

MINUTES OF THE REGULAR MEETING OF THE
CITY COMMISSION OF THE CITY OF MARSHALL
THURSDAY, MAY 22, 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

Vernia Calhoun, District 5

Garrett Boersma, District 6

ADMINISTRATIVE STAFF PRESENT:

Kenneth Snyder, Acting City Manager

Todd Fitts, City Attorney

Reggie Cooper, Interim Fire Chief

Jack Redmon, Support Services
Director

Lisa Agnor, City Secretary/Finance Director

J. C. Hughes, Public Services Director

Wes Morrison, Planning & Development Director

INVOCATION & PLEDGE: Commissioner Moon

MINUTES:

189. CONSIDER APPROVAL OF MINUTES FROM THE MAY 8, 2014 REGULAR MEETING AND THE MAY 14, 2014 SPECIAL-CALLED MEETING.

Commissioner Timmins moved to approve the minutes from the May 8, 2014 Regular Meeting and the May 14, 2014 Special-Called Meeting. Commissioner Moon seconded the motion which passed with a vote of 7:0.

PRESENTATION:

190. PRESENTATION OF PLAQUE TO OUTGOING CITY COMMISSIONER, CHARLIE OLIVER.

Chairman Smith presented a plaque to outgoing City Commissioner Charlie Oliver and expressed appreciation for his service.

OATH OF OFFICE AND BOND APPROVAL:

191. ISSUE OATH OF OFFICE FOR COMMISSIONERS REPRESENTING DISTRICTS 5, 6, AND 7.

City Attorney Todd Fitts administered the Oath of Office for the Commissioners representing Districts 5, 6, and 7.

Chairman Smith welcomed Vernia Calhoun to the City Commission.

192. CONSIDER APPROVAL OF BONDS FOR COMMISSIONERS REPRESENTING DISTRICTS 5, 6, AND 7.

Commissioner Timmins moved to approve the bonds for Commissioners representing Districts 5, 6, and 7. Commissioner Moon seconded the motion which passed with a vote of 7:0.

EXECUTIVE SESSION:

193. EXECUTIVE SESSION:

Commissioner Timmins asked the Commission to forgo the Executive Session. The Commissioners agreed to forgo the Executive Session.

A. Executive Session pursuant to the Open Meetings Act, Texas Government Code, Section 551.074 (Personnel): Discussion of Chair, or Mayor, and Acting Chair, or Mayor Pro-Tem, for the City Commission.

194. CONSIDER ELECTION OF THE CHAIRMAN, OR MAYOR, FOR THE CITY COMMISSION.

Commissioner Moon nominated present Chairman Ed Smith for the position of Chairman, or Mayor, for the City Commission. Commissioner Timmins seconded the nomination which passed with a vote of 7:0.

195. CONSIDER ELECTION OF THE ACTING CHAIRMAN, OR MAYOR PRO-TEM, FOR THE CITY COMMISSION.

Commissioner Timmins nominated Commissioner Boersma as Acting Chairman, or Mayor Pro-Tem, for the City Commission.

Commissioner Moon nominated Commissioner Marshall as Acting Chairman, or Mayor Pro-Tem, for the City Commission.

Commissioner Marshall asked that his name be withdrawn from nomination due to work constraints.

Commissioner Moon asked questions regarding the Acting Chairman, or Mayor Pro-Tem, position.

The Commission elected Commissioner Boersma as Acting Chairman, or Mayor Pro-Tem, for the City Commission with a vote of 7:0.

196. PRESENTATIONS FROM THE PUBLIC.

Sheri Young, 2500 Waubun Street, speaking as Treasurer of the Specific Purpose Committee opposing the Marshall Independent School District Bond, requested the City Planning Director consult with the Marshall Independent School District in the future to assist in creating a better bond proposal.

197. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA.

There were no items withdrawn from the Consent Agenda.

198. CONSENT AGENDA

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

A. Consider approval of the quarterly investment report for the quarter ending September 30, 2013.

B. Consider approval of the quarterly investment report for the quarter ending December 31, 2013.

RESOLUTION:

199. R-14-07: CONSIDER APPROVAL OF A RESOLUTION 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 FROM 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.

Donna Maisel, Executive Director of MEDCO, presented a brief review of financing for the construction of a manufacturing facility on MEDCO property and asked for approval of a Resolution 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 as collateral, approval of an agreement that reflects the remittance of dedicated sales tax dollars from 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.

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

PUBLIC HEARING AND ORDINANCE APPROVAL:

200. O-14-08: A REQUEST TO REZONE APPROXIMATELY 3.78 ACRES OF LAND IN THE JAMES HARRIS SURVEY, A-12 FROM A-E AGRICULTURE AND ESTATE DISTRICT TO C-3 GENERAL BUSINESS DISTRICT.

Location: 5204 Karnack Hwy.
Applicant: Clay Allen

Wes Morrison, Planning and Zoning Director, said the Planning and Zoning Commission voted 6:0 for approval of a request to rezone approximately 3.78 acres of land in the James Harris Survey, A-12 from A-E Agriculture and Estate District to C-3 General Business District.

Chairman Smith opened the public hearing and called on anyone wishing to speak in favor of the request.

Clay Allen, Applicant, offered to answer any questions regarding the request.

Chairman Smith called on anyone wishing to speak in opposition of the request.

No one came forward to speak in opposition of the request.

Commissioner Timmins moved to approve a request to rezone approximately 3.78 acres of land in the James Harris Survey, A-12 from A-E Agriculture and Estate District to C-3 General Business District. Commissioner Marshall seconded the motion which passed with a vote of 7:0.

CITY MANAGER REPORTS AND REQUESTS FOR CITY COMMISSION CONSIDERATION:

201. CONSIDER APPROVAL OF CONTRACTS FOR AMBULANCE/RESCUE SERVICE WITH EMERGENCY SERVICE DISTRICTS 2, 3, 4, AND 6.

Kenneth Snyder, Acting City Manager, asked for approval of contracts for Ambulance/Rescue Service with Emergency Service Districts 2, 3, 4, and 6.

The Commission asked questions of Kenneth Snyder regarding this agenda item.

Commissioner Moon moved to approve contracts for the Ambulance/Rescue Service with Emergency Service Districts 2, 3, 4, and 6. Commissioner Flowers seconded the motion which passed with a vote of 7:0.

202. CONSIDER APPROVAL OF A CONTRACT WITH EXECUTIVE SEARCH FIRM, AFFION PUBLIC, LLC, FOR THE SEARCH OF A CITY MANAGER.

Chairman Smith presented the proposed contract with Executive Search Firm, Affion Public, LLC, for the search of a City Manager.

Todd Fitts reviewed the contract and answered questions from the Commission regarding the contract.

Commissioner Moon moved to approve the contract with Executive Search Firm, Affion Public, LLC, for the search of a City Manager with revisions as discussed. Commissioner Timmins seconded the motion which passed with a vote of 7:0.

203. CONSIDER AND ACT ON A RECOMMENDATION TO APPROVE A GROUND AND ANTENNA AIR SPACE LEASE AT THE BAUSLEY STREET WATER TOWER WITH AT&T/CINGULAR WIRELESS FOR AN INITIAL FIVE-YEAR TERM AT \$2,000 PER MONTH.

J.C. Hughes, Public Services Director, asked for approval of a ground and antenna air space lease at the Bausley Street Water Tower with AT&T/Cingular Wireless for an initial five-year term at \$2,000 per month.

Chairman Smith asked questions of J.C. Hughes regarding the ground and antenna air space lease.

Commissioner Timmins moved to approve the ground and antenna air space lease at the Bausley Street Water Tower with AT&T/Cingular Wireless for an initial five-year term at \$2,000 per month with changes as discussed. Commissioner Moon seconded the motion which passed with a vote of 7:0.

204. CONSIDER AND ACT ON A RECOMMENDATION TO APPROVE ENTERING INTO AN AEP/SWEPSCO LOAD MANAGEMENT STANDARD OFFER PROGRAM AGREEMENT TO ASSIST IN PEAK ELECTRICAL DEMAND THROUGH AN INTERRUPTION OF ELECTRIC LOAD PROGRAM IN RETURN FOR MONETARY INCENTIVES.

J.C. Hughes asked for approval to enter into the AEP/SWEPSCO Load Management Standard Offer Program Agreement to assist in peak electrical demand through an interruption of electric load program in return for monetary incentives.

Commissioner Moon moved to approve the agreement as presented. Commissioner Calhoun seconded the motion which passed with a vote of 7:0.

205. MONTHLY FINANCIAL REPORT.

Commissioner Marshall asked questions of Lisa Agnor, City Secretary/Finance Director, regarding the Monthly Financial Report.

206. CODE ENFORCEMENT REPORT.

Wes Morrison presented the Code Enforcement Report and answered questions from the Commission regarding the report.

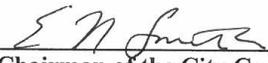
207. REQUESTS FROM COMMISSIONERS FOR ITEMS TO BE PLACED ON FUTURE AGENDAS.

- Report regarding the policy on blocking of streets

208. ADJOURNMENT

Commissioner Moon moved to adjourn the meeting. Commissioner Timmins 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-14-08

Resolution: R-14-07