

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
SPECIAL-CALLED CITY COUNCIL MEETING
March 7, 2024
6:00 PM

1. Call to Order and Roll Call

2. Invocation and Pledges

3. Presentations & Proclamations

- A. Presentation of a proclamation declaring the month of April 2024 as "Sexual Assault Awareness Month" in the City of Marshall.
- B. Presentation of the Employee of the Month - February (Human Resources)

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.

5. Items to be Withdrawn From Consent Agenda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.

- A. Consider approval of the minutes from the February 22, 2024 Regular Council meeting. (City Secretary)
- B. Rejection of Bids - West End Lift Station Improvements. (Public Works)
- C. Consider approval of an Interlocal Cooperation Agreement with the City of Midlothian, Texas to participate in a Cooperative Purchasing Program. (Finance)

7. Consideration of Items Withdrawn From the Consent Agenda

8. Ordinance

- A. Consider approval of an ordinance amending the 2024 Annual Budget. (Finance)

9. City Manager Reports and Requests for City Council Consideration

- A. Consider approval of Change Order No. 1 to the 300\400 block of N Washington Streetscape project. (Public Works)
- B. Wonderland of Light 2023 Update. (Main Street)

10. Adjournment

Posted: March 4, 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: March 7, 2024
ITEM #: 3.A
SUBJECT: Presentation of a proclamation declaring the month of April 2024 as "Sexual Assault Awareness Month" in the City of Marshall.

Recommendation for Action: Read and present the proclamation.

Executive Summary: The Women's Center of East Texas requested a proclamation declaring April 2024 as Sexual Assault Awareness Month. This proclamation recognizes the important work of educating the public on sexual assault and emphasizes the City of Marshall's commitment to ending this crime.

Budget Cost: N/A

Staff Contact: Nikki Smith, City Secretary

Attachments: 1. 2024 SAAM proclamation template

Sexual Assault Awareness Month
2024 Proclamation

Whereas, Sexual Assault Awareness Month calls attention to the fact that sexual harassment, assault, and abuse are widespread and impact every person in this community; and

Whereas, Rape, sexual assault, and sexual harassment harm our community, and statistics show one in five women and one in 20 men have been sexually assaulted at some point in their lives; and

Whereas, We must work together to educate our community about sexual assault prevention, supporting survivors, and speaking out against harmful attitudes and actions; and

Whereas, With leadership and dedication, we can be successful in preventing sexual assault in East Texas by increasing education, awareness, and community involvement; and

Whereas, Marshall, strongly supports the efforts of national, state, and local partners, and of every citizen, to actively engage in public and private efforts to prevent sexual assault. It's time for all of us to take appropriate action and support one another to create a safer environment for all.

Now therefore, Marshall, joins advocates and communities across the nation in playing an active role to end sexual assault. Along with the United States Government and State of Texas, I do hereby proclaim the month of April as Sexual Assault Awareness Month in Marshall, Texas.

Signed

Dated



TO: City Council
DATE: March 7, 2024
ITEM #: 3.B
SUBJECT: Presentation of the Employee of the Month -
February (Human Resources)

Recommendation for Action:

Executive Summary:

The Employee Engagement Committee is a dedicated assembly of employees who have voluntarily united with the common goal of orchestrating and executing activities aimed at engaging and motivating their fellow colleagues. Their primary mission is to cultivate a positive and productive workplace culture while actively enhancing the employer-employee relationship. Among the initiatives employed is the recognition of outstanding contributions through the Employee of the Month program. The committee diligently reviews nominations, carefully deliberates, and collectively decides on the deserving individual to receive this esteemed acknowledgment.

Budget Cost:

Staff Contact:

Attachments: None



TO: City Council
DATE: March 7, 2024
ITEM #: 6.A
SUBJECT: Consider approval of the minutes from the February 22, 2024 Regular Council meeting. (City Secretary)

Recommendation for Action: Consider approval of the minutes from the February 22, 2024 Regular Council meeting.

Executive Summary: Minutes from the Regular meeting held on February 22, 2024.

Budget Cost: N/A

Staff Contact: Nikki Smith, City Secretary

Attachments: 1. 2-22-24 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
February 22, 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 Reba Godfrey
Councilmember Amanda Abraham
Councilmember Micah Fenton

ABSENT: Councilmember Jennifer Truelove Motion to Excuse: Fenton Second: Godfrey
Vote: 6:0

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	

2. Invocation and Pledges

Mayor Ware

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.

Johnathan Wilson, 101 Hughes Street, President of the Marshall Firefighter’s Association, spoke regarding challenges faced at the Fire Department.

4. Items to be Withdrawn From Consent Agenda

Item C was withdrawn.

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.

Councilmember Fenton made a motion to approve the Consent Agenda.

Councilmember Abraham seconded the motion, which passed by a vote of 6:0.

- A. Consider approval of the minutes from the February 8, 2024 Special-Called Council meeting. (City Secretary)
- B. Consider approval of a three (3) year lease with ASCO Equipment for a new backhoe in the Distribution and Collection Division of Public Works. (Public Works)

6. Consideration of Items Withdrawn From the Consent Agenda

- C. Consider approval of a resolution for a Promissory Note for Water Meters/Convention Center. (Finance)
Councilmember Godfrey stated her reasons for withdrawing this item.

Dawn Jones, Finance Director, provided information regarding the update to the resolution. The repayment method was updated to state payments would be made from water and sewer revenue.

Councilmember Godfrey made a motion to approve a resolution for a Promissory Note for Water Meters/Convention Center. Councilmember Abraham seconded the motion, which passed by a vote of 6:0.

7. Public Hearings & Ordinances

- A. Conduct a public hearing and consider an ordinance amending the text specifically related to Chapter 32 Section 19 entitled “Definitions” and Section 21 entitled “Permitted Uses” and an amendment to the official zoning map creating a Manufactured Home Overlay (MHO). (Public Works)
Eric Powell, Public Works Director, provided information regarding the ordinance amending the text specifically related to Chapter 32, Section 19, entitled "Definitions"

and Section 21, entitled "Permitted Uses". Notices were sent out with 12 responses received in support of this amendment. The Planning & Zoning Commission approved this item by a vote of 5:0.

Mayor Ware opened the Public Hearing.

Dana Leonard, spoke in support of the amendment.

Mayor Ware closed the Public Hearing.

Councilmembers asked questions and discussed.

Councilmember Bonner made a motion to approve an ordinance amending the text specifically related to Chapter 32 Section 19 entitled "Definitions" and Section 21 entitled "Permitted Uses" and an amendment to the official zoning map creating a Manufactured Home Overlay (MHO). Councilmember Morris seconded the motion, which passed by a vote of 5:1.

- B. Conduct a public hearing and consider an ordinance of the City of Marshall, Texas, amending Chapter 32 of the Code of Ordinances by adding to Section 21, Permitted Uses, Item 21.02, Short Term Rentals. (Public Works)
This item was withdrawn.

8. City Manager Reports and Requests for City Council Consideration

- A. Marshall Police Department 2023 Year End Presentation and racial profiling report. (Police)
Cliff Carruth, Police Chief, provided information regarding the Racial Profiling Report for 2023, activities and challenges faced by the Marshall Police Department in 2023, and the departmental needs for 2024.

Terrell Smith, City Manager, asked Council to provide direction for the budget preparations for Fiscal Year 2025.

Councilmembers asked questions and discussed.

- B. Marshall Fire Department 2023 Goals & Objectives Year End Report. (Fire)
Reggie Cooper, Fire Chief, provided information regarding activities and challenges faced by the Marshall Police Department in 2023, and the needs for the department for 2024.

Councilmembers asked questions and discussed.

9. Executive Session

Councilmember Godfrey made a motion to convene into the Executive Session. Councilmember Fenton seconded the motion, which passed by a vote of 6:0. The time was 8:26 PM.

Councilmember Godfrey made a motion to reconvene from the Executive Session.

Councilmember Fenton seconded the motion, which passed by a vote of 6:0. The time was 8:40 PM.

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

10. Action Item Following Executive Session

- A. Consider the appointment of a Municipal Court Judge.
Councilmember Abraham made a motion to appoint Kyle Dansby as the Municipal Court Judge. Councilmember Godfrey seconded the motion, which passed by a vote of 6:0.

11. Adjournment

Councilmember Godfrey made a motion for adjournment. Councilmember Abraham seconded the motion, which passed by a vote of 6:0.

APPROVED:

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

ATTEST:

City Secretary



TO: City Council
DATE: March 7, 2024
ITEM #: 6.B
SUBJECT: Rejection of Bids - West End Lift Station Improvements. (Public Works)

Recommendation for Action: Reject bids for West End Lift Station Improvements

Executive Summary: Bids were received and opened on February 15, 2024 at 10:00am local time. At the time of bid opening, there was only one bid submitted which was opened and read aloud. The result of the bid opening are listed below:

J2 Contracting - \$1,844,030

Based on the engineer's estimate for the work in the amount of \$1,400,000, I recommend the rejection of this bid due to the value being in excess of the engineer's original estimate. Schaumburg and Polk (SPI), consulting engineers, will review the project and perform value engineering to determine why there was such a large difference between the estimate and the bid amount. There are a couple of reasons primarily associated with the continuing fluctuation in pricing of machinery and equipment due to ongoing manufacturing and supply shortfalls. SPI will also break the project into two separate parts, one being the installation of a new force main from the lift station to the sanitary collection system and the second being the improvements to the lift station itself. The thought is this will attract additional bidders and result in better total construction costs. I expect the timing for the new bids to be the following:

1. Advertise Part One - Force Main on Sunday, March 10 and 17 with bids being received and opened on March 28.
2. Value Engineer the lift station improvements and adjust the construction period accordingly with bids to be advertised on April 7 and 14 with bids being received and opened on April 25.

Budget Cost:

Staff Contact:

Attachments: None



TO: City Council
DATE: March 7, 2024
ITEM #: 6.C
SUBJECT: Consider approval of an Interlocal Cooperation Agreement with the City of Midlothian, Texas to participate in a Cooperative Purchasing Program. (Finance)

Recommendation for Action: Requesting approval of an Interlocal Cooperation Agreement with the City of Midlothian, Texas to participate in a Cooperative Purchasing Program.

Executive Summary: This agreement will allow the City of Marshall to be included in the Cooperative Purchasing Program the City of Midlothian has with Bound Tree. The Cooperative Purchasing Program provides lower prices to ensure cost savings. Bound Tree is a vendor currently used to purchase medical supplies for EMS.

Budget Cost: N/A

Staff Contact: Dawn Jones, Finance Director

Attachments: 1. Interlocal Agreement

STATE OF TEXAS
COUNTY OF ELLIS

§
§
§

INTERLOCAL COOPERATION AGREEMENT

This Interlocal Cooperation Agreement (“**Agreement**”) is by and between the City of Midlothian, Texas (“**Midlothian**”), and the City of Marshall, Texas (“ ”), acting by and through their authorized officers.

RECITALS:

WHEREAS, this Agreement is authorized by Chapter 791 of the Texas Government Code and Subchapter F, Chapter 271, Texas Local Government Code; and

WHEREAS, Section 271.102 of the TEX. LOC. GOV’T CODE authorizes a local government to participate in a Cooperative Purchasing Program with another local government or a local cooperative organization; and

WHEREAS, a local government that purchases goods and services pursuant to a Cooperative Purchasing Program with another local government satisfies the requirement of the local government to seek competitive bids for the purchase of the goods and materials; and

WHEREAS, each party has and will on an annual basis obtain competitive bids for the purchase of goods and services; and

WHEREAS, the parties desire to enter into a cooperative purchasing program which will allow each party to purchase goods and services under each other’s competitively bid contracts pursuant to Subchapter F, Chapter 271 of the TEX. LOC. GOV’T CODE;

NOW THEREFORE, in consideration of the mutual covenants and promises contained herein, the parties agree as follows:

ARTICLE I PURPOSE

The purpose of this Agreement is to establish a cooperative purchasing program between the parties, which will allow each party to purchase goods and services under each other’s competitively bid contracts pursuant to Subchapter F, Chapter 271 of the TEX. LOC. GOV’T CODE.

ARTICLE II TERM

The term of this Agreement shall be for a period of one **(1)** year commencing on the last date of execution hereof ("**Effective Date**"). Thereafter this Agreement shall automatically renew for successive periods of one **(1)** year each under the terms and conditions stated herein, unless sooner terminated as provided herein.

ARTICLE III TERMINATION

Either party may terminate this Agreement by providing thirty **(30)** days prior written notice to the other party.

ARTICLE IV PURCHASING

The City Manager or designee for each of party is authorized to act on behalf of the respective party in all matters relating to this cooperative purchasing program. Each party shall make payments directly to the vendor under the contract made pursuant to Subchapter F, Chapter 271 of the TEX. LOC. GOV'T CODE. Each party shall be responsible for the respective vendor's compliance with provisions relating to the quality of items and terms of delivery.

ARTICLE V MISCELLANEOUS

5.1 **Relationship of Parties:** This Agreement is not intended to create, nor should it be construed as creating, a partnership, association, joint venture or trust.

5.2 **Notice:** Any notice required or permitted to be delivered hereunder shall be deemed received when sent in the United States Mail, Postage Prepaid, Certified Mail, Return Receipt Requested, or by hand-delivery or facsimile transmission addressed to the respective party at the address set forth below the signature of the party.

5.3 **Amendment:** This Agreement may be amended by the mutual written agreement of both parties hereto.

5.4 **Severability:** In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect the other provisions, and the Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained in this Agreement.

5.5 **Governing Law:** The validity of this Agreement and any of its terms and provisions as well as the rights and duties of the parties, shall be governed by the laws of the State of Texas; and venue for any action concerning this Agreement shall be in the State District Court of Ellis or Johnson County, Texas.

5.6 **Entire Agreement:** This Agreement represents the entire agreement among the parties with respect to the subject matter covered by this Agreement. There is no other collateral, oral or written agreement between the parties that in any manner relates to the subject matter of this Agreement.

5.7 **Recitals:** The recitals to this Agreement are incorporated herein.

5.8 **Counterparts:** This Agreement may be executed in any number of counterparts, each of whom shall be deemed an original and constitute one and the same instrument.

EXECUTED this ____ day of _____, 2023.

CITY OF MIDLOTHIAN, TEXAS

By: _____
CHRIS DICK, CITY MANAGER

ATTEST:

By: _____
CITY SECRETARY

EXECUTED this ____ day of _____, 2023.

CITY OF _____, TEXAS

By: _____
, CITY MANAGER

ATTEST:

By: _____
CITY SECRETARY



TO: City Council
DATE: March 7, 2024
ITEM #: 8.A
SUBJECT: Consider approval of an ordinance amending the 2024 Annual Budget. (Finance)

Recommendation for Action: Consideration of approval of an ordinance amending the 2024 annual budget.

Executive Summary: Consider approval of an ordinance amending the FY24 annual budget to provide continued funding for projects initiated in FY23 but not fully completed, utilize fund balance in Federal Grants - ARPA/CFRG to cover FY23 carryover items and to make available for budgeting all fund balance, and a reduction in budget for debt related projects supported by available fund balance.

Budget Cost: See attached.

Staff Contact: Kristina Hamilton, Assistant Director of Finance

Attachments: 1. 2024 Budget Amendment - 2024-03-07 Carryover

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ORDINANCE NO. 0-23-18 TO AMEND THE
2024 ANNUAL BUDGET OF THE CITY OF MARSHALL, TEXAS**

WHEREAS, on September 28, 2023 the City of Marshall, Texas passed Ordinance No. O-23-18 adopting the 2024 annual budget; and

WHEREAS, the City of Marshall, Texas desires to amend the 2024 annual budget to provide funding for projects initiated in FY23 but not fully completed, utilize fund balance in Federal Grants – ARPA/CFRG, and for additional revenue and expenditures anticipated, which were not included in the original budget;

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

The appropriations for the fiscal year beginning January 1, 2024 and ending December 31, 2024 be amended to provide funds needed for anticipated expenses:

General Fund - \$ 365,623	
Use of Fund Balance	(\$349,223)
ERP Implementation	\$94,089
City Hall Fire Alarm Repair	\$3,510
LED Digital Marquee - MCH	\$43,121
Fire Department - Donations	\$4,532
Police Department - Donations	\$160,000
Main Street - Donations Buard Trail	\$5,250
Memorial City Hall - Donations	\$38,721
Interfund Transfer Revenue from Fund 40	(\$16,400)
ERP Implementation	\$13,000
Improvements – Data Processing	\$3,400
Debt Related Projects - (\$ 44,913)	
Use of Fund Balance	\$44,913
Improvements - Various	(\$44,913)
Fleet Management - \$679,017	
Interfund Transfer from 01	(\$461,995)
Interfund Transfer from 40	(\$211,850)
Interfund Transfer from 84	(\$5,172)
Fuel	\$392,934
Repair & Maintenance - Vehicle	\$286,083
Federal Grants (ARPA/CFRG) - \$ 2,293,087	
Use of Fund Balance	(\$2,293,087)
Improvements - Water Production	\$300,000
Improvements - Lift Station	\$1,250,000
Improvements - WWTP	\$543,087
Improvements - Water Mains	\$100,000
Improvements - Sewer Mains	\$100,000
Street Maintenance - \$ 583,619	
Use of Fund Balance	(\$583,619)
Improvements - Streets	\$583,619

Vote:

PASSED, APPROVED, AND ADOPTED this 7th day of March, 2024.

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

ATTEST:

CITY SECRETARY



TO: City Council
DATE: March 7, 2024
ITEM #: 9.A
SUBJECT: Consider approval of Change Order No. 1 to the 300\400 block of N Washington Streetscape project. (Public Works)

Recommendation for Action: Requesting approval of Change Order No. 1 to the 300\400 block of N Washington Streetscape project.

Executive Summary: During demolition of the westside of the 300 block of N Washington, it was determined that there is an old hand-laid brick stormwater pipe along the entire side of the block. It is also believed that there is the same type of stormwater pipe along both sides of the 400 block of N Washington, but that will not be ultimately confirmed until demolition is complete. The stormwater pipe on the east side of the 300 block is clay tile pipe and is in good condition and flows well to the south so it will remain intact.

The Contractor , Casey Slone, has prepared a Change Order No. 1 to remove and replace the brick pipe along the westside of the 300 block and then both sides of the 400 block once that demolition has been completed and the pipe is determined to be brick pipe. THE initial location once the change order is approved will be the westside of the 300 block so that the project can continue with the sidewalk installation.

Budget Cost: \$82,903

Staff Contact: Eric Powell, PE Director

Attachments: None



TO: City Council
DATE: March 7, 2024
ITEM #: 9.B
SUBJECT: Wonderland of Light 2023 Update. (Main Street)

Recommendation for Action: Discuss Wonderland of Lights 2023 attendance, events, revenue and expenditure.



WONDERLAND OF LIGHTS 2023



75,000

Visits to Wonderland of Lights and our Main Street District



Santa's Village

30 lbs. of sprinkles, 72 hours with Santa, candy canes, balloon art, face painting. Live music on Telegraph Park Stage Every Friday and Saturday!



Partnerships

Greater Marshall Chamber of Commerce, East Texas Baptist University, Marshall Education Foundation, JROTC, Rusty Lug Nuts, and Downtown Merchants, Michelson Museum, McKool-Smith (Pictures with Santa)



Events

Christmas Parade, Christmas Market, Tigers on Ice, Merry Maverick Run, Pictures with Santa, Cruise Night, Wassail Walk, Wonderland at the Michelson, Firework Display, Get Elfed Scavenger Hunt and Opening Ceremony



Sponsorships - \$62,250



Donations - \$3500.

A Special Thank You to our Sponsors:

Davis Chemical Services, LLC	Genesis Primecare
McKool - Smith	Republic Elite
Steve & Penny Carile	Roth & Abraham Law Firm, PC
Marshall Ford	Vera Bank
CHRISTUS Good Shepherd	Prysmian Group
RVP Construction	Love Dentistry
Patterson Chrysler Dodge Jeep Ram	Additions By Rhonda
3D Security	RED River
KMHT	Josay's Ranch
	Casey Stone Construction



We sold 18,270 Tickets for Ice Skating, Carriage Rides, Wagon Rides, The Wonderland Express, the Carousel and Slide

OPPORTUNITIES FOR WONDERLAND OF LIGHTS 2024

1. Sponsorships
2. Donations
3. Volunteer
4. Private Parties



For More Information Contact:
Lacy Burson
burson.lacy@marshalltexas.net or 903-30-7476

Executive Summary:

Budget Cost:

Staff Contact: Lacy Burson
Main Street Manager

Attachments: None