

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

On this the 6th day of April 2021 the City Council convened in regular session at 6:00 pm in the City Hall Council Chambers located at 800 Third Street, Marble Falls with notice of meeting giving time, place, date, and subject having been posted as described in Chapter 551 of the Texas Government Code.

<u>PRESENT:</u>	John Packer	Mayor
	Richard Westerman	Mayor Pro-Tem
	Craig Magerkurth	Councilmember
	Celia Merrill	Councilmember
	Reed Norman	Councilmember
	Dave Rhodes	Councilmember
	Rene Rosales	Councilmember

ABSENT: None

<u>STAFF:</u>	Mike Hodge	City Manager
	Caleb Kraenzel	Assistant City Manager
	Christina McDonald	City Secretary
	Patty Akers	City Attorney
	Jay Everett	Assistant Director of Public Works
	Glenn Hanson	Assistant Chief of Police
	Christian Fletcher	EDC Executive Director
	Kacey Paul	City Engineer
	Scarlet Moreno	Planner
	Jeff Lazenby	Director of Finance
	Lacey Dingman	Director of Parks and Recreation

VISITORS: Connie Swinney (The Highlander), Brigid Cooley (Daily Trib), Randy Hartford (ATMOS Energy), Clayton Burney and Bryan Walker (Council Candidates Place 4), Tripp Davenport (FMS Bonds – Thunder Rock Development), Vincent Gerard (Developer - Vincent Gerard and Associates), Spence Collins (Developer – McAllister & Associates), John Davis (1803 Hwy. 281 N), Steven Young (Trihydro), Ron Schwier (Ridge Point Drive), John Davis (1803 Hwy. 281 N), Irene Tabor (2002 Mormon Mill Road)

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.

2. **INVOCATION.** Councilmember Rhodes gave the invocation.
3. **PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES AND TO THE TEXAS FLAG.**
Mayor Packer led the pledges.
4. **UPDATES, PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS**
 - **Update from Waste Management.** Mayor Packer stated the update has been postponed until the April 20 meeting.
 - **Update from Burnet Central Appraisal District.** Stan Hemphill, Chief Appraiser gave the update.
5. **CITIZEN COMMENTS.** There were no citizen comments.
6. **CONSENT AGENDA.**
 - (a) **Approval of the minutes of the March 16, 2021 regular meeting.**
 - (b) **Approval of an Interlocal Cooperation Contract with Burnet County and the City of Marble Falls related to support services for the Marble Falls Public Library.**
 - (c) **Approval of Resolution 2021-R-04A regarding the application of ATMOS Energy Corporation – MidTex Division, to increase rates under the Gas Reliability Infrastructure Program; suspending the effective date of this rate application for forty-five days and authorizing the City to continue to participate in a Coalition of Cities known as the ATMOS Texas Municipalities”.**
 - (d) **Approval of Resolution 2021-R-04B supporting the application of the Texas Department of Transportation’s 2019 Transportation Alternatives Set-Aside (TA) / Safe Routes to School-Infrastructure (SRTS) call for projects.**
 - (e) **Approval of Resolution 2021-R-04C authorizing the submission of a Texas Community Development Block Grant Program Application to the Texas Department of Agriculture, office of Rural Affairs for the Community Development Fund and authorizing the Mayor and/or City Manager to act as the City’s Executive Officer and authorized representative in all matters pertaining to the City’s participation in the Texas Community Development Block Grant program related to sewer line improvements on Broadway to FM 1431 along Backbone Creek.**
 - (f) **Approval of Resolution 2021-R-04D expressing intent to finance expenditures to be incurred by the City for project costs associated with the America’s Water Infrastructure Act of 2018, including the development, submittal and approval of the Risk and Resilience Assessment and the Emergency Response Plan related to the Water Plant.**

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

7. REGULAR AGENDA.

(a) Continue Public Hearing and Discussion and Action on Ordinance 2021-O-02B making a finding of special benefit to the Thunder Rock Public Improvement District; providing for the method of assessment of special assessments against the property in the District; approving assessment rolls for the District; levying special assessments against property in the District; providing for payment of the special assessments; providing for penalties and interest on delinquent special assessments; establishing a lien on property within the District; approving a service and assessment plan; providing for related matter in accordance with Chapter 372, Texas Local Government Code; providing and effective date; and providing for severability. Caleb Kraenzel, Assistant City Manager addressed Council. Mayor Packer closed the public hearing. Tripp Davenport (FMS Bonds) provided an update on the project and explained the reasons for the delay. No other action was taken by Council.

(b) Public Hearing, Discussion and First Reading of Ordinance 2021-O-04A amending the 2020/2021 Budget for the General Fund 01, Utility Fund 02 (Water & Wastewater), Hotel/Motel Fund 03, Debt Service Fund 04, Cemetery Fund 08, Economic Development Fund 20, Utility Improvements Fund 45, Park Improvements Fund 52, and General Improvements Fund 68. Jeff Lazenby, Director of Finance addressed Council. Mayor Packer opened the public hearing. There being no discussion, Mayor Packer closed the public hearing and read the ordinance caption. First reading of ordinance. No action was taken.

Mayor Packer opened items 7(c) and 7(d), including both public hearings.

Councilmember Norman recused himself from participation in items 7(c) and 7(d) stating a Conflict of Interest. City Secretary Christina McDonald acknowledged that a Conflict-of-Interest Affidavit had been filed with the City Secretary.

(c) Public Hearing, Discussion, and Action on Ordinance 2021-O-04B regarding a zoning map amendment request from General Commercial District (GC) to Neighborhood Commercial District (NC) and Neighborhood Residential District (NR) to Transitional Residential District (TR) for Lots 1 and 35-A, Holly-Naumann Subdivision No. Three, Burnet County, Texas.

After some discussion, Councilmember Rhodes made a motion to continue action on Ordinance 2021-O-04B until the April 20 Council Meeting. Mayor Pro-Tem Westerman seconded the motion. The motion carried by a vote of 7-0.

(d) Public Hearing, Discussion, and Action on Ordinance 2021-O-04C regarding a conditional use permit to allow for apartments in Transitional Residential District (TR) and Neighborhood Commercial District (NC), Lots 1 and 35-A, Holly-Naumann Subdivision No. Three, Burnet County, Texas.

Scarlet Moreno, Planner addressed Council. Ms. Moreno stated that enough cards were returned in opposition of the rezone that a $\frac{3}{4}$ vote of Council will be required to approve the Rezone and Conditional use Ordinances. Mayor Packer opened the public hearing. The Developers (Vince Gerard, Vincent Gerard and Associates and Spence Collins, McAllister & Associates) gave a brief presentation of the project.

Irene Tabor (2002 Mormon Mill Road) stated that she had been told by a previous staff member in the Development Services Department prior to her selling the subject property to the developers several years ago that the property could not be rezoned because the City had a 10-year plan. Mr. Tabor stated she had concerns that the proposed development would increase traffic in the area. Ms. Tabor also stated that the project response cards sent out by the Development Services Department to adjacent property owners did not provide enough time to allow property owners to respond by the deadline.

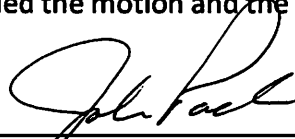
John Davis (1803 Hwy. 281 N) and Ron Schwierr (resident of Ridge Point Drive) spoke against the proposed development, stating traffic concerns. Mr. Schrieber stated his main concern was the location of the road to the condos in relation to where his house is located. Mr. Davis also stated that the cards were not sent out by the City in a timely manner.

There being no further discussion, Mayor Packer closed the public hearings on both 7(c) and 7(d) and read the captions of Ordinances 2021-O-04B and 2021-O-04C.

Councilmember Rhodes made a motion to continue action on Ordinance 2021-O-04C until the April 20 Council Meeting and instructed staff to coordinate discussions with the developers, neighborhood representatives and select Councilmembers regarding buffers for the proposed development and bring back to Council for approval on April 20. Councilmember Merrill seconded the motion. The motion carried by a vote of 7-0.

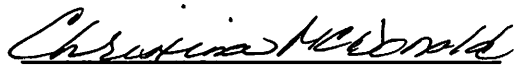
(e) Discussion and Action on award of a construction contract with CFG Industries, for rehabilitation of the 200,000 gallon Via Viejo above ground water storage tank, including emergency repairs caused by the 2021 Artic Freeze, and authorize the City Manager to execute the contract. Kacey Paul, City Engineer addressed the City Council. Councilmember Merrill made a motion to approve the construction contract with CFG Industries and authorize the City Manager to execute the contract. Councilmember Norman seconded the motion. The motion carried by a unanimous vote (7-0).

8. **CITY MANAGER'S REPORT.** City Manager Mike Hodge gave an update on the EWPP Project located at Lakeside Park/Johnson Park.
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.** Draft agenda items scheduled for the April 20 meeting were reviewed.
12. **ADJOURNMENT.** There being no further business to discuss, Councilmember Norman made a motion to adjourn. Mayor Pro-Tem Westerman seconded the motion and the meeting was adjourned at 8:28 pm.



John Packer, Mayor

ATTEST:


Christina McDonald, TRMC
City Secretary