

MINUTES OF THE REGULAR MEETING OF THE
CITY COMMISSION OF THE CITY OF MARSHALL
THURSDAY, JANUARY 26, 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

ABSENT: Commissioner Ed Hoffman, District 7

ADMINISTRATIVE STAFF PRESENT:

Frank Johnson, City Manager

Todd Fitts, City Attorney

Stan Spence, Police Chief

Anna Lane, Library Director

Ardis Wright, Assistant City Manager

Lisa Agnor, City Secretary/Finance Director

J. C. Hughes, Public Works 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

None.

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

A. Report and discussion on misappropriation of funds.

B. Discussion on bid requirements for expenditures over \$50,000.

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

25. PRESENTATIONS FROM THE PUBLIC

Inez Lancaster, 200 Whaley, spoke in support of Jack and Nancy Canson for promotion of Boogie Woogie.

Gail Beil, 500 Henley Perry, read a letter of support for Jack and Nancy Canson from John Tennison, M.D.

Anthony G. Parrish, 803 S. Allen Blvd., spoke in favor of Jack and Nancy Cason and their contribution to Marshall.

Mrs. Charles Wilson, 706 Whetstone, spoke in favor of the Cansons and Boogie Woogie promotion.

Ken Moon, 616 S. Carter, spoke in favor of Jack and Nancy Cason continuing to promote Marshall as the birthplace of Boogie Woogie.

26. ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

A. Approval of the minutes from the January 12, 2012 Regular meeting.

27. CONSENT AGENDA

The following item was withdrawn for the Consent Agenda:

A. Approval of the minutes from the January 12, 2012 Regular meeting.

ORDINANCE

28. 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 asked for 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.

Commissioner Timmins 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 Moon seconded the motion, which passed by a 6:0 vote. (Second reading required)

29. RESOLUTION R-12-05: DECLARING SUPPORT FOR THE BROOKFIELD VILLAGE SENIORS, LTD., A JOINT HOUSING TAX CREDIT AND HOME PROGRAM FUNDS APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE YEAR 2012

City Manager Frank Johnson said that Brookfield Village Seniors, LTD is exploring the possibility of taking advantage of a housing tax credit program to construct a housing complex for senior citizens in Marshall. He said this Resolution is a necessary item for their application to the State to be eligible for the Housing Tax Credit Program and applying for a HOME grant program.

Immanuel Glockson with Brookfield Village Seniors, LTD, described the facility that they would like to develop.

Commissioners engaged in discussion with Mr. Glockson regarding the facility and the housing tax credit program.

Commissioner Timmins moved to approve a Resolution declaring support for the Brookfield Village Seniors, Ltd., a joint housing tax credit and HOME program funds application to the Texas Department of Housing and Community Affairs for the year 2012. Commissioner Moon seconded the motion, which passed by a 6:0 vote.

30. CONSIDER A CHECK PRESENTATION BY AEP/SWEPSCO FOR THE CITY OF MARSHALL'S PARTICIPATION IN THE 2011 SWEPSCO LOAD MANAGEMENT PROGRAM AT THE CITY WATER INTAKE PLANT ON BIG CYPRESS

Nancy Pasel, Water Treatment Superintendent, introduced Ron Tevebaugh, AEP representative, who explained the Load Management Program and presented the City with a check for participation in the program.

31. CONSIDER AND RESPOND TO A PRESENTATION OF PHASE 1 OF A STORM WATER MANAGEMENT MASTER PLAN BY HAYES ENGINEERING, INC. TO DETERMINE THE FEASIBILITY OF UTILIZING PARTICULAR STORM WATER DETENTION SITES AND ELIMINATING SITES WHICH DO NOT WARRANT FURTHER STUDY AT THIS TIME

Public Works Director J. C. Hughes introduced Stan Hayes and Joe Harle with Hayes Engineering.

Mr. Hayes and Mr. Harle made a presentation on Phase 1 of a Storm Water Management Master Plan and addressed questions from the Commission.

J. C. Hughes said a cost proposal for Phase 2 would be provided to the Commission at future meeting.

32. REPORT BY REPRESENTATIVES OF MARSHALL HOTELS AND MOTELS REGARDING SURVEY OF REASONS VISITORS STAY OVERNIGHT IN MARSHALL HOTELS AND MOTELS

Commissioner Marshall stated that he was interested in the data hoteliers had available regarding reasons visitors stay overnight in Marshall hotels and asked hotel representatives to present their report.

Roxana Gonzales, representing the Marshall Hotel Association, acknowledged hotel owners and managers present at the meeting. She presented the results of a survey conducted by hoteliers on the reasons visitors stay overnight in Marshall hotels.

Vinod Patel, Marshall Hospitality, 5204 East End Blvd. S., and Ms. Gonzales answered questions posed by the Commission.

33. DISCUSS HOTEL OCCUPANCY TAX FUNDS USE INCLUDING PROCEDURES TAKEN TO ENSURE COMPLIANCE WITH REQUIREMENTS TO MEET DUAL REQUIREMENT THAT FUNDS (1) ARE EXPENDED IN SUPPORT OF TOURISM ARE IN ACCORDANCE WITH 1 OF THE 9 AREAS AUTHORIZED BY THE LAW AND (2) PUTS HEADS IN BEDS. DISCUSS HOW THE CITY VERIFIES THAT RECIPIENTS OF THE FUNDS SHOW THAT THEY ARE IN COMPLIANCE WITH THESE REQUIREMENTS. DISCUSS WHAT PROCESS RECIPIENTS OF FUNDS GO THROUGH TO APPLY FOR FUNDS

Commissioner Marshall stated that he would like to know the process currently in place to determine the allocation of hotel occupancy tax funds and what safeguards are in place to ensure funds are being spent appropriately.

Frank Johnson explained that the City currently allocates Hotel Occupancy Tax funds in a manner outlined in the Tourism Plan prepared by Destination Development. The City of Marshall has charged the Convention and Visitors Bureau with the responsibility of meeting the promotional requirements required by law.

The Commission engaged in discussion regarding the allocation of HOT funds, the process for applying for funds, and compliance with legal requirements.

34. CONSIDER A PRESENTATION BY THE MARSHALL CONVENTION AND VISITOR BUREAU REGARDING A PROPOSAL BY THE CONVENTION AND VISITOR BUREAU TO MARKET "MARSHALL-THE BIRTHPLACE OF BOOGIE WOOGIE."

Ed Michel, CVB Executive Director, presented a proposal by the Convention and Visitor Bureau to market "Marshall, Texas - The Birthplace of Boogie Woogie".

35. DISCUSSION OF AND CONSIDERATION OF CONTRACT TO MARKET, PROMOTE, AND MANAGE THE BIRTHPLACE OF BOOGIE WOOGIE PROJECT

Jack and Nancy Canson presented their accomplishments in marketing and promoting "Marshall, Texas - the Birthplace of Boogie Woogie.

The Commission engaged in discussion with Ed Michel, CVB Executive Director and the Cansons regarding the promotion of Boogie Woogie.

Frank Johnson will prepare a contract for CVB to contract with Canson and Canson to manage the Birthplace of Boogie Woogie Project under the direction of CVB.

36. DISCUSSION OF OPTIONS REGARDING ECONOMIC DEVELOPMENT CORPORATIONS AND DISCUSSION OF A STREET MAINTENANCE TAX

Frank Johnson said that he had no additional information and that this item was placed on the agenda to allow discussion if the Commission so desires.

The Commission engaged in general discussion of options regarding economic development corporations and a street maintenance tax.

37. CONSIDER AND RESPOND TO A PRESENTATION REGARDING A PROPOSED 2012 WATER/WASTEWATER CAPITAL IMPROVEMENTS PROGRAM

J. C. Hughes presented a proposed 2012 Water/Wastewater Capital Improvement Program.

38. CONSIDER AND RESPOND TO A PRESENTATION REGARDING A SURVEY OF PARTICIPANTS IN THE TRASH & RECYCLE ROLLING CART PILOT PROGRAM

J. C. Hughes made a presentation regarding a survey of participants in the trash and recycle rolling cart pilot program.

39. CONSIDER APPROVAL OF THE PURCHASE OF A SEWER WASH TRUCK UNIT FOR WASTEWATER OPERATIONS

Assistant City Manager Ardis Wright asked for approval of the purchase of a sewer wash truck. The Commission engaged in discussion regarding the purchase of a sewer wash truck.

Commissioner Flowers moved to approve the purchase of a Ford F550 cab and chassis from Marshall Ford Lincoln Mercury, in the amount of \$36,376, and the purchase of a sewer wash unit through HGAC purchasing co-op for a price not to exceed \$73,995. Commissioner Oliver seconded the motion, which passed by a 6:0 vote.

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

Commissioner Flowers asked to postpone this item to the next meeting.

41. CODE ENFORCEMENT REPORT

Bo Ellis presented the Code Enforcement Report.

42. CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

City Secretary/Finance Director Lisa Agnor said that Item 14 of the minutes for January 12, 2012 will be amended to reflect that Commissioner Flowers seconded the motion and the motion passed by a 7:0 vote.

Commissioner Marshall moved to approve the minutes from the January 12, 2012 Regular Meeting with the amendment of Item 14 to reflect that Commissioner Flowers seconded the motion and the motion passed by a 7:0 vote. Commissioner Oliver seconded the motion, which passed by a 6:0 vote.

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

A. New policy for how Hotel Occupancy Tax Funds are allocated.

EXECUTIVE SESSION

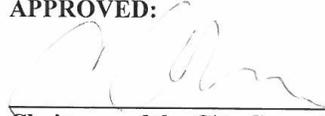
44. SECTION 551.074 OF THE TEXAS GOVERNMENT CODE (PERSONNEL). DELIBERATE THE EVALUATION AND DUTIES OF THE CITY MANAGER, CITY SECRETARY/FINANCE DIRECTOR, CITY ATTORNEY, AND MUNICIPAL COURT JUDGE

Commissioner Marshall requested that this item be postponed until the second meeting in March.

45. ADJOURNMENT

Commissioner Flowers moved for adjournment. Commissioner Timmins seconded the motion, which passed by a 6:0 vote.

APPROVED:



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

ATTEST:



City Secretary