

**STATE OF TEXAS
COUNTY OF FALLS
CITY OF MARLIN**

On this the 8th day of September, 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 (absent)
Nettie Moore
Rhonda Milton (absent)
Max Martinez (absent)
Douglas Porter
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.
Mayor Lofton let the council know that Councilmember Milton called to say she could not make the meeting.
3. Certify Posting in accordance with State Law by Maryann Waddle.
4. Pledge by Mayor Lofton and Invocation by Councilmember Moore.
5. Citizens Input.
Resident wanted the tax rates read aloud.
Citizen was concerned that house was being constructed without a permit and to close to the fence.
6. Discussion and or take action Mitamura & McMullen Bill
Mayor Lofton told the council this was over an invoice received by the city and there were questions. DeAndrea said that what it looks like is they pulled wording from the contract. They are doing busy work with no ending. They called and contacted people. It is not separated in dates and is repetitive. They need to do a detailed dated invoice. Cedric said the contract was extended for 30 days with the understanding that only 7,000 was left in their line. They came to a meeting and stated no work had been done. March 2019 -February 2020, they waited a whole year to invoice. There was no consultation with the council. DeAndrea said that if it follows the contract he does not have to get council approval, but if he goes over the amount set then he has to get council approval. Councilmember Martinez arrived @6:13pm. DeAndrea said that they need to go back, date and cite what was done. She went off what she had in her records when she did her conclusion.
Councilmember Moore moved to table item 6 pending the invoice being clarified to understand what the charges are for.
Councilmember McDavid seconded the motion and the motion carried as follows:
Ayes: Councilmember Moore, Councilmember Porter, Councilmember Martinez, Councilmember McDavid, Mayor Lofton
Nays: None
Absent: Councilmember Milton, Mayor Pro-Tem Henderson

7. Discussion and or take action select 2020 Tax Rate as proposed by Falls County Tax Assessor/Collector.

Mayor Lofton wanted to review the document. The 2019 tax rate (current) .963200. The 2020 N&R tax rate which is the minimum rate that can be dropped to is .898350 per \$100. The voter approval rate for 2020 is .91846 (the highest that can be instituted) these were given on the 25th. Either of the rates are a reduction from 2019.

Councilmember Porter made a motion that the city adopt the voter approval rate of .91846.

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

Ayes: Councilmember Moore, Councilmember Porter, Councilmember Martinez, Councilmember McDavid, Mayor Lofton

Nays: None

Absent: Councilmember Milton, Mayor Pro-Tem Henderson

Mayor Lofton told the council this is a 5% reduction from last year.

Maryann told the council that this is the selected tax rate the council will come back and adopt the tax rate by ordinance.

8. Update MRB Grey

Mr. Gregory sent an email stating that he could not attend the meeting. Cedric gave an update. He told the council that they had applied for a grant for the waste water treatment plant in the sum of 15 million. The issue is that we are number 80 on the list of 100. The plant could have also been done for around 4 million. The EWAG was rejected, and Mundo is straightening it out. There was \$16,000 for the pump but the engineers did not submit the corrections. Mundo has submitted the reports and got a extension. They thought that they needed to bring the numbers down in order to move up the list. It would \$945,000 a year as an annual payment.

9. Presentation USDA Housing (City Manager/Cynthia Derry)

Cynthia Derry could not make the meeting so Cedric told the council about the USDA Housing. Citizens can apply to the USDA for help fixing windows, updating appliances, and other energy saving project. The application can be picked up from the city secretary and given to the USDA contact listed on the paperwork.

10. Discussion and or take action Texas Parks and Wildlife Biologist

Michael Ferguson (Falls County Game Warden) wanted to discuss hunting at the old and new city lake. He cannot enforce city ordinance, just state law. If we brought in Texas Parks and Wild Life and make it a type 2 then I can enforce. It is a great place to hunt ducks, but there is confusion over the permits. Kyle Thigpen (Leasing Texas Parks and Wild Life) he enrolls properties in the public hunting program. He has worked with city councils. The thing about the wildlife, and the users. Once they identify the perimeters they prepare the contracts. They do sometimes pay to use the property. They buy a 48 dollar permit and they can utilize the properties on the list. Numbers would increase because of the publication. Visitors to the property will register and boundaries will be marked. This would replace the local permit. Parking was discussed. With the program there is flexibility on what the council might want to allow. The time line would be a contract be signed in May 2021 to start the September 2021 season. The type of hunting, when and how would have to be established in the contract, along with the boundaries. It would go to the director of Texas Parks and Wild Life to be reviewed. This would be an agreement with the Texas Parks and Wild Life to manage but the city still owns the property. This would advertise the city and free up the City Police from patrolling it.

Councilmember Porter motioned to enter in to an agreement with Texas Parks and Wild life contingent on the contract.

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

Ayes: Councilmember Moore, Councilmember Porter, Councilmember Martinez, Councilmember McDavid, Mayor Lofton

Nays: None

Absent: Councilmember Milton, Mayor Pro-Tem Henderson

11. Discussion and or take action NANO Stone Water (5min presentation & 5 min Q&A).

Scott told the council about the filters they are looking at to replace the existing filters. There are still repairs being made. NANO stone looks to be the best option for quick and easy replacement. There are 108 that we are constantly repairing today. They visited a plant that have the NANO Stone in place and the maintenance is lower and the flow of water is higher. They have a 20 year warranty. We have to get approval on a pilot study from TCEQ. The money is already set in with the project with TWDB. We need the council to approve trying for the pilot program to get it to TCEQ. They will set the parameters for the pilot. Grady Copley said the pilot takes 120 days. They are hoping to do the 30 day increments in the testing, instead of the 120 day testing. They are about \$5,000 a pop with KOCH. NANO uses OEM for pricing. The manufacturing plant is in Germany, an area known for ceramic technology. Ceramics have been around since the 50's. Scott said it probably would not need as many filters as we use now. We have 54 and we can drop down to 40. It would be a 3 day delivery time in replacements. The plant Scott visited a plant similar to ours to see how they work. Grady said there are warehouses in Austin. He explained the change out process. The backwashing process was explained. There is a 95% chance TCEQ will approve the piolet program. Jennifer Trotter said that she was impressed with the visit and the way the plant operated, the rate of water being pushed through it and the quietness of the plant.

Councilmember Porter made a motion to do what needs to be done to get the piolet program going with NANO Stone Water.

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

Ayes: Councilmember Moore, Councilmember Porter, Councilmember Martinez, Councilmember McDavid, Mayor Lofton

Nays: None

Absent: Councilmember Milton, Mayor Pro-Tem Henderson

12. Public Hearing on a requested Special Use Permit for a new manufactured home to be located at 432 Conoly Street, Marlin also known as S 3990 Railroad Block G Lot 4, 5.

a. Speak in Favor.

None

b. Speak in Opposition.

None

c. Questions by Citizens.

None

d. Close Public Hearing.

Hearing was closed at 7:25pm

13 Discussion and action on recommendation on requested Special Use Permit for a new manufactured home to be located at 432 Conoly Street, Marlin also known as S 3990 Railroad Block G Lot 4, 5.

Councilmember Porter motioned to approve the special use permit for a new manufactured home to be located at 432 Conoly Street, Marlin also known as S 3990 Railroad Block G Lot 4,5.

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

Ayes: Councilmember Porter, Councilmember Martinez, Councilmember McDavid, Mayor Lofton

Nays: None

Abstain: Councilmember Moore

Absent: Councilmember Milton, Mayor Pro-Tem Henderson

14. Discussion and or Take Action: Approval of minutes from April 14, 2020, Council Meeting

Councilmember Porter motioned to approve minutes from April 14, 2020 Council Meeting.

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

Ayes: Councilmember Moore, Councilmember Porter, Councilmember Martinez, Councilmember McDavid, Mayor Lofton

Nays: None

Absent: Councilmember Milton, Mayor Pro-Tem Henderson

15. Discussion and or Take Action: Centex Web Agreement (Randell Brown 5 min)
Randell did not attend the meeting and no information was received.

Councilmember Moore motioned to table number 15 until the council receives information from Randell.

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

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

Ayes: Councilmember Moore, Councilmember Porter, Councilmember Martinez, Councilmember McDavid, Mayor Lofton

Nays: None

Absent: Councilmember Milton, Mayor Pro-Tem Henderson

16. ENTER INTO EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT

551.074(Personnel Matters) authorizes certain deliberation about officers and employees of the governmental body to be held in executive session:

(a) This chapter does not require a governmental body to conduct an open meeting:

(1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or

(2) to hear complaint or a charge against an officer or employee.

(b) Subsection (a) does not apply if the officer or employee who is the subject of the deliberation or hearing requests a public hearing.

Interim Chief of Police (90-day review)

City Manager (1.5 yr. Review)

City Secretary (1 yr. review)

Council entered into executive session at 7:30

Council reconvened into regular session at 8:12 pm

17. Discussion and or take action appointment of City Secretary

Councilmember Porter motioned that the council appoint the Interim City Secretary as the City secretary, Maryann Waddle.

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

Ayes: Councilmember Moore, Councilmember Porter, Councilmember Martinez, Councilmember McDavid, Mayor Lofton

Nays: None

Absent: Councilmember Milton, Mayor Pro-Tem Henderson

18. Discussion and or Take Action: City Attorney RFQ set date for Interviews

Cedric told the council that two applications were received and wanted to let the council set a date to do interviews.

Councilmember Moore motioned that a meeting be set for next Tuesday at 6pm to conduct interviews with the two applicants.

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

Ayes: Councilmember Moore, Councilmember Porter, Councilmember Martinez, Councilmember McDavid, Mayor Lofton

Nays: None

Absent: Councilmember Milton, Mayor Pro-Tem Henderson

19. Discussion and or Take Action: Texas Municipal League Board of Trustees Election Ballot

Maryann told the council that this is for the TML Board of Trustees. There is a little bit about the candidate. TML is the city insurance, the ballot has to be done by the date listed.

Councilmember Porter made a recommendation that the city cast their vote on the incumbent for each place.

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

Ayes: Councilmember Moore, Councilmember Porter, Councilmember Martinez, Councilmember McDavid, Mayor Lofton

Nays: None

Absent: Councilmember Milton, Mayor Pro-Tem Henderson

20. Presentation New City Website (City Manager)

Cedric presented the new web site to the council. It will be more user friendly and cost about \$1,200 a year where as our current is around \$5,000 a year. The first year is \$5,200. It is just like our current web site just less busy. No Action.

21. Discussion and or Take Action: Approval of Notice of Election

Councilmember Porter motioned to approve the Notice of Election for the city of Marlin.

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

Ayes: Councilmember Moore, Councilmember Porter, Councilmember Martinez, Councilmember McDavid, Mayor Lofton

Nays: None

Absent: Councilmember Milton, Mayor Pro-Tem Henderson

22. Discussion and review of Department Reports.

City Manager

The tourism building will take a little longer, it has a leak in the roof. We are looking at replacing the floor in the Council chambers. We are working on updating technology. Hope grant is still open. Mundo sent email on pump and USDA did extend the time. The airport layout for the air show was given to the council. On Hobby, the money was for sewer, the paper work to change the money over was still sitting on the desk. We are going to see how much it will cost to paint the tower and do Bulldog Creek. Cedric will be taking some days off.

Court

Robin is on vacation.

Police

Chief Hommel told the council in a week and a half to two he will only be one officer short. A new guy starts Thursday and he will be conducting an interview. There is a reserve on the streets, he only cost the city a uniform, and he volunteers his time. He does not get paid, we carry his commission. We testified in court. We are NIBERS compliant. I have a volunteer who has help with this and other reports. There is a new program to do reports. There was a false alarm at the school but it did provide training. A dispatcher resigned, but I did hire a replacement.

Fire Department

Justin Parker told the council that COVID cases was at 174. Station 1 has sustained more damage, because of the rain fall. Roofers were out to start the roofing. The Volunteer Fire Department wanted to know if the city would donate the fire truck that was just replaced. Justin will get more information on it. He will order two sets of bunker gear with the new budget kicks in. Burn Ban is off.

Public Works.

Scott Fornash told the council that they are on streets and water taps. Got the vac truck that will be used to fix the blower on ours. There was a backup it was caused by a line collapse. With the two new hires we will be able to get the ditches done, along with. Tibadough wants to try the sealant on Bluebonnet again. On the filters, the NANO stone stays the same in design, unlike KOCH, which we have to upgrade every time. Once the vac truck is up we will hit storm drains. He wants that the citizens help with the cleaning ditches.

Water Plant

Jennifer Trotter told the council that the sludge clarifier was running well. We rented a boom and a sludge pump. We are working with TCEQ on their list. We have given a drive to them. They will review and reissue the list. This is from an every three year visit, we have till October 10 to correct. She asked that the hunters remember that the water plant does have people working out there.

Water Department

Nancy Dominguez is on vacation.

Finance

The General fund balance as of August 31st was \$2,359,157.67. The dedicated water fund balance is \$319,691.37. AP's are current. 5% of the total water sales is transferred to the dedicated water fund.

22. Future Agenda Items.

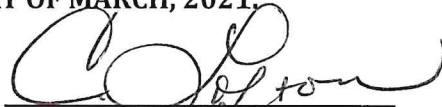
None

23. Adjourn.

Councilmember Moore made motion to adjourn, all in favor said "Aye" meeting ended at 9:02 pm

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




Carolyn Lofton, Mayor


Maryann Waddle, City Secretary