1. 2-11-2021 Agenda (PDF)

   Documents:

   02-11-21 AGENDA.PDF

2. 2-11-2021 Agenda Packet (PDF)

   Documents:

   2-11-21 AGENDA PACKET.PDF

CITY OF MARSHALL, TEXAS
REGULAR CITY COUNCIL MEETING
COUNCIL CHAMBERS, CITY HALL, 401 SOUTH ALAMO
THURSDAY, FEBRUARY 11, 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**

   House Bill 2840 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 **ITEMS TO BE WITHDRAWN FROM CONSENT AGENDA**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 January 28, 2021 Regular meeting.

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

C. Municipal Court Activity Report. (Finance Director)

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

6. **PUBLIC HEARING AND ORDINANCE**

A. Conduct a public hearing and consider an ordinance amending the official zoning map from R-2 (Single Family Detached) to R-6 (Duplex, Triplex, Quadraplex). The property is commonly known as 103 and 105 Sanford Street. (Community & Economic Development Director)

B. Conduct a public hearing and consider an ordinance amending the official zoning map from PS (Public Service) to C-3 (General Business) with SP (Special Use Permit). The property is commonly known as 802 West Houston Street. (Community & Economic Development Director)

7. **RESOLUTIONS**

A. Consider approval of a Resolution denying the application filed by Southwestern Electric Power Company (SWEPCO) to increase rates. (Public Works Director)

B. Consider approval of a resolution supporting a proposed affordable senior living tax credit development. (Community & Economic Development Director)

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

A. Consider approval of modifications to the Façade Improvement Grant. (Director of Community & Economic Development)

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

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 **CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA**

10. **ADJOURNMENT**

Posted: February 8, 2021
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 10

C. Municipal Court Activity Report. (Finance Director)
Page 14

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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 JANUARY 28, 2021 REGULAR MEETING

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF MARSHALL THURSDAY, JANUARY 28, 2021 6:00 PM

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

PRESENT:

MAYOR: Terri Brown, District 3

COUNCIL MEMBERS:

Marvin Bonner, District 1	Leo Morris, District 2
Amy Ware, District 4	Vernia Calhoun, District 5
Amanda Abraham, District 6	Micah Fenton, District 7

ADMINISTRATIVE STAFF PRESENT:

Mark Rohr, City Manager	Reggie Cooper, Fire Chief
Scott Rectenwald, Acting City Attorney	Cliff Carruth, Police Chief

Randy Pritchard, Support Services Superintendent
Glenna Williams, Acting City Secretary/Finance Director
Eric Powell, Public Works Director
Mallori James, Tourism & Cultural Arts Director
Stormy Nickerson, Management Analysis/Communications Coordinator
Fabio Angell, Community & Economic Development Director
Nikki Smith , Deputy City Secretary/Payroll Accountant

INVOCATION & PLEDGE: Councilmember Calhoun & Mayor Brown

11. **CITIZEN COMMENTS**

There were no citizen comments.

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

There were no items withdrawn from the Consent Agenda.

13. **CONSENT AGENDA**

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

A. Consider approval of the minutes from the January 14, 2021 Regular meeting.

B. Consider approval of investment report for the fourth quarter of 2020.

C. Fire Department Activity Report.

D. Public Works Activity Report.

E. Police Department Activity Report.

PRESENTATION

14. PRESENTATION OF A CERTIFICATE OF RE-RECOGNITION TO THE POLICE DEPARTMENT BY MAX WESTBROOK OF THE TEXAS POLICE CHIEF'S ASSOCIATION.

Cliff Carruth, Police Chief, introduced Max Westbrook of the Texas Police Chief's Association who stated the Police Department received a certificate of re-recognition from the Texas Police Chief's Association. This certificate is for compliance with the best practices program and accreditation of professional excellence.

PUBLIC HEARING

15. PUBLIC HEARING TO ALLOW PUBLIC REVIEW AND COMMENT ON RATE CHANGES FOR THE OAK LAWN MUNICIPAL GOLF COURSE.

Mallori James, Tourism & Cultural Arts Director, provided a fee comparison for the Oak Lawn Municipal Golf Course and other regional 9-hole courses. She recommended a gradual increase in rates to decrease the deficit the facility is currently operating at.

Mark Rohr, City Manager, stated the General Fund has to supplement the operating costs of the facility partially because rates have not increased in at least nine years. He stated increasing rates would allow the City to operate in a more businesslike manner to better provide services to the citizenry.

Mayor Brown opened the public hearing.

No one came forward to speak.

Mayor Brown closed the public hearing.

RESOLUTIONS

16. CONSIDER APPROVAL OF A RESOLUTION ORDERING A GENERAL ELECTION FOR CITY COUNCIL MEMBER DISTRICTS 1, 2, 3, AND 4.

Glenna Williams, City Secretary, asked for approval of a resolution ordering a General Election for City Council Member Districts 1, 2, 3, and 4. She highlighted the deadlines for the filing period, early voting dates and the location of the election to be held on May 1, 2021.

Councilmember Calhoun made a motion to approve a resolution ordering a General Election for City Council Member Districts 1, 2, 3, and 4. Councilmember Abraham seconded the motion, which passed with a vote of 7:0.

17. CONSIDER APPROVAL OF A RESOLUTION CALLING FOR A JOINT ELECTION AGREEMENT WITH THE MARSHALL INDEPENDENT SCHOOL DISTRICT FOR THE MAY 1, 2021 GENERAL ELECTION.

Glenna Williams asked for approval of a resolution calling for a Joint Election Agreement with the Marshall Independent School District for the May 1, 2021 General Election. She stated this resolution allows the City to share costs of the election with the school district.

Councilmember Ware made a motion to approve a resolution calling for a Joint Election Agreement with the Marshall Independent School

District for the May 1, 2021 General Election. Councilmember Fenton seconded the motion, which passed with a vote of 7:0.

18. CONSIDER APPROVAL OF A RESOLUTION AUTHORIZING THE MARSHALL POLICE DEPARTMENT TO APPLY FOR THE 2021 TEXAS EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT.

Cliff Carruth asked for approval of a resolution authorizing the Marshall Police Department to apply for the 2021 Texas Edward Byrne Memorial Justice Assistance Grant in the amount of $55,000 to assist with purchasing two police vehicles.

Councilmember Calhoun made a motion to approve a resolution authorizing the Marshall Police Department to apply for funding for the 2021 Edward Byrne Memorial Justice Assistance Grant. Councilmember Abraham seconded the motion, which passed with a vote of 7:0.

CITY MANAGER REPORTS AND REQUESTS FOR CITY COUNCIL CONSIDERATION

19. CONSIDER APPROVAL OF SMALL BUSINESS GRANT FUND APPLICATIONS.

Fabio Angell, Community & Economic Development Director, provided an update regarding total expenditures and asked for approval of the completed applications received between January 4, 2021 and January 19, 2021.

Councilmember Abraham made a motion to approve the application for Anytime Fitness (Gym) for $2,500. Councilmember Fenton seconded the motion, which passed with a vote of 7:0.

Mayor Brown made a motion to approve the application for Joe Pine Coffee for $2,500. Councilmember Morris seconded the motion, which passed with a vote of 7:0.

20. CONSIDER APPROVAL OF CHANGE ORDER #1 TO THE 200 BLOCK OF N. WASHINGTON AVENUE REDEVELOPMENT PROJECT.

Eric Powell, Public Works Director, asked for approval of Change Order #1 to the 200 block of N. Washington Avenue Redevelopment Project. The cost of the change order is $19,525.72 for the removal and installation of curb and gutters on both sides of the block and a change to the decorative street light pole height and fixture.

Council members asked questions and discussed.

Councilmember Calhoun made a motion to approve Change Order #1 to the 200 block of N. Washington Avenue Redevelopment Project. Councilmember Bonner seconded the motion, which passed with a vote of 7:0.

21. DISCUSSION OF AND CONSIDERATION OF RATE CHANGES FOR THE OAK LAWN MUNICIPAL GOLF COURSE.

Mallori James asked for approval of a new fee schedule for the Oak Lawn Municipal Golf Course as discussed in the public hearing.

Council members asked questions and discussed.

Councilmember Calhoun made a motion to approve the new fee schedule for the Oak Lawn Municipal Golf Course. Councilmember Ware seconded the motion, which passed with the following vote:

Ayes: 5, Mayor Brown, Council members Calhoun, Ware, Morris and Bonner
Nays: 2, Council members Abraham and Fenton

22. DISCUSSION OF AND CONSIDERATION OF THE APPOINTMENT OF A CITY SECRETARY.

Mark Rohr asked for approval to appoint Nikki Smith, Deputy City Secretary/Payroll Accountant, to the position of City Secretary.

Councilmember Abraham made a motion to approve the appointment of Nikki Smith as City Secretary. Mayor Brown seconded the motion, which passed with a vote of 7:0.

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

There were no items withdrawn from the Consent Agenda.

24. **ADJOURNMENT**

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

APPROVED:

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

ATTEST:

____
City Secretary

Resolutions: R-21-01
R-21-02
R-21-03

ITEM 5B

CONSENT AGENDA

STREET SWEEPING ACTIVITY REPORT

TO: Members of the City Council

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

DATE: February 1, 2021

SUBJECT: Street Sweeping Activity Report for January 2021

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

STREET SWEEPING ACTIVITY REPORT
JANUARY 2021

STREET NAME	NUMBER OF TIMES SWEPT
Alamo Blvd.	1
Albemarle Rd.	2
Arlington Rd.	2
Austin St. (Downtown)	6
Bell St.	1
Bolivar St. (Downtown)	6
Bomar St.	1
Burleson St. (Downtown)	6
Calvert Dr.	1
Carters Ferry Rd.	1
N. College St.	1
Courthouse Square	6
Emory St.	1
Enfield Dr.	1
Fisher Dr.	2
Garden Court	1
S. Garrett St.	1
S. Grove St.	1
Guimon Rd.	1
E. Houston St.	1
W. Houston St.	1
Hwy. 43 N @ Hwy.59 N median	1
Hwy. 80 @ Hwy. 59 median	1
Indian Springs Rd.	1
John Reagan St.	1
Johnson St.	1
Pinecrest Dr. @ Hwy. 59 S median	1
Jasper Dr.	1
Madewood St.	1
Mary Mack Dr.	1
Redwood Trail	1
Rosborough Springs Rd.	2
Rusk St. (Downtown)	6
W. Rusk St.	1

Sallie Sue Dr.	1
Sanford St.	1
Scenic Loop	1
Shadywood Rd.	1
University Ave.	1
Van Zandt Ave.	1
N. Washington Ave. (Downtown)	6
Waubun St.	1
Wellington St. (Downtown)	6

NUMBER OF STREETS/AREAS SWEPT IN JANUARY: 43

ITEM 5C

CONSENT AGENDA

MUNICIPAL COURT ACTIVITY REPORT

CITY OF MARSHALL

Monthly Report For Jan 2021

Cases Filed

STEP Site	Traffic	Penal	City Ordinance	Parking	Other	Total
0	64	7	2	0	2	75

Financial

State Costs	City Costs	Fines	Tech Fund	Bld Security	Total
$6,799.19	$4,060.54	$4,923.16	$2,970.80	$5,265.26	$24,018.95

Trials/Hearings

Jury	Bench	Appealed	Total
0	0	0	0

Warrants

Issued	Recalled	Served	Fees Collected	Amount Collected	Outstanding
143	20	48	$879.45	$8,115.00	$2,789,003

Dispositions

Paid	Time Served	Dismissed	Appealed	Total
63	14	24	0	108

Office of Court Administration – Austin, TX

- OCA monthly report data compiled from the **October 2019** report (submitted 11/19/2019) revealed the following data:

  Active cases: 1,338
  Inactive cases: 4,962

- OCA monthly report data compiled from the **November 2019** report (12/19/2019) revealed the following data:

  Active cases: 1,187
  Inactive cases: 5,147

- OCA monthly report data compiled from the **December2019** report (submitted 01/21/2020) revealed the following data:

  Active cases: 1,071
  Inactive cases: 5,193

- OCA monthly report data compiled from the **January 2020** report (submitted 02/20/2020) revealed the following data:

  Active cases: 947
  Inactive cases: 5,259

- OCA monthly report data compiled from the **February 2020** report (submitted 03/17/2020) revealed the following data:

  Active cases: 847
  Inactive cases: 5,292

- OCA monthly report data compiled from the **March 2020** report (submitted 04/21/2020) revealed the following data:

  Active cases: 812
  Inactive cases: 5,254

- OCA monthly report data compiled from the **April 2020** report (submitted 05/20/2020) revealed the following data:

  Active cases: 619
  Inactive cases: 5,291

- OCA monthly report data compiled from the **May2020** report (submitted 06/17/2020) revealed the following data:

  Active cases: 628
  Inactive cases: 5,347

- OCA monthly report data compiled from the **June 2020** report (submitted 07/15/2020) revealed the following data:

  Active cases: 740
  Inactive cases: 5,297

- OCA monthly report data compiled from the **July 2020** report (submitted 08/20/2020) revealed the following data:

  Active cases: 794
  Inactive cases: 5,248

- OCA monthly report data compiled from the **August 2020** report (submitted 09/16/2020) revealed the following data:

  Active cases: 1,001
  Inactive cases: 5,221

- OCA monthly report data compiled from the **September 2020** report (submitted 10/19/2020) revealed the following data:

  Active cases: 1,014
  Inactive cases: 5,272

- OCA monthly report data compiled from the **October 2020** report (submitted 11/12/2020) revealed the following data:

  Active cases: 1,004
  Inactive cases: 5,230

- OCA monthly report data compiled from the **November 2020** report (submitted 12/15/2020) revealed the following data:

  Active cases: 883
  Inactive cases: 5,346

- OCA monthly report data compiled from the **December 2020** report (submitted 01/20/2020) revealed the following data:

  Active cases: 891
  Inactive cases: 5,310

Community Service Applications

As of this report date (02.02.21) municipal court has 14 applications that were distributed to defendants at previous court proceedings. These were forwarded to Lt. Huffman at the Police Department for review and assignment to various entities for completion of hours.

It should be noted that the Marshall Municipal Court has granted a temporary extension for completion of community service hours for Covid-19 concerns. Judicial staff approved this measure as state and national guidelines recommend limited personal contact with others and because of expressed concerns from parents of minors.

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

***No Changes from previous report*.**

Since the last commission report an interview board convened and an officer from the Marshall Police Department was selected to be assigned to Court Services. Officer Jose Burciaga was selected from five applicants. We look forward to working with Officer Burciaga with regards to the warrant service and community service program. (***Previously reported***)

The Amnesty program and warrant round up will be implemented upon the arrival of Officer Burciaga to the courts in addition to the court restrictions being lifted by the Texas Supreme Court and Office of Court Administration. ***(Previously reported***)

I have received a response from DPS regarding the OMNIBase program and I am working to finalize the MOU with Texas Department of Public Safety and the City of Marshall.

MOU has been forwarded from DPS to Judicial Staff for review of procedure regarding process of payment and documentation.

Leland J Benoit

Municipal Court Administrator

Operational Plan Update 02.02.21

On January 20.2021, a meeting was held at Marshall Municipal Court to discuss the most recent directives from the Texas Supreme Court and the Office of Court Administration. Present were Judge Brendon Roth, Prosecutor Madison Hood, Court Coordinator Tina Singleton, Support Services Superintendent Randy Pritchard, and Municipal Court Administrator Leland Benoit.

The meeting was to discuss possible scenarios to begin some docket activity while staying within directive guidelines sent January 14, 2021. It explains that Municipal Courts are forbidden from in- person proceedings and has recommended remote only operations.

The Covid-19 operation plan submitted last year for Regional Judge approval must be resubmitted for approval before operating in 2021. Judge Roth has indicated that he would be forward the 2021 plan for re-approval.

Two possible remote plans of operation were discussed with one involving the Marshall Convention Center and the other utilizing the Marshall Municipal Court. These plans were discussed and staff went through logistical issues, pros and cons of each plan, as well as additional staff and or IT equipment needs. In order to be efficient and prudent with defendants and /or judicial staff time it is beneficial to set large dockets. Questions arose about the gathering of larger groups (defendants) at the Convention Center (where social distancing could possibly be achieved in a larger setting) and Judge Roth is contacting the Regional Judge for guidance to determine if either plan would violate the remote guidelines.

ITEM 5D

CONSENT AGENDA

CONSIDER APPROVAL OF A RESOLUTION ADOPTING THE CITY OF MARSHALL INVESTMENT POLICY

Memorandum

To: Mark Rohr, City Manager

From: Glenna Williams, Finance Director

Date: February 1, 2021

Re: Investment Policy

The attached resolution calls for amendments to and 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 January 09, 2020. A copy of the Amended Policy is attached.

2021 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") that the administration of its funds and the investment of those funds shall be handled at its highest public trust. Investments shall be made in a manner which will provide the maximum security of principal invested through limitations and diversification while meeting the daily cash flow needs of the City and conforming to all applicable state and City statutes governing the investment of public funds. The receipt of a market rate of return will be secondary to the requirements for safety and liquidity. It is the intent of the City to be in complete compliance with local law and the Texas Public Funds Investment Act. The earnings from investments will be used in a manner that best serves the public trust and interests of the City.

II. SCOPE

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 into five (5) categories of investments for investment purposes for efficiency and maximum investment opportunity (pooled fund groups).

<u>Operating Funds (General Fund/Water & Sewer Enterprise Fund):</u>

- General Fund
- Water & Sewer Enterprise Fund

<u>Special Revenue Funds:</u>

- OPEB Funding Fund
- Hotel/Motel Occupancy Tax Fund
- Law Enforcement Fund
- Litter Control Fund
- DARE Fund
- Downtown Projects Fund
- Municipal Court Technology and Efficiency Fund
- Community Development Fund
- Art Center Projects Fund
- Police Special Projects Fund
- Disaster Relief Fund
- Main Street Fund
- Park Trails Fund
- Community Assistance Grant Fund
- Special Projects Fund
- EMS – ESD Fund
- Street Maintenance Fund
- Municipal Drainage Utility Fund

<u>Debt Service/Bond Reserve Funds:</u>

- Water & Sewer Revenue Bond Interest & Sinking Fund
- General Obligation Debt Service Fund
- 2001 Combination Tax and Revenue Debt Service Fund (Convention Center)
- 2016 General Obligation Refunding, Series 2016 (Police/Fire/Parks)
- 2017 Certificates of Obligation, Series 2017

2018 General Obligation Refunding, W&S
2019 General Obligation Refunding, MCH
2019 Tax Note, MCH
2020 Limited Tax Note

Capital Improvement/Bond Funds:
Memorial City Hall Restoration Project Fund
Equipment Replacement Fund – General Fund
Equipment Replacement Fund – Water and Sewer Enterprise Fund
Capital Improvement Fund – General Fund

Trust Funds:
Police Local Relief Fund
Firemen's Emergency Relief Fund
Library Funds
Meter Trustee Fund

Note: 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

Any new funds created by the City, unless specifically exempted by the City Commission and this policy will be added to the above list in the appropriate category of funds (pooled fund group).

This policy also applies to Marshall Economic Development Corporation and Marshall Downtown Development Corporation.

III. OBJECTIVES

It is the policy of the City that all funds shall be managed and invested with three primary objectives, listed in order of their priority: safety and liquidity; diversification; and yield. These objectives encompass:

Safety of Principal and Maintenance of Adequate Liquidity
Safety of principal is the foremost objective of the City in any investment transaction. Investments of the City shall be undertaken in a manner that seeks to insure the return of its principal.

Cash flow forecasting is designed to protect and sustain cash flow requirements of the City. The Investment Officer will maintain a cash flow forecasting process designed to monitor and forecast cash positions for investment purposes, as well as insuring adequate liquidity necessary to pay obligations as they become due. Cash flow will include the historical researching and monitoring of specific cash flow items, payables and receivables as well as overall cash position and patterns.

Diversification
It will be the policy of the City to 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.

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 the cash flow of the portfolio.

IV. LEGAL LIMITATIONS, RESPONSIBILITIES AND AUTHORITY

Direct specific investment parameters for the investment of public funds in Texas are found in the Public Funds Investment Act, Chapter 2256, Texas Government Code, ("Act").

V. DELEGATION OF INVESTMENT AUTHORITY

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.

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. PRUDENCE

The standard of prudence to be used in the investment function shall be the "prudent investor" rule and shall be applied in the context of managing the overall portfolio. This rule states:

"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 Investment Officer and those delegated investment authority under this policy, when acting in accordance with the written procedures and this policy and 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.

VII. 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.

VIII. 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.

(G) Prohibited: The Investment Officer has no authority to use any of the following investment instruments.
- (1) Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal;
- (2) Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;
- (3) Collateralized mortgage obligations that have a stated final maturity date of greater than 10 years; and:
- (4) Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.
- (5) Bankers Acceptances
- (6) Commercial Paper
- (7) Mutual Funds

IX. 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:

(1) Depository Bank;

(2) 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)

(3) Public funds investment pools.

(4) 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.

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.

X. DIVERSIFICATION

As stated above, it is the policy of the City to diversify its investment portfolio. Invested funds shall be diversified to minimize risk or loss resulting from over-concentration of assets in a specific maturity, specific issuer, or specific class of securities. Diversification strategies shall be established and periodically reviewed. At a minimum, diversification standards by security type and issuer shall be:

Maximum

Investment Types	Portfolio Concentration
(1) Obligations of the United States or its agencies and instrumentalities	100%
(2) Direct obligations of this state or its agencies and instrumentalities	50%
(3) Fully insured or collateralized certificates of deposit	100%
(4) Fully collateralized repurchase agreements	100%
(5) Money Market Funds	50%
(6) Public funds investment pools	100%

The Investment Officer shall be required to diversify maturities. The Investment Officer, to the extent possible, will attempt to match investments with anticipated cash flow requirements. Matching maturities with cash flow requirements will reduce the need to sell securities prior to maturity, thus reducing market risk. Unless matched to a specific requirement, the Investment Officer may not invest more than 25% of the portfolio for a period greater than one (1) year. The Investment Officer may not invest any portion of the portfolio for a period greater than three (3) years. (Except for City of Marshall, Texas obligations; see VIII (A) (2))

XI. 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 VIII (B) (1)-(3).

XII. PERFORMANCE EVALUATION AND REPORTING

The Investment Officer shall submit quarterly to the City Manager and to the City Commission reports containing sufficient information to permit an informed outside reader to evaluate the performance of the investment program. At a minimum, this report shall:

(1) Describe, in detail, the investment position of the City on the date of the report

(2) Be signed by the Investment Officer

(3) Contain a summary statement of each category of investments (pooled fund group) that states the:
- (a) Beginning market value for the period;
- (b) Additions and changes to the market value for the period; and
- (c) Ending market value for the period

(4) 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 category of investment (pooled fund group)

(5) State the maturity date of each separately invested asset that has a maturity date

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

(7) State the compliance of the investment portfolio of the City as it relates to:
- (a) The investment strategy expressed in the City's Investment Policy; and
- (b) Relevant provisions of the Act

(8) Overall current yield of the portfolio by asset type and in total

(9) Rate of return over current reporting period and year to date in total, by pooled fund group, and by asset type

XIII. DEPOSITORIES

The City will designate one banking institution through a competitive process as its central banking services provider every two 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. AMENDMENT

In the event State law changes and the City cannot invest in the investments described in this policy, this policy shall automatically be conformed to existing law. Any other changes or modifications to this policy must be approved by the City Commission.

AMENDED AND ADOPTED ON THIS THE 11th DAY OF FEBRUARY, 2021.

____

Mayor of the City Council
Marshall, Texas

Attest:

____

City Secretary

APPENDIX A

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: ____

APPENDIX B

INVESTMENT STRATEGIES BY POOLED FUND GROUP

All pooled fund groups will have the three primary objectives described in Section III of this policy; safety and liquidity; diversification; and yield.

Operating Funds (General Fund/Water & Sewer Enterprise Fund)

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.

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.

Debt Service/Bond Reserve 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/Bond Funds

Capital Improvement and Bond Funds shall have as their primary objective to assure funds are available at the time project outlays are required to be made. The Investment Officer will confer with the Water Utilities/Public Works Director and obtain anticipated cash flow requirements for each ongoing project and determine the appropriate term of securities to be purchased for each individual fund. 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.

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.

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 February 11, 2021.

PASSED, APPROVED AND ADOPTED this 11th day of February 2021.

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

ATTEST:

____
CITY SECRETARY

ITEM 6A

PUBLIC HEARING & ORDINANCE

CONDUCT A PUBLIC HEARING AND CONSIDER AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP FROM R-2 (SINGLE FAMILY DETACHED) TO R-6 (DUPLEX, TRIPLEX, QUADRAPLEX). THE PROPERTY IS COMMONLY KNOWN AS 103 AND 105 SANFORD STREET

Agenda Information Sheet

February 11, 2021

Agenda Item Z-21-02: Conduct a public hearing and consider an ordinance amending the official zoning map regarding a rezoning of a property described a 0.482 acre tract of land. Being all of outlots 88 and 88C SW. From R-2 (Single Family Detached) to R-6 (Duplex, Triplex, Quadraplex). Located at 103 and 105 Sanford Street.

The Planning & Zoning Commission recommended approval with conditions by a vote of 4-0-0.

Applicant	Michelle Ortiz 1325 North Page Road, Longview Texas 75605
Property Owner	Michelle Ortiz 1325 North Page Road, Longview Texas 75605
Surrounding Property Notices	20 Notices Sent within 200 ft of the Site 0 Responses back
Existing Zoning	R-2(Single Family Detached)
Proposed Zoning	R-6(Duplex,Triplex,Quadraplex)

Background:

On January 11, 2021 the P & Z Commission conducted a public hearing for the above stated rezoning request. No one came forward to speak in favor, or against. The Commission recommended approval.

Suggested Motions:

The following are motions that the City Council may take in this case.

1. Motion to approve case number Z-21-02 as recommended.
2. Motion to approve case number Z-21-02 with conditions.
3. Motion to deny case number Z-21-02.

Attachments:

1. Original Agenda Sheet – January 11, 2021
   a. Aerial of site
   b. Pictures of site
   c. 200' radius map
2. Ordinance

P&Z Agenda Information Sheet
January 11, 2021

A. **Agenda Item Z-21-02**-Conduct a public hearing to consider and make a recommendation to the City Commission regarding a rezoning request of a 0.482 acre tract of land. Being all of outlots 88 and 88C SW. From R-2 (Single Family Detached) to R-6 (Duplex, Triplex, Quadraplex). Located at 103 and 105 Sanford Street.

Applicant:	Michelle Ortiz 1325 North Page Road, Longview Texas 75605
Property Owner	Michelle Ortiz 1325 North Page Road, Longview Texas 75605
Surrounding Property Notices	21 Notices Sent within 200 ft. of the Site 0 Responses back
Location Map:	

Z-21-02

Background & Summary of Request:

The owner is requesting the zoning be changed from R-2 (Single Family Detached) to R-6 (Duplex, Triplex, Quadraplex). Applicant is proposing to construct a triplex, with three bedroom two bath units under one roof.

Picture of the Site:

Existing Conditions:

The property is currently vacant and slopes to the southwest.

The table below outlines the surrounding zoning and land uses:

	Zoning Classification	Land Use
North of the Property	C-3(General Business)	Commercial
East of the Property	R-2 (Single-family Residential)and C-2(Retail Business)	Mixed Use
South of the Property	R-2 (Single-family Residential)	Residential
West of the Property	R-2 (Single Family Residential)	Residential

Water service is provided to the site by an existing 4" water main along Sanford Street. The property does not have sewer service at this time. There are 6" sewer mains to the east and west of the property. Applicant is working to secure an easement to allow them to connect to one of these mains.

Zoning Classification Analysis:

The applicant is requesting a zoning change from R-2(Single Family Detached) to R-6(Duplex, Triplex, Quadraplex). The Applicant is proposing to construct a triplex, with three bedroom two bath units under one roof.

Comprehensive Plan and Future Land Use Map Analysis:

The Future Land Use map identifies this property as Low Density Residential. However, it does abut C-3(General Business). And is just across Sanford Street from C-2(Retail Business). And is within 200' of properties currently zoned R-6(Duplex, Triplex, quadraplex).

The following questions should be answered when determining if a zoning change is appropriate:

1. Will the proposed change be in compliance with the goals of the Comprehensive Plan?
   The request of R-6(duplex, Triplex, Quadraplex) will be in keeping with the Comprehensive Plan since it is in close proximity of like zoning..

2. Will there be an adverse impact on surrounding property if the request is approved? In evaluating this question, consideration should be given to all permitted uses in the proposed new zoning and the impact it could have on surrounding property.
   The surrounding property is primarily mixed use residential and commercial which would probably not be immediately affected by a R-6(duplex, triplex, quadraplex) zoning classification or the proposed use.

3. Is the property suitable for use as it is currently zoned or does the zoning need to be changed to allow the property to be put to use in a way that is in keeping with the surrounding activities.
   As already stated, the property is currently surrounded by single-family and commercial uses so keeping the zoning would be a consistent use of the zoning district. That being said, as growth occurs and the area transitions to more commercial development it will be inevitable that the zoning will change.

4. What is the relationship of the proposed change to the health, safety and welfare of the general community? In other words, will the change make the community better or is it merely for the convenience of the owner? Will surrounding property owners suffer or lose any enjoyment in the area of their property as a result of this change? Does the proposed change seem to be a logical extension of similar types of development?
   Based on existing conditions the proposed change/use is not believed to have an immediate negative effect on the community.

Suggested Motions:

1. Motion to recommend approval of case number Z-21-02 as requested.
2. Motion to recommend denial of case number Z-21-02.
3. Motion to recommend approval of case number Z-21-02 with Conditions.

Attachments:

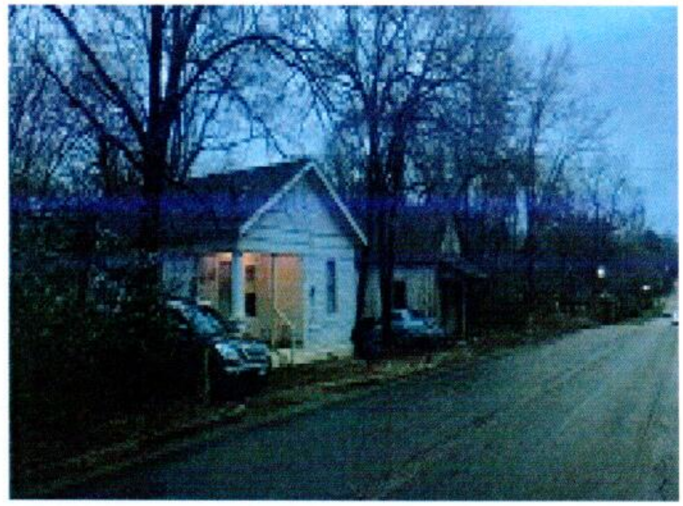
1. Aerial of Site
2. Pictures of the Site
3. 200 Foot Notification Map

Z-21-02

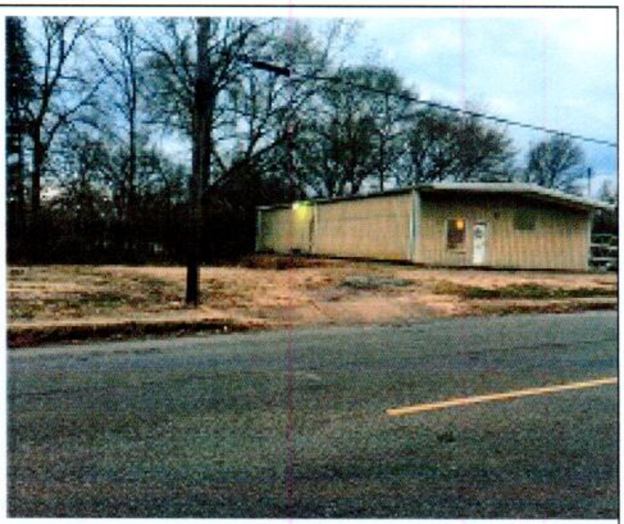

W Houston St
Thomas St
Sanford St
Holcomb St
Whetstone St
SUBJECT PROPERTY
106 HOLCOMB ST
206 HOLCOMB ST
201 SANFORD ST
203 SANFORD ST
207 SANFORD ST
301 SANFORD ST
200 SANFORD ST
206 SANFORD ST
206 SANFORD ST
1205 ELM ST
1203 ELM ST
1201 ELM ST

Z-21-02
Site Pictures

Single Family Residential to the south

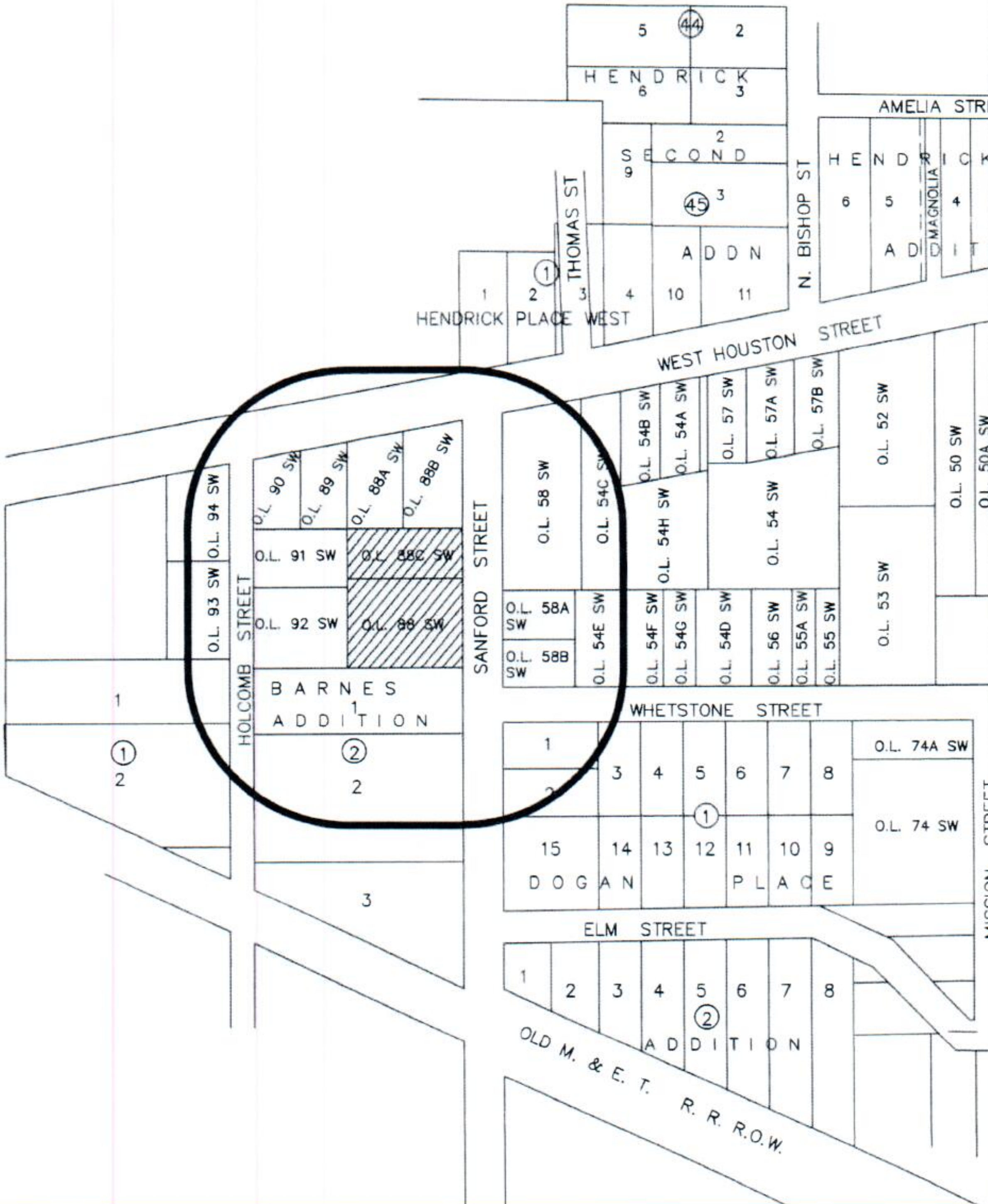


Single-Family Residential to the east



commercial to the north

vacant to the west



Case No. Z-21-02
Scale: 1"=200'
Date: 01-11-2021

PLANNING DEPARTMENT
CITY OF MARSHALL, TEXAS

Remarks:

A request to rezone 0.482 acres of land being all of O.L. 88 and 88C SW from R-2 Single Family Detached to R-6 Duplex, Triplex, Quadraplex

N

Location: 103 and 105 Sanford Street
Applicant: Michelle Ortiz

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 0-87-13 TO REZONE A 0.482 ACRE TRACT OF LAND BEING, ALL OF OUTLOT 88, AND 88C FROM R-2 (SINGLE FAMILY DETACHED) to R-6(DUPLEX, TRIPLEX, QUADRAPLEX). .LOCATED 103 AND 105 SANFORD STREET IN THE CITY OF MARSHALL, TEXAS.

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 Commission, 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 11th day of February, 2021, 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 Commission, 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 COMMISSION 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 REZONE A 0.482 ACRE TRACT OF LAND BEING, ALL OF OUTLOT 88, AND 88C FROM R-2 (SINGLE FAMILY DETACHED) to R-6(DUPLEX, TRIPLEX, QUADRAPLEX). .LOCATED 103 AND 105 SANFORD STREET IN THE CITY OF MARSHALL, TEXAS.

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 11th day of February, 2021.

AYES: __
NOES: __
ABSTAINED: __

MAYOR OF THE CITY COMMISSION
OF THE CITY OF MARSHALL, TEXAS

ATTEST:

CITY SECRETARY

ITEM 6B

PUBLIC HEARING & ORDINANCE

CONDUCT A PUBLIC HEARING AND CONSIDER AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP FROM PS (PUBLIC SERVICE) TO C-3 (GENERAL BUSINESS) WITH SP (SPECIAL USE PERMIT). THE PROPERTY IS COMMONLY KNOWN AS 802 WEST HOUSTON STREET

Agenda Information Sheet
February 11, 2021

A. **Agenda Item Z-21-01**: Conduct a public hearing and consider an ordinance amending the official zoning map regarding a rezoning of a property described as an 11.70 acre tract of land being, all of outlots 42, 43, 44, 45, 46, 47, and 51. and parts of outlots 48, 49A, 49B, 50A, and the vacated portion of Greer Street from PS (Public Service) to C-3 (General Business), with SP (Special Use Permit). Located at 802 West Houston Street.

The Planning & Zoning Commission recommended approval with conditions by a vote of 4-0-0.

Applicant	Nathan Lord 318 Lexington Road, Richmond VA 23226
Property Owner	Maksim Kovalerchik 13248 Chandler Blvd. Sherman Oaks CA 91401
Surrounding Property Notices	50 Notices Sent within 200 ft of the Site 3 Responses back
Existing Zoning	PS(Public Service)
Proposed Zoning	C-3(General Business) with SP (Special Use Permit)

Background:

On January 11, 2021 the Planning & Zoning Commission conducted a public hearing for the above stated rezoning request. Mr. Angell, Director of Community Development spoke about the importance of preserving this type of historical building. Commissioner Moon asked about funding of the project. Mr. Angell informed commissioners that funding would be private, and state, not city funded. Chairman Brady opened the Public hearing. The Applicant Nathan Lord spoke in favor of the rezone, and answered questions from commissioners concerning funding, Mr. Lord informed commissioners it would be affordable housing. Commissioner Keyes asked about lighting around the area. Ms. Jessica Flarity asked Mr. Lord about the time line for construction and was in favor of the rezone. Mr. Feille spoke and said he was not for or against. He brought up an issue about a deed restriction. Mr. Lord explained the wording on the deed. Larry Hooper spoke and did not say in favor or against. Commissioner Brady closed the public hearing. After the public comment portion of that meeting, the Commission recommended approval.

Suggested Motions:

The following are motions that the City Council may take in this case.

1. Motion to approve case number Z-21-01 as recommended.
2. Motion to approve case number Z-21-01 with conditions.

3. Motion to deny case number Z-21-01.

Attachments:

1. Original Agenda Sheet – January 11, 2021
   a. Aerial of site
   b. Pictures of site
   c. 200' notification map
2. Ordinance
3. Concept plan submitted by developer.

City of MARSHALL TEXAS

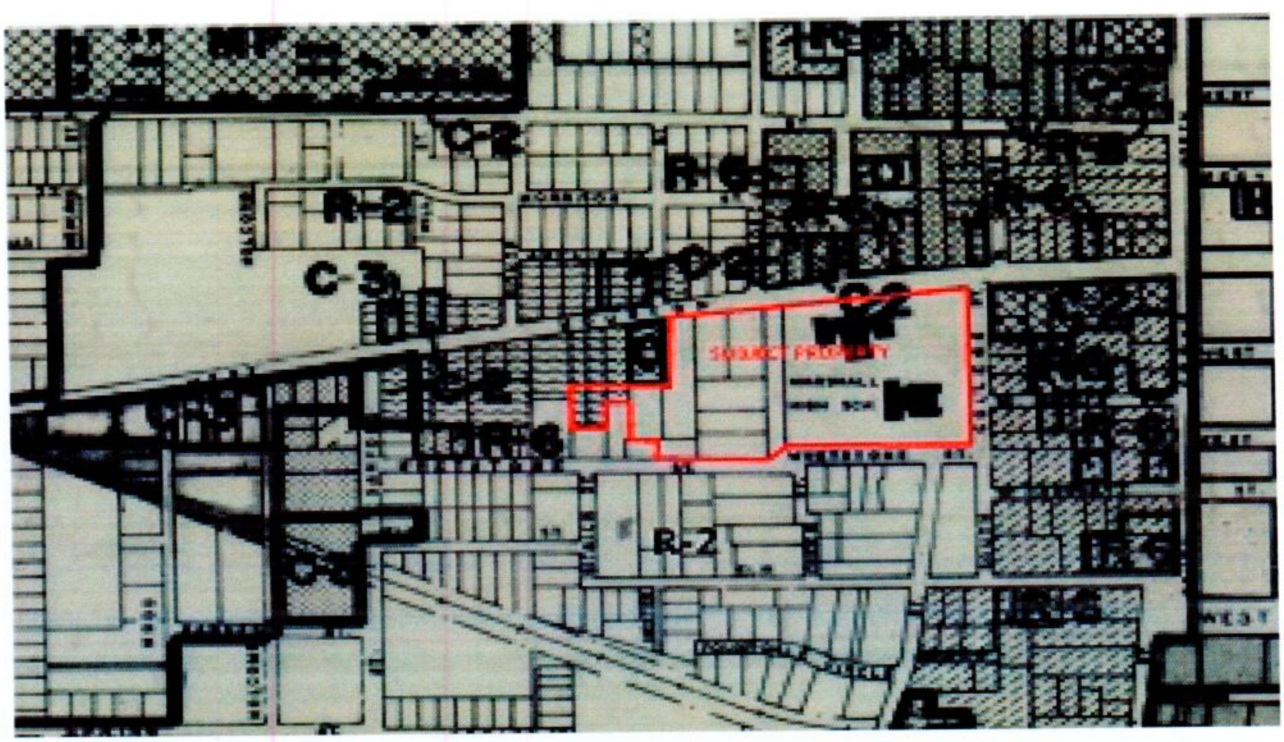
P&Z Agenda Information Sheet

January 11, 2021

A. **Agenda Item Z-21-01**- Conduct a public hearing to consider and make a recommendation to the City Commission regarding a rezoning request of an 11.70 acre tract of land being, all of outlots 42, 43, 44, 45, 46, 47, and 51. and parts of outlots 48, 49A, 49B, 50A, and the vacated portion of Greer Street from PS (Public Service) to C-3 (General Business), with SP (Special Use Permit). Located at 802 West Houston Street.

Applicant:	Nathan Lord 318 Lexington Road, Richmond VA 23226
Property Owner	Maksim Kovalerchik 13248 Chandler Blvd. Sherman Oaks CA 91401
Surrounding Property Notices	50 Notices Sent within 200 ft. of the Site 3 Responses back
Location Map:	

Z-21-01



Background & Summary of Request:
The owner is requesting the zoning be changed from PS (Public Service) to C-3(General Business) with SP (Special Use Permit).

Picture of the Site:

Existing Conditions:
The property is currently developed with an existing school classroom building, parking lot and tennis courts and zoned PS (Public Service)

The table below outlines the surrounding zoning and land uses:

	Zoning Classification	Land Use
North of the Property	R-2 (Single-family Residential)and C-2(Retail Business)	Mixed Use
East of the Property	R-2 (Single-family Residential)and C-2(Retail Business)	Mixed Use
South of the Property	R-2 (Single-family Residential)	Residential
West of the Property	O-(Office) and R-2 (Single Family Residential)	Mixed Use

Water service is provided to the site by an existing 4" water main along Houston and Whetstone Streets. and a 6" water main along South College Street. Also served by 6" sewer main along Houston, South College, and Whetstone Streets.

Zoning Classification Analysis:

The applicant is requesting a zoning change to C-3(General Business) with SP (Special Use Permit). The Applicant is proposing to remodel the existing school Classrooms into loft style apartments. With plans to build additional apartments on the vacant acreage to the west of the existing school building.

Comprehensive Plan and Future Land Use Map Analysis:

The Future Land Use map identifies this property as Low Density Residential. However, since the adoption of the Comprehensive Plan in 2018 the City Commission amended Chapter 32 section 20 of the Zoning Ordinance(O-20-12) to classify the property as PS- Public Services. The Comprehensive Plan outlines the various types of Public Service areas within the city.

The following questions should be answered when determining if a zoning change is appropriate:

1. Will the proposed change be in compliance with the goals of the Comprehensive Plan?
   The request of C-3 General Business does not comply with the Future Land Use designation of Low Density Residential. The property is however one block west of the downtown area.in the transitional area of the city, transitioning from commercial zoned property to residential. There are several commercially zoned properties within close proximity to the property.

2. Will there be an adverse impact on surrounding property if the request is approved? In evaluating this question, consideration should be given to all permitted uses in the proposed new zoning and the impact it could have on surrounding property.
   The surrounding property is primarily single family dwelling and commercial uses.Which would probably not be immediately affected by a C-3 zoning classification or the proposed use.

3. Is the property suitable for use as it is currently zoned or does the zoning need to be changed to allow the property to be put to use in a way that is in keeping with the surrounding activities.
   As already stated, the property is currently surrounded by single family and commercial. Public Service zoning would be a consistent use of the zoning district. That being said, as growth occurs and the area transitions to more commercial development it will be inevitable that the zoning will change.

4. What is the relationship of the proposed change to the health, safety and welfare of the general community? In other words, will the change make the community better or is it merely for the convenience of the owner? Will surrounding property owners suffer or lose any enjoyment in the area of their property as a result of this change? Does the proposed change seem to be a logical extension of similar types of development?
   Based on existing conditions the proposed change/use is not believed to have an immediate negative effect on the community.

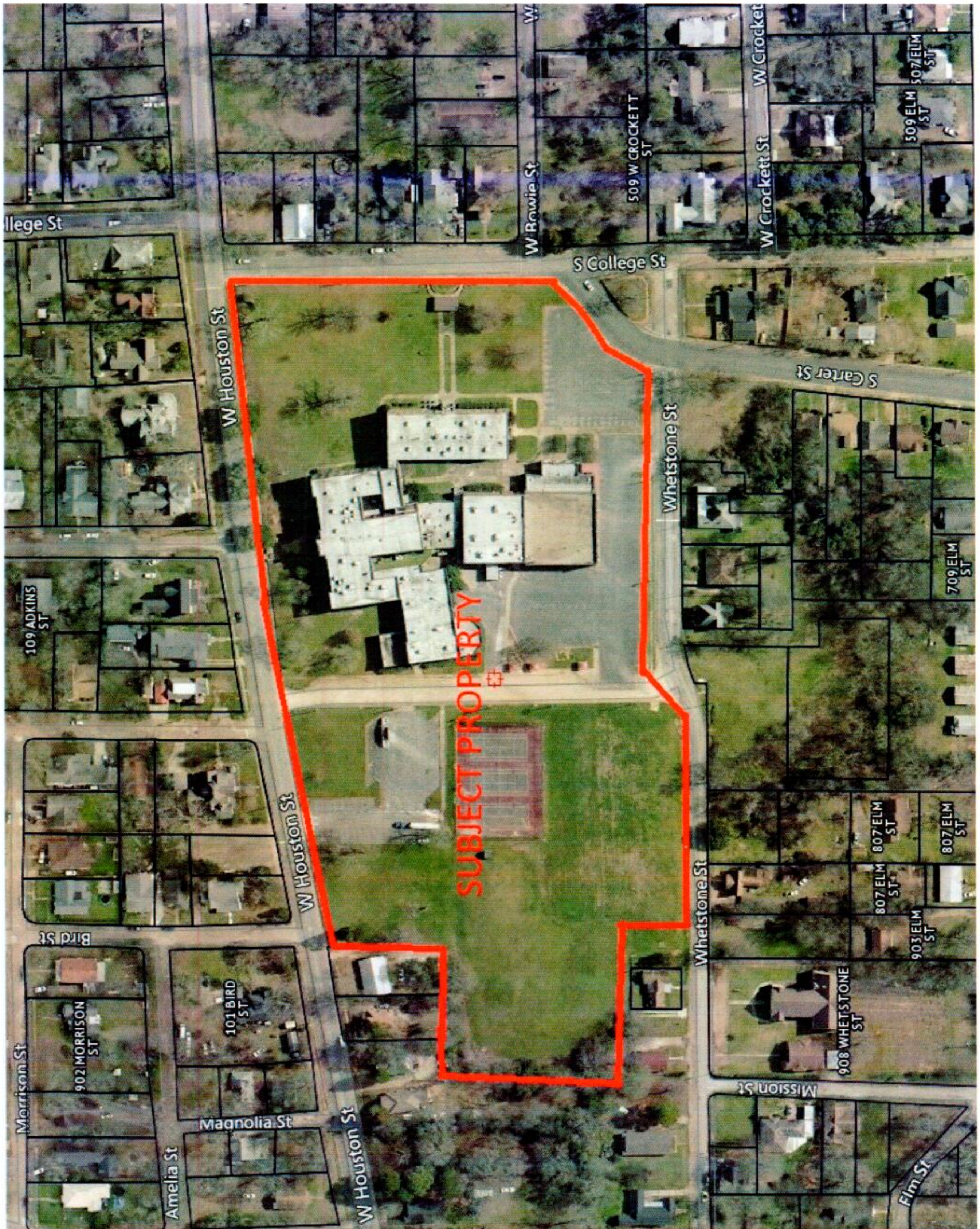
Suggested Motions:

1. Motion to recommend approval of case number Z-21-01 as requested.
2. Motion to recommend denial of case number Z-21-01.
3. Motion to recommend approval of case number Z-21-01 with Conditions.

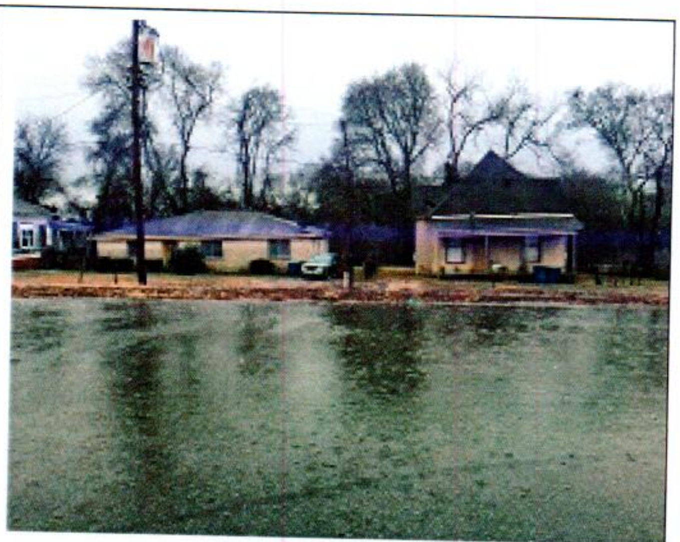
Attachments:

1. Aerial of Site
2. Pictures of the Site
3. 200 Foot Notification Map

Z-21-01


SUBJECT PROPERTY
W Houston St
S College St
S Carter St
Whetstone St
W Bowie St
W Crockett St
Bird St
Morrison St
Magnolia St
Amelia St
Mission St
Elm St
509 W CROCKETT ST
109 ADKINS ST
902 MORRISON ST
101 BIRD ST
908 WHETSTONE ST
709 ELM ST
807 ELM ST
903 ELM ST
509 ELM ST
507 ELM ST

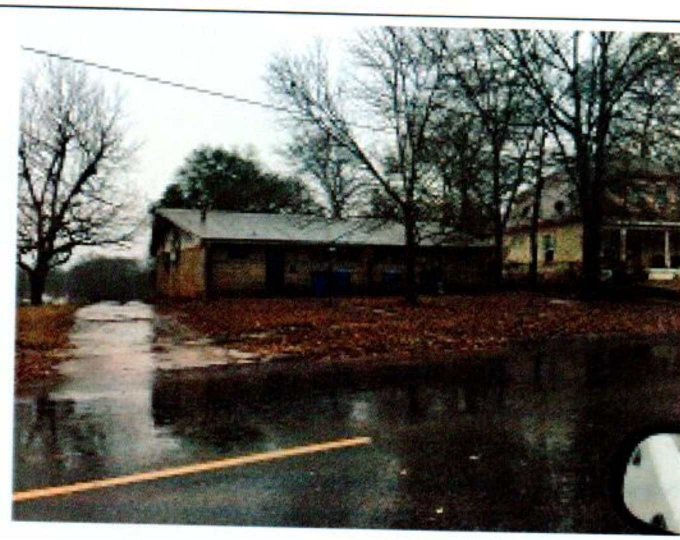
Z-21-01
Site Pictures



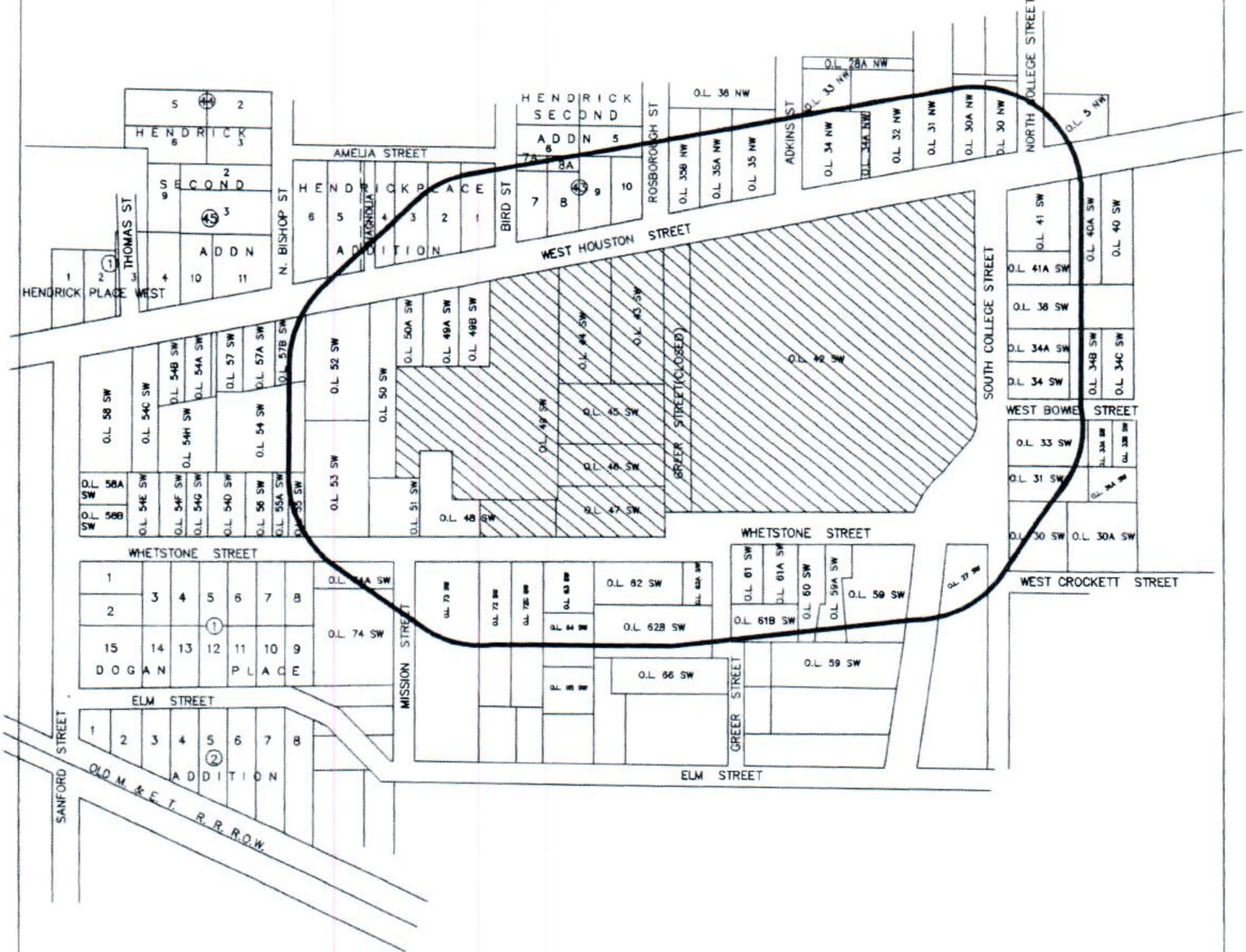
Single Family Residential to the south

Single-Family Residential to the east

Single family residential and commercial to the north



Single-family Residential and office to the west



Case No. Z-21-01
Scale: 1"=300'
Date: 01-11-2021

PLANNING DEPARTMENT
CITY OF MARSHALL, TEXAS

Remarks: A request to rezone All of Outlots 42,43,44,45,46,47, and 51 SW. And parts of outlots 48,49A, 49B, 50A, and the vacated portion of Greer St. From PS (Public Service) to C-3 (General Business) with Special Use Permit

Location: 802 West Houston
Applicant: Nathan Lord

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 0-87-13 TO REZONE A 11.70 ACRE TRACT OF LAND BEING, ALL OF OUTLOTS 42, 43, 44, 45, 46, 47, AND 51. AND PARTS OF OUTLOTS 48, 49A, 49B, 50A, AND THE VACATED PORTION OF GREER STRET FROM PS (PUBLIC SERVICE) to C-3 (GENERAL BUSINESS), WITH SP (SPECIAL USE PERMIT). LOCATED AT 802 WEST HOUSTON STREET IN THE CITY OF MARSHALL, TEXAS.

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 Commission, 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 Commission held a public hearing in Marshall, Texas at City Hall on the 23rd day of April, 2020, 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 Commission, 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 COMMISSION 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. Rezone an 11.70 acre tract of land being, all of outlots 42, 43, 44, 45, 46, 47, and 51. and parts of outlots 48, 49A, 49B, 50A, and the vacated portion of Greer Street from PS (Public Service) to C-3 (General Business), with SP (Special Use Permit). Located at 802 West Houston Street in the City of Marshall, Texas.

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 11th day of February, 2021.

AYES: __
NOES: __
ABSTAINED: __

MAYOR OF THE CITY COMMISSION
OF THE CITY OF MARSHALL, TEXAS

ATTEST:

CITY SECRETARY


802 W HOUSTON SREET MARSHALL, TX
PROJECT
SITE
Marshall

MARSHALL SCHOOL LOFTS

Marshall School Lofts is a proposed historic adaptive re-use renovation with additional new construction that will create 120 multifamily affordable housing units. The estimated total development cost is $30MM.

The renovation will breathe new life into the historic building creating energy efficient, creatively designed accessible living spaces and will support the City of Marshall Neighborhood Improvement Plan. Existing infrastructure will be utilized.

Anticipated amenities include picnic space, playground, meeting room and laundry facilities, a community meeting area and outdoor green spaces utilizing indigenous plants.

Marshall School will be added to the Federal Register and will be constructed to uphold the historic architectural attributes of the building. The development will be partially financed through Historic Tax Credits and Low Income Housing Tax Credits (LIHTC).

Investment will spur an economic ripple effect, creating jobs and supporting local skilled trades during construction, as well as creating additional general demand in the local economy.

Development Team - Members

The Development team includes a group of professionals experienced in design, historic renovation, development and finance.

Jim Sari

25+ years worth of development experience in over 50 assets successfully tailoring projects to match market opportunities

Specializing in downtown and community redevelopment projects involving both public and private investment and support

Expert in layering multiple layers of both public and private financing

Caryn Winter

20+ years of experience on the investment and development side of the industry. Her organization, Oracle Consulting Services has developed over 30 housing projects in the south and Midwest, with an emphasis on preserving historic structures by adapting them to housing.

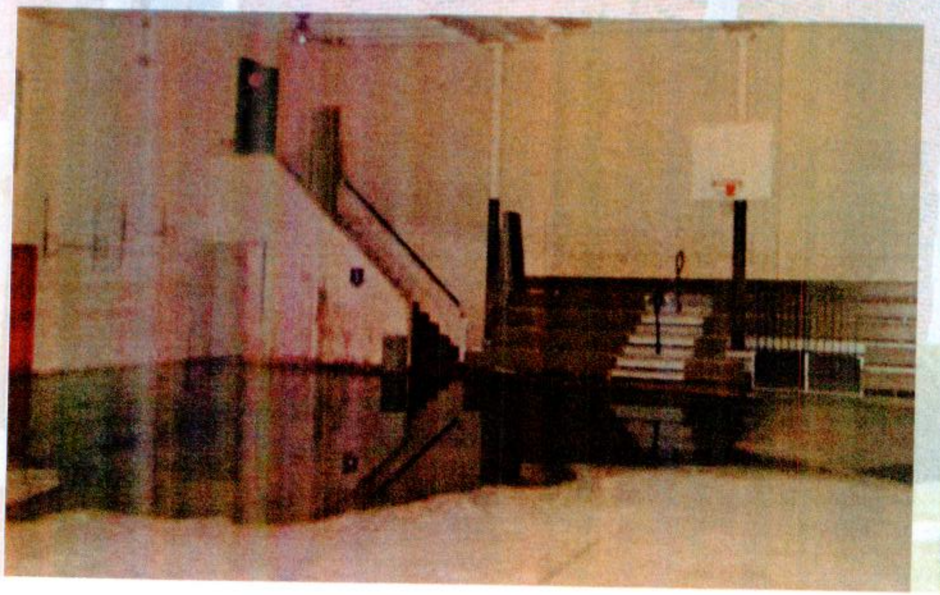
Nathan Lord

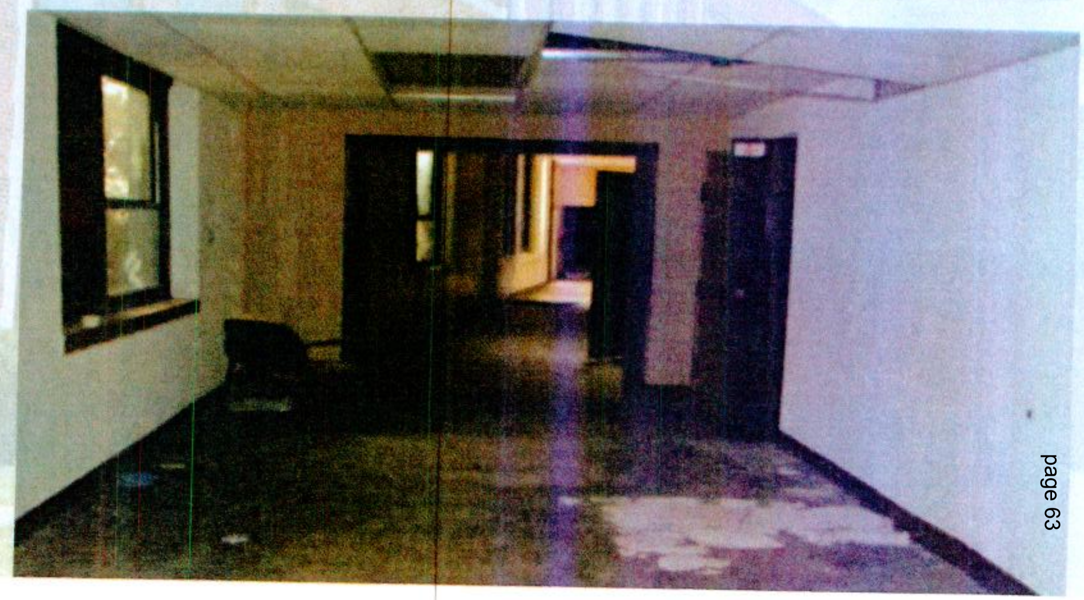
20+ years of transactional work as lawyer in private practice and in-house counsel as Senior Corporate Counsel, Vice President and Deputy General Counsel for two Fortune 500 corporations

Strategic Group of Companies

The Strategic Group is group of investment companies based in Atlanta, GA specializing in investment strategies including tax credits and real estate development. Strategic has experience in developing, investing in and syndicating various forms of tax credits.

Marshall School – Current Condition



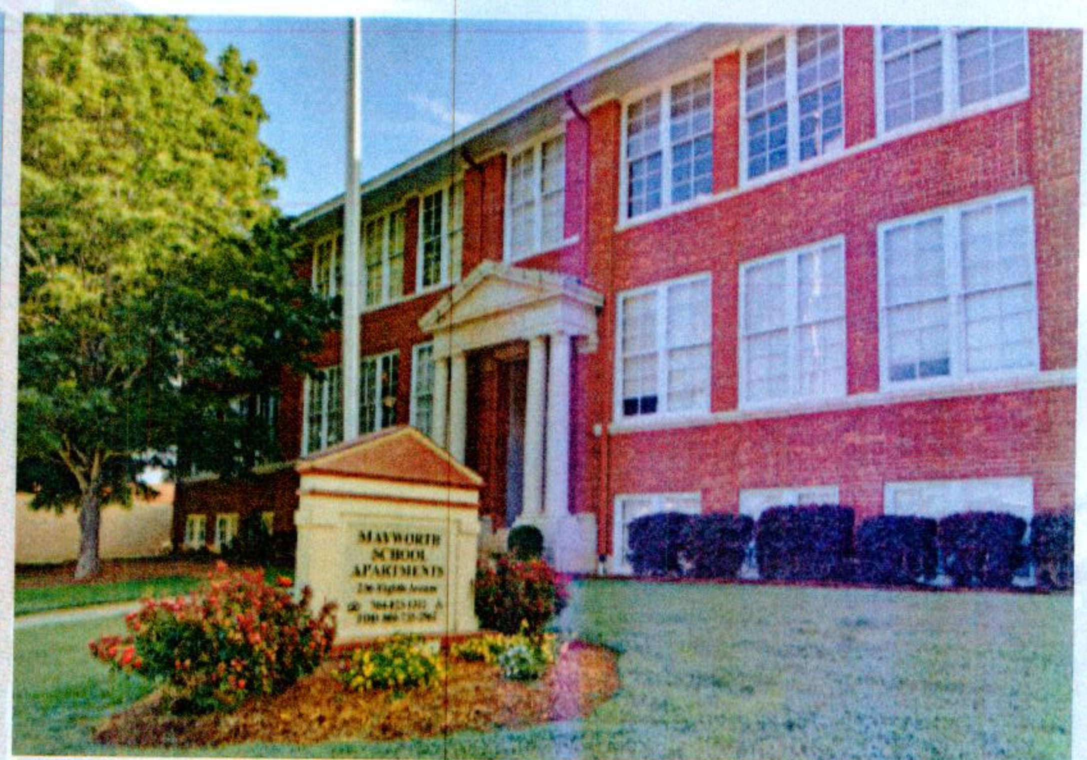


Development Team – Past Projects

A.L. Miller School
Macon, GA – 70 units

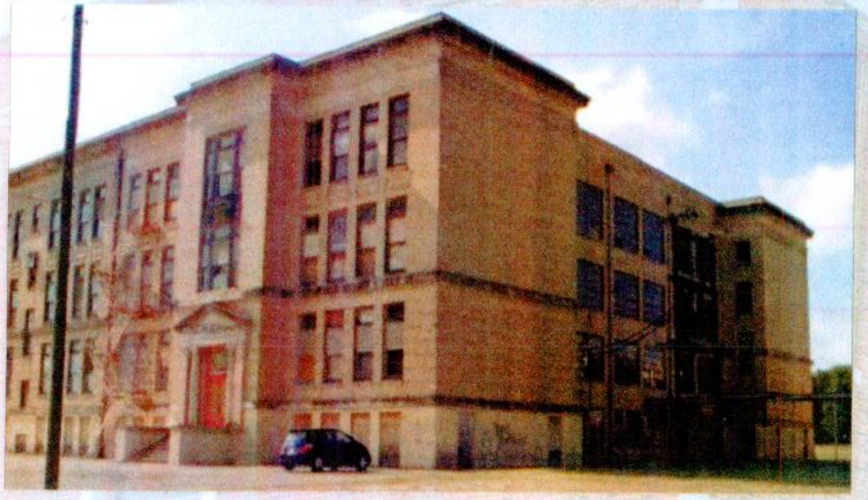
Development Team – Past Projects

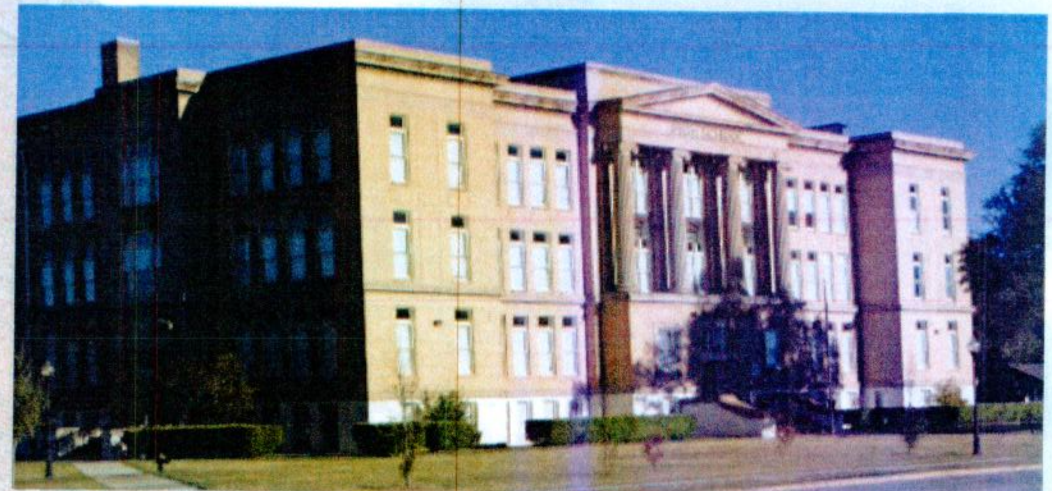
Mayworth School Apartments
Cramerton, NC – 40 units

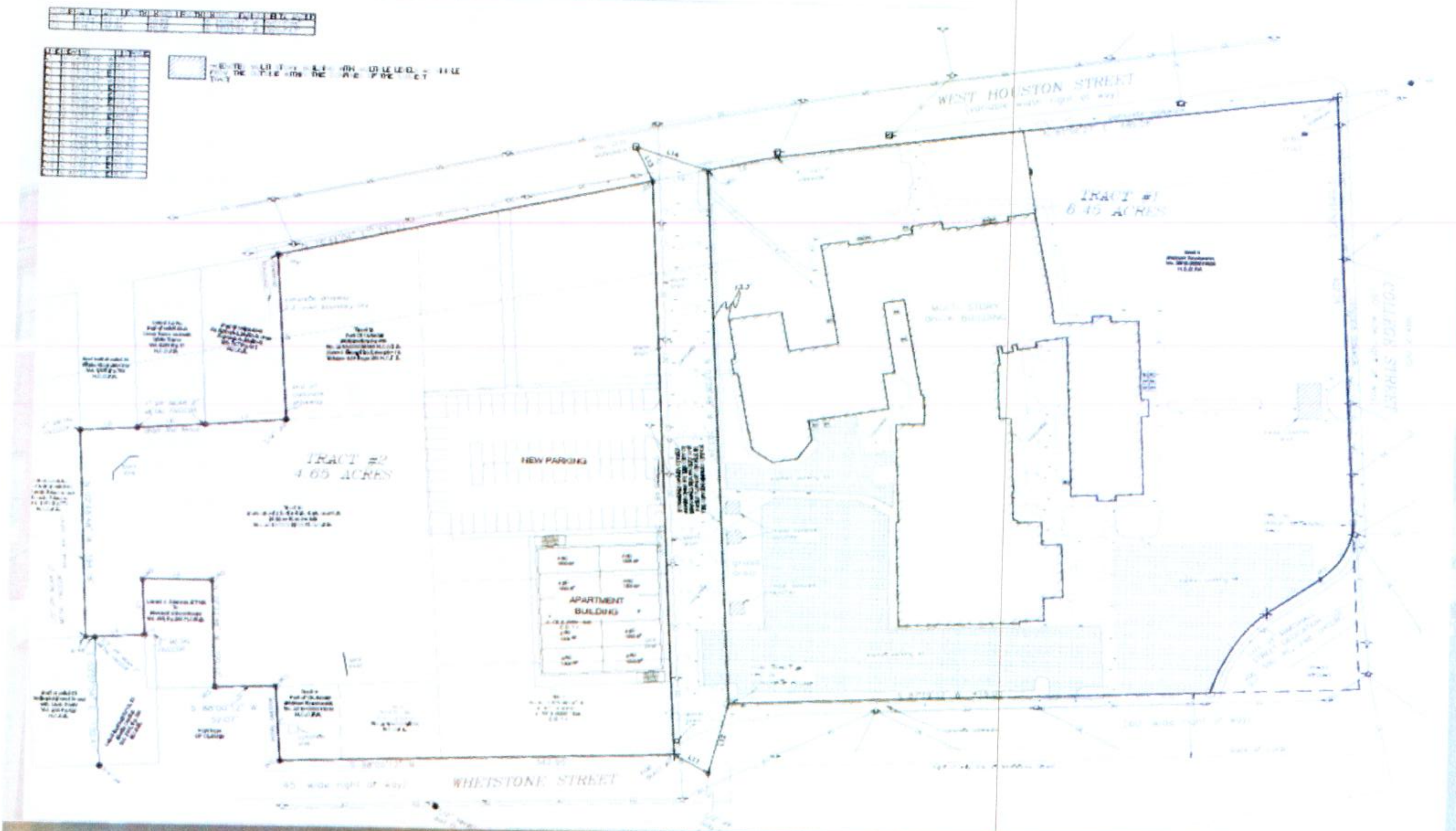


Development Team – Past Projects

Historic Lofts at Waco High
Waco, TX – 103 units






WEST HOUSTON STREET
COLLEGE STREET
TRACT #1
6.45 ACRES
TRACT #2
4.65 ACRES
NEW PARKING
APARTMENT
BUILDING
WHETSTONE STREET


S COLLEGE STREET
W HOUSTON STREET
EXISTING BUILDING
PARKING TO REMAIN
BOWIE STREET
PARKING TO REMAIN
NEW BUILDING

NEW BUILDING VIEWS
MARSHALL SCHOOL LOFTS

ITEM 7A

RESOLUTION

CONSIDER APPROVAL OF A RESOLUTION DENYING THE APPLICATION FILED BY SOUTHWESTERN ELECTRIC POWER COMPANY (SWEPCO) TO INCREASE RATES

City of MARSHALL TEXAS

TO: Members of the City Council

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

DATE: February 1, 2021

SUBJECT: Consider approval of a Resolution denying an application filed by Southwestern Electric Power Company (SWEPCO) to increase rates

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BACKGROUND:

On about October 13, 2020, the Southwestern Electric Power Company ("SWEPCO") filed an application to increase its base rate revenues by approximately $105 million, which equates to an increase of approximately 30%. Currently SWEPCO recovers a portion about $14.8 million of its transmission- and distribution-related costs through its "Transmission Cost Recovery Factor" ("TCRF") and its "Distribution Cost Recovery Factor" ("DCRF"). The rules of the Public Utility Commission of Texas ("PUCT") require SWEPCO to move recovery of its transmission- and distribution-related costs to its base rates when it files a general rate case. The increase of about $105 million includes the recovery of transmission and distribution costs in SWEPCO's base rates. Thus, although the increase in base rates is about $105 million, this amount includes rates customers currently pay through SWEPCO's TCRF and DCRF tariffs. Thus, taking into account the revenues related to TCRF and DCRF, SWEPCO's is proposing a net increase of approximately $90.2 million in annual revenue, which represents an increase in base revenue of about 26% not including fuel revenues or other rider revenues. Including fuel revenue, SWEPCO's request equates to about a 16% increase in revenue. SWEPCO based its requested rate increase on a test year ending March 31, 2020.

SWEPCO's application requests an effective date of November 17, 2020, for its proposed increase in rates. Additionally, pursuant to state law, SWEPCO has requested that the final rates set in this proceeding relate back to usage occurring 155 days after the filing of the application, or March 17, 2021. This means that under SWEPCO's request, the final rates set in this case will relate back to usage occurring on and after March 17, 2021.

PRIOR CITY ACTION:

The City has previously suspended SWEPCO's proposed effective date of November 17, 2020 to the maximum extent allowed by law. Under state statute, the City is allowed to suspend SPS's proposed effective date by 90 days. Thus, the City's prior action suspended SPS's proposed effective date to February 15, 2021 (the "Suspension Period").

In addition, the City has previously approved participation as a member of the Cities Advocating Reasonable Deregulation ("CARD") in the pending related rate proceeding at the Public Utility Commission of Texas ("PUC"); authorized the retention of Herrera Law & Associates, PLLC as CARD's Special Counsel with regard to SWEPCO's application to increase its rates and related proceedings; and required SWEPCO to reimburse CARD its reasonable costs incurred in relation to SWEPCO's application to increase its rates.

RECAP OF DRIVERS OF INCREASE ACCORDING TO SWEPCO:

The main drivers of SWEPCO's proposed increase in rates are:

1. A proposed return on equity of 10.35% with a capital structure comprised of 49.37% equity and 50.63% long-term debt. Note that in SWEPCO's 2016 rate case, the Commission awarded SWEPCO a return on equity of 9.6% and a capital structure comprised of 48.46% and 51.54% long-term debt.

2. Acceleration of recovery of depreciation expense for SWEPCO's Dolet Hills Power Station related to a rreduction in the plant's operations and retirement due to force majeure events that occurred in 2017 and 2018.

3. Request for the establishment and funding of a self-insurance reserve in the amount of about $3.6 million with annual accruals of about $1.7 million.

4. Recovery of SWEPCO's system restoration costs related to Hurricane Laura.

5. Recovery of about $14.6 million vegetation management costs, representing an increase of about $5.0 million over current spend levels.

ASSIGNMENT OF INCREASE TO CUSTOMER CLASSES:

SPS proposes to allocate its proposed base revenue increase, excluding the cost fuel, among the customer classes as follows:

Rate Class	Present Base Rate Revenue	Proposed Base Rate Revenue	Proposed Increase	Percent Increase
Residential	$147,077,995	$188,152,172	$41,074,177	28%
Total Commercial/Small Industrial	$146,798,138	$195,209,984	$48,411,846	33%
Total Large Industrial	$41,956,723	$55,793,625	$13,836,902	33%
Total Municipal	$3,929,551	$4,459,489	$529,938	13%
Total Lighting	$6,740,893	$7,913,240	$1,172,347	17%
TOTAL TX Retail	**$346,503,301**	**$451,528,509**	**$105,025,208**	**30%**

BILL IMPACT FROM PROPOSED INCREASE:

Residential Customer – Impact on Bill:

a. Comparison of Current to Proposed Rates:

RESIDENTIAL	Current	Proposed
Cust. Charge/Mo.	$8.00	$10.00
Usage Charge/kWh (May-Oct)	$0.072266	$0.092448
kWh Charge (Nov-Apr) (</=600 kWh)	$0.053589	$0.068555
kWh Charge (Nov-Apr) (>600 kWh)	$0.043789	$0.056855
Riders (TCRF, DCRF, EECRF Rate Case Expenses)/kWh	$0.004739	$0.001261
Fuel	$0.031073	$0.031073

b. The effect of SWEPCO's proposed increase on the base rate portion of a Residential customer's bill, is as shown below:

		1000 kWh	1500 kWh	2000 kWh	3000 kWh
May - Oct	Increase $	$22.18	$32.27	$42.36	$62.55
	Increase %	27.64%	27.73%	27.77%	27.82%
Nov. - Apr	Increase $	**$16.21**	**$22.74**	**$29.27**	**$42.34**
	Increase %	**28.10%**	**28.58%**	**28.85%**	**29.15%**

<u>General Service Customer *(aka, Small Commercial)* – Impact on Bill</u>:

a. Comparison of Current to Proposed Rates:

GENERAL SERVICE	Current	Proposed
Cust. Charge/Mo.	$11.59	$15.00
Usage Charge/kWh (May-Oct)	$0.061302	$0.089950
Demand Charge/kW (</=10 kW)	$0.00	$2.95
Demand Charge/kW (>10 kW)	$4.87	$2.95
Riders (TCRF, DCRF, EECRF Rate Case Expenses)/kWh	$0.004827	$0.001021
Fuel	$0.031087	$0.031087

b. Bill Impact: The table below shows the effect on a Small General Service customer's bill at varying levels of consumption.

Proposed Increase in General Service Customer's Bill Base Rates (Base Revenues Only - Excludes Fuel Costs)				
With No Demand Charge				
Consumption	**1000 kWh**	**1500 kWh**	**2000 kWh**	**3000 kWh**
Present Base Bill	$72.89	$103.54	$134.19	$195.50
Proposed Base Bill	$104.95	$149.93	$194.90	$284.85
Increase $	$32.06	$46.39	$60.71	$89.35
Increase %	43.98%	44.80%	45.24%%	45.70%
With Demand Charge				
Consumption	**2000 kWh**	**2500 kWh**	**5000 kWh**	**10000 kWh**
Present Base Bill	$134.19	$177.03	$391.15	$819.41
Proposed Base Bill	$195.34	$240.43	$465.85	$916.69
Increase $	$61.15	$63.40	$74.70	$97.28
Increase %	45.57%	35.81%	19.10%	11.87%

SPECIAL COUNSEL REVIEW:

CARD's Special Counsel and the consultants engaged by Special Counsel on behalf of CARD, have not concluded their review of SWEPCO's application to increase rates. Further, given the volume of data presented in SWEPCO's application and the complexity of issues SWEPCO's application presents, it is unlikely that Special Counsel and consultants will be able to conclude their review of SWEPCO's application to increase rates before the Suspension Period expires.

CARD's Special Counsel and team of consultants will continue their review of SWEPCO's application and will present their findings in proceedings before the Public Utility Commission of Texas ("PUCT") and fully participate in such proceedings and any proceedings arising from those proceedings.

CITY ACTION REQUIRED BY FEBRUARY 15, 2021:

The City must take action by **no later than February 15, 2021**, the current effective date of SWEPCO's requested rate increase, as extended by prior City action. If the City does not take action by **February 15, 2021**, SWEPCO's proposed increase in rates as filed will be deemed approved by operation of law.

RECOMMENDATION: DENY PROPOSED RATE INCREASE REQUEST

CARD'S Special Counsel and consultants retained on behalf of CARD are continuing to evaluate the merits of SWEPCO's proposed rate increase. Given the limited duration that that CARD's Special Counsel and consultants have had to review SWEPCO's highly complex and lengthy application and the rapidly approaching deadline by which the City is required to take action, CARD's Special Counsel recommends that the City deny SWEPCO's proposed rate increase.

RESOLUTION NO. ______________

RESOLUTION BY THE CITY OF ________________ ("CITY") DENYING THE APPLICATION TO INCREASE RATES FILED BY SOUTHWESTERN ELECTRIC POWER COMPANY ON ABOUT OCTOBER 13, 2020; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT

WHEREAS, Southwestern Electric Power Company ("SWEPCO" or "Company") filed a Statement of Intent with the City on about October 13, 2020 to increase its base revenues; and

WHEREAS, the City is a regulatory authority under the Public Utility Regulatory Act ("PURA") and under Chapter 33, §33.001 et seq. of PURA has exclusive original jurisdiction over SWEPCO's rates, operations, and services within the municipality;

WHEREAS, SPS proposed to implement its proposed increase in rates effective on November 17, 2020, which is 35 days after the filing of its rate application; and

WHEREAS, the City has previously suspended implementation of SPS's proposed increase in rates and its proposed effective date by 90 days to February 15, 2021 (the "Suspension Period"); and

WHEREAS, SWEPCO's proposed increase in rates would result in a net increase to its base revenues of approximately $90.2 million, which equates to a net increase of approximately 26% in base revenue, not including fuel or other revenue; and

WHEREAS, for a Residential customer using 1,000 kWh per month, if SWEPCO's proposed increase is approved, the bill impact to that Residential customer would be an increase of over $22.00 per month, in base revenues during the On-Peak Period (May through October), which equates to an increase of approximately 28%; and over $16.00 per month during the Off-Peak Period (November through April), which equates to an increase of about 28%; and

WHEREAS, the Company seeks a Return on Equity (ROE) of 10.35%; and

WHEREAS, SWEPCO seeks to increase its depreciation expense, establish a self-insurance reserve fund, recover certain costs related to Hurricane Laura, and seeks to increase its vegetation-management costs; and

WHEREAS, SWEPCO's rate request consists of a voluminous amount of information including SWEPCO's rate-filing package, exhibits, schedules, and workpapers; and

WHEREAS, the City coordinated its efforts with a coalition of similarly situated municipalities known as the Cities Advocating Reasonable Deregulation ("CARD"), to review SWEPCO's Rate Filing Package; and

WHEREAS, given the volume of data and the complexity of the issues presented in SWEPCO's rate-filing package, exhibits, schedules, and workpapers, it is not practical for the City's Special Counsel and consultants retained on behalf of the City to complete their review of SWEPCO's rate application before the end of the Suspension Period.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ______________________________THAT:

Section 1. The findings set out in the preamble are in all things approved and incorporated herein as if fully set forth.

Section 2. SWEPCO failed to show that its proposed rates are just and reasonable.

Section 3. The City hereby **DENIES** SWEPCO's request to increase rates and retains in place SWEPCO's rates in effect prior to the date upon which SWEPCO filed its statement of intent to change rates and finds that:

A. The Rate Filing Package fails to provide sufficient information to justify the requested increase in revenue or to justify the changes set forth in the attached tariffs;

B. The Rate Filing Package fails to provide sufficient information to justify the adoption of the rate base, expenses, investment, return on equity, and other rate issues noted in the Public Utility Regulatory Act.

Section 4. The City hereby orders SWEPCO to reimburse the City's rate case expenses as provided in the Public Utility Regulatory Act and that SWEPCO shall do so on a monthly basis and within 30 days after submission of the City's invoices for the City's reasonable costs associated with the City's activities, through its participation in CARD, related to its rate review or to related proceedings involving SWEPCO before the City, the Public Utility Commission of Texas, or any court of law.

Section 5. The City Secretary or other appropriate city official shall provide a copy of this Resolution to Mr. Alfred R. Herrera, Herrera Law & Associates, PLLC, 4524 Medical Parkway, Austin, Texas 78756 and as a courtesy, provide a copy to SWEPCO's local representative.

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

Section 7. To the extent any Resolution previously adopted by the City Council is inconsistent with this Resolution, it is hereby superseded.

Section 8. This resolution shall become effective from and after its passage.

PASSED AND APPROVED this ________ day of ____________, 2021.

____

Mayor

ATTEST:

____

City Secretary

ITEM 7B

RESOLUTION

CONSIDER APPROVAL OF A RESOLUTION SUPPORTING A PROPOSED AFFORDABLE SENIOR LIVING TAX CREDIT DEVELOPMENT

City of MARSHALL TEXAS

TO: Mark Rohr, City Manager

FROM: Fabio Angell, Director
Community and Economic Development

DATE: February 11, 2021

SUBJECT: Resolution - In Support of a Proposed Affordable Senior Living Tax Credit Development

---

Attached is a copy of a resolution in support of Cobblestone Marshall Crossing, LP. They plan to build a 48-75 unit age-restricted development for residents that are 55 years or older.

One important objective of the City's "Mobilize Marshall Strategic Plan" is to establish alternatives for Senior Housing;

The developer intends to submit an application to the Texas Department of Housing and Community Affairs for Housing Tax Credits.

The proposed 12-acre development for affordable rental housing is to be located at the southeast quadrant of Decker Dr. and East End Blvd S.

The name of the senior housing development will be "Marshall Crossing".

City staff recommends approval of this resolution.

TRINITY

HOUSING DEVELOPMENT

MARSHALL CROSSING

A PROPOSED AFFORDABLE SENIOR LIVING

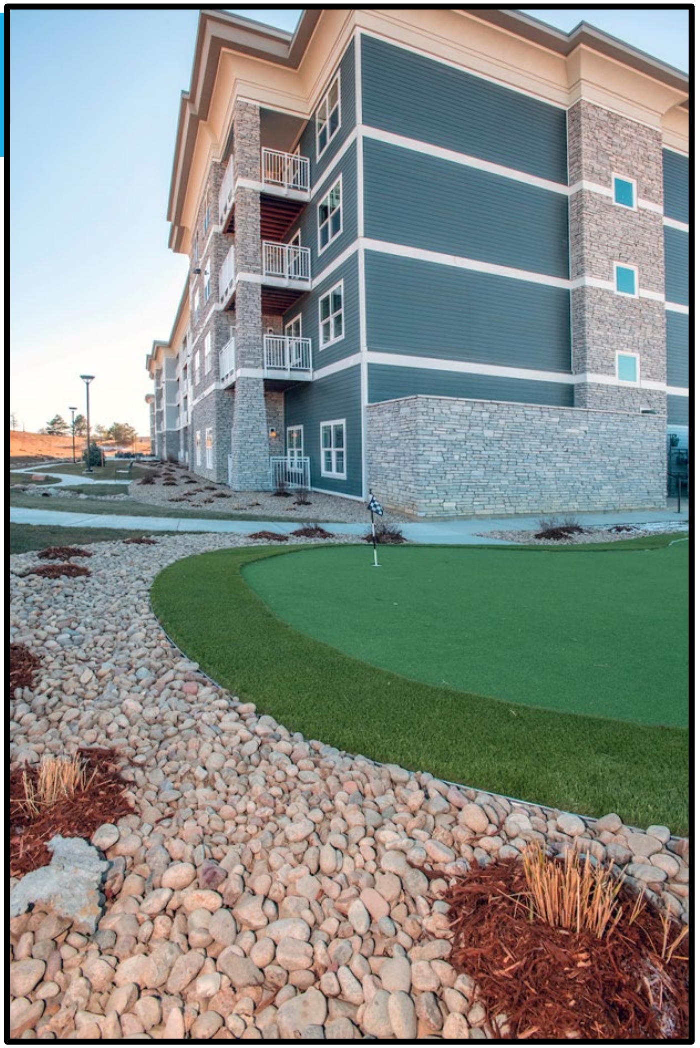
TAX CREDIT DEVELOPMENT

Affordable Housing Tax Credits?

- Funding mechanism that provides equity for residential development
- In exchange for partial project funding, developments are rent & income restricted
- Credits awarded annually by the Texas Dept. of Housing & Community Affairs in a competitive process
- Potential tenants subject to criminal background screening & credit checks
- Not public housing or Section 8
- Not a property tax exemption
- **Resolution of support requested from the City Council**
  - Needed in order to secure the tax credit funding
  - Enough credits available in the region to support two deals

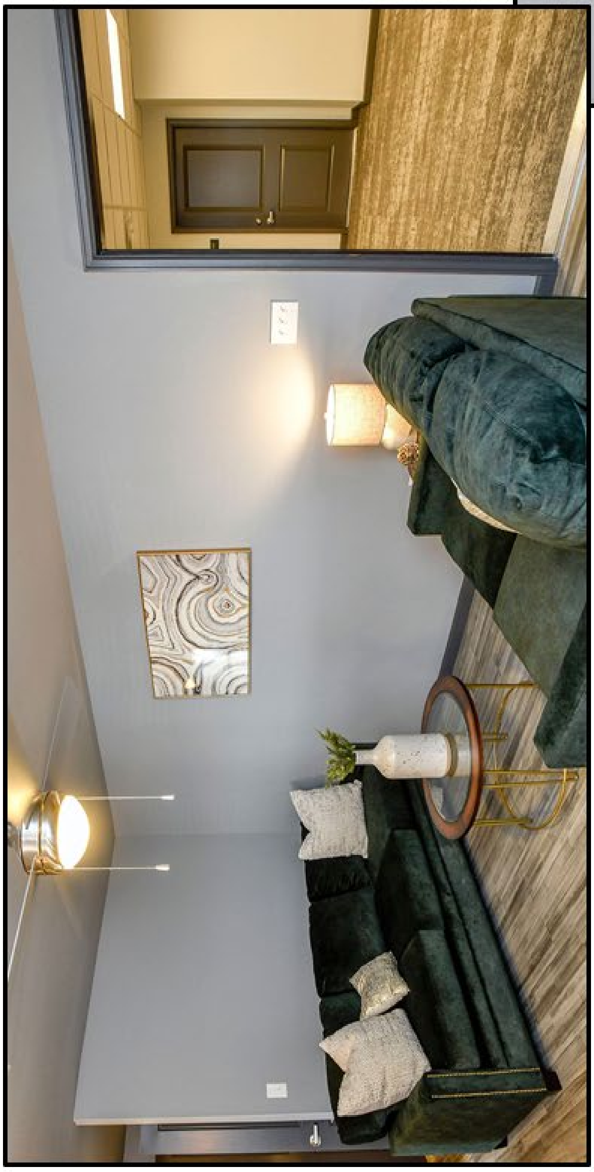
TRINITY HOUSING DEVELOPMENT

Trinity Affordable Properties

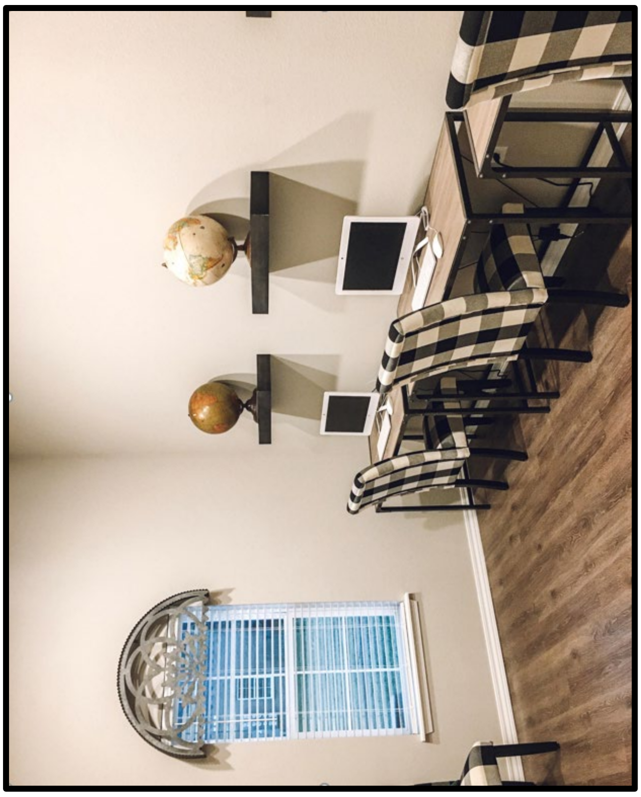


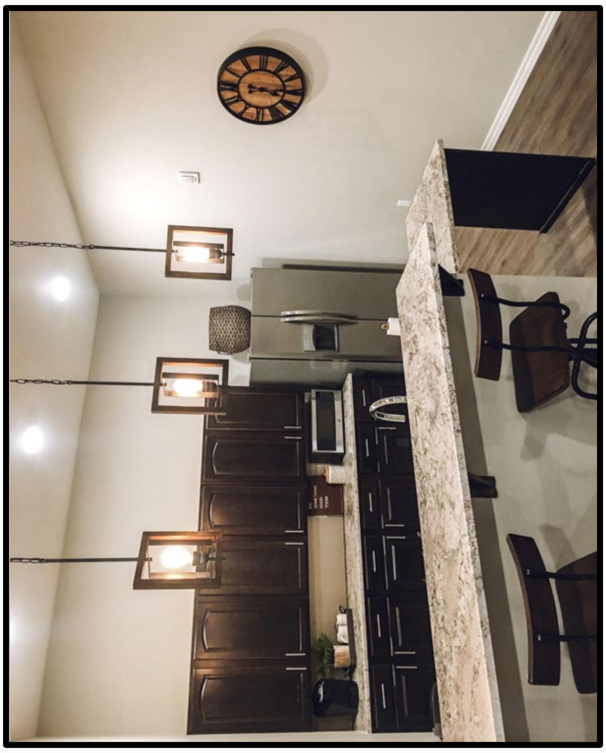
TRINITY
HOUSING DEVELOPMENT

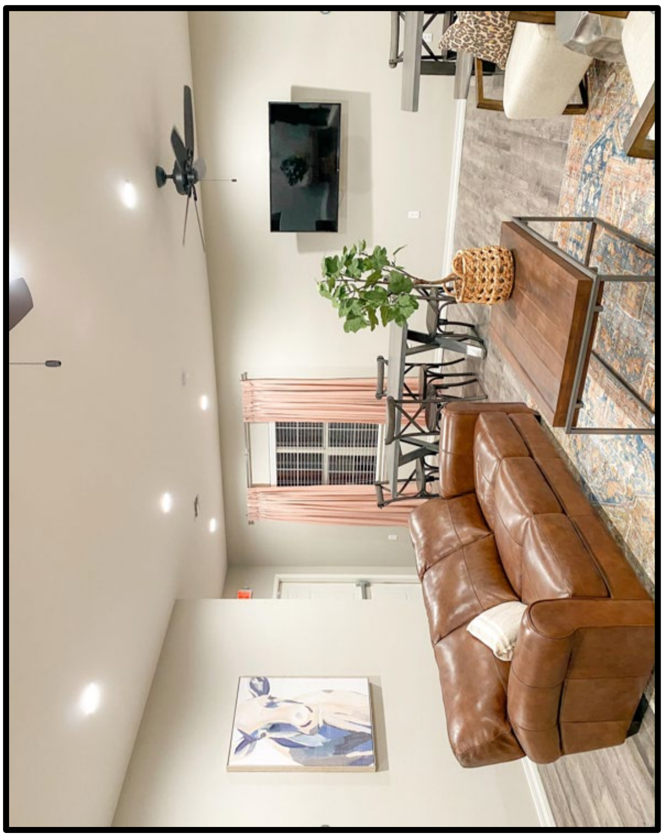
TRINITY HOUSING DEVELOPMENT



TRINITY
HOUSING DEVELOPMENT



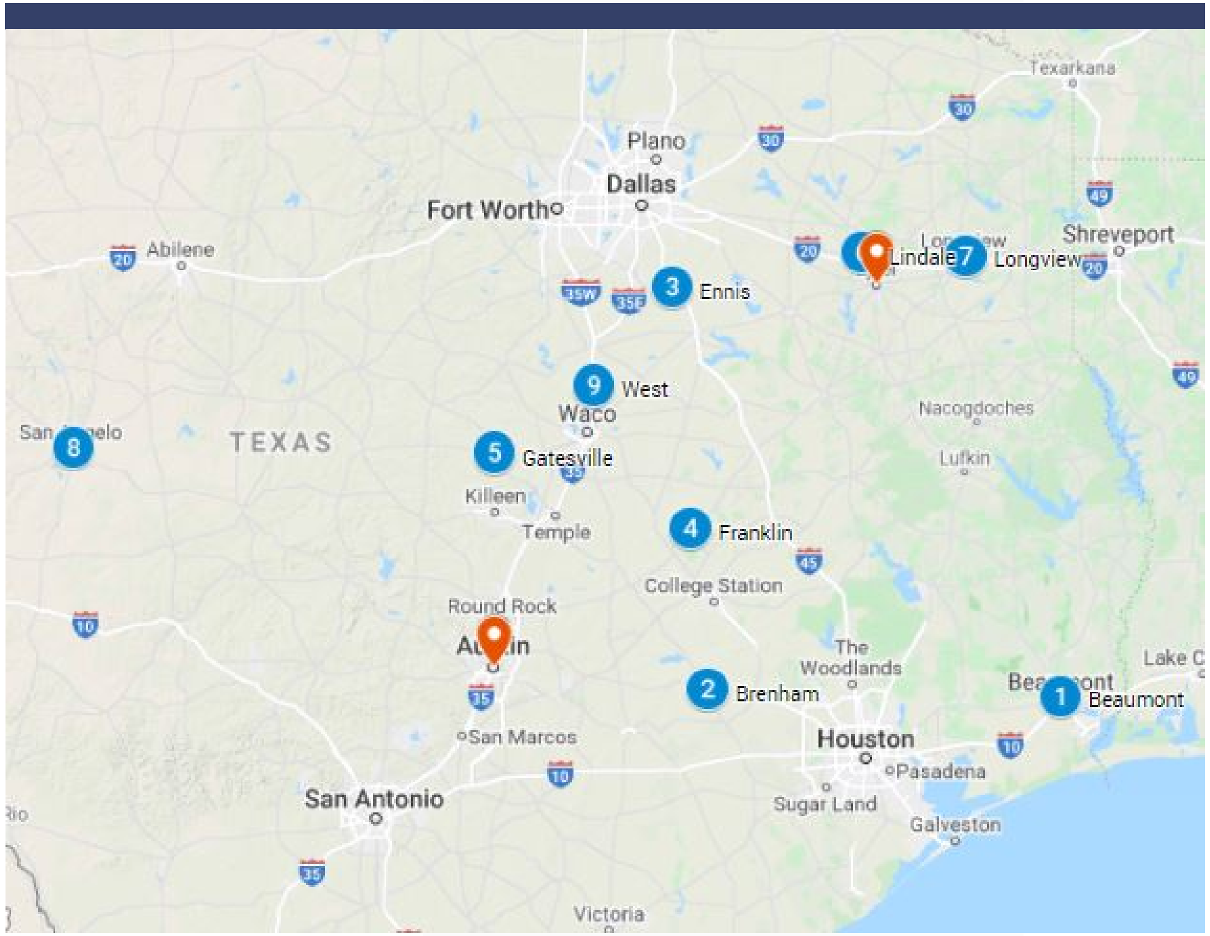




Trinity Developments

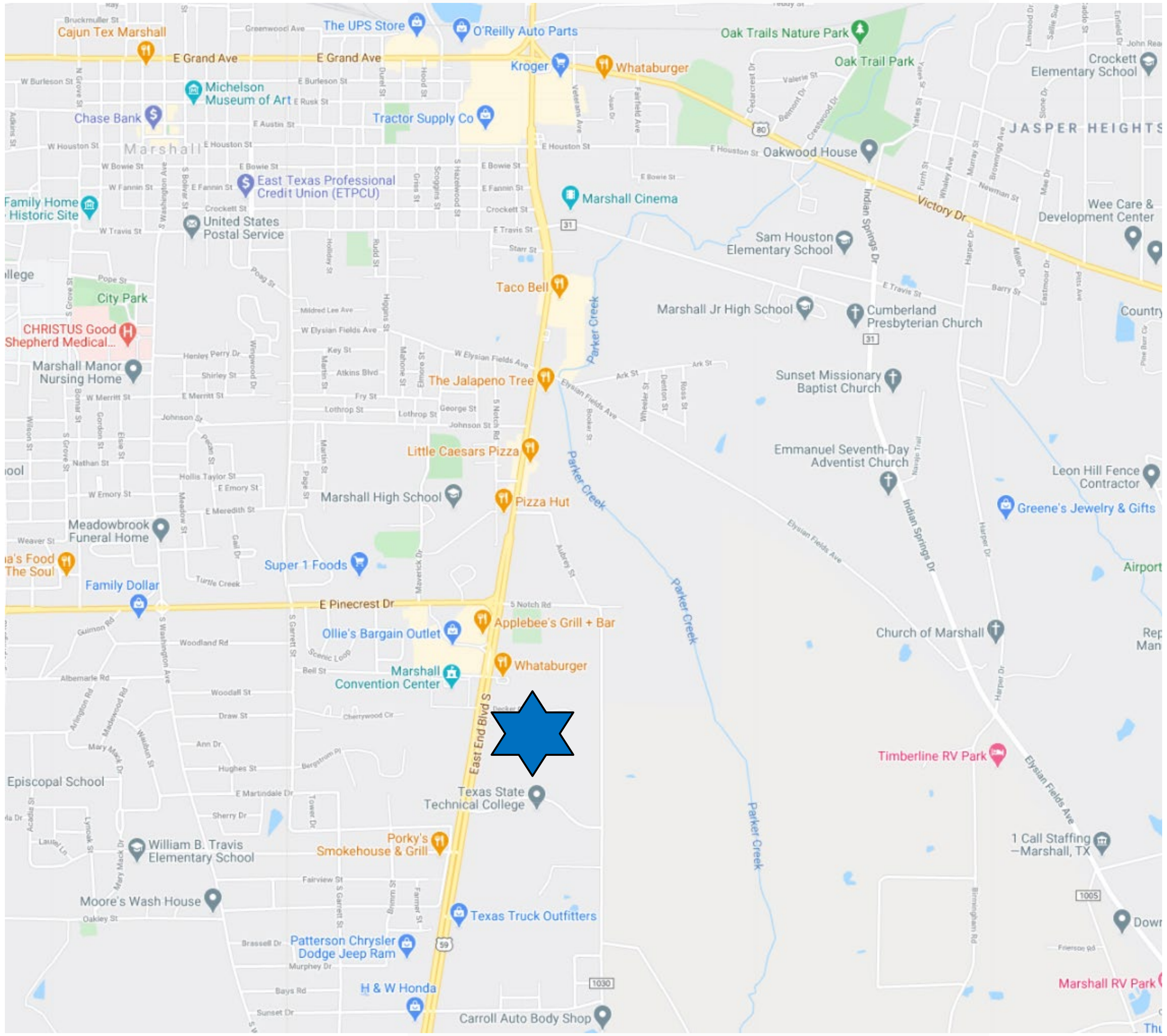
1. Beaumont
2. Brenham
3. Ennis
4. Franklin
5. Gatesville
6. Lindale
7. Longview
8. San Angelo
9. West

Local offices: Austin & Tyler



TRINITY HOUSING DEVELOPMENT

Site Location



TRINITY HOUSING DEVELOPMENT

Site Aerial

TRINITY HOUSING DEVELOPMENT

Project Specifics

- 50 to 75 units on 12+ acres
  - Final unit count to be finalized no later than March 1
  - Mix of one and two-bedroom units
- All units for persons 55+
- Communities Amenities to include a fitness room, library, internet café, kitchen and gathering/entertainment room.
- Outdoor amenities
  - Outdoor amenity area with tables and benches, covered pavilion and bbq area,
- Free resident activities and programming organized by management

TRINITY HOUSING DEVELOPMENT

Thank You

RESOLUTION NO. __________________________

A RESOLUTION BY THE CITY COUNCIL OF MARSHALL TEXAS SUPPORTING A PROPOSED AFFORDABLE SENIOR LIVING DEVELOPMENT (MARSHALL CROSSING)

WHEREAS, the City of Marshall (hereinafter "the City") is committed to promoting economic growth, redevelopment and community improvement; and

WHEREAS, a primary goal of the City's "Mobilize Marshall Strategic Plan" is to Improve Economic Development in the short term; and

WHEREAS, one important objective of the City under said primary goal is to establish alternatives for Senior Housing; and

WHEREAS, such alternative may be to increase the availability, financial accessibility, and support for safe, decent, and affordable senior housing in order to ultimately enhance the quality of life and quality of place of our senior citizens in the City; and

WHEREAS, Cobblestone Marshall Crossing, LP has proposed a 12-acre development for affordable rental housing at the southeast quadrant of Decker Dr. and East End Blvd S to be named Marshall Crossing in the City of Marshall; and

WHEREAS, Marshall Crossing will be a 48-75 unit age-restricted development whereby all residents must be 55 or older; and

WHEREAS, Cobblestone Marshall Crossing, LP has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs for 2021 Competitive 9% Housing Tax Credits for Marshall Crossing.

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

The City of Marshall acting through its governing body**,** hereby confirms that it supports the proposed Marshall Crossing (Application # 21099) and that this formal action has been taken to put on record the opinion expressed by the City on February 11th**,** 2021, and;

That for and on behalf of the Governing Body, Mr. Mark Rohr, City Manager, is hereby authorized, empowered, and directed to certify these resolutions to the Texas Department of Housing and Community Affairs (TDHCA); and

This Resolution shall become effective and be in full force and effect from and after the date of passage and adoption by the City Council.

PASSED, APPROVED AND ADOPTED BY THE CITY OF MARSHALL CITY COUNCIL ON THIS 11TH DAY OF FEBRUARY, 2021

____

Terri Brown, Mayor

ATTEST:

____

Nikki Smith, City Secretary

ITEM 8A

CONSIDER APPROVAL OF MODIFICATIONS TO THE FAÇADE IMPROVEMENT GRANT

City of MARSHALL TEXAS

TO: Mark Rohr, City Manager

FROM: Fabio Angell, Director
Community and Economic Development

DATE: February 11, 2021

SUBJECT: Consider approval of the City's Façade Grant Fund with new features

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City staff seeks to reestablish the Façade Grant Fund that was last used almost 5 years ago.

This Fund will serve as an incentive for property and business owners in downtown that want to restore, rehabilitate, reconstruct or preserve the architectural heritage of our downtown, one building at a time. Up to $5,000 will be reimbursed to applicants once a proposed project is completed. Previously the Fund would reimburse $2,500 per project.

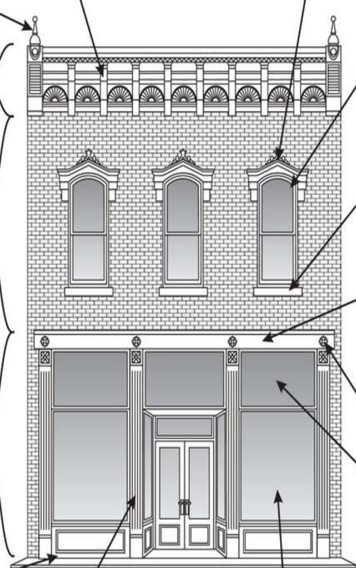
This Fund also has added features. They include technical assistance in the form of a consultation from the Design Office (of the Texas Main Street Program).

Should this technical assistance not be available, this Grant Fund can also reimburse applicants for up to $2,500 per project, as long as the project is fully completed and in compliance with the executed agreement between the City and the applicant.

To qualify for a grant of up to $5,000, under this reengineered Grant Fund, any proposed project will need to be in compliance with Design Standards.

City of MARSHALL TEXAS

Façade Improvement Grant Program



FINIAL
A decorative terminal form at the top of a feature.

BRACKET
A support for a projection, typically shaped like an inverted L.

WINDOW HOOD
A projecting member above a window that is both structural and decorative; on Main Street typically of stone, or cast iron.

SASH
Operable frame filled with glass.

CORNICE
The projecting member at the top of the exterior wall.

SILL
Horizontal member immediately below the window assembly.

UPPER FLOOR
The usually non-retail volume above the retail ground floor; multistory Main Street buildings are typically between 2 and 4 floors.

LINTEL
Structural member above a storefront that supports the parapet or upper wall.

STOREFRONT
The front exterior wall of commercial space, typically with large areas of glass.

ROSETTE
A typically circular motif that secures two cast iron lintels together.

BULKHEAD
The area between the sidewalk and the display windows; can be of wood, tile, or metal, or can be glazed.

COLUMN
A vertical structural member.

DISPLAY WINDOW
The main areas of clear glass on a storefront behind which goods are arranged. Usually of polished plate glass.

TRANSOM
Upper windows in a storefront; can be operable or fixed, clear or patterned.

Community & Economic Development Department
PO Box 698
Marshall, Texas 75670
(903)935-4456

A. Introduction

The City of Marshall has re-established the Façade Improvement Grant Program, which will provide technical and financial assistance to property owners seeking to renovate or restore their exterior signage, lighting or commercial building facades. This program is designed to impact properties in need of rehabilitation, reconstruction or restoration, resulting in the overall preservation of the City's architectural heritage in the City's Design Review District.

The Façade Improvement Grant Program will provide a fifty percent (50%) matching grant not exceeding **$5,000.00** for the funding of well-designed improvements which will coordinate all the important features of the storefront as an effort to preserve its historic architecture. This shall include any of the components for compliance found in the City's Design Standards. Funds are limited by the amount of city appropriation set aside for that purpose in the City's annual budget.

Applicants will be responsible for hiring licensed professionals to refine their conceptual design depending on the scope of work. An additional "in-kind" fund of up to **$2.500** in "Technical Assistance" is also available from a design expert (i.e. the Texas Main Street Program), as deem appropriate. Should the Texas Main Street Program's technical assistance not be available for any reason, financial assistance for up to **$2,500** for architectural services can be reimbursed from this Grant Fund, only if project is FULLY completed under the executed Grant Agreement with the City.

To be eligible and to quality for this grant, any proposed project must obtain a Certificate of Appropriateness from the City's Historic Preservation Officer, after approval of the proposed design by the HLPB.

B. Definitions

The following definitions shall apply to the terms used in this Policy:

Applicant: The property owner signing the application for a Façade Improvement Grant.

Construction Costs: The cost of construction materials and installation labor. All other associated costs are deemed excluded, including but not exclusively, the following costs: construction document preparation, bidding, sweat equity and construction financing.

Technical Assistance: The technical assistance can include a call from a design expert (from the Texas Main Street Program) to determine whether what is needed is a full-blown report and renderings; or, a preservation consultation; or, a set of mini-reports or sketches; or even a site visit.

Eligible Enhancements: The improvements identified as eligible in Section C herein.

Façade: The portion of the building parallel to the primary right-of-way as determined by the City's Design Standards.

Notice to Proceed: A written notice (i.e. Building Permit) from City staff authorizing the applicant to begin work.

Property: The physical lot and/or building to which improvements are being made.

C. Eligibility Criteria

The following criteria must be met for participation in the Façade Improvement Grant Program:

1. Applicants must be property owners located within the City's Design Review District in downtown, according to specifications found in the Design Standards;
2. Applicants must be up to date on all municipal taxes prior to participation in the program;
3. Applicants must not have any City liens filed against any property owned by the Applicant; including but not limited to code enforcement liens or tax liens.
4. Applicants must comply with all State and local laws and regulations pertaining to licensing, permits, building code and zoning requirements;
5. Understanding that the overall objective of the program is to improve the exterior of a property, the proposed project must have a Certificate of Appropriateness issued before any other permits are issued. The last step being a Building Permit which is the final Notice-To-Proceed before work can be started by the contractor.

D. Design Standards & Principles

Eligible Façade Improvements to be funded by the program must meet the City's Design Standards and have been approved by the City's Historic Landmark Preservation Board.

1. Ineligible Improvements/Expenses may include but are not limited to:
   a. Interior improvements;
   b. Playground or recreational equipment;
   c. Structural changes;
   d. Burglar bars;
   e. Security Alarm System;
   f. "Sweat Equity";
   g. New construction;
   h. Furniture;
   i. Asbestos testing, removal, abatement, or remediation; or
   j. Improvements for which insurance funds are received.

2. Prior Improvements
   Alterations and improvements made prior to receiving a Building Permit (i.e. "Notice to Proceed") ARE NOT eligible for reimbursement.

E. Program Assistance

Financial Assistance

Funding offered is a matching grant in which the City reimburses the applicant fifty percent (50%) of the total construction costs (i.e. Materials and labor), up to $5,000.00 maximum match for façade improvements. In addition, the City will waive building permits fees on an approved project under this program.

Applicant's match may be in the form of other financial aid (grant or loan) received from other agencies and/or banks, but may not be "in-kind". The City will only provide reimbursement after the Applicant supplies all documentation showing payment has been made for the work done.

F. Procedures

All prospective applicants must follow the procedures in the order outlined below:

1. Applicant meets with city staff from the Community & Economic Development Department for initial project discussion and submittal of application for a Certificate of Appropriateness.
2. Applicant's design team submits proposed drawings to City staff for review.
3. Proposed project is presented to the City's Historic Landmark Preservation Board (HLPB) for review and approval of a Certificate of Appropriateness.
4. Staff issues applicant a Certificate of Appropriateness as a first step to kick start the permitting process for all required permits (e.g. building, electrical, plumbing, etc.).
5. Once all permits are approved, City Staff will issue a Building Permit (i.e. Notice To Proceed)
6. City staff will also proceed to fully execute a Façade Improvement Grant Agreement with applicant. No work shall be initiated prior to receiving the Building Permit and an executed contract with all property signatures. Otherwise, no work shall be reimbursed.
7. Applicant has 90 days from the date of the executed Grant Agreement to Proceed with approved improvements, as per final design. Applicant must provide City staff with copies of all building permits and certifications received from the improvement project so they are attached to Grant Agreement.
8. Contractor constructs project improvements as specified in the final design. Changes to the approved plan that divert from the approved design shall NOT be allowed, unless City Staff deems such changes as minor and within the original scope of the approved design. Otherwise, the Certificate of Appropriateness will need to be reviewed by the HLPB.

9. Applicant notifies City staff once project is completed; City staff conducts necessary inspections to ensure improvements comply with final drawings and all necessary building and zoning codes.
10. Applicant must submit copies of all paid invoices to City staff, who then submits for reimbursement check.
11. In the event the Applicant is denied for a Certificate of Appropriateness, the Applicant will be allowed to reapply after 90 days from the original application date.

G. Termination

The City has the right to terminate any agreement under the grant program if a participant is found to be in violation of any conditions set forth in these guidelines in accordance with the Façade Improvement Grant Agreement or the Certificate of Appropriateness, or the final design used to issue the Building Permit, or a combination thereof.

ITEM 8B

CONSIDER APPROVAL OF APPOINTMENTS TO THE VARIOUS CITY BOARDS, COMMISSIONS, AND COMMITTEES

M E M O R A N D U M

To: Members of the City Council

From: Mark Rohr, City Manager

Date: February 2, 2021

Subject: Approval of appointments to the various City boards, commissions, and committees

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Recommendations for appointments to various City boards, commissions and committees are attached.

CITY BOARDS, COMMISSIONS, & COMMITTEES

HISTORIC LANDMARK PRESERVATION BOARD

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 this board are Tony Crosby, Faye Whitaker, Rita Louise, Mary Lynn Vassar, and Travis Keeney. 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.

Annye Fisher and Ralph Newman resigned.

It is recommended that Sam Moseley and Jay Carriker be appointed as new members on this board.

KEEP MARSHALL BEAUTIFUL BOARD

The 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 Ashli Dansby, Cheryle Carpenter, Susan Marshall, Angelita Jackson, Zonita Bailey and Stacy Burns. The staff member who works with this board is Mallori James, Director of Tourism & Cultural Arts. Questions may be directed to Mrs. James at 903-935-4417 or at james.mallori@marshalltexas.net.

There is one vacancy on this board which needs to be filled.

MAIN STREET ADVISORY BOARD

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 Harold Raines, George Kezerle, Joseph Filippazo, Diane Solomon, Karen Bickerdike, Deb Sorich, Deb Parker, Sam Moseley, Suzanne Carter, Lucy Golladay, and Cheryel Carpenter. 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.

It is recommended that Zelina Wright and Stephanie Phelps be appointed as new members on this board.

MARSHALL PUBLIC LIBRARY BOARD OF TRUSTEES

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 Ruby Pye, Peggy Emerson, Scherry Earl, Christina Deel and Darlene Dotson. 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.

It is recommended that Jenny Kerr and Dr. Patrick Winters be appointed as new members on this board.

ZONING BOARD OF ADJUSTMENT

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, Dale Person, 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.

There is one vacancy on this board which needs to be filled.

ITEM 9

CONSIDERATION OF ITEMS WITHDRAWN FROM THE CONSENT AGENDA

ITEM 10

ADJOURNMENT