



NOTICE OF MEETING
GOVERNING BODY OF MARBLE FALLS, TEXAS
Tuesday, March 3, 2020 – 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 3rd day of March 2020 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, PROCLAMATIONS AND RECOGNITIONS**
 - Update from Air Evac. *Terri Thompson, Program Director*
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 statement of fact regarding the item; a statement concerning the policy regarding the item or a proposal to place the item on a future agenda.*
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 February 18, 2020 regular meeting and workshop.
Christina McDonald, City Secretary
 - (b) Approval of an Agreement Extension between the City of Marble Falls and the VFW Post #10376 for use of Lots B and C Nunnally Griffin Subdivision No. One (commonly known as VFW Park). *Christina McDonald, City Secretary*

(c) Acceptance of Certification of Unopposed Candidates for the May 2, 2020 General Election and approval of Ordinance 2020-O-03C canceling the May 2, 2020 General Election and declaring each unopposed candidate elected to office. *Christina McDonald, City Secretary*

(d) Approval of Resolution 2020-R-03A regarding submission of an Economic Development Administration (EDA) grant application for up to \$2,500,000.00 for contributing to funding for the design and construction of a 1.5 million gallons per day (MGD), wastewater treatment plant project and authorizing the City Manager to execute documentation related to said grant application. *Caleb Kraenzel, Assistant 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 Ordinance 2020-O-03B regarding a street abandonment of 0.09-acre portion of Broadway Street right-of-way abutting Lots 1-4, Block 143, and a 0.09-acre portion of the alley between Lots 1-4 and Lots 9-12 of Block 143, Marble Falls Original Township, City of Marble Falls, Burnet County, Texas. *Valerie Kreger, Director of Development Services*

(b) Discussion and Action on approval of the Downtown Plaza Design. *Erin Burks, Downtown Coordinator*

8. CITY MANAGER'S REPORT

- Update on Siemens Project

9. EXECUTIVE SESSION

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, 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 27th day of February, 2020 at 11:00 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

March 3, 2020

6. CONSENT AGENDA

- (a) Approval of the minutes of the February 18, 2020 regular meeting and workshop.
Christina McDonald, City Secretary
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**STATE OF TEXAS
COUNTY OF BURNET
CITY OF MARBLE FALLS**

On this the 18th day of February 2020 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
Richard Westerman	Mayor Pro-Tem
William (Dee) Haddock	Councilmember
Craig Magerkurth	Councilmember
Celia Merrill	Councilmember
Reed Norman	Councilmember
Dave Rhodes	Councilmember

ABSENT: None

STAFF:

Mike Hodge	City Manager
Caleb Kraenzel	Assistant City Manager
Christina McDonald	City Secretary
Patty Akers	City Attorney
Baron Sauls	Director of Finance
Angel Alvarado	Director of Human Resources
James Kennedy	Director of Public Works
Jay Everett	Assistant Director of Public Works
Mark Whitacre	Chief of Police
Russell Sander	Fire Chief
Tommy Crane	Fire Marshal
Lacey Dingman	Parks and Recreation Director
Christian Fletcher	Executive Director Marble Falls EDC
Kacey Paul	City Engineer
Erin Burks	Downtown Coordinator
Valerie Kreger	Director of Development Services
Angel Alvarado	Director of Human Resources
Mike Ingalsbe	Building Official
Ivan Graff	Wastewater Plant Superintendent

VISITORS: Alex Copeland (Daily Trib), Connie Swinney (The Highlander), Alan Williams (Chick-fil-A), Edward and Gayle Cole (811 W. Oak Ridge), Besse Jackson, Dedrick Thompson, Rene Rosales (Council Candidate Place 3), Kent Willis, CPA (Patillo, Brown & Hill), Susan Patton (LCRA), Susan Walch (US Census Bureau), Travis Michel (LAN), Reverend George Perry (St. Frederick Baptist Church), Viola Chapman, Shakina Williams, Joan Edwards, Jahnna May, Charles L. Frazier, Sr.,

Dwight Williams, Willie and Claudette Monnet, Juanita Fraise, Carol Smothers, Ralph Woods, Sr. (Smoking for Jesus Ministry)

1. **CALL TO ORDER AND ANNOUNCE QUORUM IS PRESENT.** Mayor Packer called the meeting to order at 6:01 pm.
2. **INVOCATION.** Councilmember Rhodes led the invocation.
3. **PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES AND TO THE TEXAS FLAG.** Mayor Pro-Tem Westerman led the pledges.
4. **UPDATES, PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS**
 - **Presentation of 2019 Community Pride Awards.** Mayor John Packer presented the Community Pride Awards to Chick-fil-A represented by Alan Williams and residents Edward and Gayle Cole (811 West Oak Ridge).
 - **Update from the Central Texas Water Coalition.** Jo Karr Tedder, President gave the update.
 - **Presentation regarding the upcoming 2020 Census.** Valerie Kreger, Director of Development Services introduced Susan Walch (US Census Bureau) who gave the presentation.
 - **Proclamation.** Mayor Packer proclaimed February Black History Month. Many representatives of the community were present.
 - **Proclamation.** Mayor Packer proclaimed February 16-22, 2020 National Engineer's Week and presented the proclamation to City Engineer Kacey Paul.
5. **CITIZEN COMMENTS.** No citizen comments.
6. **CONSENT AGENDA.**
 - (a) **Approval of the minutes of the February 4, 2020 regular meeting and workshop.**
 - (b) **Acceptance of the Marble Falls Police Department Annual Contact Report.**
 - (c) **Approval of Resolution 2020-R-02A allowing for the submission of an application to the Office of the Governor's Criminal Justice Division for a DJ-Edward Byrne Memorial Justice Assistance Grant for the Mobile Command Center Video Upgrade Project**
 - (d) **Approval of a replat of Lot 2-C, Barker Subdivision, and a Subdivision Waiver to Appendix B - Development Code, Article 6 - Subdivision Design and Land Development, Division 6.2 - Subdivision Design Standards, Section 6.2.6.B - Frontage on or Adjacent to Public Streets Required.**
 - (e) **Approval of a Funding Agreement between the City of Marble Falls and the Marble Falls Economic Development Corporation for acquisition of property for future park use, being 110 and 114 Buena Vista.**

Councilmember Norman made a motion to approve the consent agenda. Mayor Pro-Tem Westerman seconded the motion. The motion carried by a vote of 7-0.

7. REGULAR AGENDA.

(a) Public Hearing, Discussion and Action on Ordinance 2020-O-02C regarding the adoption of the 2015 Edition of the International Swimming Pool and Spa Code and amending Chapter 7 - Buildings and Building Regulations of the City of Marble Falls Code of Ordinances. Valerie Kreger, Director of Development Services addressed Council. Mayor Packer opened the public hearing. There being no discussion, Mayor Packer closed the public hearing and read the caption of the ordinance. Mayor Pro-Tem Westerman made a motion to approve Ordinance 2020-O-02C. The motion was seconded by Councilmember Norman and carried by a vote of 7-0.

(b) Presentation, Discussion and Action on the acceptance of the FY 2018/19 Comprehensive Annual Financial Audit. Baron Sauls, Director of Finance introduced Kent Willis, CPA (Patillo, Brown & Hill). Mr. Willis presented the FY 18/19 audit. Councilmember Haddock made a motion to accept the audit. Councilmember Merrill seconded the motion. The motion carried by a unanimous vote (7-0).

8. CITY MANAGER'S REPORT. City Manager Mike Hodge gave an update on the First United Methodist Church drainage. Mr. Hodge stated staff is working with the church board on resolving the drainage issue.

9. EXECUTIVE SESSION

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

- **Hotel Conference Center Update**
- **Discussion regarding Economic Development Prospects**
- **Consultation with City Attorney regarding settlement of condemnation litigation regarding 110 and 114 Buena Vista properties**

7:21 pm Convened to Executive Session

8:08 pm Returned to Open Session

10. RECONVENE INTO OPEN SESSION FOR POSSIBLE ACTION RESULTING FROM ITEMS DISCUSSED IN EXECUTIVE SESSION. Mayor Pro-Tem Westerman made a motion to approve the first amendment to the memorandum of understanding as discussed in executive session. Councilmember Norman seconded the motion. The motion carried by a vote of 7-0.

- **Discuss and Consider Action regarding Agreements to settle Cause No. C5726, City of Marble Falls v Brian Dunnam et al and Cause No. C5725, City of Marble Falls v. Corina Davis (aka Corina Guillory) et al currently pending in Burnet County Court at Law and to authorize legal counsel to dismiss each lawsuit.**

Councilmember Haddock made a motion to approve the agreements to settle Cause No. C5726, the City of Marble Falls v. Brian Dunnam et al and Cause No. C5725, the City of Marble Falls v. Corina Davis (aka Corina Guillory), et al currently pending in Burnet County Court at Law and authorize legal counsel to dismiss each lawsuit. Mayor Pro-Tem Westerman seconded the motion. The motion carried by a vote of 7-0.

- **Discuss and Consider Action regarding adoption of Resolutions 2020-R-02B and 2020-R-02C authorizing the City Manager to execute the settlement agreements and directing city staff to schedule the purchase and closing on the real property located at 110 and 114 Buena Vista in accordance with the terms of the settlement agreements.**

Councilmember Haddock made a motion to approve Resolutions 2020-R-02B and 2020-R-02C authorizing the City Manager to execute the settlement agreements and directing city staff to schedule the purchase and closing on the real property located at 110 and 114 Buena Vista in accordance with the terms of the settlement agreements. Councilmember Norman seconded the motion. The motion carried by a unanimous vote (7-0).

11. ANNOUNCEMENTS AND FUTURE AGENDA ITEMS. The draft agenda for the March 3, 2020 regular meeting was reviewed.

12. ADJOURNMENT. There being no further business to discuss, Councilmember Norman made a motion to adjourn which was seconded by Councilmember Merrill. The meeting was adjourned at 8:15 pm.

John Packer, Mayor

ATTEST:

**Christina McDonald, TRMC
City Secretary**

STATE OF TEXAS
COUNTY OF BURNET
CITY OF MARBLE FALLS

On this the 18th day of February 2020 the Council of the City of Marble Falls convened in workshop session at 7:00 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
Richard Westerman	Mayor Pro-Tem
William (Dee) Haddock	Councilmember
Craig Magerkurth	Councilmember
Celia Merrill	Councilmember
Reed Norman	Councilmember
Dave Rhodes	Councilmember

ABSENT: None

STAFF:

Mike Hodge	City Manager
Caleb Kraenzel	Assistant City Manager
Christina McDonald	City Secretary
Patty Akers	City Attorney
Baron Sauls	Director of Finance
James Kennedy	Director of Public Works
Jay Everett	Assistant Director of Public Works
Mark Whitacre	Chief of Police
Russell Sander	Fire Chief
Tommy Crane	Fire Marshal
Kacey Paul	City Engineer
Ivan Graff	Wastewater Plant Superintendent

VISITORS: Alex Copeland (Daily Trib), Rene Rosales (Council Candidate Place 3), Scott Swiderski, Senior Engineer, (Trihydro), Travis Michel, Infrastructure Manager (LAN), Paul Wood, Lead Process Engineer (LAN)

1. **CALL TO ORDER.** Mayor Packer called the workshop to order at 7:20 pm.

7:20 pm Mayor Packer recessed the workshop

8:15 pm Mayor Packer reconvened the workshop

2. **WORKSHOP.** Discussion regarding wastewater plant expansion and treatment processes. City Manager Mike Hodge stated that staff is moving forward with a water/wastewater rate study.

- 3. ADJOURNMENT** There being no further business to discuss, Mayor Pro-Tem Westerman made a motion to adjourn. The motion was seconded by Councilmember Haddock. The workshop was adjourned at 8:51 pm.

John Packer, Mayor

ATTEST:

**Christina McDonald, TRMC
City Secretary**

DRAFT

March 3, 2020

6. CONSENT AGENDA

- (b) Approval of an Agreement Extension between the City of Marble Falls and the VFW Post #10376 for use of Lots B and C Nunnally Griffin Subdivision No. One (commonly known as VFW Park). *Christina McDonald, City Secretary*
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Council Agenda Item Cover Memo
March 3, 2020

Agenda Item No.: 6(b)
Presenter: Christina McDonald, City Secretary
Department: Administration
Legal Review: N/A

AGENDA CAPTION

Approval of an Agreement Extension between the City of Marble Falls and the VFW Post #10376 for use of Lots B and C Nunnally Griffin Subdivision No. One (commonly known as VFW Park).

BACKGROUND INFORMATION

The City of Marble Falls and VFW Post #10376 entered into an agreement on March 1999 at the request of the VFW for use of the park property located next to the VFW.

The VFW approached the City and requested permission to maintain and install improvements on the park property adjacent to the VFW so that the property would be more useful for municipal purposes. The park project was a VFW community project to commemorate the VFW's 100th anniversary.

The VFW has been responsible for mowing, cleaning and general maintenance of the park since 1999. They are also responsible for making any improvements to the park with the City's approval.

Council has approved five-year extensions since 2003. The most recent extension expired December 2019.

Staff is requesting Council approve another extension for a period of five years, expiring February 28, 2025.

AGREEMENT EXTENSION

City of Marble Falls and VFW Post No. 10376
For lease of the VFW Park
(Lots B and C Nunnally Griffin Subdivision No. One)

The City of Marble Falls and VFW Post 10376 mutually agree to extend the agreement dated March 23, 1999 between the City of Marble Falls and VFW Post No. 10376 for lease of the city park located at Lots B and C Nunnally Griffin Subdivision No. One, commonly known as VFW Park.

The agreement shall be extended for a period of five years, expiring on February 28, 2025.

VFW Post No. 10376

City of Marble Falls

Lloyd Clippin, Commander

John Packer, Mayor

ATTEST:

ATTEST:

Witness

Christina McDonald
City Secretary

Date

Date

March 3, 2020

6. CONSENT AGENDA

- (c) Acceptance of Certification of Unopposed Candidates for the May 2, 2020 General Election and approval of Ordinance 2020-O-03C canceling the May 2, 2020 General Election and declaring each unopposed candidate elected to office. *Christina McDonald, City Secretary*
-



Council Agenda Item Cover Memo
March 3, 2020

Agenda Item No.: 6(c)
Presenter: Christina McDonald, City Secretary
Department: Administration
Legal Review: N/A

AGENDA CAPTION

Acceptance of Certification of Unopposed Candidates for the May 2, 2020 General Election and approval of Ordinance 2020-O-03C canceling the May 2, 2020 General Election and declaring each unopposed candidate elected to office.

BACKGROUND INFORMATION

All candidates in the May 2, 2020 Election are unopposed and there were no write-in candidates, therefore the City is authorized to cancel the election.

In order to cancel the election, the Secretary of State requires that the governing body receive and accept the Certificate of Unopposed Candidates prior to approving an ordinance canceling the election and declaring each unopposed candidate elected to office.

Attached is the Certificate of Unopposed Candidates prepared by the City Secretary for Council's review and acceptance.

Also attached is the Ordinance canceling the election which will be posted on Election Day at each polling place that would have been used in the election.

Craig Magerkurth filed for Place 1, Rene Rosales filed for Place 3 and Richard Westerman filed for Place 5.

Please note that the Oaths of Office will not take place until the regular canvassing period would have taken place. Oaths will be administered at the May 5, 2020 Council Meeting.

CERTIFICATION OF UNOPPOSED CANDIDATES

TO: Presiding Officer of Governing Body, John Packer, Mayor

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on Saturday, May 2, 2020.

List offices and names of candidates:

Offices

Councilmember At-Large Place 1
Councilmember At-Large Place 3
Councilmember At-Large Place 5

Candidate

Craig Magerkurth
Rene Rosales
Richard Westerman

/s/ Christina McDonald
Signature

Christina McDonald, TRMC
Printed name

City Secretary
Title

February 21, 2020
Date of signing

ORDINANCE NO. 2020-0-03C

AN ORDINANCE DECLARING UNOPPOSED CANDIDATES IN THE MAY 2, 2020 GENERAL CITY ELECTION, ELECTED TO OFFICE; CANCELING THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the general city election was called for February 4, 2020 for the purpose of electing members to the city council; and

WHEREAS, the City Secretary has certified in writing that there is no person has made a declaration of write-in candidacy, and that each candidate on the ballot is unopposed for election to office; and

WHEREAS, under these circumstances, Subchapter C, Chapter 2, Election Code, authorizes the City Council to declare the candidates elected to office and cancel the election; NOW THEREFORE,

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

Section 1. The following candidates, who are unopposed in the May 4, 2020 General City Election, are declared elected to office, and shall be issued certificates of election following the time the election would have been canvassed:

Place 1 – Craig Magerkurth
Place 3 – Rene Rosales
Place 5 – Richard Westerman

Section 2. The May 2, 2020 General City Election is canceled, and the City Secretary is directed to cause a copy of this ordinance to be posted on Election Day at each polling place used or that would have been used in the election.

Section 3. It is declared to be the intent of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance is declared invalid by the judgment or decree of a court of competent jurisdiction, the invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the City Council would have enacted them without the invalid portion.

Section 4. This ordinance shall take effect upon its final passage, and it is so ordained.

PASSED AND APPROVED ON THIS 3rd DAY OF MARCH, 2020.

John Packer, Mayor

ATTEST:

Christina McDonald, TRMC
City Secretary

ATTEST:

Patty Akers, City Attorney

March 3, 2020

6. CONSENT AGENDA

- (d) Approval of Resolution 2020-R-03A regarding submission of an Economic Development Administration (EDA) grant application for up to \$2,500,000.00 for contributing to funding for the design and construction of a 1.5 million gallons per day (MGD), wastewater treatment plant project and authorizing the City Manager to execute documentation related to said grant application. *Caleb Kraenzel, Assistant City Manager*
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Council Agenda Item Cover Memo
March 3, 2020

Agenda Item No.: 6(d)
Presenter: Caleb Kraenzel
Department: Administration
Legal Review:

AGENDA CAPTION

Approval of Resolution 2020-R-03A regarding submission of an Economic Development Administration (EDA) grant application for up to \$2,500,000.00 for contributing to funding for the design and construction of a 1.5 million gallons per day (MGD), wastewater treatment plant project and authorizing the City Manager to execute documentation related to said grant application.

BACKGROUND INFORMATION

The City is seeking application for an EDA grant in the amount of \$2.5 MM in support of the new Wastewater Treatment Plant. Funding in the amount of \$50,000,000 has been dedicated to projects associated with Presidentially declared disasters for FY18/19, including the October 2018 flood. The Capital Area Council of Governments administers the EDA grant and has indicated that water and wastewater utility projects are common EDA projects.

The City currently has \$700,000 of bond proceeds from the FY18-19 bond sale for the design of the wastewater treatment plant. These dedicated funds will be utilized to meet the required 80/20 match for the grant.

Attached please find the following supporting documentation:

- Resolution 2020-R-03A

RESOLUTION 2020-R-03A

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARBLE FALLS, TEXAS SUPPORTING THE CITY OF MARBLE FALLS SUBMISSION OF AN EDA- DISASTER RECOVERY GRANT APPLICATION FOR DESIGN AND CONSTRUCTION OF A WASTEWATER TREATMENT PLANT CAPABLE OF TREATING UP TO 1.5 MILLION GALLONS PER DAY; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Economic Development Administration, in response to Federal Emergency Declaration DR-4416 has allocated grant funds to assist with economic recovery in the federal disaster declaration area;

WHEREAS, the City of Marble Falls, an incorporated town within Burnet County was included in the Federal Disaster Declaration (DR-4416) and is eligible to apply for allocated grant funds;

WHEREAS, the impact of torrential rains in October 2018 resulted in fifteen feet (15') out of bank flood event for Lake Marble Falls/Colorado River, within the City of Marble Falls causing extensive property loss through flooding as well as erosion;

WHEREAS, the City of Marble Falls is submitting a grant application for \$2,500,000.00 to facilitate the design and construction of a Wastewater Treatment Plant capable of treating up to 1,500,000 gallons of wastewater per day in the area known as the City Wastewater Irrigation Farm located at 30°36'3.94"N and 98°16'36.43"W, and municipally addressed at 1901 Colt Circle, Marble Falls, TX 78654;

WHEREAS, the scope of the project is identified in the City's Capital Improvement Plan, long-range Comprehensive Plan, and its Downtown Master Plan;

WHEREAS, this project is deemed critical to the City's infrastructure plan and is critical to the long-term recovery and economic prosperity of the City of Marble Falls; and

WHEREAS the City is set provide a \$700,000.00 local match as part of the grant application, which is available, unencumbered and committed to this project.

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

- Section 1.** The City Council of the City of Marble Falls supports the submission of an EDA Disaster Recovery grant; and
- Section 2.** The City Council of the City of Marble Falls authorizes the City Manager to execute all necessary documentation regarding this grant; and
- Section 3.** This resolution shall take effect immediately from and after its passage, and it is duly resolved.

Passed and approved this 3rd day of March 2020.

John Packer, Mayor
Marble Falls, Texas

Christina McDonald, City Secretary
Marble Falls, Texas

March 3, 2020

7. REGULAR AGENDA

- (a) Public Hearing, Discussion, and Action on Ordinance 2020-O-03B regarding a street abandonment of 0.09-acre portion of Broadway Street right-of-way abutting Lots 1-4, Block 143, and a 0.09-acre portion of the alley between Lots 1-4 and Lots 9-12 of Block 143, Marble Falls Original Township, City of Marble Falls, Burnet County, Texas. *Valerie Kreger, Director of Development Services*
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Council Agenda Item Cover Memo
March 3, 2020

Agenda Item No.: 7(a)
Presenter: Valerie Kreger, Director of Development Services
Department: Development Services
Legal Review:

AGENDA CAPTION

Public Hearing, Discussion, and Action on Ordinance 2020-O-03B regarding a street abandonment of 0.09-acre portion of Broadway Street right-of-way abutting Lots 1-4, Block 143, and a 0.09-acre portion of the alley between Lots 1-4 and Lots 9-12 of Block 143, Marble Falls Original Township, City of Marble Falls, Burnet County, Texas.

BACKGROUND INFORMATION

This item is for consideration of a street abandonment request for a 20-foot (20') by 200-foot (200') portion of the Broadway Street right-of-way abutting Lots 1-4, Block 143, and a 20-foot (20') by 200-foot (200') portion of the alley between Lots 1-4 and Lots 9-12, Block 143. The abandonment subject areas consist of a 0.09-acre or 4,000 square foot tract out of the Broadway Street right-of-way and a 0.09-acre or 4,000 square foot tract out of the alley of Block 143, directly abutting 0.65 acres located at 1315 Broadway Street owned by Helping Center of Marble Falls Area.

The abandonment is part a proposed land transaction between the City and the Helping Center of Marble Falls Area. The agreement is to exchange the abandonment area, in exchange for Lots 5 and 6, Block 143.

The Broadway Street right-of-way at this location is 100 feet wide, established with the Marble Falls Original Township. The properties to the north and the south of the alley to be abandoned are owned by the Helping Center of Marble Falls Area. There are no additional existing or proposed utilities within the subject area.

The Comprehensive Plan for the City of Marble Falls has classified Broadway Street as a Local Street. Local streets include internal and access streets that allow direct driveway access to adjacent properties and often allow roadside parking. A local street should be designed for operating speeds of 25 to not more than 30 MPH. According to the Thoroughfare Plan, this type of public street pavement ranges from 26 to 28 feet in width, with a typical right-of-way width of 50 feet. The existing right-of-way width for Broadway Street is 100 feet at this location, well in excess of minimum required for a Local Street. The extra width for the right-of-way is not utilized by the general public and is maintained by the abutting property owner. Approximately 80 feet of City right-

of-way would remain, leaving sufficient right-of-way for future improvements such as sidewalks, hike and bike trails, City utilities, and franchise utilities.

A total of nine (9) adjacent property owners within 200 feet of the Subject Area were mailed notification letters, including the public hearing dates and a pre-paid comment card for response supporting/opposing the proposed abandonments. At the time of packet distribution, no comment cards had been received.

RECOMMENDATION

The Planning & Zoning Commission Recommended Approval of the abandonment with the condition the property and abandoned right-of-way are replatted within 9 months of approval.

Memo Contents:

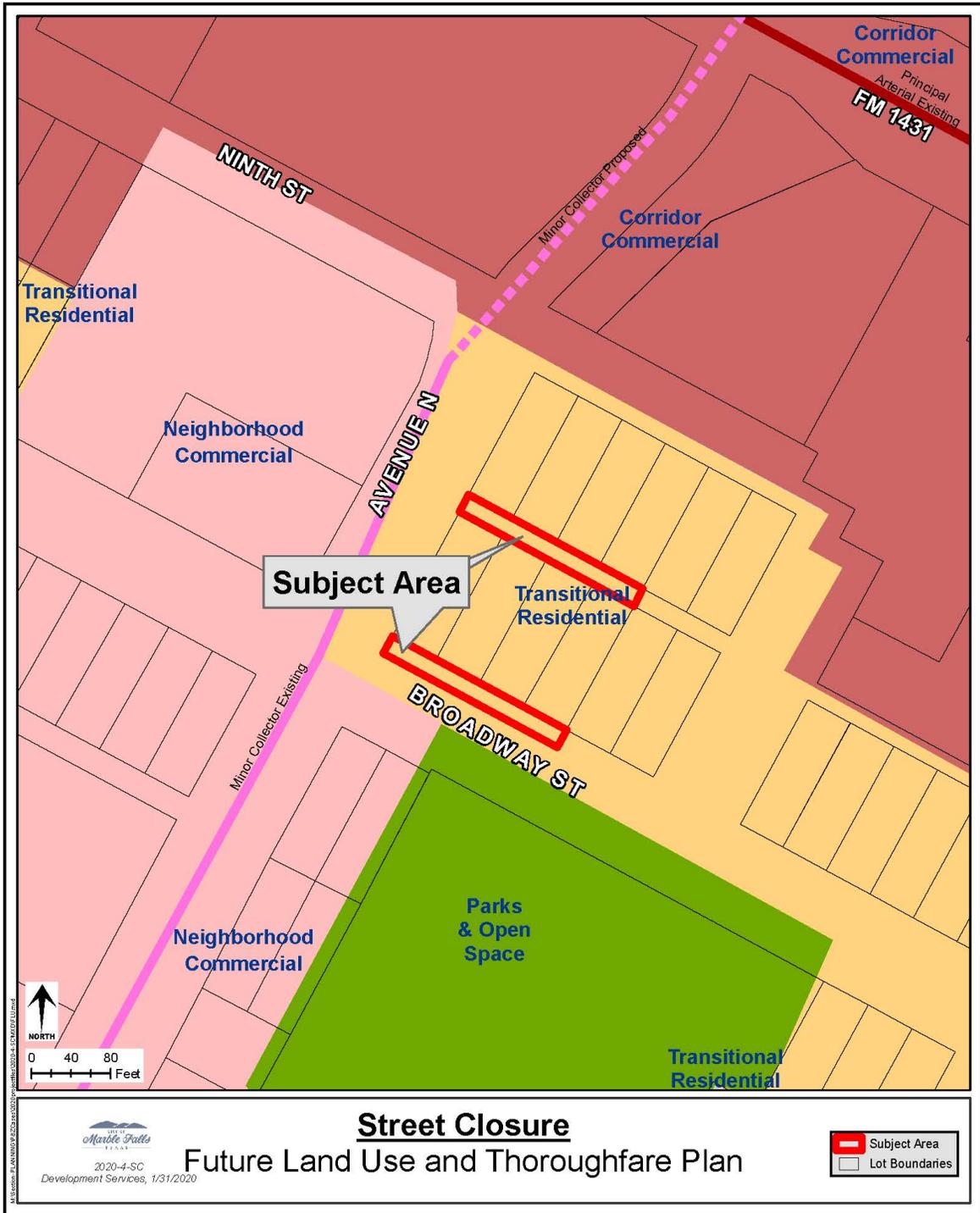
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|---|-------------|
| • Informational maps produced by City Staff | Pages 3-7 |
| • Ordinance 2020-O-03B | Pages 8-17 |
| ○ Ordinance Exhibit A, Survey and Legal Description | Pages 11-12 |
| ○ Ordinance Exhibit B, Right-of-Way Deed | Pages 13-17 |

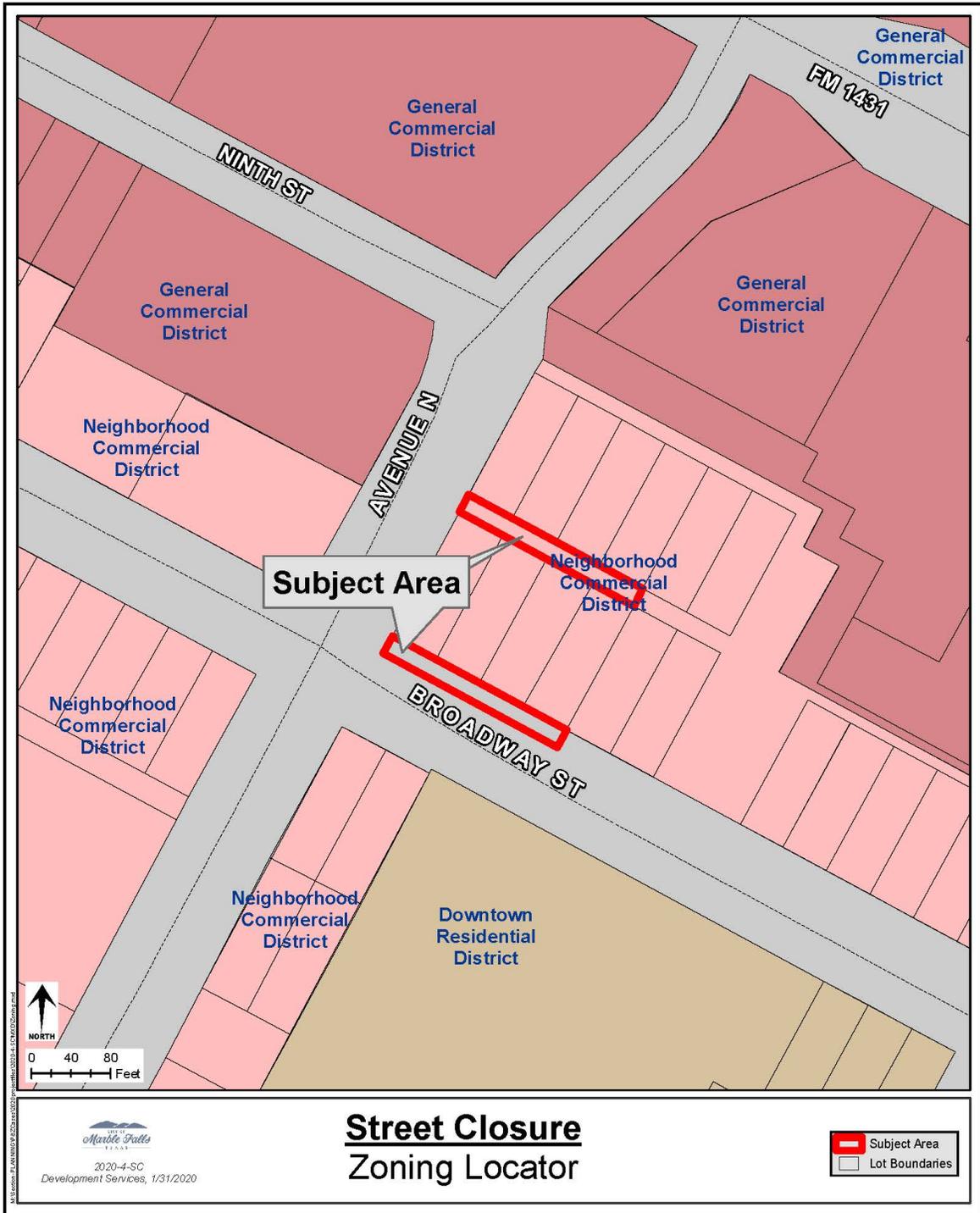


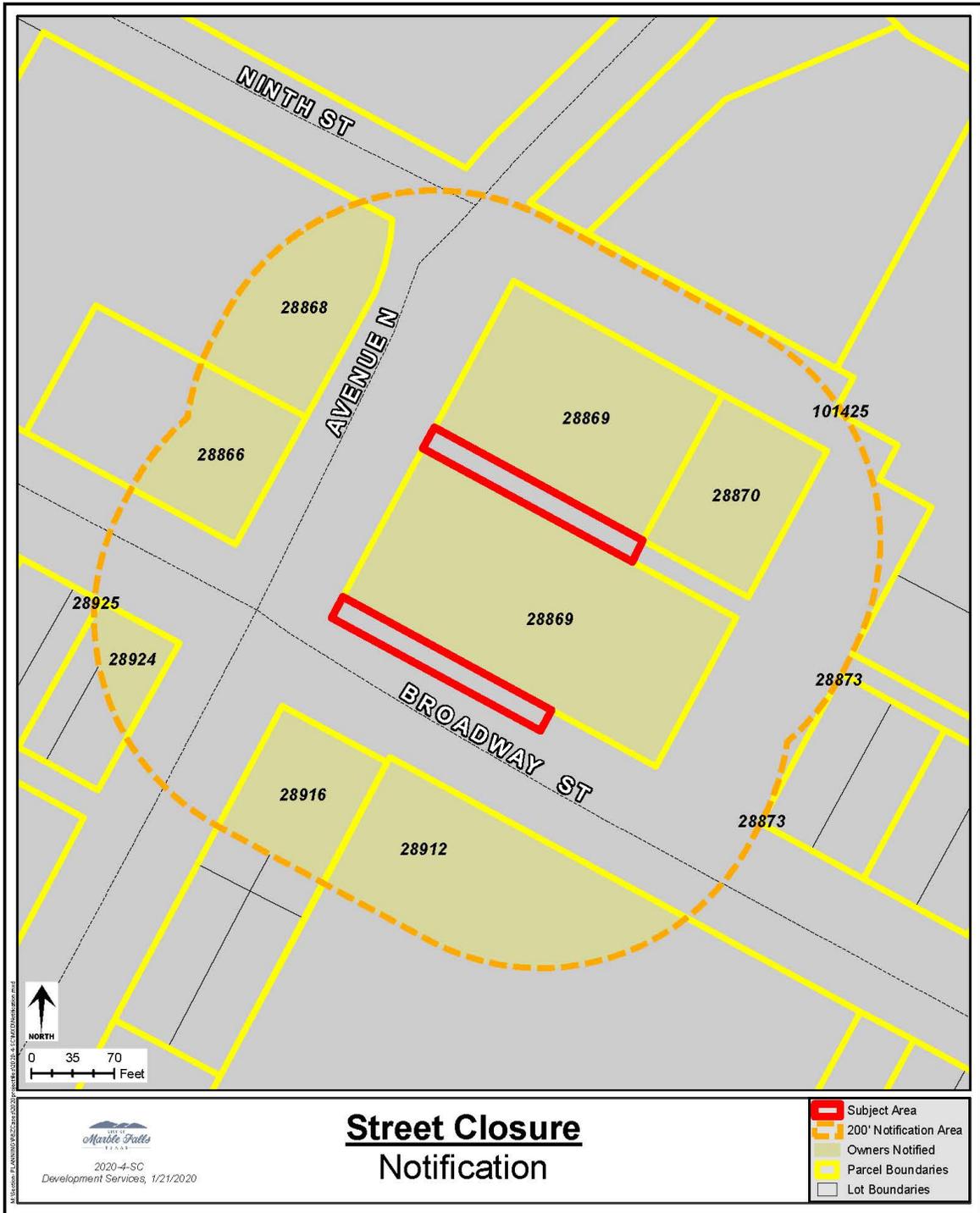
**Street Closure
Aerial**

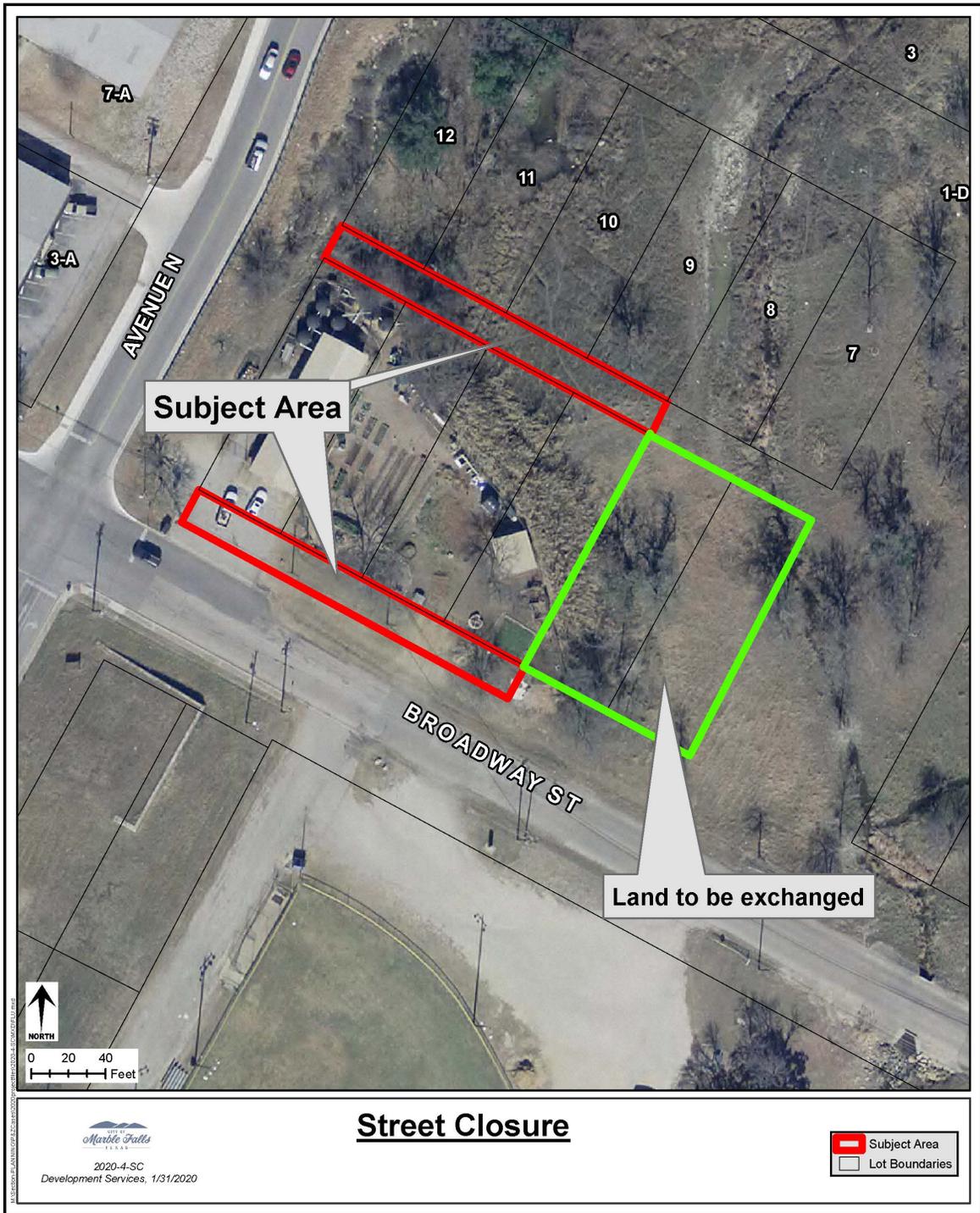
City of Marble Falls
2020-4-SC
Development Services, 1/31/2020

Subject Area
Lot Boundaries









ORDINANCE NO. 2020-O-03B

AN ORDINANCE OF THE CITY OF MARBLE FALLS, TEXAS, ABANDONING A 0.09-ACRE PORTION OF THE BROADWAY STREET RIGHT-OF-WAY, AND A 0.09-ACRE PORTION OF AN ALLEY, MORE PARTICULARLY DESCRIBED WITHIN EXHIBIT "A" ATTACHED HERETO; AUTHORIZING THE MAYOR TO EXECUTE A CONVEYANCE OF THE SAME DESCRIBED IN EXHIBIT "B" ATTACHED HERETO; PROVIDING FOR AN EFFECTIVE DATE; SEVERABILITY CLAUSE; REPEALER CLAUSE; AND PROPER NOTICE AND OPEN MEETING.

WHEREAS, the City of Marble Falls is the owner of unimproved street right-of-way (the "Property") within the corporate limits of the City, consisting of a 0.09-acre portion of Broadway Street and the alley within Block 143 of the Marble Falls Original Township; and

WHEREAS, the City Council of Marble Falls has determined that such right-of-way is not needed for public roadway purposes; and

WHEREAS, pursuant to Chapter 272, Texas Local Government Code, the City has ascertained the fair market value of the Property; and

WHEREAS, Helping Center of Marble Falls Area, Owner of the adjacent Lots 1-4 and 9-12, Block 143, of the Marble Falls Original Township (the "Adjacent Property"), desires to acquire the Property for the exchange of Lots 5 and 6, Block 143, of the Marble Falls Original Township; and

WHEREAS, as a condition of such conveyance, the Owner, or its successors or assigns will replat the property, along with the Adjacent Property, into one lot within nine months of the date of the conveyance; and

WHEREAS, in order to effectuate the conveyance of the Property, the City Council of the City ("Council") must adopt an ordinance authorizing and directing the Mayor to execute the conveyance; and

WHEREAS, the Council has determined that the abandonment and conveyance of the subject property is in the best interest of the citizens 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 Council 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. CONVEYANCE. The Property owned by the City as public right-of-way which is depicted and described in Exhibit "A" attached hereto and incorporated herein, is hereby authorized to be conveyed without warranty to Helping Center of Marble Falls Area. The Mayor of the City is hereby authorized to execute the conveyance, attached hereto as Exhibit "B", to Helping Center of Marble Falls Area, upon deed execution.

SECTION III. REPLAT. By acceptance of the conveyance, Helping Center of Marble Falls Area, shall make application for replat of the property within nine months of the date of the conveyance, and such obligation shall be binding on the heirs, successors and assigns of the Grantee. No building permit for the property may be granted until the property is replatted into the Adjoining Property.

SECTION IV. EFFECTIVE DATE. This Ordinance shall take effect immediately upon adoption provided, however, that the authority to convey the Property to Helping Center of Marble Falls Area, will automatically terminate and be of no effect if the deed is not received by the City within thirty (30) days of approval of this Ordinance.

SECTION V. 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 thereby, 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. REPEALER. The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

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.

DULY PASSED by the City Council of the City of Marble Falls, Texas, on the 3rd day of March, 2020.

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

EXHIBIT "A" (Page 1 of 2)

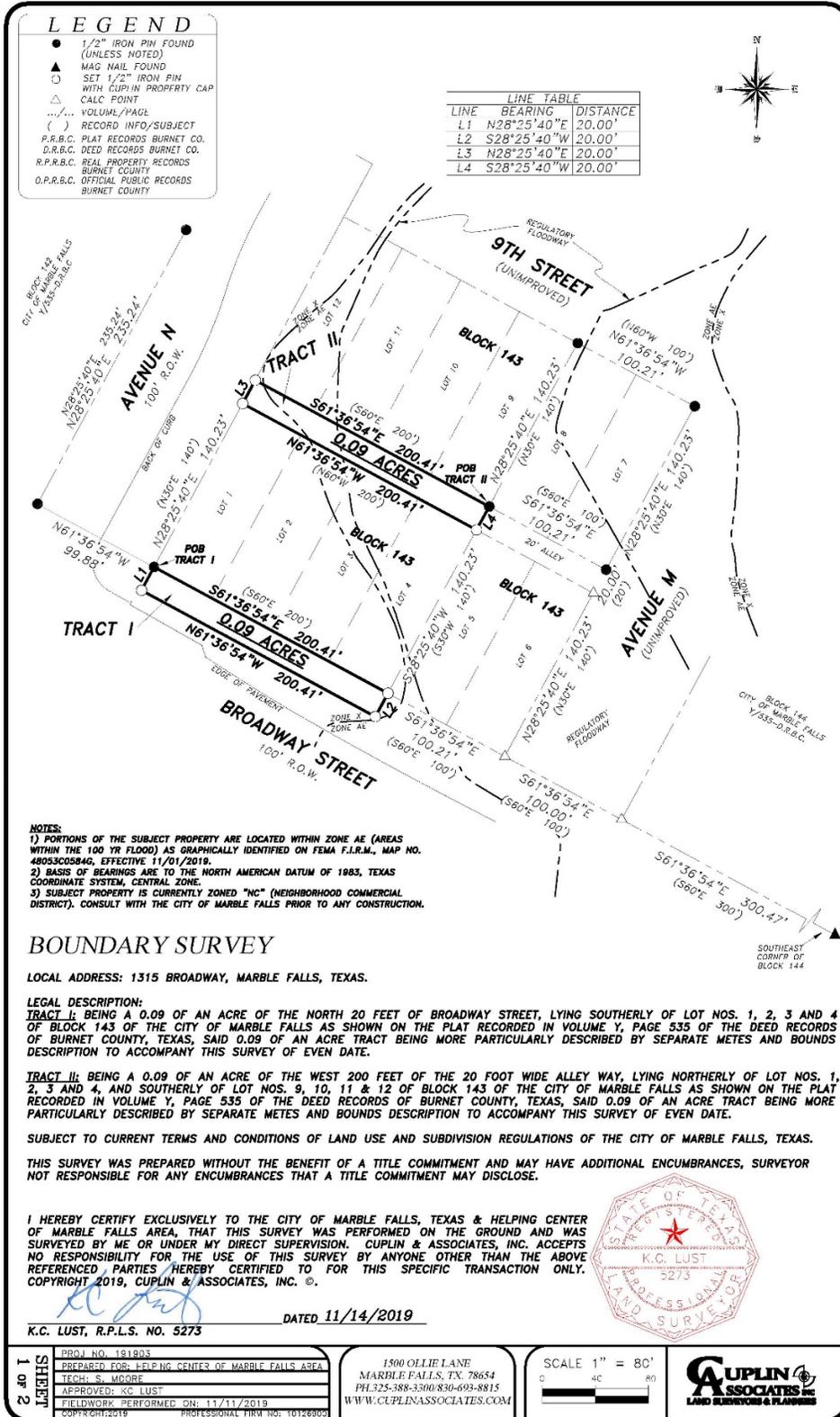


EXHIBIT "A" (Page 2 of 2)

CUPLIN & ASSOCIATES, Inc.
land surveyors & planners

Prepared For: Helping Center of Marble Falls Area
Project No. 191903
Date: 11/14/2019

TRACT NO. 1:

BEING A 0.09 OF AN ACRE TRACT OF THE NORTH 20 FEET OF BROADWAY STREET, LYING SOUTHERLY OF LOT NOS. 1, 2, 3 AND 4 OF BLOCK 143 OF THE CITY OF MARBLE FALLS AS SHOWN ON THE PLAT RECORDED IN VOLUME Y, PAGE 535 OF THE DEED RECORDS OF BURNET COUNTY, TEXAS, SAID 0.09 OF AN ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS.

BEGINNING at a 1/2" iron pin found, along the northerly right-of-way line of an Broadway Street, at the southwesterly corner of said Lot 1, being the most northerly corner hereof, from whence a found 1/2" iron pin at the southeast corner of Lot 6, Block 143 bears, North 61°36'54" West, a distance of 99.88'

THENCE South 61°36'54" East, along the southerly line of said Lot Nos. 1, 2, 3 & 4, the northerly right-of-way line of said Broadway Street, and hereof, a distance of 200.41' to a 1/2" iron pin set with "Cuplin" cap at the southeasterly corner of said Lot 4, the southwesterly corner of Lot 5 of said Block 143, being the northeasterly corner hereof, from whence a mag nail found at the southeast corner of Block 143 bears South 61°36'54" East, a distance of 500.68';

THENCE over and across said right-of-way of Broadway Street the following courses and distances;

- 1) South 28°25'40" West, a distance of 20.00' to a 1/2" iron pin set with "Cuplin" cap, for the farthest south point hereof;
- 2) North 61°36'54" West, a distance of 200.41' to a 1/2" iron pin set with "Cuplin" cap for the farthest west point hereof;
- 3) North 28°25'40" East, a distance of 20.00' to the **POINT OF BEGINNING**, containing 0.09 of an acre, more or less.

TRACT NO. 2:

BEING A 0.09 OF AN ACRE TRACT OF THE WEST 200 FEET OF THE 20 FOOT WIDE ALLEY WAY, LYING NORTHERLY OF LOT NOS. 1, 2, 3 AND 4, AND SOUTHERLY OF LOT NOS. 9, 10, 11 & 12 OF BLOCK 143 OF THE CITY OF MARBLE FALLS AS SHOWN ON THE PLAT RECORDED IN VOLUME Y, PAGE 535 OF THE DEED RECORDS OF BURNET COUNTY, TEXAS, SAID 0.09 OF AN ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS.

BEGINNING at a 1/2" iron pin found, along the northerly right-of-way line of a 20' alley, at the southwesterly corner of Lot 8 of said block 143, and the southeasterly corner of Lot 9 of said block 143, being the most easterly corner hereof, from whence a found 1/2" iron pin at the southeast corner of Lot 7, Block 143 bears, South 61°36'54" East, a distance of 100.21'

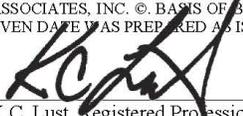
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THENCE North 61°36'54" West, with the northerly line of said Lot Nos. 1, 2, 3, & 4, the southerly line of said alley, and hereof, a distance of 200.41' to a 1/2" iron pin set with "Cuplin" cap at the most northerly corner of said Lot 1, a point in the east right-of-way of Avenue N, the most westerly corner of said alley, and hereof;

THENCE North 28°25'40" East, with the east right-of-way line of said Avenue N, the west line of said alley, and hereof, a distance of 20.00' to a 1/2" iron pin set with "Cuplin" cap at the most westerly corner of said Lot 12, the farthest northerly corner of said alley, and hereof;

THENCE South 61°36'54" East, with the southerly line of said Lot Nos. 9, 10, 11 & 12, the northerly line of said alley, and hereof, a distance of 200.41' to the **POINT OF BEGINNING**, containing 0.09 of an acre, more or less.

I HEREBY CERTIFY TO THE CITY OF MARBLE FALLS, TEXAS AND HELPING CENTER OF MARBLE FALLS AREA, THAT THIS SURVEY WAS PERFORMED ON THE GROUND AND WAS SURVEYED BY ME AND OR UNDER MY DIRECT SUPERVISION. CUPLIN & ASSOCIATES, INC. ACCEPTS NO RESPONSIBILITY FOR THE USE OF THIS SURVEY BY ANYONE OTHER THAN THE ABOVE REFERENCED PARTIES HEREBY CERTIFIED TO FOR THIS SPECIFIC TRANSACTION ONLY, COPYRIGHT 2019, CUPLIN & ASSOCIATES, INC. ©. BASIS OF BEARINGS ARE TO TEXAS COORDINATE SYSTEM, CENTRAL ZONE. A PLAT OF SURVEY OF EVEN DATE WAS PREPARED AND IS INTENDED TO ACCOMPANY THE ABOVE DESCRIBED TRACT OF LAND.


Dated: 11/14/2019
K.C. Lust, Registered Professional Land Surveyor No. 5273



1500 Ollie Lane • Marble Falls, TX 78654
PH: 325.388.3300 Fax: 325.388.3320
www.cuplinassociates.com Firm No. 10126900

EXHIBIT "B" (Page 1 of 5)

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

RIGHT OF WAY DEED WITHOUT WARRANTY

THE STATE OF TEXAS §

COUNTY OF BURNET §

THAT, the City of Marble Falls, acting by and through its Mayor, John Packer, (referred to as "Grantor") as authorized by the City Council on the 3rd day of March, 2020, does hereby GRANT and CONVEY, unto the Helping Center of Marble Falls Area, (referred to as "Grantee"), certain abandoned right-of-way (the "Property" as that term is defined below), to-wit:

All that certain right-of-way located in the County of Burnet, State of Texas described in Exhibit "A" attached hereto and by this reference made a part hereof for all purposes; (hereinafter referred to as the "Property").

SAVE AND EXCEPT, Grantor does hereby reserve from this conveyance a public utility easement in, upon, over and across the Property for the purpose of constructing, installing, operating, repairing, expanding, upgrading and maintaining water lines, sewer lines and other such public utility lines and any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions of any overlapping of improvements.

TO HAVE AND TO HOLD the Property, subject to the public utility easement and other reservations, to Grantee and its successors and assigns without warranty of title.

Grantor has caused this Right of Way Deed Without Warranty to be executed on this _____ day of _____, 2020.

**GRANTOR:
CITY OF MARBLE FALLS**

By: _____
John Packer, Mayor

STATE OF TEXAS
COUNTY OF BURNET

This instrument was acknowledged before me on the ____ day of _____
2020, by John Packer, Mayor of the City of Marble Falls.

Notary Public, State of Texas

(Seal)

AGREED AND ACCEPTED:

GRANTEE:

Helping Center of Marble Falls Area

By: _____

Title: _____

STATE OF TEXAS
COUNTY OF BURNET

This instrument was acknowledged before me on the ____ day of _____ 2020,
by _____ as _____ of Helping Center of Marble
Falls Area.

Notary Public, State of Texas

(Seal)

Grantor's Address:

City of Marble Falls

Attn: City Secretary

800 Third Street

Marble Falls, Texas 78654

Grantee's Address:

Helping Center of Marble Falls Area

Attn: Paul King, Board President

P.O. Box

Marble Falls, TX 78654

EXHIBIT "A" (Page 1 of 2)

Legal Description of Abandonment Area

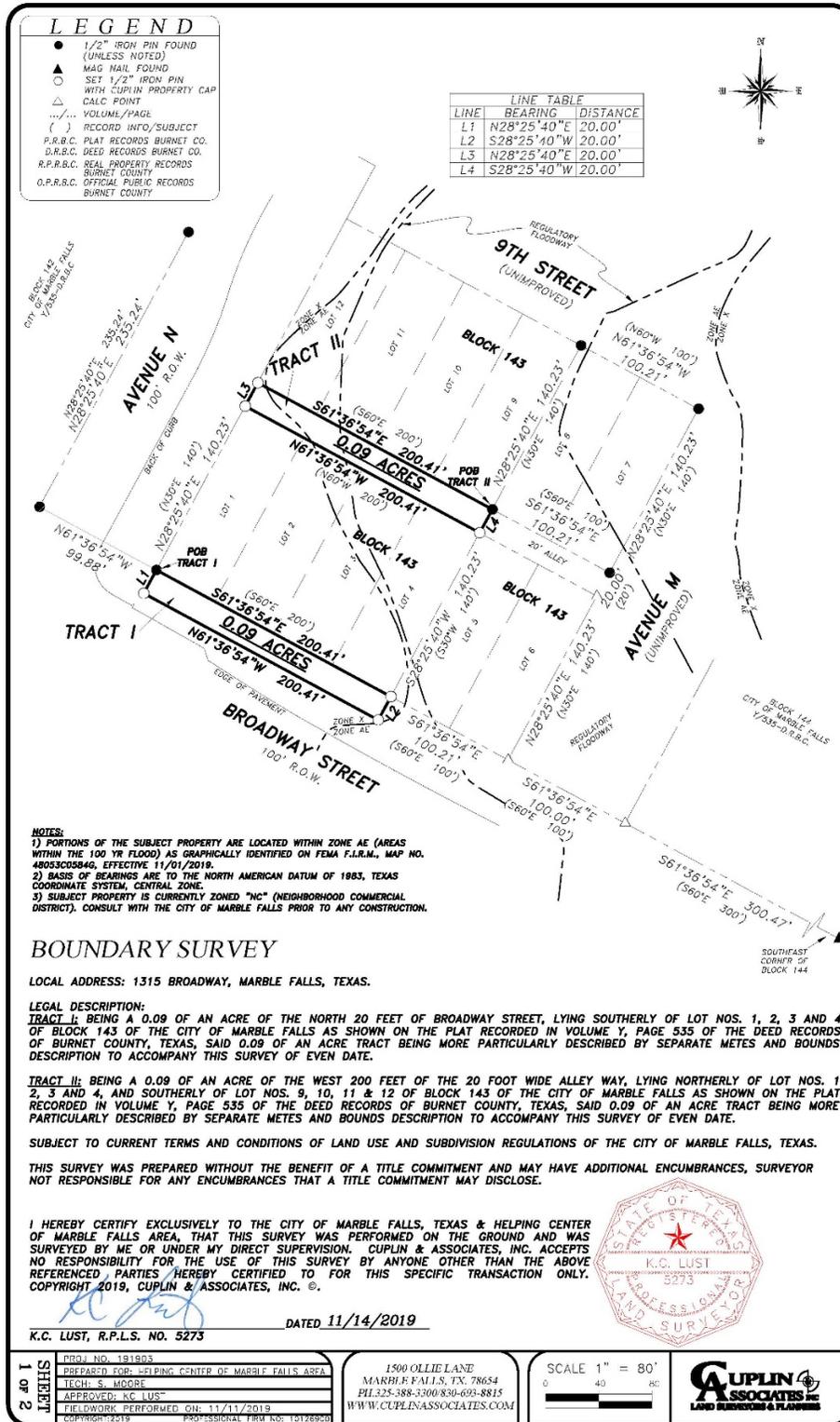


EXHIBIT "A" (Page 2 of 2)
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CUPLIN & ASSOCIATES, Inc.
land surveyors & planners

Prepared For: Helping Center of Marble Falls Area
Project No. 191903
Date: 11/14/2019

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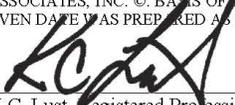
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Dated: 11/14/2019
K.C. Lust, Registered Professional Land Surveyor No. 5273



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March 3, 2020

7. REGULAR AGENDA

(b) Discussion and Action on approval of the Downtown Plaza Design. *Erin Burks,
Downtown Coordinator*



Council Agenda Item Cover Memo March 3, 2020

Agenda Item No.: 7(b)
Presenter: Erin Burks, Downtown Coordinator
Department: Administration
Legal Review: N/A

AGENDA CAPTION

Discussion and Action on approval of the Downtown Plaza Design.

BACKGROUND INFORMATION

A Downtown Plaza at the corner of Main and Third was initially considered as part of the City Hall redevelopment project in the Downtown Master Plan (Project 16). The redevelopment of the old police station has triggered the need for improvements that could compliment the downtown restroom facility, Harmony Park, and the new building at 209 Main.

Last fall, PLACE Designers, Inc. began work on a conceptual plan for developing the plaza. After several design meetings and a handful of iterations, the attached schematic was recommended for approval by the staff committee made up of Erin Burks, Valerie Kreger, Caleb Kraenzel, and Christian Fletcher.

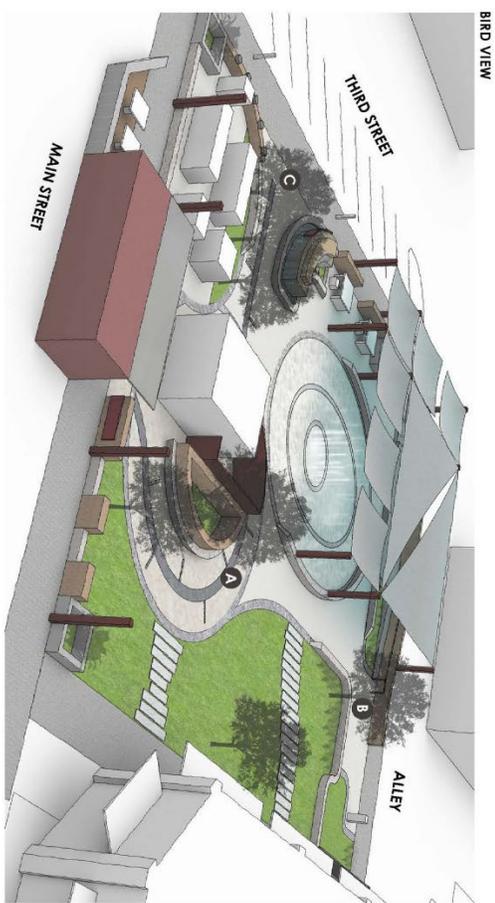
At their February 18 special meeting, the EDC board voted unanimously to move forward with part of phase 1 of the plaza design to add grass and a few trees to the EDC-owned portion of the plaza property closest to the new building at 209 Main.

This concept is intended to provide the City staff a tool to research and identify potential funding sources for constructing the project. The plaza is not a capital project at this time. Our objective is to use the concept to find external funding options.

Attached to this cover memo are conceptual drawings of the plaza design.



- LEGEND**
- 1 Harmony Park
 - 2 Rected Planter (TYP)
 - 3 Art Exhibit
 - 4 Food Truck Vendor Pad (TYP)
 - 5 Historic Walk
 - 6 Water Wall w/ Signage
 - 7 Shrub Bed (TYP)
 - 8 Chest Tables
 - 9 Spinal Pad
 - 10 Stage
 - 11 Shoals Sill
 - 12 Ramp
 - 13 Drinking Fountain w/ Pet Supply
 - 14 Seating Wall (TYP)
 - 15 Step Stones
 - 16 Lawn
 - 17 Utility Fence
 - 18 Existing Restroom
 - 19 Pop-up Container
 - 20 Movable Deck
 - 21 Pool (TYP)



All information furnished regarding this property is from sources deemed reliable. However, City of Marble Falls does not warrant the accuracy of the information and is not responsible for any errors, omissions, or land plan changes or other conditions. This land is subject to change.

MARBLE FALLS PLAZA
 MAIN @ THIRD MARBLE FALLS, TX
 FEBRUARY 13, 2020



