

**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
September 10, 2026
6:00 PM

1. Call to Order and Roll Call

2. Invocation and Pledges

3. Presentations & Proclamations

- A. Recognition of the September Yard of the Month winners.
- B. Presentation of the Employee of the Month - September. (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 Items to be Withdrawn From Consent Agenda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 August 21, 2026, Special-Called City Council Meeting. (City Secretary)
- B. Consider approval of the minutes from the August 27, 2026, Regular City Council Meeting. (City Secretary)
- C. Consider the approval of appointments to fill unexpired terms on the Main Street Board.

7. Consideration of Items Withdrawn From the Consent Agenda

8. Public Hearing & Ordinance

- A. **O-26-20** Conduct a public hearing to consider approval of an ordinance regarding an application (Z-26-12) to rezone 800 East Austin, Parcel R000020539, a 0.3100 acre lot

SUBD: JEFFERSON AVENUE TOWNHOMES ADD, LOT: 57 from R-2 (Single Family Detached) to R-6 (Duplex, Triplex, Quadplex).

- B. **O-26-21** Conduct a public hearing to consider approval of an ordinance regarding an application (Z-26-13) to rezone 0 Karen Lane, Parcel R000044338, a 1.1220 acre lot SUBD: PECAN RIDGE – BLK: 3, LOT: 3-6 from A-E (Agriculture & Estate) to R-2 (Single Family Detached).

9. Ordinance

- A. Consider approval of an ordinance amending Chapter 4 of the Code of Ordinances. (Police)

10. Action Items for City Council Consideration

- A. Casting the City of Marshall's ballot in the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election.
- B. Consider approval of a Professional Engineering Services Agreement with Schaumburg & Polk, Inc. for Phase 1 of the Wastewater Treatment Plant Rehabilitation Projects included in the City's Capital Improvement Program. (Public Works)

11. Adjournment

Posted: September 3, 2026

4:15 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.

The City Council of the City of Marshall reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on this agenda, as authorized by Texas Government Code Chapter 551. This includes, but is not limited to, Section 551.071 (Consultation with Attorney), Section 551.072 (Deliberations about Real Property), Section 551.074 (Personnel Matters), and Section 551.087 (Economic Development Negotiations).

TAXPAYER IMPACT STATEMENT

PURSUANT TO SECTION 551.043(c) OF THE TEXAS GOVERNMENT CODE

This notice informs taxpayers of the potential impact of the Proposed Tax Rate for Fiscal Year 2027, comparing what would be paid under the No-New-Revenue Tax Rate versus the Proposed Tax Rate.

Rate Scenario	Median Homestead Taxable Value	Tax Rate (per \$100 of value)	Estimated Property Tax Bill
FY 2026 Tax Rate (Current Year)	\$124,265	\$0.581518	\$722.62
FY 2027 No-New-Revenue Tax Rate	\$122,772	\$0.547883	\$672.65
FY 2027 Proposed Tax Rate	\$122,772	\$0.668915	\$821.24



TO: City Council
DATE: September 10, 2026
ITEM #: 3.A
SUBJECT: Recognition of the September Yard of the Month winners.

Recommendation for Action: Recognize recipients of Keep Marshall Beautiful's September Yard of the Month award.

Executive Summary: Keep Marshall Beautiful selected a residential and commercial property for the September Yard of the Month award. Representatives from the Keep Marshall Board will present both winners with a \$50 gift card from Lowe's.

Residential Winner:

Earl Barrier (2308 Rosborough Springs Rd)

Commercial Winner:

Christus Good Shepherd Medical Center (811 S. Washington Ave.)

Focus Area(s): This item aligns with the following council adopted focus area(s): Improving Community Appearance

Budget Cost:

Staff Contact: Reggie Cooper, Neighborhood Code Enforcement Director

Attachments: None



TO: City Council
DATE: September 10, 2026
ITEM #: 3.B
SUBJECT: Presentation of the Employee of the Month -
September. (Employee Engagement Committee)

Recommendation for Action:

Executive Summary:

Focus Area(s):

Budget Cost:

Staff Contact:

Attachments: None



TO: City Council
DATE: September 10, 2026
ITEM #: 6.A
SUBJECT: Consider approval of the minutes from the August 21, 2026, Special-Called City Council Meeting. (City Secretary)

Recommendation for Action: Motion to approve the minutes from the August 21, 2026, Special-Called City Council Meeting.

Executive Summary: Minutes from the August 21, 2026, Special-Called City Council Meeting.

Focus Area(s): Improving Communication

Budget Cost: N/A

Staff Contact: Nikki Smith, City Secretary

Attachments: 1. 8.21.26 Special-Called City Council Meeting Minutes

**Second Floor Conference
Room, City Hall
401 South Alamo
Marshall, TX 75671
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

**MINUTES
PLEASE SILENCE ALL DEVICES
SPECIAL-CALLED CITY COUNCIL MEETING
August 21, 2026
1:00 PM**

1. Call to Order and Roll Call

Mayor Amy Ware called the Special-Called meeting to order in the Second Floor Conference Room, City Hall at 1:00 PM.

PRESENT:

Mayor and Council Members:

Mayor Amy Ware
Councilmember Leo Morris
Councilmember Reba Godfrey
Councilmember Amanda Abraham
Councilmember Dathaniel Campbell

ABSENT: Councilmember Risa Jordan-Anderson
Councilmember Micah Fenton

Motion to Excuse: Councilmember Campbell Second: Councilmember Morris Vote: 5:0

ADMINISTRATIVE STAFF PRESENT:

Greg Smith, City Manager	Nikki Smith, City Secretary
Scott Rectenwald, City Attorney	Lisa Pepi, Finance Director
Scott Smith, Assistant Police Chief	
Randy Pritchard, Support Services Director	
Alex Agnor, Asst. City Manager/Econ. Dev. & Strat. Init. Director	

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. Action Items for City Council Consideration

- A. Discussion and consideration of the appointment of a Municipal Court Judge. Greg Smith, City Manager, discussed the position of Municipal Court Judge and stated a candidate was interested in taking the position. A standard drafted contract is ready and Judge Ammerman has been interviewed by the council previously.

Councilmember Campbell made a motion to approve the appointment of Judge Ammerman as the Municipal Court Judge. Councilmember Godfrey seconded the motion, which passed by a vote of 5:0.

- B. Discussion and consideration of the approval of adding City Prosecutor to the job function of the City Attorney. Greg Smith stated that with the appointment of Jim Ammerman as Judge there will be a conflict of interest with the current prosecutor. Greg Smith requested approval of assigning the duties of City Prosecutor to the job function of the City Attorney.

Council discussed the length of the additional duties, which is still to be determined. The City Attorney will bill on an hourly basis if the amount of time allowed per his retainer has already been used.

Councilmember Godfrey made a motion to approve adding the City Prosecutor to the job function of the City Attorney. Mayor Ware seconded the motion, which passed by a vote of 5:0.

- C. Discussion and consideration of the approval of a contract for Project Management Services with Cumming Gallagher for the SL 390 Utility Relocation project. Greg Smith stated this item is a carry-over from the last meeting. Discussion was held about going out for an RFP/RFQ for Construction Management Services, but to bring Cumming Gallagher on for the SL 390 Line Relocate project only. It was stated that the fee for the project would be 5% because it was under the \$15 million threshold. There is also an 18-month timeline for the project based on information from the civil engineering firm. If the project is finished early, the fee will still be owed. If the project runs long, within reason, the fee remains fixed, but the company can request additional funds.

Council discussed concerns about the fee structure in the contract not being a fixed fee, and that the fee should be 5% no matter the length of the project. Council asked if Cumming Gallagher would be willing to negotiate the fee based on the projects and build in a tiered fee schedule if the task orders change the amounts of the contract, or if other projects are awarded and the total amount awarded is over the \$15 million threshold for the fee to be changed to the 3.5% rate. Council requested the City Manager and City Attorney to make it clear in the contract that the fee was fixed and, based on review of the contract services with Cumming Gallagher, it would be at 3.5% if the threshold of \$15 million was met and the fee would be fixed for the 18-month timeline.

Councilmember Campbell made a motion to approve based on the revision of the contract Project Management Services with Cumming Gallagher for the SL 390 Utility Relocation project with 3.5% threshold at \$15 million and a fixed rate that goes beyond 18 months.

Staff verified the motion. Greg Smith stated there is still time to make the changes and add this item to the agenda for the August 27th meeting.

The motion died due to lack of a second.

Mayor Ware made a motion to table the discussion and consideration of the approval of a contract for Project Management Services with Cumming Gallagher for the SL 390 Utility Relocation project until the next meeting. Councilmember Godfrey seconded the motion, which passed by a vote of 5:0.

4. Discussion and Reports for City Council Consideration and Direction

A. Discussion of the proposed 2026 Tax Rate.

Greg Smith stated this item is for discussion only, no action is to be taken. This item is to provide updated information to council and allow for guidance from council to staff. Greg Smith stated the history of the city is to have two (2) public hearings, but state law only requires one (1). It was asked if council would be comfortable having a single public hearing this year. The tax rate to be discussed is below the voter approval rate, but higher than the no new revenue rate. Council indicated they are comfortable with the single public hearing as long as it is not a charter requirement to have two (2).

Lisa Pepi, Finance Director, stated the certified values show a 3.3% net increase, and provided the no new revenue tax rate, 0.547883, the voter approval rate, 0.668915, and the staff recommended rate, 0.657011. Lisa Pepi provided a breakdown of the tax rate for the General Fund and Debt Service sides. The proposed tax rate would have a net increase of \$84 per household valued at \$140,000 for the year. The history of taxable value was provided, showing steady growth.

Council discussed the proposed tax rate and inquired as to why the voter approval rate was not being used. Lisa Pepi stated the average taxable value was provided by the appraisal district. Greg Smith explained that the I&S revenue was increasing to pay for the debt service payments and the M&O side was showing a slight decrease. Council discussed the tax rate needed to have the M&O side match the revenue for 2026. Council requested the numbers for the impact on citizens and revenue using the voter approval rate.

Mayor Ware made a motion to recess for 10 minutes to allow staff to compile the information. Councilmember Campbell seconded the motion, which passed with a vote of 5:0. The time was 1:45 PM.

The meeting was reconvened at 1:54 PM.

Lisa Pepi provided information comparing the 2025 and 2026 years showing if the voter approval rate was used, the increase per household for the year would be \$100.97 for a taxable value of \$140,000.00. The effects of the M&O were discussed if the voter approval rate was used, and it would be an increase of approximately \$120,000 from the proposed rate to the voter approval rate. It was stated that council could post the voter approval rate and adopt a rate less than that. Staff can bring data back to council in the format they would like to see and have a discussion item during the public

hearing.

Greg Smith stated that staff is working on the budget, and a workshop could be held to help explain how the tax rate affects the M&O side if the council would like.

Council requested information to be provided regarding the increased revenues from the new water rates.

Greg Smith clarified that council would like the voter approval rate of 0.668915 posted on the notice and that council would like the information based on a \$100,000 valuation, and to include the average value for the past four (4) years.

5. Adjournment

Councilmember Godfrey made a motion to adjourn. Councilmember Campbell seconded the motion, which passed by a vote of 5:0.

APPROVED:

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

ATTEST:

City Secretary



TO: City Council
DATE: September 10, 2026
ITEM #: 6.B
SUBJECT: Consider approval of the minutes from the August 27, 2026, Regular City Council Meeting. (City Secretary)

Recommendation for Action: Motion to approve the minutes from the August 27, 2026, Regular City Council Meeting.

Executive Summary: Minutes from the August 27, 2026, Regular City Council Meeting.

Focus Area(s): Improving Communication

Budget Cost: N/A

Staff Contact: Nikki Smith, City Secretary

Attachments: 1. 8.27.26 City Council Regular Meeting Minutes

**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

**MINUTES
PLEASE SILENCE ALL DEVICES
REGULAR CITY COUNCIL MEETING
August 27, 2026
6:00 PM**

1. Call to Order and Roll Call

Mayor Pro-Tem Amanda Abraham called the Regular meeting to order in the Council Chambers, City Hall at 6:01 PM.

PRESENT:

Mayor and Council Members:

Councilmember Leo Morris
Councilmember Reba Godfrey
Councilmember Amanda Abraham
Councilmember Micah Fenton
Councilmember Dathaniel Campbell
Councilmember Risa Jordan-Anderson

ABSENT: Councilmember Amy Ware **Motion to Excuse: Councilmember Abraham**
Second: Councilmember Godfrey Vote: 4:0

ADMINISTRATIVE STAFF PRESENT:

Greg Smith, City Manager	Cliff Carruth, Police Chief
Scott Rectenwald, City Attorney	Nikki Smith, City Secretary
Lisa Pepi, Finance Director	David Rainwater, Fire Chief
Christol Hall, HR/Civil Service Director	
Doug Box, Interim Public Works Director	
Randy Pritchard, Support Services Director	
Cheryl Carpenter, Community Engagement	
Alex Agnor, Asst. City Manager/Econ. Dev. & Strat. Init. Director	

2. Invocation and Pledges

Councilmember Campbell

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.

There were no citizen comments.

4. Items to be Withdrawn From Consent Agenda

There were no items withdrawn from the Consent Agenda.

5. Consent Agenda

The items on the Consent Agenda require little or no deliberation by the Council. Approval of the Consent Agenda authorizes the City Manager or his designee to proceed with conclusion of each in accordance with staff recommendations, a copy of which is filed with the minutes of the meeting. A Councilmember may remove items from the Consent Agenda by making such request prior to a motion and vote on the Consent Agenda.

Councilmember Campbell made a motion to approve the Consent Agenda.

Councilmember Morris seconded the motion, which passed by a vote of 4:0.

- A. Consider approval of the minutes from the August 13, 2026, Special-Called City Council Meeting. (City Secretary)
- B. Consider approval of the minutes from the August 13, 2026, Regular City Council Meeting. (City Secretary)
- C. Consider approval of 2026 Wonderland of Lights Interlocal Agreement with Harrison County. (Main Street)
- D. Consider approval of the declaration of certain vehicles as surplus property and authorization for staff to dispose of the surplus vehicles in accordance with applicable law. (Support Services)

6. Consideration of Items Withdrawn From the Consent Agenda

There were no items withdrawn from the Consent Agenda.

7. Public Hearing & Ordinance

- A. **O-26-19** Conduct a public hearing to consider approval of an ordinance regarding an application (Z-26-11) to rezone 3603 & 3605 S Washington Ave, Parcel R000007481 & R000030292, a 0.5750 & 1.5700 acre lot, A-400, ASA LANGFORD SURVEY from A-E (Agriculture & Estate) to R-1 (Single Family Detached). (Planning)
Mayor Pro-Tem Abraham opened the public hearing.

Madonna Huacuja, 303 Northwest Dr. Longview, Texas, is the surveyor for the property and stated the location is already two pieces and just needs to be redivided and rezoned.

Mayor Pro-Tem Abraham closed the public hearing.

Mark Priestner, Planning Consultant with Halff and Associates, stated the property is two lots. The applicant wanted to replat the property and flip the area but the current zoning of A-E won't allow that. However, changing the zoning to R-1 will. Twelve (12) notices were sent out, three (3) responses were received against the rezone, and the letters are in the packet. Mark Priestner restated that the existing lots are already there, the owner just wants to flip the size, no new structure is being placed. The Planning and Zoning Commission met and approved the request by a vote of 3:1.

Councilmember Godfrey made a motion to approve an ordinance regarding an application to rezone 3603 & 3605 S Washington Ave. from A-E (Agriculture & Estate) to R-1 (Single Family Detached). Councilmember Campbell seconded the motion, which passed by a vote of 4:0.

8. Resolution

- A. **R-26-16** Consider approval of a resolution setting a public hearing to be held on September 10, 2026 on the proposed FY27 Budget. (Finance)
Greg Smith, City Manager, asked council to approve the resolution scheduling the public hearing to be held on September 10, 2026, for the proposed FY27 budget.

Council asked about a budget workshop, in which Greg Smith explained that, due to delays in the budget and still having staff meetings to prepare the budget presentation the workshop would be conducted during the public hearing. Greg Smith stated other workshops could be called if the council would like to have them.

Councilmember Abraham made a motion to approve a resolution setting a public hearing to be held on September 10, 2026, on the proposed FY27 Budget.

Councilmember Godfrey seconded the motion, which passed by a vote of 4:0.

- B. **R-26-17** Tax Rate Discussion and consideration of approval of a resolution announcing the proposed tax rate of \$0.668915 per \$100 of valuation and scheduling a public hearing on the proposed tax rate and tax increase. (Finance)
Greg Smith explained the state requirements for municipalities to announce their proposed tax rate. The proposed tax rate is \$0.668915, which is the voter approval rate and the maximum rate to be adopted by the city without going out for a vote. Greg Smith stated the tax rate will be addressed over the next couple of meetings and asked the council to approve the resolution scheduling the public hearing to be held on September 24, 2026, for the adoption of the tax rate.

Councilmember Godfrey made a motion to approve a resolution announcing the proposed tax rate of \$0.668915 per \$100 of valuation and scheduling a public hearing to be held on September 24, 2026, on the proposed tax rate and tax increase. Councilmember Campbell seconded the motion. A roll call vote was taken, and the resolution passed by a vote of 4:0.

9. Action Items for City Council Consideration

- A. Consider approval of the acceptance of the 2025 Street Improvement Program and release of retainage. (Public Works)

Doug Box, Interim Public Works Director, stated the inspection was done on August 11, 2026, by Stan Hayes, no issues were found and the punch-list items were all addressed. Doug Box stated the contractor submitted an affidavit confirming all project-related bills have been paid and asked for approval of the acceptance of the 2025 Street Improvement Program and release of the retainage to Rayford Truck & Tractor for \$71,577.15.

Council asked what the total cost of the project was and the total cost of change orders. The total amount for the project was \$1,431,543.14, and the change orders totaled \$75,077.80.

Councilmember Godfrey made a motion to approve the acceptance of the 2025 Street Improvement Program and release of retainage. Councilmember Campbell seconded the motion, which passed by a vote of 4:0.

- B. Discussion and consideration of the approval of a contract for Project Management Services with Cumming Gallagher for the SL 390 Utility Relocation project. (City Manager)

This item was withdrawn from the agenda.

10. Discussion and Reports for City Council Consideration and Direction

- A. Report regarding needed appointments and reappointments to the various City boards, commissions, and committees. (City Secretary)
Nikki Smith, City Secretary, stated this is the annual push for volunteers for the various boards, commissions and committees for the city. Advertising began August 2, 2026, and applications will be accepted through September 11, 2026. This item is on the agenda to inform council and the public of the timeframe for receiving applications.
- B. Consider and Possible Action on issuing a RFP for Construction Manager. (City Manager)
Greg Smith provided a draft RFQ for Construction Management services and explained the timeline in place. With council approval, the RFQ will be issued on September 7, 2026, sealed qualifications are due September 24, 2026, at 10:00 AM and a committee will be set up to evaluate the submittals. Greg Smith stated this is the first step in the process. The scoring criteria and the possibility of oral presentations to staff and council were discussed.

Councilmembers asked about the need for the services, what projects would be included and if there would be a duplication of services from what is currently in place. Greg Smith stated the services provide the city with an agent to look out for the best interest of the city in the projects, that it will include all upcoming projects except for the SL 390 and I369 projects. The services provided by KSA will not be duplicated by the Construction Management services. The RFQ process is to hire a company for future projects to oversee them from beginning to end, projects such as the \$2.2 million sewer project, the \$21 million WSIG project and the \$34 million debt service projects.

Councilmember Jordan-Anderson joined the meeting remotely at 6:25 PM.

Greg Smith stated the RFQ can be put out for bids and if the council doesn't want to

use any of the companies that apply, they do not have to.

The information was restated regarding the need for the RFQ, the bid process, interviews, and the choice to determine if there is a desire to hire any of the companies that apply.

The RFQ will be issued on September 7, 2026, sealed qualifications are due September 24, 2026, at 10:00 AM, and any questions from applicants are to be submitted by September 15, 2026.

Council discussed the responsible party for designing projects, which would be a third party engineer. It was stated that Construction Management Services would act as a fiduciary for the city because the contractor that is hired to work on the project for the city already has a fiduciary responsibility to their company. A construction manager would also help to negotiate contracts.

Councilmember Fenton joined the meeting remotely at 6:30 PM.

Greg Smith stated the RFQ process is to seek qualifications and to allow multiple companies to submit their applications.

Council discussed the necessity to hire a construction company or if a superintendent could be used, and it was stated we could hire a staff member to do the work, but we would have to find someone.

Council indicated more conversations were needed and verified that this item will simply allow for quotes for services to be received.

Councilmember Abraham made a motion to approve the issuance of a RFQ for Construction Manager services. Councilmember Campbell seconded the motion, which passed by the following vote:

Ayes: 5, Mayor Pro-Tem Abraham, Councilmembers Campbell, Jordan-Anderson, Fenton and Morris

Noes: 1, Councilmember Godfrey

C. Report on 800 MHz radio system. (Support Services)

Randy Pritchard, Support Services Director, provided a report on the 800 MHz radio system. The project began in June 2022 by getting quotes. Council approved the purchase in July 2023, and the system is now operational. Randy Pritchard provided updates about the project and radios stating the system was installed for interoperability with local areas. There are five towers, the city has two that are 100% operational. TxDOT has two, one of which is being finished, the other is waiting for the installation of equipment. The fifth tower, provided by a grant, is also a TxDOT tower located in the northern part of the county. Mobile Communications of America is the vendor, and due to company acquisitions, they are now a local company which is beneficial to the city and other agencies using the radio system. Interlocal Agreements will be signed with the surrounding local agencies for the system.

Council inquired about a timeline for the installation of equipment into the vehicles,

which will be provided after the response is received from the vendor.

A demonstration of the radios took place involving the Police Department, Fire Department, and Galveston Police Department to show how the departments will now be able to communicate over the radio in areas, including those previously challenging areas. Randy Pritchard stated the shared channels are already set up and ready if they are needed in the future.

The council inquired about the training set up, which will be a train the trainer system.

An update was provided regarding the tower previously owned by the city. The City Attorney and Councilmember Abraham were able to negotiate that the city would be able to keep the equipment on the tower, updates would be allowed, and no money would be paid out. It was stated the problems with the tower created an eight-month delay for the radio system project.

Council asked about the maintenance of the radios, and it was stated that Motorola would be responsible for repairs.

11. Adjournment

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

APPROVED:

ATTEST:

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

City Secretary



TO: City Council
DATE: September 10, 2026
ITEM #: 6.C
SUBJECT: Consider the approval of appointments to fill unexpired terms on the Main Street Board.

Recommendation for Action:

Staff recommends appointing new members to fill the unexpired terms.

Executive Summary: We are requesting the appointment of individuals to fill the unexpired terms resulting from member absences.

The Board has met and reviewed all current applications submitted and would like to move forward with filling these current vacancies.

Focus Area(s): This item aligns with the following council's adopted focus area(s): Improving Customer Service

Budget Cost: \$0

Staff Contact: Lacy Burson, Tourism and Main Street Administrator

Attachments: 1. 2026 Main Street Board Applications_Redacted

City of Marshall
Application for Appointment to City Boards and Committees

Name of Board or Committee to which you are applying: MAIN ST. MARSHALL

Note: A person may serve on only two (2) City boards or committees at one time.

Name: Ms. Moss Chene
(Title) (Last) (First) (Middle)

Permanent Residence Address: 213 B. N. Wellington St. Marshall, Tx. 75270
(Street) (City) (State) (Zip Code)

Preferred Mailing Address: _____
(If different from above) (Street) (City) (State) (Zip Code)

Preferred Phone and Fax: _____
(Phone) (Fax)

Email Address: _____

Occupation: Sales 92.3FM The Depot

Employer: 92.3FM The Depot Title: Sales

Are you a registered voter in the City of Marshall? ☐ Yes ☒ No

Are you a resident of the City of Marshall? ☒ Yes ☐ No

Length of residence: 5.5 years In which District do you reside? 1. Downtown Resident

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

☐ Yes ☒ No

If Yes, please explain: _____

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?

☐ Yes ☒ No

If Yes, please explain: _____

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

☐ Yes ☒ No

If Yes, please explain: _____

Convictions: Have you ever been convicted of violating any federal, state or municipal law, regulation or ordinance? ☐ Yes ☒ No

If so, give details. Do not include traffic violations. _____

City of Marshall Application for Appointment to City Boards and Committees (Page 2)

Name: Chene Moss

BACKGROUND

Education: Kennewick High School / Kennewick WA. Spokane Falls Comm. College some

Professional: Everything's Marketing Shreveport 3 years SB MAGAZINE Director of Sales 2012-2019

Volunteer Experience/Community Service: Cypress Jr Women's Club 2024-2024

Areas of interest: helping local businesses thrive.

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: East Texas Impact - Networking group

Title: Member Dates: 2024-present

Organization: Cypress Jr Women's Club

Title: Co Chair Fund Raising/Member Dates: 2024-present

Reasons for Seeking Appointment: Please attach a brief narrative outlining your interests and qualifications for seeking appointment. You may also add a résumé or additional information. SEE BACK

I have read and understand the instructions and appointment process. The foregoing and any attached statements are true, accurate and complete; and I agree that any misrepresentation or omission of facts may result in my disqualification for appointment.

Chene Moss
Signature

7/15/2026
Date

FILE COMPLETED FORM WITH CITY SECRETARY'S OFFICE BY DEADLINE FOR PROCESSING

Marshall City Secretary
ATTN: Nikki Smith
401 S. Alamo
Marshall, Texas 75670

(Original copy will be on file in the City Secretary's Office for 12 months.)

Note: Information provided on this form is public and subject to the Texas Public Information Act (Government Code Chapter 552)

(92.3FM The Depot)
I am an employee and resident of #downtown Marshall and
would like to be a part of Marshall Main Street.
I feel I can offer a collaborative opinion or insight of
ideas, thoughts, help.

In the past 5 years as a downtown resident I
have watched downtown grow and thrive. I live downtown
and shop locally downtown.

With ~~over 10~~ a career (longtime) in sales I am willing to help.
I have a passion for local business I was raised by a
father who owned his own business my entire childhood.
I worked for Shreveport Times Niche Sales 2005-2012
SB Magazine Director of Sales 2012-2019
Everything Marketing Direct Mail 2020-2024
I have been around 92.3FM The Depot since planning stages
and have sold full time since 2024.

From: noreply@civicplus.com
To: [Nikki Smith](#); [City Info](#)
Subject: Online Form Submittal: Application for Appointment to City Boards and Committees
Date: Monday, August 17, 2026 10:04:42 AM

This sender is trusted.

Application for Appointment to City Boards and Committees

Name of Board or Committee to which you are applying Marshall Downtown Development Corporation

Name of Board or Committee to which you are applying Main Street Advisory Board

First Name John

Last Name Godwin

Permanent Residence Address 402 Alice Hope Rd

City Marshall

State TX

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

Email Address

Occupation Retired city manager; PT municipal consultant.

Employer Self

Are you a registered voter in the City of Marshall? Yes

Are you a resident of the City of Marshall?	Yes
Length of Residency in Marshall	15 months (+22 years)
In which District do you reside?	6: Councilmember Amanda Abraham
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.	BA, MPA, MEd, other graduate work.
Please share information about your PROFESSIONAL background.	Teacher 5 years; local government 40 years (Longview, Polk County Florida, Rowlett, Fairview, Paris, Terrell [PT].
Please share your VOLUNTEER/COMMUNITY SERVICE experience.	Board member, Lamar County Chamber of Commerce; Board Member, Fairview Cemetery Association; Board Member, Greater Paris Development Foundation; EMS

Education Advisory Committee member, Paris Junior College; Board member, New Hope Center; Board member, Harrison County Historical Museum.

Please share your AREAS OF INTEREST.

History of the area, downtown development and preservation, quality comprehensive planning.

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 Harrison County Historical Museum.

Title Board member

Dates 08/25-present

Organization *Field not completed.*

Title *Field not completed.*

Dates *Field not completed.*

Organization *Field not completed.*

Title *Field not completed.*

Dates *Field not completed.*

Please share a brief narrative outlining your interests and qualifications for seeking appointment. You may also add a resume' or additional information.

I returned to my hometown after growing up here as part of a family that dates back to the 1840s. I have always loved Marshall and would like volunteer to combine that love of home with my forty years (19 as a city manager) of professional local government experience to help make Marshall be as good as it can be.

Upload Resume' (optional) [John Godwin Resume 24.doc](#)

Upload Additional Information (optional) *Field not completed.*

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 John Godwin

Date

8/17/2026

Email not displaying correctly? [View it in your browser.](#)

City of Marshall
Application for Appointment to City Boards and Committees

Name of Board or Committee to which you are applying: _____

Note: A person may serve on only two (2) City boards or committees at one time.

Name: Mr. Nathaniel Kerl
(Title) (Last) (First) (Middle)

Permanent Residence Address: 705 Bluebonnet Lane Marshall TX 75672
(Street) (City) (State) (Zip Code)

Preferred Mailing Address: _____
(If different from above) (Street) (City) (State) (Zip Code)

Preferred Phone and Fax: _____
(Phone) (Fax)

Email Address: _____

Occupation: Higher Education

Employer: Wiley University Title: Sr. Director of Alumni Relations and Strategic Partnership Development

Are you a registered voter in the City of Marshall? ☒ Yes ☐ No

Are you a resident of the City of Marshall? ☒ Yes ☐ No

Length of residence: 33 years In which District do you reside? 6

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

☐ Yes ☒ No

If Yes, please explain: _____

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?

☐ Yes ☒ No

If Yes, please explain: _____

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

☐ Yes ☒ No

If Yes, please explain: _____

Convictions: Have you ever been convicted of violating any federal, state or municipal law, regulation or ordinance? ☐ Yes ☒ No

If so, give details. Do not include traffic violations. _____

Continued on Page 2

City of Marshall Application for Appointment to City Boards and Committees (Page 2)

Name: **Kerl Nathaniel**

BACKGROUND

Education: Marshall High, Wiley University, Missouri Baptist University

Professional: Sr. Director of Alumni Relations and Strategic Partnership Development

Volunteer Experience/Community Service: Community service with local nonprofits, Church ministry Volunteer, Fundraising committee member for charitable organization

Areas of interest: Any area that needs my help

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: Rotary Club, Marshall Harrison County Literacy Council

Title: Member

Dates: _____

Organization: Marshall Harrison County Literacy Council

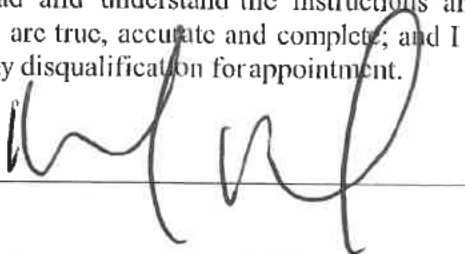
Title: Member

Dates: _____

Reasons for Seeking Appointment: Please attach a brief narrative outlining your interests and qualifications for seeking appointment. You may also add a résumé or additional information.

I have read and understand the instructions and appointment process. The foregoing and any attached statements are true, accurate and complete; and I agree that any misrepresentation or omission of facts may result in my disqualification for appointment.

Signature



Date

7/31/24

FILE COMPLETED FORM WITH CITY SECRETARY'S OFFICE BY DEADLINE FOR PROCESSING

Marshall City Secretary
ATTN: Nikki Smith
401 S. Alamo
Marshall, Texas 75670

(Original copy will be on file in the City Secretary's Office for 12 months.)

Note: Information provided on this form is public and subject to the Texas Public Information Act (Government Code Chapter 552)

City of Marshall
Application for Appointment to City Boards and Committees

Name of Board or Committee to which you are applying: Main Street Baord

Note: A person may serve on only two (2) City boards or committees at one time.

Name: Somerford, Shawne
(Title) (Last) (First) (Middle)

Permanent Residence Address: 3404 Indian Springs - Marshall 75672
(Street) (City) (State) (Zip Code)

Preferred Mailing Address: same
(If different from above) (Street) (City) (State) (Zip Code)

Preferred Phone and Fax: [REDACTED]
(Phone) (Fax)

Email Address: [REDACTED]

Occupation: Restauratuer

Employer: Self Title: Owner

Are you a registered voter in the City of Marshall? ☒ Yes ☐ No

Are you a resident of the City of Marshall? ☒ Yes ☐ No

Length of residence: 42 years In which District do you reside? 3

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

☐ Yes ☒ No

If Yes, please explain: _____

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?

☐ Yes ☒ No

If Yes, please explain: _____

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

☐ Yes ☒ No

If Yes, please explain: _____

Convictions: Have you ever been convicted of violating any federal, state or municipal law, regulation or ordinance? ☐ Yes ☒ No

If so, give details. Do not include traffic violations. _____

Continued on Page 2

Name: **Shawne Somerford**

BACKGROUND

Education: Ohio Dominican College 1980 - 1984

Professional: **Restauratuer**

Volunteer Experience/Community Service: Main Street board previously, Downtown Advocate & volunteer since 2002 in various capacities

Areas of interest: **Interest in serving on Main Street Board**

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: **Civic - Marshall Symphony 1992 - present**

Title: _____ Dates: _____

Organization: _____

Title: _____ Dates: _____

Reasons for Seeking Appointment: Please attach a brief narrative outlining your interests and qualifications for seeking appointment. You may also add a résumé or additional information.

I have read and understand the instructions and appointment process. The foregoing and any attached statements are true, accurate and complete; and I agree that any misrepresentation or omission of facts may result in my disqualification for appointment.

Signature

Date

FILE COMPLETED FORM WITH CITY SECRETARY'S OFFICE BY DEADLINE FOR PROCESSING

Marshall City Secretary
ATTN: Nikki Smith
401 S. Alamo
Marshall, Texas 75670

(Original copy will be on file in the City Secretary's Office for 12 months.)

Note: Information provided on this form is public and subject to the Texas Public Information Act (Government Code Chapter 552)

Shawne Somerford
3404 Indian Springs
Marshall, Texas 75672

July 17, 2026

To Whom It May Concern,

I am and have been a passionate advocate for Economic Growth not only in our community but as a business owner in our Downtown core since 2002.

I worked with previous City Manager, Assistant City Manager and Main Street Director(s) to open and start a business in The rehabilitated Weisman Center in 2002; I opened a 2nd restaurant and bar on the square in 2004; I worked as Director of Development with Minglewood Properties to redevelop Marshall City Park, managed several business and residential locations for Minglewood in the Downtown core, which with Minglewood worked closely with the City on the development of a Tourism and Destination Marketing Plan, and opened a restaurant location for Minglewood from 2000-2009; I was hired to consult, concept and establish a new restaurant concept in the current Marshall Mercantile location, High Horse 1898 during 2023 – 2025; I have opened my own concepts in 5 different locations downtown, been involved with redevelopment of those historic locations and am currently in business at 208 N. Washington, one of the Avelar Properties.

I am invested in the success of our developing Downtown and the City of Marshall as a whole. I believe experience is helpful but vision and the desire to be a part of sustainable development in our Downtown core is what prompts me to seek another opportunity to serve.

Would welcome any questions or to visit further about a board position and look forward to hearing from you.

Shawne Somerford

[REDACTED]



TO: City Council
DATE: September 10, 2026
ITEM #: 8.A
SUBJECT: **O-26-20** Conduct a public hearing to consider approval of an ordinance regarding an application (Z-26-12) to rezone 800 East Austin, Parcel R000020539, a 0.3100 acre lot SUBD: JEFFERSON AVENUE TOWNHOMES ADD, LOT: 57 from R-2 (Single Family Detached) to R-6 (Duplex, Triplex, Quadplex).

Recommendation for Action: Following the public hearing, consider approval of an ordinance regarding a rezoning request for 800 East Austin (Parcel R000020539), a 0.3100 acre lot SUBD: JEFFERSON AVENUE TOWNHOMES ADD, LOT: 57 from R-2 (Single Family Detached) to R-6 (Duplex, Triplex, Quadplex).

Executive Summary: On August 10, the Planning and Zoning Commission conducted a public hearing to consider and make a recommendation to the City Council regarding rezoning request for 800 East Austin (Parcel R000020539), a 0.3100 acre lot SUBD: JEFFERSON AVENUE TOWNHOMES ADD, LOT: 57 from R-2 (Single Family Detached) to R-6 (Duplex).

Mark Priestner, Planning Consultant, provided a summary of the request. The applicant is requesting the zoning change to convert the current structure to a duplex. The neighborhood is located in the central part of the city. The site is located in a mostly developed area that is largely made up of R-2 zoned properties. Directly behind the property is zoned C-2 while the adjacent property to the west is zoned R-6. This is a transitional area with small lots, and the structure currently exists. The City's Future Land Use Map (FLUM) identifies this property as low density residential. The request is consistent with the FLUM.

Notices were mailed to owners within 200' of the proposed change. Of the 29 notices sent, one notice was returned in favor and none were returned in opposition to this request.

Following the public hearing and discussion, a motion was made to approve the rezoning request. The motion was seconded and passed by a vote of 4:0 to recommend to the City Council that the rezone request be approved.

Focus Area(s):

Budget Cost: None.

Staff Contact: Planning Consultant: Mark Priestner, Halff and Associates, Alex Agnor, Assistant City Manager/Director of Economic Development & Strategic Initiatives

Attachments:

1. Z-26-12 Rezone Packet
2. Response Letter-800 E Austin
3. ORD - 800 E Austin Rezone R-2 to R-6



P&Z Agenda Information Sheet

August 10, 2026

- A. Agenda Item – Z-26-12:** Conduct a public hearing to consider an application to rezone 800 East Austin, Parcel R000020539, a 0.3100 acre lot SUBD: JEFFERSON AVENUE TOWNHOMES ADD, LOT: 57 from R-2 (Single Family Detached) to R-6 (Duplex).

B.

Applicant:		Parker Craig Brown LAM Properties LLC PO Box 466 Cunningham, KY 42035
Property Owner		Same as above
Surrounding	Property	29 Notices Sent within 200 ft. of the Site
Notices		0 Responses in favor 0 Responses against
Location Map:		

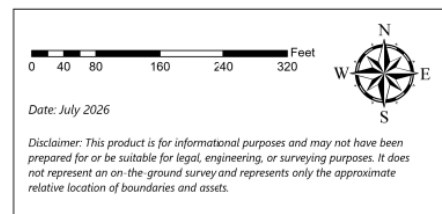
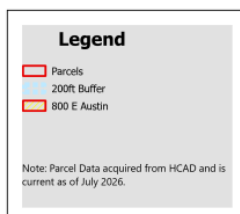


Figure 1: Z-26-12

Background & Summary of Request:

The applicant is requesting to rezone 800 E Austin from R-2 (Single Family Residential) to R-6 (Single Family Residential, duplex, triplex) in order to convert the current structure to a duplex.

Picture of the Site:



Figure 2: property



Figure 3: across the street

Existing Conditions:

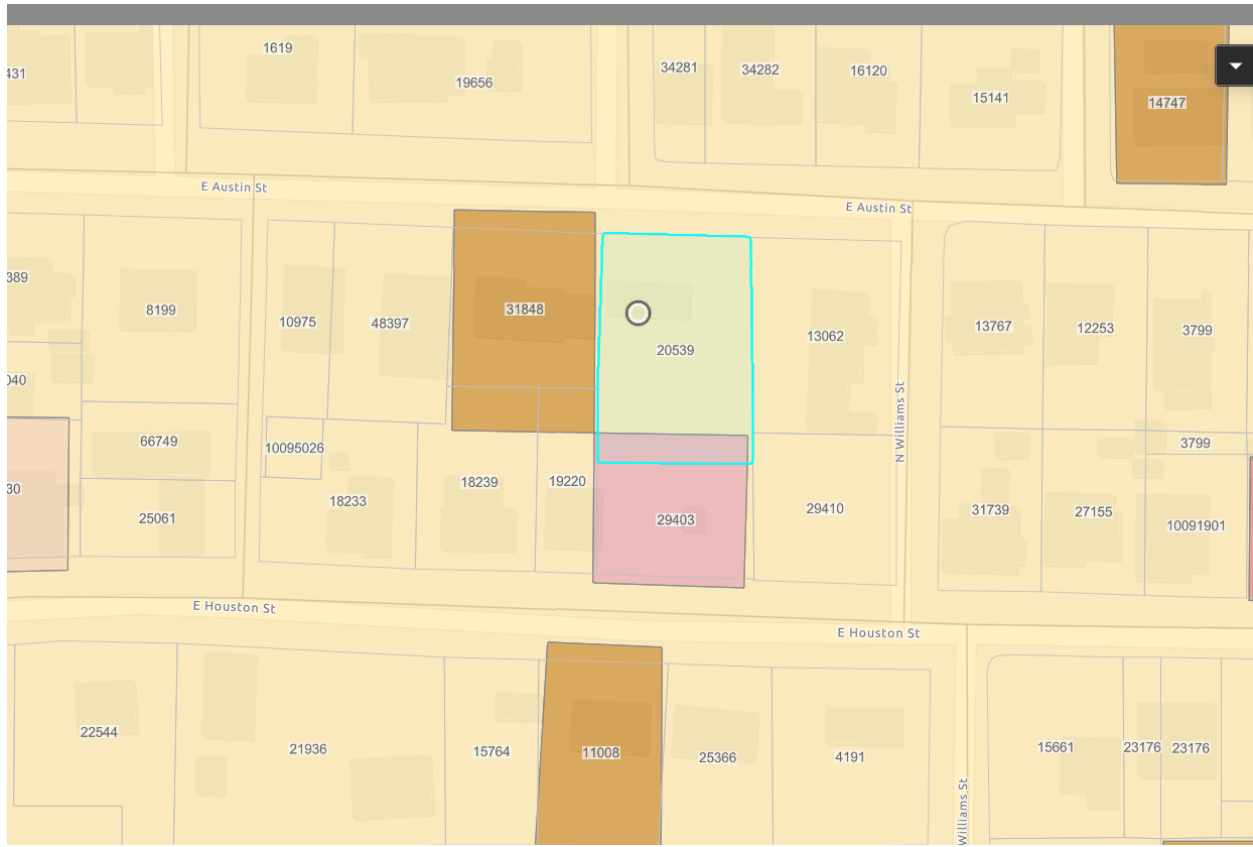
The property is developed with an existing structure (single family house) that the applicant wishes to convert to a duplex.

The table below outlines the surrounding zoning and land uses:

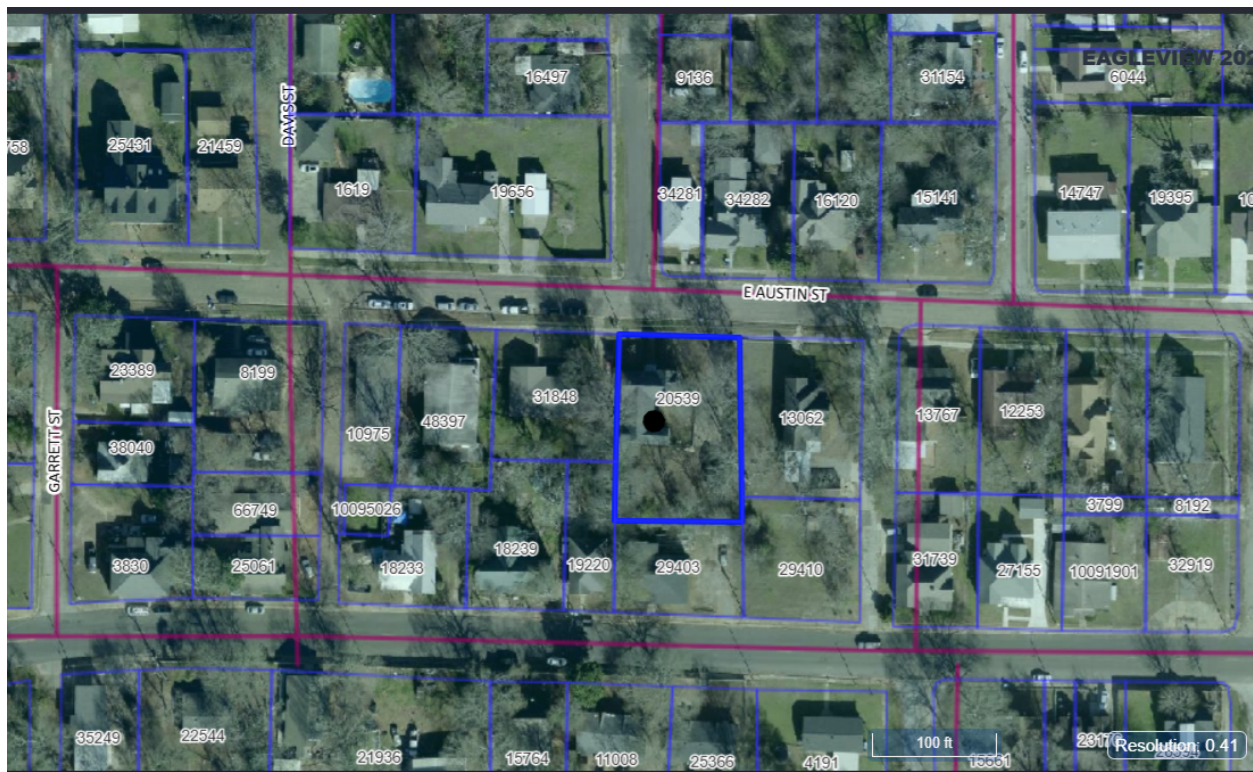
	Zoning Classification	Land Use
North of the Property	R-2 (Single Family Residential)	Single Family Homes
East of the Property	R-2 (Single Family Residential)	Single Family Homes
South of the Property	C-2 (General Commercial)	Single Family Homes
West of the Property	R-6 (Duplex, Triplex, Quadplex)	Single Family Homes

Existing infrastructure exists along E Austin

Zoning Classification Analysis:



The proposed site is located in a mostly developed area that is largely made up of R-2 properties. Directly behind the property is zoned C-2 while the adjacent property to the west is zoned R-6. This is a transitional area with small lots and the structure currently exists.



E AUSTIN STREET

N89°48'57"E 91.46'

3/8"IR

OL 53 NE

ALFREDO BAEZ-ESPARZA
2008-08017242
O.P.R.H.C.T.

OL 60 NE

PC PROPERTIES LLC
CALLED 0.279 Ac
2021-000015375
O.P.R.H.C.T.

OL 52 NE

LAURA SANTANA
2014-000007357
O.P.R.H.C.T.

LAM PROPERTIES LLC
CALLED 0.31 Ac
2025-000013636
O.P.R.H.C.T.

OL 59 NE

RAYSTAN, LLC
TRACT TWO
2025-000002202
O.P.R.H.C.T.

OL 58 NE

RAYSTAN, LLC
TRACT ONE
2025-000002202
O.P.R.H.C.T.

NOTES

- R-2 CURRENT ZONE AREA
- 1,646 SF MAIN AREA (per
- 2,258 SF GROSS BLDG. A



Pt in CONC

147.00'

N00°37'41"W

5' BLDG. LINE

10' BLDG. LINE

S89°36'07"W 95.00'

1"IP

5' BLDG. LINE

3/8"IR

OL 57 NE

25' BLDG. LINE



WOOD FRAME
STRUCTURE
#800

LOT AREA
13,689 SqFt
ESTIMATED

DRIVEWAY

146.72'

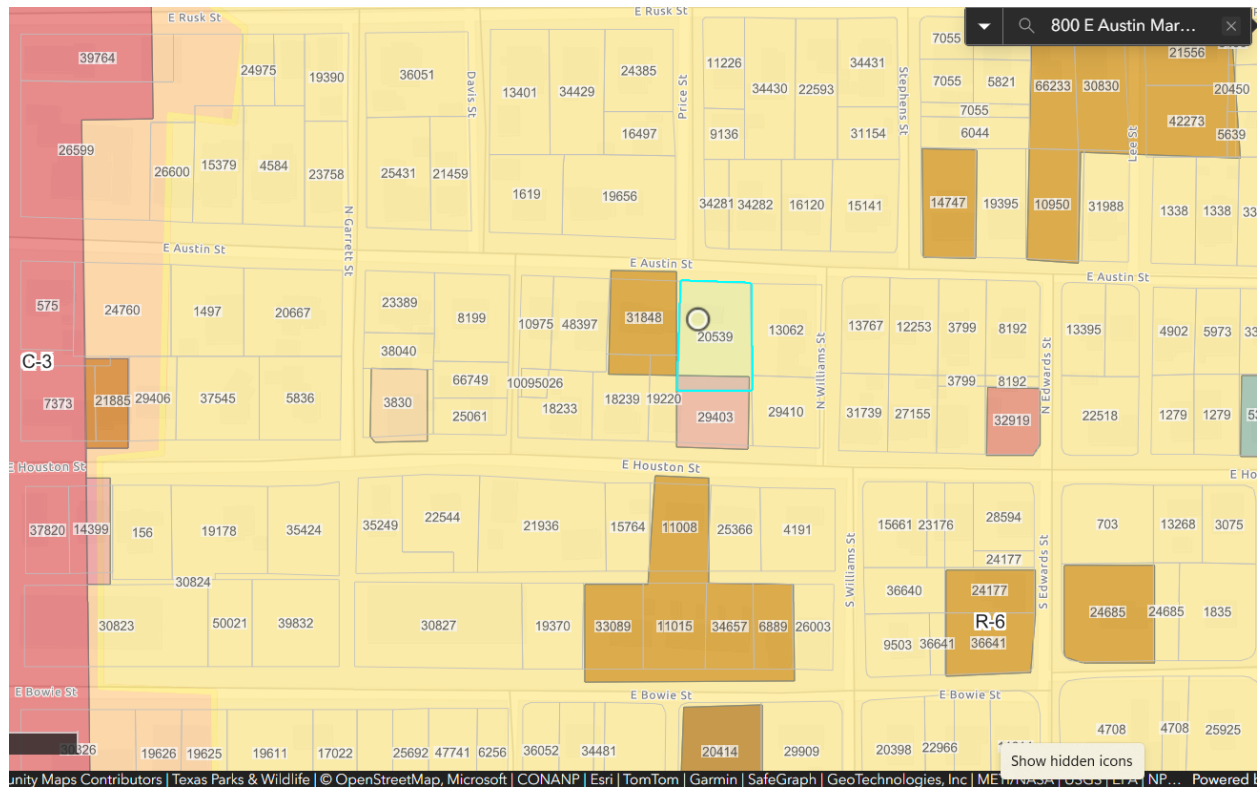
5' BLDG. LINE

3/8"IR

THIS DOES NOT REPRESENT A BOUNDARY SURVEY. THE EXHIBIT DISPLAYS

Comprehensive Plan and Future Land Use Map Analysis:

The Future Land Use map identifies this property as low density residential. The request is consistent with the Future Land Use Map.



Notices were sent out to owners of property within 200' of the proposed change. Of the 29 notices sent out, no notices were returned in favor or opposition to this request..

Suggested Motions:

1. Staff recommends approval of case number Z-26-12.

CASE NUMBER/NAME: Z-26-12/ 800 East Austin

Planning and Zoning Commission
City of Marshall
P.O. Box 698
Marshall, TX 75671
(903) 935-4407

Dear Commissioners:

Find listed below my opinion on the above referenced application which is scheduled for public hearing before the Planning and Zoning Commission on **MONDAY** at 6:00 p.m. and before the City Council on **THURSDAY, 9/10/26** at 6:00 p.m. in the Jean Birmingham Council Chambers of City Hall, 401 S. Alamo Blvd.

I am **FOR** this Zone Change ✓ I am **AGAINST** this Zone Change

Keith Newhart
Name (Please print)

Keith Newhart
Signature

803 Austin St
Mailing Address

903-547-3892
Phone #

8-27-26
Date

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. O-87-13 TO REZONE 800 EAST AUSTIN (PARCEL R000020539), A 0.3100 ACRE LOT SUBD: JEFFERSON AVENUE TOWNHOMES ADD, LOT: 57 FROM R-2 (SINGLE FAMILY DETACHED) TO R-6 (DUPLEX, TRIPLEX, QUADPLEX).

WHEREAS, the City of Marshall enacted zoning regulations on December 13, 1951, amended said regulations on July 7, 1963, and on March 26, 1987 repealed and replaced all prior zoning ordinances with Ordinance No. O-87-13, amending the Code of Ordinances of the City of Marshall by adding Chapter 32, Zoning; and

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

WHEREAS, Chapter 32, Section 14 of the Code of Ordinances establishes procedures whereby a property owner, an authorized agent, or the City may request amendments to the Zoning District Map; and

WHEREAS, the Planning and Zoning Commission of the City of Marshall, after due and proper notice in the manner and for the length of time required by law, held a public hearing on August 10, 2026 for the purpose of considering a proposed amendment to the Zoning District Map; and

WHEREAS, after the close of said public hearing, the Planning and Zoning Commission filed a written report with the City Council recommending approval of the proposed amendment; and

WHEREAS, pursuant to said report and after notice in the manner and for the length of time required by law, the City Council of the City of Marshall held a public hearing at City Hall on the 10th day of September 2026, at 6:00 p.m., at which time all property owners, interested parties, and interested citizens were afforded 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 ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARSHALL, TEXAS:

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

Section 2. THE ZONING DISTRICT MAP ESTABLISHED BY ORDINANCE NO. O-87-13 IS HEREBY AMENDED TO REZONE 800 EAST AUSTIN (PARCEL R000020539), A 0.3100 ACRE LOT SUBD: JEFFERSON AVENUE TOWNHOMES ADD, LOT: 57 FROM R-2 (SINGLE FAMILY DETACHED) TO R-6 (DUPLEX, TRIPLEX, QUADPLEX).

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 AND APPROVED by the City Council of the City of Marshall, Texas, on this ____ day of _____, 2026.

AYES: _____

NOES: _____

ABSTAINED: _____

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

ATTEST:

CITY SECRETARY



TO: City Council
DATE: September 10, 2026
ITEM #: 8.B
SUBJECT: **O-26-21** Conduct a public hearing to consider approval of an ordinance regarding an application (Z-26-13) to rezone 0 Karen Lane, Parcel R000044338, a 1.1220 acre lot SUBD: PECAN RIDGE – BLK: 3, LOT: 3-6 from A-E (Agriculture & Estate) to R-2 (Single Family Detached).

Recommendation for Action: Following the public hearing, consider approval of an ordinance regarding a rezoning request for 0 Karen Lane, Parcel R000044338, a 1.1220 acre lot SUBD: PECAN RIDGE – BLK: 3, LOT: 3-6 from A-E (Agriculture & Estate) to R-2 (Single Family Detached).

Executive Summary: On August 10, the Planning and Zoning Commission conducted a public hearing to consider and make a recommendation to the City Council regarding rezoning request for 0 Karen Lane, Parcel R000044338, a 1.1220 acre lot SUBD: PECAN RIDGE – BLK: 3, LOT: 3-6 from A-E (Agriculture & Estate) to R-2 (Single Family Detached).

Mark Priestner, Planning Consultant, provided a summary of the request. The property is located on the south side of town. The GIS maps show the property to be zoned R-2; however, hard maps show the property to be zoned A-E. The applicant is requesting the zoning change to ensure full compliance with the zoning ordinance. The property is platted as four lots, and the applicant plans to reduce it to three lots (a reduction in density). The property is currently vacant and wooded. The proposed site is located in a mostly developed area that is largely made up of R-2 properties. Staff recommended approval to change the zoning to R-2 to be consistent with the zoning of surrounding properties. The City's Future Land Use Map (FLUM) identifies this property as low density residential. The request is consistent with the FLUM.

Notices were mailed to owners within 200' of the proposed change. Of the 12 notices sent, one notice was returned in favor and two notices were returned in opposition to the request.

Following the public hearing and discussion, a motion was made to approve the rezoning of the subject property to R-2. The motion was seconded and passed by a vote of 4:0 to recommend to the City Council that the rezone to R-2 be approved.

Focus Area(s):

Budget Cost: None.

Staff Contact: Planning Consultant: Mark Priestner, Halff and Associates, Alex Agnor, Assistant City Manager/Director of Economic Development & Strategic Initiatives

Attachments:

1. Z-26-13 Rezone Packet
2. Z-26-13 Response Letters (3)
3. ORD - 0 Karen Ln (R44338) Rezone A-E to R-2



P&Z Agenda Information Sheet

August 10, 2026

- A. **Agenda Item – Z-26-13:** Conduct a public hearing to consider an application to rezone 0 Karen Lane, Parcel R000044338, a 1.1220 acre lot SUBD: PECAN RIDGE – BLK: 3, LOT: 3-6 from A-E (Agriculture & Estate) to R-1 (Single Family Detached).

B.

Applicant:		Carlos Menjivas 306 Southside Drive Marshall, Tx 75670
Property Owner		Same as above
Surrounding	Property	12 Notices Sent within 200 ft. of the Site
Notices		1 Responses in favor 2 Responses against
Location Map:		

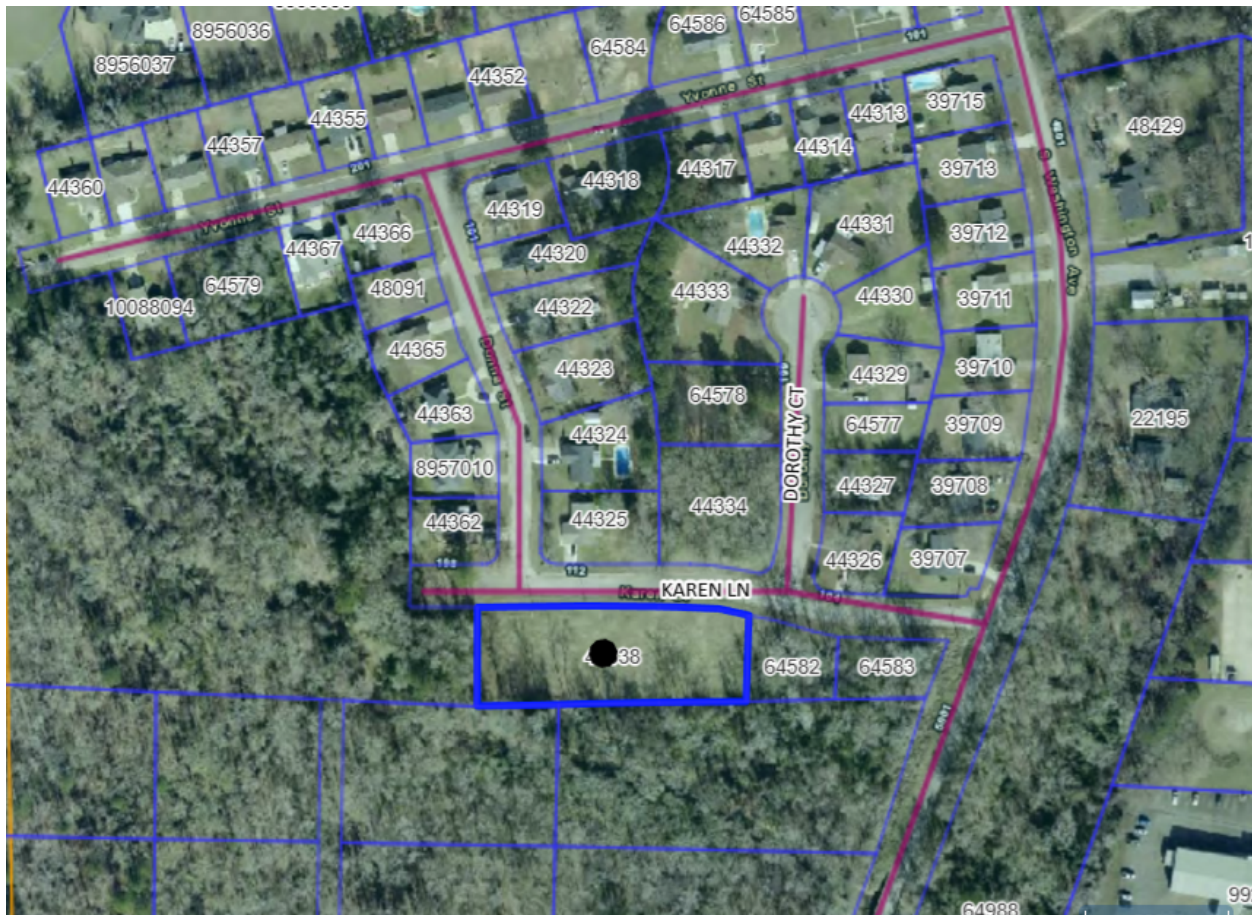


Figure 1: Z-26-13

Background & Summary of Request:

The applicant is requesting to rezone this property from A-E (Agricultural and Estate) to R-2 (Single Family Residential) in order to take four lots and creat three (reduction in density).

Picture of the Site:



Figure 2: property



Figure 3: across the street

Existing Conditions:

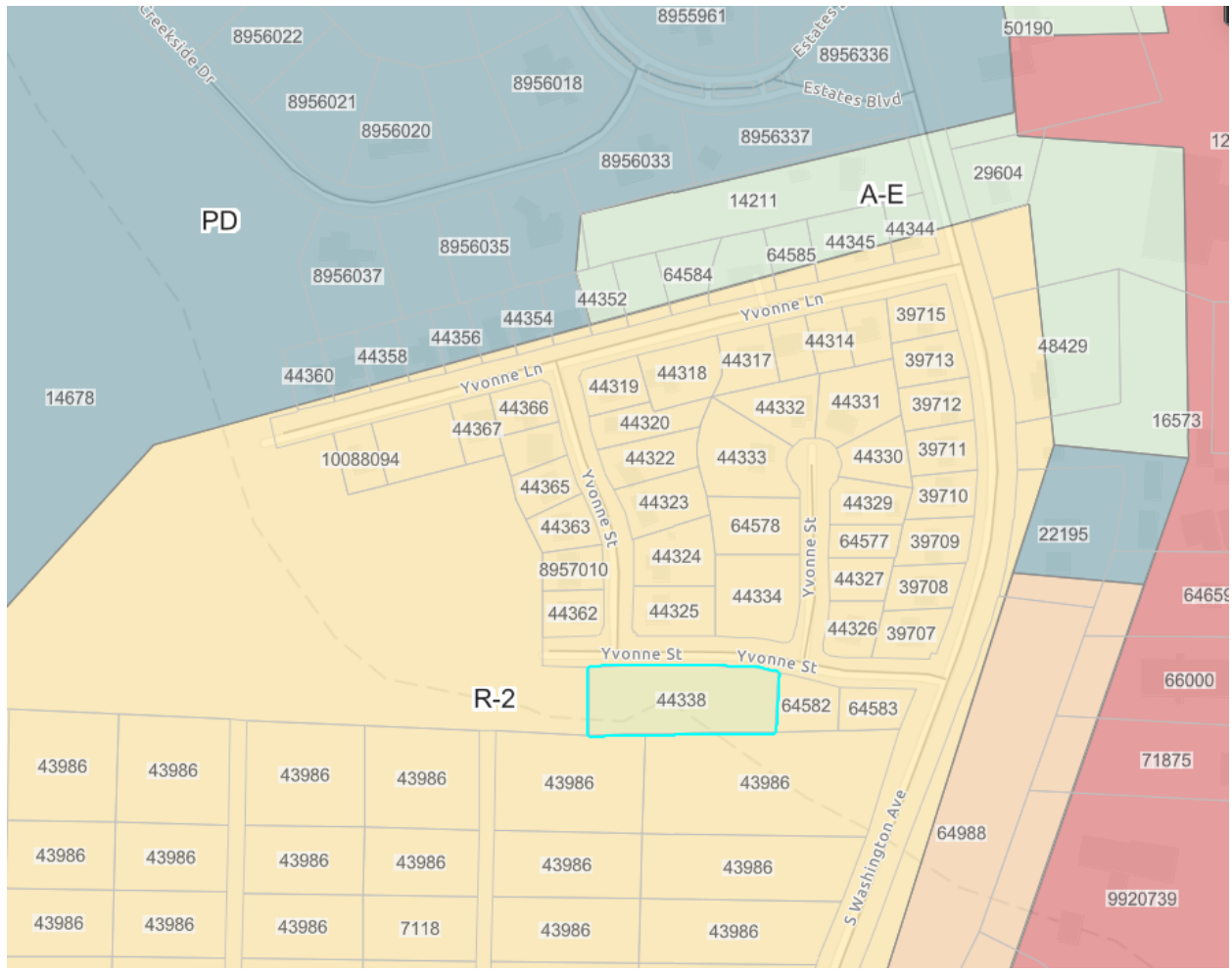
The property is currently vacant and wooded, and relatively flat with a gentle slope to the south.

The table below outlines the surrounding zoning and land uses:

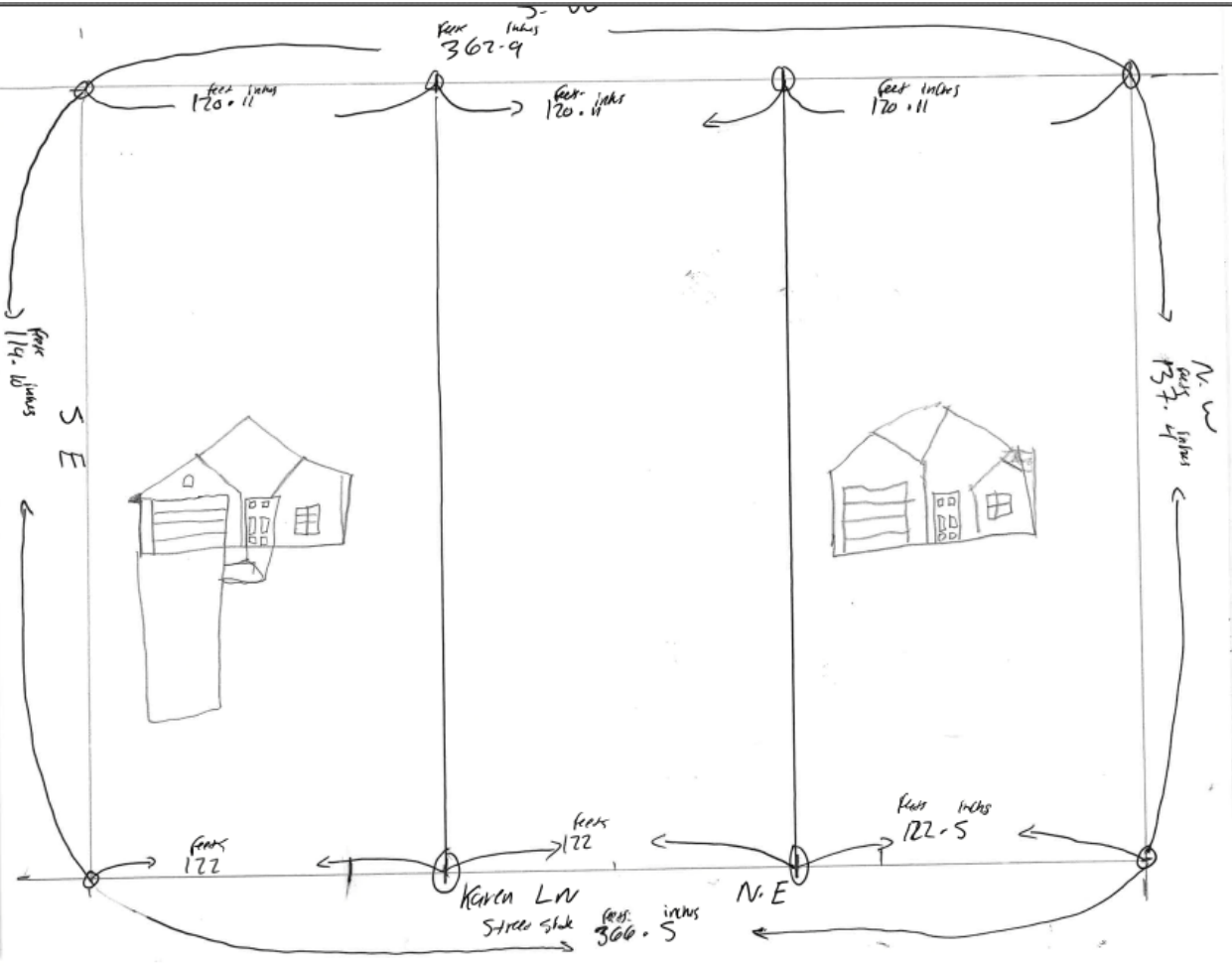
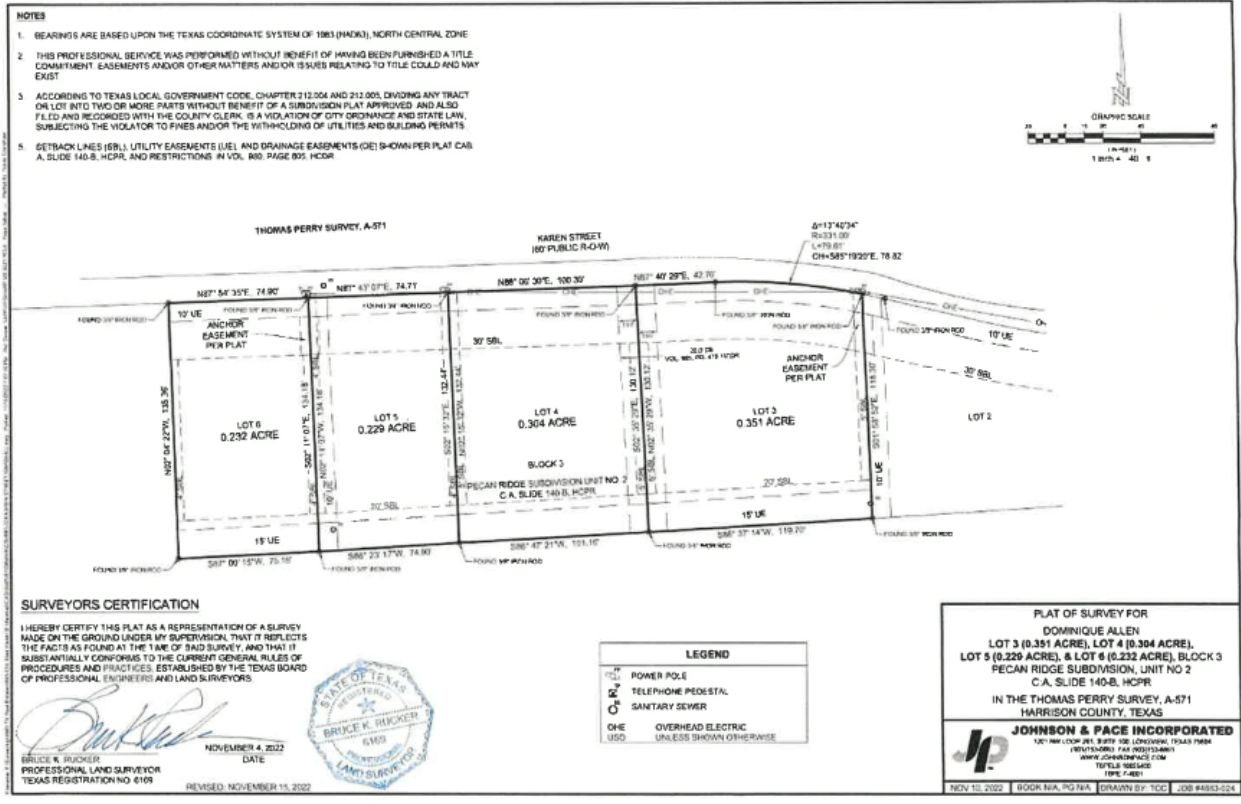
	Zoning Classification	Land Use
North of the Property	R-2 (Single Family Residential)	Single Family Homes
East of the Property	R-2 (Single Family Residential)	Single Family Homes
South of the Property	R-2 (Single Family Residential)	Single Family Homes
West of the Property	R-2 (Single Family Residential)	Single Family Homes

Existing infrastructure exists along Karen.

Zoning Classification Analysis:

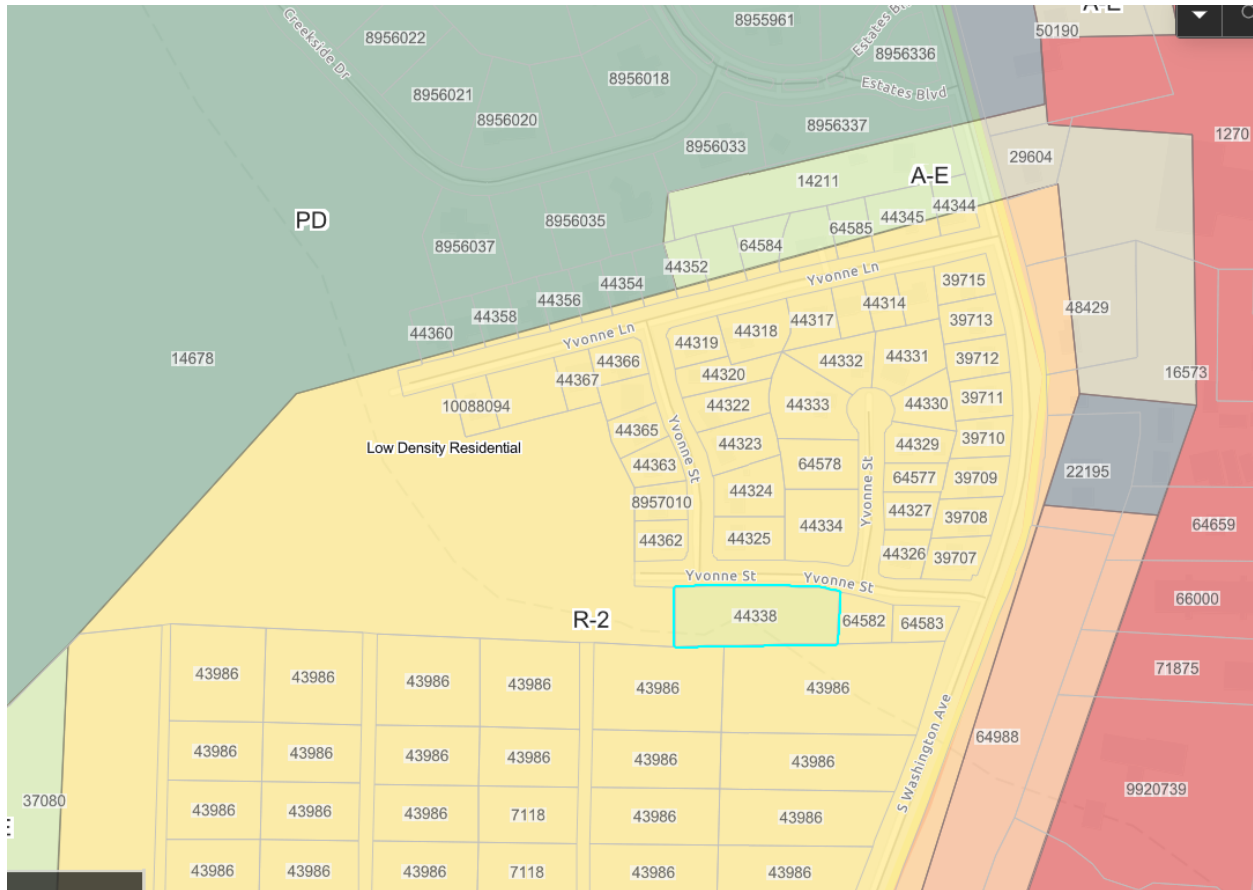


The proposed site is located in a mostly developed area that is largely made up of R-2 properties.



Comprehensive Plan and Future Land Use Map Analysis:

The Future Land Use map identifies this property as low density residential. The request is consistent with the Future Land Use Map.



Notices were sent out to owners of property within 200' of the proposed change. Of the 12 notices sent out, one notice was returned in favor and no notices were returned in opposition to this request.

Suggested Motions:

1. Staff recommends approval of case number Z-26-13 to R-2.

CASE NUMBER/NAME: Z-26-13/ 0 Karen Lane

Parcel R000044338

Planning and Zoning Commission
City of Marshall
P.O. Box 698
Marshall, TX 75671
(903) 935-4407

Dear Commissioners:

Find listed below my opinion on the above referenced application which is scheduled for public hearing before the Planning and Zoning Commission on **MONDAY** 8/10/26 at 6:00 p.m. and before the City Council on **THURSDAY**, 8/27/26 at 6:00 p.m. in the Jean Birmingham Council Chambers of City Hall, 401 S. Alamo Blvd.

I am **FOR** this Zone Change ✓ I am **AGAINST** this Zone Change _____

I THINK IT WILL BENEFIT
THE IMMEDIATE AREA AND
COMMUNITY
CINSENEY

MARIA ANA GUTIERREZ

Name (Please print)

Maria Ana Gutierrez

Signature

1534 COLEMAN RD

Mailing Address

903-687-3541

Phone #

7-31-26

Date

CASE NUMBER/NAME: Z-26-13/ 0 Karen Lane

Parcel R000044338

Planning and Zoning Commission
City of Marshall
P.O. Box 698
Marshall, TX 75671
(903) 935-4407

Dear Commissioners:

Find listed below my opinion on the above referenced application which is scheduled for public hearing before the Planning and Zoning Commission on **MONDAY** 8/10/26 at 6:00 p.m. and before the City Council on **THURSDAY**, 8/27/26 at 6:00 p.m. in the Jean Birmingham Council Chambers of City Hall, 401 S. Alamo Blvd.

I am **FOR** this Zone Change _____ I am **AGAINST** this Zone Change X

Mary L. Hudson

Name (Please print)

Mary L. Hudson

Signature

4907 South Washington

Mailing Address

(903) 926-0356

Phone #

8-6-2026

Date

CASE NUMBER/NAME: Z-26-13/ 0 Karen Lane

Parcel R000044338

Planning and Zoning Commission
City of Marshall
P.O. Box 698
Marshall, TX 75671
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I am **FOR** this Zone Change _____ I am **AGAINST** this Zone Change ☒

I am against putting single Family
Homes on this property.

ERIC JACKSON
Name (Please print)

Eric Jackson
Signature

109 Donna Dr. Marshall TX 75672
Mailing Address

Marshall 903-263-1453
Phone #

8-5-26
Date

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. O-87-13 TO REZONE 0 KAREN LANE, PARCEL R000044338, A 1.1220 ACRE LOT SUBD: PECAN RIDGE – BLK: 3, LOT: 3-6 FROM A-E (AGRICULTURE & ESTATE) TO R-2 (SINGLE FAMILY DETACHED).

WHEREAS, the City of Marshall enacted zoning regulations on December 13, 1951, amended said regulations on July 7, 1963, and on March 26, 1987 repealed and replaced all prior zoning ordinances with Ordinance No. O-87-13, amending the Code of Ordinances of the City of Marshall by adding Chapter 32, Zoning; and

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

WHEREAS, Chapter 32, Section 14 of the Code of Ordinances establishes procedures whereby a property owner, an authorized agent, or the City may request amendments to the Zoning District Map; and

WHEREAS, the Planning and Zoning Commission of the City of Marshall, after due and proper notice in the manner and for the length of time required by law, held a public hearing on August 10, 2026 for the purpose of considering a proposed amendment to the Zoning District Map; and

WHEREAS, after the close of said public hearing, the Planning and Zoning Commission filed a written report with the City Council recommending approval of the proposed amendment; and

WHEREAS, pursuant to said report and after notice in the manner and for the length of time required by law, the City Council of the City of Marshall held a public hearing at City Hall on the 10th day of September 2026, at 6:00 p.m., at which time all property owners, interested parties, and interested citizens were afforded 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 ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARSHALL, TEXAS:

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

Section 2. THE ZONING DISTRICT MAP ESTABLISHED BY ORDINANCE NO. O-87-13 IS HEREBY AMENDED TO REZONE 0 KAREN LANE, PARCEL R000044338, A 1.1220 ACRE LOT SUBD: PECAN RIDGE – BLK: 3, LOT: 3-6 FROM A-E (AGRICULTURE & ESTATE) TO R-2 (SINGLE FAMILY DETACHED).

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 AND APPROVED by the City Council of the City of Marshall, Texas, on this ____ day of _____, 2026.

AYES: _____

NOES: _____

ABSTAINED: _____

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

ATTEST:

CITY SECRETARY



TO: City Council
DATE: September 10, 2026
ITEM #: 9.A
SUBJECT: Consider approval of an ordinance amending Chapter 4 of the Code of Ordinances. (Police)

Recommendation for Action: Staff recommends that the City Council **approve** Chapter 4 of the Marshall, Texas Code of Ordinances as ammended.

Executive Summary:

Amendment to Chapter 4, Section 4-14. – Same—Fees.

Staff is requesting to amend **Chapter 4, Section 4-14** of the Marshall, Texas Code of Ordinances relating to fees associated with animal shelter services and operations of the Marshall Pet Adoption Center (MPAC) to align with the proposed amendment to **Section 4-24** of the code of ordinances. The fees charged by the city for animal control services shall be established by the city's Fee Schedule Ordinance. Fees may be altered by the MPAC Manager, at the discretion of the Department Director, as necessary to address operational needs.

The proposed amendment would revise **Section 4-14** to provide that animal control service fees are established through the **City's Fee Schedule Ordinance**. The revised section would also authorize the MPAC Manager, at the discretion of the Department Director, to alter fees when necessary to address operational needs.

Section 4-14 currently provides that fees charged by the City for animal control services are established by resolution of the City Commission and requires a copy of the current fee schedule to be maintained in the office of the City Secretary.

Proposed Section 4-14

Sec. 4-14. – Same—Fees.

The fees charged by the city for animal control services shall be established by the city's Fee Schedule Ordinance. Fees may be altered by the MPAC Manager, at the discretion of the Department Director, as necessary to address operational needs.

Amendment to Chapter 4, Section 4-22.2- Microchipping Required

Staff is requesting approval to amend Chapter 4, Section 4-22.2 of the Marshall, Texas Code of Ordinances, relating to the requirement of animals being microchipped, and the fees associated with such microchipping.

The proposed amendment to **Section 4-22.2 of the Marshall Code of Ordinances, "Microchip Required,"** is intended to encourage voluntary compliance with the City's existing microchipping requirements by allowing the alteration of fees associated with microchipping animals through the Marshall Pet Adoption Center (MPAC).

Section 4-22.2 currently requires dogs within the corporate limits of the City of Marshall to be microchipped and further requires dogs entering or being adopted from the animal shelter to be microchipped prior to release. Under the existing ordinance, owners of impounded dogs and individuals adopting dogs from the shelter shall be responsible for the cost of the microchip.

The proposed amendment maintains the existing microchip requirement while removing the microchip fee. By providing microchipping at no charge, the City can reduce a financial barrier to compliance and encourage pet owners to voluntarily ensure their animals are properly identified.

Microchipping provides a permanent means of animal identification and assists Animal Services personnel, veterinary providers, and other agencies in quickly identifying and contacting the owners of lost or stray animals. Increased microchip compliance may facilitate the prompt return of animals to their owners, reduce unnecessary shelter stays, and decrease demands on shelter resources.

This amendment supports a compliance-focused approach to animal services by making it easier for residents to meet the requirements of the ordinance rather than relying solely on enforcement.

Proposed Sec. 4-22.2. – Microchip required.

(a) All dogs in the corporate city limits must be microchipped.

(b) All dogs will be microchipped prior to leaving the animal shelter.

(c) All impounded dogs without a microchip implanted shall have a microchip inserted between its shoulder blades before being released to its owner.

(d) Any dog that is adopted from the animal shelter shall have a microchip inserted between its shoulder blades prior to leaving the animal shelter.

Amendment to Chapter 4, Section 4-24 – Fees Set by Fee Schedule Ordinance

Staff is requesting approval to amend **Chapter 4, Section 4-24** of the Marshall, Texas Code of Ordinances, relating to fees associated with animal shelter services and operations of the Marshall Pet Adoption Center (MPAC). **Section 4-24** currently provides that rates and fees charged for animal shelter services are established by resolution of the City Council. The existing provision was adopted to save staff time and City resources by eliminating the need to continually amend the Code of Ordinances each time a fee or charge is changed.

The proposed amendment will update **Section 4-24** to provide a more efficient and flexible process for establishing and administering fees. Under the proposed language, fees will be established through the **City's Fee Schedule Ordinance** rather than individually within **Chapter 4**. This approach centralizes applicable fees within the City's fee schedule and reduces the administrative burden associated with making individual amendments to the Code of Ordinances when fees or charges require adjustment.

The amendment will also authorize the MPAC Manager, at the discretion of the Department Director, to alter fees when necessary to address operational needs. This provision will provide MPAC with greater flexibility to respond to changing operational circumstances while maintaining departmental oversight.

As part of the amendment, **Section 4-24** will be retitled from "**Fees set by resolution**" to "**Fees set by Fee Schedule Ordinance.**"

Proposed Section 4-24

Sec. 4-24. Fees set by Fee Schedule Ordinance.

The City Council has determined that setting rates by Fee Schedule Ordinance will save staff time and money by eliminating the need for continual update to the Code of Ordinances to reflect changes in such fees and charges in each ordinance. Fees may be altered by the MPAC Manager at the discretion of the Department Director for operational needs.

Rationale

The amendments create consistency between **Sections 4-14 and 4-24** and consolidate animal-related fees within the City's established Fee Schedule Ordinance. This approach reduces the need for separate resolutions or amendments to the Code of Ordinances when routine fee adjustments are necessary.

Providing limited administrative flexibility to the MPAC Manager, subject to the discretion of the Department Director, also allows the department to respond to operational circumstances without requiring City Commission action for each individual adjustment. Such circumstances

may include adoption promotions, special events, population-management initiatives, or other operational needs of the Marshall Pet Adoption Center. Further, the amending of **Section 4-22.2** provides a way to encourage voluntary compliance with the current ordinance.

Focus Area(s): This item aligns with the following council adopted focus area(s): Improve Customer Service

Budget Cost: There is no budget cost associated with this amendment.

Staff Contact: Chief of Police Cliff Carruth

Attachments:

1. Chapter_4_Animals_and_Fowl_Updated_Clean (1)
2. Chapter_4_Animals_and_Fowl_Redline (1)
3. Proposed_Amendment_Chapter_4_Animals_and_Fowl.SER edits
8.24.26updated

Chapter 4 ANIMALS AND FOWL¹

ARTICLE I. IN GENERAL

Sec. 4-1. Animals running at large, prohibited.

It shall be unlawful for the owner or person having possession or control of any horse, mule, cattle, jack, jennet, sheep, hog or goat to permit the same to run at large within the corporate limits of the city.

(Ord. of 12-14-50, § 1; Ord. No. O-85-32, 6-27-85)

Cross reference(s)—Dogs running at large prohibited; penalty, § 4-19.

State law reference(s)—Similar state law, P. C., arts. 1371, 1371(a).

Sec. 4-2. Running horse or mule through city.

It shall be unlawful for any person to run any horse or mule through the public square, or any of the public streets of this city.

(Code 1890; Ord. No. O-85-32, 6-27-85)

Charter reference(s)—Prevention of horse racing, § 80(24).

State law reference(s)—Drivers or riders subject to Union Traffic Law, R. C. S., art. 6701d, § 25.

Sec. 4-3. Herding animals through city.

It shall be unlawful for any person to herd any drove of horses, mules, or cattle upon the public square, or upon any of the public streets of this city.

(Code 1890; Ord. No. O-85-32, 6-27-85)

Charter reference(s)—Power to regulate, § 80(6).

Sec. 4-4. Poultry—Definition.

The term "poultry" means and includes all types and breeds of chickens, ducks, geese, turkeys, pheasants, guineas, and all other kinds of domestic fowl, and includes both sexes and all ages of the same.

¹Charter reference(s)—Authority to regulate, § 80(1).

Cross reference(s)—Extermination of rats, § 15-3 et seq.; regulations governing the production of meat and meat food products, Ch. 18; keeping of dairy cattle and the production of milk, Ch. 19; care of horses by persons operating horse-drawn carriages for hire, § 30-74; comprehensive fee schedule, App. D.

State law reference(s)—Miscellaneous provisions relating to animals, R.C.S. arts. 180—192.1-1.

(Ord. of 3-10-55, § 1; Ord. No. O-85-32, 6-27-85)

Sec. 4-5. Keeping of poultry regulated.

The following shall govern the keeping of poultry:

- (a) This subsection (section 4-5) shall not apply to tracts of land located in areas that are agriculture and estate zones by the city's zoning ordinance.
- (b) Except as provided herein, it shall be unlawful for any person to keep, maintain, raise or permit to be kept, maintained, or raise any poultry on a tract of land that consist of less than one (1) acre of land within the limits of the city.
- (c) It shall be the duty of every person raising, keeping or harboring poultry, whether owned by such person or under the control of such person, to keep the same in a suitable enclosure upon their premises at all times. The enclosure must be constructed as to prevent any such fowl from running at large upon private property or the public streets, avenues and alleys of the city.
- (d) The enclosure shall be at least seventy-five (75) feet from any adjoining property line.
- (e) The enclosure shall be at least five hundred (500) feet from any residence or business structure on located on any adjoining property.

(Ord. No. O-06-01, § 2, 1-26-2006)

Sec. 4-6. Same—Maximum number within city limits.

- (a) It shall be unlawful for any person to keep, maintain, raise or permit to be kept, maintained, or raised at any one time more than one hundred (100) head of poultry in any property located within the limits of the city.
- (b) A commercial business shall be allowed to maintain or keep poultry for the purpose of selling the poultry, provided that the business keeps the poultry in an enclosure, as defined above, and that said in enclosure is enclosed within the business's building or structure.

(Ord. No. O-06-01, § 2, 1-26-2006)

Sec. 4-7. Same—Enclosure to be kept clean.

It shall be the duty of every person raising or harboring poultry to keep the enclosure hereinabove referred to in a sanitary condition, so that the same shall not at any time become foul or offensive to adjacent neighbors or to the public.

(Ord. No. O-06-01, § 2, 1-26-2006)

Sec. 4-8. Same—Public nuisances.

It shall be unlawful and constitute a public nuisance for any owner, occupant, or other person to harbor any poultry, fowl, or bird which by any loud, frequent, long, continuous, or unusual sound or cry shall disturb the peace, comfort, or quiet of the neighborhood or the occupants of adjacent premises.

(Ord. No. O-06-01, § 2, 1-26-2006)

Editor's note(s)—Ord. No. O-06-01, § 2, adopted Jan. 26, 2006, repealed the former §§ 4-5—4-8, and enacted a new sections as set out herein. The former §§ 4-5—4-8 pertained to similar subject matter and derived from Ord. of Mar. 10, 1955, §§ 2, 3; Ord. of Feb. 25, 1943, § 2, 3; Ord. No. O-85-32, adopted June 27, 1985.

Sec. 4-9. Hogs—Proximity to residence.

It shall be unlawful for any person to keep a hog within five hundred (500) feet of a residence within the city limits.

(Ord. of 6-12-28, § 1; Ord. No. O-85-32, 6-27-85)

Sec. 4-10. Same—Permit to keep near residence.

The city manager shall have the right to grant a permit to any person to keep hogs within five hundred (500) feet of a residence, upon petition signed by all persons residing within three hundred (300) feet of where such hogs are to be kept requesting him to do so. However, the city manager shall not grant a permit to keep hogs within less than three hundred (300) feet of a residence.

(Ord. No. 6-12-28, § 2; Ord. No. O-85-32, 6-27-85)

Sec. 4-11. Same—Keeping so as to create nuisance.

It shall be unlawful for any person to pen and feed any hog at any place within the limits of this city, for such time and in such manner as to create a nuisance.

(Code 1890; Ord. No. O-85-32, 6-27-85)

Sec. 4-12. Impounding—Required.

It shall be the duty of the city animal control supervisor to take up and impound any of the animals or fowl mentioned in this chapter found running at large within the corporate limits of the city in violation hereof.

(Ord. of 12-14-50, § 2; Ord. No. O-85-32, 6-27-85)

Cross reference(s)—As to the impounding of dogs, see § 4-23.

State law reference(s)—For similar state law, see R. C. S.; arts. 182, 186; P. C., art. 1375.

Sec. 4-13. Same—Notice.

When any of the aforementioned animals or fowl shall be taken up and impounded, it shall be the duty of the city animal control supervisor to post up two (2) notices, one (1) at the court house door of Harrison County, and one (1) at the door of the municipal court of the city hall, giving a description of the animals or fowl so impounded, and if the owner of such stock is known to the animal control supervisor, a copy of this notice shall be mailed to his address. Such notice shall state in addition to the description of the stock, some date not less than ten (10) days after the posting of such notice on which such animals or fowl will be sold at public sale to the highest bidder for cash.

(Ord. of 12-14-50, § 3; Ord. No. O-85-32, 6-27-85)

Sec. 4-14. Same—Fees.

The fees charged by the city for animal control services shall be established by the city's Fee Schedule Ordinance. Fees may be altered by the MPAC Manager, at the discretion of the Department Director, as necessary to address operational needs.

(Ord. of 12-14-50, § 4; Ord. No. O-85-32, 6-27-85; Ord. No. O-16-15, § 2, 7-14-2016)

Sec. 4-15. Same—Sale, use of proceeds.

In the event of sale, the animal control supervisor shall first deduct the charges and expenses set forth above from the proceeds of such sale and shall then pay the remainder, if any, to the owner of the animal or fowl so sold. If no owner shall call for the amount within fifteen (15) days from the date of such sale, then he shall pay it into the city treasury. At any time within six (6) months after such sale the owner may apply to the city commission and upon satisfactory proof of such ownership he shall be entitled to recover the amount deposited on account of such sale, after deducting such costs as may become necessary to establish his right thereto. At any time before the sale the owner of any animal or fowl taken up and impounded, may reclaim the same by paying all expense and cost of taking up and keeping such animal or fowl.

(Ord. of 12-14-50, § 5; Ord. No. O-85-32, 6-27-85)

Sec. 4-16. Same—Redeeming animal or fowl from purchaser.

The owner of any animal or fowl sold under this article shall have the right, at any time within thirty (30) days after the sale, by making satisfactory proof of his ownership, to redeem the animal or fowl by paying the purchaser thereof double the amount paid by such purchaser for the animal or fowl at the public sale.

(Ord. of 12-14-50, § 6; Ord. No. O-85-32, 6-27-85)

Sec. 4-17. Same—Record.

The animal control supervisor shall keep a book, giving a description of all animals and fowl impounded by him; the date of impounding; the date of sale; the date of service of notice and of posting the same; the amount realized from the sale of such animals and fowl; the name of the owner, if known; if not known, it shall be entered as "unknown"; and the name of the purchaser.

(Ord. of 12-14-50, § 7; Ord. No. O-85-32, 6-27-85)

Sec. 4-18. Same—Breaking open pound.

Whoever shall, without proper authority, break into, open, pull down the enclosure of, or make any opening into any pound or enclosure belonging to or used by the city for the purpose of impounding animals and fowl, or shall turn out or release same, shall be deemed guilty of a misdemeanor.

(Ord. of 12-14-50, § 9; Ord. No. O-85-32, 6-27-85)

ARTICLE II. DOGS²

Sec. 4-19. Confinement.

- (a) Dogs must be securely confined, leashed, or under the control of a competent person over the age of sixteen (16) at all times.
- (b) Fences for all dogs must be of sufficient height, strength, and repair to safely contain the dogs on the premises and prevent children from entering the yard or enclosure. Fences to confine dogs adjudicated as "at risk" or "dangerous" must adhere to additional requirements as specified in those sections of the laws.
- (c) Underground fences are not sufficient to contain unsupervised dogs.

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-19.1. Prohibition against the chaining or tethering of dogs and mandating that dog enclosures must provide one hundred fifty square feet of space.

- (a) Any person owning and/or controlling dogs, whether vaccinated or unvaccinated, licensed or unlicensed, shall not allow said animal to be tied or chained to any stationary object.
- (b) No person shall at any time, fasten, chain, or tie any dog or cause such dog to be fastened, chained or tied while such dog is on the dog owner's property, or on the property of the dog owner's landlord, or on any property within the limits of the city.
- (c) Any dog confined within a fenced yard must have an adequate space for exercise based on a dimension of at least one hundred fifty (150) square feet per dog. Provided, further that where dogs are kept or housed on property without a fenced yard, the owner of such dogs or person having custody of such dogs, shall provide an enclosure for such dogs meeting the one hundred fifty (150) square foot per dog dimensions. Such enclosure shall be constructed of chain link or similar type materials with all four (4) sides enclosed. The enclosure shall be of sufficient height to prevent the dog from escaping from such enclosure. The top of such enclosure shall be covered with material to provide the dog with shade and protection from the elements.
- (d) Nothing in this section shall be construed to prohibit owners or others walking dogs with a hand held leash.
- (e) Nothing in this section shall be construed to prohibit owners from allowing dogs to be attached to over-head runs (i.e. leash or chain attached to an over-head wire at least ten (10) feet long), that allows the dog to move unheeded.
- (f) Veterinary hospitals or clinics are excluded from the requirements of this section.

(Ord. No. O-21-07, § 2, 4-22-2021)

²Ord. No. O-21-07, § 2, adopted April, 22, 2021, repealed the former article II, §§ 4-19—4-25.8, and enacted a new article II as set out herein. The former article II pertained to similar subject matter and derived from an ordinance of December 14, 1950; an Ordinance of July 26, 1951; Ord. No. O-69-11, adopted April 28, 1969; Ord. No. O-69-15, adopted May 22, 1969; Ord. No. O-69-16, adopted June 16, 1969; Ord. No. O-72-22, adopted May 25, 1972; Ord. No. O-76-14, adopted June 24, 1976; Ord. No. O-85-32, adopted June 27, 1985; Ord. No. O-04-09, adopted May 13, 2004; Ord. No. O-04-31, adopted November 15, 2004; Ord. No. O-05-43, adopted December 16, 2005 and Ord. No. O-07-19, adopted May 10, 2007.

Sec. 4-19.2. Public nuisances.

- (a) It shall be unlawful and constitute a public nuisance for the owner or any person to maintain any animal which roams at-large on public or private property, except a designated dog park; which attacks another animal; or damages public or private property.

[(b) Definitions.]

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.

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

- (1) Confined on the premises of the owner within a fence or enclosure of sufficient strength to control the actions of the animal.
- (2) Fastened or picketed by a lead, rope, or chain so as to keep the animal on premises of the owner.
- (3) 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.
- (4) In or within a vehicle being driven or parked if it is:
 - a. 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
 - b. 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.

- (c) Any person violating any provision of this section shall be deemed guilty of a misdemeanor; violations of this section shall be subject to the following minimum fine schedule:
- (1) First offense—Minimum fine of one hundred dollars (\$100.00).
 - (2) Second offense—Minimum fine of two hundred dollars (\$200.00).
 - (3) Third offense and subsequent offenses—Minimum of four hundred dollars (\$400.00).

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-19.3. Enforcement; animal control officers.

- (a) The provisions of this chapter shall be enforced by the animal control supervisor and animal control officers as designated by the city. The animal control officers have authority to issue citations to persons violating the provisions of this chapter.
- (b) It shall be unlawful for any owner or person to interfere with an animal control officer in the performance of his or her duties as prescribed by this chapter.
- (c) Animal control officers have the right to pursue and apprehend animals running at large onto private property while enforcing the provisions of this chapter.

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-20. Reserved.

Sec. 4-21. Dangerous dogs.

- (a) Dangerous dog, shall refer to a dog determined dangerous in compliance with the Texas Health and Safety Code, Section 822, as amended, or that meets the following criteria: A dog that makes an unprovoked attack on a domestic animal that causes the death or serious bodily injury to that domestic animal and the attack occurs in a place other than the dog owner's property.
 - (b) This section sets forth dangerous dog requirements and restrictions that are in addition to state law, as authorized in Section 822.047 of the Texas Health and Safety Code. This section must be construed and implemented in conjunction with Chapter 822 of the Texas Health and Safety Code.
 - (c) No person shall own, keep or harbor a dangerous dog within the city limits, except as provided under state law and this section.
 - (d) No person who owns, keeps or harbors a dog shall allow the dog to engage in fierce or dangerous conduct.
- (Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-21.1. Defense to determination of dangerous.

It is a defense to the determination of an animal as dangerous that:

- (a) The threat, injury, or damage was sustained by a person who at the time was committing a willful trespass or other tort upon the premises occupied by the owner of the animal;
- (b) The person was teasing, tormenting, abusing, or assaulting the animal or its young, or has, in the past, been observed or reported to have teased, tormented, abused, or assaulted the animal;
- (c) The person was committing or attempting to commit a crime;
- (d) The animal attacked or killed was at the time teasing, tormenting, abusing or attacking the alleged dangerous animal or its young;
- (e) The animal was protecting or defending a person within immediate vicinity of the animal from an unjustified attack or assault; or
- (f) The animal was injured and responding to pain.

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-21.2. Procedure for impoundment.

- (a) Upon receiving a report concerning a dangerous dog, the animal control officer or police shall obtain the following information:
 - (1) Name, address, and telephone number of complainant;
 - (2) Date, time, and location of incident;
 - (3) A specification of the facts and circumstances of the incident;
 - (4) A description of the dog;
 - (5) A statement or report describing how the dog either bit the complainant or acted in a vicious manner;
 - (6) Other aggravating facts or circumstances, if any, relating to the incident.

-
- (b) After a statement or report has been obtained, the dog shall be investigated by the animal control officer. Upon a showing of probable cause, and, if necessary, the dog may be impounded as a public nuisance. If impoundment of said dog cannot be made with safety to the animal control officer, or other persons, the dog may be destroyed without prior notice to the owner or harborer. The owner shall pay all impoundment and board fees of record, and shall pay all veterinary or other expenses incurred by the animal control division due to the impoundment of the animal at issue.

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-21.3. Animal control supervisor and officers authorized to enforce.

The city's animal control supervisor and animal control officers are hereby authorized to enforce the provisions of state law and this section regulating dangerous dogs.

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-21.4. Additional requirements and restrictions for dangerous dogs.

In addition to those requirements set out in state law, the following requirements and restrictions shall apply to any dog in the city limits determined by the animal control division to be a dangerous dog as defined under state law and this article:

- (a) The dog must be spayed or neutered within thirty (30) days of the determination that the dog is a dangerous dog.
- (b) If the dog is subsequently responsible for the death of or serious injury to any person, the dog will be destroyed pursuant to statute.
- (c) The owner or person harboring a dangerous dog shall have the dog identified by a numbered tattoo, numbered ear clip, or other identifier approved by the animal control authority, and all identifying information shall be provided to the animal control authority immediately.
- (d) The dog shall at all times wear a collar and attached tag marked with an orange color visible at a minimum distance of fifty (50) feet.
- (e) The dog, when taken outside the enclosure required under state law and this chapter, must be securely muzzled in a manner that will not cause injury to the animal or impair its vision or respiration, but shall prevent it from biting any person or animal, and must be restrained by a substantial chain or cable leash having a minimum tensile strength of one thousand (1,000) pounds and not to exceed six (6) feet in length.
- (f) The owner or person harboring such a dog shall post a sign on the premises where the animal is located or kept bearing letters not less than two (2) inches high warning that there is a dangerous dog on the property. The sign, or multiple signs, if necessary, shall be prominently displayed on the property, easily visible and capable of being read from each public street or highway adjacent to the property.
- (g) The secured enclosure for the dog, in addition to the minimum requirements for such an enclosure contained in state law, must have a top, must be made of chain link fencing of no more than three (3) inch mesh, must be at least six (6) feet high, and must be posted with signs on each side of the enclosure bearing letters not less than two (2) inches high warning of a dangerous dog, with additional signs for every additional twenty-five (25) feet of length.

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- (h) The city animal control division may, as a condition of registration for the dog, require that the owner or person harboring the dog shall annually attend a class on responsible pet ownership conducted by the city animal control division or their designee to conduct said class.
 - (i) The city animal control division may inspect the enclosure in which any dangerous dog is maintained, without notice, at any reasonable hour.
 - (j) The city may charge a reasonable fee for the licensing of dangerous dogs, as established by a separate resolution of the city.
 - (k) New restrictions or requirements as to the regulation of dangerous dogs which were determined to be dangerous dogs prior to the effective date of this chapter, shall become effective as to said animals on the sixtieth day after the passage of this chapter as amended.
 - (l) The owner of any dog determined to be a dangerous animal by any court or magistrate must register the animal with the city animal control division within ten (10) days of bringing the animal into this jurisdiction.

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-22. Vaccination, microchip, spay/neuter.

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-22.1. Rabies vaccination.

- (a) All dogs over the age of four (4) months must be vaccinated for rabies.
- (b) Rabies vaccinations must be given by a licensed veterinarian in accordance with state law and annual re-vaccination shall be required thereafter.

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-22.2. Microchip required.

- (a) All dogs in the corporate city limits must be microchipped.
- (b) All dogs will be microchipped prior to leaving the animal shelter.
- (c) All impounded dogs without a microchip implanted shall have a microchip inserted between its shoulder blades before being released to its owner.
- (d) Any dog that is adopted from the animal shelter shall have a microchip inserted between its shoulder blades prior to leaving the animal shelter.

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-22.3. Spay/neuter.

Any owner that is cited or has their dog impounded for running at large in the corporate city limits must have the dog spayed/neutered at the owner's expense after a second citation or impoundment. The owner of such animals must retain documentation of the spay/neuter of their animal.

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-23. Impounding.

- (a) It shall be the duty of the city animal control supervisor, or any other person designated by the city manager to perform such duties, to capture and impound in a pen to be provided by the city for that purpose and called the animal shelter, any dog found running at large within the corporate limits of the city.
- (b) Should the owner or keeper of such dog fail to redeem the same as provided for in subsection (a) of this section within such seventy-two-hour period, then such dog shall be euthanized by the city animal control supervisor; or in the event the city animal control supervisor is of the opinion that such dog is suitable for adoption, the same shall be available for adoption to the public either through the Marshall Animal Shelter, released to any nonprofit 501c3 animal welfare group, humane society or other recognized animal welfare organization.
- (c) Disposition of any and all animals in the care, custody and control of the Marshall Animal Shelter shall be determined by the City of Marshall Animal Control Supervisor or his/her designee.

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-24. Fees set by Fee Schedule Ordinance.

The City Council has determined that setting rates by Fee Schedule Ordinance will save staff time and money by eliminating the need for continual update to the Code of Ordinances to reflect changes in such fees and charges in each ordinance. Fees may be altered by the MPAC Manager at the discretion of the Department Director for operational needs.

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-25. Euthanizing rabid or vicious dog.

The city animal control supervisor, or any city policeman, shall have the right to shoot or euthanize any rabid dog or any dog on the streets which manifests a disposition to bite.

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-25.1. Impoundment applicable to other animals.

The impoundment provisions of this article shall be applicable to cats.

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-25.2. Impoundment of animals delivered to the city animal control supervisor.

- (a) The city will impound all dogs and cats brought to the Marshall Animal Shelter by residents of the city without the payment of a surrender fee. The city will impound dogs and cats brought to the Marshall Animal Shelter by residents of unincorporated areas of Harrison County upon payment of the current surrender fee for such animals as determined by agreement between the city and the County of Harrison. The city will impound dogs and cats brought to the Marshall Animal Shelter by residents of incorporated areas of Harrison County upon payment of the current surrender fee for such animals as determined by agreement between the city and the incorporated areas of the County of Harrison. The city will impound dogs and cats brought to the Marshall Animal Shelter by non-residents of Harrison County upon payment of the surrender fee of ten dollars (\$10.00) per animal, or twenty dollars (\$20.00) for a mother with litter. All dogs and cats

impounded pursuant to this section shall, after impoundment, be handled in the same manner as those captured and impounded by the city animal control supervisor and shall be subject to the same rules and regulations and the provisions of this chapter.

- (b) The animal control supervisor or his or her officers shall have the discretion to accept without surrender fee an animal, which upon said authority's investigation appears to have been picked up as a stray within Harrison County by a non-resident of Harrison County.
- (c) The animal control supervisor or his or her officers shall have the discretion to accept without surrender fee any animal, which is severely diseased, injured, or suffering.

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-25.3. Destruction of injured animals.

All seriously maimed or injured or diseased animals received at the city pound shall, if deemed advisable by the city animal control supervisor, be immediately put to death without compliance with the holding and impoundment provisions of this chapter.

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-25.4. Confinement of animal which bites a person.

- (a) In the event a person is bitten by a cat, dog, raccoon, fox, opossum, skunk or similar animal, the owner of such animal and the person caring for, and having control of such animal shall immediately and in any event not later than twenty-four (24) hours after the person is bitten, notify the chief of police of such biting, and such person shall place said animal at a veterinary hospital in Harrison County and have such animal confined and under observation of a licensed veterinarian for a period of ten (10) days. If for any reason any such animal is not confined at a veterinary hospital within twenty-four (24) hours after a person is bitten, the local health authority or his authorized representative shall immediately take such animal into custody and confine the same in the city animal shelter for a period of ten (10) days at the cost and expense of the owner. At the end of the ten-day period of confinement, the animal shall become subject to the impoundment ordinances of the city and unless redeemed by the owner in accordance with the provisions of such ordinances, shall be disposed of as provided for therein. All wild animals involved in biting incidents will be euthanized in such a manner that the brain is not mutilated. The brain shall be submitted to a Texas Department of Health certified laboratory.
- (b) No animal so held in observation shall be released from impoundment without the authorization of the local health authority.
- (c) Such impoundment shall be at the expense of the owner or of the person having the care and control of said animal at the time of the impoundment, except that where at the time of said biting the animal is restrained in accordance with the ordinances of the city on the premises of the owner or person having the care and control of the animal and the person bitten is on such premises without the express or implied consent of the owner or person in control of the animal, then the cost of impoundment shall be borne by the person bitten.

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-25.5. Confinement of animal which bites another animal.

- (a) In the event a cat, dog, raccoon, fox, opossum, skunk, or similar animal is bitten by a rabid animal or one suspected or believed to be rabid, the owner or person in control of said animal, shall immediately and in any event not later than twenty-four (24) hours after such animal is bitten, notify the chief of police and immediately confine such animal on the premises of the owner or person having control of the animal or at a veterinary hospital within Harrison County; such confinement to be for a continuous period of ten (10) days.
- (b) In the event the owner or person in control of said animal desires to confine the animal on his premises, the same shall be done under the direction and supervision of the local health authority. If at any time during such period of confinement the local health authority is of the opinion that the owner or person having control of said animal does not have the proper facilities for confinement or is not confining the animal as directed by the local health authority, then the local health authority or his authorized representative shall immediately take such animal into custody and confine the same in the city animal shelter for a period of ten (10) days at the cost and expense of his owner. At the end of the ten-day period of confinement, the animal shall become subject to the impoundment ordinances of the city and unless redeemed by the owner in accordance with the provisions of such ordinances, shall be disposed of as provided for therein.
- (c) No animal so held in observation shall be released from impoundment without the authorization of the local health authority.
- (d) Such impoundment shall be at the expense of the owner or of the person having the care and control of said animal at the time of the impoundment.
- (e) Unvaccinated animals which have been bitten or directly exposed by physical contact with a rabid animal or its fresh tissues should be:
 - (1) Euthanized; or
 - (2) If sufficient justification for preserving the animal exists, the exposed animal should be immediately vaccinated against rabies, placed in strict isolation for six (6) months and given a booster vaccination one (1) month prior to release from isolation.
- (f) Vaccinated animals which have been bitten or otherwise significantly exposed to a rabid animal should be:
 - (1) Euthanized; or
 - (2) If sufficient justification for preserving the animal exists, the exposed vaccinated animal should be given a booster rabies vaccination and placed in strict isolation for three (3) months.
- (g) These provisions apply only to domestic animals for which an approved rabies vaccine is available.

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-25.6. Destroying animals prohibited.

It shall be unlawful for any person except a law enforcement officer or authorized city official to euthanize, destroy, or otherwise dispose of any animal that has bitten a person or another animal within ten (10) days of such biting unless the animal is attacking or threatening to attack a person or there is imminent danger of loss or escape of the animal.

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-25.7. Sale or transfer of live animals.

- (a) No owner or person shall sell, trade, barter, or give away any live animal on any roadside, public right-of-way, commercial parking lot, or any flea market.
- (b) Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed five hundred dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

(Ord. No. O-21-07, § 2, 4-22-2021)

ARTICLE III. WILD ANIMALS

Sec. 4-26. Animals ferae naturae—Prohibited.

It shall be unlawful for any person to keep, maintain, or bring into the corporate limits of the city, animals ferae naturae, such as lions, tigers, bears, leopards, jaguars, ocelots and all others of a dangerous or vicious disposition or nature including, but not limited to skunks, raccoons, foxes, wolves and coyotes or any hybrid thereof. Animals prohibited to include hybrids of these species also.

(Ord. No. O-68-36, § 1, 12-12-68; Ord. No. O-85-32, 6-27-85; Ord. No. O-94-07, § 1, 3-10-94)

Sec. 4-27. Same—Exceptions.

The provisions of this article are not applicable to:

- (1) Animals ferae naturae being transported through the city, provided that such animals are at all times confined in cages of sufficient strength and durability to restrain such animals; and
- (2) Animals ferae naturae in the custody and possession of a circus or animal show, provided that such animals are at all times confined in cages of sufficient strength and durability to restrain such animals and that such animals do not remain in the limits of the city for a longer period than one (1) week.
- (3) Animals ferae naturae suffering from illness while being transported to and from and while confined at a veterinarian's clinic, provided that such animals are at all times in the custody of and under the supervision of a veterinarian licensed by the State of Texas and are at all times confined in cages of sufficient strength and durability to restrain such animals.

(Ord. No. O-68-36, § 1(4-20), 12-12-68; Ord. No. O-85-32, 6-27-85)

ARTICLE IV. LIVESTOCK

Sec. 4-28. Location regulations.

It shall be unlawful for any person to keep or maintain, or permit to be kept or maintained, on premises owned by him or under his control a horse, cow, goat, mule, donkey, sheep or like animals, unless eight thousand (8,000) square feet of open space is provided for each such animal, and further provided:

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- (1) No part of such open space shall be located within fifty (50) feet of any residence, commercial building, or industrial building; and
 - (2) No part of any shed, stall, lean-to, feeding device, watering device, nor any structure used for the care, feeding or maintenance of any such animal shall be located within one hundred (100) feet of any residence, commercial building, or industrial building.

(Ord. No. O-71-18, §§ 1, 2, 5-13-71; Ord. No. O-72-5, § 1, 2-10-72; Ord. No. O-85-32, 6-27-85)

Sec. 4-29. Exemptions from provisions of section 4-28.

The provisions of section 4-28 regulating the keeping and maintenance of livestock within the corporate limits are not applicable to veterinarian hospitals and animal clinics and such businesses are exempt from the regulations of such section.

(Ord. No. O-71-40, § 1, 12-9-71; Ord. No. O-85-32, 6-27-85)

Sec. 4-30. Permits to keep livestock; penalty for article violation.

- (a) The city manager may grant a permit for a period of one year to any person to locate the open space required for each animal under the provisions of this article within less than fifty (50) feet of a residence, commercial building, or industrial building, provided that written consent is first obtained from the owner of such residence, commercial building, or industrial building, and provided further that the applicant otherwise complies with the other requirements of this article, other existing ordinances and the laws of the State of Texas.
- (b) The city manager may grant a permit for a period of one year to any person to maintain a shed, stall, lean-to, feeding device, watering device or any structure used for the care, feeding or maintenance of any such animal within less than one hundred (100) feet of a residence, commercial building or industrial building, provided that written consent is first obtained from the owner of such residence, commercial building, or industrial building, and further provided that the applicant otherwise complies with the other requirements of this article, other existing ordinances and the laws of the State of Texas.
- (c) Any person who shall violate any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than two hundred dollars (\$200.00). Each day upon which such a violation occurs shall constitute a separate violation.

(Ord. No. O-72-5, § 2, 2-10-72; Ord. No. O-85-32, 6-27-85)

Chapter 4 ANIMALS AND FOWL¹

ARTICLE I. IN GENERAL

Sec. 4-1. Animals running at large, prohibited.

It shall be unlawful for the owner or person having possession or control of any horse, mule, cattle, jack, jennet, sheep, hog or goat to permit the same to run at large within the corporate limits of the city.

(Ord. of 12-14-50, § 1; Ord. No. O-85-32, 6-27-85)

Cross reference(s)—Dogs running at large prohibited; penalty, § 4-19.

State law reference(s)—Similar state law, P. C., arts. 1371, 1371(a).

Sec. 4-2. Running horse or mule through city.

It shall be unlawful for any person to run any horse or mule through the public square, or any of the public streets of this city.

(Code 1890; Ord. No. O-85-32, 6-27-85)

Charter reference(s)—Prevention of horse racing, § 80(24).

State law reference(s)—Drivers or riders subject to Union Traffic Law, R. C. S., art. 6701d, § 25.

Sec. 4-3. Herding animals through city.

It shall be unlawful for any person to herd any drove of horses, mules, or cattle upon the public square, or upon any of the public streets of this city.

(Code 1890; Ord. No. O-85-32, 6-27-85)

Charter reference(s)—Power to regulate, § 80(6).

Sec. 4-4. Poultry—Definition.

The term "poultry" means and includes all types and breeds of chickens, ducks, geese, turkeys, pheasants, guineas, and all other kinds of domestic fowl, and includes both sexes and all ages of the same.

¹Charter reference(s)—Authority to regulate, § 80(1).

Cross reference(s)—Extermination of rats, § 15-3 et seq.; regulations governing the production of meat and meat food products, Ch. 18; keeping of dairy cattle and the production of milk, Ch. 19; care of horses by persons operating horse-drawn carriages for hire, § 30-74; comprehensive fee schedule, App. D.

State law reference(s)—Miscellaneous provisions relating to animals, R.C.S. arts. 180—192.1-1.

(Ord. of 3-10-55, § 1; Ord. No. O-85-32, 6-27-85)

Sec. 4-5. Keeping of poultry regulated.

The following shall govern the keeping of poultry:

- (a) This subsection (section 4-5) shall not apply to tracts of land located in areas that are agriculture and estate zones by the city's zoning ordinance.
- (b) Except as provided herein, it shall be unlawful for any person to keep, maintain, raise or permit to be kept, maintained, or raise any poultry on a tract of land that consist of less than one (1) acre of land within the limits of the city.
- (c) It shall be the duty of every person raising, keeping or harboring poultry, whether owned by such person or under the control of such person, to keep the same in a suitable enclosure upon their premises at all times. The enclosure must be constructed as to prevent any such fowl from running at large upon private property or the public streets, avenues and alleys of the city.
- (d) The enclosure shall be at least seventy-five (75) feet from any adjoining property line.
- (e) The enclosure shall be at least five hundred (500) feet from any residence or business structure on located on any adjoining property.

(Ord. No. O-06-01, § 2, 1-26-2006)

Sec. 4-6. Same—Maximum number within city limits.

- (a) It shall be unlawful for any person to keep, maintain, raise or permit to be kept, maintained, or raised at any one time more than one hundred (100) head of poultry in any property located within the limits of the city.
- (b) A commercial business shall be allowed to maintain or keep poultry for the purpose of selling the poultry, provided that the business keeps the poultry in an enclosure, as defined above, and that said in enclosure is enclosed within the business's building or structure.

(Ord. No. O-06-01, § 2, 1-26-2006)

Sec. 4-7. Same—Enclosure to be kept clean.

It shall be the duty of every person raising or harboring poultry to keep the enclosure hereinabove referred to in a sanitary condition, so that the same shall not at any time become foul or offensive to adjacent neighbors or to the public.

(Ord. No. O-06-01, § 2, 1-26-2006)

Sec. 4-8. Same—Public nuisances.

It shall be unlawful and constitute a public nuisance for any owner, occupant, or other person to harbor any poultry, fowl, or bird which by any loud, frequent, long, continuous, or unusual sound or cry shall disturb the peace, comfort, or quiet of the neighborhood or the occupants of adjacent premises.

(Ord. No. O-06-01, § 2, 1-26-2006)

Editor's note(s)—Ord. No. O-06-01, § 2, adopted Jan. 26, 2006, repealed the former §§ 4-5—4-8, and enacted a new sections as set out herein. The former §§ 4-5—4-8 pertained to similar subject matter and derived from Ord. of Mar. 10, 1955, §§ 2, 3; Ord. of Feb. 25, 1943, § 2, 3; Ord. No. O-85-32, adopted June 27, 1985.

Sec. 4-9. Hogs—Proximity to residence.

It shall be unlawful for any person to keep a hog within five hundred (500) feet of a residence within the city limits.

(Ord. of 6-12-28, § 1; Ord. No. O-85-32, 6-27-85)

Sec. 4-10. Same—Permit to keep near residence.

The city manager shall have the right to grant a permit to any person to keep hogs within five hundred (500) feet of a residence, upon petition signed by all persons residing within three hundred (300) feet of where such hogs are to be kept requesting him to do so. However, the city manager shall not grant a permit to keep hogs within less than three hundred (300) feet of a residence.

(Ord. No. 6-12-28, § 2; Ord. No. O-85-32, 6-27-85)

Sec. 4-11. Same—Keeping so as to create nuisance.

It shall be unlawful for any person to pen and feed any hog at any place within the limits of this city, for such time and in such manner as to create a nuisance.

(Code 1890; Ord. No. O-85-32, 6-27-85)

Sec. 4-12. Impounding—Required.

It shall be the duty of the city animal control supervisor to take up and impound any of the animals or fowl mentioned in this chapter found running at large within the corporate limits of the city in violation hereof.

(Ord. of 12-14-50, § 2; Ord. No. O-85-32, 6-27-85)

Cross reference(s)—As to the impounding of dogs, see § 4-23.

State law reference(s)—For similar state law, see R. C. S.; arts. 182, 186; P. C., art. 1375.

Sec. 4-13. Same—Notice.

When any of the aforementioned animals or fowl shall be taken up and impounded, it shall be the duty of the city animal control supervisor to post up two (2) notices, one (1) at the court house door of Harrison County, and one (1) at the door of the municipal court of the city hall, giving a description of the animals or fowl so impounded, and if the owner of such stock is known to the animal control supervisor, a copy of this notice shall be mailed to his address. Such notice shall state in addition to the description of the stock, some date not less than ten (10) days after the posting of such notice on which such animals or fowl will be sold at public sale to the highest bidder for cash.

(Ord. of 12-14-50, § 3; Ord. No. O-85-32, 6-27-85)

Sec. 4-14. Same—Fees.

~~The fees charged by the city for animal control services shall be set by ordinance of the city commission. A copy of the current fees schedule shall be on file and available for inspection at the office of the city secretary. The fees charged by the city for animal control services shall be established by the city's Fee Schedule Ordinance. Fees may be altered by the MPAC Manager, at the discretion of the Department Director, as necessary to address operational needs.~~

(Ord. of 12-14-50, § 4; Ord. No. O-85-32, 6-27-85; Ord. No. O-16-15, § 2, 7-14-2016)

Sec. 4-15. Same—Sale, use of proceeds.

In the event of sale, the animal control supervisor shall first deduct the charges and expenses set forth above from the proceeds of such sale and shall then pay the remainder, if any, to the owner of the animal or fowl so sold. If no owner shall call for the amount within fifteen (15) days from the date of such sale, then he shall pay it into the city treasury. At any time within six (6) months after such sale the owner may apply to the city commission and upon satisfactory proof of such ownership he shall be entitled to recover the amount deposited on account of such sale, after deducting such costs as may become necessary to establish his right thereto. At any time before the sale the owner of any animal or fowl taken up and impounded, may reclaim the same by paying all expense and cost of taking up and keeping such animal or fowl.

(Ord. of 12-14-50, § 5; Ord. No. O-85-32, 6-27-85)

Sec. 4-16. Same—Redeeming animal or fowl from purchaser.

The owner of any animal or fowl sold under this article shall have the right, at any time within thirty (30) days after the sale, by making satisfactory proof of his ownership, to redeem the animal or fowl by paying the purchaser thereof double the amount paid by such purchaser for the animal or fowl at the public sale.

(Ord. of 12-14-50, § 6; Ord. No. O-85-32, 6-27-85)

Sec. 4-17. Same—Record.

The animal control supervisor shall keep a book, giving a description of all animals and fowl impounded by him; the date of impounding; the date of sale; the date of service of notice and of posting the same; the amount realized from the sale of such animals and fowl; the name of the owner, if known; if not known, it shall be entered as "unknown"; and the name of the purchaser.

(Ord. of 12-14-50, § 7; Ord. No. O-85-32, 6-27-85)

Sec. 4-18. Same—Breaking open pound.

Whoever shall, without proper authority, break into, open, pull down the enclosure of, or make any opening into any pound or enclosure belonging to or used by the city for the purpose of impounding animals and fowl, or shall turn out or release same, shall be deemed guilty of a misdemeanor.

(Ord. of 12-14-50, § 9; Ord. No. O-85-32, 6-27-85)

ARTICLE II. DOGS²

Sec. 4-19. Confinement.

- (a) Dogs must be securely confined, leashed, or under the control of a competent person over the age of sixteen (16) at all times.
- (b) Fences for all dogs must be of sufficient height, strength, and repair to safely contain the dogs on the premises and prevent children from entering the yard or enclosure. Fences to confine dogs adjudicated as "at risk" or "dangerous" must adhere to additional requirements as specified in those sections of the laws.
- (c) Underground fences are not sufficient to contain unsupervised dogs.

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-19.1. Prohibition against the chaining or tethering of dogs and mandating that dog enclosures must provide one hundred fifty square feet of space.

- (a) Any person owning and/or controlling dogs, whether vaccinated or unvaccinated, licensed or unlicensed, shall not allow said animal to be tied or chained to any stationary object.
- (b) No person shall at any time, fasten, chain, or tie any dog or cause such dog to be fastened, chained or tied while such dog is on the dog owner's property, or on the property of the dog owner's landlord, or on any property within the limits of the city.
- (c) Any dog confined within a fenced yard must have an adequate space for exercise based on a dimension of at least one hundred fifty (150) square feet per dog. Provided, further that where dogs are kept or housed on property without a fenced yard, the owner of such dogs or person having custody of such dogs, shall provide an enclosure for such dogs meeting the one hundred fifty (150) square foot per dog dimensions. Such enclosure shall be constructed of chain link or similar type materials with all four (4) sides enclosed. The enclosure shall be of sufficient height to prevent the dog from escaping from such enclosure. The top of such enclosure shall be covered with material to provide the dog with shade and protection from the elements.
- (d) Nothing in this section shall be construed to prohibit owners or others walking dogs with a hand held leash.
- (e) Nothing in this section shall be construed to prohibit owners from allowing dogs to be attached to over-head runs (i.e. leash or chain attached to an over-head wire at least ten (10) feet long), that allows the dog to move unheeded.
- (f) Veterinary hospitals or clinics are excluded from the requirements of this section.

(Ord. No. O-21-07, § 2, 4-22-2021)

²Ord. No. O-21-07, § 2, adopted April, 22, 2021, repealed the former article II, §§ 4-19—4-25.8, and enacted a new article II as set out herein. The former article II pertained to similar subject matter and derived from an ordinance of December 14, 1950; an Ordinance of July 26, 1951; Ord. No. O-69-11, adopted April 28, 1969; Ord. No. O-69-15, adopted May 22, 1969; Ord. No. O-69-16, adopted June 16, 1969; Ord. No. O-72-22, adopted May 25, 1972; Ord. No. O-76-14, adopted June 24, 1976; Ord. No. O-85-32, adopted June 27, 1985; Ord. No. O-04-09, adopted May 13, 2004; Ord. No. O-04-31, adopted November 15, 2004; Ord. No. O-05-43, adopted December 16, 2005 and Ord. No. O-07-19, adopted May 10, 2007.

Sec. 4-19.2. Public nuisances.

- (a) It shall be unlawful and constitute a public nuisance for the owner or any person to maintain any animal which roams at-large on public or private property, except a designated dog park; which attacks another animal; or damages public or private property.

[(b) Definitions.]

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.

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

- (1) Confined on the premises of the owner within a fence or enclosure of sufficient strength to control the actions of the animal.
- (2) Fastened or picketed by a lead, rope, or chain so as to keep the animal on premises of the owner.
- (3) 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.
- (4) In or within a vehicle being driven or parked if it is:
 - a. 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
 - b. 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.

- (c) Any person violating any provision of this section shall be deemed guilty of a misdemeanor; violations of this section shall be subject to the following minimum fine schedule:
- (1) First offense—Minimum fine of one hundred dollars (\$100.00).
 - (2) Second offense—Minimum fine of two hundred dollars (\$200.00).
 - (3) Third offense and subsequent offenses—Minimum of four hundred dollars (\$400.00).

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-19.3. Enforcement; animal control officers.

- (a) The provisions of this chapter shall be enforced by the animal control supervisor and animal control officers as designated by the city. The animal control officers have authority to issue citations to persons violating the provisions of this chapter.
- (b) It shall be unlawful for any owner or person to interfere with an animal control officer in the performance of his or her duties as prescribed by this chapter.
- (c) Animal control officers have the right to pursue and apprehend animals running at large onto private property while enforcing the provisions of this chapter.

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-20. Reserved.

Sec. 4-21. Dangerous dogs.

- (a) Dangerous dog, shall refer to a dog determined dangerous in compliance with the Texas Health and Safety Code, Section 822, as amended, or that meets the following criteria: A dog that makes an unprovoked attack on a domestic animal that causes the death or serious bodily injury to that domestic animal and the attack occurs in a place other than the dog owner's property.
 - (b) This section sets forth dangerous dog requirements and restrictions that are in addition to state law, as authorized in Section 822.047 of the Texas Health and Safety Code. This section must be construed and implemented in conjunction with Chapter 822 of the Texas Health and Safety Code.
 - (c) No person shall own, keep or harbor a dangerous dog within the city limits, except as provided under state law and this section.
 - (d) No person who owns, keeps or harbors a dog shall allow the dog to engage in fierce or dangerous conduct.
- (Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-21.1. Defense to determination of dangerous.

It is a defense to the determination of an animal as dangerous that:

- (a) The threat, injury, or damage was sustained by a person who at the time was committing a willful trespass or other tort upon the premises occupied by the owner of the animal;
- (b) The person was teasing, tormenting, abusing, or assaulting the animal or its young, or has, in the past, been observed or reported to have teased, tormented, abused, or assaulted the animal;
- (c) The person was committing or attempting to commit a crime;
- (d) The animal attacked or killed was at the time teasing, tormenting, abusing or attacking the alleged dangerous animal or its young;
- (e) The animal was protecting or defending a person within immediate vicinity of the animal from an unjustified attack or assault; or
- (f) The animal was injured and responding to pain.

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-21.2. Procedure for impoundment.

- (a) Upon receiving a report concerning a dangerous dog, the animal control officer or police shall obtain the following information:
 - (1) Name, address, and telephone number of complainant;
 - (2) Date, time, and location of incident;
 - (3) A specification of the facts and circumstances of the incident;
 - (4) A description of the dog;
 - (5) A statement or report describing how the dog either bit the complainant or acted in a vicious manner;
 - (6) Other aggravating facts or circumstances, if any, relating to the incident.

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- (b) After a statement or report has been obtained, the dog shall be investigated by the animal control officer. Upon a showing of probable cause, and, if necessary, the dog may be impounded as a public nuisance. If impoundment of said dog cannot be made with safety to the animal control officer, or other persons, the dog may be destroyed without prior notice to the owner or harborer. The owner shall pay all impoundment and board fees of record, and shall pay all veterinary or other expenses incurred by the animal control division due to the impoundment of the animal at issue.

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-21.3. Animal control supervisor and officers authorized to enforce.

The city's animal control supervisor and animal control officers are hereby authorized to enforce the provisions of state law and this section regulating dangerous dogs.

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-21.4. Additional requirements and restrictions for dangerous dogs.

In addition to those requirements set out in state law, the following requirements and restrictions shall apply to any dog in the city limits determined by the animal control division to be a dangerous dog as defined under state law and this article:

- (a) The dog must be spayed or neutered within thirty (30) days of the determination that the dog is a dangerous dog.
- (b) If the dog is subsequently responsible for the death of or serious injury to any person, the dog will be destroyed pursuant to statute.
- (c) The owner or person harboring a dangerous dog shall have the dog identified by a numbered tattoo, numbered ear clip, or other identifier approved by the animal control authority, and all identifying information shall be provided to the animal control authority immediately.
- (d) The dog shall at all times wear a collar and attached tag marked with an orange color visible at a minimum distance of fifty (50) feet.
- (e) The dog, when taken outside the enclosure required under state law and this chapter, must be securely muzzled in a manner that will not cause injury to the animal or impair its vision or respiration, but shall prevent it from biting any person or animal, and must be restrained by a substantial chain or cable leash having a minimum tensile strength of one thousand (1,000) pounds and not to exceed six (6) feet in length.
- (f) The owner or person harboring such a dog shall post a sign on the premises where the animal is located or kept bearing letters not less than two (2) inches high warning that there is a dangerous dog on the property. The sign, or multiple signs, if necessary, shall be prominently displayed on the property, easily visible and capable of being read from each public street or highway adjacent to the property.
- (g) The secured enclosure for the dog, in addition to the minimum requirements for such an enclosure contained in state law, must have a top, must be made of chain link fencing of no more than three (3) inch mesh, must be at least six (6) feet high, and must be posted with signs on each side of the enclosure bearing letters not less than two (2) inches high warning of a dangerous dog, with additional signs for every additional twenty-five (25) feet of length.

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- (h) The city animal control division may, as a condition of registration for the dog, require that the owner or person harboring the dog shall annually attend a class on responsible pet ownership conducted by the city animal control division or their designee to conduct said class.
 - (i) The city animal control division may inspect the enclosure in which any dangerous dog is maintained, without notice, at any reasonable hour.
 - (j) The city may charge a reasonable fee for the licensing of dangerous dogs, as established by a separate resolution of the city.
 - (k) New restrictions or requirements as to the regulation of dangerous dogs which were determined to be dangerous dogs prior to the effective date of this chapter, shall become effective as to said animals on the sixtieth day after the passage of this chapter as amended.
 - (l) The owner of any dog determined to be a dangerous animal by any court or magistrate must register the animal with the city animal control division within ten (10) days of bringing the animal into this jurisdiction.

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-22. Vaccination, microchip, spay/neuter.

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-22.1. Rabies vaccination.

- (a) All dogs over the age of four (4) months must be vaccinated for rabies.
- (b) Rabies vaccinations must be given by a licensed veterinarian in accordance with state law and annual re-vaccination shall be required thereafter.

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-22.2. Microchip required.

- (a) All dogs in the corporate city limits must be microchipped.
- (b) All dogs will be microchipped prior to leaving the animal shelter.
- ~~(c) All impounded dogs without a microchip implanted shall have a microchip inserted between its shoulder blades before being released to its owner. The owner of the dog shall pay the cost for this procedure in addition to the impoundment fees.~~ (c) All impounded dogs without a microchip implanted shall have a microchip inserted between its shoulder blades before being released to its owner.
- ~~(d) Any dog that is adopted from the animal shelter shall have a microchip inserted between its shoulder blades and the animal's new owner shall pay the cost for this procedure.~~ (d) Any dog that is adopted from the animal shelter shall have a microchip inserted between its shoulder blades prior to leaving the animal shelter.
- ~~(e) The microchip fee is not refundable and may be used only for the dog for which it was issued.~~ (e) Microchipping required under this section shall be provided at no charge to the owner or adopter.

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-22.3. Spay/neuter.

Any owner that is cited or has their dog impounded for running at large in the corporate city limits must have the dog spayed/neutered at the owner's expense after a second citation or impoundment. The owner of such animals must retain documentation of the spay/neuter of their animal.

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-23. Impounding.

- (a) It shall be the duty of the city animal control supervisor, or any other person designated by the city manager to perform such duties, to capture and impound in a pen to be provided by the city for that purpose and called the animal shelter, any dog found running at large within the corporate limits of the city.
- (b) Should the owner or keeper of such dog fail to redeem the same as provided for in subsection (a) of this section within such seventy-two-hour period, then such dog shall be euthanized by the city animal control supervisor; or in the event the city animal control supervisor is of the opinion that such dog is suitable for adoption, the same shall be available for adoption to the public either through the Marshall Animal Shelter, released to any nonprofit 501c3 animal welfare group, humane society or other recognized animal welfare organization.
- (c) Disposition of any and all animals in the care, custody and control of the Marshall Animal Shelter shall be determined by the City of Marshall Animal Control Supervisor or his/her designee.

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-24. Fees set by **Fee Schedule Ordinance.**

~~The city council has determined that setting rates and fees to be charged for animal shelter services by fee schedule ordinance will save money and staff time by eliminating the need for continual updates to the Code of Ordinances to reflect changes in such fees and charges. The City Council has determined that setting rates by Fee Schedule Ordinance will save staff time and money by eliminating the need for continual update to the Code of Ordinances to reflect changes in such fees and charges in each ordinance. Fees may be altered by the MPAC Manager at the discretion of the Department Director for operational needs.~~

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-25. Euthanizing rabid or vicious dog.

The city animal control supervisor, or any city policeman, shall have the right to shoot or euthanize any rabid dog or any dog on the streets which manifests a disposition to bite.

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-25.1. Impoundment applicable to other animals.

The impoundment provisions of this article shall be applicable to cats.

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-25.2. Impoundment of animals delivered to the city animal control supervisor.

- (a) The city will impound all dogs and cats brought to the Marshall Animal Shelter by residents of the city without the payment of a surrender fee. The city will impound dogs and cats brought to the Marshall Animal Shelter by residents of unincorporated areas of Harrison County upon payment of the current surrender fee for such animals as determined by agreement between the city and the County of Harrison. The city will impound dogs and cats brought to the Marshall Animal Shelter by residents of incorporated areas of Harrison County upon payment of the current surrender fee for such animals as determined by agreement between the city and the incorporated areas of the County of Harrison. The city will impound dogs and cats brought to the Marshall Animal Shelter by non-residents of Harrison County upon payment of the surrender fee of ten dollars (\$10.00) per animal, or twenty dollars (\$20.00) for a mother with litter. All dogs and cats impounded pursuant to this section shall, after impoundment, be handled in the same manner as those captured and impounded by the city animal control supervisor and shall be subject to the same rules and regulations and the provisions of this chapter.
- (b) The animal control supervisor or his or her officers shall have the discretion to accept without surrender fee an animal, which upon said authority's investigation appears to have been picked up as a stray within Harrison County by a non-resident of Harrison County.
- (c) The animal control supervisor or his or her officers shall have the discretion to accept without surrender fee any animal, which is severely diseased, injured, or suffering.

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-25.3. Destruction of injured animals.

All seriously maimed or injured or diseased animals received at the city pound shall, if deemed advisable by the city animal control supervisor, be immediately put to death without compliance with the holding and impoundment provisions of this chapter.

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-25.4. Confinement of animal which bites a person.

- (a) In the event a person is bitten by a cat, dog, raccoon, fox, opossum, skunk or similar animal, the owner of such animal and the person caring for, and having control of such animal shall immediately and in any event not later than twenty-four (24) hours after the person is bitten, notify the chief of police of such biting, and such person shall place said animal at a veterinary hospital in Harrison County and have such animal confined and under observation of a licensed veterinarian for a period of ten (10) days. If for any reason any such animal is not confined at a veterinary hospital within twenty-four (24) hours after a person is bitten, the local health authority or his authorized representative shall immediately take such animal into custody and confine the same in the city animal shelter for a period of ten (10) days at the cost and expense of the owner. At the end of the ten-day period of confinement, the animal shall become subject to the impoundment ordinances of the city and unless redeemed by the owner in accordance with the provisions of such ordinances, shall be disposed of as provided for therein. All wild animals involved in biting incidents will be euthanized in such a manner that the brain is not mutilated. The brain shall be submitted to a Texas Department of Health certified laboratory.
- (b) No animal so held in observation shall be released from impoundment without the authorization of the local health authority.

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- (c) Such impoundment shall be at the expense of the owner or of the person having the care and control of said animal at the time of the impoundment, except that where at the time of said biting the animal is restrained in accordance with the ordinances of the city on the premises of the owner or person having the care and control of the animal and the person bitten is on such premises without the express or implied consent of the owner or person in control of the animal, then the cost of impoundment shall be borne by the person bitten.

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-25.5. Confinement of animal which bites another animal.

- (a) In the event a cat, dog, raccoon, fox, opossum, skunk, or similar animal is bitten by a rabid animal or one suspected or believed to be rabid, the owner or person in control of said animal, shall immediately and in any event not later than twenty-four (24) hours after such animal is bitten, notify the chief of police and immediately confine such animal on the premises of the owner or person having control of the animal or at a veterinary hospital within Harrison County; such confinement to be for a continuous period of ten (10) days.
- (b) In the event the owner or person in control of said animal desires to confine the animal on his premises, the same shall be done under the direction and supervision of the local health authority. If at any time during such period of confinement the local health authority is of the opinion that the owner or person having control of said animal does not have the proper facilities for confinement or is not confining the animal as directed by the local health authority, then the local health authority or his authorized representative shall immediately take such animal into custody and confine the same in the city animal shelter for a period of ten (10) days at the cost and expense of his owner. At the end of the ten-day period of confinement, the animal shall become subject to the impoundment ordinances of the city and unless redeemed by the owner in accordance with the provisions of such ordinances, shall be disposed of as provided for therein.
- (c) No animal so held in observation shall be released from impoundment without the authorization of the local health authority.
- (d) Such impoundment shall be at the expense of the owner or of the person having the care and control of said animal at the time of the impoundment.
- (e) Unvaccinated animals which have been bitten or directly exposed by physical contact with a rabid animal or its fresh tissues should be:
- (1) Euthanized; or
 - (2) If sufficient justification for preserving the animal exists, the exposed animal should be immediately vaccinated against rabies, placed in strict isolation for six (6) months and given a booster vaccination one (1) month prior to release from isolation.
- (f) Vaccinated animals which have been bitten or otherwise significantly exposed to a rabid animal should be:
- (1) Euthanized; or
 - (2) If sufficient justification for preserving the animal exists, the exposed vaccinated animal should be given a booster rabies vaccination and placed in strict isolation for three (3) months.
- (g) These provisions apply only to domestic animals for which an approved rabies vaccine is available.

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-25.6. Destroying animals prohibited.

It shall be unlawful for any person except a law enforcement officer or authorized city official to euthanize, destroy, or otherwise dispose of any animal that has bitten a person or another animal within ten (10) days of such biting unless the animal is attacking or threatening to attack a person or there is imminent danger of loss or escape of the animal.

(Ord. No. O-21-07, § 2, 4-22-2021)

Sec. 4-25.7. Sale or transfer of live animals.

- (a) No owner or person shall sell, trade, barter, or give away any live animal on any roadside, public right-of-way, commercial parking lot, or any flea market.
- (b) Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed five hundred dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

(Ord. No. O-21-07, § 2, 4-22-2021)

ARTICLE III. WILD ANIMALS

Sec. 4-26. Animals *ferae naturae*—Prohibited.

It shall be unlawful for any person to keep, maintain, or bring into the corporate limits of the city, animals *ferae naturae*, such as lions, tigers, bears, leopards, jaguars, ocelots and all others of a dangerous or vicious disposition or nature including, but not limited to skunks, raccoons, foxes, wolves and coyotes or any hybrid thereof. Animals prohibited to include hybrids of these species also.

(Ord. No. O-68-36, § 1, 12-12-68; Ord. No. O-85-32, 6-27-85; Ord. No. O-94-07, § 1, 3-10-94)

Sec. 4-27. Same—Exceptions.

The provisions of this article are not applicable to:

- (1) Animals *ferae naturae* being transported through the city, provided that such animals are at all times confined in cages of sufficient strength and durability to restrain such animals; and
- (2) Animals *ferae naturae* in the custody and possession of a circus or animal show, provided that such animals are at all times confined in cages of sufficient strength and durability to restrain such animals and that such animals do not remain in the limits of the city for a longer period than one (1) week.
- (3) Animals *ferae naturae* suffering from illness while being transported to and from and while confined at a veterinarian's clinic, provided that such animals are at all times in the custody of and under the supervision of a veterinarian licensed by the State of Texas and are at all times confined in cages of sufficient strength and durability to restrain such animals.

(Ord. No. O-68-36, § 1(4-20), 12-12-68; Ord. No. O-85-32, 6-27-85)

ARTICLE IV. LIVESTOCK

Sec. 4-28. Location regulations.

It shall be unlawful for any person to keep or maintain, or permit to be kept or maintained, on premises owned by him or under his control a horse, cow, goat, mule, donkey, sheep or like animals, unless eight thousand (8,000) square feet of open space is provided for each such animal, and further provided:

- (1) No part of such open space shall be located within fifty (50) feet of any residence, commercial building, or industrial building; and
- (2) No part of any shed, stall, lean-to, feeding device, watering device, nor any structure used for the care, feeding or maintenance of any such animal shall be located within one hundred (100) feet of any residence, commercial building, or industrial building.

(Ord. No. O-71-18, §§ 1, 2, 5-13-71; Ord. No. O-72-5, § 1, 2-10-72; Ord. No. O-85-32, 6-27-85)

Sec. 4-29. Exemptions from provisions of section 4-28.

The provisions of section 4-28 regulating the keeping and maintenance of livestock within the corporate limits are not applicable to veterinarian hospitals and animal clinics and such businesses are exempt from the regulations of such section.

(Ord. No. O-71-40, § 1, 12-9-71; Ord. No. O-85-32, 6-27-85)

Sec. 4-30. Permits to keep livestock; penalty for article violation.

- (a) The city manager may grant a permit for a period of one year to any person to locate the open space required for each animal under the provisions of this article within less than fifty (50) feet of a residence, commercial building, or industrial building, provided that written consent is first obtained from the owner of such residence, commercial building, or industrial building, and provided further that the applicant otherwise complies with the other requirements of this article, other existing ordinances and the laws of the State of Texas.
- (b) The city manager may grant a permit for a period of one year to any person to maintain a shed, stall, lean-to, feeding device, watering device or any structure used for the care, feeding or maintenance of any such animal within less than one hundred (100) feet of a residence, commercial building or industrial building, provided that written consent is first obtained from the owner of such residence, commercial building, or industrial building, and further provided that the applicant otherwise complies with the other requirements of this article, other existing ordinances and the laws of the State of Texas.
- (c) Any person who shall violate any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than two hundred dollars (\$200.00). Each day upon which such a violation occurs shall constitute a separate violation.

(Ord. No. O-72-5, § 2, 2-10-72; Ord. No. O-85-32, 6-27-85)

City of Marshall, Texas

Ordinance No. _____

AN ORDINANCE OF THE CITY OF MARSHALL, TEXAS, AMENDING CHAPTER 4, “ANIMALS AND FOWL,” OF THE CODE OF ORDINANCES BY AMENDING SECTION 4-14 REGARDING ANIMAL CONTROL SERVICE FEES; AMENDING SECTION 4-22.2 REGARDING MICROCHIPPING REQUIREMENTS AND PROVIDING REQUIRED MICROCHIPPING AT NO CHARGE; AMENDING SECTION 4-24 REGARDING THE ESTABLISHMENT AND ADMINISTRATION OF FEES BY FEE SCHEDULE ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Marshall, Texas, has adopted Chapter 4, “Animals and Fowl,” of the Code of Ordinances to regulate animal control and animal shelter services within the City; and

WHEREAS, the City Council desires to streamline the establishment and adjustment of animal control fees by providing that such fees are established through the City’s Fee Schedule Ordinance; and

WHEREAS, the City Council further desires to encourage compliance with the City’s microchipping requirements by providing required microchipping at no charge to an owner or adopter; and

WHEREAS, the City Council finds that these amendments will improve administrative efficiency and support the operational needs of Marshall Pet Adoption Center (MPAC) and the City’s animal control services;

NOW, THEREFORE,

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

SECTION 1. AMENDMENT TO SECTION 4-14

Section 4-14, “Same—Fees,” of Chapter 4, “Animals and Fowl,” of the Code of Ordinances of the City of Marshall, Texas, is hereby amended to read as follows:

Sec. 4-14. Same—Fees.

The fees charged by the city for animal control services shall be established by the city's Fee Schedule Ordinance. Fees may be altered by the MPAC Manager, at the discretion of the Department Director, as necessary to address operational needs.

SECTION 2. AMENDMENT TO SECTION 4-22.2

Section 4-22.2, “Microchip required,” of Chapter 4, “Animals and Fowl,” of the Code of Ordinances of the City of Marshall, Texas, is hereby amended to read as follows:

Sec. 4-22.2. Microchip required.

(a) All dogs in the corporate city limits must be microchipped.

(b) All dogs will be microchipped prior to leaving the animal shelter.

(c) Any impounded dog without a microchip implanted shall have a microchip implanted. A microchip shall be inserted between an impounded dog's shoulder blades before being released to its owner.

(d) Any dog that is adopted from the animal shelter shall have a microchip inserted between its shoulder blades prior to leaving the animal shelter.

SECTION 3. AMENDMENT TO SECTION 4-24

Section 4-24, "Fees set by Fee Schedule Ordinance," of Chapter 4, "Animals and Fowl," of the Code of Ordinances of the City of Marshall, Texas, is hereby amended to read as follows:

Sec. 4-24. Fees set by Fee Schedule Ordinance.

The City Council has determined that setting rates by Fee Schedule Ordinance will save staff time and money by eliminating the need for continual update to the Code of Ordinances to reflect changes in such fees and charges in each ordinance. Fees may be altered by the MPAC Manager at the discretion of the Department Director for operational needs.

SECTION 4. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason held to be unconstitutional, void, or invalid by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. REPEALER

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict. All provisions of Chapter 4 not expressly amended by this ordinance shall remain in full force and effect.

SECTION 6. EFFECTIVE DATE

This ordinance shall take effect immediately upon passage and publication as required by law.

PASSED AND APPROVED by the City Council of the City of Marshall, Texas, on this ____ day of _____, 2026.

AYES: _____

NOES: _____

ABSTAINED: _____

Mayor: _____

City Secretary: _____

A complete copy of this ordinance can be obtained or reviewed in the City Secretary's Office, City Hall at 401 S. Alamo, Marshall, Texas.



TO: City Council
DATE: September 10, 2026
ITEM #: 10.A
SUBJECT: Casting the City of Marshall's ballot in the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election.

Recommendation for Action: Selection of members for Places 1 through 4 of the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool.

Executive Summary: The City of Marshall is a member of the Texas Municipal League (TML) Intergovernmental Risk Pool and, as a member, is entitled to vote for members of the Board of Trustees. The Official Ballot has been provided. The officials listed on the ballot have been nominated to serve a six-year term on the TML Intergovernmental Risk Pool (Workers' Compensation, Property and Liability) Board of Trustees. The council may choose one candidate for each place. The deadline for submission is no later than September 30, 2026.

A copy of the Official Ballot has been attached for Council's review.

Focus Area(s): This item aligns with the following council adopted focus area(s): Improving Communication

Budget Cost: N/A

Staff Contact: City Secretary, Nikki Smith

Attachments: 1. OFFICIAL BALLOT Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election

OFFICIAL BALLOT

Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election

This is the official ballot for the election of Places 1 through 4 of the Board of Trustees for the Texas Municipal League Intergovernmental Risk Pool. The Governing Body of each Member of the Pool is entitled to vote for members of the Board of Trustees. Please record your organization's choices by placing an "X" in the square beside the candidate's name or writing in the name of an eligible person in the space provided. You may vote for only one candidate for each Place.

The officials listed on this ballot have been nominated to serve a six-year term on the TML Intergovernmental Risk Pool (Workers' Compensation, Property and Liability) Board of Trustees. The names of the candidates for each Place on the Board of Trustees are listed in alphabetical order on this ballot.

About Write-In Candidates. A write-in candidate is a person who is **not** listed on this ballot. The write-in line for each Place is provided only for a governing body that wishes to vote for someone other than the candidates printed on this ballot. If you vote for a candidate whose name is printed on the ballot, mark the square beside that candidate's name and leave the write-in line for that Place blank. **Do not also write that candidate's name on the write-in line.** A ballot that shows both a marked square and a name on the write-in line for the same Place has two votes recorded for that Place, and no vote can be counted for that Place. Marking a square and writing the same name does not strengthen the vote. Write in a name only if you are voting for a person not listed. A write-in candidate must meet the same eligibility requirements as the nominated candidates.

Ballots must reach the office of David Reagan, Secretary of the Board, no later than September 30, 2026. Ballots received after September 30, 2026, cannot be counted. **The ballot must be properly signed and all pages of the ballot must be mailed to: Trustee Election, David Reagan, Secretary of the Board, P.O. Box 149194, Austin, Texas 78714-9194. If the ballot is not signed, it will not be counted.**

PLACE 1

- ☐ **Kevin Clark.** Council Member for the City of Gladewater (Region 15) for eight years. He has also served as the City Council's Ex Officio representative to the Board of Adjustments, Planning and Zoning Commission, and Parks and Recreation Board. During his tenure, he spearheaded the restructuring of the Gladewater Fire Department. Prior to his municipal service, Kevin retired after a distinguished 20-year career in the United States Marine Corps, attaining the rank of Gunnery Sergeant and serving during Operation Desert Storm. He then earned a degree in Speech Communication with a minor in English and spent 23 years as a teacher and coach at Gladewater High School. He has more than four decades of public service.
- ☐ **J.W. 'Buzz' Fullen** (*Incumbent*). Commissioner for the Henderson Housing Authority (Region 15) from 2012 to 2018 and from 2024 to present. Formerly, Mayor of the City of Henderson from 2004 to 2012 and from 2018 to 2024. He currently serves on the Henderson Civic Center Board (2003–present), the Henderson ETMC Hospital Diabetes Board (2009 – present), the Texas Eastern 911 Board for Rusk and Harrison Counties as Chair (2024 – present) and the Keep Henderson Beautiful Board (2008 – present). He has been a Board member of the TML Intergovernmental Risk Pool since 2010, during which time he served as Chair (2018 – 2020) and Vice Chair (2016 – 2018).
- ☐ **John Kinnaird.** Chairman of the McLennan Central Appraisal District (Region 9). He was a four-term member of the Waco City Council and served in various leadership roles with the National League of Cities. He also provides governance and oversight for several non-profits within the community, engaging in areas ranging from workforce and economic development to arts, beautification, and culture. He is a Baylor University graduate, CFA charterholder, and is an SVP and lead investment officer of a local wealth management firm. Mr. Kinnaird has more than a decade of public and municipal government service, complemented by over two decades of professional experience in the financial services sector.
- ☐ **Carey D. Neal, Jr.** City Manager for the City of Seagoville (Region 13). Previously, he served as Deputy City Manager for the City of Lancaster. Mr. Neal holds a Master of Public Administration from American University and a Bachelor of Science from the University of Texas at Arlington. He is currently pursuing a PhD in Public Policy at Liberty University. He is an active member of the International City/County Management Association, the Texas City Management Association, and serves as Director at Large for the North Texas City Management Association. He has served on several governing boards, including the Texas Coalition for Affordable Power Board and the North Texas Housing Finance Corp. Board.

WRITE IN CANDIDATE (complete only if you did not mark a square above):

PLACE 2

- ☐ **Adam Benefield.** Council Member for the City of Lago Vista (Region 10). He has served as the City Council liaison to the Building and Standards Commission and has been actively involved in matters related to municipal operations, budgeting, infrastructure, development, public safety, and risk management. Mr. Benefield has extensive experience as a business owner and operator in the construction, irrigation, landscaping, and water-related service industries. He is licensed through the Texas Commission on Environmental Quality as a Licensed Irrigator, Backflow Prevention Assembly Tester, Water Treatment Specialist, Customer Service Inspector, and Irrigation Inspector. He is committed to responsible local government and fiscal discipline.
- ☐ **Emily Crawford** (*Incumbent*). City Manager for the City of Abilene (Region 6) since June 2025. Previously, she was City Manager of Brownwood, Texas, for 10 years where she led numerous transformational initiatives including downtown revitalization, a countywide 911/dispatch center, and major investments in infrastructure and public facilities. She serves as Immediate Past President of the Texas City Management Association (TCMA). Ms. Crawford holds a Master of Science in Organizational Development from Abilene Christian University, a bachelor's degree in Health and Wellness Promotion from Texas State University, and has completed the Executive Training Institute at the LBJ School of Public Affairs, University of Texas at Austin.
- ☐ **Anthony DeFrancis.** Mayor Pro Tem for the City of Bertram (Region 10). He has a Bachelor of Science degree from Pennsylvania State University, an MBA from Point Park University, and an M.Ed. from Lamar University. He served as a school administrator, domestically and internationally, for 6 years, a secondary mathematics educator for 20 years, and as a mentor and evaluator of incoming educators for various school districts. Previously, he was a member of the Zoning Board of Adjustment for the City of Hutto. He is a member of the Ancient Free & Accepted Masons and the Ben Hur Shriners. He has a strong commitment to public service and sound local governance.

WRITE IN CANDIDATE (complete only if you did not mark a square above):

PLACE 3

- ☐ **Corby Alexander.** City Manager for the City of La Porte (Region 14). He is a native of Henderson, Texas, and has guided other Texas cities in previous management roles and administrative positions. Corby Alexander holds a bachelor's degree in political science from Texas A&M University and a master's degree in public administration from the George Bush School of Government and Public Service at Texas A&M. He is involved with the International City/County Management Association, the Texas City Management Association, and Rotary International. Corby and his wife are proud parents who enjoy spending quality time with their family, participating in church activities, and engaging in community events.
- ☐ **Jim Holgersson.** City Manager for the City of Corsicana (Region 9). He previously served as City Manager for the Texas cities of Waco and Arlington and has held municipal management positions in four additional states. He is a member of the International City/County Management Association (ICMA), where he has served on three committees, and is a past president of both the North Texas City Management Association and the Tennessee City Management Association. He holds a master's degree in public administration from the University of Arkansas.
- ☐ **Cecil A. Hutson, Jr.** Mayor Pro Tem for the City of Combine (Region 13) since May 2022 and served on the City Council since May 2018. Mr. Hutson and his wife, Barbie, moved to Combine in September of 2016 after raising their family in Mesquite, Texas. They have three adult children and eleven grandchildren. Currently, he is the branch owner of TWFG – Hutson Insurance Services in Mesquite, and Barbie is a retired educator. He and his wife are active in their local church and in the community. Mr. Hutson states his experience in the insurance industry, serving as a risk advisor, would be invaluable as he further serves Texas communities as a Board member of the TML Risk Pool.
- ☐ **Andy Joslin.** City Manager for the City of Beeville (Region 11). Previously, he served as City Manager for the City of Floresville from 2021 to 2024. Mr. Joslin also served as City Manager and Finance Director for the City of Alice. Earlier in his public service career, he held multiple leadership roles with the City of Floresville, including Interim City Manager, Assistant Chief of Police, and Narcotics Task Force Commander. Mr. Joslin earned a Bachelor of Occupational Education degree with a specialization in Law Enforcement from Wayland Baptist University and is a graduate of the FBI National Academy, Session 219. He has served as President of the Floresville Lions Club and held board positions on other governing boards.
- ☐ **Ronda Perez.** City Manager for the City of Anna (Region 13) since March 2026. She notes her accomplishments are built upon a strong foundation, and her years of experience in servant leadership speak volumes regarding her keen understanding of local government and its purpose. She also states she is deeply dedicated to the cities she serves with vision, execution, development and consensus building. Ms. Perez earned a master's degree in criminal justice from California State University, Long Beach, as well as dual bachelor's degrees in political science and criminology, law and society from the University of California, Irvine. She is also a recent graduate of the Harvard Kennedy School of Government for local and state officials.
- ☐ **Garrett Spradling.** City Manager for the City of Borger (Region 2). He began his public service career on the Borger City Council. His background includes service as Deputy Fire Marshal/Emergency Management Coordinator and multiple supervisory and command roles with the Borger Police Department. He also served as President and Vice President of Spradling Oil, LP, where he oversaw safety programs, DOT and regulatory compliance, spill prevention planning, commercial vehicle operations, OSHA-related documentation, and workers' compensation. Mr. Spradling holds a Master of Public Administration and a Bachelor of Arts in Political Science from Texas Tech University and is a Certified Public Manager.

PLACE 3 CANDIDATES CONTINUE ON THE FOLLOWING PAGE

CANDIDATES FOR PLACE 3 (CONTINUED)

- ☐ **Isaac Tawil.** City Manager for the City of McAllen (Region 12). He has over 25 years of dedicated service to Texas municipalities. As City Manager, he oversees a budget exceeding \$650 million. Before his appointment as City Manager, he served in the City Attorney's Office for 13 years, most recently as City Attorney where he gained experience in municipal law, governance, risk management, insurance, and regulatory compliance. Mr. Tawil also serves as a Trustee of the Texas Municipal Retirement System (TMRS). He states his combined executive leadership, fiduciary oversight, and legal expertise provide a strong foundation for advancing sound governance, fiscal responsibility, and effective risk management on behalf of Texas cities.
- ☐ **Alun Thomas.** City Administrator for the City of Rollingwood (Region 10) since March 2025. Previously, he served the City of Santa Fe where he began as City Secretary and advanced to City Manager. In that role, he reports he used his emergency management experience to mitigate the effects of Hurricane Beryl through proactive hardening of City-owned facilities, employee training, and extensive pre- and post- event community outreach and education. Mr. Thomas holds a bachelor's degree in political science, and a master's degree in both political science and public administration from the University of Houston. He is a member of the Texas City Management Association and the Government Finance Officers Association.

WRITE IN CANDIDATE (complete only if you did not mark a square above):

PLACE 4

- ☐ **Austin Bleess** (*Incumbent*). City Manager for the City of Jersey Village (Region 14) since 2017. He has served on the TML Risk Pool Board since 2022, and as Vice Chair of the Board since 2025. Previously, he served as City Administrator in Winnebago, MN and City Manager in Caribou, ME. Mr. Bleess holds a BA in Political Science from Bethel University and a Master of Public Administration from Walden University. He is a Credentialed Manager through ICMA. He is a member of TCMA and served on the TCMA Board from 2024 to 2026. As a part of the America 250 celebration, he was named as one of 250 Government Champions who exemplify “democracy at the doorstep” through dedication, innovation, and the highest sense of public service.

- ☐ **James Hotopp**. City Manager for the City of Weatherford (Region 8) since November 2018. He began his career with the City of Weatherford in 2007 and advanced through a series of positions, including Utility Engineer, City Engineer, Director of Water Utilities, Director of Planning and Development, Assistant City Manager, and Deputy City Manager. Mr. Hotopp is a member of the International City/County Management Association, the Texas City Management Association, the North Central Texas City Management Association, and the Tarrant Regional Transportation Coalition. He also serves on the Parker County Economic Development Board, the Parker County Transportation Safety Committee, and the Texas Public Power Association Board.

WRITE IN CANDIDATE (complete only if you did not mark a square above):

BALLOT MUST BE SIGNED TO BE COUNTED

Certificate

I certify that the vote cast above has been cast in accordance with the will of the majority of the governing body of the public entity named below.

Witness my hand, this _____ day of _____, 2026.

Signature of Authorized Official

Title

Printed Name of Authorized Official

Printed Name of Public Entity



TO: City Council
DATE: September 10, 2026
ITEM #: 10.B
SUBJECT: Consider approval of a Professional Engineering Services Agreement with Schaumburg & Polk, Inc. for Phase 1 of the Wastewater Treatment Plant Rehabilitation Projects included in the City's Capital Improvement Program. (Public Works)

Recommendation for Action: Motion to approve the Professional Engineering Services Agreement with Schaumburg & Polk, Inc. in the amount of \$300,450 for Phase 1 of the Wastewater Treatment Plant Rehabilitation Projects included in the City's Capital Improvement Program.

Executive Summary: Staff recommends approval of a Professional Engineering Services Agreement with Schaumburg & Polk, Inc. (SPI) for survey, data collection, planning, and engineering design services associated with the City of Marshall's Phase I Wastewater Treatment Plant Rehabilitation Project.

SPI was procured through the City's Request for Qualifications process, RFQ-PW-2024.02, which solicited qualified engineering firms to provide professional engineering services for improvements to the City's waterworks and sewer systems. The RFQ specifically included engineering services associated with the design and rehabilitation of wastewater treatment plant infrastructure and was issued in accordance with the Texas Professional Services Act.

These projects are included in the City's Year 1 Capital Improvements Plan and will address several critical components of the existing Wastewater Treatment Plant, including replacement of the Trickling Filter media, replacement of the Bio-Oxidation Tower plastic media, replacement of the UV Disinfection System, and repairs and upgrades to the existing Anaerobic Digesters.

SPI will provide Survey and Data Collection Services in the amount of \$16,450 and Engineering Design Services in the amount of \$284,000, for a total proposed engineering agreement amount of \$300,450. The scope of services includes project planning, field data collection and surveying, preliminary design, final design, regulatory coordination, preparation of construction cost opinions, and preparation of signed and sealed plans and specifications.

The design process will include multiple opportunities for City review and will culminate in final signed and sealed plans and contract documents.

The current opinion of probable construction cost for the rehabilitation improvements is approximately \$5.475 million. The preliminary project schedule anticipates issuance of a Notice to Proceed with design on November 1, 2026, with final plans and contract documents anticipated to be submitted to the City by July 1, 2027.

This project represents the first phase of the City's planned rehabilitation of critical wastewater treatment infrastructure and is intended to improve the reliability, operational efficiency, and

long-term condition of the City's Wastewater Treatment Plant.

Focus Area(s): This item aligns with the following council adopted focus area(s): Improving Infrastructure

Budget Cost: \$300,450

Staff Contact: Douglas Bix, Interim Director of Public Works
Travis Reed, Vice President - SPI
Jeremy Buechter, President - SPI

Attachments:

1. SPI Engineering Proposal - 9-1-2026
2. Schedule and Budget
3. Marshall TWDB CWSRF 07.31.24 RFQ Notice

SHORT FORM OF AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES

This is an Agreement between **City of Marshall** (Owner) and **Schaumburg & Polk, Inc.** (Engineer). Owner's Project, of which Engineer's services under this Agreement are a part, is generally identified as the **Marshall CIP Phase 1 WWTP Rehabilitation** (Project). ***Engineer's services are described in the attached 2-page, "Specific Scope of Work" document. This proposal is Exhibit "A" to this Agreement and becomes a binding part of this Agreement.***

Owner and Engineer further agree as follows:

1.01 Services of Engineer

- A. Engineer shall provide or furnish the Services set forth in this Agreement, and any Additional Services authorized by Owner and consented to by Engineer.

2.01 Owner's Responsibilities

- A. Owner shall provide Engineer with existing Project-related information and data in Owner's possession and needed by Engineer for performance of Engineer's Services. Owner will advise the Engineer of Project-related information and data known to Owner but not in Owner's possession. Engineer may use and rely upon Owner-furnished information and data in performing its Services, subject to any express limitations applicable to the furnished items.
 - 1. Following Engineer's assessment of initially-available Project information and data, and upon Engineer's request, Owner shall obtain, furnish, or otherwise make available (if necessary through retention of specialists or consultants) such additional Project-related information and data as is reasonably required to enable Engineer to complete its Services; or, with consent of Engineer, Owner may authorize the Engineer to obtain or provide all or part of such additional information and data as Additional Services.
- B. Owner shall provide necessary direction and make decisions, including prompt review of Engineer's submittals, and carry out its other responsibilities in a timely manner so as not to delay Engineer's performance. Owner shall give prompt notice to Engineer whenever Owner observes or otherwise becomes aware of (1) any relevant, material defect or nonconformance in Engineer's Services, or (2) any development that affects the scope or time of performance of Engineer's Services.

3.01 Schedule for Rendering Services

- A. Engineer shall complete its Services within a reasonable period of time.
- B. If, through no fault of Engineer, such periods of time or dates are changed, or the orderly and continuous progress of Engineer's Services is impaired, or Engineer's Services are delayed or suspended, then the time for completion of Engineer's Services, and the rates and amounts of Engineer's compensation, shall be adjusted equitably.

4.01 Invoices and Payments

- A. Invoices: Engineer shall prepare invoices in accordance with its standard invoicing practices and submit the invoices to Owner on a monthly basis. Invoices are due and payable within 30 days of receipt.
- B. Payment: As compensation for Engineer providing or furnishing Services and Additional Services, Owner shall pay Engineer as set forth in this Paragraph 4.01, Invoices and Payments. If Owner disputes an invoice, either as to amount or entitlement, then Owner shall promptly advise Engineer in writing of the specific basis for doing so, may withhold only that portion so disputed, and must pay the undisputed portion.
- C. Failure to Pay: If Owner fails to make any payment due Engineer for Services, Additional Services, and expenses within 30 days after receipt of Engineer's invoice, then (1) the amounts due Engineer will be increased at the rate of 1.0% per month (or the maximum rate of interest permitted by law, if less) from said thirtieth day; (2) in addition Engineer may, after giving 7 days' written notice to Owner, suspend Services under this Agreement until Engineer has been paid in full all amounts due for Services, Additional Services, expenses, and other related charges, and in such case Owner waives any and all claims against Engineer for any such suspension; and (3) if any payment due Engineer remains unpaid after 90 days, Engineer may terminate the Agreement for cause pursuant to Paragraph 5.01.A.2.
- D. Reimbursable Expenses: Engineer is entitled to reimbursement of expenses only if so indicated in Paragraph 4.01.E or 4.01.F. If so entitled, and unless expressly specified otherwise, the amounts payable to Engineer for reimbursement of expenses will be the Project-related internal expenses actually incurred or allocated by Engineer, plus all invoiced external expenses allocable to the Project, including Engineer's subcontractor and subconsultant charges, with the external expenses multiplied by a factor of 1.10.
- E. Basis of Payment
 - 1. Lump Sum. Owner shall pay Engineer for Services as follows:
 - a. A Lump Sum amount of **\$300,450** by phase as follows:

1) Survey & Data Collection Services	\$16,450
2) Engineer Design Services	\$284,000
Total Basic Services	\$300,450
 - b. In addition to the Lump Sum amount, reimbursement of the following expenses:
None.
 - c. The portion of the compensation amount billed monthly for Engineer's Services will be based upon Engineer's estimate of the percentage of the total Services actually completed during the billing period.
- F. Additional Services: For Additional Services, Owner shall pay Engineer an amount equal to the cumulative hours charged in providing the Additional Services by Engineer's employees, times standard hourly rates for each applicable billing class; plus reimbursement of expenses incurred in connection with providing the Additional Services. Standard hourly rates are based on Engineer's most current rate sheet.

5.01 Termination

A. Termination for Cause

1. Either party may terminate the Agreement for cause upon 30 days' written notice in the event of substantial failure by the other party to perform in accordance with the terms of the Agreement, through no fault of the terminating party.
 - a. Notwithstanding the foregoing, this Agreement will not terminate under Paragraph 5.01.A.1 if the party receiving such notice begins, within 7 days of receipt of such notice, to correct its substantial failure to perform and proceeds diligently to cure such failure within no more than 30 days of receipt thereof; provided, however, that if and to the extent such substantial failure cannot be reasonably cured within such 30-day period, and if such party has diligently attempted to cure the same and thereafter continues diligently to cure the same, then the cure period provided for herein will extend up to, but in no case more than, 60 days after the date of receipt of the notice.
2. In addition to its termination rights in Paragraph 5.01.A.1, Engineer may terminate this Agreement for cause upon 7 days' written notice (a) if Owner demands that Engineer furnish or perform services contrary to Engineer's responsibilities as a licensed professional, (b) if Engineer's services for the Project are delayed or suspended for more than 90 days for reasons beyond Engineer's control, (c) if payment due Engineer remains unpaid for 90 days, as set forth in Paragraph 4.01.C, or (d) as the result of the presence at the Site of undisclosed Constituents of Concern as set forth in Paragraph 6.01.I.
3. Engineer will have no liability to Owner on account of any termination by Engineer for cause.

B. Termination for Convenience: Owner may terminate this Agreement for convenience, effective upon Engineer's receipt of notice from Owner.

C. Payments Upon Termination: In the event of any termination under Paragraph 5.01, Engineer will be entitled to invoice Owner and to receive full payment for all services performed or furnished in accordance with this Agreement, and to reimbursement of expenses incurred through the effective date of termination. Upon making such payment, Owner will have the limited right to the use of all deliverable documents, whether completed or under preparation, subject to the provisions of Paragraph 6.01.F, at Owner's sole risk.

1. If Owner has terminated the Agreement for cause and disputes Engineer's entitlement to compensation for services and reimbursement of expenses, then Engineer's entitlement to payment and Owner's rights to the use of the deliverable documents will be resolved in accordance with the dispute resolution provisions of this Agreement or as otherwise agreed in writing.
2. If Owner has terminated the Agreement for convenience, or if Engineer has terminated the Agreement for cause, then Engineer will be entitled, in addition to the payments identified above, to invoice Owner and receive payment of a reasonable amount for services and expenses directly attributable to termination, both before and after the effective date of termination, such as reassignment of personnel, costs of terminating contracts with Engineer's subcontractors or subconsultants, and other related close-out costs, using methods and rates for Additional Services as set forth in Paragraph 4.01.F.

6.01 General Considerations

- A. The standard of care for all professional engineering and related services performed or furnished by Engineer under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. Engineer makes no warranties, express or implied, under this Agreement or otherwise, in connection with any services performed or furnished by Engineer. Subject to the foregoing standard of care, Engineer may use or rely upon design elements and information ordinarily or customarily furnished by others, including, but not limited to, specialty contractors, manufacturers, suppliers, and the publishers of technical standards.
- B. Engineer shall not at any time supervise, direct, control, or have authority over any Constructor's work, nor will Engineer have authority over or be responsible for the means, methods, techniques, sequences, or procedures of construction selected or used by any Constructor, or the safety precautions and programs incident thereto, for security or safety at the Project site, nor for any failure of a Constructor to comply with laws and regulations applicable to that Constructor's furnishing and performing of its work. Engineer shall not be responsible for the acts or omissions of any Constructor.
- C. Engineer neither guarantees the performance of any Constructor nor assumes responsibility for any Constructor's failure to furnish and perform its work.
- D. Engineer's opinions of probable construction cost (if any) are to be made on the basis of Engineer's experience, qualifications, and general familiarity with the construction industry. However, because Engineer has no control over the cost of labor, materials, equipment, or services furnished by others, or over contractors' methods of determining prices, or over competitive bidding or market conditions, Engineer cannot and does not guarantee that proposals, bids, or actual construction cost will not vary from opinions of probable construction cost prepared by Engineer. If Owner requires greater assurance as to probable construction cost, then Owner agrees to obtain an independent cost estimate.
- E. Engineer shall not be responsible for any decision made regarding the construction contract requirements, or any application, interpretation, clarification, or modification of the construction contract documents, other than those made by Engineer.
- F. All documents prepared or furnished by Engineer are instruments of service, and Engineer retains an ownership and property interest (including the copyright and the right of reuse) in such documents, whether or not the Project is completed. Engineer grants to Owner a limited license to use the deliverable documents on the Project, extensions of the Project, and for related uses of the Owner, subject to receipt by Engineer of full payment due and owing for all Services and Additional Services relating to preparation of the deliverable documents, and subject to the following limitations:
 - 1. Owner acknowledges that such documents are not intended or represented to be suitable for use on the Project unless completed by Engineer, or for use or reuse by Owner or others on extensions of the Project, on any other project, or for any other use or purpose, without written verification or adaptation by Engineer;
 - 2. any such use or reuse, or any modification of the documents, without written verification, completion, or adaptation by Engineer, as appropriate for the specific purpose intended, will be at Owner's sole risk and without liability or legal exposure to

Engineer or to its officers, directors, members, partners, agents, employees, and subconsultants;

3. Owner shall indemnify and hold harmless Engineer and its officers, directors, members, partners, agents, employees, and subconsultants from all claims, damages, losses, and expenses, including attorneys' fees, arising out of or resulting from any use, reuse, or modification of the documents without written verification, completion, or adaptation by Engineer; and
 4. such limited license to Owner shall not create any rights in third parties.
- G. Owner and Engineer agree to transmit, and accept, Project-related correspondence, documents, text, data, drawings, information, and graphics, in electronic media or digital format, either directly, or through access to a secure Project website, in accordance with a mutually agreeable protocol.
 - H. Waiver of Damages; Limitation of Liability: To the fullest extent permitted by law, Owner and Engineer (1) waive against each other, and the other's officers, directors, members, partners, agents, employees, subconsultants, and insurers, any and all claims for or entitlement to special, incidental, indirect, or consequential damages arising out of, resulting from, or in any way related to this Agreement or the Project, from any cause or causes, and (2) agree that Engineer's total liability to Owner under this Agreement shall be limited to \$100,000 or the total amount of compensation received by Engineer, whichever is greater.
 - I. The parties acknowledge that Engineer's Services do not include any services related to unknown or undisclosed Constituents of Concern. If Engineer or any other party encounters, uncovers, or reveals an unknown or undisclosed Constituent of Concern, then Engineer may, at its option and without liability for consequential or any other damages, suspend performance of Services on the portion of the Project affected thereby until such portion of the Project is no longer affected, or terminate this Agreement for cause if it is not practical to continue providing Services.
 - J. Owner and Engineer agree to negotiate each dispute between them in good faith during the 30 days after notice of dispute. If negotiations are unsuccessful in resolving the dispute, then the dispute will be mediated. If mediation is unsuccessful, then the parties may exercise their rights at law.
 - K. This Agreement is to be governed by the laws of the state in which the Project is located.
 - L. Engineer's Services do not include: (1) serving as a "municipal advisor" for purposes of the registration requirements of Section 975 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (2010) or the municipal advisor registration rules issued by the Securities and Exchange Commission; (2) advising Owner, or any municipal entity or other person or entity, regarding municipal financial products or the issuance of municipal securities, including advice with respect to the structure, timing, terms, or other similar matters concerning such products or issuances; (3) providing surety bonding or insurance-related advice, recommendations, counseling, or research, or enforcement of construction insurance or surety bonding requirements; or (4) providing legal advice or representation.

7.01 Definitions

- A. Constructor—Any person or entity (not including the Engineer, its employees, agents, representatives, subcontractors, and subconsultants), performing or supporting

construction activities relating to the Project, including but not limited to contractors, subcontractors, suppliers, Owner's work forces, utility companies, construction managers, testing firms, shippers, and truckers, and the employees, agents, and representatives of any or all of them.

- B. Constituent of Concern—Asbestos, petroleum, radioactive material, polychlorinated biphenyls (PCBs), lead based paint (as defined by the HUD/EPA standard), hazardous waste, and any substance, product, waste, or other material of any nature whatsoever that is or becomes listed, regulated, or addressed pursuant to laws and regulations regulating, relating to, or imposing liability or standards of conduct concerning, any hazardous, toxic, or dangerous waste, substance, or material.

8.01 Successors, Assigns, and Beneficiaries

A. Successors and Assigns

1. Owner and Engineer are hereby bound and the successors, executors, administrators, and legal representatives of Owner and Engineer (and to the extent permitted by Paragraph 8.01.A.2 the assigns of Owner and Engineer) are hereby bound to the other party to this Agreement and to the successors, executors, administrators, and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements, and obligations of this Agreement.
2. Neither Owner nor Engineer may assign, sublet, or transfer any rights under or interest (including, but without limitation, money that is due or may become due) in this Agreement without the written consent of the other party, except to the extent that any assignment, subletting, or transfer is mandated by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.

- B. Beneficiaries: Unless expressly provided otherwise, nothing in this Agreement shall be construed to create, impose, or give rise to any duty owed by Owner or Engineer to any Constructor, other third-party individual or entity, or to any surety for or employee of any of them. All duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of Owner and Engineer and not for the benefit of any other party.

9.01 Total Agreement

- A. This Agreement (including any expressly incorporated attachments), constitutes the entire agreement between Owner and Engineer and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

This Agreement's Effective Date is _____.

Owner:

City of Marshall

(name of organization)

By:

(authorized individual's signature)

Date:

(date signed)

Name:

(typed or printed)

Title:

(typed or printed)

Address for giving notices:

401 S. Alamo Blvd.

Marshall, Texas 75670

(903) 935-4421

Engineer:

Schaumburg & Polk, Inc.

(name of organization)

By:

(authorized individual's signature)

Date:

9/1/2026

(date signed)

Name:

Travis Reed, P.E.

(typed or printed)

Title:

Vice President

(typed or printed)

Address for giving notices:

Schaumburg & Polk, Inc.

320 South Broadway, Suite 200

Tyler, Texas 75702

**City of Marshall
Capital Improvements Plan
Phase I WWTP Rehabilitation
Specific Scope of Work - Exhibit A
September 1, 2026**

Items of work specified below shall be included as Exhibit A to the Form of Agreement between Owner and Engineer for Professional Services.

General

The project consists of planning, design, and construction phase services for rehabilitation upgrades to the City's Wastewater Treatment Plant (WWTP). The intent of the project is to rehabilitate existing WWTP components including Trickling Filter Upgrades, Bio Tower Media Replacement, UV Disinfection System Improvements, and Anerobic Digester Upgrades in accordance with the City of Marshall's Year 1 Capital Improvements Plan (CIP).

1. Planning Phase:
 - A. Meet with City to determine specific requirements of project.
 - B. Review existing project information including inspection reports and regulatory reviews/findings.
 - C. Evaluate upgrades and methods of rehabilitation including availability of supporting infrastructure.
 - D. Prepare construction cost opinions.
 - E. Preliminary Discussions of upgrades with TCEQ and Owner.
2. Preliminary Design Phase:
 - A. Field data collection for design, including any required topographic survey for proposed upgrades.
 - B. Initial utility locations and coordination with franchise utilities.
 - C. Schematic design of upgrades in conformance with recommendations and options selected in planning phase.
 - D. Coordinate schematic design with any required regulatory agencies.
 - E. Prepare updated preliminary cost opinions and review with City.
3. Final Design Phase:
 - A. Prepare final signed and sealed plans and specifications for the WWTP Rehabilitation upgrades.
 - B. Include consideration of alternate bids as recommended by Engineer or requested by City.
 - C. Review final plans and specifications with City and revise as necessary to address any comments or questions.
 - D. Submit final plans and specs to TCEQ and any other required regulatory review, and respond to questions or comments.

Project Deliverables

1. 30% Design Phase Plans, Specifications, Budgets.
2. 60% Design Phase Plans, Specifications, Budgets.
3. Final Signed and Sealed Plans and Specifications.

Responsibilities of Owner

1. The Owner is responsible for any and all fees required for any permits and any bid advertising costs (newspaper fees, etc.).

END OF 2-PAGE EXHIBIT A

City of Marshall
Phase 1 WWTP Rehabilitation - CIP
Preliminary Project Schedule September 1st, 2026

Project Schedule

Notice to Proceed with Design from the City	11/1/2026
60% Design Submitted to City for Review	3/1/2027
90% Design Submitted to the City for Review	6/1/2027
S&S Plans and Contract Documents Submitted to City	7/1/2027

**CITY OF MARSHALL
CAPITAL IMPROVEMENTS PLAN
PHASE I WWTP REHABILITATION**

Treatment Unit	Proposed Treatment Unit Upgrade	Opinion of Construction Cost
Trickling Filter No. 1 & 2	Trickling Filter Media Replacement	\$850,000.00
Bio-Oxidation Tower	Plastic Media Replacement	\$1,700,000.00
UV Disinfection System	New UV Disinfection System	\$1,125,000.00
Anerobic Digester Upgrades	Repairs to Existing Digester	\$1,800,000.00
Overall WWTP Estimated Opinion of Probable Construction Cost:		\$5,475,000.00

ENGINEERING SERVICES	
Survey & Data Collection Services:	\$16,450.00
Engineering Design Services:	\$284,000.00
Bidding Services:	\$23,200.00
Construction Phase Engineering:	\$193,000.00
Construction Resident Project Representative (RPR) Services:	\$245,970.00
Total Engineering Service Fee:	\$762,620.00

Overall Opinion of Total Project Cost:	\$6,237,620.00
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City of Marshall
RFQ Number: RFQ-PW-2024.02
Request for Qualifications (RFQ) for
Engineer, Bond Counsel, and Financial Advisor

Due: July 31, 2024 at 3:00 PM

PREPARED BY:

**CITY OF MARSHALL
DEPARTMENT OF PUBLIC WORKS**

**Eric G. Powell, PE
Director of Public Works & Utilities
City Engineer
<https://www.marshalltexas.net>**

July 2024

REQUEST FOR QUALIFICATIONS FOR ENGINEER, BOND COUNSEL, AND FINANCIAL ADVISOR

The City of Marshall, Texas (City) requests the submission of qualifications statements, which will lead to the possible award of contracts to provide services for various project involving the City's waterworks and/or sewer system.

Scope of Work

Services to be provided by Engineer: professional engineering services associated with proposed acquisition, design and/or construction of improvements to the City's sewer system, including repairs, rehabilitation and/or improvements to wastewater treatment plant, sewer lines, lift stations, manholes, valves, fittings, and related infrastructure improvements; and assistance in application preparation and documentation to federal, state, and other possible funding sources.

Services to be provided by Bond Counsel: assist in obtaining loan and/or grant funding and to provide legal opinion with respect to validity of any debt obligations issued by the City for capital financing for a period of 5 years; preparation of resolution authorizing and securing the debt and/or authorizing any grant agreements as necessary.

Services to be provided by Financial Advisor: strategic financial planning; analysis of market conditions; recommended investments of bond proceeds; provide recommendations to the City for financing through programs established by the Texas Water Development Board (TWDB), including loan and grant funding, for a period of 5 years.

Guidelines for Content of Qualification Statements

DO NOT INCLUDE COST INFORMATION with the qualification statement. Responses that include cost or pricing information will be rejected and will not be considered by the City.

Detailed instructions on preparation of the qualification statement must be obtained from the City. For more information on preparing and submitting the qualification statement, contact Eric Powell, PE, at (903) 935-4489 or powell.eric@marshalltexas.net. This information should be requested as soon as possible in order to allow time to prepare the document and comply with the procedures.

Submittal Deadline

Three (3) copies of the qualifications statement must be filed with the City by 3:00PM (Central) on Wednesday, July 31st, at 401 S Alamo Blvd.

Minimum Qualifications and Selection Criteria

The City will evaluate the proposals to determine which firm has the best qualifications.

Contract Terms and Negotiation Schedule

Consultants for Bond Counsel, Financial Advisor, Engineering services are expected to negotiate an agreement for services which is acceptable to the City. If an acceptable contract cannot be negotiated, the City may formally end negotiations and begin negotiating with the next highest qualified person or firm.

Contracts are contingent upon release of funds from the TWDB. Any contract awarded under the Requests for Qualifications (RFQs) are expected to be funded in part by a loan from the TWDB. Neither the State of Texas nor any of its departments, agencies, or employees are or will be a party to the RFQs, or any resulting contract. These RFQs are issued in accordance with Section 2254 of the Texas Government Code (Professional Services Act) and Title 40 Code of Federal Regulations, Part 31 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments).

Contracts are subject to the Environmental Protection Agency's ("EPA") "fair share policy", which includes EPA approved "fair share goals" for MBE and WBE firms in the Construction, Supplies, Equipment; and Services procurement categories. EPA's policy requires that applicants and prime contractors make a good faith effort to award a fair share of contracts, subcontracts, and procurements to small, minority and women-owned business enterprise ("SMWBE") firms. Although EPA's policy does not mandate that the fair share goals be achieved, it does require applicants and prime contractors to demonstrate use of the six affirmative steps. For more details of the DBE Program and the current, applicable fair share goals, please visit www.twdb.texas.gov/dbe.

Prime contractors are required to comply with EPA's good faith effort policy when awarding sub-agreements for construction, supplies, equipment, and services. A complete version of TWDB document, "Guidance for Utilization of Small, Minority, and Women-Owned Businesses in Procurement", is available at: www.twdb.texas.gov/financial/instructions/doc/TWDB-0210.pdf

The City is an affirmative action/equal opportunity employer. All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, age, handicap or national origin. Small, minority, and women-owned business enterprises are encouraged to submit proposals.