

MINUTES OF THE REGULAR MEETING OF THE  
CITY COMMISSION OF THE CITY OF MARSHALL  
THURSDAY, AUGUST 28, 2014  
6:00PM

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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

Vernia Calhoun, District 5

Garrett Boersma, District 6

ADMINISTRATIVE STAFF PRESENT:

Kenneth Snyder, Acting City Manager

Todd Fitts, City Attorney

Reggie Cooper, Fire Chief

Wes Morrison, Planning &  
Development Director

Lisa Agnor, City Secretary/Finance Director

J. C. Hughes, Public Services Director

Jack Redmon, Support Services Director

INVOCATION & PLEDGE: Commissioner Marshall

293. PRESENTATIONS FROM THE PUBLIC

William R. Thomas, 500 E. Merritt, expressed concern for the aging water and sewer infrastructure.

294. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the Consent Agenda.

295. CONSENT AGENDA

**Commissioner Moon moved to approve the Consent Agenda. Commissioner Timmins seconded the motion, which passed with a 7:0 vote.**

A. Consider approval of the minutes from the August 7, 2014 Special-Called meeting, and the August 14, 2014 Regular meeting.

B. Monthly Financial Report

C. Code Enforcement Report

**The Executive Session was taken out of order at this point.**

**EXECUTIVE SESSION:**

296. EXECUTIVE SESSION:

A. 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.

B. 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.

C. Pursuant to the Open Meetings Act, Texas Government Code, Section 551.074 (Personnel) – Convene in Executive Session for a performance review of the Finance Director/City Secretary.

**Commissioner Timmins moved to enter into the Executive Session. Commissioner Moon seconded the motion, which passed with a vote of 7:0. The time was 6:10pm.**

**Commissioner Timmins moved to reconvene from the Executive Session. Commissioner Moon seconded the motion, which passed with a vote of 5:0. The time was 7:24pm.**

**SECOND READING OF ORDINANCES:**

297. O-14-10: A REQUEST TO REZONE APPROXIMATELY 2.417 ACRES OF LAND IN THE ANDERSON WHETSTONE SURVEY A-747, AND ALSO BEING PART OF OL 273 SOUTH WEST FROM R-2 SINGLE FAMILY DETACHED DWELLING DISTRICT TO R-7 DUPLEX DWELLING DISTRICT.

Location: 2200 Block Lancaster Dr.  
Applicant: Rhett Skinner

Wes Morrison, Planning and Development Director, asked the Commission to table this agenda item at the request of the applicant.

The Commission will consider this agenda item at the next Commission meeting.

298. O-14-11: CONSIDER APPROVAL OF AN ORDINANCE AMENDING SECTION 13-A-26 OF THE CODE OF ORDINANCES TITLED “FOOD MANAGER QUALIFICATION AND FOOD HANDLER TRAINING”.

Kenneth Snyder, Acting City Manager, stated there was no new information regarding this agenda item.

**Commissioner Marshall moved to approve an Ordinance amending Section 13-A-26 of the Code of Ordinances titled “Food Manager Qualification and Food Handler Training”. Commissioner Moon seconded the motion, which passed with a vote of 7:0.**

**RESOLUTION:**

299. R-14-14: CONSIDER APPROVAL OF A RESOLUTION SETTING A DATE AND TIME FOR A PUBLIC HEARING ON THE FISCAL YEAR 2015 BUDGET.

Lisa Agnor, City Secretary/Finance Director, presented a Resolution setting a date and time for a Public Hearing on the Fiscal Year 2015 Budget as September 11, 2014 at 6:00 pm.

**Commissioner Marshall moved to approve a Resolution setting the date and time for a Public Hearing on the Fiscal Year 2015 Budget as September 11, 2014 at 6:00 pm. Commissioner Timmins seconded the motion, which passed with a vote of 7:0.**

**CITY MANAGER REPORTS AND REQUESTS FOR CITY COMMISSION CONSIDERATION:**

300. REPORT FROM THE MARSHALL ECONOMIC DEVELOPMENT CORPORATION REGARDING THEIR PROCEDURE TO NOTIFY CITIZENS OF EMPLOYMENT OPENINGS AT NEW BUSINESSES WHICH COME TO MARSHALL THROUGH MEDCO'S EFFORTS.

Donna Maisel, Executive Director of Marshall Economic Development Corporation, made a presentation regarding MEDCO's procedure to notify citizens of employment openings at new businesses which come to Marshall through their efforts.

Donna Maisel answered questions from the Commission regarding MEDCO's procedures.

301. REPORT FROM HAYES ENGINEERING REGARDING THE FEMA FLOODWAY STUDY FOR TURTLE CREEK.

J. C. Hughes, Public Services Director, introduced Joe Hall with Hayes Engineering, who presented a brief status report regarding the FEMA Floodway Study for Turtle Creek.

Joe Hall answered questions from the Commission regarding this agenda item.

302. CONSIDER APPROVAL OF A CONTRACT WITH ACOUSTIC TECHNOLOGY, INC., OF BOSTON, MASSACHUSETTS, FOR NEW ADDITIONAL EARLY WARNING OUTDOOR WEATHER SIRENS, TO INCLUDE EQUIPMENT AND INSTALLATION.

Kenneth Snyder asked for approval of a contract with Acoustic Technology, Inc., of Boston, Massachusetts, for new additional early warning outdoor weather sirens, to include equipment and installation for \$134,317.98.

**Commissioner Timmins moved to approve the contract with Acoustic Technology, Inc., of Boston, Massachusetts, for new additional early warning outdoor weather sirens, to include equipment and installation for \$134,317.98. Commissioner Moon seconded the motion, which passed with a vote of 7:0.**

303. REPORT, DISCUSSION, AND CONSIDER ACTION REGARDING THE SALE OF MARSHALL CONVENTION AND VISITOR BUREAU ASSETS AND ONGOING OPERATIONS.

Patrick Hilchey, Chairman of Convention and Visitor Bureau, reported that the CVB assets have been sold for \$60,000 and that the bank notes have been paid in full.

The Commission engaged in discussion regarding this agenda item and asked questions of Lisa Agnor and Patrick Hilchey.

**Chairman Ed Smith made a motion to request CVB not expend any additional funds without City Commission approval. Commissioner Flowers seconded the motion.**

The Commission engaged in further discussion regarding this item.

**The Commission voted 7:0 to approve the motion.**

304. DISCUSSION REGARDING FINANCIAL REPORTING REQUIREMENTS OF ENTITIES WHICH RECEIVE FUNDING FROM THE CITY OF MARSHALL.

Commissioner Boersma explained his reason for asking for this item to be placed on the agenda. Commissioner Boersma stated he will ask for this to be placed on a future agenda for action.

The Commission engaged in discussion regarding this agenda item.

Chairman Smith asked that Commissioner Boersma consult with the City Attorney regarding the information to be provided by the entities which receive funding from the City of Marshall.

305. DISCUSSION REGARDING THE 2014-2015 INTERLOCAL AGREEMENT WITH HARRISON COUNTY.

Commissioner Boersma explained his reason for asking for this item to be placed on the agenda and asked Kenneth Snyder to provide an update.

Kenneth Snyder stated we were proposing separate interlocal agreements for Ambulance Service, Animal Shelter, and the Library. He explained the basis of calculations used to determine the percentage of County participation that will be used in preparation of the interlocal agreements.

The Commission engaged in discussion regarding this agenda item.

**ACTION ITEM FOLLOWING EXECUTIVE SESSION:**

306. CONSIDER APPROVAL OF ESTABLISHING SALARY FOR THE FINANCE DIRECTOR/CITY SECRETARY AS REQUIRED BY CITY CHARTER, ARTICLE VII, SECTION 133.

**Chairman Smith moved to establish a salary for the Finance Director/City Secretary as required by City Charter, Article VII, Section 133. Commissioner Marshall seconded the motion, which passed with a vote of 7:0.**

307. CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the Consent Agenda.

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

- Report by Code Enforcement regarding overgrown areas
- Set a date in October for a Town Hall Meeting to discuss overgrown areas
- Report on the location of all water and sewer lines needing replacement

309. ADJOURNMENT

**Commissioner Timmins moved to adjourn the meeting. Commissioner Marshall 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-14-11

Resolution: R-14-14

**BUDGET WORKSHOP – DISCUSSION OF 2015 BUDGET**