MINUTES OF THE REGULAR MEETING OF THE
CITY COMMISSION OF THE CITY OF MARSHALL
THURSDAY, JULY 25, 2013
6:30PM

Chairman Ed 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
Dean Searle, Acting City Attorney
Kenneth Snyder, Fire Chief
Leland Benoit, Interim Police Chief
Ardis Wright, Assistant City Manager
Lisa Agnor, City Secretary/Finance Director
J. C. Hughes, Public Works Director
Jack Redmon, Parks 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

A. Update on process for hiring a Police Chief

B. Discussion of establishing an advisory board for the Birthplace of Boogie Woogie Program.

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

242. PRESENTATIONS FROM THE PUBLIC

Gail Beil, 500 Henley Perry Dr., spoke regarding an abandoned swimming pool on Henley Perry Dr.

Ron Derouen, 2911 Acadia St., attended the Boogie Woogie Gospel Jubilee. Mr. Derouen stated additional promotion for Boogie Woogie is needed.

Tony Crosby, 211 N. Bolivar, spoke in support of the Boogie Woogie Program.

Jack Hagle, 201 N. Meredith, read a statement from Ines Lancaster, 200 Whaley, supporting Boogie Woogie.

Theressa Hudson, 602 Elm St., spoke in support of the Boogie Woogie Program.

Glenda Clay, 603 Lansdowne St., spoke in support of the Canson's vision for the Boogie Woogie Program.

Zig Sigmund, 9493 W. Montego Bay, Shreveport, read a letter from Robin Beech Black, musician, supporting Canson and Canson and their promotion of Marshall.

Grady Lee, 207 N. Grove St., stated he believes the CVB should be charged with promotion of the Boogie Woogie Program.

Pap Watson, P. O. Box 703, does not believe Boogie Woogie will die if the City does not subsidize the Cansons' contract.

Don Hyde, 501 Lansdowne St., spoke in opposition to funding the Cansons' contract.

Mrs. Charles Wilson, 706 Whetstone, stated the Boogie Woogie Program belongs to the City of Marshall.

Barney Canson, 3109 Victory Dr., presented a Boogie Woogie music book that referred to Marshall as the Birthplace of Boogie Woogie.

Flo Jasper, 2800 Victory Dr., feels the Boogie Woogie program brings the community together.

Nancy Canson, 3109 Victory Dr., addressed the Commission regarding issues that were discussed at the prior meeting.

243. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the Consent Agenda.

244. CONSENT AGENDA

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

A. Consider Approval of the minutes from the July 9, 2013 Special – Called Meeting; and the July 10, 2013 Special – Called Meeting.

B. Consider awarding a bid to Brenntag Southwest, Inc. of Longview, Texas to furnish 'liquid caustic soda' to the City of Marshall.

PUBLIC HEARING AND ORDINANCE APPROVAL:

245. ORDINANCE O-13-08: A REQUEST TO REZONE 7.816 ACRES OF LAND IN THE ANDERSON WHETSTONE SURVEY FROM A&E AGRICULTURE AND ESTATE DISTRICT TO C-3 GENERAL BUSINESS DISTRICT

Location: 3320 W. Pinecrest Drive
Applicant: Gwen Volk

Frank Johnson, City Manager, stated the Planning and Zoning Commission voted 4:0:1 for approval of a request to rezone 7.816 acres of land in the Anderson Whetstone Survey 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.

Kenneth Volk, property owner, spoke in favor of the request.

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

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

Chairman Smith closed the Public Hearing.

Commissioner Timmins moved to approve a request to rezone 7.816 acres of land in the Anderson Whetstone Survey from A&E agriculture and estate district to C-3 general business district. Commissioner Moon seconded the motion, which passed 7:0.

246. RESOLUTION R-13-12: CONSIDER APPROVAL OF RENEWING THE BENEFITS AND EXTENDING THE TERMS OF EXISTENCE OF NEIGHBORHOOD EMPOWERMENT ZONES 1, 2, AND 3

Frank Johnson asked for approval of a Resolution renewing the benefits and extending the terms of existence of Neighborhood Empowerment Zones 1, 2, and 3.

The Commissioners engaged in discussion regarding this agenda item.

Commissioner Marshall moved to approve a Resolution renewing the benefits and extending the terms of existence of Neighborhood Empowerment Zones 1, 2, and 3. Commissioner Timmins seconded the motion, which passed 7:0.

247 CONSIDER APPROVAL OF MEDCO'S INCENTIVE PACKAGE IN THE AMOUNT OF $90,000 FOR THE MASTER WOODCRAFT CABINETRY LOCAL EXPANSION PROJECT

Donna Maisel, MEDCO Director, asked for approval of MEDCO's incentive package in an amount up to $90,000 for the Master Woodcraft Cabinetry local expansion project.

Commissioner Timmins moved to approve MEDCO's incentive package in an amount up to $90,000 for the Master Woodcraft Cabinetry local expansion project. Commissioner Moon seconded the motion, which passed 7:0.

248. CONSIDER APPROVAL OF A TAX ABATEMENT AGREEMENT WITH CHARLIE'S BACKYARD BAR AND GRILL UNDER THE NEIGHBORHOOD EMPOWERMENT ZONE PROGRAM FOR THE SITE LOCATED AT 303 N. COLUMBUS

Frank Johnson asked for approval of a tax abatement agreement with Charlie's Backyard Bar and Grill under the Neighborhood Empowerment Zone Program for the site located at 303 N. Columbus.

Commissioner Marshall moved to approve a tax abatement agreement with Charlie's Backyard Bar and Grill under the Neighborhood Empowerment Zone Program for the site located at 303 N. Columbus. Commissioner Moon seconded the motion, which passed 7:0.

249. CONSIDER APPROVAL OF A TAX ABATEMENT AGREEMENT WITH THE SHAGGY DOG UNDER THE NEIGHBORHOOD EMPOWERMENT ZONE PROGRAM FOR THE SITE LOCATED AT 315 N. WELLINGTON

Frank Johnson asked for approval of a tax abatement agreement with The Shaggy Dog under the Neighborhood Empowerment Zone Program for the site located at 315 N. Wellington.

Commissioner Timmins moved to approve a tax abatement agreement with The Shaggy Dog under the Neighborhood Empowerment Zone Program for the site located at 315 N. Wellington. Commissioner Marshall seconded the motion, which passed 7:0.

250. CONSIDER APPROVAL OF A TAX ABATEMENT AGREEMENT WITH THE RED POPPY SALON & SPA UNDER THE NEIGHBORHOOD EMPOWERMENT ZONE PROGRAM FOR THE SITE LOCATED AT 315 N. ALAMO BLVD

Frank Johnson asked for approval of a tax abatement with The Red Poppy Salon & Spa under the Neighborhood Empowerment Zone Program for the site located at 315 N. Alamo Blvd.

Commissioner Timmins moved to approve a tax abatement with The Red Poppy Salon & Spa under the Neighborhood Empowerment Zone Program for the site located at 315 N. Alamo Blvd. Commissioner Flowers seconded the motion, which passed 7:0.

251. DISCUSSION OF THE BIRTHPLACE OF BOOGIE WOOGIE PROGRAM AND EITHER CONSIDER AUTHORIZING THE CITY ATTORNEY TO PREPARE AN AGREEMENT WITH CANSON AND CANSON TO PROVIDE SERVICES TO CONTINUE TO DEVELOP THE BIRTHPLACE OF BOOGIE WOOGIE PROGRAM FOR JULY 1, 2013 THROUGH DECEMBER 31, 2013, OR CONSIDER AUTHORIZING THE CITY ATTORNEY TO PREPARE AN AGREEMENT REGARDING THE BIRTHPLACE OF BOOGIE WOOGIE PROGRAM AS DISCUSSED BY THE CITY COMMISSION AND AUTHORIZE THE CITY MANAGER TO EXECUTE SAID AGREEMENT

Commissioner Timmins moved to authorize the City Attorney to prepare an agreement with Canson and Canson to provide services to continue to develop The Birthplace Of Boogie Woogie Program for July 1, 2013 through December 31, 2013 in the amount of $30,000. Commissioner Moon seconded the motion.

The Commission engaged in discussion.

The motion failed by the following vote:

Ayes 3: Commissioners Timmins, Oliver, and Moon
Nays 4: Commissioners Marshall, Boersma, Smith, and Flowers

Commissioner Boersma moved to reopen the discussion. Commissioner Smith seconded the motion, which passed by the following vote:

Ayes 4: Commissioners Smith, Boersma, Timmins, and Moon
Nays 1: Commissioner Marshall
Abstain 2: Commissioners Oliver and Flowers

Commissioner Boersma moved to approve 7E with the following changes:

1. **Before the contract is executed, the commission must be afforded the opportunity to review the contract for approval at the next called meeting of the Commission on July 29th.**

2. **All of the deliverables in the contract must be completed by the contract expiration date. If necessary, the final installment must be withheld until all of the deliverables are completed in a workmanlike, professional manner.**

3. **Complete year ended financial reporting must be provided: income and expense statements inclusive of all operations (e.g. city funding, sponsorships, and other (s)); balance sheet inclusive of all assets and all liabilities with a separate schedule of Boogie Woogie assets.**

4. **A complete inventory of Boogie Woogie assets and artifacts acquired by Canson and Canson during the periods while under contract with the city that are not included in the balance sheet. This is required to be provided to the City Commission no later than September 27, 2013.**

5. **After approval from the City Commission, City Staff, in consultation with DDI or another suitable entity, and seeking input from Canson and Canson as well as input from other sources, should develop a business plan for the Boogie Woogie program. This should be provided to the City Commission for review and approval.**

6. **This business plan will be the baseline from which to develop a RFP in this coming fall, should the Commission determine to continue with a Boogie Woogie program. An RFP must be developed so that proposals from interested parties can be obtained.**

This motion is further made with the specific understanding that a review of our progress with the DDI plan must occur this fall. This review must be conducted by an acceptable professional(s) and include assessments, recommendations, and actionable steps with regard to the overall tourism plan status, including an evaluation as to the relevance and significance of Marshall being the Birthplace of Boogie Woogie, and whether it merits incorporation into the tourism plan.

City staff will give the Commission feedback and understanding of events that occurred Wednesday night.

Commissioner Moon seconded the motion.

The Commission engaged in discussion regarding the motion.

Commissioner Boersma amended his motion to approve 7E with the following changes:

> **This motion is further made with the specific understanding that a review of our progress with the DDI plan should occur this fall. This review should be conducted by an acceptable professional(s) and include assessments, recommendations, and actionable steps with regard to the overall tourism plan status, including an evaluation as to the relevance and significance of Marshall being the Birthplace of Boogie Woogie, and whether it merits incorporation into the tourism plan.**

Commissioner Moon agreed with the proposed amendment to the motion.

Commissioner Smith read the revised motion into record:

Motion is to approve 7E with the following requirements, stipulations, and understandings:

1. **Before the contract is executed, the commission must be afforded the opportunity to review the contract for approval at the next called meeting of the Commission on July 29th.**

2. **All of the deliverables in the contract must be completed by the contract expiration date. If necessary, the final installment must be withheld until all of the deliverables are completed in a workmanlike, professional manner.**

3. **Complete year ended financial reporting must be provided: income and expense statements inclusive of all operations (e.g. city funding, sponsorships, and other (s)); balance sheet inclusive of all assets and all liabilities with a separate schedule of Boogie Woogie assets.**

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City staff will give the Commission feedback and understanding of events that occurred Wednesday night.

The Commission engaged in discussion regarding the motion.

Commissioner Marshall called for a vote concerning the motion. The motion passed with the following vote:

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

252. CONSIDER APPROVAL FOR THE RENEWAL OF A CONTRACT BETWEEN THE CITY OF MARSHALL AND THE MARSHALL INDEPENDENT SCHOOL DISTRICT FOR THE MARSHALL POLICE DEPARTMENT TO PROVIDE K-9 INSPECTION SERVICES

This item was withdrawn from the agenda.

253. REPORT ON OAK LAWN MUNICIPAL GOLF COURSE FOR THE SECOND QUARTER OF 2013

Jack Redmon, Director of Parks and Recreation, presented a report on Oak Lawn Municipal Golf Course for the second quarter of 2013.

254. **Commissioner Moon moved to table all remaining agenda items excluding MEDCO items until the Special-Called meeting, Monday, July 29, 2013. Commissioner Oliver seconded the motion, which passed 7:0.**

REPORT ON STATUS OF PRIORITIZING STREETS

UPDATE ON HOUSING REHABILITATION PROGRAM

REPORT ON STREET MAINTENANCE TAX COLLECTIONS AND AUTHORIZED EXPENDITURES

REPORT ON UPDATE OF LIST OF CONDEMNED HOUSES

MONTHLY FINANCIAL REPORT

CODE ENFORCEMENT REPORT

255. **Commissioner Flowers moved to discuss items 7L, 7M, and 7N together. Commissioner Marshall seconded the motion, which passed 7:0.**

DISCUSSION OF APPLICATION OF PURCHASING LAWS REGARDING SEQUENTIAL PURCHASING AND COMPONENT PURCHASING

DISCUSSION OF CIRCUMSTANCES UNDER WHICH THE $50,000 PURCHASE LIMIT ESTABLISHED IN THE BYLAWS OF MEDCO CAN BE CHANGED

DISCUSSION OF EMPLOYMENT REQUIREMENTS FOR MEDCO

Commissioner Flowers stated the reason he had placed these items on the agenda.

Dean Searle, Acting City Attorney, discussed MEDCO's By-Laws.

The Commission engaged in discussion.

256. CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA.

There were no items withdrawn from the Consent Agenda.

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

A. Update on the process for hiring a Police Chief

B. Discussion of funding for the Convention and Visitor Bureau and funding for the Birthplace of Boogie Woogie Program, discussion of events attracted into the City's even facilities by the Convention and Visitor Bureau, and discussion of status of utilization of the City's event facilities

C. Discussion of what new events have been attracted to Marshall by the Convention and Visitor Bureau

D. Report on abandoned swimming pool at the northeast corner of Henley Perry and Wingwood

E. Report of needs at the animal shelter

263. ADJOURNMENT

Commissioner Moon moved to adjourn. Commissioner Flowers seconded the motion, which passed 7:0.

APPROVED:

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

ATTEST:

City Secretary

Ordinance: O-13-8

Resolution: R-13-12

BUDGET WORKSHOP – DISCUSSION OF 2014 BUDGET