



NOTICE OF MEETING
GOVERNING BODY OF MARBLE FALLS, TEXAS
Tuesday, May 5, 2020 – 4:00 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 5th day of May 2020 the Marble Falls City Council will meet in regular session at 4:00 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**
 - Recognition of outgoing Councilmember William (Dee) Haddock
 - Administration of the Oaths of Office to Councilmembers Craig Magerkurth, Richard Westerman and Rene Rosales
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 April 21, 2020 regular meeting. *Christina McDonald, City Secretary*
7. **REGULAR AGENDA.** *Council will individually consider and possibly take action on any or all of the following items:*

- (a) Discussion and Action on the election of a Mayor Pro-Tem to serve for a term of one year according to Section 3.05 of the City Charter. *Christina McDonald, City Secretary*
- (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*
- (c) Public Hearing, Discussion, and Action on Ordinance 2020-O-05A designating a “Boaters Keep Out” area in Lakeside Park. *Lacey Dingman, Director of Parks and Recreation*
- (d) Consideration and Discussion regarding Strategic Planning. *Mike Hodge, City Manager*

8. CITY MANAGER’S REPORT

9. EXECUTIVE SESSION

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

11. ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

12. ADJOURNMENT

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

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

Certificate of Posting

I, Christina McDonald, City Secretary for the City of Marble Falls, Texas, do certify that this Notice of Meeting was posting at City Hall, in a place readily accessible to the general public at all times, on the 30th day of April, 2020 at 11:00 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

May 5, 2020

6. CONSENT AGENDA

- (a) Approval of the minutes of the April 21, 2020 regular meeting. *Christina McDonald, City Secretary*
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**STATE OF TEXAS
COUNTY OF BURNET
CITY OF MARBLE FALLS**

On this the 21st day of April 2020 the City Council convened in regular session at 6:00 pm by telephone conference in accordance with the Order of the Office of the Governor issued March 16, 2020, in response to COVID-19, with notice of meeting giving time, place, date, and subject having been posted as described in Chapter 551 of the Texas Government Code.

PRESENT: John Packer Mayor
Richard Westerman Mayor Pro-Tem
William (Dee) Haddock Councilmember
Craig Magerkurth Councilmember
Celia Merrill Councilmember
Reed Norman Councilmember
Dave Rhodes Councilmember

ABSENT: None

STAFF: Mike Hodge City Manager
Caleb Kraenzel Assistant City Manager
Christina McDonald City Secretary
Christian Fletcher Executive Director
Baron Sauls Director of Finance
Valerie Kreger Director of Development Services
Russell Sander Fire Chief
Mark Whitacre Police Chief
Patty Akers City Attorney
Angel Alvarado Human Resources Coordinator
James Kennedy Public Works Director
Jay Everett Assistant Public Works Director
Kacey Paul City Engineer
Lacey Dingman Directors of Parks and Recreation
Erin Burks Downtown Coordinator

VISITORS: Susan Patton (LCRA), Connie Swinney (The Highlander), Rene Rosales (Councilmember Elect Place 3), John Davenport, Dale Gray, Phil Reynolds, Travis Wilson

1. **CALL TO ORDER AND ANNOUNCE QUORUM IS PRESENT.** Mayor Packer called the meeting to order at 6:00 pm and announced the presence of a quorum by roll call.
2. **INVOCATION.** Councilmember Rhodes gave the invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES AND TO THE TEXAS FLAG.

Councilmember Magerkurth led the pledges.

4. UPDATES, PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS. There were no updates, presentations, proclamation or recognitions.

5. CITIZEN COMMENTS. There were no citizen comments.

6. CONSENT AGENDA.

(a) Approval of the minutes of the April 7, 2020 regular meeting.

Councilmember Rhodes requested that item 6(b) be moved from the consent agenda to the regular agenda for discussion.

Councilmember Haddock made a motion to approve item 6(a) of the consent agenda. The motion was seconded by Councilmember Merrill and carried by a vote of 7-0.

7. REGULAR AGENDA.

Approval of Resolution 2020-R-04B continuing the Disaster Declaration previously issued on March 19, 2020 by Mayor John Packer and extended to April 21, 2020 on March 26, 2020 by the City Council, until May 19, 2020 at 11:59 pm Central Standard Time in response to the spread of COVID-19. Mayor Packer opened up the agenda item for discussion. Councilmember Rhodes stated he was not in favor of continuing the disaster declaration and that the City of Marble Falls needs to move forward in opening the City and removing the stay in place order. Mayor Packer and Chief Sander responded with an explanation that the extension of the disaster declaration simply allows the City access to federal funding if needed.

Councilmember Rhodes made a motion to approve Resolution 2020-R-04B extending the Disaster Declaration in response to the spread of COVID-19 until May 19, 2020. Mayor Pro-Tem Westerman seconded the motion. The motion carried by a vote of 6-1, with Councilmember Norman voting opposed.

(a) Discussion and Action on the approval of a Construction Improvement Agreement for 7 Fall Marbles, City of Marble Falls, Burnet County, Texas. Valerie Kreger, Director of Development Services addressed Council. Councilmember Rhodes made a motion to approve the Construction Improvement Agreement as presented. Mayor Pro-Tem Westerman seconded the motion. The motion carried by a vote of 7-0.

(b) Discussion and Action regarding the Parks and Recreation Program, maintenance and Lakeside 1a Project Budget Adjustments. Lacey Dingman, Director of Parks and Recreation gave the presentation and addressed Council. After much discussion Councilmember Merrill made a motion to move forward with the project as presented

(delay Lakeside Pavilion HVAC upgrade, purchase barge for fireworks display and proceed with the fireworks event, and approve Lakeside Pavilion Phase 1a finish out items, and expenses and change orders), while using the remaining balance of the pavilion tax note and a portion of the funds for the preliminary City Hall design and encouraging staff to continue to look for options for additional outside funding from donations and cost savings measures. Mayor Pro-Tem Westerman seconded the motion. The motion carried by the following vote (4-3):

YEAS: Mayor Packer, Mayor Pro-Tem Westerman and Councilmembers Merrill and Haddock

NAYS: Councilmembers Norman, Rhodes and Magerkurth

- (c) **Discussion and Action on the proposed project approaches and agreeing to enter into a Project Agreement with U.S. Department of Agriculture (USDA) Natural Resources Conservancy Service (NRCS) Emergency Watershed Protection (EWP) Program, which has awarded the City of Marble Falls a total of \$2,284,607.47 for design and construction of five sites that sustained damage from the October 2018 flood event.** Kacey Paul, City Engineer addressed Council and provided a presentation. Councilmember Haddock made a motion to approve the Project Agreement. Mayor Pro-Tem Westerman seconded the motion. The motion carried by a unanimous vote (7-0).
- (d) **Discussion and Action regarding a contract for engineering services with Miller Gray, Inc., for engineering design, permitting, and bid phase services for all five sites identified in the Emergency Watershed Protection (EWP) Program Grant.** Kacey Paul, City Engineer addressed Council. Mayor Pro-Tem Westerman made a motion to approve the contract for engineering services with Miller Gray, Inc. Councilmember Norman seconded the motion. The motion carried by a vote of 7-0.
- (e) **Discussion and Action on Resolution 2020-R-04D expressing intent to finance expenditures to be incurred by the City for project costs associated with the Emergency Watershed Protection (EWP) Program, including engineering design, permitting, and construction for the five identified sites.** Kacey Paul, City Engineer addressed Council. Councilmember Rhodes made a motion to act favorably on Resolution 2020-R-04D. Councilmember Norman seconded the motion. The motion carried by a unanimous vote (7-0).
8. **CITY MANAGER'S REPORT.** City Manager Mike Hodge provided an update on the City's response to the COVID-19 Pandemic. Mr. Hodge stated that city staff is working on a plan to reopen City offices. Mr. Hodge also gave an update on TxDOT's sidewalk construction on Highway 281 between Third Street and Broadway.
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. Mr. Hodge, City Manager, stated that the next regular meeting is scheduled for May 5 and that the meeting is tentatively scheduled to be held at 4:00 pm at the Lakeside Pavilion followed by a retreat.

12. ADJOURNMENT. There being no further business to discuss, Councilmember Norman made a motion to adjourn. The motion was seconded by Councilmember Rhodes. The meeting was adjourned at 8:29 pm.

John Packer, Mayor

ATTEST:

**Christina McDonald, TRMC
City Secretary**

DRAFT

May 5, 2020

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. *Christina McDonald, City Secretary*
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Council Agenda Item Cover Memo
May 5, 2020

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

AGENDA CAPTION

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.

BACKGROUND INFORMATION

Section 3.05 of the City Charter states that the 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.

May 5, 2020

7. REGULAR AGENDA

- (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*
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Council Agenda Item Cover Memo
May 5, 2020

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

AGENDA CAPTION

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

BACKGROUND INFORMATION

Budget amendments are necessary to reflect revised estimates or actual amounts of expenses and revenues since the adoption of the annual budget. Amending the budget at mid-year is a common practice for the City of Marble Falls; most cities amend their budget at least once a year.

The notice on the public hearing has been 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 will 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				
INSURNACE PROCEEDS	-	424,094	424,094	TML 2018 FLOOD PAYMENT
TOTAL REVENUES			424,094	
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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	
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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>	
<hr/> TOTAL REVENUES <hr/>				
EXPENDITURES				
<u>HOT FUNDS</u>				
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	
<u>HOT FUNDS</u>				
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	<u>2018-2019 CURRENT BUDGET</u>	<u>2018-2019 REVISED BUDGET</u>	<u>ADJUSTMENT</u>	
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	
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EXPENDITURES				
CAPITAL				
LAKESIDE PARK CONSTRUCTION - PHASE 1A	700	76,450	<u>75,750</u>	COST FOR BUOYS, HAND RAILS, SHOWERS, ETC
			75,750	
RECREATIONAL EQUIPMENT		11,667	<u>11,667</u>	TO COVER 1ST PAYMENT OF BARGE PURCHASE
			11,667	
TOTAL CAPITAL			87,417	
TOTAL EXPENDITURES			87,417	
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EXCESS OF REVENUES OVER EXPENDITURES			<u>(12,000)</u>	

BUDGET AMENDMENTS - TAX NOTE FUND 79

79-TAX NOTE

REVENUES	2019-2020 CURRENT BUDGET	2019-2020 REVISED BUDGET	ADJUSTMENT	
<hr/>				
TOTAL REVENUES	<hr/>	<hr/>	<hr/>	
<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	
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TOTAL EXPENDITURES			0	
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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	22,365	PURCHASE OF 2020 CHEVY SILVERADO
<u>TOTAL REVENUES</u>			<u>22,365</u>	
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EXPENDITURES				
12 - MF TRUNKED RADIO				
MF PSAP RASDIO SYSTEMS	72,028	142,375	70,347	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	22,365	PURCHASE OF 2020 CHEVY SILVERADO
TOTALEQUIPMENT REPLACEMENT FUND			<u>22,365</u>	
<u>TOTAL EXPENDITURES</u>			<u>92,712</u>	
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EXCESS OF REVENUES OVER EXPENDITURES			<u>(70,347)</u>	

BUDGET AMENDMENTS - TIRZ #1 FUND 25

25-TIRZ #1 FUND

	2019-2020 CURRENT BUDGET	2019-2020 REVISED BUDGET	ADJUSTMENT	
REVENUES				
TOTAL REVENUES				
<hr/>				
EXPENDITURES				
<hr/>				
<u>TIRZ #1 FUND</u>				
CAPITAL				
STREET ENHANCE-LIQUID ASPHALT	0	35,000	35,000	TO ASPHALT MAIN STREET
TOTAL CAPITAL			35,000	
TOTAL EXPENDITURES				35,000
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EXCESS OF REVENUES OVER EXPENDITURES			(35,000)	

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	
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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	
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EXCESS OF REVENUES OVER EXPENDITURES			(167,027)	

May 5, 2020

7. REGULAR AGENDA

- (c) Public Hearing, Discussion, and Action on Ordinance 2020-O-05A designating a “Boaters Keep Out” area in Lakeside Park. *Lacey Dingman, Director of Parks and Recreation*
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**Council Agenda Item Cover Memo
May 5, 2020**

Agenda Item: 7(c)
Presenter: Lacey Dingman, Director of Parks and Recreation
Department: Parks and Recreation

AGENDA CAPTION

Public Hearing, Discussion, and Action on Ordinance 2020-O-05A designating a "Restrict Swimming Area" and a "Boaters Keep Out" area adjacent to Lakeside Park on Lake Marble Falls.

BACKGROUND

The purpose of this item is to consider an amendment to our code of ordinances designating a "Restricted Swimming Area" and a "Boaters Keep Out" area in Lakeside Park. Due to the Texas Parks and Wildlife Code, in order to establish a restricted area, an update to our existing ordinances within the Parks and Recreation Chapter defining the areas, is necessary.

With the construction of the beach and public swim access points at Lakeside Park, restricted boat access is necessary to provide greater safety to our patrons. The Restricted Swimming area will be the entire 420 feet length of the beach and extend 50 feet out into the lake from the shore line. The Restricted Swimming Area is further protected by a 100 foot "Boaters Keep Out Area" which includes the swimming area and extends 100 feet from the Restricted Swimming Area. Navigation buoys will be placed as required by the Parks and Wildlife and the LCRA to delineate the Boaters Keep Out Area. The restricted swimming area will be roped off with buoys or floatation barriers to delineate the swimming area. Fishing is also restricted in this area, as well. A map of the areas is attached.

RECOMMENDATION

Staff recommends approving the amendment to the code of ordinances, attached to this memo and establishing a "Boaters Keep Out Area" and "Restricted Swimming Area" at Lakeside Park as depicted in the map provided.

ORDINANCE NO. 2020-O-05A

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MARBLE FALLS, TEXAS, CHAPTER 15, "PARKS AND RECREATION," ARTICLE III, "LAKE MARBLE FALLS," DIVISION 1, "GENERALLY," BY CREATING A NEW SECTION 15-54, "LAKESIDE PARK RESTRICTED SWIMMING AREA" AND ESTABLISHING A BOATERS KEEP OUT AREA AS DEPICTED IN EXHIBIT "A", ATTACHED HERETO, AND ASSOCIATED REGULATIONS; CREATING A NEW SECTION 15-55, "NAVIGATION BUOYS", AND ESTABLISHING ASSOCIATED REGULATIONS; PROVIDING FOR PENALTIES, PREAMBLE, SAVINGS, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Marble Falls (the "Council") seeks to provide for the public health, safety and general welfare of its residents; and

WHEREAS, section 31.092 of the Texas Parks and Wildlife Code authorizes the Council to designate by ordinance certain areas as bathing, fishing, swimming or otherwise restricted areas and to make rules and regulations related thereto which it deems necessary for public safety; and

WHEREAS, the City has constructed a beach, public swimming area and associated recreational amenities within Lakeside Park and for the area described in Exhibit "A" and wishes to restrict such area for swimming and to prevent boating traffic to provide a place for the public to swim in Lake Marble Falls; and

WHEREAS, the Council finds that it is in the best interest of the public health, safety and general welfare to provide for the designation of a Restricted Swim Area/Boaters Keep Out area on Lake Marble Falls as described in Exhibit "A", attached hereto;

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

SECTION 1. PREAMBLE

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Marble Falls, Texas and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION 2. AMENDMENT

This ordinance amends Chapter 15 of the Marble Falls Code of Ordinances, “Parks and Recreation,” Article III, “Lake Marble Falls,” Division 1, “Generally,” to create a new Section 15-54, “Lakeside Park Restricted Swimming Area” and Section 15-55, “Navigation Buoys” as follows:

Sec. 15-54. Lakeside Park Restricted Swimming Area.

(a) The Lakeside Park Restricted Swimming Area, plus an additional 100 feet extending therefrom as described herein and as depicted in Exhibit “A”, attached hereto, is hereby designated as a “Boats Keep Out Area”.

(b) It shall be unlawful for any person to operate any boat or water ski, or to ride any type surfboard, skiing apparatus or jet ski, or manipulate any aquaplane, or similar device, or to fish or set trot lines or hooks (collectively “boaters”) within the Boats Keep Out Area.

(c) The center of the Lakeside Park Restricted Swimming Area is located at coordinates 30°33'59.94"N latitude 98°16'45.28"W longitude, on Lake Marble Falls. The total length of the area is 420' (210' to the northeast and southwest of the coordinates above) and 50 feet vertically out from the shoreline. The Lakeside Park Restricted Swimming Area is to be used for swimming and wading purposes only. The Lakeside Park Restricted Swimming Area may be identified with float barriers or other appropriate markings.

(d) The City Manager, or designee and shall post appropriate signage, floating barriers, buoys and/or other markings identifying the Boats Keep Out Area from which boaters are restricted from entering or operating. Buoys shall be placed to designate the Boats Keep Area and shall be compliant with Section 15-55 and any LCRA permit.

(e) All other prohibitions and requirements of this Article shall apply, except as same may be in conflict with the provisions of this Section.

Sec. 15-55. Navigation Buoys

(a) All buoys placed to designate a “Boat Keep Out Area” must be United States Coast Guard approved and comply with the U.S. Aids to Navigation System. All buoys shall be marked with a three (3) inch white or silver reflective band positioned as close to the top of the buoy as practicable.

(b) The “Boats Keep Out” buoys must be placed no further than 150’ apart and must display a fixed white light at nighttime.

(c) The placement of orange barrier floats in between the buoys is authorized to more clearly depict a boundary for the “Boats Keep Out” area.

(d) It shall be unlawful for any person to remove, relocate, deface or tamper with a navigation buoy or to moor a boat to a navigation buoy. It shall be unlawful for a person to remove, relocate, deface or tamper with any buoy, float, sign or other barrier or marker which delineates a restricted area located on Lake Marble Falls. This prohibition does not apply to a city, state, or federal official performing an official duty.

SECTION 3. ENFORCEMENT

A violation of this Ordinance shall be enforced in accordance with General Penalties provision in Section 1-9 of the City Code of Ordinances.

SECTION 4. SAVINGS

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

SECTION 5. SEVERABILITY

If any provision, section, sentence, clause or phrase of this ordinance, or the 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 of 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 6. REPEALER

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

SECTION 7. EFFECTIVE DATE

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION 8. 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.

PUBLIC HEARING, FIRST READING AND APPROVED this ____ day of May, 2020.

CITY OF MARBLE FALLS

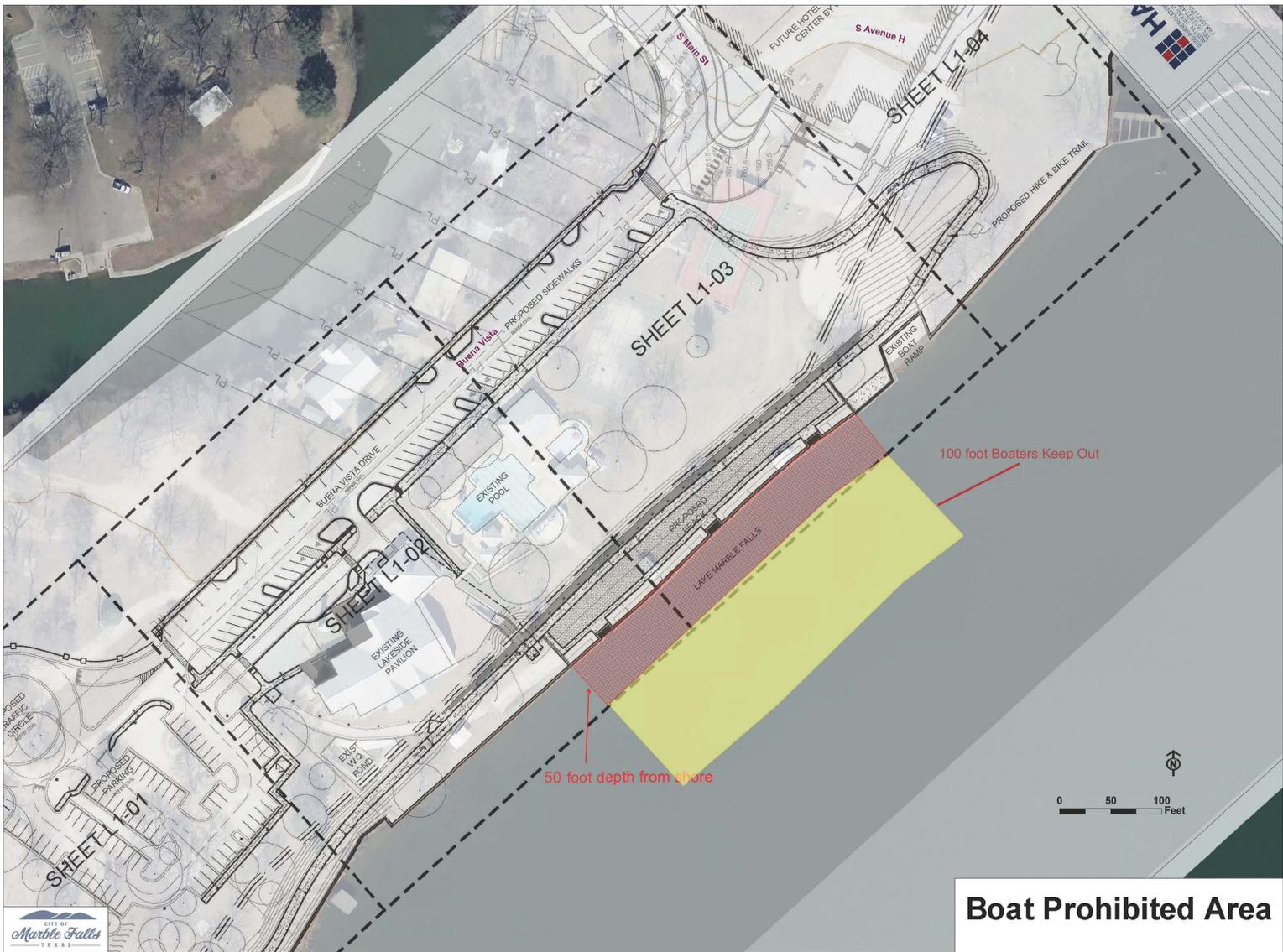
By: _____
John Packer,
Mayor

ATTEST:

Christina McDonald,
City Secretary

APPROVED AS TO FORM:

Patty L. Akers,
City Attorney



Boat Prohibited Area