

MINUTES OF THE REGULAR MEETING OF THE  
CITY COMMISSION OF THE CITY OF MARSHALL  
THURSDAY, APRIL 26, 2012  
6:30PM

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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

Kenneth J. Snyder, Fire Chief

Jack Redmon, Parks Director

Ardis Wright, Assistant City Manager

Lisa Agnor, City Secretary/Finance Director

J. C. Hughes, Public Works Director

Leland Beniot, Asst. Police Chief

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

A. Update on status of completion of construction contract at Police Station and Central Fire Station.

III. CITY MANAGER REPORTS

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

IV. ADJOURNMENT

INVOCATION & PLEDGE: Commissioner Timmins

162. PRESENTATIONS FROM THE PUBLIC

Paula Crockett, 904 Cook Street, asked the Commission for help with a machine noise coming from a neighboring residence.

163. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the Consent Agenda.

164. CONSENT AGENDA

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

A. Consider approval of the minutes from the April 12, 2012 Regular Meeting

B. Consider approval of the engagement letter with Knuckols Duvall and Hallum for audit services related to the audit of the 2011 fiscal year.

C. Second reading of ordinances.

1. Ordinance O-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)
2. 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.

165. RESOLUTION R-12-10: IN SUPPORT OF THE EFFORT BY THE GEORGE A. THOMPSON AMERICAN LEGION POST # 878 TO CONSTRUCT A BUILDING AS A PERMANENT LOCATION FOR ACTIVITIES OF THE POST

Chairman Paddie recognized members present from the George A. Thompson American Legion Post #878 and read the Resolution in support of the effort by the George A. Thompson American Legion Post # 878 to construct a building as a permanent location for activities of the Post.

**Commissioner Hoffman moved to approve the Resolution in support of the effort by the George A. Thompson American Legion Post # 878 to construct a building as a permanent location for activities of the Post. Commissioner Oliver seconded the motion, which passed by a 7:0 vote.**

166. CONSIDER AUTHORIZING THE CITY ATTORNEY AND THE CITY MANAGER TO PREPARE AN AGREEMENT WITH THE MARSHALL CHAMBER OF COMMERCE FOR OCCUPANCY OF SPACE IN THE MARSHALL VISUAL ART CENTER

City Manager Frank Johnson asked for approval to authorize the City Attorney and the City Manager to prepare an agreement with the Marshall Chamber of Commerce for occupancy of space in the Marshall Visual Art Center. He stated that rent for space would be \$300 per month.

Commissioner Hoffman addressed concerns he had regarding the amount of office space at the Art Center.

**Commissioner Timmins moved to authorize the City Attorney and the City Manager to prepare an agreement with the Marshall Chamber of Commerce for occupancy of space in the Marshall Visual Art Center. Commissioner Oliver seconded the motion, which passed by a 7:0 vote.**

167. CONSIDER APPROVAL OF AN AGREEMENT WITH THE CONVENTION AND VISITOR BUREAU FOR PAYMENT OF THE CVB'S SHARE OF THE COST OF CONSTRUCTION OF THE DOWNTOWN RESTROOM BUILDING

Frank Johnson asked for approval of an agreement with the Convention and Visitor Bureau for payment of the CVB's share of the cost of construction of the downtown restroom building. He stated the agreement establishes a payment plan of \$1,000 per month beginning in May through the remainder of this year, and then 12 equal monthly installments of \$2,250 in 2013.

**Commissioner Timmins moved to approve an agreement with the Convention and Visitor Bureau for payment of the CVB's share of the cost of construction of the downtown restroom building. Commissioner Moon seconded the motion, which passed by a 7:0 vote.**

168. DISCUSSION OF AND APPROVAL OF CONTENT OF AN AMENDMENT TO CONTRACTS WITH RECIPIENTS OF HOTEL OCCUPANCY TAX FUNDS TO ADD ADDITIONAL PROVISIONS TO DOCUMENT WHERE VISITORS COME FROM AND TO PROVIDE CONTACT INFORMATION ABOUT OVERNIGHT LODGING IN MARSHALL

Frank Johnson presented and asked for approval of content of an amendment to contracts with recipients of Hotel Occupancy Tax funds to add additional provisions to document where visitors come from and to provide contact information about overnight lodging in Marshall.

The Commission engaged in discussion regarding this item.

**Commissioner Marshall moved to approve as presented with the exception of amending contracts to include changing the question that identifies a specific hotel, changing log sheets to a summary reports, and adding a reference to recipients' websites to contact CBV for lodging information.**

**The motion failed for lack of a second.**

Chairman Paddie requested that City staff obtain responses from entities we contract with regarding this item and that this item be revisited at a future date.

169. CONSIDER AND ACT ON AUTHORIZING STAFF TO BID OUT SANITATION AND RECYCLING SERVICES OR CONSIDER APPROVAL OF A FIVE-YEAR EXTENSION OF THE SANITATION AND RECYCLING SERVICES AGREEMENT

Public Works Director J. C. Hughes asked for approval to bid out Sanitation and Recycling Services.

The Commission engaged in discussion regarding whether to bid out Sanitation and Recycling Services or consider a five-year extension of the Sanitation and Recycling Services Agreement.

**Commissioner Timmins moved to authorize the City Staff to negotiate with the current provider for a five-year extension of the Sanitation and Recycling Services Agreement. Commissioner Oliver seconded the motion, which passed by the following vote:**

**Ayes: 6**

**Nays: 1, Commissioner Flowers**

170. PRESENTATION ON AND DISCUSSION OF ESTABLISHING A MUNICIPAL SETTING DESIGNATION FOR SPECIFIC PARCELS OF LAND IN MARSHALL

Frank Johnson said the owners of the property that was formerly Applebaum's Scrap and Salvage have requested that the City of Marshall consider establishing a Municipal Setting Designation on the site of this former business. The property includes Outlot 51 Southeast, Block 1 of the Monticello Place Addition, and the rights-of-way for Argyle Street and Keyton Street adjacent to these tracts. He said that a Municipal Setting Designation is a designation that assists in providing

for use of property that has experienced some type of contamination that could be leached into the groundwater below the surface of the property.

Mr. Johnson stated that the purpose of this agenda item was to provide information to the Commission regarding the Municipal Setting Designation.

Mr. Johnson and Todd Fitts, City Attorney, answered Commission questions regarding establishing a Municipal Setting Designation.

171. CONSIDER APPROVAL OF FINANCING FOR A 2012 SEWER WASH UNIT FOR USE IN WASTEWATER TREATMENT

Assistant City Manager Ardis Wright asked for approval of a proposal submitted by Texas Bank and Trust for financing of a sewer wash unit and to authorize the City Manager to execute the documents and annual renewals.

The Commission engaged in discussion regarding purchasing the unit out of reserves.

**Commissioner Marshall moved to purchase the sewer wash unit out of Water and Sewer Enterprise Fund Reserves. Commissioner Hoffman seconded the motion, which passed by a 7:0 vote.**

172. DISCUSSION OF NOISE ORDINANCE AND NOISE FROM DOWNTOWN PERFORMANCE VENUES

Frank Johnson stated that the staff does not have a proposal or recommendation for a way to allow noise levels at local performance venues to exceed the levels established by state law.

Assistant Police Chief Leland Beniot reported on the efforts of the Police Department to get decibel readings from local performance venues to provide to the Commission.

**Commissioner Marshall moved to withdraw agenda items H, I, K, L and N. Commissioner Timmins seconded the motion, which passed by a 7:0 vote.**

173. A GENERAL DISCUSSION OF THE MEMORIAL CITY HALL PROJECT INCLUDING BUT NOT LIMITED TO PAST CONTRACTS AND AGREEMENTS, THE TOTAL ANTICIPATED COSTS OF THE PROJECT INCLUDING ALL PHASES INCLUDING THE BOTTOM FLOOR, TOP FLOOR, & BALCONY. REVIEW OF THE TOTAL COSTS APPROVED BY THE CITY COMMISSION IN EARLIER COMMISSION MEETINGS

This item was withdrawn.

174. A DISCUSSION OF THE ANTICIPATED DELIVERY METHOD & APPROACH TO COMPLETING THE MEMORIAL CITY HALL PROJECT FROM THIS POINT FORWARD INCLUDING ALL PHASES. (INCLUDING LOWEST FLOOR & BALCONY & BALCONY FLOOR LEVEL)

This item was withdrawn.

175. DISCUSSION OF STATE LAW & CITY'S POLICY REGARDING MINORITY CONTRACTING WITH MINORITY OWNED & FEMALE OWNED COMPANIES INCLUDING "HISTORICALLY UNDERUTILIZED BUSINESS", "DISADVANTAGE BUSINESS ENTERPRISES", ETC. IN THE HIRING OF CONSULTANTS & PROFESSIONALS, BIDDING & SOLICITATIONS FOR PURCHASES, WORK, MATERIALS & LABOR

Commissioner Flowers asked if there was a law or policy requiring the City to look up minority owned & female owned companies including "Historically Underutilized Business", "Disadvantage Business Enterprises", etc. for bids solicited under \$50,000 for any type of purchase or purchase agreements.

City Attorney Todd Fitts reviewed state law pertaining to this agenda item.

176. REVIEW OF THE CITY COMMISSION AGENDAS & MEETING MINUTES INCLUDING ALL COMMISSION VOTES ON ALL REVISIONS, AMENDMENTS & CHANGES TO THE CONTRACT WITH HOWARD PERFORMANCE ARCHITECTURE TO DATE INCLUDING BUT NOT LIMITED TO AMENDMENT 1 THROUGH 4 AND ALL OTHERS

This item was withdrawn.

177. AN ACTION ITEM TO VOTE TO DELAY WORK ON MEMORIAL CITY HALL PROJECT AT THIS TIME UNTIL THE OVERALL BUDGET, DELIVERY METHOD, CURRENT STATUS & IF LAWS HAVE BEEN VIOLATED REGARDING THE MEMORIAL CITY HALL PROJECT

This item was withdrawn.

178. 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

Commissioner Flowers expressed his concern regarding the legality of a Commissioner speaking at the podium during a Commission Meeting's "Presentations from the Public".

Todd Fitts provided clarification regarding the spirit of open meetings.

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

This item was withdrawn.

180. CONSIDER AUTHORIZING THE STAFF EITHER TO PREPARE AN AGREEMENT WITH CITY COUNTY BENEFIT SERVICES FOR INSURANCE CONSULTING SERVICES OR TO SEEK PROPOSALS FOR INSURANCE CONSULTING SERVICES

Frank Johnson said that the City's current contract with City County Benefit Services for insurance consulting services has expired. He requested direction on whether the staff should prepare an agreement with City County Benefits Services or seek proposals for insurance consulting services.

**Commissioner Hoffman moved to seek proposals for insurance consulting services. Commissioner Oliver seconded the motion, which passed by a 7:0 vote.**

181. DISCUSSION OF WOOD CHIPPING OR CREATING WOOD MULCH AT THE CONVENIENCE STATION

Commissioner Hoffman gave a brief statement on wood chipping or creating mulch at the Convenience Station.

182. 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

Commissioner Hoffman stated he has received complaints about vehicles parked on the street at a business on East Houston and requested what options were available to remedy the issue.

Todd Fitts stated that ordinances and zoning already in place should be enforced to address the issue.

183. 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

Commissioner Hoffman stated that the information he requested had been provided and will be reviewed. He presented information he had obtained about operations of convention and civic centers in nearby cities.

184. MONTHLY FINANCIAL REPORT

There were no questions regarding the Monthly Financial Report.

185. CODE ENFORCEMENT REPORT

Main Street Manager Bo Ellis presented the Code Enforcement Report.

186. CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

There were no items withdrawn from the Consent Agenda.

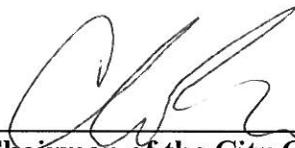
187. REQUESTS FROM COMMISSIONERS FOR ITEMS TO BE PLACED ON FUTURE AGENDAS

- A. Report on change in population of Marshall in recent Census.
- B. Report on operational status of boom-ax mower.
- C. Report on operational status of street sweeper.
- D. Update on status of completion of construction contract at Police Station and Central Fire Station.

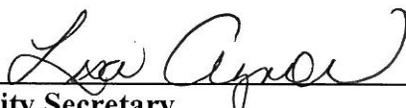
188. ADJOURNMENT

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

**APPROVED:**

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

**ATTEST:**

  
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**City Secretary**

Resolution: R-12-10