

MINUTES OF THE REGULAR MEETING OF THE
CITY COMMISSION OF THE CITY OF MARSHALL
THURSDAY, APRIL 12, 2012
6:30PM

Chairman Paddie called the Regular meeting to order in the Commission Chamber, City Hall at 6:30pm.

PRESENT:

CHAIRMAN: Chris Paddie, District 6

COMMISSIONERS:

Gloria Moon, District 1

Zephaniah Timmins, District 2

Bill Marshall, District 4

Charlie Oliver, District 5

John Flowers, District 6

Ed Hoffman, District 7

ADMINISTRATIVE STAFF PRESENT:

Frank Johnson, City Manager

Todd Fitts, City Attorney

Stan Spence, Police Chief

Anna Lane, Library Directory

Ardis Wright, Assistant City Manager

Lisa Agnor, City Secretary/Finance Director

J. C. Hughes, PW/WU Director

Jack Redmon, Parks Director

Reggie Cooper, Asst. 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

There were no emergency items.

II. REQUEST BY THE CITY COMMISSIONER FOR ITEMS TO BE PLACED ON A FUTURE AGENDA

A. Report on status of implementing performance evaluations for City employees.

B. Report on feedback from City employees regarding new employee evaluation program.

III. CITY MANAGER REPORTS

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

IV. ADJOURNMENT

INVOCATION & PLEDGE: Commissioner Oliver

137. PRESENTATIONS FROM THE PUBLIC

Julia Robb, 106 E. Merritt, spoke about outdoor event noise, repairs needed at Library, and expressed thanks for Library parking lot repairs.

Dr. Clyde B. Jackson, 1007 Alvin Street, spoke about stray dog problem in the Alvin Street area.

Janet Cook, Executive Director of the Harrison County Historical Museum, P. O. Box 1987, acknowledged other Harrison County Historical Museum board members in attendance and spoke about post-event reporting for recipients of hot funds.

Ed Michel, 301 N. Washington, spoke about impact of Goldwings visit to Marshall and thanked City staff for their help during the group's stay.

138. ITEM TO BE WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the Consent Agenda.

139. CONSENT AGENDA

Commissioner Timmins moved to approve the following under Consent Agenda. Commissioner Hoffman seconded the motion, which passed by a 7:0 vote.

- A. Consider approval of the minutes from the March 22, 2012 Regular Meeting.
- B. Consider approval of an agreement with the Marshall Youth Baseball Association for usage of Airport Park facilities.
- C. Consider approval of an agreement with the Marshall Youth Softball Association for usage of Airport Park facilities.

140. PRESENTATION OF PROCLAMATION DECLARING APRIL 2012 AS "SEXUAL ASSAULT AWARENESS MONTH"

Chairman Paddie read the proclamation declaring April 2012 as "Sexual Assault Awareness Month" and presented the proclamation to Ms. Denver Thomas with the Women's Center of East Texas.

PUBLIC HEARINGS & ORDINANCES

141. PUBLIC HEARING ON THE ANNUAL PLAN FOR THE 2012 COMMUNITY DEVELOPMENT BLOCK GRANT

City Manager Frank Johnson said that this Public Hearing is the next step in the process for the 2012 Community Development Block Grant. He reviewed the proposed 2012 Budget in the amount of \$302,015.

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

No one came forward to speak in favor or opposition of this item.

Chairman Paddie closed the Public Hearing.

142. ORDINANCE 0-12-06: REZONE 2.641 ACRES OF LAND, BEING PART OF THE THOMAS IDEN SURVEY, A-354 FROM A-E AGRICULTURE AND ESTATES TO PD PLANNED DEVELOPMENT (1001 INDIAN SPRINGS ROAD, DWAYNE RAGSDELL/DR SERVICES)

Frank Johnson asked for approval of a request to rezone 2.641 acres of land, being part of the Thomas Iden Survey, A-354 from A-E Agriculture and Estates to PD Planned Development. He stated that the Planning Zoning Commission voted 4:0 in favor of the request.

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

Louis Brock, 110 E. Carolanne, spoke in favor of this request.

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 for approval of a request to rezone 2.641 acres of land, being part of the Thomas Iden Survey, A-354 from A-E Agriculture and Estates to PD Planned Development. Commissioner Moon seconded the motion, which passed by a 7:0 vote. (Second reading required.)

143. ORDINANCE O-12-07: AMENDING THE 2012 ANNUAL BUDGET TO APPROPRIATE FUNDS FROM THE HOTEL OCCUPANCY TAX FUND BALANCE TO PAY OBLIGATIONS DUE TO THE CITY RELATED TO THE WONDERLAND OF LIGHTS

Frank Johnson asked for approval of an Ordinance amending the 2012 Annual Budget to appropriate funds, in the amount of \$114,592.32, from the Hotel Occupancy Tax Fund Balance to pay obligations due to the City related to the Wonderland of Lights.

Commissioner Moon moved to approve an Ordinance amending the 2012 Annual Budget to appropriate funds from the Hotel Occupancy Tax Fund Balance to pay obligations due to the City related to the Wonderland of Lights. Commissioner Oliver seconded the motion, which passed by a 7:0 vote. (Second reading required.)

144. DISCUSSION OF METHODS AVAILABLE TO ADDRESS PAYMENT OF PROPERTY TAXES ON CHRONICALLY DELINQUENT PROPERTIES

Commissioner Marshall asked for information regarding the process of getting delinquent properties back on the tax rolls.

Karen Jeans, Chief Appraiser, stated that Harrison Central Appraisal District contracts for the collection of delinquent accounts and introduced Elizabeth Vaughn, Delinquent Collection Attorney.

Elizabeth Vaughn, with McCreary, Veselka, Bragg & Allen, P.C., reviewed the procedures for collecting delinquent property taxes and the sale of properties delinquent on taxes.

145. PRESENTATION OF AWARD BY ENCORE MULTIMEDIA TO THE MARSHALL ECONOMIC DEVELOPMENT CORPORATION FOR A PROMOTIONAL VIDEO ABOUT MARSHALL

Dan Wascovick from Encoe Multimedia presented an award to the Marshall Economic Development Corporation for a promotional video about Marshall. Donna Maisel, MEDCO Executive Director, recognized others that assisted with the video.

146. SEMI-ANNUAL REPORT BY THE MARSHALL ECONOMIC DEVELOPMENT CORPORATION

Danny Kirkland, Vice-Chairman of the Board of Marshall Economic Development Corporation, presented the semi-annual report of the Marshall Economic Development Corporation.

147. DISCUSSION OF THE APPLICATION OF NOISE REGULATIONS IN ENTERTAINMENT DISTRICTS IN OTHER CITIES IN TEXAS

Frank Johnson stated that 12 cities were researched to see how they address the application of noise regulation in locations that are identified as entertainment districts. He stated that the research did not identify anything that specifically

addresses the current situation the City of Marshall is experiencing in the downtown area. He stated that San Antonio is the only city that addresses entertainment districts and noise from venues in these districts; however, they do not create any special exception for noise. He stated that state regulations establish a limit of 85 decibels at designated distances for almost every type of noise.

The Commission engaged in general discussion regarding this item.

148. DISCUSSION OF POST-EVENT REPORTING BY ORGANIZATIONS THAT RECEIVE HOTEL OCCUPANCY TAX FUNDS

Commission Marshall said he requested this item to ensure that HOT Funds being allocated are spent in accordance with state law.

The Commission engaged in general discussion about post-event reporting by organizations that receive hotel occupancy tax funds.

149. DISCUSSION OF HOW HOTEL AND MOTEL OWNERS AND MANAGERS TRACK THE REASONS GUESTS STAY OVERNIGHT

Ed Michel, Executive Director of the Convention and Visitor Bureau, presented a report on how hotel/motel owners and managers track the reasons guest stay overnight.

150. CONSIDER APPOINTMENT OF AN EX-OFFICIO MEMBER FROM THE CITY COMMISSION TO THE CONVENTION AND VISITOR BUREAU BOARD OF DIRECTORS

This item was withdrawn.

151. CONSIDER APPROVAL OF AN AGREEMENT WITH SINCLAIR AND WRIGHT ARCHITECTS FOR ARCHITECTURAL SERVICES TO COMPLETE THE MEMORIAL CITY HALL PROJECT

This item was withdrawn.

152. CONSIDER APPROVAL OF THE ANNUAL PLAN FOR THE 2012 COMMUNITY DEVELOPMENT BLOCK GRANT.

Frank Johnson stated that this is a companion item to the Public Hearing of the Annual Plan for the 2012 Community Development Block Grant. He said that the information for this item was presented during the Public Hearing and asked for approval.

Commissioner Timmins moved to approve the Annual Plan for the 2012 Community Development Block Grant. Commissioner Flowers seconded the motion, which passed by a 7:0 vote.

153. CONSIDER AND ACT ON A REQUEST TO APPROVE STAFF PROPOSED 2012 STREET IMPROVEMENT PROGRAM AND AWARD A WORK ORDER FOR PROFESSIONAL SERVICES FOR ENGINEERING AND CONSTRUCTION INSPECTION

J. C. Hughes asked the Commission to approve the proposed 2012 Street Improvement Program and award a Work Order for Professional Services for engineering and construction inspection.

Commissioner Timmins moved to approve the proposed 2012 Street Improvement Program and award a Work Order for Professional Services for engineering and construction inspection. Commissioner Oliver seconded

the motion, which passed by a 7:0 vote.

154. DISCUSSION OF CONCERNS EXPRESSED BY COMMISSIONER FLOWERS REGARDING WHETHER FLOWERS AND ASSOCIATES ARCHITECTS CAN DO BUSINESS WITH THE CITY OF MARSHALL

This item was withdrawn.

155. RECONSIDERATION OF SELECTION OF ARCHITECT TO COMPLETE THE MEMORIAL CITY HALL PROJECT

This item was withdrawn.

156. DISCUSSION OF HOW CITY COMMISSIONERS AND MEMBERS OF APPOINTED CITY BOARDS MAY AND MAY NOT REPRESENT THAT THEY ARE SPEAKING IN AN OFFICIAL CAPACITY REPRESENTING EITHER THE CITY, THE CITY COMMISSION, OR THE BOARD OF WHICH THEY ARE A MEMBER AT SPEAKING ENGAGEMENTS IN THE COMMUNITY

Commissioner Flowers asked if members of the Commission speaking to other groups have an obligation to inform listeners they are speaking either as to personal opinion or as a representative of the Commission.

City Attorney Todd Fitts stated that there are no guidelines or policy currently addressing this item. He said that it is up to the Commission to decide if they want to impose guidelines.

157. DISCUSSION OF HOW CITY COMMISSIONERS AND CITY STAFF CAN SPEAK ABOUT PROPOSITION 3 LEADING UP TO THE ELECTION IN MAY

Commissioner Timmins explained that he has on several occasions been asked to discuss Proposition 3 and asked the City Attorney for guidance on this issue.

City Attorney Todd Fitts provided City Commissioners and City Staff guidance regarding this issue.

158. REPORT ON THE CITY'S PROCEDURES TO ADDRESS STRAY ANIMALS

Commissioner Oliver said he would like to know what the City's procedures are to address stray animals.

Police Chief Stan Spence introduced Shelly Cullum, Animal Control Supervisor, who answered the Commission's questions regarding stray animals.

159. CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the Consent Agenda.

160. REQUEST FROM COMMISSIONER FOR ITEMS TO BE PLACED ON FUTURE AGENDAS

- A. Discussion of wood chipping or creating wood mulch at the Convenience Station.
- B. Discussion of use of the public right-of-way for storage of vehicles at businesses and the relationship of the City's parking regulations and junk vehicle regulations to this circumstance.

- C. Discussion of evaluation of activity at the Convention Center between April 13 and April 25 regarding phone calls, events, and attendees at events requested by Commissioner Hoffman.
- D. Discussion of whether it is legal for a City Commissioner to speak at the podium during "Presentations from the Public" regarding items on and/or not on the posted agenda.
- E. Discussion of State Law and City's Policy regarding minority contracting with minority owned and female owned companies including "Historically Underutilized Business", "Disadvantage Business Enterprises", etc. in the hiring of consultants and professionals, bidding & solicitations for purchases, work, materials and labor.
- F. A discussion of the anticipated delivery method & approach to completing the Memorial City Hall Project from this point forward including all phases.
- G. Consider authorizing staff to bid out Sanitation and Recycling Services or consider approval of a five-year extension of the Sanitation and Recycling Services Agreement.
- H. Report on status of implementing performance evaluations for City employees.
- I. Report on feedback from City employees regarding new employee evaluation program.

161. ADJOURNMENT

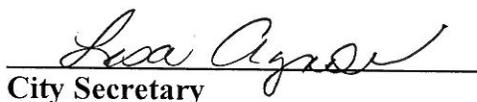
Commissioner Hoffman moved for adjournment. Commissioner Timmins seconded the motion, which passed by a 7:0 vote.

APPROVED:



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

ATTEST:



City Secretary

ORDINANCES: O-12-06, O-12-07