

STATE OF TEXAS
COUNTY OF FALLS
CITY OF MARLIN

On this the 14th day of December, 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(absent)
Neddie Moore
John Armstrong (6:52pm)
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 Moore.
5. Citizens Input.
None
6. Presentation of prize to summer photo competition winner.
Brian Lemilleur addressed the council and let them know that a photo competition was held and the winner was Dinasha Murphy, her photos were shown. She was presented her prize for winning the competition.
7. Discussion and or take action on Sigma Cuts College letter of intent.
Representative could not be reached via phone. City Attorney Parker let the council know that this was just a letter of intent and that an actual agreement needs to be brought back to the council for consideration.
No action.
8. Discussion and or take action on Proclamation Recognizing Marlin Bulldog Coaches and Football Players.

The Mayor read the proclamation aloud. Coaches ,administration, players were presented copies of the proclamation.

9. Discussion and or take action: update MRB Group on TWDB CWSRF & DWSRF project(Gil Gregory).

DWSRF

The planning at the Water Plant is 60%-90% done it will be submitted to TWDB for approval. A meeting with Scott will be planned, to make sure the 147 & 7 out past city limits are not too little. The city does have an area they are responsible for water that is not in the city limits. Scott will get a list of meters to Gil.

CWSRF

TWDB Environmental study is still in review, it needed additional information. Funding for each project was explained. The pond is considered Water of the US so that is the hold up. Lou Portillo was contacted via phone to update on the Nano Stone portion. TCEQ has approved the project. There will be a recorder to record results every 5 minutes. This data is a TCEQ requirement. The plant operators will keep a log and the recorded data will back them up.

10. Discussion and or take action on consideration of a lease agreement with Centex Web Access for use of city water tower for communications equipment.

Davis told the council that this was brought to the council a year ago and he was instructed to check with TCEQ. They said that if magnets are used then there is no problem. Attorney Parker reviewed the agreement and stated that it is in rough form. The key points were it is for 10 years, \$150 a month lease, and has a standard term default with a 6 month provision for notification. There needs to be provision that covers maintenance. And an insurance provision. The 10 year term is a longer term that the council likes especially at a 10 year lease.

Councilmember Levels-McDavid motioned to table consideration of a lease agreement with Centex Web Access for use of city water tower for communications equipment.

Councilmember Moore seconded the motion and the motion carried as follows:
Ayes: Councilmember Moore, Councilmember Ponce, Councilmember Washington, Councilmember Levels- McDavid, Mayor Lofton

Nays: None

Absent :Councilmember Armstrong, Mayor Pro-Tem Henderson

11. Discussion and or take action on adoption of a resolution to approve release of restrictions for property sold/transferred under the Marlin Urban Redevelopment Plan.

This is for property sold under the Urban Redevelopment Plan. The man stated he bought the properties deed dated May 2019. The deed has a provision that the property must be cleaned to code within a year or it defaults back to the city. Attorney Parked checked with code and the property is in compliance. The release is so that the 4 properties in exhibit "A" can be sold.

Councilmember Armstrong in at 6:52pm.

The title company had provided lean release paperwork but Attorney Parker said that Code did state that the properties were in compliance. Discussion was had on how the program was to sell struck off properties.

Councilmember Armstrong motioned to adopt a resolution to approve release of restrictions for property sold/transferred under the Marlin Urban Redevelopment Plan.

Councilmember Ponce seconded the motion and the motion carried as follows:
Ayes: Councilmember Armstrong, Councilmember Moore, Councilmember Ponce, Councilmember Washington, Councilmember Levels- McDavid, Mayor Lofton

Nays: None

Absent : Mayor Pro-Tem Henderson

12.Discussion and or take action on donation to the Marlin Library.

Davis stated that the council never came to a conclusion on the additional amount if any to give to the Library. The Library receives over \$20,000 a year in support from the city. The city, from ARPA funds, can donate \$5,000 to the Library. Davis can prepare the proposal and submit it to the grant administrators for approval . They can also apply for the \$25,000 through the micro grant. Discussion was had on the library's monetary needs and the limitations on a city when it comes to donations.

Councilmember Washington made a motion that the city manager prepare a project proposal for a donation to Marlin Library for the amount of \$5,000.

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

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

Nays: None

Absent : Mayor Pro-Tem Henderson

13. Discussion and first reading of an ordinance adopting procedures and regulations for issuing permits for filming projects within the City of Marlin .

This ordinance will set the guidelines, fees and permits for filming conducted in the city limits. This is the first reading. This will make it easier for filming companies to know what the requirements are to film in the city. This will be added to chapter 16.5 Business licenses as article 4.

Councilmember Moore motioned to accept the first reading of an ordinance adopting procedures and regulations for issuing permits for filming projects within the City of Marlin .

Councilmember Armstrong 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

Absent: Mayor Pro-Tem Henderson

14. Discussion and or take action approval of purchases of LVL 2 EV charging stations equipment and installation.

Brian Lemilleur told the council that these charging stations would benefit the city. Each station can charge 4 and he is requesting 2 so that would be 8 charging points.

In the next ten years all cars will be electric. They come with a 5 year warranty and a life expectancy of 15-20 years. There are TCEQ grants that the city can apply for.

Councilmember Levels-McDavid motioned to research options to be brought back to the council.

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

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

Nays: None

Absent : Mayor Pro-Tem Henderson

15. Discussion and or take action on funding TCA grant and mural installation .

The project was discussed. It is 70/30 on funding . Examples were shown of what could be painted. The different phases of the installation was shown. With the first mural the city would pay \$7,500 and the grant would pay \$3,200 . the city would get permission

from the property owner and a contract would be drawn so the mural can stay even in ownership transfer.

Councilmember Ponce motioned to approve the grant and pay \$7,490 for mural installation.

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

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

Nays: None

Absent : Mayor Pro-Tem Henderson

16. Consider and or approve removal of damaged and crumbling 55-gallon art/trash barrels lining Live Oak Street.

This item can be brought back once the ordinance for the sidewalks is passed.

17. Consider and or approve purchase and installation of concrete planters filled with yellow and purple native plants to beautify the Downtown area.

Ideas were shown for the planters. Alternative suggestions were given . This item can be brought back when an ordinance for the previous item has been prepared and passed.

No Action

18. 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 Manager Agreement (employment agreement); and

Council convened into executive session at 7:54pm

Council reconvened into public and open session at 8:44pm

b. Reconvene into public and open session to take action as appropriate in the City Council's discretion regarding the City Manager Agreement (employment agreement).

No Action

19.a. Convene into executive session pursuant to Tex. Gov't Code 551.074 (Personnel Matters) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City Manager by discussing an amendment to the City Manager Agreement.

Council convened into executive session at 8:44pm

Council reconvened into public and open session at 9:00pm

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

City Attorney told the council they can take no action and he can prepare an agreement or they can motion for him to prepare the documents to review to extend and amend in writing. Councilmember Ponce stated she would like the documents to

start to be prepared. Councilmember Moore stated that he is doing a good job and deserves to eat, maybe consider a raise. Attorney Parker stated he can prepare a draft for council to review. Councilmember Levels-McDavid wanted to know if the preparations of this document could affect other documents in action. The city attorney said no.

Councilmember Ponce motioned that the city attorney start the process of drawing up an amendment to extend the city manager contract a year.

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

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

Nays: None

Absent : Mayor Pro-Tem Henderson

20. Public Hearing on a requested Special Use Permit for a new manufactured home to be located at 1310 Carey Street, Marlin also known as OLTORF LE #2:

- a. Speak In Favor.
None present, one was received via mail in favor
- b. Speak In Opposition.
None
- c. Questions by Citizens.
None
- d. Close Public Hearing.
None

21. Discussion and action on recommendation from Planning and Zoning on requested Special Use Permit for a new manufactured home to be located home to be located at 1310 Carey Street, Marlin also known as OLTORF LE #2.

Council was informed that the Planning and Zoning recommended to approve the special use permit for 1310 Carey St.

Councilmember Armstrong motioned to accept the recommendation of the Planning and Zoning to approve the special use permit for a new manufactured home to be located home to be located at 1310 Carey Street, Marlin also known as OLTORF LE #2.

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

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

Nays: None

Absent : Mayor Pro-Tem Henderson

22. Discussion and or take action on updating public services and employee personnel policies and procedures.

This item is still being prepared and should be ready for review at the next council meeting. It will have a table of contents will be more like a book . The police department is finishing up their policies. The city one will be the master policy.

Councilmember Moore motioned to table the item till it is finished.

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

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

Nays: None

Absent : Mayor Pro-Tem Henderson

23. Discussion and or take action to approve a resolution authorizing the creation of an economic development corporation, appointing directors, and authorizing the filing of a certificate of formation with the Texas Secretary of State for the formation of an economic development corporation.

The application to apply for one of the seats in on line ,on the city web site. No applications have been received. The city manager stated he could review any received and submit suitable ones to the council for review. City Attorney Parker said that he needs the names to process with the state. Once submitted it doesn't take long for the SOS to approve. Then the city manager can come up with by-laws for council to approve. Next month the agenda will be a consent agenda, this will help the meeting move faster and more efficiently, since items to review are provided to the council in advance.

Discussion and or take action Brushy Creek Reservoir Project.

Davis told the council that he reached out to NRC in Temple and asked if they would be able to take over and finish the project, they have not gotten back to him . The mayor stated to look at TWDB grants , she had seen a list of them when she was filling out a survey.

No Action

24. Discussion and or take action approval of Council minutes from November 9, 2021 and November 30, 2021.

Councilmember Armstrong made a motion to approve the Council minutes from November 9, 2021 and November 30, 2021 as presented.

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

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

Nays: None

Absent : Mayor Pro-Tem Henderson

22. Future Agenda Items.

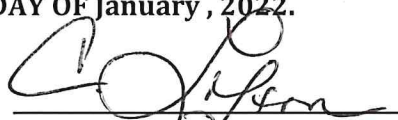
Recognition of FARM for donation that helped at the ACO Building. EDC, City Manager Agreement, ordinance on trash can on public walk ways, and 2nd reading of the film ordinance.


23. Adjourn.

Councilmember Moore made motion to adjourn, all in favor said "Aye" meeting ended at 9:21pm

PASSED AND APPROVED ON THIS THE 11TH DAY OF January , 2022.




Carolyn Lofton, Mayor


Maryann Waddle, City Secretary