

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

On this the 3rd day of October 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
<u>ABSENT:</u>	Griff Morris	Councilmember
	Bryan Walker	Councilmember
<u>STAFF:</u>	Caleb Kraenzel	Deputy City Manager
	Christina McDonald	City Secretary
	Patty Akers	City Attorney
	Jeff Lazenby	Director of Finance
	Christian Fletcher	EDC Executive Director
	James Kennedy	Director of Public Works
	Kim Foutz	Director of Development Services
	Jeff Prato	City Engineer
	Glenn Hanson	Police Chief

VISITORS: Russ Roper (Roper Ranch), Andrew Friedman (Financial Advisor SAMCO), Nathan Bush (Daily Trib), Dr. Jeff Gasaway (MFISD Superintendent), Amanda Rose (Marble Falls Public Library Director), Tom and Darlene Oostermeyer (3000 Cedar Trail), Matthew and Allison Baker (141 Indigo Trail), Dannelle Jones, David Herrera (Gregg Ranch), Robin Finn (Gregg Ranch), Scott Savely (Gregg Ranch), Russell Rodriquez (Gregg Ranch), Darrel Sargent (Legacy Crossing), Tim Baumann , Fritz and Lou Ann Schmidt (1307 Primrose Lane), Stacie Midolo (Gregg Ranch), Bette Quinn-Cox (Gregg Ranch), Christine Maxy (Gregg Ranch), Brad Goebel, Chris Duncan, Charlotte Cooper (Gregg Ranch), Josh Robles (Roper Ranch), Kate Bravo (1309 Bluebonnet Dr.), Tim Baumann (Panther Creek Village Developer)

- 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 Rhodes 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**

- **Proclamation.** No representative was present to accept World Teachers Day (October 5) proclamation.
- **Update from the Marble Falls Independent School District.** Dr. Jeff Gasaway, Superintendent, provided the update.
- **Update from the Marble Falls Public Library.** Amanda Rose, Director gave the update.

5. **CITIZEN COMMENTS.** Lou Ann Schmidt (1307 Primrose) spoke regarding traffic and intersection in her neighborhood and new development blasting. Kate Bravo (1309 Bluebonnet Dr.) spoke regarding the importance and need for sidewalk connectivity in her neighborhood.

6. **CONSENT AGENDA.**

(a) **Approval of the minutes of the September 19, 2023 regular meeting.**

(b) **Approval of an Order regarding establishing a public hearing date of November 7, 2023 to consider amendment to the Land Use Assumptions and Capital Improvements Plan for the designated services area and imposition of water and sewer impact fees and approving the form and content of the public notice for publication.**

Councilmember Magerkurth moved to approve the consent agenda. Councilmember Haltom seconded the motion. The motion carried by a unanimous vote (5-0).

7. **REGULAR AGENDA.**

Mayor Rhodes opened items 7(a) and 7(b) for discussion and opened the public hearing on item 7(b). Mayor Rhodes provided some history on subject properties.

(a) **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.** Kim Foutz, Director of Development Services, addressed Council stating that the agenda item was continued from the September 19 Council Meeting. Mayor Pro-Tem Haddock made a motion to approve the amendment to the Development Agreement. Councilmember Magerkurth seconded the motion. The motion carried by a vote of 5-0.

(b) **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. Kim Foutz, Director of Development Services addressed Council stating that the agenda item was continued from the September 19 Council Meeting.

The following individuals spoke against the proposed convenience store/gas station location in Legacy Crossing: Charlotte Cooper (177 Slenderleaf Drive – Gregg Ranch), Chris Duran (201 Jasmine Lane – Gregg Ranch), Brad Goebel (Foxwood resident), David Herrera (232 Jasime Lane – Gregg Ranch), Allison Baker (141 Indigo Trail – Gregg Ranch), Matt Baker (141 Indigo Trail – Gregg Ranch), Danielle Jones (313 Fiddleneck Road – Gregg Ranch), Christine Maxy (117 Slenderleaf Drive – Gregg Ranch), Stacie Midolo (408 Copperleaf Cove – Gregg Ranch), Russell Rodriguez (118 Thistle Trail – Gregg Ranch), Scott Savely (173 Slenderleaf Drive – Gregg Ranch) and Bette Quinn-Cox (101 Slenderleaf Drive – Gregg Ranch) all stating concerns regarding the proximity to Gregg Ranch and nearby developments, traffic, the potential of increased crime and health risks and asked for a continuance of the PDD Ordinance to allow time for consideration of the relocation of the gas station. Jon Erik Johnson (107 Foxwood) spoke in support of the proposed convenience store.

After much discussion, Mayor Rhodes closed the public hearing and read the caption of the ordinance. Mayor Pro-Tem Haddock made a motion to act favorably on Ordinance 2023-O-09E. The motion was seconded by Councilmember Magerkurth. The ordinance was approved by a vote of 5-0.

(c) **Discussion and Action on Resolution 2023-R-10A authorizing the publication of a Notice of Intention to Issue “City of Marble Falls, Texas Combination Tax and Revenue Certificates of Obligation, Series 2024”, in an aggregate principal amount not to exceed \$21,000,000.** Director of Finance Jeff Lazenby addressed Council, followed by Andrew Friedman with SAMCO. Councilmember Magerkurth made a motion to approve Resolution 2023-R-10A. Councilmember Cauble seconded the motion. The resolution was approved by a vote of 5-0.

(d) **Discussion and Action regarding a Preliminary Plat of Panther Creek Village, 15.209 Acres out of the Robert D. Moore Survey No. 603, Abstract No. 614, the A. Schroter Survey No. 4 Abstract No. 1270, and the McKinney & Williams Survey No. 1068, Abstract No. 625, Burnet County, Texas, and providing for a waiver to Section 6.2.6B Lot Frontage on or Adjacent to Public Streets Required, and Subsection 6.2.1.B.10 Private Streets, of the Development Code.** Kim Foutz, Director of Development Services addressed Council. The developer spoke regarding the project. Council requested to go into executive session. 8:42 pm Council convened to executive session

Pursuant to §551.071 (*Private Consultation between the Council and its Attorney*). 9:01 pm Council returned to open session. Councilmember Magerkuth made a motion to approve the Preliminary Plat and the waiver requests on the condition that developer remove the phasing for purposes of site development and seek and obtain a zoning amendment to the Planned Development Ordinance to revise the land use phasing so that it conforms to the plat phasing. Mayor Pro-Tem Haddock seconded the motion. The motion carried by a vote of 5-0.

- (e) **Discussion and Action on the approval of a Professional Services Agreement between Schaumburg & Polk, Inc., and the City of Marble Falls in an amount not to exceed \$71,500.00, to provide Engineering Services for the 2nd Street Improvements Project and authorize the City Manager to execute the agreement.** Jeff Prato, City Engineer addressed Council, followed by Allen Ross, P.E. (Schaumburg & Polk). Mayor Pro-Tem Haddock made a motion to approve the professional services agreement in an amount not to exceed \$71,500 for engineering services for the 2nd Street Improvements Project and authorize the City Manager to execute the agreement. Councilmember Haltom seconded the motion. The motion carried by a vote of 5-0.

8. **CITY MANAGER'S REPORT.** No report was provided

9. **EXECUTIVE SESSION**

CLOSE OPEN SESSION AND CONVENE EXECUTIVE SESSION Pursuant to §551.071 (*Private Consultation between the Council and its Attorney*), §551.072 (*Deliberation Regarding the Purchase, Exchange, Lease or Value of Real Property*), 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:

- Discussion regarding the purchase of real property located in the floodplain
- Discussion regarding the purchase of real property for economic development purposes

9:15 pm Council convened to Executive Session

9:35 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 resulting from discussions in executive session.

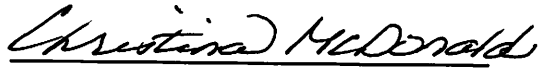
11. **ANNOUNCEMENTS AND FUTURE AGENDA ITEMS.** The draft agenda for the October 17 regular Council Meeting was reviewed.

12. **ADJOURNMENT.** There being no further business to discuss, Mayor Pro-Tem Haddock made a motion to adjourn. Councilmember Haltom seconded the motion. The meeting was adjourned at 9:40 pm.



Dave Rhodes, Mayor

ATTEST:



**Christina McDonald, TRMC
City Secretary**