



**NOTICE OF MEETING
GOVERNING BODY OF MARBLE FALLS, TEXAS
Tuesday, July 19, 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 19th day of July, 2016 the Marble Falls City Council will meet in regular session at 6:00 pm in the City Hall Council Chambers located at 800 3rd Street, Marble Falls, Texas, at which time the following subjects will be discussed:

1. **CALL TO ORDER AND ANNOUNCE QUORUM IS PRESENT**
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES AND TO THE TEXAS FLAG.** *“Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.”*
4. **UPDATES, PRESENTATIONS AND RECOGNITIONS**
 - Update from Marble Falls Fire Rescue. ***Russell Sander, Fire Chief***
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 July 5, 2016 regular meeting. ***Christina McDonald, City Secretary***
7. **REGULAR AGENDA.** *Council will individually consider and possibly take action on any or all of the following items:*

- (a) Discussion and Action on the Second Reading of [Ordinance 2016-O-07A](#) zoning for traffic and rate of speed therein, on RM 1431 in the city limits of the City of Marble Falls; defining speeding and fixing a penalty. **Eric Belaj, City Engineer**
- (b) Discussion and Action on [Resolution 2016-R-07A](#) authorizing publication of notice of intention to issue Combination Tax and Limited Pledge Revenue Certificates of Obligation in an amount not to exceed \$7,930,000 for the purpose of providing funds for water and sewer system improvements, the purchase of a backhoe, and payment of costs of issuance and professional services related thereto. **Margie Cardenas, Finance Director**
- (c) Discussion and Action on the first reading of [Ordinance 2016-O-07B](#) amending the Code of Ordinances of the City of Marble Falls, Texas, Chapter 2 (Administration), Article V (Boards and Commissions, Division 5 (Hotel Motel Tax Advisory Committee), Section 2-169 (Meetings) and waiving the second reading. **Christina McDonald, City Secretary**
- (d) Discussion and Action on the first reading of [Ordinance 2016-O-07C](#) amending the Code of Ordinances of the City of Marble Falls, Texas, Chapter 2 (Administration), Article V (Boards and Commissions), Division 4 (Capital Improvement Plan Committee), Section 2-152 (Creation – Membership – Appointment), Section 2-156 (Chair and Vice-Chair) and Section 2-160 (Meetings) and waiving the second reading. **Christina McDonald, City Secretary**
- (e) Discussion regarding developing and implementing a truck route(s) to limit [truck traffic](#) from Downtown area pedestrian oriented streets. **Caleb Kraenzel, Assistant City Manager**

8. CITY MANAGER’S REPORT

- Update on HEB
- City Hall Handgun Signage

9. EXECUTIVE SESSION

CLOSE OPEN SESSION AND CONVENE EXECUTIVE SESSION Pursuant to §551.071 (Private Consultation between the Council and its Attorney) and Pursuant to §551.072 (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 the current Police Department Building

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 14th day of July, 2016 at 11:30 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.marblefallstx.gov

July 19, 2016

6. CONSENT AGENDA

- (a) Approval of the minutes of the July 5, 2016 regular meeting. ***Christina McDonald,
City Secretary***
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Background information is attached as follows:

[July 5, 2016 regular meeting minutes](#)

STATE OF TEXAS
COUNTY OF BURNET
CITY OF MARBLE FALLS

On this the 5th day of July, 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
Craig Magerkurth	Councilmember
Ryan Nash	Councilmember
Reed Norman	Councilmember
Richard Westerman	Councilmember

ABSENT:

Rachel Austin-Cook	Councilmember
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STAFF:

Mike Hodge	City Manager
Caleb Kraenzel	Assistant City Manager
Patty Akers	City Attorney
Christina McDonald	City Secretary
Christian Fletcher	EDC Executive Director
Margie Cardenas	Finance Director
Mark Whitacre	Chief of Police
Russell Sander	Fire Chief
Robert Moss	Parks and Recreation Director
Lewis Fincher	Parks and Recreation Superintendent
Monique Breaux	Administrative Assistance
Cheryl Pounds	Municipal Judge
Chris Pounds	Building Inspector

VISITORS: Glynis Smith (The Highlander), Steve Reitz (EDC), Andrea Ball (Congressman Roger William's Office), Mary Ann Raesener (Mayor, City of Meadowlakes), Rosanna McDonald (Worldmark – Marble Falls),

1. **CALL TO ORDER AND ANNOUNCE QUORUM IS PRESENT.** Mayor Packer called the meeting to order at 6:01 pm and announced the presence of a quorum.
2. **INVOCATION.** Councilmember Norman gave the invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES AND TO THE TEXAS FLAG. Mayor Packer led the pledges.

4. UPDATES, PRESENTATIONS AND RECOGNITIONS

- **Proclamation** – Mayor Packer proclaimed the month of July as Parks and Recreation Month. Robert Moss, Director of Parks and Recreation, Lewis Fincher, Parks and Recreation Superintendent, and Monique Breaux, Administrative Assistant were present to receive the proclamation.
- **Presentation from WorldMark Marble Falls.** Rosanna McDonald, General Manager – Resort Operations gave a brief presentation to Council regarding the new Wyndham property in Marble Falls.

5. CITIZEN COMMENTS. There were no citizen comments.

6. CONSENT AGENDA.

- (a) **Approval of the minutes of the June 21, 2016 regular meeting.** Mayor Pro-Tem Hurst made a motion to approve the consent agenda. The motion was seconded by Councilmember Magerkurth and carried by a vote of 6-0.

7. REGULAR AGENDA.

- (a) **Public Hearing, Discussion and First Reading of Ordinance 2016-O-07A zoning for traffic and rate of speed therein, on RM 1431 in the city limits of the City of Marble Falls; defining speeding and fixing a penalty.** Eric Belaj, City Engineer addressed Council. Mr. Belaj stated that this item is to address the relocation of the school zone sign from the old Avenue N intersection to the new location at Bluebonnet Drive. Mayor Packer opened the public hearing. There being no discussion, Mayor Packer closed the public hearing and read the caption of the ordinance. First reading of Ordinance. No action taken.

- (b) **Discussion and Action on of Resolution 2016-R-07B adopting Rules of Procedure and Order of Business Policy for the City Council.** Christina McDonald, City Secretary stated the resolution approves the Council Rules of Procedure and Order of Business policy that was reviewed and discussed by Council at the June 21 regular meeting. Mayor Pro-Tem Hurst made a motion to approve Resolution 2016-R—07B. Councilmember Westerman seconded the motion. The motion carried by a unanimous vote (6-0).

- (c) **Discussion and Action on the First Reading of Ordinance 2016-O-07D repealing Section 2-16 – Council Meetings of the Code of Ordinances of the City of Marble Falls, Article II – City Council and waiving the second reading.** Christina McDonald, City Secretary stated that the ordinance repeals a section of the code which pertains to Council meetings and agendas as the recently adopted resolution (policy) addresses these areas. Councilmember Nash made a motion to approve Ordinance 2016-O-07D and waive the

second reading. The motion was seconded by Councilmember Norman and carried by a vote of 6-0.

8. **CITY MANAGER'S REPORT.** City Manager Mike Hodge gave an update on the new Public Safety Facility and the Avenue N Realignment Project. Mr. Hodge also spoke about working with TxDOT regarding the possible removal of Highway 281 Traffic Signals as there are signals in close proximity of each other now at Second, Third, Sixth and Seventh Streets.

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), Pursuant to §551.072 (Deliberation Regarding the Purchase, Exchange, Lease or Value of Real Property), and Pursuant to §551.074 (Deliberation Regarding the Appointment, Employment, Employment Evaluation, Reassignment, Duties, discipline or Dismissal of a Public Officer or Employee (or to Hear a Complaint or Charge Against an Officer or Employee) of the Open Meetings Act. Tex. Gov't Code, Council will meet in Executive Session to discuss the following:

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

6:40 pm convened to Executive Session

7:42 pm returned to Open Session

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

11. **ANNOUNCEMENTS AND FUTURE AGENDA ITEMS.** The draft agenda for the July 19 regular meeting was reviewed.

12. **ADJOURNMENT.** There being no further business to discuss, Councilmember Norman made a motion to adjourn the meeting. The motion was seconded by Councilmember Nash and the meeting was adjourned at 7:40 pm.

John Packer, Mayor

ATTEST:

**Christina McDonald, TRMC
City Secretary**

DRAFT

July 19, 2016

7. REGULAR AGENDA

- (a) Discussion and Action on the Second Reading of Ordinance 2016-O-07A zoning for traffic and rate of speed therein, on RM 1431 in the city limits of the City of Marble Falls; defining speeding and fixing a penalty. ***Eric Belaj, City Engineer***

Background information is attached as follows:

[Cover Memo and Supporting Documentation](#)



Council Agenda Item Cover Memo
July 5, 2016

Agenda Item No.: 7(a)
Presenter: Eric Belaj, PE, CFM
Department: Administration
Legal Review:

AGENDA CAPTION

Discussion and Action on the Second Reading of Ordinance 2015-O-07A zoning for traffic and rate of speed on RM 1431 in the city limits of the City of Marble Falls; defining speeding and fixing a penalty therefore; declaring what may be a sufficient complaint in prosecutions hereunder; with a saving clause repealing conflicting laws and declaring an emergency.

BACKGROUND INFORMATION

Staff previously requested that TxDOT install a new traffic signal at the intersection of Blue Bonnet Drive and RM-1431 as a result of the Ave N realignment. Consequently, the existing school zone flashing sign at HEB driveway will be required to be relocated prior to the new signalized intersection at Bluebonnet Dr.

This agenda item is to address the relocation of the school zone sign from the old Ave N intersection to the new location at Bluebonnet Drive.

TxDOT requested that City staff review the speed zone documents and present to council for approval. Similarly to previous speed zone changes, City's law enforcement will enforce the new vehicle travel speed as done in other parts of the City.

Ordinance notice has been published in the paper twice, on Friday, June 17, 2016 and Tuesday, June 21, 2016. A public hearing and first reading of the ordinance was held at the July 5, 2016 regular Council Meeting.

Staff has reviewed the attached documents and recommend the approval of this ordinance.

[Exhibit](#)

ORDINANCE NO. 2016-O-07A

AN ORDINANCE OF THE CITY MARBLE FALLS, TEXAS, ESTABLISHING SPEED LIMITS ON PUBLIC ROADWAYS, TO WIT: RM 1431, WITHIN THE CITY LIMITS OF THE CITY OF MARBLE FALLS, PURSUANT TO SECTION 545.356, TEXAS TRANSPORTATION CODE; PROVIDING PENALTIES UP TO \$200.00; PROVIDING AN EFFECTIVE DATE, REPEALER, SEVERABILITY, AND PROPER NOTICE AND MEETING.

WHEREAS, Section 545.356 of the Texas Transportation Code provides that the governing body of a municipality has the same authority as the Texas Transportation Commission to alter by ordinance prima facie speed limits for highways within the municipality, based on the results of an engineering and traffic investigation; and

WHEREAS, the City of Marble Falls having conducted an engineering and traffic investigation, the City Council hereby finds that the prima facie maximum speed limit on certain portions of RM 1431 should be reduced in order to protect the health, welfare, and safety of the City of Marble Falls and its citizens; and

WHEREAS, the City Council finds that the speed limits established herein shall be effective permanently or until a future engineering and traffic investigation determines the prima facie maximum speed limits should be revised; and

WHEREAS, the City Council hereby requests that the Texas Department of Transportation, or its designee, erect signs marking the maximum speed limits established herein; and

NOW, THEREFORE, BE IT ORDAINED BY THE 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 Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION II. AMENDMENTS

Except as herein amended the Marble Falls Code of Ordinances shall remain in full force and effect.

Section 25-91 (“Maximum limits”), Division 1, Article III, Chapter 25 of the Code of Ordinances is hereby amended to provide a new subsection (6), which shall read as follows:

(6) The SCHOOL Speed Zones on RM 1431 shall be as follows:

FOR EASTBOUND TRAFFIC

From mile-point 11.087 to mile-point 11.396, a distance of 0.309 miles, a prima facie maximum speed limit of 25 miles per hour when flashing.

FOR WESTBOUND TRAFFIC

From mile-point 11.396 to mile-point 11.087, a distance of 0.309 miles, a prima facie maximum speed limit of 25 miles per hour when flashing.

SECTION III. PENALTY

Any person found to have violated the provisions of this ordinance shall be guilty of a Class C Misdemeanor, punishable by a fine not to exceed Two Hundred dollars (\$200.00).

SECTION IV. 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 V. 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 VI. EFFECTIVE DATE.

This ordinance shall be in full force and effect upon and after its date of adoption.

SECTION VII. 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 FIRST READING OF THE ORDINANCE – July 5, 2016

SECOND READING OF THE ORDINANCE – July 19, 2016

PASSED, APPROVED AND ADOPTED ON THIS, THE 19th DAY OF JULY, 2016.

CITY OF MARBLE FALLS:

John Packer, Mayor

ATTEST:

Christina McDonald, City Secretary
(Seal)

APPROVED AS TO FORM:

Patty Akers, City Attorney

July 19, 2016

7. REGULAR AGENDA

- (b) Discussion and Action on Resolution 2016-R-07A authorizing publication of notice of intention to issue Combination Tax and Limited Pledge Revenue Certificates of Obligation in an amount not to exceed \$7,930,000 for the purpose of providing funds for water and sewer system improvements, the purchase of a backhoe, and payment of costs of issuance and professional services related thereto. ***Margie Cardenas, Finance Director***

Background information is attached as follows:

[Cover Memo and Supporting Documentation](#)



**Council Agenda Item Cover Memo
July 19, 2016**

Agenda Item No.: 7(b)

Presenter: Margie Cardenas, Finance Director

Department: Finance

Legal Review:

AGENDA CAPTION

Discussion and Action on Resolution 2016-R-07A authorizing publication of notice of intention to issue Combination Tax and Limited Pledge Revenue Certificates of Obligation in an amount not to exceed \$7,930,000 for the purpose of providing funds for water and sewer system improvements, the purchase of a backhoe, and payment of costs of issuance and professional services related thereto.

BACKGROUND INFORMATION

The City Council is asked to approve the publication of notice of intention to issue Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2016 to provide funds for Water and Sewer System improvements, the purchase of a backhoe, and payment of costs of issuance and professional services related thereto.

The City will be issuing approximately \$7,930,000 in Combination Tax and Limited Pledge Revenue Certificates of Obligation currently scheduled for September 6, 2016. Texas law requires the City to publish notice of its intention to issue certificates of obligation two times prior to issuing the certificates, with the first publication being at least 30 days prior to the time the City meets to approve the issuance of the certificates.

The City's financial advisors, Mark McLiney and Andrew Friedman of SAMCO Capital Markets, Inc., will arrange for a competitive sale of the Combination Tax and Limited Pledge Revenue Certificates of Obligation at the September 6, 2016 City Council Meeting.

The proposed resolution is attached. Staff recommends approval of the Resolution.

Exhibit "A"

**NOTICE OF INTENTION TO ISSUE
COMBINATION TAX AND LIMITED PLEDGE REVENUE
CERTIFICATES OF OBLIGATION**

NOTICE IS HEREBY GIVEN that the City Council of the City of Marble Falls, Texas, will convene at its regular meeting place of said City Council located at the City Hall, 800 Third Street, Marble Falls, Texas at 6:00 p.m. on Tuesday, September 6, 2016, and, during such meeting, the City Council will consider passage of an ordinance and take such other actions as may be deemed necessary to authorize the issuance of combination tax and limited pledge revenue certificates of obligation in an aggregate principal amount not to exceed \$7,930,000 for the purpose of paying contractual obligations of the City to be incurred for (1) Water and Sewer System improvements; (2) acquisition of a backhoe; and (3) the payment of costs of issuance and professional services related thereto. The combination tax and limited pledge revenue certificates of obligation will be payable from the levy of an annual ad valorem tax, within the limitations prescribed by law, upon all taxable property within the City and a limited pledge (not to exceed \$1,000) of the surplus revenues of the City's Water and Sewer System. The combination tax and limited pledge revenue certificates of obligation are to be issued, and this notice is given, under and pursuant to the provisions of the Certificate of Obligation Act of 1971, as amended, Local Government Code, Section 271.041, et. seq.

/s/ John Packer
Mayor, City of Marble Falls, Texas

July 19, 2016

7. REGULAR AGENDA

- (c) Discussion and Action on the first reading of Ordinance 2016-O-07B amending the Code of Ordinances of the City of Marble Falls, Texas, Chapter 2 (Administration), Article V (Boards and Commissions, Division 5 (Hotel Motel Tax Advisory Committee), Section 2-169 (Meetings) and waiving the second reading. ***Christina McDonald, City Secretary***
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Background information is attached as follows:

[Cover Memo and Supporting Documentation](#)



Council Agenda Item Cover Memo
July 19, 2016

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

AGENDA CAPTION

Discussion and Action on the first reading of Ordinance 2016-O-07B amending the Code of Ordinances of the City of Marble Falls, Texas, Chapter 2 (Administration), Article V (Boards and Commissions, Division 5 (Hotel Motel Tax Advisory Committee), Section 2-169 (Meetings) and waiving the second reading.

BACKGROUND INFORMATION

At the June 21 regular Council meeting staff reviewed the current Hotel Motel Occupancy Tax Ordinance with Council. At that time staff did not recommend any amendments to the ordinance, only simply to enforce Section 2-162(b) "Members named to the committee that live outside of the city limits of the city will be nonvoting members."

Upon further review of the ordinance, staff is recommending an amendment to Section 2-169. Meetings to read "The committee shall meet no less than twice a year, or as needed or requested by the City Manager or City Council."

The current ordinance requires the committee to meet no less than once a quarter.

Attached is the proposed ordinance for your review. If approved, the ordinance will take effect immediately.

ORDINANCE 2016-O-07B

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MARBLE FALLS, TEXAS, CHAPTER 2 (ADMINISTRATION), ARTICLE V (BOARDS AND COMMISSIONS) DIVISION 5 (HOTEL MOTEL TAX ADVISORY COMMITTEE), SECTION 2-169 (MEETINGS); PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Marble Falls has adopted Chapter 24, Article III (Hotel Occupancy Tax) in the City of Marble Falls Code of Ordinances, which authorizes the City to collect Hotel and Motel Taxes in accordance with Chapter 351 of the Texas Tax Code;

WHEREAS, the City Council created a Hotel Motel Advisory Committee which provides advisory opinion to the City Council on matters related to the prioritization and other matters affecting the City's expenditure of hotel motel tax funds for eligible projects;

WHEREAS, the City Council has determined that the Hotel Motel Advisory Committee should meet no less than twice a year;

WHEREAS, the City Council believes that such amendments to the current ordinance will be in the best interest of the City;

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.

Sec. 2-169 of the City of Marble Falls Code of Ordinances, "Meetings" is hereby amended so that the subsection shall hereafter read as follows:

The Committee shall meet no less than twice a year, or as needed or as requested by the City Manager or City Council.

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.

EFFECTIVE DATE. This Ordinance shall take effect and be in force on July 19, 2016.

READ, PASSED AND APPROVED ON THIS THE 19th DAY OF July, 2016.

SECOND READING WAIVED.

CITY OF MARBLE FALLS:

John Packer, Mayor

ATTEST:

Christina McDonald, City Secretary

(Seal)

APPROVED TO FORM:

Patty Akers, City Attorney

July 19, 2016

7. REGULAR AGENDA

- (d) Discussion and Action on the first reading of Ordinance 2016-O-07C amending the Code of Ordinances of the City of Marble Falls, Texas, Chapter 2 (Administration), Article V (Boards and Commissions), Division 4 (Capital Improvement Plan Committee), Section 2-152 (Creation – Membership – Appointment), Section 2-156 (Chair and Vice-Chair) and Section 2-160 (Meetings) and waiving the second reading. ***Christina McDonald, City Secretary***
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Background information is attached as follows:

[Cover Memo and Supporting Documentation](#)



**Council Agenda Item Cover Memo
July 19, 2016**

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

AGENDA CAPTION

Discussion and Action on the first reading of Ordinance 2016-O-07C amending the Code of Ordinances of the City of Marble Falls, Texas, Chapter 2 (Administration), Article V (Boards and Commissions), Division 4 (Capital Improvement Plan Committee), Section 2-152 (Creation – Membership – Appointment), Section 2-156 (Chair and Vice-Chair) and Section 2-160 (Meetings) and waiving the second reading.

BACKGROUND INFORMATION

Staff presented proposed amendments to the Capital Improvement Plan Ordinance to Council at the June 21 regular meeting.

Staff recommended three amendments to the current ordinance:

- 1) Amend Section 2-153 Creation – Membership – Appointment – Terms to change the committee to be composed of the members of the Planning and Zoning Commission as allowed by Local Government Code Chapter 395.
- 2) Amend Section 2-156. Delete sentence “An officer may be reelected for not more than one (1) additional one-year term.” None of the city’s other board and commission ordinance have this provision.
- 3) Amend Section 2-160 – Meetings to read “The committee shall meet no less than twice a year, or as needed or requested by the City Manager or City Council.” The current ordinance requires the committee to meet no less than once a quarter.

Council recommended that two additional members (residents) be added to the committee membership, therefore making the membership of the committee be comprised of a total of nine (9) members.

The proposed ordinance is attached. If approved, the Ordinance shall take effect on December 31, 2016.

ORDINANCE 2016-O-07C

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MARBLE FALLS, TEXAS, CHAPTER 2 (ADMINISTRATION), ARTICLE V (BOARDS AND COMMISSIONS) DIVISION 4 (CAPITAL IMPROVEMENT PLAN COMMITTEE), SECTION 2-152 (CREATION – MEMBERSHIP – APPOINTMENT), SECTION 2-156 (CHAIR AND VICE-CHAIR) AND SECTION 2-160 (MEETINGS); PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Marble Falls created a Capital Improvement Plan Committee which provides advisory opinions to the City Council on matters related to the prioritization of capital improvement projects; and

WHEREAS, the City Council has determined that the Capital Improvement Plan Committee shall be composed of nine members of which seven members will be members of the City of Marble Falls Planning and Zoning Commission; and

WHEREAS, the City Council has determined that the Capital Improvement Plan Committee should meet no less than twice a year;

WHEREAS, the City Council believes that such amendments to the current ordinance will be in the best interest of the City;

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. Sec. 2-152 of the City of Marble Falls Code of Ordinances, “Creation – Membership – Appointment” is hereby amended so that the subsection shall hereafter read as follows:

(b) “The committee shall be composed of a total of nine (9) members, seven (7) members of which shall be members of the City of Marble Falls’ Planning and Zoning Commission and two (2) members who shall be citizens. All members shall be residents within the city limits and be interested in the city’s capital improvement plan (“CIP”) and the city’s comprehensive plan. All members of the committee shall be appointed and may be removed at any time by simple majority vote of the city council. The members of the committee shall be appointed by the city council for a term of two (2) years or until their successors are appointed and qualified.”

(c) “The membership of the committee shall be composed of the following:

City of Marble Falls Planning and Zoning Commission
Two (2) citizens"

B. Sec. 2-156 of the City of Marble Falls Code of Ordinances, "Chair and Vice-Chair" is hereby amended so that the subsection shall hereafter read as follows:

"The committee shall select from among its members a chair and vice-chair. The term of office for the chair and vice-chair shall be one (1) year. An officer may continue to serve until a successor is elected. A member may not hold more than one (1) office at a time."

C. Sec. 2-160 of the City of Marble Falls Code of Ordinances, "Meetings" is hereby amended so that the subsection shall hereafter read as follows:

"The committee shall meet no less than twice a years, or as needed or requested by the City Manager or City Council."

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 herby, 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.

EFFECTIVE DATE. This Ordinance shall take effect and be in force on December 31, 2016.

READ, PASSED AND APPROVED ON THIS THE 19th DAY OF JULY, 2016.

SECOND READING WAIVED.

CITY OF MARBLE FALLS:

John Packer, Mayor

ATTEST:

Christina McDonald, City Secretary

(Seal)

APPROVED TO FORM:

Patty L. Akers, City Attorney

July 19, 2016

7. REGULAR AGENDA

- (e) Discussion regarding developing and implementing a truck route(s) to limit truck traffic from Downtown area pedestrian oriented streets. ***Caleb Kraenzel, Assistant City Manager***

Background information is attached as follows:

[Cover Memo and Supporting Documentation](#)



**Council Agenda Item Cover Memo
July 19, 2016**

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

AGENDA CAPTION

Discussion regarding developing and implementing a truck route(s) to limit truck traffic from Downtown area pedestrian oriented streets.

BACKGROUND INFORMATION

This item is to discuss the development and implementation of a truck route or routes to limit truck traffic from the Downtown area. The Downtown Master Plan sets forth the objective of enhancing local business and tourism by transitioning the downtown area into a more vibrant destination for residents and visitors. The major way the plan focuses on this objective is to create a downtown area that is pleasant to visit, shop, and dine. A safer calm, pedestrian orientated urban environment is a proven quality that successful downtowns possess. Current truck traffic travelling into the southwestern portion of the original township crosses Main Street at few intersections, traveling east-west and is not compatible with the envisioned downtown environment.

In past years this topic has been discussed but limited action has been taken. City staff will present some of the research and findings in presentation to the Council at the meeting. The downtown truck route concept was last discussed during a joint workshop with the Planning and Zoning Commission on February 18, 2014.



**City of Marble Falls, Texas
Council Agenda Item Cover Memo
July 19, 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*) 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 the current Police Department Building

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