MINUTES OF THE SPECIAL-CALLED MEETING OF THE
CITY COMMISSION OF THE CITY OF MARSHALL
MONDAY, DECEMBER 19, 2011
5:30PM

Chairman Paddie called the Special-Called meeting to order in the Commission Chambers, City Hall at 5:30pm.

PRESENT:

CHAIRMAN: Chris Paddie, District 6

COMMISSIONERS:

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

ABSENT: Gloria Moon, District 1

ADMINISTRATIVE STAFF PRESENT:

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

INVOCATION & PLEDGE: Commissioner Flowers

467. PRESENTATIONS FROM THE PUBLIC

There were no presentations from the public.

468. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

None.

469. CONSENT AGENDA

Commissioner Hoffman moved to approve the following under Consent Agenda. Commissioner Timmins seconded the motion, which passed by a 5:0 vote.

A. Ordinance O-11-16: Rezone Lots 9-15, of Block 60 of the Gregg Addition, being 1.047 acres of land, from R-3 Single Family Detached to R-6 Duplex, Triplex, Quadraplex (Joe Stephens – 2900-2912 Park Drive)

ORDINANCES

470. ORDINANCE O-11-17: AMENDING THE 2011 BUDGET TO TRANSFER FUNDS FROM GENERAL FUND RESERVES TO THE GENERAL FUND OPERATING BUDGET AND TRANSFER FUNDS FROM WATER AND SEWER ENTERPRISE FUND RESERVES TO THE WATER AND SEWER ENTERPRISE FUND OPERATING BUDGET TO PROVIDE FOR VARIOUS EXPENDITURES APPROVED PREVIOUSLY

City Manager Frank Johnson presented the Ordinance amending the 2011 Budget to transfer funds from General Fund Reserves to the General Fund Operating Budget and transfer funds from Water and Sewer Enterprise Fund Reserves to the Water and Sewer Enterprise Fund Operating Budget to provide for various expenditures approved previously and asked for approval.

Commissioner Timmins moved to approve the Ordinance amending the 2011 Budget to transfer funds from General Fund Reserves to the General Fund Operating Budget and transfer funds from Water and Sewer

Enterprise Fund Reserves to the Water and Sewer Enterprise Fund Operating Budget to provide for various expenditures approved previously. Commissioner Marshall seconded the motion, which passed by a 5:0 vote.

471. ORDINANCE O-11-18: AMENDING THE 2011 BUDGET TO PROVIDE FOR YEAR-END ADJUSTMENTS IN SELECTED DEPARTMENTS

Frank Johnson presented the Ordinance amending the 2011 Budget to provide for year-end adjustments in selected departments and asked for approval.

Commissioner Marshall moved to approve the Ordinance amending the 2011 Budget to provide for year-end adjustments in selected departments. Commissioner Timmins seconded the motion, which passed by a 5:0 vote.

472. RESOLUTION R-11-27: AUTHORIZING THE CITY OF MARSHALL TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION REGARDING PARTICIPATION IN THE CRASH REPORTING AND ANALYSIS FOR SAFER HIGHWAYS (CRASH) ON-LINE REPORTING SYSTEM.

Commissioner Oliver joined the Commission at this point in the meeting.

Police Chief Stan Spence asked for approval of a Resolution authorizing the City of Marshall to enter into an interlocal agreement with the Texas Department of Transportation regarding participation in the Crash Reporting and Analysis for Safer Highways (CRASH) on-line reporting system.

Commissioner Hoffman moved to approve a Resolution authorizing the City of Marshall to enter into an interlocal agreement with the Texas Department of Transportation regarding participation in the Crash Reporting and Analysis for Safer Highways (CRASH) on-line reporting system. Commissioner Marshall seconded the motion, which passed by a 6:0 vote.

473. APPROVAL OF AN AGREEMENT WITH THE CONVENTION AND VISITOR BUREAU FOR EXPENDITURE OF HOTEL OCCUPANCY TAX FUNDS

Frank Johnson asked for approval of an agreement, in the amount of $409,405.00, with the Convention and Visitor Bureau for expenditure of Hotel Occupancy Tax funds.

Commissioner Timmins moved to approve an agreement with the Convention and Visitor Bureau for expenditure of Hotel Occupancy Tax funds. Commissioner Oliver seconded the motion, which passed by a 6:0 vote.

474. APPROVAL OF AN AMENDMENT TO THE BYLAWS OF THE CONVENTION AND VISITOR BUREAU

Frank Johnson said CVB is proposing a change to the bylaws to require the Board composition as follows: one (1) downtown property owner; one (1) downtown retailer; two (2) hotel representatives; one (1) brand representative; and two (2) undesignated representatives.

Commissioner Marshall moved to approve an amendment to the bylaws of the Convention and Visitor Bureau. Commissioner Timmins seconded the motion, which passed by a 6:0 vote.

475. APPROVAL OF APPOINTMENTS TO THE BOARD OF THE MARSHALL ECONOMIC DEVELOPMENT CORPORATION

Frank Johnson said that MEDCO presented recommendations to the Commission at the last Regular meeting and is asking for consideration of the appointments of Kathy Wood and Anthony Coleman to the MEDCO Board.

Commissioner Timmins moved to approve the appointments of Kathy Wood and Anthony Coleman to the Board of the Marshall Economic Development Corporation. Commissioner Hoffman seconded the motion, which passed by a 6:0 vote.

476. APPROVAL OF AMENDMENTS TO THE BYLAWS FOR THE MARSHALL ECONOMIC DEVELOPMENT CORPORATION

Frank Johnson presented the MEDCO recommendations for amendments to the bylaws for the Marshall Economic Development Corporation as follows:

4.01 The Board shall consist of five (5) Directors, each of whom shall be appointed by the Commission and each of whom must be a full time resident of Harrison County, Texas, and if employed or self employed be employed in, by, or own, manage or operate a business or venture located in Harrison County Texas. No elected official of any political subdivision of the state of Texas may be appointed to or serve on the Board.

4.05 The City Manager, the Mayor and the Mayor Pro Tem or their designated representatives shall serve as ex-officio members of the Board and may participate in all discussions and deliberations of the Board. Ex-officio members shall not hold voting rights on the Board.

Commissioner Hoffman moved to approve amendments to the bylaws for the Marshall Development Corporation. Commissioner Flowers seconded the motion, which passed by a 6:0 vote.

477. APPROVAL OF AN AGREEMENT WITH HOWELL INTERESTS, INC. RELATED TO REPAIRS TO STORM WATER DRAINAGE AND SANITARY SEWER ON AND ADJACENT TO THE PROPERTY AT 305 EAST PINECREST CURRENTLY OCCUPIED BY HARRISON COUNTY LAND RECORDS

Public Works Director J. C. Hughes asked for approval of an agreement with Howell Interests, Inc. related to repairs to storm water drainage and sanitary sewer on and adjacent to the property at 305 East Pinecrest currently occupied by Harrison County Land Records.

Commissioner Timmins moved to approve an agreement with Howell Interests, Inc. related to repairs to storm water drainage and sanitary sewer on and adjacent to the property at 305 East Pinecrest currently occupied by Harrison County Land Records. Commissioner Flowers seconded the motion, which passed by a 6:0 vote.

478. ACCEPTANCE OF A STORM WATER DRAINAGE EASEMENT ON PROPERTY LOCATED AT 305 EAST PINECREST

J. C. Hughes said this is a companion item to the previous agreement and requested approval.

Commissioner Hoffman moved for the acceptance of a storm water drainage easement on property located at 305 East Pinecrest. Commissioner Timmins seconded the motion, which passed by 6:0 vote.

479. ACCEPTANCE OF A SANITARY SEWER EASEMENT ON PROPERTY LOCATED AT 305 EAST PINECREST

J. C. Hughes said that this is also a companion item to the agreement with Howell Interests, Inc. and asked for approval.

Commissioner Marshall moved for acceptance of a sanitary sewer easement on property located at 305 East Pinecrest. Commissioner Oliver seconded the motion, which passed by a 6:0 vote.

480. APPROVAL OF A TAX ABATEMENT AGREEMENT FOR 209 EAST AUSTIN AS PART OF THE EMPOWERMENT ZONE PROGRAM

Main Street Manager Bo Ellis asked for approval of a tax abatement agreement for 209 East Austin as part of the Empowerment Zone Program.

Commissioner Timmins moved to approve a tax abatement agreement for 209 East Austin as part of the Empowerment Zone Program. Commissioner Oliver seconded the motion, which passed by a 6:0 vote.

481. APPROVAL OF A TAX ABATEMENT AGREEMENT FOR 800 ELM STREET AS PART OF THE EMPOWERMENT ZONE PROGRAM

Main Street Manager Bo Ellis asked for approval of a tax abatement agreement for 800 Elm Street as part of the Empowerment Zone program. Frank Johnson said that Commissioner Oliver will abstain from the vote in that he has direct interest in the property.

Commissioner Marshall moved to approve a tax abatement agreement for 800 Elm Street as part of the Empowerment Zone Program. Commissioner Timmins seconded the motion, which passed by the following vote:

In Favor: 5
Opposed: 0
Abstain: 1, Commissioner Oliver

482. APPROVAL TO AWARD A CONTRACT FOR PICK UP AND REMOVAL OF LITTER, ON A TWICE PER MONTH BASIS, FROM SPECIFIED HIGHWAYS OR STREET RIGHTS-OF-WAY WITHIN THE CORPORATE LIMITS OF THE CITY OF MARSHALL

Assistant City Manager Ardis Wright asked to award a contract to Ben's Lawn Care of Marshall, Texas, in the amount of $45,000 annually, for pick up and removal of litter, on a twice per month basis, from specified highways or street rights-of-way within the corporate limits of the City of Marshall.

Commissioner Timmins moved to award a contract for pick up and removal of litter, on a twice per month basis, from specified highways or street rights-of-way within the corporate limits of the City of Marshall. Commissioner Oliver seconded the motion, which passed by a 6:0 vote.

483. AUTHORIZING CITY STAFF TO PROCEED WITH THE ADVERTISING FOR THE SALE OF THE OAKLAWN MUNICIPAL GOLF COURSE

Parks Director Jack Redmon asked to withdraw this item and place on a future agenda.

484. RECOMMENDATION BY CITY MANAGER REGARDING APPOINTMENTS TO VARIOUS CITY BOARDS AND COMMISSIONS

Mr. Johnson said that this is the second step of the process for the appointments to boards and commissions, and is not an action item at this time. Frank Johnson presented his recommendations for appointments to each board and stated that the Commission will consider appointments at the first meeting in January.

Commissioner Hoffman said he would like to see Will Putman considered for the Main Street Board.

485. APPROVAL OF THE TOTAL EXPENDITURE FOR TRAVEL BY CITY COMMISSIONERS IN 2011

Frank Johnson said the Commission Travel Policy calls for the Commission to approve expenditures exceeding the Commission Travel Budget This item has been placed on the agenda to allow the Commission to approve an additional $1,850.00 by which the travel budget was exceeded.

Commissioner Marshall moved to approve an additional $1,850 for City Commission travel. Commissioner Timmins seconded the motion, which passed by a 6:0 vote.

486. CODE ENFORCEMENT REPORT

Bo Ellis presented the Code Enforcement Report.

487. CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

None.

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

A. Commission Travel regarding driving extended distances.

489. EXECUTIVE SESSION PURSUANT TO SECTION 551.071 OF THE TEXAS GOVERNMENT CODE (PRIVATE CONSULTATIONS WITH THE ATTORNEY WITH RESPECT TO PENDING OR CONTEMPLATED LITIGATION OR A SETTLEMENT OFFER) - DISCUSSION OF PROPOSED TERMINATION AGREEMENT WITH HOWARD PERFORMANCE ARCHITECTURE REGARDING DESIGN SERVICES FOR THE RENOVATION OF MEMORIAL CITY HALL

Commissioner Hoffman moved to go into Executive Session. Commissioner Timmins seconded the motion, which passed by a 6:0 vote. The time was 6:45pm.

Commissioner Timmins called to reconvene from Executive Session. Commissioner Oliver seconded the motion, which passed by a 6:0 vote. The time was 7:15pm.

490. APPROVAL OF A TERMINATION AGREEMENT WITH HOWARD PERFORMANCE ARCHITECTURE REGARDING DESIGN SERVICES FOR THE RENOVATION OF MEMORIAL CITY HALL

Commission Oliver moved to approve a termination agreement with Howard

Performance Architecture regarding design services for the renovation of Memorial City Hall as discussed in Executive Session. Commission Timmins seconded the motion, which passed by a 6:0 vote.

491. ADJOURNMENT

Commissioner Marshall moved for adjournment. Commissioner Timmins seconded the motion, which passed by a 6:0 vote.

APPROVED:

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

ATTEST:

City Secretary

Ordinances: O-11-17, O-11-18
Resolution: R-11-27