

STATE OF TEXAS
COUNTY OF BURNET
CITY OF MARBLE FALLS

On this the 19th day of September 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>	Dave Rhodes	Mayor
	William (Dee) Haddock	Mayor Pro-Tem
	Karlee Cauble	Councilmember
	Lauren Haltom	Councilmember
	Craig Magerkurth	Councilmember
	Griff Morris	Councilmember
	Bryan Walker	Councilmember

ABSENT: None

<u>STAFF:</u>	Caleb Kraenzel	Deputy City Manager
	Russell Sander	Assistant City Manager
	Christina McDonald	City Secretary
	Patty Akers	City Attorney
	Jeff Prato	City Engineer
	Erin Burks	Downtown and Marketing Manager
	Christian Fletcher	EDC Executive Director
	Glenn Hanson	Police Chief
	Trisha Ratliff	Assistant Police Chief
	James Kennedy	Director of Public Works
	Jay Everett	Assistant Director of Public Works
	Kim Foutz	Director of Development Services
	Hanna Kadow	Planning Technician
	Jeremy Qualls	Building Official
	Cheryl Pounds	Municipal Judge
	Tommy Crane	Fire Chief
	Coy Guenter	Assistant Fire Chief
	Jeff Lazenby	Director of Finance
	Angel Alvarado	Director of Human Resources

VISITORS: Nathan Bush (Daily Trib), Thomas and Darlene Oostermeyer, Gordon and Vicki Hampton (Foxwood), Christine Maxcy (Gregg Ranch), Darrell Sargent and Jim Hernandez (Legacy Crossing), Barbara Acklberry (326 Capstone), Cindy Keschinger (320 Capstone), Matt Myers and Roland Serda (Waste Management),

1. **CALL TO ORDER AND ANNOUNCE QUORUM IS PRESENT.** Mayor Rhodes announced the presence of a quorum and called the meeting to order at 6:00 pm.
2. **INVOCATION.** Mayor Pro-Tem Haddock gave the invocation.
3. **PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES AND TO THE TEXAS FLAG.** Councilmember Haltom led the pledges.
4. **UPDATES, PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS**
 - **Update from Waste Management.** Matt Myers provided the update.
 - **Update from Burnet Central Appraisal District.** No update was provided.
 - **Presentation regarding NRA Grant Foundation Funds.** Sergeant Cole presented the NRA Grant Foundation fund award to Council.
5. **CITIZEN COMMENTS.** Capstone resident Cindy Keschinger addressed Council regarding the proposed water rates that Capstone residents will pay.
6. **CONSENT AGENDA.**
 - (a) **Approval of the September 5, 2023 workshop and regular meeting minutes.**
 - (b) **Approval of the La Ventana Public Improvement District 2023 Annual Installments.**
 - (c) **Approval of Ordinance 2023-O-09F providing for increased prior and current service annuities under the act governing the Texas Municipal Retirement System for retirees and beneficiaries of deceased retirees of the City of Marble Falls and electing for the City to make current service and prior service contributions to the City's account in the benefit accumulation fund of the Texas Municipal Retirement System, removing the statutory maximum contribution rate to the City's account.**

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

7. **REGULAR AGENDA.**
 - (a) **Discussion and Action on Ordinance 2023-O-09A, adopting a budget for the City of Marble Falls and the Marble Falls Economic Development Corporation for Fiscal Year 2023/2024.** Jeff Lazenby, Director of Finance addressed Council. The ordinance was approved by a roll call vote (7-0):

Councilmember Morris - AYE
 Councilmember Cauble - AYE
 Councilmember Haltom - AYE
 Councilmember Walker - AYE
 Councilmember Magerkurth - AYE
 Mayor Pro-Tem Haddock – AYE

Mayor Rhodes - AYE

- (b) Public Hearing, Discussion and Action on Ordinance 2023-O-09B, adopting the proposed tax rate for Fiscal Year 2023/2024.** Jeff Lazenby, Director of Finance addressed Council. Mayor Rhodes opened the public hearing. There being no discussion, Mayor Rhodes closed the public hearing and read the caption of the ordinance. The ordinance was approved by a roll call vote (7-0):

Councilmember Morris - AYE
 Councilmember Cauble - AYE
 Councilmember Haltom - AYE
 Councilmember Walker - AYE
 Councilmember Magerkurth - AYE
 Mayor Pro-Tem Haddock – AYE
 Mayor Rhodes - AYE

- (c) Discussion and Action on Ordinance 2023-O-09C, amending the Code of Ordinances of the City of Marble Falls, Texas; Appendix C – Master Fee Schedule, Development Fees-Building Permits, Fire Department Permits and Fees, Parks and Recreation Facility Fees, Utility-Water and Wastewater Monthly Rates and Charges, and Credit Card Convenience Fees.** Jeff Lazenby, Director of Finance addressed Council. Councilmember Magerkurth moved to approve Ordinance 2023-O-09C. Councilmember Morris seconded the motion. The motion carried by a vote of 7-0.

- (d) Public Hearing, Discussion, and Action on Ordinance 2023-O-09D regarding a street abandonment of an approximately 0.18 acre tract of the right of way on an unimproved portion of Third Street, between Blocks 199 and 210, City of Marble Falls Original Township, Burnet County, Texas. Located on the East side of Avenue Q, in between municipally addressed 215 Avenue Q and 301 Avenue Q, Marble Falls, TX.** Kim Foutz, Director of Development Services addressed Council stating this agenda item was continued from the September 5, 2023 Council Meeting. Mayor Rhodes opened the public hearing. It was noted the property owners were not present. There being no further discuss, Mayor Rhodes closed the public hearing and read the ordinance caption. Councilmember Magerkurth moved to approve Ordinance 2023-O-09D with a purchase price for the right-of-way in the amount of \$23,768.16 and payment to be made within 90 days of approval of the ordinance. The motion was seconded by Councilmember Walker and carried by a unanimous (7-0) vote.

Mayor Rhodes opened agenda items 7(e) and 7(f). Kim Foutz, Director of Development Services addressed Council on both items.

- (e) Discussion and Action on an amendment to the Development Agreement dated August 16, 2022 between the City of Marble Falls and MMK Ventures, LLC and 71/281 Investments, LLP for the development of Legacy Crossing being 533.80 acres of land**

located at the southeast corner of US 281 and State Highway 71. Foxwood resident Vicki Hampton addressed the Council regarding concerns on how the proposed development will affect Foxwood residents, followed by Gegg Ranch resident Christine Maxcey, who spoke regarding traffic concerns. After some discussion, Councilmember Haddock made a motion to continue consideration of the Development Agreement to the October 3, 2023 Council Meeting. The motion was seconded by Councilmember Magerkurth and carried by a vote of 7-0.

- (f) **Public Hearing, Discussion, and Action on Ordinance 2023-O-09E regarding a rezoning request repealing and replacing Ordinance 2015-O-09A that created Live Oak Planned Development District; and rezoning from Farm and Ranch District (FR) to a Planned Development District, with base zoning of General Commercial (GC) and Neighborhood Residential (NR) for approximately 533.80 acres of land out of the A.H. Bean Survey No. 77, Abstract No. 137, the A. Wagner Survey No. 78, Abstract No. 948, A. Bradley Survey No. 79, Abstract No. 61, and the G. Flores Survey No. 7, Abstract No. 304, City of Marble Falls, Burnet County, Texas. Generally located southeast of the US 281 and State Highway 71 intersection. Mayor Rhodes opened the public hearing. There being no further discussion, Mayor Rhodes closed the public hearing and read the ordinance caption. Mayor Pro-Tem Haddock made a motion to continue the public hearing and action until the October 3, 2023 Council Meeting. Councilmember Walker seconded the motion which carried by a vote of 7-0.**
- (g) **Discussion and Action on the award and execution of a construction agreement with Nelson Lewis, Inc., in an amount not to exceed \$1,571,764.95, which includes a five (5) percent contingency, to perform all work required for the construction of the Westside Tri-Campus Sidewalk Connectivity Project and authorize the City Manager to execute the agreement. Jeff Prato, City Engineer presented the construction agreement to Council. Mayor Pro-Tem Haddock made a motion to approve the construction agreement as presented and authorized the City Manager to execute the agreement. Councilmember Morris seconded the motion. The motion carried by a vote of 7-0.**
- (h) **Discussion and Action on the approval of amendment #1 to the existing Professional Services Agreement between TRC Companies, Inc., and the City of Marble Falls for \$47,800.00 in an amount not to exceed \$217,879.00 in total, to provide additional engineering design services for the Nature Heights Low Water Crossing Project and authorize the City Manager to execute the agreement. Jeff Prato, City Engineer addressed Council. Mayor Pro-Tem Haddock moved to approve Amendment No. 1 in an amount not to exceed \$217,879.00 and authorized the City Manager to execute the amendment. Councilmember Cauble seconded the motion and the motion carried by a unanimous vote (7-0).**

Mayor Rhodes stated that items 7(i), 7(k) and 7(j) will be postponed until the October 3, 2023 Council Meeting.

- (i) **Discussion and Action on a Second Amendment to the Performance Agreement between the MFEDC and Marble Falls Hotel Group, LLC for the Ophelia Hotel & Conference Center.** Item postponed until the October 3, 2023 Council Meeting. No action taken.
- (j) **Discussion and Action on an Amended Nonexclusive Conference Center Lease Agreement between the MFEDC and Marble Falls Hotel Group, LLC for the Ophelia Hotel & Conference Center.** Item postponed until the October 3, 2023 Council Meeting. No action taken.
- (k) **Discussion and Action on an Amended Municipal Hotel Occupancy Tax Funding Agreement for Tourism and Promotional Services between the City and Marble Falls Hotel Group, LLC for the Ophelia Hotel & Conference Center project.** Item postponed until the October 3, 2023 Council Meeting. No action taken.
- (l) **Discuss and Consider Action to release and replace a public utility and access easement and accept a replacement public utility and access easement in the Panther Hollow Commercial Development and to authorize the Mayor to execute same.** Kim Foutz, Director of Development Services addressed Council. Councilmember Walker made a motion to approve the easement release and accept the replacement easement as presented. The motion was seconded by Councilmember Morris and passed by a unanimous vote (7-0).
8. **CITY MANAGER'S REPORT.** Deputy City Manager Caleb Krzenzel provided an update on the comprehensive plan touchpoint surveys which will be conducted over the next five weeks.
9. **EXECUTIVE SESSION**
CLOSE OPEN SESSION AND CONVENE EXECUTIVE SESSION 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:
- **Discussion regarding Municipal Judge's Salary**

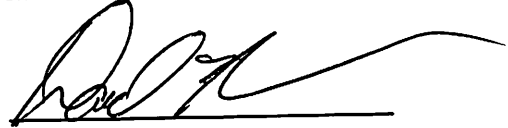
8:03 pm Council convened to Executive Session

8:45 pm Council returned to Open Session

10. **RECONVENE INTO OPEN SESSION FOR POSSIBLE ACTION RESULTING FROM ITEMS DISCUSSED IN EXECUTIVE SESSION.** Mayor Pro-Tem Haddock made a motion to compensate Municipal Judge Cheryl Pounds at the rate and time period discussed in Executive Session. Councilmember Walker seconded the motion. The motion passed by a vote of 7-0.

11. **ANNOUNCEMENTS AND FUTURE AGENDA ITEMS.** The draft agenda for the October 3 regular meeting was reviewed.

12. **ADJOURNMENT.** There being no further business to discuss, Mayor Pro-Tem Rhodes made a motion to adjourn. The motion was seconded by Councilmember Walker. The meeting was adjourned at 8:50 pm.



Dave Rhodes, Mayor

ATTEST:



**Christina McDonald, TRMC
City Secretary**