



**NOTICE OF MEETING
GOVERNING BODY OF MARBLE FALLS, TEXAS
Tuesday, June 7, 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 7th day of June, 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**
 - Recognition of former Councilmember Richard Lewis. **Mayor John Packer**
 - Update from Air Evac. **Terri Thompson**
 - Update from the Marble Falls Area EMS. **Johnny Campbell**
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 17, 2016 regular meeting. **Christina McDonald, City Secretary**

- (b) Approval of the distribution of funds from the Community Event Fund for the Marble Falls [Community Fireworks July 4th Celebration](#). **Mike Hodge, City Manager**

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

- (a) Public Hearing, Discussion, and Action on the first reading of [Ordinance 2016-O-06A](#) and waiving the second reading regarding adoption of the 2015-2016 City of Marble Falls Comprehensive Plan update. **Caleb Kraenzel, Assistant City Manager**
- (b) Public Hearing, Discussion, and Action regarding a [replat](#) of Lot Nos. 5 through 10, Block No. 56, Marble Falls Original Township, City of Marble Falls, Burnet County, Texas, municipally addressed as 802 Avenue F. **Elizabeth Yeh, City Planner**
- (c) Public Hearing and Discussion on the First Reading of [Ordinance 2016-O-06B](#), regarding a zoning text amendment to Sections 1030-1099 of the Landscape Ordinance, General Regulations, 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. **Caleb Kraenzel, Assistant City Manager**
- (d) Discussion and Action on authorizing staff on the possibility of issuing new [Certificates of Obligation](#). **Margie Cardenas, Finance Director**
- (e) Discussion and Action on appointments to the [Economic Development Corporation](#). **Christina McDonald, City Secretary**

8. CITY MANAGER'S REPORT

- Avenue H TxDOT right-of-way abandonment

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.

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 2nd day of June, 2016 at 8:00 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.

June 7, 2016

6. CONSENT AGENDA

- (a) Approval of the minutes of the May 17, 2016 regular meeting. ***Christina McDonald, City Secretary***
-

Background information is attached as follows:

[May 17, 2016 regular meeting minutes](#)

STATE OF TEXAS
COUNTY OF BURNET
CITY OF MARBLE FALLS

On this the 17th 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:

John Packer	Mayor
Jane Marie Hurst	Mayor Pro-Tem
Rachel Austin-Cook	Councilmember
Craig Magerkurth	Councilmember
Ryan Nash	Councilmember
Reed Norman	Councilmember
Richard Westerman	Councilmember

ABSENT:

Richard Lewis	Councilmember
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STAFF:

Mike Hodge	City Manager
Caleb Kraenzel	Assistant City Manager
Patty Akers	City Attorney
Christina McDonald	City Secretary
Mark Whitacre	Police Chief
Steve Eckstein	Patrol Lieutenant
Barry Greer	Patrol Sergeant
Kyle Cioffi	Patrol Officer
Amanda Langley	PD Administrative Assistant
Russell Sander	Fire Chief
Elizabeth Jaimes	City Planner
Christian Fletcher	EDC Executive Director

VISITORS: Tessa Schmidtzinsky (PEC), BJ Wagner and Randy Hartford (ATMOS Energy), Glynis Smith (The Highlander), Fred Zagst, Darlene Oostermeyer, Calvin Boyd (Burnet County Sheriff Elect), Billy Wall, Cheryl Stacks, Kiley Magerkurth, Mary Magerkurth, Patricia Magerkurth, Russell Buster, Cathy Kratz (TxDOT), Lee Youngvall (Boy Scout Troop 284), Andi Ball (Congressman Roger William's Office), Rhiannon Youngvall, Lisa Youngvall

1. **CALL TO ORDER AND ANNOUNCE QUORUM IS PRESENT.** Mayor Packer called the meeting to order at 6:00 pm.
2. **INVOCATION.** Councilmember Norman led the invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES AND TO THE TEXAS FLAG. Boy Scout Lee Youngvall (Troop 284) led the pledges.

4. UPDATES, PRESENTATIONS AND RECOGNITIONS

- **Update from the Texas Department of Transportation.** Cathy Kratz, P.E. TxDOT Area Engineer gave the update.

5. CITIZEN COMMENTS. Tesse Schmidtinsky (PEC) invited Council to the 2016 annual meeting on June 18.

Russell Buster, resident, addressed Council regarding the upcoming budget and police department staffing. Mr. Buster referred to a letter and research he presented Council in 2011.

6. CONSENT AGENDA.

(a) Approval of the minutes of the May 3, 2016 regular meeting.

(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).

Councilmember Norman made a motion to approve the consent agenda. Mayor Pro-Tem Hurst seconded the motion. The consent agenda was approved by a vote of 6-0.

7. REGULAR AGENDA.

(a) Administration of Oaths of Office. Christina McDonald, City Secretary administered the Oaths of Offices to Craig Magerkurth Places 1, Reed Norman Place 3 and Richard Westerman Place 5.

(b) Discussion and Action on the election of a Mayor Pro-Tem by Council according to Section 3.05 of the City Charter. Councilmember Norman made a motion to elect Jane Marie Hurst as Mayor Pro-Tem to serve until May 2017. Councilmember Westerman seconded the motion. The motion carried by a vote of 7-0.

(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 addressed Council. ATMOS representative Randy Hartford answered questions from Council. Mayor Pro-Tem Hurst made a motion to act favorably on Resolution 2016-R-05B. Councilmember Westerman seconded the motion. The motion carried by a vote of 6-0, with Councilmember Norman voting in opposition.

- (d) **Discussion regarding charter amendment ballot language for the November 8, 2016 Special Election.** Patty Akers, City Attorney led the discussion. Approval of the Ordinance ordering the election is scheduled for the August 2 Council Meeting.
- (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 addressed Council. No Action was taken.
- (f) **Presentation and discussion on Police Package Motor Vehicles.** Patrol Sergeant Barry Greer gave the presentation. Sergeant Greer stated the department has four vehicles that need to be replaced. Estimated mileage on each vehicle will exceed 100,000 miles at the end of the FY 2015/2016 budget year. SUV's and Cars were discussed. The presentation continued with discussion and comparisons of the Chevrolet Tahoe and the Ford Interceptor Utility. No Action was taken.
- (g) **Presentation and discussion on comparable staffing levels of the Marble Falls Police Department.** Mark Whitacre, Chief of Police led the presentation on comparative staffing and analysis. No Action was taken.
8. **CITY MANAGER'S REPORT.** There was no city manager report.
9. **EXECUTIVE SESSION.** Council did not convene to executive session.
10. **RECONVENE INTO OPEN SESSION FOR POSSIBLE ACTION RESULTING FROM ITEMS DISCUSSED IN EXECUTIVE SESSION.**
11. **ANNOUNCEMENTS AND FUTURE AGENDA ITEMS.** Items for the June 7 agenda were reviewed. Mr. Hodge reminded Council about the budget retreat on June 2.
12. **ADJOURNMENT.** There being no further business to discuss, Council adjourned the meeting at 8:29 pm.

John Packer, Mayor

ATTEST:

Christina McDonald, TRMC
City Secretary

June 7, 2016

6. CONSENT AGENDA

- (b) Approval of the distribution of funds from the Community Event Fund for the Marble Falls Community Fireworks July 4th Celebration. ***Mike Hodge, City Manager***
-

Background information is attached as follows:

[Cover Memo and Supporting Documentation](#)



**Council Agenda Item Cover Memo
June 7, 2016**

**Agenda Item No.: 6(b)
Presenter: Mike Hodge, City Manager
Department: Administration**

AGENDA CAPTION

Approval of the distribution of funds from the Community Event Fund for the Marble Falls Community Fireworks July 4th Celebration.

BACKGROUND

The Community Event Fund was established in 2012 and is funded by citizens contributing a \$1.00 voluntary donation each month on their water bill.

The fund has a current balance of \$37,482.64 as of 05/11/16.

Last year, Council approved \$15,000 from the Community Project Fund in support for the Marble Falls Community Fireworks July 4th Celebration. The funding for the entire July 4th project comes from donations and contributions from within our community and includes a firework display, food vendors, and live music performances beginning at 4:00 PM on July 4th in Lakeside Park.

The event organizer, Judy Miller, is requesting funding in the amount of \$17,000 for the 2016 event which would cover the cost of the firework display contract with GW Pyro.

Please see the attached contract.

GW PYRO

Celebrate with Fireworks!

March 19, 2016

Presented To;
Judy Miller
Marble Falls Community Fireworks
P.O. Box 158
Marble Falls, Texas 78654

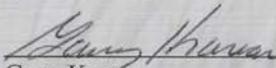
Reference: July 4, 2016 Fireworks Display

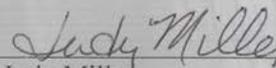
Please accept this written proposal for your July 4, 2016 Fireworks Display that will take place at LaVentana Property Owners Water Park. Tuesday (July 5, 2016) will be the rain date unless you advise otherwise. Display is scheduled to begin at approximately 9:00 P.M.

This is to be an aerial display where I furnish the insurance, state permit, labor, transportation and all necessary equipment for firing the display. We will furnish everything except the firing site and security which you must provide.

The total price of the display is Seventeen Thousand Dollars (\$17,000.00). If the event is cancelled for any reason, Marble Falls Community Fireworks will pay Fifty-percent (50%) of the contract price. A Fifty- percent (50%) deposit is due upon acceptance of this proposal with the remaining balance due July 4, 2016. If you agree with these terms, please sign this original proposal to confirm the booking of this display.

We appreciate the opportunity to work with your organization again.

 3-19-16
Gary Kovar Date

 3/25/16
Judy Miller Date

P.O. Box 387 • Jarrell, Texas 76537 • 512.748.2171 • 512.746.2490 Fax

June 7, 2016

7. REGULAR AGENDA

- (a) Public Hearing, Discussion, and Action on the first reading of Ordinance 2016-O-06A and waiving the second reading regarding adoption of the 2015-2016 City of Marble Falls Comprehensive Plan update. ***Caleb Kraenzel, Assistant City Manager***
-

Background information is attached as follows:

[Cover Memo and Supporting Documentation](#)



**Council Agenda Item Cover Memo
June 7, 2016**

Agenda Item No.: 7(a)
Presenter: Matt Bucchin, Halff Associates
Caleb Kraenzel, Assistant City Manager
Department: Development Services
Legal Review: N/A

AGENDA CAPTION

Public Hearing, Discussion, and Action on the first reading of Ordinance 2016-O-06A and waiving the second reading regarding adoption of the 2015-2016 City of Marble Falls Comprehensive Plan Update.

BACKGROUND INFORMATION

This item is regarding the adoption of the 2015-2016 City of Marble Falls Comprehensive Plan Update.

Summary of the 12-month Comprehensive Plan Update process:

- Awarded the Comprehensive Plan Update Consultant contract to Halff Associates, Inc. on April 21, 2015 with a deadline of May-June 2015. The total project budget was \$125,000.00 funded by the City and Economic Development Corporation, to date the project is on-budget.
- Chapter 2 of the Comprehensive Plan provides a detailed summary of the public engagement conducted during the development of the Comprehensive Plan.
- The [Comprehensive Plan Advisory Committee](#) was responsible for working with the consultant, City Staff, and the public to develop the updated Comprehensive Plan.
 - Brian Shirley, Chairperson of the CPAC will be in attendance.

Results of the April 12 Joint Workshop and Public Open House have been compiled and is documented in an update to Chapter 9 – the implementation chapter of the plan

document. Attention on the prioritization of actions in their category of Short, Medium, Long term and the ranking of actions should be closely evaluated by Councilmembers.

At the May 5, 2016 regular meeting of the Planning and Zoning Commission the Commission motioned to send the 2015-2016 Comprehensive Plan Update to Council for adoption by a vote of 7 – 0.

The final Comprehensive Plan Update document can be found here:

- [Comprehensive Plan Update - Council Draft](#)

RECOMMENDATION

City staff recommends approval of the Comprehensive Plan update.

ORDINANCE NO. 2016-O-06A

AN ORDINANCE ADOPTING THE COMPREHENSIVE PLAN FOR THE CITY OF MARBLE FALLS, BURNET COUNTY, TEXAS, AND ACCOMPANYING MAPS, AND REPEALING ORDINANCE 2009-O-10C, IN ITS ENTIRETY, BURNET COUNTY, TEXAS; PROVIDING FOR SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS the City of Marble Falls is legally empowered to regulate development in the community through the legitimate use of police powers; **AND,**

WHEREAS, the City Council seeks to promote responsible and sustainable growth consistent with the City of Marble Falls' Comprehensive Plan ("Plan"); **AND,**

WHEREAS, Chapter 213 of the Texas Local Government Code authorizes cities to adopt a comprehensive plan for the long-range development of the municipality; **AND,**

WHEREAS, further state law allows a city to define the content and design of a comprehensive plan, and such plan may include provisions on land use, transportation, and public facilities, and may include land use assumptions adopted in a manner that complies with Subchapter C, Chapter 395 of the Texas Local Government Code; **AND,**

WHEREAS, in order to receive as much public input as possible, the City Council formed a Comprehensive Plan Advisory Committee to meet and seek comment from the citizens of Marble Falls; and the Committee held numerous public meetings and gave the public the opportunity to present oral and written testimony on the proposed revisions to the Plan; **AND,**

WHEREAS, the Planning & Zoning Commission held a public hearing and allowed comment and testimony from the public; and recommends to the City Council approval of the revisions to the City's Comprehensive Plan and adoption of a new Plan as enumerated herein; **AND,**

WHEREAS, the City Council of the City of Marble Falls, Texas, has considered the matter at a public hearing and has invited public input and participation; recommends approval of the adoption of the Comprehensive Plan as enumerated herein, and finds that the adoption of the Plan will be in the best interest of the City and will promote the public health, safety and welfare of the community.

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

SECTION I. PREAMBLE. All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Marble Falls and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION II. ADOPTION. That the document labeled Exhibit "A", attached and incorporated by reference for all purposes, including all maps and appendices, shall be the official Comprehensive Plan for the City of Marble Falls, Texas. Ordinance No. 2009-O-10C, and as that ordinance was subsequently amended, is repealed in its entirety.

Christina McDonald, City Secretary
City of Marble Falls

(Seal)

APPROVED AS TO FORM:

Patty L. Akers, City Attorney
City of Marble Falls

June 7, 2016

7. REGULAR AGENDA

- (b) Public Hearing, Discussion, and Action regarding a replat of Lot Nos. 5 through 10, Block No. 56, Marble Falls Original Township, City of Marble Falls, Burnet County, Texas, municipally addressed as 802 Avenue F. *Elizabeth Yeh, City Planner*
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Background information is attached as follows:

[Cover Memo and Supporting Documentation](#)



**Council Agenda Item Cover Memo
June 7, 2016**

Agenda Item No.: 7(b)
Presenter: Elizabeth Yeh, City Planner
Department: Development Services
Legal Review: N/A

AGENDA CAPTION

Public Hearing, Discussion, and Action regarding a replat of Lot Nos. 5 through 10, Block No. 56, Marble Falls Original Township, City of Marble Falls, Burnet County, Texas, municipally addressed as 802 Avenue F.

BACKGROUND INFORMATION

This item is regarding a replat of six (6) existing lots within Block 56 of the Marble Falls Original Township Subdivision. The Subject Area is 0.584 acres and will be combined into a single lot, to be known as Lot 5-A. The configuration of the proposed lot will reflect the ownership boundary of Glenna Mary Copeland, consistent with the Burnet Central Appraisal District (BCAD) tax parcel boundary.

The Subject Area is located on the northwest corner of the Broadway and Avenue F intersection. The Subject Area is municipally addressed as 802 Avenue F and home to a two-story single-family residence. The Subject Area is adequately served by city water and wastewater services, therefore no public infrastructure or right-of-way is being dedicated with this replat. The proposed replat does not lie within the 100-year floodplain.

The purpose of the replat is to remove interior lot lines of the property to allow for construction of an accessory building/structure in the future.

Surrounding properties to the west are zoned Neighborhood Commercial Base District (C-1), and include retail, residential, and institutional land uses. Surrounding properties to the east are zoned Single-Family Base District (C-1) and include

residential land uses exclusively. The majority of the proposed lot is located in the Single-Family Base District (R-1), however the west 30 feet of the proposed lot is zoned Neighborhood Commercial Base District (C-1). According to the adopted City Code of Ordinances (Section 604 of Appendix B Land Use Regulations) a division of a lot may exist provided that each divided portion is regulated by only one district. In other words, wherever a lot or site is divided by a district boundary, the regulations applicable within each district shall apply to each portion of the site situated in a separate district.

Due of the number of lots involved exceeding four (4) lots, Commission and Council approval is required for this replat, after a public hearing on the matter at which parties of interest and citizens have an opportunity to be heard.

A total of nine (9) adjacent property owners within two hundred feet (200') of the Subject Area were mailed notification letters, including the public hearing dates and a prepaid comment card for response supporting/opposing the proposed replat. At the time of packet distribution four (4) property owners responded in favor of the replat.

At the May 5, 2016 regular meeting of the Planning and Zoning Commission the Commission motioned to send this item to Council for approval by a vote of 7 – 0.

RECOMMENDATION

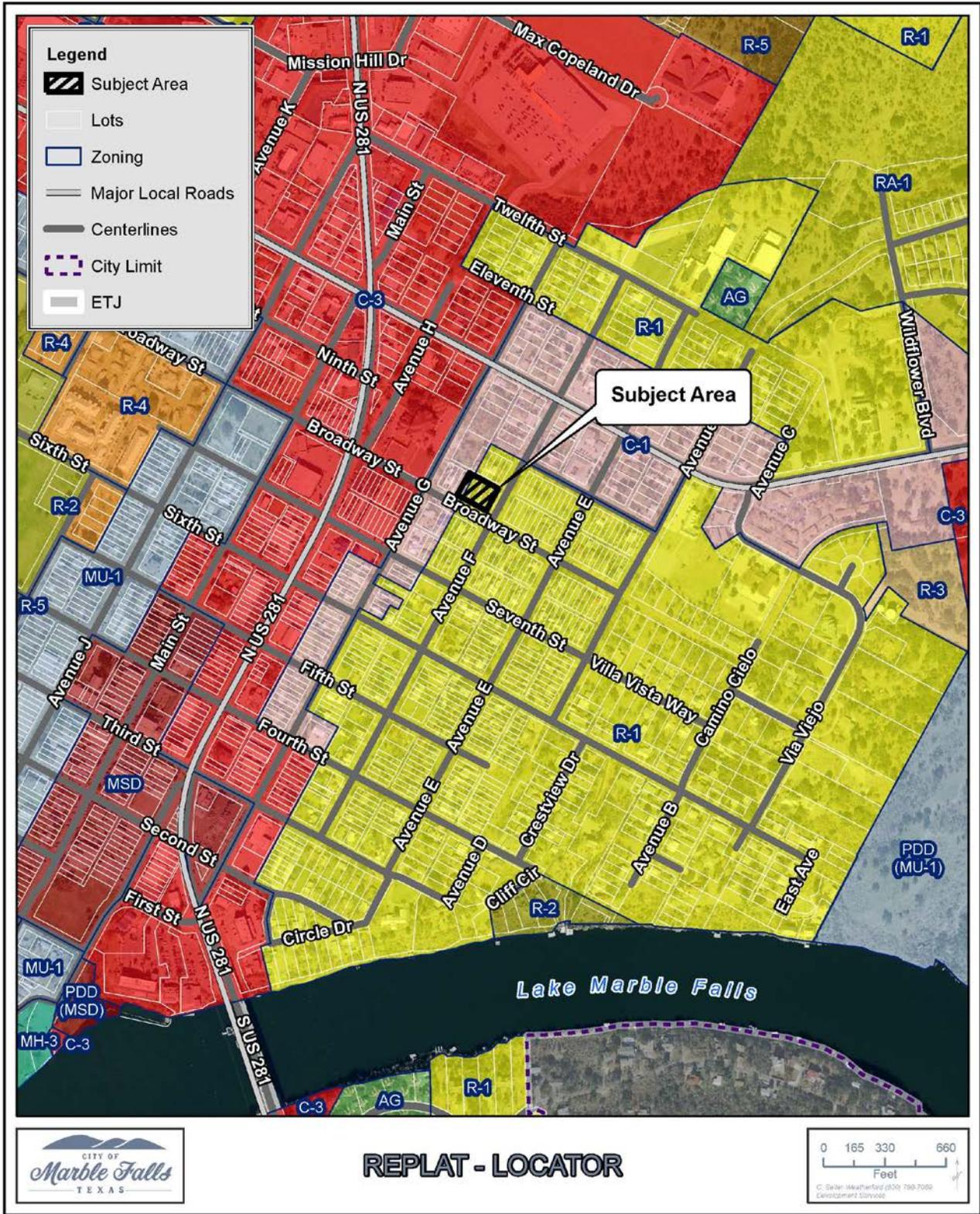
Due to proposed lot conforming to subdivision regulations, zoning district regulations, and conformance with ownership boundaries, Staff recommends approval of the replat.

Memo Contents:

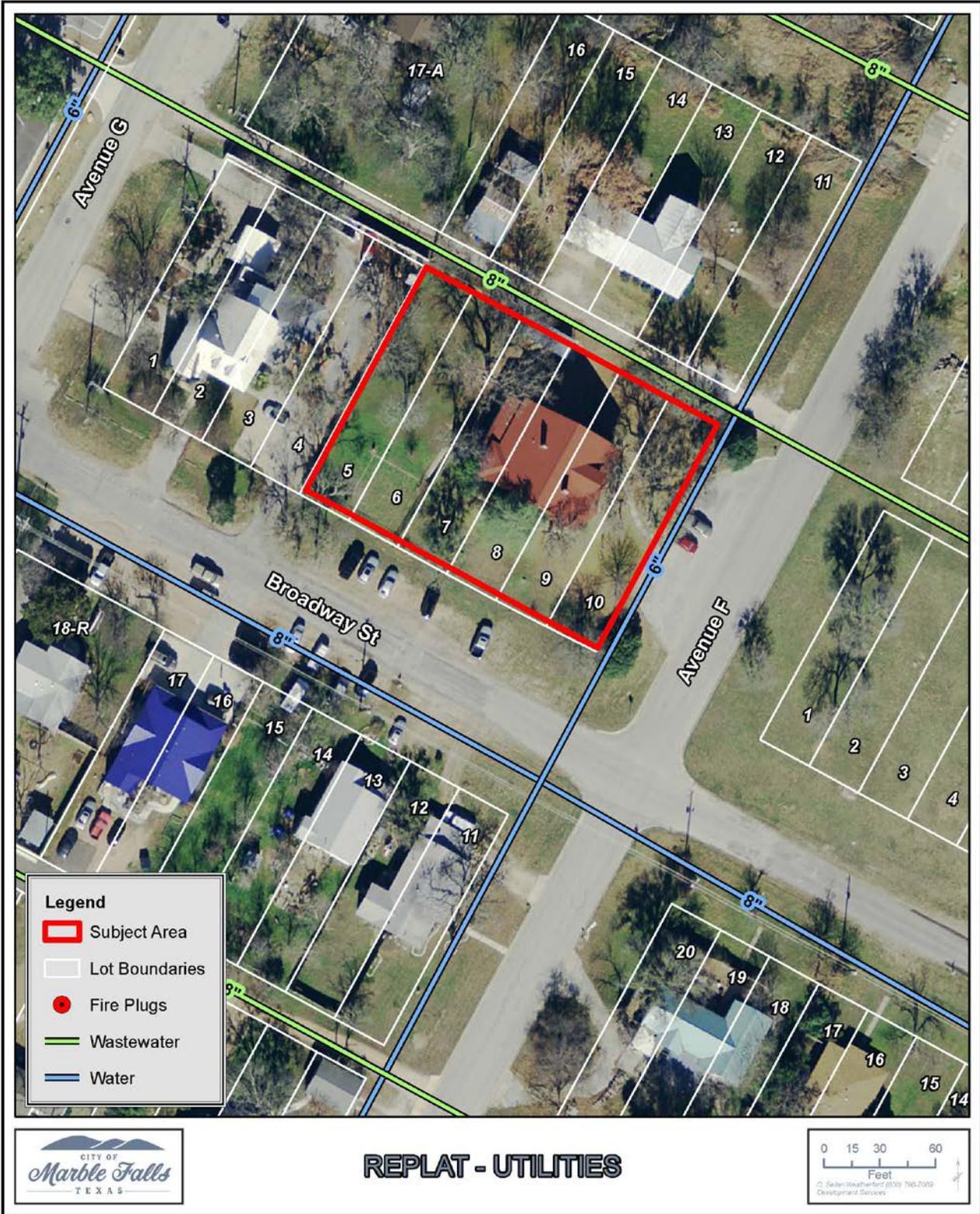
- Informational maps produced by City Staff:
- Replat Survey

Pages 3 - 9

Page 10









Legend

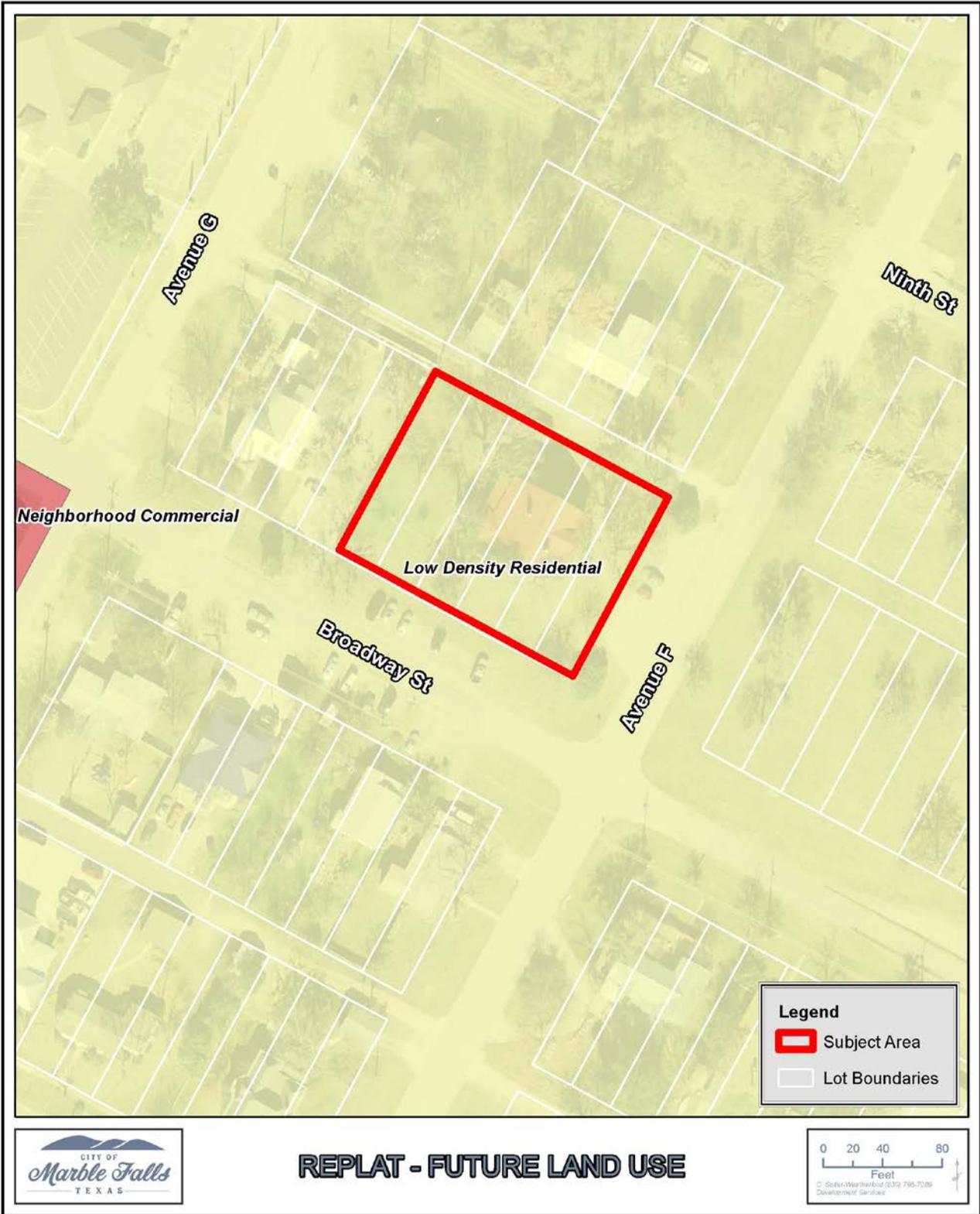
- Subject Area
- Lot Boundaries
- Floodway
- 100 Yr Floodplain
- 500 Yr Floodplain

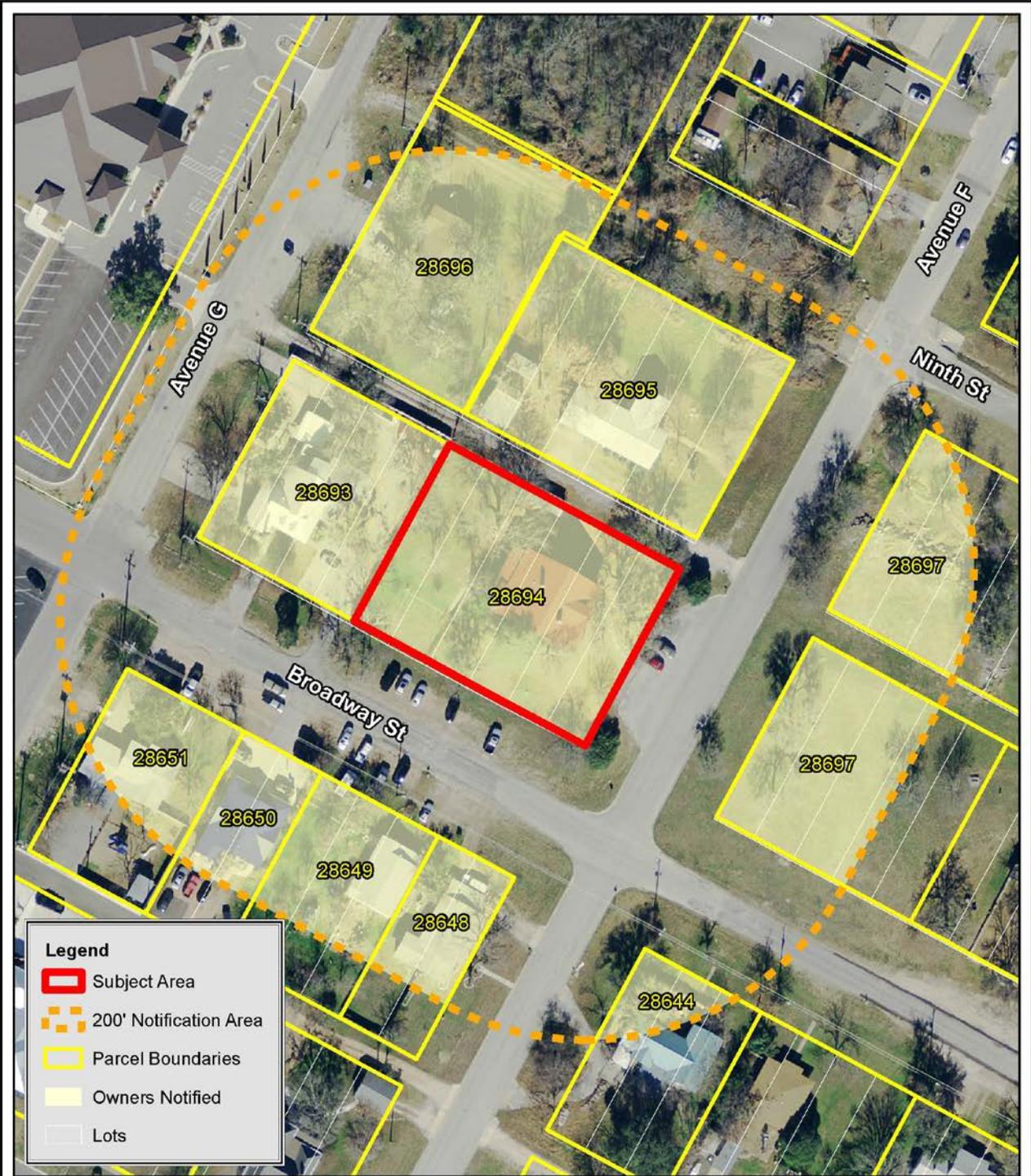


REPLAT - FLOODPLAIN

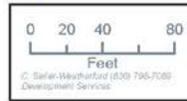








REPLAT - NOTIFICATION



June 7, 2016

7. REGULAR AGENDA

- (c) Public Hearing and Discussion on the First Reading of Ordinance 2016-O-06B, regarding a zoning text amendment to Sections 1030-1099 of the Landscape Ordinance, General Regulations, 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. ***Caleb Kraenzel, Assistant City Manager***
-

Background information is attached as follows:

[Cover Memo and Supporting Documentation](#)



Council Agenda Item Cover Memo
June 7, 2016

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

AGENDA CAPTION

Public Hearing and Discussion on the First Reading of Ordinance 2016-O-06B, regarding a zoning text amendment to Sections 1030-1099 of the Landscape Ordinance, General Regulations, 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 the first public hearing and 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 an amendment to the existing Protected Tree Regulations. During the April 1, 2014 meeting of the City Council, a discussion was held regarding the Tree Ordinance at the request of Marble Falls' citizen Mary Ellen Goff. Following the discussion Council recommended forwarding the item to staff in order to schedule a

future workshop with the Tree Ordinance Committee and the Planning and Zoning Commission.

The Joint Workshop between the Planning and Zoning Commission and the Tree Ordinance Committee occurred on February 5, 2015, and led to City Staff being directed to draft an amended Tree Preservation and Protection Ordinance. After substantial research and consideration of Tree Protection ordinances from twenty-three (23) 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 Preservation and 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 current draft was recommended for approval by the Planning and Zoning Commission on May 5, 2016 by a vote of 7-0.

The following is a summary of the proposed Tree Preservation and Protection Ordinance:

- **Protected Tree Size-** 12" or greater, measured at 4.5' above the ground
- **Heritage Tree Size-** 25" or greater, measured at 4.5' above the ground
- **Applicability-** All new commercial and residential development and all redevelopment if building footprint is enlarged.
- **Protected Tree Removal Requirements-** Obtain permit and:
 - Replace on-site at a ratio of one inch per inch removed (Tree Credits may reduce total replacement inches required), AND/OR
 - Donate replacement trees (if certain conditions apply), AND/OR
 - Pay a fee-in-lieu of \$200 per inch (if certain conditions apply)
- **Protected Tree Mitigation Exemptions-**
 - Primary residential building footprint and residential driveway
 - The area 10' within the primary residential building footprint
 - The area over a septic system
 - The areas designated for public facilities, such as streets or utilities
 - Trees fatally diseased or dying, or Trees endangering public health, safety, or welfare, as determined by the City
 - Trees designated as Invasive, or Trees of the following species: Celtis Occidentalis (hackberry); Juniperus Virginiana, Juniperis Ashei (common cedar); Chinaberry; Mesquite; Ligustrum.
- **Heritage Tree Removal Requirements-**
 - Receive approval of variance by the Planning and Zoning Commission and mitigate at a ratio of one inch per inch removed, OR
 - Receive permit approval to mitigate at a ratio of three inches per inch remove
- **Heritage Tree Mitigation Exemptions-**
 - Trees fatally diseased or dying, or Trees endangering public health, safety, or welfare, as determined by the City
 - Trees designated as Invasive, or Trees of the following species: Celtis Occidentalis (hackberry); Juniperus Virginiana, Juniperis Ashei (common cedar); Chinaberry; Mesquite; Ligustrum.
- **Tree Protection Requirements during construction-** Protected Trees retained within limits of construction must be guarded by one of the following:
 - Protective Barrier around drip line, OR
 - Trunk and Root protection, OR
 - Similar protection method approved by the City

Memo Contents:

- Tree Preservation and Protection Text Amendment: **Pages 5 - 13**
- Ordinance 2016-O-06B: **Pages 14 - 25**

City of Marble Falls Code of Ordinances, Appendix B Land Use Regulations, General Regulations, Landscape Ordinance, Protected Trees Text Amendment:

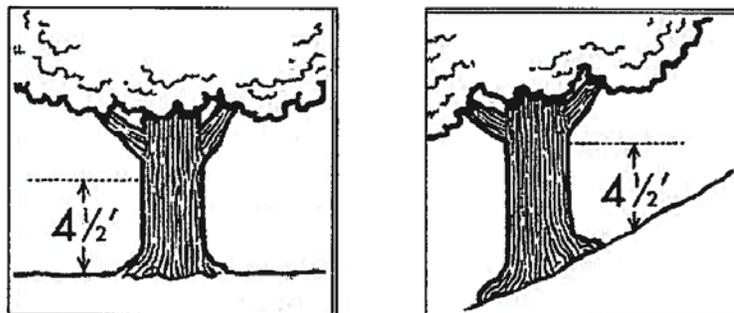
1035. Tree Preservation and Protection Requirements

A. Purpose. The purpose of this section is to:

1. Encourage protection of the natural environmental and beauty of the City.
2. Preserve the City's urban canopy by minimizing tree loss.
3. Promote replacement of trees which have been removed and destroyed due to the ill effects of rapid and intense urbanization within the City limit.
4. Regulate diversely based on different development types and sizes.
5. Encourage a resourceful and prudent approach to urban development of wooded areas.
6. Provide mitigation and cost effective alternatives for creative subdivision and site design which preserves trees while allowing development in wooded areas.
7. Create a positive economic effect on the City by preserving and enhancing property values, mitigating drainage and flooding issues, improving air quality, helping save energy, and improving health and quality of life, thereby making the City a more attractive place in which to live, visit and do business.

B. Definitions. For the purposes of this section, the following definitions will be used:

1. *Caliper*. The diameter of the trunk of a tree measured four and one-half feet (4-1/2') above the ground, also known as the diameter at breast height (DBH). The DBH can be obtained by measuring the circumference of the tree trunk and converting it to diameter by dividing by pi (3.14).

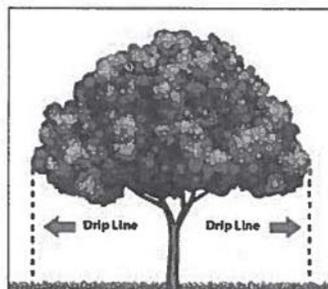


** If the tree is on a slope, measure from the high side of the slope*



For multiple trunk trees, the caliper is deemed to equal the caliper of the largest trunk plus half the caliper of each additional trunk. For example, a tree that has three trunks with circumferences of 22", 18", and 12" you would have a circumference of 37" ($22" + (\frac{1}{2} \times 18") + (\frac{1}{2} \times 12")$). The circumference would then be divided by pi (3.14), giving you a caliper of 11".

2. *Clearing.* The act of cutting down, removing all or a substantial part of, or damaging a tree or other vegetation that will cause the tree to decline and/or die (which includes but is not limited to chemical, physical, compaction or grading damage).
3. *Critical root zone (CRZ).* The region measured outward from the trunk of a tree representing the essential area of the roots that must be protected for the tree's livelihood.
4. *Development.* All land modification activity, including the construction of building, roads, paved storage areas, and parking lots. "Development" also includes any land disturbing construction activities or human-made change of the land surface, including clearing of vegetative cover, excavating, filling and grading, mining, and dredging, and the deposit of refuse, waste or fill. Care and maintenance of lawns, gardens, and trees; minimal clearing (ten feet wide) for surveying and testing; and agricultural activities are excluded from this definition.
5. *Drip line.* A vertical line extending from the outermost portion of the tree canopy to the ground.



6. *Protected tree.* Trees with a caliper of twelve inches (12") or greater.
7. *Public tree.* All trees partially or completely resting on public property.

8. *Removal of tree.* An act that causes or may be reasonably expected to cause a tree to die, including, but not limited to: uprooting, severing the main trunk, severely pruning or trimming a tree, damaging the root system by machinery, storage of materials or soil compaction; substantially changing the natural grade above the root system or around the trunk; paving with concrete, asphalt, or other impervious materials in a manner which may reasonably be expected to kill the tree.
9. *Heritage tree.* Protected trees with a caliper of twenty-five inches (25") or greater.
10. *Tree Inventory.* A diagram or drawing which accurately depicts the location, species, and size of all Protected trees on a lot within the limits of construction, including a legend that identifies and differentiates Protected Trees to be removed and those to be retained. Photography of the property depicting the character of the tree canopy may be required by the City.
11. *Tree Removal Permit.* Permit issued by the City to authorize protected tree removal and plan or method of mitigation.
12. *Tree Replacement Plan.* A diagram or drawing which accurately depicts the location, species, and size of all replacement trees required on a lot, including the location, species, and size of any existing trees to be retained and used as credit against the replacement requirements.

C. *Applicability.* Except as otherwise provided, the provisions of this section are applicable to the following:

1. All residential and nonresidential property or development within the City.
2. New or redevelopment construction on any residential or nonresidential property within the City limit that results in an increase in building footprint or destruction and reconstruction of any residential or nonresidential property within the City limit.

D. *Exemptions.* The provisions of this section shall not apply to the following:

1. The proposed primary building footprint and driveway area of all new residential development or redevelopment if tree caliper is under twenty-five inches (25").
2. The area within ten feet of a primary residential building footprint if tree caliper is under twenty-five inches (25").
3. The area over a septic system, if septic systems are allowed/present, and if tree caliper is under twenty-five inches (25").
4. The areas designated for the construction or installation of public facilities, such as streets or utilities, if tree caliper is under twenty-five inches (25").
5. If a tree endangers the public health, welfare or safety, and immediate removal is required as determined in writing by the designated official of the City.

E. *Permit Application Requirements.* Except for trees that are exempt pursuant to subsection D of this section, it shall be unlawful for any person or entity to remove a protected tree without first obtaining a permit and approval from the City. If an

applicant contemplates development that requires approval of a Site Development permit pursuant to Section 1104.-1105., the Applicant can choose to obtain a separate Tree Removal Permit or can choose to obtain approval for the tree removal in conjunction with issuance of the Site Development permit. If choosing approval through the Site Development process the Applicant must demonstrate compliance with the requirements of this section and the review and processing of the tree removal request or any requested variances will be provided in conjunction with the processing and issuance of the Site Development Permit. The issuance of a separate Tree Removal Permit will not be required. An applicant who chooses to obtain approval for tree removal in conjunction with Site Development approval must be issued the Site Development permit prior to removal of the tree(s). Applicants who are not required to obtain a Site Development permit or choose not to obtain approval for tree removal in conjunction with the issuance of a Site Development permit shall be required to submit an application for a Tree Removal Permit as set out herein. The removal of an existing protected tree(s) from a development or redevelopment site must be in accordance with this and all other applicable ordinances of the City. Prior to the removal of any Protected or Heritage tree, as defined within this section, the property owner must first submit an application with the following information:

1. Which tree(s) will be removed within the limits of construction (as shown on a site plan or tree inventory).
2. Which tree(s) will remain and be counted as tree credits, if any (as shown on a site plan or tree replacement plan).
3. How the removal will be performed (and machinery and equipment needed), and the date and time when the anticipated removal will occur.
4. If a Heritage or Protected tree proposed for removal is within or not within the following:
 - a. A primary residential building footprint or residential driveway area, or within ten feet of a primary residential building footprint.
 - b. Within the area over the septic system.
 - c. Within an area designated for the construction or installation of public facilities such as streets or utilities.
5. A Tree Inventory and Tree Replacement Plan, if necessary.
6. If a Protected or Heritage tree is fatally diseased or dying, a Tree Removal Permit is required for removal, however no other provisions of this section shall apply. Supporting documentation may be required by the City.

F. Preservation Requirements.

1. Clearing or stripping of natural vegetation on a lot is expressly prohibited unless authorized by the City in writing and/or by issuance of a Site Development Permit, a Tree Removal Permit, or if no protected trees are to be removed, by issuance of a NPS permit, as applicable. Any part of a site not used for buildings, parking, driveways, walkways, utilities, on-site septic facilities (OSSF) and approved storage areas or accessory structures shall be preserved.

2. All living trees measuring twelve inches (12") in caliper or greater are designated as Protected trees. The removal of any Protected tree must be specifically requested by the applicant and approved via permit prior to any action being taken to remove the tree or to damage or disturb the tree in any way. Removal of any such trees without a permit is expressly prohibited.
3. The removal of Heritage trees, which for the purposes of these requirements are trees with twenty-five inch (25") caliper or greater regardless of location, must be specifically approved by the Planning and Zoning Commission through request of a variance, or must receive permit approval to mitigate at a ratio of three inches per inch removed, prior to any action being taken to remove the tree or to damage or disturb the tree in any way.
 - a. The City Manager or designee will forward to the Planning and Zoning Commission any tree removal permit application that requests a variance to the regulations established herein. Such applications shall list all hardships associated with the request, and will be considered by the Commission at its next regularly scheduled meeting; the applicant shall be notified of the time and place of said meeting and shall be invited and encouraged to attend.
 - b. In order to lessen practical difficulties and prevent unnecessary physical hardships, a variance to remove a Heritage tree or to deviate from these regulations may be granted. A practical difficulty or unnecessary physical hardship may result from the size, shape, or dimensions of a lot, or from topographic or physical limitations in the immediate vicinity. Cost or inconvenience to the applicant of strict or literal compliance with this section is not a reason for granting a variance.
 - c. The Commission will approve, reject, or approve with conditions the tree removal permit application and the associated variance.
 - d. A decision by the Commission may be appealed to the City Council if the appeal is filed within 10 days of the date of the Commission's decision. The City Council, after receiving a report from the Commission, may confirm, reverse, or modify the action of the Commission. All appeals must be in writing and clearly set out the portions of the regulations that are applicable to the appeal and the justification for the appeal.
 - e. The City Manager or designee may forward at his discretion any tree removal application to the Planning and Zoning Commission for its consideration in lieu of review and consideration by the City Manager or designee.
4. The general construction and design requirements pertaining to all Protected and Heritage trees proposed to be preserved/retained within the property/site are required to ensure a responsible design in order to not adversely damage the health of the Protected trees.

G. Mitigation Requirements.

1. Trees over twelve inches (12") in caliper but less than twenty five inches (25") in caliper that are not located in one of the following areas shall be replaced on-site at a ratio of one inch per inch removed:
 - a. Within a residential building footprint or residential driveway area.
 - b. Within ten feet of a residential building footprint.
 - c. Within the area over the septic system.
 - d. Within areas designated for the construction or installation of public facilities such as streets or utilities.
2. Any Heritage tree that is approved to be removed through a variance shall be replaced on-site at a ratio of one inch per inch removed regardless of the location of the Heritage tree. Any Heritage tree that is approved to be removed without variance approval shall be replaced on-site at a ratio of three inches per inch removed regardless of the location of the Heritage tree.
3. If, based on a site inspection, a tree designated for preservation pursuant to this section is already dead, dying, or fatally diseased prior to development or redevelopment of the site, the provisions of replacement requirements shall not apply.
4. The invasive plants listed in subsection H.7. and the following tree species are exempt from mitigation requirements of this section:
 - Celtis Occidentalis (hackberry);
 - Juniperus Virginiana, Juniperis Ashei (common cedar);
 - Chinaberry;
 - Mesquite;
 - Ligustrum.
5. Replacement trees must be a minimum of three inches (3") in caliper and from the City's approved shade tree list.
6. Replacement trees do not count towards standard landscaping requirements. However, existing trees may be counted both towards tree credits to reduce replacement requirements and towards the standard landscaping requirements, if over three inches (3") in caliper
7. Species, size, quantity, and delivery date of replacement trees shall be approved by the City.
8. Replacement trees must be planted prior to the issuance of a Certificate of Occupancy unless fiscal security or escrow in a form acceptable to the City for the cost of the trees is posted. If fiscal security is posted the property owner shall have up to 12 months to plant the required replacement trees.
9. Any replacement tree that dies prior to the expiration of two years after a Certificate of Occupancy is issued shall be replaced by the developer or owner. This shall not apply to any replacement trees planted on individual single-family lots.

10. Replacement trees may be donated or a fee-in-lieu of planting the required trees may be paid to the City if the following conditions exist:

- a. There is not adequate space on the site for all of the required replacement trees to be planted on the site in which the protected tree(s) were removed, as determined and approved by the City Manager or designee.
- b. Weather conditions are such that do not make it favorable for the required planted trees to survive and thrive, as determined and approved by the City Manager or designee.

If it is not possible or feasible to provide for the replacement of the total number of inches of protected trees removed, a fee-in-lieu of tree replacement in an amount equal to the total number of inches of protected trees removed but not replaced times two hundred dollars (\$200) per inch may be paid to the City, money which will go towards the planting, replacement, and/or preservation of trees on public property.

H. Tree Credits. As an incentive to preserve the City's urban canopy, existing trees retained shall receive credit against the replacement requirements according to the following schedule:

1. Existing trees with three inches (3") in caliper or greater located on site may be credited toward the replacement trees required under this Section at a one to one inch ratio.
2. When calculating tree credits, any remaining fraction of an inch greater than or equal to 0.5 shall constitute a one (1) inch credit; any remaining fraction less than 0.5 shall not.
3. Up to fifty percent (50%) of the inches to be replaced may be done through tree credits, unless you are preserving or retaining existing trees at a ratio of 300% or more of the protected inches removed. If you are preserving or retaining 300% or more inches than those removed, up to eighty percent (80%) of the inches to be replaced may be done through tree credits.

Ex: If 20" of protected trees are removed and 30" of existing trees are preserved, a maximum of 10" are available as tree credits. 10" will need to be replaced.

If 20" of protected trees are removed and 60" of existing trees are preserved, a maximum of 16" are available as tree credits. 4" will need to be replaced.

4. The trees selected for credit consideration toward the amount of replacement requirements shall be indicated on the Tree Replacement Plan.
5. The trees shown on the Tree Replacement Plan as the trees proposed for tree credits shall be protected in the same manner as a Protected Tree during construction.

6. The City Manager or designee will review the trees proposed for tree credits provided in the Tree Replacement Plan and will approve or deny the use of the recommended trees as credits toward the replacement trees required. The City Manager or designee's review will be based on the assessed health, structure, habitat, disease, or decline of the tree.
7. Invasive plants that will not count towards tree credits: Chinaberry, Chinese Parasol Tree, Chinese Pistache, Chinese Tallow, Chinese Wisteria, Giant Cane, Japanese Honeysuckle, Johnson Grass, Kudzu, Lilac Chaste Tree, Mimosa (Silk Tree), Paper Mulberry, Photinia, Poison Ivy, Pyracantha, Running Bamboo, Russian Olive, Tamarisk (Salt Cedar), Tree of Heaven, Vitex, Waxleaf Ligustrum, White Mulberry, Wisteria.

I. Tree Protection Requirements.

1. All Protected trees to be preserved within the defined limits of construction for an excavation or construction site of any project shall be guarded by one or a combination of the following methods:
 - a. Barrier Protection – Erection of a protective barrier surrounding the drip line of the tree to protect from unwarranted construction activity which will damage the Protected tree.
 - b. Trunk and Root Protection - Six (6) inches of mulch shall be spread beneath the canopy, and wood slats (strapped-on-wood planking, in accordance with TCSS) to protect the trunk may be used in lieu of a protective barrier.
 - c. Any similar protection method (s) not specified herein, accepted by the City, which would provide protection of the tree(s) from damage during construction.
2. The protective barriers required per this section shall be approved by the City Manager or designee and shall be in place before substantial site clearance or other major site-disturbing act commences.
3. Protective methods/barriers herein shall be removed only to prepare the development site for final landscaping activities, or as approved by the City Manager or designee.
4. Activities hazardous to the health of any Protected or Heritage tree being preserved, as determined by the City, are prohibited, including but not limited to the following:
 - a. Physical damage.
 - b. Equipment cleaning and liquid disposal. Cleaning equipment, depositing or allowing harmful liquids to flow overland within the limits of the critical root zone. This includes paint, oil, solvents, asphalt, concrete, mortar, tar or similar materials.
 - c. Grade changes. Major grade changes (cut or fill) of six inches (6") or greater within the limits of the critical root zone. With major grade changes of six inches (6") or greater, a retaining wall or tree well of

rock, brick, landscape timbers, or other approved materials shall be constructed around the tree.

- d. Material storage. Storing materials intended for use in construction or allowing waste materials due to excavation or demolition to accumulate within the limits of the drip line.
 - e. Tree attachments. Attaching to a tree any signs, wires, or other items, other than those of a protective nature.
 - f. Vehicular traffic. Excessive vehicular and/or construction equipment traffic, parking, or storage within the limits of the drip line, other than on pre-existing or approved surface. This restriction does not apply to single incident access within the drip line for purposes of clearing underbrush, vehicular access necessary for emergency services, routine utility maintenance, emergency restoration of utility service, or routine mowing operations.
 - g. Utility encroachment. Installation of utilities and appurtenances within close proximity to the Protected tree trunk.
 - h. Excavation and trenching. Excavation and trenching within close proximity to the Protected tree trunk.
- J. Penalty. Any person or entity who shall violate any provision of this section, or shall fail to comply therewith, or with any of the requirements thereof shall be liable for a fine not to exceed the sum of \$2,000.00 per day. Each tree unlawfully removed is a separate violation, failure to obtain a permit is a separate violation, failure to comply with a mitigation plan or tree replacement plan is a separate violation and each day the mitigation plan or the tree replacement plan violation exists, or compliance fails to occur or continues to occur, shall constitute a separate offense.

ORDINANCE NO. 2016-O-06B

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MARBLE FALLS, APPENDIX B, LAND USE REGULATIONS, GENERAL REGULATIONS, SECTION 1030-1099, OF THE LANDSCAPE ORDINANCE; TO AMEND THE PROTECTED TREES REGULATIONS; PROVIDING FOR SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS the City of Marble Falls is legally empowered to regulate development in the community through the legitimate use of its police powers; and

WHEREAS, the City Council of the City of Marble Falls is legally empowered to amend the land use regulations to provide for changes and additions to permitted uses, conditional uses, and site development regulation; and

WHEREAS, the City Council desires to amend Appendix B Land Use Regulations, General Regulations, Section 1030-1099 by amending the protected trees regulations; and

WHEREAS, the City of Marble Falls Planning & Zoning Commission at a public hearing on May 5, 2016 recommended approval of the text amendments to the above referenced regulations; and

WHEREAS, the City Council finds that the amendments provided under this Ordinance are in the best interest of the City of Marble Falls;

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

SECTION I. PREAMBLE. All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Marble Falls and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION II. AMENDMENTS.

A. Appendix B Land Use Regulations, General Regulations, Landscape Ordinance, Section 1031, Definitions, is hereby amended by deleting Subsection A in its entirety.

B. Appendix B Land Use Regulations, General Regulations, Landscape Ordinance, Section 1032, Application, Subsection B is hereby amended and shall read as follows:

- B. The landscape requirements of this section shall not apply to the following:
 - 1. Building permit for single-family residential where only one (1) structure is constructed per lot.
 - 2. Building permits for the substantial restoration of a building

constructed prior to June 23, 1998, issued within a period of twelve (12) months after the building has been damaged by fire, explosion, tornado, riot, act of the public enemy, or accident of any kind.

3. Building permits for land in the Main Street District (MSD) classification, according to the official zoning map of the city.
4. Building permits issued prior to June 23, 1998.

C. Appendix B Land Use Regulations, General Regulations, Landscape Ordinance, Section 1035, Protected Trees, is hereby amended and shall read as follows:

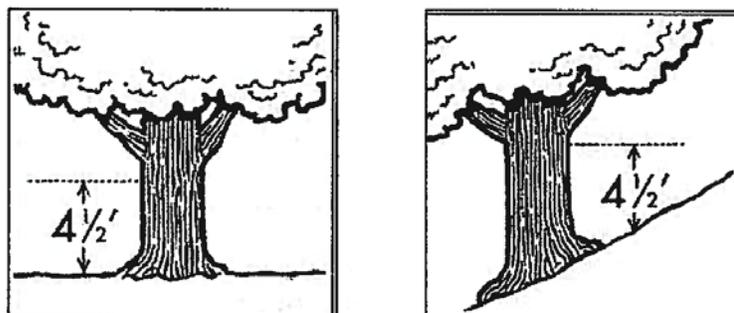
1035. Tree Preservation and Protection Requirements.

A. Purpose. The purpose of this section is to:

1. Encourage protection of the natural environmental and beauty of the City.
2. Preserve the City's urban canopy by minimizing tree loss.
3. Promote replacement of trees which have been removed and destroyed due to the ill effects of rapid and intense urbanization within the City limit.
4. Regulate diversely based on different development types and sizes.
5. Encourage a resourceful and prudent approach to urban development of wooded areas.
6. Provide mitigation and cost effective alternatives for creative subdivision and site design which preserves trees while allowing development in wooded areas.
7. Create a positive economic effect on the City by preserving and enhancing property values, mitigating drainage and flooding issues, improving air quality, helping save energy, and improving health and quality of life, thereby making the City a more attractive place in which to live, visit and do business.

B. Definitions. For the purposes of this section, the following definitions will be used:

1. *Caliper*. The diameter of the trunk of a tree measured four and one-half feet (4-1/2') above the ground, also known as the diameter at breast height (DBH). The DBH can be obtained by measuring the circumference of the tree trunk and converting it to diameter by dividing by pi (3.14).

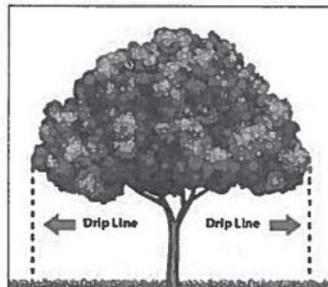


** If the tree is on a slope, measure from the high side of the slope*



For multiple trunk trees, the caliper is deemed to equal the caliper of the largest trunk plus half the caliper of each additional trunk. For example, a tree that has three trunks with circumferences of 22", 18", and 12" you would have a circumference of 37" ($22" + (\frac{1}{2} \times 18") + (\frac{1}{2} \times 12")$). The circumference would then be divided by pi (3.14), giving you a caliper of 11".

2. *Clearing.* The act of cutting down, removing all or a substantial part of, or damaging a tree or other vegetation that will cause the tree to decline and/or die (which includes but is not limited to chemical, physical, compaction or grading damage).
3. *Critical root zone (CRZ).* The region measured outward from the trunk of a tree representing the essential area of the roots that must be protected for the tree's livelihood.
4. *Development.* All land modification activity, including the construction of building, roads, paved storage areas, and parking lots. "Development" also includes any land disturbing construction activities or human-made change of the land surface, including clearing of vegetative cover, excavating, filling and grading, mining, and dredging, and the deposit of refuse, waste or fill. Care and maintenance of lawns, gardens, and trees; minimal clearing (ten feet wide) for surveying and testing; and agricultural activities are excluded from this definition.
5. *Drip line.* A vertical line extending from the outermost portion of the tree canopy to the ground.



6. *Protected tree.* Trees with a caliper of twelve inches (12") or greater.

7. *Public tree.* All trees partially or completely resting on public property.
8. *Removal of tree.* An act that causes or may be reasonably expected to cause a tree to die, including, but not limited to: uprooting, severing the main trunk, severely pruning or trimming a tree, damaging the root system by machinery, storage of materials or soil compaction; substantially changing the natural grade above the root system or around the trunk; paving with concrete, asphalt, or other impervious materials in a manner which may reasonably be expected to kill the tree.
9. *Heritage tree.* Protected trees with a caliper of twenty-five inches (25") or greater.
10. *Tree Inventory.* A diagram or drawing which accurately depicts the location, species, and size of all Protected trees on a lot within the limits of construction, including a legend that identifies and differentiates Protected Trees to be removed and those to be retained. Photography of the property depicting the character of the tree canopy may be required by the City.
11. *Tree Removal Permit.* Permit issued by the City to authorize tree removal and plan or method of mitigation.
12. *Tree Replacement Plan.* A diagram or drawing which accurately depicts the location, species, and size of all replacement trees required on a lot, including the location, species, and size of any existing trees to be retained and used as credit against the replacement requirements.

C. Applicability. Except as otherwise provided, the provisions of this section are applicable to the following:

1. All residential and nonresidential property or development within the City.
2. New or redevelopment construction on any residential or nonresidential property within the City limit that results in an increase in building footprint or destruction and reconstruction of any residential or nonresidential property within the City limit.

D. Exemptions. The provisions of this section shall not apply to the following:

1. The proposed primary building footprint and driveway area of all new residential development or redevelopment if tree caliper is under twenty-five inches (25").
2. The area within ten feet of a primary residential building footprint if tree caliper is under twenty-five inches (25").
3. The area over a septic system, if septic systems are allowed/present, and if tree caliper is under twenty-five inches (25").
4. The areas designated for the construction or installation of public facilities, such as streets or utilities, if tree caliper is under twenty-five inches (25").
5. If a tree endangers the public health, welfare or safety, and immediate removal is required as determined in writing by the designated official of the City.

- E. Permit Application Requirements. Except for trees that are exempt pursuant to subsection D of this section, it shall be unlawful for any person or entity to remove a protected tree without first obtaining a permit and approval from the City. If an applicant contemplates development that requires approval of a Site Development permit pursuant to Section 1104.-1105., the Applicant can choose to obtain a separate Tree Removal Permit or can choose to obtain approval for the tree removal in conjunction with issuance of the Site Development permit. If choosing approval through the Site Development process the Applicant must demonstrate compliance with the requirements of this section and the review and processing of the tree removal request or any requested variances will be provided in conjunction with the processing and issuance of the Site Development Permit. The issuance of a separate Tree Removal Permit will not be required. An applicant who chooses to obtain approval for tree removal in conjunction with Site Development approval must be issued the Site Development permit prior to removal of the tree(s). Applicants who are not required to obtain a Site Development permit or choose not to obtain approval for tree removal in conjunction with the issuance of a Site Development permit shall be required to submit an application for a Tree Removal Permit as set out herein. The removal of an existing protected tree(s) from a development or redevelopment site must be in accordance with this and all other applicable ordinances of the City. Prior to the removal of any Protected or Heritage tree, as defined within this section, the property owner must first submit an application with the following information:
1. Which tree(s) will be removed within the limits of construction (as shown on a site plan or tree inventory).
 2. Which tree(s) will remain and be counted as tree credits, if any (as shown on a site plan or tree replacement plan).
 3. How the removal will be performed (and machinery and equipment needed), and the date and time when the anticipated removal will occur.
 4. If a Heritage or Protected tree proposed for removal is within or not within the following:
 - a. A primary residential building footprint or residential driveway area, or within ten feet of a primary residential building footprint.
 - b. Within the area over the septic system.
 - c. Within an area designated for the construction or installation of public facilities such as streets or utilities.
 5. A Tree Inventory and Tree Replacement Plan, if necessary.
 6. If a Protected or Heritage tree is fatally diseased or dying, a Tree Removal Permit is required for removal, however no other provisions of this section shall apply. Supporting documentation may be required by the City.

- F. Preservation Requirements.

1. Clearing or stripping of natural vegetation on a lot is expressly prohibited unless authorized by the City in writing and/or by issuance of a Site Development Permit, a Tree Removal Permit, or if no protected trees are to be removed, by issuance of a NPS permit, as applicable. Any part of a site not used for buildings, parking, driveways, walkways, utilities, on-site septic facilities (OSSF) and approved storage areas or accessory structures shall be preserved.
2. All living trees measuring twelve inches (12") in caliper or greater are designated as Protected trees. The removal of any Protected tree must be specifically requested by the applicant and approved via permit prior to any action being taken to remove the tree or to damage or disturb the tree in any way. Removal of any such trees without a permit is expressly prohibited.
3. The removal of Heritage trees, which for the purposes of these requirements are trees with twenty-five inch (25") caliper or greater regardless of location, must be specifically approved by the Planning and Zoning Commission through request of a variance, or must receive permit approval to mitigate at a ratio of three inches per inch removed, prior to any action being taken to remove the tree or to damage or disturb the tree in any way.
 - a. The City Manager or designee will forward to the Planning and Zoning Commission any tree removal permit application that requests a variance to the regulations established herein. Such applications shall list all hardships associated with the request, and will be considered by the Commission at its next regularly scheduled meeting; the applicant shall be notified of the time and place of said meeting and shall be invited and encouraged to attend.
 - b. In order to lessen practical difficulties and prevent unnecessary physical hardships, a variance to remove a Heritage tree or to deviate from these regulations may be granted. A practical difficulty or unnecessary physical hardship may result from the size, shape, or dimensions of a lot, or from topographic or physical limitations in the immediate vicinity. Cost or inconvenience to the applicant of strict or literal compliance with this section is not a reason for granting a variance.
 - c. The Commission will approve, reject, or approve with conditions the tree removal permit application and the associated variance.
 - d. A decision by the Commission may be appealed to the City Council if the appeal is filed within 10 days of the date of the Commission's decision. The City Council, after receiving a report from the Commission, may confirm, reverse, or modify the action of the Commission. All appeals must be in writing and clearly set out the

portions of the regulations that are applicable to the appeal and the justification for the appeal.

- e. The City Manager or designee may forward at his discretion any tree removal application to the Planning and Zoning Commission for its consideration in lieu of review and consideration by the City Manager or designee.
4. The general construction and design requirements pertaining to all Protected and Heritage trees proposed to be preserved/retained within the property/site are required to ensure a responsible design in order to not adversely damage the health of the Protected trees.

G. Mitigation Requirements.

1. Trees over twelve inches (12") in caliper but less than twenty five inches (25") in caliper that are not located in one of the following areas shall be replaced on-site at a ratio of one inch per inch removed:
 - a. Within a residential building footprint or residential driveway area.
 - b. Within ten feet of a residential building footprint.
 - c. Within the area over the septic system.
 - d. Within areas designated for the construction or installation of public facilities such as streets or utilities.
2. Any Heritage tree that is approved to be removed through a variance shall be replaced on-site at a ratio of one inch per inch removed regardless of the location of the Heritage tree. Any Heritage tree that is approved to be removed without variance approval shall be replaced on-site at a ratio of three inches per inch removed regardless of the location of the Heritage tree.
3. If, based on a site inspection, a tree designated for preservation pursuant to this section is already dead, dying, or fatally diseased prior to development or redevelopment of the site, the provisions of replacement requirements shall not apply.
4. The invasive plants listed in subsection H.7. and the following tree species are exempt from mitigation requirements of this section:
 - Celtis Occidentalis (hackberry);
 - Juniperus Virginiana, Juniperis Ashei (common cedar);
 - Chinaberry;
 - Mesquite;
 - Ligustrum.
5. Replacement trees must be a minimum of three inches (3") in caliper and from the City's approved shade tree list.
6. Replacement trees do not count towards standard landscaping requirements. However, existing trees may be counted both towards tree credits to reduce replacement requirements and towards the standard landscaping requirements, if over three inches (3") in caliper

7. Species, size, quantity, and delivery date of replacement trees shall be approved by the City.
8. Replacement trees must be planted prior to the issuance of a Certificate of Occupancy unless fiscal security or escrow in a form acceptable to the City for the cost of the trees is posted. If fiscal security is posted the property owner shall have up to 12 months to plant the required replacement trees.
9. Any replacement tree that dies prior to the expiration of two years after a Certificate of Occupancy is issued shall be replaced by the developer or owner. This shall not apply to any replacement trees planted on individual single-family lots.
10. Replacement trees may be donated or a fee-in-lieu of planting the required trees may be paid to the City if the following conditions exist:
 - a. There is not adequate space on the site for all of the required replacement trees to be planted on the site in which the protected tree(s) were removed, as determined and approved by the City Manager or designee.
 - b. Weather conditions are such that do not make it favorable for the required planted trees to survive and thrive, as determined and approved by the City Manager or designee.

If it is not possible or feasible to provide for the replacement of the total number of inches of protected trees removed, a fee in lieu of tree replacement in an amount equal to the total number of inches of protected trees removed but not replaced times two hundred dollars (\$200) per inch may be paid to the City, money which will go towards the planting, replacement, and/or preservation of trees on public property.

H. Tree Credits. As an incentive to preserve the City's urban canopy, existing trees retained shall receive credit against the replacement requirements according to the following schedule:

1. Existing trees with three inches (3") in caliper or greater located on site may be credited toward the replacement trees required under this Section at a one to one inch ratio.
2. When calculating tree credits, any remaining fraction of an inch greater than or equal to 0.5 shall constitute a one (1) inch credit; any remaining fraction less than 0.5 shall not.
3. Up to fifty percent (50%) of the inches to be replaced may be done through tree credits, unless you are preserving or retaining existing trees at a ratio of 300% or more of the protected inches removed. If you are preserving or retaining 300% or more inches than those removed, up to eighty percent (80%) of the inches to be replaced may be done through tree credits.

Ex: If 20" of protected trees are removed and 30" of existing trees are preserved, a maximum of 10" are available as tree credits. 10" will need to be replaced.

If 20" of protected trees are removed and 60" of existing trees are preserved, a maximum of 16" are available as tree credits. 4" will need to be replaced.

4. The trees selected for credit consideration toward the amount of replacement requirements shall be indicated on the Tree Replacement Plan.
 5. The trees shown on the Tree Replacement Plan as the trees proposed for tree credits shall be protected in the same manner as a Protected Tree during construction.
 6. The City Manager or designee will review the trees proposed for tree credits provided in the Tree Replacement Plan and will approve or deny the use of the recommended trees as credits toward the replacement trees required. The City Manager or designee's review will be based on the assessed health, structure, habitat, disease, or decline of the tree.
 7. Invasive plants that will not count towards tree credits: Chinaberry, Chinese Parasol Tree, Chinese Pistache, Chinese Tallow, Chinese Wisteria, Giant Cane, Japanese Honeysuckle, Johnson Grass, Kudzu, Lilac Chaste Tree, Mimosa (Silk Tree), Paper Mulberry, Photinia, Poison Ivy, Pyracantha, Running Bamboo, Russian Olive, Tamarisk (Salt Cedar), Tree of Heaven, Vitex, Waxleaf Ligustrum, White Mulberry, Wisteria.
- I. Tree Protection Requirements.
1. All Protected trees to be preserved within the defined limits of construction for an excavation or construction site of any project shall be guarded by one or a combination of the following methods:
 - a. Barrier Protection – Erection of a protective barrier surrounding the drip line of the tree to protect from unwarranted construction activity which will damage the Protected tree.
 - b. Trunk and Root Protection - Six (6) inches of mulch shall be spread beneath the canopy, and wood slats (strapped-on-wood planking, in accordance with TCSS) to protect the trunk may be used in lieu of a protective barrier.
 - c. Any similar protection method (s) not specified herein, accepted by the City, which would provide protection of the tree(s) from damage during construction.
 2. The protective barriers required per this section shall be approved by the City Manager or designee and shall be in place before substantial site clearance or other major site-disturbing act commences.

3. Protective methods/barriers herein shall be removed only to prepare the development site for final landscaping activities, or as approved by the City Manager or designee.
 4. Activities hazardous to the health of any Protected or Heritage tree being preserved, as determined by the City, are prohibited, including but not limited to the following:
 - a. Physical damage.
 - b. Equipment cleaning and liquid disposal. Cleaning equipment, depositing or allowing harmful liquids to flow overland within the limits of the critical root zone. This includes paint, oil, solvents, asphalt, concrete, mortar, tar or similar materials.
 - c. Grade changes. Major grade changes (cut or fill) of six inches (6") or greater within the limits of the critical root zone. With major grade changes of six inches (6") or greater, a retaining wall or tree well of rock, brick, landscape timbers, or other approved materials shall be constructed around the tree.
 - d. Material storage. Storing materials intended for use in construction or allowing waste materials due to excavation or demolition to accumulate within the limits of the drip line.
 - e. Tree attachments. Attaching to a tree any signs, wires, or other items, other than those of a protective nature.
 - f. Vehicular traffic. Excessive vehicular and/or construction equipment traffic, parking, or storage within the limits of the drip line, other than on pre-existing or approved surface. This restriction does not apply to single incident access within the drip line for purposes of clearing underbrush, vehicular access necessary for emergency services, routine utility maintenance, emergency restoration of utility service, or routine mowing operations.
 - g. Utility encroachment. Installation of utilities and appurtenances within close proximity to the Protected tree trunk.
 - h. Excavation and trenching. Excavation and trenching within close proximity to the Protected tree trunk.
- J. Penalty. Any person or entity who shall violate any provision of this section, or shall fail to comply therewith, or with any of the requirements thereof shall be liable for a fine not to exceed the sum of \$2,000.00 per day. Each tree unlawfully removed is a separate violation, failure to obtain a permit is a separate violation, failure to comply with a mitigation plan or tree replacement plan is a separate violation and each day the mitigation plan or the tree replacement plan violation exists, or compliance fails to occur or continues to occur, shall constitute a separate offense.

SECTION III. REPEALER. All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

SECTION IV. PROVIDING FOR SEVERABILITY. If any provision, section, sentence, clauses or phrase of this Ordinance or application of same to any persons or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portion of this Ordinance or its application to other persons or sets of circumstances shall not be affected hereby, it being the intent of the City Council of the City of Marble Falls in adopting, and the Mayor in approving this Ordinance, that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provisions or regulation.

SECTION V. EFFECTIVE DATE. This ordinance shall be in full force and effect from its date of approval.

SECTION VI. PROPER NOTICE AND MEETING. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PUBLIC HEARING AND 1ST READING OF THIS ORDINANCE: June 7, 2016.

SECOND READING: June 21, 2016.

APPROVED:

John Packer
Mayor, City of Marble Falls

ATTEST:

Christina McDonald, City Secretary
City of Marble Falls

(Seal)

APPROVED AS TO FORM:

Patty L. Akers, City Attorney
City of Marble Falls

June 7, 2016

7. REGULAR AGENDA

- (d) Discussion and Action on authorizing staff on the possibility of issuing new Certificates of Obligation. ***Margie Cardenas, Finance Director***
-

Background information is attached as follows:

[Cover Memo and Supporting Documentation](#)



Council Agenda Item Cover Memo
June 7, 2016

Agenda Item No.: 7(d)
Presenter: Margie Cardenas
Department: Finance
Legal Review: Not Applicable

AGENDA CAPTION

Discussion and Action on authorizing staff on the possibility of issuing new Certificates of Obligation.

BACKGROUND INFORMATION

The staff is considering issuing new Certificates of Obligation for the following projects.

Utility Funded

Water plant phase 4	\$3,950,000
Wastewater plant	\$2,500,000
Tank Replacement at Via Viejo	\$1,100,000
Water line on Broadway	\$ 140,000
Water line on FM1431	<u>\$ 340,000</u>
Total	\$8,030,000

Tax Funded

Street Improvements	\$ 500,000
Equipment	<u>\$ 300,000</u>
Total	\$ 800,000

The Utility funded projects will require revenue to be increased on water and sewer at an estimated amount of 12% for each service. The increase on rates for each service is being determined and will be presented to council at a later date.

The Tax funded projects may not require any increase in our current tax rate. We anticipate the growth in values should be sufficient to absorb the annual cost.

Mark McLiney and Andrew Friedman will be at the meeting on June 7 to present this item.

[View Bond Debt Service Schedule.](#)

BOND DEBT SERVICE

City of Marble Falls, Texas
 Certificates of Obligation, Series 2016 (Combined)

Dated Date 08/01/2016
 Delivery Date 08/01/2016

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
02/01/2017			132,450	132,450	
08/01/2017	150,000	3.000%	132,450	282,450	
09/30/2017					414,900
02/01/2018			130,200	130,200	
08/01/2018	370,000	3.000%	130,200	500,200	
09/30/2018					630,400
02/01/2019			124,650	124,650	
08/01/2019	385,000	3.000%	124,650	509,650	
09/30/2019					634,300
02/01/2020			118,875	118,875	
08/01/2020	395,000	3.000%	118,875	513,875	
09/30/2020					632,750
02/01/2021			112,950	112,950	
08/01/2021	405,000	3.000%	112,950	517,950	
09/30/2021					630,900
02/01/2022			106,875	106,875	
08/01/2022	415,000	3.000%	106,875	521,875	
09/30/2022					628,750
02/01/2023			100,650	100,650	
08/01/2023	425,000	3.000%	100,650	525,650	
09/30/2023					626,300
02/01/2024			94,275	94,275	
08/01/2024	445,000	3.000%	94,275	539,275	
09/30/2024					633,550
02/01/2025			87,600	87,600	
08/01/2025	460,000	3.000%	87,600	547,600	
09/30/2025					635,200
02/01/2026			80,700	80,700	
08/01/2026	470,000	3.000%	80,700	550,700	
09/30/2026					631,400
02/01/2027			73,650	73,650	
08/01/2027	445,000	3.000%	73,650	518,650	
09/30/2027					592,300
02/01/2028			66,975	66,975	
08/01/2028	460,000	3.000%	66,975	526,975	
09/30/2028					593,950
02/01/2029			60,075	60,075	
08/01/2029	475,000	3.000%	60,075	535,075	
09/30/2029					595,150
02/01/2030			52,950	52,950	
08/01/2030	490,000	3.000%	52,950	542,950	
09/30/2030					595,900
02/01/2031			45,600	45,600	
08/01/2031	505,000	3.000%	45,600	550,600	
09/30/2031					596,200
02/01/2032			38,025	38,025	
08/01/2032	480,000	3.000%	38,025	518,025	
09/30/2032					556,050

BOND DEBT SERVICE

City of Marble Falls, Texas
 Certificates of Obligation, Series 2016 (Combined)

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
02/01/2033			30,825	30,825	
08/01/2033	490,000	3.000%	30,825	520,825	
09/30/2033					551,650
02/01/2034			23,475	23,475	
08/01/2034	505,000	3.000%	23,475	528,475	
09/30/2034					551,950
02/01/2035			15,900	15,900	
08/01/2035	520,000	3.000%	15,900	535,900	
09/30/2035					551,800
02/01/2036			8,100	8,100	
08/01/2036	540,000	3.000%	8,100	548,100	
09/30/2036					556,200
	8,830,000		3,009,600	11,839,600	11,839,600

DETAILED BOND DEBT SERVICE

City of Marble Falls, Texas
 Certificates of Obligation, Series 2016 (Combined)

Dated Date 08/01/2016
 Delivery Date 08/01/2016

Utility System (CIB1)

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
02/01/2017			120,450	120,450	
08/01/2017	100,000	3.000%	120,450	220,450	
09/30/2017					340,900
02/01/2018			118,950	118,950	
08/01/2018	315,000	3.000%	118,950	433,950	
09/30/2018					552,900
02/01/2019			114,225	114,225	
08/01/2019	325,000	3.000%	114,225	439,225	
09/30/2019					553,450
02/01/2020			109,350	109,350	
08/01/2020	335,000	3.000%	109,350	444,350	
09/30/2020					553,700
02/01/2021			104,325	104,325	
08/01/2021	345,000	3.000%	104,325	449,325	
09/30/2021					553,650
02/01/2022			99,150	99,150	
08/01/2022	355,000	3.000%	99,150	454,150	
09/30/2022					553,300
02/01/2023			93,825	93,825	
08/01/2023	365,000	3.000%	93,825	458,825	
09/30/2023					552,650
02/01/2024			88,350	88,350	
08/01/2024	380,000	3.000%	88,350	468,350	
09/30/2024					556,700
02/01/2025			82,650	82,650	
08/01/2025	390,000	3.000%	82,650	472,650	
09/30/2025					555,300
02/01/2026			76,800	76,800	
08/01/2026	400,000	3.000%	76,800	476,800	
09/30/2026					553,600
02/01/2027			70,800	70,800	
08/01/2027	410,000	3.000%	70,800	480,800	
09/30/2027					551,600
02/01/2028			64,650	64,650	
08/01/2028	425,000	3.000%	64,650	489,650	
09/30/2028					554,300
02/01/2029			58,275	58,275	
08/01/2029	435,000	3.000%	58,275	493,275	
09/30/2029					551,550
02/01/2030			51,750	51,750	
08/01/2030	450,000	3.000%	51,750	501,750	
09/30/2030					553,500
02/01/2031			45,000	45,000	
08/01/2031	465,000	3.000%	45,000	510,000	
09/30/2031					555,000

DETAILED BOND DEBT SERVICE

City of Marble Falls, Texas
 Certificates of Obligation, Series 2016 (Combined)

Utility System (CIB1)

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
02/01/2032			38,025	38,025	
08/01/2032	480,000	3.000%	38,025	518,025	
09/30/2032					556,050
02/01/2033			30,825	30,825	
08/01/2033	490,000	3.000%	30,825	520,825	
09/30/2033					551,650
02/01/2034			23,475	23,475	
08/01/2034	505,000	3.000%	23,475	528,475	
09/30/2034					551,950
02/01/2035			15,900	15,900	
08/01/2035	520,000	3.000%	15,900	535,900	
09/30/2035					551,800
02/01/2036			8,100	8,100	
08/01/2036	540,000	3.000%	8,100	548,100	
09/30/2036					556,200
	8,030,000		2,829,750	10,859,750	10,859,750

DETAILED BOND DEBT SERVICE

City of Marble Falls, Texas
 Certificates of Obligation, Series 2016 (Combined)

Dated Date 08/01/2016
 Delivery Date 08/01/2016

Street Project (CIB2)

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
02/01/2017			7,500	7,500	
08/01/2017	25,000	3.000%	7,500	32,500	
09/30/2017					40,000
02/01/2018			7,125	7,125	
08/01/2018	30,000	3.000%	7,125	37,125	
09/30/2018					44,250
02/01/2019			6,675	6,675	
08/01/2019	30,000	3.000%	6,675	36,675	
09/30/2019					43,350
02/01/2020			6,225	6,225	
08/01/2020	30,000	3.000%	6,225	36,225	
09/30/2020					42,450
02/01/2021			5,775	5,775	
08/01/2021	30,000	3.000%	5,775	35,775	
09/30/2021					41,550
02/01/2022			5,325	5,325	
08/01/2022	30,000	3.000%	5,325	35,325	
09/30/2022					40,650
02/01/2023			4,875	4,875	
08/01/2023	30,000	3.000%	4,875	34,875	
09/30/2023					39,750
02/01/2024			4,425	4,425	
08/01/2024	35,000	3.000%	4,425	39,425	
09/30/2024					43,850
02/01/2025			3,900	3,900	
08/01/2025	35,000	3.000%	3,900	38,900	
09/30/2025					42,800
02/01/2026			3,375	3,375	
08/01/2026	35,000	3.000%	3,375	38,375	
09/30/2026					41,750
02/01/2027			2,850	2,850	
08/01/2027	35,000	3.000%	2,850	37,850	
09/30/2027					40,700
02/01/2028			2,325	2,325	
08/01/2028	35,000	3.000%	2,325	37,325	
09/30/2028					39,650
02/01/2029			1,800	1,800	
08/01/2029	40,000	3.000%	1,800	41,800	
09/30/2029					43,600
02/01/2030			1,200	1,200	
08/01/2030	40,000	3.000%	1,200	41,200	

DETAILED BOND DEBT SERVICE

City of Marble Falls, Texas
 Certificates of Obligation, Series 2016 (Combined)

Street Project (CIB2)

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
09/30/2030					42,400
02/01/2031			600	600	
08/01/2031	40,000	3.000%	600	40,600	
09/30/2031					41,200
	500,000		127,950	627,950	627,950

DETAILED BOND DEBT SERVICE

City of Marble Falls, Texas
 Certificates of Obligation, Series 2016 (Combined)

Dated Date 08/01/2016
 Delivery Date 08/01/2016

Vehicles (CIB3)

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
02/01/2017			4,500	4,500	
08/01/2017	25,000	3.000%	4,500	29,500	
09/30/2017					34,000
02/01/2018			4,125	4,125	
08/01/2018	25,000	3.000%	4,125	29,125	
09/30/2018					33,250
02/01/2019			3,750	3,750	
08/01/2019	30,000	3.000%	3,750	33,750	
09/30/2019					37,500
02/01/2020			3,300	3,300	
08/01/2020	30,000	3.000%	3,300	33,300	
09/30/2020					36,600
02/01/2021			2,850	2,850	
08/01/2021	30,000	3.000%	2,850	32,850	
09/30/2021					35,700
02/01/2022			2,400	2,400	
08/01/2022	30,000	3.000%	2,400	32,400	
09/30/2022					34,800
02/01/2023			1,950	1,950	
08/01/2023	30,000	3.000%	1,950	31,950	
09/30/2023					33,900
02/01/2024			1,500	1,500	
08/01/2024	30,000	3.000%	1,500	31,500	
09/30/2024					33,000
02/01/2025			1,050	1,050	
08/01/2025	35,000	3.000%	1,050	36,050	
09/30/2025					37,100
02/01/2026			525	525	
08/01/2026	35,000	3.000%	525	35,525	
09/30/2026					36,050
	300,000		51,900	351,900	351,900

June 7, 2016

7. REGULAR AGENDA

- (e) Discussion and Action on appointments to the Economic Development Corporation.
Christina McDonald, City Secretary
-

Background information is attached as follows:

[Cover Memo and Supporting Documentation](#)



**Council Agenda Item Cover Memo
June 7, 2016**

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

AGENDA CAPTION

Discussion and Action on appointments to the Economic Development Corporation.

BACKGROUND

The terms of three directors on the Marble Falls Economic Development Corporation have expired.

All of the directors (Mark Hodges, Mark Mayfield and John Packer) have submitted reappointment questionnaires for consideration by Council for reappointment to the board.

Staff has no other applications on file at this time.

If appointed, Mr. Hodges and Mr. Mayfield (citizen members) will serve until May 2018. Mayor Packer will serve until May 2017 (his Council term).

[View reappointment questionnaires.](#)



RECEIVED
MAY 20 2016
City of Marble Falls
City Secretary's Office

CITY BOARD OR COMMISSION REAPPOINTMENT QUESTIONNAIRE

NAME: Mark Hodges DATE: 5/18/16

ADDRESS: P O Box 948 (This application will expire 2 years after this date)
Marble Falls, Texas 78654

HOME PHONE: (830) 265-4531 CELL PHONE: (830) 613-6651

E-MAIL ADDRESS: mark.hodges@lscb.com

PLACE OF EMPLOYMENT: Lone Star Capital Bank

POSITION AND TITLE: Executive Vice President/Hill Country Market Executive

CURRENT BOARD: Economic Development Corporation

YEARS OF SERVICE: 2 years 4 months (filled unexpired term of Keith Conrad)

Resident of the Marble Falls Corporate City Limits? Yes No If yes, how long? _____

Qualified Voter? Yes No Voter Registration Number: 1148874995

Voted in the last city election? Yes No NOT ELIGIBLE

Are you in arrears on any City of Marble Falls taxes or other liabilities due the City of Marble Falls? Yes No
(Arrears is defined to mean that payment has not been received within ninety (90) days from due date.)

1) Please list your accomplishments and contributions made as a board or commission member and detail your role in these accomplishments:

See Attachment A1.

2) What are your goals and objectives for the board or commission in the coming year?

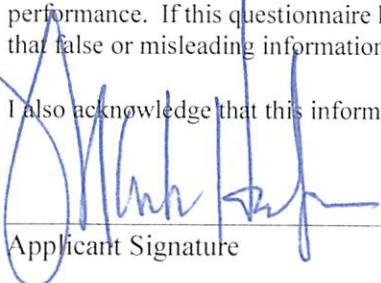
See Attachment A2.

3) What improvements do you think need to be made to the board or commission on which you serve?
See Attachment A3.

PLEASE PROVIDE ALL INFORMATION REQUESTED. INCOMPLETE QUESTIONNAIRES WILL NOT BE CONSIDERED FOR BOARD/COMMISSION REAPPOINTMENTS.

DISCLAIMER AND SIGNATURE: I hereby request consideration for reappointment to a board or commission of the City of Marble Falls, Texas. I certify that my answers above are true and complete. I understand that the information contained in this application may be considered, among other criteria, qualifications and/or information, by the City Council in its evaluation for the position being sought. I further understand that should I be reappointed to any City of Marble Falls Board or Commission, I serve at the pleasure of the City Council and may be removed from said position at any time and for any reason or no reason at all, with or without notice. I also understand that should I be reappointed to a City of Marble Falls Board or Commission, I must be responsible for a creditable record of attendance and performance. If this questionnaire leads to my reappointment to a position on a City of Marble Falls Board or Commission, I understand that false or misleading information in my questionnaire may result in my removal from the position

I also acknowledge that this information may be made available to the public.


Applicant Signature

5/19/16
Date

.....
CITY USE ONLY:

Board/Commission Reappointed to: _____

Date Reappointed: _____

Number of Terms Served: _____

RETURN COMPLETED QUESTIONNAIRE TO:
City Secretary's Office
City of Marble Falls
800 Third Street, Marble Falls, Texas 78654
Phone: (830) 693-3615 • Fax: (830) 693-6737

A1. Please list your accomplishments and contributions made as a board or commission member and detail your role in these accomplishments:

- Currently serving as Board Vice President and on Marketing Committee
- Downtown Land Purchase and participate in ongoing negotiations related to development phase of Hotel/Conference Center Complex to be built on property
- Voted to fund Flatrock electrical line to city utilities
- Current participant in updating City and EDC Comprehensive Plan
- Served on selection committee responsible for hiring a Business Development Coordinator
- Voted to approve funding for further enhancements to Phase III of Business and Technology Park
- Voted to approve property purchase at Westside Park which was converted to a Community Building
- Voted to approve funding for creation of a separate Parks Master Plan
- As part of the Marketing Committee, we recommended overhaul of EDC website and funding for a Retail Recruitment Strategy as proposed by Retail Coach which was approved by the board.

Voted in favor of funding numerous Community Leverage Fund projects including:

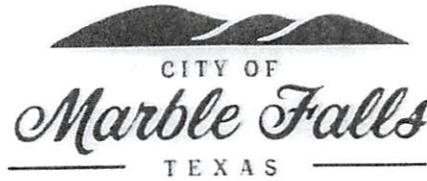
- Remodeling and sign replacement at Girl Scout Building in Johnson Park
- Endorsement and multiple funding of Mickey West Career Assets - Pathways to Careers Program
- Relocation of wastewater line along Avenue H to 1st Street
- Upgrades to A/V system at Lakeside Pavilion
- Creation of Historical Sculpture
- Numerous improvements to parks identified in the Downtown Master Plan and Parks Projects
- Seasonal Lighting Displays
- Highland Lakes Creative Arts projects

A2. What are your goals and objective of the board or commission in the coming year?

- Continue to maintain and promote a professional and transparent working relationship among the current board, City Council, CVB, and Chamber as we promote new business and job creation, business retention, and further expansion of existing businesses.
- Promote and maintain momentum in the development of the Hotel/Conference Center project.
- Continue to work and promote initiatives to foster the construction of much needed new, affordable, single family homes in Marble Falls.
- Continuing supporting all educational and workforce initiatives aimed at supporting and training local and incoming residents.

A3. What improvements do you think need to be made to the board or commission on which you serve?

It has been a distinct honor and privilege to serve at the pleasure of the Marble Falls City Council and citizens of Marble Falls on the EDC Board over the past 28 months. I believe the current board has great cohesiveness and strives to stay in touch with the pulse of the community and its future growth. There are always improvements that can be made, but I believe continuity and consistency are vitally important, particularly at this particular point in time in Marble Falls history, and would very much like to maintain my position on the EDC board and continue being a part of and striving to accomplish the long-term initiatives outlined in the EDC's Strategic Plan.



RECEIVED

APR 28 2016

City of Marble Falls
City Secretary's Office

CITY BOARD OR COMMISSION REAPPOINTMENT QUESTIONNAIRE

NAME: Mark Mayfield DATE: 4/28/16

ADDRESS: 404 San Saba (This application will expire 2 years after this date)
Marble Falls, TX 78654

HOME PHONE: () _____ CELL PHONE: (512) 755-3024

E-MAIL ADDRESS: mmayfield@txhf.org

PLACE OF EMPLOYMENT: Texas Housing Foundation
POSITION AND TITLE: President & CEO

CURRENT BOARD: Economic Development Corporation
YEARS OF SERVICE: overall 10+ yrs

Resident of the Marble Falls Corporate City Limits? Yes No If yes, how long? _____

Qualified Voter? Yes No Voter Registration Number: _____
Voted in the last city election? Yes No

Are you in arrears on any City of Marble Falls taxes or other liabilities due the City of Marble Falls? Yes No
(Arrears is defined to mean that payment has not been received within ninety (90) days from due date.)

1) Please list your accomplishments and contributions made as a board or commission member and detail your role in these accomplishments:

I would like to think that collectively we have offered great vision and creative efforts to further the dynamics of this great community which we call home. The EDC is on the threshold of several years of vision and planning becoming a reality with the new hotel/convention center. As well, I believe we are well poised for our future with the current synergy the Board enjoys with one another, its staff and City officials. I am very proud of where we are with this organization.

2) What are your goals and objectives for the board or commission in the coming year?

Bring the hotel/convention center into the construction phase is my biggest goal. Secondly, to build upon the momentum our community is receiving and will receive as a result.

3) What improvements do you think need to be made to the board or commission on which you serve?

Having served on Boards and Commissions over the past 3 decades in public service, I can't think of any changes I would like to see occur with the Marble Falls EDC Board. The Board enjoys a cohesiveness which lends itself to great accomplishment – no strife and no personal agendas. When you find this within an organization, you accomplish much.

PLEASE PROVIDE ALL INFORMATION REQUESTED. INCOMPLETE QUESTIONNAIRES WILL NOT BE CONSIDERED FOR BOARD/COMMISSION REAPPOINTMENTS.

DISCLAIMER AND SIGNATURE: I hereby request consideration for reappointment to a board or commission of the City of Marble Falls, Texas. I certify that my answers above are true and complete. I understand that the information contained in this application may be considered, among other criteria, qualifications and/or information, by the City Council in its evaluation for the position being sought. I further understand that should I be reappointed to any City of Marble Falls Board or Commission, I serve at the pleasure of the City Council and may be removed from said position at any time and for any reason or no reason at all, with or without notice. I also understand that should I be reappointed to a City of Marble Falls Board or Commission, I must be responsible for a creditable record of attendance and performance. If this questionnaire leads to my reappointment to a position on a City of Marble Falls Board or Commission, I understand that false or misleading information in my questionnaire may result in my removal from the position

I also acknowledge that this information may be made available to the public.



Applicant Signature

April 28, 2016

Date

.....
CITY USE ONLY:

Board/Commission Reappointed to: _____

Date Reappointed: _____

Number of Terms Served: _____

Christina McDonald

From: Lisa Ward <lward@marblefallstx.gov>
Sent: Wednesday, May 11, 2016 3:12 PM
To: 'Mike Hodge'
Cc: 'Christina McDonald'
Subject: Agenda Item

The cover memo and attached documentation for the Community Fireworks funding request set for the consent agenda on June 7 is now on the S drive.

<S:\Council Agenda Items\Administration\Fireworks 2016>

Thanks.

Lisa



RECEIVED
MAY 17 2016
City of Marble Falls
City Secretary's Office

CITY BOARD OR COMMISSION REAPPOINTMENT QUESTIONNAIRE

NAME: *John Packer*

DATE: *5-17-16*

ADDRESS: *708 Lakeshore Dr*

(This application will expire 2 years after this date)

HOME PHONE: (*512*) *715-4975* _____ CELL PHONE: (_____) _____

E-MAIL *johnpacker@yahoo.com*

ADDRESS:

PLACE OF EMPLOYMENT: *Alexis Granite Design*

POSITION AND TITLE: *owner*

CURRENT

BOARD: *EDC*

YEARS OF SERVICE: *6 ±*

Resident of the Marble Falls Corporate City Limits? Yes No If yes, how long?

Qualified

Voter?

Yes

No

Voter

Registration

Number:

Voted in the last city election?

Yes No

Are you in arrears on any City of Marble Falls taxes or other liabilities due the City of Marble Falls? Yes No
(Arrears is defined to mean that payment has not been received within ninety (90) days from due date.)

1) Please list your accomplishments and contributions made as a board or commission member and detail your role in these accomplishments:

Involved in EDC for a number of years including President for 4 years. I feel my role had an important part with the team we have transforming the EDC organization into a first class professional organization

2) What are your goals and objectives for the board or commission in the coming year?

- Continue to seek new business opportunities
- Support existing businesses
- Complete the planning of the Hotel Conference Center and break ground

3) What improvements do you think need to be made to the board or commission on which you serve?

Continued improvements in everything we do including support for our existing businesses.

PLEASE PROVIDE ALL INFORMATION REQUESTED. INCOMPLETE QUESTIONNAIRES WILL NOT BE CONSIDERED FOR BOARD/COMMISSION REAPPOINTMENTS.

DISCLAIMER AND SIGNATURE: I hereby request consideration for reappointment to a board or commission of the City of Marble Falls, Texas. I certify that my answers above are true and complete. I understand that the information contained in this application may be considered, among other criteria, qualifications and/or information, by the City Council in its evaluation for the position being sought. I further understand that should I be reappointed to any City of Marble Falls Board or Commission, I serve at the pleasure of the City Council and may be removed from said position at any time and for any reason or no reason at all, with or without notice. I also understand that should I be reappointed to a City of Marble Falls Board or Commission, I must be responsible for a creditable record of attendance and performance. If this questionnaire leads to my reappointment to a position on a City of Marble Falls Board or Commission, I understand that false or misleading information in my questionnaire may result in my removal from the position

I also acknowledge that this information may be made available to the public.

Applicant Signature



Date

5-17-16

CITY USE ONLY:

Board/Commission

Reappointed

to:

Date

Reappointed:

Number of Terms Served:

RETURN COMPLETED QUESTIONNAIRE TO:

City Secretary's Office

City of Marble Falls

800 Third Street, Marble Falls, Texas 78654

Phone: (830) 693-3615 • Fax: (830) 693-6737

City of Marble Falls Board and Commission Reappointment Questionnaire - Page 2 of 2



**City of Marble Falls, Texas
Council Agenda Item Cover Memo
June 7, 2016**

**Agenda Item: Executive Session
Prepared By: Christina McDonald, City Secretary
Department: Administration
Submitted By: Christina McDonald, City Secretary**

AGENDA CAPTION

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.**

CERTIFICATION:

I hereby certify that I have reviewed the proposed topic for the Executive Session described herein and in my opinion, the Texas Open Meetings Act authorizes the Marble Falls City Council to meet in Executive Session and to deliberate regarding the subject matter contained in this cover memo.

Signed this _____ day of _____, 2016.

City Attorney