

**COUNTY OF FALLS
CITY OF MARLIN**

On this the 13th day of July, 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
Neddie Moore
John Armstrong
Sonia Ponce
Monica Washington
Debra 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 Armstrong.
5. Citizens Input.
Mr. Bosnik had a citizens comment but he wanted to wait until later to address it
6. Discussion and or take action to approve contract with Lou Portillo for the Nanostone Membrane Pilot Study.

Lou Portillo told the council that once TCEQ approves the plans that it will take 6-8 weeks to assess the needs of the study. TCEQ has approved a 40-day study instead of the 90-day traditional. It was clarified that the pilot study is different from the other work being done (separate project) so that it can move forward faster. Discussion was held on used replacement filters for the time being. Lou is still talking to others he has worked with to try to find good used filter for the plant. The retrofit will start with skid 100 since it is the one that is down. It will take 6-8 months to complete skid 100, then skid 200 will be fitted, which will take a month and a half to finish. The effects of producing more water were discussed. It was stated that the Psi would not change since that is controlled by the elevated storage tanks in town. The Nanostone filters come with a 20-year warranty, and they recirculate which will save on energy and electricity.

Councilmember Levels-McDavid motioned to approve contract with Lou Portillo for the Nanostone Membrane Pilot Study.

Councilmember Washington 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

7. Discussion and or approve resolution awarding contracts to vendors for the delivery of emergency services equipment, contingent upon receiving the state contract for TxCDBG FAST 7220026.

Justin Parker, Fire Chief, the bids received to be accepted, the lowest bids. The Resolution to be passed states the vendors whose bids won.

Councilmember Levels-McDavid motioned to approve the resolution awarding contracts to vendors for the delivery of emergency services equipment, contingent upon receiving the state contract for TxCDBG FAST 7220026.

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

8. Discussion and or take action for A&M to preform a study on energy, waste, and productivity at the water plant.

James Eggebercht told the council that the study would be done at the waste water plant. The study would be free, would take about a day, and the assessment would be back to the city with in 60 days and the city could do with the information what they will.

Councilmember Levels-McDavid motioned for A&M to perform a study on energy, waste, and productivity at the waste water plant.

Councilmember Moore 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

9. Discussion and or take action on FY 2019-2020 Audit

Cedric Davis let the council know that the audit will be done in two weeks

Councilmember Levels-McDavid motioned to table FY 2019-2020 Audit.

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

10. Discussion and or take action to approve Amendment to Owner-Engineer Agreement with MRB Group, PC for Water Quality Improvements, Project 1, TWDB Project No. 73822.

Gil Gregory told the council that the project amendment was for the pond work on the clean water project. There has to be an extensive environmental study since the pond is part of Water of US. The EPA requires a more extensive study to be done. Money will be moved from contingency funds to cover the cost. A consultant has been hired to conduct the study. This project is separate from the rest, so that the other projects once the Categorical exclusions are approved can proceed.

Councilmember Levels-McDavid motioned to approve Amendment to Owner-Engineer Agreement with MRB Group, PC for Water Quality Improvements, Project 1, TWDB Project No. 73822.

Mayor Pro-Tem Henderson 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

11. Discussion and or take action contract with WRC for the NM Pilot Study

This item is included in the contract with Lou Portillo.

No action was taken on this item.

12. Discussion and or take action update MRB Group on TWDB CWSRF & DWSRF projects

Gill Gregory gave updates to the council. On the drinking water project , the tanks will level out pressure so the filters will not create more pressure on the lines. The small line are an issue when they have to many houses on them. The ones that have a few houses, even though the lines are small and bigger lines fee them , they will be ok. One of the big things is the categorical exclusion that was posted on the city web site, in two weeks this should be approved and an amendment will be done. Things have already been started on that project.

13. Consider and take action on resolution calling for a bond election in the city on November 2, 2021

James Gilly told the council that he needed the amount the city wanted the bond to be for and the terms of the bond to get it on the ballot. Chris Suttle (via phone) told the council that he has provided the council with important dates for the bond election if it is to be held in November. The last day to call for the election is August 16th. He stated that once the bond is issued there is a ten-year time line, but if one bond is issued for a portion and then another the next year the bond would reset the 10-year timeline. James said that the city did not want to, for terms, go past the life of the roads for years to pay back. Discussion was held on gathering a list of roads that need to be repaired and getting an engineer out to estimate the fixes and the price. Chris said that he would handle all the paperwork, language, and would be working with the City Secretary to get it all done. The next available election would be May 2022. Councilmember Armstrong motioned to table item 13.

Councilmember Moore 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

14. Discussion and or take action approval of Council Minutes December 15,2020, May 25,2021, and June 8,2021.

Councilmember Armstrong motioned to approve Council Minutes December 15,2020, May 25,2021, and June 8,2021.

Councilmember Washington 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

15. Public hearing on a request Special Exception / Variance for a 5-foot fence for a property located at 615 Perry St., Marlin also known as 5370 NW Original Blk. OL 37 Lot 3A .624 Acres.

opened at 7:44pm

a) Speak in favor None

b) Speak in opposition None

c) Questions by citizens None

d) Close public hearing, hearing was closed at 7:45pm

16. Discussion and action on recommendation from Board of Adjustments on requested Special Exception / Variance for a 5-foot fence for a property located at 615 Perry St., Marlin also known as 5370 NW Original Blk. OL 37 Lot 3A .624 Acres.

Council was told that the Board of Adjustments voted to Approve the Special Exception/ Variance.

Councilmember Armstrong motioned approve the recommendation from Board of Adjustments on requested Special Exception / Variance for a 5-foot fence for a property located at 615 Perry St., Marlin also known as 5370 NW Original Blk. OL 37 Lot 3A .624 Acres.

Mayor Pro-Tem Henderson 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

17. Public hearing on a request Special Exception / Variance for a 5-foot fence for a property located at 611 Perry St., Marlin also known as 5370 NW Original Blk. OL 37/1 Lot 3 ETHRU3G 3 .936 Acres.

opened at 7:46pm

e) Speak in favor None

f) Speak in opposition None

g) Questions by citizens None

h) Close public hearing, hearing was closed at 7:47pm

18. Discussion and action on recommendation from Board of Adjustments on requested Special Exception / Variance for a 5-foot fence for a property located at 611 Perry St., Marlin also known as 5370 NW Original Blk. OL 37/1 Lot 3 ETHRU3G 3 .936 Acres. Council was told that the Board of Adjustments voted to Approve the Special Exception/ Variance.

Councilmember Armstrong motioned approve the recommendation from Board of Adjustments on requested Special Exception / Variance for a 5-foot fence for a property located at 611 Perry St., Marlin also known as 5370 NW Original Blk. OL 37/1 Lot 3 ETHRU3G 3 .936 Acres.

Councilmember Levels-McDavid seconded motion carried as follows:

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

Nays: None

19. Discussion/ receive presentation and take action on Azvar Proposal

Ted Kenel told the council that company looks for money owed to cities from franchise payments and sales tax. Their payment is contingent on what they collect. For sales tax they get 22% of what is collected. For Franchise it is 39% of what is collected because sometimes legal has to get involved and franchises can take 6 months to a year. They do all the work. The agreement has not been reviewed yet by the city attorney.

Councilmember Ponce motioned to approve the proposal pending the City Attorneys review and approval of the agreement.

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

Councilmember Levels-McDavid seconded motion carried as follows:

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

Nays: None

Mayor Lofton asked Mr Bosnik if he wanted to do his citizens comment as this point because the Ordinance he wanted to address was not on the agenda.

Mr. Bosnik addressed the council about Ordinance 13-0051. This ordinance covers animals in the city limits. His concern was over livestock being allowed in the city limits.

20. Discussion and or take action regarding the classification of non-profit water and wastewater utility service customers as being either residential or commercial customers.

Cedric told the council he received an email asking why churches received residential rates and non-profits had to pay commercial. City Attorney Parker said that Ordinances for services define churches as having residential rates. If the council wanted to, they could amend the ordinance to include non-profits. The council had a discussion on rate differences for residential and commercial. There were concerns raised about the number of non-profits and if they were homebased. The council requested that the city manager get numbers for non-profits and projections as to the dollar amount for the change. They would like to review it next meeting.

Councilmember Ponce motion to table number 20.

Councilmember Levels-McDavid 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

21. Discussion and or take action MLK Park donate manpower to help fencing

Discussion was held on what has been done at the park. James Lang had left the meeting before the item so the council would like to revisit the item.

No action was taken.

22. Discussion and or take to approve a resolution to appoint Kayci Nehring, Falls County Tax Assessor/Collector, to calculate the effective tax rate for the City of Marlin for the 2021 tax year.

This resolution would allow Kayci to calculate the effective tax rate for the city, it is done every year.

Councilmember Levels-McDavid motioned to approve a resolution to appoint Kayci Nehring, Falls County Tax Assessor/Collector, to calculate the effective tax rate for the City of Marlin for the 2021 tax year.

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

23. Discussion and or take action on Proposed Agreed Order; Docket Number 2021-0201-PWS-E Proposing TCEQ Fine; Enforcement Case 603501.

The documents that were received from TCEQ. The total fine is for \$5,400. Discussion was held on options like SEP, and payments.

Councilmember Armstrong motioned to pay Proposed Agreed Order; Docket Number 2021-0201-PWS-E Proposing TCEQ Fine; Enforcement Case 603501 in the amount of \$5,400 and the City Manager and or Mayor to sign the agreed order.

Councilmember Moore 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

24. 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 the state law requirements for the operation of an animal shelter.

Council convened into executive session at 8:33 pm

b) Reconvene into public session and take action as appropriate in the Council's discretion regarding the state law requirements for the operation of an animal shelter.

Council reconvened into regular session at 9:10pm

No action was taken

24. Discussion and consider adoption of amendments to the City of Marlin Animal Control Ordinance.

Councilmember Armstrong motioned that the City Attorney and City Staff to do amendments to the ordinance for the Animal Shelter and bring it back to the council.

Councilmember Moore 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

25. Future Agenda Items.

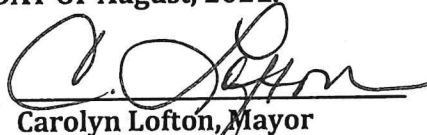
Street bond, amendment to the Ordinance covering the MAC, Audit, water filters and Mayor Pro-Tem Henderson stated he wanted an agenda item to deal with the letters that he had submitted to Mr. Parker and Ms. Lofton about code 551.074 and 551.071section 10.5, he still wants a meeting with those.

26. Adjourn.

Councilmember Moore made motion to adjourn, all in favor said "Aye" meeting ended at 9:16pm

PASSED AND APPROVED ON THIS THE 16TH DAY OF August, 2021.




Carolyn Lofton, Mayor


Maryann Waddle, City Secretary