

STATE OF TEXAS  
COUNTY OF FALLS  
CITY OF MARLIN

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On this the 1st day of June , 2023, the City Council of the City of Marlin, Texas convened in a SPECIAL CALLED MEETING at 5:30pm, 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 Susan Byrd  
Cecil Sparks  
Timothy Lopez  
John Armstrong  
Sonia Ponce (via Zoom @ 5:34pm)  
Monica Washington  
Debra Levels-McDavid

STAFF

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

1. Call to Order by Mayor Byrd at 5:30pm.
2. Roll Call by Maryann Waddle.
3. Certify Posting in accordance with State Law by Maryann Waddle.
4. Pledge by Mayor Byrd and Invocation by Reverend Taplin
- 5 Citizens Input.

Susan Trumbly addressed the council about concerns with the street company the city used and the quality of their work.

Cedric Davis addressed the council about his resignation from the city, his time with the city; and his hopes for the city.

Carolyn Lofton addressed the city on item number 6 and gave a history on the item in question.

6. Discuss residence and residency of the City Council person Monica Washington serving in Place No. 2 of the City Council representing Precinct No. 2. on the City Council.

Mayor Byrd stated that the item was to address citizens concerns over residency. Councilmember Washington stated that her residence is 809 Capps and asked why the item was not discussed with her and why it was not in executive session. City Attorney Parker said that the item did not fit the criteria for executive session. The item was in question because of the charter. Council was provided with the section in the charter covering what makes a vacancy. The council or city can not take action , that would have to be done through the courts.

7. Consider and take action to accept the resignation of the City Manager.

Councilmember Armstrong made a motion to accept the resignation of the city manager with his last day being June 24<sup>th</sup>,2023 and on June 26<sup>th</sup> pay out leave time and to post for the city manager's position on June 2, 2023, for 40 days and to appoint James Hommel as the interim city manager.

Councilmember Washington seconded the motion.

City Attorney Parker let the council know that that action could not be taken because it is not on the agenda, only the action on the agenda could be taken.

Councilmember Armstrong amended his motion to read , I motion to accept the city manager's resignation.

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

Ayes: Councilmember Armstrong, Councilmember Sparks, Councilmember Lopez, Councilmember Washington, Councilmember Levels-McDavid, Mayor Byrd

Nays: Councilmember Ponce

8. Discussion and to approve a resolution appointing signatures/designated signatories for the banking accounts for the City of Marlin.

Council was told that this is to update the banking for signers on checks. The Mayor will be added to the signers for the accounts.

Councilmember Armstrong motioned to approve a resolution appointing signatures/designated signatories for the banking accounts for the City of Marlin.

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

Ayes: Councilmember Armstrong, Councilmember Sparks, Councilmember Lopez  
Councilmember Ponce, Councilmember Washington, Councilmember Levels-McDavid, Mayor Byrd

Nays: None

9. Consider and or take action on election of a Mayor Pro-Tem for the City Council for the City of Marlin.

Councilmember Washington motioned to elect John Armstrong as Mayor Pro-Tem .

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

Ayes: Councilmember Armstrong, Councilmember Lopez, Councilmember Washington

Nays: Councilmember Sparks, Councilmember Ponce, Councilmember Levels-McDavid, Mayor Byrd.

Councilmember Ponce motioned to elect Debra Levels-McDavid as Mayor Pro-Tem.

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

Ayes: Councilmember Sparks , Councilmember Lopez, Councilmember Ponce, Councilmember Levels-McDavid, Mayor Byrd.

Nays: Councilmember Armstrong, Councilmember Washington

Debra Levels-McDavid is elected Mayor Pro-Tem.

10. Consider and or approve renewing or approving of a Public Dove and Small Game Hunting Lands License Agreement between the City and the Texas Parks and Wildlife Department.

The council was provided with a 1,3-, and 5-year lease agreement. Kyle Thigpin from the Texas Parks and Wildlife Department addressed the council. He let them know that the agreements were provided for the council to select. Mayor Byrd asked why a longer lease had not been inquired about before she did. Kyle said that both parties were seeing if the agreement was right for them, and it is. The TPWD likes working with the city and the city likes working with the TPWD.

Councilmember Armstrong motioned to approve a 3-year Public Dove and Small Game Hunting Lands License Agreement between the City and the Texas Parks and Wildlife Department.

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

Ayes: Councilmember Armstrong, Councilmember Sparks, Councilmember Lopez, Councilmember Ponce, Councilmember Washington, Mayor Pro-Tem Levels-McDavid, Mayor Byrd

Nays : None

11. Consider and approve a resolution approving an award of an ARPA Micro-Grant award to the Juneteenth Organization.

The council was told that the scoring committee met and suggested that the organization receive \$1,250.00. The reason is that the organization requested the money for a onetime event ( most that submit have an ongoing program) .

Councilmember Armstrong motioned to approve a resolution approving an award of an ARPA Micro-Grant award to the Juneteenth Organization.

Mayor Pro-Tem Levels-McDavid seconded the motion with the comment that the organization be told that they are only getting a set amount. Mr. Davis told the council that per the information provided to the organizations, it does state that the city has a right to give max or another amount it is up to the board, and the motion carried as follows:

Ayes: Councilmember Armstrong, Councilmember Sparks, Councilmember Lopez, Councilmember Ponce, Councilmember Washington, Mayor Pro-Tem Levels-McDavid, Mayor Byrd

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 an offer of settlement in *City of Marlin v. Oncor Electric Delivery Company LLC*; 82<sup>nd</sup> District Court, Falls County, Texas; Cause No. CV41566.

The council convened into closed session at 6:10pm.

Council reconvened into open session at 6:25pm

b. Reconvene into public and open session to take action as appropriate in the City Council's discretion regarding an offer of settlement in *City of Marlin v. Oncor Electric Delivery Company LLC*; 82<sup>nd</sup> District Court, Falls County, Texas; Cause No. CV41566.

City attorney told the council that the motion should start with subject written agreement subject to approval of council.

Mayor Pro-Tem Levels-McDavid made a motion that council approve the offer settlement related to the *City of Marlin v. Oncor Electric Delivery Company LLC*; 82<sup>nd</sup> District Court, Falls County, Texas; Cause No. CV41566 under the provision that a written settlement agreement be approved by city council upon delivery for the city attorney Parker.

City attorney Parker let the council know that there is no formal offer.

Mayor Pro-Tem Levels-McDavid appended her motion to read, That council approves city attorney Parker to continue his deliberation of a possible offer within the case of the *City of Marlin v. Oncor Electric Delivery Company LLC*; 82<sup>nd</sup> District Court, Falls County, Texas; Cause No. CV41566 and at the conclusion of any settlement that he bring it to the council for further approval.

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

Ayes: Councilmember Armstrong, Councilmember Sparks, Councilmember Lopez, Councilmember Ponce, Councilmember Washington, Mayor Pro-Tem Levels-McDavid, Mayor Byrd

Nays: None

10. Adjourn.


Mayor Pro-Tem Levels-McDavid wanted to recommend a proclamation be done for the MISD graduating class of 2023 at the next meeting.

There will be a community Event at the splash pad on June 9<sup>th</sup>. It will start at noon.

Councilmember Sparks made motion to adjourn, Mayor Pro-Tem Levels-McDavid seconded the motion, all in favor said "Aye" meeting ended at 6:28pm

PASSED AND APPROVED ON THIS THE 13<sup>TH</sup> OF June 2023.



  
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Susan Byrd, Mayor

  
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Maryann Waddle, City Secretary