

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

On this the 3rd day of May 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.

<u>PRESENT:</u>	Richard Westerman	Mayor
	William (Dee) Haddock	Councilmember
	Craig Magerkurth	Councilmember
	Reed Norman	Councilmember
	Rene Rosales	Councilmember
	Bryan Walker	Councilmember
<u>ABSENT:</u>	Dave Rhodes	Mayor Pro-Tem
<u>STAFF:</u>	Mike Hodge	City Manager
	Caleb Kraenzel	Assistant City Manager
	Christina McDonald	City Secretary
	Patty Akers	City Attorney
	Jeff Lazenby	Director of Finance
	Glenn Hanson	Police Chief
	Trisha Ratliff	Captain Criminal Investigations
	Kim Foutz	Interim Director Development Services
	Mike Ingalsbe	Building Official
	Christian Fletcher	EDC Executive Director
	James Kennedy	Public Works Director
	Jay Everett	Assistant Director Public Works
	Angel Alvarado	Director of Human Resources
	Lacey Dingman	Director of Parks and Recreation
	Russell Sander	Fire Chief
	Tommy Crane	Fire Marshal
	Daulton Mobley	Recreation Manager
	Erin Burks	Downtown and Marketing Manager
	Chad Smith	Street Superintendent
	Dewain Everett	Water/Wastewater Superintendent
	Michael Hernandez	Crew Leader Street Department
	Ivan Graff	Wastewater Plant Superintendent
	Jeff Felps	Water Plant Superintendent
	Jeff Beltran	Fire Engineer
	Rowan Arnold	Fire Captain

Jordan Thomas	Firefighter
Tim Pierce	Firefighter
Bobby Amick	Firefighter
Kayla Gostnell	Tourism Manager

VISITORS: Lauren Haltom (Council Candidate Place 3), Martin Stary (KC Engineering), Russ Roper, Rick Rosenberg (DPFG), Connie Swinney (The Highlander), James Kirby (Thousand Oaks developer), Robert and Celia del la Garza (Marble Falls Visitor Center), Jason McMillan (MQI), Gary Dillard (DDC), Grayson Jaynes II, Jesse Wimberly, Mike Nathan, Dillon Norton and Niko Riggs (Members of Boy Scout Troop 284,)

1. **CALL TO ORDER AND ANNOUNCE QUORUM IS PRESENT.** Mayor Westerman called the meeting to order at 6:00 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**
 - **Proclamations** – Mayor Westerman proclaimed the week of May 1-7, 2022 National Travel and Tourism Week and Public Employees Appreciation Week.
 - **Update from the Public Works Department.** James Kennedy, Director provided the update.
5. **CITIZEN COMMENTS.** There were no citizen comments.
6. **CONSENT AGENDA.**
 - (a) Approval of the minutes of the April 19, 2022 regular meeting.
 - (b) Approval of Resolution 2022-R-05A determining the costs of certain authorized improvements to be financed by the Thousand Oaks Public Improvement District; approving a Preliminary Service Plan and Assessment Plan, including the proposed assessment roll; calling for and providing for notice calling a regular meeting and noticing a public hearing for May 17, 2022, to consider an ordinance levying assessments on property located within the Thousand Oaks Public Improvement District; directing the filing of the proposed assessment roll with the City Secretary to make said proposed assessment roll available for public inspection; directing City staff to publish and mail notice of said public hearing; and resolving other matters incident and related thereto.

- (c) **Approval of the recommendation from the Hotel/Motel Occupancy Tax Advisory Committee regarding the allocation of FY 2021/2022 Hotel Occupancy Tax funding for Putters and Gutters Fun Center.**
- (d) **Approval of a proposal from Double Eagle Entertainment for the production of the Summer Concert Series in an amount not to exceed \$120,000 and authorization for the City Manager to execute the appropriate documents.**

Councilmember Haddock requested that item 6(d) be moved to the regular agenda for discussion. Councilmember Magerkurth then made a motion to approve consent agenda items 6(a) through 6(c). The motion was seconded by Councilmember Norman and carried by a unanimous vote 6-0.

7. REGULAR AGENDA.

Approval of a proposal from Double Eagle Entertainment for the production of the Summer Concert Series in an amount not to exceed \$120,000 and authorization for the City Manager to execute the appropriate documents. There was some discussion regarding the use of HOT funds for the music events and that the request did not go to the HOT Committee for discussion and recommendation prior to Council's consideration of the expenditure. Lacey Dingman, Director of Parks and Recreation addressed Council. Councilmember Haddock requested after action statistics. Councilmember Rosales made a motion to approve the proposal as presented. Councilmember Haddock seconded the motion. The motion carried by a vote of 6-0.

- (a) **Public Hearing, Discussion, and Action on Ordinance 2022-O-05A regarding an amendment to a Planned Development District, Roper West PDD Ordinance 2017-O-08J, with base zoning of Condo-Townhouse Base District (R-3) and General Commercial Base District (C-3), amending development standards associated with the development for approximately 76.26 acres out of the A. Schroeter Survey No.4, Abstract No.1270; The F. Fissler Survey No. 1065, Abstract No.1328, and the C.M. R.R. Co. Survey No.3, Abstract No. 1123, City of Marble Falls, Burnet County, Texas, located west of Highway 281 and north of Rocky Road.** Kim Foutz, Interim Director of Development Services presented the item. Mayor Westerman opened the public hearing. After some discussion, Mayor Westerman closed the public hearing and read the ordinance caption. Councilmember Norman made a motion to approve Ordinance 2022-O-05A. The motion was seconded by Councilmember Haddock and carried by a vote of 6-0.

Mayor Westerman opened item 7(b) and 7(c).

- (b) **Discussion and Action on a Preliminary Plat establishing Thousand Oaks Subdivision Phase One being 271.4 acres out of the Adolf Varnhagan Survey No. 2, Abstract No. 1279, the J.H. Behrens Survey No. 1028, Abstract No. 111 and the Thomas G. Forester Survey No. 51, Abstract No. 316, Burnet County, Texas and consideration of a temporary**

Waiver/Suspension for the Civil Engineering Plans, Traffic Impact Analysis, and Engineers Cost Estimate, and approval of a Construction Agreement. Kim Foutz, Interim Director of Development Services addressed Council. Councilmember Haddock made a motion to approve the preliminary plat, the temporary waiver requests and the construction agreement for the Thousand Oaks Subdivision Phase One subject to 1) the conditions that all engineering plans be approved and improvements construction prior to approval of the final plat as well as compliance with the project schedule in relation to the items listed in the waiver; and 2) the conditions outlined by the Planning and Zoning Commission (waiver/suspension for the civil engineering plans, traffic impact analysis, and engineers cost estimate to City Council with the conditions that prior to Final Plat the engineer provides evidence of adequate water supply using ground water and that the base flood elevation be established). Councilmember Magerkurth seconded the motion. The motion carried by a vote of 6-0.

- (c) **Discussion and Recommendation regarding a Preliminary Plat establishing Thousand Oaks Subdivision Phase Two being 254.26 acres out of the Adolf Varnhagan Survey No. 2, Abstract No. 1279, the J.H. Behrens Survey No. 1028, Abstract No. 111, the F.R. Fuchs Survey No. 1451, Abstract No. 1483, the McKinney and Williams Survey No. 834, Abstract No. 624 and the H.T. & B. R.R. Co. Survey No. 1, Abstract No. 448, Burnet County, Texas and consideration of a temporary Waiver/Suspension for the Civil Engineering Plans, Traffic Impact Analysis, and Engineers Cost Estimate, and approval of a Construction Agreement.** Kim Foutz, Interim Director of Development Services addressed Council. Councilmember Haddock made a motion to approve the preliminary plat, the temporary waiver requests and the construction agreement for the Thousand Oaks Subdivision Phase Two subject to 1) the conditions that all engineering plans be approved and improvements construction prior to approval of the final plat as well as compliance with the project schedule in relation to the items listed in the waiver; and 2) the conditions outlined by the Planning and Zoning Commission (waiver/suspension for the civil engineering plans, traffic impact analysis, and engineers cost estimate to City Council with the conditions that prior to Final Plat the engineer provides evidence of adequate water supply using ground water and that the base flood elevation be established). Councilmember Norman seconded the motion. The motion carried by a vote of 6-0.
- (d) **Discussion and Action on the Second Reading of Ordinance 2022-O-04D amending the code of ordinances of the City of Marble Falls; Appendix C—Master Fee Schedule, Parks and Recreation facility and program fees and short-term rental registration fees.** Jeff Lazenby, Director of Finance addressed Council. Councilmember Rosales made a motion to approve Ordinance 2022-O-04D amending Appendix C – Master Fee Schedule. The motion was seconded by Councilmember Haddock and carried by a vote of 6-0.
- (e) **Discussion and Action on the Second Reading of Ordinance 2022-O-04C amending the 2021/2022 Budget by altering revenues and expenditures for the General Fund, Utility Fund, Hotel/Motel Fund, Economic Development Corporation Fund, Hotel Conference**

Center Fund, Building Security Fund, and the COVID-19 Fund. Jeff Lazenby, Director of Finance addressed Council, followed by City Manager Mike Hodge. Mayor Westerman stated he was in support of the proposed amendment, including the use of the American Rescue and Recovery Act grant funds. Councilmember Norman addressed staff stating that his disapproval of the use of American Rescue and Recovery Act funds for employees was not personal and he appreciated all the work the city employees do. After much discussion, Councilmember Haddock made a motion to approve Ordinance 2022-O-04C. The motion was seconded by Councilmember Rosales and carried by a vote of 5-1, with Councilmember Norman voting opposed.

8. **CITY MANAGER'S REPORT.** City Manager Mike Hodge provided an update on summer events, Westside Park, Park View Park design process and the Capital Improvement Plan, including Nature Heights Drive, Raw Water, Wastewater Treatment Plant and Tri-Campus Connectivity projects.
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:

- Consult with City Attorney regarding authority to regulate future development prospects and discuss real estate transaction that may be necessary to support future development

7:45 pm Council convened to Executive Session

8:08 pm Council returned to Open Session

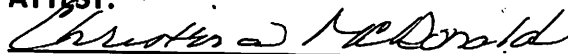
10. **RECONVENE INTO OPEN SESSION FOR POSSIBLE ACTION RESULTING FROM ITEMS DISCUSSED IN EXECUTIVE SESSION.** No action was taken.

11. **ANNOUNCEMENTS AND FUTURE AGENDA ITEMS.** The draft agenda for the May 16 special meeting and the May 17 regular meeting were reviewed.

12. **ADJOURNMENT.** There being no further business to discuss, Councilmember Haddock made a motion to adjourn. Councilmember Rosales seconded the motion. The meeting was adjourned at 8:15 pm.


Richard Westerman, Mayor

ATTEST:



Christina McDonald, TRMC
City Secretary