

MINUTES OF THE REGULAR MEETING OF THE
CITY COMMISSION OF THE CITY OF MARSHALL
THURSDAY, FEBRUARY 9, 2012
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

Charlie Oliver, District 5

John Flowers, District 3

Ed Hoffman, District 7

ABSENT: Commissioner Zephaniah Timmins, District 2,
Commissioner Bill Marshall, District 4

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 J. Snyder, Fire Chief

Jack Redmon, Parks Director

Anna Lane, Library 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

A. Report on status of U. S. Army Reserve Center 1209 E. Pinecrest.

III. CITY MANAGER REPORTS

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

IV. ADJOURNMENT

INVOCATION & PLEDGE: Chairman Paddie

46. PRESENTATIONS FROM THE PUBLIC

Janet Cook, 455 Acie Rhodes Road, Executive Director of the Harrison County Historical Museum, asked the Commission to table the resolution establishing a policy of the City Commission for tracking room nights by recipients of Hotel Occupancy Tax Funds that are the result of the programs or events offered by that organization.

47. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

None.

48. CONSENT AGENDA

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

- A. Approval of the minutes from the January 19, 2012 Town Hall meeting and the January 26, 2012 Regular meeting.
- B. Consider approval of a contract with the Harrison County Elections Administrator for the May 12, 2012 City General Election.
- C. Acknowledgement of receipt of 2011 Racial Profiling Report for the Marshall Police Department from the Police Chief.

ORDINANCE

49. ORDINANCE O-12-01: APPROVAL OF AN ORDINANCE AMENDING CHAPTER 13A OF THE CITY OF MARSHALL CODE OF ORDINANCES REGARDING REGULATION OF VARIOUS TYPES OF FOOD ESTABLISHMENTS AND DELETING SECTION 13A-26 REGARDING FOOD HANDLER TRAINING THAT IS PRE-EMPTED BY STATE LAWS AND REGULATIONS

Parks/Inspections Director Jack Redmon stated that he had no additional information for the second reading of this Ordinance and requested approval.

Commissioner Oliver moved to approve an Ordinance amending Chapter 13A of the City of Marshall Code of Ordinances regarding regulation of various types of food establishments and deleting Section 13A-26 regarding food handler training that is pre-empted by state laws and regulations. Commissioner Flowers seconded the motion, which passed by a 5:0 vote.

PUBLIC HEARING

50. A REQUEST TO REZONE LOTS 10-11, OF BLOCK 2 OF THE MATTHEWSON PARK ADDITION, FROM R-3 SINGLE FAMILY DETACHED TO R-6 DUPLEX, TRIPLEX, QUADRAPLEX. (VIRGILIO VALLE, 2406 GEORGE GREGG STREET)

This item was withdrawn.

51. CONSIDER APPROVAL OF A RESOLUTION ESTABLISHING A POLICY OF THE CITY COMMISSION FOR TRACKING ROOM NIGHTS BY RECIPIENTS OF HOTEL OCCUPANCY TAX FUNDS THAT ARE THE RESULT OF THE PROGRAMS OR EVENTS OFFERED BY THAT ORGANIZATION

City Manager Frank Johnson said approval of this resolution would result in a shift from a unified approach that involved all organizations that receive Hotel Occupancy Tax Funds, along with other organizations involved in tourism, to a process requiring each organization to track their own room nights created by events or programs that are offered by that organization.

Commissioner Moon moved to table approval of a resolution establishing a policy of the City Commission for tracking room nights by recipients of Hotel Occupancy Tax Funds that are the result of the programs or events offered by that organization. Commissioner Hoffman seconded the motion, which passed by a 5:0 vote.

52. RESOLUTION R-12-06: ORDERING A GENERAL ELECTION FOR CITY COMMISSIONER DISTRICTS 5, 6, AND 7

Frank Johnson asked for approval of a Resolution ordering a General Election for City Commissioner Districts 5, 6, and 7.

Commissioner Hoffman moved to approve a Resolution ordering a General Election for City Commissioner Districts 5, 6, and 7. Commissioner Moon seconded the motion, which passed by a 5:0 vote.

53. RESOLUTION R-12-07: CALLING A SPECIAL ELECTION FOR CHARTER AMENDMENTS

Frank Johnson asked for approval of a Resolution calling a Special Election for two (2) Charter amendments. The first amendment would remove all references to the School Board from the Charter. The second amendment would change the Charter to reflect the 1985 court order that the City elect seven Commissioners from single member districts.

Commissioner Oliver moved to approve a Resolution calling a Special Election for Charter amendments. Commissioner Hoffman seconded the motion, which passed by a 5:0 vote.

54. CONSIDER A PROJECT UPDATE PRESENTATION BY THE EAST TEXAS COUNCIL OF GOVERNMENTS REGARDING BIDDING AND INSTALLATION OF COVERED BUS STOPS AS PART OF THE LOCAL MASS TRANSIT SYSTEM

John Hedrick, Director of Transportation with East Texas Council of Governments, presented a project update regarding bidding and installation of covered bus stops as part of the local mass transit system.

55. CONSIDER AND ACT ON A PROPOSAL FROM HAYES ENGINEERING TO ENTER INTO AN ENGINEERING WORK ORDER FOR PHASE 2 OF A STORM WATER DETENTION MASTER PLAN TO DETERMINE THE COST AND FEASIBILITY OF UTILIZING PARTICULAR STORM WATER DETENTION SITES AS PART OF A STORM WATER MANAGEMENT MASTER PLAN AND APPROVE FUNDING FROM UNOBLIGATED GENERAL FUND RESERVES

J. C. Hughes said as a follow up to the last meeting he is providing a cost estimate, in the amount of \$58,000, for an engineering work order for Phase 2 of a Storm Water Detention Master Plan to determine the cost and feasibility of utilizing particular storm water detention sites as part of a Storm Water Management Master Plan. He recommended no action be taken on this item at this time.

No action was taken by the Commission on this item.

56. CONSIDER AND ACT ON A PROPOSAL FROM HAYES ENGINEERING TO ENTER INTO AN ENGINEERING WORK ORDER FOR DESIGN AND CONSTRUCTION OVERSIGHT OF A RETAINING WALL INSTALLATION IN BROWNS LAKE BRANCH CREEK NEXT TO 918 BERGSTROM PLACE AND APPROVE FUNDING FROM UNOBLIGATED GENERAL FUND RESERVES

J. C. Hughes asked for approval of a proposal from Hayes Engineering to enter into an engineering work order, in the amount of \$7,500, for design and construction oversight of a retaining wall installation in Browns Lake Branch Creek next to 918 Bergstrom Place and to approve funding from unobligated General Fund Reserves.

Commissioner Hoffman moved to approve an engineering work order with Hayes Engineering, in the amount of \$7,500, for design and construction oversight of a retaining wall installation in Browns Lake Branch Creek next

to 918 Bergstrom Place and to approve funding from unobligated General Fund Reserves. Commissioner Moon seconded the motion which passed by the following vote:

Ayes: 4

Nays: 1, Commissioner Flowers

57. CONSIDER APPROVAL OF AN EXPENDITURE IN EXCESS OF \$50,000.00 BY THE MARSHALL ECONOMIC DEVELOPMENT CORPORATION FOR STREET IMPROVEMENTS

Rush Harris, MEDCO Director of Business Services, introduced Steve Wick with Stokes & Associates, Brandy Foster, owner of Steadfast Concrete, and acknowledged the MEDCO Board and Staff present. Mr. Harris discussed the Design Bid Build process and stated Steadfast Concrete's bid, in the amount of \$404,381, for street improvements at the U.S. Hwy 59 and I-20 business park has been accepted and asked for approval of this expenditure in excess of \$50,000.

Commissioner Oliver moved to approve an expenditure in excess of \$50,000.00 by the Marshall Economic Development Corporation for street improvements. Commissioner Moon seconded the motion, which passed by a 5:0 vote.

58. CONSIDER A PRESENTATION BY THE MARSHALL ECONOMIC DEVELOPMENT CORPORATION REGARDING TYPE A AND TYPE B ECONOMIC DEVELOPMENT CORPORATIONS AND A STREET MAINTENANCE TAX

Leslie Chambers, MEDCO Board Chairman, gave a presentation regarding Type A and Type B Economic Development Corporations. Mrs. Chambers invited the Commission to join MEDCO Board Members to attend a sales tax and economic development workshop on February 17th, 1:00pm at TSTC.

59. CONSIDER A PRESENTATION BY JACK AND NANCY CANSON REGARDING THE BIRTHPLACE OF BOOGIE WOOGIE PROJECT

Jack Canson presented information regarding a nonprofit Birthplace of Boogie Woogie Foundation being formed by Canson and Cason, along with Dr. John Tension, that would rely on donations and grants for funding. Mr. Canson proposed to the Commission the renewal of the Canson and Canson contract with the City of Marshall, instead of the Convention and Visitors Bureau, for the remainder of 2012.

60. CONSIDER AND RESPOND REGARDING A PRESENTATION OF A PROPOSED 2012 STREET IMPROVEMENT PLAN

J. C. Hughes presented a draft proposal for the 2012 Street Improvement Plan and asked the Commission to review plan for final approval at the next meeting.

61. CONSIDER APPROVAL OF A 2012 CAPITAL IMPROVEMENTS PROGRAM FOR SUBMITTAL TO THE TEXAS WATER DEVELOPMENT BOARD

J. C. Hughes asked for approval of a 2012 Capital Improvements Program for submittal to the Texas Water Development Board. He stated the approval of the program does not obligate the City to apply for funding or construct the projects.

Commissioner Hoffman moved to approve a 2012 Capital Improvements Program for submittal to the Texas Water Development Board. Commissioner Oliver seconded the motion, which passed by a 5:0 vote.

62. REPORT ON AND DISCUSSION OF ITEMS THAT REQUIRE APPROVAL BY VOTERS

Commissioner Flowers asked Frank Johnson to report on items that require approval by voters.

Mr. Johnson summarized items that require approval by voters, reporting on actions provided for in the City Charter as well as actions provided for in State Law.

63. PRESENTATION ON AND DISCUSSION OF INFORMATION ON STATE BID REQUIREMENTS FOR MUNICIPALITIES AND REQUIREMENTS FOR APPROVAL BY THE CITY COMMISSION

Frank Johnson addressed Commissioner Flowers' questions about State bid requirements for municipalities and requirements for approval by the City Commission.

64. DISCUSSION OF EXPENDITURE OF CITY FUNDS AND CHANGES IN BUDGETS SINCE 2004

This item was withdrawn.

65. CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

None.

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

- A. Report on how Police Department determines where to use radars to check for speeding.

67. ADJOURNMENT

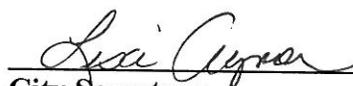
Commissioner Moon moved for adjournment. Commissioner Oliver seconded the motion, which passed by a 5:0 vote.

APPROVED:



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

ATTEST:



City Secretary

Ordinance: O-12-01

Resolution: R-12-06, R-12-07