

**COUNTY OF FALLS
CITY OF MARLIN**

On this the 11th day of May, 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
Scottie Henderson
Max Martinez (in at 6:12 pm)
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.
None

Items on the agenda were moved around the minutes will reflect the order items were covered.

6. Discussion and or take action on letter of intent offer to X-Bow Systems Inc.
This is the company that came and presented to the council on April 13, 2021. They like Marlin and would like to move their headquarters here. They would like to enter into a 10 year lease with the city for a 5 acer plot, then they will come back and purchases or redo their lease. They will be providing 400-500 jobs in 4-5 years. They do a launch system, but it is not as big as Space X so there will be no big boom. They are looking at the old landfill.
Councilmember Moore motioned for the City Manager and the City Attorney to get together and prepare and offer for X-Bow Systems and bring it back to council to consider.
Mayor Pro-Tem Milton seconded the motion and the motion carried as follows:
Ayes: Mayor Pro-Tem Milton, Councilmember Moore, Councilmember Porter, Councilmember McDavid, Councilmember Henderson, Mayor Lofton
Nays: None
Absent: Councilmember Martinez
7. Discussion and or Take Action approval council minutes February 9, 2021 and March 9, 2021.
Councilmember Porter recommended the approval of council minutes February 9, 2021 and March 9, 2021.
Councilmember McDavid seconded the motion and the motion carried as follows:

Ayes: Mayor Pro-Tem Milton, Councilmember Moore, Councilmember Porter, Councilmember McDavid, Councilmember Henderson, Mayor Lofton
Nays: None
Absent: Councilmember Martinez

8. Discussion and or take action Auditor Services

The council was given a letter form Culpepper Auditing Services.

Councilmember Martinez in at 6:12pm.

Misty is unable to do the audit, she experienced a loss and now has time constraints. She has recommended an auditing firm that has already been helping with the audit. The city has not received a bill from Culpepper to date.

Mayor Pro-Tem Milton moved accept service agreement with YWRD and open a contract with them.

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

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

Nays: None

9. (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 City Manager (Annual Review);and

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 Fire Chief (Annual Review);

Council convened into executive session at 6:18pm.

(b) Reconvene into public session and take action as appropriate in the Council's discretion with regard to appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager and the Fire Chief.

Council reconvened in to regular session at 6:55pm.

Councilmember Moore stated that she would like to encourage and commend the City Manager. Mayor Lofton thanked the City Manager and Fire Chief for all their hard work. No action was taken.

14 Discussion and or Take Action update MRB Group on TWDB CWSRF & DWSRF Projects (Gil Gregory)

Gil gave the council updated information, TWDB gave good news, and Connie called and said the environmental and engineering report on the Water project. They want update on the filters, but we can go ahead and start on the pilot without the engineering feasibility report right now. They want the city to move forward with the pilot, and when the results come in they will issue an amendment to the EFR so that it can move quicker. Over the last month our folks and Lou, who is an expert with nano stone and TCEQ, the scheduling for the pilot is being worked on, and will update when they get that. The time frame on that will be from start to finish 24 months, but it will be revised with the new process. A finalized schedule will be given later. They have to go through the protocols with TCEQ. MR. Mundo is going through the time line, with additional questions. The Mayor received a call from Connie right before the meeting and said the project can start tomorrow, she said there is nothing standing in the way of the city and the pilot study. Gil said Mr. Portillo is working on the TCEQ end, there are still protocols for TCEQ. Filters cannot just be bought and put in. Mayor Lofton asked for a rough time line. Gil said the pilot, by TCEQ reg would take 6 months, it has to run through the process, they will not just let you start. Mayor Lofton said that TCEQ is working with the city, because they don't want the plant to fail and the community have no water, we don't need to continue to delay. Gil said this is the process that has to be done through regulatory agencies. Mayor Lofton said it has been approved by Karen Kail, she has approved the pilot to be done and has expedited the funding for that to be done. Who would the city need to talk to in order to get this started? Gil said we are starting, that is

what is being done with Lou and Nano Stone. We have to get the equipment and it takes months to do. No matter your situation. Gil does not have a timeline. A swap letter was done, under the city signature. Connie would like it revised. It is a formality for paper work. CWSRF project 2 is moving forward on its processes. The environmental studies are on track, except for project it was pulled out separately . June approval is scheduled. Project B (the pond at city park) the environmental folks are working on it. The other projects can start. There is no schedule change on the third sheet.

No Action was taken on this item.

15. Discussion and or Take Action on Texas Parks and Wildlife Hunting Lands License Agreement

Kyle Thigpen sent over some revisions to the contract. He told the council the he changed the wording fire arms allowed, it limits the means to archery for deer and hogs. No greater than grade 2 on shotgun and air rifles for others. The legal shooting hours were changed on some animals for safety. People can only fish at night, no hunting. Hunters can, 7 days before season starts, can go scout the area. The contract will start on September 1st. There will be two information station at the proposed parking spaces. It will be year round set with the seasons. The hunter will only obtain a public hunting licenses from the state, the city will not have a permit.

Councilmember Henderson motioned to accept the Lands License agreement.

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

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

Nays: None

17. Discussion and or Take Action FAST Grant

Chief Parker told the council that this is for the 498,000 FAST grant that the city has been awarded. He has been on the phone with vendors for the project. The grant has a \$5,000 match.

Councilmember Porter motioned to approve the actions needed for the FAST Grant.

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

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

Nays: None

22. Discussion and or Take action Easements with the Brushy Creek Project.

Council was told that an email was sent about giving up easements associated with the Brushy Creek Project. Discussion was held as to where the project stands.

Councilmember Moore motioned to table item 22.

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

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

Nays: None

23. 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 7:26 pm

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

Council reconvened into regular session at 7:42pm

Mayor Pro-Tem Milton moved to pay invoice 002 in the amount of 13,465.69 subject to the set and release.

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

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

Nays: None

10. Discussion and or take action on Resolution 21-009 Canvassing Votes for May 1, 2021 Election.

Mayor Lofton read the unofficial tally of the votes:

Mayor

John Keefer 276

Carolyn Lofton 324

Precinct 1

Sonia Ponce 37

Precinct 3

Debra A. Levels-McDavid 25

Precinct 5

Neddie Lang Moore 34

Special Called Precinct 6

John Armstrong 77

Robert Dimeson 48

Councilmember Porter motioned to approve Resolution 21-009 Canvassing Votes for May 1, 2021 Election.

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

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

Nays: None

11. Swear in of new Councilmembers.

Judge Overstreet swore in the new councilmembers.

12. Presentation to departing City Council members.

Departing Councilmembers were presented with a token of the city's appreciation for their years of service.

13. Mayor's Charge to the council.

Mayor Lofton addressed the council. Discussion was held over visiting facilities and working on project throughout the city. Available date for the tour will be shared with the council and in 90 days the Mayor would like for the council to share their area of focus.

16. Discussion and or Take Action Ordinance 21-004 Denying the proposed change in rates of Oncor Electric Delivery Company LLC.

Councilmember Moore motioned to approve Ordinance 21-004 Denying the proposed change in rates of Oncor Electric Delivery Company LLC.

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

Ayes: Councilmember Armstrong, Councilmember Moore, Councilmember Henderson, Councilmember Ponce, Councilmember Washington, Councilmember Levels-McDavid, Mayor Lofton

Nays: None

- 18. Discussion and or Take Action considering sale of real property proposal from GTG International Services LLC. ; authorizing the publication of notice to the general public of the off of land for sale.**

GTG approached the city about selling property. It is 2 lots and they are offering 1,000 to 1,500. A discussion was held over the probability of getting more for the property if it were to go through the bid process. Discussion was also held on making the property available for all to bid on it.

Councilmember Armstrong motioned to table item considering sale of real property proposal from GTG International Services LLC. ; authorizing the publication of notice to the general public of the off of land for sale.

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

Official vote was taken. Councilmember Henderson expressed concern about items being reviewed before going on the agenda.

- 19. Presentation by Bryan James for fluoride information.**

Bryan James, a retired dentist, spoke to the council about his concerns over the lack of fluoride in the city water system. On or about 5 years ago the city stopped adding fluoride to the water, because it can have bad effects on the elderly population of the town. Benefits of fluoride were discussed. The use of fluoride will be looked into further.

- 20. Discussion and or take action HOTCOG communications tower**

This is to enable HOTCOG to erect a communications tower on the cities property near the Depot Tower. The existing tower is in bad shape and has a light out on it. It will be 150-180 foot tall with a building. It will be no cost to the city.

Councilmember Levels-McDavid motioned to act on the HOTCOG communications tower.

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

Ayes: Councilmember Armstrong, Councilmember Moore, Councilmember Henderson, Councilmember Ponce, Councilmember Washington, Councilmember Levels-McDavid, Mayor Lofton

Nays: None

- 21. Proclamation 100th Year Birthday of Naomi Johnson**

Mayor Lofton read the Proclamation aloud.

- 24. Discussion and review of Department Reports.**

City Manager

Cedric told the council the ARP is a 1.22 million dollar grant he is working on it with Grant Works. Still talking to potential investors about visiting the city. On the 18th, in College Station, there is an Economic (CITA) meeting. Any council wanting to attend please let Maryann know and arrangements will be made.

Court

Robin is no longer with the city. Maryann told the council that in April the court brought in \$24,395.35. \$9,663.33 went to the state. The city kept \$14,732.02. There were 195 violations and 166 citations.

Police

Chief Hommel told the council that the department is fully staffed. Grant was received at the end of April, funding is still being waited on. The City scored 1st in the process. Chief has be patrolling and helping with cases.

Fire Department

Justin Parker told the council he will be working on the FAST Grant and the communication tower. They had received a first responder agreement with AMR. It will go on the next agenda. Justin has training coming up.

Finance

Judy told the council that the general fund had 3,128,911.77. In the dedicated fund 379,840.31. 8,787.93 was the 5% transferred in to that fund for the month. All AP's are current.

Public Works.

Scott Fornash told the council that they are working on the ACO building, they are still waiting on cages. Scott will be out on the 12st with surgery, he will be out for 6 weeks. They have two new guys. They are needing 2 part timers. They are doing a lot of water and sewer taps, people are buying property.

Water Plant

Jennifer Trotter told the council that she has positions open, they do train employees and then they take the test for their licenses. Shifts at the water plant were explained. April 14 boil water letter has prompted a letter from TCEQ. Work was done on the generator. Chlorine room is up and running. TCEQ violations were discussed. Questions about capacity and filters were asked. The Nano Stone pilot will replace skid 100. The interactions with Koch on the failed filters was discussed. Koch replacement was done on skid 200. The filters are only lasting 5 years. Koch has offered to change the fittings for 900,000 on skid 100. Discussion on fixing the issue and the City Attorney to look into the matter. Money in the budget to cover the temporary filters (where the money would come from) was discussed. The Deputy Director of TCEQ knows the current situation, and that's is why they pushed so that the pilot can start. Further discussion on the filters was held.

Water Office

Nancy Dominguez told the council that in April Water took in 241,191.25. General 49,533.98. In the other general there was 138,623.14 taken in and in the other new consumer deposits 4,025 and in other water funds 26,932.26 for a grand total of 459,682.76.

Tourism

Brian told the council that HEB is going to be the under writing sponsor and there are two others needed. Chief of Police will be able to provide security, he has reserves that can cover. Discussion over the farmers market and the contacting of local farmers was held. Conferences and Organization to join are being looked into. The payment for coverage at the Festival was discussed, types of sponsorship and amounts.

25. Future Agenda Items.

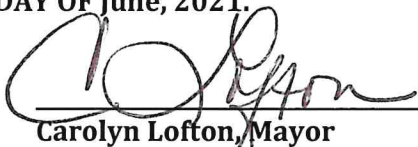
Workshop on the 25th of May, Mayor Pro-tem nomination, tours of city facilities. Once the City Attorney gets information on the KOCH filters, the item will be brought back to council.

26. Adjourn.

Councilmember Moore made motion to adjourn, all in favor said "Aye" meeting ended at 9:35pm

PASSED AND APPROVED ON THIS THE 8TH DAY OF June, 2021.




Carolyn Lofton, Mayor


Maryann Waddle, City Secretary