1. 3/17/2022 Agenda (PDF)

   Documents:

   03-17-22 AGENDA.PDF

2. 3/17/2022 Agenda Packet (PDF)

   Documents:

   3-17-22 AGENDA PACKET.PDF

CITY OF MARSHALL, TEXAS
SPECIAL-CALLED CITY COUNCIL MEETING
COUNCIL CHAMBERS, CITY HALL, 401 SOUTH ALAMO
THURSDAY, MARCH 17, 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.

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

****

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

2. **INVOCATION AND PLEDGES**

3. **RECOGNITION OF CITY EMPLOYEES, CITIZEN VOLUNTEERS AND ESD 3 FOR EFFORTS AND ASSISTANCE DURING RECENT WATER MAIN DAMAGE INCIDENT**

4. **CITIZEN COMMENTS**

   Texas Government Code, Sec. 551.007 requires that a governmental body must allow each member of the public who desires to address the body regarding an item on an agenda the opportunity to do so before or during the body's consideration of the item. 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, or not on, the agenda. Those who wish to speak will have three minutes to do so unless additional time has been requested.

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 **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA**

6. **CONSENT AGENDA**

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

A. Consider approval of the minutes from the February 24, 2022 Regular meeting and the March 2, 2022 Special-Called meeting.

B. Street Sweeping Activity Report. (Public Works Director)

C. Municipal Court Activity Report. (Finance Director)

D. Community Development Activity Report. (Community Development Director)

E. Consider approval of an agreement with Dr. Jeffrey McWilliams for Physician Director Services for the Emergency Medical Services System. (Fire Chief)

7. **PROCLAMATION & PRESENTATION**

A. Presentation of a proclamation declaring the month of March as "Developmental Disabilities Awareness Month". (Mayor Ware)

B. Presentation of a proclamation declaring the month of April 2022 as "Sexual Assault Awareness and Prevention Month" in the City of Marshall. (Mayor Ware)

C. Presentation of a proclamation declaring May 20-22, 2022 as "Stagecoach Days" in the City of Marshall. (Mayor Ware)

D. Presentation of a proclamation declaring the month of April 2022 as "Alcohol Awareness Month" in the City of Marshall. (Mayor Ware)

E. Check presentation by Republic Services, Inc. to the City of Marshall for annual donations for use in litter abatement and housing demolitions. (Gene Kennon, Republic Services, Inc.)

8. **ORDINANCE**

A. Consider approval of an ordinance amending the 2022 Annual Budget to provide for adjustments in selected departments. (Finance Director)

B. Consider approval of an ordinance amending the City of Marshall Code of Ordinances Chapter 2 Administration, Article I In General. (Police Chief)

9. **RESOLUTION**

A. Consider approval of a resolution supporting the development of passenger rail service from Fort Worth, Texas through the City of Marshall, Texas to Atlanta, Georgia along the I-20 corridor and related issues. (Interim City Manager)

B. Consider approval of a resolution authorizing the sale of real property owned by the City of Marshall, Texas. (City Attorney)

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

A. Consider approval of an extension of the contract with Pete McCarty Oil Company to provide fuel for the City of Marshall. (Public Works Director)

B. Consider approval for formal acceptance of the completed 2021 Street Improvement Program, including release of final payment and retainage to the contractor. (Public Works Director)

C. Consider approval for formal acceptance of the completed Travis St. Water Main Improvement Project, including release of final payment and retainage to the contractor. (Public Works Director)

D. Consider approval of recommendations for appointments to the Keep Marshall Beautiful Board. (Tourism & Cultural Arts Director)

E. Consider approval of a signed letter of intent authorizing the purchase of a 2022 Pierce-Custom Enforcer PUC and related equipment. (Fire Chief)

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

12. **ADJOURNMENT**

Posted: March 14, 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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Page 13

C. Municipal Court Activity Report. (Finance Director)
Page 16

D. Community Development Activity Report. (Community Development Director)
Page 21

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RECOGNITION OF CITY EMPLOYEES, CITIZEN VOLUNTEERS AND ESD 3 FOR EFFORTS AND ASSISTANCE DURING RECENT WATER MAIN DAMAGE INCIDENT

ITEM 4

CITIZEN COMMENTS

ITEM 5

ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA

ITEM 6A

CONSENT AGENDA

CONSIDER APPROVAL OF THE MINUTES FROM THE FEBRUARY 24, 2022 REGULAR MEETING AND THE MARCH 2, 2022 SPECIAL-CALLED MEETING

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF MARSHALL
THURSDAY, FEBRUARY 24, 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	Leo Morris, District 2
Jennifer Truelove, District 3	Vernia Calhoun, District 5
Amanda Abraham, District 6	Micah Fenton, District 7

ADMINISTRATIVE STAFF PRESENT:

David Willard, Interim City Manager	Cliff Carruth, Police Chief
Heather Wallace, HR Coordinator	Reggie Cooper, Fire Chief
Eric Powell, Public Works Director	Dawn Jones, Finance Director
John Clark, Planner/GIS Technician	
Scott Rectenwald, Acting City Attorney	
Daniel Duke, Tourism & Cultural Arts Director	
Nikki Smith, City Secretary/Payroll Accountant	
Randy Pritchard, Support Services Superintendent	

INVOCATION & PLEDGE: Mayor Ware

38. **CITIZEN COMMENTS**

There were no Citizen Comments.

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

Item B was withdrawn from the Consent Agenda.

40. **CONSENT AGENDA**

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

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

C. Fire Department Activity Report.

D. Police Department Activity Report.

E. Community & Economic Development Activity Report.

F. Consider approval of the Texas Subdivision and Special District Election and Release Form regarding the Texas settlement agreement against Teva.

G. Consider approval of investment report for the fourth quarter of 2021.

ORDINANCES

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

Cliff Carruth, Police Chief, highlighted changes to Chapter 30, Article III – Wrecker Service of the Code of Ordinances sections 3-112 and 30-116. Cliff Carruth asked for approval of amendments to Chapter 30, Article III – Wrecker Service of the City of Marshall Code of Ordinances.

Councilmember Abraham made a motion to approve an ordinance amending Chapter 30, Article III – Wrecker Service of the City of Marshall Code of Ordinances. Councilmember Bonner seconded the motion, which passed with a vote of 6:0.

42. CONSIDER APPROVAL OF AN ORDINANCE AMENDING CHAPTER 27, ARTICLE IA - PARKING GENERALLY OF THE CITY OF MARSHALL CODE OF ORDINANCES.

Cliff Carruth stated Marshall Independent School District requested a "No Parking Zone" on Five Notch Road from Dunbar Street south to the dead end beside the Marshall High School parking lot and, if approved, will announce one week prior to the effective date. Cliff Carruth asked for approval of an ordinance amending Chapter 27, Article IA - Parking Generally of the City of Marshall Code of Ordinances.

Councilmember Truelove arrived at this point in the meeting.

Councilmembers asked questions and discussed.

Councilmember Abraham made a motion to approve an ordinance amending Chapter 27, Article AI – Parking Generally of the City of Marshall Code of Ordinances. Councilmember Truelove seconded the motion, which passed with a vote of 7:0.

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

Cliff Carruth asked for approval of an ordinance amending Chapter 11A Emergency Alarms of the City of Marshall Code of Ordinances to reflect current practices such as a reduced fee for senior citizens, the 12 month renewal date and the option to pay online.

Councilmembers asked questions and discussed.

Councilmember Truelove made a motion to approve an ordinance amending Chapter 11A Emergency Alarms of the City of Marshall Code of Ordinances. Councilmember Calhoun seconded the motion, which passed with a vote of 7:0.

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

This item was withdrawn.

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

This item was withdrawn.

RESOLUTIONS

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

Nikki Smith, City Secretary, stated Councilmembers Abraham and Fenton are unopposed for the upcoming May 7, 2022 General Election. Nikki Smith asked for approval of a resolution canceling the General Election for Districts 6 and 7 and declaring Councilmembers Abraham and Fenton elected.

Councilmember Truelove made a motion to approve a resolution canceling the General Election for Districts 6 and 7 and declaring Councilmembers Abraham and Fenton elected. Councilmember Calhoun seconded the motion, which passed with a vote of 7:0.

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

Nikki Smith asked for approval of a resolution announcing the appointment of Election Officers for the 2022 General Election.

Councilmembers asked questions and discussed.

Councilmember Calhoun made a motion to approve the resolution announcing the appointment of Election Officers for the 2022 General Election. Councilmember Abraham seconded the motion, which passed with a vote of 7:0.

48. 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.

Cliff Carruth stated the Police Department would like to apply for $37,650 in funding for a 3D laser scanner under the Edward Byrne Memorial Justice Assistance Grant. Cliff Carruth stated this is a 100% grant and asked for approval of a resolution authorizing the Marshall Police Department to apply for this grant.

Councilmember Calhoun made a motion to approve a resolution authorizing the Marshall Police Department to apply for the Edward Byrne Memorial Justice Assistance Grant for the 2023 budget year. Councilmember Fenton seconded the motion, which passed with a vote of 7:0.

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

Cliff Carruth asked for approval to apply for $64,220 in funding for equipment in compliance with the Rifle Resistant Body Armor Grant Program (BAGP) for the 2023 grant year. Cliff Carruth stated this is a 100% grant.

Councilmembers asked questions and discussed.

Councilmember Calhoun made a motion to approve a resolution authorizing the Marshall Police Department to apply for funding under the Rifle Resistant Body Armor Grant Program (BAGP). Councilmember Truelove seconded the motion, which passed with a vote of 7:0.

50. 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.

This item was withdrawn.

CITY MANAGER REPORTS AND REQUESTS FOR CITY COUNCIL CONSIDERATION

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

Heather Wallace, HR Coordinator, introduced Nathan Bach and Wes Roan with Equitable Holdings Inc. (EQH) who presented information regarding an opportunity for employees to enroll in a deferred compensation plan with Equitable Holdings Inc. (EQH).

Councilmembers asked questions and discussed.

Councilmember Bonner made a motion to approve offering employees the opportunity to enroll in a deferred compensation plan with Equitable Holdings Inc. (EQH). Councilmember Truelove seconded the motion, which passed with a vote of 7:0.

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

Daniel Duke, Tourism & Cultural Arts Director, explained the process and asked for approval of 2022 Hotel/Motel Occupancy Tax allocations that were recommended by the Visit Marshall Advisory Board.

Councilmembers asked questions and discussed.

Councilmember Truelove made a motion to approve the allocation of 2022 Hotel/Motel Occupancy Tax funds as recommended by the Visit Marshall Advisory Board. Councilmember Morris seconded the motion, which passed with a vote of 7:0.

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

Daniel Duke asked for approval of Vivian Lewis to the Visit Marshall Board.

Councilmembers asked questions and discussed.

Councilmember Truelove made a motion to approve the recommendation for appointment to the Visit Marshall Board. Councilmember Fenton seconded the motion, which passed with a vote of 7:0.

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

B. Public Works Activity Report.

Councilmember Bonner stated his reasons for withdrawing this item.

Councilmembers asked questions and discussed.

Councilmember Truelove made a motion to approve Item B from the Consent Agenda. Councilmember Calhoun seconded the motion, which passed with a vote of 7:0.

55. **<u>ADJOURNMENT</u>**

Councilmember Abraham made a motion for adjournment. Councilmember Calhoun seconded the motion, which passed with a vote of 7:0.

APPROVED:

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

ATTEST:

____
City Secretary

Ordinances: O-22-06
O-22-07
O-22-08
Resolutions: R-22-04
R-22-05
R-22-06
R-22-07

MINUTES OF THE SPECIAL-CALLED MEETING OF THE CITY COUNCIL OF THE CITY OF MARSHALL
WEDNESDAY, MARCH 2, 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
Jennifer Truelove, District 3
Vernia Calhoun, District 5
Amanda Abraham, District 6
Micah Fenton, District 7

ABSENT: Marvin Bonner, District 1

ADMINISTRATIVE STAFF PRESENT:
David Willard, Interim City Manager
Christol Hall, HR Manager
Scott Rectenwald, Acting City Attorney
Nikki Smith, City Secretary/Payroll Accountant

56. **CITIZEN COMMENTS**

There were no Citizen Comments.

57. **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: Review semi-finalists for City Manager candidate search.

Councilmember Calhoun made a motion to enter into Executive Session. Councilmember Fenton seconded the motion, which passed with a vote of 5:0. The time was 2:03 p.m.

The Council reconvened from Executive Session, the time was 3:29 p.m.

Councilmember Truelove arrived at the beginning of and left during the Executive Session.

58. **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

ITEM 6B

CONSENT AGENDA

STREET SWEEPING ACTIVITY REPORT

City of MARSHALL TEXAS

TO: Members of the City Council

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

DATE: March 8, 2022

SUBJECT: Street Sweeping Activity Report

The Street Sweeping Activity Report for the month of February 2022 is attached for your review.

NOTE: The Street Sweeper was out of service for most of the month of February, while awaiting delivery of repair/maintenance parts for the equipment. The delivery of these parts was delayed as a result of current nationwide supply chain disruptions.

STREET SWEEPING ACTIVITY REPORT
FEBRUARY 2022

STREET NAME	NUMBER OF TIMES SWEPT
Austin St. (Downtown)	1
Bolivar St. (Downtown)	1
Burleson St. (Downtown)	1
Courthouse Square	1
Rosborough Springs Rd.	1
Sanford St.	1
University Ave.	1
N. Washington Ave. (Downtown)	1
Wellington St. (Downtown)	1

STREETS/AREAS SWEPT IN FEBRUARY: 9

March 2, 2022

ITEM 6C

CONSENT AGENDA

MUNICIPAL COURT ACTIVITY REPORT

Cases Filed

STEP Site	Traffic	Penal	City Ordinance	Parking	Other	Total
0	117	24	23	0	10	174

Financial

State Costs	City Costs	Fines	Tech Fund	Bld Security	Total
$15,388.27	$18,455.52	$12,571.73	$3,211.70	$17,801.22	$67,428.44

Trials/Hearings

Jury	Bench	Appealed	Total
0	225	0	225

Warrants

Issued	Recalled	Served	Fees Collected	Amount Collected	Outstanding
195	84	78	$6,399.78	$25,820.65	$2,523,778

Dispositions

Paid	Time Served	Dismissed	Appealed	Total
213	184	127	0	536

Update on Municipal Court recent plan to reduce inactive cases February 2022 Report

The municipal court collection agency (MVBA) will be hosting their warrant resolution on February 28th through March 26th. MVBA will be sending out postcards to all of our defendants with inactive warrants. They are sending them reminders of their warrants and providing information on how to pay. Judge Brendan Roth seen 27 jail defendants that was arrested on warrants and onsite city charges. These inmates were seen from February 1st to February 28th. There were six inmates that posted cash bonds before they seen the Judge Roth. There was a child safety class held on January 22 for defendants for those with unrestrained child<8 yoa. There were 12 that Judge Roth approved to attend and all 12 completed the class. This class will be offered as needed.

Court for February:

February 2nd at 8:30am for Show cause Docket

Show cause docket started at 8:41am with 59 scheduled. There were 46 no shows and warrants will be issued, 7 were ordered to pay their fine, 2 requested community work service, 1 was taken in consideration with other fine, and 3 received credit for time served. Show cause docket ended at 10:13am.

February 9nd at 8:30am for Adult plea/show cause Docket

Adult plea started at 8:45am with 18 scheduled. There were 8 no shows, 1 paid fines, 5 were approved for community work service, 1 plead, 1 requested bench trial, and 2 were dismissed due to car totaled and having providing DL.

Show cause started at 9:20am with 66 scheduled. There were 54 no shows and warrants will be issued, 2 requested community work service, 9 paid and 1 was found to be indigent. Court ended at 10:24am

February 16th at 8:30am for Adult plea/City code docket

Adult plea docket started at 8:40am with 3 scheduled. 1 no show, 1 paid fine, and 1 was reset due to being in hospital.

City code docket started with 15 scheduled. 8 were dismissed for resolving the violation, 5 were given 30 days to clean, 1 was a no show, and 1 is still not compliant which warrant will be issued for not coming to court. Court ended at 10:21am

February 23rd at 8:30am for Adult plea/Show cause Docket

Adult plea started at 8:30 with 2 rescheduled from previous docket. 2 were no shows, 1 will be issued a warrant and cash bond will be converted into payment for other one.

Show cause docket started with 84 scheduled. There were 68 no shows and capias warrants will be issued, 15 were ordered to pay their fine, and 1 was found to be indigent. Show cause docket ended at 10:03am.

Court for March 2022

Mar. 02, 2022 - Adult Show Cause Docket

Mar. 09, 2022 - Juvenile Plea Docket/Adult Plea Docket

Mar. 16, 2022 - Pre -Trial Hearings/Bench Trials

Mar. 30, 2022 - City Code Docket

Tara Archield

Municipal Court Administrator

- OCA monthly report data compiled from the **June 2021** report (submitted **07/30/2021**) revealed the following data:

  Active cases: 575
  Inactive cases: 5,208

- OCA monthly report data compiled from the **July 2021** report (submitted **07/30/2021**) revealed the following data:

  Active cases: 595
  Inactive cases: 5,156

- OCA monthly report data compiled from the **August 2021** report (submitted **08/30/2021**) revealed the following data:

  Active cases: 538
  Inactive cases: 5,136

- OCA monthly report data compiled from the **September 2021** report (submitted **09/30/2021**) revealed the following data:

  Active cases: 577
  Inactive cases: 5,058

- OCA monthly report data compiled from the **October 2021** report (submitted **11/01/2021**) revealed the following data:

  Active cases: 551
  Inactive cases: 5,015

- OCA monthly report data compiled from the **November 2021** report (submitted **12/02/2021**) revealed the following data:

  Active cases: 668
  Inactive cases: 4,981

- OCA monthly report data compiled from the **December 2021** report (submitted **01/04/2022**) revealed the following data:

  Active cases: 640
  Inactive cases: 4,991

- OCA monthly report data compiled from the **January 2022** report (submitted **02/02/2022**) revealed the following data:

  Active cases: 635
  Inactive cases: 4,960

- OCA monthly report data compiled from the **February 2022** report (submitted **03/02/2022**) revealed the following data:

  Active cases: 541
  Inactive cases: 4,924

ITEM 6D

CONSENT AGENDA

COMMUINTY DEVELOPMENT ACTIVITY REPORT

DATE: March 11, 2022

TO: City Council Members

FROM: Garnett Johnson, Director Community Development

RE: Monthly Activity Reports

The City of Marshall Community & Economic Development Department completed the following activities from February 1-28, 2022. Six (6) Divisions as follows:

PLANNING/ZONING/GIS DIVISION

Inquiries about Property Zoning	140+
Subdivision Plats	0
Rezoning Requests	2
Issuance of 911 addresses	5
Public Works calls for location of city services	20+
Plan Reviews	30
Water and Sewer Tap Work Orders	3
Culvert Work Orders	1
Planning Conferences	20+
Certificate of Occupancy	5

Health Permit Division

Permits	**City**	**County**
Routine Inspections	37	2
Follow-up Inspections	3	0
Follow-Up of Late Establishment Permit	3	0
Group Homes/Daycares/Foster cares	1	0
Temporary Permits	2	0

CODE ENFORCEMENT DIVISION

Open Cases	50
Closed Cases	52
Door Hangers	8
Initial Inspections	25
Re-inspections of Existing Cases	108
Owner Created Action Plan for Resolution of Violation	1
Added to Delinquent Tax File for Foreclosure	1
Certified Letters / Final Notices / Issue Citations / Verbal Warnings	16
Case File Packets Sent to Municipal Court / Issued Citations	5
Pending Creation of Court Packets	203
Re-inspections for Municipal Court Docket cases sent prior to COVID-19 closure (Pre iWorQ)	0
Inquiries, Calls, Walk-Ins	120

MAIN STREET (DOWNTOWN)

Historic Preservation Officer / Historic Landmark Preservation Board:	
• Certificate of Appropriateness Approval(s) 310-A N Washington	1
Project Planning: Streetscape (Downtown) Promotion: Media exposure for downtown merchants	
Visitors Center # of Visitors in the past month	10
Visitors Center # of Calls in the past month	140+

BUILDING PERMITS DIVISION

Residential	**142**
• New Construction	5
• Remodeling:	7
• Elect/ Plumb/ Mech	63
• Demolition:	0
• Re-Roof	59
• Accessory Structures	8
• Pool	0
Commercial	**28**
• New Construction ○ Smitty's Car Wash-1500 N EAST END BLVD	1
• Remodeling	5
• Elect/ Plumb/ Mechanical	15
• Demolition	0
• Sign	4
• Re-Roof	1
Educational	1
• New Construction	0
• Remodeling	0
• Elect/ Plumb/ Mech	0
Special Events • Foodie Tasting Room Pop Up Shop	1
Certificate of Occupancies	5
Residential	1
Commercial	4
• Poplar Market Place- 606 Poplar • JSM Business Inc.- 4204 Victory • Junction Donuts- 2108 S E End Blvd Ste D • Fairfield By Marriott- 105 W I 20	
Educational	0

COMMUNITY DEVELOPMENT BLOCK GRANT DIVISION

Inquiries about Grants/CDBG (Calls and Walk-ins) emails	4
Small Business Grant Fund Disbursements	N/A
Reimbursement Requests	
1. Food Pantry – 3,118.51	1
IDIS (Integrated Disbursement Information System Total Drawdown	0
Purchase Orders Submitted (Purchase/invoice Requisitions)	19
Small Business Grant Fund Application Door to Door Distribution	2
Small Business Grant Fund Applications received	N/A
Environmental Reviews Initiated-45 minutes to an hour for each (some require a few days to be completed) (Updated 4)	1
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) • Filed 1 Lien (Harrison County Courthouse) • Prepared various documents for CDBG – CDAC Meeting (PY 2022-2023) • Application process for upcoming PY22	

ITEM 6E

CONSENT AGENDA

CONSIDER APPROVAL OF AN AGREEMENT WITH DR. JEFFREY MCWILLIAMS FOR PHYSICIAN DIRECTOR SERVICES FOR THE EMERGENCY MEDICAL SERVICES SYSTEM

City of Marshall
Fire Department
P.O. Box 698
Marshall, Texas 75671
903-935-4580 / FAX 903-935-3568

REGINALD K. COOPER, EFO FIRE CHIEF

March 17, 2022

City Manager
City Council
Marshall, Texas 75670

Dear Council:

This letter is pertaining to our current agreement for Physicians Director Services for the Marshall Fire Department Emergency Medical Service.

The operation of The Marshall Fire Department's quality Emergency Medical Service must be under the direction of a physician that allows us to provide the quality care received by our citizens. Due to the practicality and efficiency of a contractual agreement versus hiring a physician for this purpose, it has been our past practice of alternatively entering into an agreement with a physician for his/her services as Medical Director of the Fire Department's Emergency Medical Service. Dr. McWilliams is our current Director and has done an outstanding job in directing, coaching and training our Firefighter/Medics.

It is our intentions to enter into a renewed contract with Dr. Jeffrey McWilliams M.D. Dr. McWilliams has already proven a valuable asset to our department with his educational style, accessibility, and willingness to take our department forward in quality and serviceability.

Except for the changes in the dates, the contract is the same in all respects as the contracts of our past Medical Director contracts. The amount of the contract is $18,000 which is provided for in our annual budget.

Chief Reginald Cooper, EFO, CPM

Marshall Fire Department

ITEM 7A

PROCLAMATION

PROCLAMATION DECLARING MONTH OF MARCH AS "DEVELOPMENTAL DISABILITIES AWARENESS MONTH"

STATE OF TEXAS
OFFICE OF THE GOVERNOR

An estimated 480,000 individuals in Texas have developmental disabilities. The hopes and dreams of Texans affected by developmental disabilities do not differ from the aspirations of all in our state—to be self-sufficient, work and earn a living, practice their faith, and support their community. Like all Texans, people with developmental disabilities have unique skills and experiences that fortify our state's rich diversity, and throughout our history these Texans have made substantial contributions that make the Lone Star State a better place for us all.

There is no doubt that Texas is better when every citizen is able to flourish in their community. Students with developmental disabilities who are included in classroom settings outside of special education are more likely to realize their full academic potential. When people with disabilities are included in the workforce, they have an opportunity to earn a competitive wage, work as part of a team, and support our state's strong economy. People with developmental disabilities who are involved in their community generally live longer, healthier lives and are more likely to give back to their communities. When inclusion becomes a way of life, Texas' communities thrive.

Each year, we dedicate the month of March to raising awareness about developmental disabilities and emphasizing the importance of including people of all abilities in every aspect of our life. During this month, Texans can raise awareness about how classrooms, workplaces, houses of worship, and communities are stronger when they include people of all abilities. At this time, I encourage Texans to come together to increase awareness about developmental disabilities and support full inclusion and equality for all.

Therefore, I, Greg Abbott, Governor of Texas, do hereby proclaim March 2022 to be

Developmental Disabilities Awareness Month

in Texas and urge the appropriate recognition whereof.

In official recognition whereof,
I hereby affix my signature this the
16th day of February, 2022.

Governor of Texas

ITEM 7B

PROCLAMATION

PROCLAMATION DECLARING THE MONTH OF APRIL 2022 AS “SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH”

PROCLAMATION

Sexual Assault Awareness Month

WHEREAS, Sexual Assault Awareness Month calls attention to the fact that sexual harassment, assault, and abuse are widespread and impact every person in this community; and

WHEREAS, rape, sexual assault, and sexual harassment harm our community, and statistics show one in five women and one in 33 men have been sexually assaulted at some point in their lives; and

WHEREAS, child sexual abuse prevention must be a priority to confront the reality that one in three girls and one in four boys will experience a sexual assault before age 18; and

WHEREAS, one in five women and one in 16 men are sexually assaulted during their time in college; and

WHEREAS, we must work together to educate our community about sexual assault prevention, supporting survivors, and speaking out against harmful attitudes and actions; and

WHEREAS, with leadership and dedication, we can be successful in preventing sexual assault in East Texas by increasing education, awareness, and community involvement; and

WHEREAS, Marshall, Texas strongly supports the efforts of national, state, and local partners, and of every citizen, to actively engage in public and private efforts to prevent sexual assault. It's time for all of us to take appropriate action and support one another to create a safer environment for all.

NOW, THEREFORE, Marshall, Texas joins advocates and communities across the nation in playing an active role to end sexual assault. Along with the United States Government and State of Texas, I do hereby proclaim the month of April as Sexual Assault Awareness Month in Marshall, Texas.

Presented this 17th day of March 2022.

Amy Ware, Mayor
Marshall City Council

City of MARSHALL TEXAS

ITEM 7C

PROCLAMATION

PROCLAMATION DECLARING MAY 20-22, 2022 AS “STAGECOACH DAYS” IN THE CITY OF MARSHALL

PROCLAMATION

WHEREAS, Buddy Power Promotions, Inc. presents the return of Stagecoach Days in the City of Marshall, Texas; and

WHEREAS, Social interaction and enjoyment is an integral part of this festival as community members come together to learn, celebrate and honor the history of Stagecoach Days; and

WHEREAS, Buddy Power Promotions, Inc. would like to invite volunteers, vendors, parade entries and actors to participate in Stagecoach Days; and

WHEREAS, Various family friendly events such as; vendors, parade, play about a historical event, stagecoach rides, and many more are planned to encourage older and younger generations to gather together to create lasting memories.

NOW, THEREFORE, I, Amy Ware, Mayor of the City of Marshall, Texas and acting on behalf of the Marshall City Council, do hereby proclaim May 20-22, 2022 as:

STAGECOACH DAYS

____
Amy Ware, Mayor
City of Marshall, Texas

ITEM 7D

PROCLAMATION

PROCLAMATION DECLARING THE MONTH OF APRIL 2022 AS “ALCOHOL AWARENESS MONTH”

PROCLAMATION

WHEREAS, Alcohol Awareness Month provides an opportunity to increase outreach and education about the dangers of teen alcohol usage; and

WHEREAS, teen alcohol use is responsible for over 4,300 deaths each year, more than all other illegal substances combined; and

WHEREAS, the City of Marshall recognizes the importance of parents talking to their children about alcohol in order to reduce underage drinking; and

WHEREAS, parents are the number one reason why teens choose not to drink and a supportive family environment is associated with lower rates of alcohol use amongst teens; and

WHEREAS, prevention efforts revolving around alcohol and substance abuse can lower the rate in which teens choose to drink; and

WHEREAS, all citizens are encouraged to join in our local efforts to raise awareness of the importance of parents talking to their teens about underage drinking in order to lower the risks to teens and their community.

NOW, THEREFORE, **I,** Amy Ware, Mayor of the City of Marshall, do hereby proclaim April 2022 as

ALCOHOL AWARENESS MONTH

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

Amy Ware, Mayor
Marshall City Council

City of MARSHALL TEXAS

ITEM 7E

PRESENTATION

PRESENTATION BY REPUBLIC SERVICES, INC. FOR ANNUAL DONATIONS FOR USE IN LITTER ABATEMENT AND HOUSING DEMOLITIONS

REPUBLIC SERVICES, INC.℠

Date: March 11, 2022

To: David Willard

Marshall City Manager

RE: Republic Services Annual Contribution for House Demolition and Litter abatement

Dear Mr. Williard

I am requesting to be placed on the March 17th agenda for the purpose of presenting a check to the City in the amount of $21,000 as mutually agreed in Section III I. & J. of the City's Solid Waste and Recycling Contract. This is an annual contribution and is specified as follows:

I. $6,000 for use in Litter Abatement

J. $15,000 for use in housing demolitions

Republic Services appreciates the long time partnership with the City of Marshall and continues to give back to the community year after year and looks forward to continuing to serve the City of Marshall.

Please let me know if you have any questions.

Sincerely,

Gene Keenon

Manager Municipal Sales

903-986-0463/gkeenon@republicservices.com

ITEM 8A

ORDINANCE

CONSIDER APPROVAL OF AN ORDINANCE AMENDING THE 2022 ANNUAL BUDGET

ORDINANCE NO.____________________

AN ORDINANCE AMENDING ORDINANCE NO. 0-21-19 TO AMEND THE 2022 ANNUAL BUDGET OF THE CITY OF MARSHALL, TEXAS

WHEREAS, on September 9, 2021 the City of Marshall, Texas passed Ordinance No. O-21-19 adopting the 2022 annual budget; and

WHEREAS, the City of Marshall, Texas desires to amend the 2022 annual budget to provide funding for salary and fringes four (4) existing police officer positions, certification pay for eligible dispatch personnel, and overtime for the police department, all of which were not included in the original budget;

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

The appropriations for the fiscal year beginning January 1, 2022 and ending December 31, 2022 for the police department be amended to appropriate funds from general fund balance to provide funds needed for anticipated expenses:

Police Department Amendment

Salary & fringe for four (4) police officer positions	$246,000
Certification pay for dispatch positions	10,000
Signing bonuses for two (2) police officer and two (2) dispatch positions	19,000
Overtime for police department	100,000
Total	$375,000

Vote:

PASSED, APPROVED, AND ADOPTED this _________day of_____________, 2022.

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

ATTEST:
____
CITY SECRETARY

ITEM 8B

ORDINANCE

CONSIDER APPROVAL OF AN ORDINANCE AMENDING CHAPTER 2 ADMINISTRATION, ARTICLE I IN GENERAL

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 COMMISSION 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.

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.

B. 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.

C. 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.

D. The effective date of this ordinance is February 23rd, 2022, and will be effective until repealed by the City Council.

E. Officers with a minimum of one year full-time paid experience with any state, county, or municipal law enforcement agency in the United States 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 depending upon the needs of the Police Department at the time of hiring.

SECTION 3. 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 4. 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 5. 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 9A

RESOLUTION

CONSIDER APPROVAL OF A RESOLUTION SUPPORTING THE DEVELOPMENT OF PASSENGER RAIL SERVICE FROM FORT WORTH, TEXAS THROUGH THE CITY OF MARSHALL, TEXAS TO ATLANTA, GEORGIA ALONG THE I-20 CORRIDOR AND RELATED ISSUES

RESOLUTION NO. ____________

A RESOLUTION TO SUPPORT THE DEVELOPMENT OF PASSENGER RAIL SERVICE FROM FORT WORTH, TEXAS THROUGH THE CITY OF MARSHALL, TEXAS TO ATLANTA, GEORGIA ALONG THE I-20 CORRIDOR AND RELATED ISSUES

RESOLUTION MADE BY: City of Marshall, Texas

WHEREAS, in November of 2021, Congress passed a major bi-partisan infrastructure bill, which includes some sixty-six (66) billion dollar allocation for passenger rail and Amtrak;

WHEREAS, connecting Fort Worth, Texas and Atlanta, Georgia, with points along the Interstate 20 Corridor including the City of Marshall, Texas, would establish a passenger rail connection joining more than 14 million residents throughout Texas, Louisiana, Mississippi, Alabama and Georgia, and connecting these states with the East Coast and onward north to New York;

WHEREAS, the existing Interstate 20 was constructed almost sixty years ago, and there has been no material increase in capacity, despite the population growth throughout these states of two to three times during the last two generations, and there appear to be no present plans to materially expand the existing four lanes of Interstate 20 for the foreseeable future;

WHEREAS, the I-20 Corridor Council, representing many cities and councils of governments along the proposed route obtained federal funding and has completed two important studies, including

(1) a 2015 Amtrak **feasibility study** which determined that a long-distance passenger rail connection could operate profitably over the existing railroad infrastructure would require no annual governmental subsidy, and

(2) a 2017 **capacity study** suggested that a capital expenditure investment of less than $80 million in Texas, Louisiana, and Mississippi. This would represent a fraction of the cost of conventional highway construction and would enable new passenger rail service on the route without adversely affecting freight traffic along the host railroad; and

WHEREAS, the I-20 Rail Corridor service would provide an east-west connection consisting of two daily passenger trains for the regions of Dallas, Fort Worth and Atlanta and would run through the City of Shreveport; and the proposed railway service will connect surrounding regions and result in increased economic viability for cities along the railway route for tourism and increased mobility by providing an alternative means of transportation; and

WHEREAS, grassroots, multi-state coalitions including mayors, local, state and federal officials, business and economic leaders and many other stakeholders have shown great support for this opportunity along the I-20 corridor, and creating an economical and environmentally attractive addition to highway travel;

WHEREAS, the proposed acquisition of the Kansas City Southern Railway (“KCS”) by Canadian Pacific Railway (“CP”) is pending before the Untied States Surface Transportation Board, and Canadian Pacific and Amtrak have announced plans to conduct a study to finalize a cooperative agreement to operate the passenger train for the I-20 Corridor along the trackage being acquired by Canadian Pacific;

NOW THEREFORE BE IT RESOLVED by the City of Marshall, Texas in legal session convened, hereby recognizes and supports the efforts to construct and operate a long-distance passenger rail connection along the I-20 corridor, also supports the approval of the Surface Transportation Board of the merger between Kansas City Southern and Canadian Pacific Railway, and further supports the efforts to improve on-time performance of Amtrak passenger trains with the host railroad carriers.

BE IT FURTHER RESOLVED that if any provision or item of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this resolution which can be given effect without the invalid provisions, items, or applications; and, to this end, the provisions of this resolution are hereby declared severable.

BE IT FURTHER RESOLVED that all resolutions or parts thereof in conflict herewith are hereby repealed.

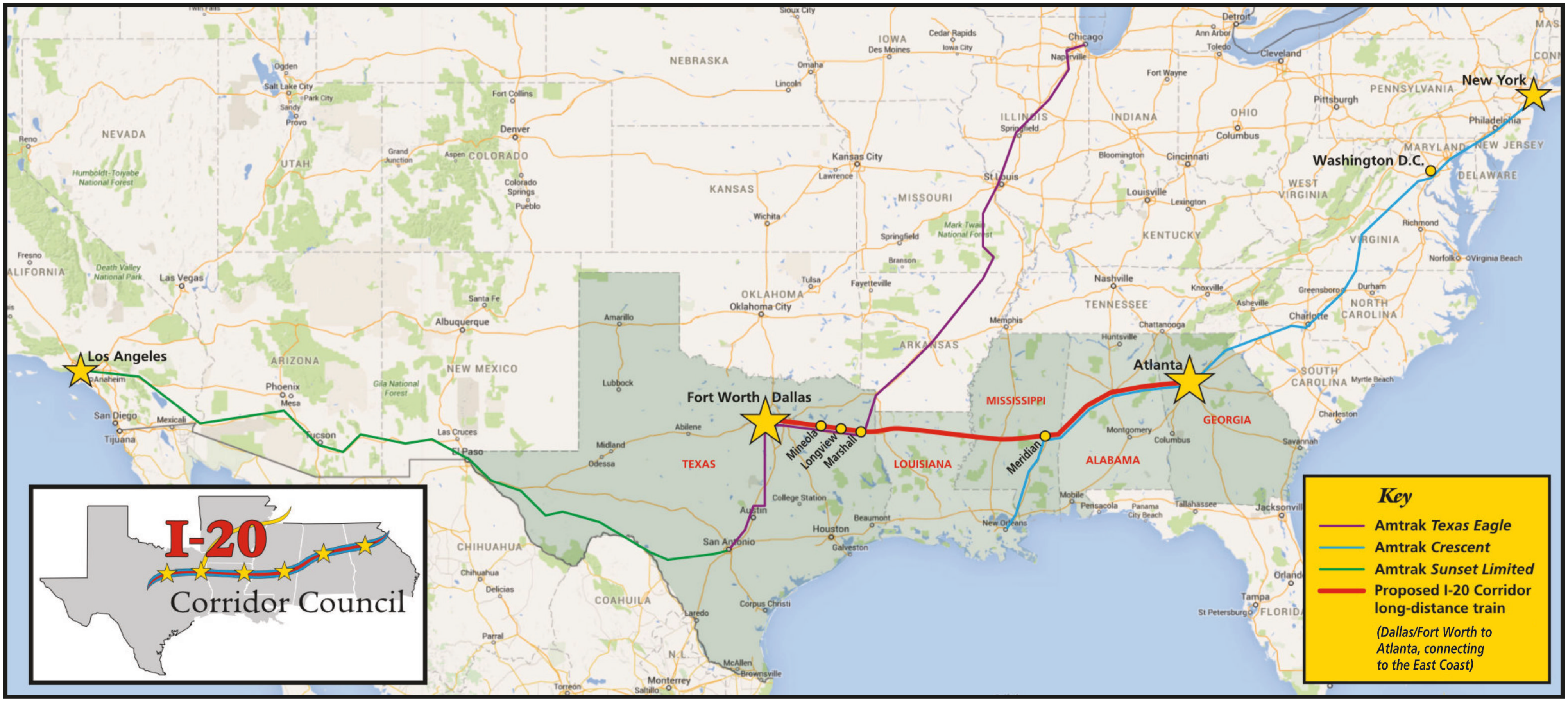
PASSED, APPROVED, AND ADOPTED this _______ day of March 2022.

____
CHAIRMAN OF THE COUNCIL
OF THE CITY OF MARSHALL

ATTEST:

____
CITY SECRETARY

Proposed I-20 Corridor Long-Distance Passenger Rail Connection
between Dallas/Fort Worth and Atlanta
(through Northeast Texas, Northern Louisiana, Mississippi, Alabama, and Georgia, and connecting with the East Coast and New York City)



With Congress' passage of the bi-partisan $1.2 trillion Infrastructure Investment and Jobs Act (IIJA), signed into law on November 15, 2021, the time is now to make the proposed I-20 Corridor long-distance passenger rail connection a reality.

This important East-West passenger rail connection across America's Southern region will not only connect two of our nation's fastest-growing urban mega-regions (greater Dallas/Fort Worth with 7.5 million in population and greater Atlanta with 6 million), it would also connect the rural communities and smaller cities along the route with each other and to the East Coast.

This could be a win-win for everyone since the rail route could be established with a comparatively small amount of funding in a relatively short period of time and bring many transportation, economic development, tourism, quality of life, and other benefits to our communities, region, and nation.

SOME FACTS ABOUT THE I-20 CORRIDOR LONG-DISTANCE TRAIN

★ The I-20 Corridor Council is a strong, grassroots, multi-state coalition of mayors, local, state, and federal officials, business and economic leaders, university and college presidents, and many other stakeholders who have worked together over the past 15 years in support of this long-distance train. We have obtained Memoranda of Understanding from Councils of Governments representing all counties and parishes between Fort Worth eastward through Mississippi.

★ The I-20 Corridor Council (formerly East Texas Corridor Council) obtained almost $740,000 in federal funds in 2007 and 2008, with the assistance of former U.S. Senator Kay Bailey Hutchison of Texas, for two critical studies of the I-20 rail route—a feasibility study and capacity study.

★ The feasibility study, carried out by Amtrak and completed in 2015, determined that this long-distance passenger rail connection is economically viable and would:

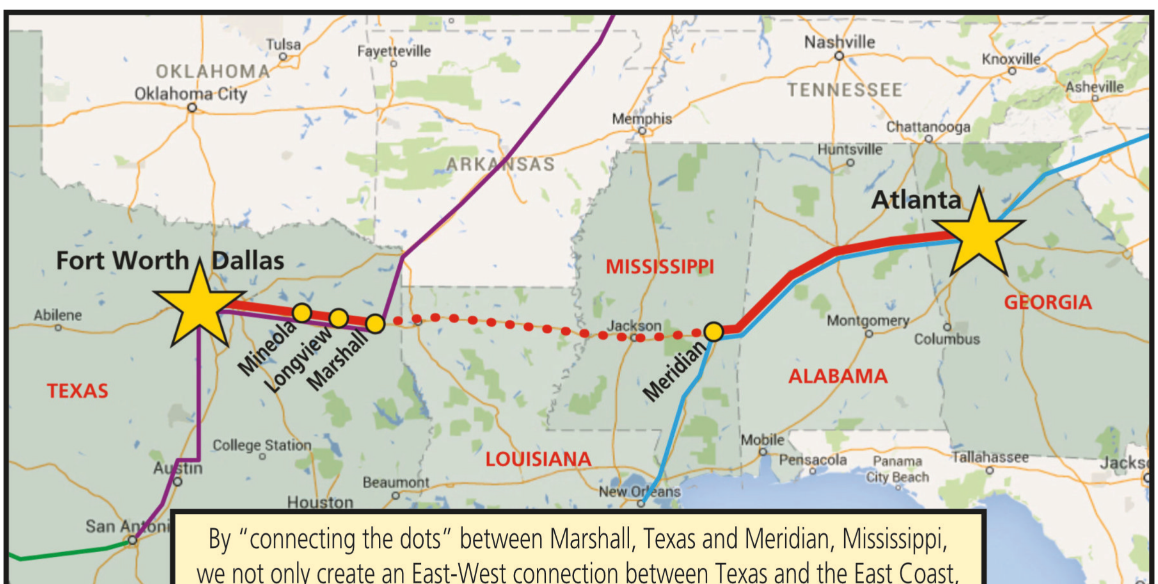
- Require **NO** annual operating subsidy for any of the states through which the route traverses
- Operate over existing railroad track
- Require no need for the exercise of eminent domain
- Travel at the currently authorized maximum speed of 79 mph, with the potential to achieve speed up to 115 mph
- Provide two trains daily (one eastbound, one westbound)

★ Using the remaining portion of the federal funding, the Corridor Council expanded the original scope of the study from studying only the Texas portion of the route to also studying the Louisiana and Mississippi portion of the route, at no cost to Louisiana and Mississippi.

★ The Corridor Council worked with Amtrak, Texas Department of Transportation (TXDOT), HNTB, Texas Transportation Institute (TTI) of Texas A&M, the University of New Orleans Transportation Institute, and the National Center for Intermodal Transportation for Economic Competitiveness from the University of Mississippi. The capacity study was completed in December, 2017.

★ The host railroads—*Union Pacific, Trinity Railway Express, and Canadian Pacific* (recently merged with *Kansas City Southern*)—will likely require a one-time capital investment to be paid by the states and/or federal government, once negotiations occur between Amtrak and the host railroads. The 2017 capacity study suggests that a capex investment of approximately $80 million in Texas, Louisiana, and Mississippi would enable new passenger rail service on the route without adversely affecting freight traffic along the host railroads.

★ Officials who have expressed strong support for the proposed I-20 Corridor long-distance train include U.S. Senator Roger Wicker of Mississippi, Senator Bill Cassidy of Louisiana, Congresswoman Eddie Bernice Johnson of Texas, Governor John Bel Edwards of Louisiana, and Louisiana Secretary of Transportation Shawn Wilson. The route also has the strong support of the **Southern Rail Commission** with whom we are collaborating.



By "connecting the dots" between Marshall, Texas and Meridian, Mississippi, we not only create an East-West connection between Texas and the East Coast, we also create a transcontinental connection from Los Angeles to New York (by connecting the *Sunset Limited, Texas Eagle* and the *Crescent.*).

We appreciate your support for this important transportation project.
The time is now to make this route a reality for the benefit of our states, region, and nation.

For more information, please call the ***I-20 Corridor Council*** *(903) 938-8373*
211 West Austin Street, Marshall, Texas 75670 ★ Contact: Christina Anderson cca@andersonpartners.org
www.i-20corridorcouncil.com

LANDMAN CORSI BALLAINE & FORD P.C.

A NEW YORK PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

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1617 JFK Boulevard, Suite 955
Philadelphia, PA 19103
Tel: (215) 561-8540

February 2, 2022

VIA E-FILING

Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E Street, S.W., Room 1034
Washington, D.C. 20423

Re: **Docket No. FD 36500**
Canadian Pacific Railway Limited; Canadian Pacific Railway Company; Soo Line Railroad Company, Central Maine & Quebec Railway US Inc.; Dakota, Minnesota & Eastern Railroad Corporation; and Delaware & Hudson Railway Company, Inc.–Control–Kansas City Southern, The Kansas City Southern Railway Company, Gateway Eastern Railway Company, and the Texas Mexican Railway Company

Dear Ms. Brown:

The National Railroad Passenger Corporation ("Amtrak") is pleased to report to the Board that Amtrak has reached the enclosed agreement with Canadian Pacific Railway Company and its United States rail operating subsidiaries Soo Line Railroad Company, Central Maine & Quebec Railway US Inc., Dakota, Minnesota & Eastern Railroad Corporation, and Delaware and Hudson Railway Company, Inc. (collectively, "CP") in connection with CP's application in the above-referenced proceeding.

Given CP's excellent record as an Amtrak host railroad and CP's commitments to Amtrak's efforts with states and others as detailed in the agreement, Amtrak is pleased to have reached an agreement formalizing CP's support of Amtrak expansion in the Midwest and the South. Amtrak supports CP's Application, which promises significant public benefits for the U.S. rail network.

Pursuant to paragraph 8 of the agreement, Amtrak hereby requests that the Board impose the terms of the enclosed agreement as a condition of the Board's approval of the Application.

Respectfully Submitted,

/s/ Sophia Ree
Sophia Ree

Enclosure

cc: All Parties of Record

AMTRAK-CANADIAN PACIFIC
AGREEMENT

The following Agreement to Cooperate ("Agreement") is entered into this 17th day of December, 2021 between the National Railroad Passenger Corporation, having its headquarters in Washington, D.C., herein referred to as "Amtrak," and Canadian Pacific Railway Company's United States rail operating subsidiaries, Soo Line Railroad Company, Central Maine & Quebec Railway US Inc., Dakota, Minnesota & Eastern Railroad Corporation, and Delaware and Hudson Railway Company, Inc., referred to collectively as "Canadian Pacific," or "CP". Amtrak and Canadian Pacific are collectively referred to as "Parties."

WHEREAS, Amtrak is in the process of making certain infrastructure improvements to facilitate additional round-trip Hiawatha trains operating on lines owned by Canadian Pacific between Chicago, Illinois and Milwaukee, Wisconsin;

WHEREAS, Amtrak is in the process of making certain infrastructure improvements to facilitate the expansion of intercity passenger service to Minneapolis-St. Paul, Minnesota on lines owned by Canadian Pacific;

WHEREAS, Amtrak's long-term vision includes intercity passenger service between New Orleans and Baton Rouge, Louisiana on lines owned by Kansas City Southern, which would require certain infrastructure improvements that have not yet been funded;

WHEREAS, Amtrak's long-term vision includes passenger service through the Detroit River Tunnel, initially between Detroit, Michigan and Windsor, Ontario, Canada;

WHEREAS, Amtrak desires further study of a possible passenger route between Dallas, Texas and Meridian, Mississippi;

WHEREAS, on October 29, 2021, Canadian Pacific filed with the Surface Transportation Board ("STB" or "Board") an application in STB Finance Docket No. 36500 for authority to acquire control of Kansas City Southern and its railroad affiliates (collectively, "Kansas City Southern"); and

WHEREAS, Amtrak is prepared to support that application in return for certain commitments by Canadian Pacific;

THEREFORE, Amtrak and Canadian Pacific hereby agree to the following:

1. **Hiawatha Service.**

    a. Canadian Pacific will add operation of a 7th Sunday round-trip *Hiawatha* train upon Amtrak's fourteen (14) days' advance written notice to CP prior to Amtrak's requested implementation. Amtrak's notice to CP shall acknowledge the Parties' agreement to compensation on a per-train mile basis and scheduled trip times equal to that of other *Hiawatha* trains operating on Canadian Pacific per the then current agreement between Amtrak and CP regarding *Hiawatha* trains.

b. Canadian Pacific agrees to permit Amtrak to add (as Amtrak planned independent of CP's proposed acquisition of KCS) an 8th daily round trip *Hiawatha* train upon: (i) completion of the following projects (some or all of which may have been necessary to support this additional train with or without CP's proposed acquisition of KCS) (A) the installation of CTC between Cut-off and the Milwaukee Intermodal Passenger Station; (B) completion of the addition of the second passenger platform at the Milwaukee Airport Rail Station; and (C) not less than thirty (30) days after receipt of a written commitment by the relevant funding agencies to fully fund the Muskego Yard Improvements Project ("MYIP") (described in Exhibit A attached hereto), during which time CP may commence engineering and construction for the MYIP; and (ii) Amtrak's fourteen (14) days' advance written notice to CP acknowledging the Parties' agreement to (A) compensation on a per-train mile basis equal to that of other *Hiawatha* trains operating on Canadian Pacific; and (B) scheduled trip times temporarily adjusted for *Hiawatha* trains to offset the impact of construction related activities during the MYIP, and after completion of the MYIP, scheduled trip times equal to that of other *Hiawatha* trains operating on Canadian Pacific, per the then current agreement between Amtrak and CP regarding *Hiawatha* trains. If, upon the operation of the 8th daily round-trip Hiawatha, CP demonstrates that the quality of freight transportation provided to shippers has been materially impacted by the introduction of the 8th daily round-trip Hiawatha, Amtrak and CP agree to work in good faith to make such additional adjustments to the *Hiawatha* train schedules to mitigate such material impact.

c. Canadian Pacific agrees to permit Amtrak to add (as Amtrak planned independent of CP's proposed acquisition of KCS) a 9th and 10th daily round trip *Hiawatha* train upon (i) (A) completion of the projects detailed in Exhibit A attached hereto (some or all of which may have been necessary to support these additional trains with or without CP's proposed acquisition of KCS), and if a project identified in Exhibit A is not implemented or completed, then the Parties shall cooperate to identify and agree upon a replacement for each project not implemented or completed; or (B) upon a material reduction in combined passenger and freight service volumes on the *Hiawatha* service corridor (measurement period beginning anytime following execution of this Agreement versus calendar year 2019 combined passenger and freight service volumes) for a minimum of two (2) years; and (ii) fourteen (14) days' advance written notice to CP acknowledging the Parties' agreement to compensation on a per-train mile basis and scheduled trip times equal to that of other *Hiawatha* trains operating on Canadian Pacific, per the then current agreement between Amtrak and CP regarding *Hiawatha* trains. The Parties agree to cooperate to secure funding for the projects and acknowledge that nothing in this agreement shall obligate CP to contribute to such funding.

2. **Twin Cities-Milwaukee-Chicago (*TCMC*).**

a. Canadian Pacific agrees to permit Amtrak's operation of the 1st daily round trip (as Amtrak planned independent of CP's proposed acquisition of KCS), which shall initially be an extension of an existing *Hiawatha* service train, prior to the because of Amtrak operations to facilitate the introduction of safe, trip-time-competitive intercity passenger rail service on the KCS rail line between IC Junction and Baton Rouge. The Parties commit to work together in good faith to determine what improvements are required because of Amtrak operations for the start of service, to cooperate in securing funding for such improvements, and to implement such improvements as promptly as possible; however, nothing in this agreement shall obligate CP to contribute funding to such improvements.

b. CP and Amtrak agree to review monthly the performance of the 1st round trip New Orleans-Baton Rouge Service train. Promptly after six (6) months of operation, the Parties agree to meet and review in detail the performance of the 1st round trip New Orleans-Baton Rouge Service train to determine if any schedule modifications or additional improvements are required to facilitate the reliable, trip-time-competitive operation of a 2nd daily round trip Amtrak train between New Orleans (IC Junction) and Baton Rouge, Louisiana.

   i. If the Parties agree that schedule modifications or additional improvements are required to facilitate the reliable, trip-time-competitive operation of a 2nd daily round trip New Orleans-Baton Rouge Service train, the Parties shall work together in good faith, to promptly implement such schedule modifications or additional improvements. Immediately following completion of such schedule modifications or agreed-upon improvements, the Parties will implement the 2nd daily round trip New Orleans-Baton Rouge Service train in accordance with Subparagraph 3.c. below.

   ii. If the Parties agree that no further schedule modifications or improvements are required to facilitate the reliable, trip-time-competitive operation of a 2nd daily round trip New Orleans-Baton Rouge Service train, the Parties will implement the 2nd daily round trip New Orleans-Baton Rouge Service train in accordance with Subparagraph 3.c. below.

   iii. If the Parties fail to agree on any schedule modifications or additional improvements, the Parties shall, at the request of either, jointly undertake and fund a third-party capacity analysis of the rail line between New Orleans (IC Junction) and Baton Rouge, which shall be completed no more than six (6) months after the date of such request. Within thirty (30) days of such request, the Parties shall jointly select a third party to conduct such analysis, and shall promptly share all operating, engineering, and other data as the third party may request. If the third party analysis determines that the rail line between New Orleans (IC Junction) and Baton Rouge can reasonably accommodate the 2nd daily Amtrak round trip, the Parties will implement such 2nd daily round trip Amtrak train in accordance with Subparagraph 3.c. below. If the third party analysis determines that the rail line between New Orleans (IC Junction) and Baton Rouge cannot reasonably accommodate the 2nd daily Amtrak round trip, the Parties shall, within sixty (60) days of the completion of the capacity analysis, select and implement a mitigation strategy, after which the Parties shall implement the 2nd daily round trip New Orleans-Baton Rouge Service train in accordance with Subparagraph 3.c. below.

c. Subject to the relevant conditions outlined in Subparagraph 3.b. above, CP agrees to permit the operation of a 2nd daily round trip New Orleans-Baton Rouge Service train upon sixty (60) days' advance written notice from Amtrak to CP including (i) a commitment by the relevant funding agencies to fully fund any additional improvements to support the 2nd daily round trip New Orleans-Baton Rouge Service train; (ii) acknowledging the Parties' agreement to compensation equal to that of the 1st round trip New Orleans-Baton Rouge Service train; and (iii) acknowledging the temporary adjustment of scheduled trip times during the construction of agreed-upon infrastructure improvements, if any, that are required to (A) support scheduled trip times equal to or lesser than the 1st round trip New Orleans-Baton Rouge Service train; and (B) mitigate any unreasonable impairment of CP's freight transportation resulting from the 2nd daily round trip New Orleans-Baton Rouge Service train.

4. **Detroit/Windsor.**

a. Upon Amtrak's sixty (60) days' advance written notice to CP, Canadian Pacific will permit Amtrak to use the Detroit River Tunnel to connect one (1) round trip passenger train per day with Via Rail Canada (VIA) at Windsor, Ontario not sooner than one (1) year following the execution date of this Agreement (i) at maximum authorized speeds, reflecting passenger train differentials; (ii) with compensation on a per-train mile basis, equal to that of *Hiawatha* trains currently operating on Canadian Pacific; and (iii) with no required capital contribution from Amtrak for capacity improvements for the first (1st) round trip train identified in this Subparagraph 4.a. herein, except as may be required for station facilities, but excluding dedicated station tracks.

b. Following the Parties' completion within one (1) year or less, of the process outlined in Section 3.2 of the Second Amendment Agreement and not sooner than four (4) years following the execution date of this Agreement, upon Amtrak's sixty (60) days' advance written notice to CP, CP agrees to permit Amtrak to introduce a 2nd daily Detroit/Windsor round trip, subject to identical terms as the first Detroit/Windsor round trip train.

5. **Dallas to Shreveport to Meridian.** If the STB approves Canadian Pacific's acquisition of control of Kansas City Southern and not sooner than two (2) years following such approval of control, Canadian Pacific agrees to participate in a joint study including Amtrak, Norfolk Southern Railway, Union Pacific Railroad, and relevant governmental agencies, with the goal of the introduction of a single round trip Amtrak train between Meridian, MS and Dallas, TX and with the potential for a 2nd daily round trip, subject to identical terms, not sooner than four (4) years following such STB approval.

6. **Metrics and Minimum Standards.** If the STB approves Canadian Pacific's acquisition of control of Kansas City Southern, Canadian Pacific agrees that any changes in operations stemming directly or indirectly from such acquisition of control, including but not limited to changes in freight traffic volumes, scheduling, infrastructure, and dispatching, will not cause the Customer OTP of Amtrak trains currently operating on Canadian Pacific lines to fall below the minimum standard as defined in the Federal Railroad Administration's (FRA) Final Rule published November 16, 2020.

7. **Commitment to Cooperation.** Consistent with current practice, Canadian Pacific and Amtrak will continue to cooperate regarding published schedules and schedule modifications for all Amtrak trains operating on Canadian Pacific lines, including those identified above, and will cooperate to obtain third-party funding for joint benefit and intercity passenger rail sole-benefit projects which will contribute to the success of Amtrak's Intercity Rail Passenger Service and CP freight service.

   Discussions between the parties pursuant to this Agreement, including but not limited to the process outlined in Section 3.2 of the Second Amendment Agreement referenced above, will be subject to the terms and conditions of a Nondisclosure Agreement that the parties will negotiate in good faith. Amtrak shall not disclose to any third-party prior or future discussions concerning CP's trade secrets and other confidential business information except as required by law, such as by court order, subpoena, or the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. Amtrak shall consult with CP prior to responding to any court order, subpoena or FOIA request that includes prior or future discussions or information exchanged between the parties under this Agreement. For the avoidance of doubt, nothing in this paragraph shall be construed as prohibiting Amtrak from complying with its obligations under FOIA.

8. **Letter of Support.** Subject to CP's review and approval and no later than February 28, 2022 or by another date certain at CP's request, Amtrak will file a letter addressed to the Board stating that Amtrak supports Canadian Pacific's application to acquire control of Kansas City Southern in STB Finance Docket No. 36500. CP understands and acknowledges that Amtrak may request that the Board impose a condition requiring CP to honor its commitments to Amtrak as described in this Agreement, and Amtrak understands and acknowledges that CP is free to oppose such a request by Amtrak. Amtrak agrees it will not seek additional conditions in connection with CP's application. Amtrak reserves the right to oppose any condition sought in STB Finance Docket No. 36500 that conflicts with the provisions of this Agreement or that would otherwise impair Amtrak service, but if that were to occur, it would not affect Amtrak's commitments under this Agreement.

9. **Dispute Resolution.** The Parties agree that the commitments contained in this Agreement shall be enforceable in accordance with the dispute resolution process identified in Article Six of the Agreement between National Railroad Passenger Corporation and Chicago, Milwaukee, St. Paul and Pacific Railroad Company, dated September 1, 1976, as amended.

10. **Governing Law.** This Agreement is binding on the Parties and their successors and shall be construed in accordance with and governed by the internal laws of the District of Columbia without reference to its conflict of laws principles.

AGREED:

National Railroad Passenger Corporation

Name: Dennis J. Newman
Title: Executive Vice-President
Planning & Asset Development

AGREED:

Soo Line Railroad Company, Central Maine & Quebec Railway US Inc., Dakota, Minnesota & Eastern Railroad Corporation, and Delaware and Hudson Railway Company, Inc.

Name: James Clements
Title: Senior Vice-President
Strategic Planning & Technology Transformation

Exhibit A: Paragraph 1.b. Project Descriptions

Projects previously identified and included in the *Hiawatha* initiative

1. MARS Second Platform

    - Construction of west platform with canopy, elevator towers, overhead pedestrian bridge, and track improvements at Milwaukee Airport Rail Station (MARS). Includes track resurfacing and inter-track fencing.

2. MIS-Cut-Off CTC

    - CTC installation from Menomonee to Cut-Off.

3. Muskego Yard Freight Bypass of Milwaukee Intermodal Station–(MYIP)

    - Create a new double-track mainline through Muskego yard that will become the primary route for freight traffic traveling though Milwaukee, including reconfiguration of east and west track yard approaches.
    - Install a new Centralized Traffic Control (CTC) system to allow signals to automatically change in response to track occupancy and remote control.
    - Replace the 100+ year-old structure across Burnham Canal and the Menomonee Valley River to accommodate higher loading capacity and speed and rehabilitate other bridges.

4. Speed Increase between A-20 and Rondout for certain freight trains

    - Increase speeds of non-heavy CP trains from 40 to 50 MPH. If necessary, may involve some grade crossing modifications. Inspect signals to check if rewiring is needed.

5. Rondout interlocking signal and track improvements

    - Install new interlocking equipment, crossovers and new track to enable simultaneous bi-directional movements between C&M and Fox Lake sub. Includes second track on Fox Lake Sub, and a 1,000-ft third track on C&M Sub.

6. Lake Forest Crossovers[1]

    - Universal crossover constructed between IL Route 60 and Conway Rd, including associated signal work.

7. Glenview Universal Crossover[2]

    - Universal crossover installed south of Glenview Rd in Glenview, IL, including associated signal work.

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[1] The Federal Railroad Administration, Wisconsin Department of Transporation, the Illinois Department of Transporation ("IDOT"), other relevant stakeholders and CP previously identified and agreed to several rail infrastructure improvements to support a proposed an increase of Amtrak's Hiawatha passenger rail service on CP trackage between Milwaukee and Chicago, including the Lake Forest Crossovers ("Lake Forest") and Glenview Universal Crossover ("Glenview") projects included in Exhibit A of this Agreement. Subsequently, IDOT issued a May 2, 2019 letter declining to seek federal funding for the Lake Forest and Glenview projects. If one or both of the Lake Forest or Glenview projects are not implemented, then the Parties shall cooperate to identify and agree upon a replacement for each missing project.

[2] See previous footnote.

Exhibit B: Paragraph 2.a. Project Descriptions

Project	Municipality	Description
Midway Maintenance Facility	St. Paul, MN	Implement minor improvements to the retired Midway Station for reuse as a layover/maintenance facility.
Tower CK	Winona, MN	Alleviate congestion west of the Winona Depot. Extends the siding connecting the main track to the CP Waseca Subdivision over ½ mile east, with power switches and signals. Includes new turnouts, new signals, and reconstruction of Bierce Street at-grade crossing.
Winona Siding	Winona, MN	Upgrade two miles of existing siding track with power switches and signals to allow more efficient train meets and allow the ability to clear the main track more quickly and efficiently when working Winona. Includes constructions of new turnouts, new signals and communications, and reconstruction of track and panels at six crossings.
River Junction	La Crescent, MN	Converts an un-signaled yard track to a signaled second main track from Bridge Switch directly west of the Mississippi River Bridge through River Junction to West River Junction. Power switches would be installed at the junction with the Marquette Subdivision. The alignment of the Bridge Switch would be modified to allow for increased train speeds through the switch, and the new main track speeds would be increased from 10 mph to 25 mph. Includes signal improvements, new mainline track, turnouts, and an upgrade to the existing yard track.
Mississippi River Bridge	La Crescent Township, MN	Realign the track approaches at both the west and east ends, replace the west bridge switch and replace the bridge special trackwork at the moveable points of the bridge. These improvements will increase the speed across the bridge from 10 mph to 15 mph.
La Crosse Yard and Depot Area Improvements	La Crosse, WI	Re-establishes the second main track through the La Crosse depot area and convert the existing La Crosse Yard lead to a signaled second main track from Grand Crossing west to the foot of the Black River Bridge at East Wye. Also includes extension of the existing yard lead to the west, reconstruction of the passenger platform at the La Crosse Amtrak Depot, and reconstruction of crossings at Saint Cloud/Liberty streets and Avon/Hagar streets.

CERTIFICATE OF SERVICE

I, Sophia Ree, declare under penalty of perjury that the foregoing is true and correct.

Pursuant to 49 § 1104.12, I hereby certify that on the 2nd day of February, 2022 I have caused to be served a copy of the foregoing Letter to Surface Transportation Board upon all parties of record via electronic mail.

Executed on: February 2, 2022

By: /s/ Sophia Ree
Sophia Ree

CERTIFICATE OF SERVICE

I, Sophia Ree, declare under penalty of perjury that the foregoing is true and correct.

Pursuant to 49 § 1104.12, I hereby certify that on the 2nd day of February, 2022 I have caused to be served a copy of the foregoing Letter to Surface Transportation Board upon the following parties of record in this proceeding via mail:

Secretary of Transportation
1200 New Jersey Avenue, S.E.
Washington, DC 20590

Attorney General of the United States,
c/o Assistant Attorney General
Antitrust Division, Room 3109
Department of Justice
Washington, DC 20530

Lance Lin
Attorneys for Yang Ming (America) Corp
1085 Raymond Boulevard
Newark, NJ 07102

Brad Chase
Attorneys for Bison Transport
1001 Sherwin Road
Winnipeg, MB R3H 0T8
Canada

Executed on: February 2, 2022

By: /s/ Sophia Ree
Sophia Ree

ITEM 9B

RESOLUTION

CONSIDER APPROVAL OF A RESOLUTION AUTHORIZING THE SALE OF REAL PROPERTY OWNED BY THE CITY OF MARSHALL, TEXAS

A RESOLUTION AUTHORIZING THE SALE OF REAL PROPERTY OWNED BY THE CITY OF MARSHALL, TEXAS

WHEREAS, the City of Marshall, Texas owns that certain twenty acre tract of land in Harrison County, Texas described in the attached Exhibit “A” (herein called “the Property”); and

WHEREAS, the City of Marshall, Texas seeks to sell the Property; and

WHEREAS, the City of Marshall, Texas previously engaged Colin Brady of Century 21, a Select Group to act as a broker for the sale of the property pursuant to Texas Local Government Code §253.014; and

WHEREAS, Colin Brady has produced a ready, willing and able buyer to purchase the Property using the multiple-listing service; and

WHEREAS the City of Marshall has entered into a contract for the sale of the Property dated January 13, 2022 with the buyers produced by Colin Brady, those buyers being Cary Mac Abney and Claudia Abney;

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

1. The City Council for the City of Marshall hereby authorizes the sale of the Prroperty pursuant to the terms of the January 13, 2022 contract.

2. David Willard, the interim City Manager for the City of Marshall is hereby authorized to execute all documents necessary to sell the Property to Cary Mac Abney and Claudia Abney pursuant to the terms of the January 13, 2022 contract.

PASSED AND APPROVED this _______ day of ________, 2022.
AYES: ___________
NOES: ___________
ABSTAINED: ____________

____
CHAIRPERSON OF THE CITY COUNCIL
OF THE CITY OF MARSHALL, TEXAS

ATTEST:

____
City Secretary

Exhibit A

All that certain tract or parcel of land, consisting of twenty (20) acres of the Henry Teal 1476 acres Grant of land in Harrison County, Texas, about 2½ miles Northeast from the court house in the City of Marshall;

Beginning at the Southeast corner of five acres purchased by the City of Marshall from J H Callaway, from which a sweet gum brs N 35 W 1.8 vrs mkd. X;

Thence South 60 E at 468 vrs a creek and at 567 vrs to corner in field;

Thence North 30 E 193 vrs to corner on the North boundary line of 147 acres of land purchased by the said B F Myers from John R Mahone;

Thence North 60 W with said North boundary line 557 vrs to a corner of said 147 acres;

Thence West 55 vrs to the Northeast corner of the above mentioned 5 acres from which a Sweet Gum brs S 45 E 2.2 vrs mkd X;

Thence South 17 W 170 vrs to the place of beginning.

ITEM 10A

CONSIDER APPROVAL OF AN EXTENSION OF THE CONTRACT WITH PETE MCCARTY OIL COMPANY TO PROVIDE FUEL FOR THE CITY OF MARSHALL

City of
MARSHALL
TEXAS

TO:	Members of the City Council
FROM:	Eric Powell, PE ELP Director of Public Works/City Engineer
DATE:	March 8, 2022
SUBJECT:	Extension of a contract with Pete McCarty Oil Co. to provide fuel for the City of Marshall

---

In March 2020, the City Council approved a contract with Pete McCarty Oil Company, Inc. to provide fuel for the City of Marshall.

The original contract period expired on March 31, 2021; however, provisions were included to allow the City to extend the contract for up to two (2) additional periods (in one year increments), provided that the vendor again agreed to the terms as outlined in the original contract. Pete McCarty Oil Company has indicated that they wish to enter into the final contract extension period (April 2022 – March 31, 2023), at the same price structure as approved in the original contract.

I hereby recommend approval for this contract extension with Pete McCarty Oil Company, Inc. to provide fuel for the City of Marshall.

CITY OF MARSHALL, TEXAS
(Bid No. 2020-001/FUEL)

Contract and Agreement
(Extension #2 & Final)

This contract and agreement is entered into by and between the City of Marshall, Texas and Pete McCarty Oil Co., Inc of Marshall, Texas.

I. Contracting Parties:

Receiving Party: **City of Marshall, Texas**

Performing Party: **Pete McCarty Oil Co., Inc.**

II. Statement of Services to be performed:

Furnish 87 octane unleaded fuel and Number 2 diesel fuel to the City of Marshall within the time period designated and for the price(s) stated by the bidder in their bid proposal for Bid No. 2020-001/Fuel signed and dated on March 10, 2020. Bid No. 2020-001/Fuel, including the terms and conditions contained therein, is incorporated and made a part of this contract by reference as if fully set forth and copied at length.

III. Contract Amount:

Pete McCarty Oil, Co., Inc. of Marshall, Texas agrees to furnish approximately 120,000 gallons of 87 octane unleaded fuel and approximately 50,000 gallons of Number 2 diesel fuel to the City of Marshall for a profit margin of **$0.09/per gallon.**

IV. Payment for Goods or Services:

The Receiving Party shall pay the Performing Party for goods or services within thirty (30) days from receipt of properly submitted itemized bill(s) signed by authorized City employees.

V. Term of Contract:

Period of contract (Extension #2): This final contract extension is to begin on **April 1, 2022** and end on **March 31, 2023.**

VI. Patent and Royalty Disclaimer:

The bidder, without exception, shall indemnify and save harmless the City of Marshall and its employees from liability of any nature or kind, including cost and expenses for or on account of any copyrighted, patent or unpatented invention, process or article manufactured or used in the performance of the contract including its use by the City of Marshall. If the bidder uses any design, device or materials covered by patent copyright, it is mutually agreed and understood without exception that the bid prices shall include all royalties or cost arising from use of such design, device in any way involved in the work.

RECEIVING PARTY

Receiving Party certifies that it has authority to contract for the above services.

City of Marshall, Texas P.O. Box 698 Marshall, Texas 75671	**Name of Receiving Party**
______________________________	**Authorized Signature**
______________________________	**Date**

PERFORMING PARTY

The undersigned signatory for the Performing Party hereby represents and warrants that she/he is an officer of the organization for which she/he has executed this Contract; and that the officer has full and complete authority to enter into this contract on behalf of the Performing Party.

Pete McCarty Oil Co., Inc. P.O. Box 1436 Marshall, Texas 75671	**Name of Performing Party**
______________________________	**Authorized Signature**
______________________________	**Date**

ITEM 10B

CONSIDER APPROVAL FOR FORMAL ACCEPTANCE OF THE COMPLETED 2021 STREET IMPROVEMENT PROGRAM, INCLUDING RELEASE OF FINAL PAYMENT AND RETAINAGE TO THE CONTRACTOR

City of
MARSHALL
TEXAS

TO: Members of the City Council

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

DATE: March 8, 2022

SUBJECT: Consider approval for formal acceptance of the completed 2021 Street Improvement Program, including release of final payment and retainage to the contractor

---

The 2021 Street Improvement Program is now complete and ready for formal acceptance by the City Council. All work has been reviewed and confirmed to be satisfactorily completed for this project. I have also reviewed and verified the contractor's final payment request and request for release of retainage.

ITEM 10C

CONSIDER APPROVAL FOR FORMAL ACCEPTANCE OF THE COMPLETED TRAVIS ST. WATER MAIN IMPROVEMENT PROJECT, INCLUDING RELEASE OF FINAL PAYMENT AND RETAINAGE TO THE CONTRACTOR

City of MARSHALL TEXAS

TO: Members of the City Council

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

DATE: March 8, 2022

SUBJECT: Consider approval for formal acceptance of the completed Travis St. Water Main Improvement Project, including release of final payment and retainage to the Contractor.

The Travis Street Water Main Improvement Project is now complete and ready for formal acceptance by the City Council. All work has been completed to the satisfaction of myself and the design engineer, Mr. Stan Hayes, PE. The contractor's final payment request and request for release of retainage has been reviewed and verified by myself and Mr. Hayes.

ITEM 10D

CONSIDER APPROVAL OF RECOMMENDATIONS FOR APPOINTMENTS TO THE KEEP MARSHALL BEAUTIFUL BOARD

Memorandum

Date: February 22, 2022

To: David Willard, City Manager

From: Daniel Duke, Director of Tourism & Cultural Arts

Subject: Keep Marshall Beautiful board vacancies.

The following Keep Marshall Beautiful board members have been approved; on March 1, 2022, by the Keep Marshall Beautiful board so as to fill vacancies on that board.

The board voted to accept Robert Shaw and Lana Shaw of Marshall, Texas and is now seeking approval by the Marshall City Council.

City of Marshall
Application for Appointment to City Boards and Committees

Name of Board or Committee to which you are applying: Keep Marshall Beautiful

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

Name: Mr. Shjaw Robert A
(Title) (Last) (First) (Middle)

Permanent Residence Address: 209 S Franklin st, Marshall TX 75670
(Street) (City) (State) (Zip Code)

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

Preferred Phone and Fax: 702-296-0363 NA
(Phone) (Fax)

Email Address: candles2cool@yahoo.com

Occupation: Retired

Employer: NA Title:

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

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

Length of residence: 2yrs In which District do you reside? 3

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

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

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

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

(Rev. 12/09)

Continued on Page 2

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

Name: Robert A Shaw

BACKGROUND

Education: High School diploma, some college

Professional:

Volunteer Experience/Community Service: 10yrs Vol. Deputy Sheriff, 5 yrs Citizen on patrol,2yrsArizona Ranger.

Areas of interest: Beautifiction of City public areas, parks and recreaton as well as residential community

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

Organization: None at this time

Title: Dates:

Organization:

Title: Dates:

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

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

Robert A Shaw 02/15/2022

Signature Date

FILE COMPLETED FORM WITH CITY ADMINISTRATION OFFICE BY DEADLINE FOR PROCESSING.

ATTN: Lacy Burson
401 S. Alamo
Marshall, Texas 75670

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

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

City of Marshall
Application for Appointment to City Boards and Committees

Name of Board or Committee to which you are applying: MARSHALL Beautiful

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

Name: MRS Shaw, LANA DIANE
(Title) (Last) (First) (Middle)

Permanent Residence Address: 209 S. FRANKLIN St, MARSHALL, TX 75670
(Street) (City) (State) (Zip Code)

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

Preferred Phone and ~~Fax~~: 702-296-0363
(Phone) (Fax)

Email Address: rosemaryldl@outlook.com

Occupation: Retired - "Artist"

Employer: ____________________ Title: ____________________

Are you a registered voter in the City of Marshall? X Yes ___ No

Are you a resident of the City of Marshall? X Yes ___ No

Length of residence: 3 In which District do you reside? 3

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

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

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

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

Continued on Page 2

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

Name: MARSHALL BEAUTIFUL, MAIN STREET ADVISORY BOARD

BACKGROUND

Education:

Professional: Retired Bussiness Owner

Volunteer Experience/Community Service: "Needles CA." Planning & Zoneing, Hospital Board, Planning of Centenial Celebration, Art Commission"

Areas of interest: Historic, Buildings, Bringing New Business to downtown Area. See more homes maintained.

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

Organization:

Title: Dates:

Organization:

Title: Dates:

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

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

Lana W Shaw 1/4/2022

Signature Date

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

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

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

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

ITEM 10E

CONSIDER APPROVAL OF A SIGNED LETTER OF INTENT AUTHORIZING THE PURCHASE OF A 2022 PIERCE-CUSTOM ENFORCER PUC AND RELATED EQUIPMENT

City of Marshall
Fire Department
P.O. Box 698
Marshall, Texas 75671
903-935-4580 / FAX 903-935-3568

REGINALD K. COOPER, EFO FIRE CHIEF

March 17, 2022

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

Dear City Manager and Council:

The Marshall Fire Department respectfully requests the approval of a signed letter of intent authorizing the purchase a 2022 Pierce-Custom Enforcer PUC and related equipment. The total price of the unit, which includes associated fees ($2,000 HGAC fee) will be $757,629.00. The 2022 Marshall PUC Pumper will be purchased through a cooperative purchasing group called the Houston-Galveston Area Council (HGAC), which the City of Marshall is a member.

We are considering any potential cost saving measures pertaining to needed and related equipment as well as installation necessities.

We are scheduled to receive our new pumper within the first quarter of the year 2024. This letter of intent authorized by you insures our price to not suffer any additional charges and no delays in our delivery date.

Please allow me to answer any questions pertaining to our request.

Chief Cooper, EFO

Marshall Fire Department

Siddons Martin Emergency Group, LLC
3500 Shelby Lane
Denton, TX 76207
GDN P115891
TXDOT MVD No. A115890

March 7, 2022

Reggie Cooper, Chief
MARSHALL FIRE DEPARTMENT
601 S GROVE ST
MARSHALL, TX 75670

Proposal For: Marshall PUC Pumper

Siddons-Martin Emergency Group, LLC is pleased to provide the following proposal to MARSHALL FIRE DEPARTMENT. Unit will comply with all specifications attached and made a part of this proposal. Total price includes delivery FOB MARSHALL FIRE DEPARTMENT and training on operation and use of the apparatus.

Description		Amount
Qty. 1 - 991 - Pierce-Custom Enforcer PUC **(Unit Price - $755,629.00)** Delivery within 20-21 months of order date QUOTE # - SMEG-0001723-4		
	Vehicle Price	$755,629.00
	Chassis Prepay Discount	($10,417.17)
	Full Prepay Discount	($19,261.00)
	991 - UNIT TOTAL	**$725,950.83**
	SUB TOTAL	$725,950.83
	HGAC FS12-19 (FIRE)	$2,000.00
	TOTAL	**$727,950.83**

Price guaranteed for 60 days

Taxes: Tax is not included in this proposal. In the event that the purchasing organization is not exempt from sales tax or any other applicable taxes and/or the proposed apparatus does not qualify for exempt status, it is the duty of the purchasing organization to pay any and all taxes due. Balance of sale price is due upon acceptance of the apparatus at the factory.

Late Fee: A late fee of .033% of the sale price will be charged per day for overdue payments beginning ten (10) days after the payment is due for the first 30 days. The late fee increases to .044% per day until the payment is received. In the event a prepayment is received after the due date, the discount will be reduced by the same percentages above increasing the cost of the apparatus.

Cancellation: In the event this proposal is accepted and a purchase order is issued then cancelled or terminated by Customer before completion, Siddons-Martin Emergency Group may charge a cancellation fee. The following charge schedule based on costs incurred may be applied:

(A) 10% of the Purchase Price after order is accepted and entered by Manufacturer;
(B) 20% of the Purchase Price after completion of the approval drawings;
(C) 30% of the Purchase Price upon any material requisition.

The cancellation fee will increase accordingly as costs are incurred as the order progresses through engineering and into manufacturing. Siddons-Martin Emergency Group endeavors to mitigate any such costs through the sale of such product to another purchaser; however, the customer shall remain liable for the difference between the purchase price and, if applicable, the sale price obtained by Siddons-Martin Emergency Group upon sale of the product to another purchaser, plus any costs incurred by Siddons-Martin to conduct such sale.

Acceptance: In an effort to ensure the above stated terms and conditions are understood and adhered to, Siddons-Martin Emergency Group, LLC requires an authorized individual from the purchasing organization sign and date this proposal and include it with any purchase order. Upon signing of this proposal, the terms and conditions stated herein will be considered binding and accepted by the Customer. The terms and acceptance of this proposal will be governed by the laws of the state of Texas. No additional terms or conditions will be binding upon Siddons-Martin Emergency Group, LLC unless agreed to in writing and signed by a duly authorized officer of Siddons-Martin Emergency Group, LLC.

Sincerely,

Chris Mahler

I, ________________________, the authorized representative of MARSHALL FIRE DEPARTMENT, agree to purchase the proposed and agree to the terms of this proposal and the specifications attached hereto.

____

Signature & Date

ITEM 11

CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

ITEM 12

ADJOURNMENT