**CITY OF MARSHALL, TEXAS**
**REGULAR CITY COMMISSION MEETING**
**COMMISSION CHAMBERS, CITY HALL, 401 SOUTH ALAMO**
**THURSDAY, AUGUST 22, 2019, 6:00 P.M.**

*****************************************************************

**AGENDA INFORMATION PACKET IS AVAILABLE FOR THE PUBLIC TO REVIEW ON THE CITY'S WEB SITE AFTER 8:00 A.M. ON WEDNESDAY BEFORE THE MEETING AT**
**www.marshalltexas.net**

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1. **CALL TO ORDER AND ROLL CALL**
   **Page 1**

2. **INVOCATION AND PLEDGES**
   **Page 2**

3. **CITIZEN COMMENTS**

   House Bill 2840 requires that a governmental body must allow each member of the public who desires to address the body regarding an item on an agenda the opportunity to do so before or during the body's consideration of the item. The "Citizens Comments" portion of the meeting meets the requirements of this law and is the public's opportunity to speak on any item on, or not on, the agenda. Those who wish to speak will have three minutes to do so unless additional time has been requested.
   **Page 3**

4. **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA**
   **Page 4**

5. **CONSENT AGENDA**

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

   A. Consider approval of the minutes from the August 8, 2019 Regular meeting.
      **Page 5**

B. Report regarding the status of the Memorial City Hall renovation project. (City Manager)
**Page 11**

C. Monthly financial report. (Finance Director)
**Page 17**

6. **PUBLIC HEARING**

A. Public Hearing on proposed budget for the 2020 fiscal year and action to adopt the budget or continue consideration of the budget to a future meeting. (City Manager)
**Page 21**

7. **RESOLUTION**

A. Consider approval of a resolution announcing a proposed tax rate of $0.542160 per $100 of valuation and voting to place an action item to adopt the tax rate on a future Commission agenda. (Finance Director)
**Page 23**

B. Consider approval of a resolution scheduling two Public Hearings on the proposed tax rate of $0.542160 per $100 of valuation and tax increase. (Finance Directory)
**Page 26**

C. Consider approval of a Resolution authorizing the Marshall Police Department to apply for the 2019 Edward Byrne Justice Assistance Grant. (Police Chief)
**Page 29**

D. Consider approval of a Resolution directing city administration to initiate the Design/Build method for the construction of the new Animal Adoption Center. (City Manager)
**Page 47**

8. **CITY MANAGER REPORTS AND REQUESTS FOR CITY COMMISSION CONSIDERATION**

A. Consider approval to award various bids related to selling city property as advertised for Bid# 2019-003/Sale of Property. (Director of Community & Economic Development)
**Page 50**

B. Consider approval of a contract extension for Liquid Caustic Soda. (Public Works Director)
**Page 52**

C. Consider approval authorizing the City Manager to enter into a Memorandum of Understanding with Harrison County regarding funds allocated to the city under the 2019 Byrne Justice Assistance Grant program. (Police Chief)
**Page 57**

D. Consider approval of the sale of City surplus property by public auction. (Support Services Director)
**Page 61**

E. Discussion of alternate dates for City Commission Meetings in October. (City Manager)
**Page 63**

9. **CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA**
**Page 65**

10. **EXECUTIVE SESSION**

A. An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.074 Personnel Matters: Interview with City Prosecutor candidate.
**Page 66**

11. **ADJOURNMENT**
**Page 67**

Posted: August 19, 2019
5:00 p.m.
Y. Graham

This meeting will be conducted in accordance with the Americans with Disabilities Act. The facility is wheelchair accessible and disabled parking is available. Requests for sign interpretive services will be available with at least 48-hour notice prior to the meeting. To make arrangements for these services, please call Elaine Altman at 903-935-4519.

# ITEM 1

# CALL TO ORDER AND ROLL CALL

# ITEM 2

# INVOCATION AND PLEDGES

# ITEM 3

# CITIZEN COMMENTS

# ITEM 4

# ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA

# ITEM 5A

# CONSENT AGENDA

# APPROVAL OF THE MINUTES FROM THE AUGUST 8, 2019 REGULAR MEETING

MINUTES OF THE REGULAR MEETING OF THE
CITY COMMISSION OF THE CITY OF MARSHALL
THURSDAY, AUGUST 8, 2019
6:00 PM

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

PRESENT:

MAYOR: Terri Brown, District 3

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

ABSENT: Larry Hurta, District 6

ADMINISTRATIVE STAFF PRESENT:
Mark Rohr, City Manager
Reggie Cooper, Fire Chief
Scott Rectenwald, Acting City Attorney
Cliff Carruth, Police Chief
Jack Redmon, Support Services Director
Randy Pritchard, Support Services Superintendant
Wes Morrison, Community & Economic Development Director
Elaine Altman, City Secretary/Finance Director
Eric Powell, Public Works Director

INVOCATION & PLEDGE: Chairman Brown & Commissioner Lewis

204. **CITIZEN COMMENTS**

Fred Badalamente, 6800 Hwy 80 East #611, spoke regarding his intent to purchase the Visual Art Center and bring commercial advertising to Marshall.

Reverend Aaron Spencer, 104 Johnson Street, spoke about the safety and security of children and suggested allocating funds for a citizen task force for this purpose.

Charlotte Forester, 904 Wildwood Terrace, spoke regarding a pothole near the entrance to Planet Fitness. She thanked Commissioner Ware for looking into this. Wes Morrison, Community & Economic Development Director, stated there is an active Code Enforcement case addressing this issue. Wes further explained commercial property owners are responsible for the upkeep of their parking lots per the Property Maintenance Code.

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

There were no items withdrawn from the Consent Agenda.

206. **CONSENT AGENDA**

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

A. Consider approval of the minutes from the July 11, 2019 Regular meeting and the July 25, 2019 Regular meeting.

B. Consider approval of a Resolution authorizing the City to enter into an interlocal agreement with Region 8 Education Service Center for cooperative purchasing services through The Interlocal Purchasing System (TIPS) Program.

207. **PROCLAMATION**

A. Presentation of a Proclamation in recognition of the Marshall Rotary Club's 100th Anniversary.

Mayor Brown presented a proclamation to Mr. David Collins and several Rotarians recognizing the Marshall Rotary Club's 100th Anniversary.

**SECOND READING OF ORDINANCE**

208. CONSIDER APPROVAL OF A ZONING ORDINANCE TEXT AMENDMENT SPECIFICALLY RELATED TO SECTION 18 ENTITLED "PERMITS".

Wes Morrison stated there was no new information regarding this item.

**Commissioner Lewis made a motion to approve a zoning ordinance text amendment specifically related to Section 18 entitled "Permits". Commissioner Ware seconded the motion, which passed with a vote of 6:0.**

**RESOLUTION**

209. CONSIDER APPROVAL OF A RESOLUTION SETTING A DATE AND TIME FOR A PUBLIC HEARING ON THE FISCAL YEAR 2020 BUDGET.

Elaine Altman, Finance Director, asked for approval of a resolution setting a public hearing on the fiscal year 2020 budget on August 22, 2019 at 6:00 p.m.

**Commissioner Beil made a motion to approve a resolution setting a date and time for a public hearing on the fiscal year 2020 budget. Commissioner Calhoun seconded the motion, which passed with a vote of 6:0.**

**CITY MANAGER REPORTS AND REQUESTS FOR CITY COMMISSION CONSIDERATION**

210. CONSIDER APPROVAL OF AN AGREEMENT BETWEEN THE CITY OF MARSHALL AND WILEY COLLEGE FOR CLOSURE OF THE 700 BLOCK OF WILEY AVENUE AND AUTHORIZE THE CITY MANAGER TO EXECUTE AGREEMENT.

Cliff Carruth, Police Chief, presented a joint agreement between the City of Marshall and Wiley College for closure of the 700 Block of Wiley Avenue. He stated Wiley College will fund the installation of barriers and maintenance. Chief Carruth also stated the City of Marshall retains ownership of the road, will continue to have emergency access, and City

Staff will approve any barriers installed. He asked that the City Manager be authorized to execute this agreement.

Commissioners asked questions and discussed.

**Commissioner Calhoun made a motion to approve an agreement between the City of Marshall and Wiley College for closure of the 700 Block of Wiley Avenue and authorize the City Manager to execute agreement. Chairman Brown seconded the motion, which passed with a vote of 6:0.**

211. CONSIDER APPROVAL FOR THE PURCHASE OF PERIPHERAL EQUIPMENT AND SOFTWARE UPGRADES FOR DEPLOYMENT OF NEW MOBILE DATA COMPUTERS IN POLICE PATROL CARS.

Cliff Carruth asked for approval for the purchase of peripheral equipment and software upgrades for deployment of new mobile data computers in police patrol cars. He stated this is the second part of the purchase for the Mobile Data Computers. Approximately $131,000 was spent previously for laptops. The remaining $518,300 will be taken from the Red-light Program Funds/Fund 83. Chief Carruth highlighted benefits of this system such as officer safety, increased visibility and decreased response time. The total project cost is $649,300.

Commissioners asked questions and discussed.

**Commissioner Lewis made a motion to approve the purchase of peripheral equipment and software upgrades for deployment of new mobile data computers in police patrol cars. Commissioner Beil seconded the motion, which passed with a vote of 6:0.**

212. REPORT REGARDING FINANCIAL SUMMARY OF THE MEMORIAL CITY HALL RENOVATION PROJECT.

Jack Redmon, Support Services Director, presented a financial summary of the Memorial City Hall renovation project. He stated the project is coming to a close with approximately $823,000 needed for completion.

Mark Rohr, City Manager, stated this financial report is a prelude to the Debt Service Ordinances appearing next on the agenda. He also reminded the Commission this cost assumes the remaining rooms and benches will be sold.

Commissioners asked questions and discussed.

## ORDINANCES

213. CONSIDER AND ACT UPON AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF MARSHALL, TEXAS, GENERAL OBLIGATION REFUNDING BOND, SERIES 2019; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID BOND; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT.

John Martin, Hilltop Securities and Jeff Gulbas, McCall, Parkhurst & Horton, provided information regarding the General Obligation Refunding Bond, Series 2019 and the Limited Tax Note, Series 2019. John Martin stated the bond is callable or refundable at any time. If funds aren't needed, they can be used to pay off the debt with a 30 day notice. To provide the remaining funds to complete Memorial City Hall John proposed: 1. Refunding and slightly extending the 2010A CO's (previously issued) through the issuance of bonds and 2. Issuing tax notes to fund the remaining amount required to complete the Memorial City Hall project. A 2.33% interest rate has been negotiated with Amegy Bank for the seven year tax notes and 2.34% for the 10 year General Obligation Refunding Bonds.

Mark Rohr stated the Hotel Occupancy Tax Funds will be more than adequate for covering the costs of the General Obligation Refunding Bond and Tax Note. He added Memorial City Hall's completion will increase HOT Funds and therefore assist in paying off this debt.

Commissioners asked questions and discussed.

**Commissioner Beil made a motion to approve an ordinance authorizing the issuance and sale of City of Marshall, Texas, General Obligation Refunding Bond, Series 2019; levying an annual ad valorem tax and providing for the security for and payment of said bond; and enacting other provisions relating to the subject. Commissioner Calhoun seconded the motion, which passed with a vote of 6:0.**

214. CONSIDER AND ACT UPON AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF MARSHALL, TEXAS LIMITED TAX NOTE, SERIES 2019, LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID NOTE; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT.

**Commissioner Calhoun made a motion to approve an ordinance authorizing the issuance and sale of City of Marshall, Texas Limited Tax Note, Series 2019, levying an annual ad valorem tax and providing for the security for and payment of said note; and enacting other provisions relating to the subject. Commissioner Ware seconded the motion, which passed with a vote of 6:0.**

215. CONSIDER APPROVAL OF AN ORDINANCE AMENDING CHAPTER 27, ARTICLE IV – TRAFFIC CODE OF THE CITY OF MARSHALL CODE OF ORDINANCES.

Cliff Carruth asked for approval of an ordinance amending Chapter 27, Article IV – Traffic Code of the City of Marshall Code of Ordinances. He stated the times of operation are being changed to match those of the school zones.

**Commissioner Lewis made a motion to approve an ordinance amending Chapter 27, Article IV – Traffic Code of the City of Marshall Code of Ordinances. Commissioner Beil seconded the motion, which passed with a vote of 6:0.**

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

There were no items withdrawn from the Consent Agenda.

217. **EXECUTIVE SESSION**

A. An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.074 Personnel Matter: Consider, discuss, and deliberate personnel matters.

**Commissioner Lewis made a motion to enter into Executive Session. Commissioner Calhoun seconded the motion, which passed with a vote of 6:0. The time was 7:02 p.m.**

**The meeting was reconvened at 8:37 p.m.**

**Commissioner Beil made a motion to table the Executive Session. Commissioner Calhoun seconded the motion, which passed with a vote of 6:0.**

218. **ADJOURNMENT**

**Commissioner Lewis made a motion for adjournment. Commissioner Calhoun seconded the motion, which passed with a vote of 6:0.**

**APPROVED:**

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**Mayor of the City Commission**
**of the City of Marshall, Texas**

**ATTEST:**

______________________________

**City Secretary**

**Ordinances: O-19-15**
**O-19-16**
**O-19-17**
**O-19-18**
**Resolutions: R-19-17**
**R-19-18**

# ITEM 5B

# CONSENT AGENDA

# REPORT REGARDING THE STATUS OF THE MEMORIAL CITY HALL RENOVATION PROJECT

# MEMORANDUM

To: Members of the City Commission

From: Mark Rohr, City Manager

Date: August 14, 2019

Subject: Report on the Status of the Memorial City Hall Renovation Project

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This report is being provided to update the Commission on various aspects of the Memorial City Hall renovation project.

**Financial Report**
A financial report regarding Memorial City Hall is attached.

**Construction Update**
A report regarding project construction is attached.

**Fundraising**
Fundraising efforts total $276,125 in donations, pledges, and gifts as of this date for Memorial City Hall recognition plaques.

Fundraising efforts for MCH benches total $7,700 for the sale of 22 benches.

**Weekly Meetings**
Planning and coordination meetings continue weekly on the Memorial City Hall Renovation project. These meetings give City staff, architect, and construction superintendent the opportunity to discuss project schedules and address any issues that may arise.

## FUND 75 -- MEMORIAL CITY HALL

***As of 7/31/19***
***including additional expenses***

| | |
|---|---|
| Income: | |
| Interest Income | 79,999.49 |
| Bond Proceeds (4,100,000-80,587.94 Cost) | 4,019,412.06 |
| Revenue Performance Bond | 41,385.03 |
| Asap Grant | 36,000.00 |
| Harrison County Historical Museum | 39,000.00 |
| Sale of Benches | 7,700.00 |
| Total - Income | 4,223,496.58 |
| Expenses: | |
| Payroll Cost | -424,449.90 |
| Telephone-Cellular | -4,536.38 |
| (a) Other Supplies | -95,311.06 |
| (b) Small Tools & Equip | -80,333.16 |
| (c)Professional Fees | -605,031.81 |
| (d) Advertising | -3,303.65 |
| (e) Contracted Services | -251,045.92 |
| (f) Rentals | -345,611.43 |
| (g) Building Improvements | -2,525,083.67 |
| (h) Miscellaneous | -381,708.52 |
| (i) Other Machinery & Equipment | -12,859.70 |
| (j) Improvements | -48,442.61 |
| (k) Improvements-Data Processing | -33,965.25 |
| (l) Furniture & Fixtures | -8,332.77 |
| (m) Printing & Reproduction | -1,628.60 |
| (n) Fuel, Oil, & Lube for Forklift | -2,445.26 |
| Cost of Benches | -12,600.00 |
| Total - Expenses | -4,836,689.69 |
| Fund 75 Balance | -613,193.11 |
| General Fund Reserves ($250,000.00 - 37,547.47) | 212,452.53 |
| Donations | 226,783.00 |
| Outstanding Contracts | -518,381.66 |
| Outstanding other Costs* | -274,840.28 |
| Updated by J. Redman 7/19/19 adjusted for expenses since est. | |
| possible change orders | -7,700.00 |
| possible change orders | -25,000.00 |
| Subtotal | -999,879.52 |
| * Projected Additional Revenue | |
| Sale of Rooms | 159,900.00 |
| Sale of Additional Benches | 16,800.00 |
| | 176,700.00 |
| Grand Total | -823,179.52 |

# FUND 75 -- MEMORIAL CITY HALL

***Revenue and Expenses July , 2019***

| | |
|---|---|
| Income: | |
| Donations | 25,000.00 |
| Total - Income | 0.00 |
| Expenses: | |
| Payroll Cost | 4,952.72 |
| Telephone-Cellular | 76.76 |
| (a) Other Supplies | -101.45 |
| (b) Small Tools & Equip | 455.20 |
| (c)Professional Fees | 0.00 |
| (d) Advertising | 26.88 |
| (e) Contracted Services | 4,100.53 |
| (f) Rentals | 1,618.00 |
| (g) Building Improvements | 162,944.91 |
| (h) Miscellaneous | 22,086.75 |
| (i) Other Machinery and Equipment | 0.00 |
| (j) Improvements | 25,362.26 |
| (k) Improvements-Data Processing | 0.00 |
| (l) Furniture and Fixtures | 245.23 |
| (m) Printing and Reproduction | 0.00 |
| (n) Fuel, Oil, & Lube for Forklift | 37.24 |
| Total - Expenses | 221,805.03 |

includes expenses after previous 07/31/2019 report

## *(a) Other Supplies*

| | |
|---|---|
| Cassidy Jones | 44.46 |
| Sherwin Williams | 273.39 |
| Lowe's | 217.74 |
| Napa Auto Supply | 67.66 |
| Clemtex, Inc. | -704.70 |
| *Total Other Supplies* | -101.45 |

## *(b) Small Tools & Equip*

| | |
|---|---|
| Cassidy Jones | 62.88 |
| Lowe's | 392.32 |
| *Total Small Tools & Equip* | 455.20 |

## *(c) Professional Fees*

| | |
|---|---|
| | 0.00 |
| *Total Professional Fees* | |

## *(d) Advertising*

| | |
|---|---|
| Wix | 12.90 |
| Web Network Solutions | 13.98 |
| *Total Advertising* | 26.88 |

### *(e) Contracted Services*

| | |
|---|---|
| Harrison County | 4,100.53 |
| *Total Contracted Services* | 4,100.53 |

### *(f) Rentals*

| | |
|---|---|
| A-1 Rent All | -564.00 |
| East TX Septic Tank & Grease | 780.00 |
| AP Equipment & Rental | 602.00 |
| Ronnie's Wrecker Service | 800.00 |
| *Total Rentals* | 1,618.00 |

### *(g) Building Improvements*

| | |
|---|---|
| Creative AVL Solutions,, LLC | 19,000.00 |
| David Rutherford | 16,517.27 |
| Texas Scenic | 90,687.00 |
| Slone Construction | 32,702.92 |
| Sherwin Williams | 518.99 |
| Cassity Jones Lumber Co | 2,376.69 |
| Lowe's | 466.79 |
| Fastenal Company | 42.82 |
| Elliott Electric | 112.59 |
| Amazon | 519.84 |
| *Total Building Improvements* | 162,944.91 |

### *(h) Miscellaneous*

| | |
|---|---|
| Food for Inmates-Various Vendors | 644.48 |
| Luis A Hernandez Vazquez | 10,000.00 |
| Christopher Lee Jones | 500.00 |
| Molindo's | 10,800.00 |
| American Yard | 142.27 |
| *Total Miscellaneous* | 22,086.75 |

### *(i ) Other Machinery & Equipment*

| | |
|---|---|
| | 0.00 |
| Total Furniture & Fixtures | 0.00 |

### *(j ) Improvements*

| | |
|---|---|
| Darren Pryor | 20,090.00 |
| RVP Construction | 4,877.00 |
| Interstate Products | 388.12 |
| Wholesale Electric | 7.14 |
| Total Furniture & Fixtures | 25,362.26 |

### *(k) Improvements Data Processing*

| | |
|---|---|
| Total Improvements Data Processing | 0.00 |

### *(I ) Furniture & Fixtures*

| | |
|---|---|
| Muse Work, LLC | 245.23 |
| Total Furniture & Fixtures | 245.23 |

### *(n) Fuel, Oil, & Lube for Forklift*

| | |
|---|---|
| Various Vendors | 37.24 |
| Total Fuel , Oil, & Lube | 37.24 |

August 16, 2019

To: Marshall City Commission

From: Jack Redmon
Director of Support Services

RE: Memorial City Hall Update

Work is moving forward on our Memorial City Hall project with the following elements listed below finished or in progress:

- Carpet is installed in dressing rooms and Green Room
- Painting is ongoing
- Chandeliers are being installed
- Elevator inspection will be this week
- Kitchen equipment has been ordered
- Flooring on stairways is completed
- Gypcrete has been poured on all balconies

# ITEM 5C

# CONSENT AGENDA

# MONTHLY FINANCIAL REPORT

# M E M O R A N D U M

To: Mark Rohr, City Manager

From: Elaine Altman, Finance Director

Date: August 15, 2019

Subject: July Revenue and Expense Report Summaries – General Fund and Water and Sewer Enterprise Fund

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Attached is the Revenue and Expense Report Summaries for July. This report provides current month, year to date, and budgeted amounts for major revenue categories and expenditures by department. The report also provides a percent of current budget. On average, a department will expend approximately 8.33% of its budget on a monthly basis and this can be used as a benchmark when reviewing this report.

# CITY OF MARSHALL
## REV/EXP/BUD - SHORT REPORT - NEW
## PERIOD ENDING: JULY 2019

| GENERAL FUND | CURRENT MONTH | CURRENT YTD | PRIOR YTD | REVISED ADOPTED BUDGET | ADOPTED BUDGET | 7/12 OF ADOPTED BUDGET | PERCENT OF ADOPTED | REMAINING BUDGET |
|---|---|---|---|---|---|---|---|---|
| **REVENUES:** | | | | | | | | |
| TAXES | 783,725 | 6,882,922 | 6,685,682 | 12,218,368 | 12,218,368 | 7,127,381 | 56.3 | 5,335,446 |
| LICENSES & PERMITS | 16,947 | 113,326 | 97,025 | 195,000 | 195,000 | 113,750 | 58.1 | 81,674 |
| INTERGOVERNMENTAL REVENUE | 28,992 | 85,222 | 79,945 | 146,235 | 146,235 | 85,304 | 58.3 | 61,013 |
| FEES | 429,906 | 2,699,589 | 2,432,569 | 5,457,022 | 5,457,022 | 3,183,263 | 49.5 | 2,757,433 |
| FINES & FORFEITURES | 70,050 | 447,220 | 572,212 | 625,000 | 625,000 | 364,583 | 71.6 | 177,780 |
| MISCELLANEOUS REVENUE | 317,307 | 1,605,213 | 992,205 | 1,941,922 | 1,941,922 | 1,132,788 | 82.7 | 336,709 |
| **TOTAL GENERAL FUND REVENUE** | **1,646,927** | **11,833,492** | **10,859,637** | **20,583,547** | **20,583,547** | **12,007,069** | **57.5** | **8,750,055** |
| **EXPENSES:** | | | | | | | | |
| GENERAL GOVERNMENT | 32,755 | 257,836 | 235,617 | 508,624 | 508,624 | 296,697 | 50.7 | 250,788 |
| FINANCE | 38,137 | 311,228 | 324,241 | 569,889 | 569,889 | 332,435 | 54.6 | 258,661 |
| POLICE | 304,438 | 3,168,946 | 2,433,949 | 4,975,443 | 4,975,443 | 2,902,342 | 63.7 | 1,806,497 |
| FIRE | 313,643 | 2,457,681 | 2,327,841 | 4,085,109 | 4,085,109 | 2,382,980 | 60.2 | 1,627,428 |
| PUBLIC SERVICES | 292,612 | 2,510,594 | 1,672,021 | 4,834,215 | 4,834,215 | 2,819,959 | 51.9 | 2,323,621 |
| PLANNING | 34,482 | 231,742 | 305,198 | 454,378 | 454,378 | 265,054 | 51.0 | 222,636 |
| SUPPORT SERVICES | 111,296 | 884,112 | 946,941 | 1,633,477 | 1,633,477 | 952,862 | 54.1 | 749,365 |
| TOURISM & PROMOTIONS | 31,138 | 230,993 | 311,208 | 455,445 | 455,445 | 265,676 | 50.7 | 224,452 |
| PARKS & RECREATION | 70,754 | 437,272 | 549,576 | 743,970 | 743,970 | 433,983 | 58.8 | 306,698 |
| NON DEPARTMENTAL | 115,020 | 1,181,748 | 1,109,614 | 2,019,510 | 2,019,510 | 1,178,048 | 58.5 | 837,762 |
| APPRAISAL DISTRICT | 0 | 70,115 | 73,433 | 93,487 | 93,487 | 54,534 | 75.0 | 23,372 |
| CAPITAL OUTLAY | 0 | 54,283 | 0 | 210,000 | 210,000 | 122,500 | 25.9 | 155,717 |
| **TOTAL GENERAL FUND EXPENSES** | **1,344,273** | **11,796,550** | **10,289,641** | **20,583,547** | **20,583,547** | **12,007,069** | **57.3** | **8,786,997** |
| **TOTAL GENERAL FUND** | **302,654** | **36,943** | **569,996** | **0** | **0** | **0** | | |

# CITY OF MARSHALL
## REV/EXP/BUD - SHORT REPORT - NEW
## PERIOD ENDING: JULY 2019

| | CURRENT MONTH | CURRENT YTD | PRIOR YTD | REVISED ADOPTED BUDGET | ADOPTED BUDGET | 7/12 OF ADOPTED BUDGET | PERCENT OF ADOPTED | REMAINING BUDGET |
|---|---|---|---|---|---|---|---|---|
| **WATER & SEWER ENTERPRISE FUND** | | | | | | | | |
| **REVENUES:** | | | | | | | | |
| PERMITS & FEES | 812 | 7,831 | 9,772 | 15,200 | 15,200 | 8,867 | 51.5 | 7,370 |
| WATER & SEWER CHARGES | 823,935 | 5,475,101 | 5,621,613 | 10,447,560 | 10,447,560 | 6,094,410 | 52.4 | 4,972,459 |
| MISCELLANEOUS REVENUES | 2,823 | 46,579 | 29,150 | 63,000 | 63,000 | 36,750 | 73.9 | 16,421 |
| **TOTAL W&S REVENUE** | **827,570** | **5,529,511** | **5,660,535** | **10,525,760** | **10,525,760** | **6,140,027** | **52.5** | **4,996,249** |
| **EXPENSES:** | | | | | | | | |
| ADMINISTRATION | 23,839 | 147,339 | 186,699 | 387,060 | 387,060 | 225,785 | 38.1 | 239,721 |
| WATER PRODUCTION | 68,706 | 820,027 | 675,910 | 1,280,162 | 1,280,162 | 746,761 | 64.1 | 460,135 |
| DISTRIBUTION/COLLECTION | 113,281 | 738,084 | 1,057,632 | 2,114,839 | 2,114,839 | 1,233,656 | 34.9 | 1,376,755 |
| WASTEWATER TREATMENT | 64,571 | 781,609 | 729,694 | 1,324,407 | 1,324,407 | 772,571 | 59.0 | 542,798 |
| WATER BILLING | 36,118 | 278,145 | 281,355 | 522,959 | 522,959 | 305,059 | 53.2 | 244,814 |
| ENGINEERING | 4,511 | 34,595 | 35,294 | 61,503 | 61,503 | 35,877 | 56.3 | 26,908 |
| NON DEPARTMENTAL | 65,114 | 610,891 | 540,951 | 936,501 | 936,501 | 546,292 | 65.2 | 325,610 |
| INTERFUND TRANSFERS | 288,465 | 3,488,227 | 3,415,721 | 3,898,329 | 3,898,329 | 2,274,025 | 89.5 | 410,102 |
| **TOTAL W&S EXPENSES** | **664,605** | **6,898,918** | **6,923,255** | **10,525,760** | **10,525,760** | **6,140,027** | **65.5** | **3,626,842** |
| **TOTAL WATER & SEWER FUND** | **162,965** | **(1,369,407)** | **(1,262,720)** | **0** | **0** | **0** | | |

# ITEM 6A

# PUBLIC HEARING & ORDINANCE

# PUBLIC HEARING ON PROPOSED BUDGET FOR THE 2020 FISCAL YEAR AND ACTION TO ADOPT THE BUDGET OR CONTINUE CONSIDERATION OF THE BUDGET TO A FUTURE MEETING

# M E M O R A N D U M

To: Members of the City Commission

From: Mark Rohr, City Manager

Date: August 13, 2019

Subject: Public Hearing on proposed budget for 2020 fiscal year and action to adopt the budget or continue consideration of budget to a future meeting

---

Both the City Charter and the Local Government Code of the State of Texas require that a public hearing be held on the proposed budget for the upcoming fiscal year. This hearing has been placed on the agenda to comply with this requirement.

The Local Government Code also requires the Commission to take action on the budget at the conclusion of the public hearing. The action that should be taken is to continue consideration of the budget to a future meeting. This will give the Commission more time to consider the requests from the public. This action will also allow the Staff and Commission to follow the schedule to adopt the budget by ordinance on Thursday, September 12, 2019, with the second reading on Thursday, September 26, 2019.

# ITEM 7A

# RESOLUTION

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

# Memorandum

To: Mark Rohr, City Manager

From: Elaine Altman, Finance Director

Date: August 14, 2019

Subject: Resolution announcing a proposed tax rate of $0.542160 per $100 of valuation and voting to place an action item to adopt the tax rate on a future Commission agenda

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When a proposed tax rate exceeds the rollback tax rate or the effective tax rate, the City Commission must take certain actions as required by the Texas Tax Code. The City's proposed tax rate for the 2020 Budget exceeds the effective tax rate, but is below the rollback tax rate.

The tax rates are as follows:

- **Proposed** 2019 Tax Rate for 2020 Budget: $0.542160/$100 Valuation

- **Effective** Tax Rate: $0.516073
  This is the total tax rate needed to raise the same amount of property tax revenue for the City of Marshall from the same properties in both the 2018 tax year and the 2019 tax year.

- **Rollback** Rate: $0.566353
  The rollback rate is the highest tax rate that the City of Marshall may adopt before voters are entitled to petition for an election to limit the rate that may be approved to the rollback rate.

If this Resolution passes, the Commission must schedule two Public Hearings on the proposed tax rate. The Resolution following this agenda item will schedule the Public Hearings.

**RESOLUTION NO. ______________**

**A RESOLUTION OF THE COMMISSION OF THE CITY OF MARSHALL, TEXAS ANNOUNCING A PROPOSED TAX RATE OF $0.542160 PER $100 VALUATION AND VOTING TO PLACE AN ACTION ITEM TO ADOPT THE TAX RATE ON A FUTURE COMMISSION AGENDA**

**WHEREAS,** the Tax Code of the State of Texas requires the governing body to announce a tax rate and schedule and announce the date and time to adopt a tax rate if the tax rate exceeds the effective tax rate or rollback rate, whichever is lower; and,

**WHEREAS**, the Commission of the City of Marshall proposes to adopt a tax rate of $0.542160 per $100 valuation for the City's 2020 Budget which exceeds the effective tax rate; and,

**WHEREAS,** since the proposed tax rate will exceed the effective tax rate; now, therefore

**BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MARSHALL, TEXAS:**

That the City Commission will on Thursday, September 12, 2019 at 6:00 p.m. and Thursday, September 26, 2019 at 6:00 p.m. in the City Commission Chambers, Marshall City Hall, 401 South Alamo, adopt the proposed tax rate of $0.542160 per $100 of valuation for the City's 2020 Budget for the fiscal period January 1, 2020 through December 31, 2020.

**PASSED, APPROVED, AND ADOPTED** this 22nd day of August, 2019.

YEA: __________
NAY: __________
ABSTAIN: ______

____________________________
Chairman of the Commission
City of Marshall, Texas

ATTEST:

______________________________
Elaine Altman, City Secretary

# ITEM 7B

# RESOLUTION

# APPROVAL OF A RESOLUTION SCHEDULING TWO PUBLIC HEARINGS ON THE PROPOSED TAX RATE OF $0.542160 PER $100 OF VALUATION AND TAX INCREASE

# Memorandum

To: Mark Rohr, City Manager

From: Elaine Altman, Finance Director

Date: August 14, 2019

Subject: Resolution scheduling two Public Hearings on the proposed tax rate of $0.542160 per $100 of valuation

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When a governing body proposes to adopt a tax rate that exceeds the lower of the effective tax rate or rollback tax rate, two Public Hearings on the proposed tax rate must be held. These hearings give taxpayers an opportunity to voice their opinion about the proposed tax rate.

The dates of our Public Hearings on the proposed tax rate are as follows:

- Thursday, September 5, 2019, Commission Chambers, City Hall, 6:00 p.m. (Special-Called Meeting)

- Monday, September 9, 2019, Commission Chambers, City Hall, 6:00 p.m. (Special-Called Meeting)

Notice of these Public Hearings will be published in a local newspaper.

We are asking for approval of a Resolution scheduling Public Hearings on a proposed tax rate of $0.542160 per $100 valuation.

**RESOLUTION NO. ______________**

**A RESOLUTION OF THE COMMISSION OF THE CITY OF MARSHALL, TEXAS SCHEDULING PUBLIC HEARINGS ON A PROPOSED TAX RATE OF $0.542160 PER $100 VALUATION**

**WHEREAS,** the Local Government Code of the State of Texas requires the governing body to conduct two public hearings if the tax rate exceeds the lower of the effective tax rate or rollback rate; and

**WHEREAS**, the Commission of the City of Marshall proposes to adopt a tax rate of $0.542160 per $100 valuation for the City's 2020 Budget; and

**WHEREAS,** the proposed tax rate will exceed the effective tax rate; now, therefore

**BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MARSHALL, TEXAS:**

That the City Commission will on Thursday, September 5, 2019 at 5:00 p.m. and Monday, September 9, 2019 at 6:00 pm. in the City Commission Chambers, Marshall City Hall, 401 South Alamo, conduct public hearings on the tax rate and the increase in total tax revenue.

**PASSED, APPROVED, AND ADOPTED** this 22nd day of August, 2019.

AYE: __________
NAY: __________
ABSTAIN: ______

____________________________
Chairman of the Commission
City of Marshall, Texas

ATTEST:

______________________________
Elaine Altman, City Secretary

# ITEM 7C

# RESOLUTION

# APPROVAL OF A RESOLUTION AUTHORIZING THE MARSHALL POLICE DEPARTMENT TO APPLY FOR THE 2019 EDWARD BYRNE JUSTICE ASSISTANCE GRANT.

# CITY OF MARSHALL

# COMMISSION AGENDA INFORMATION SHEET

**MEETING DATE:** 8/22/19

**PROJECT:** 2018 Justice Assistance Grant

**DESCRIPTION:** The Police Department wishes to apply for funding under the 2019 Justice Assistance Grant program from the United States Bureau of Justice Assistance. The City of Marshall has been allocated $10,287 in the program.

**Public Comment:** There will be a brief public comment period.

**COST:** The grant comes at no cost to the city.

**RECOMMENDED**
**ACTION:** Approve resolution authorizing the Marshall PD to apply for funding under the 2019 JAG Program

**CITY CONTACT:** Cliff Carruth – Chief of Police

**Attachments:** Grant Application, Mayor's Certification, Resolution

cc: File

**RESOLUTION NO. ____________________**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MARSHALL, TEXAS AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION IN THE AMOUNT OF $10,287.00 FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FOR THE 2019 GRANT YEAR.**

**WHEREAS,** the Marshall Police Department intends to apply for the Edward Byrne Memorial Justice Assistance Grant for the 2019 grant year in the amount of $10,287.00; and

**WHEREAS,** the Marshall Police Department intends to use the grant for the purchase of equipment in compliance with the terms and conditions of the grant; and

**WHEREAS,** the equipment purchased with the grant fund will assist the Marshall Police Department in providing its officers with up to date equipment that is in keeping with modem and current law enforcement standards and practices;

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

**1.**

The Commission of the City of Marshall hereby authorizes the submission of a grant application in the amount of $10,287.00 for the Edward Byrne Memorial Justice Assistance Grant for the 2019 grant year.

**2.**

The Commission of the City of Marshall confirms that the Marshall Police Department intends to use the grant for the purchase of equipment in compliance with the terms and conditions of the grant to assist the Marshall Police Department in providing its officers with up to date equipment that is in keeping with modem and current law enforcement standards and practices.

3.

The findings set forth in the preamble to this resolution are hereby in all things approved.

4.

The meeting at which this resolution was passed was conducted in strict compliance with the Texas Open Meetings Act (Texas Government Code Chapter 551).

5.

All other prior resolutions or portions of resolutions of the City of Marshall in conflict with the terms and provisions of this resolution are hereby repealed to the extent of such conflict only.

6.

This resolution shall be effective on and after its passage.

PASSED, APPROVED, AND ADOPTED THIS THE _____ DAY OF AUGUST, 2019.

Terri Brown, Chairman

ATTEST:

Elaine Altman, City Secretary

# U.S. DEPARTMENT OF JUSTICE
# OFFICE OF JUSTICE PROGRAMS

## Edward Byrne Justice Assistance Grant Program FY 2019 Local Solicitation

### Certifications and Assurances by the Chief Executive of the Applicant Government

On behalf of the applicant unit of local government named below, in support of that locality's application for an award under the FY 2019 Edward Byrne Justice Assistance Grant ("JAG") Program, and further to 34 U.S.C. § 10153(a), I certify to the Office of Justice Programs ("OJP"), U.S. Department of Justice ("USDOJ"), that all of the following are true and correct:

1. I am the chief executive of the applicant unit of local government named below, and I have the authority to make the following representations on my own behalf as chief executive and on behalf of the applicant unit of local government. I understand that these representations will be relied upon as material in any OJP decision to make an award, under the application described above, to the applicant unit of local government.

2. I certify that no federal funds made available by the award (if any) that OJP makes based on the application described above will be used to supplant local funds, but will be used to increase the amounts of such funds that would, in the absence of federal funds, be made available for law enforcement activities.

3. I assure that the application described above (and any amendment to that application) was submitted for review to the governing body of the unit of local government (*e.g.*, city council or county commission), or to an organization designated by that governing body, not less than 30 days before the date of this certification.

4. I assure that, before the date of this certification— (a) the application described above (and any amendment to that application) was made public; and (b) an opportunity to comment on that application (or amendment) was provided to citizens and to neighborhood or community-based organizations, to the extent applicable law or established procedure made such an opportunity available.

5. I assure that, for each fiscal year of the award (if any) that OJP makes based on the application described above, the applicant unit of local government will maintain and report such data, records, and information (programmatic and financial), as OJP may reasonably require.

6. I have carefully reviewed 34 U.S.C. § 10153(a)(5), and, with respect to the programs to be funded by the award (if any), I hereby make the certification required by section 10153(a)(5), as to each of the items specified therein.

| | |
|---|---|
| Signature of Chief Executive of the Applicant Unit of Local Government | Date of Certification |
| Printed Name of Chief Executive | Title of Chief Executive |

Name of Applicant Unit of Local Government

Approved by OMB
0348-0046

# DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

| 1. Type of Federal Action: | 2. Status of Federal Action: | 3. Report Type: |
|---|---|---|
| b<br>a. contract<br>b. grant<br>c. cooperative agreement<br>d. loan<br>e. loan guarantee<br>f. loan insurance | a<br>a. bid/offer/application<br>b. initial award<br>c. post-award | a<br>a. initial filing<br>b. material change<br>**For Material Change Only:**<br>year ________ quarter ________<br>date of last report ________ |

| 4. Name and Address of Reporting Entity: | 5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime: |
|---|---|
| ☑ Prime ☐ Subawardee<br>Tier ______, *if known*:<br>City of Marshall Texas<br>401 S. Alamo<br>Marshall, TX 75670<br>**Congressional District**, *if known*: | **Congressional District**, *if known*: |
| **6. Federal Department/Agency:**<br>Bureau of Justice Assistance | **7. Federal Program Name/Description:**<br>CFDA Number, *if applicable*: ____________ |
| **8. Federal Action Number,** *if known*: | **9. Award Amount,** *if known*:<br>$ |
| **10. a. Name and Address of Lobbying Registrant** (*if individual, last name, first name, MI*):<br>N/A | **b. Individuals Performing Services** (*including address if different from No. 10a*) (*last name, first name, MI*): |
| **11.** Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less that $10,000 and not more than $100,000 for each such failure. | Signature: Mark Rohr<br>Print Name: Mark Rohr<br>Title: City Manager<br>Telephone No.: (903) 935-4400 Date: 8/22/2019 |
| **Federal Use Only:** | Authorized for Local Reproduction<br>Standard Form LLL (Rev. 7-97) |

# INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizationallevel below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

## MPD JAG Program

## Pending Applications

The City of Marshall does not have (and is not proposed as a subrecipient under) any pending applications submitted within the last 12 months for federally funded grants or cooperative agreements (or for subawards under federal grants or cooperative agreements) that request funding to support the same project being proposed in this application to OJP and that would cover any identical cost items outlined in the budget submitted as part of this application

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

Approved: OMB No. 1121-0329
Expires 11/30/2020

**Background**

Recipients' financial management systems and internal controls must meet certain requirements, including those set out in the "Part 200 Uniform Requirements" (2.C.F.R. Part 2800).

Including at a minimum, the financial management system of each OJP award recipient must provide for the following:

(1) Identification, in its accounts, of all Federal awards received and expended and the Federal programs under which they were received. Federal program and Federal award identification must include, as applicable, the CFDA title and number, Federal award identification number and year, and the name of the Federal agency.

(2) Accurate, current, and complete disclosure of the financial results of each Federal award or program.

(3) Records that identify adequately the source and application of funds for Federally-funded activities. These records must contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, expenditures, income, and interest, and be supported by source documentation.

(4) Effective control over, and accountability for, all funds, property, and other assets. The recipient must adequately safeguard all assets and assure that they are used solely for authorized purposes.

(5) Comparison of expenditures with budget amounts for each Federal award.

(6) Written procedures to document the receipt and disbursement of Federal funds including procedures to minimize the time elapsing between the transfer of funds from the United States Treasury and the disbursement by the OJP recipient.

(7) Written procedures for determining the allowability of costs in accordance with both the terms and conditions of the Federal award and the cost principles to apply to the Federal award.

(8) Other important requirements related to retention requirements for records, use of open and machine readable formats in records, and certain Federal rights of access to award-related records and recipient personnel.

**1. Name of Organization and Address:**

Organization Name: City of Marshall Texas
Street1: 401 South Alamo
Street2:
City: Marshall
State: TEXAS
Zip Code: 75670

**2. Authorized Representative's Name and Title:**

Prefix: First Name: William Middle Name: M
Last Name: Huffman Suffix: Jr
Title: Lieutenant

3. Phone: (903) 935-4552 4. Fax:

5. Email: whuffman@marshalltexas.net

| 6. Year Established: | 7. Employer Identification Number (EIN): | 8. DUNS Number: |
|---|---|---|
| 1841 | 756000595 | 110316838 |

9. a) Is the applicant entity a nonprofit organization (including a nonprofit institution of higher education) as described in 26 U.S.C. 501(c)(3) and exempt from taxation under 26 U.S.C. 501(a)? ☒ Yes ☐ No

If "No" skip to Question 10.

If "Yes", complete Questions 9. b) and 9. c).

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OFFICE OF JUSTICE PROGRAMS

Approved: OMB No. 1121-0329
Expires 11/30/2020

## AUDIT INFORMATION

| | |
|---|---|
| 9. b) Does the applicant nonprofit organization maintain offshore accounts for the purpose of avoiding paying the tax described in 26 U.S.C. 511(a)? | ☐ Yes ☒ No |
| 9. c) With respect to the most recent year in which the applicant nonprofit organization was required to file a tax return, does the applicant nonprofit organization believe (or assert) that it satisfies the requirements of 26 C.F.R. 53.4958-6 (which relate to the reasonableness of compensation of certain individuals)?<br><br>**If "Yes", refer to "Additional Attachments" under "What An Application Should Include" in the OJP solicitation (or application guidance) under which the applicant is submitting its application. If the solicitation/guidance describes the "Disclosure of Process related to Executive Compensation," the applicant nonprofit organization must provide – as an attachment to its application – a disclosure that satisfies the minimum requirements as described by OJP.** | ☐ Yes ☒ No |

**For purposes of this questionnaire, an "audit" is conducted by an independent, external auditor using generally accepted auditing standards (GAAS) or Generally Governmental Auditing Standards (GAGAS), and results in an audit report with an opinion.**

**10. Has the applicant entity undergone any of the following types of audit(s)(Please check all that apply):**

- ☐ "Single Audit" under OMB A-133 or Subpart F of 2 C.F.R. Part 200
- ☒ Financial Statement Audit
- ☐ Defense Contract Agency Audit (DCAA)
- ☐ Other Audit & Agency (list type of audit):
- ☐ **None (if none, skip to question 13)**

11. Most Recent Audit Report Issued: ☒ Within the last 12 months ☐ Within the last 2 years ☐ Over 2 years ago ☐ N/A

Name of Audit Agency/Firm: Knuckols, Duvall and Hallum

**AUDITOR'S OPINION**

12. On the most recent audit, what was the auditor's opinion?

☒ Unqualified Opinion ☐ Qualified Opinion ☐ Disclaimer, Going Concern or Adverse Opinions ☐ N/A: No audits as described above

Enter the number of findings (if none, enter "0": 0
Enter the dollar amount of questioned costs (if none, enter "$0"): $ 0

Were material weaknesses noted in the report or opinion? ☐ Yes ☒ No

13. Which of the following best describes the applicant entity's accounting system:

☐ Manual ☒ Automated ☐ Combination of manual and automated

| | |
|---|---|
| 14. Does the applicant entity's accounting system have the capability to identify the receipt and expenditure of award funds separately for each Federal award? | ☒ Yes ☐ No ☐ Not Sure |
| 15. Does the applicant entity's accounting system have the capability to record expenditures for each Federal award by the budget cost categories shown in the approved budget? | ☒ Yes ☐ No ☐ Not Sure |
| 16. Does the applicant entity's accounting system have the capability to record cost sharing ("match") separately for each Federal award, and maintain documentation to support recorded match or cost share? | ☒ Yes ☐ No ☐ Not Sure |

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| | |
|---|---|
| 17. Does the applicant entity's accounting system have the capability to accurately track employees actual time spent performing work for each federal award, and to accurately allocate charges for employee salaries and wages for each federal award, and maintain records to support the actual time spent and specific allocation of charges associated with each applicant employee? | ☒ Yes ☐ No ☐ Not Sure |
| 18. Does the applicant entity's accounting system include budgetary controls to preclude the applicant entity from incurring obligations or costs that exceed the amount of funds available under a federal award (the total amount of the award, as well as the amount available in each budget cost category)? | ☒ Yes ☐ No ☐ Not Sure |
| 19. Is applicant entity familiar with the "cost principles" that apply to recent and future federal awards, including the general and specific principles set out in 2 C.F.R Part 200? | ☒ Yes ☐ No ☐ Not Sure |
| **PROPERTY STANDARDS AND PROCUREMENT STANDARDS** | |
| 20. Does the applicant entity's property management system(s) maintain the following information on property purchased with federal award funds (1) a description of the property; (2) an identification number; (3) the source of funding for the property, including the award number; (4) who holds title; (5) acquisition date; (6) acquisition cost; (7) federal share of the acquisition cost; (8) location and condition of the property; (9) ultimate disposition information? | ☒ Yes ☐ No ☐ Not Sure |
| 21. Does the applicant entity maintain written policies and procedures for procurement transactions that – (1) are designed to avoid unnecessary or duplicative purchases; (2) provide for analysis of lease versus purchase alternatives; (3) set out a process for soliciting goods and services, and (4) include standards of conduct that address conflicts of interest? | ☒ Yes ☐ No ☐ Not Sure |
| 22. a) Are the applicant entity's procurement policies and procedures designed to ensure that procurements are conducted in a manner that provides full and open competition to the extent practicable, and to avoid practices that restrict competition? | ☒ Yes ☐ No ☐ Not Sure |
| 22. b) Do the applicant entity's procurement policies and procedures require documentation of the history of a procurement, including the rationale for the method of procurement, selection of contract type, selection or rejection of contractors, and basis for the contract price? | ☒ Yes ☐ No ☐ Not Sure |
| 23. Does the applicant entity have written policies and procedures designed to prevent the applicant entity from entering into a procurement contract under a federal award with any entity or individual that is suspended or debarred from such contracts, including provisions for checking the "Excluded Parties List" system (www.sam.gov) for suspended or debarred sub-grantees and contractors, prior to award? | ☒ Yes ☐ No ☐ Not Sure |
| **TRAVEL POLICY** | |
| 24. Does the applicant entity:<br>(a) maintain a standard travel policy? ☒ Yes ☐ No<br>(b) adhere to the Federal Travel Regulation (FTR)? ☒ Yes ☐ No | |
| **SUBRECIPIENT MANAGEMENT AND MONITORING** | |
| 25. Does the applicant entity have written policies, procedures, and/or guidance designed to ensure that any subawards made by the applicant entity under a federal award – (1) clearly document applicable federal requirements, (2) are appropriately monitored by the applicant, and (3) comply with the requirements in 2 CFR Part 200 (see 2 CFR 200.331)? | ☐ Yes ☐ No ☐ Not Sure<br>☒ N/A - Applicant does not make subawards under any OJP awards |

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

Approved: OMB No. 1121-0329
Expires 11/30/2020

| | |
|---|---|
| **26. Is the applicant entity aware of the differences between subawards under federal awards and procurement contracts under federal awards, including the different roles and responsibilities associated with each?** | ☐ Yes ☐ No ☐ Not Sure<br>☒ **N/A - Applicant does not make subawards under any OJP awards** |
| 27. Does the applicant entity have written policies and procedures designed to prevent the applicant entity from making a subaward under a federal award to any entity or individual is suspended or debarred from such subawards? | ☐ Yes ☐ No ☐ Not Sure<br>☒ **N/A - Applicant does not make subawards under any OJP awards** |
| **DESIGNATION AS 'HIGH-RISK' BY OTHER FEDERAL AGENCIES** | |
| **28. Is the applicant entity designated "high risk" by a federal grant-making agency outside of DOJ? (High risk includes any status under which a federal awarding agency provides additional oversight due to the applicant's past performance, or other programmatic or financial concerns with the applicant.)**<br>**If "Yes", provide the following:**<br>(a) Name(s) of the federal awarding agency:<br>(b) Date(s) the agency notified the applicant entity of the "high risk" designation:<br>(c) Contact information for the "high risk" point of contact at the federal agency:<br>Name:<br>Phone:<br>Email:<br>**(d) Reason for "high risk" status, as set out by the federal agency:** | ☐ Yes ☒ No ☐ Not Sure |

## CERTIFICATION ON BEHALF OF THE APPLICANT ENTITY

**(Must be made by the chief executive, executive director, chief financial officer, designated authorized representative ("AOR"), or other official with the requisite knowledge and authority)**

On behalf of the applicant entity, I certify to the U.S. Department of Justice that the information provided above is complete and correct to the best of my knowledge. I have the requisite authority and information to make this certification on behalf of the applicant entity.

Name: Elaine Altman    Date: 2019-08-08

Title: ☐ Executive Director ☒ Chief Financial Officer ☐ Chairman
☐ Other:

Phone: (903) 935-4519

## 2019 MPD JAG Program

## Information regarding Communication with the Department of Homeland Security (DHS)and/or Immigration and Customs Enforcement (ICE)

(1) Does your jurisdiction have any laws, policies, or practices related to whether, when, or how employees may communicate with DHS or ICE? **Yes**
(2) Is your jurisdiction subject to any laws from a superior political entity (e.g., a state law that binds a city) that meet the description in question 1? NO
(3) If yes to either:

- Please provide a copy of each law or policy;
- Please describe each practice; and
- Please explain how the law, policy, or practice complies with section 1373.

8USC 1873 states the following:

**(a)IN GENERAL**
Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

**(b)ADDITIONAL AUTHORITY OF GOVERNMENT ENTITIES** Not withstanding any other provision of Federal, State, or local law, no person or agency may prohibit, or in any way restrict, a Federal, State, or local government entity from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual:
**(1)**
Sending such information to, or requesting or receiving such information from, the Immigration and Naturalization Service.
**(2)**
Maintaining such information.
**(3)**
Exchanging such information with any other Federal, State, or local government entity.
**(c)OBLIGATION TO RESPOND TO INQUIRIES**
The Immigration and Naturalization Service shall respond to an inquiry by a Federal, State, or local government agency, seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency for any purpose authorized by law, by providing the requested verification or status information.

Marshall PD Policy states the following:

**III. INQUIRIES REGARDING IMMIGRATION STATUS**

Officers shall follow these guidelines when inquiring about immigration status. Nothing in this section is intended to prohibit an officer's sending or receiving information to or from any federal agency charged with enforcing immigration issues or any local agency or campus police agency.

A. During a lawful arrest or detention officers may inquire about the detainee's immigration status. Officers should be mindful that if the detainee has provided proof of residency further inquiries about immigration status are not necessary.

B. During a lawful arrest or detention officers may make inquiries via TCIC/NCIC to determine if the detainee is the subject of any ICE warrants or detainer requests. Officers shall not take the detainee into custody based solely upon an ICE detainer request. If the person is not arrested for a separate criminal charge the officer shall not transport the individual to any facility to await the arrival of an ICE agent.

D. Officers are reminded that a person who is not lawfully detained is not obligated to respond to questions, including questions about identity and immigration status.

**IV. ENFORCEMENT COOPERATION**

A. Officers and civilian staff are authorized to assist immigration officials in enforcement actions pursuant to the following rules. Officers and staff shall cooperate with immigration officials who are investigating immigration matters.

B. Officers and civilian staff shall not assist or cooperate with immigration authorities if the enforcement action is to take place at a place of worship.

C. Any officer or civilian staff who receives a request to assist in an (an ICE) enforcement action shall immediately contact the supervisor on duty and relay the request. The supervisor will then determine whether there is sufficient personnel to assist ICE.

| | MARSHALL POLICE DEPARTMENT | |
|---|---|---|
| | **Policy: 7.45 IMMIGRATION ENFORCEMENT** | |
| | **Effective Date:8/30/17** | **Replaces:** |
| | **Approved: Ron Davis**<br>Chief of Police | |
| | **Reference:** | |

## IMMIGRATION ENFORCEMENT ISSUES

## POLICY STATEMENT

It is the policy of this department that our officers and civilian employees shall comply with all applicable state and federal laws regarding immigration enforcement issues and constitutional limitations on that authority.

## I. DEFINITIONS

"ICE" means the Immigration & Customs Enforcement branch of the federal government.

"Officer" means a sworn peace officer under the laws of the state of Texas.

"Department employee" collectively means sworn officers and civilian employees of the department.

"Proof of residency" shall include a government issued photographic identification card or a document issued by the federal government indicating current legal immigrant status. It shall include, for these limited purposes, expired, revoked or suspended driver's licenses.

"Detainer request" means a 48 hour hold issued by ICE based upon probable cause that a person has violated immigration restrictions and is civil in nature.

"Lawful detention" means a detention based upon reasonable suspicion that the detainee has committed, is committing or is about to commit a criminal offense other than an immigration violation. For purposes of this directive the term "lawful detention" shall not include a detention of a person who is a victim or witness of an offense.

“Lawful arrest” means an arrest based upon probable cause that the arrestee has committed a criminal offense other than an immigration violation.

## II. COMPLIANCE WITH POLICY MANDATORY

All employees shall comply with this directive. It shall be the duty of all supervisors to monitor employee activities to insure compliance. A violation of this directive may result in discipline up to and including termination.

## III. INQUIRIES REGARDING IMMIGRATION STATUS

Officers shall follow these guidelines when inquiring about immigration status. Nothing in this section is intended to prohibit an officer’s sending or receiving information to or from any federal agency charged with enforcing immigration issues or any local agency or campus police agency.

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## Program Narrative

## 2019 MPD JAG Program

Texas law requires that all vehicles that routinely make motor vehicle stops be equipped with audio/video recording systems. Marshall Police Department (MPD) policy requires audio/video systems be operated any time that an officer makes a motor vehicle stop or any type of law enforcement contact with the public. They collect audio and video evidence during these and other types of encounters between police and the public.

The Marshall Police Department is currently attempting to upgrade these required cameras to new, digital, High Definition video camera systems. Currently, the city has upgraded approximately half of its patrol cars to the new systems. It costs approximately $6,355 to purchase and install one of these systems. The City of Marshall would like to utilized the $10,287 allocated to the City in the 2019 Justice Assistance Grant program along with an additional $2,423 taken from the budget of the Marshall Police Department to purchase two new Audio/Video Recording systems.

The Police Department has determined that the Watchguard 4RE camera system meets its needs and has previously purchased several of these systems. The newly purchased systems will interface with the currently fielded evidence management systems which are already in place. The systems will be purchased under current City of Marshall Purchasing Policy guidelines. Installation of these systems will be performed by a local business who the City has done business on many occasions. Management of the program will be performed in house by Marshall Police Department personnel.

Ordering, installation and operation data will be collected and maintained by the Marshall Police Department Office of Professional Standards. Training with the equipment from the program will be performed in house by MPD personnel without any additional cost involved.

The application was presented to and approved by the City Commission of Marshall TX on August 23rd 2019. There was a public comment period during this meeting.

A Memorandum of Understanding regarding the disparate funding allocation between The City of Marshall and Harrison County, TX will be placed on the next agenda of the Harrison County Commissioners court.

## 2019 MPD JAG Program

## Program Identifiers

The City of Marshall had identified the following program identifiers for the 2019 MPD JAG Program.

1. Equipment – General
2. Equipment – Video/Audio
3. Evidence Based
4. Law Enforcement Professionalism
5. Policing

# ITEM 7D

# RESOLUTION

# APPROVAL OF A RESOLUTION DIRECTING CITY ADMINISTRATION TO INITIATE THE DESIGN/BUILD METHOD FOR THE CONSTRUCTION OF THE NEW ANIMAL ADOPTION CENTER

# MEMORANDUM

To: Members of the City Commission

From: Mark Rohr, City Manager

Date: August 16, 2019

Subject: Consider Approval of a Resolution Directing City Administration to Initiate the Design/Build Method for the Construction of the New Animal Adoption Center

---

At the July 25, 2019 City Commission meeting, a presentation was made to the Commission regarding a Design/Build method of construction procurement that could possibly be used in future City construction projects. The Commission engaged in favorable discussion regarding this method of construction procurement. The first project that we could utilize this method would be the Adoption Center.

In order to utilize this process for the Adoption Center, the Commission has to give City staff formal direction to initiate this method and declare it the best value for the City.

We are providing a Resolution for consideration that directs City staff to initiate the Design/Build method for construction of a new Animal Adoption Center and to proceed accordingly.

RESOLUTION __________________

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MARSHALL, TEXAS DIRECTING CITY ADMINISTRATION TO INITIATE THE DESIGN/BUILD METHOD FOR THE CONSTRUCTION OF THE NEW ADOPTION CENTER**

**WHEREAS**, the City of Marshall, Texas is desirous of constructing an Adoption Center to replace the dated, worn, small, and inefficient animal service facility it now has; and

**WHEREAS**, based on extensive discussions in the past the new facility will be located at 3215 Karnack Hwy., Marshall, TX; and

**WHEREAS**, the facility will generally consist of 7,068 square feet housing 68 dog kennels, 21 cat pens, 4 dog quarantine spaces, and 9 cat quarantine spaces, the actual specifics of which will be determined as a result of the Design/Build process; and

**WHEREAS**, the Design/Build method of project delivery has been researched and favorably discussed at the July 25, 2019 Commission Meeting in open session; and

**WHEREAS**, Design/Build process as addressed in Section 2267 of the Texas Government Code offers the City of Marshall a combination of risk reduction and elimination, speed of delivery, reduction in costs, efficiency of design process and a single source of responsibility; and

**WHEREAS**, the project is capable of clear definition, the city has the capacity to oversee the project with existing personnel and available professional help and the ability to ensure competitive procurement.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MARSHALL, TEXAS;**

**Section 1.** This action is taking place prior to any advertising or procurement efforts have officially occurred on this project.

**Section 2.** The City Commission of the City of Marshall has discussed this method of procurement, in light of past experiences in the city, and has determined from those discussions that the Design/Build process will allow the city and its' citizens to achieve the best value for the new facility.

**Section 3.** That the city's administration is hereby directed to initiate the Design/Build method for the construction of the new Adoption Center and to proceed accordingly.

**PASSED, APPROVED AND ADOPTED** this ________ day of ____________, 2019.

___________________________________
Mayor of the City Commission
of the City of Marshall, Texas

ATTEST:

________________________________
Elaine Altman, City Secretary

# ITEM 8A

# APPROVAL TO AWARD VARIOUS BIDS RELATED TO SELLING CITY PROPERTY AS ADVERTISED FOR BID# 2019-003/SALE OF PROPERTY.

# Agenda Information Sheet
# August 22, 2019

Agenda Item
Consider approval to award various bids related to selling city property as advertised for BID# 2019-003/Sale of Property. (Director of Community & Economic Development)

Background & Summary of Request:
In April of this year the City Commission approved staff selling surplus property, in particularly the City Annex located at 303 W. Burleson and the Visual Arts Center located at 208 E. Burleson. The first silent bid process did not produce an acceptable bid. In July the Commission approved to reduce the minimum bid amount. Below is a chart that outlines the property and the minimum bid as established by the City Commission:

| Property | Minimum Bid | Highest Qualified Bid |
|---|---|---|
| City Annex 303 W. Burleson | $240,000.00 | |
| Visual Arts Center 208 E. Burleson | $225,000.00 | |
| | **Total:** | **$** |

The silent bids are scheduled to be open and read aloud on August 20th at 10am as outlined in the bid packet that was advertised. Staff will provide the Commission with an updated agenda sheet once all bids have been opened and prior to the Commission meeting.

# ITEM 8B

# APPROVAL OF A CONTRACT EXTENSION FOR LIQUID CAUSTIC SODA

City of MARSHALL TEXAS

**TO:** Members of the City Commission

**FROM:** Eric Powell, PE
Director of Public Works

**DATE:** August 16, 2019

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

---

In 2018, bids were advertised and received for the supply and delivery of "Liquid Caustic Soda" (Sodium Hydroxide) and award was made to Brenntag Southwest. The current contract expires on September 14, 2019.

Provisions were included in the specifications to allow the City to extend the contract up to two (2) years in one (1) year increments, provided that the vendor agreed to the terms spelled out in the bid documents. Brenntag Southwest has provided a letter indicating they would like to extend the contract one year (September 2019 through September 2020) at the current unit price structure.

I am hereby requesting that the City Commissioners consider accepting the letter from Brenntag Southwest, extending the current contract through September 2020.

ConnectingChemistry

BRENNTAG

August 6, 2019

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

**Attn: Eric Powell**
**Public Works Director**

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

Dear Mr. Powell:

Brenntag Southwest, Inc. would like to extend the current contract for Liquid Caustic Soda (Sodium Hydroxide) with the City of Marshall. All terms, prices and specifications will remain the same if you should choose to accept this offer.

If you are in agreement with this extension, please forward any necessary documentation to complete the extension of the agreement to my attention. Brenntag looks forward to continuing our relationship with the City of Marshall.

Sincerely,

**Brenntag Southwest, Inc.**

Gayle Tullier

Gayle Tullier
Senior Contract Administrator

cc: Nancy Pasel
James McClendon
Arthur McManners

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

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

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

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

I. **Contracting Parties:**

Receiving Party: City of Marshall, Texas

Performing Party: Brenntag Southwest, Inc.

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

Furnish approximately 250 Tons of Liquid Caustic Soda 50% Solution for surface water treatment to the City of Marshall within the time period designated and for the price(s) stated by the bidder in their bid proposal for bid number WU-2018-1; signed and dated on 08-30-18.

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

IV. **Payment for Goods or Services:**

The Receiving Party shall pay the Performing Party for goods or services within thirty (30) days from receipt of properly submitted itemized bill(s) signed by authorized City employees.

V. **Term of Contract:**

Period of Contract (Extension #1): This contract is to begin on 09-15-2019 and end on 09-14-2020.

The City of Marshall reserves the right to extend the contract(s) for one additional annual period, provided both parties agree to such extension in writing no less than forty-five (45) days prior to the end of each annual period and is also conditioned that any annual increase is not higher than the CONSUMER PRICE INDEX – DFW Region for the previous twelve (12) month period.

VI. **Patent and Royalty Disclaimer:**

The bidder, without exception, shall indemnify and save harmless the City of Marshall and its employees from liability of any nature or kind, including cost and expenses for or on account of any copyrighted, patent or unpatented invention, process or article manufactured or used in the performance of the contract including its use by the City of Marshall. If the bidder uses any design, device or materials covered by patent copyright, it is mutually agreed and understood without exception that the bid prices shall include all royalties or cost arising from use of such design, device in any way involved in the work.

## RECEIVING PARTY

Receiving Party certifies that it has authority to contract for the above services.

City of Marshall, Texas **Name of Receiving Party**
P. O. Box 698
Marshall, Texas 75671

______________________________ **Authorized Signature**
Eric Powell, PE
Director of Public Works

______________________________ **Date**

## PERFORMING PARTY

The undersigned signatory for the Performing Party hereby represents and warrants that she/he is an officer of the organization for which she/he has executed this Contract; and that the officer has full and complete authority to enter into this contract on behalf of the Performing Party.

Brenntag Southwest, Inc. **Name of Performing Party**
1632 Haden Road
Houston, Texas 77015

______________________________ **Authorized Signature**

______________________________ **Date**

# ITEM 8C

# APPROVAL AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH HARRISON COUNTY REGARDING FUNDS ALLOCATED TO THE CITY UNDER THE 2019 BYRNE JUSTICE ASSISTANCE GRANT PROGRAM

# CITY OF MARSHALL

# COMMISSION AGENDA INFORMATION SHEET

**MEETING DATE:** 8/22/19

**PROJECT:** 2018 Justice Assistance Grant

**DESCRIPTION:** As part of the 2019 JAG Program the City and Harrison County must agree how to share the allocated $10,287. In the attached Memorandum of Understanding (MOU) Harrison County agrees that they do not claim part of this allocation.

**COST:**
No cost to the city

**RECOMMENDED ACTION:**

Authorize City personnel to enter the memorandum of understanding with Harrison County.

**Attachment:** Memorandum of Understanding between the City and Harrison County.

**CITY CONTACT:** Cliff Carruth – Chief of Police

cc: File

**CITY SECRETARY**
**CONTRACT NO. _______**

**THE STATE OF TEXAS**
**COUNTY OF HARRISON** **KNOW ALL BY THESE PRESENT**

**INTERLOCAL AGREEMENT**
**BETWEEN THE CITY OF MARSHALL, TX AND COUNTY OF HARRISON, TX**
**2019 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD**

This Agreement is made and entered into this ____day of________, 2019, by and between The COUNTY of Harrison, acting by and through its governing body, the Commissioners Court, hereinafter referred to as COUNTY, and the CITY of Marshall, acting by and through its governing body, the City Commission, hereinafter referred to as CITY, both of Harrison County, State of Texas, witnesseth:

**WHEREAS**, this Agreement is made under the authority of Sections 791 Texas Local Government Code: and

**WHEREAS**, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party: and

**WHEREAS**, each governing body finds that the performance of this Agreement is in the best interests of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this agreement: and

**WHEREAS**, the COUNTY agrees to allow the CITY to receive and utilize 100% of the JAG award for the 2019 MPD JAG Program: and

**WHEREAS**, the CITY and COUNTY believe it to be in their best interests to not reallocate the JAG funds.

**NOW THEREFORE, the COUNTY and CITY agree as follows:**

**Section 1.**

CITY agrees to pay COUNTY a total of $0.00 of JAG funds.

**Section 2.**

Nothing in the performance of this Agreement shall impose any liability for claims against COUNTY other than claims for which liability may be imposed by the TexasTort Claims Act.

**Section 3.**

Nothing in the performance of this Agreement shall impose any liability for claims against CITY other than claims for which liability may be imposed by the TexasTort Claims Act.

**Section 4.**

Each party to this agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

**Section 5.**

The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

**Section 6.**

By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

CITY OF MARSHALL, TEXAS

____________________________
City Manager

ATTEST:

____________________________
City Secretary

APPROVED AS TO FORM:

____________________________
City Attorney

COUNTY OF HARRISON,TEXAS

____________________________
County Judge

APPROVED AS TO FORM:

____________________________
Assistant District Attorney

____________________________
Contract Authorization

*By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contracts or legal document on behalf of other parties. Our view of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval and should seek review and approval by their own respective attorney(s).

# ITEM 8D

# APPROVAL OF THE SALE OF CITY SURPLUS PROPERTY BY PUBLIC AUCTION

August 16, 2019

To: Marshall City Commission

From: Jack Redmon
Director of Support Services

RE: Surplus Property Sale

We have old vehicles and equipment that need to be sold to the highest bidder. We do this by having a public auction at the SWEPCO building location. The following equipment will be for up for auction.

| | | | | | | |
|---|---|---|---|---|---|---|
| | 33 | 2003 | Ford | Crown Vic | CAR | 2FAHP71W23X176411 |
| | 733 | 2000 | Ford | Crown Vic | CAR | 2FAFP71W8YX162561 |
| | 323 | 2001 | Ford | F-250 | TRUCK | 1FTNF20L21ED33489 |
| | 747 | 2001 | Chevrolet | 1500 | TRUCK | 1GCEC14V71Z305470 |
| | 510 | 2006 | Chevrolet | 2500 | TRUCK | 1GBHC24U46E265894 |
| | 35 | 2007 | Ford | F-350 | TRUCK | 1FTWW31R08EB76990 |
| | 460 | 2007 | Ford | Crown Vic | CAR | 2FAHP71W77X145662 |
| | 463 | 2008 | Ford | Crown Vic | CAR | 2FAHP71V48X154456 |
| | 440 | 2008 | Dodge | Charger | CAR | 2B3KA43G88H233428 |
| | 422 | 2010 | Dodge | Charger | CAR | 2B3AA4CV3AH303398 |
| | 432 | 2010 | Dodge | Charger | CAR | 2B3AA4CV0AH248344 |
| | 44 | 2005 | Chevrolet | Impala | CAR | 2G1WF52K859304817 |
| | | | | | | |
| | 281 | 1994 | Ford | F-250 | TRUCK | 1FTHF25H6RNB35074 |
| | 431 | 1999 | Freightliner | FL60 | AMBULANCE | 1FV3GFBC9YHA74024 |
| | 951 | 1996 | Ford | E-250 | VAN | 1FTFS24H6THB03106 |
| | 201 | 1987 | GMC | 1500V | VAN | 2GTDG15H8H4508779 |
| | | | | | | |

We also have a trailer full of desk, copiers/printers, cases and chairs that will be sold as a “lot”.

# ITEM 8E

# DISCUSSION OF ALTERNATE DATES FOR CITY COMMISSION MEETINGS IN OCTOBER

# MEMORANDUM

To: Members of the City Commission

From: Mark Rohr, City Manager

Date: August 16, 2019

Subject: Discussion of Alternate Dates for City Commission Meetings in October

---

This item has been placed on the agenda to discuss possible alternate dates the October meetings.

The Mayor and several City staff members have signed up to attend the TML Conference in October that causes a scheduling conflict with the City Commission meeting on October 10th. October has five Thursdays giving us the opportunity to reschedule this meeting if the Commission desires to do so.

Some of the options to consider are as follows:

1. Reschedule October 10th meeting to Thursday, October 17th
2. Reschedule both October meetings to Thursday, October 17th and Thursday, October 31st
3. Hold only one Commission meeting on Thursday, October 24th
4. Any other variations of the five Thursdays the Commission would like

# ITEM 9

# ITEMS WITHDRAWN FROM THE CONSENT AGENDA

# ITEM 10

# EXECUTIVE SESSION

**AN EXECUTIVE SESSION PURSUANT TO THE OPEN MEETINGS ACT, CHAPTER 551 OF THE TEXAS GOVERNMENT CODE UNDER SECTION 551.074 PERSONNEL MATTERS: INTERVIEW WITH CITY PROSECUTOR CANDIDATE.**

# ITEM 11

# ADJOURNMENT