

MINUTES OF THE REGULAR MEETING OF THE
CITY COMMISSION OF THE CITY OF MARSHALL
THURSDAY, SEPTEMBER 12, 2013
6:30PM

Chairman Ed Smith called the meeting to order in the Commission Chambers, City Hall at 6:30pm.

PRESENT:

CHAIRMAN: Ed Smith, District 7

COMMISSIONERS:

Gloria Moon, District 1
John Flowers, District 3
Bill Marshall, District 4

Charlie Oliver, District 5
Garrett Boersma, District 6

ABSENT: Zephaniah Timmins, District 2

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
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

A. Report on and discussion of ethics policies used by various cities, counties, and the Texas Department of Transportation

B. Report from the Commission Committee regarding assistance to businesses owned by minority and disadvantaged persons

III. CITY MANAGER REPORTS

City Manager Frank Johnson reviewed the agenda packet with the City Staff and City Commission.

IV. ADJOURNMENT

INVOCATION & PLEDGE: Commissioner Flowers

317. PRESENTATIONS FROM THE PUBLIC

Jack Canson, 3109 Victory Drive, recognized the recognition of Omar Sharif and other Boogie Woogie musicians from the Marshall area in the Texas State Historical Association Journal. Mr. Hanson announced the ribbon cutting of the Harrison County Historical Museum on September 13, 2013.

Ed Michel, 301 N. Washington, presented a calendar of events for the Marshall Music Festival.

319. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the Consent Agenda.

320. CONSENT AGENDA

Commissioner Oliver moved to approve the Consent Agenda. Commissioner Marshall seconded the motion which passed 6:0.

- A. Consider Approval of the minutes from the August 22, 2013 Regular Meeting, the August 29, 2013 Special-Called meeting, and the September 3, 2013 Special-Called meeting.

318. PRESENTATION

- A. Presentation of the City of Marshall audit report for the 2012 fiscal year.

Mike Hallum of Knuckols-Duvall-Hallum & Co. presented the 2012 Annual Audit Report.

The Commissioners engaged in discussion with Mike Hallum and City Staff regarding the audit report.

ORDINANCE:

321. ORDINANCE O-13-10: CONSIDER APPROVAL OF AN ORDINANCE LEVYING AD VALOREM TAXES FOR 2013 TO SUPPORT THE 2014 ANNUAL BUDGET.

Frank Johnson asked for approval of an ordinance levying ad valorem taxes of \$0.47604 per \$100 valuation of property for 2013 to support the 2014 annual budget.

Commissioner Marshall moved to approve the ordinance levying ad valorem taxes of \$0.47604 per \$100 valuation of property for 2013 to support the 2014 annual budget. Commissioner Oliver seconded the motion which passed 6:0.

Frank Johnson announced the Second Reading of the Ordinance is scheduled for 8am, September 13, 2013.

322. CONSIDER A REQUEST BY THE CONVENTION AND VISITOR BUREAU FOR AN APPOINTMENT TO THE CONVENTION AND VISITOR BUREAU BOARD OF DIRECTORS

On behalf of the Convention and Visitor Bureau, Ed Michel asked for appointment of Vinod Patel to the Convention and Visitor Bureau Board of Directors to fill the open position. This term will expire at the end of 2014.

Commissioner Marshall moved to approve the appointment of Vinod Patel to the Convention and Visitor Bureau Board of Directors. Commissioner Flowers seconded the motion which passed 6:0.

323. CONSIDER AUTHORIZING THE STAFF TO DISSEMINATE A REQUEST FOR PROPOSALS OR A REQUEST FOR QUALIFICATIONS FOR CONSULTING SERVICES REGARDING A REVIEW OF THE BRANDING, DEVELOPMENT & MARKETING ACTION PLAN PREPARED BY DESTINATION DEVELOPMENT, INC. IN 2007

Frank Johnson asked the Commission to authorize the Staff to disseminate a request for proposals or a request for qualifications for consulting services regarding a review of the Branding, Development & Marketing Action Plan prepared by Destination Development, Inc. in 2007.

The Commission asked questions regarding the agenda item.

Commissioner Boersma moved to authorize the Staff to prepare a request for proposal for consulting services regarding a review of the Branding, Development & Marketing Action Plan prepared by Destination Development in 2007. Commissioner Oliver seconded the motion.

Commissioner Boersma amended the motion to include a target date of October 15, 2013 for the proposals to be presented to the Commission. Commissioner Oliver agreed with the amendment.

The motion passed 6:0.

324. REPORT ON ACTIVITIES AT THE MARSHALL ANIMAL SHELTER, DISCUSSION OF THE NEED FOR NEW FACILITIES FOR THE MARSHALL ANIMAL SHELTER, AND DISCUSSION OF THE POSSIBILITY OF A BOND ELECTION IN MAY, 2014 TO PROVIDE FUNDING FOR NEW FACILITIES

Chairman Smith reported on activities at the Marshall Animal Shelter and discussed the need for new facilities for the shelter. Chairman Smith stated we may need to go to the public with a Bond Election. He requested to establish a Committee of three Commissioners to explore the sources of funding and other issues.

Chairman Smith, along with Commissioners Boersma and Flowers, volunteered to serve on the Committee. They will be appointed at an upcoming City Commission meeting.

325. REPORT ON STATUS OF NOTIFICATION OF PERSONS ON HOUSING REHABILITATION WAITING LIST REGARDING THE AVAILABILITY OF THE EMERGENCY REHABILITATION OPTION

Frank Johnson provided a report on the status of notification of persons on housing rehabilitation waiting list regarding the availability of the emergency rehabilitation option.

Commissioners engaged in discussion regarding this item.

326. REPORT ON THE PROCEDURES FOLLOWED BY HARRISON COUNTY TO REQUIRE HEAVY TRUCKS TO PAY A ROAD USE AND MAINTENANCE FEE

Commissioner Marshall stated his reason for asking for this agenda item.

Leland Benoit, Interim Police Chief, explained the procedures followed by Harrison County to require heavy trucks to pay a road use and maintenance fee.

Commissioner Marshall asked questions of Leland Benoit and J.C. Hughes, Public Works Director, regarding this agenda item.

The Commission engaged in discussion regarding this agenda item.

City Staff will come back with revisions to the existing ordinance concerning heavy trucks.

327. REPORT ON POLICIES AND ORDINANCES USED BY OTHER CITIES TO REQUIRE MANDATORY CONNECTIONS TO AVAILABLE WATER AND SEWER LINES

Commissioner Marshall stated this was follow-up to a report on City residents who have access to water and sewer and have chosen not to connect. He stated the report prepared by Staff reflects the majority of cities surveyed do require people to connect.

The Commission engaged in discussion regarding this agenda item.

City Staff will look at this issue and determine what ordinances apply, how these ordinances are interpreted, what we need to do to get more people in the City on water and sewer, and what actions are available if they do not connect to water or sewer.

The Commission chose to address items G and H together.

328. REPORT ON THE STATUS OF THE FORMER CHAMBER OF COMMERCE BUILDING AT 213 WEST AUSTIN

REPORT ON THE STATUS OF VACANT CITY-OWNED BUILDINGS

Commissioner Oliver wanted to know if any of the vacant City-owned buildings can be put up for sale.

Frank Johnson stated we can list the Chamber Building for sale, but the other vacant City-owned buildings probably do not lend themselves for sale.

329. REPORT ON CITY REGULATIONS REGARDING OPERATION OF A BUSINESS IN A RESIDENCE

Commissioner Flowers referenced types of businesses that cannot be operated from a residence.

330. DISCUSSION OF THE CITY OF MARSHALL REGULATIONS REGARDING SWIMMING POOLS AND DISCUSSION FOR OTHER ACTIONS THAT CAN BE TAKEN TO ADDRESS THIS ISSUE

Dean Searle, Acting City Attorney, reviewed ordinances that we have that would allow the City to take action to address the abandoned swimming pool issue.

Staff will come back with suggestions on how to address the issue.

331. REPORT ON STATUS OF COMMISSION CONFERENCE AND TRAINING BUDGET

Frank Johnson presented a report on the Commission Conference and Training Budget.

332. CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the Consent Agenda.

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

- A. Report on conversion of streetlights to LED lighting
- B. Discussion of what to do with vacant houses that are on the Housing Rehabilitation waiting list to prevent further deterioration of the structures.

334. EXECUTIVE SESSION

Commissioner Marshall moved to enter into Executive Session. Commissioner Flowers seconded the motion which passed 6:0. (The time was 8:12)

- A. Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code §551.072 – Convene in Executive Session for report on status of acquisition of the U.S. Army Reserve Center at 1209 E. Pinecrest.
- B. Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code §551.074-Personnel-Convene in Executive Session to deliberate matters related to employment for the Police Chief position.

Commissioner Marshall moved to reconvene from Executive Session. Commissioner Flowers seconded the motion which passed 6:0. (The time was 9:15)

335. ADJOURNMENT

Commissioner Marshall moved to adjourn. Commissioner Moon seconded the motion which passed 6:0.

APPROVED:



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

ATTEST:



City Secretary