

STATE OF TEXAS  
COUNTY OF FALLS  
CITY OF MARLIN

---

On this the 12th day of July, 2013, the City Council of the City of Marlin, Texas convened in a **EMERGENCY MEETING**, at 6:30pm, the same being open to the public and having been posted as prescribed in Local Government Code, Section 555-041 with the following members present to wit:

**ELECTED OFFICIALS**

**Mayor Elizabeth Nelson**  
**Mayor Pro-Tem Henderson-Absent**  
**Rose Morin**  
**Cecil Sparks**  
**Billie Jean Scaggs @ 6:32pm**  
**Tommy Tate @ 6:36pm**  
**Arthur Allen**

**STAFF**

**Sandra Herring, City Secretary**  
**Justin Parker, Fire Captain**  
**Darrell Allen, Police Chief**  
**Nick Brown, Human Resources**  
**Kujo Jones, Waste Water Operator**

**Call to Order by Mayor Nelson @ 6:30pm.**

**Invocation & Pledge by Arthur Allen and Tommy Tate.**

- 1. Discussion and action, if necessary, on water emergency situation, water conservation restrictions/order, water treatment plant, emergency expenditures to address water emergency, imposition of restrictions on water usage, and other matters related to the water emergency.**  
Mayor Nelson explained that the City Water Plant had been visited by TCEQ and was informed that based on information they had received the City could not pump water from the Brazos River due to Dow Chemical calling their Senior Water Holder Rights. An administrative meeting of Mayor Nelson, Councilmember Scaggs, Councilmember Allen, Fire Captain Parker, Police Chief Allen, and Sandra Herring City Secretary was called to determine the need for an emergency meeting to begin a Drought Contingency steps to conserve the current water available in the lake. A meeting was posted at 1:15pm for 6:30pm on this date. Between the Hours of 1:00pm and 5:00pm the City had spoken with TCEQ and BRA for a better understanding of the enforcement letter. BRA had clarified that the City of Marlin has two sets of water rights to the Brazos River. One set is a general municipal right for being in the Brazos River Basin, the other is contract rights for which the city pays annual premiums. The municipal rights were clarified as the rights that were being called upon by Dow Chemical. The City can still pump on the contract up to 1200 acre feet which equates to an excess of 391,000,000 million gallons of water. Council discussed the different Stages from Stage 3 to Stage 6. Council had questions about which rights come first, the municipal rights or the contract rights? Council would like the City attorney to check on this issue. The Brazos River Authority has requested that the City identify the amount of water desired be shared with them because the river is so low now that they will need to release water from their storage. Council determined that Stage 4 should be sufficient for now

and they can raise or lower as necessary. Discussion continued to the additional contract held by the City for D & F Agriculture and discussed removing them from the contract with the City.

**Councilmember Allen made motion to allow the Mayor and City Secretary to review the contract with D & F for a termination clause and terminate according to the contract terms.**

**Councilmember Morin seconded this motion and the motion carried as follows:**

**AYES: Councilmember Morin, Councilmember Sparks, Councilmember Scaggs, Councilmember Tate, Councilmember Allen, Mayor Nelson.**

**NAYS: None.**

**ABSENT: Mayor Pro-Tem Henderson**

**Councilmember Allen made motion to go immediately into Stage 4 of the Drought Contingency Water Conservation Plan.**

**Councilmember Morin seconded this motion and the motion carried as follows:**

**AYES: Councilmember Morin, Councilmember Sparks, Councilmember Scaggs, Councilmember Tate, Councilmember Allen, Mayor Nelson.**

**NAYS: None.**

**ABSENT: Mayor Pro-Tem Henderson**

Carwash allowed 6:00am to 10:00am and 6:00pm to 10:00pm.

Hand Irrigation allowed from 6:00am to 10:00am and 8:00pm to 12:00midnight.

Councilmember Sparks asked that the carwashes be given signs to post at the commercial carwash businesses.

Fire Captain Justin Parker shared with Council that he had already reduced the amount of flushing hydrants unless there are any issues with the water color or taste.

**Councilmember Tate exited the meeting at 7:50pm.**

Mayor Nelson requested to hear from Kujo Jones for a briefing on the latest violations at the Waste Water Plant. Mr. Jones indicated that the grass around the ponds was too high, trees need to be cut around the ponds, paperwork, lift station violations at Vernal Lift Station grease and trash in the outside pit, Park Street lift station emergency light not working and one pump not working, ph level too high but always is during this time of year are some of the violations. Mayor asked if the City had this problem at the Waste Water Plant ponds when we had the mowing contract? Kujo indicated no. Mayor Nelson asked how long the City has to clear the violations? Kujo indicated 14 days with 10 days left. The Mayor asked about the lift stations and if we had what we needed to make those repairs. Kujo indicated that he had turned in work orders for Vernal and the Vactor truck is in the shop.

Councilmember Sparks made motion for City crews to take care of all WWTP TCEQ Violations received on July 9<sup>th</sup> to be corrected by July 19<sup>th</sup>.

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

**AYES:** Councilmember Morin, Councilmember Sparks, Councilmember Scaggs, Councilmember Allen, Mayor Nelson.

**NAYS:** None.

**ABSENT:** Councilmember Tate, Mayor Pro-Tem Henderson

Council asked Nick Brown to be sure that this was relayed to Ulysses for a completion by city crews by the 19<sup>th</sup> of July.

**2. Adjourn.**

Councilmember Allen made motion to adjourn.

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

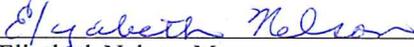
**AYES:** Councilmember Morin, Councilmember Sparks, Councilmember Scaggs, Councilmember Allen, Mayor Nelson.

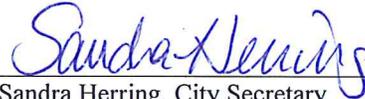
**NAYS:** None.

**ABSENT:** Councilmember Tate, Mayor Pro-Tem Henderson

**PASSED AND APPROVED ON THIS THE 13TH DAY OF AUGUST, 2013.**



  
Elizabeth Nelson, Mayor

  
Sandra Herring, City Secretary