

STATE OF TEXAS  
COUNTY OF FALLS  
CITY OF MARLIN

---

On this the 13th day of June 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 Susan Byrd  
Mayor Pro-Tem Debra Levels-McDavid  
Sonia Ponce (Absent)  
Cecil Sparks (Absent)  
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 Byrd @ 6:00pm.
2. Roll Call by Maryann Waddle. Councilmember Sparks did notify and say he could not make it.
3. Certify Posting in accordance with State Law by Maryann Waddle.
4. Pledge by Mayor Byrd and Invocation by Reverend Havern (New Life Tabernacle Church).
5. Citizens Input.

Sam Bosnik addressed the council on the history of the Blues Festival and Willie Johnson.

He gave suggestions on the festival.

Susan Trumbley addresses the council on the road work the city recently had done, it is not holding up. She also expressed concerns about the company that had done the work.

Consent Agenda

6. Approval of the City Council Meeting Minutes from them March 14, 2023 City Council Meeting Minutes from the May 9, 2023, and June 1, 2023 City Council Meetings.

Questions were asked about minutes from another meeting, the council was told that minutes are done as soon as possible and that the minutes in question were not within this item.

Mayor Pro-Tem Levels-McDavid motioned to approve the consent agenda.

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

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

Nays: None

Absent: Councilmember Sparks, Councilmember Ponce.

7. Updates /Status: City Business not needing immediate discussion or action from city council (2-3 min)

City Manager

Cedric is appealing a denial with TDA , the fire truck took a little longer and it caused a denial , but it is being appealed. Quarterly reports to say we are interested, are done, The airport (TEXDOT ) the meeting has been rescheduled for next month. A meeting was held with the truck stop owners. The city is being asked to provide a 8 in water line, this will also be used to supply TEXDOT , they will need it to supply their new facility. There is a first time home buyer program, this will be discussed later on the agenda.

#### Court

Gross: \$32,427.58

State: \$12,533.74

City: \$19,893.84

Court Clerk received an honorable mention for helping the Pd with National Night Out. , Court received one free seminar.

#### PD

- Chief was attending mandatory training in Huntsville,
- Submitted NIBRS report to DPS for the month of May.
- 16 Arrest
- 12 Suspicious Persons
- Total Calls 682
  - Disturbances 19
  - Accidents 13
  - Unwanted Persons 15
  - Citations 226
- Several Officers are working on training to get their Intermediate Police Certification.
- Interviewed a potential officer candidate that is currently in the academy.
- Interviewed and hired a new ACO.
- Robert has taken on responsibility as the Code Enforcement Officer full time.
- Nicole Grams is taking the ACO position full time.
- We are still getting donations from Walmart on a weekly basis.
- Robert will start getting letters out on overgrown yards, and dilapidated buildings.

#### FD

- 76 emergency responses for the month of May 2023.
- 403 emergency responses between 01/01 and 06/07
- No equipment, vehicle or facility issues during May.
- Responded to one (1) structure fire during the month. The fire involved a vacant dwelling. The fire was quickly contained and extinguished. SFMO was requested for assistance with the investigation.
- The city's FAST-funded wildland engine (brush truck) is complete and should arrive within the next two (2) weeks. The manufacturer, Wildfire Trucks, will provide in-service training for our staff.
- Drought conditions have improved significantly as a result of recent heavy rains. Unfortunately, this may quickly change as above normal temperatures are currently forecasted (including a full week of 100 plus degree days).

- Wildfire activity will likely increase as a direct result of above normal temperatures and decreased relative humidity. The temperature increase will hasten the drying of various types of vegetation, especially grasses.

#### Finance / Water

General Fund: \$3,266,871.66

Dedicated 5% Water Fund:\$427,487.61

Reconciliation is still on going, Audit is still ongoing, Water bills are out and Bond payments due July 1 are out and in the mail.

#### Public Works

Scott could not attend;

#### WATER DEPARTMENT

TURN ON

TURN OFF

REREADS

WATER LEAKS 6

SEWER BACK UPS 22

#### STREET DEPARTMENT

TENNIS COURT (ALL MONTH),LOCATE UTILITY ON WABASH ST., INSTALL SCREEN AT ACO BUILDING, BLADE ROADS DUMBAR ( STILL IN PROGRESS), TILLER ST., STEWART ST., WAITES,MAXWELL ,LEWIS , LOUISE,ROOSERVELT, TRIM TREES ON KENNEDY ST., PATCH A HOLE BESIDE DIVEWAY 322 BENNET,WATER LEAK CR 2882, SEWER REPAIR AT THE THEATER,SEWER BACK UP AT 227 NOTHRIDGE LN,721 CLARKSON ,1000 PSRK ST,LOW WATER REPORT AT ROYAL TOWER,CEMETERY PLOT (E-7-2), HOLE PATCHING ON WARD ST .

#### LAWN CARE

TRIM TREES AND SHRUBS AT THE CITY HALL , MOW PAVILLION, TENNIS COURT, FAULKNER ,MACC BUILDING , LAKE AND AIRPORT

Presentation of ultrasonic meters was conducted. Information was given on ultrasonic water meters.

#### Water Treatment Plant

Rich was not able to attend.

Tourism

None

8. City to issue Proclamation for the Marlin ISD 2023 Graduates.

Mayor Pro-Tem Levels-McDavid read aloud a Proclamation for the Marlin ISD 2023 Graduates.

9. Conduct the first reading of an ordinance to approve and levy a sales and use tax dedicated for property tax relief and adopt and levy a sales and use tax for the purpose of economic development as approved by the qualified voters at the special election held on May 6,2023.

Councilmember Armstrong motioned to approve the first reading of an ordinance to approve and levy a sales and use tax dedicated for property tax relief and adopt and levy a sales and use tax for the purpose of economic development as approved by the qualified voters at the special election held on May 6,2023.

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

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

Nays: None

Absent: Councilmember Sparks, Councilmember Ponce.

10. Discuss and consider and approve appointment of interim City Manager.

Discussion was held on the position of interim City Manager and who could fill the roll. There was a discussion on the session of the position. If the city manager is out the Mayor can step in to fill the role. Hermetta Paul asked if the Chief was qualified to do the job , Cedric said yes he is .

Councilmember Armstrong amended his motion to read that James Hommel be named the interim city manager until a replacement city manager is found.

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

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

Nays: None

Absent: Councilmember Sparks, Councilmember Ponce.

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

Gil addressed the council , on the DWSRF on the Pilot study for NANO tone and addendum EFR was submitted to the TWDB , but no comments have been received yet. On the water treatment plant , the bid submittals are being reviewed , the 5<sup>th</sup> one has been received(B5 Construction) .

On Council on 5/9 awarded the bid to Baca Construction the bid on base 1 and 2. Cedric stated that there is an item later , he just wanted the council to be aware that the documents needed to be signed. Gil said that the documents (previously agreed to ) needed to be signed, so that the project can move forward. Outlays were discussed.

NANO Stone original contractor and engineer will be contacted to get an update .

CWSRF phase one bid , will be posted in the paper and opening of bids will be July 1<sup>st</sup>. The bid will be posted on CIVCAST , it is a clearing house where all contractors in the state get their information. The Pond study draft report is ready to submit to the Core. Phase two can not move forward until phase 1 is started . The process was explained.

12 Discussion and or take action on widening of Willis St. to accommodate increase in traffic and authorize advertisement for bids for street improvements.

Mundo told the council that the original survey was to find what was actually the city's roadway. There needs to be an engineering survey done. He contacted the company that did the original survey, and they could do it for an estimated \$5,500 but they would have to receive payment before the findings are produced. Mundo traditionally uses another way to use surveys but instead of another company starting over to use the original would be the easiest and cheapest. This is needed to start the design phase of the road. This will need to come back to council to approve an engineering survey

No action.

13. Discuss and approve an agreement with James Crawford to be sponsored to attend Marlin Police Department Police Academy.

Chief Hommel stated that the council had approved the program and this candidate will start under the city at \$17 hour per the city policy, He will graduate September 22<sup>nd</sup>.

Mayor Pro-Tem Levels-McDavid motioned to approve an agreement with James Crawford to be sponsored to attend Marlin Police Department Police Academy.

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

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

Nays: None

Absent: Councilmember Sparks, Councilmember Ponce.

14. Discussion and or take action to appoint members to serve on the City Parks Commission.

Discussion was had on the number of board members allowed. Per city code it is 9, Mayor Pro-Tem Leveles-McDavid asked if the number could be increased to 11. The city attorney said yes per ordinance. There will have to be two readings of the ordinance. Elizabeth Richardson, Leslie Little, Jameus Hartsfield, Rachel Wilson, and Michael MaGourik have all put in applications. Only two can be added at this time because of the current number restrictions.

Michael MaGourik was asked if he could wait until the change was made, he said yes.

Mayor Pro-Tem Levels-McDavid made a motion to add Elizabeth Richardson, Leslie Little, Jameus Hartsfield, Rachel Wilson to the parks board until the ordinance is amended.

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

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

Nays: None

15. Discussion and or take action on documents for lines in state ROW abandonment needing to be signed that City Council previously approved.

The council was told this was approved by council in march, this was just to let the council know it was being signed. No action.

16. Discussion and or take action on Micro Grant Proposal for allocation for first time home buyers (City Manager)

Cedric told the council that there is \$1725 left in the micro grant program. Most of the money has gone to nonprofits. He asked the council to allocate some of the money left to just first-time home buyers. He let the council know of how governmental programs are helping and that by setting the money aside for first time home buyers it would help the city by bring more people to the areas. Councilmember Armstrong motioned to allocate 12,250 to first time home buyers.

Suggestion was made to make it an even number. Councilmember Armstrong amended his motion to read \$12,000 of the remaining funds be allocated to first time home buyers.

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

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

Nays: None

Absent: Councilmember Sparks, Councilmember Ponce.

17. Discussion and or take action on authorizing an events committee of city employees to be compensated for time.

Chief Hommel told the council that with no tourism director, city employees are giving their time to help organize the events scheduled for the year. He let the council know the remaining budget in the tourism salaries line, what events are still to take place, and who has been helping with the events. He asked that these individuals be compensated for their time, they are going to send to make the events happen.

Discussion was had on whether time could be compensated. The City Attorney let the council know that this plan would have to be planned out further.

No Action.

18. Discussion and or take action on MOU with the Marlin Housing Authority for road repairs.

Discussion was had over whom is responsible for the roads in the Housing Authority. This item was discussed by council but an agreement was not returned to the city by the Housing Authority. The agreement was that the work be done when the city's road work was done because of the lower cost and the HA reimburse the city for their cost.

This item needs to be looked into further to see what if any responsibility the city might have.

Item is tabled.

19. Discussion and or take action on Brushy Creek Project.

This item will be tabled.

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 the terms, conditions, and the City's obligations contained in the City Manager Agreement dated February 14, 2023.

Council convened into closed session at 7:48pm

Council reconvened into open session at 8:11pm

b. Reconvene into public and open session to take action as appropriate in the City's Council's discretion regarding the terms, conditions, and the City's obligations contained in the City Manager Agreement and to take action the City is authorized to preform under the terms of the City Manager Agreement regarding employment benefits.

Council tabled action

21. Mayor's update.

Mayor Byrd told the council she is at the city offices from 9-12 each day. She met with department heads and gotten updates on projects.


22. Future agenda items. Discuss and Consider items for placement on future City Council Agendas.


MOU with the Housing Authority, the ordinance for the sales tax allocation ( 2<sup>nd</sup> reading) , presentation to ex council members.

23 . Adjourn.

Mayor Pro-Tem Levels-McDavid made motion to adjourn, all in favor said "Aye" meeting ended at 8:11pm

PASSED AND APPROVED ON THIS THE 8TH DAY OF August 2023.

  
Susan Byrd, Mayor

  
Maryann Waddle, City Secretary

