



**NOTICE OF MEETING
GOVERNING BODY OF MARBLE FALLS, TEXAS
March 7, 2023 – 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 March 2023 the Marble Falls City Council will meet in regular session at 6:00 pm in the City Hall Council Chambers located at 800 Third 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 the Engineering Department. *Jeff Prato, City Engineer*
5. **CITIZEN COMMENTS.** *This is an opportunity for citizens to address the City Council concerning an issue of community interest that is not on the agenda. Comments on a specific agenda item must be made when the agenda item comes before the Council. The Mayor may place a time limit on all comments. Any deliberation of an issue raised during Citizen Comments is limited to a 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 February 21, 2023 meeting minutes. *Christina McDonald, City Secretary*
 - (b) Acceptance of the Marble Falls Police Department Annual Contact Report. *Glenn Hanson, Chief of Police*
 - (c) Approval of a Preliminary Plat for Thunder Rock Subdivision of 119.1096 acres out of the J. Barton Survey No. 418, Abstract No. 135, W. Giesecke Survey No. 1508, Abstract No. 1551,

and the Guadalupe Flores Survey No. 7, Abstract No. 304, Burnet County, Texas generally located at northwest corner of U.S. Highway 281 and State Highway 71. *Kim Foutz, Director of Development Services*

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 2023-O-01C regarding a rezoning request from General Commercial District (GC) to a Planned Development District, with base zoning of Multifamily District (MF) for approximately 15.21 acres of land out of the R.D. Moore Survey No. 603, Abstract No. 614 and the A. Schroter Survey No. 4, Abstract No. 1270, City of Marble Falls, Burnet County, Texas. Generally located north of Panther Hollow Drive and West of Corazon Drive. *Kim Foutz, Director of Development Services*
- (b) Discussion and Action on the approval of Amendment No. 1 for Nature Heights Extension Project to AGUIRRE & FIELDS, LP, Austin, Texas, in the amount of \$49,915.00, increasing the total contract amount not to exceed \$386,195.88 to provide additional round-about design services at the intersection of Mormon Mill Road, and future Nature Heights Drive and authorize the City Manager to execute the amendment. *Jeff Prato, City Engineer*
- (c) Discussion and Action regarding the award of the engineering services contract for the preparation of the City's 2023-2024 Texas Community Development Block Grant (TxCDBG) application and authorizing the City Manager to negotiate a subsequent engineering contract if funded. *Jeff Prato, City Engineer*

8. CITY MANAGER'S REPORT

- Personnel Update

9. EXECUTIVE SESSION.

CLOSE OPEN SESSION AND CONVENE EXECUTIVE SESSION Pursuant to §551.071 (*Private Consultation between the Council and its Attorney*), Pursuant to §551.072 (*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:

- Consultation with City Attorney regarding panhandling
- Consultation with City Attorney regarding the regulation of waterfowl
- Discussion regarding the purchase of parkland
- Consultation with City Attorney regarding the City's authority to regulate land use/mining activity
- Consultation with City Attorney regarding possible acquisition of interests in real property and associated groundwater and water system
- Discussion regarding the expansion of the boundaries of Tax Increment Reinvestment Zone Number One

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 retire 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 2nd day of March 2023 at 10:00 am and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Christina McDonald

Christina McDonald, TRMC
City Secretary

March 7, 2023

6. CONSENT AGENDA

- (a) Approval of the minutes of the February 21, 2023 regular meeting. *Christina McDonald, City Secretary*
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STATE OF TEXAS
COUNTY OF BURNET
CITY OF MARBLE FALLS

On this the 21st day of February 2023, the City Council convened in regular session at 6:00 pm in the City Hall Council Chambers located at 800 Third Street, Marble Falls, with notice of meeting giving time, place, date, and subject having been posted as described in Chapter 551 of the Texas Government Code.

<u>PRESENT:</u>	Richard Westerman	Mayor
	Dave Rhodes	Mayor Pro-Tem
	William (Dee) Haddock	Councilmember
	Lauren Haltom	Councilmember
	Griff Morris	Councilmember
	Bryan Walker	Councilmember
<u>ABSENT:</u>	Reed Norman	Councilmember
<u>STAFF:</u>	Mike Hodge	City Manager
	Caleb Kraenzel	Assistant City Manager
	Christina McDonald	City Secretary
	Adam Rodriguez	City Attorney
	Jeff Lazenby	Director of Finance
	Glenn Hanson	Police Chief
	Tirsha Ratliff	Assistant Police Chief
	Lacey Dingman	Director of Parks and Recreation
	James Kennedy	Director of Public Works
	Jay Everett	Assistant Director of Public Works
	Jeff Prato	City Engineer

VISITORS: Nathan Bush (Daily Trib), Katie Savage and Jarrod Metzgar (Chamber), Monja Caughron and Debbie Farr-Preece (One Swanky Shop), Paul Hahn (Aguirre & Fields), Julie Shaffer, Jeanna Jette, Travis Ralls (LCRA), Matthew Myers (Waste Management), Kim Edwards, Jim and Toni Weber (518 7th Street)

1. **CALL TO ORDER AND ANNOUNCE QUORUM IS PRESENT.** Mayor Westerman called the meeting to order at 6:00 pm and announced the presence of a quorum.
2. **INVOCATION.** Councilmember Walker gave the invocation.
3. **PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES AND THE TEXAS FLAG.** Mayor Pro-Tem Rhodes led the pledges.

4. UPDATES, PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS

- **Update from Waste Management.** Matthew Myers, Public Sector Solutions Representative provided an update on the old cart removal and placement of the new carts.
- **Presentation of 2022 Community Pride Awards.** Mayor Westerman presented the awards to Jim and Toni Weber residential recipient (519 7th Street) and commercial recipient One Swanky Shop.
- **Proclamation.** Mayor Westerman proclaimed February 24 Rick Edwards Day and presented the proclamation to Kim Edwards.
- **Proclamation.** Mayor Westerman proclaimed February Black History Month. Reverend George Perry (St. Frederick Baptist Church) was present to accept the proclamation.

5. CITIZEN COMMENTS. There were no citizen comments.

6. CONSENT AGENDA.

- (a) Approval of the February 7, 2023 meeting minutes.
- (b) Appointment of Kaitlyn Williams to the TIRZ Board No. 1.
- (c) Approval of the allocation of FY 2022/2023 Hotel Occupancy Tax Local Assistance funding in the amount of \$2,500 to The World Wakeboard Association for the 2023 Central Regional Championship.
- (d) Approval of the allocation of FY 2022/2023 Hotel Occupancy Tax Local Assistance funding in the amount of \$12,000 to the Marble Falls Highland Lakes Area Chamber of Commerce for Lakefest 2023.
- (e) Approval of the allocation of FY 2022/2023 Hotel Occupancy Tax Local Assistance funding in the amount of \$1,000 to Traverse Running, LLC for the 9th Annual Hill Country Trivium.

Councilmember Haddock made a motion to approve the consent agenda. The motion was seconded by Morris and carried by a vote of 6-0.

7. REGULAR AGENDA.

- (a) Discussion and Action on the approval of a Professional Services Agreement between Aguirre & Fields, LP, and the City of Marble Falls in an amount not to exceed \$270, 325, to provide Engineering Services for the Pecan Valley Sidewalk Project and authorize the City Manager to execute the agreement. Jeff Prato, City Engineer addressed Council. Councilmember Walker moved to approve the Professional Services Agreement with Aguirre & Fields, LP in an amount not to exceed \$270,325 for engineering services for the

Pecan Valley Sidewalk Project and authorized the City Manager to execute the agreement. Councilmember Haddock seconded the motion. The motion carried by a unanimous vote 6-0.

8. **CITY MANAGER'S REPORT.** City Manager Mike Hodge provided an update on the city's local fiber installation/upgrades.

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:

- **Consultation with City Attorney and possible acquisition of interests in real property and associated groundwater and water system**
- **Discussion regarding the acquisition of real property for the new City Hall project and park and utility sites**

6:24 pm Council convened to Executive Session

6:45 pm Council 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 March 7 regular meeting draft agenda was distributed to Council for review.

12. **ADJOURNMENT.** There being no further business to discuss, Councilmember Haddock motioned to adjourn. Councilmember Walker seconded the motion. The meeting was adjourned at 6:46 pm.

Richard Westerman, Mayor

ATTEST:

**Christina McDonald, TRMC
City Secretary**

March 7, 2023

6. CONSENT AGENDA

(b) Acceptance of the Marble Falls Police Department Annual Contact Report.
Glenn Hanson, Chief of Police



Council Agenda Item Cover Memo
March 7, 2023

Agenda Item No.: 6(b)
Presenter: Glenn Hanson, Chief of Police
Department: Police Department
Legal Review: N/A

AGENDA CAPTION

Acceptance of the Marble Falls Police Department Annual Contact Report.

BACKGROUND INFORMATION

In 2001, the Texas Legislature passed the Texas Racial Profiling Law (S.B. 1074). Since becoming effective, the Marble Falls Police Department, in accordance with the law, has collected contact data to identify and address (if necessary) concerns regarding racial profiling practices by police officers.

In this report, you will find documentation supporting that the Marble Falls Police Department has complied with The Texas Racial Profiling Law. This report also contains statistical data relevant to motor vehicle contacts between January 1, 2022, and December 31, 2022. The data and supporting documentation presented in this report support the notion that the Marble Falls Police Department is committed to the identification and resolution (if necessary) of all issues relevant to racial profiling according to state law.

STAFF RECOMMENDATION

Accept the annual report as presented.

**The Marble Falls Police Department
Annual Contact Report
~2022~**



March 7, 2023

Marble Falls City Council
Marble Falls, Texas 78654

Dear Distinguished Members of the City Council,

In 2001, the Texas Legislature passed the Texas Racial Profiling Law (S.B. 1074). Since becoming effective, the Marble Falls Police Department, in accordance with the law, has collected contact data for the purpose of identifying and addressing (if necessary) concerns regarding racial profiling practices by police officers. In 2009, the Texas Racial Profiling Law was modified and new requirements are now in place.

In this report, you will find documentation that supports the fact that the Marble Falls Police Department has complied with The Texas Racial Profiling Law. This report also contains statistical data relevant to motor vehicle contacts between January 1, 2022, and December 31, 2022. The data and supporting documentation presented in this report support the notion that the Marble Falls Police Department is committed to the identification and resolution (if necessary) of all issues relevant to racial profiling according to the state law.

Sincerely,

A handwritten signature in black ink, appearing to read 'GH', with a long horizontal flourish extending to the right.

Glenn Hanson
Chief of Police

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MARBLE FALLS POLICE DEPARTMENT

POLICY ON RACIAL PROFILING

I. POLICY

We are committed to a respect for constitutional rights in the performance of our duties. Our success is based on the respect we give to our communities, and the respect members of the community observe toward law enforcement. To this end, we shall exercise our sworn duties, responsibilities, and obligations in a manner that does not discriminate on the basis of race, sex, gender, sexual orientation, national origin, ethnicity, age, or religion. Respect for diversity and equitable enforcement of the law are essential to our mission.

All enforcement actions shall be based on the standards of reasonable suspicion or probable cause as required by the Fourth Amendment to the U. S. Constitution and by statutory authority. In all enforcement decisions, officers shall be able to articulate specific facts, circumstances, and conclusions that support probable cause or reasonable suspicion for arrests, searches, seizures, and stops of individuals. Officers shall not stop, detain, arrest, search, or attempt to search anyone based solely upon the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.

All departmental orders are informed and guided by this directive. Nothing in this order limits non-enforcement consensual contacts between officers and the public.

II. PURPOSE

The purpose of this order is to inform officers that bias-based policing is prohibited by the department. Additionally, this order will assist officers in identifying key contexts in which bias may influence these actions, and emphasize the importance of the constitutional guidelines within which we operate.

III. DEFINITIONS

Most of the following terms appear in this policy statement. In any case, these terms appear in the larger public discourse about alleged biased enforcement behavior and in other orders. These definitions are intended to facilitate on-going discussion and analysis of our enforcement practices.

- A. **Bias:** Prejudice or partiality based on preconceived ideas, a person's upbringing, culture, experience, or education.
- B. **Biased-based policing:** Stopping, detaining, searching, or attempting to search, or using force against a person based upon his or her race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.
- C. **Ethnicity:** A cluster of characteristics that may include race but also cultural characteristics or traits that are shared by a group with a common experience or history.
- D. **Gender:** Unlike sex, a psychological classification based on cultural characteristics or traits.
- E. **Probable cause:** Specific facts and circumstances within an officer's knowledge that would lead a reasonable officer to believe that a specific offense has been or is being committed, and that the suspect has committed it. Probable cause will be determined by the courts reviewing the totality of the circumstances surrounding the arrest or search from an objective point of view.

- F. **Race:** A category of people of a particular decent, including Caucasian, African, Hispanic, Asian, Middle Eastern, or Native American descent. As distinct from ethnicity, race refers only to physical characteristics sufficiently distinctive to group people under a classification.
- G. **Racial profiling:** A law-enforcement initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.
- H. **Reasonable suspicion:** Specific facts and circumstances that would lead a reasonable officer to believe criminal activity is afoot and the person to be detained is somehow involved. Reasonable suspicion will be determined by the courts reviewing the totality of the circumstances surrounding the detention from an objective point of view.
- I. **Sex:** A biological classification, male or female, based on physical and genetic characteristics.
- J. **Stop:** An investigative detention of a person for a brief period of time, based on reasonable suspicion.

IV. PROCEDURES

A. General responsibilities

1. Officers are prohibited from engaging in bias-based profiling or stopping, detaining, searching, arresting, or taking any enforcement action including seizure or forfeiture activities, against any person based solely on the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. These characteristics, however, may form part of reasonable suspicion or probable cause when officers are seeking a suspect with one or more of these attributes.
2. Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, subject stops, arrests, nonconsensual searches, and property seizures. Except as provided in number 3 below, officers shall not consider race/ethnicity in establishing either reasonable suspicion or probable cause. Similarly, except as provided below, officers shall not consider race/ethnicity in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search.
3. Officers may take into account the reported race or ethnicity of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s). Race/ethnicity can never be used as the sole basis for probable cause or reasonable suspicion. Except as provided above, reasonable suspicion or probable cause shall form the basis for any enforcement actions or decisions. Individuals shall be subjected to stops, seizures, or detentions only upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. Officers shall document the elements of reasonable suspicion and probable cause in appropriate reports.
4. Officers shall observe all constitutional safeguards and shall respect the constitutional rights of all persons.
 - a. As traffic stops furnish a primary source of bias-related complaints, officers shall have a firm understanding of the warrantless searches allowed by law, particularly the use of consent. How the officer disengages from a traffic stop may be crucial to a person's perception of fairness or discrimination.

- b. Officers shall not use the refusal or lack of cooperation to justify a search of the person or vehicle or a prolonged detention once reasonable suspicion has been dispelled.
 - 5. All personnel shall treat everyone with the same courtesy and respect that they would have others observe to department personnel. To this end, personnel are reminded that the excise of courtesy and respect engenders a future willingness to cooperate with law enforcement.
 - a. Personnel shall facilitate an individual's access to other governmental services whenever possible, and shall actively provide referrals to other appropriate agencies.
 - b. All personnel shall courteously accept, document, and forward to the Chief of Police any complaints made by an individual against the department.
 - 6. When feasible, personnel shall offer explanations of the reasons for enforcement actions or other decisions that bear on the individual's well-being unless the explanation would undermine an investigation or jeopardize an officer's safety.
 - 7. When concluding an encounter, personnel shall thank him or her for cooperating.
 - 8. When feasible, all personnel shall identify themselves by name. When a person requests the information, personnel shall give their departmental identification number, name of the immediate supervisor, or any other reasonable information.
 - 9. All personnel are accountable for their actions. Personnel shall justify their actions when required.
- B. Supervisory responsibilities
- 1. Supervisors shall be held accountable for the observance of constitutional safeguards during the performance of their duties and those of their subordinates. Supervisors shall identify and correct instances of bias in the work of their subordinates.
 - 2. Supervisors shall use the disciplinary mechanisms of the department to ensure compliance with this order and the constitutional requirements of law enforcement.
 - 3. Supervisors shall be mindful that in accounting for the actions and performance of subordinates, supervisors are critical to maintaining community trust in law enforcement. Supervisors shall continually reinforce the ethic of impartial enforcement of the laws, and shall ensure that personnel, by their actions, maintain the community's trust in law enforcement.
 - 4. Supervisors are reminded that biased enforcement of the law engenders not only mistrust of law enforcement, but increases safety risks to personnel as well as exposing the employee(s) and department to liability.
 - 5. Supervisors shall be held accountable for repeated instances of biased enforcement of their subordinates if the supervisor knew, or should have known, of the subordinate's actions.
 - 6. Supervisors shall ensure that all enforcement actions are duly documented per departmental policy. Supervisors shall ensure that all reports show adequate documentation of reasonable suspicion and probable cause, if applicable. Any enforcement action that begins as a consensual encounter will also have the circumstances of the initial encounter documented.
 - 7. Supervisors shall facilitate the filing of any complaints about law- enforcement service.
 - 8. Supervisors will randomly review at least three video tapes per officer (either body camera and/or in-car camera video) per quarter. For this policy a "quarter" is defined as a 3-month period of time. Supervisors are not required to watch each incident of an entire shift; however,

reviewing the footage in a manner intended to gain an understanding of that officer's performance and adherence to policy and law is required. Supervisors will document the random review of the video in Guardian Tracking and any violations of policy or law will be addressed through the use of Policy 2.08 Professional Standards & Internal Compliance Enforcement.

9. Section 8 above applies only to first-line uniformed officers and their immediate supervisors. In the absence of a first-line supervisor this responsibility will move to the Patrol Captain.

C. Disciplinary consequences

1. Actions prohibited by this order shall be cause for disciplinary action, up to and including dismissal.

D. Training

1. Officers shall complete all training required by state law regarding bias-based profiling.

V. COMPLAINT INVESTIGATION

- A. The department shall accept complaints from any person who believes he or she has been stopped or searched based on biased based policing. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because he or she filed such a complaint.
- B. Any employee who receives an allegation of biased based policing, including the officer who initiated the stop, shall record the person's name, address and telephone number, and forward the complaint through the appropriate channel or direct the individual(s). Any employee contacted shall provide to that person a copy of a complaint form or the department process for filing a complaint. All employees will report any allegation of biased based policing to their superior before the end of their shift.
- C. Investigation of a complaint shall be conducted in a thorough and timely manner. All complaints will be acknowledged in writing to the initiator who will receive disposition regarding said complaint within a reasonable period of time. The investigation shall be reduced to writing and any reviewer's comments or conclusions shall be filed with the chief. When applicable, findings and/or suggestions for disciplinary action, retraining, or changes in policy shall be filed with the chief.
- D. If a bias-based policing complaint is sustained against an officer, it will result in appropriate corrective and/or disciplinary action, up to and including termination.
- E. If a departmental video or audio recording of the events upon which a complaint of bias-based policing is based exists, this department shall promptly provide a copy of the recording to that officer upon receipt of their written request.

VI. PUBLIC EDUCATION

- A. This department will inform the public of its policy against bias-based policing and the complaint process. Methods that may be utilized to inform the public are the news media, radio, service or civic presentations, the Internet, as well as governing board meetings. Additionally, information will be made available as appropriate in languages other than English.

VII. CITATION DATA COLLECTION & REPORTING

- A. An officer is required to collect information relating to traffic stops in which a citation or warning is issued or an arrest is made. Information collected must include:

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1. The person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group, as stated by the person or as determined by the officer to the best of his/her ability;
2. Was race or ethnicity known prior to the traffic stop;
3. Reason for the traffic stop;
4. The street address or approximate location of the stop;
5. Whether a search was conducted;
6. If a search was conducted, was it consensual or with probable cause;
7. Whether any contraband was discovered in the course of the search and, if so, the type of contraband discovered;
8. The result of the stop:
 - a. Arrest;
 - b. Citation;
 - c. Citation and arrest;
 - d. Written warning; or
 - e. Written warning and arrest;
9. If the officer made an arrest as a result of the stop and/or search, what was the reason for the arrest;
10. Was physical force resulting in bodily injury used during the stop?

VIII. USE OF VIDEO AND AUDIO EQUIPMENT

- A. Each motor vehicle used by this department to make traffic and pedestrian stops is equipped with a video camera and transmitter-activated equipment; and
- B. Each traffic and pedestrian stop made by an officer of this department that is capable of being recorded by video and audio, or audio, as appropriate, is recorded.
- C. This department shall retain the video and audiotapes, or the audiotape of each traffic and pedestrian stop for at least ninety (90) days after the date of the stop. If a complaint is filed with this department alleging that one of our officers has engaged in bias-based policing with respect to a traffic or pedestrian stop, this department shall retain the video and audiotapes, or the audiotape of the stop until final disposition of the complaint.
- D. Supervisors will ensure officers of this department are recording their traffic and pedestrian stops. Three random recordings of each officer will be reviewed at least once every ninety (90) days. The supervisor will then document the review in Guardian Tracking under Video Review on the dropdown list.
- E. If the equipment used to record audio and/or video of the traffic or pedestrian stop is malfunctioning or otherwise not operable, the officer making the stop shall make a proper written record (paper citation/paper warning or e-citation/e- warning) and report the information as required in Section IX of this policy.

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IX. COLLECTION AND REPORTING INFORMATION GATHERED FROM TRAFFIC AND PEDESTRIAN STOPS WITHOUT THE USE OF VIDEO AND AUDIO EQUIPMENT

- A. An officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic, or who stops a pedestrian for any suspected offense, shall record and report the same information required in Section VIII.
- B. This department shall compile and analyze the information contained in these individual reports. Not later than March 1st of each year, this department shall submit a report to our governing body containing the information compiled from the preceding calendar year. This report will include:
 - 1. A comparative analysis of the information contained in the individual reports in order to:
 - a. Determine the prevalence of bias-based policing by officers in this department; and
 - b. Examine the disposition of traffic and pedestrian stops made by this department's officers, including searches resulting from stops.
 - 2. Information relating to these individual reports regarding each complaint filed with this department alleging bias-based policing.

This report will not include identifying information about a peace officer who makes a stop or about an individual who is stopped or arrested by a peace officer.

Report on Racial Profiling Complaints

The following table contains data regarding officers that have been the subject of a complaint, during the time period of January 1, 2022, through December 31, 2022, based on allegations related to possible violations of the Texas Racial Profiling Law. The final disposition of the case is also included.

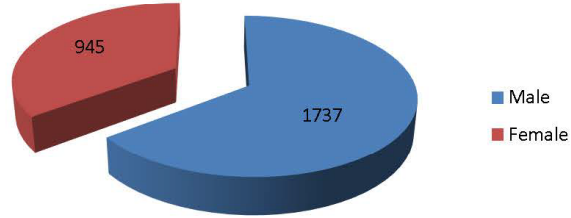


A check above indicates that the Marble Falls Police Department has not received any complaints, as outlined in the law, on any members of its police force, for having violated the Texas Racial Profiling Law during the time period of January 1, 2022, through December 31, 2022.

Complaints Filed for Possible Violations of The Texas Racial Profiling Law.

Complaint No.	Alleged Violation			Disposition of the Case

Motor Vehicle-Related Contact Information (January 1, 2022 — December 31, 2022)



Race/Ethnicity*	Contacts	
	N	%
Black	114	4.25%
Asian/Pacific Islander	27	1.01%
White	1,928	71.89%
Hispanic/Latino	596	22.22%
Alaska Native/American Indian	17	0.63%
Total	2,682	100%

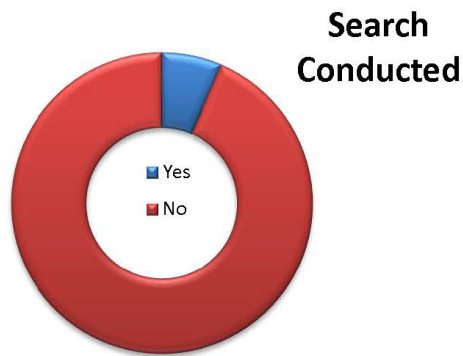
Total Number of Contacts in which Officers knew Race and Ethnicity of Individual Before Being Detained	Total Number of Contacts in which Officers <i>did not know</i> Race and Ethnicity of Individual Before Being Detained
147	2,535

“N” represents “number” of traffic-related contacts.

* Race/Ethnicity is defined by Senate Bill 1074 as being of a “particular descent, including Black, Asian/Pacific Islander, White, Hispanic/Latino or Alaska Native/American Indian.”

Reason for Stop?	Contacts	
	N	%
Violation of Law	56	2.09%
Pre-Existing Knowledge (warrant)	12	0.45%
Moving Traffic Violation	1,813	67.60%
Vehicle Traffic Violation	801	29.86%
Total	2,682	100%

Result of the Stop	Contacts	
	N	%
Citation	725	27.03%
Citation and Arrest	74	2.76%
Written Warning	1,868	69.65%
Written Warning and Arrest	15	0.56%
Total	2,682	100%



“N” represents “number” of traffic-related contacts.

* Race/Ethnicity is defined by Senate Bill 1074 as being of a “particular descent, including Black, Asian/Pacific Islander, White, Hispanic/Latino or Alaska Native/American Indian.”

Reason for Search	Contacts	
	N	%
Consent	51	29.48%
Contraband in Plain View	7	4.05%
Incident to Arrest	0	0.00%
Inventory	4	2.31%
Probable Cause	111	64.16%
Total	173	100%

Description of Contraband Discovered	Contacts	
	N	%
Alcohol	18	12.77%
Drugs	108	76.59%
Weapons	5	3.55%
Stolen Property	1	0.71%
Other	9	6.38%
Total	141	100%

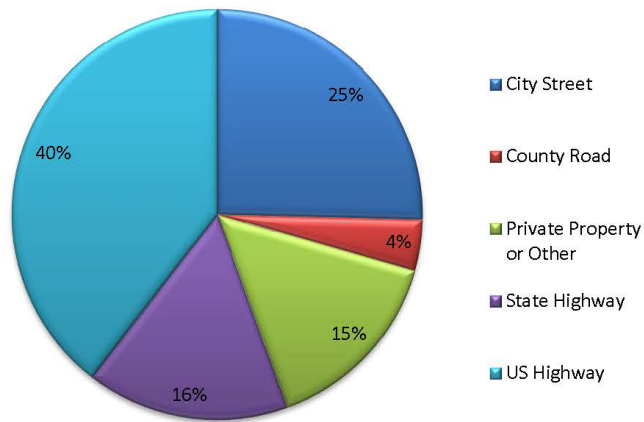
Arrest Based On	Contacts	
	N	%
Outstanding Warrant	11	15.07%
Violation of City Ordinance	5	6.85%
Violation of Penal Code	56	76.72%
Violation of Traffic Law	1	1.37%
Total	73	100%

“N” represents “number” of traffic-related contacts.

* Race/Ethnicity is defined by Senate Bill 1074 as being of a “particular descent, including Black, Asian/Pacific Islander, White, Hispanic/Latino or Alaska Native/American Indian.”

Was physical force resulting in bodily injury used during stop?	Contacts	
	N	%
Yes	0	0.00%
No	2,682	100.00%
Total	2,682	100%

Street Address or Approximate Location of the Traffic Stop



“N” represents “number” of traffic-related contacts.

* Race/Ethnicity is defined by Senate Bill 1074 as being of a “particular descent, including Black, Asian/Pacific Islander, White, Hispanic/Latino or Alaska Native/American Indian.”

**Comparison of Twelve-Year Traffic and Motor Vehicle-
Related Contact Information
(January 1, 2011 – December 31, 2022)**

Race/Ethnicity*												
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
White	84.37%	88.34%	89.89%	91.01%	82.75%	84.40%	88.74%	74.07%	74.72%	74.33%	71.54%	71.89%
Black	3.02%	3.00%	3.27%	2.37%	4.25%	2.89%	3.95%	4.52%	3.82%	4.19%	3.93%	4.25%
Hispanic/Latino	11.34%	7.64%	6.05%	5.84%	11.95%	10.41%	5.68%	19.21%	19.91%	19.15%	22.80%	22.22%
Asian/Pacific Islander	0.55%	0.66%	0.59%	0.30%	0.50%	0.75%	0.97%	1.00%	1.07%	1.30%	1.26%	1.01%
Alaska Native/ American Indian	0.72%	0.36%	0.20%	0.48%	0.55%	1.55%	0.66%	1.20%	0.48%	1.03%	0.47%	0.63%
Total**	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

* Race/Ethnicity is defined by Texas Senate Bill 1074 as being of a “particular descent, including White, Black, Hispanic/Latino, Asian/Pacific Islander or Alaska Native/American Indian.”

** Figure has been rounded.

Twelve-Year Comparison

The twelve-year comparison from 2011 through 2022 showed similarities with respect to the traffic-related contacts. As evident in the Table, the percentage of drivers contacted by our officers (in traffic-related incidents) remains consistent over the past twelve years.

Contact Information

For additional questions regarding the information presented in this report, please contact:

Marble Falls Police Department
606 Avenue N
Marble Falls, Texas 78654
(830) 693-3611

~ 15 ~

March 7, 2023

6. CONSENT AGENDA

- (c) Approval of a Preliminary Plat for Thunder Rock Subdivision of 119.1096 acres out of the J. Barton Survey No. 418, Abstract No. 135, W. Giesecke Survey No. 1508, Abstract No. 1551, and the Guadalupe Flores Survey No. 7, Abstract No. 304, Burnet County, Texas generally located at northwest corner of U.S. Highway 281 and State Highway 71. *Kim Foutz, Director of Development Services*
-



Council Agenda Item Cover Memo
March 7, 2023

Agenda Item No.: 6(c)
Presenter: Kim Foutz, Director of Development Services
Department: Development Services
Legal Review:

AGENDA CAPTION

Approval of a Preliminary Plat for Thunder Rock Subdivision of 119.1096 acres out of the J. Barton Survey No. 418, Abstract No. 135, W. Giesecke Survey No. 1508, Abstract No. 1551, and the Guadalupe Flores Survey No. 7, Abstract No. 304, Burnet County, Texas generally located at northwest corner of U.S. Highway 281 and State Highway 71.

BACKGROUND INFORMATION

This item is for consideration of a Preliminary Plat for Phase 2A of the Thunder Rock subdivision. The Subject Area is approximately 119.1096 acres and is proposed to be platted into 225 lots.

The Subject Area is zoned Planned Development District (PDD) with a base zoning district of Neighborhood Residential for this phase.

Of the proposed 225 lots, 218 lots are designated to be used for single family residences, 5 lots are designated as open space lots, and 2 lots will be used for drainage and open space. The proposed residential lots range in size from approximately 6,098 square feet to 20,908 square feet, which meet the minimum lot widths and sizes detailed in the PDD. The Preliminary Plat for Phase 2A proposed dedication and construction of 9,940.1 linear feet (13.8 acres) of new public right-of-way. There will be open space lots that will have trails constructed which will be dedicated to the City.

Construction Plans

The construction plans for the proposed public improvements include the civil engineering for public roadways, sidewalks, drainage, street lights, water, and wastewater improvements. This includes the continued extension of the Major Collector street Centurion Parkway and local streets. Some of the proposed street names are in conflict with existing street names within Burnet County. City Staff is proposing the following street names to be changed:

- Sandstone Lane,
- Grand View Lane,
- Travertine Drive, and

- Canyon Trail Way

Sidewalks five feet (5') in width are required on both sides of all residential and collector streets within the subdivision. The proposed improvements include an extension of an 8-inch water and wastewater lines. All lots will be required to have a ten-foot (10') utility easement along the front of the lot and will be shown on the Preliminary Plat. Drainage is addressed by the use of drainage improvements in Phase 1 that were constructed to support detention for additional phases.

This item was heard by the Planning & Zoning Commission at the February 2, 2023 regular meeting. The Commission discussed the progression of Phase 1, and the utilities for future phases of the subdivision. The Commission recommended approval of the Preliminary Plat with a vote of 6 – 0 with the following conditions:

- The street names Sandstone Lane, Grand View Lane, and Canyon Trail Way be renamed and approved by Burnet County
- Travertine Drive be renamed to Standing Rock Lane as it is an extension of the road from Phase 1
- Clarify dedication of trails and open space
- Ten foot (10') utility easements should be added along the front lot line on all lots, and
- To allow minor amendments to the plat to address items that may arise from City Staff review including but not limited to Plat Notes and lot numbers.

This item is for consideration of a Preliminary Plat. No public hearing or notification of adjacent property owners is required for a Preliminary Plat.

STAFF RECOMMENDATION

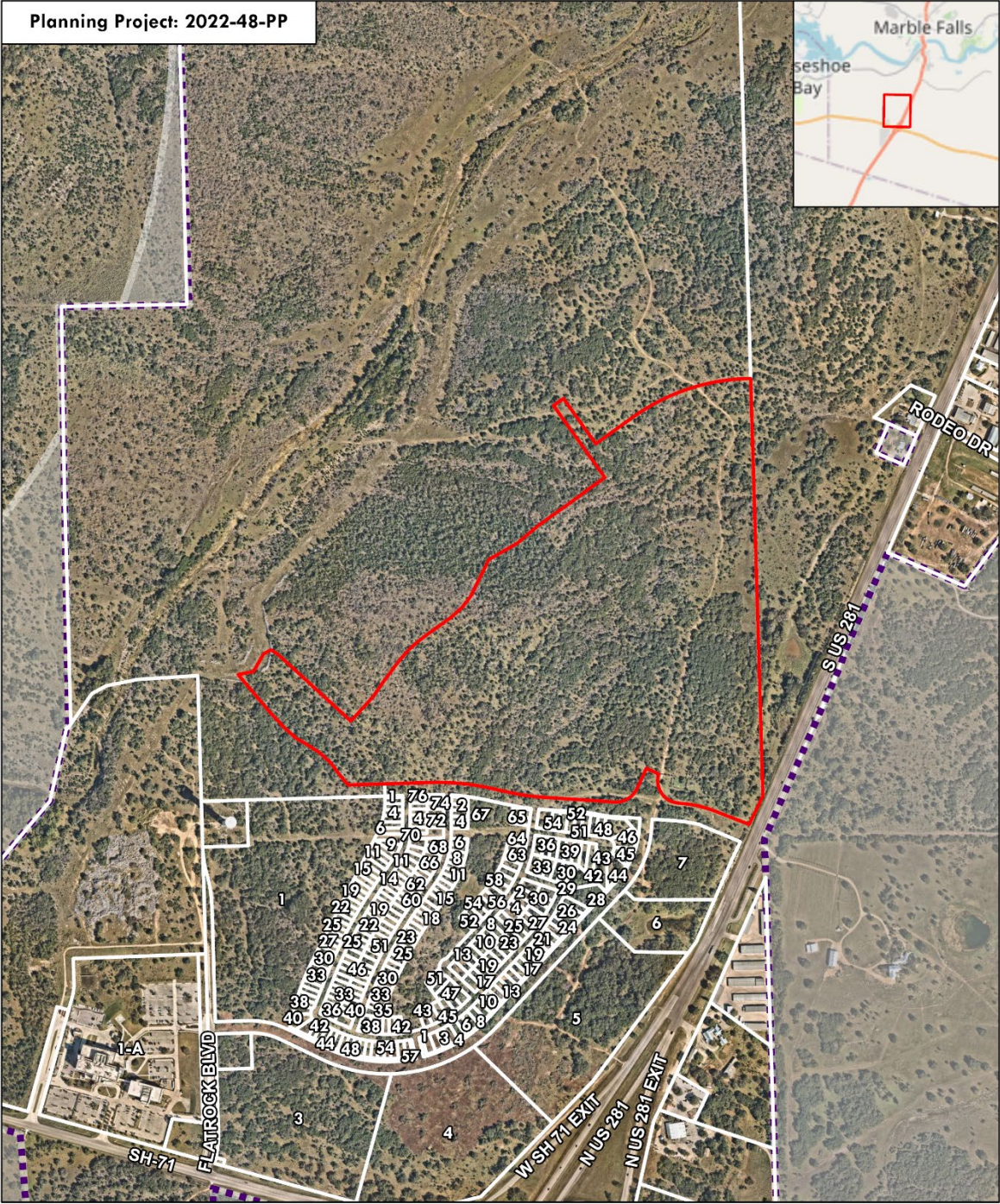
City Staff recommends conditional approval of the Preliminary Plat subject to the following:

- The street names Sandstone Lane, Grand View Lane, and Canyon Trail Way be renamed and approved by Burnet County
- Travertine Drive be renamed to Standing Rock Lane as it is an extension of the road from Phase 1
- Clarify dedication of trails and open space
- Ten foot (10') utility easements should be added along the front lot line on all lots, and
- To allow minor amendments to the plat to address items that may arise from City Staff review including but not limited to Plat Notes and lot numbers

Memo Contents:

- | | |
|---|-----------|
| • Information maps produced by City Staff | Pages 3-6 |
| • Preliminary Plat | Page 7-14 |
| • Open Space & Drainage highlighted | Page 15 |

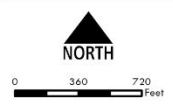
Planning Project: 2022-48-PP



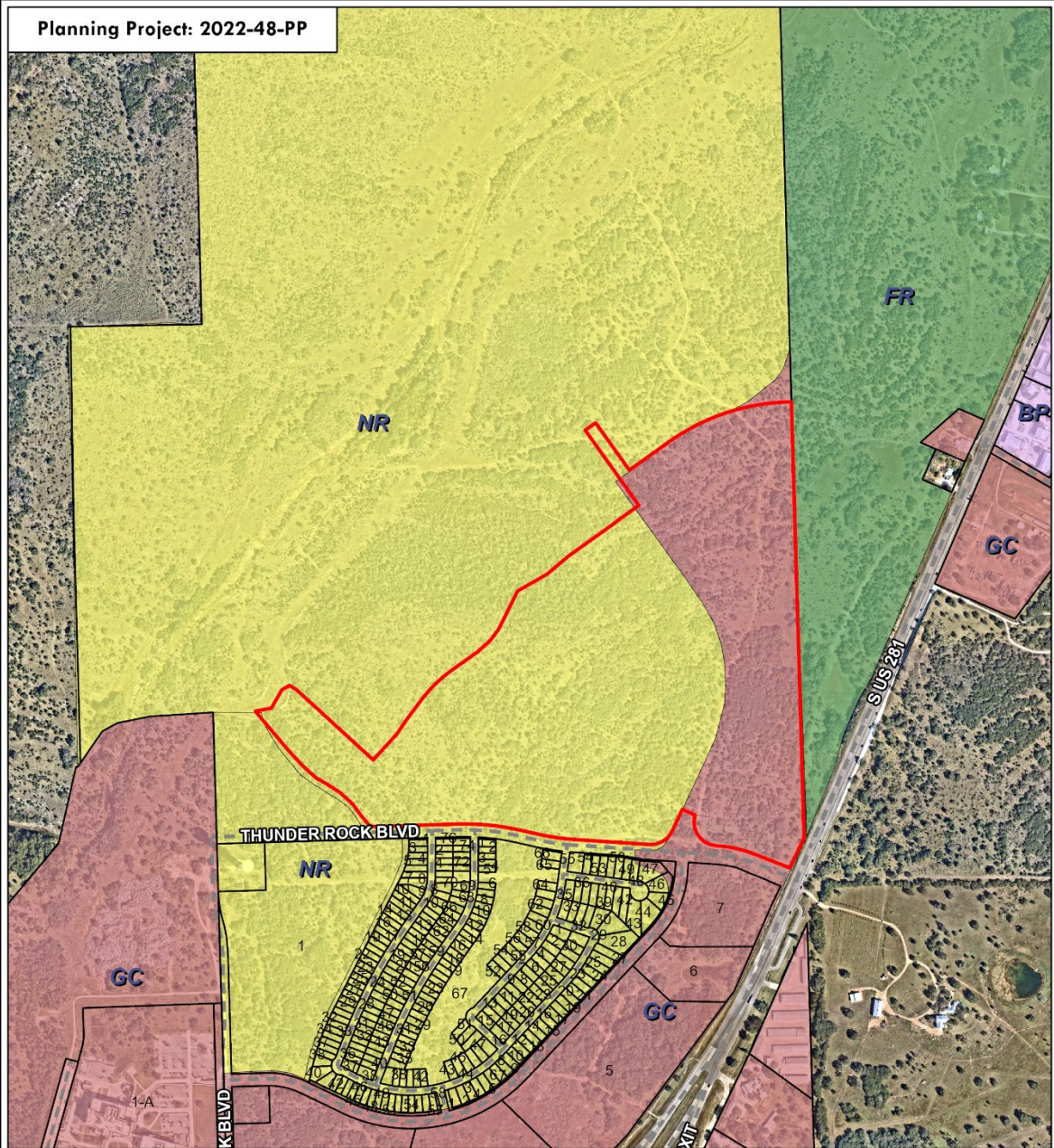
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Preliminary Plat Aerial



Planning Project: 2022-48-PP

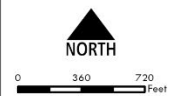


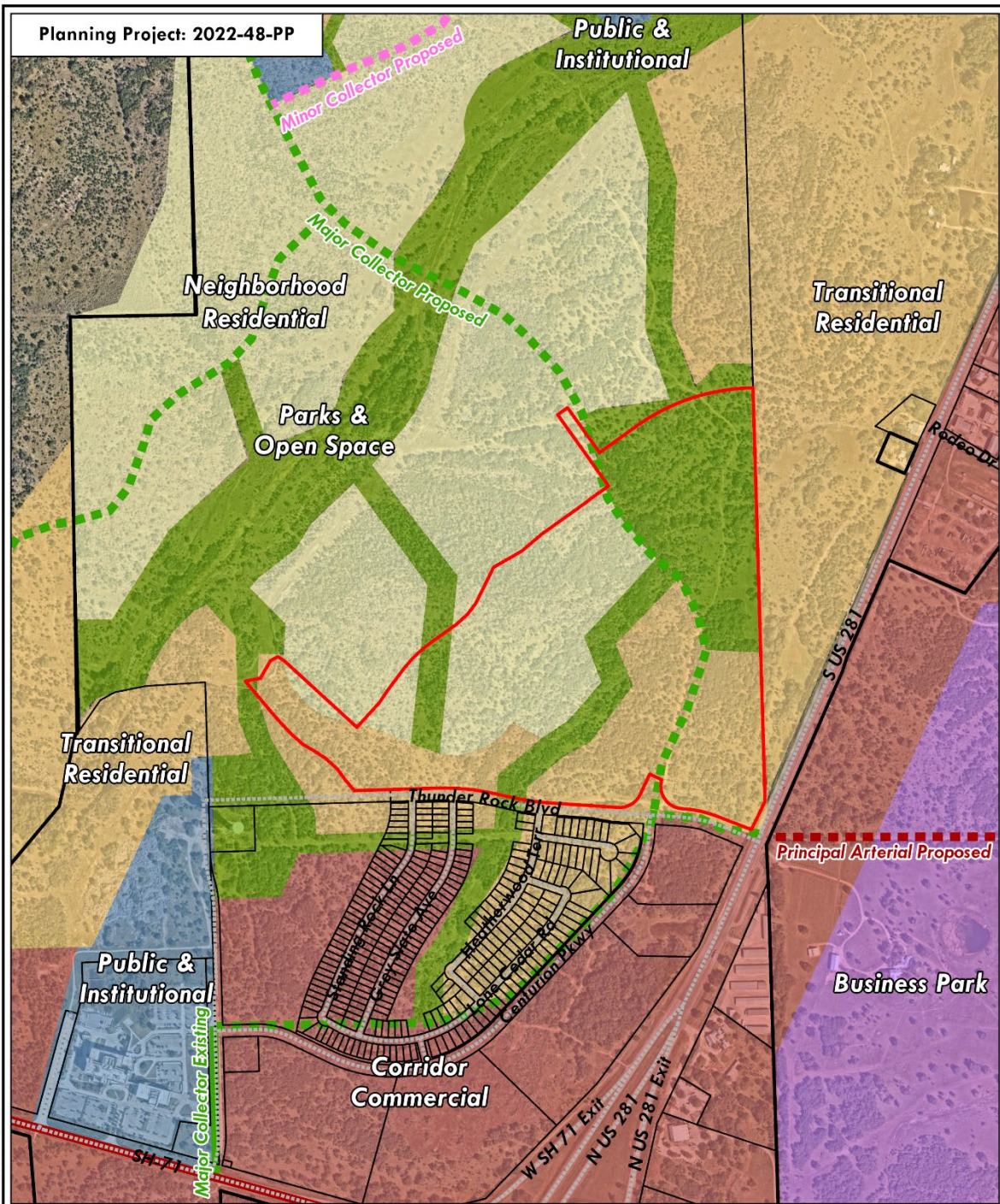
Subject Area	ENZ.4 - Existing Neighborhood Zone 4	MR - Multifamily Residential District	DN - Downtown District
FR - Farm and Ranch District	ENZ.5 - Existing Neighborhood Zone 5	DR - Downtown Residential District	BP - Business/Industrial Park District
ENZ.1 - Existing Neighborhood Zone 1	RE - Rural Estate District	NC - Neighborhood Commercial District	IN - General Industrial District
ENZ.2 - Existing Neighborhood Zone 2	NR - Neighborhood Residential District	GC - General Commercial District	
ENZ.3 - Existing Neighborhood Zone 3	TR - Transitional Residential District	DT - Downtown Transition District	

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Preliminary Plat Zoning





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CITY OF
Marble Falls
 TEXAS

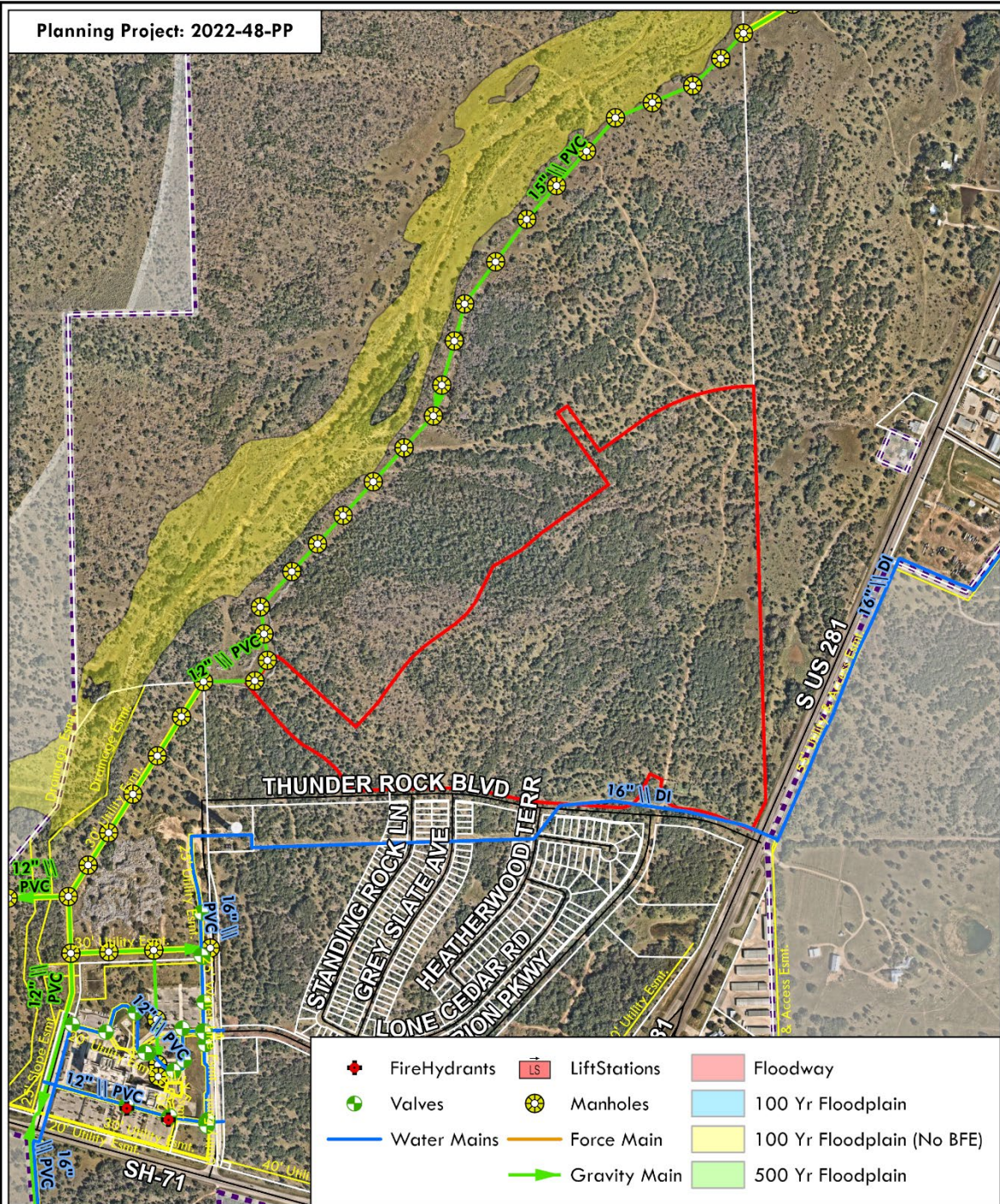
N. Hicks (830) 798-7089
 Development Services, 9/28/2022

Preliminary Plat
Future Land Use and Thoroughfare Plan

NORTH

0 360 720 Feet

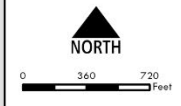
Planning Project: 2022-48-PP



FireHydrants	LiftStations	Floodway
Valves	Manholes	100 Yr Floodplain
Water Mains	Force Main	100 Yr Floodplain (No BFE)
Gravity Main	500 Yr Floodplain	

CITY OF
Marble Falls
TEXAS
N. Hicks (830) 798-7089
Development Services, 9/28/2022

Preliminary Plat Utilities and Floodplain



THE STATE OF TEXAS :
COUNTY OF BURNET :

WHEREAS, MM MARBLE FALLS 1070, LLC, BEING THE OWNERS OF A 666.45 ACRE TRACT OF LAND DESCRIBED IN SPECIAL WARRANTY DEED, RECORDED UNDER DOCUMENT NO. 202044202, OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT MM MARBLE FALLS 1070, LLC, ACTING HEREIN BY AND THROUGH HIS (ITS) DULY AUTHORIZED AGENT AND/OR OWNER, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN DESCRIBED PROPERTY AS "THUNDER ROCK, PHASE 2A", OUT OF THE J. BARTON SURVEY NO. 418, ABSTRACT NO. 135, W. GIESSECKE SURVEY NO. 1508, ABSTRACT NO. 1501, AND THE GUADALUPE TONES SURVEY NO. 7, ABSTRACT NO. 304, IN BURNET COUNTY, TEXAS. AN ADDITION TO THE CITY OF MARBLE FALLS, TEXAS, AND DOES HEREBY DEDICATE, IN FEE SIMPLE, TO THE PUBLIC USE FOREVER, THE STREETS, RIGHTS-OF-WAY, AND OTHER PUBLIC IMPROVEMENTS SHOWN HEREON. THE STREETS AND ALLEYS, IF ANY, ARE DEDICATED FOR STREET PURPOSES. THE EASEMENTS AND PUBLIC USE AREAS, AS SHOWN ARE DEDICATED, FOR THE PUBLIC AS SHOWN, EXCEPT THAT LANDSCAPE IMPROVEMENTS AND FENCES MAY BE PLACED IN LANDSCAPE EASEMENTS, IF APPROVED BY THE CITY COUNCIL OF THE CITY OF MARBLE FALLS. FENCES ARE NOT ALLOWED IN FLOOD PLAIN EASEMENTS. IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES, SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLIC'S AND CITY OF MARBLE FALLS USE THEREOF. THE CITY OF MARBLE FALLS AND PUBLIC UTILITY ENTITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER OTHER IMPROVEMENTS OR GROWTHS WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN SAID EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, READING METERS, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME TO PROCURE PERMISSION FROM ANYONE.

THIS PLAT IS APPROVED SUBJECT TO ALL PLATING ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE CITY OF MARBLE FALLS, TEXAS.

WITNESS MY HAND, THIS THE _____ DAY OF _____ 2023

BY: MM MARBLE FALLS 1070, LLC, A TEXAS LIMITED LIABILITY COMPANY
BY: MERRAD MOATED, OWNER

THE STATE OF _____ :
COUNTY OF _____ :

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED MERRAD MOATED, OWNER, KNOWN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT OF WRITING, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS HEREIN EXPRESSED AND IN THE CAPACITY HEREIN STATED.

GIVEN UNDER MY NAME AND SEAL OF OFFICE THIS THE _____ DAY OF _____ 2023.

NOTARY PUBLIC IN AND FOR THE _____ COUNTY,

PRINT OR STAMP NAME HERE MY COMMISSION EXPIRES

RECOMMENDATION FOR APPROVAL OF PLAT APPROVED FOR THE SUBDIVISION SHOWN ON THIS PLAT.
RECOMMENDED BY: PLANNING AND ZONING COMMISSION, CITY OF MARBLE FALLS, TEXAS.

FRED ZAGS, DATE OF RECOMMENDATION
PLANNING AND ZONING COMMISSION

CITY APPROVAL OF PLAT
APPROVED FOR THE SUBDIVISION SHOWN ON THIS PLAT.

APPROVED BY: CITY COUNCIL, CITY OF MARBLE FALLS, TEXAS

ATTEST:
RICHARD WESTERMAN, MAYOR
CITY OF MARBLE FALLS, TEXAS

CHRISTINA McDONALD, CITY SECRETARY,
CITY OF MARBLE FALLS, TEXAS

THE STATE OF TEXAS :
COUNTY OF BURNET :

I, ROBERT E. HYSMITH, A REGISTERED PROFESSIONAL LAND SURVEYOR, AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF LAND SURVEYING, DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY BELIEF AND WAS PREPARED FROM AN ON-THE-GROUND SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION DURING FEBRUARY, 2022.

CERTIFIED TO THIS THE _____ DAY OF _____ 2023, A.D.



ROBERT E. HYSMITH
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5131 - STATE OF TEXAS
PELTON LAND SOLUTIONS, INC.
TBPLS Firm No. 10184168
4214 MEDICAL PARKWAY
SUITE 300
AUSTIN, TEXAS 78756
PHONE: (512)831-7700

OWNER/SUBDIVIDER: MM MARBLE FALLS 1070, LLC
C/O CENTURION AMERICAN DEVELOPMENT GROUP
1800 VALLEY VIEW LANE
SUITE 300
FARMERS BRANCH, TEXAS 75234
PHONE: 972-974-8776

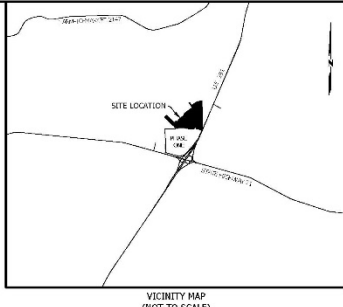
ACREAGE: 123.027 AC.

SURVEYOR: PELOTON LAND SOLUTIONS, INC.
4214 MEDICAL PARKWAY
SUITE 300
AUSTIN, TEXAS 78756
PHONE: 512-831-7700

ENGINEER: PELOTON LAND SOLUTIONS, INC.
4214 MEDICAL PARKWAY
SUITE 300
AUSTIN, TEXAS 78756
PHONE: 512-831-7700

LINEAR FOOTAGE OF PUBLIC STREETS: 9,840.1'

BENCHMARK NOTES:
TBM 1 - SQUARE CUT IN THE NORTHEAST CORNER OF A BOX INLET, 15 FEET WEST OF A FENCE, EAST SIDE OF FLATROCK BLVD., 65 FEET SOUTH OF THE SECOND ENTRANCE TO THE DAVY CRISP AND WHITE MEDICAL CENTER.
ELEVATION = 1,101.18'
TBM 2 - THE NORTH RM OF A WATER MANHOLE APPROX. 520 FEET WEST OF THE WEST ROW OF HWY 281, 4.4 FEET NORTH OF A 2 INCH RISER.
GRID COORDINATES: N=10,157,795.96, E=2,959,149.88
ELEVATION = 1,065.69'



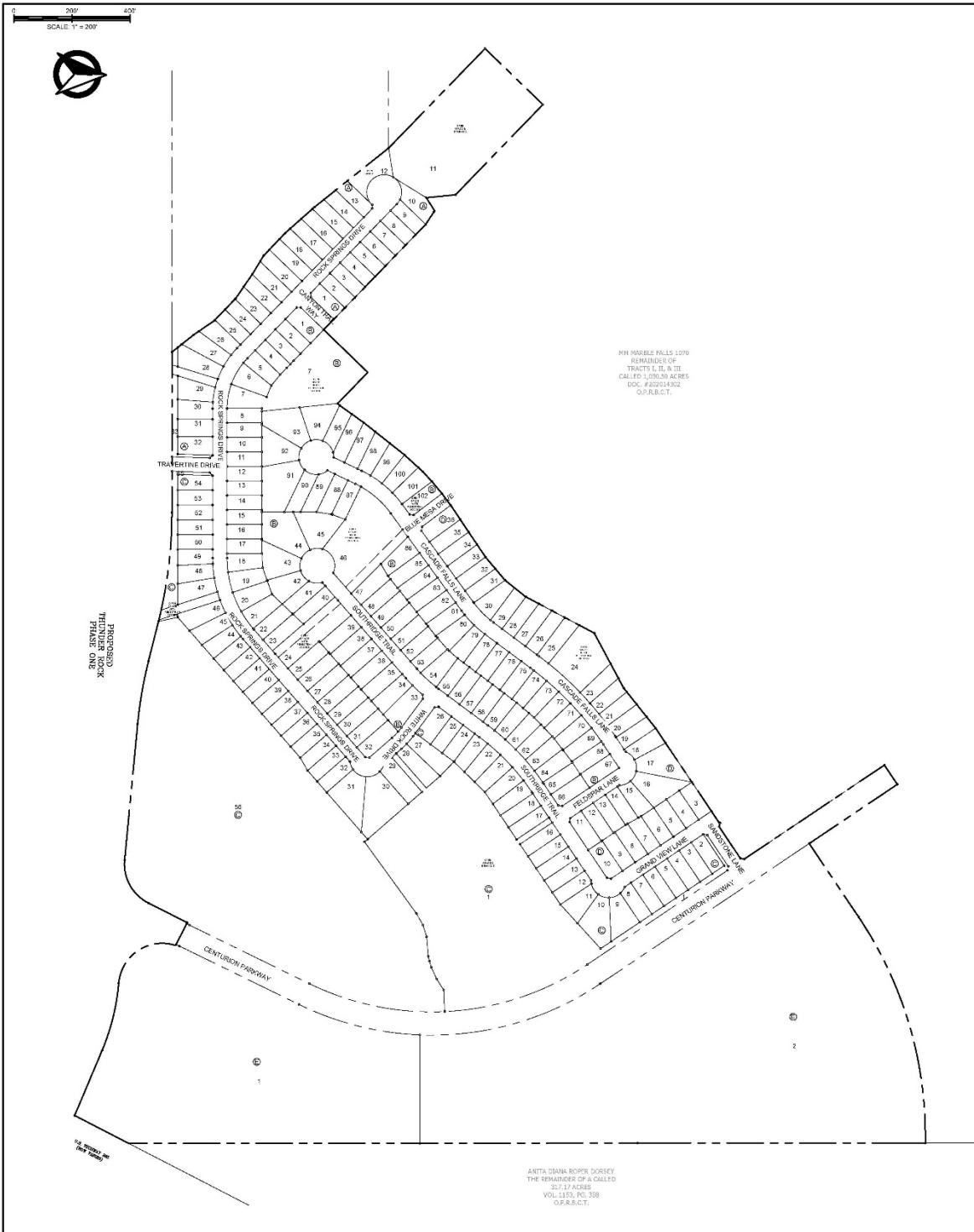
PLAT NOTES

1. THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE THE PROPERTY SHOWN HEREON TO BE FULL OF 225 LOTS.
2. ALL BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE (4203). DISTANCES SHOWN HEREON ARE SURFACE VALUES REPRESENTED IN U.S. SURVEY FEET AND MAY BE CONVERTED TO GRID BY MULTIPLYING BY A CORRECTED ADJUSTMENT FACTOR OF 0.999985 EXACTLY.
3. ALL OF THE PROPERTY SHOWN HEREON IS SUBJECT TO THE CITY OF MARBLE FALLS NON POINT-SOURCE POLLUTION CONTROL ORDINANCE. WRITTEN NOTIFICATION AND/OR PERMITS ARE REQUIRED, PRIOR TO COMMENCING ANY DEVELOPMENT ACTIVITIES, CONTACT THE CITY OF MARBLE FALLS, ITS ASSIGNS, OR OTHER GOVERNMENTAL ENTITY WITH PROPER AUTHORITY.
4. THERE ARE 9,840.1 LINEAR FEET OF NEW PUBLIC RIGHT-OF-WAY BEING DEDICATED TO THE CITY OF MARBLE FALLS, CONTAINING 13.8 ACRES OF PUBLIC RIGHT-OF-WAY THAT ARE DEDICATED WITH THIS PLAT.
5. SELLING A PORTION OF THIS AREA BY METERS AND SOUNDINGS IS A VIOLATION OF CITY OF MARBLE FALLS ORDINANCE AND STATE LAW, AND IS SUBJECT TO FINES AND WITHDRAWING OF UTILITIES AND BUILDING PERMITS.
6. THIS PROPERTY IS LOCATED WITHIN THE CITY OF MARBLE FALLS, TEXAS.
7. ALL PROPERTY HEREIN IS SUBJECT TO THE CURRENT ADOPTED CITY OF MARBLE FALLS LAND USE REGULATIONS AND/OR ZONING ORDINANCE.
8. ALL UTILITY EASEMENTS AND DRAINAGE EASEMENTS HEREIN ARE DEDICATED EXCLUSIVELY TO THE CITY OF MARBLE FALLS AND THE ERECTION OR INSTALLATION OF BUILDINGS, STRUCTURES, AND IMPROVEMENTS IS STRICTLY PROHIBITED, UNLESS SPECIFICALLY AUTHORIZED IN WRITING BY THE CITY OF MARBLE FALLS.
9. ALL LOTS HEREIN SHALL NOT OBSTRUCT ANY PORTION OF THESE DRAINAGE AND DETENTION EASEMENTS. THE ERECTION OR INSTALLATION OF BUILDINGS, STRUCTURES, AND IMPROVEMENTS IS STRICTLY PROHIBITED, UNLESS SPECIFICALLY AUTHORIZED IN WRITING BY THE CITY OF MARBLE FALLS.
10. THE TEMPORARY WATER QUALITY BEST MANAGEMENT PRACTICE (BMP) EASEMENT IS FOR THE PURPOSE OF PROTECTING THE ENVIRONMENT BY IMPROVING THE QUALITY OF STORM WATER RUNOFF OF DEVELOPED LANDS. NO STRUCTURES OR OTHER IMPROVEMENTS MAY BE CONSTRUCTED OR MAINTAINED WITHIN A WATER QUALITY BMP EASEMENT ARE UNLESS SPECIFICALLY AUTHORIZED AND APPROVED IN WRITING IN ADVANCE BY THE CITY OF MARBLE FALLS, ITS ASSIGNS, OR OTHER GOVERNMENTAL ENTITY WITH PROPER AUTHORITY. THE EASEMENT SHALL BE MAINTAINED BY EACH LOT OWNER BY PRESERVING AND RESTORING NATIVE VEGETATION. THE EASEMENT MAY NOT BE AMENDED EXCEPT BY EXPRESS WRITTEN AGREEMENT OF THE CITY OF MARBLE FALLS, ITS ASSIGNS, OR OTHER GOVERNMENTAL ENTITY WITH PROPER AUTHORITY.
11. THE CITY OF MARBLE FALLS HEREBY AGREES TO RELEASE TEMPORARY EASEMENTS AS THEY ARE INCORPORATED INTO THE PLATS OF FUTURE PHASES.
12. LOT 13 AND LOT 33 OF BLOCK A, LOTS 7, 24, AND 48 OF BLOCK B, LOT 59 OF BLOCK C, AND LOT 24 OF BLOCK D IS HEREBY DESIGNATED AS COMMON AREA LOTS AND ARE TO BE OWNED AND MAINTAINED BY THE DEVELOPER OR PROPERTY OWNERS ASSOCIATION (POA). ACCESS ACROSS THESE LOTS IS PROHIBITED.
13. LOT 11 OF BLOCK A LOT 1 OF BLOCK C ARE TO BE DEDICATED AS DRAINAGE EASEMENTS.
14. NO SINGLE FAMILY LOT SHOWN HEREON SHALL HAVE A DRIVEWAY OUT OR ACCESS ON ANY STREET DESIGNATED AS A MAJOR COLLECTOR STREET.
15. NO ABOVE GROUND IMPROVEMENTS OTHER THAN ONE 20" MINERUS DRIVeway PER LOT AND FENCING AND LANDSCAPING MAY BE PLACED OVER THE UTILITY EASEMENTS SHOWN HEREON.
16. ALL WALL MAINTENANCE EASEMENTS (WME) TO BE DEDICATED TO PROPERTY OWNERS ASSOCIATION (POA).
17. THERE IS NO FLOODPLAIN ON THIS PLAT PER PELOTON LAND SOLUTIONS FLOOD STUDY DATED SEPTEMBER 16, 2021 AND PER FEMA FLOOD INSURANCE RATE MAP 48053C05930, WHICH BEARS AN EFFECTIVE DATE OF NOVEMBER 1, 2019.



PRELIMINARY PLAT
THUNDER ROCK, PHASE 2A
CITY OF MARBLE FALLS
BURNET COUNTY, TEXAS

JOB #:	CEN21001.02	SHEET 1 OF 9
TECHNICIAN:	A. ROMERO	
SURVEYOR:	R. HYSMITH	
DATE:	JUNE 2022	
REVISIONS:	JANUARY 2023	



PELTON
LAND SOLUTIONS

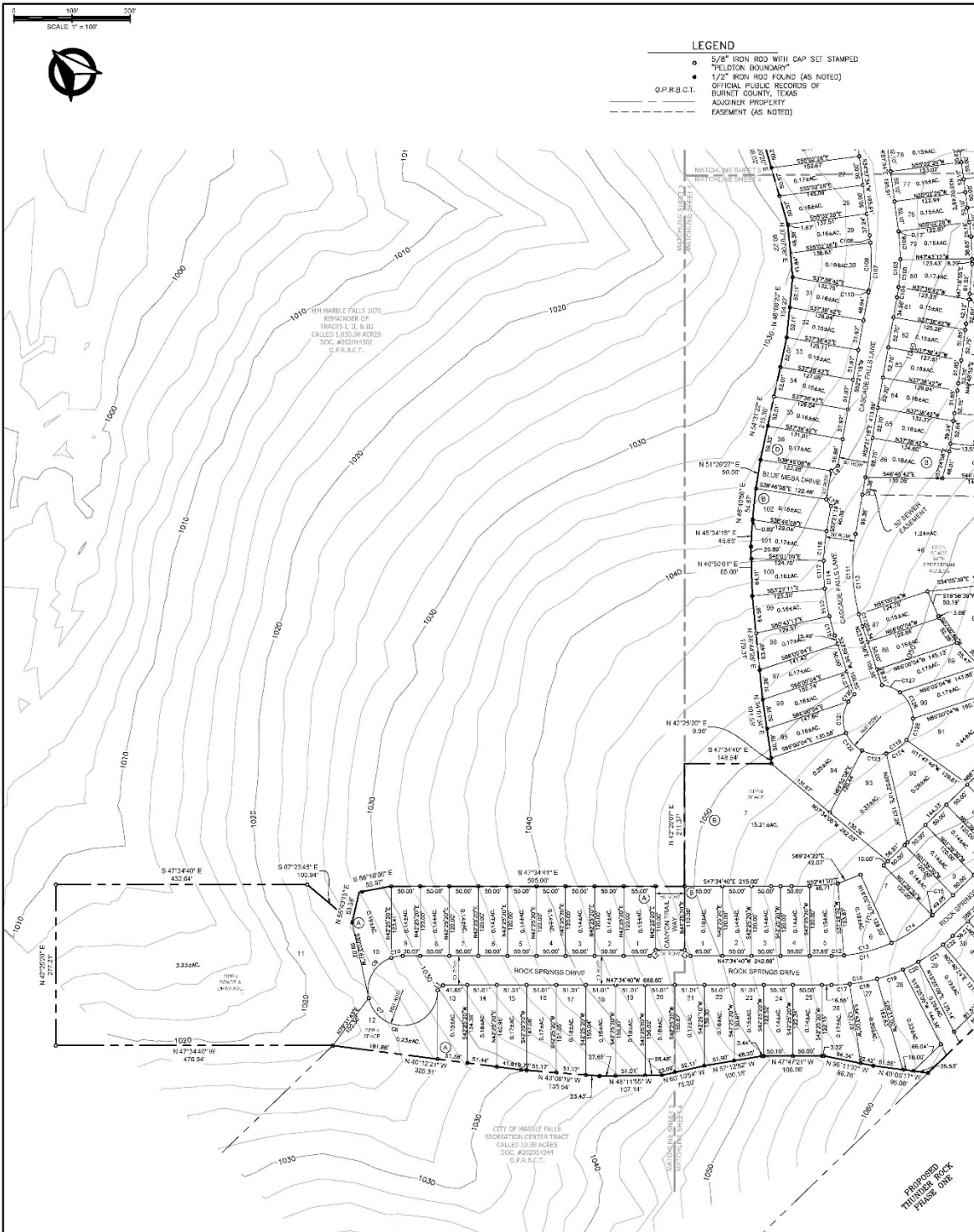
4214 Medical Parkway, Ste. 300 | Austin, TX 78756 | 512.831.7700
TBPLS Firm Registration No. 10154108 - Austin Office
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**PRELIMINARY PLAT
THUNDER ROCK, PHASE 2A
CITY OF MARBLE FALLS
BURNET COUNTY, TEXAS**

JOB #:	CEN21001.02
TECHNICIAN:	A. ROMERO
SURVEYOR:	R. HYSMITH
DATE:	JUNE 2022
REVISIONS:	JANUARY 2023

SHEET
2 OF 9

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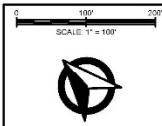
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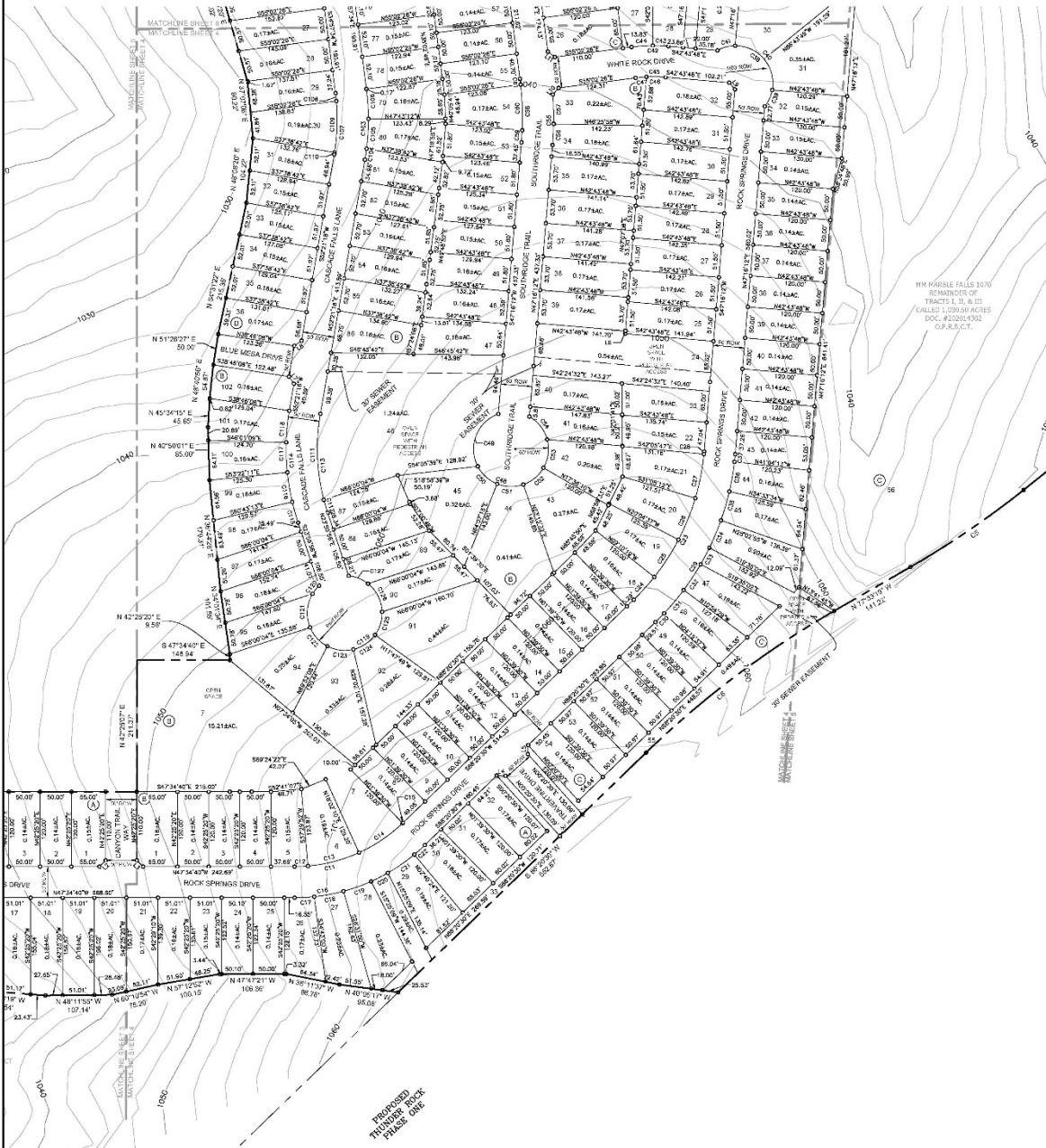
**PRELIMINARY PLAT
THUNDER ROCK, PHASE 2A
CITY OF MARBLE FALLS
BURNET COUNTY, TEXAS**

JOB #:	CEN21001.02	SHEET
TECHNICIAN:	A. ROMERO	
SURVEYOR:	R. HYSMITH	3 OF 9
DATE:	JUNE 2022	
REVISIONS:	JANUARY 2023	

L:\WORK\2021\06\06\20210606_21001.02_2A_PRELIM_PLAT_22 Plot Title: 2021-17-PP-48 2017-17-PP



- LEGEND**
- 5/8" IRON ROD WITH CAP SET STAMPED
 - PELTON BOUNDARY
 - 1/2" IRON ROD FOUND (AS NOTED)
 - OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS
 - G.P.R.B.C.T.
 - ASSIGNOR PROPERTY
 - EASEMENT (AS NOTED)



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**PRELIMINARY PLAT
THUNDER ROCK, PHASE 2A
CITY OF MARBLE FALLS
BURNET COUNTY, TEXAS**

JOB #:	CEN21001.02	SHEET 4 OF 9
TECHNICIAN:	A. ROMERO	
SURVEYOR:	R. HYSMITH	
DATE:	JUNE 2022	
REVISIONS:	JANUARY 2023	

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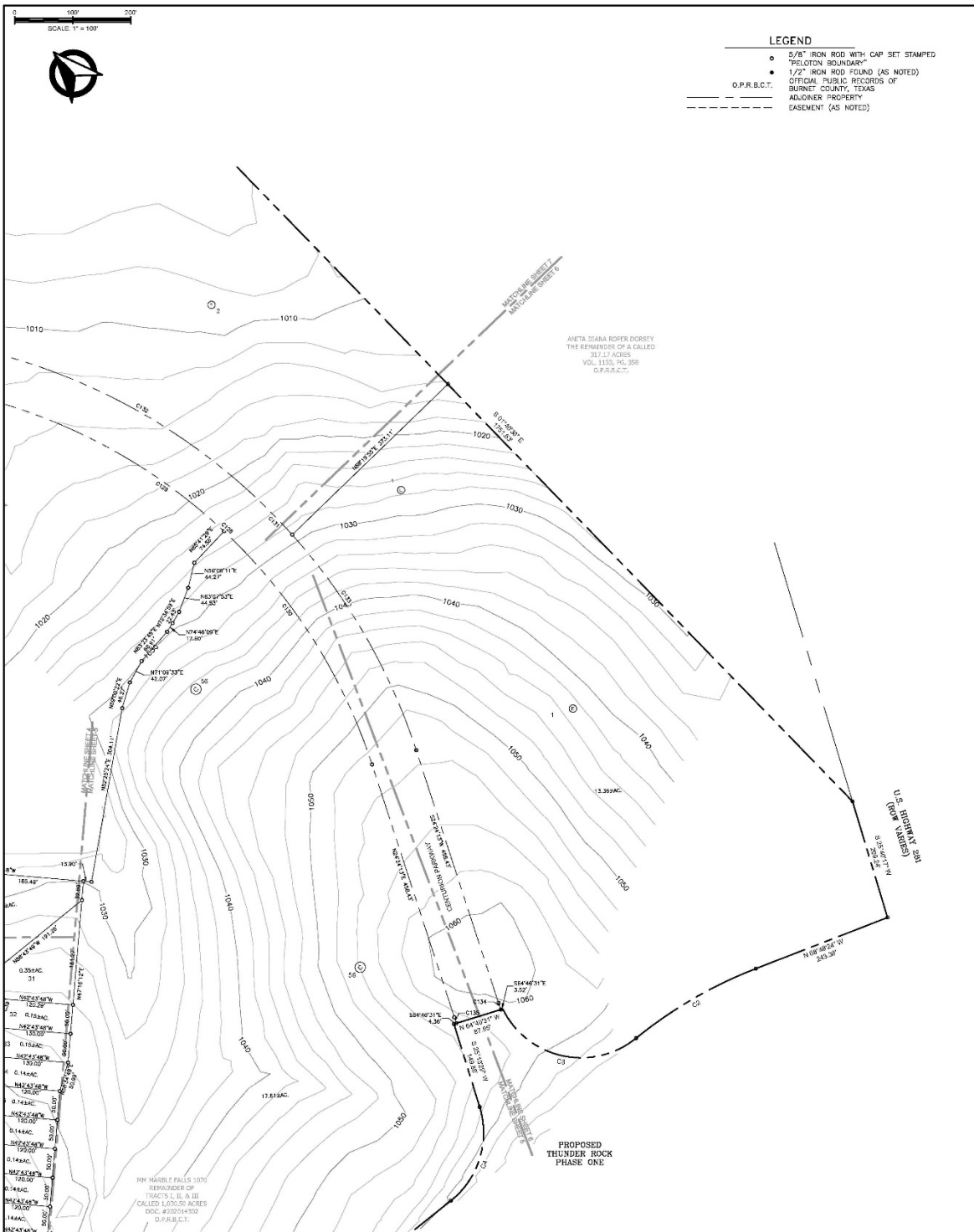
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LAND SOLUTIONS

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**PRELIMINARY PLAT
THUNDER ROCK, PHASE 2A
CITY OF MARBLE FALLS
BURNET COUNTY, TEXAS**

JOB #:	CEN21001.02	SHEET 5 OF 9
TECHNICIAN:	A. ROMERO	
SURVEYOR:	R. HYSMITH	
DATE:	JUNE 2022	
REVISIONS:	JANUARY 2023	

L:\WORK\2022\06\20220616\10154108\10154108_PLA_22
Plot Title: 10154108_PLA_22



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LAND SOLUTIONS
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TBPLS Firm Registration No. 10154108 - Austin Office
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**PRELIMINARY PLAT
THUNDER ROCK, PHASE 2A
CITY OF MARBLE FALLS
BURNET COUNTY, TEXAS**

JOB #:	CEN21001.02
TECHNICIAN:	A. ROMERO
SURVEYOR:	R. HYSMITH
DATE:	JUNE 2022
REVISIONS:	JANUARY 2023

SHEET
6 OF 9

L:\WORK\2021\06\06\20210606\21001-2A\PLAT\PLA_22 Plot Title: 20210606\21001-2A



SCALE: 1" = 100'



LEGEND

- 5/8" IRON ROD WITH CAP SET STAMPED "PELTON BOUNDARY"
- 1/2" IRON ROD FOUND (AS NOTED)
- O.P.R.B.C.T. OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS
- - - ADJACENT PROPERTY
- - - EASEMENT (AS NOTED)

MM MARBLE FALLS 1670
REMAINDER OF
TRACTS 5, 6, & 7
CALLED 1,000.30 ACRES
LOC. #20000000
O.P.R.B.C.T.

PELTON
LAND SOLUTIONS

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**PRELIMINARY PLAT
THUNDER ROCK, PHASE 2A
CITY OF MARBLE FALLS
BURNET COUNTY, TEXAS**

JOB #:	CEN21001.02	SHEET 8 OF 9
TECHNICIAN:	A. ROMERO	
SURVEYOR:	R. HYSMITH	
DATE:	JUNE 2022	
REVISIONS:	JANUARY 2023	

March 7, 2023

7. REGULAR AGENDA

- (a) Public Hearing, Discussion, and Action on Ordinance 2023-O-01C regarding a rezoning request from General Commercial District (GC) to a Planned Development District, with base zoning of Multifamily District (MF) for approximately 15.21 acres of land out of the R.D. Moore Survey No. 603, Abstract No. 614 and the A. Schroter Survey No. 4, Abstract No. 1270, City of Marble Falls, Burnet County, Texas, generally located north of Panther Hollow Drive and west of Corazon Drive. *Kim Foutz, Director of Development Services*
-



Council Agenda Item Cover Memo
March 7, 2023

Agenda Item No.: 7(a)
Presenter: Kim Foutz, Interim Director of Development Services
Department: Development Services
Legal Review:

AGENDA CAPTION

Public Hearing, Discussion, and Action on Ordinance 2023-O-01C regarding a rezoning request from General Commercial District (GC) to a Planned Development District, with base zoning of Multifamily District (MF) for approximately 15.21 acres of land out of the R.D. Moore Survey No. 603, Abstract No. 614 and the A. Schroter Survey No. 4, Abstract No. 1270, City of Marble Falls, Burnet County, Texas, generally located north of Panther Hollow Drive and west of Corazon Drive.

BACKGROUND INFORMATION

This item is for consideration of a rezoning application to a Planned Development District with a base zoning of Multifamily Residential (MR) with Site Plan approval.

The subject area consists of 15.21 acres, described as 15.21 acres of land out of the R.D. Moore Survey No. 603, Abstract. No. 614, and the A. Schroter Survey No. 4, Abstract No. 1270 City of Marble Falls, Burnet County, Texas. The proposed development has street frontage on Corazon Drive and Panther Hollow Drive. The property is currently zoned General Commercial (GC) and is undeveloped.

The proposed project on the subject area is construction of multi-family development along Panther Hollow Drive and for office space along Corazon Drive. The proposed apartment unit count is 237 units with a density of 15.58 units per acre. The office buildings are comprised of four buildings with a total of 12,000 s.f. Proposed amenities include a clubhouse, fitness center, social gathering room (multi-use space including meeting and business-type center), and dog park. Total proposed parking is 473 spaces.

Meeting Background:

This item was heard by the Planning & Zoning Commission at the December meeting. City Staff recommended denial based on the rezoning not being in compliance with the Comprehensive Plan and the Future Land Use Plan. The Planning & Zoning Commission recommended approval of the Planned Development District with proposed amenities, improvements as described in the applicant PowerPoint, and commercial as presented to the Commission with the condition to allow amendments to be made to the site plan to meet fire code requirements of two points of access.

Commissioner Taylor seconded the motion and the motion passed carrying a vote of 5-2 with Chairman Zagst and Vice-Chairman Oostermeyer voting against.

At the January 17th City Council meeting the item was heard by Council. City Staff expanded on the information and research that was presented for this item after the December Planning & Zoning Commission meeting addressing the issues presented by the developer. Based on the updated information, City Council requested that the item be sent back to the Planning & Zoning Commission, to allow the Commission the opportunity to hear the updated information on the case.

Comprehensive Plan

The City code specifies Planned Development Districts are meant to provide greater flexibility in order to allow special conditions or restrictions which would otherwise not allow the development to occur, as long as the proposed land uses are compatible with surrounding zoning and existing land uses.

The Future Land Use Map classifies this area as Corridor Commercial. The Corridor Commercial land use classification is intended for lands that will be developed to support local and regional businesses that rely on high traffic volumes and visibility that is associated with being located along a major roadway. These developments are typically comprised of various lot sizes and involve varying development intensities, from smaller locally owned shops to big box retailers. The predominant character of development is auto focused. The primary uses allowed in the Corridor Commercial future land use classifications include all commercial and civic uses set out in the General Commercial district. Secondary uses within Corridor Commercial can include primary uses that are identified in the Transitional Residential future land use classifications, such as single family attached, multifamily residential, parks and trails. These secondary uses should be part of a larger planned development where the associated residential uses comprise no more than 25 percent (25%) of the land area devoted to the overall development. In this case, the secondary use (apartments) represents 56%% of the land area (drainage 33.1%, commercial 10.3%), therefore the proposed development does not meet the intent of the classification assigned by the Future Land Use Map and the land use classifications within the General Commercial land use classifications.

The proposed rezoning of the property will reduce the variety of land uses that contribute to the goals of the Comprehensive Plan of Continued Economic Growth and Multi-generational Interests. This includes accommodating development south in the City and along the City's economic spine to increase the tax base. As Marble Falls continues to grow and develop, key efforts and initiatives can further enhance the attractiveness of the community for all ages through the provision of additional quality of life amenities, housing options in a variety of sizes and price points, and increased opportunities for quality education and employment.

Utilities:

With the development of multifamily units this posts a significant impact on the utility system. This type of development places several units at one time online increasing the capacity of utility lines all at once, as opposed to single family units that come online one at a time. This type of development in this area will cause a significant strain to the utility service in this area as the utility system in this area in its current state has limited capacity.

With the current development trends, all proposed developments are required to undergo a utility analysis to anticipate the needs of the development and the city infrastructure to service the proposed development. The analysis reveals there will be significant upgrades, additions, and pro-rata contributions needed in order for the proposed development to be serviced by the city water and wastewater utilities. The applicant has been advised on the results of the analysis. Utilities would be addressed at the time of platting.

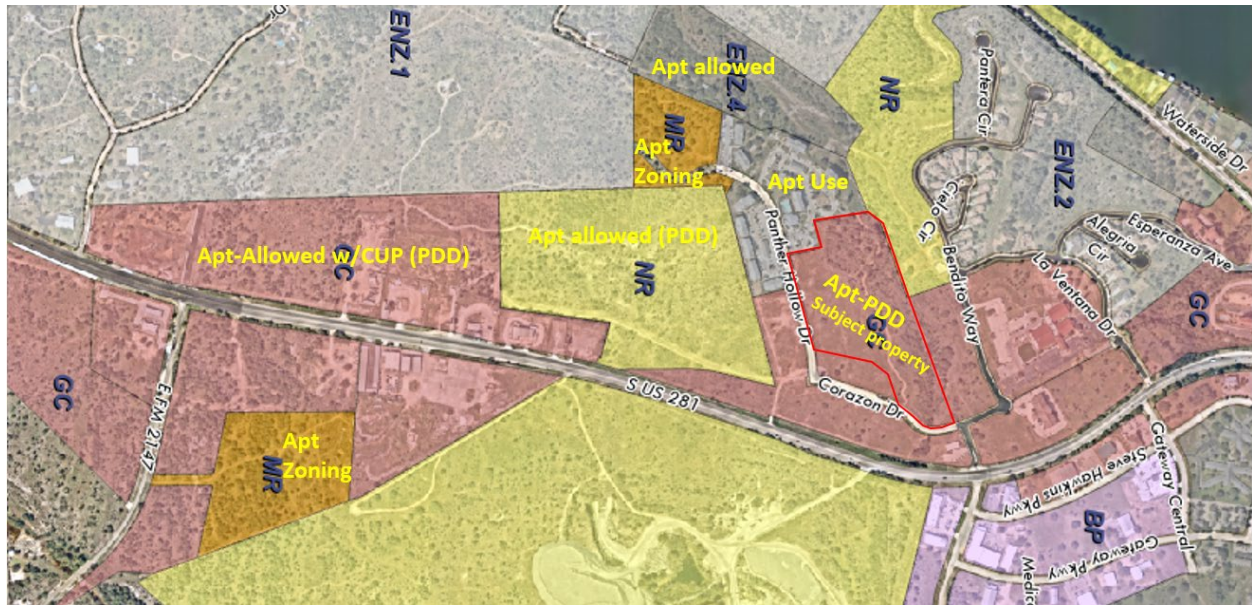
Inventory of Multi-family Underway

The proposed zoning change would increase the zoning districts in the immediate area that allows for apartment land use. City Staff has had pre-development meetings with various landowners and developers that are proposing to develop the properties that have the appropriate zoning in the area as multi-family developments.

- Existing Neighborhood Zone 4- northwest of Panther Hollow
- Multi-family Residential Zoning- at the end of the existing Panther Hollow Dr- was rezoned in 2021 for proposed multi-family development
- Planned Development District (PDD) Multi-family and General Commercial base zoning districts- south of Panther Hollow Apartments- rezoned to PDD in 2017 with an amendment approved in May 2022- allows apartment land use within the multifamily zoning district and by approval of a conditional use permit within the General Commercial zoning district.
- Multi-family Residential Zoning- E FM 2147
- Existing Neighborhood Zone 4 Gateway Central & Gateway- Proposed apartment land use- Subdivision plat approved in July 2022

Staff will provide an estimate at the meeting of the number of units, based upon allowed density, that can be concentrated in this area based upon all other surrounding, existing zoning.

These are shown in the following image.



The following multifamily developments are being constructed, or have the appropriate zoning and necessary approvals to proceed in the development process:

Name of development	Status	# of units
ParCHAUS	Construction	191
Flatz 281	Permitted- Utility extension under construction	264
Prose Thunder Rock	Building Permits in Review	367
Empire Thunder Rock	Building Permits in Review	240
Lydia Parke Apts	Building Permits in Review	116
Arrive Marble Falls	Zoning & Plat Approved	216
12 th Street Apartments	PDD Zoning Approval; new DRC meeting	180
Claremont Circle Apts	Conditional Use Permit Approval; indicated moving forward	13
Mormon Mill Apts/THs; Homestead III	Conditional Use Permit Approval; indicated moving forward	48
Total number of units		1,635

Impact of Removal of Commercial Zoning

The current zoning map has the majority of US 281 frontage and FM 1431 zoned as General Commercial Zoning. Preserving the General Commercial Zoning is crucial to retain opportunities for future sales tax contributions. The Comprehensive Plan states the goal of continued economic growth through efforts to ensure the city experiences quality and sustainable growth over the long term. With the removal of the Commercial Zoning the sales tax base is reduced and contradicts the goal of Economic Growth from the Comprehensive Plan. With the current zoning there are 1258 acres of General Commercial zoned land with 641 acres currently vacant. The applicant is requesting that 15.21 acres of that vacant land zoned General Commercial zoning be removed which represents 2.37% of the total available for development.

Site Considerations and Impact:

This site has high visibility from US 281 due to the change in elevation between the highway and the subject property. This visibility is ideal for commercial and civic land uses that can benefit from this type of visibility. The applicant is proposing 237 units. With the number of units being proposed, that will impact the amount of traffic that will exit through the lighted intersection of Max Starke Dam Road and US 281, and the unprotected intersection that is currently under construction, of Panther Hollow Drive and US 281.

The topography of the proposed location for the multifamily development has no significant elevation changes along the forefront of the property. The change in elevation is at the rear where a 50 foot (50') wide detention easement exists. There is significant elevation change from Highway 281, however, the site is fully visible from Highway 281 and the associated traffic count. This would lend itself to be developed for a variety of commercial uses. The area along Corazon Drive that is being proposed for commercial use has significant changes in elevation. There has been no confirmation that this portion of the property is suitable for commercial development.

Information on Traffic Control and Improvements for Roper West:

At the last City Council meeting, City Council asked for Staff to evaluate the subdivision for traffic control and safety. Development Staff coordinated with the City Engineer and TXDOT. We also referred to the Traffic Impact Study that was developed for a neighboring project, as well as coordinated with the associated developer, Roper West 38. Currently, the study recommends two right turn deceleration lanes (one 535 LF southbound before the Panther Hollow intersection with 281 and one southbound 630 LF into FM 2147 E). It also recommends a traffic signal at proposed Dillard Drive which is a new intersection being created by Roper West 38 development (see below image). A stop sign would be added at Panther Hollow and Highway 281. However, the study did not consider the other future surrounding land uses in the area that would be contributing to the traffic. As a result of this dialogue and analysis, staff is recommending the following:

1. The TIA be updated to include trip generation and uses for surrounding properties in the area that will contribute to the traffic. This will establish each property's contribution to trip generation. The TIA study will utilize uses based upon existing zoning, PDD-approved uses, and existing uses.
2. Once the TIA is complete, enter into a pro-rata transportation agreement for required improvements with the first property developing in the area which is Roper West 38 (highlighted in white on the blow image). This property owner would front the cost of the improvements, and then get paid back by other property's proportional share as they develop.
3. Request permit approval (verbal approval already given) from TXDOT to allow these improvements. Please note that TXDOT approval of the signal at the newly created Dillard intersection with Highway 281 is contingent upon the City enforcing its commercial lot requirement to connect driveways. This will be accomplished with a private driveway access easement provided by Roper West 38 which will provide rear access for the commercial tracts (see image).
4. The Developer will then front the funding to install the improvements (the northern deceleration lane and signal) and will ultimately be reimbursed via the pro-rata agreement proportionately by other developments identified in the TIA analysis. This is the same concept we recently utilized for wastewater improvements on FM 1431 West.











A total of 12 adjacent property owners within 200 feet of the subject area were mailed notification letters, including public hearing dates and a pre-paid comment card for response supporting/opposing the proposed rezoning. [At the time of this updated memo, four responses were received in favor and one response was opposed.](#)

STAFF RECOMMENDATION

Staff recommends denial of the rezoning to Planned Development District due to the request not complying with the Future Land Use Map and Comprehensive Plan and other considerations outlined in the bullet points above.

P&Z RECOMMENDATION

[The Commission discussed the infrastructure for a large amount of living units, the capacity of the City's water system, a utility assessment for the proposed development,](#)

Planning Project: 2022-62-PDD

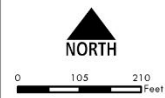


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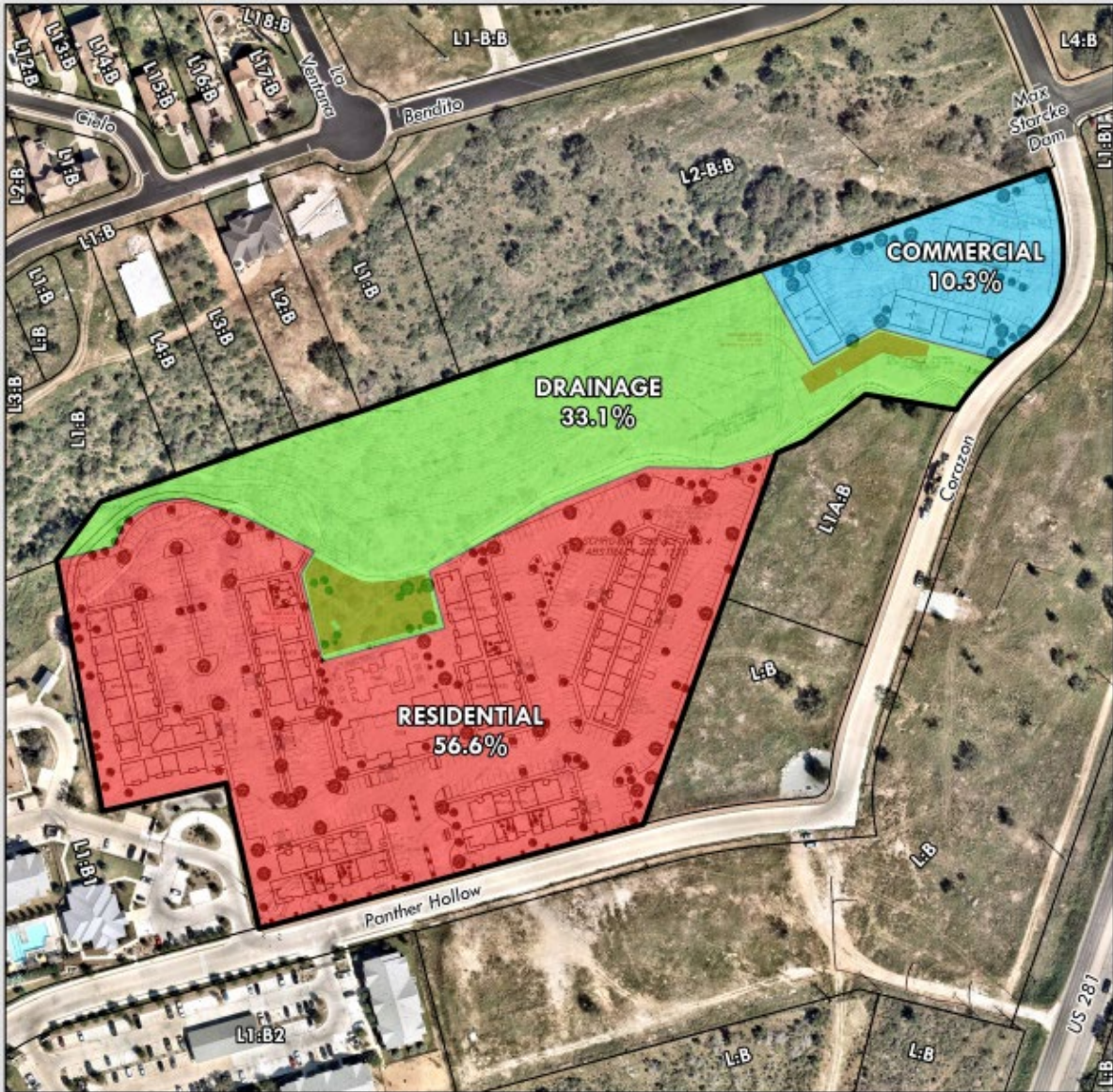
N. Hicks (830) 798-7089
Development Services, 11/18/2022

Planned Development District Aerial



Little Panther Development

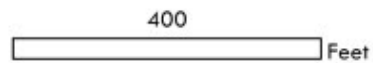
Land Use



Layers

- Subject Area
- Drainage
- Commercial
- Residential

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate relative location of features and boundaries.



Folder: G:\Department Projects\Planning\Little Panther (904)

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Planning Project: 2022-62-PDD

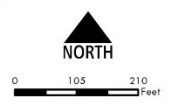


FireHydrants	LiftStations	Floodway
Valves	Manholes	100 Yr Floodplain
Water Mains	Force Main	100 Yr Floodplain (No BFE)
Gravity Main	500 Yr Floodplain	

CITY OF
Marble Falls
TEXAS

N. Hicks (830) 798-7069
Development Services, 11/18/2022

Planned Development District Utilities and Floodplain





The intent of Focal Point's PDD is to provide multi-family housing within close proximity to downtown Marble Falls, bringing more people closer not only to the city and its local businesses, but to their jobs as well. As research has shown, many employees in and around the greater Marble Falls area are forced to commute, some with commute times over hour long. Our development will have a positive impact on providing in-city housing for employees, thereby benefiting job formation and local businesses. Also, our research indicates there is lack of new office space in Marble Falls which is substantiated by the mostly older product type availability on the market today. As a result, the office component to our development will be well received by the community and in high demand by users. Focal Point and team are committed to work closely with the City of Marble Falls to develop a project that has a positive economic impact to the city and a quality of life improvement impact to its residents.

Focal Point Development Services

Dalton Little

Vice President of Acquisitions

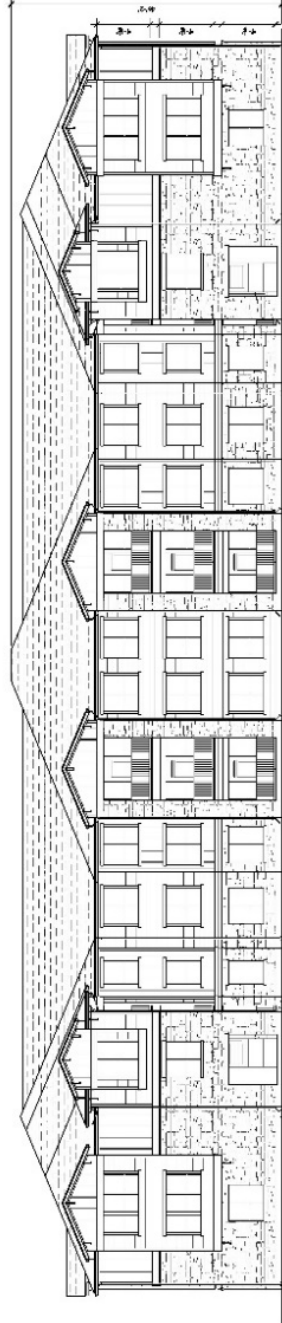
2208 Lake Austin Blvd. Suite 100

Austin, Texas 78703

C: 832-576-2571

dlittle@focalpointds.com

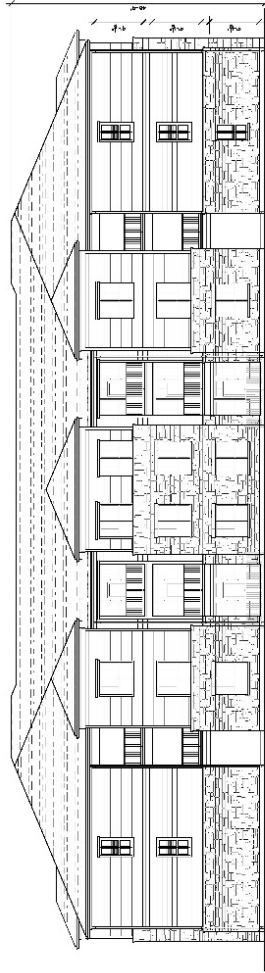
www.focalpointds.com



TYPICAL BUILDING ELEVATION

MARBLE FALLS APARTMENTS
 FOCAL POINT DEVELOPMENT SERVICES
 MARBLE FALLS, TX.


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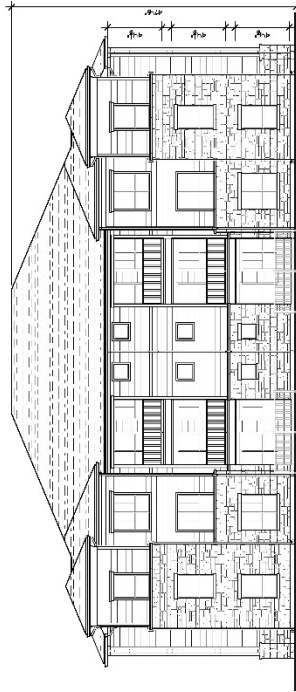
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TYPICAL BUILDING ELEVATION

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 MARBLE FALLS, TX.



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SITE DATA						
UNIT DATA						
	A/C	GROSS			A/C	GROSS
UNIT	SQ. FT.	SQ. FT.	TYPE	COUNT	PER TYPE	PER TYPE
A1	550	613	1BED 1BA	42	23,100	25,746
A2	630	695	1BED 1BA	42	26,460	29,190
A3	702	766	1BED 1BA	36	25,272	27,576
A4	755	837	1BED 1BA	6	4,530	5,022
A5	821	899	1BED 1BA	15	12,315	13,485
B1	958	1,021	2BED 2BA	30	28,740	30,630
B2	996	1,056	2BED 2BA	12	11,952	12,672
B3	1089	1,163	2BED 2BA	3	3,267	3,489
B4	1102	1,163	2BED 2BA	21	23,142	24,423
B5	1133	1389	2BED 2BA	30	33,990	41,670
AVG. =	813	903	TOTAL=	237	192,768	213,903
BUILDING DATA						
BUILDING #1 TYPE I						
A1-3,A2-6, A5-6, B2-6, B5-6						
TYPE VA CONSTRUCTION						
B & R-2 OCCUPANCY						
NFPA 13R SPRINKLER						
			A/C			
	1ST. FLR.	10,351	R-2 SQ. FT.			
	2ND. FLR.	10,351	R-2 SQ. FT.			
	3RD. FLR.	10,351	R-2 SQ. FT.			
	TOTAL	31,053				
	27 UNITS					
BUILDING #2 TYPE I						
A1-3,A2-6, A5-6, B2-6, B5-6						
TYPE VA CONSTRUCTION						
B & R-2 OCCUPANCY						
NFPA 13R SPRINKLER						
			A/C			
	1ST. FLR.	10,351	R-2 SQ. FT.			
	2ND. FLR.	10,351	R-2 SQ. FT.			
	3RD. FLR.	10,351	R-2 SQ. FT.			
	TOTAL	31,053				
	27 UNITS					
BUILDING #3 TYPE II						
A1-12, A2-6, A3-6, A4-6, B1-15, B4-9, B5-3						
TYPE VA CONSTRUCTION						
R-2 OCCUPANCY						
NFPA 13R SPRINKLER						
			A/C			
	1ST. FLR.	20,095	R-2 SQ. FT.			
	2ND. FLR.	20,095	R-2 SQ. FT.			
	3RD. FLR.	20,095	R-2 SQ. FT.			
	TOTAL	60,285				
	57 UNITS					
BUILDING #4 TYPE IV						
A1-6, A2-6, A3-6, B1-6, B3-3, B4-3, B5-3						
TYPE VA CONSTRUCTION						
R-2 OCCUPANCY						
NFPA 13R SPRINKLER						
			A/C			
	1ST. FLR.	11,841	R-2 SQ. FT.			
	2ND. FLR.	11,841	R-2 SQ. FT.			
	3RD. FLR.	11,841	R-2 SQ. FT.			
	TOTAL	35,523				
	33 UNITS					

ORDINANCE NO. 2023-O-01C

AN ORDINANCE OF THE CITY OF MARBLE FALLS, TEXAS CREATING A NEW PLANNED DEVELOPMENT DISTRICT (PANTHER CREEK VILLAGE) WITH BASE ZONING DISTRICTS OF MULTIFAMILY RESIDENTIAL (MR), FOR APPROXIMATELY 15.21 ACRE TRACT OF LAND OUT OF THE R.D. MOORE SURVEY NO. 603, ABSTRACT NO. 614 AND THE A. SCHROETER SURVEY NO. 4, ABSTRACT NO. 1270, CITY OF MARBLE FALLS, BURNET COUNTY, TEXAS, AS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; APPROVING A CONCEPT PLAN, ATTACHED HERETO AS EXHIBIT "B-1", PROVIDING SPECIAL DEVELOPMENT STANDARDS, ATTACHED HERETO AS EXHIBIT "C"; PROVIDING A LAND USE TABLE ATTACHED AS EXHIBIT "D"; PROVIDING CONCEPTUAL BUILDING ELEVATIONS, ATTACHED AS EXHIBIT "E"; AND PROVIDING FOR A SAVINGS CLAUSE; SEVERABILITY; REPEALER; PROPER NOTICE AND MEETING; AND EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Marble Falls and the City Council of the City of Marble Falls, in compliance with the laws of the State of Texas, with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have held two public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, and the City Council of the City of Marble Falls is of the opinion and finds that said zoning change should be granted and that the Zoning Map should be amended as set forth herein; **AND**,

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 seeks to promote responsible and sustainable growth consistent with the City of Marble Falls Comprehensive Plan and future amendments; **AND**,

WHEREAS, the Planned Development District is intended to promote the public health, safety, and general welfare of the City, and to encourage development patterns consistent with community vision, as expressed in the Marble Falls Comprehensive Plan; **AND**,

WHEREAS, the Planning & Zoning Commission recommended approval of the proposed zoning described herein during a public hearing, Thursday, December 8, 2022; **AND**,

WHEREAS, the City Council thereby seeks to ensure conformance with the Marble Falls Code of Ordinances; **AND**,

WHEREAS, the location and appearance of this development as proposed is consistent with the Future Land Use Plan of the Marble Falls Comprehensive Plan; **AND**,

WHEREAS, the development proposed by Applicant complies with current City ordinances, except as modified by this ordinance.

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

SECTION I. 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. That the zoning regulations and map of the City of Marble Falls, be and the same are hereby, amended so as to grant a change of zoning from General Commercial District (GC) to Planned Development District (“PDD”) with base zoning district of Multifamily Residential (MR) for development of multifamily and commercial uses (the “Project”), for the real property (“Property”) consisting of approximately 15.21 acre tract of land out of the R.D. Moore Survey No. 603, Abstract No. 614 and the A. Schroeter Survey No. 4, Abstract No. 1270, City of Marble Falls, in Burnet County, Texas, as depicted in Exhibit “A”. The Property shall be a Planned Development District and the Project shall be constructed pursuant to, and subject to compliance with the terms and conditions of the City’s Code of Ordinances except as modified by this ordinance and exhibits which exhibits are incorporated herein for all purposes.

SECTION III. That the Concept Plan for this Planned Development District which is attached hereto as Exhibit “B” and which exhibits are made a part hereof for all purposes is hereby approved for said Planned Development District. Any proposed use or development depicted on the Concept Plan shall not be deemed authorized or approved by the City of Marble Falls until a Site Plan and Non-Point Source Plan are approved for such use and/or development in accordance with the terms and conditions of the City’s Code of Ordinances in place and as provided herein. The Concept Plan shall only be amended in accordance with the City’s procedural ordinances in effect on the date of passage of this Ordinance.

SECTION IV. The granting of this Planned Development District is subject to all development regulations contained in the Code of Ordinances of the City of Marble Falls, except as expressly modified herein as well as the following special conditions:

- a. That the Planned Development shall be constructed in accordance with the Concept Plan, which is attached hereto as Exhibit “B”, as same may be amended from time to time in accordance with the provisions described in the City’s Code of Ordinances, or as same may be amended by subsequent Site Plan approval so long as such requested amendments do not result in a change of use, and with all subsequent permits or approvals required by the City’s Code of Ordinances, except as such Code of Ordinances may be modified by this Ordinance; and
- b. That the Planned Development for multifamily uses on the Property shall comply with the Development Standards applicable to the Multifamily Residential (MR) base zoning districts as depicted in Exhibit “C”; conceptual building elevations depicted in Exhibit “E”; and as set forth in the City’s Code of Ordinances; except as same are modified by the terms of this Ordinance; and

c. That the Planned Development for retail and office uses on the Property shall comply with the Development Standards applicable to the General Commercial (GC) base zoning districts as depicted in Exhibit "C"; conceptual building elevations depicted in Exhibit "E"; and as set forth in the City's Code of Ordinances; except as same are modified by the terms of this Ordinance; and retail and office uses shall not constitute more than 15 % of the land area.

d. That the Site Development Plan(s) required for any specific development or Phase of development on the Property, and all development shown thereon, must conform to the approved Concept Plan and the terms and conditions of this Ordinance and such Site Development Plan(s) must be approved prior to the issuance of any permit or certificate necessary to proceed with accomplishment of the development indicated on the Concept Plan; and

SECTION V. SAVINGS CLAUSE. The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION VI. SEVERABILITY CLAUSE. If any provision, section, sentence, clause or phrase of this ordinance or application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions 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 thereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

SECTION VII. REPEALER CLAUSE. 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 VIII. EFFECTIVE DATE. This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION IX. NOTICE AND MEETING CLAUSE. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public 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.

DULY PASSED by the City Council of the City of Marble Falls, Texas, on the 7th day of March 2022.

APPROVED:

Richard Westerman, Mayor
City of Marble Falls

ATTEST:

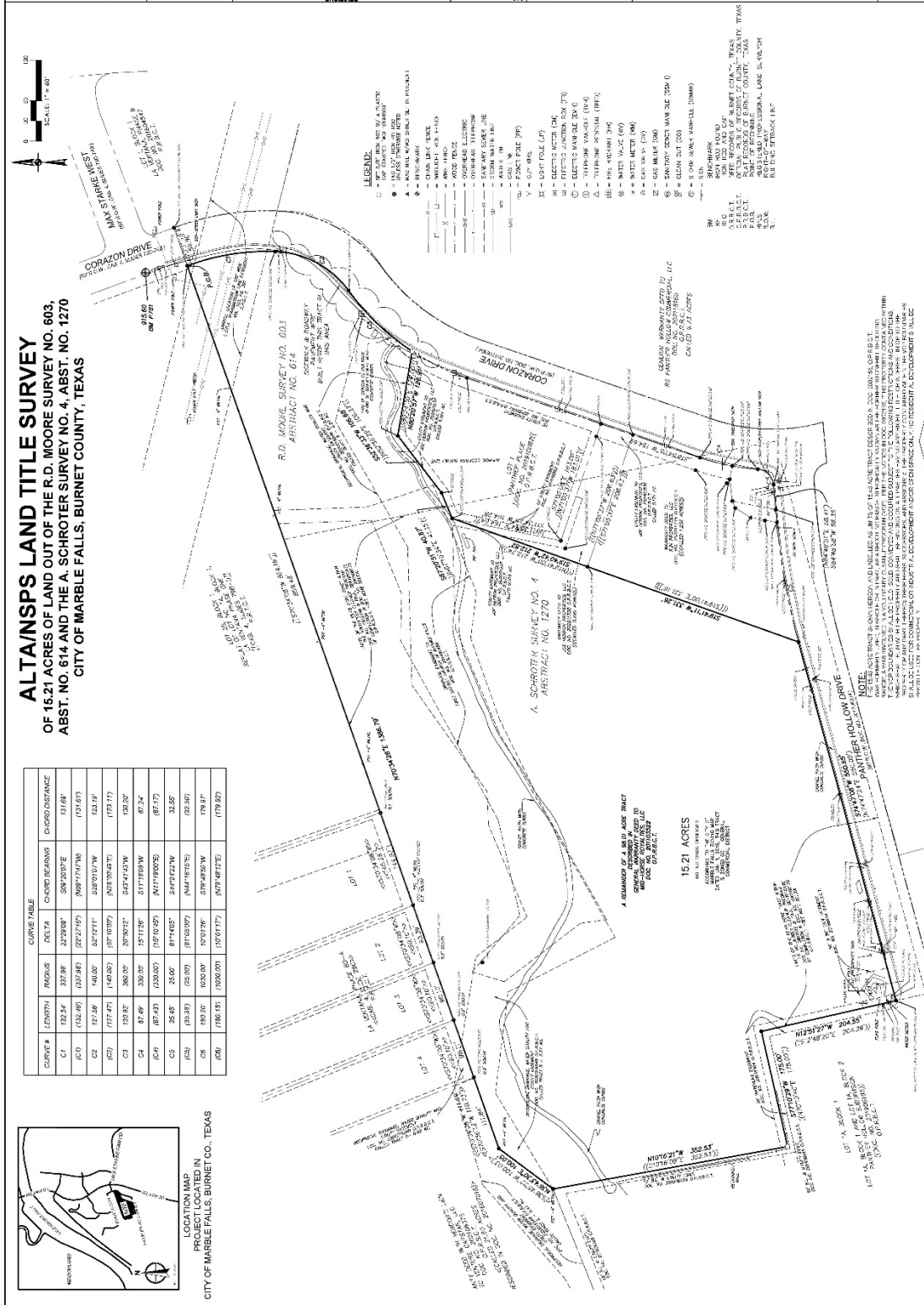
Christina McDonald, City Secretary
City of Marble Falls

[SEAL]

APPROVED AS TO FORM:

Patty L. Akers, City Attorney
City of Marble Falls

EXHIBIT "A" Property Description (Page 1 of 2)



**EXHIBIT “C”
PLANNED DEVELOPMENT STANDARDS**

The following “Planned Development Standards” (the Development Standards) shall be applicable within the Panther Creek Village Planned Development District. To the extent that any of the Development Standards conflict with other City of Marble Falls Ordinances, these Development Standards shall control. All development activity (the “Project”) undertaken on the Property (as defined in the Ordinance and on Exhibit “A”) shall comply with all City land development and subdivision regulations effective January 17, 2023, except as modified herein (collectively the “Requirements”). Capitalized terms contained herein shall be defined as indicated in these Development Standards, as reflected on the Concept Plan or as defined in the City Code of Ordinances, depending upon context. Unless explicitly stated otherwise, all of the Requirements prescribed herein shall be considered as the minimum requirement.

I. Development Standards Applicable to the Project as a Whole

A. General Project Design Requirements

1. This Project consists of approximately 15.21 acres.
2. The Project consists of Multifamily Residential District (MR) base zoning and includes multifamily, office and retail uses.
3. All trees, plants, shrubs, grass, and vegetation shall be from the adopted City of Marble Falls Approved Plant and Tree list, as may be amended.
4. Compliance with the City’s adopted Non-Point Source Pollution regulations and technical standards is required.
5. The Multifamily Residential zoning district standards for the multifamily use shall be followed except as same may be modified in this ordinance.
6. The retail and office zoning district standards for General Commercial (GC) for retail and office use shall be followed except as same may be modified in this ordinance.
7. Base Zoning District
 - a. Any use permitted by this ordinance shall be required to meet or exceed the standards associated with the zoning district applicable to that use except as same may be modified by this ordinance. Restrictions as provided for in Section 3.2.1 do not apply. Unless this PDD Ordinance is amended in the future, any use not listed on Exhibit “D” shall be an excluded use whether it is normally allowed in Multifamily Residential Zoning District (MR), or any other zoning district, or not.
8. Preliminary Plat and Site Plan Approval
 - a. In addition to the information in the City of Marble Falls Code of Ordinances that is required to be submitted for the approval of a Preliminary Plat or Site Development Plan, the following information shall be submitted as part of the application in order to verify and confirm compliance with the Requirements.
 - i. Exhibit depicting any and all open space.
 - ii. Documents demonstrating density and impervious cover requirements have been met and are properly apportioned to the Project as a whole.
 - iii. Plans or drawings that depict the footprint and layout of all buildings, structures and facilities within the Project or portion of the Project, with a legend that demonstrates

that density, height, or other restrictions or requirements have been met.

- iv. Plans or drawings depicting landscape plan, fences and walls, streets, sidewalks, parking areas, lighting plan and screening plan requirements have been met.
 - v. Exhibit identifying critical environmental features, if any, and protection plan for such features.
 - vi. Tree survey and preservation, plan including method of compliance with these Development Standards, for the Site Development Plan area.
 - vii. At the time the first Preliminary Plat application is submitted for approval, the Developer shall submit a Drainage and NPS Master Plan demonstrating that the Project, as a whole, will comply with the City's Non-Point Source requirements and Storm Water detention requirements.
9. Amendments to the Concept Plan
- a. All changes to the Project depicted on the Concept Plan, or as stated in the Development Standards described in this Exhibit "C" shall be processed as a zoning ordinance amendment unless all changes to the Project depicted in the Concept Plan or as stated in the Development Standards described in this Exhibit "C", shall be processed as a zoning ordinance amendment unless the change:
 - i. Is defined as "Minor Amendment" as described in this section.
 - ii. Is approved pursuant to approval of a Site Plan, or
 - iii. Is approved as part of a plat approval
 - b. Site Plan or Concept Plan amendments that would result in a "Major Amendment" shall be submitted to the Planning and Zoning Commission for recommendation and to the City Council for approval.
 - c. "Minor Amendments" of the Site Plan for the Project may be approved administratively by the City Manager, or designee, provided such modifications would not otherwise result in a violation of the City's Ordinances, or as modified by these Development Standards. A "Minor Amendment" will be defined as follows:
 - i. Adjustments of no more than 100 feet to the location or configuration of roadways, sidewalks, utilities, parking areas, landscape features, (including plants and trees) ponds and any other improvements depicted on any Concept Plan;
 - ii. Adjustments of no more than twenty percent (20%) in building square footage of any individual building to be constructed within the Development, as compared to such building's initial square footage shown on any Concept Plan; provided no such change may be administratively approved if the change would cause a Parcel within the Development to exceed the limitations on impervious cover, height or floor area specified in Development Agreement or the Development Standards;

- iii. A reduction in size of parking lot areas or structured parking garages;
- iv. Adjustments of no more than twenty percent (20%) of the total square footage of all landscape areas, within a Parcel, provided no such change may be administratively approved if the change would cause a Parcel within the Development, to exceed the limitations on impervious cover in the Development Agreement or the Development Standards;
- v. Adjustments of no more than twenty percent (20%) of the number of parking spaces or square footage of parking areas as shown on any Concept Plan provided no such change may be administratively approved if the change would cause a Parcel within the Development to exceed the limitations on impervious cover or the maximum or minimum number of parking spaces specified in the Development Agreement or the Development Standards; and
- vi. Any modification approved in a plat approved by the City including but not limited to (i) changes to the lot size or configuration; (ii) adjustments to the number of lots in the overall Development; (iii) changes to a local street width, length or alignment; (iv) changes to utility or access easements; (v) changes to street layouts in any phase; or (vi) adjustments to the amount of parkland or open space not less than thirty percent (30%) of the gross site acreage.
- vii. Adjustments of no more than 200 feet to the location of the quad-lodging on lower side of the Project. Eco-cabins may be replaced with quad lodging to be built near the upper parking lot.
- d. Major Amendment- Any amendment to the Concept Plan or to an Approved Site Plan that is not a “Minor Amendment” shall be considered a “Major Amendment”. Concept Plan amendments that would result in a change in use or a “Major Amendment” shall be submitted to the Planning and Zoning Commission for recommendation and to the City Council for approval as a rezoning application.
- e. No other development, Project, or portion of a Project, or use is authorized for construction or development on this Property unless the development complies with the Concept Plan, as it may be amended from time to time.

b. Miscellaneous Standards Applicable to the Project

- 1. Water Quality and Detention Ponds are not required to be screened if designed with landscaping to function as a water feature with views available to ponds, plantings, trails and site furnishings.
 - a. Concrete walls within detention ponds and water quality ponds that are visible from the public right-of-way shall be faced with native stone that is mortared in place or dry stacked or stamp pattern on concrete to resemble stone.
- 2. Fencing is allowed around detention ponds only if the fencing is constructed of wrought iron or tubular steel or other similar product or color-coated chain-link fencing.

3. The project landscaping shall be provided in accordance with the landscaping standards set out in Code of Ordinances. Landscaping for the project shall preserve the natural vegetation to the furthest extent possible.
4. The building elevations will be similar in style to those presented in Exhibit "E".
5. All lighting for the development shall be Dark Sky compliant.

c. Site and Building Design Standards

1. Lot Standards Apartment Land Use

Minimum Area of New Development	N/A
Minimum Lot Size	N/A
Minimum Lot Width	60 ft.
Minimum Lot Frontage	60 ft.
Front Setback	25 ft.
Interior Side Setback	15 ft.
Street Side Setback	25 ft.
Rear Setback	25 ft.
Maximum Height	45 ft.
Maximum Lot Coverage	70%
Minimum Open Space	30%
Minimum Size of Development	7.5 acres
Maximum Units/Acre	24

2. Lot Standards- Office and General Retail Land Uses

Minimum Area of New Development	N/A
Minimum Lot Size	N/A
Minimum Lot Width	50 ft.
Front Setback	25 ft.
Interior Side Setback	5 ft.
Street Side Setback	25 ft.
Rear Setback	15 ft.
Maximum Height	45 ft.
Maximum Lot Coverage	70%

d. Multifamily Amenities

1. The following amenities shall be provided with the multifamily development:
 - a. Resort Pool
 - b. Dog Park
 - c. Walking Trail with Exercise Stations
 - d. Pickle Ball Court
 - e. Fitness Center to include a virtual fitness station
 - f. Clubhouse- to include the following:
 - i. Catering Kitchen
 - ii. Social Gathering Place
 - iii. Package Storage

2. The leasing office will be located within the clubhouse but does not count toward an amenity.

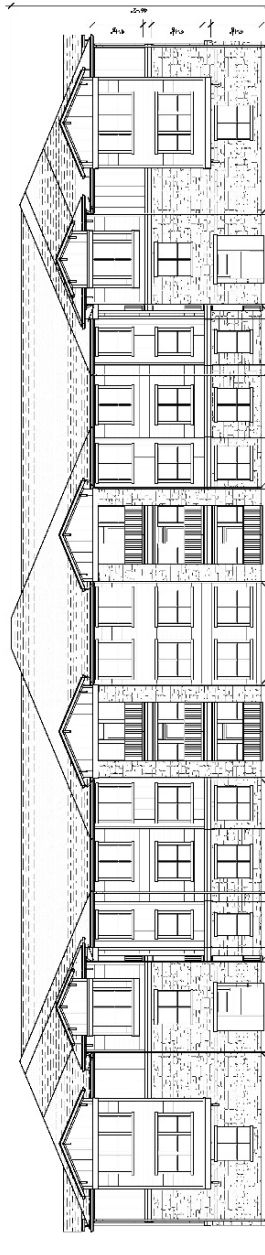
e. Utilities

1. The water and wastewater utilities to service the development shall be constructed in accordance with the utility analysis and provide the monetary contributions as stated in the analysis by Miller Gray.

Exhibit “D” Use Table

Land Use Table	
Base District	Permitted Land Uses
MR	Apartment
	Office
	General Retail
<i>The only permitted land uses are those listed above. All other land uses within the Multifamily zoning district are not permitted</i>	

Exhibit "E" Conceptual Building Elevations

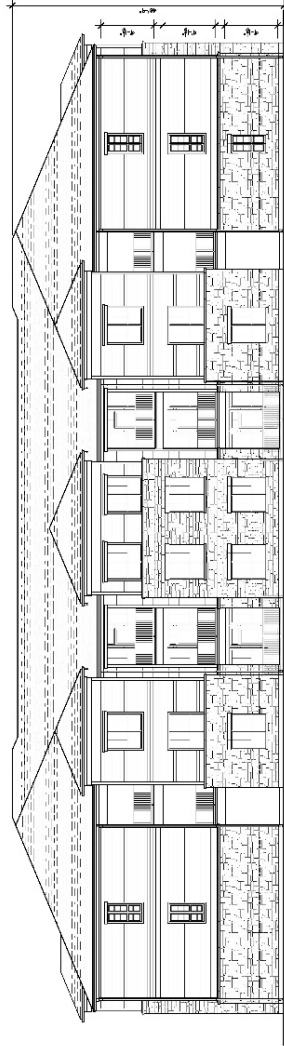


TYPICAL BUILDING ELEVATION



MARBLE FALLS APARTMENTS
FOCAL POINT DEVELOPMENT SERVICES
MARBLE FALLS, TX.

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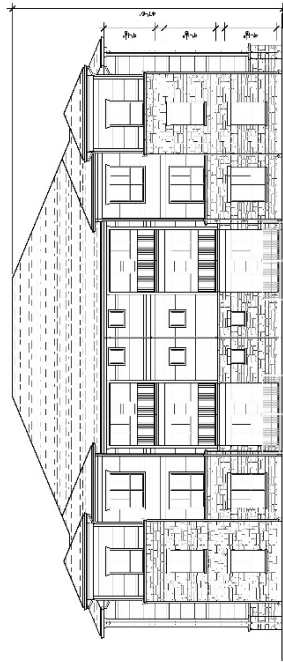


TYPICAL BUILDING ELEVATION

MARBLE FALLS APARTMENTS
 FOCAL POINT DEVELOPMENT SERVICES
 MARBLE FALLS, TX.



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TYPICAL BUILDING ELEVATION

MARBLE FALLS APARTMENTS
 FOCAL POINT DEVELOPMENT SERVICES
 MARBLE FALLS, TX.

March 7, 2023

7. REGULAR AGENDA

- (b) Discussion and Action on the approval of Amendment No. 1 for Nature Heights Extension Project to AGUIRRE & FIELDS, LP, Austin, Texas, in the amount of \$49,915.00, increasing the total contract amount not to exceed \$386,195.88 to provide additional round-about design services at the intersection of Mormon Mill Road, and future Nature Heights Drive and authorize the City Manager to execute the amendment. *Jeff Prato, City Engineer*
-



Council Agenda Item Cover Memo
March 7, 2023

Agenda Item No.: 7(b)
Presenter: Jeff Prato, City Engineer
Department: Engineering
Legal Review: N/A

AGENDA CAPTION

Discussion and Action on the approval of Amendment No. 1 for Nature Heights Extension Project to AGUIRRE & FIELDS, LP, Austin, Texas, in the amount of \$49,915.00, increasing the total contract amount not to exceed \$386,195.88 to provide additional round-about design services at the intersection of Mormon Mill Road, and future Nature Heights Drive and authorize the City Manager to execute the amendment.

BACKGROUND INFORMATION

The City of Marble Falls executed the original Professional Services Agreement for engineering design services of the Nature Heights Extension Project on January 18th, 2022. These services included preparing roadway design, hydraulic analysis, environmental reporting and permitting, and survey necessary to support the design process. The most recent submittal received was for 90% complete drawings. Round-about design will be incorporated into the plan set and will follow the revised schedule as shown in proposal.

Funding from the 2022-2023 Capital Funds through the General Fund is available as follows:

- 68-528-5839.13

STAFF RECOMMENDATION

Staff recommends approving Amendment No. 1 for Nature Heights Extension Project to Aguirre & Fields for round-about design services and authorize the City Manager to execute the proposal.

Attached is the supplemental amendment submitted by Aguirre & Fields.



February 9, 2023

City of Marble Falls, Texas
Mr. Jeff Prato
800 Third Street
Marble Falls, Texas 78654

**RE: Proposal for the City of Marble Falls, Nature Heights Drive Project
Supplemental to PSA 01-18-2022**

Dear Mr. Prato;

Aguirre & Fields, LP appreciates the opportunity to submit this Proposal to the City of Marble Falls for Supplemental Professional Engineering Services for the Nature Heights Drive Project. This Supplemental Proposal outlines the scope of service in Attachment A-1 – Supplemental Services To Be Provided by the Engineer. The fee outlined and included as Attachment B-1 – Fee Schedule, is the Fee to perform the services in Attachment A-1.

I. Scope of Work

Engineer's Supplemental Scope of Service consist of Engineer's Services outlined in Attachment A-1 to revise final plans to include a new alignment for Nature Heights Drive shifted north to align with Park Ridge Drive, and a roundabout intersection at Nature Heights Drive, Mormon Mill Road (CR 340), and Park Ridge Drive.

The detailed Scope of Services is specifically as described in Attachment A-1 – Supplemental Services To Be Provided By The Engineer.

II. Schedule

The project schedule will be revised and will progress as shown in Attachment C-1 – Project Schedule.

III. Information Required

IV. Proposed Fee

Supplemental Compensation for Engineering Services shall be on a lump sum basis as follows:

The Fee is to be paid on a not to exceed basis, in accordance with the scheduled values included in Attachment B-1 – Supplemental Fee Schedule.

Supplemental Fee, Not To Exceed: \$ 49,915.00

AGUIRRE & FIELDS
12708 Riata Vista Circle, Suite A-109 • Austin, Texas 78727

Supplemental to PSA 01-18-2022
February 9, 2023

Thank you for the opportunity to submit this Proposal for Supplemental Professional Engineering Services to you. If you should have any questions, please contact me at Paul.Hahn@Aguirre-Fields.com or (512) 609-1526.

Sincerely,



Paul R. Hahn

Attachments:

- Attachment A-1 – Services to be Provided by the Engineer
- Attachment B-1 – Fee Schedule
- Attachment C-1 – Project Schedule

Authorization for Supplemental Agreement 1 to Professional Services Agreement dated January 18, 2022 between City of Marble Falls and Aguirre & Fields, LP ("Consultant").

IN WITNESS WHEREOF, the parties hereto have executed and delivered this Supplemental Agreement as of the day and year first written below.

CONSULTANT
AGUIRRE & FIELDS, LP

CITY OF MARBLE FALLS

BY: 

Oscar R. Aguirre, P.E. 02/17/2023
President of Aguirre LLC - General Partner

BY: _____

Attachment A-1
SUPPLEMENTAL SERVICES TO BE PROVIDED BY THE ENGINEER

This contract modification consists of revising final plans to include a new alignment for Nature Heights Drive shifted north to align with Park Ridge Drive, and a roundabout intersection at Nature Heights Drive, Mormon Mill Road (CR 340), and Park Ridge Drive. The alternate alignment limits will begin west of Mormon Mill Rd (CR 340) at approximately STA 130+00 and end east of Mormon Mill Rd (CR 340) along Park Ridge Dr at approximately STA 140+00. These services include preparing roadway design, hydraulic analysis and design, utility coordination and design.

ROUTE & DESIGN STUDIES (FC 110) (OMITTED)

SOCIAL, ECONOMIC AND ENVIRONMENTAL STUDIES, PUBLIC INVOLVEMENT (FC 120) (OMITTED)

RIGHT OF WAY DATA (FC 130)

1. RIGHT OF WAY DETERMINATION

- i. The Engineer shall identify proposed Right-of-Way.
- ii. The Engineer shall prepare exhibits for ROW dedication documents.

2. UTILITY COORDINATION

- i. Update the Utility Conflict Map and Conflict Matrix which shall be updated after the 90% Design Submittals
- ii. Coordinate, attend, and prepare meeting minutes for one (1) additional Utility Coordination Meeting with the existing Utility Owners to discuss concepts and options based upon the milestone design plans. In concert with said meetings the ENGINEER shall review proposed utility relocation designs and evaluate alternatives while balancing the needs of the project as well as the utilities.

ROADWAY DESIGN CONTROLS (FC 160)

1. Final Design

- i. Roadway Design
 - a. Plan and Profile sheets for the shifted Nature Heights Drive alignment.
 1. Design a new alignment for Nature Heights Drive shifted north to align with Park Ridge Drive.
 2. Sheets will include proposed and existing appurtenances.
 3. Sidewalks and ADA ramps will be included.
 - b. Intersection Layout sheet for the shifted Nature Heights Drive roundabout intersection at Mormon Mill Road (CR 340).
 1. Design a new roundabout intersection for Nature Heights Drive at Mormon Mill Road aligned with Park Ridge Drive.

- ii. Typical Sections
 - a. Prepare proposed typical section and existing typical section for Park Ridge Drive.
 - 1. Sections will include proposed pavement width, travel lanes, pavement structure, sidewalk location and typical slope requirements. Typical section will also depict the typical right of way width.
- iii. Cut and Fill Quantities
 - a. Existing and proposed cross sections for the shifted Nature Heights Drive alignment at 50-foot intervals will be created to determine cut and fill quantities.
 - b. Geopak with OpenRoads technology will be used to generate a 3D model and cross sections of the shifted Nature Heights Drive alignment and roundabout, and to calculate quantities.

DRAINAGE (FC 161)

1. DRAINAGE

- ii. Storm System Design for the shifted Nature Heights Drive alignment. Provide design of roadway storm system, including:
 - a. Any proposed public drainage system will be designed to the two (2) year frequency storm based on fully developed conditions as appropriate. The one hundred (100) year frequency storm event will be designed to be contained within public rights of way or drainage easements.
 - b. The Engineer shall prepare for the shifted Nature Heights Drive alignment and proposed roundabout existing and proposed drainage area maps, inlet calculations and quantity estimates for all proposed storm drain facilities. Drainage Area Map(s) and Calculation Sheet(s) will be included in the plan set.

SIGNING, PAVEMENT MARKING, ILLUMINATION (FC 162)

1. SIGNING & PAVEMENT MARKING

- i. Design signing and pavement markings and prepare layout sheets for the shifted Nature Heights Drive alignment and proposed roundabout.

2. ILLUMINATION (OMITTED)

MISCELLANEOUS DESIGN (FC 163)

1. MISCELLANEOUS DESIGN

- i. Design Storm Water Pollution Prevention Plan (SW3P) for the shifted Nature Heights Drive alignment and proposed roundabout.
- ii. Design Traffic Control for the shifted Nature Heights Drive alignment and proposed roundabout.
- iii. Adjust the Traffic Control Narrative for the shifted Nature Heights Drive alignment and

- proposed roundabout.
- iv. Adjust the Traffic Control Typical Sections for the shifted Nature Heights Drive alignment and proposed roundabout.
 - v. Design water line for the shifted Nature Heights Drive alignment and proposed roundabout.
 - vi. Design sewer line for the shifted Nature Heights Drive alignment and proposed roundabout.
 - vii. Summary Sheets will be updated for the shifted Nature Heights Drive alignment and proposed roundabout.
 - viii. The Engineer will provide an updated final cost estimate with unit prices and bid schedule for the shifted Nature Heights Drive alignment and proposed roundabout.

PROJECT MANAGEMENT & ADMINISTRATION (FC 164)

1. GENERAL ADMINISTRATION

- i. Prepare additional invoices and monthly written progress reports for the project.
- ii. Prepare additional monthly updates to the design schedule for the project.
- iii. The Engineer shall perform project management duties and coordination with the City of Marble Falls.

CONSTRUCTION PHASE SERVICES (FC 309) (OMITTED)

AGUIRRE-FIELDS, LP
 CONTRACT:
 WORK AUTHORIZATION: 01

ATTACHMENT B-1
 FEE SCHEDULE
 AGUIRRE AND FIELDS, LP

CITY OF MARBLE FALLS
 NATURE HEIGHTS DRIVE

PROJECT: NATURE HEIGHTS DRIVE
METHOD OF PAYMENT: LUMP SUM
PRIME PROVIDER: AGUIRRE & FIELDS, LP

COMPANY	FEE	%
Aguirre & Fields	\$49,915.00	100%
TOTAL	\$49,915.00	100.00%

FUNCTION CODE	TASK NAME	AFLP	TOTAL
FC 120	SOCIAL, ECONOMIC & ENVIRONMENTAL STUDIES (FC 120)	\$0.00	\$0.00
FC 130	RIGHT OF WAY DATA (FC 130)	\$5,380.00	\$5,380.00
FC 160	ROADWAY DESIGN CONTROLS (FC 160)	\$14,040.00	\$14,040.00
FC 161	DRAINAGE (FC 161)	\$8,801.00	\$8,801.00
FC 162	SIGNING, PAVEMENT MARKING, ILLUMINATION (FC 162)	\$3,106.00	\$3,106.00
FC 163	MISCELLANEOUS DESIGN (FC 163)	\$13,972.00	\$13,972.00
FC 164	PROJECT MANAGEMENT & ADMINISTRATION (FC 164)	\$4,500.00	\$4,500.00
ODEs	OTHER DIRECT EXPENSES	\$116.00	\$116.00
	TOTAL	\$49,915.00	\$49,915.00

AGUIRRE FIELDS, LP
 CONTRACT:

ATTACHMENT B-1
FEE SCHEDULE
 AGUIRRE AND FIELDS, LP

CITY OF MARBLE FALLS
 NATURE HEIGHTS DR

PRIME PROVIDER NAME: Aguirre & Fields , LP

TASK DESCRIPTION	PROJECT MANAGER	PROJECT ENGINEER	ENGINEER IN TRAINING	SENIOR ENGINEER TECHNICIAN	CADD OPERATOR	ADMIN/ CLERICAL	TOTAL LABOR HOURS & COSTS	NO OF DWGS	LABOR HRS PER SHEET
FC130 - RIGHT OF WAY DATA									
RIGHT OF WAY DETERMINATION									
IDENTIFY PROPOSED ROW	1	2	4				7		
PREPARE GRAPHIC EXHIBITS FOR ROW DEDICATION DOCUMENTS		2	4		4		10		
UTILITY COORDINATION									
UTILITY CONFLICT MATRIX AND LAYOUT MAP		2	4		4		10		
UTILITY COORDINATION MEETING ATTENDANCE AND PREPARATION	1	4	4				9		
HOURS SUB-TOTALS	2	10	16	0	8	0	26	0	
CONTRACT RATE PER HOUR	\$255.00	\$191.00	\$133.00	\$155.00	\$104.00	\$105.00			
TOTAL LABOR COSTS	\$510.00	\$1,910.00	\$2,128.00	\$0.00	\$832.00	\$0.00	\$5,380.00		
% DISTRIBUTION OF STAFFING	5.6%	27.8%	44.4%	0.0%	22.2%	0.0%			
SUBTOTAL (FC130)							\$5,380.00		

TASK DESCRIPTION	PROJECT MANAGER	PROJECT ENGINEER	ENGINEER IN TRAINING	SENIOR ENGINEER TECHNICIAN	CADD OPERATOR	ADMIN/ CLERICAL	TOTAL LABOR HOURS & COSTS	NO OF DWGS	LABOR HRS PER SHEET
FC160 - ROADWAY DESIGN CONTROLS									
ROADWAY DESIGN									
PLAN & PROFILE SHEETS (1"=50')	1	2	8		8		19	3	6
INTERSECTION LAYOUT SHEETS	4	8	14		10		36	1	36
TYPICAL SECTIONS									
PROPOSED & EXISTING TYPICAL SECTION		1	4		4		9	1	9
CUT AND FILL QUANTITIES									
CROSS SECTIONS (50' INTERVALS)	4	6	16		6		32	7	5
HOURS SUB-TOTALS	9	17	42	0	28	0	96	11	
CONTRACT RATE PER HOUR	\$255.00	\$191.00	\$133.00	\$155.00	\$104.00	\$105.00			
TOTAL LABOR COSTS	\$2,295.00	\$3,247.00	\$5,586.00	\$0.00	\$2,912.00	\$0.00	\$14,040.00		
% DISTRIBUTION OF STAFFING	9.4%	17.7%	43.8%	0.0%	25.2%	0.0%			
SUBTOTAL (FC160)							\$14,040.00		

AGUIRRE FIELDS, LP
 CONTRACT:

ATTACHMENT B-1
FEE SCHEDULE
 AGUIRRE AND FIELDS, LP

CITY OF MARBLE FALLS
 NATURE HEIGHTS DR

PRIME PROVIDER NAME: Aguirre & Fields , LP

TASK DESCRIPTION	PROJECT MANAGER	PROJECT ENGINEER	ENGINEER IN TRAINING	SENIOR ENGINEER TECHNICIAN	CADD OPERATOR	ADMIN / CLERICAL	TOTAL LABOR HOURS & COSTS	NO OF DWGS	LABOR HRS PER SHEET
FC161 - DRAINAGE									
DRAINAGE AREA MAP		2	6		6		14	2	7
CALCULATION SHEETS		4	8		6		18	1	18
STORM DRAIN PLAN & PROFILE (1"=50')	1	4	14		16		35	3	12
HOURS SUB-TOTALS									
	1	10	28	0	28	0	67	12	
CONTRACT RATE PER HOUR	\$255.00	\$191.00	\$133.00	\$155.00	\$104.00	\$105.00			
TOTAL LABOR COSTS	\$255.00	\$1,910.00	\$3,724.00	\$0.00	\$2,912.00	\$0.00	\$8,801.00		
% DISTRIBUTION OF STAFFING	#DWG/01	#DWG/01	#DWG/01	#DWG/01	#DWG/01	#DWG/01			
							\$8,801.00		

TASK DESCRIPTION	PROJECT MANAGER	PROJECT ENGINEER	ENGINEER IN TRAINING	SENIOR ENGINEER TECHNICIAN	CADD OPERATOR	ADMIN / CLERICAL	TOTAL LABOR HOURS & COSTS	NO OF DWGS	LABOR HRS PER SHEET
FC162 - SIGNING, PAVEMENT MARKING, ILLUMINATION									
SIGNING & PAVEMENT MARKING LAYOUTS (1"=50')	1	4	6		6		17	2	9
SIGN DETAILS		1	2		2		5	1	5
HOURS SUB-TOTALS									
	1	5	8	0	8	0	22	3	
CONTRACT RATE PER HOUR	\$255.00	\$191.00	\$133.00	\$155.00	\$104.00	\$105.00			
TOTAL LABOR COSTS	\$255.00	\$955.00	\$1,064.00	\$0.00	\$892.00	\$0.00	\$5,106.00		
% DISTRIBUTION OF STAFFING	#DWG/01	#DWG/01	#DWG/01	#DWG/01	#DWG/01	#DWG/01			
							\$5,106.00		

AGUIRRE FIELDS, LP
 CONTRACT:

ATTACHMENT B-1
FEE SCHEDULE
 AGUIRRE AND FIELDS, LP

CITY OF MARBLE FALLS
 NATURE HEIGHTS DR

PRIME PROVIDER NAME: Aguirre & Fields , LP

TASK DESCRIPTION	PROJECT MANAGER	PROJECT ENGINEER	ENGINEER IN TRAINING	SENIOR ENGINEER TECHNICIAN	CADD OPERATOR	ADMIN / CLERICAL	TOTAL LABOR HOURS & COSTS	NO OF DWGS	LABOR HRS PER SHEET
FC163 - MISCELLANEOUS DESIGN									
SWAP LAYOUTS (1"=50')		1	4		6		11	2	6
TRAFFIC CONTROL NARRATIVE		1	2		1		4	1	4
TRAFFIC CONTROL TYPICAL SECTIONS		1	3		6		10	1	10
TRAFFIC CONTROL LAYOUTS (Assume 2 phases)		4	4	12	14		34	2	17
WATER LINE PLAN AND PROFILE (1"=50')		1	1	6	8		16	3	5
SEWER LINE PLAN AND PROFILE (1"=50')		1	1	6	8		16	3	5
SUMMARIES OF QUANTITIES		1	4		4		9	1	9
COST ESTIMATE		1	4				5		
HOURS SUB-TOTALS	5	11	41	0	47	0	105	53	
CONTRACT RATE PER HOUR	\$255.00	\$191.00	\$133.00	\$155.00	\$104.00	\$105.00			
TOTAL LABOR COSTS	\$1,530.00	\$2,101.00	\$5,433.00	\$0.00	\$4,888.00	\$0.00	\$13,972.00		
% DISTRIBUTION OF STAFFING	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!			
SUBTOTAL (FC 163)							\$13,972.00		

TASK DESCRIPTION	PROJECT MANAGER	PROJECT ENGINEER	ENGINEER IN TRAINING	SENIOR ENGINEER TECHNICIAN	CADD OPERATOR	ADMIN / CLERICAL	TOTAL LABOR HOURS & COSTS	NO OF DWGS	LABOR HRS PER SHEET
FC164 - PROJECT MANAGEMENT & ADMINISTRATION									
GENERAL ADMINISTRATION									
PREPARE INVOICES AND MONTHLY PROJECT PROGRESS REPORTS (4 MONTHS)		4				4	8		N/A
PREPARE DESIGN SCHEDULE AND MONTHLY UPDATE (4 MONTHS)		4					4		N/A
PROJECT MANAGEMENT & COORDINATION WITH COMF (4 MONTHS)		8					8		N/A
HOURS SUB-TOTALS	16	0	0	0	0	4	20	0	
CONTRACT RATE PER HOUR	\$255.00	\$191.00	\$133.00	\$155.00	\$104.00	\$105.00			
TOTAL LABOR COSTS	\$4,080.00	\$0.00	\$0.00	\$0.00	\$0.00	\$420.00	\$4,500.00		
% DISTRIBUTION OF STAFFING	80.0%	0.0%	0.0%	0.0%	0.0%	20.0%			
SUBTOTAL (FC164)							\$4,500.00		

AGUIRRE FIELDS, LP
 CONTRACT:

ATTACHMENT B-1
FEE SCHEDULE
 AGUIRRE AND FIELDS, LP

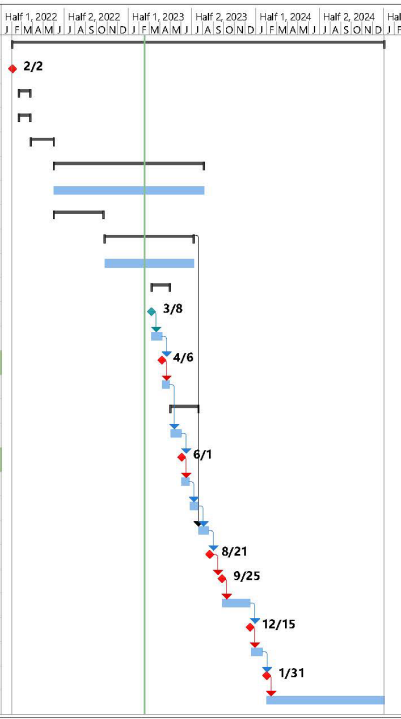
CITY OF MARBLE FALLS
 NATURE HEIGHTS DR

PRIME PROVIDER NAME: Aguirre & Fields , LP

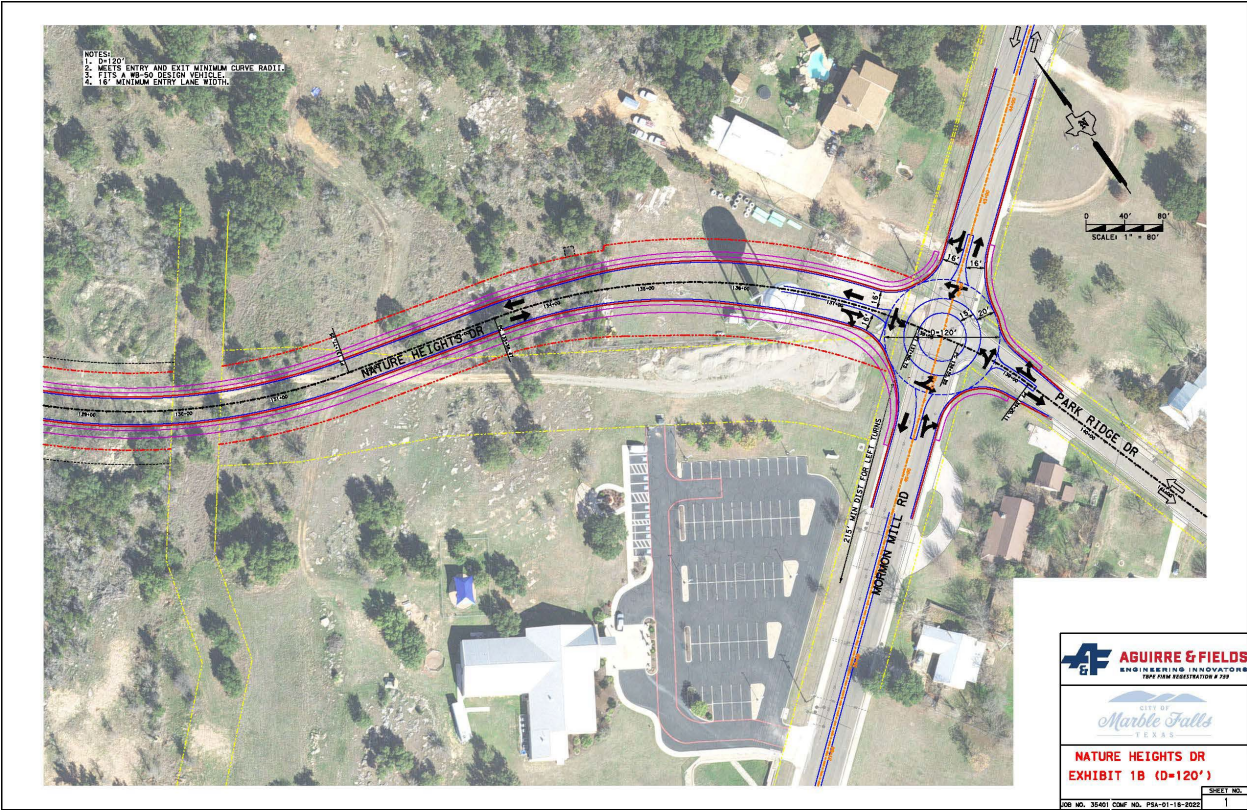
DESCRIPTION					TOTAL MH BY FC	TOTAL COSTS BY FC
FC100 - SOCIAL, ECONOMIC & ENVIRONMENTAL STUDIES					0	\$0.00
FC130 - RIGHT OF WAY DATA					36	\$5,280.00
FC180 - ROADWAY DESIGN CONTROLS					96	\$14,040.00
FC161 - DRAINAGE					67	\$8,801.00
FC162 - SIGNING, PAVEMENT MARKINGS, ILLUMINATION					22	\$3,106.00
FC163 - MISCELLANEOUS DESIGN					105	\$13,972.00
FC164 - PROJECT MANAGEMENT & ADMINISTRATION					20	\$4,500.00
SUBTOTAL LABOR EXPENSES					346	\$49,799.00
DIRECT EXPENSES	UNIT	# OF UNITS	COST/UNIT			
Mileage (1.00 miles round trip, 2 trips)	mile	200	\$0.580			\$116.00
SUBTOTAL DIRECT EXPENSES						\$116.00
SUMMARY						
TOTAL COSTS FOR PRIME ONLY						\$49,799.00
NON-SALARY (OTHER DIRECT EXPENSES) FOR PRIME ONLY						\$116.00
GRAND TOTAL						\$49,915.00

ATTACHMENT C-1

AGUIRRE-FIELDS, LP CONTRACT: PSA-01-18-2022						CITY OF MARBLE FALLS NATURE HEIGHTS DRIVE						
ID	Task Mode	Task Name	Duration	Start	Finish	Predecessors	Half 1, 2022	Half 2, 2022	Half 1, 2023	Half 2, 2023	Half 1, 2024	Half 2, 2024
1		Nature Heights Design Timeline	763 days	Wed 2/2/22	Fri 1/3/25							
2		NTP	0 days	Wed 2/2/22	Wed 2/2/22		◆ 2/2					
3		Survey	25 days	Mon 2/21/22	Fri 3/25/22							
6		Geotechnical Analysis	25 days	Mon 2/21/22	Fri 3/25/22							
9		30% PS&E	47 days	Mon 3/28/22	Tue 5/31/22							
14		Utility Coordination	308 days	Wed 6/1/22	Fri 8/4/23							
15		Utility Coordination	308 days	Wed 6/1/22	Fri 8/4/23	13						
16		90% PS&E	103 days	Wed 6/1/22	Fri 10/21/22							
20		ROW Acquisition	184 days	Mon 10/24/22	Thu 7/6/23							
21		ROW Negotiations and Acquisition	184 days	Mon 10/24/22	Thu 7/6/23	19						
22		90% PS&E Resubmittal w/ Roundabout	38 days	Wed 3/8/23	Fri 4/28/23							
23		Contract Mod 1 Execution and NTP	0 days	Wed 3/8/23	Wed 3/8/23							
24		90% Design w/ Roundabout	22 days	Wed 3/8/23	Thu 4/6/23	23						
25		Submit 90% PS&E w/ Roundabout to City	0 days	Thu 4/6/23	Thu 4/6/23	24						
26		90% Review - City	16 days	Fri 4/7/23	Fri 4/28/23	25						
27		Final PS&E	59 days	Mon 5/1/23	Thu 7/20/23							
28		Final Design and Contract Documents	24 days	Mon 5/1/23	Thu 6/1/23	26						
29		Submit Final PS&E to City	0 days	Thu 6/1/23	Thu 6/1/23	28						
30		Final Review - City	16 days	Fri 6/2/23	Fri 6/23/23	29						
31		Address Comments and Resubmit	19 days	Mon 6/26/23	Thu 7/20/23	30						
32		COMF Processing	21 days	Fri 7/21/23	Fri 8/18/23	31,20						
33		Letting	0 days	Mon 8/21/23	Mon 8/21/23	32FS+1 day						
34		Bid Opening	0 days	Mon 9/25/23	Mon 9/25/23	33FS+25 days						
35		Bid Phase Services	59 days	Tue 9/26/23	Fri 12/15/23	34						
36		Contract Award	0 days	Fri 12/15/23	Fri 12/15/23	35						
37		Contract Negotiations	25 days	Mon 12/18/23	Fri 1/19/24	36						
38		Construction Contract Execution and NTP	0 days	Wed 1/31/24	Wed 1/31/24	37FS+8 days						
39		Construction Phase Services	242 days	Thu 2/1/24	Fri 1/3/25	38						



Project: COMF Nature Heights Date: Fri 2/17/23 Task Milestone Summary



March 7, 2023

7. REGULAR AGENDA

- (c) Discussion and Action regarding the award of the engineering services contract for the preparation of the City's 2023-2024 Texas Community Development Block Grant (TxCDBG) application and authorizing the City Manager to negotiate a subsequent engineering contract if funded. *Jeff Prato, City Engineer*
-



**Council Agenda Item Cover Memo
March 7, 2023**

Agenda Item No.: 7(c)
Presenter: Jeff Prato, City Engineer
Department: Engineering
Legal Review: N/A

AGENDA CAPTION

Discussion and Action regarding the award of the engineering services contract for the preparation of the City's 2023-2024 Texas Community Development Block Grant (TxCDBG) application and authorizing the City Manager to negotiate a subsequent engineering contract if funded.

BACKGROUND INFORMATION

The City advertised Requests for Qualifications (RFQs) on January 27, 2023 for engineering services, and the deadline for submission was February 10, 2023. The prospective candidate will design the sanitary sewer line funded through the 2023-2024 CDBG. Qualification Statements were received from three (3) engineering firms.

A review panel consisting of three (3) individuals was formed to evaluate the submittals. Firms were rated based on experience, performance, and capacity to perform.

STAFF RECOMMENDATION

Staff recommends Southwest Engineers to be awarded the contract for engineering services under the 2023-2024 Community Development Block Grant.

A summary of the RFQ analysis including panel members is attached.

Texas Community Development Block Grant

Engineering Services

Evaluation of Proposals

Applicant Community:		City of Marble Falls						
Evaluation Team: (at least three persons required, including one local official)	Name of Evaluator		Title					
	Lauren Haltom		Council Member					
	Jeff Prato		City Engineer					
	Sarah Garcia		Engineering Coordinator					
Program: (**list ONLY one program per form, create a separate A508 for each additional program)								
Description of Anticipated Project:								
Date Solicitation Sent:								
Responses received:	Name of Firm		Date Response Received					
	Willis Environmental Engineering		2/9/2023					
	Southwest Engineers		2/10/2023					
	Utility Engineering Group		2/10/2023					
Evaluation of Proposals: (revise/add/delete services in this section as appropriate)		Enter for each criterion & proposal: (criteria listed on A506) <ul style="list-style-type: none"> Points awarded, or Evaluation such as Highly Advantageous (H), Advantageous (A), Not Advantageous (N), or Unacceptable (U). 						
Name of Firm		Experience	Prior Work Performance	Capacity to Perform	Proposed Cost	Other	Other	Notes
Willis Environmental Engineering		49	22	12	/			83
Southwest Engineers		55	24	14	/			93
Utility Engineering Group		53	25	14	/			92
Firm Recommended:		Southwest Engineers						
Firm Selected:								
		* If Firm Selected differs from Firm recommended by Evaluators, provide explanation						
Conflict of Interest Evaluated by:		<input type="checkbox"/> Conflict exists, firm disqualified		<input type="checkbox"/> No conflict exists				
Date Awarded by Governing Body:								
Signature of Lead Evaluator:								



**City of Marble Falls, Texas
Council Agenda Item Cover Memo
March 7, 2023**

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 §551.072 (*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:

- Consultation with City Attorney regarding panhandling
- Consultation with City Attorney regarding the regulation of waterfowl
- Discussion regarding the purchase of parkland
- Consultation with City Attorney regarding the City's authority to regulate land use/mining activity
- Consultation with City Attorney regarding possible acquisition of interests in real property and associated groundwater and water system
- Discussion regarding the expansion of the boundaries of Tax Increment Reinvestment Zone Number One

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 _____, 2023.

City Attorney