

1. 4/28/2022 Agenda (PDF)

Documents:

[4-28-22 AGENDA.PDF](#)

2. 4/28/2022 Agenda Packet (PDF)

Documents:

[4-28-22 AGENDA PACKET.PDF](#)



**CITY OF MARSHALL, TEXAS
REGULAR CITY COUNCIL MEETING
COUNCIL CHAMBERS, CITY HALL, 401 SOUTH ALAMO
APRIL 28, 2022, 6:00 P.M.**

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

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

1. **CALL TO ORDER AND ROLL CALL**
2. **INVOCATION AND PLEDGES**
3. **CITIZEN COMMENTS**

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

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 **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA**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

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

- A. Consider approval of the minutes from the April 14, 2022 Regular meeting.

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

C. Fire Department Activity Report. (Fire Chief)

D. Police Department Activity Report. (Police Chief)

E. Monthly Financial Report. (Finance Director)

6. **ORDINANCES**

A. Consider approval of an ordinance amending provisions of the Code of Ordinances relating to offenses and establishing a curfew for minor children; providing for penalties; providing for publication and establishing an effective date. (Police Chief)

7. **RESOLUTION**

A. Consider approval of a resolution to suspend the effective date proposed by CenterPoint Energy to increase rates under the Gas Reliability Infrastructure Program for forty-five (45) days, and authorize the City's continued participation in a coalition of cities known as the "Alliance of CenterPoint Municipalities". (City Attorney)

B. Consider approval of a resolution to remove David Willard, Interim City Manager, as an approved bank signatory on tender for payment and add Terrell Smith, City Manager. (Finance Director)

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

A. Discussion concerning the status of the Vacant Structure Registration ordinance. (Councilmember Calhoun)

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

10. **ADJOURNMENT**

Posted: April 25, 2022
5:00 p.m.
N. Smith

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



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**1. CALL TO ORDER AND ROLL CALL
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**2. INVOCATION AND PLEDGES
Page 5**

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Page 7**

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

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C. Fire Department Activity Report. (Fire Chief)

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D. Police Department Activity Report. (Police Chief)

Page 21

E. Monthly Financial Report. (Finance Director)

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Marshall City Council Meeting
April 28, 2022
Page 3

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Page 43

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ITEM 1

CALL TO ORDER AND ROLL CALL

ITEM 2

INVOCATION AND PLEDGES

ITEM 3

CITIZEN COMMENTS

ITEM 4

ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA

ITEM 5A

CONSENT AGENDA

**CONSIDER APPROVAL OF THE
MINUTES FROM THE APRIL 14, 2022
REGULAR MEETING**

MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF MARSHALL
APRIL 14, 2022
6:00 PM

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

PRESENT:

MAYOR: Amy Ware, District 4

COUNCIL MEMBERS:

Marvin Bonner, District 1
Jennifer Truelove, District 3
Amanda Abraham, District 6

Leo Morris, District 2
Vernia Calhoun, District 5
Micah Fenton, District 7

ADMINISTRATIVE STAFF PRESENT:

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

INVOCATION & PLEDGE: Mayor Ware

89. **CITIZEN COMMENTS**

John Madden, owner Longview Asphalt, provided a handout to the council and spoke regarding expanding his business. John Madden asked for a future meeting with the Council and MEDCO.

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

Item G was withdrawn from the Consent Agenda.

91. **CONSENT AGENDA**

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

- A. Consider approval of the minutes from the March 17, 2022 Special-Called meeting, March 28, 2022 Special-Called meeting, March 29, 2022 Special-Called meeting and March 31, 2022 Special-Called meeting.
- B. Consider approval of an amendment to a resolution authorizing the Marshall Police Department to apply for funding under the Rifle Resistant Body Armor Grant Program (BAGP).
- C. Consider approval of appointments to the Civil Service Board.
- D. Municipal Court Activity Report.
- E. Consider approval of investment report for the first quarter of 2022.

F. Street Sweeping Activity Report.

PUBLIC HEARING AND ORDINANCE

92. CONDUCT A PUBLIC HEARING AND CONSIDER APPROVAL OF AN ORDINANCE REGARDING A SPECIAL USE PERMIT REQUEST FOR THE SALE OF ALCOHOLIC MIXED BEVERAGE OFF PREMISE CONSUMPTION AND MUST COMPLY WITH CURRENT TEXAS ALCOHOLIC BEVERAGE COMMISSION REGULATIONS, BEING A 0.933 ACRE TRACT OF LAND, BEING OUTLOT 197-A AND 197-B NW, LOCATED AT 2205 W GRAND AVE.

Garnett Johnson, Community Development Director, asked for the approval of an ordinance regarding a Special Use Permit request for the sale of alcoholic mixed beverage off premise consumption and must comply with current Texas Alcoholic Beverage Commission regulations, being a 0.933-acre tract of land located at 2205 W Grand Ave. The Planning and Zoning Commission approved the change by a vote of 5:1:0.

Mayor Ware opened the public hearing.

No one came forward to speak.

Mayor Ware closed the public hearing.

Councilmembers asked questions and discussed.

Councilmember Calhoun made a motion to approve an ordinance regarding a Special Use Permit request for the sale of alcoholic mixed beverage off premise consumption, complying with current Texas Alcoholic Beverage Commission regulations. Councilmember Bonner seconded the motion, which passed with a vote of 7:0.

RESOLUTION

93. CONSIDER THE APPROVAL OF A RESOLUTION ADOPTING GUIDELINES AND CRITERIA GOVERNING TAX ABATEMENT AGREEMENTS PURSUANT TO CHAPTER 312 OF THE TEXAS TAX CODE.

Scott Rectenwald, City Attorney, asked for approval of a resolution adopting guidelines and criteria governing tax abatement agreements pursuant to Chapter 312 of the Texas Tax Code.

Councilmembers asked questions and discussed.

Councilmember Truelove made a motion to approve a resolution adopting guidelines and criteria governing tax abatement agreements pursuant to Chapter 312 of the Texas Tax Code. Councilmember Abraham seconded the motion, which passed with a vote of 7:0.

CITY MANAGER REPORTS AND REQUESTS FOR CITY COUNCIL CONSIDERATION

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

Christol Hall, HR Manager, asked for approval of the Personnel Policy and Procedures Manual.

Councilmembers asked questions and discussed.

Councilmember Calhoun made a motion to approve the Personnel Policy and Procedures Manual. Councilmember Fenton seconded the motion, which passed with a vote of 7:0.

95. CONSIDER APPROVAL OF SMALL BUSINESS GRANT FUND APPLICATIONS.

Garnett Johnson asked for approval of the completed application received between January 27, 2022 and March 16, 2022. Garnett Johnson stated this is the last grant as all funds are exhausted.

Councilmembers asked questions and discussed.

Councilmember Truelove made a motion to approve the application for Studio 1 Hair Salon for \$2,500. Councilmember Fenton seconded the motion, which passed with a vote of 7:0.

96. CONSIDER APPROVAL OF AN EXPENDITURE IN EXCESS OF \$50,000 FOR PROJECT VIRGINIA.

Rush Harris, Executive Director MEDCO, asked for approval of an expenditure in excess of \$50,000 for Project Virginia, a distilling company with associated sales at 305 & 307 N Washington. Rush Harris highlighted the process of the Certificate of Occupancy Bonus Program.

Councilmembers asked questions and discussed.

Councilmember Abraham made a motion to approve an expenditure in excess of \$50,000 for Project Virginia. Councilmember Calhoun seconded the motion, which passed with a vote of 7:0.

97. CONSIDER APPROVAL FOR FORMAL ACCEPTANCE OF THE COMPLETED ANIMAL ADOPTION CENTER PROJECT, INCLUDING RELEASE OF RETAINAGE TO THE CONTRACTOR.

Eric Powell, Public Works Director, asked for approval for formal acceptance of the completed Animal Adoption Center Project, including release of retainage to the contractor. Eric Powell stated the punch list was completed and the final payment reviewed.

Councilmembers asked questions and discussed.

Councilmember Truelove made a motion to approve formal acceptance of the completed Animal Adoption Center Project, including release of retainage to the contractor. Councilmember Fenton seconded the motion, which passed with a vote of 7:0.

98. PRESENTATION OF THE PRELIMINARY LISTING OF STREETS FOR THE 2022 STREET IMPROVEMENT PROGRAM.

Eric Powell presented the preliminary listing of streets for the 2022 Street Improvement Program.

Councilmembers asked questions and discussed.

Councilmember Fenton made a motion to approve the preliminary listing of streets for the 2022 Street Improvement Program. Councilmember Morris seconded the motion, which passed with a vote of 7:0.

99. CONSIDER APPROVAL OF CHANGE ORDER #1 TO THE 100 BLOCK OF E. HOUSTON STREETScape PROJECT.

Eric Powell asked for approval of Change Order #1 to the 100 block of E. Houston Streetscape Project. Eric Powell stated this change order is for additional brick pavers with concrete base due to a change in sidewalk configuration, and more street pavers needing removal due to the location of new water main tie-ins on both east and west sides. The total cost of this change order is \$80,836.97. Funds are available in the Water Distribution division budget to cover the cost of this change order.

Council members asked questions and discussed.

Councilmember Bonner made a motion to approve Change Order #1 to the 100 block of E. Houston Streetscape Project. Councilmember Abraham seconded the motion, which passed with a vote of 7:0.

100. CONSIDER APPROVAL OF AN AMENDMENT TO AN EASEMENT AGREEMENT WITH AMERICAN TOWER FOR A TOWER LOCATED AT 303 W. BURLESON STREET AND AUTHORIZE EXECUTION OF THE AGREEMENT.

Scott Rectenwald asked for approval of an amendment to an easement agreement with American Tower for a tower located at 303 W. Burleson Street and authorize execution of the agreement. Scott Rectenwald stated American Tower wants to expand the easement area.

Councilmember Abraham made a motion to approve an amendment to an easement agreement with American Tower for a tower located at 303 W. Burleson Street and authorize execution of the agreement. Councilmember Calhoun seconded the motion, which passed with a vote of 7:0.

101. CONSIDER APPROVAL OF AMENDMENTS TO THE MARSHALL FIRE DEPARTMENT FEE SCHEDULE.

Reggie Cooper, Fire Chief, asked for approval of amendments to the Marshall Fire Department Fee Schedule.

Councilmembers asked questions and discussed.

Councilmember Calhoun made a motion to approve amendments to the Marshall Fire Department Fee Schedule. Councilmember Morris seconded the motion, which passed with a vote of 7:0.

102. CONSIDER APPROVAL OF FINANCING FOR THE PURCHASE OF TEN (10) NEW VEHICLES FOR THE POLICE DEPARTMENT AND ONE (1) NEW VEHICLE FOR THE FIRE DEPARTMENT AND AUTHORIZATION FOR THE FINANCE DIRECTOR TO EXECUTE THE FINANCING CONTRACT.

Dawn Jones, Finance Director, asked for approval of financing for the purchase of ten (10) new vehicles for the Police Department and one (1) new vehicle for the Fire Department and authorization for the Finance Director to execute the financing contract. Dawn Jones stated the 2022 budget included the purchasing through lease purchase or financing.

Councilmember Truelove made a motion to approve financing for the purchase of ten (10) new vehicles for the Police Department and one (1) new vehicle for the Fire Department and authorization for the Finance Director to execute the financing contract. Councilmember Abraham seconded the motion, which passed with a vote of 7:0.

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

G. Community Development Activity Report.

Councilmember Bonner explained his reasons for withdrawing this item.

Councilmembers asked questions and discussed.

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

104. **ADJOURNMENT**

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

APPROVED:

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

ATTEST:

City Secretary

**Ordinances: O-22-10
Resolutions: R-22-10
 R-22-11**

ITEM 5B

CONSENT AGENDA

PUBLIC WORKS ACTIVITY REPORT



TO: Members of the City Council

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

DATE: April 20, 2022

SUBJECT: Public Works Department Activity Report

The Public Works Department Activity Report for the months of February and March 2022 are attached for your review.

NOTE: Information from the following divisions will no longer appear on the monthly Public Works Activity Report, as these divisions are now under the direction of the Support Services Department:

- Community Appearance/Parks
- Information Technology
- Building Maintenance

**PUBLIC WORKS DEPARTMENT
MONTHLY ACTIVITY REPORT
February & March 2022**

DEPARTMENT DIVISIONS	NUMBER OF REQUESTS
DISTRIBUTION/COLLECTION	
Water main breaks/service leaks	40
Water meters (leaks/repairs/replacements)	54
Sewer issues (wash service/repairs/surcharging manholes/general manhole maintenance/preventive maintenance/camera sewer lines)	360
Water/sewer taps	1
Emergency water meter cut-off/turn-on for residential & business customers	26
STREETS	
Pothole patching/dress-ups/other repair	1,350
Right of way mowing/clear blind intersections/trim low hanging limbs: <i>Draw St., Woodall St., Jefferson Ave., Evans St., Speed St., Rainey St., Herbert St., Wall St., Fifth St., Fourth St., Hynson St., Oris St./Speed St., David St., Summitt St., Industrial Dr., Pierce St., Enola Mae Dr., Park Dr., Norwood St., Page St., E. Emory St., Martin St., Rudd St., Olive St., Randolph St., Oris St., Elliott St., Cooper St., Ward St., Blackburn St.</i>	30
Illegal dumping/litter	5
Clearing fallen trees from City streets	2
Mowing empty lots	0
Street repairs at water main break sites	37
<i>Additional projects: curb/street/crosswalk painting and sandbag distribution; assisted Drainage crew in checking some traps & drains, curb cleaning, clearing of storm drains</i>	
DRAINAGE	
Cleaning/digging ditches <i>(total of 4,295 ft.)</i>	25
Checking traps & drains	26
Storm drain clearing/repairs/sinkhole repairs	18
Culvert installation/repairs	10
Bridge/sidewalk/curb repairs	7
<i>Additional projects: sandbag distribution, packing bins at Convenience Station; assisted Street Division with some street repairs</i>	

CITY PROJECT UPDATES:

1. VICTORY DR. SIDEWALK (GOLF COURSE)

- Obtaining quotes from contractors for this project.
- **Finalizing quotes received from local contractors.**

1) TRAVIS ST. WATER MAIN IMPROVEMENT PROJECT:

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

2) STREET IMPROVEMENT PROGRAM – 2021

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

3) ANIMAL SHELTER

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

4) PUBLIC WORKS BREAKROOM RENOVATION

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

5) POLICE STATION ROOF ISSUE

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

6) AIRPORT PARK

- Recently met with representatives from MYBA & MYSA to discuss the upcoming baseball/softball season.
- Fencing options for the park have been discussed.
- We will obtain pricing for paving all parking lots in Spring 2022.
- **The bid package for paving the parking lots is complete, and we will advertise for bids on April 24th & May 1st. The bid opening has been scheduled for May 5th.**

7) LIBRARY PARKING LOT

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

UPCOMING NEW PROJECTS FOR 2022:**1) 2022 STREET IMPROVEMENT PROGRAM****2) WASTEWATER TREATMENT PLANT IMPROVEMENTS**

- Office building and Final Clarifier designs are currently in progress.

3) HARRIS LAKE ROAD WATER MAIN IMPROVEMENT PROJECT

- Design and layout are complete.
- Finalizing quantities for pipe materials and supplies.
- This project is anticipated to begin sometime this summer (specific date to be determined)

ITEM 5C

CONSENT AGENDA

FIRE DEPARTMENT ACTIVITY REPORT



MARSHALL

FIRE DEPARTMENT

601 S. Grove St. Marshall, Texas 75670

February 2022 Summary Report

Fire Prevention

Burn Permits Issued for February 2022: 21

Burn Permits Issued Year-to-Date: 54

Fire Suppression

Fire Incident Responses for February 2022: 95

Fire Incident Responses for Year-to-Date: 213

(Fire, Rescue, EMS Assist, Hazardous Condition, Service Call, Good Intent Call)

(Does NOT include false alarms)

Emergency Medical Services

EMS Response for February 2022: 450

EMS Response Year-to-Date: 974

Emergency Management

_Severe Weather Awareness and community notification as needed



MARSHALL

FIRE DEPARTMENT

601 S. Grove St. Marshall, Texas 75670

March 2022 Summary Report

Fire Prevention

Burn Permits Issued for March 2022: 52

Burn Permits Issued Year-to-Date: 106

Fire Suppression

Fire Incident Responses for February 2022: 125

Fire Incident Responses for Year-to-Date: 336

(Fire, Rescue, EMS Assist, Hazardous Condition, Service Call, Good Intent Call)

(Does NOT include false alarms)

Emergency Medical Services

EMS Response for February 2022: 443

EMS Response Year-to-Date: 1417

Emergency Management

_Severe Weather Awareness and community notification as needed

Siren Activations: 2

ITEM 5D

CONSENT AGENDA

POLICE DEPARTMENT ACTIVITY REPORT



Marshall Police Department

Cliff Carruth
Chief of Police

Date: 04/20/2021

To: CITY COUNCIL MEMBERS

From: CHIEF CLIFF CARRUTH

Re: MONTHLY ACTIVITY REPORTS

The Marshall Police Department responded to the following:

Marshall Police Department Monthly Activity Report

	February 2022	March 2022	April 2022
	Total	Total	thru 15th
Calls for Service	2,126	2,431	1,422
Animal Service Calls	64	58	33
Motor Vehicle Crashes	76	71	51
New CID Cases	59	66	35
Citations	160	175	147
Warnings	65	71	46

“Keeping our Community Safe”

ITEM 5E

CONSENT AGENDA

MONTHLY FINANCIAL REPORT



DEPARTMENT OF FINANCE

MEMORANDUM

To: Eric Powell, Acting City Manager

From: Dawn I. Jones, Finance Director

cc: Nikki Smith, City Secretary

Date: 4/22/2022

Re: January & February Revenue and Expense Report Summaries – General Fund and Water and Sewer Enterprise Fund

The Revenue and Expense Report Summaries for January and February 2022 will be provided prior to the meeting. The reports now include encumbered amounts. When comparing previous year to date and current year to date you will need to keep in mind that the numbers for current year include encumbrances. Therefore, it will most likely indicate higher expenses to date for this year.

Departments have been updated to reflect the current organization.

ITEM 6A

ORDINANCE

**CONSIDER APPROVAL OF AN
ORDINANCE AMENDING PROVISIONS
OF THE CODE OF ORDINANCES
RELATING TO OFFENSES AND
ESTABLISHING A CURFEW FOR MINOR
CHILDREN; PROVIDING FOR
PENALTIES; PROVIDING FOR
PUBLICATION AND ESTABLISHING AN
EFFECTIVE DATE**



CITY OF MARSHALL

COMMISSION AGENDA INFORMATION SHEET

MEETING DATE:

PROJECT: Curfew for Minors Ordinance

DESCRIPTION: Presentation of proposed city ordinance regarding curfew for minors.

COST: N/A

RECOMMENDED

ACTION: Approve Ordinance

CITY CONTACT: Chief of Police

cc: File

Ordinance _____

AN ORDINANCE OF THE CITY OF MARSHALL AMENDING PROVISIONS OF THE CODE OF ORDINANCES RELATING TO OFFENSES AND ESTABLISHING A CURFEW FOR MINOR CHILDREN; PROVIDING FOR PENALTIES; PROVIDING FOR PUBLICATION AND ESTABLISHING AN EFFECTIVE DATE FOR SUCH ORDINANCE.

WHEREAS, persons under the age of seventeen (17) years are particularly susceptible by their lack of maturity and experience to participate in unlawful activities and to be victims of older perpetrators of crime; and

WHEREAS, the City of Marshall, Texas, has an obligation to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public and for the reduction of the incidence of juvenile criminal activities; and

WHEREAS, other local governments in Texas that have adopted juvenile curfew ordinances generally have experienced a decrease in juvenile violence, and crime by persons under the age of seventeen (17) years; and

WHEREAS, statistics from other municipalities that have adopted juvenile curfew ordinances reflect a decrease in violent offenses committed against juveniles during curfew hours; and

WHEREAS, the City Council of Marshall wishes to amend Chapter 21 of the Code of Ordinances entitled "Offenses," and specifically, to add a new section 21-34

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

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

Section 2. That Chapter 21, "Offenses", of the Code of Ordinances of the City of Marshall, Texas, is hereby amended to add a new section 21-24 to read as follows:

"Sec. 21-34. - CURFEW HOURS FOR MINORS

A. SCOPE.

This Section establishes curfew hours for minors within the corporate city limits of the city and shall also apply to its extraterritorial jurisdiction.

B. DEFINITIONS.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Chief of Police means the chief of police of the city or a designated representative.

Curfew hours means:

- (1) 10:00 p.m. to 6:00 a.m. any day except Friday or Saturday; and
- (2) 11:00 p.m. to 6:00 a.m. Friday and Saturday.

Direct route means the shortest path of travel through a public place to reach a final destination without any detour or stop along the way.

Emergency means, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Establishment means any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

Holding location means a place designated by the chief of police to which a minor taken into custody for a violation of this division will be delivered to await pickup by a parent or juvenile authorities.

Minor means any person under 17 years of age.

Operator means any individual, firm, association, partnership or corporation operating, managing or conducting any establishment. The term "operator" includes the members or partners of an association or partnership and the officers of a corporation.

Parent means a person who is:

- (1) A natural or adoptive parent of another person;
- (2) A court-appointed guardian of another person; or
- (3) At least 21 years of age and authorized by a parent or court-appointed guardian to have the care and custody of another person.

Public place means any street, alley, highway, sidewalk, playground, park, plaza, building or other place used by or open to the public.

Remain means to:

- (1) Linger or stay unnecessarily; or
- (2) Fail to leave premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.

C. OFFENSES.

- (1) A minor commits an offense if he remains in any public place or on the premises of any establishment within the city during curfew hours.

- (2) A parent of a minor commits an offense if he knowingly permits or by insufficient control allows the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.
- (3) The owner, operator or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

D. DEFENSES.

It is a defense to prosecution under Section C that the minor was:

- (1) Accompanied by the minor's parent;
- (2) On an errand at the direction of the minor's parent and was using a direct route;
- (3) In a motor vehicle involved in interstate travel;
- (4) Engaged in an employment activity, including but not limited to newspaper delivery, and was using a direct route;
- (5) Involved in an emergency;
- (6) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police officer about the minor's presence;
- (7) Attending an official school or religious activity or returning home by a direct route from an official school or religious activity;
- (8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly; or
- (9) Married or had been married or had disabilities of minority removed in accordance with V.T.C.A., Family Code § 31.001 et seq.

E. ENFORCEMENT.

- (1) A police officer, upon finding a minor in violation of section C, shall ascertain the name and address of the minor and shall inquire into the reasons for the minor's being in a public place. If the police officer reasonably believes that the minor has violated this division and that no defenses apply, a citation may be issued to the minor; and the police officer may order the minor to go promptly home by a direct route or may take the minor into custody and deliver the minor to a holding location.
- (2) When a minor is taken into custody under this section, the police department shall immediately notify a parent to pick up the minor at the holding location. After a parent arrives at a holding location and provides the information required by the chief of police to file an incident report, the minor shall be released into the custody of the parent. If a parent cannot be located or fails to take charge of the minor, the police officer shall contact a police department juvenile officer.
- (3) If a minor is not taken into custody for a violation of section C, the police department shall notify a parent of the minor that the minor has violated section C and may issue a citation

to the minor's parent if reasonable grounds exist to believe that the parent has violated section C.

- (4) A police officer shall, after finding a minor in violation of section C, file a written report on the incident.

F. PENALTIES.

- (1) A minor may be prosecuted in municipal court for a violation of subsection C.1. An individual adjudged guilty of a violation of subsection C.1 shall be punished by a fine not to exceed \$500.00.
- (2) A parent of a minor who violates subsection C.2 may be prosecuted in municipal court. An individual adjudged guilty of violation of subsection C.2 shall be punished by a fine not to exceed \$500.00.
- (3) The owner, operator or employee of an establishment who violates subsection C.3 may be prosecuted in municipal court. An individual adjudged guilty of violation of subsection C.3 shall be punished by a fine not to exceed \$500.00.
- (4) Any minor who violates subsection C.1 three or more times within a 24-month period is subject to appropriate action by a juvenile court in accordance with Texas Family Code chs. 51 and 52."

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

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

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

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

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

Section 8. Section 370.002 of the Texas Local Government Code, as amended, requires the City of Marshall, before the third anniversary of the date of adoption of a juvenile curfew ordinance City Council is required to (1) review the ordinance's effect on the community and on the problems the ordinance was intended to remedy; (2) conduct a public hearings on the need to continue the juvenile curfew ordinance; and (3) abolish, continue, or modify the juvenile curfew ordinance, **it is therefore ordained** that the City Secretary shall place an agenda item on for the review of the effect of this ordinance and a public hearing concerning the need to continue this ordinance on the first regular meeting of the City Council of the City of Marshall on March 2025.

PASSED AND APPROVED THIS ____ DAY OF _____, 2022.

AYES: _____

NOES: _____

ABSTAINED: _____

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

ATTEST:

Nikki Smith, City Secretary

ITEM 7A

RESOLUTION

**CONSIDER APPROVAL OF A
RESOLUTION TO SUSPEND THE
EFFECTIVE DATE PROPOSED BY
CENTERPOINT ENERGY TO INCREASE
RATES UNDER THE GAS RELIABILITY
INFRASTRUCTURE PROGRAM FOR
FORTY-FIVE (45) DAYS, AND
AUTHORIZE THE CITY’S CONTINUED
PARTICIPATION IN A COALITION OF
CITIES KNOWN AS THE “ALLIANCE OF
CENTERPOINT MUNICIPALITIES”**

AGENDA INFORMATION SHEET

AGENDA ITEM NO. _____

ACTION TO SUSPEND THE EFFECTIVE DATE PROPOSED BY CENTERPOINT ENERGY RESOURCES CORP., BEAUMONT/EAST TEXAS DIVISION, TO INCREASE RATES UNDER THE GAS RELIABILITY INFRASTRUCTURE PROGRAM, FOR 45 DAYS, AND AUTHORIZE THE CITY'S CONTINUED PARTICIPATION IN A COALITION OF CITIES KNOWN AS THE "ALLIANCE OF CENTERPOINT MUNICIPALITIES" ("ACM")

ALLIANCE OF CENTERPOINT MUNICIPALITIES

The City is a member of the Alliance of CenterPoint Municipalities ("ACM"). ACM was organized by a number of municipalities served by CenterPoint Energy Resources Corp., Beaumont/East Texas Division ("CenterPoint") and has been represented by the law firm of Herrera Law & Associates, PLLC (through Mr. Alfred R. Herrera) to assist in reviewing applications to change rates submitted by CenterPoint.

"GRIP" RATE APPLICATION

Under section 104.301 of the Gas Utility Regulatory Act (GURA), a gas utility is allowed to request increases in its rates to recover a return on investments it makes between rate cases. This section of GURA is commonly referred to as the "GRIP" statute, that is, the "Gas Reliability Infrastructure Program," and is also referred to as an "Interim Rate Adjustment" ("IRA").

The Supreme Court of Texas concluded that a filing made under the GRIP statute permitted gas utilities the opportunity to recover return on capital expenditures made during the interim period between rate cases by applying for interim rate adjustment and that proceedings under the GRIP statute did not contemplate either adjudicative hearings or substantive review of utilities' filings for interim rate adjustments. Instead, the Court concluded, the GRIP statute provides for a *ministerial* review of the utility's filings to ensure compliance with the GRIP statute and the Railroad Commission's rules, and that it is within the Railroad Commission's authority to preclude cities from intervening and obtaining a hearing before the Railroad Commission. The Court's opinion has severely limited a city's ability to perform a meaningful review of a gas-utility's GRIP filing.

CENTERPOINT'S "GRIP" APPLICATION

On about March 3, 2022 CenterPoint filed for an increase in gas utility rates under the Gas Reliability Infrastructure Program ("GRIP") (Gas Utility Regulatory Act, § 104.301) and proposed an effective date of May 2, 2022, for its increase in rates. CenterPoint's application if approved by the Commission will result in an increase in the monthly customer charges as shown below:

Rate Schedule	Current Customer Charge	Proposed 2022 Interim Rate Adjustment	Adjusted Charge	Increase Per Bill
R-2098-I-GRIP 2022; R-2098-U-GRIP 2022 Residential	\$20.38 per customer per month	\$1.59 per customer per month	\$21.97 per customer per month	\$1.59 per customer per month
GSS-2098-I-GRIP 2022; GSS- 2098-U-GRIP 2022 General Service Small	\$40.45 per customer per month	\$2.61 per customer per month	\$43.06 per customer per month	\$2.61 per customer per month
GSLV-629-I-GRIP 2022; GSLV- 629-U-GRIP 2022 General Service Large Volume	\$151.10 per customer per month	\$13.74 per customer per month	\$164.84 per customer per month	\$13.74 per customer per month

CenterPoint's proposed increase results in the following approximate percentage increases in *base rates* in an average customer's bill. "Base rates" recover those elements of CenterPoint's costs over which it has direct control, which *excludes* the cost of gas:

Residential Customer:	5.0% increase in average customer's bill
Commercial Customer:	5.3% increase in average customer's bill
General Service – Large Volume:	5.7% increase in average customer's bill

Including the cost of gas, CenterPoint's proposed increase results in the following percentage increases in an average customer's bill:

Residential Customer:	3.1% increase in average customer's bill
Commercial Customer:	2.0% increase in average customer's bill
General Service – Large Volume:	0.75% increase in average customer's bill

REVIEW AND ACTION RECOMMENDED

Although the City's ability to review and effectuate a change in CenterPoint's requested increase is limited, the City should exercise due diligence with regard to rate increases of monopoly utilities who operate within its boundaries, including increases requested under the GRIP statute to ensure compliance with the requirements of that law. This includes whether CenterPoint's current rates produce a rate of return in excess of its authorized rate of return.

To exercise its due diligence, it is necessary to suspend CenterPoint's proposed effective date of May 2, 2022, for forty-five days to June 16, 2022, so that the City can evaluate whether the data and calculations in CenterPoint's rate application are correctly done.

Therefore, ACM's Special Counsel, the law firm of Herrera Law & Associates, PLLC (through Alfred R. Herrera) recommends that the City adopt a resolution suspending CenterPoint's proposed effective date for 45 days. Assuming a proposed effective date of May 2, 2022, CenterPoint's proposed effective date is suspended until June 16, 2022.

RESOLUTION NO. _____

A RESOLUTION BY THE CITY OF _____, TEXAS, ("CITY") REGARDING THE APPLICATION OF CENTERPOINT ENERGY RESOURCES CORP., BEAUMONT/EAST TEXAS DIVISION, TO INCREASE RATES UNDER THE GAS RELIABILITY INFRASTRUCTURE PROGRAM; SUSPENDING CENTERPOINT'S PROPOSED EFFECTIVE DATE FOR FORTY-FIVE DAYS; AUTHORIZING THE CITY'S CONTINUED PARTICIPATION IN A COALITION OF CITIES KNOWN AS THE "ALLIANCE OF CENTERPOINT MUNICIPALITIES;" DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS: on or about March 3, 2022 CenterPoint Energy Resources Corp., Beaumont/East Texas Division ("CenterPoint") filed for an increase in gas utility rates under the Gas Reliability Infrastructure Program ("GRIP"), resulting in a requested increase in the monthly customer charges as shown in the table below:

Rate Schedule	Current Customer Charge	Proposed 2022 Interim Rate Adjustment	Adjusted Charge	Increase Per Bill
R-2098-I-GRIP 2022; R-2098-U-GRIP 2022 Residential	\$20.38 per customer per month	\$1.59 per customer per month	\$21.97 per customer per month	\$1.59 per customer per month
GSS-2098-I-GRIP 2022; GSS- 2098-U-GRIP 2022 General Service Small	\$40.45 per customer per month	\$2.61 per customer per month	\$43.06 per customer per month	\$2.61 per customer per month
GSLV-629-I-GRIP 2022; GSLV- 629-U-GRIP 2022 General Service Large Volume	\$151.10 per customer per month	\$13.74 per customer per month	\$164.84 per customer per month	\$13.74 per customer per month

and

WHEREAS: The City has a responsibility to exercise due diligence with regard to rate increases of monopoly utilities who operate within its boundaries; and

WHEREAS: The application to increase rates by CenterPoint is complex; and

WHEREAS: It is necessary to suspend CenterPoint's proposed effective date of May 2, 2022, for its increase in rates for forty-five days so that the City can assure itself that the data and calculations in CenterPoint's rate application are in accordance with the Section 104.301 of the Gas Utility Regulatory Act; and

WHEREAS: The effective date proposed by CenterPoint is May 2, 2022 but a suspension by the City will mean that the rate increase cannot go into effect prior to June 16, 2022.

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

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

Section 2. The City suspends the requested effective date by CenterPoint for forty-five days pursuant to the authority granted the City under Section 104.301 of the Texas Utilities Code. The City finds that additional time is needed in order to review the data and calculations that provide the basis for the rate increase application.

Section 3. The City shall continue its participation with other cities that are part of a coalition of cities known as the Alliance of CenterPoint Municipalities.

Section 4. The City authorizes the law firm of Herrera Law & Associates, PLLC, to act on its behalf in connection with CenterPoint's application to increase rates.

Section 5. To the extent allowed by law, CenterPoint is ordered to pay the City's reasonable rate case expenses incurred in response to CenterPoint's rate increase application within 30 days of receipt of invoices for such expenses.

Section 6. The meeting at which this resolution was approved was in all things conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 7. This resolution shall be effective immediately upon passage.

PASSED AND APPROVED this _____ day of _____ 2022.

MAYOR

ATTEST:

CITY SECRETARY

ITEM 7B

**CONSIDER APPROVAL OF A
RESOLUTION TO REMOVE DAVID
WILLARD, INTERIM CITY MANAGER,
AS AN APPROVED BANK SIGNATORY
ON TENDER FOR PAYMENTS AND ADD
TERRELL SMITH, CITY MANAGER**



DEPARTMENT OF FINANCE

MEMORANDUM

To: Eric Powell, Acting City Manager

From: Dawn I. Jones, Finance Director

cc: Nikki Smith, City Secretary

Date: 4/22/22

Re: Bank Signatory

Consider approval of a resolution to remove David Willard as an approved bank signatory on tender for payments and add Terrell Smith.

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MARSHALL

RESOLUTION NO. _____

A Resolution of the governing body of the City of Marshall passed and approved at a meeting of the City Council held on April 28, 2022. The meeting was duly posted and advertised and at which a quorum of the council was present. The purpose of this resolution being the authorization of City of Marshall banking signatories.

WHEREAS, Terrell Smith, the newly hired City Manager of Marshall, Texas, is an employee of the City of Marshall, Harrison County, Texas in a leadership position; and

WHEREAS, the city council of the City of Marshall recognizes the need to update signatories for City of Marshall banking purposes; and

WHEREAS, per audit recommendations, two signatures should appear on all checks issued by the City of Marshall, there are situations arise where two signers are not always available.

THEREFORE LET IT BE RESOLVED that the City Council of Marshall, Harrison County, Texas does hereby authorize Terrell Smith, Dawn I. Jones, and Kimberly Smith as signatories for City of Marshall banking purposes, and that all checks issued by the city must require two signatures before they are to be negotiated at the bank.

Passed and approved this 28th day of April 2022.

Amy Ware, Mayor

ATTEST:

Nikki Smith, City Secretary

ITEM 8A

DISCUSSION CONCERNING THE STATUS OF THE VACANT STRUCTURE REGISTRATION ORDINANCE



TO: City Council

FROM: Nikki Smith, City Secretary

DATE: April 21, 2022

SUBJECT: Discussion concerning the status of the Vacant Structure Registration ordinance

This item has been placed on the agenda at the request of Councilmember Calhoun.

ITEM 9

CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

ITEM 10

ADJOURNMENT