

Council Chambers, City Hall
401 South Alamo
Marshall, TX 75670
903-935-4421



Members
Amy Ware, District 4 - Mayor
Marvin Bonner, District 1
Leo Morris, District 2
Jennifer Truelove, District 3
Reba Godfrey, District 5
Amanda Abraham, District 6
Micah Fenton, District 7

PLEASE SILENCE ALL DEVICES
REGULAR CITY COUNCIL MEETING
January 25, 2024
6:00 PM

1. Call to Order and Roll Call

2. Invocation and Pledges

3. Citizen Comments

Texas Government Code, Sec. 551.007 requires that a governmental body must allow each member of the public who desires to address the body regarding an item on the agenda the opportunity to do so before or during the body's consideration of the item. The "Citizens Comments" portion of the meeting meets the requirements of this law and is the public's opportunity to speak on any item on the agenda. Those who wish to speak are requested to fill out a public comment form and will have three (3) minutes to speak unless additional time has been requested.

4. Items to be Withdrawn From Consent Agenda

5. Consent Agenda

The items on the Consent Agenda require little or no deliberation by the Council. 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 Councilmember 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 January 11, 2024 Regular Council meeting. (City Secretary)
- B. Consider approval of a contract with the Harrison County Elections Administrator for the May 4, 2024 Elections. (City Secretary)
- C. Acceptance of Project\Retainage Release - East End Lift Station Project. (Public Works)
- D. Consider approval of a resolution designating an official newspaper for the City of Marshall for fiscal year 2024. (City Secretary)

6. Consideration of Items Withdrawn From the Consent Agenda

7. Ordinance

- A. Consider approval of an Ordinance calling for a special election for the reauthorization of the local sales and use tax in the City of Marshall at the rate of one-eighth (1/8th) of one percent to continue providing revenue for maintenance and repair of municipal

streets. The tax expires on the fourth anniversary of the date of this election unless the imposition of the tax is reauthorized. (City Secretary)

8. Resolution

- A. Consider approval of a resolution ordering a General Election for City Councilmember Districts 1, 2, 3, and 4. (City Secretary)
- B. Consider approval of a resolution calling for a Joint Election Agreement with the Marshall Independent School District for the May 4, 2024 General Election. (City Secretary)
- C. Discuss and consider adoption of a resolution authorizing an application for financial assistance from the Texas Water Development Board for sewer system improvements. (Public Works)

9. City Manager Reports and Requests for City Council Consideration

- A. Consider approval of Hotel Occupancy Tax Grants for 2024. (Tourism & Economic Development)

10. Adjournment

Posted: January 22, 2024
5:00 PM
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 72-hour notice prior to the meeting. To make arrangements for these services, please call the City Secretary's Office at 903-935-4446.



TO: City Council
DATE: January 25, 2024
ITEM #: 5.A
SUBJECT: Consider approval of the minutes from the January 11, 2024 Regular Council meeting. (City Secretary)

Recommendation for Action: Consider approval of the minutes from the January 11, 2024 Regular Council meeting.

Executive Summary: Minutes from the Regular meeting held on January 11, 2024 .

Budget Cost: N/A

Staff Contact: Nikki Smith, City Secretary

Attachments: 1. 1-11-2024 minutes

Council Chambers, City Hall
401 South Alamo
Marshall, TX 75670
903-935-4421



Members
Amy Ware, District 4 - Mayor
Marvin Bonner, District 1
Leo Morris, District 2
Jennifer Truelove, District 3
Reba Godfrey, District 5
Amanda Abraham, District 6
Micah Fenton, District 7

MINUTES
PLEASE SILENCE ALL DEVICES
REGULAR CITY COUNCIL MEETING
January 11, 2024
6:00 PM

1. Call to Order and Roll Call

Mayor Amy Ware called the Regular meeting to order in the Council Chambers, City Hall at 06:00 PM.

PRESENT:

Mayor and Council Members:

Mayor Amy Ware
Councilmember Marvin Bonner
Councilmember Leo Morris
Councilmember Jennifer Truelove
Councilmember Reba Godfrey
Councilmember Amanda Abraham
Councilmember Micah Fenton

ADMINISTRATIVE STAFF PRESENT:

Terrell Smith, City Manager	Reggie Cooper, Fire Chief
Cliff Carruth, Police Chief	Dawn Jones, Finance Director
Eric Powell, Public Works Director	Scott Rectenwald, City Attorney
Christol Hall, HR/Civil Service Director	
Anna Lane, Community Services Director	
Randy Pritchard, Support Services Director	
Nikki Smith, City Secretary/Payroll Accountant	
Alex Agnor, Economic Development & Strategic Initiatives Director	

2. Invocation and Pledges

Mayor Ware

3. Presentations & Proclamations

- A. Presentation of the 2023 Employee of the Year.
Christol Hall, HR Director, highlighted the various employee engagement activities for 2023 and recognized Larry Nachmann, the 2023 Employee of the Year and thanked him for all that he does for the citizens of Marshall, Texas and his coworkers.

Pickleball Friends thanked Larry and Tamara for all of their help throughout the year.

4. Citizen Comments

Texas Government Code, Sec. 551.007 requires that a governmental body must allow each member of the public who desires to address the body regarding an item on the agenda the opportunity to do so before or during the body's consideration of the item. The "Citizens Comments" portion of the meeting meets the requirements of this law and is the public's opportunity to speak on any item on the agenda. Those who wish to speak are requested to fill out a public comment form and will have three (3) minutes to speak unless additional time has been requested.

There were no citizen comments.

5. Items to be Withdrawn From Consent Agenda

There were no items withdrawn from the Consent Agenda.

6. Consent Agenda

The items on the Consent Agenda require little or no deliberation by the Council. 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 Councilmember may remove items from the Consent Agenda by making such request prior to a motion and vote on the Consent Agenda.

Councilmember Bonner made a motion to approve the consent agenda.

Councilmember Fenton seconded the motion, which passed by a vote of 7:0.

- A. Consider approval of the minutes from the December 14, 2023 Regular Council meeting. (City Secretary)
- B. Consider approval of the Firefighters Retirement Contributions. (Finance)
- C. Consider approval of an amendment to the Personnel Policy. (Human Resources)
- D. Consider approval of a new jail contract with Harrison County. (Police)
- E. Consider approval of an ordinance of the City of Marshall, Texas amending Section 2A-4 of the Code of Ordinances relating to the sale of alcoholic beverages during Christmas and Easter by adopting the hours and days of sale permitted under Texas Alcoholic Beverage Code Chapter 105; providing repealing and severability clauses, and an effective date. (City Attorney)
- F. Consider approval of an ordinance of the City of Marshall repealing provisions of the Code of Ordinances relating to offenses and establishing a curfew for minor children. (City Attorney)

7. Consideration of Items Withdrawn From the Consent Agenda

There were no items withdrawn from the Consent Agenda.

8. Resolution

- A. Consider approval of a resolution executing a promissory note (the “Note”), payable to First Security Finance, Inc. (“Lender”) to enable the City (1) to finance water meters and related equipment, and (2) to pay costs of issuing the Note, all to be located within the boundaries of the City, in the maximum principal amount of \$14,127,800.34 and as security for the payment of the principal of and interest thereon, the City has agreed to pledge its ad valorem taxes.

Dawn Jones, Finance Director, stated Council previously approved the project and stated this resolution is to approve the financing. Dawn Jones asked for approval of a resolution executing a promissory note to finance water meters and related equipment and to pay costs of issuing the note. The total cost will be \$14,127, 800.34.

Councilmember Godfrey made a motion to approve a resolution executing a promissory note (the “Note”), payable to First Security Finance, Inc. (“Lender”) to enable the City (1) to finance water meters and related equipment, and (2) to pay costs of issuing the Note, all to be located within the boundaries of the City, in the maximum principal amount of \$14,127,800.34 and as security for the payment of the principal of and interest thereon, the City has agreed to pledge its ad valorem taxes. Councilmember Fenton seconded the motion, which passed by a vote of 7:0.

9. City Manager Reports and Requests for City Council Consideration

- A. Presentation of the City of Marshall audit report for the 2022 fiscal year. (Finance)
Dawn Jones stated Pattillo, Brown & Hill conducted the City of Marshall audit report for the 2022 fiscal year and provided a recap of the 2021 fiscal year audit.

John Manning, partner for Pattillo, Brown & Hill, LLP, provided an unmodified opinion of the 2022 fiscal year audit. John Manning stated there was one (1) issue with the audit; the timely reconciliation of the cash which was due to turnover in the Finance Department and system setting issues not being set to show individual transactions. The issue has been resolved.

Councilmembers asked questions and discussed.

- B. Collaborative discussion with The Uptown Agency on comprehensive branding strategies for the City of Marshall. (Economic Development & Strategic Initiatives)
This item was withdrawn.

- C. Consider award of contract - Perkins Plaza Grid Wall. (Public Works)
Eric Powell, Public Works Director, asked for approval to award a contract for the Perkins Plaza grid wall to C. E. Marler at a cost of \$65,770. The Notice to Proceed is set for February 5, 2024, with a 90 completion period.

Councilmembers asked questions and discussed.

Councilmember Fenton made a motion to award a contract for the Perkins Plaza Grid Wall to C. E. Marler at a cost of \$65,770. Councilmember Truelove seconded the motion, which passed by a vote of 7:0.

- D. Consider approval of an expenditure in excess of \$50,000 for network servers and related equipment. (Support Services)
Randy Pritchard, Support Services Director, asked for approval of an expenditure for the purchase of five network servers and related equipment at a cost of \$74,339.98, which includes a 5% contingency.

Councilmembers asked questions and discussed.

Councilmember Godfrey made a motion to approve an expenditure in excess of \$50,000 for network servers and related equipment. Councilmember Truelove seconded the motion, which passed by a vote of 7:0.

10. Executive Session

Councilmember Abraham made a motion to convene the Executive Session. Councilmember Fenton seconded the motion, which passed by a vote of 7:0. The time was 6:35 PM.

The Council reconvened from the Executive Session. The time was 7:11 PM.

- A. An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.074 Personnel Matters: Review of Municipal Court Judge candidate(s).

11. Adjournment

Councilmember Godfrey made a motion to adjourn. Councilmember Fenton seconded the motion, which passed by a vote of 7:0.

APPROVED:

Mayor of the City Council
of the City of Marshall, Texas

ATTEST:

City Secretary



TO: City Council
DATE: January 25, 2024
ITEM #: 5.B
SUBJECT: Consider approval of a contract with the Harrison County Elections Administrator for the May 4, 2024 Elections. (City Secretary)

Recommendation for Action: Requesting approval of a contract with the Harrison County Elections Administrator for the May 4, 2024 elections.

Executive Summary: Attached is the contract prepared by Donald Robinette, Harrison County Elections Administrator for the following May 4, 2024, City of Marshall elections:

- City Commissioners General Election for Districts 1, 2, 3, and 4
- Special Election reauthorizing the local sales and use tax for maintenance and repair of municipal streets

If Marshall ISD has no opposing candidates and cancels their May 4th election, sole (versus joint) contract costs will apply.

Budget Cost: \$10,210.46

Staff Contact: Nikki Smith, City Secretary

Attachments: 1. Election contract with H. County

HARRISON COUNTY ELECTIONS OFFICE

415 East Burleson, Marshall TX 75672 (P.O. Box 8409, Marshall, TX 75671)

Phone 903-935-4822

CONTRACT FOR THE PURPOSE OF CONDUCTING AN ELECTION

This contract is made this _____ day of January 2024 by the between the City of Marshall Texas, hereinafter called THE CITY, acting by and through Nikki Smith, City Secretary and Donald Robinette, Elections Administrator of Harrison County, Texas, hereinafter called the CONTRACTING OFFICER, pursuant to Texas Election Code sec.31.092 for the conducting and supervision of the:

Election for City council Members for Districts 1, 2, 3 and 4 and the

Special Election regarding 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,

To be held on Saturday May 4th 2024.

This contract is entered into in consideration of the mutual covenants and agreements hereinafter set out. It is agreed as follows:

- I. The contracting Officer, in connection with holding of said elections, shall assume the following responsibilities:
 - a. Appoint or shall be allowed to delegate the positions of Early Voting Clerk, Central Counting Station Manager, Tabulation Supervisor and Assistant Tabulation Supervisor, as provided for in Texas Election Code, Section 31.094 and 31.095.
 - b. The Harrison County Elections Office shall take responsibility for processing Early Voting Ballot by Mail requests.
 - c. Procure and distribute election supplies, including the preparation of election kits and the printing and distribution of ballots for both Early Voting and Election Day.
 - d. Procure, arrange for the programming and distribution of all election equipment. This includes the use of HAVA mandated electronic equipment purchased from HART Inter Civic. The new equipment is the HART VERITY DUO system, allowing for both paper and electronic voting.
 - e. Arrange for the publication of a notice for the date, time and place of the Public Logic and Accuracy Test of the election equipment, and oversee said test.
 - f. Post notice of the date, time and place of a school of instruction for election judges and clerks, and conduct said school of instruction.
 - g. Arrange for the programming and testing materials to be used to test the voting equipment.
 - h. Arrange for the handling and distribution of election returns, preparation of the tabulation for the official canvass, and will if needed, arrange for the manual validation as required in the Texas Election Code, Section 127.201.
 - i. In accordance with Section 31.098 of the Texas Election Code, the Contracting Officer is authorized to contract with third-parties for election services and supplies. The cost of such third-party services is to be the responsibility of the City.

- j. Arrange for the programming of the voting system based on the information provided by the City. This information shall include the correct spelling of all candidates' names, the office sought, order of names on the ballot and the English and Spanish translation of the office. The City shall pay for the cost of such programming.
 - k. Provide sufficient time for the City to review the ballot before it is finalized.
 - l. Arrange for the counting of votes registered on the electronic units in accordance with Chapter 127 of the Texas Election Code.
 - m. Submit precinct by precinct reports to the Texas Secretary of State's office of all election returns for said election. If the election is not a precinct based election, then will submit whatever appropriate records are created to the SOS.
 - n. After completion of the unofficial tabulation of (precinct) results, the Harrison County Elections Office shall distribute the election records to the City, except for those records that must be distributed to the Voter Registrar, in accordance with Section 66.051 of the Texas Election Code. The Harrison County Elections Office is hereby appointed the custodian of ballots cast on the HART Verity Duo voting system consisting of the backup, and preservation of records in accordance with Chapter 66 of the Texas Election Code and other applicable law. The HCEO shall also maintain custody of the records pertaining to the operation of the HART Verity Duo voting system. Said records and election documents will be destroyed after the retention period of 22 months from Election Day, which is mandated by Texas Election Law unless the City notifies the HCEO in writing of their desire to collect said election records and or documents. This written notice must be received by the HCEO no later than five business days before the date to destroy said records and or documents.
 - o. The Contracting Officer shall tabulate the votes registered on the electronic units in accordance with Chapter 127 of the Texas Election Code, supervise the handling and distribution of election returns, voted ballots, all other paperwork, tabulate unofficial returns, assist in preparing the tabulation for the official canvass and certify the election results for the representatives of the City.
- II. The CITY, in connection with holding the Council Member elections and Special Tax Renewal Election to be held on Saturday May 4th, 2024 shall assume the following responsibilities and shall directly bear any attendant costs for the same:
- a. Approve the appointment of the Election Day Judges and Clerks, as well as the Early Voting Ballot Board and Central Counting Station Judges and Clerks to be used in said elections.
 - b. Shall pay for any and all expenses involved with Early Voting Ballot by Mail requests for said elections.
 - c. The use of HCEO Poll pads and MIFI/cellular equipment to qualify voters by personal appearance during Early Voting and on Election Day.
 - d. The use of HCEO Hart Verity Duo voting equipment to process and tally all voted ballots for said elections.
 - e. Preparation of all election orders, resolutions, notices and other pertinent documents for adoption or execution.
 - f. Posting or publication of election notices.
 - g. The printing costs of any and all related materials for all ballots, whether for Early Voting or for Election Day voting. Also costs of election kits.

- h. In the event of equipment failure, the City will share in the expense for the necessary personnel for the purpose of hand counting all ballots cast in said election.
- i. Pay an administrative fee not to exceed ten percent of the total amount of the contract to the HCEO, said payment to be deposited to the special Election Contracts Fund of Harrison County.
- j. Take all action necessary under law for calling the election, canvassing the returns and declaring the results.
- k. Deliver to the HCEO as soon as possible, but not later than the 45th day before the election, the candidates that are to be printed on the ballot with the exact form, wording, spelling and Spanish translation that is to be used on the official ballot.
- l. Provide the services necessary to translate any election documents into Spanish.
- m. Pay the cost of conducting said elections within thirty days from the date of billing. The cost will be determined by the actual cost schedule submitted with billing.

III. GENERAL CONDITIONS

- a. A total of one Early Voting location, for the purpose of Early Voting by personal appearance on the City ballot initiatives, will be used for this/these elections:

The Harrison County Elections Office, 415 East Burleson, Marshall TX 75672

April 22nd through April 26th from 8:00 AM to 5:00 PM and

April 29th and 30th from 7:00 AM to 7:00 PM.
- b. A total of one Election Day voting location for voting by personal appearance on the City initiatives on Saturday May 4th, 2024 is the

Marshall Convention Center from 7:00 AM to 7:00PM.
- c. The City agrees to save and hold harmless the HCEO Administrator and the Harrison County Elections Office from any and all claims made arising out of the failure or omission of the City to perform their obligations under this contract.
- d. The HCEO Administrator and the HCEO agrees to save and hold harmless the City from any and all claims made arising out of the failure or omission of the Administrator or the County Elections Office to perform their obligations under this contract.
- e. Should a lawsuit be filed as a result of this election, The City agrees to provide (including the authority to select) and pay the legal fees and any associated costs of a defense by competent legal counsel and representation for the Harrison County Elections Administrator and Harrison County Elections Office personnel. Nothing in this agreement shall be construed as a waiver of any immunity or defense to which the City is entitled under statutory, constitutional or common law.
- f. In the event of a recount, the City agrees to pay any expenses incurred by the Elections Office not covered by the charges assessed to that person requesting the recount. This would include, but not be limited to, the overtime of any county personnel required to work beyond their regular office hours in order to conduct said recount of this election.
- g. Force Majeure Clause: Unless otherwise agreed in the contract between the parties, where a party fails to perform one or more of its contractual duties, the consequences set out in this clause will follow if and to the extent that the party establishes that (a) it's

failure to perform was caused by an impediment beyond its reasonable control and (b) that it could not reasonably have avoided or overcome the effects of the impediment. This provision shall become effective only if the party failing to perform notifies the other party within a reasonable time of the extent and nature of the Force Majeure event, limits delay in performance to that required by the event and takes all reasonable steps to minimize damages and resume performance.

One of more of the following impediments would invoke this clause: war, armed conflicts or the serious threat thereof, hostilities, invasion, act of a foreign enemy, extensive military mobilization, civil war, riot, rebellion, revolution, military or usurped power, insurrection, civil commotion or disorder, mob violence, act of civil disobedience, act of terrorism, sabotage or piracy;

Plague, epidemic, pandemic, outbreaks of infectious disease or any other public health crisis, including quarantine, social distancing, isolation or other order, rule, regulation or direction, curfew restriction, expropriation, compulsory acquisition, seizure of works, requisition, nationalization;

Act of God or natural disaster such as but not limited to violent storm, cyclone, typhoon, hurricane, tornado, earthquake, landslide, flood, damage or destruction by lightning, drought;

Explosion, fire destruction of machines, equipment and of any kind of installation, prolonged breakdown of transport, telecommunication or electric current; shortage or inability to obtain critical material or supplies to the extent not subject to the reasonable control of the subject party ("force majeure event").

- h. The Harrison County Elections Office will take the necessary precautions toward protecting the public my means of sanitizing, providing sneeze shields, PPE for workers, and a limited amount of PPE for the public, provided that CDC guidelines are still in place at the time of the election.
- IV. The Contracting Officer shall keep the original signed contract onsite at the Elections Office and will file copies with the County Treasurer and Auditor. The City shall maintain a copy of the contract at is central office.
- V. Damage to Voting Equipment: The City recognizes and acknowledges responsibility for any actual expenses for repairs and or replacement for any damage or loss of equipment that occurs while the equipment is onsite for this/these elections and that is not covered under the warranty by HART Inter Civic.
- VI. The City acknowledges that the following local political subdivisions located wholly or partly within Harrison County will be holding an election at the same time as the City on the 4th of May 2024, unless one or more of such local political subdivisions cancels its election in accordance with Section 2.053 of the TEC: possibly, City of Scottsville, no other known as of today's date.
- VII. The City does hereby agree to hold a Joint Election under Section 271.002 of the TEC with the other local political subdivision listed above to the extent possible, that is also holding an election on the 4th of May 2024 in all or part of the same territory and to execute with such other local political subdivision a Joint Election Agreement. In the event of such a Joint Election, the City does hereby agree to share in the expenses **common to all contracting parties**. It is also

agreed that both parties/cities/entities consent to use the same early voting location and the services of the election clerks assigned. If separate cities, then Election Day polling places will also be separate.

The Contracting Officer agrees to charge only once for the use of voting equipment at a shared polling location. Charges will be divided proportionally based upon the number of voters who turn out to vote at the shared location, especially for early voting, (Election Day may necessitate separate polling locations, not shared.)

VIII. If one city/entity cancels its election pursuant to section 2.053 of the TEC, the other city/entity shall not be responsible for any expenses involved with or incurred by the other city/entity. If one cancels, the other is still responsible for any and all expense involved with the holding of their election.

IX. THIS CONTRACT IS MADE AND PERFORMED IN HARRISON COUNTY TEXAS.

Signed this _____ day of January 2024

Mayor _____

Secretary _____

EA _____

Seal of the Harrison County Elections Office, Donald Robinette, Administrator

Estimate of Costs to Conduct this Election:			
Ballot Production Services			\$500.00
Shipping ballot paper			\$50.00
Configuration and Testing			\$200.00
Poll book Programming Testing			\$200.00
Ballot by Mail, 100 @ \$3. each			\$300.00
MNM publish Logic Accuracy Test			\$125.00
Election kit supplies			\$55.00
Rental of Poll Books			\$400.00
Rental of Voting Machines:			
EV 1 controller 1 scanner 7 duo			\$900.00
ED 1 controller 1 scanner 5 duo			\$700.00
MIFI/Cellular connections			\$150.00
Transportation of equipment			\$50.00
EARLY voting clerks:			
Four at \$10.00 per hour: 50 hrs week 1			\$2,200.00
Week two, 2 days at 14 hours			\$1,120.00
Election Day Workers: 1 judge, 1 alternate, 2 clerks		J	\$168.00
Judge at \$12.00 Alternate at \$11. clerks at \$10.00		A	\$154.00
	based on 14 hour day	C	\$280.00
Early Voting Ballot Board up to 5 members 8 hrs each		J	\$96.00
Judge at \$12.00 Alternate at \$11. clerks at \$10.00		A	\$88.00
		C	\$240.00
Late & Provisional Ballot Board up to 3 members 4 hours each			\$132.00
Overtime of Election Staff, based on 16 hour Election Day			
employee at \$26.60 OT rate			\$425.60
employee at \$23.81 OT rate			\$380.96
employee at \$22.98 OT rate			\$367.68
	Sub-Total		\$9,282.24
	10% Administrative Fee		\$928.22
	Grand Total		\$10,210.46



TO: City Council
DATE: January 25, 2024
ITEM #: 5.C
SUBJECT: Acceptance of Project\Retainage Release - East
End Lift Station Project. (Public Works)

Recommendation for Action: Approval of Change Order #1 and Acceptance of project\retainage release

Executive Summary: This project is now complete, all items on the punchlist have been satisfied and the consulting engineer, SPI, is recommending accepting the project and releasing the retainage.

There is a change order approval as part of this project acceptance action which effectively reduces the overall project cost by \$53,187.58.

Budget Cost: \$66,327.99

Staff Contact: Eric Powell, PE Director of Public Works and Utilities

Attachments:

1. Certificate of Substantial Completion
2. Change Order
3. COCC
4. Final Pay App Recommendation 1-4-24

CERTIFICATE OF SUBSTANTIAL COMPLETION

Owner: City of Marshall	Owner's Contract No.:	
Contractor: Wicker Construction, Inc.	Contractor's Project No.:	
Engineer: Schaumburg & Polk, Inc.	Engineer's Project No.:	931202.00
Project: East End Lift Station	Contract Name:	

This [preliminary] [final] Certificate of Substantial Completion applies to:

☒ All Work ☐ The following specified portions of the Work:

1-04-2024

Date of Substantial Completion

The Work to which this Certificate applies has been inspected by authorized representatives of Owner, Contractor, and Engineer, and found to be substantially complete. The Date of Substantial Completion of the Work or portion thereof designated above is hereby established, subject to the provisions of the Contract pertaining to Substantial Completion. The date of Substantial Completion in the final Certificate of Substantial Completion marks the commencement of the contractual correction period and applicable warranties required by the Contract.

A punch list of items to be completed or corrected is attached to this Certificate. This list may not be all-inclusive, and the failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract.

The responsibilities between Owner and Contractor for security, operation, safety, maintenance, heat, utilities, insurance, and warranties upon Owner's use or occupancy of the Work shall be as provided in the Contract, except as amended as follows: *[Note: Amendments of contractual responsibilities recorded in this Certificate should be the product of mutual agreement of Owner and Contractor; see Paragraph 15.03.D of the General Conditions.]*

Amendments to Owner's responsibilities:

☒ None
☐ As follows

Amendments to Contractor's responsibilities:

☒ None
☐ As follows:

The following documents are attached to and made a part of this Certificate: *[punch list; others]*

This Certificate does not constitute an acceptance of Work not in accordance with the Contract Documents, nor is it a release of Contractor's obligation to complete the Work in accordance with the Contract.

EXECUTED BY ENGINEER:		RECEIVED:		RECEIVED:	
By: <u><i>William A. Olson</i></u>	By: _____	By: <u><i>James D. Tamm</i></u>			
(Authorized signature)	Owner (Authorized Signature)	Contractor (Authorized Signature)			
Title: <u>Staff Engineer</u>	Title: _____	Title: <u>Vice President</u>			
Date: <u>1-4-24</u>	Date: _____	Date: <u>1/4/2024</u>			

CHANGE ORDER #2

Owner		Project	Date	
City of Marshall 605 East End BLVD Marshall TX 75670		ARPA – East End Lift Station	January 4 th , 2024	
Contractor		Engineer	Change Order	
Wicker Construction, Inc. james@wickerinc.com (318) 207-2718		Schaumburg & Polk Inc. 320 S. Broadway, Suite 200 Tyler, TX 75702 (903) 595-3913	No. 2	
Item No.	Description of Changes-Quantities, Units, Unit Prices, Change in Completion Scheduled, Etc.	Decrease in Contract Price	Increase in Contract Price	Change in Contract times
C3	Item No. 2 – “OSHA Compliant Trench Safety” Reduce Quantity (1,829 LF – 1,808 LF = 21 LF). – Partially Used	\$42.00	\$0.00	
C4	Item No. 7 – “Surface Water Management” Remove Bid Item from Project. - Unused	\$250.00	\$0.00	
C4	Item No. 8 – “Design Installation and Operation of Well Point System or Other Approved Method of Ground Water Control” Remove Bid Item from Project. - Unused	\$2,500.00	\$0.00	
C5	Item No. 9 – “Replacement of Embedment” Reduce quantity (100 CY – 88.26 CY = 11.74 CY). - Partially Used	\$587.00	\$0.00	
C6	Item No. 10 – “Replacement of Backfill Material” Remove Bid Item from Project. Unused	\$2,500.00	\$0.00	
C7	Item No. 11 – “24-in F679 PS 46 PVC Sewer Line” Reduce quantity (1,939 LF – 1,918 LF = 21 LF). - Partially Used	\$3,339.00	\$0.00	
	Item No. 20 – “TV Inspection of Completed Sanitary Sewer Line” Reduce Quantity (1,939 LF – 1,318 LF = 21 LF). – Partially Used	\$84.00	\$0.00	
C8	Item No. 22 – “Owner's Allowance for Materials Testing” Remove Bid Item from Project. - Unused	\$10,000.00	\$0.00	
C9	Item No. 23 – “Owners Allowance for Field Changes” Field Changes No. 2 and No. 3. (\$75,000.00 - \$41,114.42 = \$33,885.58)	\$33,885.58	\$0.00	
		\$53,187.58	\$0.00	(+0 Days)

Original Contract Amount =	\$ 598,573.50
Net Previous Change Orders =	\$ 0.00
This Change Order Amount =	\$ -53,187.58
New Contract Amount =	\$ 545,385.92

Original Contract End Date =	02/05/2024
Net Previous Change Orders =	0 days
This Change Order Amount =	0 days
Revised Contract End Date =	02/05/2024



By: Christopher Olsen
ENGINEER

Date: 1-4-23

By: _____
OWNER

Date: _____

By: James S. Jansen
CONTRACTOR

Date: 1/4/2024

A709

Certificate of Construction Completion (COCC)

(Submit one for each Prime Construction Contract)

Grant Recipient: Wicker Construction, Inc.

ARPA Contract No: _____

This is to certify that a final inspection of the project described below was conducted on the 15th day of December, 2023. Contract was entered into on the 27th day of July, 2023 between the city/county of Marshall and Wicker Construction, Inc. for the construction of East End Lift Station.

This is to further certify that:

1. The work has been completed in accordance with the plans and specifications and all amendments, change orders and supplemental agreements thereto.

2. The sum of \$ 0.00, has been deducted from the final payment to the Contractor in accordance with any contract liquidated damages requirements, separate from any liquidated damages resulting from Davis-Bacon compliance.

3. All programmatic requirements have been met, all claims and disputes have been settled, all warranties have been received, and all liens have been released.

4. The Contractor has presented on behalf of itself and its sureties, satisfactory evidence that he or she will repair, replace and rectify any faulty workmanship and/or materials discovered in the work within a period of 24 months from this date, as provided in the Contract.

5. All bills for materials, apparatus, fixtures, machinery, labor, and equipment used in connection with the construction of this project have been fully paid.

6.	Amount of Original Contract	\$ <u>598,573.50</u>
	Cumulative Change Orders	\$ <u>-53,187.58</u>
	Final Amount of Contract	\$ <u>545,385.92</u>
	Less Previous Payments	\$ <u>479,057.92</u>
	Less Deductions (from #2 above)	\$ <u>0.00</u>
	FINAL PAYMENT (Balance)	\$ <u>66,327.99</u>

7. The Final Payment above is now due and payable.

Certified by the following Engineer, Contractor, and Chief Elected Official/Designee:

Christopher Oshin

Engineer

Staff Engineer

Title

SPI

Firm

James D. Johnson

Contractor

Vice President

Title

Wicker Construction, Inc.

Firm

Chief Elected Official/Designee

Title

City / County

10/01/2015

Mr. Eric Powell, P.E.
Public Works Director
605 East End Blvd. South,
Marshall, TX 75670

Re: East End Lift Station
Pay Request No. 4

Dear Mr. Powell,

Please find enclosed Estimate No. 4 for the retainage balance on the above referenced project.

Schaumburg & Polk, Inc. has reviewed the estimate and conducted site visits to verify punchlist items identified in the final walkthrough were completed. Our reviews indicate that the work in the final Pay Request has been completed. We recommend payment directly to Wicker Construction, Inc. in the amount of **\$66,327.99**.

Sincerely,
SCHAUMBURG & POLK, INC.



Jeremy Buechter, P.E.
Executive-Vice President

Enclosure

RECOMMENDATION OF PAYMENT

ENGINEER's Project No. 931202.00Project East End Lift StationCONTRACTOR Wicker Construction, Inc.Contract For Lift Station ImprovementsContract Date July 27, 2023Application Date 12-21-2023Application Amount \$66,327.99For Period Ending 12-25-2023To City of Marshall, TX
OWNER

Attached hereto is the CONTRACTOR's Application for Payment for Work accomplished under the Contract through the date indicated above. The Application meets the requirements of the Contract Documents and includes the CONTRACTOR's Certificate stating that all previous payments to him under the Contract have been applied by him to discharge in full all of his obligations in connection with the Work covered by all prior Applications for Payments.

In accordance with the Contract the undersigned recommends payment to the CONTRACTOR of the amount due as shown below.

Schaumburg & Polk, Inc.

ENGINEER

Dated December 4, 2023By STATEMENT OF WORK

Original Contract Price	\$ <u>598,573.50</u>	Work to Date	\$ <u>545,385.92</u>
Net Change Orders	\$ <u>-53,187.58</u>	Amount Retained	\$ <u>0.00</u>
Current Contract Price	\$ <u>545,385.92</u>	Subtotal	\$ <u>545,385.92</u>
		Previous Payments Recommended	\$ <u>479,057.93</u>
		Amount Due this Payment	\$ <u>66,327.99</u>

Owner: City of Marshall, TX
 Project: East End Lift Station
 Project No. 931202.00

Pay App No: PAY APP NUMBER: 4
 From: 11/26/2023 - 12/25/2023

Contractor: Wicker Construction, Inc.
 P.O. Box 6765 Shreveport, LA 71136
 (318) 207-2718

Original Contract Amount: \$508,573.50
 Revised Contract Amount: \$545,385.92
 Contract Date: July 27, 2023
 Project Start Date (NTP): August 9, 2023
 Est. Completion Date (180 days): February 5, 2024
 Total Rain Days Approved: 0
 Revised Completion Date: February 5, 2024

Item No.	Description	Bid Qty.	Unit	Quantity Complete Request #1	Work Complete Request #1	Quantity Complete Request #2	Work Complete Request #2	Quantity Complete Request #3	Work Complete Request #3	Quantity Complete Request #4	Work Complete Request #4	Total Work Completed	Contract Unit Bid Price	Total Contract Amount	Total Work Complete
BASE BID ITEMS															
1	Contractor Mobilization/Bonding/Insurance	1	LS	0.25	\$ 7,462.50	0.5	\$ 14,925.00	0.25	\$ 7,462.50		\$ -	1.0 100%	\$ 29,850.00	\$ 29,850.00	\$ 29,850.00
2	OSHA Compliant Trench Safety	1,829	LF		\$ -	1793	\$ 3,586.00	15	\$ 30.00		\$ -	1808.0 99%	\$ 2.00	\$ 3,658.00	\$ 3,616.00
3	Construction Staking & Utilities Locates	1	LS	1	\$ 5,000.00		\$ -		\$ -		\$ -	1.0 100%	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
4	Erosion Control	1	LS		\$ -	0.25	\$ 300.00	0.75	\$ 900.00		\$ -	1.0 100%	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00
5	Pre-Construction Location & Confirmation of Existing Utilities	1	LS	1	\$ 1,500.00		\$ -		\$ -		\$ -	1.0 100%	\$ 1,500.00	\$ 1,500.00	\$ 1,500.00
6	Bypass Pumping	1	LS		\$ -		\$ -	1	\$ 1,000.00		\$ -	1.0 100%	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
7	Surface Water Management	5	STA		\$ -		\$ -		\$ -		\$ -	0.0 0%	\$ 50.00	\$ 250.00	\$ -
8	Design Installation and Operation of Well Point System or Other Approved Method of Ground Water Control	5	STA		\$ -		\$ -		\$ -		\$ -	0.0 0%	\$ 500.00	\$ 2,500.00	\$ -
9	Replacement of Embedment	100	CY		\$ -	44.92	\$ 2,246.00	43.34	\$ 2,167.00		\$ -	88.3 88%	\$ 50.00	\$ 5,000.00	\$ 4,413.00
10	Replacement of Backfill Material	500	CY		\$ -		\$ -		\$ -		\$ -	0.0 0%	\$ 5.00	\$ 2,500.00	\$ -
11	24-in F679 PS 46 PVC Sewer Line	1,939	LF		\$ -	1903	\$ 302,577.00	15	\$ 2,385.00		\$ -	1918.0 99%	\$ 159.00	\$ 308,301.00	\$ 304,962.00
12	32-in Steel Encasement by Open Cut	110	LF		\$ -	110	\$ 33,550.00		\$ -		\$ -	110.0 100%	\$ 305.00	\$ 33,550.00	\$ 33,550.00
13	New 6-ft Diameter Concrete Doghouse Manhole	1	EA		\$ -	1	\$ 10,565.00		\$ -		\$ -	1.0 100%	\$ 10,565.00	\$ 10,565.00	\$ 10,565.00
14	New 6-ft Diameter Concrete Manhole with Flat Top Riser	8	EA		\$ -	6	\$ 57,900.00	2	\$ 19,300.00		\$ -	8.0 100%	\$ 9,650.00	\$ 77,200.00	\$ 77,200.00
15	Connect to Existing Sanitary Sewer Line	2	EA		\$ -	1	\$ 750.00	1	\$ 750.00		\$ -	2.0 100%	\$ 750.00	\$ 1,500.00	\$ 1,500.00
16	Cut, Plug, and abandon Existing Sanitary Sewer Line	2	EA		\$ -		\$ -	2	\$ 1,000.00		\$ -	2.0 100%	\$ 500.00	\$ 1,000.00	\$ 1,000.00
17	Hydromulch	8,618	SY		\$ -		\$ -	8618	\$ 6,463.50		\$ -	8618.0 100%	\$ 0.75	\$ 6,463.50	\$ 6,463.50
18	Clearing and Grubbing	2	AC	2	\$ 9,000.00		\$ -		\$ -		\$ -	2.0 100%	\$ 4,500.00	\$ 9,000.00	\$ 9,000.00
19	Open Cut and Repair Gravel Pavement	12	SY		\$ -	12	\$ 780.00		\$ -		\$ -	12.0 100%	\$ 65.00	\$ 780.00	\$ 780.00
20	TV Inspection of Completed Sanitary Sewer Line	1,939	LF		\$ -		\$ -	1918	\$ 7,672.00		\$ -	1918.0 99%	\$ 4.00	\$ 7,756.00	\$ 7,672.00
21	Decommission Existing Lift Station	1	LS		\$ -		\$ -	1	\$ 5,000.00		\$ -	1.0 100%	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
22	Owner's Allowance for Materials Testing	1	LS		\$ -		\$ -		\$ -		\$ -	0.0 0%	\$ 10,000.00	\$ 10,000.00	\$ -
23	Owner's Allowance for Field Changes	1	LS		\$ -		\$ -	0.092864	\$ 6,964.81	0.455328	\$ 34,149.61	0.5 55%	\$ 75,000.00	\$ 75,000.00	\$ 41,114.42
CHANGE ORDER & FIELD CHANGES															
CO1	Not Completed			1			\$ -		\$ -		\$ -	1.0		\$ -	\$ -
CO2	Install 70' of 4" sewer Service to New Manhole including Cleanout - Paid in Owners Allowance				\$ -		\$ -	1	\$ (3,050.59)		\$ -		\$ (3,050.59)	\$ -	\$ -
CO3	Install Concrete at Creek Crossing Embankments - Paid in Owners Allowance				\$ -		\$ -	1	\$ (3,914.22)		\$ -		\$ (3,914.22)	\$ -	\$ -
CO4	Install Creek Crossing and Riprap - Paid in Owners Allowance				\$ -		\$ -			1	\$ (34,149.61)		\$ (34,149.61)	\$ -	\$ -

Rain Days Requested This Period: 0

Total Amount Due: \$ 545,385.92

Prepared and Submitted for:
 City of Marshall

Materials/Receipts on Hand:
 Less Amt. Retained (5%):

Submitted for Contractor by:

Less Previous Payments/Invoices: \$ 479,057.92

By:

Amount Due This Request: \$ 66,327.99

Date:

Approved for Owner by:

Approved for Engineer by:

By:

By:

Date:

Date:



P.O. BOX 6765
SHREVEPORT, LA. 71136

PROJECT NAME: City of Marshall, TX--ARPA East End Lift Station Improvements

FINAL
ESTIMATE NO.: FOUR

ESTIMATE PERIOD: 10/25/2023 TO: 12/21/2023

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT PRICE	THIS PERIOD QTY.	TOTAL	TO DATE QTY.	TOTAL
1	MOBILIZATION, BONDS & INSURANCE	1.00	\$ 29,850.00		0.00	1	29,850.00
2	OSHA COMPLIANT TRENCH SAFETY	1,829.00	\$ 2.00		0.00	1808	3,616.00
3	CONSTRUCTION STAKING AND UTILITIES LOCATES	1.00	\$ 5,000.00		0.00	1	5,000.00
4	EROSION CONTROL SWP3, NOI & NOT PRECONSTRUCTION LOCATION AND	1.00	\$ 1,200.00		0.00	1	1,200.00
5	CONFIRMATION OF EXISTING UTILITIES	1.00	\$ 1,500.00		0.00	1	1,500.00
6	BYPASS PUMPING	1.00	\$ 1,000.00		0.00	1	1,000.00
7	SURFACE WATER MANAGEMENT ENGINEER APPROVAL	5.00	\$ 50.00		0.00		0.00
8	DESIGN INSTALLATION AND OPERATION OF WELL POINT SYSTEM OR OTHER APPROVED METHOD OF GROUND WATER CONTROL ENGINEER APPROVAL	5.00	\$ 500.00		0.00		0.00
9	REPLACEMENT OF EMBEDMENT(FOUNDATION EMBEDMENT) ENGINEER APPROVAL	100.00	\$ 50.00		0.00	88.26	4,413.00
10	REPLACEMENT OF BACKFILL MATERIAL (UNSUITABLE BACFILL) ENGINEER APPROVAL	500.00	\$ 5.00		0.00		0.00
11	24" PS46 SEWER LINE	1,939.00	\$ 159.00		0.00	1918	304,962.00
12	32" STEEL CASING BY OPEN CUT	110.00	\$ 305.00		0.00	110	33,550.00
13	6FT DIA. DOGHOUSE MANHOLE	1.00	\$ 10,565.00		0.00	1	10,565.00
14	6FT DIA. MANHOLE WITH FLAT TOP	8.00	\$ 9,650.00		0.00	8	77,200.00
15	CONNECT TO EXISTING SEWER LINE	2.00	\$ 750.00		0.00	2	1,500.00
16	CUT, PLUG & ABANDON EXISTING SEWER LINE	2.00	\$ 500.00		0.00	2	1,000.00
17	HYDROMULCH	8,618.00	\$ 0.75		0.00	8618	6,463.50
18	CLEARING AND GRUBBING	2.00	\$ 4,500.00		0.00	2	9,000.00
19	OPEN CUT AND REPAIR GRAVEL PAVEMENT	12.00	\$ 65.00		0.00	12	780.00
20	CCTV OF SEWER MAIN	1,939.00	\$ 4.00		0.00	1918	7,672.00
21	DECOMMISSION EXISTING LIFT STATION	1.00	\$ 5,000.00		0.00	1	5,000.00
22	OWNERS ALLOWANCE FOR MATERIAL TESTING	1.00	\$ 10,000.00		0.00		0.00
23	OWNERS ALLOWANCE FOR FIELD CHANGES	1.00	\$ 75,000.00		0.00		0.00
New 1	Install 4" of 3,000 psi Concrete-4' wide by 50' long on top of PVC Sewer Main Per Kinder Morgan Requirements	1.00	2545.17	N/A	0.00	N/A	0.00
New 2	Install 4" Sewer Service from Existing Lift Station to New Manhole	1.00	3050.59	1	3,050.59	1	3,050.59
New 3	Install Concrete around Steel Casing at Creek Crossing to protect bank from eroding	1.00	3914.22	1	3,914.22	1	3,914.22
New 4	Install 2 ea hc piers and Rip/Rap 70 ft long on both embankment of creek	1.00	34149.61	1	34,149.61	1	34,149.61
					0.00		0.00

PREPARED BY: James S. Farnsworth
DATE: 12/21/2023

PERCENT COMPLETE: 100%

APPROVED BY: _____

APPROVED BY: _____

TOTAL WORK COMPLETE 545,385.92
MATERIAL ON HAND 0.00

SUBTOTAL 545,385.92
RETAINAGE 0 0.00
LESS PREVIOUS PAYMENTS 479,057.93

TOTAL AMOUNT DUE \$66,327.99

Original Contract Price \$ 598,573.50
Change Order No. 1 \$ -
Change Order No. 2 \$ -

New Contract Price \$ 598,573.50



TO: City Council
DATE: January 25, 2024
ITEM #: 5.D
SUBJECT: Consider approval of a resolution designating an official newspaper for the City of Marshall for fiscal year 2024. (City Secretary)

Recommendation for Action: Requesting approval of the resolution.

Executive Summary: The City of Marshall, Texas is required annually to designate the official newspaper of said city to be in compliance with Section 52.004 of the Texas Local Government Code.

Budget Cost: N/A

Staff Contact: Nikki Smith, City Secretary

Attachments: 1. R-24-XX Newspaper Designation

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARSHALL, TEXAS,
DESIGNATING AN OFFICIAL NEWSPAPER FOR THE CITY OF MARSHALL FOR
FISCAL YEAR 2024.**

WHEREAS, in accordance with Section 52.004 of the Texas Local Government Code, the City of Marshall, Texas is required annually to designate the official newspaper of said city; and

WHEREAS, the City Council finds that the MARSHALL NEWS MESSENGER is a public newspaper of general circulation qualified under Section 52.004 of the Local Government Code.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marshall, Texas designate the Marshall News Messenger, whose physical address is 309 East Austin Street, Marshall, Texas as the official newspaper of the City of Marshall, Texas for fiscal year ending December 31, 2024.

PASSED, APPROVED AND ADOPTED this 25th day of January 2024.

Mayor of the City Council
of the City of Marshall, Texas

ATTEST:

Nikki Smith, City Secretary



TO: City Council
DATE: January 25, 2024
ITEM #: 7.A
SUBJECT: Consider approval of an Ordinance calling for a special election for the reauthorization of the local sales and use tax in the City of Marshall at the rate of one-eighth (1/8th) of one percent to continue providing revenue for maintenance and repair of municipal streets. The tax expires on the fourth anniversary of the date of this election unless the imposition of the tax is reauthorized. (City Secretary)

Recommendation for Action: Requesting approval of an ordinance calling for an election for the reauthorization of the local sales and use tax in the City of Marshall at the rate of one-eighth (1/8th) of one percent to continue providing revenue for maintenance and repair of municipal streets.

Executive Summary: Attached is an ordinance calling for a Special Election to be held in the City of Marshall, Texas to submit to the qualified voters of the City 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; making provisions for the conduct of the election and providing for other matters related thereto.

Budget Cost: N/A

Staff Contact: Nikki Smith, City Secretary

Attachments:

1. O-24-XX Election reauthorize sales tax -2024
2. O-24-XX Election reauthorize sales tax Spanish

O-24-____
ORDINANCE

ORDER AND NOTICE OF CITY SPECIAL ELECTION TO BE HELD IN THE CITY OF MARSHALL, TEXAS TO SUBMIT TO THE QUALIFIED VOTERS OF THE CITY 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; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND PROVIDING FOR OTHER MATTERS RELATED THERETO.

WHEREAS, in 2012, pursuant to Chapter 327 of the Texas Tax Code, the voters of the City of Marshall approved an local sales tax rate of one-eighth of one-percent for street maintenance and repair; and

WHEREAS, Section 327.007 of the Texas Tax Code requires that such tax be reauthorized by the voters every four (4) years; and,

WHEREAS, the City Council deems it in the best interest of the City to call a special election 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, the special election is to be submitted to the qualified voters of the City at a special election to be held in the City in conjunction with the City's other elections on Saturday, May 4, 2024 and the City will establish the voting procedures and places by Ordinance as is required by the Texas Election Code; and,

WHEREAS, in accordance with the requirements of the Texas Tax Code, the combined rate of all local sales and use taxes imposed by the City and other political subdivisions having territory in the City will not exceed two (2) percent; and

WHEREAS, the City Council finds that the special election proposition shall be to reauthorize a one-eighth of one percent sales and use tax for street maintenance for the four year period beginning on January 1, 2025;

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

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

Section 2. A special election is hereby ordered and scheduled to be held concurrent with the general City election on May 4th, 2024, to determine whether the ballot proposition appearing in Section 3 hereof shall be approved by a majority of the votes cast in such election in which all qualified electors residing in the City shall participate. The referendum election shall be held and conducted in the manner prescribed by state law for all elections. The places for voting in such referendum election shall be such locations as shall otherwise be established for the general election to elect City Councilmembers on May 4th, 2024. All duly qualified electors of the City of Marshall shall be entitled to participate in said election.

Section 3. There shall be submitted at said special election a proposition to reauthorize the use of one-eighth (1/8) of one percent of the sales and use tax for the maintenance and repair of municipal streets.

Section 4. The proposed proposition shall be submitted to the qualified voters at the regular election on May 4th, 2024 on the ballot and in the form of the following proposition.

Proposition No. 1: The reauthorization of the local sales and use tax in the City of Marshall at the rate of one-eighth (1/8th) of one (1) percent to continue providing revenue for maintenance and repair of municipal streets. The tax expires on the fourth anniversary of the date of this election unless the imposition of the tax is reauthorized.

_____ **YES — For the proposition.**
_____ **NO — Against the proposition.**

Section 5. That said election shall be held within the City of Marshall at Marshall Convention Center, 2501 E. End Blvd. South.

Section 6. That said election shall be held in accordance with the Constitution and laws of the State of Texas and all duly qualified resident voters of the City of Marshall, Texas shall be qualified to vote.

Section 7. The Harrison County Election Administrator will conduct and supervise the election according to the agreement between the City of Marshall and the said administrator. All voting on this Special Election shall be conducted in the same manner and times as the City’s general election.

Section 8. A copy of this Ordinance signed by the Chairman of the City Council and attested by the City Secretary shall serve as proper notice of said election. The City Secretary is authorized and directed to post a properly executed copy of said Notice of Election at City Hall and at the place where the election is to be held not less than 20 days prior to the date fixed for holding said election.

Section 9. That this ordinance shall be effective from and after its date of passage.

PASSED, APPROVED, and ADOPTED this _____ day of January 2024.

AYES: _____

NOES: _____

ABSTAINED: _____

MAYOR OF THE CITY COUNCIL
OF THE CITY OF MARSHALL, TEXAS

ATTEST:

CITY SECRETARY

APPROVED AS TO FORM:

Scott Rectenwald, City Attorney

O-24-____
ORDENANZA

ORDEN Y AVISO DE LA ELECCIÓN ESPECIAL DE LA CIUDAD QUE SE CELEBRARÁ EN LA CIUDAD DE MARSHALL, TEXAS PARA PRESENTAR LOS VOTANTES CALIFICADOS UNA PROPUESTA SOBRE LA CUESTIÓN DE LA REAUTORIZACIÓN DE LAS VENTAS LOCALES Y USO DE IMPUESTOS EN LA CIUDAD DE MARSHALL EN LA TASA DE UN OCTAVO DE UNO POR CIENTO A CONTINUAR PROPORCIONANDO INGRESOS PARA EL MANTENIMIENTO Y REPARACIÓN DE CALLES MUNICIPALES; HACER PROVISIONES PARA LA REALIZACIÓN DE LAS ELECCIONES Y PARA OTROS ASUNTOS RELACIONADOS CON LA MISMA.

Considerando, en 2012, con arreglo al capítulo 327 del código fiscal de Texas, los votantes de la ciudad de Marshall aprobaron una tasa de impuesto de ventas local de un octavo de uno por ciento de calle mantenimiento y reparación; y

Considerando, la sección 327.007 del código fiscal de Texas requiere tal impuesto sea reautorizada por los votantes cada cuatro (4) años; y,

Considerando, que la Consejo considera que en el mejor interés de la ciudad para llamar a una elección especial para los votantes a considerar una propuesta relativa a la reautorización de un octavo de uno por ciento para continuar proporcionando ingresos para el mantenimiento y reparación de las calles municipales; y,

Considerando, la elección especial que se presentará a los votantes calificados de la ciudad en una elección especial a realizarse en la ciudad junto con la ciudad otras elecciones el sábado, 4 de mayo, 2024 y de la ciudad establecerá los procedimientos de votación y por ordenanza como exige el código electoral de Texas; y,

Considerando, en acuerdo con los requerimientos del Código de Impuestos de Texas, la tasa combinada de todas las ventas locales e impuestos de uso impuestos por la Ciudad y otras subdivisiones políticas que tienen territorio en la ciudad no excederá de dos (2) por ciento; y

La consejo de la Ciudad determina que el prospecto de elección especial será volver a aprobar un impuesto de ventas y uso de un octavo por ciento para el mantenimiento de calles durante el período de cuatro años que comienza el 1 de enero de 2025;

AHORA POR LO TANTO, SEA ORDENADO POR EL CONSEJO DE LA CIUDAD DE MARSHALL, MARSHALL, TEXAS:

Sección 1. Que los hallazgos establecidos en el preámbulo de esta ordenanza quedan aprobados en este documento.

Sección 2. Se ordena y se programa una elección especial de manera concurrente con la elección general de la Ciudad el 4 de Mayo de 2024, para determinar si la propuesta de boleta que figura en la Sección 3 del presente será aprobada por la mayoría del voto emitido en dicha elección en el cual participarán todos los electores calificados que residen en la Ciudad. La elección del referéndum se llevará a cabo y se realizará de la manera prescrita por la ley estatal para todas las elecciones. Los lugares para votar en dicha elección de referéndum serán los lugares que de otra manera se establecerán para la elección general para elegir Consejos de la Ciudad el 4 de Mayo de 2024. Todos los electores debidamente calificados de la Ciudad de Marshall tendrán derecho a participar en dicha elección.

Sección 3. Se presentará en dicha elección especial una propuesta para volver a autorizar el uso de un octavo (1/8) del uno por ciento del impuesto sobre ventas y uso para el mantenimiento y reparación de calles municipales.

Sección 4. La propuesta se presentará a los votantes calificados en las elecciones regulares del 4 de mayo de 2024 en la boleta y en la forma de la siguiente propuesta.

Propuesta N° 2 : La reautorización del impuesto local sobre ventas y uso en la Ciudad de Marshall a una tasa de un octavo (1/8) del uno (1) por ciento para

continuar proporcionando ingresos para el mantenimiento y reparación de calles municipales. El impuesto vence el cuarto aniversario de la fecha de esta elección, a menos que se vuelva a autorizar la imposición del impuesto.

- ___ SI – A favor de la proposición.
- ___ NO – Contra la proposición.

Sección 5. Dicha elección se realizará dentro de la ciudad de Marshall, en la Marshall Convention Center, 2501 E. End Blvd. South.

Sección 6. Que dicha que elecciones se celebrarán conforme a la Constitución y las leyes del estado de Texas y todos los electores residentes debidamente calificados de la ciudad de Marshall, Texas estarán calificados para votar.

Sección 7. El Administrador de Elecciones del Condado de Harrison llevará a cabo y supervisar las elecciones según el acuerdo entre la ciudad de Marshall y el dicho administrador. Todos a votar en esta elección especial se realizarán en la misma forma y épocas como elecciones de generales de la ciudad.

Sección 8. Una copia de esta ordenanza sugerida por el Presidente de la Consejo de la Ciudad y certificada por el Secretario de la Ciudad servirá como aviso apropiado de dicha elección. El Secretario de la Ciudad está autorizado y dirigido a publicar una copia debidamente ejecutada de dicho Aviso de Elección en el Ayuntamiento y en el lugar donde la elección se llevará a cabo no menos de 20 días antes de la fecha fijada para celebrar dicha elección.

Sección 9. Esta ordenanza será efectiva a partir y después de la fecha de su pasaje.

PASADO, APROBADO, Y ADOPTADO el día ___ de enero de 2024.

- A favor: _____
- En contra: _____
- Abstenerse: _____

ALCALDESA DE EL CONSEJO DE LA CIUDAD
DE LA CIUDAD DE MARSHALL, TEXAS

ATESTIGUAR:

SECRETARIO DE LA CIUDAD

APROBADO EN CUANTO A FORMA:

Scott Rectenwald, abogado de la ciudad



TO: City Council
DATE: January 25, 2024
ITEM #: 8.A
SUBJECT: Consider approval of a resolution ordering a General Election for City Councilmember Districts 1, 2, 3, and 4. (City Secretary)

Recommendation for Action: Requesting approval of a resolution ordering a General Election for Districts 1, 2, 3, and 4 for May 4, 2024.

Executive Summary: Attached is a resolution ordering a General Election for City Councilmember Districts 1, 2, 3, and 4 to be held on May 4, 2024. An executed copy of the resolution will serve as proper notice of the election as required by the Election Code.

Budget Cost: N/A

Staff Contact: Nikki Smith, City Secretary

Attachments:

1. R-24-XX Resolution Ordering Election 2024 English
2. R-24-XX Resolution Ordering Election 2024 Spanish

RESOLUTION
ORDER AND NOTICE OF CITY ELECTION

STATE OF TEXAS
COUNTY OF HARRISON
CITY OF MARSHALL

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

Take notice that an election will be held on the 4th day of May, 2024, in the City of Marshall, Harrison County, Texas, at the place and in the manner set forth in the election resolution adopted by the City Council on the 25th day of January, which is as follows:

Resolution calling an election to elect City Council members from districts one, two, three, and four.

WHEREAS, the election of the city officers is to be held on the first Saturday in May, now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MARSHALL:

1

That an election be held in said City of Marshall, Texas, on the 4th day of May, 2024, at which election candidates for the offices of Councilmember District 1; Councilmember District 2; Councilmember District 3; and Councilmember District 4 shall be submitted to the resident qualified voters of said City for their action thereon,

2

That the deadline for candidates to file an application for place on the election ballot is February 16, 2024,

3

That said election shall be held within the City of Marshall at Marshall Convention Center, 2501 E. End Blvd. South,

4

That the manner of holding said election shall be governed as near as may be possible to the General Election Laws of the State of Texas and none but resident qualified voters of said City shall be allowed to vote at said election,

5

That the ballots of said election shall conform to the requirements of the Election Code of the State of Texas, and

That the Harrison County Election Administrator is named the Early Voting Clerk and will conduct and supervise the election according to the agreement between the City of Marshall and said administrator. The Harrison County Election Administrator shall be appointed to or allowed to delegate the positions of Central Counting Station Manager, Tabulation Supervisor, and Assistant Tabulation Supervisor as provided for in the Texas Election Code, Chapter 31.094 and 31.095. The election services include conducting and supervising the City Election on May 4, 2024 and the early voting. Early voting shall be conducted at the office of the Harrison County Elections Administrator, 415 E. Burleson St. beginning April 22, 2024 through April 26, 2024 from 8:00 a.m. until 5:00 p.m., and April 29, 2024 and April 30, 2024 from 7:00 a.m. to 7:00 p.m. The final day for early voting shall be April 30, 2024. Early voting and voting on May 4, 2024 shall be by paper ballot and through a DAU (Disabled Access Unit). The last day to receive an application by mail for a ballot to be voted by mail is April 23, 2024. Applications for early voting ballots by mail shall be mailed to Harrison County Election Administrator, P.O. Box 8409, Marshall, Texas 75671.

A copy of this Resolution signed by the Mayor of the City Council and attested by the City Secretary shall serve as proper notice of said election. The City Secretary is authorized and directed to post a properly executed copy of said Notice of Election at City Hall and at the place where the election is to be held not less than 20 days prior to the date fixed for holding said election. The Secretary shall also cause said Notice of Election to be published once in a newspaper of general circulation published within the said City, the date of publication to be not more than 30 days nor less than 10 days prior to the date set for said election.

PASSED, APPROVED, AND ADOPTED this 25th day of January, 2024.

- AYES:
- NOES:
- ABSTAINED:

MAYOR OF THE CITY COUNCIL
OF THE CITY OF MARSHALL, TEXAS

ATTEST:

CITY SECRETARY

RESOLUCION
AVISO Y ORDEN DE ELECCION DE LA CIUDAD

ESTADO DE TEXAS
CONDADO DE HARRISON
CIUDAD DE MARSHALL

A los votantes registrados de la Ciudad de Marshall, Texas:

Tome en cuenta que la elección se llevara acabo en el Día 4 de Mayo, 2024, en la Ciudad de Marshall, Condado Harrison, Texas, en el lugar que se expuso en la resolución de la elección por la consejo de la ciudad el día 25 de Enero, que es lo siguiente:

Llamada de resolución para elegir a miembros de la Consejo de la ciudad de los distritos uno, dos, tres y cuatro.

MIENTRAS QUE, la elección de los oficiales de la ciudad es de ser aguantada el primero sábado de Mayo, ahora, por lo tanto,

QUE SEA RESUELTO POR EL CONSEJO DE LA CIUDAD DE MARSHALL:

1

Que la elección se llevara acabo por la Ciudad de Marshall, Texas, en el día 4 de Mayo, 2024, por cual la elección de candidatos para las oficinas de Consejo Distrito 1; Consejo Distrito 2; Consejo Distrito 3; y Consejo Distrito 4; deben ser sometidos a los residentes calificados a votar de dicha ciudad y también,

2

Que la fecha límite para que los candidatos sometan su aplicación del lugar de su elección es Febrero 16, 2024,

3

Que dicha elección se llevara acabo en la Ciudad de Marshall en Marshall Convention Center, 2501 E. End Blvd. South,

4

Y la manera donde de llevara acabo la elección debe ser gobernada lo mas cerca posible de la Elección General de Leyes del Estado de Texas y solamente residentes calificados de dicha ciudad se les debe dejar votar en la elección.

5

Que las votaciones de la elección mencionada deben estar de acuerdo a los requerimientos del Código del es Estado de Texas, y

Que el Administrador de la Elección del Condado de Harrison sea nombrado Encargado de la votación temprana y llevara acabo y supervisara la elección de acuerdo al acuerdo entre la Ciudad de Marshall y dicho administrador. El Administrador de Elecciones del Condado de Harrison será designado o autorizado a delegar los cargos de Gerente de la estación central de conteo, Supervisor de Tabulación, y Asistente de Supervisor de Tabulación de lo dispuesto en el Código Electoral de Texas, Capítulo 31,094 y 31,095. El servicio de elección incluirá conducir y supervisor la Elección de la Ciudad en Mayo 4, 2024 y la votación temprana. La votación temprana se llevara acabo en la oficina del Administrador de Elecciones del condado de Harrison, 415 E. Burleson St. empezando Abril 22, 2024 hasta Abril 26, 2024 de 8:00am a 5:00pm, y Abril 29, 2024 y Abril 30, 2024 de 7:00am a 7:00pm. El Día ultimo para votar será Abril 30, 2024. La votación y votación temprana Mayo 4, 2024 deben de ser por boleta de papel y por DAU (Acceso de Unidad Deshabilitada). El último día para recibir una solicitud por correo de una boleta que será votado es el 23 de Abril del 2024. Deben ser enviadas a Administrador de Elecciones del Condado de Harrison, P.O Box 8409, Marshall, Texas 75671.

UNA copia de esta Resolución firmó el Alcalde de la Consejo de la Ciudad y atestiguó por el Secretario de la Ciudad servirá como nota apropiada de dicha elección. El Secretario de la Ciudad es autorizado y es dirigido a anunciar una copia apropiadamente ejecutada de dicha Nota de Elección en el ayuntamiento y en el lugar donde la elección se llevara acabo que no sea menos de 20 días antes de la fecha fija para dicha elección. El Secretario también se encargara de publicarla al periódico para circulación general dentro de la ciudad, el día de la publicaron no debe de ser mas de 30 días o menos de 10 días de las fechas dichas para la elección.

PASADO, APROBADO, Y ADOPTADO este 25 de enero 2024.

SIS: _

No: _

ABSTENIDO: _

EL ALCALDE DE EL CONSEJO
de la CIUDAD DE MARSHALL, TEXAS

ATESTIGUA:

SECRETARIO DE LA CIUDAD



TO: City Council
DATE: January 25, 2024
ITEM #: 8.B
SUBJECT: Consider approval of a resolution calling for a Joint Election Agreement with the Marshall Independent School District for the May 4, 2024 General Election. (City Secretary)

Recommendation for Action: Requesting approval of a resolution for a Joint Election Agreement with MISD for the May 4, 2024 election.

Executive Summary: Attached is a copy of a resolution calling for a Joint Election Agreement with Marshall Independent School District for the May 4, 2024 General Election. The purpose of this resolution is to allow Marshall ISD an opportunity to comply with Section 11.0581 of the Texas Education Code requiring all school board trustee elections to be held as a joint election with either the governing body of a municipality located in the school district or the governing body of the political subdivision for state and county officers in which that district resides. The joint election is also provided for in Chapter 271 of the Texas Election Code.

Budget Cost: N/A

Staff Contact: Nikki Smith, City Secretary

Attachments: 1. R-24-XX Joint Election Agreement Resolution 2024

RESOLUTION _____

**RESOLUTION CALLING FOR A JOINT ELECTION AGREEMENT WITH
MARSHALL INDEPENDENT SCHOOL DISTRICT FOR THE MAY 4, 2024
GENERAL ELECTION**

WHEREAS, the City of Marshall, Texas agrees to enter into a Joint Election Agreement for the May 4, 2024 election with Marshall Independent School District and;

WHEREAS, the purpose of this resolution being to allow Marshall ISD an opportunity to comply with Section 11.0581 of the Texas Education Code requiring all school board trustee elections to be held as a joint election with either the governing body of a municipality located in the school district or the governing body of the political subdivision for state and county officers in which that district resides and;

WHEREAS, elections held on the same date as provided by Texas Education Code Section 11.0581 shall be held as a joint election under Chapter 271 of the Texas Election Code.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF MARSHALL, TEXAS, THAT:**

The City of Marshall, Texas authorizes a Joint Election Agreement with Marshall Independent School District for the May 4, 2024 election.

PASSED, APPROVED AND ADOPTED, this 25th day of January, 2024.

MAYOR OF THE CITY COUNCIL
OF THE CITY OF MARSHALL, TEXAS

ATTEST:

CITY SECRETARY



TO: City Council
DATE: January 25, 2024
ITEM #: 8.C
SUBJECT: Discuss and consider adoption of a resolution authorizing an application for financial assistance from the Texas Water Development Board for sewer system improvements. (Public Works)

Recommendation for Action: Adopt the resolution

Executive Summary: The City of Marshall desires to submit one or more applications for financial assistance submitted to the Texas Water Development Board for water and sewer system improvements; and one or more applications are hereby approved and authorized to be filed with the TWDB seeking financial assistance in an aggregate amount not to exceed \$11,385,000 for purposes of the planning, acquisition, design and/or construction of improvements to the City's sewer collection system, including repairs, rehabilitation and/or improvements to sewer lines, lift stations, manholes, pumps, valves, fittings, electrical systems, SCADA, emergency power systems, and related infrastructure improvements.

Budget Cost: \$1,385,000

Staff Contact: Eric Powell, PE Director of Public Works

Attachments: 1. TWDBResolution Authorizing Application for Financial Assistance v1

**RESOLUTION AUTHORIZING APPLICATION FOR FINANCIAL ASSISTANCE FROM THE
TEXAS WATER DEVELOPMENT BOARD FOR SEWER SYSTEM IMPROVEMENTS**

THE STATE OF TEXAS	§
COUNTY OF HARRISON	§
CITY OF MARSHALL	§

WHEREAS, the City of Marshall, Texas (the “City”) desires to submit one or more applications for financial assistance submitted to the Texas Water Development Board for water and sewer system improvements; and

BE IT AUTHORIZED BY THE CITY COUNCIL OF THE CITY OF MARSHALL, TEXAS:

1. That one or more applications are hereby approved and authorized to be filed with the TWDB seeking financial assistance in an aggregate amount not to exceed \$11,385,000 for purposes of the planning, acquisition, design and/or construction of improvements to the City’s sewer system, including repairs, rehabilitation and/or improvements to sewer lines, lift stations, manholes, pumps, valves, fittings, electrical systems, SCADA, emergency power systems, and related infrastructure improvements.

2. That the City Manager and Public Works Director of said City are each hereby designated the authorized representatives of the City for the purpose of furnishing such information and executing such documents as may be required in connection with the preparing and filing of such application for financial assistance and with complying with the rules of the TWDB.

3. That the following firms and individuals are hereby authorized and directed to aid and assist in the preparation and submission of such applications and appear on behalf of and represent the City before any hearing held by the TWDB on such application, to-wit:

Financial Advisor

Steven Adams/Paul Jasin
Specialized Public Finance Inc.
4925 Greenville Avenue
Suite 465
Dallas, Texas 75206
Phone: (214) 373-3911
Email: steven@spubfin.com
paul@spubfin.com

Bond Counsel

Rodolfo Segura Jr
McCall, Parkhurst & Horton L.L.P.
717 N. Harwood, 9th Floor
Dallas, Texas 75201
Phone: (512) 590-1950
email: rsegura@mphlegal.com

Engineer

Jeremy Buechter, P.E.
Schaumburg & Polk, Inc.
320 S. Broadway Ave., Suite 200
Tyler, Texas 75702
Phone: (903) 595-3913
Fax: (903) 595-2093
email: jrbuechter@spi-eng.com

4. That this authorization shall become effective immediately upon adoption.

SIGNED this, the 25th day of January, 2024.

Mayor

Secretary



TO: City Council
DATE: January 25, 2024
ITEM #: 9.A
SUBJECT: Consider approval of Hotel Occupancy Tax Grants for 2024. (Tourism & Economic Development)

Recommendation for Action: Approval of Grants recommended by the Visit Marshall Board of Directors and City Staff.

Executive Summary:

Budget Cost:

Staff Contact: LeAnne White, Tourism & Economic Development Administrator

Attachments: None