MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF MARSHALL
OCTOBER 13, 2022
6:00 PM

Mayor Amy Ware called the Regular meeting to order in the Council Chambers, City Hall at 6:00 p.m.

PRESENT:

MAYOR: Amy Ware, District 4

COUNCIL MEMBERS:

Marvin Bonner, District 1
Leo Morris, District 2
Jennifer Truelove, District 3
Reba Godfrey, District 5
Amanda Abraham, District 6
Micah Fenton, District 7

ADMINISTRATIVE STAFF PRESENT:

Terrell Smith, City Manager
Christol Hall, HR Manager
Reggie Cooper, Fire Chief
Cliff Carruth, Police Chief
Eric Powell, Public Works Director
Dawn Jones, Finance Director
Scott Rectenwald, Acting City Attorney
Randy Pritchard, Support Services Director
Daniel Duke, Tourism & Cultural Arts Director
Nikki Smith, City Secretary/Payroll Accountant
Garnett Johnson, Community Development Director

INVOCATION & PLEDGE:

PRESENTATIONS & PROCLAMATIONS

223. PRESENTATION OF A PROCLAMATION RECOGNIZING THE TEXAS SOUNDS INTERNATIONAL COUNTRY MUSIC AWARDS.

Dan Duke, Tourism & Cultural Arts Director, introduced Sara Whitaker, President of East Texas Performing Arts, who thanked the City Council for their recognition of the Texas Sounds International Country Music Awards. Mayor Ware read the proclamation recognizing the Texas Sounds International Country Music Awards.

224. PRESENTATION OF A PROCLAMATION DECLARING THE MONTH OF OCTOBER 2022 AS "DOMESTIC VIOLENCE AWARENESS MONTH" IN THE CITY OF MARSHALL.

Mayor Ware presented a proclamation declaring the month of October as "Domestic Violence Awareness Month" to Heather Miller, Rural Outreach Advocate for the Women's Center of East Texas.

225. PRESENTATION OF A PROCLAMATION DESIGNATING THE WEEK OF OCTOBER 9 – 15, 2022 AS FIRE PREVENTION WEEK IN THE CITY OF MARSHALL – THEME THIS YEAR IS "FIRE WON'T WAIT. PLAN YOUR ESCAPE."

Reggie Cooper, Fire Chief, provided information regarding the history of Fire Prevention Week. Mayor Ware presented a proclamation designating the week of October 9 – 15, 2022 as Fire Prevention Week in the City of Marshall to members of the Marshall Fire Department.

226. PRESENTATION OF A PROCLAMATION DESIGNATING THE WEEK OF OCTOBER 23 – 31, 2022 AS RED RIBBON WEEK IN THE CITY OF MARSHALL.

Ashlei Green, Coalition Coordinator for Next Step Community Solutions thanked the City Council for their recognition of Red Ribbon Week. Mayor Ware read the proclamation designating the week of October 23 – 31, 2022 as Red Ribbon Week in the City of Marshall.

227. **CITIZEN COMMENTS**

Dr. Blair Blackburn, 701 Harvey Dr., ETBU President, expressed concerns regarding requirements of the Food Truck Ordinance.

Kim Hoops, Black Coffee Records, 402 N. Washington, spoke regarding the Food Truck Ordinance.

Ruth Criner, 2205 Park Drive, spoke regarding the need for better street lighting on Norwood and Parker, rezoning of Park, Evans and Olive Street to include mobile homes, and asked for various fees charged by the City to be reduced or eliminated.

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

Item B was withdrawn from the Consent Agenda.

229. **CONSENT AGENDA**

Councilmember Abraham made a motion to approve the Consent Agenda. Councilmember Godfrey seconded the motion, which passed with a vote of 7:0.

A. Consider approval of the minutes from the September 22, 2022 Regular meeting.

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

B. Consider approval of a resolution regarding Amendment #3 to the Municipal Maintenance Agreement with the Texas Department of Transportation for the maintenance, control, supervision, and regulation of certain state highways and/or portions of state highways in the City of Marshall.

Councilmember Bonner stated his reasons for withdrawing this item.

Eric Powell, Public Works, Director, provided information regarding Amendment #3 to the Municipal Maintenance Agreement with the Texas Department of Transportation.

Councilmember Truelove made a motion to approve Item B from the Consent Agenda. Councilmember Godfrey seconded the motion, which passed with a vote of 7:0.

PUBLIC HEARING

231. CONDUCT A PUBLIC HEARING AND CONSIDER A REZONING REQUEST FOR A 5.3591 ACRE TRACT OF LAND SITUATED IN THE HENRY TEAL SURVEY, A-704, HARRISON COUNTY, TEXAS FROM A&E (AGRICULTURE AND ESTATE) TO C-3 (GENERAL BUSINESS). THIS PROPERTY IS LOCATED AT 3100 EAST END BLVD NORTH.

Garnett Johnson, Community Development Director, asked for the approval of an ordinance regarding a rezoning request for a 5.3591 acre tract of land situated in the Henry Teal Survey, A-704, Harrison County, Texas from A&E (Agriculture & Estate) to C-3 (General Business). This property is located at 3100 East End Blvd North. Garnett Johnson stated nine (9) notices were sent with no responses. The Planning and Zoning Commission approved the change by a vote of 5:0.

Mayor Ware opened the public hearing.

No one came forward to speak.

Mayor Ware closed the public hearing.

Councilmember Abraham made a motion to approve an ordinance regarding a rezoning request for a 5.3591 acre tract of land situated in the Henry Teal Survey, A-704, Harrison County, Texas form A&E (Agriculture & Estate) to C-3 (General Business). Councilmember Godfrey seconded the motion, which passed with a vote of 7:0.

232. CONDUCT A PUBLIC HEARING AND CONSIDER A REZONING REQUEST FOR A 0.70 ACRE TRACT OF LAND BEING PART OF LOT 15, BLOCK 6, CEDAR CREST ADDITION FROM C-2 (RETAIL BUSINESS) TO C-3 (GENERAL BUSINESS). THIS PROPERTY IS LOCATED AT 2604 VICTORY DRIVE.

Garnett Johnson asked for the approval of an ordinance regarding a rezoning request for a 0.70 acre tract of land being part of Lot 15, Block 6, Cedar Crest Addition from C-2 (Retail Business) to C-3 (General Business). This property is located at 2604 Victory Drive. Garnett Johnson stated eight (8) notices were sent with no responses. The Planning and Zoning Commission approved the change by a vote of 5:0.

Mayor Ware opened the public hearing.

No one came forward to speak.

Mayor Ware closed the public hearing.

Councilmembers asked questions and discussed.

Councilmember Morris made a motion to approve an ordinance regarding a rezoning request for a 0.70 acre tract of land being part of Lot 15, Block 6, Cedar Crest Addition from C-2 (Retail Business) to C-3 (General Business). Councilmember Bonner seconded the motion, which passed with a vote of 7:0.

ORDINANCE

233. CONSIDER APPROVAL OF AN ORDINANCE OF THE CITY OF MARSHALL AMENDING PROVISIONS OF THE CODE OF ORDINANCES CHAPTER 13A ENTITLED "FOOD AND FOOD ESTABLISHMENTS".

Garnett Johnson asked for approval of an ordinance of the City of Marshall amending provisions of the Code of Ordinances Chapter 13A entitled "Food and Food Establishments".

Councilmembers asked questions and discussed.

Garnett Johnson explained the process to meet requirements regarding this amendment to the ordinance.

Reggie Cooper provided information regarding the safety requirements of the amendment to the ordinance.

Olivia Cuenca, Health Inspector, provided information regarding health requirements of the amendment to the ordinance.

Councilmember Godfrey made a motion to approve an ordinance of the City of Marshall amending provisions of the Code of Ordinances Chapter 13A entitled "Food and Food Establishments". Councilmember Abraham seconded the motion, which passed with a vote of 7:0.

CITY MANAGER REPORTS AND REQUESTS FOR CITY COUNCIL CONSIDERATION

234. CONSIDER APPROVAL TO REJECT ALL BIDS RECEIVED FOR COAGULANT AND CAUSTIC SODA USED IN THE CITY OF MARSHALL SURFACE WATER TREATMENT PROCESS.

Eric Powell asked for approval to reject all bids received for coagulant and caustic soda used in the City of Marshall surface water treatment process due to significant rate increases. Eric Powell stated he will re-advertise for bids for both chemicals and specify the contract terms are for 90 days only.

Councilmembers asked questions and discussed.

Councilmember Truelove made a motion to approve rejecting all bids received for coagulant and caustic soda used in the City of Marshall surface water treatment process. Councilmember Fenton seconded the motion, which passed with a vote of 7:0.

235. CONSIDER APPROVAL OF A SIGNED LETTER OF INTENT AUTHORIZING THE PURCHASE OF A 2023 FRAZER AMBULANCE AND RELATED EQUIPMENT.

Reggie Cooper asked for approval of a signed letter of intent authorizing the purchase of a 2023 Frazer Ambulance and related equipment at an approximate cost of $325,000.

Councilmembers asked questions and discussed.

Councilmember Abraham made a motion to approve a signed letter of intent authorizing the purchase of a 2023 Frazer Ambulance and related equipment. Councilmember Truelove seconded the motion, which passed with a vote of 7:0.

236. PRESENTATION OF THE MARSHALL ECONOMIC DEVELOPMENT CORPORATION SEMIANNUAL REPORT.

Rush Harris, Executive Director of MEDCO, presented the semi-annual report for Marshall Economic Development Corporation.

Councilmembers asked questions of Rush Harris regarding this item.

237. CONSIDER APPROVAL OF AN EXPENDITURE IN EXCESS OF $50,000 FOR PROJECT ELKS, A CERTIFICATE OF OCCUPANCY BONUS APPLICANT.

Rush Harris asked for approval of an expenditure in excess of $50,000 for Project Elks, a Certificate of Occupancy Bonus Applicant. Rush Harris stated this project is for a boutique hotel at 212 N. Washington Ave.

Councilmembers asked questions and discussed.

Councilmember Godfrey made a motion to approve an expenditure in excess of $50,000 for Project Elks, a Certificate of Occupancy Bonus applicant. Councilmember Truelove seconded the motion, which passed with a vote of 7:0.

EXECUTIVE SESSION

238. AN EXECUTIVE SESSION PURSUANT TO THE OPEN MEETINGS ACT, CHAPTER 551 OF THE TEXAS GOVERNMENT CODE UNDER SECTION 551.074 PERSONNEL MATTERS: DISCUSS OR DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF PUBLIC OFFICER OR EMPLOYEE: CITY MANAGER.

Councilmember Abraham made a motion to convene into Executive Session. Councilmember Godfrey seconded the motion, which passed with a vote of 7:0. The time was 8:12 PM.

Councilmember Truelove made a motion to reconvene from Executive Session. Councilmember Abraham seconded the motion, which passed with a vote of 7:0. The time was 9:01 PM.

ACTION ITEM FOLLOWING EXECUTIVE SESSION, IF NECESSARY

239. CONSIDERATION OF ACTIONS NECESSARY AS A RESULT OF THE EXECUTIVE SESSION REGARDING PERSONNEL MATTERS: DISCUSS OR DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT, DUTIES, DISCIPLINE, OR DISMISSAL OF PUBLIC OFFICER OR EMPLOYEE: CITY MANAGER.

Councilmember Abraham made a motion that the Mayor be authorized, on behalf of the City Council, to establish performance expectations with the City Manager, consistent with the City Council's discussions in Executive Session. Councilmember Truelove seconded the motion, which passed with a vote of 7:0.

240. **ADJOURNMENT**

Councilmember Abraham made a motion for adjournment. Councilmember Godfrey seconded the motion, which passed with a vote of 7:0.

APPROVED:

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

ATTEST:

N. Smith

City Secretary

Ordinances:	**O-22-22**
	O-22-23
	O-22-24
Resolutions:	**R-22-29**