

MINUTES OF THE SPECIAL-CALLED MEETING OF THE  
CITY COMMISSION OF THE CITY OF MARSHALL  
THURSDAY, OCTOBER 6, 2011  
6:30PM

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

PRESENT:

ACTING CHAIRMAN: Zephaniah Timmins, District 2

COMMISSIONERS:

Gloria Moon, District 1  
John Flowers, District 3  
Bill Marshall, District 4

Charlie Oliver, District 5  
Ed Hoffman, District 7

ABSENT: Commissioner Chris Paddie, District 6

ADMINISTRATIVE STAFF PRESENT:

Frank Johnson, City Manager  
Todd Fitts, City Attorney  
Stan Spence, Police Chief  
Anna Lane, Library Director

Ardis Wright, Assistant City Manager  
Lisa Agnor, City Secretary/Finance Director  
J. C. Hughes, Public Works Director  
Jack Redmon, Parks Director  
Reggie Cooper, Assistant Fire Chief

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 Marshall

376. PRESENTATIONS FROM THE PUBLIC

There were no presentations from the public.

377. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

None.

378. CONSENT AGENDA

**Commissioner Oliver moved to approve the following under Consent Agenda. Commissioner Moon seconded the motion, which passed by a 6:0 vote.**

- A. Consider approval of the minutes of the Regular meeting of September 22, 2011, and Special-Called meeting of September 23, 2011.

379. PRESENTATION BY COMMISSIONER TIMMINS OF PLAQUE TO CITY COMMISSION FROM JEWEL ROSS-FERGUSON REGARDING SOLAR LIGHTING PROJECT IN CITY PARK

Commissioner Timmins presented a plaque to the citizens of Marshall and the City Commission from Jewel Ross-Ferguson regarding a solar lighting project in City Park. Commissioner Timmins expressed his gratitude to Miss Ross-Ferguson and to Commissioner Marshall for his contribution to the project.

ORDINANCES

380. 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 asked for approval of 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 of December 1, 2011, for the rate adjustment. Mr. Hughes said the increase is 3.4% for water and sewer rates.

**Commissioner Hoffman 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 Marshall seconded the motion, which passed by the following vote:**

**In favor: 5**

**Opposed: 1, Commissioner Flowers**

381. 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

Assistant Fire Chief Reggie Cooper asked for approval of an Ordinance amending Chapter 2B, Ambulance, Fire, and Rescue Services, to add a section regarding fire services reimbursement fees for negligent or intentional acts. Assistant Chief Cooper said that this would allow the Fire Department to bill for certain fires due to negligent or intentional acts.

**Commissioner Oliver 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 Flowers seconded the motion, which passed by a 6:0 vote.**

382. REJECTING BID PROPOSALS TO SUPPLY THE CITY OF MARSHALL WITH 'WATER SYSTEM SUPPLIES'

Assistant City Manager Ardis Wright stated that the City had two responses for bid proposals to supply the City with water system supplies and only one of the proposals was complete. Mr. Wright asked the Commission to reject both proposals, allowing the City to rebid.

**Commissioner Marshall moved to approve rejecting bid proposals to supply the City of Marshall with 'water system supplies'. Commissioner Oliver seconded the motion, which passed by a 6:0 vote.**

383. CONSIDER AND DISCUSS A REPORT ON FEASIBILITY OF AN AUTOMATED WATER METER READING SYSTEM

J. C. Hughes presented a report on feasibility of an automated water meter reading system.

384. REPORT ON AND DISCUSSION OF FUNDS REMAINING FROM CONSTRUCTION OF THE NEW POLICE STATION AND THE NEW CENTRAL FIRE STATION, INCLUDING BOND FUNDS AND GENERAL FUND RESERVES SET ASIDE FOR THIS PROJECT

Commissioner Flowers said that he would like to know how much bond money remains from the police and fire construction and what will the remaining money to be used for.

Frank Johnson said that there is approximately \$200,000 that remains in the fund used for construction of the police and fire stations. He said that the amount remaining is approximately equal to the amount of outstanding obligations on these two projects.

385. REPORT ON AND DISCUSSION OF BOND FUNDS REMAINING FROM CONSTRUCTION OF THE PARKS IMPROVEMENT BOND PROJECTS AND PLANS FOR THE USE OF REMAINING FUNDS

Commissioner Flowers said that he would like to know how much bond money remains from the parks improvement projects and what will the remaining money be used for.

Frank Johnson said that there is approximately \$233,000 remaining in the Park Improvements Bond Fund that will be used to construct two ball fields at the City Arena property.

386. DISCUSSION OF PRACTICES AND PROCEDURES REGARDING BROADCASTING AND RE-BROADCASTING CITY COMMISSION MEETINGS

Commissioner Flowers voiced concerns expressed to him regarding the broadcasting and rebroadcasting of City Commission Meetings.

IT Director Jack Redmon reported on the broadcasting and re-broadcasting of the City Commission Meetings.

387. DISCUSSION OF POSSIBLE JOINT MEETING WITH THE MARSHALL ECONOMIC DEVELOPMENT CORPORATION TO DISCUSS INFORMATION PROVIDED ABOUT EXPENDITURES FOR WHICH CITY COMMISSION APPROVAL IS REQUIRED AND THE TIMING FOR PROVIDING THIS INFORMATION

Commissioner Flowers expressed his concerns regarding lack of time and information provided by MEDCO to Commissioners when asking Commission to approve certain expenditures with little time for deliberation. He also asked if City Commissioners could sign confidentiality agreements and be provided information in order to make more informed decisions.

City Attorney Todd Fitts said he did not think anything prohibits the City Commission from meeting in Executive Session to discuss economic development matters with the MEDCO. He said if a confidentiality agreement is needed for the third party, he does not see any prohibition from the Commission signing such agreement.

Commissioner Marshall, speaking as a representative of MEDCO, said there is no reason the City Commission cannot meet in Executive Session and hear the same information that MEDCO hears because the Commission is bound by the same degree of confidentiality as MEDCO when in Executive Session. He stated that in the future, MEDCO will provide the City Attorney the same economic agreement that the MEDCO attorney is provided when negotiating with a potential new company. He said MEDCO will do a better job making sure Commissioners are informed prior to bringing a request before the Commission.

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

This item was postponed until after executive session; then further postponed to a future agenda after the Executive Session.

389. REPORT ON COST OF PAPERLESS PACKETS

Commissioner Moon asked Frank Johnson to report on the cost of paperless packets. Frank Johnson said that start up cost would be \$8,400 for tablet style computers and internet connections. He stated that ongoing annual expense would be approximately \$5,600. Currently, the cost to provide paper packets is \$1,400 to \$1,500 annually.

There was general discussion among the Commission regarding a paperless packet.

390. REPORT ON THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND THE STATUS OF HOUSING PROGRAMS RELATED TO THIS GRANT

Acting Chairman Timmins said he requested this item to be on the agenda and asked Frank Johnson to report. Frank Johnson said the City is currently working on the 2010/2011 program year grant and the 2011/2012 program year grant.

He said that the 2010/2011 grant is for \$420,000. Funds have been released for activities that do not involve construction. He said the City is also currently working on all aspects of having the funds released for the 2011/2012 grant for \$380,000.

391. CONSIDER ENTERING INTO DISCUSSIONS WITH THE MARSHALL ECONOMIC DEVELOPMENT CORPORATION (MEDCO) REGARDING AMENDING THE CURRENT CONTRACT WITH MEDCO FOR OPERATION AND MANAGEMENT OF THE BUSINESS DEVELOPMENT CENTER AND THE CENTER FOR APPLIED TECHNOLOGY TO PLACE ALL FINANCIAL RESPONSIBILITIES FOR THE CENTER FOR APPLIED TECHNOLOGY AND THE BUSINESS DEVELOPMENT CENTER WITH MEDCO

Acting Chairman Timmins said he requested this item be place on the Agenda. He stated that since the Center for Applied Technology and the Business Development Center are City owned, he feels we are in direct competition with local realtors which reflects negatively on the City. He said he would like to turn complete control of the buildings over to MEDCO and they could maintain the buildings with money they receive from rent.

The Commission engaged in general discussion about the operation and financial responsibilities of the Business Development Center and Center for Applied Technology by MEDCO and the City of Marshall.

392. CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

None.

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

- A. Discussion of the role the City of Marshall plays in Neighborhood Watch Programs.
- B. Discussion on the status of outstanding warrants in Municipal Court.
- C. Discussion of condition for approval by the City Commission of expenditures over \$50,000 by MEDCO

394. 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 Oliver seconded the motion, which passed by a 6:0 vote. (The time was 8:07pm)**

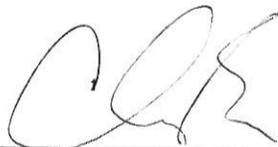
**Commissioner Moon left the meeting at 9:00pm, during Executive Session.**

**Commissioner Hoffman moved to reconvene from Executive Session. Commissioner Oliver seconded the motion, which passed by a 5:0 vote. (The time was 9:10pm)**

395. ADJOURNMENT

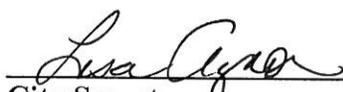
**Commissioner Marshall moved for adjournment. Commissioner Oliver seconded the motion, which passed by a 5:0 vote.**

**APPROVED:**



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

**ATTEST:**

  
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City Secretary