

STATE OF TEXAS  
COUNTY OF FALLS  
CITY OF MARLIN

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On this the 12th day of November, 2019, the City Council of the City of Marlin, Texas convened in a Regularly Scheduled 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 (absent)  
Terence McDavid (6:19pm)  
Max Martinez (6:01)  
Doug Porter

**STAFF**

Cedric Davis, City Manager  
Maryann Waddle, City Secretary  
DeAndrea Petty, City Attorney

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 Pastor Warren.
5. Citizen's Comments

Mr. Ellensburg addressed the council, he is a representative of a Veterans Guide Service. He let the council know about the hog problem in Texas. He stated that his organization takes veterans hunting to provide meat for their families and food banks in Fort Hood. This brings together veterans to help with problems that might not normally say they are having problems. A couple of hunts a year is all he would like for his organization. This would put Marlin on a more positive note.

6. Discussion or Take Action : approve the removal of V. Grimes from the safe deposit box at Citizens Bank

The Mayor wanted it noted that she is to be removed because she is no longer with the city.

Councilmember Milton motioned that V. Grimes be removed from the safe deposit box at Citizens Bank

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

Ayes: Councilmember Milton, Mayor Pro-Tem Henderson, Councilmember Martinez, Mayor Lofton

Nays: None

Absent: Councilmember Moore, Councilmember McDavid

7. Discussion or Take Action: Brushy Creek Update Contract

The Mayor let the council know that Mr. Sledge emailed her to let he know he would not be attending the meeting and that their contract expires tomorrow for two individuals who are technical consultants for the federal contract. This project has been going for fifty years and the only information provided is it could be ten more years. The city needs to have a discussion on where this brushy creek project is going, because for what he had told her the city has already paid him millions. Mr. Sledge said it was not on the project but to him as a lawyer. The mayor suggested that the city extend the contract 30 days to allow the consultants to update the city on what their plans are and how long it is going to take so the city does not continue to spend millions more.

Councilmember Milton asked about records on the project, to make sure that the council is not blind going into the discussion. She would like the records from the years to reflect the project cost and documents.

Mayor Pro-Tem Henderson stated that 30 days might not be long enough to gather all the information requested.

Cedric Davis let the council know that we should be able to have the records available, he had retrieved a lot of the files out of storage. He believes that there have been extended at least 4 times but no more than 5. Henderson asked if Davis thought we would have the documentation ready for review. Davis stated yes. Milton asked with 50 years of records could they be digitized to preserve it for the future. Mayor stated that they should extend for 60 day because the holidays, and the time needed to do a work shop to review documents.

Councilmember Henderson made a motion that the consultants contract be extended 60 days so that they can come January 14<sup>th</sup> and update the City of Marlin and its citizens on what they have been up to and where the project stands and where it is going.

Councilmember Milton seconded the motion the motion carried as follows:

Ayes:, Councilmember Milton , Mayor Pro-Tem Henderson , Councilmember Porter , Councilmember Martinez, Mayor Lofton

Nays: None

Absent: Councilmember Moore, Councilmember McDavid

#### 8. Discussion or Take Action: MRB Grey update

Gil addressed the council and let them know that October 3<sup>rd</sup> the TWDB had their meeting and approved clean drinking water and water and drainage loans. The next milestone is TWDB requires all documents in by December 19. After this the money will be put into escrow to start the design process and pending invoices can be paid. Drainage will be observed to find problem areas with employees and citizens groups. On October 4<sup>th</sup> a new finance bond (SRF) was submitted for the rest of the money and the results of that

should be announced by spring 2020. The city has received 70% grant and 30% is a 0% interest loan Mapping is going to be done, employees have been given maps to mark lines as they are found so that they can be put into the system. The city has no good current maps for city lines and they need to be updated.

No action was taken

Councilmember McDavid in at 6:19 pm.

**9. Discussion or take Action: Forensic Audit Firm**

Cedric Davis addressed the council and let them know that he and Mayor Lofton went to Houston on Friday and met with the firm Stewart and Hurst. Bill Stewart addressed the council and told of his experience (certified accountant, and certified fraud examiner with 40 years of experience). He has worked with counties, state and policing entities. His staff is 7 people and they specialize in fraud detection. His firm does not do taxes or audits. He believes that the forensic audit, even though it is a little costly, it could benefit the city to have the records looked at given the cities concerns. He shared his ties to Marlin, his grandfather started practicing law 130 years ago in Marlin before he moved to Houston in 1890 when Houston was about \$35,000. He stated he has read about Marlin and feels he has ties here. The Mayor stated that the retainer was \$7,500. Mayor Pro-Tem Henderson wanted to make sure that the cost could be covered. Davis let him know that it was planned for in the budgeting process.

Mayor Pro-tem motioned that the city hire Stewart and Hurst to perform our forensic audit.

Councilmember Milton seconded the motion, the motion carried as follows:

Ayes: Councilmember Milton, Mayor Pro-Tem Henderson, Councilmember Porter, Councilmember McDavid, Mayor Lofton

Nays: none

Absent: Councilmember Moore

**10. Discussion and or Take Action: Review adjustments created from audit (Don Allman)**

Don Allman did not attend. The Mayor suggested that the item be postponed so that information can be given and Allman can attend.

No action taken.

**11. Enter into executive session pursuant to Texas Government code sec. 551.074**

Deliberation and or take action on personnel appointments, duties, assignments, evaluations, discipline and or appeals (City Council)

## **Chief of Police Position**

**Council entered executive session at 6:26 pm**

**Council reconvened at 6:48 pm**

### **12. Discussion or take action: Chief of Police Position**

**Councilmember McDavid stated that it was a very tight race, there were only a few numbers on the scores that separated the candidates.**

**Councilmember McDavid motioned that the City hire the person who placed first, McCall, will be offered the Chief of Police position.**

**Councilmember Porter seconded the motion and the motion carried as follows:**

**Ayes: Councilmember Milton, Mayor Pro-Tem Henderson, Councilmember Porter, Councilmember Martinez, Councilmember McDavid, Mayor Lofton**

**Nays: None**

**Absent: Councilmember Moore**

### **13. Discussion and / or take action: Playground equipment for the City Park**

**Cedric Davis addressed the council about playground equipment for purchase. He has found companies and they can give a 50% and no one lump sum. They offer payment plans for 12- 60 months. Mayor Lofton asked if assembly would be included. Davis stated he would look into that. Henderson asked if there are any state funds available that could do something for the kids. He stated that the Falconer Park had newer equipment and maybe there could be help to do the city park as well. Davis stated that the equipment at that park is still fairly new .He also stated that he would try to look up help with funding, he received a call about the park stated and Mr. Scott and his crew had to fix a broke piece, they fixed it the next day. Porter asked about the money to do the park. Davis stated that equipment for the park is budgeted and staff could assemble. Martinez stated that Falconer had volunteers. McDavid suggested a work day and invite volunteers. Henderson stated that he would like time to take a look at all the parks in town to spread out the purchases between them all so that every neighborhood get a part of it .**

**There was no action on this item**

**14. Discussion and / or take action on Resolution 19-013 Grant for new generator for Fire Dept./City Hall from Homeland Security**

Justin Parker, Fire Chief, addressed the council, he let them know that this grant was for a generator to power the fire station and it could also power some essentials in the

City Hall building. HOTCOG has awarded the grant in the sum of \$36,000 from Homeland Security. The unit will be diesel powered. The full amount will be \$36,000 with a 0% match from the city. Project to be complete by September 2020. The unit will be diesel and placed between city hall and fire department.

Councilmember Porter motioned to adopt resolution 19-013 grant from the Homeland Security.

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

**Ayes:** Councilmember Milton, Mayor Pro-Tem Henderson, Councilmember Porter, Councilmember Martinez, Councilmember McDavid, Mayor Lofton

**Nays:** None

**Absent:** Councilmember Moore

**15. Discussion or Take Action: Hunting at the City Lake**

Kenneth Davis addresses the council about allowing hunting back at the City Lake. He shared that he enjoyed hunting at the lake it gave a place for those who do not own land, to hunt. He stated that he would be willing to keep the lake property clean, move the gates, and oversee thing to make sure that hunting continues to be allowed out at the lake. McDavid asked was he wanting to hunt ducks. Martinez asked about the dam and if there could be signs put up at the park area for slow kids at play as well as make sure that the trash would remain picked up. Davis stated that the hogs were going to be hunted, they pose potential problems like attacks and tearing up the land. Mayor Lofton stated that there needed to be restriction on the types of weapons used on the property and the type of game that could be hunted. Cedric Davis stated that few could follow what the public land hunting restrictions are for places in the area. Crawford stated that there was a homeless camp in the area and they would clean it as well, and with people present it would deter others from setting up camps there. Councilmember Milton thanked the men for putting their proposal on paper. Martinez asked about the gate and if it would be moved as to block the dam. Crawford stated that they could move the gate so that they could access the land but not the dam. Mayor Lofton stated that she spoke with TCEQ and they had no problems with hunting, just no driving on the dam. Cedric stated that they stated that hunting and fishing would pose a problem to the water. Henderson stated that he would like for them to revisit the council with updates and a report could be submitted every quarter. Porter asked about if the FAA would have a problem with the

shooting next to the airport. Crawford stated that there would be no rifles and that the types of ammunition used to hunt ducks can't reach the airport. Crawford suggested that each hunter could sign a waiver like Waco has them do. Porter suggested that both groups that came and spoke should get together and work together. Mayor Lofton told the hunters to exchange numbers. Cedric Davis stated that the game warden said that they would have a lease proposal ready for the 2020 hunting season, at that time the state would take over the management and patrol of the property, till then our City Police would have to patrol the area.

Mayor Lofton proposed that the item be tabled till the next meeting to see what can and cannot be done and to get documents drawn up.

Councilmember Milton motioned to table the item till papers could be drawn up and the item could be looked into further.

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

**Ayes:** Councilmember Milton, , Mayor Pro-Tem Henderson, Councilmember Porter, Councilmember Martinez, Councilmember McDavid, Mayor Lofton

**Nays:** None

**Absent:** Councilmember Moore

#### **16. Discussion or Take Action: Cast vote for the Falls County Appraisal District Board of Directors.**

Cedric Davis addressed the council and let them know that they could use all their votes (138) for one or split the votes between the two that were nominated by the city. The two nominated by the city were Linda Mitchell and Paula Washington. The pints if split would be 69 apiece.

Mayor Pro-Tem Henderson motioned that the votes be cast and each of the city nominees received 69 votes each.

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

**Ayes:** Councilmember Milton, Mayor Pro-Tem Henderson, Councilmember Porter, Councilmember Martinez, Councilmember McDavid, Mayor Lofton

**Nays:** Councilmember Porter

**Absent:** Councilmember Moore

## 17. Updates /Status

### City Manager

Cedric Davis addressed the council stated he hired a new Financial administrator, Judy Sisk, she is new to Marlin, here about 6 weeks. She has a strong financial back ground in corporate. She has experience in accounts payable/receivable, payroll, HR recruiting, personal and corporate finance. Judy Sisk Spoke to the council, she said she has been in Marlin 6-8 weeks and excited to join the team. Davis stated she holds a degree and accounting and booking are in her back ground. He also said she went before a panel (Davis, Mayor, and Court Clerk).Porter asked if she had been scheduled for Incode training yet. Davis said we are working on it and Maryann is working to make sure, if there is an Incode class upcoming, she is in it.

### Police

Davis addressed the council and said that calls for service were good and that last month there were 9 citations there or about, this month there were 117. He talked to the team and stated that they needed to be more vigilante. There is still a dedicated traffic slot, hopefully the new Chief when he comes on, will hire 2 Sergeants, and traffic officers, who will be sent to traffic safety, railroad safety, and accident training. There was a voluntary audit that was done and we got a new 100% compliance letter. I will let the new Chief handle the evidence organization. We have some great officers. Mayor Lofton stated that there was a resident who bragged on our officers, he went out of their way to make sure he was taken care of, and that the council appreciated their efforts. Davis stated that the resident believed the names to be Ott and Ortiz. Porter stated that on November 2<sup>nd</sup> there was a bus of gospel singers, with little ones, and they were parked out the back of the church. Porter asked the Police to go by and check on them. He stated that before they went to bed the patrol stopped in and let them know they would be checking on them. They said they would look out and every once and a while they would see the police car drive through. Porter said he would personally like to thank the police department for that.

### Public Works

Mayor Lofton stated that Scott Fornash was promoted to Public Works Director. Scott stated that contractors had left off two houses, he had them correct it. Vac truck is in the shop, gutters are being opened, the dump truck is down, ACO will be out of the shop tomorrow, and Public Works has been trimming trees.

Mayor asked about KSA meeting. Davis stated that it was set back for the 24<sup>th</sup>. Scott will have to look at the plans and make sure that all is done right before inspection is completed. Mayor Lofton suggested that the citizens in the area be contacted to make sure they aren't having any problems. Henderson asked about if we had a shredder because the grass is haggling around the roads. Scott stated we have a 5 ft. shredder and are looking at a one



sided batwing shredder. Henderson asked about the Pavilion and who shredded it. Davis stated that he would see the responsibilities of the hired contractor.

#### Water Plant

Jennifer Trotter (Mayor stated another promotion) stated that we are down 3 employees. Jobs will be posted and interviews set. Skids passed and KOCH came into update system. Odessa pump came and it is around \$11,000 to fix pump. RLC has been working on fixing signal with towers, they have been seeming to cost us a lot of money with constant fixed. Porter asked about Hobby and its SCADDA. Trotter said that they are still fighting with this. She said that RLC needs to be more accountable for their work. There was a violation, it was a parts per million under the suggestion of Waco, we have gone back to our way of doing numbers. The generator had some problems. Porter asked if it was ok and Jennifer stated yes it just needed some maintenance.

#### Fire Department

Chief Parker addressed the council and stated that around 600 students at Marlin ISD, and daycares were educated in fire safety. They received their preowned hydraulic ram. The city purchased engine 2 by a grant from the USDA , it is out of service , the systems on the engine are not working . it would take about \$9,000 to repair. Both engines were used to back each other up. Numbers will be figured and presented to the council as alternates. Milton asked if it would take \$9,000 to get it repaired. Justin said that, that would just be a start. It was gotten in 99 and has always had problems. Milton asked if there was anything in the budget for the Fire Department. Davis stated that there was \$15,000 but they are looking at used engines and financing options. Justin let the council know that they did have some vandalism occurred to one of the units, and that insurance will be handling the repairs.

#### Finance Department

Maryann Waddle addressed the council and let them know of the delinquent items. Bills have been late and late fees have been incurred over the last couple of months. The bills were about four months behind, auditor also confirmed, they were being held. Deposits for Cobra in INCODE were not done nor the Cobra payment made to the insurance. TML was shorted \$597.10. Blue Cross Blue Shield payment was short \$2,000. Atmos ,gas company, was overdue. Pitney Bowes (postage meter fill) was double paid .Printer lease was late, late charge was \$40. POs attached to wrong invoices, POS left in the system, when they should have been deleted to release fund for budget line. New budget is not in the system. No reconciliation on banking has been done in a few months. The Mayor and City Manager are, until we can get finance person in the office, being shown invoice and what is being done. Checks in the system were miss numbered, about 14 of them. The Mayor stated Maryann has been trying to make sure the bills are paid in the interim. McDavid thanked Cedric and Maryann for stepping up in the time of need.



## **Water Department**

Nancy Dominguez was not present, Scott spoke the council stating that the indigent program really had no big discounts. Population size was considered when contacting likely other city programs. Mayor Lofton stated that she saw the numbers and we might have to create our own. She plans to get with Nancy on options on the program. She stated that the revenue has gone up. Davis stated that there is now a NO CASH policy in place and program update.

## **Court**

Robin Miguez addressed the council and stated that Patsy Martinez (her court clerk and right hand) has 490 warrants for the judge to sign for last month ,those who did not show up or did not pay. Last month the city brought in \$26,432 , the city kept \$17,125. She has that the city wrote 125 tickets. The city took in \$114,000 on warrants. Davis stated that they are working on a warrant round, he has contacted the sheriff and constables, and they are on board and ready to set a date. Just back to 2016 Robin pulled the numbers and there is \$1,917,000 outstanding owed to the city in warrants. We have to coordinate the date and time, we plan to help those who help us in this round up. The officers are excited to do the round up. Robin stated that since the new credit card company took over more revenue has come in due to the exact amount now being displayed in the payment process. There will be court 25<sup>th</sup>& 26<sup>th</sup> and next month it will be December 9, 10, 11, & 12 with the 11<sup>th</sup> and 12<sup>th</sup> being jury days. Robin has contacted CopSync to fix the communications between it and INCODE. Now they are having to check two systems for warrants. Robin stated that her and Patsy will miss Davis being Chief , he has done a good job and they are still going to love him as City Manager , but will miss him being Chief .

**18. Discussion or Take Action: Approval of Council Minutes for August 30, September 10, and October 8, 2019.**

**Councilmember Porter motioned to approve the council minutes for August 30, September 10, and October 8, 2019.**

**Councilmember McDavid seconded the motion, the motion carried as follows:**

**Ayes: Councilmember Milton, Mayor Pro-Tem Henderson, Councilmember Porter, Councilmember Martinez, Councilmember McDavid, Mayor Lofton**

**Nays: none**

**Absent: Councilmember Moore**

**19. No Action Item: Any items needing to be placed on future agendas.**

**Mayor Lofton stated that Allman needed to be at the next meeting and that Sledge has a 60 day extension they need to be present for the**

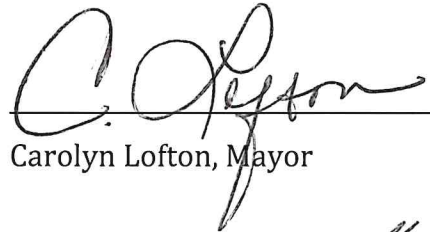
January meeting. November 26<sup>th</sup> will be the meeting for adopting the Certificates.

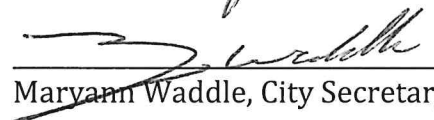
**20. Adjourn.**

At 8:23 pm Councilmember McDavid made motion to adjourn. All in favor said "I".

**PASSED AND APPROVED ON THIS THE 10TH DAY OF March, 2020.**



  
Carolyn Lofton, Mayor

  
Maryann Waddle, City Secretary