

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

On this the 1<sup>st</sup> day of March 2022 the City Council convened in regular session at 6:00 pm in the City Hall Council Chambers located at 800 third Street, Marble Falls with notice of meeting giving time, place, date, and subject having been posted as described in Chapter 551 of the Texas Government Code.

**PRESENT:**

Richard Westerman	Mayor
Dave Rhodes	Mayor Pro-Tem
William (Dee) Haddock	Councilmember
Craig Magerkurth	Councilmember
Reed Norman	Councilmember
Rene Rosales	Councilmember
Bryan Walker	Councilmember

**ABSENT:** None

**STAFF:**

Mike Hodge	City Manager
Caleb Kraenzel	Assistant City Manager
Christina McDonald	City Secretary
Patty Akers	City Attorney
Jeff Lazenby	Director of Finance
Melody Chiang	Accounting Supervisor
Kacey Paul	City Engineer
Erin Burks	Downtown and Marketing Manager
Lacey Dingman	Director of Parks and Recreation
Christian Fletcher	EDC Executive Director
Russell Sander	Fire Chief
Tommy Crane	Fire Marshal
Glenn Hanson	Police Chief
Scarlet Moreno	City Planner
Mike Ingalsbe	Building Official
Chris Pounds	Building Inspector
Jay Everett	Assistant Public Works Director
Trisha Ratliff	Captain - Criminal Investigations

**VISITORS:** Martin Stary (KC Engineering), Brian Shirley (CIP Committee Chair), Henry Hohenberger, Stuart and Rebecca Nunnally, Dylan Haltom, Lauren Halton (Council Candidate Place 3), William Brust, Brigid Cooley (Daily Trib), Kim Klankel (Highland Lakes Crisis Center, Development Manager), Bobby Sanford (Electric-S), Paula Burns (1104 Live Oak), Mandy McCary

(1108 Live Oak), Tim Fielding (1102 Live Oak), Robert Adams (Plummer Associate), Jose Hitchcock, Darrell Sargent, Kirby

1. **CALL TO ORDER AND ANNOUNCE QUORUM IS PRESENT.** Mayor Westerman called the meeting to order and announced the presence of a quorum.
2. **INVOCATION.** Mayor Pro-Tem Rhodes gave the invocation.
3. **PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES AND TO THE TEXAS FLAG.** Mayor Westerman led the pledges.
4. **UPDATES, PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS**
  - **Proclamation.** Mayor Westerman proclaimed April 27, 2022 Denim Day and presented the proclamation to the Highland Lakes Family Crisis Center.
  - **Update from the Engineering Department.** Kacey Paul, City Engineer provided the update.
  - **Update from the Development Services Department.** Caleb Kraenzel, Assistant City Manager provided the update.
  - **Presentation of 1<sup>st</sup> Quarter FY 2021/2022 Financial Report.** Jeff Lazenby, Director of Finance introduced Accounting Supervisor Melody Chiang and presented the financial report.
5. **CITIZEN COMMENTS.** There were no citizen comments.
6. **CONSENT AGENDA.**
  - (a) **Approval of the minutes of the February 15, 2022 regular meeting.**
  - (b) **Approval of the 1<sup>st</sup> Quarter Investment Report for the period October 1, 2021 through December 31, 2021.**
  - (c) **Approval of Resolution 2022-R-03A authorizing the Mayor to execute Texas Subdivision and Special District Election and Release forms for settlement with Endo/Par and Teva and any future release forms as part of the global opioid settlement led by the Texas Attorney General, authorizing submission of settlement participation forms and providing an effective date.**
  - (d) **Approval of a Preliminary Plat of Gregg Ranch Phase Two, being 36.13 acres out of the H.T. & B.R.R. Co. Survey No. 1, Abstract No. 448, the G. Fischler Survey No. 2, Abstract No. 1565 and the Bradley Survey No. 79, Abstract No. 61, Burnet County, Texas.**

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

**7. REGULAR AGENDA.**

- (a) Public Hearing, Discussion and Action on Ordinance 2022-O-03A regarding a Floodplain Development Variance request for a new residential construction to Section 5.2.3.B.2 (Specific Standards for Flood Reduction), regarding the elevation of the lowest floor of a residential structure on Lot 29, Hays Addition, City of Marble Falls, Burnet County, Texas, municipally addressed as 908 Lakeshore Drive. Caleb Kraenzel, Assistant City Manager addressed Council. Mayor Westerman opened the public hearing. Mandy McCary (1108 Live Oak), Tim Fielding (1102 Live Oak) and resident Paula Burns (1104 Live Oak) spoke against granting the variance request. Mayor Pro-Tem Rhodes addressed Council regarding flood insurance rate regulations, FEMA's Community Rating System (CRS) and National Flood Insurance Program (NFIP) requirements. Councilmember Haddock referenced FEMA's Floodplain Management Bulletin regarding Variances and the National Flood Insurance Program. Councilmember Walker stated that the structure in question is not complete, no certificate of occupancy has been issued by the City, residents have spoken against granting the variance and staff and the City Attorney have recommend not granting the variance, therefore he cannot vote in favor of granting the variance. Brian Shirley (former floodplain manager) stated that there is no factual basis to say flood insurance rates will go up if a variance is granted as the City does not participate in the CRS program. Mr. Shirley stated that CRS looks for a pattern of communities granting variances if the community is a member of CRS and that there is no truth that if the variance is granted that the community's flood insurance rates will increase. Mr. Shirley asked that Council not base their decision on possible flood insurance rate increases.**

**7:30 pm City Council convened to Executive Session. Note that Mayor Pro-Tem Rhodes did not participate.**

**7:55 pm City Council returned to Open Session.**

There being no further discussion, Mayor Westerman closed the public hearing. Councilmember Walker made a motion to deny the variance request (Ordinance 2022-O-03A). Councilmember Norman seconded the motion. The motion carried by a vote of 4-3, with Mayor Pro-Tem Rhodes and Councilmembers Haddock and Magerkurth voting opposed.

- (b) Public Hearing, Discussion and Action on Ordinance 2022-O-03B, rezoning from Farm and Ranch District (FR) to a Planned Development District (PDD) with base zoning of Rural Estate District for approximately 452.60 acre tract of land out of the F.R. Fuchs Survey No. 1451, Abstract 1483, the McKinney & Williams Survey No. 834, Abstract 624, the J.T. & B.R.R. Co., Survey No. 1, Abstract 448, the Adolf Varnhagan Survey No. 2, Abstract 1279, and the J.H. Behrens Survey No. 1028, Abstract 111, Burnet County Texas. Scarlet Moreno, City Planner addressed Council. Mayor Westerman opened the public**

hearing. There being no discussion, Mayor Westerman closed the public hearing. Councilmember Haddock made a motion to act favorably on Ordinance 2022-O-03B. The motion was seconded by Councilmember Norman and carried by a vote of 7-0.

(c) **Discussion and Action on a construction contract for standby emergency generator installations at city facilities and authorize the City Manager to execute the contract.** Kacey Paul, City Engineer addressed Council. Councilmember Rosales made a motion to approve the construction contract with Electric-S in the amount of \$787,000, authorize the City Manager to execute the contract and authorize the appropriation of the funds for the project in Fiscal Year 2021-2022 budget. The motion was seconded by Councilmember Haddock and carried by a vote of 6-1 with Mayor Pro-Tem Rhodes voting opposed.

(d) **Discussion and Action on effluent management options for the Wastewater Treatment Plant expansion.** Kacey Paul, City Engineer addressed Council followed by Robert Adams (Plummer Associates). No action was taken.

8. **CITY MANAGER'S REPORT.** City Manager Mike Hodge gave an update on the City Soccer Program and provided Council with information regarding the Wildflower Trail and the upcoming Burnet County BOPATE Waste Collection event scheduled for April 23, 2022.

9. **EXECUTIVE SESSION**

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


- Consultation with City Attorney regarding utility system coordination and development prospect

**Council did not convene to Executive Session**

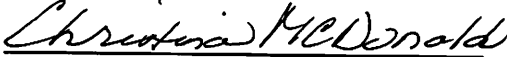
10. **RECONVENE INTO OPEN SESSION FOR POSSIBLE ACTION RESULTING FROM ITEMS DISCUSSED IN EXECUTIVE SESSION.** No action was taken.

11. **ANNOUNCEMENTS AND FUTURE AGENDA ITEMS.** Council reviewed the draft agenda for the March 15, 2022.

12. **ADJOURNMENT.** There being no further business to discuss, Councilmember Norman made a motion to adjourn. Councilmember Walker seconded the motion. The motion carried by a vote of 7-0 and the meeting was adjourned at 8:45 pm.

  
Richard Westerman, Mayor

**ATTEST:**

  
Christina McDonald, TRMC  
City Secretary