

STATE OF TEXAS
COUNTY OF FALLS
CITY OF MARLIN

On this the 29th day of September, 2020, the City Council of the City of Marlin, Texas convened in a Special Called 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 Carolyn Lofton
Mayor Pro-Tem Scottie Henderson
Nettie Moore
Rhonda Milton
Max Martinez (absent)
Douglas Porter
Terence McDavid

STAFF

Cedric Davis, City Manager
Maryann Waddle, City Secretary
James Parker, City Attorney

1. Call to Order by Mayor Lofton @ 6:00pm.
2. Roll Call by Maryann Waddle.
3. Certify Posting in accordance with State Law by Maryann Waddle.
4. Pledge by Mayor Lofton and Invocation by Councilmember Porter.
5. Public Hearing on Ordinance 20-010 Setting Tax Rate for the City of Marlin for 2020
 - a. Speak in favor. None
 - b. speak in opposition. None
 - c. Question by citizens. None
 - d Close public hearing. Hearing was closed at 6:09 pm
6. Discussion and or Take Action: Approval of the M&O (maint. and oper.) Component of the Tax Rate of .8558 per \$100

Councilmember Porter made a motion to approve the M&O (maint. and oper.) Component of the Tax Rate of .8558 per \$100.

Councilmember McDavid seconded the motion and motion carried as follows:

Ayes: Councilmember Moore, Councilmember Porter, Councilmember Milton, Mayor Pro-Tem Henderson, Councilmember McDavid, Mayor Lofton

Nays: none

Absent: Councilmember Martinez

7. Discussion and or Take Action: Approval of the Debt Service Component of the Tax Rate of .06266 per \$100

Councilmember Porter made a motion to approve the Debt Service Component of the Tax Rate of .06266 per \$100

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

Ayes: Councilmember Moore, Councilmember Porter, Councilmember Milton, Mayor Pro-Tem Henderson, Councilmember McDavid, Mayor Lofton

Nays: None

Absent: Councilmember Martinez

8. Discussion and or Take Action: Ordinance 20-010 Setting the Tax Rate for the City of Marlin for 2020

Councilmember Porter stated I move that the property tax rate be increased by the adoption of a tax rate of .918460, which is effectively a 2 percent increase in the tax rate.

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

Ayes: Councilmember Moore, Councilmember Porter, Councilmember Milton, Mayor Pro-Tem Henderson, Councilmember McDavid, Mayor Lofton

Nays: None

Absent: Councilmember Martinez

Councilmember Porter left the meeting at 6:13

9. Discussion and or Take Action: Remember the Fallen Memorial Traveling Wall Sponsorship (Judge J. Elliot)

Judge J Elliot addressed the council and said my understanding is there are a few questions from last time. He is here to answer any questions the Council might have. Mayor Lofton said there were quite a few questions, they were kind of wondering about the distribution of the funds that can be collected, in terms of the nonprofit agencies. I noticed that in particular Faith Hope and Charity was not one of the agencies, is there reason why they were not a beneficiary the funds. Judge Elliott said we chose the boys and club girls club, and everybody else is providing volunteers to help run the event. So everybody else on there has or is helping us with volunteers. If you're producing volunteers you were on the list for the ones to receive some money. Mayor Lofton said, is that the stipulation to receive the funds,

to provide volunteers. Judge said no, those are the ones that are picked. Just like the ones that are on the Samaritan house there are many charities of all sorts throughout the town that we did not pick and there are ones that we did pick, so those are the ones who were picked to give back to or to give any profits to after it's all said and done. Mayor Lofton said so if they want to be a part and received funds they can contact you to work so they can be recipients of the funds. Judge Elliott said for right now we are working with the seven and that's work on that. Mayor Lofton said that she noticed that there was 14% between the seven and that doesn't equal hundred percent funds, can you tell us what happened to the rest of the funds. Judge Elliott said I'll do my country boy math for you real quick. He said I go 7×14 divided by hundred equals. He said it is 14.852% so when I said 14 it's roughly actually seven charities split equally is 14.28% roughly.

Councilmember Moore said with a list, I thought it would have to do with our youth. Judge Elliott asked which one is not dealing with youth. Councilmember Moore said we know some deal with the youth like Faith Hope and Charity. Judge Elliott said I understand but I've got Boys and Girls Club's they deal with youth, the Rotary club, the Lions Club, the youth fair and I've got AKS. I've got five that provide scholarships to everybody, they deal with youth. So it's not that I don't have youth in there and I'm not saying Faith Hope and Charity is not a good thing to do because when we get unfunded capital credits or whatever, the state of Texas gives, Faith Hope and Charity is one of those we always give to as well as with Girls and Boys Club that we give to. Faith Hope and Charity didn't make the cut.

Councilmember Moore asked if this was done intentionally. Judge said we put it down and we did not include Faith Hope and Charity. Councilmember Moore said so you limited to a certain number. Judge Elliott said those are the ones that we chose. I looked at the youth fair they donated seven \$7000 for the event to give us a discount rate on the rental and the next one is they also raise \$250,000 for scholarships for the farm animals, so that is the youth. The MMCA gave scholarships to the Marlin High School graduates. The AKS which brings Ms. Central Texas into Marlin and they give scholarships. The Boys and Girls Club they are awesome, the Lions Club, Rotary club all give scholarships. There are also

charities to give books to kids in elementary school, this provides hardbound books to homes where they normally would be found. The only one that does not per se give scholarships is the Chamber of Commerce. Faith Hope and Charity is not being discounted. We just went with those 7. Mayor Pro Tem Henderson stated he had a few questions. First he wanted to say it was a good idea, is not to mess it up, he just likes some clarity. The NAACP give scholarships too, we got left out this time, if it ever happens again we would like to be considered. The next thing who is we that picked. Judge Elliott said me, Michael, and Burline Terry. Mayor Pro Tem Henderson said the next question he had was I would have liked to seen the city totally involved in that being the owner of the facility, looked on the paperwork and it said something about somebody was donating the facility which I know the city owns the facility and also has a contract with individual that is over the facility. I was concerned about that one. It is a great idea. Others want to make sure I get the questions out here is the people understand how it's going. I just want to clarify a few things because people are asking me a lot of questions to. There a lot of people that would like to be involved in that and I hope it brings thousands of people, I don't want the people to think that the City of Marlin don't want to be involved in what you're doing. Judge Elliott said I will tell you we had a meeting with Cedric and was the first thing I told him, look I want to make sure that I'm coming to you because I know specifically the in and out. I want to make sure that we have it done correctly because it could be an issue with the event exit and entrance. I said I want to put you as one of the main sponsors to get it out, that's one of the reasons why. I know enough with hotel motel, that bringing an event in that we sit there and ask well heads in beds. This has the potential to put heads in beds, so money spent to promote and in-kind match as well. Our plan is on Willis Street that to have that entrance only, the exit, when they come out of the youth fair they take an immediate right through the park and exit near New Nations. And the reason I'm doing that, or try to do, it is perfect right by the Chicken Place but the Chicken Place is an accident waiting to happen as far as coming up the hill, so I can't take that and I thought it was a pretty good thinking if we were to send them to the park so they actually see what a great park Marlin has. It sells the park. He

wants the City of Marlin to be put on their, he wants the city to be a part of it. This is why he came here. If you choose not to that's fine too we have to move on draw fire to get this event going, to get the flyers out. Mayor Lofton said I don't think it's that any of us don't want to, we just want to make sure that there's fairness in some of the distribution of funds because of the fact that particular later organization wasn't contacted to do any work to be recipient of some of the funds. This is why we're asking because at the end of the day were managing the citizen's funds. The citizens are questioning us we need to be able to provide information for them. We need to ask you because we don't know anything about it, that's what we're asking. Mayor Pro Tem Henderson said a few years back we had problems with individuals who are over the facility they put in a grant and they lost it because they didn't come to the city, that's one of the main reasons I asked about it because they didn't get the grant because they didn't come through the city. I don't want that to happen again. It was \$100,000 grant that they was going to get from the state of Texas but they don't own the facility, they're just renting. You look at the contract to go into detail, but they lost the grant, that income because they didn't go through the city before they talked or started talking about that grant money. They was going to redo the facility with a grant and they said you can't do that. That's why I asked because if the city is not involved in it how this can work for you. I don't want it to backfire. Judge Elliott said in 2020, it will be the only time The Remember Our Fallen will be in Texas. I sit there and say it with a giggle because it's going to be in Marlin Texas. It's not from embarrassment it's the fact that Marlin got it. For me I see Falls County, Marlin Texas got it. There are six people that's on the towers that will be from our area that have passed away. I brag about it. Channel 10 news is trying to get it pushed up to the Dallas-Fort Worth down to Austin and in the Bryan College Station, because this near and dear to my heart because I have to personal friends on there. I probably have more fun looking at the pictures. I want to be involved I'll answer any questions. Councilmember Moore asked if we could be more inclusive and diversify more so that it will be a collective effort when things are blossoming, so what happened when they came to the city about being involved. Cedric said remember the last

meeting I told you it was going to be 2500 in cash and 2500 and in-kind, then there questions so I sent the questions to the judge to be answered. Judge said he thought right after it hung up and it was one of the few times that his phone was on silent and I called them back but it was too late. Councilmember Moore said her point was she doesn't put a negative on it, you, Burlin, and Mike, I don't know how it got started but if it's a big deal about the fallen, there's fallen all over so we have your involvement to include everyone but you said you come to administration for sponsorship. The judge said because with the flyer on it will have Marlin but I want to have City of Marlin, however the logo is wanted to appear. It's in the City of Marlin and the City of Marlin sponsored it. Councilmember Moore said I don't know how often comes around but perhaps it could come around soon how would others have an opportunity to be involved in the planning of it. Michael Magourik said it will become back next year and since I've been involved with this group, it was hero right to recovery. The city was really involved when Mayor Nelson was in everybody was in it and George W. Bush was with it and this is kind with the same group, with guys around the bikes, a bunch of them have passed away, so they call me up about five months ago and me and Jay said let's get this going back . Right now it's in Austin in the following week we can bring it to Marlin and then from Marlin to go to Oklahoma and then two weeks ago we found that Austin canceled and they've given us extra days so will be here for nine days, 10 days. So that's how it came to Marlin from when I was involved in that hero ride to recovery, we feed them at the Catholic Church. Councilmember Moore said what I'm saying is I'm hoping that we have the spirit open it up so that more of Marlin can continue to come together and grow and develop because he got a small group who gets to pick for whatever is good, to be in its from that small group perspective. If we open it up it will be open to bring more in, one of the things I have problem with it in event planning is we have a lot to veterans here Marlin but it always seems to center on the same group in Marlin, it is not the same it has changed and I would like to start reflecting that in our sponsorship of what we're doing for the city. Mayor Pro Tem Henderson asked how hard it would be to put Marlin on with the facilities. Judge Elliott said I'm confused. Mayor Pro Tem Henderson said on the paperwork where

it said donated the facility, they were donating individuals just the facility itself. Cedric said on the paperwork next to it you had in parentheses facilities it is anything about workers. Michael said on the banner it says presenting sponsors, we're to have the city as a presenting sponsor and they were the main one in town and the rest of them will be on the bottom to be tower sponsors. Judge Elliott said you have tower sponsors. Michael said you have sponsors from 300 up to 10 grand sponsors. There are three different sponsors. Mayor Pro Tem Henderson said Falls County Youth Association is good to get a percent of that money for the facility right. Judge said yes. Mayor Pro Tem Henderson said that's what I mean. Judge Elliott said here's what I'm saying who is leasing the facility, who leases it, yes you own it but the Falls County Youth Fair has leased it till 2024 something. Within reason within the bounds that lease agreement it's theirs. Whether it's to events, with again within that lease agreement is theirs. Mayor Pro Tem Henderson said in that lease Marlin city has two days that they can have that facility themselves. Judge Elliott said what I'm saying is that I'm not arguing the two days but I'm saying the youth fair, the Youth Fair Association is the leaseholder of the building and the charges nine days for that rent. Mayor Pro Tem Henderson said in that lease, you might want to get the attorney look at it, which was the agreement that they fix the facility for the city. Judge Elliott said how much do you pay for the facility right now with it fixed up, city pay. Mayor Pro Tem Henderson said that was the agreement. Judge Elliott said the Youth Fair Association as part of the agreement fixed it and made it up and are making payments on the fix it up or am I wrong. Mayor Pro Tem Henderson said I'd hate for you to be disappointed but I think you need to look at it and he asked the question they have a certain amount of time to refinish that facility which was never finished and at one time we was talking about taking the facility back and they got it back renewed. That's why I ask and said we need to have attorney take a look. The contact with those individuals, you take a look at it we could have dodged a bullet if you could just put City of Marlin, but that is something to deal with the attorneys and stuff like that. The ownership that facility self. Cedric said that the facility is owned by the city and it is leased to the other, both parties are donating because even though they are

the lessee the city owns it. So there's nothing wrong with saying the city basically gives his blessing to the lease and that makes it all go. Judge Elliott said I'm said that they charge \$1000 rent for that and when I say donated they gave us one free day and at \$300 a day which to go over 10 days is \$7700. When I say donate \$7700 it is based on the rent. Cedric said we have two days I think with the Mayor Pro Tem is saying what if we donate one of our days that will leave us 1 and that will leave y'all one less day to pay for. Judge Elliott said I'm good with that. Cedric said if we go back and say the city's going to donate one of our days then that's \$300 savings for you that's what he saying. Now you can say if they go to sponsor this to be go sponsor and down and that area you'll have the city and that organization. Judge Elliott said I'm with you I can put your name on a turn as well for that 300 for the day donated. The big sponsors go on the banner go on the flyers and the TV commercials so your name will be on all of it and if you choose to donate one of your days I guarantee that you cannot have any problem with it, that's an extra 300 bucks then I'll throw you down as a \$300 sponsor for the tower and your names on Tower to. Councilmember Milton she wanted to understand what the purpose of the Fallen Memorial travel was, can you give some background. Judge Elliott said basically you had a group of gold star moms and families got together and from September 11, 2001 until today, when they started this there were 32 towers, was a towers they are still towers with three things coming off of it and on each side has a picture in uniform and then a personal picture. Sometimes when you see the soldier in uniform you don't connect to them like you did a personal pitcher. Councilmember Milton said was the purpose, who is on there. Judge Elliott said it is every service member that died since September 11, so that if they down range or died in a training accident or die because of suicide. So every service member that is, God, minus if they were on leave. Supposed I was on leave and I had had a car accident that's not one, but if you're a training accident or suicide, if one of your soldiers walked up to you in uniform a shot you then you'll be on the wall. Councilmember Milton asked are their people from Texas. Judge Elliott said yes there lots in Texas and there are six you'll have Darrell Allan, Sodek, and four across the river and one from Westphalia the got killed in Afghanistan. So six

there, you have service member's, I will tell you again we started with 32 towers were 34 now. Because of the number of police officers who lost in the recent month. You have the soldiers the first responders which are your police fire in your ambulance so if you have died while performing those duties you're on the wall too and the difference is there all different colors. Councilmember Milton asked if it's something that the students at the high school that are taking history, US history, if would be beneficial to them. Michael said will have all the kids from the school coming. Judge Elliott will be offering it to them and it will be up to the school to get them there. Councilmember Milton said for having the opportunity of this magnitude then the school should've been notified. For putting it into action I appreciate the thinking. Councilmember McDavid said you talked about this coming up next year, was to be the criteria for other organizations to receive funds because BTW and Delta Sigma Delta also give scholarships and didn't see them on your list. So besides volunteering to help what other criteria do you actually go by on the using to choose organizations that are included. Judge Elliott said next time will get as many of them as we can in whether I pick them out of a hat or whatever. Councilmember McDavid said is there a certain number that you're trying to have. Judge said no those are the ones that we pick this year and next year will hit up a bunch of them, but here's where all say there's plenty of organizations that don't support events, it's kind of crickets they don't show up in what comes to this no matter what I need volunteers. I don't do just cash recipients. I have to have volunteers. Councilmember McDavid said I know Delta has done a lot of volunteering like registering for voting, I'm just asking. Judge Elliot to begin for me as volunteers, its huge. It takes 2 to 4 volunteers per shift. Councilmember McDavid asked that next year they put out flyers for other organizations to get involved. Judge Lee said yes I'll do that. Cedric said he was looking at Facebook and everybody's one like what's going on. So if counsel does go with the 300 he would like them to state in their motion that their doing the package at 2500 cash and 2500 in-kind and plus the 300 donation of the day to clarify. Mayor Lofton asked if the 300 was in-kind because we offered up a day so that will be included in the in-kind so won't have to do that separately. So to be 2500 in-kind so one of

those days is donated. Judge Elliott said donating one of their days it would be free since they are paying for nine days but instead now for eight days which saves money. Mayor Lofton asked if any of the donations are going to the patriotic production because she noticed they had a donation page and they collect funds for the travel of the wall. Michael said we only pay in the 7000 to bring it here. They do not charge to get in but they will put a bucket at the door. Judge Elliott said we will not charge to get in but we will have a bucket for donations for that will just be added to the pot. Mayor Pro Tem Henderson said a judge I think you got a heck of idea. Judge Elliott said for me the fact that it's coming to Marlin, it's not Waco or Temple, and Austin quit twice. Michael said you have food trucks so Scotty if you wanted to set up your food truck and sell ribs you can do that. Mayor Pro Tem Henderson said I 'm not gona talk about that. Mayor Lofton said she wanted to let them know that the questions being asked are questions that are being asked of the Council. We want asked the question so that if we get asked again we know how to respond. Councilmember Milton asked you have any protections as far as revenue. Judge Elliot were trying to get his many sponsors as we can, and I'll tell you where limited on the number towers so were trying to finish selling those out but we got a \$5000 sponsor just today two gentlemen. Were still going on. Councilmember Milton asked you know how it might help Marlin financially. Judge Elliott said if they don't stay here though still eat lunch here. It could be small or could be huge. I want to try to put up something that says this is where the restaurants are here in town. Michael said OMG barbecue will be there. Cedric said from the meeting we had the projection was about five to ten thousand, not at one time but collectively. Judge Elliott said I had you try to put those to number, they been very nice to us, the organization. They discounted it, they gave us extra days and if it's not a godsend I don't know what it is. It's also good thing to promote which is the next weekend the aviation stuff. Judge Elliott said on Sunday they will come downtown and they will have 125, the patriot riders. Michael said the state police will be bringing them in. Judge Elliot where ever they go is escorted, it is so popular that there used to be one and now there are two. So you have west of the Mississippi and east of the Mississippi. There are two exact everything, so popular is because it is

one of those things that if you been a policeman or married to one or related to one or fire mentors first respond or you know one. Just go up there and see one kind gets me going right now. I'm excited and that's what I'm hoping you are to.

Councilmember Moore said, just to live good taste in her mouth, I was just trying to express that I love the direction that our city is going, we are doing a lot of things and people don't know and we find out the next day that they are wondering what's that about. I'm getting excited. What would happen if we enlarge the circle and got more people involved.

Mayor Pro Tem Henderson motioned that the city contribute \$2500 in cash contributions and \$2500 in in-kind contribution to the Fallen Memorial.

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

Ayes: Councilmember Moore, Councilmember Milton, Mayor Pro-Tem Henderson, Councilmember McDavid, Mayor Lofton

Nays: None

Absent: Councilmember Martinez, Councilmember Porter

10. Swearing in of the City Attorney

Mayor Lofton Swore in James Parker as Marlin City Attorney, oaths were administered.

Change was requested So Hecate Energy Presentation Item # 13. And Item #12 Signing of Documents # 73868 previously submitted to TWDB were addressed in order as follows.

13. Discussion and or Take Action: Hecate Energy (5min presentation & 5min Q&A, Andrew Boggs

Andrew addressed the council stated that he is with a renewable energy that is been around since 2012. They built hundreds of megawatts across Texas. They've done some Alamo solar farms around San Antonio. Just a few years ago they built a solar farm that supplies a percentage of energy to Houston. We've been working on a project outside of Otto Texas, it's been about two years now. We have 6500 acres under lease. Everything between Baine and Brushy Creek's. Again we're founded in 2012 been a renewable energy for several decades. We have one and a half gigs in our solar PPA's. Quite a few big companies are buying power from our farms.

About 2015 we provided a percentage of the US solar power. He showed some maps. They are proposing to build a 500 MW facility so they are talking top five largest on the eastern side of the country one of the largest in the states. It's being developed for renewable standards that that utilities in states are beginning to elevate to. It's not a power 85,000 homes. It takes a lot of cars off the road, I don't know if you know a lot about emissions. We plan to start first construction at the first part of this coming year. So this event project. He showed on the map the south end of the facility. He showed in red all the acres that are leased. So the reason I'm here tonight is I have learned from the title work process and getting involved locally that there used to be a watershed Cooperative. I know the rights in this area have been granted, possibly some flooding rights in some appear to have been taken back. Were purchased back I really don't know that. In all these acres there's four spots remaining that have something in there that you're going to build a dam and you flood this area out. And as represented by the on the map. The yellow represents what flooding look up like under the 502 elevation. This issue in particular will really hurt these owners we would had to pull off these acres and find other alternative spots. We prefer not to go on a land hunt again we're really close to starting. So we talked to accompanies it would work and articulated on the last slide. These rights are severely limiting the use of those parcels next Brushy. Sorry quest is the Council consider us to pay for any and all legal fees to help us along if it's decided. It's also propose that we pay kind of an easement, a signed bonus payment payable immediately of thousand dollars to help us with this Kaiser so close to have this done. This will prevent us from having to redesign the maps and finding alternative acres. We would just wanted to say please allow these folks to participate. Our asking is to have a legal document together, it can be only one page. Our title company needs us to say you will not come in and exercise your right and flood this land. That's all were really asking. The four owners would be able to participate. I will talk about heads embeds for a minute, this project will be bringing foreign employees next year and the beer for two years building the facility and a place to stay. This is, like a wind farm but is more the neck of the woods of safe. We've a lot of temporary construction company in for this. The city is in not

our tax district so. This way we of the city little bit, because were not in your tax area. We do have things in place with Falls County and Riesel ISD. Also Mart ISD all executed already. Are there any questions. Mayor Lofton asked if you enter into the lease with the City of Marlin does that include the four farmers or are you entering into a separate lease agreement with the city. Andrew said we have a separate lease agreement already with the land, the surface rights to the land. What we need is a waiver of rights are simple we will not flood this, a statement saying that will not exercise our rights to flood this area. We would like you to not flood it and accept our donations for not such activity. And allow us to perform the lease out. It is a 35 to 40 year lease, it is quite a long time. Mayor Lofton at asked did you say 35 to 40 years. Andrew said yes this is quite a long lease, you never really see a solar panel form end before the solar panels run out. They last 30 to 35 years. This the gigantic facility about \$500 million. There will be a lot of employees, there were also be a lot of permanent employees. This will need grounds crew and security. We will be performing a job fair, will be happy to recommend that it be here. It's coming very far along, to the point done he to call the neighbors to come down and help, but I thought I'd just come here and speak with the city. Councilmember Milton asked where exactly was located. Andrew said it is in. Councilmember Milton said so that's not very far from your right. Andrew said it's very close, we come back and forth to here. We are going to be your neighbor and I've already been inquiring about the two hotels. Trying to figure out how this is going to work, this is way more employees in a wind farm. This is 6000 acres of land where working on. Where planting grass, doing fences, and landscaping. This project will be completely contained in Falls County. We have no agreements with McLennan County. Councilmember Moore asked how many employees it would have. Andrew said anywhere from 350 to 450 for the construction and then once that's over they will move into the operation and maintenance. There are two mandated by the state where they track it, they have to live here. Then there's all the contractor work electricians, about 10 people mowing five days a week for three months and then they get to the top of it and start over. The only title work we have left is these old rights, I don't even think they were originally the City of Marlin's I think they were

bestowed to you through some of the this segment of the water district. The title company doesn't like it and of course it just takes one person to say though, flood us out. That is the issue. Councilmember Milton asked what exactly is he asking from the city. Andrew said I'm asking the city to let Hecate Energy pay for your legal counsel to help draft a document that simply states that you will not flood these acres, because you have the right to, I don't really think you need to give up your rights. Although it is my understanding that some of the others might've been granted back were purchased back. The owners want to come here today and speak about not being cut out lease, does what I'm asking. The title company said it could even be a one-page document that just dates that you let us serve out our lease before you were to take action. Mayor Lofton asked when he was needing a response for this, what was his timeframe. Andrew said I can just keep coming down and trying, we are really trying to get are going and we don't want to really experience any delays. Very down to just the really small details. We would like to do this over the next couple sessions. Working with your attorney and is paying for it that part will go really quick, they have template documents we can use. Or he could suggest one. I would have only have a template proposed us. Just as long as the title companies are okay with it. Mayor Lofton asked if there was any paperwork he could provide to our city attorney, so that we can visit with him about it before we make any decisions. Andrew said what type of paperwork, do you think would be beneficial first of all. James Parker said the proposed document you want to use, that so that we can take a look at it. Andrew said he would ask the title company. He asked for permission to reimburse our attorney expenses. We plan on being neighbors here a very long time. What happens here is important to us. What happens at the schools here is important to us. We want to be members of this community. The company will match your visions because community is very important to us as well. We want to be good community team members and we hope you will work with us on this. Councilmember McDavid asked if it was off 147. Andrew said it's off of 1603. We are giving tours to contractors now, we a few months away from talking about lodging and job fair. Some of the best workers on solar farms are 18 to 20-year-olds. Councilmember Milton asked about internships

for schools. Andrew said we love that, I actually suggested kiosks in the school so the kids could monitor the solar farms. We have done all of our studies. Councilmember Milton asked if he could provide a copy of the report for the city. Andrew said he could provide feasibility reports. Councilmember Moore asked how far it was for Marlin. Andrew said its 15 minutes for Marlin. It is closer to Marlin than it is to Waco. Mayor Lofton asked in your research given the rain that we have had did you see any flooding. Andrew said we have storm water data, I have enough from the study to include that in the banks are actually quite high and all the fence lines will follow the flood line. This flood line is for a possible 500 year event. This plan is a little bit dated, we pulled everything back from the creeks for surveys now and were trying to tighten it up. Mayor Lofton said she didn't want to create a situation where there was flood potential and were pushing into another area. Andrew said no were actually trying to maintain all the natural drainage, anything additional we do drainage to the on and we take and file it essentially. Councilmember Moore asked what attracted you to this area. Andrew said there are limited 345 KV transmission lines that run across Texas, they're very limited. Most of them come out of like the Bay City plant in the south around Houston and a lot of lines in West Texas that brought in when power. And we have solar farms on those as well. But there's a limited amount of those lines. One crosses right through Otto. It comes from the coal plant in Riesel. Our company strategically believes that these coal plants were not last forever, they should be shut down quite frankly. Depending on the administration sometimes that happens sooner than later. We eventually believe that we will be replacing that power. Power plant is 100 MW facility ours is a 500 MW facility. Mayor Pro Tem Henderson said the county put in when the system came in, that people out the county get a discount. Is a something that my can be done. Andrew said this power is all contracted, somebody is purchasing this power. We will be the largest taxpayer in the county. Mayor Pro Tem Henderson said I asked that because the county beginnings revenues in the city will be, left out. Andrew said you are not within our tax real. This benefit y'all, you are the closest place to go for all workers. Mayor Pro Tem Henderson said I'm pulling for Marlin, we need all the help we can get. Andrew said it's gratuitous that were located

nearest to you. The schools here do benefit, it is in the taxing district. Cedric asked you're saying anywhere from 35 to 40 years. So that means hypothetically we go ahead and build our reservoir which would be some type of revenue but you're asking us not to potentially have those revenues for 35 to 40 years so if we own those easements, what can we do like some the other people do when they lease the land so that we lease get these rights. It's something that our city attorney might have to look at with you. If we build this reservoir which we been looking at for years, 40 to 50 years, you're asking us to hold off another 35-40 years. Andrew said most your rights are now gone, all your big rights have been disbanded and this is all that is left. Andrew said we can look and maybe make a proposal on it, sometimes that helps. It would be a lease we just ask that you don't flood it, it would be just a simple document. Mayor Lofton said but you want us to enter into an agreement not to flood it and put her plans on hold just because you ask us to put a hold on our plans. Andrew set a don't know the state of your plans so I can't speak to that, you been losing rights so I don't see how you could still flood it because you have come back to us now to get the other rights on the Creek because we have them. We would not be enticed to give this rights back, so we are at an impasse. We love just put something together, I know it's a long time, I understand that. Still of you have it to give it a think .Cedric said just two months ago Texas Water development Board put into the state Texas plan for the reservoir. That was just two months ago. Andrew said this is going to be evaluated soon and it is going to be a giant solar farm, so there is going to be a different thought going on soon. They have no rights to these other lands and they cannot condemn our solar farm and take it .I highly doubt it is going to happen. I will still get the money and title work done to build this even if that is going on. You don't have the rights to anything that is not yellow. These farmers are near and dear to us these people on a lot of area and don't come out. Cedric said, your saying 35 to 40 years the decision needs to be tabled so that we can sit down and talk. Andrew said this is an introduction I don't know your plans and you know are so I just want to talk with y'all and I'm in a cucumber down talking y'all. Mayor Lofton said if you get that information to our city attorney we can start there.

Councilmember Moore moved that we table item #13 Hecate Energy to give our attorney time to look over this item.

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

Ayes: Councilmember Moore, Councilmember Milton, Mayor Pro-Tem Henderson, Councilmember McDavid, Mayor Lofton

Nays: None

Absent: Councilmember Martinez, Councilmember Porter

12. Discussion and or Take Action: Signing of Documents #73868 previously submitted to TWDB

Cedric said this came to me this week, a protocol in, we got the grant funded but the 2019 it was short 2.8 million from what we originally applied for. So Gil with MRB Grey went back and they did application to correct, but the state turned it into a separate project, from what Connie told me. So this is considered a separate project, and with the being sober project in the current Council and me now being city manager they needed my signature on it. Of course that 2.8 million is on it and that's why it's there. Mayor Lofton said I'm looking at this document and it says it's a further step in certification and goals. Send that you're going to make a good-faith effort to use minority and women owned businesses and procurement but where signing it so how are we to know that you're going to comply with this. Gil (from MRB Grey) said this document has nothing to do with it, with the engineering or the financial advisors. What we're going to do is, the water development Board is hoping for goals when y'all hire folks to do any of the work this can be done on the financial advisors, bond, and other services. So this is on the city. This is a standard document, this is the same as the clean water in the drinking water. The same goals, they were in there I think this is a boilerplate document for the files. This was supplied by the water development board, it is not from us. Cedric said it is a state requirement that any bids coming from the state have to have open bidding it's the law. Also wanted to say I spoke to Gil and he brought a copy of the pre-designs, and the Council needs brought up on any pre-designs. Gil said what brought was a draft engineering report. The reason is it is a preview document, might have changed some things up. Will come back Council and presented Council as a final document.

There's a lot of things that we need to hone in on like pricing and some other miscellaneous things. This to some you look at as far as what we're continue to do and what we've had been doing and will update it and bring a final to the Council before we approve it and issue it as a final document. It basically goes through the history of the flooding and this document is required in the process that were doing it goes to the history and the methods that we use to come up with the size of the pipes to determine the flooding concentrations and all that stuff. There's a lot of stuff in there if you come across something that you don't see in their just like and tell me, because there are things that we are still adding as we speak. That main document in the booklet. The plans are the different project that are called for. Bring your attention to the third or fourth page in down at the bottom of the right it will say one – four if you look at overall drawing images for each of the projects, this is the main drawing of the pipe system that we can install. This will now be broken into about five or six different sheets to zoom into those areas so that we can call out like the six with six boxer the 42 inch pipe. Mr. bring that down into smaller groups, these will be in the plans. In about 45 she's behind is the things for the contractors to been on. We'll put together a packet that says we need X amount of feet of 42 inch pipe in and start putting those things together in a big package that will put out for general contractors, that's will get in the hard numbers to find out how much the cost for the projects. Cedric asked in a couple meetings back you'd mentioned a projection start of January for the bidding. Gil said yes that is where we still sit. With the water development board splitting it into two separate projects we will be splitting some out of here to bid earlier rather than later. What we're looking at is potentially project one which is first Street coming down to Bennett and the pond at the park in the conveyance getting to there and also looking at Conley Street is the first projects that we bid as once every project of what Connie and them have. To split up the funding, this were looking at. When we go to the project we got a bit it and will have like these three different pipes that'll be one set of documents one contractor to bid. We are hoping to bed the whole thing together and have one contradicted all but they want Laos to do that, that's okay will put out two packages and hopefully the one that's here already will say I can help him are here and I can

bid a better price and the second one. In addition will have our general notes and documents for TCEQ requirements and Texas water development requirements so the contractor sees all that. There will be details, the city of Marlin does not have standard details on these projects so we'll put together a detailed, multiple detail sheets on how the boxes and the pipes come together and how repair to roads happens. We listed our staff on those details and show you what we're looking at doing. There's different ways to do that some you take details from Temple Waco Austin or whoever to make some changes in heavy details there or the north Texel Council of governments is a form that we use they have standard details and specifications, will be discussed a little bit how you want go with it. Look on here, two of the projects were doing this for, to be likes its plans, this lobby brought back to Council. If you have any direct quote students a lot of the details of be in the narratives like cleaning ditches on Bennett. There will be an overall maps and things we need to do, is come the one offs we put them together as the miscellaneous items for the contractor to bid on. Councilmember Moore asked if there will be timelines to accompany this. Gil said yes, you will have the contract documents for the bidding like what the contract to build on. Before we go too far into it the water development board needs to review it to make sure that we have the right contract document forms in there, that relate to the federal funding. Mayor Lofton said is First Street project one. Councilmember Moore said that he said Conley Street. Gil said that 1st St., Conley, and the pond will be combined in the first bid package. Mayor Pro Tem Henderson stated that he saw in the Marlin Democrat that the state was doing something with drainage with the county and that include the city and whether or talk about and I was confused. Gil said I can't speak really well to it, can take what I know yes there was a Falls County wide flood funding to the water board, I think it encompasses all the city's in the county also. I'm almost getting, speaking out a terms that I will find out from you because folks in our office are working on it Mayor Pro Tem Henderson said you your company name was on it and the people talk to sit some of the flooding was coming out of Marlin itself and I'll was wondering how this can integrate with what we're doing. Gil said similar things like the ditch work and stuff that go into the south part of were working to

get even more work done of that funding. Gil said I will get with Tony Beach who is on that project and I will find out and report back to you. Mayor Pro Tem Henderson said if there's some way that we can save money and they can help us that would be good. Gil said I see it as you can extend into more areas that are not under this general funding, like come up and connect to it. You see it helping other parts of Marlin that are not in the scope that we have like farther east work in the creek over there. I for see that being able to expand what is going on the project Mayor Pro Tem Henderson said they could be beneficial to work together we would be better off. Gil said I'll be will first to find out what's going on when you come back to and get some more information. Cedric asked was thing right here says project extends to. Gil said I will look at that too.

Mayor Pro Tem Henderson made a motion to sign the document number 73868 previously submitted to TWDB.

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

Ayes: Councilmember Moore, Councilmember Milton, Mayor Pro-Tem Henderson, Councilmember McDavid, Mayor Lofton

Nays: None

Absent: Councilmember Martinez, Councilmember Porter

The council came back to Item #11 at this point

11. a. Convene into executive session pursuant to Tex. Gov't. Code §551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct, to consult with the City Attorney regarding the Mitamura & McMullen Bill.

Council Convened into executive session at 7:46 pm

Council reconvened into regular session at 8:11 pm


b. Reconvene into public session and take action as appropriate in the Council's discretion with regard to the Mitamura & McMullen Bill.


14. Adjourn.

Councilmember Moore made motion to adjourn, all in favor said "Aye" meeting ended at 8:22 pm

PASSED AND APPROVED ON THIS THE 8TH DAY OF December, 2020.




Carolyn Lofton, Mayor



Maryann Waddle, City Secretary

