

STATE OF TEXAS
COUNTY OF FALLS
CITY OF MARLIN

On this the 8th day of December, 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 Rhonda Milton
Nettie Moore
Scottie Henderson
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 Moore.
5. Citizens Input.

Council was given the citizens comment, it was an email and exceeded the time limit.

6. Presentation of plaques to sponsors of the Young Eagles Aviation Rally.
Plaques were presented to sponsors in attendance.
7. Discussion and or take action MLK Park fencing and improvements (James Lang/ City Manager)

History of MLK Park was shared. James Lang request that the city put up a fence to help keep the park clean and provide safety. Cost needs to be looked at for fencing. Mayor Pro Tem Milton motioned to look in to proposed fencing and get cost estimates and provide quotes.

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

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

Nays: None

Abstain: Councilmember Moore,

8. Discussion and or take action USDA Rural Community Connect Grant (Lonnie Johnson GOEXTEL Communications)

Lonnie Johnson gave information on GOEXTEL. He would like to apply for grants on the City's behalf to provide for the cost to run the fiber and conduct studies for the project. Cost would be 15% match and it depends on the awarded amount. The minimal award is \$100,000 and the max is \$3 million. If the grant is awarded it would come back to council for approval. The dead line for the grant is the 23rd.

Councilmember Henderson motioned for Lonnie Johnson to go seek the grant.

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

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

Nays: None

9. Discussion and or take action Falls County Appraisal District Board of Directors Ballot.

Councilmember Porter motioned to give all 78 votes to Byrleen.

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

Ayes: Councilmember Porter, Councilmember Martinez, Councilmember McDavid

Nays: Mayor Pro Tem Milton, Councilmember Moore, Mayor Lofton

Abstain: Councilmember Henderson

James Parker let the council know that with the vote, the motion did not pass.

Councilmember Porter motioned to give all 78 votes to Byrleen.

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

Ayes: Councilmember Porter, Councilmember Martinez, Councilmember McDavid, Councilmember Henderson

Nays: Mayor Pro Tem Milton, Councilmember Moore, Mayor Lofton

10. Discussion and or take action authorizing for new animal shelter for up to \$50,000.

Cedric told the council that he would like for them to allocate \$50,000 dollars to build the Animal Control Center. There are metal Building (metal, windows, doors, and

fully assembled) that if purchased, can be retrofitted to what is needed. 20 kennels would be available at the new shelter, in Rosebud, Marlin is only given 4 at \$120 each. The contract has been extended till January, but after that Rosebud needs their space back. Past donations controlled by animal rescues were discussed. The location would be on Capps St. on the old brick factory slab.

Councilmember Porter motioned to authorize for a new animal shelter for up to \$50,000.

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

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

Nays: None

11. Discussion and or take action approval of council meeting minutes from March 10, 2020 and September 29, 2020.

Councilmember Porter motioned to accept minutes from March 10, 2020 and September 29, 2020.

Councilmember Henderson second the motion the motion carried as follows:

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

Nays: None

12. Discussion and or take action Ordinance 20-012 amending budget to reflect additional grant funds.

James Parker told the council with additional funds coming, that was no in the budget, the council needed to amend the budget to reflect the additional revenue.

This ordinance would be used to amend the budget. . Items included in the additional revenue are \$370,000 COVID Relief Fund , \$20,000 from Ramp Grant, \$25,000 ECWAG Grant, and \$15,00 Walmart Grant. Anytime you have a surplus it is best to amend the budget.

Councilmember Moore moved to adopt Ordinance 20-012 Amending the budget to reflect the added \$392,250 Grant funds to the budget.

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

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

Nays: None

13. a. Convene into executive session Pursuant to Tex. Gov't. Code, 551.074 (Personnel Matters) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Municipal Court Judge, or to hear a complaint or charge against the Municipal Court Judge.

Council entered executive session at 6:30 pm.

Council reconvened into regular session at 7:31 pm

b. Reconvene from executive session to take action as appropriate, in the City Council's discretion, regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Municipal Court Judge, or a complaint or charge against the Municipal Court Judge.

Councilmember Porter made a motion to let the City Manager and the City Attorney review policy and procedures that are used to hire and update accordingly, as well as look at policy on supervisors counseling and update it, also to be done by the City Manager and the City Attorney.

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

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

Nays: None

14. Convene into Executive Session;

a. to consult with the city attorney pursuant to Texas government 551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct, to consult with legal counsel regarding Pending Litigation.

Council entered into executive session at 8:01 pm

b. pursuant to Tex. Gov't. Code, 551.074 (Personnel Matters) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Interim Police Chief.

Council reconvened into regular session at 8:40 pm

15. Reconvene from Executive Session:

a. to take action as appropriate , in the City Council's discretion regarding Pending Litigation.

Councilmember Porter motioned to take no action on this item.

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

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

Nays: None

b. to take action as appropriate , in the City Council's discretion , regarding appointment , employment, evaluation , reassignment , duties, discipline , or dismissal of the Interim Police Chief.

Mayor Pro Tem Milton motioned to appoint the Interim Police Chief to a two (2) year term as Police Chief.

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

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

Nays: None

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

Cedric let the council know that the contract with the present Delinquent Tax Attorney's contract rolled over. There were concerns about properties being sold twice. There has been an RFQ issued for Delinquent Tax Attorneys. No Action on this item.

17. Discussion and or take action COVID Relief for current water customers. Cedric Davis was explaining how Balch Springs intends to use their COVID relief funds to provide up to \$500 tot qualifying households and how other cities across Texas intend to help their citizens with the COVID relief money. Davis told the council that he is hoping to give some relief to the citizens of Marlin in the form of a \$50 credit to their water bills. He stated that # 27 of the rules allows for help to citizens. Davis started explaining how some lost their homes and jobs and that \$50 may not be much but it'll help some that need that money it's a way to give back to the citizens to show we do care and are thankful for their support. Davis shared with the council that he had Nancy run the numbers and it would be a total of \$106,650.00 for the citizens that have active water accounts in the city of Marlin. He says he is hoping that the council will support it and if approved it will show on their January bill.

Mayor Lofton is expressing that citizens need to understand that the money being used is part of the COVID relief fund and cannot be used for streets. Mayor says that rather than losing the money there are trying to give back to the citizens because "to some people \$50 it's a heck of a whole lot".

Mayor Pro-tem Milton is asking how we can communicate so the funds aren't misused. Davis and Mayor Lofton said the funds will be credited directly to the water accounts.

Councilmember Moore is asking what happens to the rest of the COVID relief money that will not be used to the credit to the citizens. Davis is saying the remaining funds was put into the general account and will sit there because the funds have already been put into our account. He is explaining how bigger cities received larger amounts directly from the federal government as to how smaller cities requested it from the State and it was based on

population. Davis let the council know that the city of Marlin's portion was roughly \$371,000.

Councilmember Moore is asking for clarity of what was going to be done with remaining funds. Davis is explaining how the money will be sitting in general account until it is decided what it can be used for. Davis is letting the council know that he did talk with Ms. Judy and they found out that the money can be put into an account that can draw interest.

Mayor Lofton is asking about the money that was used to pay employees that were out with COVID. Mr. Davis is explaining that it is all included in the \$371,000.00. Davis is saying how he will be keeping an eye out because congress had talked about passing a second COVID relief bill so we will have to wait and see what that brings.

Mayor Pro-tem Milton made a motion to approve the use of COVID relief funds to be used as a credit of \$50 per service customer on their water bill for December which will come in January for a total of \$106, 650.00.

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

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

Nays: None

18. Discussion and or take action approval of employee luncheon and award ceremony to be hosted December 23, 2020.

Cedric told the council that he is planning an employee luncheon and award ceremony to be hosted on December 23, 2020. He also wanted to close city hall at noon to give the employees a chance to eat, enjoy, and show appreciation for a year of hard work.

Councilmember Moore moved to approve the employee luncheon and award ceremony to be hosted December 23, 2020 and to close city hall at noon so that employees can attend.

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

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

Nays: None

19. Discussion and review of Department Reports.

City Manager- Davis told the council he met with an engineer and that they will be out to survey the City on the fifteenth. He talked with Ms. Mundo and Government Capital, they say that by law the council has to have at least 2 town hall meetings try and put a proposition on May's ballot. Davis is asking the citizens to consider two propositions which is economic development and a street program. He is saying that if it is tax funded and if you touch it then you going to jail. Davis is saying that the citizens need to know that it is up to them if they decide to get the streets fixed and if the council decides to move forward, they need to have at least 2 town hall meeting. Davis is letting the council know that we had a citizen's compliment on how Scott and his crew are doing a great job getting to the streets.

Mayor Lofton is saying that most citizens need to understand is that the streets just didn't get this way over night and even with the water bills getting paid the city just doesn't have the money to fix 60 miles of streets and that we are doing the best we can to patch hole which is all we can do until we get revenue coming in since we don't have a lot of businesses that bring in revenue to be able to cover the costs that is needed.

Mayor pro-tem Milton is saying that she thinks having the town hall meetings is relevant because we need to share that rebuilding Marlin is an effort based on th our taxes.

Mayor Lofton is saying that the engineer is going to come in and give a breakdown of what we need and how much it will cost.

Mayor pro-tem is asking how the council thinks the citizens will feel after having a town hall meeting with the previous administration about the draining system and why we are having another one when the other one didn't get done.

Mayor Lofton is saying she wasn't here for that but hopefully the citizens will see the work the current administration has been doing they will have encouragement and once "we" put something in place it would go forward because the monies that we gain will be strictly for that and can't be used for anything else. So if streets aren't getting repaired and money is coming up missing then you have legal recourse.

Councilmember Moore is saying hopefully the citizens will ask questions and get a better understanding about the streets. Mayor is saying that they also need to understand that there are no grants out there to fix the streets because that is the city's responsibility.

Councilmember Moore is saying they might need an enforcer at the council meeting to make sure it doesn't turn into a gripe session. Davis is saying that you might be able to let a certain amount of people in but it will have to be virtual. Davis is explaining Travel Texas and what it does and that December 16th at 10am is whoever gets in first and who qualifies to be able to get advertised in emails and co-ops. He is hoping to get the city if Travel Texas in and get the tourism guy will be starting in January.

Davis is letting the council know that he will be heading to Killeen to talk with NRG, they are the 3rd largest developers in the country and he is going to try and get them to come check out Marlin because they are looking into central Texas and land around here to develop. He says they have some things going on in Killeen and NRG will be there so he will be going and do what he does best. Davis will be taking a course through the TWDB and he stated that is he takes the class it will open up other opportunities and show what is available as far as grants and loans. He says he will be staying away from the loans because he is trying to get the debt ratio for the city down. Maryann is showing the council the wreaths that will be put up downtown and on the poles for the holiday. She and Davis are explaining the cost of one that we were looking into ordering which was between \$200-\$300 each but we were able to get 14 done for the price of one. Councilmember Moore is asking if the tourism building finished and Davis replied that it is finished and we will be adding the furniture soon. The council asked when the interviews will be held for the tourism job. Cedric and Maryann said around the 19th. Maryann is saying that there were 3 people that put in for it and she was going to ask if one or two council members will be willing to sit on the board for the interviews. Mayor Lofton recommended Mr. Porter and Mr. Henderson to sit on the board because they are the ones who have been dealing with the project for quite some time and that they need to make sure what they are looking for in a person that would be best for marketing Marlin. Maryann let them know that she will be getting with them and figure out a day to meet and get everyone interviewed.

Court – Robin let the council know that the court brought in \$18,640.00. The city kept \$10,690. Everything is starting to move up and there were 74 tickets and 89 violations. Court will be held on Dec. 21 and Dec. 22 with no juveniles listed for court.

Police- Chief Hommel thanked the council for the 2 year term. He stated they had 567 calls for service and a lot of domestic violence cases. They did come training with the

DA investigator and helped with a few cases. There were few major cases with one involving a 4 wheeler and they were taken to the hospital. He said there was an accident today involving a high school student that was riding his bike and the woman was coming down Evans street and couldn't see him because of the sun and he jumped out in front of her so he was taken to the hospital with some injuries. Another case involved a juvenile who pulled a knife on a CPS worker and he was taken to juvenile detention.

Fire Department- Chief Parker is saying call outs are starting to pick back up which isn't a good thing but it's that time of year where heaters and gas is used more which are cold weather related incidents. He is showing the council COVID related numbers for the county. Mayor Lofton is congratulating Justin on qualifying for the advanced structural firefighter certification.

Finance Department- Judy Sisk told the council that in the general fund there is \$2,432,381.16. In the dedicated water fund (5%) there is \$352,724.67. AP s are current.

Public Works- Scott let the council know they have been busy. There were major sewer line repairs and they do have some water leaks that they will be working on. He is letting the council know that they will be short about 1 guy a week for the remaining of the month to burn vacation time. In January he will be getting with the council to get a resolution to be able to have an auction. He is letting the council know that he is working on two trucks to get them up and running which includes the ACO truck and that he and Derrick are taking care of animal control right now and are only doing emergency calls. He has a meeting with the Health department on the 16th to check on safety measures with the water plant and fire station, sewer inspection at the sewer plant. I will give you a heads up if there are some problems out there at the sewer plant. Councilmember Moore is asking if there is an action plan in motion in case it doesn't go well and have it in writing so the inspectors can see if they have questions.

Water Plant- Jen let the council know that they did have 3 employees out with COVID. Jen is informing the council that skid 200 is working great and skid 100 is still out of service. Sludge clarifier did clog and she got a pump and pumped it down to 4 ft. She was thankful for Scott for went down there and found the drain saying he was up to his shoulders in sludge. They got it unclogged and it is back to working. There was problems with the electrical room and had MP electric to fix it but he came down with COVID so they rescheduled it to that following Thursday. BCF report, they did more reports for them and some got sent back saying they received 5 copies. She doesn't know anything other than that they received it and are reviewing the reports, they haven't sent anything else since then. Mayor Lofton asked if they figured out what was going on with the incorrect inputting of the information into the computer. Jen let them know that they did fix that and found out what was causing it. Other than that everything else is going pretty well.

Water Department

Nancy Dominguez said that in November the water brought in \$274,842.35 and General fund brought in \$49,491.96 in the other general money account brought in \$303,797.29 the other water fund brought in \$7,405.96 and new consumer deposits brought in \$2,800.25 for a total \$638,302.50.

20. Future Agenda Items.

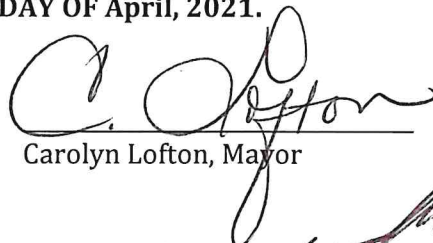
There will be a meeting with MRB on Tuesday, the special called council meeting.

21. Adjourn.

Councilmember Moore made motion to adjourn, all in favor said "Aye" meeting ended at 9:47 pm

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




Carolyn Lofton, Mayor

