Council Chambers, City Hall
401 South Alamo
Marshall, TX 75670
903-935-4421

Members
Amy Ware, District 4 - Mayor
Marvin Bonner, District 1
Leo Morris, District 2
Jennifer Truelove, District 3
Reba Godfrey, District 5
Amanda Abraham, District 6
Micah Fenton, District 7

PLEASE SILENCE ALL DEVICES
REGULAR CITY COUNCIL MEETING

October 12, 2023
6:00 PM

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

2. **Invocation and Pledges**

3. **Presentations & Proclamations**

   A. Presentation of a proclamation honoring Marshall Public Library on its 50th anniversary of service to Marshall and Harrison County residents. (Community Services)

   B. Presentation of a proclamation designating the week of October 8 – 14, 2023 as Fire Prevention Week in the City of Marshall – theme this year is "Cooking safety starts with YOU. Pay attention to fire prevention." (Mayor Ware)

   C. Presentation of a proclamation recognizing October 2023 as National Cyber Security Awareness Month. (Support Services)

4. **Citizen Comments**

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

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 **Items to be Withdrawn From Consent Agenda**

6. **Consent Agenda**

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

   A. Consider approval of the minutes from the September 28, 2023 Regular Council meeting. (City Secretary)

   B. Consider approval of a resolution adopting the City of Marshall Investment Policy. (Finance)

   C. Consider approval of a Resolution to cast votes for the Harrison Central Appraisal District Board of Directors. (City Manager)

7. Consideration of Items Withdrawn From the Consent Agenda

8. Public Hearings & Ordinances

A. Conduct a public hearing and consider approval of an ordinance extending the term of Tax Increment Reinvestment Zone Number One. (Finance)

B. Consider approval of an Ordinance amending the 2023 Annual Budget. (Finance)

9. Resolution

10. City Manager Reports and Requests for City Council Consideration

A. Update on Wonderland of Lights 2023. (Main Street)

B. Consider approval of the purchase and installation of a LED marquee sign at Memorial City Hall. (Memorial City Hall)

11. Adjournment

Posted: N. Smith
10/9/2023
5:00 PM

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

TO:	City Council
DATE:	October 12, 2023
ITEM #:	3.A
SUBJECT:	Presentation of a proclamation honoring Marshall Public Library on its 50th anniversary of service to Marshall and Harrison County residents. (Community Services)

Recommendation for Action: Read and present a proclamation honoring Marshall Public Library on its 50th anniversary of service to residents of Marshall and Harrison County.

Executive Summary: The Marshall Public Library will celebrate 50 years of service to Marshall and Harrison County residents on October 21, 2023. In 1969, Marshall was the largest city in Texas without a public library. A group of concerned citizens, through the Culture and Education Committee of the Marshall Chamber of Commerce, initiated efforts to build a library for all residents of Harrison County.

In December 1969, the City Commission created, by ordinance, the Marshall Public Library as its newest department of City government. Thereafter, $10,000 was budgeted for operational expenses, a Board of Trustees was appointed, and Mrs. Dorothy Morrison was hired as the first library director in September 1970. The Friends of a Public Library and the Board of Trustees worked to secure funding and pledges of donations from residents, civic organizations, businesses, and national foundations for the construction of the library. In 1975, the Texas State Library named Marshall Public Library as "Library Project of the Year".

On December 6, 1972, groundbreaking ceremonies were held and construction began, and the library was dedicated debt-free on October 21, 1973. Since then, the library and its staff have provided quality programs, resources, and services to residents of Marshall and Harrison County.

The library will host a 50th birthday party for the community on October 21, 2023. At 10:00 am, there will be a retrospective of the library's history honoring those who made a public library in Marshall a reality and recognizing current City Council, County Commissioners, City officials, and library staff. Beginning at 1:00 pm, the celebration continues with face painting, snow cones, and more!

Budget Cost: None

Staff Contact: Anna Lane, Director of Community Services

Attachments: 1. Marshall Public Library 50th Birthday Proclamation

PROCLAMATION

WHEREAS, in 1969, the City of Marshall was the largest city in Texas without a public library; and

WHEREAS, the Culture and Education Committee of the Marshall Chamber of Commerce initiated efforts to establish a public library where everyone in the community would be welcomed; and

WHEREAS, the Friends of a Public Library was formed in August 1969 and the City Commission established the Marshall Public Library as the newest department in the city government in December 1969 and appointed a Library Board of Trustees; and

WHEREAS, under the leadership of the Friends organization and Board of Trustees, the community, businesses, and civic organizations rallied with contributions and pledges of donations to meet the challenge from the Andrew Norman Foundation to raise $150,000 in local matching funds within two years; and

WHEREAS, the two year challenge was met within one year and additional grants from the Hoblitzelle, Moody, and Alcoa Foundations, Texas State Library, and a bequest from the estate of Emma Walker were received; and

WHEREAS, a groundbreaking ceremony was held and construction began on the 14,700 square foot facility in December 1972 and the Texas State Library later named Marshall Public Library as "Library Project of the Year"; and

WHEREAS, the Marshall Public Library opened its doors to all residents of Marshall and Harrison County in October 1973--less than five years from its inception--and has provided quality library programs, resources, and services to the residents of Marshall and Harrison County for 50 years;

NOW, THEREFORE, the Marshall City Council does hereby honor the foresight and relentless work of community leaders 50 years ago and recognizes the continued dedication to service of the Marshall Public Library staff, Board of Trustees, and Friends of a Public Library to the community.

Amy Ware, Mayor

City of MARSHALL TEXAS

October 12, 2023

TO:	City Council
DATE:	October 12, 2023
ITEM #:	3.B
SUBJECT:	Presentation of a proclamation designating the week of October 8 – 14, 2023 as Fire Prevention Week in the City of Marshall – theme this year is "Cooking safety starts with YOU. Pay attention to fire prevention." (Mayor Ware)

Recommendation for Action: Presentation of proclamation for Fire Prevention Week.

Executive Summary:

Budget Cost:

Staff Contact:

Attachments: 1. Fire Prevention Week October 2023

PROCLAMATION

WHEREAS, the City of Marshall, Texas is committed to ensuring the safety and security of all those living in and visiting our state; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires killed more than 2,800 people in the United States in 2021 , according to the National Fire Protection Association® (NFPA®), and fire departments in the United States responded to 338,000 home fires; and

WHEREAS, cooking is the leading cause of home fires in the United States and fire departments responded to more than 166,400 annually between 2016 and 2020 ; and

WHEREAS, two of every five home fires start in the kitchen with 31% of these fires resulting from unattended cooking; and

WHEREAS, more than half of reported non-fatal home cooking fire injuries occurred when the victims tried to fight the fire themselves; and

WHEREAS, children under five face a higher risk of non-fire burns associated with cooking than being burned in a cooking fire; and

WHEREAS, City of Marshall residents should turn pot handles toward the back of the stove; always keep a lid nearby when cooking; keep a three-foot kid-free zone around the stove, oven, and other things that could get hot; watch what they heat; and set a timer to remind them that they are cooking; and

WHEREAS, residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires almost in half; and

WHEREAS, City of Marshall first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, City of Marshall residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, the 2023 Fire Prevention Week™ theme, "Cooking safety starts with YOU. Pay attention to fire prevention™," effectively serves to remind us to stay alert and use caution when cooking to reduce the risk of kitchen fires.

THEREFORE, we, the City Council of Marshall, Texas do hereby proclaim October 8–14, 2023, as Fire Prevention Week throughout this state, and urge all the people of Marshall, Texas to check their kitchens for fire hazards and use safe cooking practices during Fire Prevention Week 2023, and to support the many public safety activities and efforts of Marshall's fire and emergency services.

____

Amy Ware, Mayor
Marshall City Council

City of MARSHALL TEXAS

TO:	City Council
DATE:	October 12, 2023
ITEM #:	3.C
SUBJECT:	Presentation of a proclamation recognizing October 2023 as National Cyber Security Awareness Month. (Support Services)

Recommendation for Action:

Executive Summary:

Budget Cost:

Staff Contact:

Attachments: 1. Cyber Security Proclamation 2023

PROCLAMATION

WHEREAS, the City of Marshall acknowledges its pivotal role in identifying, safeguarding against, and responding to cyber threats with potential repercussions for the city, its constituents, and neighboring areas; and

WHEREAS, the city's reliance on information systems has grown, supporting critical functions for government services, emergency response, and public safety; and

WHEREAS, the escalating threat of malicious cyberattacks endangers internet users and our information infrastructure, resulting in significant financial losses and personal privacy breaches; and

WHEREAS, cybersecurity and upholding the safety of the digital landscape is a collective duty where every individual has an essential role to execute; and

WHEREAS, as we commemorate the 20th anniversary of Cybersecurity Awareness, we reflect on progress made in security education and awareness and the ongoing need for a secure interconnected world, with city employees serving as our primary defense against cybercrime; and

WHEREAS, in alignment with the guidance of the President of the United States and the U.S. Department of Homeland Security, the City of Marshall recognizes October as National Cyber Security Awareness Month.

NOW, THEREFORE, on behalf of the City Council and the people of the City of Marshall, I, Amy Ware, Mayor of the City of Marshall, Texas, by virtue of the authority vested in me, do hereby Recognize OCTOBER 2023 AS NATIONAL CYBER SECURITY AWARENESS MONTH

Amy Ware, Mayor
Marshall City Council

City of MARSHALL TEXAS

	TO:	City Council
	DATE:	October 12, 2023
	ITEM #:	6.A
	SUBJECT:	Consider approval of the minutes from the September 28, 2023 Regular Council meeting. (City Secretary)

Recommendation for Action: Consider approval of the minutes from the September 28, 2023 Regular Council meeting.

Executive Summary: Minutes from the Regular meeting held on September 28, 2023.

Budget Cost: N/A

Staff Contact: Nikki Smith, City Secretary

Attachments: 1. 9-28-23 minutes

Council Chambers, City Hall
401 South Alamo
Marshall, TX 75670
903-935-4421

Members
Amy Ware, District 4 - Mayor
Marvin Bonner, District 1
Leo Morris, District 2
Jennifer Truelove, District 3
Reba Godfrey, District 5
Amanda Abraham, District 6
Micah Fenton, District 7

MINUTES
PLEASE SILENCE ALL DEVICES
REGULAR CITY COUNCIL MEETING

September 28, 2023
6:00 PM

1. Call to Order and Roll Call

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

PRESENT:

Mayor and Council Members:
Mayor Amy Ware
Councilmember Marvin Bonner
Councilmember Leo Morris
Councilmember Jennifer Truelove
Councilmember Reba Godfrey
Councilmember Amanda Abraham
Councilmember Micah Fenton

ADMINISTRATIVE STAFF PRESENT:

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

2. Invocation and Pledges

Mayor Ware

3. Presentations & Proclamations

A. Presentation of a proclamation recognizing the hard work and dedication in support of the Boogie Woogie Festival. (Tourism & Economic Development)

LeAnne White, Tourism & Economic Development Administrator, highlighted information regarding the proclamation. Alan Loudermilk, Boogie Woogie, spoke regarding the recent festival. The date for next year will be September 27-29, 2024.

Mayor Ware read a proclamation recognizing the hard work and dedication in support of the Boogie Woogie Festival.

The proclamation was presented to volunteers who assisted in organizing the Boogie Woogie Fest.

B. Presentation of a proclamation renaming Council Chambers. (Mayor)

Mayor Ware read a proclamation designating the Council Chambers as the Jean Birmingham Council Chambers. The proclamation was presented to the family of Jean Birmingham.

Gene Locke, son of Mrs. Jean Birmingham, thanked the Council for this proclamation and spoke of the many contributions of Mrs. Birmingham.

Rhonda Newhouse, daughter of Mrs. Jean Birmingham, presented the proclamation to Galilee Baptist Church on behalf of the Birmingham Family.

C. Recognition of the Keep Marshall Beautiful September 2023 Beautification Award winners. (Community Services)

Anna Lane, Community Services Director, recognized the September 2023 Beautification Award winners; residential property 503 Creekside Drive owned by Jo Page & commercial property 2203 Victory Drive, VeraBank.

4. Citizen Comments

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

There were no citizen comments.

5. Items to be Withdrawn From Consent Agenda

There were no items withdrawn from the Consent Agenda.

6. Consent Agenda

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

Councilmember Godfrey made a motion to approve the Consent Agenda. Councilmember Abraham seconded the motion, which passed by a vote of 7:0.

A. Consider approval of the minutes from the September 14, 2023 Regular Council meeting. (City Secretary)

B. Consider approval for formal acceptance of the completed 2023 Street Improvement Program: Part I - Overlay, including release of final payment and retainage to the contractor. (Public Works)

C. Consider approval awarding a contract for Water Utilities Labor and Equipment Rates. (Public Works)

D. Consider approval of an expenditure in excess of $50,000 for a 2023 Ford F250 Crew Cab for Support Services. (Support Services)

7. Consideration of Items Withdrawn From the Consent Agenda

There were no items withdrawn from the Consent Agenda.

8. Public Hearing & Ordinance

A. Consider approval of an ordinance amending Chapter 27, Section 27-15.2 No Parking. (Public Works)

Eric Powell, Public Works Director, asked for approval of an ordinance amending Chapter 27, Section 27-15.2 No Parking. Eric Powell stated this amendment is in response to concerns regarding parking issues, restricted sight distances and potential traveling hazards at the intersection of Bomar and W. Pinecrest. The cost for line striping and signage will be approximately $2,000.

Councilmembers asked questions and discussed.

Mayor Ware opened the public hearing.

No one came forward to speak.

Mayor Ware closed the public hearing.

Councilmember Godfrey made a motion to approve an ordinance amending Chapter 27, Section 27-15.2 No Parking. Councilmember Bonner seconded the motion, which passed by a vote of 7:0.

B. Conduct a public hearing and consider approval of an ordinance vacating the City-owned alley in the 1200 block of Bomar St. (Public Works)

Eric Powell asked for approval of an ordinance vacating the City-owned alley in the 1200 block of Bomar Street. Eric Powell stated the property owners of Lot 8, Block 6 requested the 15'-wide alley be vacated so they can then acquire the section and merge it with their existing lot.

Mayor Ware opened the public hearing.

Richie Arnold, 1204 S. Bomar, explained the reasoning for requesting this item.

Mayor Ware closed the public hearing.

Councilmembers asked questions and discussed.

Councilmember Godfrey made a motion to approve an ordinance vacating the City-owned alley in the 1200 block of Bomar St. Councilmember Truelove seconded the motion, which passed by a vote of 7:0.

C. Conduct a public hearing and consider approval of an ordinance to adopt the annual budget of the City of Marshall, Texas for the 2024 fiscal year. (Finance)

Kristina Hamilton, Assistant Finance Director, highlighted estimated revenues and expenses and asked for approval of an ordinance adopting the annual budget for the 2024 Fiscal Year Budget.

Mayor Ware opened the public hearing.

No one came forward to speak.

Mayor Ware closed the public hearing.

Councilmembers asked questions and discussed.

Councilmember Fenton made a motion to approve an ordinance to adopt the annual budget of the City of Marshall, Texas for the 2024 fiscal year. Councilmember Bonner seconded the motion, which passed by a vote of 7:0.

D. Conduct a public hearing and consider approval of an ordinance affixing and levying 2023 ad valorem taxes for the use and support of the municipal government of the City of Marshall for the 2024 fiscal year at a rate of $0.565201 per $100 of property value, *which is effectively a 11.79 percent increase in the tax rate.* **The tax rate of $0.565201 will raise more taxes for maintenance and operations than last year's tax rate.** (Finance)

Alex Agnor, Assistant Finance Director, asked for approval of an ordinance affixing and levying 2023 ad valorem taxes for the use and support of the municipal government of the City of Marshall, Texas, for the 2024 fiscal year at a rate of $0.565201 per $100 of property value, *which is effectively an 11.79 percent increase in the tax rate.* **The tax rate of $0.565201 will raise more taxes for maintenance and operations than last year's tax rate.** Alex Agnor explained the breakdown of the M&O and I&S rates.

Councilmember asked questions and discussed.

Mayor Ware opened the public hearing.

No one came forward to speak.

Mayor Ware closed the public hearing.

Mayor Ware made a motion that the property tax rate be increased by the adoption of a tax rate of $.0.565201, which is effectively an 11.79 percent increase in the tax rate. Councilmember Truelove seconded the motion, which passed by a vote of 7:0.

9. City Manager Reports and Requests for City Council Consideration

A. Consider approval of a contract with Enterprise for fleet management services. (Support Services)

Randy Pritchard, Support Services Director, introduced Nick Hardwick, Enterprise Fleet Management, who provided information regarding a contract with Enterprise for fleet management services for the City of Marshall.

Councilmembers asked questions and discussed.

Councilmember Godfrey made a motion to approve a contract with Enterprise for fleet management services. Councilmember Bonner seconded the motion, which passed by a vote of 7:0.

B. Report regarding the Tourism 2023 Departmental Update. (Tourism & Economic Development)

LeAnne White provided an update regarding the Tourism 2023 Department.

Councilmembers asked questions and discussed.

10. Executive Session

Councilmember Abraham made a motion to convene in Executive Session. Councilmember Godfrey seconded the motion, which passed by a vote of 7:0. The time was 7:44 PM.

A. An executive session pursuant to Texas Govt. Code Section 551.071. "Consultations with Attorney" to consult with the City Attorney in an executive session to seek his or her advice on legal matters concerning pending or contemplated litigation and upon a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. (City Attorney)

B. An executive session pursuant to Texas Govt. Code Section 551.071. "Consultations with Attorney" to consult with the City Attorney in an executive session to seek his or her advice on legal matters concerning pending or contemplated litigation and upon a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. (City Attorney)

Councilmember Truelove made a motion to reconvene from the Executive Session. Councilmember Godfrey seconded the motion, which passed by a vote of 7:0. The time was 8:15 PM.

11. Adjournment

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

APPROVED:

____

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

ATTEST:

____

City Secretary

TO:	City Council
DATE:	October 12, 2023
ITEM #:	6.B
SUBJECT:	Consider approval of a resolution adopting the City of Marshall Investment Policy. (Finance)

Recommendation for Action: Requesting approval of the Investment Policy.

Executive Summary:

Budget Cost: N/A

Staff Contact: Kristina Hamilton, Assistant Finance Director

Attachments:
1. Memo - Annual Investment Policy Review 2024
2. R-23-15 Resolution Investment Policy 2024
3. Investment Policy 2024

DEPARTMENT OF FINANCE

MEMORANDUM

To: Terrell Smith, City Manager

From: Kristina Hamilton, Assistant Director of Finance & Budget

Date: October 4, 2023

Re: Annual Investment Policy Review & Adoption

The attached resolution calls for the adoption of the City of Marshall Investment Policy. The Public Funds Investment Act requires that the governing body of an investing entity review its investment policy and investment strategies not less than annually. In accordance with this Act, I am submitting for review the City's Investment Policy.

The City's Investment Policy was last reviewed and approved on December 8, 2022. A copy of the Amended Policy is attached.

RESOLUTION ___________

A RESOLUTION ADOPTING THE CITY OF MARSHALL, TEXAS INVESTMENT POLICY

WHEREAS, the Public Funds Investment Act, as amended, requires the City to adopt an investment policy by rule, order, ordinance or resolution; and

WHEREAS, the Public Funds Investment Act, as amended, requires the Finance Director and all investment officers of the City to attend investment training; and

WHEREAS, the City Council of the City of Marshall, Texas approves of the investment training courses sponsored by the Texas Municipal League, the Government Finance Officers Association of Texas, the Government Treasurer's Organization of Texas, the North Central Texas Council of Governments, and the University of North Texas Center for Public Management; and

WHEREAS, the Finance Director and the Assistant Director(s) of Finance are required to attend an investment training course sponsored by one or more of the aforementioned organizations; and

WHEREAS, the City Council authorizes the investment officer of the City of Marshall, Texas to acquire investments from the City's depository bank; other state or national banks domiciled in Texas that are insured by FDIC (approved on an individual basis by the City Council); public funds investment pools; and the following brokers and dealers: (1) Chase Investment Services Corp and (2) Edward D. Jones and

WHEREAS, the attached investment policy and incorporated revisions comply with the Public Funds Investment Act, as amended, and authorize the investment of City funds in safe and prudent investments.

WHEREAS, the City's investment policy requires that the policy be reviewed and adopted annually. Now, therefore,

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

The City of Marshall, Texas has complied with the requirements of the Public Funds Investment Act, and the Investment Policy, attached hereto is hereby adopted as the investment policy of the City of Marshall, Texas effective October 12, 2023.

PASSED, APPROVED AND ADOPTED this 12th day of October 2023.

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

ATTEST:

____
CITY SECRETARY

2024 INVESTMENT POLICY

CITY OF MARSHALL, TEXAS

INVESTMENT POLICY
CITY OF MARSHALL, TEXAS

TABLE OF CONTENTS

INVESTMENT POLICY
CITY OF MARSHALL, TEXAS

I. POLICY STATEMENT

It is the policy of the City of Marshall, Texas ("City") to administer and invest its funds in a manner which will preserve the principal and maintain the liquidity through limitations and diversification while meeting the daily cash flow needs of the City. The City will invest all available funds in conformance with legal and administrative guidelines, seeking to optimize interest earnings to the maximum extent possible.

II. PURPOSE

The purpose of this investment policy is to comply with all statues governing the investment of the City's funds and Chapter 2256 of the Government Code "Public Funds Investment Act" (PFIA), which requires the City to adopt a written policy regarding the investments of its funds and funds under its control. The Investment Policy addresses the methods, procedures, and policies that must be exercised to ensure effective and judicious fiscal management of the City's funds.

III. SCOPE

The City will strive to earn a return on funds invested at the highest investment return possible after taking into consideration the primary goals of preservation of principal and liquidity of funds invested, consistent with the policy objectives described below. This investment policy applies to all the financial assets and funds held by the City unless expressly prohibited by law or unless it is in contravention of any depository contract between the City and any depository bank. The City commingles its funds for investment purposes for efficiency and maximum investment opportunity (pooled fund groups). This policy also applies to Marshall Economic Development Corporation.

- Operating Funds
  - General Fund
  - Enterprise Fund
- Debt Service Funds, including reserves and sinking funds to the extent not required by law or existing contract to be kept segregated and managed separately.
- Capital Improvement Funds
- Reserve Funds
- Special Revenues Funds
- Trust Funds
- Any new fund created by the City, unless specifically exempted from this policy by the City Council or by law.

<u>Note:</u> These categorizations (pooled fund groups) are for investing and investment reporting purposes only and do not correspond to fund classifications per the annual financial statement, which are as follows:

- Governmental Funds
- Proprietary Funds
- Fiduciary Funds

IV. OBJECTIVES

SAFETY. The primary objective of the City's investment activity is the preservation of capital in the overall portfolio. Each investment transaction shall seek first to ensure that capital losses are avoided, whether they are from securities defaults or erosion of the market value. The City will strive to minimize credit risk by limiting investments to the safest types of investments, prequalifying the financial institutions with which the City conducts business, and diversify its portfolio to eliminate the risk of loss resulting from over concentration of assets in a specific maturity, a specific issuer or a specific class of investments. To minimize interest rate risk, the City will ladder the portfolio and match investments with future cash requirements and invest operating funds in shorter, more liquid securities and investments.

LIQUIDITY. The City's investment portfolio will remain sufficiently liquid to enable the City to meet operating requirements that might be reasonably anticipated. Liquidity shall be achieved by matching investment maturities with forecasted cash flow requirements and by investing in securities with active secondary markets. Because all possible cash demands cannot be anticipated, a portion of the portfolio will be invested in shares of money market mutual funds or local government investment pools that offer same day liquidity.

YIELD. The City's investment portfolio shall be designed with the objective of attaining a reasonable rate of return throughout budgetary and economic cycles, taking into account the City's risk constraints and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives described above.

MONITORING. Monitoring shall be conducted quarterly when investment reports are compiled to ensure investments are in compliance with credit rating requirements according to PFIA 2256 and the liquidation of such investments if the minimum rating during this period is not satisfied.

V. RESPONSIBILITY AND CONTROL

DELEGATION. The Finance Director and Assistant Director of Finance, acting upon authority of a resolution of the City Council are designated as Investment Officers of the City and are responsible for investment management decisions and activities under the direction of the City Manager. The Finance Director may delegate day-to-day activities to a responsible individual(s) who has received the appropriate training required by state statute The City Council and the City Manager are responsible for considering the quality and capability of staff, investment advisors and consultants involved in investment management and procedures. All participants in the investment process shall seek to act responsibly as custodians of the public trust.

The Investment Officers shall develop and maintain administrative procedures for the operation of the investment program which are consistent with this investment policy. Procedures should include references to competitive bidding on purchases and sales of investments, safekeeping, delivery vs. payment, investment accounting, repurchase agreements, wire transfer agreements, collateral/depository agreements and banking services contracts.

The Investment Officers shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate staff. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Investment Officers and approval by the City Manager.

PRUDENCE. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the expected income to be derived. The standard of prudence to be used in the investment function shall be the "prudent person" standard and shall be applied in the context of managing the overall portfolio of funds, rather than a consideration as to the prudence of a single investment.

INDEMNIFICATION. The Investment Officers and those delegated investment authority under this policy, when acting in accordance with the written procedures and this policy and exercising due diligence in accord with the Prudent Investor Rule, shall be relieved of personal responsibility and liability in the management of the portfolio provided that deviations from expectations for a specific security's credit risk or market price change or portfolio shifts are reported in a timely manner and that appropriate action is taken to control adverse market effects.

CONFLICTS OF INTEREST - All participants in the investment process shall seek to act responsibly as custodians of public assets. Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Investment Committee members shall be required to complete an annual ethics statement noting any known conflicts of interest as outlined below:

Anyone involved in investing City funds shall file a statement with the City Council disclosing any personal business relationship with a business organization offering to engage in investment transactions with the City or is related within the second degree by affinity or consanguinity, as determined under the Tex. Gov't. Code Ch. 573, to an individual seeking to transact investment business with the City. A disclosure statement must also be filed with the Texas Ethics Commission and the City Council. An Investment Officer or other employee has a personal business relationship with a business organization if any one of the following three conditions is met:

1. The Investment Officer or employee owns 10% or more of the voting stock or shares of the business organization or owns $5,000 or more of the fair market value of the business organization.

2. Funds received by the Investment Officer or employee from the business organization exceed 10% of the Investment Officer or employee's gross income for the prior year.

3. The Investment Officer or employee has acquired from the business organization during the prior year investments with a book value of $2,500 or more for their personal account.

TRAINING. Investment Officers and designated staff members shall attend one or more training sessions totaling not less than 10 hours relating to the officer's responsibility under the Act within 12 months after assuming duties and thereafter, shall receive eight (8) hours of training not less than once every two year period beginning on the first day of the fiscal year. Such training from an independent source shall be approved or endorsed by either the Government Finance Officers Association of Texas (GFOAT), The Government Treasurer's Organization of Texas (GTOT), The Texas Municipal League (TML), the North Central Texas Council of Governments or The University of North Texas Center for Public Management.

DELIVERY vs. PAYMENT**.** All trades where applicable will be executed by delivery vs. payment (DVP) to ensure that securities are deposited in an eligible financial institution prior to the release of funds. Securities and collateral will be held in the City's name by a third-party custodian as evidenced by safekeeping receipts.

MARK to MARKET. The market value of the portfolio shall be calculated monthly and a statement of the market value of the portfolio shall be issued at least quarterly. The market value of each investment shall be obtained from a source including, but not limited to the City's depository bank or safekeeping agent, a reputable brokerage firm not having sold the security being priced or a security pricing service.

VI. INVESTMENT STRATEGY BY FUND TYPE

Although funds are segregated for accounting purposes, they may be pooled together for investment purposes. Pooled investment funds are limited to a weighted average maturity of 12 months and individual securities may not exceed three years to maturity. All investments permitted with this Policy are considered suitable for the pooled investment fund.

OPERATING FUNDS. Operating Funds have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. Consequently, these funds will be invested in short-to-medium term securities which will complement each utilizing a staggered maturity basis.

DEBT SERVICE FUNDS. Debt Service/Bond Reserve Funds have as their primary objective to assure investment liquidity adequate to cover debt service obligations on the required payment dates. Securities purchased shall not have a stated final maturity date which exceeds the next debt service payment date.

CAPITAL IMPROVEMENT/RESERVE FUNDS. These funds shall have as their primary objective to assure funds are available at the time project outlays are required to be made. These portfolios should have liquid securities to allow for unanticipated project expenditures or accelerated project outlays due to a better than expected or changed construction schedule. These securities may be short-to-medium or longer term securities, depending upon current market yields. The stated final maturity date of securities held in a particular fund may not exceed the estimated project completion date. These portfolios should include approximately 5-10% in highly liquid securities to allow for flexibility and unanticipated outlays.

SPECIAL REVENUE FUNDS. Special Revenue Funds, as with Operating Funds have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. Consequently, these funds also will be invested in short-to-medium term securities which will complement each utilizing a staggered maturity basis. However, in certain cases, longer term securities which result in a better yield may be utilized when matched to specific requirements. These portfolios should include approximately 5-10% in highly liquid securities to allow for flexibility and unanticipated outlays.

TRUST FUNDS. Trust Funds, as with Operating Funds have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. Consequently, these funds also will be invested in short-to-medium term securities which will complement each utilizing a staggered maturity basis. However, in certain cases, longer term securities which result in a better yield may be utilized when matched to specific requirements. These portfolios should include approximately 5-10% in highly liquid securities to allow for flexibility and unanticipated outlays.

VII. SAFEKEEPING AND COLLATERALIZATION

The laws of the State and prudent treasury management require that all purchased securities be held in safekeeping by either the City, a third party financial institution, or the City's designated depository. All safekeeping arrangements shall be designated by the Investment Officer and an agreement of the terms executed in writing. The third party custodian shall be required to issue safekeeping receipts to the City listing each specific security, rate, description, maturity, CUSIP number, and other pertinent information. Each safekeeping receipt will be clearly marked that the security is held for the City or pledged to the City.

All securities pledged to the City for certificates of deposit or demand deposits shall be held by an independent third party bank doing business in Texas. The safekeeping bank may be within the same holding company as the bank from which the securities are pledged.

<u>Collateralization</u>
Collateralization shall be required on two types of investments:
(a) Overnight and term bank deposits over the FDIC insurance coverage of $250,000 and
(b) repurchase agreements.

Collateralization shall be of the type described in IX. (B) (1)-(3).

The right of collateral substitution is granted, subsequent to the review and approval of an authorized Investment Officer as long as deposits remain fully secured at all times.

VIII. INTERNAL CONTROLS

The Investment Officer shall establish a system of internal controls which will be reviewed annually with the independent auditor of the City. The controls shall be designed to prevent loss of public funds due to fraud, employee error, misrepresentation by third parties, unanticipated market changes, or imprudent actions by employees of the City.

IX. AUTHORIZED INVESTMENTS

Acceptable investments under this policy shall be limited to the instruments listed below. The investments are to be chosen in a manner which promotes diversification of market sector and maturity and are intended to be held to maturity, although securities may be sold as necessary for to unexpected liquidity needs.

At least three bids or offers must be solicited and documented for all other transactions involving individual securities. In situations where the exact security is not offered by other broker/dealers, offers on the closest comparable investment may be used to establish a fair market price for the security. Pool and money market fund rates should be monitored for best value, buy do not require competitive bidding.

The choice of high-grade government investments and high-grade money market instruments is designed to assure the marketability of those investments should liquidity needs arise. The maximum allowable stated maturity of any individual investment owned by the City is three (3) years.

(A) U.S. Government and State of Texas Investments:
(1) obligations of the United States or its agencies and instrumentalities, not to exceed three years to stated maturity;
(2) direct obligations of this state or its agencies and instrumentalities, not to exceed one year to stated maturity, except for City of Marshall, Texas obligations which may have any stated maturity.

(B) Certificates of deposit, not to exceed one year to stated maturity, if issued by a state or national bank doing business in this state and is:
(1) guaranteed or insured by the Federal Deposit Insurance Corporation or its successor;
(2) secured by obligations that are described by Section 2256.009(a) of the Public Funds Investment Act, including FHLB Letters of Credit (LOC), and mortgage backed securities directly issued by a federal agency or instrumentality that have a market

value of not less than the principal amount of the certificates, but excluding those mortgage-backed securities of the nature described by Section 2256.009(b) of the Public Funds Investment Act or;

(3) secured in any other manner and amount provided by law for deposits of the City.

(C) A fully collateralized repurchase agreement, as defined in the Act, if it:

(1) has a defined termination date;
(2) is secured by obligations described by Section 2256.009(a)(1) of the Public Funds Investment Act; and
(3) requires the securities being purchased by the City to be pledged to the City, held in the City's name, and deposited at the time the investment is made with the City or with a third party selected and approved by the City; and
(4) is placed through a government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in this state.

(D) No-load money market mutual funds if the mutual fund:

(1) is registered with and regulated by the Securities and Exchange Commission;
(2) has a dollar-weighted average stated maturity of 60 days or less;
(3) includes in its investment objectives the maintenance of a stable net asset value of $1 for each share;
(4) is continuously rated as to investment quality by at least one nationally recognized investment rating firm of not less than AAA or its equivalent; and
(5) invests exclusively in authorized investments permitted by the Act.

(E) Public funds investment pools as defined in the Public Funds Investment Act Section 2256.016-2256.019. An investment pool must invest the funds it receives from the City in authorized investments permitted by the Public Funds Investment Act. Further, as required by the Act, a public funds investment pool must continuously be rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service.

(F) If additional types of securities are approved for investment of public funds by state statues, they will not be eligible for investment by the City until this policy has been amended and the amended version approved by the City Council .

The City shall take all prudent measures consistent with this Policy to liquidate an investment that no longer meets the required minimum rating standards, as per the Tex. Gov't. Code Sec. 2256.021.

The City is not required to liquidate investments that were authorized investments at the time of purchase but were subsequently withdrawn as permitted investments in the Act. (Tex. Gov't. Code Sec. 2256.017)

X. UNAUTHORIZED INVESTMENTS

The Investment Officer has no authority to use any of the following investment instruments.

- Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal;
- Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;
- Collateralized mortgage obligations that have a stated final maturity date of greater than 10 years;
- Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index;
- Bankers Acceptances
- Commercial Paper
- Bond Mutual Funds

XI. AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS

The Investment Officer shall invest City funds with any or all of the following institutions or groups consistent with federal and state law and the current Depository Bank contract:

- Depository Bank;
- Other state or national banks domiciled in Texas that are insured by FDIC. (approved on an individual basis by the City Council and a contract executed requiring adequate security for the investment/deposit)
- Public funds investment pools.
- Government securities brokers and dealers. (approved on an individual basis by the City Council)

Qualifications for Approval of Broker/Dealers

In accordance with the Act, a written copy of this investment policy shall be presented to any person seeking to sell to the City an authorized investment. Broker/dealers or any financial institution shall provide written acknowledgement that it has received the policy. A qualified representative of a "business organization," defined as an investment pool or investment manager, seeking to sell an authorized investment shall execute a written instrument substantially to the effect that the qualified representative has: (Exhibit A)

1. received and thoroughly reviewed the investment policy of the City; and
2. acknowledged that the organization has implemented reasonable procedures and controls in an effort to preclude imprudent investment activities arising out of investment transactions conducted between the City and the organization.

The Investment Officer may not buy any securities from a person who has not delivered to the City an instrument in substantially the form provided above according to the Act.

XII. INVESTMENT REPORTS

The Investment Officer shall submit quarterly an investment report to the City Manager and to the City Council that includes:

A. Investment position of the City on the date of the report;

B. Be signed by the Finance Director and the Assistant Director of Finance;

C. A summary statement of each pooled fund or individual portfolio, that states the:
   1. Beginning market value for the reporting period;
   2. Additions and changes to the market value for the period;
   3. Ending market value for the period;
   4. Method used to monitor the market price of the investment.

D. State the book value and market value of each separately invested asset at the end of the reporting period by the type of asset and pooled fund type.

E. State the maturity date of each separately invested asset that has a maturity date.

F. State the category of investments (pooled fund group) for which each individual investment was acquired.

G. State the compliance of the investment portfolio of the City as it relates to the investment strategy expressed in the City's investment policy and compliance with all laws governing the City's investments.

H.

XIII. PERFORANCE STANDARD

The investment portfolio shall be managed in accordance with the objectives specified in this policy (safety, liquidity, and yield). The portfolio should obtain a market average rate of return during a market/economic environment of stable interest rates. The basis used to determine whether market yields are being achieved shall be the average yield on the three (3) month U.S. Treasury bill.

XIV. COMPLIANCE AUDIT

The City's external independent auditor will conduct an annual review of the quarterly reports in conjunction with the annual financial audit. The results of the audit will be reported to City Council. The audit will also review compliance with management controls on investments and adherence to this Policy.

XV. DEPOSITORIES

The City will designate one banking institution through a competitive process as its central banking services provider every five years. This institution will be used for normal banking services including disbursements, deposits, lockbox, controlled disbursement and safekeeping of securities. Other banking institutions from which the City may purchase certificates of deposit may also be designated after they provide their latest audited financial statements to the City.

XVI. INVESTMENT POLICY ADOPTION BY CITY COUNCIL

The City's investment policy shall be reviewed, on an annual basis, by the City Council and the City Manager. The City's investment policy shall be adopted annually by resolution of the City Council.

AMENDED AND ADOPTED ON THIS THE 12th DAY OF OCTOBER, 2023.

____
Mayor of the City Council
Marshall, Texas

Attest:

____
City Secretary

CERTIFICATION BY BUSINESS ORGANIZATION

TEXAS PUBLIC FUNDS INVESTMENT ACT
CERTIFICATION BY BUSINESS ORGANIZATION

This certification is executed on behalf of the City of Marshall, Texas (the Investor) and ____ (the Business Organization) pursuant to the Public Funds Investment Act, Chapter 2256, Texas Government Code (the "Act") in connection with investment transactions conducted between the Investor and the Business Organization.

The undersigned Qualified Representative of the Business Organization hereby certifies on behalf of the Business Organization that:

1. The undersigned is a Qualified Representative of the Business Organization offering to enter into an investment transaction with the Investor on such terms as are defined in the Texas Public Funds Investment Act, chapter 2256, Texas Government Code,

2. The Qualified Representative of the Business Organization has received and reviewed the Investor's Investment Policy furnished by the Investor, and

3. The Qualified Representative of the Business Organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the Business Organization and the Investor that are not authorized by the Investor's Investment Policy. However, authorization dependent upon an analysis of the makeup of the Investor's entire portfolio or which requires and interpretation of subjective investment standards by the Investor is not required by the Business Organization.

Qualified Representative of the Business Organization

Organization: ____

Name:____

Title:____

Date:____

City of MARSHALL TEXAS	TO:	City Council
	DATE:	October 12, 2023
	ITEM #:	6.C
	SUBJECT:	Consider approval of a Resolution to cast votes for the Harrison Central Appraisal District Board of Directors. (City Manager)

Recommendation for Action: Consider a resolution nominating candidates to the Harrison County Appraisal District.

Executive Summary: The purpose of the Harrison County Appraisal District is to establish appraisals of property within Harrison County. The Harrison County Appraisal District has a five-member board which is elected by entities within their jurisdiction. This board serves on two-year terms, and this year marks the end of the current two-year term for each of their Board of Directors. New terms for these nominees begin January 1, 2024 and continue through December 31, 2025.

The Harrison County Appraisal District has requested nominations for the Board of Directors, and Property Code, Section 6.03(g) provides that a governing body of a taxing unit may nominate, by resolution adopted by its governing body, one candidate for each position to be filled on the Board of Directors. This allows the City of Marshall to nominate up to 5 Board members and nominations must be formally submitted before October 16, 2023.

Budget Cost: N/A

Staff Contact: Terrell Smith, City Manager

Attachments: 1. R-23-XX HCAD Director Nomination

DIRECTOR NOMINATION RESOLUTION
Harrison Central Appraisal District
Director Selection Process for 2024-2025

WHEREAS, the purpose of the Harrison County Appraisal District is to establish appraisals of property within Harrison County; and,

WHEREAS, the Harrison County Appraisal District has requested nominations for the Board of Directors; and,

WHEREAS, the Property Code, Section 6.03(g) provides that the governing body of a taxing unit may nominate, by resolution adopted by its governing body, one candidate for each position to be filled on the Board of Directors; and,

WHEREAS, the governing body of the City of Marshall desires to exercise its privilege to nominate candidates for the Board of Directors of the Harrison County Appraisal District; and,

WHEREAS, nominations must be formally submitted before October 16, 2023; NOW, THEREFORE,

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

Section 1. That the findings set forth in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the City of Marshall hereby nominates Chase Palmer and Ted Huffines as its candidate for the Board of Directors of the Harrison County Appraisal District.

Section 3. That the meeting at which this resolution was approved was conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 4. That this resolution shall be effective immediately on and after its date of passage.

Passed and approved on the _____ day of ___________________, 2023.

____
Presiding Officer

TO:	City Council
DATE:	October 12, 2023
ITEM #:	8.A
SUBJECT:	Conduct a public hearing and consider approval of an ordinance extending the term of Tax Increment Reinvestment Zone Number One. (Finance)

Recommendation for Action: Following the public hearing, consider approval of an ordinance extending the term of Tax Increment Reinvestment Zone Number One, City of Marshall, Texas pursuant to Chapter 311 of the Texas Tax Code, and amending Ordinance No. O-21-12 relative to the findings related to the creation of Tax Increment Reinvestment Zone Number One, City of Marshall, Texas; containing findings and provisions related to the foregoing subject; and providing a severability clause.

Executive Summary: See attached Staff Report

Budget Cost: See attached Staff Report

Staff Contact: Alex Agnor, Assistant Finance Director

Attachments:
1. Staff Report 10.12.23 - TIRZ 1 Extension
2. Ordinance-TIRZ 1 Term Extension

Staff Report

Tax Increment Reinvestment Zone Number One Term Extension	
City Council Meeting: October 12, 2023	Document Being Considered: Ordinance

RECOMMENDATION

Following the public hearing, consider approval of an ordinance extending the term of Tax Increment Reinvestment Zone Number One, City of Marshall, Texas pursuant to Chapter 311 of the Texas Tax Code, and amending Ordinance No. O-21-12 relative to the findings related to the creation of Tax Increment Reinvestment Zone Number One, City of Marshall, Texas; containing findings and provisions related to the foregoing subject; and providing a severability clause.

PRIOR BOARD OR COUNCIL ACTION

On May 13, 2021, a public hearing was held relative to the designation and creation of Tax Reinvestment Zone Number One and its benefits to the City and to property in the Zone. Interested persons were allowed to speak for or against the designation and creation of the Zone, the boundaries of the Zone, and the concept of tax increment financing, and owners of property in the Zone were given reasonable time to protest the inclusion of their property in the Zone.

On May 27, 2021, City Council approved Ordinance No. O-21-12 designating a geographic area of the City as Tax Increment Reinvestment Zone Number One; setting the boundaries of the Zone; creating a Board of Directors for the Zone; establishing a tax increment fund for the Zone; making findings related the creation of the Zone; and providing for immediate effectiveness and a termination date of the Zone.

On June 10, 2021, the Board of Directors of Tax Increment Reinvestment Zone Number One approved Resolution No. TIRZ R-21-01 adopting the Project and Financing Plan for the Zone. Later on June 10, 2021, City Council approved Ordinance No. O-21-13 adopting the Project and Financing Plan for the Zone.

ANALYSIS

Per Ordinance No. O-21-12, TIRZ Number One (TIRZ 1) will terminate on the earlier of (1) April 30, 2031; or (2) the date on which all project costs, tax increment bonds and interest on those bonds, and other obligations have been paid in full. The proposed ordinance will extend the term of TIRZ 1 to expire on December 31, 2036. The purpose of the term extension is to provide for additional public improvements needed for the City to realize its vision for Downtown Marshall and to align with the overall plan for the TIRZ.

Additionally, Chapter 311 requires certain criteria be met before designating a geographic area as a TIRZ. TIRZ 1 satisfied the eligibility requirements; however, one of the required criteria was misstated in the creating ordinance. Ordinance No. O-21-12 contained the following language:

"The total appraised value of taxable real property in the Zone does not exceed twenty-five percent (25%) of the total appraised value of taxable real property in the City and in the industrial districts created by the City."

Per Chapter 311, the 25% threshold applies to cities with a population of 100,000 or more. The threshold for cities with less than 100,000, like Marshall, is 50%. The TIRZ 1 property values at the time of creation were below the required threshold, and the requirement was correctly stated in the Project and Financing Plan. The proposed ordinance includes an amendment to Ordinance No. O-21-12 to correct the misstatement.

FINANCIAL IMPACT

The City participates at 100% of the total of the adopted tax rate, which is applied to the taxable increment value annually for the duration of the Zone.

ADDITIONAL INFORMATION

Attached:	Ordinance.
Under separate cover:	None.
Available in the City Secretary’s Office:	None.

STAFF CONTACT(S)

Alex Anne Agnor
Assistant Finance Director
903-935-4526
agnor.alex@marshalltexas.net

AN ORDINANCE EXTENDING THE TERM OF TAX INCREMENT REINVESTMENT ZONE NUMBER ONE, CITY OF MARSHALL, TEXAS PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE, AND AMENDING ORDINANCE NO. O-21-12 RELATIVE TO THE FINDINGS RELATED TO THE CREATION OF TAX INCREMENT REINVESTMENT ZONE NUMBER ONE, CITY OF MARSHALL, TEXAS; CONTAINING FINDINGS AND PROVISIONS RELATED TO THE FOREGOING SUBJECT; AND PROVIDING A SEVERABILITY CLAUSE

WHEREAS, on May 27, 2021, by Ordinance No. O-21-12, City Council designated a contiguous geographic area within the City of Marshall as Tax Increment Reinvestment Zone Number One, City of Marshall, Texas ("TIRZ Number One"), in accordance with the Tax Increment Financing Act, as amended, (Texas Tax Code, Chapter 311), to promote development and redevelopment in the area through the use of tax increment financing; and

WHEREAS, on June 10, 2021, by Ordinance No. O-21-13, City Council adopted the Project Plan and Financing Plan for TIRZ Number One approved June 10, 2021, by the Board of Directors of TIRZ Number One (the "TIRZ Board"); and

WHEREAS, the City desires to extend the term of TIRZ Number One; and

WHEREAS, pursuant to Chapter 311 of the Tax Code, a notice of the October 12, 2023, public hearing on the term extension was published on October 4, 2023, in the Marshall News Messenger, a newspaper of general circulation in the City; and

WHEREAS, at the public hearing on October 12, 2023, interested persons were allowed to speak for or against the proposed term extension;

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

Section 1. Findings.

That the facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct and are adopted as part of this Ordinance for all purposes.

Section 2. Duration.

That the City, acting under the provisions of Chapter 311, Texas Tax Code, including Section 311.07(c), does hereby extend the term of TIRZ Number One so that termination of TIRZ Number One shall occur on December 31, 2036.

Section 3. Amendment.

That Section 3.c.(ii). of Ordinance Number O-21-12 is hereby amended to read as follows:

"The total appraised value of taxable real property in the Zone does not exceed fifty percent (50%) of the total appraised value of taxable real property in the City and in the industrial districts created by the City."

Section 4. Severability.

If any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set circumstance, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining provisions of this Ordinance or their application to other persons or set of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or regulation connected herein shall become inoperative or fail by reason of any unconstitutional, voidness or invalidity of any provision hereof, and all provisions of this Ordinance are declared severable for that purpose.

PASSED, APPROVED AND ADOPTED ON OCTOBER ____, 2023.

AYES: _____
NOES: _____
ABSTAINED: _____

____
MAYOR FOR THE CITY OF
MARSHALL, TEXAS

ATTEST:

____
CITY SECRETARY

{SEAL}

TO:	City Council
DATE:	October 12, 2023
ITEM #:	8.B
SUBJECT:	Consider approval of an Ordinance amending the 2023 Annual Budget. (Finance)

Recommendation for Action: Consider approval of an ordinance amending the 2023 annual budget.

Executive Summary:

Budget Cost:

Staff Contact: Kristina Hamilton, Assistant Finance Director

Attachments: 1. 2023 Budget Amendment - 2023-10-12

ORDINANCE NO.___________________

AN ORDINANCE AMENDING ORDINANCE NO. 0-22-20 TO AMEND THE 2023 ANNUAL BUDGET OF THE CITY OF MARSHALL, TEXAS

WHEREAS, on September 8, 2022 the City of Marshall, Texas passed Ordinance No. O-22-20 adopting the 2023 annual budget; and

WHEREAS, the City of Marshall, Texas desires to amend the 2023 annual budget to provide for additional revenue and expenditures received, 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, 2023 and ending December 31, 2023 be amended to provide funds needed for anticipated expenses:

General Fund - $ 323,000		
Emergency Response Center - Police Department	$	160,000
Training Equipment - Fire Department	$	10,000
Golf Pro Shop - Woodlawn Golf Course	$	3,000
Litigation - City Attorney	$	85,000
Contingency - City Manager	$	65,000
Equipment Replacement Fund - Water & Sewer - $ (979,201)		
Interfund Transfer Revenue from Fund 40	$	1,379,201
Equipment - Lease Purchase	$	(105,000)
Other Machinery & Equipment	$	(295,000)
Water & Sewer Fund - $ 979,201		
Interfund Transfer Expense to Fund 18	$	(1,379,201)
Equipment - Lease Purchase	$	105,000
Other Machinery & Equipment	$	295,000
Marshall Pet Adoption Center - $ 9,314		
Improvements - Building	$	9,314
State Grants - $ 34,020		
Narcotics Detection Laser	$	34,020
State Forfeiture - $ 20,000		
State Forfeiture Revenue	$	20,000
Intelligence - Police Department	$	2,500
Building Improvements - Police Department	$	7,500
Machinery & Equipment - Police Department	$	10,000
Federal Forfeiture - $ 20,000		
Use of Fund Balance	$	20,000
Intelligence - Police Department	$	2,500
Building Improvements - Police Department	$	7,500
Machinery & Equipment - Police Department	$	10,000

Vote:

PASSED, APPROVED, AND ADOPTED this 12th day of October, 2023.

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

ATTEST:

CITY SECRETARY

TO:	City Council
DATE:	October 12, 2023
ITEM #:	10.A
SUBJECT:	Update on Wonderland of Lights 2023. (Main Street)

Recommendation for Action: No Action

Executive Summary: Update on Wonderland of Lights 2023

Budget Cost: N/A

Staff Contact: Lacy Burson

Attachments: None

TO:	City Council
DATE:	October 12, 2023
ITEM #:	10.B
SUBJECT:	Consider approval of the purchase and installation of a LED marquee sign at Memorial City Hall. (Memorial City Hall)

Recommendation for Action:

Executive Summary:

Budget Cost:

Staff Contact:

Attachments: 1. LED marquee packet for city council

MEMORIAL CITY HALL
PERFORMANCE CENTER

Memo

To: Terrell Smith- City Manager, City of Marshall

From: Glenn Barnhart, Manager- Manager, Memorial City Hall Performance Center

Date: 10/4/23

Re: LED marquee sign project at Memorial City Hall

Project:	LED marquee sign at Memorial City Hall
Scope:	Installation of a vintage-looking LED marquee sign on the front awning at MCH.
Benefits:	-programmable -acts as a billboard for MCH -increased visibility in a high-traffic area
Cost:	-$86,241 -paid from HOT funds

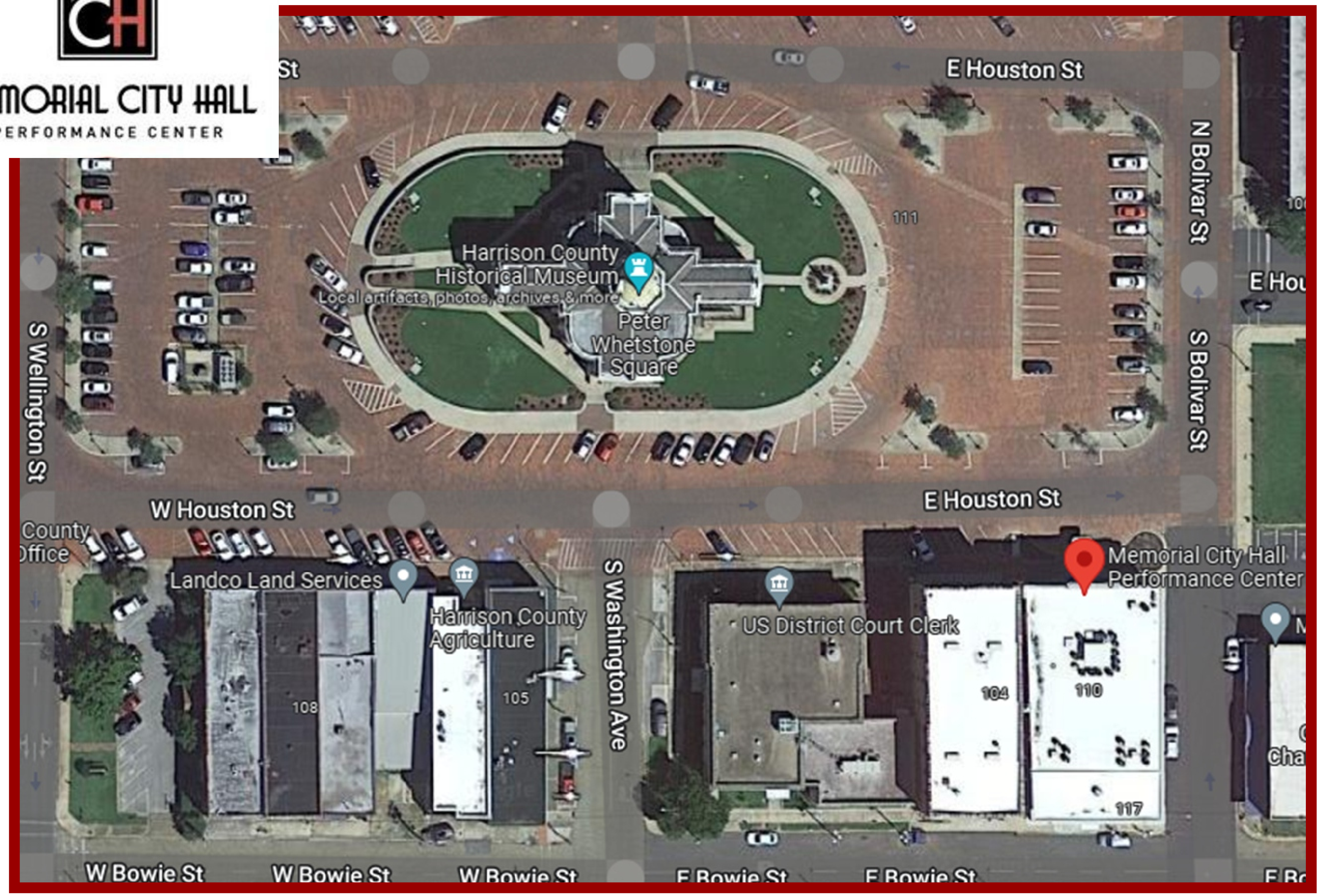
Glenn Barnhart

Manager-Memorial City Hall Performance Center
barnhart.glenn@marshalltexas.net

P.O. Box 698 Marshall, TX 75671 (903) 934-7992
www.memorialcityhall.com

MEMORIAL CITY HALL
PERFORMANCE CENTER

Proposal #66905



110 E Houston St, Marshall, TX 75670

FACE ELEVATION

CUSTOMER APPROVAL

APPROVED BY: ______________________ **DATE:** ____ / ____ / ____

Job Name:

MEMORIAL CITY HALL
PERFORMANCE CENTER

- ■ **Proposal Drawing**
- ☐ Final Drawing

Client: Memorial City Hall
Location: 110 E Houston St, Marshall, TX 75670

Salesperson: Trey Patterson
Prj. Mngr.: Rachel Moore
Date: 4/26/2022
Designer: Kody Moore
File Name: 66905 R2 EMC Awning Displays.cdr

Proposal #: 66905
Job #: n/a

Revisions

Note: R1 10/7/22 KM ADDED ELEVATION PHOTOS

R2 8/18/23 KM ADDED EMC TOPPER CABINETS TO JOB

DCS
DESIGN CENTER SIGNS
A Comet Signs COMPANY

TDLR #: 18010
MET #: E113766

2971 Elkton Trail
Tyler, TX 75703
(903) 561-4995

TSA TEXAS SIGN ASSOCIATION ISA INTERNATIONAL SIGN ASSOCIATION

EAST ELEVATION

WEST ELEVATION

CUSTOMER APPROVAL

APPROVED BY: ________________________ DATE: ____ / ____ / ____

Job Name:

MEMORIAL CITY HALL
PERFORMANCE CENTER

- ■ **Proposal Drawing**
- ☐ Final Drawing

Client: Memorial City Hall
Location: 110 E Houston St, Marshall, TX 75670

Salesperson: Trey Patterson
Prj. Mngr.: Rachel Moore
Date: 4/26/2022
Designer: Kody Moore
File Name: 66905 R2 EMC Awning Displays.cdr

Proposal #: 66905
Job #: n/a

Revisions

Note: R1 10/7/22 KM ADDED ELEVATION PHOTOS

R2 8/18/23 KM ADDED EMC TOPPER CABINETS TO JOB

DCS DESIGN CENTER SIGNS
A Comet Signs COMPANY

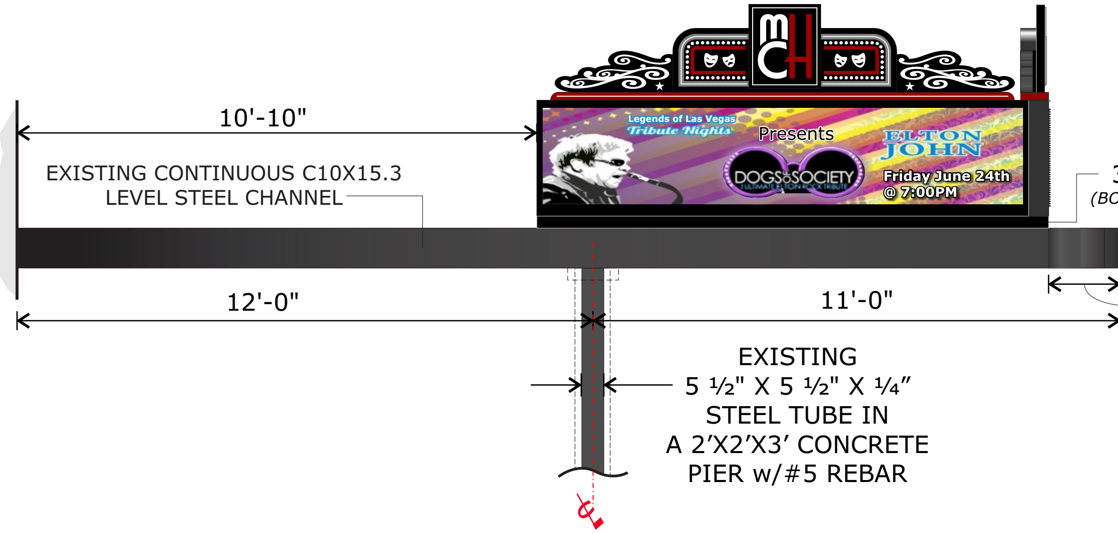
TDLR #: 18010
MET #: E113766

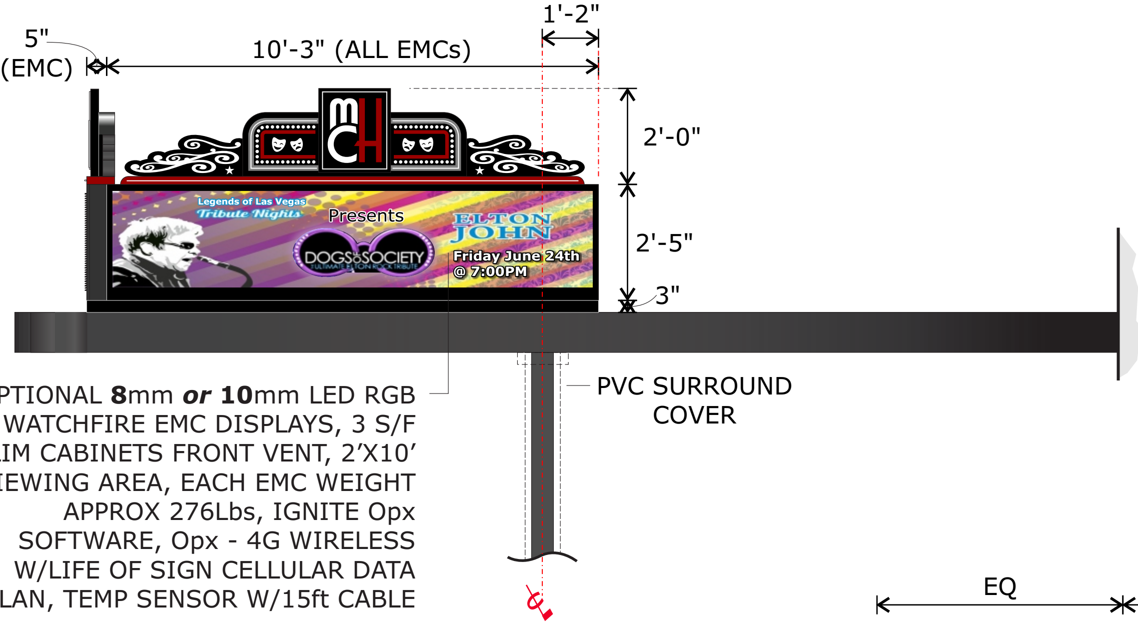
2971 Elkton Trail
Tyler, TX 75703
(903) 561-4995

© 2022 Comet Signs

ENGINEER FOR 104 MPH WIND LOAD (PER MUNICIPAL CODE)

EAST ELEVATION





WEST ELEVATION

OPTIONAL **8**mm ***or*** **10**mm LED RGB WATCHFIRE EMC DISPLAYS, 3 S/F SLIM CABINETS FRONT VENT, 2'X10' VIEWING AREA, EACH EMC WEIGHT APPROX 276Lbs, IGNITE Opx SOFTWARE, Opx - 4G WIRELESS W/LIFE OF SIGN CELLULAR DATA PLAN, TEMP SENSOR W/15ft CABLE

ELECTRICAL SERVICE:
8mm: 120V - 42 AMPS (14 PER FACE) SINGLE PHASE
10mm: 120V - 36 AMPS (12 PER FACE) SINGLE PHASE

EACH END REQUIRES FORM BROKE FILLERS
(WHERE EMCs BUTT TOGETHER)

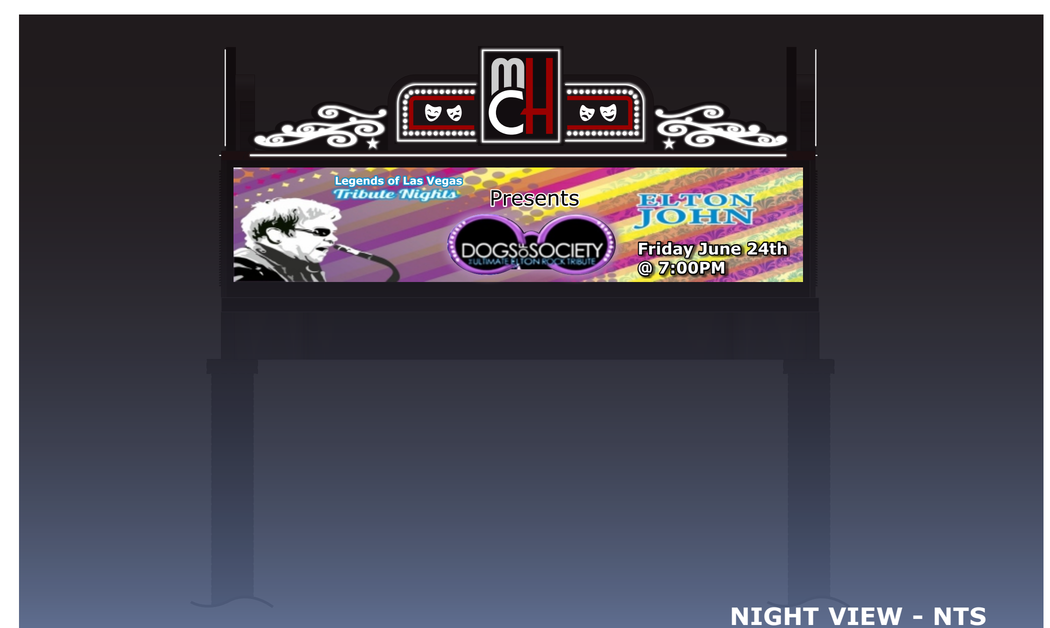
FACE ELEVATION (NORTH)

SCOPE OF WORK

MFR AND INSTALL THREE (3) S/F RGB DIGITAL EMC DISPLAYS with CUSTOM HEADER CABINET FOR THE EAST, WEST & NORTH ELEVATIONS ON A EXISTING STEEL AWNING:

- PROVIDE CUSTOM TOPPER CABINETS FOR EACH EMC LOCATION, CABINETS MUST BE ON A SEPARATE ELECTRICAL CIRCUIT THAN THE EMC's with DISCONNECT TOGGLE SWITCHES & LOCK OUTS - SEE NEXT PAGE FOR SPECS
- OPTIONAL 8mm *OR* 10mm EMCs - EMCs OA MEASUREMENTS ARE 10'-3" L X 2'-5" H X 5" D
- FRAME MADE OUT OF ALUMINUM TUBING TO SAVE WEIGHT & MATCH AWNING CONSTRUCTION. PAINTED TO MATCH EMC COLOR & FINISH - *ENGINEERING REQUIRED* - MULTIPLE PICK AREAS REQUIRED. CAP ANY OPEN TUBING. FRAME TO BE BUILT IN ONE PIECE
- SEE ADDITIONAL ARCHITECTURAL PLANS FOR THE EXISTING AWNINGS ON NEXT PAGE
- EXISTING AWNING MAY REQUIRED ADDITIONAL SUPPORT - TBD
- ELECTRICAL REQUIREMENTS TBD PER EMC OPTION CHOSEN, EMCs MUST BE ON A DEDICATED CIRCUIT
- .063" FILLER PANELS REQUIRED, PAINTED BLACK TO MATCH EMC & MOUNTED AS NEEDED
- SEE PAGE THREE (3) FOR EXISTING CONDITIONS

C1	C2	C3	C4
COLOR & FINISH TO MATCH EMCs	PTM PANTONE MAROON **COLOR TBD**	PTM PANTONE MED GREY **COLOR TBD**	STANDARD WHITE



NIGHT VIEW - NTS

A

THREE SIDED ALUMINUM & STEEL FRAME FOR THREE S/F EMCs

QTY: ONE (1) SET @ 60 SF

Scale: ¼" = 1'-0"

CUSTOMER APPROVAL

APPROVED BY: ______________________ DATE: ____ / ____ / ____

Job Name:

MEMORIAL CITY HALL PERFORMANCE CENTER

■ **Proposal Drawing**
☐ Final Drawing

Client: Memorial City Hall
Location: 110 E Houston St, Marshall, TX 75670

Salesperson: Trey Patterson
Prj. Mngr.: Rachel Moore
Date: 4/26/2022
Designer: Kody Moore
File Name: 66905 R2 EMC Awning Displays.cdr

Proposal #: 66905
Job #: n/a

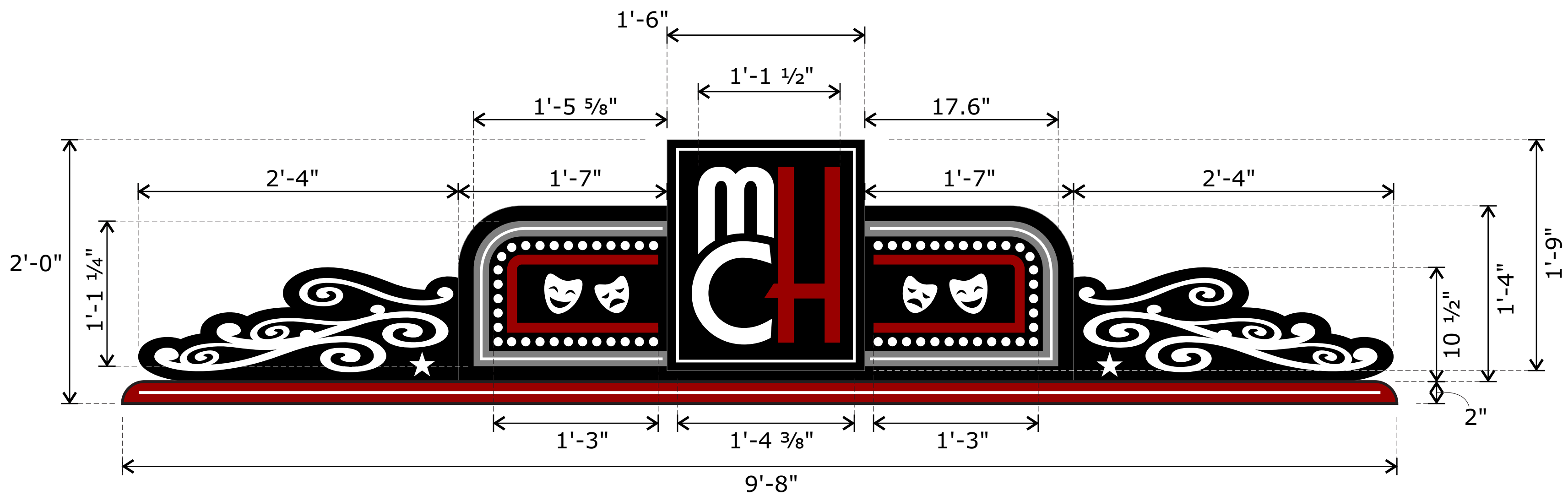
Revisions

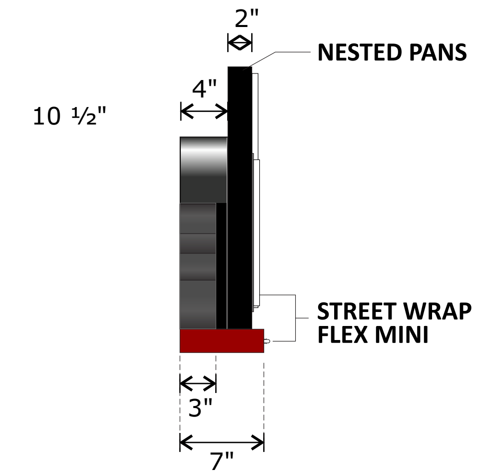
Note: R1 10/7/22 KM ADDED ELEVATION PHOTOS

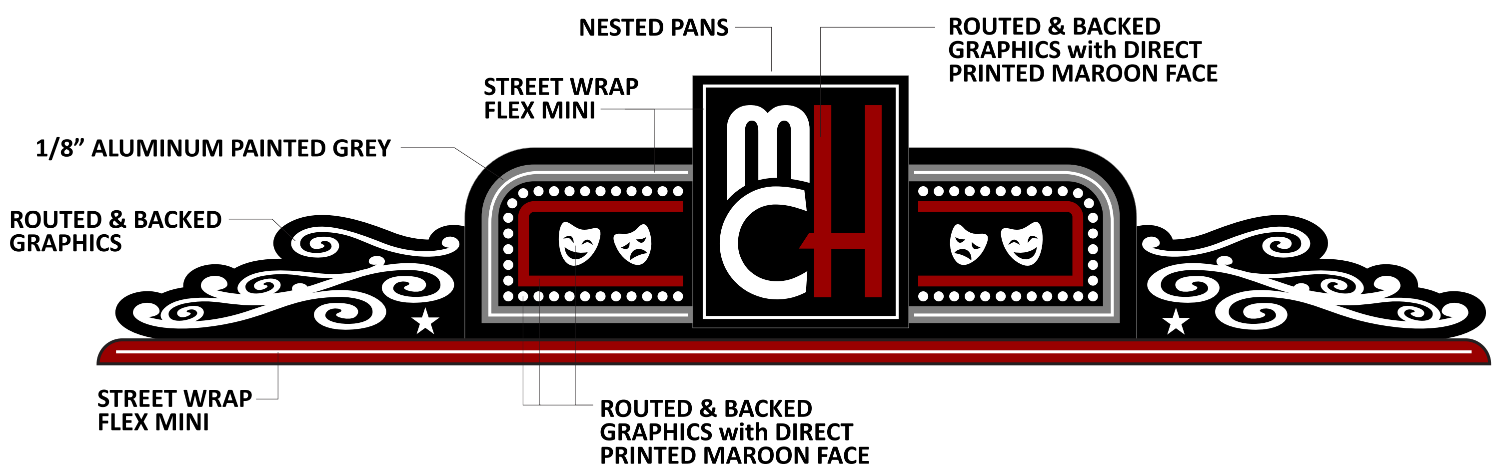
R2 8/18/23 KM ADDED EMC TOPPER CABINETS TO JOB

DCS DESIGN CENTER SIGNS
A Comet Signs COMPANY
TDLR #: 18010
MET #: E113766
2971 Elkton Trail
Tyler, TX 75703
(903) 561-4995

ENGINEER FOR
104 MPH
WIND LOAD
(PER MUNICIPAL CODE)







CABINET SPECS - 3/4" = 1'-0"

- PROVIDE CUSTOM ROUTED & BACK TOPPER CABINETS FOR EMC PER SPECS CALLED OUT ABOVE
- .125" ALUMINUM FACES ARE ROUTED PER GRAPHICS
- CABINETS TO HAVE DISCONNECT TOGGLE SWITCHES with A LOCK OUT GUARD AS NEEDED FOR POWER DISCONNECT
- ALL CABINET TO ILLUMINATED with WHITE LEDS
- ALL ACRYLIC IS WHITE #7328 1/8" THICK with DIRECT PRINTED TRANSLUCENT MAROON AS NEEDED, PRINTS TO BE UV LAMINATED
- PROVIDE STREET WRAP FLEX MINI LED TUBE ACCENT LIGHTING IN WHITE AS SHOWN
- GREY 1/8" ALUMINUM TO BE BLIND STUD MOUNTED or LAMINATED TO ALUMINUM FACES
- .063" FILLER PANELS AS NEEDED, PAINTED BLACK
- POWER SUPPLIES TO BE REMOTE LOCATED BEHIND CUSTOM FRAME
- CABINETS ATTACH TO FRAME SUPPORTS with ANGLE
- CABINETS MUST BE ON THEIR OWN SEPARATE CIRCUIT/S OTHER THAN THE EMCs DISPLAYS

C1	C2	C3	C4
COLOR & FINISH TO MATCH EMCs	PTM PANTONE MAROON COLOR TBD	PTM PANTONE MED GREY COLOR TBD	STANDARD WHITE

CUSTOMER APPROVAL

APPROVED BY: ________________________ DATE: ____ / ____ / ____

Job Name:

MEMORIAL CITY HALL
PERFORMANCE CENTER

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☐ Final Drawing

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Designer: Kody Moore
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Proposal #: 66905
Job #: n/a

Revisions

Note: R1 10/7/22 KM ADDED ELEVATION PHOTOS

R2 8/18/23 KM ADDED EMC TOPPER CABINETS TO JOB

DCS
DESIGN CENTER SIGNS
A Comet SIGNS COMPANY

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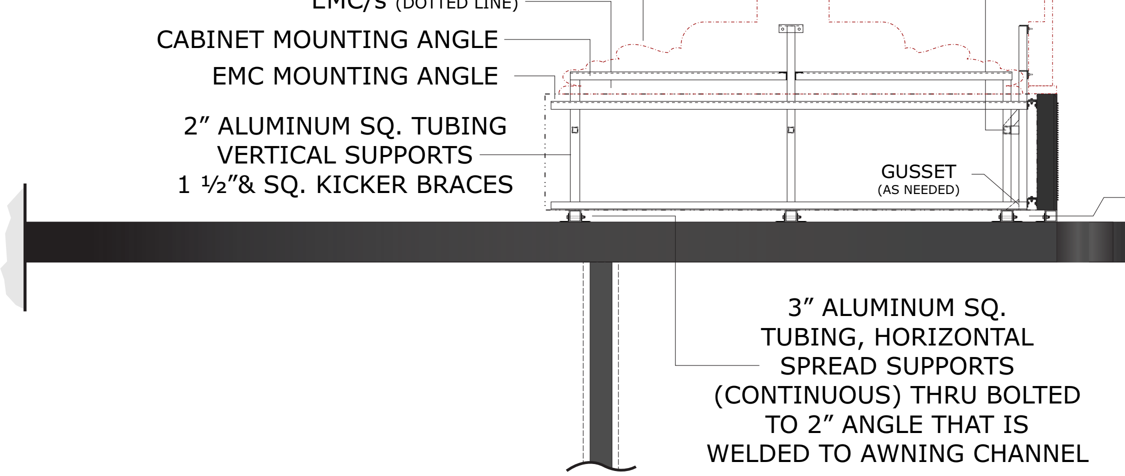
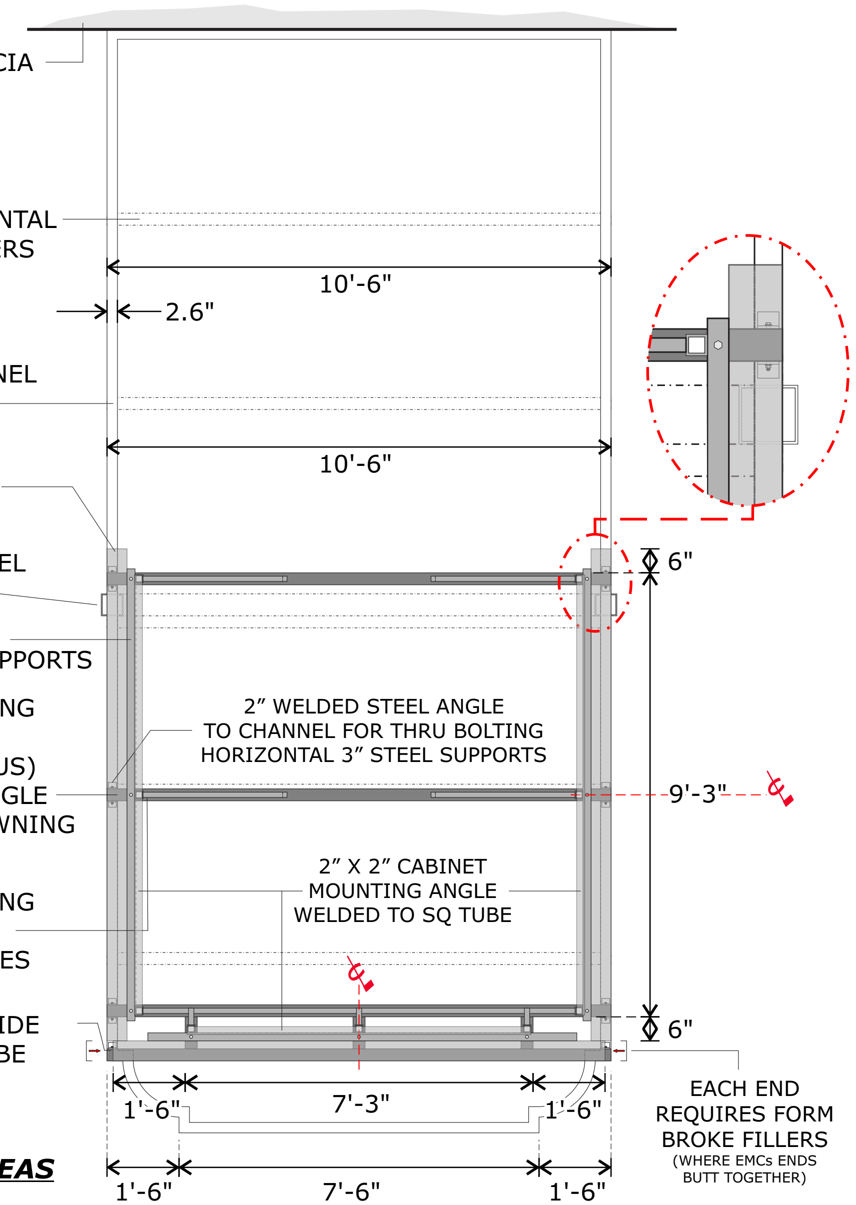
Tyler, TX 75703
(903) 561-4995

TSA Texas Sign Association
ISA International Sign Association

ENGINEER FOR 104 MPH WIND LOAD (PER MUNICIPAL CODE)



Scale: ¼" = 1'-0"



FRAME REQUIRES MULTIPLE PICK AREAS

Scale: ¼" = 1'-0"

CUSTOMER APPROVAL

APPROVED BY: ________________________ **DATE:** ____ / ____ / ____

Job Name:

MEMORIAL CITY HALL PERFORMANCE CENTER

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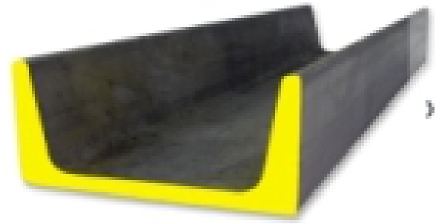
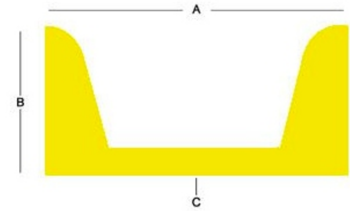
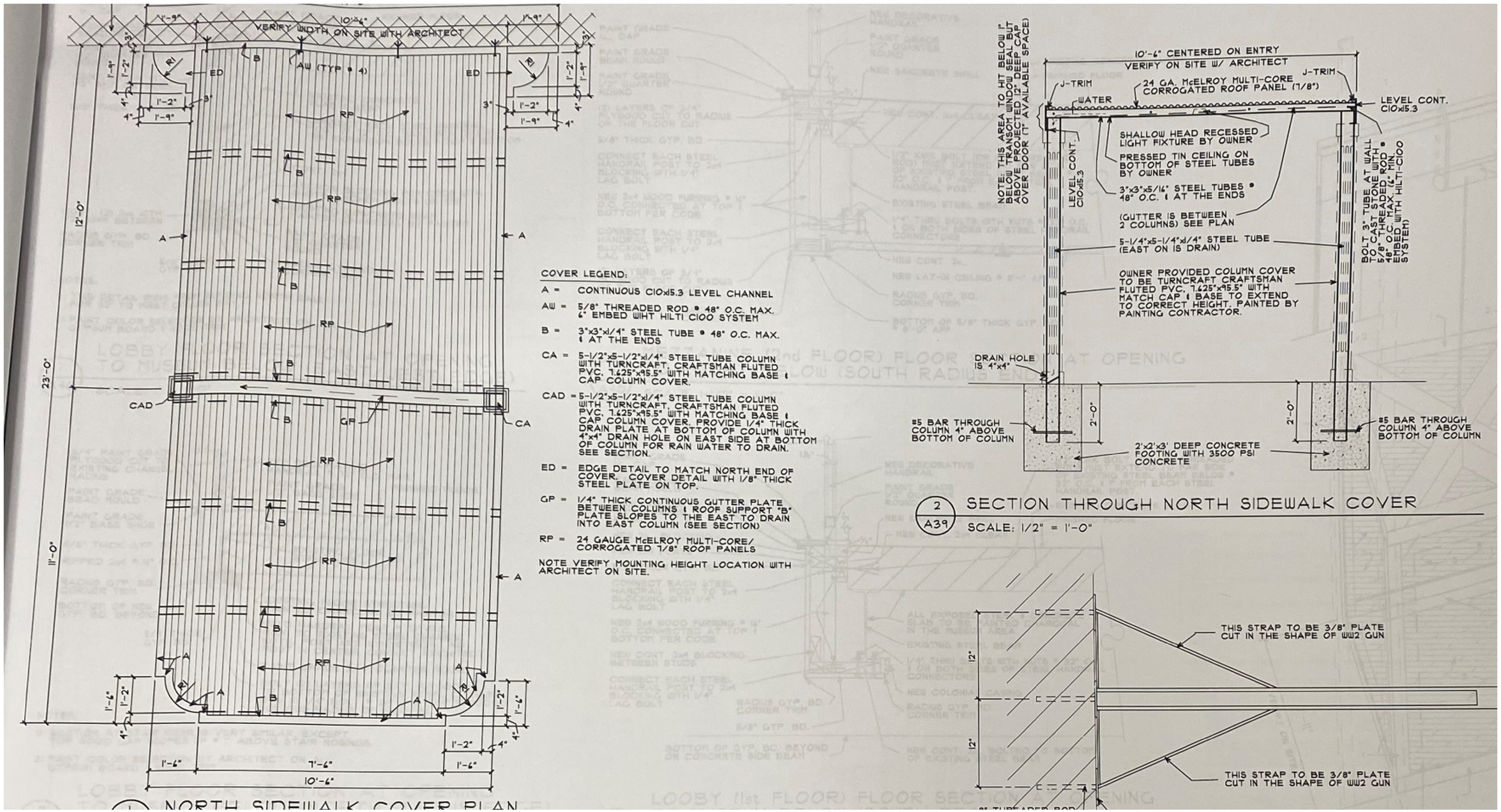




A - Width: 10"
B - Height: 2.600"
C - Thickness: 0.240"



A CUSTOMER PROVIDED PLANS

CUSTOMER APPROVAL

APPROVED BY: ______________________ **DATE:** ____ / ____ / ____

Job Name:

MEMORIAL CITY HALL
PERFORMANCE CENTER

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A Comet Signs COMPANY

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MET #: E113766

2971 Elkton Trail
Tyler, TX 75703
(903) 561-4995

A **EXISTING CONDITIONS**

CUSTOMER APPROVAL

APPROVED BY: ________________________ DATE: ____ / ____ / ____

Job Name:

MEMORIAL CITY HALL
PERFORMANCE CENTER

- [x] Proposal Drawing
- [ ] Final Drawing

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DESIGN CENTER SIGNS
A Comet Signs COMPANY

2971 ELKTON TRAIL
TYLER, TX 75703
(903) 561-4995

NAME OF CUSTOMER (LEGAL NAME and any DBA)	CUSTOMER CONTACT	PHONE
MEMORIAL CITY HALL	Glenn Barnhart	903-934-7992
STREET	JOB NAME	
110 E Houston St,	MEMORIAL CITY HALL EMC MARSHALL	
CITY, STATE and ZIP CODE	JOB LOCATION	
Marshall, TX 75670	110 E Houston St, , Marshall, TX 75670	

ACCEPTANCE REQUIRES:
Due to current steel pricing volatility and extreme cost increases, estimates for pylons or monuments with steel pipes are good for 7 days.

Regulated by the Texas Department of Licensing and Regulation, P.O. Box 12157, Austin, Texas 78711 - Phone: 512-463-6599 Toll-Free: 800-803-9202 Online: http://www.license.state.tx.us/Complaints (Ref: 1305)

TEXAS MASTER SIGN LICENSE TDLR # 7333 **TEXAS ELECTRICAL SIGN CONTRACTOR TDLR # 18010**

We Propose to furnish, subject to the terms and conditions on the front and back of this proposal, the items set forth below, for the estimated sum of:

Eighty-Six Thousand Two Hundred Forty-One Dollars ($ 86,241.00).

PAYMENT TO BE MADE AS FOLLOWS

40% DEPOSIT UPON INITIATION OF CONTRACT; 30% UPON MFG COMPLETION; 30% U

This proposal may be withdrawn if not accepted in 30 days.

No.	Scope of Work	Quantity	Price	Extended
1	PROPOSAL BASED ON DRAWING 66905 R2			
2	EQUALIS COOP CONTRACT COG-2103B-EQUALIS PURCHASING COOP CONTRACT NUMBER PROVIDED BY EQUALIS GROUP FOR CUSTOMER REFERENCE			
3	SURVEY TECHNICAL SITE SURVEY FOR MANUFACTURING AND/OR INSTALL TO VERIFY SCOPE, EXACT SIZING, ACCESS, BUILDING MATERIALS AND CONDUCT JOB SITE SAFETY ANALYSIS.	1.00	$540.00	$540.00

ACCEPTANCE OF PROPOSAL AND AGREEMENT TO TERMS

By signing below, I confirm that I am authorized by Customer to enter into this Agreement. I have read and understand the terms and conditions on the front and back. Customer expressly agrees to all the terms and conditions of the Proposal and Agreement. **The undersigned expressly consent(s) to Comet obtaining credit and financial information concerning Customer and/or a consumer credit report on Customer (if Customer is a sole proprietorship) at any time and from any source for the purpose of evaluating Customer's creditworthiness in connection with any request for business credit.** I confirm that any credit is sought for commercial purposes, not for personal, family or household use.

Approved by Comet:

Trey Patterson
903-224-0813

October 5, 2023
Date

Customer:

Signature

Date

Print Name

Title

DESIGN CENTER SIGNS
A Comet Signs COMPANY

2971 ELKTON TRAIL
TYLER, TX 75703
(903) 561-4995

NAME OF CUSTOMER (LEGAL NAME and any DBA)	CUSTOMER CONTACT	PHONE
MEMORIAL CITY HALL	Glenn Barnhart	903-934-7992
STREET	JOB NAME	
110 E Houston St,	MEMORIAL CITY HALL EMC MARSHALL	
CITY, STATE and ZIP CODE	JOB LOCATION	
Marshall, TX 75670	110 E Houston St, , Marshall, TX 75670	

No.	Scope of Work	Quantity	Price	Extended
4	MANUFACTURE 10 MM EMCS & FRAME	1.00	$73,473.00	$73,473.00

MFR THREE WATCHFIRE (3) S/F RGB DIGITAL EMC DISPLAYS FOR THE EAST, WEST & NORTH
ELEVATIONS ON A EXISTING STEEL AWNING:
OPTIONAL 10mm EMCs - EMCs OA MEASUREMENTS ARE 10' -3" L X 2' -5" H X 5" D

- FRAME MADE OUT OF ALUMINUM TUBING TO SAVE WEIGHT & MATCH AWNING CONSTRUCTION.
- PAINTED TO MATCH EMC COLOR & FINISH
- SEE ADDITIONAL ARCHITECTURAL PLANS FOR THE EXISTING AWNINGS ON NEXT PAGE
- ELECTRICAL REQUIREMENTS TBD PER EMC OPTION CHOSEN, EMCs MUST BE ON A DEDICATED CIRCUIT, ELECTRICAL BY OTHERS

.063" FILLER PANELS REQUIRED, PAINTED BLACK TO MATCH EMC & MOUNTED AS NEEDED

10MM LED RGB WATCHFIRE DISPLAY:

VIEWING AREA: 24"H X 10'W
IGNITE OPx CLOUD BASED SOFTWARE
4G WIRELSS WITH LIFE-OF-SIGN CELLULAR
5 YEAR PARTS WARRANTY

PRICING SHOWN TO RUN SAME MESSAGE SIMULTANEOUSLY ON EACH DISPLAY

COST OPTION TO RUN (1) MESSAGE ON FRONT DISPLAY (NORTH), (1) MESSAGE ON SIDE DISPLAYS (EAST/WEST) CAN BE PROVIDED UPON REQUEST.

DESIGN CENTER SIGNS
A Comet Signs COMPANY

2971 ELKTON TRAIL
TYLER, TX 75703
(903) 561-4995

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MEMORIAL CITY HALL	Glenn Barnhart	903-934-7992
STREET	JOB NAME	
110 E Houston St,	MEMORIAL CITY HALL EMC MARSHALL	
CITY, STATE and ZIP CODE	JOB LOCATION	
Marshall, TX 75670	110 E Houston St, , Marshall, TX 75670	

No.	Scope of Work	Quantity	Price	Extended
5	INSTALL 10MM EMCS WITH FRAME	1.00	$9,003.00	$9,003.00

INSTALL THREE (3) S/F RGB DIGITAL EMC DISPLAYS FOR THE EAST, WEST & NORTH ELEVATIONS ON A EXISTING STEEL AWNING:
OPTIONAL 8mm or 10mm EMCs - EMCs OA MEASUREMENTS ARE 10'-3" L X 2'-5" H X 5" D

- FRAME MADE OUT OF ALUMINUM TUBING TO SAVE WEIGHT & MATCH AWNING CONSTRUCTION.
- PAINTED TO MATCH EMC COLOR & FINISH
- SEE ADDITIONAL ARCHITECTURAL PLANS FOR THE EXISTING AWNINGS ON NEXT PAGE
- ELECTRICAL REQUIREMENTS TBD PER EMC OPTION CHOSEN, EMCs MUST BE ON A DEDICATED CIRCUIT, ELECTRICAL BY OTHERS
- .063" FILLER PANELS REQUIRED, PAINTED BLACK TO MATCH EMC & MOUNTED AS NEEDED

ELECTRICAL SERVICE:

10mm: 120V – 36 AMPS (12 PER FACE)
SINGLE PHASE

No.	Scope of Work	Quantity	Price	Extended
6	EXCLUSION - PRIMARY ELECTRIC	1.00		

PRIMARY ELECTRIC POWER AND GROUND ROD PROVIDED BY CUSTOMER AT CUSTOMER'S EXPENSE. POWER MUST BE RUN TO BASE OF SIGN.

ELECTRICAL SERVICE:
8mm: 120V – 42 AMPS (14 PER FACE)
SINGLE PHASE
10mm: 120V – 36 AMPS (12 PER FACE)
SINGLE PHASE

No.	Scope of Work	Quantity	Price	Extended
7	PERMIT ACQUISITION FEE - EAST TEXAS SINGLE STAFF TIME TO OBTAIN PERMITS, IF REQUIRED.	1.00	$325.00	$325.00
8	ENGINEERING COMET SIGNS TO OBTAIN STAMPED ENGINEERING.	2.00	$550.00	$1,100.00
9	PERMIT COST PERMIT FEE BILLED AT COST, IF REQUIRED. ADDED TO FINAL INVOICE.	1.00		
10	SALES TAX SALES TAX ASSESSED AT TIME OF FINAL INVOICE.			
11	CONTENT 1 YEAR - ELECTRONIC MESSAGE CENTER 12 MONTHS OF ELECTRONIC MESSAGE CENTER PREMIUM PACKAGE CONTENT PROVIDED BY PROJECT CONTENT. INLCUDES EIGHT (8) DOWNLOAD CREDITS AND TWO (2) CUSTOM CONTENT CREDITS PER MONTH FOR ONE S/F OR D/F DISPLAY. ADDITIONAL DISPLAYS $180 PER YEAR.	1.00	$1,800.00	$1,800.00

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CITY, STATE and ZIP CODE	JOB LOCATION	
Marshall, TX 75670	110 E Houston St, , Marshall, TX 75670	

No.	*Scope of Work*	*Quantity*	*Price*	*Extended*

IMPORTANT CUSTOMER NOTIFICATIONS

- The Customer agrees to accept responsibility for insuring structures, building and property conform to all requirements of land-lord, city planning & zoning departments and other governing and permitting agencies as it applies to this contract. The Customer further agrees to accept responsibility for the placement of the sign(s). Comet relies entirely on Customer's instructions concerning placement and Customer's representations concerning the location of the easement, right-of-ways, set-backs and other similar restricted areas.
- Price is subject to current sales tax unless a tax exempt certificate is presented with the order.
- An additional charge will be made if rocks or other obstructions are encountered in excavation of foundations.
- The purchaser agrees to accept responsibility for any damages incurred beneath the surface where excavation is required.
- Permitting and engineering fees, when applicable, plus staff time will be added to the final invoice.
- Dedicated 120v circuit and GFI transformer with designated ground as required by National Electrical Code and primary electrical service wiring, disconnect switches and timers must be supplied by others at customer's expense. Comet Signs will perform final connection to primary electrical connection within 5 feet of sign if available at time of installation.
- Additional trips to site for installation or electrical connection due to site not being ready on agreed upon install date will be billed as additional trip charges.

Contrary Terms Rejected: No acceptance which varies the terms of this proposal or proposes additional terms is effective. Any variance is rejected, unless expressly approved by Comet in writing.

Parties. "Comet" when used herein means Comet Signs, LLC. "Customer" when used herein means the person or entity to whom goods or services were sold or delivered.

Payment: Customer shall pay the full amount of the invoice(s) for the goods or services, plus tax when due at Comet's address on the front page of this Agreement. Unless otherwise agreed in writing, terms are 50% of goods and services due upon acceptance of this proposal. The remaining 50% of goods and services due upon receipt. Interest at the rate of 18% per annum, or the maximum allowed by law, will be charged on past due unpaid amounts. Customer shall pay all taxes resulting from transactions, such as occupation, property, excise, sales or use tax. Customer shall pay all costs of collection incurred by Comet, including attorney's fees, costs and expenses.

Title: Comet retains title to delivered goods until such time as payment is made in full by Customer. The parties expressly agree that the signing of this Agreement, constitutes a security agreement as contemplated by Article 9 of the Uniform Commercial Code and insures Comet's title of delivered goods. Said security agreement shall continue until Seller receives full payment for delivered goods secured hereby. At all times prior to payments being made and all of the conditions herein contained being fully satisfied by Customer, the goods shall be deemed personal property, and shall not, by reason of attachment or connection to any realty, become or be deemed a fixture or appurtenance to such realty but shall at all times be severable therefrom.

Installation: Customer shall be solely responsible to pay for, install, and provide all utilities to be used by the goods. Customer shall be responsible for any necessary building reinforcement, relocation of utility lines, or other obstacles to installation. Customer shall be responsible for any additional installation costs, including labor and material, incurred by Comet caused by such conditions as water, adverse soil conditions, underground obstructions, or other obstructions. Any costs pertaining to staging, rigging, and/or rental equipment associated with multiple story building installations shall be additional costs to be paid by Customer.

Approval and Permits: Customer shall be responsible for securing all necessary approval for installation, use, and existence of goods on the applicable premises. The prices for goods and services do not include the cost of permits, cost to obtain permits, or the cost of variance appeals required to obtain permits, which costs, if incurred by Comet, will be invoiced to and shall be paid by Customer. Comet may obtain (as Customer's agent where necessary) permits and licenses from public authorities for the initial installation of goods. *Comet shall not be obligated to commence construction of goods until public permits have been issued.* If such permits are denied, after every reasonable effort by Comet and Customer to secure same, then this Agreement shall terminate without liability to either party except that Customer shall pay Comet for all manufacturing costs and other costs of performing this Agreement theretofore incurred by Comet.

Price Increases and Delay: Any date of completion or delivery is an estimate. Comet and its agents shall commence fabrication of the goods promptly following receipt of all permits, licenses, and approvals. Goods to be installed shall be installed as soon as reasonably practical after fabrication. If for any reason, other than fault or neglect of Comet, fabrication has not commenced within 45 days from date of Comet's acceptance of this Agreement, or if delivery, tender, or installation, of goods shall be delayed, deferred, or postponed for any reason, other than fault or neglect of Comet or its agents, beyond 90 days from date of such acceptance, then, in such event, the purchase price and installation price, are subject to increase as determined by Comet. If, after fabrication of goods is commenced, Customer requests that Comet cease or delay fabrication, or if Customer is in default under this Agreement, then Customer, in addition to all other obligations under this Agreement shall be responsible for all Comet's additional costs and expenses incurred. Any cessation or delay shall not relieve Customer of any of it's obligations under this Agreement.

Comet Proposal and Agreement - Rev May 2019

Warranty: Comet warrants its services and goods of its manufacture for a period of twelve (12) months, from the date of delivery of a good or service, against defects in material or workmanship. **The obligation of Comet and Customer's sole and exclusive remedy hereunder shall be limited at Comet's sole option to the following: (a) To replace or repair any goods or services, which are determined by Comet to be defective during the warranty period. Comet's obligation to repair or replace constitutes agreed and liquidated damages for any breach of Comet's warranty; or, (b)** Should the goods or services be determined by Comet to be so defective as to preclude the remedy of warranted defects by replacement or repair, Customer's sole and exclusive remedy shall then be a refund of the purchase price, less a reasonable charge for any utilization by Customer. **THE LIMITED EXPRESS WARRANTY SET FORTH HEREIN, AND THE STATED REMEDIES FOR BREACH THEREOF, SHALL BE IN LIEU OF ANY AND ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION, WARRANTIES FOR MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE, AND** IN LIEU OF LIABILITY FOR SELLER'S NEGLIGENCE OR FAULT. The alternation, modification, unauthorized repair, neglect, misuse, or damage from vandalism, acts of God including, but not limited to, fire, wind, hail, and lightning, WAIVES AND EXCLUDES ALL WARRANTIES AND OBLIGATIONS OF COMET, **including the limited express warranty set forth herein.** Notice of defective goods or services must be given in writing to Comet. Customer must keep the goods in unaltered condition for examination by Comet. **All warranty claims must be made within ten (10) days after discovery, or after such claims should have been discovered, or else be barred from any remedy.** Any suit for claims arising out of or related to any goods or services must be brought not later than one (1) year after the date the goods or services are delivered to Customer or the agent of Customer. Comet does not warrant fluorescent, HID lamps, incandescent bulbs, and Electronic Information Displays, including, electronic message centers and time and temperature units. Such goods are sold AS IS, WHERE IS. Any applicable warranties for EID, fluorescent, HID, are provided by original manufacturer.

Limitation of Damages: In no event shall Comet be liable for any special, consequential or incidental damages, whether or not said damages are caused, in whole or in part, by any delay, failure, nonperformance, or negligence of Comet or any of its agents, or the breach by Comet of any terms or conditions contained herein or made part of this Agreement.

Indemnity. CUSTOMER AGREES TO INDEMNIFY, DEFEND, AND HOLD COMET HARMLESS FROM AND AGAINST ANY AND ALL LOSS, DAMAGE, SUITS, CIVIL AND OTHER LIABILITY AND EXPENSES (INCLUDING, BUT NOT LIMITED TO REASONABLE INVESTIGATION AND LEGAL EXPENSES) ARISING OUT OF ANY CLAIM FOR LOSS OF OR DAMAGE TO PROPERTY, INJURIES TO OR DEATH OF PERSONS, INCLUDING CUSTOMER'S OR COMET'S EMPLOYEES, AND VIOLATION OF ANY LAW OR REGULATION CAUSED BY, ARISING OUT OF, OR RESULTING FROM CUSTOMER'S OBLIGATIONS UNDER THIS AGREEMENT.

Governing Law: This Agreement shall be deemed to have been made and entered into in San Antonio, Texas. All disputes arising from or related to this Agreement shall be resolved in courts of Bexar County, Texas, to the exclusion of any other court. All transactions shall be governed by and construed in accordance with the laws of the State of Texas, regardless of any conflict of laws.

Force Majeure. Comet may, without liability, delay performance or cancel this Contract on account of *force majeure* events or other circumstances beyond its control, including, but not limited to, strikes, acts of God, political unrest, embargo, failure of source of supply, or casualty.

Entire Contract: This Agreement contains the entire agreement between the Parties relating to the transactions contemplated hereby. All prior and contemporaneous agreements, understandings, representations, and statements, whether written or oral, are merged herein and superseded hereby. Any modification to this Agreement must be in writing and executed by the Parties hereto. This Agreement is binding upon the parties and their respective heirs, executors, administrators, successors and assigns.