Council Chambers, City Hall
401 South Alamo
Marshall, TX 75671
903-935-4421

City of MARSHALL TEXAS

REGULAR CITY COUNCIL MEETING

April 27, 2023
6:00 PM

1. **Call to Order and Roll Call**

2. **Invocation and Pledges**

3. **Citizen Comments**
   Texas Government Code, Sec. 551.007 requires that a governmental body must allow each member of the public who desires to address the body regarding an item on the agenda the opportunity to do so before or during the body's consideration of the item. The "Citizens Comments" portion of the meeting meets the requirements of this law and is the public's opportunity to speak on any item on the agenda. Those who wish to speak are requested to fill out a public comment form and will have three (3) minutes to speak unless additional time has been requested.

4. **Items to be Withdrawn From Consent Agenda**

5. **Consent Agenda**
   The items on the Consent Agenda require little or no deliberation by the Council. Approval of the Consent Agenda authorizes the City Manager or his designee to proceed with conclusion of each in accordance with staff recommendations, a copy of which is filed with the minutes of the meeting. A Councilmember may remove items from the Consent Agenda by making such request prior to a motion and vote on the Consent Agenda.
   A. Consider approval of the minutes from the April 13, 2023 regular meeting.
   B. Award of Contract for work at the City Wastewater Treatment Plant - Clarifier No. 2
   C. Purchase of replacement 70hp influent pump at Wastewater Plant

6. **Consideration of Item Withdrawn From the Consent Agenda**

7. **City Manager Reports and Requests for City Council Consideration**
   A. Presentation of the semi-annual report by the Marshall Economic Development Corporation.

8. **Executive Session**
   A. An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.074 Personnel – Annual evaluation of City Judge.
   B. An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.074 Personnel – Annual evaluation of City Secretary.

C. An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.074 Personnel – Annual evaluation of City Attorney.

9. Action Item Following Executive Session

10. Adjournment

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.

	TO:	City Council
	DATE:	April 27, 2023
	ITEM #:	5.A
	SUBJECT:	Consider approval of the minutes from the April 13, 2023 regular meeting.

Recommendation for Action: Consider approval of the minutes from the April 13, 2023 regular meeting.

Executive Summary: Minutes from the regular meeting held on April 13, 2023.

Budget Cost: N/A

Staff Contact: Nikki Smith, City Secretary

Attachments: 1. 4-13-23 minutes

Council Chambers, City Hall 401 South Alamo Marshall, TX 75671 903-935-4421		**Members** Amy Ware, District 4 - Mayor Marvin Bonner, District 1 Leo Morris, District 2 Jennifer Truelove, District 3 Reba Godfrey, District 5 Amanda Abraham, District 6 Micah Fenton, District 7

MINUTES
REGULAR CITY COUNCIL MEETING
April 13, 2023
6:00 PM

1. Call to Order and Roll Call

Mayor Amy Ware called the Regular meeting to order in the Council Chambers, City Hall at 06:00 PM.

PRESENT:

MAYOR AND ALL COUNCIL MEMBERS

ADMINISTRATIVE STAFF PRESENT:

Terrell Smith, City Manager
Reggie Cooper, Fire Chief
Cliff Carruth, Police Chief
Dawn Jones, Finance Director
Christol Hall, HR/Civil Service Director
Scott Rectenwald, Acting City Attorney
Anna Lane, Community Services Director
Randy Pritchard, Support Services Director
Chris Miles, Assistant Public Works Director
Nikki Smith, City Secretary/Payroll Accountant
Garnett Johnson, Community Development Director

2. Invocation and Pledges

Mayor Ware

3. Presentations & Proclamations

A. Presentation of a certificate of recognition to Community Healthcore thanking them for their continued service to the citizens of Marshall and the surrounding communities.
Gwendolyn Johnson, Community Healthcore IDD Crisis Coordinator, provided background information about Community Healthcore and the services they provide.

Mayor Ware presented Gwendolyn Johnson with a certificate of recognition and thanked them for their continued seri to the citizens of Marshall and the surrounding communities.

B. National Police Memorial Day and Police Week
Cliff Carruth, Police Chief, provided information regarding Police Week and Tele-Communicator's Week. Cliff Carruth stated a memorial service will be held on May 15,

2023.

Mayor Ware read a proclamation for National Police Memorial Day and Police Week and a proclamation for Tele-Communicato's Week and thanked the Marshall Police Department staff for their dedication and service to the City of Marshall.

4. Citizen Comments

Texas Government Code, Sec. 551.007 requires that a governmental body must allow each member of the public who desires to address the body regarding an item on the agenda the opportunity to do so before or during the body's consideration of the item. The “Citizens Comments” portion of the meeting meets the requirements of this law and is the public’s opportunity to speak on any item on the agenda. Those who wish to speak are requested to fill out a public comment form and will have three (3) minutes to speak unless additional time has been requested.

There were no citizen comments.

5. Items to be Withdrawn From Consent Agenda

There were no items withdrawn from the 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.

Councilmember Abraham made a motion to approve the consent agenda. Councilmember Fenton seconded the motion, which passed by a vote of 7:0.

A. Consider approval of the minutes from the March 23, 2023 regular meeting.

B. Consider approval of an agreement with Dr. Jeffrey McWilliams for Physician Director Services for the Emergency Medical Services System.

C. Consider approval of formal acceptance of the completed Medill Street 6" Water Main Improvement Project, including release of final payment and retainage to the contractor.

7. Consideration of Item Withdrawn From the Consent Agenda

There were no items withdrawn from the Consent Agenda.

8. Public Hearing & Ordinance

A. Conduct a public hearing and consider approval of a rezoning request for 0.52 acres of land in the Asa Langford Survey A-400 from R-1 (Single Family Detached) to C-3 (General Business). The property is located at the Northwest Corner of Benita Drive and East End Blvd. South, more commonly known as, 3311 East End Blvd. South.
Garnett Johnson, Community Development Director, asked for approval of an ordinance regarding a request for rezoning of 0.52 acres of land in the Asa Langford

Survey A-400 from R-1 (Single Family Detached) to C-3 (General Business). The property is located at 3311 East End Blvd. S. Garnett Johnson stated 10 notices were sent, with one response being received. The Planning and Zoning Commission approved this by a vote of 5:0.

Mayor Ware opened the public hearing.

No one came forward to speak.

Mayor Ware closed the public hearing.

Councilmembers asked questions and discussed.

Councilmember Morris made a motion to approve a rezoning request for 0.52 acres of land in the Asa Langford Survey A-400 from R-1 (Single Family Detached) to C-3 (General Business). The property is located at the Northwest Corner of Benita Drive and East End Blvd. South, more commonly known as, 3311 East End Blvd. South.. Councilmember Fenton seconded the motion, which passed by a vote of 7:0.

B. Conduct a public hearing and consider approval of an ordinance regarding a request for rezoning of an 11.4 acre tract of land in the Anderson Whetstone A-747, and William Walker A-754 Surveys from A&E (Agriculture and Estate) to C-3 (General Business). The property is located at 3580 West Pinecrest Drive (U.S. Highway 43 South).
Garnett Johnson, Community Development Director, asked for approval of an ordinance regarding a request for rezoning of an 11.4 acre tract of land in the Anderson Whetstone A-747, and William Walker A-754 Surveys from A&E (Agriculture and Estate) to C-3 (General Business). The property is located at 3580 W. Pinecrest Drive. Garnett Johnson stated 10 notices were sent, with no responses being received. The Planning and Zoning Commission approved this by a vote of 5:0.

Mayor Ware opened the public hearing.

No one came forward to speak.

Mayor Ware closed the public hearing.

Councilmembers asked questions and discussed.

Councilmember Abraham made a motion to approve an ordinance regarding a request for rezoning of an 11.4 acre tract of land in the Anderson Whetstone A-747, and William Walker A-754 Surveys from A&E (Agriculture and Estate) to C-3 (General Business). The property is located at 3580 West Pinecrest Drive (U.S. Highway 43 South).. Councilmember Godfrey seconded the motion, which passed by a vote of 7:0.

9. City Manager Reports and Requests for City Council Consideration

A. Consider approval to award a contract for the 2023 Street Improvement Program - Part 2: Reconstruction.

Chris Miles, Assistant Public Works Director, asked for approval to award a contract for the 2023 Street Improvement Program - Part 2: Reconstruction to Rayford Truck & Tractor at a cost of $1,088,037.50. Funding will come from the Street Maintenance Fund and a transfer from the Fund Balance from Sales Tax.

Councilmembers asked questions and discussed.

Councilmember Abraham made a motion to award a contract for the 2023 Street Improvement Program - Part 2: Reconstruction to Rayford Truck & Tractor at a cost of $1,008,037.50. Councilmember Godfrey seconded the motion, which passed by a vote of 7:0:0.

B. Consider approval of the Community Development Block Grant Program Year 2023.

Garnett Johnson stated a public hearing was held on January 25, 2023 and the CDBG committee met on March 14, 2023 to review sub-recipient funding requests. Garnett Johnson then introduced Tami Henderson, CDBG Coordinator, who provided information regarding the sub-recipients and other uses for the CDBG budget. Tami Henderson stated the City of Marshall's CDBG Program was awarded $364,128 for 2023. Tami Henderson asked for approval of the proposed CDBG funding for Program Year 2023.

Councilmembers asked questions and discussed.

Councilmember Fenton made a motion to approve the Community Development Block Grant Program Year 2023. Councilmember Bonner seconded the motion, which passed by a vote of 7:0:0.

10. Executive Session

Councilmember Abraham made a motion to convene in Executive Session. Councilmember Godfrey seconded the motion, which passed by a vote of 7:0. The time was 6:49.

Councilmember Abraham made a motion to reconvene from the Executive Session. Councilmember Godfrey seconded the motion, which passed by a vote of 7:0. The time was 7:19.

A. An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.074 Personnel – Annual evaluation of City Attorney.

B. An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.072. Deliberation regarding real property: Convene in executive session to discuss matters related to the purchase, exchange, lease, sale, or value of real property.

C. An executive session pursuant to Texas Govt. Code Section 551.071. "Consultations with Attorney" to consult with the City Attorney in an executive session to seek his or her advice on legal matters concerning pending or contemplated litigation and upon 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."

11. Adjournment

Councilmember Truelove did not rejoin after the executive session.

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

APPROVED:

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

ATTEST:

____
City Secretary

City of MARSHALL TEXAS	TO:	City Council
	DATE:	April 27, 2023
	ITEM #:	5.B
	SUBJECT:	Award of Contract for work at the City Wastewater Treatment Plant - Clarifier No. 2

Recommendation for Action: Requesting approval to contract with JW Burgess Inc. to perform the following work at the Wastewater Treatment Plant:

- Clean and demolish mechanical components in inactive clarifier
- removal of all mechanical components
- removal of sludge and liquids
- The center column will be cut off six inches above the floor to facilitate future construction.

Executive Summary: This proposed work is necessary to allow structural engineers and City staff to evaluate the concrete structure of the clarifier to determine what the next steps in the reconstruction should be. This is one of two clarifiers at the City's wastewater treatment plant and has been out of service for at least the last three years due to mechanical problems with the rotating arms and weirs. Funding comes from the City's ARPA-CFRG (COVID Fiscal Relief Grant) account.

Budget Cost: 65000

Staff Contact: Eric Powell, PE

Attachments: 1. Marshall clarifier demo

JW Burgess Inc

475 FM 124 E
BECKVILLE, TX 75631

Estimate

Date	Estimate #
4/3/2023	139

Name / Address
City of Marshall Clarifier demo and cleaning

Project

Description	Qty	Rate	Total
Clean and demolish mechanical components in inactive clarifier This included draining, removal of all mechanical components, and removal of sludge. All sludge is to be moved to the concrete structure adjacent to the overflow basin. JWBi will remove and dispose of all mechanical components and will retain salvage rights to same, unless the city has use for anything for spare parts. The center column will be cut off six inches above the floor to facilitate future construction.	1	65,000.00	65,000.00

Total $65,000.00

TO:	City Council
DATE:	April 27, 2023
ITEM #:	5.C
SUBJECT:	Purchase of replacement 70hp influent pump at Wastewater Plant

Recommendation for Action: Approve the purchase of a new 70hp influent pump at the city's Wastewater Treatment Plant

Executive Summary: Influent pump #4 which is a Flyght pump at the Wastewater Treatment Plant, is no longer functioning and is currently obsolete with no available rebuild kits from the original manufacturer. This is one of five influent pumps that operate at the City's wastewater plant which pumps the influent up to the headworks of the plant to begin the treatment process. Jack Tyler is the only authorized supplier of this size Flyght pump in this region. The funding source for this purchase is the City's ARPA-CFRG (COVID FIscal Relief Grant) account. THe expected lead time once the order is placed is 12 to 14 weeks.

Budget Cost: 81924.06

Staff Contact: Eric Powell, PE

Attachments: 1. InfluentPumpNo4_JackTyler

Jack Tyler Engineering, Inc.
6301 South University Blvd
Little Rock, AR 72209
Office: 501-562-2296
Toll Free: 800-562-2296

JACK TYLER ENGINEERING INCORPORATED

Thursday, March 2, 2023

TO: City of Marshall, TX

SUBJECT: Replacement Flygt 3300 Pump

ATTN: James Willis
Jamesewillis52@gmail.com

QUOTATION: 03022023MDA

Jack Tyler Engineering, Inc. is pleased to offer the following items for your consideration in the above referenced project. If you wish for us to supply any items not listed below, please inform us as soon as possible. Please continue reading below for our detailed scope of supply. We look forward to working with you.

One (1) Flygt Model 3301 Pump
P#: 3301.185-0151
NP626-12 70/460/3 50' FLS FV
Adaptive N style Impeller, Curve 626
12" Discharge
70 HP, 460 V, 3 Ph Motor
50' SUBCAB Cable
FLS Leakage Sensor
Flush Valve Ready

Startup Services Provided by JTE Technicians

Installation Performed by Others.

FOB: DESTINATION
DELIVERY: 12-14 Weeks, ARO
TOTAL PRICE: $81,924.06
Sales Tax Charges NOT Included in Price
Jack Tyler Engineering, Inc. Terms and Conditions Apply

THANK YOU FOR REVIEWING OUR OFFERING. ANY ITEMS NOT SPECIFICALLY LISTED ABOVE WILL NOT BE SUPPLIED BY JACK TYLER ENGINEERING UNLESS AGREED UPON BY APPROVED WRITTEN NOTICE.

Respectfully Submitted,

Merak Dyer
Applications Engineer
Jack Tyler Engineering, Inc.

This is to replace the #4 influent lift pump (Flyght 3300) which is obsolete and Flyght is no longer making rebuild kits for.

TO:	City Council
DATE:	April 27, 2023
ITEM #:	7.A
SUBJECT:	Presentation of the semi-annual report by the Marshall Economic Development Corporation.

Recommendation for Action:

Executive Summary:

Budget Cost:

Staff Contact:

Attachments: 1. Request - Semiannual Report Marshall Economic Development

Marshall
ECONOMIC DEVELOPMENT

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

Date: April 27, 2023
RE: Semiannual Presentation 2023

The Marshall Economic Development Corporation requests to appear before the City Council on April 27, 2023, to present a semiannual report for 2023.

This report is a requirement of the Marshall EDC bylaws. More importantly, it provides communication and transparency about EDC activities to the City Council and the public. 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 reviewing the last half-year of activity with the City Council. Thank you for your leadership and service to the community.

Respectfully,

Rush Harris
Executive Director
Marshall Economic Development Corporation

	TO:	City Council
	DATE:	April 27, 2023
	ITEM #:	8.A
	SUBJECT:	An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.074 Personnel – Annual evaluation of City Judge.

Recommendation for Action: Convene in an executive session.

Executive Summary:

1. An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.074 Personnel – Annual evaluation of City Judge.

Budget Cost: N/A

Staff Contact: Christol Hall, HR Director

Attachments: None

TO:	City Council
DATE:	April 27, 2023
ITEM #:	8.B
SUBJECT:	An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.074 Personnel – Annual evaluation of City Secretary.

Recommendation for Action: Convene in an executive session.

Executive Summary: An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.074 Personnel – Annual evaluation of City Secretary.

Budget Cost: N/A

Staff Contact: Christol Hall, HR Director

Attachments: None

	TO:	City Council
	DATE:	April 27, 2023
	ITEM #:	8.C
	SUBJECT:	An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.074 Personnel – Annual evaluation of City Attorney.

Recommendation for Action: Convene in an executive session.

Executive Summary: An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code inde rSeciotn 515.074 Personnel - Annual evaluation of City Attorney.

Budget Cost: N/A

Staff Contact: Christol Hall, HR Director

Attachments: None