

MINUTES OF THE REGULAR MEETING OF THE
CITY COMMISSION OF THE CITY OF MARSHALL
THURSDAY, OCTOBER 27, 2011
6:30PM

Chairman Paddie called the Regular meeting to order in the Commission Chambers, City Hall at 6:30pm.

PRESENT:

CHAIRMAN: Chris Paddie, District 6

COMMISSIONERS:

Gloria Moon, District 1	Bill Marshall, District 4
Zephaniah Timmins, District 2	Charlie Oliver, District 5
John Flowers, District 3	Ed Hoffman, District 7

ADMINISTRATIVE STAFF PRESENT:

Frank Johnson, City Manager	Ardis Wright, Assistant City Manager
Todd Fitts, City Attorney	Lisa Agnor, City Secretary/Finance Director
Stan Spence, Police Chief	J. C. Hughes, Public Works Director
Kenneth Snyder, Fire Chief	Jack Redmon, Parks Director

THE CHAIRMAN PRESENTED THE FOLLOWING AGENDA FOR THE PRE-COMMISSION PUBLIC WORK SESSION:

I. ITEMS LISTED ON THE CITY COMMISSION AGENDA & EMERGENCY ITEMS

None.

II. REQUESTS BY THE CITY COMMISSIONERS FOR ITEMS TO BE PLACED ON A FUTURE AGENDA

None.

III. CITY MANAGER REPORTS

City Manager Frank Johnson reviewed the agenda packet with the City Staff and City Commission.

IV. ADJOURNMENT

INVOCATION & PLEDGE: Commissioner Hoffman

396. PRESENTATIONS FROM THE PUBLIC

John Bogue, 605 Buffo Street, spoke in opposition to retirees contributing to health insurance premiums.

397. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

None.

398. CONSENT AGENDA

Commissioner Marshall moved to approve the following under Consent Agenda. Commissioner Oliver seconded the motion, which passed by a 7:0 vote.

- A. Approval of the minutes of the Special-Called meeting October 6, 2011.
- B. Consider approval of the annual interlocal agreement with the Marshall-Harrison County Health District.

399. PROCLAMATION DECLARING NOVEMBER 2011 AS "HOME CARE AND HOSPICE MONTH" IN MARSHALL, TEXAS

Chairman Chris Paddie read the Proclamation declaring November 2011 as "Home Care and Hospice Month" in Marshall, Texas. Chairman Paddie recognized representatives of Marshall Home Care and Hospice.

PUBLIC HEARING

400. PUBLIC HEARING REGARDING WHETHER GOODS IN TRANSIT AS DEFINED IN SECTION 11.25 OF THE TEXAS PROPERTY TAX CODE SHOULD BE SUBJECT TO AD VALOREM TAXATION OR EXEMPTED FROM AD VALOREM TAXATION

City Manager Frank Johnson said this item was first considered in 2007, but a recent amendment to State law requires all local taxing jurisdictions to adopt a resolution to state whether they intend to continue imposing property tax on Goods in Transit or if Goods in Transit will be exempt from local property tax.

Chairman Paddie opened the Public Hearing and asked for anyone wishing to speak in favor of this item to come forward.

No one came forward to speak in favor of this item.

Chairman Paddie asked for anyone wishing to speak against this item to come forward.

No one came forward to speak against this item.

Chairman Paddie closed the Public Hearing.

401. RESOLUTION R-11-24: VACATE A PORTION OF AVENUE J FROM RANDOLPH ST. TO MARIANNE ST., IN THE GREGG ADDITION (LOCATION: AVENUE J, APPLICANT: JOE STEPHENS)

Frank Johnson asked for approval to vacate a portion of Avenue J from Randolph St. to Marianne St., in the Gregg Addition with the following conditions:

- The City of Marshall will retain a 15 foot easement at 7 ½ feet on each side of a 3 inch water main as constructed
- No construction will be allowed over the top of water line
- Access or entry to the easement cannot be blocked nor fenced in, as the City will require 24 hours seven day a week

He said other public utilities did not require any type of easement on the property.

Commissioner Timmins moved to vacate a portion of Avenue J from Randolph St. to Marianne St., in the Gregg Addition with conditions as presented by the City Manager. Commissioner Hoffman seconded the motion, which passed by a 7:0 vote.

402. RESOLUTION R-11-23: CAST THE CITY OF MARSHALL'S VOTES FOR ELECTION OF THE HARRISON CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS

Frank Johnson said this is a Resolution to cast the City of Marshall's votes for the election of the Harrison County Central Appraisal District Board of Directors.

Commissioner Hoffman moved to approve a Resolution to cast the City of Marshall's 249 votes for election of the Harrison Central Appraisal District Board of Directors for Robert Duvall. Commissioner Oliver seconded the motion, which passed by a 7:0 vote.

403. ORDINANCE O-11-14: AMENDING CHAPTER 31 OF THE CITY CODE OF ORDINANCES, REVISING THE SCHEDULE OF WATER AND SEWER RATES, PROVIDING FOR MONTHLY CHARGES, AND PROVIDING AN EFFECTIVE DATE FOR THE RATE ADJUSTMENT

Public Works Director J. C. Hughes said he had no additional information for the second reading of this Ordinance.

Commissioner Moon moved to approve an Ordinance amending Chapter 31 of the City Code of Ordinances, revising the schedule of water and sewer rates, providing for monthly charges, and providing an effective date for the rate adjustment. Commissioner Timmins seconded the motion, which passed by the following vote:

**In Favor: 6
Opposed: 1, Commissioner Flowers**

404. ORDINANCE O-11-15: AMENDING CHAPTER 2B, AMBULANCE, FIRE, AND RESCUE SERVICES, TO ADD A SECTION REGARDING FIRE SERVICES REIMBURSEMENT FEES FOR NEGLIGENT OR INTENTIONAL ACTS

Fire Chief Kenneth Snyder said he had no additional information for the second reading of this Ordinance.

Commissioner Timmins moved to approve an Ordinance amending Chapter 2B, Ambulance, Fire, and Rescue Services, to add a section regarding fire services reimbursement fees for negligent or intentional acts. Commissioner Oliver seconded the motion, which passed by a 7:0 vote.

405. APPROVAL OF A PERMIT FOR AN OIL OR GAS WELL KNOWN AS DICKARD GAS UNIT WELL NO. 3-H FOR FOREST OIL CORPORATION

Frank Johnson asked for approval of a permit for an oil or gas well known as Dickard Gas Unit Well No. 3-H for Forest Oil Corporation.

Commissioner Hoffman moved to approve a permit for an oil or gas well known as Dickard Gas Unit Well No. 3-H for Forest Oil Corporation. Commissioner Timmins seconded the motion, which passed by a 7:0 vote.

406. REJECTING BID PROPOSALS TO SUPPLY THE CITY OF MARSHALL WITH POLYPHOSPHATE CORROSION INHIBITOR

Assistant City Manager Ardis Wright asked for approval to reject current bid proposals to supply the City with Polyphosphate Corrosion Inhibitor. Mr. Wright said that the current bid worksheet needs revisions to determine a more accurate annual cost and when the revisions are complete, we will rebid.

Commissioner Oliver moved to approve rejecting bid proposals to supply the City of Marshall with Polyphosphate Corrosion Inhibitor. Commissioner Hoffman seconded the motion, which passed by a 7:0 vote.

407. DISCUSSION OF CONDITIONS FOR APPROVAL BY THE CITY COMMISSION OF EXPENDITURES BY THE MARSHALL ECONOMIC DEVELOPMENT CORPORATION

Commissioner Flowers asked questions regarding Marshall Economic Development Corporation's responsibility in obtaining approval for projects outside the city limits of Marshall and MEDCO's records availability under the Open Records Act. City Attorney Todd Fitts discussed the procedure MEDCO is required to follow regarding projects outside the city limits. Mr. Fitts said that MEDCO is subject to requirements under the Open Meetings Act and the Open Records Act.

408. QUARTERLY REPORT BY THE CONVENTION AND VISITOR BUREAU

Ed Michel, CVB Executive Director, presented the Third Quarter 2011 CVB Report.

409. REPORT BY THE CONVENTION AND VISITOR BUREAU ON THE LEVEL OF INTEREST IN THE USE OF A RENOVATED MEMORIAL CITY HALL

Steve Carlile, CVB Chairman, stated that the CVB is supportive of the restoration of the Memorial City Hall. He said the Destination Development Plan cites the need for a downtown performance venue and thinks renovating Memorial City Hall will benefit tourism.

410. REPORT ON THE FIREANT FESTIVAL BY THE MARSHALL CHAMBER OF COMMERCE

Connie Ware, President and CEO of the Marshall Chamber of Commerce, presented a report on the 29th Annual Fireant Festival.

Commissioner Marshall commended the Chamber on their success. Commissioner Paddie stated he had received many positive comments on the festival and congratulated the Chamber staff.

411. STATUS REPORT ON AND DISCUSSION OF WORK ON MEMORIAL CITY HALL

Item moved to after Executive Section. Item withdrawn after Executive Section

412. DISCUSSION OF THE ROLE THE CITY OF MARSHALL PLAYS IN NEIGHBORHOOD WATCH PROGRAMS

Commissioner Oliver asked how neighborhoods could coordinate with the Police Department on Neighborhood Watch Programs.

Police Chief Stan Spence explained how the Police Department will work with neighborhood residents to help set up neighborhood watch programs.

413. DISCUSSION OF THE STATUS OF OUTSTANDING WARRANTS IN MUNICIPAL COURT

Michael Westring, Court Administrator, presented a report on outstanding warrants with the City.

414. REPORT ON STATUS OF OAK LAWN MUNICIPAL GOLF COURSE

Commissioner Hoffman commented on the decrease in golf fees. Park Director Jack Redmon stated that the extreme heat played a factor in the decline in golf fees at the Golf Course this summer.

415. PRESENTATIONS BY COMMISSIONERS WHO WISH TO REPORT ON THE RECENT TEXAS MUNICIPAL LEAGUE CONFERENCE

Commissioner Hoffman gave a report on the recent Texas Municipal League Conference attended by Commissioners. Commissioner Marshall also reported on the conference.

416. REPORT ON UPCOMING APPOINTMENTS TO CITY BOARDS AND COMMISSIONS

Frank Johnson reported on the process of Board appointments and announced openings on various Boards and Commissions.

417. CODE ENFORCEMENT REPORT

Bo Ellis, Main Street Manager, presented the Code Enforcement Report to the Commission.

418. MONTHLY FINANCIAL REPORT

Finance Director Lisa Agnor answered questions regarding the Monthly Financial Report.

419. CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

None.

420. REQUESTS FROM COMMISSIONERS FOR ITEMS TO BE PLACED ON FUTURE AGENDAS

- A. Report on by-laws of various Boards and attendance of members on the Boards.
- B. Report on any action that would be required by the Commission to meet in Executive Session to discuss confidential information.
- C. Report on agreement with Harrison County Juvenile Services for litter pick-up.
- D. Report on monthly hotel/motel tax collections.
- E. Report on degree of breakdown available for sales tax collections.

421. EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE – CONSULTATION WITH ATTORNEY 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

Commissioner Hoffman moved to adjourn into Executive Session, Commissioner Timmins seconded the motion, which passed by the following vote: (The time was 8:50pm)

In Favor: 5, Commissioners Hoffman and Marshall left chamber before vote completed

Commissioner Timmins moved to reconvene from Executive Session. Commissioner Marshall seconded the motion, which passed by a 7:0 vote. (The time was 9:05pm)

422. AUTHORIZE THE CITY ATTORNEY AND THE CITY MANAGER TO REACH A MUTUAL AGREEMENT WITH HOWARD PERFORMANCE ARCHITECTURE TO CONCLUDE THE CONTRACT FOR DESIGN SERVICES FOR MEMORIAL CITY HALL

Commissioner Timmins moved to authorize the City Attorney and the City Manager to reach a mutual agreement with Howard Performance Architecture to conclude the contract for design services for Memorial City Hall. After discussion among the Commission about the motion, Commissioner Timmins withdrew the motion.

Commissioner Marshall moved to approve the City Manager to negotiate the termination of a contract with Howard Performance Architecture for design services for Memorial City Hall and present the termination agreement to the Commission for approval. Commissioner Timmins seconded the motion, which passed by a 7:0 vote.

423. ADJOURNMENT

Commissioner Marshall moved for adjournment. Commissioner Flowers seconded the motion, which passed by a 7:0 vote.

APPROVED:



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

ATTEST:



City Secretary

Ordinances: O-11-14, O-11-15
Resolutions: R-11-24, R-11-23