CITY OF MARSHALL, TEXAS
SPECIAL-CALLED CITY COMMISSION MEETING
COMMISSION CHAMBERS, CITY HALL, 401 SOUTH ALAMO
THURSDAY, NOVEMBER 21, 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 the agenda. Those who wish to speak will have three minutes to do so unless additional time has been requested.
   Page 3

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 **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA**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

5. **CONSENT AGENDA**

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

   A. Consider approval of the minutes from the November 7, 2019 Special-Called meeting.
      Page 5

B. Report regarding the status of the Memorial City Hall renovation project. (City Manager)
Page 10

C. Monthly financial report. (Finance Director)
Page 16

D. Code Enforcement Report. (Director of Community & Economic Development)
Page 20

6. **ORDINANCE**

A. Consider approval of an Ordinance amending Chapter 14, Garbage, Trash, and Weeds of the Code of Ordinances, revising the schedule of refuse rates, providing for monthly charges, and establishing an effective date of January 1, 2020. (Public Works Director)
Page 22

7. **RESOLUTION**

A. Consider approval of a Resolution creating a Charter Review Committee to consider what changes to make to the Charter and to make recommendations to the City Commission. (City Manager)
Page 28

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

A. Consider approval of appointments to the Charter Review Committee and appointments of two commissioners to serve as ex-officio members. (City Manager)
Page 32

B. Consider approval of an agreement for animal adoption center consulting services to assist with the Design/Build Process. (City Manager)
Page 34

C. Presentation of and discussion of a downtown redevelopment plan. (City Manager)
Page 41

9. **CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA**
Page 43

10. **<u>ADJOURNMENT</u>**
Page 44

Posted: November 18, 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

CONSIDER APPROVAL OF THE MINUTES FROM THE NOVEMBER 7, 2019 SPECIAL-CALLED MEETING

MINUTES OF THE SPECIAL-CALLED MEETING OF THE
CITY COMMISSION OF THE CITY OF MARSHALL
THURSDAY, NOVEMBER 7, 2019
6:00 PM

Mayor Terri Brown called the Special-Called meeting to order in the Commission Chambers, City Hall at 6:04 p.m.

PRESENT:

MAYOR: Terri Brown, District 3

COMMISSIONERS:
Marvin Bonner, District 1
Amy Ware, District 4
Vernia Calhoun, District 5

ABSENT: Gail Beil, District 2
Larry Hurta, District 6
Doug Lewis, 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

295. **CITIZEN COMMENTS**

No one came forward to speak.

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

There were no items withdrawn from the Consent Agenda.

297. **CONSENT AGENDA**

Commissioner Calhoun made a motion to approve the Consent Agenda. Mayor Brown seconded the motion, which passed with a vote of 4:0.

A. Consider approval of the minutes from the October 24, 2019 Regular meeting.

B. Report regarding the status of the Memorial City Hall renovation project.

C. Street Sweeping Activity Report.

D. Municipal Court Activity Report.

E. Consider approval of quarterly investment reports for 2018 and the first, second, and third quarters of 2019.

F. Recommendations for appointments to various City boards, commissions, and committees.

G. Consider approval of Change Order #5 (Element #23) to a contract with Schindler Elevator Corporation for the Memorial City Hall Renovation Project.

PRESENTATION

298. PRESENTATION OF A PROCLAMATION TO SABINE EXTENSION EDUCATION ASSOCIATION RECOGNIZING THEIR 90TH ANNIVERSARY.

Mayor Brown presented a proclamation to members of the Sabine Extension Education Association recognizing their 90th Anniversary.

ORDINANCE

299. CONSIDER APPROVAL OF AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A LOUNGE WITH ALCOHOL SALES AT 1207 EAST GRAND AVENUE, GENERALLY LOCATED NORTH OF THE INTERSECTION OF EAST GRAND AVENUE AND HOOD STREET.

This item was withdrawn by the property owner.

CITY MANAGER REPORTS AND REQUESTS FOR CITY COMMISSION CONSIDERATION

300. CONSIDER APPROVAL OF A PROPOSAL TO PROVIDE CHARTER REVIEW LEGAL SERVICES.

Mark Rohr, City Manager, presented a proposal to provide Charter Review Legal Services. He stated $40,000 has been budgeted for this project in 2020. The contract will not exceed $14,100.

Commissioner Ware made a motion to approve a proposal providing Charter Review Legal Services. Commissioner Calhoun seconded the motion, which passed with a vote of 4:0.

301. CONSIDER APPROVAL OF A REQUEST BY REPUBLIC SERVICES, INC., IN ACCORDANCE WITH SECTION 14.00 OF THE SOLID WASTE AND DISPOSAL CONTRACT, TO INCREASE THE CONTRACT FOR SERVICES BY 2.7% AS BASED ON THE MARCH DALLAS-FT. WORTH CONSUMER PRICE INDEX, EFFECTIVE FOR THE ANNUAL PERIOD BEGINNING JANUARY 1, 2020.

Eric Powell, Public Works Director, introduced Gene Keenon with Republic Services Inc. Gene Keenon, Manager of Government Affairs with Republic Services, presented a request by Republic Services, Inc., to increase the contract for services by 2.7% effective January 1, 2020.

Commissioner Calhoun made a motion to approve an increase to the contract for services with Republic Services, Inc. by 2.7%, effective January 1, 2020. Commissioner Bonner seconded the motion, which passed with a vote of 4:0.

302. CONSIDER APPROVAL OF A RECOMMENDATION FOR USE OF CHILD SAFETY FEES.

Elaine Altman, Finance Director, explained the establishment of and the permitted uses for the Child Safety Fund and asked for approval to award the $30,320 collected from Harrison County to The Martin House Children's Advocacy Center.

Roxanne Stevenson, Executive Director of The Martin House Children's Advocacy Center, and Reid McCain, Harrison County District Attorney, provided a brief presentation on how these funds will be used if awarded to The Martin House.

Commissioners asked questions and discussed.

Commissioner Calhoun made a motion to approve awarding $30,320 to The Martin House Children's Advocacy Center for child abuse prevention. Mayor Brown seconded the motion, which passed with a vote of 4:0.

303. REPORT REGARDING ADDITIONAL STOP SIGNS AT VARIOUS INTERSECTIONS.

Cliff Carruth, Police Chief, presented a report regarding additional stop signs at three (3) intersections: East Houston/Lafayette, West Houston/Franklin and Indian Springs/East Travis.

Commissioners asked questions and discussed.

Mark Rohr stated there is now a process in place to determine the need for additional stop signs.

Eric Powell provided further information regarding this item.

Commissioner Ware made a motion to approve the placement of stop signs at the requested locations. Commissioner Calhoun seconded the motion, which passed with a vote of 4:0.

304. ECONOMIC DEVELOPMENT UPDATE.

Mark Rohr reminded the Commission of the Mobilize Marshall Plan establishing an Economic Development Office for retail.

Wes Morrison, Community & Economic Development Director, presented the Economic Development Update and introduced Parker Harrison, Community Development Manager.

Commissioners asked questions, discussed the item and asked for a copy of the presentation.

305. REPORT REGARDING LEAVE OF ABSENCE FOR CITY COMMISSIONERS AND COMMISSION APPOINTED POSITIONS.

Scott Rectenwald, Acting City Attorney, presented a report regarding leave of absence for City Commissioners and Commission appointed positions. He contacted TML and was referred to Texas Home Rule Charters; he found no state law overriding our charter. He stated our charter requires an absence due to illness be excused.

Commissioners asked questions and discussed.

306. **<u>CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA</u>**

There were no items withdrawn from the Consent Agenda.

307. **<u>ADJOURNMENT</u>**

Commissioner Bonner made a motion for adjournment. Commissioner Ware seconded the motion, which passed with a vote of 4:0.

APPROVED:

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

ATTEST:

____
City Secretary

Ordinance: O-19-22

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: November 15, 2019

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

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

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

Construction Update
A report regarding project construction is attached.

Fundraising
Fundraising efforts total $304,625 in donations, pledges, and gifts as of this date for Memorial City Hall recognition plaques.

Fundraising efforts for MCH benches total $8,050 for the sale of 23 benches.

November 15, 2019

To: Marshall City Commission

From: Jack Redmon
Director of Support Services

RE: Memorial City Hall Update

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

- Stainless steel in kitchen
- Touch up painting
- Plumbing in kitchen
- Glenn's office needs carpet and furnishings
- Door and frame repair
- Lighting installation
- Chair installation in balcony

FUND 75 -- MEMORIAL CITY HALL

As of 10/31/19
including additional expenses

Income:	
Interest Income	80,129.73
Bond Proceeds (4,953,000-109,427.75 Cost)	4,843,572.25
Revenue Performance Bond	41,385.03
Asap Grant	36,000.00
Harrison County Historical Museum	39,000.00
Sale of Benches	8,050.00
Total - Income	5,048,137.01
Expenses:	
Payroll Cost	-439,892.61
Telephone-Cellular	-4,775.21
(a) Other Supplies	-99,353.78
(b) Small Tools & Equip	-81,226.12
(c)Professional Fees	-605,031.81
(d) Advertising	-3,691.36
(e) Contracted Services	-263,696.46
(f) Rentals	-376,431.68
(g) Building Improvements	-2,991,938.21
(h) Miscellaneous	-494,944.19
(i) Other Machinery & Equipment	-12,859.70
(j) Improvements	-48,906.11
(k) Improvements-Data Processing	-37,226.42
(l) Furniture & Fixtures	-72,290.87
(m) Printing & Reproduction	-1,628.60
(n) Fuel, Oil, & Lube for Forklift	-2,552.51
Cost of Benches	-12,600.00
Total - Expenses	-5,549,045.64
Fund 75 Balance	-500,908.63
General Fund Reserves ($250,000.00 - 37,547.47)	212,452.53
Donations including sale of rooms	264,683.00
Outstanding Contracts including change orders	-219,424.30
Outstanding other Costs*	58,000.00
Subtotal	-185,197.40
* Projected Additional Revenue	
Sale of Rooms	211,200.00
Sale of Additional Benches	16,450.00
	227,650.00
Grand Total	42,452.60

FUND 75 -- MEMORIAL CITY HALL

Revenue and Expenses October, 2019

Income:	
Donations	26,000.00
Refund of Bond Issuance Cost	1,160.19
Total - Income	27,160.19
Expenses:	
Payroll Cost	6,432.84
Telephone-Cellular	79.61
(a) Other Supplies	2,530.08
(b) Small Tools & Equip	371.41
(c)Professional Fees	
(d) Advertising	-22.05
(e) Contracted Services	4,159.72
(f) Rentals	2,542.84
(g) Building Improvements	166,331.17
(h) Miscellaneous	40,759.35
(i) Other Machinery and Equipment	
(j) Improvements	266.00
(k) Improvements-Data Processing	173.38
(l) Furniture and Fixtures	61,672.43
(m) Printing and Reproduction	
(n) Fuel, Oil, & Lube for Forklift	63.21
Total - Expenses	285,359.99

includes expenses after previous 07/31/2019 report

(a) Other Supplies

Sherwin Williams	234.09
Lowe's	1,934.00
East Texas Refrigeration	240.00
(h) Miscellaneous	121.99
Total Other Supplies	2,530.08

(b) Small Tools & Equip

Lowe's	369.59
(h) Miscellaneous	1.82
Total Small Tools & Equip	
	371.41

(c) Professional Fees

Total Professional Fees	0.00

(d) Advertising

Web Network Solutions	-34.95
Wix	12.90
Total Advertising	-22.05

(e) Contracted Services

Harrison County	4,159.72
Total Contracted Services	4,159.72

(f) Rentals

A-1 Rent All	53.76
East TX Septic Tank & Grease	780.00
AP Equipment & Rental	605.16
Ronnie's Wrecker Service	800.00

Sunbelt Rentals, Inc.	120.00
Brownfield Redevelopment	183.92
Total Rentals	2,542.84

(g) Building Improvements

Slone Construction	30,988.80
Sherwin Williams	3,801.67
Cassity Jones Lumber Co	8,838.66
Lowe's	2,586.47
Fire Sprinkler Services, LLC	855.00
Firetrol Protections Systems	2,535.22
Andrew David Skinner	23,008.00
Cowtown Materials, Inc.	5,651.52
Overhead Door	7,925.00
LLP Speciality, Inc	3,616.00
Tackett Building Specialties, Inc	1,586.00
Maria Romon	18,525.00
Fastenal	58.38
Glaze Construction, LLC	7,990.00
Creative AVL	48,365.45
Total Building Improvements	166,331.17

(h) Miscellaneous

Food for Inmates-Various Vendors	854.76
Joseph Lynn Cherry	2,626.00
Christopher Lee Jones	1,168.59
Texas Licenensing & Reg	70.00
Jose L Hernandez	30,600.00
Kevin Beggerly	1,290.00
ZMA Contracting Services	4,150.00
Total Miscellaneous	40,759.35

(i) Other Machinery & Equipment

	0.00
Total Furniture & Fixtures	0.00

(j) Improvements

Lowe's	266.00
Total Furniture & Fixtures	266.00

(k) Improvements Data Processing

Uhaul	173.38
Total Improvements Data Processing	173.38

(I) Furniture & Fixtures

Muse Work, LLC	1,800.00
GIH Global Industrial	4,013.20
Flowers & Assoc	48,638.70
Sams Club	4,257.43
Home Depot	2,833.44
Miscellaneous	129.66
Total Furniture & Fixtures	61,672.43

(n) Fuel, Oil, & Lube for Forklift

Various Vendors	63.21
Total Fuel , Oil, & Lube	63.21

ITEM 5C

CONSENT AGENDA

MONTHLY FINANCIAL REPORT

M E M O R A N D U M

To: Mark Rohr, City Manager

From: Elaine Altman, Finance Director

Date: November 15, 2019

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

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

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

GENERAL FUND	CURRENT MONTH	CURRENT YTD	PRIOR YTD	REVISED ADOPTED BUDGET	ADOPTED BUDGET	10/12 OF ADOPTED BUDGET	PERCENT OF ADOPTED	REMAINING BUDGET
REVENUES:								
TAXES	1,278,833	9,419,414	9,234,176	12,218,368	12,218,368	10,181,973	77.1	2,798,954
LICENSES & PERMITS	12,623	160,131	134,818	195,000	195,000	162,500	82.1	34,869
INTERGOVERNMENTAL REVENUE	7,593	112,187	115,282	146,235	146,235	121,863	76.7	34,048
FEES	419,069	4,030,459	3,655,090	5,457,022	5,457,022	4,547,518	73.9	1,426,563
FINES & FORFEITURES	29,975	524,396	828,786	625,000	625,000	520,833	83.9	100,604
MISCELLANEOUS REVENUE	296,699	1,978,540	1,328,009	1,941,922	1,941,922	1,618,268	101.9	(36,618)
TOTAL GENERAL FUND REVENUE	**2,044,791**	**16,225,127**	**15,296,160**	**20,583,547**	**20,583,547**	**17,152,956**	**78.8**	**4,358,420**
EXPENSES:								
GENERAL GOVERNMENT	37,947	373,639	332,209	508,624	508,624	423,853	73.5	134,985
FINANCE	40,331	429,299	451,309	569,889	569,889	474,908	75.3	140,590
POLICE	367,145	4,556,332	3,771,787	4,975,443	4,975,443	4,146,203	91.6	419,111
FIRE	348,707	3,397,842	3,393,588	4,085,109	4,085,109	3,404,258	83.2	687,267
PUBLIC SERVICES	315,543	3,835,724	2,603,284	4,834,215	4,834,215	4,028,513	79.4	998,491
PLANNING	58,235	356,238	393,371	454,378	454,378	378,648	78.4	98,140
SUPPORT SERVICES	155,165	1,281,661	1,311,240	1,633,477	1,633,477	1,361,231	78.5	351,816
TOURISM & PROMOTIONS	39,415	331,127	470,369	455,445	455,445	379,538	72.7	124,318
PARKS & RECREATION	59,886	609,043	710,340	743,970	743,970	619,975	81.9	134,927
NON DEPARTMENTAL	159,066	1,702,268	1,635,570	2,019,510	2,019,510	1,682,925	84.3	317,242
APPRAISAL DISTRICT	0	93,487	97,910	93,487	93,487	77,906	100.0	0
CAPITAL OUTLAY	0	55,758	42,107	210,000	210,000	175,000	26.6	154,242
TOTAL GENERAL FUND EXPENSES	**1,581,441**	**17,022,419**	**15,213,085**	**20,583,547**	**20,583,547**	**17,152,956**	**82.7**	**3,561,128**
TOTAL GENERAL FUND	**463,350**	**(797,292)**	**83,076**	**0**	**0**	**0**		

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

	CURRENT MONTH	CURRENT YTD	PRIOR YTD	REVISED ADOPTED BUDGET	ADOPTED BUDGET	10/12 OF ADOPTED BUDGET	PERCENT OF ADOPTED	REMAINING BUDGET
WATER & SEWER ENTERPRISE FUND								
REVENUES:								
PERMITS & FEES	144	9,033	11,370	15,200	15,200	12,667	59.4	6,168
WATER & SEWER CHARGES	1,019,300	8,255,079	8,421,880	10,447,560	10,447,560	8,706,300	79.0	2,192,481
MISCELLANEOUS REVENUES	2,389	57,155	41,263	63,000	63,000	52,500	90.7	5,845
TOTAL W&S REVENUE	**1,021,833**	**8,321,266**	**8,474,513**	**10,525,760**	**10,525,760**	**8,771,467**	**79.1**	**2,204,494**
EXPENSES:								
ADMINISTRATION	32,216	241,657	278,755	387,060	387,060	322,550	62.4	145,403
WATER PRODUCTION	113,944	1,201,424	1,105,765	1,280,162	1,280,162	1,066,802	93.9	78,738
DISTRIBUTION/COLLECTION	143,821	1,106,028	1,514,363	2,114,839	2,114,839	1,762,366	52.3	1,008,811
WASTEWATER TREATMENT	178,879	1,191,776	1,290,393	1,324,407	1,324,407	1,103,673	90.0	132,631
WATER BILLING	40,732	382,696	412,818	522,959	522,959	435,799	73.2	140,263
ENGINEERING	5,062	48,480	48,923	61,503	61,503	51,253	78.8	13,023
NON DEPARTMENTAL	79,126	838,196	769,460	936,501	936,501	780,418	89.5	98,305
INTERFUND TRANSFERS	288,465	3,872,573	3,796,319	3,898,329	3,898,329	3,248,608	99.3	25,756
TOTAL W&S EXPENSES	**882,245**	**8,882,831**	**9,216,795**	**10,525,760**	**10,525,760**	**8,771,467**	**84.4**	**1,642,929**
TOTAL WATER & SEWER FUND	**139,588**	**(561,564)**	**(742,282)**	**0**	**0**	**0**		

ITEM 5D

CONSENT AGENDA

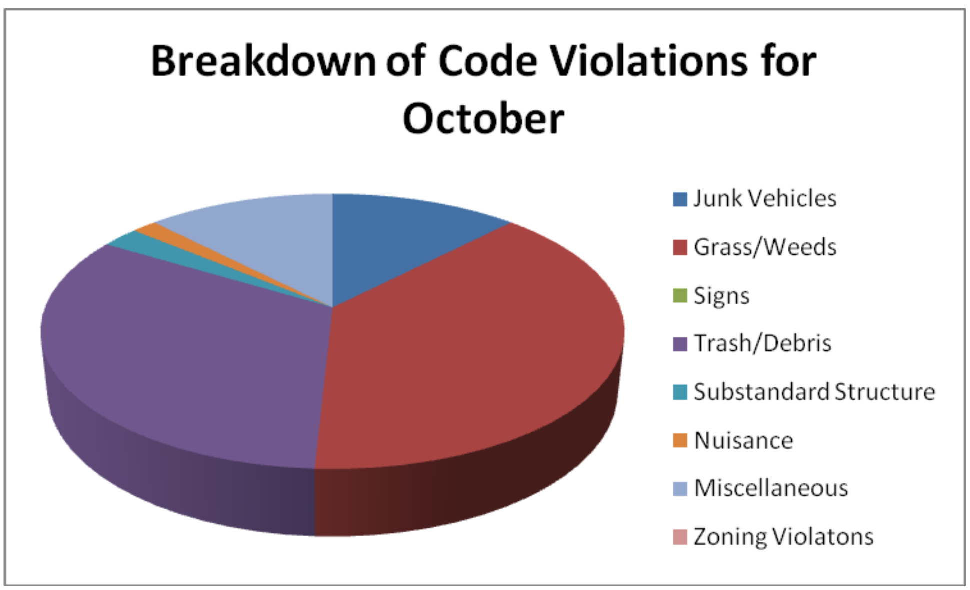
CODE ENFORCEMENT REPORT

October 2019

Code Enforcement

Case Volume

	October 2019	September 2019	October 2018
Cases Opened	123	142	307
Property Owner Abatement	38	27	147
Citations Issued	0	0	1
City Abatement	0	0	25
Unresolved Cases	85	115	134
Door Tags Issued	30	22	97



Substandard Buildings/City Abatement Report:

# of Substandard Properties Identified	# Substandard Buildings Demolished by Property Owner	# Substandard Buildings Demolished by City	# of City Abatement Invoices
3	0	0	0

ITEM 6A

ORDINANCE

APPROVAL OF AN ORDINANCE AMENDING CHAPTER 14, GARBAGE, TRASH, AND WEEDS OF THE CODE OF ORDINANCES, REVISING THE SCHEDULE OF REFUSE RATES, PROVIDING FOR MONTHLY CHARGES, AND ESTABLISHING AN EFFECTIVE DATE OF JANUARY 1, 2020

TO: Members of the City Commission

CC: Mark Rohr, City Manager

FROM: Eric G. Powell, PE Director

DATE: **November 15, 2019**

SUBJECT: **Republic Services Rate Increase - 2020**

PROJECT: Consider approval of an Ordinance amending Chapter 14, Garbage, Trash, and Weeds of the Code of Ordinances, revising the schedule of refuse rates, providing for monthly charges, and establishing an effective date of January 1, 2020. (Public Works Director)

DESCRIPTION: The attached Rate Ordinance provides for a 2.7% rate increase for refuse charges with an effective date of January 1, 2020 as a result of an allowed Consumer Price Index (CPI) annual adjustment provided in Section 14 of the Solid Waste Contract with Republic Services, based on the March 2019 – Dallas-Ft Worth CPI for all items. The amended rates will become effective with water bills that are payable in February 2020.

14.00 RATE ADJUSTMENTS

Annual CPI

Any other provision of this Contract notwithstanding, beginning on January 1, 2019 and continuing on January 1 of each succeeding year during the term of this Contract, the rate schedule and fees charged by Contractor for refuse service in the City (collectively, the "Rates") shall be adjusted according to the change in the United States Department of Labor's published Consumer Price Index – All Urban Consumers (Dallas – Fort Worth, TX), but such adjustment shall not exceed 3% annually. The Rates will be adjusted using the most recent March index value compared to the preceding year's March index value. Contractor shall provide City with notice of changes by the June 1st preceding the effective date of the increase.

Republic Industries provided notification of a pending 2020 rate adjustment to begin January 1, 2020, in a letter dated May 28, 202, which references the March publication of the U.S. Bureau of Labor Statistics cost for services, as required in their contract. Example - based on the allowable contractual 2.7% CPI rate increase will increase the base cost for residential service by $0.38 cents per month, from $14.40 to $14.78 or $4.56 a year; the rate increase will apply to all solid waste services.

As stated herein above, this annual CPI rate adjustment is allowed under Section 14 of the Solid Waste and Disposal contract. Under the contractual agreement with Republic Services, we charge a 10% franchise fee (for road use) on the cost specified in their contract.

ORDINANCE NO. ____________

AN ORDINANCE AMENDING CHAPTER 14, GARBAGE, TRASH, AND WEEDS OF THE CODE OF ORDINANCES OF THE CITY OF MARSHALL, TEXAS, REPEALING AND AMENDING CERTAIN SECTIONS REGARDING GARBAGE AND INCREASING THE SOLID WASTE COLLECTION AND DISPOSAL FEES BY 2.7%; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS CONDUCTED IN STRICT COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE OF JANUARY 1, 2020.

WHEREAS, Chapter 363 of the Texas Health and Safety Code and Section 80 (15) of the City Charter of the City of Marshall, Texas, authorizes the City Commission to regulate the collection, transportation and disposal of solid waste within the corporate City limits of Marshall, Texas; and,

WHEREAS, the City's solid waste contractor, Republic Services, has increased its fees and rates of service to the City by the March 2019 CPI Index, in accordance with the current Solid Waste Contract; and,

WHEREAS, the City Commission finds and determines that an increase of the current rates for solid waste collection is necessary in order to accurately compensate the City for its costs of providing this service; **NOW, THEREFORE,**

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

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

Section 2 That Article I of Chapter 14, Section 14-9, of the Code of Ordinances of the City of Marshall is hereby repealed in its entirety and that there is hereby adopted in place of said ordinances a new Section 14-9, Chapter 14 of the Code of Ordinances of the City of Marshall, Texas, said section to read as follows:

"Sec. 14-9. Rates for city collection - all rates will be assessed sales tax:

(a) The following rates shall be charged for each monthly period to all customers of the garbage collection of the system of Marshall based on the attached rate sheet.

MARSHALL RATE SHEET

(Effective January 1, 2020)

I. RESIDTENTIAL RATE SCHEDULE – Initial seven (7) year period (Residential Carts:

A. Automated Solid Waste & Recycling Collection - Residential

96 gallon rolling cart — City Resident — $ 14.78/Monthly Per Unit
Once per week Residential Collection
Once per week Brush/Bulky Collection
Extra Carts — Limit of 4 per Residential Unit Weekly Bulk/Brush Limited to 3 Cu. Yds. — $ 3.00 /Extra Monthly Fee Ea.

***No Side Trash Allowed Cart Contents Only**

IIB. COMMERCIAL CART RATE SCHEDULE

Rolling cart service — Automated (For business with less than two (2) yards of trash per week):

A. One Cart — $23.74\Monthly Per Unit
B. Two Carts — $30.88\Monthly Per Unit
C. Cart Service Downtown - Four (4) times per week (Four Days Trash Service & One Day Recycling) - South of Grand Avenue; East of Franklin Street North of Bowie Street; West of Lafayette Street) — $33.95\Monthly Per Unit

III. FRONT LOAD CONTAINERS RATE SCHEDULE

Size/ Freq.	1X\WK	2X\WK	3X\WK	4X\WK	5X\WK	6X\WK	Extra pickup
2 yd	$64.42	$112.09	$177.60	$226.13	$267.23	$314.30	$29.52
3 yd	$92.53	$160.82	$229.27	$306.50	$375.59	$431.37	$41.33
4 yd	$119.06	$207.00	$293.38	$390.85	$476.53	$555.19	$53.14
6 yd	$165.06	$284.90	$401.69	$521.41	$654.11	$743.41	$64.95
8 yd	$204.13	$345.87	$425.76	$628.80	$778.82	$840.43	$76.76

Monthly - 4yd Compactor 1X\Week = $ 415.01

Monthly - 6yd Compactor 2X\Week = $ 617.74; 4X\Week $ 986.09; 6X\Week = $ 1,731.13

<u>IV. ROLL OFF CONTAINERS AND 42 YD COMPACTOR RATE SCHEDULE:</u>

SIZE	RENTAUMONTH	PER HAUL
20 YD OPEN TOP	$126.50	$570.44
30 YD OPEN TOP	$126.50	$625.95
40 YD OPEN TOP	$126.50	$699.20
42 YD COMPACTOR	Negotiable	$856.75

With respect to apartments and duplexes, where the owner provides reasonable space for and access to a bulk container, commercial-type service shall be provided by the city; otherwise, residential-type service shall be provided."

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

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

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

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

Section 7. That this ordinance shall be effective on January 1, 2020 and after its passage and publication as required by law.

PASSED AND APPROVED this 21st day of November 2019.

AYES:
NOES:
ABSTAINED:

PASSED, APPROVED AND ADOPTED this _____ day of _____________ 2019.

AYES: ___________
NOES: ___________
ABSTAINED: ___________

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

ATTEST:

____
Elaine Altman, City Secretary

ITEM 7A

RESOLUTION

APPROVAL OF A RESOLUTION CREATING A CHARTER REVIEW COMMITTEE TO CONSIDER WHAT CHANGES TO MAKE TO THE CHARTER AND TO MAKE RECOMMENDATIONS TO THE CITY COMMISSION

MEMORANDUM

To: Members of the City Commission

From: Mark Rohr, City Manager

Date: November 15, 2019

Subject: Consider Approval of a Resolution Creating a Charter Review Committee to Consider What Changes to make to the Charter and to make Recommendations to the City Commission

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This item has been placed on the agenda for approval of a resolution calling for a committee to be formed to discuss the City charter revisions.

This committee will meet to discuss what changes to recommend to the charter.

The resolution calls for a seven-member citizen committee. Each commissioner will appoint one member and two commissioners will serve as ex-offficio members to meet with the committee. The committee will make recommendations to the City Commission on how to proceed with changes to the charter.

RESOLUTION NO. _____________

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MARSHALL, TEXAS, CREATING A CHARTER REVIEW COMMITTEE TO CONSIDER WHAT CHANGES TO MAKE TO THE CHARTER AND TO MAKE RECOMMENDATIONS TO THE CITY COMMISSION.

WHEREAS, the City Commission desires to call a Charter Election to make changes to City Charter pursuant to Chapter 9 of the Local Government Code;

WHEREAS, the City Commission believes that it will be beneficial to the process to establish a Charter Review Committee to review the current City Charter and discuss recommend changes to the charter; and

WHEREAS, a previous setting Commission approved a resolution to create a Charter Review Committee on March 22, 2018; and

WHEREAS, there have been changes to that committee and to the Commission since that time.

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

SECTION 1. Composition of the Committee.

(a) The City Commission hereby establishes a Charter Review Committee ("Committee") to consider and provide a recommendation and report to the City Commission regarding changes to the City Charter.

(b) The Committee is advisory and its report shall not be binding on the City Commission.

(c) The Committee shall be composed of seven members.

(d) City staff shall be available as resources to support the efforts of the Committee. Staff from other departments shall be made available upon request to the City Manager.

SECTION 2. Mission.

(a) The Committee is a body formed to facilitate public awareness and discussion regarding the need for changes to the City Charter. The Committee will hold public meetings to discuss the potential changes and finalize their recommendations after hearing and evaluating such input in a report to the Commission of their recommended changes. The Committee will seek to involve the public in its meetings.

(b) The Committee will hold its first meeting within thirty (30) days of the passage of this resolution and shall meet as many times as is necessary to prepare a presentation and recommendation to the City Commission regarding adopting changes to the Charter.

SECTION 3. Appointment.

(a) Each member of the City Commission shall appoint one member to serve on the Committee.

(b) The City Commission shall appoint two liaisons to the Committee from among its members who will serve as ex officio, non-voting members.

SECTION 4. Eligibility.

In order to be qualified to serve, all members of the Committee must, at the time of appointment and through their term of service:

(a) All appointees to the Committee shall have been domiciled in the City of Marshall for at least a year preceding their appointment and shall continue during the tenure of appointment; and

(b) Commit to attend at least 90 percent of the Committee's meetings.

(c) Must be currently qualified and registered to vote in the City of Marshall.

SECTION 5. Vacancy.

In the event a vacancy occurs on the Committee, the City Secretary shall immediately notify the City Commission for consideration of a recommendation for replacement to the City Commission.

SECTION 6. Meetings.

(a) All meetings shall be held in accordance with the Texas Open Meetings Act.

(b) Minutes of the meetings shall be kept by the City Secretary or her designee.

(c) Meetings shall be coordinated through and by the City Secretary and the City Secretary shall issue proper notices and ensure compatibility with the City calendar.

(d) The Committee may appoint a Chairperson at its discretion.

(e) A majority of the voting membership shall constitute a quorum for the conduct of business.

SECTION 7. . That this resolution is effective immediately upon passage.

PASSED, APPROVED, AND ADOPTED this _____ day of ________ 2019.

AYES: _______

NOES: _______

ABSTAINED: _______

____

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

ATTEST:

____

CITY SECRETARY

ITEM 8A

APPROVAL OF APPOINTMENTS TO THE CHARTER REVIEW COMMITTEE AND APPOINTMENTS OF TWO COMMISSIONERS TO SERVE AS EX-OFFICIO MEMBERS

MEMORANDUM

To: Members of the City Commission

From: Mark Rohr, City Manager

Date: November 15, 2019

Subject: Consider Approval of Appointments to the Charter Review Committee

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This item has been placed on the agenda to consider approval of appointments to a Charter Review Committee if the resolution in Item 7A is approved by the Commission.

The resolution, if approved, calls for a seven-member citizen committee. Each commissioner appoints one member. Appointments for Commission consideration are as follows:

Mayor Brown appoints **Diane Seal**
Commissioner Hurta appoints **Garrett Boersma**
Commissioner Calhoun appoints **Angelita Jackson**
Commissioner Bonner appoints **Herbert Johnson**
Commissioner Lewis appoints **Stacia Runnels**
Commissioner Ware appoints **Scott Carlile**

The Commission will also appoint two commissioners to serve as ex-official members. Commissioner Calhoun and Commissioner Ware have both shown interest in being appointed to the Committee.

ITEM 8B

APPROVAL OF AN AGREEMENT FOR ANIMAL ADOPTION CENTER CONSULTING SERVICES TO ASSIST WITH THE DESIGN/BUILD PROCESS

MEMORANDUM

To: Members of the City Commission

From: Mark Rohr, City Manager

Date: November 15, 2019

Subject: Consider Approval of an Agreement for Animal Adoption Center Consulting Services to Assist with the Design/Build Process

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On August 22, 2019, the City Commission approved a Resolution directing City administration to initiate the Design/Build Method for the construction of the new adoption center, which is the first step in the Design/Build process.

The second step of the process is to obtain experienced professional assistance. We are providing a proposal from Shelter Planners of America for consulting services to assist with the Design/Build process for your review. The proposed fee for these services is $45,950. This firm was unanimously recommended by the Adoption Center Advisory Board.

Staff recommends approval of the proposal from Shelter Planners of America and request authorization for the City Manager to execute contract documents.

"Shelter Planners of America"

November 14, 2019

Mr. Mark Rohr
City Manager
City of Marshall
401 S. Alamo Blvd.
Marshall, Texas 75670

Re: Proposal for Consulting services to assist the City of Marshall with the Design-Build process for a new Animal Adoption Center

Dear Mr. Rohr:

Shelter Planners of America (SPA) appreciates your interest in our services and is pleased to provide the following proposal for your consideration.

GENERAL INFORMATION

1. The City of Marshall is planning to build a new Animal Adoption Center on a new site. The new location may be at 3215 Karnack Hwy, Marshall, TX 75672 or perhaps another location.

2. The existing shelter is located at 607 E End Blvd S, Marshall, TX 75670 and is operated by the City of Marshall.

3. The existing shelter serves the City of Marshall and Harrison County with a combined human population of 75,000 people and receives approximately 1,500 animals per year.

4. The construction cost for the new Adoption Center is budgeted at 1.2 M Dollars and should be considered a "not to exceed" amount. The size is expected to be approximately 7,000 SF.

PROPOSED BASIC SERVICES

STEP 1: PROGRAM VALIDATION AND CONCEPTUAL DESIGN

1. Conduct Program Verification as follows:

   A. Michael Barnard of Shelter Planners of America will travel to your location and spend a day and a half at your facility at Marshall, TX, reviewing your present facilities and operations and interviewing your staff and key decision makers. We will use our questionnaire that covers nearly two hundred items of statistics, information, and preferences to fully understand your organization.

   B. We can (if requested) also conduct a separate meeting at the end of the second day with your City Officials, Concerned Citizens, or any others you deem appropriate to make a brief presentation about animal shelter design and the planning process, recap the day's meeting, and discuss their desires for the project.

   C. Issue a program verification document that contains:

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1. A Building Space Program with recommendations for the size building deemed necessary for Administrative area, Animal Housing areas both indoors and outdoors, and Support areas. The Study will list each room and size needed in net SF and the gross SF to include wall thickness and corridors. The size of the building will be limited.

2. Recommendations for the new site in terms of parking and site features.

3. The Programming Verification Document will be provided electronically in pdf format. Once the City of Marshall, here in after called the CITY has received and reviewed the document, we will review it with you by telephone/internet conference using "go-to-meeting" and make mutually agreeable revisions one time.

D. Once the Program is verified, the Conceptual Design will begin.

An initial Preliminary Floor Plan for a new Animal Adoption Center will be developed. This will be a drawing showing the size and layout of the proposed building and all the room locations and drawn in Revit that is architecturally accurate, to scale, and showing the layout of the walls, doors, windows, cabinets, dog runs, cages, equipment, floor slopes and drains, plumbing fixtures, etc. A Basic Site Plan Concept will also be prepared showing the Building, public parking, staff parking and drives. Michael Barnard of SPA will present the initial Floor Plan and Site Plan by telephone/internet conference using "Go-To -Meeting".

Following approval of the initial Floor Plan, including any adjustments, we will develop the Preliminary Floor Plan, In addition, we will prepare the final Preliminary Site Plan drawn in Revit for the selected site Michael Barnard of SPA will present the Preliminary Floor Plan and Site Plan by telephone/internet conference using "Go-To-Meeting".

STEP 2: DESIGN-BUILDER SELECTION

Once you are ready to proceed, SPA will work with the CITY to select a Design-Builder who will complete the Construction Documents and construct the project.

Shelter Planners of America will specifically perform the following steps:

1. Prepare a description of the Project for Design-Build RFQ/RFP.

2. Prepare the Design-Build RFQ/RFP with the City's attorney. The standard form of Agreement between Owner and Design-Builder, AIA Document A141-2014 will be used as the basis of the contract. (Copy Attached).

3. Prepare the general outline of the Scope of Work and the Design Criteria Package for the project.

4. Create the Master Evaluation Work Sheet and Scoring Criteria for Qualifications.

5. Evaluate qualifications with other professionals/City Manager's Committee.

6. Assist in selecting up to five finalists from the qualifications submitted.

7. Create the Master Evaluation Work Sheet and Scoring Criteria for the Final Proposals.

8. Evaluate the final proposal with other professionals/City Manager's Committee.

9. Assist in selecting the final proposal that provides the "Best Value" to the City.

STEP 3: CONSTRUCTION DOCUMENT PHASE

1. Determine compliance of final design with scope of project.

2. Review and approve final construction plans.

STEP 4: CONSTRUCTION PHASE

1. Monitor all parts of the construction on the City's behalf.

2. Conduct project meetings twice per month during construction and prepare meeting minutes. 12 meetings included in basic services. Mid-month meetings will be via "Go-to-Meeting" and end of month meetings will be face to face.

3. Document the construction progress with full reports and photos monthly.

4. Review and certify the Contractor's Application for Payments monthly during construction.

5. Participate in resolution of disputes between the City and the Design-Builder regarding construction. This is limited to the initial evaluation up to the start of formal mediation.

6. Review inspections and construction material testing reports prepared by City's third-party Special Inspector.

7. Prepare final punch list with the City and Design Builder and update punch list. Two visits included in basic services.

8. Provide guidance and recommendations for acceptance of project.

9. Prepare final walk-through inspection prior to the end of the contractor's warranty. One visit included in basic services.

ADDITIONAL SERVICES:

1. Any services not identified above.
2. Revisions to documents necessitated by a change in previous instructions or approvals.
3. Increase in size or cost of the project.
4. Detailed site design or civil engineering including drainage studies, platting, zoning changes and similar services.
5. Coloring the Floor Plan, Site Plan, or preparation of 3D color renderings for fundraising purposes.

PROVIDED BY THE CITY:

1. Site Plan and Floor Plan drawings of the existing shelter facilities if available.

2. Assemble the key staff and appropriate leaders with authority that have knowledge of the existing shelter operation to attend the Program Verification meeting, which will require approximately 6 hours, to provide detailed information about the existing shelter, its operation and the desire for a new or renovated shelter. We will send a letter prior to the day of the Program Verification meeting with a list of information needed prior to the meeting.

3. Provide a quiet conference room for the meeting.

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4. Attend an optional meeting at the time of the Program Verification visit for the Board or others you deem appropriate to discuss the day's findings and the planning process, and to obtain their input regarding the new Animal Adoption Center. If this meeting is desired, provide an appropriate room for the meeting, a projector and projection screen.

5. Survey of the proposed new site accurately showing the property lines and the size and location of existing site features including general topography.

6. Provide certain information regarding animal intake, human population, existing animal housing, existing staffing, operating cost, etc., prior to first meeting.

COMPENSATION

1. The fees for the proposed services are:

   Step 1- Program Verification and Conceptual Design: Based on the size of the new shelter being 7,000 SF, our fee will be a lump sum of Fifteen Thousand Nine Hundred and Fifty Dollars ($15,950) plus reimbursable expenses.

   Step 2, 3, and 4 – Design-Builder Selection, Construction Documents, and Construction: Based on the size of the new shelter being 7,000 SF and the projected construction cost of 1.2 Million Dollars, our fee will be Thirty Thousand Dollars ($30,000) plus reimbursable expenses. This fee will be invoiced monthly proportional to the amount of service provided.

2. Normal reimbursable expenses will include the costs of mileage, printing, plotting, courier or delivery service and other similar project-related expenses, and will be billed to the CITY in the same amounts as they are billed to SPA.

3. Please note that if it is determined a shelter larger than 7,000 SF is needed or desired, the fee for Step 1 - Program Verification and Conceptual Design will need to be increased at a rate of $700 per 1,000 SF or fraction thereof. If the size of the project or cost of the project is increased above the amounts shown in the General Information above, the fee for Step 3 services will be increased proportionately.

4. Payment should be made within 30 days of the receipt on the invoice.

5. If any additional services are requested and authorized in writing, they will be performed at the following hourly rates:

Shelter Consultant	$175	Bill Meade
Veterinary Consultant	165	Jed Ford, DVM
Shelter Architect	140	Michael Barnard, AIA, ACO
Principal Architect	125	Tom McCarty, AIA
Shelter Operations Consultant	115	Jay Sabatucci, ACO
Project Manager	105	
Project Coordinator	85	
CAD Draftsman	60	
Clerical	50	

PROPOSED SCHEDULE:

The schedule would generally be as follows:
STEP 1 - Approximately 1 month.
STEP 2 - Approximately 1 month.
STEP 3 and 4 - Approximately 9 months.

Please note the exact schedule is subject to several variables.
Shelter Planners of America is pleased to provide this proposal for your consideration. Please contact me on my cell phone at (817)-881-1510 if you have any questions. If this proposal is acceptable, please sign below and return one copy to SPA.

Sincerely,

Michael Barnard, AIA, ACO
President
Shelter Planners of America

Accepted by

Signature

Name and Title

Date

M:P1586 SPA Proposal for The City of Marshall, TX 11-14-2019

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ITEM 8C

PRESENTATION OF AND DISCUSSION OF A DOWNTOWN REDEVELOPMENT PLAN

MEMORANDUM

To: Members of the City Commission

From: Mark Rohr, City Manager

Date: November 15, 2019

Subject: Presentation of and Discussion of a Downtown Redevelopment Plan

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City staff will make a presentation regarding a Downtown Redevelopment Plan at the meeting on Thursday night.

ITEM 9

ITEMS WITHDRAWN FROM THE CONSENT AGENDA

ITEM 10

ADJOURNMENT