAN AND TO ASSESS AND REVIEW D IRECTION OF TOURISM DEVELOPMENT PROGRAM

Chairman Smith stated that he would like the City to have Destination Development conduct a review on the progress of implementation of the Tourism Plan and asked the City Manger to present the cost of the review at a future meeting.

PUBLIC HEARING

131. PUBLIC HEARING ON THE ANNUAL PLAN FOR THE 2013 COMMUNITY DEVELOPMENT BLOCK GRANT

Frank Johnson informed the Commission that the 2013 Community Development Block Grant will be reduced by 15% to $255, 000.

Chairman Smith opened the Public Hearing and asked anyone wishing to speak regarding this item to come forward.

No one came forward to speak.

Chairman Smith closed the Public Hearing.

132. RESOLUTION R-13-08: AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO ACT ON BEHALF OF THE CITY OF MARSHALL IN DEEDING THE CITY OF MARSHALL'S INTEREST IN A TRACT OF LAND AT SPEED AND HERNDON STREETS, WHICH HAS BEEN BID INTO TRUST, TO THE MARSHALL INDEPENDENT SCHOOL DISTRICT

Frank Johnson asked for approval of a Resolution authorizing the City Manager and the City Attorney to act on behalf of the City of Marshall in deeding the City of Marshall's interest in a tract of land at Speed and Herndon Streets, which has been bid into trust, to the Marshall Independent School District.

**Commissioner Timmins moved to approve a Resolution authorizing the City Manager and the City Attorney to act on behalf of the City of Marshall in deeding the City of Marshall's interest in a tract of land at Speed and Herndon Streets, which has been bid into trust, to the Marshall Independent School District. Commissioner Flowers seconded the motion, which passed by a 7:0 vote.**

133. CONSIDER APPROVAL OF THE COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL PLAN FOR THE 2013-2014 PROGRAM YEAR

Frank Johnson asked for approval of the Community Development Block Grant Annual Plan for the 2013-2014 program year.

**Commissioner Timmins moved for approval of the Community Development Block Grant Annual Plan for the 2013-2014 program year. Commissioner Moon seconded the motion, which passed by a 7:0 vote.**

134. CONSIDER OPENING PROPOSALS FOR THE CITY OF MARSHALL'S DEPOSITORY BANK CONTRACT FOR THE PERIOD JUNE 1, 2013 THROUGH MAY 31, 2015

Lisa Agnor, City Secretary/Finance Director, stated that the City received three proposals for the City of Marshall's Depository Bank Contract that need to be opened at this meeting and the award recommendation will be given at the next commission meeting. Proposals from Texas Bank and Trust, Capital One Bank, and Chase were opened. Copies were provided to each Commissioner.

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

Commissioner Marshall stated that the committee reviewing the guidelines has proposed changes to the guidelines and believes a public hearing should be held. He requested this item be tabled until a public hearing can be scheduled.

136. DISCUSSION OF AND CONSIDER APPROVAL OF REVISED REQUESTS FOR PROPOSALS FROM ARCHITECTS AND FROM CONSTRUCTION MANAGERS FOR THE MEMORIAL CITY HALL PROJECT

**Commissioner Timmins moved for approval of revised Requests for Proposals from architects and from construction managers for the Memorial City Hall project. Commissioner Moon seconded the motion, which passed by a 7:0 vote.**

137. DISCUSSION OF POSSIBLE IMPROVEMENTS AT THE ANIMAL SHELTER

This item was postponed until the next meeting.

138. DISCUSSION ON THE STATUS OF INTERSTATE 69

Chairman Smith gave an update on the status of Interstate 69.

139. CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the Consent Agenda.

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

A. Consider a request from the Convention and Visitor Bureau for an additional $85,000 in Hotel Occupancy Tax funds to support the 2013 Wonderland of Lights
B. Report on status of the Animal Shelter and discussion of possible improvements to the Animal Shelter.
C. Discussion of process to allocate Hotel Occupancy Tax funds for the 2014 fiscal year.
D. Discussion of improvements needed to sound system in Commission Chambers.
E. Report on previous discussions of the possible extension of Madam Queen to Van Zandt.
F. Discussion of hiring a City Planner.
G. Report on status of the City's equipment used to tear down houses.
H. Discussion of disposal of debris from the demolition of houses.
I. Report on the status of the street sweeper.

141. EXECUTIVE SESSION

A. Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Section 551.074 – Convene in Executive Session to discuss appointment of interim Chief of Police.

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

**Commissioner Moon moved to reconvene from Executive Session. Commissioner Timmins seconded the motion, which passed by a 7:0 vote. (The time was 9:14 pm.)**

142. CONSENT TO CITY MANAGER'S APPOINTMENT OF AN INTERIM CHIEF OF POLICE

Frank Johnson recommended that Assistant Police Chief Leland Benoit be appointed as Interim Police Chief upon retirement of Chief Stan Spence. He stated the City will conduct a search for a permanent replacement for the Chief of Police.

**Commissioner Timmins moved to consent to the City Manager's appointment of Leland Benoit as Interim Chief of Police. Commissioner Flowers seconded the motion, which passed by a 7:0 vote.**

143. ADJOURNMENT

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

**APPROVED:**

E N Smith

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

**ATTEST:**

Lisa Ayers

**City Secretary**

**Ordinance: O-13-02**
**Resolution: R-13-08**