1. Agenda Packet 10.08.20 (PDF)

    Documents:

    10.08.20 AGENDA PACKET.PDF

CITY OF MARSHALL, TEXAS
REGULAR CITY COMMISSION MEETING
COMMISSION CHAMBERS, CITY HALL, 401 SOUTH ALAMO
THURSDAY, OCTOBER 8, 2020, 6:00 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.

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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

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

2. **INVOCATION AND PLEDGES**
   Page 2

3. **CITIZEN COMMENTS**

   House Bill 2840 requires that a governmental body must allow each member of the public who desires to address the body regarding an item on an agenda the opportunity to do so before or during the body's consideration of the item. The "Citizens Comments" portion of the meeting meets the requirements of this law and is the public's opportunity to speak on any item on, or not 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 **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA**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 September 24, 2020 Regular meeting.
Page 5

B. Street Sweeping Activity Report. (Public Works Director)
Page 9

C. Municipal Court Activity Report. (Acting Finance Director)
Page 12

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

A. Consider approval of an expenditure in excess of $50,000 as an incentive for Project Composite. (Marshall EDC)
Page 18

7. **CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA**
Page 20

8. **EXECUTIVE SESSION**

A. Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Section 551.071 – Consultation with Attorney to discuss matters related to pending or contemplated litigation.
Page 21

B. An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.072 Deliberation regarding real property: Consider, discuss, and deliberate sale of property.
Page 22

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

A. Consider authorizing City Staff to negotiate and/or execute an agreement for sale of property discussed in Executive Session.
Page 23

10. **ADJOURNMENT**
Page 25

Posted: October 5, 2020
5:00 p.m.
N. Smith

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 the City Secretary's Office at 903-935-4446.

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 SEPTEMBER 24, 2020 REGULAR MEETING

MINUTES OF THE REGULAR MEETING OF THE
CITY COMMISSION OF THE CITY OF MARSHALL
THURSDAY, SEPTEMBER 24, 2020
6:00 PM

Mayor Pro-Tem Doug Lewis called the Regular meeting to order in the Commission Chambers, City Hall at 6:00 p.m.

PRESENT:

COMMISSIONERS:

Marvin Bonner, District 1
Leo Morris, District 2
Amy Ware, District 4
Vernia Calhoun, District 5
Larry Hurta, District 6
Doug Lewis, District 7

ABSENT: Terri Brown, District 3

ADMINISTRATIVE STAFF PRESENT:

Mark Rohr, City Manager
Reggie Cooper, Fire Chief
Scott Rectenwald, Acting City Attorney
Cliff Carruth, Police Chief
Randy Pritchard, Support Services Superintendent
Wes Morrison, Community & Economic Development Director
Glenna Williams, Acting City Secretary/Finance Director
Eric Powell, Public Works Director
Stormy Nickerson, Management Analysis/Communications Coordinator
Nikki Smith, Deputy City Secretary/Payroll Accountant

INVOCATION & PLEDGE: Mayor Pro-Tem Lewis

203. **CITIZEN COMMENTS**

Sara Whitaker, 3235 E. Loop 390, spoke in favor of Marshall becoming a sanctuary city for the unborn.

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

There were no items withdrawn from the Consent Agenda.

205. **CONSENT AGENDA**

Mayor Pro-Tem Lewis made a motion to approve the Consent Agenda. Commissioner Bonner seconded the motion, which passed with a vote of 6:0.

A. Consider approval of the minutes from the September 10, 2020 Regular meeting.

B. Monthly financial report.

C. Consider approval of an Interlocal Agreement with Harrison County for the Wonderland of Lights.

D. Consider approval of a recommendation for use of Child Safety Fees.

206. **PROCLAMATION**

A. Presentation of a proclamation designating the week of October 4 – 10, 2020 as Fire Prevention Week in the City of Marshall – theme this year is "Serve Up Fire Safety in the Kitchen!!"

Mayor Pro-Tem Lewis read a proclamation designating the week of October 4 – 10, 2020 as Fire Prevention Week in the City of Marshall, Texas. He presented the proclamation to Reggie Cooper, Fire Chief.

SECOND READING OF ORDINANCES

207. CONSIDER APPROVAL OF AN ORDINANCE TO ADOPT THE ANNUAL BUDGET OF THE CITY OF MARSHALL, TEXAS FOR THE 2021 FISCAL YEAR.

Mark Rohr, City Manager, stated there were no changes to this item.

Commissioner Calhoun made a motion to approve an ordinance to adopt the Annual Budget of the City of Marshall, Texas for the 2021 Fiscal Year. Mayor Pro-Tem Lewis seconded the motion, which passed with a vote of 6:0.

208. CONSIDER APPROVAL OF AN ORDINANCE AFFIXING AND LEVYING 2020 AD VALOREM TAXES FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF MARSHALL FOR THE 2021 FISCAL YEAR AT A RATE OF $0.542160 PER $100 OF PROPERTY VALUE.

Mark Rohr stated there were no changes to this item.

Mayor Pro-Tem Lewis moved to adopt/ratify a tax rate of $.0.542160 as this year's proposed tax rate does not exceed the no-new-revenue tax rate. Commissioner Bonner seconded the motion, which passed with a vote of 6:0.

209. CONSIDER APPROVAL OF AN ORDINANCE OF THE CITY OF MARSHALL, TEXAS AMENDING CHAPTER 31 "WATER AND SEWER" ARTICLE III, TITLED, "INDUSTRIAL WASTES" BY DELETING SECTIONS 31-18 THROUGH 31-31 AND REPLACING THEM WITH NEW SECTIONS 31-18 THROUGH 31-32.

Eric Powell, Public Works Director, stated there were no changes to this item.

Mayor Pro-Tem Lewis made a motion to approve an ordinance of the City of Marshall, Texas amending Chapter 31"Water and Sewer" Article III, titled, "Industrial Wastes". Commissioner Calhoun seconded the motion, which passed with a vote of 6:0.

210. CONSIDER APPROVAL OF AN ORDINANCE AMENDING THE 2020 ANNUAL BUDGET TO APPROPRIATE FUNDS FOR PROJECTS APPROVED BY THE CITY COMMISSION.

Glenna Williams, Acting Finance Director, stated there were no changes to this item.

Mayor Pro-Tem Lewis made a motion to approve an Ordinance amending the 2020 Annual Budget to appropriate funds for projects approved by the City Commission. Commissioner Bonner seconded the motion, which passed with a vote of 6:0

CITY MANAGER REPORTS AND REQUESTS FOR CITY COMMISSION CONSIDERATION

211. CONSIDER APPROVAL OF AN EXPENDITURE IN EXCESS OF $50,000 AS AN INCENTIVE FOR PROJECT COMPOSITE.

This item was withdrawn.

212. CONSIDER APPROVAL OF A SMALL BUSINESS GRANT PROGRAM FUNDED BY THE COMMUNITY DEVELOPMENT BLOCK GRANT – COVID FUNDS.

Wes Morrison, Community & Economic Development Director, provided highlights of the Small Business Grant program stating the funding of $75,000 would come from CDBG-COVID Funds. Once approved, grant applicants can receive up to $2,500 in reimbursement for COVID related purchases made for their small business. Wes stated the loan program is for small business owner's to apply for a loan up to $10,000 for COVID related expenses.

Commissioners asked questions and discussed.

Mayor Pro-Tem Lewis made a motion to approve a Small Business Grant program by the CDBG-COVID Funds. Commissioner Hurta seconded the motion, which passed with a vote of 6:0.

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

There were no items withdrawn from the Consent Agenda.

214. **ADJOURNMENT**

Mayor Pro-Tem Lewis made a motion for adjournment. Commissioner Calhoun 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-20-23
O-20-24
O-20-25
O-20-26

ITEM 5B

CONSENT AGENDA

STREET SWEEPING ACTIVITY REPORT

City of MARSHALL TEXAS

TO: Members of the City Commission

FROM: Eric Powell, PE ELP
Director of Public Works/City Engineer

DATE: September 30, 2020

SUBJECT: Street Sweeping Activity Report for September 2020

The Street Sweeping Activity Report for the month of September 2020 is attached for your review.

In response to concerns expressed by Commissioner Morris regarding our street sweeping efforts, I would like to mention that we are working to implement cross-training within our department so that we may expand our street sweeping frequency and coverage.

STREET SWEEPING ACTIVITY REPORT
SEPTEMBER 2020

STREET NAME	NUMBER OF TIMES SWEPT
Austin St. (Downtown)	7
Bolivar St. (Downtown)	7
Bridle Path	1
Burleson St. (Downtown)	7
Caddo St.	1
Carter St.	1
Carters Ferry Rd.	1
City Hall (surrounding streets)	1
Courthouse Square	7
Fitzgerald St.	1
John Reagan St.	1
Redwood Trail	1
Rosborough Springs Rd.	1
Rusk St. (Downtown)	7
Sallie Sue St.	1
Sanford St.	2
Slone Dr.	1
E. Travis St.	7
University Ave.	1
N. Washington St. (Downtown)	7
Wellington St. (Downtown)	7

NUMBER OF STREETS/AREAS SWEPT IN SEPTEMBER: 21

September 30, 2020

ITEM 5C

CONSENT AGENDA

MUNICIPAL COURT ACTIVITY REPORT

CITY OF MARSHALL

Monthly Report For Sep 2020

Cases Filed

STEP Site	Traffic	Penal	City Ordinance	Parking	Other	Total
0	270	30	3	2	17	322

Financial

State Costs	City Costs	Fines	Tech Fund	Bld Security	Total
$13,572.76	$6,363.81	$5,858.44	$3,950.70	$11,251.59	$40,997.30

Trials/Hearings

Jury	Bench	Appealed	Total
0	0	0	0

Warrants

Issued	Recalled	Served	Fees Collected	Amount Collected	Outstanding
133	29	65	$1,195.09	$12,904.57	$2,742,313

Dispositions

Paid	Time Served	Dismissed	Appealed	Total
133	39	45	0	229

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 **December2019** 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

- OCA monthly report data compiled from the **May2020** report (submitted 06/17/2020) revealed the following data:

  Active cases: 628
  Inactive cases: 5,347

- OCA monthly report data compiled from the **June 2020** report (submitted 07/15/2020) revealed the following data:

  Active cases: 740
  Inactive cases: 5,297

- OCA monthly report data compiled from the **July 2020** report (submitted 08/20/2020) revealed the following data:

  Active cases: 794
  Inactive cases: 5,248

- OCA monthly report data compiled from the **August 2020** report (submitted 09/16/2020) revealed the following data:

  Active cases: 1,001
  Inactive cases: 5,221

Community Service Applications

As of this report date (09.30.20) 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.

Update on Municipal Court recent plan to reduce inactive cases **September 2020 Report**

***No Changes from previous report*.**

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. (***Previously reported***)

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. ***(Previously reported***)

I have received a response from DPS regarding the OMNIBase program and I am working to finalize the MOU with Texas Department of Public Safety and the City of Marshall.

Updated 08.01.20: MOU has been forwarded from DPS to Judicial Staff for review of procedure regarding process of payment and documentation.

Leland J Benoit

Municipal Court Administrator

ITEM 6A

CONSIDER APPROVAL OF AN EXPENDITURE IN EXCESS OF $50,000 AS IN INCENTIVE FOR PROJECT COMPOSITE

MARSHALL
ECONOMIC DEVELOPMENT CORPORATION

September 15, 2020

The Honorable City Commission
City of Marshall
P.O. Box 698
Marshall, Texas 75670

The Marshall Economic Development Corporation has requested to appear before the City Commission on September 24th for consideration of an expenditure in excess of $50,000 for Project Composite. Marshall EDC has been meeting with a group over the past several months that is involved in manufacturing. They are considering a proposed site in an existing building in northern Harrison County.

Marshall EDC respectfully requests the approval of an incentive package for the project. Full details of the proposed project will be provided by separate delivery to maintain confidentiality until such time for the City Commission consideration.

Thank you in advance for the opportunity to present this project before the City Commission.

Sincerely,

Donna Maisel, CEcD
Executive Director

ITEM 7

CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

ITEM 8A

EXECUTIVE SESSION

PURSUANT TO THE OPEN MEETINGS ACT, CHAPTER 551, TEXAS GOVERNMENT CODE, SECTION 551.071 – CONSULTATION WITH ATTORNEY TO DISCUSS MATTERS RELATED TO PENDING OR CONTEMPLTED LITIGATION

ITEM 8B

EXECUTIVE SESSION

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

ITEM 9A

ACTION ITEMS FOLLOWING EXECUTIVE SESSION

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

MEMORANDUM

To: Members of the City Commission

From: Mark Rohr, City Manager

Date: September 29, 2020

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

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

ITEM 10

ADJOURNMENT