

STATE OF TEXAS
COUNTY OF FALLS
CITY OF MARLIN

On this the 12th day of March 2024, 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
Sonia Ponce (@ 7:02pm)
Monica Washington
Cecil Sparks(@ 6:03pm)
John Armstrong

STAFF

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

1. Call to Order by Mayor Byrd at 6:00pm.
2. Roll Call by Maryann Waddle.
3. Certify Posting in accordance with State Law by Maryann Waddle.
4. Pledge by Mayor Byrd and Invocation by Pastor Ward
5. Citizens Comments

Bill Range addressed the council on item #8 the FRO .

Terry Westmorland addressed the council on the animal shelter.

CJ Westmoreland addressed the council on adding a documents folder to the website to add dog pound information.

Pam Kelly addressed the council on stray animals.

Jeff Fletcher addresses the council on the animal shelter

Ellen Metz addressed the council on the animal shelter. .

Allison Morrow addressed the council on the animal shelter.

Joy Boston addressed the council on the animal shelter.

Dorothy Sanders addressed the council on the animal shelter.

Roy Martinez addressed the council about sending the animal shelter case to the Texas Rangers.

Frances Fisher addressed the council on the animal shelter.

Dorene Burlew addressed the council on the animal shelter.

Consent Agenda

6. Approval of the Council Meeting minutes from December 12,2023, January 9,2024, January 25,2024, February 13,2024 and February 16,204 City Council Meeting.

Councilmember Armstrong motioned to approve Council Meeting minutes from December 12,2023, January 9,2024, January 25,2024, February 13,2024 and February 16,204 City Council Meeting.

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

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

Nays: None

Absent: Councilmember Ponce

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.

10. Discuss vacancy of the office of Presiding Municipal Court Judge and Discuss and or Takes action on publishing/advertising a Request for Qualifications (RFQ) for a presiding Municipal Court Judge.

Councilmember Ponce in at 7:02pm

Councilmember Armstrong motioned to appoint associate Brian Overstreet to Presiding Judge.

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

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

Nays: Mayor Byrd

11. Consider and or approve a Resolution Authorizing Signatories For Texas Water Development Board Funded Projects.

Mayor Pro-Tem Levels-McDavid motioned to approve a Resolution Authorizing Signatories For Texas Water Development Board Funded Projects designating the Mayor and the City Manager.

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

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

Nays: None

12. Discuss and take action to selecting Schaumburg & Polk Inc., for Engineering / Architectural / Surveying service provider(s) to complete project implementation for the American Rescue Plan Act (ARPA) funding administered by the U.S. Department of the Treasury, other Federal or State Agency.

Councilmember Armstrong motioned to select Schaumburg & Polk Inc., for Engineering / Architectural / Surveying service provider(s) to complete project implementation for the American Rescue Plan Act (ARPA) funding administered by the U.S. Department of the Treasury, other Federal or State Agency.

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

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

Nays: None

13. Discuss, consider, and take action to select and/or award contracts for Engineer, Bond Council, and Financial Advisor for the Lead Service Line Inventory Project.

Scoring was discussed.

Councilmember Armstrong motioned to take action to select and/or award contracts for Engineer, Bond Council, and Financial Advisor for the Lead Service Line Inventory Project awarding McCall as bond council, Schaumburg & Polk Inc for engineer, and U.S. Capital Advisors as financial advisors.

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

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

Nays: None

Mayor Byrd vetoed the item stating that the scoring committee should have been more diverse.

14. Consider and or approve award of a contract to Data Flow System to install SCADA system in water/wastewater system.

Mayor Pro-Tem Levels-McDavid motioned to award of a contract to Data Flow System to install SCADA system in water/wastewater system.

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

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

Nays: None

15. Consider and or approve Falls County Hazard Mitigation Plan.
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16. Discussion and or take action an adopting a rescind prior City Council prior action on using currently leased land behind Hillcrest Cemetery and surveying for additional burial plots and further authorizing an amendment of the existing lease as necessary.

Councilmember Ponce motioned to rescind prior City Council prior action on using currently leased land behind Hillcrest Cemetery and surveying for additional burial plots and further authorizing an amendment of the existing lease as necessary.

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

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

Nays: None

17. Discussion and or take action on earmarking and/or designating ARPA fund moneys to purchase lawn equipment.

Mayor Pro-Tem Levels-McDavid motioned to approve earmarking designating ARPA funds to purchase lawn equipment up to \$40,000.

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

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

Nays: None

8. Discussion and or take action to consider and approve a resolution approving the First Responder Organization (FRO) Provider Agreement with City Ambulance Service related to providing EMS Services.

Mayor Pro-Tem motioned to approve a resolution approving the First Responder Organization (FRO) Provider Agreement with City Ambulance Service related to providing EMS Services subject to the City Attorney and Fire Chief review.

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

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

Nays: None

8. Discussion and or take action to consider and approve a resolution approving the First Responder Organization (FRO) Provider Agreement with City; Ambulance Service related to providing EMS Services.

Mayor Pro-Tem Levels-McDavid motioned to approve a resolution approving the First Responder Organization (FRO) Provider Agreement with City Ambulance Service related to providing EMS Services subject to the City Attorney's review and approval along with the Fire Chief

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

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

Nays: None

9. Consider and or take action on approving a trade with the Marlin Volunteer Fire Department for a ladder truck.

Since city owned truck was part of UADA grant , stipulations on time frames will be checked.

Councilmember Armstrong motioned to approve a trade with the Marlin Volunteer Fire Department for a ladder truck subject to.

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

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

Nays: None

18. Consider and take action approving or authorizing execution of a contract with TXU , previously approved October 8, 2019, for energy provider services , and authorizing any further action related to the contract previously approved by City Council.

Councilmember Armstrong motioned to approve execution of a contract with TXU , previously approved October 8, 2019, for energy provider services , and authorizing any further action related to the contract previously approved by City Council.

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

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

Nays: None

19. Discussion and or take action to approve and adopt a resolution cancelling the General Election to be held May 4, 2024 due to the candidates for election to the single-member precincts included on the General Election ballot for the May 4, 2024, municipal election being unopposed.

No action.

20. Discussion and or take action on agreement with Falls County Elections Division to conduct the City's election.

Mayor Pro-Tem Levels-McDavid motioned to approve agreement with Falls County Elections Division to conduct the City's election.

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

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

Nays: None

21. Conduct first reading of an Ordinance vacating/ abandoning alleyway and easement area requested by Larry W. Jackson and approved by City Council.

Councilmember Sparks motioned to accept the first reading.

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

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

Nays: None

22. Public Hearing on a requested Special Use Permit for a a new manufactured home to be located at 712 Brown Street, Marlin, also known as s4280 Sunrise BLK 6, Lot 8-12.

- a) Speak In Favor. (none)
- b) Speak In Opposition.
Kathleene Barrett spoke in opposition.
- c) Questions by Citizens. (none)
- d) Close Public Hearing. (7:69 pm)

23. Take action on recommendation on requested Special Use Permit for a new manufactured home to be located 712 Brown Street, Marlin, also known as S4280 Sunrise BLK 6, Lot 8-12.

Councilmember Ponce motioned to approve a requested Special Use Permit for a a new manufactured home to be located at 712 Brown Street, Marlin, also known as s4280 Sunrise BLK 6, Lot 8-12.

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

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

Nays: None

24. a. Convene into executive session pursuant to Tex. Gov't. Code Sec. 551.071, Texas Government Code, and section 1.05, Texas Disciplinary Rules of Professional Conduct, to consult with the City Attorney regarding the City's animal control facility and City animal control facility policies and procedures.

Council convened into closed session at 7:59pm

Council reconvened into open session at 9:20pm

Councilmember Sparks did not return.

- b. Reconvene into public and open session to take action as appropriate in the City Council's discretion regarding the City's animal control facility and City animal control facility policies and procedures.

Councilmember Ponce motioned to instruct the Police Chief will provide a draft set of animal control facilities polices and procedures for the city council to review and for approval for future to ensure the care of what is our responsibility to be done at the animal shelter.

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

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

Nays: None

Absent: Councilmember Sparks

27. Future agenda items: Discuss and Consider items for placement on a future City Council Agenda.

Councilmember Ponce motioned to call for a special meeting to appoint a investigator to investigate the animal control facility issue and addition a personal matter to review the Police Chief and the occurrences at he animal control facility

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

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

Nays: None

Absent: Councilmember Sparks

25. a. Convene into executive session pursuant to Tex. Gov't. Code 551.074 (Personnel Matters) to hear a complaint or charge made against the City Manager.

The City Manager requested it remain in open session. Employee Marion Gude told the council his complaint.

Councilmember Sparkes rejoined the meeting.

Councilmember Sparks left at 9:42pm

Councilmember Armstrong left at 9:43pm.

Councilmember Washington left at 9:45pm

Meeting was ended due to lack of quorum at 9:45pm


- b. Reconvene into public session and discuss and take action as appropriate in the City Council's discretion regarding a complaint or charge made against the City Manager.

26. Consider, approve, and accept the City Manager's resignation and discuss and take action on effective date of City Manager's resignation.

28. Adjourn.

PASSED AND APPROVED ON THIS THE 9TH OF April 2024.




Susan Byrd, Mayor


Maryann Waddle, City Secretary