



**NOTICE OF MEETING
GOVERNING BODY OF MARBLE FALLS, TEXAS
February 3, 2026 – 6:00 pm**

A quorum of the Marble Falls Economic Development Corporation
and the Planning & Zoning Commission may be present

Notice is hereby given that on the 3rd day of February 2026 the Marble Falls City Council will meet in regular session at 6:00 pm in the City Hall Council Chambers located at 800 Third Street, Marble Falls, Texas, at which time the following subjects will be discussed:

1. **CALL TO ORDER AND ANNOUNCE QUORUM IS PRESENT**
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES AND TO THE TEXAS FLAG.**
"Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible."
4. **UPDATES, PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS**
 - Update from the Marble Falls Economic Development Corporation. *Christian Fletcher, Executive Director*
5. **CITIZEN COMMENTS.** *This is an opportunity for citizens to address the City Council concerning an issue of community interest that is not on the agenda. Comments on a specific agenda item must be made when the agenda item comes before the Council. The Mayor may place a time limit on all comments. Any deliberation of an issue raised during Citizen Comments is limited to a statement of fact regarding the item; a statement concerning the policy regarding the item or a proposal to place the item on a future agenda.*
6. **CONSENT AGENDA.** *The items listed are considered to be routine and non-controversial by the Council and will be approved by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which case the item will be removed from the Consent Agenda prior to a motion and vote. The item will be considered in its normal sequence on the Regular Agenda.*
 - (a) Approval of the minutes of the January 20, 2026 regular meeting. *Christina McDonald, City Secretary*
 - (b) Approval of Resolution 2026-R-02A authorizing the conveyance of approximately 0.466 acres of real property defined by Burnet County as parcels #28775 and #28776,

collectively, known as 1001 Main Street from the Marble Falls Economic Development Corporation to the City of Marble Falls and authorize the City Manager to execute all related documents. *Jeff Prato, City Engineer*

- (c) Approval of Resolution 2026-R-02B authorizing the dedication of 0.027 acres of City owned property located at the intersection of FM 1431 and US Hwy. 281 (Burnet County Property ID 28775) to the Texas Department of Transportation (TxDOT) for a traffic improvement project, and approval of TxDOT right-of-way documents, ROW-N-143 & ROW-N-14, required to facilitate the project and authorize the City Manager to execute all related documents. *Jeff Prato, City Engineer*
- (d) Approval of an Underground Agreement and dedication of an easement to the Pedernales Electric Cooperative (PEC) for all necessary appurtenances to provide electrical service for the Via Viejo High Service Pump Station improvements and authorize the City Manager to execute the easement documents. *Jeff Prato, City Engineer*
- (e) Approval of an appointment to the TIRZ Board No. 1: Danna Laine Doremus. *Christina McDonald, City Secretary*
- (f) Approval of Ordinance 2026-O-02A, an ordinance ordering a General Election to be held on May 2, 2026 for the purpose of electing three Councilmembers to serve for a term of two years. *Christina McDonald, City Secretary Christina McDonald, City Secretary*

7. REGULAR AGENDA. *Council will individually consider and possibly take action on any or all of the following items:*

- (a) Public Hearing, Discussion, and Action on Ordinance 2026-O-02C regarding a Conditional Use Permit for approximately 0.16 acres of land, located at the northeast corner of Trinity Street and Pecan Valley Drive Lot 12, Block 294, out of the City of Marble Falls Original Township, Burnet County, Texas, to allow for the proposed use of duplexes within the Existing Neighborhood Zone 2 (ENZ.2) Zoning District. *Scarlet Moreno, Director of Development Services*
- (b) Public Hearing, Discussion, and Action on Ordinance 2026-O-02D regarding a Conditional Use Permit for approximately 3.088 acres of land, located at the southeast corner of Broadway Street and Avenue N comprised of Lots 1, 2, 11, and 12, Block 150, Seventh Street south of Lots 1 and 2, Block 150, Lots 7-12, Block 165, Sixth Street south of Lot 12, Block 165, Lot 7-A, and Lots 7-12, Block 172, out of the City of Marble Falls Original Township, Burnet County, Texas, to allow for the proposed use of Housing and Services for the Aging within the Neighborhood Commercial (NC) zoning district. *Scarlet Moreno, Director of Development Services*

- (c) Discussion and Action on Resolution 2026-R-02C in support of age restricted residential housing community located at the northeast corner of Fifth Street and Avenue N. *Scarlet Moreno, Director of Development Services*
- (d) Discussion and Action on appointments to Place 4 and 6 of the Parks and Recreation Commission. *Christina McDonald, City Secretary*
- (e) Discussion and Action on Ordinance 2026-O-02B, an ordinance amending the Code of Ordinances of the City of Marble Falls, Texas, Chapter 26 (Utilities), Article V (Rates and Charges), Division 2 (Water and Sewer), Section 26-136 (Water Service), Subsection (4) establishing a rate for water service provided by the City outside the City limit. *Caleb Kraenzel, City Manager*
- (f) Public Hearing, Discussion and Action on Resolution 2026-R-02D, finding and reaffirming that a public necessity exists and authorizing condemnation to acquire fee acquisition of property for municipal purposes to make street and pedestrian improvements and other public uses in real properties, as portions or whole of tracts of land, generally described as 0.304+/- acre parcel located at the southwest corner of US Highway 281 and 2nd Street and southeast corner of 2nd Street and Avenue H (704-708 2nd Street and 114-120 US Highway 281), being Lot 13 and a portion of Lots 11, 12, and 14, Block 1, City of Marble Falls, Burnet County and as generally described in Record Number 202310028 of the official public records of Burnet County, Texas and identified in Burnet County Appraisal District Property Identification No. 28270. Said properties owned wholly by Jason A. Coleman and Leslie A. Coleman. *Caleb Kraenzel, City Manager*

8. CITY MANAGER’S REPORT

- City Relocation Guide
- Winter Storm Report

9. EXECUTIVE SESSION CLOSE OPEN SESSION AND CONVENE EXECUTIVE SESSION Pursuant to §551.071 (*Private Consultation between the Council and its Attorney*), Pursuant to §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:

- Acquisition of real property
- Consultation with City Attorney regarding the One Water Project

10. RECONVENE INTO OPEN SESSION FOR POSSIBLE ACTION RESULTING FROM ITEMS DISCUSSED IN EXECUTIVE SESSION

11. ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

12. ADJOURNMENT


The City Council reserves the right to retire into Executive Session at any time during the course of this meeting to discuss any matters listed on the agenda, as authorized by the Texas Government Code, including, but not limited to, Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.087 (Economic Development), 418.183 (Deliberations about Homeland Security Issues) and as authorized by the Texas Tax Code, Section 321.3022 (Sales Tax Information).

This agenda has been reviewed and approved by the City of Marble Falls' legal counsel, and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

In compliance with the Americans with Disabilities Act, the City of Marble Falls will provide for reasonable accommodations for persons attending City Council Meetings. To better serve you, requests should be received 24 hours prior to the meeting. Please contact Ms. Christina McDonald, City Secretary at 830.798.7060.

Certificate of Posting

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted at City Hall, 800 Third Street, Marble Falls, Texas in a place convenient and readily accessible to the general public at all times, and posted at least **three full business days prior to the meeting date**, in compliance with HB 1522 and the Texas Open Meetings Act.



Christina McDonald, TRMC
City Secretary

February 3, 2026

6. CONSENT AGENDA

- (a) Approval of the minutes of the January 20, 2026 regular meeting. *Christina McDonald, City Secretary*
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STATE OF TEXAS
COUNTY OF BURNET
CITY OF MARBLE FALLS

On the 20th day of January 2026, the City Council convened in regular session at 6:00 p.m. 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>	John Packer	Mayor
	Craig Magerkurth	Mayor Pro-Tem
	Dee Haddock	Councilmember
	Lauren Haltom	Councilmember
	Griff Morris	Councilmember
<u>ABSENT:</u>	Karlee Hubble	Councilmember
	Richard Westerman	Councilmember
<u>STAFF:</u>	Caleb Kraenzel	City Manager
	Christina McDonald	City Secretary
	Josh Brockman Weber	City Attorney
	Jeff Prato	City Engineer
	Erin Burks	Downtown and Marketing Manager
	Scarlet Moreno	Development Service Director
	Christian Fletcher	EDC Executive Director
	Hanna Kadow	Planner
	Trish Ratliff	Assistant Police Chief
	Amanda Carlisle	Emergency Management Coordinator
	James Kennedy	Public Works Director
	Tristan Cushway	PR Coordinator
	Stacy Marberry	HLRECC Director
	Jeremy Qualls	Building Official

VISITORS: Beth Koennecke (PEC External Relations Representative), Raymond Whelan (The Highlander), Dakota Morrissey (Daily Trib), Thomas and Jennifer Hugonnett (Overlook LLC), Nash Mock (Trihydro), Susan Patton (LCRA), Navid Karidia (Spades Marble Falls)

1. **CALL TO ORDER AND ANNOUNCE QUORUM IS PRESENT.** Mayor Packer called the meeting to order at 6:00 p.m. and announced the presence of a quorum.
2. **INVOCATION.** Councilmember Haddock gave the invocation.

3. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES AND TO THE TEXAS FLAG.

Mayor Packer led the pledges.

4. UPDATES, PRESENTATIONS, PROCLAMATIONS AND RECOGNITIONS

- **Update from Pedernales Electric Cooperative.** Beth Koennecke, External Relations Representative provided the update.
- **Update from the Downtown and Marketing Manager.** Erin Burks gave the update.

5. CITIZEN COMMENTS. There were no citizen comments.

6. CONSENT AGENDA.

- (a) **Approval of the minutes of the January 6, 2026 regular meeting.** Councilmember Haltom moved to approve the consent agenda. Mayor Pro-Tem Magerkurth seconded the motion. The motion carried by a vote of 5-0.

7. REGULAR AGENDA.

- (a) **Public Hearing, Discussion, and Action on Ordinance 2026-O-01B regarding a Conditional Use Permit to allow for Hotel Land Use in the Downtown Transition District (DT) on a 3.85 acre tract of land out of the R.D. Moore Survey No. 603, Abstract No. 614 and the W.O. Burnham Survey No. 530, Abstract No. 142, Burnet County, Texas, municipally addressed as 290 Old River Road, Marble Falls, TX.** Scarlet Moreno, Director of Development Services, presented the item, followed by a presentation from Navid Karidia (Spades Marble Falls). Mayor Packer opened the public hearing. There being no public comment, Mayor Packer closed the public hearing. Councilmember Haddock made a motion to approve Ordinance 2026-O-01B, which was seconded by Councilmember Morris. The motion carried by a vote of 4-1, with Councilmember Haltom voting in opposition.

- (b) **Discussion and Action on the award and execution of a construction agreement with the selected contractor, in an amount not to exceed \$429,439.50 to perform work required for the construction of the Downtown Lighting Project and authorize the City Manager to execute the agreement.** Jeff Prato, City Engineer addressed the Council. Haddock moved to award and approve a construction agreement with Bobby Sanford LLC in an amount not to exceed \$429,439.50 and authorize the City Manager to execute the agreement. Councilmember Haltom seconded the motion. The motion carried by a vote of 5-0.

- (c) **Discussion and Action on the award and execution of a construction agreement with the selected contractor, in an amount not to exceed \$540,750.00 to perform work required for the construction of the TxCDBG CDV23-0304 Wastewater Improvements and authorize the City Manager to execute the agreement.** Jeff Prato, City Engineer addressed the Council. Mayor Pro-Tem Magerkurth moved to award and approve a construction agreement with Horseshoe Construction, Inc. in an amount not to exceed \$540,750.00 and authorize the City Manager to execute the agreement. Councilmember Haddock seconded the motion. The motion carried by a vote of 5-0.

Mayor Packer opened agenda items 7(d) and 7(e).

7:15 p.m. Council convened to Executive Session

7:50 p.m. Council returned to Open Session

- (d) **Discussion and Action on a petition to release the following property from the City's extraterritorial jurisdiction: 2.45-acre tract of land located at 1720 CR 401 N, Marble Falls (Burnet County Property ID 115838).** The property owner (Jennifer Hugonnett) addressed the Council. Councilmember Haddock moved to deny the petition to release a 2.45 acre tract of land located at 1720 CR 401 N, Marble Falls from then City's ETJ. Councilmember Morris seconded the motion. The motion carried by a vote of 5-0.
- (e) **Discussion and Action on a petition to release the following property from the City's extraterritorial jurisdiction: 2.06-acre tract of land located at 1740 CR 401 N, Marble Falls (Burnet County Property ID 107398).** Councilmember Haddock moved to deny the petition to release a 2.06 acre tract of land located at 1740 CR 401 N, Marble Falls from then City's ETJ. Mayor Pro-Tem Magerkurth seconded the motion. The motion carried by a vote of 5-0.
8. **CITY MANAGER'S REPORT.** City Manager Caleb Kraenzel reported that the City has been awarded a \$750,000 grant from the Texas Parks and Wildlife Department for improvements to Westside Park.
9. **EXECUTIVE SESSION CLOSE OPEN SESSION AND CONVENE EXECUTIVE SESSION Pursuant to §551.071 (Private Consultation between the Council and its Attorney), Pursuant to §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:**
- Consultation with and legal advice from City Attorney concerning petitions to release property from the City's extraterritorial jurisdiction
 - Consultation with City Attorney regarding pending or contemplated litigation or a settlement offer related to the Lone Star Paving Contract
 - Acquisition of real property
10. **RECONVENE INTO OPEN SESSION FOR POSSIBLE ACTION RESULTING FROM ITEMS DISCUSSED IN EXECUTIVE SESSION.** Councilmember Haddock made a motion to approve the settlement agreement with Asphalt, Inc. related to the Manzano Mile paving project and to approve a tolling agreement extension, if needed. Councilmember Haltom seconded the motion, which carried unanimously (5-0).
11. **ANNOUNCEMENTS AND FUTURE AGENDA ITEMS.** Staff received the draft agenda for the February 3 regular meeting with Council.

12. ADJOURNMENT. There being no further business to discuss, Councilmember Haltom moved to adjourn. Councilmember Haddock seconded the motion. The meeting was adjourned at 8:00 p.m.

John Packer, Mayor

ATTEST:

**Christina McDonald, TRMC
City Secretary**

DRAFT

February 3, 2026

6. CONSENT AGENDA

- (b) Approval of Resolution 2026-R-02A authorizing the conveyance of approximately 0.466 acres of real property defined by Burnet County as parcels #28775 and #28776, collectively, known as 1001 Main Street from the Marble Falls Economic Development Corporation to the City of Marble Falls and authorize the City Manager to execute all related documents. *Jeff Prato, City Engineer*
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Council Agenda Item Cover Memo
February 3, 2026

Agenda Item No.: 6(b)
Presenter: Jeff Prato, City Engineer
Department: Engineering
Legal Review:

AGENDA CAPTION

Approval of Resolution 2026-R-02A authorizing the conveyance of approximately 0.466 acres of real property defined by Burnet County as parcels #28775 and #28776, collectively known as 1001 Main Street, from the Marble Falls Economic Development Corporation (MFEDC) to the City of Marble Falls, and authorize the City Manager to execute all related documents.

BACKGROUND INFORMATION

On December 12th, 2023, the MFEDC executed a General Warranty deed for the transfer of approximately 0.466 acres described as Lots 2, 3 and a portion of Lot 1, Block No. 74 in the City of Marble Falls, Texas. The transfer of property included a deed restriction which prohibited a car wash or similar establishment, including incidental use which includes the commercial washing or vacuuming of motor vehicles, for a period of 50 years from the date of the deed.

On January 14th, 2024, the City executed an agreement to reimburse the MFEDC for the purchase in an amount of \$2,060,000.00. This included the purchase price of the property, assignment fees, demolition costs, and maintenance costs associated with the transfer.

This agenda item as presented authorizes City staff to facilitate transfer of said property to the City of Marble Falls through a preferred local title company.

BUDGET IMPLICATIONS

Current Budget

New Budget Request

Non-Budgetary

None.

STAFF RECOMMENDATION

Staff recommends the approval of Resolution 2026-R-02A authorizing the conveyance of property as described in the legal description from the MFEDC to the City of Marble Falls and authorize the City Manager to facilitate the signing of the deed.

RESOLUTION NO. 2026-R-02A

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF MARBLE FALLS, TEXAS, AUTHORIZING THE CONVEYANCE OF MFEDC OWNED PROPERTY TO THE CITY OF MARBLE FALLS; PROVIDING AUTHORIZATION TO THE CITY MANAGER TO FACILITATE THE COMPLETION OF ALL NECESSARY DOCUMENTS; AND PROVIDE AN EFFECTIVE DATE.

WHEREAS, the Marble Falls Economic Development Corporation (“MFEDC”), Texas is the owner of the property located at 1001 Main Street.

WHEREAS, the address of the property as defined by Burnet County as Parcels #28775 and #28776 also defined collectively as (“Property”); and

WHEREAS, the MFEDC had purchased the Property through General Warranty Deed executed on December 12th, 2023, and recorded with Burnet County as document #202312342.

WHEREAS, the City of Marble Falls (“City”) has executed an agreement to reimburse the MFEDC on January 14th, 2024, for the purchase and transfer of Property; and

WHEREAS, the Property has not yet been conveyed to the City until a deed is executed and recorded with Burnet County.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARBLE FALLS, TEXAS THAT:

Section 1. The City Council hereby approves the conveyance of the Property from the MFECDC and will carry out contractual obligations as set forth within reimbursement agreement.

Section 2. The City Manager, or their designee, is hereby authorized to facilitate the completion of any and all documents, instruments, agreements, or conveyances necessary to effectuate the dedication, including but not limited to deeds, and dedication instruments.

Section 3. City staff is authorized to take all actions reasonably necessary to carry out the intent of this Resolution.

Section 4. This Resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED this 3rd DAY OF February 2026.

John Packer, Mayor

ATTEST:

Christina McDonald, City Secretary



**REIMBURSEMENT AND FUNDING AGREEMENT BETWEEN THE CITY OF
MARBLE FALLS, TEXAS AND MARBLE FALLS ECONOMIC DEVELOPMENT
CORPORATION**

This Reimbursement and Funding Agreement Between the City of Marble Falls, Texas and the Marble Falls Economic Development Corporation To Fund an Economic Development Project (the "Agreement") is by and between the City of Marble Falls, Texas, a home-rule municipality located in Burnet County, Texas (the "City") and the Marble Falls Economic Development Corporation, an economic development corporation (the "MFEDC"), created and operated as a Type B corporation pursuant to the provisions of Chapters 501 and 505, Texas Local Government Code, as amended (the "Act") is made and entered into effective as of the last date signed by the parties hereto (the "Effective Date"). The City and MFEDC may be referred to herein individually as a "Party" and collectively as "the Parties."

WITNESSETH:

WHEREAS, the MFEDC is a Type B corporation in a city with a population of 20,000 or less and is authorized under Local Government Code Section 501.001 et seq. and more specifically Section 505.158 to approve expenditures for improvements that promote new or expanded business development within the City of Marble Falls; and

WHEREAS, the City has requested that the MFEDC fund and purchase the following parcels of real property known as 1001 Main Street, 1003 Main Street, and 1008 Main Street for the purposes of economic development within the City (collectively the "Property"), to wit: (1) an approximate .466 acre tract of land consisting of Lots 2, 3, and a portion of Lot 1, Block No. 74 in the City of Marble Falls, Texas, a subdivision located in Burnet County, Texas, according to the plat recorded in Volume Y, Page 535 of the Deed Records of Burnet County, Texas being more particularly described and depicted on Exhibit A, attached hereto and incorporated herein for all purposes ("1001 Main Street"); and (2) Lots 4, 5, and 6, Block 7 of the City of Marble Falls, Burnet county, Texas as shown on map or plat recorded in Volume Y, Page 535, of the Deed Records of Burnet County, Texas being more particularly described and depicted on Exhibit B, attached hereto and incorporated herein for all purposes ("1003 and 1008 Main Street"); and

WHEREAS, at a duly noticed meeting, the MFEDC Board of Directors found, determined, and declared that expenditures for the purchase and redevelopment of the Property by the MFEDC was an authorized project under the Act (the "Project") and authorized the payment of an assignment fee and authorized an Assignment Agreement for the right to acquire the Property; and

WHEREAS, the City and MFEDC have determined that the funding of the Project by the MFEDC through 4B revenues under Local Government Code Section 505 are generally authorized by the Act, and appropriate and consistent with the goals of the Act; and

WHEREAS, the City and the MFEDC wish to share equally all of the costs associated with the purchase, redevelopment, and maintenance of the Property, currently estimated to be at

least Two Million Sixty Thousand and No/100th Dollars (\$2,060,000.00), including but not limited to the purchase price, assignment fee, demolition costs, and maintenance costs ("Project Costs"), and wish to provide for the subsequent transfer of some of the Property to the City; and

WHEREAS, the City and the MFEDC find and conclude that this Agreement promotes economic development in the City and, as such, meets the requirements under the law for an economic development program for which a grant of public money is allowed, and, further, is in the best interest of the City, the MFEDC and the surrounding community; and

WHEREAS the MFEDC and City hereby find, determine and declare that the respective meetings of the City Council of the City and the Board of Directors of the MFEDC at which this agreement was approved were open to the public and public notice of the time, place and subject matter of the public business to be considered and acted upon at said meeting, including this Agreement, was given, all as required by the applicable provisions of Chapter 551 and 552 of the Texas Government Code, as amended;

NOW THEREFORE, for and in consideration of the recitals set forth above and the promises made herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, City and MFEDC agree as follows:

I. AGREEMENT

1. **Incorporation of Findings and Adoption of Recitals.** The above and foregoing findings and recitals are true and correct and incorporated herein and made a part hereof for all purposes.
2. **Term of Agreement.** The term of this Agreement shall begin on the Effective Date and continue until all provisions of the Agreement are fulfilled or December 31, 2025, whichever occurs sooner.
3. **Reimbursement.** The MFEDC shall submit to the City, within a reasonable time after payment, a request for reimbursement showing all Project Costs paid by the MFEDC since the date of the last request and attaching the supporting invoices detailing those costs for which the MFEDC is seeking reimbursement. City shall reimburse the MFEDC fifty percent (50%) of all Project Costs incurred by the MFEDC, except for the purchase price of 1001 Main Street ("Transfer Property"). Any request by MFEDC for reimbursement for the purchase price paid for the Transfer Property shall be separately itemized, and City shall reimburse MFEDC one hundred percent of the purchase price (100%) of the Transfer Property. At the City's election, City's reimbursement shall be paid in either a lump sum payment or installments beginning on or before April 1, 2024.
4. **Transfer of Real Property.** Upon completion of the City's reimbursement of the purchase price of the Transfer Property, MFEDC shall transfer ownership of the Transfer Property to the City.

5. **Required Documents.** Upon conveyance of the Transfer Property from the MFEDC to the City, MFEDC shall deliver to the City:
- a. A special warranty deed, in form and substance reasonably acceptable to City, conveying good and indefeasible title to the Transferred Property to the City, free and clear of any and all encumbrances subject only to any permitted exceptions;
 - b. Such documents as may be reasonably required by Title Company (if any) in order for Title Company to issue a Title Policy; and
 - c. Settlement statement, and such other documents as Title Company (if any) may reasonably require.
6. **Closing Costs.** City hereby agrees to pay and be responsible for all closing costs related to the conveyance of the Transferred Property to the City pursuant to this Agreement.
7. **Insurance.** The City will maintain insurance coverage on the Transfer Property until such time as the City reimburses the MFEDC for the purchase price.
8. **Property Sold "As Is".** City hereby acknowledges and agrees that the conveyance of the Transfer Property is and will be made on an "as is, where is, and with all faults" basis. The occurrence of closing shall constitute an acknowledgement by the City that the Transfer Property was accepted without representation or warranty, express or implied (except as otherwise specifically set forth herein and except for the special warranties of title set forth in the special warranty deed).
9. **Notices.** All notices and communications hereunder will be given by first class certified or registered mail, return receipt requested, or by a nationally recognized overnight courier, postage prepaid, to be effective when properly sent and received, refused or returned undelivered. Notices will be addressed to the Parties as follows.

If to City: City of Marble Falls
 Attn: Mike Hodge
 City Manager
 800 Third Street
 Marble Falls, TX 78654

If to MFEDC: Marble Falls Economic Development Corporation
 Attn: Christian Fletcher,
 Executive Director
 801 Fourth Street
 Marble Falls, TX 78654

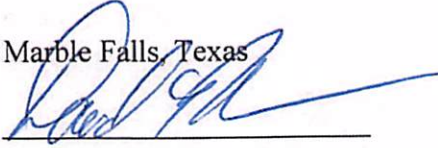
Either party hereto may change the place for the giving of notice to it by thirty (30) days prior written notice to the other as provided herein.

10. **Binding Effect.** This Agreement binds and inures to the benefit of the Parties and their respective successors and permitted assigns.
11. **Choice of Law.** This Agreement will be construed under the laws of the state of Texas, without regard to choice-of-law rules of any jurisdiction. Venue is in Burnet County, the county in which the Property is located.
12. **Additional Documents.** Each signatory party agrees to execute and deliver any additional documents and instruments and to perform any additional acts necessary or appropriate to perform the terms, provisions, and conditions of this Agreement and all transactions contemplated by this Agreement.
13. **Entire Agreement.** This Agreement and any exhibits attached hereto constitute the entire agreement of the Parties concerning this Agreement. There are no representations, agreements, warranties, or promises that are not expressly set forth in this Agreement and any exhibits attached hereto. No amendments, modifications, or revisions of this Agreement shall be effective unless made in writing, dated subsequent to the date hereof, and signed by City and MFEDC, or their respective legal representatives, successors, or assigns.
14. **Severability/ Legal Construction.** If any provision in this Agreement is for any reason unenforceable, to the extent the unenforceability does not destroy the basis of the bargain among the Parties, the unenforceability will not affect any other provision hereof, and this Agreement will be construed as if the unenforceable provision had never been a part of this Agreement. Whenever context requires, the singular will include the plural and neuter include the masculine or feminine gender, and vice versa. Article and section headings in this Agreement are for reference only and are not intended to restrict or define the text of any section. This Agreement will not be construed more or less favorably between the Parties by reason of authorship or origin of language as the Agreement was negotiated by both Parties.
15. **Approval by Governing Bodies.** City and MFEDC have each approved this Agreement via action at an open meeting by their respective governing bodies.
16. **Waiver.** No term or condition of this Agreement shall be deemed to have been waived, nor shall there be any estoppel to enforce any provision of this Agreement, except by written instrument of the party charged with such waiver or estoppel.

IN WITNESS WHEREOF, the Parties have caused their properly authorized representatives to execute and seal this Amendment on the dates set forth below.

"CITY"

City of Marble Falls, Texas

By: 

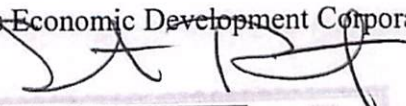
Name: Dave Rhodes

Title: Mayor

Date: 01/16/2024

"MFEDC"

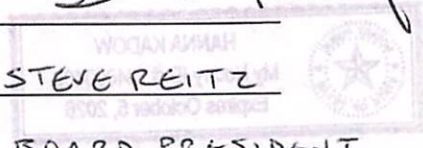
Marble Falls Economic Development Corporation

By: 

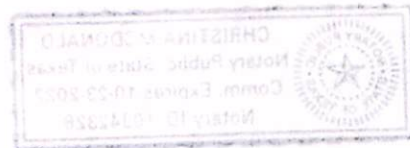
Name: STEVE REITZ

Title: BOARD PRESIDENT

Date: 1/19/24



[ACKNOWLEDGMENTS APPEAR ON THE NEXT PAGE]

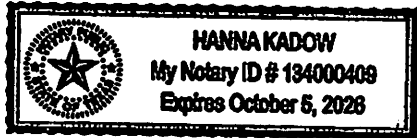


MFEDC ACKNOWLEDGEMENT

STATE OF TEXAS:
COUNTY OF BURNET

BEFORE ME, the undersigned authority, on this day personally appeared Steve Peitz who, being duly sworn on their oath and made proof to my satisfaction that they are the person named in the within instrument; and acknowledged to me that he executed the same in his authorized capacity as President of the Board of the Marble Falls Economic Development Corporation, that by his signature on the instrument the entities upon behalf of which he acted, executed the instrument.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 19th day of January, 2024



Hanna Kadow
Notary Public:

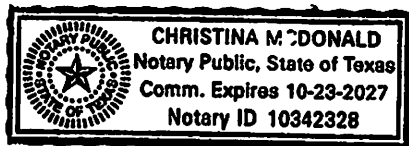
My Commission Expires: 10/5/2026

CITY ACKNOWLEDGEMENT

STATE OF TEXAS:
COUNTY OF BURNET

BEFORE ME, the undersigned authority, on this day personally appeared Dave Rhodes who, being duly sworn on their oath and made proof to my satisfaction that they are the person named in the within instrument; and acknowledged to me that he executed the same in his authorized capacity as Mayor of Marble Falls, Texas, that by his signature on the instrument the entities upon behalf of which he acted, executed the instrument.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 16th day of January, 2024



Christina McDonald
Notary Public:

My Commission Expires: 10/23/2027

**EXHIBIT "A" - LEGAL DESCRIPTION AND PERMITTED EXCEPTIONS
1001 MAIN STREET, MARBLE FALLS, TEXAS**

5 100 30 117

EXHIBIT "A"
LEGAL DESCRIPTION OF THE LAND

FIELD NOTES DESCRIBING 0.466 OF AN ACRE OF LAND CONSISTING OF LOTS 2, 3, AND A PORTION OF LOT 1, BLOCK NO. 74 IN THE CITY OF MARBLE FALLS, TEXAS, A SUBDIVISION LOCATED IN BURNET COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME Y, PAGE 535 OF THE DEED RECORDS OF BURNET COUNTY, TEXAS, AND BEING THAT PROPERTY CONVEYED TO THESA EVRIDGE AND MICHAEL HEATH WOOTEN IN A WARRANTY DEED RECORDED IN DOCUMENT NO. 201802793 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/8" iron rod found in the east right of way line of Main Street being the southwest corner of Lot 4 Block 74 and the northwest corner of Lot 3 for the northeast corner hereof;

THENCE along the common lines of Lots 3 and 4 S 61° 41' 27" E, 140.16 feet to a 1/8" iron rod with cap found labeled "Cuplin" in the west line of a 20 foot alley at the northeast corner of Lot 3 and the southeast corner of Lot 4 for the northeast corner hereof;

THENCE S 28° 13' 27" W, 150.26 feet to a 1/2" iron rod found in the north right of way line of State Highway No. 1431 at the southeast corner of Lot 1 for the southeast corner hereof;

THENCE N 61° 37' 07" W, along the north right of way line of State Highway No. 1431 a distance of 109.98 feet to a mag nail found with a washer in the east right of way line of U.S. Highway 281 for the southwest corner hereof;

THENCE N 3° 34' 45" W, along the east right of way line of U.S. Highway 281 a distance of 56.39 feet to a 1/8" iron rod found in the east right of way line of Main Street for the most westerly corner hereof;

THENCE N 27° 57' 43" E along the east line of Main Street a distance of 102.25 feet to the Place of Beginning and containing 0.446 acre of land

General Warranty Deed - Exhibit "A"

EXHIBIT "B"
PERMITTED EXCEPTIONS

Standby fees, taxes and assessments by any taxing authority for the year 2024 and subsequent years.

All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records.

Any rights, interests, or claims which may exist or arise by reason of the following matters disclosed by survey.

Job No.: B0301223_BMF

Dated: March 30, 2023

Prepared by: Victor M. Garza, Registered Professional Land Surveyor Number 4740

Matters shown: Rights of Third Parties in and to the overhead electric line(s), as shown. Power pole(s), as shown; metal shed on concrete encroaching and/or protruding north, as shown

General Warranty Deed - Exhibit "B"

**EXHIBIT "B" - LEGAL DESCRIPTION AND PERMITTED EXCEPTIONS
1003 and 1008 MAIN STREET, MARBLE FALLS, TEXAS**

EXHIBIT "A"
LEGAL DESCRIPTION OF THE LAND

Being Lots 4, 5 and 6, Block 74 of CITY OF MARBLE FALLS, Burnet County, Texas, as shown on map
or plat recorded in Volume Y, Page 535, Deed Records of Burnet County, Texas.

General Warranty Deed -- Exhibit "A"

EXHIBIT "B"
PERMITTED EXCEPTIONS

Standby fees, taxes and assessments by any taxing authority for the year 2024 and subsequent years.

All leases, grants, exceptions or reservations of coal, lignite, oil, gas and other minerals, together with all rights, privileges, and immunities relating thereto, appearing in the Public Records

Any rights, interests, or claims which may exist or arise by reason of the following matters disclosed by survey.

Job No.: B0301223_BMF

Dated: March 17, 2023

Prepared by: Victor M. Garza, Registered Professional Land Surveyor Number 4740

Matters shown: Rights of Third Parties in and to the overhead electric line, power poles, down guy

Protrusion of concrete wall over North boundary line

Protrusion of wood walk and planter over Northwest boundary lines

General Warranty Deed - Exhibit "B"

February 3, 2026

6. CONSENT AGENDA

- (c) Approval of Resolution 2026-R-02B authorizing the dedication of 0.027 acres of City owned property located at the intersection of FM 1431 and US Hwy. 281 (Burnet County Property ID 28775) to the Texas Department of Transportation (TxDOT) for a traffic improvement project, and approval of TxDOT right-of-way documents, ROW-N-143 & ROW-N-14, required to facilitate the project and authorize the City Manager to execute all related documents. *Jeff Prato, City Engineer*
-



Council Agenda Item Cover Memo
February 3, 2026

Agenda Item No.: 6(c)
Presenter: Jeff Prato, City Engineer
Department: Engineering
Legal Review:

AGENDA CAPTION

Approval of Resolution 2026-R-02B authorizing the dedication of 0.027 acres of City owned property located at the intersection of FM 1431 and US Hwy. 281 (Burnet County Property ID 28775) to the Texas Department of Transportation (TxDOT) for a traffic improvement project, and approval of TxDOT right-of-way documents, ROW-N-143 & ROW-N-14, required to facilitate the project and authorize the City Manager to execute all related documents.

BACKGROUND INFORMATION

TxDOT is undertaking a traffic improvement project located at the intersection of Highway 281 and FM 1431 within the City of Marble Falls intended to improve traffic operations, safety, and overall mobility in the project area. As a part of the project, TxDOT requires a portion (0.027acres) of City owned property for right-of-way and/or related transportation purposes.

The City owns the property necessary for the project, and TxDOT has requested formal City Council authorization to dedicate the required portion of the property and to execute the associated TxDOT documents. The proposed dedication area is shown and described in the attached exhibits.

The proposed resolution authorizes the dedication of the identified portion of City-owned property to TxDOT and finds that the dedication serves a public purpose. Approval of this item will allow TxDOT to proceed with the planned improvements and ensure the City's cooperation with state transportation efforts.

In addition to the resolution, TxDOT requires City execution of two (2) standard right-of-way forms related to the project, ROW-N-143 & ROW-N-14. These forms are administrative in nature and are consistent with the terms of the project and TxDOT requirements.

City staff have reviewed the proposed dedication and documents and find them to be in the best interest of the City.

BUDGET IMPLICATIONS

Current Budget

New Budget Request

Non-Budgetary

None.

STAFF RECOMMENDATION

Staff recommends the approval of Resolution 2026-R-02B authorizing the dedication of a portion of City owned property to TxDOT for the Traffic improvements project and approval of the associated TxDOT right-of-way documents and authorize the City Manager to execute all related documents.

RESOLUTION NO. 2026-R-02B

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF MARBLE FALLS, TEXAS, AUTHORIZING THE DEDICATION OF A PORTION OF CITY OWNED PROPERTY TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR AN IMPROVEMENT PROJECT; PROVIDING AUTHORIZATION TO THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS; AND PROVIDE AN EFFECTIVE DATE.

WHEREAS, the City of Marble Falls (“City”), Texas is the owner of the property located at FM 1431 and US Hwy 281; and

WHEREAS, the address of the property as defined by Burnet County as Parcel # 28775; and

WHEREAS, the Texas Department of Transportation (“TxDOT”) is undertaking a traffic improvement project known as 0252-01-084, US Hwy 281/ FM 1431 Intersection; and

WHEREAS, TxDOT has requested that the City of Marble Falls dedicate a portion of City owned property, more particularly described in Exhibit “A” attached hereto and incorporated herein by reference (“Dedicated Property”), for use in connection with the Project; and

WHEREAS, the dedication of the Dedicated Property to TxDOT is necessary to facilitate the construction, operation, and maintenance of the Project; and

WHEREAS, the City Council finds that dedicating the Dedicated Property to TxDOT serves a valid public purpose and is in the best interest of the City and its residents.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARBLE FALLS, TEXAS THAT:

Section 1. The City Council hereby approves the dedication of the Dedicated Property to the Texas Department of Transportation for purposes related to the Project, subject to the terms and conditions required by TxDOT.

Section 2. The City Manager, or their designee, is hereby authorized to execute any and all documents, instruments, agreements, or conveyances necessary to effectuate the dedication, including but not limited to deeds, dedication instruments and related TxDOT documentation.

Section 3. City staff is authorized to take all actions reasonable necessary to carry out the intent of this Resolution.

Section 4. This Resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED this 3rd DAY OF February 2026.

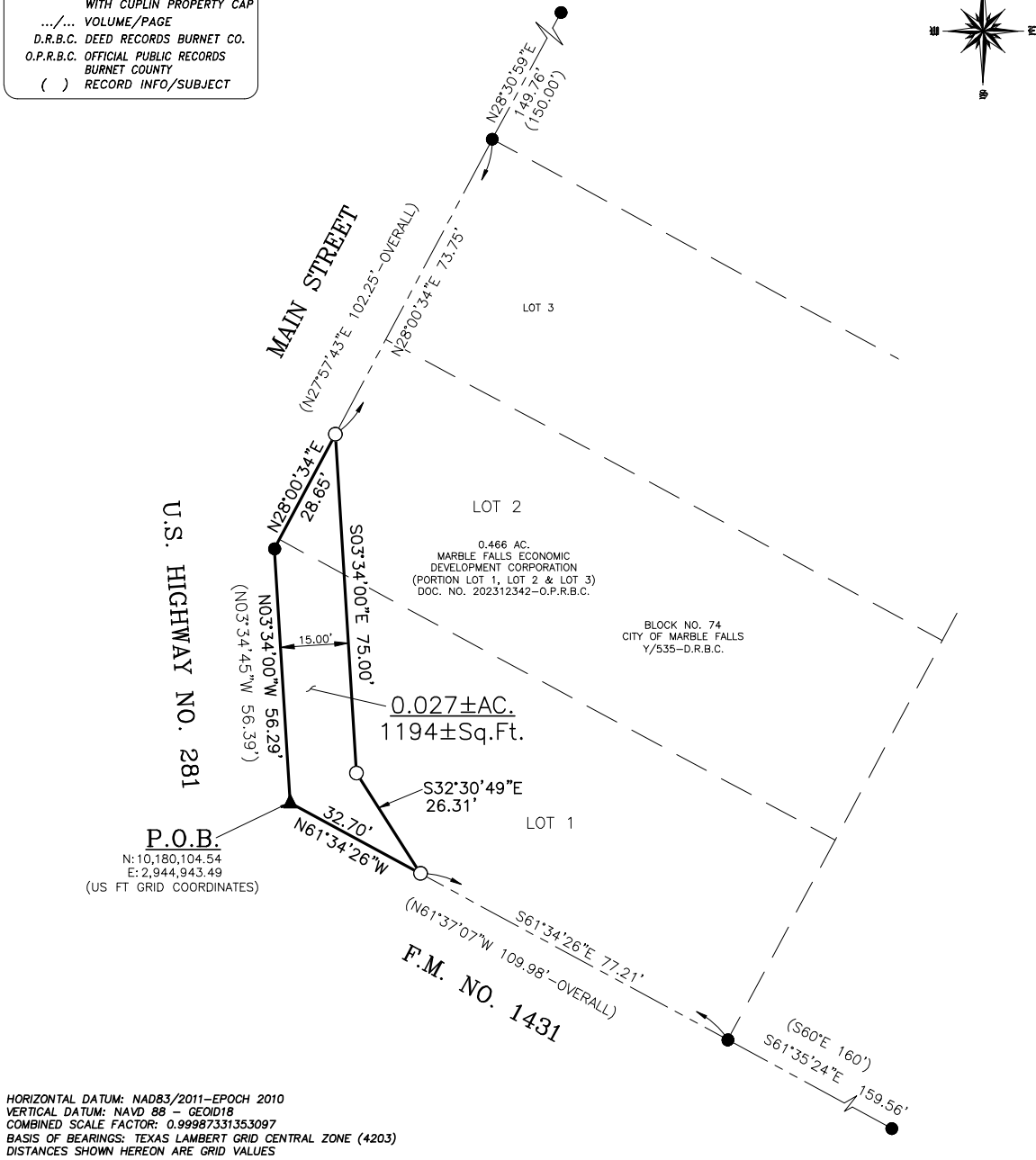
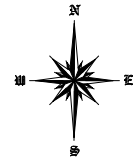
John Packer, Mayor

ATTEST:

Christina McDonald, City Secretary

LEGEND

- 1/2" IRON PIN FOUND (UNLESS NOTED)
- ▲ MAG NAIL FOUND WITH 5938 WASHER
- SET 1/2" IRON PIN WITH CUPLIN PROPERTY CAP
- .../... VOLUME/PAGE
- D.R.B.C. DEED RECORDS BURNET CO.
- O.P.R.B.C. OFFICIAL PUBLIC RECORDS BURNET COUNTY
- () RECORD INFO/SUBJECT



HORIZONTAL DATUM: NAD83/2011-EPOCH 2010
 VERTICAL DATUM: NAVD 86 - GEOID18
 COMBINED SCALE FACTOR: 0.9998731353097
 BASIS OF BEARINGS: TEXAS LAMBERT GRID CENTRAL ZONE (4203)
 DISTANCES SHOWN HEREON ARE GRID VALUES

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND MAY HAVE ADDITIONAL ENCUMBRANCES, SURVEYOR NOT RESPONSIBLE FOR ANY ENCUMBRANCES THAT A TITLE COMMITMENT MAY DISCLOSE.

BOUNDARY SURVEY

LOCAL ADDRESS: F.M. HIGHWAY 1431 AND U.S. HIGHWAY NO. 281, MARBLE FALLS, TEXAS.

LEGAL DESCRIPTION: BEING A 0.027 OF AN ACRE TRACT, OUT OF LOT 1 AND LOT 2, BLOCK 74 OF THE CITY OF MARBLE FALLS, AS SHOWN ON PLAT RECORDED IN VOLUME Y, PAGE 535 OF THE DEED RECORDS OF BURNET COUNTY, TEXAS, FURTHER BEING OUT OF A CALLED 0.466 OF AN ACRE TRACT OF LAND AS DESCRIBED IN GENERAL WARRANTY DEED TO MARBLE FALLS ECONOMIC DEVELOPMENT CORPORATION, RECORDED ON DOCUMENT NO. 202312342 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, SAID 0.027 OF AN ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY SEPARATE METES AND BOUNDS DESCRIPTION TO ACCOMPANY THIS SURVEY OF EVEN DATE.

I HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED ON THE GROUND AND WAS SURVEYED BY ME OR UNDER MY DIRECT SUPERVISION. CUPLIN & ASSOCIATES, INC. ©.

K.P. Cuplin
 KYLE P. CUPLIN, R.P.L.S. NO. 5938 DATED 10/24/2025



SHEET 1 OF 2	PROJ. NO. 25895
	PREPARED FOR: CITY OF MARBLE FALLS, TX.
	TECH: C. CUPLIN
	APPROVED: K.P.C.
	FIELDWORK PERFORMED ON: OCT 2025
COPYRIGHT: 2025 PROFESSIONAL FIRM NO: 10126900	

1500 OLLIE LANE
 MARBLE FALLS, TX. 78654
 PH. 325-388-3300/830-693-8815
 WWW.CUPLINASSOCIATES.COM

SCALE 1" = 30'
 0 15 30

BEING A 0.027 OF AN ACRE TRACT, OUT OF LOT 1 AND LOT 2, BLOCK 74 OF THE CITY OF MARBLE FALLS, AS SHOWN ON PLAT RECORDED IN VOLUME Y, PAGE 535 OF THE DEED RECORDS OF BURNET COUNTY, TEXAS, FURTHER BEING OUT OF A CALLED 0.466 OF AN ACRE TRACT OF LAND AS DESCRIBED IN GENERAL WARRANTY DEED TO MARBLE FALLS ECONOMIC DEVELOPMENT CORPORATION, RECORDED ON DOCUMENT NO. 202312342 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, SAID 0.027 OF AN ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS DESCRIPTION AS FOLLOWS.

BEGINNING at a mag nail with "5938" washer found in concrete, at the northeasterly intersection of the northerly right-of-way line of F.M. No. 1431 and the easterly right-of-way line of US Highway No. 281, at the southwesterly corner of said 0.466 of an acre tract, at the southwesterly corner of the remnant of said Lot 1, and the southwesterly corner hereof, having a US Feet GRID coordinate Northing 10,180,104.54 and Easting 2944,943.49;

THENCE North 03°34'00" West, along the easterly right-of-way line of said US Highway No. 281, the westerly line of said 0.466 of an acre tract, the westerly line of the remnant of said Lot 1, and hereof, a distance of 56.29' to a 1/2" iron pin found, along the easterly right-of-way Line of Main Street, and being a westerly corner hereof;

THENCE North 28°00'34" East, along the easterly right-of-way line of said Main Street, the westerly line of said 0.466 of an acre tract, the westerly line of said Lot 1, and Lot 2, and hereof, a distance of 28.65' to a 1/2" iron pin set with "CUPLIN" property cap, at the most northerly corner hereof, WHENCE for reference, a found 1/2" iron pin found at the northwesterly corner of Lot 3 of said Block 74 and northerly corner of said 0.466 of an acre tract bears North 28°00'34" East, a distance of 73.75';

THENCE over and across said Lot 2 and Lot 1, and the northeasterly line hereof the following courses and distances;

- 1) South 03°34'00" East, a distance of 75.00' to a 1/2" iron pin set with "CUPLIN" property cap;
- 2) South 32°30'49" East, a distance of 26.31' to a 1/2" iron pin set with "CUPLIN" property cap, along the northerly right-of-way line of said F.M. No. 1431, the southerly line of said Lot 1, and being the southeasterly corner hereof, WHENCE for reference a found 1/2" iron pin found at the southeasterly corner of said Lot 1 and said 0.466 of an acre tract bears South 61°34'26" East, a distance of 77.21';

THENCE North 61°34'26" West, along the northerly right-of-way line of said F.M. No. 1431, the southerly line of said 0.466 of an acre tract, the southerly line of said Lot 1, and hereof, a distance of 32.70' to the **POINT OF BEGINNING**, calculated to contain 0.027 of an acre (1,194 square feet), more or less.

I hereby certify that this survey was performed on the ground and was surveyed by me and or under my direct supervision. A Plat of Survey of even date was prepared and is intended to accompany the above described tract of land. All bearings and distances are per the Texas Coordinate System, Central Zone, Grid.

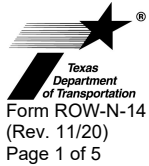


Kyle P. Cuplin
Registered Professional Land Surveyor No. 5938

Dated: 10/24/2025



NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.



DEED

TxDOT ROW CSJ: 0252-01-086

TxDOT Parcel ID: 28775

Grantor(s), whether one or more:

City of Marble Falls, TX

Grantor's Mailing Address (including county):

City of Marble Falls
ATTN: Jeff Prato
800 Third Street
Marble Falls, TX 78654

Grantee:

The State of Texas, acting by and through the Texas Transportation Commission

Grantee's Authority:

The Texas Transportation Commission is authorized under the Texas Transportation Code to purchase land and such other property rights (including requesting that counties and municipalities acquire highway right of way) deemed necessary or convenient to a state highway or turnpike project to be constructed, reconstructed, maintained, widened, straightened, or extended, or to accomplish any purpose related to the location, construction, improvement, maintenance, beautification, preservation, or operation of a state highway or turnpike project.

The Texas Transportation Commission is also authorized under the Texas Transportation Code, Chapter 203 to acquire or request to be acquired such other property rights deemed necessary or convenient for the purposes of operating a state highway or turnpike project, with control of access as necessary to facilitate the flow of traffic and promote the public safety and welfare on both non-controlled facilities and designated controlled access highways and turnpike projects.

Grantee's Mailing Address (including county):

Texas Department of Transportation
125 East 11st St.
Austin, TX 78701 Travis County

Consideration:

The sum of Ten Dollars and no/100 Dollars (\$10.00) to Grantor in hand paid by Grantee, receipt of which is hereby acknowledged, and for which no lien is retained, either expressed or implied.

Property:

All of that certain tract or parcel of land in _____ County, Texas, being more particularly described in the attached Exhibit A (the “**Property**”).

[*OPTIONAL PARAGRAPH, TO BE USED ONLY WHEN ACCESS RIGHTS ARE VALUED AND PURCHASED BECAUSE DIRECT ACCESS ON AND OFF THE PROPERTY, OR REMAINING PROPERTY, IS DEEMED TO BE MATERIALLY IMPAIRED (I.E., IF COMPENSATION IS BEING PAID FOR THE ACQUISITION OF ACCESS RIGHTS OR AS DAMAGES TO THE REMAINING LAND. OTHERWISE, DELETE THE FOLLOWING)*]:

Grantors do also Waive, Release, Relinquish, and Convey unto the State of Texas that portion of Grantors' abutting property rights of ingress and egress and direct access on and off the Highway Facility as described in Exhibit "A" by lines of access denial.

Reservations from and Exceptions to Conveyance and Warranty:

This conveyance is made by Grantor and accepted by Grantee subject to the following:

1. Visible and apparent easements not appearing of record.
2. Any discrepancies, conflicts, or shortages in area or boundary lines or any encroachments or any overlapping of improvements which a current survey would show.
3. Easements, restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and encumbrances for taxes and assessments (other than liens and conveyances) presently of record in the Official Public Records of Burnet County, Texas, that affect the property, but only to the extent that said items are still valid and in force and effect at this time.

Grantor reserves all of the oil, gas, and sulfur in and under the Property but waives all rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining or drilling for same; however, nothing in this reservation shall affect the title and rights of the Grantee, its successors and assigns, to take and use all other minerals and materials thereon, therein, and thereunder.

Grantor is retaining title to the following improvements (“**Retained Improvements**”) located on the Property, to wit:

Grantor covenants and agrees to remove the Retained Improvements from the Property by [redacted] day of [redacted] 20[redacted], subject to such extensions of time as may be granted by Grantee in writing. In the event Grantor fails, for any reason, to remove the Retained Improvements within the time prescribed, then, without further consideration, title to all or part of such Retained Improvements not so removed shall pass to and vest in Grantee, its successors and assigns, forever.

Access on and off Grantor’s remaining property to and from the State highway facility shall be permitted except to the extent that such access is expressly prohibited by the provisions set out in Exhibit “A”. Grantor acknowledges that such access on and off the State highway facility is subject to regulation as may be determined by the Texas Department of Transportation to be necessary in the interest of public safety or by applicable local municipal or county zoning, platting, or permitting requirements.

GRANTOR, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's heirs, successors, and assigns to Warrant and Forever Defend all and singular the Property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

EXECUTED on the date(s) of acknowledgment indicated below.

GRANTOR:

Acknowledgment

State of Texas
County of Burnet

This instrument was acknowledged before me on _____
by _____. The
acknowledging person personally appeared by:

physically appearing before me.

appearing by an interactive two-way audio and video communication that meets the requirements for online notarization under Texas Government Code, Chapter 406, Subchapter C.

Notary Public's Signature

Corporate Acknowledgment

State of Texas
County of Burnet

This instrument was acknowledged before me on _____
by _____,

of _____
, a _____, on behalf of said entity. The
acknowledging person personally appeared by:

physically appearing before me.

appearing by an interactive two-way audio and video communication that meets the requirements for online
notarization under Texas Government Code, Chapter 406, Subchapter C.

Notary Public's Signature

AFTER RECORDING, RETURN TO:

[ADDITIONAL WORDING FOR AN EXHIBIT “A” WHERE WHOLE TAKE (NO REMAINDER) INVOLVED—INCLUDE THE FOLLOWING PARAGRAPH AS AN ADDITIONAL PAGE TO THE EXHIBIT “A” PROPERTY DESCRIPTION IMMEDIATELY AFTER THE LEGAL DESCRIPTION AND PLAT MAP]

The property described above relates to a “whole” property acquisition, so that there is no remainder or remaining property owned by the Grantors that was originally out of or a part of the property described above. Therefore, there are no access rights retained or remaining in Grantors, their successors and assigns, out of or relating to the property described above.

Note to Right of Way Project Delivery Personnel: For partial takings, delete this page.

AGREEMENT TO ACCEPT DONATION OF REAL PROPERTY

STATE OF TEXAS	§	ROW CSJ #: 0252-01-087
	§	Parcel #: 28775
COUNTY OF BURNET	§	Project limits: AT RM 1431

THIS AGREEMENT is entered between the Contracting Parties, as defined below.

I. Contracting Parties:

Donor:

State: The Texas Department of Transportation (“**State**” or “**TxDOT**”)

II. Background:

Texas Transportation Code §201.206 authorizes the State to accept, from any source, a donation of realty for the purpose of carrying out its functions and duties. Texas Government Code Chapter 575, requires the governing board of a state agency, not later than the 90th day after a donation valued at \$500 or more is accepted, to acknowledge the acceptance of the donation by majority vote at an open meeting and prohibits a state agency from accepting a donation from a person who is a party to a contested case before the agency until the 30th day after the date the decision in the case becomes final. To provide guidance on when a donation may be accepted by the State, the Texas Transportation Commission (Commission) has adopted rules relating to the State acceptance of donations, codified as 43 TAC §§1.500-1.506. Acceptance of a donation of \$500.00 or more must be acknowledged by the Commission not later than the 90th day after the date the Donation is accepted by the State.

The Donor is a property owner desiring to donate property described herein to the State for no benefit or gain to the Donor. The State wishes to accept the donation of property and the Donor must execute this donation agreement.

III. Agreement:

The Donor, being fully informed of its right to receive just compensation for the Property, agrees to donate the property more particularly described on Exhibit “A”, attached hereto and incorporated herein for all purposes (the “**Property**”), to the State. The State certifies that its acceptance of the Property will further the State’s abilities to meet its responsibilities.

The value of the Property as determined by Burnet County Appraisal District is \$14,263.04. The Donor has been informed of its right to conduct or waive an appraisal of the Property by a qualified appraiser.

(_____) Donor’s Initial

IV. Representations and Warranties:

- A. The Donor represents and warrants that it has unrestricted fee ownership and use of the Property and that by signing the Donation Deed it is forever relinquishing and transferring all rights and interest in and to the Property to the State.
- B. The Donor acknowledges that it has been fully informed of Donor’s right to receive just compensation for the Property.
- C. Donor acknowledges that nothing contained in this Agreement shall be a limitation of any type on the divestment of interest by Donor to State.
- D. The Donor acknowledges that there is no official relationship between the Donor and the State.
- E. The Donor acknowledges that it will receive no benefit as a result of the donation of the Property.
- F. The Donor is not the subject of State regulation or oversight, or interested in or likely to become

interested in any contract, purchase, payment, or claim with or against the State.

- G. The State determines that acceptance of the donation will provide a significant public benefit and such acceptance does not influence or appear to influence the State in the performance of its duties.
- H. The Donor acknowledges that TxDOT's acceptance of the donation does not bind State to a course of action or promise of performance.
- I. The State neither approves nor is responsible for any representations made by the Donor for tax purposes.
- J. The Donor acknowledges that the State will act in reliance of and in consideration of the promises made by the Donor in this agreement.
- K. The Donor acknowledges that this agreement is public information and will be furnished to a requestor pursuant to Chapter 552 of the Texas Government Code.

V. Hold Harmless:

The Donor shall save and hold harmless the State and its officers and employees from any and all claims and liability due to any intentional or negligent actions that are caused by or result from error, omission, or negligent act of the Donor or of any person employed by the Donor. The Donor shall also save harmless the State from any and all expense, including, but not limited to, attorney fees that may be incurred by the State in litigation or otherwise resisting the claim or liabilities that may be imposed on the State as a result of such activities by the Donor, its agents, or employees.

VI. Warranty of Use:

Donor represents and warrants to the State that Donor has no knowledge of any current or former use, generation, storage or disposal of any hazardous material on or under the Property currently or previously in violation of any federal, state or local governmental law or rule. Additionally, Donor represents and warrants to the State that Donor has no knowledge of the Property being used for a gas station, auto shop, or dry cleaning service, and has no knowledge of the presence of asbestos material on the Property. Donor has not received any notice of any action or proceeding relating to any hazardous materials or any release thereof on, in, under or about the Property.

VII. Relocation Assistance: (If applicable)

Donor acknowledges receipt of the brochure entitled "Relocation Assistance" and understands that relocation assistance benefits, if any, are handled entirely separate from and in addition to this transaction. Relocation benefits, if any, will be examined on a case by case basis, and will be specifically set forth in a separate agreement.

VIII. Costs:

- A. The State, without cost to the Donor, shall pay the cost of recording all instruments conveying title to the State, and the State may, but is not obligated to, purchase an owner's title policy at the State's expense.
- B. Donor will be reimbursed for any fair and reasonable incidental expenses necessarily incurred in transferring title to the Property for use by State. Expenses eligible for reimbursement may include (1) recording fees, transfer taxes and similar expenses incidental to conveying the Property to State; and (2) penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering the Property. Voluntary unnecessary expenses or expenses incurred in clearing questionable title will not be eligible for reimbursement. Eligible incidental expenses will be reimbursed upon submission of a claim supported by receipted bills or other evidence of actual expenses incurred. Donor may file a written request for review if Donor believes that the State failed to properly determine the eligibility for or the amount of incidental expenses to be reimbursed. There is no standard form on which to request a review of a claim; however, the request for review must be filed with the State within six months after you are notified of the State's determination on any claim for reimbursement.

IX. Termination/Withdrawal:

If Donor withdraws from this agreement, in writing, before it is executed by the State, such withdrawal shall extinguish all rights, duties, obligations and liabilities of the State and the Donor under this agreement.

X. Sole Agreement:

This Agreement and the Donation Deed constitute the only promises, consideration and conditions of this conveyance, and no other promises, consideration or conditions have been signified or implied, except any benefits which Donor may or may not be entitled under the State's Relocation Assistance Program.

XI. Notices:

All notices to either party by the other party will be delivered personally or sent by U.S. Mail, postage prepaid, to the following addresses:

Donor:	State:
Attn: City of Marble Falls 800 Third St. Marble Falls, TX 78654	Texas Department of Transportation Attn: Right of Way Division P.O. Box 5075 Austin, Texas 78763-5075

The notice shall be received by the addressee on the date delivered or deposited in the mail. Either party may change its address by sending written notice of the change to the other in the manner provided.

XII. Exhibits:

- A. Property Location Map or Survey
- B. Deed

The State and the Donor have executed duplicate counterparts of this agreement.

THE STATE

Executed for the Executive Director and approved by the Texas Transportation Commission for the purpose and effect of carrying out the orders, established policies, or work programs approved and authorized by the Texas Transportation Commission.

Texas Department of Transportation

Kyle Madsen
Director, TxDOT Right of Way Division

Date:

THE DONOR

The undersigned signatory warrants that he or she is an official representative of the organization making the donation described and is authorized to make the donation and to enter into this Agreement on behalf of the organization.

BY: _____
Authorized Signature

Typed or Printed Name and Title

Date:

February 3, 2026

6. CONSENT AGENDA

- (d) Approval of an Underground Agreement and dedication of an easement to the Pedernales Electric Cooperative (PEC) for all necessary appurtenances to provide electrical service for the Via Viejo High Service Pump Station improvements and authorize the City Manager to execute the easement documents. *Jeff Prato, City Engineer*
-



Council Agenda Item Cover Memo
February 3, 2026

Agenda Item No.: 6(d)
Presenter: Jeff Prato, City Engineer
Department: Engineering
Legal Review: N/A

AGENDA CAPTION

Approval of an Underground Agreement and dedication of an easement to the Pedernales Electric Cooperative (PEC) for the necessary appurtenances to provide electrical service for the Via Viejo High Service Pump Station (HSPS) improvements and authorize the City Manager to execute the easement documents.

BACKGROUND INFORMATION

The City of Marble Falls is currently improving the existing Via Viejo HSPS duplex pump system with two (2) 1,100 gpm pumps to a triplex system with three (3) 1,000 gpm pumps. Installation of an upsized transformer by PEC is necessary to provide adequate power.

BUDGET IMPLICATIONS

- Current Budget New Budget Request Non-Budgetary

STAFF RECOMMENDATION

City staff recommends dedicating a utility easement to Pedernales Electric Cooperative, Inc. for electrical equipment and access as it relates to electrical service for the Via Viejo HSPS project and authorizing the City Manager to execute the easement documents.

UTILITY EASEMENT

THE STATE OF TEXAS

§

§

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF Burnet

§

The undersigned City of Marble Falls,
(Printed Name exactly as it/they appear on Deed Record)

("Grantor") (whether one or more), for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby GRANT AND CONVEY unto PEDERNALES ELECTRIC COOPERATIVE, INC. ("Grantee") whose mailing address is P.O. Box 1, Johnson City, Texas 78636, and its contractors, agents, successors and assigns, a permanent easement and right-of-way ("Easement") as hereinafter described for an underground electric distribution line or lines, consisting of variable number of wires, cables, conduit, enclosures, switches, steel or concrete boxes, concrete or composite pads, transformers, cable risers; and communication systems, as related to the distribution of electricity, energy, power, light, heat, or energy services; or broadband/communication services or any other services provided only by Grantee or its affiliate; and all necessary or desirable appurtenances related thereto (collectively, the "Facilities"), over, in, under, below, above, through, across and upon the following described lands located in Burnet County, Texas (the "Property"):

Acreage: A tract of land consisting of .25 acres of land, more or less, out of the W. C. M. Baker No. 202 Survey, Abstract No. 123, in Burnet County, Texas, as described in a deed or other instrument recorded in Volume -----, Page ----- or Document Number 200809329 in the Official Real Property Records of Burnet County, Texas.

The area of the Easement hereby conveyed for Facilities shall be: fifteen (15) feet in width, being seven and one-half (7.5) feet on each side of the centerline of the Facilities as built (or fifteen (15) feet in total if Facilities are built less than seven and one-half (7.5) feet from a property line (the "Easement Area") or as more particularly described in Exhibit A if attached hereto. Any Facilities (guys and anchors or pads, transformers or switches) if installed outside the Easement Area shall be considered part of the Easement Area.

The purpose of the Easement is to place and construct; to re-construct, upgrade, to install and add; to relocate, replace, remove, and repair; and to inspect, patrol, maintain and operate the Facilities; the right to place temporary structures; and further to cut, trim, treat and/or remove from said Easement Area and adjacent lands any and all vegetation and parts thereof, or other obstructions which may endanger, or interfere with establishing and continued access, efficiency, and safety of said lines, systems or their appurtenances.

Grantee has the right of pedestrian, vehicular, and equipment ingress and egress over and under the Property, or any of Grantor's adjacent lands, to and from the Easement Area.

Grantor may not place or construct any structures or other obstacles over, in, under, below, above, across and upon the Easement Area that substantially interfere with the Grantee's use and enjoyment of the Easement Area.

Grantor warrants that Grantor is the owner of the Property and has the authority to execute this Easement.

TO HAVE AND TO HOLD the above-described Easement and rights unto Grantee and its successors and assigns, until this Easement is released by written instrument executed by the Grantee and recorded in the Official Real Property Records of the County or Counties in which the Property is located.

Grantor, Grantor's heirs, legal representatives, and successors and assigns, do hereby bind themselves to warrant and forever defend all and singular the above-described Easement and rights unto Grantee its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through or under Grantor, but not otherwise.

[Remainder of page intentionally left blank]

The undersigned has executed this Easement to be effective as of the _____ day of _____, 20____.

Entity Signature Block:

By: _____

(Business Name)

(Signature)

(Printed Name)

(Title)

ACKNOWLEDGMENT

THE STATE OF _____ §

COUNTY OF _____ §

This instrument was acknowledged before me on _____ by _____
(date)

_____, _____ of _____ a
(name of officer) (title of officer) (name of corporation acknowledging)

(state of incorporation) corporation, on behalf of said corporation.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of _____,
20____.

Notary Public in and for
The State of _____

Please Return to:

Pedernales Electric Cooperative, Inc.

Marble Falls Planning Department

4302 N US HWY 281

Marble Falls, TX 78654

February 3, 2026

6. CONSENT AGENDA

(e) Approval of TIRZ Board No. One appointment: Danna Laine Doremus. *Christina McDonald, City Secretary*



Council Agenda Item Cover Memo
February 3, 2026

Agenda Item No.: 6(e)
Presenter: Christina McDonald, City Secretary
Department: Administration
Legal Review: N/A

AGENDA CAPTION

Approval of TIRZ Board No. One appointment: Danna Laine Doremus.

BACKGROUND INFORMATION

The TIRZ Zone Board of Directors consists of nine members serving two-year terms. One vacancy currently exists. Staff has received one application, which is attached. Ms. Doremus, owner of The Oil Tap located within TIRZ Number One, is an agent of the property owner and qualifies for appointment.

BUDGET IMPLICATIONS

Current Budget New Budget Request Non-Budgetary

STAFF RECOMMENDATION

Staff recommends appointing Dana Laine Doremus to the TIRZ Board No.1.

From: noreply@civicplus.com
To: [Christina McDonald](#)
Subject: Online Form Submission #5385 for Application for Appointment to a City Board or Commission
Date: Wednesday, January 14, 2026 1:58:43 PM

Application for Appointment to a City Board or Commission

Applicant Information

Date	1/14/2026
Full Name	DannaLaine Doremus
Address	112 N. Oak Vista Dr
City	Burnet
State	TX
Zip	78611
Email Address	dannalainedoremus@gmail.com
Phone Number	5127563100
Business Address	309 Main Street, Suite 5a, Old Oak Square
Business Phone Number	5127563100
Occupation	Owner/Operator
Select the Board, Commission or Committee applying for	Tax Increment Reinvestment Zone No. 1 Board (Meets as needed)
Do you own real property within the City Limits.	No
If applying for the TIRZ Board please indicate if you own real property within the TIRZ OR indicate if you are an employee or agent of a person who owns real property in the TIRZ.	Yes I am an employee or agent of a person who owns real property in the TIRZ

Field not completed.

Upload letter from property owner.

Residency Information

Length of residency in City of Marble Falls 4 years

Are you a registered voter? Yes

Voter Registration No. *Field not completed.*

Did you vote in the last City Election? No

Organization Membership Information

Are you currently serving on other Boards, Commissions, or Committees? No

If yes, please list current service, including dates. *Field not completed.*

Have you served on a Board, Commission, or Committee before? Yes

If yes, please list past service, including dates of service. ABLe - Alliance of Business Leaders - June 2025 to current

Please state why you wish to serve. I care about the long-term vitality and growth of our city. As a local business owner, I understand how infrastructure, accessibility, and public investment directly affect economic health.

What qualifications or talents would you bring to a City Board or Commission? I am a strategic long term thinker with strong business ethics. I am committed to the growth of local business and our community.

What are your top three goals and objectives for the board or commission you are applying for? 1. Prioritizing projects with clear, long-term community and economic benefit. 2. Support growth that strengthens infrastructure, walkability, and local businesses while preserving community character. 3. Promote transparency and community growth.

Please list organization memberships and positions held Burnet Chamber of Commerce, Marble Falls Highland Lakes Area Chamber of Commerce, Alliance of Business Leaders

Please list areas of special interest Offering educational interactive learning opportunities. Supporting local businesses. Empowering young entrepreneurs with hands on in person education.

PLEASE PROVIDE ALL INFORMATION AS REQUESTED. INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED FOR BOARD OR COMMISSION APPOINTMENTS.

Disclaimer and Signature

I hereby request consideration for appointment to a board or commission of the City of Marble Falls, Texas. I certify that my answers above are true and complete. I understand that the information contained in this application may be considered, among other criteria, qualifications and/or information, by the City Council in its evaluation for the position being sought. I further understand that should I be appointed any City of Marble Falls Board or Commission, I serve at the pleasure of the City Council and may be removed from said position at any time and for any reason or no reason at all, with or without notice. I also understand that should I be appointed to a City of Marble Falls Board or Commission, I must be responsible for a creditable record of attendance and performance. If this application leads to my appointment to a position on a City of Marble Falls Board or Commission, I understand that false or misleading information in my application may result in my removal from the position. I also acknowledge that this information may be made available to the public and the application will be maintained in the City's active files for two years from the date of application. I understand that should I not be appointed to a City of Marble Falls Board or Commission, this application and any other records obtained, collected or otherwise prepared regarding this application shall be maintained in accordance with the Texas Public Information Act and the City of Marble Falls' document retention schedule.

Electronic Signature Agreement I Agree

Electronic Signature DannaLaine Doremus

Reply Email dannalainedoremus@gmail.com

Email not displaying correctly? [View it in your browser.](#)

February 3, 2026

6. CONSENT AGENDA

- (f) Approval of Ordinance 2026-O-02A, an ordinance ordering a General Election to be held on May 2, 2026 for the purpose of electing three Councilmembers to serve for a term of two years. *Christina McDonald, City Secretary*
-



Council Agenda Item Cover Memo
February 3, 2026

Agenda Item No.: 6(f)
Presenter: Christina McDonald, City Secretary
Department: Administration
Legal Review:

AGENDA CAPTION

Approval of Ordinance 2026-O-02A, an ordinance ordering a General Election to be held on May 2, 2026 for the purpose of electing three Councilmembers to serve for a term of two years.

BACKGROUND INFORMATION

The attached Ordinance orders the May 2, 2026 General Election for election of three Councilmembers (Places 1, 3, and 5) to serve for a term of two years (until May 2028), designates the polling places and appoints election officials.

The City contracts with Burnet County to conduct our elections. The last day to file an application to be placed on the ballot is February 13, 2026.

Early Voting will be held at Marble Falls Texas Tech, the Granite Shoals Community Center, and the AgriLife Auditorium in Burnet between the hours of 8:00 am and 5:00 pm April 20 through April 29. Election Day is Saturday, May 2. Voting will be held from 7:00 am until 7:00 pm at Marble Falls Texas Tech on Election Day.

BUDGET IMPLICATIONS
 Current Budget **New Budget Request** **Non-Budgetary**

Funds are budgeted in the current fiscal year. Historically election expenses have not exceeded \$1500.00.

STAFF RECOMMENDATION

Approve Ordinance 2026-O-02A ordering a General Election on May 2, 2026 for the purpose of electing three Councilmembers.

ORDINANCE 2026-O-02A

AN ORDINANCE CALLING AND ORDERING A GENERAL ELECTION TO BE HELD ON MAY 2, 2026 FOR THE PURPOSE OF ELECTING THREE (3) COUNCILMEMBERS TO SERVE FOR A TERM OF TWO (2) YEARS, DESIGNATING THE POLLING PLACE AND APPOINTING ELECTION OFFICIALS; PROVIDING FOR ELECTION SERVICES CONTRACT AND JOINT ELECTION AGREEMENT; PROVIDING THE FORM OF THE BALLOT; DIRECTING THE GIVING OF NOTICE; AND CONTAINING OTHER PROVISIONS RELATING TO THE GENERAL ELECTION.

WHEREAS, the City Council of the City of Marble Falls (“CITY”) has the authority to call a General Election on May 2, 2026 to elect three city Councilmembers to serve in at-large place positions, each term consisting of two years; and,

WHEREAS, the City Council also has the authority pursuant to Chapter 271, Texas Election Code, to enter into joint election agreements with the other political subdivisions also holding a general election and/or special election on the same date; and,

WHEREAS, the City Council also has the authority pursuant to Chapter 31, Texas Election Code, to enter into a contract for election services with the County of Burnet, Texas.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARBLE FALLS, TEXAS:

Section 1. General Election Ordered. A general municipal election is hereby ordered to be held on the 2nd day of May, 2026 for the purpose of electing three (3) councilmembers to at-large two (2) year terms each by the qualified voters of the City of Marble Falls to be conducted as prescribed herein.

Section 2. Notice of Election. Notice of the election shall be given and the election shall be held in compliance with the provisions of the *Texas Election Code* in all respects. The ballots for the election shall comply with the *Texas Election Code* and be in the form provided by the City to the Burnet County Elections Administration for use on the voting devices and ballots used by Burnet County.

Section 3. Filing Period. Candidates may file their application beginning at 8:00 am, Wednesday, January 14, 2026 and no later than 5:00 pm, Friday, February 13, 2026 with the City Secretary, Marble Falls City Hall, 800 Third Street, Marble Falls, Texas, on any weekday that is not a City holiday, from 8:00 am to 5:00 pm. All applications shall be on a form as prescribed by the *Texas Election Code*.

Section 4. Ballot Drawing. The order in which the names of the candidates are to be printed on the ballot for such General Election shall be determined by a drawing to be conducted by the City Secretary.

Section 5. Voting Precincts. The election precincts for the election shall be the election precincts established by Burnet County, provided that each shall contain and include geographic area that is within the City. The polling place for each such election precinct shall be the polling place established by Burnet County for such election precincts in Burnet County and voting by residents of the City. The polls shall remain open on the day of the election from 7:00 am to 7:00 pm. The returns for precincts in Burnet County will be provided by precinct and the Burnet County Elections Administrator shall tabulate and provide the election returns for the election.

Election Precincts 19 and 20

Election Day Polling Place: Marble Falls Courthouse Annex
810 Steve Hawkins Parkway
Marble Falls, Texas 78654

Section 6. Election Judges, Alternates and Clerks. The presiding judges, alternate presiding judges, and clerks for the election shall be selected and appointed by Burnet County and its appointees in compliance with the requirements of state law, and such judges and clerks so selected by Burnet County and its appointees are hereby designated and appointed by the City Council as the election officers, judges and clerks, respectively, for the holding of said general election. The presiding judges, alternate presiding judges, and clerks shall perform the functions and duties of their respective and alternate election judges that are appointed by Burnet County for the election.,

Section 7. Early Voting. Early Voting, both by personal appearance and by mail, will be conducted by the Burnet County Elections Administrator who is designated and appointed as the Early voting Clerk, in accordance with the *Texas Election Code*. Early voting by personal appearance shall be conducted at the times, places and locations authorized by state law and the Burnet County Elections Administrator (Exhibit A). Early voting shall commence on April 20, 2026 and continue through April 28, 2026. Early voting extending hours shall be held as established by the Burnet County Elections Administrator. Early

Section 8. Ballot by Mail. Applications for ballot by mail can be requested from the Elections Administrator and shall be mailed to and received by the Burnet Council Elections Administrator, 220 S. Pierce, Burnet, Texas 78611 no later than April 22, 2026.

Section 9. Conduct of Election The election shall be held and conducted by the Burnet County Elections Administrator in compliance with state law and the Election Agreement. Qualified resident voters of the City shall be eligible to vote at the election. Votes shall be tabulated at the central counting station designated by the Burnet County Elections Administrator in the contractual agreement.

Section 10. Canvassing of Returns: Declaring Results. Returns of said election shall be made known as soon as possible after the closing of the polls and as contractually agreed. The Election Officer shall make a written return of the Election results to the City Council in accordance with the *Texas Election Code*. The Council shall canvass the returns and declare the results of the Election. The candidate receiving a majority of votes for such position to be filled at such General Election shall be declared elected.

Section 11. Effective Date. This Ordinance is effective immediately upon its passage and approval.

PASSED, AND APPROVED this 3rd day of February, 2026.

John Packer, Mayor

ATTEST:

Christina McDonald, TRMC
City Secretary

APPROVED AS TO FORM:

Josh Brockman-Weber, City Attorney

Exhibit A

May 2, 2026, EARLY VOTING

El 2 de mayo de 2026, Votación Adelante

Local Elections

ELECCIONES LOCALES

Burnet County, Texas

Condado de Burnet, Texas

Early Voting Locations and Hours

Sitios y Horarios de Votación Adelante

Polling Place <i>Sitio de Votación</i>		Address <i>Domicilio</i>			City <i>Ciudad</i>	
AgriLife Auditorium		607 N. Vandever			Burnet, TX 78611	
Marble Falls Texas Tech		806 Steve Hawkins Pkwy.			Marble Falls, TX 78654	
Granite Shoals Community Center		1208 N. Phillips Ranch Rd			Granite Shoals, TX 78654	
Sunday <i>Domingo</i>	Monday <i>Lunes</i>	Tuesday <i>Martes</i>	Wednesday <i>Miércoles</i>	Thursday <i>Jueves</i>	Friday <i>Viernes</i>	Saturday <i>Sábado</i>
	April 20 <i>el 20 de abril.</i> 8am-5pm	April 21 <i>el 21 de abril.</i> Holiday	April 22 <i>el 22 de abril.</i> 8am-5pm	April 23 <i>el 23 de abril.</i> 7am-7pm	April 24 <i>el 24 de abril.</i> 8am-5pm	
	April 27 <i>el 27 de abril.</i> 7am-7pm	April 28 <i>el 28 de abril.</i> 8am-5pm				SAT. MAY 2 ELECTION DAY 7am-7pm

February 3, 2026

7. REGULAR AGENDA

- (a) Public Hearing, Discussion, and Action on Ordinance 2026-O-02C regarding a Conditional Use Permit for approximately 0.16 acres of land, located at the northeast corner of Trinity Street and Pecan Valley Drive Lot 12, Block 294, out of the City of Marble Falls Original Township, Burnet County, Texas, to allow for the proposed use of duplexes within the Existing Neighborhood Zone 2 (ENZ.2) Zoning District. *Scarlet Moreno, Director of Development Services*
-



Council Agenda Item Cover Memo
February 5, 2026

Agenda Item No.: 7(a)
Presenter: Scarlet Moreno, Director of Development Services
Department: Development Services
Legal Review:

AGENDA CAPTION

Public Hearing, Discussion, and Action on Ordinance 2026-O-02C regarding a Conditional Use Permit for approximately 0.16 acres of land, located at the northeast corner of Trinity Street and Pecan Valley Drive Lot 12, Block 294, out of the City of Marble Falls Original Township, Burnet County, Texas, to allow for the proposed use of duplexes within the Existing Neighborhood Zone 2 (ENZ.2) Zoning District.

BACKGROUND INFORMATION

This item is for consideration of a Conditional Use Permit to allow for the duplex land use within the Existing Neighborhood Zone 2 (ENZ.2) Zoning District on Lot 12, Block 294, of the Marble Falls Original Township.

The Subject Area is a 0.16-acre tract of land on Trinity Street, currently zoned as Existing Neighborhood Zone 2 District (ENZ.2). The ENZ.2 district allows for the duplex land use as a conditional use. The Development Code, Appendix B, states that the duplex land use be an additional requirement for approval of a Conditional Use Permit, duplex development in the ENZ.2 district must follow the standards for duplex development in the ENZ.3 district. The development standards for the duplex land use within the ENZ.3 District are listed in the table below. The difference between the two zoning districts for the development standards is the allotted maximum lot coverage.

Table 4.2.7.A Existing Neighborhood Zones General Lot and Building Standards											
ENZ Sub-district	Development Type	Min. Lot Width	Lot Area and Coverage			Min. Setbacks				Max. Building/Structure Height	Min. Dwelling Unit Size
			Minimum Lot Area	Max. Lot Coverage	Max. Dwelling Units per Acre	Front	Interior Side	Street Side	Rear		
ENZ.2	Duplex ⁵	50'	6,000 sf	50%	N/A	25'	5' ⁷	15'	10'	35'	900 sf
ENZ.3	Duplex	50'	6,000 sf	75%	N/A	25'	5' ^{2,7}	15'	10'	35'	900 sf

The duplex land use requires approval of a Conditional Use Permit due to the unique characteristics which require special public review and consideration of the following criteria:

- **Compliance with Zoning District Regulations.** The conditional use shall comply with the purpose and intent and all applicable regulations of the zoning district in which it is located.
- **Compliance with Applicable Criteria of the Conditional Use.** The conditional use shall comply with the applicable criteria established in [Section 3.2.1](#), Restricted and Conditional Uses.
- **Impact on Public.** The conditional use shall not endanger, be detrimental, or otherwise adversely affect the health, safety, and welfare of the public.
- **Operation of Existing or Permitted Uses.** The conditional use shall not impair the operation of existing or permitted uses on the subject property or on abutting properties or be injurious to property or improvements in the immediate area.
- **Compatibility with Nearby Uses.** The conditional use shall be compatible with nearby uses in the immediate area with respect to building height, bulk and scale, setbacks, open spaces, landscaping, site development, and access and circulation features.
- **Provision of Public Infrastructure.** The conditional use shall ensure adequate provision of streets, water, wastewater, and other public infrastructure and utilities.
- **Consideration of Site Development.** The site development of a conditional use shall effectively mitigate impacts of the conditional use on the surrounding area and abutting properties. This includes consideration of, but not limited to, drainage, landscaping, buffering and screening, traffic control, pedestrian and vehicle access and circulation, parking, loading areas, lighting, and any other impacts the use may have on the surrounding area.

The Subject Area is currently an undeveloped corner lot north of Trinity Street and east Pecan Valley Drive. The applicant is proposing to construct a duplex. The proposed units are to be approximately 1,733 square feet, which meets the minimum dwelling unit size of 900 square feet for the ENZ.2 district. Each unit will be three bedrooms.

Neighboring properties to the east are zoned ENZ.2, while those to the west and south are zoned ENZ.3. The east side of Trinity Street consists of single-family residences, as do the properties to the west and north of the Subject Property.

The required number of parking spaces for the duplex land use is calculated at three spaces per dwelling unit. The total required parking spaces for this development is six parking spaces. The applicant is proposing the required six spaces with one space within a carport and the remaining two spaces on additional driveway space within the lot. The applicant requested a right-of-way abandonment of the right-of-way adjacent to Trinity Street to accomplish the parking requirements. Due to the location of the water main on Trinity Street and the close proximity to the lot line, the city will be retaining that portion of right-of-way, making an abandonment unfeasible.

Along with the Conditional Use Permit application, the applicant requested a variance for

the front and interior side yard setbacks, and the required number of parking spaces. The variance request was heard and denied by the Zoning Board of Adjustments in September 2025.

Due to the variance denial, the applicant has requested alternative setback calculations to be considered. This is available per Section 4.2.7.D Alternative Development Standards of Appendix B, Development Code, with the specific criteria outlined in Table 4.2.7.B, Existing Neighborhood Zones Alternate Lot and Building Standard inserted below.

Table 4.2.7.B Existing Neighborhood Zones Alternate Lot and Building Standards	
Front Setback Averaging	The front setback may be reduced to the lesser of: The average front building setback of homes along the same side of the street within the same sub-district; or The average front building setback of homes within 500 feet, on either side, of the parcel proposed for development.
Street Side Setback Averaging	The street side setback on any given lot may be reduced to no less than the average street side setback of lots within the same sub-district.

For these alternative setbacks, City Staff conducted a study using aerial imagery for properties within 500 feet of the development to determine the average of the front and street side setbacks. The following are the alternative setbacks compared to the Existing Neighborhood Zone 3 (ENZ.3) setbacks:

	ENZ.3 – Setbacks	Alternative Setbacks
Front	25 Foot	21 Foot
Street Side	15 Foot	11 Foot

The duplex use at the proposed site does not appear to pose any unfavorable impacts on nearby uses and is compatible with existing and permitted uses in the surrounding areas. Furthermore, the proposed use will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

Comprehensive Plan

The Future Land Use Plan classifies the Subject Area as Neighborhood Residential. The Neighborhood Residential future land use classification includes lands that will be developed primarily with single-family detached residential subdivisions and their associated amenities. These areas are intended to be a mix of both suburban and auto-oriented character development. The proposed use is in conformance with the Comprehensive Plan.

Review Criteria	Does it Meet the Criteria?
Compliance with Zoning District Regulations.	Yes - with the approval of Conditional Use Permit
Compliance with Applicable Criteria of the Conditional Use	Yes - duplex development in the ENZ.2 district must follow the standards for duplex development in the ENZ.3 district.
Impact on Public.	Yes - Does not have an adverse impact to the public
Operation of Existing or Permitted Uses.	Driveways have been designed to have access off of Trinity Street only. Residential driveways are not allowed on this portion of Pecan Valley based on its classification of Collector street. The applicant will need to provide information on how the adjacent lot to the north will access their property and carport since they have been utilizing this lot for access.
Compatibility with Nearby Uses.	Yes - mostly single family residential, but there are duplexes and apartments in the area
Provision of Public Infrastructure.	Yes - a 20 ft. public utility easement will be retained along Trinity Street
Consideration of Site Development.	Yes - the site plan has been reviewed by City Staff and comments have been addressed

The submitted site plan and duplex land use does not appear to pose any unfavorable impacts on the nearby uses, is compatible with existing and permitted uses in the surrounding area and represents a redevelopment project.

The Planning & Zoning Commission recommended approval of the Conditional Use Permit based upon staff's recommendation and the conditions notated within the Staff Recommendation. The Commission passed the motion by a 6-1 vote.

A total of 12 adjacent property owners within 200 feet of the Subject Area were mailed notification letters, which included the public hearing dates and a pre-paid comment card

for response supporting/opposing the proposed conditional use permit. At the time of packet distribution, no comment cards were received.

STAFF RECOMMENDATION

City Staff recommends approval of the requested conditional use permit and site plan based on the conformance with the Comprehensive Plan, the compatibility with surrounding existing land uses, and the site meeting or exceeding the minimum standards for the proposed use within the property, with the following conditions:

1. The CUP project approved herein is limited to one (1) building with one story, consisting of a maximum of two (2) dwelling units, as depicted in the Site Plan.
2. Fencing along Trinity Street cannot exceed 6 feet in height
3. A plan for access to the adjacent property needs to be submitted
4. Minor amendments to the site plan are allowed to be approved by City Staff to accommodate the conditions set forth in this ordinance.
5. Reduce the public utility easement adjacent to Trinity Street to 10-foot
6. Fencing adjacent to Trinity Street must be masonry
7. Fencing along Pecan Valley must be 4-foot in height

Memo Contents:

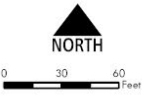
- | | |
|---|---------------|
| • Informational Maps produced by City Staff | Pages 6 – 10 |
| • Applicants' Statement | Page 11 |
| • Site Plan | Page 12 |
| • Floor Plan | Page 13 |
| • Ordinance 2026-O-02C | Pages 14 - 18 |



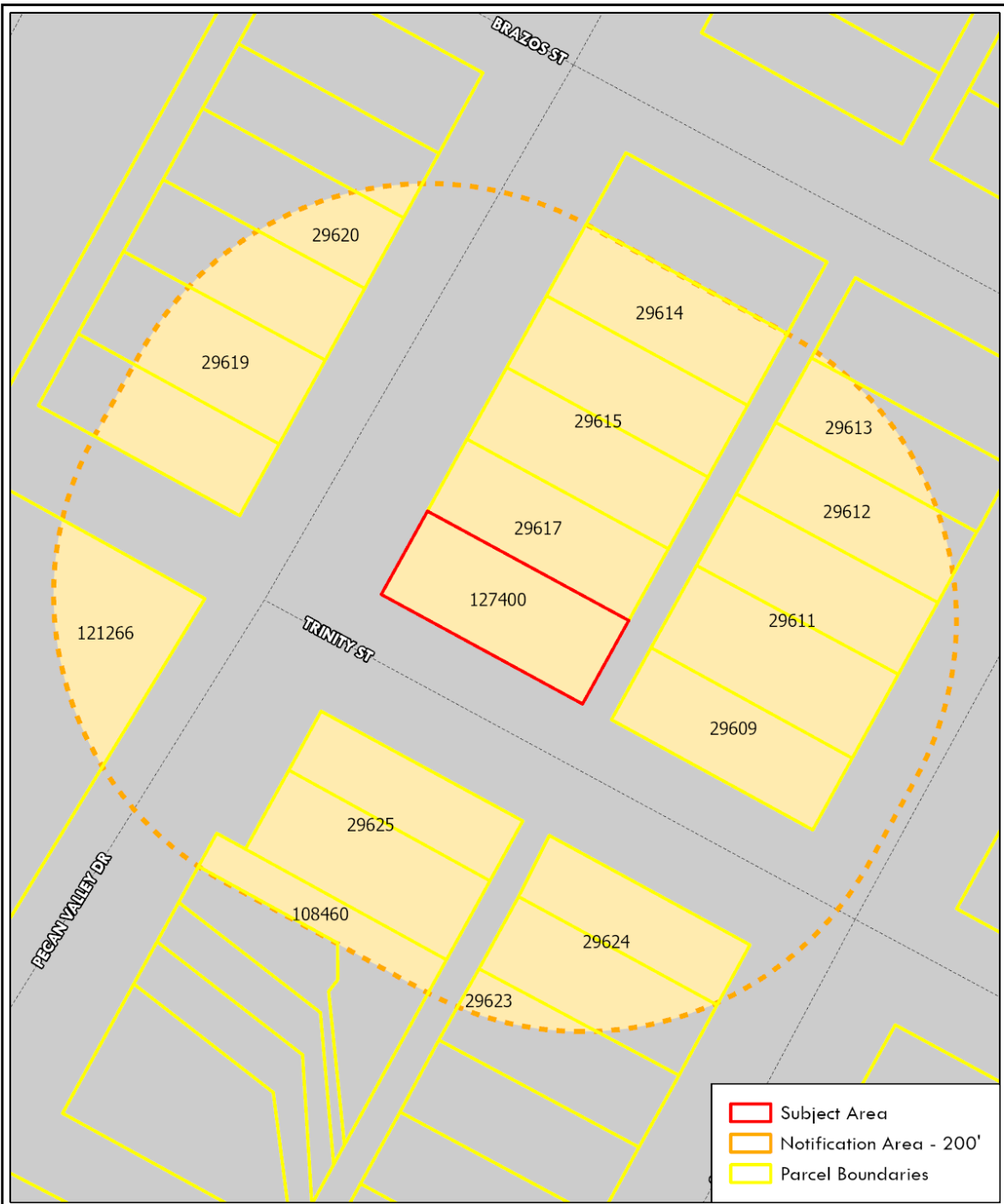
M:\2025-22-CUP-20250611\2025-22-CUP-20250611\2025-22-CUP-20250611_Pecan Valley Duplex Aerial_20250611





 CITY OF
Marble Falls
 TEXAS
 N. HICKY (936) 758-7989
 Development Services, 6/12/2025

2025-22-CUP- Pecan Valley Duplex
Aerial


 NORTH
 0 30 60
 Feet





	Subject Area
	Notification Area - 200'
	Parcel Boundaries

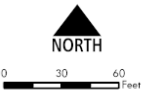
N:\Sector-PLANNING\2025\2025-22-CUP- Pecan Valley Duplex\2025-22-CUP- Pecan Valley Duplex.aprx



N. Hicks (830) 758-7085
 Development Services, 8/12/2025

2025-22-CUP- Pecan Valley Duplex Notification

NORTH





City of Marble Falls

Conditional Use Permit Application – Lake Up LLC/Joseph Luke Adkins

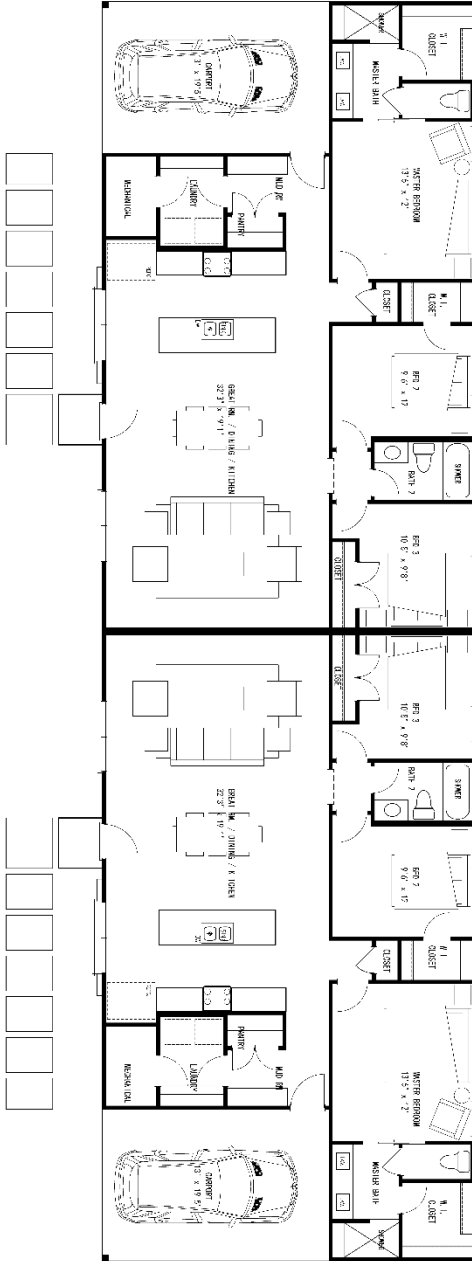
Re: Pecan Valley Dr. Lot 12

Statement

Our goal is to build a duplex on our corner lot at Pecan Valley Dr. & Trinity St, and because of the zoning district our lot sits within we need a conditional use permit to build.

Also, we are asking for a condition within the conditional use permit for a 5ft front setback facing Trinity St. The goal is to relieve burden due to City not wanting more driveways on Pecan Valley Dr. This mandate makes our property unbuildable. Currently it's a 25ft front setback facing Trinity St due to City not allowing driveways facing Pecan Valley Dr., but it takes up half of our 50ft lot, rendering it unbuildable. With this condition, the structure would be 37' 5" from Trinity St. allowing good visual clearance for intersection traffic.

We oriented the footprint this way (driveways and front facing Trinity St) for a number of reasons: 1) to comply with the City's guidelines, per the City's Code of Ordinance driveways facing Pecan Valley Dr. are prohibited; goal is to comply and not push to build a new driveway from Pecan Valley Dr. to avoid unsafe driveway/traffic conditions on Pecan Valley Dr. and being close to intersecting streets, 2) to prevent negatively impacting 4 large root systems or removing up to 4 large trees, 3) having the driveways on Trinity St. moves the privacy fencing for the house away from the road, 4) in order to create a plan for affordable rental housing and maximize living space (goal is 1600 sf per rental unit), while at the same time utilizing driveway approaches from Trinity St. the plan needs a wider footprint, 5) to get creative with restrictions and work towards solution to not only deliver affordable housing that meets affordability measures but provide a solution that looks good offering outdoor living opportunities taking away the burden of maintaining big backyards.



1 FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 1 2 3 4 6 10 Feet
 V.P. - 2016 5' - 14'5 3/4"

NOTE:
 SEE NOTES TO SHEET ARCHITECTURAL RESIDENTIAL, COOR-RES-1
 (PAGE 10 OF 17)

DESIGNED BY: VISION DESIGNS & ASSOCIATES



VISION DESIGNS
 &
 ASSOCIATES

713 SOUTH WASHINGTON STREET
 SUITE 100
 MARBLE FALLS, TEXAS 78664
 WWW.VISIONDESIGNS.COM

FLOOR PLAN

NO.	DATE	DESCRIPTION
001	4-13-16	CONCEPT
002	4-28-16	CONCEPT
003	5-11-16	CONCEPT
004	6-1-16	CONCEPT
005	6-15-16	CONCEPT
006	6-29-16	CONCEPT
007	7-13-16	CONCEPT
008	7-27-16	CONCEPT
009	8-10-16	CONCEPT
010	8-24-16	CONCEPT
011	9-7-16	CONCEPT
012	9-21-16	CONCEPT
013	10-5-16	CONCEPT
014	10-19-16	CONCEPT
015	11-2-16	CONCEPT
016	11-16-16	CONCEPT

PLAN NO. 225-39

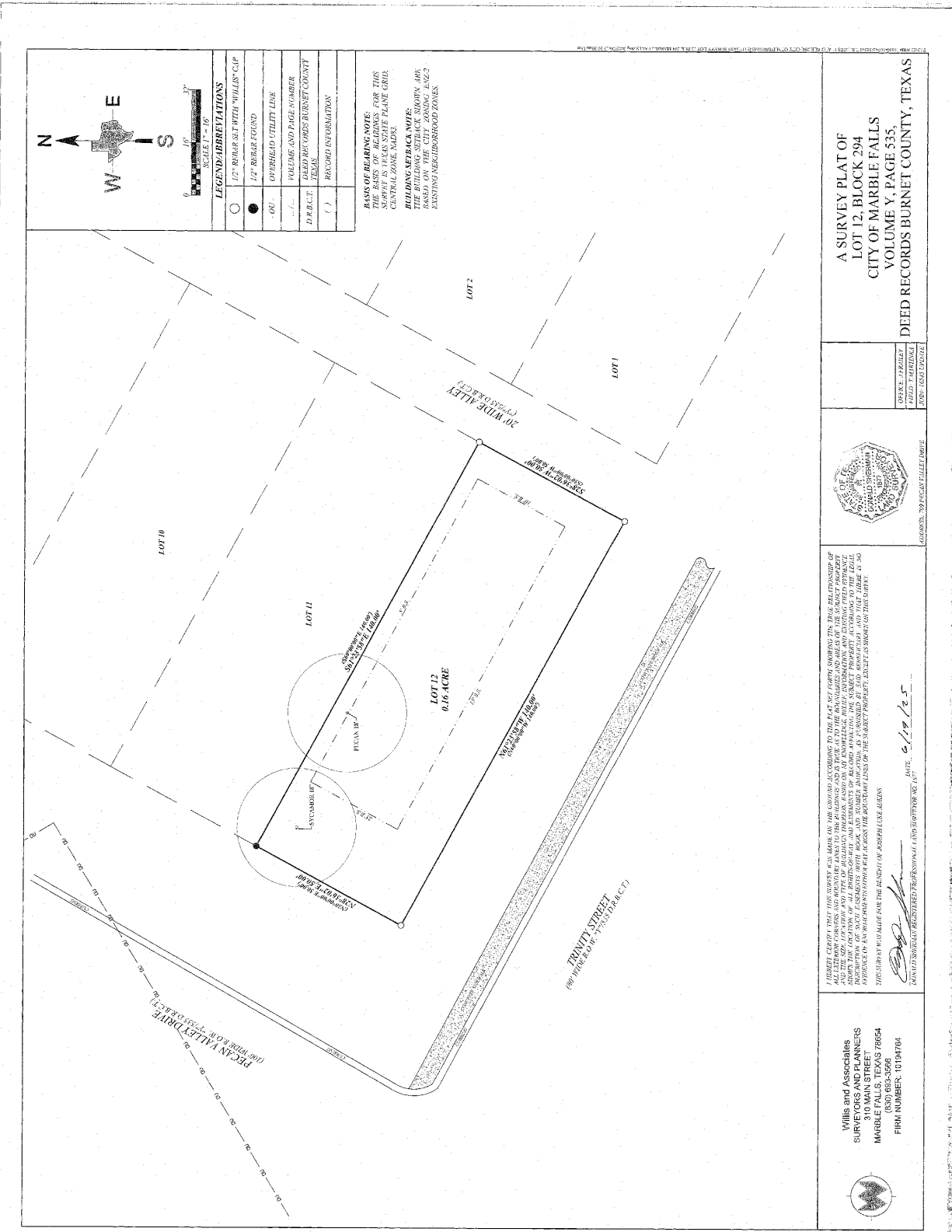
A-2

SHEET 2 OF 3 SHEETS

DUPLEX DESIGN FOR:
LAND LAKE DEVELOPMENT
 OWNER:
LAKE UP LLC
 LOT 12, PECAN VALLEY DRIVE
 MARBLE FALLS, TEXAS 78664

BY: VISION DESIGNS & ASSOCIATES
 713 SOUTH WASHINGTON STREET
 SUITE 100
 MARBLE FALLS, TEXAS 78664
 TEL: 817-533-1111
 WWW.VISIONDESIGNS.COM
 PROJECT NO. 225-39
 SHEET NO. A-2
 DATE: 11-16-16
 SCALE: 1/4" = 1'-0"
 DRAWN BY: J. BROWN
 CHECKED BY: J. BROWN
 APPROVED BY: J. BROWN

EXHIBIT "A" SURVEY



ORDINANCE NO. 2026-O-02C

AN ORDINANCE OF THE CITY OF MARBLE FALLS, TEXAS, APPROVING A CONDITIONAL USE PERMIT (CUP), TO ALLOW DUPLEX LAND USE IN THE EXISTING NEIGHBORHOOD ZONE TWO (ENZ.2) FOR APPROXIMATELY 0.16 ACRES OF LAND ON LOT 12, BLOCK 294, CITY OF MARBLE FALLS ORIGINAL TOWNSHIP, BURNET COUNTY, TEXAS, AS MORE FULLY DESCRIBED IN EXHIBIT “A”, ATTACHED HERETO; AND APPROVING A SITE PLAN ATTACHED HERETO AS EXHIBIT “B”, AND PROVIDING FOR A SAVINGS CLAUSE, SEVERABILITY, REPEALER, PROPER NOTICE AND MEETING, AND EFFECTIVE DATE.

WHEREAS the City of Marble Falls is legally empowered to regulate development in the community through the legitimate use of its police powers; **AND,**

WHEREAS, the City Council seeks to promote responsible and sustainable growth consistent with the City of Marble Fall’s Comprehensive Plan; **AND,**

WHEREAS, the owners seek approval for loft apartment land use via a Conditional Use Permit; **AND,**

WHEREAS, the City of Marble Falls Planning & Zoning Commission at a public hearing on Thursday January 8, 2026, recommended approval of the request for the CUP with conditions; **AND,**

WHEREAS, the City Council of the City of Marble Falls, Texas, has considered the matter at a public hearing and deems it appropriate to grant a CUP by this Ordinance to allow loft apartment land use and hereby finds such use is in conformance with the City’s land use objectives as stated in the Comprehensive Plan and compatible with surrounding uses.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARBLE FALLS, TEXAS, THAT:

SECTION I. All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Marble Falls and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION II. A Conditional Use Permit (“CUP”) for loft apartment land use and the associated Site Plan, attached hereto as Exhibit “B”, is hereby approved, subject to the Conditions described below, for Lots 1-3 and 5-A, Block 188, and Lots 5-8, Block 197, Marble Falls Original Township, City Of Marble Falls, Burnet County, Texas described in Exhibit “A”, attached hereto, as following:

- A. The CUP shall expire within two (2) years from the date of this CUP, unless, prior to expiration the site is occupied as loft apartment land use. Applicant may seek an extension of this CUP for an additional one (1) year period if such request for extension is received by the City on or before the expiration date.

- B. The CUP project approved herein is limited to one (1) building with one story, consisting of a maximum of two (2) dwelling units, as depicted in the Site Plan.
- C. Fencing along Trinity Street cannot exceed 6 feet in height
- D. A plan for access to the adjacent property needs to be submitted
- E. Reduce the public utility easement adjacent to Trinity Street to 10-foot
- F. Fencing adjacent to Trinity Street must be masonry
- G. Fencing along Pecan Valley must be 4-foot in height
- H. Minor amendments to the site plan are allowed to be approved by City Staff to accommodate the conditions set forth in this ordinance.

SECTION III. REPEALER. All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

SECTION IV. PROVIDING FOR SEVERABILITY. If any provision, section, sentence, clause or phrase of this Ordinance or application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Marble Falls in adopting, and the Mayor in approving this Ordinance, that no portion thereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

SECTION V. EFFECTIVE DATE. This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION VI. PROPER NOTICE AND MEETING. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, and Standard Zoning Enabling Act, Chapter 211 of the Texas Local Government Code. Notice was also provided by Chapter 52 of the Texas Local Government Code.

DULY PASSED by the City Council of the City of Marble Falls, Texas, on the 5th day of February, 2026.

APPROVED:

John Packer, Mayor
City of Marble Falls

ATTEST:

Christina McDonald, City Secretary
City of Marble Falls

(Seal)

APPROVED AS TO FORM ONLY:

Josh Brockman-Weber, City Attorney
City of Marble Falls

February 3, 2026

7. REGULAR AGENDA

- (b) Public Hearing, Discussion, and Action on Ordinance 2026-O-02D regarding a Conditional Use Permit for approximately 3.088 acres of land, located at the southeast corner of Broadway Street and Avenue N comprised of Lots 1, 2, 11, and 12, Block 150, Seventh Street south of Lots 1 and 2, Block 150, Lots 7-12, Block 165, Sixth Street south of Lot 12, Block 165, Lot 7-A, and Lots 7-12, Block 172, out of the City of Marble Falls Original Township, Burnet County, Texas, to allow for the proposed use of Housing and Services for the Aging within the Neighborhood Commercial (NC) zoning district. *Scarlet Moreno, Director of Development Services*
-



Council Agenda Item Cover Memo
February 3, 2026

Agenda Item No.: 7(b)
Presenter: Scarlet Moreno, Director of Development Services
Department: Development Services
Legal Review:

AGENDA CAPTION

Public Hearing, Discussion, and Action on Ordinance 2026-O-02D regarding a Conditional Use Permit for approximately 3.088 acres of land, located at the southeast corner of Broadway Street and Avenue N comprised of Lots 1, 2, 11, and 12, Block 150, Seventh Street south of Lots 1 and 2, Block 150, Lots 7-12, Block 165, Sixth Street south of Lot 12, Block 165, Lot 7-A, and Lots 7-12, Block 172, out of the City of Marble Falls Original Township, Burnet County, Texas, to allow for the proposed use of Housing and Services for the Aging within the Neighborhood Commercial (NC) zoning district.

BACKGROUND INFORMATION

This item is for consideration of a Conditional Use Permit to allow for Housing/Services for the Aging Land Use within the Neighborhood Commercial District (NC).

The subject area is a 3.088-acre tract of land on Avenue N within the Neighborhood Commercial Zoning District. The Housing/Services for the Aging use requires approval of a Conditional Use Permit and site plan due to the unique characteristics which require special public review and consideration of the following criteria:

- **Compliance with Zoning District Regulations.** The conditional use shall comply with the purpose and intent and all applicable regulations of the zoning district in which it is located.
- **Compliance with Applicable Criteria of the Conditional Use.** The conditional use shall comply with the applicable criteria established in [Section 3.2.1](#), Restricted and Conditional Uses.
- **Impact on Public.** The conditional use shall not endanger, be detrimental, or otherwise adversely affect the health, safety, and welfare of the public.
- **Operation of Existing or Permitted Uses.** The conditional use shall not impair the operation of existing or permitted uses on the subject property or on abutting properties or be injurious to property or improvements in the immediate area.
- **Compatibility with Nearby Uses.** The conditional use shall be compatible with nearby uses in the immediate area with respect to building height, bulk and scale, setbacks, open spaces, landscaping, site development, and access and circulation features.

- **Provision of Public Infrastructure.** The conditional use shall ensure adequate provision of streets, water, wastewater, and other public infrastructure and utilities.
- **Consideration of Site Development.** The site development of a conditional use shall effectively mitigate impacts of the conditional use on the surrounding area and abutting properties. This includes consideration of, but not limited to, drainage, landscaping, buffering and screening, traffic control, pedestrian and vehicle access and circulation, parking, loading areas, lighting, and any other impacts the use may have on the surrounding area.

The proposed use will be an independent living affordable housing development serving elderly households (ages 55+). Rent and income restrictions will be governed by a Land Use Restriction Agreement under the Housing Tax Credit Program for 45 years. The proposed building will be a three-story building with 49 units consisting of one- and two-bedroom units. Community amenities to be provided will include a dog park, a fitness center, an activity room and a community room with a kitchen. The proposed site plan provides a total of 74 parking spaces for the building. No medical components will be provided. Limited services may be provided to the residents such as educational classes, fitness classes, and other services.

The proposed site plan and building elevations have been provided and meet the minimum zoning and building articulations. The required parking spaces for this use is 16 spaces and 74 spaces are being provided. Landscaping is being provided as shown on the site plan and the developer is required to comply with the following standards:

- Landscape Buffers:
 - Type A landscape buffer adjacent to Avenue N.
 - Type B landscape buffer adjacent to the rear property line against Childer's Park.
- Parking lot landscaping
- Perimeter Parking Lot Screening

There will be improvements to the existing sidewalks on Avenue N and construction of new sidewalk along Fifth Street. The existing concrete pads off on Avenue N will be removed as part of the proposed improvements. With the proposed development being more than an acre water quality and detention is required to be addressed. The proposed site plan takes that requirement into consideration, exact placement and construction will be reviewed at the time of site development permit review.

Neighboring properties to the North, South, and West are zoned Neighborhood Commercial (NC) and Downtown Residential (DR) to the East.

The Future Land Use Plan classifies the Subject Area as Neighborhood Commercial. The Neighborhood Commercial future land use classification includes lands that will be developed primarily with single-family detached residential subdivisions and their associated amenities. These areas are intended to be a mix of both suburban and auto-oriented character of development. The housing/services for the aging falls within these parameters.

Review Criteria	Does it Meet the Criteria?
Compliance with Zoning District Regulations.	Yes - with the approval of Conditional Use Permit
Compliance with Applicable Criteria of the Conditional Use	Yes - facilities designed to accommodate more than 10 residents shall take access from an arterial or collector street. It is not located at the intersection of two arterial streets.
Impact on Public.	Yes - Does not have an adverse impact to the public.
Operation of Existing or Permitted Uses.	Yes - Driveways have been designed to align with the Public Safety Building across Avenue N.
Compatibility with Nearby Uses.	Yes - there is a mix of uses within this area which the zoning district allows for.
Provision of Public Infrastructure.	Yes - improvements will be done to the existing sidewalk along Avenue N, sidewalk added to Fifth Street and concrete pads will be removed on Avenue N, a utility easement will be retained along Avenue N.
Consideration of Site Development.	Yes - the site plan has been reviewed by City Staff and comments have been addressed regarding parking, landscaping, drainage, detention, access and building articulations.

The proposed site plan and use does not appear to pose any unfavorable impacts on the nearby uses and is compatible with existing and permitted uses in the surrounding area.

The Planning & Zoning Commission recommended approval of the Conditional Use Permit based upon staff's recommendation and the conditions notated within the Staff Recommendation. The Commission passed the motion by a 7-0 vote.

A total of 12 adjacent property owners within 200 feet of the Subject Area were mailed notification letters, which included the public hearing dates and a pre-paid comment card for response supporting/opposing the proposed conditional use permit. At the time of packet distribution, no comment cards were received.

STAFF RECOMMENDATION

City Staff recommends approval of the requested conditional use permit and site plan based on the conformance with the Comprehensive Plan, the compatibility with surrounding existing land uses, and the site meeting or exceeding the minimum standards for the proposed use within the property, with the following conditions:

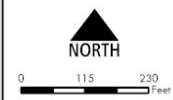
- The CUP shall expire within two (2) years from the date of this CUP, unless, prior to expiration the site is occupied as housing/services for the aging land use. Applicant may seek an extension of this CUP for an additional two (2) year period if such request for extension is received by the City on or before the expiration date.
- The CUP project approved herein is limited to a 3-story, 50,000 square foot facility consisting of a maximum of 49 living units, a dog park, a fitness center, an activity room and, a community room with a kitchen as depicted on the Site Plan.
- The concrete pads in the right-of-way will need to be removed and the right-of-way shall be brought back to city standards.
- This property shall be replatted prior to site development.
- Utilities for the project shall be addressed during site plan review.
- Drainage for the project shall be addressed during site plan review.
- Minor amendments to the site plan are allowed to be approved by City Staff to accommodate the conditions set forth in this ordinance.

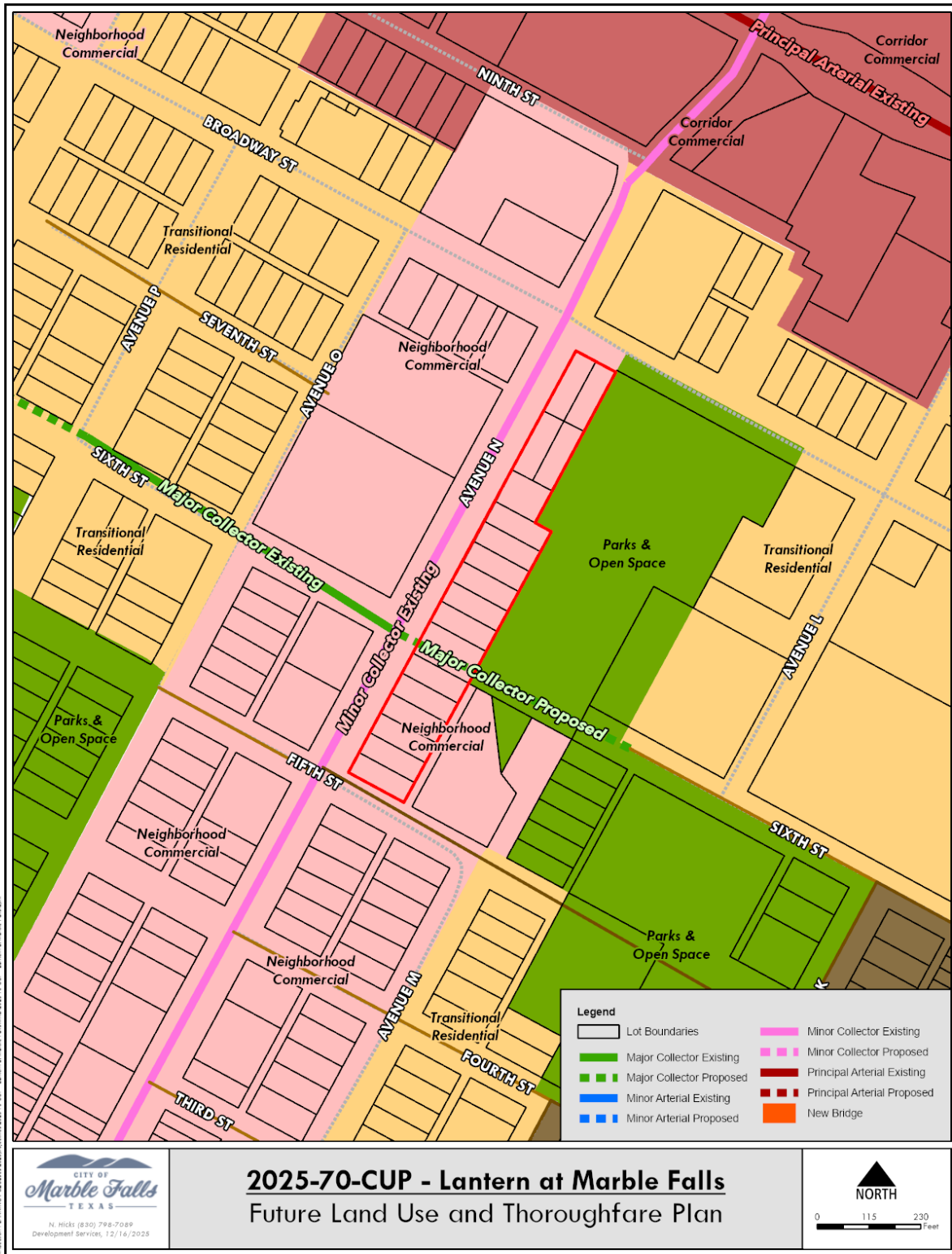
Memo Contents:

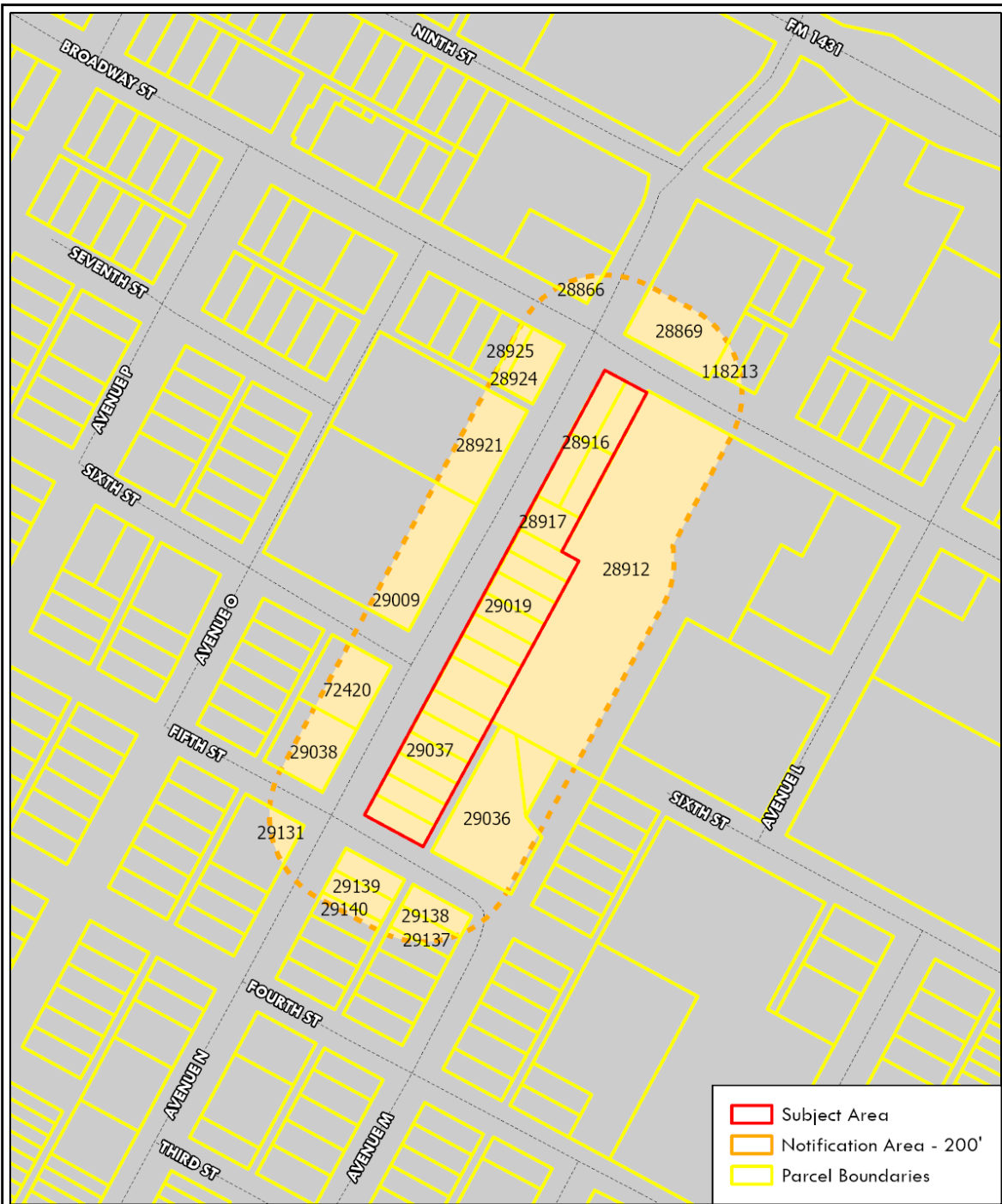
- | | |
|---|---------------|
| • Information maps produced by City Staff | Pages 5 – 10 |
| • Survey | Page 11 |
| • Applicant Statement | Page 12 |
| • Owner Letter | Page 13 |
| • Site Plan | Page 14 |
| • Building Elevation | Pages 15 – 16 |
| • Ordinance 2026-O-02D | Pages 17 – 21 |






2025-70-CUP - Lantern at Marble Falls
Aerial



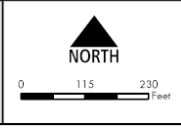




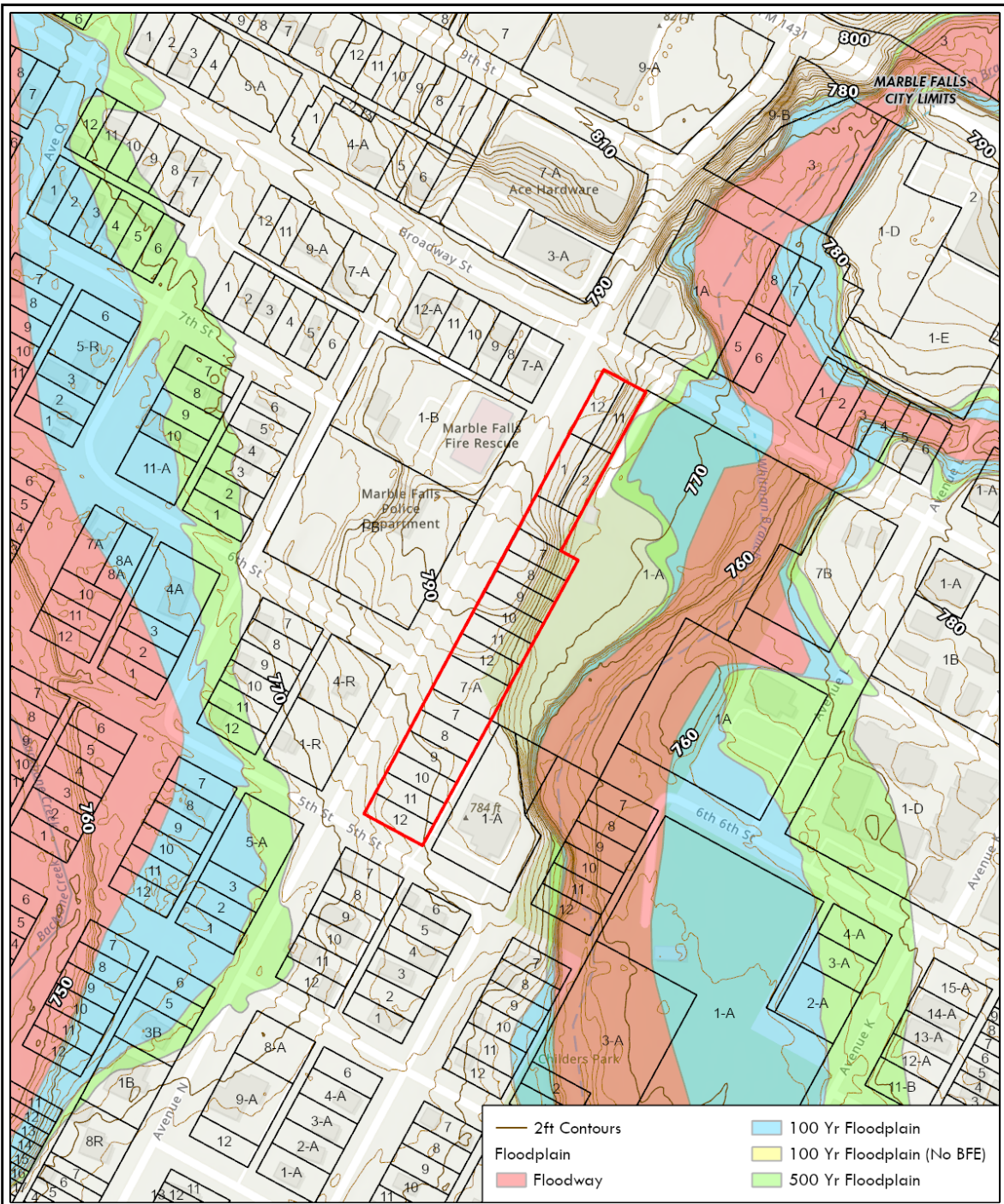
	Subject Area
	Notification Area - 200'
	Parcel Boundaries



2025-70-CUP - Lantern at Marble Falls
Notification



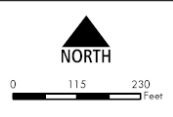
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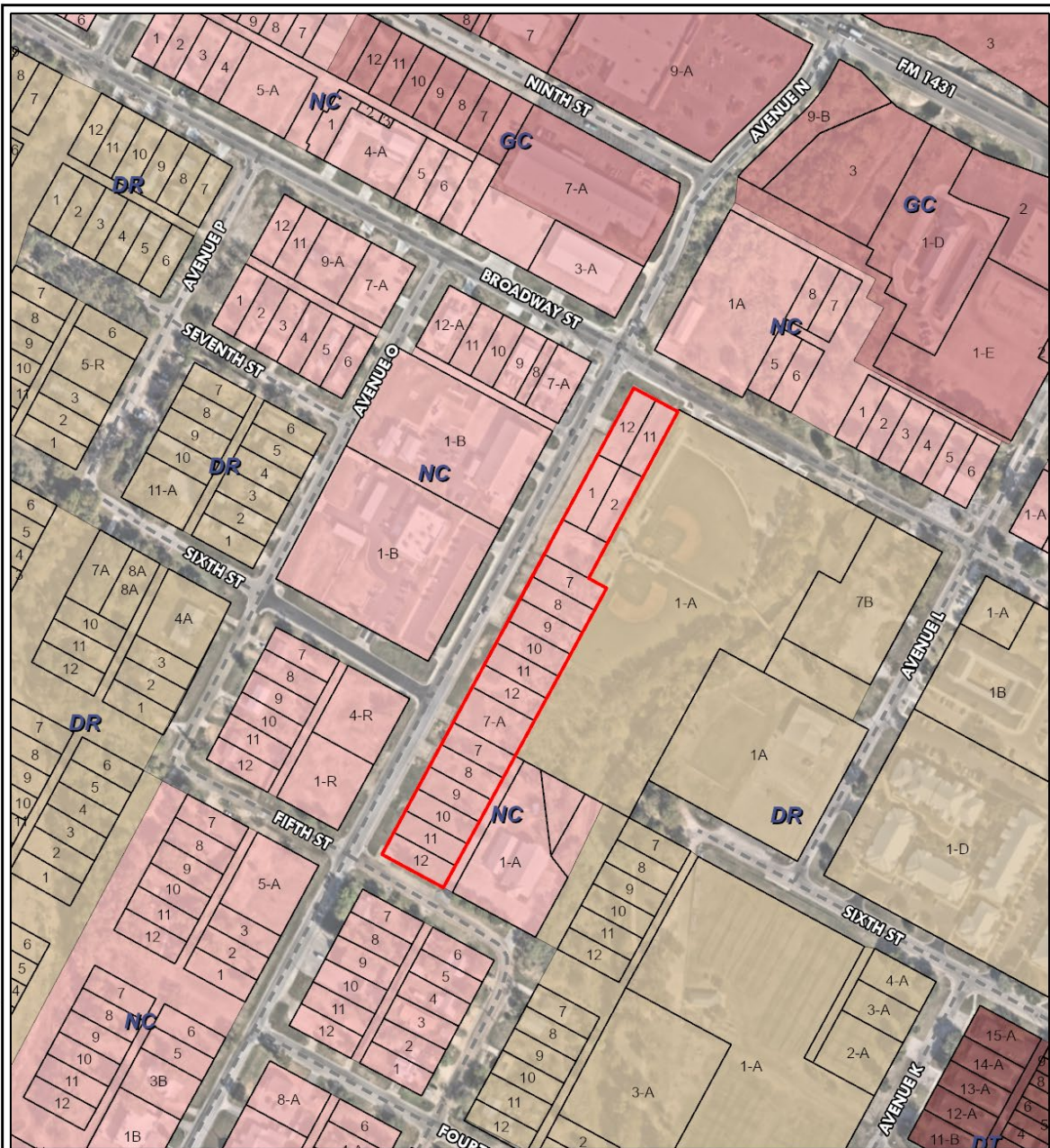


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2025-70-CUP - Lantern at Marble Falls
Topo and Floodplain

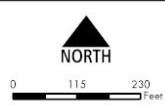




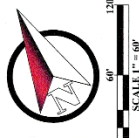
Subject Area	ENZ.4 - Existing Neighborhood Zone 4	MR - Multifamily Residential District	DN - Downtown District
FR - Farm and Ranch District	ENZ.5 - Existing Neighborhood Zone 5	DR - Downtown Residential District	BP - Business/Industrial Park District
ENZ.1 - Existing Neighborhood Zone 1	RE - Rural Estate District	NC - Neighborhood Commercial District	IN - General Industrial District
ENZ.2 - Existing Neighborhood Zone 2	NR - Neighborhood Residential District	GC - General Commercial District	
ENZ.3 - Existing Neighborhood Zone 3	TR - Transitional Residential District	DT - Downtown Transition District	



2025-70-CUP - Lantern at Marble Falls
Zoning Locator

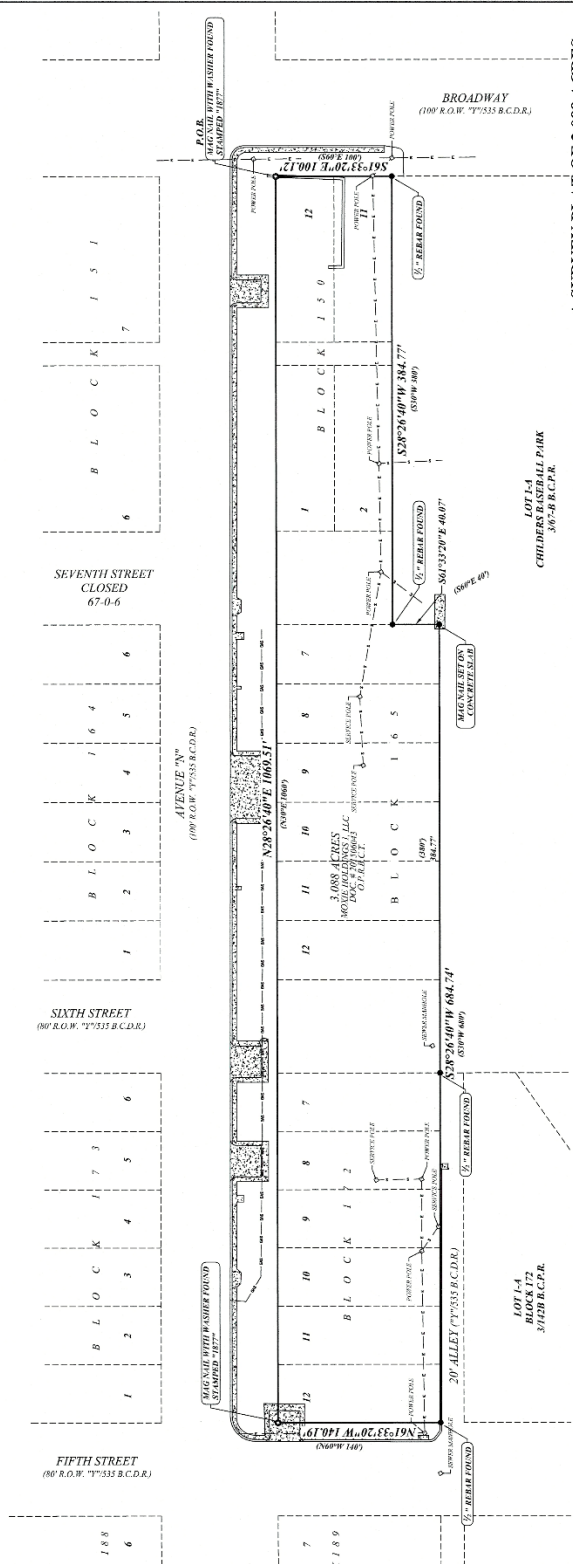


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NOTE:
MONUMENTS OF DIGNITY ARE ALL MONUMENTS FOUND

BASE OF BEARING NOTE:
THE BASIS OF BEARINGS FOR THIS SURVEY IS TEXAS STATE PLANE COORDINATE ZONE 5000.



**A SURVEY PLAT OF 3.088 ACRES
CONSISTING OF LOTS 1, 2, 11 AND 12;
BLOCK 150, THE 20' ALLEY ADJACENT
TO SAME; SEVENTH STREET
SOUTH OF LOTS 1 AND 2, BLOCK 165;
LOTS 7 THRU 12, BLOCK 165;
SIXTH STREET SOUTH OF LOT 12,
BLOCK 165 AND LOTS 7 THRU 12,
BLOCK 172 ALL SHOWN ON THE PLAT
OF THE CITY OF MARBLE FALLS
ORIGINAL TOWNSHIP RECORDED
IN VOLUME 'VV', PAGE 535 OF THE
BURNET COUNTY DEED RECORDS
BURNET COUNTY, TEXAS**

PAGE 1 OF 3



I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND ACCORDING TO THE PLAT, SET FORTH SHOWING THE TRUE RELATIONSHIP OF ALL EXTERIOR CORNERS AND BOUNDARY LINES TO THE BUILDINGS AND AREAS OF THE SUBJECT PROPERTY AND THAT THE SAME IS TRUE AND CORRECT AND ACCORDS WITH THE RECORDS AND RECORDS FILED IN THE PUBLIC OFFICE OF THE COUNTY CLERK OF BURNET COUNTY, TEXAS, AND THE RECORDS OF THE PUBLIC OFFICE OF THE COUNTY CLERK OF BURNET COUNTY, TEXAS. I HAVE NOTED THE LOCATION OF ALL MONUMENTS AND MARKERS OF RECORD AFFECTING THE SUBJECT PROPERTY ACCORDING TO THE RECORDS OF SUCH EASEMENTS WITH BOOK AND NUMBER INDICATED, AS FURNISHED BY SAID BENEFACTORY AND THAT THERE IS NO EVIDENCE OF ENCROACHMENTS EITHER WAY ACROSS THE BOUNDARY LINES OF THE SUBJECT PROPERTY, EXCEPT AS SHOWN ON THIS SURVEY.

THIS SURVEY WAS MADE FOR THE BENEFIT OF DREW DATE
DONALD SHERMAN REGISTERED PROFESSIONAL LAND SURVEYOR NO. 12777

Wills - Sherman Associates, Inc.
LAND SURVEYORS AND PLANNERS
310 MAIN - MARBLE FALLS, TEXAS • 78664
(830) 893-3566 FAX (830) 693-5362
FIRM NUMBER: 10027600



CUP Statement – Summary for Online Submission

The applicant requests a Conditional Use Permit to allow a **49-unit senior independent living community** on a site zoned **Neighborhood Commercial (NC)**. The use qualifies under **Housing & Services for the Aging – Independent Living**, defined as housing for elderly residents who live independently with access to limited supportive services. No medical or nursing services are proposed.

Nature of Use & Operations:

The project will provide age-restricted apartments with on-site management during business hours, coordinated non-medical services (wellness activities, transportation assistance, basic resident programming), and a quiet, low-impact operating profile. The building is a three-story, elevator-served structure with parking at approximately **1.5 spaces per unit**, subject to final layout.

Site Characteristics:

The plan includes a **10' landscape buffer** along both street frontages, sidewalks along Avenue N and 5th Street, compliant fire access, and detention/water-quality facilities in the lower eastern portion of the property due to topography. The steep back area will remain passive green space.

Findings for Approval:

- **Consistency with the Comprehensive Plan:** The City has identified a growing need for senior housing options that allow aging residents to remain in Marble Falls. This project directly supports that goal.
- **Compatibility:** Independent living generates lower traffic and noise than standard multifamily and is compatible with nearby civic and recreational uses.
- **Adequate Public Facilities:** Water, wastewater, and fire service can be supported through existing utilities, with improvements.
- **Safe & Orderly Development:** The project meets required buffers, sidewalk connectivity, access spacing, drainage standards, and will incorporate detention/water-quality measures to avoid adverse impacts.
- **Community Benefit:** The project repurposes an underutilized NC-zoned infill site into high-quality senior housing that advances aging-in-place goals and enhances the corridor with new landscaping and pedestrian improvements.



December 10, 2025

The Honorable John Packer
City of Marble Falls
800 3rd Street
Marble Falls, TX 78654

RECEIVED
DEC 23 2025
City Secretary's Office

Dear Mayor Packer;

The purpose of this letter is to notify you that **Lantern at Marble Falls, LP** is making an application for **9% Housing Tax Credits** funding through the Texas Department of Housing and Community Affairs for the **Lantern at Marble Falls Development** which would be located at **NEC of Avenue N & 5th Street in Marble Falls, Texas 78654, in Burnet County**. This **New Construction development** will be an **apartment** community, and will consist of approximately 49 units, of which **39 of the proposed** units would be for low- to moderate-income tenants. As proposed, the residential density of the development (i.e. the number of units per acre) is approximately **15.87**. If necessary, the Development Owner will be pursuing a full or partial property tax exemption through a partnership with the local Housing Authority or a Community Housing Development Organization (CHDO).

In the spring, the Department will hold public hearings in various locations around the state or virtually to gather input on Competitive Housing Tax Credit applications. The hearing schedule along with contact information for written public comment will be posted on TDHCA's [Public Comment Center](#) website later this year.

An interested party or Neighborhood Organization can provide comments on any and all applications at each hearing, or can provide written comments to the Department by email at hctpc@tdhca.texas.gov, or by mail at:

Texas Department of Housing and Community Affairs
Public Comment - Multifamily Finance Division
P.O. Box 13941
Austin, Texas 78711-3941

Note that in order for input on Competitive Housing Tax Credit applications to be included in the materials relating to presentation for awards to be provided to the Governing Board of the Texas Department of Housing and Community Affairs; **such input must be received by the Department by 5:00 p.m., Austin local time, on June 3, 2026.**

We are excited at the opportunity to bring another option to residents for quality affordable housing. If you have any questions, please do not hesitate to contact me any time.

Sincerely,

Lora Myrick

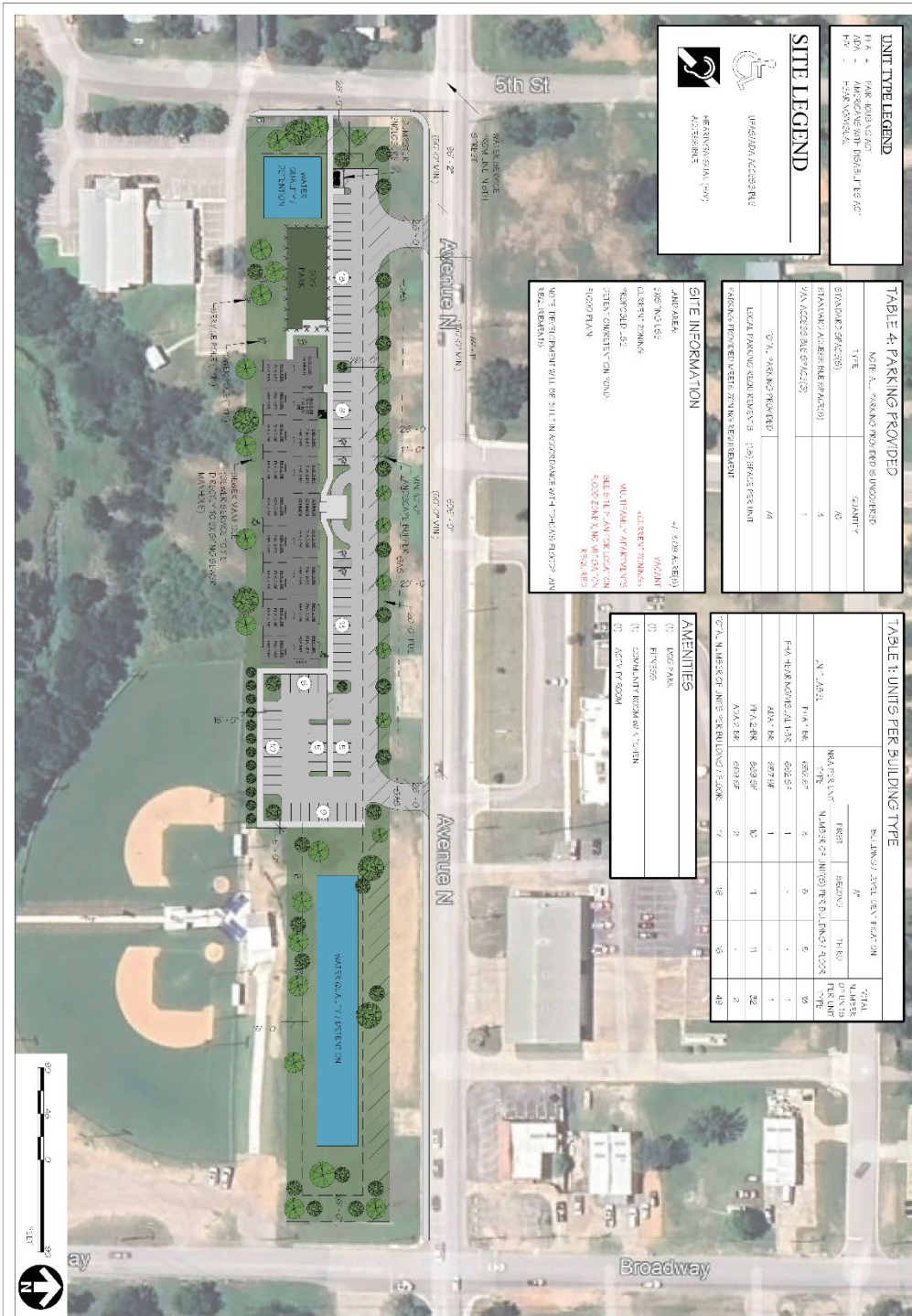
Representative of
Lantern at Marble Falls, LP
Development Owner
3751 Far West Blvd., #3709
Austin, TX 78731
(917) 698-8742

Lora Myrick

(512) 785-3710

lora@betcohousinglab.com

| 2201 Northland Drive, Austin, Texas 78756 | 812 San Antonio Street, Suite L-20, Austin, Texas 78701 |



UNIT TYPE LEGEND

F1A = PARK BOUNDARY
 40X = PARKING SPOT (80'x110' IS AC-
 10'x10' IS 10'x10')

SITE LEGEND

UNIVERSITY ACCESSIBLE
 HEARING ONLY, 2005
 ACCESSIBLE

TABLE 4: PARKING PROVIDED

NOTE NO. PARKING PROVIDED (UNITS)	TYPE	QUANTITY
STANDARD (80'x120')	STANDARD	4
STANDARD ACCESSIBLE (80'x120')	ACCESSIBLE	1
VAN ACCESSIBLE (90'x120')	VAN	1
TOTAL PARKING PROVIDED	TOTAL	6

LOCAL PARKING SIGN REQUIRES 1.50 SPACES PER UNIT
 PARKING PROVIDED WILL BE 20% IN EXCESS OF THE MINIMUM REQUIRED

SITE INFORMATION

LAND AREA: 47,800 SQ. FT.
 SIGNING: 100'x100'
 DRIVEWAY: 20'x10'
 PARKING: 20'x10'
 TOTAL: 100'x100'

NOTE: PERMIT SHALL BE 10' IN EXCESS OF THE MINIMUM REQUIRED

TABLE 1: UNITS PER BUILDING TYPE

BUILDING TYPE	BUILDING TYPE				TOTAL UNITS
	FRESH	SENIOR	THIRD	UNITS	
F1A - 40X	1	1	1	1	4
F1A - 40X (ACCESSIBLE)	1	1	1	1	4
F1A - 40X (VAN)	1	1	1	1	4
TOTAL	3	3	3	3	12

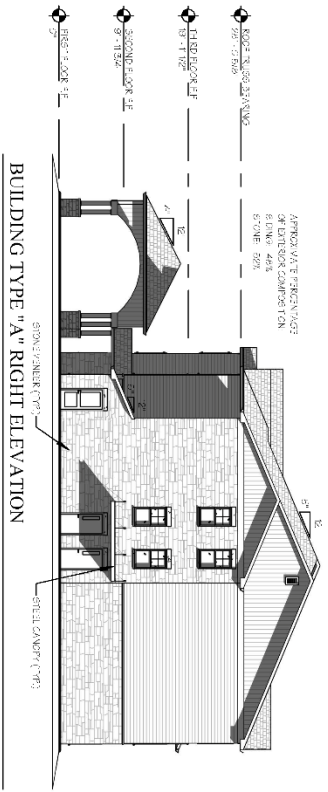
AMENITIES

01: 100'x100'
 02: 100'x100'
 03: 100'x100'
 04: 100'x100'

TOTAL APPROXIMATE PERCENTAGE OF EXTERIOR COMPLETION
 APPROXIMATE PERCENTAGE OF EXTERIOR COMPLETION
 30% - 40%
 45%



BUILDING TYPE "A" FRONT ELEVATION



BUILDING TYPE "A" RIGHT ELEVATION

AP6 THE LANTERN AT MARBLE FALLS (SENIORS 55+)
 MARBLE FALLS, BURNET COUNTY, TEXAS

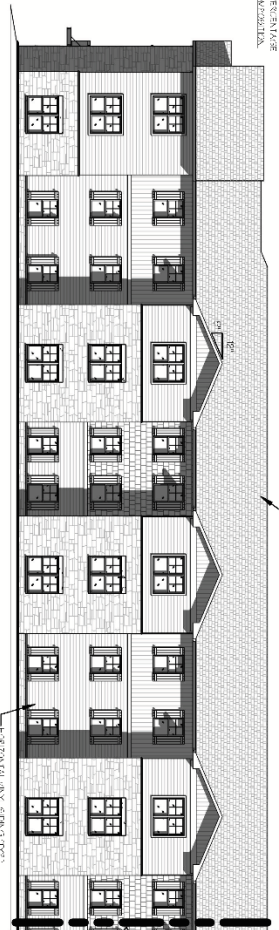


DECEMBER 2025

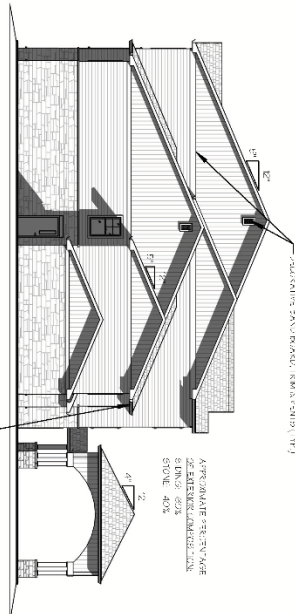
TOTAL APPROXIMATE PERCENTAGES
 STONE CONSTRUCTION 45%
 BRICK CONSTRUCTION 55%

APPROXIMATE RESIDENTIAL
 BUILDING CAPACITY
 32 UNITS

BUILDING TYPE "A" REAR ELEVATION



BUILDING TYPE "A" LEFT ELEVATION



APPROXIMATE RESIDENTIAL
 BUILDING CAPACITY
 32 UNITS

THE LANTERN AT MARBLE FALLS (SENIORS 55+)
 MARBLE FALLS, BURNET COUNTY, TEXAS

AP7



DECEMBER 2025

ORDINANCE NO. 2026-O-02D

AN ORDINANCE OF THE CITY OF MARBLE FALLS, TEXAS, APPROVING A CONDITIONAL USE PERMIT (CUP), TO ALLOW HOUSING AND SERVICES FOR THE AGING LAND USE IN THE NEIGHBORHOOD COMMERCIAL DISTRICT (NC) ON LOTS 1, 2, 11, AND 12, BLOCK 150, SEVENTH STREET SOUTH OF LOTS 1 AND 2, BLOCK 150, LOTS 7-12, BLOCK 165, SIXTH STREET SOUTH OF LOT 12, BLOCK 165, LOT 7-A, AND LOTS 7-12, BLOCK 172, OUT OF THE CITY OF MARBLE FALLS ORIGINAL TOWNSHIP, BURNET COUNTY, TEXAS, AS MORE FULLY DESCRIBED IN EXHIBIT “A”, ATTACHED HERETO; AND APPROVING A SITE PLAN ATTACHED HERETO AS EXHIBIT “B”, AND PROVIDING FOR A SAVINGS CLAUSE, SEVERABILITY, REPEALER, PROPER NOTICE AND MEETING, AND EFFECTIVE DATE.

WHEREAS the City of Marble Falls is legally empowered to regulate development in the community through the legitimate use of its police powers; **AND,**

WHEREAS, the City Council seeks to promote responsible and sustainable growth consistent with the City of Marble Fall’s Comprehensive Plan; **AND,**

WHEREAS, the owners seek approval for a Conditional Use Permit (“CUP”) permitting Housing and Services for the Aging land use in the Neighborhood Commercial District (NC) on Lots 1, 2, 11, and 12, Block 150, Seventh Street south of Lots 1 and 2, Block 150, Lots 7-12, Block 165, Sixth Street south of Lot 12, Block 165, Lot 7-A, and Lots 7-12, Block 172, out of the City of Marble Falls Original Township, Burnet County, Texas, as more fully described in Exhibit “A”, attached hereto and incorporated herein for all purposes (the “Property”); and,

WHEREAS, the City of Marble Falls Planning & Zoning Commission at a public hearing on Thursday January 8, 2026, recommended approval of the request for the CUP for the Property with conditions; **AND,**

WHEREAS, the City Council of the City of Marble Falls, Texas, has considered the matter at a public hearing and deems it appropriate to grant a CUP by this Ordinance to allow Housing and Services for the Aging land use in the Neighborhood Commercial District (NC) for the Property with the conditions stated and hereby finds such use is in conformance with the City’s land use objectives as stated in the Comprehensive Plan and compatible with surrounding uses.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARBLE FALLS, TEXAS, THAT:

SECTION I. All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Marble Falls and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION II. A Conditional Use Permit (“CUP”) for Housing and Services for the Aging land use in the Neighborhood Commercial District (NC) for the Property and the

associated Site Plan, attached hereto as Exhibit "B", is hereby approved, subject to the City's existing ordinances governing conditional use permits and the Conditions described below, for Lots 1, 2, 11, and 12, Block 150, Seventh Street south of Lots 1 and 2, Block 150, Lots 7-12, Block 165, Sixth Street south of Lot 12, Block 165, Lot 7-A, and Lots 7-12, Block 172, Marble Falls Original Township, City Of Marble Falls, Burnet County, Texas described in Exhibit "A", attached hereto and incorporated herein as follows:

- A. The CUP shall expire within two (2) years from the date of this CUP, unless, prior to expiration, the site is occupied as housing/services for the aging land use. Applicant may seek an extension of this CUP for an additional two (2) year period if such request for extension is received by the City on or before the expiration date.
- B. The CUP project approved herein is limited to a 3-story, 50,000 square foot facility consisting of a maximum of 49 living units, a dog park, a fitness center, an activity room and, a community room with a kitchen as depicted on the Site Plan.
- C. The concrete pads in the right-of-way will need to be removed and the right-of-way be brought back to city standards.
- D. This property shall be replatted prior to site development.
- E. A 20-foot public utility easement must be retained adjacent to Avenue N.
- F. Utilities for the project shall be addressed during site plan review.
- G. Drainage for the project shall be addressed during site plan review.
- H. Minor amendments to the site plan are allowed to be approved by City Staff to accommodate the conditions set forth in this ordinance.

SECTION III. REPEALER. All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

SECTION IV. PROVIDING FOR SEVERABILITY. If any provision, section, sentence, clause or phrase of this Ordinance or application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Marble Falls in adopting, and the Mayor in approving this Ordinance, that no portion thereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

SECTION V. EFFECTIVE DATE. This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION VI. PROPER NOTICE AND MEETING. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, and Standard Zoning Enabling Act, Chapter 211 of the Texas Local Government Code. Notice was also provided by Chapter 52 of the Texas Local Government Code.

DULY PASSED by the City Council of the City of Marble Falls, Texas, on the 5th day of February 2026.

APPROVED:

John Packer, Mayor
City of Marble Falls

ATTEST:

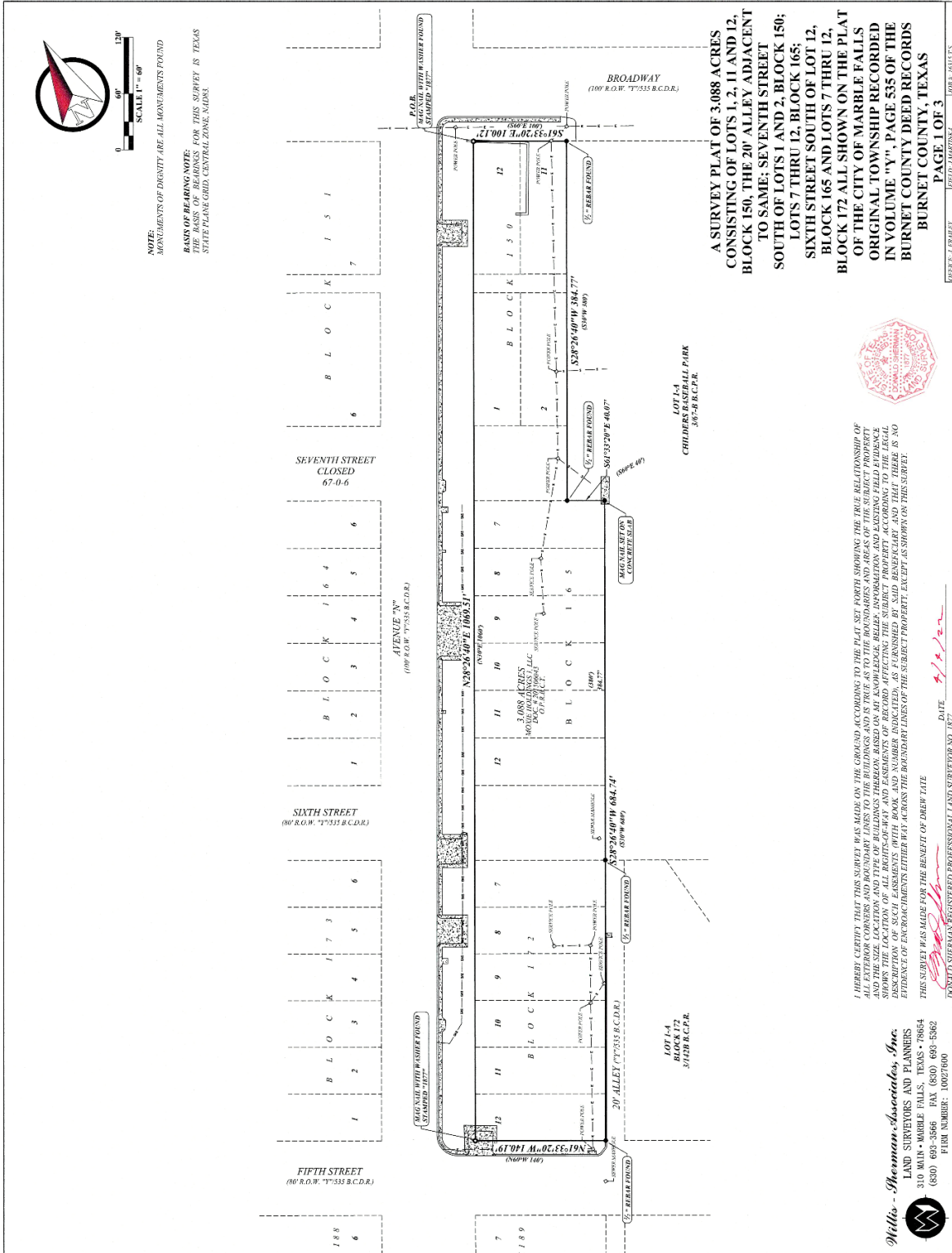
Christina McDonald, City Secretary
City of Marble Falls

(Seal)

APPROVED AS TO FORM ONLY:

Josh Brockman-Weber, City Attorney
City of Marble Falls

EXHIBIT "A" SURVEY



A SURVEY PLAT OF 3.088 ACRES
CONSISTING OF LOTS 1, 2, 11 AND 12,
BLOCK 150, THE 20' ALLEY ADJACENT
TO SAME; SEVENTH STREET
SOUTH OF LOTS 1 AND 2, BLOCK 150;
LOTS 7 THRU 12, BLOCK 165;
SIXTH STREET SOUTH OF LOT 12,
BLOCK 165 AND LOTS 7 THRU 12,
BLOCK 172 ALL SHOWN ON THE PLAT
OF THE CITY OF MARBLE FALLS
ORIGINAL TOWNSHIP RECORDED
IN VOLUME "Y", PAGE 535 OF THE
BURNET COUNTY DEED RECORDS
BURNET COUNTY, TEXAS

PAGE 1 OF 3

February 3, 2026

7. REGULAR AGENDA

- (c) Discussion and Action on Resolution 2026-R-02C in support of age restricted residential housing community located at the northeast corner of Fifth Street and Avenue N. *Scarlet Moreno, Director of Development Services*
-



Council Agenda Item Cover Memo
February 3, 2026

Agenda Item No.: 7(c)
Presenter: Scarlet Moreno, Director of Development Services
Department: Development Services
Legal Review:

AGENDA CAPTION

Discussion and Action on Resolution 2026-R-02C in support of age restricted residential housing community located at the northeast corner of Fifth Street and Avenue N.

BACKGROUND INFORMATION

This item is for consideration of a resolution authorizing the City of Marble Falls' formal support for the proposed Lantern at Marble Falls affordable senior (55+) rental housing development, located at approximately the northeast corner of Avenue N and 5th Street.

Lantern at Marble Falls, LP has proposed the development of an affordable senior (55+) rental housing community within the City of Marble Falls, Burnet County. The project is intended to provide age-restricted affordable housing options and has been designed to be compatible with surrounding development.

The Conditional Use Permit (CUP) project presented for consideration within this agenda as Item 7(b) herein is limited to a three-story, approximately 50,000-square-foot facility consisting of a maximum of 49 living units. The proposed development includes on-site amenities such as a dog park, fitness center, activity room, and a community room with a kitchen, intended to support the needs and quality of life of senior residents.

The applicant has communicated its intent to submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for the 2026 Competitive 9% Housing Tax Credits. As part of the TDHCA application requirements, a resolution of support from the City Council is required.

The proposed resolution:

- Confirms the City Council's support for the Lantern at Marble Falls development;
- Acknowledges that the City of Marble Falls has more than twice the state average of housing units per capita supported by Housing Tax Credits or Private Activity Bonds, in accordance with 10 TAC §11.3(c);

- Confirms that the governing body has voted to approve the construction of the development and to authorize an allocation of Housing Tax Credits pursuant to Texas Government Code §2306.6703(a)(4);
- Commits the City, upon successful award of the 2026 Competitive 9% Housing Tax Credits, to provide reduced fees or a contribution of other value in an amount not less than \$250 for the benefit of the development; and

Approval of this resolution does not constitute approval of future site plans, construction plans, or permits, all of which will be subject to review and approval through the City's established development review and permitting processes.

STAFF RECOMMENDATION

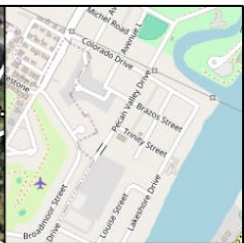
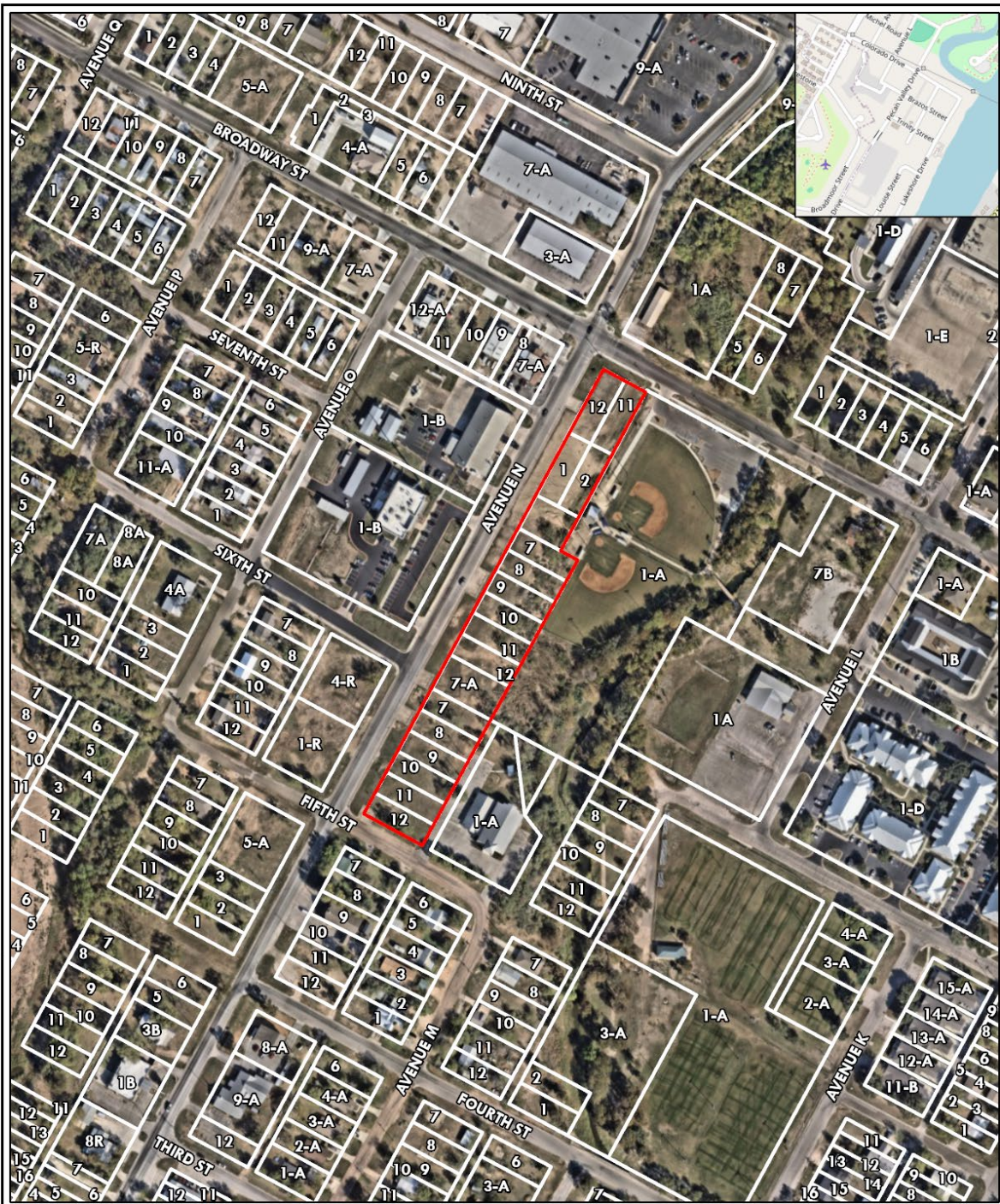
City Staff recommends approval of the resolution.

Memo Contents:

- Aerial map produced by City Staff
- Resolution 2026-R-02C

Page 3

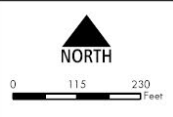
Pages 4 – 6



I:\2025-70-CUP - Lantern at Marble Falls\2025-70-CUP - Lantern at Marble Falls\2025-70-CUP - Lantern at Marble Falls\Aerial - 12/16/2025



2025-70-CUP - Lantern at Marble Falls
 Aerial



RESOLUTION 2026-R-02C

A RESOLUTION OF THE CITY OF MARBLE FALLS, TEXAS, AUTHORIZING SUPPORT OF THE DEVELOPMENT OF THE LANTERN AT MARBLE FALLS, AN AFFORDABLE SENIOR (55+) RENTAL HOUSING AT APPROXIMATELY THE NORTHEAST CORNER OF AVENUE N & 5TH STREET AS SHOWN IN EXHIBIT “A”.

WHEREAS, Lantern at Marble Falls, LP has proposed a development for affordable Senior (55+) rental housing at approximately the Northeast corner of Avenue N & 5th Street to be named Lantern at Marble Falls in the City of Marble Falls, Burnet County; and

WHEREAS, Lantern at Marble Falls, LP has communicated that it intends to submit an application to the Texas Department of Housing and Community Affairs for 2026 Competitive 9% Housing Tax Credits for Lantern at Marble Falls.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARBLE FALLS, TEXAS, that:

The City of Marble Falls, acting through its governing body, hereby confirms that it supports the proposed Lantern at Marble Falls project located at approximately the North East Corner of Avenue N & 5th Street and that this formal action has been taken to put on record the opinion expressed by the City of Marble Falls on February 3, 2026, and

FURTHER RESOLVED, that as provided for in 10 TAC §11.3(c), it is expressly acknowledged and confirmed that the City of Marble Falls has more than twice the state average of units per capita supported by Housing Tax Credits or Private Activity Bonds, and

FURTHER RESOLVED, that the City of Marble Falls hereby supports the proposed Lantern at Marble Falls, and confirms that its governing body has voted specifically to approve the construction of the development and to authorize an allocation of Housing Tax Credits for the Development pursuant to Tex. Gov't Code §2306.6703(a)(4), and

FURTHER RESOLVED that the City of Marble Falls, acting through its governing body, hereby confirms that, upon successful award of 2026 Competitive 9% Housing Tax Credits, the city commits to providing reduced fees or a contribution of other value that equals a minimum of \$250 for the benefit of Lantern at Marble Falls; and

FURTHER RESOLVED that for and on behalf of the Governing Body, John Packer, Mayor, of the City of Marble Falls, is hereby authorized, empowered, and directed to certify these resolutions to the Texas Department of Housing and Community Affairs.

PASSED AND APPROVED by the City Council of the City of Marble Falls, Texas,
on the 3rd day of February 2026.

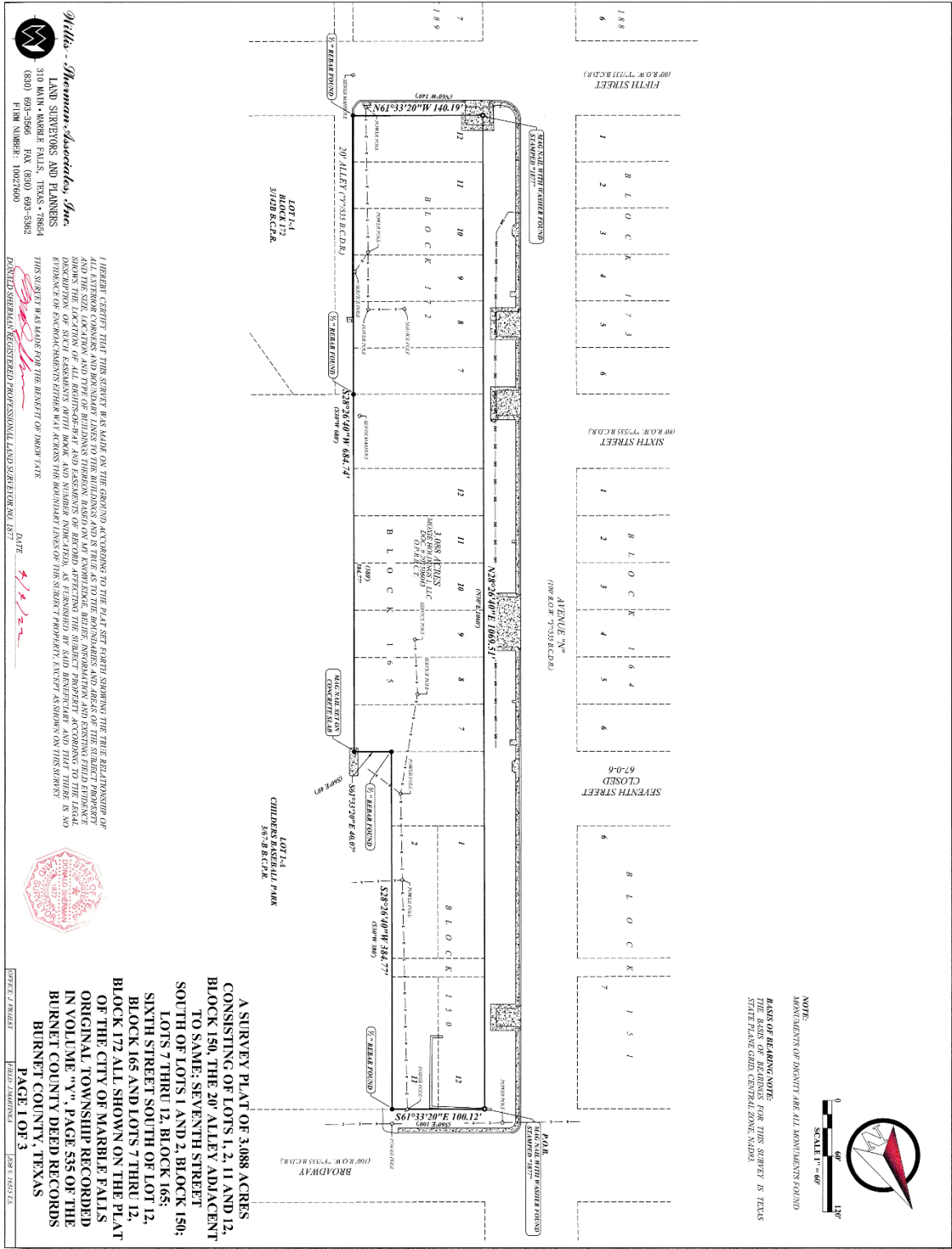
JOHN PACKER, MAYOR
CITY OF MARBLE FALLS

Attest:

CHRISTINA MCDONALD,
CITY SECRETARY
CITY OF MARBLE FALLS

[CITY SEAL]

EXHIBIT A



Wills - Sherman Associates, Inc.
 LAND SURVEYORS AND PLANNERS
 310 MAIN - MARBLE FALLS, TEXAS 78664
 (830) 693-3906 FAX (830) 693-5882
 PLAT NUMBER - 10427400

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUNDS ACCORDING TO THE PLAN SET FORTH SHOWING THE TRUE RELATIONSHIP OF THE BOUNDARIES OF THE TRACT AND THE SIZE, LOCATION AND TYPE OF BUILDINGS THEREON, BASED ON AN KNOWN EDGE, BEING, INFORMATION AND EXISTING FIELD EVIDENCE SHOWS THE LOCATION OF ALL BOUNDARIES, AND THE POSITION OF RECORD AFFECTING THE SUBJECT PROPERTY ACCORDING TO THE LEGAL DESCRIPTION OF SAID EASEMENTS WITHIN BOOK AND NUMBER REFERRED TO, AS REFERRED BY SAID INSTRUMENT, AND THAT THERE IS NO DISCREPANCY OF RECORDS BETWEEN THE SAID INSTRUMENT AND THE ORIGINAL RECORDS OF THE COUNTY CLERK'S OFFICE, AND THAT THERE IS NO OTHER RECORD AFFECTING THE SUBJECT PROPERTY, EXCEPT AS SHOWN ON THIS SURVEY.

THIS SURVEY WAS MADE FOR THE BENEFIT OF OWNER STATE

DATE: 4/4/2017

DONALD SHERMAN REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1877



A SURVEY PLAT OF 3.088 ACRES CONSISTING OF LOTS 1, 2, 11 AND 12, BLOCK 150, THE 20' ALLEY ADJACENT TO SAME; SEVENTH STREET SOUTH OF LOTS 1 AND 2, BLOCK 150; LOTS 7 THRU 12, BLOCK 165; SIXTH STREET SOUTH OF LOT 12, BLOCK 165 AND LOTS 7 THRU 12, BLOCK 172 ALL SHOWN ON THE PLAT OF THE CITY OF MARBLE FALLS ORIGINAL TOWNSHIP RECORDED IN VOLUME "V", PAGE 535 OF THE BURNET COUNTY DEED RECORDS BURNET COUNTY, TEXAS

PREPARED BY: DONALD SHERMAN
 FIELD: 10427400
 DATE: 4/4/2017

NOTE:
 MEASUREMENTS OF LENGTH ARE ALL MEASUREMENTS FOUND

SCALE 1" = 60'

February 3, 2026

7. REGULAR AGENDA

(d) Discussion and Action on appointments to Place 4 and 6 of the Parks and Recreation Commission. *Christina McDonald, City Secretary*



Council Agenda Item Cover Memo
February 3, 2026

Agenda Item No.: 7(d)
Presenter: Christina McDonald, City Secretary
Department: Administration
Legal Review: N/A

AGENDA CAPTION

Discussion and Action on the appointments to Place 4 and 6 of the Parks and Recreation Commission appointment.

BACKGROUND INFORMATION

The Parks and Recreation Commission is comprised of seven members. Places 4 and 6 are currently vacant.

Attached are applications submitted by Joseph Adams, Jim Berry, Ericka Easley and for your consideration. Also attached is a reappointment questionnaire submitted by previous commission member Charles Watkins.

BUDGET IMPLICATIONS

<input checked="" type="checkbox"/> Current Budget	<input type="checkbox"/> New Budget Request	<input checked="" type="checkbox"/> Non-Budgetary
---	--	--

STAFF RECOMMENDATION

Staff recommends Council makes appointments to Places 4 and 6 to fill the vacancies on the Parks and Recreation Commission.

From: noreply@civicplus.com
To: [Christina McDonald](#)
Subject: Online Form Submission #5384 for Application for Appointment to a City Board or Commission
Date: Wednesday, January 14, 2026 9:30:14 AM

Application for Appointment to a City Board or Commission

Applicant Information

Date	1/14/2026
Full Name	Joseph Adams
Address	164 Grey Slate Ave.
City	Marble Falls
State	TX
Zip	78654
Email Address	adamsfamily620@gmail.com
Phone Number	2146499804
Business Address	510A Highland Dr., Highland Haven, TX 78654
Business Phone Number	8306135372
Occupation	City Administrator
Select the Board, Commission or Committee applying for	Parks & Recreation Commission (Meets the 2nd Monday of month at noon)
Do you own real property within the City Limits.	Yes
If applying for the TIRZ Board please indicate if you own real property within the TIRZ OR indicate if you are an employee or agent of a person who owns real property in the TIRZ.	<i>Field not completed.</i>

Field not completed.

Upload letter from property owner.

Residency Information

Length of residency in City of Marble Falls 21 months

Are you a registered voter? Yes

Voter Registration No. 1087682604

Did you vote in the last City Election? Yes

Organization Membership Information

Are you currently serving on other Boards, Commissions, or Committees? No

If yes, please list current service, including dates. *Field not completed.*

Have you served on a Board, Commission, or Committee before? No

If yes, please list past service, including dates of service. *Field not completed.*

Please state why you wish to serve. I would like to be more involved in the Community

What qualifications or talents would you bring to a City Board or Commission? I worked in Parks and Recreation for 18 years before moving to the area

What are your top three goals and objectives for the board or commission you are applying for?
1. Understand the current goals, needs, and funding available for Parks and Recreation in Marble Falls
2. Relay community feedback to help guide future projects
3. Relay feedback from city officials and staff to residents about Parks and Recreation

Please list organization *Field not completed.*

memberships and
positions held

Please list areas of
special interest

Parks and Recreation

PLEASE PROVIDE ALL INFORMATION AS REQUESTED. INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED FOR BOARD OR COMMISSION APPOINTMENTS.

Disclaimer and Signature

I hereby request consideration for appointment to a board or commission of the City of Marble Falls, Texas. I certify that my answers above are true and complete. I understand that the information contained in this application may be considered, among other criteria, qualifications and/or information, by the City Council in its evaluation for the position being sought. I further understand that should I be appointed any City of Marble Falls Board or Commission, I serve at the pleasure of the City Council and may be removed from said position at any time and for any reason or no reason at all, with or without notice. I also understand that should I be appointed to a City of Marble Falls Board or Commission, I must be responsible for a creditable record of attendance and performance. If this application leads to my appointment to a position on a City of Marble Falls Board or Commission, I understand that false or misleading information in my application may result in my removal from the position. I also acknowledge that this information may be made available to the public and the application will be maintained in the City's active files for two years from the date of application. I understand that should I not be appointed to a City of Marble Falls Board or Commission, this application and any other records obtained, collected or otherwise prepared regarding this application shall be maintained in accordance with the Texas Public Information Act and the City of Marble Falls' document retention schedule.

Electronic Signature
Agreement

I Agree

Electronic Signature

Joseph Adams

Reply Email

adamsfamily620@gmail.com

Email not displaying correctly? [View it in your browser.](#)

Christina McDonald

From: noreply@civicplus.com
Sent: Monday, January 19, 2026 11:38 AM
To: Christina McDonald
Subject: Online Form Submission #5386 for Application for Appointment to a City Board or Commission

Application for Appointment to a City Board or Commission

Applicant Information

Date	1/19/2026
Full Name	Jim Berry
Address	144 Slenderleaf Dr.
City	Marble Falls
State	TX
Zip	78654
Email Address	jbbigbend@gmail.com
Phone Number	5128086291
Business Address	144 Slenderleaf Dr.
Business Phone Number	5128086291
Occupation	Analyst
Select the Board, Commission or Committee applying for	Parks & Recreation Commission (Meets the 2nd Monday of month at noon)
Do you own real property within the City Limits.	Yes
If applying for the TIRZ Board please indicate if you own real property within the TIRZ OR	<i>Field not completed.</i>

indicate if you are an employee or agent of a person who owns real property in the TIRZ.

Upload letter from property owner. *Field not completed.*

Residency Information

Length of residency in City of Marble Falls 3

Are you a registered voter? Yes

Voter Registration No. *Field not completed.* 2191373674 ✓

Did you vote in the last City Election? Yes

Organization Membership Information

Are you currently serving on other Boards, Commissions, or Committees? No

If yes, please list current service, including dates. *Field not completed.*

Have you served on a Board, Commission, or Committee before? No

If yes, please list past service, including dates of service. *Field not completed.*

Please state why you wish to serve. I have a vested interest in the parks system of the community i reside. The parks systems of Marble Falls represent a huge asset to the city in how the community engages with each other and the surrounding residents.

What qualifications or talents would you bring to a City Board or Commission? Formal training within the accounting and insurance industries bring a foundation to my experiences.

What are your top three goals and objectives for the board or commission you are applying for? Community outreach effort to determine expectations upon the financial means afforded to the parks dept., focus on how to engage with the community using the parks assets & assessing the health of the tree assets for expansion.

Please list organization memberships and positions held I hold no membership positions.

Please list areas of special interest As an avid nature lover & cyclist, I view use of the parks assets is paramount to the health of the community.

PLEASE PROVIDE ALL INFORMATION AS REQUESTED. INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED FOR BOARD OR COMMISSION APPOINTMENTS.

Disclaimer and Signature

I hereby request consideration for appointment to a board or commission of the City of Marble Falls, Texas. I certify that my answers above are true and complete. I understand that the information contained in this application may be considered, among other criteria, qualifications and/or information, by the City Council in its evaluation for the position being sought. I further understand that should I be appointed any City of Marble Falls Board or Commission, I serve at the pleasure of the City Council and may be removed from said position at any time and for any reason or no reason at all, with or without notice. I also understand that should I be appointed to a City of Marble Falls Board or Commission, I must be responsible for a creditable record of attendance and performance. If this application leads to my appointment to a position on a City of Marble Falls Board or Commission, I understand that false or misleading information in my application may result in my removal from the position. I also acknowledge that this information may be made available to the public and the application will be maintained in the City's active files for two years from the date of application. I understand that should I not be appointed to a City of Marble Falls Board or Commission, this application and any other records obtained, collected or otherwise prepared regarding this application shall be maintained in accordance with the Texas Public Information Act and the City of Marble Falls' document retention schedule.

Electronic Signature Agreement I Agree

Electronic Signature Jim Berry

Reply Email jbbigbend@gmail.com

Email not displaying correctly? [View it in your browser.](#)



Christina McDonald

From: noreply@civicplus.com
Sent: Tuesday, January 13, 2026 5:50 PM
To: Christina McDonald
Subject: Online Form Submission #5382 for Application for Appointment to a City Board or Commission

Application for Appointment to a City Board or Commission

Applicant Information

Date	1/13/2026
Full Name	Ericka L Easley
Address	511 Crestview Drive
City	Marble Falls
State	TX
Zip	78654
Email Address	ricci0273@gmail.com
Phone Number	8307986563
Business Address	NA
Business Phone Number	8307986563
Occupation	Retired
Select the Board, Commission or Committee applying for	Parks & Recreation Commission (Meets the 2nd Monday of month at noon)
Do you own real property within the City Limits.	Yes
If applying for the TIRZ Board please indicate if you own real property within the TIRZ OR	<i>Field not completed.</i>

indicate if you are an employee or agent of a person who owns real property in the TIRZ.

Upload letter from property owner. *Field not completed.*

Residency Information

Length of residency in City of Marble Falls 48 years

Are you a registered voter? Yes

Voter Registration No. 1001931454

Did you vote in the last City Election? Yes

Organization Membership Information

Are you currently serving on other Boards, Commissions, or Committees? No

If yes, please list current service, including dates. *Field not completed.*

Have you served on a Board, Commission, or Committee before? No

If yes, please list past service, including dates of service. *Field not completed.*

Please state why you wish to serve. As a resident I would like to be involved in improvements.

What qualifications or talents would you bring to a City Board or Commission? I have construction and maintenance background.

What are your top three goals and objectives for To become more involved in the future of my hometown.

the board or
commission you are
applying for?

Please list organization memberships and positions held *Field not completed.*

Please list areas of special interest *Field not completed.*

PLEASE PROVIDE ALL INFORMATION AS REQUESTED. INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED FOR BOARD OR COMMISSION APPOINTMENTS.

Disclaimer and Signature

I hereby request consideration for appointment to a board or commission of the City of Marble Falls, Texas. I certify that my answers above are true and complete. I understand that the information contained in this application may be considered, among other criteria, qualifications and/or information, by the City Council in its evaluation for the position being sought. I further understand that should I be appointed any City of Marble Falls Board or Commission, I serve at the pleasure of the City Council and may be removed from said position at any time and for any reason or no reason at all, with or without notice. I also understand that should I be appointed to a City of Marble Falls Board or Commission, I must be responsible for a creditable record of attendance and performance. If this application leads to my appointment to a position on a City of Marble Falls Board or Commission, I understand that false or misleading information in my application may result in my removal from the position. I also acknowledge that this information may be made available to the public and the application will be maintained in the City's active files for two years from the date of application. I understand that should I not be appointed to a City of Marble Falls Board or Commission, this application and any other records obtained, collected or otherwise prepared regarding this application shall be maintained in accordance with the Texas Public Information Act and the City of Marble Falls' document retention schedule.

Electronic Signature Agreement I Agree

Electronic Signature Ericka Easley

Reply Email ricci0273@gmail.com

Email not displaying correctly? [View it in your browser.](#)





RECEIVED

JAN 20 2026

CH

City Secretary's Office

CITY BOARD OR COMMISSION REAPPOINTMENT QUESTIONNAIRE

NAME: CHARLES WATKINS DATE: 01/13/2026

ADDRESS: 511 PANTERA, MARBLE FALLS, 78654 (This application will expire 2 years after this date)

HOME PHONE: (830) 201 4006 CELL PHONE: () SAME

E-MAIL ADDRESS: charleswatkins@austin.rr.com

PLACE OF EMPLOYMENT: retired

POSITION AND TITLE:

CURRENT BOARD: term expired 01/01/2026

YEARS OF SERVICE: 14

Resident of the Marble Falls Corporate City Limits? Yes No If yes, how long? 15 years

Qualified Voter? Yes No Voter Registration Number: 1158717544

Voted in the last city election? Yes No

Are you in arrears on any City of Marble Falls taxes or other liabilities due the City of Marble Falls? Yes No (Arrears is defined to mean that payment has not been received within ninety (90) days from due date.)

1) Please list your accomplishments and contributions made as a board or commission member and detail your role in these accomplishments:

- Commission Chair for 5 years
Commission representative on Planning Commission
Speaker at various parks events
Application for TPWD Trails grant

2) What are your goals and objectives for the board or commission in the coming year?

Inputs to Parks Plan
Participation in Commission work
Advocacy for parks projects
Opening for Mormon Mill Nature Park


3) What improvements do you think need to be made to the board or commission on which you serve?

More discussion of needs and plans
Stable Commission membership

PLEASE PROVIDE ALL INFORMATION REQUESTED. INCOMPLETE QUESTIONNAIRES WILL NOT BE CONSIDERED FOR BOARD/COMMISSION REAPPOINTMENTS.

DISCLAIMER AND SIGNATURE: I hereby request consideration for reappointment to a board or commission of the City of Marble Falls, Texas. I certify that my answers above are true and complete. I understand that the information contained in this application may be considered, among other criteria, qualifications and/or information, by the City Council in its evaluation for the position being sought. I further understand that should I be reappointed to any City of Marble Falls Board or Commission, I serve at the pleasure of the City Council and may be removed from said position at any time and for any reason or no reason at all, with or without notice. I also understand that should I be reappointed to a City of Marble Falls Board or Commission, I must be responsible for a creditable record of attendance and performance. If this questionnaire leads to my reappointment to a position on a City of Marble Falls Board or Commission, I understand that false or misleading information in my questionnaire may result in my removal from the position

I also acknowledge that this information may be made available to the public.



Applicant Signature

01/13/2026 _____
Date

.....
CITY USE ONLY:

Board/Commission Reappointed to: _____

Date Reappointed: _____

Number of Terms Served: _____

**RETURN COMPLETED QUESTIONNAIRE TO:
City Secretary's Office
City of Marble Falls
800 Third Street, Marble Falls, Texas 78654
Phone: (830) 693-3615 • Fax: (830) 693-6737**



APPLICATION FOR APPOINTMENT TO A CITY BOARD OR COMMISSION

NAME: Rod Wilson DATE: January 22 2026

ADDRESS: 1209 Ash drive
Marble Falls, TX 78654 (This application will expire 2 years after this date)

HOME PHONE: (612) 245-1624 ← CELL PHONE: ()

E-MAIL ADDRESS: rodwilsoncitycouncil@gmail.com

PLACE OF EMPLOYMENT: Self WW Painting and...

POSITION AND TITLE: Head guy president handyman

BOARD OR COMMISSION APPLYING FOR: Parks & Recreation

If applying for the Planning & Zoning Commission please indicate if you own real property within the City Limits:
 Yes No

If applying for the TIRZ Board please indicate if you own real property within the TIRZ: Yes No
or indicate if you are you an employee or agent of a person who owns real property in the TIRZ? Yes No
(If yes please attach letter from property owner designating you as the employee or agent.)

Resident of the Marble Falls Corporate City Limits? Yes No If yes, how long? 4 years

If no and applying for the Marble Falls Economic Development Corporation Board applicant must be a resident of Burnet County and reside within 10 miles of the corporate boundary of the city.

Qualified Voter? Yes No Voter Registration Number: 2189499425
Voted in the last city election? Yes No

List current and past service on any boards or commissions. (Please include dates of service):
Residents for a better Bloomington, MN (REABB MN)
Student Senate Vice President 1994-1995 2018-2021
Riverland Technical college

State why you wish to serve: I want to be involved in my city
My city is only as good as those who are involved

What qualifications or talents would you bring to a City Board or Commission?

I'm a tradesman so certainly have skills of many kinds. Have run a successful business for over 25 years. Organizational skills. Listening to others & their ideas that could influence me to help come up with another positive effective one.

What are your top three goals and objectives for the board or commission you are applying for?

Find my way in with and to work with other gaining further understanding of what is done for the citizens through parks & rec. Maybe take the lead on a committee that may need to be formed. Further grounding me to be part of Marble Falls

PLEASE PROVIDE ALL INFORMATION REQUESTED. INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED FOR BOARD/COMMISSION APPOINTMENTS.

DISCLAIMER AND SIGNATURE: I hereby request consideration for appointment to a board or commission of the City of Marble Falls, Texas. I certify that my answers above are true and complete. I understand that the information contained in this application may be considered, among other criteria, qualifications and/or information, by the City Council in its evaluation for the position being sought. I further understand that should I be appointed to any City of Marble Falls Board or Commission, I serve at the pleasure of the City Council and may be removed from said position at any time and for any reason or no reason at all, with or without notice. I also understand that

should I be appointed to a City of Marble Falls Board or Commission, I must be responsible for a creditable record of attendance and performance. If this application leads to my appointment to a position on a City of Marble Falls Board or Commission, I understand that false or misleading information in my application may result in my removal from the position

I also acknowledge that this information may be made available to the public and the application will be maintained in the City's active files for two years from the date of application. I understand that should I not be appointed to a City of Marble Falls Board or Commission, this application and any other records obtained, collected or otherwise prepared regarding this application shall be maintained in accordance with the Texas Public Information Act and the City of Marble Falls' document retention schedule.


Applicant Signature

January 22,
Date
2026

OFFICE USE ONLY: (Applications will be kept on file for a period of two years in the City Secretary's office.)

Date application received: _____

Date of first contact: _____

Date of second contact: _____

Date of appointment: _____

Still interested? Yes No

Still interested? Yes No

**RETURN COMPLETED APPLICATION TO:
City Secretary's Office
City of Marble Falls
800 Third Street, Marble Falls, Texas 78654
Phone: (830) 693-3615 • Fax: (830) 693-6737**

February 3, 2026

7. REGULAR AGENDA

- (e) Discussion and Action on Ordinance 2026-O-02B amending the Code of Ordinances of the City of Marble Falls, Texas Chapter 26 (Utilities), Article V (Rates and Charges), Division 2 (Water and Sewer), Section 26-136 (Water Services), Subsection (4), establishing a rate for water service provided by the City outside the City Limit. *Caleb Kraenzel, City Manager*
-



**Council Agenda Item Cover Memo
February 3, 2026**

Agenda Item No.: 7(e)
Presenter: Caleb Kraenzel, City Manager
Department: Administration
Legal Review:

AGENDA CAPTION

Discussion and Action on Ordinance 2026-O-02B amending the Code of Ordinances of the City of Marble Falls, Texas Chapter 26 (Utilities), Article V (Rates and Charges), Division 2 (Water and Sewer), Section 26-136 (Water Services), Subsection (4), establishing a rate for water service provided by the City outside the City Limit.

BACKGROUND INFORMATION

In September 2023, City Council amended the Master Fee Schedule through Ordinance No. 2023-O-09C to adopt water and wastewater rate adjustments based on a rate study conducted by the City's rate consultant. The study evaluated projected capital improvement needs and long-term revenue requirements for the Water and Wastewater Funds.

While the Master Fee Schedule was updated at that time, the Utility section of the Code of Ordinances was not amended. The attached ordinance amends the Code of Ordinances to formally establish the rate for water service provided outside the City limits at 1.35 times the rate charged to customers within the City limits. This rate structure is already reflected in the Master Fee Schedule and is currently being applied.

The City of Marble Falls provides municipal services within the City and operates a municipal water and wastewater utility system. In accordance with Chapter 13 of the Texas Water Code, the City also provides retail water and wastewater service to customers located outside the City's corporate limits.

In setting rates for customers outside the City limits, the City Council considered the full cost of providing water service, including infrastructure costs, capital improvement and replacement needs, debt service, operations and maintenance expenses, administrative costs, system capacity impacts, and the absence of ad valorem tax contributions from customers outside the City. The City also has a fiduciary responsibility to manage the General Fund and the Water and Wastewater Fund in a prudent and fiscally sound manner.

Based on these considerations, the rate for water service provided outside the City limits is intended to reasonably reflect the costs and impacts associated with providing service and is considered just, reasonable, and non-discriminatory.

Approval of this ordinance does not result in any additional increase to water rates. This action is a housekeeping measure intended to ensure consistency between the Code of Ordinances and the Master Fee Schedule.

BUDGET IMPLICATIONS		
<input type="checkbox"/> Current Budget	<input type="checkbox"/> New Budget Request	<input checked="" type="checkbox"/> Non-Budgetary

STAFF RECOMMENDATION

Staff recommends approval of Ordinance 2026-O-02B.

ORDINANCE 2026-O-02B

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MARBLE FALLS, TEXAS, CHAPTER 26 - UTILITIES, ARTICLE V – RATES AND CHARGES, DIVISION 2 – WATER AND SEWER, SECTION 26-136 – WATER SERVICE, SUBSECTION (4) ESTABLISHING A RATE FOR WATER SERVICE PROVIDED BY THE CITY OUTSIDE THE CITY LIMIT; PROVIDING FOR A SAVINGS CLAUSE, SEVERABILITY; REPEALER, EFFECTIVE DATE AND PROPER NOTICE AND MEETING.

WHEREAS, the City of Marble Falls, a home-rule municipality, provides services to the citizens, property owners, and other parties residing in and/or doing business within the City; and

WHEREAS, the City owns and operates a municipal water and wastewater utility system and provides retail water and wastewater service to customers located both within and outside the City’s corporate limits pursuant to Chapter 13 of the Texas Water Code; and

WHEREAS, the City of Marble Falls must charge fees in order to serve as a fiscally responsible governmental entity and to recover costs incurred by the City in connection with the aforesaid services; and

WHEREAS, the City of Marble Falls has an inherent fiduciary responsibility to manage the General Fund and Water and Wastewater Fund in a prudent, fiscally sound manner; and

WHEREAS, the City Council has considered the costs of providing water service to customers located outside the City’s corporate limits, including but not limited to system infrastructure costs, capital improvement and replacement needs, debt service, operational and maintenance expenses, administrative costs, system capacity impacts, and the absence of ad valorem tax contributions from customers outside the City; and

WHEREAS, based on the foregoing considerations, the City Council finds that the water rates established by this Ordinance for customers located outside the City’s corporate limits are just and reasonable, are not unreasonably preferential, prejudicial, or discriminatory, and reasonably reflect the costs and impacts associated with providing such service;

WHEREAS, the City has published the caption of the amending ordinance on January 13, 2026 which is 14 days prior to adoption of the Ordinance as required by Section 3.13 of the City Charter.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARBLE FALLS, TEXAS THAT:

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

II. AMENDMENT

A. Subsection (4), Section 26-136 – Water Services, is hereby amended as follows.

(4) Customers located outside the corporate limits of the City shall be assessed an Outside-City Rate for all applicable water service fees.

The Outside-City Rate shall be set at one and thirty-five hundredths percent (1.35%) higher than the rate imposed upon customers located within the City limits.

The rate established herein shall be as provided in Appendix C – Master Fee Schedule, as may be amended from time to time.

III. SEVERABILITY

If any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Marble Falls in adopting, and of the Mayor in approving this Ordinance, that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

IV. REPEALER

All ordinances and parts of ordinances that are in conflict with this ordinance are hereby repealed.

V. EFFECTIVE DATE

This Ordinance shall be and become effective immediately upon and after its passage and publication as may be required by governing law.

VI. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PUBLIC HEARING, ADOPTED AND APPROVED on this 3rd day of February, 2026 by a vote of the City Council of the City of Marble Falls, Texas.

CITY OF MARBLE FALLS, TEXAS

John Packer, Mayor

ATTEST:

Christina McDonald, City Secretary

APPROVED AS TO FORM:

Josh Brockman-Weber, City Attorney

February 3, 2026

7. REGULAR AGENDA

- (f) Public Hearing, Discussion and Action on Resolution 2026-R-02D, finding and reaffirming that a public necessity exists and authorizing condemnation to acquire fee acquisition of property for municipal purposes to make street and pedestrian improvements and other public uses in real properties, as portions or whole of tracts of land, generally described as 0.304+/- acre parcel located at the southwest corner of US Highway 281 and 2nd Street and southeast corner of 2nd Street and Avenue H (704-708 2nd Street and 114-120 US Highway 281), being Lot 13 and a portion of Lots 11, 12, and 14, Block 1, City of Marble Falls, Burnet County and as generally described in Record Number 202310028 of the official public records of Burnet County, Texas and identified in Burnet County Appraisal District Property Identification No. 28270. Said properties owned wholly by Jason A. Coleman and Leslie A. Coleman. *Caleb Kraenzel, City Manager*
-



Council Agenda Item Cover Memo February 3, 2026

Agenda Item No.: 7(f)
Presenter: Caleb Kraenzel, City Manager
Department: Administration
Legal Review: Not Applicable

AGENDA CAPTION

Approval of Resolution 2026-R-02D, finding and reaffirming that a public necessity exists and authorizing condemnation to acquire fee acquisition of property for municipal purposes to make street and pedestrian improvements and other public uses in real properties, as portions or whole of tracts of land, generally described as 0.304+/- acre parcel located at the southwest corner of US Highway 281 and 2nd Street and southeast corner of 2nd Street and Avenue H (704-708 2nd Street and 114-120 US Highway 281), being Lot 13 and a portion of Lots 11, 12, and 14, Block 1, City of Marble Falls, Burnet County and as generally described in Record Number 202310028 of the official public records of Burnet County, Texas and identified in Burnet County Appraisal District Property Identification No. 28270. Said properties owned wholly by Jason A. Coleman and Leslie A. Coleman.

BACKGROUND INFORMATION

The property is necessary as part of the construction and operation of street and pedestrian improvements at the southwest corner of US Highway 281 and 2nd Street and southeast corner of 2nd Street and Avenue H. City staff has attempted informally to acquire the needed property from the property owners but have not received a response to the City's request to purchase the property at the time of agenda preparation.

BUDGET IMPLICATIONS

Current Budget **New Budget Request** **Non-Budgetary**

The property acquisition purchase price will be proposed to be funded when a final purchase price is achieved.

STAFF RECOMMENDATION

City Staff recommends approval of a motion which must be stated as follows: I move to approve Resolution 2026-R-02D, finding and reaffirming that a public necessity exists and authorizing condemnation to acquire fee acquisition of property for municipal purposes to

make street and pedestrian improvements and other public uses in real properties, as portions or whole of tracts of land, generally described as 0.304+/- acre parcel located at the southwest corner of US Highway 281 and 2nd Street and southeast corner of 2nd Street and Avenue H (704-708 2nd Street and 114-120 US Highway 281), being Lot 13 and a portion of Lots 11, 12, and 14, Block 1, City of Marble Falls, Burnet County and as generally described in Record Number 202310028 of the official public records of Burnet County, Texas and identified in Burnet County Appraisal District Property Identification No. 28270. Said properties owned wholly by Jason A. Coleman and Leslie A. Coleman.

The vote needs to be a roll call vote.

RESOLUTION 2026-R-02D

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARBLE FALLS, TEXAS, FINDING AND REAFFIRMING THAT A PUBLIC NECESSITY EXISTS AND AUTHORIZING CONDEMNATION TO ACQUIRE FEE ACQUISITION OF PROPERTY FOR MUNICIPAL PURPOSES TO MAKE STREET AND PEDESTRIAN IMPROVEMENTS AND OTHER PUBLIC USES IN REAL PROPERTIES, AS PORTIONS OR WHOLE OF TRACTS OF LAND, THAT IS GENERALLY DESCRIBED AS 0.304 +/- ACRE PARCEL LOCATED AT THE SOUTHWEST CORNER OF US HIGHWAY 281 AND 2ND STREET AND SOUTHEAST CORNER OF 2ND STREET AND AVENUE H (704 - 708 2ND ST AND 114 - 120 US HIGHWAY 281) BEING LOT 13 AND A PORTION OF LOT NOS. 11, 12 AND 14, BLOCK 1, CITY OF MARBLE FALLS, BURNET COUNTY TEXAS AND AS GENERALLY DESCRIBED IN RECORD NUMBER 202310028 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS AND IDENTIFIED IN BURNET COUNTY APPRAISAL DISTRICT PROPERTY IDENTIFICATION NO. 28270, SAID PROPERTIES OWNED WHOLLY BY JASON A. COLEMAN AND LESLIE A. COLEMAN, AND BEING MORE PARTICULARLY DEPICTED IN EXHIBIT "A", ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE; PROVIDING AND REAFFIRMING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE REAL PROPERTIES FOR MUNICIPAL PURPOSES AND PUBLIC USE; PROVIDING AND REAFFIRMING AUTHORIZATION FOR THE CITY MANAGER TO OBTAIN THE NECESSARY APPRAISAL REPORT(S), SURVEYS, AND THE MAKING OF BONA FIDE OFFERS OF JUST COMPENSATION FOR THE PROPERTY; RATIFYING PRIOR DOCUMENTS AND ACTS MADE FOR ACQUISITION OF THE PROPERTY; AUTHORIZING AND/OR REAFFIRMING THE AUTHORITY OF LEGAL COUNSEL TO INSTITUTE EMINENT DOMAIN PROCEEDINGS ON BEHALF OF THE CITY FOR THE ACQUISITION OF THE PROPERTY ON SAID TRACTS IF NEGOTIATIONS ARE UNSUCCESSFUL; AUTHORIZING AND REAFFIRMING AND SEEKING ALL LEGAL MEANS NECESSARY TO ENTER UPON SAID PROPERTY FOR WORK NECESSARY TO EFFECTUATE THE NEED OR ABILITY TO SEEK ENIMENT DOMAIN PROCEEDINGS AND STUDIES INCIDENT THERETO; AUTHORIZING AND REAFFIRMING APPROPRIATION OF FUNDS FROM A LAWFUL SOURCE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marble Falls, Texas ("City"), by authority of Chapter 251 of the Texas Local Government Code and Chapter 21 of the Texas Property Code is authorized to initiate eminent domain proceedings to acquire real properties for a public use and purpose of

acquisition, construction, improvement, widening, realignment, operation, and maintenance of public streets and pedestrian facilities, including sidewalks, shared-use paths, drainage, utilities, and related infrastructure, as part of the City's transportation system, in order to address existing and projected traffic demands, improve pedestrian and vehicular safety, enhance connectivity within the City, and promote the orderly development of public infrastructure for the benefit of the general public at the intersections of Second Street and U.S. Highway 281 and Second St. and Second St. and Avenue H (the "Project"); and

WHEREAS, the City Council of the City of Marble Falls ("City Council") has investigated and determined that there is a public necessity for the acquisition, by eminent domain for public use, of the ±0.304 acres located at the southwest corner of US Highway 281 and 2nd St and the southeast corner of 2nd St and Avenue H (704 - 708 2nd St and 114 - 120 US Highway 281) being Lot 13 and a portion of Lot Nos. 11, 12 and 14, Block 1, City of Marble Falls, Burnet County Texas as recorded in Record Number 202310028 of the Official Public Records of Burnet County, Texas, with Burnet County Appraisal District Property Identification No. 28270, said properties owned wholly by Jason A. Coleman and Leslie A. Coleman and being more specifically described in EXHIBIT "A" attached hereto and by this reference made a part hereof for all purposes, to which reference is hereby made for a particular description of said property (the "Property"). And more specifically identified in Exhibit "A" and depicted in Exhibit "A1", attached hereto and incorporated herein for all purposes ("Property"). It is the City's intent to acquire the Property for the purpose of street and pedestrian improvements; and

WHEREAS, the City Council has investigated and determined that the taking of said real property is necessary for public use; and

WHEREAS, this Resolution affirms, re-affirms and ratifies, if necessary, the public necessity, public use, and acquisitions expressly authorized by prior action by City Council and hereby affirms, re-affirms and ratifies, if necessary, the filing of eminent domain proceedings against the owner of the identified Property; and

WHEREAS, this Resolution shall be cumulative of all other resolutions of the City of Marble Falls and shall not repeal any of the provisions of such resolutions, except in those instances where provisions of such resolutions are in direct conflict with the provisions of this resolution; and

WHEREAS, it is necessary to establish procedures for determining the establishment and approval of just compensation for the Property to be acquired by eminent domain as required by law; and

WHEREAS, the City Manager, or his designee, is required to make a bona fide offer, as defined by and in compliance with Chapter 21 of the Texas Property Code, to acquire the Property for public use voluntarily from the owner(s) prior to moving forward with the acquisition by eminent domain, which will or already have been performed; and

WHEREAS, the City Manager, or his designee, will seek, if not already obtained, third-party appraisal(s), and the City Manager, the law firm of Messer * Fort ("Legal Counsel") or their designee will make bona fide initial offer(s) and final offer(s) based on the appraisal(s) to

the owner(s) of the Property, which may or may not be accepted by the Property's owner(s), if not already performed; and

WHEREAS, if the owner(s) of the Property do not agree upon the just compensation to be paid them for with the Property herein described, the City Council hereby authorizes, re-authorizes, affirms, and ratifies Legal Counsel instituting proceedings in eminent domain to acquire the Property for such public uses stated herein.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF MARBLE FALLS, TEXAS THAT:**

SECTION 1: The findings set forth above are incorporated into the body of this Resolution as if fully set forth herein.

SECTION 2: The City Council hereby officially determines, affirms, and/or re-affirms that there is a public use and necessity for acquiring the Property; the public welfare and convenience will be served by the acquisition, by eminent domain, of the Property; it is the City's intent to acquire the Property for the purpose of construction, improvement, widening, realignment, operation, and maintenance of public streets and pedestrian facilities, including sidewalks, shared-use paths, drainage, utilities, and related infrastructure, as part of the City's transportation system, in order to address existing and projected traffic demands, improve pedestrian and vehicular safety, enhance connectivity within the City, and promote the orderly development of public infrastructure for the benefit of the general public at the intersection of Second Street and U.S. Highway 281 and Second St. and Second St. and Avenue H; and the use of eminent domain is hereby authorized to obtain the Property.

SECTION 3: The City Council hereby authorizes and/or re-authorizes the City Manager or his designee obtaining, reviewing and accepting a third party's appraisal report(s) and updated report(s), if not acquired already, and if already obtained those actions are ratified. The City Manager, Legal Counsel or their designee is authorized and/or re-authorized to make bona fide initial and final offers based on the appraisal(s) to the owner(s) of the Property, and if such actions have already been completed those actions are so ratified. In the event of failed attempts to negotiate with any owner(s) of a portion of the Property after making a bona fide initial offer(s) and making bona fide final offer(s), the City Council hereby authorizes and/or re-authorizes the City Manager or designee to authorize and direct, on behalf of the City, Legal Counsel to commence and conduct all parts of the condemnation proceedings under the Texas Property Code, and other applicable law, for the acquisition of the Properties for municipal purposes and other public uses on the Property by eminent domain, and if already performed those actions are ratified. Legal Counsel, or designee, is authorized and/or re-authorized and directed to negotiate for and to acquire the Property for the City, and to acquire said rights in compliance with State and Federal law, and if already performed those actions are ratified. Moreover, Legal Counsel, or designee, is specifically authorized and/or re-authorized and directed to do each and every act necessary to acquire the Property including but not limited to, the authority to negotiate, give notices to, make written offers to purchase, prepare contracts, to retain and designate a qualified appraiser(s) of the interests to be acquired, as well as any other experts or consultants deemed

necessary for the acquisition process and, if necessary, to institute and complete court proceedings in eminent domain, and if already performed those actions are ratified.

SECTION 4: The City Manager, or his designee, is hereby authorized and/or re-authorized to execute all documents necessary to acquire the Property, on behalf of the City, whether by purchase or eminent domain, and if already performed those actions are ratified. The City Council hereby ratifies any and all negotiations, offer letters and all documents executed prior to the effective date of this Resolution, by the City Manager, or his designee, which were necessary for the acquisition of the Property.

SECTION 5: It is the intent of the City Council that this Resolution authorizes the condemnation of the Property required for this Project for the purposes herein stated. If it is determined that there are any errors in the descriptions contained herein or if later surveys contain more accurate revised descriptions (which may include less or slightly more acreage), the City Manager, Legal Counsel or their designee is authorized to have such errors corrected or revisions made and to acquire such property rights without the necessity of obtaining new City Council resolution authorizing condemnation of the corrected or revised property.

SECTION 6: The amount to be paid, if any, for acquiring the Property will be appropriated from any lawful source.

SECTION 7: The City Manager and Legal Counsel is hereby authorized to take all steps to seek legal entry upon the Property to seek surveys, geotechnical information, and appraisal information. Such activities may occur before any bona fide offers are sent to the Property owners.

SECTION 8. In the event that Special Commissioners appointed by the Court in each case during condemnation proceedings return an award for just compensation to be paid by the City, Legal Counsel is hereby authorized to settle the lawsuit for that amount. The City's Finance Director is hereby authorized to issue a check in each case from the appropriate fund in the amount of the Special Commissioners' award made payable to the owner(s) or to the County Clerk of Burnet County, to be deposited into the registry of the Court, to enable the City to take possession of the Property and Fees without further action of the City Council. If the City Manager believes such award(s) should be appealed, the award(s) may still be paid to take possession, but the City Manager shall put the question of whether to appeal on the next available city council agenda for consideration. If there is no such city council meeting before the deadline to appeal, the City Manager may direct Legal Counsel to file the appeal(s) and then place on the next available city council agenda to either pursue or withdraw the appeal(s).

SECTION 9: Should any section, subsection, sentence, clause or phrase of this Resolution be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Resolution shall remain in full force and effect. The City hereby declares that it would have passed this Resolution, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 10: This Resolution shall take effect immediately upon its passage and execution.

PASSED AND APPROVED by record vote this the 3rd day of February, 2026 at a meeting of the City Council of the City of Marble Falls in which a quorum was present with the following vote:

John Packer, Mayor	Aye	Nay
Griff Morris, Place 1	Aye	Nay
William (Dee) Haddock, Place 2	Aye	Nay
Lauren Halsom, Place 3	Aye	Nay
Karlee Hubble, Place 4	Aye	Nay
Richard Westerman, Place 5	Aye	Nay
Craig Magerkurth, Place 6	Aye	Nay

CITY OF MARBLE FALLS

BY: _____
John Packer, Mayor

ATTEST:

Christina McDonald, City Secretary

EXHIBIT A

Said proposed property consisting of 0.304 +/- acres on the following tracts of land:

BEING THE PROPERTY GENERALLY DESCRIBED IN THE BURNET COUNTY REAL PROPERTY RECORDS IN DEED NO. 202310028, BURNET COUNTY DEED RECORDS, AND DESCRIBED AS PROPERTY IDENTIFICATION NO. 28270 BY THE BURNET COUNTY APPRAISAL DISTRICT, SAID PROPERTIES OWNED WHOLLY BY JASON A. COLEMAN AND LESLIE A. COLEMAN.

**“EXHIBIT A-1”
Map**

