

MINUTES OF THE REGULAR MEETING OF THE
CITY COMMISSION OF THE CITY OF MARSHALL
THURSDAY, MARCH 8, 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
Zephaniah Timmins, District 2
John Flowers, District 3

Bill Marshall, District 4
Charlie Oliver, District 5
Ed Hoffman, District 7

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
J. C. Hughes, Public Works Director
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

There were no emergency items.

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

There were no requests for items to be placed on a future agenda.

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

92. PRESENTATIONS FROM THE PUBLIC

Teri Richardson, 606 N. Washington Ave., thanked the Commission for their service and their support of her work.

Rudy Zachary, 919 Bergstrom, spoke regarding the noise ordinance and its impact on downtown outdoor entertainment.

93. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the consent agenda.

94. CONSENT AGENDA

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

Commissioner Flowers was not in the Commission Chamber at the time of the vote.

- A. Consider approval of the minutes from the February 23, 2012 Regular Meeting, the February 29, 2012 Special-Called Meeting, and the March 1, 2012 Special-Called Meeting.

95. PRESENTATION OF PROCLAMATION DECLARING MARCH 2012 AS "AMERICAN RED CROSS MONTH".

Chairman Paddie read the proclamation declaring March 2012 as "American Red Cross Month." Darrell Riley, with the American Red Cross, accepted the proclamation and thanked the Commission.

PUBLIC HEARING & ORDINANCES

96. ORDINANCE O-12-04: REZONE 1.072 ACRES OF LAND, BEING PART OF THE BETHANY ROGERS SURVEY, A-20 FROM A-E AGRICULTURE AND ESTATE TO C-3 GENERAL BUSINESS. (PATRICIA DOWNS ENTERPRISES, INC, 4702 ELYSIAN FIELDS RD)

City Manager Frank stated that this is a required public hearing on a rezoning request and that the Planning and Zoning Commission voted 6:0 in favor of this request.

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

Keith Downs, 4608 Elysian Fields Road, spoke in favor of this item and discussed plans for the property.

Chairman Paddie asked anyone wishing to speak in opposition to this item to come forward.

No one came forward to speak in opposition to this item.

Chairman Paddie closed the Public Hearing.

Commissioner Hoffman moved to approve the Ordinance to rezone 1.072 acres of land, being part of the Bethany Rogers Survey, A-20 from A-E Agriculture and Estate to C-3 General Business. Commissioner Timmins seconded the motion, which passed by a 7:0 vote. (Second reading required.)

97. ORDINANCE O-12-03: AUTHORIZING THE ISSUANCE AND SALE OF THE CITY'S WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING BONDS, SERIES 2012; PROVIDING AN EFFECTIVE DATE AND ENACTING OTHER MATTERS INCIDENT AND RELATED THERETO

Frank Johnson stated that this is one of the steps in completing the refunding bond issue. Mr. Johnson introduced the City's financial advisor, Ed Moore with Southwest Securities. Mr. Moore presented the Ordinance to the Commission and recommended approval of the Ordinance.

Commissioner Marshall moved to approve the Ordinance as presented. Commissioner Oliver seconded the motion, which passed by a 7:0 vote.

98. ORDINANCE O-12-05: AMENDING CHAPTER 27, TRAFFIC OF THE CODE OF ORDINANCES OF THE CITY OF MARSHALL, TEXAS, AMENDING PROVISIONS OF CHAPTER 27 REGARDING ARTICLE IA "PARKING", SECTION 27-15.2 BY PROHIBITING PARKING ON THE NORTH SIDE OF MOORE STREET BETWEEN GROVE STREET AND FRANCIS STREET

Fire Chief Kenneth J. Snyder stated that customers from businesses on Moore Street, across from the south side of the Central Fire Station, are parking on the Fire station property along Moore Street, which partially blocks the street, causes ruts in the property and erosion of the dirt. Chief Snyder asked that a No Parking Zone be established along the north side of Moore street adjacent to the fire station property to prevent further damage and erosion.

Commissioner Moon moved to approve the Ordinance amending Chapter 27, Traffic of the Code of Ordinances of the City of Marshall, Texas, amending provisions of Chapter 27 regarding Article IA "Parking", Section 27-15.2 by prohibiting parking on the north side of Moore Street between Grove Street and Francis Street. Commissioner Timmins seconded the motion, which passed by a 7:0 vote.

99. RESOLUTION R-12-09: CONFIRMING THAT THE 400 BLOCK OF SOUTH FRANKLIN STREET IS VACATED AND ABANDONED

Frank Johnson said that SWEPCO has requested confirmation that the right-of-way for the 400 block of South Franklin is closed and abandoned, and he asked for approval of this Resolution.

Commissioner Hoffman moved to approve the Resolution confirming that the 400 block of South Franklin Street is vacated and abandoned. Commissioner Timmins seconded the motion, which passed by a 7:0 vote.

100. PRESENTATION OF A REPORT ON THE 2011 WONDERLAND OF LIGHTS FESTIVAL BY THE CONVENTION AND VISITOR BUREAU

Ed Michel, Executive Director of CVB, presented a report on the 2011 Wonderland of Lights Festival.

101. CONSIDER ESTABLISHING A SCHOLARSHIP FUND FOR LOW TO MODERATE INCOME PERSONS FOR TRAINING TO OBTAIN A COMMERCIAL DRIVER'S LICENSE

Commissioner Marshall stated he requested this item in an attempt to begin addressing the chronic unemployment in certain segments of the City. Mr. Marshall introduced representatives from TSTC. Dr. Irene Cravey, Vice President for Student Learning, discussed the driving program. Tammy Hicks discussed TSTC's commitment to students.

The Commission engaged in discussion regarding a scholarship fund for training to obtain a commercial driver's license.

No action was taken on this item.

102. CONSIDER APPROVAL OF AN AGREEMENT WITH THE MARSHALL-HARRISON COUNTY LITERACY COUNCIL FOR USE OF 2011 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

Frank Johnson asked for approval of an agreement with the Marshall-Harrison County Literacy Council for use of 2011 Community Development Block Grant

funds.

Commissioner Timmins moved to approve an agreement with the Marshall-Harrison County Literacy Council for use of 2011 Community Development Block Grant funds. Commissioner Moon seconded the motion, which passed by a 7:0 vote.

103. CONSIDER APPROVAL OF AN AGREEMENT WITH THE BOYS AND GIRLS CLUB OF THE BIG PINES FOR USE OF 2010 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

Frank Johnson asked for approval of an agreement with the Boys and Girls Club of the Big Pines for use of 2010 Community Development Block Grant funds.

Commissioner Timmins moved to approve an agreement with the Boys and Girls Club of the Big Pines for use of 2010 Community Development Block Grant funds. Commissioner Flowers seconded the motion, which passed by a 7:0 vote.

104. CONSIDER APPROVAL OF AN AGREEMENT WITH THE BOYS AND GIRLS CLUB OF THE BIG PINES FOR USE OF 2011 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

Frank Johnson asked for approval of an agreement with the Boys and Girls Club of the Big Pines for use of 2011 Community Development Block Grant funds.

Commissioner Timmins moved to approve an agreement with the Boys and Girls Club of the Big Pines for use of 2011 Community Development Block Grant funds. Commissioner Flowers seconded the motion, which passed by a 7:0 vote.

105. CONSIDER AND ACT ON RECOMMENDATION TO IMPLEMENT A CITY-WIDE TRASH AND RECYCLE ROLLING CART PROGRAM.

This item was withdrawn.

106. CONSIDER AND ACT ON RECOMMENDATION FOR A FIVE-YEAR EXTENSION OF THE SANITATION AND RECYCLING SERVICES AGREEMENT

This item was withdrawn.

107. CONSIDER APPROVAL OF AN AGREEMENT WITH JACK AND NANCY CANSON TO CONTINUE TO DEVELOP THE BIRTHPLACE OF BOOGIE WOOGIE PROJECT

Frank Johnson stated that based on the Commission's vote at the last meeting, an agreement has been prepared between the City and the Canson's for the continued development of the Birthplace of Boogie Woogie Project. The amount of the contract is \$50,000, to be paid in 10 monthly installments of \$5,000 each throughout the remainder of the year. The contract also includes \$5,000 for expenses.

Commissioner Timmins moved to approve an agreement with Jack and Nancy Canson to continue to develop the Birthplace of Boogie Woogie Project. Commissioner Moon seconded the motion, which passed by a 7:0 vote.

108. CONSIDER AND ACT ON A RECOMMENDATION TO APPROVE STAFF PROPOSED 2012 STREET IMPROVEMENT PLAN

This item was withdrawn.

109. CONSIDER APPROVAL TO AUTHORIZE CITY STAFF TO ADVERTISE THE SALE OF OAKLAWN MUNICIPAL GOLF COURSE

Parks Director Jack Redmon said that the golf course had been advertised for lease and we only received two inquiries. He asked for approval to authorize City Staff to advertise the sale of Oaklawn Municipal Golf Course.

Commissioner Timmins moved to authorize City Staff to advertise the sale of Oaklawn Municipal Golf Course. Commissioner Oliver seconded the motion, which passed by the following vote:

Ayes: 6

Nays: 1, Commission Flowers

110. CONSIDER APPROVAL TO AUTHORIZE THE CITY MANAGER AND CITY ATTORNEY TO NEGOTIATE A CONTRACT WITH SINCLAIR AND WRIGHT ARCHITECTS FOR IMPROVEMENTS AT MEMORIAL CITY HALL

Frank Johnson stated that it is in the best interest of the project to have an architect under contract to provide assistance during the bidding and negotiation phase, and the construction phase. He asked for approval to authorize the City Manager and City Attorney to negotiate a contract with Sinclair and Wright Architects for improvements at Memorial City Hall. The contract will be presented to the Commission for approval at a future meeting.

The Commission engaged in discussion about this agenda item.

Commissioner Timmins moved for approval to authorize the City Manager and City Attorney to negotiate a contract with Sinclair and Wright Architects for improvements at Memorial City Hall. Commissioner Oliver seconded the motion, which passed by the following vote:

Ayes: 4

Nays: 3, Commissioners Flowers, Marshall, Hoffman

111. REPORT ON THE RECENT ELECTED OFFICIALS CONFERENCE CONDUCTED BY THE TEXAS MUNICIPAL LEAGUE

Commissioner Marshall presented a written report to the Commission on the Elected Officials Conference.

112. DISCUSSION OF ELIMINATING WORKSHOP MEETING PRIOR TO REGULAR CITY COMMISSION MEETING

Commissioner Marshall stated he wanted this as a discussion item and expressed his reasons for being in favor of eliminating the workshop meeting prior to the Regular City Commission meetings.

The Commission engaged in discussion about eliminating the workshop meeting prior to Regular City Commission Meetings.

113. DISCUSSION OF PROCESS INVOLVED IN RETURNING PROPERTIES THAT ARE CHRONICALLY DELINQUENT ON TAXES TO THE TAX ROLL

Commissioner Marshall stated that he was concerned that there is no process involved in returning properties that are chronically delinquent on taxes to the tax roll. City Attorney Todd Fitts suggested hearing from Harrison County Appraisal District on what the process is for collection of delinquent taxes.

114. DISCUSSION OF NOISE NUISANCE ORDINANCE

Chairman Paddie called on Assistant Police Chief Leland Benoit to review the Noise Nuisance Ordinance. Assistant Chief Benoit reviewed the Ordinance and answered questions from the Commission regarding noise nuisances.

The Commission engaged in discussion regarding the current Noise Nuisance Ordinance.

Rudy Zachary asked the Commission to help with the issue the Noise Nuisance Ordinance creates for his business.

115. CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the consent agenda.

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

- A. Report on policy regarding the tracking of room nights by recipients of Hotel Occupancy Funds.
- B. Report on 2012 street repair by district.
- C. Discussion of conflicts of interest.
- D. Report from HCAD regarding procedures for returning properties that are chronically delinquent on taxes to the tax roll.

EXECUTIVE SESSION

117. SECTION 551.074 OF THE TEXAS GOVERNMENT CODE (PERSONNEL). DELIBERATE THE EVALUATION AND DUTIES OF THE CITY MANAGER, CITY SECRETARY/FINANCE DIRECTOR, CITY ATTORNEY, AND MUNICIPAL COURT JUDGE

Commissioner Hoffman moved to go into Executive Session, Commissioner Timmins seconded the motion, which passed by a 7:0 vote. The time was 9:10pm.

Commissioner Timmins moved to reconvene from Executive Session. Commissioner Moon seconded the motion, which passed by a 7:0 vote. The time was 9:59pm.

118. ADJOURNMENT

Commissioner Marshall moved for adjournment. Commissioner Timmins 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

Ordinance: O-12-04, O-12-03, O-12-05
Resolution: R-12-09