

STATE OF TEXAS
COUNTY OF FALLS
CITY OF MARLIN

On this the 9th day of April, 2019, the City Council of the City of Marlin, Texas convened in a REGULAR SCHEDULED 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 John Keefer
Mayor Pro-Tem Doug Porter
Scottie Henderson
Rhonda Milton
Curtis Smith
Susan Byrd
Terence McDavid

STAFF

Sandra Herring, City Secretary

1. Call to Order by Mayor John Keefer @ 5:30pm.
2. Roll Call by Sandra Herring.
3. Certify Posting in accordance with State Law by Sandra Herring.
4. Pledge by Mayor Keefer and Invocation by Doug Porter.
5. Citizens Input.
 - Bridget Burleson, Police service complaint.
 - Artese Lang, 418 Maryland, Sewer backup.
 - Sergio Collazo, Appeal process.
 - Billy Hughes, American National Leasing.
6. Update on engineering from MRB Group.

ECWAG-Repairs to clarifier troughs, needs additional welding and re-inspection.
TWDB-Depot chemical process with disinfection. Report from TCEQ. Built lower, not moving much water, will have recommendations including valve locations.
DWSRF-Scope of work at water plant, line upgrades, looping and reviewing work orders. Also looking at water lines that have had a lot of breaks. Design has started, waiting on audit.
Construction will be at a later date.
7. Discuss and consider action on closing Ward Street from Live Oak to Fortune Street for the 16th Annual Lion's Club Car and Motorcycle Show.

Sheila Lawson was present to address the Council. Ward Street would close from 8am for vendors to 2pm. We have vendors and visitors and a lot of cars. Would like to see everyone come out.
Councilmember Byrd made motion to approve closure of that street.
Councilmember McDavid seconded this motion and the motion carried as follows:
AYES: Councilmember Milton, Councilmember Smith, Councilmember Henderson, Councilmember McDavid, Councilmember Byrd, Mayor Pro-Tem Porter, Mayor Keefer.
NYES: None.

Entered Public Hearing at 6:00pm

8. Public Hearing: Proposed changing the name of Commerce Street to the new name of BTW Parkway at the request of the BTW Alumni.

- **Speak in favor. None**
- **Speak in Opposition. None**
- **Questions by Citizens. None**
- **Close Public Hearing at 6:01pm.**

9. Discuss and consider action on Ordinance No. 19-004 changing the name of Commerce Street to BTW Parkway.

Councilmember Henderson made motion to approve Ordinance No. 19-004 changing the name of Commerce Street to BTW Parkway.

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

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

NAYS: None.

10. Discuss and consider action on Hanger C Airport Lease Agreement.

Mayor Keefer indicated that there is information in the packet for Council to review.

Councilmember Henderson made motion to leave the hanger leases the way they are, no need to change. We are here in the area of Mexia and Hearne, not sure why we need to change anything. He's has done some research and can get grant through the Department of Public Safety for the airport. Until we do something of that nature he sees no reason to make any changes.

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

NAYS: Councilmember Smith

11. Discuss and consider action on Ordinance No. 19-005, providing for payment plans.

City currently does not have a payment plan policy.

Mayor Pro-Tem Porter made motion to approve Ordinance No. 19-005 providing for payment plans.

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

NAYS: Councilmember Byrd.

12. Discuss and consider action on new river intake screen/float.

Councilmember Milton indicated that she has done a little research and asked how long we have used this and how old is this equipment. Do we have pictures of the damage and or what caused the damages? Public Works Director Andrew Poe shared with Council the need for a new intake. It was used non-stop last year we exhaust all or water rights last year. Being damaged by storm and flood water as well as debris in the river, it has taken a beating in the last year. The floats have been damaged and it no long floats. Councilmember Milton indicated her research discovered other types of intakes that will work in water the depths of 4 inches. She is asking at what capacity the one we are using is working at. And also discovered another type that is stainless steel and will not rust. Council asked for research into other intake options. The public works director indicated that he could provide pictures and that the one the City has operates at a capacity of 4 inches and that the tubes are aluminum and mesh is stainless steel. The problem in the River is that there is no projection from the debit that comes downstream. They do make parts for the intake but by the time you purchase all the parts it would be better to a new one. We can salvage the old one to use for parts. I will get with the engineers and BRA to find out what we can and can't do in the river in regards to a barrier for the intake for protection.

Councilmember Henderson made motion to approve the purchase of a new river intake device. It is very important for the City to have water.

Councilmember Smith seconded this motion and the motion carried as follows:

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

NAYS: None.

13. Discuss and consider action on renewal of Temporary Fuel Reimbursement Policy.

Councilmember Henderson did some research and shared information with the Council. He feels some discussion is in order. The information shared was what the school district is using which is the state rates for government employees. The school policy is paying 54 cents a mile and he doesn't want to see the City get itself in trouble with that. The employees deserve what everybody else is getting and if the City is not going to purchase the needed vehicles then the City should be paying the 54 cents a mile to the employees for use of their personal vehicle. He thinks it should be tabled they can take a good look at a policy that will address the needs. Andrew Poe spoke up and indicated that the City had approved a policy at a reimbursement rate of 19 cents a mile to only reimburse for fuel. Councilmember Smith indicated that the previous City Manager had suggested the current temporary policy and asked if the employees agreed with it. Andrew indicated that several of his employees were not happy with the policy and he was himself was not pleased that they were not getting reimbursed for the wear and tear on their personal vehicles. Councilmember Henderson says the City has enough vehicles that if the City doesn't have the funds to pay mileage then the other department will need to share vehicles. Have we even thought about that. Andrew indicates that each department that has a vehicle has a line item fuel. City Secretary indicates that the City already has a reimbursement policy for travel to training but it does not cover personal vehicle use for City business. Current temporary policy ends next week. Councilmember Henderson would like to see a policy and not something temporary. City Secretary shares that the City has a policy which we can add the 54 cents mileage reimbursement to and that could be done tonight by motion. Andrew indicated that the state rate fluctuates based on oil prices and believes it is now at 58 cents but we should reference the state rate.

Councilmember Henderson made motion for the temporary fuel policy that we adopt the state rate per mile for the individuals using their own vehicles for the City, effective immediately.

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

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

NAYS: None.

14. Discuss and consider action on submission of a Texas Department of Agricultural FAST Grant Program Application.

Fire Chief Justin Parker indicated that the department would be applying for a fire apparatus. The TDA CDBG FAST Grant allows cities to apply for funds up to \$500K. City current apparatuses are aging. We are already working with HOTDOG on gathering information. We are putting in for a 500 gallon pumper tanker. Requires a \$5K match for next budget year. Grant administrator recommended and we pre-qualify. It would be awarded in October 2020.

Councilmember Henderson made motion to approve the submission of a Texas Department of Agricultural FAST Grant Program Application.

Councilmember Milton seconded this motion and the motion carried as follows:

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

NAYS: None.

15. Discuss and consider action on amending the Animal Ordinance.

No discuss and no action.

16. Discuss and consider action on amending the City Personnel Policy, Section 24, Purchasing Policy.

Discussion included the lack of a City Manager, Finance Director not shown in policy, previous dual position of City Secretary/Finance Director, policy needing updating. New policy authority to approve purchase orders would be City Manager, Finance Director and if need be Public Works Director. The Finance Director indicated that another change was made to the exemptions and that all purchases require purchases orders now due to some abuse to the purchases of \$50 or less. Mayor Keefer is asked the nature of the change to the capital expenditures being raised from \$2000 to \$2500? Vikki indicates it was an error and she will correct. Councilmember McDavid asked if the crew is out working on a weekend or at night and need a part, do they have to wait until the next day? Mayor Keefer indicated that would fall under an emergency and they would just turn it in the next day or on Monday. Mayor says he finds it a little excessive to have 4 signatures. That is how is it set up in Incode indicated by Finance. The public works director is just the backup for the finance director. He cannot approve the PO in Incode. That still has to be approved by the City Manager.

Councilmember Smith made motion to amend the City Personnel Policy, Section 24, Purchasing Policy.

Councilmember Milton seconded this motion and the motion carried as follows:

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

NAYS: Councilmember Byrd

17. Discuss and consider action on the purchase of a 2004 Ford Lariat F150 from a city employee for \$6,500.

Mayor Keefer indicated that this is the vehicle that had been discussed previously but felt it necessary to bring back to the Council for approve since it was from an employee. The City Attorney said the purchase would be ok for the City due to the fact that the employee was not a city official. Andrew indicated that he has shared with the Council pictures of the vehicle and maintenance reports for Council to review along with the NADA value. It has been looked at by the mechanic and we have looked at some other vehicles as well. Mayor Pro-Tem Porter questioned whether we have looked up in Dallas at the vehicles they have up there that also come with maintenance records, like the major cities. They all have vehicles they sell that come with maintenance records. They replace 1/3 of their vehicles every year. Andrew indicted that he has not looked at other cities. He said he was comfortable buying from someone he knows. Councilmember McDavid said that was what we had maintenance personnel for. Mayor Pro-Tem Porter indicated that he needed to get in touch with Dick Fletcher for that information. Andrew shares that the water plant needs a truck as a second vehicle. Andrew says he will look into some other options and bring it back to the Council at the next Special Meeting.

Councilmember Byrd made motion to table.

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

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

NAYS: None.

18. Discuss and consider action to allow City Secretary to work remotely from Council Chambers during Early Voting dates from April 22nd to April 30th, 2019.

Councilmember McDavid made motion to allow.

Councilmember Henderson seconded this motion and the motion carried as follows:

AYES: Councilmember Milton, Councilmember Smith, Councilmember Henderson, Councilmember McDavid, Councilmember Byrd, Mayor

Pro-Tem Porter, Mayor Keefer.
NAYS: None.

18a. Discuss and consider action on Human Resources Coordinator.

Sandra indicated that she could not do all of Human Resources. There was one whole clerk position eliminated who carried most of that function. Vikki would still be doing new hire and employee benefits. I can handle the contacts with the employees, complaints, raises and demotions and anything else the employees may need.

Councilmember Henderson made motion to appoint Sandra Herring as Human Resources Coordinator.

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

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

NAYS: None.

19. Discussion and review of Department Reports.

Listed by Department with discussion as necessary:

Police Department (includes Animal Control , Code Enforcement)

Police Chief unavailable

Public Works (includes Water Administration)

Andrew Poe was present and indicated that the Council that the weekly reports were sent out earlier and they have been updated by MRB Engineers. He has been working on a CT Study for the chlorine injection point at the water plant and has been submitted to TCEQ. We are almost a year past due, due to funding. We have been working with the City Attorney and KOCH Membrane who manufactures the membrane filters at the water plant. The last set of filters did not come with a warranty. They have retracted that and now are offering on the new filters a 5 year warranty. KOCH Membrane visited the water plant and we worked on optimizing the water plant and eliminating the recirculation pump and that will give us a higher density integrity test perimeter and make passing the test much easier. TCEQ sent us an enforcement letter that you have in your packet. We found where TCEQ had made a mistake in one of the findings and that was corrected. We are trying to work off past violations, clean to and be in compliance with all things at the water plant. We had a boil water notice due to someone hitting a fire hydrant on Park Street. Was very pleased with how fast the guys got the water back up and running. In your report we reference a meter inspection. We have 167 meters in the ground but not being read because they are out of service. We did an in-house audit and checked the meters in the field and found only one where someone was stealing water and they were cut-off immediately. The Police were notified and last he checked Chief Sodek was still working on it. We also found two that were turned off but people were still living in the homes and one of those has been since December. We still have two projects with KSA Engineers, our old engineering firm. A sewer project and the painting of Hobby Tower. Pre-construction has started with Canary Construction and start date is April 15th. They are replacing 3 sewer mains, Potomac, Fuschie and Live Oak and have 180 days to complete construction. Working with TxDOT on repair on Rock Dam but we are arranging for some training for our crew. Distribution had 33 sewer stop ups and 17 water leaks for the month of March. Installed to two connections and work on 13 streets. Councilmember Henderson asked about warranty on the meters that were not working. Andrew clarified

that the meters are new but have no paid water service to them. Councilmember Henderson then asked about a sewer backup on Clark to see if that had been resolved. Andrew indicated that they did file an unauthorized discharge on that and it had been taken care of. Henderson asked about the laborers having to take a test. Andrew indicated that yes, if you work in distribution, you are required by the TCEQ to be licensed in Water Distribution. You are required to be licensed at the Water Plant as well as the Waste Water Plant. The crew has been sent to school, and then to go test. They have been given the study books and packets and they have all been offered assistance if they want to do one on one tutoring, I'm all for that. We have had one pass on his D license on first attempt and one pass on their C license on first attempt. We have only had one that was not able to obtain their license. But we also lost one at the waste water plant because he was not able to maintain his waste water license. It is a TCEQ requirement and they will fine the City. Marlin has a reputation with TCEQ and he is trying to build some repour. Since 2003 the City has had to pay over \$100K in non-compliant fees. Councilmember McDavid asked how many Class A license holder the City was required to have. Andrew indicated none. McDavid asked about equipment operators? Andrew indicates he was talking about water license and not CDL. Chief has not written any tickets to any employees operating equipment without a license. Mayor Keefer indicated that you do not need a CDL license to operate a backhoe and that there are only 3 pieces of equipment you must have a CDL to operate. Councilmember Henderson said that it would have been a personnel matter that needs to be discussed. You have some of those guys that have the TCEQ license and others that don't work that way. Andrew indicates that the only personnel that have been sent to class and to test are those that will at some point turn a valve or work on a leak. Councilmember Henderson is asking if they have to be required to do that. Andrew indicates that the City does not have that luxury, there is not enough crew. Equipment Operators are a different license. We have some that hold both. Councilmember Henderson shares that he doesn't think it's fair to make them all have the license when they could be licensed in something else such as equipment operator and not be one of the ones needing the water license. Andrew indicated there will be some that do not have to have it in distribution and there will be some that are required to. And those that are operate the large trucks will be required to get their CDL. Councilmember Henderson says were going to have to break it down to where you are licensed in how you work and not everybody has to have the same thing. Andrew says he will repeat it again and that the only personnel that have been to class and have been tested are those that work in distribution which is required by TCEQ, not a cook not a finance director, not a mechanic, only those working in distribution. Councilmember Henderson says we have personnel doing just that job but that we also have personnel doing about 15 jobs. Councilmember Henderson and McDavid says that also going to have to be personnel issue. Councilmember Smith asked if the City has been fined for personnel not licensed. Andrew indicated yes at the waste water plant but we also have more water plant operators licensed at the water plant then the City has ever had. We are working very hard to maintain compliance with the state. And with that said, they have already inspected the water plant and the waste water plant so I expect distribution to be next.

Fire Department

Fire Chief Justin Parker indicated to Council that the monthly report was in their packet and asked if they had any question. Councilmember McDavid asked about street signs. Parker indicated that as soon as they get the sign blanks they will be working in the BTW Parkway signs.

Finance Department

Finance Director Vikki Grimes indicated to the Council that the April report is not showing the right numbers so if they would refer to the March report. General Fund is over because we had a contract buy out. We are good in the water department. We do have a couple of property tax report that have not hit the bank yet.

20. Adjourn.

Councilmember Henderson made motion to adjourn. All in favor said "I".

PASSED AND APPROVED ON THIS THE 29TH DAY OF AUGUST, 2019.



A handwritten signature in dark ink, appearing to read "Scottie Henderson", written over a horizontal line.

Scottie Henderson, Mayor Pro-tem

A handwritten signature in blue ink, appearing to read "Terence McDavid", written over a horizontal line.

Terence McDavid, Council Member