

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



Members
Amy Ware, District 4 - Mayor
Risa Jordan-Anderson, District 1
Leo Morris, District 2
Dathaniel Campbell, District 3
Reba Godfrey, District 5
Amanda Abraham, District 6
Micah Fenton, District 7

PLEASE SILENCE ALL DEVICES
REGULAR CITY COUNCIL MEETING
March 27, 2025
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 March 2025 as "Developmental Disability Awareness Month" in the City of Marshall.
- B. Presentation of a proclamation declaring the month of April 2025 as "Sexual Assault Awareness Month" in the City of Marshall.
- C. Presentation of the Employee of the Month - March. (Employee Engagement Committee)
- D. Presentation of the Employee of the 1st Quarter 2025. (Employee Engagement Committee)

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 Items to be Withdrawn From Consent Agenda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 27, 2025 Regular Council meeting and the March 5, 2025 Special-Called Council meeting. (City Secretary)
- B. Consider appointment to the Keep Marshall Beautiful Board. (Community & Neighborhood Services)

- C. Consider approval of an Interlocal Agreement for Cooperative Purchasing with Harris County Department of Education. (Finance)

7. Consideration of Items Withdrawn From the Consent Agenda

8. Public Hearing & Ordinance

- A. **O-25-09** Conduct a Public Hearing and consider approval of an ordinance regarding a rezoning request for B L Pyle Road from A&E (Agriculture and Estate) to R-2 (Single Family Detached). The property is located at the dead end of B L Pyle Rd, Parcel #R26475. (Development Services)

9. Ordinance

- A. **O-25-10** Consider approval of an ordinance establishing a four (4)-way stop at Sanford St and W Emory St. (Police)
- B. **O-25-11** Consider approval of an ordinance amending Chapter 13 of the Code of Ordinances of the City of Marshall, Texas, adopting Section 13-7, entitled "Fire Lanes," providing for notice to property owners to post signage designating a fire lane; prohibiting removal of signs; designating fire lanes; providing for closure of fire lanes; prohibiting parking in designated fire lanes; and authorizing removal of unattended or unauthorized vehicles from fire lanes; and designating offenses and penalties for violation of this section; providing for publication and establishing an effective date for such ordinance. (Fire)
- C. **O-25-12** Consider approval of an ordinance amending Chapter 13, Fire Prevention of the Code of Ordinances of the City of Marshall, Texas, repealing and amending provisions of Chapter 13 regarding outdoor burning in the city limits; prohibiting outdoor burning with exceptions; authorizing the City Fire Marshal to establish a permit for outdoor burning; establishing a fee for a burn permit; finding that the meeting at which this ordinance was passed was conducted in strict compliance with the Texas Open Meetings Act; repealing all ordinances in conflict herewith; and establishing an effective date. (Fire)

10. Resolution

- A. **R-25-07** Consider approval of a resolution suspending for 45 days the effective date proposed by CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas – Beaumont/East Texas Division, in its application filed on or about February 18, 2025, pursuant to section 104.301 of the Gas Utility Regulatory Act. (City Attorney)

11. Action Items for City Council Consideration

- A. Discussion & Selection of Council to Marshall Depot / Amtrak Station Steering Committee. (City Manager)

12. Discussion and Reports for City Council Consideration and Direction

- A. Discussion on the Homeless Needs and Assistance in Support of a Homeless Shelter in the City of Marshall, Texas. (Councilmembers Jordan-Anderson and Morris)
- B. Discussion and report regarding the upkeep and maintenance of the Oak Lawn Municipal Golf Course. (Councilmembers Abraham and Godfrey/Assistant City Manager)

- C. Discussion regarding the Asset Disposal Services Agreement. (Support Services and Finance)
- D. Discussion regarding a credit card processing fee to be applied to all transactions made using a credit card. (Finance)
- E. Discussion regarding an ordinance to require pet owners to spay/neuter, vaccinate, and microchip their pets. (Police and Administration)

13. Adjournment

Posted: March 24, 2025

5:45 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 27, 2025
ITEM #: 3.A
SUBJECT: Presentation of a proclamation declaring the month of March 2025 as "Developmental Disability Awareness Month" in the City of Marshall.

Recommendation for Action: Reading of proclamation.

Executive Summary: Olu Motoni, MPH, Disability Community Coordinator for Family and Community Health, requested the proclamation be presented at a council meeting in March.

Budget Cost: N/A

Staff Contact: Mayor Ware

Attachments: 1. DD Awareness Month 2025 Proclamation Text (FORMAL) - Marshall TX

2025 Developmental Disabilities Awareness Month

WHEREAS: An estimated 600,000 individuals in Texas have developmental disabilities; and

WHEREAS, the same hopes and dreams we all cherish as Texans — to be self-sufficient, to find fulfilling work, to practice one's faith, and to make a difference; and

WHEREAS, like all Texans, people with developmental disabilities have unique skills and perspectives, but they also face challenges. It is important to raise awareness about the disability experience in Texas and to understand how each person can lead the life they choose. Throughout our history, many Texans with developmental disabilities have done precisely that, touching lives, contributing to their communities, and making the Lone Star State a better place for us all; and

WHEREAS, Texas is better off when all citizens flourish, so we must do everything in our power to facilitate personal and professional success for all Texans. When students attend classes with non-disabled students, academic success grows. When people with disabilities are hired in the workforce and paid a competitive wage, they support our state's unrivaled economy. Further, people with developmental disabilities who are involved in their communities generally live longer, healthier lives and are more likely to give back. With these realities, the entire state thrives; and

WHEREAS, the City of **Edinburg**, Texas, dedicates the month of March to shed light on people with developmental disabilities, their families, and their care providers in every aspect of life. During this observance and hereafter, Texans can learn about how classrooms, workplaces, houses of worship, and communities are stronger when everyone participates; and

NOW THEREFORE, I, **[proclamation approver]**, **[title]** of City of **Marshall**, Texas, do hereby proclaim March 2024 as:

Developmental Disabilities Awareness Month

encourage our fellow Texans to raise awareness about developmental disabilities.

IN WITNESS WHEREOF, I have signed my name and affixed the official seal of the City here on this **[date]** day of March 2025.



TO: City Council
DATE: March 27, 2025
ITEM #: 3.B
SUBJECT: Presentation of a proclamation declaring the month of April 2025 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. SAAM Marshall

Sexual Assault Awareness Month

2025 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, with an American being sexually assaulted every 68 seconds; 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, The Women's Center of East Texas provided services to 232 sexual assault survivors in 2024, responding to 26 sexual assault nurse examinations; and

Whereas, the City of 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, the City of 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**.

Signed

Dated



TO: City Council
DATE: March 27, 2025
ITEM #: 3.C
SUBJECT: Presentation of the Employee of the Month - March.
(Employee Engagement Committee)

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 27, 2025
ITEM #: 3.D
SUBJECT: Presentation of the Employee of the 1st Quarter 2025. (Employee Engagement Committee)

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 27, 2025
ITEM #: 6.A
SUBJECT: Consider approval of the minutes from the February 27, 2025 Regular Council meeting and the March 5, 2025 Special-Called Council meeting. (City Secretary)

Recommendation for Action: Consider approval of the minutes from the February 27, 2025 Regular Council meeting and the March 5, 2025 Special-Called Council meeting.

Executive Summary: Minutes from the February 27, 2025 Regular Council meeting and the March 5, 2025 Special-Called Council meeting.

Budget Cost: N/A

Staff Contact: Nikki Smith, City Secretary

Attachments:

1. 2.27.25 minutes
2. 3.5.25 minutes

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MINUTES
PLEASE SILENCE ALL DEVICES
REGULAR CITY COUNCIL MEETING
February 27, 2025
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 Leo Morris
Councilmember Reba Godfrey
Councilmember Amanda Abraham
Councilmember Micah Fenton (remote)
Councilmember Dathaniel Campbell
Councilmember Risa Jordan-Anderson

ADMINISTRATIVE STAFF PRESENT:

Melissa Vossmer, Interim City Manager	David Rainwater, 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	
Randy Pritchard, Support Services Director	
Nikki Smith, City Secretary/Payroll Accountant	
Reggie Cooper, Planning & Development Director	
Anna Lane, Community & Neighborhood Services Director	
Alex Agnor, Economic Development & Strategic Initiatives Director	

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.

Abram Allen, 2508 South Garrett, spoke in support of the homeless shelter and for it to remain open.

Richard Williams, 303 W. Burleson, spoke in support of the homeless shelter and for it to remain open.

Nakiara Green, 711 Wiley Ave, spoke in support of the homeless shelter and for it to remain open.

- A. Presentation by property owner concerning 303 W. Burleson Street and presentation from Staff. (City Manager and Fire Chief)

Item 10A was taken out of order and discussed at this point in the meeting.

Dr. Tracy Andrus, asked the Council to allow the homeless shelter to remain open. Dr. Andrus provided a timeline of events and information regarding various events, documents, and correspondence with the City Staff. Dr. Andrus asked the council to consider allowing the shelter to remain open and give them time to bring it up to code. If the shelter is closed, Dr. Andrus asked the Council to find it in their hearts to make sure the occupants have a place to go.

David Rainwater, Fire Chief, provided a timeline of events and information regarding various events, documents, and correspondence with Dr. Tracy Andrus. Chief Rainwater stated there are several fire-life safety code violations at the shelter and compliance with these codes is nonnegotiable. Chief Rainwater informed the Council of a fire at a homeless shelter in Paris, Texas where five people passed away. This shelter had similar code violations to the homeless shelter in Marshall, Texas.

Councilmember Campbell stated there is no desire to close the homeless shelter but local, state, and federal codes and laws must be followed. Councilmember Abraham agreed with Councilmember Campbell and stated Marshall needs a homeless shelter and mental health facilities. Councilmember Abraham stated a human error occurred in the form, probably from the selection of a drop-down box. Councilmember Abraham mentioned her concern about the safety of the occupants of the shelter because of propane heaters, no windows, one exit, and no mention of carbon monoxide detectors. Councilmember Abraham stated she researched shelters within 20 miles of Marshall to temporarily relocate the occupants.

Chief Rainwater stated staff reached out to the Highway 80 Mission, and they agreed to house the occupants until the homeless shelter is brought up to code.

Councilmember Abraham stated the Council supports Dr. Andrus in his endeavors and that he is doing a good thing and providing a great service to the community, but it needs to be done the right way.

Councilmember Morris asked who is accountable for errors in documentation, if the City has any liability, what all the investigative tools the City Attorney used during his research regarding the Certificate of Occupancy and sale of the property and for more

information regarding jail standards having no bearing on city codes or property use for purposes other than as a jail. Scott Rectenwald, City Attorney, stated he used the sales documents and Chief Rainwater's memorandum for his response and that the Texas Commissions on Jail Standards governs what jails have to look like and do.

Councilmember Jordan-Anderson stated she reviewed the documents and there is some confusion. The City had the responsibility of issuing a document to Dr. Andrus, who trusts that document, which the City improperly issued and was incorrect. Councilmember Jordan-Anderson stated Dr. Andrus was under the assumption that he was in good standing, there were several documents stating he was in good standing. Councilmember Jordan-Anderson stated one document was issued for 303 Burleson and the other one for 406 N. Fulton, so there is some confusion as to which is which. Councilmember Jordan-Anderson expressed her concern about the people in the shelter, and stated there are laws that govern, and the shelter should be up-to-date and cover compliance, but she felt the City should be responsible for the faults and wrongness that Dr. Andrus endured for three years. Councilmember Jordan-Anderson stated she would like to go back to the table and discuss a partnership because a homeless center is needed. The Gobus is used for busing homeless individuals to other cities, but the City should be more proactive in finding ways to help citizens.

Councilmember Godfrey asked questions of Chief Rainwater regarding documentation showing no violations in 2020, which was explained to be regarding the usage of office space. If the intention for the building was residential, the entire building would have to have a sprinkler system installed. Councilmember Godfrey asked for compliance information regarding the zoning types and usage. Councilmember Godfrey told Dr. Andrus that fire alarms are needed, and acknowledged someone messed up on the documents, and that Dr. Andrus' understanding was that he could have a shelter there. Councilmember Godfrey stated the City sends people over to be helped and then has their foot on his neck for compliance. Councilmember Godfrey said we need to meet in the middle and partner and do something to help those who are in need. Councilmember Godfrey addressed the need for compliance and acknowledged the steps already taken by Dr. Andrus towards compliance.

Councilmember Abraham asked about the Certificate of Occupancy for the shelter. The application given is for offices, but there is not one on file for a shelter, and there should be two applications and digital certificates.

Councilmember Jordan-Anderson asked if 303 Burleson was grandfathered in and asked Dr. Andrus what he was requesting from the Council. Dr. Andrus stated he is requesting the City to work with the Tracy Andrus Foundation to generate funds, and to meet to work together to bring shelter to fruition and reach some type of agreement. Councilmember Jordan-Anderson stated we have to by the code regulations, and we have to do what we have to do, but there is a shelter for us to relocate the people to. Councilmember Jordan-Anderson recommended going ahead with the code, giving a deadline to come up with compliance in the interim while working with the city to come up with a way to help with the shelter.

Councilmember Campbell mentioned the tremendous response of Dr. Andrus' go-fund me account, but stated the balance must be managed and addressed his concern about who is responsible if something happens at the facility.

Councilmember Jordan-Anderson stated the residents should be moved out as soon as possible because if something happens it would be horrible, and stated if you know better, you do better.

Mayor Ware stated the city staff, Dr. Andrus and his staff and the Council all try to lead with a servant's heart, and she hopes to have a working partnership to reach the goal of having a homeless shelter for the City. Mayor Ware asked for information on the go fund me account which is on the Tracy Andrus website, www.tracyandrusfoundation.com. Mayor Ware asked about which sprinkler system would work for his shelter and about the separation of the men and women in the facility. Mayor Ware asked Dr. Andrus to place the timeline for work, scope of work and cost of work on his website.

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 Godfrey made a motion to approve the Consent Agenda.

Councilmember Jordan-Anderson seconded the motion, which passed by a vote of 7:0.

- A. Consider approval of the minutes from the February 13, 2025 Regular Council meeting. (City Secretary)
- B. Consider approval of the minutes from the February 20, 2025 Special-Called meeting. (City Secretary)
- C. Consider approval of the 2025 interlocal agreement with Marshall Harrison County Health District. (Finance)
- D. Consider approval of the reappointment of a member to the Planning & Zoning Commission. (Planning)

6. Consideration of Items Withdrawn From the Consent Agenda

There were no items withdrawn from the Consent Agenda.

7. Ordinance

- A. **O-25-07** Consider approval of an ordinance amending the FY24 Annual Budget. (Finance)
Kristina Hamilton, Assistant Finance Director, asked council to approve an ordinance amending the FY24 annual budget for the one-time stipend.

Mayor Ware was not present for this item.

Councilmember Godfrey made a motion to approve O-25-07 an ordinance amending the FY24 Annual Budget. Councilmember Campbell seconded the motion, which passed by a vote of 6:0.

- B. **O-25-08** Consider approval of an ordinance amending the FY25 Annual Budget. (Finance)
Kristina Hamilton asked for approval of an amendment to the FY25 annual budget.

Councilmember Abraham made a motion to approve O-25-08 an ordinance amending the FY25 Annual Budget). Councilmember Godfrey seconded the motion, which passed by a vote of 7:0.

8. Resolution

- A. **R-25-06** Consider approval of a resolution authorizing the Police Department to apply for funding under the 2025 Justice Assistance Grant administered by the Office of the Governor. (Police)

Cliff Carruth, Police Chief, asked for approval of a resolution authorizing the Police Department to apply for funding under the 2025 Justice Assistance Grant by the Office of the Governor for a key management system at a cost of \$13,784,50.

Councilmember Godfrey made a motion to approve R-25-06 a resolution authorizing the Police Department to apply for funding under the 2025 Justice Assistance Grant administered by the Office of the Governor. Councilmember Jordan-Anderson seconded the motion, which passed by a vote of 7:0.

9. Action Items for City Council Consideration

- A. Consider approval of a design task order for Halff to perform a complete master plan for the City's Water Treatment Facility (\$281,000). (Public Works)
Eric Powell, Public Works Director, asked for approval of a design task order for Halff to complete a Water Treatment Facility Master Plan. Eric Powell stated the state likes, or desires, to see Master Plans when deciding what entities will receive grant funding and, with a Master Plan in place, we will be able to prioritize what needs to be done. Eric Powell explained the selection process of the review committee for the six bids that were received.

Councilmember Godfrey made a motion to approve a design task order for Halff to perform a complete Master Plan for the City's Water Treatment Facility at a cost of \$281,000. Councilmember Campbell seconded the motion, which passed by a vote of 7:0.

- B. Consider approval to award the contract for Greenwood Cemetery Maintenance to Canseco Lawn & Tree in an amount not to exceed \$50,000. (Parks & Recreation)
Alex Agnor, Assistant City Manager, asked the council to approve to allow the Interim City Manager to finalize and execute a contract not to exceed \$50,000. Alex Agnor stated the contract would be an annual contract of \$5,000 a month for 10 months, March-December, that can be renewed four (4) times.

**Councilmember Campbell made a motion to approve authorizing the Interim City Manager to finalize and execute a contract for Greenwood Cemetery Maintenance for an amount not to exceed \$50,000. Councilmember Jordan-Anderson seconded the motion, which passed by the following vote:
Ayes: 6, Mayor Ware, Councilmembers Campbell, Jordan-Anderson, Fenton, Abraham, and Godfrey
Nays: 1, Councilmember Morris**

- C. Consider action on approving or rejecting bids for the Capital Improvement Plan of Corrective Measure for the Marshall Police Department. (Support Services)
Randy Pritchard, Support Services Director, stated three bids were received for the Capital Improvement Plan of Corrective Measures for the Marshall Police Department, and asked for approval to award the bid to Tegrity Contractors at a cost not to exceed \$433,777.00.

A discussion was had regarding how long the issues at the police department have been ongoing. The timeline for completion of corrective measures has not been finalized at this time.

Councilmember Godfrey made a motion to approve a bid for the Capital Improvement Plan of Corrective Measures for the Marshall Police Department to be awarded to Tegrity Contractors at a cost not to exceed \$433,777.00. Councilmember Campbell seconded the motion, which passed by a vote of 7:0.

10. Discussion and Reports for City Council Consideration and Direction

B. Marketing Marshall Program Presentation (Economic Development & Strategic Initiatives)

Alex introduced Jennifer McWilliams and Glenn Duncan, partners with the Marketing Marshall Program, who provided a video regarding the coverage area of Texas, Louisiana, Arkansas and Oklahoma. Jennifer McWilliams and Glenn Duncan stated there were 5,054,819 digital impressions in 2024, including the "Live from Wonderland" segment. Jennifer McWilliams and Glenn Duncan discussed the commercial productions planned for the City of Marshall and stated that once they are created the City retains them and can distribute and share them for marketing purposes with various groups.

C. Discussion regarding the calendar of events for the FY26 budget process. (Finance)

Kristina Hamilton provided the draft calendar for the FY26 budget process to allow council to know what all the process entails and to provide an opportunity to plan and prepare for possible budget workshops.

D. Presentation of the City of Marshall Financial Report for the period ending December 31, 2024. (Finance)

Dawn Jones, Finance Director, provided information on the December 31, 2024, financial report.

Councilmembers asked what the annual allocations were composed of, and requested an itemized breakdown to be provided.

E. Presentation of the City of Marshall Investment Report Fourth Quarter 2024. (Finance)

Kristina Hamilton provided a review of the 2024 statement of cash & investments.

Councilmembers asked about items being listed with a zero balance, which was explained to have had monies in previous years.

11. Executive Session

Councilmember Godfrey made a motion to convene in Executive Session.

Councilmember Morris seconded the motion, which passed by a vote of 7:0. The time was 8:52 PM.

A. An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.074 Personnel Matters: Discuss or deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: City Manager

12. Action Item Following Executive Session

The council reconvened from the Executive Session. The time was 9:29 PM.

- A. Consider action regarding discussion from the executive session.
There was no action taken regarding the discussion from the Executive Session.

13. Adjournment

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

**Jean Birmingham Council
Chambers, City Hall**
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Members
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Risa Jordan-Anderson, District 1
Leo Morris, District 2
Dathaniel Campbell, District 3
Reba Godfrey, District 5
Amanda Abraham, District 6
Micah Fenton, District 7

**MINUTES
PLEASE SILENCE ALL DEVICES
SPECIAL-CALLED CITY COUNCIL MEETING
March 5, 2025
8:15 AM**

1. Call to Order and Roll Call

Mayor Amy Ware called the Special-Called meeting to order in the Council Chambers, City Hall at 08:19 AM.

PRESENT:

Mayor and Council Members:

Mayor Amy Ware
Councilmember Leo Morris
Councilmember Reba Godfrey
Councilmember Amanda Abraham
Councilmember Dathaniel Campbell
Councilmember Risa Jordan-Anderson

ABSENT: Councilmember Micah Fenton

2. 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.

3. Executive Session

**Councilmember Campbell made a motion to convene in Executive Session.
Councilmember Godfrey seconded the motion, which passed by a vote of 5:0. The time was 8:20 AM.**

Councilmember Abraham arrived at this point in the meeting.

- A. An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.074 Personnel Matters: Discuss or deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: City Manager interviews.
- B. An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.074 Personnel Matters: Discuss or deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee: City Attorney.

4. Action Item Following Executive Session

Councilmember Abraham made a motion to reconvene from the Executive Session. Councilmember Godfrey seconded the motion, which passed by a vote of 6:0. The time was 3:15 PM.

- A. Consider action regarding discussion from the executive session.
There was no action taken regarding the discussion from the Executive Session.
- B. Consider action regarding discussion from the executive session.
There was no action taken regarding the discussion from the Executive Session.

5. Adjournment

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



TO: City Council
DATE: March 27, 2025
ITEM #: 6.B
SUBJECT: Consider appointment to the Keep Marshall Beautiful Board. (Community & Neighborhood Services)

Recommendation for Action: Appoint Ms. Blanca Jenkins to the Keep Marshall Beautiful Board.

Executive Summary: There is one vacancy on the Keep Marshall Beautiful (KMB) Board. Ms. Blanca Jenkins, Assistant Professor of Spanish at East Texas Baptist University and longtime resident of Marshall, is interested in serving on the Keep Marshall Beautiful Board because she wants to serve her community by finding ways to beautify the city.

The KMB board consists of seven members and meets monthly on the first Tuesday at 4:30 pm at Marshall Public Library. If appointed, Ms. Jenkins' first term of service would expire on December 2026.

Budget Cost: n/a

Staff Contact: Anna Lane, Director of Community & Neighborhood Services

Attachments: 1. Blanca Jenkins KMB Application

From: noreply@civicplus.com
To: [Nikki Smith; City Info](#)
Subject: Online Form Submittal: Application for Appointment to City Boards and Committees
Date: Thursday, February 27, 2025 6:21:27 PM

Caution! This message was sent from outside your organization.

[Allow sender](#) | [Block sender](#) | [Report](#)

Application for Appointment to City Boards and Committees

Name of Board or Committee to which you are applying Keep Marshall Beautiful Advisory Board

Name of Board or Committee to which you are applying Keep Marshall Beautiful Advisory Board

First Name Blanca

Last Name Jenkins

Permanent Residence Address 2811 Acadia St

City Marshall

State Texas

Zip Code 75672

Mailing Address (if different from above) Field not completed.

City Field not completed.

State Field not completed.

Zip Code Field not completed.

Preferred Phone Number [REDACTED]

Email Address [REDACTED]

Occupation Educator

Employer ETBU

Are you a registered voter in Yes

the City of Marshall?

Are you a resident of the
City of Marshall?

Yes

Length of Residency in
Marshall

21 years

In which District do you
reside?

4: Mayor Amy Ware

Do you, your spouse, or
your employer have any
financial interest, directly or
indirectly, in any contract
with the City of Marshall?

No

Do you, your spouse, or
your employer have any
financial interest, directly or
indirectly, in the sale to the
City of any land, materials,
supplies, or service?

No

Do you, your spouse, or
your employer have any
financial interest, directly or
indirectly, in matters that
might come before the
Board of Committee to
which you are seeking
appointment?

No

Have you ever been
convicted of violating any
federal, state, or municipal
law, regulation, or
ordinance?

No

Please share information
about your EDUCATION
background.

I have a bachelor's degree from East Texas Baptist
University and a Master's degree from the University of
California at Santa Barbara.

Please share information
about your
PROFESSIONAL
background.

This is my 25th year as an educator

Please share your

4-H volunteer, church volunteer in children's ministry

VOLUNTEER/COMMUNITY
SERVICE experience.

Please share your AREAS
OF INTEREST.

I am also interested in literacy in our area & making sure
young people have access to educational activities outside
of the classroom.

Please specify membership on any other governmental Board or Committee. List
all Boards, Commissions, Corporations, Non-Profit Entities, Agencies, or Other
Entities of which you are currently a member and/or officer and/or employed by
and give the title and dates of any position that you have held in such
organization.

Organization	4-H
Title	Archery coach & volunteer
Dates	2020 To 2025

Organization	<i>Field not completed.</i>
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Title	<i>Field not completed.</i>
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Dates	<i>Field not completed.</i>
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Organization	<i>Field not completed.</i>
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Title	<i>Field not completed.</i>
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Dates	<i>Field not completed.</i>
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Please share a brief
narrative outlining your
interests and qualifications
for seeking appointment.
You may also add a
resume' or additional
information.

I am a long time resident of Marshall, Texas and it would
be an honor to serve my community in finding ways of
beautifying the area where we live.

Upload Resume' (optional)	<i>Field not completed.</i>
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Upload Additional Information (optional)	<i>Field not completed.</i>
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I have read and understand the instructions and appointment process. The
foregoing and any attached statements are true, accurate, and complete. I agree
that any misrepresentation or omission of facts may result in my disqualification
for appointment.

Electronic Signature	Blanca Jenkins
----------------------	----------------



TO: City Council
DATE: March 27, 2025
ITEM #: 6.C
SUBJECT: Consider approval of an Interlocal Agreement for Cooperative Purchasing with Harris County Department of Education. (Finance)

Recommendation for Action: Staff recommends Council approve the Interlocal agreement for cooperative purchasing with Harris County Department of Education.

Executive Summary: To support responsible spending and improve operational efficiency, the City is seeking approval of an interlocal purchasing agreement with Harris County Department of Education (HCDE). Approving this agreement is essential to enhance efficiency, reduce costs, and streamline procurement processes by allowing the City to collaborate with other governmental entities. This agreement enables the City to leverage competitive pricing and pre-negotiated contracts, saving time and resources while ensuring compliance with purchasing regulations. It ultimately supports more effective and fiscally responsible operations.

Budget Cost: N/A

Staff Contact: Kristina Hamilton, Assistant Director of Finance

Attachments: 1. Interlocal-Contract-Texas - HCDE 2025-03-27

Interlocal Agreement
between Harris County Department of Education
& City of Marshall

Pursuant to the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, and Chapter 271, Subchapter F of the Texas Local Government Code, and other similar, applicable laws of other states, this Interlocal Agreement (“Agreement”) is made and entered into by and between Harris County Department of Education (“HCDE”), located in Houston, Texas, and City of Marshall, a local governmental entity and/or political subdivision (“LGE”), located in Marshall (city), Texas (state), for the purpose of contracting for the performance of governmental functions and services. The undersigned may be referred to in this Agreement individually as a “Party” and collectively as the “Parties.”

Preamble

HCDE is a local governmental entity established to promote education in Harris County, Texas and is duly authorized to provide programs and services in the State of Texas. Both HCDE and LGE desire to set forth, in writing, the terms and conditions of their agreement.

General Terms and Conditions

In consideration of the mutual covenants and conditions contained in this Agreement and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties, intending to be legally bound, agree as follows:

1. Term. The term of this Agreement shall commence on the date of the first signature of this Agreement (“Effective Date”) and shall automatically renew annually, unless either Party gives thirty (30) days prior written notice of non-renewal.
2. Agreement. The terms of this Agreement shall apply and will be considered a part of any addendum, purchase order, or contract for programs and services delivered by HCDE. This Agreement and the attached and incorporated addenda, purchase orders, or exhibits, if any, contain the entire agreement of the parties, and there are no representations, agreements, arrangements, or undertakings, oral or written, between the Parties to this Agreement other than those set forth in this Agreement and duly executed in writing.
3. Purpose and Scope of Work.
 - A. **HCDE agrees to:**
 - Provide LGE with descriptive offerings of each of the programs and services that HCDE provides.
 - Provide programs and services upon LGE’s submission of independent contracts or purchase orders to HCDE and HCDE’s acceptance thereof. HCDE’s obligations to provide programs and services is contingent on HCDE acquiring and maintaining sufficient staffing through reasonable efforts to satisfy HCDE’s obligations under this Agreement and all similar obligations under its contracts with other local governmental entities.
 - Conduct, at a minimum, an annual audit or survey, as appropriate, for each of the programs and services that HCDE delivers.
 - B. **LGE agrees to:**
 - Participate in any or all of the programs and services that HCDE offers, in LGE’s sole discretion.

- Submit purchase order(s) or independent contract(s) for each of the HCDE programs and/or services that LGE desires to purchase and/or collaborate.
 - Agree to follow the terms and conditions of each independent contract or purchase order.
 - Designate a person to act as LGE's representative to each respective HCDE program and/or service delivered.
4. As is. HCDE makes this Agreement available to HCDE participating entities "as is" and is under no obligation to revise the terms, conditions, scope, prices, and/or any requirements of the Agreement for the benefit of LGE.
 5. Master Contract. This Agreement can be utilized as a Master Contract. The general terms and conditions in this Agreement will serve to outline the working relationship between HCDE and LGE.

LGE agrees to adhere to the specific terms and conditions set forth for the HCDE programs and/or services as contracted by LGE. In the case of a conflict between this Agreement and any addendum, purchase order, or individual contract for a specific HCDE program or service, the provisions of the addendum, purchase order, or individual contract will govern.

6. Payments. The Parties agree that all payments made under this Agreement will be in an amount that fairly compensates the performing Party for the services or functions performed under this Agreement. The Parties further agree that each Party paying for the performance of governmental functions or services pursuant to this Agreement must make those payments from current revenues available to the paying Party.
7. Invoices. HCDE will invoice LGE for the HCDE programs and services that LGE purchases from HCDE. LGE agrees to remit payment to HCDE within thirty (30) days after the later of the following: (1) the date LGE receives the goods; (2) the date the performance of the service is completed; or (3) the date LGE receives an invoice for the goods or service. If LGE makes a payment to HCDE with a credit card, LGE agrees to pay to HCDE a surcharge fee consisting of any applicable credit card fees and/or costs incurred by HCDE, including, without limitation, the processing fee(s) charged to HCDE by the credit card company(ies).
8. Participation in HCDE's Cooperative Purchasing Program. If LGE elects to participate in HCDE's cooperative purchasing program, Choice Partners, LGE shall be permitted to purchase goods and services using the contracts competitively procured by HCDE. HCDE does not assess a fee to LGE for participation in Choice Partners. LGE shall make payments directly to vendors. LGE shall be responsible for ordering, inspecting, and accepting the goods and services purchased through Choice Partners. LGE shall further be responsible for the vendors' compliance with provisions relating to the specific quality of goods and services delivered and terms of delivered, as set forth between LGE and the vendor. HCDE is not responsible or liable for the performance of any vendor used by LGE as a result of this Agreement or LGE's participation in Choice Partners.
9. Compliance with Laws. Each Party is responsible for complying with applicable laws and regulations relating to this Agreement and any purchase made under this Agreement.

10. Termination. This Agreement may be terminated prior to the expiration of the Term hereof as follows:

- By either Party, with or without cause, upon thirty (30) days' prior written notice;
- By mutual written agreement of the Parties; or
- By either Party immediately if the other Party commits a material breach of any of the terms of this Agreement and no remedial action can be agreed upon by the Parties.

Termination of this Agreement by a Party shall not terminate an existing purchase order or individual contract between HCDE and LGE or between LGE and an HCDE cooperative purchasing program vendor. In the event of termination of this Agreement or any purchase order or individual contract, LGE shall be responsible for compensating HCDE for programs and services provided by HCDE up to the effective date of termination.

11. Assignment. Neither this Agreement nor any duties or obligations entered in subsequent contracts because of this agreement shall be assignable by either party without the prior written acknowledgment and authorization of both parties.
12. Conflict of Interest. During the Term of HCDE's service to LGE, LGE, its personnel and agents, shall not, directly or indirectly, whether for LGE's own account or with any other person or entity whatsoever, employ, solicit or endeavor to entice away any person who is employed by HCDE.
13. Contract Amendment. This Agreement may be amended only by the mutual agreement of all Parties, in writing, to be attached to and incorporated into this Agreement.
14. Notice. Any notice provided under the terms of this Agreement by either party to the other shall be in writing and shall be sent by **certified mail, return receipt requested**. Notice to shall be sufficient if made or addressed as follows:

Harris County Department of Education
Attn: James Colbert, Jr.
County School Superintendent
6300 Irvington Blvd.
Houston, Texas 77022
713-694-6300

City of Marshall _____ ("LGE")
Attn: Kristina Hamilton
Title: Assistant Director of Finance
Address: P.O. Box 698
City, State, Zip: Marshall, Texas 75670
Phone: (903)935-4447
Email: hamilton.kristina@marshalltexas.net

15. Relation of Parties. It is the intention of the parties that LGE is independent of HCDE and not an employee, agent, joint venturer, or partner of HCDE and nothing in this Agreement shall be interpreted or construed as creating or establishing the relationship of employer and employee, agent, joint venturer or partner, between HCDE and LGE or HCDE and any of LGE's representatives.
16. Non-Exclusivity of Services. Nothing in this Agreement may be construed to imply that HCDE has exclusive right to provide LGE with programs or services. During the Term of this Agreement, LGE reserves the right to use all available resources to procure other programs and services as needed and, in doing so, will not violate any rights of HCDE.

17. Disclaimer. HCDE DOES NOT WARRANT THAT THE OPERATION OR USE OF HCDE PROGRAMS AND/OR SERVICES WILL BE UNINTERRUPTED OR ERROR FREE. HCDE HEREBY DISCLAIMS ANY AND ALL WARRANTIES, EXPRESS OR IMPLIED, IN REGARD TO ANY INFORMATION, PRODUCT, PROGRAM, OR SERVICE FURNISHED UNDER THIS AGREEMENT, INCLUDING, WITHOUT LIMITATION, ANY AND ALL IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.
18. Limitation of Liability. Without waiver of the Disclaimer in Article 17 of this Agreement, the Parties agree that:
- Neither Party waives any immunity afforded to it under applicable law; and
 - Neither Party shall be liable to the other Party for special, incidental, or exemplary damages with regard to any lawsuit or formal adjudication arising out of or relating to this Agreement.
19. Severability. In the event that 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 any other provisions, and the Agreement shall be construed as if such invalid, illegality, or unenforceable provision had never been contained in it.
20. Governing Law and Venue. This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, without regard to its conflicts of laws provisions. The mandatory and exclusive venue for the adjudication or resolution of any dispute arising out of this Agreement shall be in Houston, Harris County, Texas.
21. No Waiver. Nothing in this Agreement shall be deemed to waive, modify, or amend any legal defense available at law or equity to a Party, including the defense(s) of immunity. No failure on the part of either Party at any time to require the performance by the other Party of any term hereof shall be taken or held to be a waiver of such term or in any way affect such Party's right to enforce such term, and no waiver on the part of either Party of any term hereof shall be taken or held to be a waiver of any other term hereof or the breach thereof. No waiver, alteration, or modification of any of the provisions of this Agreement shall be binding unless in writing and signed by duly authorized representatives of the Parties hereto.
22. Benefit for Signatory Parties Only. Neither this Agreement, nor any term or provisions hereof, not any inclusion by reference, shall be construed as being for the benefit of any party not in signatory hereto.
23. Authorization. Each party acknowledges that the governing body of each Party to the Agreement has authorized and approved this Agreement.
24. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original constituting one and the same instrument.

In witness whereof, HCDE and LGE have executed this Agreement to be effective on the date specified in Article 1. Term above:

City of Marshall

Name of Local Governmental Entity

Harris County Department of Education

Authorized Signature

Melissa Vossmer

Printed Name

Interim City Manager

Title

03/27/2025

Date

James Colbert, Jr.

County School Superintendent

Date

Type of Local Governmental Entity (*select one*):

- | | |
|---|---|
| ☐ School District | ☐ Charter School |
| ☐ County | ☒ City/Municipality |
| ☐ University | ☐ College |
| ☐ State Entity | |
| ☐ Governmental entity/other: _____ | |

Once completed please email signed ILA to ila@choicepartners.org. ILA will be presented at our next HCDE Board meeting. After signing, a copy will be emailed to address listed on this form.



TO: City Council
DATE: March 27, 2025
ITEM #: 8.A
SUBJECT: **O-25-09** Conduct a Public Hearing and consider approval of an ordinance regarding a rezoning request for B L Pyle Road from A&E (Agriculture and Estate) to R-2 (Single Family Detached). The property is located at the dead end of B L Pyle Rd, Parcel #R26475. (Development Services)

Recommendation for Action: Approve the zoning change request for property ID R26475 located at the north end of B L Pyle Rd.

Executive Summary: On Monday, March 10, 2025, the City's Planning and Zoning Commission conducted a public hearing to address the request to rezone property located at the dead end of BL Pyle Rd. Eric Powell, Director of Public Works and Development Services, with the assistance of Reggie Cooper, presented the information to the Commission. The request of the property owner was to change the current zoning of A-E to R2 for the purpose of creating four (4) new parcels for the future building of single family residential homes on B L Pyle Road (Parcel # R000026475.)

Eric Powell stated that properties in the surrounding area are zoned R2, so rezoning this property would correspond with the zoning of the surrounding properties. He also stated that the applicant will have to meet all requirements of the ordinance. There were 9 letters sent to surrounding residents. One letter was returned in favor of rezoning the property.

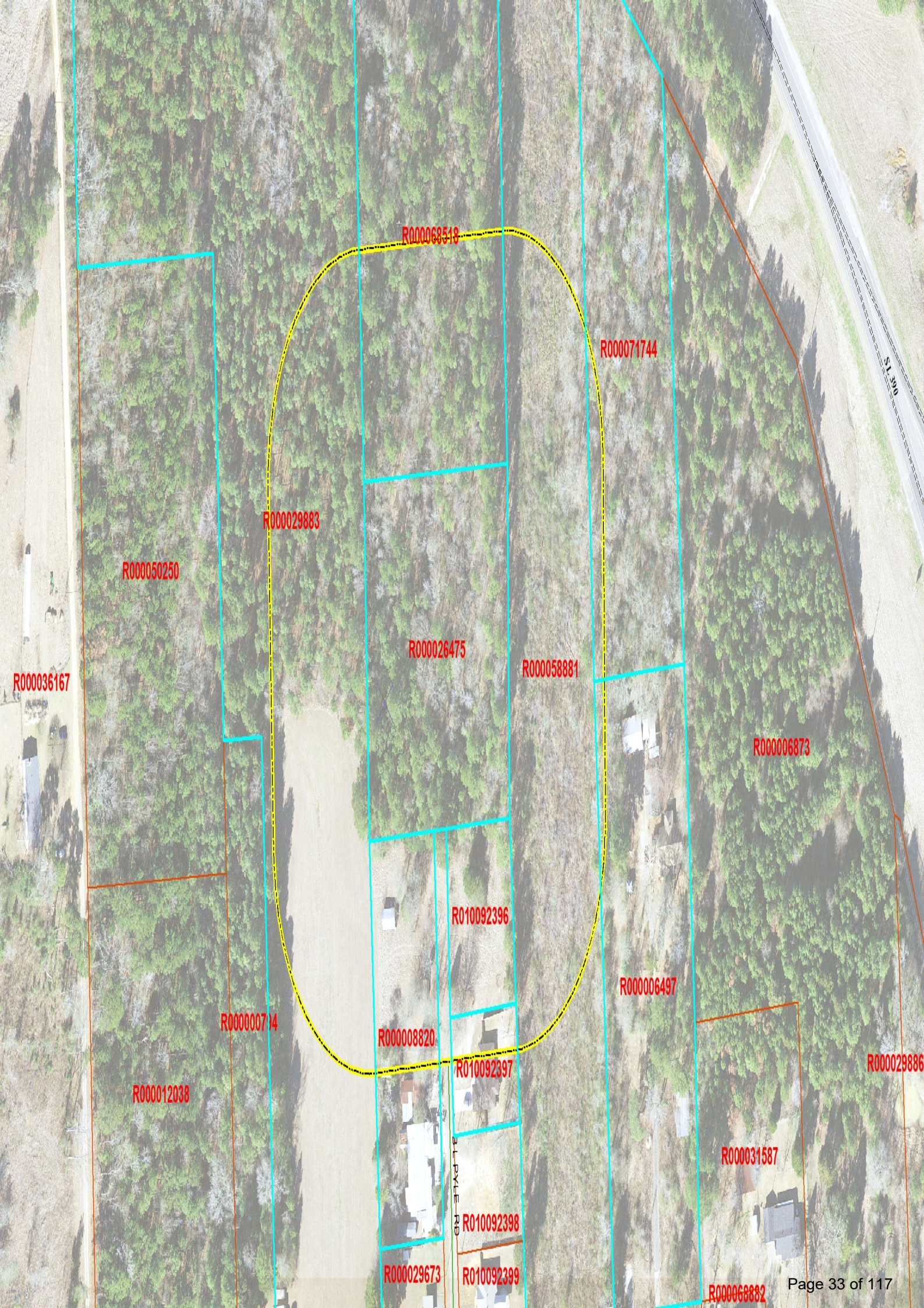
The Planning & Zoning Commission reviewed the information and then opened the meeting to the public where there was no one in the audience. The application was approved 4 to zero.

Budget Cost: No cost

Staff Contact: Eric Powell, PE Director of Public Works and Development Services.

Attachments:

1. 200ftmapR26475
2. R26475
3. R26475 - Jason Childs - BL PYLE RD
4. Survey - B L Pyle Rd
5. ORD_Rezone R26475 (B L Pyle Rd) fromAEtoR2



R000036167

R000050250

R000029883

R000068518

R000071744

R000026475

R000058881

R000068873

R00000714

R010092396

R00006497

R000012038

R000008820

R010092397

R000029886

R000031587

R000029673

R010092398

R010092399

R000068882

PROP_ID	OWNER_NAME	MAIL_LINE1	MAIL_LINE	MAIL_CITY	MAIL_STA
R010092397	HAMILTON AKILLIA	1812 B L PYLE RD		MARSHALL	TX
R010092396	JAIMES ISAIAS & ELIDA TORRES	240 PINEHURST DR		MARSHALL	TX
R000008820	JOOS PATRICIA ANN DULANEY & CHERYL DENISE DULANEY	PO BOX 106		GLADEWATER	TX
R000006497	SIMPSON BILLIE P & SHIRLEY	1894 PRIVATE ROAD 2134		MARSHALL	TX
R000071744	CORLEY RANDALL L	918 WEISINGER DR		MAGNOLIA	TX
R000068518	JOHNSON JONATHAN LOGAN	2865 E LOOP 390 N		MARSHALL	TX
R000029883	BENNETT BEVERLY & ANDERSON MARK	PO BOX 2082		MARSHALL	TX
R000026475	ONEY ALTON J	525 DANIELS RD		MARSHALL	TX
R000058881	REED RAFORD & ELOISE	4805 KARNACK HWY		MARSHALL	TX

HarrisonCAD Web Map



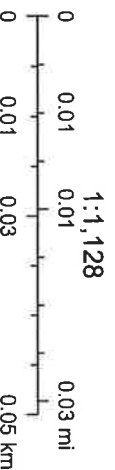
HarrisonCAD Web Map



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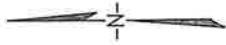
☐ Parcels ☐ City Limits

☐ Abstracts ☐ Lot Lines



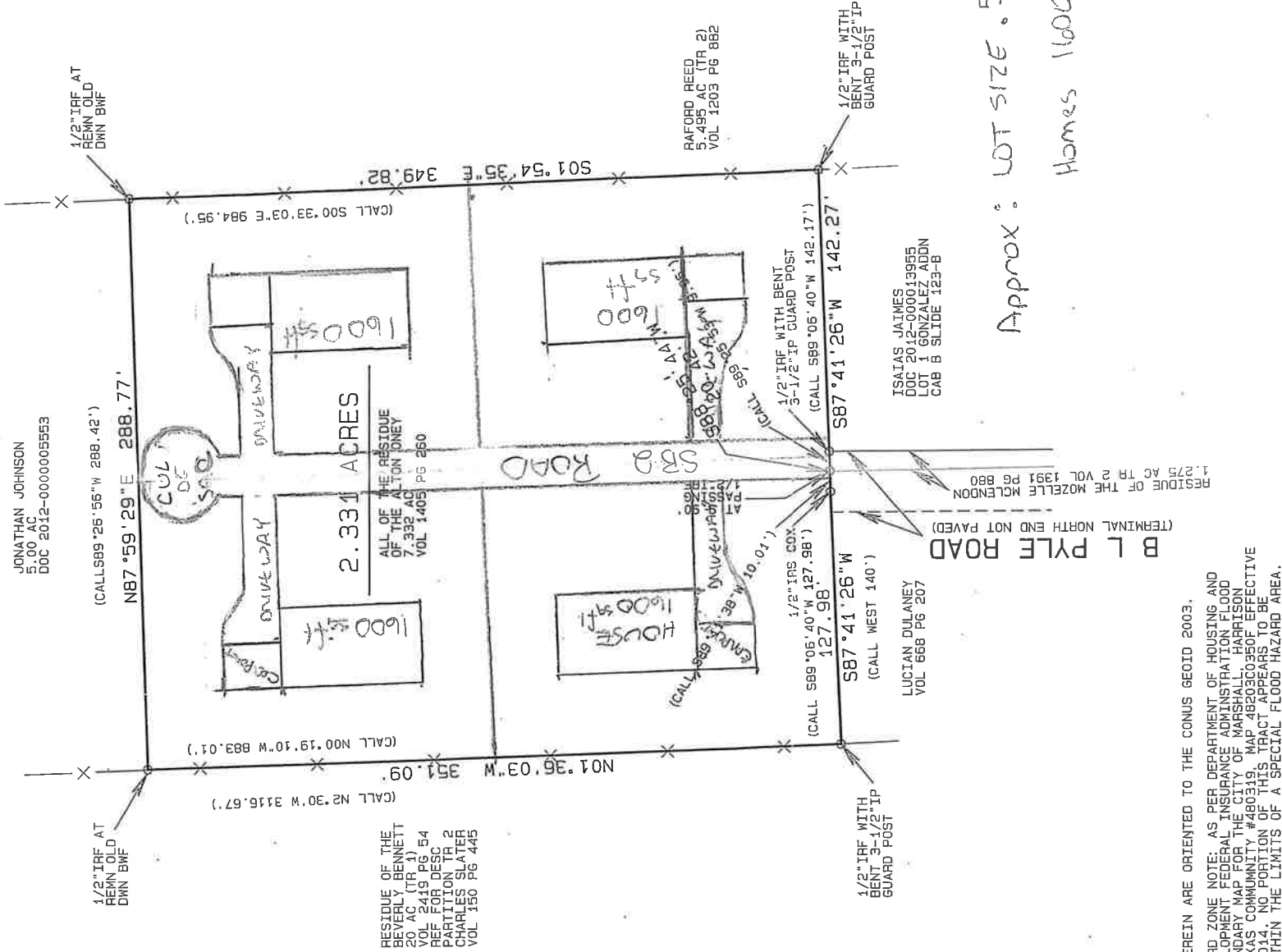
Esri, HERE, Garmin, INCREMENT P, NGA, USGS

Harrison County Appraisal District, BIS Consulting - www.bisconsulting.com
Disclaimer: This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries.



JAMES HARRIS SURVEY A-12
CITY OF MARSHALL, HARRISON, TEXAS

JONATHAN JOHNSON
5.00 AC
DOC 2012-0000005553



BEARINGS HEREIN ARE ORIENTED TO THE CONUS GEOID 2003.
FLOOD HAZARD ZONE NOTE: AS PER DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT FEDERAL INSURANCE ADMINISTRATION FLOOD
HAZARD BOUNDARY MAP FOR THE CITY OF MARSHALL, HARRISON
COUNTY, TEXAS COMMUNITY #480319, MAP 48203C0350F EFFECTIVE
DATE 9/3/2014. NO PORTION OF THIS TRACT APPEARS TO BE
LOCATED WITHIN THE LIMITS OF A SPECIAL FLOOD HAZARD AREA.

THE STATE OF TEXAS;
KNOW ALL MEN BY THESE PRESENTS
COUNTY OF HARRISON:

That I, JAMES A. COX, JR., a Registered Professional Land Surveyor in the
State of Texas do hereby certify that the above tract is true and correct to the best of my knowledge and
that the property shown herein was determined by a survey made on the
ground during December, 2023 under my direction and supervision and there
is no visible evidence of discrepancies or conflicts in boundary lines,
encroachments, overlapping improvements, signs of apparent easements or
right-of-ways known to me except as shown herein. This survey was made
without the benefit of current title commitment and may be subject to
record evidence which is not available for consideration at this time.

WITNESS MY HAND AND SEAL AT MARSHALL, HARRISON
COUNTY, TEXAS this 5th day of December, 2023 A.D.
James A. Cox, Jr.
Registered Professional Land Surveyor No. 4970
State of Texas

COX SURVEYING, INC FIRM NO. 10047200

TO SUBMIT A COMMENT OR COMPLAINT CONTACT THE
TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
1917 SOUTH INTERSTATE 35 AUSTIN, TEXAS 78741
PHONE 512-440-7723 WEBSITE: <https://pels.texas.gov>



SURVEY OF: 2.331 ACRES
FOR : KOLBY PHILLIPS

Scale: 1"=60	COX SURVEYING, INC. PHONE 903-935-9611
Date: 12/5/2023	P.O. BOX 654 MARSHALL, TX. 75671
Revised:	Drawn By: BC
Job: 12-2776-1H	Surveyor: JAMES A. COX, JR. RPLS 4970

ORDINANCE NO _____

An Ordinance Amending Ordinance No. 0-87-13 To Rezone an approximately 2.331-acre tract of land, on all of the residue of the Alton Oney parcel in the James Harris survey and as indicated in Exhibit A from AE (Agriculture and Estate) to R-2 (Residential, Single Family Detached). Located at B L Pyle Rd.

WHEREAS, the City of Marshall enacted zoning on December 13, 1951 and amended said ordinance on July 7, 1963 and on March 26, 1987 repealed and replaced all ordinance with Ordinance No. 0-87-13 amending the Code of Ordinances of the City of Marshall to add Chapter 32 regarding Zoning; and

WHEREAS, a Zoning District Map was adopted as a part of Ordinance No. 0-87-13; and

WHEREAS, Chapter 32, Section 14 of the Code of Ordinances established a procedure for a property owner, his agent, or the City to request zoning district map amendments; and

WHEREAS, the Planning & Zoning Commission, after due and proper notice in the manner and for the length of time required by law, held a public hearing for the purpose of considering proposed changes to the Zoning District Map; and

WHEREAS, after the close of said public hearing and pursuant thereto, the Planning & Zoning Commission filed a written report with the City Council, recommending changes in the Zoning District Map; and

WHEREAS, pursuant to said report and after notice in the manner and for the length of time required by law, the City Council held a public hearing in Marshall, Texas at City Hall on the 27th day of March, 2025 at 6:00pm for the purpose of considering the requested Zoning Map change, and at which hearing all property owners, interested parties, and interested citizens had an opportunity to be heard; and

WHEREAS, the City Council, after considering the proposed changes and after hearing all parties and citizens desiring to be heard, deems that the following changes are necessary and for the best interest of the general welfare of the citizens of the City of Marshall, Texas.

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

Section 1. The facts and opinions in the preamble of this ordinance are true and correct.

Section 2. THAT THE ZONING MAP ESTABLISHED BY ORDINANCE NO. 087-13 IS HEREBY AMENDED TO REZONE THAT CERTAIN To Rezone an approximately 2.331-acre tract of land, on part of Lots 1 & 4, Block 3 of the EB Blalock Addition, From

AE (Agriculture and Estate) to R2 (Residential, Single Family Detached). Located at end of B L Pyle Rd, Marshall, Texas.

Section 3. All ordinances and agreements and parts of ordinances and agreements in conflict herewith are hereby repealed to the extent of the conflict only.

PASSED on the 27th day of March, 2025.

AYES:

NOES:

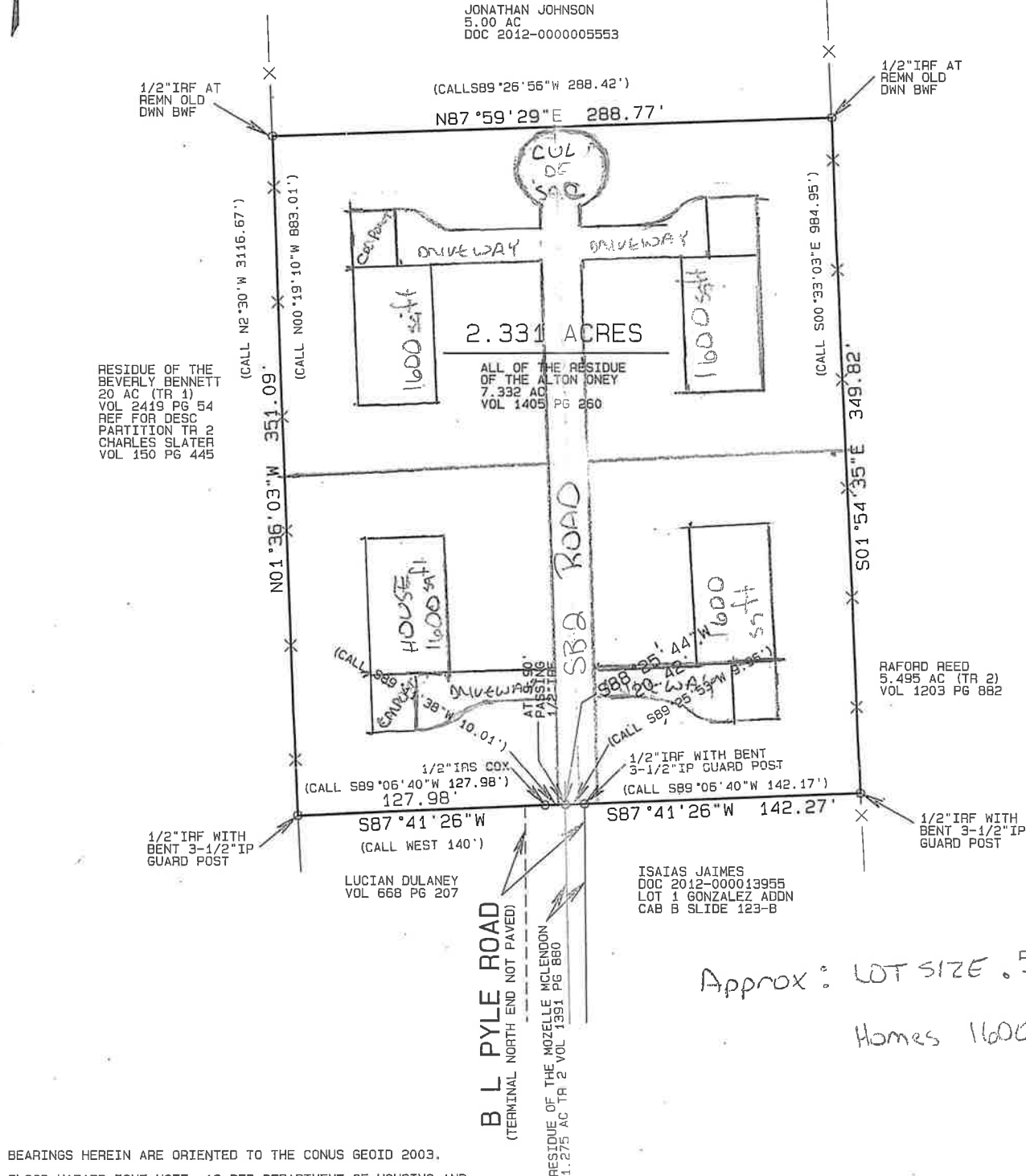
ABSTAINED:

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

ATTEST:

CITY SECRETARY

JAMES HARRIS SURVEY A-12
CITY OF MARSHALL, HARRISON, TEXAS



BEARINGS HEREIN ARE ORIENTED TO THE CONUS GEOID 2003.

FLOOD HAZARD ZONE NOTE: AS PER DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAP FOR THE CITY OF MARSHALL, HARRISON COUNTY, TEXAS COMMUNITY #480319, MAP 48203C0350F EFFECTIVE DATE 9/3/2014, NO PORTION OF THIS TRACT APPEARS TO BE LOCATED WITHIN THE LIMITS OF A SPECIAL FLOOD HAZARD AREA.

THE STATE OF TEXAS:
KNOW ALL MEN BY THESE PRESENTS
COUNTY OF HARRISON:

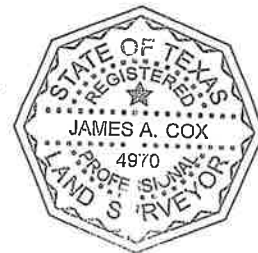
That I, JAMES A. COX, JR., a Registered Professional Land Surveyor in the State of Texas do hereby certify that the above tract is true and correct to the best of my knowledge and that the property shown herein was determined by a survey made on the ground during December, 2023 under my direction and supervision and there is no visible evidence of discrepancies or conflicts in boundary lines, encroachments, overlapping improvements, signs of apparent easements or right-of-ways known to me except as shown herein. This survey was made without the benefit of current title commitment and may be subject to record evidence which is not available for consideration at this time.

WITNESS MY HAND AND SEAL AT MARSHALL, HARRISON COUNTY, TEXAS this 5th day of December, 2023 A.D.

Registered Professional Land Surveyor No. 4970
State of Texas

COX SURVEYING, INC FIRM NO. 10017200

TO SUBMIT A COMMENT OR COMPLAINT CONTACT THE
TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
1917 SOUTH INTERSTATE 35 AUSTIN, TEXAS 78741
PHONE 512-440-7723 WEBSITE: <https://peils.texas.gov>



SURVEY OF: 2.331 ACRES	
FOR : KOLBY PHILLIPS	
Scale: 1"=60	COX SURVEYING, INC. PHONE 903-935-9611
Date: 12/5/2023	P.O. BOX 654 MARSHALL, TX. 75671
Revised:	Drawn By: BC
Job: 12-2776-1H	Surveyor: JAMES A. COX, JR. RPLS 4970



TO: City Council
DATE: March 27, 2025
ITEM #: 9.A
SUBJECT: **O-25-10** Consider approval of an ordinance establishing a four (4)-way stop at Sanford St and W Emory St. (Police)

Recommendation for Action: Adopt the ordinance establishing the 4-way stop

Executive Summary: The Marshall Independent School District has reached out to the City to request a four-way stop with crosswalks at the intersection of Sanford Street and West Emory Street. This intersection is directly adjacent to the Price T. Young School campus. The principal of the school, Blake Langley, advised that on multiple occasions, vehicles have been seen speeding in the area, especially on W. Emory St. On one particular occasion, at approximately 3:15 PM on January 15, 2025, a speeding driver lost control of their vehicle and ended up crashing through a fence and striking a parked vehicle in the MISD maintenance shop across the street from the school. Langley advised that there are several children who walk to and from the school each day, and he is concerned for their safety as they cross the street. MISD and the MISD Police Department have requested that this intersection be changed to incorporate a four-way stop.

MPD Chief Cliff Carruth and MISD PD Chief Joe Arledge have met to discuss this issue and both agree that these changes would have a positive effect on the safety of the children who attend Price T. Young School.

Budget Cost: Approximately \$1,500 for signs and striping.

Staff Contact: Chief Carruth

Attachments:

1. PriceTYoungSchool2025
2. FOUR WAY STOP.OrdinanceSanfordWEmory







STOP SIGN



STOP BAR

PROPOSED 4-WAY STOP

SANFORD ST & W EMORY ST

CITY OF MARSHALL, TEXAS

DATE: 03/2025

REVISIONS:

PLAN TITLE:

PLAN.

SHEET NO.:

1 of 1

CITY OF MARSHALL, TEXAS ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARSHALL, TEXAS, PROVIDING FOR A FOUR WAY STOP; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A PUBLICATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marshall, Texas, is a Texas home-rule municipality; and

WHEREAS, Section 311.001(a) of the Texas Transportation Code generally provides that a home-rule municipality has exclusive control over and under the public highways, streets, and alleys of the municipality; and

WHEREAS, the City of Marshall, Texas, has conducted a traffic review by staff concerning the traffic pattern surrounding Price T. Young Elementary School, and specifically at the intersection of Sanford Street and W Emory Street and

WHEREAS representatives of the Marshall Independent School District Police Department have requested a four way stop at the intersection of Sanford Street and W Emory St Street; and

WHEREAS, the City Council of the City of Marshall, Texas, finds that requiring a four way stop at the intersection of St. Francis St. and Meadow St. is in the best interest of the safety of the children attending the Marshall Early Childhood Center (“the School”), property owners near the School, and parents driving two and from the School; and further that the changes made herein will improve traffic flow and safety for those using the streets;

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

SECTION 1. That the findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. FOUR WAY STOP CREATED. Exhibit A to this ordinance shall provide a depiction of the roads and traffic flow, requiring a four way stop at the intersection of Sanford Street and W Emory Street. City staff is authorized to erect and place signage requiring traffic from all four directions of the intersection of Sanford Street and W Emory Street to come to a complete stop. Failure to stop at the intersection is prohibited.

SECTION 3. That if any section, article paragraph, sentence, clause, phrase or word in this Ordinance, or application thereto any persons or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance; and the City

Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 4. That all provisions of the Ordinances of the City of Marshall, Texas, in conflict with the provisions of this Ordinance be, and the same are hereby amended, repealed, and all other provisions of the ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5. Penalty Clause. Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be deemed guilty of a class C misdemeanor and, upon conviction, shall be punished by a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense; and each and every day during or on which such violation shall occur or continue shall be deemed to constitute a separate offense.

SECTION 6. Publication. In accordance with Section 52.011 of the Local Government Code, the caption of this Ordinance shall be published either (a) in every issue of the official newspaper of the City of Marshall for two days or (b) one issue of the newspaper if the official newspaper is a weekly paper. An affidavit by the printer or the publisher of the official newspaper verifying the publication shall be filed in the office of the City Secretary.

SECTION 7. That this Ordinance shall become effective from and after its date of passage in accordance with law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARSHALL, TEXAS, THIS THE 27th DAY OF MARCH, 2025.

Amy Ware, Mayor

ATTEST:

Nikki Smith, City Secretary

Scott Rectenwald, City Attorney

§

NOTARY PUBLIC, State of Texas
My Commission Expires: _____

Typed or Printed Name of Notary





City of
MARSHALL
TEXAS

 STOP SIGN
 STOP BAR

PROPOSED 4-WAY STOP
SANFORD ST & W EMORY ST
CITY OF MARSHALL, TEXAS

DATE: 03/2025

REVISIONS:

PLAN TITLE:

EXHIBIT A.

SHEET NO.:

1 of 1

TO: City Council
DATE: March 27, 2025
ITEM #: 9.B
SUBJECT: **O-25-11** Consider approval of an ordinance amending Chapter 13 of the Code of Ordinances of the City of Marshall, Texas, adopting Section 13-7, entitled "Fire Lanes," providing for notice to property owners to post signage designating a fire lane; prohibiting removal of signs; designating fire lanes; providing for closure of fire lanes; prohibiting parking in designated fire lanes; and authorizing removal of unattended or unauthorized vehicles from fire lanes; and designating offenses and penalties for violation of this section; providing for publication and establishing an effective date for such ordinance. (Fire)



Recommendation for Action: Staff recommends approval of this ordinance as it will simplify code enforcement and improve public safety by consolidating all fire lane regulations into a single comprehensive ordinance, allowing for more consistent and effective enforcement.

Executive Summary: Overview

The proposed ordinance would establish Section 13-17 "Fire Lanes" in Chapter 13 of the City of Marshall Code of Ordinances. This ordinance consolidates fire lane regulations currently scattered across three separate code standards into a single, comprehensive ordinance to improve clarity and enforcement.

Purpose

The primary purpose of this ordinance is to:

- Streamline enforcement by creating a single authoritative reference for fire lane regulations
- Clearly define the authority of the Fire Chief and Fire Marshal to designate and enforce fire lanes
- Establish consistent signage and marking requirements
- Define procedures for vehicle removal from fire lanes
- Set penalties for violations

Key Provisions

The ordinance includes provisions for:

1. Clear definitions of fire lanes, parking facilities, and related terms
2. Authority for fire lane designation and notification requirements to property owners
3. Requirements for signage and optional red curb markings
4. Prohibition of unauthorized sign removal
5. Procedures for closing fire lanes
6. Prohibition of unauthorized parking in fire lanes

7. Authority and procedures for removal of unauthorized vehicles
8. Penalties for violations (up to \$500 per violation)

Enforcement

The ordinance enables more effective enforcement by:

- Clearly defining which officials have authority to enforce the regulations
- Establishing consistent procedures for citation and vehicle removal
- Providing liability protection for property owners who have unauthorized vehicles removed
- Setting clear penalties for violations

Recommendation

Staff recommends approval of this ordinance as it will simplify code enforcement and improve public safety by consolidating all fire lane regulations into a single comprehensive ordinance, allowing for more consistent and effective enforcement.

Budget Cost: There are no direct budget costs.

Staff Contact: David Rainwater, Fire Chief

Attachments:

1. Executive Summary Fire Lane Ordinance
2. 2015 IFC Fire Lane
3. Fire Lane Ordinance

To: Melissa Vossmer, City Manager
Date: March 18, 2025
From: David Rainwater, Fire Chief
RE: Ordinance to Adopt Fire Lane Regulations

Overview

The proposed ordinance would establish Section 13-17 "Fire Lanes" in Chapter 13 of the City of Marshall Code of Ordinances. This ordinance consolidates fire lane regulations currently scattered across three separate code standards into a single, comprehensive ordinance to improve clarity and enforcement.

Purpose

The primary purpose of this ordinance is to:

- Streamline enforcement by creating a single authoritative reference for fire lane regulations
- Clearly define the authority of the Fire Chief and Fire Marshal to designate and enforce fire lanes
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- Define procedures for vehicle removal from fire lanes
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- Setting clear penalties for violations

Recommendation

Staff recommends approval of this ordinance as it will simplify code enforcement and improve public safety by consolidating all fire lane regulations into a single comprehensive ordinance, allowing for more consistent and effective enforcement.

2015 IFC

Chapter 2 Definitions

SECTION 202

FIRE APPARATUS ACCESS ROAD. A road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as *fire lane*, public street, private street, parking lot lane and access roadway.

FIRE CODE OFFICIAL. The fire chief or other designated authority charged with the administration and enforcement of the code, or a duly authorized representative

FIRE LANE. A road or other passageway developed to allow the passage of fire apparatus. A fire lane is not necessarily intended for vehicular traffic other than fire apparatus.

SECTION 503

FIRE APPARATUS ACCESS ROADS

503.1 Where required.

Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3.

503.1.1 Buildings and facilities.

INSIGHTS

Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the *exterior walls* of the first story of the building as measured by an *approved* route around the exterior of the building or facility.

Exceptions:

1. 1.The *fire code official* is authorized to increase the **dimension of 150 feet (45 720 mm) where any of the following conditions occur:**
 1. **1.1.The building is equipped throughout** with an *approved automatic sprinkler system* installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
 2. **1.2.Fire apparatus access roads cannot be** installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an *approved* alternative means of fire protection is provided.
 3. **1.3.There are not more than two Group R-3 or Group U** occupancies.
2. 2.Where approved by the *fire code official*, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities.

INSIGHTS (1)

503.1.2 Additional access.

The *fire code official* is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

503.1.3 High-piled storage.

Fire department vehicle access to buildings used for *high-piled combustible storage* shall comply with the applicable provisions of Chapter 32.

503.2 Specifications.

Fire apparatus access roads shall be installed and arranged in accordance with Sections 503.2.1 through 503.2.8.

503.2.1 Dimensions.

Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for *approved* security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

503.2.2 Authority.

INSIGHTS

The *fire code official* shall have the [authority to require or permit modifications to the required access widths where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction.](#)

INSIGHTS (1)

503.2.3 Surface.

Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.

503.2.4 Turning radius.

The required turning radius of a fire apparatus access road shall be determined by the *fire code official*.

503.2.5 Dead ends.

Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an *approved* area for turning around fire apparatus.

503.2.6 Bridges and elevated surfaces.

Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO HB-17. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges where required by the *fire code official*. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces that are not designed for such use, *approved* barriers, *approved* signs or both shall be installed and maintained where required by the *fire code official*.

503.2.7 Grade.

The grade of the fire apparatus access road shall be within the limits established by the *fire code official* based on the fire department's apparatus.

503.2.8 Angles of approach and departure.

The angles of approach and departure for fire apparatus access roads shall be within the limits established by the *fire code official* based on the fire department's apparatus.

503.3 Marking.

Where required by the *fire code official*, *approved* signs or other *approved* notices or markings that include the words NO PARKING—FIRE LANE shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which *fire lanes* are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

503.4 Obstruction of fire apparatus access roads.

INSIGHTS

Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and [clearances established in Sections 503.2.1 and 503.2.2](#) shall be maintained at all times.

INSIGHTS (1)

503.4.1. Traffic calming devices.

Traffic calming devices shall be prohibited unless *approved* by the *fire code official*.

503.5 Required gates or barricades.

The *fire code official* is authorized to require the installation and maintenance of gates or other *approved* barricades across fire apparatus access roads, trails or other accessways, not including public streets, alleys or highways. Electric gate operators, where provided, shall be *listed* in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

503.5.1 Secured gates and barricades.

Where required, gates and barricades shall be secured in an *approved* manner. Roads, trails and other accessways that have been closed and obstructed in the manner prescribed by Section 503.5 shall not be trespassed on or used unless authorized by the *owner* and the *fire code official*.

Exception: The restriction on use shall not apply to public officers acting within the scope of duty.

503.6 Security gates.

The installation of security gates across a fire apparatus access road shall be *approved* by the fire chief. Where security gates are installed, they shall have an *approved* means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be *listed* in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

SECTION 504

ACCESS TO BUILDING OPENINGS AND ROOFS

504.1 Required access.

Exterior doors and openings required by this code or the *International Building Code* shall be maintained readily accessible for emergency access by the fire department. An *approved* access walkway leading from fire apparatus access roads to exterior openings shall be provided when required by the *fire code official*.

504.2 Maintenance of exterior doors and openings.

Exterior doors and their function shall not be eliminated without prior approval. Exterior doors that have been rendered nonfunctional and that retain a functional door exterior appearance shall have a sign affixed to the exterior side of the door with the words THIS DOOR BLOCKED. The

sign shall consist of letters having a principal stroke of not less than $\frac{3}{4}$ inch (19.1 mm) wide and not less than 6 inches (152 mm) high on a contrasting background. Required fire department access doors shall not be obstructed or eliminated. Exit and *exit access* doors shall comply with Chapter 10. Access doors for *high-piled combustible storage* shall comply with Section 3206.6.1.

APPENDIXD

FIRE APPARATUS ACCESS ROADS

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

SECTION D101

GENERAL

D101.1 Scope.

Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the *International Fire Code*.

SECTION D102

REQUIRED ACCESS

D102.1 Access and loading.

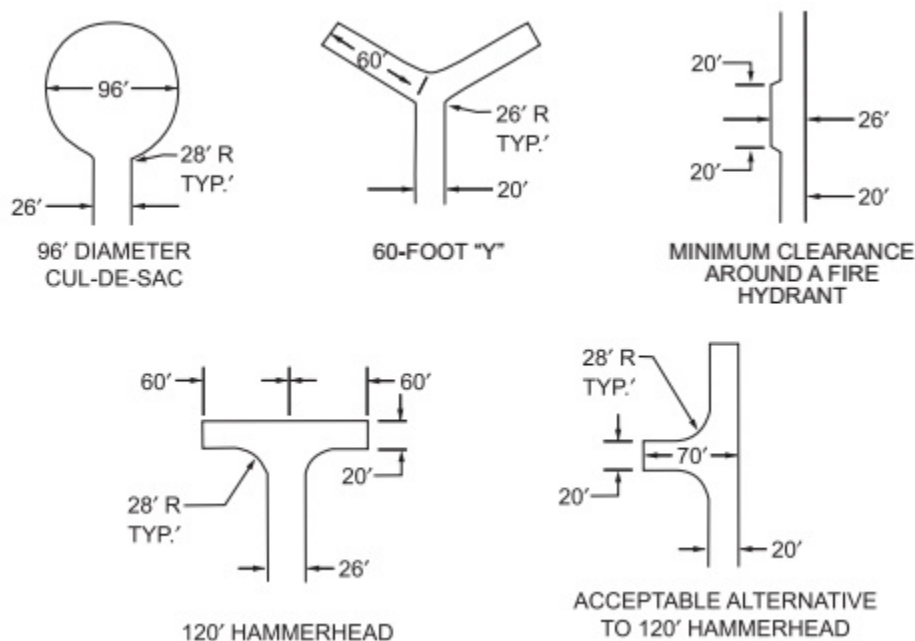
Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road with an asphalt, concrete or other *approved* driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg).

SECTION D103

MINIMUM SPECIFICATIONS

D103.1 Access road width with a hydrant.

Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm), exclusive of shoulders (see Figure D103.1).



For SI: 1 foot = 304.8 mm.

FIGURE D103.1

DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND

D103.2 Grade.

Fire apparatus access roads shall not exceed 10 percent in grade.

Exception: Grades steeper than 10 percent as *approved* by the fire chief.

D103.3 Turning radius.

The minimum turning radius shall be determined by the *fire code official*.

D103.4 Dead ends.

Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4.

TABLE D103.4

REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS

LENGTH(feet)	WIDTH(feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-500	20	120-foot Hammerhead, 60-foot “Y” or 96-foot diameter cul-de-sac in accordance with Figure D103.1
501-750	26	120-foot Hammerhead, 60-foot “Y” or 96-foot diameter cul-de-sac in accordance with Figure D103.1
Over 750	Special approval required	

For SI: 1 foot = 304.8 mm.

D103.5 Fire apparatus access road gates.

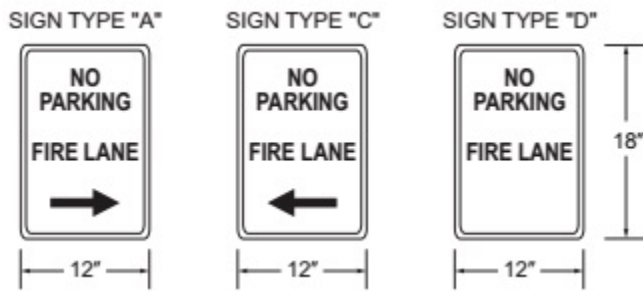
Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. 1. Where a single gate is provided, the gate width shall be not less than 20 feet (6096 mm).
Where a fire apparatus road consists of a divided roadway, the gate width shall be not less than 12 feet (3658 mm).
2. 2. Gates shall be of the swinging or sliding type.
3. 3. Construction of gates shall be of materials that allow manual operation by one person.
4. 4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. 5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be *approved* by the *fire code official*.
6. 6. **Methods of locking shall be submitted for approval by the *fire code official*.**
7. 7. Electric gate operators, where provided, shall be *listed* in accordance with UL 325.
8. 8. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

D103.6 Signs.

Where required by the *fire code official*, fire apparatus access roads shall be marked with permanent NO PARKING—FIRE LANE signs complying with Figure D103.6. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red

letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.



**FIGURE D103.6
FIRE LANE SIGNS**

D103.6.1 Roads 20 to 26 feet in width.

Fire lane signs as specified in Section D103.6 shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide (6096 to 7925 mm).

D103.6.2 Roads more than 26 feet in width.

Fire lane signs as specified in Section D103.6 shall be posted on one side of fire apparatus access roads more than 26 feet wide (7925 mm) and less than 32 feet wide (9754 mm).

TRANSPORTATION CODE

TITLE 7. VEHICLES AND TRAFFIC

SUBTITLE C. RULES OF THE ROAD

CHAPTER 545. OPERATION AND MOVEMENT OF VEHICLES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 545.302. STOPPING, STANDING, OR PARKING PROHIBITED IN CERTAIN PLACES. (a) An operator may not stop, stand, or park a vehicle:

- (1) on the roadway side of a vehicle stopped or parked at the edge or curb of a street;
- (2) on a sidewalk;
- (3) in an intersection;
- (4) on a crosswalk;
- (5) between a safety zone and the adjacent curb or within 30 feet of a place on the curb immediately opposite the ends of a safety zone, unless the governing body of a municipality designates a different length by signs or markings;
- (6) alongside or opposite a street excavation or obstruction if stopping, standing, or parking the vehicle would obstruct traffic;
- (7) on a bridge or other elevated structure on a highway or in a highway tunnel;
- (8) on a railroad track; or
- (9) where an official sign prohibits stopping.

(b) An operator may not, except momentarily to pick up or discharge a passenger, stand or park an occupied or unoccupied vehicle:

- (1) in front of a public or private driveway;

(2) within 15 feet of a fire hydrant;
(3) within 20 feet of a crosswalk at an intersection;
(4) within 30 feet on the approach to a flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway;

(5) within 20 feet of the driveway entrance to a fire station and on the side of a street opposite the entrance to a fire station within 75 feet of the entrance, if the entrance is properly marked with a sign; or

(6) where an official sign prohibits standing.

(c) An operator may not, except temporarily to load or unload merchandise or passengers, park an occupied or unoccupied vehicle:

(1) within 50 feet of the nearest rail of a railroad crossing; or

(2) where an official sign prohibits parking.

(d) A person may stop, stand, or park a bicycle on a sidewalk if the bicycle does not impede the normal and reasonable movement of pedestrian or other traffic on the sidewalk.

(e) A municipality may adopt an ordinance exempting a private vehicle operated by an elevator constructor responding to an elevator emergency from Subsections (a)(1), (a)(5), (a)(6), (a)(9), (b), and (c).

(f) Subsections (a), (b), and (c) do not apply if the avoidance of conflict with other traffic is necessary or if the operator is complying with the law or the directions of a police officer or official traffic-control device.

(g) If the governing body of a municipality determines that it is necessary to improve the economic development of the municipality's central business district and that it will not adversely affect public safety, the governing body may adopt an ordinance regulating the standing, stopping, or parking of a vehicle at a place described by Subsection (a)(1), other than a road or highway in the state highway system, in the central business district of the municipality as defined in the

ordinance. To the extent of any conflict between the ordinance and Subsection (a)(1), the ordinance controls.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by Acts 1999, 76th Leg., ch. 814, Sec. 1, eff. June 18, 1999.

TTC 545.302(b) (2)

TTC 545.302 (b) (5)

TTC 545.302 (c) (2)

AN ORDINANCE AMENDING CHAPTER 13, FIRE PREVENTION OF ORDINANCES OF THE CITY OF MARSHALL, TEXAS, REPEALING AND AMENDING PROVISIONS OF CHAPTER 13 REGARDING FIRE LANES WITHIN THE CITY LIMITS; FIRE LANE DESIGNATIONS; NOTICE TO OWNER TO POST SIGNAGE DESIGNATING FIRE LANE; UNLAWFUL REMOVAL OF SIGN DESIGNATING FIRE LANE; CLOSURE OF FIRE LANE; PARKING IN DESIGNATED FIRE LANE; REMOVAL OF UNATTENDED, UNAUTHORIZED VEHICLE FROM FIRE LANE; AUTHORITY TO REMOVE UNAUTHORIZED VEHICLE; OFFENSES AND PENALTY FOR VIOLATION; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS CONDUCTED IN STRICT COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS Council for the City of Marshall (“the Council”) finds that ordinances regulating fire lanes promotes the welfare and safety of its citizens; and

WHEREAS the Council finds that the existing ordinance regulating fire lanes is in need of updating; and

WHEREAS, the Council wishes to amend in its entirety Chapter 13 of the Code of Ordinances entitled “Fire Prevention Code”.
of the City’s Code of Ordinances and to update certain provisions of said Chapter;

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

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

Section 2. That a new section of Chapter 13 is hereby created and adopted. That article to be titled, ***SECTION 13-17 FIRE LANES***, and said sections to read as follows:

“(a) Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

FIRE LANE shall mean any area appurtenant to entrances or exits of a building deemed necessary by the Fire Chief or the Fire Marshal to remain free and clear of parked vehicles for access to such building in case of fire or other emergency and designated by him as such, and may include sidewalks, driveways, portions of parking lots, or any other area adjacent to or near building entrances or exits, or any fire hydrant.

Parking facility means any public or private property used, in whole or in part, for restricted and/or paid parking of vehicles. "Parking facility" includes but is not limited to commercial parking lots, parking garages, and parking areas serving or adjacent to businesses, churches, schools, homes, apartment complexes, property governed by

property owners' association, and government-owned property leased to a private person. "Parking facility" also includes that restricted space or spaces on a portion or portions of an otherwise unrestricted parking facility.

Parking facility owner means:

(1) An operator or owner (including a lessee, employee or agent thereof) of a parking facility;

(2) A property owners' association having control over assigned or unassigned parking areas according to a dedicatory instrument; and

(3) A property owner having exclusive use, rights to a parking space under a dedicatory instrument.

Vehicle means every kind of device in, upon, or by which any person or property is or may be transported or drawn on a public roadway, except devices moved by human power or used exclusively on stationary rails or tracks. The term includes an operable or inoperable automobile, truck, motorcycle, recreational vehicle, or trailer.

(b) Fire lane designations. The Fire Chief or the Fire Marshal are hereby authorized to designate fire lanes on designated premises, as defined herein, where such areas must be free of parked vehicles and other obstructions to provide ready access to buildings therein in case of fire or other emergencies. The designation by the Fire Chief or the Fire Marshal of such fire lanes shall never be held to make the city responsible for the maintenance of such fire lanes, but the owner of such property shall continue to be responsible for the maintenance of such area. Further, owners of the private property or the designated representative may request that additional fire lanes be designated by the Fire Marshal.

(c) Notice to owner of premises to post signage designating fire lane. Upon the designation of a fire lane pursuant to this article, the Fire Chief or Fire Marshal shall give notice of such designation to the owner of such designated premises, directing the owner to cause signs to be posted at the expense of the owner, at designated locations, lettered "Fire Lane - No Parking ". Such signs shall be of standard size and color, of standard lettering and mounting, conforming to specifications established by the city adopted fire code. In addition to the signs, the owners of such designated premises at their option, or, if so, directed by the Fire Chief or Fire Marshal, shall paint all fire lane curbs red with white stenciled letters stating "Fire Lane, No Parking".

(d) Unlawful removal of sign designating fire lane. It is further declared to be unlawful for any person, without lawful authority, to attempt to remove or obliterate any sign designated a fire lane erected pursuant hereto.

(e) Closure of fire lane. No owner, manager or person in charge of any premises served by a required fire lane shall abandon or close any such fire lane without the written permission of the City Manager, Fire Chief or Fire Marshal.

(f) Parking in designated fire lane. It shall be unlawful for the operator of any vehicle, other than an authorized emergency vehicle, to park and leave a vehicle unattended in a designated fire lane when such signs are in place or such red curbing exists. Any owner of vehicle, equipment or device found to have parked in or blocking a fire lane shall be cited or have vehicle, equipment, or device removed and impounded by police or the fire department.

(g) Removal of unattended, unauthorized vehicle from fire lane. The owner, or the agent of the owner, may have any unattended vehicle that is parked in a required fire lane, except an authorized emergency vehicle, removed and stored at the expense of

the owner or operator of the vehicle, provided and except, however, that the designated fire lane shall be marked as required by this article. The owner of the premises, or his agent, who has a vehicle removed and stored, is not liable for damages incurred by the owner or operator of the vehicle as a result of removal or storage, if the vehicle is removed by a vehicle wrecker service insured against liability for property damage incurred in towing vehicles and is stored by a storage company insured against liability for property damage incurred in the storage of vehicles.

(h) Authority of Fire Chief or Fire Marshal to remove unauthorized vehicle. The Fire Chief, Fire Marshal or other appropriate city official shall likewise have the authority to cause to be removed any vehicle parked in a designated fire lane in violation of this article by the towing service operating under a contract with the city and shall further cause such vehicle to be impounded in one of the police department vehicle storage sections.

(i) Offenses and penalty for violation. The Fire Marshal or any Peace Officer observing such a violation may issue a citation, summons, or notice to appear to the owner and/or operator of said motor vehicle to appear and answer to a charge of parking in violation of this article, specifying the location of the fire lane in which such violation occurred and the date and time of such violation.

Section 3. That the meeting at which this ordinance was passed was conducted in strict compliance with the Texas Open Meetings Act (Texas Government Code Chapter 551).

Section 4. That all other prior ordinances or portions of ordinances of the City of Marshall in conflict with the terms and provisions of this ordinance are hereby repealed to the extent of such conflict only.

Section 5. That the repeal of any ordinance or portion of an ordinance by this ordinance shall not affect the validity of any pending enforcement action or fines outstanding and due and payable on or before the effective date of this ordinance.

Section 6. That if any section, paragraph, subdivision, clause, phrase or provision of this ordinance is hereafter determined to be invalid or in violation of the laws of the State of Texas or the Constitution of the United States by a court of appropriate jurisdiction, such finding of invalidity shall affect the continued enforcement only of the provision or provisions so determined to be invalid, it being the intent of the City Commission of the City of Marshall that all other terms and provisions of this ordinance not affected thereby shall remain in full force and effect.

Section 7. That this ordinance shall be effective from and after its passage and publication as required by law.

PASSED AND APPROVED this _____ day of _____, 20__.

AYES: _____

NOES: _____

ABSTAINED: _____

PASSED, APPROVED AND ADOPTED this _____ day of _____, 20__.

AYES: _____

NOES: _____

ABSTAINED: _____

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

ATTEST:

, City Secretary

TO: City Council
DATE: March 27, 2025
ITEM #: 9.C
SUBJECT: **O-25-12** Consider approval of an ordinance amending Chapter 13, Fire Prevention of the Code of Ordinances of the City of Marshall, Texas, repealing and amending provisions of Chapter 13 regarding outdoor burning in the city limits; prohibiting outdoor burning with exceptions; authorizing the City Fire Marshal to establish a permit for outdoor burning; establishing a fee for a burn permit; finding that the meeting at which this ordinance was passed was conducted in strict compliance with the Texas Open Meetings Act; repealing all ordinances in conflict herewith; and establishing an effective date. (Fire)



Recommendation for Action: Staff recommends the City Council approve the proposed ordinance amending Chapter 13 to update outdoor burning regulations, enabling the implementation of the new permit application software and bringing the city into compliance with state requirements.

Executive Summary: Overview

The proposed ordinance amends Chapter 13 of the City of Marshall's Fire Prevention Code to update and streamline regulations for outdoor burning within city limits. This amendment aims to:

1. Establish clear procedures for obtaining burn permits
2. Implement the new permit application software platform
3. Ensure compliance with State of Texas requirements for municipalities that allow burning within city limits
4. Clarify the types of burning permitted and their respective requirements

Background

The current regulations in Chapter 13 regarding outdoor burning need revisions to align with state regulations and to incorporate the new permitting software platform. The Texas Clean Air Act (Texas Health and Safety Code, Chapter 382) and the Texas Commission on Environmental Quality (TCEQ) regulations under Title 30 of the Texas Administrative Code (TAC), specifically 30 TAC §111.201-221, establish requirements for outdoor burning and delegate certain regulatory authority to local governments. These state laws require municipalities that allow burning within city limits to have a formal ordinance governing such activities, including specific provisions for permitting and safety requirements.

Key Provisions

The ordinance:

- Repeals and deletes Section 307 of the 2015 International Fire Code (which currently addresses open burning, recreational fires, and portable outdoor fireplaces) in its entirety. Section 307 previously established general regulations for open burning, including locations, distances from structures, and attendance requirements.
- Creates a new section (13-26) specifically addressing outdoor burning with more detailed and city-specific regulations
- Prohibits outdoor burning within city limits except under specific permitted circumstances
- Establishes two categories of burning permits:
 - Standard outdoor burning permits (\$25.00 fee)
 - Land clearing/trench burning permits (\$250.00 fee)
- Authorizes the City Fire Marshal to issue burning permits, with additional authority granted to the Fire Chief, Fire Marshal, or their designated representatives to stop any burn that does not comply with requirements
- Includes provisions for recreational burning (bonfires and cooking fires)
- Establishes penalties for violations (up to \$2,000 fine)

Benefits

1. Streamlines the permitting process through the new software platform
2. Provides clear guidelines for residents and businesses
3. Ensures compliance with state regulations
4. Enhances public safety through proper regulation of burning activities
5. Creates a more enforceable regulatory framework

Recommendation

Staff recommends the City Council approve the proposed ordinance amending Chapter 13 to update outdoor burning regulations, enabling the implementation of the new permit application software and bringing the city into compliance with state requirements.

Budget Cost: There are no direct budget costs

Staff Contact: David Rainwater, Fire Chief

Attachments:

1. Executive Summary Burning Ordinance
2. Marshall burning permit process - ver. 3
3. 2015 International Fire Code Section 307
4. Outdoor Burning Ordinance

To: Melissa Vossmer, City Manager
Date: March 18, 2025
From: David Rainwater, Fire Chief
RE: Ordinance to Adopt Burning Regulations

Overview

The proposed ordinance amends Chapter 13 of the City of Marshall's Fire Prevention Code to update and streamline regulations for outdoor burning within city limits. This amendment aims to:

1. Establish clear procedures for obtaining burn permits
2. Implement the new permit application software platform
3. Ensure compliance with State of Texas requirements for municipalities that allow burning within city limits
4. Clarify the types of burning permitted and their respective requirements

Background

The current regulations in Chapter 13 regarding outdoor burning need revisions to align with state regulations and to incorporate the new permitting software platform. The Texas Clean Air Act (Texas Health and Safety Code, Chapter 382) and the Texas Commission on Environmental Quality (TCEQ) regulations under Title 30 of the Texas Administrative Code (TAC), specifically 30 TAC §111.201-221, establish requirements for outdoor burning and delegate certain regulatory authority to local governments. These state laws require municipalities that allow burning within city limits to have a formal ordinance governing such activities, including specific provisions for permitting and safety requirements.

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1. Streamlines the permitting process through the new software platform
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Recommendation

Staff recommends the City Council approve the proposed ordinance amending Chapter 13 to update outdoor burning regulations, enabling the implementation of the new permit application software and bringing the city into compliance with state requirements.



MARSHALL

FIRE DEPARTMENT

601 S. Grove st. Marshall, Texas 75670
www.marshalltexas.net/departments/fire

RESIDENTIAL BURNING PERMIT GUIDELINES

- The initiation of burning shall commence no earlier than sunrise. Burning shall be completed on the same day not later than one hour before sunset--Official sunrise/sunset as set forth in the United States Naval Observatory tables available from National Weather Service offices.
- Burn permits are issued for the open burning of natural vegetation (brush, shrubs, leaves, and limbs) solely for the purpose of property improvement. The burning of trash, processed wood, construction materials, or cardboard/paper products is prohibited.
- Burn permits are issued exclusively to the address listed on the permit and cannot be used elsewhere.
- Burn permits will be issued for a time limit of 30 calendar days.
- Burn permits must be available to present on-site at all times.
- Maximum size of burn pile shall not exceed 6ft x 6ft x 6ft unless authorized by fire department representative.
- Burn piles shall be located a minimum of 50 feet from all structures, property lines, easements, utility lines, and public ways.
 - Exceptions:
 1. Fires in approved containers that are not less than 15 feet from a structure.
 2. The minimum required distance from a structure shall be 25 feet where the pile size is 3 feet or less in diameter and 2 feet or less in height.
- The burn site must be cleared, cleaned or disked for a radius of at least 15 feet around each pile of vegetation prior to initiating any burning.

- Burning shall be commenced and conducted only when wind direction and other meteorological conditions are such that smoke and other pollutants will not cause adverse effects to any public road, landing strip, navigable water, or off-site structure containing sensitive receptor(s). Optimal wind speed is 5mph and shall not exceed 20mph
- Burning shall not be conducted during periods of actual or predicted persistent low-level atmospheric temperature inversions or times of when humidity is too low (30%) or too high (80%).
- Applicant must own or have control of property at the address listed on the permit.
- The rules and regulations governing burning within the city of Marshall will be observed.
- Burning shall be supervised by a responsible adult at all times. The Applicant will be responsible for damages which might occur as a result of the permitted fire.
- If smoke or odors from burning causes any disturbances to persons or motorists, or if the fire is left unattended, the fire must be extinguished. (**Reminder: green or wet wood can cause for more smoke to be produced*)
- Burning permit may be revoked at any time by the fire chief, fire marshal, or their duly authorized representative for violation of the burning ordinance.
- ***VIOLATIONS FOR BURNING WITHOUT A PERMIT, EXPIRED PERMIT, REVOKED PERMIT, OR FOR NONCOMPLIANCE OF THE BURNING PERMIT GUIDELINES, CITY ORDINANCES, STATE, OR FEDERAL LAW MAY RESULT WITH A MISDEMEANOR AND SHALL BE ISSUED A CITATION TO APPEAR IN MUNICIPAL COURT TO FACE A FINE OF \$200-\$2000.00. BURNING WHILE UNDER A BURN BAN WILL RESULT IN AN AUTOMATIC \$500 FINE.**

Land Clearing Permits

(A) Burning of trees, brush, or other plant growth onsite shall be permitted for the purpose of right-of-way maintenance or land clearing operations when the materials were generated only from the property on which the burning occurs. All burning conducted pursuant to this exception shall be via trench burning and may require an Air Curtain Incinerator and air manifold system.

(B) A permit shall be obtained from the City Fire Marshal prior to the land clearing burning under this exception.

(1) The City Fire Marshal shall have authority to issue land clearing permits. Such permits shall be issued at the discretion of the Fire Marshal or an authorized representative. All burning carried out under a land clearing permit shall conform to this section as well as additional regulations prescribed by the Fire Marshal.

(2) The City Fire Marshal shall promulgate an application for a permit for the outdoor trench burning within the city limits of the City of Marshall, which said application will contain the name of the applicant, the time of the scheduled burn, the location of said burn, safety precautions to be taken, and any other information relevant to the decision of whether the outdoor burn should take place. The application shall also state the times such burning is allowed, the minimum safety precautions which applicants must take, and any limitations regarding weather conditions. The City Fire Chief or his designated representatives may stop any burn which does not comply with all these requirements set out herein.

(3) The costs for a burn permit shall be \$250.00 up to five days MAX

(4) The initiation of burning shall commence no earlier than sunrise. Burning shall be completed on the same day not later than one hour before sunset--Official sunrise/sunset as set forth in the United States Naval Observatory tables available from National Weather Service offices.

(5) Trench must be located at least 300 feet from the closest property line, utility line, or right of way.

(6) Trench may be used only for the burning of trees and brush from the land clearing.

(7) Material not being worked and material being stockpiled to be burned at a later date be kept at least 75 feet from the trench.

(8) Trench must be 12 feet wide, 35 feet long, and no less than 10 feet deep.

(9) Equipment must be kept on-site with operator during burning operations. NO EXEPTIONS!

(10) Burning shall be commenced and conducted only when wind direction and other meteorological conditions are such that smoke and other pollutants will not cause adverse effects to any public road, landing strip, navigable water, or off-site structure containing sensitive receptor(s). Optimal wind speed is 5mph and shall not exceed 20mph

(11) Burning shall not be conducted during periods of actual or predicted persistent low-level atmospheric temperature inversions or times of when humidity is too low (30%) or too high (80%).

(12) *VIOLATIONS FOR BURNING WITHOUT A PERMIT, EXPIRED PERMIT, REVOKED PERMIT, OR FOR NONCOMPLIANCE OF THE BURNING PERMIT GUIDELINES, CITY ORDINANCES, STATE, OR FEDERAL LAW MAY RESULT WITH A MISDEMEANOR AND SHALL BE ISSUED A CITATION TO APPEAR IN MUNICIPAL COURT TO FACE A FINE OF \$200-\$2000.00. BURNING WHILE UNDER A BURN BAN WILL RESULT IN AN AUTOMATIC \$500 FINE.

Burn Site Inspection Checklist

- | | |
|--|----------|
| 1. Does the burn pile contain natural vegetation only? | YES / NO |
| 2. Does the burn pile meet the size requirements? | YES / NO |
| 3. Does the burn pile meet the proper distance requirements? | YES / NO |
| 4. Is there proper clearance around the burn pile? | YES / NO |
| 5. Is there a water hose or heavy equipment on the burn site property? | YES / NO |

2015 International Fire Code (IFC)

CHAPTER 3 GENERAL REQUIREMENTS

SECTION 301

GENERAL

301.1 Scope.

The provisions of this chapter shall govern the occupancy and maintenance of all structures and premises for precautions against fire and the spread of fire and general requirements of fire safety.

301.2 Permits.

Permits shall be required as set forth in Section 105.6 for the activities or uses regulated by Sections 306, 307, 308 and 315.

SECTION 302 DEFINITIONS

302.1 Definitions.

The following terms are defined in Chapter 2:

APPROVED: Acceptable to the *fire code official*.

BONFIRE: An outdoor fire utilized for ceremonial purposes.

FIRE CODE OFFICIAL: The fire chief or other designated authority charged with the administration and enforcement of the code, or a duly authorized representative.

OPEN BURNING: The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge-pots and similar devices associated with safety or occupational uses typically considered open flames, *recreational fires* or use of portable outdoor fireplaces. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

PORTABLE OUTDOOR FIREPLACE: A portable, outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.

RECREATIONAL FIRE: An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

RUBBISH (TRASH): Combustible and noncombustible waste materials, including residue from the burning of coal, wood, coke or other combustible material, paper, rags, cartons, tin cans,

metals, mineral matter, glass crockery, dust and discarded refrigerators, and heating, cooking or incinerator-type appliances.

SECTION 307

OPEN BURNING, RECREATIONAL FIRES AND PORTABLE OUTDOOR FIREPLACES

307.1 General.

A person shall not kindle or maintain or authorize to be kindled or maintained any *open burning* unless conducted and *approved* in accordance with Sections 307.1.1 through 307.5.

307.1.1 Prohibited open burning.

Open burning shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous.

Exception: Prescribed burning for the purpose of reducing the impact of wildland fire when authorized by the *fire code official*.

307.2 Permit required.

A permit shall be obtained from the *fire code official* in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the *owner* of the land upon which the fire is to be kindled.

307.2.1 Authorization.

Where required by state or local law or regulations, *open burning* shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.

307.3 Extinguishment authority.

Where open burning creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, the *fire code official* is authorized to order the extinguishment of the open burning operation.

307.4 Location.

The location for *open burning* shall be not less than 50 feet (15 240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15 240 mm) of any structure.

Exceptions:

1. 1.Fires in *approved* containers that are not less than 15 feet (4572 mm) from a structure.
2. 2.The minimum required distance from a structure shall be 25 feet (7620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.

307.4.1 Bonfires.

A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions that could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition.

307.4.2 Recreational fires.

Recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions that could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition.

307.4.3 Portable outdoor fireplaces.

Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material.

Exception: Portable outdoor fireplaces used at one- and two-family *dwelling*s.

307.5 Attendance.

Open burning, bonfires, *recreational fires* and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other *approved* on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

AN ORDINANCE AMENDING CHAPTER 13 OF ORDINANCES OF THE CITY OF MARSHALL, TEXAS, ENTITLED “FIRE PREVENTION;” REPEALING AND AMENDING PROVISIONS OF CHAPTER 13 REGARDING OUTDOOR BURNING IN THE CITY LIMITS; PROHIBITING OUTDOOR BURNING WITH EXCEPTIONS; AUTHORIZING THE CITY FIRE MARSHAL TO ESTABLISH A PERMIT FOR OUTDOOR BURNING; ESTABLISHING A FEE FOR A BURN PERMIT; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS CONDUCTED IN STRICT COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR PUBLICATION AND ESTABLISHING AN EFFECTIVE DATE FOR SUCH ORDINANCE.

WHEREAS Council for the City of Marshall (“the Council”) finds that ordinances regulating outdoor burning promote the health, welfare and safety of its citizens; and

WHEREAS the Council finds that the existing ordinance regulating outdoor burning is in need of updating; and

WHEREAS, the Council wishes to amend in its entirety Chapter 13 of the Code of Ordinances entitled “Fire Prevention Code”.
of the City’s Code of Ordinances and to update certain provisions of said Chapter;

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

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

Section 2. That Section 13-23 (6) is hereby amended by repealing the existing text of subsection (6) and replacing section 13-23 (6) with the following:

(6) “Section 307 of the International Fire Code, is deleted
in its entirety.”

Section 3. That a new section 13-26 of Chapter 13, entitled “Outdoor Burning” is hereby created and adopted-to read as follows:

“Sec. 13-26. Outdoor Burning.

(a) No person, corporation, or other entity may cause or permit any outdoor burning within the City Limits of Marshall, Texas, unless such outdoor burning is carried out pursuant to the provisions of this Chapter or any other applicable Federal, State or Local laws.

(b) Exception: Outdoor open burning permitted.

(1) Burning of natural vegetation, or other plant growth onsite may be permitted for the purpose of maintenance when the materials were generated only from the property on which the burning occurs. All burning conducted pursuant to this exception shall be via trench burning with an Air Curtain Incinerator operation and air manifold system.

(2) A permit must be obtained from the City Fire Marshal prior to kindling any outdoor fire under this exception.

(i) The City Fire Marshal shall have authority to issue or deny burning permits. Such permits shall be issued at the discretion of the Fire Marshal or an authorized representative. All burning carried out under a burn permit shall conform to this section as well as additional regulations prescribed by the Fire Marshal.

(ii) The City Fire Marshal shall promulgate an application for a permit for outdoor open burning within the city limits of the City of Marshall, which application will contain the name of the applicant, the proposed time of the scheduled outdoor burn, the location of said outdoor burn, safety precautions to be taken, and any other information relevant to the decision of whether the outdoor burn should take place. Any permit, if issued shall state the times such burning is allowed, the minimum safety rules and requirements which applicants must take, and any limitations regarding weather conditions. The City Fire Chief, Fire Marshal, or his designated representatives may stop any burn which does not comply with all these requirements set out herein.

(iii) The costs for a burn permit shall be \$25.00 for a time period of 14 calendar days.

(c) Exception: Outdoor trench burning permitted.

(1) Burning of trees, brush, or other plant growth onsite may be permitted for the purpose of right-of-way maintenance or land clearing operations when the materials were generated only from the property on which the burning occurs. All burning conducted pursuant to this exception shall be via trench burning with or without an Air Curtain Incinerator operation and air manifold system.

(2) A permit must be obtained from the City Fire Marshal prior to kindling any outdoor fire under this exception.

(i) The City Fire Marshal shall have authority to issue or deny burning permits. Such permits shall be issued at the discretion of the Fire Marshal or an authorized representative. All burning carried out under a burn permit shall conform to this section as well as additional regulations prescribed by the Fire Marshal.

(ii) The City Fire Marshal shall promulgate an application for a permit for outdoor trench burning within the city limits of the City of Marshall, which application will contain the name of the applicant, the proposed time of the scheduled outdoor burn, the location of said outdoor burn, safety precautions to be taken, and any other information relevant to the decision of whether the outdoor burn should take place. The permit, if issued, shall also state the times such burning is allowed, the minimum safety rules and requirements which applicants must take, and any limitations regarding weather conditions. The City Fire Chief, Fire Marshal, or his designated representatives may stop any burn which does not comply with all these requirements set out herein.

(iii) The costs for a land clearing burn permit shall be \$250.00 for a time period of 5 calendar days. The permit fee shall be waived only with the use of an approved Air Curtain Incinerator & Air Manifold System that has been licensed and permitted with the Texas Commission on Environmental Quality.

(d) Recreational Burning.

Recreational burning for bonfires less than 6 feet in diameter and cooking fires are allowed, subject to the authority of the Fire Marshal or his designee to suspend this provision pursuant to subsection (e) of Section 13-26, where conditions present a potential threat to property or human health and safety

(e) Any type of burning, approved or not approved may be suspended by the City Fire Marshal or by a local, state, or federal agency that has jurisdictional authority.

(f) Penalty

A violation of this section is a class C misdemeanor punishable by a fine up to and including \$2,000.00.

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

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

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

Section 7. That if any section, paragraph, subdivision, clause, phrase or provision of this ordinance is hereafter determined to be invalid or in violation of the laws of the State of Texas or the Constitution of the United States by a court of appropriate jurisdiction, such finding of invalidity shall affect the continued enforcement only of the

provision or provisions so determined to be invalid, it being the intent of the City Commission of the City of Marshall that all other terms and provisions of this ordinance not affected thereby shall remain in full force and effect.

Section 8. The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Marshall, in compliance with the provisions of Article III Section 3.15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law. This ordinance shall become effective ten (10) days after first publication as described above.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2025.

AYES: _____

NOES: _____

ABSTAINED: _____

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

ATTEST:

, City Secretary



TO: City Council
DATE: March 27, 2025
ITEM #: 10.A
SUBJECT: **R-25-07** Consider approval of a resolution suspending for 45 days the effective date proposed by CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas – Beaumont/East Texas Division, in its application filed on or about February 18, 2025, pursuant to section 104.301 of the Gas Utility Regulatory Act. (City Attorney)

Recommendation for Action: Approval of resolution

Executive Summary: Discuss and consider approval of a resolution suspending the effective date proposed by CenterPoint Energy Resources Corp., Beaumont/East Texas Division ("CenterPoint") for forty-five (45) days in its application filed on or about February 18, 2025, pursuant to section 104.301 of the Gas Utility Regulatory Act. This will allow the Herrera Law Firm time to evaluate the rate increase.

Budget Cost: N/A

Staff Contact: Scott Rectenwald, City Attorney

Attachments:

1. R-25-XX CenterPoint Energy-GRIP-2021-SUSPENSION-Agenda Infor Sheet-Beau-East Texas-AIS-022625_FINAL
2. R-25-XX CenterPoint Energy-GRIP-2021-SUSPENSION-RESOLUTION-Beau-East Texas-Resolution-022625_FINAL

AGENDA INFORMATION SHEET

AGENDA ITEM NO. _____

ACTION TO SUSPEND THE EFFECTIVE DATE PROPOSED BY CENTERPOINT ENERGY RESOURCES CORP., TEXAS DIVISION, TO INCREASE RATES UNDER THE GAS RELIABILITY INFRASTRUCTURE PROGRAM FOR 45 DAYS, AND AUTHORIZE THE CITY'S CONTINUED PARTICIPATION IN A COALITION OF CITIES KNOWN AS THE "ALLIANCE OF CENTERPOINT MUNICIPALITIES"

ALLIANCE OF CENTERPOINT MUNICIPALITIES

The City is a member of the Alliance of CenterPoint Municipalities – Beaumont/East Texas Division (B/E. Texas) of cities. B/E. Texas that was organized by a number of municipalities served by CenterPoint Energy Resources Corp., ("CenterPoint") and has been represented by the law firm of Herrera Law & Associates, PLLC (through Mr. Alfred R. Herrera) to assist in reviewing applications to change rates submitted by CenterPoint.

In CenterPoint's immediately preceding general rate case, CenterPoint consolidated its four service divisions – the Beaumont/East Texas Division; the South Texas Division; the Houston Division; and the Texas Coast Division – into a single division to which CenterPoint refers as the "Texas Division." The City intervened in the proceeding at the Railroad Commission as part of the broader Alliance of CenterPoint Municipalities (ACM). ACM is comprised of cities represented by the law firm of Herrera Law & Associates, including the ACM-B/E. Texas cities, served by CenterPoint in what were its prior four divisions and now consolidated into a single division.

"GRIP" RATE APPLICATION

Under section 104.301 of the Gas Utility Regulatory Act ("GURA"), a gas utility is allowed to request increases in its rates to recover a return on investments it makes between rate cases. This section of GURA is commonly referred to as the "GRIP" statute, that is, the "Gas Reliability Infrastructure Program."

Under a decision by the Supreme Court of Texas, the Court concluded that a filing made under the GRIP statute permitted gas utilities the opportunity to recover return on capital expenditures made during the interim period between rate cases by applying for interim rate adjustment and that proceedings under the GRIP statute did not contemplate either adjudicative hearings or substantive review of utilities' filings for interim rate adjustments. Instead, the Court concluded, the GRIP statute provides for a *ministerial* review of the utility's filings to ensure compliance with the GRIP statute and the Railroad Commission's rules, and that it is within the Railroad Commission's

authority to preclude cities from intervening and obtaining a hearing before the Railroad Commission.

CENTERPOINT’S “GRIP” APPLICATION

On or about February 18, 2025 CenterPoint Energy Resources Corp., Texas Division (“CenterPoint”) filed for an increase in gas utility rates under the Gas Reliability Infrastructure Program (“GRIP”). CenterPoint’s application if approved by the Commission will result in an increase in the monthly customer charges as shown below:

CenterPoint’s filing proposes a uniform increase in each customer class’s Customer Charge, as follows:

Residential:	\$2.88 per month
General Service-Small:	\$5.14 per month
Gen. Service-Large Vol:	\$61.20 per month

However, because CenterPoint’s customer charges are not currently uniform across its “Texas Division,” the increase in customer charge per customer class affects customers’ bills differently. The tables below show the current customer charges compared to the proposed customer charges in what were CenterPoint’s four prior divisions. We note that as part of the transition to a single “Texas Division,” the Houston and Texas Coast geographic areas have their own set of uniform customer charges, and the South Texas and Beaumont/East Texas Divisions have their own set of customer charges.

South Texas and Beaumont/East Texas Geographic Rate Areas

Rate Schedule	Current Customer Charge	Proposed 2025 Interim Rate Adjustment	Adjusted Charge	Increase Per Bill	Percent Increase in Customer Charge
R-2099-I-GRIP 2025; R-2099-U-GRIP 2025 Residential	\$25.00 per customer per month	\$2.88 per customer per month	\$27.88 per customer per month	\$2.88 per customer per month	11.52%
GSS-2099-I-GRIP 2025; GSS-2099-U-GRIP 2025 General Service Small	\$48.00 per customer per month	\$5.14 per customer per month	\$53.14 per customer per month	\$5.14 per customer per month	10.71%
GSLV-630-I-GRIP 2025; GSLV-630-U-GRIP 2025 General Service Large Volume	\$230.00 per customer per month	\$61.20 per customer per month	\$291.20 per customer per month	\$61.20 per customer per month	26.61%

Houston and Texas Coast Geographic Rate Areas

Rate Schedule	Current Customer Charge	Proposed 2025 Interim Rate Adjustment	Adjusted Charge	Increase Per Bill	Percent Increase in Customer Charge
R-2099-I-GRIP 2025; R-2099-U-GRIP 2025 Residential	\$19.50 per customer per month	\$2.88 per customer per month	\$22.38 per customer per month	\$2.88 per customer per month	14.77%

GSS-2099-I-GRIP 2025; GSS-2099-U-GRIP 2025 General Service Small	\$30.00 per customer per month	\$5.14 per customer per month	\$35.14 per customer per month	\$5.14 per customer per month	17.13%
GSLV-630-I-GRIP 2025; GSLV-630-U-GRIP 2025 General Service Large Volume	\$390.00 per customer per month	\$61.20 per customer per month	\$451.20 per customer per month	\$61.20 per customer per month	15.69%

CenterPoint presents that its proposed increases in its customer charges produce an increase in annual revenue of about \$70.7 million, system wide, in its Texas Division.

REVIEW AND ACTION RECOMMENDED

Although the City's ability to review and effectuate a change in CenterPoint's requested increase is limited, the City should exercise due diligence with regard to rate increases of monopoly utilities who operate within its boundaries, including increases requested under the GRIP statute to ensure compliance with the requirements of that law. This includes whether CenterPoint's current rates produce a rate of return in excess of its authorized rate of return.

To exercise its due diligence, it is necessary to suspend CenterPoint's proposed effective date of April 19, 2025 for forty-five days, so that the City can evaluate whether the data and calculations in CenterPoint's rate application are correctly done.

Therefore, ACM-B/E. Texas's Special Counsel, the law firm of Herrera Law & Associates, PLLC recommends that the City adopt a resolution suspending CenterPoint's proposed effective date for 45 days. Assuming a proposed effective date of April 19, 2025, CenterPoint's proposed effective date is suspended until June 3, 2025.

RESOLUTION NO. _____

A RESOLUTION BY THE CITY OF _____, TEXAS, (“CITY”) REGARDING THE APPLICATION OF CENTERPOINT ENERGY RESOURCES CORP., TEXAS DIVISION, TO INCREASE RATES UNDER THE GAS RELIABILITY INFRASTRUCTURE PROGRAM; SUSPENDING THE EFFECTIVE DATE OF THIS RATE APPLICATION FOR FORTY-FIVE DAYS; AUTHORIZING THE CITY TO CONTINUE TO PARTICIPATE IN A COALITION OF CITIES KNOWN AS THE “ALLIANCE OF CENTERPOINT MUNICIPALITIES – BEAUMONT/EAST TEXAS;” DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, on or about February 18, 2025 CenterPoint Energy Resources Corp., Texas Division (“CenterPoint”) filed for an increase in gas utility rates under the Gas Reliability Infrastructure Program (“GRIP”), and proposed increases in the monthly customer charges for all retail customer classes as shown below:

South Texas and Beaumont/East Texas Geographic Rate Areas

Rate Schedule	Current Customer Charge	Proposed 2025 Interim Rate Adjustment	Adjusted Charge	Increase Per Bill	Percent Increase in Customer Charge
R-2099-I-GRIP 2025; R-2099-U-GRIP 2025 Residential	\$25.00 per customer per month	\$2.88 per customer per month	\$27.88 per customer per month	\$2.88 per customer per month	11.52%
GSS-2099-I-GRIP 2025; GSS-2099-U-GRIP 2025 General Service Small	\$48.00 per customer per month	\$5.14 per customer per month	\$53.14 per customer per month	\$5.14 per customer per month	10.71%
GSLV-630-I-GRIP 2025; GSLV-630-U-GRIP 2025 General Service Large Volume	\$230.00 per customer per month	\$61.20 per customer per month	\$291.20 per customer per month	\$61.20 per customer per month	26.61%

and

WHEREAS, the City has a special responsibility to exercise due diligence with regard to rate increases of monopoly utilities who operate within its boundaries; and

WHEREAS, the application to increase rates by CenterPoint is complex; and

WHEREAS, it is necessary to suspend the effective date for the increase in rates for forty-five days, so that the City can assure itself that the data and calculations in CenterPoint’s rate application are correctly done; and

WHEREAS, the effective date proposed by CenterPoint is April 19, 2025, but a suspension by the City will mean that the rate increase cannot go into effect prior to June 3, 2025.

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

Section 1. That the statements and findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. The City suspends the requested effective date by CenterPoint for forty-five days pursuant to the authority granted the City under Section 104.301 of the Texas Utilities Code to allow the City to review the data and calculations that provide the basis for CenterPoint's proposed increase in rates.

Section 3. The City shall continue to act jointly with other cities that are part of a coalition of cities now known as the Alliance of CenterPoint Municipalities ("ACM") – Beaumont/East Texas.

Section 4. The City authorizes the law firm of Herrera Law & Associates, PLLC, to act on its behalf in connection with CenterPoint's application to increase rates.

Section 5. To the extent allowed by law, CenterPoint is ordered to pay the City's reasonable rate case expenses incurred in response to CenterPoint's rate increase application within 30 days of receipt of invoices for such expenses to the extent allowed by law.

Section 6. The meeting at which this resolution was approved was in all things conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 7. This resolution shall be effective immediately upon passage.

PASSED AND APPROVED this _____ day of _____ 2025.

MAYOR

ATTEST:

CITY SECRETARY



TO: City Council
DATE: March 27, 2025
ITEM #: 11.A
SUBJECT: Discussion & Selection of Council to Marshall Depot / Amtrak Station Steering Committee. (City Manager)

Recommendation for Action: Consider the appointment of up to two (2) Council Members to represent the City on the Marshall Depot Committee.

Executive Summary: At the January 23, 2025, City Council Meeting, Marshall Depot, Inc. presented an overview of the Marshall Depot, contributions to the Marshall community and suggested a role for the City of Marshall. Staff were asked to place an item on the 2-13-24 Council agenda by Council Members Jordan – Anderson and Morris to provide the Council with the opportunity to discuss.

On 2-3-25, staff were asked by Councilwoman Godfrey and Councilman Morris, the original agenda item sponsors in bringing the Marshall Depot discussion to the City Council, to prepare a Resolution that began to outline what the City believed to be an appropriate response and role.

The Resolution, approved at the February 13th Council meeting, suggested the Marshall Depot Inc. – not the City - establish a broad-based community and focused working Committee in support of the future of the Marshall Depot. This Committee would oversee the development of a Comprehensive Plan and the City would give consideration to participating in this effort through Council involvement and / or direction of Staff. The Resolution goes on to state that while it is appropriate to provide an opportunity for the new City Manager to be part of the discussion, it is also appropriate for Council to consider participation in support of the Depot Comprehensive Plan during the FY26 Budget process.

On March 6th, Staff met with Ms. Anderson to discuss the composition of the Marshall Depot Steering Committee. The Committee would focus on the future and sustainability of the Depot. It could be comprised as follows:

Marshall Depot Board	2 Members
Marshall City Council	1 - 2 Members
Harrison County	1 -2 Members
East Texas Council of Gov.	1 Member from Executive Level
Marshall EDCO	1 Member from Executive Level
Marshall Chamber of Commerce	1 Member
Marshall Tourism (City)	1 Member
Business Leaders	Not Determined
Higher Learning	1 Member Each

While still in discussion, the work of the Committee would begin with a train ride, so members could see the operations and, for those that haven't ridden a train, experience the novelty of traveling by rail. The Committee would work to very quickly develop a strategic planning session for the purpose of establishing the by-laws of the Committee and necessary operational structure and business. Then, a session to develop the mission, goals, objectives

and timelines and a plan for the work necessary to move forward.

This item is on the agenda for the Council to discuss and determine how the city will respond to the Marshall Depot Committee concept and consider action to determine Council Member(s) participation.

Ms. Anderson plans to be in attendance and be available for Council questions.

Budget Cost: There is no fiscal impact of this item. The City does contribute \$22,500 to the annual operations of the Depot.

Staff Contact: Melissa Byrne Vossmer, Interim City Manager

Attachments: None



TO: City Council
DATE: March 27, 2025
ITEM #: 12.A
SUBJECT: Discussion on the Homeless Needs and Assistance in Support of a Homeless Shelter in the City of Marshall, Texas. (Councilmembers Jordan-Anderson and Morris)

Recommendation for Action: No Council action required.

Executive Summary: Following the February 27, 2025, City Council meeting, during which services for the unhoused in our community were discussed, Council Members Jordan-Anderson and Morris requested a follow-up item for further discussion at the March 27, 2025, meeting. They asked the City Manager to direct staff to prepare information on potential ways the city could support services for this population.

Although the City does not directly provide services for the unhoused, Staff has relied on data and insights from external agencies to compile a summary report. This report addresses the issues raised by Council and includes findings from the January 2025 Point-in-Time (PIT) Count. The PIT Count, conducted annually, provides a snapshot of individuals and families experiencing homelessness and is reported to the Texas Homeless Network. Tami Henderson, the Community Development Coordinator, led the PIT Count effort.

Additionally, Marshall Independent School District (MISD), along with many districts statewide and nationally, tracks the number of students identified as homeless under the McKinney-Vento Homeless Assistance Act of 1987. The data provided by the McKinney-Vento liaison at MISD is included in the attached report. However, it is important to note that this number may not fully reflect the true extent of homelessness, as many families may not self-identify due to the stigma associated with being unhoused.

The report also includes an overview of community services available to those in need. While many of these agencies do not have programs exclusively targeted to the homeless population, they do provide services that are available to individuals experiencing homelessness. Additionally, data from the Tracy Andrus Foundation regarding shelter services has been included for reference.

Budget Cost: N/A

Staff Contact: Alex Anne Agnor, Assistant City Manager
Anna Lane, Director of Community & Neighborhood Services

Attachments: 1. Summary Report - Marshall-Harrison County Homelessness

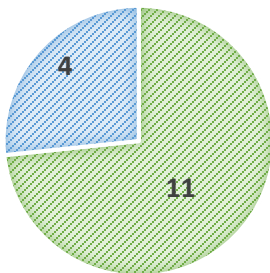
2025 PIT (Point-in-Time) Count

The [PIT Count](#) aims to provide a snapshot of the individuals and families experiencing homelessness in a geographical area over the course of one night in January. The goal of the annual PIT Count is to raise community awareness, advocate for local and federal funding, understand characteristics and trends of homelessness, and engage the community in ending homelessness.

This year, the count was conducted and organized by Tami Henderson, Community Development Coordinator, on the designated night of Thursday, January 23. Tami coordinated with Code Enforcement Officer Varnessa Slade and Tonia Taylor, Executive Director of Marshall Housing Authority, in this effort. The following data collected during the PIT Count was reported to [Texas Homeless Network](#).

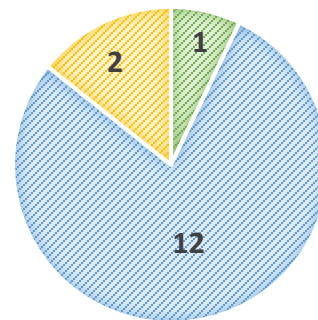
GENDER

Male Female



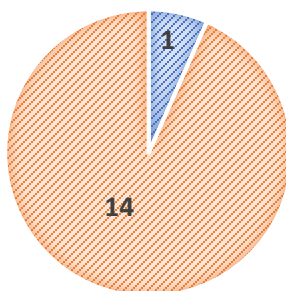
ETHNICITY

African American Caucasian Hispanic

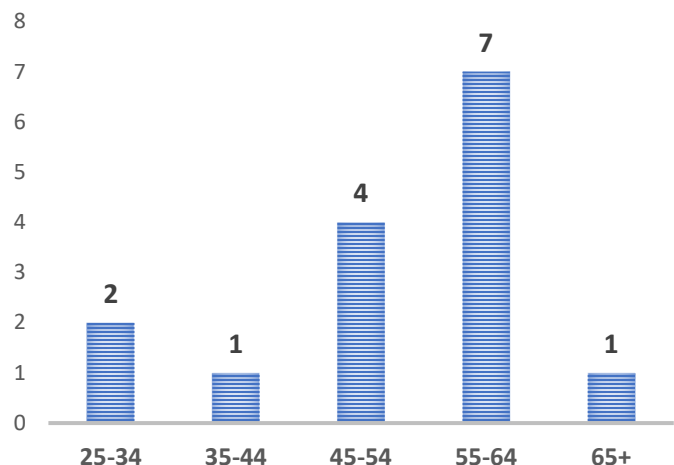


ARMED FORCES VETERAN

Yes No



AGE RANGE



City of Marshall

Anna Lane, Director of Community & Neighborhood Services
Alex Anne Agnor, Assistant City Manager

Texas Balance of State CoC Data

2024 Point-in-Time Count

The Annual Point-in-Time Count (PIT) was conducted on January 25th, 2024 to identify the needs of households residing in Unsheltered locations (such as cars, streets, parks, etc) as well as Sheltered locations (Emergency Shelter and Transitional Housing). The PIT Count aims to provide a snapshot of the individuals and families experiencing homelessness in a geographical area, over the course of one night.



Demographic Information

Responses are self-report and/or observations and may not be representative of the entire population

Adults (25+)
8096

Youth (18-24)
653

Children (0-17)
1,332

1099 Adults



reported they are currently fleeing domestic violence

568 participants



Reported that they are a veteran

20% of Adults



reported they are chronically homeless

12%

Responded to having a Substance Use Disorder



18%

Responded to having a Serious Mental Illness



Gender

37% Female

62% Male

1% Trans/NB/Questioning

Racial Disparities



26% of people experiencing homelessness in the BoS are Black or African American, despite only being 13% of Texas' total population according to the US Census.

For more information please contact data@thn.org

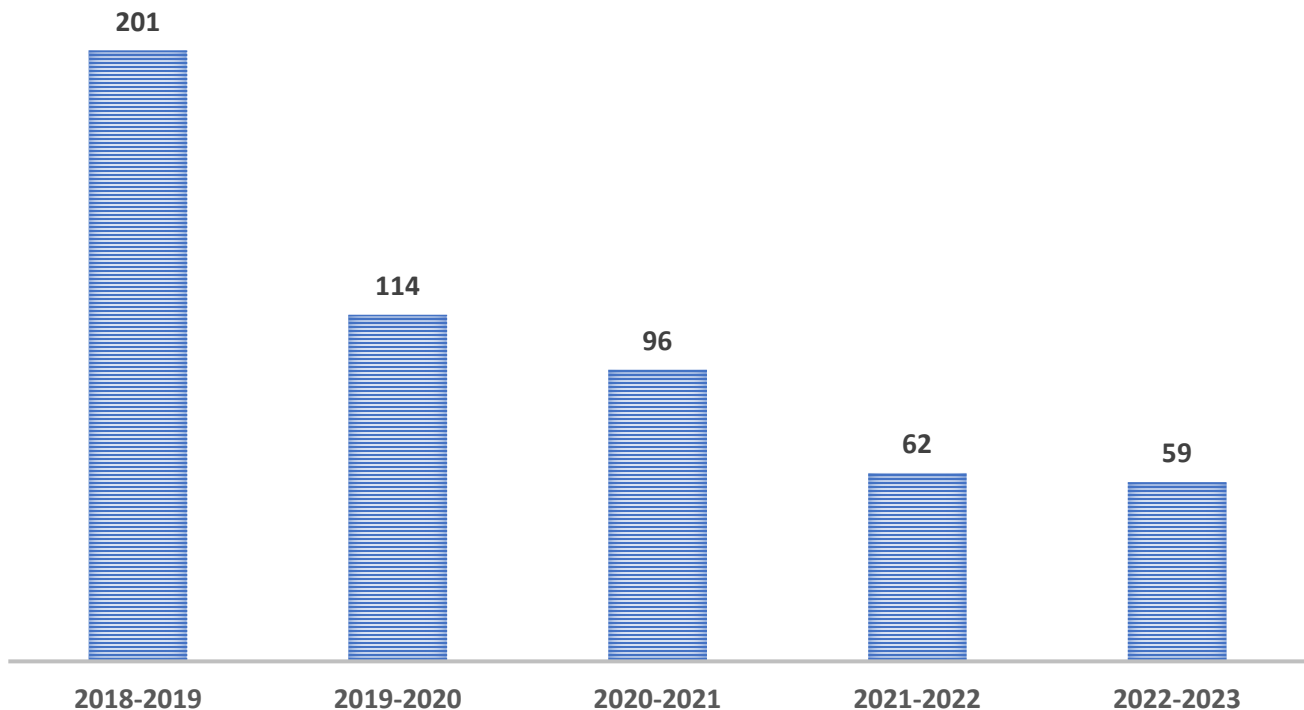


Marshall ISD McKinney-Vento Students

The [McKinney-Vento Homeless Assistance Act](#) (1987) defines homeless children and youth as “individuals lacking a fixed (stationary, not subject to change), regular (nightly basis), and adequate (sufficient to meeting physical and psychological needs) residence”. If any one of the three conditions is missing, the child is considered homeless. Students experiencing homelessness may live in any of these situations: Living with others; Homeless shelter; Hotel/Motel; Car/Park/Empty Building.

The information below is courtesy of the District Homeless Liaison for Marshall ISD who is responsible for advocating for students who are unhoused. The data may not be a complete picture of the number of unhoused students as many families do not share this information due to the stigma associated with being unhoused.

NUMBER OF MCKINNEY-VENTO MISD STUDENTS



Marshall/Harrison County Resources Summary

Community Healthcare

- Offers mental, emotional, and behavioral health services to East Texas residents regardless of housing status

Meals for the Community

- Central Baptist Church offers space on Sunday nights from 5:00 pm-6:00 for churches and community organizations to provide meals for anyone in the community.
- Meals are provided on a rotating basis by Crossroads Baptist Church, Greater Rock Springs Baptist Church, Memorial Baptist Church, Mims Chapel, Union Missionary Baptist, and Master Gardeners
- 10-20 individuals served per week

Mission Marshall

- Offers use of the food pantry for anyone in the community
- 42 individuals who are unhoused are served

Tracy Andrus Foundation – Homeless Shelter

- On average, 12-14 clients are served daily when operational. Although the shelter has a maximum capacity of 18, the foundation limits occupancy to 12-14 individuals, unless a family requires immediate services. At no time does occupancy exceed 18.
 - **Client Demographics**
 - * 50% have mental health issues
 - * 15% are female head of household
 - * Most clients receive some type of disability benefit
 - * Veterans are served but are transitioned due to other available services for vets
 - **Daily Cost of Food**
 - * \$18 per client served daily
 - * With the installation of a commercial vent hood and food donations from the food pantry, the ability to prepare hot meals on-site will help reduce the daily food cost.
 - **Funding Requests**
 - * \$10 million Continuum of Care application submitted to HUD
 - * 2025 CDBG Applications:
 - \$45,500: Commercial stove vent hood; another washer and dryer; another refrigerator
 - \$75,000: Fire alarm system; electrical outlets; mini-splits for heating and cooling system
 - \$100,000: Support funds to help low-to-moderate income residents pay their utility bills



TO: City Council
DATE: March 27, 2025
ITEM #: 12.B
SUBJECT: Discussion and report regarding the upkeep and maintenance of the Oak Lawn Municipal Golf Course. (Councilmembers Abraham and Godfrey/Assistant City Manager)

Recommendation for Action: No Council action required

Executive Summary: This item is on the agenda at the request of Council Members Abraham and Godfrey, who have asked for a report on the financial status and operational needs of Oak Lawn Golf Course.

This summary provides an overview of Oak Lawn Golf Course's expenditures and revenues for FY 2023 and FY 2024, with a specific focus on the funds allocated for course maintenance and related improvements. When evaluating the resources required for maintenance and enhancements, the City considers several factors including personnel, supplies and materials, capital outlay, and services and charges.

Revenue sources for the golf course include rentals, dues and memberships, green fees, trail fees, range fees, tournament fees, donations, and sales from the golf pro shop.

Financial Overview:
FY 2023:

- **Expenditures:** \$212,253
- **Revenue:** \$219,993

FY 2024:

- **Expenditures:** \$277,889
- **Revenue:** \$254,146

The increase in expenditures for FY 2024 reflects the rising usage of the course, which has highlighted the need for proactive and ongoing maintenance.

Operational Changes and Improvements:

To address the increased usage and ensure the continued quality of the course, the City has implemented several operational changes:

- The City entered into a lease agreement for specialized equipment for the greens, along with an additional utility gator.
- The City leased 25 golf carts to accommodate the higher volume of players.
- A new fountain was added to the golf pond to assist with aeration and enhance the irrigation system.

- The women's restroom was improved; however, these costs are not reflected in the budget as the expenses were transferred to another department.
- To supplement course maintenance, a park employee has been sent twice a week to assist with mowing, edging, and other essential tasks.

Funding and Budget Availability:

The increase in available funding for FY 2024 was made possible by the Capital Improvement Plan, which allocated operational funds to support golf course needs.

Looking Ahead:

For FY 2025, in an effort to minimize disruption and maintain the high standard of the course, Oak Lawn Golf Course is closed on Mondays from 7 AM to 1 PM for necessary maintenance.

Budget Cost: N/A

Staff Contact: Alex Anne Agnor, Assistant City Manager
Marina Garcia-Heredia, Parks & Recreation Director

Attachments: None



TO: City Council
DATE: March 27, 2025
ITEM #: 12.C
SUBJECT: Discussion regarding the Asset Disposal Services Agreement. (Support Services and Finance)

Recommendation for Action: Discuss agreement with PropertyRoom.com.

Executive Summary: The City has a comprehensive agreement with PropertyRoom.com to dispose of assets through various auction services. Some of the services provided under the Asset Disposal Services Agreement:

1. Portables Auction Service:

- For smaller items that can be picked up and shipped by box truck or common carrier (excluding firearms).
- The contractor handles transportation, testing, authentication, memory destruction (for electronics), imaging, listing, and sale via public internet auction.

2. In Place Auction Service:

- This applies to assets that are agreed upon by both the City and the contractor to auction "in place."
- The City retains physical control over these assets, providing descriptions and images for listing. The contractor handles the auction and sales process.

3. Haul Away Auction Service:

- For fleet vehicles and equipment, the contractor will tow the assets to a designated location (Yards), where they will be stored, described, imaged, and listed for sale via online auction.

4. Firearms Auction Service:

- For firearms, the contractor coordinates with a Federal Firearms Licensee (FFL) for the legal handling, transport, and sale process.
- The contractor and FFL manage storage, cataloging, auction listing, payment processing, and shipping to another FFL for final transfer to the buyer.

The City has utilized both Haul Away Auction Service and Firearms Auction Service multiple times for asset disposal.

We are currently in the process of preparing vehicles for disposal.

Vehicles Older Than Ten (10) Years will be handled through the PropertyRoom.com Haul Away Auction Service. This is consistent with the City's previous use of PropertyRoom for auctioning vehicles and equipment.

Vehicles Under Ten (10) Years Old will go through Enterprise per our Fleet Management

Agreement.

Budget Cost:

Staff Contact: Dawn Jones or Randy Prichard

Attachments: None



TO: City Council
DATE: March 27, 2025
ITEM #: 12.D
SUBJECT: Discussion regarding a credit card processing fee to be applied to all transactions made using a credit card. (Finance)

Recommendation for Action: Approve credit card processing fee

Executive Summary: Based on the provided data for credit card fees over the past three years, the recommendation is to implement a processing fee for all credit card transactions, charged at the same rate the City is paying to process these transactions. Here is a breakdown of the information and reasoning:

Credit Card Fees Breakdown (2022-2024):

Credit Card Fees	2022	2023	2024
Non Utility	\$11,346	\$13,535	\$15,646
Utility	81,845	95,810	107,306
Total	\$93,191	\$109,345	\$122,952

Observations:

- The total fees have been increasing over the past three years, with an increase of about **\$16,000** each year.
- In 2024, the total cost to the City for processing credit card transactions was **\$122,952**.
- Non-utility credit card fees represent a smaller portion of the total compared to utility-related fees, but the trend in both categories shows a steady increase.

Recommendation:

Charging a processing fee that mirrors the City's actual cost will help recover the increasing fees associated with credit card transactions. The City should implement this fee starting on **May 1, 2025**.

Budget Cost:

Staff Contact: Dawn Jones

Attachments: None



TO: City Council
DATE: March 27, 2025
ITEM #: 12.E
SUBJECT: Discussion regarding an ordinance to require pet owners to spay/neuter, vaccinate, and microchip their pets. (Police and Administration)

Recommendation for Action: The presentation will include an overview of an ordinance concerning the responsibilities of pet ownership recently adopted in Longview.

Executive Summary: The City Council discussed animal control and operational issues at an October Council meeting as well as earlier this year. At that time, representatives from FOMA indicated there was an ordinance recently approved by the City of Longview which was anticipated to have a significant impact on reducing the populations of animals in Longview, and it was felt could begin to address the long-term problem we have in Marshall.

The keystones of this ordinance have to do with microchip, vaccinations and spay / neuter programs. A copy of the ordinance as approved by the City of Longview is attached. The attorney responsible for the work necessary to develop this ordinance, Kelly Heitkamp, will be at the meeting to present the ordinance and initiate a discussion with the Council. This discussion is at the request of FOMA, who are supportive of the ordinance.

This item is for discussion only.

Budget Cost: N/A

Staff Contact: Melissa Byrne Vossmer, Interim City Manager
Police Chief Carruth

Attachments:

1. 2024-11-14 O 4523 ANIMAL SHELTER SPAY NEUTER
2. Animal Ordinance Letter

ORDINANCE NO. 4523

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES, CITY OF LONGVIEW, TEXAS, TO PROVIDE FOR REQUIREMENTS RELATING TO VACCINATION, MICROCHIPPING, STERILIZATION AND BREEDING OF DOGS AND CATS; PROVIDING FOR A PENALTY OF UP TO \$500.00 FOR EACH VIOLATION HEREOF; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS APPROVED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, pet overpopulation contributes to overcrowding of animal shelters, resulting in an increase in euthanasia; and,

WHEREAS, spaying and neutering (sterilization) of dogs and cats helps decrease pet overpopulation; and,

WHEREAS, sterilization decreases the occurrence of certain health problems in the pet population and generally results in longer life for the sterilized animal; and,

WHEREAS, sterilized animals are often less aggressive and less likely to leave home and roam the community, thus decreasing risks for both humans and animals; and,

WHEREAS, as a result of the foregoing, the City Council finds and determines that requiring the sterilization of dogs and cats living in the City of Longview will promote the health, safety and welfare of both the animals and the citizens of Longview; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW,
TEXAS:

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

Section 2. That Section 13-1 of the Code of Ordinances, City of Longview, Texas, is hereby amended to read as follows:

"Sec. 13-1. Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Animal. The term "animal" shall mean any warm-blooded vertebrate creature, domestic or wild, excluding the human species.

Animal control authority. The term "animal control authority" shall mean the Animal Services Division of the city, for purposes of Health and Safety Code 822.001, as amended, and the provisions of this chapter.

Animal control officer. The term "animal control officer" shall mean a person designated by the city as a primary enforcement officer regulating animals and owners of animals for the enforcement of state laws and regulations pertaining to the care and control of animals, or his or her designee(s).

Animal exhibition. The term "animal exhibition" shall mean a circus, carnival, or event owning or maintaining animals for purposes of displaying or performing in exhibitions of temporary duration not to exceed 30 days, where attendance of the general public is solicited, operating under a contract, lease, special event permit, or otherwise approved by the city.

Animal Services Division. The term "Animal Services Division" shall mean the department(s) or division(s) of the city designated by the City Manager to administer and/or enforce the provisions of this chapter and any person or persons designated by such a division or department to represent the division or department for said purpose.

Animal services manager. The term "animal services manager" shall mean the person designated by the city manager as manager of the Animal Services Division.

Animal shelter. The term "animal shelter" shall mean the facility designated by the city for the purpose of housing and caring for impounded, stray, homeless,

abandoned or unwanted animals, or any other animals held under authority of this chapter.

At-large. The term "at-large" shall mean running free or otherwise without physical or other restraint whether on or off the premises of its owner.

Breeding permit. The term "breeding permit" shall mean a permit issued pursuant to Section 13-42 of this chapter.

Cat. The term "cat" shall mean a domestic feline of either sex, including one that has been sterilized. (any *Felis catus* according to TAC 169.22, as amended).

Circus or carnival. The term "circus" or "carnival" shall mean a commercial variety show featuring animal acts for public entertainment that is licensed under the Federal Animal Welfare Act or licensed by Texas Department of State Health Services according to the provisions of Chapter 824 of the Health and Safety Code, as amended.

Competition dog or cat. The term "competition dog or cat" shall mean a dog or cat that has been registered with a local, state, national or international club or organization that has been recognized by the animal services manager as a club or organization that maintains standards for breeds and/or health of dogs/cats; or, registered with a club or organization that holds, sponsors, or licenses conformation dog shows, obedience trials, agility trials, field trials, rally trials, tracking tests, hunt tests, or other competitive events recognized by an organization such as The American Kennel Club at least once a year.

Dangerous wild animals or reptiles. The term "dangerous wild animals or reptiles" shall mean one not normally considered domesticated, that is wild by nature. Dangerous wild animals or reptiles shall include but are not limited to the following: alligators, bats, bears, bobcats, cheetahs, coyotes, crocodiles, foxes, hyenas, jackals, jaguars, leopards, lions, lynx, monkeys and other non-human primates, mountain lions, ocelots, panthers, raccoons, skunks, tigers, venomous snakes, wildcats, wolves, hybrids of the above listed animals.

Dog. The term "dog" shall mean any *Canis familiaris*, excluding wolf, jackal, fox, or other dangerous wild animal of this family or any hybrids of a dangerous wild animal.

Dog Park. The term "dog park" shall mean any public or private property designated by the City to allow dog owners to allow their dogs to run unrestrained.

Domestic fowl. The term "domestic fowl" shall mean any fowl normally adapted to live in intimate association with humans or for the advantage of humans.

Fowl. The term "fowl" shall mean any heavy bodied, terrestrial bird of the order galliformes, including but not limited to chickens, ducks, geese, pheasants, turkeys,

grouse, guineas, or other common domestic fowl, but not including caged pet birds kept inside a building.

Harboring. The term “harboring” shall mean the act of keeping or caring for an animal including, but not limited to, the providing of food, shelter, or medical attention for the animal.

High risk animal. The term “high risk animal” shall mean those animals which have a high probability of transmitting rabies; they include skunks, bats, species of foxes indigenous to North America, coyotes, and raccoons.

Impound. The terms “impound,” “impounded,” and “impoundment” refer to the seizure and holding of animals that are not the property of the City of Longview, and said terms do not refer to any animal owned by the City of Longview, including without limitation any animal for which ownership has been conveyed to the City of Longview by the owner and any animal that has become the property of the City of Longview pursuant to Section 13-4 (b) of this chapter.

Intact. The term “intact” shall mean an animal that has not been sterilized.

Intact pet permit. The term “intact pet permit” shall mean a permit issued pursuant to Section 13-41 of this chapter.

Kennel. The term “kennel” shall mean an establishment designed or used for the commercial boarding, selling, breeding, or training of animals; occasional sales of registered animals kept primarily as pets or show animals and not primarily for breeding purposes shall not constitute commercial activity for purposes of this definition.

Livestock. The term “livestock” shall mean any horse, swine, cattle, sheep, goat, mule, jack, emu, ostrich or rhea.

Low risk animal. The term “low risk animal” shall mean those which have a low probability of transmitting rabies; they include all animals of the orders Marsupialia, Insectivora, Rodentia, Lagomorpha, and Xenarthra.

Microchip. The term “microchip” shall mean a small device that is designed to be placed under the skin and that contains a unique number that is read by an electronic scanning device for the purpose of animal identification and recovery by the animal’s owner.

Owner. The term “owner” shall mean any person, corporation, partnership, trust, or association or other entity owning, keeping, or harboring an animal or who has possession or control or has the responsibility to control an animal, other than a person who temporarily restrains an animal pursuant to Section 13-14 of this chapter.

Person. The term "person" shall mean any individual, corporation, partnership, trust, association or other legal entity.

Pet animal. The term "pet animal" shall mean dogs, cats, rabbits, rodents, birds, non-poisonous reptiles, and any other species of animal which is sold or retained as a household pet, but shall not include any species of wild, exotic, or carnivorous animal that may be prohibited elsewhere in this chapter.

Pet shop. The term "pet shop" shall mean an establishment where pet animals are kept for either retail or wholesale sale or trade by any person.

Poultry. The term "poultry" shall mean all domesticated fowl which are kept in captivity.

Qualified researcher. The term "qualified researcher" shall mean an individual conducting research projects, scientific, or academic investigation with respect to a wild animal owned or maintained on the premises of a bona fide research institution as defined in this chapter.

Quarantine. The term "quarantine" shall mean strict confinement under restraint by closed cage or paddock or on the premises of the owner in any other manner approved by the local rabies control authority or designee or at a facility approved by the local rabies control authority or designee.

Rabies. The term "rabies" shall mean an acute viral disease of human and animal affecting the central nervous system usually transmitted through the bite of a rabid animal and/or including the condition commonly known as rabies.

Rabies vaccination. The term "rabies vaccination" shall mean the vaccination of a dog, cat or other domestic animal with a rabies vaccine administered by a veterinarian licensed by the State of Texas.

Rescue organization. The term "rescue organization" shall mean a group that has filed a certificate of formation with the Texas Secretary of State; and, are deemed tax exempt by the Texas Comptroller of Public Accounts and the Federal Internal Revenue Service; and, does not create a public nuisance as defined in Section 13-9 of this chapter.

Research institution. The term "research institution" shall mean a permanent state-accredited or licensed academic institution which owns or maintains captive wild animals under the direction of a professional staff and provides its collection of animals with appropriate care for the purpose of education, research, or scientific study.

Restraint or restrained. The term "restrained" shall mean:

- (a) confined on the premises of the owner within a fence or enclosure of sufficient strength to control the actions of the animal; or
- (b) fastened or picketed by a lead, rope, or chain so as to keep the animal on premises of the owner; or
- (c) under the control of a person by means of a harness, leash, chain, or similar device attended by a person of sufficient strength to prevent the animal from running at large; or
- (d) on or within a vehicle being driven or parked if it is:
 - (1) contained in a closed, vented, animal carrier large enough to allow the animal to stand and turn around without difficulty, that is secured in such a manner as to prevent the carrier from being thrown from the vehicle in the event of a collision; or
 - (2) secured by a leash or other device that is cross-connected to prevent the animal from falling, jumping, or being thrown from the motor vehicle and from strangling on a single lead.

The term "restraint" shall mean any of the methods of restraining an animal set forth in this definition.

Shelter. The term "shelter" shall mean protection from the elements including heat, cold, rain, ice, or snow by means of walls and solid overhead covering such as a dog house or shed. A tree does not constitute proper shelter.

State-licensed breeder. The term "state-licensed breeder" shall mean a person who holds a valid license issued under Chapter 802 of the Texas Occupations Code.

Sterilized. The term "sterilized" shall mean rendered incapable of reproducing, such as by spaying or neutering.

Stray animal. The term "stray animal" shall mean an animal that is not restrained.

Valid. The term "valid" shall mean currently in effect and not expired, revoked or suspended.

Wildlife. The term "wildlife" shall mean any animal which occurs naturally in a wild state. This includes any animal which is a wildlife hybrid.

Zoo, zoological park, or animal park. The term “zoo”, “zoological park”, or “animal park” shall mean any premises, whether mobile or stationary, where living animals that normally live in a wild state are kept primarily for display to the general public; that is accredited by the American Association of Zoological Parks and Aquariums or licensed under Animal Welfare Act or by Texas Department of State Health Services according to the provisions of Chapter 824 of the Health and Safety Code, as amended.”

Section 3. That Section 13-16 of the Code of Ordinances, City of Longview, Texas, is hereby amended to read as follows:

“Sec. 13-16. Vaccinations.

(a) *Vaccination required.* Every owner or person harboring a dog or cat four months of age or older within the boundaries of the city shall have said animal vaccinated against rabies. The animal must receive a booster within the 12-month interval following the initial vaccination. Every animal must be revaccinated against rabies at a minimum of once every three years with a triennial vaccine or a minimum of once each year with an annual vaccine. All rabies vaccinations shall be administered by a duly licensed veterinarian.

(b) *Vaccination certificate.* Upon vaccination, the veterinarian shall execute and furnish to the owner or person harboring the dog or cat, as evidenced thereof, a certificate upon a form furnished by the veterinarian. The veterinarian shall retain a duplicate copy of three years. Such certificate shall contain the following information:

- (1) owner’s name, address and telephone number;
- (2) the animal’s species, age, sex, size (in pounds), predominant breed and colors;
- (3) vaccine used, producer, expiration date, and serial number;
- (4) the date of vaccination;
- (5) the rabies tag number; and
- (6) the veterinarian’s signature or signature stamp and license number.

(c) *Vaccination tag.* Concurrent with the issuance and delivery of the certificate of vaccination referred to herein, the veterinarian shall furnish a metal tag, serially numbered to correspond with the vaccination certificate number and bearing the year of issuance, the vaccination date, and the name and address of the issuing veterinarian. In the event of the loss or destruction of the original tag, the owner or person harboring the animal shall obtain a duplicate tag from the issuing authority.

(d) *Proof of vaccination.* It shall be unlawful for any person who owns or harbors a vaccinated animal to fail or refuse to exhibit the certificate of vaccination upon demand of any person charged with the enforcement of this chapter."

Section 4. That there is hereby added to Chapter 13 of the Code of Ordinances, City of Longview, Texas, a new Article VIII, said article to read as follows:

"Article VIII

Microchipping, Sterilization and Breeding of Dogs and Cats

Sec. 13-40. Microchip required.

All dogs and cats four months of age or older kept, harbored, or maintained within the city limits must be microchipped with current owner information. A person commits an offense if the person owns, harbors, or maintains an animal that is not microchipped as required by this section. An offense under this section is punishable by a fine of up to \$500 in accordance with Section 1-4 of this code. The municipal court may waive the fine for a person's first offense upon receipt of verifiable evidence proving the subject animal has been microchipped as required by this section no more than 30 days from the issuance of the citation or filing of the complaint, as applicable, provided that the municipal court may extend that period upon a showing that the person has scheduled an appointment to have the animal microchipped. Each day during which a violation of this section continues shall constitute a separate offense.

Sec. 13-41. Sterilization required; intact pet permit.

(a) *Sterilization required.* Except as expressly provided otherwise in this section, all dogs and cats kept in the city limits must be sterilized. All sterilization procedures shall be administered by a duly licensed veterinarian. The owner of such animal must retain documentation of the sterilization of the animal.

(b) *Intact pet permit required.* An animal that is the subject of a valid intact pet permit is not required to be sterilized. A separate intact pet permit is required for each intact dog or cat six (6) months of age or older.

(c) *Application.* An application for an intact pet permit must:

(1) be made on the form prescribed by the animal services manager and include, at a minimum, the following information:

i. the name, telephone number, and physical address of the applicant;

ii. the description of the animal sought to be included under the intact pet permit and the species, breed, gender, and age of the animal; and

iii. a statement affirming that the applicant is familiar with the provisions of this chapter and agrees to maintain all animals in accordance with the applicable legal requirements;

(2) be accompanied by photographic evidence, in digital or printed form, showing the enclosure or enclosures where the intact animal is to be kept;

(3) be accompanied by the required fee(s); and

(4) contain such additional information and documentation as the animal services manager deems necessary to determine whether an intact pet permit should be issued.

(d) *Consideration of application.* An intact pet permit may only be issued for a dog or a cat:

(1) that is currently in compliance with the microchipping requirements of this article; and

(2) that is currently in compliance with the vaccination requirements of state law and this chapter.

(e) *Issuance and maintenance of intact pet permit.* An intact pet permit is issued for an individual animal to an individual person. An intact pet permit is not transferable to another animal or to another person. To maintain an intact pet permit, the permit holder must keep the animal control authority apprised of current contact information for the permit holder and identifying and registration information for each animal subject to an intact pet permit. In particular, a permit holder must notify the animal control authority of any change of address or telephone number no later than thirty (30) days after the new address or phone number is effective. In addition, within thirty (30) days of obtaining an intact animal not subject to an intact pet permit, the permit holder must provide the animal control authority with the species, breed, gender and age of such animal. An intact pet permit expires one, two or three years after the date of issuance, as provided in this section, and may be renewed by applying in the same manner as applying for a new intact pet permit in accordance with this section.

(f) *Revocation or denial of intact pet permit.* The animal services manager shall deny or revoke an intact pet permit if the animal services manager determines that the applicant or permit holder:

(1) failed to submit a complete application for an intact pet permit;

- (2) failed to submit any information or supporting documentation required under this section;
- (3) provided false or inaccurate information on or in connection with an application for an intact pet permit;
- (4) failed to submit any fee required by this section;
- (5) has previously had an intact pet permit revoked;
- (6) resides at the same physical address as another individual whose intact pet permit has been revoked;
- (7) failed to vaccinate any animal in accordance with the requirements of state law or this chapter;
- (8) failed, within thirty (30) days of when requested by the animal control authority to do so, to provide a current statement affirming that the applicant is familiar with the provisions of this chapter and agrees to maintain all animals in accordance with the applicable legal requirements; or
- (9) failed to comply with any provision of this article.

Revocation or denial of an intact pet permit will not result in the refund of any permit or application fees.

(g) *Exemptions.* The following animals are exempt from the requirements of this section:

- (1) an animal under six (6) months of age;
- (2) an animal for which a licensed veterinarian provides a letter of exemption certifying that the animal should not be sterilized for health reasons or is permanently infertile if the letter of exemption includes, at a minimum, all of the following:
 - i. name of the dog/cat;
 - ii. breed of the dog/cat;
 - iii. the full name and address of the animal's owner;
 - iv. the microchip information linking the animal to the owner; and

v. a statement that the letter of exemption expires one (1) year from the date of issuance or a statement that the condition for which the exemption is granted is permanent and that the letter of exemption will remain valid for the life of the animal;

(3) an animal transferred to another animal shelter or a nonprofit 501(c)(3) organization that provides a written agreement to the city that the animal will be sterilized before being placed into a new home;

(4) an animal that is verified as formally trained for use by or under the authority of a governmental agency in law enforcement or rescue work;

(5) an animal that is verified as formally trained for use as a certified service animal;

(6) an animal that is the subject of a valid breeding permit; and

(7) an animal owned by a state-licensed breeder.

(h) *Evidence of intact pet permit.* The owner of an animal that is the subject of an intact pet permit must retain documentation of the intact pet permit in a condition so that all dates and identifying information are easily legible by law enforcement or animal control officers.

(i) *Fees.* Fees for an intact pet permit shall be established by resolution of the city council and paid directly to the animal control authority, which shall maintain a database for all issued intact pet permits. Fees paid in association with an intact pet permit are non-refundable and non-transferable. Intact pet permits may be purchased on a basis of 1, 2, or 3 years. The intact pet permit shall state the date of expiration which is to coincide with the number of years purchased at time of payment.

(j) *Offenses.*

(1) A person commits an offense if the person owns, harbors, or maintains any intact dog or cat six (6) months of age or older unless the animal is subject to a valid intact pet permit issued in accordance with this section.

(2) A person commits an offense if the person advertises for sale within the city an intact dog or cat six (6) months of age or older and fails to include in such advertisement the identification number of the animal's valid intact pet permit.

(3) An offense under this section is punishable by a fine of up to \$500 in accordance with Section 1-4 of this code. The municipal court may waive the fine

for a person's first offense upon receipt of verifiable evidence proving the subject animal has been sterilized by a licensed veterinarian no more than 30 days from the issuance of the citation or filing of the complaint, as applicable, provided that the municipal court may extend that period upon a showing that the person has scheduled an appointment to have the animal sterilized. Upon conviction of a second or subsequent offense, the municipal court may revoke the intact pet permit. Revocation of an intact pet permit by the municipal court is final and will not result in the refund of any permit or application fees. Each day during which a violation of this section continues shall constitute a separate offense.

Sec. 13-42. Breeding permit.

(a) *Breeding permit required.* A separate breeding permit is required for each dog or cat that a person keeps intact for breeding purposes.

(b) *Application.* An application for a breeding permit must:

(1) be made on the form prescribed by the animal services manager and include, at a minimum, the following information:

- i. the name, telephone number, and physical address of the applicant;
- ii. the description of the animal sought to be included under the breeding permit, including but not limited to a photograph of the animal, and the species, breed, gender, and age of the animal; and
- iii. a statement affirming that the applicant is familiar with the provisions of this chapter and agrees to maintain all animals in accordance with the applicable legal requirements;

(2) state the location where the animal is harbored, accompanied by photographic evidence, in digital or printed form, showing the enclosure or enclosures where the animal is to be kept;

(3) be accompanied by the required fee(s);

(4) be accompanied by proof that the animal has been approved to breed by a licensed veterinarian as required in this section; and

(5) be accompanied by such additional information and documentation as the animal services manager deems necessary for the enforcement and administration of this section.

(c) *Consideration of application.* A breeding permit may only be issued for a dog or a cat:

(1) that is currently in compliance with the microchipping requirements of this article;

(2) that is currently in compliance with the vaccination requirements of state law and this chapter;

(3) that, not more than ninety (90) days before the date of the breeding permit application, has been approved to breed by a licensed veterinarian; and

(4) whose owner is a member of a purebred dog or cat club, approved by the animal services manager, that maintains and enforces a code of ethics for breeding that includes restrictions on breeding dogs and cats with genetic defects and life threatening health problems common to the breed.

(d) *Issuance and maintenance of breeding permit.* A breeding permit is issued for an individual animal to an individual person. A breeding permit is not transferable to another animal or to another person. To maintain a breeding permit, the permit holder must keep the animal control authority apprised of current contact information for the permit holder and identifying and registration information for each animal subject to a breeding permit. In particular, a permit holder must notify the animal control authority of any change of address or telephone number no later than thirty (30) days after the new address or phone number is effective. In addition, within thirty (30) days of obtaining an intact animal not subject to a breeding permit, the permit holder must provide the animal control authority with the species, breed, gender and age of such animal. A breeding permit expires one, two or three years after the date of issuance, as provided in this section, and may be renewed by applying in the same manner as applying for a new breeding permit in accordance with this section.

(e) *Revocation or denial of breeding permit.* The animal services manager shall deny or revoke a breeding permit if the animal services manager determines that the applicant or permit holder:

(1) failed to submit a complete application for a breeding permit;

(2) failed to submit any information or supporting documentation required under this section;

(3) provided false or inaccurate information on or in connection with an application for a breeding permit;

(4) failed to submit any fee required by this section;

- (5) has previously had a breeding permit revoked;
- (6) resides at the same physical address as another individual whose breeding permit has been revoked;
- (7) failed to vaccinate any animal in accordance with the requirements of state law or this chapter;
- (8) failed, within thirty (30) days of when requested by the animal control authority to do so, to provide a current statement affirming that the applicant is familiar with the provisions of this chapter and agrees to maintain all animals in accordance with the applicable legal requirements; or
- (9) failed to comply with any provision of this article.

Revocation or denial of a breeding permit will not result in the refund of any permit or application fees.

(f) *Exemptions.* A state-licensed breeder and any animals owned by that state-licensed breeder are exempt from the requirements of this section; provided, however, that the person must provide such proof as the animal services manager may reasonably require of the person's currently valid status as a state-licensed breeder.

(g) *Evidence of breeding permit.* The owner of an animal that is the subject of a breeding permit must retain documentation of the breeding permit in a condition so that all dates and identifying information are easily legible by law enforcement or animal control officers.

(h) *Fees.* Fees for breeding permits shall be established by resolution of the city council and paid directly to the animal control authority, which shall maintain a database for all issued breeding permits. Fees paid in association with a breeding permit are non-refundable and non-transferable. Breeding permits may be purchased on a basis of 1, 2, or 3 years. The breeding permit shall state the date of expiration which is to coincide with the number of years purchased at time of payment.

(i) *Offenses.*

- (1) A breeding permit holder commits an offense if the breeding permit holder allows a female dog or cat subject to a breeding permit to have more than two litters during any one-year term of the breeding permit. For a breeding permit that is valid for a period of two or three years, each full year shall constitute a one-year term, with the first term beginning on the date of issuance.

(2) A person commits an offense if the person breeds or allows the breeding of a dog or cat without a valid breeding permit for the animal.

(3) An offense under this section is punishable by a fine of up to \$500 in accordance with Section 1-4 of this code. The municipal court may waive the fine for a person's first offense upon receipt of verifiable evidence proving the subject animal has been sterilized by a licensed veterinarian no more than 30 days from the issuance of the citation or filing of the complaint, as applicable, provided that the municipal court may extend that period upon a showing that the person has scheduled an appointment to have the animal sterilized. Upon conviction of a second or subsequent offense, the municipal court may revoke the breeding permit. Revocation of a breeding permit by the municipal court is final and will not result in the refund of any permit or application fees.

Sec. 13-43. Appeals.

If the animal services manager denies or revokes an intact pet permit or a breeding permit, the animal services manager shall notify the applicant or permit holder in writing of the action and include in the notice a statement of the right to an appeal. The applicant or permit holder may appeal the decision of the animal services manager in writing to the city manager or city manager's designee within thirty (30) days of the date of the decision of the animal services manager. The filing of an appeal stays an action of the animal services manager in revoking a permit until the city manager or the city manager's designee makes a final decision. The decision of the city manager or the city manager's designee shall be final and non-appealable. The city manager or the city manager's designee may grant or reinstate the permit pursuant to its original terms, grant or reinstate the permit subject to additional specified conditions; or affirm the denial or revocation of the permit. Revocation or denial of a permit will not result in the refund of any permit or application fees."

Section 5. That the meeting at which this ordinance was approved was conducted in strict compliance with the Texas Open Meetings Act (Texas Government Code Chapter 551).

Section 6. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict only; provided, however, that the repeal of an ordinance by this ordinance does not affect the prior operation of the ordinance or any prior action taken under it, any obligation or liability previously acquired, accrued, or incurred under such prior ordinance, any violation of the prior ordinance or any penalty, forfeiture, or punishment incurred under said ordinance before its repeal,

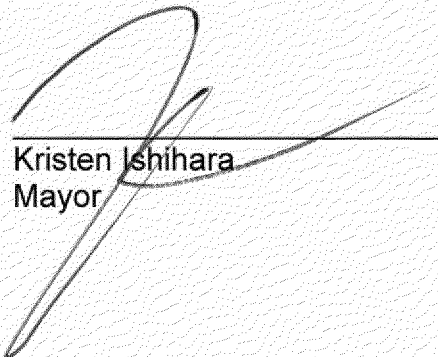
and any investigation, proceeding, or remedy under said prior ordinance and the penalty, forfeiture, or punishment imposed as a result of such investigation, proceeding, or remedy shall be imposed as if the prior ordinance had not been repealed.

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

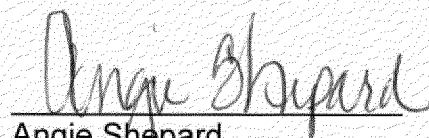
Section 8. That the City Secretary is directed to publish this ordinance in the official newspaper of the City of Longview in compliance with the provisions of Section 4.07 of the City Charter, which publication shall be sufficient if it contains the title of this ordinance and the penalty provided therein for violation hereof.

Section 9. That this ordinance shall be effective from and after February 1, 2025.

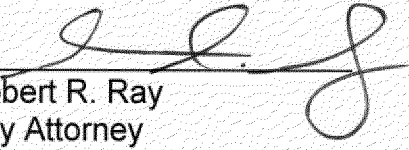
PASSED and APPROVED this 14th day of November, 2024.


Kristen Ishihara
Mayor

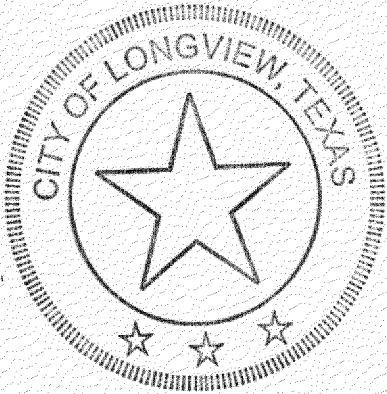
ATTEST:


Angie Shepard
City Secretary

APPROVED AS TO FORM:


Robert R. Ray
City Attorney

O ANIMAL SHELTER SPAY NEUTER 11-14-24





The Office of the Mayor

November 21, 2024

Dear East Texas Community Leader,

I am writing to you today regarding a matter that impacts all of our communities: the welfare of animals across East Texas and the challenges we each face in addressing overcrowded shelters, and stray or unwanted animals.

Last week, the Longview City Council passed three significant amendments to our animal ordinances. These changes include:

1. Aligning our rabies vaccination requirements with state law,
2. Implementing mandatory microchipping for cats and dogs over four months of age, and
3. Requiring sterilization for pets over six months old (with appropriate exceptions for medical needs, intact pet permits, and breeding permits).

These ordinances will take effect on February 1, 2025, and were carefully crafted with community input from all perspectives. Other municipalities that have adopted similar ordinances (including Waco and San Angelo) have seen a significant decline in their stray and unwanted animal population which lessens the burden on taxpayer-funded staff and time including animal control officers and the animal shelter.

As you know, animals do not recognize city limits or county lines and impact us all. The challenges we face with overcrowded shelters and stray and unwanted animals, are truly regional issues that require regional solutions.

I urge you to consider adopting similar ordinances in your community. We are happy to provide any information and assist in any way. Please feel free to contact me directly with any questions or Bonnie Hubbard, our City of Longview Director of Administration.

Thank you for your consideration,

Kristen Ishihara, Mayor
City of Longview
903-399-1178