MINUTES OF THE REGULAR MEETING OF THE
CITY COMMISSION OF THE CITY OF MARSHALL
THURSDAY, NOVEMBER 12, 2020
6:00 PM

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	Leo Morris, District 2
Amy Ware, District 4	Vernia Calhoun, District 5
Larry Hurta, District 6	Doug Lewis, District 7
Amanda Abraham, District 6	Micah Fenton, District 7

ABSENT: Larry Hurta, District 6 Doug Lewis, District 7

ADMINISTRATIVE STAFF PRESENT:
Mark Rohr, City Manager
Cliff Carruth, Police Chief
Scott Rectenwald, Acting City Attorney
Randy Pritchard, Support Services Superintendent
Glenna Williams, Acting City Secretary/Finance Director
Eric Powell, Public Works Director
Mallori James, Tourism & Cultural Arts Director
Stormy Nickerson, Management Analysis/Communications Coordinator
Nikki Smith, Deputy City Secretary/Payroll Accountant
Rachel Skowronek, Main Street Manager

INVOCATION & PLEDGE: Mayor Brown

MINUTES

238. CONSIDER APPROVAL OF THE MINUTES FROM THE OCTOBER 22, 2020 REGULAR MEETING.

Commissioner Calhoun made a motion to approve the minutes from the October 22, 2020 Regular meeting. Commissioner Ware seconded the motion, which passed with a vote of 5:0.

CANVASS ELECTION

239. CONSIDER APPROVAL OF A RESOLUTION CANVASSING THE RESULTS OF THE GENERAL ELECTION HELD ON NOVEMBER 3, 2020.

Scott Rectenwald, Acting City Attorney stated the results of the November 3, 2020 General Election are approved as a matter of form.

Commissioner Ware made a motion to approve a resolution canvassing the results of the General Election held on November 3, 2020. Mayor Brown seconded the motion, which passed with a vote of 5:0.

240. CONSIDER APPROVAL OF A RESOLUTION CANVASSING THE RESULTS OF THE SPECIAL ELECTION TO FILL A VACANCY IN DISTRICT 2 HELD ON NOVEMBER 3, 2020.

Scott Rectenwald stated the results of the November 3, 2020 Special Election are approved as a matter of form.

Commissioner Bonner made a motion to approve a resolution canvassing the results of the Special Election held on November 3, 2020. Commissioner Ware seconded the motion, which passed with a vote of 5:0.

241. CONSIDER APPROVAL OF A RESOLUTION CANVASSING THE RESULTS OF THE SPECIAL ELECTION FOR A PROPOSITION ON THE QUESTION OF THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX IN THE CITY OF MARSHALL AT THE RATE OF $1/8^{TH}$ OF ONE PERCENT TO CONTINUE PROVIDING REVENUE FOR THE MAINTENANCE AND REPAIR OF MUNICIPAL STREETS.

Scott Rectenwald stated the results of the November 3, 2020 Special Election are approved as a matter of form.

Commissioner Morris made a motion to approve an ordinance canvassing the results of the special election of a proposition on the question of the reauthorization of the local sales and use tax in the City of Marshall at the rate of $1/8^{th}$ of one percent to continue providing revenue for the maintenance and repair of municipal streets. Commissioner Bonner seconded the motion, which passed with a vote of 5:0.

242. CONSIDER APPROVAL OF A RESOLUTION CANVASSING THE RESULTS OF THE SPECIAL ELECTION TO CONSIDER SIXTEEN (16) PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF MARSHALL PROVIDING FOR THE CITY'S FORM OF GOVERNMENT; BOUNDARIES POWERS; CITY COUNCIL; CITY OFFICERS, TERMS AND TERM LIMITS, VACANCIES AND FORFIETURES OF OFFICE; FINANCIAL PROCEDURES; BUDGETING; ISSUANCE OF DEBT; TAXATION; ELECTIONS OF CITY COUNCIL; INITIATIVE; REFERENDUM AND RECALL FRANCHISES AND REGULATION OF PUBLIC UTILITIES; FINANCIAL INTERESTS FOR CITY COUNCIL AND OFFICERS; CLAIMS AGAINST THE CITY; LIENS, ASSIGNMENTS; GARNISHMENT AND SECURITY BONDS; ALL OF THE ABOVE AS ALLOWED BY THE STATE LAW OF TEXAS; REPEALING OBSOLETE PROVISIONS AND ADDING A NEW PROVISION TO ALLOW RENUMBERING AND REARRANGING THE CHARTER AS LONG AS NO SUBSTANTIVE CHANGE IS MADE; CORRECTING TYPOGRAPHICAL ERRORS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Scott Rectenwald stated the results of the November 3, 2020 Special Election are approved as a matter of form.

Mayor Brown made a motion to approve an ordinance canvassing the results of the special election to consider sixteen (16) proposed amendments to the Charter of the City of Marshall providing for the City's form of government; boundaries powers; City Council; City Officers, Terms and Term Limits, Vacancies and Forfeitures of Office; Financial Procedures; Budgeting; Issuance of Debt; Taxation; Elections of City Council; Initiative; Referendum and Recall Franchises and Regulation of Public Utilities; Financial Interests for City Council and Officers; Claims Against the City; Liens, Assignments; Garnishment

and Security Bonds; All of the above as allowed by the state law of Texas; Repealing obsolete provisions and adding a new provision to allow Renumbering and Rearranging the Charter as long as no substantive change is made; Correcting typographical errors; and Providing for Severability and an Effective Date. Commissioner Ware seconded the motion, which passed with a vote of 5:0.

PRESENTATION

243. PRESENTATION OF PLAQUES TO OUTGOING CITY COMMISSIONERS.

Mayor Brown presented plaques to outgoing City Commissioners Lewis and Hurta and thanked them for their service to the City of Marshall.

OATH OF OFFICE AND BOND APPROVAL

244. ISSUE OATH OF OFFICE FOR COUNCIL MEMBERS REPRESENTING DISTRICTS 2, 6, AND 7.

Scott Rectenwald administered the Oath of Office for the Council members representing Districts 2, 6, and 7. Councilmember Calhoun also took the Oath of Office at this time.

245. CONSIDER APPROVAL OF BONDS FOR COUNCIL MEMBERS REPRESENTING DISTRICTS 2, 6, AND 7.

Glenna Williams, Acting City Secretary, asked for approval of bonds for Council members representing Districts 2, 6, and 7.

Councilmember Bonner made a motion to approve the bonds for Council members representing Districts 2, 6, and 7. Councilmember Calhoun seconded the motion, which passed with a vote of 7:0.

EXECUTIVE SESSION

246. PURSUANT TO THE OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE, SECTION 551.074 (PERSONNEL) – DISCUSSION OF CHAIRMAN, OR MAYOR, AND ACTING CHAIRMAN, OR MAYOR PRO-TEM, FOR THE CITY COUNCIL.

Councilmember Morris made a motion to enter into Executive Session. Mayor Brown seconded the motion, which passed with a vote of 7:0. The time was 6:16 p.m.

The Council reconvened from Executive Session, the time was 6:36 p.m.

ELECTION OF CHAIRMAN AND ACTING CHAIRMAN

247. CONSIDER ELECTION OF THE CHAIRMAN, OR MAYOR, FOR THE CITY COUNCIL.

Councilmember Calhoun nominated Councilmember Brown for the position of Chairman, or Mayor, for the City Council. Councilmember Ware seconded the nomination, which passed with a vote of 7:0.

248. CONSIDER ELECTION OF THE ACTING CHAIRMAN, OR MAYOR PRO-TEM, FOR THE CITY COUNCIL.

Councilmember Bonner nominated Councilmember Ware as Acting Chairman, or Mayor Pro-Tem, for the City Council. Councilmember Calhoun seconded the nomination, which passed with a vote of 7:0.

249. **CITIZEN COMMENTS**

There were no citizens comments.

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

Items A & B were withdrawn from the Consent Agenda.

251. **CONSENT AGENDA**

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

C. Consider approval of an agreement with the Weisman Center Cooperative for space in the Weisman building.

D. Consider approval of an agreement with Central Perks, LLC for space in the Weisman building.

E. Consider approval of an agreement with Harrison County for funding of the animal adoption center.

PUBLIC HEARING

252. CONDUCT A PUBLIC HEARING AND CONSIDER AMENDING THE COMMUNITY DEVELOPMENT BLOCK GRANT 5-YEAR CONSOLIDATED PLAN AND THE 2020 PROGRAM YEAR ANNUAL ACTION PLAN TO INCLUDE CDBG-COVID FUNDS AND PROPOSED ACTIVITIES.

Rachel Skowronek, Main Street Manager, presented an amendment to the Community Development Block Grant 5-Year Consolidated Plan and the 2020 Program Year Annual Action Plan to include CDBG-COVID funds and proposed activities. She stated an additional $153,973 was available.

Mayor Brown opened the public hearing.

No one spoke in favor or opposition of the amendment.

Mayor Brown closed the public hearing.

Councilmember Bonner made a motion to approve an amendment to the Community Development Block Grant 5-Year Consolidated Plan and the 2020 Program Year Annual Action Plan to include CDBG-COVID funds and proposed activities. Mayor Brown seconded the motion, which passed with a vote of 7:0.

ORDINANCE

253. CONSIDER APPROVAL OF AN ORDINANCE AMENDING CHAPTER 14, GARBAGE, TRASH, AND WEEDS OF THE CODE OF

ORDINANCES, REVISING THE SCHEDULE OF REFUSE RATES, PROVIDING FOR MONTHLY CHARGES, AND ESTABLISHING AN EFFECTIVE DATE OF JANUARY 1, 2021.

Eric Powell, Public Works Director, asked for approval of a 1% rate increase effective January 1, 2021 as allowed by the Consumer Price Index (CPI) annual adjustment provided for in the Solid Waste Contract with Republic Services.

Council members asked questions and discussed.

Councilmember Calhoun made a motion to approve amending Chapter 14, Garbage, Trash, and Weeds of the Code of Ordinances, revising the schedule of refuse rates, providing for monthly charges, and establishing an effective date of January 1, 2021. Councilmember Morris seconded the motion, which passed with a vote of 7:0.

RESOLUTIONS

254. CONSIDER APPROVAL OF A RESOLUTION SUSPENDING SWEPCO'S PROPOSED EFFECTIVE DATE RELATED TO ITS STATEMENT OF INTENT TO INCREASE RATES, SUBMITTED TO THE CITY OF MARSHALL ON OR ABOUT OCTOBER 13, 2020; ENGAGING SPECIAL COUNSEL TO REPRESENT THE CITY WITH REGARD TO SWEPCO'S STATEMENT OF INTENT; AUTHORIZING INTERVENTION IN PROCEEDINGS RELATED TO SWEPCO'S STATEMENT OF INTENT THROUGH A COALITION OF CITIES KNOWN AS CITIES ADVOCATING REASONABLE DEREGULATION ("CARD"); AND DIRECTING SWEPCO TO REIMBURSE THE CITY'S REASONABLE RATE CASE EXPENSES RELATED TO SWEPCO'S STATEMENT OF INTENT.

Eric Powell asked for approval of a resolution suspending SWEPCO's proposed effective date related to its statement of intent to increase rates submitted to the City of Marshall on or about October 13, 2020.

Councilmember Calhoun made a motion to approve a resolution suspending SWEPCO's proposed effective date related to its statement of intent to increase rates, submitted to the City of Marshall on or about October 13, 2020; engaging special counsel to represent the City with regard to SWEPCO's statement of intent; authorizing intervention in proceedings related to SWEPCO'S statement of intent through a coalition of cities known as Cities Advocating Reasonable Deregulation ("CARD"); and directing SWEPCO to reimburse the City's reasonable rate case expenses related to SWEPCO'S statement of intent. Councilmember Fenton seconded the motion, which passed with a vote of 7:0.

CITY MANAGER REPORTS AND REQUESTS FOR CITY COMMISSION CONSIDERATION

255. PRESENTATION OF THE CITY OF MARSHALL AUDIT REPORT FOR THE 2019 FISCAL YEAR.

Mike Hallum, CPA with Knuckols, Duvall, Hallum, & Co., presented the audit report for the 2019 fiscal year and highlighted significant information.

256. CONSIDER APPROVAL OF SMALL BUSINESS GRANT FUND APPLICATIONS.

Rachel Skowronek asked for approval of the completed applications received between October 15, 2020 and November 4, 2020.

Councilmember Fenton made a motion to approve the application for Mike's Corner Shoe Store for $2,500. Mayor Brown seconded the motion, which passed with a vote of 7:0.

Mayor Brown made a motion to approve the application for Elisha's Food for the Soul for $2,500. Councilmember Bonner seconded the motion, which passed with a vote of 7:0.

Councilmember Calhoun made a motion to approve the application for Vanessa Willie & Associates for $2,448.40. Councilmember Bonner seconded the motion, which passed with a vote of 7:0.

Councilmember Morris made a motion to approve the application for Addictions by Rhonda for $2,500. Councilmember Ware seconded the motion, which passed with a vote of 7:0.

Mayor Brown made a motion to approve the application for Deborah's Boutique for $2,500. Councilmember Calhoun seconded the motion, which passed with a vote of 7:0.

Councilmember Abraham made a motion to approve the application for Mark Neel for $2,500. Councilmember Fenton seconded the motion, which passed with a vote of 7:0.

Mayor Brown made a motion to approve the application for The Blue Frog for $2,500. Councilmember Fenton seconded the motion, which passed with a vote of 7:0.

Councilmember Bonner made a motion to approve the application for Blissmoor Valley Ranch Company Store for $2,500. Mayor Brown seconded the motion, which passed with a vote of 7:0.

Mayor Brown made a motion to approve the application for Miguels Authentic Mexican Food for $2,500. Councilmember Ware seconded the motion, which passed with a vote of 7:0.

Councilmember Ware made a motion to approve the application for Cajun Tex for $2,500. Councilmember Fenton seconded the motion, which passed with a vote of 7:0.

257. REPORT REGARDING NEEDED APPOINTMENTS TO THE VARIOUS CITY BOARDS, COMMISSIONS, AND COMMITTEES.

Mark Rohr, City Manager, provided a report regarding needed appointments to the various City boards, commissions and committees.

A discussion was held regarding the ex-officio member of the Visit Marshall Advisory Board. Councilmember Ware volunteered to sit on this board.

258. REPORT FROM CHIEF OF POLICE ON NATIONAL PRESCRIPTION DRUG TAKE BACK EVENT.

Cliff Carruth, Police Chief, provided a report regarding the Police Department's participation in the biannual National Prescription Drug Take Back event. He reminded the public of the prescription drop box located at the Police Department, available 24 hours a day.

259. CONSIDER APPROVAL OF BOOM-AXE PURCHASE FOR THE PUBLIC WORKS DEPARTMENT.

Eric Powell asked for approval to process payment of a 22' Boom-Axe cutter through the Texas Buy Board cooperative purchasing system, from Alamo Industrial, of Seguin, Texas.

Council members asked questions and discussed.

Councilmember Bonner made a motion to approve processing the payment of a Boom-Axe cutter through the Texas Buy Board cooperative purchasing system. Councilmember Calhoun seconded the motion, which passed with a vote of 7:0.

260. CONSIDER APPROVAL OF FINANCING FOR THE PURCHASE OF SEVEN (7) NEW POLICE DEPARTMENT VEHICLES AND AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE THE FINANCING CONTRACT.

Glenna Williams asked for approval of financing in the amount of approximately $400,000 for the purchase of seven (7) new Police Department vehicles and authorization for the City Manager to execute the financing contract. She recommended a lease/purchase proposal with Vera Bank at an interest rate of 2.00% for five (5) years.

Mayor Brown recused herself from this item due to a conflict of interest.

Councilmember Bonner made a motion to approve financing for the purchase of seven (7) new Police Department vehicles and authorization for the City Manager to execute the financing contract with Vera Bank. Councilmember Morris seconded the motion, which passed with a vote of 6:0.

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

A. Street Sweeping Activity Report.

Councilmember Morris explained his reasoning for pulling this item.

Eric Powell stated reports are kept to track which streets are swept and when.

Councilmember Bonner made a motion to approve Item A of the Consent Agenda. Councilmember Morris seconded the motion, which passed with a vote of 7:0.

B. Municipal Court Activity Report.

Councilmember Calhoun explained her reasoning for pulling this item.

Council members engaged in discussion.

Councilmember Calhoun made a motion to approve Item B of the Consent Agenda. Mayor Brown seconded the motion, which passed with the following vote:

Ayes: 6, Mayor Brown, Council members Calhoun, Fenton, Abraham, Ware and Bonner
Nays: 1, Councilmember Morris

262. **ADJOURNMENT**

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

APPROVED:

**Mayor Pro-Tem of the City Council
of the City of Marshall, Texas**

ATTEST:

Deputy City Secretary

Ordinances: O-20-27
Resolutions: R-20-20
R-20-21
R-20-22
R-20-23
R-20-24