

STATE OF TEXAS
COUNTY OF FALLS
CITY OF MARLIN

On this the 14th day of February 2023, 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 Nettie Moore
Sonia Ponce (ABSENT)
Debra Levels-McDavid
Timothy Lopez
John Armstrong
Monica Washington

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 Mayor Pro-Tem Moore.
5. Citizens Input.

Chuck Whisinand addressed the council about the city regulating property owners tree growth into powerlines.

Pastor Darrel Ward addressed the council about an occurrence with a pot hole. He thanked a good Samaritan for helping him with two good used tires and thanked the Mayor and staff for addressing the pot hole.

6. Mayor to address the citizens on the state of the City of Marlin

First and foremost, we would like to thank the Most High God for choosing us to lead Marlin into the future and to our current position of success. Secondly, I'd like to personally thank the members of the Marlin City Council for their leadership and stewardship over Marlin city governance. Thank you all for serving in an often-thankless role but please know, that your work on this council does matter and it shows in what we have accomplished. I'd also like to say a special thank you to our WTP operators for their work in ensuring that Marlin did not lose water during our recent ice storm. Without electricity, operators must drive to each tower to assess water levels. They monitored our water levels and made sure that there was sufficient water in each tower that allowed us to recover without having to issue a boil water notice. Thank you all again for your diligence and hard work in freezing conditions to serve Marlin citizens. I'd also like to thank Ignacio and Oncor for designating Marlin as priority 1 during the aftermath of the storm for power restoration. Despite the time it took to restore power here, there were many others still without power as of Tuesday of last week in the Austin and Temple areas. Thank you, Oncor, for diverting so many resources to our city and county to aid our citizens in power restoration. I'd like to thank all our city staff for their dedication to ensuring that city operations remain constant. You all have done a tremendous job managing your roles (some additional roles for some you) and we applaud your efforts to ensure that progress is made in our city. Last, but not least, I'd like to thank the citizens who have entrusted us to make the right decisions for Marlin and those who have been patient as we have put systems in place to ensure Marlin's progress and future growth.

FISCAL RESPONSIBILITY

The A+ t-shirts we wear tonight represent a milestone in Marlin's history. We are excited to announce that Marlin has achieved an A+ S&P Global Credit Rating highlighting the fiscal soundness of our community's financial state. This was not easy. When I was elected, we were told that we did not have enough money to make payroll that year. We were also notified that the city could not secure a lender due to poor credit rating (which, if I'm not mistaken, was a D rating). The city was on a grant hold probation stemming from 2015. We were initially denied the 2018 application for grant/loan funds, and we had to re-apply in 2019 for the grant/loan funds and present to the Texas Water Development Board our ability to improve our financial outlook and secure funds for repayment. Through a series of measures taken that included downsizing, taking a cashless approach to bill payment, paying bills on time, creating a rainy-day fund and securing 5% of water sales for loan repayments, and through seeking grants and partnerships for city resource needs; this has helped to culminate into a lower debt ratio and a much stronger financial economic outlook for Marlin's future. This rating will help ensure the city's ability to fund future needs and projects.

STREET BOND UPDATE

Marlin has bad streets. This is no secret. We travel them every day just as all of you. I am happy to announce that the City of Marlin has received an A+ Credit Rating through S&P Global Worldwide Credit Rating System. We had our bond sale this morning. (And our bond funding has been secured) This bond should fund within 30 days. We would like to thank James Gilley and Chris Settle for their dedication and work to make sure this was a successful bond initiative. Tonight, our council will decide whether we will loan \$100,000 from our rainy-day fund for immediate street repairs. Our street crews have been prepping roads since late last year in preparation for pavers to then complete the street repair. Due to the weather, some of these streets have had to be redone but they are still ready for paving. Each council member has been tasked with providing the names of streets in their precinct for repair. Please get with your council members regarding streets in your precinct. If approved, pavers are prepared to begin the process of paving prepared streets as early as tomorrow. Additional designated streets will be prepped by our street crews which will also be completed by pavers. Please know that to pave every street in Marlin, the cost would amount to roughly \$100 million. Our bond was for \$2.4 million. By us completing some of the work, we hope to maximize the number of streets we can complete. This bond money cannot be used for any other purpose but street repair. The street repairs we promised will start pending approval of the council tonight and will remain ongoing until bond proceeds have been exhausted.

WATER BILL RELIEF

In 2020, the Marlin City Council lowered water bills by 10%. In December 2022, the Council created a resolution that would allow the first 4000 gallons of water to be included in the base rate. Which resulted in a further decrease in your monthly water bill payment. Due to our fiscal responsibility in managing finances, we do not anticipate that future increases will be warranted.

PROPERTY SALE REVENUE

Revenue from previously struck-off properties has significantly increased since restoring the auction process to property sales. We have seen a healthy increase in individuals at our property sale auctions. Their purchases have resulted in more revenue for the city. We are seeing more home renovations and upgrades to these properties and an increase in families moving into the Marlin area. Some properties are being cleared and our Code Enforcement officer is notifying citizens of the need to clean and clear properties for existing homeowners routinely.

Major Ongoing Capital Improvement Projects:

1. **TWDB Capital Improvement Water Fund Grant:** \$10.4M & \$2.9M awarded for ongoing water, sewer, & drainage projects (\$13.3M) (We will have a Town Hall meeting for updates from engineers to our citizens soon. They will provide the plans and status of these projects and allow for questioning.)
2. **TCEQ HHPD DAM Grant:** Phase 1 Study: Completed February 2023 (\$96,000) Phase 2- Dam Reconstruction pending funding application but has been applied for (Up to \$TBD).
3. **Boating Access Ramp Grant:** Phase 1- Study & Design completed January 2023 (**\$23,000**) Phase 2- Construction pending funding application but has been applied for (**Up to \$500,000**).
4. **USDA FAST Grant:** The city purchased a Tanker, Brush Truck, Rescue Eqp. Through this grant (**\$491,000**)
5. **ARPA Funds:** The American Rescue Plan Act (ARPA) provides funds (**\$1.3M**) to assist communities to recovery from COVID related loss of wages, property, incurred costs and expenses related to first responders & essential personnel and rebuilding of certain infrastructure needs. This money has designated purposes for use. To access the funds, the city must present a project proposal that meets federal guidelines for use of this money. Any money not used by a specified date will have to be returned to the Federal Government. We are making improvements and upgrades as allowed by the funding requirements for use of these funds so that we do not expend local tax dollars. We are ensuring that we can maximize use of these federal funds for our community's needs.
City of Marlin Usage of ARPA: community micro-grant program, new city equipment, set asides funds for updating public facilities and or planned construction for new upcoming police and court.
6. **U. S. Department of Agriculture, Rural Business Development Grant (USDA-RBDG)** in support of Falls County Economic Development. This effort would be for the County, Marlin, and other participating cities to work together to form a regional strategic economic development plan and a marketing plan. This RBDG is specifically applying for an "Opportunity" grant for strategic and community planning purposes. It's the planning step required to prepare Falls County and it's participating communities to then apply for future funding of "projects" that implement the plan once created. We are partnering with Falls County in this effort.

Current grant applications in progress:

1. **Texas Community Development Block Grant (TxCDBG 2023-2024):** The goal is to assist small cities and rural communities by providing funds to assist with decent housing, suitable living environments, expanded economic opportunities for persons of low- to moderate-income. TxCDBG funds can be used to help with community projects such as utility infrastructure, disaster response, and unique local economic development projects.
2. **Texas Capital Fund (TCF 2023-2024) Grant:** Downtown Revitalization Program. The goal is to aid in the elimination of area slum/blight for Texas communities. These FUNDS can provide funding for renovation and/or construction of DOWNTOWN sidewalks, lighting, parking lots drainage, water lines, storage and pumping facilities, sewer lines, lift stations, gas lines and related items, and award administration of improvements in the city's downtown area. Seeking a share of \$95M.

3. **Culvert Removal/Replacement and Restoration (AOP 2023-2024) Grant:** The goal of the Culvert Removal/Replacement and Restoration (AOP) Program is to assist with the restoration or removal and replacement of crumbling drainage culverts. Seeking a Share of \$196M.
4. **National Infrastructure Investment & Jobs Act (RAISE Discretionary Funds) Grant:** The goal is to aid in the rebuilding of many infrastructures needs such as roads, bridges, water & sewer distribution and drainage needs, update communication networks to high-speed internet and broadband, and the creation of jobs & economic opportunities. Seeking a share of \$1.5B

Local Economic Opportunities:

- 1). Public / Private Partnership of Apple Sport Pee Wee Sports Complex: City Contribution- up to \$170,000 of ARPA Funds & Apple Sport Contribution of \$100,000. (\$270,000)
- 2). Passage of (\$2.4M) Local Street Capital Improvement Bond (Fund Closing date on Feb. 14th)
- 3). Aggie Land/Circle C Fuel Center (20-acre complex: 10ac = fueling center, future 10ac of commercial truck sale. 15-20 local jobs to be generated (expected groundbreaking in the next 45-60 days). Architectural designs have been completed and they are awaiting approval from TXDOT on highway plans.
- 4). Developer from Brazil, New Mexico, California, & Massachusetts flew into Marlin to visit several potential development sites. (Marlin has competed for several major EDC projects such as Samsung, Kaboom, Bucee's etc., and finished in the top 3 sites being considered). Facebook is killing Marlin. We have had developers refer to the negativity of Facebook posts they saw prior to reaching out to the city. We strive daily to create economic opportunities for our community, and we must all work together to ensure that others know that Marlin is a great place to build and live.
- 5). New Developer investment \$20M into the redevelopment of old VA Hospital into a Specialty hospital.
- 6). We have also had another developer who has visited the Marlin City Lake and will presenting a project submittal for construction of new lake front homes to the council for consideration.

City Sponsored Community Events:

1. We had our annual 4th of July celebration, and we are looking forward to our 3rd annual event this year.
2. We had our MLK/Black History Month Film Festival as we are designated as a film friendly city.
3. We have Coffee with COPS monthly.
4. We had a successful Warrant Amnesty Campaign where thousands of old, outdated municipal cases were purged, and court collection fees successfully increased 19%.
5. We saw overall crime reduction of 25.3% over past year.

This is an exciting time for Marlin. Lots of great things are happening and there's more to come. We have an amendment on the ballot to fund our EDC so that they can begin the work of actively engaging with business entities to support our local economy through job creation. As more business entities look to Marlin for their future building growth needs, we want to be poised to present them with incentives to locate to Marlin. The funding for our EDC will not increase your taxes. The amendment is asking you to divert .25% of the existing tax rate to fund the EDC.

As your Marlin City Council, we continue to strive to put long term systems in place so that Marlin will continue its current path of success. We will continue to partner with all of you to address needs and concerns within our community and work to achieve a resolution. Thank you, from all of us, for the opportunity to serve the city and Citizens of Marlin. We are a city on the move!!!

Now, how about that A+!!!!!!!

Consent Agenda

7. Approval of the City Council Meeting Minutes from the January 10, 2023 City Council Meeting.
8. Approve and adopt a Resolution ordering a general City Election to be conducted on the May 6, 2023 Uniform Election Date to elect City Council members for the offices held by Mayor, Precinct 1, Precinct 3, and Precinct 5; providing for notice of the election; providing election precinct and polling places; providing for early voting; and providing for related matters
Councilmember Levels-McDavid motioned to approve the consent agenda.

9. Discussion and consideration of an ordinance ordering a special election to be conducted in the City on the May 6, 2023 Uniform Election Date to determine if a majority of the citizens of the City desire to abolish the current sales and use tax dedicated to property tax reduction and to adopt a sales and use tax to fund economic development and to support economic development projects by the Marlin 4-B Economic Development Corporation.

Number 9 was pulled for further discussion.

Councilmember Armstrong motioned to approve 7 and 8.

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

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

Nays: None

Absent: Councilmember Ponce

Department Updates were allowed to speak at this time.

Court

- ❖ GROSS COLLECTED- \$24,646.40
- ❖ STATE FEES- \$8,475.95
- ❖ KEPT BY CITY- \$16,170.45
- ❖ 2 COURT DATES HELD- NO JURY TRIALS
- ❖ Went through half of the "clean up list" and got them cleared from the system after they were approved by the prosecutor and judge
- ❖ Went through half of the "clean up list" and got them cleared from the system after they were approved by the prosecutor and judge

Fire Department

- ☐ 72 emergency responses for month of January 2023.
- ☐ 107 emergency responses between 01/01 & 02/08.
- ☐ No equipment, vehicle or facility issues during Jan 23'.
- ☐ MFD participated in Health Week, at BJ's Tiny Tots, by providing presentation over EMS first response services & equipment.
- ☐ FAST-funded wildland engine (brush truck) arrival delayed until May 23' due to parts scarcity. City of Marlin OEM is currently working with TDEM officials to complete Winter Storm Mara damage assessment.
- ☐ Citizens and businesses are encouraged to visit damage.tdem.texas.gov to report property damages resulting from winter storm.
- ☐ Huffman Communications handling re-licensing of frequencies for new tower site (Depot ST.) and will follow-up with City of Marlin OEM within the week.
- ☐ Damage reporting through this web address (iSTAT) does not replace the need to report property damages or losses to your insurance provider.

- ☐ Damage reporting through this web address (iSTAT) also does not guarantee disaster recovery assistance.

Water plant

Monthly Report for the month of January, 2023

Personnel: We had one employee quit (end of December). Hiring process is underway. We've had a few applicants, one in which we have interviewed. Joshua Brunner, our newest Lead Operator knows of a double B licensed operator who is looking for a job as well. We are not sure we have the funds just yet to hire other than entry level. There is one employee who may want to transfer from another department. We did have a covid outbreak, unfortunately I got it from New Years at my families house and 3 more people from work got it.

Production: Our average raw water flow has been between a 1.0 MGD to a 1.28 MGD daily. 28,190,056 of finished water has been pumped to town this month.

Weekly Operations: All normal operations were performed this month. The daily activities at the WT Plant were taken care of. The weekly DIT's were performed and passed.

Maintenance: We had an actuator valve out for our chemical backwashes. This was a task to get fixed. They don't make the valve anymore. Luckily there was a company in Houston that can make them so they had spare parts. Seymour Smith's cousin happened to work there and the parts were given for free. Another part to the valve needed to be machined and Jay Butlers friend did it for free. This would have been a 4-thousand-dollar expense so we are thankful for that. January 11, we had Splitter Box motor went out on us, so we are operating on one Clarifier, which keep in mind, this is a normal occurrence having a clarifier down for short periods of time or possible longer like the 2 years that Clarifier 1 was down during the rehab project. When Clarifier 2's rehab happens in the near future it will be down as well for a long period of time. We were waiting on Jergenson pump to pick up this motor but as of Friday the 3rd they have been picked up. We replaced the plant heater this month.

Filter Maintenance: The new Koch filters are working well and holding up for our weekly DIT. However, the 24 filters that are old are causing a few issues. It's hard to keep a high flow through them (partly to the cold water which expands at low temperatures). There is something called a CIP, which stands for Clean-in-place. This is something we do at the plant and is required periodically. We've been holding off and spreading them out for long periods of time because it is not good on the old filters and there is a ton of filters that need pinning afterwards. One of the chemical pumps is out in order to do this CIP. It's not much, I'm ordering one this week. In the meantime, we will have to pin as many filters as possible before the CIP to ensure the plant doesn't need to be shut down for too long. The result of a CIP is that more flow will be able to go through the filters again. I'll keep ya'll updated on the next monthly as whether it worked or not. If not, as the water becomes warmer, we should have a better flow. FYI, we can do 1.28MGD, we'd like to be able to do a 1.4MGD or higher for when there are leaks in town. If the CIP doesn't help much we should be fine, it will just take a little longer to recover water loss after a big leak or whatever other high water demand we may face in the future.

Waste Water plant: All weekly operations have been performed. We having a Waste Water TCEQ inspection coming up on the 13th of February. Future plans- we are looking into getting the ponds pumped out.

Regular agenda

9. Discussion and consideration of an ordinance ordering a special election to be conducted in the City on the May 6, 2023 Uniform Election Date to determine if a majority of the citizens of the City desire to abolish the current sales and use tax dedicated to property tax reduction and to adopt a sales and use tax to fund economic development and to support economic development projects by the Marlin 4-B Economic Development Corporation.

City Attorney Parker let the council know that since the deadline to call for an election is the 17 so if the council gives a 2/3 vote to pass with one reading for the instance of an emergency, then the ordinance will pass, the state code allows it.

Mayor Pro-Tem Moore motioned that they do have an emergency being the deadline is the 17th causing the council to need to take action.

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

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

Nays: None

Absent: Councilmember Ponce

Councilmember Armstrong made a motion to pass an ordinance ordering a special election to be conducted in the City on the May 6, 2023 Uniform Election Date to determine if a majority of the citizens of the City desire to abolish the current sales and use tax dedicated to property tax reduction and to adopt a sales and use tax to fund economic development and to support economic development projects by the Marlin 4-B Economic Development Corporation.

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

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

Nays: None

Absent: Councilmember Ponce

10. Update on TWDB, CWSRF, & DWSRF Projects from MRB Group.

Gil Gregory told the council that on the CWSRF the council saw the final plan last council meeting. It will be submitted to TWDB this week, this is for phase 1 of the drainage project. EID, council approved the amendment, he is just waiting on the signed documents. Invoices are all paid up., start dates and completion dates were brought up and the EID being held up by the Core was talked about. On the CWSRF the design is 90% complete. . The fact that the project is four years on going was discussed. Issues with no payment were discussed and the fact that delays were already occurring. The pre-construction was delayed by TWDB because it was being performed to early. Previous meeting actions were discussed. DWSRF on the treatment plant, the pre-con had to be delayed for signatures on documents. Corrections will be made to the report to show that the meeting was delayed because of the documents not being signed not for nonpayment. Discussion on the K amendment was discussed. Drinking water on the distribution a bid schedule was given to council. The bid opening should be at 2pm on the 14 at city hall. The city is UpToDate on payments. The council wants to do a town hall.

11. Consider all matters incident and related to the issuance and sale of "City of Marlin, Texas, General Obligation Bonds, Series 2023", including the adoption of an ordinance authorizing the issuance of such bonds and approving all other matters incident thereto.

James Gilly addressed the council letting the council know the bond went to sale. There were 4 bids received. The initial bid was for 3.8775% but the city pulled an A+ rating which brought the rate down to 3.53%. he read a prepared report to the council.

Councilmember Levels-McDavid stated I move to adopt an ordinance authorizing the issuance and sale of "City of Marlin, Texas, General Obligation Bonds, Series 2023" and approving all other matters related thereto

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

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

Nays: None

Absent: Councilmember Ponce

12. Discussion and consideration of an ordinance approving the issuance and sale of "City of Marlin, Texas, Combination Tax and Surplus Revenue Certificates of Obligation, Series 2023" and approving various documents related to such certificates of obligation.

This is with the TWDB project it is 1.9 million in loan forgiveness and \$970,000 to pay back with 3.15% interest over 30 years. IT will fund around March 14, 2023.

Councilmember Levels -McDavid made a motion, I move to adopt an ordinance authorizing the issuance and sale of "City of Marlin, Texas, Combination Tax and Surplus Revenue Certificates of Obligation, Series 2023" and approving all other matters related thereto.

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

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

Nays: None

13. Discussion and consideration of approving the authorization of \$100,000 from the city's reserve revenue fund to be applied to the initial down payment to initiate contracted city streets repair services, with the reserve revenue fund to be immediately reimbursed \$100,000 from the 2023 dedicated city street repair bonds upon funding, with a closing date of Feb. 14, 2023.

Councilmember Armstrong motioned to approve the authorization of \$100,000 from the city's reserve revenue fund to be applied to the initial down payment to initiate contracted city streets repair services, with the reserve revenue fund to be immediately reimbursed \$100,000 from the 2023 dedicated city street repair bonds upon funding, with a closing date of Feb. 14, 2023.

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

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

Nays: None

Absent: Councilmember Ponce

14. Discussion and consideration of a resolution approving the execution and delivery of a loan forgiveness agreement relating to the CWSRF program and resolving other matters relating to the subject.

Councilmember Levels-McDavid motioned, I move to adopt a resolution approving the execution and delivery of a loan forgiveness agreement relating to the CWSRF program and resolving other matters relating to the subject.

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

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

Nays: None

Absent: Councilmember Ponce

15. Discussion and or take action to approve a professional/consulting services agreement with U.S. Capital Advisors LLC.

Councilmember Armstrong motioned to approve a professional/consulting services agreement with U.S. Capital Advisors LLC.

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

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

Nays: None

Absent: Councilmember Ponce

16. Conduct a first reading of an ordinance amending Chapter 25, Streets and Sidewalks, Code of Ordinances, City of Marlin, adopting policies and procedures for the review and approve applications and requests submitted to the City to vacate and abandon City right-of-way, streets, and alleyways.

City Attorney Parker told the council that this was previously discussed as to establish a policy that would create uniformity so that there would be a complete request when it comes to council for review. This is just the first reading.

Councilmember Armstrong motioned to approve the first reading of an ordinance amending Chapter 25, Streets and Sidewalks, Code of Ordinances, City of Marlin, adopting policies and procedures for the review and approve applications and requests submitted to the City to vacate and abandon City right-of-way, streets, and alleyways.

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

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

Nays: None

Absent: Councilmember Ponce

17. Discussion and or take action to approve a new employment agreement with the City Manager for a new term.

Councilmember Armstrong made a motion to go into executive session to discuss the item.

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

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

Nays: None

Absent: Councilmember Ponce

Council entered executive session at 7:35pm

Council reconvened into open session at 7:50pm

Councilmember Armstrong made a motion to approve a new employment agreement with the City Manager for a new term.

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

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

Nays: None

Absent: Councilmember Ponce

18. Discussion and or take action to adopt and approve a resolution to adopt or amend the Marlin Police Department Use of Force Continuum Policy.

Chief Hommel will be looking at updating the department Use of Force Continuum Policy. He is working with the city attorney to make sure mental health illness, engagement protocols, and to change the police culture. Body cams are in use to monitor practices. Chief Hommel has an open door policy which includes reviewing cam footage with individuals to better understand practices. Councilmember Levels-McDavid stated she has not heard any complaints on the PD and Mayor Lofton said that all who have met with Chief stated he is fair. This item will be brought back next month for review, and if council want they can adopt the policy.

19. Consider and or approve adopting of a resolution approving an increase in garbage rates.

The city attorney said that is common in contracts for fuel cost recovery for rates to go up. The council can request a review. The proposal is not the 26% but at 17.2% is the effective rate.

Councilmember Armstrong motioned to approve adopting of a resolution approving an increase in garbage rates.

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

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

Nays: None

Absent: Councilmember Ponce

20. 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 an update and status of pending litigation: Cheyenne Mitchell Frazier v. City of Marlin, Texas and Nathan Sodek, et. al.

Council convened into executive session at 8:16pm

Council reconvened into open session at 8:35pm

- b. Reconvene into public and open session to take action as appropriate in the City Council's discretion regarding pending litigation: Cheyenne Mitchell Frazier v. City of Marlin, Texas and Nathan Sodek, et. al.

There was a summary judgement in favor of the City of Marlin, the plaintiffs will receive no proceeds against the city.

21. Discussion and review of Department Reports.

City Manager

Joe Mundo gave an update on the Boating Access grant and the Dam Grant. He let the council know the scope of the projects and the upcoming schedule to expect. Packets were given to the council on the projects.

Police

- Submitted NIBRS report to DPS for the month of December.
- Completed the State Racial Profile Report.
- Training Chief Organizational Leadership
- Chief has covered shift

- Total Calls 540
Disturbances 23
Accidents 5
Unwanted persons 17
Citations 145
- We had the concrete done and awning put up on the Animal shelter. This is completed on 02/9/2023
- We will be able to house an additional 15 kennels.
- Code Enforcement Officer
has been able to get all the junked vehicles off the roadway and is currently working to make sure permits are being gotten.
- Chief Hommel went over the Racial Profiling Report , it will be brought back next month corrected.

Finance

General Account 3,049,146.52, 5% Dedicated Water 404,564.41, water office new rates were loaded, and water bills went out.

Public Works

WATER DEPARTMENT

TURN ON 7

TURN OFF 9

REREADS 14

CHANGE METER HEADS 3

WATER LEAKS 9

SEWER BACK UPS 30

STREET DEPARTMENT/ LAWN CARE

SEWER ON CARTER ST, EMERGENCY SHUT OFF 422 MARYLAND, 511 GIFT ST, ROAD WORK ON S. GRESHAM, AND BLUE BONNETT DR., KENNEDY ST., MLK ST., CROCKETT ST., PLOT GRAVES AT HILLCREST (D,3,28) ,(H,3,7),(H,3,18),(F,2,4)

PICK UP TRASH AND MOW GRASS ON CROCKETT ST. RICKLEMAN ST, AND QUIAD ST., SAN ANTONIO ST.,

DOWN TREES ON BENNETT ST., GEORGE ST., PARK ST., CROCKETT ST., EVANS ST., GRIMES ST., MLK ST., FIRST ST.,

ROOSERVELT, HARRIS LUCAS, BUEAMONT, BENARD AVE., GRESHAM, COLEMAN, BRYDEN, FORTUNE, CHAMBERS, CAPPS, CLARK, TILLER, DEMOCRAT, JORDAN.

Tree limbs are going to be picked up until next week the 25th , you have to put in a work order for it to be picked. It is open from 8-5 for personal drop off.

Tourism

There is another interview, one was interviewed last week . Hopefully there will be a new hire.

The Mayor wanted to address #17 , the council did enter into to a new agreement , a three year agreement with the city manager. She wanted to thank him for his work.

22. Future Agenda items.

Widing of Willis Street will come back to the council.

23 . Adjourn.

Mayor Pro-Tem Moore made motion to adjourn, all in favor said "Aye" meeting ended at 9:22pm

PASSED AND APPROVED ON THIS THE 14TH DAY OF March 2023.




Carolyn Lofton, Mayor


Maryann Waddle, City Secretary