

STATE OF TEXAS
COUNTY OF FALLS
CITY OF MARLIN

On this the 14th day of November 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 (6:02pm)
Sonia Ponce(Absent)
Cecil Sparks (@ 6:05 pm)
Timothy Lopez (absent)
John Armstrong
Monica Washington (6:07pm)

STAFF

Keith Whitfield, 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
3. Certify Posting in accordance with State Law by Maryann Waddle.
4. Pledge by Mayor Byrd and Invocation by Pastor Wright.
5. Citizens Input.

Wonda Williamson addressed the council about flooding on Robert E. Lee Dr and her attempts to get a resolution.

Sue Dunham addressed the council on road conditions, the need for repairs, and dilapidated homes and overgrown properties.

Consent Agenda

6. Approval of the Council Meeting Minutes from the October 10, 2023, October 16, 2023, October 19, 2023, and November 1, 2023, City Council Meetings.

Councilmember Armstrong motioned to approve Council Meeting Minutes from the October 10, 2023, October 16, 2023, October 19, 2023, and November 1, 2023, City Council Meetings.

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

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

Nays: None

Absent : Councilmember Lopez , Councilmember Ponce

7. Conduct the second reading of adopt and approve an ordinance to amend Article I and Article II of Chapter 2 of the Code of Ordinances of the City of Marlin to amend the ordinances applicable to the time for regular council meetings, the office of the city manager, and establishing the powers and duties of the city manager.

Councilmember Armstrong motion to Conduct the second reading of adopt and approve an ordinance to amend Article I and Article II of Chapter 2 of the Code of Ordinances of the City of Marlin to amend the ordinances applicable to the time for regular council meetings, the office of the city manager, and establishing the powers and duties of the city manager.

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

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

Nays: None

Absent : Councilmember Lopez , Councilmember Ponce

Regular Agenda.

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

Update on projects was given .

9. UPDATES/STATUS: City Business Not needing immediate discussion or action from City Council (2-3 min):

City Manager –Updates (City Manager)

- Met with Mayor and EDC President Barrett about the micro grants. You should have received a copy to review. Encourage you to mark those up with any questions etc.
- Had a discussion with Mayor about the concern of abandoned houses around the city that council members have been wanting to remove to make the city look better and possibly utilize property for rebuilding houses. That can be managed through the code department.
- Recommended that the agenda items pertaining to the special permits for manufactured houses be left off the agenda because of the lack of information from the P and Z Committee. There needs to be a discussion on the requirements of what is needed from the P and Z when reviewing these applications so the council I will have the necessary information to decide whether to accept or reject the allowance of the special permit.
- Met with Mayor, City Attorney, EDC President, Engineers, Public Works Supervisor, and investors about the possibility of a truck stop being built on the east side of highway 7, north side of highway 6. The meeting consisted of information being shared from all parties at the table. Will meet again on the 21st to confirm questions and concerns that was shared in the meeting. Once needed information is gathered, a presentation will be prepared and presented to the council.
- Met with Engineer, Public Works Supervisor and Water Wastewater Supervisor to get needed information to complete an SEP application to submit to TCEQ in reference to a violation from an inspection that was done in 2018. There is an administrative fine of \$149,250.00 because of this violation. Engineer is working to get application submitted.
- Mr. Peacock called to give an update on the reconciling of accounts. Stated that there were problems with the journal entries in August of 2022, which has been taken care of. Stated that after September reconciling is completed, he can then reach out to whoever the council selects as auditor to share information with them.
- Responded to letter that was received from TWDB in reference to the audit not being completed for Fiscal Year 2022. Unable to talk with anyone by phone, sent email making them

aware of the situation. At this time, the AFR for the city is delinquent and the city has breached the financial agreement made with TWDB.

- Meeting with Ms. Hissam from Grantworks this week about concerns about how ARPA funds are being managed. The intent of the meeting is to make sure that the city is following the proper procedures when using these.
- Received information from Apple Sport for the financing of a vehicle for the City Manager.

Court - Update (Court Clerk Supervisor)

- Gross collected- \$34,925.32
- State fees- \$12,865.60
- Kept by city- \$22,059.72
- Monthly/quarterly/yearly reports are complete
- Court Participated in national night out

Police – Update (Chief Hommel)

- Submitted NIBRS reports
- 25 Arrest
- 18 Suspicious Persons / Vehicle
- Total Calls 639
- including ACO calls
- Disturbances 15
 - Accidents 13
 - Citations 226
- Burglary 2
- Shots fired 5
- Unwanted Person 12
- Assist Other Agency 17
- Accidents 11

Aco

- We took in 31 dogs and 4 cats.
- 14 puppies went to rescues along with 12 dogs
- We had 3 dogs that were reclaimed.
- We had approx 26 animal calls.
 - Code
- Code Enforcement has sent out notices on 53 dilapidated structures.
- Sent out 24 tall grass notices
- We have towed 4 vehicles illegally parked.
- Got several cases ready for court.
- Stopped 8 business working without a permit.
- Delete 1 full time officer position.

Fire Department – Update (Chief Parker)

Responded to 70 emergency incidents during month of October & 766 total incidents since January 1, 2023.

One (1) combined vegetation and structure fire occurred in the 800 block of San Antonio Street. No injuries or life loss resulted.

Wildfire activity has significantly diminished over the past thirty (30) days.

Rainfall led to several vehicle crashes on State Hwy 6. MFR apparatus was defensively positioned to provide protection for responders from various public and private sector agencies.

Approximately 300 children receive fire & life safety education during Fire Prevention Month presentations at Marlin Elementary, EOAC Head Start, & BJ's Tiny Tots.

MFR personnel, in conjunction with American Red Cross, installed FREE smoke alarms for Marlin citizens on Oct 28th. MFR will continue this program through joint effort with Red Cross.

MFR's annual TX Commission on Fire Protection (TCFP) certification renewals were completed without issue.

One (1) firefighter successfully passed the TCFP's Fire Officer I certification exam.

Per U.S. Drought Monitor's October 31st update, over 91% of Falls County is experiencing severe drought conditions. This is a slight improvement over last month's exceptional drought conditions.

All citizens, businesses, and city departments are encouraged to make early preparations for possible winter weather impacts during the upcoming months.

Finance Department - Update (Finance Dir.)

- Bank Balances
- General - \$1,798,255.11
- 5% Dedicated Fund \$351,699.35
- AP's are up to date

Water Department

- Billing Intake: \$ 302,842.04
- Misc. Intake (taxes, permits, taps, etc.)\$ 30,575.53
- Number of Disconnects: 150
- Number of Reconnects: 60
- Number of Payment Plans: 68
- Bills sent out on : November 1st. 2023

Public Works –Update (Public Works Dir)

Water

- Turn offs 150
- Turn ons 60
- Read 2095
- Rereads 7
- Locates 4
- Water Leaks 16
- Sewer Leaks 9

Road Work

- Soders

- Little
- Norwood
- Royal Oak

Mow Crew

- 7 Limb Tickets
- 3 down tree tickets
- Corner cleaning

Water Plant-Update (Water Plant Supervisor)

Water Treatment Plant

Backwash Pump 2 has been picked up by Jergensen Pumps

We found out that the Plant lift station submersible pump is not under warranty. We are going to have to higher a confined space contractor to climb down and attach some bolts to the pump so the sights can run up the rails as we pull it up.

There have been no complaints this month concerning the manganese issue we've been dealing with.

Manganese control- TCEQ has asked Don Tharp, a retired TCEQ specialist/chemist (now a contractor) to come teach us how to do special studies on Sodium Pomegranate, caustic soda, and coagulant. They will be coming out on Dec 6th & 7th

37.9 MG of Water was treated and pumped this month.

B5 contractors are about finished. They should be done with Clarifier by Thanksgiving except for the pads on the rakes.

The electricians are about 75% done

No new news to report from Koch about the membranes.

Waste Water Treatment Plant

All normal operations were preformed this month with no issues

Not a lot of progress about the pond level issues. We've had several meetings with MRB to discuss everything.

Public works brought us 3 truck loads of rock to spread for the roads

10. Discuss and take action to appoint additional members to serve on a Charter Committee.

Mayor Pro-Tem Motioned to appoint Honorable Elizabeth Nelson to serve on the Charter Commission.

Mayor Byrd seconded the motion and the motion carried as follows:

Ayes: Mayor Pro-Tem Levels-McDavid, Mayor Byrd

Nays: Councilmember Armstrong, Councilmember Washington

Abstain: Councilmember Sparks

Absent: Councilmember Lopez , Councilmember Ponce

No Action

11. Consider and or approve a resolution designating signatories on city bank accounts to reflect recent changes.

Councilmember Armstrong motioned to approve a resolution designating signatories on city bank accounts to reflect recent changes adding the City Manager.

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

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

Nays: None

Absent : Councilmember Lopez , Councilmember Ponce

12. Discuss and take action on authorizing procurement or advertisement for bids for the purchase/implementation of the scada system.

Mayor Pro-Tem Levels-McDavid motioned to approve authorizing procurement or advertisement for bids for the purchase/implementation of the scada system.

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

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

Nays: None

Absent : Councilmember Lopez , Councilmember Ponce

13. Discuss the need for the appointment of an associate, alternate, or temporary municipal court judge and consider the approval and adoption of a resolution appointing an associate, alternate, or temporary municipal court judge.

Councilmember Armstrong motioned to appointment of an associate, alternate, or temporary municipal court judge and consider the approval and adoption of a resolution appointing an associate, alternate, or temporary municipal court judge naming two , Diaz & Wright, and Brian Overstreet .

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

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

Nays: None

Absent : Councilmember Lopez , Councilmember Ponce

14. Consider and or take action to cast city votes for candidates to the Falls County appraisal District.

Councilmember Armstrong motioned to cast all votes for Linda Mitchell for Falls County Appraisal District.

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

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

Nays: None

Absent : Councilmember Lopez , Councilmember Ponce

15. Consider and or take action to appoint board members to the Marlin 4B Economic Development Corporation.

Mayor Pro Tem Levels-McDavid motion to appoint 2 new EDC applicants, Jimmy Lynn and Melissa Mahoney and to reappoint John Barrett and Wannika Muhammad.

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

Nays: None

Absent : Councilmember Lopez , Councilmember Ponce

16. Consider and or take action regarding the Finance Director Position.

Mayor Pro Tem Levels-McDavid motioned to put the Finance Director salary at \$52,000.

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

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

Nays: None

Abstain: Mayor Byrd

Absent: Councilmember Lopez , Councilmember Ponce

17. A. Convene into executive session pursuant to Tex. Gov't. Code 551.074 (Personnel Matters) to deliberate the employment, evaluation, and duties of the Chief of Police by conducting the annual evaluation of the Chief of Police.

Council convened in to closed session at 7:40pm

Council reconvene into open session at 7:59pm.

- B. Reconvene into public session and discuss and take action as appropriate in the City Council's discretion with regard to the employment, evaluation, duties, and the annual evaluation of the Chief of Police. Update on projects was given.

Mayor Pro Tem Levels McDavid motioned to approve the annual evaluation of Chief Hommel , pass with flying colors.

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

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

Nays: None

Absent : Councilmember Lopez , Councilmember Ponce

19. Future Agenda items.

Update on Willis, tax abatements, City Manager vehicle, Judges contract, budget lines moves.

20 . Adjourn.

Mayor Pro-Tem Levels-McDavid made motion to adjourn, Councilmember Sparks seconded, all in favor said "Aye" meeting ended at 8:06pm

PASSED AND APPROVED ON THIS THE 12TH DAY OF December 2023.

A handwritten signature in black ink, appearing to read "Susan Byrd", written over a horizontal line.

Susan Byrd, Mayor

A handwritten signature in black ink, appearing to read "Maryann Waddle", written over a horizontal line.

Maryann Waddle, City Secretary