

1. 2/24/2022 Agenda (PDF)

Documents:

[02-24-22 AGENDA.PDF](#)

2. 2/24/2022 Agenda Packet (PDF)

Documents:

[2-24-22 AGENDA PACKET.PDF](#)



**CITY OF MARSHALL, TEXAS
REGULAR CITY COUNCIL MEETING
COUNCIL CHAMBERS, CITY HALL, 401 SOUTH ALAMO
THURSDAY, FEBRUARY 24, 2022, 6:00 P.M.**

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

**AGENDA INFORMATION PACKET IS AVAILABLE FOR THE
PUBLIC TO REVIEW ON THE CITY'S WEB SITE AFTER 8:00 A.M.
ON WEDNESDAY BEFORE THE MEETING AT
www.marshalltexas.net**

1. **CALL TO ORDER AND ROLL CALL**
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 an agenda the opportunity to do so before or during the body's consideration of the item. The "Citizens Comments" portion of the meeting meets the requirements of this law and is the public's opportunity to speak on any item on the agenda. Those who wish to speak will have three minutes to do so unless additional time has been requested.

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 **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA**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 February 7, 2022 Special-Called meeting and the February 10, 2022 Regular meeting.
- B. Public Works Activity Report. (Public Works Director)
- C. Fire Department Activity Report. (Fire Chief)
- D. Police Department Activity Report. (Police Chief)
- E. Community & Economic Development Activity Report. (Community & Economic Development Assistant Director)
- F. Consider approval of the Texas Subdivision and Special District Election and Release Form regarding the Texas settlement agreement against Teva. (City Attorney)
- G. Consider approval of investment report for the fourth quarter of 2021. (Finance Director)

6. **ORDINANCES**

- A. Consider approval of an ordinance amending Chapter 30, Article III – Wrecker Service of the City of Marshall Code of Ordinances. (Police Chief)
- B. Consider approval of an ordinance amending Chapter 27, Article IA - Parking Generally of the City of Marshall Code of Ordinances. (Police Chief)
- C. Consider approval of an ordinance amending Chapter 11A Emergency Alarms of the City of Marshall Code of Ordinance. (Police Chief)
- D. Consider approval of an ordinance amending Chapter 19A-2 – City Marshal of the City of Marshall Code of Ordinances. (Police Chief)
- E. Consider approval of an ordinance establishing a one-time signing bonus for Police Officers. (Police Chief)

7. **RESOLUTION**

- A. Consider approval of a resolution calling for the cancellation of the 2022 City General Election for Districts 6 and 7. (City Secretary)
- B. Consider approval of a resolution announcing the appointment of Election Officers for the 2022 General Election. (City Secretary)
- C. Consider approval of a resolution authorizing the Marshall Police Department to apply for the Edward Byrne Memorial Justice Assistance Grant for the 2023 budget year. (Police Chief)
- D. Consider approval of a resolution authorizing the Marshall Police Department to apply for funding under the Rifle Resistant Body Armor Grant Program (BAGP). (Police Chief)

- E. Consider approval of a resolution allowing the Police Chief to offer a one-time signing bonus of \$2,500 to Telecommunications Officers with a minimum of one-year experience. (Police Chief)

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

- A. Consider approval of a presentation providing employees the opportunity to enroll in a Deferred Compensation Plan with Equitable Holdings Inc. (EQH). (Human Resources Manager)
- B. Consider approval of the allocation of 2022 Hotel/Motel Occupancy Tax funds. (Tourism & Cultural Arts Director)
- C. Consider approval of a recommendation for appointment to the Visit Marshall Board. (Tourism & Cultural Arts Director)

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

10. **ADJOURNMENT**

Posted: February 21, 2022
5:00 p.m.
N. Smith

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



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- A. Consider approval of the minutes from the February 7, 2022 Special-Called meeting and the February 10, 2022 Regular meeting.

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- B. Public Works Activity Report. (Public Works Director)

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- C. Fire Department Activity Report. (Fire Chief)

Page 15

- D. Police Department Activity Report. (Police Chief)

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- E. Community & Economic Development Activity Report. (Community & Economic Development Assistant Director)

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- F. Consider approval of the Texas Subdivision and Special District Election and Release Form regarding the Texas settlement agreement against Teva. (City Attorney)

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- G. Consider approval of investment report for the fourth quarter of 2021. (Finance Director)

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6. **ORDINANCES**

- A. Consider approval of an ordinance amending Chapter 30, Article III – Wrecker Service of the City of Marshall Code of Ordinances. (Police Chief)

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- B. Consider approval of an ordinance amending Chapter 27, Article IA - Parking Generally of the City of Marshall Code of Ordinances. (Police Chief)

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- C. Consider approval of an ordinance amending Chapter 11A Emergency Alarms of the City of Marshall Code of Ordinance. (Police Chief)

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- D. Consider approval of an ordinance amending Chapter 19A-2 – City Marshal of the City of Marshall Code of Ordinances. (Police Chief)

Page 66

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- B. Consider approval of a resolution announcing the appointment of Election Officers for the 2022 General Election. (City Secretary)

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- C. Consider approval of a resolution authorizing the Marshall Police Department to apply for the Edward Byrne Memorial Justice Assistance Grant for the 2023 budget year. (Police Chief)

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- D. Consider approval of a resolution authorizing the Marshall Police Department to apply for funding under the Rifle Resistant Body Armor Grant Program (BAGP). (Police Chief)

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- E. Consider approval of a resolution allowing the Police Chief to offer a one-time signing bonus of \$2,500 to Telecommunications Officers with a minimum of one-year experience. (Police Chief)

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- B. Consider approval of the allocation of 2022 Hotel/Motel Occupancy Tax funds. (Tourism & Cultural Arts Director)

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ITEM 1

CALL TO ORDER AND ROLL CALL

ITEM 2

INVOCATION AND PLEDGES

ITEM 3

CITIZEN COMMENTS

ITEM 4

ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA

ITEM 5A

CONSENT AGENDA

**CONSIDER APPROVAL OF THE
MINUTES FROM THE FEBRUARY 7,
2022 SPECIAL-CALLED MEETING AND
THE FEBRUARY 10, 2022 REGULAR
MEETING**

MINUTES OF THE SPECIAL-CALLED MEETING OF THE
CITY COUNCIL OF THE CITY OF MARSHALL
MONDAY, FEBRUARY 7, 2022
2:00 PM

Mayor Amy Ware called the Special-Called meeting to order in the Council Chambers, City Hall at 2:00 p.m.

PRESENT:

MAYOR: Amy Ware, District 4

COUNCIL MEMBERS:

Leo Morris, District 2
Amanda Abraham, District 6

Vernia Calhoun, District 5
Micah Fenton, District 7

ABSENT: Marvin Bonner, District 1

Jennifer Truelove, District 3

ADMINISTRATIVE STAFF PRESENT:

David Willard, Interim City Manager
Scott Rectenwald, Acting City Attorney
Nikki Smith, City Secretary/Payroll Accountant

Christol Hall, HR Manager

21. **CITIZEN COMMENTS**

There were no Citizen Comments.

22. **EXECUTIVE SESSION**

A. An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.074 Personnel Matters: Narrowing City Manager candidate search.

Councilmember Calhoun made a motion to enter into Executive Session. Councilmember Abraham seconded the motion, which passed with a vote of 5:0. The time was 2:02 p.m.

The Council reconvened from Executive Session, the time was 3:40 p.m.

23. **ADJOURNMENT**

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

APPROVED:

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

ATTEST:

City Secretary

MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF MARSHALL
THURSDAY, FEBRUARY 10, 2022
6:00 PM

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

PRESENT:

MAYOR: Amy Ware, District 4

COUNCIL MEMBERS:

Marvin Bonner, District 1
Vernia Calhoun, District 5
Micah Fenton, District 7

Leo Morris, District 2
Amanda Abraham, District 6

ABSENT: Jennifer Truelove, District 3

ADMINISTRATIVE STAFF PRESENT:

David Willard, Interim City Manager	Cliff Carruth, Police Chief
Dawn Jones, Finance Director	Reggie Cooper, Fire Chief
Eric Powell, Public Works Director	
Scott Rectenwald, Acting City Attorney	
Daniel Duke, Tourism & Cultural Arts Director	
Nikki Smith, City Secretary/Payroll Accountant	
Randy Pritchard, Support Services Superintendent	
Garnett Johnson, Community & Economic Development Assistant Director	

INVOCATION & PLEDGE:

24. **CITIZEN COMMENTS**

There were no Citizen Comments.

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

Items B & C were withdrawn from the Consent Agenda.

26. **CONSENT AGENDA**

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

A. Consider approval of the minutes from the January 27, 2022 Regular meeting.

D. Consider approval of the Texas Subdivision and Special District Election and Release Form regarding the Texas settlement agreement against pharmaceutical manufacturer Endo Health Solutions Inc., Endo Pharmaceuticals Inc., Endo International plc, Par Pharmaceutical, Inc., and Par Pharmaceutical Companies, Inc.

E. Municipal Court Activity Report.

PROCLAMATION

27. PROCLAMATION HONORING REV. DR. EMMITT THEOPHILUS “E. T.” CAVINESS.

Mayor Ware stated the proclamation was presented to Rev. Dr. E. T. Caviness at the event honoring him for his accomplishments on February 9, 2022 at the Harrison County Historical Museum.

Councilmember Calhoun read the proclamation for the record.

Mayor Ware and Councilmember Calhoun thanked the staff for their work on and attendance at the event.

PUBLIC HEARING AND ORDINANCE

28. CONDUCT A PUBLIC HEARING AND CONSIDER AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP FROM PD (PLANNED DEVELOPMENT) TO MF (MULTIFAMILY) WITH SUP (SPECIAL USE PERMIT) FOR 3 STORY APARTMENTS LOCATED AT 100 PARK PLACE DRIVE.

Garnett Johnson, Community & Economic Development Assistant Director, presented information regarding amending the official zoning map from PD (Planned Development) to MF (Multifamily) with SUP (Special Use Permit) for 3 story apartments located at 100 Park Place Drive.

Mayor Ware opened the public hearing.

Mark León Jr., Cross Architects, PLLC, 879 Junction Drive, Allen, TX, provided background information on the company and information regarding the project.

Mayor Ware closed the public hearing.

Garnett Johnson stated the Planning & Zoning Commission approved this amendment with a vote of 6:0, and letter were sent to surrounding property owners with no responses received.

Councilmembers asked questions and discussed.

Councilmember Abraham made a motion to approve amending the official zoning map from PD (Planned Development) to MF (Multifamily) with SUP (Special Use Permit) for 3 story apartments located at 100 Park Place Drive. Councilmember Calhoun seconded the motion, which passed with a vote of 6:0.

RESOLUTION

29. CONSIDER APPROVAL OF A RESOLUTION DESIGNATING THE INTERIM CITY MANAGER AS THE AUTHORIZED OFFICIAL FOR THE 2020 CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING (CESF) GRANT.

Dawn Jones, Finance Director, presented a resolution designating the City Manager as the authorized official for the 2020 Coronavirus Emergency Supplemental Funding (CESF) Grant.

Councilmember Calhoun made a motion to approve a resolution designating the City Manager as the authorized official for the 2020

Coronavirus Emergency Supplemental Funding (CESF) Grant. Councilmember Morris seconded the motion, which passed with a vote of 6:0.

CITY MANAGER REPORTS AND REQUESTS FOR CITY COUNCIL CONSIDERATION

30. CONSIDER APPROVAL OF AN EXPENDITURE IN EXCESS OF \$50,000 FOR PROJECT MCKENZIE.

Rush Harris, Executive Director MEDCO, asked for approval of an expenditure in excess of \$50,000 for Project McKenzie. Rush Harris highlighted the process of the Certificate of Occupancy Bonus Program which will be utilized for the Ruegggenbach Brewing Co., to be located at 108 E. Houston.

Councilmembers asked questions and discussed.

Councilmember Abraham made a motion to approve an expenditure in excess of \$50,000 for Project McKenzie. Councilmember Fenton seconded the motion, which passed with a vote of 6:0.

31. CONSIDER APPROVAL OF THE PERSONNEL POLICY AND PROCEDURES MANUAL.

This item was withdrawn.

32. FINANCIAL UPDATE REGARDING WONDERLAND OF LIGHTS.

Dawn Jones provided a summary of revenue and expense to date for the Wonderland of Lights event.

Councilmembers asked questions and discussed.

33. CONSIDER APPROVAL OF A RECOMMENDATION FOR APPOINTMENT TO THE PLANNING & ZONING COMMISSION.

Garnett Johnson asked for approval of LaDarius Carter to the Planning & Zoning Commission.

Councilmembers asked questions and discussed.

Councilmember Abraham made a motion to approve the recommendation for appointment to the Planning & Zoning Commission. Councilmember Calhoun seconded the motion, which passed with a vote of 6:0.

34. CONSIDER APPROVAL OF A RECOMMENDATION FOR APPOINTMENTS TO THE VISIT MARSHALL BOARD.

Daniel Duke, Tourism & Cultural Arts Director, asked for approval of Krysta Coleman and Gary Arthur to the Visit Marshall Board.

Councilmember Fenton made a motion to approve the recommendation for appointments to the Visit Marshall Board. Councilmember Bonner seconded the motion, which passed with a vote of 6:0.

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

B. Street Sweeping Activity Report.

C. Public Works Activity Report.

Councilmembers stated their reasons for withdrawing the items.

Councilmembers asked questions and discussed.

Councilmember Morris made a motion to approve Items B & C from the Consent Agenda. Councilmember Fenton seconded the motion, which passed with a vote of 6:0.

EXECUTIVE SESSION

36. **AN EXECUTIVE SESSION PURSUANT TO SECTION 551.071 WHICH
AUTHORIZES A GOVERNMENTAL BODY TO CONSULT WITH ITS
ATTORNEY CONTEMPLATED LITIGATION; AND ON A MATTER
IN WHICH THE DUTY OF THE ATTORNEY TO THE
GOVERNMENTAL BODY UNDER THE TEXAS DISCIPLINARY
RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF
TEXAS CLEARLY CONFLICTS WITH THIS CHAPTER.**

Councilmember Abraham made a motion to enter into Executive Session. Councilmember Calhoun seconded the motion, which passed with a vote of 6:0. The time was 6:58 p.m.

The Council reconvened from Executive Session, the time was 7:29 p.m.

37. **ADJOURNMENT**

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

APPROVED:

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

ATTEST:

City Secretary

**Ordinance: O-22-05
Resolution: R-22-03**

ITEM 5B

CONSENT AGENDA

PUBLIC WORKS ACTIVITY REPORT



TO: Members of the City Council

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

DATE: February 16, 2022

SUBJECT: Public Works Department Activity Report

The Public Works Department Activity Report for the month of January 2022 is attached for your review.

**PUBLIC WORKS DEPARTMENT
MONTHLY ACTIVITY REPORT
January 2022**

DEPARTMENT DIVISIONS	NUMBER OF REQUESTS
DISTRIBUTION/COLLECTION	
Water main breaks/service leaks	22
Water meters (leaks/repairs/replacements)	25
Sewer issues (wash service/repairs/surcharging manholes/general manhole maintenance/preventive maintenance/camera sewer lines)	161
Water/sewer taps	0
Emergency water meter cut-off/turn-on for residential & business customers	11
<i>SPECIAL PROJECT: Re-route 8" water line in the area of the Downtown Streetscape project (100 block E. Houston St.)</i>	
STREETS	
Pothole patching/dress-ups/other repair	538
Right of way mowing/clear blind intersections/trim low hanging limbs: <i>Park School Rd., Riptoe St., David St., Field St., Highland St., Bryan St., Morrison St., Bishop St., Rose Blvd., Marigold St., Frank St., Charlotte St., Fair St., Billups St., Medill St., W. Emory St., S. Allen Blvd., Hollis Taylor St., Wingwood Dr., Pecan St., Washington Place, High St., Bledsoe St., Minden St., Five Notch Rd., Dunbar St., Elysian Fields Ave., Mahone St., Byrnes St., Lothrop St., Atkins St., Key St., Martin St., Fry St., Higgins St., Phillips St., Main St., Louisiana St., Willow St., Twyman St., Kahn St., George St., Davis St., Greenwood Ave., N. Alamo Blvd., Repose Lane, Main St., Matthewson St., Cedar St., Palestine St., Hickory St., Walnut St., N. Fulton St., George Gregg St., Rainey St., Dickson St., Decatur St., Carthage St., N. Bolivar St., Wright St., Van Zandt Ave., Harrison St., Center St., Block St., Frazier St., Bruckmuller St., Ray St., Esplanade St., Water St., Middle St., Rogers St., Irene St., Sylvester St., W. Meredith St., Sanford St., State St., First St., Second St., Poplar St., Hood St., Findley St., Norwood St., Marianne St., Avenue B, Randolph St., Corti St., Herbert St./N. Allen Blvd., Herbert St./Garber Alley, Norwood St.,/Cooper St.</i>	89
Illegal dumping	3
Clearing fallen trees from City streets	0
Mowing empty lots:	0
Street repairs at water main break sites	13
<i>ADDITIONAL PROJECTS: Trim trees/underbrush and general clean-up at Greenwood Cemetery; assist with removal & storage of Christmas lights & light displays from Downtown area</i>	
ROW/COMMUNITY APPEARANCE	
Litter pick-up (medians, cemeteries, City facilities)	109
General lawn care (City facilities, cemeteries, median, rights-of way)	10
Illegal dumping	5
<i>ADDITIONAL PROJECT: Assist with removal & storage of Christmas lights & light displays from Downtown area</i>	
DRAINAGE	
Cleaning/digging ditches <i>(total of 2,660 ft.)</i>	15
Checking traps & drains	4
Storm drain clearing/repairs/sinkhole repairs	12
Culvert installation/repairs	3
Bridge/sidewalk/curb repairs	0

INFORMATION TECHNOLOGY TECHNICIAN	Page 14
Computer, internet, phone, email, alarm issues, Zoom meetings, etc.	247
BUILDING MAINTENANCE TECHNICIAN	
HVAC	23
Plumbing	18
Electrical/Lighting	26
Miscellaneous	23

CITY PROJECT UPDATES:

1. VICTORY DR. SIDEWALK (GOLF COURSE)

- **Obtaining quotes from contractors for this project.**

1) TRAVIS ST. WATER MAIN IMPROVEMENT PROJECT:

- The contractor is completing the final tie-ins at Columbus St. @ Travis St.
- Final trench repairs and area cleanup to be completed by mid-February.
- **Walk-through completed on 2/11/22. Contractor is working on punch list.**

2) STREET IMPROVEMENT PROGRAM – 2021

- The 2021 street program is now wrapping up. Work on two streets that were on the list (Pierce St. and Wilson St.) have been postponed due to the discoveries of 2" water mains located only a few inches below the road surfaces.
- **All roads are completed as of 2/16/22.**

3) ANIMAL SHELTER

- Final punch list items have been completed by the contractor.
- We will be scheduling a meeting between myself, the Interim City Manager, and representatives from Shelter Planners of America, to discuss final closeout of the project.

4) PUBLIC WORKS BREAKROOM RENOVATION

- Pricing for the renovations has been received from two local contractors.
- The next step is to have a discussion with the Finance Director to find additional funds to cover the cost of the renovation.
- **Funds identified and contractors will be asked to finalize quotes.**

5) POLICE STATION ROOF ISSUE

- We will be meeting again soon with local roofing contractors to obtain pricing for the needed repairs.
- **Meeting was held with the contractor, who will re-work the scope and finalize the price.**

6) AIRPORT PARK

- Recently met with representatives from MYBA & MYSA to discuss the upcoming baseball/softball season.
- Fencing options for the park have been discussed.
- **We will obtain pricing for paving all parking lots in Spring 2022.**

7) LIBRARY PARKING LOT

- We will be obtaining pricing to remove old asphalt, re-pave, and re-stripe the parking lot in April/May 2022.

ITEM 5C

CONSENT AGENDA

FIRE DEPARTMENT ACTIVITY REPORT

Incident Type Report (Summary)

Alarm Date Between {01/01/2022} And {01/31/2022}

Incident Type	Count	Pct of Incidents	Total Est Loss	Pct of Losses
1 Fire				
111 Building fire	3	2.54%	\$82,000	53.42%
131 Passenger vehicle fire	2	1.69%	\$25,500	16.61%
142 Brush or brush-and-grass mixture fire	3	2.54%	\$0	0.00%
143 Grass fire	1	0.84%	\$0	0.00%
160 Special outside fire, Other	1	0.84%	\$1,000	0.65%
	10	8.47%	\$108,500	70.68%
3 Rescue & Emergency Medical Service Incident				
300 Rescue, EMS incident, other	1	0.84%	\$0	0.00%
311 Medical assist, assist EMS crew	40	33.89%	\$0	0.00%
322 Motor vehicle accident with injuries	20	16.94%	\$45,000	29.31%
324 Motor Vehicle Accident with no injuries	6	5.08%	\$0	0.00%
350 Extrication, rescue, Other	1	0.84%	\$0	0.00%
352 Extrication of victim(s) from vehicle	2	1.69%	\$0	0.00%
353 Removal of victim(s) from stalled elevator	1	0.84%	\$0	0.00%
	71	60.16%	\$45,000	29.31%
4 Hazardous Condition (No Fire)				
412 Gas leak (natural gas or LPG)	1	0.84%	\$0	0.00%
440 Electrical wiring/equipment problem, Other	1	0.84%	\$0	0.00%
441 Heat from short circuit (wiring),	1	0.84%	\$0	0.00%
445 Arcing, shorted electrical equipment	1	0.84%	\$0	0.00%
	4	3.38%	\$0	0.00%
5 Service Call				
520 Water problem, Other	1	0.84%	\$0	0.00%
531 Smoke or odor removal	2	1.69%	\$0	0.00%
550 Public service assistance, Other	2	1.69%	\$0	0.00%
553 Public service	2	1.69%	\$0	0.00%
561 Unauthorized burning	7	5.93%	\$0	0.00%
	14	11.86%	\$0	0.00%
6 Good Intent Call				
600 Good intent call, Other	1	0.84%	\$0	0.00%
611 Dispatched & cancelled en route	6	5.08%	\$0	0.00%
631 Authorized controlled burning	1	0.84%	\$0	0.00%

Incident Type Report (Summary)

Alarm Date Between {01/01/2022} And {01/31/2022}

Incident Type	Count	Pct of Incidents	Total Est Loss	Pct of Losses
6 Good Intent Call	8	6.77%	\$0	0.00%
7 False Alarm & False Call				
700 False alarm or false call, Other	4	3.38%	\$0	0.00%
710 Malicious, mischievous false call, Other	1	0.84%	\$0	0.00%
743 Smoke detector activation, no fire -	3	2.54%	\$0	0.00%
745 Alarm system activation, no fire -	2	1.69%	\$0	0.00%
746 Carbon monoxide detector activation, no CO	1	0.84%	\$0	0.00%
	11	9.32%	\$0	0.00%

Total Incident Count: 118

Total Est Loss:

\$153,500



January 2022 Summary Report

FIRE PREVENTION

Burn Permits Issued for January 2022: 33

Burn Permits Issued Year-to-Date 2022: 33

FIRE SUPPRESSION

Fire Incident Response for January 2022: 118 Calls for Service

(Fire, Rescue and EMS Assist, Hazardous Condition, Service Call, Good Intent Call, False Alarm and False Call).

Fire Incident Response Year-to-Date 2022: 118 Calls for Service

(Fire, Rescue and EMS Assist, Hazardous Condition, Service Call, Good Intent Call, False Alarm and False Call).

EMERGENCY MEDICAL SERVICES

EMS Response for January 2022: 524 Calls for Service

EMS Response Year-to-Date 2022: 524 Calls for Service

ITEM 5D

CONSENT AGENDA

POLICE DEPARTMENT ACTIVITY REPORT



Marshall Police Department

Cliff Carruth
Chief of Police

Date: 02/16/2021

To: CITY COUNCIL MEMBERS

From: CHIEF CLIFF CARRUTH

Re: MONTHLY ACTIVITY REPORTS

The Marshall Police Department responded to the following:

Marshall Police Department Monthly Activity Report

	January 2022	February 2022
	Total	thru 15th
Calls for Service	2270	1045
Animal Service Calls	53	28
Motor Vehicle Crashes	63	37
New CID Cases	75	24
Citations	125	75
Warnings	103	43

“Keeping our Community Safe”

ITEM 5E

CONSENT AGENDA

COMMUNITY & ECONOMIC DEVELOPMENT ACTIVITY REPORT



DATE: February 18, 2022

TO: City Council Members

FROM: Garnett Johnson, Assistant Director

RE: Monthly Activity Reports

The City of Marshall Community & Economic Development Department completed the following activities from January 1-31, 2022. Six (6) Divisions as follows:

PLANNING/ZONING/GIS DIVISION

Inquiries about Property Zoning	85
Subdivision Plats	1
Rezoning Requests	1
Issuance of 911 addresses	9
Public Works calls for location of city services	37
Plan Reviews	22
Water and Sewer Tap Work Orders	2
Culvert Work Orders	0
Planning Conferences	26
Certificate of Occupancy	8
Special Projects for Director/City Manager:	2
1. Surplus property sale	
2. Maps for Public Works Director	

Health Permit Division

Permits	City	County
Routine Inspections	15	1
Follow-up Inspections	2	0
Notify of Late Establishment Permit	17	4
Group Homes/Daycares/Foster cares	1	1
Temporary Permits	0	0

**CODE ENFORCEMENT DIVISION**

Open Cases	28
Closed Cases	56
Door Hangers	18
Initial Inspections	50
Re-inspections of Existing Cases	166
Owner Created Action Plan for Resolution of Violation	1
No Living Owner Information Available – Added to Public Works List to Cut – OR – Existing Unpaid Invoice(s)	0
Added to Delinquent Tax File for Foreclosure	0
Certified Letters / Final Notices / Issue Citations / Verbal Warnings	50
Case File Packets Sent to Municipal Court / Issued Citations	10
Pending Creation of Court Packets	40
Re-inspections for Municipal Court Docket cases sent prior to COVID-19 closure (Pre iWorQ)	0
Inquiries, Calls, Walk-Ins	135

BUILDING PERMITS DIVISION

Residential	78
• New Construction	4
• Remodeling:	10
• Elect/ Plumb/ Mech	42
• Demolition:	1
• Re-Roof	13
• Accessory Structures	7
• Pool	1
Commercial	23
• New Construction	1
• Remodeling	2
• Elect/ Plumb/ Mechanical	7
• Demolition	1
• Sign	1
• Re-Roof	3
Educational	1



• New Construction	0
• Remodeling	0
• Elect/ Plumb/ Mech	1
• East Texas Baptist University	
Special Events	3
• Dr. Martin Luther King Jr. Processional	
• African American History Parade	
• Juneteenth Commemoration	
Certificate of Occupancies	8
Residential	1
Commercial	7
• Marshall Animal Hospital	
• Hail Force	
• AAG Auto Hail Repair	
• Superior Auto Hail	
• Kiasislayy Hair Salon	
• Ana's Boutique Jewelry and More	
• East Texas Professional Credit Union	
Educational	0

COMMUNITY DEVELOPMENT BLOCK GRANT DIVISION

Inquiries about Grants/CDBG (Calls and Walk-ins) emails	3
Small Business Grant Fund Disbursements	2 @ \$5,000 – total
Reimbursement Requests	5
1. Habitat for Humanity	\$9,350.00
2. Food Pantry	\$2,743.00
3. Marshall-Harrison County Literacy council	\$1,446.36
4. Amazing Grace Ministry – George Washington Carver – COVID	\$4,184.74
5. Boys & Girls Club	\$11,030.00
	(Total) \$28,754.10
IDIS(Integrated Disbursement Information System Total Drawdown	1-Pending
Purchase Orders Submitted (Purchase/invoice Requisitions)	32



Small Business Grant Fund Application Door to Door Distribution	3
Small Business Grant Fund Applications received	2
Environmental Reviews Initiated-45 minutes to an hour for each (some require a few days to be completed) (Updated 4)	1 – Pending
In addition, city staff worked on the following “Special Projects”: • Reconciliation of expense receipts purchased with grant funds • Payroll twice this month/manage call ins through calendar/manage vacation and time off requests • Foreclosure documents prepared/sent Elizabeth Vaughn (5) • Prepared Travel Requests for Assistant Director (Upcoming Training) • Prepared various documents for 1st Public CDBG Meeting (PY 2022-2023)	

MAIN STREET (DOWNTOWN)

Historic Preservation Officer / Historic Landmark Preservation Board:	
• Certificate of Appropriateness Approvals 111 E. Houston St.	1
• Façade Grant Disbursement Review	0
Economic Vitality: Ongoing business: • Preparing WOL debriefing • Prep and Prepare for Special Events -Black History Month Parade -Stagecoach Day -Juneteenth Parade • Main Street Board Meeting • Historical Board Meeting	
Project Planning: Streetscape (Downtown)	1
Visitors Center # of Visitors in the past month	15
Visitors Center # of Calls in the past month	140+

ITEM 5F

CONSENT AGENDA

**CONSIDER APPROVAL OF THE TEXAS
SUBDIVISION AND SPECIAL DISTRICT
ELECTION AND RELEASE FORM
REGARDING THE TEXAS SETTLEMENT
AGREEMENT AGAINST TEVA**

Exhibit B**TEXAS SUBDIVISION AND SPECIAL DISTRICT
ELECTION AND RELEASE FORM**

This Election and Release Form for Texas Participating Subdivisions¹ resolves opioid-related Claims against Teva under the terms and conditions set forth in the Teva Texas State-Wide Opioid Settlement Agreement between Teva, the State of Texas, and the Counties of Dallas, Bexar, Harris and Tarrant (the “Agreement”), the provisions of which are here incorporated by reference in their entirety. Upon executing this Election and Release Form, a Participating Subdivision agrees that, in exchange for the consideration described in the Agreement, the Participating Subdivision is bound by all the terms and conditions of the Agreement, including but not limited to the Release found in Section VII of the Agreement and the provisions concerning participation by Subdivisions or Special Districts in Section VIII, and the Participating Subdivision and its signatories expressly represent and warrant on behalf of themselves that they have, or will have obtained on or before the Effective Date or on or before the execution of this Election and Release Form if executed after the Effective Date, the authority to settle and release, to the maximum extent of the Subdivision’s and Special District’s power, all Released Claims related to Covered Conduct. If this Election and Release Form is executed on or before the Initial Participation Date, the Participating Subdivision shall dismiss the Released Claims with prejudice and sever Teva and all other Released Entities from all pending cases in which the Participating Subdivision has asserted Covered Claims against Teva or a Released Entity no later than the Initial Participation Date. If this Election and Release Form is executed after the Initial Participation Date, the Participating Subdivision shall dismiss the

¹ The Agreement defines a “Participating Subdivision” as a Subdivision or Special District that signs this Election and Release Form and meets the requirements for becoming a Participating Subdivision under subsection VIII.A. of the Agreement.

Released Claims with prejudice and sever Teva and all other Released Entities from all pending cases in which the Participating Subdivision has asserted Covered Claims against Teva or a Released Entity concurrently with the execution of this form. By executing this Election and Release Form, the Participating Subdivision submits to the jurisdiction of the Honorable Robert Schaffer, *In Re: Texas Opioid Litigation*, MDL No. 18-0358, Master File No. 2018-63587, in the 152nd Judicial District Court, Harris County, Texas.

Dated: _____

Texas Subdivision Name: _____

By: _____

[NAME]

[TITLE]

[ADDRESS]

[TELEPHONE]

[EMAIL ADDRESS]

ITEM 5G

CONSENT AGENDA

**CONSIDER APPROVAL OF INVESTMENT
REPORT FOR THE FOURTH QUARTER
OF 2021**



QUARTERLY INVESTMENT REPORT

Investment Portfolio Summary
Quarter Ending: December, 2021

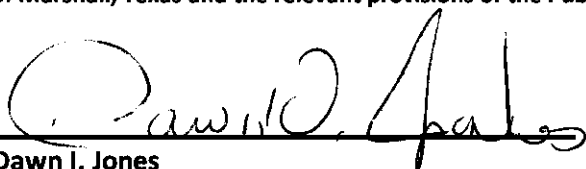
Investment by Category

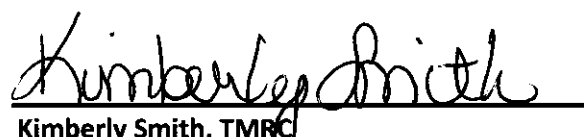
Category	Beginning Market Value	Change in Market Value	Ending Market Value	Quarterly ROR	Annualized ROR
Operating	\$8,993,185.44	\$749,408.04	\$9,742,593.48	0.051%	0.263%
Debt Service	\$183,953.97	(\$78,209.93)	\$105,744.04	0.008%	0.037%
Capital Projects	\$1,665,498.86	\$260.16	\$1,665,759.01	0.016%	0.063%
Special Revenue	\$1,198,491.45	\$167,372.19	\$1,365,863.64	0.013%	0.056%
Trust	\$1,193,032.16	\$966.66	\$1,193,998.82	0.081%	0.325%
Total Portfolio	\$13,234,161.88	\$839,797.11	\$14,073,958.99	0.046%	0.222%

Investment by Asset Type

Type	Beginning Market Value	Change in Market Value	Ending Market Value	Quarterly ROR	Annualized ROR
Certificates of Deposit	\$6,636,591.64	\$6,733.56	\$6,643,325.20	0.101%	0.408%
TexPool	\$6,597,570.24	\$833,063.55	\$7,430,633.79	0.007%	0.038%
Total Portfolio	\$13,234,161.88	\$839,797.11	\$14,073,958.99	3.200%	17.800%

This Quarterly Investment Report is in full compliance with the investment strategy as expressed in the Investment Policy for the City of Marshall, Texas and the relevant provisions of the Public Funds Investment Act.


Dawn I. Jones
Finance Director


Kimberly Smith, TMRC
Senior Accountant



QUARTERLY INVESTMENT REPORT

Quarter Ending: December 31, 2021

Certificates of Deposits	Investment Category	Maturity Date	Beginning Book Value	Ending Book Value	Beginning Market Value	Ending Market Value	Quarterly ROR	Annualized ROR
Texas Bank and Trust 96296	Trust	1/30/2022	\$170,447.20	\$170,601.99	\$170,536.95	\$170,950.81	0.243%	0.977%
Texas Bank and Trust 96545	Trust	1/8/2022	\$33,082.28	\$33,112.32	\$33,105.88	\$33,140.63	0.105%	0.422%
Texas Bank and Trust 96688	Trust	2/25/2022	\$529,053.45	\$530,441.47	\$529,225.07	\$529,700.24	0.090%	0.361%
Texas Bank and Trust 96422	Capital Projects	2/28/2022	\$142,680.10	\$142,806.07	\$142,721.30	\$142,839.51	0.083%	0.333%
Texas Bank and Trust 96715	Special Revenue	3/4/2022	\$78,923.07	\$78,992.00	\$78,941.75	\$79,007.95	0.084%	0.337%
Texas Bank and Trust 96202	Operating	1/7/2022	\$506,830.55	\$507,278.02	\$507,208.24	\$507,742.02	0.105%	0.423%
Texas Bank and Trust 96255	Operating	1/21/2022	\$506,816.68	\$507,264.15	\$507,142.02	\$507,659.98	102.000%	0.410%
Texas Bank and Trust 96260	Operating	1/21/2022	\$566,389.70	\$566,889.77	\$566,753.28	\$567,247.40	0.087%	0.350%
Texas Bank and Trust 96330	Operating	2/10/2022	\$1,042,252.38	\$1,043,172.65	\$1,042,772.08	\$1,043,692.47	0.088%	0.354%
Texas Bank and Trust 96331	Operating	2/10/2022	\$530,903.61	\$531,372.38	\$531,168.33	\$531,637.16	0.088%	0.354%
Texas Bank and Trust 96333	Operating	2/10/2022	\$506,711.96	\$507,159.37	\$506,964.63	\$507,412.09	0.088%	0.354%
Texas Bank and Trust 96413	Operating	2/22/2022	\$517,007.82	\$518,308.84	\$517,180.06	\$517,634.22	0.088%	0.353%
Texas Bank and Trust 96825	Operating	1/11/2022	\$500,468.49	\$500,922.98	\$500,823.89	\$501,336.82	0.102%	0.411%
Texas Bank and Trust 96855	Operating	1/20/2022	\$500,480.82	\$500,892.59	\$500,806.61	\$501,298.31	0.098%	0.394%
Texas Bank and Trust 96898	Operating	2/3/2022	\$500,755.89	\$501,514.38	\$501,241.55	\$502,025.60	0.156%	0.629%
			\$6,632,804.00	\$6,640,728.98	\$6,636,591.64	\$6,643,325.20	0.101%	0.408%
TexPool	Investment Category	Maturity Date	Beginning Book Value	Ending Book Value	Beginning Market Value	Ending Market Value	Quarterly ROR	Annualized ROR
TexPool 449/1020100005	Trust		\$460,164.26	\$460,207.14	\$460,164.26	\$460,207.14	0.009%	0.037%
TexPool 449/1020100002	Special Revenue		\$1,117,344.83	\$1,284,650.82	\$1,117,344.83	\$1,284,650.82	0.009%	0.037%
TexPool 449/1020100003	Special Revenue		\$2,204.87	\$2,204.87	\$2,204.87	\$2,204.87	0.000%	0.000%
TexPool 449/1020100007	Capital Projects		\$1,522,777.56	\$1,522,919.50	\$1,522,777.56	\$1,522,919.50	0.009%	0.310%
TexPool 449/1020100006	Operating		\$3,311,124.75	\$4,054,907.42	\$3,311,124.75	\$4,054,907.42	0.005%	0.037%
TexPool 449/1020100001	Debt Service		\$183,953.97	\$105,744.04	\$183,953.97	\$105,744.04	0.008%	0.037%
2/2			\$6,597,570.24	\$7,430,633.79	\$6,597,570.24	\$7,430,633.79	0.007%	0.038%

ITEM 6A

ORDINANCE

**CONSIDER APPROVAL OF AN
ORDINANCE AMENDING CHAPTER 30,
ARTICLE III – WRECKER SERVICE OF
THE CITY OF MARSHALL CODE OF
ORDINANCES**



CITY OF MARSHALL

COUNCIL AGENDA INFORMATION SHEET

MEETING DATE:2/24/2020

PROJECT: Amend Article III Wrecker Service

DESCRIPTION: Amend Article III – Wrecker Service to reflect the fact that the Police Department is responsible for the administration of Wrecker Services as well as make amendments specified by the City Attorney.

COST: None

RECOMMENDED

ACTION: Approve amendment.

CITY CONTACT: Chief of Police Cliff Carruth

cc: File

PART II - CODE OF ORDINANCES
Chapter 30 - VEHICLES FOR HIRE
ARTICLE III. WRECKER SERVICE

ARTICLE III. WRECKER SERVICE¹

Sec. 30-100. Applicability.

This article applies to wrecker services that perform police-authorized or non-consensual tows, towing activities at police scenes, and storage facilities to which vehicles towed as police-authorized or non-consensual tows are taken.

(Ord. No. O-03-09, § 2, 2-27-2003)

Sec. 30-101. Definitions.

In this article:

Accident means any occurrence that renders a vehicle wrecked or disabled.

Appeals board means a five (5) member panel to rule on disputes or license issues, which consist of two (2) Marshall City Commissioners, City manager or his designee, **director of Public Works** or his designee and the Chief of Police or his designee.

Director means the Chief of Police for the City of Marshall who is charged by the city commission to enforce and administer this article or the Chief's authorized representative.

Disabled vehicle means a vehicle that:

- (1) Has been rendered unsafe to drive as the result of some occurrence other than a wreck, including, but not limited to, mechanical failure or breakdown, fire, or vandalism; or
- (2) Is in a safe driving condition, but the owner is not present, able, or permitted to drive; so as to reasonably necessitate that the vehicle be removed by a wrecker.

Emergency wrecker company means a person who owns, controls, or has a financial interest in an emergency wrecker service.

Emergency wrecker service means the business of towing or removing wrecked or disabled vehicles from the streets upon request of the applicable law enforcement agency.

Heavy-duty wrecker means a truck not less than two and one-half (2½) tons in size, equipped with a power operated winch, winch line, and boom, with a factory rated lifting capacity of not less than thirty-two thousand (32,000) pounds, single or double line capacity.

Licensee means a person licensed to engage in emergency wrecker service in the City of Marshall.

Owner means a person who:

- (1) Holds legal title to a vehicle;
- (2) Has legal right of possession of a vehicle, care, custody or control;

¹

Editor's note(s)—Ord. No. O-03-09, § 2, adopted Feb. 27, 2003, repealed in its entirety the former Art. III, §§ 30-101—30-103, and enacted a new Art. III as set out herein. The former Art. III pertained to similar subject matter Ord. No. O-95-08, §§ 1—3, adopted May 25, 1995.

- (3) Has legal right of control of a vehicle.

Person means an individual, ~~assumed name entity~~, partnership, joint venture, association, corporation, or other legal entity **whether in that individual's or entity's actual name or an assumed name.**

Rotation means an occasion when the applicable law enforcement agency calls an emergency wrecker from the rotation list to remove a wrecked, disabled or abandoned vehicle.

Street means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. Any street, alley, avenue, lane, square, highway, freeway, expressway, or high occupancy vehicle lane within the corporate limits of the city.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a street, except a device moved by human power or used exclusively upon stationary rails or tracks.

Wrecked vehicle means a vehicle that has been damaged as the result of overturning or colliding with another vehicle or object so as to reasonably necessitate that a wrecker removes the vehicle.

Wrecker means a vehicle designed to be used primarily for the removal of a wrecked, disabled or abandoned vehicle.

Wrecker rotation list means a list of licensed wrecker companies maintained by the law enforcement agency needing assistance as provided for in this article.

(Ord. No. O-03-09, § 2, 2-27-2003)

Sec. 30-101.01. Wrecker drivers to obey orders of police officer.

It shall be unlawful for the driver of any wrecker arriving at the place where any accident has occurred or an abandoned vehicle is located to disobey any lawful order given them by any police officer of the city investigating such accident or to interfere in any manner with such officer in the performance of his/her duty.

(Ord. No. O-08-11, § 2, 3-27-2008)

Sec. 30-102. Soliciting by advertising.

No person may solicit any business at or near the scene of an accident which deals directly or indirectly with the towing, removing, repairing, wrecking, storing, trading or purchase of a wrecked or disabled motor vehicle, vehicle, trailer or semi-trailer on the streets or sidewalks of the city, nor may a person solicit the business of towing, removing, repairing, wrecking, storing, trading, buying or offering to buy a wrecked or disabled motor vehicle, vehicle, trailer, or semi-trailer on the streets, sidewalks or any public place in the city, by distributing an advertisement, advertising a repair shop, garage, or place of business where the wrecked or disabled motor vehicle, vehicle, trailer or semi-trailer may be repaired, stored, wrecked, traded, or purchased. Proof of the unauthorized presence of a person engaged in the business of towing, repairing, wrecking, storing, or offering to purchase or trade for a wrecked or disabled motor vehicle, vehicle, trailer or semi-trailer at or near the scene of an accident is prima facie evidence of solicitation in violation of this section.

(Ord. No. O-03-09, § 2, 2-27-2003)

Sec. 30-103. Penalty.

Any person who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this article shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).

(Ord. No. O-03-09, § 2, 2-27-2003)

Sec. 30-104. Driving wrecker to scene of accident prohibited; exception.

A. No person may drive a wrecker, licensed or unlicensed, to the scene of an accident on the streets of the city unless the person has been called to the scene by the law enforcement agency in command of the incident.

B. SOLICITING WRECKER BUSINESS AT SCENE OF ACCIDENT PROHIBITED; PRESENCE AT SCENE AS EVIDENCE OF VIOLATION. No person may solicit in any manner, directly or indirectly, on the streets of the city, the business of towing a vehicle which is wrecked or disabled on a street, regardless of whether the solicitation is for the purpose of soliciting the business of towing, removing, repairing, wrecking, storing, trading or purchasing the vehicle. Proof of the presence of a person engaged in the wrecker business or the presence of a wrecker or motor vehicle owned or operated by a person engaged in the wrecker business, either as owner, operator, employee or agent, on a street in the city, at or near the scene or site of an accident, which has not been called to the scene by the law enforcement agency in command of the incident, within one (1) hour after the happening of an accident, is prima facie evidence of a solicitation in violation of this section.

(Ord. No. O-03-09, § 2, 2-27-2003)

Sec. 30-105. Penalty; license required; nontransferable; expiration date; trade name registration; location.

- (a) No person, agency or towing business will be placed in the wrecker rotation with the City of Marshall Police Department without first obtaining an emergency wrecker service license from the City of Marshall. Only one (1) license may be issued to each emergency wrecker company. A license is not assignable or transferable. An emergency wrecker company license expires on the thirtieth day of June of each year. The license issued to an emergency wrecker company authorizes the licensee and his bona fide employees to engage in emergency wrecker service.
- (b) The owner of an emergency wrecker company shall register with the Director the trade name of his wrecker company and shall affix the name to the outside of both doors of each wrecker which is in compliance with the applicable laws of the State of Texas.
- (c) A licensee shall maintain a permanent and established place of business where the general zoning ordinance of the city does not prohibit an emergency wrecker service.

(Ord. No. O-03-09, § 2, 2-27-2003)

Sec. 30-106. License application; renewal.

- (a) A person desiring to engage in emergency wrecker service in the city shall file with the Director a written application upon a form provided for that purpose, which must be signed by the applicant or an authorized agent. The following information is required in the application.

- (1) Trade name, address, and telephone number of the emergency wrecker company.
- (2) Number and types of wreckers to be operated. Applicants owning heavy-duty wreckers that will be used for emergency towing must be stated on application if applicant is equipped to be utilized in heavy vehicle recovery.
- (3) Name, address, and telephone number of the owner of the emergency wrecker company.
- (4) An agreement that the applicant will participate in the wrecker rotation.
 - a. Upon filing of an initial application for an emergency wrecker company license, the Director shall designate a time for city inspection of applicants place of business. A fee of twenty-five dollars (\$25.00) for processing and inspection of an initial application must be submitted with the application.
 - b. Should the license be denied, the denied applicant may file an appeal within thirty (30) days with the Director in writing requesting a hearing before the appeals board. The appeals board decision is final.
 - c. In addition to the requirements in subsection a. of this section, an initial applicant shall:
 1. Show proof of insurability.
 2. Provide an adequate number of emergency wreckers, as determined by the applicable law enforcement agency, that meet the requirements of this article and any rules and regulations promulgated by the applicable law enforcement agency pursuant to this article.
 3. The fitness of the applicant to perform an emergency wrecker service as may be indicated by the experience in wrecker operation, the safety record of the applicant, and the applicant's compliance with local, state, and federal laws.
 - i. After reviewing the application, the Director shall, within forty-five (45) days, approve or deny the application based upon findings concerning the applicant's compliance with this article and the public convenience and necessity of the proposed service. The Director shall send to the applicant a written statement setting forth the reasons for the approval or denial of the application and the date of the action.

(Ord. No. O-03-09, § 2, 2-27-2003)

Sec. 30-107. Fee.

- (a) The annual fee for an emergency wrecker license is seven hundred fifty dollars (\$750.00) for each emergency wrecker company and a ten dollars (\$10.00) per car fee on all cars towed at the request of the Marshall Police Dispatcher. The fee will be prorated on the basis of whole months. The annual inspection fee is twenty dollars (\$20.00) for each wrecker that is used in the emergency wrecker service. The fee is two dollars (\$2.00) for issuance of a duplicate license if a license is lost, destroyed, or mutilated.
- (b) Fees are payable to the City of Marshall upon issuance of the license. No refund of fees will be made.

(Ord. No. O-03-09, § 2, 2-27-2003; Ord. No. O-08-11, § 3, 3-27-2008)

Sec. 30-108. License issuance.

- (a) The Director shall issue a license to provide emergency wrecker service to an applicant who complies with this article and shall issue an emergency wrecker card to an applicant upon inspection and approval of each vehicle. The emergency wrecker card must remain in the inspected wrecker. Before issuance of an emergency wrecker service license and card, the following requirements must be met:
- (1) An applicant shall submit each emergency wrecker that will be used in the service for inspection in a manner determined by the Director. Each wrecker must comply with the following minimum requirements:
 - a. Each wrecker must be not less than one (1) ton in size with a dual wheel axle and be equipped with booster brakes.
 - b. Each wrecker must be equipped with a power operated winch, winch line, and boom, with a factory rated lifting capacity of not less than eight thousand (8,000) pounds, single line capacity.
 - c. Each wrecker must carry as standard equipment a tow bar, towing dollies, safety chains, jack stands, a fire extinguisher, a wrecking bar, a broom, a shovel, flares, and a container to carry debris.
 - d. Each wrecker and all of its equipment must be in a safe and good working condition and comply with all minimum safety and equipment standards required for a wrecker by ~~Article 6687-9a of Vernon's Texas Civil Statutes, as amended, or by any rule or regulation promulgated under that act.~~ **The Texas Transportation Code, the Texas Occupations Code and any other applicable law, regulation or rule.**
 - e. Each emergency wrecker applicant that is approved as a rotation list wrecker will be issued a radio call number by the Marshall Police Department.
 - f. Each wrecker must be equipped with two-way radio equipment that is capable of providing two-way voice communication with the applicable law enforcement agency.
 - g. Misuse of Marshall Police Department radio frequency will be cause for suspension.
 - h. A minimum of one (1) wrecker submitted by applicant must be equipment with a wheel lift or "roll back" bed.
 - i. Marshall Non-Consensual Wrecker Company's storage yard shall be located no more than three (3) miles from the City Limits of Marshall.
 - (2) An applicant desiring to engage in heavy vehicle or large truck towing and recovery must comply with the following minimum requirements:
 - a. Each heavy-duty wrecker must be not less than two and one-half (2½) tons in size.
 - b. Each heavy duty wrecker must be equipped with a power operated winch, winch line, and boom, with a factory rated lifting capacity of not less than thirty-two (32,000) pounds, single or double line capacity.
 - (3) Each licensee shall maintain twenty-four-hour wrecker service and operate a two-way radio capable of communicating with applicable law enforcement agencies. The licensee shall keep the business location open from 9:00 a.m. to 5:00 p.m. weekdays except for recognized holidays.
 - (4) A person commits an offense if he operates an emergency wrecker or uses any equipment that fails to comply with all requirements for such equipment required by the State of Texas.

- (5) The City of Marshall will accept only one (1) call for service number from applicants. Multiple number lists will not be accepted.
- (6) Emergency wreckers must clean right-of-way and roadway of all debris before leaving the scene of an incident. Emergency wrecker operators must follow instruction of law enforcement personnel supervising incident.
- (7) Each applicant must provide the City of Marshall Finance Department with proper tax identification for IRS form 1099.
- (8) Each applicant must comply with all state, local and federal laws for storage yards.

(Ord. No. O-03-09, § 2, 2-27-2003; Ord. No. O-08-11, § 4, 3-27-2008; Ord. No. O-09-11, § 2, 5-21-2009)

Sec. 30-109. License—Display; duplicates.

- (a) Each license issued pursuant to this article must be posted and kept in a conspicuous place in the wrecker establishment.
- (b) A duplicate license may be issued for one (1) lost, destroyed or mutilated upon application on a form prescribed by the Director. Each duplicate license will have the word "duplicate" stamped across its face and will bear the same number as the one it replaces.
- (c) Every licensee shall, within ten (10) days after a partial change of control in ownership, or of management, or of change of address or trade name, notify the Director of such changes.

(Ord. No. O-03-09, § 2, 2-27-2003)

Sec. 30-110. License—Refusal to issue or renew.

The Director may refuse to approve issuance or renewal of an emergency wrecker company license for one (1) or more of the following reasons:

- (1) The making of any false statement as to a material matter in an application for a license, or license renewal, or in a hearing concerning the license.
- (2) Revocation of a license, pursuant to this article, of the applicant, or any proprietor, partner or corporate officer of the applicant within eighteen (18) months preceding application.
- (3) Use by the licensee of a trade name for his emergency wrecker company other than the one (1) registered with the Director.
- (4) Suspension of the licensee's emergency wrecker company license on three (3) occasions within twelve (12) months for more than three (3) days on each occasion.
- (5) Failure to meet the service standards in the rules and regulations, established by the Director and applicable law enforcement agency, with the same consistency as other licensees.
- (6) A licensee, applicant, or his employee is under indictment or has been convicted of a crime involving theft, unauthorized use of a motor vehicle, burglary of an automobile, receiving and concealing stolen property, homicide, aggravated assault, aggravated assault with a motor vehicle, or driving while under the influence of alcohol or drugs unless five (5) years has elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date.

(Ord. No. O-03-09, § 2, 2-27-2003)

Sec. 30-111. License—Suspension.

~~A representative of the Director or applicable law enforcement agency~~ **The Director or his designee** may suspend an emergency wrecker company license **without notice or a hearing** for a period not to exceed ten (10) days or if the deficiency is detrimental to public safety then for a period of time until the deficiency is corrected, for one (1) or more of the following reasons:

- (1) Failure of the licensee to maintain his wrecker or equipment in a good and safe working condition.
- (2) Violation by the licensee or an employee of the licensee of a provision of this article or of the rules and regulations established for emergency wrecker service by the applicable law enforcement agency and the Director.
- (3) Failure of the licensee's wrecker to arrive at the location of a wrecked or disabled vehicle within the prescribed time after having been notified to do so by the applicable law enforcement agency.
- (4) Conviction of an emergency wrecker driver of a provision of the motor vehicle or traffic laws of this state or city while in the scope of his employment in the emergency wrecker service.

(Ord. No. O-03-09, § 2, 2-27-2003)

Sec. 30-112. License—Appeal from refusal to issue or renew; from decision to revoke.

If the Director approves or denies issuance of an initial license or refuses to approve renewal of a license or revokes a license, the applicant or licensee may file an appeal with the appeals board as described in this article. A licensee may appeal a suspension, which is imposed, by the Director ~~or applicable law enforcement agency~~ in the following manner:

- ~~(1) A licensee who is suspended by a representative of the applicable law enforcement agency for three (3) days or less may appeal the suspension by written request to the applicable law enforcement agency within ten (10) days after written notification of suspension. The applicable law enforcement agency shall conduct a hearing and may sustain, reverse, or modify the action appealed. The action of the applicable law enforcement agency is final.~~
- (2) A licensee who is suspended by the Director or his designee for three (3) days or less may appeal the suspension by written request to the Director within ten (10) days after written notification of suspension. The Director shall conduct a hearing and may sustain, reverse, or modify the action appealed. The action of the Director is final.
- (3) A licensee who is suspended by the Director ~~or the applicable law enforcement agency~~ for more than three (3) days may appeal the suspension to the appeals board. A written request to the Director must be made within ten (10) days after written notice to the licensee.
 - a. The appeals board shall set a time, date, and place for a hearing and the licensee will be notified at least three (3) days prior to the hearing.
 - b. The appeals board may sustain, reverse, or modify the action appealed. The action of the appeals board is final.

(Ord. No. O-03-09, § 2, 2-27-2003)

Sec. 30-113. License—Revocation.

The Director may revoke an emergency wrecker company license upon notice and hearing for one (1) or more of the following reasons:

- (1) The making of any false statement as to a material matter in an application for a license, license renewal, or in a hearing concerning a license.
- (2) Use by the licensee of a trade name for his emergency wrecker company other than the one (1) registered with the Director.
- (3) Suspension of a licensee's emergency wrecker company license on three (3) occasions within twelve (12) months for more than three (3) days on each occasion.
- (4) Suspension of a licensee's emergency wrecker company's license for a deficiency that is detrimental to public safety and twenty (20) days have elapsed without a correction of the deficiency.
- (5) A licensee or his employee is under indictment or convicted of a crime involving theft, unauthorized use of a motor vehicle, burglary of an automobile, or receiving and concealing stolen property, homicide, attempted homicide, aggravated assault with a motor vehicle, or driving while under the influence of alcohol or drugs unless five (5) years has elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date.

(Ord. No. O-03-09, § 2, 2-27-2003)

Sec. 30-114. Insurance.

- (a) A licensee shall procure and keep in full force and effect automobile liability insurance and either garage keeper's liability insurance or tow truck cargo insurance written by an insurance company approved by the State of Texas and acceptable to the city and issued in the standard form approved by the state board of insurance. All provisions of each policy must be acceptable to the city. The insured provisions of each policy must name the city and its officers and employees as additional insured and the coverage provisions must provide coverage for any loss or damage that may arise to any person or property by reason of the operation of an emergency wrecker service by the licensee.
- (b) The automobile liability insurance must provide combined single limits of liability for bodily injury and property damage of not less than five hundred thousand dollars (\$500,000.00) for each occurrence, or the equivalent, for each motor vehicle used by the licensee, with a maximum deductible not to exceed the limits allowed by the Texas Safety Responsibility Act. Aggregate limits of liability are prohibited.
- (c) The garage keeper's liability insurance or the tow truck cargo insurance, whichever is maintained, must provide limits of liability for any one loss of not less than twenty-five thousand dollars (\$25,000.00) for each light duty emergency wrecker and fifty thousand dollars (\$50,000.00) for each heavy duty emergency wrecker. The garage keeper's liability insurance must include a provision for direct primary coverage.
- (d) If a vehicle is removed from service, the licensee shall maintain the insurance coverage required by this section for the vehicle until the Director receives satisfactory proof that all evidence of operation as an emergency wrecker has been removed from the vehicle.
- (e) Insurance required under this section must include:
 - (1) A cancellation provision in which the insurance company is required to notify the Director in writing not fewer than thirty (30) days before canceling, failing to renew, or making a material change to the insurance policy; and

- (2) A provision to cover all vehicles, whether owned or not owned by the licensee, operated under the license.
- (3) Reserved.
- (4) A license will not be granted or renewed unless the applicant or licensee furnishes the Director with such proof of insurance as the Director considers necessary to determine whether the applicant or licensee is adequately insured under this section.
- (5) If the insurance of a licensee lapses or is cancelled and new insurance is not obtained, the Director may suspend the license until the licensee provides evidence that insurance coverage required by this section has been obtained. A person shall not operate an emergency wrecker service while a license is suspended under this section whether or not the action is appealed.

(Ord. No. O-03-09, § 2, 2-27-2003)

Sec. 30-115. Powers and duties of the Director.

In addition to the powers and duties elsewhere prescribed in this article, the Director is authorized to:

- (1) Administer and enforce all provisions of this article;
- (2) Keep records of all licenses issued, suspended or revoked;
- (3) Keep records of all authorized emergency vehicles;
- (4) Adopt rules and regulations, after reasonable notice to the licensees, not inconsistent with the provisions of this article, with respect to the form and content of applications for licenses, the receipt thereof, the investigation of applicants, and other matters incidental or appropriate to his power and duties as may be necessary for the proper administration and enforcement of the provisions of this article;
- (5) Adopt new emergency wrecker procedures for experimentation on a temporary basis, after reasonable notice to the licensees;
- (6) Conduct, when appropriate, periodic investigations of emergency wrecker companies.
- (7) Require periodic reports as necessary to evaluate each emergency wrecker company's operations.

(Ord. No. O-03-09, § 2, 2-27-2003)

Sec. 30-116. Powers and duties of the applicable law enforcement agency.

In addition to the powers and duties elsewhere prescribed in this article, the applicable law enforcement agency is authorized to:

- (1) Enforce all provisions of this article;
- ~~(2) Adopt rules and regulations, after reasonable notice to the licensees, not inconsistent with the provisions of this article, with respect to the investigation of applicants, and other matters incidental or appropriate to his powers and duties as may be necessary for the proper enforcement of the provisions of this article;~~
- ~~(3) Adopt new emergency wrecker procedures for experimentation on a temporary basis, after reasonable notice to the licensees;~~

- (2) Conduct, when appropriate, periodic investigations of emergency wrecker companies throughout the city; and
- (3) Keep records of service adequacy and responsiveness of licensees and provide these records to the Director upon request.
- (4) Report to the Director of any grounds for suspension or revocation of a license under this Article observed or documented by a member of the law enforcement agency.

(Ord. No. O-03-09, § 2, 2-27-2003)

Sec. 30-117. Wrecker rotation list procedure.

- (a) An emergency wrecker being called from the wrecker rotation list is referred to as the duty-wrecker. When an emergency wrecker is needed, the investigating police officer will communicate the need for an emergency wrecker immediately to police department dispatch center. On receiving the first communication, the dispatcher must call the emergency wrecker company on duty at that time, to remove the vehicle to a place designated by the applicable law enforcement agency. If additional equipment is required after the duty wrecker's resources are exhausted the dispatcher will call the next wrecker on the rotation list.
- (b) If the investigating police officer or the dispatcher determines that use of the wrecker rotation list procedure would result in unreasonable delay in clearing the street, the nearest emergency wrecker may be called as an alternative to use of the procedure.
- (c) A heavy-duty wrecker may be called to the scene of an accident under the following circumstances:
 - (1) The accident involves a tandem axle drive tractor.
 - (2) A safety officer or other appropriate official of a damaged vehicle's company requests a heavy duty wrecker unless honoring the request would result in unreasonable delay in clearing the street.
 - (3) The investigating police officer determines that a heavy-duty wrecker is required. The rotation procedure in this article applies to heavy-duty wreckers as well as all other wreckers.

(Ord. No. O-03-09, § 2, 2-27-2003)

Sec. 30-117.01. Wrecker rotation list execution.

- (a) The city will maintain a yearly list of emergency wreckers who are on rotation in June.
- (b) Every Friday the Director will notify the police dispatcher the assigned wrecker for the rotation period beginning the next Monday morning at 8:00 a.m. and their assigned backup, as well as heavy duty wrecker on call. This procedure will continue through the rotation wreckers on the list until all have had a period of rotation.

(Ord. No. O-08-11, § 5, 3-27-2008)

Sec. 30-117.02. Suspension/termination from rotation system.

- (a) The Director may, **without notice and hearing, suspend** a rotation wrecker service from the rotation system for any violation of a contract, any applicable city ordinance, any applicable civil statute, or any policy adopted by the Director under authority of city ordinance or a contract, or for any criminal offense committed by the service or by any driver, employee or agent of the service, in the course of providing services, whether or not the services are being performed as part of a rotation system call.
- (b) A rotation wrecker that is suspended who is suspended ~~by the Director for three (3) days or less may~~ appeal the suspension by written request to the Director within ten (10) days after written notification of suspension. The Director shall conduct a hearing and may sustain, reverse, or modify the action appealed. The action of the Director is final.
- (c) A rotation wrecker who is suspended by the Director for more than three (3) days may appeal the suspension to the appeals board. A written request to the Director must be made within ten (10) days after written notice to the licensee.
 - (1) The appeals board shall set a time, date, and place for a hearing and the licensee will be notified at least three (3) days prior to the hearing.
 - (2) The appeals board may sustain, reverse, or modify the action appealed. The action of the appeals board is final.

(Ord. No. O-08-11, § 5, 3-27-2008)

Sec. 30-117.03. Emergency situations.

When emergency conditions necessitate, the city reserves the right to request the services of the emergency wrecker service who, in the city's sole opinion, is the best able to handle the situation and/or can reach the scene most expeditiously, regardless of the emergency wrecker service position on the rotation log. If a dispatch is made under these circumstances, the emergency wrecker service making such a response will not forfeit its respective position on the rotation.

(Ord. No. O-08-11, § 5, 3-27-2008)

Sec. 30-118. Requirements and operating procedures for emergency wrecker service.

- (a) An emergency wrecker company licensee shall comply with the following requirements and procedures:
 - (1) Maintain twenty-four-hour wrecker service.
 - (2) Arrive at the accident within a reasonable time after having been notified to do so by the applicable law enforcement agency, such response time generally not to exceed twenty-five (25) minutes.
 - (3) Deliver, in every instance, the wrecked or disabled vehicle to a location designated by the applicable law enforcement agency.
 - (4) Emergency wrecker that do not comply with State of Texas Motor Vehicle Laws is not allowed to participate in the wrecker rotation list.
 - (5) Report to the Director all changes in emergency wreckers and equipment used in the licensee's emergency wrecker service and render all additional vehicles for inspection by the Director.
 - (6) Employ emergency wrecker drivers who are not habitual violators of the traffic laws.

- (7) Upon arrival at the scene of an accident, promptly clear the wreckage and debris from the traveled portion of the roadway or confine it to the smallest possible portion of the traveled roadway while removal is taking place and in a manner to minimize the duration of interference with normal traffic flow and completely remove from the site of the accident all resulting wreckage or debris, including all broken glass, but excluding truck or vehicle cargoes, before leaving the site.
- (8) Nothing in this article shall be construed to permit operation of a wrecker as an authorized emergency vehicle.

(Ord. No. O-03-09, § 2, 2-27-2003)

Sec. 30-119. Disposition of towed vehicles.

A vehicle towed under the provisions of this article will be kept at a place designated by the applicable law enforcement agency until application for the vehicle's redemption is made by the owner or an authorized agent who will be entitled to the possession of the vehicle upon payment of all costs of removal and storage that may have accrued. If the owner or an authorized agent does not redeem the vehicle, the vehicle will be disposed of in a manner prescribed by law.

(Ord. No. O-03-09, § 2, 2-27-2003)

Sec. 30-120. Maximum fees to be charged for emergency wrecker service or nonconsensual tows.

The maximum fees charged by permit holders performing emergency wrecker service or nonconsent tows shall be set by resolution of the city commission and shall reflect fair value of towing services. Itemized receipts shall be provided to owners or operators at the time payment of tow related fees is made. Violations of this provision may result in suspension or removal from the tow rotation list, and criminal penalties against the offender. Towing fees may be reviewed by the city commission once annually upon request of a tow company. A towing fee study shall be performed in conjunction with this review.

(Ord. No. O-05-03, § 2, 2-10-2005)

ORDINANCE _____

AN ORDINANCE GOVERNING WRECKER SERVICES THAT PERFORM POLICE-AUTHORIZED TOWS OR NON-CONSENSUAL TOWS, TOWING ACTIVITIES AT POLICE SCENES, AND STORAGE FACILITIES TO WHICH VEHICLES TOWED AS POLICE-AUTHORIZED OR NON-CONSENSUAL TOWS ARE TAKEN.

ARTICLE III. WRECKER SERVICE¹

Sec. 30-100. Applicability.

This article applies to wrecker services that perform police-authorized or non-consensual tows, towing activities at police scenes, and storage facilities to which vehicles towed as police-authorized or non-consensual tows are taken.

(Ord. No. O-03-09, § 2, 2-27-2003)

Sec. 30-101. Definitions.

In this article:

Accident means any occurrence that renders a vehicle wrecked or disabled.

Appeals board means a five (5) member panel to rule on disputes or license issues, which consist of two (2) Marshall City Councilmembers, City manager or his designee, director of Public Works or his designee and the Chief of Police or his designee.

Director means the Chief of Police for the City of Marshall who is charged by the city council to enforce and administer this article or the Chief's authorized representative.

Disabled vehicle means a vehicle that:

- (1) Has been rendered unsafe to drive as the result of some occurrence other than a wreck, including, but not limited to, mechanical failure or breakdown, fire, or vandalism; or
- (2) Is in a safe driving condition, but the owner is not present, able, or permitted to drive; so as to reasonably necessitate that the vehicle be removed by a wrecker.

Emergency wrecker company means a person who owns, controls, or has a financial interest in an emergency wrecker service.

Emergency wrecker service means the business of towing or removing wrecked or disabled vehicles from the streets upon request of the applicable law enforcement agency.

Heavy-duty wrecker means a truck not less than two and one-half (2½) tons in size, equipped with a power operated winch, winch line, and boom, with a factory rated lifting capacity of not less than thirty-two thousand (32,000) pounds, single or double line capacity.

Licensee means a person licensed to engage in emergency wrecker service in the City of Marshall.

Owner means a person who:

- (1) Holds legal title to a vehicle;
- (2) Has legal right of possession of a vehicle, care, custody or control;
- (3) Has legal right of control of a vehicle.

Person means an individual, partnership, joint venture, association, corporation, or other legal entity whether in that individual's or entity's actual name or an assumed name.

Rotation means an occasion when the applicable law enforcement agency calls an emergency wrecker from the rotation list to remove a wrecked, disabled or abandoned vehicle.

Street means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. Any street, alley, avenue, lane, square, highway, freeway, expressway, or high occupancy vehicle lane within the corporate limits of the city.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a street, except a device moved by human power or used exclusively upon stationary rails or tracks.

Wrecked vehicle means a vehicle that has been damaged as the result of overturning or colliding with

another vehicle or object so as to reasonably necessitate that a wrecker removes the vehicle.

Wrecker means a vehicle designed to be used primarily for the removal of a wrecked, disabled or abandoned vehicle.

Wrecker rotation list means a list of licensed wrecker companies maintained by the law enforcement agency needing assistance as provided for in this article.

(Ord. No. O-03-09, § 2, 2-27-2003)

Sec. 30-101.01. Wrecker drivers to obey orders of police officer.

It shall be unlawful for the driver of any wrecker arriving at the place where any accident has occurred or an abandoned vehicle is located to disobey any lawful order given them by any police officer of the city investigating such accident or to interfere in any manner with such officer in the performance of his/her duty.

(Ord. No. O-08-11, § 2, 3-27-2008)

Sec. 30-102. Soliciting by advertising.

No person may solicit any business at or near the scene of an accident which deals directly or indirectly with the towing, removing, repairing, wrecking, storing, trading or purchase of a wrecked or disabled motor vehicle, vehicle, trailer or semi-trailer on the streets or sidewalks of the city, nor may a person solicit the business of towing, removing, repairing, wrecking, storing, trading, buying or offering to buy a wrecked or disabled motor vehicle, vehicle, trailer, or semi-trailer on the streets, sidewalks or any public place in the city, by distributing an advertisement, advertising a repair shop, garage, or place of business where the wrecked or disabled motor vehicle, vehicle, trailer or semi-trailer may be repaired, stored, wrecked, traded, or purchased. Proof of the unauthorized presence of a person engaged in the business of towing, repairing, wrecking, storing, or offering to purchase or trade for a wrecked or disabled motor vehicle, vehicle, trailer or semi-trailer at or near the scene of an accident is prima facie evidence of solicitation in violation of this section.

(Ord. No. O-03-09, § 2, 2-27-2003)

Sec. 30-103. Penalty.

Any person who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this article shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).

(Ord. No. O-03-09, § 2, 2-27-2003)

Sec. 30-104. Driving wrecker to scene of accident prohibited; exception.

A. No person may drive a wrecker, licensed or unlicensed, to the scene of an accident on the streets of the city unless the person has been called to the scene by the law enforcement agency in command of the incident.

B. SOLICITING WRECKER BUSINESS AT SCENE OF ACCIDENT PROHIBITED; PRESENCE AT SCENE AS EVIDENCE OF VIOLATION. No person may solicit in any manner, directly or indirectly, on the streets of the city, the business of towing a vehicle which is wrecked or disabled on a street, regardless of whether the solicitation is for the purpose of soliciting the business of towing, removing, repairing, wrecking, storing, trading or purchasing the vehicle. Proof of the presence of a person engaged in the wrecker business or the presence of a wrecker or motor vehicle owned or operated by a person engaged in the wrecker business, either as owner, operator, employee or agent, on a street in the city, at or near the scene or site of an accident, which has not been called to the scene by the law enforcement agency in command of the incident, within one (1) hour after the happening of an accident, is prima facie evidence of a solicitation in violation of this section.

(Ord. No. O-03-09, § 2, 2-27-2003)

Sec. 30-105. Penalty; license required; nontransferable; expiration date; trade name registration; location.

- (a) No person, agency or towing business will be placed in the wrecker rotation with the City of Marshall Police Department without first obtaining an emergency wrecker service license from the City of Marshall. Only one (1) license may be issued to each emergency wrecker company. A license is not assignable or transferable. An emergency wrecker company license expires on the thirtieth day of June of each year. The license issued to an emergency wrecker company authorizes the licensee and his bona fide employees to engage in

emergency wrecker service.

- (b) The owner of an emergency wrecker company shall register with the Director the trade name of his wrecker company and shall affix the name to the outside of both doors of each wrecker which is in compliance with the applicable laws of the State of Texas.
- (c) A licensee shall maintain a permanent and established place of business where the general zoning ordinance of the city does not prohibit an emergency wrecker service.

(Ord. No. O-03-09, § 2, 2-27-2003)

Sec. 30-106. License application; renewal.

- (a) A person desiring to engage in emergency wrecker service in the city shall file with the Director a written application upon a form provided for that purpose, which must be signed by the applicant or an authorized agent. The following information is required in the application.
 - (1) Trade name, address, and telephone number of the emergency wrecker company.
 - (2) Number and types of wreckers to be operated. Applicants owning heavy-duty wreckers that will be used for emergency towing must be stated on application if applicant is equipped to be utilized in heavy vehicle recovery.
 - (3) Name, address, and telephone number of the owner of the emergency wrecker company.
 - (4) An agreement that the applicant will participate in the wrecker rotation.
 - a. Upon filing of an initial application for an emergency wrecker company license, the Director shall designate a time for city inspection of applicants place of business. A fee of twenty-five dollars (\$25.00) for processing and inspection of an initial application must be submitted with the application.
 - b. Should the license be denied, the denied applicant may file an appeal within thirty (30) days with the Director in writing requesting a hearing before the appeals board. The appeals board decision is final.
 - c. In addition to the requirements in subsection a. of this section, an initial applicant shall:
 - 1. Show proof of insurability.
 - 2. Provide an adequate number of emergency wreckers, as determined by the applicable law enforcement agency, that meet the requirements of this article and any rules and regulations promulgated by the applicable law enforcement agency pursuant to this article.
 - 3. The fitness of the applicant to perform an emergency wrecker service as may be indicated by the experience in wrecker operation, the safety record of the applicant, and the applicant's compliance with local, state, and federal laws.
 - i. After reviewing the application, the Director shall, within forty-five (45) days, approve or deny the application based upon findings concerning the applicant's compliance with this article and the public convenience and necessity of the proposed service. The Director shall send to the applicant a written statement setting forth the reasons for the approval or denial of the application and the date of the action.

(Ord. No. O-03-09, § 2, 2-27-2003)

Sec. 30-107. Fee.

- (a) The annual fee for an emergency wrecker license is seven hundred fifty dollars (\$750.00) for each emergency wrecker company and a ten dollars (\$10.00) per car fee on all cars towed at the request of the Marshall Police Dispatcher. The fee will be prorated on the basis of whole months. The annual inspection fee is twenty dollars (\$20.00) for each wrecker that is used in the emergency wrecker service. The fee is two dollars (\$2.00) for issuance of a duplicate license if a license is lost, destroyed, or mutilated.
- (b) Fees are payable to the City of Marshall upon issuance of the license. No refund of fees will be made.

(Ord. No. O-03-09, § 2, 2-27-2003; Ord. No. O-08-11, § 3, 3-27-2008)

Sec. 30-108. License issuance.

- (a) The Director shall issue a license to provide emergency wrecker service to an applicant who complies with this article and shall issue an emergency wrecker card to an applicant upon inspection and approval of each vehicle. The emergency wrecker card must remain in the inspected wrecker. Before issuance of an emergency wrecker service license and card, the following requirements must be met:
- (1) An applicant shall submit each emergency wrecker that will be used in the service for inspection in a manner determined by the Director. Each wrecker must comply with the following minimum requirements:
 - a. Each wrecker must be not less than one (1) ton in size with a dual wheel axle and be equipped with booster brakes.
 - b. Each wrecker must be equipped with a power operated winch, winch line, and boom, with a factory rated lifting capacity of not less than eight thousand (8,000) pounds, single line capacity.
 - c. Each wrecker must carry as standard equipment a tow bar, towing dollies, safety chains, jack stands, a fire extinguisher, a wrecking bar, a broom, a shovel, flares, and a container to carry debris.
 - d. Each wrecker and all of its equipment must be in a safe and good working condition and comply with all minimum safety and equipment standards required for a wrecker by the Texas Transportation Code, the Texas Occupations Code and any other applicable law, regulation or rule.
 - e. Each emergency wrecker applicant that is approved as a rotation list wrecker will be issued a radio call number by the Marshall Police Department.
 - f. Each wrecker must be equipped with two-way radio equipment that is capable of providing two-way voice communication with the applicable law enforcement agency.
 - g. Misuse of Marshall Police Department radio frequency will be cause for suspension.
 - h. A minimum of one (1) wrecker submitted by applicant must be equipment with a wheel lift or "roll back" bed.
 - i. Marshall Non-Consensual Wrecker Company's storage yard shall be located no more than three (3) miles from the City Limits of Marshall.
 - (2) An applicant desiring to engage in heavy vehicle or large truck towing and recovery must comply with the following minimum requirements:
 - a. Each heavy-duty wrecker must be not less than two and one-half (2½) tons in size.
 - b. Each heavy duty wrecker must be equipped with a power operated winch, winch line, and boom, with a factory rated lifting capacity of not less than thirty-two (32,000) pounds, single or double line capacity.
 - (3) Each licensee shall maintain twenty-four-hour wrecker service and operate a two-way radio capable of communicating with applicable law enforcement agencies. The licensee shall keep the business location open from 9:00 a.m. to 5:00 p.m. weekdays except for recognized holidays.
 - (4) A person commits an offense if he operates an emergency wrecker or uses any equipment that fails to comply with all requirements for such equipment required by the State of Texas.
 - (5) The City of Marshall will accept only one (1) call for service number from applicants. Multiple number lists will not be accepted.
 - (6) Emergency wreckers must clean right-of-way and roadway of all debris before leaving the scene of an incident. Emergency wrecker operators must follow instruction of law enforcement personnel supervising incident.
 - (7) Each applicant must provide the City of Marshall Finance Department with proper tax identification for IRS form 1099.
 - (8) Each applicant must comply with all state, local and federal laws for storage yards.

(Ord. No. O-03-09, § 2, 2-27-2003; Ord. No. O-08-11, § 4, 3-27-2008; Ord. No. O-09-11, § 2, 5-21-2009)

Sec. 30-109. License—Display; duplicates.

- (a) Each license issued pursuant to this article must be posted and kept in a conspicuous place in the wrecker establishment.
- (b) A duplicate license may be issued for one (1) lost, destroyed or mutilated upon application on a form prescribed by the Director. Each duplicate license will have the word "duplicate" stamped across its face and

will bear the same number as the one it replaces.

- (c) Every licensee shall, within ten (10) days after a partial change of control in ownership, or of management, or of change of address or trade name, notify the Director of such changes.

(Ord. No. O-03-09, § 2, 2-27-2003)

Sec. 30-110. License—Refusal to issue or renew.

The Director may refuse to approve issuance or renewal of an emergency wrecker company license for one (1) or more of the following reasons:

- (1) The making of any false statement as to a material matter in an application for a license, or license renewal, or in a hearing concerning the license.
- (2) Revocation of a license, pursuant to this article, of the applicant, or any proprietor, partner or corporate officer of the applicant within eighteen (18) months preceding application.
- (3) Use by the licensee of a trade name for his emergency wrecker company other than the one (1) registered with the Director.
- (4) Suspension of the licensee's emergency wrecker company license on three (3) occasions within twelve (12) months for more than three (3) days on each occasion.
- (5) Failure to meet the service standards in the rules and regulations, established by the Director and applicable law enforcement agency, with the same consistency as other licensees.
- (6) A licensee, applicant, or his employee is under indictment or has been convicted of a crime involving theft, unauthorized use of a motor vehicle, burglary of an automobile, receiving and concealing stolen property, homicide, aggravated assault, aggravated assault with a motor vehicle, or driving while under the influence of alcohol or drugs unless five (5) years has elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date.

(Ord. No. O-03-09, § 2, 2-27-2003)

Sec. 30-111. License—Suspension.

The Director or his designee may suspend an emergency wrecker company license without notice or a hearing for a period not to exceed ten (10) days or if the deficiency is detrimental to public safety then for a period of time until the deficiency is corrected, for one (1) or more of the following reasons:

- (1) Failure of the licensee to maintain his wrecker or equipment in a good and safe working condition.
- (2) Violation by the licensee or an employee of the licensee of a provision of this article or of the rules and regulations established for emergency wrecker service by the applicable law enforcement agency and the Director.
- (3) Failure of the licensee's wrecker to arrive at the location of a wrecked or disabled vehicle within the prescribed time after having been notified to do so by the applicable law enforcement agency.
- (4) Conviction of an emergency wrecker driver of a provision of the motor vehicle or traffic laws of this state or city while in the scope of his employment in the emergency wrecker service.

(Ord. No. O-03-09, § 2, 2-27-2003)

Sec. 30-112. License—Appeal from refusal to issue or renew; from decision to revoke.

If the Director approves or denies issuance of an initial license or refuses to approve renewal of a license or revokes a license, the applicant or licensee may file an appeal with the appeals board as described in this article. A licensee may appeal a suspension, which is imposed, by the Director ~~or applicable law enforcement agency~~ in the following manner:

1. A licensee who is suspended by the Director or his designee for three (3) days or less may appeal the suspension by written request to the Director within ten (10) days after written notification of suspension. The Director shall conduct a hearing and may sustain, reverse, or modify the action appealed. The action of the Director is final.
 2. A licensee who is suspended by the Director ~~or the applicable law enforcement agency~~ for more than three (3) days may appeal the suspension to the appeals board. A written request to the Director must be made within ten (10) days after written notice to the licensee.
 - a. The appeals board shall set a time, date, and place for a hearing and the licensee will be notified at least three (3) days prior to the hearing.
 - b. The appeals board may sustain, reverse, or modify the action appealed. The action of the appeals
-

board is final.

(Ord. No. O-03-09, § 2, 2-27-2003)

Sec. 30-113. License—Revocation.

The Director may revoke an emergency wrecker company license upon notice and hearing for one (1) or more of the following reasons:

- (1) The making of any false statement as to a material matter in an application for a license, license renewal, or in a hearing concerning a license.
- (2) Use by the licensee of a trade name for his emergency wrecker company other than the one (1) registered with the Director.
- (3) Suspension of a licensee's emergency wrecker company license on three (3) occasions within twelve (12) months for more than three (3) days on each occasion.
- (4) Suspension of a licensee's emergency wrecker company's license for a deficiency that is detrimental to public safety and twenty (20) days have elapsed without a correction of the deficiency.
- (5) A licensee or his employee is under indictment or convicted of a crime involving theft, unauthorized use of a motor vehicle, burglary of an automobile, or receiving and concealing stolen property, homicide, attempted homicide, aggravated assault with a motor vehicle, or driving while under the influence of alcohol or drugs unless five (5) years has elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date.

(Ord. No. O-03-09, § 2, 2-27-2003)

Sec. 30-114. Insurance.

- (a) A licensee shall procure and keep in full force and effect automobile liability insurance and either garage keeper's liability insurance or tow truck cargo insurance written by an insurance company approved by the State of Texas and acceptable to the city and issued in the standard form approved by the state board of insurance. All provisions of each policy must be acceptable to the city. The insured provisions of each policy must name the city and its officers and employees as additional insured and the coverage provisions must provide coverage for any loss or damage that may arise to any person or property by reason of the operation of an emergency wrecker service by the licensee.
- (b) The automobile liability insurance must provide combined single limits of liability for bodily injury and property damage of not less than five hundred thousand dollars (\$500,000.00) for each occurrence, or the equivalent, for each motor vehicle used by the licensee, with a maximum deductible not to exceed the limits allowed by the Texas Safety Responsibility Act. Aggregate limits of liability are prohibited.
- (c) The garage keeper's liability insurance or the tow truck cargo insurance, whichever is maintained, must provide limits of liability for any one loss of not less than twenty-five thousand dollars (\$25,000.00) for each light duty emergency wrecker and fifty thousand dollars (\$50,000.00) for each heavy duty emergency wrecker. The garage keeper's liability insurance must include a provision for direct primary coverage.
- (d) If a vehicle is removed from service, the licensee shall maintain the insurance coverage required by this section for the vehicle until the Director receives satisfactory proof that all evidence of operation as an emergency wrecker has been removed from the vehicle.
- (e) Insurance required under this section must include:
 - (1) A cancellation provision in which the insurance company is required to notify the Director in writing not fewer than thirty (30) days before canceling, failing to renew, or making a material change to the insurance policy; and
 - (2) A provision to cover all vehicles, whether owned or not owned by the licensee, operated under the license.
 - (3) Reserved.
 - (4) A license will not be granted or renewed unless the applicant or licensee furnishes the Director with such proof of insurance as the Director considers necessary to determine whether the applicant or licensee is adequately insured under this section.
 - (5) If the insurance of a licensee lapses or is cancelled and new insurance is not obtained, the Director may suspend the license until the licensee provides evidence that insurance coverage required by this section has been obtained. A person shall not operate an emergency wrecker service while a license is suspended under this section whether or not the action is appealed.

(Ord. No. O-03-09, § 2, 2-27-2003)

Sec. 30-115. Powers and duties of the Director.

In addition to the powers and duties elsewhere prescribed in this article, the Director is authorized to:

- (1) Administer and enforce all provisions of this article;
- (2) Keep records of all licenses issued, suspended or revoked;
- (3) Keep records of all authorized emergency vehicles;
- (4) Adopt rules and regulations, after reasonable notice to the licensees, not inconsistent with the provisions of this article, with respect to the form and content of applications for licenses, the receipt thereof, the investigation of applicants, and other matters incidental or appropriate to his power and duties as may be necessary for the proper administration and enforcement of the provisions of this article;
- (5) Adopt new emergency wrecker procedures for experimentation on a temporary basis, after reasonable notice to the licensees;
- (6) Conduct, when appropriate, periodic investigations of emergency wrecker companies.
- (7) Require periodic reports as necessary to evaluate each emergency wrecker company's operations.

(Ord. No. O-03-09, § 2, 2-27-2003)

Sec. 30-116. Powers and duties of the applicable law enforcement agency.

In addition to the powers and duties elsewhere prescribed in this article, the applicable law enforcement agency is authorized to:

- (1) Enforce all provisions of this article;
- (2) Conduct, when appropriate, periodic investigations of emergency wrecker companies throughout the city; and
- (3) Keep records of service adequacy and responsiveness of licensees and provide these records to the Director upon request.
- (4) Report to the Director of any grounds for suspension or revocation of a license under this Article observed or documented by a member of the law enforcement agency.

(Ord. No. O-03-09, § 2, 2-27-2003)

Sec. 30-117. Wrecker rotation list procedure.

- (a) An emergency wrecker being called from the wrecker rotation list is referred to as the duty-wrecker. When an emergency wrecker is needed, the investigating police officer will communicate the need for an emergency wrecker immediately to police department dispatch center. On receiving the first communication, the dispatcher must call the emergency wrecker company on duty at that time, to remove the vehicle to a place designated by the applicable law enforcement agency. If additional equipment is required after the duty wrecker's resources are exhausted the dispatcher will call the next wrecker on the rotation list.
- (b) If the investigating police officer or the dispatcher determines that use of the wrecker rotation list procedure would result in unreasonable delay in clearing the street, the nearest emergency wrecker may be called as an alternative to use of the procedure.
- (c) A heavy-duty wrecker may be called to the scene of an accident under the following circumstances:
 - (1) The accident involves a tandem axle drive tractor.
 - (2) A safety officer or other appropriate official of a damaged vehicle's company requests a heavy duty wrecker unless honoring the request would result in unreasonable delay in clearing the street.
 - (3) The investigating police officer determines that a heavy-duty wrecker is required. The rotation procedure in this article applies to heavy-duty wreckers as well as all other wreckers.

(Ord. No. O-03-09, § 2, 2-27-2003)

Sec. 30-117.01. Wrecker rotation list execution.

- (a) The city will maintain a yearly list of emergency wreckers who are on rotation in June.
 - (b) Every Friday the Director will notify the police dispatcher the assigned wrecker for the rotation period beginning the next Monday morning at 8:00 a.m. and their assigned backup, as well as heavy duty wrecker on call. This procedure will continue through the rotation wreckers on the list until all have had a period of rotation.
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(Ord. No. O-08-11, § 5, 3-27-2008)

Sec. 30-117.02. Suspension/termination from rotation system.

- (a) The Director may, without notice and hearing, suspend a rotation wrecker service from the rotation system for any violation of a contract, any applicable city ordinance, any applicable civil statute, or any policy adopted by the Director under authority of city ordinance or a contract, or for any criminal offense committed by the service or by any driver, employee or agent of the service, in the course of providing services, whether or not the services are being performed as part of a rotation system call.
- (b) A rotation wrecker that is suspended who is suspended by the Director for three (3) days or less may appeal the suspension by written request to the Director within ten (10) days after written notification of suspension. The Director shall conduct a hearing and may sustain, reverse, or modify the action appealed. The action of the Director is final.
- (c) A rotation wrecker who is suspended by the Director for more than three (3) days may appeal the suspension to the appeals board. A written request to the Director must be made within ten (10) days after written notice to the licensee.
 - (1) The appeals board shall set a time, date, and place for a hearing and the licensee will be notified at least three (3) days prior to the hearing.
 - (2) The appeals board may sustain, reverse, or modify the action appealed. The action of the appeals board is final.

(Ord. No. O-08-11, § 5, 3-27-2008)

Sec. 30-117.03. Emergency situations.

When emergency conditions necessitate, the city reserves the right to request the services of the emergency wrecker service who, in the city's sole opinion, is the best able to handle the situation and/or can reach the scene most expeditiously, regardless of the emergency wrecker service position on the rotation log. If a dispatch is made under these circumstances, the emergency wrecker service making such a response will not forfeit its respective position on the rotation.

(Ord. No. O-08-11, § 5, 3-27-2008)

Sec. 30-118. Requirements and operating procedures for emergency wrecker service.

- (a) An emergency wrecker company licensee shall comply with the following requirements and procedures:
 - (1) Maintain twenty-four-hour wrecker service.
 - (2) Arrive at the accident within a reasonable time after having been notified to do so by the applicable law enforcement agency, such response time generally not to exceed twenty-five (25) minutes.
 - (3) Deliver, in every instance, the wrecked or disabled vehicle to a location designated by the applicable law enforcement agency.
 - (4) Emergency wrecker that do not comply with State of Texas Motor Vehicle Laws is not allowed to participate in the wrecker rotation list.
 - (5) Report to the Director all changes in emergency wreckers and equipment used in the licensee's emergency wrecker service and render all additional vehicles for inspection by the Director.
 - (6) Employ emergency wrecker drivers who are not habitual violators of the traffic laws.
 - (7) Upon arrival at the scene of an accident, promptly clear the wreckage and debris from the traveled portion of the roadway or confine it to the smallest possible portion of the traveled roadway while removal is taking place and in a manner to minimize the duration of interference with normal traffic flow and completely remove from the site of the accident all resulting wreckage or debris, including all broken glass, but excluding truck or vehicle cargoes, before leaving the site.
 - (8) Nothing in this article shall be construed to permit operation of a wrecker as an authorized emergency vehicle.

(Ord. No. O-03-09, § 2, 2-27-2003)

Sec. 30-119. Disposition of towed vehicles.

A vehicle towed under the provisions of this article will be kept at a place designated by the applicable law

enforcement agency until application for the vehicle's redemption is made by the owner or an authorized agent who will be entitled to the possession of the vehicle upon payment of all costs of removal and storage that may have accrued. If the owner or an authorized agent does not redeem the vehicle, the vehicle will be disposed of in a manner prescribed by law.

(Ord. No. O-03-09, § 2, 2-27-2003)

Sec. 30-120. Maximum fees to be charged for emergency wrecker service or nonconsensual tows.

The maximum fees charged by permit holders performing emergency wrecker service or nonconsent tows shall be set by resolution of the city council and shall reflect fair value of towing services. Itemized receipts shall be provided to owners or operators at the time payment of tow related fees is made. Violations of this provision may result in suspension or removal from the tow rotation list, and criminal penalties against the offender.

Towing fees may be reviewed by the city council once annually upon request of a tow company. A towing fee study shall be performed in conjunction with this review.

(Ord. No. O-05-03, § 2, 2-10-2005)

PASSED, APPROVED AND ADOPTED this the ____ day of _____ 2022.

AYES: _____

NOES: _____

ABSTAINED: _____

APPROVED:

CHAIRMAN OF THE CITY COUNCIL
OF THE CITY OF MARSHALL, TEXAS

ATTEST:

CITY SECRETARY

ITEM 6B

ORDINANCE

**CONSIDER APPROVAL OF AN
ORDINANCE AMENDING CHAPTER 27,
ARTICLE IA – PARKING GENERALLY
OF THE CITY OF MARSHALL CODE OF
ORDINANCES**



CITY OF MARSHALL

COUNCIL AGENDA INFORMATION SHEET

MEETING DATE: 2/24/2020

PROJECT: Parking Ordinance Amendment

DESCRIPTION: The school district has requested a no parking zone on Five Notch Road from Dunbar Street south to the dead end beside the Marshall High School parking lot. The City Attorney recommended one other amendment.

COST: Signage on Five Notch Road

RECOMMENDED

ACTION: Approve amended ordinance

CITY CONTACT: Chief of Police

cc: File

ORDINANCE _____

WHEREAS, the City of Marshall has adopted an ordinance governing parking within the corporate city limits of Marshall, TX.

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

ARTICLE IA. PARKING GENERALLY

Sec. 27-8. Any person, firm or corporation violating any provision of this Article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum not to exceed two hundred dollars (\$200.00)

Sec. 27-9. Leaving vehicles unattended, maximum length of time; penalty for violation.

- (a) For the purposes of this section, "vehicle" shall be defined as including automobiles, trailers or any instrument used for the transportation of property or persons upon the public streets of the city.
 - (b) It shall be unlawful for any person to park or permit a vehicle to remain standing on a public street of the city for a longer period of time than twenty-four (24) hours.
 - (c) Any person, firm or corporation violating any provision of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum not to exceed two hundred dollars (\$200.00)
- (Ord. of 11-26-47, § 1; Ord. No. O-79-48, §§ 1, 2, 12-13-79)

Sec. 27-10. Parking near a fire.

No vehicle, other than fire apparatus, shall park within two (2) blocks of a burning building or at a fire which is being fought by the fire department.
(Ord. of 9-11-23, § 5)

Sec. 27-11. Parking for repairs.

No vehicle shall be parked upon the streets for the purpose of receiving repairs, except in cases of emergency.
(Ord. of 9-11-23, § 24)

Sec. 27-12. Parking for purpose of advertising vehicle for sale.

No vehicle shall be parked upon a street for the purpose of advertising such vehicle for sale.

(Ord. of 9-11-23, § 25)

Cross reference(s)—Advertising generally, § 21-1 et seq.

Sec. 27-13. Position—With reference to painted lines.

Each operator of a motor vehicle, when parking such motor vehicle on a space that has been designated by painted lines on the pavement of the streets and public squares of the city, shall so park such motor vehicle as to be between the lines designated for such parking space, and shall not park such motor vehicle so as to occupy any part of more than one (1) designated parking space, and insofar as practical shall park such motor vehicle parallel to the lines so designating such parking space.

(Ord. of 5-9-46, § 1)

Cross reference(s)—Parking not within the painted limits of the parking meter spaces prohibited, § 27-18.

Sec. 27-14. Same—With reference to curb or edge of roadway.

- (a) *Roadway defined.* The word roadway, as used in this section, means that portion of a street or highway improved, designed or ordinarily used for vehicular traffic.
 - (b) *Parking close to curb.* No person shall park a vehicle on a roadway other than parallel with and adjacent to the edge of the roadway headed in the direction of lawful traffic movement and with the wheels of the vehicle farthest from the roadway side of the vehicle within eighteen (18) inches of the curb, or where no curb, within eighteen (18) inches of the edge of the roadway, except as otherwise provided in this section.
 - (c) *Designation of angle parking.* The city council shall determine upon what streets angle parking shall be permitted and when such determination is made, such areas shall be marked by lines or by signs.
 - (d) *Angle parking, violations.* Upon those streets and in those areas which have been marked with lines or by signs for angle parking, no person shall park a vehicle other than at the angle to the curb, or in the absence of a curb, the angle to the edge of the roadway indicated by such lines or signs.
- (Ord. of 5-9-46, § 2; Ord. No. O-63-6, § 1, 6-27-63)

Sec. 27-15. Same—Backed up to curb.

It shall be unlawful to allow any vehicle to stand backed up to the curb, except when actually loading or unloading.
(Ord. of 9-11-23, § 39)

Sec. 27-15.1. Reserved.

Editor's note(s)—The provisions of Ordinance No. O-82-102, adopted Dec. 9, 1982, were originally codified as 27-15.1 at the editor's discretion. For classification purposes, this section was redesignated as 27-8.1 at the discretion of the editor.

Sec. 27-15.2. No parking—In designated areas; placement of signs.

- (a) It shall be unlawful for any person to park a motor vehicle or trailer of any weight or size on a roadway or shoulder within the following designated "no parking" zones:
 - (1) North four hundred (400) feet along the western-most shoulder of U.S. Highway 59, beginning with the centerline of Poplar Street.
 - (2) South four hundred (400) feet along the eastern-most shoulder of U.S. Highway 59, beginning with the centerline of Poplar Street.
 - (3) On either the west or the east side of U.S. Highway 59, South between Cox Road and Martin Lake Road.
 - (4) The inside perimeter of the old County Courthouse Square (Peter Whetstone Square). This area is bound on the south by eastbound Houston Street, on the east by northbound Bolivar Street, on the north by westbound Houston Street, and on the west by southbound Wellington Street.
 - (5) The east side of Bolivar Street from an extension of a line from the south curb line of Peter Whetstone Square to the south curb line of East Houston Street.
 - (6) The west side of Wellington Street from an extension of a line from the North curb line of Peter Whetstone Square to the north curb line of West Houston Street.
 - (7) On either the north or south side of West Grand Avenue from a point fifty (50) feet west of the driveway of 3612 West Grand Avenue (La Casa Motel) to a point fifty (50) feet east of the driveway of 3508 West Grand Avenue.
 - (8) On either the north or south side of W. Merritt Street from its intersection with S. Washington Street to its intersection with Elsie Street, except for two (2) parking spaces on the south side of W. Merritt Street beginning approximately one hundred eighty (180) feet west of its intersection with S. Washington Street (said parking spaces to be marked by painted lines and each parking space to be twenty-two (22) feet in length and eight (8) feet in width).

- (9) On either the north or south side of Johnson Street from its intersection with East End Boulevard (US Hwy 59) to its intersection with S. Garrett Street.
 - (10) On either the west side or the east side of U.S. Highway 59 South between the 2300 Block to the 2500 Block of South Highway 59.
 - (11) On either the east or west side of Evans Street from its intersection with Herndon Street to its intersection with Rainey Street.
 - (12) On either the east side or west side of Jasper Drive from its intersection with Fitzgerald to John Reagan between the hours of 7:00 a.m. and 4:00 p.m. on school days.
 - (13) On the west side of Wiley Avenue between University Avenue to Moore Street; in addition it be unlawful for any person to operate, stop or park a vehicle in this same area so as to needlessly, unnecessarily and unwarrantedly block, obstruct or interfere with the orderly flow of traffic, vehicular and/or pedestrian. Proof that such traffic was blocked, obstructed or interfered with shall be prima facie evidence that such blocking, obstructing and interference was needless, unnecessary and unwarranted.
 - (14) Parking shall be limited to a one (1) hour time limit from 8:00 a.m. to 5:00 p.m. Monday through Friday for parking on the west side of South Wellington Street from the intersection with West Bowie Street to a point one hundred (100) feet north of West Bowie Street and on the north side of West Bowie Street from the intersection with South Wellington Street to a point sixty-five (65) feet west of South Wellington Street.
 - (15) On the north side of Moore Street from its intersection with Grove Street to its intersection with Francis Street.
 - (16) On the north side of East Merritt Street and Henley Perry Drive in their entirety.
 - (17) The east and west side of the 1500 and 1600 block of Pecan St. adjacent to MISD property. No parking on school days between the hours of 7:30 a.m. and 4:00 p.m.
 - (18) 1400 block of Five Notch Road East and West from the 1600 block of Dunbar Street South to the dead end. No Parking on school days between the hours of 7:30 AM. and 4.00 PM. This area will be enforced by citation or towing.
- (b) *Exception:* The following are deemed to be exceptions to this ordinance [subsections (a)(4)—(6)] and parking in strict compliance herewith shall not be unlawful or in violation of this section:
- (1) The inset area north of the Old Courthouse is designated as a parking and waiting area for licensed taxicab only; and
 - (2) The inset area south of the Old Courthouse is designated for tour bus parking only.
- (c) The city will place, or cause to be placed, signs to specifically designate "no parking" zones.
- (Ord. No. O-84-76, §§ 1, 2, 10-11-84; Ord. No. O-85-75, §§ 1—3, 10-24-85; Ord. No. O-86-30, § 1, 7-24-86; Ord. No. O-96-24, 10-24-96; Ord. No. O-02-27, 8-22-2002; Ord. No. O-07-02, § 2, 1-25-2007; Ord. No. O-08-01, § 2, 1-24-2008; Ord. No. O-09-14, § 2, 8-17-2009; Ord. No. O-09-22, § 2, 11-10-2009; Ord. No. O-11-04, § 2, 3-10-2011; Ord. No. O-12-05, § 2, 3-22-2012; Ord. No. O-18-18, § 2, 9-27-2018; Ord. No. O-21-10, § 1, 5-27-2021)
- Editor's note(s)—Sections 1, 2 of Ord. No. O-84-76, adopted Oct. 1, 1984, amended Ch. 27 of the Code by adding the provisions set out above, but did not specify the exact manner of inclusion; hence, the substantive provisions of the ordinance were codified as § 27-15.2 at the editor's discretion. Subsequently, Ord. No. O-85-75, §§ 1—3 adopted Oct. 24, 1985 and Ord. No. O-86-30, § 1, adopted July 24, 1986, not specifically amendatory of the Code, were also included in § 27-15.2.

Sec. 27-15.3. Commercial vehicle parking.

- (a) *Definitions.* For the purpose of this section, the following terms shall carry the meanings as set out below:
- Commercial vehicle* shall mean truck-tractor, road tractor, semi-trailer, bus, truck or trailer or any other commercial vehicle with a rated carrying capacity of ten (10) tons or

more and the length of thirty-five (35) feet or more according to the manufactures classification.

Integral part of a lawfully zoned business shall mean the operation and use of a commercial vehicle to deliver merchandise, or transport tools, equipment or supplies necessary to the operation of the lawfully zoned business and other uses of a commercial vehicle without which the operation of said business would be substantially hindered. Remote and incidental uses of a commercial vehicle in connection with a business, such as advertising, name exposure and promotion, except where such is specifically permitted by the zoning ordinance, shall not be deemed use as an integral part of such business.

Standard truck parking area shall mean a designated parking area at a motel or hotel within the city that meets the criteria for parking lot design for truck parking established by the city as follows:

- (1) Minimum six-inch lime stabilized subgrade with six-inch reinforced concrete pavement;
 - (2) Minimum approach width of forty (40) feet for two-way driveway and twenty-five (25) feet for one-way entrance or exit with minimum thirty-foot curb return radii on driveway approaches; and
 - (3) Minimum twenty-five-foot turning radii.
- (b) *Parking of commercial vehicles prohibited—Public streets, alleys, etc.* It shall be unlawful for any owner or person in control of a commercial vehicle, as defined herein, to leave, park or stand, or permit the leaving, parking or standing of such vehicle upon any public street, alley, parkway, boulevard or other property owned or controlled by any unit of government, except that this section shall not apply to:
- (1) Commercial vehicles while being used for street construction, maintenance or repair;
 - (2) Commercial vehicles being utilized by a company engaged in extending public service utilities;
 - (3) Passenger buses taking on or discharging passengers at an approved bus stop;
 - (4) A commercial vehicle parked in a loading zone for the purpose of loading or unloading freight or merchandise to a lawfully zoned business;
 - (5) A commercial vehicle parked for the purpose of expeditiously delivering or picking up merchandise to or from a specific designated location or loading or unloading personal property to or from a specific designated location; and
 - (6) A commercial vehicle experiencing a mechanical defect making it unsafe or impossible to proceed, for such period of time as emergency repairs are made or, if repairs cannot be made in a timely manner, until a tow truck arrives.
- (c) *Parking of commercial vehicles prohibited—Residential areas.* It shall be unlawful for any owner or person in control of a commercial vehicle, to leave, park, or stand, or permit the leaving, parking, or standing of such vehicle within any area of the city zoned residential according to the Marshall Zoning Ordinance, except that this section shall not apply to a commercial vehicle parked for the purpose of expeditiously delivering or picking up merchandise to or from a specific designated location or loading or unloading personal property to or from a specific designated location while in the normal course of business for which the commercial vehicle operates.
- (d) *Parking of commercial vehicles—Within certain zoning districts.* It shall be unlawful for any owner or person in control of property described herein to leave, park, or stand a commercial vehicle, or permit the leaving, parking, or standing of a commercial vehicle upon property within an area zoned nonresidential according to the Marshall Zoning Ordinance, except where one or more of the following conditions exist:
- (1) The commercial vehicle is parking upon an approved parking surface within an area zoned industrial according to the Marshall Zoning Ordinance.
 - (2) The commercial vehicle is parked or standing for the purpose of expeditiously loading and unloading passengers, freight, or merchandise.
 - (3) The commercial vehicle is parked at a lawfully zoned business establishment, wherein such commercial vehicle is utilized as an integral part of such lawfully zoned business with an approved certificate of occupancy.

- (4) The commercial vehicle is a passenger bus parked on a parking lot in an area designated by the owner of the parking lot for the parking of buses, and with the consent of the owner during such period as the bus passengers are attending an event at a facility zoned for such activities, or are customers at a retail center or in the case of a hotel or motel, during such periods of time that the bus passengers are customers of the hotel or motel.
- (5) The commercial vehicle parked is parked in a designed area at an exhibit hall, convention center, entertainment, or similar facility when the commercial vehicle is involved in the delivery and removal of equipment, products, merchandise, livestock or other items to and from the facility.
- (6) The commercial vehicle is truck or trailer being driven by an individual who has rented the vehicle from a commercial business for the purpose of transporting personal property from one (1) location to another, and parked for less than twenty-four (24) hours at a motel or hotel while the driver is a customer of the hotel or motel.
- (7) The commercial vehicle is parked in a truck parking area at a motel or hotel within the city, which has been specifically approved for truck parking by the city council in accordance with the procedures and standards set out below:
 - a. *Application:* An application containing the following information shall be submitted:
 1. Specific identification of the property for which the request is made;
 2. A detailed site plan of the property showing dimensions and indicating the area(s) for which truck parking is being requested;
 3. The maximum number of trucks the proposed area will accommodate;
 4. Description and identification of the location of proposed screening and buffering; and
 5. Other information relevant to the request.
 - b. *Notification and hearing:* Prior to making a determination concerning the application, the city council will hold a public hearing to receive input from the applicant, adjoining property owners and other interested persons. Owners of property abutting the property described in the application, including those properties separated by a street or alley, shall be provided written notifications at least ten (10) days prior to the consideration of the application. Adjoining owners shall be informed of the applicant's request for a truck parking area and be given the opportunity to respond in writing and/or in person at the public hearing.
 - c. *Application review for new hotel or motel:* A determination of approval or denial by the city council shall be based upon an evaluation of the purpose and justification for a truck parking area as stated in the application; the location of the property and proposed parking area in relationship to existing, proposed, and potential uses in the area; the ability to reasonably accommodate truck parking and maneuvering on the site; and other factors affecting onsite circulation and off-site impact. The decision of the city council shall be final. City council approval of a truck parking area at a new hotel or motel will include specific number of trucks that may be parked in the approved area and require the construction of a standard truck parking area.
 - d. *Application review criteria for an existing hotel or motel:* In addition to the criteria set forth for the determination of approval or denial for a new hotel or motel, an existing motel or hotel must demonstrate that their existing parking lot can support and accommodate the use and maneuvering of trucks, that truck traffic will not greatly impact the area, and that requirements concerning the number of spaces required for passenger vehicles will continue to be met. The decision of the city council shall be final. City council approval of a truck parking area at an existing hotel or motel will include the number of trucks that may be parked in the

approved area. The provisions of this section shall not affect truck parking previously approved before the passage of this section.

(e) *Parking of commercial vehicles—Not to affect truck route regulations.*

Notwithstanding the provisions of this division, it shall be unlawful for the operator of any tractor-trailer combination commercial vehicle commonly known as an "eighteen wheeler" to operate such vehicle in violation of any provision of the City Code relating to truck routes.

(Ord. No. O-20-06 , § 3, 2-27-2020)

PASSED, APPROVED AND ADOPTED this the _____ day of _____ 2022.

AYES: _____

NOES: _____

ABSTAINED: _____

APPROVED:

CHAIRMAN OF THE CITY COUNCIL
OF THE CITY OF MARSHALL, TEXAS

ATTEST:

CITY SECRETARY

ITEM 6C

ORDINANCE

**CONSIDER APPROVAL OF AN
ORDINANCE AMENDING CHAPTER 11A
EMERGENCY ALARMS OF THE CITY OF
MARSHALL CODE OF ORDINANCES**



CITY OF MARSHALL

COUNCIL AGENDA INFORMATION SHEET

MEETING DATE: 2/24/2020

PROJECT: Emergency Alarm Ordinance Amendment

DESCRIPTION: Amend Emergency Alarm Ordinance to reflect current practices.

COST: None

RECOMMENDED

ACTION: Approve amended ordinance

CITY CONTACT: Chief of Police

cc: File

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARSHALL, TEXAS AMENDING CHAPTER 11A OF THE CODE OF ORDINANCES, OF THE CITY, ENTITLED “EMERGENCY ALARMS”, BY AMENDING PERMIT FEES TO ALLOW FOR A REDUCED FEE FOR PERSONS 65 YEARS OF AGE AND OLDER; DEFINING AN EXCESSIVE NUMBER OF FALSE ALARMS; AND ESTABLISHING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY MARSHALL, TEXAS: THAT CHAPTER 11A OF THE CODE OF ORDINANCES OF THE CITY OF MARSHALL, TEXAS IS HEREBY AMENDED AS FOLLOWS:

Section 1. That Section 11A-2 of the Code of Ordinances of the City of Marshall, Texas entitled “*Permit – Required; application, transfer and false statements*” is hereby amended as follows:

Subsection (e) amended as follows:

- (2) An alarm permit Shall expire one year from the date of issuance

Subsection (f) amended as follows:

- (f) The Police Department alarm permit administrator shall issue a permit to the person in control of the property to be protected upon submission in person or by mail of a completed application and payment of the appropriate fee, unless any statement made on the application is incomplete or false.

Sec. 11A-4. Same—Suspension.

- (a) The Police Department alarm permit administrator may suspend or refuse to renew an alarm permit for any violation of this chapter.
- (b) The Police Department alarm permit administrator shall suspend or refuse to renew an alarm permit if an alarm system generates an excessive number of an excessive number shall be four or more false alarms in a month or eight or more false alarms in a twelve-month period
- (c) A person commits an offense if he operates an alarm system during a period of suspension or after Police Department alarm permit administrator refuses to renew their permit.
- (d) A permit suspended under the provisions of this section may be reinstated or a permit renewed by the Police Department alarm permit administrator after the person sufficiently shows that the conditions which caused the action have been corrected and it has been reasonably determined that the alarm system will be maintained and operated in a manner in accordance with the provisions of this chapter.

PASSED AND APPROVED AND ADOPTED this _____ day of _____, 2022.

AYES: _____
NOES: _____
ABSTAINED: _____

Amy Ware, Chairman

Nikki Smith
City Secretary

ITEM 6D

ORDINANCE

**CONSIDER APPROVAL OF AN
ORDINANCE AMENDING CHAPTER 19A-
2 – CITY MARSHAL OF THE CITY OF
MARSHALL CODE OF ORDINANCES**



CITY OF MARSHALL

COUNCIL AGENDA INFORMATION SHEET

MEETING DATE: 2/24/2020

PROJECT: City Marshal Office

DESCRIPTION: The City Marshal's Office was effectively renamed in 2020 and the duties of that position were transferred to the Police Department. The Ordinance pertaining to the City Marshal was never amended.

COST: None

RECOMMENDED

ACTION: Approve amendment to ordinance and abolish the City Marshal's Office.

CITY CONTACT: Chief of Police

cc: File

Ordinance _____

AN ORDINANCE OF THE CITY OF MARSHALL AMENDING CHAPTER 19A “MUNICIPAL COURTS”, SECTION 19A-2. “CITY MARSHAL” TO CHANGE THE NAME OF THAT SECTION TO 19-A-2 “COURT SERVICES OFFICER” AND TO REQUIRE THE MARSHALL POLICE DEPARTMENT TO PROVIDE A COURT SERVICES OFFICER TO THE MUNICIPAL COURT.

WHEREAS, the City of Marshall Code of Ordinances, Chapter 19A, entitled “Municipal Court in Sec. 19A-2, entitled “City Marshal” establishes the office of a City Marshal to serve the Municipal Court as its bailiff and to serve warrants or other process issued by the Municipal Court Judge;

AND WHEREAS the Council for the City of Marshall has determined that the office of City Marshal should be abolished, and that the Marshall Police Department, through a designated Court Services Officer, should undertake the duties formerly assigned to the City Marshal;

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

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

Section 2. That City of Marshall Code of Ordinances, Chapter 19A, entitled “Municipal Court” in Sec. 19A-2, entitled “City Marshal” is amended to read as follows in its entirety:

“Sec. 19A-2. Court Services Officer.

(a) Establishment. The City of Marshall Police Department shall designate a Court Services Officer to serve the needs of the Municipal Court. The Court Services Officer shall meet all qualifications necessary to be certified as a peace officer by the Texas Commission on Law Enforcement Officers Standards and Education.

(b) Duties. The Court Services Officer, acting under the direction of the court administrator and the Chief of Police, shall perform the following duties:(1)Execute warrants of arrest, subpoenas and other legal process issuing out of the municipal court;(2)Execute other warrants of arrest, subpoenas and legal process as determined by the municipal court administrator;(3)Serve as bailiff in the municipal court and duties incident thereto;(4)Perform such other duties as are delegated by the municipal court administrator; and,(5)Perform such other duties as are authorized or required of the city marshal under or by virtue of state law.

(c) Authority. (1)The Court Services Officer shall have full police authority in the exercise of his assigned duties; however, he shall not be assigned the duties which are presently assigned to other members of the police department of the city that would interfere with his service to the Municipal Court. (2)The Court Services Officer is a member of the police department of the city and shall be covered under the municipal civil service provisions of the Local Government Code Chapter 143, with all of the rights and benefits accruing thereto.”

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

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

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

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

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

PASSED, APPROVED AND ADOPTED ON THIS _____ DAY OF _____, 2022.

AYES: _____
NAYES: _____
ABSTAINED: _____

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

ATTEST:

Nikki Smith, Acting City Secretary

ITEM 6E

ORDINANCE

**CONSIDER APPROVAL OF AN
ORDINANCE ESTABLISHING A ONE-
TIME SIGNING BONUS FOR POLICE
OFFICERS**

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF MARSHALL CODE OF ORDINANCES, CHAPTER 2 “Administration”, ARTICLE I “In General” BY ADDING A NEW SECTION 2-4.2 “Lateral Entry for experienced police officers” PROVIDING FOR SPECIAL SENIORITY PAY FOR NEWLY-HIRED POLICE OFFICERS WITH PRIOR FULL-TIME PAID LAW ENFORCEMENT EXPERIENCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Marshall has adopted Chapter 143 of the Local Government Code, or "Civil Service"; and

WHEREAS, the City Council has the authority, under Chapter 143 and specifically §143.041, to set seniority pay for classified positions; and

WHEREAS, law enforcement personnel with experience as full-time paid officers can provide valuable service to the City and can meet leadership requirements of the department, as experience in law enforcement is an important factor in predicting the success of police officers; and

WHEREAS, the City of Marshall seeks to recruit such experienced law enforcement personnel; and

WHEREAS, providing seniority pay as described below will assist the City of Marshall in recruiting experienced personnel; and

WHEREAS, the opportunity to advance is a crucial part of the attractiveness of the Marshall Police Department as a destination for experienced officers, which opportunity has been frustrated by the previous structure of the system of hiring; and

WHEREAS, the reduced pay for an officer on probation, while appropriate for entry level officers, creates an unnecessary disincentive to experienced officers who may otherwise be willing to join the Department; and

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

SECTION 1. The Code of Ordinances of the City of Marshall, Texas, is hereby amended by amending Chapter 2 “Administration”, Article I “In General” in part by adding *Section 2-4.2 Lateral Entry for experienced police officers*, to read as follows:

“Sec. 2-4.2 Lateral Entry for experienced police officers”

- A. Police officers hired after February 23, 2022, who possess full-time paid law experience will be placed on the City of Marshall's Police Department step plan.
- B. The Pay Scale for Officers hired under this Ordinance shall be based on the following:

Officers with a minimum of two years full-time paid experience with any state, county, or municipal law enforcement agency in the United States that has 15 or more full-time paid officers shall be deemed to have one year of experience for each year served with those law enforcement agencies, up to a maximum of seven transferable years.

- C. Officers hired under the provisions of this ordinance are eligible for placement in the Step Pay System according to seniority calculated pursuant to paragraph B above, as of the date of hire, and are eligible for any available Step Pay System increases after one year of continuous employment.
- D. Officers hired under the provisions of this ordinance will serve a one-year probationary period. However, the compensation paid to officers will be determined as provided for in paragraphs B and C of this section, during the probationary period.

- E. The effective date of this ordinance is February 23rd, 2022, and will be effective until repealed by the City Council.
- F. Officers meeting the standards defined in paragraph B of this section may, at the discretion of the chief of police, receive a one-time hiring bonus of \$5,000. The awarding of the hiring bonus will be at the discretion of the Chief of Police determinate upon the needs of the Police Department at the time of hiring.

SECTION 2. All ordinances of the City of Marshall in conflict with the provisions of this ordinance shall be, and the same are hereby, repealed; provided, however, that all other provisions of said ordinances not in conflict herewith shall remain in full force and effect. Nothing contained herein shall be construed to conflict with the Chapter 143 of The Texas Local Government Code, or any other state and/or federal law governing the same.

SECTION 3. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 4. This ordinance shall take effect immediately from and after its passage and publication of the caption as required by law.

PASSED AND APPROVED this _____ day of _____, 2022.

AYES: _____
NOES: _____
ABSTAINED: _____

CHAIRMAN OF THE CITY COUNCIL
OF THE CITY OF MARSHALL, TEXAS

ATTEST:

City Secretary

ITEM 7A

RESOLUTION

**CONSIDER APPROVAL OF A
RESOLUTION CALLING FOR THE
CANCELLATION OF THE 2022 CITY
GENERAL ELECTION FOR DISTRICTS 6
AND 7**

Memorandum

To: City Council

From: Nikki Smith, City Secretary

Date: February 16, 2022

Re: Cancellation of City General Election for Districts 5 and 6

Councilmembers Amanda Abraham and Micah Fenton, candidates for re-election to City Council Districts 6 and 7 are unopposed for the upcoming May 7, 2022 General Election.

Attached is a Resolution that would cancel the General Election for Districts 6 and 7 and declare the unopposed candidates elected.

It is my recommendation that the City Council adopt the attached Resolution cancelling the General Election for Districts 6 and 7 and declare Councilmembers Amanda Abraham and Micah Fenton re-elected.

**R-22-
RESOLUTION
ORDER AND NOTICE OF CANCELLATION OF CITY GENERAL ELECTION
FOR DISTRICTS 6 AND 7**

To the Resident Qualified Voters of the City of Marshall, Texas:

WHEREAS, a general election was ordered to be held on May 7, 2022, by the City Council on the 27th day of January 2022, to elect Councilmembers from Districts 5, 6 and 7; and

WHEREAS, the deadline for filing an application for a place on the ballot was February 18, 2022 at 5:00 PM; and,

WHEREAS, the deadline for write-in candidates to file declarations of write-in candidacy was February 22, 2022 at 5:00 PM; and,

WHEREAS, the City Secretary of the City of Marshall has certified the unopposed status of Amanda Abraham and Micah Fenton.

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

1.

That the general election to be held in the City of Marshall, Texas, on the 7th day of May, 2022, at which election candidates for the office of Councilmember District 6 and 7 was to be submitted to the resident qualified voters of said City for their action thereon is hereby canceled.

2.

In accordance with Section 2.053 of the Texas Election Code, the following unopposed candidates are hereby declared duly elected to the respective offices shown:

Amanda Abraham, City Councilmember District 6
Micah Fenton, City Councilmember District 7

3.

A copy of this Resolution signed by the Chairman of the City Council and attested by the City Secretary shall serve as proper notice of cancellation of said general election. The City Secretary is authorized and directed to post on Election Day a properly executed copy of said Notice of Cancellation of City General Election at City Hall and at each polling place that would have been used had the election not been cancelled.

PASSED, APPROVED, AND ADOPTED this _____ day of February 2022.

AYES: _____

NOES: _____

ABSTAINED: _____

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

ATTEST:

CITY SECRETARY

**R-22-
RESOLUCIÓN
ORDEN Y AVISO DE CANCELACIÓN DE LA CIUDAD DE ELECCIÓN GENERAL
PARA LOS DISTRITOS 6 Y 7**

A los votantes calificados residentes de la Ciudad de Marshall, Texas:

CONSIDERANDO, que las elecciones generales se le ordenó que se celebrarán el 7 de mayo de 2022, por la Consejo de la Ciudad en el día 27 de enero de 2022, para elegir a comisarios de los distritos 5, 6, y 7, y

CONSIDERANDO, que el plazo para la presentación de una solicitud para un lugar en la boleta electoral fue 18 de febrero 2022 a las 5:00 pm: y,

CONSIDERANDO, que el plazo para la amortización de los candidatos a presentar declaraciones de escritura en la candidatura fue 22 de febrero 2022 a las 5:00 pm: y,

CONSIDERANDO, el Secretario Municipal de la Ciudad de Marshall ha certificado el estado sin oposición de Amanda Abraham y Micah Fenton.

POR LO TANTO, SE RESUELVE POR LA COMISIÓN MUNICIPAL DE LA CIUDAD DE MARSHALL:

1.

Que las elecciones generales que se celebrarán en la ciudad de Marshall, Texas, el día 7 de mayo 2022, en el que los candidatos electorales para el cargo de Consejo de los Distritos 6 y 7 se iba a presentar al residente calificado los votantes de dicha Ciudad por su acción al respecto quedará cancelada.

2.

De conformidad con el artículo 2.053 del Código Electoral de Texas, los siguientes candidatos sin oposición se declaran debidamente electos para los respectivos cargos indicados:

Amanda Abraham, Consejo de la Ciudad del Distrito 6
Micah Fenton, Consejo de la Ciudad del Distrito 7

3.

Una copia de esta Resolución firmada por el Presidente de la Consejo de la Ciudad y certificado por el Secretario de la Ciudad deberá servir como aviso correspondiente de la cancelación de dicha elección general. La Secretaria de la Ciudad se autoriza y ordena publicar en el Día de Elecciones una copia correcta ejecución de dicho aviso de cancelación de la Elección General de la Ciudad en el Ayuntamiento y en cada lugar de votación que se habría utilizado si no la elección fue cancelada.

PASADO, APROBADO Y ADOPTADO este día _____ de febrero de 2022.

SIS: _____

NO: _____

ABSTENIDO: _____

PRESIDENTE DE LA CONSEJO
DE LA CIUDAD DE MARSHALL, TEXAS

ATESTIGUA:

SECRETARIA DE LA CIUDAD

ITEM 7B

RESOLUTION

**CONSIDER APPROVAL OF A
RESOLUTION ANNOUNCING THE
APPOINTMENT OF ELECTION
OFFICERS FOR THE 2022 GENERAL
ELECTION**

Memorandum

To: City Council

From: Nikki Smith, City Secretary

Date: February 16, 2022

Re: Approval of a resolution announcing the appointment of Election Officers
for the May 7, 2022 General Election

Attached is a resolution announcing the appointment of Election Officers for the May 7, 2022 General Election.

RESOLUTION

A RESOLUTION OF THE CITY OF MARSHALL, TEXAS ANNOUNCING THE APPOINTMENT OF ELECTION OFFICERS FOR THE 2022 GENERAL ELECTION.

To the Resident Qualified Voters of the City of Marshall, Texas:

WHEREAS, a 2022 General Election was ordered to be held to elect Councilmembers for Districts 5, 6, and 7; now, therefore,

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

That the following named persons are hereby appointed as election officers for the 2022 General Election to elect a Councilmember from Districts 5, 6 and 7:

<u>DISTRICT NO.</u>	<u>VOTING PLACE</u>	<u>ELECTION OFFICERS</u>
5, 6 and 7	Marshall Convention Center	<u>Steve Woodley</u> Presiding Judge
		<u>Monica Nabors</u> Alternate Judge
		<u>Linda Roach</u> Election Clerk
		<u>Kent Alford</u> Election Clerk

That Steve Woodley is hereby appointed Presiding Judge of the Early Voting Ballot Board with Monica Nabors, Kent Alford and Linda Roach serving as members.

That Steve Woodley will serve as Presiding Judge of the Central Counting Station and Monica Nabors, Kent Alford and Linda Roach will serve as members.

PASSED, APPROVED, AND ADOPTED THIS _____ DAY OF _____, 2022.
AYES: _____
NOES: _____
ABSTAIN: _____

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

ATTEST:

CITY SECRETARY

RESOLUCION

UNA RESOLUCION DE LA CIUDAD DE MARSHALL, TEXAS QUE ANUNCIA LA CITA DE OFICIALES DE ELECCION PARA LAS ELECCIONES GENERALES DE 2022

A los votantes Calificados de la Ciudad de Marshall, Texas:

MIENTRAS QUE, una 2022 Elección General fue ordenada para elegir a Miembros del Consejo para los Distritos 5, 6, y 7; ahora, por lo tanto

SEA ESTO RESUELTO POR LA COMISION DE LA CIUDAD DE MARSHALL:

Que las siguientes personas nombradas por la presente son designadas como oficiales de la elección para las elecciones Generales del 2022 para elegir Comisionado de Distrito 5, 6 y 7:

<u>EL DISTRITO NO.</u>	<u>VOTAR</u>	<u>OFICIALES DE ELECCION</u>
5, 6 y 7	Marshall Convention Center	<u>Steve Woodley</u> Juez que Preside <u>Monica Nabors</u> Juez Alterno <u>Linda Roach</u> Secretaria de Elección <u>Kent Alford</u> Secretaria de Elección

Que Steve Woodley es nombrado Juez Presidiendo la Junta de votación temprana con Monica Nabors, Kent Alford y Linda Roach sirviendo como miembros.

También Steve Woodley servirá como Juez Presidiendo el conteo en la Estación Central y Monica Nabors, Kent Alford y Linda Roach servirá como miembros.

PASADO, APROBADO, Y ADOPTADO EL DIA ____ DE _____ DEL 2022.

SI: _____
No: _____
ABSTENIDO: _____

EL PRESIDENTE DE LA CONSEJO
DE LA CIUDAD DE MARSHALL, TEXAS

ATESTIGUA:

SECRETARIA DE LA CIUDAD

ITEM 7C

RESOLUTION

**CONSIDER APPROVAL OF A
RESOLUTION AUTHORIZING THE
MARSHALL POLICE DEPARTMENT TO
APPLY FOR THE EDWARD BYRNE
MEMORIAL JUSTICE ASSISTANCE
GRANT FOR THE 2023 BUDGET YEAR**



CITY OF MARSHALL

COUNCIL AGENDA INFORMATION SHEET

MEETING DATE:

PROJECT: Marshall PD Crime Scent and Criminal Investigation Equipment Grant

DESCRIPTION: MPD would like to apply for \$37,650.48 in funding for computers and a 3D laser scanner under the Edward Byrne Memorial Justice Assistance Grant which is being administered by the Office of the Governor of Texas.

COST: None to the City

RECOMMENDED

ACTION: Approve a resolution granting permission to apply for the FY 2023 Edward Byrne Memorial Justice Assistance Grant.

CITY CONTACT: Chief Carruth

cc: File

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARSHALL, TEXAS AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION IN THE AMOUNT OF \$37,650.48 FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FOR THE 2023 BUDGET YEAR.

WHEREAS, the Marshall Police Department intends to apply for the Edward Byrne Memorial Justice Assistance Grant, which is being administered by the Office of the Governor or Texas, for the 2023 grant year in the amount of \$37,650.48; and

WHEREAS, the Marshall Police Department intends to use the grant for the purchase of equipment in compliance with the terms and conditions of the grant; and

WHEREAS, the equipment purchased with the grant fund will assist the Marshall Police Department in providing its officers with up to date equipment that is in keeping with modern and current law enforcement standards and practices;

WHEREAS, the City of Marshall designates the City Manager as the grantee’s authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

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

1.

The Council of the City of Marshall hereby authorizes the submission of a grant application in the amount of \$37,650.48 for the Edward Byrne Memorial Justice Assistance Grant Program for the 2023 grant year.

2.

The Council of the City of Marshall confirms that the Marshall Police Department intends to use the grant for the purchase of equipment in compliance with the terms and conditions of the grant to assist the Marshall Police Department in providing its officers with up to date equipment that is in keeping with modern and current law enforcement standards and practices.

3.

The findings set forth in the preamble to this resolution are hereby in all things approved.

4.

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

5.

All other prior resolutions or portions of resolutions of the City of Marshall in conflict with the terms and provisions of this resolution are hereby repealed to the extent of such conflict only.

6.

This resolution shall be effective on and after its passage.

PASSED, APPROVED, AND ADOPTED THIS THE _____ DAY OF _____, 2022.

Amy Ware, Chairman

ATTEST:

Nikki Smith, City Secretary

ITEM 7D

RESOLUTION

**CONSIDER APPROVAL OF A
RESOLUTION AUTHORIZING THE
MARSHALL POLICE DEPARTMENT TO
APPLY FOR FUNDING UNDER THE
RIFLE RESISTANT BODY ARMOR
GRANT PROGRAM (BAGP)**



CITY OF MARSHALL

COUNCIL AGENDA INFORMATION SHEET

MEETING DATE:

PROJECT: Marshall PD Crime Scene and Criminal Investigation Equipment Grant

DESCRIPTION: MPD would like to apply for \$37,650.48 in funding for computers and a 3D laser scanner under the Edward Byrne Memorial Justice Assistance Grant which is being administered by the Office of the Governor of Texas.

COST: None to the City

RECOMMENDED

ACTION: Approve a resolution granting permission to apply for the FY 2023 Edward Byrne Memorial Justice Assistance Grant.

CITY CONTACT: Chief Carruth

cc: File

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARSHALL, TEXAS AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION IN THE AMOUNT OF \$64,219.50 FOR RIFLE RESISTANT BODY ARMOR GRANT PROGRAM FOR THE 2023 BUDGET YEAR.

WHEREAS, the Marshall Police Department intends to apply for the Rifle Resistant Body Armor Grant Program (BAGP), which is being administered by the Office of the Governor or Texas, for the 2023 grant year in the amount of \$64,219.50; and

WHEREAS, the Marshall Police Department intends to use the grant for the purchase of equipment in compliance with the terms and conditions of the grant; and

WHEREAS, the equipment purchased with the grant fund will assist the Marshall Police Department in providing its officers with up to date equipment that is in keeping with modern and current law enforcement standards and practices;

WHEREAS, the City of Marshall designates the City Manager as the grantee’s authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

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

1.

The Council of the City of Marshall hereby authorizes the submission of a grant application in the amount of \$64,219.50 for the Rifle Resistant Body Armor Grant Program for the 2023 grant year.

2.

The Council of the City of Marshall confirms that the Marshall Police Department intends to use the grant for the purchase of equipment in compliance with the terms and conditions of the grant to assist the Marshall Police Department in providing its officers with up to date equipment that is in keeping with modern and current law enforcement standards and practices.

3.

The findings set forth in the preamble to this resolution are hereby in all things approved.

4.

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

5.

All other prior resolutions or portions of resolutions of the City of Marshall in conflict with the terms and provisions of this resolution are hereby repealed to the extent of such conflict only.

6.

This resolution shall be effective on and after its passage.

PASSED, APPROVED, AND ADOPTED THIS THE _____ DAY OF _____, 2022.

Amy Ware, Chairman

ATTEST:

Nikki Smith, City Secretary

ITEM 7E

RESOLUTION

**CONSIDER APPROVAL OF A
RESOLUTION ALLOWING THE POLICE
CHIEF TO OFFER A ONE-TIME SIGNING
BONUS OF \$2,500 TO
TELECOMMUNICATIONS OFFICERS
WITH A MINIMUM OF ONE-YEAR
EXPERIENCE**



CITY OF MARSHALL

COUNCIL AGENDA INFORMATION SHEET

MEETING DATE: 2/22/2022

PROJECT: Signing Bonus for Emergency Telecommunications Officers

DESCRIPTION: Consider a resolution allowing the Chief of Police to offer a one-time signing bonus of \$2,500 hire Telecommunications Officers with a minimum of one-year experience.

COST: \$2,500 per signee

RECOMMENDED

ACTION: Approve Resolution

CITY CONTACT: Chief of Police

cc: File

A RESOLUTION AUTHORIZING THE CHIEF OF POLICE TO PROVIDE SIGNING BONUSES FOR THE HIRING OF CITY OF MARSHALL POLICE DEPARTMENT COMMUNICATIONS OFFICERS HAVING MORE THAN ONE YEAR EXPERIENCE

WHEREAS, law enforcement dispatch personnel with experience as full-time paid Communication Officers can provide valuable service to the City and can meet leadership requirements of the department, as experience in law enforcement dispatch is an important factor in predicting the success of Communication Officers; and

WHEREAS, the City of Marshall seeks to recruit such experienced law enforcement Communications Officers; and

WHEREAS, providing one time signing bonuses as described below will assist the City of Marshall in recruiting experienced Communication Officers; and

WHEREAS, the reduced pay for a Communications Officer on probation, while appropriate for entry level Communication Officers, creates an unnecessary disincentive to experienced Communication Officers who may otherwise be willing to join the Department; and

WHEREAS a signing bonus paid to new Communications Officers may overcome the disincentives of joining the Department as a new hire;

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

1. The Chief of Police for the City of Marshall is hereby authorized and encouraged to use his discretion to offer and provide a one time signing bonus of up to Two Thousand Five Hundred Dollars (\$2,500.00) to each prospective new Communications Officer having at least one year's experience outside the City of Marshall Police Department.
2. The City Council of the City of Marshall FURTHER RESOLVES to amend its budget by ordinance at the end of the fiscal year to include the bonuses authorized by this resolution and actually granted by the Chief of Police for the City of Marshall.

PASSED AND APPROVED this _____ day of _____, 2022.

AYES: _____
 NOES: _____
 ABSTAINED: _____

CHAIRMAN OF THE CITY COUNCIL
 OF THE CITY OF MARSHALL, TEXAS

ATTEST:

City Secretary

ITEM 8A

**CONSIDER APPROVAL OF A
PRESENTATION PROVIDING
EMPLOYEES THE OPPORTUNITY TO
ENROLL IN A DEFERRED
COMPENSATION PLAN WITH
EQUITABLE HOLDINGS INC. (EQH)**

INVESTMENT MAPPING SCENARIO FOR Marshall Texas 457b											
BALANCES AS OF: 10/26/2021											
Performance as of 9/30/21											
Current Investments											
Investment Name	Assets	Expense Ratio	Asset Charge	Performance 1Yr	Performance 3Yr	Performance 5Yr	Weighted Expense	Asset Class	Proposed Fund Name	Expense Ratio	Asset Charge
Investment Name	Assets	Expense Ratio	Other expenses	1Yr	Performance 1Yr	Performance 3Yr	Expense				
Proposed Investments											
Investment Name	Assets	Expense Ratio	Other expenses	1Yr	Performance 1Yr	Performance 3Yr	Expense				
AmFds Gr Fd Am	\$94,827.00	0.64%	0.95%	28.78%	18.62%	17.03%	\$1,507.75	Large Growth	Fidelity (r) Large Cap Growth Idx	0.04%	0.73%
AmFds Inc Fd Am A	\$16,843.00	0.57%	0.95%	18.19%	7.39%	8.55%	\$256.01	Allocation--70% to 85% Equity	Fidelity (r) Four-In-One Index	0.12%	0.73%
AmFds New Wild R4	\$7,164.00	0.94%	0.80%	23.85%	12.24%	8.31%	\$820.65	Diversified Emerging Mkts	Fidelity (r) Emerging Markets Idx	0.08%	0.73%
BNYMtl 5 P 500 Indx	\$41,536.00	0.51%	0.95%	28.15%	15.21%	14.96%	\$606.43	Large Blend	Fidelity (r) 500 Index	0.01%	0.73%
CohenStrs Real Est Sec A	\$29,452.00	1.13%	0.80%	34.52%	8.61%	12.31%	\$568.42	Real Estate	Fidelity (r) Real Estate Index	0.07%	0.73%
Fid Contra	\$439,189.00	0.86%	0.95%	23.17%	19.42%	16.84%	\$7,949.32	Large Growth	Fidelity (r) Large Cap Growth Idx	0.04%	0.73%
Fixed Assets Luza	\$55,689.00	0.00%	0.00%	N/A	N/A	N/A	\$0.00	Fixed	Guaranteed Interest Option	0.00%	0.00%
Invsco Opp Gbl A	\$50,267.00	1.06%	0.80%	30.27%	16.31%	13.45%	\$934.97	World Large-Stock	Vanguard Total Intl Stock Index Admiral	0.11%	0.73%
JPM MidCap Value A	\$43,931.00	1.24%	0.80%	41.71%	8.51%	12.13%	\$896.19	Mid-Cap Value	Vanguard Mid-Cap Value Index Admiral	0.07%	0.73%
Loonis LtdTm Govt Agency Y	\$8,438.00	0.49%	0.70%	-1.13%	0.76%	0.77%	\$108.85	Short Government	DFA Short-Term Government I	0.20%	0.73%
LtdAbt HI Yld R5	\$94,026.00	0.70%	0.80%	12.36%	5.29%	N/A	\$510.39	High Yield Bond	Vanguard VIF High Yield Bond	0.26%	0.73%
MFS Intl Instrinsic Val R3	\$74,415.00	0.98%	0.80%	12.58%	10.18%	11.03%	\$1,324.59	Foreign Large Growth	Vanguard International Growth Adm	0.33%	0.73%
NCIT AmCent Eq Inc B	\$59,875.00	0.00%	0.80%	N/A	N/A	N/A	\$479.00	Large Value	Fidelity (r) Large Cap Value Index	0.04%	0.73%
NCIT ClrBdr LgCap Val B	\$90,201.00	0.00%	0.80%	N/A	N/A	N/A	\$721.61	Large Value	Fidelity (r) Large Cap Value Index	0.04%	0.73%
NCIT Ind 2025B	\$1,481.00	0.00%	0.70%	N/A	N/A	N/A	\$10.37	Target-Date 2025	Vanguard Target Retirement 2025 Inv	0.13%	0.73%
NCIT Ind 2030 B	\$27,815.00	0.00%	0.70%	N/A	N/A	N/A	\$194.71	Target-Date 2030	Vanguard Target Retirement 2030 Inv	0.14%	0.73%
NCIT Ind 2055 B	\$374.00	0.00%	0.70%	N/A	N/A	N/A	\$2.62	Target-Date 2055	Vanguard Target Retirement 2055 Inv	0.15%	0.73%
NCIT Ind 2065 B	\$265.00	0.00%	0.70%	N/A	N/A	N/A	\$1.86	Target-Date 2065+	Vanguard Target Retirement 2060 Inv	0.15%	0.73%
NCIT Ind Retirement B	\$20,422.00	0.00%	0.70%	N/A	N/A	N/A	\$142.95	Target-Date Retirement	Vanguard Target Retirement Income Inv	0.12%	0.73%
NCIT WF Disc B	\$101,985.00	0.00%	0.80%	N/A	N/A	N/A	\$815.96	Mid Growth	Vanguard Mid-Cap Growth Index Admiral	0.07%	0.73%
NW AlliantGllnGr Inst Svc	\$63,330.00	1.09%	0.80%	21.08%	16.38%	N/A	\$1,196.94	Foreign Large Growth	Vanguard International Growth Adm	0.33%	0.73%
NW BD Indx A	\$35,460.00	0.69%	0.80%	-2.29%	1.40%	1.51%	\$528.35	Intermediate Core Bond	iShares US Aggregate Bond Index K	0.05%	0.73%
NW Fd Inst Svc	\$65,961.00	0.71%	0.80%	28.29%	15.71%	15.04%	\$996.01	Large Blend	Fidelity (r) 500 Index	0.01%	0.73%
NW Intl Indx A	\$55,146.00	0.75%	0.80%	23.43%	7.27%	6.75%	\$854.76	Foreign Large Blend	iShares MSCI EAFE Intl Idx K	0.04%	0.73%
NW Inv Dest Agc Svc	\$37,456.00	0.93%	0.70%	27.70%	10.94%	10.98%	\$610.53	Allocation--85%+ Equity	JPMorgan Investor Growth R6	0.52%	0.73%
NW Inv Dest Cnstr Svc	\$16,969.00	0.89%	0.70%	5.58%	3.92%	3.55%	\$269.81	Allocation--15% to 30% Equity	Vanguard LifeStrategy Income Inv	0.11%	0.73%
Nw LgCap Gr	\$82,220.00	0.95%	0.80%	24.74%	19.68%	16.62%	\$1,438.85	Large Growth	Fidelity (r) Large Cap Growth Idx	0.04%	0.73%
NW Loomis AllCap Gr Egl	\$41,629.00	0.99%	0.80%	20.37%	N/A	N/A	\$745.16	Large Growth	Fidelity (r) Large Cap Growth Idx	0.04%	0.73%
NW Loomis Cor Bd Inst Svc	\$86,538.00	0.74%	0.80%	-1.35%	2.32%	2.58%	\$1,332.69	Intermediate Core Bond	iShares US Aggregate Bond Index K	0.05%	0.73%
NWMDCAP MKT INDX A	\$14,257.00	0.69%	0.80%	41.67%	11.30%	13.04%	\$212.43	Mid-Cap Blend	Fidelity (r) Mid Cap Index	0.03%	0.73%
NW Mkt Mkt Ptm	\$25,617.00	0.57%	0.80%	-0.80%	-0.09%	-0.44%	\$350.95	Money Market	AB Government Money Market I	0.14%	0.73%
NW NVT Mult Mgr Sm Co I	\$7,115.00	1.11%	0.80%	60.17%	14.75%	14.60%	\$135.90	Small Blend	Fidelity (r) Small Cap Index	0.03%	0.73%
NW S P 500 Indx Svc	\$33,404.00	0.45%	0.80%	28.50%	15.48%	15.23%	\$417.55	Large Blend	Fidelity (r) 500 Index	0.01%	0.73%
NW Sm Co Gr Inst Svc	\$135,905.00	1.20%	0.80%	14.13%	17.34%	N/A	\$2,718.10	Small Growth	Vanguard Small Cap Growth Index Admiral	0.07%	0.73%
NW US SmCap Val Inst Svc	\$15,579.00	1.28%	0.80%	60.24%	8.74%	11.77%	\$320.93	Small Value	Vanguard Small Cap Value Index Admiral	0.07%	0.73%
Nationwide Fixed Account	\$1,152,914.00	0.00%	0.00%	N/A	N/A	N/A	\$0.00	Fixed	Guaranteed Interest Option	0.00%	0.00%
Neuber Genesis Tr	\$128,969.00	1.09%	0.80%	30.41%	14.29%	13.32%	\$2,437.51	Small Growth	Vanguard Small Cap Growth Index Admiral	0.07%	0.73%
PMCO Forgn BdUS Dir Hdg A	\$26,030.00	0.92%	0.80%	-0.45%	2.21%	3.81%	\$447.72	World Bond	DFA World ex US Government Fxd Inc I	0.20%	0.73%
Parnassus Cor Ed Inv	\$36,308.00	0.84%	0.80%	26.92%	15.82%	15.51%	\$595.45	Large Blend	Fidelity (r) 500 Index	0.01%	0.73%
Rowe PR Gr SIK Adv	\$243,357.00	0.92%	0.80%	26.97%	20.83%	18.46%	\$4,189.35	Large Growth	Fidelity (r) Large Cap Growth Idx	0.04%	0.73%
TOTALS:	\$3,542,579.00						\$37,651.63	TOTAL:			
Weighted Expense Ratio:											1.06% Weighted Expense Ratio:



EQUITABLE

October 22, 2021

City of Marshall
Attn: Mark Rohr, City Manager
401 S Alamo Suite 205
Marshall TX 75670

Bernadette Mitchell
Senior Director, Group Retirement
Equitable
1290 Avenue of the Americas
New York, NY 10104

Re: City of Marshall – 457(b) Plan

Dear Mr. Rohr,

We are pleased to offer you a retirement plan solution tailor made for you and your participants' unique needs. Our retirement plans are designed with both you and your participants in mind.

You will be supported by a responsive, dedicated team knowledgeable and experienced in the public market. We will simplify plan administration for you through our intuitive, streamlined plan sponsor website that automates your recordkeeping responsibilities.

Our financial professionals will help your participants create a strategy that's right for them to meet their current and future needs. They will help your participants break down their financial decisions into small, manageable steps.

For 162 years, we've been working with clients across generations, helping them face their futures with confidence. Today, we are a leading financial services company with an integrated offering of advice, protection and retirement strategies. We remain steadfast in our mission to help clients secure their financial well-being so they can pursue long and fulfilling lives.

If you have additional questions or would like to discuss next steps, please contact Michael Steffan, Regional Vice President at 504-239-4877 or Michael.Steffan@equitable.com or RFP_Support@equitable.com. We look forward to discussing our solutions with you. Thank you for your interest in our products and services.

Sincerely,

Bernadette Mitchell
Senior Director, Group Retirement

¹ Equitable is the brand name of Equitable Holdings, Inc. and its family of companies, including Equitable Financial Life Insurance Company (Equitable Financial) (NY, NY), Equitable Financial Life Insurance Company of America (Equitable America), an AZ stock company with main administrative headquarters in Jersey City, NJ, Equitable Advisors, LLC (member FINRA, SIPC) (Equitable Financial Advisors in MI & TN) and Equitable Distributors, LLC.

ITEM 8B

CONSIDER APPROVAL OF THE ALLOCATION OF 2022 HOTEL/MOTEL OCCUPANCY TAX FUNDS

Memorandum

Date: February 17, 2022

To: David Willard, City Manager

From: Daniel Duke, Director of Tourism & Cultural Arts

Subject: HOT Funds Grants

The following recommendations have been made by the Visit Marshall Advisory Board in relation to the 2022 Hotel Occupancy Tax (HOT) Fund Grant Applications.

Typically, applications are accepted in August/September, reviewed by Visit Marshall Advisory Board in October/November and presented to the Council for review in January. Due to vacancies on the board, the timeline has been pushed back.

The purpose of the HOT Funds Grants are to: 1. Support the Cultural Arts 2. Provide funds for Events Marketing 3. Provide funds for Historical Preservation ***all of which must draw tourists and create overnight stays in our local lodging establishments.***

All applications must follow the guidelines laid out in the HOT Funds Grant Policy, adopted by the City Council in October of 2019.

The HOT Funds Grant Policy requires organizations to no longer apply for a lump sum of grant money for the year. Instead, the organization submits an application for each event or project held by organization. The purpose for this is so that Visit Marshall staff and the Visit Marshall Advisory board can better understand the intended use of the grant money, make an estimated economic impact based on anticipated room nights per event/project, see the organizations marketing budget (required for Marketing Grants) for each event rather than the organization as a whole and to better track hotel nights in relation to these events/projects more effectively with the use of surveys.

This year five organizations applied for HOT Funds Grant support. Three have asked for financial support in the form of a Marketing Grant and Cultural Arts Grant. The other organizations have requested the use of a City Facility at no cost over the course of the weekend- however are generating significant room nights in the City because of the event.

Recommendations were made by the Visit Marshall Advisory Board on Tuesday, February 15, 2022. A total of \$51,940 is recommended to be distributed in 2022.

Staff is looking for the City Councils approval for recommended funding HOT Funds Grants in 2021. Attached are the organization requests, staff and board recommendations.

HOT Fund Requests and Recommendations

Organization	Requested for FY 2022	Estimated Economic Impact (# of room nights x adv \$ hotel in Marshall)	Staff Recommendation	Board Recommendation	Notes
East Texas Square Dance Association	In kind facility use	\$14,000	In kind facility use of Convention Center	Approve in kind facility use of Convention Center	The group will have a block of rooms per night in Marshall, Texas. They dine and shop while in town. Approximately 60 rooms rented.
Caddo Kennel Club	In kind facility use	\$30,000 to \$60,000	In kind facility use	Approve in kind facility use	Over 80% of the guests are from out of town from over 30 different States in the United States.
Michelson Museum	\$10,000	\$10,000 +	\$10,000	\$10,000	Cultural Arts Grant.
Marshall Regional Arts Council	\$12,000	\$10,000 +	\$8,500	\$8,500	Cultural Arts Grant
Josey Ranch	\$30,000	\$70,000 +	\$30,000	\$30,000	Applied for support for multiple ranch events. Up to 50% of marketing budget for each event per adopted HOT Funds Grant Policy.

ITEM 8C

**CONSIDER APPROVAL OF A
RECOMMENDATION FOR
APPOINTMENT TO THE VISIT
MARSHALL BOARD**

Memorandum

Date: February 22, 2022

To: David Willard, City Manager

From: Daniel Duke, Director of Tourism & Cultural Arts

Subject: Visit Marshall Board Member, Vivian Lewis

The following Visit Marshall advisory board member has been made by the Visit Marshall Advisory Board in relation to a recent vacancy on the board. On January 11, 2022, the board had voted on applicants to fill three vacancies. One of the applicants; Stephanie Macomber with Fairfield Inn in Marshall, Texas passed away. At the City Council meeting, February 10, 2022, the council approved the two surviving members. The Visit Marshall advisory board voted to fill the vacancy left by the passing of Ms. Macomber and in doing so, voted to accept Vivian Lewis of Marshall, Texas. The board is now seeking approval of that vote, by the Marshall City Council.

ITEM 9

CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

ITEM 10

ADJOURNMENT