1. 5/12/2022 Agenda (PDF)

   Documents:

   05-12-22 AGENDA.PDF

2. 5/12/2022 Agenda Packet (PDF)

   Documents:

   5-12-22 AGENDA PACKET.PDF

CITY OF MARSHALL, TEXAS
REGULAR CITY COUNCIL MEETING
COUNCIL CHAMBERS, CITY HALL, 401 SOUTH ALAMO
MAY 12, 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. **MINUTES**

   A. Consider approval of the minutes from the April 28, 2022 Regular meeting.

4. **CANVASS ELECTION**

   A. Consider approval of a resolution canvassing the results of the General Election held on May 7, 2022. (City Attorney)

5. **PRESENTATION**

   A. Presentation of plaque to outgoing City Councilmember. (City Manager)

6. **OATH OF OFFICE AND BOND APPROVAL**

   A. Issue Oath of Office for Councilmembers representing Districts 5, 6 and 7. (City Attorney)

   B. Consider approval of bonds for Councilmembers representing Districts 5, 6 and 7. (City Secretary)

7. **EXECUTIVE SESSION**

A. Pursuant to the Open Meetings Act, Texas Government Code, Section 551.074 (Personnel) – Discussion of Chairman, or Mayor, and Acting Chairman, or Mayor Pro-Tem, for the City Council.

8. **ELECTION OF CHAIRMAN AND ACTING CHAIRMAN**

A. Consider election of the Chair, or Mayor, for the City Council. (City Attorney)

B. Consider election of the Acting Chair, or Mayor Pro-Tem, for the City Council. (City Attorney)

9. **CITIZEN COMMENTS**

Texas Government Code, Sec. 551.007 requires that a governmental body must allow each member of the public who desires to address the body regarding an item on an agenda the opportunity to do so before or during the body's consideration of the item. The “Citizens Comments” portion of the meeting meets the requirements of this law and is the public’s opportunity to speak on any item on, or not on, the agenda. Those who wish to speak will have three minutes to do so unless additional time has been requested.

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 **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA**

11. **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. Street Sweeping Activity Report. (Public Works Director)

B. Monthly Financial Report. (Finance Director)

C. Consider approval of a resolution for financing 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. (Finance Director)

D. Municipal Court Activity Report. (Finance Director)

12. **PRESENTATION & PROCLAMATION**

A. Presentation of a proclamation designating May 7, 2022 as Sam Moseley Day in Marshall, Texas. (Mayor)

B. Presentation of a proclamation designating May 15-21, 2022 as "National Public Works Week" in the City of Marshall. (Public Works Director)

C. Presentation of the Keep Marshall Beautiful Beautification Award winners for the month of May 2022. (Tourism & Cultural Arts Director)

13. **RESOLUTION**

A. Consider approval of a resolution to authorize hiring a grant administrator to assist the City of Marshall apply for Texas Hazard Mitigation funds. (Public Works Director)

B. Consider approval of a resolution to authorize hiring an engineering services company to assist the City of Marshall apply for Texas Hazard Mitigation funds. (Public Works Director)

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

A. Consider approval to award a contract for improvements to Airport Park. (Public Works Director)

B. Consider approval of an amendment to the Holiday Policy. (Human Resources Manager)

C. Consider approval of an appointment to the Keep Marshall Beautiful Board. (Tourism & Cultural Arts Director)

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

16. **ADJOURNMENT**

Posted: May 9, 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.

CITY OF MARSHALL, TEXAS
REGULAR CITY COUNCIL MEETING
COUNCIL CHAMBERS, CITY HALL, 401 SOUTH ALAMO
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   Page 5

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B. Monthly Financial Report. (Finance Director)
Page 31

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ITEM 1

CALL TO ORDER AND ROLL CALL

ITEM 2

INVOCATION AND PLEDGES

ITEM 3A

MINUTES

CONSIDER APPROVAL OF THE MINUTES FROM THE APRIL 28, 2022 REGULAR MEETING

MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF MARSHALL
APRIL 28, 2022
6:00 PM

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

PRESENT:

MAYOR: Amy Ware, District 4

COUNCIL MEMBERS:
Marvin Bonner, District 1
Leo Morris, District 2
Jennifer Truelove, District 3
Vernia Calhoun, District 5
Amanda Abraham, District 6
Micah Fenton, District 7

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

INVOCATION & PLEDGE: Mayor Ware

105. **CITIZEN COMMENTS**

There were no Citizen Comments.

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

Item B was withdrawn from the Consent Agenda.

107. **CONSENT AGENDA**

Councilmember Truelove 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 April 14, 2022 Regular meeting.

C. Fire Department Activity Report.

D. Police Department Activity Report.

E. Monthly Financial Report.

ORDINANCE

108. 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.

Cliff Carruth, Police Chief, highlighted information regarding an ordinance establishing a curfew for minor children. Cliff Carruth stated various community groups asked for this ordinance and it will be a tool to address the increase in juvenile crime within the community.

Councilmembers asked questions and discussed. The ordinance will have exceptions to allow for extracurricular activities, work, etc. for juveniles and will be reviewed in three (3) years.

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

RESOLUTION

109. 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".

Scott Rectenwald, City Attorney, explained the reasoning for the resolution asking to suspend the effective date proposed by CenterPoint Energy Resources Corp., Beaumont/East Texas Division ("CenterPoint") for forty-five (45) days in its application filed on or about March 3, 2022 pursuant to section 104.301 of the Gas Utility Regulatory Act. Scott Rectenwald stated this would allow the Herrera Law Firm time to evaluate the rate increase.

Councilmember Truelove made a motion to approve suspending the effective date proposed by CenterPoint Energy Resources Corp., Beaumont/East Texas Division ("CenterPoint") for forty-five (45) days. Councilmember Fenton seconded the motion, which passed with a vote of 7:0.

110. 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.

Dawn Jones, Finance Director, asked for approval of an amended resolution removing David Willard, Interim City Manager, as an approved bank signatory on tender for payment and add Terrell Smith, City Manager with an effective date of May 2, 2022.

Councilmember Abraham made a motion to approve the resolution, as amended, removing David Willard, Interim City Manager, as an approved bank signatory on tender for payment and add Terrell Smith, City Manager with an effective date of May 2, 2022. Councilmember Bonner seconded the motion, which passed with a vote of 7:0.

CITY MANAGER REPORTS AND REQUESTS FOR CITY COUNCIL CONSIDERATION

111. DISCUSSION CONCERNING THE STATUS OF THE VACANT STRUCTURE REGISTRATION ORDINANCE.

Councilmember Calhoun stated her reasons for requesting this item.

Garnett Johnson, Community Development Director, provided information regarding the status of the Vacant Structure Registration ordinance. Garnett Johnson stated the form is being updated to meet the needs of the City and what services can be provided.

Councilmembers asked questions and discussed.

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

B. Public Works Activity Report.

Councilmember Calhoun stated her reasons for withdrawing this item.

Councilmembers asked questions and discussed.

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

113. **ADJOURNMENT**

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

APPROVED:

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

ATTEST:

____
City Secretary

Ordinance: O-22-11
Resolutions: R-22-12
R-22-13

ITEM 4A

CANVASS ELECTION

APPROVAL OF A RESOLUTION CANVASSING THE RESULTS OF THE GENERAL ELECTION HELD ON MAY 7, 2022

Memorandum

To: Terrell Smith, City Manager

From: Nikki Smith, City Secretary

Date: May 3, 2022

Re: Resolution Canvassing General Election of May 7, 2022

A resolution canvassing the results of the May 7, 2022 General Election will be presented for approval at the May 12, 2022 City Council Meeting.

ITEM 5A

PRESENTATION

PRESENTATION OF PLAQUE TO OUTGOING CITY COUNCILMEMBER

ITEM 6A

OATH OF OFFICE

ISSUE OATH OF OFFICE FOR COUNCILMEMBERS REPRESENTING DISTRICTS 5, 6 AND 7

Memorandum

To: Terrell Smith, City Manager

From: Nikki Smith, City Secretary

Date: May 3, 2022

Re: Oath of Office

Attached is a copy of the Oath of Office that will be administered to the newly elected City Councilmembers at the City Council Meeting on May 12, 2022.

Form 2204 - Oath of Office
(General Information)

The attached form is designed to meet minimal constitutional filing requirements pursuant to the relevant provisions. *This form and the information provided are not substitutes for the advice and services of an attorney.*

Execution and Delivery Instructions

An Oath of Office that is required to be filed with the Office of the Secretary of State is considered filed once it has been received by this office. The Oath of Office may be administered to you by a person authorized under the provisions of Chapter 602 of the Texas Government Code. Authorized persons commonly used to administer oaths include notaries public and judges.

Mail**:** P.O. Box 12887, Austin, Texas 78711-2887.
Overnight mail or hand deliveries**:** James Earl Rudder Officer Building, 1019 Brazos, Austin, Texas 78701.
Fax**:** (512) 463-5569. If faxed, the original Oath should also be mailed to the appropriate address above.
Email**:** Scanned copies of the executed Oath may be sent to register@sos.texas.gov. If sent by email, the original Oath should also be mailed to the appropriate address above.

NOTE*: Do not have the Oath of Office administered to you before executing and filing the Statement of Officer (Form 2201 – commonly referred to as the "Anti-Bribery Statement") with the Office of the Secretary of State***.**

Commentary

Pursuant to art. XVI, Section 1 of the Texas Constitution, the Oath of Office *may not* be taken until a Statement of Officer (see Form 2201) has been subscribed to and, as required, filed with the Office of the Secretary of State. Additionally, gubernatorial appointees who are appointed during a legislative session *may not* execute their Oath until after confirmation by the Senate. Tex. Const. art. IV, Section 12.

Officers Required to File Oath of Office with the Secretary of State**:**

Gubernatorial appointees
District attorneys
Appellate and district court judges
Officers appointed by the supreme court, the court of criminal appeals, or the State Bar of Texas
Associate judges appointed under subchapter B or C, chapter 201 of the Texas Family Code
Directors of districts operating pursuant to chapter 36 or 49 of the Texas Water Code file a duplicate original of their Oath of Office within 10 days of its execution. Texas Water Code, Sections 36.055(d) and 49.055(d)

Officers Not Required to File Oath of Office with the Secretary of State**:**

Members of the Legislature elected to a *regular* term of office will have their Oath of Office administered in chambers on the opening day of the session and recorded in the appropriate Journal. Members elected to an *unexpired* term of office should file their Oath of Office with either the Chief Clerk of the House or the Secretary of the Senate, as appropriate.

All other persons should file their Oaths locally. Please check with the county clerk, city secretary or board/commission secretary for the proper filing location.

As a general rule, city and county officials do not file their oath of office with the Secretary of State– these officials file at the local level. The Legislature amended the Texas Constitution, Article 16, Section 1, in November 2001 to no longer require local level elected officials to file with our office. **The Office of the Secretary of State does NOT file Statements or Oaths from the following persons**: Assistant District Attorneys; City Officials, including City Clerks, City Council Members, Municipal Judges, Justices of the Peace, and Police/Peace Officers; Zoning/Planning Commission Members; County Officials, including County Clerks, County Commissioners, County Judges (*except County Court of Law Judges who file with the Elections Division)*, County Tax Assessors, and District Clerks; and Officials of Regional Entities, such as, Appraisal Review Districts, Emergency Service Districts, and School Districts (ISD's). Questions about whether a particular officer is a state-level officer may be resolved by consulting relevant statutes, constitutional provisions, judicial decisions, and attorney general opinions.

All state or county officers, other than the governor, lieutenant governor, and members of the legislature, who qualify for office, are commissioned by the governor. Tex. Gov't Code, Section 601.005. The Secretary of State performs ministerial duties to administer the commissions issued by the governor, including confirming that officers are qualified prior to being commissioned. Submission of this oath of office to the Office of the Secretary of State confirms an officer's qualification so that the commission may be issued.

Questions about this form should be directed to the Government Filings Section at (512) 463-6334 or register@sos.texas.gov.

Revised 9/2017

Form #2204 Rev 9/2017 **Submit to:** **SECRETARY OF STATE** **Government Filings Section** **P O Box 12887** **Austin, TX 78711-2887** **512-463-6334** **FAX 512-463-5569** **Filing Fee: None**	**OATH OF OFFICE**	**This space reserved for office use**

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS,
I, ____ , do solemnly swear (or affirm), that I will faithfully execute the duties of the office of ____ of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

____
Signature of Officer

Certification of Person Authorized to Administer Oath

State of ______________________________

County of ______________________________

Sworn to and subscribed before me on this _______________ day of _____________________, 20____.

(Affix Notary Seal, only if oath administered by a notary.)

____
Signature of Notary Public or
Signature of Other Person Authorized to Administer An Oath

____
Printed or Typed Name

ITEM 6B

BOND APPROVAL

CONSIDER APPROVAL OF BONDS FOR COUNCILMEMBERS REPRESENTING DISTRICTS 5, 6 AND 7

Memorandum

To: Terrell Smith, City Manager

From: Nikki Smith, City Secretary

Date: May 3, 2022

Re: Bonds for City Councilmembers

We have taken the necessary actions to obtain or renew the $5,000 bonds for City Councilmembers in Districts 5, 6 and 7. I ask the Council to approve these bonds.

ITEM 7A

EXECUTIVE SESSION

PURSUANT TO THE OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE, SECTION 551.074 (PERSONNEL) – DISCUSSION OF CHAIRMAN, OR MAYOR, AND ACTING CHAIRMAN, OR MAYOR PRO-TEM, FOR THE CITY COUNCIL

ITEM 8A

ELECTION OF CHAIR

ELECTION OF THE CHAIR, OR MAYOR, FOR THE CITY COUNCIL

MEMORANDUM

To: Terrell Smith, City Manager

From: Nikki Smith, City Secretary

Date: May 3, 2022

Subject: Election of the Mayor for the City Council

Section 3.09(a) of the City Charter provides for the election of a Mayor from among the members of the City Council.

ITEM 8B

ELECTION OF ACTING CHAIR

ELECTION OF THE ACTING CHAIR, OR MAYOR PRO-TEM, FOR THE CITY COUNCIL

MEMORANDUM

To: Terrell Smith, City Manager

From: Nikki Smith, City Secretary

Date: May 3, 2022

Subject: Election of the Mayor Pro-Tem for the City Council

Section 3.09(b) of the City Charter provides for the election of a Mayor Pro-Tem to act in the place of the Mayor in his or her absence.

ITEM 9

CITIZEN COMMENTS

ITEM 10

ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA

ITEM 11A

CONSENT AGENDA

STREET SWEEPING ACTIVITY REPORT

City of MARSHALL TEXAS

TO: Members of the City Council

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

DATE: May 3, 2022

SUBJECT: Street Sweeping Activity Report

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

Please note that we have entered the time of year that our patching/street repair and right-of-way mowing efforts are increased, making it necessary to utilize all of our Street Division personnel in these areas. As a result, there will be a decrease in street sweeping activity through the summer months.

STREET SWEEPING ACTIVITY REPORT
APRIL 2022

STREET NAME	NUMBER OF TIMES SWEPT
DOWNTOWN AREA:	
Austin St.	7
Bolivar St.	7
Burleson St.	7
Courthouse Square	7
Rusk St.	7
N. Washington Ave.	7
Wellington St.	7
OTHER AREAS:	
Albemarle Rd.	1
Ambassador Blvd.	1
Arlington Rd.	1
Buena Vista Dr.	1
S. Garrett St.	1
Guimon Rd.	1
W. Houston St.	1
Idylwild Terrace	1
E. Johnson St.	1
Pine Burr Circle	1
Pine Burr Terrace	1
W. Rusk St.	1
Shadywood Dr.	1
Warren Dr.	1

STREETS SWEPT IN APRIL: 21

May 3, 2022

ITEM 11B

CONSENT AGENDA

MONTHLY FINANCIAL REPORT

City of MARSHALL TEXAS

DEPARTMENT OF FINANCE

MEMORANDUM

To: Members of the City Council

From: Dawn I. Jones, Finance Director

cc: Terrell Smith, City Manager
Nikki Smith, City Secretary

Date: 5/5/22

Re: March Revenue and Expense Summary Reports – General Fund and Water and Sewer Utility Fund

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Attached you should find the Revenue and Expense Summary Reports for March 2022.

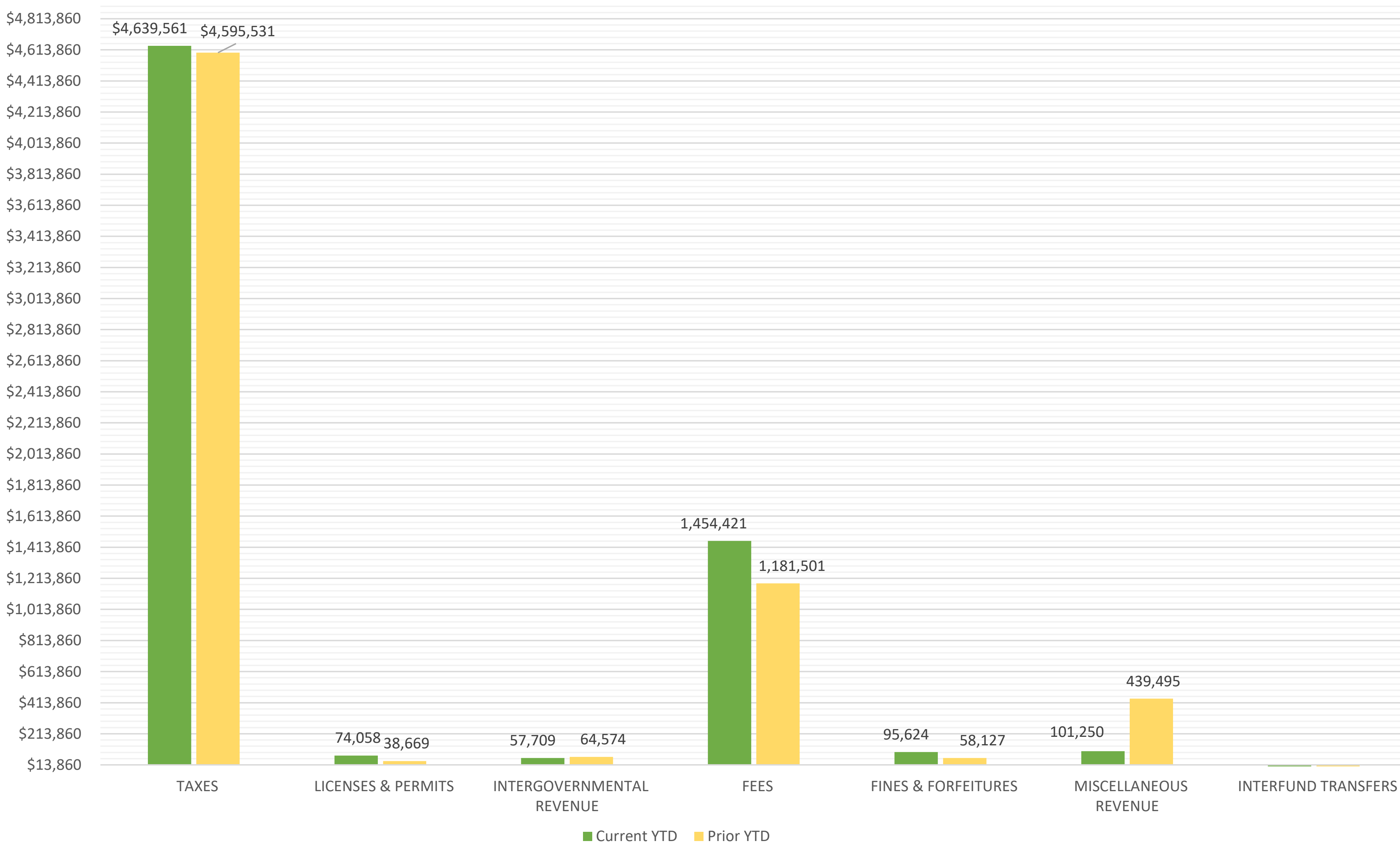
FINANCIAL REPORT - GENERAL FUND

Revenues and Expenditures - Unaudited
Period Ending: March 2022

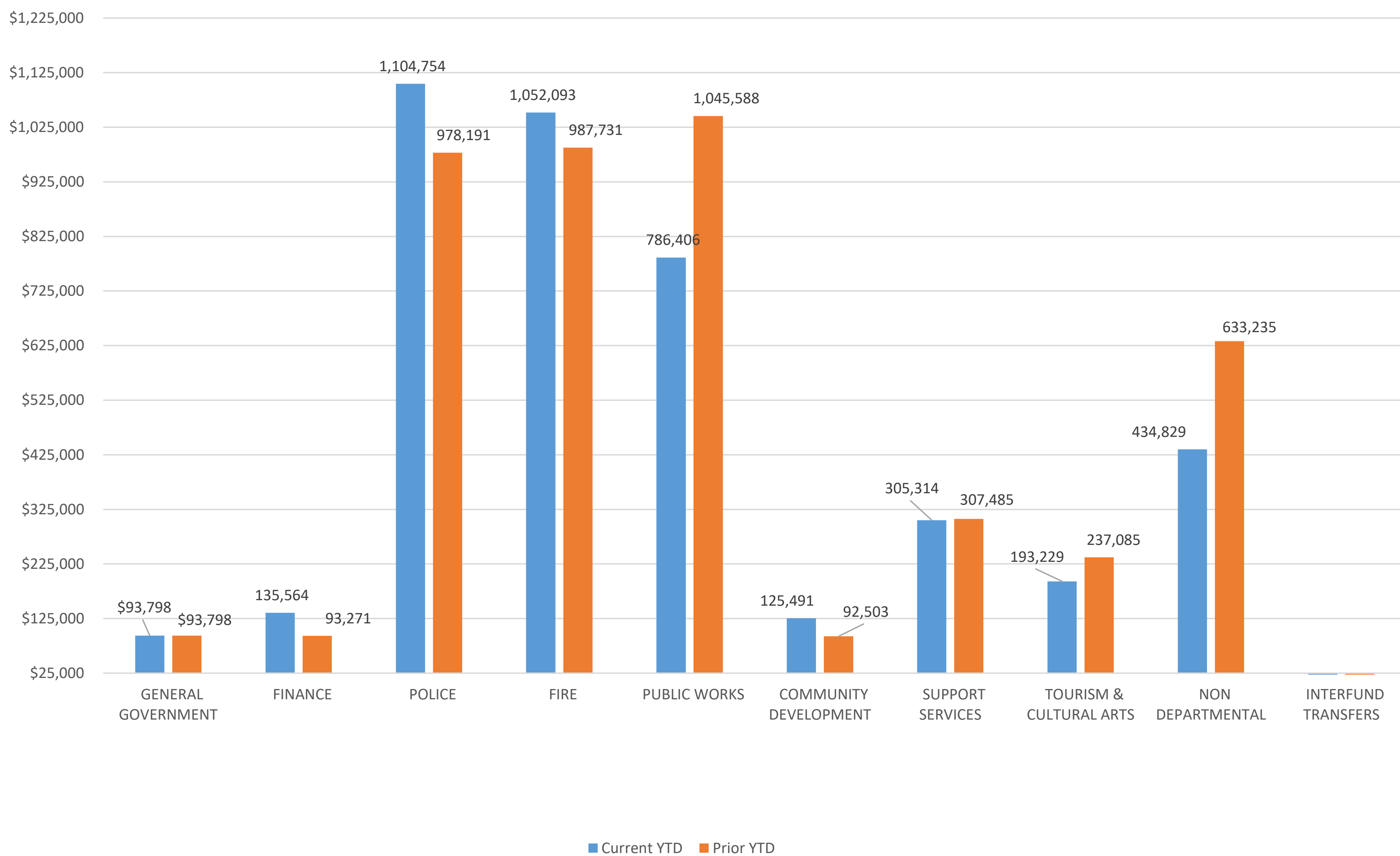
GENERAL FUND	CURRENT MONTH	ENCUMBRANCE AMOUNT	CURRENT YTD	PRIOR YTD	REVISED ADOPTED BUDGET	ADOPTED BUDGET	PERCENT OF REVISED BUDGET *	REMAINING BUDGET *
REVENUES:								
TAXES	$ 759,602	$ -	$ 4,639,561	$ 4,595,531	$ 13,753,673	$ 13,753,673	33.73%	$ 9,114,112
LICENSES & PERMITS	38,857	-	74,058	38,669	194,000	194,000	38.17%	$ 119,942
INTERGOVERNMENTAL REVENUE	12,285	-	57,709	64,574	238,135	238,135	24.23%	$ 180,426
FEES	534,512	-	1,454,421	1,181,501	5,545,150	5,545,150	26.23%	$ 4,090,729
FINES & FORFEITURES	35,429	-	95,624	58,127	500,000	500,000	19.12%	$ 404,376
MISCELLANEOUS REVENUE	16,313	-	101,250	439,495	244,014	244,014	41.49%	$ 142,764
INTERFUND TRANSFERS	-	-	-	-	2,634,679	2,634,679	0.00%	$ 2,634,679
FUNDBALANCE	375,000		375,000	-	375,000	-		$ -
TOTAL GENERAL FUND REVENUE	**$ 1,771,999**	**$ -**	**$ 6,797,624**	**$ 6,377,897**	**$ 23,484,651**	**$ 23,109,651**	**28.94%**	**$ 16,687,028**
EXPENSES:								
GENERAL GOVERNMENT	$ 26,879	$ 56,920	$ 93,798	$ 93,798	$ 555,867	$ 523,698	27.11%	$ 405,150
FINANCE	53,617	2,042	135,564	93,271	697,708	$ 623,443	19.72%	$ 560,102
POLICE	364,654	231,906	1,104,754	978,191	6,385,014	5,355,563	20.93%	$ 5,048,354
FIRE	337,554	203,748	1,052,093	987,731	5,097,957	4,623,065	24.63%	$ 3,842,116
PUBLIC WORKS	41,976	2,433,236	786,406	1,045,588	5,350,882	5,198,222	60.17%	$ 2,131,240
COMMUNITY DEVELOPMENT	41,234	14,297	125,491	92,503	848,471	774,065	16.48%	$ 708,684
SUPPORT SERVICES	112,232	176,913	305,314	307,485	2,270,310	2,125,295	21.24%	$ 1,788,083
TOURISM & CULTURAL ARTS	65,818	109,206	193,229	237,085	1,277,968	1,172,109	23.67%	$ 975,533
NON DEPARTMENTAL	91,409	181,178	434,829	633,235	790,474	2,504,192	77.93%	$ 174,466
INTERFUND TRANSFERS	-	-	-	-	210,000	210,000	0.00%	$ 210,000
TOTAL GENERAL FUND EXPENSES	**$ 1,135,373**	**$ 3,409,445**	**$ 4,231,479**	**$ 4,468,886**	**$ 23,484,651**	**$ 23,109,651**	**32.54%**	**$ 15,843,728**
TOTAL GENERAL FUND	**$ 636,626**	**$ (3,352,525)**	**$ 2,566,144**	**$ 1,909,012**	**$ -**	**$ -**		

*** Includes Current YTD & Encumbrances**

FINANCIAL REPORT - GENERAL FUND
ACTUAL REVENUES
FY 21 vs FY 20 YTD
Period Ending: March 2022



FINANCIAL REPORT - GENERAL FUND
ACTUAL EXPENDITURES
FY 21 vs FY 20 YTD
Period Ending: March 2022



FINANCIAL REPORT - WATER & SEWER ENTERPRISE FUND

City of MARSHALL TEXAS

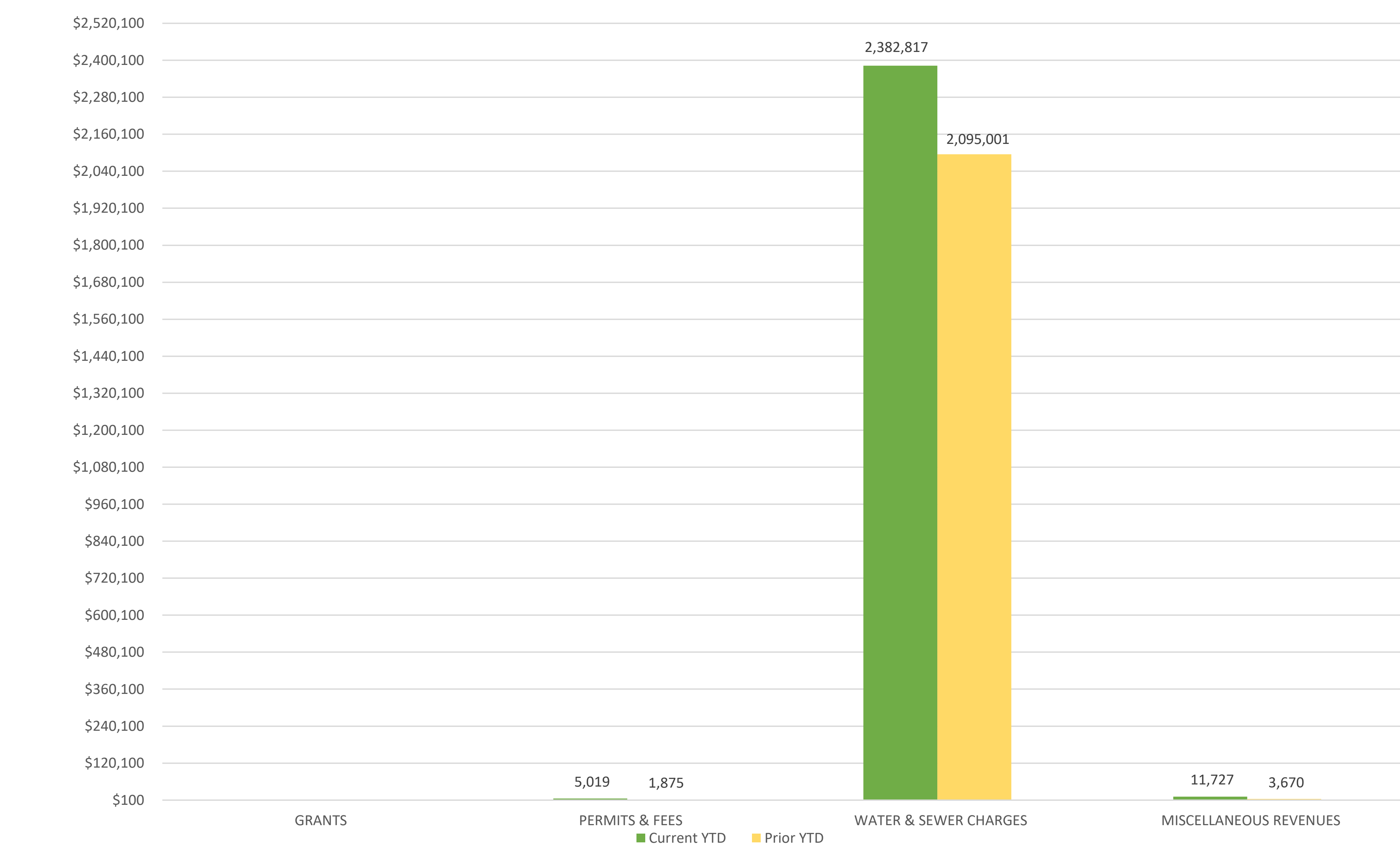
Revenues and Expenditures - Unaudited

Period Ending: March 2022

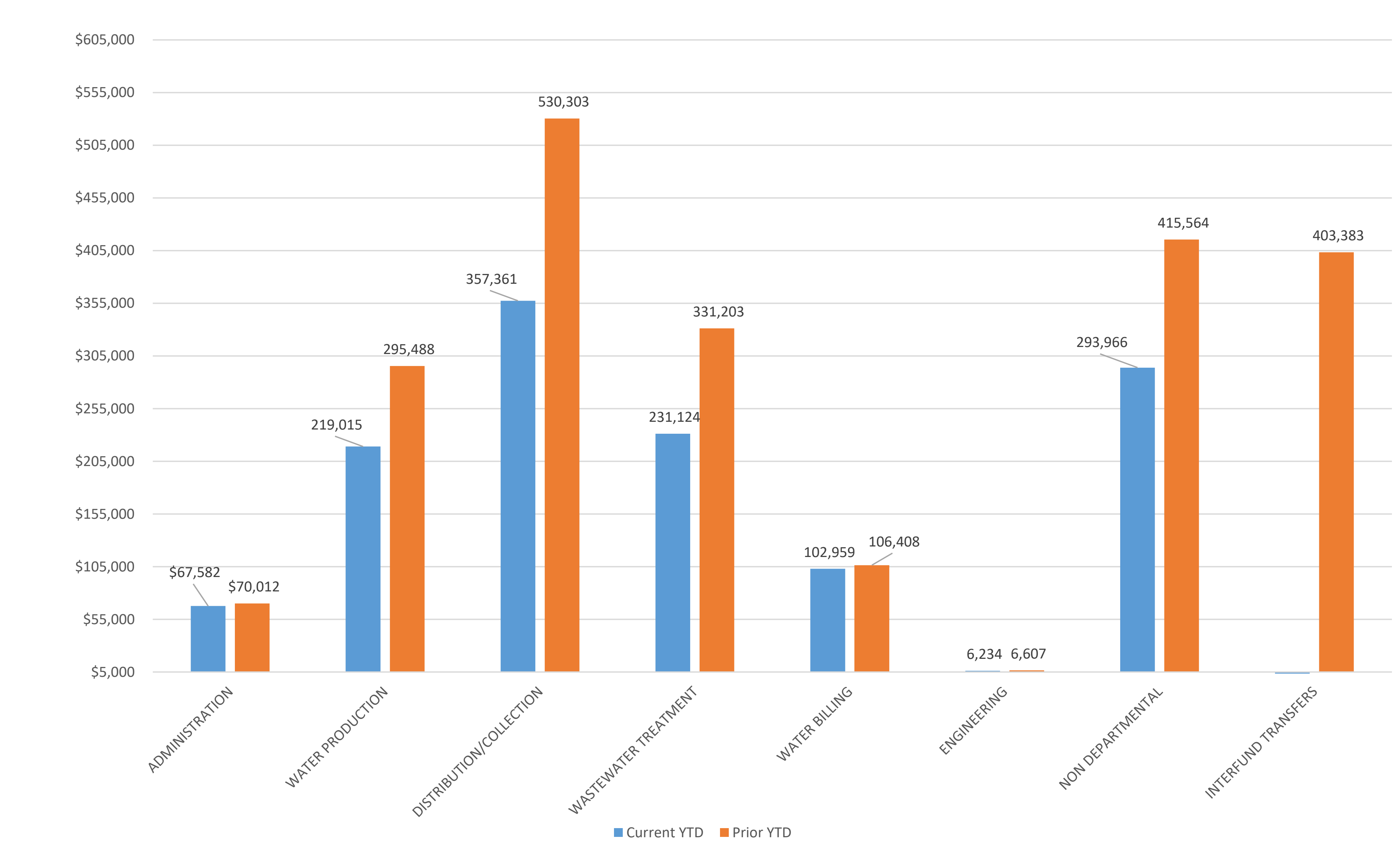
	CURRENT MONTH	ENCUMBRANCE AMOUNT	CURRENT YTD	PRIOR YTD	REVISED ADOPTED BUDGET	ADOPTED BUDGET	PERCENT OF REVISED BUDGET *	REMAINING BUDGET *
WATER & SEWER ENTERPRISE FUND								
REVENUES:								
GRANTS	$ -	$ -	$ -	$ -	$ -	$ -	0.00%	$ -
PERMITS & FEES	3,677	-	5,019	1,875	16,215	16,215	30.95%	11,196
WATER & SEWER CHARGES	873,194	-	2,382,817	2,095,001	10,350,240	10,350,240	23.02%	7,967,423
MISCELLANEOUS REVENUES	115	-	11,727	3,670	42,000	42,000	27.92%	30,273
TOTAL WATER & SEWER REVENUE	**$ 876,985**	**$ -**	**$ 2,399,563**	**$ 2,100,546**	**$ 10,408,455**	**$ 10,408,455**	**23.05%**	**$ 8,008,892**
EXPENSES:								
ADMINISTRATION	$ 19,482	$ 13,625	$ 67,582	$ 70,012	$ 504,318	$ 458,362	16.10%	$ 423,112
WATER PRODUCTION	58,448	125,441	219,015	295,488	1,356,470	1,264,843	25.39%	$ 1,012,014
DISTRIBUTION/COLLECTION	165,546	248,232	357,361	530,303	2,225,040	2,050,406	27.22%	$ 1,619,448
WASTEWATER TREATMENT	62,797	280,247	231,124	331,203	1,605,603	1,495,308	31.85%	$ 1,094,233
WATER BILLING	38,792	65,497	102,959	106,408	625,253	533,340	26.94%	$ 456,797
ENGINEERING	2,267	-	6,234	6,607	35,335	30,739	17.64%	$ 29,101
NON DEPARTMENTAL	120,191	166,468	293,966	415,564	818,524	1,337,546	56.25%	$ 358,091
INTERFUND TRANSFERS	-	-	-	403,383	3,237,910	3,237,910	0.00%	$ 3,237,910
TOTAL WATER & SEWER EXPENSES	**$ 467,523**	**$ 899,509**	**$ 1,278,239**	**$ 2,158,967**	**$ 10,408,455**	**$ 10,408,455**	**20.92%**	**$ 8,230,705**
TOTAL WATER & SEWER FUND	**$ 409,463**	**$ (899,509)**	**$ 1,121,323**	**$ (58,422)**	**$ -**	**$ -**		

*** Includes Current YTD & Encumbrances**

FINANCIAL REPORT - WATER & SEWER ENTERPRISE FUND
ACTUAL REVENUES
FY 21 vs FY 20 YTD
Period Ending: March 2022



FINANCIAL REPORT - WATER & SEWER ENTERPRISE FUND
ACTUAL EXPENDITURES
FY 21 vs FY 20 YTD
Period Ending: March 2022



ITEM 11C

CONSENT AGENDA

CONSIDER APPROVAL OF A RESOLUTION FOR FINANCING TEN NEW VEHICLES FOR THE POLICE DEPARTMENT AND ONE NEW VEHICLE FOR THE FIRE DEPARTMENT AND AUTHORIZATION FOR THE FINANCE DIRECTOR TO EXECUTE FINANCING CONTRACT

DEPARTMENT OF FINANCE

MEMORANDUM

To: Members of the City Council

From: Dawn I. Jones, Finance Director

cc: Terrell Smith, City Manager
Nikki Smith, City Secretary

Date: 5/5/22

Re: Lease Purchase Resolution

City Council approved (March 28, 2022) to purchase vehicles through a lease purchase option.

PNC Equipment Finance provided a lease purchase proposal for the fire truck/pumper at the time the pumper was ordered. Local banks were contacted and provided the specs and an invitation to submit proposals for two proposals: Proposal A - police department and fire marshal vehicles; Proposal B - the fire truck/pumper.

One local bank, Texas Bank and Trust, submitted proposals for both A and B. After reviewing the proposals from Texas Bank and Trust/Frost and PNC Equipment Finance, I believe Texas Bank and Trust provided the lease purchase options that best fits the budget and needs of the City.

I am asking Council to consider and approve the resolution to authorize the Finance Director the full power and authority to execute the lease purchase documents provided by Texas Bank and Trust/Frost for both proposals.

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 Thursday, May 12, 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 the Finance Director to execute lease purchase documents.

WHEREAS, The City of Marshall has ordered ten (10) new Police Department Vehicles, one (1) new Fire Marshal vehicle, and one (1) new Fire Pumper; and

WHEREAS, the city council of the City of Marshall recognizes the need to purchase the vehicles through lease-purchase options; and

WHEREAS, Texas Bank and Trust provided lease-purchase options that best fits the needs of the City of Marshall.

THEREFORE LET IT BE RESOLVED that the City Council of Marshall, Harrison County, Texas does hereby authorize the Finance Director the full power and authority to execute, deliver and perform the lease documents to which the City of Marshall is a party and to incur and perform the obligations provided for therein.

Passed and approved this 12th day of May 2022.

____
Amy Ware, Mayor

ATTEST:

____
Nikki Smith, City Secretary

Frost

Equipment Leasing & Finance
100 W. Houston Street, 3rd Floor
San Antonio, TX 78205
Ph. (210) 220-4135

April 25, 2022

City of Marshall

Proposal for Lease Purchase Financing

Frost is pleased to offer the following lease purchase proposal. Subject to the receipt of the required financial information, equipment detail, and credit approval, an equipment lease purchase financing agreement may be structured in accordance with the terms and conditions set forth in the proposal(s) below:

LESSEE:	*City of Marshall ("Municipality")*
LESSOR:	*Frost Bank ("Frost")*
PERSONAL PROPERTY:	*Equipment Financing Agreement ("Agreement") is to include new personal property acceptable to LESSOR up to $ to be used towards the purchase of a new Pierce Pumper.*
AGREEMENT FUNDING:	*The Agreement will commence by May 30, 2022.*
AMOUNT FINANCED:	*$725,960.83*
PAYMENT SCHEDULE:	*The Municipality will make 5, 7 or 10 annual payments.*
PAYMENT AMOUNT:	*$28,893.24 for year 1 and $199,900.72 for 4 years* *$29,619.20 for year 1 and $138,846.55 for 6 years* *$30,562.95 for year 1 and $98,573.16 for 9 years*
FIXED RATE:	*3.98% for 5 years* *4.08% for 7 years* *4.21% for 10 years* *If the lease commencement is after May 30, 2022, the rate is indexed to a rate equal to the FHLB Amortizing rate for 5 years with a spread of 2%.*
BANK QUALIFIED:	*This Proposal also assumes that Municipality is Bank Qualified for 2022. If not, rate will be adjusted.*
AT TERMINATION:	*No additional purchase price will be assessed upon termination of original Agreement period.*
FEES:	*A fee equal to $250.00 will be due and payable at lease commencement.*
NET LEASE:	*This is a non-cancellable, net lease transaction whereby insurance, maintenance and taxes are the Lessee's responsibility.*

AUTHORIZATION:	*Lessee shall provide Lessor with a certified copy of the minutes or resolution confirming Lessee has full power and authority to execute, deliver and perform the lease documents to which it is a party and to incur and perform the obligations provided for therein.*
INSURANCE:	*Lessee will be required to carry, at its expense, all risk insurance in an amount equal to the lessor's stipulated loss value and liability insurance in an amount acceptable to Lessor.* *Certificate(s) of insurance shall reflect Lessor as an additional named insured and loss payee, and shall be with companies and contain endorsements and amounts acceptable to Lessor.*
ATTORNEY'S OPINION:	*LESSEE shall provide lessor with an attorney's opinion that financing of the equipment conforms with applicable State of Texas laws and that all documentation required is satisfactory to Lessor. All legal expense incurred to conform documents to the satisfaction of the Municipality, their Counsel, and the Lessor will be borne by the Municipality.*
COURTMEETING MINUTES:	*Lessee shall provide Lessor with a duly executed copy, with original signatures, of the Court Meeting Minutes authorizing this financing by unanimous approval.*
WARRANTIES:	*Lessor is not a manufacturer of, or dealer in, the equipment selected; and in that regard: Lessee acknowledges the equipment is of a size, design, capacity and manufacture selected by Lessee. Lessor does not inspect the equipment prior to delivery to Lessee and has not made and does not make any representation, warranty or covenant with respect to the condition, quality, durability, suitability or merchantability. Lessor will, however, take any steps reasonably within its power to make available to Lessee any manufacturers or similar warranty applicable to the equipment. Lessor shall not be liable to Lessee for any liability, loss or damage, caused or alleged to be caused directly or indirectly by the equipment, by any inadequacy thereof or deficiency or defect therein or by any incident whatsoever in connection therewith.*
FINANCIAL STATEMENTS:	*Lessee will provide annual financial statements, including operating figures, during the life of the lease.*
DOCUMENTATION:	*All documentation must be satisfactory to all parties concerned. The lease will include a non-appropriations clause.*
EXPIRATION OF BID:	*If not accepted, this bid will expire in forty five (45) days of the date of this bid.*
SUMMARY:	*This bid in its present form does not represent a commitment to finance by Frost, and is not binding on either the Lessee or Lessor. It is subject to and contingent upon Lessee's approval of these conditions and Lessor's approval of the pricing and Lessee's credit and equipment*

Municipal Advisor Disclosure. *The information and materials contained or referenced herein have been prepared by Frost Bank solely for informational purposes. Neither Frost Bank, nor its affiliates, nor any of their representatives (collectively, "Frost") are recommending any action to you. Frost is not acting, and will not be acting, as a financial or municipal advisor to you, and does not owe you a fiduciary duty or any other duty pursuant to Section 15B of the Securities Exchange Act of 1934, as amended, with respect to the information and materials contained or referenced herein. Frost is* *acting for its own interest, which may be different from yours. You should discuss any information and material contained herein with any and all internal or external advisors and experts that you deem appropriate before acting on the same, including with respect to any legal, regulatory, tax or accounting treatment. In some circumstances, you may be required to retain the assistance of an independent registered municipal advisor ("IRMA") before negotiating or entering into a municipal financial product with Frost Bank.*

Frost appreciates the opportunity to present this bid for your consideration.

By:

Laura Eckhardt

Laura Elrod Eckhardt
Sr. Vice President

cc: Keith Purvis, Texas Bank and Trust
Aaron Echols, Frost Bank

Frost

Equipment Leasing & Finance
100 W. Houston Street, 3rd Floor
San Antonio, TX 78205
Ph. (210) 220-4135

April 25, 2022

City of Marshall

Proposal for Lease Purchase Financing

Frost is pleased to offer the following lease purchase proposal. Subject to the receipt of the required financial information, equipment detail, and credit approval, an equipment lease purchase financing agreement may be structured in accordance with the terms and conditions set forth in the proposal(s) below:

LESSEE:	*City of Marshall ("Municipality")*
LESSOR:	*Frost Bank ("Frost")*
PERSONAL PROPERTY:	*Equipment Financing Agreement ("Agreement") is to include new personal property acceptable to LESSOR up to $ to be used towards the purchase of 11 various vehicles.*
AGREEMENT FUNDING:	*The Agreement will commence by May 30, 2022.*
AMOUNT FINANCED:	*$564,480.66*
PAYMENT SCHEDULE:	*The Municipality will make 5 annual payments.*
PAYMENT AMOUNT:	*$121,480.66 for 5 years* *First payment due at commencement of lease.*
FIXED RATE:	*3.98% for 5 years* *If the lease commencement is after May 30, 2022, the rate is indexed to a rate equal to the FHLB Amortizing rate for 5 years with a spread of 2%.*
BANK QUALIFIED:	*This Proposal also assumes that Municipality is Bank Qualified for 2022. If not, rate will be adjusted.*
AT TERMINATION:	*No additional purchase price will be assessed upon termination of original Agreement period.*
FEES:	*A fee equal to $250.00 will be due and payable at lease commencement.*
NET LEASE:	*This is a non-cancellable, net lease transaction whereby insurance, maintenance and taxes are the Lessee's responsibility.*
AUTHORIZATION:	*Lessee shall provide Lessor with a certified copy of the minutes or*

	resolution confirming Lessee has full power and authority to execute, deliver and perform the lease documents to which it is a party and to incur and perform the obligations provided for therein.
INSURANCE:	*Lessee will be required to carry, at its expense, all risk insurance in an amount equal to the lessor's stipulated loss value and liability insurance in an amount acceptable to Lessor.* *Certificate(s) of insurance shall reflect Lessor as an additional named insured and loss payee, and shall be with companies and contain endorsements and amounts acceptable to Lessor.*
ATTORNEY'S OPINION:	*LESSEE shall provide lessor with an attorney's opinion that financing of the equipment conforms with applicable State of Texas laws and that all documentation required is satisfactory to Lessor. All legal expense incurred to conform documents to the satisfaction of the Municipality, their Counsel, and the Lessor will be borne by the Municipality.*
COURTMEETING MINUTES:	*Lessee shall provide Lessor with a duly executed copy, with original signatures, of the Court Meeting Minutes authorizing this financing by unanimous approval.*
WARRANTIES:	*Lessor is not a manufacturer of, or dealer in, the equipment selected; and in that regard: Lessee acknowledges the equipment is of a size, design, capacity and manufacture selected by Lessee. Lessor does not inspect the equipment prior to delivery to Lessee and has not made and does not make any representation, warranty or covenant with respect to the condition, quality, durability, suitability or merchantability. Lessor will, however, take any steps reasonably within its power to make available to Lessee any manufacturers or similar warranty applicable to the equipment. Lessor shall not be liable to Lessee for any liability, loss or damage, caused or alleged to be caused directly or indirectly by the equipment, by any inadequacy thereof or deficiency or defect therein or by any incident whatsoever in connection therewith.*
FINANCIAL STATEMENTS:	*Lessee will provide annual financial statements, including operating figures, during the life of the lease.*
DOCUMENTATION:	*All documentation must be satisfactory to all parties concerned. The lease will include a non-appropriations clause.*
EXPIRATION OF BID:	*If not accepted, this bid will expire in forty five (45) days of the date of this bid.*
SUMMARY:	*This bid in its present form does not represent a commitment to finance by Frost, and is not binding on either the Lessee or Lessor. It is subject to and contingent upon Lessee's approval of these conditions and Lessor's approval of the pricing and Lessee's credit and equipment*

Municipal Advisor Disclosure. *The information and materials contained or referenced herein have been prepared by Frost Bank solely for informational purposes. Neither Frost Bank, nor its affiliates, nor any of their representatives (collectively, "Frost") are recommending any action to you. Frost is not acting, and will not be acting, as a financial or municipal advisor to you, and does not owe you a fiduciary duty or any other duty pursuant to Section 15B of the Securities Exchange Act of 1934, as amended, with respect to the information and materials contained or referenced herein. Frost is acting for its own interest, which may be different from yours. You should discuss any information* *and material contained herein with any and all internal or external advisors and experts that you deem appropriate before acting on the same, including with respect to any legal, regulatory, tax or accounting treatment. In some circumstances, you may be required to retain the assistance of an independent registered municipal advisor ("IRMA") before negotiating or entering into a municipal financial product with Frost Bank.*

Frost appreciates the opportunity to present this bid for your consideration.

By:

Laura Eckhardt

Laura Elrod Eckhardt
Sr. Vice President

cc: Keith Purvis, Texas Bank and Trust
Aaron Echols, Frost Bank

FINANCIAL SOLUTIONS

PNC EQUIPMENT FINANCE

Tax Exempt Lease Purchase

SALES ORGANIZATION:	**Siddons-Martin – Chris Mahler**	2/28/2022
LESSEE:	Marshall FD	Contact information:
TYPE OF EQUIPMENT:	(1) Pierce Enforcer PUC Pumper	Michele Zitko
AMOUNT TO FINANCE:	$725,960.83	Locator: B4-B230-06-07
CUSTOMER DOWNPAYMENT:	$0.00	155 East Broad St
TRADE-IN:	$0.00	Columbus, OH 43215
DELIVERY TIME:	Approximately 20-21 mos	Ph: (800) 820-9041 ext. 2
PAYMENT MODE:	Annual in Arrears	Fax:(866) 221-7894
FIRST PAYMENT DUE DATE:	Interest only due 1 Year After Lease Commencement then P&I due at delivery	michele.zitko@pnc.com
LEASE COMMENCEMENT DATE:	Upon contract signing	

Term	5 years	7 years	10 years
Number of Payments	5 Annual	7 Annual	10 Annual
Payment Amount	1 @ $21,125.46 5 @ $157,054.12	1 @ $23,375.94 7 @ $116,623.97	1 @ $26,497.57 10 @ $87,220.47
Rate	2.91%	3.22%	3.65%

PERFORMANCE BOND: To utilize the prepay program, a performance bond is required. Said performance bond shall be paid for directly to Pierce Manufacturing or financed by PNC Equipment Finance as part of the transaction

ESCROW FUNDING OPTION: At lease closing, if all the equipment has not yet been delivered, Lessor will fund an escrow account from which disbursements will be made to the equipment provider(s) upon receipt of a Requisition Request and Certificate of Acceptance from Lessee. Escrow agent will either be Lessor or third-party provider selected by Lessor and approved by Lessee. All escrow earnings will be for the benefit of Lessee. The escrow agent will assess a $250.00 account set up fee payable at closing.
TYPE OF FINANCING: Tax-exempt Lease Purchase Agreement with a $1.00 buy out option at end of lease term. Said agreement shall be a net lease arrangement whereby lessee is responsible for all costs of operation, maintenance, insurance, and taxes.
BANK QUALIFICATION: This proposal assumes that the lessee will not be issuing more than $10 million in tax-exempt debt this calendar year. Furthermore, it is assumed that the lessee will designate this issue as a qualified tax-exempt obligation per the tax act of 1986.
LEGAL TITLE: Legal title to the equipment during the lease term shall vest in the lessee, with PNC Equipment Finance perfecting a first security interest
AUTHORIZED SIGNORS: The lessee's governing board shall provide PNC Equipment Finance with its resolution or ordinance authorizing this agreement and shall designate the individual(s) to execute all necessary documents used therein.
LEGAL OPINION: The lessee's counsel shall furnish PNC Equipment Finance with an opinion covering this transaction and the documents used herein. This opinion shall be in a form and substance satisfactory to PNC Equipment Finance.
VOLUNTEER FIRE DEPARTMENTS: If Lessee is a Volunteer Fire Department, a public hearing under the requirements of Section 147(f) of the Internal Revenue Code of 1986 shall be conducted to authorize this transaction. It is recommended that a notice of the public hearing be published 10 to 14 days in advance of the public hearing.
This proposal will be valid for **seven (7) days** from the above date and interest rate will be set three business days prior to closing. Proposal is subject to final credit approval by PNC Equipment Finance and approval of the lease documents in PNC Equipment Finance's sole discretion. To render a credit decision, lessee shall provide PNC Equipment Finance with their most recent three years' audited financial statements, copy of their most recent interim financial statement, and current budget.

Accepted by:____________________ Proposal submitted by Michele Zitko

ITEM 11D

CONSENT AGENDA

MUNICIPAL COURT ACTIVITY REPORT

DEPARTMENT OF FINANCE

MEMORANDUM

To: Members of the City Council

From: Dawn I. Jones, Finance Director

cc: Terrell Smith, City Manager
Nikki Smith, City Secretary

Date: 5/5/22

Re: Municipal Court Reports and Update

Attached are the reports submitted from Municipal Court.

Updates: The Municipal Court Administrator position was re-posted with a new job description and requirements. As of today, there appears to be two applicants. The posting will close on May 9th.

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

Judge Brendan Roth saw 28 jail defendants that were arrested on warrants and onsite city charges. These inmates were seen from April 1st to April 30th. There were four inmates that posted cash bonds and were released before seeing Judge Roth. The Fail to Appear Program is still helping with disposing inactive warrants.

Court for April:

APRIL 6TH: at 8:30am for Adult Defensive Driving Show Cause Hearing & Adult Show Cause Hearings

Defensive Driving Show Cause Hearings started with 1 scheduled. That individual did not show up but did pay their fine days later. Adult show cause also started at 8:30am. There were 9 scheduled, 6 no shows that will be issued warrants, 1 was ordered to pay their fine, and 2 were found to be indigent. Court ended.

APRIL 13TH: at 8:30am for Juvenile Plea Docket; at 9:30am for Adult Plea Docket

Juvenile Plea started with 5 scheduled. There were 3 no shows, and 2 paid fines. Adult Plea started with 28 scheduled. There were 12 no shows, 6 requested trials, 3 were approved for the Child Safety Seat Class, 3 plead, 1 case was dismissed, 1 hired an attorney, and 1 will take a 6hr Alcohol awareness class. There will be 8 warrants issued. Court ended.

APRIL 20TH : at 8:30am Juvenile Show Cause Hearings; at 9:30am Adult Show Cause Hearings

Juvenile Show Cause Hearings started with 2 cases scheduled. That defendant was granted community service to be completed by 05.20.22. Adult Show Cause Hearings started with 23 cases scheduled. 18 were no shows, 1 received jail credit for time served, 3 were ordered to pay, 1 was found indigent, 1 will take the Child Safety Seat class, and 17 warrants will be issued. Court ended.

Court for May 2022

May 04, 2022 – Juvenile Plea Docket/Adult Plea Docket/Defensive Driving Show Cause Hearings/Adult Show Cause Hearings

May 18, 2022 – Juvenile Plea Docket/Adult Plea Docket

May 25, 2022 – City Code Docket

Tina Singleton

Municipal Court Coordinator

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

  Active cases: 575
  Inactive cases: 5,208

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

  Active cases: 595
  Inactive cases: 5,156

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

  Active cases: 538
  Inactive cases: 5,136

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

  Active cases: 577
  Inactive cases: 5,058

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

  Active cases: 551
  Inactive cases: 5,015

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

  Active cases: 668
  Inactive cases: 4,981

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

  Active cases: 640
  Inactive cases: 4,991

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

  Active cases: 635
  Inactive cases: 4,960

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

  Active cases: 541
  Inactive cases: 4,924

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

  Active cases: 496
  Inactive cases: 4,891

- OCA monthly report data compiled from the **April 2022** report (submitted **05/03/2022**) revealed the following data:

  Active cases: 521
  Inactive cases: 4,883

CITY OF MARSHALL

Monthly Report For Apr 2022

Cases Filed

STEP Site	Traffic	Penal	City Ordinance	Parking	Other	Total
0	189	23	3	2	8	225

Financial

State Costs	City Costs	Fines	Tech Fund	Bld Security	Total
$13,263.36	$11,346.62	$8,292.29	$1,255.80	$11,790.73	$45,948.80

Trials/Hearings

Jury	Bench	Appealed	Total
0	49	0	49

Warrants

Issued	Recalled	Served	Fees Collected	Amount Collected	Outstanding
91	58	51	$3,381.65	$15,155.10	$2,525,818

Dispositions

Paid	Time Served	Dismissed	Appealed	Total
151	60	47	0	269

ITEM 12A

PRESENTATION & PROCLAMATION

PRESENTATION OF A PROCLAMATIONDESIGNATING MAY 7, 2022 AS SAM MOSELEY DAY IN MARSHALL, TEXAS

PROCLAMATION

WHEREAS, Sam Moseley was born and reared the middle child of three boys who grew up after World War II searching for Indian relics in creek beds, capturing crawfish who wandered too far from their "castle," competing to string-tether the most white-faced bumble bees without grabbing a black-faced one - you get the idea; and

WHEREAS, Sam Moseley is a graduate of Marshall High School and the University of Texas, as well as the University of Houston College of Law; and

WHEREAS, upon graduation from law school, Sam served his hometown as assistant City Attorney before beginning his private law practice in Marshall. Later, with his brother Bailey, they formed Moseley and Moseley law office. Sam and Bailey also each married their high school sweetheart, both named Kay; and

WHEREAS, in 1985, Sam accepted appointment to serve in the administration of President Ronald Reagan, administering a $4 billion-per-year enterprise involving FHA residential mortgage loans, municipal funding, affordable housing, and economic development in Texas and the four surrounding states. Sam continued his service during the administration of President George H. W. Bush. At the request of then-HUD Secretary Jack Kemp, Sam served as Regional Administrator in New York to rehabilitate HUD operations in New York, New Jersey, Delaware and Puerto Rico; and

WHEREAS, Sam and Kay returned to Marshall in January 1993. Sam is a past president of the Marshall Chamber of Commerce, Marshall Rotary Club, the Harrison County Healthcare Foundation, the Community Advisory Council, Sons of the Republic of Texas, and the Marshall Public Library Board as well as serving as Chairman of the Courthouse Preservation Council and Chairman of the Board of Trustees of East Texas Baptist University. He also serves as a director of Marshall Economic Development Corporation and on several municipal commissions in Marshall; and

WHEREAS, Sam was named Most Outstanding Top Executive in the Dallas/Fort Worth Metroplex in 1990 and recognized as Marshall's Outstanding Citizen in 2006. He was also presented with the Sam Hall, Jr. Award for contributions to the community; and

WHEREAS, Committed Christians, Sam and Kay are active members of First Baptist Church, where Sam serves as a Deacon. Sam and Kay are parents of two children and, without asking, will show you pictures of their three amazing grandchildren. He loves opportunities to share adventures with his family and is at least marginally affected by OCD when it comes to planning trips, foreign and domestic. The most recent family trip included their children and grandchildren as well as the children and grandchildren of brother Bailey, gathering in the Big Apple for Macy's Thanksgiving Day Parade. Next trip in the oven!

NOW, THEREFORE, I, Amy Ware, Mayor of the Marshall City Council, do hereby proclaim Saturday, May 7, 2022, as

SAM MOSELEY DAY

I, along with the Marshall City Council, extend wishes of prosperity, good health, and happiness to Sam Moseley on his 80th birthday.

Amy Ware, Mayor
Marshall City Council

City of MARSHALL TEXAS

ITEM 12B

PRESENTATION & PROCLAMATION

PRESENTATION OF A PROCLAMATION DESIGNATING MAY 15-21, 2022 AS “NATIONAL PUBLIC WORKS WEEK” IN THE CITY OF MARSHALL

City of MARSHALL TEXAS

TO: Members of the City Council

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

DATE: May 3, 2022

SUBJECT: Presentation of a Proclamation designating the week of May 15-21, 2022 as National Public Works Week in the City of Marshall

---

The American Public Works Association (APWA) annually recognizes the many men and women in North America who provide public services and maintain infrastructure. National Public Works activities are observed each year during May and June, with the theme this year being *"Ready and Resilient"*. Through proclamations and other efforts, the APWA seeks to raise the public's awareness of the importance of public works programs and the dedicated efforts of all public works personnel.

CITY OF MARSHALL
PROCLAMATION

WHEREAS, public works personnel focus on infrastructure, facilities, and services that are of vital importance to maintaining sustainable and resilient communities; and

WHEREAS, our local infrastructure, facilities, and services could not be maintained and provided without the dedicated efforts of the City of Marshall Public Works Department personnel; and

WHEREAS, the health, safety, and comfort of this community greatly depends on the services provided by our public works personnel; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform; and

WHEREAS, the year 2022 marks the 62nd annual National Public Works Week, sponsored by the American Public Works Association. This year's theme is *"Ready and Resilient"*; and

WHEREAS, the City of Marshall wishes to express our utmost appreciation to our own Public Works Department personnel for their dedicated efforts in providing these important services to our community.

NOW, THEREFORE, the City Council of Marshall, Texas does hereby proclaim the week of May 15th through May 21st as

"National Public Works Week"

in the City of Marshall. We urge all citizens to pay tribute to our valued Public Works personnel and to recognize the substantial contributions they make in providing vital services and protecting our health, safety, and quality of life.

Given under my hand and Seal of the City of Marshall this 12th day of May 2022.

Mayor
Marshall, Texas City Council

ITEM 12C

PRESENTATION & PROCLAMATION

PRESENTATION OF THE KEEP MARSHALL BEAUTIFUL BEAUTIFICATION AWARD WINNERS FOR THE MONTH OF MAY 2022

Memorandum

Date: May, 2, 2022

To: Terrell Smith, City Manager

From: Daniel Duke, Director of Tourism & Cultural Arts

Subject: Keep Marshall Beautiful Beautification Awards.

The following residential and commercial property owners have been selected by the Keep Marshall Beautiful board members to receive the Beautification Award for the month of May, 2022:

Residential: Jeremy and Kathryn Roberts of 3107 Victory Dr., Marshall, TX have been approved by the Keep Marshall Beautiful board to receive the Residential Beautification Award.

Commercial: Mary Lynn and John Vasser, owners of Wisteria Gardens Bed & Breakfast located at 215 E. Rusk Street, Marshall, TX have been selected by the Keep Marshall Beautiful board to receive the Commercial Beautification Award.

The board voted to award the Beautification awards to the residential and commercial owners listed above and are seeking approval by the Marshall City Council to present the awards to them.

ITEM 13A

RESOLUTION

CONSIDER APPROVAL OF A RESOLUTION TO AUTHORIZE HIRING A GRANT ADMINISTRATOR TO ASSIST THE CITY OF MARSHALL APPLY FOR TEXAS HAZARD MITIGATION FUNDS

City of MARSHALL TEXAS

MEMO

TO: **Members of the City Council**

FROM: **Eric Powell, PE, Director of Public Works & Utilities\City Engineer** EAP

DATE: **May 4, 2022**

SUBJECT: **Agenda Item: Grant Administration and Engineering Services – WWTP Backup Emergency Generator.**

I have requested the following resolutions to be placed on the May 12, 2022 agenda regarding grant administration and engineering services as the City seeks grant funding for an emergency backup generator at the Southside Wastewater Treatment Plant.

- Discuss and consider approving the recommendation of the Selection Review Committee to award by resolution *(insert name of Grant Administration Firm)* for administrative services in conjunction with the submittal of an application for funding through the 2022 Hazard Mitigation Grant Program for DR-4485 COVID-19 Pandemic to provide application preparation, project administration, and project-related management services, if awarded.
- Discuss and consider approving the recommendation of the Selection Review Committee to award by resolution *(insert name of Engineering Firm)* for engineering services in conjunction with the submittal of an application for funding through the 2022 Hazard Mitigation Grant Program for DR-4485 COVID-19 Pandemic to provide application preparation and project implementation, if awarded.

The estimated cost for this project is $1.2M and we are seeking federal hazard mitigation grants which are currently at a 10% match, 90% federal funds which normally would be a 50\50 match. This project was one of the key items identified in the Wastewater Treatment Master Plan as a high priority.

I have already submitted the required public notice to the paper and will provide the grant administration firm name and the engineering services firm name at the Council Meeting based on the review committee's recommendation.

Cc Terrell Smith, City Manager

RESOLUTION

A RESOLUTION OF THE CITY OF MARSHALL, TEXAS, AUTHORIZING THE AWARD OF SERVICE PROVIDERS FOR THE TEXAS HAZARD MITIGATION ASSISTANCE PROJECT FUNDED THROUGH THE TEXAS DIVISION OF EMERGENCY MANAGEMENT (TDEM) AND/OR TEXAS WATER DEVELOPMENT BOARD (TWDB).

WHEREAS, the City of Marshall seeks assistance in the preparation of an application and, if awarded the grant, the subsequent implementation of an HMA Hazard Mitigation Grant;

WHEREAS, in order to identify qualified and responsive providers for these services a Request for Proposals (RFP) process for management services has been completed in accordance with Texas HMA requirements;

WHEREAS, the proposals received by the due date have been reviewed to determine the most qualified and responsive providers.

NOW, THEREFORE, BE IT RESOLVED:

Section 1. That **Traylor and Associates** be selected to provide Texas HMA application and project-related **management services** for the Hazard Mitigation Assistance Grant project.

Section 2. That any and all contracts or commitments made with the above-named services providers are dependent on the successful negotiation of a contract with the service provider.

PASSED AND APPROVED ON MAY 12, 2022.

APPROVED:

____
City Mayor/Authorized Representative

ATTEST:

____
City Secretary

ITEM 13B

RESOLUTION

CONSIDER APPROVAL OF A RESOLUTION TO AUTHORIZE HIRING AN ENGINEERING SERVICES COMPANY TO ASSIST THE CITY OF MARSHALL APPLY FOR TEXAS HAZARD MITIGATION FUNDS

RESOLUTION

A RESOLUTION OF THE CITY OF MARSHALL, TEXAS, AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICE PROVIDER CONTRACT FOR THE TEXAS HAZARD MITIGATION ASSISTANCE (HMA) PROJECT FUNDED THROUGH THE TEXAS DIVISION OF EMERGENCY MANAGEMENT (TDEM) AND/OR TEXAS WATER DEVELOPMENT BOARD (TWDB).

WHEREAS the City of Marshall seeks assistance in pre-award and post-award engineering services, if awarded an HMA Mitigation Grant;

WHEREAS, in order to identify qualified and responsive providers for these services, a Request for Qualifications (RFQ) process for engineering services has been completed in accordance with Texas HMA requirements;

WHEREAS, the proposal received by the due date have been reviewed to determine the most qualified and responsive provider for professional services;

NOW, THEREFORE, BE IT RESOLVED:

Section 1. That **KSA Engineers** be awarded a contract to provide Texas HMA Application and project-related **professional engineering services** for the Hazard Mitigation Assistant Grant project.

Section 2. That any and all contracts or commitments made with the above-named service providers are dependent on the successful negotiation of a contract with the service provider.

PASSED AND APPROVED ON MAY 12, 2022.

APPROVED:

____
City Mayor

ATTEST:

____
City Secretary

ITEM 14A

CONSIDER APPROVAL TO AWARD A CONTRACT FOR IMPROVEMENTS TO AIRPORT PARK

City of MARSHALL TEXAS

MEMO

TO: **City Council**

FROM: **Eric Powell, PE, Director of Public Works\City Engineer** ELP

DATE: **May 6, 2022**

SUBJECT: **Bid Results\Contract Award – Improvements in Airport Park**

On Thursday May 5, 2022 the City of Marshall received bids for project no. 2022-PW-002: Parking Lot Improvements in Airport Park. The scope of this project is to regrade and repave two parking lots in Airport Park the first one being the parking lot buy the baseball quad and the second being the softball parking lot. Four local companies requested bid packages and we received two sealed bids which were opened publicly and read aloud. The two bidders responses are listed below:

1. Rayford's Truck and Tractor, Marshall, TX $138,200.50
2. Lone Star Equipment Co., Henderson, TX $242,634.00

Based on a review of both submittals all forms and necessary bonds were posted and provided, therefore I am recommending that a contract be awarded to Rayford's Truck and Tractor in the amount of $138,200.50. The required time of completion for this project is **sixty (60) days** from notice to proceed. If there are no objections I expect the signed contract to be returned in two weeks and notice to proceed be issued on or about May 20, 2022. Thank you for your consideration of this request.

BID TABULATION

City Project: *Parking Lot Improvements in Airport Park*

City Project Number: *2022-PW-002*

Bid Opening Time\Dat *May 5, 2022 @ 2:00pm*

Prepared By: *Eric G. Powell, PE, Director\City Engineer*

				Engineers Estimate		Lone Star Equipment		Rayford's Truck and Tractor	
ITEM NO.	**DESCRIPTION**	**QUANTITY**	**UNITS**	**UNIT PRICE**	**AMOUNT**	**UNIT PRICE**	**AMOUNT**	**UNIT PRICE**	**AMOUNT**
1	FURNISH AND INSTALL HMAC TYPE "D" SURFACE COURSE, INCLUDING ASPHALT PRIM	960	TONS	$ 110.00	$ 105,600.00	$ 220.00	$ 211,200.00	$ 127.50	$ 122,400.00
2	REMOVAL AND DISPOSAL OF ASPHALT\GRAVEL	1603	SY	$ 5.00	$ 8,015.00	$ 5.00	$ 8,015.00	$ 3.00	$ 4,809.00
3	TOPSOIL\SEED\HAY	1603	SY	$ 13.00	$ 20,839.00	$ 3.00	$ 4,809.00	$ 3.00	$ 4,809.00
4	REFLECTIVE PAVEMENT MARKING TYPE II:	3170	FT	$ 2.00	$ 6,340.00	$ 3.00	$ 9,510.00	$ 1.25	$ 3,962.50
5	YELLOW HATCH AREAS WITH LETTERING	1720	FT	$ 2.00	$ 3,440.00	$ 5.00	$ 8,600.00	$ 1.00	$ 1,720.00
6	HANDICAP PARKING - TYPE I	1	LS	$ 500.00	$ 500.00	$ 500.00	$ 500.00	$ 500.00	$ 500.00
				TOTALS:	$ 144,734.00		$ 242,634.00		$ 138,200.50

As Read

Eric G. Powell, PE
Director of Public Works\City Engineer

5/6/2022

ITEM 14B

CONSIDER APPROVAL OF AN AMENDMENT TO THE HOLIDAY POLICY

5.03 Policy – Holidays

A. Full-time employees will receive twelve (12) paid holidays per year, defined as ninety-six (96) hours per year. Fire Department shift personnel shall receive (12) paid holidays per year, defined as 144 hours per year.

B. An employee who is absent without leave, or without making advance arrangements on the working day immediately preceding or following a holiday, shall lose pay for the holiday as well as for the other day(s) off.

C. Employees scheduled to work providing essential services on City-recognized holidays will be paid the number of hours worked for the holiday at their regular rate of pay, in addition to the hours worked. If a Department Director and the Finance Director determine that a department is unable to financially pay its employees for the holiday hours worked, such employees holiday hours will be banked for use at a later date.

D. Employees that have banked holiday hours prior to the effective date of this Policy, will be allowed to use such hours and/or will be paid up to a maximum of 192 hours when leaving their employment with the City.

5.03 Amended Policy – Holidays

A. Full-time employees will receive twelve (12) paid holidays per year, defined as ninety-six (96) hours per year.

B. Civil Service shift personnel will receive their holiday hours at the beginning of the year. Police Department shift personnel shall receive (12) paid holidays per year, defined as 96 hours per year. Fire Department shift personnel shall receive (12) paid holidays per year, defined as 144 hours per year. At the end of the year, all unused holiday hours will be paid out with no hours to be carried over, unless the Department Director and the Finance Director determine that a department is unable to financially pay, in which case the remaining hours will be banked to be used at a later date.

C. An employee who is absent without leave, or without making advance arrangements on the working day immediately preceding or following a holiday, shall lose pay for the holiday as well as for the other day(s) off.

D. Non-Civil Service Employees scheduled to work providing essential services on City-recognized holidays will be paid the number of hours worked for the holiday at their regular rate of pay, in addition to the hours worked. If a Department Director and the Finance Director determine that, a department is unable to financially pay its employees for the holiday hours worked, such employee's holiday hours will be banked for use at a later date.

ITEM 14C

CONSIDER APPROVAL OF AN APPOINTMENT TO THE KEEP MARSHALL BEAUTIFUL BOARD

Consideration

Date: May, 2, 2022

To: Terrell Smith, City Manager

From: Daniel Duke, Director of Tourism & Cultural Arts

Subject: Keep Marshall Beautiful Beautification Awards.

The Keep Marshall Beautiful board voted to accept **Ms. Deloris Butler** to fill a vacancy on the board and they are seeking the approval of the Marshall City Council.

Ms. Butler is a resident of the city of Marshall, she has lived in Marshall for 30 years and is an educator with Karnack ISD. She has attended Wiley College and has also served as a youth counselor for over 20 years. She wants to make a positive impact and would “love to help make Marshall ‘The All American City’ again!”

City of Marshall
Application for Appointment to City Boards and Committees

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

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

Name: BUTLER DELORIS
(Title) (Last) (First) (Middle)

Permanent Residence Address: 904 ELMORE MARSHALL TX 75670
(Street) (City) (State) (Zip Code)

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

Preferred Phone and Fax: (903) 407-7842
(Phone) (Fax)

Email Address: dbutler@Karnackisd,org

Occupation: Educator

Employer: KarnackISD Title:

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

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

Length of residence: 30 In which District do you reside? 6

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

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

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

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

Continued on Page 2

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

Name: DELORIS BUTLER

BACKGROUND

Education: B.A. COMMUNICATION KILGORE JR. COLLEGE, TEXAS SOUTHERN UNIVERSITY, WILEY COLLEGE

Professional: EDUCATION

Volunteer Experience/Community Service: 20+ years in youth councelor, communication, church

Areas of interest: I would like to be in an area where I can make an positive impact on today's youth.

I would also love to help make Marshall "The All American City" Again!

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

Organization: NAACP& Juneteenth Committee

Title: Youth counselor for Both Dates: May of 2000 to present

Organization: South Marshall Recreational Center

Title: Secretary Dates: 2004 to presenr

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

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

Delores Butler 4/22/22

Signature Date

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

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

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

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

ITEM 15

CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

ITEM 16

ADJOURNMENT