

MINUTES OF THE REGULAR MEETING OF THE
CITY COMMISSION OF THE CITY OF MARSHALL
THURSDAY, MARCH 22, 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:

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

ABSENT: Commissioner Gloria Moon, District 1
Commissioner Ed Hoffman, District 7

ADMINISTRATIVE STAFF PRESENT:

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

There were no emergency items.

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

- A. Discussion of post event reporting by organizations that receive HOT Funds.
- B. Report on how hotel/motel owners and managers track the reasons guests are staying overnight.

III. CITY MANAGER REPORTS

Assistant City Manager Ardis Wright reviewed the agenda packet with the City Staff and City Commission.

IV. ADJOURNMENT

INVOCATION & PLEDGE: Commissioner Flowers

119. PRESENTATIONS FROM THE PUBLIC

Ed Michel, Executive Director of the Convention and Visitor Bureau, 301 N. Washington, invited the Commission to various CVB meetings and events.

Dr. Clyde B. Jackson, 1007 Alvin Street, spoke regarding dogs allowed to roam loose in his neighborhood.

Leo Morris, 4500 Victory Dr., Apt. 45, spoke about improving quality of life and finding ways to fund City street improvements.

Zephaniah Timmins, 607 Medill Street, spoke about finding ways to fund the needs of the City.

Bill Marshall, 202 Indian Springs, said that we need to invest in the future through economic development.

120. PRESENTATION TO THE CITY COMMISSION OF THE GOLD RECOGNITION, DESIGNATING MARSHALL, TEXAS AS A "HEART AND STROKE HEALTHY CITY", BY ANN QUINN TODD OF THE TEXAS COUNCIL ON CARDIOVASCULAR DISEASE AND STROKE

Chairman Paddie introduced Ann Quinn Todd, member of the Texas Council on Cardiovascular Disease and Stroke, who presented the Gold Achievement Award, designating Marshall, Texas as a "Heart and Stroke Healthy City".

121. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the Consent Agenda.

122. CONSENT AGENDA

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

A. Consider approval of the minutes from the March 8, 2012 Regular Meeting.

B. Second Reading of Ordinances

1. 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)
2. 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.

123. CONSIDER AWARDING A BID TO PETE MCCARTY OIL, INC. TO SUPPLY THE CITY OF MARSHALL WITH UNLEADED FUEL AND DIESEL FUEL

Assistant City Manager Ardis Wright asked for approval to award a bid to Pete McCarty Oil, Inc. to supply the City of Marshall with unleaded fuel and diesel fuel and to authorize the City Manager to execute the contract.

Commissioner Timmins moved for approval to award a bid to Pete McCarty Oil, Inc. to supply the City of Marshall with unleaded fuel and diesel fuel and to authorize the City Manager to execute the contract. Commissioner Oliver seconded the motion, which passed by a 5:0 vote.

124. CONSIDER ACCEPTANCE OF THE DONATION OF OUTLOT 25 SOUTHEAST IN THE 500 BLOCK OF POAG STREET TO THE CITY OF MARSHALL

Parks Director Jack Redmon asked for approval of acceptance of the donation of Outlot 25 Southeast in the 500 block of Poag Street, conditioned on having an environmental consultant conduct a Phase 1 environmental review of the property with no problems identified.

Commissioner Marshall moved to approve acceptance of the donation of Outlot 25 Southeast in the 500 block of Poag Street to the City of Marshall subject to a favorable environmental report. Commissioner Oliver seconded the motion, which passed by a 5:0 vote.

125. DISCUSSION OF CONFLICTS OF INTEREST

City Attorney Todd Fitts presented the Commission with information from Chapters 171 and 176 of the Texas Local Government Code regarding conflicts of interest of officers of municipalities and disclosure requirements of certain relationships with local government officers.

Commissioner Timmins stated he placed this item on the agenda for clarification.

The Commission engaged in general discussion regarding this item.

126. IN 2011 & 2012: HOW MANY MILES (IN BLOCKS OF STREETS) WERE/ARE PLANNED FOR REPAIR OR REPLACEMENT IN EACH CITY DISTRICT NOT INCLUDING THE ONES WITH SHARED COST WITH THE COUNTY (LIKE FERN LAKE CUTOFF)?

Commissioner Flowers said that it appears his District has fewer streets scheduled for repairs in the 2012 Street Improvement Program than other Districts, and questioned how it is determined which streets are scheduled for repair.

Public Works Director J. C. Hughes explained the process of determining the street repair schedule.

127. THE NUMBER OF TAX PAYERS IN EACH DISTRICT

Chairman Paddie stated that this information is not readily available. Commissioner Flowers said that his questions were answered in the previous discussion.

128. THE AMOUNT OF PROPERTY TAXES PAID BY THE TAXPAYERS IN EACH DISTRICT

Chairman Paddie stated that this information is not readily available. Commissioner Flowers said that his questions were answered in the previous discussion.

129. IS IT LEGAL FOR A BOARD MEMBER APPOINTED BY THE CITY OR A CITY PAID EMPLOYEE TO DISCRIMINATE OR TREAT ONE CITY COMMISSIONER DIFFERENT THAN THE OTHER CITY COMMISSIONERS? WOULD THIS BE REASON FOR IMMEDIATE TERMINATION? OR PROSECUTION?

City Attorney Todd Fitts stated that it would be the responsibility of the City Manager to deal with a City employee engaging in this type of behavior. He stated that the City Commission would be the authority to deal with a City appointed board member engaging in this type of behavior. He said that there could be potential legal ramifications if a city appointed board is covered under the Texas Open Records Act and a board member fails to comply with an open records request.

130. IS IT LEGAL FOR A BOARD MEMBER APPOINTED BY THE CITY COMMISSION OR A CITY PAID EMPLOYEE TO RECORD AN INDIVIDUAL ON CITY OWNED OR PUBLICLY OWNED EQUIPMENT WITHOUT THE INDIVIDUAL'S KNOWLEDGE. NOTE THIS IS NOT A QUESTION REGARDING TWO PRIVATE SECTOR INDIVIDUALS USING PRIVATE SECTOR EQUIPMENT. THIS IS MORE A QUESTION OF PUBLIC SECTOR WIRE TAPPING. WOULD SUCH EMPLOYEE/BOARD MEMBER BE PROSECUTED OR TERMINATED IMMEDIATELY

Todd Fitts stated that in Texas it is not illegal for a private or public conversation to be recorded by one individual without the knowledge of the other individual, but any recording created by the City is subject to open records requests.

Jack Redmon addressed Commissioner Flowers' questions regarding City recorded calls, stating that the only calls recorded by the City are at the Police Department as required by state law. He stated that the City has recording equipment in the Commission Chamber and upstairs conference room for the purpose of recording City Commission meetings.

131. MEDCO'S RESPONSE TO PROVIDING THE \$50,000 FOR CDL TRAINING AT TSTC

Chairman Paddie stated that MEDCO will be addressing this item at their next meeting and will report to the Commission at an upcoming meeting.

132. MONTHLY FINANCIAL REPORT

Finance Director Lisa Agnor answered Commissioner Marshall's questions regarding the monthly financial report.

133. CODE ENFORCEMENT REPORT

Main Street Manager Bo Ellis presented the Code Enforcement Report.

134. CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the Consent Agenda.

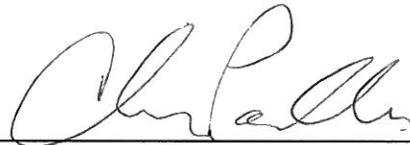
135. REQUESTS FROM COMMISSIONERS FOR ITEMS TO BE PLACED ON FUTURE AGENDAS

- A. Discussion of concerns expressed by Commissioner Flowers regarding whether Flowers and Associates Architects can do business with the City of Marshall.
- B. Reconsideration of vote for Architect for Memorial City Hall.
- C. Report from HCAD regarding procedures for returning properties that are chronically delinquent on taxes to the tax roll. (second meeting in April)
- D. Report on City's procedures to address stray animals.
- E. Discussion on the need for City Commissioners speaking at civic functions to clarify they are not speaking on behalf of the Commission.

136. ADJOURNMENT

Commissioner Oliver moved for adjournment. Commissioner Flowers 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-12-04, O-12-05