

1. 10-14-2021 Agenda (PDF)

Documents:

[10-14-21 AGENDA.PDF](#)

2. 10-14-2021 Agenda Packet (PDF)

Documents:

[10-14-21 AGENDA PACKET.PDF](#)



**CITY OF MARSHALL, TEXAS
REGULAR CITY COUNCIL MEETING
COUNCIL CHAMBERS, CITY HALL, 401 SOUTH ALAMO
THURSDAY, OCTOBER 14, 2021, 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, or not 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 **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA**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 September 23, 2021 Regular meeting.
- B. Public Works Activity Report (Public Works Director)

- C. Street Sweeping Activity Report (Public Works Director)
- D. Municipal Court Activity Report. (Finance Director)
- E. Report regarding needed appointments to the various City boards, commissions, and committees. (City Manager)
- F. Consider approval of Small Business Grant Fund Applications. (Community & Economic Development Director)
- G. Consider approval of a resolution regarding contributions of Child Safety Fees to The Martin House Children's Advocacy Center. (Finance Director)

6. **PRESENTATION & PROCLAMATION**

- A. Presentation of the Keep Marshall Beautiful Beautification Award winners for the month of October 2021. (Library Director)
- B. Presentation of a proclamation declaring the month of October as "Domestic Violence Awareness Month". (Mayor Ware)
- C. Report on the impact of the 2020 census and discussion of next steps. (City Attorney)

7. **ORDINANCE**

- A. Consider approval of an Ordinance amending Chapter 14, Garbage, Trash, and Weeds of the Code of Ordinances, revising the schedule of refuse rates, providing for monthly charges, and establishing an effective date of January 1, 2022. (Public Works Director)
- B. Consider approval of an ordinance amending the 2021 Annual Budget for State and Local Fiscal Recovery Funds (SLFRF). (Finance Director)

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

- A. Presentation by Agent for Property Registration Service. (Community & Economic Development Director)

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 **CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA**

10. **EXECUTIVE SESSION**

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

11. **ADJOURNMENT**

Marshall City Commission Meeting

October 14, 2021

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5:00 p.m.

N. Smith

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



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Page 11

C. Street Sweeping Activity Report (Public Works Director)

Page 14

D. Municipal Court Activity Report. (Finance Director)

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F. Consider approval of Small Business Grant Fund Applications. (Community & Economic Development Director)

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Government Code under Section 551.074 Personnel Matters: Annual evaluation of City
Manager.

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Posted: October 10, 2021

5:00 p.m.

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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 SEPTEMBER 23,
2021 REGULAR MEETING**

MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF MARSHALL
THURSDAY, SEPTEMBER 23, 2021
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:

Mark Rohr, City Manager	Cliff Carruth, Police Chief
Christol Hall, HR Manager	Reggie Cooper, Fire Chief
Anna Lane, Library Director	Dawn Jones, Finance Director
Scott Rectenwald, Acting City Attorney	
Jasmine Rios, Communications Coordinator	
Chris Miles, Assistant Public Works Director	
Glenn Barnhart, Performance Center Manager	
Nikki Smith, City Secretary/Payroll Accountant	
Randy Pritchard, Support Services Superintendent	
Fabio Angell, Community & Economic Development Director	

INVOCATION & PLEDGE: Mayor Ware

238. **CITIZEN COMMENTS**

Jerry Cargill, 214 E. Houston, spoke in support of streetscaping the 100 block of E. Houston and stated several property owners asked him to relay their support of streetscaping the 100 block of E. Houston. Jerry Cargill also provided a comment from Jason Workman stating he, Mr. Workman, would provide materials to property owners in the 100 E Houston block at his cost.

Marcial Avelar, 314 W. Austin, spoke in support of streetscaping the 100 block of E. Houston.

Miguel Lopez, Miguel’s Authentic Mexican Food, spoke in support of streetscaping the 100 block of E. Houston.

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

Item G was withdrawn from the Consent Agenda.

240. **CONSENT AGENDA**

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

A. Consider approval of the minutes from the September 9, 2021 Regular meeting.

B. Fire Department Activity Report.

- C. Police Department Activity Report.
- D. Community & Economic Development Activity Report.
- E. Monthly Financial Report.
- F. Consider approval of investment report for the first and second quarters of 2021.
- H. Consider approval of an Interlocal Agreement with Harrison County for the Wonderland of Lights.

PRESENTATION

241. PRESENTATION OF THE KEEP MARSHALL BEAUTIFUL BEAUTIFICATION AWARD WINNERS FOR THE MONTH OF SEPTEMBER 2021.

Anna Lane, Library Director, stated the winners of the Keep Marshall Beautiful Beautification Award for the month of September are; residential property at 401 Fisher Drive owned by Doris Davis & the commercial property 111 E Travis The Brass Trunk, who were unable to attend.

Anna Lane stated there are three (3) more months for this award for 2021 and the program would begin again in April 2022.

Doris Davis thanked the Council and the Keep Marshall Beautiful Board for recognizing her.

RESOLUTION

242. CONSIDER APPROVAL OF A RESOLUTION DESIGNATING CERTAIN OFFICIALS AS BEING RESPONSIBLE FOR, ACTING FOR, AND ON BEHALF OF THE CITY OF MARSHALL IN DEALING WITH THE TEXAS PARKS & WILDLIFE DEPARTMENT FOR THE PURPOSE OF PARTICIPATING IN THE LOCAL PARK GRANT PROGRAM; CERTIFYING THAT THE CITY OF MARSHALL IS ELIGIBLE TO RECEIVE PROGRAM ASSISTANCE; CERTIFYING THAT THE CITY OF MARSHALL MATCHING SHARE IS READILY AVAILABLE; AND DEDICATING THE PROPOSED SITE FOR PERMANENT (OR FOR THE TERM OF THE LEASE FOR LEASED PROPERTY) PUBLIC PARK AND RECREATIONAL USES.

Mark Rohr, City Manager, provided an overview of the project and stated this project addresses storm drainage, the HWY 59 hurricane evacuation route, sediment in Parker Creek, and a new recreational area for the City. The application is due October 1, 2021 and has a 50% matching component. The estimated project cost is \$300,000, the City's portion would be \$150,000.

Mark Rohr introduced Stan Hayes who provided information regarding the T&P Pond Park Project phases and a detention pond project.

Councilmembers asked questions and discussed.

Councilmember Calhoun made a motion to approve the resolution authorizing the City Manager to submit an application to the Texas Parks and Wildlife for the T&P Pond Park Project. Councilmember Bonner seconded the motion, which passed with the following vote:

Ayes: 4, Mayor Ware, Councilmembers Calhoun, Bonner and Morris
Nays: 3, Councilmembers Abraham, Fenton and Truelove

CITY MANAGER REPORTS AND REQUESTS FOR CITY COUNCIL CONSIDERATION

243. **DISCUSSION AND DETERMINATION ON NEXT BLOCK OF STREETSCAPING FOR THE DOWNTOWN REDEVELOPMENT PLAN (100 BLOCK OF E. HOUSTON).**

Mark Rohr provided information regarding the streetscaping of the 100 block of E. Houston. Mark Rohr stated this block is recommended because it geographically balances out the theme in downtown, will stimulate business interest around the square, produces an area for outdoor activity, extends the linkage between N. Washington and Memorial City Hall, and the buildings have a greater architectural appeal which provides a greater impact on attraction of the area. The engineer's estimate for the 100 block of E. Houston is \$479,000. The engineer's estimate for the 300 block of N. Washington is \$340,000.

A discussion was held regarding which block, the 100 block of E. Houston or the 300 block of N. Washington, to streetscape next.

Councilmembers asked questions of Stan Hayes and City Staff.

Councilmember Abraham made a motion to approve the next block of streetscaping for the Downtown Redevelopment Plan to be the 300 block of N. Washington. Councilmember Truelove seconded the motion, which failed with the following vote:

Ayes: 3, Councilmembers Abraham, Truelove and Fenton
Nays: 4, Mayor Ware, Councilmembers Bonner, Calhoun and Morris

Councilmember Calhoun made a motion to approve the next block of streetscaping for the Downtown Redevelopment Plan to be the 100 block of E. Houston. Councilmember Morris seconded the motion, which passed with the following vote:

Ayes: 4, Mayor Ware, Councilmembers Calhoun, Morris and Bonner
Nays: 3, Councilmembers Abraham, Fenton and Truelove

244. **STAFF REPORT ON VACANT PROPERTY REGISTRY.**

Fabio Angell, Community & Economic Development Director, provided information regarding a Vacant Property Registry. Fabio Angell stated this registry could be outsourced or managed in-house.

Councilmembers asked questions and discussed.

A presentation will be made regarding outsourcing the Vacant Property Registry at a future meeting.

245. **CONSIDER APPROVAL TO AWARD A CONTRACT FOR WASTEWATER PLANT MECHANICAL BAR SCREEN.**

Chris Miles stated the mechanical bar screen at the Wastewater Plant is no longer operable, pumps are being used at a cost of approximately \$17,000 per month. Chris Miles asked for approval to award a contract to Duperon Corporation at a cost of \$301,000 for the purchase of a mechanical bar

screen for the Wastewater Plant. If approved, Duperon Corporation has 160 days to complete the project.

Matt Rymel, Chief Wastewater Plant Operator, stated the mechanical bar screen can be received in approximately 12 weeks.

Councilmembers asked questions and discussed.

Councilmember Truelove made a motion to approve awarding a contract to Duperon Corporation at a cost of \$301,000 for a mechanical bar screen for the Wastewater Plan. Councilmember Fenton seconded the motion, which passed with a vote of 7:0.

246. CONSIDER APPROVAL OF AN APPOINTMENT TO THE MAIN STREET ADVISORY BOARD.

Mark Rohr asked for approval of the appointment of Mary Lynn O’Neal to the Main Street Advisory Board.

Councilmember Truelove made a motion to approve the appointment of Mary Lynn O’Neal to the Main Street Advisory Board. Councilmember Fenton seconded the motion, which passed with a vote of 7:0.

247. CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

G. Consider approval of an Interlocal Agreement with Texas Department of Public Safety to allow the exchange of information to deny renewal of driver’s license for a person who has outstanding citations, fines, etc. with Municipal Court.

Councilmember Bonner stated his reasons for pulling this item.

Dawn Jones, Finance Director, stated this would assist Municipal Court with clearing out cases.

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.

EXECUTIVE SESSION

248. AN EXECUTIVE SESSION PURSUANT TO THE OPEN MEETINGS ACT, CHAPTER 551 OF THE TEXAS GOVERNMENT CODE UNDER SECTION 551.074 PERSONNEL MATTERS: ANNUAL EVALUATION OF CITY MANAGER.

Councilmember Abraham made a motion to convene into Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.074 Personnel Matters. Councilmember Truelove seconded the motion, which passed with a vote of 7:0. The time was 7:59 p.m.

The Council reconvened from Executive Session, the time was 8:16 p.m.

249. **ADJOURNMENT**

Councilmember Calhoun made a motion for adjournment. Councilmember Abraham 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

Resolution: R-21-21

ITEM 5B

CONSENT AGENDA

PUBLIC WORKS ACTIVITY REPORT



TO: Members of the City Council

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

DATE: October 4, 2021

SUBJECT: Public Works Department Activity Report

The Public Works Department Activity Report for the month of August 2021 is attached for your review.

PUBLIC WORKS DEPARTMENT

MONTHLY ACTIVITY REPORT

August 2021

DEPARTMENT DIVISIONS	NUMBER OF REQUESTS
DISTRIBUTION/COLLECTION	
Water main breaks/service leaks	20
Water meters (leaks/repairs/replacements)	38
Sewer issues (wash service/repairs/surcharging manholes/general manhole maintenance/preventive maintenance/camera sewer lines)	230
Water taps	2
Emergency water meter cut-off/turn-on for residential & business customers	5
Fire hydrant repairs/replacements/general maintenance	37
STREETS	
Pothole patching/dress-ups/other repair	534
Right of way & empty lot mowing (brush hog/boom axe)/clearing blind intersections	59
Illegal dumping	5
Clearing fallen trees from City streets	3
Street repairs at water main break sites	13
Trim low hanging limbs	12
ROW/COMMUNITY APPEARANCE	
Litter pick-up (medians, cemeteries, City facilities)	136
General lawn care (City facilities, cemeteries, median, rights-of way)	72
Illegal dumping	0
DRAINAGE	
Cleaning/digging ditches	12
Checking traps & drains	5
Storm drain clearing/repairs/sinkhole repairs	12
Culvert installation/repairs	10
Bridge/sidewalk/curb repairs	6
INFORMATION TECHNOLOGY	
Computer, internet, phone, email, alarm issues, Zoom meetings, etc.	124
BUILDING MAINTENANCE	
HVAC, electrical, plumbing, other miscellaneous issues	72

ITEM 5C

CONSENT AGENDA

STREET SWEEPING ACTIVITY REPORT



TO: Members of the City Council

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

DATE: October 4, 2021

SUBJECT: Street Sweeping Activity Report

The Street Sweeping Activity Report for the month of September 2021 is attached for your review.

STREET SWEEPING ACTIVITY REPORT

September 2021

STREET NAME	NUMBER OF TIMES SWEPT
N. Allen Blvd.	1
S. Allen Blvd.	1
Ambassador Blvd.	1
Austin St. (Downtown)	7
Bolivar St. (Downtown)	7
Bridle Path	1
Burleson St. (Downtown)	7
Caddo St.	1
Carters Ferry Rd.	1
Cherrywood Circle	1
Courthouse Square	7
Emory St.	1
Fisher Dr.	1
Fitzgerald St.	1
Idylwild Terrace	1
Jasper Dr.	2
John Reagan St.	2
Marshall St.	1
Memorial Dr.	1
Pine Burr Circle	1
Pine Burr Terrace	1
Redwood Trail	1
Rosborough Springs Rd.	2
Rusk St. (Downtown)	7
Sallie Sue Dr.	2
Sanford St.	1
Slone Dr.	1
University Ave.	2
Warren Dr.	1
N. Washington Ave. (Downtown)	7
Wellington St. (Downtown)	7
Wildwood Terrace	1

STREETS/AREAS SWEPT IN SEPTEMBER:

32

October 4, 2021

ITEM 5D

CONSENT AGENDA

MUNICIPAL COURT ACTIVITY REPORT

Cases Filed

STEP Site	Traffic	Penal	City Ordinance	Parking	Other	Total
0	139	14	1	1	7	162

Financial

State Costs	City Costs	Fines	Tech Fund	Bld Security	Total
\$17,591.70	\$13,996.10	\$16,524.19	\$1,505.90	\$15,750.08	\$65,367.97

Trials/Hearings

Jury	Bench	Appealed	Total
0	30	0	30

Warrants

Issued	Recalled	Served	Fees Collected	Amount Collected	Outstanding
10	74	44	\$4,127.06	\$10,733.27	\$2,538,428

Dispositions

Paid	Time Served	Dismissed	Appealed	Total
215	36	45	0	298

- OCA monthly report data compiled from the **May 2021** report (submitted **06/09/2021**) revealed the following data:

Active cases: 578
Inactive cases: 5,239

- 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

Update on Municipal Court recent plan to reduce inactive cases September 2021 Report

The Amnesty period will end on Friday October 8th at the end of business. The Municipal court has closed out a good amount of outstanding warrants. We had a plenty of citizens come in to clear their warrants during this period. They were allowed to go sit their warrants out in jail, warrant fees were removed, and they were able to go on a payment plan. I will update the amount of warrants disposed once the period end.

We had one defendant to complete his 12 hours of community work service with the animal shelter. The municipal court has stated receiving Wiley college citations. I have mailed the approved contract to Department of Public Safety for the FTA program. The municipal court is receiving packets for code cases weekly to be placed on code dockets.

We only held one docket on September 15th that included code cases until the amnesty period is over. Court for code and citations will continue to be held each month.

Officer Jose Burciaga is continually calling defendants with outstanding warrants and giving them options to clear their warrants. Officer Burciaga is going to serve defendants in jail on our warrants if they are arrested on other charges. He is going to look for individuals with outstanding each week. The warrant list on update weekly on the city website.

Tara Archield

Municipal Court Administrator

ITEM 5E

CONSENT AGENDA

REPORT REGARDING NEEDED APPOINTMENTS TO THE VARIOUS CITY BOARDS, COMMISSIONS, AND COMMITTEES



TO: Members of the City Council

FROM: Mark Rohr, City Manager

DATE: October 14, 2021

SUBJECT: Boards, Committees and Commissions

The following Volunteer Boards, Committees, and Commissions have members whose terms will be expiring on 12/31/2021. We also have several boards with vacancies that need to be filled. Some members of the boards, committees, and commissions are eligible for reappointment for a new term.

We have begun to advertise for the Board openings on October 4, 2021 with Marshall News Messenger, The City of Marshall's Television Channel, Facebook, and the City's Website. Citizens can find the application for the various boards on our City's website or they may contact Lacy Burson by email at, Burson.lacy@marshalltexas.net, or by phone 903-935-4421.

We will be accepting applications until 5:00 PM on October 25, 2021.

Please note terms are typically two or three years, service is strictly voluntary and there is no compensation.

CITY BOARDS, COMMISSIONS, & COMMITTEES

COMMUNITY DEVELOPMENT ADVISORY COMMITTEE (0)

The Community Development Advisory Committee assists with establishing long-range goals and objectives for the Community Development Block Grant program and makes recommendations on the annual plan and budget for this annual federal grant. The term of service on this board is three years, beginning on January 1 after the appointment is made. There is no limit to the number of consecutive terms a member can serve. The current members of this committee are Loretta Martin, Bobbie Hurd, Deon Behrman, Lee Ferguson, Christy Godwin, and Keith Hill. The staff member who works with this committee is Fabio Angell Director of Community & Economic Development. Questions may be directed to Mr. Angell at 903-934-7994 or at angell.fabio@marshalltexas.net

The terms of Keith Hill and Lee Ferguson are expiring. Both are eligible for reappointment.

PLANNING AND ZONING COMMISSION (0)

The Planning and Zoning Commission hears and makes recommendations on requests for zoning changes and special use permits. This commission also reviews and approves subdivision plats in the city limits and within one mile of the city limits. The term of service on this board is three years, beginning on June 1 after the appointment is made. A member can serve a maximum of two consecutive full terms. The current members of this commission are Melisa Lewis, Gale Keys, Kenneth Moon, Jacob Fullbright, Kyle Dansby, Colin Brady, and Matthew Kuhn. The staff member who works with this commission is Wes Morrison, Fabio Angell Director of Community & Economic Development. Questions may be directed to Mr. Angell at 903-934-7994 or at angell.fabio@marshalltexas.net

Appointments to the Planning and Zoning Commission are brought before the City Commission in May or June. The Planning and Zoning Commission is not part of the annual year-end appointment process. The appointment procedures for the Planning and Zoning Commission are provided for by ordinance in the Zoning Ordinance. It is required by ordinance that the appointments to the Planning and Zoning Commission be made in May or June each year, and that all members must be resident citizens and qualified to be voters in the City of Marshall.

ZONING BOARD OF ADJUSTMENT (1)

The Zoning Board of Adjustment conducts hearings on appeals to enforcement of the city's Zoning Ordinance, decides on exceptions to the Zoning Ordinance, and grants variances to the Zoning Ordinance. The term of service on this board is three years, beginning on January 1 after the appointment is made. There is no limit to the number of consecutive terms a member can serve. The current members of this board are Sam Fogle, Tom Webster, Jimmy Robertson, Matthew Kuhn and Bill Seibert. The staff member who works with this board is Fabio Angell Director of Community & Economic Development. Questions may be directed to Mr. Angell at 903-934-7994 or at angell.fabio@marshalltexas.net

The terms of Tom Webster, Jimmy Robertson, and Bill Seibert are expiring. All are eligible for reappointment. There is also one additional vacancy on this board which needs to be filled.

KEEP MARSHALL BEAUTIFUL BOARD (2)

Keep Marshall Beautiful Board advises the City Commission on issues related to littering and property appearance. The term of service on this board is two years, beginning on January 1 after the appointment is made. A member can serve a maximum of two consecutive full terms. The current members of this board are Cheryle Carpenter, Susan Marshall, Angelita Jackson, Zonita Bailey, Stacy Burns, and Lillian Banks. The staff members who work with this board are Mr. Glenn Barnhart Interim Director of Tourism and Cultural Arts and Ms. Anna Lane, Interim Assistant Director of Tourism and Culture Arts. Questions may be directed to Ms. Lane at 903-934-7811 or at lane.anna@marshalltexas.net and Mr. Glenn Barnhart at 903-934-7992 or at Barnhart.glenn@marshalltexas.net.

The terms of Susan Marshall and Angelita Jackson are expiring. Susan Marshall and Angelita Jackson are eligible for reappointment. There are currently two vacancies.

HISTORIC LANDMARK PRESERVATION BOARD (0)

The Historic Landmark Preservation Board is responsible for the historic landmark preservation plan and makes recommendations on establishing historic landmark preservation districts in the city limits. Members of this board must have knowledge and experience in history, art, architecture, or real estate planning and development; and have demonstrated interest, competence, or knowledge in historic preservation. The term of service on this board is two years, beginning on January 1 after the appointment is made. There is no limit to the number of consecutive terms that a member can serve. The current members of his board are Tony Crosby, Faye Whitaker, Sam Moseley, Jay Carriker, Travis Keeney, and Mary Lynn Vassar. The staff member who works with this board is Ms. Veronique Ramirez, Main Street Manger and Historic Preservation Officer. Questions may be directed to Ms. Ramirez at 903-934-7902 or at ramirez.veronique@marshalltexas.net.

The terms of Tony Crosby, Rita Louise, and Mary Lynn Vassar are expiring. All are eligible for reappointment.

MAIN STREET ADVISORY BOARD (4)

The Main Street Advisory Board assists in the economic revitalization and promotion of downtown Marshall. This is a thirteen-member board, representing public and private sector interests. The term of service on this board is three years, beginning on January 1 after the appointment is made. A member can serve a maximum of two consecutive full terms. The current members of this board are Karen Bickerdike, Joseph Filippazo, Lucy Goladay, Deborah Parker, Zelina Wright, Stephanie Phelps, Mary O'Neal, Jay Carriker and Jeanette Krohn. The staff member who works with this board is Ms. Veronique Ramirez, Main Street Manger. Questions may be directed to Ms. Ramirez at 903-934-7902 or at ramirez.veronique@marshalltexas.net.

The terms of Jeanette Krohn, Jay Carriker, and Joseph Filipazzo are expiring. Joseph Filipazzo is not eligible for reappointment. Jeanette Krohn and Jay Carriker are eligible for reappointment. There is also 3 vacancies on this board.

Visit Marshall Advisory Board (3)

The Visit Marshall Advisory Board is responsible for establishing operating policies for Visit Marshall and for evaluating the progress of Visit Marshall in the attainment of its goals. This board consist of seven tourism related representatives. The term of service on this board is two years, beginning on January 1 after the appointment is made. A member can serve a maximum of three consecutive full terms. The current members are George Carter, Jill Davis, Wes Smith, Joseph Filippazo, Ryan Erwin, and Barbara Judkins. The staff member who works with this board is Ms. Anna Lane, Interim Assistant Director of Tourism and Culture Arts. Questions may be directed to Ms. Lane at 903-934-7811 or at lane.anna@marshalltexas.net.

The terms of Jill Davis, Joseph Filippazo and Barbara Judkins are expiring. Joseph Filippazo is eligible for reappointment. Jill Davis and Barbara Judkins have declined reappointment of their third term. There is also one vacancy.

PARKS ADVISORY BOARD (0)

The Parks Advisory Board serves as an advisory committee to the City Commission and City staff in establishing plans or procedures concerning usage, planning, goals, and objectives of parks and recreation services. The term of service on this board is three years, beginning on January 1 after the appointment is made. There is no limit to the number of consecutive terms a member can serve. The current members of this board are James Runnels, Mike Haynes, LaDarius Carter, Gloria Moon, Colin Brady, Jerry Calderon, and Melisa Lewis. The staff member who works with this board is Eric Powel, Director of Public Works. Questions may be directed to Mr. Powell at 903-935-4489 or at Powell.eric@marshalltexas.net.

The terms of Colin Brady, Jerry Calderon, Melisa Lewis, and Gloria Moon are expiring. All are eligible for reappointment.

MARSHALL PUBLIC LIBRARY BOARD OF TRUSTEES (3)

The Marshall Public Library Board of Trustees serves as the advisory board for the Marshall Public Library. Of the seven members on this board, at least five members must be full-time residents of the City of Marshall. The term of service on this board is two years, beginning on January 1 after the appointment is made. A member can serve a maximum of two consecutive full terms. The current members of this board are Peggy Emerson, Christina Deal, Darlene Dotson, Dr. Patrick Winters, Ruby Pye, Jenny Kerr, and Scherry Earl. The staff member who works with this board is Anna Lane, Library Director. Questions may be directed to Ms. Lane at 903-935-4465 or at alane@marshallpubliclibrary.org.

The terms of Scherry Earl, Ruby Pye, and Peggy Emerson are expiring. Scherry Earl is not eligible for reappointment. Ruby Pye and Peggy Emerson have declined reappointment.

MARSHALL DOWNTOWN DEVELOPMENT CORPORATION (2)

The Marshall Downtown Development Corporation promotes and assists in the development, growth, and economic wellbeing of the downtown area of Marshall. The term of service on this board is three years, beginning on January 1 after the appointment is made. A member can serve a maximum of two consecutive full terms. The current members of this board are Dr. Blair Blackburn, Colin Brady, Hilary Saunders, Kat Evans, Dr. Sonya Burnett-Andrus, and Jessica Ford. The staff member who works with this board is Mrs. Dawn Jones, Finance Director. Questions may be directed to Mrs. Jones at 903-935-4519 or at jones.dawn@marshalltexas.net.

The terms of Hilary Saunders and Dr. Blair Blackburn are expiring. Dr. Blair Blackburn is eligible for reappointment. Hillary Saunders declined reappointment of her third term. There is also one vacancy on this board.

ITEM 5F

CONSENT AGENDA

CONSIDER APPROVAL OF SMALL BUSINESS GRANT FUND APPLICATIONS

Memorandum

Date: October 04, 2021

To: Mark Rohr, City Manager

From: Shameia Ruffins, Community Development Coordinator

Subject: Approval of Small Business Grant Fund Recommendations

The following recommendations have been made by staff in relation to the Small Business Grant Fund. This fund was approved on September 24, 2020 by the City Commission with a 6:0 vote.

The purpose of the SBGF is to help Marshall small businesses adapt their business model to changing business conditions because of the COVID-19 pandemic. This is a reimbursement grant for up to \$2,500 of eligible costs including equipment, software, supplies, safety equipment, and financial support. Eligible businesses include, but are not limited to, retail (storefront), food and beverage, personal care (barbershop, nail salons, spas, etc.), automobile, mobile (food) vendors, maintenance, education/training, health/wellness, art galleries, gyms, and small manufacturing businesses. Businesses must have 25 or fewer employees and have been open and operating as of January 1, 2020.

Funding for the program is provided to the City of Marshall through the U.S. Department of Housing and Urban Development's Community Block Development Grant. Currently, the City has delegated \$138,536.000 of our received COVID money to the Small Business Grant Fund. The approved application process says that upon receipt, staff will review the application for completion. Based on the review, City staff will make recommendations for approval by City Commission.

Thus far, we have approved 48 applications of which 1 were approved during the previous commission meeting held on September 09, 2021. A total of 3 pending applications today would bring us to a total of 51 applications. Staff has assisted several business owners in getting their application started, and will continue to spread the word on this local opportunity. We anticipate this to be an ongoing agenda item over the next few months as we continue to receive applications.

Staff is looking for the City Commission's approval for the three (3) Small Business Grant Fund applications that was received in completion between September 17, 2021 and October 01, 2021.

See Attached Documents

Staff Recommendations

R & R Bakery and Coffee Shoppe- \$2,500.00

Staff is recommending the max reimbursement of \$2,500 to R & R Bakery and Coffee Shoppe under the eligibility category of financial support.

R & R Bakery and Coffee Shoppe is one of the many small businesses that invested money to upgrade their P.O.S system during the COVID-19 pandemic to reduce the spread of the virus as well as making it easier, safer, and it allowed the convenience of curbside services. Even downgrading their 3 door commercial refrigerator to a smaller fridge/freezer helped save electrical costs. Receipts totaling \$2,520.99 were received.

G-8 Auto Center Corp-\$2,500.00

Staff is recommending the max reimbursement of \$2,500 to G-8 Auto Center Corp under the eligibility category of financial support.

G-8 Auto Center is a small business located at 1806 Elysian Fields Ave suite 104. During the pandemic the owner indeed remained opened to the public with the purchase of necessary PPE. Needless to say the need to have a vehicle was and still is important. Having 2 employees to compensate during this time was slightly difficult, however it was maintained. Receipts totaling \$11,208.93 were submitted.

Ashley's Beauty Salon-\$2,500.00

Staff is recommending the max reimbursement of \$2,500 to G-8 Ashley's Beauty Salon under the eligibility category of financial support.

Ashley's Beauty Salon is one of many beauty shops located in the City of Marshall TX. Yes the COVID-19 Pandemic had a negative impact on this business as well. As stated business was very slow in the early stages of the pandemic, but later increased due to the safety measures put in place, such face coverings, sanitation of hands, and fewer customers in the building during appointments. This business also was required to maintain monthly rental fees despite the pandemic or the decrease in sales revenue. Receipts totaling \$6,000.00 were submitted.

ITEM 5G

CONSENT AGENDA

**CONSIDER APPROVAL OF A
RESOLUTION REGARDING
CONTRIBUTIONS OF CHILD SAFETY
FEES TO THE MARTIN HOUSE
CHILDREN'S ADVOCACY CENTER**

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARSHALL, TEXAS
EXPRESSING THE CITY OF MARSHALL’S COMMITMENT TO CONTRIBUTE CHILD
SAFETY FEES TO THE MARTIN HOUSE CHILDREN’S ADVOCACY CENTER**

WHEREAS, the Harrison County Child Safety fee was proposed in 2015; and

WHEREAS, the funds must be used to enhance child safety, health, or nutrition, including child abuse prevention and intervention, and drug and alcohol prevention to benefit youth in our cities and county; and

WHEREAS, The Martin House Children’s Advocacy Center is committed to providing hope, healing and justice to children who experience the devastation of abuse and violence; and

WHEREAS, The Martin House Children’s Advocacy Center uses funds from the City of Marshall to assist Marshall Police Department investigators and Harrison County prosecutors with cases and provide therapy, medical exams and advocacy support for children when they need it most; and

WHEREAS, The Martin House Children’s Advocacy Center requests the City’s portion of Child Safety fees be donated to their agency.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marshall hereby commits \$31,969 to The Martin House Children’s Advocacy Center.

PASSED, APPROVED, AND ADOPTED this _____ day of October 2021.

APPROVED:

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

ATTEST:

CITY SECRETARY

ITEM 6A

PRESENTATION & PROCLAMATION

PRESENTATION OF THE KEEP MARSHALL BEAUTIFUL BEAUTIFICATION AWARD WINNERS FOR THE MONTH OF OCTOBER 2021



MEMORANDUM

To: Mark Rohr, City Manager

From: Anna Lane, Library Director

Date: October 1, 2021

Subject: Keep Marshall Beautiful Beautification Award Winners for October 2021

The Keep Marshall Beautiful (KMB) Board has selected the following property winners for the Beautification Yard of the Month Award for October:

Residential

Dal & Susanne Smith
808 Wildwood Terrace
Marshall, TX 75670

Commercial

Sullivan Funeral Home
100 E. Travis
Marshall, TX 75670

Keep Marshall Beautiful requests that City Council present the property owners with a certificate recognizing their achievement and commitment to keeping Marshall beautiful, clean, and attractive. In addition to the certificate, a yard sign has been placed at the property for the duration of the month, and the property will be featured in the local newspaper and on social media.

Every month from April to December, KMB and their partners will award a residential and commercial property owner for their beautification efforts. In December, the KMB committee will select one residential and one commercial property to be recognized at a city council meeting in January 2022 as the Beautification Yard/Property of the Year with announcements following in the local newspaper and on social media.

Winning properties are selected by a group of judges from the organizations based on nominations by the community. Residential and commercial properties may be nominated via an online form on the Keep Marshall Beautiful page on the city's website or by using this link: <https://tinyurl.com/KMBAward>

October Beautification Yard of the Month

Residential Property



Dal & Susanne Smith
808 Wildwood Terrace

October Beautification Yard of the Month

Commercial Property



Sullivan Funeral Home

100 E. Travis

ITEM 6B

PRESENTATION & PROCLAMATION

**PRESENTATION OF A PROCLAMATION
DECLARING THE MONTH OF OCTOBER
AS “DOMESTIC VIOLENCE AWARENESS
MONTH”**

PROCLAMATION



Domestic Violence Awareness Month

- WHEREAS,** the crime of domestic violence violates an individual's privacy and dignity, security and humanity, due to systematic use of physical, emotional, sexual, psychological and economic control and/or abuse, including abuse to children and the elderly; and
- WHEREAS,** the problems of domestic violence are not confined to any group or groups of people, but cut across all economic, racial and societal barriers, and are supported by societal indifferences; and
- WHEREAS,** the impact of domestic violence is wide ranging, directly affecting individuals and society as a whole, here in the community, throughout the United States, and the world; and
- WHEREAS,** the Women's Center of East Texas is focused on ending violence by providing safe haven, crisis intervention and comprehensive support services to victims of domestic violence; and
- WHEREAS,** survivors of domestic violence themselves have been at the forefront of efforts to bring peace and equality to the home,
- NOW, THEREFORE,** the City Council of Marshall, Texas, in recognition of the important work done by domestic violence programs, does hereby proclaim the month of October 2021 to be "*Domestic Violence Awareness Month*" and urges all citizens to actively participate in the scheduled activities and programs to work toward eradicating domestic violence, improving victim safety and holding perpetrators of domestic abuse accountable for their actions against individual victims and our society as a whole.

Amy Ware, Mayor
Marshall City Council



ITEM 6C

PRESENTATION & PROCLAMATION

REPORT ON THE IMPACT OF THE 2020 CENSUS AND DISCUSSION OF NEXT STEPS

City of Marshall, Texas

Redistricting Report

October 14, 2021

Mike Morrison



The “Rules” of Redistricting

A council’s redistricting authority is largely, but not entirely, unlimited

We must satisfy the equal protection guarantees of the 5th, 14th and 15th amendments

- Equal protection, in this context, requires equity in representation

The “Prime Directive” — Balance population

- **Redistricting must avoid plans that result in:**
 - **Over Representation** — too few residents gives to each increased influence
 - **Under Representation** — too many results in less influence
- Population equity does not require “perfect” equality
- It is judged against a principle commonly referred to as “One-Person One-Vote”
 - Counter intuitively, one-person one-vote refers to warm bodies, not voters

Avery v. Midland County, Tex. — “The Poster Child”

390 U.S. 474, (1968)

One-Person One-Vote applies to local governments

“[T]he Constitution imposes one ground rule for the arrangements of local government: a requirement that units with general governmental powers over an entire geographic area not be apportioned among single-member districts of substantially unequal population.”

- **The population of the four commissioner precincts was:**
 - One with 67,906, containing most of the city of Midland
 - Then three rural districts with populations of 852, 414, and 828, respectively

The basis of the complaint is obvious.

Q How near to equal must population be balanced?

One-Person One-Vote

- **The determination is based on the population variance:**
 - (1) between that of the highest and lowest populated Districts, and**
 - (2) among all Districts**
- Variance is measured in terms of the maximum and average deviation from an ideal precinct
- The maximum deviation — the percentage of the variance between the highest and lowest populated districts — may not exceed 10%, without a compelling justification
- The average deviation — the mean of the average variance of all precincts collectively — subject to no specific limitation, but a common ceiling is +/- 3 or 4%

Plans to balance population must avoid unlawful discrimination

The 5th and 14th amendments prohibit the federal and state governments from drawing distinctions among individuals based solely on differences irrelevant to any legitimate governmental objective, including race and ethnicity

This guarantee was extended to the right to vote by the 15th amendment

§1 “The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.”

§ 2 “The Congress shall have the power to enforce this article by appropriate legislation.”

Congress exercised this power in the Voting Rights Act (VRA) of 1965, as amended:

- **In 1975** — brought Texas under the mandatory preclearance provisions for the first time
- **In 1982** — added an “effects test” to the existing “intent test”
 - There is no longer a need to prove a specific “intent” to discriminate
 - A plan which has a discriminatory effect, whether intended or not, is a violation of the VRA

<u>Marshall</u>			3 District Benchmark			8/26/21
Ideal	7797.3					
	Total	White	Black	Other	Hispanic	Tot. Min.
	<u>23392</u>	<u>9032</u>	<u>8368</u>	<u>998</u>	<u>4994</u>	<u>14360</u>
		38.61%	35.77%	4.27%	21.35%	61.39%
5	7823	1739	4344	284	1456	6084
25.67		22.23%	55.53%	3.63%	18.61%	77.77%
6	7627	3362	2179	341	1745	4265
(170.33)		44.08%	28.57%	4.47%	22.88%	55.92%
7	7942	3931	1845	373	1793	4011
144.67		49.50%	23.23%	4.70%	22.58%	50.50%
	Max. Variation 315			Max. Deviation 4.04%		

<u>Marshall Four Districts</u>		Benchmark 4 District Layer				8/26/21
Ideal	5848					
	Total	White	Black	Other	Hispanic	Tot. Minority
	<u>23392</u>	<u>9032</u>	<u>8368</u>	<u>998</u>	<u>4994</u>	<u>14360</u>
		38.61%	35.77%	4.27%	21.35%	61.39%
1	6380	1332	3272	215	1561	5048
532		20.88%	51.29%	3.37%	24.47%	79.12%
2	5145	1467	2404	184	1090	3678
(703)		28.51%	46.72%	3.58%	21.19%	71.49%
3	5641	2730	1253	275	1383	2911
(207)		48.40%	22.21%	4.88%	24.52%	51.60%
4	6226	3503	1439	324	960	2723
378		56.26%	23.11%	5.20%	15.42%	43.74%
Max. Variation 1,235		Max. Deviation 21.12%				

Study and Discussion Plan

- The following slides provide just one illustration of how trustee districts could be adjusted to balance population.
- They produce the population figures on the next slide.
- These maps and numbers are simply a place to start the discussion.
- If any of the lines make sense, we can work on them.
- Those that do not show us where more work is due.
- We will discuss whether this Plan is worth working with or whether to make a clean start.

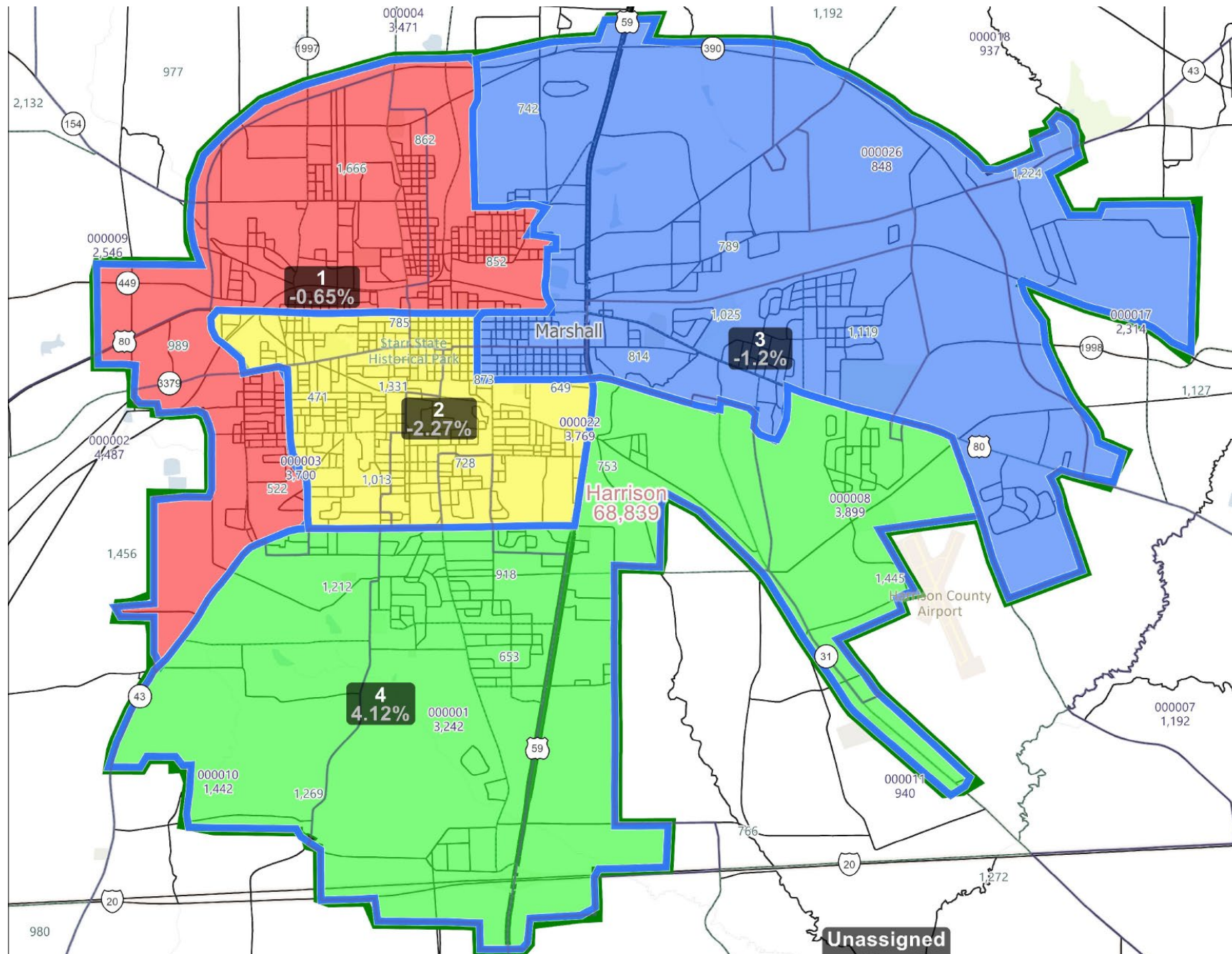
Traditional Redistricting Criteria

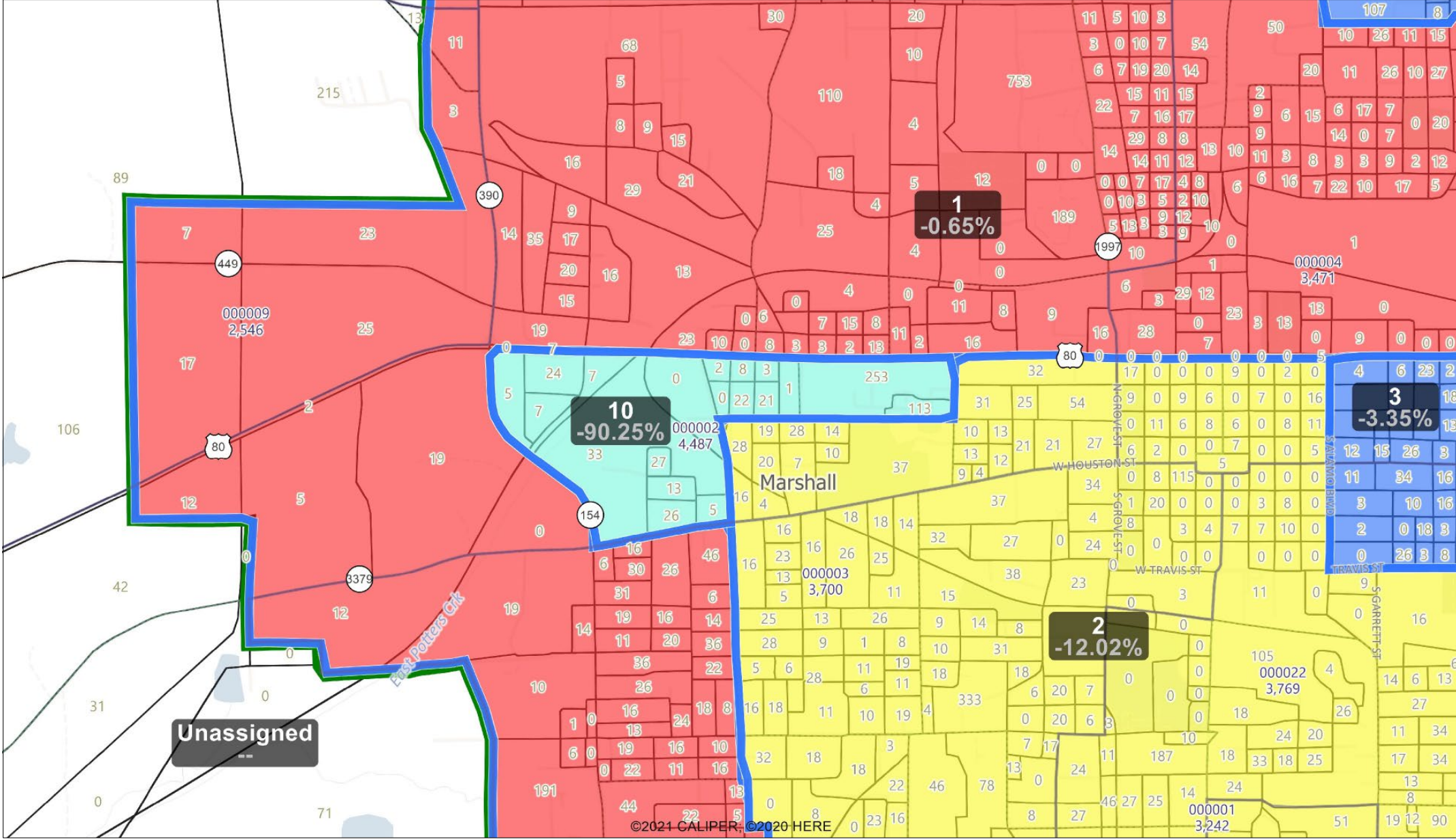
Caveat: The “Horns of the Dilemma” — Plans must also avoid reverse racial Gerrymanders

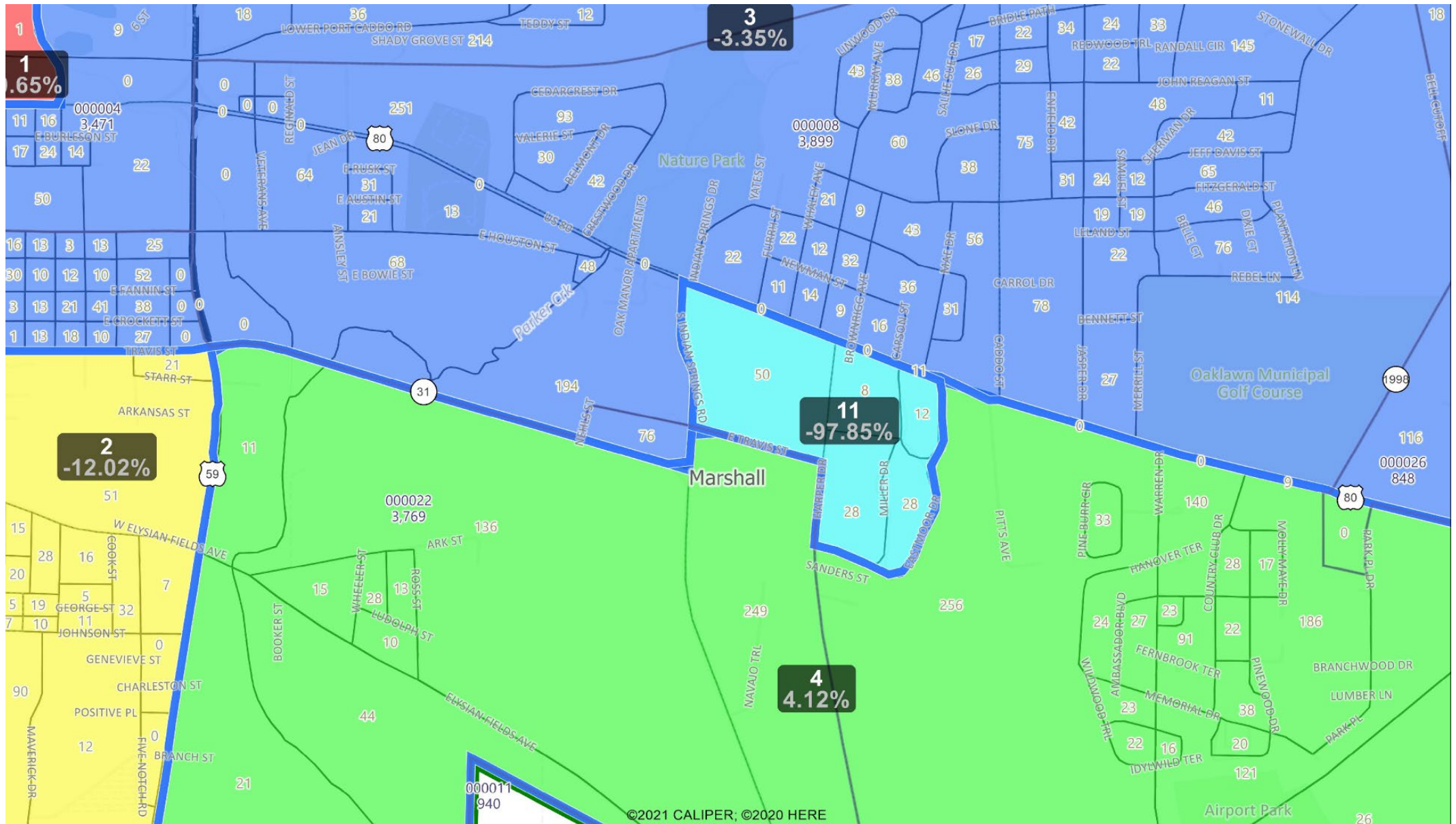
“Districts that are bizarrely shaped and noncompact, and that otherwise neglect traditional districting principles and deviate substantially from the hypothetical court-drawn district, for predominately racial reasons are unconstitutional.” *Bush v. Vera*, 116 S.Ct. 1941 (1996)

- **Maintaining the Core of Existing Districts** — for the benefit of those represented
- **Protecting Incumbency** — again, for the benefit of voters who chose the incumbent
- **Use of Existing Election Precincts** — once more for the voters, to reduce confusion
- **Maintaining Communities of Interest** — this does not apply to partisanship
- **Compactness and Contiguity** — no salients or “bar-bells”
- **Use of Natural or Physical Boundaries** — something that can be seen on the ground
- **Duties of the office** — less relevant in council/manager plan cities like Waco

Marshall Four Districts		4 Dist. Layer - Plan One			8/30/21	
Ideal	5848					
	Total	White	Black	Other	Hispanic	Tot. Minority
	<u>23392</u>	<u>9032</u>	<u>8368</u>	<u>998</u>	<u>4994</u>	<u>14360</u>
		38.61%	35.77%	4.27%	21.35%	61.39%
1	5810	1289	2842	211	1468	4521
(38)		22.19%	48.92%	 3.63%	25.27%	77.81%
2	5715	1510	2834	188	1183	4205
(133)		26.42%	49.59%	 3.29%	20.70%	73.58%
3	5778	2815	1279	290	1394	2963
(70)		48.72%	22.14%	 5.02%	24.13%	51.28%
4	6089	3418	1413	309	949	2671
241		56.13%	23.21%	5.07%	15.59%	43.87%
	Max. Variation 374			Max. Deviation 6.40%		







In summary, the process requires:

- **Determining whether redistricting is required, based on the 2020 Census**

If required, any plan must:

- Balance population among the Council Districts;
- Comply with the equal protection guarantees of the Constitution;
- Consider traditional redistricting criteria (next slide);
- Navigate the dilemma created by the dual requirements of:
 - Satisfying the Voting Rights Act, while
 - Avoiding a reverse racial Gerrymander.

ITEM 7A

ORDINANCE

**CONSIDER APPROVAL OF AN
ORDINANCE AMENDING CHAPTER 14,
GARBAGE, TRASH, AND WEEDS**



TO: Members of the City Council

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

DATE: October 4, 2021

SUBJECT: Approval of an Ordinance amending Chapter 14, Garbage, Trash, and Weeds of the Code of Ordinances, revising the schedule of refuse rates, providing for monthly charges, and establishing an effective date of January 1, 2022

In a letter dated May 28, 2021, Republic Services notified the City of Marshall of a pending rate increase of 3%, to begin on January 1, 2022. The attached rate Ordinance provides for this increase, as a result of an allowed Consumer Price Index (CPI) annual adjustment provided for in Section 14 of the Solid Waste Contract with Republic Services:

14.00 RATE ADJUSTMENTS

Annual CPI

Any other provision of this Contract notwithstanding, beginning on January 1, 2019 and continuing on January 1 of each succeeding year during the term of this Contract, the rate schedule and fees charged by Contractor for refuse service in the City (collectively, the "Rates") shall be adjusted according to the change in the United States Department of Labor's published Consumer Price Index – All Urban Consumers (Dallas-Fort Worth, TX), but such adjustment shall not exceed 3% annually. The Rates will be adjusted using the most recent March index value compared to the preceding year's March index value. Contractor shall provide City with notice of changes by the June 1st preceding the effective date of the increase.

This 3% rate of increase will apply to all residential and commercial waste services.



May 28, 2021

City of Marshall
PO Box 698
Marshall, Texas 75671

Dear: Eric Powell

In accordance with provisions in our contract for Solid Waste Collection & Disposal with the City of Marshall notice is required in June with respect to 14.00 of the executed contract agreement the rate adjustment for January 2022 will be 3%. That is based on the March Consumer Price Index All Urban Consumers Dallas Ft. Worth.

14.00 RATE ADJUSTMENTS

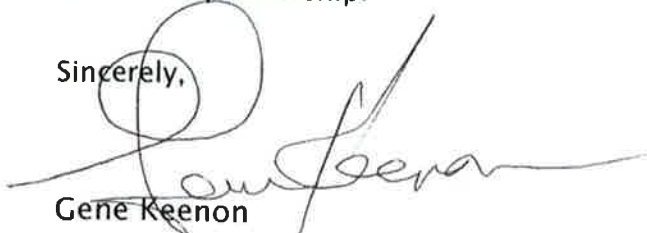
Annual CPI

Any other provision of this Contract notwithstanding, beginning on January 1st, 2019 and continuing on January 1st of each succeeding year during the term of this Contract, the rate schedule and fees charged by Contractor for refuse service in the City (collectively, the "Rates") shall be adjusted plus or minus (+ or -), according to the change in the United States Department of Labor's published Consumer Price Index – All Urban Consumers (Dallas – Fort Worth, TX). Such adjustment shall not exceed 3%, plus or minus (+ or -), annually. The Rates will be adjusted using the most recent March index value compared to the preceding year's March index value. Contractor shall provide City with notice of changes by the June 1st preceding the effective date of the increase.

This annual adjustment is necessary to maintain the quality and assurance in service the citizens of Marshall expect and to keep pace with maintenance, insurance and labor expenses to provide the best possible solid waste collection.

The effective date of the 3% adjustment will be effective January 1, 2022. A copy of the U.S. Bureau of Labor Statistics March CPI publication is attached for your review. Feel free to contact me with any questions. Republic Services appreciates the City of Marshall's partnership.

Sincerely,



Gene Keenon

Manager Government Affairs
903-986-0463

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 14, GARBAGE, TRASH, AND WEEDS OF THE CODE OF ORDINANCES OF THE CITY OF MARSHALL, TEXAS, REPEALING AND AMENDING CERTAIN SECTIONS REGARDING GARBAGE AND INCREASING THE SOLID WASTE COLLECTION AND DISPOSAL FEES BY 3%; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS CONDUCTED IN STRICT COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE OF JANUARY 1, 2022.

WHEREAS, Chapter 363 of the Texas Health and Safety Code and Section 80 (15) of the City Charter of the City of Marshall, Texas, authorizes the City Council to regulate the collection, transportation and disposal of solid waste within the corporate City limits of Marshall, Texas; and,

WHEREAS, the City's solid waste contractor, Republic Services, has increased its fees and rates of service to the City by the March 2021 CPI Index, in accordance with the current Solid Waste Contract; and,

WHEREAS, the City Commission finds and determines that an increase of the current rates for solid waste collection is necessary in order to accurately compensate the City for its costs of providing this service; **NOW, THEREFORE,**

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

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

Section 2 That Article I of Chapter 14, Section 14-9, of the Code of Ordinances of the City of Marshall is hereby repealed in its entirety and that there is hereby adopted in place of said ordinances a new Section 14-9, Chapter 14 of the Code of Ordinances of the City of Marshall, Texas, said section to read as follows:

"Sec. 14-9. Rates for city collection - all rates will be assessed sales tax:

- (a) The following rates shall be charged for each monthly period to all customers of the garbage collection of the system of Marshall based on the attached rate sheet.

MARSHALL RATE SHEET

(Effective January 1, 2022)

I. RESIDENTIAL RATE SCHEDULE – Initial seven (7) year period (Residential Carts:

A. Automated Solid Waste & Recycling Collection - Residential

96 gallon rolling cart — City Resident \$ 15.36/Monthly Per Unit
 Once per week Residential Collection
 Once per week Brush/Bulky Collection
 Extra Carts — Limit of 4 per \$ 3.00 /Extra Monthly Fee Ea..
 Residential Unit. Weekly Bulk/Brush
 Limited to 3 Cu. Yds.

***No Side Trash Allowed - Cart Contents Only**

IIB. COMMERCIAL CART RATE SCHEDULE

Rolling cart service — Automated (For business with less than two (2) yards of trash per week):

A. One Cart \$ 24.69/Monthly Per Unit
 B. Two Carts \$ 32.11/Monthly Per Unit
 C. Cart Service Downtown - Four (4) times \$ 35.30/Monthly Per Unit
 per week (Four Days Trash Service & One
 Day Recycling) - South of Grand Avenue;
 East of Franklin Street North of Bowie
 Street; West of Lafayette Street)

III.FRONT LOAD CONTAINERS RATE SCHEDULE

Size/ Freq.	1X\WK	2X\WK	3X\WK	4X\WK	5X\WK	6X\WK	Extra pickup
2 yd	\$67.01	\$116.60	\$184.68	\$235.24	\$277.99	\$326.96	\$30.70
3 yd	\$96.25	\$167.29	\$238.50	\$318.84	\$390.72	\$448.75	\$42.99
4 yd	\$123.85	\$215.34	\$305.19	\$406.59	\$495.72	\$577.56	\$55.28
6 yd	\$171.71	\$296.37	\$417.87	\$542.41	\$680.04	\$773.36	\$67.56
8 yd	\$212.35	\$359.80	\$442.91	\$654.13	\$810.19	\$874.29	\$79.84

Monthly - 4yd Compactor 1X\Week = \$ 431.73

Monthly - 6yd Compactor 2X\Week = \$ 642.42; 4X\Week \$ 1025.82; 6X\Week = \$1,800.89

IV. ROLL OFF CONTAINERS AND 42 YD COMPACTOR RATE SCHEDULE:

Delivery Fee: \$100.00

SIZE	RENTAL/MONTH	PER HAUL
20 YD OPEN TOP	\$126.50	\$593.38
30 YD OPEN TOP	\$126.50	\$651.16
40 YD OPEN TOP	\$126.50	\$727.37
42 YD COMPACTOR	Negotiable	\$891.26

With respect to apartments and duplexes, where the owner provides reasonable space for and access to a bulk container, commercial-type service shall be provided by the city; otherwise, residential-type service shall be provided.”

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 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 an 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 a court of appropriate jurisdiction, such finding of invalidity shall affect the continued enforcement only of the provision 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 thereby shall remain in full force and effect.

Section 7. That this ordinance shall be effective on January 1, 2022 and after its passage and publication as required by law.

PASSED AND APPROVED this _____ day of _____ 2021.

AYES:

NOES:

ABSTAINED:

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

ATTEST:

City Secretary

ITEM 7B

ORDINANCE

**CONSIDER APPROVAL OF AN
ORDINANCE AMENDING THE 2021
ANNUAL BUDGET FOR STATE AND
LOCAL FISCAL RECOVERY FUNDS
(SLFRF)**



MEMORANDUM

To: Mark Rohr, City Manager

From: Dawn I. Jones, Finance Director

cc: Nikki Smith, City Secretary

Eric Powell, City Engineer

Date: 10/6/2021

Re: Consider Approval of a Budget Amendment for FY 21

The attached ordinance provides for an amendment to the FY 21 Budget for \$750,000 Revenue and Expense for the Fiscal Recovery Grant. Eric is in the process of starting some of the projects and anticipates that he will need \$750,000 for the remainder of this fiscal year.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING ORDINANCE NO. 0-20-23 TO AMEND THE
2021 ANNUAL BUDGET OF THE CITY OF MARSHALL, TEXAS**

WHEREAS, on September 24, 2020 the City of Marshall, Texas passed Ordinance No. O-20-23 adopting the 2021 annual budget; and

WHEREAS, the City of Marshall, Texas desires to amend the 2021 annual budget to provide for additional grant revenue and expenditures to comply with grant requirements pertaining to the State and Local Fiscal Recovery Funds (SLFRF) received, which were not included in the original budget;

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

The appropriations for the fiscal year beginning January 1, 2021 and ending December 31, 2021 for the support of Grant Fund be amended to appropriate funds from grant funds received to provide funds needed for expenses:

Grant Funds Amendment

Fiscal Recovery Grant Revenue Budget	\$750,000
Fiscal Recovery Grant Expense Budget	\$750,000

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2021.

AYES: _____

NAYES: _____

ABSTAIN: _____

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

ATTEST:

CITY SECRETARY

ITEM 8A

PRESENTATION BY AGENT FOR PROPERTY REGISTRATION SERVICE



TO: Mark Rohr, City Manager

FROM: Fabio Angell, Director
Community and Economic Development

DATE: Oct 14th, 2021

SUBJECT: Presentation by Agent for Property Registration Service

Mr. Michael Halpern, president of MuniReg LLC will make a presentation about the value and benefits to the City as well as the Pros and Cons of a proposed Vacant Property Registration Ordinance. Enclosed please find a BIO of Mr. Halpern.

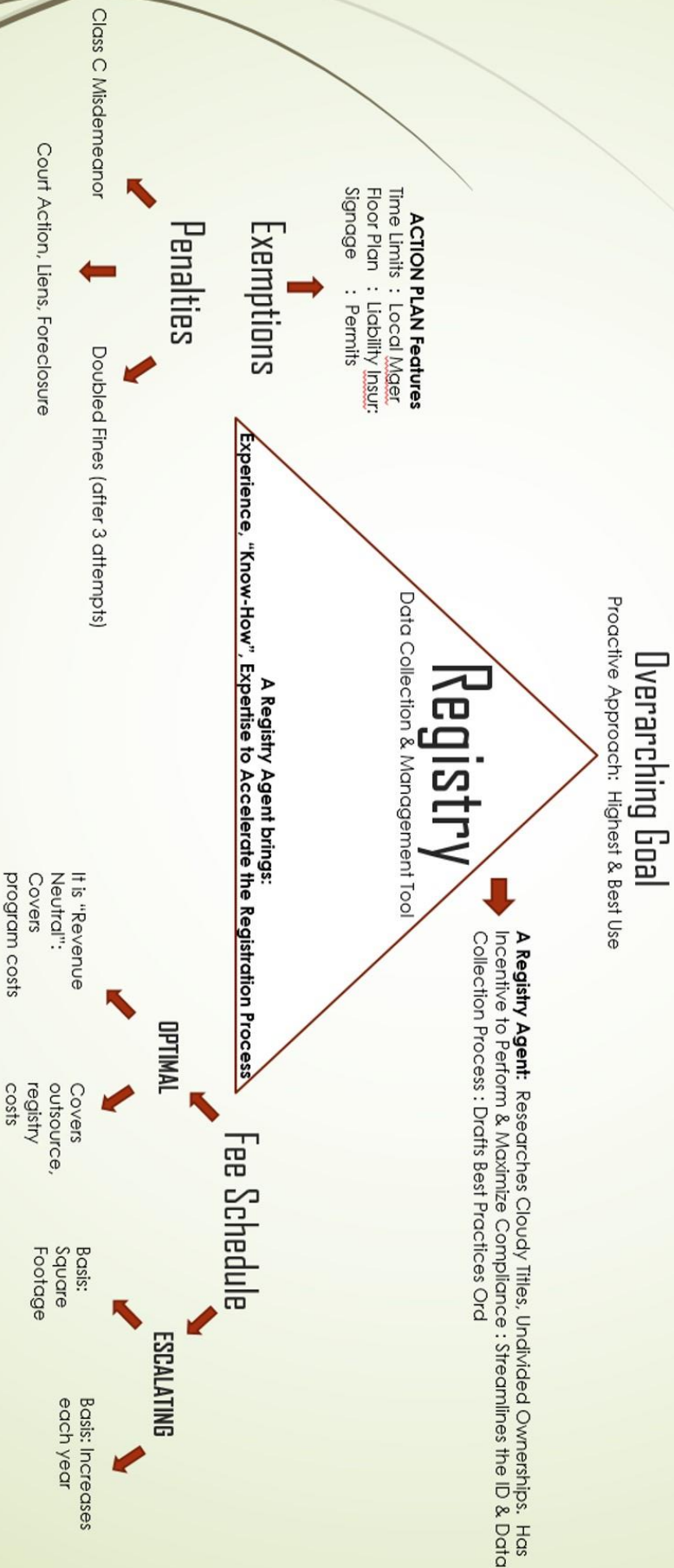
Also, please find attached diagram (i.e. "Anatomy of a Vacant Property Registration Ordinance") assembled by city staff to highlight the key features to keep in mind during the presentation and for the Q &A session afterwards. These features are key to structuring a Vacant Property Registration Ordinance that is effective and meets our community needs in Marshall. Please keep it handy and refer to it during the presentation.

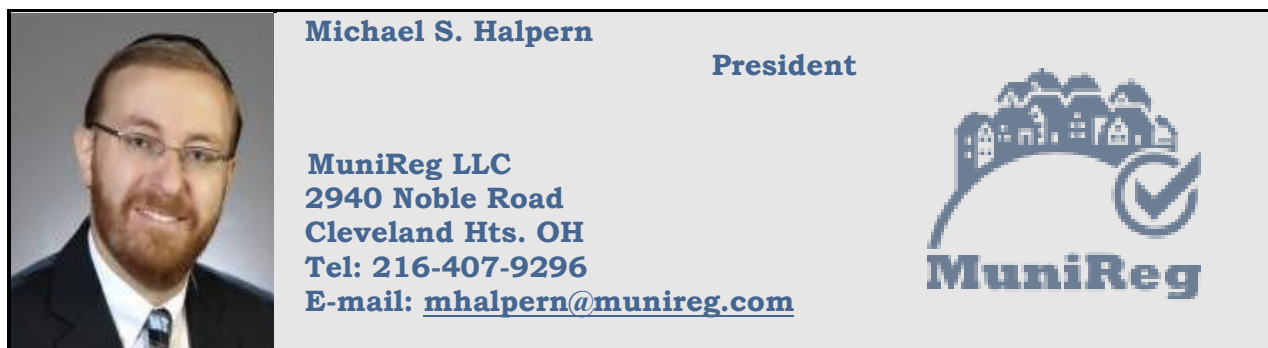
One key aspect to keep in mind during the presentation and discussion is the Overarching Goal of a Registry: To Enable the City to become Proactive as it asks owners to put their vacant property to its BEST AND HIGHEST USE. Simply put... To keep it occupied.

A VPRO as a data collection and management tool is only as useful as the information put into it. Compliance rates for most VPROs are often not very high — in fact, some communities would consider a compliance rate of 50 percent high. Out-of-state or deceased owners are unlikely to register, for example, and it may be that these unregistered buildings are the ones imposing the most harm on the community. In addition, enforcing the VPRO, which includes sending out registration notices and monitoring and tracking the status of both registered and unregistered properties, may take a significant amount of resources and thus may not be the most efficient use of limited local capacity.

EXCERPT FROM CENTER FOR COMMUNITY
PROGRESS REPORT - SEPTEMBER 2020

Anatomy of a Vacant Property Registration Ordinance





Michael S Halpern founded MuniReg LLC out of his passion to serve communities regarding the challenges surrounding vacant and abandoned properties, “zombie foreclosures”, and blight. As the Founder and President of MuniReg LLC Michael applies his extensive experience in various aspects pertaining to vacant and abandoned properties to open the dialogue among various parties, and aid in solutions to reduce blight while protecting community needs.

Prior to founding MuniReg, Michael spent 17 years at Safeguard Properties, the nation's largest mortgage field services company working on behalf of mortgage servicers (banks). For much of his tenure at Safeguard Properties, he served as their Director of Community Initiatives, spearheading the educational outreach to municipal and State governments. In this role, his primary objectives were providing insight into the mortgage servicing sector and educating parties on ways to share resources to assist municipal officials in navigating and achieving positive results with “zombie foreclosures”.

In January 2019, MuniReg was founded to assist and partner with local governments for the implementation and administration of vacant property registration ordinances (VPRO). VPROs are the most widely utilized tool in the fight against blight and many communities struggle with the administrative functions and lack internal resources to execute consistently. Often, ordinance language, drafted without assistance and without knowledge of potential negative ramifications and consequences, can place the municipal entity in unnecessary risk.

MuniReg addresses these issues and its users can increase efficiency, productivity and collection rates.

Michael is a current and active member of the Erie County (NY) Zombie Foreclosure Task Force.

Michael has been honored as a speaker at numerous regional, state and national conferences, including:

- American Association of Code Enforcement
- National Housing Conference
- National League of Cities
- Center for Community Progress
- International Code Council
- Local Government Academy
- Federal Reserve Bank of Cleveland (Problem Properties Series Webinar)
- Housing Alliance of Pennsylvania
- Ohio Community Development Corporation
- State Code/Building Official Associations in AL, AZ, CA, CT, CO, FL, ID, IL, KS, KY, MI, OH, OK, MS, NY, TN, TX, UT, WA & WY
- [Standards and Codes Academy](#)

Published Articles

- ICMA (American City & County): (May 2021) [How Housing and Property Conditions Can Affect Neighborhood Stability](#)
- American City & County: (Sep. 2020) [Better local government data security can prevent property fraud](#)
- American City & County: (Mar. 2020) [Post-COVID-19 property maintenance responsibility](#)
- American City & County: (Feb. 2020) [Municipal leaders should improve property registries to combat property blight](#)
- Servicing Management: [Beyond Property Preservation: Proactively Tracking Legislation](#)
- Housing Wire: [Community Outreach; Proposing a New Approach to Code Enforcement, City Outreach](#)
- National Mortgage News: [Benefits of Accelerating the Foreclosure Process for Vacant Homes](#)
- DS NEWS: [Safeguard Properties Receives Partnership Award from Code Enforcement Agency](#)

ITEM 9

CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

ITEM 10A

EXECUTIVE SESSION

**AN EXECUTIVE SESSION PURSUANT TO
THE OPEN MEETINGS ACT, CHAPTER
551 OF THE TEXAS GOVERNMENT
CODE UNDER SECTION 551.074
PERSONNEL MATTERS: ANNUAL
EVALUATION OF CITY MANAGER**

ITEM 11

ADJOURNMENT