

STATE OF TEXAS
COUNTY OF FALLS
CITY OF MARLIN

On this the 12th day of January, 2021, 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 Rhonda Milton
Nettie Moore (absent)
Scottie Henderson (absent)
Max Martinez
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. Citizens Input.

No comments.

6. Discussion and or take action Proclamation for Marlin School Week of Choice.

Mayor Lofton read the proclamation.

Mayor Pro tem Milton motioned to accept the Proclamation for Marlin School Week of Choice for January 24.

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

Ayes: Councilmember Porter, Councilmember Martinez, Mayor Pro-tem Milton,

Councilmember McDavid, Mayor Lofton

Nays: None

Absent: Councilmember Moore, Councilmember Henderson

7. Discussion and or take action Ordinance 021-001 Municipal Court of Record.

This is the first reading of the ordinance. City Attorney Parker stated that the clerk is a city employee, the clerk is under direction of the Judge for court proceedings. This will set a schedule for court, the judge will set and submit. This will help coordinate

the use of the chambers. The city Manager and City Attorney were tasked with the duty of establishing policy and this is a part of it.

Mayor Pro tem Milton motioned to accept Ordinance 021-001.

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

Ayes: Councilmember Porter, Councilmember Martinez, Mayor Pro-tem Milton, Councilmember McDavid, Mayor Lofton

Nays: None

Absent: Councilmember Moore, Councilmember Henderson

The second reading will be at the next council meeting.

8. Discussion and or take action setting dates for town hall meetings and a brief presentation from Government Capital Securities.

Deann Carson from Government Capital Securities addressed the council and let them know about their sister company of Government Capital which deals with leases, selling properties and the side she represents is the security side. She says she has been talking with Mr. Davis about the city's streets and either being repaired or replaced. She explains that Mr. Davis let her know that the council would most likely want to do an election rather than a shift obligation which is another option that does not require an election but does require the city to have full transparency about what is being done. She is letting that council know that if they do choose an election then the elections has to be called by February 12th which was right before the next council meeting. She starts explaining how that election works in example (if you choose to have an election for 5 million then you would be the most that would be able to use for repairs or replacements of the streets). She states that she gave the Mayor a binding to advisory agreement that legally has to be signed before she can do any work for the city. She states how "it doesn't commit you to anything, you don't have to pay anything" it's just something that has to be signed that says "we will always put your interests first". She stated that she will be attending the town hall meeting along with an engineer and she will let the citizens know what it will cost and what the benefit is to them. Letting them know how the money will be spent and how much it will cost and how it will get paid for as far as taxes or however the city decides to get it paid for they will talk to the citizens with the city and answer questions.

Mayor Lofton is asking if the example that was provided includes streets that would be part of the project and Mr. Davis lets her know yes that those will be part of the project and a few other companies had come and looked at the streets for asphalt and will be getting number together. He is letting the council know that they did say that concrete is a lot more expensive and that streets that are on the project are concrete streets already. They said some of the other streets will be able to get patched but they will have to section them off and get a price for them or that the city can save some money and do it themselves with the machine that was bought. Mr. Davis is saying that hopefully by next week he will have about five companies giving quotes on the streets of asphalt and concrete. Mayor Lofton is asking the they will be having an example and costs by the time they get into the town hall meeting and Mr. Davis assured her they will have that together for the town hall meeting. Mayor was letting them know that the example is based on eight streets for the 5 million.

Councilmember Porter asked what kind of numbers are we looking at because a lot of the citizens are already worried because if it costs so much, they will just go to a big city and pay the same amount but have more amenities. Mr. Davis let him know that we won't have an exact number until the streets are chosen and whether they decide to go with concrete or asphalt but he did remind them as to how cheap he is and will find the best price. Councilmember Porter reminds him of the time another company fixed a street and only lasted a year and they were paying for it. Mr. Davis lets him know that before anything is done, he will present about 5 plans to council and each company will have a representative here to explain and answer any questions they may have.

Mayor Lofton is reiterating that a town hall will be scheduled to let the citizens know of the plans and that the streets is the most important right now to repair aside from the water because the holes aren't getting repaired and anything that the crew is putting in them gets washed away with the rain. She says that everyone wants to repair them but we need to have some funds to repair them with so they are trying to figure out how to get many of the worst streets done without putting any more of a burden on the citizens. Mayor Lofton asked how much the street they had repaired cost which was Eddings street. Mr. Davis explained what was done to it which didn't include the curbs and it costs close to \$100,000. She lets them know that the purpose of the town hall is to hear from the constituents and see how they can help and what they can do or offer because they city doesn't have the funds or the manpower to get the streets done themselves.

Mr. Davis is also suggesting that if some citizens want to pitch in and decide they want their streets fixed and they give so much money to get it done then other citizens can't get mad when their street gets fixed and others don't if they actually pay for it themselves. He lets them know that they will have more options at the town hall meeting to give out to citizens. Davis is explaining how the bond works and how the money can be used for as far as moving things around from the general fund.

Mayor Pro-tem Milton asked how many employees we have on the street crew and Mr. Davis let her know four were on the street crew and the three that were hired through public works were for grass cutting and driving trucks. He let them know that if the bond does get passed they can look at hiring part time laborers to help with the repairs for 6 months to a year. Mr. Davis lets the council know about a schedule for repairs that is going to be completed. Today they patched 6 street and tomorrow another 6 street are on the schedule. Hopefully they can get to 5 -6 streets a day provided no water emergencies happens and they have to be called off to help with those. Mayor Lofton says that we will need to figure this out as a community because it's going to take all of them to make it happen. Mr. Davis is informing the council that there are some people interested in Marlin and if we don't fix the infrastructure those opportunities will not come. Those are jobs, new residents, more sales tax. Mayor pro tem Milton is suggesting to Mr. Davis that he provide numbers at the town hall meeting as to how many businesses, jobs, new residents will bring in so much amount of money to bring in to Marlin. Mr. Davis is letting her know that it is difficult because without the infrastructure fixed there is no way to get an accurate number of businesses or people that actually want to come here. Mayor pro tem let him know to get ready for a hard sell then because they need to know numbers. Mr. Davis said the original town hall meeting that was cancelled was scheduled for Jan. 15th so they will need to look for dates after the 15th of January. City secretary Maryann Waddle let the council know that Feb. 9th is when she ordered the general and special election and if they can have something ready by Feb. 9th then she can get with the city attorney and have the ordinance which calls for the bond election as well so that all 3 will be done. Mayor Lofton asked Deann Carson where her fees come from and she replied that they get paid when the bond issue is done and nothing gets paid before then and only get their funds when the bond issue is completed but they will be side by side with the city helping. Mayor Lofton asked if they get paid out of the bond proceeds and Deann answered yes. Mayor Lofton asked City attorney Parker if he has a

copy and he said no that he didn't know it was on the agenda. Mr. Davis and Mayor Lofton let him know that it is number eight and he replied that it is just to set the dates and get to see that presentation. Mayor Lofton said they will move that agreement to a different agenda and that will give him time to review it. The council is discussing the dates that they will be available and if they choose the 26 of January and the 2nd of February then that will be 3 meetings in a row because the 9th of February, they will already be there. Councilmember Martinez lets them know that games are on Tuesdays and both teams are pretty good so he doesn't know how many will be attending the meeting because the gym gets pretty packed. Mr. Davis says he will get with the school and see what their restrictions are due to COVID.

Mayor Pro tem Milton motioned to set the town hall presentation for January 25th and February 1st.

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

Ayes: Councilmember Porter, Councilmember Martinez, Mayor Pro-tem Milton, Councilmember McDavid, Mayor Lofton

Nays: None

Absent: Councilmember Moore, Councilmember Henderson

Mayor pro tem Milton left the meeting at 6:46pm.

9. Discussion and or take action TCEQ Violation Notice for the water plant .

Jen Trotter let the council know they had a new study to run and resulting from that was non acute. TCEQ found that they failed to maintain treatment back in July. Jen is explaining how they were trained to do their testing was wrong and they have corrected it and they had an SOP and everyone has been trained properly on it and it will not happen again. Mayor Lofton is explaining to the council that she received a call from the head of TCEQ and let her know that the employees were doing what they were trained to do by COAT but the problem was that COAT did not get prior approval from TCEQ before initiating the actions they were using when the pin went down. She is saying it's not entirely the employees' fault but since it is their water plant, they do get the violation. She is saying that since it is a violation even though it was back in July they still need to get a notice to the citizens. TCEQ said other than that everything was cleared and that as soon as this violation was found they got it corrected and

everyone was doing what they were supposed to do. She (TCEQ) said that as a courtesy she was going to get some technicians down to work with the employees on the water plant to show them exactly how to do certain tasks specifically relating to this violation and some others. She was going to make sure the staff is properly trained. Jen is letting the council know that when they did the "I" test in July 2020 that it did pass the "I" test. Mayor Lofton said she wanted to let the council know what it was about just in case any of their constituents ask about it. Mayor stated that it will be out tomorrow morning, Jen let her know that they will get it started tomorrow morning and that Nancy went home sick but it will be out by the 17th or as soon as we can. Mayor wants Jen to let her know when they get it out so she can let TCEQ know.

10. Discussion and or take action COVID protocols.

Mayor Lofton stated that she would like to table the item till Fire Chief Parker could attend to give an update.

Councilmember Porter motioned to table item 10.

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

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

Nays: None

Absent: Councilmember Moore, Councilmember Henderson, Mayor Pro-tem Milton

11. Discussion and or take action approval of council meeting minutes from 06/09/2020 and 10/13/2020.

Councilmember Porter motioned to accept minutes from 06/09/2020 and 10/13/2020.

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

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

Nays: None

Absent: Councilmember Moore, Councilmember Henderson, Mayor Pro-tem Milton

12. Discussion and or take action project 73868 documents for additional loan amount.

Council discussed tabling the item to have Mundo and associates look at the paper work.

Councilmember Porter motioned to table item number 12.

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

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

Nays: None

Absent: Councilmember Moore, Councilmember Henderson, Mayor Pro-tem Milton

13. Discussion and or take action Resolution 021-001 Boating Access Grant.

Cedric told the council that in early 2020 Mundo applied for the grant with Texas Parks and Wild Life and a resolution needed, it is state required.

Councilmember Porter motioned approve Resolution 021-001 Boating Access Grant.

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

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

Nays: None

Absent: Councilmember Moore, Councilmember Henderson, Mayor Pro-tem Milton

14. Discussion and or take action Interlocal agreement with Region 8 ESC (The interlocal Purchasing System Repairs from hail damage).

Councilmember Porter motioned approve the Interlocal agreement with Region 8 ESC.

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

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

Nays: None

Absent: Councilmember Moore, Councilmember Henderson, Mayor Pro-tem Milton

15. Proposal for professional services Brazos River Intake System ECWAG.

The ECWAG is for \$29,000 to make the necessary repairs to the river pump. MRB Grey did the engineering study on the pump. MRB Grey proposed \$5,000 for professional services. Councilmember Porter motioned to accept the proposal from MRB Grey.

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

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

Nays: None

Absent: Councilmember Moore, Councilmember Henderson, Mayor Pro-tem Milton

16. Discussion and or update RFQ for Delinquent Tax Attorney.

Cedric told the council that no properties have been sold and he would like for it to be left open and or the deadline extended to let more applicants apply.

Councilmember Porter motioned to extend the deadline to get more applicants.

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

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

Nays: None

Absent: Councilmember Moore, Councilmember Henderson, Mayor Pro-tem Milton

17. Discussion and review of Department Reports.

City Manager- Davis told the council CENSUS sent us a thank you for partnering with the CENSUS bureau. He is letting the council know that the city of Marlin animal control and adoption center is up and will be moving forward. He let them know that the crews are out patching the holes. Update on the Marlin Planning grant of \$54,000, they are moving forward with it and are getting ready to fund it in the next few weeks. City Secretary let them know a resolution has already been done. He let the council know that he has not heard anything on "GOexTell" "GO tell" and AT&T is getting fiber done in steps. Councilmember McDavid is asking if MRB grey is on schedule to start doing their stuff. Mr. Davis and mayor Lofton let him know yet that it is in the email and they are on schedule. Councilmember Porter is asking that once they are done with the big machinery that costs \$100,000 (dura patcher) to get the streets fixed, can they try and sell it or exchange it for a street sweeper to get the streets cleaned with leaves to keep the sewer lines from getting clogged up. Mr. Davis let him know that he was told by one of the guys from the asphalt company said that it will still be valuable to keep because once they get all the streets done and need something minor then they will be able to use the dura patcher. Mr. Davis is letting him know that he might be able

to get one of those from the company in San Antonio for about \$5,000. He was told that he will get numbers and see what they have.

Court – Robin was dismissed for time constraints. Council was provided her report.

Police- Chief Hommel informed the council that unit #7 picture is in front of them and they went to a service call and one of the suspects ran into the vehicle that was parked and they did get him arrested after a short pursuit. He let them know that their vehicle did have insurance so they will try to get that to take care of it. He let them know that one of his dispatchers and an officer were out sick with COVID so he is down to 2 full time dispatchers which took a big chunk out of his overtime budget but to fix that issue he will be getting dispatch certified along with Captain Pereyra through TLETS so it doesn't happen again with the overtime. He stated that they are still waiting on the printers. He let them know he had an audit done with TCOLE at the end of December with one deficiency which was a mistake Chief took responsibility for and that it got corrected in a day and got it back to them and they got cleared and seal of approval. They are up to date on NIBRS. He stated that their Chapter 59 audit report was done in December which is done every year and it is completed.

City Manager is reminding the council about the closure of City Council on the Following Wednesday Jan. 20th due to federal and local threats on police. He already talked to chief and they did decide that the back door will remain locked and only entry will be through the front door by appointment only. First responders will be available but the emergency plan will take effect on Tuesday. Councilmember and Mayor Lofton asked the Chief of Police to get in contact with the school about their emergency plan.

Fire Department- Chief Parker had to leave for a call out.

Finance Department- Judy Sisk was dismissed for time constraints. Council was provided her report.

Public Works- Scott was dismissed for time constraints. Council was provided her report.

Water Plant- Jen was dismissed for time constraints. Council was provided her report.

Water Department

Nancy Dominguez was dismissed for time constraints. Council was provided her report.

20. Future Agenda Items.

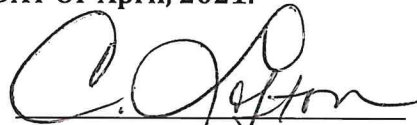
There will be a meeting with MRB on Tuesday, the special called council meeting along with others that got tabled from this current agenda.

21. Adjourn.

Councilmember Moore made motion to adjourn, all in favor said "Aye" meeting ended at 7:18 pm

PASSED AND APPROVED ON THIS THE 13TH DAY OF April, 2021.




Carolyn Lofton, Mayor

