



**NOTICE OF MEETING
GOVERNING BODY OF MARBLE FALLS, TEXAS
May 4, 2021 – 6:00 pm**

A quorum of the Marble Falls Economic Development Corporation
and the Planning & Zoning Commission may be present

Notice is hereby given that on the 4th day of May 2021 the Marble Falls City Council will meet in regular session at 6:00 pm in the City Hall Council Chambers located at 800 Third Street, Marble Falls, Texas, at which time the following subjects will be discussed:

1. **CALL TO ORDER AND ANNOUNCE QUORUM IS PRESENT**
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES AND TO THE TEXAS FLAG.**
"Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible."
4. **UPDATES, PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS**
 - Proclamation - Public Service Recognition Week (May 2-7, 2021)
5. **CITIZEN COMMENTS.** *This is an opportunity for citizens to address the City Council concerning an issue of community interest that is not on the agenda. Comments on a specific agenda item must be made when the agenda item comes before the Council. The Mayor may place a time limit on all comments. Any deliberation of an issue raised during Citizen Comments is limited to a statement of fact regarding the item; a statement concerning the policy regarding the item or a proposal to place the item on a future agenda.*
6. **CONSENT AGENDA.** *The items listed are considered to be routine and non-controversial by the Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which case the item will be removed from the Consent Agenda prior to a motion and vote. The item will be considered in its normal sequence on the Regular Agenda.*
 - (a) Approval of the minutes of the April 20, 2021 regular meeting. *Christina McDonald, City Secretary*
7. **REGULAR AGENDA.** *Council will individually consider and possibly take action on any or all of the following items:*

- (a) Discussion and Action on Resolution 2021-R-05A canvassing the returns and declaring the results of the May 1, 2021 General Election. *Christina McDonald, City Secretary*
- (b) Issuance of Certificates of Election. *Mayor John Packer*
- (c) Recognition of outgoing Mayor John Packer. *Mike Hodge, City Manager*
- (d) Administration of Oaths of Office to the successful candidates in the May 1, 2021 General Election. *Christina McDonald, City Secretary*

8. CITY MANAGER’S REPORT

9. EXECUTIVE SESSION

10. RECONVENE INTO OPEN SESSION FOR POSSIBLE ACTION RESULTING FROM ITEMS DISCUSSED IN EXECUTIVE SESSION

11. ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

12. ADJOURNMENT

“The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any matters listed on the agenda, as authorized by the Texas Government Code, including, but not limited to, Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.087 (Economic Development), 418.183 (Deliberations about Homeland Security Issues) and as authorized by the Texas Tax Code, Section 321.3022 (Sales Tax Information).”

In compliance with the Americans with Disabilities Act, the City of Marble Falls will provide for reasonable accommodations for persons attending City Council Meetings. To better serve you, requests should be received 24 hours prior to the meeting. Please contact Ms. Christina McDonald, City Secretary at (830) 693-3615.

Certificate of Posting

I, Christina McDonald, City Secretary for the City of Marble Falls, Texas, do certify that this Notice of Meeting was posting at City Hall, in a place readily accessible to the general public at all times, on the 28th day of April 2021 at 1:00 pm and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.



Christina McDonald, TRMC
City Secretary



PROCLAMATION

Public Service Recognition Week May 2-8, 2021

WHEREAS, the citizens of Marble Falls are served every single day by public servants at the federal, state, county and city levels. These unsung heroes do the work that keeps our nation working. Their tireless efforts are especially critical today during the COVID-19 pandemic;

WHEREAS, Public employees take not only jobs, but oaths; and

WHEREAS, The City of Marble Falls recognizes its local public servants including employees in plant operations, public works, parks and recreation services, development services, utility services, administration, customer service, court, fire and police. Day in and day out, they provide the diverse services demanded by the American people of their government with efficiency and integrity; and

WHEREAS, many public servants, including police officers, firefighters, and others risk their lives each day in service to the people of the United States and around the world; and

WHEREAS, without these public servants at every level, continuity would be impossible in a democracy that regularly changes its leaders and elected officials; and

WHEREAS, all citizens of the City of Marble Falls are encouraged to recognize the accomplishments and contributions of government employees at all levels – federal, state, county and city.

NOW THEREFORE, I, John Packer, Mayor of the City of Marble Falls, by virtue of the authority vested in me, do hereby proclaim May 2-8, 2021 as:

PUBLIC SERVICE RECOGNITION WEEK

In witness whereof, I have hereunto set my hand and caused to be affixed the seal of the City of Marble Falls, this 4th day of May, 2021.

CITY OF MARBLE FALLS, TEXAS

John Packer, Mayor

May 4, 2021

6. CONSENT AGENDA

- (a) Approval of the minutes of the April 20, 2021 regular meeting. *Christina McDonald, City Secretary*
-

**STATE OF TEXAS
COUNTY OF BURNET
CITY OF MARBLE FALLS**

On this the 20th day of April 2021 the City Council convened in regular session at 6:00 pm in the City Hall Council Chambers located at 800 Third Street, Marble Falls with notice of meeting giving time, place, date, and subject having been posted as described in Chapter 551 of the Texas Government Code.

PRESENT:

John Packer	Mayor
Richard Westerman	Mayor Pro-Tem
Craig Magerkurth	Councilmember
Celia Merrill	Councilmember
Reed Norman	Councilmember
Dave Rhodes	Councilmember
Rene Rosales	Councilmember

ABSENT: None

STAFF:

Mike Hodge	City Manager
Caleb Kraenzel	Assistant City Manager
Christina McDonald	City Secretary
Patty Akers	City Attorney
James Kennedy	Public Works Director
Jay Everett	Assistant Director of Public Works
Glenn Hanson	Assistant Chief of Police
Christian Fletcher	EDC Executive Director
Kacey Paul	City Engineer
Scarlet Moreno	Planner
Erin Burks	Downtown Coordinator
Cheryl Pounds	Municipal Judge
Melissa Johnson	Municipal Court Clerk
Russell Sander	Fire Chief
Tommy Crane	Fire Marshal
Stacy Baker Marberry	Communications Manager
Dawn Thrane	Communications Officer
Lacey Dingman	Parks and Recreation Director

VISITORS: Connie Swinney (The Highlander), Brigid Cooley (Daily Trib), Johnny Campbell (Executive Director MFAEMS), Josh Parker, Dee Haddock (Planning and Zoning Commissioner), Vincent Gerard (Developer – Vincent Gerard and Associates), Mark McDonald, Dr. Jules Madrigal,

Scott Streit (First Capital Bank of Texas), Patrice Streit (Fiesta Winery), Tony Plumlee, Robert Adams (Plummer)

1. **CALL TO ORDER AND ANNOUNCE QUORUM IS PRESENT.** Mayor Packer called the meeting to order at 6:01 pm and announced the presence of a quorum.
2. **INVOCATION.** Councilmember Merrill gave the invocation.
3. **PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES AND TO THE TEXAS FLAG.** Councilmember Magerkurth led the pledges.
4. **UPDATES, PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS**
 - **Proclamation** – Mayor Packer proclaimed April 20, 2021 Dr. Jules Madrigal Day.
 - **Proclamation** – Mayor Packer proclaimed the week of April 11-17, 2021 Public Safety Telecommunicators Week.
 - **Update from Marble Falls Area EMS.** Johnny Campbell, Executive Director gave the update.
 - **Update from the Municipal Court.** Melissa Johnson, Court Clerk provided the update.
5. **CITIZEN COMMENTS.** There were no citizen comments.
6. **CONSENT AGENDA.**
 - (a) Approval of the minutes of the April 6, 2021 regular meeting.
 - (b) Approval of Resolution 2021-R-04F continuing the Disaster Declaration issued by Mayor John Packer on February 15, 2021 in response to the February 2021 Winter Storm.
 - (c) Approval of an Interlocal Agreement between the City of Meadowlakes and the City of Marble Falls for Backbone Watershed Avenue N Crossing Infrastructure Improvements.
 - (d) Approval of an Interlocal Agreement with Burnet County for consolidation Jury Management.
 - (e) Approval of a License Agreement between the City of Marble Falls and Mitch McManus, allowing for the construction of a privately maintained patio within public right-of-way of the east side of the 300 block of Main Street.
 - (f) Approval of an Interlocal Agreement between Burnet County and the City of Marble Falls for county manpower and equipment to apply sealcoating to City owned streets.

Councilmember Merrill made a motion to approve the consent agenda. The motion was seconded by Mayor Pro-Tem Westerman and carried by a unanimous vote (7-0).

7. REGULAR AGENDA.

- (a) Discussion and Action on the Second Reading of Ordinance 2021-O-04A amending the 2020/2021 Budget for the General Fund 01, Utility Fund 02 (Water & Wastewater), Hotel/Motel Fund 03, Debt Service Fund 04, Cemetery Fund 08, Economic Development Fund 20, Utility Improvements Fund 45, Park Improvements Fund 52, and General Improvements Fund 68.** City Manager Mike Hodge addressed Council. Councilmember Rosales made a motion to approve Ordinance 2021-O-04A. Councilmember Merrill seconded the motion. The motion carried by a vote of 6-1, with Councilmember Norman voting in opposition of the Ordinance.
- (b) Discussion and Action on Resolution 2021-R-04E declaring the City of Marble Falls' support of the 2nd Amendment.** Mayor Packer presented the Resolution. Citizens Mark McDonald, Josh Parker, Dee Haddock and Tony Plumlee were present supporting the Resolution. Councilmember Norman made a motion to approve Resolution 2021-R-04E. Mayor Pro-Tem Westerman seconded the motion. The resolution was approved by a vote of 7-0.

It was noted by Christina McDonald, City Secretary that Councilmember Reed Norman filed a Conflict-of-Interest Affidavit related to items 7(c) and 7(d). Councilmember Norman stepped down from the dais and did not participate in discussion or action related to Lots 1 and 35-A, Holly-Naumann Subdivision No. Three.

- (c) Discussion, and Action on Ordinance 2021-O-04B regarding a zoning map amendment request from General Commercial District (GC) to Neighborhood Commercial District (NC) and Neighborhood Residential District (NR) to Transitional Residential District (TR) for Lots 1 and 35-A, Holly-Naumann Subdivision No. Three, Burnet County, Texas.** Scarlet Moreno, Planner addressed Council. Councilmember Merrill made a motion to approve Ordinance 2021-O-04B. Mayor Pro-Tem Westerman seconded the motion. The motion carried by a vote of 5-1, with Councilmember Rosales voting in opposition and Councilmember Norman abstaining.
- (d) Discussion, and Action on Ordinance 2021-O-04C regarding a conditional use permit to allow for apartments in Transitional Residential District (TR) and Neighborhood Commercial District (NC), Lots 1 and 35-A, Holly-Naumann Subdivision No. Three, Burnet County, Texas.** Scarlet Moreno, Planner addressed Council. Councilmember Merrill made a motion to act favorably on Ordinance 2021-O-04C with the rewording of item M so that gates to the development are private access only. Mayor Pro-Tem Westerman seconded the motion. The Ordinance was approved by a vote of 5-1, with Councilmember Rosales being opposed and Councilmember Norman abstaining.

(e) **Discussion and Action regarding a Professional Services Agreement for engineering services with Plummer for Phase 1 engineering design, permitting, bid and construction phase services for the Wastewater Treatment Plant capacity expansion to be funded by the EDA Grant awarded in October 2020 and authorize the City Manager to execute the agreement.** Kacey Paul, City Engineer addressed Council. After some discussion, Councilmember Rhodes made a motion to approve the Professional Services Agreement with Plummer for Phase 1 engineering design, permitting, bid and construction phase services for the Wastewater Treatment Plant capacity expansion and authorize staff to proceed with the foundational modeling component first, bring back to Council as necessary and authorize the City Manager to execute the agreement. Mayor Pro-Tem Westerman seconded the motion. The agreement was approved by a vote of 6-1, with Councilmember Norman voting in opposition of approval of the agreement.

(f) **Discussion and Action on Resolution 2021-R-04G authorizing the City Manager as the Designated Representative to execute agreement with Texas Water Development Board (TWDB) Flood Infrastructure Fund (FIF) Grant Program in the amount of \$895,208 for the HMGP Avenue N bridge upgrade at Backbone Creek and discussion regarding other TWDB FIF grant applications and budgetary outlook.** Kacey Paul, City Engineer addressed Council. Councilmember Norman made a motion to approve Resolution 2021-R-04G. The motion was seconded by Mayor Pro-Tem Westerman and carried by a unanimous vote (7-0).

8. **CITY MANAGER'S REPORT.** City Manager Mike Hodge provided an update on the new Downtown Farmer's Market which will operate May 6 through September 9 weekly each Thursday on the southeast corner of Main Street and Third Street.

7:30 pm Council convened to Executive Session

9. **EXECUTIVE SESSION**

CLOSE OPEN SESSION AND CONVENE EXECUTIVE SESSION Pursuant to §551.071 (*Private Consultation between the Council and its Attorney*) of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to discuss the following:

- **Consultation with City Attorney regarding Asphalt, Inc. pending litigation**
- **Consultation with City Attorney regarding legal issues associated with prospective development agreement**
- **Consultation with City Attorney regarding legal issues associated with overlapping jurisdiction between municipalities and special districts**

It was noted that Mayor Pro-Tem Westerman did not participate in the prospective development agreement discussion portion of Executive Section stating a Conflict of Interest. An affidavit was filed with the City Secretary.

8:23 pm Returned to Open Session

10. RECONVENE INTO OPEN SESSION FOR POSSIBLE ACTION RESULTING FROM ITEMS DISCUSSED IN EXECUTIVE SESSION. Councilmember Merrill made a motion to authorize the Mayor to sign the settlement agreement with Asphalt, Inc. and TCEQ as discussed in Executive Session. Councilmember Rosales seconded the motion which carried by a vote of 7-0.

11. ANNOUNCEMENTS AND FUTURE AGENDA ITEMS. The draft agenda for the May 4 regular meeting was reviewed.

12. ADJOURNMENT. There being no further business to discuss, Councilmember Norman made a motion to adjourn. Councilmember Merrill seconded the motion. The meeting was adjourned at 8:30 pm.

John Packer, Mayor

ATTEST:

**Christina McDonald, TRMC
City Secretary**

May 4, 2021

7. REGULAR AGENDA

- (a) Discussion and Action on Resolution 2021-R-05A canvassing the returns and declaring the results of the May 1, 2021 General Election. *Christina McDonald, City Secretary*
-



**Council Agenda Item Cover Memo
May 4, 2021**

Agenda Item No.: 7(a)
Presenter: Christina McDonald, City Secretary
Department: Administration
Legal Review:

AGENDA CAPTION

Discussion and Action on Resolution 2021-R-05A canvassing the returns and declaring the results of the May 1, 2021 General Election.

BACKGROUND INFORMATION

The canvass is simply an examination by the City Council of the returns and the votes cast in the May 1, 2021 General Election.

The canvassing materials and resolution will be provided at the Council Meeting at which time Council will review the returns and then approve the resolution to make the results of the election official.

May 4, 2021

7. REGULAR AGENDA

(b) Issuance of Certificates of Election. *Mayor John Packer*



**Council Agenda Item Cover Memo
May 4, 2021**

Agenda Item No.: 7(b)
Presenter: John Packer, Mayor
Department: Administration
Legal Review:

AGENDA CAPTION

Issuance of Certificates of Election.

BACKGROUND INFORMATION

Mayor John Packer will present Certificates of Election to the Mayor and Councilmembers elect.

May 4, 2021

7. REGULAR AGENDA

(c) Recognition of outgoing Mayor John Packer. *Mike Hodge, City Manager*



**Council Agenda Item Cover Memo
May 4, 2021**

Agenda Item No.: 7(c)
Presenter: Mike Hodge, City Manager
Department: Administration
Legal Review:

AGENDA CAPTION

Recognition of outgoing Mayor John Packer.

BACKGROUND INFORMATION

City Manager Mike Hodge will recognize Mayor John Packer for his dedicated service to the City of Marble Falls.

May 4, 2021

7. REGULAR AGENDA

(d) Administration of Oaths of Office to the successful candidates in the May 1, 2021 General Election. *Christina McDonald, City Secretary*



**Council Agenda Item Cover Memo
May 4, 2021**

Agenda Item No.: 7(d)
Presenter: Christina McDonald, City Secretary
Department: Administration
Legal Review:

AGENDA CAPTION

Administration of Oaths of Office to the successful candidates in the May 1, 2021 General Election.

BACKGROUND INFORMATION

The City Secretary will administer Oaths of Office to the Mayor and Councilmembers elect.

Upon administration of the Oaths the Mayor and Councilmembers will take their respective places on the dais.