

**Jean Birmingham Council
Chambers, City Hall**
401 South Alamo
Marshall, TX 75670
903-935-4421



Members
Amy Ware, District 4 - Mayor
Risa Jordan-Anderson, District 1
Leo Morris, District 2
Dathaniel Campbell, District 3
Reba Godfrey, District 5
Amanda Abraham, District 6
Micah Fenton, District 7

MINUTES
PLEASE SILENCE ALL DEVICES
REGULAR CITY COUNCIL MEETING
September 11, 2025
6:00 PM

1. Call to Order and Roll Call

Mayor Amy Ware called the Regular meeting to order in the Council Chambers, City Hall at 06:09 PM.

PRESENT:

Mayor and Council Members:

Mayor Amy Ware
Councilmember Leo Morris
Councilmember Reba Godfrey
Councilmember Amanda Abraham
Councilmember Micah Fenton
Councilmember Dathaniel Campbell
Councilmember Risa Jordan-Anderson

ADMINISTRATIVE STAFF PRESENT:Deck Shaver, Interim Public Works Director

Melissa Vossmer, City Manager	Cliff Carruth, Police Chief
Scott Rectenwald, City Attorney	Nikki Smith, City Secretary
Christol Hall, HR/Civil Service Director	
Julie Richards, Interim Budget Manager	
Randy Pritchard, Support Services Director	
Deck Shaver, Interim Public Works Director	
Cheryl Carpenter, Community Engagement	
Rebecca Roseberry, Interim Finance Director	
Reggie Cooper, Planning & Development Director	
Marina Garcia-Heredia, Parks & Recreation Director	
Alex Agnor, Asst. City Manager/Econ. Dev. & Strat. Init. Director	

2. Invocation and Pledges

Mayor Ware

3. Moment of Silence - 9/11 Remembrance

City Council, Staff and members of the public observed a moment of silence in remembrance of the tragic events of September 11, 2001.

4. Presentations & Proclamations

- A. Presentation of the Employee of the Month - September. (Employee Engagement Committee)

Anthony Lee, Employee Engagement Committee, presented the Employee of the Month for September 2025, Glendell Williams, Jr., Parks and Recreation Department. The sponsor of the month is The Ginocchio. Glendell Williams, Jr. praised God and thanked everyone for the nominations and votes. Alan Loudermilk invited the council and public to attend the upcoming Boogie Woogie Festival.

Melissa Vossmer, City Manager, introduced Rebecca "Becky" Roseberry, the new Interim Finance Director.

5. Citizen Comments

Texas Government Code, Sec. 551.007 requires that a governmental body must allow each member of the public who desires to address the body regarding an item on the agenda the opportunity to do so before or during the body's consideration of the item. The "Citizens Comments" portion of the meeting meets the requirements of this law and is the public's opportunity to speak on any item on the agenda. Those who wish to speak are requested to fill out a public comment form and will have three (3) minutes to speak unless additional time has been requested.

William Ward, 1607 University, stated his main concerns are noise control, unrestrained dogs and lack of drainage ditches versus rezoning and stated he was not in favor of the rezoning of 1801 University.

6. Items to be Withdrawn From Consent Agenda

There were no items withdrawn from the Consent Agenda.

7. Consent Agenda

The items on the Consent Agenda require little or no deliberation by the Council. Approval of the Consent Agenda authorizes the City Manager or his designee to proceed with conclusion of each in accordance with staff recommendations, a copy of which is filed with the minutes of the meeting. A Councilmember may remove items from the Consent Agenda by making such request prior to a motion and vote on the Consent Agenda.

Councilmember Fenton made a motion to approve the Consent Agenda.

Councilmember Jordan-Anderson seconded the motion, which passed by a vote of 7:0.

- A. Consider approval of participation in National Opioid Settlement with PURDUE PHARMA L.P. & SACKLER FAMILY. (City Attorney)

8. Consideration of Items Withdrawn From the Consent Agenda

There were no items withdrawn from the Consent Agenda.

9. Public Hearing & Ordinance

- A. Conduct Public Hearing on the Proposed Budget for Fiscal Year 2026. (City Manager and Interim Budget Manager)

Julie Richards, Interim Budget Manager, stated resolution R-25-13 was approved on August 28, 2025, setting the public hearings for the 2026 budget. The budget was developed to address council's focus areas; the total operating budget is \$26,381,951.

Mayor Ware opened the public hearing.

No one came forward to speak.

Mayor Ware closed the public hearing.

Melissa Vossmer stated the draft budget book was provided today. The numbers will change based on the council's decisions. Staff will meet with councilmembers to answer questions and work on the budget.

Councilmember Jordan-Anderson stated the presentation was professional and complimented staff on a job well done.

Mayor Ware stated on September 25, 2025, following the public hearing, council will consider approval of an ordinance to adopt the tax rate of \$0.5815183 per \$100 valuation at 6:00 PM in the Jean Birmingham Council Chambers of City Hall located at 401 S. Alamo, Marshall, TX 75670.

- B. Conduct a public hearing on the proposed tax rate of \$0.5815183 per \$100 valuation in support of the 2026 Annual Budget of the City of Marshall. (Asst. City Manager)
- Alex Agnor, Assistant City Manager, stated this was the first of two public hearings. Since the proposed rate does not go above the voter approval rate, only one public hearing is required, but we will hold two to give the public more opportunities for input. Alex Agnor provided the tax rate information on various types of tax rates and the calculations of them, including the No New Revenue Tax Rate and the Voter Approval Tax Rate. The FY26 (tax year 2025) proposed tax rate is \$0.5815183. The July certified taxable value increase is approximately \$125M. Alex Agnor reminded council that this includes an \$88M estimate of pending ARB value that is considered to not be in dispute, but is pending the outcome of any hearings, protests or litigation.

Alex Agnor provided information on the property tax rate and taxable value history, the property tax rate impact, and property tax exemptions available. Council requested staff to look into the tax ceiling for the Over 65 exemption, which Lee Flowers with HCAD asked for the City to postpone looking at the implementation and research needed until after the budget and tax rate adoption is complete for the various taxing entities in Harrison County.

Mayor Ware opened the public hearing.

No one came forward to speak.

Mayor Ware closed the public hearing.

Mayor Ware asked about the ARB hearings and how close that process is to being finalized. Alex Agnor stated she would have to ask Lee Flowers with HCAD.

Alex Agnor stated the next steps are to conduct the second public hearing on September 25, 2025, and then consider approval of an ordinance to adopt the tax rate.

Mayor Ware stated the second public hearing will be conducted on the proposed tax rate of \$0.5815183 per \$100 of valuation to consider approval of an ordinance to adopt that tax rate on September 25, 2025, at 6:00 PM in the Jean Birmingham Council Chambers, City Hall at 401 S Alamo Marshall, TX 75670.

- C. **O-25-23** Conduct a public hearing and consider approval of an ordinance regarding a rezoning request for 1801 University Ave from R-2 (Single Family Detached) to R-6 (Duplex Triplex Quadraplex) (**P&Z Item ZBA-25-04**). (Development Services)

Alex Agnor stated this zoning request was brought before council at the August 28, 2025, meeting and a petition was received. The item was tabled to verify the petition and to reach out to the developer/applicant for the consideration of a Planned Development. On July 14, 2025, the P&Z Commission heard the request and approved it by a vote of 4:1, 42 notices were sent out, with two received for the rezoning and one received against the rezoning. A background on the location and summary of the request was provided. The P&Z looks at density, access, traffic and how it fits in with the comprehensive plan. Alex Agnor stated the speakers in opposition to the rezoning who spoke during the public hearing provided various reasons for their opposition, including the addition of more rental properties, owning versus rental, and the impact on property values. Alex Agnor reminded Council that the city doesn't have the ability to regulate rental properties versus homeownership, and only looks at occupancy and how the structure is used, not how it is paid for. Only one structure is allowed per lot.

Information was provided regarding the petitions received, with a total of 23 signatures. The signatures were verified by the City Secretary using the certified list of property owners within the 200-foot radius of 1801 University. This list contained 42 entries of which seven (7) property owners signed the petitions in opposition. The protest must be written and signed by at least 20% of the owners within the 200-foot radius. The signatures on the petitions in opposition to the rezoning comprised of a total of 18.5% of the land area. At 20%, a super majority vote of the council would be required to approve the rezoning.

A petition in support of the rezoning request was also received. The 21 signatures were not verified as it is not a requirement for petitions in support of a zoning change to be calculated as a lack of a protest in opposition is considered support. It was noted that one individual signed both petitions, but their property lies outside the 200' radius and did not affect the opposition percentage.

Mayor Ware opened the public hearing.

Sonnesha Garbutt, 1800 University spoke in opposition to the rezoning as it doesn't align with the comprehensive plan, stated sidewalks, safety and growth are needed, and spoke against high-density housing.

Deshonana Luster, 1807 University, stated she purchased her house in April 2025, and block stability keeps the neighborhood safe, rental properties don't match the quiet neighborhood, and adding high-density housing is a safety concern.

Earnest Spencer, 1000 Hugh Street, stated he didn't fill out the notice because he doesn't check his mailbox every day. Several of his neighbors wanted to attend but couldn't because of work, etc. Mr. Earnest Spencer stated he read the 2043 comprehensive plan and what it addresses, and he was informed that Wiley doesn't need additional housing and staff doesn't live or want to live close to the campus. Mr. Earnest Spencer stated eighty-two percent of the property from the Loop to Wiley is non-homeowners, and he understands the city can't regulate rental versus ownership, and asked not to build high-density housing and support the comprehensive plan.

Mayor Ware closed the public hearing.

Councilmember Abraham asked if the owner to submit a plan development, but we have not heard back from them. Councilmember Abraham doesn't agree that this request is compliant with the comprehensive plan, as the plan says we need to maintain integrity and a duplex/quad isn't keeping with integrity. Alex Agnor stated that Mark Priestner explained that a duplex/quad is considered low density.

Councilmember Godfrey stated the request does not comply with the plan. The houses should look the same given this is a historic area of single-family homes. Parking is also important, and asked how the parking would be developed. Councilmember Godfrey stated she is opposed to the rezone and there are apartments on Wood.

Mark Priestner pointed out from the staff standpoint, only density and use are looked at, which is consistent with single-family use and the city can't regulate aesthetics.

Councilmember Campbell asked if the status is the same, then why is a rezone needed? Mark Priestner stated it would allow for multiple units on a single property.

Councilmember Abraham stated that relates to aesthetics and is the way the comprehensive plan was written.

Alex Agnor stated this decision is at the Council's discretion.

Councilmember Godfrey asked about the threshold for the petition and asked if Mr. Ward could be included, which was stated not unless he signed.

Councilmember Abraham counted the property owners who reside on University and feels they should be considered when making this decision.

Councilmember Campbell stated a plan was requested from the investor, and the city creates setbacks and easements to ensure buildings are set up properly, so without the investor responding, he can't vote for the item.

Mark Priestner stated that is the purpose of a planned district, which is an option.

Councilmember Jordan-Anderson stated she came in front of the council for her own property and wanted to see a development plan but was told that Planning & Zoning had nothing to do with a development plan, therefore a development plan isn't necessary at this point.

Alex Agnor stated a planned development is not needed for straight zoning, but it is when doing a Planned Development District.

Mark Priestner stated that when looking at zoning, drainage has to be addressed regardless of location. For this request, staff is looking at density for consistency, but if the council is requesting above and beyond what is required, that is what the planned district is for.

Councilmember Jordan-Anderson said 82% of the properties are rental, per Mr. Spencer's comment, and there are apartments within the area with no issues. There are apartments in areas all around town without issues, and she feels a new structure would bring the neighborhood up to a different standard.

Mayor Ware stated the city has not verified the eighty-two percent. Councilmember Jordan-Anderson indicated she would like the eighty-two percent verified as council needs to stop looking at the past and look to the future.

Councilmember Campbell stated the council can't look at what the house will be used for.

Councilmember Jordan-Anderson stated the city needs to move forward and grow.

Councilmember Morris stated there are duplexes/quads in areas of town, and he lived in an HOA that didn't want homes to become rentals — that didn't happen and the neighborhood changed. A couple of blocks from the university there is a quadruplex that is not hidden by trees. Councilmember Morris went to see the property, and it looked like a two-way entrance. The developers want to put buildings in, and he did have problem at first, but now he thinks it will help redevelop the neighborhood.

Councilmember Godfrey said the speed limit signs are in place. The developer not responding is a red flag.

Councilmember Godfrey made a motion to deny O-25-23, an ordinance regarding a rezoning request for 1801 University Ave from R-2 (Single Family Detached) to R-6 (Duplex Triplex Quadraplex). Councilmember Abraham seconded the motion, which failed by the following vote:

Ayes: 2 Councilmembers Godfrey and Abraham

Noes: 4 Mayor Ware, Councilmembers Jordan-Anderson, Campbell, and Morris

Abstain: 1 Councilmember Fenton

Councilmember Campbell voted down because of the people's voice and for a chance for the developer to provide a plan.

Alex Agnor stated the options for the item are to approve, deny or table indefinitely or for a certain period of time to allow the developer to respond.

Councilmember Abraham made a motion to table indefinitely, for a certain period of time to allow the applicant to consider pursuing a planned development. Councilmember Campbell seconded the motion, which passed by

the following vote:

Councilmember Jordan-Anderson stated a plan is not required at this time.

Scott Rectenwald stated there is a motion and a second, so the vote needs to be taken.

Melissa Vossmer asked for clarification of the time for table, which was stated by Councilmember Abraham to be until the applicant can provide a planned development or respond stating they would not provide a plan.

**Ayes: 5, Mayor Ware, Councilmembers Abraham, Campbell, Fenton, and Godfrey
Noes: 2, Councilmembers Jordan-Anderson and Morris**

Councilmember Morris stated he thought the prior vote was to approve or deny the change. It was clarified that a motion to deny was made, but it failed. Therefore, another motion could be made.

10. Ordinance

- A. **O-25-24** Consider approval of an ordinance amending Chapter 4 of the Code of Ordinances entitled "Animals and Fowl" Subsections 4-19 and 4-22. (Police)
Cliff Carruth, Police Chief, stated this was previously brought to the council to address animals at large. Cliff Carruth went over the changes and key differences in the ordinance, including rabies vaccinations, microchipping, spay/neuter, and breeding permit.

Councilmember Godfrey asked what was meant by an intact pet, which was explained to be a pet that has not been spayed/neutered.

Cliff Carruth stated there are exemptions/exceptions, such as an exemption for medical reasons and an exception for breeding. Cliff Carruth stated #2 under "i" was for government animals, stating K9s are exempt as well as service animals. This ordinance is compiled from the best practices model.

Councilmember Abraham explained the exception is based on a state license, so if someone has a state license for breeding their animal, they won't have to get a permit from the city.

Councilmember Godfrey asked what happens if a citizen pays for a breeding permit, which was explained that they will be allowed 2 litters per year. Councilmember Godfrey asked about the rabies vaccination and if there is an exception for older dogs. It was explained that the vaccination is state-mandated to reduce the rabies threat. There is no exception for older dogs as the ordinance is set to follow state law.

Mayor Ware stated this is a good starting place. Cliff Carruth stated this gives staff tools to move our city forward.

Councilmember Abraham stated this offers more protection for the city.

Councilmember Abraham made a motion to approve O-25-24, an ordinance amending Chapter 4 of the Code of Ordinances entitled "Animals and Fowl" Subsections 4-19 and 4-22. Councilmember Fenton seconded the motion, which passed by the following vote:

Ayes: 6 Mayor Ware, Councilmembers Abraham, Fenton, Jordan-Anderson, Campbell and Morris

Noes: 1 Councilmember Godfrey

- B. **O-25-25** Consider approval of an ordinance amending the FY25 Annual Budget. (Finance)

Julie Richards asked for approval of an ordinance to amend the FY25 budget for the Parks & Recreation Department. The Golf Division has secured a grant in the amount of \$10,000. Julie Richards stated this item is requesting approval to accept the grant.

Melissa Vossmer stated the companion item is 11A and this is the order in which to amend the budget to accept the grant.

Councilmember Abraham stepped away from the dais at this time.

Councilmember Fenton made a motion to approve O-25-25, an ordinance amending the FY25 Annual Budget. Councilmember Jordan-Anderson seconded the motion, which passed by a vote of 6:0.

- C. **O-25-26** Consider approval of an ordinance for Solid Waste\Recycling Collection Services, including a five-year solid waste collection contract amendment with Republic Services, including the annual rate adjustment methodology and the increased community donations effective January 1, 2026. (City Manager)

Councilmember Abraham returned at this point.

Melissa Vossmer presented an ordinance for consideration of the 2026 solid waste and recycling rates. Melissa Vossmer clarified the ordinance is correct, the memo that was sent out was incorrect.

Councilmember Godfrey made a motion to approve O-25-26, an ordinance for Solid Waste\Recycling Collection Services, including a five-year solid waste collection contract amendment with Republic Services, including the annual rate adjustment methodology and the increased community donations effective January 1, 2026. Councilmember Campbell seconded the motion, which passed by a vote of 7:0.

- D. **O-25-27** Consider approval of an Ordinance to adopt new water and wastewater rates as part of the Water and WasteWater 5 Year CIP Plan. (Interim Budget Manager)
Julie Richards stated this ordinance was discussed at two previous meetings and is bringing scenario one for adoption in the ordinance to change the rates for water and wastewater.

Councilmember Campbell mentioned that in the five-year plan the rate will double, and he would like to make sure we are not looking at continuing to increase the price once the projects are completed. The rate needs to be stabilized.

Councilmember Campbell made a motion to approve O-25-27, an Ordinance to

adopt new water and wastewater rates as part of the Water and WasteWater 5 Year CIP Plan. Councilmember Godfrey seconded the motion, which passed by a vote of 7:0.

Melissa Vossmer thanked the council for taking a "big bite" because of the critical condition of the facilities and stated this is the largest CIP the city has done in a long time, if ever. Now we have to get ready to do the program.

Councilmember Godfrey thanked staff for their work.

11. Resolution

- A. **R-25-15** Consider approval of a resolution authorizing the Parks & Recreation Department to receive grant funding under the 2025 Project Muni Grant Program administered by the Texas Golf Association. (Parks & Recreation)
Marina Garcia-Heredia, Parks and Recreation Director, provided information regarding the 2025 Project Muni Grant stating why it is important, how it works and the support provided.

Councilmember Godfrey made a motion to approve R-25-15, a resolution authorizing the Parks & Recreation Department to receive grant funding under the 2025 Project Muni Grant Program administered by the Texas Golf Association. Councilmember Campbell seconded the motion, which passed by a vote of 7:0.

12. Action Items for City Council Consideration

- A. Consider approval to terminate the contract with Harris for the ERP system and direct Staff to secure current software services through 12-31-26, if action is required. (Support Services)
Randy Pritchard, Support Services Director, stated the Harris contract was approved approximately two years ago. Staff and the IT/council committee met and determined it would be better to cut losses and look for new software. Randy Pritchard asked for approval to allow the city attorney to submit a letter to terminate the contract with Harris for the ERP System.

Councilmember Abraham stated this is a much-needed item, and it is time to move on.

Councilmember Godfrey made a motion to approve the termination of the contract with Harris for the ERP system and directed staff to secure current software services through 12-31-26, if action is required. Councilmember Fenton seconded the motion, which passed by a vote of 7:0.

- B. Consider approval to award a bid for electrical and plumbing work at the City Arena to LFA4 Enterprises, LLC (TIPS Contract 24010402), not to exceed \$61,136. (Facilities)
This item was withdrawn.

13. Discussion and Reports for City Council Consideration and Direction

- A. Reconsideration, and Action if appropriate, on the Texas Water Development Board Loan for Lead Service Line Removal. (Public Works)
Deck Shaver, Interim Public Works Director, provided an introduction for information and consideration stating staff originally applied for a \$7.5 million loan with 51% forgiveness. Deck Shaver stated this is an EPA-mandated program. Schaumbyrg & Polk Inc. (SPI) is in the final stages of the survey, which indicates about 23 lead service lines and 900 galvanized lines.

Travis Reed, SPI Engineer, provided a history of lead piping, why lead service line replacement is needed. The EPA mandated the Lead and Copper Rule Improvements (LCRI), which requires an inventory list of service connections to be compiled by October 2024 and replaced within 10 years. Travis Reed provided the current results of the lead service line inventory, and stated the city conducts routine monitoring and there is no lead problem. Travis Reed stated the project cost is estimated at \$2.8 million, and explained options on how to fund the project.

Councilmember Jordan-Anderson thanked Deck Shaver for going above and beyond.

Councilmember Morris asked about the private and city lines and if both will be changed, which was stated yes, the city would replace both sides.

Melissa Vossmer stated it is an unusual program.

Councilmember Campbell inquired into what happens if a citizen doesn't want city staff to be on their property and replace their pipes? Travis Reed stated the city would probably have to show a good faith effort to replace the lines and that should satisfy the requirements.

Councilmember Abraham stated the city might have to cut the service to the residence if they refused access to the property.

Melissa Vossmer stated staff would have to look into this scenario and figure out how to process the program.

Councilmember Morris stated that, based on his experience, this is highly unusual, and the city is responsible if anything is damaged.

Mayor Ware requested that staff communicate with our property owners and residents to keep them informed of the process and work being done.

Mayor Ware made a motion to approve authorizing the adjustment to reduce the previously approved amount on the Texas Water Development Board Loan for Lead Service Line Removal. Councilmember Godfrey seconded the motion, which passed by a vote of 7:0.

14. Executive Session

Councilmember Fenton made a motion to convene into Executive Session. Councilmember Godfrey seconded the motion, which passed by a vote of 7:0. The time was 8:21 PM.

- A. An executive session pursuant to Texas Govt. Code Section 551.071 to consult with the City Attorney to seek advice on pending or contemplated litigation and 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: Lawsuit filed by Garnett Johnson against the City of Marshall.

Councilmember Abraham made a motion to reconvene from Executive Session. Councilmember Fenton seconded the motion, which passed by a vote of 7:0. The time was 8:41 PM.

15. Adjournment

Councilmember Godfrey made a motion to adjourn. Councilmember Abraham seconded the motion, which passed by a vote of 7:0.

APPROVED:

Mayor of the City Council
of the City of Marshall, Texas

ATTEST:



City Secretary