

**COUNTY OF FALLS
CITY OF MARLIN**

On this the 13th day of April, 2021, the City Council of the City of Marlin, Texas convened in a REGULAR SCHEDULED MEETING at 6:00pm, the same being open to the public and having been posted as prescribed in Local Government Code, Section 551.041 with the following members present to wit:

ELECTED OFFICIALS

Mayor Carolyn Lofton
Mayor Pro-Tem Rhonda Milton
Nettie Moore
Scottie Henderson
Max Martinez
Douglas Porter
Terence McDavid

STAFF

Cedric Davis, City Manager
Maryann Waddle, City Secretary
James Parker, City Attorney

1. Call to Order by Mayor Lofton @ 6:00pm.
2. Roll Call by Maryann Waddle.
3. Certify Posting in accordance with State Law by Maryann Waddle.
4. Pledge by Mayor Lofton and Invocation by Councilmember Porter.
5. Citizens Input.

None

6. Presentation by X-Bow Systems Inc. (Jill Marsh)

Jill Marsh from X-Bow Systems Inc. presented to the council a presentation on the company. She told of the company's history, that they are kind of like Space x but a smaller scale, and that their intentions are to move to Marlin. They will offer 35-40 jobs in the first years and then grow to produce hundreds of jobs for the area. They are hiring for jobs at this time for their company. They would like to work with the city to accomplish their goals. They did tour Marlin and several properties. They were looking at the old dump site that the city owns.

7. Discussion and or Take Action Update MRB Group on TWDB CWSRF & DWSRF Projects

Gil Gregory addressed the council and let them know that he has provided and update for them. on the CWSRF the budgets and timelines were provided. The categorical exclusion was submitted to the TWDB, along with the engineer feasibility report. They are reviewing that, we are looking at the end of May for approval. The water quality pond needs to go through an EID. There is a consultant hired to do that. They will start project 1 (first street). Then they will start the pond. The second funding works towards the construction side of the work. The Mayor reached out to TWDB and they had said end of April. The Mayor would like that everyone be included in the email communications to elevate confusion. The citizens want to know what the hold up is and there has been clarification that it has been the TWDB that has held up the project. The Mayor will share the information with council. The money cannot be spent till the city is billed. We are looking at the end of May to start the project. Tracking and the outlay process has been worked on. The DWSRF it should have approval for the engineer feasibility and the categorical exclusion by April 16th. This includes the distribution, filters, and water plant improvements. The council was provided the email

correspondence. Gil thanked Beth, Judy, and Maryann for getting the outlay process straight. Gil said that from April – August is the design process. Then the bidding phase would start. This encompass everything on the water side. It will be multiple bids, but it will all be done at the same time. Councilmember Martinez asked if smaller projects could be done to at least start something. Gil said it would be cheaper to do all the bidding at once. There are some preliminary designs, April – August they will start the next part of the designs. The discussion was had on trying to move the process along, and how long the finalization of the designs would take. Gil said April- August for all design. Timeline extensions were talked about. MRB sets the time frame. When the design phase is submitted, the city will be included in the email. Councilmember Henderson stated that it is all a process, with lots of specifications. Mayor Lofton stated that she appreciated the clarification, she was wanting for the citizens to understand the process.

8. Presentation on Recycling Program (Mr. Bosnack)

Mr. Bosnack presented to the council his views on the need for a recycling service for the residents of the city of Marlin. He gave examples of other programs in neighboring cities. He asked there be receptacles place for recycling glass, plastic, and other materials.

9. Discussion and or take action Ordinance 021-003 Declaring Unopposed Candidates in the May, 2021 General Election.

This is this second reading of the Ordinance. There was no opposition in precincts 1, 2, 3, and 5.

Councilmember Porter motioned to adopt Ordinance 021-003.

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

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

Nays: None

10. Discussion and or take action Ethos Benefits Agreement.

Maryann let the council know that Ethos is the Consultant that handles the employees benefits for the City.

Mayor Pro Tem Milton moved to approve the Ethos Benefits Agreement.

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

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

Nays: None

11. Discussion and or take action CWSRF Project 2 #73868 documents for additional loan amount.

This was covered in the earlier meeting. It is for 2.88Million with a loan repayment of 970,000

Mayor Pro Tem Milton stated that after the review and discussion over the additional loan amount, she moved that the council accept CWSRF Project 2 #73868 documents for additional loan added to the city debt.

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

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

Nays: None

Councilmember Henderson stated that he thought it would be tabled till the how to pay for it was figured out. Mayor Lofton stated that when you do the budget, that is where it is determined how to pay for it, right now the council can either accept it or lose it.

12. Discussion and or Take Action: Resolution 21-003 Designating Authorized Signatories for Contractual Documents and Documents for Requesting Funds pertaining to the Texas Community Development Block Grant Program Contract Number 7220064

Maryann told the council that this is from the meeting in August where the council approved going with Grant works to apply for a grant to do a study on what is available, what lines are where, and what is all available. All the preliminary paperwork has been done, this is for the \$54,000 and it is to designate the signatures the money starts to come. It states the Mayor, City Manager and the Finance Director are the signatories for this grant.

Councilmember Moore motioned to approve Resolution 21-003 Designating Authorized Signatories which is the Mayor, City Manager, and the finance Director, for Contractual Documents and Documents for Requesting Funds pertaining to the Texas Community Development Block Grant Program Contract Number 7220064.

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

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

Nays: None

13. Discussion and or Take Acton: Resolution 21-004 Regarding Civil Rights by adopting Texas Department of Agriculture Procedures

Maryann let the council know that this is standard to adopt the policies as required by the Texas Department of Agriculture. She listed the policies.

Councilmember Porter motioned to approve Resolution 21-004 Regarding Civil Rights by adopting Texas Department of Agriculture Procedures

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

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

Nays: None

14 Discussion and or Take Action: Resolution 21-005 authorizing submission of the grant application for the AXON Tasers Project to the Office of the Governor

Chief Hommel told the council that a couple of months ago, he and Captain Pereyra got together and applied for several grant projects. The Axon Taser was the first that came through it is for \$17,811.13. It is for 11 Tasers with holsters and docking stations. Last week he presented to HOTCOG, The city finished number one out of seven agencies, so the city will be fully funded for the grant. All 11 officers will have a Taser, there are only two Tasers in the city's possession right now. The use of force policy was discussed, this is part of the changes in the policy. Muscle retention training will be done to adjust to use of Tasers. One officer will be sent to get instructor training to get everyone certified. Chief Hommel stated that they had also applied for a ballistics vest (offered through the state) it is rifle duty vest, it has been made readily available, so they put in for it. They also put in for LEADS online, when stuff is stolen and pawned, they can call and pull all records of items that have been pawned. They also applied for a data storage grant, it is 8 terabyte. These are all no match grants, no money from the city.

Councilmember Porter made a motion to approve Resolution 21-005 authorizing submission of the grant application for the AXON Tasers Project, Resolution 21-006 a Rifle Resistant Body Armor Project, Resolution 21-007 Leads Online Project, and Resolution 21-008 External Data Storage Project

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

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

Nays: None

15. Discussion and or Take Action: Resolution 21-006 authorizing submission of the grant application for the Rifle Resistant Body Armor Project to the Office of the Governor.

16. Discussion and or Take Action: Resolution 21-007 authorizing submission of the grant application for the Leads Online Project to the Office of the Governor.

17. Discussion and or Take Action: Resolution 21-008 authorizing submission of the grant application for the External Data Storage Project to the Office of the Governor.

18. Discussion and or Take Action: Approval of Council minutes 1/19/21, 08/4/2020, 1/12/2021, and 12/8/2020.

Councilmember Porter motioned to approval council minutes 1/19/21, 08/4/2020, 1/12/2021, and 12/8/2020.

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

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

19. Discussion and or Take Action: Donation to the Boys and Girls Club

Cedric told the council that the Girls and Boys Club was requesting a donation of \$1,200 (\$100 a month). City Attorney James Parker advised the council that when they motioned to take action, motion that it is for the benefit of the city and its residents.

Discussion was held on the benefits of the club. And where the donated money would come from.

Mayor Pro-Tem Milton Moved that the city approve the one time donation to the Boys and Girls Club to come from the Cares Act Fund to benefit the Boy and Girls Club and ultimately the citizens of Marlin.

Councilmember Moore seconded the motion.

Mayor Pro-Tem Milton amended her motion to state that she moved to approve a onetime donation of \$1,200 from the Cares Act fund for the benefit of the Boys and Girls Club and for the benefit of Marlin as a whole.

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

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

Nays: None

20. Presentation from Mason's Personal Care Homes LLC.

Borris Mason presented to the council his business and his business plans. He runs a assisted living center, it is a type A facility and he also runs a type B facility. He has a location in the Industrial Park. He knows it takes time to deal with the city and the state, it could take 8 months. He would employee 25-35 employees. He would like to expand the facility he owns to include an activity center for even those that are not in the facility. He would start working on the facilities he owns and expand on the 2.44 acers he owns. He started small 18 years ago. The state determines the number of beds. The application

would take 8-12 months. He just wanted to come and introduce himself to the council and inform them of his plans.

21. Public Hearing on a requested Special Exception /Variance for a 4ft. fence for property located at 447 Anders St. Marlin, TX known as 6.52 acres of Rawland . 53720nW original Blk. OL58 Lot H 6.52 AC.

a) Speak in Favor

At the meeting there were three people who replied and were in favor.

b) Speak in opposition

None

c) Questions by citizens

None

d) Close public hearing

Hearing was closed at 7:30 pm

22. Discussion and or Take action on Board of Adjustments recommendation on a requested Special Exception /Variance for a 4ft. fence for property located at 447 Anders St. Marlin, TX known as 6.52 acres of Rawland . 53720nW original Blk. OL58 Lot H 6.52 AC.

Maryann let the council know that the Board of Adjustments unanimously voted to recommend approval for the exception/ variance for a 4ft. fence for property located at 447 Anders St.

Councilmember Porter motioned to accept the Board of adjustments recommendation to approve the Exception /Variance for a 4ft. fence for property located at 447 Anders St. Marlin, TX known as 6.52 acres of Rawland . 53720nW original Blk. OL58 Lot H 6.52 AC.

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

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

Nays: None

23. Discussion and or Take Action: 4th of July Celebration to be hosted in the City Park (Tourism)

Brian, Tourism told the council that he has been planning a Fourth of July Celebration to be held on July 3rd. The plan is to have food trucks, vendors, classic cars, a movie in the park, live music, and fireworks. Brian is requesting up to \$15,000 to host the event. It would run from 10 am to 10 pm. The amount of people expected to attend was discussed. There are sponsorship letters sent out, this would offset cost. There are different levels of sponsorship. The budget comes from Tourism (dedicated funds for bringing in visitors). To set the date for Saturday bring the pyrotechnics cost down. Other events being held on that weekend were discussed. Discussion was held on security for the event, and that this aspect of the event is still being worked out. The pyrotechnics company carried their own liability insurance. The main location of the event was discussed.

Mayor Pro-Tem Milton moved to that approve the Tourism office plan for a Fourth of July celebration on Saturday in the City Park.

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

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

Nays: None

24. Discussion and or Take Action: Oncor winter storm Claim Update (City Attorney)

City Attorney Parker addressed the council about the occurrence in February at the water plant. Due to an error of an Oncor Employee the city incurred significant cost to repair air compressors. He has a contact for the submittal of the documentation on cost incurred by the loss to the city. Last Wednesday the claim was submitted to Oncor for the cost that the city incurred. There are receipts that were submitted, Oncor has issued a claim number, and we are waiting on any additional questions. This is a insurance claim, we submit and they can issue additional request for information. Once an offer is offered it will come to council.

25. a) *Convene into executive session pursuant to Tex. Gov't. Code §551.071, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct, to consult with the City Attorney regarding the Mitamura & McMullen Bill.*

Council convened into executive session at 7:53 pm

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

Council reconvened into regular session at 8:29 pm

No action was taken.

26. Discussion and review of Department Reports.

City Manager

Cedric told the council the ARP is a rescue plan, the current plan is for infrastructure. The second part does cover streets and is going before the government soon. This is for ECWAG should be funding soon. The RAMP grant has added additional money, the city 1,216,075 dollars. We applied for ½ million dollars. There are funds available for mortgage assistance, citizens would apply for it through the city. He is working grants for the airport. The MAC was used during the ice storm for storage (water and other supplies) the items have been moved to station 2. The work will continue on the MAC building. Developers have come to visit and look at the town. Bio medial corridor was discussed.

Court

Robin told the council that in March the court brought in \$32,000. The city kept 19,000. There were 151 violations. They are looking into doing a teen court, teens will be judged by their peers.

Police

Chief Hommel told the council that the department is fully staffed. He spoke with the Lions Club. We are at the end of a two-year cycle, we are doing online training and there are some free classes offered. Unit 5 is in the shop from hail damage and should be ready in the next two weeks.

Fire Department

Justin Parker told the council that Falls County had a decline in active COVID cases. There was a vaccine clinic last Saturday. He is still waiting on the announcement on grant recipients. The brush truck is back. Questions were asked about vaccinations.

Finance

Judy was out from eye surgery. Cedric told the council that there is almost 3 million in the bank, all bills are paid, and there was \$7,900 put in the dedicated fund, totaling \$386,900 in the fund.

Public Works.

Scott Fornash told the council they have been doing water and sewer taps. There are two guys doing pothole repairs, there two guys mowing, and there are repairs being done on equipment. They have been working with TXDOT to get the mixture

with the rap material to stick better. The grader has had maintenance issues, the quote is about \$18,000. This is the same repair we have made before, it is from using the equipment. Options are being weighed on what to do with the equipment. Trucks are being looked at but they are all high. Scott might need surgery, he will let hem know. The number of employees was discussed. Summer workers are being looked into.

Water Plant

Jennifer Trotter told the council that Hall has passed her D licenses. There are two open positions. They did a campus clean up around the plant. All labs look good. They have changed the cycle of backwashes, after discussion with KOCH, three washes are being done. Jennifer will be on vacation and will be back on the 26th.

Water Office

Nancy Dominguez told the council that in March Water took in 310,552.04. The general 60,113.03. In the other general there was 568, 8717.65 taken in and in the other new consumer deposits 3,675 and in other 822 for a grand total of 951,180.65. The increases was form the COVID money. People were paying off old bills. There were a lot of new consumers. There were data logs looked at, because of users complaints (38). Neptune is helping. Help with bills is being looked into.

Tourism

Brian told the council that he is working with non-profits on preservation of old murals and looking at new ones as well. There were donations for beautification, he is working with the garden club on that. The Farmers Market will start the 17th at the pavilion, it will run from 9-1 till the last weekend in October, with one at the end of November and on in December. A Grant was applied for to help with that, we are waiting to hear back form that. The date for the second annual fly in is November 6th. There has been conformation on some WW-2 planes for the air show. Sponsorships are coming in for the July Celebration. Merchandise for the Tourism office has been received, that money will go back into the advertising line. Programs for economic development are being looked at. Texas Highway sent a clip they are working on. Questions were asked about the grand opening of the Tourism office.

27. Future Agenda Items.

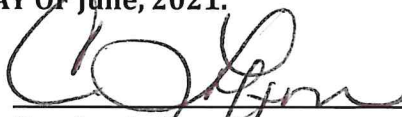
none


28. Adjourn.

Councilmember Moore made motion to adjourn, all in favor said "Aye" meeting ended at 9:08pm

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




Carolyn Lofton, Mayor


Maryann Waddle, City Secretary