



**CITY OF MARSHALL, TEXAS
REGULAR CITY COMMISSION MEETING
COMMISSION CHAMBERS, CITY HALL, 401 SOUTH ALAMO
THURSDAY, SEPTEMBER 12, 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

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.

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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 **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA**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 20, 2019 Special-Called meeting, August 22, 2019 Regular meeting, and September 5, 2019 Special-Called meeting.

Page 5

- B. Report regarding the status of the Memorial City Hall renovation project. (City Manager)

Page 13

- C. Consider an appointment to the Planning & Zoning Commission. (Director of Community & Economic Development)

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6. **PUBLIC HEARING & ORDINANCE**

- A. Conduct a public hearing and consider an amendment to the official zoning map regarding a rezoning request of 0.545 acres being all of Outlot 57 from R-2 (Single-Family Residential) to R-6 (Duplex). The subject property is located on the north side of West Burleson Street, commonly known as 805 West Burleson Street. (Director of Community & Economic Development)

Page 20

7. **ORDINANCES**

- A. Consider approval of an Ordinance to adopt the annual budget of the City of Marshall, Texas for the 2020 fiscal year. (City Manager)

Page 33

8. **RATIFICATION OF PROPOSED 2019 TAX RATE INCREASE**

- A. Consider ratification of the proposed 2019 tax rate increase reflected in the 2020 Budget in accordance with the Texas Local Government Code. (City Manager)

Page 37

9. **ORDINANCE**

A. Consider approval of an Ordinance affixing and levying 2019 ad valorem taxes for the use and support of the municipal government of the City of Marshall for the 2020 fiscal year at a rate of \$0.542160 per \$100 of property value, *which is effectively a 5.05 percent increase in the tax rate.* **The tax rate of \$0.542160 will raise more taxes for maintenance and operations than last year's tax rate.** (City Manager)

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B. Consider approval of an ordinance amending Chapter 13A of the Code Ordinances entitled "Food and Food Establishments". (Director of Community & Economic Development)

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10. **RESOLUTION**

A. Consider approval of a resolution setting fees for the Community & Economic Development Department. (Director of Community & Economic Development)

Page 53

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

A. Consider approval to purchase a replacement air conditioner for the Convention Center Theatre. (Support Service Director)

Page 59

B. Consider approval of Change Order #8 (Element #25) to a contract with Stiles Electric, Inc. for the Memorial City Hall Renovation Project. (Support Services Director)

Page 62

C. Consider approval of Change Order #2 (Element #5) to a contract with Casey Slone Construction for the Memorial City Hall Renovation Project. (Support Services Director)

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

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13. **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.
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14. **ADJOURNMENT**
Page 70

Posted: September 9, 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 20, 2019 SPECIAL-
CALLED MEETING, AUGUST 22, 2019
REGULAR MEETING, AND
SEPTEMBER 5, 2019 SPECIAL-CALLED
MEETING**

MINUTES OF THE SPECIAL-CALLED MEETING OF THE
CITY COMMISSION OF THE CITY OF MARSHALL
TUESDAY, AUGUST 20, 2019, 6:00 P.M.

Mayor Terri Brown called the Special-Called meeting to order in the Conference Room, Room 201, City Hall, at 6:00 p.m.

PRESENT:

MAYOR: Terri Brown, District 3

COMMISSIONERS:

Marvin Bonner, District 1
Vernia Calhoun, District 5

Amy Ware, District 4
Doug Lewis, District 7

ABSENT: Gail Beil, District 2

Larry Hurta, District 6

ADMINISTRATIVE STAFF PRESENT:

Mark Rohr, City Manager
Wes Morrison, Community & Economic Development Director
Elaine Altman, City Secretary/Finance Director

219. BUDGET WORKSHOP – DISCUSSION OF 2020 BUDGET.

The City Commission and City Staff engaged in discussion of the 2020 budget.

220. ADJOURNMENT

Commissioner Lewis made a motion for adjournment. Commissioner Bonner seconded the motion, which passed with a vote of 5:0.

APPROVED:

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

ATTEST:

City Secretary

MINUTES OF THE REGULAR MEETING OF THE
CITY COMMISSION OF THE CITY OF MARSHALL
THURSDAY, AUGUST 22, 2019
6:00 PM

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
Vernia Calhoun, District 5

Amy Ware, District 4
Doug Lewis, District 7

ABSENT: Gail Beil, District 2

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	
Mallori James, Tourism & Cultural Arts Director	

INVOCATION & PLEDGE: Mayor Brown & Commissioner Ware

221. **CITIZEN COMMENTS**

Kenneth Moon, 807 Wood, spoke regarding the closing of the 700 Block of Wiley Avenue.

Narcy Crosby, 211B N. Bolivar, spoke in support of funding the animal shelter.

Phoenix Albright, 341 Old Elysian Fields Road #2, asked the Commission to maintain open communication regarding the animal shelter.

Rev. Aaron Spencer, 104 Johnson, spoke in opposition of the animal shelter and in support of assistance for the homeless and City infrastructure improvements.

Monty Hudson, PO Box 5981, Longview, spoke in support of the animal shelter and developing a service dog registry. His service dog organization, For Veterans Sake Foundation, offered help and support.

Jerry Cargill, 16877 Hwy 80 East, promoted a partnership between the City and citizens for building the new animal shelter.

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

There were no items withdrawn from the Consent Agenda.

223. **CONSENT AGENDA**

Commissioner Lewis made a motion to approve the Consent Agenda. Commissioner Ware seconded the motion, which passed with a vote of 5:0.

- A. Consider approval of the minutes from the August 8, 2019 Regular meeting.
- B. Report regarding the status of the Memorial City Hall renovation project.
- C. Monthly financial report.

224. **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.

Mark Rohr, City Manager, stated this is a procedural matter required per state statute. This gives the public an opportunity to discuss the budget as a whole or an individual item within the budget.

Mayor Brown opened the public hearing.

No one came forward to speak.

Mayor Brown closed the public hearing.

Commissioner Lewis made a motion to continue consideration of the budget to a future meeting. Commissioner Calhoun seconded the motion, which passed with a vote of 5:0.

RESOLUTIONS

225. **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.**

Elaine Altman, Finance Director, stated a resolution is required per the Texas Tax Code when the proposed tax rate exceeds the effective tax rate or the rollback tax rate. She asked for approval of this 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.

Commissioner Calhoun made a motion to approve the 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. Commissioner Lewis seconded the motion, which passed with a vote of 5:0.

226. **CONSIDER APPROVAL OF A RESOLUTION SCHEDULING TWO PUBLIC HEARINGS ON THE PROPOSED TAX RATE OF \$0.542160 PER \$100 OF VALUATION AND TAX INCREASE.**

Elaine Altman asked for approval of a resolution scheduling two public hearings on the proposed tax rate of \$0.542160 per \$100 of valuation and

tax increase. The Public Hearings are scheduled for Thursday, September 5, 2019 at 6:00 p.m. and Monday, September 9, 2019 at 6:00 p.m.

Commissioner Lewis made a motion to approve a resolution scheduling two Public Hearings on the proposed tax rate of \$0.542160 per \$100 of valuation and tax increase. Mayor Brown seconded the motion, which passed with a vote of 5:0.

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

Cliff Carruth, Police Chief, asked for approval of a resolution authorizing the Marshall Police Department to apply for funding for the 2019 Edward Byrne Memorial Justice Assistance Grant in the amount of \$10,287 to assist with purchasing up to date audio/visual equipment. He stated the Police Department will contribute \$2,073 for this equipment purchase.

Commissioner Calhoun made a motion to approve a resolution authorizing the Marshall Police Department to apply for funding for the 2019 Edward Byrne Memorial Justice Assistance Grant. Commissioner Lewis seconded the motion, which passed with a vote of 5:0.

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

Mark Rohr spoke on the Design-Build Method approved by the Commission during a previous meeting, stating this was the first step of the 10 step process. He asked for approval of this resolution directing City Staff to initiate the Design/Build method for construction of a new Animal Adoption Center and to proceed accordingly.

Commissioners asked questions and discussed.

Commissioner Lewis made a motion to approve a resolution that directs City Staff to initiate the Design/Build method for construction of a new Animal Adoption Center and to proceed accordingly. Commissioner Ware seconded the motion, which passed with a vote of 5:0.

Mark mentioned Harrison County's contribution of \$39,100 for operating the animal shelter would remain the same.

CITY MANAGER REPORTS AND REQUESTS FOR CITY COMMISSION CONSIDERATION

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

Wes Morrison, Community & Economic Development Director, stated the Commission approved staff selling surplus property in July, in particular the City Annex located at 303 W. Burleson and the Visual Arts Center located at 208 E. Burleson. The minimum bids were set at \$240,000 and \$225,000 respectively. The silent bids were opened on August 20th which revealed one qualified bid of \$226,000 for the Visual Art Center from Fred Badalamente. The bid packet requires payment by August 27th if approved. Commissioners asked questions and discussed.

Commissioner Bonner made a motion to award the Visual Art Center to the bid that was received. Commissioner Calhoun seconded the motion, which passed with a vote of 5:0.

230. CONSIDER APPROVAL OF A CONTRACT EXTENSION FOR LIQUID CAUSTIC SODA.

Eric Powell, Public Works Director, stated the current contract with Brenntag Southwest expires on September 14, 2019 and asked for approval of an extension through September 2020. He stated Brenntag Southwest has agreed to hold its existing price.

Commissioners asked questions and discussed.

Commissioner Lewis made a motion to approve extending the current contract for Liquid Caustic Soda through September 2020. Commissioner Calhoun seconded the motion, which passed with a vote of 5:0.

231. 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.

Cliff Carruth asked for approval to authorize 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.

Commissioner Lewis made a motion to approve authorization for 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. Mayor Brown seconded the motion, which passed with a vote of 5:0.

232. CONSIDER APPROVAL OF THE SALE OF CITY SURPLUS PROPERTY BY PUBLIC AUCTION.

Jack Redmon, Support Services Director, provided a list of surplus vehicles and miscellaneous equipment. He asked for approval to sell these items via public auction.

Commissioner Lewis made a motion to approve the sale of City surplus property by public auction. Commissioner Calhoun seconded the motion, which passed with a vote of 5:0.

233. DISCUSSION OF ALTERNATE DATES FOR CITY COMMISSION MEETINGS IN OCTOBER.

Mark Rohr stated the Mayor and several City Staff members will attend the TML Conference in October which causes a scheduling conflict for the City Commission meeting on October 10th. Since October has five Thursdays, he asked the Commission to consider rescheduling that meeting.

Commissioner Calhoun made a motion hold a meeting on October 3rd, if needed. Commissioner Lewis seconded the motion, which passed with a vote of 5:0.

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

There were no items withdrawn from the Consent Agenda.

235. **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.

Commissioner Calhoun made a motion to enter into Executive Session. Commissioner Lewis seconded the motion, which passed with a vote of 6:0. The time was 6:45 p.m.

The meeting was reconvened at 7:27 p.m.

236. **ADJOURNMENT**

Commissioner Calhoun made a motion for adjournment. Commissioner Ware seconded the motion, which passed with a vote of 5:0.

APPROVED:

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

ATTEST:

City Secretary

**Resolutions: R-19-19
R-19-20
R-19-21
R-19-22**

MINUTES OF THE SPECIAL-CALLED MEETING OF THE
CITY COMMISSION OF THE CITY OF MARSHALL
THURSDAY, SEPTEMBER 5, 2019
6:00 PM

Mayor Terri Brown called the Special-Called meeting to order in the Commission Chambers, City Hall at 6:01 p.m.

PRESENT:

MAYOR: Terri Brown, District 3

COMMISSIONERS:

Marvin Bonner, District 1
Amy Ware, District 4

Gail Beil, District 2
Vernia Calhoun, District 5

ABSENT: Larry Hurta, District 6

Doug Lewis, District 7

ADMINISTRATIVE STAFF PRESENT:

Mark Rohr, City Manager
Scott Rectenwald, City Attorney
Elaine Altman, City Secretary/Finance Director

237. **PUBLIC HEARING**

A. Public Hearing on the proposed tax rate of \$0.542160 per \$100 valuation in support of the 2020 Annual Budget of the City of Marshall.

Mayor Brown opened the public hearing.

No one came forward to speak.

Mayor Brown closed the public hearing.

238. **ADJOURNMENT**

Commissioner Calhoun made a motion for adjournment. Commissioner Ware seconded the motion, which passed with a vote of 5:0.

APPROVED:

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

ATTEST:

City Secretary

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: September 4, 2019

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

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

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.



September 4, 2019

To: Marshall City Commission

From: Jack Redmon
Director of Support Services

A handwritten signature in black ink, appearing to be "JR" or "Jack Redmon", written in a cursive style.

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:

- Flooring is almost finished
- Painting is ongoing
- Sprinklers are Finished except for a few heads
- Seats in auditorium are scheduled to be installed
- Chandeliers are installed
- Scaffolding has been removed from the building
- Texas Scenic is almost thru with rigging

ITEM 5C

CONSENT AGENDA

**CONSIDER AN APPOINTMENT TO THE
PLANNING & ZONING COMMISSION**



Agenda Information Sheet

September 12, 2019

Agenda Item

Consider appointments to the Planning & Zoning Commission. (Director of Community & Economic Development)

Background & Summary of Request:

Terms on the Planning & Zoning Commission expire on May 31st of every year. This year we had two positions to come up that are eligible for re-appointment, Colin Brady and Kyle Dansby, both are interested in serving a second term.

There is also one vacancy of an unexpired term, staff advertised on social media and reach out to other partners to solicit members, Melisa Lewis has submitted the attached Board Application Form and has requested to be appointed for the Planning & Zoning Commission.

City of Marshall
Application for Appointment to City Boards and Committees

Name of Board or Committee to which you are applying: Planning & Zoning

Name: Mrs. Lewis Melisa Nicole
(Title) (Last) (First) (Middle)

Permanent Residence Address: 5102 Scottsville Rd. Marshall TX 75672
(Street) (City) (State) (Zip Code)

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

Preferred Phone and Fax: 903-926-3871
(Phone) (Fax)

Email Address: melisalewis@gmail.com

Occupation: Office Manager

Employer: Wood Lease Brokerage Title: Office Manager

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: 39 yrs. In which Districts do you reside? 3, 7

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: _____

Continued on Page 2

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

Name: Melisa Lewis

BACKGROUND

Education: Bachelors of Art degree from E.T.B.U.Professional: Co-own G&O Properties, LLC with my husband (Rental homes)Volunteer Experience/Community Service: former VP + member C.J.W.C.Areas of interest: Renovating / remodeling / new
construction.

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: City of MarshallTitle: Parks + Rec. Committee Dates: _____

Organization: _____

Title: _____ Dates: _____

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

Melisa Lewis

Date

8-19-2019

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

ITEM 6A

PUBLIC HEARING & ORDINANCE

**PUBLIC HEARING AND CONSIDER AN
AMENDMENT TO THE OFFICIAL
ZONING MAP REGARDING A REZONING
REQUEST OF 0.545 ACRES COMMONLY
KNOWN AS 805 WEST BURLESON
STREET**



Agenda Information Sheet

September 12, 2019

Agenda Item

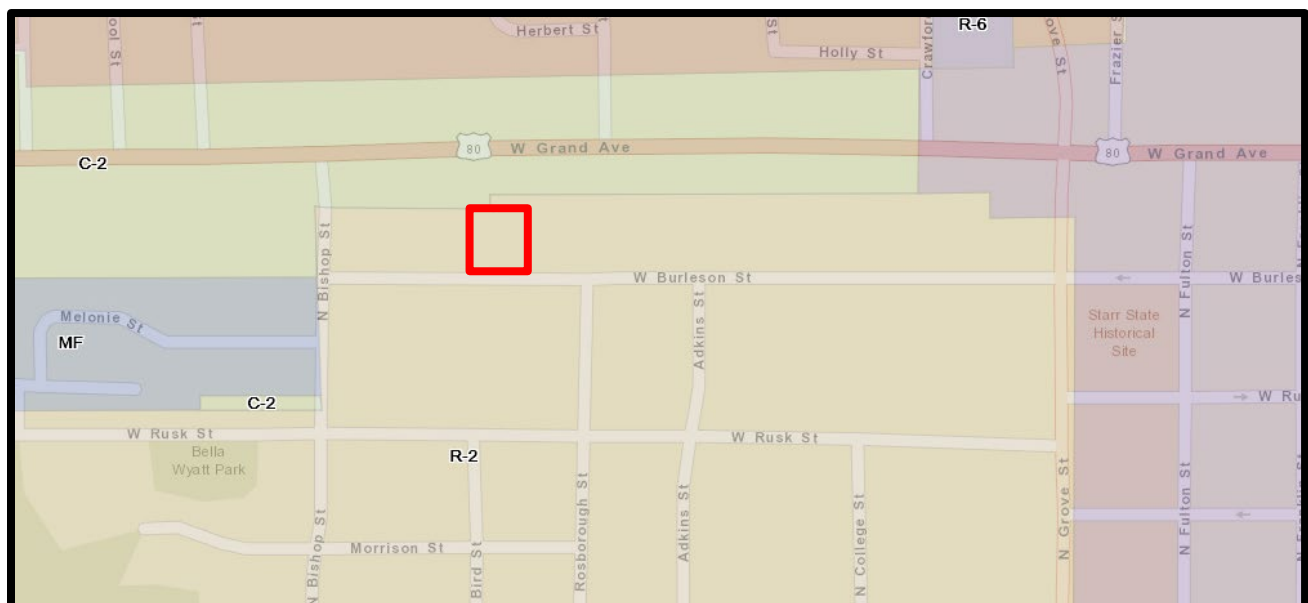
Z-19-04 - Conduct a public hearing and consider an ordinance amending the official zoning map regarding a rezoning request of 0.545 acres being all of Outlots 57 from R-2 (Single-Family Residential) to R-6 (Duplex). The subject property is located on the north side of West Burleson Street, commonly known as 805 West Burleson Street.

The Planning & Zoning Commission Recommended approval by a vote of 5-1-0.

Staff has received a petition in opposition of the request that exceeds the 20% threshold.

Applicant:	Abdulnassir Alahmed 3207 Oakleigh Street, Longview, Texas 75605
Property Owner	Abdulnassir Alahmed 3207 Oakleigh Street, Longview, Texas 75605
Surrounding Property Notices	22 Notices Sent within 200 ft of the Site 10 Responses back in Opposition
Existing Zoning	R-2 (Single-Family Residential) & C-2 (Retail Business)
Proposed Zoning	R-6 (Duplex, Triplex Quadplex Residential)

Existing Zoning Map:



Background & Summary of Request:

The subject property is originally developed as a single-family structure, over the years the property has been converted into a Quadplex without any permits. In order to keep the use as a quadplex, meaning four individual living units this zoning change will be required to be approved.

At the Planning & Zoning Commission meeting the applicant stated that he would live on the property and only lease out the two units in the back of the property.

As stated above, staff has received a petition in opposition of the request signed by 10 property owners; those owners represent 26.5% of the land within the 200 foot notification radius. State law requires that if written protest by property owners representing at least 20% of the land area within 200 feet is filed, then the a super majority of the approving board must vote in favor of the request in order for the request to be passed. Since a valid petition has been submitted, it will take six of the seven City Commissioners for the request to be passed.

Picture of the Site:**Existing Conditions:**

The property contains a 2,600 square foot structure that is currently divided into three residential units and one accessory structure, approximately 800 square feet that contains one residential unit.

The table below outlines the surrounding zoning and land uses:

	Zoning Classification	Land Use
North of the Property	C-2(Retail Business)	Vacant
East of the Property	R-2(Single-family Residential)	Single-family residence
South of the Property	R-2(Single-family Residential)	Single-family residences
West of the Property	R-2(Single-family Residential)	Single-family residence

Water service will be provided to the site by an existing 4" line located along West Burleson and sewer service is provided from 6" line along West Burleson as well. There is an existing driveway approach on West Burleson.

Zoning Classification Analysis:

As stated above, the applicant is requesting the zoning change in order continue to operate a quadplex. The requested R-6 (Duplex, Triplex, Quadplex Residential) district allows quadplexes by right. The R-6 district is established to provide "*adequate space and site diversification for medium density residential development where adequate streets and other community facilities are available for present and future needs.*" Quadplexes are defined in the zoning ordinance as a maximum of four units. It is not uncommon to find R-6 zoning designations in established neighborhoods to meet the various housing needs within the city. Factors that need to be reviewed when considering such designation are lot size, structure compatibility, and adequate infrastructure.

Comprehensive Plan and Future Land Use Map Analysis:

The subject property is designated as "Moderate Density Residential" on the Future Land Use Map. Chapter 3, of the Comprehensive Plan states that moderate density residential areas "*may also include well designed compact development such as duplexes and low density multi-family...*" Under Chapter 3, Objective 3, Strategy A the plan states "*Development may include single-family development on small lots, duplexes, townhomes, and low-density multi-family dwellings.*"

The following questions should be answered when determining if a zoning change is appropriate:

- 1.) Will the proposed change be in compliance with the goals of the Comprehensive Plan?
The request is in compliance with the Future Land Use Plan, see the Comprehensive Plan/Future Land Use Map Analysis section above.
- 2.) Will there be an adverse impact on surrounding property if the request is approved? In evaluating this question, consideration should be given to all permitted uses in the proposed new zoning and the impact it could have on surrounding property.
Considering the use has been in operation for an extended period of time and there are no known negative impacts on the surrounding properties it is not believed that formally changing the zoning designation will result in a negative impact.
- 3.) Is the property suitable for use as it is currently zoned or does the zoning need to be changed to allow the property to be put to use in a way that is in keeping with the surrounding activities.
The property could be converted back to a single-family if this zoning change request is denied.

- 4.) What is the relationship of the proposed change to the health, safety and welfare of the general community? In other words, will the change make the community better or is it merely for the convenience of the owner? Will surrounding property owners suffer or lose any enjoyment in the area of their property as a result of this change? Does the proposed change seem to be a logical extension of similar types of development?

Given the fact that the use of this property will not change and granting of this request will allow the property owner to increase the number of units allowed on this property it is not believed that granting this zoning request will negatively impact the surrounding property owners.

Suggested Motions:

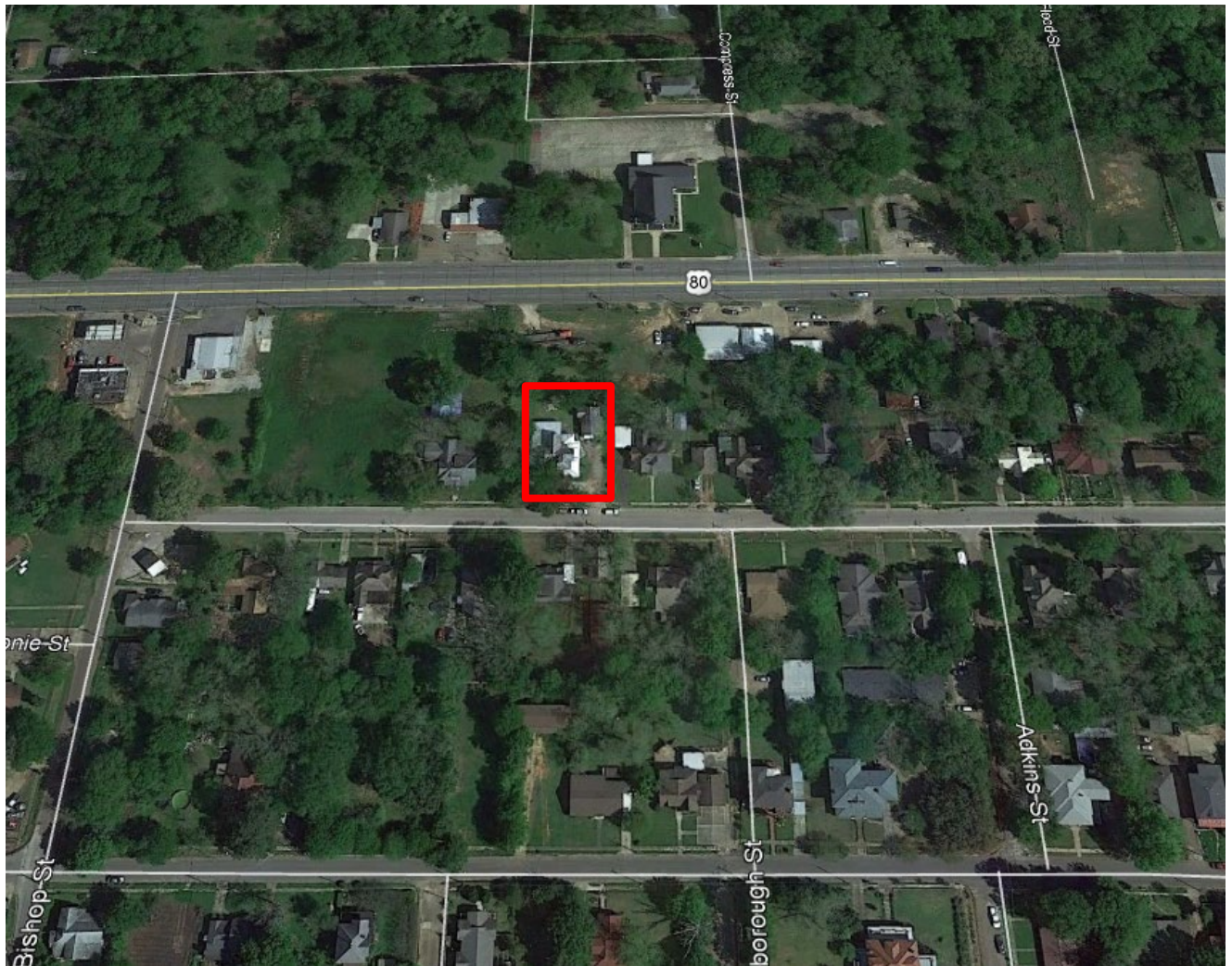
1. Motion to approve case number Z-19-04 as requested.
2. Motion to deny case number Z-19-04.

Attachments:

1. Aerial of Site
2. Pictures of the Site
3. 200 Foot Notification Map
4. Petition & Map
5. Draft Ordinance

Aerial Photograph

Z-19-04



Please note, areas depicted on the above map just for representation purposes only and do not identify the exact boundaries of the property in question.

Z-19-04
Site Pictures



Subject Property



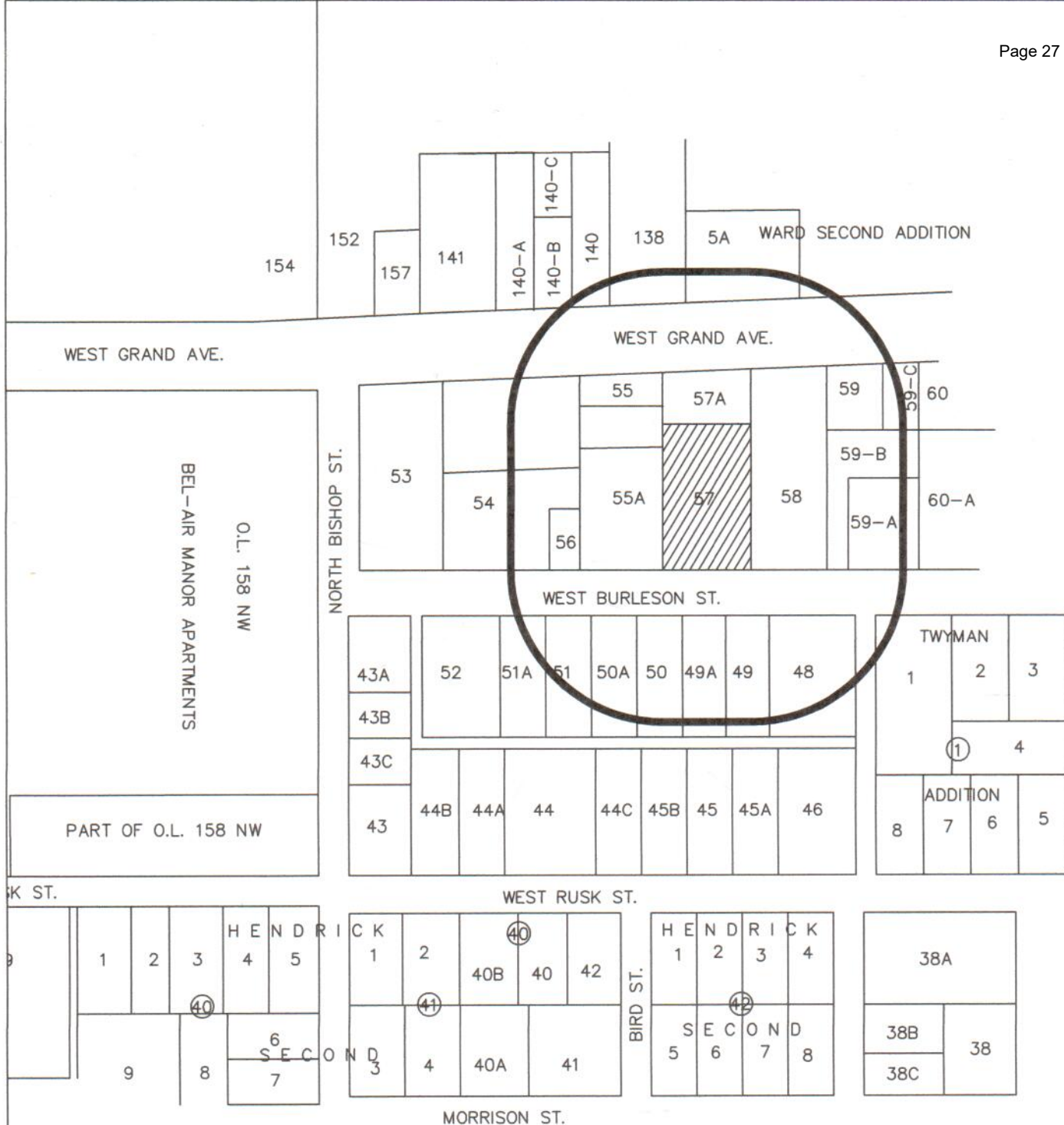
Property to the east of the subject property



Subject Property



Property to the South of the subject property



Case No. z-19-04

Scale: 1"=200'

Date: 6-10-2019

PLANNING DEPARTMENT
CITY OF MARSHALL, TEXAS

Remarks: A request to rezone
0.545 acres of land and being all of
outlot 57 NW
in the Peter Whetstone Survey A-756.
from R-2 single family detached
to R-6 duplex, triplex, quadruplex



Location: 805 West Burleson
Applicant: Abdulnassir Alahmed

I'm Mary Ann Smith. I live at 901 W. Burleson, next door to the property being requested to be re-zoned. I've lived in this neighborhood since the early 1950's and raised 6 children here. There have been many changes, but nothing like the disruption to the neighborhood that we have seen in the last 2 years.

There have been so many tenants and so many cars. There was an upstairs and downstairs garage apartment, but the house only has two bathrooms, so why so many cars? Cars have been parked up and down the street, in the driveway, all over the yard. It was common to see one or more cars broken down in the front yard with repairs at all times of the day or night, with the music blaring so loud you can hear it inside my house.

It's my understanding that although there is only one bathroom upstairs and one downstairs, the house was being rented by the bedroom, like a boarding house. There has been trash all over the yard. If the yard was mowed at all, they just ran over the trash and scattered it more, so that it blew through the fence and across the yard. The tenants letting their dogs run loose in the neighborhood was bad, but the big dogs on chains in the back and side yards was terrible to see. The animals always looked neglected. There has been a old couch and two 2 upholstered chairs in the side yard since last year, that the dogs have torn up. Those are still leaning against the back fence of the property. It has been an eyesore and a problem. For these reasons, I do not want to see this property re-zoned for multiple rental units.

I met the owner of the property and his daughter Emily last Wednesday. He said that he was moving his family into the house. That sounded like a big improvement. I asked if he intended to rent the upstairs and he said he didn't want anyone living over his head. If that is the case, I do not understand why this meeting was not cancelled. So, I am assuming he still intends to pursue using the property if not now, sometime in the future as multiple rental units.

I have talked to several of my neighbors about the problems and one of them, James Hagerty offered to help me with a petition against the re-zoning of this property for multiple housing. I have the original and several copies for you here tonight.

This partition is to show that the neighbors on West Burleson Street do not want the dwelling at 805 West Burleson to be rezoned from R-2 single family to R-6 duplex, triplex, or quadplex.

Mary Ann Smith 901 W. Burleson

Paula Smith Applicant 901 W. Burleson

James Earl Hasty - 804 West Burleson St

Winder Roberson - ^{1000 ~~222~~} W. Burleson

Gaskie Roberson - 1000 W. Burleson St.

Breanna Mitchell - 900 W Burleson St

 806 W. Burleson

Mrs Oatey Sipes 803 W. Burleson

Sylvia Chitman - 803 W. Burleson

Gerardo Roman - 709 W Burleson St

pedro OSOVIO 904 W Burleson St.

PLANNING DEPARTMENT
CITY OF MARSHALL, TEXAS

Location: 805 West Burleson
Applicant: Abdulnassir Alahmed

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 0-87-13 TO REZONE 0.545 ACRES BEING OUTLOT 27 FROM R-2 (Single-family Residential) TO R-6 (Duplex). THE SUBJECT PROPERTY IS LOCATED ON THE north SIDE OF WEST Burleson Street, COMMONLY KNOWN AS 805 WEST Burleson IN THE CITY OF MARSHALL, TEXAS.

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

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

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

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

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

WHEREAS, pursuant to said report and after notice in the manner and for the length of time required by law, the City Commission held a public hearing in Marshall, Texas at City Hall on the 25th day of July, 2019, at 6:00pm for the purpose of considering the requested Zoning Map change, and at which hearing all property owners, interested parties, and interested citizens had an opportunity to be heard; and

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

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

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

Section 2. Rezone 0.545 acres being Outlot 27 from R-2 (Single-family Residential) to R-6 (Duplex). The subject property is located on the north side of West Burleson Street, commonly known as 805 West Burleson in the City of Marshall, Texas.

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

PASSED on first reading the 25th day of July, 2019.

AYES: __

NOES: __

ABSTAINED: __

PASSED on second reading the 8th day of August, 2019.

AYES: __

NOES: ____

ABSTAINED: ____

MAYOR OF THE CITY COMMISSION
OF THE CITY OF MARSHALL, TEXAS

ATTEST:

CITY SECRETARY

ITEM 7A

ORDINANCE

APPROVAL OF AN ORDINANCE TO ADOPT THE ANNUAL BUDGET OF THE CITY OF MARSHALL, TEXAS FOR THE 2020 FISCAL YEAR

MEMORANDUM

To: Members of the City Commission

From: Mark Rohr, City Manager

Date: September 4, 2019

Subject: Approval of an Ordinance to adopt the Annual Budget for the City of Marshall, Texas for the 2020 fiscal year

The Ordinance appropriates funds for the support of the City of Marshall for the fiscal year beginning January 1, 2020 and ending December 31, 2020. It also provides for the adoption of the 2020 Annual Budget

The Ordinance also appropriates money to a sinking fund to pay interest and principal due on the City's bond issues.

***PLEASE NOTE that the property tax rate remains the same; however, property tax revenue available for maintenance and operations is higher than last year because of an increase in appraised values, and new property being added to tax roll.**

ORDINANCE NO. _____

AN ORDINANCE MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF MARSHALL, TEXAS, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2020 AND ENDING DECEMBER 31, 2020; APPROPRIATING MONEY TO A SINKING FUND TO PAY INTEREST AND PRINCIPAL DUE ON THE CITY’S INDEBTEDNESS; AND ADOPTING THE ANNUAL BUDGET OF THE CITY OF MARSHALL, TEXAS, FOR THE 2020 FISCAL YEAR.

WHEREAS, the budget, as presented in Section 1 below, for the fiscal year beginning January 1, 2020 and ending December 31, 2020 was duly presented to the City Commission by the City Manager and a public hearing was ordered by the City Commission and said notices were published in the Marshall News Messenger and said public hearing was held according to said notice; now, therefore,

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

SECTION 1

THAT the appropriations for the fiscal year beginning January 1, 20120 and ending December 31, 2020 for the support of the City of Marshall, Texas, be fixed and determined for said term in accordance with the expenditures shown in the City’s fiscal year 2020 budget, as detailed below:

<u>FUND</u>	<u>TOTAL BUDGETED EXPENDITURES</u>
General Fund	\$ 21,065,098
Water & Sewer Enterprise Fund	<u>\$ 10,385,254</u>
Sub-Total -- Operating Budget	\$ 31,450,352
2007 General Obligation Debt Service Fund & 2016 General Obligation Refunding, Series 2010 Combination Tax & Limited Surplus Revenue Certificates of Obligation, Series 2017 Combination Tax & Revenue Certificates of Obligation Debt Service Funds, 2019 Series Tax Notes, 2019 Series General Obligation Refunding Certificates of Obligation, Debt Service Funds	\$ 858,152
Hotel/Motel Occupancy Tax Fund	\$ 760,000
Litter Control Fund	\$ 55,400
D.A.R.E. Donation Fund	\$ 6,200
Street Maintenance Fund	\$ 535,937
Capital Improvement Fund	\$ 899,527
Equipment Replacement Fund – General Fund	\$ 0
Equipment Replacement Fund – Water & Sewer Fund	\$ 0
Municipal Drainage Utility Fund	\$ 380,100
Emergency Medical Services – ESD	<u>\$ 38,000</u>
Total Budget	<u>\$ 34,983,668</u>

SECTION 2

THAT the budget, as shown in words and figures in Section 1, is hereby approved in all respects and adopted as the City’s budget for fiscal year beginning January 1, 2020 and ending December 31, 2020.

PASSED AND APPROVED this, the ____ day of September, 2019.

Mayor Terri Brown, District 3, voted _____
Mayor Pro-Tem Doug Lewis, District 7, voted _____
Commissioner Marvin Bonner, District 1, voted _____
Commissioner Gail Beil, District 2, voted _____
Commissioner Amy Ware, District 4, voted _____
Commissioner Vernia Calhoun, District 5, voted _____
Commissioner Larry Hurta, District 6, voted _____

Total Ayes: _____
Total Nays: _____
Total Abstain: _____
Total Absent: _____

PASSED, APPROVED, AND ADOPTED this, the ____ day of September, 2019.

Mayor Terri Brown, District 3, voted _____
Mayor Pro-Tem Doug Lewis, District 7, voted _____
Commissioner Marvin Bonner, District 1, voted _____
Commissioner Gail Beil, District 2, voted _____
Commissioner Amy Ware, District 4, voted _____
Commissioner Vernia Calhoun, District 5, voted _____
Commissioner Larry Hurta, District 6, voted _____

Total Ayes: _____
Total Nays: _____
Total Abstain: _____
Total Absent: _____

APPROVED:

MAYOR OF THE CITY COMMISSION
OF THE CITY OF MARSHALL, TEXAS

ATTEST:

ELAINE ALTMAN
CITY SECRETARY

ITEM 8A

**RATIFICATION OF THE PROPOSED 2019
TAX RATE INCREASE REFLECTED IN
THE 2020 BUDGET IN ACCORDANCE
WITH THE TEXAS LOCAL
GOVERNMENT CODE**

MEMORANDUM

To: Members of the City Commission

From: Mark Rohr, City Manager

Date: September 4, 2019

Subject: Consider Ratification of the Proposed 2019 Tax Rate Increase Reflected in the 2020 Budget in Accordance with the Texas Local Government Code

This year's property tax levy will raise more revenue from property taxes than in the preceding year. Local Government Code Section 102.007 requires the governing body to hold a separate vote to ratify the property tax increase reflected in the budget. This vote must be in addition to and separate from the vote to adopt the budget or the vote to set the tax rate.

ITEM 9A

ORDINANCE

ORDINANCE AFFIXING AND LEVYING 2019 AD VALOREM TAXES FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT FOR THE 2020 FISCAL YEAR

MEMORANDUM

To: Members of the City Commission

From: Mark Rohr, City Manager

Date: September 4, 2019

Subject: Approval of an Ordinance Affixing and Levying Ad Valorem Taxes for 2019 for Use and Support of the Municipal Government of the City of Marshall for the 2020 Fiscal Year

This Ordinance provides for levying ad valorem taxes for 2019 for the use and support of the municipal government for the 2020 fiscal year at a rate of \$0.542160 per \$100 of property value, *which is effectively a 5.05 percent increase in the tax rate.* **The tax rate of \$0.542160 will raise more taxes for maintenance and operations than last year's tax rate. The tax rate will effectively be raised by 6.39 percent and will raise taxes for maintenance and operations on a \$100,000 home by approximately \$0.26.**

It also provides for apportioning each levy for operations and bond indebtedness.

Note:

Should the Commission choose to approve this Ordinance, the motion to adopt the Ordinance must be made in the following form:

"I move that the property tax rate be increased by the adoption of a tax rate of \$0.542160, which is effectively a 5.05 percent increase in the tax rate."

ORDINANCE NO. _____

AN ORDINANCE LEVYING AD VALOREM TAXES FOR 2019 AT A RATE OF \$0.542160 PER \$100 OF ASSESSED VALUATION ON ALL TAXABLE PROPERTY FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF MARSHALL, TEXAS, FOR THE 2020 FISCAL YEAR; AND PROVIDING FOR APPORTIONING EACH LEVY FOR SPECIFIC PURPOSES.

WHEREAS, the City of Marshall is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Commission of the City of Marshall, Texas (hereinafter referred to as the “City”) hereby finds that the tax for the fiscal year beginning January 1, 2020 and ending December 31, 2020, hereinafter levied for maintenance and support of the general government and for the interest and sinking fund must provide for the requirements of the budget for this fiscal year; and

WHEREAS, the City Commission has approved the budget for the fiscal year beginning January 1, 2020, and ending December 31, 2020; and

WHEREAS, notice of the effective tax rate calculations for the tax year 2019 for the City of Marshall, Texas was heretofore published in accordance with law; and

WHEREAS, the City Commission of the City of Marshall, Texas, held a public meeting and approved a resolution on August 22, 2019 announcing the proposed 2019 property tax rate and establishing the dates and times of the City Commission meetings for the adoption of the proposed tax rate; and

WHEREAS, at the aforementioned public meeting the City Commission voted to propose a tax rate for the year 2019 of **\$0.542160** upon each one hundred dollar (\$100) valuation; and

WHEREAS, the proposed tax rate of **\$0.542160** **WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR’S TAX RATE.**

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

Section 1.

All of the above premises are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

Section 2.

The real and personal property tax appraisal rolls as certified by the Chief Appraiser of the Harrison Central Appraisal District to the City Commission for the 2019 property tax year, be and are hereby accepted.

Section 3.

That there is hereby levied and there shall be collected for the use and support of the municipal government of the City of Marshall, Texas, and to provide an Interest and Sinking Fund for the 2019 tax year, upon all property, real, personal, and mixed, within the corporate limits of said City subject to taxation, a tax of \$0.542160 on each \$100 valuation of property, said tax being so levied and apportioned to the specific purposes here set forth;

- 1. For the maintenance and support of the general government, \$0.46099 on each \$100 valuation of property; and
- 2. For the interest and sinking fund, \$0.08118 on each \$100 valuation of property as follows:

<u>BOND ISSUE</u>	<u>TAX RATE PER \$100 VALUATION</u>
GENERAL OBLIGATION REFUNDING, SERIES 2016	\$0.039036
GENERAL OBLIGATION REFUNDING, SERIES 2019	\$0.010119
COMBINATION TAX AND LIMITED SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2010	\$0.010025
COMBINATION TAX AND LIMITED SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2017	\$0.010192
COMBINATION TAX AND LIMITED SURPLUR REVENUE TAX NOTES, SERIES 2019	<u>\$0.011803</u>
TOTAL	<u>\$0.081175</u>

Section 4.

That the Texas Property Tax Code requires the following notice:

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR’S TAX RATE.

THE TAX RATE WILL EFFECTIVELY BE RAISED BY 6.39 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$0.26.

Section 5.

That the taxes levied under this ordinance shall be for the use and support of the municipal government of the City of Marshall, Texas, for the fiscal year January 1, 2020 through December 31, 2020.

Section 6.

That taxes levied under this Ordinance are due January 31, 2020, and if not paid on or before February 1, 2020, shall immediately become delinquent.

Section 7.

That the following exemptions from taxation by the City of Marshall shall apply:

- a) 20% homestead exemption
- b) 65 year old exemption in an amount of \$12,500
- c) Disabled Veteran exemption
- d) Disabled person homestead exemption in an amount of \$12,500
- e) Exempt properties

Section 8.

That all taxes shall become a lien upon the property against which assessed, and the assessor and collector for the City of Marshall, Texas, is hereby authorized and empowered to enforce the collection of such taxes according to the Constitution and laws of the State of Texas and ordinances of the City of Marshall, Texas. All delinquent taxes shall bear interest and penalty from date of delinquency at the rate as prescribed by state law.

Section 9.

That this Ordinance shall take effect and be in force from and after its passage and publication as required by law.

PASSED AND APPROVED this, the ____ day of September, 2019.

Chairman Terri Brown, District 3, voted	_____	
Mayor Pro-Tem Doug Lewis, District 7, voted	_____	
Commissioner Marvin Bonner, District 1, voted	_____	_____
Commissioner Gail Beil, District 2, voted	_____	
Commissioner Amy Ware, District 4, voted	_____	
Commissioner Vernia Calhoun, District 5, voted	_____	
Commissioner Larry Hurta, District 6, voted	_____	

Total Ayes: _____
Total Nays: _____
Total Abstain: _____
Total Absent: _____

PASSED, APPROVED, AND ADOPTED this, the ____ day of September, 2019.

Chairman Terri Brown, District 3, voted	_____	
Mayor Pro-Tem Doug Lewis, District 7, voted	_____	
Commissioner Marvin Bonner, District 1, voted	_____	_____
Commissioner Gail Beil, District 2, voted	_____	
Commissioner Amy Ware, District 4, voted	_____	
Commissioner Vernia Calhoun, District 5, voted	_____	
Commissioner Larry Hurta, District 6, voted	_____	

Total Ayes: _____
Total Nays: _____
Total Abstain: _____
Total Absent: _____

APPROVED:

MAYOR OF THE CITY COMMISSION
OF THE CITY OF MARSHALL, TEXAS

ATTEST:

ELAINE ALTMAN
CITY SECRETARY

ITEM 9B

ORDINANCE

APPROVAL OF AN ORDINANCE AMENDING CHAPTER 13A OF THE CODE ORDINANCES ENTITLED “FOOD AND FOOD ESTABLISHMENTS”



Agenda Information Sheet

September 12, 2019

Agenda Item

Consider approval of an ordinance amending Chapter 13A of the Code Ordinances entitled “Food and Food Establishments”. (Director of Community & Economic Development)

Background & Summary of Request:

The City’s current codes that govern food safety and food establishments was last updated in 1995, portions of those regulations no longer are applicable to today’s standards in the food service business or are in conflict with new regulations established by the state. In addition, the current codes are lengthy and repetitive in many areas. The goal of this amendment is to bring these codes up to date with state regulations and condense areas for simplicity. Below is a list of major changes being proposed within this amendment:

- Adopts the Texas Food Establishment Rules in its entirety;
- Establishes process for applications, inspections, and exemptions;
- Requires proof of pest control for each food establishment;
- Requires that inspection scores be posted in a highly visible location within the food establishment;
- Provides an exemption of local rules to non-profit organizations however they must still comply with state regulations;
- Requires every food establishment to have a certified Food Protection Manager on duty at all times;
- Establishes local rules for temporary food establishments such as those associated with festivals or other temporary events; requires those permits to be submitted two weeks prior to the event;
- Establishes local rules for mobile food vendors (as recommended by Mobilize Marshall Plan):
 - Mobile Food Vendors shall not be parked within 100 feet of an open and operating fixed location food service establishment.
 - Restricts parking locations and duration of parking in one location.
 - Requires waste receptacles to reduce litter.
 - Provides for noise and safety concerns.
 - Addresses permitted signage associated with the use.
- Provides a provision to permanently suspend or revoke a food establishment permit if continuous violations exist.
- Provides a provision to allow the food establishment to request a public hearing to have their permit reinstated or appeal the decision of the regulatory authority.

Attachments:

1. Draft Version of Chapter 13A Code of Ordinances entitled “Food and Food Establishments”

Ordinance _____

AN ORDINANCE OF THE CITY OF MARSHALL AMENDING PROVISIONS OF THE CODE OF ORDINANCES RELATING TO FOOD AND FOOD ESTABLISHMENTS; PROVIDING FOR PENALTIES; PROVIDING FOR PUBLICATION AND ESTABLISHING AN EFFECTIVE DATE FOR SUCH ORDINANCE.

WHEREAS, the City Commission of Marshall wishes to amend in its entirety Chapter 13A of the Code of Ordinances entitled “Food and Food Establishments”.

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

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

Section 2. Amendment to Chapter 13A of the Code of Ordinances:

“Section 13.A Food and Food Establishments

Article I. In General

Section 13A-1 Adoption of Texas Food Establishment Rules

(a) Texas Food Establishment Rules adopted. The city adopts by reference the provisions of the current rules or rules as amended by Texas Department of State Health Services (TX DSHS, Division found in 25 Texas Administrative Code, Chapter 228, regarding the regulation of food establishments in this jurisdiction.

Section 13A-2. Permits, Inspections, Fees & Exemptions

(a) Permit Required. A person may not operate a food establishment without a permit issued by the regulatory authority. Permits are not transferable from one person to another or from one location to another location. A valid permit must be posted in or on every food establishment regulated by this section.

(b) Application Process. Any person desiring to operate a food establishment must make a written application for a permit on forms provided by the regulatory authority. The application must contain the name and address of each applicant, the location and type of the proposed food

establishment and the applicable fee. An incomplete application will not be accepted. Failure to provide all required information, or falsifying information required may result in denial or revocation of the permit. Renewals are required on an annual basis and the same information is required for a renewal permit as for an initial permit.

(c) Inspection Required. Prior to the approval of an initial permit or the renewal of an existing permit, the regulatory authority shall inspect the proposed food establishment to determine compliance with state regulations and this section. A food establishment that does not comply with state regulations or this section will be denied a permit or renewal of a permit. Denial of access to the regulatory authority shall be cause for suspension or revocation of the food establishment permit.

(d) Proof of Pest Control. Each food establishment must have regular pest control inspections completed by a licensed pest control company at a minimum of every six months. At the time of all renewal permit inspections, a copy of the most recent pest control report must be provided to the regulatory authority. Failure to do so will result in denial of a renewal permit.

(e) Inspection Scoring. All food establishments shall be inspected and scored uniformly using an official inspection form, as provided by the Texas Department of State Health Services. The score of each food establishment shall be determined by the regulatory authority using the scoring method provided on the inspection form. Establishments scoring below 70 percent will be closed until such time that a re-inspection is made and all corrective action on all identified critical violations is complete. Corrective action on all other violations must be initiated within 48 hours. The establishment shall remain closed until reopened by the health authority.

(f) Posting of Inspection Score Cards. The regulatory authority will provide the food establishment with a score card at the completion of each inspection. The score card shall be posted in a conspicuous place, so as to be clearly visible to the general public and to patrons entering the establishment. "Clearly visible to the general public and patrons" shall mean:

- (1) Posted in the front window of the establishment within five feet of every public entrance;*
- (2) Posted in a location as directed and determined at the discretion of the regulatory authority to ensure proper notice to the general public and to patrons; and/or*
- (3) In the event that a food establishment is operated in the same building or space as a separately licensed or permitted business, or in the event that a food establishment shares a common patron entrance with such a separately licensed or permitted business, or in the event of both, the regulatory authority shall post the score card in the initial patron contact area, or in a location as determined in the discretion of the regulatory authority.*

(g) *Fees. All fees associated with this section shall be approved by the City Commission on the City's master fee schedule kept on file in the regulatory authority's office.*

(h) *Exemption. A food establishment operated solely by a nonprofit organization is exempt from the permitting requirements of this section, but is not exempt from compliance with state rules. The regulatory authority may require any information necessary to determine whether an organization is a nonprofit for purposes of this exemption.*

Section 13A-3. Review of Plans

(a) *Review Required. Whenever a food establishment is constructed or extensively remodeled and whenever an existing structure is converted to use as a food establishment, properly prepared plans and specifications for such construction, remodeling or conversion shall be submitted to the regulatory authority for review prior to work starting. Extensive remodeling means that 20% or greater of the area of the food establishment is to be remodeled. The plans and specifications shall indicate the proposed layout, equipment arrangement, mechanical plans and construction of materials of work areas, and the type and model of proposed fixed equipment/facilities. The plans and specifications will be approved by the regulatory authority if they meet the requirements of the rules adopted by this ordinance. The approved plans and specifications must be followed in construction, remodeling or conversion. Failure to follow the approved plans and specifications will result in a permit denial, suspension, or revocation.*

Section 13A-4. Food Manager Qualification

(a) *Every food establishment shall have on duty at all times when open at least one (1) manager or person left in charge who holds a Food Protection Manager Certificate by an accredited agency which is recognized by the Conference for Food Protection Standards.*

Section 13A-4. Temporary Food Establishments

(a) *Generally. A temporary food establishment shall comply with all provisions of this chapter which are applicable to its operation; provided, that the health authority may augment such requirements when needed to assure the service of safe food, may prohibit the sale of certain potentially hazardous food, and may modify specific requirements for physical facilities when in his opinion no imminent health hazard will result.*

(b) *Permits. Application for permits must follow the applicable requirements laid out in this section in addition, all temporary food establishment permits shall submitted two (2) weeks prior to the event needing the permit.*

Section 13A-5. Mobile Food Vendors

(a) Mobile Food Vendor Defined. A mobile food vendor shall mean any business which sells edible goods from a non-permanent (i.e. mobile) location. The term shall include, but not limited to:

- (1) Mobile food trucks: A self-contained motorized unit selling items defined as edible goods.*
- (2) Concession Carts: Mobile vending units that must be moved by non-motorized means.*
- (3) Concession trailers: A vending unit which is pulled by a motorized unit and has no power to move on its own.*

(b) Rules Compliance. All mobile food vendors shall comply with all applicable rules of the Texas Food Establishment Rules.

(c) Permit. All mobile food vendors must receive a permit and be inspected as described in Section 13A-2 of this section.

(d) Location. All mobile food vendor units shall be parked on a commercially zoned lot and not located on a residentially zoned property. A mobile food vendor shall be located on private property with the property owner's written permission. No mobile food vendor may be located within 100 feet of the property line of an open and operating fixed-location food service establishment. This buffer may be reduced upon receiving written permission from said establishment.

(e) Stationary Restrictions. A mobile food vendor shall not conduct sales at a stationary location:

- (1) For a duration of no more than five consecutive days at a location.*
- (2) For a duration exceeding eight hours per location per day.*
- (3) For a duration exceeding 30 minutes on any public street.*
- (4) In congested areas where the operation impedes vehicular or pedestrian traffic or where it impedes access to the entrance of any adjacent building or driveway.*
- (5) In public parking spaces, except downtown between the hours of 5:30pm and 12:00am Monday through Friday and 8:00am to 2:00am Saturday and Sunday. During City of Marshall Main Street sponsored events located within downtown, mobile food vendors shall be located on East Austin Street between North Washington and Bolivar Street. The boundaries of downtown are defined for this section as:*
 - a. North of Travis Street.*
 - b. South of Grand Avenue (US Hwy 80)*
 - c. East of Grove Street*
 - d. West of Alamo Boulevard.*

(6) *Exceptions to this rule may be given if the mobile food unit is located on the same lot as the approved commissary for the mobile unit.*

(f) *Waste. Each unit shall be equipped with a trash receptacle with lid to prevent windblown litter and shall be disposed of in accordance with the city's solid waste ordinance. If liquid waste results from food processing of a mobile food vendor, the waste shall be contained in a permanently installed tank located on the vending unit. Liquid waste, solid waste, and recyclables shall be removed from a mobile vendor unit at a disposal site approved by the city or by a city permitted waste transporter. Removal of waste shall be in a manner that a public health hazard or nuisance is not created.*

(g) *Noise & Safety. No noise which is loud or noxious shall project from the mobile unit. A mobile unit must have a 2A:10B:C sized fire extinguisher with an annual inspection tag from a Texas licensed inspection company. The fire marshal's office is herein authorized to conduct all inspections necessary to determine the extent of compliance at any time.*

(h) *Signage. Signage shall comply with all applicable sign code regulations. Any signage for the mobile food unit must be mobile in design and be removed from the site. Signage shall not interfere with vehicular or pedestrian traffic.*

Section 13A-6. Suspension of Permit

(a) *The regulatory authority may, without warning, notice, or hearing suspend any permit to operate a food establishment if the operation of the food establishment constitutes an imminent hazard to public health. Suspension is effective upon service of the notice required by Section 13A-6 of this section. When a permit is suspended, food operations shall immediately cease. Whenever a permit is suspended, the holder of the permit shall be afforded an opportunity for a hearing within 20 days of a request for a hearing.*

(b) *Whenever a permit is suspended, the holder of the permit or representative shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the regulatory authority by the holder of the permit within ten days. If no written request for a hearing is filed within ten days, the suspension is sustained. The regulatory authority may end the suspension at any time if reasons for the suspension no longer exist.*

Section 13A-7. Revocation of Permit

(a) *The regulatory authority may, after providing opportunity for a hearing, revoke a permit for serious or repeated violations of any of the requirements of these rules or for interference with the regulatory authority in performance of its duties. Prior to revocation, the regulatory*

authority shall notify the holder of the permit or representative, in writing, of the reason for which the permit is subject to revocation and that the permit shall be revoked at the end of the ten days following service of such notice unless a written request for a hearing is filed with the regulatory authority by the holder of the permit within such ten day period.

(b) If no request for a hearing is filed within the ten day period, the revocation of the permit becomes final.

Section 13A-8. Administrative Process

(a) A notice as required in the rules is properly served when it is delivered to the holder of the permit or representative, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit. A copy of the notice shall be filed in the records of the regulatory authority.

(b) The hearings provided for these rules shall be conducted by the regulatory authority at the time and place designated by it. Based upon the recorded evidence of such hearing, the regulatory authority shall make the final findings, and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit by the regulatory authority.

Section 13A-9. Penalties

(a) Any person who shall violate any provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than two thousand dollars (\$2,000.00). In addition thereto, such persons may be enjoined from continuing such violations. Each day upon which such violation occurs shall constitute a separate violation.

Section 13A-9 – 13A-87. Reserved”

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

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

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

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

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

PASSED AND APPROVED THIS _____ DAY OF _____, 2019.

AYES: _____

NOES: _____

ABSTAINED: _____

PASSED, APPROVED AND ADOPTED ON THIS _____ DAY OF _____, 2019.

AYES: _____

NOES: _____

ABSTAINED: _____

CHAIRMAN OF THE CITY COMMISSION OF
THE CITY OF MARSHALL, TEXAS

ATTEST:

Elaine Altman, City Secretary

ITEM 10A

RESOLUTION

APPROVAL OF A RESOLUTION SETTING FEES FOR THE COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT



Agenda Information Sheet

September 12, 2019

Agenda Item

Consider approval of a resolution adopting a schedule of fees pertaining to the Building & Development Regulations – Chapters 7, 11, 13A, 23 and 32 of the City of Marshall Code of Ordinances. (Director of Community & Economic Development)

Background & Summary of Request:

Current building permit application fees are determined by the valuation of a construction project, which has been a common practice among cities all across the state. In the past legislative session, the State Legislature passed House Bill 852, which prohibited cities from basing building permit fees on valuation of construction.

Staff has surveyed a number of cities across the state to determine how other cities are handling the new legislation, the common method is to change the basis of the permit fee from valuation of construction to square footage of construction. Staff research shows that cities have implemented a new fee schedule that ranges from \$0.27 per square footage to \$0.50 per square footage. Based on our current fee schedule, staff is recommending that we base our revised fees on \$0.30 per square feet of the construction project. This fee schedule will raise building permit fees by \$100 on average but then lower subcontractor (electrical/plumbing/mechanical) fees slightly, therefore the overall effect on projected city revenues will not greatly change.

The only other proposed change in the attached fee schedule is the addition of a late fee for health permits. All health permits expire at the end of the calendar year; in the past we have not had a provision to charge late fees for renewals that come in after the deadline, the proposed fee schedule charges \$100 for every month late.

Attachments:

1. Adopting Resolution
2. Proposed Fee Schedule

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MARSHALL,
TEXAS, SETTING THE SERVICE FEES FOR CERTAIN SERVICES PROVIDED BY
THE CITY COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT;
FINDING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED
WAS CONDUCTED IN STRICT COMPLIANCE WITH THE TEXAS OPEN
MEETINGS ACT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH;
AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City Commission has determined that setting fees and charges for services provided by City personnel to citizens by resolution 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; and

WHEREAS, the City Commission desires to adopt fees and charges that accurately compensate the City for its costs in providing the facilities, services, and materials;

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

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

SECTION 2. That all fees charged by the Community & Economic Development Department shall follow the fee schedule attached to this resolution (Attachment A).

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

SECTION 4. That 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.

SECTION 5. That the repeal of any resolution or portion of a resolution by this resolution shall not affect the validity of any pending enforcement action or fees outstanding and due and payable for services rendered on or before the effective date of this resolution.

SECTION 6. That this resolution shall be effective on the 1st day of October, 2019.

Passed and approved this 12th day of September, 2019.

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

Attest:

Elaine Altman, City Secretary



Community & Economic Development Department Fee Schedule

General Construction –

Both Residential & Non-Residential Permit Fee = \$0.30(square footage of project)

Residential Construction Notes:

- 1) Residential shall be classified as single-family attached, detached, duplex and accessory buildings.
- 2) Plan Review fee of \$100.00 is required for all new construction, renovations, and additions.
- 3) Plan Review for accessory buildings or minor alterations under 250 sq ft. is \$50.00.
- 4) The fee for mechanical, electrical, and plumbing permits issued in conjunction with new residential permits shall be 10% of the building permit fee.

Non-Residential Construction Notes:

- 1) Plan Review equal to 50% of the permit fee is required for all new construction, renovations, and additions.
- 2) The fee for mechanical, electrical, and plumbing permits issued in conjunction with the above permit the permit fee shall be 10% of the building permit fee.

Work without Permits & Re-Inspection Fees –

Working without a permit:

First Offense -	\$150.00
Second Offense -	\$500.00
Third Offense or more -	Double Permit Fee

Re-Inspection Fees:

First Re-inspection -	\$50.00
Second Re-inspection -	\$75.00
Third Re-inspection -	\$100.00
Afterhours Inspection -	\$50.00/hr (2 hr min)

Sign Permits –

50 sq ft or less (single sided or reface) -	\$50.00
50 sq ft or less (double sided) -	\$65.00
Greater than 50 sq ft (single sided or reface) -	\$100.00
Greater than 50 sq ft (double sided) -	\$150.00
Plan Review -	25% of Permit Fee

Other Permits & Fees –

Water Heater Replacement - \$30.00	Gas Test/Minor Repair - \$30.00
HVAC Replacement - \$30.00 per system	Electrical Service/SWEPCO - \$30.00
Other Electrical/Plumbing/Mechanical Permit Not Mentioned - \$0.30 per project square footage value (minimum of \$35.00)	
Temporary Power - \$30.00	Re-Roof - \$50.00
Driveway - \$30.00	Demolition - \$75.00
Fence - \$30.00	Housing Moving - \$125.00
Lawn Irrigation System – Residential - \$100.00	Mobile/Modular Home - \$250.00
Lawn Irrigation System – Non-Residential - \$125.00	Certificate of Occupancy – Non-Residential - \$50.00
Spa or Above Ground Pool - \$100.00	Certificate of Occupancy – Residential - \$25.00 (if requested)
In-Ground Swimming Pool - \$200.00	Contractor Registration \$200.00 good for 2 years
Fire Sprinkler Permit - \$50.00	Fire Alarm Permit - \$50.00
Special Event Permit - \$50.00	Plan Review Fee not already Specified - \$50.00



Community & Economic Development Department Fee Schedule

Zoning & Platting Fees –

- Site Plan Review (Nonresidential Only) - \$100.00
- Annexations - \$400.00
- Planned Unit Developments - \$400.00
- Zoning Change - \$375.00
- Specific Use Permit - \$375.00
- Right-of-Way Abandonment - \$300.00
- Variance - \$300.00
- Preliminary or Final Plat - \$300.00 plus \$5.00 per lot not including County Recording Fees
- Minor Plat (less than 4 lots with no utility extensions) – 250.00 plus 5.00 per lot – Not including County Recording Fees
- Zoning Verification Letter - \$50.00
- Itinerant Vendor Permit - \$125.00 for 3 day permit

Health Department Fees –

- Annual Food Establishment Permits:
 - 1-13 Employees - \$175.00
 - 14 or more Employees - \$250.00
 - Late Fee - \$100 per month (month = 1 day late)
- Food Vendor/Festival Concession Stand - \$25.00 per vendor
- Catering Trucks/Mobile Units - \$150.00 per year
- Temporary Food Permit - \$75.00 (Good for 14 days)
- Replacement Food Purveyors Permit - \$25.00
- Day Care w/Food Establishment - \$175.00
- Day Care w/out Food Establishment - \$75.00
- Group Day/Registered Home - \$50.00 per inspection
- Foster Homes - \$25.00 per inspection

Code Compliance Fees –

- \$105.00 per hour plus \$90.00 administrative fee

ITEM 11A

APPROVAL TO PURCHASE A REPLACEMENT AIR CONDITIONER FOR THE CONVENTION CENTER THEATRE



To: Member of the City Commission

From: Jack Redmon, Support Services Director

Date: August 22, 2019

Re: Consider approval of Convention Center Theatre Air Conditioner Replacement

The Marshall Convention Center has four different air conditioners on the roof to cool the theatre. Each of them are 55-ton air units with two compressors on each. These units were manufactured in 1994 –making them 25 years old. Two of the units currently functioning. One is running on one compressor, and one is not functioning at all. The theatre cannot be cooled with the current condition of air conditioners, and therefore is cannot be rented.

It is the recommendation of the support services department that we replace the unit that is not functioning.

Storer Services \$58,715.00 (Quote attached)

The proposal is greater than \$50,000.00 requiring commission approval to proceed. The City will be utilizing the Texas Interlocal Purchasing System (TIPS) <https://www.tips-usa.com/> with this vendor that will give us exemption from the standard bid process.

A new air conditioner will also be much more efficient than the ones currently in place. It is a planning goal to continue to replace the older units with more efficient ones to help reduce utility billing. We already have an environmental control system that allows for the units to be monitored and scheduled to maximize efficiency and minimize usage.

Jack Redmon

Support Services Director



Contractor License Page 61
LA 66407 AR 1052130
TACLA29157C
504 West 67th Street
Shreveport, LA 71106
(318) 865-1466
www.StorerServices.com

Prepared For: Randy Pritchard

Date: August 5, 2019

Job Name: Marshall Convention Center – Repl. RTU

Proposal Number: SS-190358

Delivery Terms: Freight Allowed and Prepaid - F.O.B. Factory

Payment Terms: Net 30 Days

Storer is pleased to provide the enclosed proposal for your review and approval.

Storer proposes to furnish and install the following:

One (1) Trane Commercial Rooftop Air Conditioning Unit to match existing
DX Cooling with natural gas heat
R-410A refrigerant
IPak replacement full perimeter curb
55 Ton nominal capacity
460 Volt-60 Hertz-3 Phase
2 Stage high gas heat capacity
50% Exhaust - 7.5 hp
700 rpm - Exhaust/return fan
0-100% Economizer
Economizer control w/ dry bulb
MERV 8 High efficiency throwaway filters
Forward-curved (FC) supply fan
20 hp FC
1000 rpm
Constant volume (CV) - Zone temperature control
Standard ambient control
IntelliPak replacement unit
Programmable zone sensor
Remove and dispose of existing unit
Disconnect/reconnect gas, drains, electrical and controls
Startup and test operation
1-year parts (subject to Mfr.'s T&C) and labor warranty
Current lead time for proposed equipment is 7-9 weeks

Exclusions: Sales tax, overtime/weekend work, new electrical, controls, TAB

Total Net Price (Excluding Taxes) \$ 57,565

Estimated Taxes (8.25%) \$ 4,750

ADD for years 2-5 Compressor Warranty \$ 1,420

ADD for Purchase through Co-Op (TIPPS) \$ 1,150

Sincerely,

Keenan Jennings - Account Manager
Richard Broussard - Project Estimator

Storer Services
504 W 67th Street
Shreveport, LA 71106

ACCEPTANCE OF PROPOSAL — The above prices, specifications and conditions are satisfactory and are hereby accepted.

Signature: _____ P.O. # _____ Date: _____

This proposal is subject to your acceptance of the attached Storer Equipment terms and conditions.

ITEM 11B

**APPROVAL OF CHANGE ORDER #8
(ELEMENT #25) TO A CONTRACT
WITH STILES ELECTRIC, INC. FOR
THE MEMORIAL CITY HALL
RENOVATION PROJECT**



September 4, 2019

To: Marshall City Commission

From: Jack Redmon
Director of Support Services

A handwritten signature in black ink, appearing to be "JR" or "Jack Redmon", written over the printed name.

RE: Change order #8 Stiles Electric

Stiles Electric will require a change order for additional cost to finish out the dumbwaiter install.
Total amount will be \$7,890.00

Staff recommends approval of this change order.

CHANGE ORDER

Page 64

Distribution:

OWNER ☐
ARCHITECT ☐
CONTRACTOR ☐

FIELD ☐
OTHER ☐

Project:

Memorial City Hall Renovation
Marshall

Change order number: ~~-7~~ 8

Date: 1/29/19

Architect's project no.:

Contract date:

Contractor's JobId: 5106

Contract for:

To owner:

City of Marshall
PO Box 698
Marshall, TX 75671

The contract is changed as follows:

Dumbwaiter controls

The original Contract Sum was \$ 291,300.00
Net changes by previously authorized Change Orders \$ 18,200.50 ~~15,976.00~~
The Contract Sum prior to this Change Order was \$ 309,500.50 ~~307,276.00~~
The Contract Sum will be increased by this Change Order in the amount of \$ 7,890.00
The new Contract Sum including this Change Order will be \$ 317,390.50 ~~315,166.00~~
The Contract Time will be unchanged by 0 days.
The date of Substantial Completion as of the date of this Change Order therefore is unchanged

Not valid until signed by the Architect, Contractor and Owner.

Architect

Flowers + Associates, Architects
400 West Fannin
Marshall, TX 75670
903.935.5891

Contractor

Stiles Electric, Inc.
103 Community Blvd.
Longview, TX 75605
Contractor License # 20110
(903)236-2536

Owner

City of Marshall
PO Box 698
Marshall, TX 75671

By:

Date:

By:

Date:

By:

Date:

John Stiles
8-30-2019

Ly R
1-29-19

[Signature]
Date:

ITEM 11C

**APPROVAL OF CHANGE ORDER #2
(ELEMENT #5) TO A CONTRACT WITH
CASEY SLONE CONSTRUCTION FOR
THE MEMORIAL CITY HALL
RENOVATION PROJECT**



September 5, 2019

To: Marshall City Commission

From: Jack Redmon
Director of Support Services

A handwritten signature in black ink, appearing to be "JR" or "Jack Redmon", written over the printed name.

RE: Change order Juliet balconies

This change order is to increase the safety of persons occupying the upper balconies.
Total amount for all balconies is \$2600.00.

Staff recommends approval of this change order.

ORDER

AIA DOCUMENT G701

Page 67

Distribution to:

OWNER	X
ARCHITECT	X
CONTRACTOR	
FIELD	
OTHER	

CHANGE ORDER

PROJECT: Memorial City Hall Work Element #5 Decorative Steel

CHANGE ORDER NUMBER: 2

INITIATION DATE: 30-Aug-19

ARCHITECT'S PROJECT NO:

CONTRACT FOR: \$ 97,272.00

CONTRACT DATE: 22-Jun-17

TO: City of Marshall, Texas

You are directed to make the following changes in this Contract:

Extra horizontal pipe rail at all Juliet balconies including powder coating all aisle railles, hand rails, & all guard railles in the balcony. Powder coating color per Becky Flowers & David Sellers \$ 2,600.00

The original (Contract Sum) (Guaranteed Maximum Cost) was	\$ 97,272.00
Net change by previously authorized Change Orders	12,267.00
The (Contract Sum) (Guaranteed Maximum Cost) including this Change Order was	<u>\$ 109,539.00</u>
The (Contract Sum) (Guaranteed Maximum Cost) will be (increased) (decreased) (unchanged) by this Change Order.....\$	<u>2,600.00</u>
The new (Contract Sum) (Guaranteed Maximum Cost) including this Change Order will be	<u>\$ 112,139.00</u>
The Contract Time will be (increased) (decreased) (unchanged) by	0 days
The Date of Substantial Completion as of the date of this Change Order therefore is	

Not valid until signed by both the Owner and Architect.

Signature of the Contractor indicates his agreement herewith, including any adjustment in the Contract Sum or Contract Time.

Authorized:


 Flowers & Associates
 ARCHITECT


 Casey Slone Construction
 CONTRACTOR

 City of Marshall / Authorized Representative
 OWNER

9-5-2019

ITEM 12

ITEMS WITHDRAWN FROM THE CONSENT AGENDA

ITEM 13A

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 14

ADJOURNMENT