



**NOTICE OF MEETING
GOVERNING BODY OF MARBLE FALLS, TEXAS
Tuesday, May 17, 2016 – 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 17th day of May, 2016 the Marble Falls City Council will meet in regular session at 6:00 pm in the City Hall Council Chambers located at 800 3rd 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 AND RECOGNITIONS**
 - Update from the Texas Department of Transportation. ***Cathy Kratz, P.E. TxDOT Area Engineer***
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 proposal to place it on the agenda for a later meeting.*
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 May 3, 2016 regular meeting. ***Christina McDonald, City Secretary***

(b) Approval of [Resolution 2016-R-05A](#) authorizing acceptance of a grant from the Texas Department of Transportation (TxDOT) Impaired Driving Mobilization Incentive Grant, FY 2016, to purchase Portable Breath Tests (PBT) and still photography equipment (Cameras). **Steve Eckstein, Patrol Lieutenant**

7. REGULAR AGENDA. Council will individually consider and possibly take action on any or all of the following items:

(a) Administration of [Oaths of Office](#). **Christina McDonald, City Secretary**

(b) Discussion and Action on the [election of a Mayor Pro-Tem](#) by Council according to Section 3.05 of the City Charter. **City Council**

(c) Discussion and Action on [Resolution 2016-R-05B](#) approving a change in the rates of ATMOS Energy Corporation, Mid-Tex Division as a result of a settlement between ATMOS and the ATMOS Texas Municipalities under the rate review mechanism and finding the rates set by the attached tariffs to be just and reasonable. **Mike Hodge, City Manager**

(d) Discussion regarding [charter amendment ballot language](#) for the November 8, 2016 Special Election. **Patty Akers, City Attorney**

(e) Discussion regarding a zoning text amendment to Sections 1030-1099 of the [Landscape Ordinance](#), General Regulation, Appendix B Land Use Regulations, City of Marble Falls Code of Ordinances, to amend the Protected Trees regulations. **Caleb Kraenzel, Assistant City Manager**

(f) Presentation and discussion on [Police Package Motor Vehicles](#). **Mark Whitacre, Chief of Police**

(g) Presentation and discussion on comparable [staffing levels of the Marble Falls Police](#) Department. **Mark Whitacre, Chief of Police**

8. CITY MANAGER'S REPORT

9. EXECUTIVE SESSION

- None

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, including, but not limited to, 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 12th day of May, 2016 at 10:00 am and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

/s/ Christina McDonald

Christina McDonald, TRMC
City Secretary

The agenda is also posted on the City’s web site www.ci.marble-falls.tx.us.

May 17, 2016

6. CONSENT AGENDA

- (a) Approval of the minutes of the May 3, 2016 regular meeting. ***Christina McDonald,***
City Secretary
-

Background information is attached as follows:

[May 3, 2016 regular meeting minutes](#)

STATE OF TEXAS
COUNTY OF BURNET
CITY OF MARBLE FALLS

On this the 3rd day of May, 2016 the Council of the City of Marble Falls convened in regular session at 6:00 pm at the City Hall Council Chambers located at 800 Third Street, Marble Falls, Texas, with notice of meeting giving time, place, date, and subject having been posted as described in Chapter 551 of the Texas Government Code.

PRESENT:

Jane Marie Hurst	Mayor Pro-Tem
Rachel Austin-Cook	Councilmember
Richard Lewis	Councilmember
Ryan Nash	Councilmember
Reed Norman	Councilmember

ABSENT:

John Packer	Mayor
Richard Westerman	Councilmember

STAFF:

Mike Hodge	City Manager
Caleb Kraenzel	Assistant City Manager
Monte Akers	City Attorney
Christina McDonald	City Secretary
Mark Whitacre	Police Chief
Johnny Caraway	Fire Marshal
Christian Fletcher	EDC Executive Director
Midge Dockery	EDC Business Development Coordinator
Mike Ingalsbe	Building Official
Chris Pounds	Building Inspector
Elizabeth Jaimes	City Planner
Sarah Holden	Planning Technician
Cheryl Pounds	Municipal Judge

VISITORS: Craig Magerkurth (Council Elect Place 1), Erin Burks (Marble Falls/Lake LBJ CVB Tourism and Marketing Director), Patti Zinsmeyer (Marble Falls/Lake LBJ Chamber of Commerce Executive Director), Glynis Smith (The Highlander), Keith Conrad, Joel Vandenhouten and Dwight Batch (Republic Services), Billy Wall (Burnet County Precinct 2 County Commissioner Candidate) Mary Ann Raesener (Mayor City of Meadowlakes), Mark Hodges, Judy Miller and Steve Reitz (MFEDC)

1. **CALL TO ORDER AND ANNOUNCE QUORUM IS PRESENT.** Mayor Pro-Tem Hurst called the meeting to order at 6:00 pm and announced the presence of a quorum.
2. **INVOCATION.** Councilmember Norman gave the invocation.

3. **PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES AND TO THE TEXAS FLAG.** Councilmember Lewis led the pledges.

4. **UPDATES, PRESENTATIONS AND RECOGNITIONS**

- **Update from Republic Services.** Keith Conrad, Division Sales Manager gave the update and introduced the new local operations manager Joel Vandenhouten.
- **Update from the Marble Falls Economic Development Corporation.** Executive Director Christian Fletcher gave the update.
- **Proclamation** – Mayor Pro-Tem Hurst proclaimed the month of May Building Safety Month. Development Services staff present to receive the proclamation were Building Official Mike Ingalsbe, Building Official Chris Pounds, City Planning Elizabeth Jaimes and Planning Technician Sarah Holden.
- **Proclamation** – Mayor Pro-Tem Hurst proclaimed May 1-7I Travel and Tourism Week. Erin Burks and Patti Zinsmeyer representatives from the Marble Falls/Lake LBJ Chamber of Commerce were present.
- **Proclamation** – Mayor Pro-Tem Hurst proclaimed the week of May 1-7 Municipal Clerks Week. Christina McDonald, City Secretary accepted the proclamation.
- **Proclamation** – Mayor Pro-Tem Hurst proclaimed May 8-14 Economic Development Week. Christian Fletcher, Midge Dockery, Steve Reitz, Mark Hodges, and Judy Miller were present.

5. **CITIZEN COMMENTS.** There were no citizen comments.

6. **CONSENT AGENDA.**

- (a) **Approval of the minutes of the April 12, 2016 joint workshop and the April 19, 2016 regular meeting and workshop.**
- (b) **Approval of an addendum (#050316-1) extending the bank depository agreement between First State Bank of Central Texas and the City of Marble Falls for a period of one year.**

Councilmember Norman made a motion to approve the consent agenda. The motion was seconded by Councilmember Nash. The consent agenda was approved by a unanimous vote (5-0).

7. **REGULAR AGENDA.**

- (a) **Public Hearing, Discussion, and Action on the First Reading of Ordinance 2016-O-05A Oand waiving the second reading regarding a sign text amendment to Chapter 20 (Signs), Section 20-8.E (Electronic Signs), City of Marble Falls Code of Ordinances, to amend the Gas/Fuel price electronic message sign regulations and any conflicting regulations therein.** Mayor Pro-Tem Hurst opened the public hearing. Caleb Kraenzel, Assistant City Manager addressed Council. There being no further discussion, Mayor

Pro-Tem Hurst closed the public hearing and read the ordinance caption. Councilmember Lewis made a motion to approve Ordinance 2016-O-05A and waive the second reading. Councilmember Norman seconded the motion. The ordinance was approved by a vote of 5-0.

8. **CITY MANAGER'S REPORT.** City Manager Mike Hodge gave an update on the CARTS building location on Highway 281 and the upgrade of the Water Plant Phase III.

9. **EXECUTIVE SESSION**

CLOSE OPEN SESSION AND CONVENE EXECUTIVE SESSION Pursuant to §551.071 (*Private Consultation between the Council and its Attorney*), Pursuant to §551.087 (*Deliberation Regarding Economic Development Negotiations*), and Pursuant to §551.072 (*Deliberation Regarding the Purchase, Exchange, Lease or Value of Real Property*) of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to discuss the following:

- Discussion regarding economic development projects associated with development of EDC owned and City owned property, including public right-of-way and easements.

7:04 pm Convened to Executive Session

7:50 pm 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.** Mr. Hodge reviewed items scheduled for the May 17 regular agenda.

12. **ADJOURNMENT.** There being no further business to discuss, Councilmember Austin-Cook made a motion to adjourn the meeting. Councilmember Lewis seconded the motion. The motion carried by a vote of 7-0. The meeting was adjourned at 7:55 pm.

John Packer, Mayor

ATTEST:

Christina McDonald, TRMC
City Secretary

May 17, 2016

6. CONSENT AGENDA

- (b) Approval of Resolution 2016-R-05A authorizing acceptance of a grant from the Texas Department of Transportation (TxDoT) Impaired Driving Mobilization Incentive Grant, FY 2016, to purchase Portable Breath Tests (PBT) and still photography equipment (Cameras). *Steve Eckstein, Patrol Lieutenant*

Background information is attached as follows:

[Cover Memo and Supporting Documentation](#)



**Council Agenda Item Cover Memo
May 17, 2016**

Agenda Item No.: 6(b)
Presenter: Lieutenant Steve Eckstein, Lieutenant
Department: Police Department
Legal Review: N/A

AGENDA CAPTION

Approval of Resolution 2016-R-05A authorizing acceptance of a grant from the Texas Department of Transportation (TxDOT) Impaired Driving Mobilization Incentive Grant, FY 2016, to purchase Portable Breath Tests (PBT) and still photography equipment (Cameras).

BACKGROUND

The Police Department participates, yearly, in the Impaired Driving Mobilization and the Click-It or Ticket programs by reporting, to TxDOT, traffic enforcement statistics making the Department eligible for their eGrant program. The Department was awarded a \$3000, "0" matching grant for the last reporting period of 2015. Authorized uses of the grant funds are for purchases of equipment categorized as "Enforcement/Investigation Related" or "Educational". The Department no longer has any operational PBT's and has several first responder cameras that are in need of replacement. Acceptance of this grant will allow those deficits to be addressed.

RESOLUTION # 2016-R-05A

**A RESOLUTION OF THE CITY OF MARBLE FALLS, TEXAS,
AUTHORIZING ACCEPTANCE OF A GRANT FROM THE
TEXAS DEPARTMENT OF TRANSPORTATION,
FOR FY 2016 IMPAIRED DRIVING MOBILIZATION INCENTIVE GRANT.**

WHEREAS, the City of Marble finds in the best interest of the citizens of Marble Falls that the City of Marble Falls Police Department Portable Breath Test and Still Photography Equipment Replacement Project be operated for the Fiscal Year 2016, and

WHEREAS, the City of Marble Falls agrees to provide applicable matching funds for the project if required by the FY 2016 TxDOT Impaired Driving Mobilization Incentive Grant, and

WHEREAS, the City of Marble Falls agrees that in the event of loss or misuse of the Texas Department of Transportation Funds, the City of Marble Falls assures that the funds will be returned to the Texas Department of Transportation in full, and

WHEREAS, the City of Marble Falls designates the Mayor as the grantee authorized official. The authorized official is given the power to apply for, accept, alter, reject or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Marble Falls, Texas approves acceptance of the grant for the Marble Falls Police Department Portable Breath Test and Still Photography Equipment Replacement Project from the Texas Department of Transportation, Impaired Driving Mobilization Incentive Grant.

PASSED AND APPROVED THIS 17th DAY OF MAY, 2016 BY THE COUNCIL OF THE CITY OF MARBLE FALLS, TEXAS.

Grant Number: 2016-MarbleFIsPD-INC-IDM-00007

**John Packer
Mayor
City of Marble Falls**

**Christina McDonald
City Secretary
City of Marble Falls**

May 17, 2016

7. REGULAR AGENDA

(a) Administration of Oaths of Office. *Christina McDonald, City Secretary*

Background information is attached as follows:

[Cover Memo and Supporting Documentation](#)



**Council Agenda Item Cover Memo
May 17, 2016**

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

AGENDA CAPTION

Administration of Oaths of Office.

BACKGROUND

City Secretary Christina McDonald will administer the Oaths of Office to Craig Magerkurth (Place 1), Reed Norman (Place 3) and Richard Westerman (Place 5).

May 17, 2016

7. REGULAR AGENDA

- (b) Discussion and Action on the election of a Mayor Pro-Tem by Council according to Section 3.05 of the City Charter. ***City Council***
-

Background information is attached as follows:

[Cover Memo and Supporting Documentation](#)



**Council Agenda Item Cover Memo
May 17, 2016**

Agenda Item No.: 7(b)
Presenter: Christina McDonald, City Secretary
Department: Administration
Legal Review: N/A

AGENDA CAPTION

Discussion and Action on the election of a Mayor Pro-Tem by Council according to Section 3.05 of the City Charter.

BACKGROUND

Section 3.05 of the City Charter states that the Council shall elect a Mayor Pro-Tem after each Regular City Election. The Mayor Pro-Tem acts as Mayor during the disability or absence of the Mayor.

May 17, 2016

7. REGULAR AGENDA

- (c) Discussion and Action on Resolution 2016-R-05B approving a change in the rates of ATMOS Energy Corporation, Mid-Tex Division as a result of a settlement between ATMOS and the ATMOS Texas Municipalities under the rate review mechanism and finding the rates set by the attached tariffs to be just and reasonable. ***Mike Hodge, City Manager***

Background information is attached as follows:

[Cover Memo and Supporting Documentation](#)



**Council Agenda Item Cover Memo
May 17, 2016**

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

AGENDA CAPTION

Discussion and Action on Resolution 2016-R-05B approving a change in the rates of ATMOS Energy Corporation, Mid-Tex Division as a result of a settlement between ATMOS and the ATMOS Texas Municipalities under the rate review mechanism and finding the rates set by the attached tariffs to be just and reasonable.

BACKGROUND INFORMATION

The City is a member of the Atmos Texas Municipalities (ATM). The ATM group was organized by a number of municipalities served by Atmos and has been represented by the law firm of Herrera & Boyle, PLLC (through Mr. Alfred R. Herrera). ATM also retained the services of a consulting firm, Utilitech, Inc. (Mr. Mike Brosch and Mr. Steve Carver) to assist in reviewing an application submitted by the Atmos Energy-Mid-Tex Division (Atmos) that seeks to increase its rates and change its rates. Herrera & Boyle, PLLC and Utilitech, Inc. have participated in prior rate cases involving Atmos and have extensive knowledge and experience in rate matters affecting Atmos' rates, operations, and services.

HISTORY OF PRIOR RATE INCREASES

Increase Under Previous Version of RRM (Approved October 2010)

On March 15, 2010, Atmos requested an increase of \$70.1 million in its system-wide rates. ATM and Atmos settled on an increase of \$27 million for prospective rates.

Increase Under Previous Version of RRM (Approved September 2011)

On April 1, 2011, Atmos filed a request to increase rates system-wide by \$15.6 million. ATM and Atmos agreed to not increase base rates and permitted Atmos to recover \$6.6 million for the steel pipe replacement program.

General Rate Case (Approved December 2012)

In January 2012, Atmos sought an increase of about \$49.1 million. Ultimately, the ATM cities and Atmos were not able to reach agreement on an increase and Atmos filed an appeal to the Railroad Commission of Texas. The Railroad Commission approved an increase of about \$24.1 million, representing an increase in revenue of about 7%.

Prior Increase Under Current RRM (July 2013)

In the summer of 2013, Atmos and ATM entered into an agreement that approved a revised Rate Review Mechanism (RRM). The RRM approved in the summer of 2013 is the third iteration of that rate-setting mechanism.

On about July 15, 2013, Atmos submitted a request to increase rates under the current RRM. Atmos requested an increase in rates on a system-wide basis of \$22.7 million, which is an increase of about 5%. Following a series of settlement negotiations between Atmos' experts and ATM's experts, Atmos agreed to an increase of \$16.6 million, an increase in revenue of about 3.7%.

Prior Increase Under the RRM (June 2014) – Atmos Filed Appeal With the Railroad Commission – Gas Utility Docket (GUD) No. 10359:

On about February 28, 2014, Atmos filed its second request to increase rates under the current iteration of the RRM (the "2014 RRM") and requested a system-wide increase of about \$45.6 million (9.2% increase in revenue). ATM's consultants' preliminary assessment indicated that Atmos warranted at most an increase of \$26.6 million. A settlement was not reached, the ATM cities denied Atmos' proposed increase, and Atmos appealed ATM's denial of its revenue increase to the Railroad Commission. On appeal Atmos revised its request downward from \$45.6 million to \$43.8 million. Atmos implemented the full rates on June 1, 2014, subject to refund. The Commission held a hearing on September 3, 2014, and after the hearing, the hearing examiner proposed an increase of \$42.9 million, that is, only about \$860,000 less than Atmos requested.

Prior Increase Under the RRM (May 2015):

On February 27, 2015, Atmos submitted its third application under the current RRM seeking a *system-wide* rate increase of \$28.7 million ("2015 RRM"), which equates to an increase of about 5.6%. After review of Atmos' application, the Railroad Commission's proposal for decision in GUD No. 10359, and the Hearing Examiner's PFD for the 2014 RRM, ATM's Special Counsel and consultants concluded that if the matter were appealed to the Railroad Commission, the result would be an increase closer to about \$23 million.

Ultimately, ATM and Atmos settled the appeal related to Atmos' proposed increase for Atmos' 2014 RRM, and Atmos' 2015 RRM, for a combined increase in rates of about \$65.69 million, comprised on an increase of about \$43.82 million for its 2014 RRM and about \$21.87 million for its 2015 RRM.

Pending 2016 RRM (May 2016):

On about March 1, 2016, Atmos submitted its fourth application under the current RRM seeking a *system-wide* rate increase of \$35.4 million (“2016 RRM”), which equates to an increase of about 6.04%. After review of Atmos’ application, the Railroad Commission’s prior rulings, and Atmos’ responses to requests for information submitted to Atmos by ATM’s Special Counsel and consultants, ATM’s consultants concluded that Atmos merited an increase of about \$10.8 million. ATM’s Special Counsel presented its findings to Atmos, with which Atmos disagrees. Following negotiations with Atmos, Atmos agreed to an increase of \$29.9 million, which equates to an increase of about 5.5%.

OPTIONS FOR CITY ACTION REGARDING ATMOS’ 2016 RRM:

The item requiring City action is Atmos’ 2016 RRM. At this juncture the ATM cities’ options are as follows:

- Option 1.** To deny Atmos’ requested increase under the 2016 RRM of \$35.4 million and approve no increase;
- Option 2.** To deny Atmos’ requested increase and approve an increase of no more than \$10.8 million for its 2016 RRM, based on ATM’s consultants’ preliminary report;
- Option 3.** To take no action and allow Atmos’ proposed increase of \$35.4 million to go into effect;
or
- Option 4.** To approve a settlement agreement that resolves the 2016 RRM with an increase in rates of \$29.9 million.

Note that under Option 1 and Option 2, Atmos has the right to appeal the ATM cities’ decisions to the Railroad Commission of Texas and pending such an appeal has the right to implement its proposed increase of \$35.4 million effective June 1, 2016, subject to refund if the Commission’s review later finds a lower amount is appropriate. Atmos would very likely file an appeal to the Railroad Commission should the ATM cities approve an increase less than \$29.9 million.

In an appeal to the Commission, Atmos would in all likelihood argue that the costs of appeal should be borne by only those cities that “caused” the appeal. Given the Commission’s tendency to err in favor of utilities, Atmos would likely prevail. An appeal would increase the burden on ratepayers by adding rate case expenses, which would include both ATM’s and Atmos’ costs of preparing and prosecuting the appeal, and the costs of a hearing.

RECOMMENDATION

After a series of negotiations with Atmos, ATM’s Special Counsel recommends resolving the 2016 RRM with an increase of \$29.9 million.

If the ATM Cities reject Atmos’ settlement offer, Atmos would likely appeal the cities’ decision to the Railroad Commission. While there are a number of contested issues whose outcome is uncertain in an appeal, based on the Railroad Commission’s history and prior decisions, ATM’s Special Counsel and consultants are of the opinion that the Railroad Commission would reach a result not materially different than the settlement amount of \$29.9 million, and perhaps approve a higher increase.

Therefore, because of the risks of a litigated outcome, including the cost of litigation at the Railroad Commission, ATM’s special counsel advises the ATM cities to accept a settlement that increases Atmos’ revenue by about \$29.9 million over the current revenue Atmos is collecting.

An increase under the 2016 RRM of about \$29.9 million over the base-rate revenue Atmos is *currently* collecting, represents an increase of about 5.5% in non-gas revenue and the impact on rates on an average customer’s bill would be as follows:

Customer Class	Current Bill	Proposed Bill	Difference	% Increase with Gas Cost	% Increase without Gas Cost
Residential	\$52.01	\$53.27	\$1.26	2.43%	5.05%
Commercial	\$267.17	\$270.98	\$3.81	1.43%	5.03%
Industrial	\$5,184.05	\$5,286.77	\$102.72	1.98%	5.41%
Transportation	\$3,666.82	\$3,769.54	\$102.72	2.80%	5.41%

Links to the rate schedules to accomplish the increase are listed below.

[Tariff – Residential](#)

[Tariff – Commercial](#)

[Tariff – Industrial](#)

[Tariff – Transportation](#)

[Tariff – Weather Normalization Adjustment \(WNA\)](#)

[Final Summary](#)

[Baseline](#)

The City should take action as soon as possible but no later than May 31, 2016.

RESOLUTION NO. 2016-R-05B

A RESOLUTION BY THE CITY OF MARBLE FALLS, TEXAS (“CITY”), APPROVING A CHANGE IN THE RATES OF ATMOS ENERGY CORPORATION, MID-TEX DIVISION (“ATMOS”) AS A RESULT OF A SETTLEMENT BETWEEN ATMOS AND THE ATMOS TEXAS MUNICIPALITIES (“ATM”) UNDER THE RATE REVIEW MECHANISM; FINDING THE RATES SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; FINDING THAT THE MEETING COMPLIED WITH THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THE RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

WHEREAS, the City of Marble Falls, Texas (“City”) is a regulatory authority under the Gas Utility Regulatory Act “GURA”) and under § 103.001 of GURA has exclusive original jurisdiction over Atmos Energy Corporation – Mid-Tex Division (“Atmos”) rates, operations, and service of a gas utility within the municipality; and

WHEREAS, the City has participated in prior cases regarding Atmos as part of a coalition of cities known as the Atmos Texas Municipalities (“ATM”); and

WHEREAS, pursuant to the Rate Review Mechanism (“RRM”) for 2016 filed with the City on or around March 1, 2016 for a proposed system-wide increase of \$35.4 million; and

WHEREAS, experts representing ATM have been analyzing data furnished by Atmos and interviewing Atmos’ management regarding the RRM; and

WHEREAS, the Steering Committee of ATM and its counsel recommend approval of the attached tariffs, set forth as Attachment A, along with the proof of revenues set forth as Attachment B, which results in an increase in Atmos’ revenue of \$29.9 million, and Attachment C, setting forth the beginning balance for purposes of determining pension and other post-employment benefits to be recovered in the next RRM filing.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
MARBLE FALLS, TEXAS THAT:**

Section 1. The findings set forth in this Resolution are hereby in all things approved.

Section 2. The amended tariffs in Attachment A are hereby adopted to become effective on June 1, 2016.

Section 3. To the extent any Resolution previously adopted by the City Council is inconsistent with this Resolution, it is hereby superseded.

Section 4. The meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 5. If any one or more sections or clauses of this Resolution is judged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Resolution and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

Section 6. This Resolution shall become effective from and after its passage.

Section 7. A copy of this Resolution shall be sent to Atmos Mid-Tex, care of Christopher Felan, Vice President of Rates and Regulatory Affairs, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1600, Dallas, Texas 75240 and to Mr. Alfred R. Herrera, Herrera & Boyle, PLLC, 816 Congress Avenue, Suite 1250, Austin, Texas 78701.

PASSED AND APPROVED this 17th day of May, 2016.

John Packer, Mayor

ATTEST:

Christina McDonald, City Secretary

**ATMOS ENERGY CORP., MID-TEX DIVISION
 PROPOSED TARIFF STRUCTURE (BEFORE RATE CASE EXPENSE RECOVERY)
 TEST YEAR ENDING DECEMBER 31, 2015**

(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)
1 Proposed Change In Rates:		\$ 29,603,205		Schedule A						
2 Proposed Change In Rates without Revenue Related Taxes:		\$ 27,447,850		Ln 1 divided by factor on WP_F-5.1						
3										
4										
5										
6										
	Revenue Requirements		Allocations							
7 Residential	\$ 338,431,486		77.95%	Per GUD 10170 Final Order						
8 Commercial	84,223,622		19.40%	Per GUD 10170 Final Order						
9 Industrial and Transportation	11,490,316		2.65%	Per GUD 10170 Final Order						
10 Net Revenue Requirements GUD No. 10170	<u>\$ 434,145,424</u>									

16 With Proportional Increase all classes but Residential and a 40% residential base charge increase:

	Current	Prospective	Revenues
19 Residential Base Charge	\$ 18.56	\$ 0.48	\$ 8,558,622
20 Residential Consumption Charge	\$ 0.09931	\$ 0.01540	12,837,933
21 Commercial Base Charge	\$ 39.87	\$ 1.81	2,662,423
22 Commercial Consumption Charge	\$ 0.08020	\$ 0.00480	2,662,423
23 I&T Base Charge	\$ 697.35	\$ 38.03	363,224
24 I&T Consumption Charge Tier 1 MMBTU	\$ 0.2937	\$ 0.0166	172,167
25 I&T Consumption Charge Tier 2 MMBTU	\$ 0.2151	\$ 0.0121	139,070
26 I&T Consumption Charge Tier 3 MMBTU	\$ 0.0461	\$ 0.0026	51,988
27			<u>\$ 27,447,850</u>

17 With Customer Charges Rounded Off and residential base charge increase for 2015 limited to \$0.50 per RRM tariff:

	Proposed Change	Proposed Change In Revenues	Proposed Rates	Proposed Revenues
19 Residential Base Charge	\$ 0.52	\$ 9,335,278	\$ 19.08	\$ 339,813,673
20 Residential Consumption Charge	\$ 0.01447	12,061,297	\$ 0.11378	94,839,970
21 Commercial Base Charge	\$ 1.83	2,697,162	\$ 41.70	61,390,268
22 Commercial Consumption Charge	\$ 0.00474	2,626,475	\$ 0.08494	47,065,984
23 I&T Base Charge	\$ 39.65	378,728	\$ 737.00	7,039,815
24 I&T Consumption Charge Tier 1 MMBTU	\$ 0.0159	165,150	\$ 0.3096	3,215,747
25 I&T Consumption Charge Tier 2 MMBTU	\$ 0.0116	132,888	\$ 0.2267	2,597,042
26 I&T Consumption Charge Tier 3 MMBTU	\$ 0.0025	49,955	\$ 0.0486	971,117
27		<u>\$ 27,446,933</u>		<u>\$ 556,933,616</u>

28 Data Sources:
 29 GUD10170_FINAL.xlsm

RATE SCHEDULE:	C – COMMERCIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2016	PAGE: 13

Application

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 41.75 per month
Rider CEE Surcharge	\$ 0.02 per month ¹
Total Customer Charge	\$ 41.77 per month
Commodity Charge – All Ccf	\$ 0.08494 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹ Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2015.

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2016	PAGE: 14

Application

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 738.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.3096 per MMBtu
Next 3,500 MMBtu	\$ 0.2267 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0486 per MMBtu

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Curtailement Overpull Fee

Upon notification by Company of an event of curtailement or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailement or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2016	PAGE: 15

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

RATE SCHEDULE:	R – RESIDENTIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2016	PAGE: 12

Application

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 19.10 per month
Rider CEE Surcharge	\$ 0.02 per month ¹
Total Customer Charge	\$ 19.12 per month
Commodity Charge – All <u>Ccf</u>	\$0.11378 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2015.

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2016	PAGE: 16

Application

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 738.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.3096 per MMBtu
Next 3,500 MMBtu	\$ 0.2267 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0486 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Imbalance Fees

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

Monthly Imbalance Fees

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 06/01/2016	PAGE: 17

Curtailement Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

A transportation agreement is required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2016	PAGE: 41

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

Where

- i = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification
- $WNAF_i$ = Weather Normalization Adjustment Factor for the i^{th} rate schedule or classification expressed in cents per Ccf
- R_i = Commodity Charge rate of temperature sensitive sales for the i^{th} schedule or classification.
- HSF_i = heat sensitive factor for the i^{th} schedule or classification divided by the average bill count in that class
- NDD = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.
- ADD = billing cycle actual heating degree days.
- BL_i = base load sales for the i^{th} schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the j th customer in i th rate schedule is computed as:

$$WNA_i = WNAF_i \times q_{ij}$$

Where q_{ij} is the relevant sales quantity for the j th customer in i th rate schedule.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2016	PAGE: 42

Base Use/Heat Use Factors

Weather Station	<u>Residential</u>		<u>Commercial</u>	
	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>
Abilene	10.09	0.1392	98.01	0.6440
Austin	11.21	0.1551	203.36	0.8564
Dallas	13.72	0.2048	189.83	0.9984
Waco	9.89	0.1411	129.75	0.6695
Wichita Falls	11.49	0.1506	122.35	0.5967

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at atmosenergy.com/mtx-wna, in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNAs factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and an Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.

**ATMOS ENERGY CORP., MID-TEX DIVISION
PENSIONS AND RETIREE MEDICAL BENEFITS FOR CITIES APPROVAL
TEST YEAR ENDING DECEMBER 31, 2015**

Line No.	Description (a)	Shared Services		Mid-Tex Direct			Adjustment Total (g)
		Pension Account Plan ("PAP") (b)	Post-Retirement Medical Plan ("FAS 106") (c)	Pension Account Plan ("PAP") (d)	Supplemental Executive Benefit Plan ("SERP") (e)	Post-Retirement Medical Plan ("FAS 106") (f)	
1	Fiscal Year 2016 Towers Watson Report (excluding Removed Cost Centers)	\$ 5,101,680	\$ 2,896,450	\$ 7,840,683	\$ 150,433	\$ 4,466,430	
2	Allocation to Mid-Tex	40.56%	40.56%	71.52%	100.00%	71.52%	
3	FY16 Towers Watson Benefit Costs (excluding Removed Cost Centers) Allocated to MTX (Ln 1 x Ln 2)	\$ 2,069,299	\$ 1,174,833	\$ 5,607,955	\$ 150,433	\$ 3,194,561	
4	O&M and Capital Allocation Factor	100.00%	100.00%	100.00%	100.00%	100.00%	
5	FY16 Towers Watson Benefit Costs To Approve (excluding Removed Cost Centers) (Ln 3 x Ln 4)	\$ 2,069,299	\$ 1,174,833	\$ 5,607,955	\$ 150,433	\$ 3,194,561	\$ 12,197,081
6							
7							
8	Summary of Costs to Approve:						
9							
10	Total Pension Account Plan ("PAP")	\$ 2,069,299		\$ 5,607,955			\$ 7,677,254
11	Total Post-Retirement Medical Plan ("FAS 106")		\$ 1,174,833			\$ 3,194,561	4,369,394
12	Total Supplemental Executive Retirement Plan ("SERP")				\$ 150,433		150,433
13	Total (Ln 10 + Ln 11 + Ln 12)	\$ 2,069,299	\$ 1,174,833	\$ 5,607,955	\$ 150,433	\$ 3,194,561	\$ 12,197,081
14							
15							
16	O&M Expense Factor	96.41%	96.41%	37.42%	20.77%	37.42%	
17							
18	Expense Portion (Ln 13 x Ln 16)	\$ 1,995,016	\$ 1,132,659	\$ 2,098,222	\$ 31,249	\$ 1,195,248	\$ 6,452,393
19							
20	Capital Factor	3.59%	3.59%	62.58%	79.23%	62.58%	
21							
22	Capital Portion (Ln 13 x Ln 20)	\$ 74,283	\$ 42,174	\$ 3,509,733	\$ 119,184	\$ 1,999,313	\$ 5,744,687
23							
24	Total (Ln 18 + Ln 22)	\$ 2,069,299	\$ 1,174,833	\$ 5,607,955	\$ 150,433	\$ 3,194,561	\$ 12,197,081

May 17, 2016

7. REGULAR AGENDA

- (d) Discussion regarding charter amendment ballot language for the November 8, 2016 Special Election. ***Patty Akers, City Attorney***
-

Background information is attached as follows:

[Cover Memo and Supporting Documentation](#)



**Council Agenda Item Cover Memo
May 17, 2016**

Agenda Item No.: 7(d)
Presenter: Patty Akers, City Attorney
Department: Legal
Legal Review: x

AGENDA CAPTION

Discussion regarding charter amendment ballot language for the November 8, 2016 Special Election.

BACKGROUND

On April 19 Council participated in a workshop to review and discuss proposed amendments to the City Charter for the upcoming November 8 election.

At the conclusion of the workshop staff received direction from Council to move forward with eight amendments.

The City Attorney has drafted an ordinance ([see attached](#)) which orders the election and authorizes the proposed amendments to be placed on the November election ballot.

Please note that the amendments (propositions) will be placed on the ballot in the order as they appear in the draft ordinance.

This agenda item is for discussion only. The Ordinance ordering the election and approving the propositions that will be on the November ballot is scheduled for action at the August 2 regular Council Meeting.

If Council approves of the proposed amendments and order the amendments will appear on the ballot, staff will proceed with the Spanish translation as required by law and public education regarding the upcoming election.

ORDINANCE NO. 2016-O-__

AN ORDINANCE ORDERING A SPECIAL ELECTION TO BE HELD IN THE CITY OF MARBLE FALLS, TEXAS, TO SUBMIT TO THE VOTERS PROPOSED AMENDMENTS TO THE CITY OF MARBLE FALLS CHARTER; PROVIDING PROPOSITIONS FOR EACH AMENDMENT; PROVIDING REVISED CHARTER LANGUAGE FOR EACH PROPOSITION APPROVED BY THE VOTERS; MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; AND PROVIDING FOR RECITAL INCORPORATION; CONFLICTING PROVISIONS; GOVERNING LAW; SEVERABILITY; PROPER NOTICE AND OPEN MEETING; AND EFFECTIVE DATE.

WHEREAS, the City of Marble Falls, Texas, (“City”) is a home rule municipality with a Charter that was approved by the voters on August 9, 1986 and amended by the voters on August 11, 1990, November 11, 2002, May 8, 2010, and November 5, 2013; and

WHEREAS, more than two (2) years have passed since the Charter was last amended; and

WHEREAS, the City Council finds that the Charter should be amended to make certain provisions of the Charter consistent with State Law, to clarify portions of the Charter where the language of the Charter may be subject to different interpretation, and to provide additional language that will further the ability of the City to provide for effective and efficient operation of the City; and

WHEREAS, the City Council hereby finds and determines that it is in the public interest to call a special election (“Election”) to place these proposed amendments to the City Charter at the earliest practicable date to allow the voters to decide whether to authorize the amendments; and

WHEREAS, the City Council has determined that an election on November 8, 2016, the next uniform election date authorized by State Law, would constitute an appropriate date for such an Election; and

WHEREAS, the City Council has the authority pursuant to Chapter 271, Texas Election Code and Chapter 31, Texas Election Code, to enter into joint election agreements with the other political subdivisions also holding an election on the same date;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARBLE FALLS, TEXAS:

SECTION 1: Call of Election; Date and Time; Qualified Voters. A special election shall be held between the hours of 7:00 A.M. and 7:00 P.M. in the City of Marble Falls, Texas on the 8th day of November, 2016, which date is seventy-one (71) or more days from the date of the adoption of this Ordinance and is not less than fifteen (15) nor more than ninety (90) days from the date of the adoption hereof. All resident qualified electors of the City shall be permitted to vote at the election.

SECTION 2: Propositions. At such Election the following measures shall be submitted and shall appear on the ballot substantially as follows:

PROPOSITION NO. 1

Ballot Language: Shall Sec. 3.06 (a)(Vacancies, Forfeiture of Office, Filling Vacancies) and Sec. 10.05 (oath of office) be amended to require that newly elected or re-elected Councilmembers or Mayor must take the oath of office within 30 days of the election (i.e. the canvass) or the office will become vacant.

Yes

No

In the event Proposition No. 1 is approved by the voters, Sec 3.06 (a) shall be amended and a new third sentence in Sec 10.05 shall be added to amend these sections which amendments shall read as follows:

Section 3.06. – Vacancies, Forfeiture, Filling of Vacancies.

a) Vacancies: The office of a Councilmember or the office of the Mayor shall become vacant if the Councilmember or the Mayor fails to take the oath of office within 30 days of the election (i.e. the canvass), or upon death, resignation or removal from office in any manner authorized by law or by forfeiture of office.

Section 10.05.- Oath of Office

The officers of the City shall, whether elected or appointed, before entering upon the duties of their respective offices, take and subscribe to the official oath prescribed by the Constitution of the State of Texas. The oath shall be administered by the Mayor, Mayor Pro-Tem, City Secretary or other person authorized by law to administer oaths. The oath of office of a newly elected or re-elected Mayor or Councilmember shall occur within 30 days of the election (i.e. the canvass) or the office will become vacant.

PROPOSITION NO. 2

Ballot Language: Shall the third, fourth and fifth paragraphs of Section 3.13, Ordinances in General, of the Charter be amended to change the requirements for two readings of an ordinance and the publication of two notices of an ordinance to one reading and one publication of notice, except as otherwise required by State Law.

Yes

No

In the event Proposition No. 2 is approved by the voters, the fourth and fifth paragraphs of Section 3.13 will be deleted and the third paragraph of Section 3.13, Ordinances in General, shall be amended to read as follows:

Paragraph 3- Unless otherwise required by State Law, all ordinances of the City shall be read at one (1) regular Council Meeting and the caption of the ordinance published in at least one issue of the official newspaper of the City of Marble Falls with the publication occurring at least fourteen (14) days before passage of the Ordinance.

Paragraph 4 and 5 shall be deleted.

PROPOSITION NO. 3

Ballot language: Shall the second sentence of Section 7.13, Depository, of the Charter be amended to allow the City Manager to designate an alternate city employee the authority to execute checks in the absence or unavailability of the City Manager?

Yes

No

In the event Proposition No. 3 is approved by the voters, the second sentence of Section 7.13, Depository shall be amended to read as follows:

All checks, vouchers, or warrants for the withdrawal of money from the city depositories shall be signed by the City Manager, or by the Mayor in the absence of the City Manager, or by the City Manager's designee, if both the City Manager and the Mayor are absent or unavailable and countersigned by a city official designated by the City Council. Provided, that the Council, under such regulations and limitations as it may prescribe, may by ordinance authorize the use of machine-imprinted facsimile signatures of said Mayor or City Manager on such checks, vouchers and warrants.

PROPOSITION NO. 4

Ballot language: Shall the last sentence of Section 7.13, Depository, of the Charter be amended to allow facsimile signatures on the value of checks to be increased from \$5000 to \$15,000?

Yes

No

In the event Proposition No. 4 is approved by the voters, the last sentence of Section 7.13, Depository shall be amended to read as follows:

Two real signatures shall be required for all checks in excess of ~~\$5,000.00~~ \$15,000.00.

PROPOSITION NO. 5

Ballot Language: Shall the first two sentences of Section 7.17, Financial Records and Reports, of the Charter be amended to provide that the City Manager is required to present financial reports to the City Council on a bi-annual basis instead of a monthly basis?

Yes

No

In the event Proposition No. 5 is approved by the voters, the first two sentences of Section 7.17, Financial Records and Reports, shall be amended to read as follows:

The City Manager shall report to the Council ~~each month~~ on a bi-annual basis the financial condition of the City. For each budget item the ~~monthly~~ bi-annual report will show the annual amount budgeted, the amount realized ~~in the preceding month~~ since the last report and the amount realized in the fiscal year to the report date.

PROPOSITION NO. 6

Ballot Language: Shall the first sentence of Section 10.07, Surety Bonds, of the Charter be amended to provide that the City Council shall have the discretion to designate which officers and employees of the City that handle money shall be required to provide a surety bond to the City instead of mandating that all officers and employees that handle money be required to provide a surety bond?

Yes

No

In the event Proposition No. 6 is approved by the voters, the first sentence of Section 10.07, Surety Bonds shall be amended to read as follows:

~~All~~ The Council shall determine which city officers and employees whose duties will include the handling of moneys, before starting employment or entering the duties of office, shall make a surety bond in an amount and with a surety company acceptable to the Council.

PROPOSITION NO. 7

Ballot Language: Shall the second sentence of Section 10.04, Nepotism, of the Charter be amended to be consistent with State Law, to change the requirement for continuous employment of a city employee from two years to six months in order to allow the employee to remain employed by the City in the event that a relative is elected as Mayor or to the City Council or from two years to thirty days if a relative is hired as the City Manager or other appointing officer?

Yes

No

In the event Proposition No. 7 is approved by the voters, the second sentence of Section 10.04, Nepotism shall be amended to read as follows:

No person related within the second degree by affinity, nor within the third degree by consanguinity to the Mayor, a Councilmember, the City Manager, or other appointing city officer, may be appointed to a paid position of the City. This prohibition shall not apply to a person who is a current city employee and has been a city employee for ~~two (2) years~~ six (6) months or longer at the time of the election of the Mayor or Councilmember or thirty (30) days or longer at the time of the appointment of the City Manager or other appointing city officer.

PROPOSITION NO. 8

Ballot Language: Shall Section 5.05, Filing for Office, subsection (c) of the Charter be amended by removing subsection (c) which subsection requires that a candidate for elective office not be in arrears in the payment of taxes or other liabilities due the City and which qualification requirement is contrary to State Law?

Yes

No

In the event Proposition No. 8 is approved by the voters, Sec. 5.05, Filing for Office, subsection (c) shall be deleted and the other subsections renumbered accordingly.

SECTION 3: Joint Election Authorized, Use of Electronic Voting System and Authorization of Ballot. The election shall be held as a joint election pursuant to Texas Election Code Chapter 271 in conjunction with other elections which may be held on the election day by other political subdivisions in Burnet County (hereinafter “Participating Entities”) under a joint election agreement to be approved by the City.

An electronic voting system shall be used for said election and for early voting, by personal appearance and paper ballots for early voting by mail. A single ballot containing the entities in the joint election shall be prepared in accordance with the Texas Election Code so as to permit qualified electors of the City to vote “YES” or “NO” on the aforesaid propositions.

SECTION 4: Election Day Precincts, Polling Places. The election precincts for the election shall be the election precincts established by Burnet County, provided that each shall contain and include geographic area that is within the City and the election precincts are in accordance with the City Charter. The polling place for election-day voting shall be: 810 Steve Hawkins Parkway, Marble Falls, Texas. The polls shall remain open on the day of the election from 7:00 a.m. to 7:00 p.m. The returns for precincts in Burnet County will be provided by precinct and the Burnet County Elections Administrator shall tabulate and provide the election returns for the election.

SECTION 5: Conduct of Election. The Burnet County Elections Administrator and the Administrator’s employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election in the manner provided by the Election Agreement and in accordance with the Texas Election Code and Chapter 1251, Texas Government Code. The official ballots, together with such other election materials as are required by the Texas Election Code, shall be prepared in both the English and Spanish languages, and shall contain such provisions, markings, and language as required by law.

SECTION 6: Early Voting: Early Voting Polling Places, Dates and Times. Early voting for the election shall be conducted jointly with the Participating Entities. The Burnet County Elections Administrator shall serve as the Early Voting Clerk, and shall appoint any necessary early voting clerks to assist her. Early voting by personal appearance for the election shall be conducted jointly at the locations and on the dates and times specified in Exhibit “A” which is attached hereto and incorporated herein by reference as a part hereof for all purposes. Qualified voters may submit applications for ballot by mail. Applications for early voting by mail must be submitted to the Early Voting Clerk during the time period and at the address set forth in Exhibit “A”. Exhibit “A” shall be modified to include any additional or different early voting locations designated by the Burnet County Elections Administrator and to conform to the Election Agreement.

SECTION 6: Election Judges and Clerks. The presiding judges, alternate presiding judges, and clerks for the election shall be selected and appointed by Burnet County and its appointees in compliance with the requirements of State Law, and such judges and clerks so selected by Burnet County and its appointees are hereby designated and appointed by the City Council as the election officers, judges and clerks, respectively, for the holding of said special election. The presiding judges, alternate presiding judges and clerks shall perform the functions and duties of their respective positions that are provided by State Law. The City Council hereby confirms and appoints the election judges and alternate election judges heretofore designated to the City in writing by Burnet County as being appointed by Burnet County for the election, and as subsequently substituted as provided by law.

SECTION 7. Election Materials and Supplies. The City Secretary is instructed to aid the Burnet County Elections Administrator in the acquisition and furnishing of all election supplies and materials necessary to conduct the election. The City Secretary is further authorized to give or cause to be given notices required for the election, and to take such other and further action as is required to conduct the election in compliance with the Texas Election Code; provided that, pursuant to the Election Agreement between the City and Burnet County, the Burnet County Elections Administrator shall have the duty and be responsible for organizing and conducting the election in compliance with the Texas Election Code; and for providing all services specified to be provided in the Election Agreement.

SECTION 8: Notices. A substantial copy of this Ordinance shall serve as proper notice of the election. The notice, including a Spanish translation thereof, shall be posted at three (3) public places within the City and at the City Hall not less than twenty-one (21) full days prior to the date on which the election is to be held, and be published on the same day in each of two successive weeks in a newspaper of general circulation in the City, the first publication to appear not more than thirty (30) days and not less than fourteen (14) full days prior to the day of the election.

SECTION 9. Effective Date. This Ordinance shall be in force and effect from and after its passage on the date shown below.

SECTION 10. Open Meetings. It is further found and determined that in accordance with this Ordinance of this governing body that the City Secretary posted written notice of the date, place, and subject of this meeting on the bulletin board located at City Hall, a place convenient to the public, and said notice having been so posted continuously for at least 72 hours preceding the date of this meeting. A copy of the return of said posting shall be attached to the minutes of the meeting and shall be made apart thereof for all intents and purposes.

Passed and Approved on this the ___ day of August, 2016.

CITY OF MARBLE FALLS

John Packer, Mayor

ATTEST:

Christina McDonald, City Secretary

APPROVED AS TO FORM:

Patty L. Akers, City Attorney

DRAFT

EXHIBIT A

**November 8, 2016 Burnet County Local Elections
Early Voting Locations and Hours**

Polling Place		Address			City	
Burnet County Courthouse		220 S. Pierce			Burnet, TX 78611	
Marble Falls Courthouse Annex		810 Steve Hawkins Pkwy.			Marble Falls, TX 78654	
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<i>Oct. 23</i>	<i>Oct. 24</i>	<i>Oct. 25</i>	<i>Oct. 26</i>	<i>Oct. 27</i>	<i>Oct. 28</i>	<i>Oct. 29</i>
	8am-5pm	8am-5pm	8am-5pm	7am-7pm	8am-5pm	
<i>Oct. 30</i>	<i>Oct. 31</i>	<i>Nov. 1</i>	<i>Nov. 2</i>	<i>Nov. 3</i>	<i>Nov. 4</i>	<i>Nov. 5</i>
	7am-7pm	8am-5pm	8am-5pm	8am-5pm	8am-5pm	

May 17, 2016

7. REGULAR AGENDA

- (e) Discussion regarding a zoning text amendment to Sections 1030-1099 of the Landscape Ordinance, General Regulation, Appendix B Land Use Regulations, City of Marble Falls Code of Ordinances, to amend the Protected Trees regulations. ***Caleb Kraenzel, Assistant City Manager***
-

Background information is attached as follows:

[Cover Memo and Supporting Documentation](#)



**Council Agenda Item Cover Memo
May 17, 2016**

Agenda Item No.: 7(e)
Presenter: Caleb Kraenzel, Assistant City Manager
Department: Development Services
Legal Review: N/A

AGENDA CAPTION

Discussion regarding a zoning text amendment to Sections 1030-1099 of the Landscape Ordinance, General Regulation, Appendix B Land Use Regulations, City of Marble Falls Code of Ordinances, to amend the Protected Trees regulations and to amend any conflicting regulations therein.

BACKGROUND INFORMATION

This item is a discussion regarding a proposed text amendment to the Protected Tree regulations for the City of Marble Falls. Currently *Section 1035. Protected Trees* of the adopted Landscape Ordinance reads as follows:

1035. Protected trees.

A. Any living tree within the City of Marble Falls with a caliper larger than sixteen (16) inches shall not be removed without permit from the city planner.

B. Application for such permit should be made in writing to the City of Marble Falls Code Enforcement Department and describe the unique or extenuating circumstances which necessitate the removal of the tree.

C. Protected trees removed shall be replaced by trees from the list contained herein with a minimum caliper size of three (3) inches at the time of planting.

D. Protected trees retained on the site shall be protected by providing a pervious surface treatment under such tree of at least one hundred (100) square feet.

(Ord. No. 98-O-6B, § II, 6-23-98)

A Tree Ordinance Committee was established in March 2011 to discuss and create a proposed amendment to the existing Protected Tree regulations.

The last major milestone regarding a Tree Protection update was the Joint Workshop between the Planning and Zoning Commission and the Tree Ordinance Committee which occurred on February 5, 2015. Updates to the Protected Tree Requirements, Enforcement, and Costs associated with the implementation of a Tree Protection Ordinance were discussed. At the close of the Joint Workshop, the Commission and Committee directed City Staff to draft a Tree Ordinance based on the workshop discussion.

After substantial research and consideration of various Tree Protection ordinances from surrounding municipalities within Central Texas, City Staff compiled an analysis of the wide diversity of regulations that are currently adopted. Following this analysis, City Staff inventoried and met with the various stakeholder interests supporting or opposing the development of an updated Tree Protection ordinance. A draft was developed based on the input received, and on the average protected tree sizes and standard requirements found in similar jurisdictions.

City Staff continued the research by selecting a variety of undeveloped lots and surveying the existing trees in order to create trial site plans. The selected properties and trial site plans were reviewed against the draft ordinance, in order to assess the effect of the regulations, to determine if the ordinance achieved the desired tree protection, and to determine the impact on future development. These evaluations led to further modifications of the draft ordinance language.

A draft ordinance was presented to the Planning and Zoning Commission on March 3, 2016. Based on comments from both the Commission and citizens during the public hearing, City Staff revised the Tree Protection Requirements section of the ordinance, which would apply to projects during construction activity. The revised draft was presented to the Commission during a second public hearing on April 7, 2016. After further Commission, stakeholder, and legal review/feedback, City Staff finalized the draft of the Tree Preservation and Protection Ordinance on May 5, 2016. The draft was recommended for approval by the Commission on May 5, 2016 by a vote of 7-0.

The [comparison chart](#) providing analysis of the adopted Tree Protection ordinances from surrounding municipalities within Central Texas is attached to this memo for review.

Central Texas Tree Protection - Regulation Comparison

	Marble Falls (Current)	Austin	Bee Cave	Buda	Burnet	Cedar Park	Carrollton	Dripping Springs	Fredericksburg	Georgetown	HSB	Hutto	Kerrville	Kyle	Lakeway	Lago Vista	Lampasas	Leander	Llano	New Braunfels	Pflugerville	Round Rock	San Marcos	West Lake Hills	AVERAGE	Marble Falls (Proposed)
Protected Tree Regulations	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes	Yes	Yes	No	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Measurement Height (from ground)	12"	4.5 ft	4.5 ft	4 ft		4.5 ft	4.5 ft	4.5 ft	4 ft	4.5 ft		4.5 ft		4.5 ft	4.5 ft	40"		4.5 ft		4.5 ft	4.5 ft	4.5 ft	6" & 12"	4.5 ft	4.5 ft	4.5 ft
Protected Tree minimum size	16"	8" or 19"	4"	8"		16"	4"	8"	9.5"	12"		6 " or 2.5"		9"	16"	10"		8"		8"	8"	8"	9"	6"	10"	12"
Hertiage Tree requirements	No	Yes	Yes	Yes		Yes	No	Yes	No	Yes		No		Yes	No	No		Yes		Yes	Yes	Yes	Yes	No	63%-Yes	Yes
Hertiage Tree minimum size	None	24"	12"	20"		26"	None	24"	None	26"		None		24"	None	None		18"		24"	25"	Varies	24"	14"	22"	25"
Critical Root Zone requirements	No	Yes	Yes	No		Yes	Yes	Yes	No	Yes		Yes		Yes	Yes	Yes		Yes		Yes	Yes	Yes	No	No	73%-Yes	Yes
Protected Tree Mitigation	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes		Yes		Yes	Yes	Yes		Yes		Yes	Yes	Yes	Yes	Yes	100%-Yes	Yes
Protected Tree Mitigation Ratio	3"	No	1:1	1:1		1:1	1:1	1:1	Undefined	1:1		1:1		2.5:1	1:1	1:1		1:1		Undefined	1:1	1:1	No	75%	1:1	1:1
Heritage Tree Mitigation Ratio	None	No	1:1	3:1		3:1	No	No	No	3:1		No		1:1	No	No		3:1		Undefined	3:1	No	1:1	150%	3:1	1:1 or 3:1
Minimum Mitigation Tree Size	3"	1"-4"	3"	1" & 3"		None	3"-6"	1"-4"	None	None		2.5"		4"	3 "then 1"	2"		2"		1.5"	1 " & 3"	3"	2"	3" or 6"	3"	3"
Mitigation buyout option	No	Yes	No	Yes		Yes	Yes	Yes	No	Yes		Yes		Yes	No	Yes		Yes		No	Yes	Yes	No	Yes	68%-Yes	Yes
Tree protection requirements during construction	No	Yes	Yes	Yes		Yes	Yes	Yes	No	Yes		Yes		Yes	Yes	Yes		Yes		Yes	Yes	Yes	Yes	Yes	89%-Yes	Yes
Tree Credits	Yes	No	Yes	Yes		Yes	No	No	Yes	Yes		No		Yes	Yes	No		Yes		Yes	Yes	Yes	Yes	No	68%-Yes	Yes
Protected Tree Technical Manual	No	Yes	No	No		No	No	No	No	No		No		No	No	No		No		No	Yes	Yes	No	No	84%-No	No
Exemptions	No	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes		No		Yes	Yes	Yes		No		Yes	Yes	Yes	Yes	Yes	84%-Yes	Yes
Different Standards for Commercial and Residential Sites	No	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes		No		No	Yes	Yes		No		No	No	No	Yes	No	57%-Yes	Yes
Tree Types Protected - All Species	Yes	Yes	Yes	No		Yes	No	Yes	Yes	Yes		No		Yes	No	No		Yes		No	Yes	No	Yes	No	57%-Yes	Yes
Tree Types Protected - Oak	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes		Yes		Yes	Yes	Yes		Yes		Yes	Yes	Yes	Yes	Yes	100%-Yes	Yes
Tree Types Protected - Elms	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes		Yes		Yes	Yes	Yes		Yes		Yes	Yes	Yes	Yes	Yes	100%-Yes	Yes
Tree Types Protected -Cedars	Yes	Yes	Yes	No		Yes	No	Yes	Yes	Yes		No		Yes	No	No		Yes		No	No	No	Yes	Yes	57%-Yes	Yes
Ordinance Length	< 1 pg	32+ pgs	20 pgs	3 pgs		15 pgs	11 pgs	1+AECM	1 pg	9 pgs		3 pgs		10 pgs	5 pgs	3 pgs		4 pgs		4 pgs	8 pgs	14 pgs	4 pgs	12 pgs	9 pgs	9 pgs
Year Ordinance Adopted	1998	1999	2007	2002		1999	2000	2008	2009	2003		2011		2013	2011	2008		2014		2012	2009	2008	2005	2011	na	tbd
Most Recent Amendment	None	2010	No	2013		2013	2010	2014	2009	No		2014		No	2011	No		No		2014	2014	2012	2013	2014	na	1998
Penalty/Fine amount	\$500	\$2,000	No	\$2,000		\$1,000	\$500	\$2,000	No	\$2,000		\$2,000		\$2,000	\$2,000	\$2,000		\$2,000		\$2,000	\$2,000	\$2,000	No	\$2,000	\$2000	\$2000
Protected Tree Permit Fee	No	Yes	Yes	Yes		No	No	No	No	Yes		Yes		No	Yes	No		Yes		No	Yes	No	No	No	57%-No	tbd
Landscape Ordinance	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes	Yes	Yes	No	Yes	No	Yes	Yes	Yes	Yes	Yes	100%	Yes

May 17, 2016

7. REGULAR AGENDA

- (f) Presentation and discussion on Police Package Motor Vehicles. ***Mark Whitacre, Chief of Police***
-

Background information is attached as follows:

[Cover Memo and Supporting Documentation](#)



**Council Agenda Item Cover Memo
May 17, 2016**

Agenda Item No.: 7(f)
Presenter: Mark N. Whitacre, Chief of Police
Steve Eckstein, Lieutenant
Barry Greer, Sergeant
Department: Police Department
Legal Review:

AGENDA CAPTION

Presentation and discussion on Police Package Motor Vehicles.

BACKGROUND INFORMATION

The Police Department's current vehicle replacement plan establishes that police vehicles will be replaced at 100,000 miles. The Police Department currently has four Ford Crown Victoria's that will meet or exceed replacement guidelines by October of this year. Police Department Staff has conducted an in-depth analysis and determined that a Sport Utility Vehicle would be preferred over a Sedan for patrol use for various reasons and narrowed the choice to one of two vehicles, the Ford Interceptor Utility and the Chevrolet Tahoe PPV. After careful review, the Police Department Staff would recommend the utilization of the Ford Interceptor Utility as the replacement for our aging patrol vehicles.

May 17, 2016

7. REGULAR AGENDA

- (g) Presentation and discussion on comparable staffing levels of the Marble Falls Police Department. ***Mark Whitacre, Chief of Police***

Background information is attached as follows:

[Cover Memo and Supporting Documentation](#)



**Council Agenda Item Cover Memo
May 17, 2016**

**Agenda Item No.: 7(g)
Presenter: Mark N. Whitacre, Chief of Police
Department: Police Department
Legal Review:**

AGENDA CAPTION

Presentation and discussion on comparable staffing levels of the Marble Falls Police Department.

BACKGROUND INFORMATION

Marble Falls Police Department Staff will be providing to the Marble Falls City Council a presentation describing the current staffing levels, comparative statistical analysis of, population, call volume, and uniform crime data as it relates to the Marble Falls Police Department.

Like comparisons will be made with another Burnet County Municipality and three other similar municipalities.

The presentation will explain how staffing levels of the five police agencies relate to the various factors of population, call volume, traffic accidents, arrests, citations issued, U.C.R. offenses and clearance rates.

The next segment of the presentation will provide a cumulative view of the Police Departments last twenty years of staffing levels, call volume, U.C.R. statistics, clearance rate, as well as how positions were funded.

The final portion of the presentation will provide information as to how the current staffing level has impaired the Police Departments ability to retain experienced staff.