

1. 10-13-2022 Agenda (PDF)

Documents:

[10-13-22 AGENDA.PDF](#)

2. 10-13-2022 Agenda Packet (PDF)

Documents:

[10-13-22 AGENDA PACKET.PDF](#)



**CITY OF MARSHALL, TEXAS  
REGULAR CITY COUNCIL MEETING  
COUNCIL CHAMBERS, CITY HALL, 401 SOUTH ALAMO  
OCTOBER 13, 2022, 6:00 P.M.**

**This meeting will be conducted utilizing a video and audio conferencing tool, as well as, a standard conference call. Instructions and direct links to view the meeting or speak during Citizen Comment can be found at [www.marshalltexas.net](http://www.marshalltexas.net).**

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**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](http://www.marshalltexas.net)**

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

**2. INVOCATION AND PLEDGES**

**3. PRESENTATIONS & PROCLAMATIONS**

- A. Presentation of a proclamation declaring the month of October 2022 as "Domestic Violence Awareness Month" in the City of Marshall. (Mayor Ware)
- B. Presentation of a proclamation designating the week of October 9 – 15, 2022 as Fire Prevention Week in the City of Marshall – theme this year is "Fire Won't Wait. Plan Your Escape." (Mayor Ware)
- C. Presentation of a proclamation recognizing the Texas Sounds International Country Music Awards. (Mayor Ware)
- D. Presentation of a proclamation designating the week of October 23 – 31, 2022 as Red Ribbon Week in the City of Marshall. (Mayor Ware)

**4. CITIZEN COMMENTS**

Texas Government Code, Sec. 551.007 requires that a governmental body must allow each member of the public who desires to address the body regarding an item on an agenda the opportunity to do so before or during the body's consideration of the item. Those who wish to speak will have three minutes to do so unless additional time has been requested.

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 ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA**

6. **CONSENT AGENDA**

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

- A. Consider approval of the minutes from the September 22, 2022 Regular meeting.
- B. Consider approval of a resolution regarding Amendment #3 to the Municipal Maintenance Agreement with the Texas Department of Transportation for the maintenance, control, supervision, and regulation of certain state highways and/or portions of state highways in the City of Marshall. (Public Works Director)

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

8. **PUBLIC HEARING & ORDINANCE**

- A. Conduct a public hearing and consider a rezoning request for a 5.3591 acre tract of land situated in the Henry Teal Survey, A-704, Harrison County, Texas from A&E (Agriculture and Estate) to C-3 (General Business). This property is located at 3100 East End Blvd North. (Community Development Director)
- B. Conduct a public hearing and consider a rezoning request for a 0.70 acre tract of land being part of Lot 15, Block 6, Cedar Crest Addition from C-2 (Retail Business) to C-3 (General Business). This property is located at 2604 Victory Drive. (Community Development Director)

9. **ORDINANCE**

- A. Consider approval of an ordinance of the City of Marshall amending provisions of the Code of Ordinances Chapter 13A entitled "Food and Food Establishments". (Community Development Director)

10. **CITY MANAGER REPORTS AND REQUESTS FOR CITY COUNCIL CONSIDERATION**

- A. Consider approval to reject all bids received for Coagulant and Caustic Soda used in the City of Marshall surface water treatment process. (Public Works Director)
- B. Consider approval of a signed letter of intent authorizing the purchase of a 2023 Frazer Ambulance and related equipment. (Fire Chief)
- C. Presentation of the Marshall Economic Development Corporation Semiannual Report. (Marshall EDC)
- D. Consider approval of an expenditure in excess of \$50,000 for Project Elks, a Certificate of Occupancy Bonus applicant. (Marshall EDC)

11. **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: Discuss or deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of public officer or employee: City Manager.

12. **ACTION ITEM FOLLOWING EXECUTIVE SESSION, IF NECESSARY**

- A. Consideration of actions necessary as a result of the Executive Session regarding Personnel Matters: Discuss or deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of public officer or employee: City Manager.

13. **ADJOURNMENT**

Posted:      October 10, 2022  
                    5:00 p.m.  
                    N. Smith

This meeting will be conducted in accordance with the Americans with Disabilities Act. Requests for sign interpretive services will be available with at least 72-hour notice prior to the meeting. To make arrangements for these services, please call the City Secretary's Office at 903-935-4446.



**CITY OF MARSHALL, TEXAS  
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Page 5**

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**Page 6**

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**Page 8**

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**Page 10**

D. Presentation of a proclamation designating the week of October 23 – 31, 2022 as Red Ribbon Week in the City of Marshall. (Mayor Ware)

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Page 14**

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**Page 20**

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**Page 26**

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**Page 60**

- C. Presentation of the Marshall Economic Development Corporation Semiannual Report. (Marshall EDC)

**Page 62**

- D. Consider approval of an expenditure in excess of \$50,000 for Project Elks, a Certificate of Occupancy Bonus applicant. (Marshall EDC)

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**Page 73**

Posted: October 10, 2022  
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# **ITEM 1**

## **CALL TO ORDER AND ROLL CALL**

## **ITEM 2**

### **INVOCATION AND PLEDGES**

## **ITEM 3A**

### **PROCLAMATION**

**PRESENTATION OF A PROCLAMATION  
DECLARING THE MONTH OF OCTOBER  
2022 AS “DOMESTIC VIOLENCE  
AWARENESS MONTH” IN THE CITY OF  
MARSHALL**

# PROCLAMATION



## *Domestic Violence Awareness Month*

- WHEREAS,** the crime of domestic violence violates an individual's privacy and dignity, security and humanity, due to systematic use of physical, emotional, sexual, psychological and economic control and/or abuse, including abuse to children and the elderly; and
- WHEREAS,** the problems of domestic violence are not confined to any group or groups of people, but cut across all economic, racial and societal barriers, and are supported by societal indifferences; and
- WHEREAS,** the impact of domestic violence is wide ranging, directly affecting individuals and society as a whole, here in the community, throughout the United States, and the world; and
- WHEREAS,** the Women's Center of East Texas is focused on ending violence by providing shelter, support, and safety to victims of domestic violence; and
- WHEREAS,** survivors of domestic violence themselves have been at the forefront of efforts to bring peace and equality to the home,
- NOW, THEREFORE,** the City Council of Marshall, Texas, in recognition of the important work done by domestic violence programs, does hereby proclaim the month of October 2022 to be "*Domestic Violence Awareness Month*" and urges all citizens to actively work toward eradicating domestic violence, improving survivor safety and holding perpetrators of domestic abuse accountable for their actions against individual survivors and our society as a whole.

---

Amy Ware, Mayor  
Marshall City Council



## **ITEM 3B**

### **PROCLAMATION**

**PRESENTATION OF A PROCLAMATION  
DESIGNATING THE WEEK OF OCTOBER  
9 – 15, 2022 AS FIRE PREVENTION WEEK  
IN THE CITY OF MARSHALL – THEME  
THIS YEAR IS “FIRE WON’T WAIT.  
PLAN YOUR ESCAPE.”**

# PROCLAMATION



**WHEREAS,** the City of Marshall and the National Fire Protection Association are teaming up to celebrate the 100<sup>th</sup> anniversary of Fire Prevention Week. The theme for 2022 is “Fire won’t wait. Plan your escape.”

**WHEREAS,** the National Fire Protection Association has stated fire prevention is a top priority, and the NFPA promotes the importance of individual, family, and community safety; and,

**WHEREAS,** house fires caused 2,580 civilian deaths in the United States in 2020, according to the NFPA, and fire departments in the United States responded to 356,500 house fires; and,

**WHEREAS,** it is important that all citizens have working smoke detectors which reduce the risk of dying in a house fire in half, and have a practiced fire escape plan which increase the ability of surviving a fire; and,

**WHEREAS,** first responders are devoted to reducing the occurrence of house fires and house fire injuries through prevention and protection education; and,

**WHEREAS,** the City of Marshall wishes to express our utmost appreciation to our own firefighters and EMS personnel for their dedicated efforts in providing important services to our community.

**NOW, THEREFORE,** we, the City Council of Marshall, Texas call upon the citizens of Marshall to observe the week of October 9-15, 2022, as Fire Prevention Week and implore all residents to check their smoke and carbon monoxide (CO) alarms and plan and practice a house fire escape for Fire Prevention Week 2022.

**IN WITNESS WHEREOF,** I have hereunto set my hand and caused the Seal of the City of Marshall, Texas to be affixed this 13<sup>th</sup> day of October 2022.

---

Amy Ware, Mayor  
Marshall City Council



## **ITEM 3C**

### **PROCLAMATION**

#### **PRESENTATION OF A PROCLAMATION RECOGNIZING THE TEXAS SOUNDS INTERNATIONAL COUNTRY MUSIC AWARDS**

# PROCLAMATION



## *Texas Sounds International Country Music Awards*

**WHEREAS,** Texas Sounds International Country Music Awards was created by Preston & Ellen Taylor along with their daughter; Sara Whitaker, ten years ago. It's grown over the years into a popular event with award winning musicians from over twenty-four nations.

**WHEREAS,** This is the first year of many to come, that the event will be held from October 13, through October 16, 2022 at Memorial City Hall in downtown, Marshall, Texas.

**WHEREAS,** Most of the artists performing are award winning artists, with many having earned gold records. These artists travel from around the world to perform here in Marshall, Texas with the dream of obtaining a Texas Sounds International Country Music Award.

**WHEREAS,** The artists are thrilled to perform for us here in Marshall, Texas and we are thrilled to have them, their band members, friends and families as our guests.

**NOW, THEREFORE,** the City Council of Marshall, Texas, in recognition of this international event, does hereby proclaim the month of October 2022 to be "*Texas Sounds International Country Music Month*", and urges all citizens to actively work toward greeting our guests with some of that legendary Marshall, Texas hospitality!

---

Amy Ware, Mayor  
Marshall City Council



## **ITEM 3D**

### **PROCLAMATION**

**PRESENTATION OF A PROCLAMATION  
DESIGNATING THE WEEK OF OCTOBER  
23 – 31, 2022 AS RED RIBBON WEEK IN  
THE CITY OF MARSHALL**

# PROCLAMATION



## *Red Ribbon Week*

*WHEREAS*, alcohol and drug misuse affect individuals, families, and communities across the nation; and

*WHEREAS*, it is imperative that visible, unified efforts by community members be launched to prevent drug misuse; and

*WHEREAS*, Red Ribbon Week offers citizens the opportunity to demonstrate their commitment to drug-free lifestyles; and

*WHEREAS*, Red Ribbon Week will be celebrated in communities across the nation during the last week of October; and

*WHEREAS*, businesses, government, law enforcement media, health care providers schools, religious institutions, and other community-based organizations will demonstrate their commitment to healthy, drug-free lifestyles; and

*WHEREAS*, the community of Marshall commits to the success of Red Ribbon Week;

*NOW, THEREFORE*, I, Amy Ware, Mayor of the City of Marshall, do hereby proclaim the week of October 23-31 as

## **Red Ribbon Week**

and call upon all local citizens, parents, schools, public and private institutions, and businesses in the City of Marshall to support efforts to improve community health. Through these efforts, we can promote *Hope, Health, and Strength* for this community.

Given under my hand and Seal of the City of Marshall this 13th day of October 2022.

---

Mayor  
Marshall, Texas City Council



## **ITEM 4**

### **CITIZEN COMMENTS**

## **ITEM 5**

### **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA**

## **ITEM 6A**

### **CONSENT AGENDA**

**CONSIDER APPROVAL OF THE  
MINUTES FROM THE SEPTEMBER 22,  
2022 REGULAR MEETING**

MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF MARSHALL  
SEPTEMBER 22, 2022  
6:00 PM

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Mayor Amy Ware called the Regular meeting to order in the Council Chambers, City Hall at 6:00 p.m.

PRESENT:

MAYOR: Amy Ware, District 4

COUNCIL MEMBERS:

|                           |                            |
|---------------------------|----------------------------|
| Marvin Bonner, District 1 | Leo Morris, District 2     |
| Reba Godfrey, District 5  | Amanda Abraham, District 6 |
| Micah Fenton, District 7  |                            |

ABSENT: Jennifer Truelove, District 3 (excused Motion: Bonner Second: Fenton  
Vote: 6:0)

ADMINISTRATIVE STAFF PRESENT:

|                                                  |                              |
|--------------------------------------------------|------------------------------|
| Terrell Smith, City Manager                      | Cliff Carruth, Police Chief  |
| Reggie Cooper, Fire Chief                        | Dawn Jones, Finance Director |
| Scott Rectenwald, Acting City Attorney           |                              |
| Randy Pritchard, Support Services Director       |                              |
| Chris Miles, Public Works Assistant Director     |                              |
| Nikki Smith, City Secretary/Payroll Accountant   |                              |
| Leann White, Tourism & Cultural Arts Coordinator |                              |
| Garnett Johnson, Community Development Director  |                              |

INVOCATION & PLEDGE: Mayor Ware

**PROCLAMATION**

212. PROCLAMATION DECLARING TUESDAY, OCTOBER 4, 2022 AS  
“NATIONAL NIGHT OUT” IN THE CITY OF MARSHALL.

Mayor Ware read a proclamation declaring Tuesday, October 4, 2022 as  
“National Night Out” in the City of Marshall.

213. **CITIZEN COMMENTS**

Gale Keys, Arts Alliance, 1203B E. Grand, asked for information on  
obtaining an application for HOT Funds.

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

Item C was withdrawn from the Consent Agenda.

215. **CONSENT AGENDA**

**Councilmember Godfrey made a motion to approve the Consent  
Agenda. Councilmember Fenton seconded the motion, which passed  
with a vote of 6:0.**

A. Consider approval of the minutes from the September 8, 2022 Regular  
meeting.

B. Consider approval of updates to the Governance Policy. (City Secretary)

D. Consider approval of expenditure in excess of \$50,000 for  
implementation of new ERP System. (Finance Director)

**ORDINANCE**

216. CONSIDER APPROVAL OF AN ORDINANCE REGARDING A PROPOSED AMENDMENT ALLOWING MOBILE FOOD VENDORS IN CITY OF MARSHALL AREA

This item was removed from the agenda.

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

C. Consider approval of an Interlocal Agreement with Harrison County for the Wonderland of Lights. (Main Street Coordinator)

Councilmember Abraham stated her reason for withdrawing this item.

**Councilmember Abraham made a motion to approve Item C from the Consent Agenda, with a correction to the date. Councilmember Morris seconded the motion, which passed with a vote of 6:0.**

**EXECUTIVE SESSION**

218. AN EXECUTIVE SESSION PURSUANT TO THE OPEN MEETINGS ACT, CHAPTER 551 OF THE TEXAS GOVERNMENT CODE UNDER SECTION 551.072 DELIBERATION REGARDING REAL PROPERTY: CONSIDER, DISCUSS, AND DELIBERATE SALE OF PROPERTY.
219. AN EXECUTIVE SESSION PURSUANT TO SECTION 551.071 WHICH AUTHORIZES A GOVERNMENTAL BODY TO CONSULT WITH ITS ATTORNEY CONTEMPLATED LITIGATION; AND ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THIS CHAPTER.

**Councilmember Fenton made a motion to convene into Executive Session. Councilmember Godfrey seconded the motion, which passed with a vote of 6:0. The time was 6:15 PM.**

**Councilmember Bonner made a motion to reconvene from Executive Session. Councilmember Morris seconded the motion, which passed with a vote of 6:0. The time was 6:56 PM.**

**ACTION ITEMS FOLLOWING EXECUTIVE SESSION, IF NECESSARY**

220. CONSIDER DIRECTION TO CITY STAFF REGARDING PROPERTY DISCUSSED IN EXECUTIVE SESSION.

**Councilmember Abraham made a motion to abandon that portion of Beauregard Street between Davis Street and Price Street that was never used as a road and has no right of way constructed on it. Councilmember Godfrey seconded the motion, which passed with a vote of 6:0.**

221. CONSIDER AND ACT UPON ADVICE OF COUNSEL CONCERNING EXPENDITURES

**Mayor Ware made a motion that the City Attorney be authorized to spend up to \$15,000 on the experts needed to evaluate the City's claims for each of the properties that are potentially the subject of litigation.**

**Councilmember Godfrey seconded the motion, which passed with a vote of 6:0.**

222.     **ADJOURNMENT**

**Councilmember Godfrey made a motion for adjournment. Councilmember Fenton seconded the motion, which passed with a vote of 6:0.**

**APPROVED:**

\_\_\_\_\_  
**Mayor of the City Council  
of the City of Marshall, Texas**

**ATTEST:**

\_\_\_\_\_  
**City Secretary**

## **ITEM 6B**

### **CONSENT AGENDA**

**CONSIDER APPROVAL OF A  
RESOLUTION REGARDING  
AMENDMENT #3 TO THE MUNICIPAL  
MAINTENANCE AGREEMENT WITH  
THE TEXAS DEPARTMENT OF  
TRANSPORTATION FOR THE  
MAINTENANCE, CONTROL,  
SUPERVISION, AND REGULATION OF  
CERTAIN STATE HIGHWAYS AND/OR  
PORTIONS OF STATE HIGHWAYS IN  
THE CITY OF MARSHALL**



**TO:** Members of the City Council

**FROM:** Eric Powell, PE   
Director of Public Works & Utilities/City Engineer

**DATE:** October 7, 2022

**SUBJECT:** Consider approval of Amendment #3 to the existing Municipal Maintenance Agreement with the State of Texas for the maintenance, control, supervision, and Regulation of certain state highways and/or portions of state highways in the City of Marshall

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The local Texas Department of Transportation and the City of Marshall have agreed to update the original existing Municipal Maintenance Agreement, entered into on July 14, 2016, with this third amendment to the agreement.

This amendment is intended to cover and provide for State participation in the reconstruction of a retaining wall along FM 1997, inside the city limits of Marshall. This retaining wall, which is located in front of the main campus of East Texas Baptist University, was originally reconstructed by TxDOT in July of 2017. However, weep holes in the wall that were installed for drainage purposes, led to excessive groundwater drainage onto the adjacent sidewalk. This groundwater drainage also led to an increase in maintenance costs for ETBU in order to provide for acceptable use of the sidewalk by pedestrians. TxDOT agreed that the drainage issue needed to be corrected and also agreed to reimburse ETBU for the cost to install a different type of drainage system for the retaining wall. Because TxDOT cannot enter into an agreement with a private entity, this amendment was drafted with the City of Marshall. TxDOT has made payment to the City for the cost of the project, and now the City will process payment to East Texas Baptist University. The actual total project cost was \$55,000.00, which exceeded the amount agreed upon in the amendment; however, TxDOT agreed to reimburse for the full amount.

THE STATE OF TEXAS                   §

THE COUNTY OF TRAVIS               §

**AMENDMENT #3 TO MUNICIPAL MAINTENANCE AGREEMENT**

**WHEREAS**, on the 14th day of July 2016, the Texas Department of Transportation, the "State", and the City of Marshall, the "City" entered into a Municipal Maintenance Agreement intended to cover and provide for State participation in the maintenance of state routes within the City; and

**WHEREAS**, in June of 2017, the Texas Department of Transportation, the "State", let a construction project (CSJ 1919-02-037), the "Project", to provide for the reconstruction of a retaining wall along FM 1997 inside the City limits; and

**WHEREAS**, the State, as part of the Project constructed a sidewalk in between the retaining wall and FM 1997; and

**WHEREAS**, the City, in accordance with the Municipal Maintenance Agreement is responsible for the maintenance of sidewalks; and

**WHEREAS**, the City and the State agree to amend the existing Municipal Maintenance Agreement.

**AGREEMENT**

**NOW, THEREFORE**, in consideration of the premises and mutual covenants and agreements of the parties hereto to be by them respectively kept and performed, as hereinafter set forth, the City and State do mutually agree to the amendment as follows:

**COVERAGE**

1. This agreement is intended to cover and provide for State participation in the one-time installation of a drainage system behind the retaining wall constructed as part of the aforementioned Project.

**GENERAL CONDITIONS**

13. The State will reimburse the City for a one-time installation of a drainage system behind the retaining wall. The State bears some fiduciary responsibility for the increased maintenance costs of the sidewalk due to the original design and construction of the retaining wall. Based on the current design, weep holes are draining from behind the retaining wall and across the sidewalk. This drainage across the sidewalk has led to an increase in maintenance costs to

provide for acceptable use of this sidewalk by pedestrians. It is operationally beneficial to partner with the City on performing the work to install a drainage system behind the retaining wall to capture and reroute this water instead of allowing it to drain across the sidewalk. The State will reimburse the City for performing work to install this drainage system once and then all future maintenance will revert back to the City per the Municipal Maintenance Agreement. This partnership will allow for the correction of the drainage design so that the sidewalk's appearance and functionality are both acceptable and safe for the pedestrian's use and achieved at the best fiscal value to the State and the City. Reimbursement will be by invoice provided by the City to the State, not to exceed \$50,000.

#### **TERMINATION**

This amendment is expressly made subject to the rights granted to TxDOT to terminate this Amendment without notice after (5) years, and upon the exercise of any such right by either party, this Amendment will terminate. TxDOT or the City may terminate this Amendment upon notice at any time for a violation of the terms of this Amendment. The termination of this Amendment does not affect any other provisions of the existing Municipal Maintenance Agreement between the parties. If the City has entered into a contract with a third party to perform any service under this Amendment, this Amendment will continue in effect until the current term of the contract has expired.

In all other respects, the Agreement shall remain in force and effect without change.

**IN TESTIMONY WHEREOF**, the parties have hereto have caused this amendment to be executed in duplicate. The Amendment becomes effective when last executed.

**THE CITY OF MARSHALL**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**THE STATE OF TEXAS**

Executed and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, and established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

**APPROVED:**

By: \_\_\_\_\_

0EAA6DC25F0E45E  
**Jeré A. Williams, P.E.**  
 Atlanta District Engineer  
 Texas Department of Transportation

Date: 8/19/2022  
 \_\_\_\_\_

## RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING AMENDMENT NO. 3 TO THE ORIGINAL MUNICIPAL MAINTENANCE AGREEMENT BETWEEN THE TEXAS DEPARTMENT OF TRANSPORTATION AND THE CITY OF MARSHALL, TEXAS DATED July 14, 2016, FOR THE MAINTENANCE, CONTROL, SUPERVISION AND REGULATION OF CERTAIN STATE HIGHWAYS AND/OR PORTIONS OF STATE HIGHWAYS IN THE CITY OF MARSHALL, TEXAS; AND PROVIDING FOR THE EXECUTION OF SAID AGREEMENT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That the certain original agreement dated July 14, 2016, and Amendment No. 3 to the agreement, between the Texas Department of Transportation and the City of Marshall, Texas for the maintenance, control, supervision and regulation of certain State Highways and/or portions of State Highways in the City of Marshall, Texas be and the same is, hereby approved.

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
City Secretary

APPROVED: \_\_\_\_\_

City of Marshall, Texas

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

## **ITEM 7**

# **CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA**

## **ITEM 8A**

### **PUBLIC HEARING & ORDINANCE**

**CONDUCT A PUBLIC HEARING AND  
CONSIDER A REZONING REQUEST FOR  
A 5.3591 ACRE TRACT OF LAND  
SITUATED IN THE HENRY TEAL  
SURVEY, A-704, HARRISON COUNTY,  
TEXAS FROM A&E (AGRICULTURE AND  
ESTATE) TO C-3 (GENERAL BUSINESS).  
THIS PROPERTY IS LOCATED AT 3100  
EAST END BLVD NORTH**



## Agenda Information Sheet

**September 12, 2022**

**Agenda Item Z-22-04:**

- A. Conduct a public hearing and make a recommendation to the City Council regarding a rezoning request of a 5.3591 acre tract of land situated in the Henry Teal Survey, A-704, Harrison County, Texas. From A&E (Agriculture and Estate) to C-3 (General Business). Located at 3100 East End Blvd. North.

|                              |                                                               |
|------------------------------|---------------------------------------------------------------|
| Applicant                    | Guy Slimp<br>6261 Central Pointe Parkway, Temple, Texas 76504 |
| Property Owner               | Michael Nash<br>150 Private Road 2125 Marshall, Texas 75672   |
| Surrounding Property Notices | 9 Notices Sent within 200 ft of the Site<br>0 Responses back  |
| Existing Zoning              | A&E (Agriculture and Estate)                                  |
| Proposed Zoning              | C-3 (General Business)                                        |

**Location Map:**



**Background & Summary of Request:**

The Applicant is requesting a zoning change to construct a convenience store.

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

The subject property is vacant.

|                       | <b>Zoning Classification</b> | <b>Land Use</b>           |
|-----------------------|------------------------------|---------------------------|
| North of the Property | Commercial                   | Auto Repair               |
| East of the Property  | A&E (Agriculture and Estate) | Rock and gravel storage   |
| South of the Property | A&E (Agriculture and Estate) | Single Family residential |
| West of the Property  | A&E (Agriculture and Estate) | Single Family residential |

Water service to the site is provided by an existing 6" water main along the east side of east end Blvd. North. Sewer service is provided by 6" sewer main on the west side of East End Blvd. North.

**Comprehensive Plan and Future Land Use Analysis:**

The 2018 Future Land Use Map identifies the property as Commercial/Office/Service.

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 proposed change would be in compliance with the Comprehensive Plan.*
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. *The surrounding property is primarily developed with single-family homes And commercial use.*
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 is currently surrounded by mixed use properties and agricultural uses. The zoning will need to be changed.*
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? *Through the development standards proposed, the applicant is attempting to protect the surrounding property owners from any possible nuisances the development could impose.*

**Suggested Motions:**

1. Motion to recommend approval of case number Z-22-04 as requested.
2. Motion to recommend approval of case number Z-22-04 with conditions.
3. Motion to recommend denial of case number Z-22-04.

**Attachments:**

1. Aerial of Site
2. Pictures of the Site
3. 200 Foot Notification Map
4. Proposed site plan



Z-22-04  
Site Pictures



Subject Property



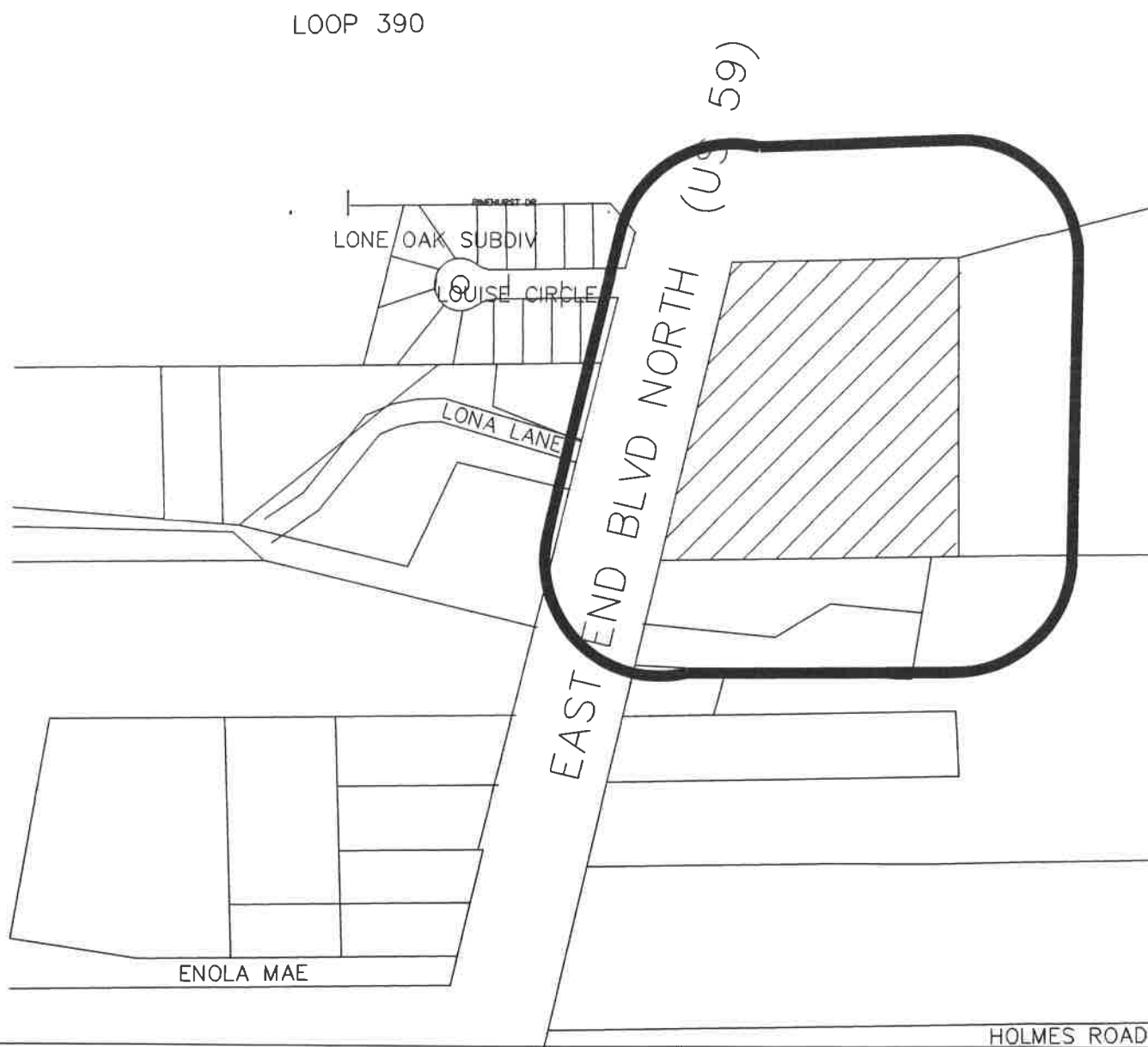
Single family residential to the south



Commercial to the east



Single family residential to the west



Case No. Z-22-04  
 Scale: 1"=300'  
 Date: 9-12-22

PLANNING DEPARTMENT  
 CITY OF MARSHALL, TEXAS

### Remarks:

A request to rezone 5.3591 acres of land located in the Henry Teal Survey A-704. From A&E (Agriculture and Estate) to C-3 (General Business).

Location: 3100 East End Blvd. North  
 Applicant: Guy Slimp

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ORDINANCE NO. 0-87-13 TO REZONING REQUEST OF A 5.3591 ACRE TRACT OF LAND SITUATED IN THE HENRY TEAL SURVEY, A-704, HARRISON COUNTY, TEXAS. FROM A&E (AGRICULTURE AND ESTATE) TO C-3 (GENERAL BUSINESS). LOCATED AT 3100 EAST END BLVD. NORTH.

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

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

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

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

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

WHEREAS, pursuant to said report and after notice in the manner and for the length of time required by law, the City Council held a public hearing in Marshall, Texas at City Hall on the 13<sup>th</sup> day of October, 2022, at 6:00pm for the purpose of considering the requested Zoning Map change, and at which hearing all property owners, interested parties, and interested citizens had an opportunity to be heard; and

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

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

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

Section 2. rezoning request of a 5.3591 acre tract of land situated in the Henry Teal Survey, A-704, Harrison County, Texas. From A&E (Agriculture and Estate) to C-3 (General Business). Located at 3100 East End Blvd. North.

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

PASSED on the 13<sup>th</sup> day of October, 2022.

AYES: \_\_

NOES: \_\_

ABSTAINED: \_\_

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

ATTEST:

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CITY SECRETARY

## **ITEM 8B**

### **PUBLIC HEARING & ORDINANCE**

**CONDUCT A PUBLIC HEARING AND  
CONSIDER A REZONING REQUEST FOR  
A 0.70 ACRE TRACT OF LAND BEING  
PART OF LOT 15, BLOCK 6, CEDAR  
CREST ADDITION FROM C-2 (RETAIL  
BUSINESS) TO C-3 (GENERAL  
BUSINESS). THIS PROPERTY IS  
LOCATED AT 2604 VICTORY DRIVE**



## Agenda Information Sheet

**September 12, 2022**

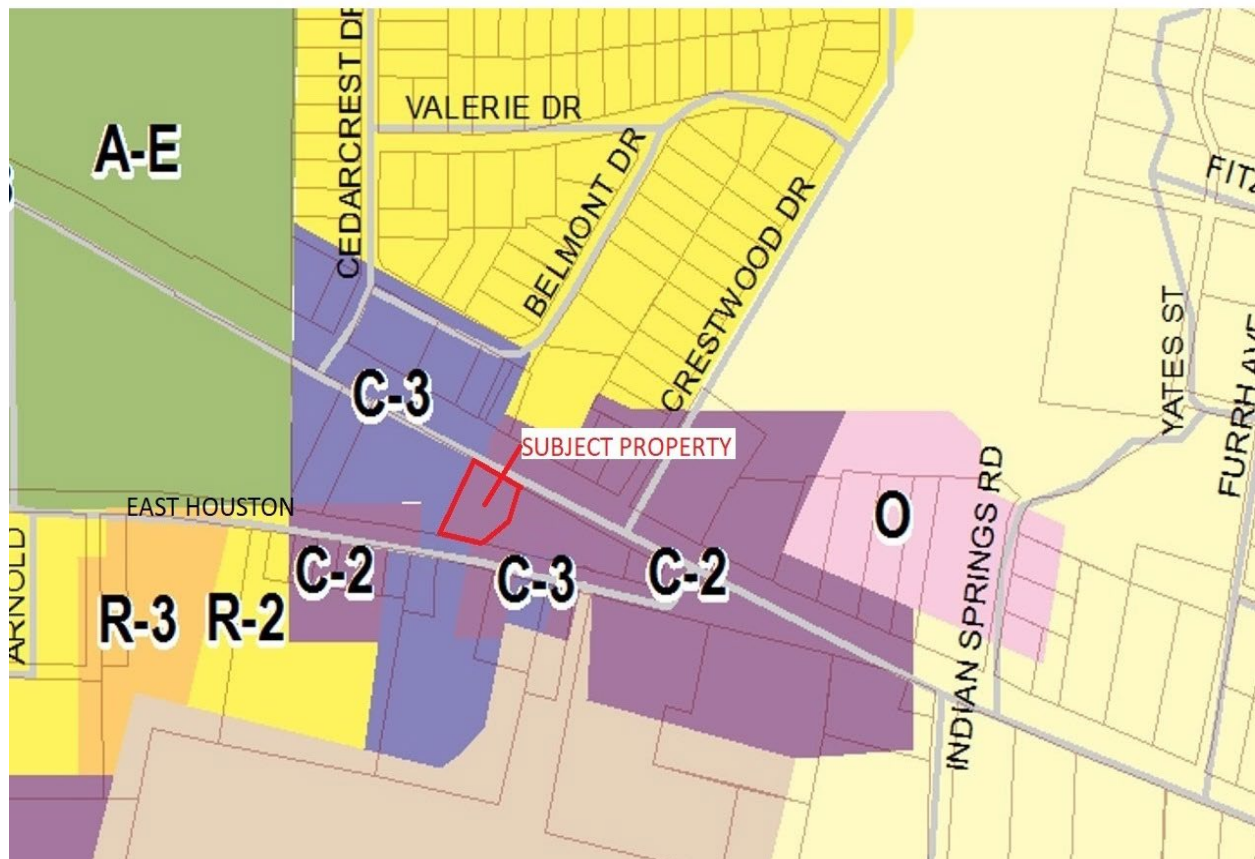
**Agenda Item Z-22-03:**

- A. Conduct a public hearing and make a recommendation to the City Council regarding a rezoning request of a 0.70 acre tract of land being, part of lot 15, Block 6, Cedar Crest Addition, From C-2 (Retail Business) to C-3 (General Business). Located at 2604 Victory Drive.

|                              |                                                              |
|------------------------------|--------------------------------------------------------------|
| Applicant                    | Clayton Allen<br>104 West Houston Marshall, Texas 75670      |
| Property Owner               | Dennis Driskell<br>STF-1 Henderson, Texas 75657              |
| Surrounding Property Notices | 8 Notices Sent within 200 ft of the Site<br>0 Responses back |
| Existing Zoning              | C-2(Retail Business)                                         |
| Proposed Zoning              | C-3 General Business)                                        |

**Location Map:**

Z-22-03



**Background & Summary of Request:**

The Applicant is requesting a zoning change to construct storage units.

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

The subject property is a self-serve carwash.

|                       | <b>Zoning Classification</b> | <b>Land Use</b> |
|-----------------------|------------------------------|-----------------|
| North of the Property | C-2(Retail Business)         | Commercial      |
| East of the Property  | C-2(Retail Business)         | Commercial      |
| South of the Property | C-3(General Business)        | Commercial      |
| West of the Property  | C-3(General Business)        | Commercial      |

Water service to the site is provided by an existing 6" water main along the south side of East Houston. Sewer service is provided by 6" sewer main along the north side of East Houston Street.

**Comprehensive Plan and Future Land Use Analysis:**

The 2018 Future Land Use Map identifies the property as Commercial/Office/Service. 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 proposed change would be in compliance with the Comprehensive Plan.
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. *The surrounding property is primarily developed with commercial type uses.*
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 is currently surrounded by commercial type uses. The zoning will need to be changed to allow the applicant the ability to development the property for what is proposed.*
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? *Through the development standards proposed, the applicant is attempting to protect the surrounding property owners from any possible nuisances the development could impose.*

**Suggested Motions:**

1. Motion to recommend approval of case number Z-22-03 as requested.
2. Motion to recommend approval of case number Z-22-03 with conditions.
3. Motion to recommend denial of case number Z-22-03.

**Attachments:**

1. Aerial of Site
2. Pictures of the Site
3. 200 Foot Notification Map



Z-22-03  
Site Pictures



Commercial to the north



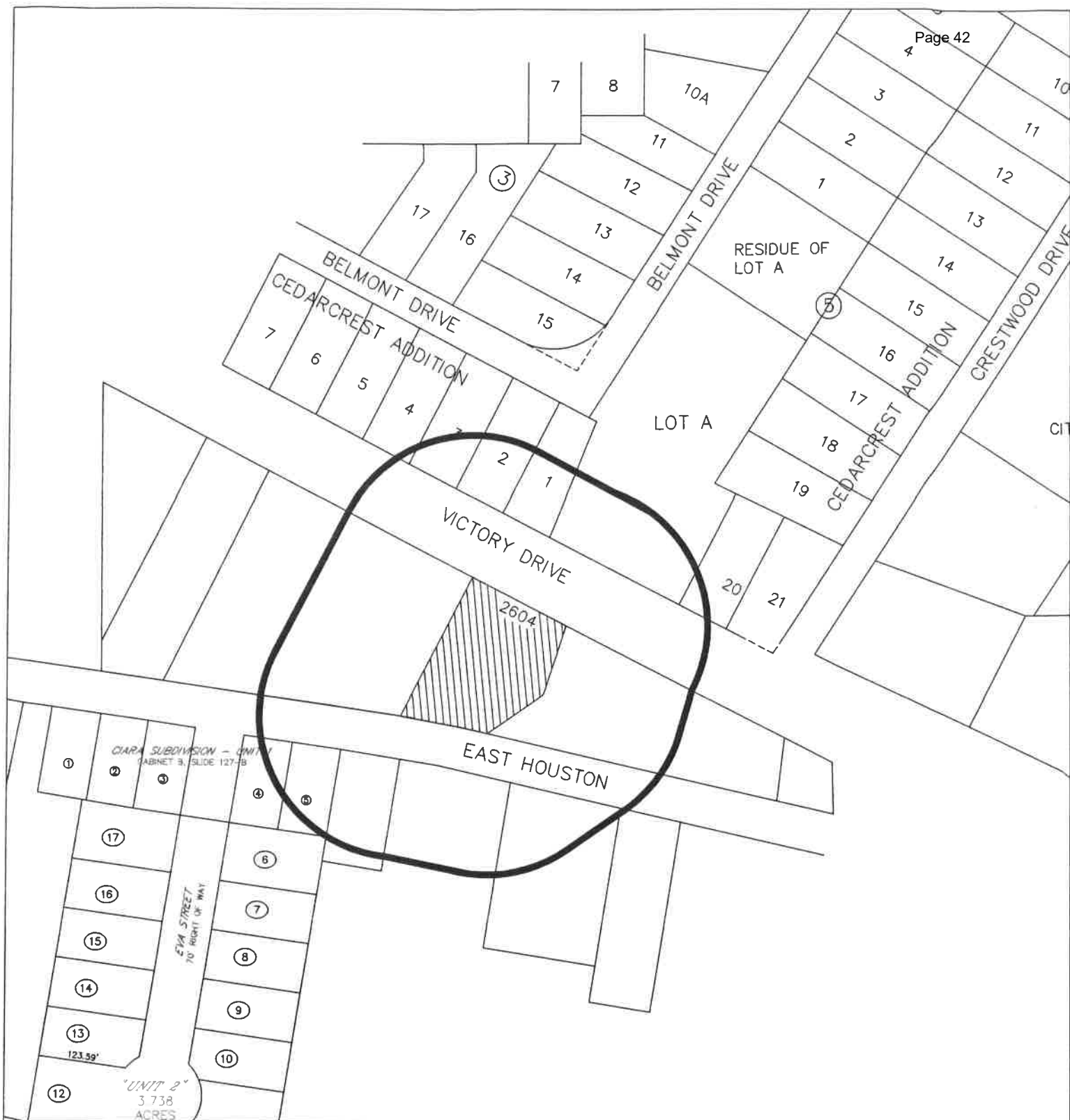
Commercial to the south



Commercial to the east



Commercial to the west



Case No. Z-22-03  
Scale: 1"=200'  
Date: 9-12-22

PLANNING DEPARTMENT  
CITY OF MARSHALL, TEXAS

Remarks: A request to  
rezone 0.70 acres of land  
being part of Lot 15 block 6  
Cedarcrest Addition from C-2  
(Retail Business) to C-3  
(General Business)

Location: 2604 Victory Drive  
Applicant: Clayton Allen

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ORDINANCE NO. 0-87-13 TO REZONING REQUEST OF A 0.70 ACRE TRACT OF LAND BEING, PART OF LOT 15, BLOCK 6, CEDAR CREST ADDITION, FROM C-2 (RETAIL BUSINESS) TO C-3 (GENERAL BUSINESS). LOCATED AT 2604 VICTORY DRIVE.

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

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

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

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

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

WHEREAS, pursuant to said report and after notice in the manner and for the length of time required by law, the City Council held a public hearing in Marshall, Texas at City Hall on the 13<sup>th</sup> day of October, 2022, at 6:00pm for the purpose of considering the requested Zoning Map change, and at which hearing all property owners, interested parties, and interested citizens had an opportunity to be heard; and

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

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

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

Section 2. Rezoning request of a 0.70 acre tract of land being, part of Lot 15, Block 6, Cedar Crest Addition, from C-2 (Retail Business) to C-3 (General Business). Located at 2604 Victory Drive.

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

PASSED on the 13<sup>th</sup> day of October, 2022.

AYES: \_\_

NOES: \_\_

ABSTAINED: \_\_

---

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

ATTEST:

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CITY SECRETARY

## **ITEM 9A**

### **ORDINANCE**

**CONSIDER APPROVAL OF AN  
ORDINANCE OF THE CITY OF  
MARSHALL AMENDING PROVISIONS  
OF THE CODE OF ORDINANCES  
CHAPTER 13A ENTITLED “FOOD AND  
FOOD ESTABLISHMENTS”**

Ordinance \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF MARSHALL AMENDING PROVISIONS OF THE CODE OF ORDINANCES, SECTION 13A ENTITLED “FOOD AND FOOD ESTABLISHMENTS” RELATING TO FOOD AND FOOD ESTABLISHMENTS; PROVIDING FOR PENALTIES; PROVIDING FOR PUBLICATION AND ESTABLISHING AN EFFECTIVE DATE FOR SUCH ORDINANCE.**

**WHEREAS** Council for the City of Marshall (“the Council”) finds that ordinances regulating food and food establishments promote the health and welfare of its citizens; and

**WHEREAS** the Council finds that the existing ordinance regulating food and food establishments is in need of updating; and

**WHEREAS**, the Council 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 COUNCIL 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.** Chapter 13A of the Code of Ordinances is amended to read as follows:

**“Chapter 13A FOOD AND FOOD ESTABLISHMENTS**

***ARTICLE I. IN GENERAL***

**Sec. 13A-1. Adoption of Texas Food Establishment Rules.**

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 Division (TX DSHS), found in Title 25, Texas Administrative Code, Chapter 228, regarding the regulation of food establishments in this jurisdiction.

### **Sec. 13A-2. Definitions.**

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

*Authority Having Jurisdiction (AHJ)* – Shall mean those members in the Community Development Department that are responsible for and are licensed to perform building, plumbing, and electrical inspections, and the City of Marshall Fire Marshal’s Office.

*Regulatory Authority* – Those members of the Community Development Department of the City who are responsible for consumer health and are licensed to perform food service inspections (the “Consumer Health Division”), or the entity that succeeds to the duties of that department.

### **Sec. 13A-3. Permits, Inspections, Fees and 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 (1) person to another or from one (1) 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 and AHJ 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 members of the Regulatory Authority or AHJ 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 (6) 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 seventy (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 forty-eight (48) hours. The establishment shall remain closed until reopened by the Regulatory 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 (5) 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 Council on the City's master fee schedule kept on file in the Regulatory Authority's office.

#### **Sec. 13A-4. Review of Plans.**

*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 twenty (20) percent 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 chapter. 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.

#### **Sec. 13A-5. Food Manager Qualification.**

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.

### **Sec. 13A-6. 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 Regulatory 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 be submitted two (2) weeks prior to the event needing the permit.

### **Sec. 13A-7. Mobile Food Units.**

- (a) *Mobile Food Unit Defined.* A Mobile Food Unit 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 Truck:* A self-contained motorized unit selling items defined as edible goods.
  - (2) *Mobile Food Cart:* A mobile vending unit that must be moved by non-motorized means.
  - (3) *Mobile Food Trailer:* A vending unit which is pulled by a motorized unit and has no power to move on its own.
- (b) *Compliance.* All Mobile Food Units shall comply with the current version of Texas Administrative Code, Title 25, Chapter 228 - Texas Food Establishment Rules (TFER), International Fire Codes (IFC), the standards promulgated by the National Fire Protection Association (NFPA), the rules and regulations promulgated by the Texas Commission on Environmental Quality, and Texas Water Code.
- (c) *Permit.* All Mobile Food Units must receive a permit and be inspected as described in section 13A-3 of this chapter.
- (d) *Location.*
  - (1) A Mobile Food Unit shall be parked on a commercially zoned property. If the Mobile Food Unit is not the property owner, they must receive written approval from the property owner.
  - (2) A Mobile Food Unit may not be located within twenty-four (24) feet of the property line of a fixed food establishment during the fixed food establishment's regular business hours. This buffer may be reduced upon receiving written permission from said establishment.
  - (3) A Mobile Food Unit shall be self-sustainable. Shored resources may only be used when approved by the Regulatory Authority or AHJ.
- (e) *Stationary Restrictions.*

*“Stationary Location”* shall mean the location of the Mobile Food Unit when not in motion and when set up and arranged for the purpose of making sales to the public.

*“Operating Hours”* shall mean: 5:30 p.m. to 11:00 p.m. (Monday – Friday), 8:00 a.m. to 11:00 p.m. (Saturday), and 10:00 a.m. to 8:00 p.m. (Sunday).

The following restrictions apply to a Mobile Food Unit’s location:

- (1) A Mobile Food Unit shall not be at a Stationary Location for a period exceeding ten (10) hours per location per day;
- (2) A Mobile Food Unit shall not be in congested areas where the operation of the Mobile Food Unit impedes vehicular or pedestrian traffic;
- (3) A Mobile Food Unit shall not be where it impedes access to the entrance of any adjacent building or driveway;
- (4) A Mobile Food Unit shall not be in downtown public parking spaces, unless specifically designated and approved by the Regulatory Authority or AHJ, and only during Operating Hours as defined in this section. For the purpose of this section, downtown means those areas within the following boundaries:
  - a. North of Travis Street;
  - b. South of Grand Avenue (US Hwy 80);
  - c. East of Grove Street; and
  - d. West of Alamo Boulevard.
- (5) A Mobile Food Unit shall not be parked in city public recreational areas unless specifically designated and approved by the Regulatory Authority or AHJ. For this section, city public recreational areas include the following locations:
  - a. Marshall Civic Center;
  - b. Marshall City Arena;
  - c. Airport Park Sports Complex;
  - d. Marshall City Park;
  - e. City of Marshall Golf Course;
  - f. Marshall Public Library;
  - g. Smith Park;
  - h. Lions Park;
  - i. Bath Miller Park; and
  - j. Bella Wyatt Park
- (6) Exemptions to stationary restrictions:
  - a. A Mobile Food Unit may remain at a Stationary Location, only if the Stationary Location contains a central preparation facility, commissary, or

other fixed food service establishment, used as a base of operation for the Mobile Food Unit.

- b. A Mobile Food Unit may remain permanently at a Stationary Location if a Mobile Food Unit has been approved under a special event permit by the Regulatory Authority or AHJ.
  - c. A Mobile Food Unit that is utilized for private catering events are exempt from the requirements of Sec. 13A-7(d) and Sec. 13A-7(e)(1).
- (f) *Waste.* Each Mobile Food 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 Unit, the waste shall be contained in a permanently installed tank located on the Mobile Food Unit. Liquid waste, solid waste, and recyclables shall be removed from a Mobile Food 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) *Fire & Life safety.* The Fire Marshal's Office is herein authorized to conduct all fire and life safety inspections necessary to determine the extent of compliance at any time. The City adopts by reference the excerpts of the current International Code Council and National Fire Protection Association Resources as noted: IFC, IBC, NFPA 1, NFPA 58, NFPA 70, and NFPA 96 regarding the regulation of Mobile Food Units in this jurisdiction.
- (1) Requirements for Mobile Food Units using Liquid Petroleum Gas (LPG): All Mobile Food Units using LPG shall abide by the following standards, requirements and restrictions:
- a. All Mobile Food Units using Liquid Petroleum Gas (LPG) shall present a valid invoice from a Licensed Plumber indicating an annual pressure/ gas test has been successfully completed upon request of the Regulatory Authority or the AHJ. Presentation of such an invoice shall be required for initial permitting and permit renewal.
  - b. LPG piping on Mobile Food Units shall be of an approved, labeled and listed type for use with the cooking appliances. Rubber type hoses shall not be allowed. All piping shall be in accordance with the recently published NFPA 58 and shall be protected against physical damage.
  - c. Food Trucks shall have a maximum of 200 gallons of LPG contained in an ASME motor fuel cylinder located a vented compartment in front of the rear bumper and behind the front axle.
  - d. Food trailers shall have a maximum of 200 gallons of LPG contained in tanks located outside inhabited portions of the trailer, mounted upon the trailer in a protected location in front of the rear bumper in an open or vented uninhabited compartment.
  - e. LPG cylinders shall not exceed 100 pounds.
  - f. LPG cylinders shall have an approved label and listed shut-off valve.

- g. All LPG cylinders shall be protected from damage and secured with a solid bracket.
  - h. The storage of LPG cylinders inside trucks and/ or trailers during hours of operation is prohibited.
  - i. All valves must be turned off when appliances/ cylinders are not in use and during transport.
  - j. “No Smoking” signs shall be posted. Additionally, the signage should be visible near any propane containers.
- (2) Requirements for Mobile Food Units using Electrical Service: All Mobile Food Units using electrical service shall abide by the following standards, requirements and restrictions:
- a. Extension cords shall not be utilized, nor are they a substitute for permanent wiring.
  - b. An appropriately sized power supply cord with corresponding connections will be allowed. The cord will be sized according to the vehicle’s electrical demands.
  - c. Appliances shall be plugged directly into electrical outlets.
  - d. All electrical outlets within six feet of a wet location shall be ground fault circuit interrupter (GFCI) protected. All exterior outlets shall be GFCI protected.
  - e. Generators shall be mounted on or placed in approved locations on the Mobile Food Unit. Generators are not to be placed on the ground without prior authorization from AHJ.
- (3) Fire Extinguishers and Suppression System:
- a. Mobile Food Units which perform cooking operations that produce grease laden vapors shall be provided with a Type I hood with ventilation.
  - b. Type I hoods shall be protected by a UL 3200 or UL 300A fixed fire extinguishing system.
  - c. All fire suppression systems require a bi-annual system inspection by a Texas licensed fire suppression company.
  - d. All cooking surfaces and hoods are to be kept clean to prevent grease build-up.
  - e. All fire extinguishers require an annual inspection by a Texas licensed fire extinguisher company. Required extinguishers must be properly mounted and readily accessible.
  - f. At least one portable extinguisher of the 2A10BC rating shall be accessible to the interior of the Mobile Food Unit.
  - g. Mobile Food Units utilizing oil/grease fryers are required to have a Class K fire extinguisher on the unit.

- (4) Cooking Equipment and Appliances:
  - a. All cooking appliances shall be of an approved type. Listed and labeled for the intended use. Propane appliance can be approved by the following testing labs: UL, CSA, CGA, AGA and/ or ETL.
  - b. Cooking appliances shall have an approved, labeled and listed on-off valve.
  - c. All appliances shall be installed according to the manufacture's instruction.
  - d. Water heaters or hot water tanks shall be installed in accordance with the International Plumbing Code and manufacturer's installation instructions and shall include venting of the tank.
- (5) Fire Lanes/ Fire Access and Drive Ways:
  - a. Mobile Food Units shall not park in marked fire lanes, ADA parking, or loading zones and shall not block fire department access or drive ways that serve as access.
- (6) Prohibited Cooking:
  - a. Solid fuel cooking is prohibited with the exception: The cooking device is listed and approved for Mobile Food Unit cooking applications.
  - b. Coleman style stoves, hot plates or equivalents are prohibited.
- (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.
- (i) *Noise*. No noise which is loud or noxious shall project from the Mobile Food Unit.

#### **Sec. 13A-8. Suspension of Permit.**

- (a) The AHJ 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 or public safety. Suspension is effective upon service of the notice required by 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 twenty (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 City of Marshall's Community Development Department by the holder of the permit within ten (10) days. If no written request for a hearing is filled within ten (10) days, the suspension is sustained. The Regulatory Authority may end the suspension at any time if reasons for the suspension no longer exist.

### **Sec. 13A-9. 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 AHJ 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 (10) days following service of such notice unless a written request for a hearing is filed with the Community Development Department by the holder of the permit within such ten (10) day period.
- (b) If no request for a hearing is filed within the ten (10) day period, the revocation of the permit becomes final.

### **Sec. 13A-10. 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.

### **Sec. 13A-11. Penalties.**

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

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

**Section 5.** That if any section, paragraph, subdivision, clause, phrase, or provision of this ordinance is hereafter determined to be invalid or in violation of the laws of the State of Texas or the Constitution of the United States by a court of appropriate jurisdiction, such finding of invalidity shall affect the continued enforcement only of the provision or provisions so

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

**Section 6.** The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Marshall, in compliance with the provisions of Article III Section 3.15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law. This ordinance shall become effective ten (10) days after first publication as described above.

PASSED, APPROVED AND ADOPTED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_

ABSTAINED: \_\_\_\_\_

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

ATTEST:

\_\_\_\_\_  
Nikki Smith, City Secretary

## **ITEM 10A**

**CONSIDER APPROVAL TO REJECT ALL  
BIDS RECEIVED FOR COAGULANT AND  
CAUSTIC SODA USED IN THE CITY OF  
MARSHALL SURFACE WATER  
TREATMENT PROCESS**



**TO:** Members of the City Council

**FROM:** Eric Powell, PE *ESP*  
Director of Public Works & Utilities/City Engineer

**DATE:** October 3, 2022

**SUBJECT:** Rejection of Coagulant and Caustic Soda bids

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On August 11, 2022, the City of Marshall received sealed bids for Coagulant and Caustic Soda, two primary chemicals used for surface water treatment at the Water Treatment Plant. Bid results for each item are as follows:

1. Caustic Soda – Univar Solutions, Dover, FL                      \$0.5775/dry lb.
2. Coagulant – ChemTrade, Parsippany, NJ                      \$0.7450/lb.

For each chemical, there was only one bidder and the unit prices submitted represent a significant increase from 2021. The table below shows that increase:

| Chemical     | 2021 Unit Price | 2022 Unit Price | % Increase |
|--------------|-----------------|-----------------|------------|
| Coagulant    | \$0.2557        | \$0.745         | 291.36%    |
| Caustic Soda | \$0.3625        | \$0.5775        | 159.31%    |

Based on this percentage increase for both Caustic Soda and Coagulant, there is no possible way for the Water Utility to absorb such an increase in the upcoming 2023 budget. I am recommending that we reject both bids and then re-advertise for bids for both chemicals in November. In the re-advertisement, we would specify that the contract terms be for 90 days only, to begin in January 2023. This may be the only way that the increase in costs can be managed in the upcoming fiscal year.

Thank you for your consideration in this matter.



# BID TABULATION

City Project: 2022 Caustic Soda  
 City Project Number: 2022-WSU-002  
 Bid Opening Time\Date: August 11, 2021 @ 2:00 pm  
 Prepared By: Eric G. Powell, PE, Director\City Engineer

| ITEM NO. | DESCRIPTION                               | QUANTITY | UNITS | Univar Solutions<br>12720 E Hwy 92<br>Dover, FL 33527 |  |  |
|----------|-------------------------------------------|----------|-------|-------------------------------------------------------|--|--|
| 1        | TONS OF LIQUID CAUSTIC SODA               | 250      | TONS  | \$0.5775                                              |  |  |
|          | (approximately 250,000 dry pounds)        |          |       |                                                       |  |  |
|          | (dry weight varies with density and temp) |          |       |                                                       |  |  |
|          | BID COST TOTALS (with Freight):           |          |       | \$144,375                                             |  |  |
|          | WARRANTY:                                 |          |       |                                                       |  |  |
|          | F.O.B. POINT                              |          |       |                                                       |  |  |
|          | PAYMENT TERMS:                            |          |       |                                                       |  |  |
|          | DELIVERY PROMISE:                         |          |       | 24 tons                                               |  |  |

As Read  
  
 8/15/2022  
 Eric G. Powell, PE  
 Director of Public Works and Utilities\City Engineer



# BID TABULATION

City Project: 2022 Coagulant  
 City Project Number: 2022-WSU-003  
 Bid Opening Time/Date: August 11, 2021 @ 2:30 pm  
 Prepared By: Eric G. Powell, PE, Director/City Engineer

| ITEM NO. | DESCRIPTION                                                  | QUANTITY | UNITS | ChemTrade<br>90 East Halsey Rd<br>Parsippany, NJ 07054 | Univar Solutions<br>12720 E Hwy 92<br>Dover, FL 33527 |
|----------|--------------------------------------------------------------|----------|-------|--------------------------------------------------------|-------------------------------------------------------|
| 1        | APC\ACH Coagulant - Approximately<br>670,000 pounds annually | 670,000  | lbs   | \$0.7450                                               | NO BID                                                |
|          | Product Type:                                                |          |       | HYPER-ION                                              |                                                       |
|          | Manufacturer:                                                |          |       | CHEM TRADE                                             |                                                       |
|          | Minimum Order:                                               |          |       | 42,000 lbs                                             |                                                       |
|          | Maximum Load:                                                |          |       | 46,000 lbs                                             |                                                       |
|          | Total Annual Cost:                                           |          |       | \$499,150                                              |                                                       |

As Read  
  
 Eric G. Powell, PE  
 Director of Public Works and Utilities/City Engineer  
 8/15/2022

## **ITEM 10B**

**CONSIDER APPROVAL OF A SIGNED  
LETTER OF INTENT AUTHORIZING THE  
PURCHASE OF A 2023 FRAZER  
AMBULANCE AND RELATED  
EQUIPMENT**



## City of Marshall

Fire Department

P.O. Box 698

Marshall, Texas 75671

903-935-4580 / FAX 903-935-3568

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REGINALD K. COOPER, EFO FIRE CHIEF

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October 13, 2022

Marshall City Manager  
City Council  
City of Marshall  
401 S. Alamo Street  
Marshall, Texas 75670

In 2022, the Marshall Fire Department requested and received approval for the purchase of a 2023 ambulance. At the time of the requested amount (\$300,000), the fire department had not yet received finalized quotes from Frazer, our ambulance provider. As with nearly every purchasing sector we've faced recently within the fire service, costs have increased significantly.

The first in our current style of ambulance, purchased in 2015, was \$153,800. With associated equipment the actual cost of our new 2023 Frazer built ambulance will be approximately \$315K. The cost to stock the new ambulance with supplies will be an additional \$7,000-\$9,000. Our total cost will be approximately \$325,000. Throughout this process we will be considering every opportunity to reduce costs without cutting quality or service.

Frazer informed us the build time would be 3-6 months once they receive the Ford chassis. Chassis manufacturers use order banks or time windows to make purchases, which recently have only been open, in some cases, for a matter of hours. If this window is missed, orders will not be processed until the next window, possibly the following year.

The order bank for Ford opens in October. Frazer is unable to provide an estimate on when the chassis will arrive at their facility, once the order is made. Frazer has also said chassis manufacturers are now requiring payment of the chassis once it arrives (in the past the entire ambulance amount was paid when the ambulance was picked up). The chassis cost on this quote is \$57,250.

The Fire Department humbly request permission to move forward with a Letter of Intent which would lock in our purchase price and get us in line for the quickest build and delivery. As with any Pumper, all of our ambulances and capital purchasing are done through the HGAC referenced above.

Chief Cooper, EFO

A blue ink signature of Reginald K. Cooper, EFO, written over a circular stamp that matches the Marshall Fire Department logo.

Marshall Fire Department

## **ITEM 10C**

# **PRESENTATION OF THE MARSHALL ECONOMIC DEVELOPMENT CORPORATION SEMIANNUAL REPORT**



October 5, 2022

The Honorable City Council of Marshall, Texas  
P.O. Box 698  
Marshall, Texas 75670

**RE: Semiannual Presentation 2022**

The Marshall Economic Development Corporation requests to appear before the City Council on October 13, 2022, to present its semiannual report.

This report is required per the Marshall EDC bylaws. More importantly it provides communication and transparency about EDC activities to the City Council and the public. I am pleased to present it. Please let me know if you have specific questions you would like me to address and I will look into them for the presentation. I look forward to speaking with you.

Respectfully,

A handwritten signature in blue ink, appearing to read "RHS".

Rush Harris  
Executive Director  
Marshall Economic Development Corporation

## **ITEM 10D**

**CONSIDER APPROVAL OF AN  
EXPENDITURE IN EXCESS OF \$50,000  
FOR PROJECT ELKS, A CERTIFICATE  
OF OCCUPANCY BONUS APPLICANT**



October 5, 2022

The Honorable City Council of Marshall, Texas  
P.O. Box 698  
Marshall, Texas 75670

The Marshall Economic Development Corporation (Marshall EDC) has requested to appear before the City Council on October 13, 2022, for consideration of an expenditure in excess of \$50,000 for Project Elks.

This project is presented as part of the Certificate of Occupancy Bonus Program (COB) for development in response to blighted structures and the desire to encourage private investment in targeted areas in coordination with the City of Marshall. In late 2021 a business owner within the defined area asked if hotels would apply for the COB program and subsequently sent an application in February 2022. The initial COB was written to include businesses that produced sales tax revenue for the City of Marshall and not hotel tax. In June of 2022 the Marshall EDC Board of Directors amended the COB to include hotel tax producing businesses. I have enclosed the amended guidelines for the program. These criteria meet statutory requirements of a Type A EDC for site improvements.

Marshall EDC has been in communication with the prospect since December 2021. The prospect plans to own and operate a hotel tax producing boutique hotel at 212 N Washington Ave, also known as the Elks Building. The prospect has a commercial loan, has consulted with the Small Business Development Center, and has purchased the building. Remodeling has already taken place and may be completed by the end of this year. Initial estimates indicate a cost of construction and site improvements over \$1.2 million. This building's interior and portions of the exterior were in a state of disrepair and deterioration upon application. There is still considerable work remaining to obtain a Certificate of Occupancy (CO).

Marshall EDC approved a grant on June 29, 2022 of up to the lesser of \$100,000 or 10% of construction costs required to obtain a CO from the City of Marshall. Should no CO be issued, likewise, no grant shall be administered. Upon successful completion of the CO, the grant funding will be released within 30 days of receipt and confirmation from the City of Marshall. Marshall EDC respectfully requests your consideration of approval to expend EDC funds for this project.

Thank you for the opportunity to present this project before the City Council of Marshall.

Respectfully,

A handwritten signature in blue ink, appearing to read "Rush Harris".

Rush Harris  
Executive Director  
Marshall Economic Development Corporation



## **Certificate of Occupancy Bonus Program**

**2022**

## Certificate of Occupancy Bonus Program:

### Overview:

The Certificate of Occupancy Bonus Program (COB) is a site improvement reimbursement grant program funded by the Marshall Economic Development Corporation (Marshall EDC) to encourage site improvements by the private sector for new and expanded businesses producing sales tax and/or hotel occupancy in blighted downtown structures within certain target areas. The program offers an approved applicant and project, a lump sum limited award after successfully obtaining an authorized Certificate of Occupancy (CO) from the City of Marshall. The program was developed to complement City of Marshall objectives under the Mobilize Marshall Plan to improve the appearance around the downtown square area along Houston St and north along North Washington Ave, while also encouraging growth in the tax base. Program development was performed by EDC staff under approval of the Board of Directors and comments from Ex-Officio Board Members, including the City Manager, Mayor, and Mayor Pro-Tem. Applications for this program were received by EDC staff.

### Targeted Area:

- The immediate downtown area forming the square around the historic Harrison County Courthouse along Houston St.
- North Washington from Houston St to Grand Ave.
- See Exhibit A.

### Goals:

- Reduce blighted structures in the targeted area.
- Encourage private investment by businesses that produce goods and/or services subject to sales tax and/or hotel occupancy.

### What It Is, In General:

- This is a targeted effort to work with the City of Marshall on blighted areas of interest, not brownfields (brownfields require voter approval by statute).
- This is an effort focused on site improvements for new or expanding businesses that directly generate sales tax and/or hotel occupancy with improvements that fall under the guidelines of assistance a Type A EDC can legally provide.
- If the business/applicant receives a CO, they will receive the grant within 30 days. If the CO is never obtained, no funds are provided.

### What It Is Not, In General:

- This is not a loan.
- This is not a grant provided by City Government (Marshall EDC is a 501 c3 non-profit).
- This is not a fund for demolition and/or repairs of residential structures, commercial dwellings, public property, or non-profit owned/leased structures.
- This is not a fund assisting with amateur or professional sports.
- This is not for the construction of public/private parks, new building structures, basic remodeling, or a façade fund.

- Marshall EDC does not authorize COs. That is a City of Marshall function. Marshall EDC will not provide guidance or recommendations regarding design, nor does Marshall EDC provide assurances that a CO will be granted by the City.

#### **Grand Funding Available:**

- A total of \$200,000 for the 2022 year has been allocated to this program.

#### **Program Grants Basics:**

- A single grant may cover up to the lesser of \$100,000 or 10% of construction cost as preliminarily estimated and subsequently verified to obtain a CO. The 10% is strictly based on the lesser of the preliminary estimate or the subsequently verified amounts. This is done to maintain the program budget.
- If an approved project is in progress but has not yet finished by December 31st of the calendar year, those funds will be added or rolled into the next year's budget and made in addition to the regular budgeted COB authorized budget unless the project is otherwise terminated by the Marshall EDC Board of Directors.
- The COB grant may be rescinded if actual construction ceases for a period of 60 days in the opinion of the Marshall EDC Board of Directors.
- Approved COB grants terminate after 12 months, unless reauthorized by Marshall EDC on a case-by-case basis pending construction timelines.
- A COB grant may transfer with successors or assigns on a case-by-case basis.
- Applicants must enter into an agreement with Marshall EDC regarding the grant.
- **IF A CO IS NOT ISSUED BY THE CITY OF MARSHALL, THE APPLICANT WILL NOT RECEIVE THE COB REIMBURSEMENT GRANT NOR ANY PARTIAL PORTION THEREOF.**

#### **Requirements:**

1. An approved project must be for a business whose primary function and source of income are derived from providing goods and/or services subject to sales tax and/or hotel occupancy.
2. The property must be determined to be a blighted area (blight) as determined by the Marshall EDC board of directors.
3. The applicant(s) must be the registered 100% undivided interest owner(s) of the structure or have a contract of sale that is executed by a legal conveyance prior to issuance of the CO.
4. The property in question must not have any back taxes owed or outstanding liens.
5. The applicant must not have any back taxes owed or outstanding liens.
6. The property must include a blighted building that is the subject of substantial repair. This is not a program for vacant lots, parking lots, or foundations/concrete slab at grade. Nor is it a program for upgrading décor, amenities, minor upgrades, basic remodeling, or minor fixes to bring a structure up to code.
7. An applicant is preferred to be the owner or legal owner representative of the business. An applicant owner that leases to a business that produces goods and/or services may be applicable on a case-by-case basis as determined by the EDC Board of Directors.
8. The applicant must agree to consultation with the Small Business Development Center prior to any approval and authorize Marshall EDC to contact SBDC personnel regarding that project discussion.
9. The applicant must submit an application to Marshall EDC.
10. The applicant must submit proforma financial statements to Marshall EDC prior to approval.

11. The applicant must submit a letter of how the project will be completed with or without financing and include cost estimates and timelines for construction.
12. If approved, applicants must submit certified final invoice construction costs.
13. If a loan is obtained, EDC staff must review public documents pertaining to the loan.
14. Applicants must be approved by the EDC Board of Directors.
15. Any award over \$50,000 must be approved by the City Council of Marshall, Texas.
16. The applicant must abide by all local, state, and federal laws, rules, and regulations and obtain documentation required by each.

**Definitions in General:**

Blight:

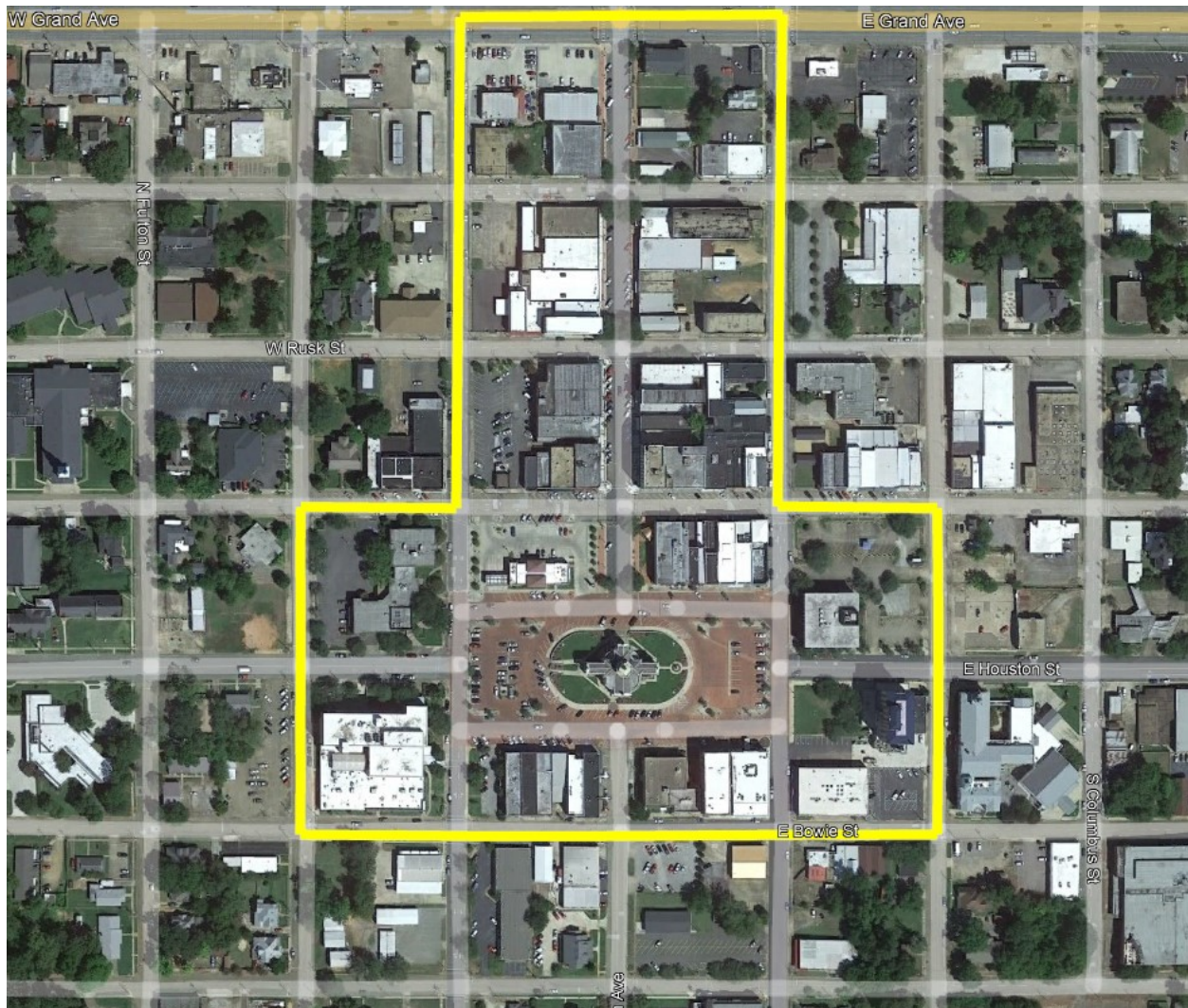
Blight will be determined by approval of the Marshall EDC Board of Directors at their discretion under the guidance provided by Local Government Code Title 12, Subtitle A, Chapter 374, Subchapter A, Section 374.003. Said sections states "Blighted area" means an area that is not a slum area, but that, because of deteriorating buildings, structures, or other improvements; defective or inadequate streets, street layout, or accessibility; unsanitary conditions; or other hazardous conditions, adversely affects the public health, safety, morals, or welfare of the municipality and its residents, substantially retards the provision of a sound and healthful housing environment, or results in an economic or social liability to the municipality. The term includes an area certified as a disaster area as provided by Section 374.903.

Area of Interest:

Defined by 2021 City Management and EDC joint discussions as the area immediately around the Historic Harrison County Courthouse along Houston St. and continuing to north along North Washington Ave to Grand Blvd.

## EXHIBIT A

### Area of Interest for COB Program



## **ITEM 11A**

### **EXECUTIVE SESSION**

**AN EXECUTIVE SESSION PURSUANT TO  
THE OPEN MEETINGS ACT, CHAPTER  
551 OF THE TEXAS GOVERNMENT  
CODE UNDER SECTION 551.074  
PERSONNEL MATTERS: DISCUSS OR  
DELIBERATE THE APPOINTMENT,  
EMPLOYMENT, EVALUATION,  
REASSIGNMENT, DUTIES, DISCIPLINE,  
OR DISMISSAL OF PUBLIC OFFICER OR  
EMPLOYEE: CITY MANAGER**

## **ITEM 12A**

### **ACTION ITEM FOLLOWING EXECUTIVE SESSION, IF NECESSARY**

**CONSIDERATION OF ACTIONS  
NECESSARY AS A RESULT OF THE  
EXECUTIVE SESSION REGARDING  
PERSONNEL MATTERS: DISCUSS OR  
DELIBERATE THE APPOINTMENT,  
EMPLOYMENT, EVALUATION,  
REASSIGNMENT, DUTIES, DISCIPLINE,  
OR DISMISSAL OF PUBLIC OFFICER OR  
EMPLOYEE: CITY MANAGER**

## **ITEM 13**

## **ADJOURNMENT**