



**CITY OF MARSHALL, TEXAS  
SPECIAL-CALLED CITY COMMISSION MEETING  
COMMISSION CHAMBERS, CITY HALL, 401 SOUTH ALAMO  
THURSDAY, MARCH 19, 2020, 6:00 P.M.**

\*\*\*\*\*

**AGENDA INFORMATION PACKET IS AVAILABLE FOR THE  
PUBLIC TO REVIEW ON THE CITY'S WEB SITE AFTER 8:00 A.M.  
ON WEDNESDAY BEFORE THE MEETING AT**

**[www.marshalltexas.net](http://www.marshalltexas.net)**

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1. **CALL TO ORDER AND ROLL CALL**  
**Page 1**

2. **INVOCATION AND PLEDGES**  
**Page 2**

3. **CITIZEN COMMENTS**

House Bill 2840 requires that a governmental body must allow each member of the public who desires to address the body regarding an item on an agenda the opportunity to do so before or during the body's consideration of the item. The "Citizens Comments" portion of the meeting meets the requirements of this law and is the public's opportunity to speak on any item on the agenda. Those who wish to speak will have three minutes to do so unless additional time has been requested.

**Page 3**

4. **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA**  
**Page 4**

5. **CONSENT AGENDA**

The items on the Consent Agenda require little or no deliberation by the Commission. Approval of the Consent Agenda authorizes the City Manager or his designee to proceed with conclusion of each in accordance with staff recommendations, a copy of which is filed with the minutes of the meeting. A Commissioner may remove items from the Consent Agenda by making such request prior to a motion and vote on the Consent Agenda.

A. Consider approval of the minutes from the February 27, 2020 Regular meeting.  
**Page 5**

B. Street Sweeping Activity Report. (Public Works Director)  
**Page 12**

C. Municipal Court Activity Report (Finance Director)  
**Page 15**

D. Consider approval of the proposed 2020 Street Improvement Program. (Public Works Director)  
**Page 20**

E. Consider approval of a Change Order (Element #25) to a contract with Stiles Electric for the Memorial City Hall Renovation Project. (City Manager)  
**Page 32**

6. **PUBLIC HEARING**

A. Conduct a public hearing and consider an Ordinance regarding a zoning map amendment of a 0.803 acre tract of land being all of Lots 1 and 2, and part of Lot 3 Block 1 Medill Bomar Heights from R-2 (Single Family Detached) to O (Office). The subject property is generally located on the south side of West Merritt Street and west of South Washington Avenue, more commonly known as 1103 South Washington Avenue. (Director of Community & Economic Development)  
**Page 35**

7. **SECOND READING OF ORDINANCE**

A. Consider approval of an Ordinance amending Section 21-33 of Chapter 21, "Offenses," entitled "Animals Prohibited in City Buildings; Exceptions" which established building and facilities of the City of Marshall in which it is unlawful to allow pets or other animals. (Public Works Director)  
**Page 44**

8. **CITY MANAGER REPORTS AND REQUESTS FOR CITY COMMISSION CONSIDERATION**

A. Report regarding City Commission or City Employees advocating for ballot propositions. (City Attorney)  
**Page 48**

B. Discussion of scheduling of upcoming Commission meetings. (City Manager)  
**Page 53**

9. **CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA**

**Page 55**

10. **EXECUTIVE SESSION**

A. An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.072 Deliberation regarding real property: Consider, discuss, and deliberate sale of property.

**Page 56**

11. **ACTION ITEMS FOLLOWING EXECUTIVE SESSION, IF NECESSARY**

A. Consider authorizing City Staff to negotiate and/or execute an agreement for sale of property as discussed in Executive Session.

**Page 57**

12. **ADJOURNMENT**

**Page 59**

Posted: March 16, 2020  
5:00 p.m.  
Y. Graham

This meeting will be conducted in accordance with the Americans with Disabilities Act. The facility is wheelchair accessible and disabled parking is available. Requests for sign interpretive services will be available with at least 48-hour notice prior to the meeting. To make arrangements for these services, please call Elaine Altman at 903-935-4519.

# **ITEM 1**

## **CALL TO ORDER AND ROLL CALL**

## **ITEM 2**

# **INVOCATION AND PLEDGES**

## **ITEM 3**

### **CITIZEN COMMENTS**

## **ITEM 4**

# **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA**

**ITEM 5A**

**CONSENT AGENDA**

**CONSIDER APPROVAL OF THE  
MINUTES FROM THE FEBRUARY 27,  
2020 REGULAR MEETING**

MINUTES OF THE REGULAR MEETING OF THE  
CITY COMMISSION OF THE CITY OF MARSHALL  
THURSDAY, FEBRUARY 27, 2020  
6:00 PM

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Mayor Terri Brown called the Regular meeting to order in the Commission Chambers, City Hall at 6:00 p.m.

PRESENT:

MAYOR: Terri Brown, District 3

COMMISSIONERS:

Marvin Bonner, District 1  
Amy Ware, District 4  
Larry Hurta, District 6

Leo Morris, District 2  
Vernia Calhoun, District 5  
Doug Lewis, District 7

ADMINISTRATIVE STAFF PRESENT:

Mark Rohr, City Manager  
Scott Rectenwald, Acting City Attorney  
Randy Pritchard, Support Services Superintendant  
Wes Morrison, Community & Economic Development Director  
Elaine Altman, City Secretary/Finance Director  
Eric Powell, Public Works Director  
Mallori James, Tourism & Cultural Arts Director  
Stormy Nickerson, Management Analysis/Communications Coordinator

INVOCATION & PLEDGE: Mayor Brown & Ke'Miya Parker and Khemistri Wallace,  
4<sup>th</sup> and 5<sup>th</sup> grade students at William B Travis Elementary  
School

51. **CITIZEN COMMENTS**

William Halliday, 604 Country Club Drive, disagreed with the process used to appoint Leo Morris to District 2.

Leta Kay, 1104 E Bowie, spoke against the manner and speed in which the Commission handled filling Commissioner Beil's vacancy.

Chris Horsley, 1 Glenbrook Circle, spoke regarding the new stop signs at the intersection of Lafayette and E. Houston.

Darlene Ware, DVM, 307 S. Wellington, spoke regarding the plans for the animal adoption center. She stated a surgery suite is not essential for an animal shelter and is not a requirement for grants.

Herbert White, 1201 S. Garrett, spoke regarding former Commissioner Beil and her contributions to the community.

Mac Abney, 211 E. Austin, spoke regarding poor signage in downtown.

Phoenix Albright, 341 Old Elysian Fields Rd #2, spoke in opposition to the appointment of Leo Morris.

LT Cole, 2105 Lancaster, spoke regarding moving forward with the animal adoption center.

**OATH OF OFFICE**

52. **ISSUE OATH OF OFFICE FOR TEMPORARY APPOINTMENT TO FILL THE COMMISSIONER, DISTRICT 2 VACANCY.**

Scott Rectenwald, Acting City Attorney, explained the process used to appoint Leo Morris to the District 2 position.

**Commissioner Hurta made a motion to rescind the appointment of Leo Morris. Commissioner Lewis seconded the motion, which failed with the following vote:**

**Ayes: 2, Commissioners Hurta and Lewis**

**Nays: 4, Mayor Brown, Commissioners Ware, Bonner and Calhoun**

Scott Rectenwald administered the Oath of Office to Leo Morris for the temporary appointment to fill the vacancy for District 2 until the May 2, 2020 election.

53. **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA**

C. Monthly financial report.

54. **CONSENT AGENDA**

**Commissioner Lewis made a motion to approve the Consent Agenda. Commissioner Calhoun seconded the motion, which passed with the following vote:**

**Ayes: 6, Mayor Brown, Commissioners Lewis, Calhoun, Bonner, Ware and Morris**

**Nays: 0**

**Abstain: 1, Commissioner Hurta**

A. Consider approval of the minutes from the February 10, 2020 Special-Called meeting and February 13, 2020 Regular meeting.

B. Consider approval of a contract with the Harrison County Elections Administrator for the May 2, 2020 General Election.

55. **PRESENTATION**

A. Consider approval of a proclamation declaring the month of February as “Teen Dating Violence Awareness Month”.

Mayor Brown presented a proclamation declaring the month of February as “Teen Dating Violence Awareness Month” to Heather Lei Miller, Rural Outreach Advocate for the Women’s Center of East Texas.

**PUBLIC HEARING**

56. CONDUCT A PUBLIC HEARING REGARDING THE COMMUNITY DEVELOPMENT BLOCK GRANT 5-YEAR CONSOLIDATED PLAN AND ANNUAL ACTION PLAN FOR 2020 PROGRAM.

Wes Morrison, Community & Economic Development Director, presented the Community Development Block Grant 5-year consolidated Plan and Annual Action Plan for 2020 Program.

Commissioners asked questions and discussed.

Mayor Brown opened the Public Hearing.

No one came forward.

Mayor Brown closed the Public Hearing.

**ORDINANCE**

57. CONSIDER APPROVAL OF AN ORDINANCE AMENDING SECTION 21-33 OF CHAPTER 21, "OFFENSES," ENTITLED "ANIMALS PROHIBITED IN CITY BUILDINGS; EXCEPTIONS" WHICH ESTABLISHED BUILDING AND FACILITIES OF THE CITY OF MARSHALL IN WHICH IT IS UNLAWFUL TO ALLOW PETS OR OTHER ANIMALS.

Mark Rohr, City Manager, detailed changes made to the ordinance.

Eric Powell, Public Works Director, asked for approval of the ordinance amending Section 21-33 of Chapter 21, "Offenses," entitled "Animals Prohibited in City Buildings; Exceptions" which establishes building and facilities of the City of Marshall in which it is unlawful to allow pets or other animals.

Commissioners asked questions and discussed.

**Commissioner Lewis made a motion to approve an Ordinance amending Section 21-33 of Chapter 21, "Offenses," entitled "Animals Prohibited in City Buildings; Exceptions". Mayor Brown seconded the motion, which passed with a vote of 7:0.**

**SECOND READING OF ORDINANCE**

58. CONSIDER APPROVAL OF AN ORDINANCE AMENDING CHAPTER 27 OF THE CITY OF MARSHALL CODE OF ORDINANCES ENTITLED "TRAFFIC", SPECIFICALLY REPEALING SECTION 27-15.3 ENTITLED "SAME – HEAVY VEHICLE PARKING" AND REPLACE WITH A NEW SECTION 27-15.3 ENTITLED "COMMERCIAL VEHICLE PARKING".

Wes Morrison stated there was no new information regarding this ordinance.

**Commissioner Lewis made a motion to approve an ordinance amending Chapter 27 of the City of Marshall Code of Ordinances entitled "Traffic", specifically repealing Section 27-15.3 entitled "Same – Heavy vehicle parking" and replace with a new section 27-15.3 entitled "Commercial Vehicle Parking". Commissioner Calhoun seconded the motion, which passed with a vote of 7:0.**

## **RESOLUTIONS**

59. CONSIDER APPROVAL OF A RESOLUTION CALLING FOR THE CANCELLATION OF THE CITY GENERAL ELECTION FOR DISTRICT 5.

Elaine Altman, City Secretary, stated Vernia Calhoun, candidate for District 5, was unopposed. She recommended adopting this resolution and declaring Vernia Johnson Calhoun elected commissioner for District 5.

**Commissioner Hurta made a motion to approve a resolution calling for the cancellation of the City General Election for the Office of City Commissioner District 5, which was to be held on May 2, 2020. Commissioner Lewis seconded the motion, which passed with a vote of 7:0.**

60. CONSIDER APPROVAL OF A RESOLUTION AUTHORIZING THE ISSUANCE OF A REQUEST FOR QUALIFICATIONS AND PROPOSALS (RFQ/RFP), UTILIZING THE DESIGN/BUILD CONTRACT METHOD OF PROJECT DELIVERY, SEEKING QUALIFICATIONS AND PROPOSALS FROM QUALIFIED RESPONDENTS FOR THE DEVELOPMENT, DESIGN AND CONSTRUCTION OF A NEW ANIMAL ADOPTION CENTER.

Mark Rohr asked for approval of a resolution authorizing the issuance of a Request for Qualifications and Proposals (RFQ/RFP), utilizing the Design/Build Contract Method of project delivery, seeking qualifications and proposals from qualified respondents for the development, design and construction of a new animal adoption center. He acknowledged the Adoption Center Advisory Committee and explained the timeframe for this project.

Jerry Cargill presented information regarding the public/private joint effort for funding the animal shelter. He stated, in addition to the \$900,000 from the City of Marshall and the \$250,000 from Harrison County, the Friends of the Marshall Animal Shelter have raised \$60,000 and hope to raise more.

Mark Rohr further explained the funding detailed by Mr. Cargill, stating various sources of donations and contributions total \$475,773. This amount, along with the \$900,000 from the City of Marshall and \$250,000 from Harrison County totals \$1,625,773. He stated the expenditures are anticipated to be \$1,625,000.

**Commissioner Lewis made a motion to approve the resolution authorizing the issuance of a Request for Qualifications and Proposals (RFQ/RFP), utilizing the Design/Build Contract Method of project delivery, seeking qualifications and proposals from qualified respondents for the development, design and construction of a new animal adoption center. Commissioner Ware seconded the motion.**

Commissioners asked questions and discussed.

**This item passed with a vote of 7:0.**

**CITY MANAGER REPORTS AND REQUESTS FOR CITY COMMISSION CONSIDERATION**

61. **PRESENTATION OF AND ACKNOWLEDGEMENT OF RECEIPT OF THE 2019 RACIAL PROFILING REPORT FOR THE MARSHALL POLICE DEPARTMENT.**

Cliff Carruth, Police Chief, presented the 2019 Racial Profiling Report for the Marshall Police Department.

Commissioners asked questions and discussed.

62. **PRESENTATION OF A REPORT ON THE 2019 WONDERLAND OF LIGHTS FESTIVAL.**

Wes Morrison presented a report on the 2019 Wonderland of Lights Festival. He presented the event's financial statements, highlighted 3 year trends and discussed visitor demographics. He also addressed declining volunteer interest.

Rachel Skowronek, Main Street Manager, spoke regarding advertisement for future events based on data collected.

Commissioners asked questions and discussed.

63. **CONSIDER APPROVAL OF A PARTICIPATION AGREEMENT FOR A SERVICE LINE WARRANTY PROGRAM.**

Eric Powell asked for approval to continue participation in an agreement for a Service Line Warranty program. He stated Service Line Warranties of America is a private company that provides insurance for water line breaks; the City receives \$.50 every month for each active policy.

Commissioners asked questions and discussed.

**Commissioner Lewis made a motion to approve continued participation in a Service Line Warranty Program. Commissioner Calhoun seconded the motion, which passed with a vote of 7:0.**

64. **CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA**

C. Monthly financial report.

Commissioners asked questions and discussed.

**Commissioner Ware made a motion to approve the monthly financial report. Commissioner Lewis seconded the motion, which passed with a vote of 7:0.**

65. **ADJOURNMENT**

**Commissioner Calhoun made a motion for adjournment. Commissioner Lewis seconded the motion, which passed with a vote of 7:0.**

**APPROVED:**

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

**ATTEST:**

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**City Secretary**

**Ordinances: O-20-06  
O-20-07  
Resolutions: R-20-05  
R-20-06**

## **ITEM 5B**

### **CONSENT AGENDA**

#### **STREET SWEEPING ACTIVITY REPORT**



**TO:** Mark Rohr, City Manager

**FROM:** Eric Powell, PE   
Director of Public Works

**DATE:** March 2, 2020

**SUBJECT:** Street Sweeping Activity Report for February 2020

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The Street Sweeping Activity Report for the month of February 2020 is attached for review by the City Commission.

# STREET SWEEPING ACTIVITY REPORT

## February 2020

STREET NAME	NUMBER OF TIMES SWEPT
Austin St. (Downtown)	7
Bolivar St. (Downtown)	7
Bomar St.	1
Bridle Path	1
Burleson St. (Downtown)	7
Caddo St.	1
N. College St.	1
S. College St.	1
Courthouse Square (Downtown)	7
Enfield St.	1
Fisher Dr.	1
Fitzgerald St.	1
S. Garrett St.	1
S. Grove St.	1
W. Houston St.	2
Jasper Dr.	1
John Reagan St.	1
Johnson St.	1
Linwood Dr.	1
Murray St.	1
Norwood St.	1
Parker St.	1
Redwood Trail	1
Rusk St. (Downtown)	7
Sallie Sue Dr.	1
Slone Dr.	1
Van Zandt Ave.	1
N. Washington Ave. (Downtown)	7
Wellington St. (Downtown)	7

March 2, 2020

## **ITEM 5C**

### **CONSENT AGENDA**

### **MUNICIPAL COURT ACTIVITY REPORT**

## MEMORANDUM

To: Mark Rohr, City Manager

From: Elaine Altman, Finance Director

Date: March 6, 2020

Subject: February 2020 Municipal Court Activity Report

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The attached report identifies the type and number of cases filed, financial information, number of trials/hearings, warrants and dispositions for the month of February 2020. The report also includes the number of Active and Inactive cases, compiled by the OCA (Office of Court Administration), for the period October 2019 through January 2020. Also attached is an update on Community Service Applications.

## Monthly Report For Feb 2020

## Cases Filed

STEP Site	Traffic	Penal	City Ordinance	Parking	Other	Total
0	214	30	22	2	14	282

## Financial

State Costs	City Costs	Fines	Tech Fund	Bld Security	Total
\$12,138.93	\$18,627.30	\$11,786.14	\$1,776.00	\$13,398.01	\$57,726.38

## Trials/Hearings

Jury	Bench	Appealed	Total
0	47	0	47

## Warrants

Issued	Recalled	Served	Fees Collected	Amount Collected	Outstanding
159	95	52	\$4,329.64	\$11,800.70	\$2,738,060

## Dispositions

Paid	Time Served	Dismissed	Appealed	Total
181	53	122	0	357

Office of Court Administration – Austin, TX

- OCA monthly report data compiled from the **October 2019** report (submitted 11/19/2019) revealed the following data:

Active cases: 1,338

Inactive cases: 4,962

- OCA monthly report data compiled from the **November 2019** report (12/19/2019) revealed the following data:

Active cases: 1,187

Inactive cases: 5,147

- OCA monthly report data compiled from the **December 2019** report (submitted 01/21/2020) revealed the following data:

Active cases: 1,071

Inactive cases: 5,193

- OCA monthly report data compiled from the **January 2020** report (submitted 02/20/2020) revealed the following data:

Active cases: 947

Inactive cases: 5,259

**Community Service Applications**

As of this report date municipal court has 13 applications that were distributed to defendants at previous court proceedings. These were forwarded to Lt. Huffman at the Police Department for review and assignment to various entities for completion of hours.

**ITEM 5D**

**CONSENT AGENDA**

**APPROVAL OF THE PROPOSED 2020  
STREET IMPROVEMENT PROGRAM**



**TO:** Mark Rohr, City Manager

**FROM:** Eric Powell, PE   
Director of Public Works

**DATE:** March 12, 2020

**SUBJECT:** Consider approval of the 2020 Street Improvement Program

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As part of the approval process for our annual street improvements, we ask that the City Commission review and approve the proposed listing of streets for the 2020 Street Improvement Program. Attached is a spreadsheet and map presenting our staff proposed listing of streets for this year, which estimates a total expenditure of \$1,428,467.00 (funded from general budget and street maintenance sales tax). All of the streets on this proposed list were chosen based on their condition. If bid prices are favorable, we may be able to include additional streets on the list.

The expenditure estimates are our best estimate of costs at this time. Any changes in the global price of oil will have a direct effect on final pricing for asphalt and overlay costs. If bid prices come in higher than estimated, staff will come back to the City Commission with a revised street list at the time of final bid award.

# PRELIMINARY - FOR APPROVAL

2020 Street Improvement Program		
List of Streets for Overlay, Pulverization and Mill/Pave		
Funding Sources:	Acct. #01-0408-05-02 - \$964,295	Acct. # 80-0408-00-00 - \$556,741



OVERLAY						
STREET	FROM	TO	Length	Width (Avg.)	Tons	Cost
Adkins St.	Rusk St.	Burleson St.	390	20	100	\$ 10,465
Amelia St.	Bird St.	N. Bishop St.	420	18	97	\$ 10,143
Annette St.	Lakeview Dr.	Beth Ann Dr.	1580	18	363	\$ 38,157
Beth Ann Dr.	Lakeview Dr.	US 59	1830	20	468	\$ 49,105
Dovenna Dr.	Esther St.	Beth Ann Dr.	960	14	172	\$ 18,032
Durel St.	E. Austin St.	Hwy 80 (Grand Ave.)	1000	25	319	\$ 33,542
Esther St.	Lakeview Dr.	Annette St.	1200	20	307	\$ 32,200
Evans St.	Van Zandt Ave.	Hwy 154	2700	24	828	\$ 86,940
Forrest Terr.	Bomar St.	S. Grove St.	270	28	97	\$ 10,143
Gehan St.	Houston St.	Hwy 80 (Grand Ave.)	1850	18	426	\$ 44,678
George Gregg St.	Center St.	Virginia St.	830	16	170	\$ 17,817
Hynson Springs Rd.	North Dr.	Ward St.	770	24	236	\$ 24,794
Lakeview Dr.	S Washington	Beth Ann Dr.	2835	24	869	\$ 91,287
Medill Street	Wilson St.	Bomar St.	720	28	258	\$ 27,048
Murphey Dr.	Garrett St.	Brimm St.	660	16	135	\$ 14,168
N. College St.	Burleson St.	Hwy 80 (Grand Ave.)	300	18	69	\$ 7,245
N. Fulton St.	Hawley St.	Van Zandt	2700	22	759	\$ 79,695
Park Dr.	Van Zandt Ave.	Hwy 154	2700	18	621	\$ 65,205
Rainey St.	George Gregg St.	N. Franklin St.	570	18	131	\$ 13,766
Ralph St.	Stanley St.	Highbridge St.	1040	20	266	\$ 27,907
Rosborough St.	Rusk St.	Houston St.	380	10	49	\$ 5,098
Spring St.	Sanford St.	Allen St.	2150	20	549	\$ 57,692
Stanley St.	Ralph St.	Herbert St.	270	24	83	\$ 8,694
Taylor St.	Milam St.	Hynson Springs Rd.	760	20	194	\$ 20,393
Water St.	George Gregg St.	N. Franklin St.	650	18	150	\$ 15,698

**OVERLAY TOTALS: 7,713 \$ 809,911**

PULVERIZATION						
STREET	FROM	TO	Length	Width (Avg.)	Area	Cost
Beth Ann Dr.	S. Washington Ave.	Annette St.	970	20	2,156	\$ 43,111
Corti St.	Marshall St.	Gehlan St.	800	18	1,600	\$ 32,000
Forrest Terr.	Rosborough Springs Rd.	Wilson St.	400	20	889	\$ 17,778
Gehlan St.	Houston St.	Morrison St.	830	18	1,660	\$ 33,200
George Gregg St.	Hawley St.	East Ave.	760	18	1,520	\$ 30,400
Georgetown Rd.	Rosborough Springs Rd.	S. Grove St.	765	20	1,700	\$ 34,000
Medill Street	Rosborough	Wilson	500	28	1,556	\$ 31,111
S. Allen St.	Rusk St.	Hwy 80 (Grand Ave.)	700	22	1,711	\$ 34,222
Ralph St.	Evans St.	Stanley St.	300	18	600	\$ 12,000
Spring St.	Fletcher St.	Milton St.	430	18	860	\$ 17,200
Wright St.	N. Grove St.	N. Franklin St.	520	20	1,156	\$ 23,111

**PULVERIZATION TOTALS: 15,407 \$ 308,133**

MILLPAVE								
STREET	FROM	TO	Length	Width (Avg.)	Area	Total Tons	Cost	
E. Burelson St.	Davis St.	End	2400	28	7,467	859	\$ 112,000	
S. Garrett	Hwy 43	Johnson St.	2570	40	11,422	1,314	\$ 171,333	
Price St.	E. Austin St.	Grand Ave. (Hwy 80)	960	28	2,987	343	\$ 44,800	

**MILLPAVE TOTALS: 21,876 2,516 \$ 328,133**

TOTAL PROGRAM COSTS:		
Overlay:	\$	809,911
Pulverization:	\$	308,133
Mill/Pave:	\$	328,133
<b>TOTAL:</b>	<b>\$</b>	<b>1,446,177</b>

# 2020 Street Improvement Program

CITY OF MARSHALL, TEXAS

**CITY COMMISSION**

- MARVIN BONNER
- LEO MORISS
- TERRI BROWN
- AMY WARE
- VERNIA CALHOUN
- LARRY HURTA
- DOUG LEWIS

**CITY MANAGER**

R. MARK ROHR

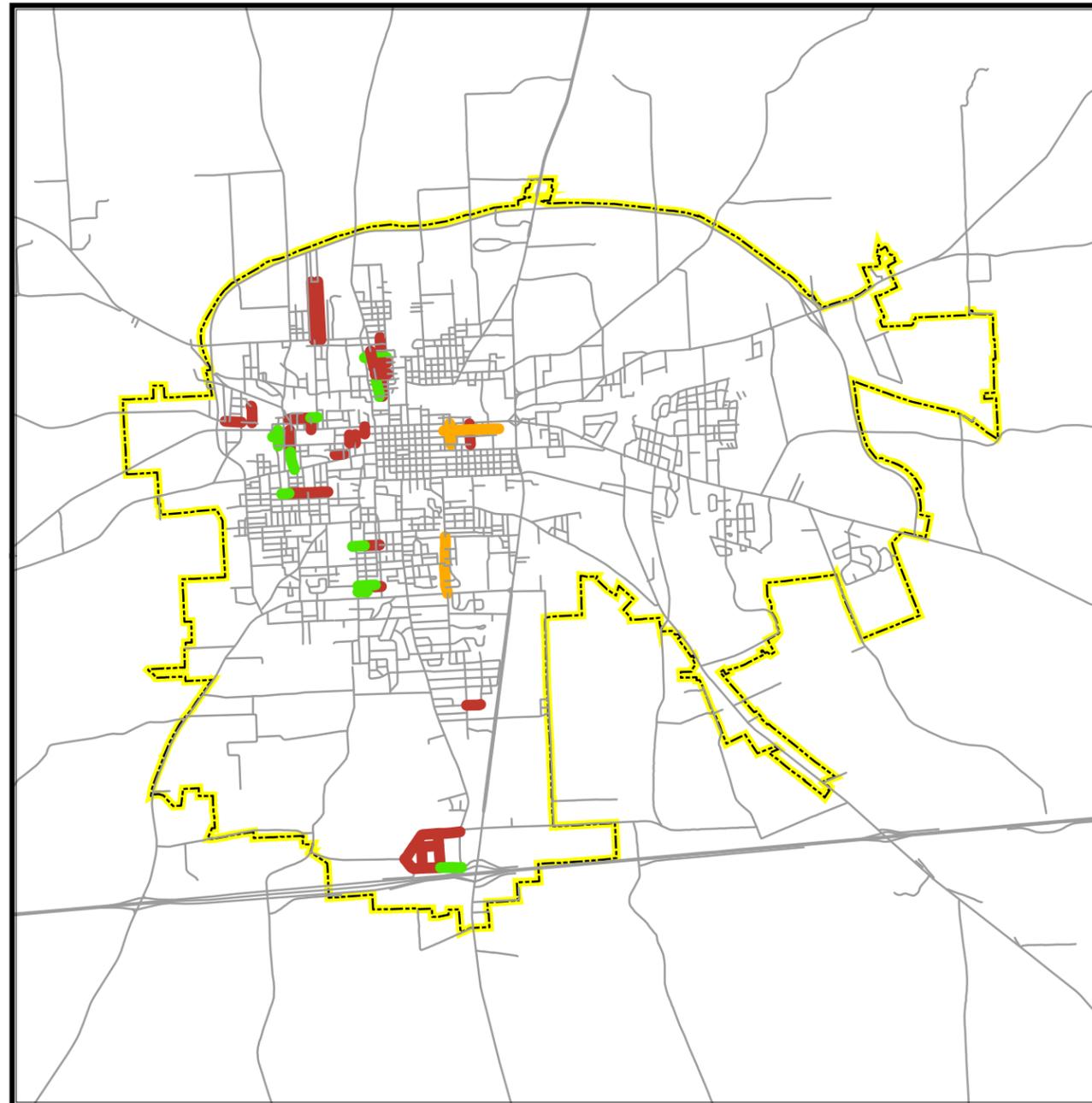
**DIRECTOR OF PUBLIC WORKS**

ERIC POWELL, PE

**Street Improvements**

**Roads**

- Streets
- Overlay
- Pulverization
- MillPave
- Marshall\_City\_Limits



2020 Street Improvement Program  
List of Streets for Overlay, Pulverization and MillPave

OVERLAY					
STREET	FROM	TO	Length	Width (Avg.)	Tons
Adkins St.	Rusk St.	Burleson St.	390	20	100
Amelia St.	Bird St.	N. Bishop St.	420	18	97
Annette St.	Lakeview Dr.	Beth Ann Dr.	1580	18	363
Beth Ann Dr.	Lakeview Dr.	US 59	1830	20	468
Doverna Dr.	Esther St.	Beth Ann Dr.	960	14	172
Durel St.	E. Austin St.	Hwy 80 (Grand Ave.)	1000	25	319
Esther St.	Lakeview Dr.	Annette St.	1200	20	307
Evans St.	Van Zandt Ave.	Hwy 154	2700	24	828
Forrest Terr.	Bomar St.	S. Grove St.	270	28	97
Gehan St.	Houston St.	Hwy 80 (Grand Ave.)	1850	18	426
George Gregg St.	Center St.	Virginia St.	830	16	170
Hynson Springs Rd.	North Dr.	Ward St.	770	24	236
Lakeview Dr.	S Washington	Beth Ann Dr.	2835	24	869
Medill Street	Wilson St.	Bomar St.	720	28	258
Murphey Dr.	Garrett St.	Brimm St.	660	16	135
N. College St.	Burleson St.	Hwy 80 (Grand Ave.)	300	18	69
N. Fulton St.	Hawley St.	Van Zandt	2700	22	759
Park Dr.	Van Zandt Ave.	Hwy 154	2700	18	621
Rainey St.	George Gregg St.	N. Franklin St.	570	18	131
Ralph St.	Stanley St.	Highbridge St.	1040	20	266
Rosborough St.	Rusk St.	Houston St.	380	10	49
Spring St.	Sanford St.	Allen St.	2150	20	549
Stanley St.	Ralph St.	Herbert St.	270	24	83
Taylor St.	Milam St.	Hynson Springs Rd.	760	20	194
Water St.	George Gregg St.	N. Franklin St.	650	18	150

OVERLAY TOTALS: 7,713

PULVERIZATION					
STREET	FROM	TO	Length	Width (Avg.)	Area
Beth Ann Dr.	S. Washington Ave.	Annette St.	970	20	2,156
Cort St.	Marshall St.	Gehan St.	800	18	1,600
Forrest Terr.	Rosborough Springs Rd.	Wilson St.	400	20	889
Gehan St.	Houston St.	Morrison St.	830	18	1,660
George Gregg St.	Hawley St.	East Ave.	760	18	1,520
Georgetown Rd.	Rosborough Springs Rd.	S. Grove St.	765	20	1,700
Medill Street	Rosborough	Wilson	500	28	1,556
S. Allen St.	Rusk St.	Hwy 80 (Grand Ave.)	700	22	1,711
Ralph St.	Evans St.	Stanley St.	300	18	600
Spring St.	Fletcher St.	Milton St.	430	18	860
Wright St.	N. Grove St.	N. Franklin St.	520	20	1,156

PULVERIZATION TOTALS: 15,407

MILLPAVE					
STREET	FROM	TO	Length	Width (Avg.)	Area
E. Burleson St.	Davis St.	End	2400	28	7,467
S. Garrett	Hwy 43	Johnson St.	2570	40	11,422
Price St.	E. Austin St.	Grand Ave. (Hwy 80)	960	28	2,987

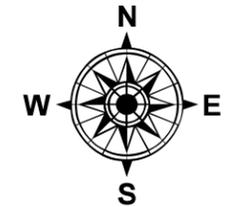
MILLPAVE TOTALS: 21,876

Prepared By: Eric G. Powell, PE

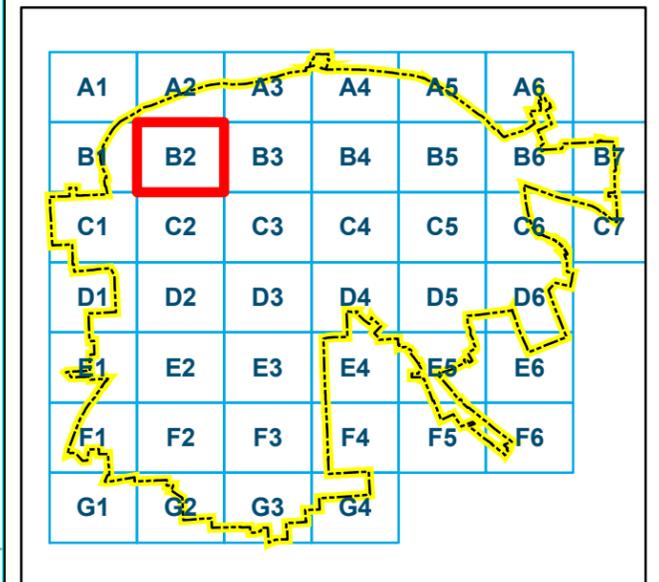




# 2020 STREET IMPROVEMENT PROGRAM



OVERALL GRID MAP



**Street Improvements**

**Roads**

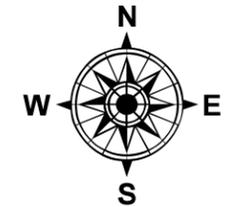
- Streets
- Overlay
- Pulverization
- Mill/Pave
- Marshall City Limits

## Map Number: B2

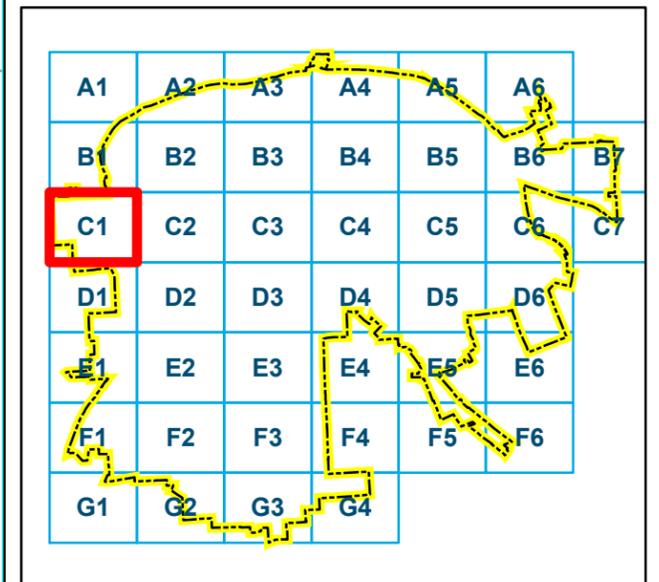




# 2020 STREET IMPROVEMENT PROGRAM



OVERALL GRID MAP

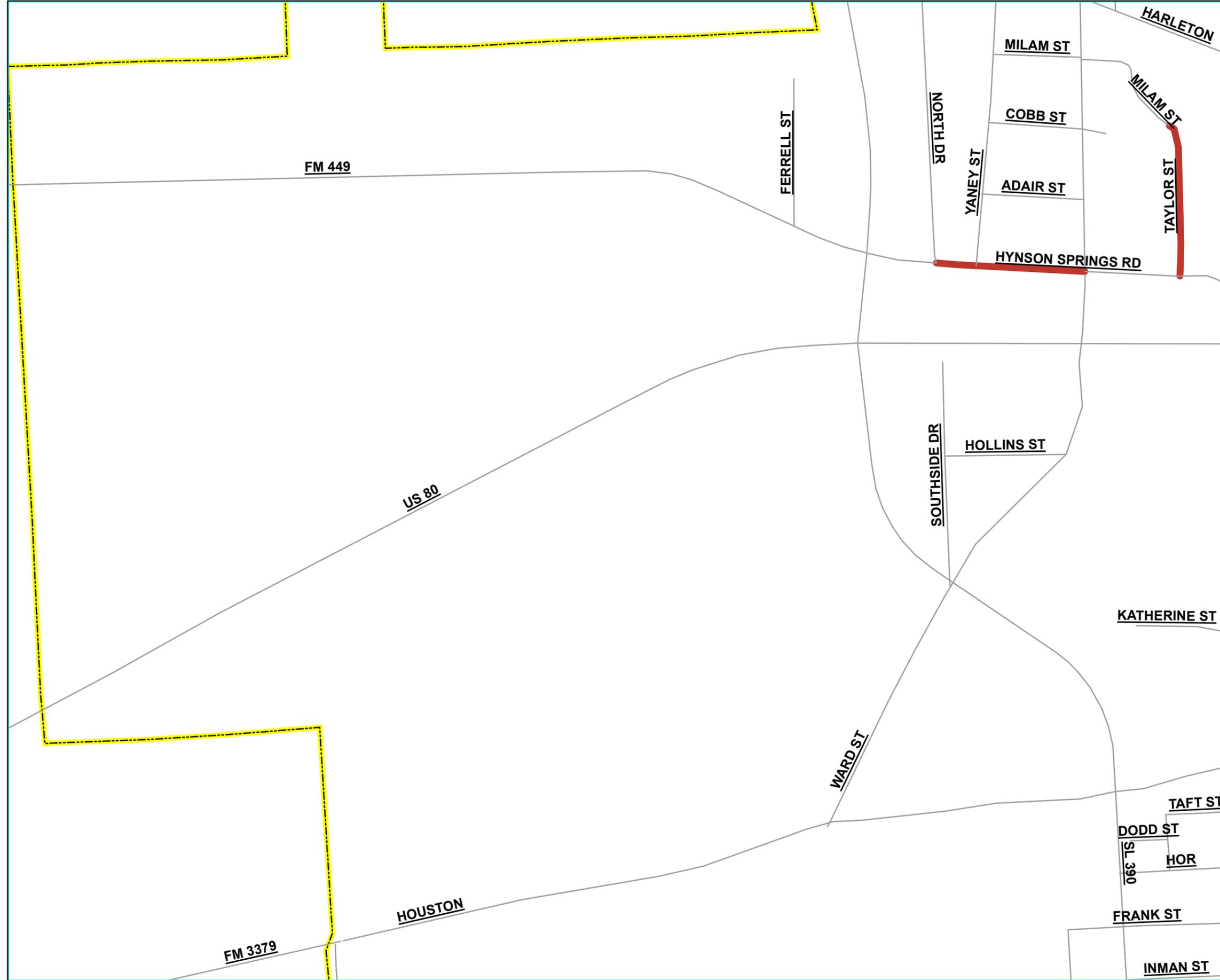


## Street Improvements

### Roads

- Streets
- Overlay
- Pulverization
- Mill/Pave
- Marshall City Limits

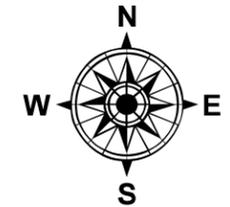
# Map Number: C1



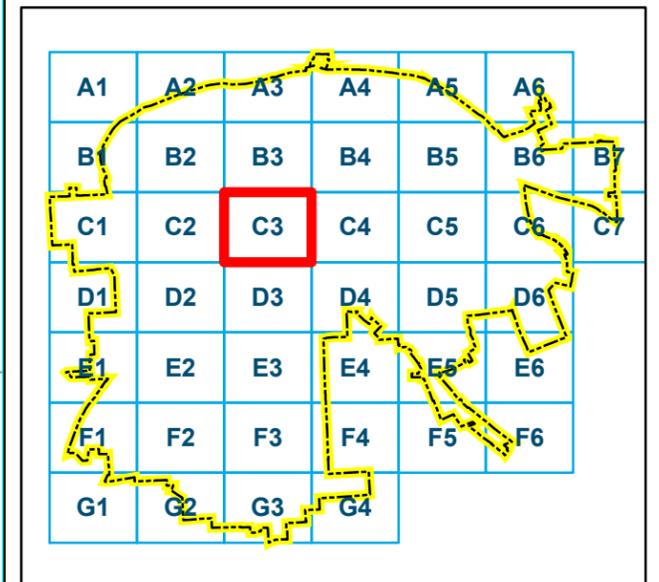




# 2020 STREET IMPROVEMENT PROGRAM



OVERALL GRID MAP



**Street Improvements**

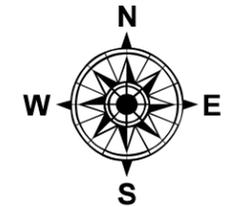
**Roads**

- Streets
- Overlay
- Pulverization
- Mill/Pave
- Marshall City Limits

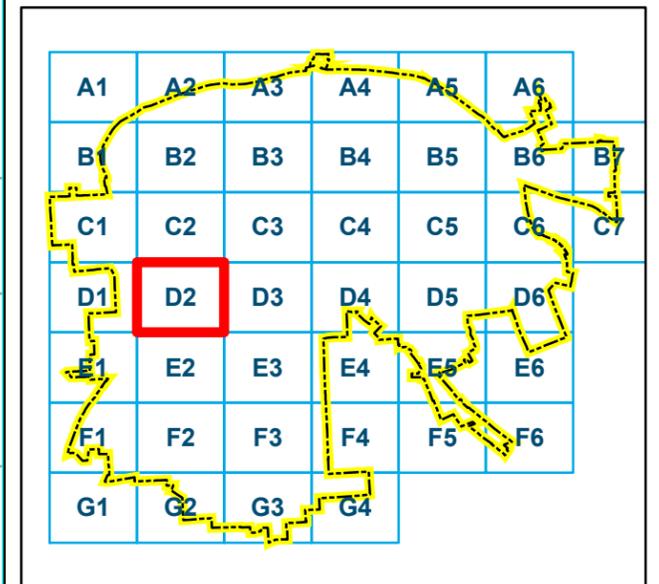
## Map Number: C3



# 2020 STREET IMPROVEMENT PROGRAM



OVERALL GRID MAP



**Street Improvements**

**Roads**

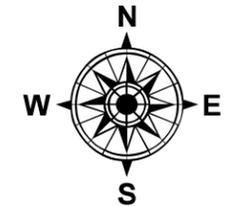
- Streets
- Overlay
- Pulverization
- Mill/Pave
- Marshall City Limits

## Map Number: D2

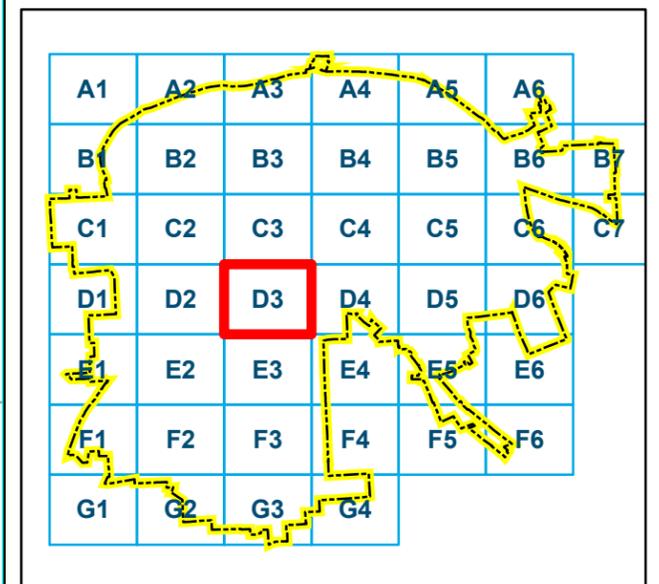




# 2020 STREET IMPROVEMENT PROGRAM



OVERALL GRID MAP



## Street Improvements

### Roads

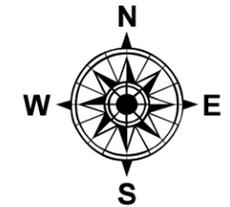
- Streets
- Overlay
- Pulverization
- Mill/Pave
- Marshall City Limits

# Map Number: D3

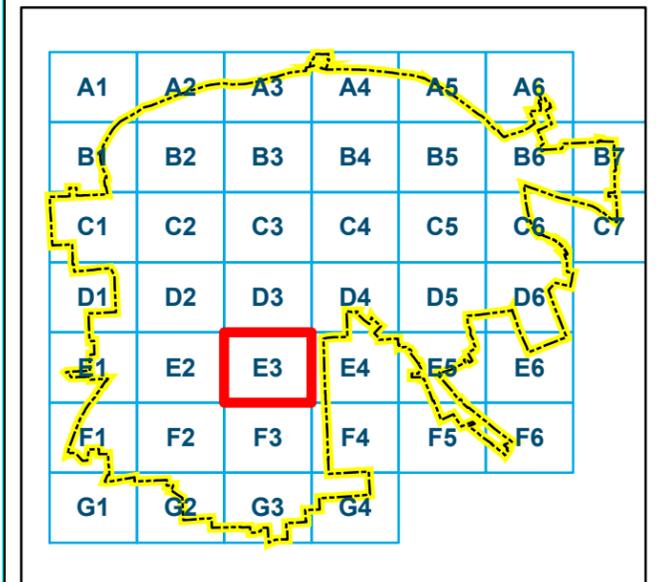




# 2020 STREET IMPROVEMENT PROGRAM



OVERALL GRID MAP



**Street Improvements**

**Roads**

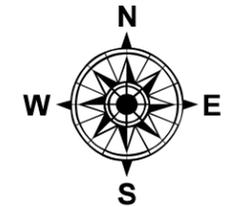
- Streets
- Overlay
- Pulverization
- Mill/Pave
- Marshall City Limits

## Map Number: E3

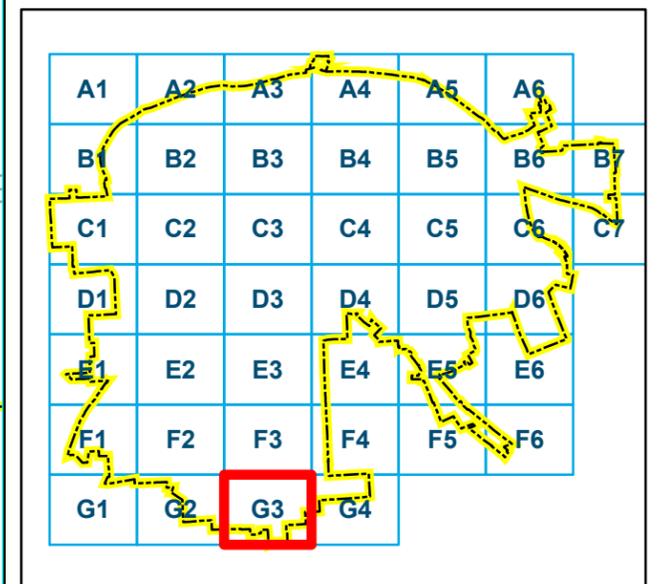




# 2020 STREET IMPROVEMENT PROGRAM



OVERALL GRID MAP

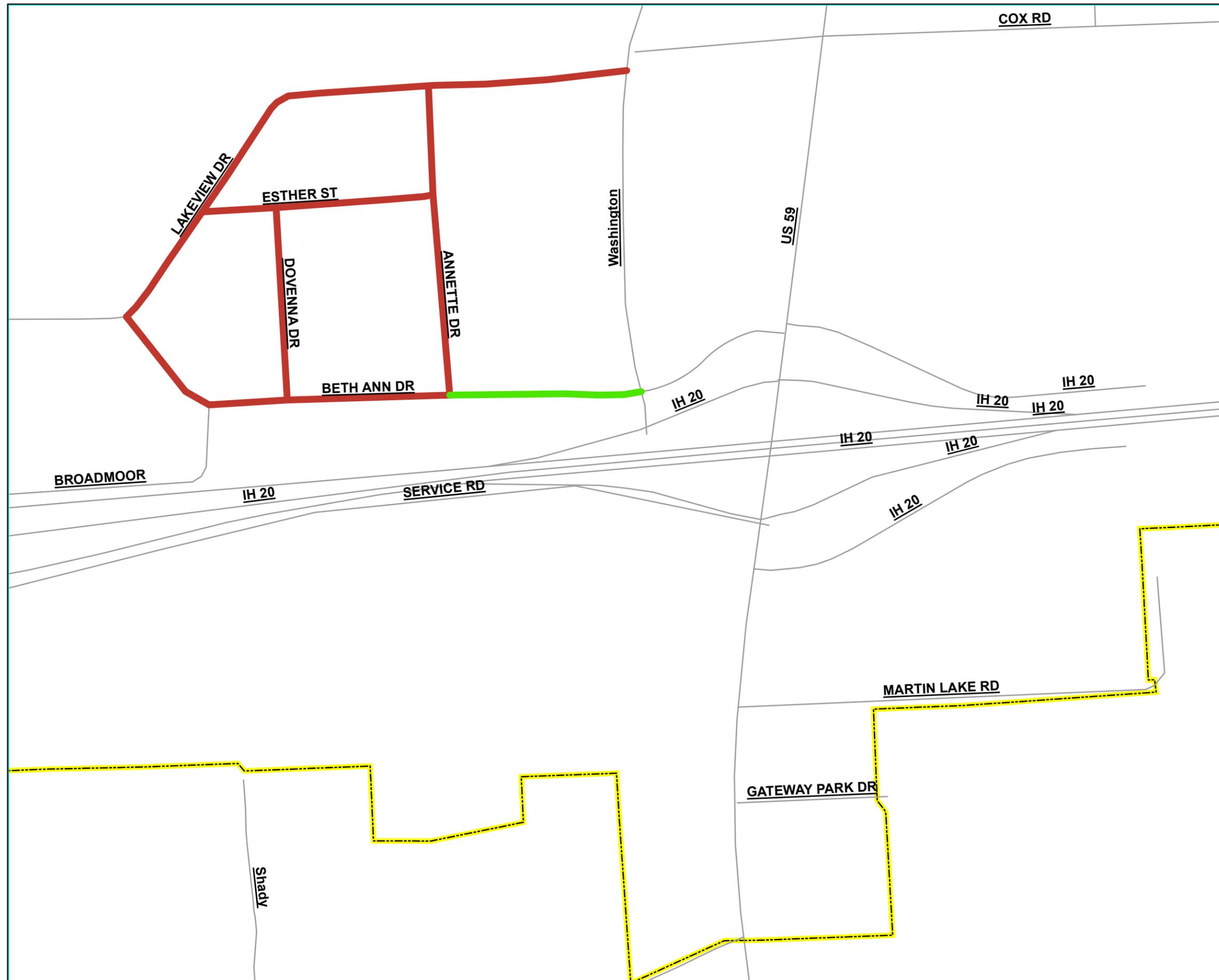


## Street Improvements

### Roads

- Streets
- Overlay
- Pulverization
- Mill/Pave
- Marshall City Limits

# Map Number: G3



## **ITEM 5E**

### **CONSENT AGENDA**

**APPROVAL OF A CHANGE ORDER TO A  
CONTRACT WITH STILES ELECTRIC  
FOR THE MEMORIAL CITY HALL  
RENOVATION PROJECT**

## MEMORANDUM

To: Members of the City Commission

From: City Manager, Mark Rohr

Date: March 12, 2020

Subject: Approval of Change Order to a Contract with Stiles Electric for the Memorial City Hall Renovation Project

---

We are requesting a change order for \$1,623 to Stiles Electric for the relocation of two dimmer circuits between the video and sound rooms on the fourth floor, and to reroute conduit to allow for hookup of dimmer circuits. This change order also includes the installation of a magnetic lock on the door to the chairlift.

**PROPOSAL  
FROM  
STILES ELECTRIC**

**103 Community Blvd.  
LONGVIEW, TX. 75605  
Contractors License # 20110  
Master Electrician # 306929  
PHONE (903) 702-5771  
FAX (903) 757-7337**

**To: City of Marshall**

**ATTN: Jeff**

**DATE: 3/5/2020**

**PROPOSAL NO: 20-1110 Relocate Two Dimmer Circuits between Video and Sound Room on 4<sup>th</sup> Floor;  
Install Magnetic Lock on Door to Chairlift**

---

**DESCRIPTION**

**WE HEREBY PROPOSE TO FURNISH ALL NECESSARY LABOR AND MATERIAL FOR THE ELECTRICAL INSTALLATION OF THE FOLLOWING:**

**Price Includes:**

- 1. Relocate 2 dimmer circuits between Video and Sound Room on 4<sup>th</sup> Floor**
- 2. Reroute conduit to allow for hookup of dimmer circuits to the two dedicated plugs currently installed between the video and sound rooms on the 4<sup>th</sup> floor**
- 3. Installation of magnetic lock on door to chairlift**

**Not Included:**

- 1. Taxes**

**Total Base Cost \$1,623.00**

**Thank you,**

**Rod Smith**

## **ITEM 6A**

### **PUBLIC HEARING**

**PUBLIC HEARING AND CONSIDER AN ORDINANCE REGARDING A ZONING MAP AMENDMENT OF A 0.803 ACRE TRACT OF LAND FROM R-2 (SINGLE FAMILY DETACHED) TO O (OFFICE). THE SUBJECT PROPERTY IS COMMONLY KNOWN AS 1103 SOUTH WASHINGTON AVENUE.**



# Agenda Information Sheet

March 19, 2020

**Agenda Item Z-20-02-** Conduct a public hearing and consider an ordinance regarding a zoning map amendment of a 0.803 acre tract of land being all of Lots 1 and 2, and part of Lot 3 Block 1 Medill Bomar Heights from R-2 (Single Family Detached) to O (Office). The subject property is generally located on the south side of West Merritt Street and west of South Washington Avenue, more commonly known as 1103 South Washington Avenue.

**The Planning & Zoning Commission recommended approval by a vote of 7-0-0.**

Applicant:	Mickey Boles 11 Oak Creek Ridge Dr. Longview , Texas 75605
Property Owner	Mickey Boles 11 Oak Creek Ridge Dr. Longview , Texas 75605
Surrounding Property Notices	15 Notices Sent within 200 ft. of the Site 0 Responses back

**Location Map:**



**Background & Summary of Request:**

The property is currently utilized as a single family residence constructed in 1909, and zoned R-2 (Single-Family Detached). The owner is request the zoning be changed to O (Office).

**Picture of the Site:****Existing Conditions:**

The property is currently utilized as a single family residence constructed in 1909, and zoned R-2 (Single-Family Detached).

The table below outlines the surrounding zoning and land uses:

	<b>Zoning Classification</b>	<b>Land Use</b>
North of the Property	C-2 (Retail Business)	Nursing Home
East of the Property	R-2 (Single-family Residential)	Single Family Residence
South of the Property	R-2 (Single-family Residential)	Single Family Residence
West of the Property	C-2 (Retail Business)	Nursing Home Parking

Water and sewer service is provided to the site by existing 6" water and sewer lines located along South Washington Avenue.

**Zoning Classification Analysis:**

The applicant is requesting the zoning change in order to establish a Financial Services office space. The Office district is established to accommodate all types of office uses and to provide a district with specific restrictions to serve as a buffer and/or transition between residential areas and major thoroughfares or commercial developments, and which would not have objectionable or detrimental impacts or influences on adjacent residential areas such as evening hours of operation, bright lights, etc.

### **Comprehensive Plan and Future Land Use Map Analysis:**

The subject property is designated as “Low Density Residential” on the Future Land Use Map with the abutting property to the East designated as “Commercial/Office/Service” and the North designated as High Density Residential” Transitional Areas: Chapter 3, Objective 7b of the Comprehensive Plan states that “*Typical uses include low to moderate density residential, neighborhood-serving retail, restaurants, commercial and office.*”

The following questions should be answered when determining if a zoning change is appropriate:

1. Will the proposed change be in compliance with the goals of the Comprehensive Plan?  
*The request to change from R-2 to O would be in line with the Comprehensive plan is in compliance with the Future Land Use Plan.*
2. Will there be an adverse impact on surrounding property if the request is approved? In evaluating this question, consideration should be given to all permitted uses in the proposed new zoning and the impact it could have on surrounding property.  
*The Office District is designed to promote stability of office building developments; to strengthen the economic base of the City; to protect the character of the district and adjacent districts; to conserve the value of land and buildings; and to protect the city’s tax base.*
3. Is the property suitable for use as it is currently zoned or does the zoning need to be changed to allow the property to be put to use in a way that is in keeping with the surrounding activities.  
*The other buildings fronting S. Washington Ave. are predominately single family houses. However, the location of this property is a corner lot with frontage along E. Merritt St. as well. The building across the street is a Nursing Home and behind the subject property a parking lot. Changing the zoning to Office would serve as a buffer and/or transition between the residential areas.*
4. What is the relationship of the proposed change to the health, safety and welfare of the general community? In other words, will the change make the community better or is it merely for the convenience of the owner? Will surrounding property owners suffer or lose any enjoyment in the area of their property as a result of this change? Does the proposed change seem to be a logical extension of similar types of development?  
*It is not believed that the proposed change would negatively affect the surrounding property owners.*

### **Suggested Motions:**

1. Motion to approve case number Z-20-01 as requested.
2. Motion to deny case number Z-20-01.

### **Attachments:**

1. Aerial of Site
2. Pictures of the Site
3. 200 Foot Notification Map
4. Ordinance

Aerial Photograph Z-20-01



Please note, areas depicted on the above map just for representation purposes only and do not identify the exact boundaries of the property in question.

Z-20-01  
Site Pictures



Single-Family Residential to the south



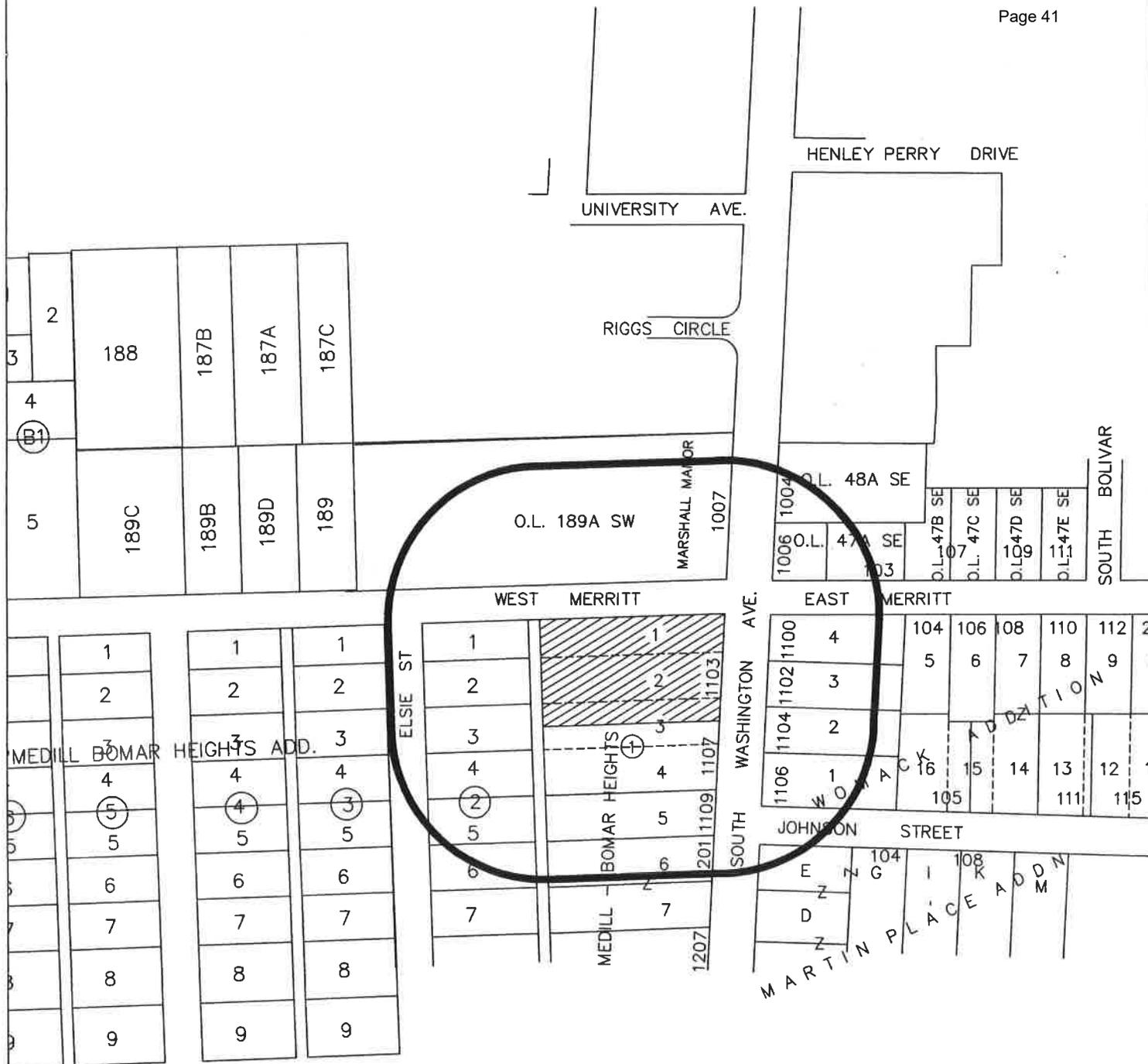
Single-Family Residential to the east



Commercial Development to the north (nursing home)



Nursing home Parking lot to the west



Case No. Z-20-01

Scale: 1"=200'

Date: 2-10-2020

PLANNING DEPARTMENT  
CITY OF MARSHALL, TEXAS

Remarks: a request to re-zone 0.803 acres of land and being all of lots 1, 2 and part of lot 3 block 1 Medill Bomar Heights from R-2 (single family detached) to O-(office)

Applicant: Mickey Boles  
Location: 1103 S. Washington

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ORDINANCE NO. 0-87-13 TO REZONE A 0.803 ACRE TRACT OF LAND BEING ALL OF LOTS 1 AND 2, AND PART OF LOT 3 BLOCK 1 MEDILL BOMAR HEIGHTS FROM R-2 (SINGLE-FAMILY DETACHED) TO O (OFFICE). THE SUBJECT PROPERTY IS LOCATED ON THE SOUTH SIDE OF WEST MERRITT STREE AND WEST OF SOUTH WASHINGTON AVENUE, MORE COMMONLY KNOWN AS 1103 SOUTH WASHINGTON AVENUE IN THE CITY OF MARSHALL, TEXAS.

WHEREAS, the City of Marshall enacted zoning on December 13, 1951 and amended said ordinance on July 7, 1963 and on March 26, 1987 repealed and replaced all ordinance with Ordinance No. 0-87-13 amending the Code of Ordinances of the City of Marshall to add Chapter 32 regarding Zoning; and

WHEREAS, a Zoning District Map was adopted as a part of Ordinance No. 0-87-13; and

WHEREAS, Chapter 32, Section 14 of the Code of Ordinances established a procedure for a property owner, his agent, or the City to request zoning district map amendments; and

WHEREAS, the Planning & Zoning Commission, after due and proper notice in the manner and for the length of time required by law, held a public hearing for the purpose of considering proposed changes to the Zoning District Map; and

WHEREAS, after the close of said public hearing and pursuant thereto, the Planning & Zoning Commission filed a written report with the City Commission, recommending changes in the Zoning District Map; and

WHEREAS, pursuant to said report and after notice in the manner and for the length of time required by law, the City Commission held a public hearing in Marshall, Texas at City Hall on the 19<sup>th</sup> day of March, 2020, at 6:00pm for the purpose of considering the requested Zoning Map change, and at which hearing all property owners, interested parties, and interested citizens had an opportunity to be heard; and

WHEREAS, the City Commission, after considering the proposed changes and after hearing all parties and citizens desiring to be heard, deems that the following changes are necessary and for the best interest of the general welfare of the citizens of the City of Marshall, Texas.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COMMISSION OF THE CITY OF MARSHALL, TEXAS THAT:

Section 1. The facts and opinions in the preamble of this ordinance are true and correct.

Section 2. Rezone a 0.803 acre tract of land being all of Lots 1 and 2, and part of Lot 3 Block 1 Medill Bomar Heights from R-2 (Single Family Detached) to O (Office). The subject property is generally located on the south side of West Merritt Street and west of South Washington Avenue, more commonly known as 1103 South Washington Avenue in the City of Marshall, Texas.

Section 3. All ordinances and agreements and parts of ordinances and agreements in conflict herewith are hereby repealed to the extent of the conflict only.

PASSED on first reading the 19<sup>th</sup> day of March, 2020.

AYES: \_\_  
NOES: \_\_  
ABSTAINED: \_\_

PASSED on second reading the 26<sup>th</sup> day of March, 2020.

AYES: \_\_\_\_  
NOES: \_\_\_\_  
ABSTAINED: \_\_\_\_\_

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MAYOR OF THE CITY COMMISSION  
OF THE CITY OF MARSHALL, TEXAS

ATTEST:

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CITY SECRETARY

## **ITEM 7A**

### **SECOND READING OF ORDINANCE**

**APPROVAL OF AN ORDINANCE  
AMENDING SECTION 21-33 OF CHAPTER  
21, “OFFENSES,” ENTITLED “ANIMALS  
PROHIBITED IN CITY BUILDINGS;  
EXCEPTIONS” WHICH ESTABLISHED  
BUILDING AND FACILITIES OF THE  
CITY OF MARSHALL IN WHICH IT IS  
UNLAWFUL TO ALLOW PETS OR  
OTHER ANIMALS**



**TO:** Members of the City Commission

**FROM:** Eric Powell, PE *EP*  
Director of Public Works

**DATE:** February 18, 2020

**SUBJECT:** Amending Chapter 21, Section 21-33 of the Code of Ordinances regarding prohibiting pets or other animals in City buildings or facilities

---

There has been some concern voiced from members of the Marshall Youth Softball and Marshall Youth Baseball Associations, in regard to dogs being brought to softball and baseball games at Airport Park. Many of the dogs are large-breed animals that have frightened children who attend games at the park. This ordinance specifically clarifies that dogs are not allowed in City parks facilities, with the exception of law enforcement animals, seeing-eye dogs, or other animals trained to assist handicapped persons. Passage of this ordinance will also allow for signage to be posted in those areas to notify the public that this ordinance is in place.

A copy of the ordinance is attached for your review.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING SECTION 21-33 OF CHAPTER 21, "OFFENSES," ENTITLED "ANIMALS PROHIBITED IN CITY BUILDINGS; EXCEPTIONS" WHICH ESTABLISHES BUILDINGS AND FACILITIES OF THE CITY OF MARSHALL IN WHICH IT IS UNLAWFUL TO ALLOW PETS OR OTHER ANIMALS; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS CONDUCTED IN STRICT COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE .**

**WHEREAS**, the City of Marshall adopted an ordinance on 21-33 amending chapter 21 of the Code of Ordinances, and which designated certain building and facilities in the City of Marshall in which it is unlawful to allow pets or other animals; and

**WHEREAS**, that ordinance was incorporated into the Code of Ordinances for the City of Marshall, Texas as Sec. 21-33, entitled "Animals prohibited in city buildings; exceptions." (herein called "Sec. 21-33" and

**WHEREAS**, the City of Marshall has determined that in addition to the buildings owned by the City already designated under 21-33 , that certain of the city owned facilities, including some City Parks, should also be designated under the ordinance as places where pets or other animals are not permitted;

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MARSHALL, TEXAS:**

**SECTION 1.** The Code of Ordinances of the City of Marshall, Texas, Chapter 21 "Offenses", Section 21-33 "Animals prohibited in city buildings; exceptions" is hereby amended to read as follows:

"Sec. 21-33. - Animals prohibited in city buildings and facilities; exceptions.

(a) This section shall not apply to the Marshall Animal Shelter or the City Arena.

(b) Except as provided herein, no person shall knowingly or intentionally allow a pet or other animal to enter or remain in a city building or facility.

(c) As used in this section "city building" or "facility" includes all buildings, centers, or enclosed areas owned, leased or otherwise occupied by the city of or its agents, and City Parks (indoor or outdoor) that have a sign at the entrance(s) to said park indicating that animals are not allowed, except as provided for under this ordinance.

(d) This section shall not apply to the following:

- (1) Law enforcement dogs; or,

(2) Seeing-eye dogs or other animals trained to assist handicap persons;

(e) Animals may be allowed in city buildings and facilities at specific events such as dog shows, if authorized by the city manager or his designee.”

**SECTION 2.** All ordinances of the City of Marshall in conflict with the provisions of this ordinance shall be, and the same are hereby, repealed; provided, however, that all other provisions of said ordinances not in conflict herewith shall remain in full force and effect. Nothing contained herein shall be construed to conflict with any other state and/or federal law.

**SECTION 3.** Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

**SECTION 4.** This ordinance shall take effect immediately from and after its passage and publication of the caption as required by law.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAINED: \_\_\_\_\_

\_\_\_\_\_  
CHAIRMAN OF THE CITY COMMISSION  
OF THE CITY OF MARSHALL, TEXAS

ATTEST:

\_\_\_\_\_  
City Secretary

## **ITEM 8A**

# **REPORT REGARDING CITY COMMISSION OR CITY EMPLOYEES ADVOCATING FOR BALLOT PROPOSITIONS**

## MEMORANDUM

To: Members of the City Commission

From: Mark Rohr, City Manager

Date: March 12, 2020

Subject: Report regarding City Commission or City Employees advocating for ballot propositions

---

Acting City Attorney Scott Rectenwald has previously provided the Commission with a report addressing the subject of City officials advocating for a ballot proposition. Mr. Rectenwald will briefly review the report and answer any questions the Commission may have.

**SCOTT E. RECTENWALD**

ATTORNEY AT LAW  
110 WEST FANNIN STREET  
MARSHALL, TEXAS 75670  
(903) 938-3300  
(903) 938-3310 FAX

Scott@westfannin.com

**MEMORANDUM**

**Date:** March 5, 2020

**To:** City Commissioners for the City of Marshall, Texas

**From:** Scott Rectenwald

**Re:** What is allowable for Commission in regards to using their email, Facebook, etc. to advocate for the street tax election and charter election?

**Summary of Discussion:**

Commissioners and City Staff are free to campaign for or against a proposition on their **own time** and with **their own resources**, as there are not prohibitions under the law related to this conduct.

However, with the limited exception of a bare factual statement describing the purpose of a ballot measure, **any use of any public funds or resources** for the purpose of advocating the passage or failure of a measure subjects the City officer or employee to civil fines and criminal prosecution. Use of City E-mail, City materials (such as paper or ink) , or City machinery (computers, printers, presses, etc.) is strictly prohibited, as is the use of paid time for City employees or staff.

As a matter of caution, City Officers and Staff should avoid the use or comment upon any “official” city social media due to the Texas Ethics Commission’s history of broadly defining “spend[ing] ... public funds.”

**Discussion:**

There does not appear to be a statute addressing the use of a City employee’s or officer’s private time or private resources to campaign for or against a ballot measure. Any such statute would probably be subject to challenge on State and Federal Constitutional grounds.

However, there are express prohibitions against using public funds or resources or any kind for such advocacy. Section 255.003 of the Election Code provides as follows:

“Sec. 255.003. Unlawful Use of Public Funds for Political Advertising.

(a) An officer or employee of a political subdivision may not knowingly spend or authorize the spending of public funds for political advertising.

(b) Subsection (a) does not apply to a communication that factually describes the purposes of a measure if the communication does not advocate passage or defeat of the measure.

(b-1) An officer or employee of a political subdivision may not spend or authorize the spending of public funds for a communication describing a measure if the communication contains information that:

(1) the officer or employee knows is false; and

(2) is sufficiently substantial and important as to be reasonably likely to influence a voter to vote for or against the measure.

**(c) A person who violates Subsection (a) or (b-1) commits an offense. An offense under this section is a Class A misdemeanor....”** (Emphasis added)

To fully understand this statute, its important to refer to the “definitions” contained in preceding Elections Code section §251.001:

“Political advertising” means

(1) a communication supporting or opposing a candidate for nomination or election to a public office or office of a political party, a political party, a public officer, that: (A) in return for consideration, is published in a newspaper, magazine, or other periodical or is broadcast by radio or television; or (B) appears: (I) in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication; or (ii) on an Internet website; and

(2) a communication that advocates passage or defeat of a measure, and that: (A) in return for consideration, is published in a newspaper, magazine, or other periodical or is broadcast by radio or television; or (B) appears: (I) in a pamphlet, circular, flier, billboard or other sign, bumper sticker, or similar form of written communication;

If an officer or employee of City uses the political subdivision’s resources in violation of the prohibition, the employee could be fined by the Ethics Commission or held criminally liable.

The prohibition applies to the conduct of "spending or authorizing the spending of public funds" for political advertising. The City’s officers and employees may not purchase or authorize the purchase of materials for use in creating political advertising, nor may they use existing paper, machinery, or other resources - including e-mail accounts - to generate, display, or distribute political advertising. Likewise, the City may not authorize the use of the paid time of an employee of a City to create or distribute political advertising.

The prohibition does not apply to "a communication that factually describes the purposes" of a measure election. It is permissible to use the resources of the City to produce explanatory material about what is at stake in a measure election. However, the communication may not

contain information that an officer or employee of the City knows is false. No matter how much factual information about the purposes of a measure election is in a communication, any amount of advocacy is impermissible. **A violation of the prohibition is a Class A misdemeanor.** This means that a violation could lead to criminal prosecution. Also, the Ethics Commission has authority to impose fines for violations of section 255.003.

Another provision of the Texas Election Code prohibits an officer or employee of a political subdivision from using or authorizing the use of an internal mail system to distribute political advertising. Elections Code sec. 255.0031 provides, in part:

“255.0031. Unlawful Use of Internal Mail System for Political Advertising.

(a) An officer or employee of a state agency or political subdivision may not knowingly use or authorize the use of an internal mail system for the distribution of political advertising..”

An internal mail system is a system operated by the City to deliver written documents to its officers or employees. Again, this conduct is a Class A Misdemeanor, meaning that a violation of this prohibition could also lead to the imposition of fines by the Ethics Commission or to **criminal prosecution**.

Although the Texas Ethics Commission has yet to issue an advisory opinion on the use of “official” social media, I suggest that Officers and Staff should not use or make comments on the City’s social media account. Although media like Facebook are free, use of City employees and computers to set up and maintain the account could arguably put it within the zone of prohibited use. The TEC has construed “spend ... public funds” broadly in the opinions it has issued.

Although you may not use City resources for political advertising, you are free to campaign for or against a proposition on your own time and with your own resources.

## **ITEM 8B**

# **DISCUSSION OF SCHEDULING OF UPCOMING COMMISSION MEETINGS**

## MEMORANDUM

To: Members of the City Commission

From: Mark Rohr, City Manager

Date: March 12, 2020

Subject: Discussion of Scheduling of Upcoming Commission Meetings

---

This item has been placed on the agenda for discussion of scheduling of upcoming Commission meetings.

## **ITEM 9**

# **ITEMS WITHDRAWN FROM THE CONSENT AGENDA**

## **ITEM 10A**

### **EXECUTIVE SESSION**

**AN EXECUTIVE SESSION PURSUANT  
TO THE OPEN MEETINGS ACT,  
CHAPTER 551 OF THE TEXAS  
GOVERNMENT CODE UNDER  
SECTION 551.072 DELIBERATION  
REGARDING REAL PROPERTY:  
CONSIDER, DISCUSS, AND  
DELIBERATE SALE OF PROPERTY**

## **ITEM 11A**

### **ACTION ITEM FOLLOWING EXECUTIVE SESSION**

**CONSIDER AUTHORIZING CITY STAFF  
TO NEGOTIATE AND/OR EXECUTE AN  
AGREEMENT FOR SALE OF PROPERTY  
AS DISCUSSED IN EXECUTIVE SESSION**

## MEMORANDUM

To: Members of the City Commission

From: Mark Rohr, City Manager

Date: March 13, 2020

Subject: Consider Authorizing City Staff to Negotiate and/or Execute an Agreement for Sale of Property as Discussed in Executive Session

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This item has been placed on the agenda to consider authorizing City Staff to negotiate and/or execute an agreement for sale of property as discussed in Executive Session.

## **ITEM 12**

# **ADJOURNMENT**