

STATE OF TEXAS
COUNTY OF BURNET
CITY OF MARBLE FALLS

On this the 7th day of June 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
Lauren Haltom Councilmember
Griff Morris Councilmember
Reed Norman 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
Glenn Hanson Police Chief
Kacey Paul City Engineer
Lacey Dingman Director of Parks and Recreation
Christian Fletcher EDC Executive Director
Tommy Crane Fire Marshal
James Kennedy Director of Public Works
Jay Everett Assistant Director of Public Works
Erin Burks Downtown and Marketing Manager
Emily Chambers Marketing Coordinator

VISITORS: Burnet County Judge James Oakley, Representative Terry Wilson, Dave Kithil (Burnet Central Appraisal District), Stan Hemphill (Chief Appraiser Burnet Central Appraisal District), Craig and Mary Magerkurth, Rene Rosales, Sr., Connie Swinney (The Highlander), Danny and Pam Crumley (530 Rocky Road), Tim O'Malley (704 CR 342C), Lisa Adams, Michele Hart (Channel Oaks), Johnie Borgeson (Channel Oaks), Sam Shorter and Dale Gray (Miller-Gray, LLC), Paul Hahn (Aguirre @ Fields), Seth and Laura Martin and Dalton Humphreys (Hillside Marble Falls), Brett Carter (501 W. Oak Ridge Dr.)

1. **CALL TO ORDER AND ANNOUNCE QUORUM IS PRESENT.** Mayor Westerman called the meeting to order at 6:15 pm and announced the presence of a quorum.
2. **INVOCATION.** Councilmember Norman gave the invocation.
3. **PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES AND TO THE TEXAS FLAG.** Councilmember Walker led the pledges.
4. **UPDATES, PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS**
 - **Recognition of outgoing Councilmembers Craig Magerkurth and Rene Rosales.** Mayor Westerman recognized Craig Magerkurth and Rene Rosales for their dedicated service and presented each with a plaque.
 - **Update from the Marble Falls Independent School District.** No update was provided.
5. **CITIZEN COMMENTS.** Hamilton Creek Ranchette property owner Deborah Fleshner read a prepared statement regarding Council's responsibilities and ethics. Tim O'Malley spoke against the Hamilton Creek water rate increase.
6. **CONSENT AGENDA.**
 - (a) **Approval of the minutes of the May 16, 2022 special meeting and the May 17, 2022 regular meeting.**
 - (b) **Appointments to the Marble Falls Economic Development Corporation.**
 - (c) **Approval of Resolution 2022-R-06B authorizing a qualified tax-exempt obligation financing contract with Government Capital Corporation for the financing of capital equipment approved in the FY 2021/2022 budget and authorizing the City Manager to sign the contract.**
 - (d) **Approval of Resolution 2022-R-06A supporting the Burnet Central Appraisal District's purchase of real estate located at 215 S. Pierce, Burnet, Texas for the expansion of the appraisal district office facilities.**

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

7. **REGULAR AGENDA.**
 - (a) **Discussion and Action on the Election of a Mayor Pro-Tem.** Christina McDonald, City Secretary addressed Council. Councilmember Walker made a motion to elect Dave Rhodes Mayor Pro-Tem to serve for a term of one year. Councilmember Haddock seconded the motion. The motion carried by a vote of 7-0.

- (b) Public Hearing, Discussion, and Action on Ordinance 2022-O-06C regarding a rezoning request from Existing Neighborhood Zone 1 (ENZ.1) to a Planned Development District (PDD) with base zoning of Neighborhood Commercial District (NC) for approximately 14.75-acre tract of land out of the G. Flores Survey No. 7, Abstract No. 304, Burnet County Texas, generally located on Rocky Road, with frontage on W FM 2147.** Kim Foutz, Interim Director of Development Services gave a presentation on the proposed development. Mayor Westerman opened the public hearing. Bonnie Meek stated she her residence is bordering the proposed development and requested that Council consider a 100-foot buffer. Michelle Hart (resident of Channel Oaks) stated she was not against the proposed development, however she had concerns about the proposed cocktail lounge and a possible 2:00 am closing, increased traffic and noise as her residence is within 370 feet. Johnie Borgeson stated she had traffic and road maintenance concerns and requested a more specific development timeline. Danny Crumley (Rocky Road resident) and Jerry Merlick spoke in favor of the proposed development. There being no further comments, Mayor Westerman closed the public hearing and read the caption of the ordinance. Councilmember Haddock made a motion to approve Ordinance 2022-O-06C with the condition staff will work to use existing buffers to enhance buffering between the proposed buildings and existing buildings. Mayor Pro-Tem Rodes seconded the motion. The motion carried by a vote of 5-2, with Councilmember Morris and Walker voting against the Ordinance.
- (c) Public Hearing, Discussion and Action on Ordinance 2022-O-06B regarding a Conditional Use Permit to allow for Apartment Land Use within the Transitional Residential District (TR) on Lot 37, Claremont Parkway Subdivision, Burnet County.** Scarlet Moreno, City Planner addressed Council. Mayor Westerman opened the public hearing. Developers Louis and Elizabeth Martinez gave a brief presentation to Council. There being no further discussion, Mayor Westerman closed the public hearing and read the caption of the ordinance. Mayor Pro-Tem Rhodes made a motion to act favorably on Ordinance 2022-O-06B. Councilmember Haltom seconded the motion. The motion carried by a vote of 7-0.
- (d) Public Hearing, Discussion and Action on Ordinance 2022-O-06A regarding development code/zoning text amendment to City of Marble Falls Code of Ordinances, Appendix B, (Development Code), Article 3 (Land Use), Division 3.1 (Land Uses by Zoning District) to amend the use(s) in the Transitional Residential District; Article 4, Division 4.6.1 – Accessory Buildings and Structures to amend the standards for accessory buildings; Article 4, Division 4.6.2 – Boat Docks to amend the standards for docks.** Caleb Kraenzel, Assistant City Manager addressed Council. After some discussion amongst Council, Mayor Westerman opened the public hearing. There being no comments, Mayor Westerman closed the public hearing and read the caption of the ordinance. Councilmember Walker made a motion to approve Ordinance 2022-O-06A with the condition that boat dock roofing be pitched or sloped. Councilmember Norman seconded the motion. The motion carried by a vote of 7-0.

- (e) **Discussion and Action on appointments to the Zoning Board of Adjustment.** Christina McDonald, City Secretary addressed Council. After some discussion, Councilmember Walker made a motion to appoint Brett Carter and Daniel Lee to serve on the Zoning Board of Adjustment and MaxAnne Jones and Michele Loper to serve as alternates on the board. Councilmember XXX seconded the motion. The motion carried by a unanimous vote (7-0).
- (f) **Discussion and Action regarding a contract for pre-design architectural services with Martinez Architects, for a feasibility study for the renovation of Fire Station 1.** Russell Sander, Fire Chief addressed Council. Councilmember Haddock made a motion to approve the contract as presented. Councilmember Walker seconded the motion. The motion carried by a vote of 7-0.
- (g) **Discussion and Action on Contract Addendum No 2 for the Raw Water Mitigation Contract with Miller Gray to include additional engineering, environmental, geotechnical analysis, permitting, bid phase services, and construction oversight for the proposed upgrade of the 3rd pump and environmental observation as required by Texas Historical Commission and authorize the City Manager to execute the contract amendment.** Kacey Paul, City Engineer addressed Council. Councilmember Haddock made a motion to approve Addendum No. 2 as presented and authorize the City Manager to execute the contract amendment. Councilmember Walker seconded the motion. The motion carried by a vote of 7-0.
- (h) **Discussion and Action regarding a Professional Services Agreement for engineering services with Trihydro for rehabilitation evaluation, design, permitting, bid phase services, and construction inspection of the Mormon Mill elevated storage and authorize the City Manager to execute the agreement.** Kacey Paul, City Engineer addressed Council. Councilmember Walker made a motion to approve the Professional Services Agreement as presented and authorize the City Manager to execute the agreement. Councilmember Morris seconded the motion. The motion carried by a vote of 7-0.
- (i) **Discussion and Action on Professional Services Agreement with Aguirre & Fields, for engineering design, permitting, bid and construction phase services for the Westside Tri-Campus Connectivity Sidewalk Project which was awarded funding as part of the 2019 TxDOT Transportation Alternatives Set-Aside (TASA) Program and authorize the City Manager to execute the contract.** Kacey Paul, City Engineer addressed Council. Councilmember Walker made a motion to approve the Professional Services Agreement with Aguirre & Field and authorize the City Manager to execute the agreement. Councilmember Haddock seconded the motion. The motion carried by a vote of 7-0.
8. **CITY MANAGER'S REPORT.** City Manager Mike Hodge provided an update on the City's Drought Contingency Plan and Stage 2 watering restrictions which were implemented on June 1, 2022.

9. **EXECUTIVE SESSION**

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

- Consultation with City Attorney regarding Development Prospect Oaks at Marble Falls

9:26 pm Council convened to Executive Session

9:36 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.** Items scheduled for the June 21 regular City Council Meeting were reviewed.

12. **ADJOURNMENT.** There being no further business to discuss, Councilmember Haddock made a motion to adjourn. Councilmember Walker seconded the motion. The meeting was adjourned at 9:38 pm.

Richard Westerman, Mayor

ATTEST:

Christina McDonald, TRMC
City Secretary