

MINUTES OF THE SPECIAL-CALLED MEETING OF THE  
CITY COMMISSION OF THE CITY OF MARSHALL  
WEDNESDAY, MAY 14, 2014  
5:00PM

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Chairman Ed Smith called the Special-Called meeting to order in the Commission Chambers, City Hall at 5:00pm.

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

Lisa Agnor, City Secretary/Finance Director

J. C. Hughes, Public Services Director

Wes Morrison, Planning & Development Director

**CANVASS ELECTION:**

182. RESOLUTION R-14-11: CONSIDER APPROVAL OF A RESOLUTION CANVASSING THE RESULTS OF THE GENERAL ELECTION HELD ON MAY 10, 2014.

City Attorney Todd Fitts read the results of the May 10, 2014 General Election into record.

**Commissioner Timmins moved to approve a Resolution canvassing the results of the General Election held on May 10, 2014. Commissioner Moon seconded the motion which passed with a vote of 7:0.**

183. ORDINANCE O-14-07: CONSIDER APPROVAL OF AN ORDINANCE CANVASSING THE RESULTS OF THE LOCAL OPTION ELECTION TO LEGALIZE THE LEGAL SALE OF MIXED BEVERAGES IN RESTAURANTS BY FOOD AND BEVERAGE CERTIFICATE HOLDERS ONLY HELD ON MAY 10, 2014.

City Attorney Todd Fitts read the results of the May 10, 2014 Local Option Election into record.

**Commissioner Timmins moved to approve an Ordinance canvassing the results of the Local Option Election to legalize the legal sale of mixed beverages in restaurants by food and beverage certificate holders only held on May 10, 2014. Commissioner Moon seconded the motion which passed with a vote of 7:0.**

**RESOLUTION:**

184. CONSIDER APPROVAL OF A RESOLUTUION RE-APPROVING THE FINANCIAL PROPOSAL FROM NOVEMBER 26, 2013, IN THE AMOUNT OF \$6,540,000 FOR A LOAN AND \$1,500,000 FROM MEDCO CASH RESERVES FOR THE CONSTRUCTION OF A MANUFACTURING FACILITY ON MEDCO PROPERTY USING MEDCO'S DEDICATED SALES TAX REVENUE STREAM AS COLLATERAL, APPROVAL OF AN AGREEMENT THAT REFLECTS THE REMITTANCE OF DEDICATED SALES TAX DOLLARS FORM THE CITY OF MARSHALL TO MEDCO, AND APPROVAL OF A LOAN AND SECURITY AGREEMENT, PROMISSORY NOTE, AND OTHER RELATED LOAN DOCUMENTS WITH TEXAS BANK AND TRUST COMPANY FOR A LOAN IN THE AMOUNT OF \$6,540,000.

This item was withdrawn from the agenda.

**EXECUTIVE SESSION:**

185. EXECUTIVE SESSION:
- A. Executive Session pursuant to the Open Meetings Act, 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.
1. Discussion regarding issues related to contracts between Norit Americas, Inc., Harrison County, and the City of Marshall.
- B. Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Section 551.071 – Consultation with Attorney to discuss matters related to pending or contemplated litigation regarding the previous architectural design contract for Memorial City Hall.

**Commissioner Moon moved to enter into the Executive Session. Commissioner Timmins seconded the motion which passed with a vote of 7:0. The time was 5:06pm.**

**Commissioner Timmins moved to reconvene from the Executive Session. Commissioner Oliver seconded the motion which passed with a vote of 7:0. The time was 5:38pm.**

**ACTION ITEMS FOLLOWING EXECUTIVE SESSION:**

186. CONSIDER AUTHORIZING THE CITY ATTORNEY OR THE ACTING CITY ATTORNEY TO ACT ON BEHALF OF THE CITY OF MARSHALL RELATED TO MATTERS DISCUSSED IN EXECUTIVE SESSION REGARDING CONTRACTS BETWEEN NORIT AMERICAS, INC., HARRISON COUNTY, AND THE CITY OF MARSHALL.

**Commissioner Timmins moved to authorize the City Attorney or the Acting City Attorney to act on behalf of the City of Marshall related to matters discussed in Executive Session regarding contracts between Norit Americas, Inc., Harrison County, and the City of Marshall. Commissioner Marshall seconded the motion which passed with a vote of 7:0.**

187. CONSIDER AUTHORIZING THE CITY ATTORNEY OR THE ACTING CITY ATTORNEY TO ACT ON BEHALF OF THE CITY OF MARSHALL RELATED TO MATTERS DISCUSSED IN EXECUTIVE SESSION REGARDING CONTRACTS FOR MEMORIAL CITY HALL.

**Commissioner Timmins moved to authorize the City Attorney or the Acting City Attorney to act on behalf of the City of Marshall related to matters discussed in Executive Session regarding contracts for Memorial City Hall. Commissioner Oliver seconded the motion which passed with the following vote:**

**Ayes 6: Commissioners Timmins, Oliver, Smith, Moon, Marshall, Boersma**

**Nays 0**

**Abstain 1: Commissioner Flowers**

188. ADJOURNMENT

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

**APPROVED:**

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

**ATTEST:**

  
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**City Secretary**

Ordinance: O-14-07

Resolution: R-14-11