CITY OF MARSHALL, TEXAS
REGULAR CITY COMMISSION MEETING
COMMISSION CHAMBERS, CITY HALL, 401 SOUTH ALAMO
THURSDAY, SEPTEMBER 10, 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 **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA**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 August 27, 2020 Regular meeting.
Page 5

B. Street Sweeping Activity Report. (Public Works Director)
Page 10

C. Municipal Court Activity Report. (Acting Finance Director)
Page 13

D. Consider approval of investment report for the second quarter of 2020. (Acting Finance Director)
Page 19

6. **PUBLIC MEETING**

A. Conduct a public meeting on the proposed tax rate of $0.542160 per $100 valuation in support of the 2021 Annual Budget of the City of Marshall. (City Manager)
Page 34

7. **ORDINANCE**

A. Consider approval of an ordinance to adopt the annual budget of the City of Marshall, Texas for the 2021 fiscal year. (City Manager)
Page 36

B. 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. (City Manager)
Page 40

C. 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 31-32 and replacing them with new sections 31-18 through 31-33. (Public Works Director)
Page 44

D. Consider approval of an ordinance amending the 2020 Annual Budget to appropriate funds for projects approved by the City Commission. (Acting Finance Director)
Page 88

8. **SECOND READING OF ORDINANCE**

A. Consider approval of an ordinance amending the 2020 Annual Budget to appropriate funds for projects approved by the City Commission. (Acting Finance Director)
Page 92

9. **RESOLUTION**

A. Consider approval of a resolution for support of re-designation for SL 390/US 59 Relief Route/Future I-369. (City Manager)
Page 95

B. Consider approval of a resolution amending the early voting dates to align with the Governor's Proclamation which extended early voting. (Acting City Secretary)
Page 101

10. **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 DC 2020. (Marshall EDC)
Page 105

B. Consider approval of a contract extension for Liquid Caustic Soda for the Water Treatment Plant. (Public Works Director)
Page 107

C. Consider approval of the placement of "No Left Turn" signage from Northbound Indian Springs onto East Travis (near Sam Houston School) during school zone hours. (Police Chief)
Page 112

11. **CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA**
Page 116

12. **ADJOURNMENT**
Page 117

Posted: September 4, 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 AUGUST 27, 2020 REGULAR MEETING

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

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

PRESENT:

MAYOR: Terri Brown, District 3

COMMISSIONERS:
Marvin Bonner, District 1
Leo Morris, District 2
Amy Ware, District 4
Vernia Calhoun, District 5
Doug Lewis, District 7

ABSENT: Larry Hurta, District 6

ADMINISTRATIVE STAFF PRESENT:
Mark Rohr, City Manager
Cliff Carruth, Police Chief
Scott Rectenwald, Acting City Attorney
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
Rachel Chapman, Main Street Manager
Cherilyn Johnston, HR Manager
Nikki Smith, Deputy City Secretary

INVOCATION & PLEDGE: Commissioner Bonner & Mayor Brown

177. **CITIZEN COMMENTS**

Roxanne Stevenson, Executive Director of the Martin House Child Advocacy Center, asked the Commission to consider awarding the Child Safety Fees to the Center.

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

There were no items withdrawn from the Consent Agenda.

179. **CONSENT AGENDA**

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

A. Consider approval of the minutes from the August 13, 2020 Regular meeting.

B. Monthly financial report.

180. **PUBLIC HEARING**

A. Public Hearing on proposed budget for the 2021 fiscal year and action to adopt the budget or continue consideration of the budget to a future meeting.

Mark Rohr, City Manager, highlighted three goals for the upcoming year: 1. Enhance services to the citizens, 2. Perpetuate the Mobilize Marshall Plan and 3. Improve compensation to employees. He stated the tax rate will remain unchanged, appropriations for dilapidated buildings will be enhanced, the City's portion for the Firefighters' retirement plan will be increased and City equipment will be replaced. Mark explained the predominant theme is to grow Marshall, which hasn't grown in 70 years.

Commissioners engaged in discussion.

Mayor Brown opened the public hearing.

No one came forward to speak.

Mayor Brown closed the public hearing.

Commissioner Calhoun made a motion to continue consideration of the budget to a future meeting. Mayor Brown seconded the motion, which passed with a vote of 6:0.

ORDINANCE

181. 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, asked for approval of an Ordinance amending the 2020 Annual Budget to appropriate funds to pay off the 2010 GO debt.

Mark Rohr stated this item was approved at the previous meeting and the amendment is a procedural matter needed to amend the budget.

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

RESOLUTION

182. CONSIDER APPROVAL OF A RESOLUTION ANNOUNCING A PROPOSED TAX RATE OF $0.542160 PER $100 OF VALUATION AND VOTING TO PLACE AN ACTION ITEM TO ADOPT THE TAX RATE ON A FUTURE COMMISSION AGENDA.

Glenna Williams asked for approval of a resolution announcing a proposed tax rate of $0.542160 per $100 of valuation and voting to place an action item to adopt the tax rate on a future Commission agenda, which will be Thursday, September 10, 2020 at 6:00 p.m.

Commissioner Calhoun made a motion to approve the resolution announcing a proposed tax rate of $0.542160 per $100 of valuation and voting to place an action item to adopt the tax rate on a future

Commission agenda. Commissioner Bonner seconded the motion, which passed with a vote of 6:0.

CITY MANAGER REPORTS AND REQUESTS FOR CITY COMMISSION CONSIDERATION

183. REPORT REGARDING THE 2020 WONDERLAND OF LIGHTS EVENT.

Wes Morrison, Community & Economic Development Director, explained the decision reached by the Events and Facility Committee regarding the 2020 Wonderland of Lights event.

Rachel Chapman, Main Street Manager, informed the Commission of the modified schedule of events including a virtual opening ceremony, walking tour and self-guided reverse lighted parade with virtual voting. Rachel stated the outdoor market and Wassail Walk will still take place but would have enhanced cleaning and social distancing.

Commissioners asked questions and discussed.

Mark Rohr emphasized the Wonderland of Lights event would see modification – not cancellation.

184. CONSIDER APPROVAL OF AN AMENDMENT TO THE CONTRACT WITH THE HARRISON COUNTY ELECTION ADMINISTRATOR FOR THE NOVEMBER 3, 2020 ELECTIONS.

Glenna Williams, Acting City Secretary, asked for approval of an amendment to the contract with the Harrison County Election Administrator for the November 3, 2020 elections.

Commissioners engaged in discussion regarding this item.

Commissioner Ware made a motion to approve an amendment to the contract with the Harrison County Election Administrator for the November 3, 2020 elections. Commissioner Lewis seconded the motion, which passed with the following vote:

Ayes: 4, Mayor Brown, Commissioners Ware, Lewis and Bonner
Nays: 2, Commissioners Calhoun and Morris

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

There were no items withdrawn from the Consent Agenda.

186. **ADJOURNMENT**

Commissioner Ware 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

Ordinance: O-20-22
Resolution: R-20-15

ITEM 5B

CONSENT AGENDA

STREET SWEEPING ACTIVITY REPORT

City of MARSHALL TEXAS

TO: Members of the City Commission

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

DATE: September 1, 2020

SUBJECT: Street Sweeping Activity Report for August 2020

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

STREET SWEEPING ACTIVITY REPORT
AUGUST 2020

STREET NAME	NUMBER OF TIMES SWEPT
Austin St. (Downtown)	9
Bolivar St. (Downtown)	9
Burleson St. (Downtown)	9
Courthouse Square (Downtown)	9
Rusk St. (Downtown)	9
N. Washington Ave. (Downtown)	9
Wellington St. (Downtown)	9

TOTAL NUMBER STREETS SWEPT IN AUGUST: 7

ITEM 5C

CONSENT AGENDA

MUNICIPAL COURT ACTIVITY REPORT

CITY OF MARSHALL

Monthly Report For Aug 2020

Cases Filed

STEP Site	Traffic	Penal	City Ordinance	Parking	Other	Total
1	351	24	9	11	3	398

Financial

State Costs	City Costs	Fines	Tech Fund	Bld Security	Total
$12,545.87	$7,249.04	$8,609.07	$4,409.80	$9,333.01	$42,146.79

Trials/Hearings

Jury	Bench	Appealed	Total
0	0	0	0

Warrants

Issued	Recalled	Served	Fees Collected	Amount Collected	Outstanding
61	35	61	$1,736.38	$13,273.20	$2,735,723

Dispositions

Paid	Time Served	Dismissed	Appealed	Total
130	30	22	0	184

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

Community Service Applications

As of this report date (09.02.20) 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 a change in previous months' report as one defendant completed 32 hours of community service.

Update on Municipal Court recent plan to reduce inactive cases **August 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 5D

CONSENT AGENDA

CONSIDER APPROVAL OF INVESTMENT REPORT FOR THE SECOND QUARTER OF 2020

M E M O R A N D U M

To: Members of the City Commission

From: Glenna Williams, Acting Finance Director

Date: September 2, 2020

Subject: Investment Report

Attached is the Investment Report for the City of Marshall for the second quarter of 2020.

City of Marshall, Texas
Investment Portfolio Summary
June 30, 2020

Portfolio by Investment Category (Pooled Fund Group):

Investment Category	Par/Face Value	Book Value (Cost)	Market Value
Operating	$7,230,085	$7,230,085	$7,230,085
Special Revenue	$691,690	$691,690	$691,690
Debt Service	$205,759	$205,759	$205,759
Capital Projects	$606,048	$606,048	$606,048
Trust	$1,092,122	$1,092,122	$1,092,122
Total Portfolio	$9,825,704	$9,825,704	$9,825,704

Portfolio by Type of Investment:

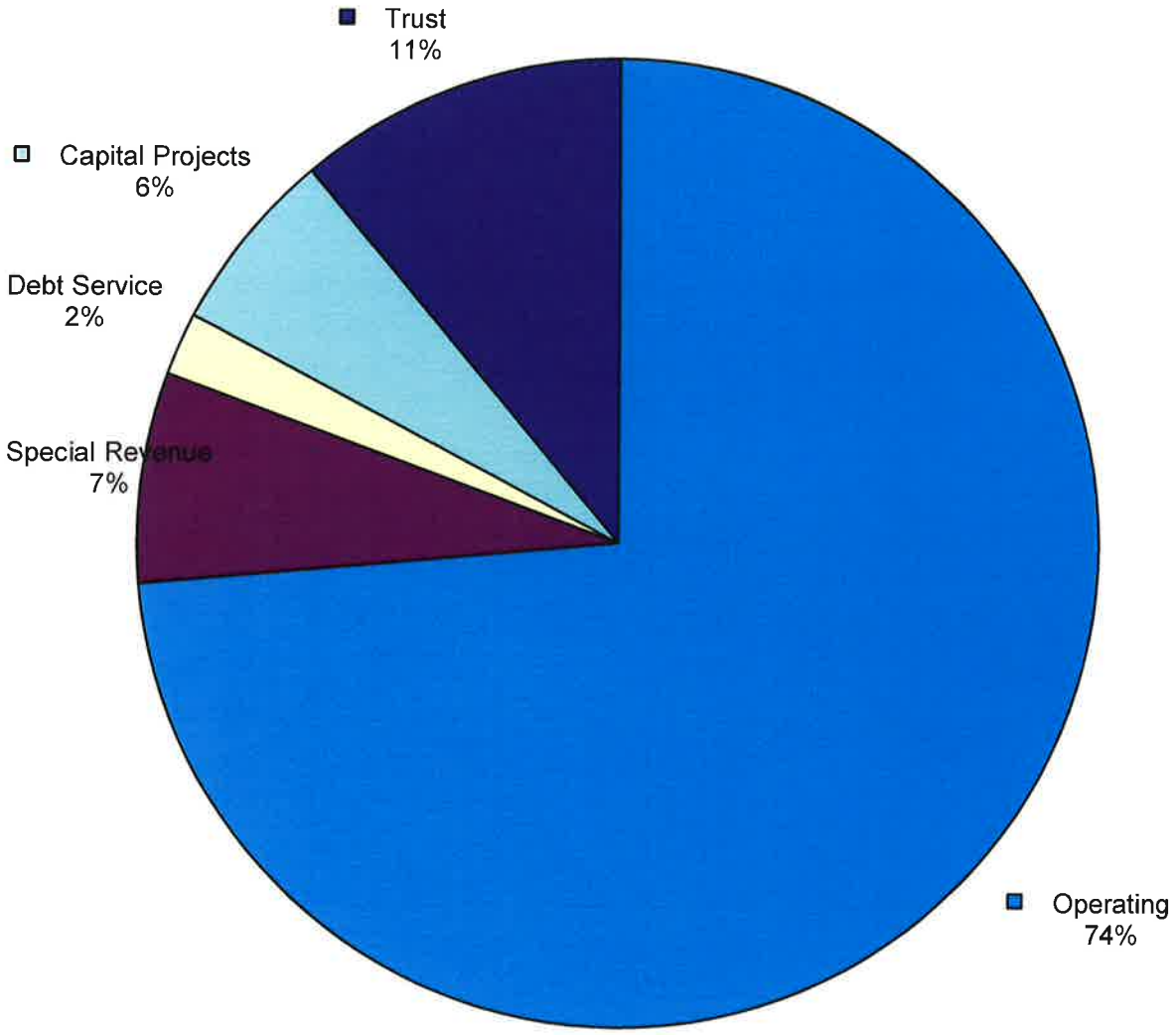
Type of Investment	Par/Face Value	Book Value (Cost)	Market Value
U.S. Treasury Securities	$0	$0	$0
U.S. Agency Securities	$0	$0	$0
Certificates of Deposit	$6,063,079	$6,063,079	$6,063,079
TexPool	$3,762,625	$3,762,625	$3,762,625
Total Portfolio	$9,825,704	$9,825,704	$9,825,704

This report is in compliance with the investment strategies expressed in the City of Marshall, Texas, Investment Policy and the relevant provisions of the Public Funds Investment Act.

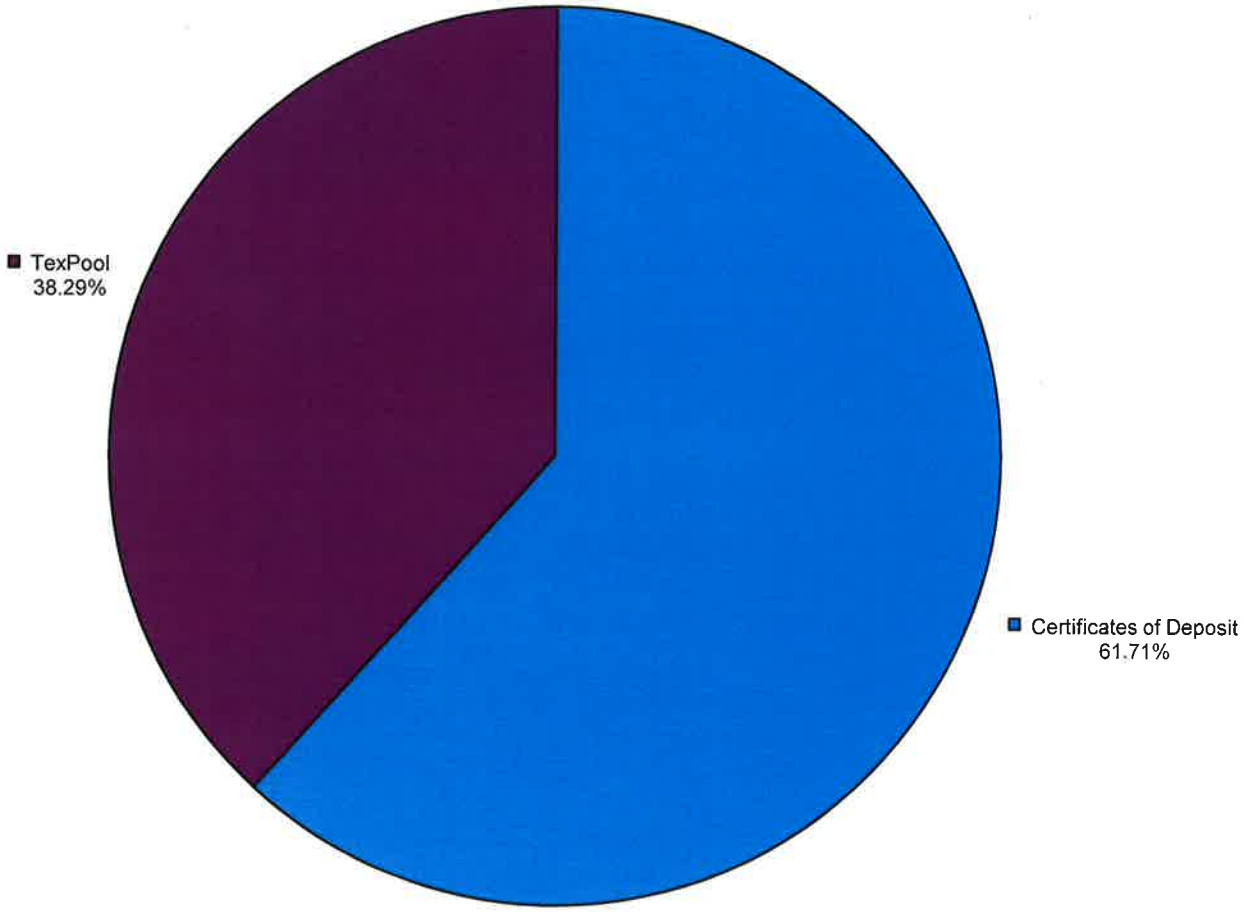
Glenna Williams, CPA

Glenna Williams
Interim Finance Director

City of Marshall, Texas
Investment Portfolio
(At Market Value)
by Investment Category
June 30, 2020



City of Marshall, Texas
Investment Portfolio
(At Market Value)
by Investment Type
June 30, 2020



City of Marshall, Texas
Investment Portfolio
June 30, 2020

U.S. Treasury Bills:	Investment Category	Date Acquired	Face Amount	Cost	Market Value	% Yield	Maturity Date	Yield @ Maturity	Original Term	Days to Maturity 6/30/2020	Accrued Interest to Date
Total U.S. Treasury Bills		**0.00%**	**$0.00**	**$0.00**	**$0.00**	**0.0000%**		**$0.00**			**$0.00**

U. S. Agency Discount Notes:	Investment Category	Date Acquired	Face Amount	Cost	Market Value	% Yield	Maturity Date	Yield @ Maturity	Original Term	Days to Maturity	Accrued Interest to Date
Total U.S. Agency Discount Notes		**0.00%**	**$0.00**	**$0.00**	**$0.00**	**0.0000%**		**$0.00**			**$0.00**

U. S. Agency Securities:	Investment Category	Date Acquired	Face Amount	Cost	Market Value	% Yield	Maturity Date	Coupon Payments	Original Term	Days to Maturity	Accrued Interest to Date
Total U.S. Agency Securities		**0.00%**	**$0.00**	**$0.00**	**$0.00**	**0.0000%**		**$0.00**			**$0.00**

Certificates of Deposit:	Investment Category	Date Acquired	Face Amount	Amount	Market Value	Interest Rate	Maturity Date	Yield @ Maturity	Original Term	Days to Maturity	Accrued Interest to Date
Texas Bank and Trust 82350	Trust	5/28/2020	$526,273.71	$526,273.71	$526,273.71	0.7000%	11/24/2020	$1,816.73	180	147	$333.07
Texas Bank and Trust 86118	Trust	4/8/2020	$32,891.04	$32,891.04	$32,891.04	0.7700%	10/8/2020	$126.98	183	100	$57.59
Texas Bank and Trust 82686	Trust	2/1/2020	$168,211.14	$168,211.14	$168,211.14	2.1000%	7/30/2020	$1,742.02	180	30	$1,451.69
Texas Bank and Trust 83016	Capital Projects	3/4/2020	$141,400.97	$141,400.97	$141,400.97	1.2700%	8/31/2020	$885.60	180	62	$580.56
Texas Bank and Trust 82376	Special Revenue	6/7/2020	$78,511.17	$78,511.17	$78,511.17	0.7000%	12/4/2020	$271.02	180	157	$34.63
Texas Bank and Trust 82634	Operating	1/23/2020	$558,875.82	$558,875.82	$558,875.82	2.1000%	7/21/2020	$5,787.81	180	21	$5,112.57
Texas Bank and Trust 95588	Operating	1/7/2020	$500,000.00	$500,000.00	$500,000.00	2.1100%	7/7/2020	$5,260.55	182	7	$5,058.22
Texas Bank and Trust 95624	Operating	1/17/2020	$500,000.00	$500,000.00	$500,000.00	2.1000%	7/17/2020	$5,235.62	182	17	$4,746.58
Texas Bank and Trust 95694	Operating	2/10/2020	$500,000.00	$500,000.00	$500,000.00	2.1100%	8/10/2020	$5,260.55	182	41	$4,075.48
Texas Bank and Trust 95796	Operating	2/27/2020	$1,500,000.00	$1,500,000.00	$1,500,000.00	2.0800%	8/27/2020	$15,557.26	182	58	$10,599.45
Texas Bank and Trust 93987	Operating	2/8/2020	$1,028,260.77	$1,028,260.77	$1,028,260.77	2.1100%	8/8/2020	$10,818.43	182	39	$8,500.20
Texas Bank and Trust 92282	Operating	5/10/2020	$528,654.36	$528,654.36	$528,654.36	0.5500%	8/8/2020	$716.94	90	39	$406.27
Total Certificates of Deposit			**$6,063,078.98**	**$6,063,078.98**	**$6,063,078.98**	**1.7970%**		**$53,479.50**			**$40,956.28**

City of Marshall, Texas
Investment Portfolio
June 30, 2020

TexPool	Investment Category	Series Numbers	Par/Face Value	Book Value (Cost)	Market Value	Current Yield
Operating	Operating	4630	$2,114,294.18	$2,114,294.18	$2,114,294.18	
Special Revenue	Special Revenue	1333	$613,178.46	$613,178.46	$613,178.46	
Debt Service/Bond Reserve	Debt Service	1023	$205,759.27	$205,759.27	$205,759.27	
Capital Improvement/Bond Funds	Capital Projects	7958	$464,646.67	$464,646.67	$464,646.67	
Trust Funds	Trust	3039	$364,746.04	$364,746.04	$364,746.04	
Total TexPool		**38.29%**	**$3,762,624.62**	**$3,762,624.62**	**$3,762,624.62**	**0.4745%**
Total Investments		**100.00%**	**$9,825,703.60**	**$9,825,703.60**	**$9,825,703.60**	
Weighted Average Maturity	**(In Days)**	**30.79**	**Portfolio Overall Current Yield**			**1.2906%**

Interest Earnings by Investment Category (Pooled Fund Group):

Investment Category	Accrued Interest Receivable 3/31/2020	Interest Earned 4/1/20 - 6/30/20	Interest Received 4/1/20 - 6/30/20	Accrued Interest Receivable 6/30/2020	Interest Earned Year-to-Date 6/30/2020
Operating	29,986.33	29,305.19	20,792.77	38,498.75	68,756.30
Special Revenue	503.09	928.84	1,397.30	34.63	2,734.90
Debt Service	0.00	2,617.37	2,617.37	0.00	5,234.74
Capital Projects	132.84	3,783.26	3,335.54	580.56	6,137.48
Trust	4,718.89	514.15	3,390.70	1,842.34	5,738.90
Total Portfolio	35,341.15	37,148.81	31,533.68	40,956.28	88,602.32

Interest Earnings by Type of Investment:

Type of Investment	Accrued Interest Receivable 3/31/2020	Interest Earned 4/1/20 - 6/30/20	Interest Received 4/1/20 - 6/30/20	Accrued Interest Receivable 6/30/2020	Interest Earned Year-to-Date 6/30/2020
U.S. Treasury Securities	$0.00	0.00	$0.00	$0.00	0.00
U.S. Agency Securities	$0.00	0.00	$0.00	$0.00	0.00
Certificates of Deposit	$35,341.15	37,148.81	$27,569.04	$40,956.28	88,602.32
Public Funds Investment Pools	$0.00	3,180.42	$3,180.42	$0.00	17,870.02
Total Portfolio	$35,341.15	$40,329.23	$30,749.46	$40,956.28	$106,472.34

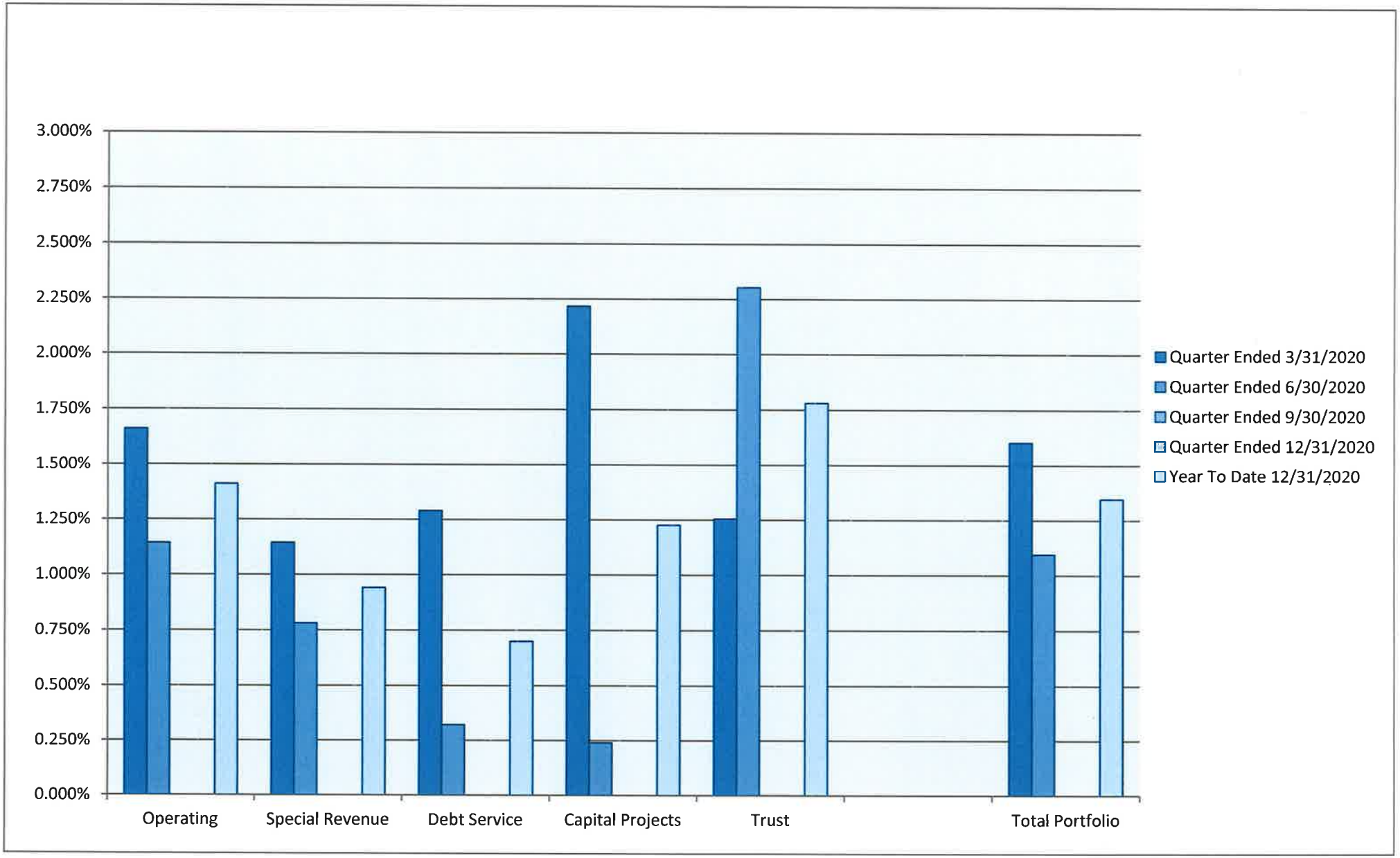
Rate of Return by Investment Category (Pooled Fund Group):

Investment Category	Quarter Ended 3/31/2020	Quarter Ended 6/30/2020	Quarter Ended 9/30/2020	Quarter Ended 12/31/2020	Year To Date 6/30/2020
Operating	1.662%	1.144%	N/A	N/A	1.411%
Special Revenue	1.145%	0.782%	N/A	N/A	0.941%
Debt Service	1.290%	0.322%	N/A	N/A	0.700%
Capital Projects	2.217%	0.240%	N/A	N/A	1.226%
Trust	1.254%	2.304%	N/A	N/A	1.780%
Total Portfolio	1.602%	1.095%	N/A	N/A	1.347%

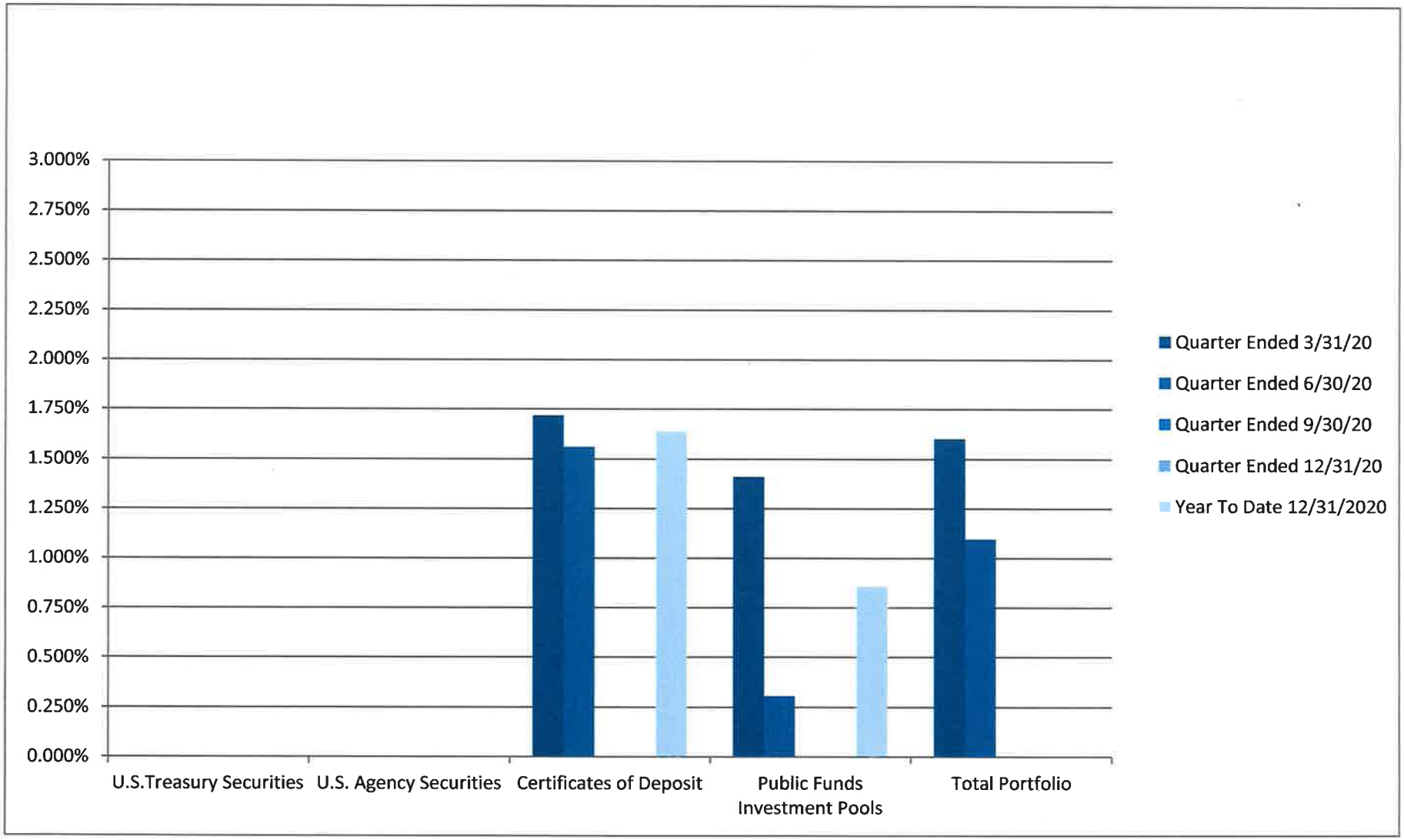
Rate of Return by Type of Investment:

Type of Investment	Quarter Ended 3/31/2020	Quarter Ended 6/30/2020	Quarter Ended 9/30/2020	Quarter Ended 12/31/2020	Year To Date 6/30/2020
U.S.Treasury Securities	N/A	N/A	N/A	N/A	N/A
U.S. Agency Securities	N/A	N/A	N/A	N/A	N/A
Certificates of Deposit	1.717%	1.561%	N/A	N/A	1.639%
Public Funds Investment Pools	1.410%	0.305%	N/A	N/A	0.857%
Total Portfolio	1.602%	1.347%	N/A	N/A	1.347%

City of Marshall, Texas
Investment Rate of Return
by Investment Category
For the Quarter Ended June 30, 2020



City of Marshall, Texas
Investment Rate of Return
by Investment Type
For the Quarter Ended June 30, 2020



City of Marshall, Texas
Purchases, Maturities, and Changes in Book and Market Value of Securities
For the Quarter Ended
June 30, 2020

Description	Purchase Date	Maturity Date	Par/Face Value Beg of Quarter	Book Value Beg of Quarter	Market Value Beg of Quarter	Purchases	Maturities	Par/Face Value End of Quarter	Book Value End of Quarter	Market Value End of Quarter
Operating Investment Category										
U.S. Agency Discount:										
Total U.S. Agency Discount			$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
U.S. Agency Securities										
			$0.00	$0.00	$0.00			$0.00	$0.00	$0.00
Total U.S. Agency Securities			$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Certificates of Deposit										
Certificate of Deposit 82634	1/23/2020	7/21/2020	$558,875.82	$558,875.82	$558,875.82			$558,875.82	$558,875.82	$558,875.82
Certificate of Deposit 82322	11/30/2019	5/28/2020	$553,772.77	$553,772.77	$553,772.77	$5,953.43	$559,726.20	$0.00	$0.00	$0.00
Certificate of Deposit 92282	2/10/2020	5/10/2020	$526,215.03	$526,215.03	$526,215.03	$2,439.33		$528,654.36	$528,654.36	$528,654.36
Certificate of Deposit 95588	1/7/2020	7/7/2020	$500,000.00	$500,000.00	$500,000.00			$500,000.00	$500,000.00	$500,000.00
Certificate of Deposit 95624	1/17/2020	7/17/2020	$500,000.00	$500,000.00	$500,000.00			$500,000.00	$500,000.00	$500,000.00
Certificate of Deposit 95694	2/10/2020	8/10/2020	$500,000.00	$500,000.00	$500,000.00			$500,000.00	$500,000.00	$500,000.00
Certificate of Deposit 95796	2/27/2020	8/27/2020	$1,500,000.00	$1,500,000.00	$1,500,000.00			$1,500,000.00	$1,500,000.00	$1,500,000.00
Certificate of Deposit 95322	10/16/2019	4/16/2020	$1,000,000.00	$1,000,000.00	$1,000,000.00	$11,130.41	$1,011,130.41	$0.00	$0.00	$0.00
Certificate of Deposit 93987	2/8/2020	8/8/2020	$1,028,260.77	$1,028,260.77	$1,028,260.77			$1,028,260.77	$1,028,260.77	$1,028,260.77
Certificate of Deposit 82389	3/7/2020	6/5/2020	$686,525.53	$686,525.53	$686,525.53	$1,269.60	$687,795.13	$0.00	$0.00	$0.00
Total Certificates of Deposit			$7,353,649.92	$7,353,649.92	$7,353,649.92	$20,792.77	$2,258,651.74	$5,115,790.95	$5,115,790.95	$5,115,790.95
Investment Pools:										
TexPool	N/A	N/A	$899,733.17	$899,733.17	$899,733.17	$2,231,910.84	$1,017,349.83	$2,114,294.18	$2,114,294.18	$2,114,294.18
Total Investment Pools			$899,733.17	$899,733.17	$899,733.17	$2,231,910.84	$1,017,349.83	$2,114,294.18	$2,114,294.18	$2,114,294.18
Total Operating Investment Category			$8,253,383.09	$8,253,383.09	$8,253,383.09	$2,252,703.61	$3,276,001.57	$7,230,085.13	$7,230,085.13	$7,230,085.13

City of Marshall, Texas
Purchases, Maturities, and Changes in Book and Market Value of Securities
For the Quarter Ended
June 30, 2020

Description	Purchase Date	Maturity Date	Par/Face Value Beg of Quarter	Book Value Beg of Quarter	Market Value Beg of Quarter	Purchases	Maturities	Par/Face Value End of Quarter	Book Value End of Quarter	Market Value End of Quarter
Special Revenue Investment Category										
Certificates of Deposit										
Certificate of Deposit 82376	12/10/2019	6/7/2020	$77,702.64	$77,702.64	$77,702.64	$808.53		$78,511.17	$78,511.17	$78,511.17
Total Certificates of Deposit			$77,702.64	$77,702.64	$77,702.64	$808.53	$0.00	$78,511.17	$78,511.17	$78,511.17
Investment Pools:										
TexPool	N/A	N/A	$479,346.83	$479,346.83	$479,346.83	$161,777.55	$27,945.92	$613,178.46	$613,178.46	$613,178.46
Total Investment Pools			$479,346.83	$479,346.83	$479,346.83	$161,777.55	$27,945.92	$613,178.46	$613,178.46	$613,178.46
Total Special Revenue Investment Category			$557,049.47	$557,049.47	$557,049.47	$162,586.08	$27,945.92	$691,689.63	$691,689.63	$691,689.63

City of Marshall, Texas
Purchases, Maturities, and Changes in Book and Market Value of Securities
For the Quarter Ended
June 30, 2020

Description	Purchase Date	Maturity Date	Par/Face Value Beg of Quarter	Book Value Beg of Quarter	Market Value Beg of Quarter	Purchases	Maturities	Par/Face Value End of Quarter	Book Value End of Quarter	Market Value End of Quarter
Debt Service Investment Category										
U.S. Agency Discount:										
Total U.S. Agency Discount			$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
U.S. Agency Securities										
Total U.S. Agency Securities			$0.00	$0.00	$0.00	$0.00	$0.00			
Investment Pools:										
TexPool	N/A	N/A	$1,240,808.07	$1,240,808.07	$1,240,808.07	$484,721.15	$1,519,769.95	$205,759.27	$205,759.27	$205,759.27
Total Investment Pools			$1,240,808.07	$1,240,808.07	$1,240,808.07	$484,721.15	$1,519,769.95	$205,759.27	$205,759.27	$205,759.27
Total Debt Service Investment Category			$1,240,808.07	$1,240,808.07	$1,240,808.07	$484,721.15	$1,519,769.95	$205,759.27	$205,759.27	$205,759.27

City of Marshall, Texas
Purchases, Maturities, and Changes in Book and Market Value of Securities
For the Quarter Ended
June 30, 2020

Description	Purchase Date	Maturity Date	Par/Face Value Beg of Quarter	Book Value Beg of Quarter	Market Value Beg of Quarter	Purchases	Maturities	Par/Face Value End of Quarter	Book Value End of Quarter	Market Value End of Quarter
Capital Projects Investment Category										
U.S. Treasury Bills										
Total U.S. Treasury Bills			$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
U.S. Agency Discount:										
Total U.S. Agency Discount			$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
U.S. Agency Securities										
Total U.S. Agency Securities			$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Certificates of Deposit										
Certificate of Deposit 83016	3/4/2020	8/31/2020	$141,400.97	$141,400.97	$141,400.97			$141,400.97	$141,400.97	$141,400.97
Total Certificates of Deposit			$141,400.97	$141,400.97	$141,400.97	$0.00	$0.00	$141,400.97	$141,400.97	$141,400.97
Investment Pools:										
TexPool	N/A	N/A	$464,284.39	$464,284.39	$464,284.39	$362.28		$464,646.67	$464,646.67	$464,646.67
Total Investment Pools			$464,284.39	$464,284.39	$464,284.39	$362.28	$0.00	$464,646.67	$464,646.67	$464,646.67
Total Capital Projects Investment Category			$605,685.36	$605,685.36	$605,685.36	$362.28	$0.00	$606,047.64	$606,047.64	$606,047.64

City of Marshall, Texas
Purchases, Maturities, and Changes in Book and Market Value of Securities
For the Quarter Ended
June 30, 2020

Description	Purchase Date	Maturity Date	Par/Face Value Beg of Quarter	Book Value Beg of Quarter	Market Value Beg of Quarter	Purchases	Maturities	Par/Face Value End of Quarter	Book Value End of Quarter	Market Value End of Quarter
Trust Investment Category										
U.S. Agency Discount:										
Total U.S. Agency Discount			$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
U.S. Agency Securities:										
			$0.00	$0.00	$0.00		$0.00	$0.00	$0.00	$0.00
Total U.S. Agency Discount			$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Certificates of Deposit										
Certificate of Deposit 82350	11/30/2019	5/28/2020	$520,676.09	$520,676.09	$520,676.09			$520,676.09	$520,676.09	$520,676.09
Certificate of Deposit 86118	10/8/2019	4/8/2020	$32,520.92	$32,520.92	$32,520.92			$32,520.92	$32,520.92	$32,520.92
Certificate of Deposit 82686	2/1/2020	7/30/2020	$168,211.14	$168,211.14	$168,211.14	$5,967.74		$174,178.88	$174,178.88	$174,178.88
Total Certificates of Deposit			$721,408.15	$721,408.15	$721,408.15	$5,967.74	$0.00	$727,375.89	$727,375.89	$727,375.89
Investment Pools:										
TexPool	N/A	N/A	$364,461.63	$364,461.63	$364,461.63	$284.41		$364,746.04	$364,746.04	$364,746.04
Total Investment Pools			$364,461.63	$363,200.41	$363,200.41	$284.41	$0.00	$364,746.04	$364,746.04	$364,746.04
Total Trust Investment Category			$1,085,869.78	$1,084,608.56	$1,084,608.56	$6,252.15	$0.00	$1,092,121.93	$1,092,121.93	$1,092,121.93
Total Portfolio			**$11,742,795.77**	**$11,741,534.55**	**$11,741,534.55**	**$2,906,625.27**	**$4,823,717.44**	**$9,825,703.60**	**$9,825,703.60**	**$9,825,703.60**

ITEM 6A

PUBLIC MEETING

CONDUCT A PUBLIC MEETING ON THE PROPOSED TAX RATE OF $0.542160 PER $100 VALUATION IN SUPPORT OF THE 2021 ANNUAL BUDGET OF THE CITY OF MARSHALL

M E M O R A N D U M

To: Members of the City Commission

From: Mark Rohr, City Manager

Date: September 2, 2020

Subject: Public Meeting on the Proposed Tax Rate of $0.542160 per $100 Valuation in Support of the 2021 Annual Budget of the City of Marshall

---

A tax rate of $0.542160 per $100 valuation has been proposed for adoption by the governing body of City of Marshall. This rate does not exceed the lower of the no-new-revenue or voter-approval tax rate, and state law requires that a public meeting be held by the governing body before adopting the proposed tax rate.

PROPOSED TAX RATE	$0.542160 per $100
PRECEDING YEAR'S TAX RATE	$0.542160 per $100
NO-NEW-REVENUE TAX RATE	$0.549801 per $100
VOTER-APPROVAL TAX RATE	$0.581188 per $100

The no-new-revenue tax rate is the tax rate for the 2020 tax year that will raise the same amount of property tax revenue for City of Marshall from the same properties in both the 2019 tax year and the 2020 tax year.

The voter-approval tax rate is the highest tax rate that City of Marshall may adopt before voters are entitled to petition for an election to limit the rate that may be approved to the voter-approval rate.

The public is urged to attend and express views on the proposed tax rate.

ITEM 7A

ORDINANCE

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

M E M O R A N D U M

To: Members of the City Commission

From: Mark Rohr, City Manager

Date: September 2, 2020

Subject: Approval of an Ordinance to adopt the Annual Budget for the City of Marshall, Texas for the 2021 fiscal year

---

The Ordinance appropriates funds for the support of the City of Marshall for the fiscal year beginning January 1, 2021 and ending December 31, 2021. It also provides for the adoption of the 2021 Annual Budget

The Ordinance also appropriates money to a sinking fund to pay interest and principal due on the City's bond issues.

***PLEASE NOTE the property tax rate remains the same.**

ORDINANCE NO. _____

AN ORDINANCE MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF MARSHALL, TEXAS, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2021 AND ENDING DECEMBER 31, 2021; APPROPRIATING MONEY TO A SINKING FUND TO PAY INTEREST AND PRINCIPAL DUE ON THE CITY'S INDEBTEDNESS; AND ADOPTING THE ANNUAL BUDGET OF THE CITY OF MARSHALL, TEXAS, FOR THE 2021 FISCAL YEAR.

WHEREAS, the budget, as presented in Section 1 below, for the fiscal year beginning January 1, 2021 and ending December 31, 2021 was duly presented to the City Commission by the City Manager and a public hearing was ordered by the City Commission and said notices were published in the Marshall News Messenger and said public hearing was held according to said notice; now, therefore,

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

SECTION 1

THAT the appropriations for the fiscal year beginning January 1, 2021 and ending December 31, 2021 for the support of the City of Marshall, Texas, be fixed and determined for said term in accordance with the expenditures shown in the City's fiscal year 2021 budget, as detailed below:

FUND	TOTAL BUDGETED EXPENDITURES
General Fund	$ 21,274,172
Water & Sewer Enterprise Fund	$ 9,541,393
Sub-Total -- Operating Budget	$ 30,815,565
2016 General Obligation Refunding,	
See attached	
Debt Service Funds	$ 1,074,747
Hotel/Motel Occupancy Tax Fund	$ 800,000
Litter Control Fund	$ 6,700
D.A.R.E. Donation Fund	$ 6,200
Street Maintenance Fund	$ 570,405
Capital Improvement Fund	$ 861,139
Equipment Replacement Fund – General Fund	$ 98,615
Equipment Replacement Fund – Water & Sewer Fund	$ 254,116
Municipal Drainage Utility Fund	$ 380,100
Emergency Medical Services – ESD	$ 120,000
Total Budget	$ 34,987,587

SECTION 2

THAT the budget, as shown in words and figures in Section 1, is hereby approved in all respects and adopted as the City's budget for fiscal year beginning January 1, 2021 and ending December 31, 2021.

PASSED AND APPROVED this, the 10th day of September, 2020.

Mayor Terri Brown, District 3, voted _____
Mayor Pro-Tem Doug Lewis, District 7, voted _____
Commissioner Marvin Bonner, District 1, voted _____
Commissioner Leo Morris, District 2, voted _____
Commissioner Amy Ware, District 4, voted _____
Commissioner Vernia Calhoun, District 5, voted _____
Commissioner Larry Hurta, District 6, voted _____

Total Ayes: _____
Total Nays: _____
Total Abstain: _____
Total Absent: _____

PASSED, APPROVED, AND ADOPTED this, the 24th day of September, 2020.

Mayor Terri Brown, District 3, voted _____
Mayor Pro-Tem Doug Lewis, District 7, voted _____
Commissioner Marvin Bonner, District 1, voted _____
Commissioner Leo Morris, District 2, voted _____
Commissioner Amy Ware, District 4, voted _____
Commissioner Vernia Calhoun, District 5, voted _____
Commissioner Larry Hurta, District 6, voted _____

Total Ayes: _____
Total Nays: _____
Total Abstain: _____
Total Absent: _____

APPROVED:

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

ATTEST:

_____
GLENNA WILLIAMS
ACTING CITY SECRETARY

7B

ORDINANCE

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 PROPRETY VALUE

M E M O R A N D U M

To: Members of the City Commission

From: Mark Rohr, City Manager

Date: September 2, 2020

Subject: Approval of an Ordinance Affixing and Levying Ad Valorem Taxes for 2020 for Use and Support of the Municipal Government of the City of Marshall for the 2021 Fiscal Year

---

This Ordinance provides for levying ad valorem taxes for 2020 for the use and support of the municipal government for the 2021 fiscal year at a rate of $0.542160 per $100 of property value.

It also provides for apportioning each levy for operations and bond indebtedness.

Note:

Should the Commission choose to approve this Ordinance, the motion to adopt the Ordinance must be made in the following form:

"I move to adopt a tax rate of $.0.542160 as this year's proposed tax rate does not exceed the no-new-revenue tax rate."

ORDINANCE NO. _____

AN ORDINANCE LEVYING AD VALOREM TAXES FOR 2020 AT A RATE OF $0.542160 PER $100 OF ASSESSED VALUATION ON ALL TAXABLE PROPERTY FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF MARSHALL, TEXAS, FOR THE 2021 FISCAL YEAR; AND PROVIDING FOR APPORTIONING EACH LEVY FOR SPECIFIC PURPOSES.

WHEREAS, the City of Marshall is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Commission of the City of Marshall, Texas (hereinafter referred to as the "City") hereby finds that the tax for the fiscal year beginning January 1, 2021 and ending December 31, 2021, hereinafter levied for maintenance and support of the general government and for the interest and sinking fund must provide for the requirements of the budget for this fiscal year; and

WHEREAS, the City Commission has approved the budget for the fiscal year beginning January 1, 2021, and ending December 31, 2021; and

WHEREAS, notice of the no-new-revenue tax rate calculations for the tax year 2020 for the City of Marshall, Texas was heretofore published in accordance with law; and

WHEREAS, the City Commission of the City of Marshall, Texas, held a public meeting and approved a resolution on August 27, 2020 announcing the proposed 2020 property tax rate and establishing the dates and times of the City Commission meetings for the adoption of the proposed tax rate; and

WHEREAS, at the aforementioned public meeting the City Commission voted to propose a tax rate for the year 2020 of **$0.542160** upon each one hundred dollar ($100) valuation; and

WHEREAS, this year's levy to fund maintenance and operations expenditures does not exceed last year's maintenance and operations tax levy.

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

Section 1.

All of the above premises are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

Section 2.

The real and personal property tax appraisal rolls as certified by the Chief Appraiser of the Harrison Central Appraisal District to the City Commission for the 2020 property tax year, be and are hereby accepted.

Section 3.

That there is hereby levied and there shall be collected for the use and support of the municipal government of the City of Marshall, Texas, and to provide an Interest and Sinking Fund for the 2020 tax year, upon all property, real, personal, and mixed, within the corporate limits of said City subject to taxation, a tax of $0.542160 on each $100 valuation of property, said tax being so levied and apportioned to the specific purposes here set forth;

1. For the maintenance and support of the general government, $0.461696 on each $100 valuation of property; and

2. For the interest and sinking fund, $0.080464 on each $100 valuation of property as follows:

BOND ISSUE	TAX RATE PER $100 VALUATION
GENERAL OBLIGATION REFUNDING, SERIES 2016	$0.032863
GENERAL OBLIGATION REFUNDING, SERIES 2019	$0.008728
COMBINATION TAX AND LIMITED SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2017	$0.008530
COMBINATION TAX AND LIMITED SURPLUS REVENUE TAX NOTES, SERIES 2019	$0.010030
COMBINATION TAX AND LIMITED SURPLUS REVENUE TAX NOTES, SERIES 2020	$0.020313
TOTAL	$0.080464

Section 4.

That the taxes levied under this ordinance shall be for the use and support of the municipal government of the City of Marshall, Texas, for the fiscal year January 1, 2021 through December 31, 2021.

Section 5.

That taxes levied under this Ordinance are due January 31, 2021, and if not paid on or before February 1, 2021, shall immediately become delinquent.

Section 6.

That the following exemptions from taxation by the City of Marshall shall apply:

a) 20% homestead exemption
b) 65 year old exemption in an amount of $12,500
c) Disabled Veteran exemption
d) Disabled person homestead exemption in an amount of $12,500
e) Exempt properties

Section 7.

That all taxes shall become a lien upon the property against which assessed, and the assessor and collector for the City of Marshall, Texas, is hereby authorized and empowered to enforce the collection of such taxes according to the Constitution and laws of the State of Texas and ordinances of the City of Marshall, Texas. All delinquent taxes shall bear interest and penalty from date of delinquency at the rate as prescribed by state law.

Section 8.

That this Ordinance shall take effect and be in force from and after its passage and publication as required by law.

PASSED AND APPROVED this, the 10th day of September, 2020.

Chairman Terri Brown, District 3, voted _____
Mayor Pro-Tem Doug Lewis, District 7, voted _____
Commissioner Marvin Bonner, District 1, voted _____
Commissioner Leo Morris, District 2, voted _____
Commissioner Amy Ware, District 4, voted _____
Commissioner Vernia Calhoun, District 5, voted _____
Commissioner Larry Hurta, District 6, voted _____

Total Ayes: _____
Total Nays: _____
Total Abstain: _____
Total Absent: _____

PASSED, APPROVED, AND ADOPTED this, the 24th day of September, 2020.

Chairman Terri Brown, District 3, voted _____
Mayor Pro-Tem Doug Lewis, District 7, voted _____
Commissioner Marvin Bonner, District 1, voted _____
Commissioner Leo Morris, District 2, voted _____
Commissioner Amy Ware, District 4, voted _____
Commissioner Vernia Calhoun, District 5, voted _____
Commissioner Larry Hurta, District 6, voted _____

Total Ayes: _____
Total Nays: _____
Total Abstain: _____
Total Absent: _____

APPROVED:

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

ATTEST:

_____
GLENNA WILLIAMS
ACTING CITY SECRETARY

7C

ORDINANCE

CONSIDER APPROVAL OF AN ORDINANCE OF THE CITY OF MARSHAL, TEXAS AMENDING CHAPTER 31 “WATER AND SEWER” ARTICLE III, TITLED, “INDUSTRIAL WASTES”

City of MARSHALL TEXAS

TO: Members of the City Commission

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

DATE: September 1, 2020

SUBJECT: Approval of an ordinance of the City of Marshall, Texas amending Chapter 31 "Water and Sewer" Article III, Titled, "Industrial Wastes"

Environmental Protection Agency (EPA) regulations require every owner of a Publicly Owned Treatment Works (POTW) to adopt an ordinance granting regulatory officials the adequate authority to require entities discharging industrial wastes into the POTW systems to comply with regulations that have been adopted by the EPA. Periodically, amendments are necessary in order to bring the City's Industrial Waste Ordinance into compliance with these adopted regulations.

The proposed ordinance amendment is attached, along with an overall summary, for review by the Commission. I will be in attendance at the meeting, and will be happy to answer any questions that you may have regarding this item.

Summary

Proposed 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- 32 and replacing them with new sections 31-18 through 31-33.

The updates set forth uniform requirements, and have been developed to provide a method of planning and administration to enable the City of Marshall to operate the Publicly Owned Treatment Works in a manner which will adequately treat discharges to the system, protect human health and the environment, and comply with any applicable state and federal laws including the Clean Water Act of 1977(33 United States Code [U.S.C.] section 1251 et seq.) as amended, the general Pretreatment Regulations of 40 of the Code of Federal Regulations [CFR], part 403 and the Texas Water Code.

The objectives of this ordinance are:

1. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;

2. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;

3. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

4. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;

5. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and

6. To enable the City to comply with its Texas Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

No. X-XX-XXXX

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 31-32 AND REPLACING THEM WITH NEW SECTIONS 31-18 THROUGH 31-33.

WHEREAS, the City of Marshall owns and operates a Publicly Owned Treatment Works (POTW); and

WHEREAS, the Environmental Protection Agency (EPA) regulations require every owner of a POTW to adopt an ordinance granting regulatory officials adequate authority to require industries discharging industrial wastes into the POTW system to comply with regulations adopted by EPA; and

WHEREAS, the Water Utilities staff has proposed changes in the City of Marshall Industrials Waste Ordinance which will bring it into compliance with EPA regulations; and

WHEREAS, these changes will benefit the City of Marshall by protecting the health, safety, and welfare of its citizens;

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

PART 1. Chapter 31 "Water and Sewer" Article III, titled, "Industrial Wastes" be amended by deleting current Sections 31-18 through 31-32 and replacing them as follows:

SECTION 31-18: GENERAL PROVISIONS

A. Purpose and Policy

This ordinance sets forth-uniform requirements for users of the wastewater collection and Publicly Owned Treatment Works (POTW) for the City of Marshall and enables the City to comply with all applicable State and Federal laws including the Clean Water Act (33 U.S.C. 1251 et seq.), and the General Pretreatment Regulations (40 CFR Part 403).

The objectives of this ordinance are:

1. To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;

2. To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;

3. To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;

4. To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;

5. To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;

6. To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the POTW; and

7. To enable the City to comply with its TPDES permit conditions, sludge use and disposal requirements and any other Federal or State laws to which the POTW is subject.

This ordinance shall apply to all industrial users of the POTW. The ordinance authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance and enforcement activities; establishes administrative review procedures; requires industrial user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

B. Administration

Except as otherwise provided herein, the Director of Public Works (DOPW) shall administer, implement and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the DOU may be delegated by Director of Public Works (DOPW) to other City personnel.

C. Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

1. Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

2. Approval Authority. The Director in a NPDES State with an approved State pretreatment program and the appropriate Regional Administrator Regional Administrator in a non-NPDES State or NPDES State without an approved State pretreatment program.

3. Authorized Representative of the Industrial User.

   a. If the industrial user is a corporation, authorized representative shall mean:

1. the president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation;

2. the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

b. If the industrial user is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively;

c. If the industrial user is a Federal, State or local governmental facility, an authorized representative shall mean a director, highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee;

d. The individuals described in paragraphs A-C above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

4. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees centigrade expressed in terms of mass and concentration in milligrams per liter (mg/l).

5. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of industrial users which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

6. City. The City of Marshall or The City Commission of The City of Marshall.

7. Color. The optical density at the visual wavelength of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

8. Composite Sample. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

9. Control Authority. The term “Control Authority” shall refer to the City of Marshall.

10. Director of Public Works or DOPW. Is the person designated by The City to supervise certain duties and responsibilities of this ordinance, or his\her duly authorized representative.

11. Daily Maximum Limit. The maximum allowable discharge of pollutants during a calendar day. Where daily limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limitations are expressed in terms of concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

12. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Regional Water Management Division Director or other duly authorized official of said agency.

13. Existing Source. Any source of discharge, the construction or operation of which commenced prior the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

14. Grab Sample. An individual sample collected over a period of time not exceeding 15 minutes with no regard to instantaneous waste stream flow or time.

15. Indirect Discharge or Discharge. The introduction of non-domestic pollutants into the POTW from any non-domestic source regulated under Section 307 (b), (c), (d) of the Act.

16. Industrial User or User. A source of indirect discharge.

17. Industrial Wastes. The words “industrial wastes” shall mean all waterborne solids, liquids or gaseous wastes resulting from any industrial, manufacturing or food processing operations or process, from the development of any natural resources, or any mixture of these with water or domestic sewage as distinct from normal domestic sewage.

18. Interference. A discharge which alone or in conjunction with a discharge or discharges from other sources: (1) inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and (2) therefore is a cause of a violation of the City’s TPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/ regulatory provisions or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulation contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

19. Maximum Allowable Discharge Limit. The maximum concentration of any pollutant discharged to the POTW based on daily or monthly averages or a single grab sample as established by the City based on technically based local limits development, national categorical pretreatment standards, or best professional judgement of the City. If State, Federal, and Local discharge limits are different, then the most stringent limit shall apply. Dilution of the wastestream to achieve an allowable discharge limit is prohibited.

20. Medical Waste. Isolation wastes, infectious agents, human blood and blood by-products, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

21. New Source.

    a. Any building, structure, facility or installation from which there is or may be a discharge or pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307 (c) of the Act which will be applicable to such with that section, provided that:

        1. The building, structure, facility or installation is constructed at a site at which no other source is located; or
        2. The building, structure, facility or installation totally replaces the process or production equipment that caused the discharge of pollutants at an existing source; or
        3. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

    b. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraph (a) (2) or (3) above but otherwise alters, replaces, or adds to existing process or production equipment.

    c. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

        1. Begun, or caused to begin as part of a continuous on site construction program

            (a) Any placement, assembly, or installation of facilities or equipment, or
            (b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary

for the placement, assembly, or installation of new source facilities or equipment; or

2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility engineering, and design studies do not constitute a contractual obligation under this paragraph.

22. Noncontact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

23. Normal Domestic Sewage. The "normal" sewage for the City in which the average concentration of Total Suspended Solids (TSS) and (BOD) is established at not more than 200 mg/l. Industrial wastes and storm water are excluded from this term.

24. Pass Through. A discharge which exists the POTW into waters of the U.S. in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of The City's TPDES permit (including an increase in the magnitude duration of a violation).

25. P.P.M. Parts Per Million. Shall mean a weight to weight ratio; the parts per million value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

26. Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all Federal, State or local governmental entities.

27. pH. The logarithm (Base 10) of the reciprocal of the concentration of hydrogen ions measured in grams per liter and expressed in standard units.

28. Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, shredded garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, discharged into water, and possessing the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, Chemical Oxygen Demand (COD), toxicity, odor).

29. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

30. Pretreatment Coordinator or PC. The person in charge of implementation and daily operation of the pretreatment program.

31. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.

32. Pretreatment Standards or Standards. Pretreatment standards shall mean prohibitive discharge standards, categorical pretreatment standards, and local limits.

33. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 31-19 (A) of this ordinance.

34. Publicly Owned Treatment Works or POTW. A "treatment works" as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant. The term also means the municipal entity having jurisdiction over the industrial users and responsibility for the operation and maintenance of the treatment works.

35. Sanitary Sewer. The words "sanitary sewer" shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

36. Septic Tank Waste Septage. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

37. Sewage. Human excrement and gray water household showers, dishwashing operations, etc.

38. Significant Industrial User or SIU. Shall apply to: a) industrial users subject to categorical pretreatment standards, and, b) any other industrial user that, i) discharges an average of 25,000 gpd or more of process wastewater, ii) contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the treatment plant or, iii) is designated as a significant by the City on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

39. Slug Load. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 31-19 (A) of this ordinance or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.

40. Standard Industrial Classification Code or SIC. A classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.

41. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting there from, including snowmelt.

42. Superintendent. The person designated by the City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance or his duly authorized representative.

43. Surcharge. The words "surcharge" shall mean the charge in addition to the published water and sewer rates. The basis for surcharges on industrial wastes is a capital and operation cost for total suspended solids (TSS) and BOD exceeding normal domestic sewage.

44. Texas Commission on Environmental Quality or TCEQ. The Texas Commission on Environmental Quality or, where appropriate, the term may also be used as a designation for the State Water Management Division Director or other duly authorized official of said agency.

45. Total Suspended Solids or TSS. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, which is removable by laboratory filtering.

46. Toxic Pollutant. One of 126 pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provision of Section 307 (33 U.S.C. 1317) of the Act.

47. Treatment Plant Effluent. Any discharge of pollutants from the POTW into waters of the State.

48. Wastewater. Liquid and water-carried industrial wastes, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

49. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW designed to provide treatment of sewage and industrial waste.

D. Interpretation

Shall is mandatory; may is permissive or discretionary. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

E. Abbreviations

The following abbreviations shall have the designated meanings:

CFR	-	Code of Federal Regulations
COD	-	Chemical Oxygen Demand
EPA	-	U.S. Environmental Protection Agency

gpd	-	Gallons Per Day
l	-	Liter
mg	-	Milligrams
mg / l	-	Milligrams Per Liter
TCEQ	-	Texas Commission on Environmental Quality
TPDES	-	Texas Pollutant Discharge Elimination System
O&M	-	Operation and Maintenance
RCRA	-	Resource Conservation and Recovery Act
SIC	-	Standard Industrial Classifications
SWDA	-	Solid Waste Disposal Act (42 U.S.C. 6901, et seq.)
USC	-	United States Code

SECTION 31-19: GENERAL SEWER USE REQUIREMENTS

A. Prohibited Discharge Standards

No industrial user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all industrial users of the POTW whether or not they are subject to categorical pretreatment standards or any other Federal, State or local pretreatment standards or requirements. No industrial user may contribute the following substances to the POTW:

1. Pollutants which create a fire or explosive hazard in the municipal wastewater collection and POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21.

2. Any wastewater having a pH less than 5.5 or more than 11.0, or otherwise causing corrosive structural damage to the POTW or equipment, or endangering City personnel.

3. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than 0.5 inches in any dimension.

4. Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and / or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW or any wastewater treatment or sludge process, or which will constitute a hazard to humans or animals.

5. Any wastewater having a temperature greater than 150 degrees F (65 degrees C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C).

6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

7. Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

8. Any trucked or hauled pollutants, except at discharge points designated by the City in accordance with Section 31-20 (E) (1).

9. Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance and repair.

10. Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent thereby violating the City's TPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten (10) percent from the seasonably established norm for aquatic life.

11. Any wastewater containing radioactive wastes or isotopes except as specifically approved by the Superintendent in compliance with applicable State or Federal regulations.

12. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater, unless specifically authorized by the Superintendent.

13. Any sludges, screenings, or other residues from the pretreatment of industrial wastes.

14. Any medical wastes, except as specifically authorized by the Superintendent in a wastewater discharge permit.

15. Any wastewater causing the treatment plant's effluent to fail a toxicity test.

16. Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.

17. Any discharge of fats, oils, or greases of animal or vegetable origin in excess of 100 mg / l.

    Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in

process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the POTW.

B. Federal Categorical Pretreatment Standards

The national categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

C. Specific Pollutant Limitations

1. The following pollutant limits are established to protect against pass through and interference. No person shall discharge or cause to be discharged, either directly or indirectly, any substance, materials, waters, or wastes that will exceed the following limits.

   a. Any **aluminum** limit not needed at this time[1].
   b. Any **arsenic** greater than **0.05 ppm**[3].
   c. Any **cadmium** greater than **0.22 ppm**.
   d. Any **total chromium** greater than **7.0 ppm**[3].
   e. Any **copper** greater than **1.8 ppm**[3].
   f. Any **cyanide** greater than **1.0 ppm, as CN**[3].
   g. Any **lead** greater than **0.9 ppm**.
   h. Any **mercury** greater than **0.0002 ppm**[2].
   i. Any **nickel** greater than **2.0 ppm**[3].
   j. Any **selenium** greater than **0.02 ppm**[3].
   k. Any **silver** greater than **1.2 ppm**[3].
   l. Any **zinc** greater than **5.0 ppm**[3].

   [1] *Based on the analytical data acquired for aluminum, a local limit is not needed at this time. If any IU's discharge aluminum, the local limit will be set in accordance to the federal guidelines.*

   [2] *The domestic/commercial sampling analyses for mercury were below detection. All IUs compliance will be measured at the MAL of 0.0002 mg/L.*

   [3] *Sampling analyses demonstrates a continual meeting of established TBLL by IUs, no changes needed for local limits at this time.*

2. Concentrations apply at the point where the industrial waste is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. At the discretion of the Superintendent may impose mass limitations in addition to or in place of the concentration-based limitations above.

3. The City reserves the right to establish limits for additional parameters, if necessary, to protect receiving stream quality and / or comply with State and / or Federal regulations.

4. The City reserves the right to deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by Industrial Users

where such contributions do not meet applicable Pretreatment Standards or Requirements or where such contributions would cause the POTW to violate its TPDES permit.

D. City's Right of Revision

The City reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in Section 31-18 (A) of this ordinance or the general and specific prohibitions in Section 31-18 (A) (B) (C) of this ordinance.

E. Special Agreement

The City reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the industrial user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical pretreatment standard from EPA. Such a request will be approved only if the industrial user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that pretreatment standard. An industrial user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13.

F. Dilution

No industrial user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Superintendent may impose mass limitations on industrial users, which are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

SECTION 31-20: PRETREATMENT OF WASTEWATER

A. Pretreatment Facilities

Users shall provide and operate necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in Section 31-19 (A) above within the time limitations specified by the EPA, the State, or the Superintendent whichever is more stringent. Any facility required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Superintendent for review, and shall be acceptable to the

Superintendent before construction of the facility. The review of such plans and operating procedures will in no way relieve the industrial user of the responsibility to modify the facility as necessary to produce an acceptable discharge to the City under the provisions of this ordinance.

B. Additional Pretreatment Measures

1. No person shall discharge any substance into a sewer appurtenance intended for maintenance, including but not limited to a manhole or inspection port, without written permission from the Superintendent.

2. Whenever deemed necessary, the Superintendent may require industrial users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and / or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the industrial user's compliance with the requirements of this ordinance.

3. All past, present and future commercial locations (i.e.) restaurants, food servers, food preparers, shops, service stations, warehouses, washracks, laundromat, beauty establishments, may be required, at the discretion of the Superintendent to install the appropriate interceptor or appurtenances as to separate sand, silt, grease, fat, oil, solvent, lint, fabrics or any material that in the opinion of the Superintendent may obstruct the flow of wastewater. It shall be determined by inspection as to the frequency of cleaning. It is the responsibility of the generator to keep a record of cleaning, manifests and trip tickets and a copy shall be mailed to the PC. All interceptors shall be located so as to be easily accessible for cleaning and inspection.

4. Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

5. At no time shall two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, be more than five (5) % nor any single reading over ten (10) % of the lower explosive limit (LEL).

6. Upon passage of this ordinance it shall be mandatory for all washracks, driveways, parking lots, or any other facility with the potential of the items set forth in Section 31-19 (A) (12) from entering the POTW, and be required to take all measures of prevention. It shall also be understood that the owner of the individual location will be responsible for all expenses incurred in complying with this ordinance (i.e.) roofs, roof drains and berms, and items listed in Section 31-20 (B) (3).

C. Accidental Discharge/Slug Control Plans

The Superintendent may require any industrial user to develop and implement an accidental discharge / slug control plan. At least once every two years the

Superintendent shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement an accidental discharge / control slug plan shall submit a plan which addresses, at a minimum, the following:

1. Description of discharge practices, including non-routine batch discharges.

2. Description of stored chemicals.

3. Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in Section 31-19 (A) of this ordinance.

4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to: inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and / or measures and equipment for emergency response.

D. Tenant Responsibility

Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this ordinance.

E. Hauled Wastewater

1. Septic tank waste may be accepted into the POTW at a designated receiving structure within the treatment plant area, and at such times as are established by the Superintendent, provided such wastes do not violate Section 31-19 of this ordinance or any other requirements established or adopted by the City. Wastehauler discharge permits for individual vehicles to use such facilities shall be issued by the Superintendent.

2. The discharge of hauled industrial wastes as “industrial septage” requires prior approval and a wastewater discharge permit from The City. The Superintendent shall have authority to prohibit the disposal of such wastes, if such disposal would interfere with the treatment plant operation. Waste haulers are subject to all other sections of this ordinance.

3. Fees for dumping septage will be established as part of the industrial user fee system as authorized in Section 31-32 (A) (5).

F. Vandalism

No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in Sections 31-27 through 31-29 below.

SECTION 31-21: WASTEWATER DISCHARGE PERMIT ELIGIBILITY

A. Wastewater Survey

When requested by the Superintendent, any industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The Superintendent is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of the ordinance.

B. Deny/Condition

The City reserves the right to deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by Users where such contributions do not meet applicable Pretreatment Standards or Requirements or where such contributions would cause the POTW to violate its TPDES permit.

C. Wastewater Discharge Permit Requirement

1. It shall be unlawful for any significant industrial user to discharge wastewater into the City's POTW without first obtaining a wastewater discharge permit from the DOU. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 31-27 through 31-29. Obtaining a wastewater discharge permit does not relieve a permittee of his obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State and Local law.

2. The Superintendent may require other industrial users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purpose of this ordinance.

3. It shall be unlawful for any significant industrial user connected to the POTW to operate without first obtaining a wastewater discharge permit from the DOU.

4. Any significant industrial user proposing to begin or recommence discharging to the POTW must make application for a wastewater discharge permit at least ninety (90) days prior to the date upon which any discharge will begin.

D. Wastewater Discharge Permitting Extrajurisdictional Industrial Users

1. Any significant industrial user located beyond the City limits shall submit a wastewater discharge permit application, in accordance with Section 31-21 (E) below, and obtain a wastewater discharge permit before connection to the POTW.

2. Additionally, the DOU may enter into an agreement with the neighboring jurisdiction in which the significant industrial user is located providing for the implementation and enforcement of pretreatment program requirements against said industrial user.

E. Wastewater Discharge Permit Application Contents

In order to be considered for a wastewater discharge permit, any industrial user required to have a wastewater discharge permit must submit the information required by Section 31-23 (A) (2) of this ordinance. The Superintendent shall approve a form to be used as a permit application. In addition, the following information may be requested:

1. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged by the POTW.

2. Number and type of employees, hours of operation, and proposed or actual hours of operation to the POTW.

3. Each product produced by type, amount, process or processes, and rate of production.

4. Type and amount of raw materials processed (average and maximum per day).

5. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.

6. Time and duration of the discharge.

7. Any other information as may be deemed necessary by the Superintendent to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the industrial user for revision.

F. Application Signatories and Certification

All wastewater discharge permit applications and industrial user reports must contain the following certification statement and must be signed by an authorized representative of the industrial user.

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that

qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

G. Wastewater Discharge Permit Decisions

The Superintendent will evaluate the data furnished by the industrial user and may require additional information. Within ninety (90) days of receipt of a complete wastewater discharge permit application, the Superintendent will determine whether or not to issue a wastewater discharge permit. If no determination is made within this time period, the application will be deemed denied. The Superintendent may deny any application for a wastewater discharge permit.

SECTION 31-22: WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

A. Wastewater Discharge Permit Duration

Wastewater discharge permits shall be issued for a specified time period, not to exceed five (5) years. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Superintendent. Each wastewater discharge permit will indicate a specific date upon which it will expire.

B. Wastewater Discharge Permit Contents

Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Superintendent to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the POTW.

1. Wastewater discharge permits must contain the following conditions:

   a. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years.

   b. A statement that the wastewater discharge permit is nontransferable without prior notification to (and approval from the City), and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.

   c. Effluent limits applicable to the user based on applicable standards in Federal, State, and local law.

   d. Self-monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of

pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.

e. Statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

2. Wastewater discharge permits may contain, but need not be limited to, the following:

a. Limits on the average and / or maximum rate of discharge, time of discharge, and / or requirements for flow regulation and equalization.

b. Limits on the instantaneous, daily and monthly average and / or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.

c. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.

d. Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges.

e. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.

f. The unit charge or schedule of industrial user charges and fees for the management of the wastewater discharged to the POTW.

g. Requirements for installation and maintenance of inspection and sampling facilities and equipment.

h. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit.

i. Other conditions as deemed appropriate by the Superintendent to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

C. Wastewater Discharge Permit Modification

The Superintendent may modify the wastewater discharge permit for good cause including, but not limited to, the following:

1. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements.

2. To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance.

3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.

4. Information indicating that the permitted discharge poses a threat or hazard to the POTW, the health, safety, or welfare of any person, or the receiving waters.

5. Violation of any terms or conditions of the wastewater discharge permit.

6. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.

7. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13.

8. To correct typographical or other errors in the wastewater discharge permit.

9. To reflect a transfer of the facility ownership and / or operation to a new owner / operator.

The filing of a request by the permittee for wastewater discharge permit modification does not stay any wastewater discharge permit condition.

D. Wastewater Discharge Permit Transfer

Wastewater discharge permits may be reassigned or transferred to a new owner and / or operator only if the permittee gives at least thirty (30) days advance notice to the Superintendent and the Superintendent approves the wastewater discharge permit transfer. The notice to the Superintendent must include a written certification by the new owner and / or operator which:

1. States that the new owner / operator has no immediate intent to change the facility's operations and processes.

2. Identifies the specific date on which the transfer is to occur.

3. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

4. Includes appropriate fees.

Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable on the date of facility transfer.

E. Wastewater Discharge Permit Revocation

Wastewater discharge permits may be revoked for the following reasons:

1. Failure to notify Superintendent of significant changes to the wastewater prior to the changed discharge.

2. Failure to provide prior notification to Superintendent of changed condition pursuant to Section 31-23 (E).

3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.

4. Falsifying self-monitoring report.

5. Tampering with monitoring equipment.

6. Refusing to allow the Superintendent timely access to the facility premises and records.

7. Failure to meet effluent limitations.

8. Failure to pay fines.

9. Failure to pay sewer charges.

10. Failure to pay laboratory and monitoring fees (within forty-five (45) days).

11. Failure to meet compliance schedules.

12. Failure to complete a wastewater survey or the wastewater discharge permit application.

13. Failure to provide advance notice of the transfer of a permitted facility.

14. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or the ordinance.

15. Wastewater discharge permits shall be voidable upon nonuse, cessation of operations, or transfer of business ownership. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit.

16. Prior to having a wastewater discharge permit revoked, an industrial user shall be notified of the proposed revocation and be offered an opportunity to show cause

under Section 31-27 (C) of this ordinance why the proposed action should not be taken.

F. Wastewater Discharge Permit Reissuance

A significant industrial user shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application in accordance with Section 31-21 (E) a minimum of ninety (90) days prior to the expiration of the industrial user's existing wastewater discharge permit.

G. Municipal Wastewater Discharge Permits

In the event another municipality contributes all or a portion of its wastewater to the POTW, the POTW may require such municipality to apply for and obtain a municipal wastewater discharge permit.

1. A municipal wastewater discharge permit application shall include:

    a. A description of the quality and volume of the wastewater at the point(s) where it enters the POTW.

    b. An inventory of all industrial users discharging to the municipality.

    c. Such other information as may be required by the Superintendent.

2. A municipal wastewater discharge permit shall contain the following conditions:

    a. A requirement for the municipal user to adopt a sewer use ordinance which is at least as stringent as this ordinance and local limits which are at least as stringent as those set out in Section 31-19.

    b. A requirement for the municipal user to submit a revised industrial user inventory annually or more frequently if requested by the Superintendent.

    c. A requirement for the municipal user to a) conduct pretreatment implementation activities including industrial user permit issuance, inspection and sampling, and enforcement; or b) authorize the POTW to take or conduct such activities on its behalf.

    d. A requirement for the municipal user to provide the City with access to all information that the municipal user obtains as part of its pretreatment activities.

    e. Limits on the nature, quality, and volume of the municipal user's wastewater at the point where it is discharged to the POTW.

    f. Requirements for monitoring the municipal user's discharge.

3. Violation of the terms and conditions of the municipal user's wastewater discharge permit subjects the municipal user to the sanctions set out in Sections 31-27 through 31-29.

SECTION 31-23: REPORTING REQUIREMENTS

A. Baseline Monitoring Reports

1. Within 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a) (4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the Superintendent a report which contains the information listed in 31-23 (A) (2) below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the Superintendent a report which contains the information listed in 31-23 (A) (2) below. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates or its anticipated flow and quantity of pollutants discharged.

2. The industrial user shall submit the information required by this section including:

   a. Identifying Information. The name and address of the facility including the name of the operator and owners.

   b. Wastewater Discharge Permits. A list of any environmental control wastewater discharge permits held by or for the facility.

   c. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

   d. Flow Measurement. Information showing the measured average daily and maximum daily flow (in gallons per day) to the POTW from regulated process streams and other streams, as necessary, to allow user of the combined wastestream formula set out in 40 CFR 403.6(e), if applicable.

   e. Measurement of Pollutants.

      (1) Identify the categorical pretreatment standards applicable to each regulated process.

      (2) Submit the results of sampling and analysis identifying the nature and concentration (and / or mass, where required by the standard or by the

City) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 31-23 (J).

(3) Sampling must be performed in accordance with procedures set out in Section 31-23 (K).

f. Certification. A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards & requirements.

g. Compliance Schedule. If additional pretreatment and / or O&M will be required to meet the pretreatment standards, the shortest schedule by which the industrial user will provide additional pretreatment and / or O&M shall be specified. The completion date established for the applicable pretreatment standard.

h. All baseline monitoring reports must be signed and certified in accordance with Section 31-21 (F).

B. Compliance Schedule Progress Report

The following conditions shall apply to the schedule required by Sections 31-23 (A) (2) and 31-24. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation). No increment referred to above shall exceed nine (9) months. The industrial user shall submit a progress report to the Superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, if appropriate, the steps being taken by the industrial user to return to the established schedule. In no event shall more than nine (9) months elapse between such progress reports to the Superintendent.

C. Report On Compliance With Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to such pretreatment standards and requirements shall submit to the Superintendent a report containing the information described in Section 31-23 (A) (e)

(f) (g). For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6 (c), this report shall contain a reasonable measure of the industrial user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 31-21 (F).

D. Periodic Compliance Reports

1. Any permitted industrial user subject to a pretreatment standard shall, at a frequency determined by the Superintendent but in no case less than twice per year (in July and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards. All periodic compliance reports must be signed and certified in accordance with Section 31-21 (F).

2. All wastewater samples must be representative of the industrial user's discharge.

3. If an industrial user, subject to the reporting requirement in and of this Section, monitors any pollutant more frequently than required by the POTW, using the procedures and methods described in 40 CFR 136, the results of this monitoring shall be included in the report.

E. Report of Changed Conditions

Each industrial user is required to notify the Superintendent of any planned significant changes to the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least ninety (90) days prior to the change.

1. The Superintendent may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 31-21 (E).

2. The Superintendent may issue a wastewater discharge permit under Section 31-21 (G) or modify an existing wastewater discharge permit under Section 31-22 (C).

3. No industrial user shall implement the planned changed condition(s) until and unless the Superintendent has responded to the industrial user's notice.

4. For purposes of this requirement flow increases or decreases of ten percent (10%) or greater, and the discharge of any previously unreported pollutants, shall be deemed significant.

F. Reports of Potential Problems

1. In the case of any discharge including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load which may cause potential problems for the POTW (including a violation of the prohibited discharge standards of Section 31-19 (A) of this ordinance), it is the responsibility of the industrial user to immediately notify the City of the incident. This notification shall include the location of discharge, type of waste, concentration and volume (if known) and corrective actions taken by the industrial user.

2. Within five (5) days following such discharge, the industrial user shall, unless waived by the Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the industrial user to prevent similar future occurrence. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this ordinance.

3. Failure to notify the Superintendent of potential problem discharges shall be deemed a separate violation of this ordinance.

4. A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in Section 31-23 (F) (1) above. Employers shall ensure that all employees, who may cause or suffer such a discharge to occur, are advised of the emergency notification procedures.

G. Reports From Nonsignificant Industrial Users

All industrial users, not subject to categorical pretreatment standards and not required to obtain a wastewater discharge permit, shall provide appropriate reports to the City as the Superintendent may require.

H. Notice of Violation/Repeat Sampling and Reporting

If sampling performed by an industrial user indicates a violation, the industrial user must notify the Control Authority within 24 hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Control Authority within thirty (30) days after becoming aware of the violation, except the Industrial User is not required to resample if:

1. The City performs sampling at the Industrial User at a frequency of at least once per month, or

2. The City performs sampling at the User between the time when the User performs its initial sampling and the time when the User receives the results of this sampling.

I. Notification of the Discharge of Hazardous Waste

1. Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under Section 31-23 (F) above. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of Sections' 31-23 (A) (C) and (D) above.

2. Dischargers are exempt from the requirements of paragraph (1) above during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30 (d) and 261.33 (e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes as specified in 40 CFR 261.30 (d) and 261.33 (e), require a one-time notification.

3. In the case of any new regulations under Section 3001 of RCRA identifying the additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substances within ninety (90) days of the effective date of such regulations.

4. In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

J. Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.

K. Sample Collection

1. Except as indicated in Section 31-23 (K) (2), below, the industrial user shall collect wastewater samples using approved composite collection techniques. In the event flow proportional sampling is infeasible, the Superintendent may authorize the use of time proportional sampling or through a minimum of four (4) grab samples representative of the Industrial User's discharge may be required to show compliance with Maximum discharge limits.

2. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.

3. Samples shall be taken at monitoring points specified by the PC and such locations shall not be changed without notification to, and the approval of the PC.

L. Determination of Noncompliance

The Superintendent may use a grab sample(s) to determine noncompliance with pretreatment standards only when it is infeasible to sample by 24-hour flow or time proportional composite sampling.

M. Timing

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the U.S. Postal Service, the date of receipt shall govern.

N. Record Keeping

Industrial users shall retain, and make available for inspection and copying, all records and information required to be retained under this ordinance. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning compliance with this ordinance, or where the industrial user has been specifically notified of a longer retention period by the Superintendent.

O. Provisions Governing Fraud and False Statements

1. The reports and other documents required to be submitted or maintained under this section shall be subject to:

   a. The provisions of 18 U.S.C. section 1001 relating to fraud and false

statements;

b. The provisions of section 309(c) (4) of the Act, as amended, government false statements, representation or certification; and

c. The provisions of section 309 (c) (6) regarding responsible corporate officers.

SECTION 31-24: COMPLIANCE MONITORING

A. Inspection and Sampling

1. The PC shall inspect and sample the effluent from each significant industrial user at least once per year.

2. The City shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of this ordinance, and any permit or order issued hereunder, is being met and whether the industrial user is complying with all requirements thereof. Industrial users shall allow the Superintendent or his representative ready access to all parts of the premises or the purposes of inspection, sampling, records examination, copying, and the performance of any additional duties.

   a. Where an industrial user has security measures in force which require proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the City, State, and EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.

3. The City, State, and EPA shall have the right to set up on the industrial user's property, or require installation of such devices, as are necessary to conduct sampling and/or metering of the user's discharge.

   a. The City may require the industrial user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated as needed to ensure their accuracy.

   b. The Superintendent may require the industrial user to install at its own expense, an approved manhole or sampling point. Such manhole or sampling point shall be accessible and safe, and located such that the samples may be taken immediately downstream of pretreatment facilities if such exist, or immediately downstream of the regulated process if no pretreatment exists, and shall be constructed in accordance with plans approved by the Superintendent

c. Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal request of the Superintendent and shall not be replaced. The costs of clearing such access shall be born by the industrial user.

d. Unreasonable delays in allowing City personnel access to the industrial user's premises shall be a violation of this ordinance.

4. The Superintendent or his duly authorized employee shall observe all safety rules applicable to the industrial user's facility during inspections and sampling events.

B. Search Warrants

If the Superintendent has been refused access to a building, structure or property or any part thereof, and if the Superintendent has demonstrated probable cause to believe that there may be a violation of this ordinance or that there is a need to inspect as part of a routine inspection program of the City designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then upon petition by the City Attorney, the Municipal Court Judge of the City shall issue a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours by the Superintendent in the company of a uniformed police officer of the City. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

SECTION 31-25: CONFIDENTIAL INFORMATION

Information and data on an industrial user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from City inspection and sampling activities, shall be available to the public without restriction unless the industrial user specifically requests, and is able to demonstrate to the satisfaction of the City, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable State law. When requested and demonstrated by the industrial user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall be stamped or hand written "confidential business information" on each page containing such information, this information shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the TPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

SECTION 31-26: PUBLICATION OF INDUSTRIAL USERS IN SIGNIFICANT NONCOMPLIANCE

The City shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the industrial users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant compliance shall mean:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the wastewater measurements taken during a six (6) month period exceed the daily magnitude, maximum limit or average limit for the same pollutant parameter by any amount.

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).

C. Any other discharge violation that the City determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of City personnel or the general public).

D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge.

E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an industrial wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

F. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance.

H. Any other violation(s) which the City determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 31-27: ADMINISTRATIVE ENFORCEMENT REMEDIES

A. <u>Notification of Violation</u>

Whenever the Superintendent finds that any user has violated or is violating this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent or his agent may conduct phone calls regarding violations, serve upon said user informal warnings or a written

Notice of Violation. Nothing in this section shall limit the authority of the City to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

B. Consent Orders

The Superintendent is hereby empowered to enter into consent Orders, establishing an agreement with any user responsible for noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as the administrative orders issued pursuant to Sections 31-27 (D) and (E) below and shall be judicially enforceable.

C. Show Cause Hearing

The DOU may order any user which causes or contributes to violation(s) of this ordinance, wastewater discharge permit, or orders issued hereunder, or any other pretreatment standard or requirement, to appear before the DOU and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other action against the user.

D. Compliance Orders

When the Superintendent finds that a user has violated or continues to violate the ordinance, wastewater discharge permits or orders issued hereunder, or any pretreatment standard or requirement, he may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within a specified time, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Federal pretreatment standard or requirement; nor does a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the user.

E. Cease and Desist Orders

When the Superintendent finds that a user is violating this ordinance, the user's wastewater discharge permit, any order issued hereunder, or any other pretreatment

standard or requirement, or that the user's past violations are likely to recur, the Superintendent may issue an order to the user directing it to cease and desist all such violations and directing the user to:

1. Immediately comply with all requirements.

2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the user.

F. Administrative Fines

1. In accordance with the enforcement response plan required, any person in violation of any of the provisions of this article may be issued an administrative order requiring compliance and may include an administrative fine not to exceed two thousand dollars ($2,000.00). Each and every days continuance of any violation of the provisions of this article may constitute and be deemed a separate offense.

2. Any person violating any of the provisions of this article shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not to exceed two thousand dollars ($2,000.00), and each and every day continuance of any violation of the provisions of this article may constitute and be deemed a separate offense.

G. Emergency Suspensions

The Superintendent may immediately suspend a user's discharge (after informal notice to the user) whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Superintendent may also immediately suspend a user's discharge (after notice of opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

1. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Superintendent shall take such steps as deemed necessary, including immediate severance of the sewer connection to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Superintendent shall allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless the termination proceedings set forth in Section 31-27 (H) are initiated against the user.

2. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Superintendent, prior to the date of any show cause or termination hearing under Sections 31-27 (C) and (H) respectively.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

H. Termination of Discharge

In addition to those provisions in Section 31-22 (E) of this ordinance, any user that violates the following conditions of this ordinance, wastewater discharge permits, or orders issued hereunder, is subject to discharge termination.

1. Violation of wastewater discharge permit conditions.

2. Failure to accurately report the wastewater constituents and characteristics of its discharge.

3. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.

4. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.

5. Violation of the pretreatment standards in Section 31-19 of this ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 31-27 (C) of this ordinance why the proposed action should not be taken.

SECTION 31-28: JUDICIAL ENFORCEMENT REMEDIES

A. Injunctive Relief

Whenever a user has violated a pretreatment standard or requirement or continues to violate the provisions of this ordinance, wastewater discharge permits or orders issued hereunder, or any other pretreatment standard or requirement, the Superintendent may petition the State District Court or County Court at Law through the City Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the industrial user. Such other action as appropriate for legal and/or equitable relief may also be sought by the City. A petition for injunctive relief need not be filled as a prerequisite to taking any other action against a user.

B. Civil Penalties

1. Any user which has violated or continues to violate this ordinance, any order or wastewater discharge permit issued hereunder, or any other pretreatment standard or requirement shall be liable for a civil penalty of up to $2,000.00 per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

2. The City may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

3. In determining the amount of civil liability, the Court may take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

4. Any person discharging a pollutant which results in the imposition of penalties by any person or regulatory authority on the City shall be liable for said penalties and any other cost incurred thereby.

5. Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a user.

C. Criminal Prosecution

1. Any user that willfully or negligently violates any provision of this ordinance, any orders or wastewater discharge permits issued hereunder, or any other pretreatment standard requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than $2,000.00 per violation per day.

2. Any user that willfully or negligently introduces any substances into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a fine up to $1,000.00. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

3. Any user that knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, wastewater discharge permit or order, or who falsifies, tampers with or knowingly renders inaccurate any monitoring devices or method required under this ordinance shall, upon conviction, be punished by a fine of not more than $2,000.00 per violation per day.

4. In the event of a second conviction, a user shall be punished by a fine of not more than $2,000.00 per violation per day.

D. Remedies Nonexclusive

The provisions in Sections 31-26 through 31-29 are not exclusive remedies. The City reserves the right to take any, all, or any combination of these actions against a noncompliant user. Enforcement of the pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City reserves the right to take other action against any user when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant user. These actions may be taken concurrently.

SECTION 31-29: SUPPLEMENTAL ENFORCEMENT ACTION

A. Performance Bonds

The Superintendent may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this ordinance, any orders, or a previous wastewater discharge permit issued hereunder, unless such user first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Superintendent to be necessary to achieve consistent compliance.

B. Liability Insurance

The Superintendent may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this ordinance, any order, or a previous wastewater discharge permit issued hereunder, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

C. Increased Monitoring and Reporting

When an industrial user has demonstrated a history of noncompliance, the Superintendent may increase surveillance of that industry, including but not limited to, additional self-monitoring and reporting.

D. Water Supply Severance

Whenever a user has violated or continues to violate the provisions of this ordinance, orders, or wastewater discharge permits issued hereunder, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

SECTION 31-30: AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

A. Upset*

1. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational

error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

2. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph 3 below are met.

3. An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

   a. An upset occurred and the industrial user can identify cause(s) of the upset;

   b. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;

   c. The industrial user has submitted the following information to the POTW and the treatment plant operator within 24 hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days.

      (1) A description of the indirect discharge and cause of noncompliance.
      (2) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.
      (3) Steps being taken and/or planned to reduce, eliminate and prevent the recurrence of the noncompliance.

4. In any enforcement proceedings, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.

5. Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

6. The industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

*Upset Provision (40 CFR 403.16) can only be used providing the action is brought to Federal court.

B. <u>General/Specific Prohibitions</u>

An industrial user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions in Section 31-19 (A) of this ordinance if it can prove that it did not know or have reason to know that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either: (a) a local limit exists for each pollutant discharged and the industrial user was in compliance with each limit directly prior to, and during, the pass through or interference, or (b) no local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City was regularly in compliance with its TPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

C. Bypass

1. For the purpose of this section, the following terms are defined

   a. "Bypass" means the intentional diversion of wastestream from any portion of an industrial user's treatment facility.

   b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

2. An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs C (2) (a) and (b) of this section.

   a. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the Superintendent, at least ten (10) days before the date of the bypass if possible.

   b. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the POTW within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The POTW may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

3. Bypass is prohibited, and the POTW may take enforcement action against an industrial user for a bypass, unless;

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.

b. There were no feasible alternatives to the bypass, such as the use of an auxiliary treatment facility, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. The industrial user submitted notices as required under paragraph 2 (a) (b) of this section.

4. The POTW may approve an anticipated bypass, after considering its adverse effects, if the Superintendent determines that it will meet the three conditions in paragraph 3 (a) (b) (c) of this section.

D. Act of God*

If a person can establish that an event that would otherwise be a violation of a statute within the commission's jurisdiction or a rule adopted or an order or a permit issued under such a statute was caused solely by an act of God, war, strike, riot, or other catastrophe, the event is not a violation of that statute, rule, order, or permit.

*The Act of God Statutory Affirmative Defense (Texas Water Code 7.251) can only be used providing the action is brought to municipal or State court.

SECTION 31-31: SURCHARGE COSTS

A. Industrial Waste Surcharge.

1. Facility discharging industrial wastes which exhibit none of the characteristics of wastes prohibited previously, other than excessive BOD or suspended solids, but having a concentration for a duration of fifteen (15) minutes greater than four (4) times that of normal sewage as measured by suspended solids and BOD and/or an average concentration during a normal working day of the permittee's industry of suspended solids or BOD content in excess of normal sewage as defined in Section 31-19 as normal domestic sewage shall be required to pretreat the industrial wastes to meet the requirements of normal sewage; however, such wastes may be accepted for treatment if the following requirements are met:

a. The waste will not cause damage to the collection and treatment facilities.

b. The waste will not impair the treatment process.

c. The facility that discharges such waste enters into an Industrial Wastewater Discharge application and agrees to pay the sewer service charge and industrial waste surcharge.

2. The facility that discharges such wastes shall enter into an Industrial Wastewater Discharge application with the City providing for a surcharge over and above published water and sewer rates. These rates shall continue until changes by action of the city commission. A surcharge of $.25 per gal shall be calculated for billing purposes in accordance with the City's Sewer Rate Ordinance.

3. Any person who refuses to comply with or who resists or willfully discharges wastes prohibited from discharge into public sewers, or who refuses to comply with the provisions of this section, shall be served by the Control Authority with a written notice stating the nature of the violation and providing a reasonable time limit for satisfactory correction thereof. Any person who shall continue any violation beyond the time limit shall be guilty of violation of his Industrial Wastewater Discharge permit and shall be summarily disconnected from the sanitary and/or water service, such disconnection and reconnection to be of total expense to the customer. Where acids or chemicals damaging to sewer lines or treatment process are released to the sewer and cause rapid deterioration of these structures or interfere with the proper treatment of sewage, the control authority is authorized to immediately terminate service by such measures as are necessary to protect the facilities.

4. Billing. Industrial surcharge provided for in this article shall be included as a separate item on the regular bill for water and sewer charges and shall be paid monthly in accordance with the existing practices. Surcharges shall be paid at the same time that the water, sewer and sanitation charge to the person become due and payment for water and sanitation services shall not be accepted without payment also of the sewer service charges and industrial waste surcharges.

5. Penalty for failure to pay bills. Failure to pay monthly bills for water and/or sewer service and/or garbage charge, when due, or failure to pay the established sewer surcharge for industrial waste when due, or repeated discharge of prohibited waste to the sanitary sewer shall be sufficient cause to disconnect any and all services to the water and/or sanitary sewer mains of the City, and the same penalties and charges now or hereafter provided for by the ordinances of the City for failure to pay the bill for water service when due shall be applicable in a like manner in cases of failure to pay the established surcharge for industrial waste discharge to the sanitary sewer mains as established herein.

SECTION 31-32: MISCELLANEOUS PROVISONS

A. Pretreatment Charges and Fees

The City may adopt reasonable charges and fees for reimbursement of costs of setting up and operating the City's Pretreatment Program which may include:

1. Fees for wastewater discharge permit applications including the cost of processing such applications.

2. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing an industrial user's discharge, and reviewing monitoring reports submitted by industrial users.

3. Fees for reviewing and responding to accidental discharge procedures and construction.

4. Fees for filing appeals.

5. Fees. All applications for a waste hauler permit shall be made to the Superintendent and shall be accompanied by a fee of $100.00 for a

6. Specified period not to exceed five (5) years. No fees shall be refundable. In addition to the permit fee, each waste hauler shall pay a discharge fee to the City for each and every waste discharged into the POTW and computed on the following schedule:

   a. Current rate for commercial waste (i.e.) grease trap or portable toilet waste (rate established by contract hauling).

   b. Three cents ($0.03) per gallon for residential waste (i.e.) septic tank waste.

   c. An additional one cent ($0.01) per gallon fee for all waste collected outside the city limit and discharged to the POTW.

7. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines and penalties chargeable by the City.

B. Severability

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

C. Conflicts

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance, are hereby repealed to the extent of the inconsistency or conflict.

D. EPA Approval

This ordinance shall be in full force and effective pending the EPA's final approval.

SECTION 31-33: EFFECTIVE DATE

This ordinance shall be in full force and effect immediately following its passage, approval and publication, as provided by law.

INTRODUCED the _____ day of _____, 2020

FIRST READING: _____ day of _____, 2020

SECOND READING: _____ day of _____, 2020

PASSED this _____ day of _____, 2020

AYES: _____

NAYS: _____

ABSENT: _____

NOT VOTING: _____

APPROVED by me this _____ day of _____, 2020

_____
Mayor

ATTEST: _____
City Secretary

ITEM 7D

ORDINANCE

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

M E M O R A N D U M

To: Mark Rohr, City Manager

From: Glenna Williams, Acting Finance Director

Date: September 2, 2020

Subject: Approval of an Ordinance amending the 2020 Annual Budget to appropriate funds for projects approved by the City Commission

---

This ordinance will allow us to amend the 2020 Annual Budget to provide for additional expenditures approved by the Commission.

ORDINANCE NO._____

AN ORDINANCE AMENDING ORDINANCE NO. O-19-19 TO AMEND THE 2020 ANNUAL BUDGET OF THE CITY OF MARSHALL, TEXAS

WHEREAS, on September 26, 2019 the City of Marshall, Texas passed Ordinance No. O-19-19 adopting the 2020 annual budget; and

WHEREAS, the City of Marshall, Texas desires to amend the 2020 annual budget to provide for additional expenditures to meet unusual and unforeseen conditions, which could not, by reasonable diligent thought and attention, have been included in the original budget;

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

The appropriations for the fiscal year beginning January 1, 2020 and ending December 31, 2020 for the support of the General Fund to be amended as follows:

General Fund

Record Revenue & Expenses for Census Grant

Census Program	$12,500	
Census Grant		$12,500

Reallocation

Interfund Transfer – Capital Projects	$10,773	
Fund Balance		$10,773

Record Projects Utilizing 2020 Tax Note Funds

Improvements Airport Park	$138,000	
Improvements Marshall Police Department	42,000	
Improvements Arena	277,000	
Improvements City Hall	50,000	
Improvements Convention Center	258,000	
Improvements #4 Fire Station	17,500	
Improvements #2 Fire Station	12,500	
Improvements Business Development Center	160,000	
Improvements Library	45,000	
Improvements Downtown	750,000	
Fund Balance		$1,750,000

EMS ESD Fund

Record Purchase of Fire Department Ambulance with ESD Funds

Car & Trucks	$185,223	
Fund Balance		$185,223

Economic Development Fund

Record use of equity return from TML for Economic Development Fund

Miscellaneous Revenue	$10,466	
Fund Balance		$10,466

PASSED AND APPROVED this_____day of_____, 2020.

AYES:_____
NOES:_____
ABSTAINED:_____

PASSED, APPROVED, AND ADOPTED this _____day of_____, 2020.

AYES:_____
NOES:_____
ABSTAINED:_____

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

ATTEST:

_____
ACTING CITY SECRETARY

ITEM 8A

SECOND READING OF ORDINANCE

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

M E M O R A N D U M

To: Mark Rohr, City Manager

From: Glenna Williams, Acting Finance Director

Date: September 2, 2020

Subject: Approval of an Ordinance amending the 2020 Annual Budget to appropriate funds for projects approved by the City Commission

---

This is the second reading of an ordinance allowing us to amend the 2020 Annual Budget to provide for additional expenditures approved by the Commission.

ORDINANCE NO._____

AN ORDINANCE AMENDING ORDINANCE NO. O-19-19 TO AMEND THE 2020 ANNUAL BUDGET OF THE CITY OF MARSHALL, TEXAS

WHEREAS, on September 26, 2019 the City of Marshall, Texas passed Ordinance No. O-19-19 adopting the 2020 annual budget; and

WHEREAS, the City of Marshall, Texas desires to amend the 2020 annual budget to provide for additional expenditures to meet unusual and unforeseen conditions, which could not, by reasonable diligent thought and attention, have been included in the original budget;

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

The appropriations for the fiscal year beginning January 1, 2020 and ending December 31, 2020 for the support of the General Fund to be amended as follows:

General Fund Amendments

	Increase in 2020 Budget
Interfund Transfer	$ 318,543
Total	$ 318,543

The appropriations for the fiscal year beginning January 1, 2020 and ending December 31, 2020 for the support of the 2007 General Obligation Fund (Fund 62) to be amended as follows:

	Increase in 2020 Budget
2007 General Obligation Fund (Fund 62)	$ 318,543

PASSED AND APPROVED this_____day of_____, 2020.

AYES:_____
NOES:_____
ABSTAINED:_____

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2020.

AYES:_____
NOES:_____
ABSTAINED:_____

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

ATTEST:

_____
DEPUTY CITY SECRETARY

ITEM 9A

RESOLUTION

CONSIDER APPROVAL OF A RESOLUTION FOR SUPPORT OF RE-DESIGNATION FOR SL 390/US 59 RELIEF ROUTE/FUTURE I-369

Agenda Information Sheet
September 10, 2020

Agenda Item

Consider approval of a resolution for support of re-designation for SL 390/US 59 Relief Route/Future I-369. (Director of Community & Economic Development)

Background & Summary of Request:

Since 2014, the City of Marshall has been a part of a working committee designed to research various route options for I-369 which will be an interstate spur from just north of Tenaha, Texas to Texarkana, Texas. Various public meetings have taken place between 2014 and 2019 to gather public input on proposed routes. The approved route (shown on the attached document) heading north on existing U.S. Highway 59 extends east of the existing U.S. Highway 59 approximately 12 miles south of the Marshall city limits, providing for an interchanges at I-20, State Highway 31, Buck Sherrod Road, and U.S. Highway 80 then following the Loop 390 route to the north and connecting back into existing U.S. Highway 59.

This route has been divided into three sections, the north section located north of U.S. Highway 80 along existing Loop 390, the middle section located south of U.S. Highway 80 and Interstate Highway 20, and the south section located south of Interstate Highway 20 and connecting back into existing U.S. Highway 59.

Texas Department of Transportation is requesting the attached resolution be approved by the Commission in support of the extension of State Loop 390 from U.S. Highway 80 to Interstate Highway 20 to be designated I-369. If approved this resolution would be forwarded to the Texas Transportation Commission for their approval of such designation.

Based on information from TxDOT, the schematic design of the middle section will be presented at a public hearing in late 2020 or early 2021 and is funded for fiscal year 2024 for $154 million.

R-20-16

Whereas, federal legislation has authorized the development of the Interstate 69 (I-69) System in Texas along specified U.S. routes: the national I-69 route is to begin along US 84 in Joaquin at the Texas-Louisiana border and extend south to Laredo and the Lower Rio Grande Valley via US 84, US 59, US 77, and US 281.

Whereas, US 59 north of Tenaha is intended to function as an interstate spur, I-369, eventually connecting to the future national I-69 route along US 59/US 84 to I-30 in Texarkana.

Whereas, the I-69 Advisory Committee and five I-69 Segment Committees were created by the Texas Transportation Commission in 2008 as a way to increase citizen and community input in planning for
I-69 in Texas. With input from citizens in the area, the I-69 Segment One Committee, which included Harrison County, decided that a US 59 relief route at Marshall was a recommended priority.

Whereas, the development of I-369 in Texas would relieve traffic congestion caused by a growing population, provide safer travel through the state, improve emergency evacuation routes, and support economic development.

Whereas, US 59, the proposed I-369 route through Marshall, does not currently meet interstate standards and as traffic volumes in the area increase, traffic congestion in Marshall will increase to unacceptable levels;

Whereas, an I-69 System (I-369) Harrison County/Marshall Route Study was conducted to develop and evaluate options for the advancement of I-369 in the Marshall area, with the eventual goal of constructing, designating, and signing US 59 as I-369. The Route Study was led the Texas Department of Transportation (TxDOT), with extensive participation and input from the I-69 (I-369) Harrison County Working Group;

Whereas, the Working Group proposed a final recommended route (see Figure ES-2 attached) to be carried forward in project development by TxDOT. The recommended route begins at a location north of Marshall in the vicinity of Henderson School Road and then moves to the southeast on new location to
SL 390; then generally follows the existing SL 390 route from CR 2116/Poplar St. to US 80; then on location south to Buck Sherrod Rd and then west and south to cross I-20 east of CR 1023/5 Notch Rd; and then on new location southwest to intersect US 59 south of Marshall in the vicinity of FM 2625;

Whereas, the Texas Department of Transportation has divided the recommended route into three sections for project development purposes: north, middle, and south (see attached Map of Proposed US 59 Relief Route/I-369). The Texas Department of Transportation is currently working on project development of the middle section which would construct a new location roadway meeting interstate standards and extend from the intersection of SL 390 and US 80 to I-20. This section is currently listed in the 2020 Unified Transportation Program for $154.2M of Category 4 construction funding. The Texas Department of Transportation will continue to develop the north and south sections and seek funding for the construction of this entire US 59 Relief Route/future I-369 route;

Whereas, the City of Marshall supports these improvements; and

Whereas, upon completion of these improvements a modification to the State Highway System will be needed for SL 390 and US 59.

Now, therefore, it is hereby resolved by the Marshall City Commission:

> That upon completion and acceptance of the middle section on new location from US 80 to I-20 to interstate standards, the Texas Transportation Commission modify the State Highway System as follows:

1. Designate the new extension as SL 390.

That upon completion and acceptance of the north and middle sections from US 59 north of Marshall to US 80 and the south section from I-20 to US 59 south of Marshall, the Texas Transportation Commission modify the State Highway System as follows:

1. Re-designate this new roadway on the east side of Marshall as US 59 and then subsequently as I-369, also.
2. Re-designate existing US 59 from north of Marshall to US 59 south of Marshall where it intersects the new roadway as BU 59.

PASSED, APPROVED, AND ADOPTED this _____day of September 2020.

AYES:

NOES:

ABSTAINED:

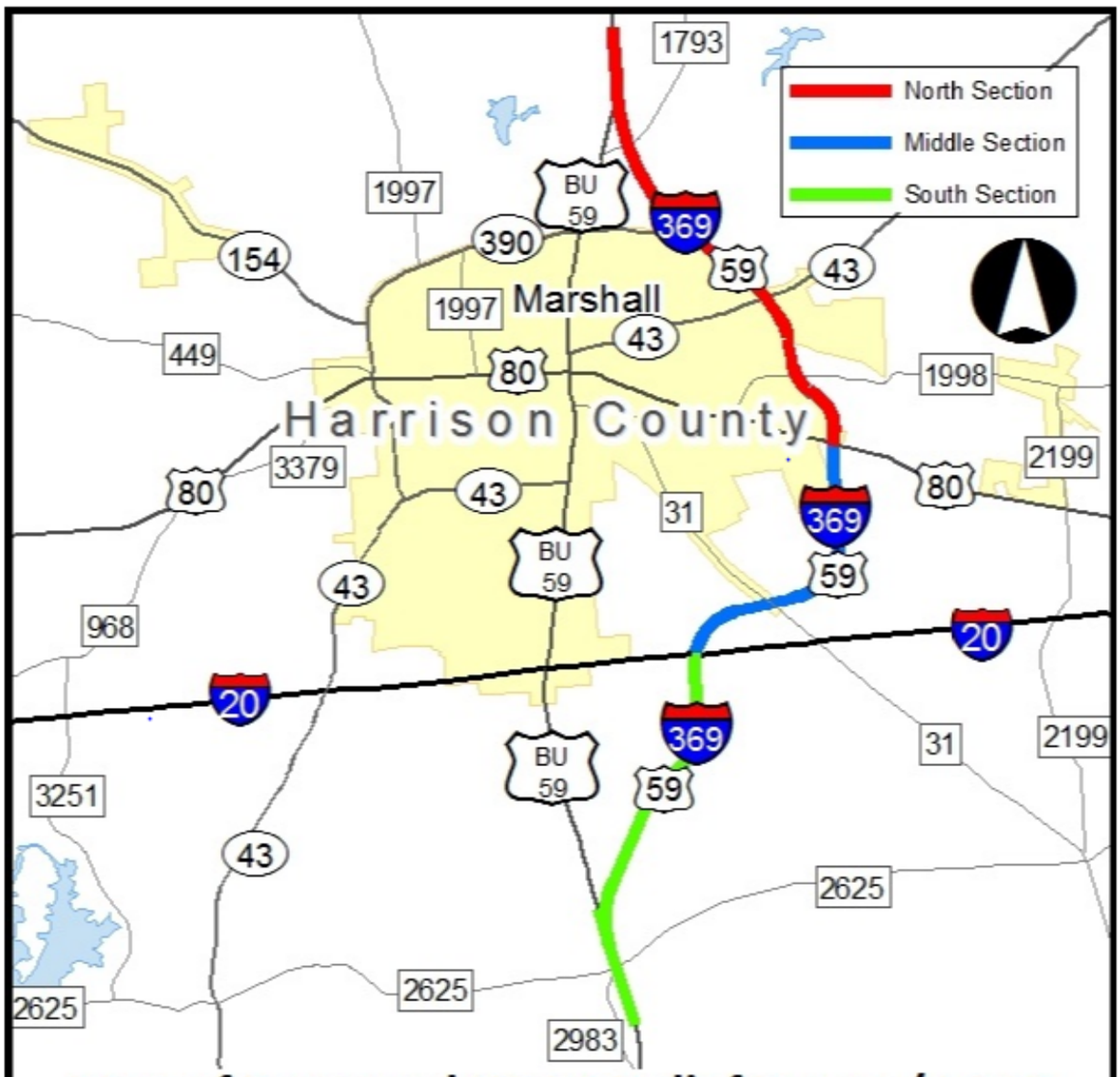
_____
MAYOR OF THE CITY COMMISSION
OF THE CITY OF MARSHALL, TEXAS

ATTEST:

_____
DEPUTY CITY SECRETARY

Figure ES-2
Working Group Interstate Route Option Final Recommendation
I-69 System (I-369)
Harrison County/Marshall Route Study

Potential Interchange Location
Final Recommendation
City Limit



Map of Proposed US 59 Relief Route / I-369

ITEM 9B

RESOLUTION

CONSIDER APPROVAL OF A RESOLUTION AMENDING THE EARLY VOTING DATES TO ALIGN WITH THE GOVERNOR'S PROCLAMATION WHICH EXTENDED EARLY VOTING

M E M O R A N D U M

To: Mark Rohr, City Manager

From: Glenna Williams, Acting Finance Director/City Secretary

Date: September 2, 2020

Subject: Resolution amending the early voting dates to align with the Governor's Proclamation which extended early voting

---

Attached is the resolution to amend early voting dates for the upcoming November 3, 2020 elections.

I recommend approval of this resolution.

R-20-
RESOLUTION

AMENDMENT TO ORDER AND NOTICE OF POSTPONEMENT OF:

- **CITY GENERAL ELECTION FOR DISTRICTS 6 & 7**
- **SPECIAL ELECTION TO FILL A VACANCY IN DISTRICT 2**
- **SPECIAL ELECTION FOR A PROPOSITION ON THE QUESTION OF THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX IN THE CITY OF MARSHALL AT THE RATE OF ONE-EIGHTH OF ONE PERCENT TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS**
- **SPECIAL ELECTION TO CONSIDER SIXTEEN (16) PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF MARSHALL PROVIDING FOR THE CITY'S FORM OF GOVERNMENT; BOUNDARIES POWERS; CITY COUNCIL; CITY OFFICERS, TERMS AND TERM LIMITS, VACANCIES AND FORFIETURES OF OFFICE; FINANCIAL PROCEDURES; BUDGETING; ISSUANCE OF DEBT; TAXATION; ELECTIONS OF CITY COUNCIL; INITIATIVE; REFERENDUM AND RECALL FRANCHISES AND REGULATION OF PUBLIC UTILITIES; FINANCIAL INTERESTS FOR CITY COUNCIL AND OFFICERS; CLAIMS AGAINST THE CITY; LIENS, ASSIGNMENTS; GARNISHMENT AND SECURITY BONDS; ALL OF THE ABOVE AS ALLOWED BY THE STATE LAW OF TEXAS; REPEALING OBSOLETE PROVISIONS AND ADDING A NEW PROVISION TO ALLOW RENUMBERING AND REARRANGING THE CHARTER AS LONG AS NO SUBSTANTIVE CHANGE IS MADE; CORRECTING TYPOGRAPHICAL ERRORS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

To the Resident Qualified Voters of the City of Marshall, Texas:

WHEREAS, a proclamation issued by Texas Governor Greg Abbott on the 18th day of March 2020, allowing political subdivisions that would otherwise hold elections on May 2, 2020, to move their general and special elections for 2020 only to the next uniform election date, occurring on November 3, 2020, without otherwise adjusting the term of office; and

WHEREAS, a general election was ordered to be held on May 2, 2020, by the City Commission on the 23rd day of January 2020, to elect Commissioners from Districts 6 and 7; and

WHEREAS, the deadline for filing an application for a place on the ballot was February 14, 2020 at 5:00 p.m.: and

WHEREAS, the deadline for write-in candidates to file declarations of write-in candidacy was February 18, 2020 at 5:00 p.m.; and

WHEREAS, a special election was ordered to be held on May 2, 2020, by the City Commission on the 12th day of December 2019, to elect a Commissioner from District 2; and

WHEREAS, a special election was ordered to be held on May 2, 2020, by the City Commission on the 13th day of February 2020, for the voters to consider a proposition relating to the reauthorization of one-eighth of one percent to continue providing revenue for maintenance and repair of the municipal streets; and

WHEREAS, a special election was ordered to be held on May 2, 2020, by the City Commission on the 13th day of February 2020, for the purpose of submitting to the voters sixteen (16) amendments to the City Charter of the City of Marshall; and

WHEREAS, the General and Special Elections described herein which were to be held on May 2, 2020, are hereby postponed only to the next uniform election date, occurring on November 3, 2020, without otherwise adjusting any term of office, pursuant to the Governor of Texas' March 18, 2020 proclamation.

WHEREAS, the candidate filings for the election will remain valid for the election held on the November date and the filing period will not be re-opened for the November election date.

WHEREAS, all Applications for Ballot by Mail (ABBMs) for voters that are voting by mail due to being over the age of 65 or due to disability will still be valid for the postponed election, and ABBMs for voters who submitted ABBMs based on expected absence from the county will not be valid for the postponed election.

WHEREAS, major relevant dates for the November election are: voter registration deadline of October 5, 2020, the deadline to submit an ABBM will be October 23, 2020, and the dates for early voting will be October 19, 2020 – October 30, 2020.

THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MARSHALL:

1.

The dates for early voting have been extended and will be October 13-16, 19-22 & 26-29, 2020 from 8:00 AM to 5:00 PM and October 23rd & 30th, 2020 from 7:00 AM to 7:00 PM.

This resolution shall become effective immediately upon passage.

PASSED, APPROVED, AND ADOPTED this _____day of September 2020.

AYES:_____
NOES: _____
ABSTAINED:_____

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

ATTEST:

_____
DEPUTY CITY SECRETARY

ITEM 10A

CONSIDER APPROVAL OF AN EXPENDITURE IN EXCESS OF $50,000 AS IN INCENTIVE FOR PROJECT DC 2020

MARSHALL
ECONOMIC DEVELOPMENT CORPORATION

September 1, 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 10th for consideration of an expenditure in excess of $50,000 for Project DC 2020. A large distribution center has been investigating a new potential location in East Texas. Marshall EDC has been meeting with them over the past several months regarding a proposed site in an existing building just outside the city limits. There will also be a retail outlet on the proposed site.

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

Donna Maisel, CEcD
Executive Director

ITEM 10B

CONSIDER APPROVAL OF A CONTRACT EXTENSION FOR LIQUID CAUSTIC SODA FOR THE WATER TREATMENT PLANT

City of MARSHALL TEXAS

TO: Members of the City Commission

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

DATE: September 1, 2020

SUBJECT: Extension #2 of contract price for Bid No. WU-2018-1-Caustic

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In 2018, bids were advertised and received for the supply and delivery of "Liquid Caustic Soda" (Sodium Hydroxide) and award was made to Brenntag Southwest. The current contract extension expires on September 14, 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 enter into the second and final extension of the contract for one year (September 2020 through September 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 through September 2021.

ConnectingChemistry

BRENNTAG

August 21, 2020

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

Attn: Eric Powell
Public Works Director

Re: Bid No. WU-2018-1-CAUSTIC

Dear Mr. Powell:

Brenntag Southwest, Inc. would like to extend the current contract for Liquid Caustic Soda (Sodium Hydroxide) 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.

Gayle Tullier

Gayle Tullier
Senior Contract Administrator

Brenntag Southwest, Inc.
Phone : (713) 330-8570
Fax : (713) 450-4699
E-Mail : gtullier@brenntag.com

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

Contractual Agreement
Bid Number WU-2018-1 Caustic Soda
Extension #2 (Final)

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

I. **Contracting Parties:**

Receiving Party: City of Marshall, Texas

Performing Party: Brenntag Southwest, Inc.

II. **Statement of Services to be performed:**

Furnish approximately 250 Tons of Liquid Caustic Soda 50% Solution for 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 WU-2018-1; signed and dated on 08-30-18.

III. **Contract Amount:** $0.344/dry lb. or approximately $86,000.00 on an annual basis

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 #2): This final contract extension is to begin on 09-15-2020 and end on 09-14-2021.

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

_____

Authorized Signature

Eric Powell, PE
Director of Public Works

_____

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, Inc.
1632 Haden Road
Houston, Texas 77015

Name of Performing Party

_____

Authorized Signature

_____

Date

ITEM 10C

CONSIDER APPROVAL OF THE PLACEMENT OF “NO LEFT TURN” SIGNAGE FROM NORTHBOUND INDIAN SPRINGS ONTO EAST TRAVIS (NEAR SAM HOUSTON SCHOOL) DURING SCHOOL ZONE HOURS

CITY OF MARSHALL

COMMISSION AGENDA INFORMATION SHEET

MEETING DATE:

PROJECT: No Left Turn signage for Northbound traffic on Indian Springs at E. Travis during certain school hours.

DESCRIPTION: Approve placement of signage forbidding left turn from Northbound Indian Springs onto East Travis (near Sam Houston school) during school zone hours. Hours affected would be 7AM-9AM and 2:30PM-4PM when school is in session.

COST: Cost of the signs and installation

RECOMMENDED
ACTION: Approve placement of above described signage.

CITY CONTACT: Cliff Carruth – Chief of Police

Attachment: Map

cc: File

Marshall Police Department

Cliff Carruth
Chief of Police

Date: *8/30/20*

To: *CITY COMMISSION*

From: CHIEF CARRUTH

Re: NO LEFT TURN SIGNS AT INDIAN SPRINGS AND E. TRAVIS

The Marshall Police Department and the Public Works Department have identified public safety concerns at the Northbound intersection of Indian Springs at E. Travis. Vehicles turning west from the northbound intersection of Indian Springs at E. Travis create traffic congestion causing a hazard to both vehicular and pedestrian traffic. The congestion is occurring during school zone hours from 7AM-9AM and 2:30PM-4PM when school is in session. The Departments request authorization to place signage forbidding left turn from Northbound Indian Springs Westbound onto E. Travis during school zone hours (7AM-9AM and 2:30PM-4PM.)

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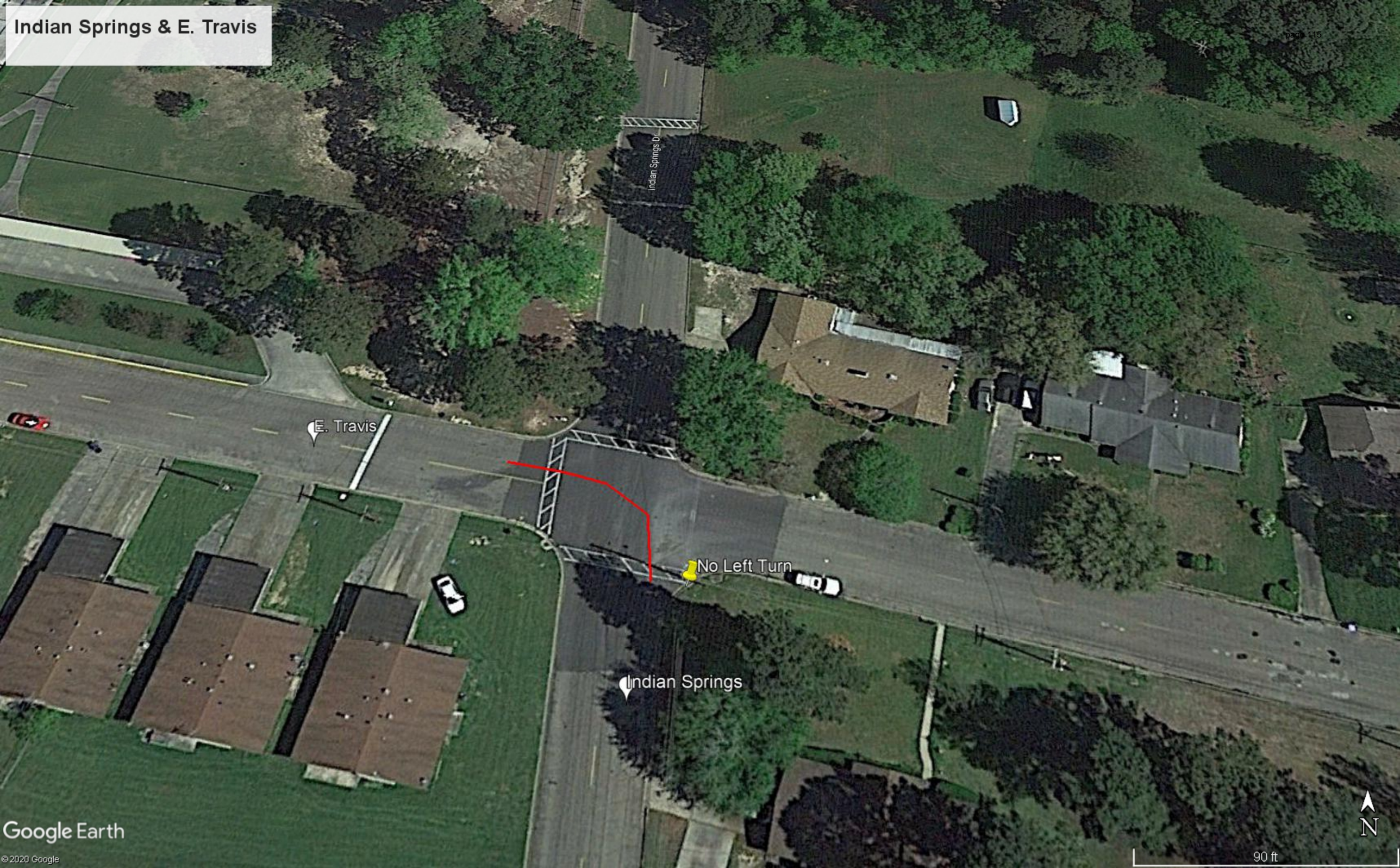
Indian Springs & E. Travis



ITEM 11

CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

ITEM 12

ADJOURNMENT