1. 12-8-2022 Agenda (PDF)

   Documents:

   12-8-22 AGENDA.PDF

2. 12-8-2022 Agenda Packet (PDF)

   Documents:

   12-8-22 AGENDA PACKET.PDF

CITY OF MARSHALL, TEXAS
REGULAR CITY COUNCIL MEETING
COUNCIL CHAMBERS, CITY HALL, 401 SOUTH ALAMO
DECEMBER 8, 2022, 6:00 P.M.

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

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

****

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

2. **INVOCATION AND PLEDGES**

3. **PRESENTATIONS & PROCLAMATIONS**

   A. Presentation of certificates to outgoing board members. (Mayor)

   B. Presentation of certificates to Citizen's Police Academy graduates. (Police Chief)

4. **CITIZEN COMMENTS**

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

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 **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA**

6. **CONSENT AGENDA**

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

A. Consider approval of the minutes from the November 10, 2022 Regular meeting.

B. Consider approval of a resolution designating an official newspaper for the City of Marshall for fiscal year 2023. (City Secretary)

C. Consider amendments to the Investment Policy and approval of a resolution adopting the City of Marshall Investment Policy. (Finance Director)

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 **CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA**

8. **PUBLIC HEARING & ORDINANCE**

A. Conduct a public hearing and make a recommendation to the City Council regarding a rezoning request for a 5.00 acre (parcel # R000020037) and a 27.22 acre (parcel # R000020038) tract of land in the James Harris Survey A-12. From A&E (Agriculture and Estate) to I-2 (Heavy Industry). Located in the 1800 Block of East Loop 390 North. (Community Development Director)

9. **ORDINANCE**

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

B. Consider a rezoning request for a 0.202 acre tract of land, being the west part of Lot 3, Block 23, Rainey Addition, from R-3 (Single Family Detached) to R-6 (Duplex, Triplex, Quadraplex). This property is located at 1300 George Gregg Street. (Community Development Director)

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

A. Hotel/Motel Occupancy Tax Funds Overview. (Tourism & Cultural Arts Director)

B. Consider approval of the donation of a Marshall Police Department patrol car to the Marshall Independent School District Police Department. (Police Chief)

C. Consider approval of a nominee for reappointment to serve a second full term as a Board Member on the Marshall Economic Development Corporation. (Marshall EDC)

D. Consider approval of an expenditure in excess of $50,000 for Project Dac II. (Marshall EDC)

E. Consider approval of a High Demand Job Training grant by Marshall EDC for up to $67,500 for Wiley College, subject to final approval of the Texas Workforce Commission. (Marshall EDC)

11. **<u>EXECUTIVE SESSION</u>**

A. An Executive Session pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code under Section 551.072 Deliberation regarding real property: Convene in executive session to discuss matters related to the purchase, exchange, lease, sale, or value of real property necessary for sewer lift station improvements.

B. 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.

12. **<u>ACTION ITEM FOLLOWING EXECUTIVE SESSION</u>**

A. Consider action as a result of executive session discussion regarding the purchase, exchange, sale, or value of real property necessary for sewer lift station improvements.

B. Consider action as a result of executive session discussion regarding the annual evaluation of City Manager.

13. **<u>ADJOURNMENT</u>**

Posted: December 5, 2022
5:00 p.m.
N. Smith

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

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ITEM 1

CALL TO ORDER AND ROLL CALL

ITEM 2

INVOCATION AND PLEDGES

ITEM 3A

PRESENTATIONS & PROCLAMATIONS

PRESENTATION OF CERTIFICATES TO OUTGOING BOARD MEMBERS

ITEM 3B

PRESENTATIONS & PROCLAMATIONS

PRESENTATION OF CERTIFICATES TO CITIZEN'S POLICE ACADEMY GRADUATES

ITEM 4

CITIZEN COMMENTS

ITEM 5

ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA

ITEM 6A

CONSENT AGENDA

CONSIDER APPROVAL OF THE MINUTES FROM THE NOVEMBER 10, 2022

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF MARSHALL NOVEMBER 10, 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	Reba Godfrey, District 5
Amanda Abraham, District 6	Micah Fenton, District 7

ADMINISTRATIVE STAFF PRESENT:

Terrell Smith, City Manager	Christol Hall, HR Manager
Reggie Cooper, Fire Chief	Cliff Carruth, Police Chief
Eric Powell, Public Works Director	Dawn Jones, Finance Director

Scott Rectenwald, Acting City Attorney
Randy Pritchard, Support Services Director
Nikki Smith, City Secretary/Payroll Accountant
LeAnne White, Economic Development Manager
Garnett Johnson, Community Development Director

INVOCATION & PLEDGE: Mayor Ware

247. **RECOGNITION OF JEAN BIRMINGHAM**

Mayor Ware presented a certificate of recognition to the family of Mrs. Jean Birmingham honoring and remembering her service to the citizens of Marshall, Texas.

248. **RECESS TO CONDUCT THE CITY OF MARSHALL EMPLOYEE BENEFITS TRUST MEETING**

Councilmember Fenton made a motion to convene into the City of Marshall Employee Benefits Trust Meeting. Councilmember Godfrey seconded the motion, which passed with a vote of 7:0. The time was 6:06 PM.

249. **RECONVENE THE CITY COUNCIL MEETING**

The Regular City Council Meeting reconvened. The time was 6:18 PM.

250. **CITIZEN COMMENTS**

There were no citizen comments.

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

There were no items withdrawn from the Consent Agenda.

252. **CONSENT AGENDA**

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

A. Consider approval of the minutes from the October 13, 2022 Regular meeting, October 28, 2022 Special-Called meeting and the October 29, 2022 Special-Called meeting.

B. Consider approval of appointments and reappointments to the various City boards, commissions and committees. (City Secretary)

C. Consider approval of a contract with Datamax to provide printers, copiers, scanners, related supplies and maintenance for the City of Marshall. (Finance Director)

D. Consider approval of an Interlocal Agreement with Harrison County for Public Library Services. (Finance Director)

E. Consider approval of an Interlocal Agreement with Harrison County for Ambulance/Rescue Services. (Finance Director)

F. Consider approval of an Interlocal Agreement with Harrison County for Inmate Services. (Finance Director)

G. Consider approval of an Interlocal Agreement with Harrison County for Animal Shelter Services. (Finance Director)

H. Consider and act upon a resolution to enter into a contract with the Marshall Harrison County Public Facility Corporation to convey 2004 Dogan in exchange for the Corporation's agreement to develop single family housing affordable to low income households. (Community Development Director)

I. Consider and act upon a resolution to enter into a contract with the Marshall Harrison County Public Facility Corporation to convey 1805 Spring St. in exchange for the Corporation's agreement to develop single family housing affordable to low income households. (Community Development Director)

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

There were no items withdrawn from the Consent Agenda.

PUBLIC HEARING & ORDINANCE

254. CONDUCT A PUBLIC HEARING AND CONSIDER A REZONING REQUEST FOR A 0.202 ACRE TRACT OF LAND, BEING THE WEST PART OF LOT 3, BLOCK 23, RAINEY ADDITION, FROM R-3 (SINGLE FAMILY DETACHED) TO R-6 (DUPLEX, TRIPLEX, QUADRAPLEX). THIS PROPERTY IS LOCATED AT 1300 GEORGE GREGG STREET.

Garnett Johnson, Community Development Director, asked for the approval of an ordinance regarding a rezoning request for a 0.202 acre tract of land, being the west part of Lot 3, Block 23, Rainey Addition from R-3 (Single Family Detached) to R-6 (Duplex, Triplex, Quadraplex). This property is located at 1300 George Gregg Street. Garnett Johnson stated 22 notices were sent with 1 response in support of the change. The Planning and Zoning Commission approved the change by a vote of 5:0.

Mayor Ware opened the public hearing.

No one came forward to speak.

Mayor Ware closed the public hearing.

Councilmembers asked questions and discussed.

Councilmember Abraham made a motion to table an ordinance regarding a rezoning request for a 0.202 acre tract of land, being the west part of Lot 3, Block 23, Rainey Addition from R-3 (Single Family Detached) to R-6 (Duplex, Triplex, Quadraplex). Councilmember Truelove seconded the motion, which passed with the following vote:

Ayes: 6, Mayor Ware, Councilmembers Abraham, Truelove, Godfrey, Bonner and Fenton
Noes: 1, Councilmember Morris

RESOLUTION

255. CONSIDER APPROVAL OF A RESOLUTION INCREASING CERTAIN WATER UTILITY FEES AND CHARGES.

Dawn Jones, Finance Director, asked for approval of a resolution to allow for the reconnect fee to be retitled the disconnect fee and increase from $45 to $50. Dawn Jones also stated the deposit for renters will increase from $100 to $150, homeowners deposit will not change.

Councilmember Fenton made a motion to approve a resolution increasing certain water utility fees and charges. Councilmember Truelove seconded the motion, which passed with a vote of 7:0.

CITY MANAGER REPORTS AND REQUESTS FOR CITY COUNCIL CONSIDERATION

256. PRESENTATION OF THE CITY OF MARSHALL AUDIT REPORT FOR THE 2021 FISCAL YEAR.

Dawn Jones introduced John Manning, CPA for Pattillo, Brown & Hill, L.L.P., who presented the City of Marshall audit report for the 2021 fiscal year and highlighted significant information. John Manning stated the City received an unmodified opinion from the firm, which is the highest level available. John Manning stated there were two (2) issues with the audit; a control issue ensuring vendor eligibility and the Fire Fighters Relief and Retirement Fund not being included with the City's book. Both issues have been resolved.

257. CONSIDER APPROVAL OF A RECOMMENDATION FOR USE OF CHILD SAFETY FEES.

Dawn Jones introduced Roxanne Stevenson, Executive Director of The Martin House Children's Advocacy Center, who provided a brief presentation on how these funds will be used if awarded to The Martin House. Dawn Jones asked for approval to award $31,500 to The Martin House Children's Advocacy Center.

Councilmembers asked questions and discussed.

Councilmember Godfrey made a motion to approve awarding funds to The Martin House Children's Advocacy Center for child abuse prevention. Councilmember Bonner seconded the motion, which passed with a vote of 7:0.

258. UPDATE ON WATER METER PILOT PROGRAM.

Dawn Jones introduced Tracy Irwin, President of Secure Vision of America, Inc., who provided an update of the pilot program for Kamstrup water meters.

Councilmembers asked questions and discussed.

259. UPDATE REGARDING STREETSCAPING FOR THE DOWNTOWN REDEVELOPMENT PLAN.

Eric Powell, Public Works Director, provided an update regarding streetscaping for the downtown redevelopment plan. Eric Powell asked for approval of work orders for the remaining two areas not currently designed in order to present designs to Council for review and selection by Hayes Engineering at a cost of $79,500.

Councilmembers asked questions and discussed.

Councilmember Bonner made a motion to approve $79,500 for work orders for the remaining two areas not currently designed. Councilmember Abraham seconded the motion, which passed with a vote of 7:0.

EXECUTIVE SESSION

260. 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 Fenton made a motion to convene into Executive Session. Councilmember Godfrey seconded the motion, which passed with a vote of 7:0. The time was 7:25 PM.

Council reconvened from Executive Session. The time was 7:38 PM.

Councilmember Truelove made a motion to table the evaluation until the meeting in December. Councilmember Godfrey seconded the motion, which passed with a vote of 7:0.

261. **ADJOURNMENT**

Councilmember Godfrey 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

Ordinance: O-22-25
Resolution: R-22-30
R-22-31

ITEM 6B

CONSENT AGENDA

CONSIDER APPROVAL OF A RESOLUTION DESIGNATING AN OFFICIAL NEWSPAPER FOR THE CITY OF MARSHALL FOR FISCAL YEAR 2023

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARSHALL, TEXAS, DESIGNATING AN OFFICIAL NEWSPAPER FOR THE CITY OF MARSHALL FOR FISCAL YEAR 2023.

WHEREAS, in accordance with Section 52.004 of the Texas Local Government Code, the City of Marshall, Texas is required annually to designate the official newspaper of said city; and

WHEREAS, the City Council finds that the MARSHALL NEWS MESSENGER is a public newspaper of general circulation qualified under Section 52.004 of the Local Government Code.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marshall, Texas designates the Marshall News Messenger, whose physical address is 309 East Austin Street, Marshall, Texas as the official newspaper of the City of Marshall, Texas for fiscal year ending December 31, 2023.

PASSED, APPROVED AND ADOPTED this 8th day of December 2022.

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

ATTEST:

____
Nikki Smith, City Secretary

ITEM 6C

CONSENT AGENDA

CONSIDER AMENDMENTS TO THE INVESTMENT POLICY AND APPROVAL OF A RESOLUTION ADOPTING THE CITY OF MARSHALL INVESTMENT POLICY

City of MARSHALL TEXAS

DEPARTMENT OF FINANCE

MEMORANDUM

To: Terrell Smith, City Manager

From: Dawn I. Jones, Finance Director

cc: Nikki Smith, City Secretary

Date: 12/1/2022

Re: Investment Policy

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

The City's Investment Policy was last reviewed and approved on December 9, 2021. A copy of the Amended Policy is attached.

2023 INVESTMENT POLICY

CITY OF MARSHALL, TEXAS

INVESTMENT POLICY
CITY OF MARSHALL, TEXAS

TABLE OF CONTENTS

INVESTMENT POLICY
CITY OF MARSHALL, TEXAS

I. POLICY STATEMENT

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

II. PURPOSE

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

III. SCOPE

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

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

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

- Governmental Funds
- Proprietary Funds
- Fiduciary Funds

IV. OBJECTIVES

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

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

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

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

V. RESPONSIBILITY AND CONTROL

DELEGATION. The Finance Director, acting upon authority of a resolution of the City Commission is designated as the Investment Officer of the City and is responsible for investment management decisions and activities under the direction of the City Manager. The City Commission and the City Manager are responsible for considering the quality and capability of staff, investment advisors and consultants involved in investment management and procedures. All participants in the investment process shall seek to act responsibly as custodians of the public trust.

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

The Investment Officer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate staff. The Investment Officer shall designate the Senior Accountant as a liaison/deputy in the event circumstances require timely action and the Investment Officer is not available. The designated Senior Accountant may not engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Investment Officer and approval by the City Manager.

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

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

TRAINING. The Investment Officer and the designated Senior Accountant shall attend at least one training session relating to the officer's responsibility under the Act within 12 months after assuming duties and thereafter, a training session not less than once every two years and receive 10 hours of training. Such training from an independent source shall be approved or endorsed by either the Government Finance Officers Association of Texas, The Government Treasurer's Organization of Texas, The Texas Municipal League, or The University of North Texas Center for Public Management.

VI. INVESTMENT STRATEGY BY FUND TYPE

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

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

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

SPECIAL REVENUE FUNDS. Special Revenue Funds, as with Operating Funds have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. Consequently, these funds also will be invested in short-to-medium term securities which will complement each utilizing a staggered maturity basis. However, in certain cases, longer term securities which result in a better yield may be utilized when matched to specific requirements.

These portfolios should include approximately 5-10% in highly liquid securities to allow for flexibility and unanticipated outlays.

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

VII. SAFEKEEPING AND COLLATERALIZATION

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

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

Collateralization
Collateralization shall be required on two types of investments:
(a) certificates of deposits over the FDIC insurance coverage of $250,000 and
(b) repurchase agreements.

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

VIII. INTERNAL CONTROLS

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

IX. AUTHORIZED INVESTMENTS

Acceptable investments under this policy shall be limited to the instruments listed below. The investments are to be chosen in a manner which promotes diversity of market sector and maturity. The choice of high-grade government investments and high-grade money market instruments is designed to assure the marketability of those investments should liquidity needs arise. The maximum allowable stated maturity of any individual investment owned by the City is three (3) years.

(A) U.S. Government and State of Texas Investments:

(1) obligations of the United States or its agencies and instrumentalities, not to exceed three years to stated maturity;

(2) direct obligations of this state or its agencies and instrumentalities, not to exceed one year to stated maturity, except for City of Marshall, Texas obligations which may have any stated maturity.

(B) Certificates of deposit, not to exceed one year to stated maturity, if issued by a state or national bank domiciled in this state and is:

(1) guaranteed or insured by the Federal Deposit Insurance Corporation or its successor;

(2) secured by obligations that are described by Section 2256.009(a) of the Public Funds Investment Act, including mortgage backed securities directly issued by a federal agency or instrumentality that have a market value of not less than the principal amount of the certificates, but excluding those mortgage backed securities of the nature described by Section 2256.009(b) of the Public Funds Investment Act or;

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

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

(1) has a defined termination date;

(2) is secured by obligations described by Section 2256.009(a)(1) of the Public Funds Investment Act; and

(3) requires the securities being purchased by the City to be pledged to the City, held in the City's name, and deposited at the time the investment is made with the City or with a third party selected and approved by the City; and

(4) is placed through a government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in this state.

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

(1) is registered with and regulated by the Securities and Exchange Commission;

(2) has a dollar-weighted average stated maturity of 90 days or less;

(3) includes in its investment objectives the maintenance of a stable net asset value of $1 for each share;

(4) is continuously rated as to investment quality by at least one nationally recognized investment rating firm of not less than AAA or its equivalent; and

(5) invests exclusively in authorized investments permitted by the Act.

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

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

X. UNAUTHORIZED INVESTMENTS

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

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

XI. AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS

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

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

Qualifications for Approval of Broker/Dealers
In accordance with the Act, a written copy of this investment policy shall be presented to any person seeking to sell to the City an authorized investment. A qualified representative of the business organization seeking to sell an authorized investment shall execute a written instrument substantially to the effect that the qualified representative has: (Exhibit A)

1. received and thoroughly reviewed the investment policy of the City; and
2. acknowledged that the organization has implemented reasonable procedures and controls in an effort to preclude imprudent investment activities arising out of investment transactions conducted between the City and the organization.
3.

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

XII. INVESTMENT REPORTS

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

A.

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

C. Be signed by the Finance Director and the Senior Accountant;

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

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

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

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

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

XIII. DEPOSITORIES

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

XIV. INVESTMENT POLICY ADOPTION BY CITY COMMISSION

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

XV. CERTIFICATION BY BUSINESS ORGANIZATION

TEXAS PUBLIC FUNDS INVESTMENT ACT
CERTIFICATION BY BUSINESS ORGANIZATION

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

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

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

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

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

Qualified Representative of the Business Organization

____

Name: ____

Title: ____

Date: ____

AMENDED AND ADOPTED ON THIS THE 9th DAY OF DECEMBER, 2022.

____
Mayor of the City Council
Marshall, Texas

Attest:

____
City Secretary

ITEM 7

CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

ITEM 8A

PUBLIC HEARING & ORDINANCE

CONDUCT A PUBLIC HEARING AND MAKE A RECOMMENDATION TO THE CITY COUNCIL REGARDING A REZONING REQUEST FOR A 5.00 ACRE AND A 27.22 ACRE TRACT OF LAND IN THE JAMES HARRIS SURVEY A-12. FROM A&E (AGRICULTURE AND ESTATE) TO I-2 (HEAVY INDUSTRY). LOCATED IN THE 1800 BLOCK OF EAST LOOP 390 NORTH

RESOLUTION ___________

A RESOLUTION ADOPTING THE CITY OF MARSHALL, TEXAS INVESTMENT POLICY

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

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

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

WHEREAS, the Finance Director and the Senior Accountant are required to attend an investment training course sponsored by one or more of the aforementioned organizations; and

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

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

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

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

The City of Marshall, Texas has complied with the requirements of the Public Funds Investment Act, and the Investment Policy, attached hereto is hereby adopted as the investment policy of the City of Marshall, Texas effective January 1, 2023.

PASSED, APPROVED AND ADOPTED this 8th day of December 2022.

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

ATTEST:

____
CITY SECRETARY

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 0-87-13 TO REZONE a 5.00 acre and a 27.22 acre tract of land in the James Harris Survey A-12. From A&E (Agriculture and Estate) to I-2 (HeavyIndustry). Located in the 1800 Block of East Loop 390 North.

WHEREAS, the City of Marshall enacted zoning on December 13, 1951 and amended said ordinance on July 7, 1963 and on March 26, 1987 repealed and replaced all ordinance with Ordinance No. 0-87-13 amending the Code of Ordinances of the City of Marshall to add Chapter 32 regarding Zoning; and

WHEREAS, a Zoning District Map was adopted as a part of Ordinance No. 0-87-13; and

WHEREAS, Chapter 32, Section 14 of the Code of Ordinances established a procedure for a property owner, his agent, or the City to request zoning district map amendments; and

WHEREAS, the Planning & Zoning Commission, after due and proper notice in the manner and for the length of time required by law, held a public hearing for the purpose of considering proposed changes to the Zoning District Map; and

WHEREAS, after the close of said public hearing and pursuant thereto, the Planning & Zoning Commission filed a written report with the City Council, recommending changes in the Zoning District Map; and

WHEREAS, pursuant to said report and after notice in the manner and for the length of time required by law, the City Council held a public hearing in Marshall, Texas at City Hall on the 8^{th} day of December, at 6:00pm for the purpose of considering the requested Zoning Map change, and at which hearing all property owners, interested parties, and interested citizens had an opportunity to be heard; and

WHEREAS, the City Council, after considering the proposed changes and after hearing all parties and citizens desiring to be heard, deems that the following changes are necessary and for the best interest of the general welfare of the citizens of the City of Marshall, Texas.

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

Section 1. The facts and opinions in the preamble of this ordinance are true and correct.

Section 2. THAT THE ZONING MAP ESTABLISHED BY ORDINANCE NO. 0-87-13 IS HEREBY AMENDED TO REZONE THAT CERTAIN a 5.00 acre in the James Harris Survey, A-12 (parcel # R000020037 according to the records of the Harrison County Appraisal District) being municipally known as 5404 Karnack Highway, Marshall, Texas, and a 27.22 acre (parcel # R000020038 according to the records of the Harrison County Appraisal District) tract of land in the James Harris Survey A-12. From A&E (Agriculture and Estate) to I-2 (Heavy Industry), being that same property located in the 1800 Block of East Loop 390 North.

Section 3. All ordinances and agreements and parts of ordinances and agreements in conflict herewith are hereby repealed to the extent of the conflict only.

PASSED on the 8th day of December, 2022.

AYES: __
NOES: __
ABSTAINED: __

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

ATTEST:

____
CITY SECRETARY

ITEM 9A

ORDINANCE

CONSIDER APPROVAL OF AN ORDINANCE AMENDING THE 2022 ANNUAL BUDGET TO PROVIDE FOR YEAR-END ADJUSTMENTS IN SELECTED DEPARTMENTS

ITEM 9B

ORDINANCE

CONSIDER A REZONING REQUEST FOR A 0.202 ACRE TRACT OF LAND, BEING THE WEST PART OF LOT 3, BLOCK 23, RAINEY ADDITION, FROM R-3 (SINGLE FAMILY DETACHED) TO R-6 (DUPLEX, TRIPLEX, QUADRAPLEX). THIS PROPERTY IS LOCATED AT 1300 GEORGE GREGG STREET

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 0-87-13 TO REZONE A 0.202 ACRE TRACT OF LAND, BEING THE WEST PART OF LOT 3, BLOCK 23, RAINEY ADDITION, FROM R-3 (SINGLE FAMILY DETACHED) TO R-6 (DUPLEX, TRIPLEX, QUADRAPLEX). LOCATED AT 1300 GEORGE GREGG STREET.

WHEREAS, the City of Marshall enacted zoning on December 13, 1951 and amended said ordinance on July 7, 1963 and on March 26, 1987 repealed and replaced all ordinance with Ordinance No. 0-87-13 amending the Code of Ordinances of the City of Marshall to add Chapter 32 regarding Zoning; and

WHEREAS, a Zoning District Map was adopted as a part of Ordinance No. 0-87-13; and

WHEREAS, Chapter 32, Section 14 of the Code of Ordinances established a procedure for a property owner, his agent, or the City to request zoning district map amendments; and

WHEREAS, the Planning & Zoning Commission, after due and proper notice in the manner and for the length of time required by law, held a public hearing for the purpose of considering proposed changes to the Zoning District Map; and

WHEREAS, after the close of said public hearing and pursuant thereto, the Planning & Zoning Commission filed a written report with the City Council, recommending changes in the Zoning District Map; and

WHEREAS, pursuant to said report and after notice in the manner and for the length of time required by law, the City Council held a public hearing in Marshall, Texas at City Hall on the 10th day of October, 2022, at 6:00pm for the purpose of considering the requested Zoning Map change, and at which hearing all property owners, interested parties, and interested citizens had an opportunity to be heard; and

WHEREAS, the City Council, after considering the proposed changes and after hearing all parties and citizens desiring to be heard, deems that the following changes are necessary and for the best interest of the general welfare of the citizens of the City of Marshall, Texas.

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

Section 1. The facts and opinions in the preamble of this ordinance are true and correct.

Section 2. THAT THE ZONING MAP ESTABLISHED BY ORDINANCE NO. 0-87-13 IS HEREBY AMENDED TO REZONE THAT CERTAIN 0.202-ACRE TRACT OF LAND, BEING THE WEST PART OF LOT 3, BLOCK 23, RAINEY ADDITION, LOCATED AT, AND BEING MUNICIPALLY KNOWN AS 1300 GEORGE GREGG STREET FROM R-3 (SINGLE FAMILY DETACHED) TO R-6 (DUPLEX, TRIPLEX, QUADRAPLEX). .

Section 3. All ordinances and agreements and parts of ordinances and agreements in conflict herewith are hereby repealed to the extent of the conflict only.

PASSED on the 8th day of December, 2022.

AYES: __
NOES: __
ABSTAINED: __

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

ATTEST:

____
CITY SECRETARY

ITEM 10A

HOTEL/MOTEL OCCUPANCY TAX FUNDS OVERVIEW

Memorandum

Date: November 3, 2022

To: Terrell Smith, City Manager

From: Daniel Duke, Director of Tourism & Cultural Arts

Subject: HOT Funds Overview

This is intended to be an overview of the rules and regulations for the use of HOT Funds, including current amounts of HOT funds collected in FY22, as well as amounts of HOT fund grants given out by the City of Marshall in FY22.

ITEM 10B

CONSIDER APPROVAL OF THE DONATION OF A MARSHALL POLICE DEPARTMENT PATROL CAR TO THE MARSHALL INDEPENDENT SCHOOL DISTRICT POLICE DEPARTMENT

CITY OF MARSHALL

COMMISSION AGENDA INFORMATION SHEET

MEETING DATE:

PROJECT: MISD Vehicle Donation

DESCRIPTION: MPD has declared a Police patrol car (Unit 473, 2012 Dodge Charger Pursuit) surplus property. The MISD Police Department is in need of an additional police car. The MPD would like to donate these this unit to the MISD. The police vehicle will be used by the MISD PD as one of their police vehicles for their campuses.

COST:
No direct cost to city

RECOMMENDED ACTION:
Approve donation of surplus police patrol unit 473 to MISD.

CITY CONTACT: Cliff Carruth – Chief of Police

cc: File

ITEM 10C

CONSIDER APPROVAL OF A NOMINEE FOR REAPPOINTMENT TO SERVE A SECOND FULL TERM AS A BOARD MEMBER ON THE MARSHALL ECONOMIC DEVELOPMENT CORPORATION

MARSHALL
ECONOMIC DEVELOPMENT CORPORATION
MARSHALLEDC.ORG ★ 2660 E END BLVD S, MARSHALL, TEXAS ★ (903) 934-8035

November 30, 2022

The Honorable City Council of Marshall, Texas
P.O. Box 698
Marshall, Texas 75670

RE: EDC Board Member Reappointment

The Marshall Economic Development Corporation requests to appear before the City Council on December 8, 2022, to present one nomination for reappointment to the Marshall EDC Board of Directors.

Jeremy Spears has completed his first full term as an EDC Board Member. He was unanimously approved for reappointment forhis second term by the EDC Board of Directors on October 26, 2022. The Marshall EDC bylaws permit a maximum of two consecutive 3-year full terms. Jeremy currently is the Chairman of Marshall EDC and serves on all committees. The term for this board position begins in January 2023 and expires January 2026.

We thank you for your consideration of our nominee.

Respectfully,

Rush Harris
Executive Director
Marshall Economic Development Corporation

ITEM 10D

CONSIDER APPROVAL OF AN EXPENDITURE IN EXCESS OF $50,000 FOR PROJECT DAC II

MARSHALL
ECONOMIC DEVELOPMENT CORPORATION
MARSHALLEDC.ORG ★ 2660 E END BLVD S, MARSHALL, TEXAS ★ (903) 934-8035

November 30, 2022

The Honorable City Council of Marshall, Texas
P.O. Box 698
Marshall, Texas 75670

RE: Project Dac II

The Marshall Economic Development Corporation (Marshall EDC) has requested to appear before the City Council on December 8, 2022, for consideration of an expenditure of $100,000 for Project Dac II.

This project is an EDC site improvement reimbursement grant for a new commercial building and business(s) in the downtown area along Lafayette St., between Houston and Austin. The lot is currently undeveloped, without improvements, having only the remnants of a concrete slab from a demolished building, Property ID #R000010043, is valued at $16,560 and currently exempt. The prospect is not the current owner but is contracting with said owner to obtain the property, which is a condition of this funding as it will be placed back on the private tax rolls.

Marshall EDC has been in communication with the prospect since early 2021 regarding a new business and this tract was selected by the prospect after a long process to identify ownership of options in the downtown area. The prospect plans to own and operate a new sales tax generating snack and non-alcoholic beverage bar, also known as a coffee shop. In addition, the owner will develop two commercial spaces for lease adjoining the improvement. The prospect plans to acquire the property in the coming weeks and has provided a construction estimate with site improvements of over $1.3 million with 5 to 10 jobs.

On November 30, 2022, Marshall EDC approved a reimbursement grant of $100,000 upon successful purchase, completion, and verification of construction costs in excess of $1 million, accompanied by a Certificate of Occupancy and continual adherence to local ordinances and codes. Upon successful completion of these items, funding will be released as a site improvement reimbursement for a new or expanding business. Marshall EDC respectfully requests your consideration of approval to expend EDC funds for this project.

Thank you for the opportunity to present this project before the City Council of Marshall.

Respectfully,

Rush Harris
Executive Director
Marshall Economic Development Corporation

ITEM 10E

CONSIDER APPROVAL OF A HIGH DEMAND JOB TRAINING GRANT BY MARSHALL EDC FOR UP TO $67,500 FOR WILEY COLLEGE, SUBJECT TO FINAL APPROVAL OF THE TEXAS WORKFORCE COMMISSION

November 30, 2022

The Honorable City Council of Marshall, Texas
P.O. Box 698
Marshall, Texas 75670

RE: Project Wiley Organizational Management – HDJT

The Marshall Economic Development Corporation (Marshall EDC) has requested to appear before the City Council on December 8, 2022, for consideration of an expenditure of $67,5000 for Project Organizational Management – HDJT to benefit Wiley College (Wiley), local Marshall students, and the managers across all local industry segments.

This is a 1 to 1 matching educational grant offered through the Texas Workforce Commission (TWC) and has been preliminarily approved by the TWC, pending final agreement approvals. For every dollar the EDC contributes, the TWC will match a dollar, therein totaling $135,000 for the Wiley program.

Marshall EDC and Wiley applied for this award in the fall of 2022 through the East Texas Economic Development District Board of Directors, subject to final approval of TWC. The funding will be used to train and serve the educational needs of working individuals, twenty-five or older, toward earning a degree and/or obtaining skills in a high demand training area. The goal is to build long-term instructional capacity at Wiley for ongoing workforce training by securing state-of-the-art capital equipment, noncapital equipment, and supplies that will enable high-quality skills training for 50 or more individuals during and after the grant program. A summary is enclosed.

The leveraged funding has been made possible by developing regional partnerships with Wiley College, East Texas Workforce Solutions, East Texas Economic Development District, East Texas Council of Governments, the Texas Workforce Commission, the Texas Governor's Office, and a Marshall initiative called the Workforce & Education Alignment Group (WE Align Group).

More details are provided in the enclosed documents. Information regarding the High Demand Job Training Program and other grants can be found online at www.twc.texas.gov.

Thank you for the opportunity to present this project before the City Council of Marshall.

Respectfully,

Rush Harris
Executive Director
Marshall Economic Development Corporation

WILEY COLLEGE THE DIVISION OF ACADEMIC AFFAIRS

October 3, 2022

Rush Harris, CEcD
Executive Director
Marshall Economic Development Corporation
2660 E End Blvd S
Marshall, TX 75672

Dear Mr. Harris,

To support East Texas in providing high-demand job training in Organization Management, Wiley College seeks grant funding from the HDJT program.

Wiley College, recognized as #6 for Exemplary Academic Stewardship, is a premier liberal arts institution, affiliated with the United Methodist Church, with an intentional focus on social good and leadership.

Project Summary:
The purpose of this project is to train and serve the educational needs of working individuals, twenty-five or older toward earning a degree and/or obtaining skills in a high demand training area. Our goal is to build long-term instructional capacity for ongoing workforce training by securing state-of-the-art capital equipment, noncapital equipment and supplies that will enable high-quality skills training for 50 or more individuals during and after the grant program. The identified high demand training areas are East Texas 11-1021 General and Operations Managers; East Texas 13-1190 Misc. Business Operations Spec.; aligning with East Texas In-Demand Occupation 51-1011 First-Line Supervisor of Production and Operating Worker. Wiley's unique adult degree-completion program in Organizational Management fulfills the requirement and need for high demand job training program in East Texas. This program enables adult enrollees to complete course work for a college degree at times most convenient to them, evenings and on the weekends. Individual courses are only 5 weeks long and courses are offered year-round.

Board's Total Project Request: $67,500
EDC Total Project Request: $67,500
Total Project Cost: $135,000

Organizational Management is the efficient and effective implementation of the policies and tasks necessary to satisfy a company's customers, employees, and management. These quality course presents strategic and managerial issues to emphasize that the decisions made by operations managers should be consistent with a corporate strategy shared by managers in all functional areas. It presents the operations tools and techniques for solving problems in the context of achieving a

WILEY COLLEGE THE DIVISION OF ACADEMIC AFFAIRS

firm's overall goals and strategies and provides a balanced treatment of manufacturing and services throughout.

Project Objectives:
To provide training and educational degree completion for 50 or more non-traditional, working adults, twenty-five (25) or older in high demand occupation areas through Wiley's Organizational Management Program. The identified high demand training areas are East Texas 11-1021 General and Operations Managers; East Texas 13-1190 Misc. Business Operations Spec.; aligning with East Texas In-Demand Occupation 51-1011 First-Line Supervisor of Production and Operating Worker. We estimated that 50 or more individuals will be served during the life of the grant. Minor facilities renovations are needed in two computer training labs and one testing/training area such painting, computer desks, instructor teaching platforms, and wiring for training equipment.

Project Timeline:
Major Activity Timeline: Projected minor facilities renovations, equipment installation, administrative and training personnel completed by September 30, 2023. The recruitment and admission process for participants (rolling admissions) Sept 1, 2023 – January 31, 2024.

Estimated Project Start date: October 12, 2023

If you have any questions, concerns or need additional information, please feel free to contact me at (903) 927-3354 or email tiejohnson@wileyc.edu. I look forward to hearing from you soon.

Respectfully,

Timothy E. Johnson, MBA, Ph.D.
Executive Director of E-Learning and Extended Education

ITEM 11A

EXECUTIVE SESSION

AN EXECUTIVE SESSION PURSUANT TO THE OPEN MEETINGS ACT, CHAPTER 551 OF THE TEXAS GOVERNMENT CODE UNDER SECTION 551.072 DELIBERATION REGARDING REAL PROPERTY: CONVENE IN EXECUTIVE SESSION TO DISCUSS MATTERS RELATED TO THE PURCHASE, EXCHANGE, LEASE, SALE, OR VALUE OF REAL PROPERTY NECESSARY FOR SEWER LIFT STATION IMPROVEMENTS

ITEM 11B

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 12A

ACTION ITEM FOLLOWING EXECUTIVE SESSION

CONSIDER ACTION AS A RESULT OF EXECUTIVE SESSION DISCUSSION REGARDING THE PURCHASE, EXCHANGE, SALE, OR VALUE OF REAL PROPERTY NECESSARY FOR SEWER LIFT STATION IMPROVEMENTS

SCHAUMBURG & POLK, INC.
ENGINEERING A BETTER FUTURE

November 22, 2022

Terrell Smith, City Manager
City of Marshall
P.O. Box 698
Marshall, TX 75671

Re: Purpose and Need for West End Blvd Lift Station Site Acquisition

Mr. Smith,

In 2021 the City of Marshall completed an evaluation of all 24 sanitary sewer lift stations. The evaluation resulted in recommended upgrades for all lift stations, listed in order of priority. The "Priority 1" projects were the East End Lift Station (LS1) and the West End Blvd. Lift Station (LS13). Design of these projects was initiated in 2022 and is currently in progress.

During evaluation it was determined that many of the lift stations did not have adequate and/or clearly defined property or easements. Part of each lift station project includes defining and securing property and right of access for the proposed work, as well as for future maintenance and operations at each site. In general, easements are recommended for linework and acquisition of real property is recommended for lift station sites.

A search of records indicates that the current West End Lift Station does not have a filed property easement or real property. Therefore, it is recommended that real property is acquired for this current lift station site, including room for the proposed upgrades as well as future operations and maintenance. The site will be accessed directly from Martin Luther King Blvd. right-of-way.

A general map and a photograph of the site are included with this letter for reference. A recommendation for the acquisition including acquisition documents is included under separate cover.

Please contact me at any time with questions.

Sincerely,
Schaumburg & Polk, Inc.

Jeremy Buechter, P.E.
Executive Vice President

SPI SCHAUMBURG & POLK, INC
BEAUMONT HOUSTON GARLAND TERRELL TYLER
320 S. Broadway Ave., Suite 200
Tyler, TX 75702
903.595.3913
Firm Registration No. F-520

City of Marshall
Lift Station No. 13 - West End Blvd Location
General Location Map

1" = 200'

0 50 100 200 Feet


LS 13

SPI
SCHAUMBURG & POLK, Inc.
ENGINEERING A BETTER FUTURE

November 22, 2022

Terrell Smith, City Manager
City of Marshall
P.O. Box 698
Marshall, TX 75671

Re: West End Blvd Lift Station Site Acquisition

Mr. Smith,

Our firm recommends the acquisition of approximately 0.081 acres out of the southeast corner of a 3.489-acre tract as described in a deed to Jerry D. Moore, Trustee recorded in Volume 2181, Page 81 of the Deed Records of Harrison County, Texas. The proposed site acquisition will provide the City with the ability to access, repair, and maintain the lift station site as well as make repairs to the influent sewer line extending northeast from the lift station to the right-of-way of Martin Luther King, Jr. Blvd.

The following table provides a brief summary of the proposed purchase cost of the acquisition per acre and in total.

Property Owner	Property Acquisition (Acres)	Cost per Acre	Total Cost of Property Acquisition
Jerry D. Moore	0.081	$18,630.00	$1,509.03

Attachments

Attachment A: RPLS field descriptions and survey of one total parcel for acquisition of a lift station site.

Attachment B: Warranty Deed for acquisition.

Please contact me at any time any questions.

Sincerely,
Schaumburg & Polk, Inc.

Jeremy Buechter, P.E.
Executive Vice President

320 S. Broadway Ave, Ste 200 | Tyler, TX 75702
P: 903.595.3913 | F: 903.595.2093
www.SPI-ENG.com

N
W E
S

WALKER, WARREN, & JORDAN
SURVEYING & MAPPING
10819 US HWY 69 N
TYLER, TX 75706
903-534-9000
TBPELS FIRM NO. 10025300

SURVEYED: 0.081 ACRES
P. WHETSTONE SURVEY, A-756
HARRISON COUNTY, TEXAS
J22-0925

November 16, 2022

Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, N.A.D. 1983.

All that certain tract or parcel of land, being 0.081 acres situated in the P. Whetstone Survey, Abstract No. 756, Harrison County, Texas, being part of a certain called 3.489 acre tract described in a deed to Jerry D. Moore, Trustee recorded in Volume 2181, Page 81 of the Deed Records of Harrison County, Texas. Said 0.081 acres of land being more particularly described as follows:

BEGINNING at a 5/8" iron rod (found) for the southeast corner of the herein described tract, same being the southeast corner of said 3.489 acre tract, being the northeast corner of a certain called 9.047 acre tract described in a deed to Apple Court North, LLC and being in the west right-of-way line of Martin Luther King, Jr. Boulevard;

THENCE South 86°45'18" West, with the south line of said 3.489 acre tract and the north line of said 9.047 acre tract, a distance of 35.07 feet to a 1/2" iron rod (found) for an angle break in the south line of the herein described tract;

THENCE North 74°05'28" West, with the south line of said 3.489 acre tract, a distance of 12.50 feet to a to a 1/2" iron rod (set) for the southwest corner of the herein described tract, a 1/2" iron rod (found) for the southwest corner of said 3.489 acre tract bears North 74°05'28" West, 274.46 feet;

THENCE North 03°16'13" West, over and across said 3.489 acre tract, a distance of 71.87 feet to a 1/2" iron rod (set) for the northwest corner of the herein described tract;

THENCE North 86°43'47" East, over and across said 3.489 acre tract, a distance of 46.87 feet to a 1/2" iron rod (set) for the northeast corner of the herein described tract, being in the east line of same and the west right-of-way line of Martin Luther King, Jr. Boulevard;

THENCE South 03°16'13" East, with said east line and along said right-of-way, a distance of 76.00 feet to the **POINT OF BEGINNING** and containing 0.081 acres of land.

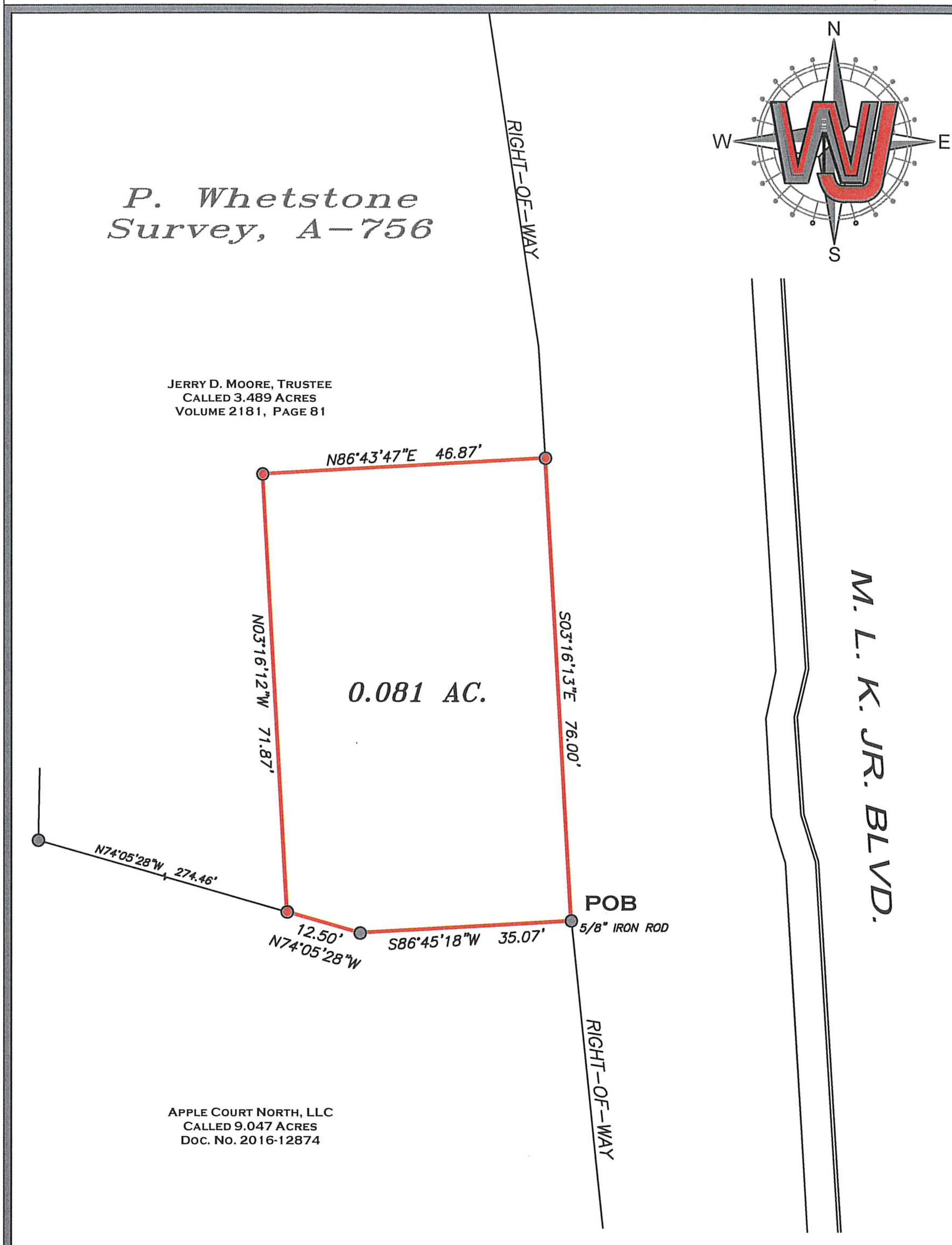
I, Cruse B. Sudduth, do hereby certify that these Field Notes represent an on the ground survey made under my supervision in September, 2022, and is being submitted along with a Plat of said tract herein described.

Cruse B. Sudduth

Cruse B. Sudduth
Registered Professional Land Surveyor
State of Texas No. 5308

STATE OF TEXAS
REGISTERED
CRUSE B. SUDDUTH
5308
PROFESSIONAL
LAND SURVEYOR

SURVEYED: 0.059 ACRES - MLK BLVD - MARSHALL, TX



NOTE: BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE 4202, N.A.D. 1983.

I, CRUSE B. SUDDUTH, DO HEREBY STATE THAT THIS PLAT REPRESENTS AN ON THE GROUND SURVEY MADE UNDER MY DIRECT SUPERVISION IN SEPTEMBER, 2022.

Cruse B. Sudduth

REGISTERED PROFESSIONAL LAND SURVEYOR No. 5308

STATE OF TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR CRUSE B. SUDDUTH 5308

- = COTTON SPINDLE FOUND/SET
- = 1/2" IRON ROD FOUND/SET
- FENCE — X — X — X — X — X — X — X — X —
- OVERHEAD ELECTRIC LINE —E——E——E——E—
- (WM) = WATER METER
- (PP) = POWER POLE
- (MH) = MANHOLE
- (GM) = GAS METER
- (EM) = ELECTRIC METER
- (T) = TELE. PEDESTAL
- = IRRIGATION VALVE
- = WATER VALVE
- (C) = CABLE BOX/PEDESTAL
- (S) = SEPTIC LID/EQUIPMENT
- (PROP.) = PROPANE TANK
- = AIR CONDITIONER

WALKER, WARREN, & JORDAN SURVEYING & MAPPING 10819 US HWY 69 N TYLER, TX 75706 903-534-9000 TBPELS FIRM NO. 10025300	PROJECT MANAGER: CBS ADDRESS: MLK BLVD. CITY/COUNTY: MARSHALL/HARRISON SURVEY/ABSTRACT NO.: A-756 SUBDIVISION: N/A LOT/BLOCK NO.: N/A CLIENT: SCHAUMBURG & POLK	PREPARED BY: CBS ON SEPT. 26, 2022 JOB NO. 22-0925 20 0 20 SCALE: 1" = 20'

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER

WARRANTY DEED

STATE OF TEXAS	§	
	§	**KNOWN ALL MEN BY THESE PRESENTS**
COUNTY OF HARRISON	§	

That **Jerry D. Moore** ("Grantor"), for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable consideration in hand paid by the **CITY OF MARSHALL, TEXAS**, ("Grantee"), a Texas home rule municipality, whose address is 410 S. Alamo, Marshall, Texas the receipt and sufficiency of which is hereby acknowledged, has **DEDICATED, GRANTED, SOLD AND CONVEYED,** and by these presents does **DEDICATE, GRANT, SELL AND CONVEY** unto Grantee, all of the following described real property located in Harrison County, Texas to-wit:

> **All that certain tract or parcel of land, being 0.081 acres situated in the P. Whetstone Survey, Abstract No. 756, Harrison County, Texas being part of a certain called 3.489 acre tract described in a deed to Jerry D. Moore, Trustee recorded in Volume 2181 , page 81 of the Records of Harrison County, Texas.**

This conveyance is made and accepted subject to any and all covenants, restrictions, mineral reservations, right-of-way, and easements of record pertaining to the property described above of record in the Deed, Land, or Official Public Records of Harrison County, Texas as of the date of this Deed.

TO HAVE AND TO HOLD the property described above, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said GRANTOR(S), her heirs and assigns forever; and we do hereby bind ourselves, our heirs, executors and administrators to **WARRANT AND FOREVER DEFEND** all and singular the said premises unto the said GRANTEE(S), her heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

SIGNED this______day of______________________2022.

GRANTOR:
Jerry D. Moore
By: ______________________
Its: ______________________

GRANTOR ACKNOWLEDGMENT

STATE OF TEXAS §
§
COUNTY OF________________§

This instrument was acknowledged before me on the ____ day of ____________, 2022, by _________________, the _____________ of Jerry D. Moore.

____
Notary Public, State of Texas
My Commission expires: ______

AFTER RECORDING RETURN TO:
City of Marshall
Attn: City Secretary
P.O. Box 698
Marshall, Texas 75671

GRANTEE:

____

Terrell Smith, City Manager
City of Marshall

GRANTEE ACKNOWLEDGMENT

STATE OF TEXAS §
§
COUNTY OF__________________ §

This instrument was acknowledged before me on the ____ day of _____________, 2022, by Terrell Smith.

____
Notary Public, State of Texas
My Commission expires: _______

ITEM 12B

ACTION ITEM FOLLOWING EXECUTIVE SESSION

CONSIDER ACTION AS A RESULT OF EXECUTIVE SESSION DISCUSSION REGARDING THE ANNUAL EVALUATION OF CITY MANAGER

ITEM 13

ADJOURNMENT