



**CITY OF MARSHALL, TEXAS
REGULAR CITY COMMISSION MEETING
COMMISSION CHAMBERS, CITY HALL, 401 SOUTH ALAMO
THURSDAY, JUNE 11, 2020, 12:00 P.M.**

This meeting will be conducted utilizing a video and audio conferencing tool, as well as, a standard conference call. Instructions and direct links to view the meeting or speak during Citizen Comment can be found at www.marshalltexas.net.

**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**

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 **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA**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 May 28, 2020 Regular meeting.

Page 5

- B. Consider approval of a one-year contract extension between the City of Marshall and Texas Bank and Trust. (Finance Director)

Page 10

- C. Consider approval of an extension to a contract with Brenntag Southwest, Inc. to provide Coagulant for use in the City of Marshall water treatment process. (Public Works Director)

Page 33

- D. Street Sweeping Activity Report. (Public Works Director)

Page 38

- E. Municipal Court Activity Report. (Finance Director)

Page 41

6. **PUBLIC HEARINGS & ORDINANCES**

- A. Conduct a public hearing and consider an ordinance amending the official zoning map regarding a 3.00 acre tract of land in the Henry Teal Survey A-704, from R-3 (Single Family Detached) and A&E (Agriculture and Estate) to C-3 (General Business). The subject property is generally located on the South side of Holmes Road and on the east side of East End Blvd. North (U. S. Highway 59), more commonly known as 2810 East End Blvd. North. (Director of Community & Economic Development)

Page 48

- B. Conduct a public hearing and consider an ordinance amending the official zoning map regarding a .984 acre tract of land in the ASA Langford Survey A-400, from PD (Planned Development) to R-6 (Duplex, Triplex, Quadraplex). The subject property is generally located on the south side of Murphy Drive and on the west side of South Garrett Street, more commonly known as 316 Murphy Drive. (Director of Community & Economic Development)

Page 58

7. **SECOND READING OF ORDINANCE**

A. Consider an Ordinance for an amendment to the official zoning map regarding a 4-acre tract of land in the Thomas Iden Survey A-354, from C-2 (Retail Business) to PS (Public Service). The subject property is generally located on the south side of East Travis Street, more commonly known as 2502 East Travis Street. (Director of Community & Economic Development)

Page 75

B. Consider an ordinance amending Chapter 24 entitled “Signs and Billboard Regulations” specifically Section 24-9 entitled “Free Standing Signs”. (Director of Community & Economic Development)

Page 84

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

A. Discussion of and consideration of potential updates to the Governance Policy. (City Manager)

Page 90

9. **CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA**
Page 108

10. **EXECUTIVE SESSION**

A. An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.074 Personnel Matters: Annual evaluation of City Secretary/Finance Director.

Page 109

11. **ADJOURNMENT**
Page 110

Posted: June 8, 2020
11:00 a.m.
Y. Graham

This meeting will be conducted in accordance with the Americans with Disabilities Act. 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

APPROVAL OF THE MINUTES FROM THE MAY 28, 2020 REGULAR MEETING

MINUTES OF THE REGULAR MEETING OF THE
CITY COMMISSION OF THE CITY OF MARSHALL
THURSDAY, MAY 28, 2020
12:00 PM

Mayor Terri Brown called the Regular meeting to order in the Commission Chambers, City Hall at 12:00 p.m.

PRESENT:

MAYOR: Terri Brown, District 3

COMMISSIONERS:

Marvin Bonner, District 1
Amy Ware, District 4
Doug Lewis, District 7

Leo Morris, District 2
Vernia Calhoun, District 5

ABSENT: Larry Hurta, District 6

ADMINISTRATIVE STAFF PRESENT:

Mark Rohr, City Manager
Scott Rectenwald, Acting City Attorney
Randy Pritchard, Support Services Superintendent
Wes Morrison, Community & Economic Development Director
Elaine Altman, City Secretary/Finance Director
Eric Powell, Public Works Director
Stormy Nickerson, Management Analysis/Communications Coordinator
Cliff Carruth, Police Chief

INVOCATION & PLEDGE: Commissioner Calhoun & Mayor Brown

118. **CITIZEN COMMENTS**

There were no citizen comments.

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

Item A was withdrawn from the Consent Agenda.

120. **CONSENT AGENDA**

Commissioner Calhoun made a motion to approve the Consent Agenda. Commissioner Ware seconded the motion, which passed with a vote of 6:0.

B. Monthly financial report.

C. Consider an appointment to the Planning & Zoning Commission to fill an expired term.

121. **PUBLIC HEARING AND ORDINANCE**

A. Conduct a public hearing and consider an amendment to the official zoning map regarding a 4-acre tract of land on the Thomas Iden Survey A-354, from C-2 (Retail Business) to PS (Public Service). The subject property is generally located on the south side of East Travis Street, more commonly known as 2502 East Travis Street.

Wes Morrison, Community & Economic Development Director, asked for the approval of an amendment to the official zoning map regarding a 4-acre tract of land on the Thomas Iden Survey A-354, from C-2 (Retail Business) to PS (Public Service). He stated the Planning and Zoning Commission approved the change by a vote of 5:0.

Commissioners asked questions and discussed.

Mark Rohr, City Manager, stated additional information will be presented later in the meeting regarding this item.

Mayor Brown opened the public hearing.

No one spoke regarding this item.

Mayor Brown closed the public hearing.

Commissioner Calhoun made a motion to approve an ordinance amending the official zoning map regarding a 4-acre tract of land on the Thomas Iden Survey A-354, from C-2 (Retail Business) to PS (Public Service). Commissioner Bonner seconded the motion, which passed with a vote of 6:0.

ORDINANCE

122. **CONSIDER AN ORDINANCE AMENDING CHAPTER 24 ENTITLED “SIGNS AND BILLBOARD REGULATIONS” SPECIFICALLY SECTION 24-9 ENTITLED “FREE STANDING SIGNS”.**

Wes Morrison asked for approval of an ordinance amending Chapter 24 entitled “Signs and Billboard Regulations” specifically Section 24-9 entitled “Free Standing Signs”. He explained the changes would allow the City of Marshall to be consistent with other cities.

Commissioners asked questions and discussed.

Commissioner Bonner made a motion to approve an ordinance amending Chapter 24 entitled “Signs and Billboard Regulations” specifically Section 24-9 entitled “Free Standing Signs”. Mayor Brown seconded the motion, which passed with a vote of 6:0.

RESOLUTION

123. **CONSIDER APPROVAL OF A RESOLUTION AUTHORIZING THE CITY TO APPLY FOR FUNDING UNDER THE CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING PROGRAM THROUGH THE OFFICE OF THE GOVERNOR.**

Cliff Carruth, Police Chief, asked for approval of a resolution authorizing the City to apply for a grant for funding under the Coronavirus Emergency Supplemental Funding program through the office of the governor. He stated the funds will be utilized to lessen the tax burden in response to the Coronavirus and related costs.

Commissioners asked questions and discussed.

Commissioner Calhoun made a motion to approve a resolution authorizing the City to apply for funding under the Coronavirus Emergency Supplemental Funding program. Commissioner Ware seconded the motion, which passed with a vote of 6:0.

CITY MANAGER REPORTS AND REQUESTS FOR CITY COMMISSION CONSIDERATION

124. **CONSIDER APPROVAL OF A CONTRACT FOR ACTING CITY ATTORNEY LEGAL SERVICES.**

Mark Rohr provided information regarding a contract with Scott Rectenwald for Acting City Attorney legal services at a cost of \$4,000 per month for 25 hours. If more than 25 hours are needed, the hourly rate of \$150 will apply. He asked the Commission for approval of this contract.

Commissioners asked questions and discussed.

Commissioner Morris made a motion to approve a contract for Acting City Attorney legal services. Commissioner Calhoun seconded the motion, which passed with a vote of 6:0.

125. **CONSIDER, DISCUSS, DELIBERATE AND ACT UPON A PROPOSED CONTRACT FOR THE PURCHASE OF REAL PROPERTY, BEING 2 ACRES IN THE THOMAS IDEN SURVEY, A-354, HARRISON COUNTY, TEXAS, DESCRIBED AS LOT 1 OF THE HILLTOP SUBDIVISION, CITY OF MARSHALL, FROM THE MARSHALL INDEPENDENT SCHOOL DISTRICT AS SELLER.**

Mark Rohr provided details regarding the contract for the purchase of 2 acres in the Thomas Iden Survey, A-354, Harrison County, Texas, described as Lot 1 of the Hilltop Subdivision from the Marshall Independent School District in exchange for the construction of a street to ease traffic issues the School District faces. He stated this will be the site for the new animal adoption center with a physical address of 2502 E. Travis.

Commissioners asked questions and discussed.

Commissioner Lewis made a motion to approve a contract for the purchase of 2 acres in the Thomas Iden Survey, A-354, Harrison County, Texas, described as Lot 1 of the Hilltop Subdivision from the Marshall Independent School District. Commissioner Ware seconded the motion, which passed with a vote of 6:0.

126. **CONSIDER APPROVAL TO AWARD A CONTRACT FOR STREET RECONSTRUCTION AND ASPHALT OVERLAYS AS SPECIFIED IN THE 2020 STREET IMPROVEMENT PROGRAM.**

Mark Rohr explained the reasoning for reductions to the 2020 Street Improvement Program.

Eric Powell, Director of Public Works, presented a contract with Rayford Truck & Tractor, at a cost of \$966,570, for street reconstruction and asphalt overlays as specified in the 2020 Street Improvement Program. Funding is recommended to be divided between the General Fund and the Street Improvements – Sales Tax Fund. He stated Alternates A and B could be put out for bids later in the year after the effects of COVID-19 are better determined.

Commissioners asked questions and discussed.

Commissioner Lewis made a motion to approve a contract with Rayford Truck & Tractor, at a cost of \$966,570, for street reconstruction and asphalt overlays as specified in the 2020 Street

Improvement Program. Mayor Brown seconded the motion, which passed with a vote of 6:0.

127. REPORT REGARDING WATER METER PILOT PROGRAM.

Mark Rohr highlighted information regarding the Water Meter Pilot Program.

Eric Powell presented a report regarding the Water Meter Pilot Program. He stated the Kamstrup meters are more accurate than the meters they replaced, resulting in increased revenue of \$3,200 for the pilot project period of September 2019 – February 2020. He would like to move forward with Phase 2 of the program and replace 200 additional meters.

Commissioners asked questions and discussed.

128. CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

A. Consider approval of the minutes from the May 14, 2020 Regular meeting.

Commissioner Ware asked for a correction to be made to the minutes indicating when she left the meeting and correcting the votes following her departure.

Commissioner Calhoun made a motion to approve Item A of the Consent Agenda. Commissioner Lewis seconded the motion, which passed with a vote of 6:0.

129. ADJOURNMENT

Commissioner Lewis made a motion for adjournment. Commissioner Bonner seconded the motion, which passed with a vote of 6:0.

APPROVED:

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

ATTEST:

City Secretary

Ordinances: O-20-16

O-20-17

Resolution: R-20-11

ITEM 5B

CONSENT AGENDA

**APPROVAL OF A ONE-YEAR CONTRACT
EXTENSION BETWEEN THE CITY OF
MARSHALL AND TEXAS BANK AND
TRUST**

MEMORANDUM

To: Marshall City Commission

From: Elaine Altman, Finance Director

Date: June 4, 2020

Subject: Texas Bank & Trust Contract Extension

Attached is a one year Contract Extension Agreement for Texas Bank and Trust. The previous contract ended on June 1, 2020. All terms and conditions of the Original Contract remain unchanged. I recommend approval of this Contract Extension.

Contract Extension Agreement

This CONTRACT EXTENSION AGREEMENT ("Extension") is dated as of _____, _____, 2020 (the "Effective Date"), by and between the City of Marshall, located at 401 S. Alamo, Marshall, Texas 75670 and Texas Bank and Trust, located at P.O. Box 3188, Longview, Texas 75606 (collectively, the "Parties").

WHEREAS the Parties entered into a Depository Agreement RFP 2017 on June 1, 2017 (the "Original Contract").

WHEREAS the Parties hereby agree to extend the term of the Original Contract in accordance with the terms of the Original Contract as well as the terms provided herein.

In consideration of the mutual covenants contained herein, each of the City of Marshall and Texas Bank and Trust mutually covenant and agree as follows.

- There was a contract extension with a period dating May 31, 2019 and ending May 31, 2020.
- The parties agree to extend the Original Contract for an additional temporary period not to exceed 1 year, which will begin immediately upon the expiration of the original one year extension period dated May 31, 2020 and will end on May 31, 2021.
- This Extension binds and benefits both Parties and any successors or assigns. This document, including the attached Original Contract, is the entire agreement between the Parties.

All other terms and conditions of the Original Contract remain unchanged.

This Agreement shall be signed on the behalf of the City of Marshall by _____, and on behalf of Texas Bank and Trust by BRENDA BROWN.

City of Marshall
By _____
Name _____
Title _____

Texas Bank and Trust
By _____
Name <u>BRENDA BROWN</u>
Title <u>PRESIDENT</u> <u>BRANCH MANAGER</u>

Acknowledgement

Acknowledged before me in _____ County, Texas, on _____, 20____, by _____, Chairman of the City Commission named in the preceding document, for the City.

(SEAL)

Signature of Notary

Notary Public in and for _____
County, Texas

COPY

CITY OF MARSHALL, TEXAS

**REQUEST FOR PROPOSAL
FOR
DEPOSITORY BANK SERVICES**

MARCH2017

**ELAINE ALTMAN
FINANCE DIRECTOR
CITY OF MARSHALL
401 S. ALAMO, P.O. BOX 698
MARSHALL, TEXAS 75671
PHONE (903) 935-4519
FAX (903) 935-4442
EMAIL altman.elaine@marshalltexas.net**

TABLE OF CONTENTS

<u>SECTION</u>	DESCRIPTION	PAGE
I	Proposal Response Checklist	1
II	Calendar of Events	2
III	Introduction and General Information	3
IV	Scope of Services	5
V	Bidding Instructions	8
VI	Bidding Form	10
VII	Terms and Conditions	13
VIII	Bank Credit Evaluation	16
IX	Proposal Statement	17
X	Acceptance of Proposal	17
<u>Exhibit A</u>	Investment Policy	

I. PROPOSAL RESPONSE CHECKLIST

DEPOSITORY AGREEMENT

Bid Opening - Thursday, April 13, 2017, during the Regular City Commission Meeting which begins at 6:00 p.m. - City Hall Commission Chambers.

ITEM DESCRIPTION
INCLUDED

- 1. Bid Bond or Cashier's Check in the Amount of \$10,000.00 (p. 9, Sec. 5.10) _____
- 2. Signed, Dated, Completed. Sealed Proposal (Two Originals And Twelve Copies) _____
- 3. Proposal Statement (p. 17, Sec. IX) _____
- 4. Required Financial Reports (p. 16, Sec. 8.2) _____
- 5. "No Offer" Information (if applicable) (p. 9, Sec. 5.7) _____

Entity: Texas Bank and Trust Co.

Contact Person: Brenda Brown

Signature _____ Date: 03/31/17

Address: 715 E End Blvd S.
Marshall TX 75670

Phone Number: 903-927-3405

Fax Number: 903-927-2078

RETURN THIS CHECKLIST AS PART OF THE PROPOSAL

II. CALENDAR OF EVENTS

TARGET DATE	<u>DESCRIPTION OF EVENTS</u>
Sunday, March 12, 2017	Post Notice in Newspaper for Depository Bids. (Local government code Section 105.012 (c) requires notice at least once no later than 21 days prior to the deadline for submission of proposals. City Charter requires at least a week prior to City Commission meeting when contract will be considered. This date is 32 days prior to deadline for submitting proposals.
Monday, March 13, 2017	RFP distributed to prospective financial institutions.
Thursday, March 23, 2017	Host a bidders' conference at 10:00 a.m. at City Hall to review RFP and answer questions.
Thursday, April 13, 2017	Receive sealed proposals from interested financial institutions by 10:00 A.M. Finance Director's Office.
Thursday, April 13, 2017	City Commission Meeting. Open proposals and pass out copies to each City Commissioner, the City Manager, the City Attorney, and the Finance Director/City Secretary. No action. Request approval to be placed on the agenda for April 27, 2017 meeting.
Thursday, April 20, 2017	Finance Director to review completed analysis with the City Manager and formulate a recommendation to the City Commission.
Thursday, April 27, 2017	Finance Director presents recommendation to City Commission and requests award of the depository contract.
Friday, April 28, 2017	Begin implementation and transition, if applicable.
Thursday, June 1, 2017	New Bank Depository Contract Period begins.

III. INTRODUCTION AND GENERAL INFORMATION

DEPOSITORY AGREEMENT

3.1 BACKGROUND: The City of Marshall spends considerable amounts of time and money to develop and implement cash, treasury, debt and financial management. Depository contracts play an important role in this management process. Major services include collection, disbursement, investment and credit services. Financial institutions provide a number of services designed to improve the processing of funds. While this "Request for Proposal" (RFP) identifies many of the presently used services, it also requests your identification of alternative services that will benefit the City. This RFP is intended to be the written agreement to govern the provision of these services.

3.2 COMPETITIVE BIDDING PROCESS: Contracting for banking services is an important financial management tool for the City. By incorporating the competitive bidding process into the contracting process, the City should obtain efficient and effective financial services. The objectives of this proposal are to identify the institution that can offer the highest quality of service at the lowest cost to taxpayers. This objective is similar to all other goods and services placed on a competitive bidding approach by the City.

3.3 LEVEL OF RESPONSIBILITY: The selected institution shall be responsible for compliance with the terms and provisions of this RFP, collateral requirements, applicable local, state, and federal laws as they apply to municipal public funds. Investments shall be in compliance with the City's written investment policy. Careful consideration and due diligence should be given to your response because the agreement involves the direct transfer and safekeeping of public monies and properties.

3.4 BID EVALUATION AND SELECTION CRITERIA: The City staff shall carefully review the submitted proposals. The staff recommendation to the City Commission shall be based on the proposal determined to be in the best interest of the City. The evaluation of the proposals will be made based on the following criteria.

- The Financial Institution shall be a qualified depository for public funds in accordance with state and local laws.
- The financial institution must be inside the corporate limits of the City of Marshall.
- Financial strength and stability;

- Ability to perform and provide the required and requested services;
- Cost of banking services;
- Completeness of bid and agreement to points outlined in the RFP
- Maximize yield on interest bearing accounts and investments while providing the lowest possible risk

3.5 INQUIRIES: All questions prior to award should be directed to Elaine Altman, Finance Director, phone (903)935-4519, fax (903)935-4442, email altman.elaine@marshalltexas.net.

3.6 BIDDERS' CONFERENCE: A bidders' conference will be conducted on Thursday, March 23, 2017 at 10:00 a.m., in the:

City Hall 2nd floor conference room
City of Marshall
401 S. Alamo
Marshall, Texas

This meeting is intended to allow open exchange of information, ideas, and questions. Attendance is *NOT* mandatory. Oral statements by any representative of the City, modifying or changing any conditions of this request, is an expression of opinion only and confers no right upon the service provider.

3.7 AWARD PROCESS: Upon receipt and tabulation of evaluation criteria, the city staff may request proposers considered to make oral presentation to key City staff and to the City Commission. City staff will recommend the best qualified proposal to the City Commission for their approval.

IV. SCOPE OF SERVICES
DEPOSITORY AGREEMENT

4.1 OVERVIEW OF REQUIRED SERVICES

The contract is intended to encompass all accounts and funds of the City of Marshall, Texas, Marshall Economic Development Corporation and Marshall Downtown Development Corporation. (Described collectively throughout this RFP as "the City"). Further during the term of this agreement, should any entity under the control of the City Commission of the City of Marshall, Texas, establish an account(s) with the depository bank selected, those accounts and funds will be included in the terms of this agreement.

4.1.1 THE CITY AND ITS COMPONENT UNITS CURRENTLY HAVE THE FOLLOWING BANK ACCOUNTS:

City of Marshall:

- Consolidated Cash
- Payroll
- Edward Byrne Memorial Jag
- For the Benefit of Disaster Relief
- Credit Card Account
- Animal Shelter Facility Donations

Marshall Economic Development Corporation (MEDCO):

- Marshall Economic Development Corp.
- MEDCO BDC CAT

Marshall Downtown Development Corporation:

- Operating
- Escrow

The City issues approximately 330 checks per month through the Consolidated Cash account which is utilized to issue vendor payments and purchase investments. The City has a bi-weekly payroll with an average of approximately 110 checks per month. The checks are drawn on the Payroll Account. (Also refer to Section 4.1.5 regarding direct deposit of payroll checks through

ACH processing) In addition to the bi-weekly payroll checks approximately 300 additional checks are drawn on the payroll account in November for allowances and longevity.

The City reserves the right to open or close any number or type of accounts as it deems necessary through the term of the agreement. All such new accounts should be interest bearing.

4.1.2 BALANCE REPORTING

To maximize control and investment opportunities the City requires balance reporting daily for its accounts. This is to be accomplished by online banking. The information to be contained in the report should be for the previous business day and be available by 8:30 a.m.

4.1.3 BANK STATEMENTS

Paper bank statements shall be rendered within five (5) working days after the close of the calendar month. The statement shall include debits and credits made on the last day of the period and the detail items. In addition to the paper statement for the Consolidated Cash and Payroll account, the City requires an electronic bank statement on a searchable CD-ROM. The five (5) day requirement does not apply to the electronic statement.

4.1.4 ELECTRONIC FUNDTRANSFER

The City requires timely wire transfer services for incoming and outgoing wires, and must have the capability of making such transfers directly. The City utilizes wire transfers to buy and sell investments as well as make bond interest and principal payments. Further, the City will require access to its accounts in order to make transfer of funds between its accounts.

4.1.5 AUTOMATED CLEARING HOUSE ACCESS

Access to automated clearing house processing is important to two areas of operations.

(1) The City presently uses ACH to charge water utility customers accounts for their monthly bill. The utility system bills four cycles per month and presently approximately 1060 customers have requested ACH payment of their bill. Use of this process is expected to grow over the next several years.

(2) The City is presently utilizing the direct deposit of payroll checks through ACH processing. Approximately 86% (or 215 of 250) of City employees are paid by direct deposit (ACH processing) every two weeks on Friday. These ACH files are created by the City and transmitted to the bank by Wednesday with processing of deposits to employee's personal accounts and the Texas State Disbursement Unit no later than Friday morning. This results in approximately 630 credits and 2 debits monthly. The bank should describe its process and per

item costs associated with this process. Use of this process is also expected to grow over the next several years.

4.1.6 CERTIFICATES OF DEPOSITS

The City may also desire to purchase Certificates of Deposit from its depository bank.

4.1.7 PAYMENT OF SERVICES

The City intends to pay for all required services provided by the institution as set forth in Section VI. The method to be used for the payment of these services shall be the direct payment method to the extent that the cost of services exceeds the earnings credit amount generated by account balances. The City shall require account analysis statements on a monthly basis by individual account which will reflect average ledger balance, average uncollected funds, average collected balance, average available balance, rate and amount of earnings credit, and detail of services provided with quantities and unit fees for each to arrive at a total service cost.

4.1.8 AUTO-COLLATERALIZATION OF DEPOSITS

The City's deposits must be collateralized as explained in Section 7.5. The City requires its depository bank to monitor deposits and automatically pledge adequate securities to protect its deposits. City should contact depository regarding any large deposits on the date the deposit would cause their balances to exceed pledged collateral before 2:00 PM.

4.1.9 CREDIT CARD PROCESSING

The City of Marshall accepts credit cards (Discover, Visa/MC) at 5 locations throughout the City. The City requires its depository bank to provide or arrange for the processing of customer's credit cards, including verification of the customer's card and monthly accounting for charges.

4.1.10 BANK SERVICES

The services that should be made available to the City include but are not limited to the items that are identified above and in Section VI. Any services not listed but later requested by the City will be charged for at a mutually agreed upon fee. Fees bid are fixed for the entire contract period.

4.2 ALTERNATIVE SERVICES

Alternative services are permissible and should be clearly presented in the bid forms or as attachments to this request for proposal.

V. BIDDING INSTRUCTIONS

DEPOSITORY AGREEMENT

5.1 SEALED PROPOSAL

Two (2) signed originals and twelve (12) copies of sealed bids or proposals clearly marked "Depository Proposal" should be delivered to the following office:

**ELAINE ALTMAN, FINANCE DIRECTOR
CITY OF MARSHALL
401 S. ALAMO, P.O. BOX 698
MARSHALL, TEXAS**

5.2 SEALED PROPOSALS MUST BE RECEIVED NO LATER THAN

10:00 A.M. CST

April 13, 2017

Mark Envelope: "City of Marshall RFP - Bank Depository"

5.3 PROPOSER'S MAILING OR SHIPPING

Responses shall allow sufficient time to ensure delivery by the date and time specified. Proposals not submitted either complete or on time will be disqualified. Hand delivery is encouraged.

5.4 PROPOSALS should be submitted on City of Marshall forms. Exceptions to the required specifications must be submitted on vendor letterhead. *Return all pages of the original RFP* bound as originally presented and properly signed. Failure to do so may be cause for rejection of your bid. The City reserves the right to reject any or all proposals.

5.5 PROPOSALS SHALL BE OPENED in the City Commission Chambers, 401 S. Alamo, Marshall, Texas at the Regular City Commission Meeting April 13, 2017, at 6:00 p.m. The opening will take place during the meeting, not necessarily at precisely 6:00 p.m. A copy of each proposal will be provided to each City Commissioner (7), the City Manager, the City Attorney, and the Finance Director (2). (At that time, it is expected that the item will be tabled to allow adequate time to evaluate proposals.) It is expected that a contract will be awarded at the next Regular City Commission Meeting on April 27, 2017.

56 PROPOSALS WILL BE EVALUATED by the City of Marshall staff and a recommendation made to the City Commission at its April 27, 2017 meeting. The City may request proposers considered to make oral presentations to key City staff and to the City Commission on request or to submit additional information.

57 "NO OFFER" PROVISIONS if you do not wish to submit a proposal at this time, please submit a "No Offer" by the same time and at the same location as stated above. The City of Marshall is very conscious and extremely appreciative of the time and effort you have expended to submit an offer. We would appreciate it if you would indicate on any "No Offer" response any requirement of this RFP which may have influenced your decision to "No Offer."

58 PROPOSALS SHALL BE SIGNED by a person having authority to bind the firm in a contract.

59 FEES CONTINGENT ON INTEREST RATES should be expressed as plus or minus the Treasury Bill Ask Price as quoted in the Wall Street Journal. Internally generated rates are often times not comparable and therefore, should not be used in the proposal process.

510 BID BOND

A bid bond in the amount of \$10,000.00 is required. Bonds shall be submitted with the proposal in the form of a surety bond or a cashier's check made payable to the City of Marshall. Checks will be returned upon execution of a contract. The bid bond serves as a guarantee that if awarded the contract of depository, the applicant will enter into the depository agreement with the City of Marshall according to the terms of the successful application.

VI. BIDDING FORM

DEPOSITORY AGREEMENT

BANK DEPOSITORY SERVICES
(Itemize transaction fees when appropriate)

	BID CHARGE PER ITEM (**)	MONTHLY BID FOR MONTHLY ACTIVITY (*)	MONTHLY SERVICE
<u>6.1 DEPOSITORY SERVICES:</u>			
Account Maintenance	0	1	0.00
Debits	.05	363	18.15
Credits	.10	24	2.40
Deposit Items - Local	.02	338	6.76
Deposit Items - Non Local	.06	3,369	202.14
Zero Balance Accounts		1	
Charge Back Charges	1.00	10	10.00
Outgoing FED Wire FEC	5.00	2	10.00
Incoming FED Wire FEC	5.00	1	5.00
ACH Items Processed (per item)	.10	1735	173.50
Stop Payment	No Charge	1	
Credit Card Deposits		146	
Statements in as cleared and in numerical sequence		10	
Checks Sorted in numerical order		N/A	
<u>6.2 AUTOMATED CLEARING HOUSE (ACH) TRANSACTIONS:</u>			
<u>6.2.1 UTILITY BILLING:</u>			
Per Transmission		4	
Per Transaction	.10	266	
Other			
<u>6.2.2 PAYROLL</u>			
Per Transmission (Bi-weekly)			
Per Transaction (Avg. 215 per Bi-weekly payroll)	.10	215	21.50
Other			
<u>6.3 OTHER SERVICES:</u>			

Money orders, travelers checks, cashiers checks	<u>No Charge</u>	<u> </u>	<u> </u>
Printed Deposit Slips	<u>No Charge</u>	<u> </u>	<u> </u>
Locked Night Depository Bags	<u>No Charge</u>	<u> 25</u>	<u> </u>
Printed Checks - Manual check books	<u>No Charge</u>	<u> </u>	<u> </u>
Safe deposit box	<u>No Charge</u>	<u> 1</u>	<u> </u>
Coin Wrappers/Currency Straps	<u>No Charge</u>	<u> </u>	<u> </u>
<u>Other:</u>			
Balance Reporting	<u>No Charge</u>	<u> </u>	<u> </u>
Electronic Funds Transfer		<u> </u>	<u> </u>
Deposit Collateralization	<u>No Charge</u>	<u> </u>	<u> </u>
Credit Card Processing		<u> </u>	<u> </u>
Trust Fund Services		<u> </u>	<u> </u>
Electronic Bank Statements	<u>No Charge</u>	<u> </u>	<u> </u>
Insufficient Charges	<u>12.50</u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>

(*) Based on Fourth Quarter Monthly Average- 2016 Consolidated Cash account only (where applicable)
 (**) Where applicable

6.4 INTEREST ON DEMAND DEPOSIT ACCOUNTS

If selected as Depository, this bank agrees to pay interest on demand deposit accounts at the rate of TBT's Stated Rate. Refer to Exhibit B for Historical Rate Information.

See Exhibit B for Historical Rate Information.

6.5 LOAN SERVICES

The City may borrow funds, subject to the interest rates designated below: (Express as a fixed rate or in terms of the Treasury Bill Ask Price as quoted in the Wall Street Journal.)

Interest Rates Charged by Depository for Loans

	Fixed Rate	Variable* Rate
Thirty (30) days	<u>N/A</u>	<u>CURRENT STATED 90 DAY TBILL RATE + 2.00%</u>
Sixty (60) days	<u>N/A</u>	<u>CURRENT STATED 90 DAY TBILL RATE +2.00%</u>

Ninety (90) days	<u>N/A</u>	<u>CURRENT STATED 90 DAY TBILL RATE + 2.50%</u>
One Hundred Eighty (180) days	<u>N/A</u>	<u>CURRENT STATED 90 DAY TBILL RATE+2.75%</u>
Over One Hundred Eighty (180) days	<u>N/A</u>	<u>CURRENT STATED 90 DAY TBILL RATE+ 3.00%</u>

Stated Rates as of Date of Origination of Loan

6.6 CERTIFICATES OF DEPOSIT

If selected as a Depository, this bank agrees to pay interest on time deposits at the following rates:

Fixed Maturities CD's

	<u>Alternate #1 Fixed Percentage Rate of Return</u>	<u>Alternate #2 Variable Percentage Rate of Return</u>
Thirty (30) days	<u>CURRENT STATED 30 DAY TBILL RATE + 15BP</u>	<u>N/A</u>
Sixty (60) days	<u>CURRENT STATED 60 DAY TBILL RATE + 20 BP</u>	<u>N/A</u>
Ninety (90) days	<u>CURRENT STATED 90 DAY TBILL RATE +30BP</u>	<u>N/A</u>
One Hundred Eighty (180) days	<u>CURRENT STATED 90 DAY TBILL RATE + 55 BP</u>	<u>N/A</u>
Three Hundred Sixty (360) days	<u>CURRENT STATED 90 DAY TBILL RATE + 85BP</u>	<u>N/A</u>
Compounded when?	<u>At Maturity</u>	<u>N/A</u>

*Expressed as plus or minus Treasury Bill Ask Price as quoted in the Wall Street Journal. ***STATED RATES AS OF DATE OF DEPOSIT.****

The City reserves the right to place or invest part of, all, or any of its funds outside the designated depository in any lawful manner throughout the term of the contract.

6.7 EXTENSION OF INVESTMENTS

The Depository Bank agrees to honor and continue any investments made during the term of the Depository Contract that will mature after the expiration date of the agreement at the same rate established before the expiration of the contract.

VII. TERMS AND CONDITIONS

DEPOSITORY CONTRACT

7.1 CONTRACT TERM

The contract period will be two (2) years beginning June 1, 2017 and ending May 31, 2019 or until the successor depository shall have been duly selected and qualified according to state laws. The City shall be given 30 days to move funds and begin transactions upon a change in financial institution resulting from this proposal. All time sensitive transactions shall remain on deposit with the same depository under the same terms and conditions in effect during said contract until the date such transactions mature.

7.2 CONTRACTING AGENCY

The contract resulting from this RFP will be administered by the Finance Department. The contract administrator will be Elaine Altman, Finance Director phone (903)-935-4519, fax (903)935-4442, email altman.elaine@marshalltexas.net.

7.3 DEPOSITORY CONTRACT

This RFP is intended to serve as the bid form for the depository contract

7.4 CLARIFICATION

If additional information is needed to interpret the specifications, written questions will be accepted by Elaine Altman. Requests for clarification will be honored provided those requests are received no less than (48) hours prior to 8:00 AM. of published bid opening date. Bid opening date is Thursday, April 13, 2017 at 6:00 p.m.

Elaine Altman, Finance Director

401 S. Alamo

P.O. Box 698

Marshall, Texas 75671

(903) 935-4519

7.5 SECURITY OF FUNDS shall be provided for all funds deposited with the depository. Security may be in the form of bonds, federal insurance or secured by a pledge of securities. Pledged securities must be maintained in safekeeping in the City's name. Pledged securities must

comply with Texas Local Government Code Chapter 105, as amended and the City's Investment Policy Section XI. All securities pledged shall be direct obligations having a par value (or market value when less than par), exclusive of accrued interest, at all times at least equal to 102% of the total funds on deposit of the City. It is estimated that \$1,000,000 to \$8,000,000 will be adequate collateral. Original safekeeping receipts shall be filed with the Finance Director. In accordance with state law, the Board of Directors of the selected Depository Bank will be required to provide a resolution of certification approving the commitment and delivery of the collateral to the safekeeping institution not later than five days before the commencement of the contract period. The depository shall provide the Finance Director with a monthly statement of securities pledged. The statement shall disclose an itemized listing of pledged securities showing name, description, par value, market value at statement date, and Moody's or Standard and Poor's rating. Further, the depository shall provide a monthly report of balances on deposit, by account. Additionally, as stated in Section 4.1.8, the City requires automatic collateralization of its deposits by the bank.

7.6 INVESTMENTS

Investments shall be restricted to fully insured or collateralized CD's, or an overnight investment vehicle backed by U.S. Treasury Obligations. The City reserves the right to place or invest part of all, or any of its funds outside the designated depository in any lawful manner throughout the term of the contract.

7.7 FIRM PRICE PERIOD

For the purpose of proper evaluation and approval, all prices, costs, and conditions shall remain firm and valid for a sixty (60) day period, commencing on the day of the proposal opening. Upon award of contract all prices shall be firm and valid for the duration of the contract.

7.8 WITHDRAWAL OF BIDS

Bids may be withdrawn on written request received from bidders prior to the time fixed for opening. Negligence on the part of the bidder in preparing the bid confers no right for the withdrawal of the bid after the time fixed for the bid opening.

7.9 CONTRACT

This proposal, accompanying documents, and any negotiated terms, when properly accepted by the City of Marshall, shall constitute a contract equally binding between the successful offerer and the City of Marshall. No different or additional terms will become a part of this contract with the exception of Change Orders.

7.10 CHANGE ORDERS

No oral statement of any person shall modify or otherwise change, or affect the terms, conditions, or specifications stated in the resulting contract. All change orders to the contract will be made in writing by the City Administration.

7.11 CONFLICT OF INTEREST

No public official shall have interest in this contract.

7.12 ADDENDA

Any interpretations, corrections or changes to this RFP and specifications will be made by addenda. Sole issuing authority of addenda shall be vested in the Finance Director. Addenda will be mailed to all who are known to have received a copy of the RFP. Offerers shall acknowledge receipt of all addenda.

7.13 COLLUSION

In submitting this bid, proposer does hereby certify that they have not participated in nor been a party to any collusion, price fixing, or any agreement with any company, firm, or person concerning the pricing of the enclosed bid.

7.14 ASSIGNMENT

The successful offerer shall not sell, assign, transfer or convey any contract resulting from this RFP, in whole or in part, without the prior written consent of the City of Marshall.

7.15 ACCESS TO RECORDS

The banks' records relating to the City of Marshall accounts shall be open to review by either City staff members or City-appointed independent auditors during normal business hours.

7.16 WIRE TRANSFER NOTIFICATION

Notification of wire transfers shall be made by telephone, email, or facsimile to the Finance Department, City of Marshall within one hour of the transaction.

7.17 CONTACT PERSON

Upon award of the contract, the depository shall designate an individual or individuals to be the official contact person or persons for all correspondence. The City of Marshall shall do the same. The bank shall be responsible for training and communicating the terms of this contract to its bank employees.

7.18 PUBLIC NOTICE

This request for proposals has been duly advertised and is being offered for consideration to financial institutions inside the corporate limits of the City of Marshall.

VIII. BANK CREDIT EVALUATION

DEPOSITORY CONTRACT

8.1 CREDITWORTHINESS

Banks, in order to be eligible for award, must be creditworthy. City staff, in conjunction with the City's financial advisor, shall review financial information to make general assessments as to creditworthiness. This assessment shall be made to determine acceptability and will not make a ranking in any order. Should the City have concerns about eligibility, it may choose to use an outside bank credit rating organization to determine eligibility.

8.2 AUDITED ANNUAL FINANCIAL REPORTS for the most recent period are to be submitted with this proposal. Further, the last two most recent quarterly FDIC call reports, and the Uniform Bank Performance Report for the latest fiscal year end are to be provided with this proposal. Refer to Exhibit B.

IX. PROPOSAL STATEMENT

DEPOSITORY AGREEMENT

"I, Brenda Brown am a duly authorized officer of/agent for Texas Bank and Trust Co., and have been duly authorized to execute the foregoing proposal on behalf of the said Texas Bank and Trust Co.

(Name of firm)

I hereby certify that the foregoing proposal has not been prepared in collusion with any other offerer or other persons engaged in the same line of business prior to the official receipt of this proposal. Further, I certify that the offerer is not now, nor has ever been for the past six months, directly or indirectly concerned in any pool or agreement or combination, to control the price of services offered, or to influence any person or persons, to offer or not to offer thereon."

Name and address of offerer: Texas Bank and Trust Co.
715 East End Blvd South Marshall TX 75670

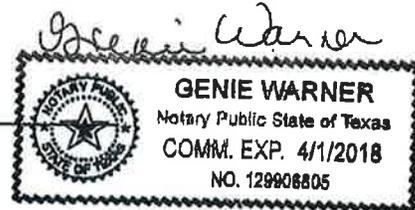
Telephone number: 903-927-2040

By: Brenda Brown Title: President/Branch Manager

Signature: Brenda Brown

SUBSCRIBED AND SWORN To me by the above-named Brenda Brown on this the 4th day of April 2017.

NOTARY PUBLIC IN AND OF THE STATE OF Texas



X. ACCEPTANCE OF PROPOSAL

This proposal, having been approved by the City Commission of the City of Marshall, Texas, is being accepted for the City of Marshall by the following person duly authorized to act on behalf of the City:

[Signature]
CHAIRMAN OF THE CITY COMMISSION
OF THE CITY OF MARSHALL, TEXAS

ATTEST:
E Altman
CITY SECRETARY

I. PROPOSAL RESPONSE CHECKLIST

DEPOSITORY AGREEMENT

Bid Opening - Thursday, April 13, 2017, during the Regular City Commission Meeting which begins at 6:00 p.m. - City Hall Commission Chambers.

ITEM DESCRIPTION
INCLUDED

- 1. Bid Bond or Cashier's Check in the Amount of \$10,000.00 (p. 9, Sec. 5.10) _____
- 2. Signed, Dated, Completed. Sealed Proposal (Two Originals And Twelve Copies) _____
- 3. Proposal Statement (p. 17, Sec. IX) _____
- 4. Required Financial Reports (p. 16, Sec. 8.2) _____
- 5. "No Offer" Information (if applicable) (p. 9, Sec. 5.7) _____

Entity: Texas Bank and Trust Co. _____

Contact Person: Brenda Brown _____

Signature Brenda Brown Date: 03/31/17 _____

Address: 715 E End Blvd S. _____
Marshall TX 75670 _____

Phone Number: 903-927-3405 _____

Fax Number: 903-927-2078 _____

RETURN THIS CHECKLIST AS PART OF THE PROPOSAL

ITEM 5C

CONSENT AGENDA

**APPROVAL OF AN EXTENSION TO A
CONTRACT WITH BRENNTAG
SOUTHWEST, INC. TO PROVIDE
COAGULANT FOR USE IN THE CITY OF
MARSHALL WATER TREATMENT
PROCESS**



TO: Members of the City Commission

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

DATE: June 2, 2020

SUBJECT: Extension of contract price for Bid No. 2019 – WU/COAG

In 2019, bids were advertised and received for the supply and delivery of Aquapac 9042 Coagulant for use in the City of Marshall water treatment process. The award was made to Brenntag Southwest, with the current contract expiring on June 16, 2020.

Provisions were included in the specifications to allow the City to extend the contract up to two (2) years in one (1) year increments, provided that the vendor agreed to the terms spelled out in the bid documents. Brenntag Southwest has provided a letter indicating they would like to extend the contract one year (June 17, 2020 through June 16, 2021) at the current unit price structure.

I am hereby requesting that the City Commissioners consider accepting the letter from Brenntag Southwest, extending the current contract for Coagulant through June 16, 2021.

CITY OF MARSHALL, TEXAS
Water Production
P.O. Box 698
Marshall, Texas 75671
903-935-4487

Contractual Agreement
Bid Number 2019-WU/COAG
(Extension #1)

This contract/agreement is hereby entered into by and between the City of Marshall, Texas and Brenntag Southwest.

I. Contracting Parties:

Receiving Party: City of Marshall

Performing Party: Brenntag Southwest

II. Statement of Services to be performed:

Furnish approximately 670,000 pounds annually of Liquid Polyaluminum Chloride/Aluminum Chlorohydrate (PACL/ACH – Aquapac-9402 for our surface water treatment to the City of Marshall within the time period designated and for the price(s) stated by the bidder in their bid proposal for bid number 2019-WU/COAG signed and dated on 06-14-2019, which is incorporated herein by reference as if fully copied and set forth at length.

III. Contract Amount: \$0.2253/pound

IV. Payment for Goods or Services:

The Receiving Party shall pay the Performing Party for goods or services within thirty (30) days from receipt of properly submitted itemized bill(s) signed by authorized City employees.

V. Term of Contract:

Period of Contract (Extension #1): This contract extension is to begin on June 17, 2020 and end on June 16, 2021.

The City of Marshall reserves the right to extend the contract(s) for one additional annual period provided both parties agree to such extension in writing no less than forty-five (45) days prior to the end of each annual period and is also conditioned that any annual increase is not higher than the CONSUMER PRICE INDEX for the previous twelve (12) month period.

VI. Patent and Royalty Disclaimer:

The bidder, without exception, shall indemnify and save harmless the City of Marshall and its employees from liability of any nature or kind, including cost and expenses for or on account of any copyrighted, patent or unpatented invention, process or article manufactured or used in the performance of the contract, including its use by the City of Marshall. If the bidder uses any design, device or materials covered by patent copyright, it is mutually agreed and understood without exception that the bid prices shall include all royalties or cost arising from use of such design, device in any way involved in the work.

RECEIVING PARTY

Receiving Party certifies that it has authority to contract for the above services.

City of Marshall, Texas
P.O. Box 698
Marshall, Texas 75671

Name of Receiving Party

Mark Rohr, City Manager

Authorized Signature

Date

PERFORMING PARTY

The undersigned signatory for the Performing Party hereby represents and warrants that she/he is an officer of the organization for which she/he has executed this Contract; and that the officer has full and complete authority to enter into this contract on behalf of the Performing Party.

Brenntag Southwest
704 E. Wintergreen Rd.
Lancaster, TX 75134

Name of Performing Party

Authorized Signature

Date

- **The performing party is hereby required to execute a Performance Bond in the amount of 5% of the largest possible total for the bid submitted (approximately 670,000 pounds x \$.2253 = approximately \$150,951.00 per year.**

Connecting**Chemistry**



May 29, 2020

**City of Marshall
P.O. Box 698
Marshall, TX 75671**

**Attn: Eric Powell
Public Works Director**

Re: Bid No. 2019 WU/COAG

Dear Mr. Powell:

Brenntag Southwest, Inc. would like to extend the current contract for Polyaluminum Chloride/Aluminum Chlorohydrate (PACL/ACH) coagulant with the City of Marshall. All terms, prices and specifications will remain the same if you should choose to accept this offer.

If you are in agreement with this extension, please forward any necessary documentation to complete the extension of the agreement to my attention. Brenntag looks forward to continuing our relationship with the City of Marshall.

Sincerely,

Brenntag Southwest, Inc.

A handwritten signature in blue ink that reads "Gayle Tullier". The signature is written in a cursive, flowing style.

Gayle Tullier
Senior Contract Administrator

cc: James McClendon
Arthur McManners

Brenntag Southwest, Inc.

Phone : (225) 802-1389
Fax : (713) 450-4699
E-Mail : gtullier@brenntag.com

ITEM 5D

CONSENT AGENDA

STREET SWEEPING ACTIVITY REPORT



TO: Members of the City Commission

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

DATE: June 2, 2020

SUBJECT: Street Sweeping Activity Report for May 2020

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

STREET SWEEPING ACTIVITY REPORT MAY 2020

STREET NAME	NUMBER OF TIMES SWEPT
Austin St. (Downtown)	10
Bolivar St. (Downtown)	10
Buena Vista Dr.	1
Burleson St. (Downtown)	10
Carter St.	2
Courthouse Square (Downtown)	10
Emory St.	1
Fisher Dr.	1
S. Grove St.	1
W. Houston St.	1
Rosborough Springs Rd.	1
Rusk St. (Downtown)	10
University Ave.	1
N. Washington Ave. (Downtown)	10
Wellington St. (Downtown)	10
Wiley Avenue	1

TOTAL NUMBER OF STREETS SWEPT IN MAY: 16

ITEM 5E

CONSENT AGENDA

MUNICIPAL COURT ACTIVITY REPORT

MEMORANDUM

To: Mark Rohr, City Manager

From: Elaine Altman, Finance Director

Date: June 4, 2020

Subject: May 2020 Municipal Court Activity Report

The attached report identifies the type and number of cases filed, financial information, number of trials/hearings, warrants and disposition for the month of May 2020. The report provides the number of Active and Inactive cases, compiled by the OCA (Office of Court Administration), for the period October 2019 through April 2020. Also included are updates on Community Service Applications and the Court's Plan to Reduce Inactive Cases.

Monthly Report For May 2020

Cases Filed

STEP Site	Traffic	Penal	City Ordinance	Parking	Other	Total
0	180	14	5	2	4	205

Financial

State Costs	City Costs	Fines	Tech Fund	Bld Security	Total
\$6,242.27	\$6,666.74	\$4,783.36	\$1,005.00	\$5,672.08	\$24,369.45

Trials/Hearings

Jury	Bench	Appealed	Total
0	0	0	0

Warrants

Issued	Recalled	Served	Fees Collected	Amount Collected	Outstanding
113	44	26	\$2,222.12	\$6,703.26	\$2,783,994

Dispositions

Paid	Time Served	Dismissed	Appealed	Total
71	24	66	0	163

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

- OCA monthly report data compiled from the **February 2020** report (submitted 03/17/2020) revealed the following data:

Active cases: 847

Inactive cases: 5,292

- OCA monthly report data compiled from the **March 2020** report (submitted 04/21/2020) revealed the following data:

Active cases: 812

Inactive cases: 5,254

- OCA monthly report data compiled from the **April 2020** report (submitted 05/20/2020) revealed the following data:

Active cases: 619

Inactive cases: 5,291

Community Service Applications

As of this report date (06.02.20) 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.

This reflects no change in previous months' report and no community service has been performed during this period due to covid-19.

Update on Municipal Court recent plan to reduce inactive cases:

Since the last commission report an interview board convened and an officer from the Marshall Police Department was selected to be assigned to Court Services. Officer Jose Burciaga was selected from five applicants. We look forward to working with Officer Burciaga with regards to the warrant service and community service program.

The Amnesty program and warrant round up will be implemented upon the arrival of Officer Burciaga to the courts in addition to the court restrictions being lifted by the Texas Supreme Court and Office of Court Administration.

I have no further information to report at this time regarding the OMNIBase program and I am still awaiting response for the Texas Department of Public Safety as to the specifics of the contract.

Leland J Benoit

Municipal Court Administrator

ITEM 6A

PUBLIC HEARINGS & ORDINANCES

**PUBLIC HEARING AND ORDINANCE
AMENDING THE OFFICIAL ZONING
MAP REGARDING A 3.00 ACRE TRACT
OF LAND, FROM R-3 (SINGLE FAMILY
DETACHED) AND A&E (AGRICULTURE
AND ESTATE) TO C-3 (GENERAL
BUSINESS). THE SUBJECT PROPERTY IS
MORE COMMONLY KNOWN AS 2810
EAST END BLVD. NORTH.**



Agenda Information Sheet

June 11, 2020

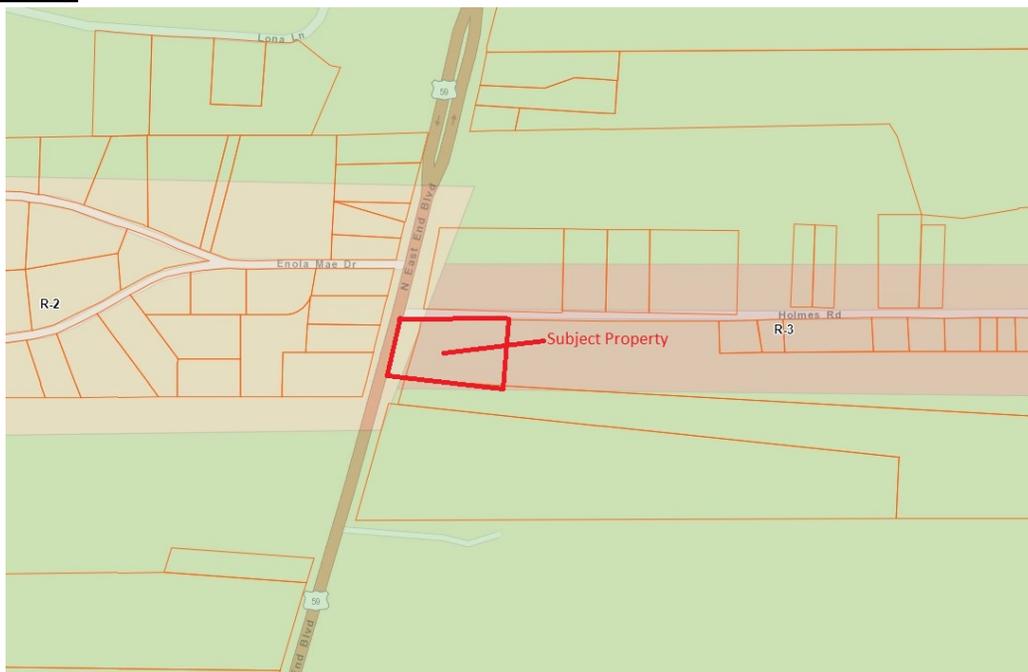
Agenda Item Z-20-03:

Conduct a public hearing and consider an amendment to the official zoning map regarding a 3.00-acre tract of land in the Henry Teal Survey A-704, from R-3 (Single Family Detached) and A&E (Agriculture and Estate) to C-3 (General Business). The subject property is generally located on the South side of Holmes Road and on the east side of East End Blvd. North (U. S. Highway 59), more commonly known as 2810 East End Blvd. North.

The Planning & Zoning Commission recommended approval by a vote of 5-0-0.

Applicant:	Bobby Pierce 1279 Alice Calloway Road Marshall Texas 75672
Property Owner	Bobby Pierce 1279 Alice Calloway Road Marshall Texas 75672
Surrounding Property Notices	8 Notices Sent within 200 ft. of the Site 0 Responses back

Location Map:



Background & Summary of Request:

The original request was to change the zoning from R-3 (Single –Family Residential) and A-E (Agricultural – Estate) to I-1 (Light Industry). During the public hearing additional information was shared regarding the proposed business and staff asked the Commission to table action and allow staff time to work with the applicant.

After consulting with the applicant, the request has been modified to rezone the property to C-3 (General Business). The use being proposed is a building materials/contractor office with screening which is allowed by right in the C-3 zoning district.

Picture of the Site:



Existing Conditions:

The property has been utilized as agriculture and is zoned R-3 (Single-Family Detached) and A&E (Agriculture and Estate) and is sparsely wooded.

The table below outlines the surrounding zoning and land uses:

	Zoning Classification	Land Use
North of the Property	R-3 (Single-family Residential)	Single Family Residence
East of the Property	R-3 (Single-family Residential) A&E Agriculture and Estate	Vacant
South of the Property	A&E Agriculture and Estate	Single Family Residence
West of the Property	R-2 (Single-family Residential)/C-3(General Business)	Single Family Residence/ Multi-family

Water service is provided to the site by an existing 6” water main along the south side of Holmes Road and an 8” sewer main along the north side of Holmes Road.

Zoning Classification Analysis:

The applicant is requesting a zoning change to C-3 (General Business) zoning district. The Zoning Ordinance defines General Business as a district “*established to provide for the development of business and commercial establishments which would generally be considered non-offensive and to provide for appropriate locations for development.*”

The zoning ordinance goes on to define the General Business zoning district “*as to promote the most desirable uses of land and the direction of building development in accordance with the Comprehensive Plan, and the stability of commercial development to strengthen the economic base of the city.* In addition, outdoor storage without screening is prohibited.

Screening within the C-3 district must consist of sight barring shrubs or fencing with a minimum height of six (6) feet and shall be developed in a manner that screens any storage of material or equipment from public view.

Comprehensive Plan and Future Land Use Map Analysis:

The Future Land Use identifies this property as Commercial/Office/Service. The Comprehensive Plan outlines the various types of commercial areas within the city. The Plan states the importance of creating commercial areas in the outlying areas of the city to serve auto-oriented uses and stand-alone commercial uses.

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 of a General Business zoning district does comply with the Future Land Use designation of Commercial/Office/Service.
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 surrounding property is primarily developed with large acreage single-family homes and agricultural uses which would probably not be immediately affected by a General Business zoning classification or the proposed use. However, it is important to look toward the future and what could be developed around the property and what other uses are allowed in the General Business zoning district.
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.
As already stated, the property is currently surrounded by large acreage single-family and agricultural uses so keeping the zoning the same would be a consistent land uses. That being said, as growth occurs and the area transitions to more commercial development it will be inevitable that the zoning will change.

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?

Based on existing conditions the proposed change/use is not believed to have an immediate negative effect on the community.

Suggested Motions:

1. Motion to approve case number Z-20-03 as requested.
2. Motion to deny of case number Z-20-03.

Attachments:

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

Z-20-03
Aerial Photograph



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-20-03
Site Pictures



Subject Property



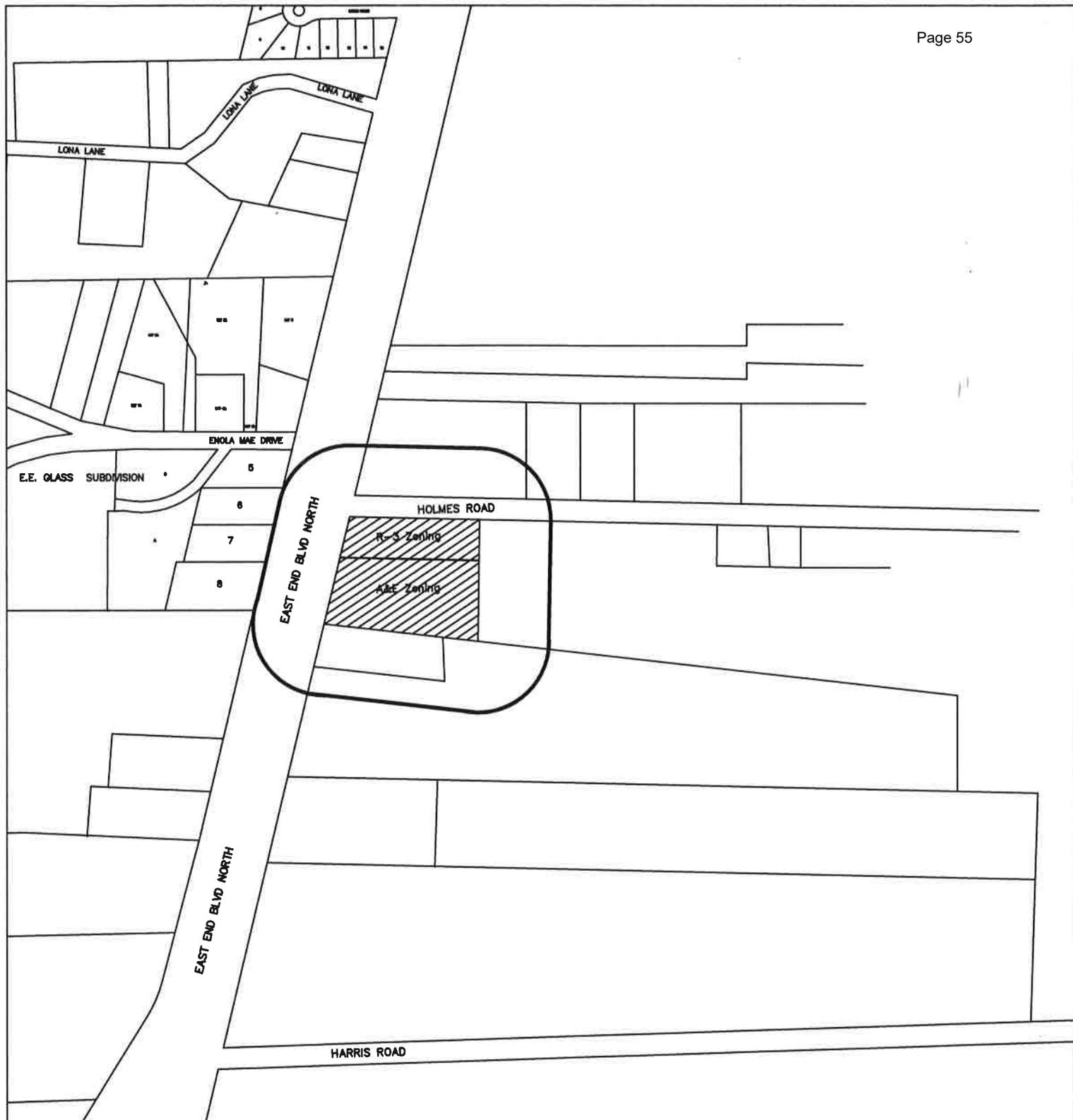
Vacant to the east



Single-Family Residential to the North



Single-Family Residential and Multi-family to the
West



Case No. Z-20-03

Scale: 1"=400'

Date: 05-11-2020

PLANNING DEPARTMENT
CITY OF MARSHALL, TEXAS

Remarks: a request to rezone
3.00 acres of land in the Henry Teal
Survey A-704 from A&E (agriculture and
Estate) and R-3 (Single Family Detached)
C-3 (General Business)



Location: 2810 East End Blvd. N.
Applicant: Bobby Pierce

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 0-87-13 TO REZONE A 3.00-ACRE TRACT OF LAND IN THE HENRY TEAL SURVEY A-704, FROM R-3 (SINGLE FAMILY DETACHED) AND A&E (AGRICULTURE AND ESTATE) TO C-3 (GENERAL BUSINESS). THE SUBJECT PROPERTY IS GENERALLY LOCATED ON THE SOUTH SIDE OF HOLMES ROAD AND ON THE EAST SIDE OF EAST END BLVD. NORTH (U. S. HIGHWAY 59), MORE COMMONLY KNOWN AS 2810 EAST END BLVD. NORTH 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 11th day of June, 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 3.00-acre tract of land in the Henry Teal Survey A-704, from R-3 (Single Family Detached) and A&E (Agriculture and Estate) to C-3 (General Business). The subject property is generally located on the South side of Holmes Road and on the east side of East End Blvd. North (U. S. Highway 59), more commonly known as 2810 East End Blvd. North 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 11th day of June, 2020.

AYES: __

NOES: __

ABSTAINED: __

PASSED on second reading the 25th day of June, 2020.

AYES: ____

NOES: ____

ABSTAINED: ____

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

ATTEST:

CITY SECRETARY

ITEM 6B

PUBLIC HEARING & ORDINANCES

**PUBLIC HEARING AND ORDINANCE
AMENDING THE OFFICIAL ZONING
MAP REGARDING A .984 ACRE TRACT
OF LAND, FROM PD (PLANNED
DEVELOPMENT) TO R-6 (DUPLEX,
TRIPLEX, QUADRAPLEX). THE
SUBJECT PROPERTY IS MORE
COMMONLY KNOWN AS 316 MURPHY
DRIVE**



Agenda Information Sheet

June 11, 2020

Agenda Item Z-20-05:

Conduct a public hearing and consider an amendment to the official zoning map regarding a .984 acre tract of land in the ASA Langford Survey A-400, from PD (Planned Development) to R-6 (Duplex, Triplex, Quadraplex). The subject property is generally located on the south side of Murphey Drive and on the west side of South Garrett Street, more commonly known as 316 Murphy Drive.

The Planning & Zoning Commission recommended approval by a vote of 5-0-0.

Applicant:	Rhett Skinner 315-B Murphy Drive Marshall Texas 75672
Property Owner	Rhett Skinner 315-B Murphy Drive Marshall Texas 75672
Surrounding Property Notices	7 Notices Sent within 200 ft. of the Site 2 Responses back in Opposition

Location Map:



Background & Summary of Request:

The owner is requesting the zoning be changed from PD (Planned Development) to R-6 (Duplex, Triplex, Quadraplex). Previous owners of this property had it rezoned to PD (Planned Development) in November 1982. This was done prior to the City of Marshall’s current zoning ordinance which was adopted in March 1987. The existing Planned Development ordinance permitted a single family residential development similar to the current R-2 (Single Family Detached) zoning district. A copy of the original Planned Development is included for review.

Picture of the Site:



Existing Conditions:

The property is undeveloped and has recently been cleared. The property owner is utilizing the dirt from this site for another project.

The table below outlines the surrounding zoning and land uses:

	Zoning Classification	Land Use
North of the Property	MF(Multi –Family)	Apartment and Duplexes
East of the Property	R-1(Single Family)	Vacant
South of the Property	R-1(Single Family)	Single Family Residence
West of the Property	PD (Planned Development)	Single Family Residence

Water service is provided to the site by an existing 6” water main along the south side of Murphey Drive, and along the west side of South Garrett Street. A 6” sewer main in Murphey Drive will need to be extended approximately 40 feet to serve the property.

Zoning Classification Analysis:

The R-6 Duplex, Triplex, Quadraplex is established to manage the density of population and to provide adequate space and site diversification for medium density residential development where adequate streets and other community facilities are available for present and future needs.

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 north designated as “Moderate Density Residential”. Moderate Density Residential Objective 3d of the Comprehensive Plan states the “*Infill development should respond to existing development with compatible patterns, and design standards.*”

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?
Taking into consideration that the property is located immediately adjacent to a Moderate Density Residential designated area and the existing buffer yard requirements will create a 10 foot buffer yard between the proposed moderate density property; the request meets the goals of the comprehensive plan stating that new development must be sensitive to the surrounding and natural context in scale and form to the existing neighborhoods.
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 surrounding property is primarily single family residential and multi-family to the north and would not be immediately affected by an R-6 (Duplex, Triplex Quadraplex) zoning classification based on requirements of the zoning ordinance.*
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 property is currently zoned for residential. However, under the R-6 zoning district as requested the property would lend itself to keeping with the development to the north because of its lot size and location.*
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?
The requested zoning change to R-6 seems to be a logical extension of similar type of developments directly to the north of the subject property.

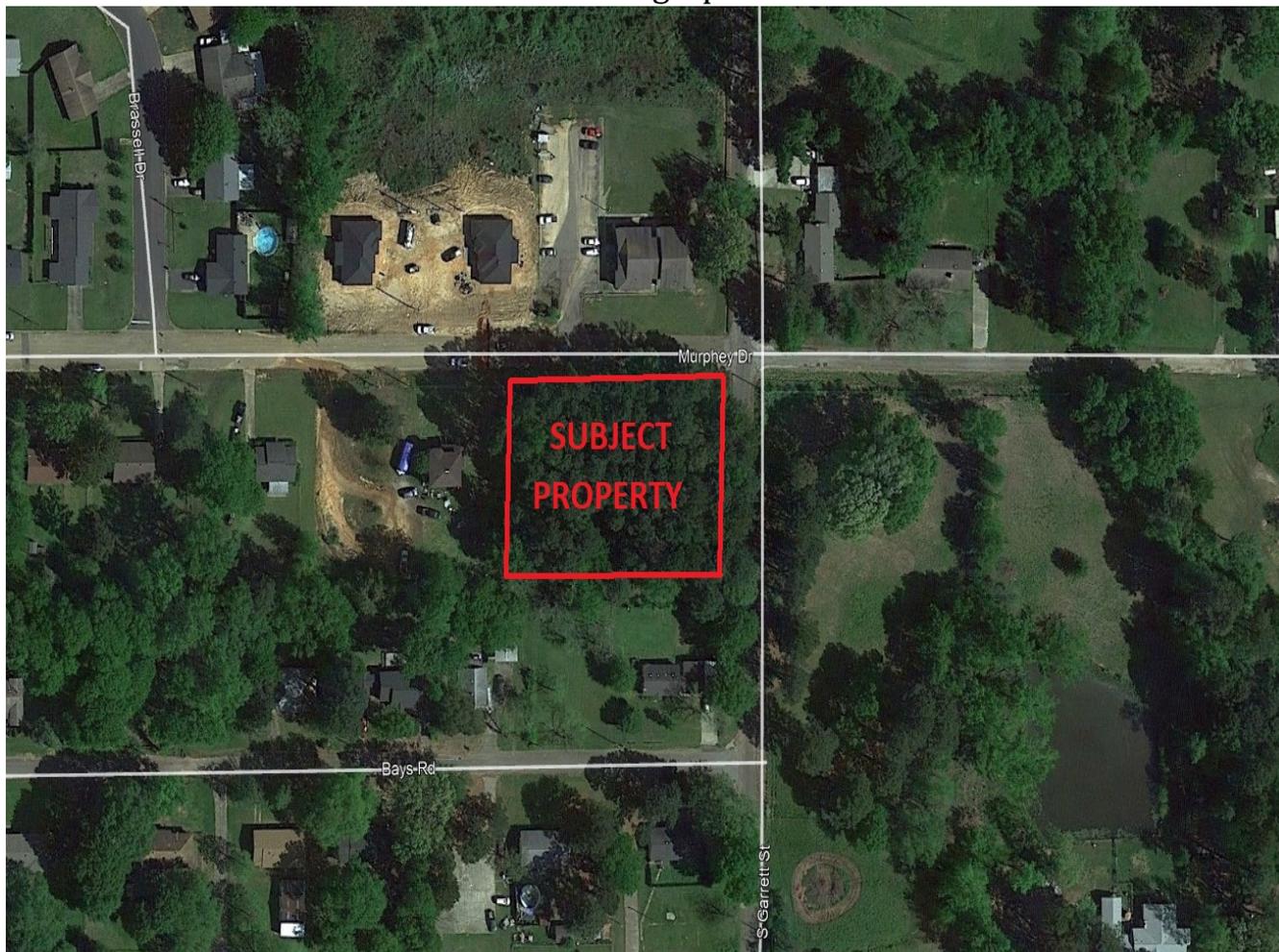
Suggested Motions:

1. Motion to approve case number Z-20-05 as requested.
2. Motion to deny case number Z-20-05.

Attachments:

1. Aerial of Site
2. Pictures of the Site
3. 200 Foot Notification Map
4. Copy of original Planned Development Ordinance O-82-89.
5. Ordinance

Z-20-05 Aerial Photograph



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-20-05
Site Pictures



Property to the south



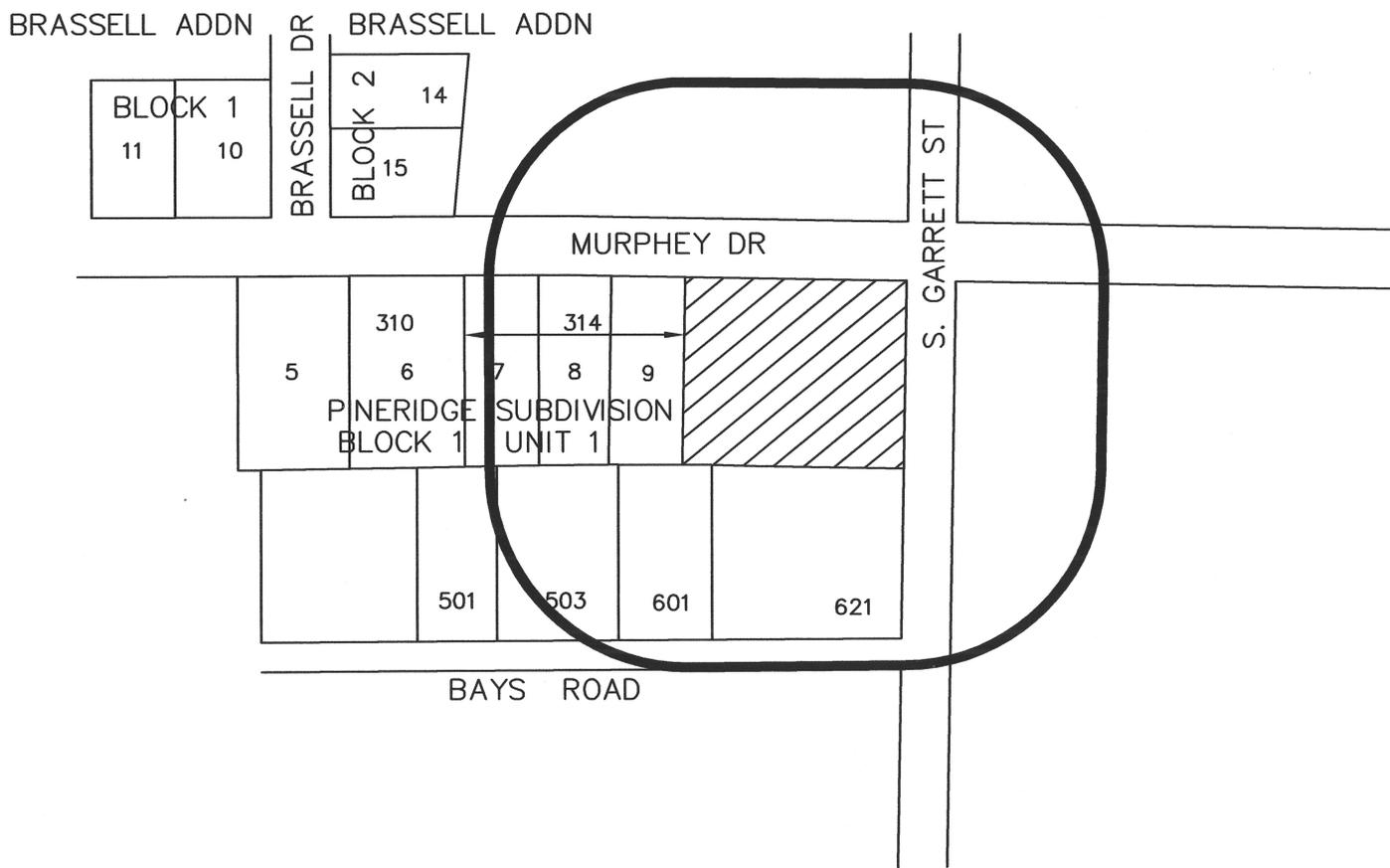
Property to west



Property to the east



Property to north



Case No. Z-20-05
 Scale: 1"=200'
 Date: 05-11-2020

PLANNING DEPARTMENT
 CITY OF MARSHALL, TEXAS

Remarks: a request to rezone 0.99 acres of land in the Asa Langford Survey A-400. From PD(Planned Development) to R-6(Duplex, Triplex, Quadraplex)

↑
N

Applicant: Rhett Skinner
 Location: 316 Murphey Drive

O-82- 89

AN ORDINANCE AMENDING THE ZONING
ORDINANCE OF THE CITY OF MARSHALL
AND HEREBY CHANGING THE CLASSIFI-
CATION OF CERTAIN PROPERTIES WITHIN
SAID CITY.

WHEREAS, the Planning and 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 in classification and extension of the boundaries of various properties within the City of Marshall; and

WHEREAS, after the close of said public hearing and pursuant thereto, the Planning and Zoning Commission filed a written report with the City Commission, recommending changes in classification and extension of the boundaries of various properties; 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 at the City Hall in the Commission Chamber on November 10, 1982, at 6:30 p.m. for the purpose of considering requested changes, and at which hearing all property owners, 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; now, therefore,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF MARSHALL:

1.

The classification is hereby changed from "R-1" Single Family Dwelling District to "PD" Planned Development for a single family housing, being more commonly known as Murphy Drive and South Garrett Street, and being more fully described in the Attached Exhibit "A".

At the request of the Chairman of the City Commission, this Ordinance is passed under the emergency clause of the City Charter.

PASSED, APPROVED AND ADOPTED this 10 day of Nov, 1982.

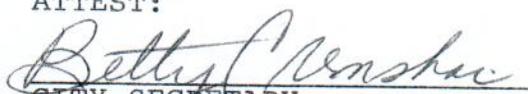
AYES: 5

NOES: 0

ABSTAINED: _____


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

ATTEST:


CITY SECRETARY

BEING 6.15 acres of land located in the Asa Langford Survey, Harrison County, Texas, said 6.15 acres being all of a called 5.0 acre conveyed to E. B. Murphy by deed dated December 5, 1928, recorded in Vol. 159, Page 31, Deed Records of Harrison County, Texas, and being all of a called 1.776 acre tract, said called 1.776 acre tract being a part of that certain 32 acre tract described in Deed to Roy P. Cox, dated April 19, 1950, recorded in Vol. 354, Page 310, Deed Records of Harrison County, Texas, said called 5.0 acre tract and called 1.776 acre tract being more particularly described in two tracts as follows:

TRACT ONE: BEGINNING at the Northwest corner of the above mentioned called 5.0 acre tract, said corner being on the South ROW of Murphy Drive;
 THENCE along said South ROW of Murphy Drive N 89 Deg. 00' E, 1002 feet more or less to a point for corner, said point being in the West ROW line of South Garrett Street;
 THENCE along said West ROW of South Garrett Street S 01 Deg. 00' E, 190 feet more or less to a point for corner;
 THENCE S 89 Deg. 35' W, 292 feet more or less; S 88 Deg. 05' W, 621 feet more or less; N 89 Deg. 10' W, 105 feet more or less to a point for corner;
 THENCE N 03 Deg. 30' E, 196 feet more or less to the PLACE OF BEGINNING;
 TRACT TWO: BEGINNING at the Northwest corner of the above mentioned called 1.776 acre tract, said corner being on the South ROW of Murphy Drive;
 THENCE along said South ROW of Murphy Drive N 89 Deg. 55' E, 242.37 feet more or less to a point for corner;
 THENCE S 03 Deg. 30' W, 193 feet more or less to a point for corner;
 THENCE S 88 Deg. 25' W, 49 meet more or less to a point for corner;
 THENCE S 00 Deg. 15' W, 184 feet more or less to a point for corner;
 THENCE N 87 Deg. 30' W, 175 feet more or less to a point for corner, said point being on the East ROW line of South Garrett Street;
 THENCE along said East ROW line of South Garrett Street N 01 Deg. 00' W, 362 feet more or less to the PLACE OF BEGINNING;
 Tracts One and Two combined and containing 6.15 acres of land.

EXHIBIT "A"

EXHIBIT A TO THE

PLAT OF PINERIDGE SUBDIVISION, AS DEVELOPED BY G. A. FUGLER, JR.

1. No lot shall be used for other than residential purposes and no soil or trees shall be removed for any commercial use.
2. No building shall be erected on any lot other than one, one-family dwelling. All carports and garages must be attached. The floor area of the main structure, exclusive of porches, garage, storage rooms and basement, shall not be less than 1,100 square feet. The maximum height of any building shall be one and one-half story.
3. The lot shall be kept clean and free of trash, garbage and debris at all times. The lots in this Addition must be mowed at least twice yearly. All advertising signs are prohibited except such signs as the Addition deems necessary for the orderly development of the Addition.
4. No noxious, unlawful, or offensive activity shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the addition in which said lot is located.
5. Notwithstanding anything to the contrary contained in this instrument covering restrictions, covenants and conditions affecting the use of any property in this Addition, the management of this Addition hereby reserves for itself and its designated agent or agents the unrestricted right to place a sign or signs on any unsold lot in this Addition.
6. No improvements shall be erected or constructed on any lot in any Addition nearer than thirty (30) feet to the front property line, nor nearer than five (5) feet to the side property line, except that in the case of corner lots, no improvements shall be erected or constructed within ten (10) feet of side property adjacent to the streets.
7. No building or structure shall be occupied or used until the exterior thereof is completely finished and any structure or part thereof constructed of any materials other than brick, the surfaces thereof shall be covered with good quality paints of sufficient thickness and in a manner so that such building will present a good and pleasing appearance in accordance with practices usually and generally used on structures in municipal areas of East Texas.
8. No outside toilets shall be installed or maintained on any premises and all plumbing shall be connected with a sanitary sewer or septic tank acceptable to state and local health authorities. No removal of trees or excavations other than for landscaping, construction of buildings, driveways and other structures will be permitted without the written permission of Grantors, their assignees or designees.
9. All single family housing will consist of three-bedroom houses, except that on three of five lots consisting of Lots 8 through 12, in Block 1, a two-bedroom, one-bath house may be built. All three-bedroom houses will be plumbed for two baths.
10. The exterior finish of each house shall be at least Seventy Percent (70.0%) brick veneer.
11. Central heat and air conditioning shall be installed in all houses.
12. No antenna in the subdivision may exceed thirty (30) feet from ground level.
13. All driveways are to be of hard surface.

14. No hogs, poultry, horses, goats, sheep or animals of any kind shall be raised, bred or kept on any lot except that dogs, cats or other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purpose.

15. All lots are subject to easements and restrictions of record and are subject to any applicable zoning rules and regulations of the City of Marshall, Harrison County, Texas, for R-2, Single Family Dwellings, except as specifically stated herein or as shown on the Plat of this Subdivision.

16. No recreational vehicles, trailers, boats or water craft of any kind shall be parked and left standing for excessive periods of time on any of the streets or roadways in this Addition.

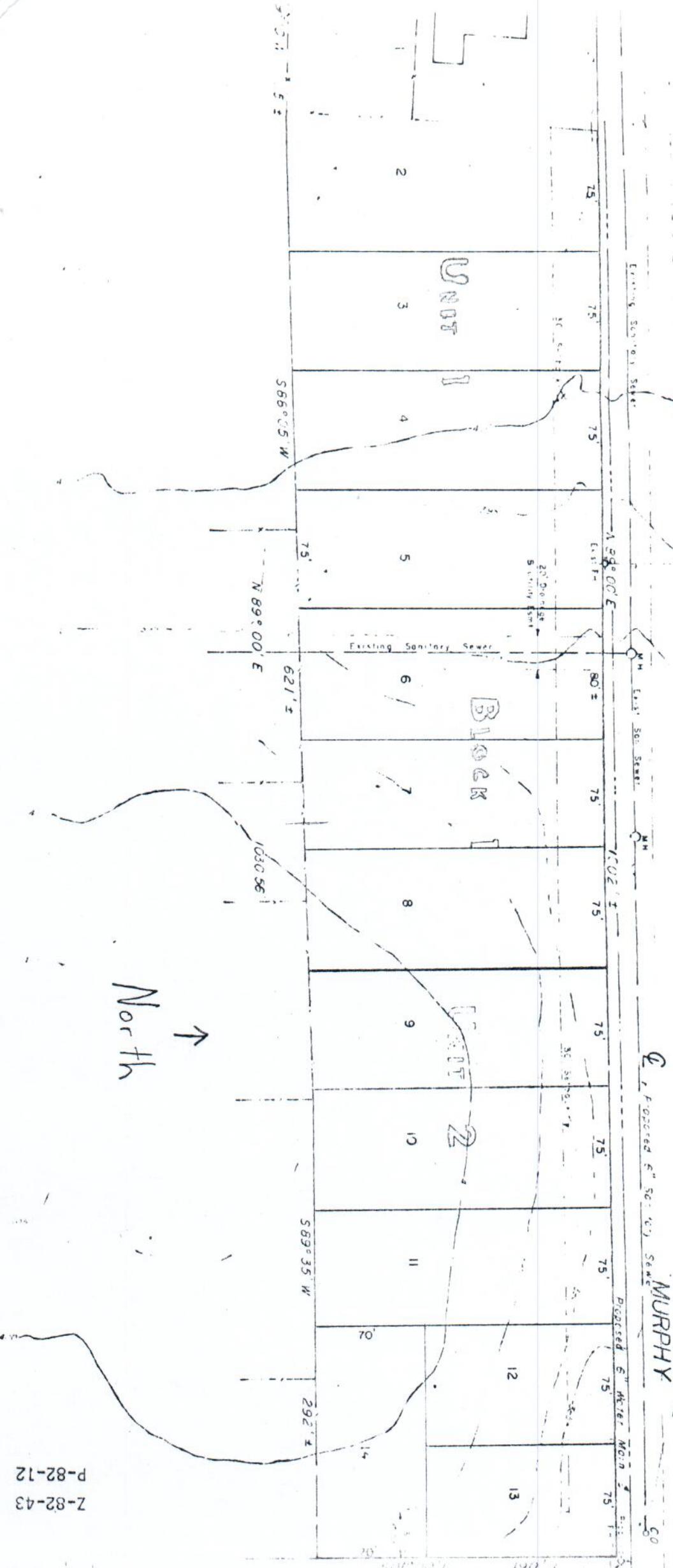
17. No more than one outbuilding, such as a barn or storage building, shall be erected in addition to the dwelling, and such building must be detached.

18. No fence shall be constructed of any material other than brick, stone, wood, or chain link fencing.

~~19. These restrictions, covenants and conditions are to run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty-five (25) years from the date of such restrictions, covenants and conditions being first impressed upon said property and Addition, after which time said restrictions, covenants and conditions shall be automatically extended for successive periods of ten (10) years unless an instrument signed by a majority of the lot owners in said Addition has been recorded, agreeing to a change in said restrictions, covenants and conditions, in whole, or in part.~~

19. If any portion of these restrictions, covenants and conditions shall be declared invalid by judgment of court order, it shall not affect the validity of any other provision or portion thereof.

E STREET



Z-82-43
P-82-12

SOUTH GARRETT ST

MURPHY

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 0-87-13 TO REZONE A .984 ACRE TRACT OF LAND IN THE ASA LANGFORD SURVEY A-400, FROM PD (PLANNED DEVELOPMENT) TO R-6 (DUPLEX, TRIPLEX, QUADRAPLEX). THE SUBJECT PROPERTY IS GENERALLY LOCATED ON THE SOUTH SIDE OF MURPHY DRIVE AND ON THE WEST SIDE OF SOUTH GARRETT STREET, MORE COMMONLY KNOWN AS 316 MURPHY DRIVE 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 11th day of June, 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 .984 acre tract of land in the ASA Langford Survey A-400, from PD (Planned Development) to R-6 (Duplex, Triplex, Quadraplex). The subject property is generally located on the south side of Murphy Drive and on the west side of South Garrett Street, more commonly known as 316 Murphy Drive 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 11th day of June, 2020.

AYES: __

NOES: __

ABSTAINED: __

PASSED on second reading the 25th day of June, 2020.

AYES: ____

NOES: ____

ABSTAINED: ____

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

ATTEST:

CITY SECRETARY

ITEM 7A

SECOND READING OF ORDINANCE

**PUBLIC HEARING AND CONSIDER AN
AMENDMENT TO THE OFFICIAL
ZONING MAP REGARDING A 4-ACRE
TRACT OF LAND IN THE THOMAS IDEN
SURVEY A-354, FROM C-2 (RETAIL
BUSINESS) TO PS (PUBLIC SERVICE).
THE SUBJECT PROPERTY MORE
COMMONLY KNOWN AS 2502 EAST
TRAVIS STREET**



Agenda Information Sheet

June 11, 2020

Agenda Item Z-20-04:

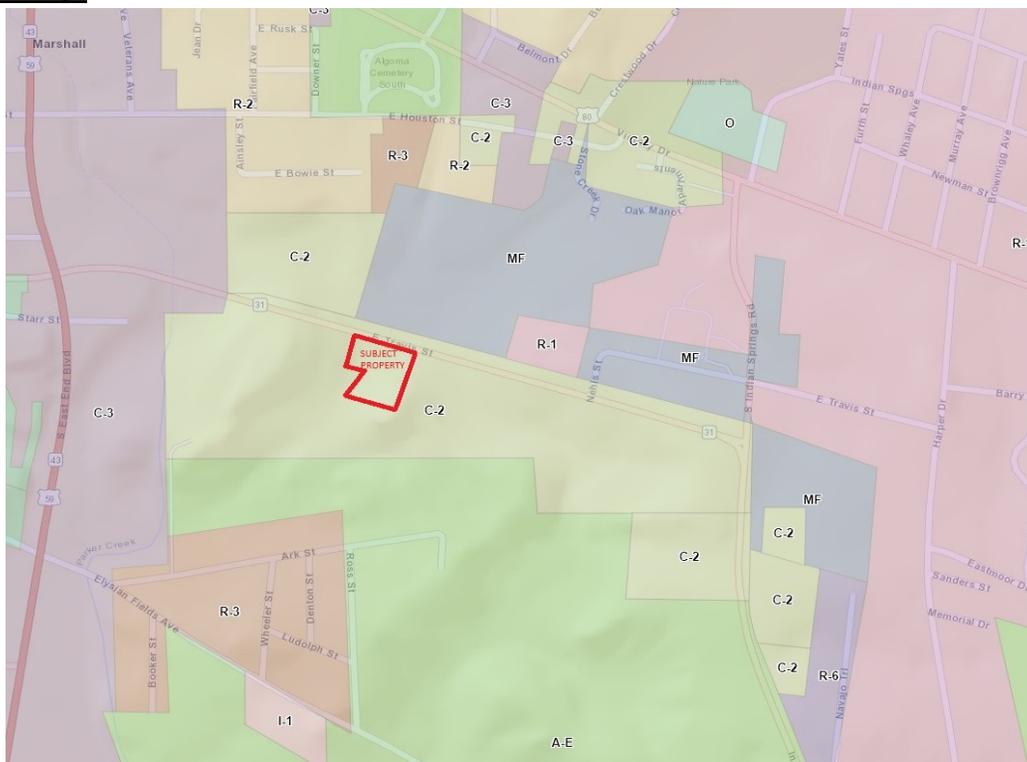
Consider an amendment to the official zoning map regarding a 4-acre tract of land in the Thomas Iden Survey A-354, from C-2 (Retail Business) to PS (Public Service). The subject property is generally located on the south side of East Travis Street, more commonly known as 2502 East Travis Street.

The Planning & Zoning Commission recommended approval by a vote of 5-0-0.

The City Commission approved the first reading by a vote of 6-0-0.

Applicant:	City of Marshall 401 South Alamo Blvd. Marshall Texas 75670
Property Owner	Marshall Independent School District 1305 E. Pinecrest Drive, Marshall Texas 75670
Surrounding Property Notices	6 Notices Sent within 200 ft. of the Site 0 Responses back

Location Map:



Background & Summary of Request:

The City is requesting the zoning be changed to the property commonly known as 2502 East Travis Street from C-2 to PS (Public Service) for the future site of the animal shelter. An animal shelter is not permitted within the C-2 zoning district.

Picture of the Site:



Existing Conditions:

The property is currently vacant and zoned C-2 (Retail Business).

The table below outlines the surrounding zoning and land uses:

	Zoning Classification	Land Use
North of the Property	R-1 (Single-family Residential) and MF (Multi –Family)	Vacant
East of the Property	C-2 (Retail Business)	Marshall Jr. High school
South of the Property	A&E Agriculture and Estate	Vacant
West of the Property	C-2 Retail Business	Vacant, County Jail, Industrial Use

Water service is provided to the site by an existing 24” water main along the south side of East Travis St. and an 8” sewer main along the south side of East Travis. Sewer will require a lift station to pump into sewer system.

Zoning Classification Analysis:

The applicant is requesting a zoning change to Public Service Zoning District. The Zoning Ordinance defines the Public Services (PS) Zoning District is intended to provide area for buildings and facilities that are owned and operated by Federal, State, local governments, public utilities, special districts, or nonprofit organizations which are used to provide governmental or public services. The Public Services District provides for school sites, public parks, municipal services, and similar types of uses owned and managed by a local government, non-profits or special district.

Comprehensive Plan and Future Land Use Map Analysis:

The Future Land Use identifies this property as Public Services. The Comprehensive Plan outlines the various types of Public Service areas within the city. The Plan states the importance of creating Public Service areas and uses.

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 of Public Service zoning district does comply with the Future Land Use Map designating the area for Public Service uses.

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 surrounding property is sparsely developed with public service uses such as schools and jail; the proposed change would not have a negative impact on surrounding properties.

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.
Given the nature of the existing surrounding uses, the property would likely not develop as a retail use under the existing zoning. The request is compatible with the surrounding uses and Future Land Use Map.

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?
Based on existing conditions the proposed change is not to have an immediate negative effect on the community. The proposed zoning change falls in line with the Future Land Use map and comprehensive plan.

Suggested Motions:

1. Motion to approve case number Z-20-04 as requested.
2. Motion to deny case number Z-20-04.

Attachments:

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

Z-20-04 Aerial Photograph



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-20-04
Site Pictures



Property to the south



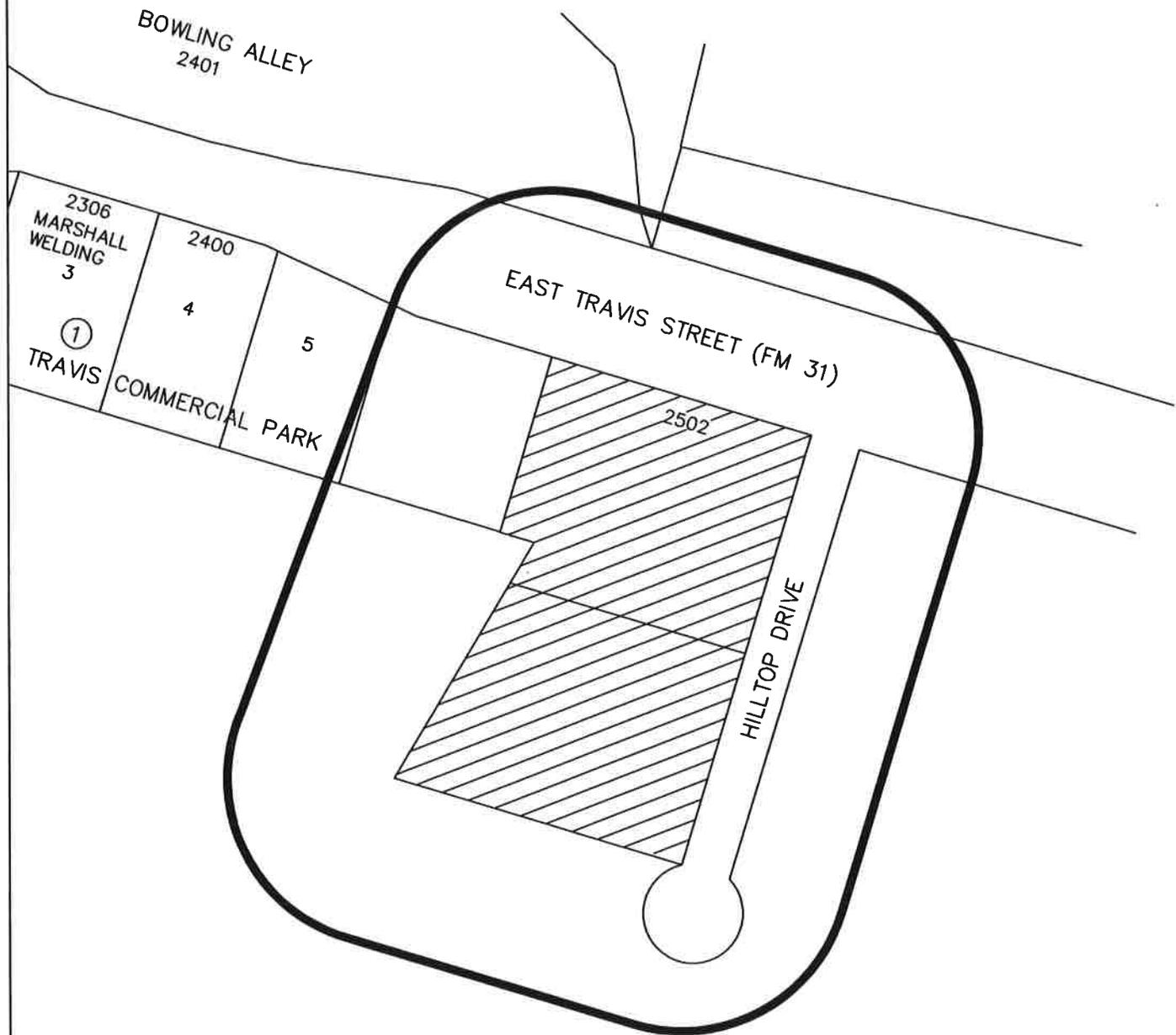
Property to the east Junior High School



Property to west Harrison County Jail Annex



Property to north



Case No. Z-20-04
 Scale: 1"=200'
 Date: 05-11-2020

PLANNING DEPARTMENT
 CITY OF MARSHALL, TEXAS

Remarks: A request to rezone
 4.994 acres of land in the Thomas Iden
 Survey A-354 from C-2(Retail Business)
 to PS(Public Service)



Location: 2502 East Travis Street
 Applicant: City Of Marshall, Texas

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 0-87-13 TO REZONE A 4 ACRE TRACT OF LAND IN THE THOMAS IDEN SURVEY A-354, FROM C-2 (RETAIL BUSINESS) TO PS (PUBLIC SERVICE). THE SUBJECT PROPERTY IS GENERALLY LOCATED ON THE SOUTH SIDE OF EAST TRAVIS STREET, MORE COMMONLY KNOWN AS 2502 EAST TRAVIS STREET 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 28th day of May, 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 4-acre tract of land in the Thomas Iden Survey A-354, from C-2 (Retail Business) to PS (Public Service). The subject property is generally located on the south side of East Travis Street, more commonly known as 2502 East Travis Street 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 28th day of May, 2020.

AYES: __

NOES: __

ABSTAINED: __

PASSED on second reading the 11th day of June, 2020.

AYES: ____

NOES: ____

ABSTAINED: ____

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

ATTEST:

CITY SECRETARY

ITEM 7B

SECOND READING OF ORDINANCE

**CONSIDER AN ORDINANCE AMENDING
CHAPTER 24 ENTITLED “SIGNS AND
BILLBOARD REGULATIONS”
SPECIFICALLY SECTION 24-9 ENTITLED
“FREE STANDING SIGNS”**



Agenda Information Sheet

June 11, 2020

Agenda Item

Consider an ordinance amending Chapter 24 entitled “Signs and Billboard Regulations” specifically Section 24-9 entitled “Free Standing Signs”.

The City Commission approved the first reading by a vote of 6-0-0.

Background & Summary of Request:

The amendment is for free standing pole signs specifically located within 3,000 feet of Interstate Highway 20 right-of-way. The amendment would exempt these signs from any height or area requirements.

The current sign ordinance restricts sign heights to 40 feet and area to 250 square feet.

The proposed amendment is in response to a potential developer looking at property along IH-20 and desiring a taller/larger sign to advertise the business. Staff surveyed other cities between Dallas and Marshall along IH-20 and found the proposed language to be common.

Attached is a redlined version of the proposed change identifying the old language and proposed new language.

Ordinance _____

**AN ORDINANCE amending CHAPTER 24 entitled “Signs and Billboard Regulations”
SECTION 24-9 ENTITLED “Free Standing Signs” OF THE CITY OF MARSHALL,
TEXAS CODE OF ORDINANCES; PROVIDING FOR PENALTIES; PROVIDING FOR
PUBLICATION AND ESTABLISHING AN EFFECTIVE DATE FOR SUCH
ORDINANCE.**

WHEREAS, the City Commission of Marshall has determined that its citizens and visitors shall have a safe and clean physical environment; and

WHEREAS, the City Commission of Marshall deems it necessary and proper and in the best interests of the citizens of the City to repeal and replace Chapter 24 of the Marshall Code of Ordinances entitled “Signs and Billboards”; and

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

Section 1. That the findings set out in the preamble of this ordinance are hereby in all things approved.

Section 2. Amend Chapter 24 Section 24-9 of the Code of Ordinances with the following language:

“Sec. 24-9. - Free standing signs.

(a) Pole signs.

(1) Pole signs are only allowed in non-residential zoning districts and may only advertise businesses, goods, and services onsite.

(2) Only businesses located on HWY 59, HWY 80, HWY 43, Loop 390, and I-20 are allowed to have pole signs.

(3) Each free standing building shall be allowed one (1) pole sign. Any multiple-tenant building, strip shopping center, mall, or shopping center shall be required to utilize a Multiple-Tenant sign.

(4) Any projecting or overhanging portion of a pole sign must be a minimum of five (5) feet above any walkway and sixteen (16) feet above driveways and traffic areas.

(5) A pole single-tenant sign shall not exceed one hundred fifty (150) square feet in area per sign face and thirty (30) feet in height.

(6) Pole signs located within one thousand (3,000) feet of Interstate 20 right-of-way shall be exempt from any height or area requirement set forth in this section.

(7) Free standing multiple-tenant pole signs shall not exceed three hundred (300) square feet in area per sign face and thirty (30) feet in height.”

Section 4. That the meeting at which this ordinance was passed was conducted in strict compliance with the Texas Open Meetings Act (Texas Government Code Chapter 551).

Section 5. That all other prior ordinances or portions of ordinances or portions of ordinances of the City of Marshall in conflict with the terms and provisions of this ordinance are hereby repealed to the extent of such conflict only.

Section 6. That the repeal of any ordinance or portion of any ordinance by this ordinance shall not affect the validity of any pending enforcement action or fines outstanding and due and payable on or before the effective date of this ordinance.

Section 7. That if any section, paragraph, subdivision, clause, phrase, or provision of this ordinance is hereafter determined to be invalid or in violation of the laws of the State of Texas or the Constitution of the United States by of court of appropriate jurisdiction, such finding of invalidity shall affect the continued enforcement only of the provision or provisions so determined to be invalid, it being the intent of the City Commission of the City of Marshall that all other terms and provisions of this ordinance not affected shall remain in full force and effect.

Section 8. That this ordinance shall be effective from and after its passage and publication as required by law.

PASSED AND APPROVED THIS ____ DAY OF _____, 2020.

AYES: _____

NOES: _____

ABSTAINED: _____

PASSED, APPROVED AND ADOPTED ON THIS ____ DAY OF _____,
2020.

AYES: _____

NOES: _____

ABSTAINED: _____

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

ATTEST:

Elaine Altman, City Secretary

Sec. 24-9. - Free standing signs.

(a) Pole signs.

(1) Pole signs are only allowed in non-residential zoning districts and may only advertise businesses, goods, and services onsite.

(2) Only businesses located on HWY 59, HWY 80, HWY 43, Loop 390, and I-20 are allowed to have pole signs.

(3) Each free standing building shall be allowed one (1) pole sign. Any multiple-tenant building, strip shopping center, mall, or shopping center shall be required to utilize a Multiple-Tenant sign.

(4) Any projecting or overhanging portion of a pole sign must be a minimum of five (5) feet above any walkway and sixteen (16) feet above driveways and traffic areas.

(5) A pole single-tenant sign shall not exceed one hundred fifty (150) square feet in area per sign face and thirty (30) feet in height.

(6) ~~Single tenant pole Pole~~ signs located within one thousand (3,000) feet of Interstate 20 right-of-way shall ~~not exceed two hundred fifty (250) square feet in area per sign face and forty (40) feet in height be exempt from any height or area requirement set forth in this section.~~

(7) Free standing multiple-tenant pole signs shall not exceed three hundred (300) square feet in area per sign face and thirty (30) feet in height.

~~(8) Free standing multiple tenant pole signs located within one thousand (1,000) feet of Interstate 20 right of way shall not exceed five hundred (500) square feet and forty feet in height.~~

ITEM 8A

DISCUSSION OF AND CONSIDERATION OF POTENTIAL UPDATES TO THE GOVERNANCE POLICY

MEMORANDUM

To: Members of the City Commission

From: Mark Rohr, City Manager

Date: June 3, 2020

Subject: Discussion of and Consideration of Potential Updates to the Governance Policy

This item has been placed on the agenda for discussion and consideration of updates to the Governance Policy. The Governance Policy addresses mayor and commission relations, commission and staff relations, roles, agenda procedures, and meetings. The last updates to the policy were approved August 10, 2017. The document is supposed to be revised periodically.

The proposed changes are based on dialog and issues since my arrival.

Section 4.12(d) of the Governance Policy references a media policy that has also been provided for your review.



Governance Policy and Rules of Procedure

Adopted June 22, 2017
Revised July 13, 2017
Revised July 27, 2017
Revised August 10, 2017

**City of Marshall
City Commission Governance Policy
& Rules of Procedure**

Table of Contents

Section	Title	Page
I	Introduction	3
II	Roles	4
III	Agenda Procedures	5
VI	Meetings	7
V	Electronic Tablet Usage	10
VI	Planning	12
VII	Commission/Staff Relations	13

Commission Governance Policy & Rules of Procedure

Section I – Introduction

The Marshall City Commission is the governing body for the City of Marshall, Texas in accordance with the home rule charter. Therefore, it must bear the responsibility for the integrity of the governance. The commission shall determine its own rules and order of business as authorized by city charter. The commission is responsible for its own development, its responsibilities, its own discipline, and its own performance. The development of this policy is designed to ensure effective and efficient governance.

This policy addresses chairman (mayor) and commission relations, commission and staff relations, roles, agenda procedures, and meetings. By adopting these guidelines, we as members of the city commission, acknowledge our responsibility to each other, to our professional staff and to the public. This policy will be reviewed and adopted on an annual basis.

Commission Governance Policy & Rules of Procedure

Section II – Roles

2.1 It shall be standard practice that after every city commission general election, the commission shall select a chairman (mayor) and acting-chairman (mayor pro tem) of the commission.

2.2 The chairman shall preside at meetings of the commission, and shall be recognized as head of city government for all ceremonial purposes and by the governor for purpose of emergency management and disaster mitigation purposes, but shall have no regular administrative duties other than as prescribed by state law and city charter.

2.3 The acting-chairman shall serve in the absence of the chairperson.

2.4 The chairman shall preserve order and decorum and shall require commission members engaged in debate to limit discussion to the question under consideration.

2.5 The city manager shall organize senior level city staff to conduct orientation for new commission members. City staff will also coordinate swearing-in ceremony with newly elected officials.

2.6 Each Commissioner shall have equal authority to ensure the policies and procedures in this document are being followed by all parties.

2.7 Except for those designated powers which may be exercised by the chairman, the sole official power of each individual commission member exists through the exercise of their singular vote. The power of the Commission exists by virtue of the collective action of its voting members.

2.8 The Commission will follow Robert's Rules of Order as published in the Roberts Rules of Order Newly Revised, 11th edition except where such rules are in conflict with the City's Charter.

Commission Governance Policy & Rules of Procedure

Section III – Agenda Procedures

3.1 The city manager shall prepare an agenda and supply supporting documentation for each agenda item for commission distribution by the end of the day on the Friday before a regularly scheduled meeting. Agendas for both regular scheduled and special called meetings shall be posted 72 hours prior to the meeting date in accordance with Texas Open Meetings Act.

3.2 Commissioners, city manager, and city attorney may request an item be placed on the city commission agenda. All agenda item requests shall be submitted to the city manager a minimum of eight (8) business days prior to the regularly scheduled meeting (the Monday before the Friday packet is delivered). Depending on the complexity of the item requested, the city manager may notify the party making the agenda item request, that more time is needed to complete appropriate research and may elect to delay the requested item to the next available regularly scheduled meeting date.

3.3 Regularly scheduled city commission meetings shall follow the format listed below:

1. Call to Order and Roll Call

The chairman will ensure a quorum is present, call for excusing any absences, call for invocation and pledge to the national and state flags.

2. Citizen Comments

Citizens may utilize this time to address the commission on non-public hearing items. All comments are limited to three (3) minutes; the speaker must state their name and address for the record or provide it in writing to the city secretary. Anyone personally attacking a commissioner, staff, or any individual will be asked to stop speaking and be seated

3. Consent Agenda

All items set out in the consent agenda shall be deemed passed upon the passage of an affirmative motion, by a vote of at least four (4) members of the commission without discussion or debate, that the consent agenda be adopted. Upon request of any member of the commission, items shall be removed from the consent agenda and considered under Items Withdrawn from Consent Agenda.

4. Public Hearings

Specific items for the commission's consideration that by local ordinance, charter, or state law require for public comment to be allowed before commission action can be taken. Procedures for public hearings shall be as follows:

1. *Staff provides overview of item for consideration*
2. *If there is an applicant or expert of record they are provided 10 minutes of time to present their request.*
3. *General public desiring to speak regarding the posted item will be provided 5 minutes to speak. Public wishing to speak in favor will go first followed by those speaking in opposition to the request. Comments will be directed to the Commission and must be related to the subject matter posted in the agenda item. The Commission may ask questions of those speaking in favor or in opposition at the conclusion of their comments.*
4. *After the general public has had an opportunity to make their comments, the public hearing shall be closed and if the applicant desires they will be allowed 5 minutes to make closing arguments.*
5. *The Commission may ask questions of staff or the applicant and deliberate amongst themselves if needed prior to the vote.*

5. Presentations & Proclamations

Items that are specifically posted on the agenda that have been deemed by the chairman or city manager as important for the city to recognize in a public forum. All presentations must be provided to city staff by noon on the day of the commission meeting.

6. Ordinances & Second Reading of Ordinances

Items that are legislative enactment by the commission; it must be in written form when introduced and by charter requirement it is necessary that it be read and voted on twice.

7. Resolutions

Items relating to ministerial, administrative or executive matters; they require a single reading and become effective upon passage and execution by the chairman.

8. City Manager Reports and Items for City Commission Consideration

Other items that do not fall into the categories listed above that require city commission consideration.

9. Items Withdrawn from Consent Agenda

Items that were withdrawn by a commissioner earlier in the meeting.

10. Adjournment

Commission Governance Policy & Rules of Procedure

Section IV – Meetings

4.1 Information – On all commission agenda items involving major policy issues, the city manager shall provide briefing material to the commission in advance of commission consideration of the policy alternatives.

4.2 Regular Meetings – The commission shall meet regularly at such times as prescribed by charter, but no less frequently than once each month and regular meetings will begin as prescribed by ordinance, unless postponed or canceled for valid reason(s). Only the chairperson can cancel or change the meeting time for city-related emergencies.

4.3 Special Meetings – Special meetings may be called as needed, but may be postponed or canceled for valid reason(s). Only the chairperson can cancel or change the meeting time for city-related emergencies.

4.4 Work Sessions – Work sessions may be called from time to time as determined by the chairman or the city manager for the purpose of conducting a detailed and thorough exploration of matters that may properly come before the city commission. Work sessions are open to the public however public comment is not taken. All questions of a technical nature, which require a detailed explanation for understanding, may be considered in a work session.

4.5 Executive Sessions – The city commission may meet in executive session in compliance with the Texas Open Meetings Act. A final action, decision or vote on a matter deliberated in an executive session will be made in an open meeting for which proper notice is provided. All discussions in executive session shall remain confidential.

4.6 Public Notice – The agenda for all regular meetings, special meetings, work sessions, and the notice listing items to be considered shall be posted on the city's official bulletin board and website in accordance with the Texas Open Meetings Act.

4.7 Attendance – Commissioners are expected to attend all meetings and stay in attendance during each meeting. Members shall not leave a meeting without advising the chairman and/or the City Secretary.

4.8 Punctuality and Recess – Commissioners shall arrive at meetings at or before the scheduled time for the meeting to begin. At the beginning of each meeting, the chairman shall announce

those members absent and shall announce the arrival time of any member arriving after the beginning of any meeting. The chairman may call a recess at the request of other commissioners or as the chairman deems necessary.

4.9 Conflict of Interest – A commission member prevented from voting due to a conflict of interest shall not vote on the matter, and shall otherwise comply with the state law and city charter and ordinances concerning conflicts of interest. Any questions concerning conflict of interest should be directed to the City Attorney prior to the meeting.

4.10 Conduct of Meetings – a) During city commission meetings and work sessions, the chairman shall preserve order and decorum and shall insist that commission members, neither by conversation or otherwise, delay or interrupt the proceedings nor refuse to obey the rules of the city commission.

b) The chairman shall preside over the meeting, all comments shall be limited to the specific item and commissioners shall speak one at a time, not interrupting each other, comments shall be factual or stating opinion on the specific subject and shall remain professional and courteous at all times.

c) The chairman shall state all questions submitted for a vote and announce the result. If the vote is not unanimous, the chair shall announce the names of the member(s) voting in favor and in opposition to the motion.

d) All persons addressing the city commission, including the city manager shall be recognized by the chair and shall limit remarks to the matter under discussion.

e) All remarks and questions addressed to the city commission shall be addressed to the city commission as a whole and not to any individual member.

4.11 Administrative Staff – a) Members of the administrative staff and employees of the City shall observe at all commission meetings the same rules and decorum applicable to members of the city commission.

b) It is the city manager's responsibility to ensure that decorum is preserved at all times by city employees in meetings.

4.12 Citizens and Visitors – a) Citizens and visitors are welcome to attend all public meetings of the city commission and will be admitted to the Chamber or meeting room up to the fire safety capacity of the room.

b) Everyone attending the meeting will refrain from private conversations while the city commission is in session.

c) Citizens and visitors attending city commission meetings and work sessions shall observe the same rules of decorum applicable to members of the city commission. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the city commission or while attending the meeting or work session, shall be removed from the room if so directed by the chair. The person shall be barred from further audience before the city commission during that session. If the chair fails to act, any member of the commission may move to require enforcement of the rules, and the affirmative vote of the majority of the commission shall require the chair to act.

d) No placards, banners, or signs which have the effect of disrupting a meeting will be permitted in the city commission chamber or in any other room in which the commission is meeting. Exhibits, displays and visual aids used in connection with presentations, however are permitted.

e) The chief of police or his or her designee shall act as sergeant-at-arms for the city commission and shall furnish whatever assistance is needed to enforce the rules of the city commission.

4.13 Speakers – a) A person wishing to address the city commission during citizen comments section must state their name and address at the beginning of their comments or provide it to the City Secretary in writing before addressing the commission.

b) Speakers must address their comments to the entire commission rather than to individual commission members, staff or members of the audience.

c) People addressing the commission during citizen comments agenda item are limited to three minutes of speaking time. More time may be allowed if a request has been submitted to the city manager's office prior to the meeting. Applicants speaking during public hearings are limited to ten minutes of speaking time.

d) Digital media (i.e. videos, PowerPoint, images, audio) is allowed during public comment and other agenda items with presenters as long as the City Commission Meeting Digital Media Policy is adhered to when presenting to the Commission.

de) In accordance with Texas Open Meetings Act, the city commission will not discuss or consider any item addressed during the citizen comment section. If a citizen uses the comment section for inquiry, any responses by either City Commissioners or Staff are limited to giving a statement of factual information given in response to the citizen's inquiry, recitation of existing policy, advising the individual of the name of the appropriate staff member to speak with,

advising that the request will be forwarded to the appropriate staff for consideration, or stating the issue raised will be placed on the next agenda.

4.14 Rules of Procedure – At any point there is a question regarding the rules of procedure, those questions shall be directed to the City Attorney. City Attorney will provide Commissioners a summary of procedures.

4.15 Failure to Comply – A failure to comply with these rules does not invalidate any otherwise lawful act of the Commission.

Commission Governance Policy & Rules of Procedure

Section V – Electronic Tablet Usage

5.1 Members of the Commission will be issued a tablet to assist them in completing the business of the City, to improve communication aid in the performance of their City duties and to reduce the amount of paper and photocopying costs.

5.2 The City will issue each Commissioner a tablet and charger along with a cover or case. Any additional tablet accessories, such as keyboards, styluses, screen protectors, cables or adapters, shall be at an individual Commissioners own expense and shall remain the property of the Commissioner at the end of the Commissioner's term and service. Upon departure from the Commission by either conclusion of term or resignation, the tablet, charger, and cover/case will be returned to the City. Upon return of the tablet to the City and following the preparation of any appropriate backup files, the tablet will be wiped clean of any and all information.

5.3 Each tablet is property of the City and should be cared for in the highest regard. Each Commissioner is responsible for the general care of the tablet that he or she has been issued. Tablets are not allowed to be utilized by anyone other than the Commissioner to whom it's been assigned. Commissioners are not allowed to loan the tablet to anyone else. Tablets must remain free of any writing, drawing, stickers, or labels that are not the property of the City. Only a clean, soft cloth should be used to clean the screen. Tablets that malfunction or are damaged shall be reported to the City Manager.

5.4 Primary use of the tablet is intended to enhance the efficiency of the Commissioner related to city business. Commissioners may use the tablet for the following incidental personal uses so long as such use does not interfere with the user's duties, does not conflict with the City's business, is at no cost to the City and does not violate this or any other City policy:

- a. To send and receive occasional personal e-mail and other communications;
- b. To prepare and store incidental personal data (such as personal calendars, personal address lists, and similar incidental data) in a reasonable manner;
- c. To access the internet for brief personal searches and inquires, provided that the Commissioner adheres to all other City policies.
- d. To install and use apps.

5.5 The software and applications installed by the City must remain on the tablets in usable condition and be readily accessible at all times. On a quarterly basis Commissioners will be

required to provide their tablet to staff for software upgrades and syncing. Any software, email messages or files downloaded via the internet into the City systems become the property of the City and may only be used in the ways that are consistent with applicable licenses, trademarks or copyrights.

5.6 All software and data (including, and without limitation, email, calendars, downloaded files, and web browsing history) stored on the City-issued tablet are subject to disclosure under State and City public records laws or for litigation purposes, unless a privilege or exception exists that justifies withholding the information. Except in an emergency, Commissioners shall not use email, instant messaging, text messaging, or similar forms of electronic communications at any time during a Commissioner meeting. Commissioners should consult with the City Attorney for information regarding the Texas Open Meetings Act requirements related to electronic communications.

Commission Governance Policy & Rules of Procedure

Section VI - Planning

The city commission is responsible for establishing a vision for the City of Marshall and planning for its future.

6.1 On an annual basis, the city commission shall hold a minimum of one strategic planning session wherein they review accomplishments of the past year, assess goals and objectives and set priorities for the upcoming year. The goals and objectives shall address short term and long term needs of the city.

6.2 Policy direction should be consistent with the strategic goals and objectives. Sufficient time and consideration should be given to policy alternatives to ensure that decisions are made consistent with the long-term vision.

Commission Governance Policy & Rules of Procedure

Section VII – Commission & Staff Relations

7.1 The role of the city manager and relationship of staff with commission shall be consistent with Article VI of the City of Marshall City Charter.

7.2. City Commissioners shall direct citizen concerns, comments, correspondence, and requests for basic, routine information regarding city functions and/or services to the city manager or the appropriate director. More complex requests, or those likely to require more than eight (8) hours of staff time to fulfill, should be directed to the city manager.

7.3 The city commission may inquire of the city manager about the conduct of any office, department or agency of the city and make investigations as to municipal affairs in accordance with Article VI of the City of Marshall City Charter.

7.4 If commissioners receive a complaint or grievance from a city employee, the commissioner should direct the employee to follow the proper chain of command per the organizational chart and report that complaint or grievance to the city manager.

7.5 Documents provided to one city commissioner shall also be distributed to all other members of the elected body in accordance with Resolution R-12-14. The city manager shall prepare and submit to the commission at the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year. The city manager shall keep the commission advised of the financial condition and future needs of the city and make such recommendations that seem desirable.

7.6 In order to ensure proper presentation of agenda items by staff, questions arising from commission members after receiving their information packet should be, whenever possible, presented to the city manager for staff consideration prior to the commission meeting. This allows staff time to address the commission members concerns and provide commission members with the additional information.



CITY OF MARSHALL CITY COMMISSION MEETING DIGITAL MEDIA POLICY

I. POLICY STATEMENT

During regular City Commission meetings, Special called Commission Meeting and Public Hearings, the Commission provides a general public comment period concerning any item within the Commission's jurisdiction as per House Bill 2840. The purpose of public comment is to give constituents attending the meeting an opportunity to voice their views or concerns to the Commission that are personal to the speaker. Digital media (i.e. videos, PowerPoint, images, audio) are allowed during public comment, and other agenda items with presenters as long as the following rules are adhered to when presenting to the Commission.

II. SUBMITTING DIGITAL MEDIA CONTENT

To use digital media as part of public comment during a Council meeting, the digital media must be submitted to the City Manager's Office by 10:00 a.m. on the day of the Council meeting, along with a completed City Commission Digital Media Submission Form.

III. CITY COUNCIL DIGITAL MEDIA SUBMISSION FORM AND PROCESS

- a. The Form is available online ([link to Form](#)) or in the City Manager's Office.
- b. The completed Form must be provided to City Manager's Office staff with the digital media content on a flash drive.
- c. The Form must include:
 - i. *Speaker Name*: Name of speaker who will be requesting the digital media during public comment. If digital media is a video, the speaker must appear in the video as the one speaking in the video or otherwise communicating their views in the video.
 1. Note: The speaker must be present at the meeting when requesting their own digital media. However additional participants in the digital media need not be in attendance.
 - ii. *Meeting Date*: City Council meeting date when digital media will be shown.
 - iii. *Type of Media*: Indicate if digital media is a video, PowerPoint, or images.
 - iv. *Participants*: If the content is a video, list each person who is directly participating in the video; such as narrator, person conducting the interview, or person being interviewed; as well any person appearing in the video, who communicates their views, such as through signs or placards.
 - v. *Created by*: Name of creator of the digital media.

- vi. *Run Time*: If content is a video, provide the run time of the video. The run time for video cannot be longer than three (3) minutes.
- vii. *Submitted by*: Name of person submitting the digital media to the City Manager's Office.

d. Mayor (Presiding Official) Role:

- i. When the Mayor calls the speaker, the Mayor will note that the speaker will be using digital media (i.e. video, PowerPoint, Images).
- ii. If the digital media is a video, the Mayor will read the list of people participating in the video into the record.

IV. TECHNICAL REQUIREMENTS AND COMPATABILITY

The City is no longer able to play or show content submitted on a Compact Disc (CD) or Digital Video Disc (DVD). All content must be submitted on a portable USB flash drive that is compatible with Microsoft Windows 10 or newer. The recommended minimum formats and requirements for content are:

- a. *Still images*: JPEG or PNG format with a minimum resolution of 72 dpi (96 dpi is ideal)
- b. *Slideshow presentations*: PowerPoint (.PPT) files in high definition (1920 x 1080 slide size)
- c. *Video content*: mp4 (H.264), 1920 x 1080, AAC, 48000 Hz, Stereo (L,R), 29.97 FPS
- d. For questions, please contact the City's Public Information Office at 903-934-7995

City staff may review the digital media for system compatibility and playability. As with any technology, there is a risk of hardware and/or software failure that may prevent the content from being displayed properly. The speaker assumes this risk and the City is not responsible for such failures.

V. UNACCEPTABLE CONTENT

The City reserves the right to not show any digital media presentation if:

- a. The content incites, promotes, fosters, or perpetuates any illegal activity or incites violence;
- b. Contains sexual content or links to sexual content or content of a pornographic nature; or
- c. It is not within the subject matter jurisdiction of the City.

--end--

ITEM 9

ITEMS WITHDRAWN FROM THE CONSENT AGENDA

ITEM 10

EXECUTIVE SESSION

ANNUAL EVALUATION OF CITY SECRETARY/FINANCE DIRECTOR

ITEM 11

ADJOURNMENT