

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

On this the 16th day of March 2021 the City Council convened in regular session at 6:00 pm at the Lakeside Pavilion located at 307 Buena Vista Drive, 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
Celia Merrill	Councilmember
Reed Norman	Councilmember
Dave Rhodes	Councilmember
Rene Rosales	Councilmember

ABSENT:

Richard Westerman	Mayor Pro-Tem
Craig Magerkurth	Councilmember

STAFF:

Mike Hodge	City Manager
Caleb Kraenzel	Assistant City Manager
Christina McDonald	City Secretary
Patty Akers	City Attorney
Jeffrey Lazenby	Director of Finance
James Kennedy	Director of Public Works
Jay Everett	Assistant Director of Public Works
Glenn Hanson	Assistant Chief of Police
Christian Fletcher	EDC Executive Director
Kacey Paul	City Engineer
Russell Sander	Fire Chief
Scarlet Moreno	Planner

VISITORS: Connie Swinney (The Highlander), Brigid Cooley (Daily Trib), Clayton Burney (Council Candidate Place 4), Amanda Rose (Executive Director Marble Falls Public Library), Iona Minshew (Assistant Director Marble Falls Public Library), and Bill Gaylord (Board Member Marble Falls Public Library), Thomas Oostermeyer, Darlene Oostermeyer (Planning & Zoning Commissioner), Russ Roper, Scott Swiderski (Trihydro), Craig Wilsin, Sean Book and Beau Perry (TRC)

- 1. CALL TO ORDER AND ANNOUNCE QUORUM IS PRESENT.** Mayor Packer called the meeting to order and announced the presence of a quorum.
- 2. INVOCATION.** Councilmember Rhodes gave the invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES AND TO THE TEXAS FLAG.

Councilmember Merrill led the pledges.

4. UPDATES, PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS

- **Update from the Marble Falls Public Library.** Iona Minshew Assistant Director gave the update.
- **Update from the Marble Falls/Lake LBJ Chamber of Commerce.** The update was rescheduled for April 20.
- **Update from the Marble Falls Convention and Visitors Bureau.** The update was rescheduled for April 20.

5. CITIZEN COMMENTS. Clayton Burney (resident of the Vista Apartments and Council Candidate Place 4) addressed Council regarding concerns of increased traffic and lack of public transportation in the city.

6. CONSENT AGENDA.

(a) Approval of the minutes of the March 2, 2021 regular meeting.

(b) Approval of Resolution 2021-R-03E appointing the election judges for the May 1, 2021 General Election.

(c) Approval of Resolution 2021-R-03F designating authorized signatures for contractual and grant fund documents pertaining to the TxCDBG Contract #7220290.

(d) Approval of Resolution 2021-R-03I adopting Civil Rights Policies and Procedures for TxCDBG Contract # 7220290.

(e) Approval of the Fiscal Year 2021-2022 Budget Planning Calendar.

(f) Approval of Resolution 2021-R-03G expressing intent to finance expenditures to be incurred by the City for project costs associated with the Economic Development Agency (EDA) Disaster Relief Grant Program, for the engineering design and permitting of the new 1.5 MGD Wastewater Treatment Plant.

(g) Approval of Resolution 2021-R-03H expressing intent to finance expenditures to be incurred by the City for project costs associated with the Texas Community Block Development Grant Program (TxCDBG), including engineering design, permitting, and construction for the sewer system improvements from 2nd and Ave N to the Wastewater Treatment Plant.

(h) Approval of a Final Plat and Construction Improvement Agreement for Roper West Phase 1, City of Marble Falls, Burnet County Texas.

- (i) **Approval of Resolution 2021-R-03J continuing the Disaster Declaration issued by Mayor John Packer on February 15, 2021 in response to the February 2021 Winter Storm.**

Councilmember Norman made a motion to approve the consent agenda. The motion was seconded by Councilmember Merrill and carried by a vote of 5-0.

7. REGULAR AGENDA.

- (a) **Continue Public Hearing and Discussion and Action on Ordinance 2021-O-02B making a finding of special benefit to the Thunder Rock Public Improvement District; providing for the method of assessment of special assessments against the property in the District; approving assessment rolls for the District; levying special assessments against property in the District; providing for payment of the special assessments; providing for penalties and interest on delinquent special assessments; establishing a lien on property within the District; approving a service and assessment plan; providing for related matter in accordance with Chapter 372, Texas Local Government Code; providing and effective date; and providing for severability.** Caleb Kraenzel, Assistant City Manager addressed Council. Councilmember Merrill made a motion to continue the public hearing until the April 6 City Council Meeting. Councilmember Rosales seconded the motion. The motion carried by a unanimous vote (5-0).
- (b) **Discussion and Action on Resolution 2021-R-03D expressing intent to finance expenditures to be incurred by the City for project costs associated with the Hazardous Mitigation Grant Program (HMGP) and Texas Water Development Board Flood Infrastructure Fund (TWDB FIF) Grant Program, including engineering design, permitting, and construction for the Avenue N Bridge Upgrade at Backbone Creek and authorize the City Manager to execute related documents.** Kacey Paul, City Engineer addressed Council. City Manager Mike Hodge stated that the City of Meadowlakes has agreed to participate in the project with a funding amount of \$57,632.00. Councilmember Rhodes made a motion to act favorably on Resolution 2021-R-03D. The motion was seconded by Councilmember Norman and carried by a vote of 5-0.
- (c) **Discussion and Action on a professional services agreement with TRC for grant management services associated with the Avenue N Bridge upgrade.** Kacey Paul, City Engineer addressed Council. Councilmember Merrill made a motion to act favorably on Resolution 2021-R-03D. The motion was seconded by Councilmember Rhodes and carried by a vote of 5-0.
- (d) **Discussion and Action on Change Order No. 2 with Jay-Reese Contractors regarding the EWPP Bank Stabilization Project.** Kacey Paul, City Engineer addressed Council. Councilmember Merrill made a motion to approve Change Order No. 2 with Jay-Reese Contractors. The motion was seconded by Councilmember Norman and carried by a vote of 5-0.

(e) Discussion and Action on the proposed reallocation of the remaining 2020 bond proceeds, which are available as a result of the additional grant award received from NRCS for the EWPP Bank Stabilization project. Kacey Paul, City Engineer addressed Council. Councilmember Rhodes made a motion to approve the proposed project list for reallocation of approximately \$500,000 of the 2020 bond sale as follows:

- \$150k – South water line extension
 - Continued extension of the water supply line from Panther Hollow to the crossing under 281.
- \$50k – Via Viejo above ground storage tank - additional funding
- \$200k – SCADA upgrade at Water Treatment Plant (WTP) and Raw Water
 - There is an opportunity to convert both the Water Treatment Plant and Wastewater Treatment Plant to the same SCADA system over the next few years. This offers an opportunity for cross certification and operator resiliency at both plants. Currently, the WTP is under construction and will need SCADA services as part of that construction. The WTP utilizes DFS for SCADA services. This is a sole propriety software, which results in a lack of competitive bidding.
- \$90k – SCADA upgrade at water storage tanks
 - Some funds remain in project budget (WTP Clarifier Rehab) that should cover remaining balance.
- \$10k – Water Model Update
 - This effort will go towards converting the existing model from WaterCAD to Innovyze and updating the model with projects completed since the last update. Any remaining reallocation funds shall go towards this effort.

The motion was seconded by Councilmember Merrill and carried by a unanimous vote (5-0).

7:04 pm Council convened to Executive Session to Consult with the City Attorney

7:10 pm Council returned to Open Session

(f) Discussion and Action on an Escrow Agreement with Ellison Roper Land Corporation for developer funding of extension waterline infrastructure. Caleb Kraenzel, Assistant City Manager addressed Council. After some questions by Councilmembers Norman and Rhodes regarding the potential for unpredictable expenses due to the terrain and the City's obligation, Councilmember Rhodes made a motion to approve the Escrow Agreement with Ellison Roper Land Corporation. Councilmember Merrill seconded the motion. The motion carried by a vote of 4-1, with Councilmember Norman being opposed.

- (g) Discussion and Action on an Agreement with Endeavor Partners LLC for required improvements associated with development of the project located at 1840 S US 281, Marble Falls, Texas contingent upon developer funding of the Roper-Ellison Land Corporation Agreement for funding of waterline extension infrastructure. Caleb Kraenzel, Assistant City Manager addressed Council. Councilmember Rhodes made a motion to approve the Agreement with Endeavor Partners LLC for required improvements associated with the development of the project located at 1840 S US 281 Highway 281 contingent upon developer funding of the Roper-Ellison Land Corporation Agreement for funding of waterline extension infrastructure. Councilmember Merrill seconded the motion. The motion carried by a vote of 5-0.

8. **CITY MANAGER'S REPORT.** City Manager Mike Hodge did not provide a report.

7:21 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*) and Pursuant to §551.074 (*Deliberation Regarding the Appointment, Employment, Employment Evaluation, Reassignment, Duties, discipline or Dismissal of a Public Officer or Employee or to Hear a Complaint or Charge Against an Officer or Employee*) of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to discuss the following:

- Consultation with City Attorney regarding the duties and responsibilities of City Councilmembers, Commissioners, and other Governmental Officials associated with City and State Law requirements for ethical conduct and practices
- Jason Coleman, Planning & Zoning Commissioner
- Consultation with City Attorney regarding Development Prospect
- Consultation with City Attorney regarding Hamilton Creek Ranchettes Petition to Appeal Outside City Water Rates

8:24 pm Council returned to Open Session

10. **RECONVENE INTO OPEN SESSION FOR POSSIBLE ACTION RESULTING FROM ITEMS DISCUSSED IN EXECUTIVE SESSION.** No action was taken.

11. **ANNOUNCEMENTS AND FUTURE AGENDA ITEMS.** The draft agenda for the April 6 Council Meeting was reviewed.

12. **ADJOURNMENT.** There being no further business to discuss, the meeting was adjourned at 8:30 pm.

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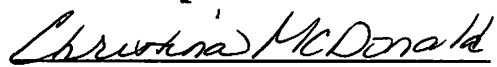
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John Packer, Mayor

ATTEST:



Christina McDonald, TRMC
City Secretary