

STATE OF TEXAS  
COUNTY OF FALLS  
CITY OF MARLIN

---

On this the 29th day of August, 2019, the City Council of the City of Marlin, Texas convened in a SPECIAL CALLED MEETING at 6:00 pm, 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 Scottie Henderson  
Rhonda Milton  
Neddie Lang-Moore  
Terence McDavid  
Max Martinez  
Doug Porter

**STAFF**

Cedric Davis, City Manager  
Maryann Waddle, City Secretary

1. Call to Order by Mayor Lofton at 6:00pm.
2. Roll Call by Maryann Waddle, City Secretary.
3. Certify posting by Maryann Waddle, City Secretary.
4. Pledge by Mayor Carolyn Lofton and Invocation by Neddie Lang-Moore.
5. Presentation from The Payment Group (5minutes)  
Troy Crow from TPG addressed the council and gave a brief history of the company. He let them know that with this product:
  - Court does not have to manually enter
  - If individual does not owe the city (for ticket or water ) they are not able to pay
  - There will be no over payments
  - Processes both debit ,credit and check
  - Gives the ability to track permits
  - Integrates with Incode
  - Only equipment change will be the card reader
  - Program has more transparency
  - No Fee to City, Fees charged to payee:
    - Water- a \$72.30 water bill has a 95 cent charge, over \$100 is \$3.50
    - Court- card present is at 3.5percent charge. telephone or online is a 6.5 percent because of higher risk , person is not easily identifiable (also includes a call center for payments and calls)

Robin (Court Clerk) will be trained, and all data uploads nightly. Contract will start (if approved) October 1, 2019.

Mayor Lofton asked if this was just for the court. Troy said no it is comprehensive, it will cover all services. It will take and categorize each where

payments are made. Robin said that the credit card company we have now, people will go on and pay their ticket without calling the court and they can't see what payment they owe on the credit card company we have now, they will pay \$300.00 and will only owe \$250 so we are having to write them a check back for the \$50. On his you can go in and see how much you owe, so there won't be the over payments. Mayor Lofton asked, if they take check or cash payments, like in the water department, is there any way to log those payments in the system. Troy said cash and check payments are going to be dealt with in the exact same way they are now. All I am is an alternative to. All we are doing is processing card payments. Mayor Pro Tem Henderson asked if it would cost the city anything. Troy said absolutely nothing, integration, hardware, setup, and support are all free. We make our money off the convenience fee that is charged during the transaction. Councilmember Moore asked how much the charge is. Troy said any utility payment water a \$72.30 water bill has a 95 cent charge, over \$100 is \$3.50. Court card present is at 3.5percent charge. Telephone or online is a 6.5 percent because of higher risk, person is not easily identifiable (also includes a call center for payments and calls).Occasionally people will pay with a card that is not theirs. Mayor Lofton asked if they had an app. Troy said no that was a bad idea and discontinued. If you sign with us we can be up and running by October. Only thing that will physically change would be the swipers will be changed out. As fare as trouble shooting we have an IT guy that is on staff. Council member Porter stated that as long as it will save finance time on these payment, that counts it saves a lot of time. Troy said that when they go into pay their ticket, it shows what is owed, and so they cannot over pay. Robin said that they get a lot of Judge Smith's payments too, all they do is go to the website and it says marlin court. They pay their ticket and we have to either write the judge a check or the defendant.

**6. Discussion and or Take Action: Meeting with Auditor**

Auditor did not show, Mayor Lofton stated that she had told Vikki Grimes (Finance Director) that she wanted the auditor at the meeting. Vikki Grimes stated that she will have the auditor at the next meeting.

Councilmember McDavid motion that the item be tabled to the next meeting Councilmember Moore seconded this motion and the motion carried as follows:

AYES: Councilmember Milton, Councilmember Moore,  
Mayor Pro-Tem Henderson, Councilmember  
McDavid, Councilmember Martinez, Councilmember  
Porter, Mayor Lofton.  
NYES: None

Council entered Executive Session at 6:14pm.

7. ENTER INTO EXECUTIVE SESSION PURSUANT TO TEXAS GOVERNMENT CODE  
SECTION 551.074 deliberation on appointment, duties, assignments, evaluation,  
and/or discipline (closed session)-

City Attorney

Lawn Care

Forensic Audit

Council reconvened into Open Session at 6:52pm.

8. Discussion and or Take Action: Award Contract to City Attorney  
Councilmember Moore motioned that the city award DeAndrea Petty the City  
Attorney Contract. The City will do a one-year contract and evaluation in six  
months.

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

AYES: Councilmember Milton, Councilmember Moore,  
Mayor Pro-Tem Henderson, Councilmember  
McDavid, Councilmember Martinez, Councilmember  
Porter, Mayor Lofton.

NYES: None

Mayor Lofton stated that She is a Marlinite , she graduated from Marlin high  
School. She is an independent practicing attorney. She wanted to come back  
and help her city. We are glad to have her. Thank you.

9. Discussion and or Take Action: Award Contract to Contractor for Lawn Care  
Councilmember Porter motioned that No Complaints Lawncare be awarded  
the lawn care contract.

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

AYES: Councilmember Milton, Councilmember Moore,  
Mayor Pro-Tem Henderson, Councilmember McDavid,  
Councilmember Martinez, Councilmember Porter, Mayor Lofton.

NYES: None

10. Discussion and or Take Action: Forensic Audit

Mayor Pro-Tem Henderson motioned that the City Manager be given authority  
to find Forensic Auditors and present them back to the council.

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

AYES: Councilmember Milton, Councilmember Moore,  
Mayor Pro-Tem Henderson, Councilmember McDavid,  
Councilmember Martinez, Councilmember Porter, Mayor Lofton.

NYES: None

11. Discussion and or Take Action: Agreement with The Payment Group

Councilmember Porter motioned that enter into agreement with The Payment Group.



Mayor Pro-Tem Henderson seconded the motion the motion carried as follows:

AYES: Councilmember Milton, Councilmember Moore,  
Mayor Pro-Tem Henderson, Councilmember McDavid,  
Councilmember Martinez, Councilmember Porter, Mayor Lofton.

NYES: None

12. Discussion and or Take Action: Budget Fy 2019/2020

Vikki Grimes (Financial Director) addressed the council on changes to the budget. Mayor Lofton stated for future reference, budget numbers need to be given in advance so that the council has ample time to review numbers before votes can be made.

General:

Salaries

(Under Finance) AP Clerk removed from salaries  
(Under Code) Code and Animal Control will be combined into one position  
Chief of Police salary increased

Insurance went up for each department.

Furniture deduction in court

Advertising deduction

Incode has gone up

Office lease has gone up (court got a maintenance agreement

For printer)

Building repairs decreased

Cemetery Employee was taken out

Water:

AP Clerk was removed (it was split between general and water) decreased water office salaries and insurance

Public Works labor was risen, because this is where the cemetery worker moved to and equipment repairs decreased

Water plant supplies were decreased to balance the budget

Sewer Plant decreased lift station repairs, and fuel

Employee Insurance was discussed and quotes from companies were discussed. Mayor Lofton stated that there was a discussion about getting number beforehand so that they had time to review them, and not last minute and not have time to look at them. We don't know what we are approving because we haven't looked at it. I am not comfortable with that. Vikki said that it was up until this morning. Mayor Lofton stated that she understood that, that is why she is letting her know for the future. If they get them in advance they can take a look at them, before they have any vote on it. Vikki said yes ma'am no problem. The yellow were the changes we made at the last budget meeting. The only ones we are going to look at are the green. The group insurance went up a little bit, vision went up 2.3%, and we had to raise those a little bit for each department. Over to, there was a little deduction in the furniture and equipment for court. There was a deduction in advertising. All these deductions were basically made so that we could balance our

budget. Because once we moved one employee from general to water that threw it out of balance in water. So we had to make cuts and changes. So the green as you go through there are the changes. One increase under finance was Incode yearly statements. We got two bills in one was for two of our maintenances on our INCODE program , so that sums it up just a little bit so that we would have enough to pay that premium next year. We go into city hall our office lease went up a little bit, court was having problems with their printer, and they did not have a contract, so they went into a contract with CTWP. So that was the increase there in our equipment lease. Building repairs we had to decrease a little bit. We get down to the police department, there is an increase to the chief of police. And then the group insurance because of the little increase. Fuel expense stayed the same it was decreased but we were able to put it back up. Fire department there again their group insurance was the change due to the increase that the insurance company sent us. Same way with code enforcement, code enforcement's training went down a little bit , we come down to streets the only change is the group insurance and a little decrease to the struck off properties. Cemetery we took that employee out. We have the parks \$20,000 to each of them. That was pretty much all the changes that were made in general. In Water salaries are on the back of your water budget. There were no other changes other than the AP Clerk was removed. It was split between water and general. But the AP Clerk was removed from the water/sewer wages. Other than that you will see the laborer in public works is highlighted because he is the one that came from general. Other than that there was no changes there. In to the water budget under the water office salaries decreased here because the ap clerk was removed, and that decreased also in the group insurance. Water plant only thing there was the increase in group insurance, we did increase their supplies a little bit, we decreased their fuel expense a little bit and the lift station. Mayor Lofton questioned the Line Item -New Backhoe listed at \$61,000, she did not recall a discussion on purchasing a new backhoe. Vikki Grimes (Fin Director) explained that in this is the new backhoe that the city currently has (\$18,000) and that the other money was for equipment from the last year budget and that Andrew Poe (public Works Dir.) would know more about what was wanted. Mayor Lofton asked can you explain the new backhoe. Vikki stated it is not a new backhoe it is the one we currently have leased. I just put it there so I would know that is was for the new backhoe that we were leasing. It is no to lease another backhoe, the \$61,000, I think we were going to get the mini excavator. Andrew Poe (Public Works Dir.) said that last Fy they (the last council) were looking at purchasing 5 pieces of equipment and that the money was just rolled over, it was approved but items were never bought. Mayor Lofton stated that the new council does not know what went on with the old council and that things that were going to be added or carried over in the budget need to be discussed with the current council, especially with expense cuts. She stated that this was the first time she had saw this in the budget. She wanted to know who authorized it to be put it here. Vikki stated it was basically rolled over from previous budget.



Mayor Lofton asked have we had a discussion over this. Vikki said yes. The \$18,000 of the \$61,000 is for the backhoe rental and it was in our last two packets at 61 430. Mayor Lofton said because I'm looking at equipment lease for fiscal year 2018 and an actual year-to-date is 20. Now you may have proposed 60 but then you have new backhoe for departments proposed budget, new backhoe. That tells me there's a plan to buy or purchase a new backhoe Vikki stated no, we just put there because it is new to us. I will take that out, we just put it there so we would know we had the backhoe leased for \$18,000. It was put there to purchase 5 other pieces of equipment. Mayor Lofton said it was put there to purchase 5 other pieces of equipment. But it is under lease. Vikki said right it is not a purchases it is a lease agreement is what it is going to be. Mayor Lofton said you just said it was to purchase 5 pieces of equipment. My question is should it be \$18,000 or should it be \$61,000 purchase equipment. Vikki said we are not going to purchase it is a lease, other words we are leasing the equipment just like the backhoe we have now. It is equipment but we are not purchasing anything to keep it is a lease. So if you don't want to get the other piece of equipment then we can just reduce it back down to what the backhoe lease is. Mayor Lofton said I just don't remember having a discussion about it. Vikki said we just basically went off equipment lease that was in the previous budget, we just carried over to this budget, if we don't want to do then we don't have to do it. Mayor Lofton said we need to have discussions about them before we put them in the budget purchases or lease without the council saying that is what we want to do that is where my struggle is. Because you have it in the budget and you are struggling to budget, to balance the budget, and you in here and no one knows about it. We did not know you were planning to get equipment. It was not discussed that is the issue. We need to have a discussion about it before you put it in a budget. Vikki said the city manager, Andrew and myself sat down and talked Friday to get equipment for public works and streets. . Mayor Lofton said that is ok, but we need to know that so that we can have a discussion around that. You don't just do it without council approving it first. That way we know where the money is being spent and we know what the expectation is when the money gets spent. So we are going to give you \$60,000 for whatever, I don't know what you're getting. Mayor Lofton said there should've been a figure in there for the department proposed budget and it would've shown me a figure but instead it shows me new backhoe which says that's what you're looking to purchase. Andrew said that's not the case. Vikki said that's not the case. Mayor Lofton said I'm just telling you. Stating new backhoe is confusing. It is not a question of if the money had been in the budget before but why was the council not told about the money's intent. Andrew said that it just rolled over from last year FY, we never purchased it. I can see your point we should have said something in the last budget workshop. Mayor Lofton asked you put it in last year for what and didn't get it. Andrew said last budget FY 19, this current budget we are working on, it was voted and passed in last budget. Mayor Lofton asked for what. Andrew said pieces of equipment, if I am not mistaken a backhoe, motor grader, loader,

bobcat, and a mini excavator. We never purchased it because we were waiting until later in the year, later in the year it never transpired. Then we had the new city election, I see were you say you were never fond of it. Mayor Lofton said she said it is for lease on equipment we already have and you telling me we didn't even get it yet. Andrew said right. Vikki said part of it we did. Andrew said we purchased one backhoe last year. Mayor Lofton said but this includes a new backhoe, yes or no. Vikki said no, we put the note there that (new backhoe), I put it there because when Andrew was going through there he would know that it included the backhoe we just got. Mayor Pro Tem Henderson said he remember they said they got to have the motor grader, but he did not remember the other stuff. Councilmember Porter said the backhoe we had to have. Mayor Pro Tem Henderson said the bob cat I don't remember that, none. Councilmember McDavid said we had it on there but we did not approve it. Porter said we are going to have to go back and look, because I remember approving, council approved 5 items, I don't remember what they were, but we did approve 5 items. Andrew said I have the paper work. Mayor pro tem Henderson said I remember paper work. Andrew said it was from caterpillar, Case and John Deer as well. They were there with the figures, Holt came out to be the cheapest. I did present all the paper work to the council. Mayor Pro Tem Henderson said I do remember discussions of what we really needed. Andrew said it was the backhoe because the transmission went out. Mayor Pro Tem Henderson said I remember the backhoe and the road grader. Andrew said we took the road grader out, we never did get that. Mayor Lofton said since that budget will end and we are entering into a new budget and we have a new council , we need to know what is happening, you have a line new backhoe \$61,000 , so that is what I see. If it's not that then someone needs to explain what purchases expenses are in the new budget, so that we know the expectation is, and everyone else sitting here knows what the expectation is, so that we don't have this issue. Andrew said yes ma'am.

Mayor Pro-Tem Henderson motioned to table item until tomorrow at 5pm (August 30, 2019) so that a public hearing can be held before and then budget can be approved.

Councilmember Milton seconded and motion carried as follows:

AYES: Councilmember Milton, Councilmember Moore,  
Mayor Pro-Tem Henderson, Councilmember McDavid,  
Councilmember Martinez, Councilmember Porter, Mayor Lofton.

NYES: None

13. Discussion and or Take Action: Authorize a Review of all Employees Education, Certifications, Training, and CCH's  
Cedric Davis (City Manager) told the council that in a previous meeting, employees' certs and education had been discussed and council wanted that these items be looked into. This item was put on the agenda so that Cedric Davis could have final authorization to do so. If training is needed then it can be scheduled.



Councilmember Moore motioned that the City Manager be authorized to review of all employees' education, certifications, training, and CCH's.

Councilmember McDavid seconded the motion the motion carried as follows:

AYES: Councilmember Milton, Councilmember Moore,  
Mayor Pro-Tem Henderson, Councilmember McDavid,  
Councilmember Martinez, Councilmember Porter, Mayor Lofton.

NYES: None

**14. Discuss and or Take Action: Resolution / Letter of Support to A&A Group International Inc.**

Resolution was presented to the council by Cedric Davis. He let the council know that this resolution /letter of support needed to be done to help A&A with the process of approval through the consulate. Since it is an international company we will have to partner with them, to revitalize zones. We went to downtown and the industrial park, these are our revitalization zones. They are first international group that came and fell in love with Marlin and actually wants to do business in Marlin. If you want to can take a few moments to review. It says what actions we support, with Mayor being the executive Chief Officer she basically speaks for the majority of the city. So whatever decisions yall make she represents the city. This is only to strengthen their ability to come to Marlin.

Mayor Pro-Tem Henderson motioned to table until the new city attorney take a look at it.

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

AYES: Councilmember Milton, Councilmember Moore,  
Mayor Pro-Tem Henderson, Councilmember McDavid,  
Councilmember Martinez, Councilmember Porter, Mayor Lofton.

NYES: None

**15. Discussion and or Take Action corrected minutes (correction as stated in last meeting.**

Davis let the council know that there were some council member who were not on council when the meeting was held. So we need revote. Councilmember Porter pointed out item number 1 on 9<sup>th</sup> of April. Maryann stated that she had only changer the signature page to reflect the change needed, but she will take that out.

Councilmember Porter motioned that the minutes for April 9 be approved with corrections, and approve 4 April, 21 March, 12 March and 28 March as presented.

Mayor Pro Tem Henderson second the motion and the motion carried as follows:

AYES: Councilmember Milton, Mayor Pro-Tem Henderson,  
Councilmember McDavid, Councilmember Porter.

NYES: None

Abstain: Councilmember Moore, Councilmember Martinez, Mayor Lofton.



Mayor Pro tem Henderson stated that he would like future agenda items added, because there are items that might want to be put on the agenda for next meeting .

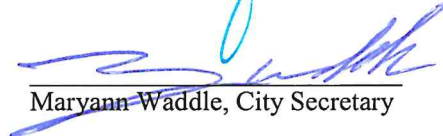
16. Adjourn.

Councilmember McDavid made motion to adjourn. All in favor said "I".  
Meeting adjourned at 7:35 pm

**PASSED AND APPROVED ON THIS THE 11TH DAY OF AUGUST, 2020.**



  
Carolyn Lofton, Mayor

  
Maryann Waddle, City Secretary