# MINUTES OF THE REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF MARSHALL
THURSDAY, SEPTEMBER 12, 2019
6:00 PM

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Mayor Terri Brown called the Regular meeting to order in the Commission Chambers, City Hall at 6:00 p.m.

PRESENT:

MAYOR: Terri Brown, District 3

COMMISSIONERS:
Marvin Bonner, District 1
Amy Ware, District 4
Vernia Calhoun, District 5
Larry Hurta, District 6
Doug Lewis, District 7

ABSENT: Gail Beil, District 2

ADMINISTRATIVE STAFF PRESENT:
Mark Rohr, City Manager
Reggie Cooper, Fire Chief
Scott Rectenwald, Acting City Attorney
Cliff Carruth, Police Chief
Jack Redmon, Support Services Director
Randy Pritchard, Support Services Superintendant
Wes Morrison, Community & Economic Development Director
Elaine Altman, City Secretary/Finance Director
Eric Powell, Public Works Director
Mallori James, Tourism & Cultural Arts Director

INVOCATION & PLEDGE: Mayor Terri Brown, Reid Haynes, 1st grade student at Sam Houston Elementary School

241. **CITIZEN COMMENTS**

Randy Cox, 3968 FM 3379, spoke regarding the proposed food ordinance and mobile caterers. He recommended changing the ordinance to reflect exemptions for private parties.

Chris Bisset, 1911 Gail Dr., spoke regarding the proposed food ordinance. He is concerned with the set up limitations and questioned the section regarding Main Street Marshall events.

Guadalupe Garcia, 4607 Five Notch, spoke regarding the proposed food ordinance and food trucks. She asked for changes to be made regarding food trucks and private property and for an exemption for private parties.

Kenneth Moon, 2500 University, spoke in opposition of the animal shelter cost in the budget and promoted a cost effective approach for building the animal shelter.

Reverend Aaron Spencer, 104 Johnson St., spoke on behalf of the population who have fallen below the poverty level.

Leo Morris, 505 S. Carter, addressed three (3) issues he has regarding the budget: 1. Raises given to civil service employees, 2. Memorial City Hall cost overruns, and 3. The animal shelter. He asked the Commissioners to continue being good stewards of the taxpayer's money.

Joseph Filippazzo, 4400 Memorial Dr., spoke regarding the proposed food ordinance. He expressed frustration with the lack of consistency between cities on this ordinance.

Herbert White, 801 Elmore St., stated food establishment and food truck owners pay taxes; he feels this should be the main focus of the ordinance.

Jessica Wiler, 718 Munden Dance Hall, spoke regarding the proposed food truck ordinance. She expressed concern with the 100 foot requirement from property lines and the set up requirements.

Matt Kuhn, 3623 S. Garrett, spoke regarding the proposed food ordinance. He recommended changing the ordinance to reflect 100 feet from entrance of a food establishment instead of 100 feet from the property line.

242. **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA**

There were no items withdrawn from the Consent Agenda.

243. **CONSENT AGENDA**

**Commissioner Hurta made a motion to approve the Consent Agenda. Commissioner Lewis seconded the motion, which passed with a vote of 6:0.**

A. Consider approval of the minutes from the August 20, 2019 Special-Called meeting, August 22, 2019 Regular meeting and September 5, 2019 Special-Called meeting.

B. Report regarding the status of the Memorial City Hall renovation project.

C. Consider an appointment to the Planning & Zoning Commission.

244. **PUBLIC HEARING & ORDINANCE**

A. Conduct a public hearing and consider an amendment to the official zoning map regarding a rezoning request of 0.545 acres being all of Outlot 57 from R-2 (Single-Family Residential) to R-6 (Duplex). The subject property is located on the north side of West Burleson Street, commonly known as 805 West Burleson Street.

Wes Morrison, Community & Economic Development Director, asked for approval of an amendment to the official zoning map regarding a rezoning request of 0.545 acres being all of Outlot 57 from R-2 (Single-Family Residential) to R-6 (Duplex). He stated the property was previously converted to a quadplex, and in order to maintain it as a quadplex the zoning needs to be changed. Surrounding property owners have filed a petition and over 20% are against the zoning change. A super majority, at least six (6) commissioners voting in favor of the ordinance, is needed for the ordinance to pass. The Planning and Zoning Commission voted in favor of this ordinance with a vote of 5:1.

Commissioners asked questions and discussed.

Mayor Brown opened the public hearing.

No one came forward to speak.

Mayor Brown closed the public hearing.

**Commissioner Lewis made a motion to deny the ordinance. Commissioner Calhoun seconded the motion, which passed with a vote of 6:0.**

**ORDINANCES**

245. CONSIDER APPROVAL OF AN ORDINANCE TO ADOPT THE ANNUAL BUDGET OF THE CITY OF MARSHALL, TEXAS FOR THE 2020 FISCAL YEAR.

Mark Rohr, City Manager, provided an overview of the 2020 budget.

Commissioners asked questions and discussed.

**Commissioner Ware made a motion to approve an ordinance to adopt the annual budget of the City of Marshall, Texas for the 2020 fiscal year. Commissioner Lewis seconded the motion, which passed with the following vote:**

**Ayes: 5, Mayor Brown, Commissioners Ware, Lewis, Bonner and Hurta**
**Nays: 0**
**Abstain: 1, Commissioner Calhoun**

**RATIFICATION OF PROPOSED 2019 TAX INCREASE**

246. CONSIDER RATIFICATION OF THE PROPOSED 2019 TAX RATE INCREASE REFLECTED IN THE 2020 BUDGET IN ACCORDANCE WITH THE TEXAS LOCAL GOVERNMENT CODE.

**Commissioner Lewis made a motion for ratification of the proposed 2019 tax rate increase reflected in the 2020 Budget. Commissioner Calhoun seconded the motion, which passed with a vote of 6:0.**

**ORDINANCE**

247. CONSIDER APPROVAL OF AN ORDINANCE AFFIXING AND LEVYING 2019 AD VALOREM TAXES FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF MARSHALL FOR THE 2020 FISCAL YEAR AT A RATE OF $0.542160 PER $100 OR PROPERTY VALUE, *WHICH IS EFFECTIVELY A 5.05 PERCENT INCREASE IN THE TAX RATE.* **THE TAX RATE OF $0.542160 WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.**

Mark Rohr asked for approval of an ordinance affixing and levying 2019 ad valorem taxes for the use and support of the municipal government of the City of Marshall, Texas, for the 2020 fiscal year at a rate of $0.542160 per $100 of property value, *which is effectively a 5.05 percent increase in the tax rate.* **The tax rate of $0.542160 will raise more taxes for maintenance and operations than last year's tax rate.**

**Commissioner Lewis moved that the property tax rate be increased by the adoption of a tax rate of $0.542160, which is effectively a 5.05 percent increase in the tax rate. Mayor Brown seconded the motion, which passed with a vote of 6:0.**

248. CONSIDER APPROVAL OF AN ORDINANCE AMENDING CHAPTER 13A OF THE CODE OF ORDINANCES ENTITLED "FOOD AND FOOD ESTABLISHMENTS".

Wes Morrison provided an overview and asked for approval of an ordinance amending Chapter 13A of the Code of Ordinances entitled "Food and Food Establishments".

Commissioners asked questions and discussed.

**Commissioner Lewis made a motion to approve the ordinance after changing private catering to be exempt, staying at a location from 8 hours to 10 hours, and changing set up from 100 feet from the property line to 50 feet from the property line. Commissioner Ware added a change for opening and operating during regular business hours. Commissioner Bonner seconded the motion, which failed with the following vote:**

**Ayes: 3, Commissioners Lewis, Bonner and Calhoun**
**Nays: 3, Mayor Brown, Commissioners Ware and Hurta**

**Mayor Brown made a motion to table this item. Commissioner Ware seconded the motion, which passed with a vote of 6:0.**

## RESOLUTIONS

249. CONSIDER APPROVAL OF A RESOLUTION SETTING FEES FOR THE COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT.

Wes Morrison highlighted proposed changes and asked for approval of a resolution setting fees for the Community & Economic Development Department.

**Commissioner Lewis made a motion to approve a resolution setting fees for the Community & Economic Development Department. Commissioner Calhoun seconded the motion, which passed with a vote of 6:0.**

## CITY MANAGER REPORTS AND REQUESTS FOR CITY COMMISSION CONSIDERATION

250. CONSIDER APPROVAL TO PURCHASE A REPLACEMENT AIR CONDITIONER FOR THE CONVENTION CENTER THEATRE.

Jack Redmon, Support Services Director, asked for approval to purchase a replacement air conditioner for the Convention Center Theatre from Storer Services, at a cost of $58,715. Since Storer Services is a member of the Texas Interlocal Purchasing System (TIPS), a bid is not required.

Commissioners asked questions and discussed.

Mallori James, Tourism & Cultural Arts Director, commented on the loss of revenue because of the lack of air conditioning for the venue.

**Commissioner Lewis made a motion to approve the purchase of a replacement air conditioner for the Convention Center Theatre from Storer Services, at a cost of $58,715. Mayor Brown seconded the motion, which passed with a vote of 6:0.**

251. CONSIDER APPROVAL OF CHANGE ORDER #8 (ELEMENT #25) TO A CONTRACT WITH STILES ELECTRIC, INC. FOR THE MEMORIAL CITY HALL RENOVATION PROJECT.

Jack Redmon asked for approval of Change Order #8 (Element #25) to a contract with Stiles Electric, Inc. for the Memorial City Hall Renovation Project to upgrade the safety of the dumb waiter at a cost of $7,890.

Commissioners asked questions and discussed.

**Commissioner Lewis made a motion to approve Change Order #8 (Element #25) to a contract with Stiles Electric, Inc. at a cost of $7,890. Commissioner Calhoun seconded the motion, which passed with the following vote:**

**Ayes: 5, Mayor Brown, Commissioners Lewis, Calhoun, Bonner and Ware**
**Nays: 1, Commissioner Hurta**

252. CONSIDER APPROVAL OF CHANGE ORDER #2 (ELEMENT #5) TO A CONTRACT WITH CASEY SLONE CONSTRUCTION FOR THE MEMORIAL CITY HALL RENOVATION PROJECT.

Jack Redmon asked for approval of Change Order #2 (Element #5) to a contract with Casey Slone Construction for the Memorial City Hall Renovation Project to upgrade the safety of the Juliet Balconies. He stated the safety rails need to be raised.

**Commissioner Hurta made a motion to approve Change Order #2 (Element #5) to a contract with Casey Slone Construction. Commissioners Bonner seconded the motion, which passed with a vote of 6:0.**

253. **CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA**

There were no items withdrawn from the Consent Agenda.

254. **EXECUTIVE SESSION**

A. An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.074 Personnel Matters: Interview with City Prosecutor candidate.

**Commissioner Lewis made a motion to enter into Executive Session. Commissioner Ware seconded the motion, which passed with a vote of 6:0. The time was 7:41 p.m.**

**The meeting was reconvened at 8:45 p.m.**

255. **ADJOURNMENT**

**Commissioner Ware made a motion for adjournment. Commissioner Calhoun seconded the motion, which passed with a vote of 6:0.**

**APPROVED:**

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

**ATTEST:**

**City Secretary**

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| **Ordinances:** | **O-19-19** |
| | **O-19-20** |
| | **O-19-21** |
| **Resolution:** | **R-19-23** |