



NOTICE OF MEETING OF THE GOVERNING BODY OF THE CITY OF BURNET

Notice is hereby given that a **Regular Council Meeting** will be held by the governing body of the City of Burnet on the **14th day of January, 2020** at **6:00** p.m. in the Council Chambers, Burnet Municipal Airport, 2402 S. Water, Burnet, at which time the following subjects will be discussed, to-wit:

This notice is posted pursuant to the Texas Government Code, Chapter §551-Open Meetings.

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

PLEDGE TO TEXAS FLAG:

1. REPORTS/SPECIAL PRESENTATIONS:

- 1.1) Report on the Hill Country Children's Advocacy Center: Ken Nickel

2. CONSENT AGENDA ITEMS:

(All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member, staff member or citizen requests removal of the item from the consent agenda for the purpose of discussion. For removal of an item, a request must be made to the Council when the Consent Agenda is opened for Council Action.)

- 2.1) Approval of the December 10, 2019 Regular City Council Meeting minutes
- 2.2) Approval of the December 17, 2019 Special City Council Meeting minutes
- 2.3) Approval of the January 3, 2019 Special City Council Meeting minutes

3. PUBLIC HEARING: None.

4 ACTION ITEMS:

- 4.1) Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, DETERMINING THAT NO CHANGES TO THE LAND USE ASSUMPTIONS, WATER AND WASTEWATER CAPITAL IMPROVEMENTS PLAN

OR WATER AND WASTEWATER IMPACT FEES ARE NEEDED FOR THE 2019 UPDATE OF THE WATER AND WASTEWATER IMPACT FEE PROGRAM; PROVIDING A REPEALER CLAUSE; AND PROVIDING A SEVERABILITY CLAUSE G. Courtney

4.2) Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING CHAPTER 110, SECTIONS 110-29, 110-73 AND 100-74 OF THE CODE OF ORDINANCES; AMENDING UTILITY TAP AND CONNECTION FEES; PROVIDING SEVERABILITY AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR OTHER RELATED MATTERS: G. Courtney

4.3) Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING SECTION 8.12 (MILITARY LEAVE) OF THE CITY OF BURNET PERSONNEL POLICY AND PROCEDURES MANUAL; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE, PROVIDING OPEN MEETINGS CLAUSE(S); AND PROVIDING FOR RELATED MATTERS: K. Sames

4.4) Discuss and consider action: Authorize the City Manager to enter into an agreement with ABM for the replacement of the air conditioning units at the Community Center and the YMCA. G. Courtney

4.5) Discuss and consider action: Council direction regarding the proposed tree preservation ordinance: M. Lewis

5. REPORTS: None.

5.1) Addendum to the City Council Agenda: Department and Committee Reports/Briefings: The City Council may or may not receive a briefing dependent upon activity or change in status regarding the matter. The listing is provided to give notice to the public that a briefing to the Council on any or all subjects may occur.

6. REQUESTS FROM COUNCIL FOR FUTURE REPORTS:

7. ADJOURN:

Dated this 7th, day, of January, 2020

CITY OF BURNET

CRISTA GOBLE BROMLEY, MAYOR

I, the undersigned authority, do hereby certify that the above NOTICE OF MEETING of the governing body of the above named City, BURNET, is a true and correct copy of said NOTICE and that I posted a true and correct copy of said NOTICE on the bulletin board, in the City Hall of said City, BURNET, TEXAS, a place convenient and readily accessible to the general public at all times, and said NOTICE was posted on January 7, 2020, at or before 6 o'clock p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

Kelly Dix, City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS:

The City Council Chamber is wheelchair accessible. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services, such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's office (512.756.6093) at least two working days prior to the meeting. Requests for information may be faxed to the City Secretary at 512.756.8560.

RIGHT TO ENTER INTO EXECUTIVE SESSION:

The City Council for the City of Burnet reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code 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) and 551.087 (Economic Development).

STATE OF TEXAS {}
COUNTY OF BURNET {}
CITY OF BURNET {}

On this the 10th day of December, 2019, the City Council of the City of Burnet convened in Regular Session, at 6:00 p.m., at the regular meeting place thereof with the following members present, to-wit:

Mayor Crista Goble Bromley
Council Members Danny Lester, Mary Jane Shanes, Tres Clinton, Paul Farmer, Joyce
 Laudenschlager, Cindia Talamantez
City Manager David Vaughn
City Secretary Kelly Dix

Guests: Mark Ingram, Patricia Langford, Doug Fipps, Adrienne Feild, Paul Nelson, Bret Burton, Savanna Greg, Scott Severance, W.A. Copeland

CALL TO ORDER: The meeting was called to order by Mayor Bromley, at 6:00 p.m.

INVOCATION: Council Member Mary Jane Shanes

PLEDGE OF ALLEGIANCE: Council Member Tres Clinton

PLEDGE TO TEXAS FLAG: Council Member Tres Clinton

REPORTS/SPECIAL PRESENTATIONS: None.

CONSENT AGENDA ITEMS:

(All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member, staff member or citizen requests removal of the item from the consent agenda for the purpose of discussion. For removal of an item, a request must be made to the Council when the Consent Agenda is opened for Council Action.)

Approval of the November 12, 2019 Regular City Council Meeting minutes:

Council Member Joyce Laudenschlager moved to approve the consent agenda as presented. Council Member Mary Jane Shanes seconded, the motion carried unanimously.

PUBLIC HEARINGS:

Public Hearing: The City Council of the City of Burnet, Texas will conduct a public hearing regarding the Preliminary Plat of Westfall Village, a 51-lot single-family residential subdivision to be generally located in the southeastern quadrant of the intersection of Elm and Westfall Streets: M. Lewis: Mayor Bromley opened the public hearing and asked if anyone was interested in speaking, if so to approach the podium. There being no one wishing to speak, Mayor Bromley closed the public hearing.

Public Hearing: The City Council of the City of Burnet, Texas will conduct a public hearing regarding the Preliminary Plat of Sky View Hill, a nine-lot subdivision located in the 1200-1500 blocks of CR 250: M. Lewis: Mayor Bromley opened the public hearing and asked if anyone was interested in speaking, if so to approach the podium. Scott Severance who resides at 747 Ridge Road approached the podium and stated his opposition to the approval of the Preliminary Plat of Sky View Hill, for a nine-lot subdivision. Mr. Severance said this property backs up to his property and he does not want a multi-home subdivision behind his rural property. There being no one else wishing to speak, Mayor Bromley closed the public hearing.

ACTION ITEMS:

Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE AMENDING ORDINANCE NO. 2012-06 BY ASSIGNING SINGLE-FAMILY RESIDENTIAL—DISTRICT R-1 ZONING TO THAT PROPERTY DESCRIBED AS BEING 21.97 ACRES OUT OF THE SARAH ANN GUEST SURVEY, NO. 150, ABSTRACT 1525, AND FURTHER IDENTIFIED BY BURNET COUNTY APPRAISAL DISTRICT PROPERTY ID #116346;

PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: M. Lewis: Council Member Tres Clinton made a motion to approve and adopt Ordinance 2019-30 as presented. Council Member Cindia Talamantez seconded, the motion carried unanimously.

Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2018-19; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2019 FOR THE CITY OF BURNET, TEXAS, FUNDING ACCOUNTS IN BUDGET DUE TO UNFORESEEN SITUATIONS; CONTAINING FINDINGS PROVIDING FOR SAVINGS AND SEVERABILITY: P. Langford: Council Member Joyce Laudenschlager made a motion to approve and adopt Ordinance 2019-31 as presented. Council Member Mary Jane Shanes seconded, the motion carried unanimously.

Discuss and consider action: A RESOLUTION BY THE CITY OF BURNET, TEXAS AUTHORIZING THE TRANSFER OF FUNDS FROM THE HOTEL MOTEL FUND TO THE BURNET ECONOMIC DEVELOPMENT CORPORATION FOR PURCHASE OF BLUEBONNET SEEDS: Mayor Bromley: Council Member Danny Lester moved to approve Resolution R2019-24 as presented. Council Member Joyce Laudenschlager seconded, the motion carried unanimously.

Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ABANDONING THOSE UNIMPROVED PORTIONS OF THE HILL, CLARK, LAMAR, COKE, AND WILLOW STREET RIGHTS-OF-WAY; ABANDONING THOSE ALLEY RIGHTS-OF-WAY LOCATED IN BLOCKS 11, 12, 21, 22, 27, 28, AND 38, JOHNSON ADDITION TO THE CITY OF BURNET; DIRECTING THE CITY SECRETARY TO FILE IN THE BURNET COUNTY OFFICE OF DEED RECORDS, A DEED GRANTING OWNERSHIP OF SAID STREET AND ALLEY RIGHTS-OF-WAY TO LANGLEY HOMES, INC; ABANDONING THOSE UNIMPROVED PORTIONS OF THE CACTUS, PRAIRIE, VALLEY, HILL, CLARK, LAMAR, AND COKE STREET RIGHTS-OF-WAY GENERALLY DESCRIBED AS BEING LOCATED SOUTH OF ELM STREET AND EAST OF WESTFALL STREET; ABANDONING THOSE ALLEY RIGHTS-OF-WAY LOCATED IN BLOCKS 9, 10, 23, 24, 25, 26, 29, AND 40, OF THE JOHNSON ADDITION TO THE CITY OF BURNET; AND DIRECTING THE CITY SECRETARY TO FILE IN THE BURNET COUNTY OFFICE OF DEED RECORDS, A DEED GRANTING OWNERSHIP OF SAID STREET AND ALLEY RIGHTS-OF-WAY TO CGG HOLDINGS III, L.L.C.: M. Lewis: Council Member Joyce Laudenschlager moved to approve Resolution R2019-24 as presented. Council Member Cindia Talamantez seconded, the motion carried unanimously.

Discuss and consider action: Regarding a variance to the 600-foot maximum block length requirements established by Code of Ordinances Chapter 98, Sec. 98-48 requested for the purpose of allowing Elmer Avenue, a local residential street to be located in the Westfall Village Subdivision, to be constructed with a block length of 900 feet: M. Lewis: Council Member Joyce Laudenschlager moved to approve the variance allowing Elmer Avenue to be located in the Westfall Village Subdivision and to be constructed with a block length of 900 feet as presented. Council Member Tres Clinton seconded, the motion carried unanimously.

Discuss and consider action: The City Council will discuss and consider action regarding the Preliminary Plat of Westfall Village, a 51-lot single-family residential subdivision to be generally located in the southeastern quadrant of the intersection of Elm and Westfall Streets: M. Lewis: Council Member Danny Lester moved to approve the Preliminary Plat of Westfall Village as

presented. Council Member Joyce Laudenschlager seconded, the motion carried unanimously.

Discuss and consider action: Regarding approval of a Preliminary Plat of Sky View Hill, a nine-lot subdivision located in the 1200-1500 blocks of CR 250: M. Lewis: Council Member Joyce Laudenschlager moved to approve the Preliminary Plat for Sky View Hill as presented. Council Member Mary Jane Shanes seconded, the motion carried unanimously.

Discuss and consider action: Regarding the Final Plat of Sky View Hill, Phase 1, a nine-lot subdivision located in the 1200-1500 blocks of CR 250: M. Lewis: Council Member Mary Jane Shanes moved to approve the final plat of Sky View Hill as presented. Council Member Joyce Laudenschlager seconded, the motion carried unanimously.

Discuss and consider action: Approve proposed Fire Training Tower location and facility upgrade: M. Ingram: Council Member Danny Lester moved to approve the Fire Training Tower location and the facility upgrade as presented. Council Member Mary Jane Shanes seconded, the motion carried unanimously.

Discuss and consider action: First amendment to the 380 Agreement with Langley Homes, Inc.: D. Vaughn: Council Member Danny Lester moved to approve the first amendment to the 380 Agreement with Langley Homes, Inc., removing the additional street connection to Clark Street. Council Member Joyce Laudenschlager seconded, the motion carried unanimously.

Discuss and consider action: Approval of a contract for the Fixed Base Operation of the Burnet Municipal Airport: D. Vaughn: Council Member Mary Jane Shanes moved to approve the Fixed Base Operation contract as presented. Council Member Tres Clinton seconded. Mayor Bromley called for a roll vote. Council Members Laudenschlager, Shanes, Clinton, Farmer, Talamantez and Mayor Bromley voted in favor. Council Member Lester was opposed. The motion carried with six in favor and one opposed.

Discuss and consider action: Appoint members to the Burnet Zoning Board of Adjustments: M. Lewis: Council Member Mary Jane Shanes moved to approve appointment of Calib Williams and Cesar Arreaza to the Zoning Board of Adjustments as alternates. Council Member Danny Lester seconded, the motion carried unanimously.

REPORTS:

Addendum to the City Council Agenda: Department and Committee Reports/Briefings: The City Council may or may not receive a briefing dependent upon activity or change in status regarding the matter. The listing is provided to give notice to the public that a briefing to the Council on any or all subjects may occur.

September Financial Report: P. Langford: Director of Finance, Patricia Langford reviewed each funds year end revenue and expenses with Council. Ms. Langford stated reported that the City as a whole, outperformed the budget for the year.

REQUESTS FROM COUNCIL FOR FUTURE REPORTS: None.

ADJOURN: There being no further business a motion to adjourn was made by Council Member Danny Lester at 7:06 p.m., seconded by Council Member Joyce Laudenschlager. The motion carried unanimously.

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

STATE OF TEXAS {}
COUNTY OF BURNET {}
CITY OF BURNET {}

On this the 17th day of December, 2019, the City Council of the City of Burnet convened in Special Session, at 3:00 p.m., at the regular meeting place thereof with the following members present, to-wit:

Mayor	Crista Goble Bromley
Council Members	Danny Lester, Mary Jane Shanes, Tres Clinton, Paul Farmer
Absent	Cindia Talamantez, Joyce Laudenschlager
City Manager	David Vaughn
City Secretary	Kelly Dix

Guests: Mark Ingram, Kelli Sames

CALL TO ORDER: The meeting was called to order by Mayor Bromley, at 5:30 p.m.

INVOCATION: passed

PLEDGE OF ALLEGIANCE: passed

PLEDGE TO TEXAS FLAG: Passed

CONSENT AGENDA ITEMS: None

(All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member, staff member or citizen requests removal of the item from the consent agenda for the purpose of discussion. For removal of an item, a request must be made to the Council when the Consent Agenda is opened for Council Action.)

PUBLIC HEARING: None

ACTION:

Discuss and consider action: Authorization of an agreement with Burnet County Emergency Services District No. 7 for the expenditure of funds for the Fire Training Tower: Council Member Mary Jane Shanes moved to approve the expenditure of funds for the Fire Training Tower to be located behind the Central Fire Station. Council Member Danny Lester seconded the motion carried unanimously.

REPORTS: None

Addendum to the City Council Agenda: Department and Committee Reports/Briefings: The City Council may or may not receive a briefing dependent upon activity or change in status regarding the matter. The listing is provided to give notice to the public that a briefing to the Council on any or all subjects may occur.

REQUESTS FROM COUNCIL FOR FUTURE REPORTS: None.

ADJOURN: There being no further business a motion to adjourn was made by Council Member Mary Jane Shanes at 5:31 p.m., seconded by Council Member Paul Farmer. The motion carried unanimously.

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary

STATE OF TEXAS {}
COUNTY OF BURNET {}
CITY OF BURNET {}

On this the 3rd day of January, 2020, the City Council of the City of Burnet convened in Special Session, at 3:00 p.m., at the regular meeting place thereof with the following members present, to-wit:

Mayor	Crista Goble Bromley
Council Members	Danny Lester, Mary Jane Shanes, Tres Clinton, Paul Farmer, Cindia Talamantez
Absent	Mary Jane Shanes, Joyce Laudenschlager
City Manager	David Vaughn
City Secretary	Kelly Dix
Guests:	

CALL TO ORDER: The meeting was called to order by Mayor Bromley, at 2:30 p.m.

INVOCATION: passed

PLEDGE OF ALLEGIANCE: passed

PLEDGE TO TEXAS FLAG: Passed

CONSENT AGENDA ITEMS: None

(All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member, staff member or citizen requests removal of the item from the consent agenda for the purpose of discussion. For removal of an item, a request must be made to the Council when the Consent Agenda is opened for Council Action.)

PUBLIC HEARING: None

ACTION:

Discuss and consider action: Authorize the City Manager to negotiate a contract for the possible acquisition of twenty-two acres of land adjacent to the Galloway Hammond Park complex: D. Vaughn: Council Member Danny Lester moved to approve the purchase contract as presented for the acquisition of twenty-two acres of land adjacent to the Galloway Hammond Park complex and authorize the City Manager to execute the necessary documents. Mayor Crista Bromley seconded, the motion carried unanimously.

REPORTS: None

Addendum to the City Council Agenda: Department and Committee Reports/Briefings: The City Council may or may not receive a briefing dependent upon activity or change in status regarding the matter. The listing is provided to give notice to the public that a briefing to the Council on any or all subjects may occur.

REQUESTS FROM COUNCIL FOR FUTURE REPORTS: None.

ADJOURN: There being no further business a motion to adjourn was made by Council Member Danny Lester at 2:40 p.m., seconded by Council Member Tres Clinton. The motion carried unanimously.

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary



Public Works

ITEM 4.1

Gene Courtney
Director of Public Works
830-798-4769
gcourtney@cityofburnet.com

Agenda Item Brief

Meeting Date: January 14, 2020

Agenda Item: Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, DETERMINING THAT NO CHANGES TO THE LAND USE ASSUMPTIONS, WATER AND WASTEWATER CAPITAL IMPROVEMENTS PLAN OR WATER AND WASTEWATER IMPACT FEES ARE NEEDED FOR THE 2019 UPDATE OF THE WATER AND WASTEWATER IMPACT FEE PROGRAM; PROVIDING A REPEALER CLAUSE; AND PROVIDING A SEVERABILITY CLAUSE G. Courtney

Background: The City has engaged NewGen to facilitate the discussion and process for completing the impact fee update or determining that no update is needed within the water and wastewater service areas for the city.

Information: In accordance with Local Government Code Section 395.0575 the Capital Improvements Advisory Council is providing City Council with written recommendation that no change to the land use assumptions, capital improvements plan, or impact fees is necessary within the water and wastewater service areas at this time, per the findings presented at the September 9, 2019 Meeting of the CIAC by NewGen Strategies and Solutions, LLC.

This determination applies to all areas with the City of Burnet, its extraterritorial jurisdiction and areas assessed an impact fee under contract as applicable.

This ordinance establishes the date of the next required review.

All required publications have been completed and there have been no changes to the Ordinance 2019-23 since the first reading on September 10, 2019.

Fiscal Impact

None.

Recommendation:

Approve and adopt Ordinance 2019-23 as presented.

ORDINANCE NO. 2019-23

AN ORDINANCE OF THE CITY OF BURNET, TEXAS, DETERMINING THAT NO CHANGES TO THE LAND USE ASSUMPTIONS, WATER AND WASTEWATER CAPITAL IMPROVEMENTS PLAN OR WATER AND WASTEWATER IMPACT FEES ARE NEEDED FOR THE 2019 UPDATE OF THE WATER AND WASTEWATER IMPACT FEE PROGRAM; PROVIDING A REPEALER CLAUSE; AND PROVIDING A SEVERABILITY CLAUSE

WHEREAS, Texas Local Government Code, Chapter 395, authorizes impact fees for water and wastewater facilities; and

WHEREAS, on December 14, 2004, with the passage of Ordinance No. 2004-22 and an effective date of December 14, 2004, the City of Burnet ("City") adopted water and wastewater impact fees; and

WHEREAS, the City has appointed a Capital Improvements Advisory Committee ("Advisory Committee") to advise the City Council concerning the need for adoption of land use assumptions, the water and wastewater capital improvements plan and water and wastewater impact fees and for amendment or revision of same; and

WHEREAS, Texas Local Government Code Section 395.052 requires a mandatory five-year update to impact fees; and

WHEREAS, the Burnet Water and Wastewater Impact Fee Program was last reviewed in 2014; and

WHEREAS, Texas Local Government Code, Section 395.0575 provides that as an alternative to the updating requirements of Section 395.052 the governing body may determine that no changes are necessary to the land use assumptions, water and wastewater capital improvements plan or water and wastewater impact fees; and

WHEREAS, on September 9, 2019, the Advisory Committee took action to recommend to the City Council that no changes to the land use assumptions, water and wastewater capital improvements plan or water and wastewater impact fees for the 2019 Update of the Water and Wastewater Impact Fee Program ("2019 Update") are necessary within the water and wastewater service areas shown on Exhibit "A" attached hereto; and

WHEREAS, the report of the Advisory Committee regarding the 2019 Update was filed in the office of the City Secretary on or before September 11, 2019, as required by law, and

Commented [MG1]: Need exhibit A from last time

Commented [KD2R1]:

WHEREAS, the next review of the land use assumptions, water and wastewater capital improvements plan and water and wastewater impact fees program will be scheduled for July 2024 with reported findings presented to City Council on or before March 1st, 2024.

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

SECTION 1. That no changes to the land use assumptions, water and wastewater capital improvements plan or water and wastewater impact fees are needed for the 2019 Update of the Water and Wastewater Impact Fee Program within the water and wastewater service areas shown in the Exhibit "A" attached hereto.

SECTION 2. That the City Secretary shall mail and publish notice of this determination that no changes are needed to all parties as required by law.

SECTION 3. That in the event a timely written request is received to update the land use assumptions, water and wastewater capital improvements plan, and water and wastewater impact fees, the City of Burnet shall follow the requirements of Local Government Code §395.052 – 395.057.

SECTION 4. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 5. That should any paragraph, sentence, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of the City of Burnet as a whole.

SECTION 6. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code, and it is accordingly so ordained.

SECTION 7. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on first reading this, the 14th day of September 2019

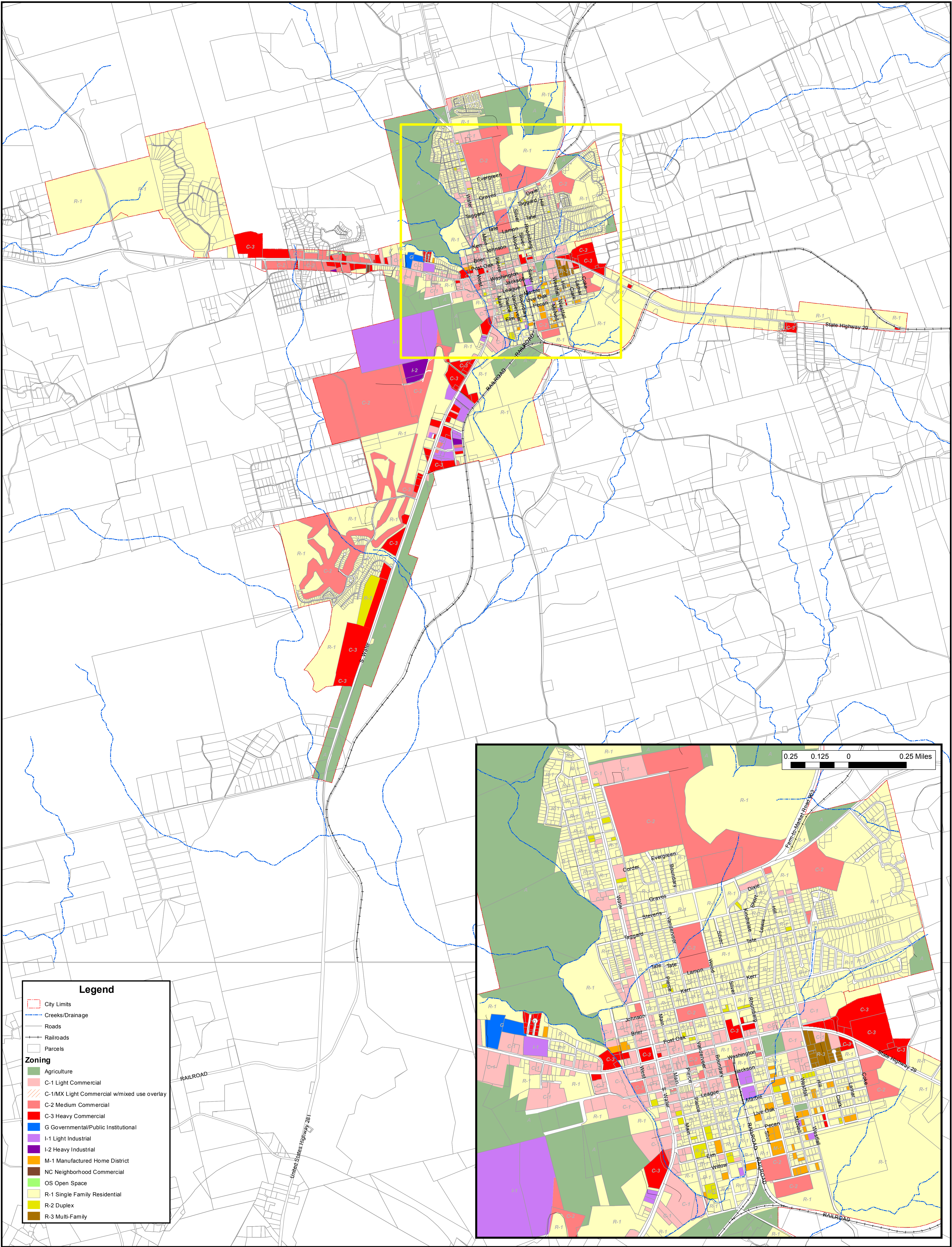
FINALLY PASSED AND APPROVED on this, the 14th, day of January, 2020.

Crista Goble Bromley
Mayor

ATTEST:

Kelly Dix
City Secretary

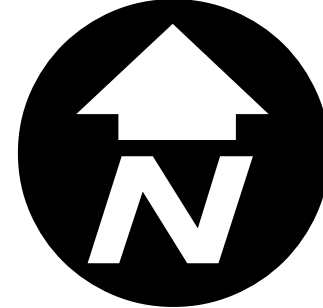
EXHIBIT A



City of Burnet
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CITY OF BURNET

Zoning 2012

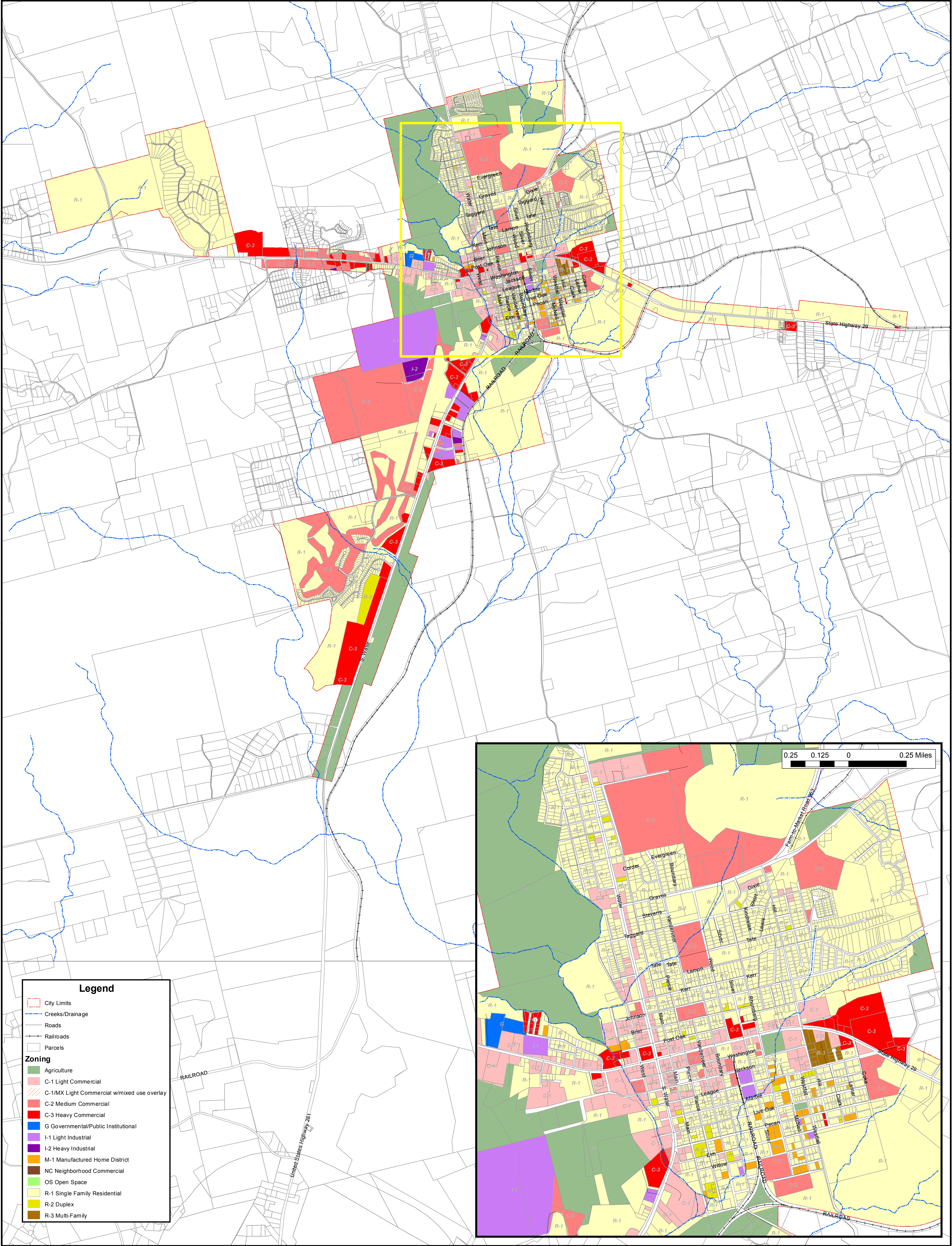


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This Product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Printing Date: 6/5/2012
Map by: Jakob Hageman

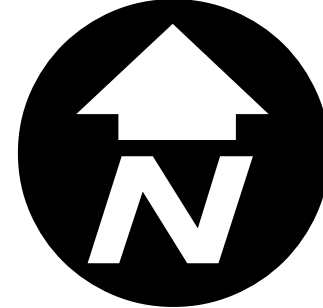
EXHIBIT A



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CITY OF BURNET

Zoning 2012



1 0.5 0 1 Miles

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Printing Date: 6/5/2012
Map by: Jakob Hageman



Public Works

ITEM 4.2

Gene Courtney
Public Works Director
(512)-756-2402
gcourtney@cityofburnet.com

Agenda Item Brief

Meeting Date:	January 14, 2020
Agenda Item:	Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING CHAPTER 110, SECTIONS 110-29, 110-73 AND 100-74 OF THE CODE OF ORDINANCES; AMENDING UTILITY TAP AND CONNECTION FEES; PROVIDING SEVERABILITY AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR OTHER RELATED MATTERS: G.Courtney
Background:	Council and staff previously had conversations about reviewing the Water/ Wastewater Tap Fees in the City Ordinance. Staff's review was specific to a few areas. First, how did the body of the section present the charge for service installation and what work went into providing that service. Second, does the current ordinance represent the actual true cost of providing those services with today's city practices.
Information:	After review staff is recommending to remove the terms Standard and Non-standard tap fee and create an Installation Charge and a Tap Fee. This change is to separate the two processes and identify the appropriate charges for each one.
Fiscal Impact:	Dependent on the number and types of service.
Recommendation:	Approve the first reading of Ordinance 2020-02 as presented.

ORDINANCE NO. 2020-02

AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING CHAPTER 110, SECTIONS 110-29, 110-73 AND 110-74 OF THE CODE OF ORDINANCES; AMENDING UTILITY TAP AND CONNECTION FEES; PROVIDING SEVERABILITY AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR OTHER RELATED MATTERS

Whereas, the City provides, or causes to be provided electrical services to all residences and businesses within the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT;

Section. 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section. 2. Amendment. Sections 110-29, 110-73 and 110-74 of the Code of Ordinances of the City of Burnet shall be amended in its entirety:

Sec. 110-29. - Water Connection Fees.

- (a) *Connection Fees.* Connections with the municipal waterworks system with an existing tap shall be charged a Water Meter Installation Charge and Impact Fee, as provided for herein. Connections with the municipal waterworks system without an existing tap shall be charged a Water Meter Installation Charge, Water Tap Fee and Impact Fee, as provided for herein. Each building or residence will be classified as a separate connection.
- (b) *Water Meter Installation Charge.* The Water Meter Installation Charge for service shall be as follows:

Meter Size	Meter Installation Charge
¾ Meter	\$425
1" Meter	\$475

The Water Meter Installation Charge for a water meter larger than one (1) inch shall be equal to the cost of installation, which shall include the meter box, fittings, water meter, radio module, labor, equipment and any other related costs.

- (c) *Water Tap Fee.* The Water Tap Fee shall be equal to the total cost of installation, including materials, equipment and labor. The Water Tap Fee shall include, but not limited to, cutting across a right-of-way, road repairs, cutting through rock and all costs associated with easement acquisition

(land surveying, easement purchase price, attorney fees, additional staff time, etc).

- (d) *Payment made prior to connection.* All fees for service must be paid in-full prior to the connection being made.

Sec. 110-73. - Sewer charges.

- (a) *Levy and collection of charges for use of the sewer system.* It is hereby determined and declared to be necessary for the city to levy and collect charges from all persons, firms and corporations that are using the sanitary sewer system and the lines of the city. These charges shall be in accordance with the user charge system developed under EPA Grant Project C-48-1638-03. The charges shall be based upon actual sewer use as measured by the average monthly water usage during the winter months of December, January and February. Sewer charges shall be calculated once each year and remain fixed throughout a 12-month period.
- (b) *Amendment of sewer user charge system; minimum billing.* The sewer user charge system shall be amended to provide for a minimum billing based upon a basic level of service required by all sewer customers including, but not limited to, costs for meter reading, monthly billing, overhead administration services, and wastewater collection and treatment of 2,000 gallons per month.
- (c) *Schedules.*

Schedule A

Sewer charges:

Minimum Charge	\$30.00
Volumetric rate per 1,000 gallons, or fraction thereof	\$5.00

Schedule B

Sewer only with no water service:

Residential	\$57.50 per billing period, or fraction thereof.
Commercial	A commercial customer shall be charged in accordance with this section based on the city's estimation of customer's return flow to the city's wastewater system. The city may, at its discretion, require the installation, at customer's expense, of a water or wastewater meter to verify return flow.

Sec. 110-74. - Wastewater Connection Fees.

- (a) *Connection Fees.* Connections with the municipal wastewater system with an existing tap shall be charged a Wastewater Connection Charge and Impact Fee, as provided for herein. Connections with the municipal wastewater system without an existing tap shall be charged a Wastewater Connection Charge, Wastewater Tap Fee and Impact Fee, as provided for herein. Each building or residence will be classified as a separate connection.
- (b) *Wastewater Installation Charge.* The Wastewater connection charge for service shall be as follows:

Wastewater Connection Fee	\$100.00
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- (c) *Wastewater Tap Fee.* The Wastewater Tap Fee shall be equal to the total cost of installation, including materials, equipment and labor. The Wastewater Tap Fee shall include, but not limited to, with easement acquisition (land surveying, easement purchase price, attorney fees, additional staff time, etc).
- (d) *Payment made prior to connection.* All fees for service must be paid in-full prior to the connection being made.

Section 4. Severability. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 5. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code.*

PASSED AND APPROVED on first reading this the 14th day of January 2020

FINALLY PASSED AND APPROVED on this the 28th day of January 2020

CITY OF BURNET, TEXAS

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary



Human Resources Department

ITEM 4.3

Kelli Sames
Director of Human Resources
(512)-715-3213
ksames@cityofburnet.com

Agenda Item Brief

Meeting Date: January 14, 2020

Agenda Item: Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING SECTION 8.12 (MILITARY LEAVE) OF THE CITY OF BURNET PERSONNEL POLICY AND PROCEDURES MANUAL; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE, PROVIDING OPEN MEETINGS CLAUSE(S); AND PROVIDING FOR RELATED MATTERS: K. Sames

Background: The City of Burnet currently has in effect an Employee Personnel Policy Manual that was adopted by City Council on December 8, 2009 with an effective date of December 8, 2009. Since the original adoption, recommended revisions to the Personnel Policy have occurred from time to time.

Information: Included in the Personnel Policy Manual is No. 8.12, Military Leave. The current policy is very brief in outlining the City's policy for administering military leave for eligible employees. The policy has been rewritten, reviewed, and approved by legal counsel to provide clarification on the intent of the benefit regarding use of military leave. The updated policy outlines the intent of the leave, notice requirements, compensation while on leave, benefit entitlement while on leave, and re-employment rights upon return from approved military leave.

The existing policy states: *"Regular employees of the City who are members of the State Military Forces or members of any of the Reserve Components of the Armed Forces of the United States are entitled to leave of absence in accordance with state and federal regulations."*

Military leave will be granted to regular full-time employees of the City who attend regular annual military training duty, and meet the requirements listed below. This leave must be scheduled with the department head and City Manager and shall be granted without loss of time or efficiency rating.

Supporting documents and leave orders should be furnished to the department supervisor prior to taking leave. Such documents shall be placed with the timesheets. During the period of standard military duty, employees shall continue to accrue sick leave and vacation as well as be compensated for any holiday the same as a regular employee on vacation at the time of the holiday.

Requests for approval of military leave must have copies of the relevant military orders attached. Regular employees of the City who enter active duty with the State Military Forces or with the Armed Forces of the United States for more than fifteen (15) consecutive calendar days in any year are entitled to be restored to employment subject to the provisions of the law upon release from active duty and shall be treated as an employee on extended leave of absence.”

The proposed Military Leave policy is attached with Ordinance No. 2020-01.

Fiscal Impact:

Salary and benefits for employees eligible for paid military leave will be administered in accordance with policy guidelines.

Recommendation:

City staff recommends approval of the first reading of Ordinance No.2020-01, updating Personnel Policy No. 8.12 Military Leave as presented.

ORDINANCE NO. 2020-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING SECTION 8.12 (MILITARY LEAVE) OF THE CITY OF BURNET PERSONNEL POLICY AND PROCEDURES MANUAL; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE, PROVIDING OPEN MEETINGS CLAUSE(S); AND PROVIDING FOR RELATED MATTERS.

Whereas, the City of Burnet has previously adopted Ordinance No. 2009-31 the Personnel Policy Manual December 8, 2009; and

Whereas, the City of Burnet, due to changes in policies, and state or federal law from time to time, needs to make certain amendments to said policies; and

Whereas, amendments to said policies are necessary for the betterment of the City's employees and to ensure proper efficiency in City operations.

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

Section 1. Findings of Fact. The findings and recitations set out hereinabove are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Repeal of Conflicting Ordinances. All Ordinances or parts thereof in conflict herewith are amended to the extent of such conflict only.

Section 3. Adoption of Amended Personnel Policy. Section 8.12 of the City's Personnel Policy is hereby amended, repealed and replaced in its entirety with Exhibit "A" attached herewith.

Section 4. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 5. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.

Section 6. Effective Date. This ordinance shall take effect immediately upon its adoption by the City Council and publication as required by the Local Government Code.

PASSED AND APPROVED the first reading on this 14th day of January 2020.

FINALLY PASSED AND APPROVED on this 28th day of January 2020.

CITY OF BURNET, TEXAS

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary

8.12 MILITARY LEAVE – Proposed for Effective Date 1-28-2020

The City complies with all state and federal laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military. Temporary employees who have brief or non-recurrent positions with the City and who have no reasonable expectation that their employment with the City will continue indefinitely or for a significant period of time are generally ineligible for extended paid military leave in excess of 15 days, re-employment rights, or any other military leave benefits under this policy.

This policy covers employees who serve in the uniformed services in a voluntary or involuntary basis, including active duty, active duty for training, initial active duty for training, inactive duty training, and full-time National Guard duty.

Notice to City of Need for Leave. Employees must provide as much advance written or verbal notice to the City as possible for all military duty (unless giving notice is impossible, unreasonable, or precluded by military necessity). Absent unusual circumstances, such notice must be given to the City no later than 24 hours after the employee receives the military orders. To be eligible for paid military leave, employees must complete and submit a Leave Request Form along with the official documents setting forth the purpose of the leave and, if known, its duration. The Leave Request Form must be turned into the Department Director and the Director of Human Resources as far in advance of the leave as possible.

Paid and Unpaid Leave for Training and Duty.

COMPENSATION

Full Pay For Up to 15 Days. An employee shall be eligible for paid leave for military duty for a maximum of fifteen (15) workdays (120 hours, or 180 hours for an employee in a shift firefighter or police position), during the federal fiscal year (October 1 through September 30). This leave may be used when an employee is engaged in National Guard or U.S. armed forces reserve training or active military duty ordered or approved by proper military authority. The paid leave days may be consecutive or scattered throughout the year. An employee who qualifies for this leave may request an annual accounting of the use of this leave. Military leave will not count as time worked for the purposes of determining overtime.

Other Paid Leave. An employee who has exhausted all available paid military leave may, at their option, use any other available paid leave time (i.e., vacation leave, holiday leave and compensatory time) to cover their absence from work.

Unpaid Leave. After an employee has exhausted all available paid military leave (including any other paid leave time that the employee chooses to use

to cover a military absence), the employee will be placed on leave without pay until their military leave duty is complete and they return to work.

Benefits. The City will continue to provide employees on paid military leave with the following City benefits.

Medical and Dental. While an employee is on paid military leave (or any military leave of less than 31 days), the City will continue to pay its portion of the monthly premium for group health benefits. When military leave is unpaid, the employee may elect to continue group health coverage for up to 24 months following separation of employment or until the employee's re-employment rights expire, whichever event occurs first, for the employee and eligible dependents.

Upon an employee's return to employment following military service, the City will provide health insurance coverage immediately. In addition, a returning employee will not be subjected to exclusions from coverage unless the exclusions apply to injuries or conditions that were incurred as a result of military service.

Other Benefits. While on *paid* military leave, employees continue to accrue vacation, sick leave and other benefits provided to other employees on paid leave. The City will also continue to pay the premium for any City-provided life insurance while the employee is on *paid* military leave. While on unpaid military leave, employees are generally ineligible for most City-provided benefits. Benefits, such as vacation and sick leave, do not accrue while an employee is on unpaid leave, including unpaid military leave. While on unpaid military leave, benefit accruals will be suspended and will resume upon the employee's return to active employment. Once an employee returns to work following an unpaid leave, the employee will be treated as though continuously employed for purposes of determining benefits based on length of service, such as vacation accrual and longevity pay.

TMRS. Typically, an employee's period of uniformed service is deemed to constitute service for purposes of vesting and benefit accrual. Thus, employees earn service credit for time spent on active duty military leave. Service time is credited when an employee returns to work. To qualify for service credit, an employee must: return to work for the City within 90 days after discharge; receive an honorable discharge; and timely complete the TMRS USERRA Military Service Credit Application. In order to receive monetary credit, an employee has the lesser of 5 years or 3 times the length of the military service to make up any TMRS contributions that were missed while on military leave.

RETURNING FROM LEAVE

Re-employment Rights. An employee who completes his/her military service shall be re-employed in the position they would have had if they had been continuously employed, pursuant to 38 U.S.C. Section 4313, as amended.

Deadline to Notify City of Intent to Return to Work. The deadline for an employee to return to work and/or notify the City that the employee intends to return to work following military leave depends upon how long the employee's military service lasted:

- For service of **less than 31 days**, employees have 8 hours following their release from service to report for their next scheduled work period.
- For service **between 31 days and 180 days**, employees have 14 days following their release from service to apply for re-employment.
- For service of **more than 180 days**, employees have 90 days following their release from service to apply for re-employment.

These deadlines may be extended for 2 years or more when an employee suffers service-related injuries that prevent the employee from applying for re-employment or when circumstances beyond the employee's control make reporting within the time limits impossible or unreasonable.

Required Documentation. To qualify to return to work, an employee returning from leave must provide to the Human Resources department, documentation of the length and character of military service. Also, if the military leave lasted more than 31 calendar days, the employee must submit documentation of discharge or release under honorable conditions. Such documentation must be provided not later than the deadline for returning to work as stated above.

Changed Circumstances. If the City's circumstances have changed to such an extent that it would be impossible or unreasonable to reemploy an employee, the City may not be required to reemploy an employee following their return from military leave. For example, a reduction-in-force that eliminates the position held by an employee returning from leave may excuse the City from its obligation to reemploy the employee. In addition, the City will make efforts to reemploy and accommodate an employee who was injured or has an aggravated injury while on military duty either in the same, equivalent position or the nearest approximation where they are qualified. The City is not required to make efforts to qualify returning employees for particular positions or to make accommodations for employees who suffered service-related disabilities when such efforts or accommodations would impose an undue hardship on the City.



Public Works Department

ITEM 4.4

Gene Courtney
Director of Public Works
(512)-756-2402
gcourtney@cityofburnet.com

Agenda Item Brief

Meeting Date: January 14, 2020

Agenda Item: Discuss and consider action: Authorize the City Manager to enter into an agreement with ABM for the replacement of the air conditioning units at the Community Center and the YMCA: G. Courtney

Background: Last summer city staff asked our maintenance company to provide a list of upcoming maintenance and replacements. Clarkson responded with list pertaining to three locations. Those locations were the Council Chambers, Community Center, and the YMCA. Council previously approved staff to replace the units at the council chambers which leave the community center and the YMCA. The remaining units at these locations are predominantly the original units that were installed when the buildings were constructed. The average age of the units at the community center are 24 years old, and at the YMCA are 20 years old.

Information: The total cost of replacing the units at both locations would put us over the \$50,000 bid law requirement which would cause the city to go out to bid or use buy board purchasing option. ABM is a company on the Buy Board program, and they have submitted a quote for the replacement of the A/C units.

Fiscal Impact:	\$50,258 for the YMCA
	\$51,200 for the community Center
Total of	\$101,458

Recommendation: Staff recommends that City Manager enter into an agreement with ABM for the replacement of the air conditioning units for the Community Center and the YMCA.



Development Services

ITEM 4.2

Mark Lewis
Director of Development Services
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mlewis@cityofburnet.com

Agenda Item Brief

Meeting Date: January 14, 2020

Agenda Item: Discuss and consider Council direction regarding the proposed tree preservation ordinance: M. Lewis

Background:

Information: To be determined by Council

Recommendation: To be determined by Council