**Council Chambers, City Hall**
401 South Alamo
Marshall, TX 75671
903-935-4421

**Members**
Amy Ware, District 4 - Mayor
Marvin Bonner, District 1
Leo Morris, District 2
Jennifer Truelove, District 3
Reba Godfrey, District 5
Amanda Abraham, District 6
Micah Fenton, District 7

# MINUTES
# Please Silence All Devices
# SPECIAL-CALLED CITY COUNCIL MEETING
**June 26, 2023**
**2:00 PM**

## 1. Call to Order and Roll Call

Mayor Amy Ware called the Special-Called meeting to order in the Council Chambers, City Hall at 02:00 PM.

**PRESENT:**

**Mayor and Council Members:**

**ADMINISTRATIVE STAFF PRESENT:**

Terrell Smith, City Manager
Dawn Jones, Finance Director
Cliff Carruth, Police Chief
Scott Rectenwald, City Attorney
Eric Powell, Public Works Director
Christol Hall, HR/Civil Service Director
Anna Lane, Community Services Director
Randy Pritchard, Support Services Director
Nikki Smith, City Secretary/Payroll Accountant
Garnett Johnson, Community Development Director

## 2. Invocation and Pledges

Mayor Ware

## 3. Presentations & Proclamations

A. Recognition of the Keep Marshall Beautiful June 2023 Beautification Award winners.
Anna Lane, Community Services Director, recognized the June 2023 Beautification Award winners; residential property 1906 W. Grand Ave. owned by Winifred Green, Jr. & the commercial property 5204 E. End Blvd. South, Comfort Suites.

## 4. 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.

There were no citizen comments.

**5. Items to be Withdrawn From Consent Agenda**

Items C and F were withdrawn from the Consent Agenda.

**6. 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 Bonner made a motion to approve the Consent Agenda. Councilmember Fenton seconded the motion, which passed by a vote of 7:0.**

A. Consider approval of the minutes from the May 25, 2023 regular Council meeting.

B. Consider approval of appointments/reappointments to the various boards, commissions and/or committees.

D. Consider approval to purchase a new conveyor for the Grit Machine system at the Wastewater Treatment Plant.

E. Consider approval to award a contract for the East End Lift Station Improvement Project.

**7. Consideration of Items Withdrawn From the Consent Agenda**

C. Consider approval of the Memorial City Hall Concession Agreement.
Councilmembers asked questions and discussed.

**Councilmember Abraham made a motion to approve Item C from the Consent Agenda. Councilmember Truelove seconded the motion, which passed by a vote of 7:0.**

F. Consider approval to award a contract for the Wastewater Treatment Plant Office and Laboratory Building Project.
Councilmembers asked questions and discussed.

**Councilmember Fenton made a motion to approve Item F from the Consent Agenda. Councilmember Bonner seconded the motion, which passed by a vote of 7:0.**

**8. Public Hearing & Ordinance**

A. **__Z-23-07__**: Conduct a public hearing and make a recommendation to the City Council regarding a rezoning request for a 0.806 acre tract of land in the T. Perry Survey, A-571. From R-3(Single Family Detached) to C-3 (General Business). Located at 5701 South Washington Ave. Parcel # R-000008250.

Garnett Johnson, Community Development Director, asked for approval of an ordinance regarding a rezoning request for a 0.806 acre tract of land in the T. Perry Survey A-571 from R-3 (Single Family Detached) to C-3 (General Business) located at 5701 South Washington Ave. Garnett Johnson stated four notices were sent out with no responses received. 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 Morris made a motion to approve a rezoning request for a 0.806 acre tract of land in the T. Perry Survey, A-571 from R-3 (Single Family Detached) to C-3 (General Business), located at 5701 South Washington Ave. Councilmember Bonner seconded the motion, which passed by a vote of 7:0.**

B. **__Z-23-08__-** Conduct a public hearing and make a recommendation to the City Council regarding a rezoning request for a 1.00 acre tract of land. Being Lot 2 Block 1 Summit United Methodist Church Subdivision. From PS (Public Service) to C-3 (General Business). Located at 1909 East End Blvd. North (U.S. Highway 59). Parcel # R010099793.

Garnett Johnson asked for approval of an ordinance regarding a rezoning request for a 1.00 acre tract of land being Lot 2 Block 1 Summit United Methodist Church Subdivision from PS (Public Service) to C-3 (General Business) located at 1909 East End Blvd North. Garnett Johnson stated six notices were sent out with no responses received. 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 Fenton made a motion to approve a rezoning request for a 1.00 acre tract of land being Lot 2, Block 1 Summit United Methodist Church Subdivision, from PS (Public Service) to C-3 (General Business), located at 1909 East End Blvd. North (U.S. Highway 59). Councilmember Truelove seconded the motion, which passed by a vote of 7:0:0.**

C. **__SUP-23-02__** - Conduct a public hearing and make a recommendation to the City Council regarding a Special Use Permit request for apartments. Being a 1.491 acre tract of land being all of Block 15 Original Townsite. Located at 200 South Columbus Street. Parcel

# R000020756.

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This item was withdrawn.

**9. Ordinance**

**10. City Manager Reports and Requests for City Council Consideration**

A. Update regarding the Capital Improvement Program.
This item was withdrawn.

B. Consider approval of a contract with Motorola for a digital radio system.
This item was withdrawn.

**11. Executive Session**

**Councilmember Abraham made a motion to convene the Executive Session. Councilmember Morris seconded the motion, which passed by a vote of 7:0. The time was 2:22 PM.**

**Councilmember Truelove made a motion to reconvene from the Executive Session. Councilmember Fenton seconded the motion, which passed by a vote of 7:0. The time was 3:14 PM.**

A. An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.072. Deliberation regarding real property: Convene in executive session to discuss matters related to the purchase, exchange, lease, sale, or value of real property.

B. An executive session pursuant to Texas Govt. Code Section 551.071. "Consultations with Attorney" to consult with the City Attorney in an executive session to seek his or her advice on legal matters concerning pending or contemplated litigation and upon 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.

C. An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.072. Deliberation regarding real property: Convene in executive session to discuss matters related to the purchase, exchange, lease, sale, or value of real property.

D. An executive session pursuant to Texas Govt. Code Section 551.071. "Consultations with Attorney" to consult with the City Attorney in an executive session to seek his or her advice on legal matters concerning pending or contemplated litigation and upon 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.

## 12. Action Item Following Executive Session

A. Consider action as a result of the executive session discussion regarding real property.
**Councilmember Truelove made a motion to authorize the City Manager, Terrell Smith, to enter into a contract for the potential sale of property as discussed in the executive session. Councilmember Abraham seconded the motion, which passed by a vote of 7:0.**

B. Consider action as a result of the executive session discussion regarding legal matters concerning pending or contemplated litigation.
**Councilmember Truelove made a motion to authorize the City Manager, Terrell Smith, to act pursuant to the Council's discussions during the executive session. Councilmember Abraham seconded the motion, which passed by a vote of 7:0.**

C. Consider action as a result of the executive session discussion regarding legal matters concerning pending or contemplated litigation.
**Councilmember Truelove made a motion to authorize the Mayor, Amy Ware, to approve the settlement agreement reached between the City of Marshall and Alan Richey, Inc. regarding the Marshall Mill Property which the City brought code enforcement claims against. Councilmember Godfrey seconded the motion, which passed by a vote of 7:0.**

## 13. Adjournment

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

APPROVED:

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

ATTEST:

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City Secretary