

STATE OF TEXAS
COUNTY OF FALLS
CITY OF MARLIN

On this the 14th day of September, 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 (@7:10pm)
John Armstrong
Sonia Ponce
Monica Washington
Debra Levels-McDavid

STAFF

Cedric Davis, City Manager (absent)
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.

Kyle Simmons wanted to address the council on item 18. Youlanda Taplin addressed the council on interviewing processes of the city. She recently went through the process and stated her experiences with the process. Sam Bonsek addressed the council on animal control ordinance 13-051. He gave examples of what he thought was violations in the city.

6. Discussion and or take action update MRB Group on TWDB CWSRF & DWSRF projects Henry Witt came instead of Gil Gregory. Henry told the council that on the CWSRF, the ERF and CE application has not been reviewed yet. There is no time line on this review. On the DWSFR the pilot study plan is complete. The design phase for the plant is underway. The NANO stone study will be 45 days. They are waiting on TCEQ approval.

7. Discussion and or approve approval of Falls County Appraisal District Nomination Resolution Board of Directors.

This item was to nominate persons for the Falls County Appraisal District Board of Directors. If the council so wished, the council nominate an individual to later be voted on.

Councilmember Armstrong motioned to take no action on this item.

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

Ayes: Mayor Pro-Tem Henderson, Councilmember Armstrong, Councilmember Ponce, Councilmember Washington, Councilmember Levels- McDavid, Mayor Lofton
Nays: None

8. Discussion and or take action purchasing Mini X (equipment)from United Rental. There was no information for the council to review at this meeting. Councilmember Ponce motioned to table discussion and or take action purchasing Mini X (equipment)from United Rental. Councilmember Levels-McDavid seconded the motion and the motion carried as follows:

Ayes: Mayor Pro-Tem Henderson, , Councilmember Armstrong, Councilmember Ponce, Councilmember Washington, Councilmember Levels- McDavid, Mayor Lofton
Nays: None

9. Discussion/Update Audit FY 2019-2020

Danny Strunt joined the council meeting via phone. He told the council that there were journal entries not made by the last auditor. There were bonds that were not yet funded and in the previous year. The books were out of balance since auditor journal entries were not made. Once he gets all the information together, he will have the correct entries. He provided numbers for the city financial standing. He stated the city is in good shape.

10. Discussion and or take action on adopting an Ordinance prohibiting semi-trucks/18-wheelers parking on streets and lots in in residential areas of the city.

City Attorney James Parker told the council that this was the second reading and that it would amend chapter 27, it will add a section. It defines commercial vehicles as exceeding 1,500 lbs.

Councilmember Armstrong motioned to adopt an ordinance prohibiting semi-trucks/18-wheelers parking on streets and lots in in residential areas of the city.

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

Ayes: Mayor Pro-Tem Henderson, , Councilmember Armstrong, Councilmember Ponce, Councilmember Washington, Councilmember Levels- McDavid, Mayor Lofton
Nays: None

11. Consider and or take action on adopting an Ordinance adopting and amending the Animal Control Regulations for the City of Marlin.

City attorney Advised the council that the difference between this Ordinance and the one in place is that this one has more state law requirements and definitions. It does not cover estray since the county handles them . The Ordinance does not apply to 4H and FFA members , as long as they comply with organizational standards. Multi animal ownership was discussed and is covered in the Ordinance. This Ordinance does not prohibit livestock.

Councilmember Armstrong made a motion to adopt an Ordinance adopting and amending the Animal Control Regulations for the City of Marlin.

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

Ayes: Mayor Pro-Tem Henderson, , Councilmember Armstrong, Councilmember Ponce, Councilmember Washington, Councilmember Levels- McDavid, Mayor Lofton
Nays: None

12. 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 *City Attorney's Contract*; and

b. Reconvene into public and open session to take action as appropriate in the City Council's discretion regarding the *City Attorney's Contract*.

This item was discussed with item 13 Per City Attorney

13. Reconsideration Item: Discussion and possible action on hiring outside counsel Michael W. Dixon and Haley & Olson, PC for purpose of providing additional professional

services and providing legal advice and or second legal opinions as needed. *(This Agenda Item is for City Council Reconsideration due to veto by Mayor under the City Charter).*

This item was vetoed on August 31, 2021. Discussion was had on why this item was on the agenda, it was to get a second opinion, but Mayor Pro-Tem is getting assistance for the Falls County DA. The City Manager's raise is in question and if a resolution should have been passed. Discussion was had on legal advice.

Councilmember Ponce made a motion to take no action on this item.

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

Mayor Pro-Tem Henderson seconded the motion and the motion carried as follows:

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

Nays: None

14. 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 City's claim asserted against Oncor Electric for damage to City property.

Council convened into executive session at 7:09pm

Councilmember Moore in at 7:10pm

Council reconvened into open session at 7:36pm

- b. Reconvene into public and open session to take action as appropriate in the City Council's discretion regarding the City's claim asserted against Oncor Electric for damage to City property.

Councilmember Levels-McDavid made a motion to reject Oncor's electric settlement offer for city damages of \$12,965.63.

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

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

15. Discussion of city employees who have employment agreements with the city who received raises in salary in 2020.

Discussion was had on contract employees and the processes for raises. Resolutions for the raises were discussed. The fact that ordinances over rule resolutions was mentioned. The city has two contract employees, city manager and police chief. The ordinance for the budget covers employees raises, but the agreements state that a resolution needs to be approved to reflect the raise in pay. Putting the raise on paper makes it a record was discussed, and the fact that it was in the budget ordinance was discussed. Kyle Simmons stated that he asked the question about salaries because he could not find it. Chief Hommel requested that for his FY 2021-2022 raise be done by resolution.

16. Discussion and or take action approve TCEQ Compliance SEP for sewer plant.

This fine is from 2018. Final hardship paperwork was filed but denied. Due to the pandemic, it took TCEQ a while to assess the fine. The fine is for \$138,000. TCEQ said

that the city can file an SEP which projects and work done to the sewer plant can take care of most of the fines. Richard was getting back with TCEQ to get more information. The city attorney will get the information and get the violations for the council and send it to them once obtained.

Councilmember Armstrong made a motion to table the item.

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

17. Discussion and or take action approval of Council Minutes August 10, 2020 4:30 pm, September 7, 2021 6pm and July13,2021 6 pm.

Councilmember Armstrong motioned to approve of Council Minutes August 10, 2020 4:30 pm, September 7, 2021 6pm and July13,2021 6 pm.

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

18. Discussion and or take action advertisement for RFQ for Cemetery Mowing contract.

Kyle Simmons addressed the council on a mowing contract for the cemetery. He stated that some graves needed filled in with sand.

Councilmember Levels-McDavid motioned to advertise an RFQ for cemetery mowing. 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

19. Discussion and or take action on attendance of TML Conference.

Discussion was had on the attendance of the upcoming TML Conference. Hotel rooms were discussed.

20. Future Agenda Items.

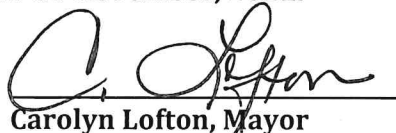
TCEQ SEP, Mini X,

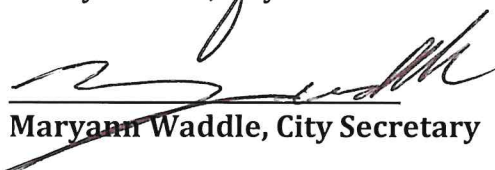
21. Adjourn.

Councilmember Moore made motion to adjourn, all in favor said "Aye" meeting ended at 8:43pm

PASSED AND APPROVED ON THIS THE 9TH DAY OF November, 2021.




Carolyn Lofton, Mayor


Maryann Waddle, City Secretary