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

Please Silence All Devices
SPECIAL-CALLED CITY COUNCIL MEETING

June 26, 2023
2:00 PM

1. **Call to Order and Roll Call**
2. **Invocation and Pledges**
3. **Presentations & Proclamations**
   A. Recognition of the Keep Marshall Beautiful June 2023 Beautification Award winners.
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.
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 **Items to be Withdrawn From Consent Agenda**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 May 25, 2023 regular Council meeting.
   B. Consider approval of appointments/reappointments to the various boards, commissions and/or committees.
   C. Consider approval of the Memorial City Hall Concession Agreement.
   D. Consider approval to purchase a new conveyor for the Grit Machine system at the Wastewater Treatment Plant.
   E. Consider approval to award a contract for the East End Lift Station Improvement Project.
   F. Consider approval to award a contract for the Wastewater Treatment Plant Office and Laboratory Building Project.
7. **Consideration of Items Withdrawn From the Consent Agenda**

8. Public Hearing & Ordinance

A. **Z-23-07**: Conduct a public hearing and make a recommendation to the City Council regarding a rezoning request for a 0.806 acre tract of land in the T. Perry Survey, A-571. From R-3(Single Family Detached) to C-3 (General Business). Located at 5701 South Washington Ave. Parcel # R-000008250.

B. **Z-23-08-** Conduct a public hearing and make a recommendation to the City Council regarding a rezoning request for a 1.00 acre tract of land. Being Lot 2 Block 1 Summit United Methodist Church Subdivision. From PS (Public Service) to C-3 (General Business). Located at 1909 East End Blvd. North (U.S. Highway 59). Parcel # R010099793.

C. **SUP-23-02** - Conduct a public hearing and make a recommendation to the City Council regarding a Special Use Permit request for apartments. Being a 1.491 acre tract of land being all of Block 15 Original Townsite. Located at 200 South Columbus Street. Parcel # R000020756.

-

9. Ordinance

10. City Manager Reports and Requests for City Council Consideration

A. Update regarding the Capital Improvement Program.

B. Consider approval of a contract with Motorola for a digital radio system.

11. Executive Session

A. 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.

B. 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.

C. 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.

D. 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.

12. Action Item Following Executive Session

A. Consider action as a result of the executive session discussion regarding real property.

B. Consider action as a result of the executive session discussion regarding legal matters concerning pending or contemplated litigation.

C. Consider action as a result of the executive session discussion regarding legal matters concerning pending or contemplated litigation.

13. Adjournment

Posted: June 20, 2023
4:00 PM
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.

	TO:	City Council
	DATE:	June 26, 2023
	ITEM #:	3.A
	SUBJECT:	Recognition of the Keep Marshall Beautiful June 2023 Beautification Award winners.

Recommendation for Action: Recognize recipients of the June 2023 Beautification Awards.

Executive Summary: The Keep Marshall Beautiful Board has selected the following property winners for the June 2023 Beautification Award. Representatives from the Keep Marshall Beautiful board presented both winners with a $50 gift card to Lowe's.

Residential

Name
Address

Represented by Jennifer Truelove, District 3
and Amanda Abraham, District 6

Commercial

Name
Address

Represented by Leo Morris, District 2
and Amanda Abraham, District 6

The community may submit nominations for Keep Marshall Beautiful residential and commercial awards by completing an online form on the city's website or by using this link: *https://tinyurl.com/kmbaward*

Budget Cost: N/A

Staff Contact: Anna Lane, Director of Community Services

Attachments: None

City of MARSHALL TEXAS	TO:	City Council
	DATE:	June 26, 2023
	ITEM #:	6.A
	SUBJECT:	Consider approval of the minutes from the May 25, 2023 regular Council meeting.

Recommendation for Action: Consider approval of the minutes from the May 25, 2023 meeting.

Executive Summary: Minutes from the regular meeting held on May 25, 2023.

Budget Cost: N/A

Staff Contact: Nikki Smith, City Secretary

Attachments: 1. 5-25-23 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
PLEASE SILENCE ALL DEVICES

REGULAR CITY COUNCIL MEETING
May 25, 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 Council Members:
Mayor Ware
Councilmember Bonner
Councilmember Morris
Councilmember Truelove
Councilmember Godfrey
Councilmember Abraham

ABSENT: Councilmember Fenton Motion to Excuse: Councilmember Godfrey Second: Truelove Vote: 6:0

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

2. Invocation and Pledges

Mayor Ware

3. Presentations & Proclamations

A. Recognition of Sam Houston Elementary Science Technology Electronic Mathematics (STEM) Academy winning the Texas A&M AgriLife Extension Healthy Texas Recognized School Award.

Mayor Ware presented a certificate of recognition to Harrison County Extension Agents, 4-H Program members, and Sam Houston Elementary Science Technology Electronic Mathematics (STEM) staff and students acknowledging their hard work and dedication to winning the Texas A&M AgriLife Extension Healthy Texas Recognized School Award.

Louraisel McDonald, Harrison County Extension Agent, highlighted various achievements by the students and staff of Sam Houston Elementary STEM.

B. Recognition of Texas Eastern 911 for providing $160,000 for technology improvements in the Marshall Emergency Telecommunications Center.

Mayor Ware presented a certificate of recognition to Texas Eastern 911 representatives thanking them for their continued service in support of emergency communications in North East Texas.

C. Recognition of the Keep Marshall Beautiful May 2023 Beautification Award winners.

Anna Lane, Community Services Director, recognized the May 2023 Beautification Award winners; residential property 515 E Houston owned by Veronica Ortega & Todd Stackhouse & the commercial property 213 W. Burleson, Grand Way Church of Christ.

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.

Kenneth Moon, 1002 S. Grove, spoke regarding drainage issues on Sanford Street.

Dr. Tracy Andrus, 104 Johnson St., spoke regarding issues he has faced with the City Staff and the manner in which business has been conducted on his property.

5. Items to be Withdrawn From Consent Agenda

Item C was 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 Bonner made a motion to approve Consent Agenda. Councilmember Godfrey seconded the motion, which passed by a vote of 6:0.

A. Consider approval of the minutes from the May 11, 2023 regular Council meeting.

B. Consider approval of repairs\improvements at the West End Lift Station

7. Consideration of Item Withdrawn From the Consent Agenda

A. Consider approval of appointments to the Planning & Zoning Commission.
Item C was withdrawn from the Consent Agenda.

Councilmembers asked questions and discussed.

Councilmember Abraham made a motion to approve appointments to the Planning & Zoning Commission. Councilmember Bonner seconded the motion, which passed by a vote of 6:0.

8. City Manager Reports and Requests for City Council Consideration

A. Discussion regarding a fire alarm/vent hood system in homeless shelters.
Councilmembers and staff engaged in discussion regarding requirements for fire alarm and vent hood systems in homeless shelters in the City of Marshall.

Reggie Cooper, Fire Chief, also provided information regarding the requirements for Certificates of Occupancy.

B. Discussion regarding water, plumber, and wiring regulations.
Councilmembers and staff engaged in discussion regarding water, plumber, and wiring regulations.

C. Discussion regarding drainage issues on Sanford Street.
Councilmembers and staff engaged in discussion regarding drainage issues on Sanford Street.

D. Fiscal Year 2024 Budget Workshop.
Dawn Jones, Finance Director, provided information regarding the budget process, revenue and expense for various funds, and budget requests from the various departments based on the strategic outcome areas of the Strategic Plan.

Eric Powell provided an update of ARPA-COVID Fiscal Relief Funds and projects funded and completed utilizing these funds. Eric Powell stated we have spent or encumbered 4.2 million of the 9 million we have to spend by June 2024.

Christol Hall, HR Director, introduced Ms. Little, Atwater Martin representative, who provided the results of the compensation study.

Randy Pritchard, Support Services Director, provided information regarding fleet maintenance for the City. Randy Pritchard introduced Nick Hardwick, Enterprise Fleet Management Senior Account Executive, who provided information on the fleet replacement process for the various departments.

Councilmembers and staff engaged in discussion regarding the Fiscal Year 2024 Budget information presented.

9. **Executive Session**

Councilmember Abraham made a motion to convene an Executive Session. Councilmember Truelove seconded the motion, which passed by a vote of 6:0. The time was 8:23 PM.

Councilmember Godfrey made a motion to reconvene from the Executive Session. Councilmember Truelove seconded the motion, which passed by a vote of 6:0. The time was 9:05 PM.

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 Manager.

C. 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.

10. **Action Item Following Executive Session**

A. Consider action as a result of the executive session discussion regarding real property. This item was tabled.

11. **Adjournment**

Councilmember Godfrey made a motion for adjournment. Councilmember Truelove 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

TO:	City Council
DATE:	June 26, 2023
ITEM #:	6.B
SUBJECT:	Consider approval of appointments/reappointments to the various boards, commissions and/or committees.

Recommendation for Action: Consider approval of appointments/reappointments to the various boards, commissions and/or committees.

Executive Summary: We are requesting Vivian Lewis be appointed to the Marshall Public Library Board of Trustees.

We are requesting Lori Acker and Brooke LaBouve be appointed to the Main Street Advisory Board.

We are requesting Ken Moon and Jacob Fulbright be reappointed to the Planning and Zoning Commission.

Budget Cost: None

Staff Contact: Anna Lane, Director of Community Services

Attachments:
1. Brooke LeBouve application
2. Vivian Lewis application

City of Marshall
Application for Appointment to City Boards and Committees

Name of Board or Committee to which you are applying: Any open positions

Note: A person may serve on only two (2) City boards or committees at one time.

Name: LaBouve, Brooke
(Title) (Last) (First) (Middle)

Permanent Residence Address: ' Pinewood Dr Marshall, Tx 75672
(Street) (City) (State) (Zip Code)

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

Preferred Phone and Fax:
(Phone) (Fax)

Email Address:

Occupation: Financial Advisor

Employer: Edward Jones Title: Financial Advisor

Are you a registered voter in the City of Marshall? ☑ Yes ☐ No

Are you a resident of the City of Marshall? ☑ Yes ☐ No

Length of residence: 16 years In which District do you reside? 7

Do you, your spouse or your employer have any financial interest, direct or indirect in any contract with the City of Marshall?
☐ Yes ☑ No
If Yes, please explain:

Do you, your spouse or your employer have any financial interest, directly or indirectly, in the sale to the City of any land, materials, supplies or service?
☐ Yes ☑ No
If Yes, please explain:

Do you, your spouse or your employer have any financial interest, directly or indirectly, in matters that might come before the Board or Committee to which you are seeking appointment?
☐ Yes ☑ No
If Yes, please explain:

Convictions: Have you ever been convicted of violating any federal, state or municipal law, regulation or ordinance? ☐ Yes ☑ No
If so, give details. Do not include traffic violations.

Continued on Page 2

(Rev. 11/22)

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

Name: Brooke LaBouve

BACKGROUND

Education: Texas A&M University - Bachelors Degree

Professional: Teacher 2006-2022, Business Owner (Fitness) 2013-2022, Financial Advisor 2022-Present

Volunteer Experience/Community Service: Boys & Girls Club of Big Pines, United Way Board, First Methodist Day School Board

Areas of interest: Development, Beautification, Tourism, Main Street

Please specify membership on any other governmental Board or Committee.
List all Boards, Commissions, Corporations, Non-Profit Entities, Agencies, or other Entities of which you are currently a member and/or officer and/or employed by, and give the title and dates of any position that you have held in such organization.

Organization: First Methodist Day School Board

Title: Church Member Representative Dates: 9/22-Present

Organization:

Title: Dates:

Reasons for Seeking Appointment: Please attach a brief narrative outlining your interests and qualifications for seeking appointment. You may also add a résumé or additional information.

I have read and understand the instructions and appointment process. The foregoing and any attached statements are true, accurate and complete; and I agree that any misrepresentation or omission of facts may result in my disqualification for appointment.

BLaBouve
Signature

4/12/23
Date

FILE COMPLETED FORM WITH CITY SECRETARY'S OFFICE BY DEADLINE FOR PROCESSING

Marshall City Secretary
ATTN: Nikki Smith
401 S. Alamo
Marshall, Texas 75670

(Original copy will be on file in the City Secretary's Office for 12 months.)

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

City of Marshall
Application for Appointment to City Boards and Committees

Name of Board or Committee to which you are applying: Community Development Advisory & Marshall Public Library Board

Note: A person may serve on only two (2) City boards or committees at one time.

Name: Lewis Vivian
(Title) (Last) (First) (Middle)

Permanent Residence Address: FM 31 MARSHALL TEXAS 75672
(Street) (City) (State) (Zip Code)

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

Preferred Phone and Fax:
(Phone) (Fax)

Email Address:

Occupation: Paraprofessional

Employer: MARSHALLISD Title:

Are you a registered voter in the City of Marshall? ☑ Yes ☐ No

Are you a resident of the City of Marshall? ☑ Yes ☐ No

Length of residence: 10 In which District do you reside?

Do you, your spouse or your employer have any financial interest, direct or indirect in any contract with the City of Marshall?
☐ Yes ☑ No
If Yes, please explain:

Do you, your spouse or your employer have any financial interest, directly or indirectly, in the sale to the City of any land, materials, supplies or service?
☐ Yes ☑ No
If Yes, please explain:

Do you, your spouse or your employer have any financial interest, directly or indirectly, in matters that might come before the Board or Committee to which you are seeking appointment?
☐ Yes ☑ No
If Yes, please explain:

Convictions: Have you ever been convicted of violating any federal, state or municipal law, regulation or ordinance? ☐ Yes ☑ No
If so, give details. Do not include traffic violations.

Continued on Page 2

(Rev. 11/22)

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

Name: VIVIAN LEWIS

BACKGROUND

Education: EL CENTRO JUNIOR COLLEGE DALLAS

Professional:

Volunteer Experience/Community Service: CASA, WONDERLAND OF LIGHTS, ROTARY

Areas of interest:

Please specify membership on any other governmental Board or Committee.
List all Boards, Commissions, Corporations, Non-Profit Entities, Agencies, or other Entities of which you are currently a member and/or officer and/or employed by, and give the title and dates of any position that you have held in such organization.

Organization: CASA

Title: PAST BOARD CHAIR Dates: 4-10-2023

Organization: VISIT MARSHALL BOARD

Title: MEMBER Dates: 4-10-2023

Reasons for Seeking Appointment: Please attach a brief narrative outlining your interests and qualifications for seeking appointment. You may also add a résumé or additional information.

I have read and understand the instructions and appointment process. The foregoing and any attached statements are true, accurate and complete; and I agree that any misrepresentation or omission of facts may result in my disqualification for appointment.

Vivian Lewis
Signature

4-11-23
Date

FILE COMPLETED FORM WITH CITY SECRETARY'S OFFICE BY DEADLINE FOR PROCESSING

Marshall City Secretary
ATTN: Nikki Smith
401 S. Alamo
Marshall, Texas 75670

(Original copy will be on file in the City Secretary's Office for 12 months.)

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

TO:	City Council
DATE:	June 26, 2023
ITEM #:	6.C
SUBJECT:	Consider approval of the Memorial City Hall Concession Agreement.

Recommendation for Action: Approve the MCH Concession Agreement.

Executive Summary:

Budget Cost: N/A

Staff Contact: Glenn Barnhart, Memorial City Hall Performance Center Manager

Attachments: 1. MCH Concession Agreement rev 5.17.23

Memorial City Hall Performance Center
Concession Agreement

THIS AGREEMENT AND CONTRACT, made and entered into this _________day of_____________________ 2023, by and between the CITY OF MARSHALL, TEXAS and: ____.

WITNESSETH:

1.) That upon the terms and conditions and in consideration of the covenants and agreements expressed herein, and other considerations herein expressed, the City of MARSHALL, TEXAS does agree and grant to:

____,
hereinafter referred to as "Concessionaire", the concession privileges for the Memorial City Hall ("MCH" herein), in Marshall, Texas as defined herein.

2.) The Concessionaire agrees to pay the sum of ____15_____% percent of the net sales (gross sales less sales tax of 8.25%) from all sources of revenue, on a monthly basis, not later than the 10th day of each succeeding month, without request or demand, at the office of the MCH Manager.

3.) The term of this agreement shall be for a period of one (1) year from the date hereof unless sooner terminated under the provisions herein contained.

4.) The non-exclusive rights of this Agreement are the selling of food and beverages and related items identified in the "THIRD PARTY CONCESSIONS AUTHORIZATION" attached hereto and made part hereof, save and except those foods, beverages and related items specifically prohibited by the MCH Manager, in the MCH, MCH parking lot and adjacent areas to patrons at any and all events, shows or amusement features, concerts, conventions or other public gatherings to be held on said premises during said period and at which the sale of such food, beverages and related items is usual and appropriate.

5.) This agreement shall not include the right to sell food, beverages and related items at seated banquets or dinners for which catering service has been arranged, nor shall it include the right to pictures of performers or like items, peculiar and incident to the attraction which is being put on; nor the selling of any space for temporary or permanent signs around the concession stands advertising any product or production; nor operation of any hat and coat checking services, rental of cushions or seats; nor selling of snow cones, cotton candy or candy apples at circus events. Beverages in glass bottles or breakable containers shall not be permitted in any part of the MCH without approval of MCH Manager. Beverages served in paper or Styrofoam cups must have lids & straws.

6.) Concessionaire shall not sell nor attempt to sell any items or operate or attempt to operate any concession in a manner which would be distasteful to persons to whom the MCH Manager has rented the premises for religious purposes or other types of events, wherein the sale of certain foods, beverages and novelties, or other merchandise might be distasteful or offensive. Any doubt or question concerning such matters shall be referred to the City Manager for the City of Marshall, Texas, whose decision shall be final.

7.) When the MCH, or any part thereof, has been rented to a Lessee for a charitable, educational, religious or similar function where no admission charge or registration fee is collected by said Lessee, the Lessee shall be permitted to give away food, beverage, or other items at such function.

8.) Concessionaire agrees that he will, without cost to the City, erect such additional improvements and purchase all necessary equipment and fixtures as are necessary to properly operate the concessions. Such improvements and equipment shall be approved by, constructed and installed under the supervision of the MCH Manager, and will be compatible to the finish and design of the interior of the MCH. The City agrees to furnish the space it deems necessary for Concessionaire to carry out the aforesaid obligation with the sole right to designate those areas within the MCH, which shall be used for the concession stands.

9.) The Concessionaire shall be allowed access to the MCH at all hours for the purpose of properly operating his concessions. At the termination of the contract for any reason, the City or the next successful bidder shall have the first option to purchase all or any part of the Concessionaire's equipment. The price, deducting or excluding therefore reasonable depreciation, is to be negotiated at such time.

10.) The Concessionaire shall operate the concession stands and make sales therefrom only for reasonable lengths of time before and after the time of the various functions and performances for which the MCH premises are leased.

11.) The Concessionaire shall offer only products of good quality and quantity at reasonable prices and not in excess of those generally charged under similar circumstances. It is further agreed that all prices will be uniform throughout the MCH building.

12.) The Concessionaire shall practice good housekeeping at all times; permitting no defacing of walls, floors, fixtures, permit no undue loitering, permit no objectionable language, and at his own expense continuously keep clean and sanitary the premises utilized, specifically the area in front of each concession counter. The Concessionaire shall comply with all of the health regulations of the City of MARSHALL, TEXAS, State of Texas, County of HARRISON and Federal authorities pertaining to the operation of concessions and particularly in the preparation and service of food. The Concessionaire shall procure and maintain all licenses and permits necessary for the service of items identified in the “THIRD PARTY CONCESSIONS AUTHORIZATION” at Concessionaire’s expense.

13.) The Concessionaire's employees shall wear appropriate, neat clothing for such employment and all business shall be conducted in a manner that will reflect credit upon Concessionaire and the City. The MCH Manager reserves the right to eject from the premises any employee of the Concessionaire whose dress or conduct is improper, inappropriate or offensive.

14.) The Concessionaire shall, at his own expense, post in a conspicuous place at each concession stand a neat and appropriate list of all prices of articles offered for sale. Such list, including the style and size thereof, shall first be subject to the approval of the MCH Manager.

15.) Concessionaire shall keep and maintain records in accordance with good accounting procedures, and such records shall be available for inspection and audit by the MCH Manager and City at all times. When payment is made, in accordance with Section 2, an accounting breakdown of each event for the month must accompany payment. At least annually, a financial audit of all Concessionaire operations must be provided to the MCH Manager.

16.) Concessionaire shall collect all Federal, State and local excise or sales taxes which may be imposed upon the transaction of his business and shall be solely responsible therefore, and shall promptly pay all fees for occupational licenses and/or permits which may be levied against Concessionaire in connection with the carrying out of this business.

17.) The City shall not at any time or to any extent whatsoever by liable, responsible, or in any way accountable for any injury to or death of persons or loss, destruction or damage to property, including property and employees of Lessee, occurring in on or about the leased premises or wherever occurring, resulting, from any use of the premises by Concessionaire, whether such injury, death, loss, destruction or damage shall be caused by or in any way result from or arise out of any act, omission, or negligence of Concessionaire or of any employee or agent thereof, or shall result from or be caused by any other matters or things set forth above, and Concessionaire shall forever indemnify City against any and all claims, liability, loss, damage, actions, or causes of action whatsoever, on account of any such injury, death, loss, destruction or damage, and any related expense, including attorney's fees.

18.) Concessionaire agrees to have in force at all times a liability insurance policy covering the concession operation, including product liability, written on an occurrence basis with a combined limit of not less than $1,000,000 and shall provide a certificate of insurance to substantiate compliance.

19.) Concessionaire covenants that the City shall not be liable for any compensation of any employees of the Concessionaire, nor for any expenses incurred by Concessionaire, nor for any debt contracted by concessionaire. Nothing in this contract shall be construed as creating a partnership or joint venture between the City and Concessionaire, or as constituting the Concessionaire as an agent of the City or as giving the concessionaire authority to bind the City in any manner.

20.) Concessionaire shall open for all engagements in said building with an adequate line of beverages, food and approved related items unless otherwise excused by the MCH Manager in writing. At the beginning of this contact, a list of all items for sale must be furnished to and approved by the MCH Manager. Any items added or deleted, must have the approval of the MCH Manager.

21.) City shall furnish all reasonable utilities, including gas, water and electricity for use by the concessionaire, at no cost to Concessionaire.

22.) This contract shall not be assignable by Concessionaire, in whole or in part, nor may any of the leased premises be subleased to others by Concessionaire, without the prior written consent of the City.

23.) The City shall, at all times, have the right to enter into and upon the leased premises for purposes of examination and inspection thereof.

24.) All remedies hereinbefore and hereafter conferred on the City shall be deemed cumulative and no one exclusive of the other or any other remedy conferred by law.

25.) Either (a) the filing by Concessionaire of a voluntary petition in bankruptcy or the making of an assignment for the benefit of creditors, or (b) the consenting by Concessionaire to the appointment of a receiver or trustee of all or any part of its property, or (c) the filing by concessionaire of a petition or answer seeking reorganization under the National Bankruptcy Act or any other applicable law, or (d) the filing by Concessionaire of a petition to take advantage of any insolvency act shall constitute a breach of this lease and concession agreement by Concessionaire. On the occurrence of any such event, this agreement and lease shall terminate fifteen (15) days after written notice of termination from City to Concessionaire.

26.) In the event of any default of any condition, covenant or agreement contained herein by Concessionaire, City, in addition to all other rights and remedies it may have, shall have the immediate right of re-entry and may remove all persons and property from the premises; such property may be removed and stored in a public warehouse or elsewhere at the cost of, and for the account of Concessionaire. In the event such re-entry is necessary as set forth above, this lease shall automatically terminate on the date such action is consummated. The City shall thereafter have the immediate right to contract with a new concessionaire.

27.) No waiver of any breach or breaches or any provision of this agreement shall be construed to be a waiver of any preceding or succeeding breach of such provision or of any other provision hereof.

28.) Time is of the essence of each and every provision hereof.

29.) This agreement may be modified or amended only by a writing duly authorized and executed by City and Concessionaire. It may not be amended or modified by oral agreements or understandings between the parties unless the same shall be reduced to writing duly authorized and executed by both parties.

30.) Each and every provision of this agreement shall bind and shall inure to the benefit of the parties hereto and their legal representatives, successors and assigns.

31.) All notices or demands of any kind which the City or the concessionaire may be required or may desire to serve upon each other shall be served by leaving a copy of such demand or notice, or by mailing a copy thereof by certified mail, return receipt requested, postage prepaid, to the respective addresses, to wit:

CITY OF MARSHALL, TEXAS
401 S Alamo Blvd.
Marshall, TX 75670

CONCESSIONAIRE:

IN WITNESS WHEREOF, the parties have executed this agreement at MARSHALL, TEXAS, Texas, the day and year first above written.

CITY OF MARSHALL, TEXAS	CONCESSIONAIRE:
By: ___________________________ Terrell Smith- City Manager	By: ___________________________
By: ___________________________ Glenn Barnhart- Manager-MCH	

Memorial City Hall Performance Center

THIRD PARTY CONCESSIONS AUTHORIZATION

This Third Party Authorization is issued to ______________________________ only for the events to be held at Memorial City Hall Performance Center.

You are hereby authorized to sell the following food and/or drink items within the MCH Performance Center Main Lobby & 3rd Floor Great Room:

ITEM	PRICE	COMMISSION %
6oz Wine	TBD	15%
12oz Domestic Beer	TBD	15%
12oz Import Beer	TBD	15%
Coffee	TBD	15%
Soda	TBD	15%
Spring Water	TBD	15%
Sparkling Water	TBD	15%

Special Amendments:
Concessionaire is responsible for printing all TABC signage and placing signs in all necessary locations.
No commission will be charged if Artist does not have an intermission during performance.
No Commission will be charged if tickets sales are below 50%

Sales locations shall be mutually agreed upon, and a commission of percentages as stated above of the net sales (gross sales less sales tax of 8.25%) shall be paid to **Memorial City Hall** within 30 days of the event. Support documentation shall include sales per item, size, location and date. The Third Party Concessionaire shall comply with federal, state and local law including all rules and regulations established by any authorized officer or department of the City. The Third Party Concessionaire shall not allow anything to be done on said premises in violation of any such local laws, rules or regulations.

Current Liability Insurance? _______

Current State Food Licenses? _______

TO:	City Council
DATE:	June 26, 2023
ITEM #:	6.D
SUBJECT:	Consider approval to purchase a new conveyor for the Grit Machine system at the Wastewater Treatment Plant.

Recommendation for Action: Purchase a new conveyor for the Grit Machine system at the Wastewater Treatment Plant

Executive Summary:
Strategic Outcome Area: Resilient Infrastructure
Funding Source: ARPA-COVID Fiscal Relief Grant (CFRG)

The conveyor equipment component of the Wastewater Treatment Plant Grit Machine system is now in need of replacement. For compatibility purposes, it is necessary to purchase this component from the same manufacturer as the proprietary equipment. I am recommending that the City Council approve the purchase of a Model 15 Pista Grit Screw Conveyer from Smith & Loveless, Inc., in the amount of $87,620.00.

Budget Cost: $87,620.00

Staff Contact: Eric Powell, Director of Public Works

Attachments: 1. Quote - Grit Screw Conveyor

RETROFIT DIVISION

Smith & Loveless, Inc.

SALES AGREEMENT

Date:	May 22, 2023
Project:	Marshall, TX
Inq #:	IR-33841
Rev.	02
Existing S&L SN:	03-0538
Customer Contact:	James Willis
Customer Phone:	
Customer Email:	jamesewillis52@gmail.com

Your local Smith & Loveless Representative Contact Information:

Salesperson & Contact Phone:	Ed Keenan (972) 769-1993
Representative Company:	Newman Regency Group
Representative Email:	ekeenan@newmanregency.com

Option 1

Scope of Equipment:

One (1) Model 15 SMITH & LOVELESS® PISTA® GRIT SCREW CONVEYOR™ constructed of 316 stainless steel, including the screw.

- Includes one (1) carbon steel Airlift Vent.
- Belt driven drive motor to be 1 HP, 1200 RPM, 3/60/208-230/460 volt with shaft mounted helical gear reducer.
- Screw diameter: 9", Screw length: 15' with hardened flights.
- Anti-friction bearings at the outlet end and greaseable bronze bushing at the inlet end.
- Solid covers over the hopper and trough openings shall be provided.
- Piping changes, by others, may be required for conversion from Model 12 to Model 15.
- Does not include controls.

Price (includes freight): **$87,620**

14040 Santa Fe Trail Drive. Lenexa, KS 66215
P: 913.888.5201 F: 913.748.0106
www.smithandloveless.com

TO:	City Council
DATE:	June 26, 2023
ITEM #:	6.E
SUBJECT:	Consider approval to award a contract for the East End Lift Station Improvement Project.

Recommendation for Action: Award a contract for the East End Lift Station Improvement Project

Executive Summary:
Strategic Outcome Area: Resilient Infrastructure
Funding Source: ARPA-COVID Fiscal Relief Grant (CFRG)

On Tuesday, May 25, 2023, the City received bids for the East End Lift Station Improvement Project. There were six (6) bids submitted, opened publicly, and read aloud. Bids were received from:

Wicker Construction	$589,573.50
John Wright Construction	$728,504.80
KC Property Management, LLC	$895,076.50
D&D Pipeline Consultants, LLC	$913,162.00
Mayim Municipal Builders, LLC	$996,289.98
McKinney & Moore of Texas, LLC	$1,632,237.56

A copy of the bid summary is also attached for your review.

Based on the bids submitted, it is recommended that the City award a contract for services to Wicker Construction, in the amount of $589,573.50.

Budget Cost: $589,573.50

Staff Contact: Eric Powell, Director of Public Works

Attachments: 1. ARPA East End Lift Station - Award Recommendation 5-25-23

Date:5-25-23

Eric Powell, P.E.
Public Works Director
City of Marshall
605 East End Blvd South
Marshall, TX 75670

Re: ARPA East End Lift Station

Mr. Powell

As you are aware, bids for the above-referenced project were solicited and opened on 5-23-23. A total of six (6) base bids were received. See attached for the Bid Proposal summary.

ORIGINAL BASE BID SCHEDULE SUMMARY

BASE BID	**CONTRACTOR**					
	Wicker Construction	John Wright Construction	KC Property Management LLC	D&D Pipeline Consultants, LLC	Mayim Municipal Builders, LLC	McKinney & Moore of Texas, LLC
TOTAL BASE BID	**$589,573.50**	**$728,504.80**	**$895,076.50**	**$913,162.00**	**$996,289.98**	**$1,632,237.56**

Our office has reviewed the qualifications of Wicker Construction. The Contractor will provide bonds and insurance to construct the project. The Contractor also has access to adequate equipment, manpower, and experienced supervision to construct the project.

It is the recommendation of Schaumburg & Polk, Inc. that the contract for the City of Marshall, ARPA East End Lift Station project, in the amount of $589,573.50, be awarded to Wicker Construction.

Sincerely,
Schaumburg & Polk, Inc.

Jeremy Buechter
Executive Vice President

City of Marshall
ARPA East End Lift Station
May 23, 2023 at 10:00 AM - Marshall City Hall, 605 East End Blvd South, Marshall, TX 75670

Base Bid Items				Wicker Construction		John Wright Construction		KC Property Management LLC		D&D Pipeline Consultants, LLC		Mayim Municipal Builders, LLC		McKinney & Moore of Texas, LLC	
Bid No.	Quantity	Unit	Item Description	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	1	LS	CONTRACTOR MOBILIZATION, BONDS AND INSURANCE	$ 29,850.00	$ 29,850.00	$ 59,000.00	$ 59,000.00	$ 50,000.00	$ 50,000.00	$ 52,000.00	$ 52,000.00	$ 47,500.00	$ 47,500.00	$ 122,943.00	$ 122,943.00
2	1,829	LF	OSHA COMPLIANT TRENCH SAFETY	2.00	3,658.00	1.00	1,829.00	1.00	1,829.00	13.67	25,000.00	1.00	1,829.00	25.93	47,425.97
3	1	LS	CONSTRUCTION STAKING & UTILITIES LOCATES	5,000.00	5,000.00	4,500.00	4,500.00	3,500.00	3,500.00	30,000.00	30,000.00	12,000.00	12,000.00	27,890.00	27,890.00
4	1	LS	EROSION CONTROL	1,200.00	1,200.00	5,000.00	5,000.00	5,000.00	5,000.00	16,000.00	16,000.00	6,500.00	6,500.00	26,050.00	26,050.00
5	1	LS	PRE-CONSTRUCTION LOCATION & CONFIRMATION OF EXISTING UTITILIES	1,500.00	1,500.00	2,500.00	2,500.00	5,000.00	5,000.00	16,000.00	16,000.00	35,000.00	35,000.00	21,840.00	21,840.00
6	1	LS	BYPASS PUMPING	1,000.00	1,000.00	12,000.00	12,000.00	25,000.00	25,000.00	25,000.00	25,000.00	20,000.00	20,000.00	9,500.00	9,500.00
7	5	STA	SURFACE WATER MANAGEMENT	50.00	250.00	400.00	2,000.00	500.00	2,500.00	4,000.00	20,000.00	1,500.00	7,500.00	9,496.00	47,480.00
8	5	STA	DESIGN INSTALLATION AND OPERATION OF WELL POINT SYSTEM OR OTHER APPROVED METHOD OF GROUND	500.00	2,500.00	100.00	500.00	500.00	2,500.00	11,000.00	55,000.00	1,700.00	8,500.00	79,495.10	397,475.50
9	100	CY	REPLACEMENT OF EMBEDMENT	50.00	5,000.00	65.00	6,500.00	100.00	10,000.00	100.00	10,000.00	100.00	10,000.00	234.80	23,480.00
10	500	CY	REPLACEMENT OF BACKFILL MATERIAL	5.00	2,500.00	14.00	7,000.00	40.00	20,000.00	25.00	12,500.00	26.00	13,000.00	58.70	29,350.00
11	1,939	LF	24-IN F679 PS 46 PVC SEWER LINE	159.00	308,301.00	168.00	325,752.00	240.00	465,360.00	160.00	310,240.00	203.40	394,392.60	237.22	459,969.58
12	110	LF	32-IN STEEL ENCASEMENT BY OPEN CUT	305.00	33,550.00	371.00	40,810.00	750.00	82,500.00	320.00	35,200.00	568.18	62,499.80	418.27	46,009.70
13	1	EA	NEW 6-FT DIAMETER CONCRETE DOGHOUSE MANHOLE	10,565.00	10,565.00	8,800.00	8,800.00	7,500.00	7,500.00	14,000.00	14,000.00	9,633.00	9,633.00	18,555.30	18,555.30
14	8	EA	NEW 6-FT DIAMETER CONCRETE MANHOLE WITH WITH FLAT TOP RISER	9,650.00	77,200.00	10,500.00	84,000.00	6,000.00	48,000.00	12,000.00	96,000.00	18,820.00	150,560.00	14,646.48	117,171.84
15	2	EA	CONNECT TO EXISTING SANITARY SEWER LINE	750.00	1,500.00	10,000.00	20,000.00	2,500.00	5,000.00	4,000.00	8,000.00	3,000.00	6,000.00	7,615.00	15,230.00
16	2	EA	CUT, PLUG, AND ABANDON EXISTING SANITARY SEWER LINE	500.00	1,000.00	3,000.00	6,000.00	2,500.00	5,000.00	2,500.00	5,000.00	500.00	1,000.00	7,615.00	15,230.00
17	8,618	SY	HYDROMULCH	0.75	6,463.50	1.10	9,479.80	2.50	21,545.00	4.00	34,472.00	0.81	6,980.58	2.77	23,871.86
18	2.0	AC	CLEARING AND GRUBBING	4,500.00	9,000.00	10,000.00	20,000.00	5,000.00	10,000.00	12,000.00	24,000.00	50,000.00	100,000.00	27,420.00	54,840.00
19	12	SY	OPEN CUT AND REPAIR GRAVEL PAVEMENT	65.00	780.00	100.00	1,200.00	25.00	300.00	30.00	360.00	100.00	1,200.00	718.33	8,619.96
20	1,939	LF	TV INSPECTION OF COMPLETED SANITARY SEWER LINE	4.00	7,756.00	6.00	11,634.00	7.50	14,542.50	10.00	19,390.00	5.00	9,695.00	6.15	11,924.85
21	1	LS	DECOMMISSION EXISTING LIFT STATION	5,000.00	5,000.00	15,000.00	15,000.00	25,000.00	25,000.00	20,000.00	20,000.00	7,500.00	7,500.00	22,380.00	22,380.00
22	1	LS	OWNER'S ALLOWANCE FOR MATERIALS TESTING	1,000.00	1,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00
23	1	LS	OWNER'S ALLOWANCE FOR FIELD CHANGES	75,000.00	75,000.00	75,000.00	75,000.00	75,000.00	75,000.00	75,000.00	75,000.00	75,000.00	75,000.00	75,000.00	75,000.00
Total Base Bid (Items 1 - 23):				$	589,573.50	$	728,504.80	$	895,076.50	$	913,162.00	$	996,289.98	$	1,632,237.56

TO:	City Council
DATE:	June 26, 2023
ITEM #:	6.F
SUBJECT:	Consider approval to award a contract for the Wastewater Treatment Plant Office and Laboratory Building Project.

Recommendation for Action: Award a contract for the Wastewater Treatment Plant Office & Laboratory Building Project

Executive Summary:
Strategic Outcome Area: Resilient Infrastructure\Outstanding Workforce
Funding Source: ARPA-COVID Fiscal Relief Grant (CFRG)

On Tuesday, May 23, 2023, the City received bids for the Wastewater Treatment Plant Office and Laboratory Building Project. There were two (2) bids submitted, opened publicly, and read aloud. Bids were received from:

Casey Slone Construction, LLC	$726,998.00
Paragon Construction & Associates	$923,299.00

A copy of the bid summary is also attached for your review.

Based on the bids submitted, it is recommended that the City award a contract for services to Casey Slone Construction, LLC, in the amount of $726,998.00.

Budget Cost: $726,998.00

Staff Contact: Eric Powell, Director of Public Works

Attachments: 1. Bid Tab - WWTP Building

STOKES & ASSOCIATES, INC.
CONSULTANT ENGINEERS

City of Marshall
Wastewater Treatment Plant Office & Laboratory Building
Bid Tabulation - May 23, 2023

Item	Qty	Unit	Description	*Casey Slone Construction, LLC*		*Paragon Construction & Associates*	
				Unit Cost	Total	Unit Cost	Total
1	1	LS	Mobilization, Bonds, General Conditions and Ins.	$65,551.00	$65,551.00	$155,748.00	$155,748.00
2	1	LS	Site Preparation	$6,750.00	$6,750.00	$34,640.00	$34,640.00
3	1	LS	Site Earthwork	$16,000.00	$16,000.00	$39,026.26	$39,026.26
4	1	LS	Erosion & Sedimentation Controls	$4,000.00	$4,000.00	$11,752.05	$11,752.05
5	1	LS	Office and Laboratory Building	$543,897.00	$543,897.00	$564,720.74	$564,720.74
6	1	LS	Reinforced Concrete Building Foundation	$42,000.00	$42,000.00	$47,197.00	$47,197.00
7	1	LS	Reinforced Concrete Flatwork and Asphalt Paving	$33,900.00	$33,900.00	$40,328.09	$40,328.09
8	1	LS	Segmented Retaining Wall	$10,800.00	$10,800.00	$22,636.86	$22,636.86
9	1	LS	12" Diameter RCP	$4,100.00	$4,100.00	$7,250.00	$7,250.00
			Total Bid		**$726,998.00**		**$923,299.00**

TO:	City Council
DATE:	June 26, 2023
ITEM #:	8.A
SUBJECT:	**Z-23-07**: Conduct a public hearing and make a recommendation to the City Council regarding a rezoning request for a 0.806 acre tract of land in the T. Perry Survey, A-571. From R-3(Single Family Detached) to C-3 (General Business). Located at 5701 South Washington Ave. Parcel # R-000008250.

Recommendation for Action: Recommend approval of the rezoning of R-3(Single Family Detached) to C-3 (General Business). Located at 5701 South Washington Ave. Parcel # R-000008250

Executive Summary:

Applicant	Vinod Patel 5204 East End Blvd. South Marshall Texas 75672
Property Owner	Vinod Patel 5204 East End Blvd. South Marshall Texas 75672
Surrounding Property Notices	4 Notices Sent within 200 ft of the Site 0 Responses back
Existing Zoning	R-3 (Single Family Detached)
Proposed Zoning	C-3 (General Business)

Vote 5:0

Budget Cost: n/a

Staff Contact: Garnett Johnson - Director of Community Development

Attachments:

1. Agenda sheet Z-23-07 South washington.
2. Aerial Z-23-07
3. Site Pictures Z-23-07 south washington at beth ann
4. Z-23-07 PON 200' radius map

Lo

Agenda Information Sheet

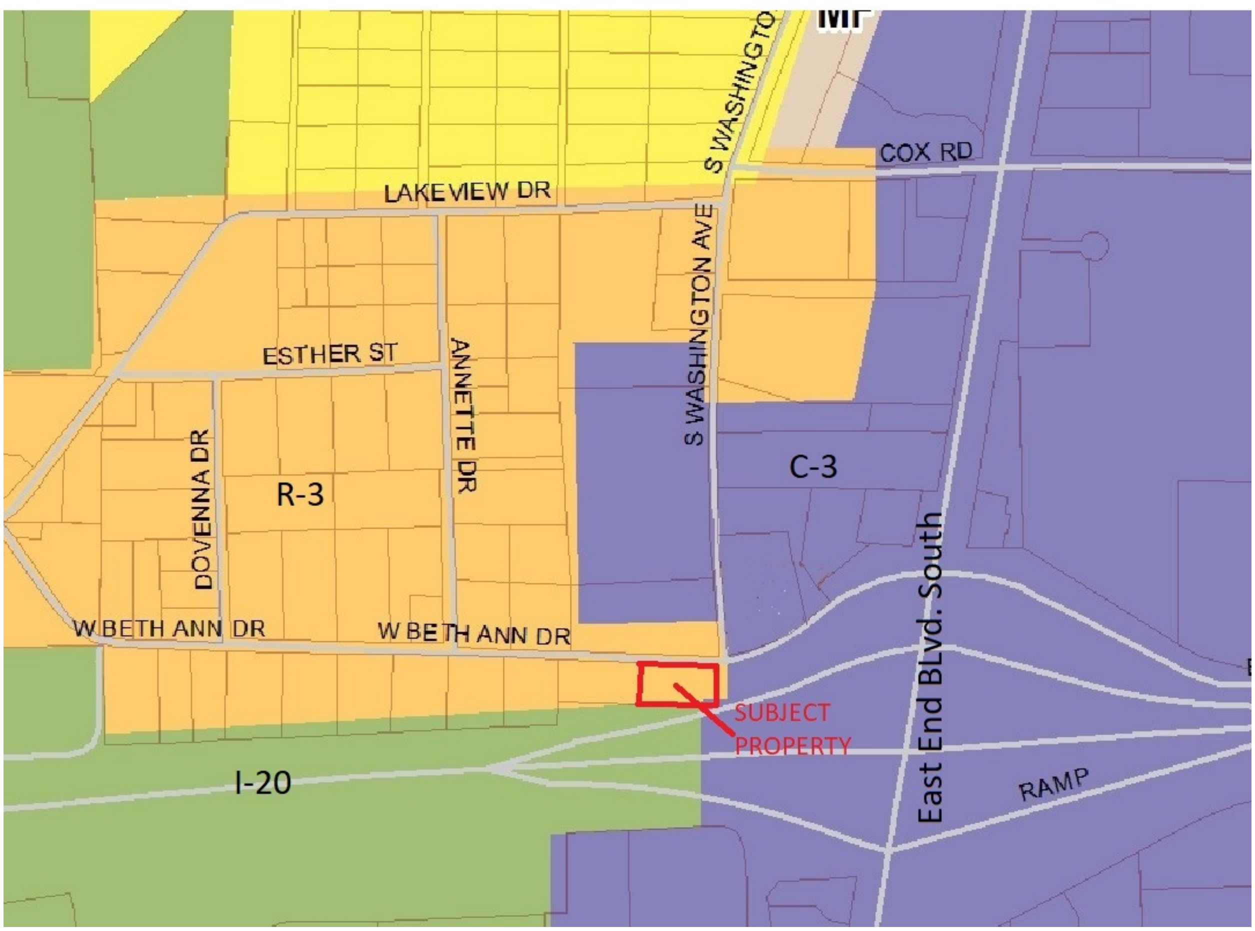
June 12, 2023

A. **Z-23-07**: Conduct a public hearing and make a recommendation to the City Council regarding a rezoning request for a 0.806 acre tract of land in the T. Perry Survey, A-571. From R-3(Single Family Detached) to C-3 (General Business). Located at 5701 South Washington Ave. Parcel # R-000008250.

Applicant	Vinod Patel 5204 East End Blvd. South Marshall Texas 75672
Property Owner	Vinod Patel 5204 East End Blvd. South Marshall Texas 75672
Surrounding Property Notices	4 Notices Sent within 200 ft of the Site 0 Responses back
Existing Zoning	R-3 (Single Family Detached)
Proposed Zoning	C-3 (General Business)

Location Map:

Z-23-07



Background & Summary of Request:
The Applicant is requesting a zoning change to make property sellable.

Pictures of the Site:

Existing Conditions:
The subject property is currently vacant.

	Zoning Classification	Land Use
North of the Property	C-3 (General Business)	Vacant property
East of the Property	C-3 General Business)	General Business
South of the Property	C-3 (General Business)	General Business
West of the Property	R-3 (Single Family Detached)	Vacant Property

Water and sewer service:

Water and sewer service 6” mains along Beth Ann Drive.

Comprehensive Plan and Future Land Use Analysis:

The 2018 Future Land Use Map identifies the property as Low Density Residential, However it does abutt 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 businesses.*

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 property. 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-23-07 as requested.
2. Motion to recommend denial of case number Z-23-07.

Attachments:

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

Z-23-07


5505 S WASHINGTON AVE
5420 ANNETTE ST
105 I W
111 I W
5601 E END BLVD S
S Washington Ave
105 I W
Interstate 20 W
201 BETH ANN DR
BETH ANN DR
E End Blvd S
59
Beth Ann Dr
Beth Ann Dr
SUBJECT PROPERTY
122 BETH ANN DR
5701 S WASHINGTON AVE
20
20
20

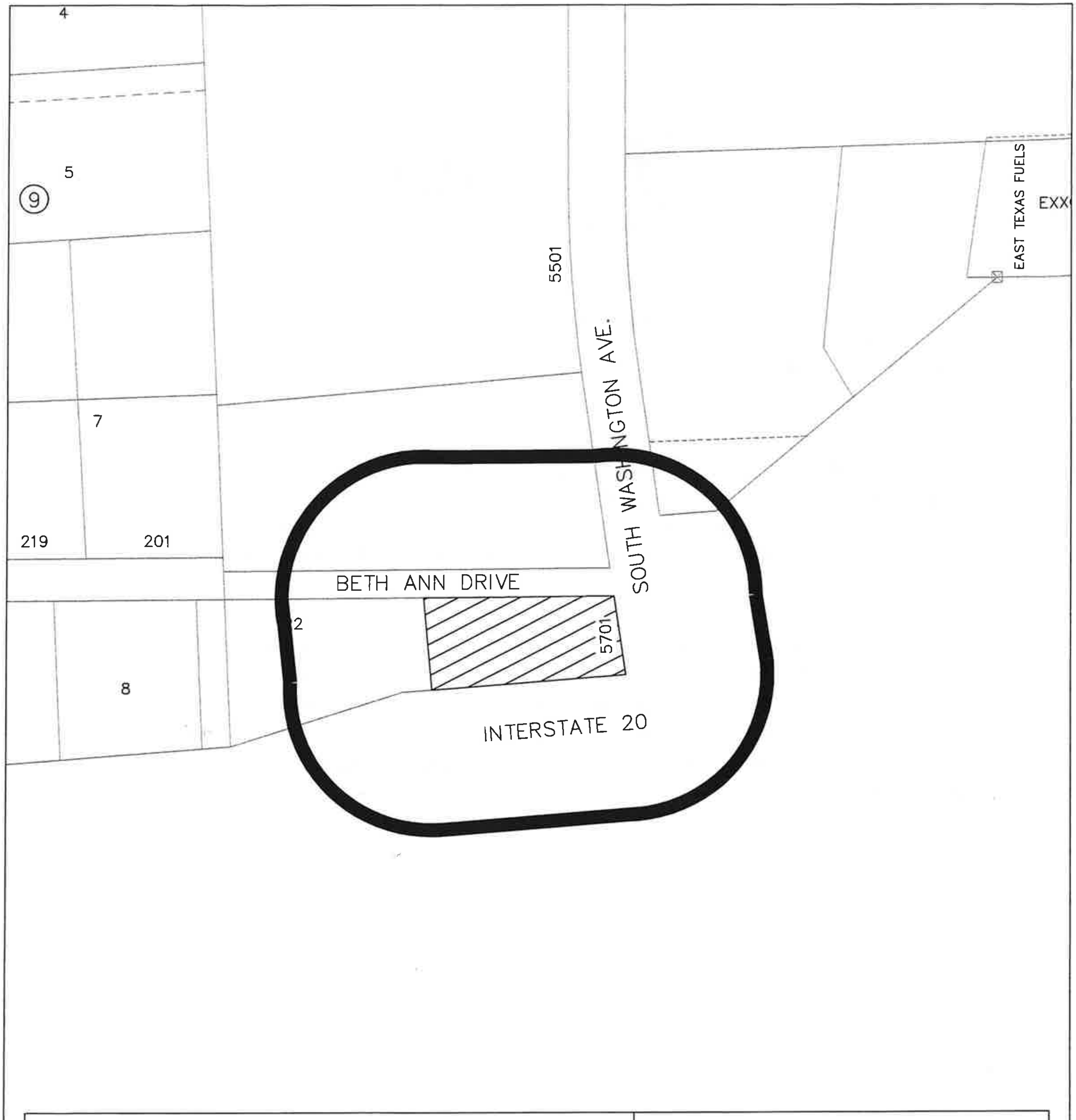
Z-23-07
Site Pictures

Vacant commercial to the north

Residential to the west vacant

Commercial to the east

Commercial to the south



Case No. Z-23-07
Scale: 1"=200'
Date: 6-12-2023

PLANNING DEPARTMENT
CITY OF MARSHALL, TEXAS

Remarks: A request to rezone 0.806 acres of land in the T. Perry Svy. from R-3 (Single Family Detached) to C-3 (General Business)

N

Location: 5701 S. Washington
Applicant: Vinod Patel

TO: City Council
DATE: June 26, 2023
ITEM #: 8.B
SUBJECT: **Z-23-08-** Conduct a public hearing and make a recommendation to the City Council regarding a rezoning request for a 1.00 acre tract of land. Being Lot 2 Block 1 Summit United Methodist Church Subdivision. From PS (Public Service) to C-3 (General Business). Located at 1909 East End Blvd. North (U.S. Highway 59). Parcel # R010099793.

Recommendation for Action: Recommend approval of Lot 2 Block 1 Summit United Methodist Church Subdivision from PS (Public Service) to C-3 (General Business). Located at 1909 East End Blvd. North (U.S. Highway 59). Parcel # R010099793.

Executive Summary:

Applicant:	Will Burrows 1501 W. Furgeson St. Mt. Pleasant Texas 75455
Property Owner	William Glover 1501 W. Furgeson St. Mt. Pleasant Texas 75455
Surrounding Property owner Notices	6 Notices Sent within 200 ft of the Site 0 Responses back
Existing Zoning (PS) Public Service	Proposed Zoning C-3 (General Business)

Vote 5:0

Budget Cost: n/a

Staff Contact: Garnett Johnson- Director of Community Development

Attachments:
1. Agenda Sheet Z-23-08 1901 E.e.blvd.n.
2. Aerial Z-23-08 1909 eeblvd n
3. Site Pictures Z-23-08 1909 eeblvd. n
4. Z-23-08 PON 200' radius

P&Z Agenda Information Sheet

February 13, 2023

B. Z-23-08- Conduct a public hearing and make a recommendation to the City Council regarding a rezoning request for a 1.00 acre tract of land. Being Lot 2 Block 1 Summit United Methodist Church Subdivision. From PS (Public Service) to C-3 (General Business). Located at 1909 East End Blvd. North (U.S. Highway 59). Parcel # R010099793.

Applicant:	Will Burrows 1501 W. Furgeson St. Mt. Pleasant Texas 75455
Property Owner	William Glover 1501 W. Furgeson St. Mt. Pleasant Texas 75455
Surrounding Property owner Notices	6 Notices Sent within 200 ft of the Site 0 Responses back
Existing Zoning (PS) Public Service	Proposed Zoning C-3 (General Business)
Location Map:	

Z-23-08

Background & Summary of Request:
The applicant is requesting a zoning change from PS (Public Service) to C-3 (General Business)

Picture of the Site:

Existing Conditions:
The property is currently vacant.

Water service is provided to the site by an existing 6" water main along Highway 59. And is also served by an existing 6" Sewer main along the west side of property.

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 businesses and a church.*

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 property. 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 approve case number Z-23-08 as requested.
2. Motion to deny case number FP-23-08.

Attachments:

1. Aerial of site
2. Pictures of site
3. 200' radius Pon map

Z-23-08

JEFFERSON
Jefferson Ave
2001 E END BLVD N
2010 E END BLVD N
E END BLVD N
2000 E END BLVD N
E End Blvd N
W Industrial Rd
W Industrial Rd
E Industrial Rd
SUBJECT PROPERTY
59
EAST AVE
59
EFFERSON AVE
1901 E END BLVD N
EAST AVE
Lamar St
Lamar St
1509 SEDBERRY ST
1601 SEDBERRY ST
1609 SEDBERRY ST
SEDBERRY
Jefferson Ave
Lawson St
1806 E END BLVD N
Sedberry St
Sedberry St

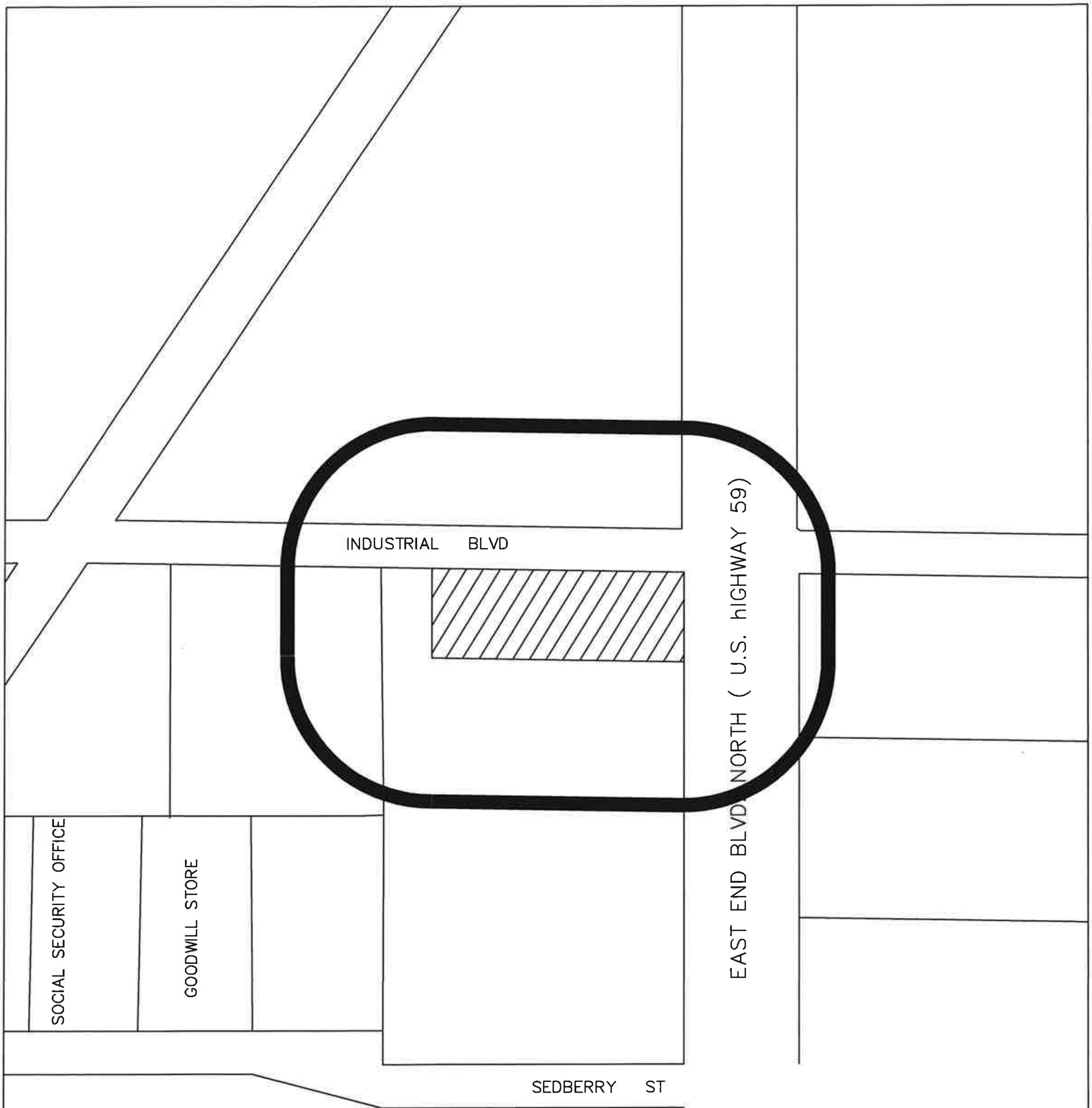
Z-23-08
Site Pictures

Vacant commercial to the north

Commercial to the west vacant

Commercial to the east

Church to the south



Case No. Z-23-08
Scale: 1"=200'
Date: 6-12-2023

PLANNING DEPARTMENT
CITY OF MARSHALL, TEXAS

Remarks: A request to rezone Lot 2 Block 1 of the Summit UMC Subdivision from PS (Public Service) to C-3 General Business)

N

Applicant: Will Burrows
Location: 1909 East End Blvd. North

TO:	City Council
DATE:	June 26, 2023
ITEM #:	8.C
SUBJECT:	**SUP-23-02** - Conduct a public hearing and make a recommendation to the City Council regarding a Special Use Permit request for apartments. Being a 1.491 acre tract of land being all of Block 15 Original Townsite. Located at 200 South Columbus Street. Parcel # R000020756.

-

Recommendation for Action: recommendation of approval of a Special Use Permit request for apartments. Being a 1.491 acre tract of land being all of Block 15 Original Townsite. Located at 200 South Columbus Street. Parcel # R000020756.

Executive Summary:

Applicant	Caryn Winter 10401 Covered Bridge Road Prospect Kentucky 40059
Property Owner	Robert Paredes P.O. Box 270874 Flower Mound Texas 75027
Surrounding Property Notices	12 Notices Sent within 200 ft of the Site 1 Response back
Existing Zoning	C-3 (General Business)

Vote 3:2

Budget Cost: n/a

Staff Contact: Garnett Johnson-Director of Community Development

Attachments:
1. Agenda Sheet-SUP-23-02
2. SUP-23-02 AERIAL
3. Site Pictures SUP-23-02 blue buckle
4. SUP 23-02_Site Plan Blue Buckle
5. SUP 23-02 BB 1st Floor Plan
6. SUP-23-02 BB 2nd Floor Plan

Agenda Information Sheet

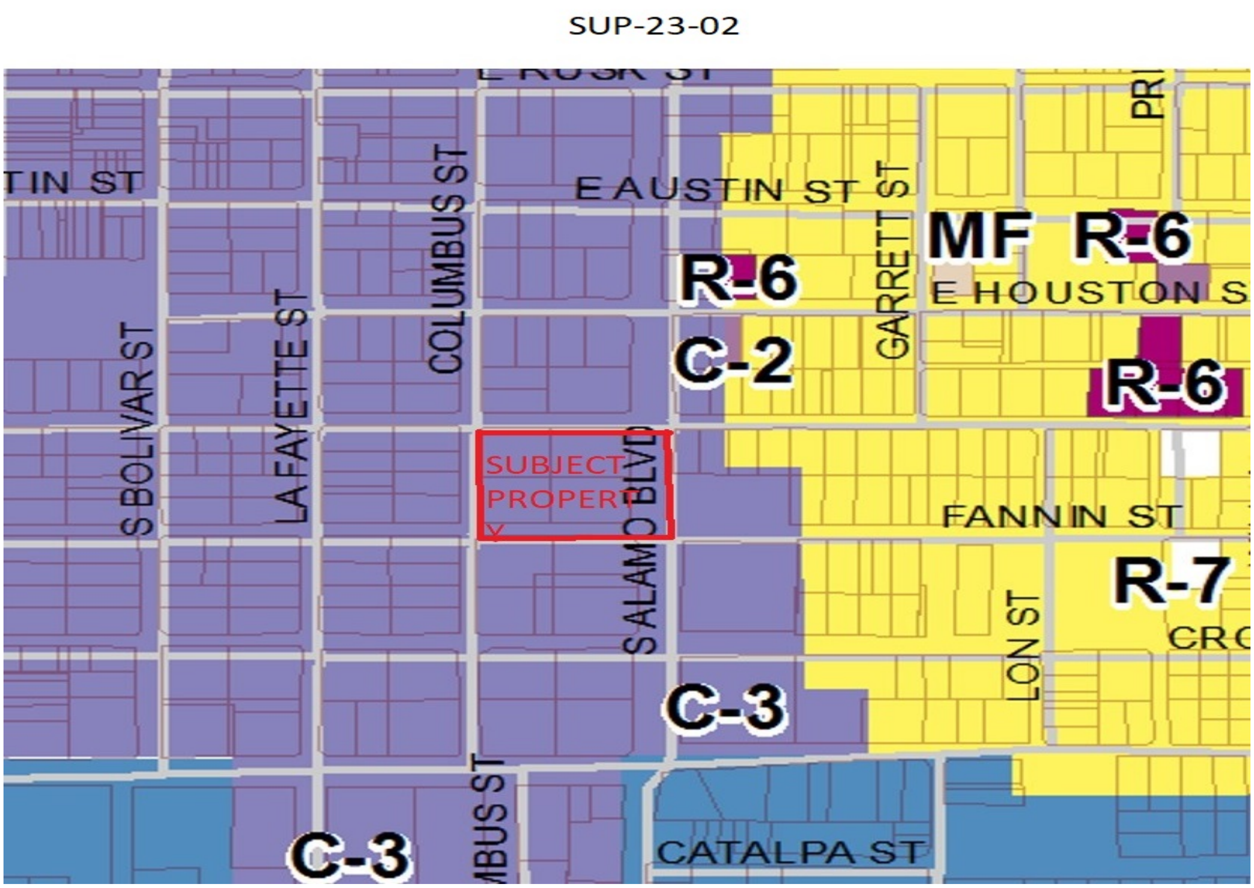
June 12, 2023

Agenda Item

C. SUP-23-02 - Conduct a public hearing and make a recommendation to the City Council regarding a Special Use Permit request for apartments. Being a 1.491 acre tract of land being all of Block 15 Original Townsite. Located at 200 South Columbus Street. Parcel # R000020756.

Applicant	Caryn Winter 10401 Covered Bridge Road Prospect Kentucky 40059
Property Owner	Robert Paredes P.O. Box 270874 Flower Mound Texas 75027
Surrounding Property Notices	12 Notices Sent within 200 ft of the Site 1 Response back
Existing Zoning	C-3 (General Business)

Location Map:



Background & Summary of Request:

The Applicant is requesting a Special Use Permit. The Zoning Ordinance requires that apartments in C-3 (General Business) Zoning Over three stories tall in the City obtain a Special Use Permit. Special Use Permits are required in certain instances when a proposed use may be found acceptable on a particular tract, if designed in a manner that protects the existing neighborhood or surrounding properties. For this reason, the Zoning Ordinance requires a site plan be submitted as a part of a special use permit application to ensure the use is developed in a manner to ensure the proposed use will not negatively affect nearby existing uses. In this particular case, the property is already developed and no exterior changes to the site are being proposed by the applicant. Below is a development review analysis of the site:

The subject property is approximately 1.491 acre tract of land.

Picture of the Site:

Existing Conditions:

The table below outlines the surrounding zoning and land uses:

	Zoning Classification	**Land Use**
South of the Property	C-3(General Business)	Commercial Business
East of the Property	C-3(General Business)	Commercial Business
North of the Property	C-3(General Business)	Commercial Offices
West of the Property	C-3 (General Business)	Commercial Offices

Access/Parking: Parking will be provided on vacant lot south and southwest of the property.

Water & Sewer: The site is serviced by a 8” water line along S.Columbus Street and a 6” sewer line along E. Fannin Street.

Suggested Motions:

1. Motion to recommend approval of case number SUP-23-02 as requested.
2. Motion to recommend denial of case number SUP-23-02.

Attachments:

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

SUP-23-02


E Houston St
E Houston St
S Lafayette St
S Columbus St
S Alamo Blvd
E Bowie St
SUBJECT PROPERTY
S Columbus St
S Alamo Blvd
The Print Shop
E Fannin St
E Fannin St
E Fannin St
S Lafayette St
Marshall Public Library
E Crockett St
E Crockett St
The Carlile Law Firm
Marshall City Hall

SUP-23-02

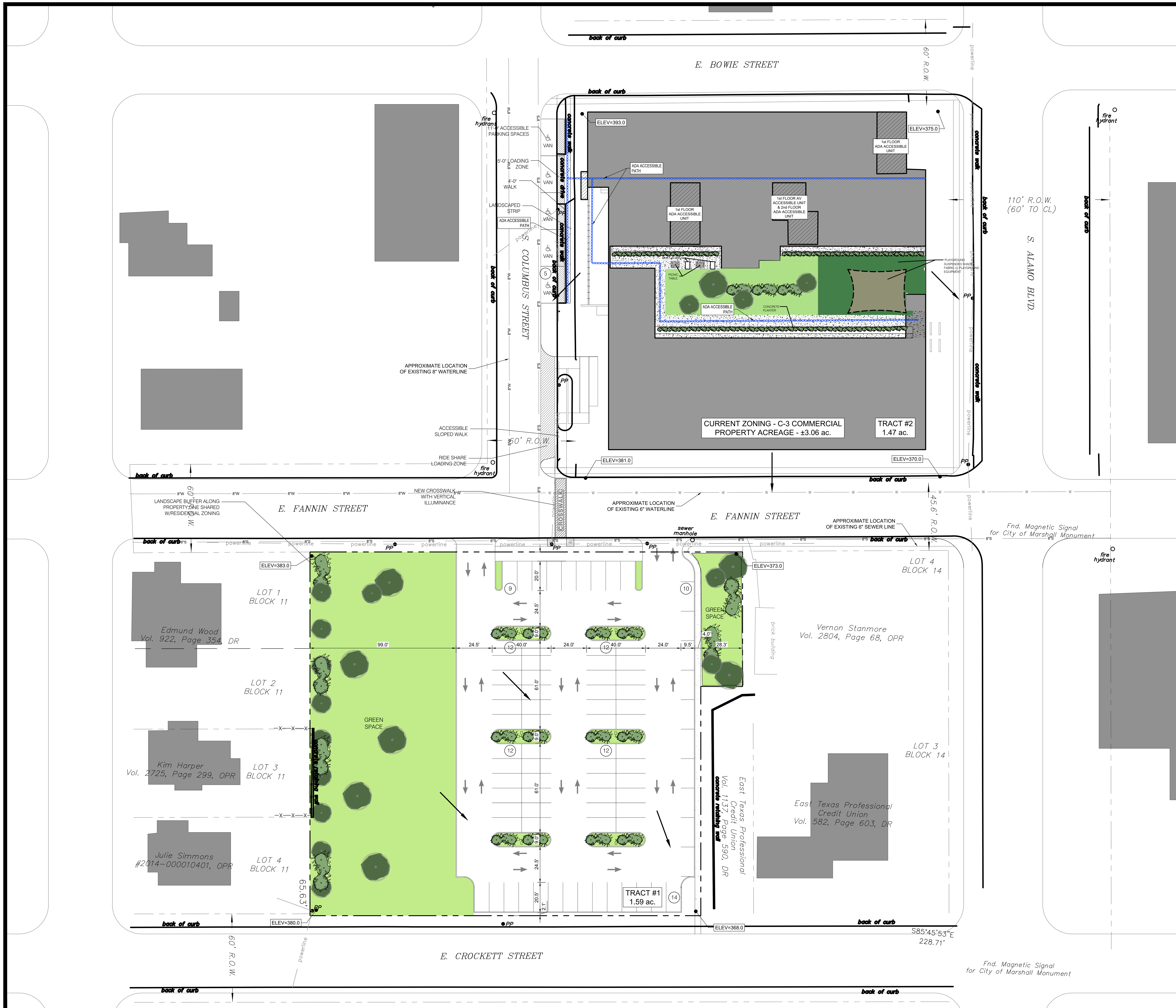
Site Pictures

Commercial to the north

Commercial to the south

Commercial to the east

Vacant Commercial to the west



NOTES

1. THE ENGINEER HAS RESEARCHED CODES, ORDINANCES, AND OTHER DEVELOPMENTAL REQUIREMENTS OF LOCAL GOVERNMENT, INCLUDING FIRE, WITH JURISDICTION OVER THE SITE, AND VERIFIES THAT THE SITE PLAN CONFORMS TO ALL APPLICABLE ZONING, SITE DEVELOPMENT, AND BUILDING CODED ORDINANCES.
2. THERE ARE NO KNOWN VARIANCES THAT WILL BE REQUIRED FOR THIS PROJECT.
3. DIMENSIONS ARE TO BACK OF CURB. RADII ARE TO BACK OF CURB, OR CENTER OF STRIPING UNLESS NOTED OTHERWISE.
4. CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF BUILDING EXIT PORCHES, RAMPS, SIDEWALKS, DOWN SPOUTS AND OTHER APPURTENANCES WHICH ARE CONNECTED TO THE BUILDING, PRECISE BUILDING DIMENSIONS, AND EXACT BUILDING UTILITY LOCATIONS.
5. CONTRACTOR SHALL REFER TO ELECTRICAL PLANS FOR TYPES OF LIGHT FIXTURES AND CONDUIT ROUTING.
6. ALL FACE OF CURB RADIUSES NOT NOTED SHALL BE 2.0' RADIUS.
7. CONTRACTOR SHALL PROVIDE FIRE LANE STRIPING AS PER GOVERNING ENTITY.
8. TOPOGRAPHIC INFORMATION WAS OBTAINED FROM GOOGLE EARTH.
9. THE MINIMUM HORIZONTAL SEPARATION BETWEEN PARALLEL WATER AND SEWER LINES IS NINE (9) FEET, OR MINIMUM VERTICAL SEPARATION BETWEEN CROSSING WATER AND SEWER LINES IS EIGHTEEN (18) INCHES.
10. STORM WATER DETENTION IS NOT ANTICIPATED FOR THIS DEVELOPMENT.
11. RETAINING WALLS MAY BE NECESSARY FOR THIS SITE.
12. ACCESSIBLE ROUTES SHALL BE PROVIDED IN COMPLIANCE AND IN ACCORDANCE TO THE FAIR HOUSING DESIGN MANUAL.
13. SUBJECT PROPERTY DOES NOT APPEAR TO BE SITUATED WITHIN THE 100-YR FLOODPLAIN, ACCORDING TO FEMA, F.I.R.M. MAP NO. 48203C0340F EFFECTIVE DATE: SEPTEMBER 3, 2014.
14. FINISHED FLOOR ELEVATION FOR BUILDINGS LOCATED WITHIN 100-YR FLOODPLAIN SHALL BE AT LEAST ONE FOOT ABOVE 100-YR FLOOD ELEVATION.
15. SETBACKS:
    FRONT YARD - 0'
    SIDE YARD - 0'
    CORNER SIDE YARD - 10'
    REAR YARD - 0'
    HEIGHT - SIX STORIES

PARKING REQUIREMENT CHART

TOTAL UNITS	PARKING CALCULATION	PARKING REQUIRED	PARKING PROVIDED
47	1.5 SPACES PER UNIT PLUS 5 ADDITIONAL SPACES	76	**86**

REVISIONS

BLUE BUCKLE APARTMENTS
EAST FANNIN STREET
MARSHALL, TEXAS 75670

PRELIMINARY SITE PLAN

ISSUED FOR PERMIT

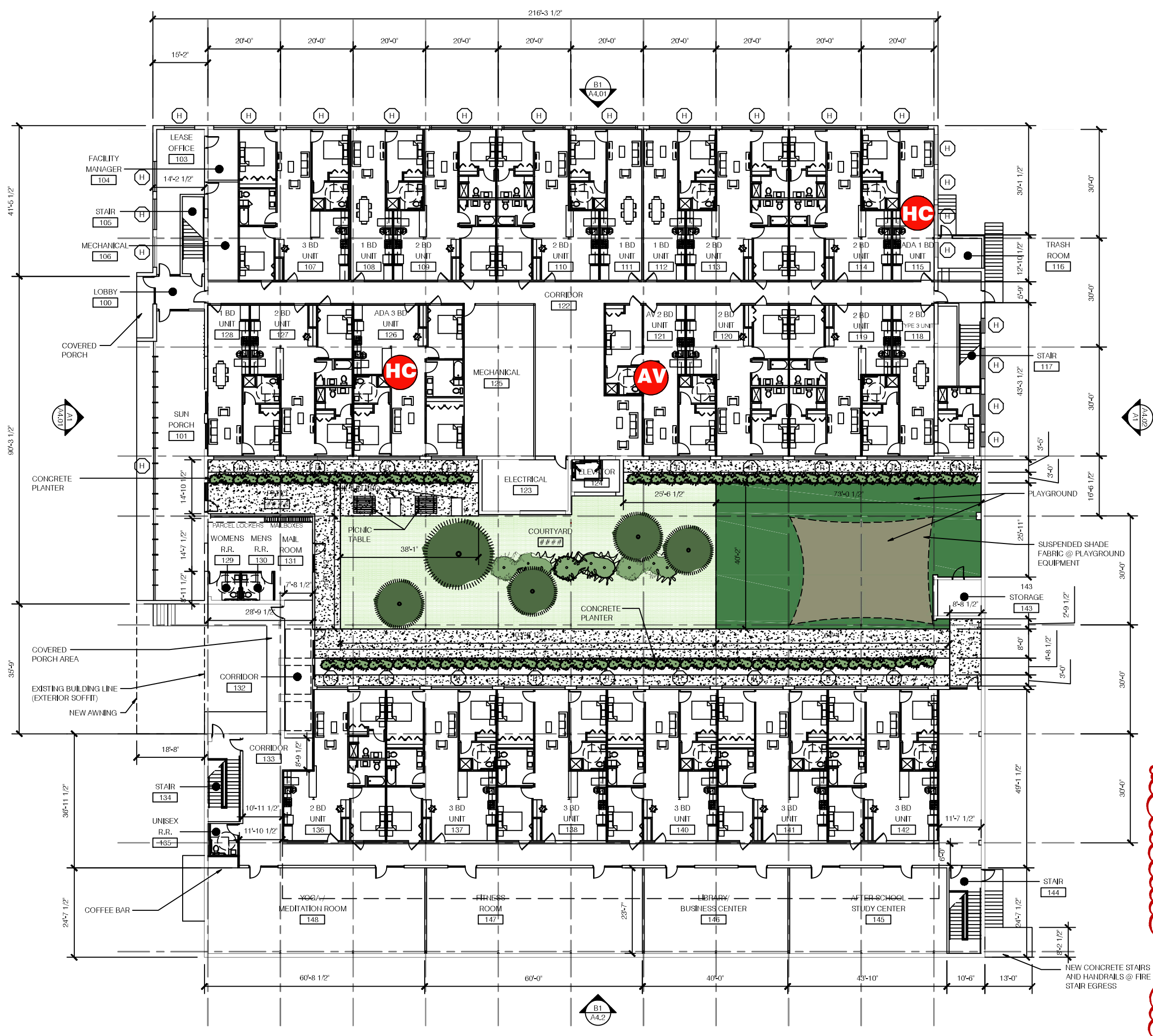
CARNEY
ENGINEERING,
PLLC.
5465 LEGACY DRIVE, SUITE 650
Plano, Texas 75024
PH (469) 443-0861
FAX (469) 443-0863

STATE OF TEXAS
T. CRAIG CARNEY
55714
REGISTERED
PROFESSIONAL ENGINEER
5/19/2023

TBPE FIRM REGISTRATION NO: F-5033

DRAWN BY :	TCP
CHECKED BY :	JAH
START DATE :	02/21/2023
SCALE :	SEE PLAN
PROJECT NO. :	2068-232

SHEET
C1.0



A1 FIRST FLOOR PLAN

SCALE: 1/16" = 1'-0"

COURTYARD LEGEND

- TURF COURTYARD
- TURF PLAYGROUND
- EXISTING CONCRETE FLOOR SLAB (TYP)
- 36" H CONCRETE PLANTER W/IRRIGATION
- TENSILE SHADE AWNING @ PLAYGROUND EQUIPMENT

HC — ADA ACCESSIBLE UNIT

AV — AV ACCESSIBLE UNIT

H — HISTORIC STEEL WINDOW TO BE REPAIRED OR REPLACED AS APPLICABLE TO CONDITIONS

R — STEEL WINDOW REPLICA AT ALL NEW EXTERIOR WALLS TO MATCH HISTORIC WINDOW IN SIZE, PROPORTIONS, AND CONSTRUCTION

CODE ANALYSIS
2012 IBC
2012 IRC
2020 NEC (STATE MANDATED)
2012 UMC
2012 UFC
2012 IFC
2015 IECC RESIDENTIAL
2015 IECC COMMERCIAL
ASHRAE 90/1-2013
CITY OF MARSHALL CODE OF ORDINANCES
CITY OF MARSHALL UNIFIED DEVELOPMENT CODE
CITY OF MARSHALL SIGN RESTRICTIONS
2010 AMERICANS WITH DISABILITIES ACT
2012 TEXAS ACCESSIBILITY STANDARDS
SECTION 504 OF THE REHABILITATION ACT/SECTION 3-8
TEXAS PROPERTY CODE
FAIR HOUSING ACT

CONSTRUCTION TYPE

TYPE III'

OCCUPANCY CLASSIFICATION

R-2 RESIDENTIAL APARTMENTS SPRINKLERED
'U' FOR BBQ PAVILLION

1

NRA & COMMON AREAS	BASEMENT	FIRST FLOOR	SECOND FLOOR	
LOBBY (partially enclosed)	0	118	503	
CORRIDORS (partially enclosed)	0	4574	4860	
STAIRS (partially enclosed)	0	886	1051	
ELEVATOR (fully enclosed)	0	116	116	
LEASING OFFICE (fully enclosed)	0	737	0	
LIBRARY/BUSINESS CENTER (fully enclosed)	0	930	0	
AFTER SCHOOL/STUDY CENTER (fully enclosed)	0	1020	0	
YOGA/MEDITATION ROOM (fully enclosed)	0	1407	0	
FITNESS CENTER (fully enclosed)	0	1407	0	
SUNROOM (partially enclosed)	0	1044	0	
MAILROOM (fully enclosed)	0	512	0	
PUBLIC RESTROOMS (fully enclosed)	0	201	135	
TOTAL CONDITIONED SPACE (PUBLIC)	0	12952	6665	19617
NON-UNIT FACLITY AREAS				
STORAGE	0	120	600	
MECHANICAL	0	798	219	
TRASH	0	138	46	
ELECTRICAL	0	333	67	
COVERED PORCHES/PORTE COCHERE	0	1142	0	
UTILITY	29800	2531	152	
TOTAL	29800	5062	1084	35,946
TOTAL NET COMMON AREA (NON-UNIT FACILITY AREAS)				19,617
UNIT AREA (NET)				45,179
TOTAL SPACE - UNITS + BLDG AMENITIES				**100,742**
OPEN AIR BALCONY, not enclosed	0	0	2142	
COURTYARD (INCLUDING PLAYGROUND, not enclosed	0	11188	0	

iARCHITECTURE

BLUE BUCKLE LOFTS
200 S. COLUMBUS ST.
MARSHALL, TX 75670

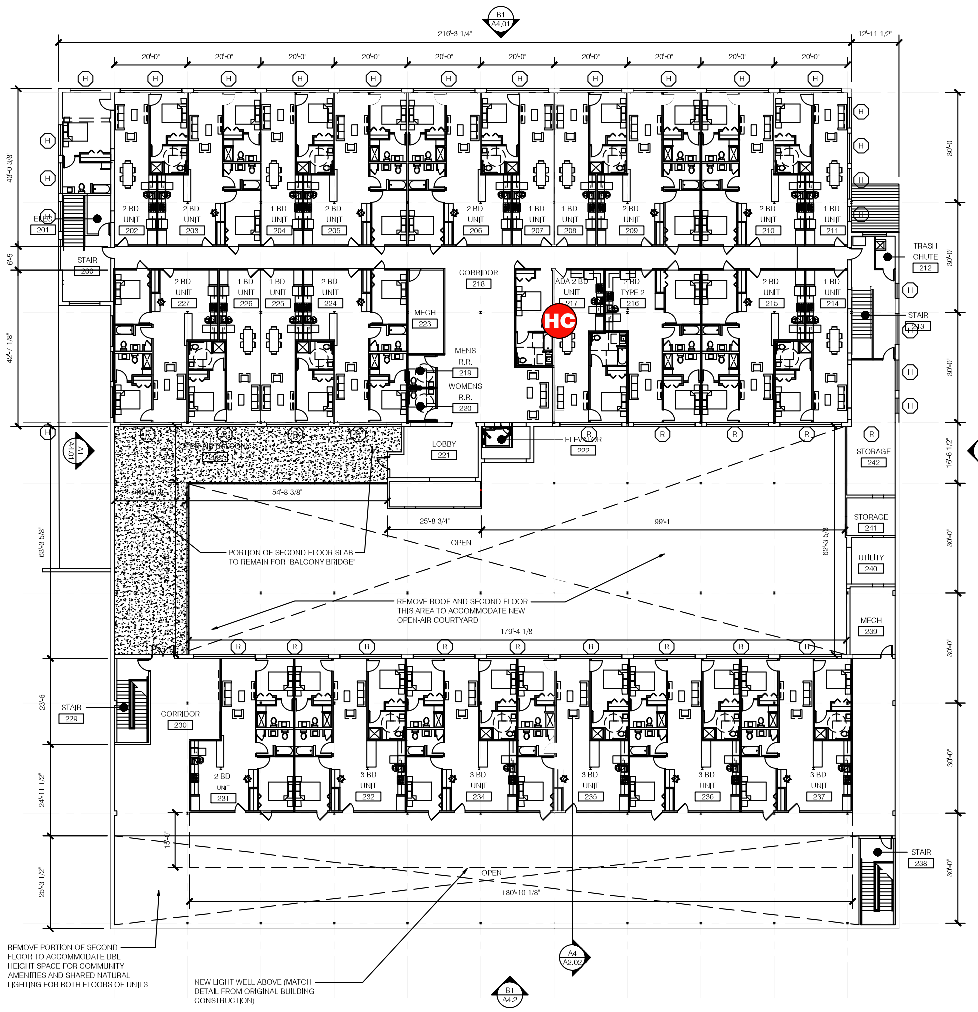
FIRST FLOOR PLAN

REVISIONS	
NO.	DATE
1	05/19/23

PROJECT NO: IA 2301

SHEET A2.01

DATE 01/20/23



A1 SECOND FLOOR PLAN
SCALE: 1/16" = 1'-0"

COURTYARD LEGEND

- TURF COURTYARD
- TURF PLAYGROUND
- EXISTING CONCRETE FLOOR SLAB (TYP)
- 36" H CONCRETE PLANTER W/IRRIGATION
- TENSILE SHADE AWNING @ PLAYGROUND EQUIPMENT

- HC — ADA ACCESSIBLE UNIT
- AV — AV ACCESSIBLE UNIT
- H — HISTORIC STEEL WINDOW TO BE REPAIRED OR REPLACED AS APPLICABLE TO CONDITIONS
- R — STEEL WINDOW REPLICA AT ALL NEW EXTERIOR WALLS TO MATCH HISTORIC WINDOW IN SIZE, PROPORTIONS, AND CONSTRUCTION

CODE ANALYSIS

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2012 UMC
2012 UFC
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2015 IECC COMMERCIAL
ASHRAE 90/1-2013
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CITY OF MARSHALL SIGN RESTRICTIONS
2010 AMERICANS WITH DISABILITIES ACT
2012 TEXAS ACCESSIBILITY STANDARDS
SECTION 504 OF THE REHABILITATION ACT/SECTION 3-8
TEXAS PROPERTY CODE
FAIR HOUSING ACT

CONSTRUCTION TYPE

TYPE III"

OCCUPANCY CLASSIFICATION

R-2 RESIDENTIAL APARTMENTS SPRINKLERED
'U' FOR BBQ PAVILLION

1

NRA & COMMON AREAS	BASEMENT	FIRST FLOOR	SECOND FLOOR	
LOBBY (partially enclosed)	0	118	503	
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YOGA/MEDITATION ROOM (fully enclosed)	0	1407	0	
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SUNROOM (partially enclosed)	0	1044	0	
MAILROOM (fully enclosed)	0	512	0	
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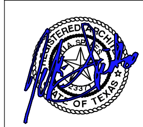
MECHANICAL	0	798	219	
TRASH	0	138	46	
ELECTRICAL	0	333	67	
COVERED PORCHES/PORTE COCHERE	0	1142	0	
UTILITY	29800	2531	152	
TOTAL	29800	5062	1084	35,946
TOTAL NET COMMON AREA (NON-UNIT FACILITY AREAS)				19,617
UNIT AREA (NET)				45,179
TOTAL SPACE - UNITS + BLDG AMENITIES				**100,742**
OPEN AIR BALCONY, not enclosed	0	0	2142	
COURTYARD (INCLUDING PLAYGROUND, not enclosed	0	11188	0	

iARCHITECTURE

BLUE BUCKLE LOFTS
200 S. COLUMBUS ST.
MARSHALL, TX 75670



SECOND FLOOR PLAN

REVISIONS	
NO.	DATE
1	05/19/23

PROJECT NO: IA 2301

SHEET A2.02

DATE 01/20/23

TO:	City Council
DATE:	June 26, 2023
ITEM #:	10.A
SUBJECT:	Update regarding the Capital Improvement Program.

Recommendation for Action:

Executive Summary: This is a continuing discussion of the proposed Capital Improvement Plan where City staff will discuss the initial projects for FY2024 and FY2025 as well as the financing options available. The initial presentation to the Council occurred on January 12, 2023.

Budget Cost:

Staff Contact: Terrell Smith, City Manager\Eric Powell, Public Works Director

Attachments: None

TO:	City Council
DATE:	June 26, 2023
ITEM #:	10.B
SUBJECT:	Consider approval of a contract with Motorola for a digital radio system.

Recommendation for Action:

Executive Summary:

Budget Cost:

Staff Contact: Randy Pritchard, Support Services Director

Attachments: None

TO:	City Council
DATE:	June 26, 2023
ITEM #:	11.A
SUBJECT:	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.

Recommendation for Action: Convene in an executive session

Executive Summary: Discussion regarding matters related to the purchase, exchange, lease, sale or value of real property.

Budget Cost: N/A

Staff Contact: Terrell Smith, City Manager

Attachments: None

TO:	City Council
DATE:	June 26, 2023
ITEM #:	11.B
SUBJECT:	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.

Recommendation for Action:

Executive Summary:

Budget Cost:

Staff Contact:

Attachments: None

TO:	City Council
DATE:	June 26, 2023
ITEM #:	11.C
SUBJECT:	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.

Recommendation for Action: Convene in an executive session

Executive Summary: Discussion regarding matters related to the purchase, exchange, lease, sale or value of real property.

Budget Cost: N/A

Staff Contact: Rush Harris, Executive Director, Marshall EDC

Attachments: None

TO:	City Council
DATE:	June 26, 2023
ITEM #:	11.D
SUBJECT:	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.

Recommendation for Action:

Executive Summary:

Budget Cost:

Staff Contact: Scott Rectenwald, City Attorney

Attachments: None

TO:	City Council
DATE:	June 26, 2023
ITEM #:	12.A
SUBJECT:	Consider action as a result of the executive session discussion regarding real property.

Recommendation for Action: Consideration of discussion from executive session

Executive Summary: Consideration of discussion from executive session.

Budget Cost: TBT

Staff Contact: Terrell Smith, City Manager

Attachments: None

	TO:	City Council
	DATE:	June 26, 2023
	ITEM #:	12.B
	SUBJECT:	Consider action as a result of the executive session discussion regarding legal matters concerning pending or contemplated litigation.

Recommendation for Action: Consideration of discussion from executive session

Executive Summary: Consideration of discussion from executive session.

Budget Cost: TBT

Staff Contact: Terrell Smith, City Manager

Attachments: None

TO:	City Council
DATE:	June 26, 2023
ITEM #:	12.C
SUBJECT:	Consider action as a result of the executive session discussion regarding legal matters concerning pending or contemplated litigation.

Recommendation for Action: Consideration of discussion from executive session

Executive Summary: Consideration of discussion from executive session.

Budget Cost: TBT

Staff Contact: Scott Rectenwald, City Attorney

Attachments: None