

STATE OF TEXAS
COUNTY OF FALLS
CITY OF MARLIN

On this the 12th day of December 2023, the City Council of the City of Marlin, Texas convened in a REGULAR SCHEDULED MEETING at 6:00pm, the same being open to the public and having been posted as prescribed in Local Government Code, Section 551.041 with the following members present to wit:

ELECTED OFFICIALS

Mayor Susan Byrd
Mayor Pro-Tem Debra Levels-McDavid (6:02pm)
Sonia Ponce
Cecil Sparks (@ 6:05 pm)
Timothy Lopez (absent)
John Armstrong
Monica Washington (absent)

STAFF

Keith Whitfield, City Manager
Maryann Waddle, City Secretary
James Parker, City Attorney

1. Call to Order by Mayor Byrd @ 6:00pm.
2. Roll Call by Maryann Waddle , (mayor noted that Councilmember Washington sent a message she would not be attending)
3. Certify Posting in accordance with State Law by Maryann Waddle.
4. Pledge by Mayor Byrd and Invocation by Mark Pedersen.
5. Citizens Input.

Paula Kluck addressed the council about budget items, previous street repairs, sewage issues

Sue Dunham addressed the council on road conditions, the need for repairs, and dilapidated homes and overgrown properties.

Consent Agenda

6. Approval of the Council Meeting Minutes from the November 14,2023 City Council Meeting.

Mayor Pro-Tem Levels-McDavid motioned to approve Council Meeting Minutes from the November 14, 2023, City Council Meeting.

Councilmember Armstrong seconded the motion and the motion carried as follows:

Ayes: Councilmember Armstrong, Councilmember Sparks, Councilmember Ponce, Mayor Pro-Tem Levels-McDavid, Mayor Byrd

Nays: None

Absent : Councilmember Lopez , Councilmember Washington

Regular Agenda.

7. Update on TWDB, CWSRF, & DWSRF Projects and city road projects including but not limited to Robert E. Lee from the MRB Group.

Update on projects was given .

8. UPDATES/STATUS: City Business Not needing immediate discussion or action from City Council (2-3 min):

City Manager –Updates (City Manager)

- Had a conference call with Mr. Wren, Broussard from Mid-West Flow Control Products and Scott about cleanup of the sludge in the lagoons. Stated they will go through a two-day procedure on sludge while making a video that shows the reduction of the sludge. A 5-gallon bucket of sludge was collected and sent to Mr. Broussard to do the testing.
- MRB Engineers submitted SEP on behalf of the city. SEP was accepted by TCEQ.
- Mr. Peacock the CPA that is reconciling financials for the city stated he may be finished with the reconciling by the of December.
- Having meetings with departmental heads, reviewing monthly budgets and continuing to look at department personnel reporting.

Court - Update (Court Clerk Supervisor)

- GROSS COLLECTED- 25,900.56
- STATE FEES- \$11,161.81
- KEPT BY CITY- \$14,738.75
- MONTHLY REPORTS ARE COMPLETED
- COURT PARTICIPATED IN MUNICIPAL COURT WEEK

Police – Update (Chief Hommel)

- Submitted NIBRS reports.
- 17 Arrest
- 17 Suspicious Persons / Vehicle
- Total Calls 607 including ACO calls
- Disturbances 13
- Accidents 12
- Citations 226
- Burglary 2
- Shots fired 5
- Unwanted Person 12
- Assist Other Agency 17
- Completed the Chapter 59 Asset Forfeiture report.
- Back-ground on reserve officer Schmidt. He started on 11/30/2023.
- Vehicles should be ready late January early February.
-

Aco

- We took in 17 dogs, and 2 cats were dropped off.

- 9 dogs went to rescues.
- We had 4 dogs that were reclaimed.
- We had aprox 25 animal calls.
- We had 5 dogs adopted out.

Code

- Code Enforcement has sent out notices on 53 dilapidated structures.
- Sent out 23 certified letters sent out.
- We have 3 vehicles tagged illegally parked.
- Got 10 cases ready for court.
- Stopped 8 business working with out a permit.
- 46 permits were issued

Fire Department -Update (Fire Chief)

- Responded to 71 emergency incidents during month of November & 832 total incidents since January 1, 2023.
- MFRD responded to four (4) unauthorized outdoor fires during the month of November. It's important to note that outdoor burning is disallowed inside the Marlin City Limits.
- Two significant structure fires occurred over the past month; one (1) at 264 Coleman on Nov 2nd and another at 515 North Bus. 6 on Nov 3rd. Both fires remain under investigation at the time of this report.
- Emergency Medical Services (EMS) calls accounted for 46 percent of the month's responses.
- One (1) firefighter successfully completed Fire Instructor II training and will take the TX Commission on Fire Protection (TCFP) certification examination in the upcoming month.
- We should receive our initial order of smoke alarms from the American Red Cross. Our staff will provide and install these alarms free-of-charge for any/all interested residents.
- Our updated Public Protection Classification (PPC) was provided by the Insurance Services Office (ISO). Marlin's latest PPC is a 05/5X. Our five (5) year goal is to improve our PPC to a 03/3X.
- Marlin VFD is interested in trading their 100 ft. ladder truck for our former Engine 2 (housed at Station 2). If approved by City Council, this trade will significantly enhance our capabilities & help improve our Public Protection Classification (see above).
- Per U.S. Drought Monitor's November 30th update, 85% of Falls County is experiencing abnormally dry conditions. This is a significant improvement over last month's severe drought conditions.
- REMINDER: All citizens, businesses, and city departments are once again encouraged to make early preparations for possible severe weather impacts during the upcoming months.

Finance Department - Update (Finance Dir.)

- Bank Accounts
 - General \$1,752,520.37
 - 5% Dedicated Water fund \$358,907.54
- Accounts Payable are Current
- 2011/2012 series payment 1/1/24
 - =\$51,374.00

Water Department

- **Billing Intake: \$872,724.39**
- **Misc. Intake (taxes, permits, taps, etc.)\$350,013.31**
- **Number of Disconnects: 65**
- **Number of Reconnects:34**
- **Number of Payment Plans:4**
- **New Consumers:25**
- **Final Offs:60**
- **Transferrs:3 in Nov.**
- **Dec. bills out: Dec. 5th**

Public Works –Update (Public Works Dir)

Water

- **TURN ONS 38**
- **TURN OFFS 42**
- **REREADS 10**
- **DATALOGS 0**
- **LOCATES 3**
- **METER LEAKS 2**
- **WATER LEAKS 12**
- **SEWER BACK UPS 18**

Road Work

ROAD WORK ON TILLER ST ,WILLIS ST. 8 SEWER BACK UPS,WORK IN NEW PUBLIC WORKS BUILDING, REPLACE CURB STOP AT 810 FOSTER, WORK WATER OFFICE.

Mow Crew

MOW CALVARY CEMETERY, PAVILLION ON LIVE OAK ST.,HAUL TREE LIMBS,

Water Plant-Update (Water Plant Supervisor)

- **Water Treatment Plant**
- **One of our newest employees passed his D license exam. 2 more employees are scheduled to test mid-January.**
- **We have 2 backwash pumps, which one of them is pulled out of service for work to be done on it. \$21,146.00 has been quoted**
- **Staas Mechanical came to the plant Dec. 1st and they were able to pull the submersible pump out of the plant lift station. They delivered it to Jurgensen Pump for repair. They'll be sending us a quote within a few months.**
- **There have been no complaints this month concerning the manganese issue we've been dealing with.**
- **East Marlin Water Supply- TCEQ investigation due to a line break. We are now responsible for the flushing, monthly Bacteriological sampling and monthly chlorine residuals. We are NOT responsible fixing any of their distribution lines.**
- **Manganese control- TCEQ has asked Don Tharp, a retired TCEQ specialist/chemist (now a contractor) to come teach us how to do special studies on Sodium**

Pomegranate, caustic soda, and coagulant. They will be coming out on Dec 6th & 7th
- This is currently cancelled due to unforeseen unfortunate circumstances with Don's wife's health

- **32.9 MG of Water was treated and pumped this month.**
- **B5 contractors are about finished. New ETA is the end of this week.**
- **The electricians are finished installing the grounding rods.**
- **The membranes are doing excellent right now. Our IntTest been passing with flying colors.**

- **Waste Water Treatment Plant**

All normal operations were preformed this month with no issues

- **We did purchase a 30MP pump for Rock Dam Lift station.**
- **Update on Sludge Removal: We did send a 5-gallon bucket to GreenGen Solutions for testing and awaiting the results. We've been told that it exceeded expectations. It ate the sludge up quicker than expected.**

9. Discuss and take action to appoint additional members to serve on a Charter Committee.

No Action

10. Discussion and take action on purchases of vehicle for the city manager.

Councilmember Ponce motioned to table the item.

Councilmember Sparks seconded the motion and the motion carried as follows:

Ayes: Councilmember Sparks, Councilmember Ponce, Mayor Pro-Tem Levels-McDavid, Mayor Byrd

Nays: Councilmember Armstrong

Absent : Councilmember Lopez , Councilmember Washington

11. Discuss and take action on to allow Procurement for an engineer for ARPA fund projects and to authorize publication of request for qualifications or proposals.

Councilmember Armstrong motioned to allow Procurement for an engineer for ARPA fund projects and to authorize publication of request for qualifications or proposals.

Mayor Pro-Tem Levels-McDavid seconded the motion and the motion carried as follows:

Ayes: Councilmember Armstrong, Councilmember Sparks, Councilmember Ponce, Mayor Pro-Tem Levels-McDavid, Mayor Byrd

Nays: None

Absent : Councilmember Lopez , Councilmember Washington

12. Discuss and take action on allowing City Manager to move forward with utilizing Scoopline to treat and service wastewater lagoons.

Councilmember Sparks motioned to table and the city manager get back with council.

Mayor Pro-Tem Levels-McDavid seconded the motion and the motion carried as follows:

Ayes: Councilmember Armstrong, Councilmember Sparks, Councilmember Ponce, Mayor Pro-Tem Levels-McDavid, Mayor Byrd

Nays: None

Absent : Councilmember Lopez , Councilmember Washington

13. Discuss and take action to allow the Police Chief to delete a traffic patrol office position and reallocate funds for a pay increase throughout the Police Department.

Councilmember Armstrong motioned to allow the Police Chief to delete a traffic patrol office position and reallocate funds for a pay increase throughout the Police Department.

Mayor Pro-Tem Levels-McDavid seconded the motion and the motion carried as follows:

Ayes: Councilmember Armstrong, Councilmember Sparks, Councilmember Ponce, Mayor Pro-Tem Levels-McDavid, Mayor Byrd

Nays: None

Absent : Councilmember Lopez , Councilmember Washington

14. Discussion and take action on using currently leased land behind Hillcrest Cemetery and surveying for additional burial plots.

Mayor Pro Tem Levels-McDavid motion to survey 5 acers behind Hillcrest, survey the area to add burial plots.

Ayes: Councilmember Armstrong, Councilmember Sparks, Councilmember Washington, Mayor Pro-Tem Levels-McDavid, Mayor Byrd

Nays: None

Absent: Councilmember Lopez, Councilmember Washington

15. Discuss and take action on prior Council action to select a firm to provide auditing/accounting services to the City. Take action to select and approve a qualified firm to provide auditing/accounting services to the City and take action to approve a professional services contract for auditing/accounting services.

Mayor Byrd made the motion to move forward with the new dates that have been put in with Allman accounting firm.

Councilmember Ponce seconded the motion and the motion carried as follows: .

Councilmember Sparks left out at 7:39 pm

Ayes: Councilmember Armstrong, Councilmember Sparks, Councilmember Ponce, Mayor Pro-Tem Levels-McDavid, Mayor Byrd

Nays: None

Absent : Councilmember Sparks, Councilmember Lopez , Councilmember Washington

16. Discuss and take action to adopt an ordinance or resolution to amend the 2023-2024 municipal budget to approve and authorize line-item transfers from amounts budgeted/appropriated for the City Manager.

Councilmember Sparks back in at 7:42pm

Mayor Byrd moved that the surplus in the city manager budget line item salary be used the increase in the financial directors salary.

Councilmember Ponce motioned to adopt an ordinance or resolution to amend the 2023-2024 municipal budget to approve and authorize line-item transfers from amounts budgeted for the City Manager line in the salary. Decreasing the city manager from 109,00 to 90,000

Mayor Byrd motioned to adopt an ordinance or resolution to amend the 2023-2024 municipal budget in the amount of 19,000 dollars authorize line-item transfers from amounts budgeted for the City Manager

Councilmember Ponce seconded the motion and the motion carried as follows:

Ayes: Councilmember Ponce, Mayor Pro-Tem Levels-McDavid, Mayor Byrd

Nays: Councilmember Armstrong, Councilmember Sparks

Absent : Councilmember Lopez , Councilmember Washington

17. Discuss, consider, and take action on the appointment of applicant to the City's Planning and Zoning Commission.

Mayor Pro-Tem Levels-McDavid motioned to appoint Winston Williams to the Planning and Zoning Commission.

Councilmember Armstrong seconded the motion and the motion carried as follows:

Ayes: Councilmember Armstrong, Councilmember Sparks, Councilmember Ponce, Mayor Pro-Tem Levels-McDavid, Mayor Byrd

Nays: None

Absent : Councilmember Lopez , Councilmember Washington

18. Conduct a public hearing on the amendment of the City's current tax abatement procedures and tax abatement policies for tax abatements in the City of Marlin and for the adoption of new proposed Guidelines and Criteria for Granting Tax Abatements in an Enterprise or Reinvestment Zone Created in the City of Marlin, Texas.

- a) Speak in favor
- b) Speak in opposition
- c) Questions by citizens
- d) Close public hearing

19. Discuss and take action to adopt a Resolution amending the City's current tax abatement procedures and tax abatement policies by the adoption of new Guidelines and Criteria for Granting Tax Abatements in an Enterprise or Reinvestment Zone Created in the City of Marlin, Texas, for the purpose of attracting and promoting economic development.

Councilmember Armstrong motioned to table item #18&19.

Councilmember Sparks seconded the motion and the motion carried as follows:

Ayes: Councilmember Armstrong, Councilmember Sparks, Councilmember Ponce, Mayor Pro-Tem Levels-McDavid, Mayor Byrd

Nays: None

Absent: Councilmember Lopez, Councilmember Washington

20. Discuss and take action on Resolution approving and authorizing an increase in rates for municipal solid waste disposal charges to reflect the change in rates due to fuel cost adjustments.

Councilmember Armstrong motioned approve Resolution approving and authorizing an increase in rates for municipal solid waste disposal charges to reflect the change in rates due to fuel cost adjustments.

Councilmember Sparks seconded the motion and the motion carried as follows:

Ayes: Councilmember Armstrong, Councilmember Sparks, Councilmember Ponce, Mayor Pro-Tem Levels-McDavid, Mayor Byrd

Nays: None

Absent: Councilmember Lopez , Councilmember Washington

21. Discussion and or take action on approval of Municipal Court Judge Contract.

Councilmember Sparks motioned to table the item.

Mayor Pro Tem seconded the motion and the motion carried as follows:

Ayes: Councilmember Armstrong, Councilmember Sparks, Councilmember Ponce, Mayor Pro-Tem Levels-McDavid, Mayor Byrd

Nays: None

Absent: Councilmember Lopez , Councilmember Washington

22. a. Convene into executive session pursuant to Tex. Gov't. Code 551.074 (Personnel Matters) to deliberate the appointment, employment, evaluation, reassignment, and duties of the City Manager.

Council convened into closed session at 8:08pm

The council reconvened at 9:13pm into open session.

b. Reconvene into public session and discuss and take action as appropriate in the City Council's discretion with regard to the appointment, employment, evaluation, reassignment, and duties of the City Manager.

No Action

23. a. Convene into executive session pursuant to Tex. Gov't. Code 551.071 of the Texas Government Code, and section 1.05, Texas Disciplinary Rules of Professional Conduct, to consult with the City Attorney regarding the authority, powers, and roles of the Mayor, Council Members, and the City Manager under the City Charter and the City ordinances.

Council convened into closed session at 9:13pm

Council reconvened into open session at 9:44pm

b. Reconvene into public and open session to take action as appropriate in the City Council's discretion regarding the authority, powers, and roles of the Mayor, Council Members, and the City Manager under the City Charter and the City ordinances.

No Action

24. Future Agenda items.

Update on NANO Stone project, Drainage on San Antonio and Benard, Workshop (City Manager told council to email him items and availability)

25 . Adjourn.

Councilmember Sparks made motion to adjourn, Councilmember Ponce seconded, all in favor said "Aye" meeting ended at 9:48pm

PASSED AND APPROVED ON THIS THE 12TH DAY OF March 2024.



A handwritten signature in black ink, appearing to read "Susan Byrd", written over a horizontal line.

Susan Byrd, Mayor

A handwritten signature in black ink, appearing to read "Maryann Waddle", written over a horizontal line.

Maryann Waddle, City Secretary