

**COUNTY OF BURNET
CITY OF MARBLE FALLS**

On this the 21st day of May 2019 the Council of the City of Marble Falls convened in regular session at 6:00 pm at the City Hall Council Chambers located at 800 Third Street, Marble Falls, Texas, 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
	William (Dee) Haddock	Councilmember
	Craig Magerkurth	Councilmember
	Reed Norman	Councilmember
<u>ABSENT:</u>	Celia Merrill	Councilmember
	Dave Rhodes	Councilmember
	Richard Westerman	Mayor Pro-Tem
<u>STAFF:</u>	Mike Hodge	City Manager
	Caleb Kraenzel	Assistant City Manager
	Christina McDonald	City Secretary
	Patty Akers	City Attorney
	Margie Cardenas	Director of Finance
	Robert Talamantes	Patrol Captain
	Russell Sander	Fire Chief
	Tommy Crane	Fire Marshal
	Erin Burks	Downtown Coordinator
	James Kennedy	Public Works Director
	Jay Everett	Assistant Public Works Director
	Valerie Kreger	Building Official
	Mike Ingalsbe	Building Official
	Chris Pounds	Building Inspector
	Justin Hakes	Code Enforcement Officer
	Amy Williams	Permit Technician
	Christian Fletcher	EDC Executive Director
	Robert Moss	Parks and Recreation Director
	Monique Breaux	Recreation Coordinator

VISITORS: Jared Fields (Tribune), Connie Swinney (The Highlander), Dr. Chris Allen (MFISD Superintendent), Mark Mayfield (Executive Director Marble Falls Housing Authority), Bailey Goggans and Kason O'Reily (MF High School Athletes), John Schneider (P3 Works), Mark McLiney and Andrew Friedman (SAMCO Capital), David Mendez and Gregory Miller (Bickerstaff), Rick Rosenburg, Jarrod Metzgar (Executive Director Marble Falls/Lake LBJ Chamber of Commerce), Steve Reitz (EDC), Rene Rosales (P&Z Commissioner), Brian and Nancy Dunnam (114 Buena Vista),

Chris Schrader (MFISD), Tracy and Bailey Goggans, Ethan and Shawn O'Reily, Kristen Boswell (PLACE Designers), Ryan Nash, Steve Lackey (First Capital Bank)

1. **CALL TO ORDER AND ANNOUNCE QUORUM IS PRESENT.** Mayor Packer called the meeting to order at 6:00 pm.
2. **INVOCATION.** Councilmember Haddock 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 AND RECOGNITIONS**
 - **Recognition of MFISD State Track Athletes Bailey Goggans and Kason O'Reily.** Mayor Packer recognized the MFISD student athletes who place at the recent Track and Field Championships.
 - **Proclamation – Mayor Packer proclaimed May 2019 Building Safety Month.**
 - **Update from the Marble Falls Housing Authority.** Mark Mayfield, Executive Director provided the update.
 - **Update from the Marble Falls Independent School District.** Dr. Chris Allen, Superintendent gave the update.
5. **CITIZEN COMMENTS.** There were no citizen comments.
6. **CONSENT AGENDA.**
 - (a) Approval of the minutes of the May 14, 2019 special meeting.
 - (b) Approval of Resolutions 2019-R-05A and 2019-R-05C authorizing two Qualified Tax-Exempt Finance Contracts with Government Capital Corporation for the financing of vehicles, chip spreader and a dump truck and authorizing the City Manager to sign the contracts.
 - (c) Approval of the 2nd Quarterly Investment Report for the period January 1, 2019 through March 31, 2019.
 - (d) Approval of an Escrow and Improvement Agreement between the City of Marble Falls and Paul and Barbara King for water system usage and improvements relating to the proposed public improvements for Gregg Ranch.
 - (e) Approval of the distribution of funds from the Community Event Fund for the annual Marble Falls Community Fireworks 4th of Celebration.

Councilmember Norman made a motion to approve the consent agenda. The motion was seconded by Councilmember Haddock and was approved by a vote of 4-0.

7. REGULAR AGENDA.

Mayor Packer moved to items 7(f) and 7 (g) and opened both items. Nancy Dunnam addressed Council regarding the City's response to the October 2018 flood and the effect to her property located at 114 Buena Vista.

6:33 pm Council convened to Executive Session according to §551.07 (Consultation with City Attorney) and §551.072 (Deliberations about Real Property).

7:25 pm Council returned to Open Session.

City Manager Mike Hodge addressed Council and those present regarding the City's desire to purchase the subject properties and the difficulties the City has had in trying to reach Mr. and Mrs. Dunnam regarding 114 Buena Vista.

City Attorney Patty Akers stated that the purpose of each Resolution is to set a process whereby the City can begin mutual negotiations to purchase the properties.

- (f) Discuss and Consider Resolution 2019-R-05D finding a public necessity exists to acquire fee simple interests for City park purposes, public creek bank stabilization purposes and other public uses, obtaining appraisal reports, making bona fide offers, ratifying prior actions, authorizing the City to initiate condemnation proceedings under Chapter 21, Texas Property Code, and appropriating funds to acquire fee simple title to the property located at 110 Buena Vista, Marble Falls, Texas and being the land described as Lot 9 and the North ½ of Lot 10 of the Dodson-Mallory Addition, Marble Falls, Burnet County, Texas.** Councilmember Haddock made a motion that the City of Marble Falls adopt Resolution 2019-R-05D and authorize the use of the power of eminent domain to acquire fee simple title to the property located at 110 Buena Vista, Marble Falls, Texas and being the land described as Lot 9 and the North ½ of Lot 10 of the Dodson-Mallory Addition, Marble Falls, Burnet County, Texas for City park use, for public creek bank stabilization project and other public uses.

Councilmember Magerkurth stated he was not in favor of eminent domain, however since the Resolution sets a process for mutual negotiations for the City to purchase the property, he would second the motion. Councilmember Magerkurth seconded the motion and the motion carried by the following record vote (3-1):

AYES: Mayor Packer and Councilmember Magerkurth and Haddock

NAYS: Councilmember Norman

ABSENT: Mayor Pro-Tem Westerman and Councilmember Merrill and Rhodes

ABSTAIN: None

- (g) Discuss and Consider Resolution 2019-R-05E finding a public necessity exists to acquire fee simple interests for City park purposes, public creek bank stabilization**

purposes and other public uses, obtaining appraisal reports, making bona fide offers, ratifying prior actions, authorizing the City to initiate condemnation proceedings under Chapter 21, Texas Property Code, and appropriating funds to acquire fee simple title to the property located at 114 Buena Vista, Marble Falls, Texas and being the land described as Lot 12, Lot 13, and Lot 14 of the Dodson-Mallory Addition, Marble Falls, Burnet County, Texas. Councilmember Haddock made a motion that the City of Marble Falls adopt Resolution 2019-R-05E and authorize the use of the power of eminent domain to acquire fee simple title to the property located at 114 Buena Vista, Marble Falls, Texas and being the land described as Lot 12, Lot 13 and Lot 14 of the Dodson-Mallory Addition, Marble Falls, Burnet County, Texas for City park use, for public creek bank stabilization project and other public uses.

Councilmember Magerkurth stated again that he was not in favor of eminent domain, however since the Resolution sets a process for mutual negotiations for the city to purchase the property, he would second the motion. Councilmember Magerkurth seconded the motion and the motion carried by the following record vote (3-1):

AYES: Mayor Packer and Councilmember Magerkurth and Haddock

NAYS: Councilmember Norman

ABSENT: Mayor Pro-Tem Westerman and Councilmember Merrill and Rhodes

ABSTAIN: None

- (a) Public Hearing, Discussion and Action on Ordinance 2019-O-05A amending Appendix B (Development Code) City of Marble Falls Code of Ordinances, including Article 3 (Land Use), regarding unlisted uses and clarification of use requirements; Division 4.2 (New Residential Development Design), regarding clarification of minimum residential lot requirements; Division 4.3 (Nonresidential, Mixed-Use, and Apartment Development Design), regarding the General Commercial District rear setback, nonresidential, mixed-use, and apartment building design standards, and special design standards for the Neighborhood Commercial (NC), Downtown (DN), and Downtown Transition (DT) districts; Division 4.5 (Lot and Building Interpretations and Exceptions), regarding permitted setback encroachments; Division 4.6 (Supplemental Development Standards), regarding fences; Article 6 (Subdivision Design and Land Development), regarding reference to the sidewalk fee-in-lieu; Article 7 (Access and Circulation), regarding clarification of the maximum commercial driveway width and residential driveway paving; Article 8 (Parking, Loading, Stacking and Lighting), regarding head-in parking on alleys and parking the NC district; Article 9 (Trees, Landscaping, and Buffering), regarding tree planting requirements, street yard planting requirements, and clarification of measurement requirements; Article 11 (Administration), correcting decision-making authority; Table 12.5.4 (Standards of Expansion of Nonconforming Sites), correcting approval authority; and Division 14.3 (Definitions), adding, clarifying and correcting definitions. Valerie Kreger, Director of Development Services addressed Council. Mayor Packer opened the public hearing. There being no further discussion,**

Mayor Packer read the Ordinance caption and closed the public hearing. Councilmember Haddock made a motion to approve Ordinance 2019-O-05A. regarding amendments to Appendix B, Development Code of the Code of Ordinances as presented. Councilmember Norman seconded the motion. The motion carried by a unanimous vote (4-0).

(b) Public Hearing and Approval of Ordinance 2019-O-05B expanding City of Marble Falls TIRZ No. 1 boundaries and amending the Project and Finance Plan accordingly. Caleb Kraenzel, Assistant City Manager addressed Council, followed by EDC Executive Director Christian Fletcher who reviewed the proposed amendments to the Finance Plan. Mayor Packer opened the public hearing. There being no discussion, Mayor Packer read the Ordinance caption and closed the public hearing. Councilmember Haddock made a motion to approve Ordinance 2019-O-05B. Councilmember Norman seconded the motion. The motion carried by a unanimous vote (4-0).

(c) Discussion and Action on Resolution 2019-R-05B determining the costs of certain authorized improvements to be financed by the Gregg Ranch Public Improvement District; approving a Preliminary Service Plan and Assessment Plan, including the proposed assessment rolls; calling for and providing for notice of a public hearing for June 18, 2019 to consider an Ordinance levying assessments on property located within the Gregg Ranch Public Improvement District; directing the filing of the proposed assessment rolls with the City Secretary to make said proposed assessment rolls available for public inspection; directing City staff to make said proposed assessment rolls available for public inspection; directing City staff to publish and mail notice of said public hearing; and resolving other matters related to the foregoing. Caleb Kraenzel, Assistant City Manager introduced the PID staff team members and other representatives involved in the PID. John Schneider (P3Works) gave a brief overview of the proposed Public Improvement District (PID). David Mendez (Bickerstaff) provided Council with the PID timeline and required Council action. Mark McLiney (SAMCO Capital) addressed bond issuance steps and requirements.

Councilmember Haddock made a motion to act favorably on Resolution 2019-R-05B setting a public hearing date for June 18 as outlined and adding an additional public hearing date for July 2 if needed. Councilmember Magerkurth seconded the motion. The motion carried by a unanimous vote (4-0).

(d) Discussion and Action on rejection of the bid for the Downtown Gateway Arch and provide staff guidance on how to proceed with the project. Robert Moss, Parks and Recreation Director led the discussion with Council, followed by a brief presentation by Erin Burks, Downtown Coordinator. Assistant City Manager Caleb Kraenzel addressed funding. Councilmember Norman made a motion to reject the bid from Westar Construction, Inc. in the amount of \$498,295.00 for the Downtown Gateway Arch. Councilmember Magerkurth seconded the motion. The motion carried by a vote of 4-0.

(e) **Discussion and Action on appointments to the Marble Falls Economic Development Corporation Board.** Christina McDonald, City Secretary addressed Council. Ms. McDonald stated that there were four applicants for three places on the board. Current member Steve Reitz, Lindsay Plant and Judy Miller submitted reappointment questionnaires and Robert Pahmiyer submitted an application for consideration.

Councilmember Haddock made a motion to appoint Steve Reitz, Lindsay Plante and Judy Miller. Councilmember Norman seconded the motion. The motion carried by a vote of 4-0.

8. **CITY MANAGER'S REPORT.** Assistant City Manager Caleb Kraenzel provided Council with information regarding the safe routes to school's project.

9. **EXECUTIVE SESSION**

CLOSE OPEN SESSION AND CONVENE EXECUTIVE SESSION pursuant to §551.07 (*Private Consultation between the Council and its Attorney*), §551.072 (*Deliberation regarding the Purchase, Exchange, Lease or Value of Real Property*), and pursuant to §551.087 (*Deliberation Regarding Economic Development Negotiations*) of the Open Meetings Act. *Tex. Gov't Code*, Council will meet in Executive Session to discuss the following:

- Legislative Update
- Hotel/Conference Center Update
- Acquisition of Property for Park Land
- Consultation with City Attorney regarding pending litigation – Asphalt, Inc.

8:58 m Convened to Executive Session

9:29m 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 next regular meeting (June 4) was reviewed.

12. **ADJOURNMENT.** There being no further business to discuss, Councilmember Haddock made a motion to adjourn. The motion was seconded by Councilmember Norman and the meeting was adjourned at 9:35 pm.



 John Packer, Mayor

ATTEST:



Christina McDonald, TRMC

City Secretary