

(b) **Public Hearing, Discussion, and Action on Ordinance 2023-O-04D regarding a rezoning request from Business Park (BP) to Multifamily Residential District (MR) for a 22.80-acre tract of land, more or less, situated in the Horatio Keyes Survey, Abstract No. 518 and the Logan Vandivier Survey, Abstract No. 928, Burnet County, Texas, located on the north side of Resource Parkway and west of West Innovation Loop.** Kim Foutz, Director of Development Services addressed Council. Mayor Westerman opened the public hearing. Owner/Developer Bill Walters addressed Council. There being no further discussion, Mayor Westerman closed the public hearing and read the captions of the ordinance. Councilmember Haddock made a motion to act favorably on Ordinance 2023-O-04D. The motion was seconded by Councilmember Norman and carried by a unanimous vote (6-0).

(c) **Discussion regarding new City Hall project, including private/public partnerships, financing options and possible bond election.** Lacey Dingman, Director of Parks and Recreation led the discussion, followed by Director of Finance Jeff Lazenby who addressed financing options. No action was taken.

8. **CITY MANAGER'S REPORT.** City Manager Mike Hodge provided an update on TxDOT.

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 2 regular meeting was reviewed.

12. **ADJOURNMENT.** There being no further business to discuss, Councilmember Norman motioned to adjourn. Councilmember Morris seconded the motion. The meeting was adjourned at 7:40 pm.



Dave Rhodes, Mayor Pro-Tem

ATTEST:


Christina McDonald, TRMC
City Secretary

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

On this the 2nd day of May 2023, the City Council convened in regular session at 6:00 pm in the City Hall Council Chambers located at 800 Third Street, Marble Falls, with notice of meeting giving time, place, date, and subject having been posted as described in Chapter 551 of the Texas Government Code.

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

ABSENT: None

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

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

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

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

Councilmember Norman made a motion to approve the consent agenda. The motion was seconded by Councilmember Haddock and carried by a vote of 7-0.
7. **REGULAR AGENDA.**
 - (a) **Public Hearing, Discussion, and Action on Ordinance 2023-O-05A regarding a Conditional Use Permit to allow for Apartments within the Transitional Residential District (TR) on Lot 4A, Holly Naumann Subdivision Number Three, City of Marble Falls, Burnet County, Texas. Municipally addressed as 1391 Max Copeland Dr.** Kim Foutz, Director of Development Services addressed Council. Councilmember Haltom stepped down from the dais, stating a conflict of interest. The City Secretary

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

(b) Public Hearing, Discussion, and Action on Ordinance 2023-O-05B regarding a rezoning request from General Commercial District (GC) to a Planned Development District, with base zoning of General Commercial District (GC) and Multifamily District (MF) for approximately 15.21 acres of land out of the R.D. Moore Survey No. 603, Abstract No. 614 and the A. Schroter Survey No. 4, Abstract No. 1270, City of Marble Falls, Burnet County, Texas, generally located north of Panther Hollow Drive and West of Corazon Drive. Kim Foutz, Director of Development Services addressed Council. Mayor Westerman opened the public hearing. Marley Porter, Architect addressed Council. There being no further discussion, Mayor Westerman closed the public hearing and read the caption of the ordinance. Councilmember Norman made a motion to act favorably on Ordinance 2023-O-05B. Mayor Pro-Tem Rhodes seconded the motion. The motion carried by a vote of 5-2, with Councilmembers Walker and Haltom voting opposed.

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

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

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

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

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

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

- (d) Discussion and Action on the Second Reading of Ordinance 2023-O-04C amending the 2022/2023 Budget by altering revenues and expenditures for the General Fund, Utility Fund, Hotel/Motel Fund, Economic Development Corporation Fund, Hotel Conference Center Fund and General Improvements Fund.** Jeff Lazenby, Director of Finance presented the item. Councilmember Norman made a motion to act favorably on Ordinance 2023-O-04C. Councilmember Haddock seconded the motion. The motion carried by a vote of 7-0.
- (e) Presentation, Discussion, and Action on the acceptance of the Fiscal Year 2021/2022 Annual Comprehensive Financial Report.** Jeff Lazenby, Director of Finance introduced Chris Pruitt (Pattillo, Brown & Hill) who gave the presentation. Councilmember Haddock made a motion to accept the FY 2021/2022 audit as presented. Councilmember Norman seconded the motion. The motion carried by a unanimous vote (7-0).
- (f) Discussion and Action on the award and execution of a construction agreement with Black Rock Industries, Inc., in an amount not to exceed \$1,150,821.74, to perform all work required for the construction of the Rehabilitation of Avenue Q Project and authorize the City Manager to execute the agreement.** Jeff Prato, City Engineer led the discussion. Councilmember Haddock moved to award and execute the construction agreement and authorize the City Manager to execute the agreement. Councilmember Norman seconded the motion. The motion carried by a vote of 7-0.

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

9. EXECUTIVE SESSION CLOSE OPEN SESSION AND CONVENE EXECUTIVE SESSION Pursuant to §551.071 (*Private Consultation between the Council and its Attorney*), Pursuant to §551.072 (*Deliberation Regarding the Purchase, Exchange, Lease or Value of Real Property*), and Pursuant to §551.074 (*Deliberation Regarding the Appointment, Employment, Employment Evaluation, Reassignment, Duties, discipline or Dismissal of a Public Officer or Employee or to Hear a*

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

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


9:05 pm Council convened to Executive Session

9:40 pm Council returned to Open Session

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


11. **ANNOUNCEMENTS AND FUTURE AGENDA ITEMS.** The draft agenda for the May 16 regular meeting was reviewed.

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



Dave Rhodes, Mayor Pro-Tem

ATTEST:



Christina McDonald, TRMC
City Secretary