



**NOTICE OF MEETING
GOVERNING BODY OF MARBLE FALLS, TEXAS
Tuesday, May 19, 2020 – 6:00 pm**

A quorum of the Marble Falls Economic Development Corporation
and the Planning & Zoning Commission may be present

Notice is hereby given that on the 19th day of May 2020 the Marble Falls City Council will meet in regular session at 6:00 pm at the Lakeside Pavilion located at 307 Buena Vista Drive, 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**
 - Proclamation – Public Service Recognition Week (May 3-9, 2020)
- 5. CITIZEN COMMENTS.** *This is an opportunity for citizens to address the City Council concerning an issue of community interest that is not on the agenda. Comments on a specific agenda item must be made when the agenda item comes before the Council. The Mayor may place a time limit on all comments. Any deliberation of an issue raised during Citizen Comments is limited to a statement of fact regarding the item; a statement concerning the policy regarding the item or a proposal to place the item on a future agenda.*
- 6. CONSENT AGENDA.** *The items listed are considered to be routine and non-controversial by the Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which case the item will be removed from the Consent Agenda prior to a motion and vote. The item will be considered in its normal sequence on the Regular Agenda.*
 - (a) Approval of the minutes of the May 5, 2020 regular meeting. *Christina McDonald, City Secretary*
 - (b) Approval of the appointments of Mark Mayfield, Ryan Nash and John Packer to the Marble Falls Economic Development Corporation. *Christina McDonald, City Secretary*

- (c) Approval of the appointment of William (Dee) Haddock to fill the unexpired term of Place 3 on the Planning and Zoning Commission. *Christina McDonald, City Secretary*
- (d) Approval of Resolution 2020-R-05A, a resolution allowing for the submission of an application to the Office of the Governor's Criminal Justice Division for a Coronavirus Emergency Supplemental Funding (CESF) Program Grant to obtain funds to prevent, prepare for and respond to the Coronavirus. *Glenn Hanson, Assistant Police Chief*
- (e) Approval of the Impact Fee Advisory Committee's Semiannual Report for the period ending March 2020. *Valerie Kreger, 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 2020-O-05C regarding a Conditional Use Permit to allow for single family detached use within the Neighborhood Commercial (NC) District, Lot 1, Pleasant Valley Estates, City of Marble Falls, Burnet County, Texas. *Valerie Kreger, Director of Development Services*
- (b) Discussion and Action on the Second Reading of Ordinance 2020-O-05B amending the 2019/2020 Budget of the General Fund, Special Revenue Fund, Parks Improvement Fund, Water Wastewater Fund, HOT Fund, Equip Replacement Fund, TIRZ #1 Fund, and the Economic Development Fund. *Baron Sauls, Director of Finance*
- (c) Discussion regarding the presence of Zebra Mussels in Lake Marble Falls and how the City is protecting our critical infrastructure from this invasive species. *Kacey Paul, City Engineer*
- (d) Discussion and Action on a License Agreement between the City of Marble Falls and Mitch McManus, allowing for the construction of a privately maintained patio within public right-of-way of the east side of the 300 block of Main Street. *Erin Burks, Downtown Coordinator*

8. CITY MANAGER'S REPORT

- Update on COVID-19 and Testing Site in City of Marble Falls
- Update on swimming pool/beach operations
- Transportation Alternative Fund Grant Award

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:

- Consultation with City Attorney regarding legal rights and obligations associated with the Flatrock Development Agreement

- Consultation with City Attorney regarding possible sale of portion of city water system located in Los Escondidos

10. RECONVENE INTO OPEN SESSION FOR POSSIBLE ACTION RESULTING FROM ITEMS DISCUSSED IN EXECUTIVE SESSION

11. ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

12. ADJOURNMENT

“The City Council reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any matters listed on the agenda, as authorized by the Texas Government Code, including, but not limited to, Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.087 (Economic Development), 418.183 (Deliberations about Homeland Security Issues) and as authorized by the Texas Tax Code, Section 321.3022 (Sales Tax Information).”

In compliance with the Americans with Disabilities Act, the City of Marble Falls will provide for reasonable accommodations for persons attending City Council Meetings. To better serve you, requests should be received 24 hours prior to the meeting. Please contact Ms. Christina McDonald, City Secretary at (830) 693-3615.

Certificate of Posting

I, Christina McDonald, City Secretary for the City of Marble Falls, Texas, do certify that this Notice of Meeting was posting at City Hall, in a place readily accessible to the general public at all times, on the 14th day of May, 2020 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



PROCLAMATION

Public Service Recognition Week May 3-9, 2020

WHEREAS, the citizens of Marble Falls are served every single day by public servants at the federal, state, county and city levels. These unsung heroes do the work that keeps our nation working; and

WHEREAS, Public employees take not only jobs, but oaths; and

WHEREAS, The City of Marble Falls recognizes its local public servants including employees in plant operations, public works, parks and recreation services, development services, utility services, administration, customer service, court, fire and police. Day in and day out, they provide the diverse services demanded by the American people of their government with efficiency and integrity; and

WHEREAS, many public servants, including police officers, firefighters, and others risk their lives each day in service to the people of the United States and around the world; and

WHEREAS, without these public servants at every level, continuity would be impossible in a democracy that regularly changes its leaders and elected officials; and

WHEREAS, all citizens of the City of Marble Falls are encouraged to recognize the accomplishments and contributions of government employees at all levels – federal, state, county and city.

NOW THEREFORE, I, John Packer, Mayor of the City of Marble Falls, by virtue of the authority vested in me, do hereby proclaim May 3-9, 2020 as:

PUBLIC SERVICE RECOGNITION WEEK

In witness whereof, I have hereunto set my hand and caused to be affixed the seal of the City of Marble Falls, this 19th day of May, 2020.

CITY OF MARBLE FALLS, TEXAS

John Packer, Mayor

May 19, 2020

6. CONSENT AGENDA

- (a) Approval of the minutes of the May 5, 2020 regular meeting. *Christina McDonald, City Secretary*
-

**STATE OF TEXAS
COUNTY OF BURNET
CITY OF MARBLE FALLS**

On this the 5th day of May 2020 the City Council convened in regular session at 4:00 pm at the Lakeside Pavilion located at 307 Buena Vista, 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>	John Packer	Mayor
	Richard Westerman	Mayor Pro-Tem
	William (Dee) Haddock	Councilmember
	Craig Magerkurth	Councilmember
	Celia Merrill	Councilmember
	Rene Rosales	Councilmember
	Dave Rhodes	Councilmember
<u>ABSENT:</u>	Reed Norman	Councilmember
<u>STAFF:</u>	Mike Hodge	City Manager
	Caleb Kraenzel	Assistant City Manager
	Christina McDonald	City Secretary
	Patty Akers	City Attorney
	Baron Sauls	Director of Finance
	Mark Whitacre	Chief of Police
	Glenn Hanson	Assistant Chief of Police
	Christian Fletcher	EDC Executive Director
	Russell Sander	Fire Chief
	Valerie Kreger	Director of Development Services
	James Kennedy	Public Works Director
	Erin Burks	Downtown Coordinator

VISITORS: Connie Swinney Ridgely (The Highlander), Alex Copeland (Daily Trib), Rene Rosales, Jr., Ana Rosales, Estela Rosales, Crystal Rosales, Maria Rosales

1. **CALL TO ORDER AND ANNOUNCE QUORUM IS PRESENT.** Mayor Packer called the meeting to order at 4:00 pm and announced the presence of a quorum.
2. **INVOCATION.** Councilmember Rhodes gave the invocation.
3. **PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES AND TO THE TEXAS FLAG.** Councilmember Merrill led the pledges.

4. UPDATES, PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS.

- Outgoing Councilmember Dee Haddock was recognized for his service on Council.
- City Secretary Christina McDonald administered the Oaths of Office to Councilmembers Craig Magerkurth, Richard Westerman and Rene Rosales.

5. CITIZEN COMMENTS. There were no citizen comments.

6. CONSENT AGENDA.

- (a) Approval of the minutes of the April 21, 2020 regular meeting.** Councilmember Merrill made a motion to approve the consent agenda. Mayor Pro-Tem Westerman seconded the motion. The consent agenda was approved by a unanimous vote (6-0).

7. REGULAR AGENDA.

- (a) Discussion and Action on the election of a Mayor Pro-Tem to serve for a term of one year according to Section 3.05 of the City Charter.** Councilmember Magerkurth made a motion to elect Richard Westerman to serve as Mayor Pro-Tem until May 2021. Councilmember Rhodes seconded the motion. The motion carried by a vote of 6-0.

- (b) Public Hearing, Discussion and First Reading of Ordinance 2020-O-05B amending the 2019/2020 Budget of the General Fund, Special Revenue Fund, Parks Improvement Fund, Water & Wastewater Fund, HOT Fund, Equip Replacement Fund, TIRZ #1 Fund and the Economic Development Fund.** Baron Sauls, Director of Finance reviewed the proposed budget amendments with Council. Mayor Packer opened the public hearing. There being no discussion, Mayor Packer closed the public hearing and read the ordinance caption. First reading only. No action was taken.

- (c) Public Hearing, Discussion, and Action on Ordinance 2020-O-05A designating a “Boaters Keep Out” area in Lakeside Park.** Caleb Kraenzel, Assistant City Manager addressed Council. Mayor Packer opened the public hearing. After some discussion, Mayor Pro-Tem Westerman made a motion to approve Ordinance 2020-O-05A amending the boats keep out area as discussed to not allow motorized or powered watercraft. Councilmember Rhodes seconded the motion. The motion carried by a vote of 6-0.

- (d) Consideration and Discussion regarding Strategic Planning.** Mike Hodge, City Manager began the presentation with Council’s 2019/2021 priorities. Caleb Kraenzel, Assistant City Manager presented the Comprehensive Plan Update, and Capital Improvement and TIRZ projects. Baron Sauls, Director of Finance provided the updates on the mid-year budget. Planning discussion continued with end of year projections and the impact to the FY 19/20 General Fund and FY 20/21 strategies. Councilmember Rhodes stated he would like monies budgeted for marketing a Shop Local Campaign. In closing, Mr. Hodge reminded Council that a budget workshop is scheduled for July 28.

8. CITY MANAGER’S REPORT. There was no City Manager report.

9. **EXECUTIVE SESSION.** Council did not convene to executive session.
10. **RECONVENE INTO OPEN SESSION FOR POSSIBLE ACTION RESULTING FROM ITEMS DISCUSSED IN EXECUTIVE SESSION.** No action was taken.
11. **ANNOUNCEMENTS AND FUTURE AGENDA ITEMS.** The draft agenda for the May 19, 2020 regular meeting was reviewed.
12. **ADJOURNMENT.** There being no further business to discuss, Mayor Pro-Tem Westerman motion to adjourn. The motion was seconded by Councilmember Merrill. The meeting was adjourned at 7:08 pm.

John Packer, Mayor

ATTEST:

Christina McDonald, TRMC
City Secretary

May 19, 2020

6. CONSENT AGENDA

(b) Approval of the appointments of Mark Mayfield, Ryan Nash and John Packer to the Marble Falls Economic Development Corporation. *Christina McDonald, City Secretary*



**Council Agenda Item Cover Memo
May 19, 2020**

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

AGENDA CAPTION

Approval of the appointments of Mark Mayfield, Ryan Nash and John Packer to the Marble Falls Economic Development Corporation.

BACKGROUND INFORMATION

The terms of EDC Board members Mark Mayfield, Ryan Nash and John Packer expire this month (May).

All three board members wish to be considered for reappointment to the board and have submitted reappointment questionnaires which are attached for Council's review.

Staff does not have any other applications on file for consideration.

The appointed members will serve a term of two years, until May 2022.



CITY BOARD OR COMMISSION REAPPOINTMENT QUESTIONNAIRE

NAME: Mark Mayfield DATE: 5-6-2020

ADDRESS: 116 Foxwood Trail
Marble Falls, TX 78654 (This application will expire 2 years after this date)

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

E-MAIL ADDRESS: mmayfield@txhf.org

PLACE OF EMPLOYMENT: Texas Housing Foundation
POSITION AND TITLE: PRESIDENT

CURRENT BOARD: EBC

YEARS OF SERVICE: 10+ (?)

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

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

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

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

- 1) Steadied the ship over the years; great staff in place
- 2) Created & implemented vision for EBC
- 3) Created catalyst for future growth of both EBC and City
- 4) Tremendous relationship with City; great working environment

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

- City of Marble Falls Board and Commission Reappointment Questionnaire - Page 1 of 2
- 1) Continue on path for future; i.e. Hotel & Conference Ctr.
 - 2) Continue to implement vision and grow organization & its impact on City.

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

*If it isn't broke, don't fix it!
EDC is doing more today than any other from a community of this size. I believe
I believe that the MFEDC is the bellwether of EDC's in this state.*

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

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

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



Applicant Signature

5.6.2020

Date

.....
CITY USE ONLY:

Board/Commission Reappointed to: _____
Number of Terms Served: _____

Date Reappointed: _____

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



CITY BOARD OR COMMISSION REAPPOINTMENT QUESTIONNAIRE

NAME: Ryan Nash DATE: 5-7-2020

ADDRESS: 304 6th Marble Falls, Tx (This application will expire 2 years after this date)

HOME PHONE: () CELL PHONE: (512) 755-4000

E-MAIL ADDRESS: rnash.ut@gmail.com

PLACE OF EMPLOYMENT: ILG Development Inc. POSITION AND TITLE: PRESIDENT

CURRENT BOARD: EDC YEARS OF SERVICE: 2017-2019-2020

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

Qualified Voter? [X] Yes [] No Voter Registration Number: 1009263607 Voted in the last city election? [] Yes [] No

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

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

CITY COUNCIL MEMBER 2011-2017
EDC MEMBER
HOT COMMITTEE MEMBER WHILE ON COUNCIL
SUPPORT OF NEW BUSINESSES IN TECH PARK AND SUPPORT OF HOTEL CONFERENCE CENTER PROJECT.

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

PROMOTE THE GROWTH OF NEW AND EXISTING BUSINESSES THAT WILL ADD TO A DIVERSE JOB BASE FOR MARBLE FALLS WITH

AN EMPHASIS ON JOBS FOR YOUNG PROFESSIONALS
AND MIDDLE INCOME FAMILIES.

SUPPORT THE EXPANSION OF OUR TOURISM ECONOMY
AND CONFERENCE CENTER PROJECT.

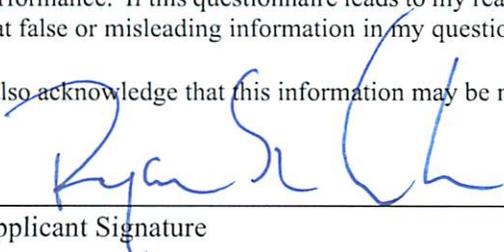
3) What improvements do you think need to be made to the board or commission on which you serve?

I WOULD LIKE TO SEE MORE PROGRESS ON THE CONFERENCE
CENTER PROJECT.

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

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

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



Applicant Signature

5/7/2020

Date

.....
CITY USE ONLY:
Board/Commission Reappointed to: _____ Date Reappointed: _____
Number of Terms Served: _____

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



CITY BOARD OR COMMISSION REAPPOINTMENT QUESTIONNAIRE

NAME: John Packer

DATE: 5-2-20

ADDRESS: 708 Lakeshore Dr
Marble Falls, TX

(This application will expire 2 years after this date)

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

E-MAIL ADDRESS: jpacker@marblefalls.tx.gov

PLACE OF EMPLOYMENT: Self Employed - Alexis Granite Design LLC

POSITION AND TITLE: owner

CURRENT BOARD: EDC & Council

YEARS OF SERVICE: 10+

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

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

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

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

Past President EDC
MF, Downtown & Parkes Vision
Hotel Conference Center Project

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

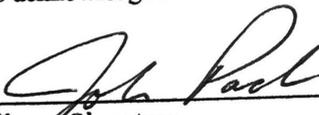
Continue on current vision

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

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

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

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


Applicant Signature

5-2-20
Date

CITY USE ONLY

Board/Commission Reappointed to: _____
Number of Terms Served: _____

Date Reappointed: _____

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

May 19, 2020

6. CONSENT AGENDA

(c) Approval of the appointment of William (Dee) Haddock to fill the unexpired term of Place 3 on the Planning and Zoning Commission. *Christina McDonald, City Secretary*



**Council Agenda Item Cover Memo
May 19, 2020**

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

AGENDA CAPTION

Approval of the appointment of William (Dee) Haddock to fill the unexpired term of Place 3 on the Planning and Zoning Commission.

BACKGROUND INFORMATION

There is a vacancy on the Planning and Zoning Commission due to the resignation of Commissioner Laurence Jones in March.

Former Councilmember Dee Haddock has applied to serve the remainder of the term of Place 3. Mr. Haddock's application is attached for Council's review.

Staff does not have any other applications on file for consideration.

The appointment will serve the remainder of the unexpired term or until January 2021.



APPLICATION FOR APPOINTMENT TO A CITY BOARD OR COMMISSION

NAME: William D. Haddock DATE: May 5, 2020
ADDRESS: 1109 WMA LANE MARBLE FALLS, TX 78654
(This application will expire 2 years after this date)

HOME PHONE: () N/A CELL PHONE: (214) 770-6632
E-MAIL ADDRESS: dhaddock@nctv.com

PLACE OF EMPLOYMENT: Retired
POSITION AND TITLE: N/A

BOARD OR COMMISSION APPLYING FOR: PLANNING & ZONING COMMISSION

If applying for the Planning & Zoning Commission please indicate if you own real property within the City Limits:
[X] Yes [] No

If applying for the TIRZ Board please indicate if you own real property within the TIRZ: [] Yes [] No
or indicate if you are you an employee or agent of a person who owns real property in the TIRZ? [] Yes [] No
(If yes please attach letter from property owner designating you as the employee or agent.)

Resident of the Marble Falls Corporate City Limits? [X] Yes [] No If yes, how long? 24 years, 9 MONTHS
If no and applying for the Marble Falls Economic Development Corporation Board applicant must be a resident of
Burnet County and reside within 10 miles of the corporate boundary of the city.

Qualified Voter? [X] Yes [] No Voter Registration Number: 140207017 ✓
Voted in the last city election? [X] Yes [] No

List current and past service on any boards or commissions. (Please include dates of service):
P&Z - 2011-2017
CITY Council - 2017-2020
EDC - 2019-2020

State why you wish to serve: I want to continue working on projects to improve compliance with current ordinances & ensure ordinances are reasonable to support growth of Marble Falls. I want to serve the citizens of Marble Falls.

What qualifications or talents would you bring to a City Board or Commission?

Previous experience on P&Z, CITY COUNCIL, & EDC gives qualifications to support the foundation of accomplishing goals of the CITY.

What are your top three goals and objectives for the board or commission you are applying for?

- ENSURE Reasonable ZONING ordinances are developed
- ENSURE Compliance with current ordinances.
- Support The City Council goals for the CITY

PLEASE PROVIDE ALL INFORMATION REQUESTED. INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED FOR BOARD/COMMISSION APPOINTMENTS.

DISCLAIMER AND SIGNATURE: I hereby request consideration for appointment to a board or commission of the City of Marble Falls, Texas. I certify that my answers above are true and complete. I understand that the information contained in this application may be considered, among other criteria, qualifications and/or information, by the City Council in its evaluation for the position being sought. I further understand that should I be appointed to any City of Marble Falls Board or Commission, I serve at the pleasure of the City Council and may be removed from said position at any time and for any reason or no reason at all, with or without notice. I also understand that

should I be appointed to a City of Marble Falls Board or Commission, I must be responsible for a creditable record of attendance and performance. If this application leads to my appointment to a position on a City of Marble Falls Board or Commission, I understand that false or misleading information in my application may result in my removal from the position

I also acknowledge that this information may be made available to the public and the application will be maintained in the City's active files for two years from the date of application. I understand that should I not be appointed to a City of Marble Falls Board or Commission, this application and any other records obtained, collected or otherwise prepared regarding this application shall be maintained in accordance with the Texas Public Information Act and the City of Marble Falls' document retention schedule.



Applicant Signature

May 5, 2020
Date

OFFICE USE ONLY: (Applications will be kept on file for a period of two years in the City Secretary's office.)

Date application received: 5/5/20

Date of first contact: _____

Still interested? Yes No

Date of second contact: _____

Still interested? Yes No

Date of appointment: _____

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

May 19, 2020

6. CONSENT AGENDA

- (d) Approval of Resolution 2020-R-05A a resolution allowing for the submission of an application to the Office of the Governor's Criminal Justice Division for a Coronavirus Emergency Supplemental Funding (CESF) Program Grant to obtain funds to prevent, prepare for and respond to the Coronavirus. *Glenn Hanson, Assistant Police Chief*
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Council Agenda Item Cover Memo
May 19, 2020

Agenda Item No.: 6(d)
Presenter: Mark Whitacre
Department: Police
Legal Review: N/A

AGENDA CAPTION

Approval of Resolution 2020-R-05A, a resolution allowing for the submission of an application to the Office of the Governor's Criminal Justice Division for a Coronavirus Emergency Supplemental Funding (CESF) Program Grant to obtain funds to prevent, prepare for and respond to the Coronavirus.

BACKGROUND

This project will fund the City of Marble Falls' response to the Covid-19 Pandemic.

Funds may be utilized to prevent, prepare for, and respond to the Coronavirus. Allowable projects and purchases include, but are not limited to, overtime, equipment (including law enforcement and medical personal protective equipment), hiring, supplies (such as gloves, masks, sanitizer), training, and travel expenses (particularly related to the distribution of resources to the most impacted areas).

Staff recommends Council approve the submission of the application to the Office of the Governor's Criminal Justice Division.

RESOLUTION No. 2020-R-05A

**A RESOLUTION OF THE CITY OF MARBLE FALLS, TEXAS
AUTHORIZING SUBMISSION OF A GRANT APPLICATION
TO THE OFFICE OF THE GOVERNOR CRIMINAL JUSTICE
DIVISION FOR FISCAL YEAR 2020 CORONAVIRUS
EMERGENCY SUPPLEMENTAL FUNDING (CESF) GRANT**

WHEREAS, the City of Marble Falls finds it in the best interest of the citizens of Marble Falls, that the City of Marble Falls Police Department seeks financial assistance related to the city's response to the Covid-19 Pandemic, and

WHEREAS, the City of Marble Falls agrees to provide any applicable matching funds for the said project as may be required by the Coronavirus Emergency Supplemental Funding (CESF) Program FY 2020 grant application; and

WHEREAS, the City of Marble Falls agrees that in the event of loss or misuse of the CEFS funds, the City of Marble Falls assures that the funds will be returned to the Office of the Governor in full, and

WHEREAS, the City of Marble Falls designates the Mayor as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW THEREFORE, BE IT RESOLVED that City Council of the City of Marble Falls, Texas approves submission of the grant application for the Coronavirus Emergency Supplemental Funding Project grant to the Office of the Governor, Criminal Justice Division.

Signed by:

Passed and Approved this _____ (Day) of _____ (Month), _____ (Year)

Grant Number: 4156801

Christina McDonald
City Secretary
City of Marble Falls

John Packer
Mayor
City of Marble Falls

May 19, 2020

6. CONSENT AGENDA

- (e) Approval of the Impact Fee Advisory Committee's Semiannual Report for the period ending March 2020. *Valerie Kreger, Director of Development Services*
-



**Council Agenda Item Cover Memo
May 19, 2020**

Agenda Item No.: 6(e)
Presenter: Valerie Kreger, Director of Development Services
Department: Development Services
Legal Review: N/A

AGENDA CAPTION

Approval of the Impact Fee Advisory Committee's Semiannual Report for the period ending March 2020.

BACKGROUND INFORMATION

Monitoring of Impact Fees and Capital Improvements progress and the filing of semiannual reports of those findings is a requirement of the state. Per Chapter 395 of the Texas Local Government Code (TLGC), the Impact Fee Advisory Committee must meet bi-annually, at a minimum, to evaluate the assessment of the Impact Fees, the progress of the Capital Improvements Plan, and whether changes necessitate an update or revision to the Land Use Assumptions utilized within the plan, the proposed Capital Improvements, or the adopted Impact Fees. The semiannual report shall state any findings from the evaluation and indicate any updates or revisions to the assumptions, plans or fees that are necessary.

Since the September 2018 adoption of the Impact Fee Ordinance, there have been no substantial changes in the City's development patterns or Future Land Use Plan from those included in the Land Use Assumptions adopted in the Impact Fee Ordinance. Staff finds that the adopted Land Use Assumptions remain valid and consistent with the development in and around Marble Falls and recommends the Committee accept the existing assumptions. An update regarding the status of Impact Fee CIP projects will be provided to the at the meeting.

To: City of Marble Falls City Council

From: Impact Fee Advisory Committee

Regarding: Impact Fee Advisory Committee Semi-Annual Report

The purpose of this report is to provide City Council an update of the status of the Impact Fees, Land Use Assumptions, and Capital Improvements Plan as included in the Impact Fee Report, dated August 7, 2018.

The new Impact Fee Ordinance was adopted September 18, 2018, and became effective January 1, 2019. Any building permit for new construction submitted after January 1st triggered the assessment and collection of Impact Fees at the new rate.

The volume of development that has occurred during the September 2019 to March 2020 evaluation period has been consistent with the projected growth and development patterns assumed in the 2018 Impact Fee Report and adoption. The Land Use Assumptions utilized to determine the new Impact Fees continue to be consistent with the adopted 2016 Comprehensive Plan Land Use Plan and the City's current development patterns, and therefore no revisions are required at this time. The proposed Capital Improvement Projects included within the Impact Fee Ordinance are still valid and are commencing consistent with the approved plan.

The Impact Fee Advisory Committee does not believe that any revisions to the Land Use Assumptions, Capital Improvements Plan, or Impact Fees are warranted at this time.

Chairperson name: Fred Zagst

Signature: _____

Date: _____

May 19, 2020

7. REGULAR AGENDA

- (a) Public Hearing, Discussion and Action on Ordinance 2020-O-05C regarding a Conditional Use Permit to allow for single family detached use within the Neighborhood Commercial (NC) District, Lot 1, Pleasant Valley Estates, City of Marble Falls, Burnet County, Texas. *Valerie Kreger, Director of Development Services*
-



**Council Agenda Item Cover Memo
May 19, 2020**

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

AGENDA CAPTION

Public Hearing, Discussion, and Action on Ordinance 2020-O-5C regarding a Conditional Use Permit to allow for single family detached use within the Neighborhood Commercial (NC) District, Lot 1, Pleasant Valley Estates, City of Marble Falls Estates, City of Marble Falls, Burnet County, Texas

BACKGROUND INFORMATION

This item is for consideration of a Conditional Use Permit (CUP) to allow for single-family detached use within the Neighborhood Commercial (NC) District on Lot 1, Pleasant Valley Estates with site plan approval.

At the April 23, 2020 Planning & Zoning Commission Meeting the Commission recommended approval of the Conditional Use Permit by a vote of 7 – 0.

The Subject Area is a 15.83-acre undeveloped tract of land on FM 1431 currently zoned as Neighborhood Commercial (NC) District. The applicant is proposing to construct a single-family residence. The NC district allow for Single-Family Detached use as a conditional use. City code states that the conditional use shall be located, designed, and operated to be compatible with uses of surrounding properties and within the City. The single- family detached use requires approval of a Conditional Use Permit due to the unique characteristics which require special public review to ensure adequate mitigation of potential impacts. The applicant is requesting approval based on site plan the and does not have proposed elevations at this time.

Neighboring properties to the south, east, and west are zoned NC. The property to the north is zoned Farm and Ranch (FR) District. Properties to the north, east, and west are vacant lots. The use for the property to the south of the subject area is light-industrial.

Although, the Future Land Use Plan designates this property as neighborhood commercial, the adjacent properties to the north are designated as Transitional Residential and the single-family use at the proposed site does not appear to pose any unfavorable impacts on nearby uses. Furthermore, the proposed use will not be

detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

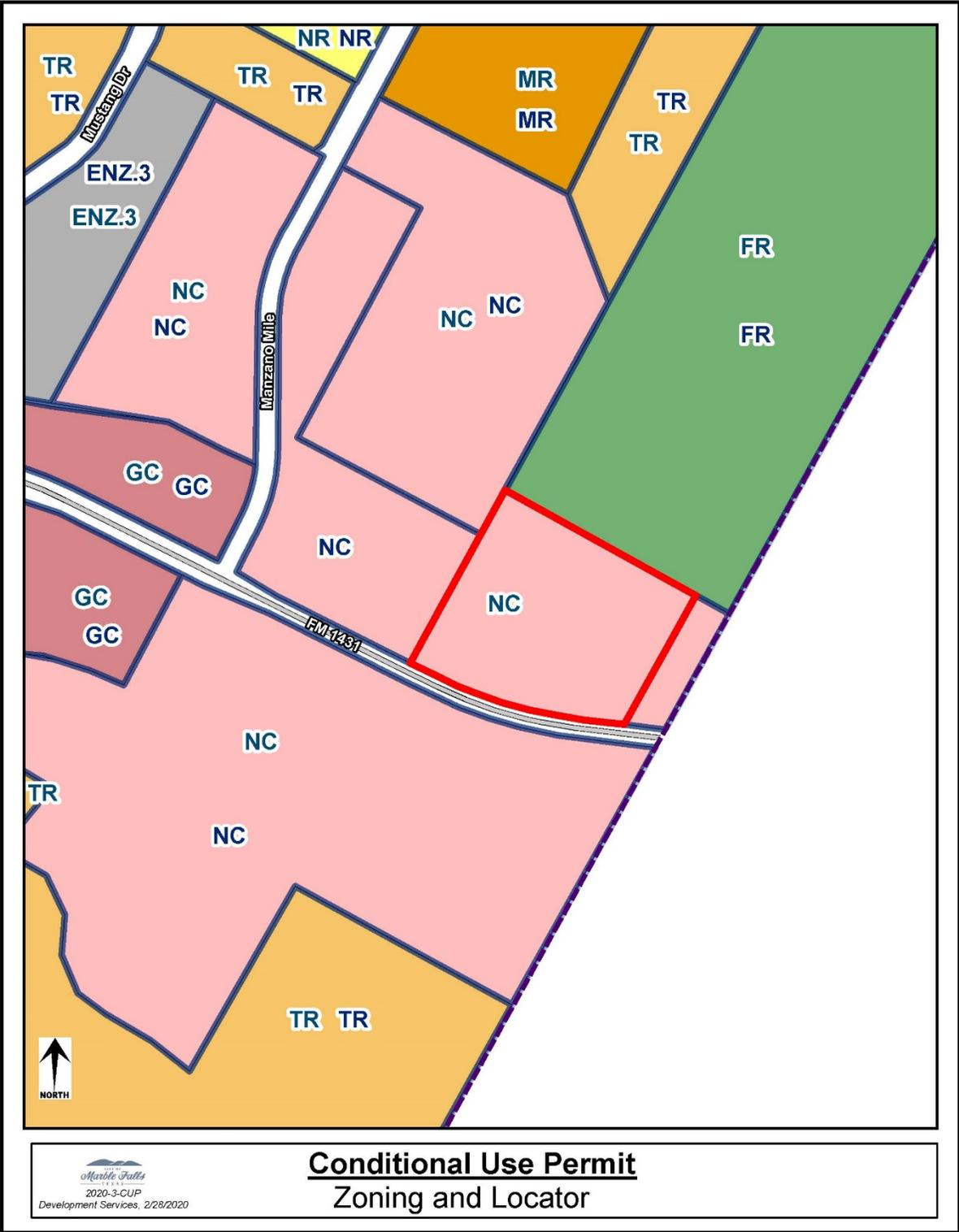
A total of 11 adjacent property owners within two hundred feet (200') of the Subject Area were mailed notification letters, including the public hearing dates and a pre-paid comment card for response supporting/opposing the proposed CUP. At the time of packet distribution one (1) property owner responded in opposition and one (1) in favor of the CUP.

RECOMMENDATION

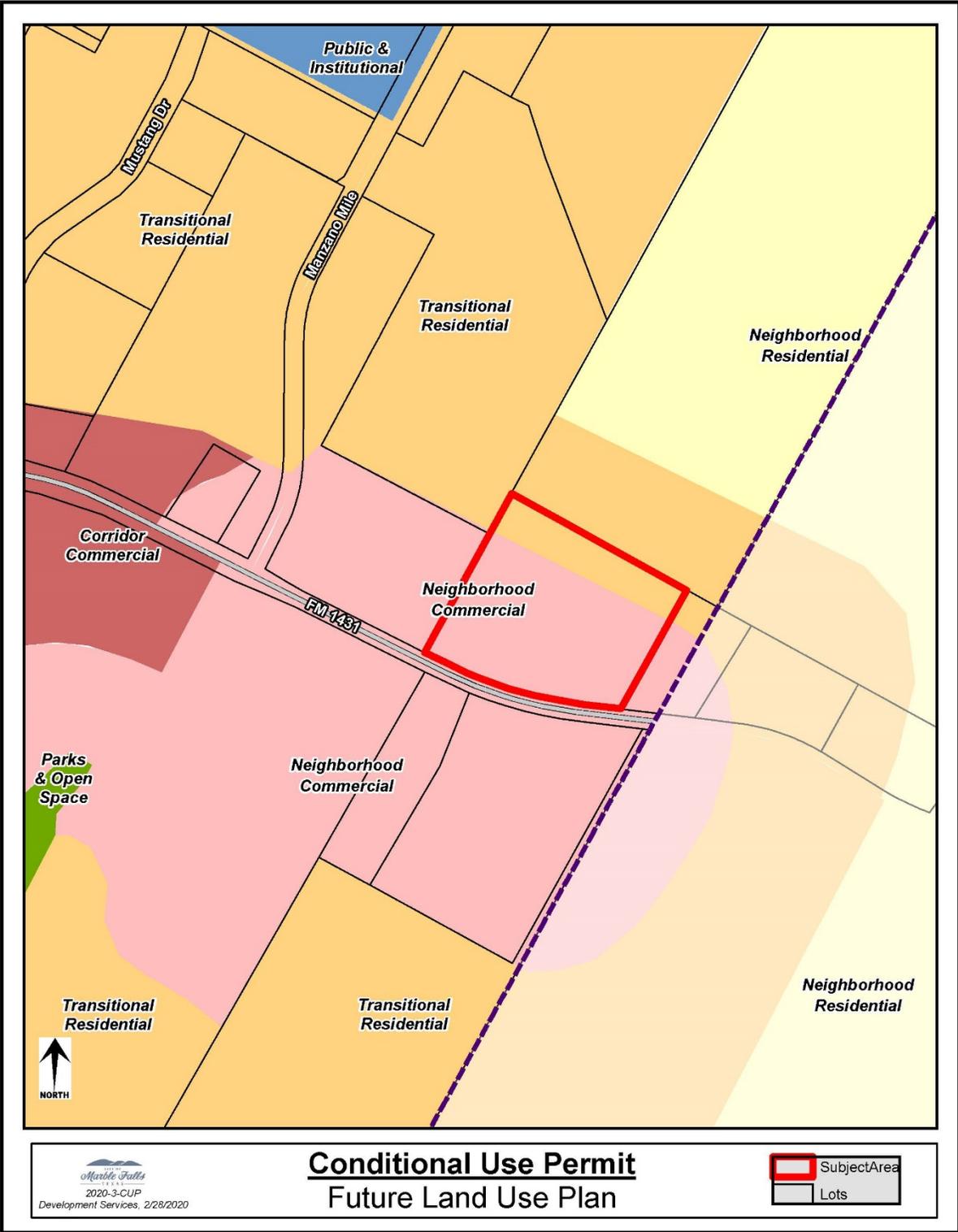
Due to compatibility with surrounding land uses, the need for diversification of City housing inventory, and site configuration meeting minimum standards for the proposed use within the property, City Staff recommends approval of the Conditional Use Permit with site plan approval.

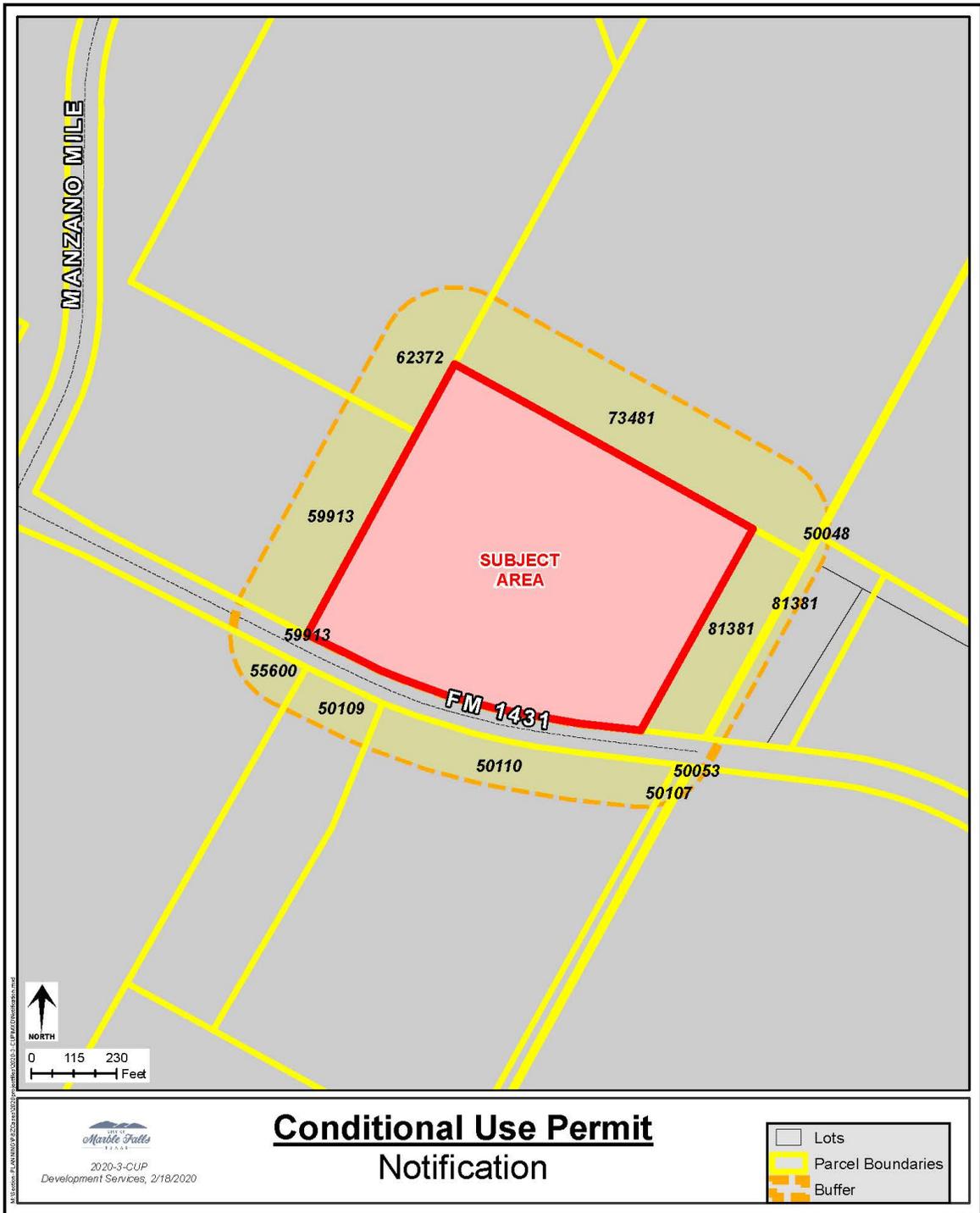
Memo Contents:

- Informational maps produced by City Staff Pages 3 - 6
- Ordinance 2020-O-5C Pages 7 - 10









ORDINANCE NO. 2020-O-05C

AN ORDINANCE OF THE CITY OF MARBLE FALLS, TEXAS, APPROVING A CONDITIONAL USE PERMIT (CUP) TO ALLOW SINGLE FAMILY DETACHED USE WITHIN THE NEIGHBORHOOD COMMERCIAL (NC) DISTRICT ON LOT 1, PLEASANT VALLEY ESTATES, CITY OF MARBLE FALLS, BURNET COUNTY, TEXAS, PROVIDING FOR A SAVINGS CLAUSE, SEVERABILITY, REPEALER, PROPER NOTICE AND MEETING, AND EFFECTIVE DATE.

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 Fall's Comprehensive Plan; **AND,**

WHEREAS, the owners seek approval for a single-family detached use occupancy via a Conditional Use Permit; **AND,**

WHEREAS, the City of Marble Falls Planning & Zoning Commission at a public hearing on Thursday, April 23, 2020, recommended approval of the request for the CUP; **AND,**

WHEREAS, the City Council of the City of Marble Falls, Texas, has considered the matter at a public hearing and deems it appropriate to grant a CUP by this Ordinance to allow Single Family Detached use and hereby finds such use is in conformance with the City's land use objectives as stated in the Comprehensive Plan and compatible with surrounding uses.

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

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. A Conditional Use Permit ("CUP") for Single-Family Detached land use on Lot 1, Pleasant Valley Estates, City of Marble Falls, Burnet County, Texas, is hereby approved contingent upon the following:

- A. Any construction that occurs will be in compliance with the City's Code of Ordinances and in particular the zoning requirements applicable to Neighborhood Commercial (NC) District and with the Site Plan depicted in Exhibit "A."
- B. Any land uses on the property shall comply with applicable adopted ordinances including but not limited to storm water detention, landscaping and related ordinances based on the proposed use of the property.

- C. The CUP shall expire if construction has not commenced or a Site Development Plan, building permit, or Certificate of Occupancy, as required, is not issued and construction begun within two (2) years of the approval or submittal date of the most recently dated application for permit or approval.

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

SECTION IV. PROVIDING FOR SEVERABILITY. If any provision, section, sentence, 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 V. EFFECTIVE DATE. This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION VI. PROPER NOTICE AND MEETING. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public 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, and Standard Zoning Enabling Act, Chapter 211 of the Texas Local Government Code. Notice was also provided by Chapter 52 of the Texas Local Government Code.

DULY PASSED by the City Council of the City of Marble Falls, Texas, on the 19th day of May, 2020.

APPROVED:

John Packer, Mayor
City of Marble Falls

ATTEST:

Christina McDonald, City Secretary
City of Marble Falls

(Seal)

APPROVED AS TO FORM:

Patty L. Akers, City Attorney
City of Marble Falls

EXHIBIT "A" Site Plan



May 19, 2020

7. REGULAR AGENDA

- (b) Discussion and Action on the Second Reading of Ordinance 2020-O-05B amending the 2019/2020 Budget of the General Fund, Special Revenue Fund, Parks Improvement Fund, Water Wastewater Fund, HOT Fund, Equip Replacement Fund, TIRZ #1 Fund, and the Economic Development Fund. *Baron Sauls, Director of Finance*
-



**Council Agenda Item Cover Memo
May 19, 2020**

Agenda Item No.: 7(b)
Presenter: Baron Sauls, Director of Finance
Department: Finance Department
Legal Review: Not Applicable

AGENDA CAPTION

Discussion and Action on the Second Reading of Ordinance 2020-O-05B amending the 2019/2020 Budget of the General Fund, Special Revenue Fund, Parks Improvement Fund, Water Wastewater Fund, HOT Fund, Equip Replacement Fund, TIRZ #1 Fund, and the Economic Development Fund.

BACKGROUND INFORMATION

The public hearing and first reading of the budget amendments was held on May 5, 2020. All amendments listed on Exhibit A were reviewed and discussed at the Council Meeting on May 5th.

The notice on the public hearing was published on April 28 and May 1 as required by our Charter.

Exhibit A- summarizes the financial impact of the budget amendments by fund and may be discussed at the Council Meeting.

ORDINANCE NO. 2020-O-05B

AN ORDINANCE AMENDING THE 2019/2020 BUDGET, BY ALTERING REVENUES AND EXPENDITURES FOR THE GENERAL FUND, SPECIAL REVENUE FUND, PARKS IMPROVEMENT FUND, WATER & WASTEWATER FUND, HOT FUND, EQUIP REPLACEMENT FUND, TIRZ #1 FUND AND THE ECONOMIC DEVELOPMENT CORPORATION FUND.

WHEREAS, the City of Marble Falls adopted the City Budget for fiscal year 2019/2020 at a regular meeting of the Council held on September 16, 2019; and

WHEREAS, the Council has published notice of the intent to amend the budget on April 28, 2020 and May 1, 2020 as required by the City Charter; and

WHEREAS, the Council held a first reading and public hearing on May 5, 2020 and second reading on May 19, 2020 as required by the City Charter; and

WHEREAS, the City Council has determined that passage of this amendment is in the best interest of the City of Marble Falls and its residents:

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

1. The following amendments are approved: (See Exhibit A attached)
2. If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this ordinance shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion thereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion thereof, and all provisions of this ordinance are declared severable for that purpose.

PUBLIC HEARING AND FIRST READING MAY 5, 2020

SECOND READING AND APPROVAL MAY 19, 2020

John Packer, Mayor

Attest:

Approved as to Form:

Christina McDonald, City Secretary

Patty Akers, City Attorney

BUDGET AMENDMENTS
SUMMARY BY FUND
FOR FY 2019-20

FUND NAME	General Fund -01	Water & Wastewater Fund -02	HOT Fund -03	Parks/ Improvement Fund -52	Tax Note Fund -79	Equipment Replacement Fund -32	Special Revenue Fund -12	TIRZ #1 Fund -25	Economic Develop. Corp Fund -20	Grand Total
Beginning Fund Balance @ 10/01/19	\$1,863,457	(\$70,158)	\$695,090	\$167,115.00	\$1,138,000.00	\$134,200	\$116,043	\$415,435	\$2,333,767	
Revenues:										
Budget 2019-20	12,107,631	6,222,323	1,071,100			92,600	72,028	126,195	2,489,922	
Amendment	899,797	424,094		75,417	0	22,365			359,473	1,781,146
	13,007,428	6,646,417	1,071,100	75,417	0	114,965	72,028	126,195	2,849,395	
Expenditures:										
Budget 2019-20	12,081,807	5,895,887	1,198,849			54,250	72,028	450,250	2,453,586	
Amendment	864,029	112,365	29,785	87,417	0	22,365	0	35,000	526,500	1,677,461
	12,945,836	6,008,252	1,228,634	87,417	0	76,615	72,028	485,250	2,980,086	
Estimated Ending Fund Balance @ 9/30/20	\$1,925,049	\$568,007	\$537,556	\$155,115	\$1,138,000	\$172,550	\$116,043	\$56,380	\$2,203,076	\$103,685

Exhibit A

BUDGET AMENDMENTS - GENERAL FUND

01 -GENERAL FUND

REVENUES	2019-2020 CURRENT BUDGET	2019-2020 REVISED BUDGET	ADJUSTMENT	
TRANSFER FROM HOT	-	8,000	8,000	TRANSFER IN FROM HOT FUND
TX DIV OF EMERGENCY MGMNT-REIMB	-	102,406	102,406	FEMA REVENUE-RECLASS FROM FUND 80
INSURANCE PROCEEDS	5,000	55,325	50,325	TML INSURANCE REVENUE
TRANSFER FROM EDC	25,000	675,000	650,000	EDC TRANSFER TO COVER COST OF BUENA VISTA PROPERTIES
SALE OF PROPERTY	10,000	88,266	78,266	PROCEEDS FROM SALE OF PROPERTY / LCRA
TRANSFER IN FROM TAX NOTE 79		10,800	10,800	TO COMPLETE LAKESIDE PARK
TOTAL REVENUES			899,797	

EXPENDITURES

ADMINISTRATION

MAINTENANCE

LIBRARY MAINTENANCE SPEC PROJ.	0	15,000	15,000	BUDGET ERROR - REPLACEMENT OF HVAC AT LIBRARY
TOTAL MAINTENANCE			15,000	

TOTAL ADMINISTRATION

15,000

FIRE

MAINTENANCE

VEHICLE/EQUIPMENT MAINTENANCE	47,000	77,000	30,000	REPLACEMENT OF ENGINE 1 PUMP TRANSFER CASE
TOTAL MAINTENANCE			30,000	

TOTAL FIRE DEPARTMENT

30,000

PARKS AND RECREATION

MAINTENANCE

PAVILION MAINTENANCE	9,000	19,800	10,800	COMPLETE LAKESIDE PARK - PARKING STOPS, SIGNAGE, BEACH FURNITURE
GENERAL PARK MAINTENANCE	100,000	120,000	20,000	IMPROVEMENTS TO BEACH AT LAKESIDE PARK
GENERAL PARK MAINTENANCE	100,000	106,500	6,500	RENOVATION OFFICE BUILD OUT P.W. PAYS HALF THE COST
POOL OPERATIONS CONTRACT	45,000	45,000		RECLASSIFYING TO DIFFERENT LINE ITEM P.T. LIFEGUARDS
MERRY TEXMAS ICE SKATING	10,000	18,000	8,000	TRANSFER FROM HOT RESERVES TO COVER EXPENSE
TOTAL MAINTENANCE			45,300	

PARKS AND RECREATION

CAPITAL

LAND PURCHASE-BUENA VISTA PROP		773,729	773,729	PURCHASE OF BUENA VISTA PROPERTIES
TOTAL CAPITAL			773,729	

TOTAL PARKS AND RECREATION

819,029

TOTAL EXPENDITURES

864,029

EXCESS OF REVENUES OVER EXPENDITURES

35,768

BUDGET AMENDMENTS - WATER & WASTEWATER FUND

02 - WATER & WASTEWATER FUND	2018-2019 CURRENT BUDGET	2018-2019 REVISED BUDGET	ADJUSTMENT	
REVENUES				
INSURANCE PROCEEDS	-	424,094	424,094	TML 2018 FLOOD PAYMENT
TOTAL REVENUES			424,094	
EXPENDITURES				
<u>WASTEWATER SERVICES</u>				
IRRIGATION SYSTEM				
MAINTENANCE OF SYSTEM	30,000	120,000	90,000	REPAIRS AT IRRIGATION FARM
TOTAL MAINTENANCE			90,000	
TRANSFER				
TRANSFER TO EQUIP REPLACEMENT FUND	15,000	37,365	22,365	TO PURCHASE 2020 CHEVY SILVERADO
TOTAL TRANSFER			22,365	
TOTAL EXPENDITURES			112,365	
EXCESS OF REVENUES OVER EXPENDITURES			311,729	

BUDGET AMENDMENTS - HOT FUND

03-HOT FUND

REVENUES	<u>2019-2020 CURRENT BUDGET</u>	<u>2019-2020 REVISED BUDGET</u>	<u>ADJUSTMENT</u>	
TOTAL REVENUES				
<hr/>				
EXPENDITURES				
HOT FUNDS				
TRANSFER				
TRANSFER TO GENERAL FUND	<u>42,500</u>	<u>50,500</u>	<u>8,000</u>	ADDITIONAL COST FOR MERRY TEXMAS ICE SKATING EVENT
TOTAL TRANSFER			8,000	
TOTAL HOT FUND TRANSFER			8,000	
HOT FUNDS				
CAPITAL				
DOWNTOWN X-MAS TREE	<u>0</u>	<u>21,785</u>	<u>21,785</u>	CITY CHRISTMAS TREE
TOTAL CAPITAL			21,785	
TOTAL EXPENDITURES			29,785	
EXCESS OF REVENUES OVER EXPENDITURES			<u>(29,785)</u>	

BUDGET AMENDMENTS - PARKS IMPROVEMENTS FUND

52 -PARK IMPROVEMENTS FUND

REVENUES	2018-2019 CURRENT BUDGET	2018-2019 REVISED BUDGET	ADJUSTMENT	
TRANSFER IN FROM VES-2003		11,667	11,667	TO COVER 1ST PAYMENT OF BARGE PURCHASE
TRANSFER IN FROM TAX NOTE FUND 79		63,750	63,750	TO COVER ADDT'L COST OF LAKESIDE 1A
TOTAL REVENUES			75,417	

EXPENDITURES

CAPITAL				
LAKESIDE PARK CONSTRUCTION - PHASE 1A	700	76,450	75,750	COST FOR BUOYS, HAND RAILS, SHOWERS, ETC
			75,750	
RECREATIONAL EQUIPMENT		11,667	11,667	TO COVER 1ST PAYMENT OF BARGE PURCHASE
			11,667	
TOTAL CAPITAL			87,417	
TOTAL EXPENDITURES			87,417	

EXCESS OF REVENUES OVER EXPENDITURES (12,000)

BUDGET AMENDMENTS - TAX NOTE FUND 79

79-TAX NOTE

REVENUES	2019-2020 CURRENT BUDGET	2019-2020 REVISED BUDGET	ADJUSTMENT	
TOTAL REVENUES				
<hr/>				
EXPENDITURES				
TAX NOTE				
CITY HALL DESIGN				
CAPITAL				
CITY HALL DESIGN	100,000	77,450	(22,550)	REDUCING BUDGET TO COVER ADDT'L COST AT LAKESIDE 1A
			(22,550)	
LAKESIDE PAVILION IMPROVEMENTS				
CAPITAL				
CITY HALL DESIGN	181,500	129,500	(52,000)	TRANSF BUDGET EXCESS TO COVER ADDT'L COST AT LAKESIDE 1A
			(52,000)	
TOTAL CAPITAL			(74,550)	
TRANSFER				
TRANSFER TO PARKS IMPRV FUND 52		63,750	63,750	TRANSFER TO COVER ADDITIONAL COST OF LAKESIDE PARK 1A
TRANSFER TO GENERAL FUND		10,800	10,800	TRANSFER TO COVER EXPENSE FOR GEN PARK MAINT. PAVILION
TOTAL TRANSFER			74,550	
TOTAL TAX NOTE FUND 79 TRANSFER			74,550	
TOTAL EXPENDITURES			0	
EXCESS OF REVENUES OVER EXPENDITURES			0	

BUDGET AMENDMENTS - SPECIAL REVENUE FUND

SPECIAL REVENUE FUND

REVENUES	2018-2019 CURRENT BUDGET	2018-2019 REVISED BUDGET	ADJUSTMENT	
TRANSFER IN FROM WATER/WASTEWATER	33,800	56,165	<u>22,365</u>	PURCHASE OF 2020 CHEVY SILVERADO
<u>TOTAL REVENUES</u>			<u>22,365</u>	
<hr/>				
EXPENDITURES				
12 - MF TRUNKED RADIO				
MF PSAP RASDIO SYSTEMS	72,028	142,375	<u>70,347</u>	FOR WESTERN REGION RADIO REPAIRS
TOTAL MF TRUNKED RADIO SERVICES			<u>70,347</u>	
32 - EQUIPMENT REPLACEMENT FUND				
VEHICLE WASTEWATER PLANT	29,350	51,715	<u>22,365</u>	PURCHASE OF 2020 CHEVY SILVERADO
TOTALEQUIPMENT REPLACEMENT FUND			<u>22,365</u>	
<u>TOTAL EXPENDITURES</u>			<u>92,712</u>	
<hr/>				
EXCESS OF REVENUES OVER EXPENDITURES			<u>(70,347)</u>	

BUDGET AMENDMENTS - ECONOMIC DEVELOPMENT CORPORATION

20 -ECON. DEVELOPMENT CORPORATION	2018-2019 CURRENT BUDGET	2018-2019 REVISED BUDGET	ADJUSTMENTS	
REVENUES				
SALES TAX	2,190,857	2,378,945	188,088	TO REFLECT NEW AUDITED NUMBER FOR FY18-19
LAND SALES & LEASES	190,765	362,150	171,385	TO REFLECT NEW SALES
			<u>359,473</u>	
TOTAL REVENUES			359,473	
EXPENDITURES				
PERSONNEL SERVICES				
SALARIES	185,125	191,625	6,500	TO REFLECT SALARY INCREASE GIVEN BY BOARD
TOTAL PERSONNEL SERVICES			<u>6,500</u>	
CAPITAL				
LAND PURCHASE	400,000	650,000	250,000	COMMITMENT TO CITY FOR THE PURCHASE BUENA VISTA
CONSTRUCTION - PH III BUSINESS PARK		270,000	270,000	CARRY OVER FROM LAST YEAR'S BUDGET
TOTAL CAPITAL			<u>520,000</u>	
TOTAL EXPENDITURES			526,500	
EXCESS OF REVENUES OVER EXPENDITURES			<u>(167,027)</u>	

May 19, 2020

7. REGULAR AGENDA

- (c) Discussion regarding the presence of Zebra Mussels in Lake Marble Falls and how the City is protecting our critical infrastructure from this invasive species. *Kacey Paul, City Engineer*
-



Council Agenda Item Cover Memo May 19, 2020

Agenda Item No.: 7(c)
Presenter: Kacey Paul, P.E., City Engineer
Department: Engineering
Legal Review: N/A

AGENDA CAPTION

Discussion of zebra mussels in Lake Marble Falls and how the City is protecting our critical infrastructure from this invasive species.

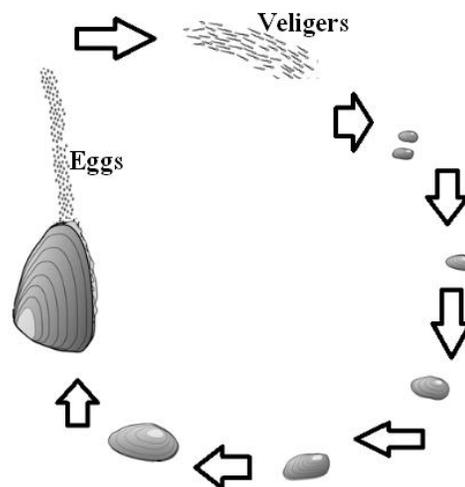
BACKGROUND INFORMATION

In October 2019, [LCRA reported](#) finding zebra mussels in Lake Marble Falls. They found veligers and juvenile zebra mussels at a number of sites around the lake, including both dams. As of December 2019, Lake Marble Falls was listed as fully infested with zebra mussels by the [Texas Parks & Wildlife](#).

Why this is a problem:

Zebra mussels arrived in the states in the 1980's in the Great Lakes Region and they have quickly spread across the country. The first Texas infestation was found in Lake Texoma in 2009, and now there are 19 infested Texas lakes. They have been found in portions of the Colorado, Guadalupe, Lampasas, Leon, Little, Red, and Trinity rivers. Per LCRA, it is believed they got to Lake Marble Falls as a hitchhiker on a boat.

An adult zebra mussel is roughly 1.5 inches and can be identified by the zebra-like stripes on its shell, shown below. The lifespan is 4 to 5 years. They can attach on any hard surface. Veligers are fertilized eggs looking for a place to attach, which can take several weeks. Once they attach, females can start producing eggs in 6-7 weeks, and can produce over 1 million each year. To the right is a graphic of the lifecycle of a zebra mussel. Typically, there are 2 spawning cycles per year, but in our warmer water, LCRA is seeing 3 cycles in a year.





What this will look like long-term:

Zebra mussels are likely here to stay. The warm water, pH and presence of calcium in the Highland Lakes make an ideal growing environment for the species (see the data from [USGS](#) & [CDWR](#)). It is expected that Lake Marble Falls will see a drastic increase in the population in the first few years. It is believed that the population will ultimately decrease to a more sustainable population, but it is unclear when that will happen.

The water might start to look clearer. Zebra mussels are filter feeders and many lakes that have experienced an infestation have reported clearer water. The downside to this is that it could have a negative impact on the fish population, because they are consuming some of the plankton the fish eat.

From a recreational stand-point, there are some risks to be aware of when people come into contact. Primarily, zebra mussels can be sharp, and could cause injury. While this should not interfere with boating on the lake, it is possible that they can damage boats if allowed to attach. It is critical now to encourage patrons to clean, drain and dry their boats after removing them from the lake. Below are pictures of zebra mussels in a water pipe and a boat propeller.



What we are doing to protect our critical infrastructure:

The City's critical infrastructure that was identified as needing immediate action is as follows:

- Raw Water Intake
 - At our raw water intake, there is a pipe straw from our waterfront pump station into the lake that is the source of our raw drinking water. In an effort to prevent zebra mussels from attaching to this infrastructure, the City is doing 2 things:
 - Installing a screen with a coating that is meant to discourage zebra mussels from attaching to it.
 - Begin dosing [Earthtec QZ](#), a molluscicide, at the raw water intake to prevent zebra mussels from entering our system and/or clogging our pipes.
 - Earthtec QZ is a safe chemical that has been shown effective in neighboring communities, including Lakeway.
 - The TCEQ approved our proposed dosing of this chemical at our raw water intake. The City also received a letter of support from LCRA for our proposed dosing plan, which was submitted with our application to TCEQ.
 - It is likely that zebra mussels may still enter our system. Earthtec QZ will remain suspended in water and should kill any living zebra mussels. In addition to that, chlorine is dosed at the water treatment plant and a chlorine residual is maintained in the water in the system. Chlorine is also toxic to zebra mussels, and will serve as a 2nd line of defense should they enter our infrastructure.
- The Beach
 - Zebra mussels have already been found internally at this location. As patrons begin to utilize this area, we need to work to prevent population establishment as much as possible. The City is implementing the following:
 - Installing [Dock Disks](#) along the wall and buoys to discourage zebra mussels from attaching to the concrete there.
 - Dock disks are a safe, non-toxic soft foam disk, 7.5 inches in diameter, that create a 7 to 8-foot radius of zebra mussel repellent.
 - Regularly inspecting and cleaning the pools and stairs.

Other areas, like the public boat ramps, will be monitored and addressed as needed. It is possible to remove zebra mussels by pressure washing.

Other things we can do:

- Public awareness campaign
 - Wear lake shoes
 - [Properly clean your boat after use](#)

- Dock owners & Dock Repair business awareness
 - Easy to clean
 - No dumping chemicals in the lake
- For future infrastructure in the water, where feasible, design in a way to minimize colonization, whether it is shape or material.
 - Currently experimenting in Lake Travis to see which materials are more prone to colonization.



RECOMMENDATION

This item is for the City staff to update the Council on this issue and provide for open discussion. Costs for implementation have been absorbed into the existing operating budgets for the Water Treatment Plant, Parks, and Engineering Department. No action is needed.

References:

1. Zebra Mussel Fact Sheet, Dec 2019 - LCRA
https://www.lcra.org/water/quality/Documents/Zebra_mussels_fact_sheet.pdf
2. Protect the Lakes you Love. Stop Zebra Mussels. - TexasInvasives.org
<https://texasinvasives.org/zebramussels/>
3. The Zebra Mussel Threat - TPWD
<https://tpwd.texas.gov/huntwild/wild/species/exotic/zebramusselmap.phtml>
4. Zebra Mussel Fact Sheet - USGS
<https://nas.er.usgs.gov/queries/factsheet.aspx?speciesID=5>
5. A Review of Zebra Mussels' Environmental Requirements
https://www.sfei.org/sites/default/files/biblio_files/No420_2005-ZebraMusselRequirements.pdf
6. Earthtec QZ
<https://earthtecqz.com/>
7. Dock Disk
<https://www.060bio.com/dock-disk/>

May 19, 2020

7. REGULAR AGENDA

- (d) Discussion and Action on a License Agreement between the City of Marble Falls and Mitch McManus, allowing for the construction of a privately maintained patio within public right-of-way of the east side of the 300 block of Main Street. *Erin Burks, Downtown Coordinator*
-



**Council Agenda Item Cover Memo
May 19, 2020**

Agenda Item No.: 7(d)
Presenter: Erin Burks, Downtown Coordinator
Department: Admin
Legal Review:

AGENDA CAPTION

Discussion and Action regarding a License Agreement between the City of Marble Falls and Mitch McManus, allowing for the construction of a privately maintained patio within public right-of-way of the east side of the 300 block of Main Street.

BACKGROUND INFORMATION

The property owner, Mitch McManus, has requested a license agreement from the City of Marble Falls to construct and maintain a patio for outdoor seating that will be open to the public, but at which they will also serve patrons.

The site is located at the east side of the 300 block of Main Street. The property is zoned Downtown District (DN), and the building is constructed to the lot line. The sidewalk and pedestrian improvements are within the right-of-way, consistent with the vision and goals of the Downtown Master Plan and utilization of public right-of-way.

As an additional aesthetic accent and pedestrian interface to the Old Oak Square building, the developer seeks to construct a patio feature on the east side of the 300 block of Main Street (as depicted within documents following this memo.) The patio feature is located in a portion of unused space within City right-of-way between the sidewalk improvements and the edge of curb of the street/intersection. Due to the project being proposed within City right-of-way, the City's authorization is required to construct this improvement. The attached license agreement is the form proposed by staff to authorize the construction and require maintenance of the patio feature. The license agreement provides standards for maintenance of the patio upon the licensee (and successors).

Termination provisions are provided should the City require the right-of-way space to be repurposed for a different public benefit (utilities, road widening, etc.). The term of the agreement is 10 years, with a provision for extension as agreed mutually upon by the parties. The license provides a year for construction of the patio feature to be completed.

Construction of the patio feature will be required to comply with the City's adopted building codes, and will be inspected accordingly.

City Attorney, Patty Akers drafted the attached License Agreement and the Managing Member, Mitch McManus of McManus Family Trust has reviewed, accepted, and executed the license, as is.

RECOMMENDATION

Based on the proposed patio's conformance to the Downtown Master Plan, the unutilized portion of right-of-way, and the added aesthetic benefit and pedestrian interaction in the Downtown area, City staff recommends approval of the attached License Agreement.

City of Marble Falls Current Adopted Codes:

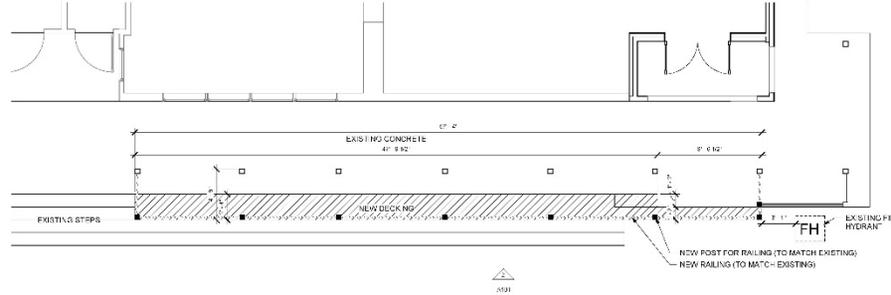
- 2015 International Building Code
- 2015 International Building Code
- 2015 International Plumbing Code
- 2015 International Mechanical Code
- 2015 International Fuel Gas Code
- 2015 International Fire Conservation Code
- 2015 International Fire Code
- 2014 National Electric Code
- 2015 NFPA101

Disclaimer:

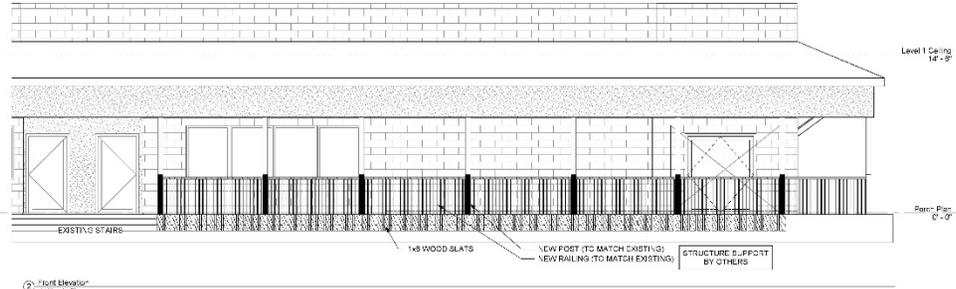
The Owner/Builder is responsible for ensuring compliance with all local codes and ordinances. Before construction begins, the Owner/Builder should thoroughly review these plans and notify Avellano Custom Designs, LLC immediately of any discrepancies or errors in the plans. The Owner/Builder acknowledges and understands the risks associated with adopting the design documents to the local construction rules, such as permits, soil conditions, grade, seismic zone, etc. Therefore, the Owner/Builder should consult a local engineer prior to construction in order to establish suitable structural design and construction methods. The Owner/Builder is further responsible for obtaining a local Architectural Dept. if required to secure the local permit to construct. The Owner/Builder is responsible for MSP design. Avellano Custom Designs, LLC shall not be held responsible for construction methods or methods, construction cost, quality of materials, or workmanship. Avellano Custom Designs, LLC shall not be held responsible for deviations from the design resulting from unsupported discrepancies in the plans. It is the Owner/Builder's responsibility to notify Avellano Custom Designs, LLC immediately of any discrepancies before continuing construction. Avellano Custom Designs, LLC hereby grants permission to build only one structure from this set of design documents. Any subsequent construction beyond the structure for which these plans are for construction, unless each sheet is sealed.

General Notes:

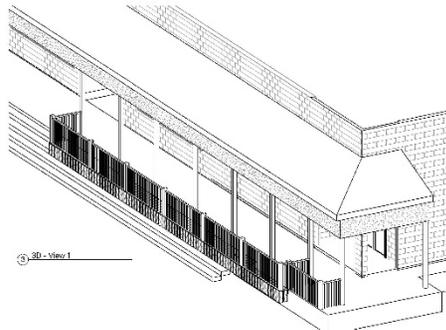
1. Written dimensions take precedence over scaled dimensions.
2. On floor plans, dimensions are to face of frame, or face of masonry u.n.o. (Unless Otherwise Noted).
3. All work performed shall be in accordance with all applicable codes, regulations, and ordinances having jurisdiction.
4. Any Mechanical, Electrical, or Plumbing shown on these plans are schematic only. Each sub-contractor is responsible to design and install their respective systems and equipment in conformance to state/municipality/ local codes.
5. Handrails shall be mounted 33"-34" above rising of vinyl G, and rails shall be 38" high.
6. The owner/builder/sub-contractor shall consult with engineer and design consultant during final design processes.



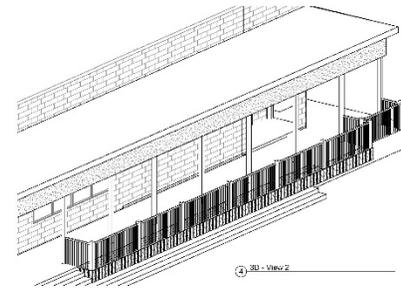
① Level 1 - Porch
1/4" = 1'-0"



② Front Elevation
1/4" = 1'-0"



③ 3D - View 1



④ 3D - View 2

ACD

ARIZONA LAND CUSTOM DESIGNS, LLC
acustoms.com

231 West
S. Cooper Street - Phoenix,
AZ 85004-2605, AZ
Cell: (602) 525-3140
Fax: (602) 525-3140

Owner:
3101 Main St.

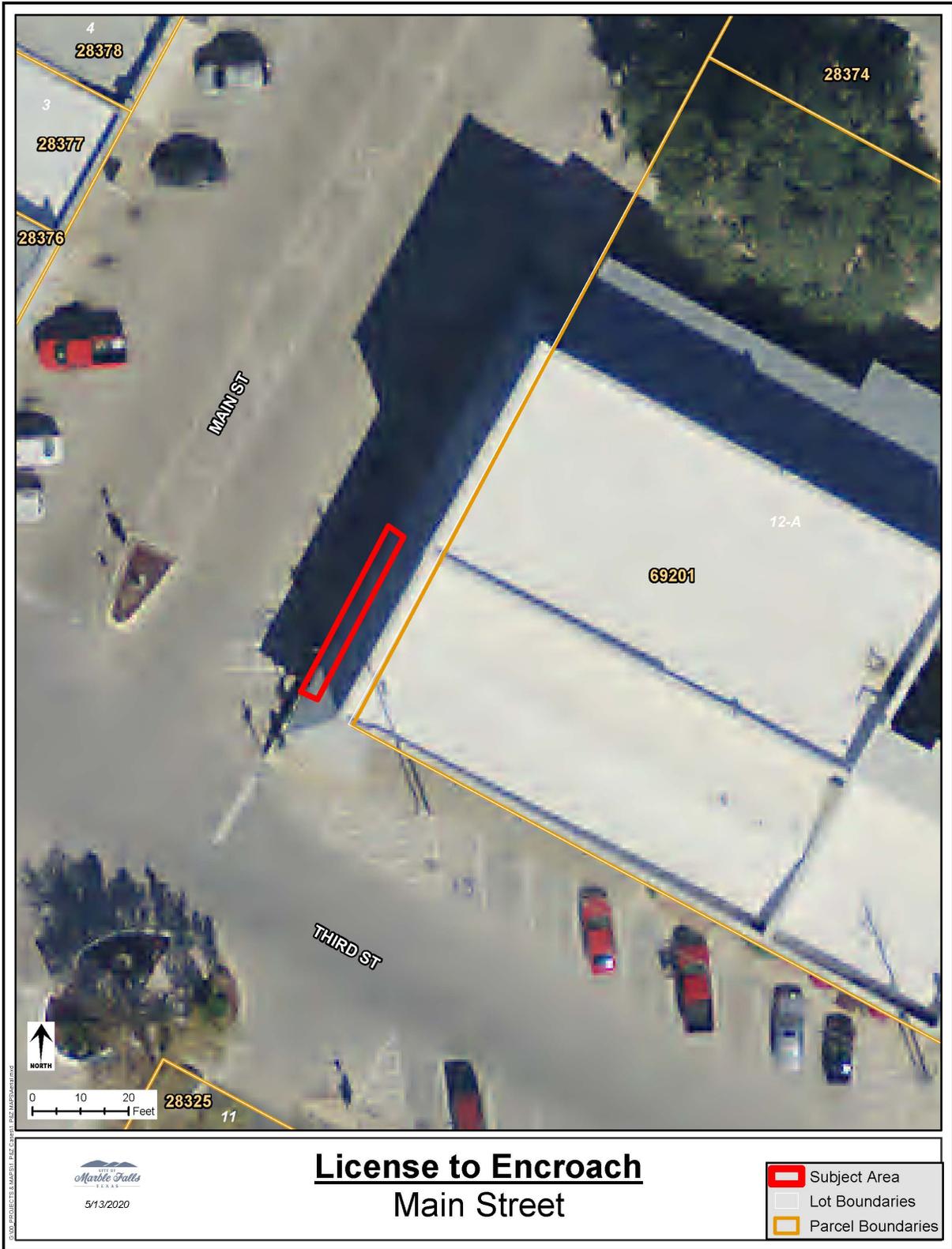
Porch at Jardin Corona
301 Main St.

MARBLE FALLS, TX 78654

No.	Description	Date
1	Issue #11	7/2020
2	Issue #12	8/2020
3	Issue #13	12/2020
4	Issue #14	3/2021

Porch Plan

Project Number	200011
Date	5/1/2020
Drawn by	MAA
Checked by	MAA
A101	
Scale	1/4" = 1'-0"



E. *Notice* means any formal notice or communication required or permitted to be given by one Party to another by this Agreement.

F. *Parties* mean the City and Developer.

G. *Property* means the portion of right of way associated with the east side of the 300 block of Main Street upon which the Improvements will be constructed.

2. PARTIES' OBLIGATIONS

Developer shall design and construct the Improvements as described in Exhibit "A" and in accordance with plans approved by the City. Developer will contribute 100% of the costs of design and construction and further agrees that it shall be solely responsible for payment of any and all costs, including but not limited to design and construction costs, including labor and materials, arising from the construction and maintenance of the Improvements, except as provided herein.

The City shall not be responsible for or be required to contribute toward the design, construction or maintenance costs of the Improvements. Provided however, City shall be responsible, subject to the limitations and conditions described herein for the construction, maintenance and operation of any water and sewer utilities located on the Property. Developer shall be responsible for the cost of any damage done to the City's water and sewer lines incurred as a result of Developer's use of the Property or construction of the Improvements. In the event that City is required to damage Developer's Improvements in order to perform maintenance, repair or construction on City's water or sewer lines and associated facilities, City shall not be required to reimburse Developer for such costs or expenses. Developer shall be required to repair the Improvements at Developer's sole cost. Such repair shall be conducted and completed within 10 days from the date of the damage.

The Developer shall comply with all applicable federal, state and local law including all City ordinances, codes and regulations in the design and construction of the Improvements and in particular the Developer shall conduct the construction in accordance with City Ordinances related to construction within City Rights of Way. Developer shall perform construction and maintenance in a manner that does not adversely impact City's use, construction, operation and maintenance of City water and sewer lines and associated facilities located on the Property and which create no liens or other encumbrances on the Property. Prior to beginning construction of the Improvements, the Developer shall submit plans and material specifications to the City for review and approval; including plans and specifications regarding future changes to the Improvements. Failure to obtain the City's final approval prior to construction or failure to comply with all applicable federal, state and local law including all City ordinances, codes and regulations shall constitute a material breach of this Agreement and permit the City to terminate this Agreement, and the City shall not be responsible for any costs incurred by the Developer through the date of termination. In addition, Developer shall obtain all permits and inspections required by the City. Upon execution of this Agreement, a schedule shall be submitted to the City Engineer as to when work will begin and be completed under this Agreement.

During construction of the Improvements, the City shall be granted entry onto the Property at reasonable times to inspect the progress and quality of the construction of the Improvements. If City ordinances require that any portion of the Improvements is required to be tested, Developer shall provide to the City a copy of all test results ordered by the Developer. A copy of all releases of lien forms from any subcontractor which worked on the construction of the Improvements or other written evidence of satisfactory payment by the Developer to all subcontractors, agents or vendors supplying material and/or equipment, as applicable for the construction of the Improvements shall also be provided.

3. TERM

Unless terminated earlier as provided for herein, the Term of this Agreement shall be 10 years commencing on the Effective Date. Construction of the Improvements shall be completed within 365 days from the Effective Date of the Agreement. In the event construction of the Improvements is not completed within 365 days of the Effective Date, this Agreement shall terminate and be of no further force or effect, unless the deadline is extended by mutual agreement of the Parties prior to the termination date. The License Term may be extended from time to time by mutual agreement of the Parties. Upon expiration of the License Term, Developer shall if requested by the City, return the Property to the condition it was in prior to commence of construction.

4. INSURANCE REQUIRED

The Contractor chosen by the Developer and the Developer must acquire a general liability policy with minimum liability limits of \$1,000,000 per occurrence with aggregate coverage of \$2,000,000, name the City as an additional insured and maintain such insurance throughout the Term of this Agreement.

5. TERMINATION

Developer may terminate this Agreement prior to commencement of construction. Upon termination prior to construction, the Developer shall have no further responsibility to the City under the Contract. Developer may terminate this Agreement after construction of the Improvements, by removing such Improvements (unless the City requests otherwise) and returning the Property to the condition it was in prior to construction. City may terminate this Agreement if Developer fails to cure any material default after complying with the notice and cure provisions of Section 6. Failure to operate and maintain the Improvements in accordance with this Agreement shall be considered a material default. In addition, City may terminate this Agreement due to public necessity. Public necessity shall mean the City's need, determined by the City in its sole discretion, to use the Property for right of way purposes or for construction and maintenance of public utilities which construction and use cannot be accomplished without termination of the Agreement or to prevent adverse impacts to public health and safety. Termination of the Agreement for public necessity is not a breach of this Agreement by the City.

6. NOTICE OF DEFAULT; OPPORTUNITY TO CURE; REMEDIES

Should any Party allege that the other has defaulted in the performance of any obligation hereunder, it will provide at least thirty (30) days written notice to the other Party specifying the nature of the alleged default and opportunity to cure the default before exercising any remedy related to the alleged default.

Upon the failure of either Party to comply with the provisions of this Agreement, which failure continues beyond the thirty (30) day notice and cure period provided above, the other Party shall have the right to enforce the terms and provisions of this Agreement by specific performance, or by such other legal or equitable relief to which the non-defaulting Party may be entitled.

Any remedy or relief described in this Agreement shall be cumulative of and in addition to any other remedies and relief available at law or in equity.

No prior written notice shall be required to terminate this Agreement if there is an imminent threat to the public health, safety and welfare, and the City may take any and all actions as necessary to mitigate the immediate threat and assess the costs to the Developer.

7. MAINTENANCE OF IMPROVEMENT

Upon completion of construction it shall be the responsibility of the Developer to operate and maintain the Improvement and all associated structures in good and working order and maintain the area clear of debris or trash. In the event that Developer fails to operate or maintain the Improvement in accordance with this Agreement and in addition to any other remedies that the City may have with regard to this License Agreement, the City may perform maintenance on the Improvement without declaring a default and Developer shall be responsible for reimbursing the City for such costs. Alternatively, the City may take over maintenance on the Improvement and Developer shall be responsible for reimbursing the City for such costs.

8. MISCELLANEOUS

A. **Entire Agreement.** This Agreement including any attached exhibits is the entire agreement between the Parties and supersedes all prior or contemporaneous understandings or representations, whether oral or written, respecting the subject matter herein.

B. **Amendment.** No amendment of this Agreement will be effective unless it is in writing and signed by the duly authorized representatives of the Parties hereto, which amendment will incorporate this Agreement in every particular not otherwise changed by the amendment.

C. **Other Instruments, Actions.** The Parties hereto agree that they will take such further actions and execute and deliver such other and further consents, authorizations, instruments, or documents as are necessary or incidental to effectuate the purposes of this Agreement.

D. **No Third Party Rights or Obligations.** No person or entity not a party to this Agreement shall have any third party beneficiary or any other rights against the parties to this Agreement.

E. **Applicable Law; Venue.** This Agreement shall be construed under and according to the laws of the State of Texas. Jurisdiction and venue for any suit arising hereunder shall be in Burnet County, Texas.

F. **Severability.** The provisions of this Agreement are severable, and if any court shall ever hold any word, phrase, clause, sentence, paragraph, section, or other part of this Agreement or the application of it to any person or circumstance of competent jurisdiction to be invalid or unconstitutional for any reason, the remainder of this Agreement and the application of such word, phrase, clause, sentence, paragraph, section, or other part of this Agreement to other persons or circumstances will not be affected by that and this Agreement will be construed as if it had never contained such invalid or unconstitutional portion therein.

G. **Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall for all purposes be deemed to be an original and all of which shall constitute the same instrument.

H. **Notices.** For the purposes of Notice, the addresses of the Parties will, until changed as provided below, be as follows:

CITY:

City Hall
800 Third Street
Marble Falls, Texas 78654

Attn.: Mike Hodge, City Manager
Phone: (830) 693-3615
Fax: (830) 693-6737

DEVELOPER:

Attn: Mitch D. McManus
McManus Family Trust
Post Office Box 78194
San Antonio, Texas, 78278
(210) 860-0455

The Parties will have the right from time to time to change their respective addresses upon written notice to the other Party. If any date or notice period described in this Agreement ends on a Saturday, Sunday or legal holiday, the applicable period for calculating the Notice will be extended to the first business day following such Saturday, Sunday or legal holiday.

I. **No Waiver of Ordinances.** No waiver of any provision of this Agreement will be deemed to constitute a waiver of any other provision or any other agreement, if any, between

the Parties. No waiver of any provision of this Agreement will be deemed to constitute a continuing waiver unless expressly provided for by written amendment to this Agreement; nor will the waiver of any default under this Agreement be deemed a waiver of any subsequent defaults of the same type. Nothing herein shall waive any obligations of Developer under applicable ordinances, including but not limited to the Code of Ordinances.

J. **License to Construct in City Right of Way.** This Agreement shall constitute a License and authority of Developer to construct the Improvements within the Right of Way of East side of the 300 block of Main Street the location described in Exhibit "A" and according to the terms of this Agreement.

K. **Attorney's Fees.** Should either Party be required to resort to litigation to enforce the terms of this Agreement, the prevailing Party, plaintiff or defendant, shall be entitled to recover its costs, including reasonable attorney's fees, court costs, and expert witness fees, from the other Party. If the court awards relief to both Parties, each will bear its own costs in their entirety except as otherwise specified by the court.

L. **Governmental Authority.** Nothing in this Agreement shall be construed to limit, restrict, modify, or abrogate the City's governmental authority or ordinances respecting the facilities and improvements contemplated by the terms of this Agreement except as specifically waived or modified herein or by specific action of the City Council, nor the City's duty to provide for the public health, safety, and welfare in the construction or maintenance of the same. Nothing in this Agreement is intended to waive the City's sovereign immunity.

M. **Assignability.** This Agreement shall not be assignable by Developer without the prior written consent of the City.

N. **Binding Obligation.** This Agreement shall be binding upon and inure to the benefit of the Parties and their representatives, successors, and assigns. The obligation to operate and maintain the Improvement shall be an obligation running with the land.

O. **No Special Relationship.** The parties' do not intend to create the relationship of principal and agent, partnership, joint venture, or any other special relationship by executing this Agreement.

P. **Authorized Signature.** The person executing this Agreement on behalf of the Developer warrants to the City that the Developer is a duly authorized to do so, is qualified to do business in the State of Texas, and that Developer has full right and authority to enter into this Agreement, and that every person signing on behalf of Developer is authorized to do so.

Executed on the dates set forth below, to be effective as the date of the last party to sign this Agreement ("Effective Date").

(Signatures appear on following pages.)

CITY OF MARBLE FALLS, TEXAS

Date: _____, 2020

John Packer, Mayor

STATE OF TEXAS §

§

COUNTY OF BURNET §

This instrument was acknowledged before me on the _____ day of _____, 20____, by John Packer, in his capacity as Mayor of the City of Marble Falls, a home rule municipal corporation, on behalf of said municipality.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE _____ DAY OF _____, 20_____.

Notary Public _____

My commission expires _____

McManus Family Trust

Date: _____, 2020

Mitch D. McManus
Title:

STATE OF TEXAS §
 §
COUNTY OF BURNET §

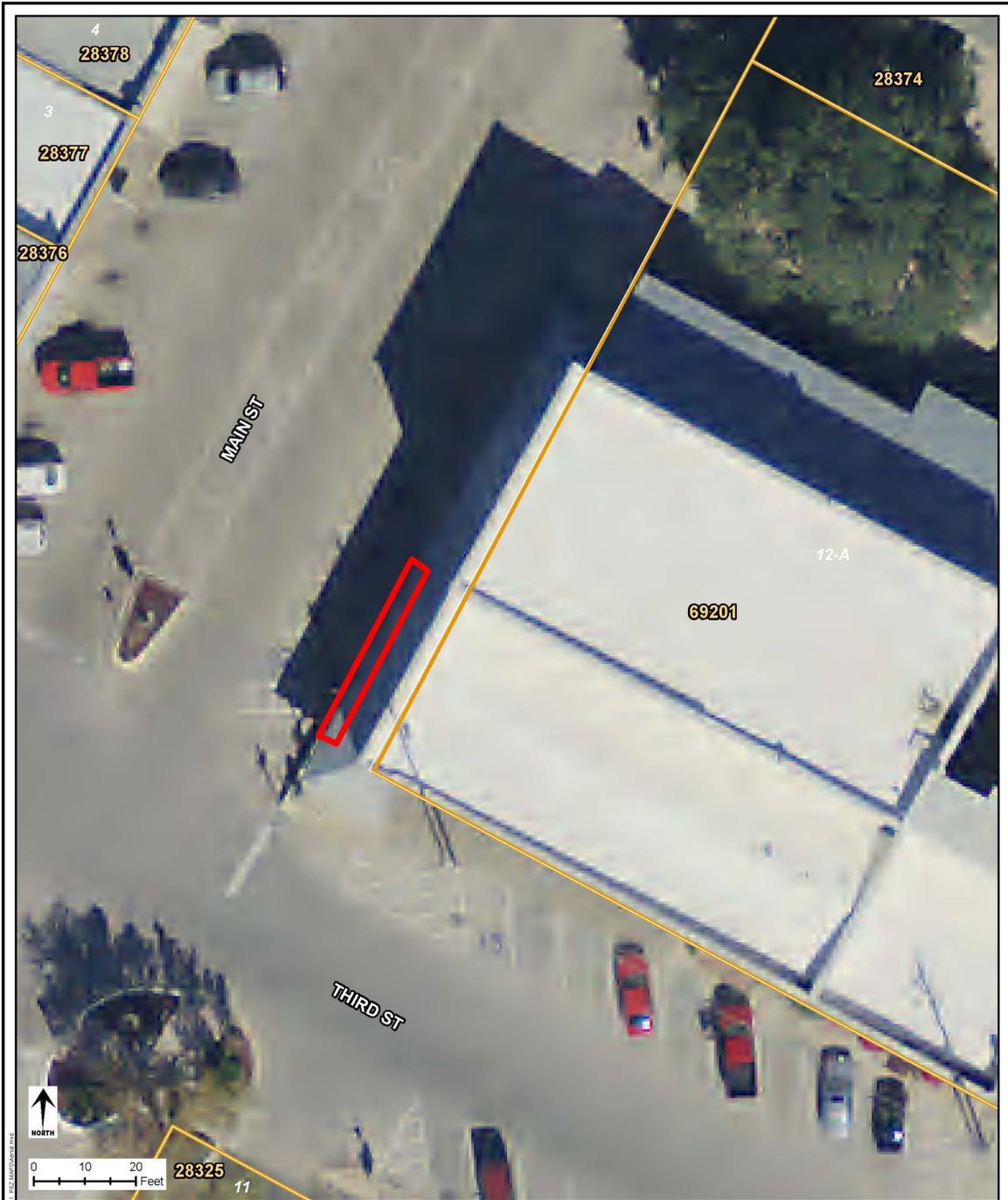
This instrument was acknowledged before me on the _____ day of _____,
20____, by Mitch D. McManus, in his capacity as _____ of the McManus Family Trust,
a _____, on behalf of said _____.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE _____ DAY
OF _____, 20_____.

Notary Public _____

My commission expires _____

EXHIBIT "A"



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5/13/2020

License to Encroach
Main Street

-  Subject Area
-  Lot Boundaries
-  Parcel Boundaries

City of Marble Falls Current Adopted Codes:

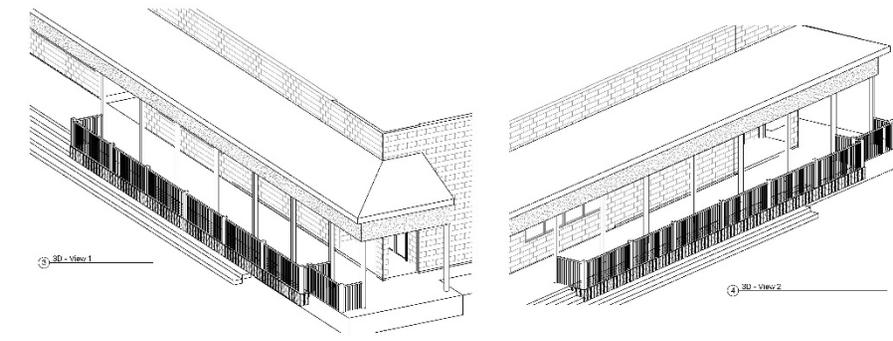
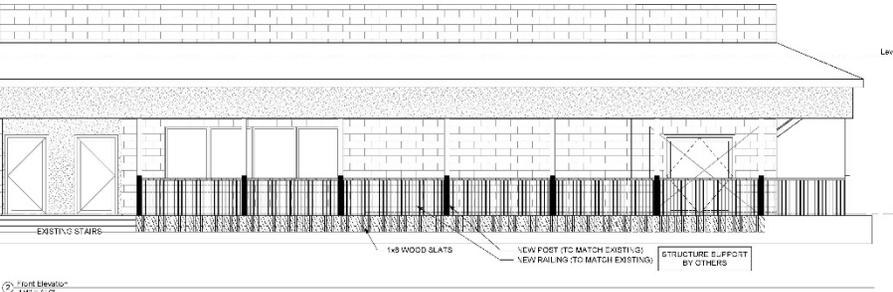
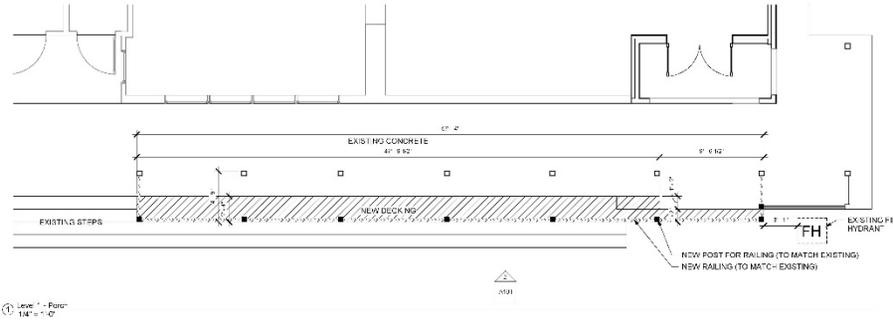
- 2015 International Building Code
- 2015 International Building Code
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- 2015 International Fire Conservation Code
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- 2014 National Electric Code
- 2015 NFPA101

Disclaimer

The Owner/Builder is responsible for ensuring compliance with all local codes and ordinances. Before construct on begins, the Owner/Builder should thoroughly review these plans and notify Avellano Custom Designs, LLC immediately of any discrepancies or errors in the plans. The Owner/Builder acknowledges and understands the risks associated with adopting the design documents to the local construction rules, such as climate, soil conditions, grade, seismic zones, etc. Therefore, the Owner/Builder should consult a local engineer prior to construction in order to establish adequate structural design and construction methods. The Owner/Builder is further responsible for obtaining a local Architectural Dept. if required to notify the local governing authority. The Owner/Builder is responsible for MSP, zoning, Avellano Custom Designs, LLC shall not be held responsible for construction means or methods, construction cost, quality of materials, or workmanship. Avellano Custom Designs, LLC shall not be held responsible for operations from the design resulting from unreported discrepancies in the plans. It is the Owner/Builder's responsibility to notify Avellano Custom Designs, LLC immediately of any discrepancies before continuing construction. Avellano Custom Designs, LLC hereby grants permission to build only one structure from the set of design documents. Any subsequent construction beyond the structure for which these plans for construction, unless each sheet is scaled.

General Notes:

1. Written dimensions take precedence over scaled dimensions.
2. On floor plans, dimensions are to face of frame, or face of masonry u.n.a. (Unless Otherwise Noted).
3. All work performed shall be in accordance with all applicable codes, regulations, and ordinances having jurisdiction.
4. Any Mechanical, Electrical, or Plumbing shown on these plans are schematic only. Each sub-contractor is responsible to design and install their respective systems and equipment in conformance to state/ municipality/ local codes.
5. -handrails shall be mounted 33" -34" above nosing of stairs. G. and rails shall be 38" high.
6. The owner/ builder/ sub-contractor shall consult with appropriate design consultant during final design process.



ACD
 AVELLANO CUSTOM DESIGNS, LLC
 avellano.com

2300 E. Highway 104
 Marble Falls, TX 78654
 254-535-3140
 info@avellano.com

Porch at Jardin Corona
 301 Main St.
 MARBLE FALLS, TX 78654

No.	Description	Date
Rev #1	Issued	7/2021
Rev #2	Revised	8/2021
Rev #3	Issued	9/2021

Porch Plan

PROJECT NO: 200001
 TITLE: 5/1/2021
 DRAWN BY: MAJ
 CHECKED BY: MAJ

A101

DATE: 10/11/21



**City of Marble Falls, Texas
Council Agenda Item Cover Memo
May 19, 2020**

**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:

- Consultation with City Attorney regarding legal rights and obligations associated with the Flatrock Development Agreement
- Consultation with City Attorney regarding possible sale of portion of city water system located in Los Escondidos

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 _____, 2020.

City Attorney