

**COUNTY OF FALLS
CITY OF MARLIN**

On this the 8th day of June, 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 Henderson
Nettie Moore
Monica Washington
Sonia Ponce
John Armstrong
Debra A. Levels- 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.

Mrs. Lang, thanked the council for fixing ongoing issues .

Mr. Simmons, sent an email stating that there was three minutes on the web site, he wanted to speak . He stated that the web site has no emails for councilmembers and that notices use to go out on the water bills.

Number 14 . was moved up.

14. Discussion and or Take action Juneteenth Program Donation.

Pastor Steve Johnson asked for a donation for the city to help with Juneteenth Club
The requested amount is \$750.00

Mayor Pro-tem Henderson motioned to donate \$750.00 for the benefit of the citizens.

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

Ayes: Mayor Pro-Tem Henderson, Councilmember Moore, Councilmember
Armstrong, Councilmember Ponce, , Councilmember Washington, Mayor Lofton

Nays: None

Abstain: Councilmember Levels-McDavid

6. Presentation from X-Bow Systems Inc.

Les Martin stated that now the CEO and the board are involved with looking at Marlin due to the communications with the Mayor and the City manager. They have secured another contract which will make job projection 200. He is leading site search person. His team will meet and see the location. He reiterated his job history. X Box produced solid rocket propelled systems. They have acquired defense contracts and want to move to Marlin. He gave his contact information incase citizens have questions. There are ways to lower the sound. They are not testing anything like Space X does. Environmental issues were discussed and it was explained that they do monitor all their outputs. They do follow federal regulations. The city is offering 5 acres with a 10 year lease, after the 10 year lease they can renew or buy. The city will help them find a fabricated building that they will buy. They will use as much local business as they can. There will be a Town hall On Monday.

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

Gil told the council that on the DWSRF paperwork, in red were the changes. June 2 the proposal was received from a water resource company. They are doing a budget amendment. There are no adds just moving money around. This is to keep up with changes in the project. There is a letter to swap the clear well with distribution pipes, they are waiting on that to come back. They are working to get the module retrofit. They went with the electrical engineer to the water plant, and to look at line in the distribution system. They are looking and reprioritizing projects because of higher cost. If things come in lower then they can do another project. Outlay 6 was approved by TWBD and outlay 2 of the loan portions is with TWBD for approval. They are waiting on the approval EFR and the categorical exclusion. CWSRF we are waiting on the categorical exclusion on projects a-f. the pond environmental is in a full environmental report, it is split so that other projects can start. This project also had historic documentation was provided to the council to catch up new members on the progress. The money for the Hobby tower was discussed, Left from the KSA projects. 62520 project there is \$207,000 left on the loan side. If all funds are to be used there is a process. \$112,199.86 in interest can be used for anything. 736414 loan amount \$118,823 left that can be used for anything as well. If you do under the capitalized interest, it can be used in any way. Bernard drainage was discussed. Kennedy and San Antonio are highlighted because if they are fixed then the water should stay off Bernard.

8. Update Nano Stone (Lou Portillo)

Lou Portillo introduced himself and gave his history of experience. Nano Filters have a 20-year warranty, the Koch filters only last 3-6 years. They have designed a pilot train. He trying to negotiate a better price for the city. Water Resources has been contracted to help with the project. The filter now has to be taken out, and man power is used to pin the filters, this cost the city money. With Nano Stone they replace the filters, all the employees have to do is clean the filters, no fixing. Lou is an engineering firm; he is the only one that has done the Nano Stone filters. He has pushed this membrane system to the limits and it has not failed yet. MRB has asked him to describe a pilot program to demonstrate the efficiency of the filters, it would be a live pilot. TCEQ has approved a 40 day pilot study instead of the 90 day one. They will pull of a Koch filter and put in a Nano Stone filter. He has provided his cost to MRB and Water Resources has provided a proposal to MRB for the pilot study and the big study. The pilot unit could be built in 4-6 weeks and in . They could stay the 40 day test a week later. There will be manual gauges, so the report can be recoded with real time data. After 30 days they will stop the system to demonstrate that the system can be taken down and started back up. This will speed the project, the whole retrofit could be done in a year. Bill Pereyra told the council that his company has designed the project. They want the city to know the whole process and the cost. Concerns about the current system were expressed. They can used an identical design they have used before. Finding the flow rates is the sensitive part. When it comes to funding MRB has not executed a contract with Lou, he is waiting to get started. He has not been paid. Carolyn Keel said the city can use Lou as the lead engineer on the project if the city wants. The city has the Cadillac of membrane manufacturing, the city has stainless steal. Gil stated that the fastest way to do this is for the city to hire Lou and the city will be reimbursed by the funding. The City

Attorney can look at the contract and we can go from there. There was a portable system design shown to the council. The pilot will work with skid 200 , this give training for operators at the same time. Lou said when it comes to the Target 2 filters, he said there is a prorated warranty and it as time goes the cost to replace goes up. He does not want the city to buy 20 filters. He has contacted clients to see if they can buy some used ones. If we can get by pinning , they we can save money.

9. Discussion and or take action Purchase of additional Targa II filters for skid 200
Mayor Pro-tem Henderson motioned to table this item.

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

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

Nays: Councilmember Ponce

10. Update form Mundo and Associates.

Joe Mundo addressed the coucil on the grant for the river pump. The city has rights to draw water for the river and the pump was hit by a weather event the burned up the electrical pump. In May of 2020 the city applied for an emergency grant with the Department of Agriculture. MRB prepared the application for \$500,000 , it included the replacement of filter. The USDA rejected it because it did not meet the requirements of the grant. They isolated out \$16,000 worth of replacement items that did qualify to put the pump back in service. There was delay the application, the Mayor and City Manager in 2020 asked Mundo to assist to get the grant back on track . On November 19th they approved the application for \$25,000 , to include \$5,000 engineering portion for MRB. The city approved the MRB portion in January, due upon the receipt of the money. The latest response was they now have approval to release funds. There is no time frame , once it does there will be a 30 day bid process. With the amount of rain the city should be ok . TPWD Boating Access Grant , it is Federal money. July 2020 Mundo went after the grant it is 75 federal and 25 match from city. February 2021 application was uploaded by the City Manager. It is a very competitive grant. It was for a boat ramp, picnic tables, parking spaces, and a pier. It totals \$214,155. TPWD funds \$156,000 . The remaining in inkind match is \$57,000 . It will be concrete pads , solar lighting, and chip sealing. May 24 the city was selected for the next step , a recommendation from TWDB to the Fish and Game for the city to move forward. 2022 is when it should fund. The construction should take 4 months.

- 11 Discussion and or Take Action presentation from Net Data Corporation.

Incode is now being used , Net Data is like Incode but more user friendly. It allows invoices to be stored digitally in the system and would eliminate the paper files. It has a system for court, finance , and water. It produces reports that are easily understood. Dallas told the council that the county utilizes their applications. It will be an updated service for utility billing and they will mail out the bill at 71 cents a bill , the cost of a stamp is 55 cents. The finance side is S&S Financial it does everything Incode does for the city now, but it has the ability to scan and store in the system to promote paper less. The funding source is Court Collection and Case management system. Now the city sends file once a month to collections, this system automates the process, and sends letters and does all the reporting. It works with NRBC and Omni . They guarantee the cost in increased revenue, if not they will pay the difference. There are over 27 cases unadjudicated. That is \$600,000 form last year. They guarantee that the \$46,000 cost will be made up in a year. Incode is for larger cities and this application is used in other municipalities

Councilmember Ponce motioned to approve item 11 for Net Data. Councilmember Ponce amended her motion to negotiate a contract with Net Data.

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

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

Nays: None

12. Discussion and or Take Action approval council minutes April 13, 2021 5pm, April 13, 2021 6pm, and May 11, 2021.

Councilmember Armstrong motioned to accept council minutes April 13, 2021 5pm, April 13, 2021 6pm, and May 11, 2021.

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

Ayes: Mayor Pro-Tem Henderson Councilmember Moore, Councilmember Armstrong, Councilmember Ponce, Councilmember levels-McDavid, Councilmember Washington, Mayor Lofton

Nays: None

13. Discussion and or take action Lions Club request for partial road closure for event to be held on June 12, 2021

Judge Elliott told the council that they are looking to close Ward from Live Oak to Fortune so that they can put in vendors and food trucks. Citizens state Bank has given the ok . It will be closed 7:30 to 4:30 on June 12th.

Councilmember Moore motioned that the council resolve a partial road closure on Ward from Live oak to Fortune on June 12th.

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

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

Nays: None

Abstain: Councilmember Armstrong ,Councilmember Ponce

15. Discuss City Manager's monthly calendar and schedule and a process for providing updates to the City Council

The council made a suggestion on like a google calendar or weekly updates so that they are aware of what is going on. Emails would do as well, just a weekly update. There were emails being sent out and some of the council stated in the past that it got redundant. It was stated in the past that from the meetings , in the past , the updates were given from the weekly meeting updates with department heads. In the past year everyone in the departments were sending weeklies and it got overwhelming. Plans for the week can be sent in email with updates from the staff meetings.

16. Discussion regarding the hiring of a provider or other third party for grant writing or other related services for the City of Marlin.

City Manager stated that he has been filing for grants since he has started. He does balance his time and Grant Works , that has been with the city for a long time , does file for the majority of the city grants. They get their money from the administrative part of the grant. Grant Works files for the big grants. 70-80% of funds for the city projects come from grants, Grant Works has worked for the city a long time.

No action was taken.

17. Discuss participation and appearances by members of City Council at city employee meetings or City employee staff meetings.

City Manager invites councilmembers to pot lucks. There was once when there was a pep talk needed. The City Manager is to be the leader of staff meetings, the direction comes from that position. If more than one councilmember were to be invited then a possible quorum would posted. It is usually one or two invited at a time .

No action taken.

18. Update on current City of Marlin road repairs plan or proposal, update on proposed interlocal agreement between City of Marlin and County Commissioners on a road repair plan and a presentation on road plan proposal.

Once the list of streets that was composed then the agreement could go be for the Commissioner's Court. Back in January there were some street proposals composed by an engineer, this was in relation to a proposed bond. An interlocal need to be composed , and in it a list of streets. The council wanted to bring all the proposals together to see what can be done. The hope was the council would get with constituents to list the streets in there precinct that need to be repaired first. Several streets were discussed. The streets that are part of the upcoming project will not be touched. Time for starting streets was discussed. John Keefer shared a video on a product with the council. He gave some suggestions on street repair and materials. The City Manager will arrange a time to meet with John Keefer so that they can share information on roads and materials. The Interlocal will be prepared with the emails from council listing streets. Mr. Bosnick stated that he thought that the city needed more business for the city to improve. He also spoke on old lines in the city. Streets to be repaired and the was to fund the repairs will need to be discussed further.

19. Update on the status of the Open Meetings Act Suspensions under the Texas Governor's COVID -19 Disaster Declaration and subsequent extensions of the COVID-19 Disaster Declaration.

City Attorney Parker told the council that the Governor did extend the disaster declaration another 30 days. It was posted yesterday, it keeps the suspension of the Open Meetings Act going. The question of capacity was asked. The city could just resume the before COVID practices. Cities are adopting what they feel is best for them.

20. (a) Convene into executive session pursuant to Tex. Gov't. Code 551.071, Texas Government Code , and section 1.05 m Texas Disciplinary rules of professional conduct , to consult with the City Attorney regarding the creation of a monthly calendar for the Mayor.

Council convened into executive session at 9:15pm.

21. (a) Convene into executive session pursuant to Tex. Gov't. Code 551.071, Texas Government Code, and section 1.05 m Texas Disciplinary rules of professional conduct, to consult with the City Attorney regarding the Koch Membrane Filter Matter and Dispute

(b) Reconvene into public session and take action as appropriate in the Council's discretion with regards to the Koch Membrane Matter and Dispute.

22. (a) Convene into executive session pursuant to Tex. Gov't. Code 551.074 to deliberate the employment , evaluation, reassignment, duties , discipline, or dismissal of the City Manager. At any time, the city Council reserves the right to convene into executive session pursuant to 551.071 Texas government Code, and section 1.05 , Texas Disciplinary Rules of Professional Conduct, to consult with the City's legal council regarding the duties of the City Manager; and

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

Council Reconvened in to regular session at 10:02pm
No Action Taken.

25. Future Agenda Items.

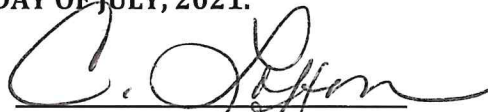
The update on contract with Lou Portillo and email on identified streets.


26. Adjourn.

Councilmember Moore made motion to adjourn, all in favor said "Aye" meeting ended at 10:14pm

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




Carolyn Lofton, Mayor


Maryann Waddle, City Secretary