

On this the 13th day of October, 2020, 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 Carolyn Lofton
Mayor Pro-Tem Scottie Henderson
Douglas Porter
Rhonda Milton (in at 6:30)
Neddie Moore
Max Martinez (absent)
Terence McDavid

STAFF

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

1. Call to Order by Mayor Carolyn Lofton @ 6:00pm.
2. Roll Call by Maryann Waddle.

Mayor Lofton let the Council know that Councilmember Martinez would not be attending because he is in quarantine.

3. Certify Posting in accordance with State Law by Maryann Waddle.
4. Pledge by Mayor Lofton and Invocation by Councilmember Moore.
5. Citizens Input.

None

6. Discussion and or take action presentation from KNV Investments

John Keefer addressed the council and said the Council knows over the last three or four years I've been acquiring property here in the city. What I want to do today is give you an example of what I'm planning on doing and asked the city for little assistance. Our plan is to build over 30 homes ranging from 840 ft.² to 1600 ft.² throughout the city for the in the next 2 to 3 years. Breaking ground on the first one in November 2020. I'm not here to ask the city for any fees to be waived, no tax savings, I'm only asking for the city to approve a contract between the city and my company for the use of the burn pile. Got a lot of properties that we want to start cleaning clearing the brush. Will be using bulldozers and bobcats to start doing that. What I'm asking for full access Monday through Sunday. From 6 AM to dusk, pending weather of course. Having the written contract will hopefully help us work around the TCEQ requirements. When I look at it for commercial use, anything we take out there would be brush. All-natural and would also be things off our property, not

getting paid for any other lot. I did give you floorplans of what we're looking at building. But we are looking to start immediately. Mayor Lofton asked if he had a sample of the contract he was wanting to use. John said no I was relying on the city to provide that however they choose to write that I would be fine. Councilmember Moore asked what kind of TCEQ requirements where you think it would come up that a contract with the city would allow. John said it's my understanding that TCEQ has an issue with, is our lake, just letting citizens roam and dump, because you want to control what's going out there. Under contract we would have it defined exactly what would be taken out there. I'm saying when I can take anything but natural brush, trees, leaves, you know anything that would be growing on a tree. Mayor Lofton asked in what time are you looking at using it. John said it would take about 6 to 18 months to get them cleared off. We've got roughly 42 to 43 lots clear off. Mayor Lofton said so this is something we have to discuss with TCEQ. James Parker said I believe so, the TCEQ regulations he's referring to out there are limitations on certain things that can be dumped out there. Typically things like solid waste matter, chemicals, and herbicides are heavily regulated besides that there would be some TCEQ regulations that control burning on windy days so that particles of smoke don't blow in heavy populated areas. Doesn't the kind of things in which TCEQ gets involved, really just a matter of the amount of what's being taken out there as to control the waste, no household garbage. We talk about brush, the only thing the city would need to be clear on is just the controlling the burning on windy days, and the bans that are issued by the county. Mayor Lofton asked who's responsible for the Burns out there. Cedric said the fire. Counselor Moore said her only concern was she didn't want a bunch of tires and shingles out there. John said no ma'am. Those will be hauled off separately and disposed of properly. Mayor pro tem Henderson asked the city has one day month week go down there and we have somebody open the gate, you're asking for seven days a week, so we have to have somebody there to monitor. Cedric said he's asking for full access without someone being there, so we would leave it locked but he would have access to unlock it. Mayor pro tem Henderson said but we will not have anyone there, he can just go in there, I know we were getting an employee to go out one weekend a month on the first Saturday. Scott said second Saturday of the month. What we can do on his case there is the city can make a contract of how we want to set up with dates, addresses, where the brush comes from, Tommy drops it off and we can make a log and have him turn in once a week. Also with the brush pile out there what Justin and I do before burn is we go through it to make sure there's no household trash, lumber, or other stuff like that, we do have people who try to dump it out there. We can make a list of what he brings in and double check what he brings as the paper

to inspect to make sure it's good. We can put in a personal lock that we would be in control of, but he would have his own passcode, that way everybody just can't go in there and dump. It's however the city was to set it up it is a plus because it does clear the lots off, I don't see any problem try to help them out, is just what we come up with as far as contracts to cover us. Mayor pro tem Henderson asked will citizens be able to still take it whenever they want. Scott said most of the time the citizens will call me if they don't get a chance to get out there on a Saturday they will call me, or they call Nancy and I'll go out there and try to assist the best I can. We really try not to do it on Saturdays because it is wet I won't be there to help them out. Mayor pro tem Henderson said that's what I'm asking they have to wait to that second Saturday. Scott said yes we have someone out there that second Saturday. As long as it doesn't rain you get back there, if it's wet you can't get back there. Mayor pro tem Henderson said if you can be taken some things out there and he can get blamed for some things that somebody else threw out there and he didn't take it. Cedric said we have some security measures in place if you go with this. To be corresponding with each other, just things in place I want tell it. John will take a picture of everything we do out there. Just cover ourselves. Having the written contract will have some consequences if we do not follow it. You know normal city and state laws. Councilmember Moore asked when people dump is there a fee, or is it for free. Scott said the limb pile part of it is free. The trash at the convenience station is not because it costs us to get rid of. Mayor Lofton said so the access to the brush pile isn't typically Monday through Friday. Scott said no. Mayor Lofton said so it is only open on certain days of the month. Scott said yes. Unless they are doing work and will let him dump it while we're out there, or when we get calls. Mayor Lofton said in terms of contract what we do. James said when there is a contract it will come back Council just because it's not on the agenda and will put that as an item for Council to approve and I can put something together. Councilmember McDavid asked when was to start. John said we already started yesterday we knocked down mesquite trees and we are waiting to get them loaded into trailers. At this point we can hold on because it's on private property. Once all approve or disapprove we'll make a decision where go to from there. Mayor Lofton said we'll get a contract drafted up and then we'll discuss it more. Mayor pro tem Henderson said it's a good idea to me, get some that stuff cleared up around here. No action on this item.

7. Discussion and or take action presentation from New Alternative Green Energy, INC.

Mike Wilson with NEW AGE spoke to the council. NEW AGE has a patented process where they create hydrogen from coal. It is a cleaner and hotter process. They have been looking into this for about 6 months. They are looking at Marlin for the VA. They are planning to use funds from the DOE (Department of Energy) to create a research facility at the VA , which will be a Green Research Facility. The VA is in play, it has abatement issues but they know about what the cost will be to renovate the property. Marlin checks all the boxes for the USDA. Before anything is done they will bring it to the city. The President has released funds for research and development of processing and harvesting from coal and fly ash. He wanted to just let the city know what is going on. Mayor Pro Tem Henderson wanted to know what was being asked from the city. Mike said nothing. 11% of company profits will be going to community outreach, he wanted to know what the city might need. Water purification was talked about and the heat from the water does not affect the filtration. They are looking at manufacturing jobs for the filtration manufacturing. He is not looking for tax abatements initially, but now he would be looking at an 80/20 abatement just until they are up and running. If the city has programs that need to go on a list please let them know. The remediation of the VA won't really cost them anything. So they would only need the abatement for the start up. They turned Bucksnot Saloon into their office. Cedric asked about an impact and feasibility study, he asked if the city could have a copy. He said with tax abatement and grants, they would probably need a resolution of support from the city. Mike said that is right. Cedric just wanted to make the council aware that they might need those items. Mike said that roads can be piggybacked on these funds, the streets around the facility. There is a deal being made with the Amory, and it could be turned into an airport terminal in the future. We will have customers coming in to the airport. They mentioned giving reports to the council every month. No action was taken on this item.

8. Discussion and or take action update MRB Grey on Drainage/NANO Stone Projects.

Gil Gregory told the council that staff (Scott and Derrick) are reviewing plans.

Scott told the council that he will update the council on the project after the TCEQ call happening tomorrow. Councilmember Milton arrived at 6:30 pm.

Gil said that the meeting is to discuss the pilot program and other information pertaining to the NANO Stone project. Chain of information was discussed, MRB get calls from TCEQ and if city staff is not on call they will be updated or they can say they cannot talk unless staff is in on the call. Mayor asked if this was an original part of the application or was it additional and what funds are paying for it. Gil said it is in the grant funds. In the first CIP it was not in there, of the work being done on existing filters. After the issues with KOCH,

filter not performing, it was put into the scope and TWDB approved it, there will be no additional funds for this. This is approved with the original funding. Cedric asked about a sand filter. Gil said that TCEQ brought that up, but they are against it. It would cost double what we are looking and it would take two years to produce water. Retrofitting the filter train would be best. Mayor said that TCEQ stated that we need to take this seriously. Gil said that city and his staff do take all this seriously. The city is producing good water under all the parameters that TCEQ is throwing at the city. Discussions with TCEQ were discussed (their concerns).

No Action was taken on this item.

9. Discuss and or take action selection of auditing firm for FY 2019/2020 annual audit. .

Bids from Audit Firms were discussed

Don Allman CPA PC \$25,000 and Misty Culpepper CPA PLLC \$23,500. Judy Sisk told the council that Allman who has done the auditing for the city the last couple of years came in at \$3,000 higher than last year. Councilmember Porter asked Judy which she would prefer, Judy stated Culpepper.

Councilmember Porter made motion that the city hire Misty Culpepper to do the audit for FY 2019/2020

Councilmember Moore seconded this motion and the motion carried as follows:

**AYES: Councilmember Milton, Councilmember Moore,
Councilmember McDavid, Councilmember Porter, Mayor Pro-Tem
Henderson, Mayor Lofton.**

NAYS: None

Absent: Councilmember Martinez.

10. Discussion and or take action city finding a company that can diagnose and help with Hobby Tower issues.

Mayor Lofton wanted it cleared up that the tower is the city owned water that supplies the Hobby unit city water. She let the council know that there are still over flow issues with the Water tower out at Hobby Unit. The problem has been happening for some time now and it needs to be looked at to find the problem. Scott told the council that the best thing to do is have a company come find the problem and fix it so that we can stop the water loss. Mundo would like to help the city is finding a company

Councilmember Porter made motion to have Mundo help the city find someone to help find the problem at the Hobby Water Tower

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

**AYES: Councilmember Milton, Councilmember Moore,
Councilmember McDavid, Councilmember Porter, Mayor Pro-Tem
Henderson, Mayor Lofton.**

NAYS: None

Absent: Councilmember Martinez.

11. Discussion and or take action approval of minutes from May 12, 2020 and September 22, 2020.

Councilmember Moore made motion to approve minutes from May 12, 2020 and September 22, 2020.

Councilmember Porter seconded this motion and the motion carried as follows:

**AYES: Councilmember Milton, Councilmember Moore, Mayor Pro Tem
Henderson, Councilmember McDavid, Councilmember Porter, Mayor
Lofton.**

NAYS: None

Absent: Councilmember Martinez

12. Discuss and or take action Centex Web agreement.

**Cedric told the council this was a follow up, Fiber optics are available at city hall, they will come out to see if they can provide the city with the fiber optics. Centex Web can provide a muni Wi-Fi. TCEQ was contacted, but Homeland Security needs to also be contacted
Item was discussed but not enough information was obtained**

Councilmember Porter motioned to table this item.

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

**AYES: Councilmember Milton, Councilmember Moore, Mayor Pro Tem
Henderson, Councilmember McDavid, Councilmember Porter, Mayor
Lofton.**

NAYS: None

Absent: Councilmember Martinez

13. Discuss and or take action GOEXTELE Grant program.

Lonnie Johnson recapped to the council what the project was about (muni Wi-Fi, fiber etc.) and told them that he would like to seek grants on the city's behalf for the project, they have a grant writer. Mayor Lofton wanted to know the amounts of the grants and the match portion. Lonnie said once the assessment is done they will know more. They will be bringing

information back to the city all during the process. Mayor Lofton wanted to know about the \$6,000 if the city owes the money even if the grant is not acquired. Lonnie said no. Roads were discussed (laying fiber, pipes, ect.) it would be a collective platform. Councilmember Moore wanted the city attorney to look over the proposal. Cedric said that it will be looked at.

Councilmember Moore motioned to accept GOXTELE as the project manager to go after the grants for city fiber.

Mayor Pro tem Henderson seconded this motion and the motion carried as follows:

AYES: Councilmember Milton, Councilmember Moore, Mayor Pro Tem Henderson, Councilmember McDavid, Councilmember Porter, Mayor Lofton.

NAYS: None

Absent: Councilmember Martinez

14. Discuss and or take action purchasing Tourism Sign.

Cedric Davis told the council that in their packet was a proposal for a sign to be placed at the pavilion across from the Tourism Building in the downtown area. The sign is around \$17,000. It will stand 10ft tall.

Councilmember Porter motioned to allow the City Manager to purchase tourism sign.

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

AYES: Councilmember Milton, Councilmember Moore, Mayor Pro Tem Henderson, Councilmember McDavid, Councilmember Porter, Mayor Lofton.

NAYS: None

Absent: Councilmember Martinez

15. Discuss and or take action Proposed donation of vehicle, former fire engine no. 4, to Marlin VFD

Fire Chief Justin Parker told the council that VFD was interested in the old engine 4 that was recently replaced. They plan to fix it and put it in service for their department.

Mayor Pro Tem Henderson motioned to donate former engine 4 to the Marlin VFD.

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

AYES: Councilmember Milton, Councilmember Moore, Mayor Pro Tem Henderson, Councilmember McDavid, Councilmember Porter, Mayor Lofton.

NAYS: None

Absent: Councilmember Martinez

16. Discuss and or take action on the Marlin Junior High Ice-cream Social.

Mayor Lofton told the council that the Junior High was hosting Ice-cream Socials for students on the honor roll and had perfect attendance. She has already donated to the first six weeks and was wondering if the council wanted to also help with one of the upcoming six weeks events. It would only be for the Junior High and it consist of buying soda and ice-cream for the students that qualify. City Manager Cedric Davis said he would do the 2nd six weeks, Councilmember Moore said she would do the 3rd six weeks and Councilmember Milton said she would do the 4th six weeks.

No action was on this item.

17. Discuss Marlin City Wide Cleanup.

Mayor Lofton told the council that a cleanup day is planned for October 25th. Walker, Live Oak and other areas set for the parade route will be getting the most attention. Trash will be picked up and weed eaters will be used. Cedric said there will be dumpsters available for the cleanup. Tire disposal options and prices were discussed, they will be looked into further.

No action on this item.

18. 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 7:31 pm

Council reconvened into regular session at 8:04pm

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

Councilmember Moore moved that the city give the city manager and the city attorney the ability to settle Mitamura & McMullen Bill.

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

AYES: Councilmember Milton, Councilmember Moore, Mayor Pro Tem Henderson, Councilmember McDavid, Councilmember Porter, Mayor Lofton.

NAYS: None

Absent: Councilmember Martinez

**19. Update/Status: City Business not needing immediate discussion or action from City Council;
City Manager**

Cedric Davis told the council that the Airport is getting talked about at the state and national level. There are grants pending. Next month meeting Ms. Dairy and Terry will explain Housing application. Judge Elliot and he talked about the CARES funds, there is money left on the table, the county can reapply. The city numbers were not in the count. There is a new state grant for walking

trails. He showed the council a demo of the newly formatted City Web Site. There are some Bios needed from council.

Court

Robin Miguez told the council that in September \$8,600 was brought in and the city kept \$4,900. Last month there were 127 citation and this month there were 44, with 52 violations. Court will be the 26th and 27th of this month. No jury trials.

Police

Interim Chief Hommel told the council that he added two new officers, 3 are training, Dispatch is short, (they are training for certification renewals), still getting cases /paperwork caught up, and there were 450 calls for service.

Fire

Chief Justin Parker told the council that there were 571 cases according to KWTX. TDEM furnished N-95 mask for city staff. The Roof is done on station 1. AMR has asked about leasing station 2, they are currently on the third floor of the hospital.

Finance

Judy was on vacation

Public Works

Work being done at the Visitors Center, airport is being prepared for parking planes for the air show, lake park is clear, and cattails will be taken out. Cemeteries are being caught up. Trash got in the pumps at the Vernell station, it will have to be fixed. Additional help has been hired. What can be put in the dumpsters was mentioned. The state will mow their right of ways

Water Plant

There is a new hire that has finished training, they will be moved to night shift. Skid 200 passed with new parameters. Skid 100 is out of service. High service pump is out for repair and the generator is back in service. TCEQ complaints are being worked on, monitoring plan will be updated after the retrofit. Other items are being worked on. Turbidity meters were talked about (calibration, type, etc.)

Water Department


Nancy Dominguez told the council the water revenues were \$318,561.92 for September. General was \$140,201.68 for a total of \$461,188.60. There are a few payment plans made and a letter will go out to those who still owe at the end of the month.

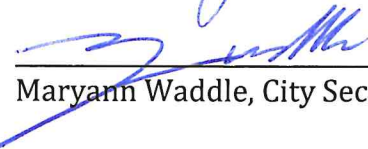
20. Adjourn.

Councilmember Henderson made motion to adjourn. All in favor said "I". Meeting adjourned at 9:14 pm

PASSED AND APPROVED ON THIS THE 12TH DAY OF January, 2021.




Carolyn Lofton, Mayor


Maryann Waddle, City Secretary