

**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.

<u>PRESENT:</u>	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

<u>STAFF:</u>	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**

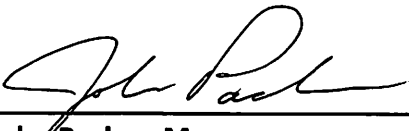
It was noted that Mayor Pro-Tem Westerman did not participate in the prospective development agreement discussion portion of Executive Section stating a Conflict of Interest. An affidavit was filed with the City Secretary.

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.

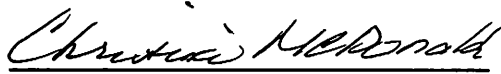
11. ANNOUNCEMENTS AND FUTURE AGENDA ITEMS. The draft agenda for the May 4 regular meeting was reviewed.

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