

MINUTES OF THE REGULAR MEETING OF THE  
CITY COMMISSION OF THE CITY OF MARSHALL  
THURSDAY, APRIL 25, 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  
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

- 1) Suppliers and vendors paid \$50,000 or more in 2012
- 2) Budget amendment to appropriate \$50,000 from General Fund Reserves for demolishing dilapidated structures
- 3) Labor cost for contractors to demolish dilapidated structures

III. CITY MANAGER REPORTS

City Manager, Frank Johnson reviewed the agenda packet with the City Staff and City Commissioners

IV. ADJOURNMENT

INVOCATION & PLEDGE: Commissioner Marshall

144. PRESENTATIONS FROM THE PUBLIC

Randy Pritchard introduced Caleb Terry, presented the project he had completed at the new police station, and congratulated him on achieving his Eagle Scout award.

John Bogue, 605 Buffo Street expressed his objections to the recent increase in retiree's insurance premiums.

Gregg Phillips, 436 Sabrina Lane, Karnack spoke on behalf of the veterans in Marshall and Harrison County and the other veterans in our neighboring counties. He said the veterans strongly support a veterans center and museum at 1209 E. Pinecrest Dr.

Brett Spivey, 1800 Gail Ave., offered his support for agenda item 8a for an additional \$85,000 in Hotel Occupancy Tax funds for the 2013 Wonderland of Lights

Bobby Moore, Post Commander of the American Legion, expressed his appreciation for the City's help with the veterans center and museum.

145. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the Consent Agenda.

146. CONSENT AGENDA

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

- A. Approval of the minutes from the April 11, 2013 Regular Meeting
- B. Approval of the depository contract with Texas Bank & Trust for the two-year period from June 1, 2013 through May 31, 2015
- C. Approval of the engagement letter with Knuckols, Duvall and Hallum for audit services related to the audit of the 2012 fiscal year

147. PRESENTATION OF RETIREMENT PLAQUE TO BETTY LINVILLE FOR HER YEARS OF SERVICE TO THE CITY OF MARSHALL

Chairman Smith presented the retirement plaque to Betty Linville and thanked her for her many years of service.

PUBLIC HEARING

148. PUBLIC HEARING ON PROPOSED CHANGES TO THE COMMUNITY DEVELOPMENT BLOCK GRANT HOUSING REHABILITATION GUIDELINES

Frank Johnson explained that this public hearing was recommended by the committee appointed by the Commission to propose changes to the CDBG Housing Rehabilitation Guidelines.

Chairman Smith opened the public hearing and called on anyone wishing to speak in favor of the proposed changes to come forward at this time.

No one spoke in favor.

Chairman Smith called on anyone wishing to speak in opposition to the proposed guideline changes to come forward at this time.

No one spoke in opposition.

Chairman Smith closed the public hearing.

149. RESOLUTION R-13-09: BY THE MARSHALL CITY COMMISSION, ACTING IN ITS CAPACITY AS THE LOCAL REDEVELOPMENT AUTHORITY, TO WITHDRAW FROM A NEGOTIATED SALE FOR THE U.S. ARMY RESERVE CENTER, LOCATED AT 1209 E. PINECREST, AND PURSUE A PUBLIC BENEFIT CONVEYANCE THROUGH THE DEPARTMENT OF THE INTERIOR OF THIS PROPERTY TO THE CITY OF MARSHALL, AS THE LOCAL REDEVELOPMENT AUTHORITY, FOR A PARK AND COMMUNITY CENTER

Frank Johnson presented background information leading up to this proposed Resolution. He explained that with the passage of this Resolution, the City will begin the process to acquire the property free of the purchase cost, but would have to pay administrative costs that could range between \$30,000 - \$50,000.

**Commissioner Timmins moved to approve the Resolution as presented. Commissioner Moon seconded the motion, which passed by a 7:0 vote.**

150. REQUEST FROM THE CONVENTION AND VISITOR BUREAU FOR AN ADDITIONAL \$85,000 IN HOTEL OCCUPANCY TAX FUNDS TO SUPPORT THE 2013 WONDERLAND OF LIGHTS

Frank Johnson said this request for an additional \$85,000 was presented by the CVB at the last

Commission meeting. He said this item has been placed on this agenda to allow the Commission the opportunity to discuss and act on tonight, if they so choose. Mr. Johnson reported on HOT funds provided to the CVB in the past and the amounts they currently owe the City.

The Commission discussed this matter at some length.

Chairman Smith said that Wonderland of Lights has had a positive impact on our City and is important to the community. He read a statement concerning CVB and Wonderland and recommended certain stipulations to CVB's request for additional funding for Wonderland of Lights:

- 1) That the \$85,000 payment is for one year only
- 2) That the CVB provide the City monthly financial statements
- 3) That the CVB Board of Directors take the necessary steps to insure that the CVB's operating expenditures, debt amortizations, and capital expenditures for 2013 fall within the actual revenues received for 2013 from all sources
- 4) That the CVB continues with efforts to support and bring other tourism events to Marshall in addition to its efforts for Wonderland of Lights
- 5) That the contract entered into between CVB and the City for 2013 be reflective of the above stated stipulations and have sufficient reporting requirements to compel compliance with the purpose and mission of the CVB's Bylaws and Articles of Incorporation.

He said the City could also forgive the CVB indebtedness for the downtown restrooms. Chairman Smith said this could be justified because the City was to provide support for the DDI Plan and it was a needed infrastructure for downtown.

**Chairman Ed Smith moved for approval of the request and that the above stipulations be included in the motion. Commissioner Timmins seconded the motion.**

Further discussion was held regarding this matter.

At this point Commissioner Marshall called the question.

**The vote was 7:0 in favor of the request.**

151. REPORT ON OAK LAWN MUNICIPAL GOLF COURSE FOR THE FIRST QUARTER OF 2013

Jack Redmon, Director of Parks and Recreation presented the report. He stated that membership at the golf course has increased from 50 members to 63 members during the first quarter of 2013.

152. REPORT ON RETAINING DESTINATION DEVELOPMENT, INC. FOR AN ASSESSMENT OF AND PROGRESS REPORT ON IMPLEMENTATION OF THE TOURISM PLAN PREPARED BY DESTINATION DEVELOPMENT, INC. IN 2007

Frank Johnson reported that two proposals have been received from DDI for assessment of and progress report on implementation of the Tourism Plan. He outlined the scope of work proposed and gave the fees for each proposal at \$10,000 and \$27,500.

City Staff was asked to contact DDI and try to negotiate a reduced fee.

153. DISCUSSION OF THE PROCESS TO ALLOCATE HOTEL OCCUPANCY TAX FUNDS FOR THE 2014 FISCAL YEAR

Commissioner Marshall lead the discussion regarding this matter. He said he has been concerned regarding the way HOT funds are distributed. He also stated that he feels that people who are sponsoring events that put "heads in beds" should be able to apply for funds. Commissioner Marshall explained that he would like to see a sub-committee appointed by the Commission to determine how to allocate these funds.

154. DISCUSSION OF IMPROVEMENTS NEEDED TO THE SOUND SYSTEM IN COMMISSION CHAMBERS

Jack Redmon provided an estimate of the cost of needed improvements ranging from \$26,000 to \$46,000. He suggested that this expense be addressed in the 2014 City Budget.

Commissioner Marshall agreed that this expenditure should be in the 2014 Budget.

155. REPORT ON PREVIOUS DISCUSSIONS OF THE POSSIBLE EXTENSION OF MADAM QUEEN TO VAN ZANDT

Commissioner Marshall asked if the City has committed to extend this street.

Mr. Johnson said to the best of his knowledge no commitment has been extended. He explained that it has never been the practice of the City of Marshall to extend streets for the benefit of adjacent property owners. He said that similar circumstances exist in many locations throughout the City and it is not advisable to set this precedent.

156. DISCUSSION OF HIRING A CITY PLANNER

Commissioner Moon asked that this matter be addressed in the 2014 budget process.

157. REPORT ON STATUS OF THE ANIMAL SHELTER AND DISCUSSION OF POSSIBLE IMPROVEMENTS TO THE ANIMAL SHELTER

Assistant Police Chief Leland Benoit gave a report on the current conditions at the animal shelter.

Chairman Smith asked that a campaign to raise funds from private donations be implemented. He asked that a committee of citizens be formed to serve as an advisory board. The Chairman also asked that we look at the City Ordinances and Policies that pertain to animal control. He said that he would present the names of citizens willing to help at the next City Commission meeting.

158. REPORT ON THE STATUS OF THE CITY'S EQUIPMENT USED TO TEAR DOWN HOUSES

Commissioner Timmins explained his reason for asking for this report.

Frank Johnson said the City's equipment is operational and in service.

159. DISCUSSION OF DISPOSAL OF DEBRIS FROM THE DEMOLITION OF HOUSES

Public Works Director, J.C. Hughes explained that the City contracts for disposal of debris from the demolition of houses.

160. REPORT ON THE STATUS OF THE STREET SWEEPER

This item was withdrawn.

161. MONTHLY FINANCIAL REPORT

There were no questions regarding the monthly Financial Report.

162. CODE ENFORCEMENT REPORT

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

163. CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the consent agenda.

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

- 1) Action item engaging services of Destination Development, Inc.
- 2) Statutory requirements regarding Hotel Occupancy Tax funds
- 3) Cost estimate of extension of Madam Queen to Van Zandt
- 4) Discussion of the amount of time in advance of a meeting that information is received by Commissioners for their review

165. EXECUTIVE SESSION

- A. Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Section 551.072 - Convene in Executive Session to discuss matters related to the purchase, exchange, lease, sale, or value of real property

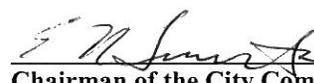
**Commissioner Timmins moved to go into Executive Session. Commissioner Flowers seconded the motion, which passed by a 7:0 vote. (The time was 9:00pm.)**

**Commissioner Timmins moved to reconvene from Executive Session. Commissioner Flowers seconded the motion, which passed by a 5:0 vote. (The time was 9:25pm.)**

166. ADJOURNMENT

**Commissioners Timmins moved for adjournment. Commissioner Flowers seconded the motion which passed by a 5:0 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-13-09**