

STATE OF TEXAS
COUNTY OF FALLS
CITY OF MARLIN

On this the 12th day of May, 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
Nettie Moore
Rhonda Milton
Max Martinez (@6:02pm)
Douglas Porter
Terence McDavid

STAFF

Cedric Davis, City Manager
Maryann Waddle, City Secretary

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.

none

6. Swear in Hold Over Officials (Precinct 2 and 6)

Judge Lessman pointed out that the papers for the swear in had an error. Maryann stated that she had grabbed the wrong ones. Cedric went to get the correct papers. Council came back to this item when papers were ready. Judge Lessman swore in Douglas Porter (Precinct 6) and Rhonda Milton (Precinct 2). Oaths for Anti Bribery and Oath of Office were administered.

7. Discussion and or take action contract with Sledge Law Group.

Mayor Lofton said that it was her understanding that they were not going to be there tonight. She asked Ms. Judy to come up and kinda tell the Council what was going on. She asked how much the bill was. Ms. Judy said off the top of her head it was \$4800 and we were concerned because on this he has met at the reservoir we had no idea he went to the reservoir we just wanted him to give us an idea of what he was doing and what this entails. And for us to understand what he is billing us for. Councilmember McDavid asked if this was the \$6700 that he had left in the balance. Maryann said no

you're thinking of Madameria contract this is with Sledge, Sledge has been the Brushy Creek attorney since 2007 or 2017. Mayor Lofton said in my to my knowledge there's been no additional work. Councilmember Milton said under the summary he has it is January 12 everything listed is the month of January there are conference calls and consultant calls 10 minutes reservoir project one hour 50 minutes all these are conference calls it seems to me and they were all placed in the month of January. So what do we know about that. Her problem was the conference calls were basically saying the same thing with no results I would like to know what the meeting was about and to clarify on the meeting because I don't see a resolution. Councilmember Milton said so he a he attended the monthly meeting in January if you look at the bottom it says mileage for a physical appearance and he charges us \$119 and you said the total bill came to \$4000 plus. Maryann said yes if you flip over you will see the total. Milton stated thank you I didn't see the back Maryann stated she was trying to save paper by doing two-sided print outs. Mayor Lofton asked if he said whether or not he would be at the next meeting. Ms. Judy said he has it on his calendar to be at the next meeting. Mayor Lofton said I think he needs to be here so we can have clarification Councilmember Porter made a motion to table item number seven contract with sledge Law group. Councilmember McDavid seconded the motion and motion carried as follows:

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

Nays: None

Mayor Lofton asked if there were any more questions. Councilmember Milton stated that she recalled we were trying to determine whether or not to continue their services or not. Mayor Lofton stated that was Madameria and McMullen, Sledge is different.

8. Discussion and or take action contract for city mowing.

Cedric Davis let the Council know this item was put on here because, if some you know if you'd been out to the parks in the cemeteries, have not been well kept so I did talk to Mr. Jeremy, he is here today here to talk to the Council and to tell his side of the story, what I was presented with is give him either a 30 day probationary period to make sure you get something together if the Council so sees it. If the Council does

not see it they can take whatever action necessary, we can take what's left over in the budget for the mowing and use it to pay city workers over time for them to mow the properties on the weekends. You have two choices to make there. I think some you guys win out to the cemeteries this weekend and weren't very happy. Mayor Lofton stated she went out to Hillcrest Cemetery.

Jeremy Venegas address the Council stating he was sorry and he apologizes in March and April we had a lot of rain with other things going on we got behind. Now were trying to play catch-up unfortunately we fell behind the couple of properties the Park and Calvary Cemetery we did get behind. He said sorry I'm just a little nervous. Mayor Lofton told him don't be nervous. Jeremy said ever since then we've been playing catch-up we been doing better and we are coming along and everything is in the shape. Pauline Venegas stated she would like to add that after all that month of rain we sent out an employee to the park and Calvary and he did a job that we were not okay with that made it worse and he is no longer with us just to let you know that. Mayor Lofton said I was going to ask if you do all the work yourself or if you have workers working for you Jeremy said I have two employees Pauline said and him. Jeremy said they had three employees but the one employee he was telling me he was maintaining the park in the cemetery he was saying it was beautiful out there looks real good it was a family member and I trusted him and unfortunately he got over me on it, it sucks and I have to pay for he is no longer with us. Pauline said we are sorry and we would not want that for the City of Marlin. Mayor Lofton asked if there were any thoughts or comments, she stated she went to Hillcrest and took pictures out there of the front of the cemetery was mowed but around the back there are graves out there and you could barely see the top of the gravestones. So that was just on Sunday and that being Mother's Day that means families are coming down with flowers and they can't get to the graves or walking through high grass. Jeremy said he apologizes. Mayor Lofton stated we have to do better she asked if they were any other comments. Councilmember Milton asked if it had been taken care of yet. Mayor Lofton said they haven't been out there since Sunday. Jeremy said Hillcrest is due at the end of this week due to the biweekly schedule. Cedric said the city park is done Calvary is done several are done they are trying to catch up I will give him that much they're trying to catch up. Since I brought it to their attention last week they have been doing that much. Mayor Lofton said she did receive a complaint in August about

Calvary but then she received a compliment yesterday and this was after Mother's Day Councilmember Martinez said yes they did a lot of work I just pass through there ,there's a lot of work done out there Councilmember McDavid asked where. Councilmember Martinez said at the park .Mayor Lofton asked within the next 30 days can you get everything up to par. Jeremy said yes ma'am Mayor Lofton said then we can reassess in 30 days. Mayor Lofton said make sure it's not too overwhelming, the job that is. We want you to keep your contract but we also want the job to be done. Councilmember Milton mentioned that Memorial Day is coming up. Jeremy said we try to keep everything mowed for the holidays. Mayor Lofton asked if all sites are done biweekly. Jeremy said yes but lately everything's been up, with the sun and the rain everything, it's really been weekly mowing. Councilmember Moore said maybe you should not let the final say so be by that worker, your worker because you are responsible for the mowing and you need to do checks and balances. Mayor Pro Tem Henderson asked Jeremy that if he sees any damage going on, there has been some complaints about vandalism breaking of headstones, and if you see that will you please call the city and notify them about it because people have complained to me about it. If you're out there and you see it please let city know. Davis said that yes there are some moved headstones that is gonna take a tractor and chain to move them because they are heavy I don't know how they knocked them over some are tall, like 6 foot tall. Pauline said I'm glad you asked about seeing things wrong, at King street Park location is always trashy it takes him triple time at that park because he's having to pick up trash all the time he goes out to cut that. Councilmember Moore asked if they would start giving her a call because the kids that go to the park they try to make sure that they pick up the trash. Call me if there's trash there because there shouldn't be. Councilmember Moore gave Jeremy her number to call. Councilmember Porter made a motion that we review this in 30 days. Mayor Pro Tem Henderson 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 charter review and city policy updates.

City manager address the Council and let them know the city charter goes back to 2006 and they conflict with today's date and time policies some of the previous counsel, and some you yourselves put some policies in place but they conflict with the charter. So a couple months ago we were looking at getting charter review commission together so they can start reviewing. We need to make that an importance because we've got to bring our policies in line with our charter, we need to set a date, we have people who signed up for the charter board, we need to move on it seems possible and that's what it is on the charter review commission. Mayor Lofton asked if this was to be updated every five years. Davis said every five years you need to look at your charter, because if you look at some of our charter. The last time they looked the charter was 2006 and they did one in 2017 and that was with charter limits. When you look at it and get it straightened out to make sure policies are try to match each other. Maryann said that online there are three sets, prior to 1993 charter, 1993 charter, and 2017. Davis said if you remember member the hunting license, we looked in the charter and we actually found something from the 50s on it but it has not been updated. We did that couple months ago was based off the 1950s charter. Councilmember Milton want to know if we need to set a date to start Davis said yes if you want you can say to start 30 days it's whatever counsel wants. Maryann let them know that we do have the volunteer list from a couple months back where we did the big sign up for committees and boards and even had councilmembers nominate individuals to the boards. It all got put on the back burner because of COVID. Nobody's really able to get together. But I still have that list if you want me to on call them and start getting them together. Davis said he can do a motion to have the city secretary start calling people on the list. Councilmember Moore asked how many people were on the list. Maryann said on the list there were about seven but ideally we need five people on the board that way there's not a tie vote.

Councilmember Milton asked if the initial meeting will be a virtual meeting. Maryann stated that she just got the extension to the State of Texas disaster declaration, which makes open meetings exceptions, and will have to look further into how meetings can be held. Davis said meetings should start opening up in June, if we go 30 days we should be hitting into June. Councilmember Moore asked who would be guiding them Davis said the city manager and the city secretary will consult with the Council, the

Council will tell us what they want to look at will give it to the committee and guide them, give them the guidelines they make decisions on how they want to word it. Then we come back to counsel takes a look at it and at the Council agrees with it would be voted on the next call election, next call election is in November so we start the next 30 days, hypothetically if you want to pick five things once you all decide on the order, the special meeting you would approve how it would be worded to put it on the ballot, the top works. Councilmember Milton said it should have a context, an index so that they could look through it to decide what they want to work on. Davis said it does, you can look at the areas you want the committee to explore and then from that point, you give the committee what you want worked on, they work together to drafted / make a current for your review and if you like it your vote to take input on the ballot. The city attorney will then come in and write the legal language for it. Councilmember Moore said our next step, it would be to set a time that we can look the charter and get a list of things don't want to look at changing.. Maryann said that the charter is online. Davis said I would suggest the Council pick 5 to look at changing. Councilmember Milton wanted to know what the timeline would be, council must first make the selection of their top five. Davis said we can start to arrange meetings with the group and give them guidelines and give them their charge what they're doing. The Council have the top five they will look at by then they will narrow that top five down because each councilmember at seven with five a piece that's a lot items. You will narrow it down to how many want the charter commission to look at. Milton asked do we need to have this before you call them. Davis said no we can call them to begin preparation. Within the next 30 days everyone give us their top five and we will run with that. Councilmember Milton moved that the city secretary contact the committee for the charter review and that it be done by the first week of June and within the next 30 days council will select their five top areas of the charter review to present. Councilmember Moore seconded the motion and the motion carries as follows:

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

Nays: None

10. Discussion and or take action approval of council meeting minutes for December 10, 2019, January 14, 2020 and April 28, 2020.

Councilmember Moore moved to accept minutes from December 10, 2019, January 14, 2020 and April 28, 2020.

Councilmember Milton seconded the motion the motion carried as follows:

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

Nays: None

11. Discussion item "Presentation on Pace Program (Bob Lane).

Cedric Davis stated that he and Mr. Lane took a tour of the city. He was very impressed with the things we have that can bring economic development and tourism to Marlin. As some you guys know we met Mr. Lane down at the TML conference in San Antonio, ever since then he has been following Marlin and looking at Marlin. He has some potential ideas and developers. Bob Lane address the Council, him thanked for letting him present. He wanted to discuss the pace program and that it is for economic development for the City of Marlin. You have some downtown areas that just blow my mind. Your mineral hot water is the ticket to paradise in my opinion and it is a wonderful location. I know at one time it was an attraction and I think it can begin. You have an old Hilton Hotel here there was also an old Hilton Hotel, if you look online, in El Paso that has been refurbished through the pace program. The pace program helped them out to the tune of \$9.2 million with finances and incentives for energy conservation improvements, I would welcome that you please look that over. Doug Taylor used to be the director of the state energy cultivation conservation office estate taxes he is now the CEO of pace he has never made a bad loan on an energy conservation project. He has never had a delinquency or default in 20 years. He is a wonderful addition to the pace program. What it stands for is property assessed clean energy is a property assess senior lien is verified by a third party there is no chance for smoke and mirrors. It is an energy project verified by a third-party engineer the

savings from the project will make the payment of the loan for the life of the loan. The loan will only go for the length of a lifecycle so you get 20 years pace for 20 years. The benefit of the pace over normal lending, is if you borrowed money on commercial you get six or seven years. Pace will go for 20. Pace also alone hundred percent of the engineering cost all your design work all your permits and everything that is tied to that building improvement can be tied into the pace and it all spreads out the left lung. The list of the counties and cities is listed in your packet, it can be pretty lengthy, these are the ones that went to the program pace program. I want to get a feel for what the pace program stands for what it can do from an economic development standpoint like the hotel is here all mechanical premise need to be made can be put up a slow. If you want to add solar panels to that it can go into it as well. Any economic development and grants would be in addition to this. Anything that ties to the energy efficiency of a billing facility can be included in the loan. The lender's will benefit because we are paid contractors and the benefits aligned with the pace program is most lenders will fund you the money on a job draw, that is funding up front. The cost of the project can be pulled out the time. Knew when you want to put in a new window, roof, and doors all that can be covered under the pace program. I would like to have somebody from pace come talk to you guys because you actually have to vote on it to make it a program you would do the City of Marlin you can also have Falls County vote on it as well. But it has been programming all approve it is certainly an economic development. It is not just tied to family it can also be done in the Industrial Park and downtown area. It can also be used on not-for-profit, there are churches here in Texas that have used the pace program. Does council have any questions, If not I will keep Mr. Davis informed and I will get a formal presentation done and mark it on your calendar, it will be well worth it and it goes into a lot of details. It is something you're interested in doing that to bring the legal wording as well. Thank you for your time.

No action.

12. Discussion and or take action presentation by HCDT Insurance Agency (Jeremy Diller).

Jeremy Diller addressed the Council he let them know that he sent a handout if they did not have it he could get them a copy. He and Mr. Davis met at the TML conference in San Antonio. We sat at the same table for lunch. . What I do is offer alternative to TML IRP and I know you

been with TML for quite some time I don't know when the last time you looked at any other options were. I worked with a number of cities six different cities in Texas we have provided savings and enhance coverages. He does want to come in and introduce himself, there are some opportunities, and see if there's any interest from the city in being able to save money. There are no guarantees but it is nice to take another look at it just to see hey if there may be some saving opportunities and to provide better coverage. I was a 2 term County Commissioner of worker probabilities for a long time. On the next page we offer competitive alternatives to TML. We use Interlocal agreements so you don't have to use a formal RFP. It's a way that you just renew every year with the Interlocal. This saves your staff time. We are an independent agency so work on your behalf we deal with travelers and Trident and some other providers well some of the broader or higher options we cover are the umbrella coverage, that is an extra layer of liability coverage on top of your policy, in case you have a big claim you can access that extra layer of coverage. Work place violence coverage as well as failure to supply, sewer backup and key employee coverage as well. The next page under value proposition, here are some of things we do to work with the city to make sure they were giving the extra value will have to go there all the bulletin points but some are we try to match the services. You have Local Gov U is free access training online for employees, access to webinars seminars and playground inspections. We also do risk management reports with recommendations. We have online attorneys that you can chat with, online cyber coaching, and pre-breach services. A lot of cities last year there was issue with breaches, we want your people to be prepared for that. The next one under issues are just some of the areas that is what other coverages we offer the city. We want to go as low as possible. We add to your liabilities as much as we can. Next steps we will provide free coverage analysis for existing program. In order to do this I will need five years loss report and a copy of your current coverage. Once I have that I can do the analysis and get back with Mr. Davis and tell him either we can save or you're getting a really good deal I would stay where you're at. That happens rarely but that has happened. I just want to be up front and say I think we've got something for you or are you are getting a great deal. So that's the way I operate up front and I think we work together. My goal is to have you guys provided with the service you deserve and a person count on. If you have any questions don't hesitate to ask. I went through pretty quickly. You know in last time was the jaw looked at it. Davis said Lord knows. Mayor Lofton said it hasn't been done in the almost year I've been here. Councilmember Porter said that it's been a long time. Jeremy said sometimes the markets change if you don't look at it it just

kind of creeps up every year and sometimes it can get out of control, sometimes you just don't know which are taken to the market to take it to different options and see what's out there. So I'd love for y'all to approve going forward and me looking at it trying to get you a preliminary. Mayor Lofton asked what the cost is. Jeremy said it's free ,Davis said he just needs the five year loss and the coverage and he can give us a free analysis on that something to compare to TML Jeremy said if you were to go with my proposal I would come back and accept my proposal and my fee is within that proposal. You don't see an extra fee. Councilmember Milton asked for clarity, what type of insurance are you. Jeremy said this would be property insurance for buildings, liability insurance for the vehicle, liability for your police officers, liability for public officials, employment related and Workmen's Comp. . It would also be insurance in case she had somebody from the public get hurt and what your facilities, so will cover all those areas. It's not health is just property liability Workmen's Comp. etc. with the Workmen's Compensation there's no requirement for network. You can use any doctor you want, you can encourage employees who to use but it's not set. Milton asked who was our current insurance. Davis said TML Texas municipal league. Councilmember Moore said I think it be good even if it just helps us realize what we have as far as coverage. Davis said the motion would need to be for us to allow him to examine our five year loss statements and our coverage to allow him to do our analysis. Jeremy said y'all have a TML binder all of this information should be in there as well as you should have your loss summaries. Councilmember Moore moved that the city allow HCDT to take a look at five year loss report and coverage, to provide a free analysis report. Councilmember Milton 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

13. Discussion and or Take Action city conducting a study of "stop signs "and "slow children at play "signs in neighborhoods.

Maryann let the council know that there have been quite a few calls about the need for stop signs in areas of town. One was a lady that thinks there needs to be a 4 way stop in her neighborhood. There have been others that think a stop sign that is not

currently there, need to be placed and Maryann said she got a call from a lady and she would like her area to have before he stopped and got another call from someone else about the same thing. There should be a stop sign somewhere else I get the cyber calls people talk about slow children to play signs that's why we went and told me to get to the Council because they were asking would you please do something about it Mayor Lofton stated she had gotten request for slow children to play signs particularly because the kids aren't in school at the moment and there's a lot of children out playing in the arts plane in the streets or whatever. With the excessive traffic there's more of a danger, so we need to get something in place to protect children. There used to be a lot more children at play signs but they've kinda disappeared. I think we need is something in place maybe within mile half a mile of school or parks. This would help protect children walking to and from. Councilmember Milton asked what do we have in place, do we have an old map to have an idea where stop signs or children at play signs might have been. Davis said normally what you do on this you do this like we did in box springs, the police department pulls the data from previous years and they look at how many people ran stop sign, how many people ran lights, and if any accidents that happen in the area. You will use this data to conduct a study in the data if it shows a large volume of car wrecks, or pedestrian struck, or a lot of speeding, that's why you see some neighborhoods have speed bumps, this will justify it. Because when you do put those up you have to notify TXDOT. I'm pretty sure we have data here somewhere which we will need, and current data. This is data driven. Councilmember Moore said so a citizen just can't request a stop sign. Davis said they can request it but the city still has to gather the data through a study, to justify putting it there. And in some places TXDOT would have to pretty much bless it. Councilmember Milton asked if there were any previous city plans that would show where we might have had the stop signs and the children at play signs. Davis said we can try to search it out, he would know, that we could try to see if the studied ever been done. Mayor Lofton asked if we would need that for the children to play signs. Davis said children to play signs, if like in a park area, you can put them up in a park area because it's already designated a place on. So in your park areas you can put your children to play. As far stop signs gets more into the detail the data. Your children to play zones are parks or schools, those you can erect. Councilmember Milton asked if it would be done by the police department. Davis said by the police

department and public works, they can collect your data. Like I said if you wanted to put signs in park area you can because a park is already designated a play zone. When you get in the neighborhoods and want to put up stop signs that's when you have to do the transportation studies. To be honest if we just want to erect signs around the park that would not be a problem we just need to go purchase to signs. Councilmember Moore asked what area the complaints came from. Davis said they vary over the city. Mayor Lofton said by the water tower on top of Foster Street and adding over there. Councilmember Moore asked if that was in the school area. Davis said yes. Maryann said the complaints are coming from everywhere. There are some saying they need a four-way stop. Some are saying that the stop sign shouldn't be here they should be like this Councilmember Martinez said on Gresham and Clark that four-way stop is where the ATVs go flying through there about 60 miles an hour and they don't stop. Mayor Lofton said they don't stop at her corner either. Councilmember Martinez said he watches them going down the road and they don't stop. Councilmember Milton asked if there was any action to be taken on this item. Davis said if you want to the children to play, that one we don't have to study if we put it in the designated areas of the parks, but on the stop signs it will be data driven because you have reported to TEXDOT. And then that is something that the police would have to do the study on. Councilmember Moore so do we just need to motion to have it done. Mr. Davis said that it was the Chief on that one, is the Chief here. Mayor Lofton said he is saying that the child at play signs are no problem but the stop signs need a study. Davis said yes just let me know on the parks or the signs the children play and get them put up. He said when I'm town Council is that to place the stop signs you have to have a study because of data driven. And that's normally something the police department handles data for the last couple years, if there's accidents here, you know how it works on that. On the children to play you have to do is study because the children play signs are normally at parks, and since that's the children play area. Stop signs you guys have to study on that. If you want to make the motion we can get the children to play signs in the other motion would be making chief to start a traffic study. Mayor Pro Tem Henderson asked if it needed to be reported to someone else if the stop signs were to be placed, with new technology with the satellites and stuff like on your phone a container to stop at where to turn right. Is there somebody else you have to report that to? Chief McCall said yes to the state and

see if they can come up with, who generate the data that send it somewhere else and then they'll come out and get with the city and see exactly where it needs to be, the proximity where it needs to be. Another, uhmm the city manager called me about uhmm, uhmm, uhmm, about the ATVs that the Council men and spoke of and that's what we are working on now. And doing a study on that, that's a whole other issue. Especially with being downright across the major throw fair, that's what we are working on now. So to answer your question we gonna have to get the data have to be sent somewhere so they can do an analysis of it. Mayor Pro Tem Henderson said you get something on paper. I know when I go to Dallas to use my phone, somebody's got to know you change it. I don't who you reported to that's what I want to know. MCCALL said uhmm into that as far as GPS goes. Mayor Lofton asked if TXDOT needs to be notified. Davis said yes. Councilmember Milton stated I'm learning that it's not only technical involved there's also a legal procedure. McCall asked Milton to say that again. She repeated her statement. McCall said right Davis said he when you talk about mapping, it is usually done by private companies. TXDOT do a map but it is not reported to those companies, those private entities purchase the data from TXDOT, then the private companies put it in. Milton said it is technically legal and commercial. McCall said Uhmm yeah. Councilmember Moore asked suppose there's no stop sign but there has been no accident ,what data do you need speeding tickets. Typically it goes with accidents near collisions things like that. It's more than just one piece of collected data. McCall said its reports of speeding, the kids crossing that that there street and almost getting hit. Davis said generally you take three years of data, that's the norm to get an adequate analysis is three years of data. Mayor Lofton said the question is do we want to conduct this study with the stop sign and initiate the children at play on. Davis said were talking stop signs but you also got a look at there's another piece of the puzzle there. Mayor Lofton said will that tell us that or do we have to study in more particular areas. Davis said it would be the area that the request is made for because you're looking at are they gonna go around the whole city that's time and money so it has to be with the complainant's. So hypothetically the complainant says like walking Coleman and nobody else's complained about there is their town so that's where your focus would be. Councilmember Milton asked do you have the manpower to do the study. Councilmember McDavid said we don't have the material Davis said the material we don't need that the signs will be made,

you just purchase that. Mayor Lofton asked what area they were particularly talking about. Maryann let her know that she would have to look. Mayor Lofton said okay Davis said one of the complainants did state the area, we will just have to look it up. Maryann told the Council no that the lady did call in and check in again today, and she was told that a stop sign study was to be discussed at the meeting. Councilmember Moore moved that we have the police department or fire department put the signs and to go out around the parks and children areas and put up the children at play signs.

Councilmember Milton second the motion. Mayor Lofton asked if there was any further discussion. Mayor Pro Tem Henderson wanted Maryann to kind of explain to the citizens that it goes deeper, that you can't just go out and put up a stop sign and the city can't do that just because they call and I think that needs to be kind explained to them when they talk to you. Maryann stated that it wasn't only her, the reason it was put on here, I have gotten several complaints on several areas. Mayor Pro Tem Henderson said still I want them to understand what you have to go through to really put that stop sign there they think you can just go out there. Maryann said yes I did say we can't just go out there and put up a stop sign for number one if we put a stop sign up there then somebody else is gonna want to put a stop sign somewhere else to .

I told them that it would be worded to where there has to be a study for stop signs within the city. Mayor Pro Tem Henderson said you have to go farther than that because the state. Maryann said yes I told them there was a lot that comes into play with it. Mayor Lofton asked if there was any further discussion. She said I think we need to do parks and schools because there is one area where a lot of kids walk to the school down Clark Street and from other points going up to that school, so it's all around the school. Councilmember Moore amended the motion to add the school areas with the park area included for the children to play signs. Councilmember

Milton 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

Councilmember Milton stated she recalled seeing a lot of signs about eight or nine years ago but a lot of that's overgrown with bushes and trees along the 3 to 5 mile radius around the school area. There were all kinds of signs, slow down, and children walking, but they are not visible anymore. So all the street that lead to the school, kids could walk to school. Mayor Lofton stated we just voted to put them back up. Davis said there are polls there just no sign. Councilmember Milton stated my mom said there were a lot of signs going to the school. Councilmember Milton moved that we do request a study in the wanted or required areas for the stop signs.

Councilmember Martinez 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

14. Discussion and or take action, Centex Web use of the Hobby Water Tower for internet access antenna.

Cedric Davis addressed the Council and said what happens on her court dates is our City Hall gets bogged down, where pretty much it comes to a grind because the bandwidth that we're using for our current Internet service cannot hold the load of court system and city operations and police operation the same time so Centex Web has presented a solution it's a pretty good solution so I told them I put it on Council let it bring to council and let him explain what he wants to do and what he can do for the city and he wants do at Hobby tower in a way that benefit us because we'll get some services that we do not have, and will cost us pretty penny to have. So is, the trade-off, so I'll let him explain it. Randall Brown owner of Centex web Access spoke to the Council. He let them know that he is the owner of an Internet service in Marlin Texas and the surrounding areas, he started it around 2002 with one tower and a dozen customers. Since then we've grown to over 600 customers in a dozen towers across Falls County. We provide Internet to the rural parts of Falls County. Today the more than ever Internet has become a necessity for means communications, education, and commerce. We would like to ask the city permission to allow Centex web access, to access points for our equipment on city water Tower. I would like to spend, this originally came to me as Hobby tower. The reason we started out there is

because it is down in a hole where it was built. Unbeknownst to me the warden has no Internet at the house that hobby provides. That is a shock. Apparently all three previous wardens only use that house as a temporary during the week and went home on the weekend. The people who moved in now, the now warden, is trying to make a life and wants to live there and she would like to have some type of Internet. So we're looking at is a proposal of not just the Hobby unit but the other water Tower and then doing so we will provide our own electricity, we don't ask for any cost to the City of Marlin, we do request access to the area. We are on water towers for other cities and other water departments and we have contracts for that. We were looking at is a, as he had mentioned, the city is looking to upgrade the Internet services, our proposal is to basically offer the City of Marlin a 100 x 100 mgs service from us in lieu of payment for our use of the water towers. That way saves you money it saves me money. Then we can come in and upgrade everything in the city and outskirts of the city. Councilmember Moore asked what's the name of your, Centex web. Randel said Centex Web Access. Councilmember Moore asked if his services would be throughout the whole city. Randel said yes, we pretty much cover the whole city now but there's a spot that we can't reach and that's why weren't looking at the use of the water tower because there's some spots, Marlin is in old-growth heavily wooded area and there are some new equipment down the road but it's kind of in the beta testing that would allow us to work through trees but again the stuff we use now is primarily line of sight. Not everybody can afford a 60 foot tower behind their house into our tower. Councilmember Moore stated she didn't know we had a second Internet service here. Randall said there are actually three providers. Councilmember Moore asked who they are. Davis said Hughes, AT&T, and them. Hughes is actually with AT&T. That is how they throw you off because they make you think they are competitive with AT&T but they own Hughes. Randall said that we actually provide services for y'all at the sewer plant and the water plant right now Mayor Lofton asked you currently provide that for the city. Randall said yes Mayor Lofton said so in your hundred by hundred mgs of Internet access how does that complement or change what we currently have. Randall said it would complement and you can do it in a couple different ways if you have with the call a dual wan router it takes to Internet providers and combine them into one thing in the building, so you have the tower and I know everything comes into the back of the building into the PD you would come into that into a dual wan

router and that way basically if your DSL goes down it automatically triggers to us. If I've got better service than your DSL is can use my service, that way you're never out of Internet service. Davis said I believe, and judge can answer, judge can you tell us the speed that were on right now. Judge Lessman said that DSL is 18 down and one and a half up we have two connections one for PD and one for the rest of City Hall. PD has to be on their own for DPS and some other stuff. So that's what we have. Yeah we have been looking at this for quite a while with the court. You know all the stuff that the worlds go into within code and everything else and AT&T just doesn't have anything. The only thing we been able to find was last year are coordinated with Mr. Davis and I spent several months talking to AT&T try and to see about fiber and we have to pay for them to build a line to us. Davis said in short you're talking 100 mgs versus what we currently have is 18, so it would be speeding us up tremendously. So that's why said when judge has court we are basically at a standstill because that 18 is laid up. Judge Lessman said the big part is the one and a half because the 18 is your downloading and the one and a half is you going back up this is your computing computers talking to others so are Incode talking to Tyler technology or with the court were about to have to go to ZOOM . That is us putting stuff back out we are limited one and a half with the zoom. The specs I downloaded that stuff and they instructed us that to make sure that you have been width of three up which is double what our current capacity is, that serious. Mayor Lofton said so if approved what is the time service for getting someone service, how long would it take to get that done. Randall said I would say 30 to 60 days. Because you want to make sure it's solid and connected, I would want to make sure we had time to implement it and test it to make sure before we started services. Councilmember McDavid asked if it would be for just that one tower. Randall said that's where I kind of changed the deal, I'm actually asking for that and the one out on business six, maybe Royal drive, I'm just not for sure. Like you said there's new technology coming out I wouldn't have to go down to the next hour when I would have this. It can be released in six months it might actually push through the trees into that area. We have some stuff now but the government has changed a lot of our regulations and is going to whole new process with FCC in the next six months. That's why we're looking at the new stuff. This technology is like a cell phone how many times in 10 years, it flips, technology changes every six months but we can't always afford it. Mayor Pro Tem Henderson

asked are we talking about a contract, is the lifetime contract or is subject to change. Randall said no he was looking at 5 to 10 years depending on what you guys think. And then go from there. Councilmember Milton asked if there was anything he had submitted in writing to us. Randall said no I didn't submit any contract I just want to float the idea to see what the city would say. Councilmember Milton said I wasn't only talking about a contract I was only simply looking at maybe what your ideas were for your plan of action would be something of that nature for us to have on hand in order for us to vote on it. With the terms the areas what the trade-off would be how does it benefit you, what the benefits for us personally I would like to have something concrete and tangible in hand to look at. Randall said I can do that Councilmember Porter said TCEQ gets real funny when you start messing around with water storage area what is TCEQ say about this. And I know a lot of cities let you do that but I want to know what the rules actually say. And then homeland security got all stupid because we didn't have a sign up at the water plant. Davis said on the tower of course we have to submit a request to TCEQ one of our police repeaters used to be up there and even when they put the police repeaters up there they start to get permission from TCEQ. Normally they limit the amount of antennas that are put on towers but yes you are correct you do, even if we enter into this we have to let TCEQ know we're going to put an antenna on the tower. Councilmember Porter said the other question he would have this would mean that somebody other than the city has access to our towers anytime they wanted that sort of bothers me a little bit. Davis said what I would suggest is we table this to our next regular meeting next month and that gives him time to put together his proposal and that gives us time to reach out to TCEQ to see how many antennas we can put on our towers I think it needs to be tabled till next meeting, but today he just wanted to present to you guys the idea to see if the city would be open to it. Randall said as far as TECQ goes, I did not mention that going off my script, we do not make any drilling penetrations or any welding penetrations to the tower that's when they get really iffy. Everything we put on is magnetized on for holding because as you know every year you have to come around and sandblast to clean, so all our equipment easily has to be moved for this got to do their jobs. Mayor Pro Tem Henderson said would you know if there is someone you have to go through to deal with the state when dealing in that area do you have any idea about that. Randall said the only one you deal with from the state is TCEQ and again I have to

have, because homeland security after 9/11 the rules have changed, we have our own locks and the city has their locks and we have our own power. Everything has to be separate but equal we have to have access 24 seven and I do have insurance and certified tower climbers, which my guys are certified. Mayor Pro Tem Henderson said I only ask cuz I know how technical it gets when you start messing around with this precedence stuff. , people can spy, just my curiosity. Randel that is what started this whole question thing. Because out there, there are two towers out there at the prison, but they belong to the State of Texas and they are for, the warden even though she is over it, for her to use to have to bounce a signal off of. She can't build a small tower at her house because she does not own it, it is property of the State of Texas. So she is in kind of a mess. She has Hughes net but it does not work. Randell asked if there were any more question. Mayor Lofton wanted that he get with Mr. Davis and provide a more comprehensive packet for the council for the next meeting.

Councilmember Moore motioned that the item be tabled till more information is received.

Councilmember Milton 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

15. Presentation by TBI Solutions on Street Repair Materials (Nelson Thibodeaux).

Cedric said that some of the council had met Mr. Thibodeaux back when in San Antonio, if you remember he is the one that had the material that made the asphalt look, like it looked like asphalt but it was actually a chemical that was hard. If yall guys remember that. Well he came down last week, I called him and I was looking at the price that we were gona pay for our gravel, asphalt and things like that, and I remembered Mr. Tibodeaux and so happens something came into the mail. I was like oh I remember him and I remember that product. So I called him and asked him, we talked about the product and I said can you please come down here and give us and example. He said I will be there tomorrow. So he came down and he patched a few little holes. Not near as many but enough to just give an example of what it would harden. The material that he put in those holes within 30 minutes, had already

started to harden like asphalt and I am like wow. Then it is right, we went down to the Credit Union is some hole to see how it would work today, I went out there, it is solid, solid, solid. So , I looked at the numbers it is about 40% cheaper ,his product is 40% cheaper than for us to buy vs all the sand , material and everything else . I was like man I cannot believe this material cost this amount, but it does and it is from what I saw is a solid, solid.

Councilmember Moore asked where are the streets that were done. Cedric said right there in front of.... Councilmember Martinez said The Members Choice. Cedric said you know all the holes that was there. We took like three of the small ones, there are some huge holes, picked three of the small ones. We put the product in there , patted it down and he poured a cup of water on it and just squished it down in the hole and it started curing and within 30 minutes people were driving on it . He was like, let um drive on it. They were driving on it and, it was a n amazing product and it was cheaper so basically I told him to come out here to give a presentation because this is some of the material we want to purchase to start putting into some of our street projects and I want him to show you his materials , because some of you guys didn't get a chance to go down to San Antonio and see it in live action, I think actually you and me went to see it together ,myself and Mr. McDavid seen it together so for those who did not get to see it he wanted to give a presentation on what they do . Nelson addressed the council said he would like to share one thing he is in real appreciation of what the Council does. When he was young man he was elected to City Council and also became Mayor Pro Tem and four years later his hair turned this color. The fact of the matter is that, I have spent about two years in Houston building asphalt, lots and lots. When it came to become a member of council in Colleyville the stark realization came up that my tennis courts were lasting 20 years, our streets were lasting 8 to 10 years. What happened was the federal government, the having to put recycled material in asphalt. So we're used to get 20 years' worth work off that asphalt today may be getting eight years. Once I realized that and I went on a tour to look at what might be out there. I went to all the NASCAR tracks is a fan of some materials are being used in NASCAR garages. All kind of fluid is coming out. I went to a historical site and found out that there's a very interesting background. For those of you who are old enough like me to remember the Cuban missile product crisis you may recall that at one point Pres. Kennedy had asked for photos from satellite and showed him B-52 bombers literally parked side-by-side and he said were looking for a nuclear Pearl Harbor. I want the Army Corps of engineer to prepare every base in the world so we can better odds. As you will know what happened was the Army Corps was in charge of finding out how to do that. It is

quick as it started. What happened was a chemist developed a reason for them to be able to do this on the airport runway but unfortunately he was a chemist for the largest asphalt company on the East Coast. So 40 years it went nowhere. So my three years of walking looking what was out there I ran across this company the uniqueness about this product is number one it's approved by the Army Corps of Engineers number two is approved by the FAA. Somebody had said earlier roads and gravel on the roads things coming up and breaking windshields and those kind of things. I am well aware of that, I live in Colleyville and I did not vote on putting the street in front of my house, which was chip seal, which has all these aggregates in them, a good way to get broken windshields. There is a significant difference with this product. None of that takes place. There is no aggregate needed for our product. As a matter of fact our product increases the skid resistance on the very surface that is there, and that is why it is neighborhood friendly. You don't have an all the aggregates, you don't have the rocks and you certainly can't have rocks on an airport runway. And we treat airport I have a little background information here this is a sample of the product we have put down in an area that is primary homes. If you go to the website www.tbisolutionsllc.com you can view the videos that are show. There is a list of cities, of companies that we have worked for. It carries a three year warranty with it. Councilmember Moore asked if it is to only be used on streets that have asphalt. Nelson said yes ma'am that is exactly what is to be used for. Cedric said that the city actually has roads that are partly dirt and asphalt. We went to repair at the credit union it was partially dirt but mostly asphalt. When we went to turn up the road there was some asphalt there. What the product does it we agitate the road up then the machine that sprays, it actually seeps into the cracks of it and basically fills it so that it becomes hard again. So basically what it is a super filling that will actually seep into whatever is there and harden it. That is what the product does. Nelson said the other aspect of what we have is the concept that if you have a lot of pot holes in your city, the issue is that when it rains it pushes it out. When it freezes and it thaws it pushes it out. And there is a new product, it is patented, aqua patch is a water activated product. This is why Mr. Davis and I went and we did put some down on the street and I would love to show you but I didn't get a picture. Caltran has a video on the website that talks about putting this product down and it's being put down on a street that has 11,500 cars an hour. When we put down the asphalt there were at least two trucks that went right on top of it, and that's the beauty of the product it can be driven on immediately. Within three to four hours it cures to 2,800 pounds of stability, concrete is 3,000. This product is the

only pothole product that is available on the market, I guarantee that you will not find another company that will guarantee three years. You put our product down, if it pushes out we will replace it. Some of our customers in that packet that you have, you are welcome to call any of them. I can tell you that this would be a grand opportunity for the city to look at an approach to its roads so not to be behind all the time. So that that you can begin to put down this product and bring 5-7 years' worth of additional life span. The largest parking lot in the US is Disney World, and just to give you an example a two inch overlay is gonna cost you a about 3 to 350 , so if you have 400 square-foot it will cost 300 to 350 square-foot which be about 1.1.2 main dollars. If put on remove and replace is seven dollars. I just finished over in Stephenville at the University, asphalt was put into a hole where a tree was, to cost about \$3000 in hot asphalt. My product is not affected by UV rays .UV rays can still the viscosity of the product, asphalt. My product replaces the things have been lost. David said I will let Scott share a little bit with about it with y'all. I'm sold on this product I went out there and touched it after we applied it and it was hard as concrete. Scott addressed the Council , when I went on Virginia, there were some holes, we put some of it in the hole, put water on it, packed it, and touched it , it was hard as concrete. There were cars driving on it by the time we left. The stuff that really good. What impressed me was the sealant spray .We applied it with roller, wet roller and we did it where the durapatcher had done before just to see how it would look, if you go there to the crossing by the credit union you will see a pretty black patch in the road. It's more or less like a chip seal but cheaper. Mayor Lofton asked about the price for the sealant. Nelson said there should be a pricelist in there. Cedric said \$.36. Scott said we're getting familiar with the equipment so will be able to move faster and faster. We don't have all the roads, we will get all of them eventually. My guys want to prove a point to the Council that if you give us some time and way to do it, we will show you what we can do.

16. Discussion and review of Department Reports.

City Manager

Davis said that and the packets are the weekly and monthly reports. He put an email in there on the grants. We are under review for the USDA and Hope grants, as well and there was a presentation by the police department for cameras. I will let the Police Department cover that in their report. There are several other grants in the pipeline. We ordered tablets, we use a lot of paper and these will help cutting cost. When you receive you packets it will be these, when you come to council on Tuesdays you will bring the tablets back. Maryann let

the council know that the Financials are 80 pages itself and there are 7 council members to provide for. This does not include any other departments and other documents that are provided to the council. Cedric said we are also looking at getting a camera to help with the streaming issues.

Court

Robin told the council last \$10,518 was deposited, \$8,332.40 stays with the city, and \$2,186.34 goes back to the state. On the reports it shows 29 tickets minus one ticket from the number, because one got stuck in there twice. Maryann let them know that it was on page 3 that the change was made. Councilmember Porter asked if 28 tickets was the number for all month. Robin said yes. There is court coming up, people can appear and some can be ZOOMED in, I will let the Mayor know.

Police

Chief McCall told the council that he did a HOTCOG presentation for body cams and in car cams and tazers. That was interesting to him because there were people in the room and people on ZOOM. I brought Sargent along and they asked a lot of questions, like what do we have, why do we need and how do we go about issuing out. We had to explain how the body cam was out dated and how we want to update with a newer version of the web cam. It was a package went out there and talked to them about. That was very informative for them and us. We have answered a lot of service calls, varying from criminal trespass and criminal investigations. We continue to have on the job training for our new officers and our old officers. We have been reviewing a lot cases, we talked with the DA and talked about strategies to make the department flow better. We hired Corporal Davis out of Dallas he is a FTO trainer, he is skill at backgrounds and investigations. We hired a dispatcher who was a former employee and she wanted to come back. Moving forward with the traffic division, Davis will be a part of that. Councilmember Porter asked how soon before Davis was going to be on the ground. Chief said he is on the ground now but he is actually, he and I cover shifts on the weekend together and he is already skilled I have just been showing him around. He will be on the ground in about another week. Councilmember said that he is still getting citizen complaints on people racing, you have a white and black doge and a mustang, I am getting a lot of complaints on these cars. Mayor said she has received complaints on speeding in town as well. She stated that she is not getting weekly reports from his department, but she is getting them from all the other

departments. She stated that she did not even see his monthly report, and asked if he did one. Chief said he did. Mayor Lofton asked him if he gave it to Maryann. Chief said yes. Maryann said no sir. She explained that on Thursday she asked all departments for their monthly reports, in front of all employees, and you never got it to me. Mayor said you need to get monthly and weekly reports to her. Mayor Pro-Tem Henderson asked how much money chief has in his budget and if he had thought about officers to work patrol only. Chief said yeah that is Davis, we are still trying to get more people hired. Councilmember McDavid asked how that was going. Chief said the he had to bring his people on board, who he trusted. We had several people who applied before. IF we had 30 pope to apply we had 25 who were not certified or they have something in their background. That is difficult to bring somebody on board.

Fire Department

Chief Parker said that even though everything has opened they are still using precautions. Our cities COVID 19 response was commendable. Councilmember Porter asked if they we notified if people had COVID so that if they respond to their residence they know what they are going into. Justin said there is a process in place to help identify if extra precautions are needed. We do have training and Hazmat suits. The station has window units not, it is working and keeping the building cool.

Public Works.

Scott gave his report with the presentation from TBI.

Water Plant

Maryann Waddle let the council know that Jennifer Trotter was out for the week on vacation.

Water Department

Nancy Dominguez said April was kind of down We collected \$301,104.77 on general, \$153,552.14 on Water for a total of \$457,931.91. COVID has kind of gotten everybody. Mayor Lofton asked is the sales tax on water. Maryann said no that is from the vendors in Marlin, they collect tax on purchases and they remit it to the state and then the city get their portion. Mayor Lofton asked if we had gotten anything form the Tax sales. Mayor asked about the number of people who have not paid because of COVID. Nancy said there were a few who have called to set up payment plans. Mayor also asked that we revisit the leak list.

Finance

Judy told the council that she took a course on budgeting with INCODE and there is another class, accounts payable she will be attending. She has signed up for a municipal funds class. She told the council that the dedicated water fund has \$287,171.64 in it that is the 5%.

Councilmember asked about code being with Public Works. He asked did we put code back with public works. Cedric said yes, back in September we combined the code and animal control positions. Code and animal control are one person, the council as a whole voted in September 2019. The person who was hired, was hired temporarily to assist our person who was doing both. It is a temporary part time position to help the person performing both positions. Councilmember McDavid asked if she had a license yet. Cedric said she has three, he offered to show the certs to the council and we do have Building inspector who does the inspections for the city. Councilmember Martinez told Scott he has seen the work that they are doing on Eddings and it is a lot of work. Scott said we should be to 7 by tomorrow. Mayor Pro-Tem Henderson said he was looking at the city manager's report and he had spoken with the city manager of Rosebud, they talked for about an hour, he said he had never been contacted about street repairs. He also mentioned that he had talked to the county about street repair. Cedric said they had spoken but to use their equipment we would only have use when it was available, He had spoken to council about renting equipment so that we could get the work done without the equipment being pulled back for what they might have come up. We got our own equipment to be reliant on Marlin, we talked about the dog problem and he even mentioned using rock for roads.

16. Future Agenda Items.

none

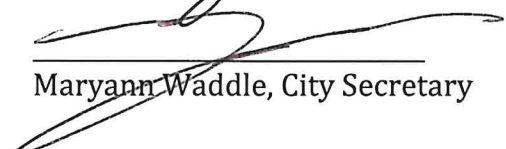
17. Adjourn.

Councilmember Moore made motion to adjourn, all in favor said "Aye" meeting ended at 8:21 pm

PASSED AND APPROVED ON THIS THE 13TH DAY OF October, 2020.




Carolyn Lofton, Mayor


Maryann Waddle, City Secretary