

STATE OF TEXAS
COUNTY OF FALLS
CITY OF MARLIN

On this the 11th day of August, 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
Nettie Moore
Rhonda Milton (absent)
Max Martinez (absent)
Douglas Porter (absent)
Terence McDavid

STAFF

Cedric Davis, City Manager
Maryann Waddle, City Secretary
DeAndrea Petty, 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 Moore.
5. Citizens Input.

Maryann Read a citizen's complaint on a neighboring fence and questioned wheatear it was in compliance with the law. Mayor Lofton asked Jennifer Bridges, code department to explain. Jennifer stated that the fence is at the back of the how, within the bounds of the property, and the road side of the fence will be chain link ,which is see through. She also stated that there is no ordinance for the City of Marlin that covers fencing. The state does not cover urban fences, because a municipality regulates this, the only laws are for rural areas.

Maryann let the council know that there was a compliment for Scott Fornash on fixing a fire hydrant and keeping the citizen informed during the process.

6. Discussion and or take action approval of minutes from August 29,2019, February 14,2020, June 1, 2020 6pm, June 1, 2020 7pm, June 16,2020 and July 14,2020 5:30 pm council meetings.

Councilmember Moore moved to approve minutes from August 29, 2019, February 14, 2020, June 1, 2020 6pm, June 1, 2020 7pm, June 16, 2020 and July 14, 2020 5:30 pm council meetings. .

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

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

Nays: None

Absent: Councilmember Porter, Councilmember Martinez, Councilmember Milton

7. Update MRB Grey (Gil Gregory)

Gil laid out the processes of payment. Outlay is submitted, TWDB reviews, it is sent to the city, once the city signs then it goes back to the TWDB for payment. Documents are reviewed by TWDB then once approved (not all are approved) then the money is disbursed. The money does not sit in an account that the city has access to. Once the

money is deposited into the bank (from the ESCROW account) then the outlay is payed. It is a net 30 days. The pricing for the drainage project were discussed. They like to have a 20% contingency to make sure enough money is available. Total project amount is 6.9 million. Areas of concern and added areas were discussed. The railroad is being worked with to see if they can help with the fixing in their areas, so that it is no cost to the city. If they do what they are supposed to do it could save the city money. Areas where a lack of infrastructure were discussed. This will be done in the hope to keep the water off the streets and under the ground. They waiting to get the plans approved. Bidding process has not started yet. The date for starting the project has not changed, the date is around January. Water projects are divided into two project the treatment and the distribution. The clear well was talked about and they wanted to put another one in (it is in a foot note). That would be two \$750,000 gallons of storage. It would be a dollar a gallon, for a total of \$900,000. Both of the filter train replacements are in the plans. Council needs to decide if they want additional storage for water. This could help if the plant goes down, however you take a chance of water needing to be dumped if there is no use of it. The money would come from the distribution lines. Mayor Lofton stated that the distribution lines needed to be fixed. Gil said that the operators stated that they do not want the extra storage. The city has what it needs, it does not need an additional one. The replacement filters have a 20 year warranty. We can have it documented so that if it wants to be done later there is information there. Mayor pro-tem Henderson wanted Gil to know that the water from the plant is good but it is the lines that bring it into town that need to be replace. Gil said that we will go with no extra clear well , we will focus on the distribution lines. The funds left from KSA water distribution project, they never did the plans for the painting of the tower at HOBBY Unit, and if it is in the scope of the plans then it is paid for. We will look at the original contract.

8. Discussion and or take action Mitamura & McMullen bill of services.

Cedric Davis told the council that a bill was received from Mitamura & McMullen for the amount of \$22,000. There are emails from a year ago stating no work was done and there was only \$2,000 worth of work done. Sledge came in late 19 and stated no work has been done by the consultants. A temporary extension given to Mitamura & McMullen. A recap of all visits with Mitamura & McMullen were reviewed. Questions about the agreement between the City and Mitamura and McMullen. Cost for them to attend a meeting was discussed. The bill was discussed and if the terms of the contract were meet was questioned. The fact that the contract is expired was mentioned. Dates are need to be included on invoices, as well ask how the terms of the contract were meet.

Councilmember McDavid motioned to table the action regarding the Mitamura and McMullen bill.

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

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

Nays: None

Absent: Councilmember Porter, Councilmember Martinez, Councilmember Milton

9. Discussion and or take action Election Lease Agreement with Falls County Elections Administration.

Maryann Waddle let the council know that the state has mandated that cities hold their polling place in conjunction with county polling places. The county has prepared this agreement for election service for the postponed election in November.

Councilmember Moore made a motion to accept the agreement with the county for elections administration.

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

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

Nays: None

Absent: Councilmember Porter, Councilmember Martinez, Councilmember Milton

10. Discussion and or take action offer for 1.25 acre of city land

Cedric Davis let the council know that he had been contacted by a realtor to purchase a piece of property owned by the city. It is 1.25 acers. There was discussion on whether or not the city could entertain the idea and how to make it available for all to potentially purchase the property. The offer was \$5,000. This is city owned property. The only value assessment was through the appraisal district. The lands location was discussed.

Councilmember Moore motioned to table the offer for the 1.5 acer of City Land

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

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

Nays: None

Absent: Councilmember Porter, Councilmember Martinez, Councilmember Milton

11. Discussion and or take action RDO Eqp. For street repair & maintenance program.

Cedric told the council this is about the new 2020 equipment we are currently using on street projects. Right now we are renting and have paid around \$29,000 towards rent. If we purchase no it will be an additional \$74,000 which can be stretched out over 6 years of payments. In the budget we put \$50,000 for used equipment. With new it would be warrantied for 4 years and a \$200.00 if it needs fixed. Exabits on payments were presented to council. Annual or quarterly payments could be made.

Councilmember Moore motioned to accept the purchase option 2, 48 payments with an annual payment of \$21,000.

Councilmember McDavid second the motion the motion carried as follows:

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

Nays: None

Absent: Councilmember Porter, Councilmember Martinez, Councilmember Milton

12. Discussion and or take action Media link Downtown area Muni-Wi-Fi.

Before COVID internet speed was discussed. People came and did a study on points to improve and establish MUNI WIFI. This would give internet in the downtown area. ATT was talked about also. Other providers were discussed.

Councilmember Moore moved to table Media link Downtown area Muni-Wi-Fi

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

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

Nays: None

Absent: Councilmember Porter, Councilmember Martinez, Councilmember Milton

13. Discussion and or take action set August 25, 2020 for Public Hearing & Budget Adoption.

Questions were asked about lowering the water rate. It will be discussed after the budget. This is just to set the date for the hearing and adoption of the budget.

Councilmember Moore motioned to set August 25, 2020 for Public Hearing & Budget Adoption.

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

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

Nays: None

Absent: Councilmember Porter, Councilmember Martinez, Councilmember Milton

14. Discussion and or Take action host Marlin Airport (T-15) Tourism Event.

Cedric told the council that the airport is being worked on. The group wants to do a fly in. They host Young Eagles. They will bring 30-35 plains. They will do a fund raiser to help raise money to fix the airport. There needs to be a fence put around the airport. TXDOT will help fix the airport. They are called T-15. They have programs for students. Cedric asked that the airport get \$5,000 from tourism to help host the tourism event. The day would be set for November 7th. Waivers for the protection of the city will be provided.

Councilmember Moore moved that the city Host the Marlin Airport (t-15) Tourism Event and set a budget of \$5,000.

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

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

Nays: None

15. Discussion and or take action Ordinance No. 20-007 Regulation of Game Room and Amusement Redemption Machines.

Deandrea Petty told the council looked over the ordinance, it would allow game rooms. Details of the ordinance were reviewed (time, cost, regulations). It follows the state law. The budget show the revenue that would be generated from this ordinance. There is a city permit fee (\$300 for the permit and \$250 per machine). Conditions of the ordinance was discussed.

Councilmember McDavid motioned to accept the Ordinance No. 20-007 Regulation of Game Room and Amusement Redemption Machines.

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

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

Nays: None

Absent: Councilmember Porter, Councilmember Martinez, Councilmember Milton

16. Discussion and or take action select 2020 tax rate

Maryann told the council the state program that the Tax Assessor Collector uses to calculate the tax rate has had problems. She just got it to work today and has submitted it for review to the county attorney and we should have the number soon. It can go on the August 25th meeting.

Councilmember McDavid motioned to table the selection of the 2020 tax rate.

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

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

Nays: None

Absent: Councilmember Porter, Councilmember Martinez, Councilmember Milton

17. Discussion and or take action presentation from Goextele Communications on Community Networking

Lonnie Johnson presented the council the details of his company and what they can offer the city Wi-Fi (slices with the destination code) that the city could offer to citizens, possibility of leasing the lines, and faster internet coverage throughout the city. A study would be conducted and reports shared. Fiber right now only runs to the school admin building. Cost estimates will be worked on. Latency issues were discussed. A proposal should be ready soon and Lonnie will communicate with Cedric on details.

Councilmember Moore when it comes to the presentation from Goextele Communications on Community Networking that it be tabled until he meets with the city manager and presents some numbers for the council to look at.

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

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

Nays: None

Absent: Councilmember Porter, Councilmember Martinez, Councilmember Milton

18. Discussion and or take action Engineering Consultant for the City of Marlin

The council wanted to obtain an Engineering Consult to oversee the work that is being done. An RFQ was posted for Engineering Consultant, this was mentioned in the budgeting process. There were two respondents, MRB Grey and Mundo. MRB is currently working on the city projects. Qualification requirements were discussed. MRB Grey did not give number on an hourly charge. Mundo would charge \$130.00 an hour. They would report to the council, and every project the council request them to review, they will.

Councilmember Moore moved that for the Engineering Consultant the city accept Mundo on a one year contract, as needed.

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

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

Nays: None

Absent: Councilmember Porter, Councilmember Martinez, Councilmember Milton

19. Discussion and or take action agreement with MISD for annual dispatch services.

Chief Hommel said this is an annual contract between the Marlin PD Dispatch and Marlin ISD for dispatch services. They pay \$10,000 a year for our dispatch services. It will not put extra work on our dispatch they don't use it much.

Councilmember Moore moved that the agreement continue with the MISD for dispatch services.

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

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

Nays: None

Absent: Councilmember Porter, Councilmember Martinez, Councilmember Milton

20. Discussion and or take action Fire Station 1 heat / ac replacement & building repairs.

Justin Parker told the council said that it does deal with Station 2 because it will become station 1. He got quotes from companies, and Falls Heating and air came in at the lowest at \$5,200. The details of both Fire Station were discussed. What it would take to get into Station 2 was discussed. The ac unit would be for 2 not 1. The location of station 2 was discussed. There are funds in the

Councilmember Moore moved that the heating and ac be replaced at station 2.

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

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

Nays: None

Absent: Councilmember Porter, Councilmember Martinez, Councilmember Milton

21. Discussion and review of Department Reports.

City Manager

At the MISD Convocation the city was presented with a certificate of appreciation. Millings will be used. Meet with the Tax Assessor Collector. Research is still being done on the painting of the Hobby Tower. Cynthia Dairy is working with the USDA to get application for house repairs to things like windows etc. Brownfield grant (EPA) should release results at the end of the month. We are still in the running for the HOPE Grant.

Court

Robin told the council the total collected for July was \$13,447.40. The state got \$4,078.20 and the city kept \$9,369.20. There were 56 tickets. People are paying tickets and there is court on the 24th and 25th.

Police

Chief Hommel has finished all the TCOLE paper work. The officers are qualified. A racial profile was provided for council review. TCOLE stated that they did not have the city's report from 2019. Employees were discussed. Not all the officers have quit. There are the same amount of officers as there were three months ago. Working a shooting case and catching up cases. The constable has requested to use our terminal, however he has access to the counties. 4 guys are doing criminal investigation courses and 3 are taking legal update, all are online courses.

Fire Department

Justin Parker told the council that they are seeing an increase in fire activity, this is due to the drought. Falls County put in place a Burn Ban on Monday. There will be no burn permits. COVID cases was at 128 total recovered and active. There were 3 deaths in Falls County. Masks were received at no cost to the city. The situation in handling cases is constantly changing.

Public Works.

Scott Fornash told the council that the sealant did not take on Bluebonnet, they will be looking at alternatives. Trucks are being fixed. Cemeteries are caught up. There are properties cleanups being done. There is a pit by marlin that can save money, we can haul it ourselves. They are done with MLK till money is available to surface it, they will maintain it till then. There is an upcoming meeting with TCEQ coming out, they are coming to help with issues. There was an employee hired to help with the mowing.

Water Plant

Jennifer Trotter told the council that she had some personal out with COVID, but they are good now. Skid 200 is good, but skid 100 is not, they are pinning now. There is a small valve issue. The sludge clarifier is being cleaned, it had to be pumped out. On August 14th notices will go out for HAA 5 from the Hobby area, they will be taking samples and flushing to monitor. The other is a rust spot on the tower, it got fixed and cleaned. This caused a sanitary defect, there was a delay on Royal because it did not drain down. This was all from the last administration. KSA was supposed to have painted the Hobby tower. There was 5,440 lbs. of chlorine used, because of the heat. Jennifer said that she would like the storage of an additional clear well but there is only one line going into town, and your storage gets stale. The money needs to be used for a new piping system. The water feeding process was explained.

Water Department

Nancy Dominguez said that in July the water brought in \$309,678.11 and General fund brought in \$510,331.25 for a total of \$823,609.36. The big income on the general side was from tax payments and franchise payments.

Finance

The General fund balance as of July 31st was \$2,359,666.174. The dedicated water fund balance is \$308,712.30. AP's are current.

22. Future Agenda Items.


Texas Parks and Wild Life will be here next month to discuss public hunting land at the lake. Fees will also be reviewed. Budget will be on the 25th and hopefully the tax rates to choose from.


23. Adjourn.

Councilmember Moore made motion to adjourn, all in favor said "Aye" meeting ended at 8:52 pm

PASSED AND APPROVED ON THIS THE 9TH DAY OF MARCH, 2021.




Carolyn Lofton, Mayor


Maryann Waddle, City Secretary