

STATE OF TEXAS  
COUNTY OF FALLS  
CITY OF MARLIN

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On this the 8th day of October, 2019, the City Council of the City of Marlin, Texas convened in a REGULARLY 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 Carolyn Lofton  
Mayor Pro-Tem Scottie Henderson  
Doug Porter  
Rhonda Milton  
Neddie Lang-Moore (@6:43)  
Max Martinez  
Terence McDavid

**STAFF**

Maryann Waddle, City Secretary  
Cedric Davis, City Manager

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 Lofton and Invocation by Douglas Porter.

5. Citizens Input.

Mayor Lofton let citizens know that with the new laws, affective 9/1, their input can be either now or at the time in which the items on the agenda are being discussed for 2 minute time limit.

Sam Bosnack (403 Capps St) addressed the council, he stated that he noticed the police cars sitting around. Mr. Bosnack said that if the city is having problems they need to get rid of the cars don't let them sit there, auction the cars off and the equipment on HWY 7. City Manager Cedric Davis let him know the cars are waiting to be picked up. Sam stated that the water plant is not running at full capacity. There is no industry here and the citizens cannot pay for city's problems. Older people cannot make ends meet on a fixed income. He stated that the Brushy Creek project has been going on for 50 years and the city and county should have been done by now. Mayor Lofton thanked him for his input.

6. Discussion and or Take Action: Presentation from Energy Market Exchange on Electric Rates. (5min.presentation from Mike Carlisle and Wendy Callan).

Mike Carisle form Energy Market Exchange addressed the council about adding to the current 48 month energy contract. He stated that the city has always dealt with his company but a few years back another company came in and had the city enter the current contract with Constellation for .035 a kilowatt. He proposed that the city sign an additional sixty two months with TXU at .0321. The total savings would be \$421,409 for the contract. Mayor Lofton asked if he was the holder of the current contract. Mike said no



that a new contract with another company was entered into in January of 2018. Mayor Lofton asked who signed the contract. Mike stated that Keefer signed the newest contract which starts in 2020. The contract will end in 2024 and the proposed contract will pick up after that. Councilmember Milton asked about the difference in price quotes from the first proposal given to the second one given. Mike let her know that rates are changing everyday and when TXU saw the chance to sign a large city they decided to offer lower rates. Mayor Lofton expressed concerns over what the market might do, like the price might get lower and the city will be stuck. Councilmember Martinez asked what would be the benefit of signing on contract on top of another. Mike let him know that rates are always changing, kind of like natural gas prices electric prices change up and down as well. If you lock in the rates you do not have to take the chance on the rates going higher, but there is always the chance they could go lower. Milton asked how TXU can offer lower prices than other providers. Mike stated that TXU is larger than most companies, on larger clients, they tend to come down and strong arm competitors. Mayor Pro-Tem Henderson stated that the only advantage to locking in set rates would be that you know your budget numbers for the services for the term of the contract, knowing your budget is certainly good ,but then again you take a chance of lower rates appearing . However you know what your rate will be for the contract term and you avoid run away cost. Milton asked about if EME was an energy company. Mike explained that his company was a energy brokerage firm, that his company takes the cities information and gets it to providers. They then vet out to make sure the city does not have all the extra charges that some companies might charge. Mayor Lofton asked if there were any other comments or a motion. Henderson stated that the contract was so far away and not knowing the change in rates the city could lose money either way ,if they sign and rates go down or if they do not sign and rates go up. Milton stated that knowing the fixed amount is a benefit. Porter stated that these rates are low. Henderson asked how many months the contract was for. Mike stated that it would start in 2024 and run 62 months after that. Henderson asked what would happen if the company could not honor if they ceased to exist. Mike stated that laws mandate that someone would have to pick up the contract at the stated rates. Cedric Davis (City Manager) stated that these rates were good low rates and it would be good to be able to budget that far out. .

Councilmember Porter motioned to accept the .0321 rate for the 64 months after the current end contract of 2024.

Councilmember Milton addressed the public and told them that this will affect the citizens and that these rates are being accepted four years in advance and that she wanted them to understand that the council will be voting to accept these rates for this term and it was and will not be hidden from the public. Councilmember Milton seconded the motion and the motion carried as follows:

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

**AYES:** Councilmember Milton, Mayor Pro-tem Henderson,  
Councilmember Porter, Councilmember McDavid, Mayor Lofton

**NYES:**

**Absent:** Councilmember Moore



**7. Discussion on and or Take Action: Approval of City Council Meeting Minutes from August 29, 2019, August 30, 2019, and September 17, 2019.**

Mayor Lofton pointed out that on the August 30, 2019 minutes that needed to be a correction on number 6 and Councilmember Martinez pointed out on the same set of minutes a correction to 7. Maryann let the council know that she can take that set of minutes and correct to represent in November.

Councilmember Martinez made a motion to table the minutes for August 30, 2019 so that corrections to 6 and 7 could be made and to approve the minutes for August 29, 2019 and September 17, 2019.

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

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

**8. Discussion and or Take Action: Proclamation for Devora Bradley -Johnson 90<sup>th</sup> Birthday Celebration Birthday October 14 Celebration October 12**

Mayor Lofton read the Proclamation aloud and recommended that the city approve the proclamation as read.

Councilmember Milton made a motion issue a proclamation for the 90<sup>th</sup> Birthday on October 14 and the celebration for Devora Bradley-Johnson to be held October 12

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

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

**9. Discussion and or Take Action: Proclamation for Police Department National Night Out to be held October 31, 2019 from 5:30pm-8:00pm**

Mayor Pro-Tem Henderson stated that this is a great program.

Mayor Lofton said that it is a great instrument in informing and getting to know the community.

Councilmember Milton asked where it was to be hosted.

Mayor Lofton let her know that it would be in the City Park in the Youth Fair Pavilion.

Mayor Pro-Tem Henderson motioned that the proclamation for Marlin PD be approved for the National Night Out to be held on October 31, 2019 from 5:30pm-8:00pm.

Councilmember Martinez 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. UPDATES/STATUS: City business not needing immediate discussion or action from**



the council :

**City Manager-Updates (City Manager)**

Cedric Davis let the council know that he and Councilmember McDavid attended a meeting in Navasota and were presented with a bottle of Chuck Norris vitamin water. Chuck decided to bottle the water from the aquifer that was located on his property in Navasota. He stated that He and Henderson had a discussion not too long ago about the possibilities of bottling the water from Marlin's own wells. He also told about a representative from a consulting group that said Marlin is in the Bio Medical gateway because the city is between Houston and Waco. Companies consider cities usually consider cities that have 18,000-25,000 in population and it would be kind of hard for Marlin since it is a little small falling within the under 10,000 range. Bio Medical companies are attracted to urban areas but smaller areas can attract with grants and other outlets that can be looked into. McDavid stated that CETA said that because the area is located in the I45-I35 corridor it has more of a potential to attract companies like bio tech., agriculture, technology, industrial and medical. Waco is down the road with their enrollees in medical programs, College Station is 60 min away, TSTC has their college 20 min down the road, where they teach technology and Marlin is on the crossroads of HWY7&6. Marlin has the land and some facilities to accommodate the types of business. This company would like to market us. Mayor Lofton asked what would be the price. Davis said that the President of the company wanted to come visit with the city and give a presentation. Milton asked if it was known or could we find out the chemical break down of our water. Porter let her know that a study had been done and there should be the results on paper. Martinez suggested that it could be at the Library. Porter suggest that David at the water plant be asked as to the results and the where about of the print outs. Davis stated that we have the water, it comes out about 913 gallons per min , there just needs to be a pipe to move the water. This could be a gold mine and people just aren't aware. Davis let he council know that on Tuesday October 15, there will be a gathering with state representatives there, former mayor of Taylor will be speaking, and business owners from around the state are also invited.

**Police-Update (Interim Chief Davis)**

Davis addressed the council and gave the activity for the Police Dept.

Calls-437

Citations 93

Arrest 4

Davis let the council know that two of the new units were involved in an accident on Sunday.

Mayor Lofton asked the Police Department employees present to stand so that she could address them. She asked who was involved in the accident. Davis let know that Officer Ortiz backed into Officer Miranda's patrol car. Mayor Lofton asked where Ortiz was, if he was let know to be present. Davis stated that he told all officers to be at the meeting. Davis stated that he was not let notified of the accident till Monday morning, and that DPS was not notified to make a report. Mayor Lofton let the Officers know that Sodek fought hard to get the new cars because there was a lot of opposition on the matter, the council decided that the cars were needed given the condition of the old ones. The council went out on a limb to get the new cars and they needed to be taking care of them not speeding and tearing them up ,if the officers do not take care of these units then the next option is



bicycles to patrol on. Mayor Lofton asked if Ortiz had notified his supervisor .Sgt. Ott stated that it was 3 am when he got the call from Officer Ortiz and that he was told there was minimal damage. Mayor Lofton asked why he didn't go to look, Sgt.Ott let her know that he was out of town on family business. He instructed Officer Ortiz to file a report. Mayor Lofton asked why the Interim Chief was not called. Sgt. Ott said that it was 3 am when the accident happened. Mayor Lofton stated that the Chief should have been called and that DPS should have been called to do a proper report. .Going forward the chief is to be notified and DPS call in a timely matter. Susan Trumblay (from the public) stated the she has saw a city employee, Gude , driving around town in a cop car and he was speeding ,running stop signs and hitting curbs . She said that he has done this for months now. Davis let her know that that was not a cop car that it was a vehicle that the Fire Department decommissioned from their fleet and is now being used as a pool car, Animal control, code, and public works all utilize that vehicle not PD and that the person stated has only had the vehicle for 2 weeks. Susan stated that she was almost hit by the vehicle. Davis asked if she had reported the problem. Susan stated that she had told council. Mayor Pro-Tem Henderson said that the council would check into the statement if she had addressed the council previously and the complaint itself. Milton stated that personal matters need to be discussed later and asked how long we had the new cars. Davis stated that we have had them about 2 and a half months. Mayor Pro-Tem Henderson wanted it known that the old cars are no longer the cities and that needed to be made clear to the public. Davis stated that he has tried to make that clear that the old units belong to the lease company. Davis also let the council know that he has talked to CopSync and next week they will set it to where the unit's location can be seen and can be pulled 24/7. Mayor Pro-Tem Henderson also stated that matters like this should not be handled like this and personal matters should be handled differently not names being called out. Porter agreed with Henderson personal mattes should be handled in private. Porter asked about the citations. Davis said that is a grey area. Davis stated the PD has the largest budget and if it looks like productivity is slowing down and people don't want to work then you might need a reduction in workforce. Mayor Pro-Tem Henderson stated he did not want that to happen.

#### **Public Works -Updates (City Manager)**

Davis addressed the council letting them know that public works had put out 150 tons of gravel and sand. CPU at water plant got hacked it is about \$6000 to replace and 15 other cities got hit by the same thing. VAC truck is back its motor came from Oklahoma Mrs. Scaggs took the Mayor and City Manager on a tour of Southern Marlin, and Scott was notified that for the next two weeks the public works project was to clean gullies, ditches and culverts in the southern part of town and once done they are to move to the northern part of town, this will be done in the hopes that the town can get drainage flowing right. Cedric Davis let the council know that a strainer at the sewer plant went out but an electrician was called out. Cedric Davis let the Council know that Jennifer Trotter is now the supervisor out at the water plant. Council Congratulated her. Jennifer Trotter from the water plant told the council that the water plant outputted 10.6 million gallons, of that 8.1 went to Marlin and 2.5 recycled for cleaning. 1 lift went out but Odessa pump will be coming to pick it up for repair. The chlorine regulator, which is normally replaced every 2 years, is now 4 years old and needs to be replaced. Mayor



Lofton asked how much that cost. Jennifer told her around \$450 to \$500 to be replaced. The BacT test came back regular. Henderson asked if the city knew the discharge vs use, because those numbers can show how much water we lose, with these dry months if could be a while before we notice a leak. Jennifer stated that there was a study done last year. Porter mentioned that Poe did a report and it should be in a file at the city. Jennifer stated that the number for the towers are checked constantly and those will show if there is a leak.

#### **Fire Department- Update (Chief Parker)**

Davis let the council know that Chief Parker had to leave for an emergency response.

#### **Finance Department-Update (Fin Dir.)**

Vikki Grimes addressed the council stating that the transfer to TWDB line was done, still waiting to hear as to when the payments will be due, she is hoping for a July due date because that is when all other payments of that nature are due.

No property taxes will be received until January.

General for September was at 225 for revenue and 228 for expenditures.

Year to date, General revenue is at 3.6 while expenses are at 3.3

Some items show negative but she will work with it in the budget to adjust and will have it done to finish out the year.

Water had 345 for revenue and 318 for expenditures in September and 3.9 for revenue and 3.2 expenditures for year to date.

Vikki stated that the council had asked about the Blues Festival charge. She said that it was part of Economic Development, the check was paid to Ronnie McDonald out of it.

Mayor Lofton asked about page 9 Auditing, had we paid the full amount, because he had only done one year and his contract was for three.

Vikki stated that no that was just for 17/18 and that 18/19 will be another 24,000

Mayor Pro-Tem Henderson wanted to thank the Mayor, City Manager, and the Finance Dir. for all their efforts in working to get the TWDB loan. He was happy that the city was able to get the 10 million dollars to do the much needed work. Mayor Lofton said that the city was told no in August. Davis said it was July. Mayor Lofton said we had to make something happen. Vikki found money to show that the city had the ability to pay back, previously it had shown that the city did not. We were told that we would be recommended for the loan. Mayor Lofton said that it was thanks to past city representatives including Mayor Nelson worked hard towards this process, it took years to get to this point.

Davis said he was going to meet with the Core of Engineers on Brushy Creek. There has been an extension approved for the work to be done with the project. Mayor Lofton said that no one really knows what is going on with Brushy Creek.

Vikki stated that her update was done but before the Mayor left she needed a check signed.

#### **Water Department-Update (Utility Billing Supervisor)**

Nancy Dominguez addressed the council, she let them know that water side they collected \$345,166.27 and on the general side they collected \$403,761.49 these were the numbers for the month of September. Mayor Lofton stated there are people who cannot afford their water bill. These are elderly people who have a fixed income and with all their other bills



the high water bill is hurting them. They get maybe \$700 a month and a \$200 water bill, the city need to look into an indigent program to help these citizens. Nancy stated that she could call other cities and see what they offer if the council would like. Mayor Lofton asked that she do so and get back with the council on options.

**Court-Update (Court Clerk Supervisor)**

Robin Miguez addressed the council, she told the council that the new window for court was in and operational. She let them know that \$29,548.03 was collected in fines and \$10,804.94 was to go to the state in fees, so the city kept \$18,743.09 for September.

Upcoming court dates will be:

October 28 & 29

November 25 & 26

December 9 & 10, December 11-12 will be jury trials. 300 summons were sent out. Last time the court sent out 200 summons out and only 30-40 people showed up. There were some who were disabled or by age exempt but they did not send their letter back. The card reader is in Robin will check Thursday to see if the payments are showing up. Nancy will get a walk through tomorrow. When Robin does the training she will more than likely have to close her window.

**11. No Action Item:** any items to be placed on future agendas


City Manager Davis spoke to the council about the three candidates for the Police Chief position, he said that he would be getting with the council on setting a date for a town hall meeting with the three. Maybe next Thursday. Councilmember Martinez let him know that Thursday is a game day for him. Porter wanted to know the time. Councilmember McDavid will not be here. Cedric stated that he will touch base with them all on when it will be set. Mayor Lofton reminded the Council that November 26 is the mandatory meeting and that the Falls County Appraisal District is needing nominees for their board. Each councilmember needed to provide a name to Maryann Waddle by Friday so that we can get a name for the ballot on October 31. Councilmember Martinez asked about the tourism building and stated that there was supposed to be a workshop on contracts, can we please look into these.


**6. Adjourn.**

At 7:30 Mayor Pro-Tem made motion to adjourn. All in favor said "I".

**PASSED AND APPROVED ON THIS THE 12TH DAY OF November, 2019.**



  
Carolyn Lofton, Mayor

  
Maryann Waddle, City Secretary