



**NOTICE OF MEETING
GOVERNING BODY OF MARBLE FALLS, TEXAS
May 16, 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 16th day of May 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**
- 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 May 2, 2023 meeting minutes. *Christina McDonald, City Secretary*
 - (b) Approval of Resolution 2023-R-05E authorizing the publication of a notice of intention to issue "City of Marble Falls, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Series 2023D", in an aggregate principal amount not to exceed \$24,415,000. *Jeff Lazenby, Director of Finance*

- (c) Approval of Resolution 2023-R-05F declaring the City of Marble Falls official intent to Finance Expenditures to be Incurred by the City (Certificates of Obligation). *Jeff Lazenby, Director of Finance*
- (d) Approval of Resolution 2023-R-05G authorizing the publication of a notice of intention to issue "City of Marble Falls, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Series 2023E", in an aggregate principal amount not to exceed \$2,000,000. *Jeff Lazenby, Director of Finance*

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

- (a) Discussion and Action on Resolution 2023-R-05B canvassing the returns and declaring the results of the General Election held on May 6, 2023. *Christina McDonald, City Secretary*
- (b) Issuance of Certificates of Election. *Mayor Richard Westerman*
- (c) Recognition of Mayor Richard Westerman and Councilmember Reed Norman. *Mayor Elect Dave Rhodes and Mayor Richard Weterman*
- (d) Administration of Oaths of Office to the successful candidates in the May 6, 2023 General Election. *Christina McDonald, City Secretary*
- (e) Discussion and Action on the election of a Mayor Pro-Tem. *Christina McDonald, City Secretary*
- (f) Discussion and Action on Ordinance No. 2023-O-05D authorizing the issuance of "City of Marble Falls, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Taxable Series 2023A"; in an amount not to exceed \$995,000 for the Wastewater Treatment Plant Direct Potable Reuse (DPR) project (0% interest loan). *Jeff Lazenby, Director of Finance*
- (g) Approval of Resolution 2023-R-05C authorizing the Mayor to execute an agreement with the Texas Water Development Board for principal forgiveness in the amount of \$493,000 for the Wastewater Treatment Plant Direct Potable Reuse (DPR) project. *Jeff Lazenby, Director of Finance*
- (h) Approval of Resolution 2023-R-05D authorizing the Mayor to execute an agreement with the Texas Water Development Board for principal forgiveness in the amount of \$1,630,859 for the construction of the Wastewater Treatment Plant Purple Pipe Expansion project. *Jeff Lazenby, Director of Finance*
- (i) Discussion and Action on Ordinance 2023-O-05E authorizing the issuance of "City of Marble Falls, Texas Combination Tax and Surplus Revenue Certificates of Obligation,

Series 2023B”; in an amount not to exceed \$1,650,000 for the design of the Wastewater Treatment Plant Purple Pipe Expansion project (maximum interest rate of 2.48%). *Jeff Lazenby, Director of Finance*

- (j) Discussion and Action on Ordinance 2023-O-05F authorizing the issuance of “City of Marble Falls, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Taxable Series 2023C”; in an amount not to exceed \$1,020,000 for the construction of the Wastewater Treatment Plant Purple Pipe Expansion project (0% interest loan). *Jeff Lazenby, Director of Finance*

8. CITY MANAGER’S REPORT

- 9. EXECUTIVE SESSION. CLOSE OPEN SESSION AND CONVENE EXECUTIVE SESSION Pursuant to §551.071 (Private Consultation between the Council and its Attorney) of the Open Meetings Act. Tex. Gov’t Code, Council will meet in Executive Session to discuss the following: Council will meet in Executive Session to discuss the following:**

- Consultation with City Attorney regarding Outside City Water Source
- Consultation with City Attorney regarding Boundary Agreement

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 posted at City Hall, in a place readily accessible to the general public at all times, on the 11th day of May 2023 at 10:30 am and remained so posted for at least 72 continuous hours preceding the scheduled time of said meeting.



Christina McDonald, TRMC City Secretary

May 16, 2023

6. CONSENT AGENDA

- (a) Approval of the minutes of the May 2, 2023 regular meeting. *Christina McDonald,*
City Secretary
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**STATE OF TEXAS
COUNTY OF BURNET
CITY OF MARBLE FALLS**

On this the 2nd day of May 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.

PRESENT: Richard Westerman Mayor
Dave Rhodes Mayor Pro-Tem
William (Dee) Haddock Councilmember
Lauren Haltom Councilmember
Griff Morris Councilmember
Reed Norman Councilmember
Bryan Walker Councilmember

ABSENT: None

STAFF: Mike Hodge City Manager
Caleb Kraenzel Deputy City Manager
Russell Sander Assistant City Manager
Christina McDonald City Secretary
Patty Akers City Attorney
Jeff Lazenby Director of Finance
Kim Foutz Director of Development Services
Glenn Hanson Police Chief
Trisha Ratliff Assistant Chief of Police
Tommy Crane Interim Fire Chief
Coy Guenter Interim Assistant Fire Chief
Lacey Dingman Director of Parks and Recreation
James Kennedy Director of Public Works
Jay Everett Assistant Director of Public Works
Christian Fletcher Executive Director EDC
Erin Burks Downtown and Marketing Manager
Jeff Prato City Engineer
Victoria Ramirez HR Generalist
Hunter Cavalos Firefighter

VISITORS: Marley Porter, Russ Roper, Ryan Nash, Steve Nash, Terri Thompson (Air Evac), Johnny Campbell (Marble Falls Area EMS), Jarrod Metzgar (President/CEO Marble Falls Area Chamber of Commerce), Cheryl Westerman, Kaitlynn Williams, Tempe Fox, Karlee Cauble (Council Candidate), Mark McCary, Chris Pruitt (Patillo, Brown & Hill, LLC), John Davis (Council Candidate),

Josh robes (Roper Ranch), David Laurentz (1105 Lakeshore Dr), Timm Baumanmn, Randall Reese (Black Rock Industries), David and Jaylean Lloyd, Mike and Kathy Opatrny (Black Rock Industries)

1. **CALL TO ORDER AND ANNOUNCE QUORUM IS PRESENT.** Mayor Westerman called the meeting to order at 6:009 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 TO THE TEXAS FLAG.** Mayor Westerman led the pledges.
4. **UPDATES, PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS**
 - **Proclamation.** Mayor Westerman proclaimed May 7-13 Public Employees Appreciation Week.
 - **Update from the Marble Falls Highland Lakes Area Chamber of Commerce.** Jarrod Metzgar, President provided the update.
 - **Update from the Marble Falls Area EMS.** Johnny Campbell, Executive Director gave the update.
 - **Update from Air Evac.** Terri Thompson, Program Director provided the update.
5. **CITIZEN COMMENTS.** There were no citizen comments.
6. **CONSENT AGENDA.**
 - (a) **Approval of the April 18, 2023 meeting minutes.**
 - (b) **Approval of an amendment to an Escrow and Improvement Agreement with San Jacinto Holdings, LLC for Max Starcke Lot 2.**
 - (c) **Approval of Resolution 2023-R-05A approving and authorizing the Gregg Ranch Public Improvement District (Neighborhood Improvements Area #2) reimbursement agreement.**

Councilmember Norman made a motion to approve the consent agenda. The motion was seconded by Councilmember Haddock and carried by a vote of 7-0.

7. **REGULAR AGENDA.**
 - (a) **Public Hearing, Discussion, and Action on Ordinance 2023-O-05A regarding a Conditional Use Permit to allow for Apartments within the Transitional Residential District (TR) on Lot 4A, Holly Naumann Subdivision Number Three, City of Marble Falls, Burnet County, Texas. Municipally addressed as 1391 Max Copeland Dr.** Kim Foutz, Director of Development Services addressed Council. Councilmember Haltom stepped down from the dais, stating a conflict of interest. The City Secretary acknowledged a conflict affidavit was on file. Mayor Westerman opened the public

hearing. Developer Ryan Nash addressed Council. There being no further discussion, Mayor Westerman closed the public hearing and read the caption of the ordinance. Councilmember Norman made a motion to approve Ordinance 2023-O-05A with the condition that an amended plat application or separate instrument as applicable be submitted for the addition of the Floodway Management Area easement and trail easement. Mayor Pro-Tem Rhodes seconded the motion which carried by a vote of 6-0, with Councilmember Haltom abstaining.

(b) Public Hearing, Discussion, and Action on Ordinance 2023-O-05B regarding a rezoning request from General Commercial District (GC) to a Planned Development District, with base zoning of General Commercial District (GC) and 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 addressed Council. Mayor Westerman opened the public hearing. Marley Porter, Architect addressed Council. There being no further discussion, Mayor Westerman closed the public hearing and read the caption of the ordinance. Councilmember Norman made a motion to act favorably on Ordinance 2023-O-05B. Mayor Pro-Tem Rhodes seconded the motion. The motion carried by a vote of 5-2, with Councilmembers Walker and Haltom voting opposed.

(c) Public Hearing Discussion, and Action on Ordinance 2023-O-05C regarding a Floodplain Development Variance request for new residential construction to Section 5.2.3.B.2, Specific Standards for Flood Reduction, regarding the elevation of the lowest floor of a residential structure on Lot 29, Hays Addition, City of Marble Falls, Burnet County, Texas, municipally addressed as 908 Lakeshore Drive. Kim Foutz, Director of Development Services addressed Council. Mayor Westerman opened the public hearing. Tempe Fox, Steve Brown, PE and John Davis addressed Council. After much discussion, Mayor Westerman closed the public hearing and read the caption of the ordinance. It was noted that there must be six favorable votes for the Ordinance to be approved.

Mayor Pro-Tem Rhodes made a motion to approve the ordinance with no conditions. Councilmember Morris seconded the motion. Approval failed by a vote of 5-2, with Mayor Westerman and Councilmember Walker voting opposed.

Councilmember Walker moved to approve the ordinance with one condition, being that the property owner must provide all future buyers a full disclosure letter related to the home elevation. The motion was seconded by Councilmember Haltom. The motion failed by a vote of 5-2, with Mayor Westerman and Councilmember Morris being opposed.

Councilmember Haddock moved to approve the ordinance with all conditions stated in the ordinance. Councilmember Morris seconded the motion. The motion failed by a vote of 5-2, with Councilmember Norman and Walker voting opposed.

Councilmember Walker made a motion to act favorably on Ordinance 2023-O-04C with the additional condition that a full disclosure letter related to the home elevation be provided by the seller to all future property owners. The motion was seconded by Councilmember Morris. Approval failed by a vote of 5-2, with Councilmember Norman and Mayor Pro-Tem Rhodes being opposed.

Councilmember Norman made a motion to approve Ordinance 2023-O-04C with the conditions as presented. Councilmember Haltom seconded the motion. The motion carried by a vote of 6-1, with Councilmember Walker being opposed.

(d) Discussion and Action on the Second Reading of Ordinance 2023-O-04C amending the 2022/2023 Budget by altering revenues and expenditures for the General Fund, Utility Fund, Hotel/Motel Fund, Economic Development Corporation Fund, Hotel Conference Center Fund and General Improvements Fund. Jeff Lazenby, Director of Finance presented the item. Councilmember Norman made a motion to act favorably on Ordinance 2023-O-04C. Councilmember Haddock seconded the motion. The motion carried by a vote of 7-0.

(e) Presentation, Discussion, and Action on the acceptance of the Fiscal Year 2021/2022 Annual Comprehensive Financial Report. Jeff Lazenby, Director of Finance introduced Chris Pruitt (Pattillo, Brown & Hill) who gave the presentation. Councilmember Haddock made a motion to accept the FY 2021/2022 audit as presented. Councilmember Norman seconded the motion. The motion carried by a unanimous vote (7-0).

(f) Discussion and Action on the award and execution of a construction agreement with Black Rock Industries, Inc., in an amount not to exceed \$1,150,821.74, to perform all work required for the construction of the Rehabilitation of Avenue Q Project and authorize the City Manager to execute the agreement. Jeff Prato, City Engineer led the discussion. Councilmember Haddock moved to award and execute the construction agreement and authorize the City Manager to execute the agreement. Councilmember Norman seconded the motion. The motion carried by a vote of 7-0.

8. CITY MANAGER'S REPORT. City Manager Mike Hodge did not provide a report.

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 §551.074 (*Deliberation Regarding the Appointment, Employment, Employment Evaluation, Reassignment, Duties, discipline or Dismissal of a Public Officer or Employee or to Hear a*

Complaint or Charge Against an Officer or Employee) of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to discuss the following:

- Consultation with City Attorney regarding the City's authority to regulate land use/mining activity
- Discussion regarding the acquisition of Park Land
- Discussion regarding School Resource Officer positions

9:05 pm Council convened to Executive Session

9:40 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 draft agenda for the May 16 regular meeting was reviewed.

12. ADJOURNMENT. There being no further business to discuss, Councilmember Norman motioned to adjourn. Councilmember Haddock seconded the motion. The meeting was adjourned at 9:45 pm.

Richard Westerman, Mayor

ATTEST:

**Christina McDonald, TRMC
City Secretary**

May 16, 2023

6. CONSENT AGENDA

- (b) Approval of Resolution 2023-R-05E authorizing the publication of a notice of intention to issue “City of Marble Falls, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Series 2023D”, in an aggregate principal amount not to exceed \$23,415,000. *Jeff Lazenby, Director of Finance*
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**Council Agenda Item Cover Memo
May 16, 2023**

Agenda Item No.: 6(b)
Presenter: Jeff Lazenby, Director of Finance
Department: Finance
Legal Review:

AGENDA CAPTION

Approval of Resolution 2023-R-05E authorizing the publication of a Notice of Intention to Issue "City of Marble Falls, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Series 2023D", in an aggregate principal amount not to exceed \$23,415,000.

BACKGROUND INFORMATION

This item authorizes the publication of a Notice of Intention to Issue Combination Tax and Surplus Revenue Certificates of Obligation ("COs") in the principal amount not to exceed \$23,415,000. The City Council will consider the authorization of the COs at the August 1, 2023 Council meeting.

State law requires that this notice be posted on the City's website and published in the local paper at least 45 days, in two consecutive weeks, before Council may authorize the issuance of the COs.

The proceeds of the COs will finance the current year projects in the City's approved Capital Improvement Plan (CIP) and will be used for the following purposes: purpose of paying contractual obligations of the City to be incurred for (1) the planning, acquisition, design, construction, extension, and improvement of City roads and streets including Nature Height Drive; (2) planning, acquisition, design, construction, extension, improvement, and maintenance of City-wide highway, roads, and streets, including traffic signalization improvements, and the acquisition of rights-of-way and easements therefor, including Main Street and Highway 281, Manzano Mile, the intersection of Highways 1431 and 281, and Avenue Q; (3) construction, expansion, improving, and maintenance of sidewalks including in Pecan Valley Neighborhood (4) construction, expansion, renovation, and equipping of Fire Station #1; (5) construction, improvement, equipping and maintenance of telecommunications and wireless communications facilities including Mustang GST Radio Tower; and (6) planning, acquisition, design, construction, extension, and equipping of certain improvements to the City's water and wastewater facilities including wastewater treatment plant design, pump stations, groundwater prospecting systems, design of purple pipe extensions, and the design of direct potable

reuse systems; and (7) costs of financing the aforementioned project (including related professional services and costs of issuance).

This list of projects is shown in the following table.

Bond Sale	General Fund	Utility Fund	Grand Total
Projects			
Nature Height Drive Extension (Construction)	\$6,500,000		\$6,500,000
Fire Station #1 Renovation	\$1,500,000		\$1,500,000
Main Street and 281 Entry Feature	\$450,000		\$450,000
Manzano Mile (Pavement Maintenance)	\$450,000		\$450,000
1431/281 Intersection Project	\$430,000		\$430,000
Pecan Valley Project (Design & Grant Match)	\$90,000		\$90,000
Avenue Q Reconstruction	\$1,300,000		\$1,300,000
(WW08) Wastewater Treatment Plant (WWTP) Design		\$450,000	\$450,000
(WT13) Gateway Pump Station		\$50,000	\$50,000
(WT26) Ground Water Prospecting Project		\$7,000,000	\$7,000,000
(WT28) Mustang Ground Storage Tank and Pump Station Construction		\$3,520,000	\$3,520,000
Mustang Ground Storage Tank Radio Tower		\$500,000	\$500,000
(WW02) WWTP Purple Pipe Expansion (Design)		\$1,073,700	\$1,073,700
(WW11) WWTP Direct Potage Reuse (Design)		\$100,000	\$100,000
Total	\$10,720,000	\$12,693,700	\$23,413,700

STAFF RECOMMENDATION

Staff recommends approval of Resolution 2023-R-05E.

Attachment:

Resolution No. 2023-R-05E

Exhibit "A"

**NOTICE OF INTENTION TO ISSUE
COMBINATION TAX AND SURPLUS REVENUE
CERTIFICATES OF OBLIGATION, SERIES 2023D**

NOTICE IS HEREBY GIVEN that the City Council of the City of Marble Falls, Texas, will convene at the City Council Chambers, 800 3rd Street, Marble Falls, Texas at 6:00 p.m. on Tuesday, August 1, 2023, and, during such meeting, the City Council will consider passage of an ordinance and take such other actions as may be deemed necessary to authorize the issuance of combination tax and surplus revenue certificates of obligation in an aggregate principal amount not to exceed \$23,415,000 for the purpose of paying contractual obligations of the City to be incurred for (1) the planning, acquisition, design, construction, extension, and improvement of City roads and streets including Nature Height Drive; (2) planning, acquisition, design, construction, extension, improvement, and maintenance of City-wide highway, roads, and streets, including traffic signalization improvements, and the acquisition of rights-of-way and easements therefor, including Main Street and Highway 281, Manzano Mile, the intersection of Highways 1431 and 281, and Avenue Q; (3) construction, expansion, improving, and maintenance of sidewalks including in Pecan Valley Neighborhood (4) construction, expansion, renovation, and equipping of Fire Station #1; (5) construction, improvement, equipping and maintenance of telecommunications and wireless communications facilities including Mustang GST Radio Tower; and (6) planning, acquisition, design, construction, extension, and equipping of certain improvements to the City's water and wastewater facilities including wastewater treatment plant design, pump stations, groundwater prospecting systems, design of purple pipe extensions, and the design of direct potable reuse systems; and (7) costs of financing the aforementioned projects (including related professional services and costs of issuance). The certificates of obligation will be payable from the levy of an annual ad valorem tax, within the limitations prescribed by law, upon all taxable property within the City and a pledge of the surplus net revenues of the City's water and sewer systems. The certificates of obligation are to be issued, and this notice is given, under and pursuant to the provisions of the Certificate of Obligation Act of 1971, as amended, Local Government Code, Section 271.041, et seq.

As further required by Local Government Code Section 271.049(b)(4), the following additional information is provided:

- (A) The current principal of all outstanding debt obligations of the City is \$72,680,000.
- (B) The current combined principal and interest required to pay all outstanding debt obligations of the City on time and in full is \$84,650,022.22.
- (C) The maximum principal amount of the certificates to be authorized is \$23,415,000.
- (D) The estimated combined principal and interest required to pay the certificates to be authorized on time and in full is approximately \$36,182,925.
- (E) The maximum interest rate for the certificates may not exceed 15%, which is the maximum legal interest rate.
- (F) The maximum maturity date of the certificates to be authorized is February 1, 2043.

Pursuant to Texas Local Government Code Section 271.049(c), an election on the question of the issuance of the certificates will be called if before the time tentatively set for the authorization and issuance or if before the authorization of the certificates, the City Secretary receives a petition signed by at least five percent of the qualified voters of the City protesting the issuance of the certificates, the City may not issue the certificates unless the issuance is approved at an election ordered, held and conducted in the manner provided for bond elections under Chapter 1251, Government Code.

/s/ Richard Westerman
Mayor, City of Marble Falls, Texas

May 16, 2023

6. CONSENT AGENDA

- (c) Approval of Resolution 2023-R-05F declaring the City of Marble Falls official intent to Finance Expenditures to be Incurred by the City (Certificates of Obligation). *Jeff Lazenby, Director of Finance*
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**Council Agenda Item Cover Memo
May 16, 2023**

Agenda Item No.: 6(c)
Presenter: Jeff Lazenby, Director of Finance
Department: Finance
Legal Review:

AGENDA CAPTION

Approval of Resolution No. 2023-R-05F declaring the City of Marble Falls official intent to Finance Expenditures to be Incurred by the City (Certificates of Obligation).

BACKGROUND INFORMATION

In connection with the City's planned issuance of approximately \$23,415,000 in Certificates of Obligation (the "Certificates"), the City anticipates it will need to expend funds prior to issuing the Certificates. Both Texas and federal law will permit the City to reimburse itself from the proceeds of the Certificates only if it has passed a resolution indicating that it intends to reimburse such funds from the Certificates to be issued at a later date.

The City anticipates that the cost for (1) the planning, acquisition, design, construction, extension, and improvement of City roads and streets including Nature Height Drive; (2) planning, acquisition, design, construction, extension, improvement, and maintenance of City-wide highway, roads, and streets, including traffic signalization improvements, and the acquisition of rights-of-way and easements therefor, including Main Street and Highway 281, Manzano Mile, the intersection of Highways 1431 and 281, and Avenue Q; (3) construction, expansion, improving, and maintenance of sidewalks including in Pecan Valley Neighborhood (4) construction, expansion, renovation, and equipping of Fire Station #1; (5) construction, improvement, equipping and maintenance of telecommunications and wireless communications facilities including Mustang GST Radio Tower; and (6) planning, acquisition, design, construction, extension, and equipping of certain improvements to the City's water and wastewater facilities including wastewater treatment plant design, pump stations, groundwater prospecting systems, design of purple pipe extensions, and the design of direct potable reuse systems will be approximately \$23,415,000.

The passage of the resolution will give the City the greatest flexibility if it needs to expend funds prior to the issuance of the Certificates.

STAFF RECOMMENDATION

Staff recommends approval of Resolution No. 2023-R-05F.

Attachment:

Resolution No. 2023-R-05F

RESOLUTION NO. 2023-R-05F

RESOLUTION EXPRESSING INTENT TO FINANCE EXPENDITURES TO BE INCURRED BY THE CITY OF MARBLE FALLS, TEXAS

WHEREAS, the City of Marble Falls, Texas (the “Issuer” or “City”) is a home rule municipality and political subdivision of the State of Texas authorized to issue obligations to finance its activities pursuant to the Certificate of Obligation Act of 1971, TEXAS LOCAL GOVERNMENT CODE, §§ 271.041, et seq.;

WHEREAS, the Issuer will make, or has made not more than 60 days prior to the date hereof, payments with respect to the project listed on Exhibit “A” attached hereto;

WHEREAS, the Issuer desires to reimburse itself for the costs associated with the project listed on Exhibit “A” attached hereto from the proceeds of the obligations to be issued subsequent to the date hereof; and,

WHEREAS, the Issuer reasonably expects to issue obligations to reimburse itself for the costs associated with the project listed on Exhibit “A” attached hereto.

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1. The Issuer reasonably expects to reimburse itself for all costs that have been or will be paid subsequent to the date that are 60 days prior to the date hereof and that are to be paid in connection with the project listed on Exhibit “A” (the “Project”) attached hereto from the proceeds of obligations to be issued subsequent to the date hereof.

Section 2. This Resolution is also made to evidence the intent of the Issuer to make such reimbursements under Section 1201.042, Texas Government Code.

Section 3. The Issuer reasonably expects that the maximum principal amount of obligations issued to reimburse the Issuer for the costs associated with the projects listed on Exhibit “A” attached hereto will not exceed \$23,415,000.

Section 4. The Issuer intends to reimburse the expenditures hereunder not later than 18 months after the later of the date the original expenditure is paid or the date the projects are placed in service or abandoned, but in no event more than three years after the original expenditure is paid unless the project for which the expenditure is paid is a construction project for which the Issuer and a licensed architect or engineer have certified on Exhibit “A” that at least five years are necessary to complete the project in which event the maximum reimbursement period is five years after the date of the original expenditure.

ADOPTED this 16th day of May, 2023.

CITY OF MARBLE FALLS, TEXAS

By: _____
Richard Westerman, Mayor

ATTEST:

Christina McDonald, City Secretary

[CITY SEAL]

EXHIBIT "A"

DESCRIPTION OF PROJECTS

(1) the planning, acquisition, design, construction, extension, and improvement of City roads and streets including Nature Height Drive; (2) planning, acquisition, design, construction, extension, improvement, and maintenance of City-wide highway, roads, and streets, including traffic signalization improvements, and the acquisition of rights-of-way and easements therefor, including Main Street and Highway 281, Manzano Mile, the intersection of Highways 1431 and 281, and Avenue Q; (3) construction, expansion, improving, and maintenance of sidewalks including in Pecan Valley Neighborhood (4) construction, expansion, renovation, and equipping of Fire Station #1; (5) construction, improvement, equipping and maintenance of telecommunications and wireless communications facilities including Mustang GST Radio Tower; and (6) planning, acquisition, design, construction, extension, and equipping of certain improvements to the City's water and wastewater facilities including wastewater treatment plant design, pump stations, groundwater prospecting systems, design of purple pipe extensions, and the design of direct potable reuse systems.

Such financing to be in an amount not to exceed \$23,415,000 will be made.

May 16, 2023

6. CONSENT AGENDA

- (d) Approval of Resolution 2023-R-05G authorizing the publication of a notice of intention to issue “City of Marble Falls, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Series 2023E”, in an aggregate principal amount not to exceed \$2,000,000. *Jeff Lazenby, Director of Finance*
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**Council Agenda Item Cover Memo
May 16, 2023**

Agenda Item No.: 6(d)
Presenter: Jeff Lazenby, Director of Finance
Department: Finance
Legal Review:

AGENDA CAPTION

Approval of Resolution 2023-R-05G authorizing the publication of a Notice of Intention to Issue "City of Marble Falls, Texas Certificates of Obligation, Series 2023E", in an aggregate principal amount not to exceed \$2,000,000.

BACKGROUND INFORMATION

This item authorizes the publication of a Notice of Intention to Issue Certificates of Obligation ("COs") in the principal amount not to exceed \$2,000,000. The City Council will consider the authorization of the COs at the August 1, 2023 Council meeting.

State law requires that this notice be posted on the City's website and published in the local paper at least 45 days, in two consecutive weeks, before Council may authorize the issuance of the COs.

The proceeds of the COs will be used for the following purposes: (1) the acquisition of land for a new City Hall; and (2) costs of financing the aforementioned project (including related professional services and costs of issuance).

STAFF RECOMMENDATION

Staff recommends approval of Resolution 2023-R-05G.

Attachment:

Resolution No. 2023-R-05G

RERESOLUTION NO. 2023-R-05G
RESOLUTION AUTHORIZING PUBLICATION
OF NOTICE OF INTENTION TO ISSUE
CERTIFICATES OF OBLIGATION, SERIES 2023E

THE STATE OF TEXAS §
COUNTY OF BURNET §
CITY OF MARBLE FALLS §

WHEREAS, the City Council of the City of Marble Falls, Texas (the “City Council”) deems it advisable to give notice of intention to issue certificates of obligation of said City, as hereinafter provided; and

WHEREAS, it is officially found and determined that the meeting at which this Resolution has been considered and acted upon was open to the public and public notice of the time, place and subject of said meeting was given, all as required by Chapter 551, Texas Government Code, as amended;

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

Section 1. FORM OF NOTICE. Attached hereto and marked Exhibit "A" is a form of Notice of Intention to Issue Certificates of Obligation, Series 2023E, the form and substance of which are hereby adopted and approved.

Section 2. PUBLICATION OF NOTICE. Said Notice shall be published, in substantially the form attached hereto, in a newspaper, as defined in Subchapter C of Chapter 2051, Texas Government Code, of general circulation in said City once a week for two consecutive weeks, the date of the first publication thereof to be at least forty-five (45) days prior to the date tentatively set for passage of the ordinance authorizing the issuance of such certificates.

Section 3. POSTING OF NOTICE ON WEBSITE. Further, said Notice shall be posted in substantially the form attached hereto continuously on the City’s website for at least forty-five (45) days prior to the date tentatively set for passage of the ordinance authorizing the issuance of such certificates.

PASSED AND APPROVED THIS 16TH DAY OF MAY, 2023.

Richard Westerman, Mayor

ATTEST:

Christina McDonald, City Secretary

[CITY SEAL]

Exhibit "A"

**NOTICE OF INTENTION TO ISSUE
CERTIFICATES OF OBLIGATION, SERIES 2023E**

NOTICE IS HEREBY GIVEN that the City Council of the City of Marble Falls, Texas, will convene at the City Council Chambers, 800 3rd Street, Marble Falls, Texas at 6:00 p.m. on Tuesday, August 1, 2023, and, during such meeting, the City Council will consider passage of an ordinance and take such other actions as may be deemed necessary to authorize the issuance of certificates of obligation in an aggregate principal amount not to exceed \$2,000,000 for the purpose of (1) the acquisition of land for a new City Hall; and (2) costs of financing the aforementioned project (including related professional services and costs of issuance). The certificates of obligation will be payable from a pledge of the surplus net revenues of the City's water and sewer systems. The certificates of obligation are to be issued, and this notice is given, under and pursuant to the provisions of the Certificate of Obligation Act of 1971, as amended, Local Government Code, Section 271.041, et seq.

As further required by Local Government Code Section 271.049(b)(4), the following additional information is provided:

- (A) The current principal of all outstanding debt obligations of the City is \$72,680,000.
- (B) The current combined principal and interest required to pay all outstanding debt obligations of the City on time and in full is \$84,650,022.22.
- (C) The maximum principal amount of the certificates to be authorized is \$2,000,000.
- (D) The estimated combined principal and interest required to pay the certificates to be authorized on time and in full is approximately \$2,967,512.50.
- (E) The maximum interest rate for the certificates may not exceed 15%, which is the maximum legal interest rate.
- (F) The maximum maturity date of the certificates to be authorized is February 1, 2043.

Pursuant to Texas Local Government Code Section 271.049(c), an election on the question of the issuance of the certificates will be called if before the time tentatively set for the authorization and issuance or if before the authorization of the certificates, the City Secretary receives a petition signed by at least five percent of the qualified voters of the City protesting the issuance of the certificates, the City may not issue the certificates unless the issuance is approved at an election ordered, held and conducted in the manner provided for bond elections under Chapter 1251, Government Code.

/s/ Richard Westerman
Mayor, City of Marble Falls, Texas

May 16, 2023

7. REGULAR AGENDA

- (a) Discussion and Action on Resolution 2023-R-05B canvassing the returns and declaring the results of the General Election held on May 6, 2023. *Christina McDonald, City Secretary*
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**Council Agenda Item Cover Memo
May 16, 2023**

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

AGENDA CAPTION

Discussion and Action on Resolution 2023-R-05B canvassing the returns and declaring the results of the General Election held on May 6, 2023.

BACKGROUND INFORMATION

The canvass is simply an examination by the City Council of the returns and the votes cast in the May 6, 2023 General Election as submitted by the Burnet County Election Administrator.

The canvassing materials and resolution will be provided at the Council Meeting. At that time, the Council will review the returns and approve the resolution to make the results of the election official.

STAFF RECOMMENDATION

Approval of Resolution 2023-R-05B.

May 16, 2023

7. REGULAR AGENDA

(b) Issuance of Certificates of Election. *Mayor Richard Westerman*



**Council Agenda Item Cover Memo
May 16, 2023**

Agenda Item No.: 7(b)
Presenter: Richard Westerman, Mayo
Department: Administration
Legal Review:

AGENDA CAPTION

Issuance of Certificates of Election.

BACKGROUND INFORMATION

Mayor Westerman will issue Certificates of Election to the successful candidates in the May 6, 2023 General Election.

STAFF RECOMMENDATION

No action is required by Council.

May 16, 2023

7. REGULAR AGENDA

- (c) Recognition of Mayor Richard Westerman and Councilmember Reed Norman.
Mayor Elect Dave Rhodes and Mayor Richard Westerman
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**Council Agenda Item Cover Memo
May 16, 2023**

Agenda Item No.: 7(c)

Presenter: Mayor Election Dave Rhodes and Mayor Richard Westerman

Department: Administration

Legal Review:

AGENDA CAPTION

Recognition of Mayor Richard Westerman and Councilmember Reed Norman.

BACKGROUND INFORMATION

Outgoing Mayor Richard Westerman and Councilmember Reed Norman will be recognized for their service.

STAFF RECOMMENDATION

No action is required by Council.

May 16, 2023

7. REGULAR AGENDA

(d) Administration of Oaths of Office to the successful candidates in the May 6, 2023 election. *Christina McDonald, City Secretary*



**Council Agenda Item Cover Memo
May 16, 2023**

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

AGENDA CAPTION

Administration of Oaths of Office to the successful candidates in the May 6, 2023 election.

BACKGROUND INFORMATION

The City Secretary will administer Oaths of Office to the Mayor and Councilmembers elect.

Upon administration of the oaths, the newly elected Mayor and Councilmembers will take their respective seats on the dais.

STAFF RECOMMENDATION

No action is required by Council.

May 16, 2023

7. REGULAR AGENDA

(e) Discussion and Action on the election of a Mayor Pro-Tem. *Christina McDonald,*
City Secretary



**Council Agenda Item Cover Memo
May 16, 2023**

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

AGENDA CAPTION

Discussion and Action on the election of a Mayor Pro-Tem.

BACKGROUND INFORMATION

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

STAFF RECOMMENDATION

Staff recommends Council elect a Mayor Pro-Tem to serve until the next regular election.

May 16, 2023

7. REGULAR AGENDA

- (f) Discussion and Action on Ordinance No. 2023-O-05D authorizing the issuance of “City of Marble Falls, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Taxable Series 2023A”; in an amount not to exceed \$995,000 for the Wastewater Treatment Plant Direct Potable Reuse (DPR) project (0% interest loan). *Jeff Lazenby, Director of Finance*
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**Council Agenda Item Cover Memo
May 16, 2023**

Agenda Item No.: 7(f)
Presenter: Jeff Lazenby, Director of Finance
Department: Finance
Legal Review:

AGENDA CAPTION

Discussion and Action on Ordinance No. 2023-O-05D authorizing the issuance of “City of Marble Falls, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Taxable Series 2023A”; in an amount not to exceed \$995,000 for the Wastewater Treatment Plant Direct Potable Reuse (DPR) project (0% interest loan).

BACKGROUND INFORMATION

The City Council, on March 21, 2023, authorized the publication of notice of its intent to issue certificates of obligation (the “Certificates”) in an amount not to exceed \$995,000 for the financing of: (1) the planning and design of certain improvements to the City’s wastewater system, such improvements being identified as Texas Water Development Board (TWDB) Project No. 73917, which is the DPR project; and (2) costs of financing the aforementioned project (including related professional services and costs of issuance). The total amount of the loan for the DPR project is \$1,488,000 with \$995,000 as the loan portion and \$493,000 as the principal forgiveness (grant) portion. The principal forgiveness portion will be considered as a separate agenda item at the Council meeting.

The notice specified that the City Council would consider the adoption of an ordinance for the issuance of the Certificates at the May 16, 2023 meeting. This item is for the consideration of that ordinance.

As stated in the notice, the Certificates will be for an amount not to exceed \$995,000. Pricing of the Certificates is scheduled for May 16, 2023, prior to the Council meeting. The City’s Financial Advisor will be present at the May 16th meeting to present the final pricing of the Certificates, as well as their recommendation for approval of the issuance of the Certificates.

STAFF RECOMMENDATION

Staff recommends approval of Ordinance No. 2023-O-05D.

Ordinance No. 2023-O-05D -
<https://marblefallstx.gov/DocumentCenter/View/8539/7fOrd-2023-O-05D>

May 16, 2023

7. REGULAR AGENDA

(g) Approval of Resolution 2023-R-05C authorizing the Mayor to execute an agreement with the Texas Water Development Board for principal forgiveness in the amount of \$493,000 for the Wastewater Treatment Plant Direct Potable Reuse (DPR) project. *Jeff Lazenby, Director of Finance*



**Council Agenda Item Cover Memo
May 16, 2023**

Agenda Item No.: 7(g)
Presenter: Jeff Lazenby, Director of Finance
Department: Finance
Legal Review:

AGENDA CAPTION

Approval of Resolution 2023-R-05C authorizing the Mayor to execute an agreement with the Texas Water Development Board for principal forgiveness in the amount of \$493,000 for the Wastewater Treatment Plant Direct Potable Reuse (DPR) project.

BACKGROUND INFORMATION

The Texas Water Development Board ("TWDB") has approved a commitment to provide financial assistance in the form of a Principal Forgiveness Agreement in the amount of \$493,000 to the City to finance the following projects: (1) the planning and design of certain improvements to the City's wastewater system, such improvements being identified as Texas Water Development Board Project No. 73917, which is the Direct Potable Reuse project; and (2) costs of financing the aforementioned project (including related professional services and costs of issuance). The Principal Forgiveness Agreement is in addition to the Combination Tax and Surplus Revenue Certificates of Obligation, Taxable Series A, (in the amount of \$995,000) that are being approved as a separate agenda item at the Council meeting.

This Resolution authorizes the Mayor to execute the Principal Forgiveness Agreement as necessary to carry out the terms and conditions of the agreement.

STAFF RECOMMENDATION

Staff recommends approval of Resolution 2023-R-05C.

Attachment:

Resolution No. 2023-R-05C

CITY OF MARBLE FALLS, TEXAS
RESOLUTION NO. 2023-R-05C

Authorized Representative Agreement Execution Resolution

A RESOLUTION by the City of Marble Falls, Texas (the “City”) authorizing Dave Rhodes, Mayor of the City, the Designated Representative of the City, to execute an agreement with the Texas Water Development Board for funding in the amount of \$493,000.

WHEREAS, the Texas Water Development Board (“TWDB”) made a commitment to provide financial assistance in the form of principal forgiveness in the amount of \$493,000 to the City to finance a project, to wit: (1) the planning and design of certain improvements to the City’s wastewater system, such improvements being identified as Texas Water Development Board Project No. 73917; and (2) costs of financing the aforementioned project (including related professional services and costs of issuance), upon execution of a principal forgiveness agreement; therefore

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

SECTION 1. Approval of Agreement. The agreement setting out the terms and conditions of the financial assistance between the Texas Water Development Board and the City is approved and the City’s Designated Representative is authorized to execute the agreement on behalf of the City.

SECTION 2. Effective Date. This Resolution shall become effective immediately after its adoption.

PASSED AND APPROVED, this the 16th day of May, 2023.

ATTEST: _____ By: _____
Christina McDonald Dave Rhodes
City Secretary, City of Marble Falls Mayor, City of Marble Falls

(City Seal)

May 16, 2023

7. REGULAR AGENDA

- (h) Approval of Resolution 2023-R-05D authorizing the Mayor to execute an agreement with the Texas Water Development Board for principal forgiveness in the amount of \$1,630,859 for the construction of the Wastewater Treatment Plant Purple Pipe Expansion project. *Jeff Lazenby, Director of Finance*
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**Council Agenda Item Cover Memo
May 16, 2023**

Agenda Item No.: 7(h)
Presenter: Jeff Lazenby, Director of Finance
Department: Finance
Legal Review:

AGENDA CAPTION

Approval of Resolution 2023-R-05D authorizing the Mayor to execute an agreement with the Texas Water Development Board for principal forgiveness in the amount of \$1,630,859 for the construction of the Wastewater Treatment Plant Purple Pipe Expansion project.

BACKGROUND INFORMATION

The Texas Water Development Board ("TWDB") has approved a commitment to provide financial assistance in the form of a Principal Forgiveness Agreement in the amount of \$1,630,859 to the City to finance the following project: (1) the construction of certain improvements to the City's wastewater system, such improvements being identified as Texas Water Development Board Project No. 73928, which is the Purple Pipe Expansion project; and (2) costs of financing the aforementioned project (including related professional services and costs of issuance). The Principal Forgiveness Agreement is in addition to the Combination Tax and Surplus Revenue Certificates of Obligation, Series B (in the amount of \$1,650,000 and Combination Tax and Surplus Revenue Certificates of Obligation, Taxable Series C (in the amount of \$1,020,000), that are being approved as separate agenda items at the Council meeting.

This Resolution authorizes the Mayor to execute the Principal Forgiveness Agreement as necessary to carry out the terms and conditions of the agreement.

STAFF RECOMMENDATION

Staff recommends approval of Resolution 2023-R-05D.

Attachment:

Resolution No. 2023-R-05D

CITY OF MARBLE FALLS, TEXAS
RESOLUTION NO. 2023-R-05D

Authorized Representative Agreement Execution Resolution

A RESOLUTION by the City of Marble Falls, Texas (the “City”) authorizing Dave Rhodes, Mayor of the City, the Designated Representative of the City, to execute an agreement with the Texas Water Development Board for funding in the amount of \$1,630,859.

WHEREAS, the Texas Water Development Board (“TWDB”) made a commitment to provide financial assistance in the form of principal forgiveness in the amount of \$1,630,859 to the City to finance a project, to wit: (1) the construction of certain improvements to the City’s wastewater system, such improvements being identified as Texas Water Development Board Project No. 73928; and (2) costs of financing the aforementioned project (including related professional services and costs of issuance), upon execution of a principal forgiveness agreement; therefore

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

SECTION 1. Approval of Agreement. The agreement setting out the terms and conditions of the financial assistance between the Texas Water Development Board and the City is approved and the City’s Designated Representative is authorized to execute the agreement on behalf of the City.

SECTION 2. Effective Date. This Resolution shall become effective immediately after its adoption.

PASSED AND APPROVED, this the 16th day of May, 2023.

ATTEST: _____ By: _____
Christina McDonald Dave Rhodes
City Secretary, City of Marble Falls Mayor, City of Marble Falls

(City Seal)

May 16, 2023

7. REGULAR AGENDA

- (i) Discussion and Action on Ordinance 2023-O-05E authorizing the issuance of “City of Marble Falls, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Series 2023B”; in an amount not to exceed \$1,650,000 for the design of the Wastewater Treatment Plant Purple Pipe Expansion project (maximum interest rate of 2.48%). *Jeff Lazenby, Director of Finance*
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Council Agenda Item Cover Memo May 16, 2023

Agenda Item No.: 7(i)
Presenter: Jeff Lazenby, Director of Finance
Department: Finance
Legal Review:

AGENDA CAPTION

Discussion and Action on Ordinance 2023-O-05E authorizing the issuance of “City of Marble Falls, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Series 2023B”; in an amount not to exceed \$1,650,000 for the design of the Wastewater Treatment Plant Purple Pipe Expansion project (maximum interest rate of 2.48%).

BACKGROUND INFORMATION

The City Council, on March 21, 2023, authorized the publication of notice of its intent to issue certificates of obligation (the “Certificates”) in an amount not to exceed \$1,650,000 for the financing of: (1) the constructions of certain improvements to the City’s wastewater system, such improvements being identified as Texas Water Development Board Project No. 73928, which is the Purple Pipe Expansion project; and (2) costs of financing the aforementioned project (including related professional services and costs of issuance).

The notice specified that the City Council would consider the adoption of an ordinance for the issuance of the Certificates at the May 16, 2023 meeting. This item is for the consideration of that ordinance.

As stated in the notice, the Certificates will be for an amount not to exceed \$1,650,000. Pricing of the Certificates is scheduled for May 16, 2023, prior to the Council meeting. The City’s Financial Advisor will be present at the May 16th meeting to present the final pricing of the Certificates, as well as their recommendation for approval of the issuance of the Certificates.

STAFF RECOMMENDATION

Staff recommends approval of Ordinance 2023-O-05E.

Ordinance No. 2023-O-05E

<https://marblefallstx.gov/DocumentCenter/View/8540/7iOrd-2023-O-05E>

May 16, 2023

7. REGULAR AGENDA

- (j) Discussion and Action on Ordinance 2023-O-05F authorizing the issuance of “City of Marble Falls, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Taxable Series 2023C”; in an amount not to exceed \$1,020,000 for the construction of the Wastewater Treatment Plant Purple Pipe Expansion project (0% interest loan). *Jeff Lazenby, Director of Finance*
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**Council Agenda Item Cover Memo
May 16, 2023**

Agenda Item No.: 7(j)
Presenter: Jeff Lazenby, Director of Finance
Department: Finance
Legal Review:

AGENDA CAPTION

Discussion and Action on Ordinance 2023-O-05F authorizing the issuance of “City of Marble Falls, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Taxable Series 2023C”; in an amount not to exceed \$1,020,000 for the construction of the Wastewater Treatment Plant Purple Pipe Expansion project (0% interest loan).

BACKGROUND INFORMATION

The City Council, on March 21, 2023, authorized the publication of notice of its intent to issue certificates of obligation (the “Certificates”) in an amount not to exceed \$1,020,000 for the financing of: (1) the constructions of certain improvements to the City’s wastewater system, such improvements being identified as Texas Water Development Board Project No. 73928, which is the Wastewater Treatment Plant Purple Pipe Expansion project; and (2) costs of financing the aforementioned project (including related professional services and costs of issuance). The total amount of the loan for the construction of the Purple Pipe Expansion project is \$2,650,859 with \$1,020,000 as the loan portion and \$1,630,859 as the principal forgiveness (grant) portion. The principal forgiveness portion will be considered as a separate agenda item at the Council meeting.

The notice specified that the City Council would consider the adoption of an ordinance for the issuance of the Certificates at the May 16, 2023 meeting. This item is for the consideration of that ordinance.

As stated in the notice, the Certificates will be for an amount not to exceed \$1,020,000. Pricing of the Certificates is scheduled for May 16, 2023, prior to the Council meeting. The City’s Financial Advisor will be present at the May 16th meeting to present the final pricing of the Certificates, as well as their recommendation for approval of the issuance of the Certificates.

STAFF RECOMMENDATION

Staff recommends approval of Ordinance 2023-O-05F.
Ordinance No. 2023-O-05F
<https://marblefallstx.gov/DocumentCenter/View/8541/7j-Ord-2023-O-05F>



**City of Marble Falls, Texas
Council Agenda Item Cover Memo
May 16, 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*) of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to discuss the following: Council will meet in Executive Session to discuss the following:

- Consultation with City Attorney regarding Outside City Water Source
- Consultation with City Attorney regarding Boundary Agreement

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