



## **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 **11<sup>th</sup> day of February, 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) YMCA Update Report

### **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 January 28, 2020 Regular City Council Meeting minutes

### **3. PUBLIC HEARING: None.**

### **4. ACTION ITEMS:**

4.1) Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE ESTABLISHING CURFEWS FOR MINORS; PROVIDING DEFINITIONS; PROVIDING DEFENSES AND EXCEPTIONS; PROVIDING PENALTIES; AND PROVIDING OPEN MEETINGS, SEVERABILITY AND RELATED CLAUSES: P. Nelson

4.2) Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ACCEPTING PUBLIC STREET, WATER, WASTEWATER,

AND ELECTRICAL IMPROVEMENTS CONSTRUCTED WITHIN PHASES ONE AND TWO OF THE PEPPER MILL SUBDIVISION; AND FINDING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW: J. Lutz

4.3) Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING SECTION 8.14 (TRANSFER OF SICK 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: Purchase of twelve sets of bunker gear and gear dryer: M. Ingram

4.5) Discuss and consider action: Authorize the use of Municipal Court Technology Funds for the purchase of a new computer: P. Langford

4.6) Discuss and consider action: Burnet Historic Preservation Board appointment: K. Dix

4.7) Discuss and consider action: Appoint members to the Burnet Zoning Board of Adjustments: K. Dix

**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 7<sup>th</sup>, day, of February, 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 February 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.

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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 28<sup>th</sup> day of January, 2020, 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, Gene Courtney, Mark Lewis, James Wilson, Alan Burdell, Jonny Simons, Adrienne Feild, Kelli Sames, Alex Copeland, Damon Beierle, Savanna Gregg, Doug Fipps, Bettye Foulds

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

INVOCATION: Council Member Paul Farmer

PLEDGE OF ALLEGIANCE: Council Member Mary Jane Shanes

PLEDGE TO TEXAS FLAG: Council Member Mary Jane Shanes

REPORTS/SPECIAL PRESENTATIONS:

Chamber of Commerce Report: Board Member Damon Beierle reported that the Christmas on the Square event was a huge success and very well attended. A total of seventy bicycles were given away to children in the community thanks to the donations from business and citizen in Burnet. Mr. Beierle reviewed the upcoming event calendar that includes, the Chamber of Commerce Small Business Training, the Annual Chamber Banquet, Breakfast with the Mayor and preparations for the Bluebonnet Festival.

Opportunities for Williamson and Burnet Counties (OWBC) update Report: K. Dix: Ms. Dix informed all present that OWBC is conducting a needs assessment conference on Tuesday, February 4<sup>th</sup>, 2020 at the Jester Center in Round Rock and requesting attendance by members of the Council and community to discuss needed services in Burnet County.

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 January 14, 2020 City Council Workshop Meeting minutes

Approval of the January 14, 2020 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: City of Burnet Minor Curfew Ordinance: P. Nelson: 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.

ACTION ITEMS:

Discuss and consider action: SECOND AND FINAL 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: Council Member Danny Lester made a motion to approve and adopt Ordinance 2020-01 as presented. Council Member Joyce Laudenschlager seconded, the motion carried unanimously.

Discuss and consider action: SECOND AND FINAL 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: Council Member Tres Clinton made a motion to approve and adopt Ordinance 2020-02 as presented. Council Member Cindia Talamantez seconded, the motion carried unanimously.

Discuss and consider action: Approval to use an existing segment of sewer line as a force main with privately owned grinder pumps. G. Courtney: Council Member Danny Lester moved to approve the use of the existing segment of sewer line as a force main with privately owned grinder pumps as presented. Council Member Paul Farmer seconded, the motion carried unanimously.

Discuss and consider action: FIRST READING OF AN ORDINANCE ESTABLISHING CURFEWS FOR MINORS; PROVIDING DEFINITIONS; PROVIDING DEFENSES AND EXCEPTIONS; PROVIDING PENALTIES; AND PROVIDING OPEN MEETINGS, SEVERABILITY AND RELATED CLAUSES: P. Nelson: Council Member Danny Lester moved to approve the first reading of Ordinance 2020-03 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, ACCEPTING PUBLIC STREET, WATER, WASTEWATER, AND ELECTRICAL IMPROVEMENTS CONSTRUCTED WITHIN PHASES ONE AND TWO OF THE PEPPER MILL SUBDIVISION; AND FINDING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW: M. Lewis: Passed. No action taken.

Discuss and consider action: A RESOLUTION OF THE CITY OF BURNET, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON MAY 2, 2020, TO ELECT THREE CITY COUNCIL MEMBERS; ESTABLISHING THE ELECTION PROCEDURE; AND PROVIDING FOR RELATED MATTERS.

Analice y considere la acción: UNA RESOLUCIÓN DE LA CIUDAD DE BURNET, TEXAS, ORDENANDO UNA ELECCIÓN GENERAL A LLEVARSE A CABO EL 2 DE MAYO DE 2020, PARA ELEGIR TRES MIEMBROS DEL CONSEJO (CONCEJALES); ESTABLECIENDO LOS PROCEDIMIENTOS PARA LA ELECCIÓN; Y PROVEYENDO OTROS ASUNTOS RELACIONADOS. Council Member Joyce Laudenschlager moved to approve Resolution R2020-03 as presented. Council Member Paul Farmer seconded, the motion carried unanimously.

Discuss and consider action: A RESOLUTION ADOPTING THE CITY OF BURNET, TX, INVESTMENT POLICY AND NAMING THE INVESTMENT OFFICERS: P. Langford: Council Member Danny Lester moved to approve Resolution R2020-02 as presented. Council Member Joyce Laudenschlager seconded, the motion carried unanimously.

Discuss and consider action: County Road 100 Waterline Project Cost-Share Agreement: D. Vaughn: Council Member Danny Lester moved to approve the County Road 100 Waterline Project Cost-Share Agreement as presented. Council Member Paul Farmer seconded, the motion carried unanimously.

Discuss and consider action: Award of contract to install a new 12" water line along Oak Vista Boulevard. G. Courtney: Council Member Danny Lester made a motion awarding the contract to install a new 12" water line along Oak Vista Boulevard to Aaron Concrete, contingent upon receipt

of payment to the City as agreed upon in the Cost Share Agreement with Big Leaf Construction for the Oak Vista Waterline Project. Council Member Paul Farmer seconded, the motion carried unanimously.

Discuss and consider action: Authorize the use of Hotel/Motel Funds for the purchase of a street trolley: D. Vaughn: No action taken.

**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.

December 2019 Financial Report: P. Langford: Director of Finance, Patricia Langford presented Council with the December financial report. Ms. Langford reviewed current fund balances for each department and noted that sales tax was showing a slight increase and that all department revenues and expenses were tracking with budget for the end of the first quarter.

Racial Profiling Report: P. Nelson: Chief Nelson presented and reviewed the annual racial profiling report with Council.

**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 6:57 p.m., seconded by Council Member Joyce Laudenschlager. The motion carried unanimously.

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Crista Goble Bromley, Mayor

**ATTEST:**

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Kelly Dix, City Secretary



## Police Department

## ITEM 4.1

Paul Nelson  
Police Chief  
(512)-756-6404  
pnelson@cityofburnet.com

### Agenda Item Brief

**Meeting Date:** February 11, 2020

**Agenda Item:** Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE ESTABLISHING CURFEWS FOR MINORS; PROVIDING DEFINITIONS; PROVIDING DEFENSES AND EXCEPTIONS; PROVIDING PENALTIES; AND PROVIDING OPEN MEETINGS, SEVERABILITY AND RELATED CLAUSES: P. Nelson

**Background:** The City established curfew hours for minors within the city limits for the protection of such minors and the public health, safety and welfare of the community.

**Information:** The City currently imposes a curfew on juveniles within the city limits and as described in LGC §308.001-§308.008, any Municipality which adopts a juvenile curfew ordinance must review that ordinance before the third anniversary date of its adoption, and every third year thereafter. The next review of the ordinance will be in January 2023.

There have been no changes to Ordinance 2020-03 since the first reading on January 28, 2020.

**Fiscal Impact:** None.

**Recommendation:** Approve and adopt Ordinance 2020-03 as presented.

**ORDINANCE NO. 2020-03**

**AN ORDINANCE ESTABLISHING CURFEWS FOR MINORS;  
PROVIDING DEFINITIONS; PROVIDING DEFENSES AND  
EXCEPTIONS; PROVIDING PENALTIES; AND PROVIDING OPEN  
MEETINGS, SEVERABILITY AND RELATED CLAUSES.**

**WHEREAS**, the City Council of the City of Burnet, Texas finds the establishment of reasonable curfew hours for minors to be necessary and reasonable for the protection of such minors and the public health, safety and welfare;

**WHEREAS**, the City currently imposes a curfew on juveniles within the city limits;  
and

**WHEREAS**, the City has conducted a public hearing on the need to continue the juvenile curfew ordinance; and

**WHEREAS**, the City has reviewed the effect of the juvenile ordinance; and

**WHEREAS**, the City finds that continuation of its juvenile curfew ordinance will promote the public welfare;"

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

**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. Curfew.** Division 2, entitled "Curfew", Sections 70-36 through 70-41 of the Code of Ordinances of the City of Burnet having expired is hereby reaffirmed and readopted to remain in the Code of Ordinances and shall read as follows:

**Sec. 70-36. Short Title.** This Division shall be known and may be cited as the "Curfew Hours for Minors Ordinance."

**Sec. 70-37. Definitions.**

For the purposes of this division the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the



future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

*Curfew hours means:*

- (1) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 a.m. of the following day; and
- (2) 12:01 a.m. until 6:00 a.m. on any Friday or Saturday.

*Emergency* means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident or any situation requiring immediate action to prevent serious bodily injury or loss of life.

*Establishment* means any privately-owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.

*Guardian* means:

- (1) A person who, under court order, is the guardian of a minor; or
- (2) A public or private agency with whom a minor has been placed by a court.

*Minor* means any person under 17 years of age.

*Operator* means any individual, firm, association, partnership or corporation, operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

*Parent* means a person who is:

- (1) A natural parent, adoptive parent or step-parent or another person; or
- (2) At least 18 years of age and authorized by a parent or guardian in writing to have the care and custody of a minor.

*Public place* means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets,

highways and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

*Remain* means to:

- (1) Linger or stay; or
- (2) Fail to leave premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.

*Serious bodily injury* means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

#### **Sec. 70-38. Curfew related offenses.**

(a) A minor commits an offense if he remains in any public place or on the premises of any establishment within the city during curfew hours.

(b) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.

(c) The owner, operator or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

#### **Sec. 70-39. Exceptions and defenses.**

(a) It is a defense to prosecution under section 70-38 that the minor was:

- (1) Accompanied by the minor's parent or guardian;
- (2) On a lawful errand at the direction of the minor's parent or guardian, without any detour or stop;
- (3) In a motor vehicle involved in interstate travel;
- (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (5) Involved in an emergency;

- (6) On the sidewalk abutting the minor's residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
- (7) Attending an official school, religious or other recreational activity supervised by adults and sponsored by the city, a civic organization or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious or other recreational activity supervised by adults and sponsored by the city, a civic organization; or another similar entity that takes responsibility for the minor;
- (8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly; or
- (9) Married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code.

(b) It is a defense to prosecution under subsection 70-38(c) that the owner, operator or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

#### **Sec. 70-40. Enforcement.**

Before taking any enforcement action under this division, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this division unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in section 70-39 is present.

#### **Sec. 70-41. Penalties.**

(a) A person who violates a provision of this section is guilty of a separate offense for each day or part of a day during which the violation is committed, continued or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$500.00.

(b) When required by V.T.C.A, Family Code § 51.08, as amended, the municipal court shall waive original jurisdiction over a minor who violates subsection 70-38(a) of this division and shall refer the minor to juvenile court.

**Section 3. Conflicting Ordinances.** All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby amended and repealed to the extent of such inconsistency or conflict.

**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** on First Reading this 28<sup>th</sup> day of January, 2020.

**FINALLY PASSED AND APPROVED** on this the 11<sup>th</sup> day of February, 2020.

**CITY OF BURNET, TEXAS**

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Crista Bromley , Mayor

ATTEST:

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Kelly Dix, City Secretary



## Development Services

## ITEM 4.2

Mark S. Lewis  
Development Services Director  
(512)-715-3215  
mlewis@cityofburnet.com

### Agenda Item Brief

**Meeting Date:** February 11, 2020

**Agenda Item** Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ACCEPTING PUBLIC STREET, WATER, WASTEWATER, AND ELECTRICAL IMPROVEMENTS CONSTRUCTED WITHIN PHASES ONE AND TWO OF THE PEPPER MILL SUBDIVISION; AND FINDING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW. J. Lutz

**Background:** The attached resolution accepts the developer installed public improvements constructed in support of Phases One and Two of the Pepper Mill Subdivision.

**Information:** Dillard Development & Consulting, LLC has completed construction of subdivision improvements located in Phases One and Two of the Pepper Mill Subdivision. These improvements have been inspected by City Staff and have been found to be in compliance with approved subdivision plans and the applicable terms of City of Burnet development regulations. William H Engineering, the project engineer has provided a concurrence letter.

At the time of packet distribution one change to the details sheet regarding the pond construction and drainage has been modified from what was originally submitted. The required berm and vegetative filter strip are being maintained however a slight change to the grading was performed. City staff has inspected the change and is satisfied with the modification. Currently the

changes to the detail plan sheet are being reviewed and have not officially been approved. If engineering approves of the modification prior to the Council meeting staff recommends approval of the resolution. If the engineer has not approved the changes prior to Council then the item will be pulled from the agenda and rescheduled for a later Council meeting.

**Fiscal Impact:**

N/A

**Recommendation:**

Adopt the Pepper Mill Phase One and Phase Two acceptance Resolution as presented.

**RESOLUTION NO. R2020-01**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ACCEPTING PUBLIC STREET, WATER, WASTEWATER, AND ELECTRICAL IMPROVEMENTS CONSTRUCTED WITHIN PHASES ONE AND TWO OF THE PEPPER MILL SUBDIVISION; AND FINDING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, the City Council of the City of Burnet (Council), Texas, has determined that public street, water, wastewater, and electrical distribution improvements (Improvements) constructed within the Pepper Mill Subdivision Phase One and Phase Two have been constructed in accordance with the construction plans approved for construction of said subdivision;

**WHEREAS**, Council has further determined that as constructed, said plans have been found to be in compliance with applicable City design specifications; and

**WHEREAS**, Dillard Development & Consulting, LLC, the developer of the referenced improvements, has satisfied all applicable provisions of the City of Burnet, Code of Ordinances, Chapter 98 – Subdivisions;

**NOW, THEREFORE, BE IT RESOLVED 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 resolved by the City Council of the City of Burnet, Texas and made a part hereof for all purposes and findings of fact.

**Section 2. Acceptance of Improvements.** The City Council hereby accepts for public use and ownership, the street improvements, public water system, public wastewater system, and public infrastructure constructed within and in support of the Pepper Mill Subdivision, Phase One, and Pepper Mill Subdivision, Phase Two.

**Section 3. Open Meetings.** It is hereby officially found and determined that the meeting at which this resolution 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, *Chapter 551, Tex. Gov't Code*.

**PASSED, ADOPTED AND APPROVED by the City Council of the City of Burnet this the 11<sup>th</sup> day of February, 2020.**

**CITY OF BURNET**

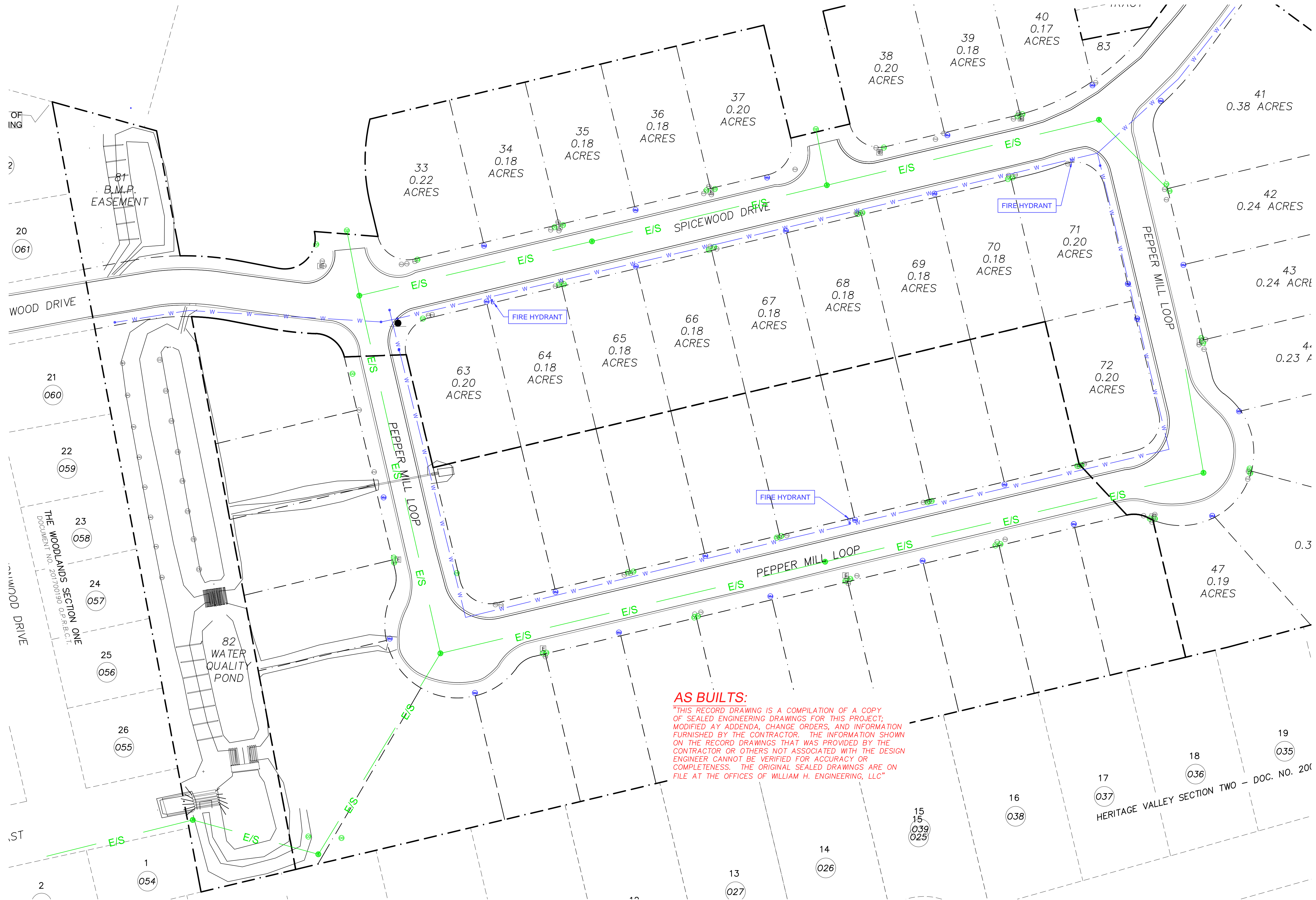
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Crista Goble Bromley, Mayor

**ATTEST:**

\_\_\_\_\_  
Kelly Dix, City Secretary



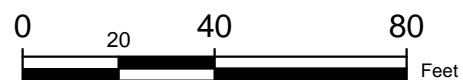
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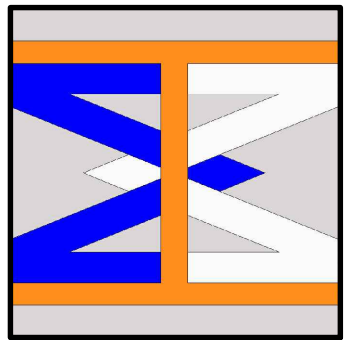
**AS BUILTS:**

"THIS RECORD DRAWING IS A COMPILATION OF A COPY OF SEALED ENGINEERING DRAWINGS FOR THIS PROJECT, MODIFIED BY ADDENDA, CHANGE ORDERS, AND INFORMATION FURNISHED BY THE CONTRACTOR. THE INFORMATION SHOWN ON THE RECORD DRAWINGS THAT WAS PROVIDED BY THE CONTRACTOR OR OTHERS NOT ASSOCIATED WITH THE DESIGN ENGINEER CANNOT BE VERIFIED FOR ACCURACY OR COMPLETENESS. THE ORIGINAL SEALED DRAWINGS ARE ON FILE AT THE OFFICES OF WILLIAM H. ENGINEERING, LLC"

GRAPHIC SCALE



WILLIAM H ENGINEERING LLC  
1001 BUCHANAN DRIVE, SUITE 2  
BURNET, TEXAS 78611  
PH. 512-553-1555  
marcus@williamhengineering.com  
TEXAS REGISTRATION # 17058



**PHASE 1 & 2 UTILITY AS BUILTS**  
**PEPPER MILL SUBDIVISION**  
**BURNET, TEXAS**

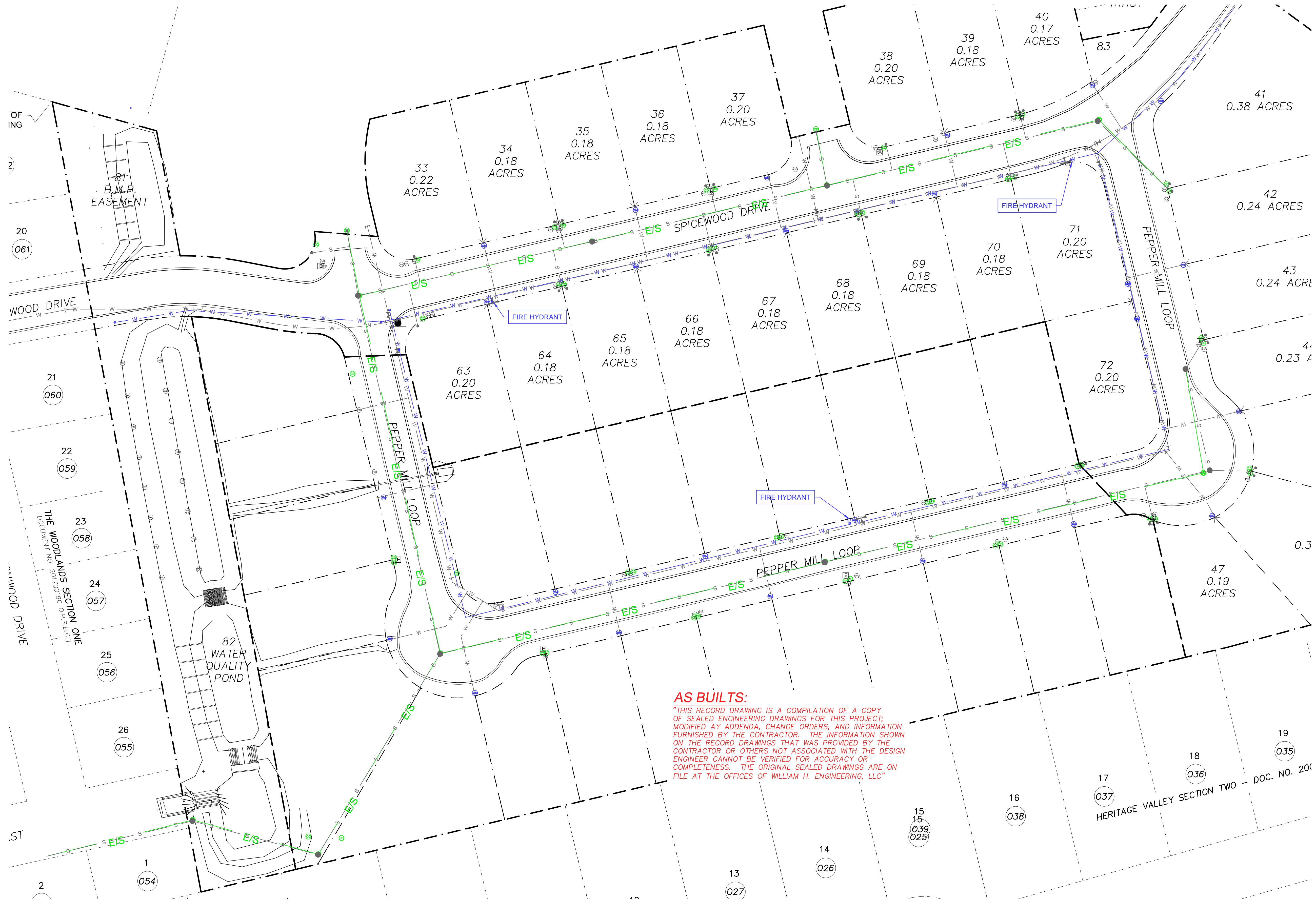
This document is released for the purpose of interim review under the authority of MARCUS W. HORNER, P.E. 96535 on FEBRUARY 6, 2020. It is not to be used for construction, bidding, or permit purposes.

Job No.					AS SHOWN	
18-2022					N/A	
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**SHEET**  
**AS BUILTS**



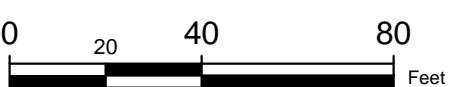
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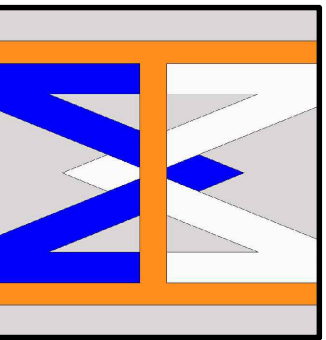
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GRAPHIC SCALE



WILLIAM H ENGINEERING LLC  
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TEXAS REGISTRATION # 17058



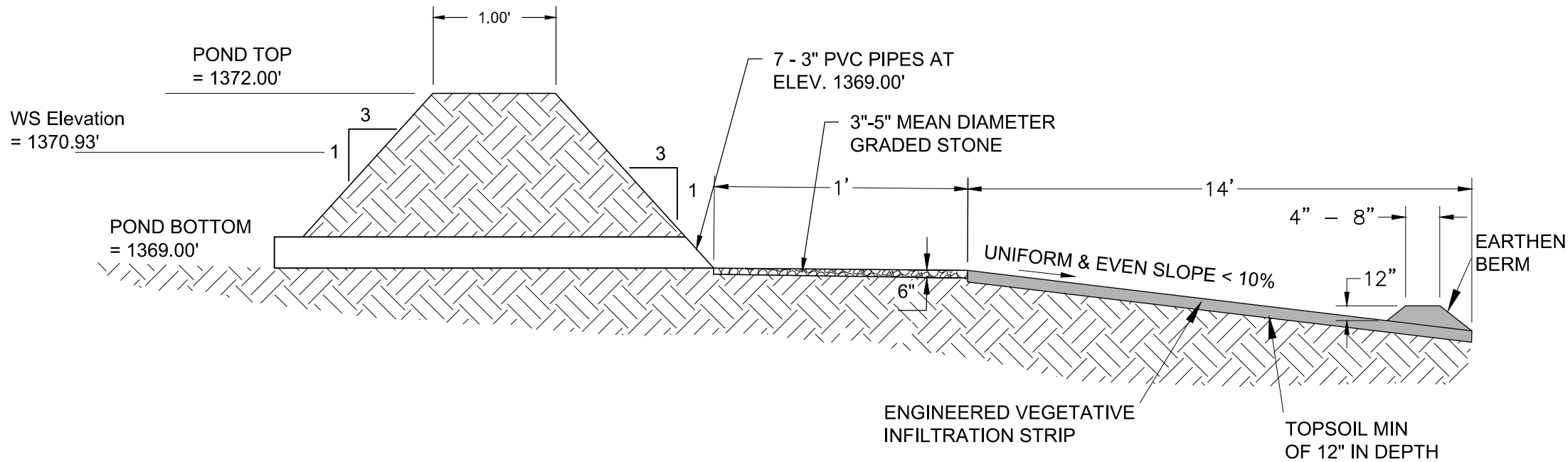
**PHASE 1 & 2 UTILITY AS BUILTS**  
**PEPPER MILL SUBDIVISION**  
**BURNET, TEXAS**

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Job No.	AS SHOWN	Scale (Hor.)	Scale (Ver.)	Drawn By:	NS
18-2022	N/A			VP	
Date:	02/06/20	Checked By:	VP	Remarks	
Rev. No.	1	Date			
	2				
	3				
	4				

**SHEET**  
**AS BUILTS**

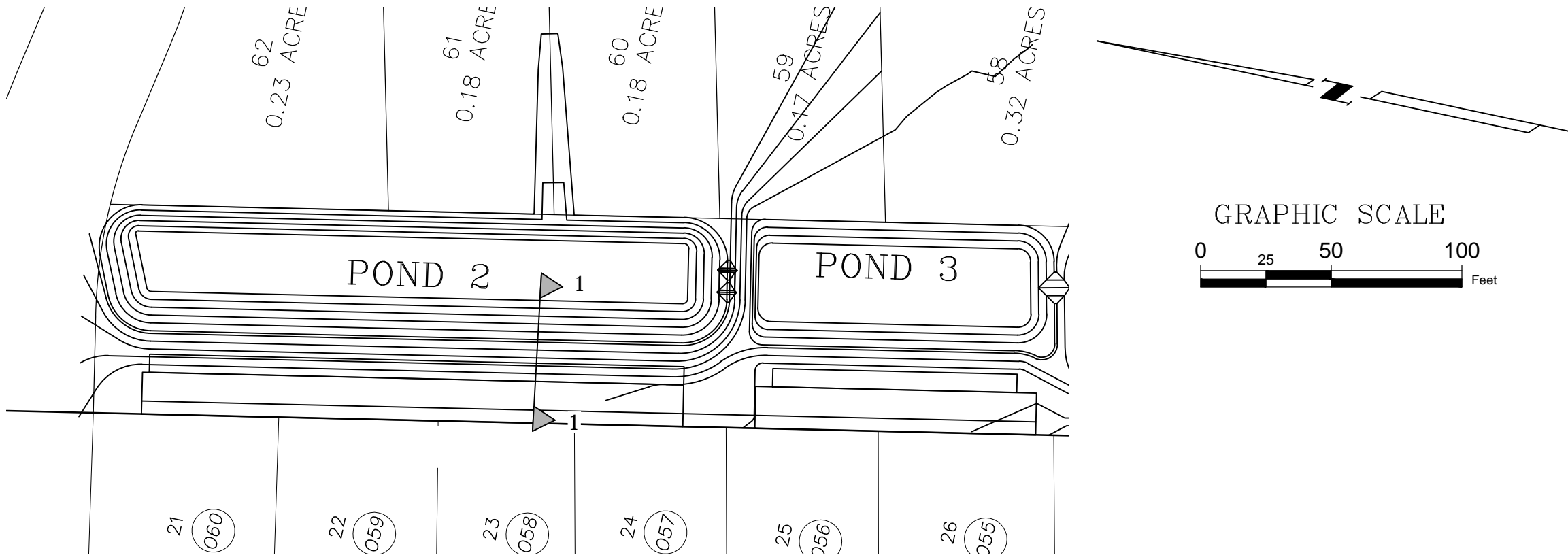
Date: Feb 06, 2020, 2:45pm User ID: steffyn  
File: A:\18-2022 Pepper Mill Subdivision\DESIGN\EXHIBITS\POND EXHIBIT.dwg



1

POND 2 & 3 TYPICAL SECTION

N.T.S.



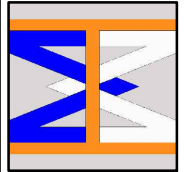
PLAN VIEW



File: A:118-2022\DESIGN\EXHIBIT\POND EXHIBIT

Job No. 18-2022	Scale (Hor.): AS SHOWN	Scale (Vert.): N/A
Date: 00/00/20	Checked By: VP	Drawn By: NS
Rev. No.	Date	Remarks
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Marcus W. Homer, P.E. 96635  
on **FEBRUARY**, 2020  
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**PONDS 2 & 3 EXHIBIT**  
**PEPPER MILL SUBDIVISION**  
**BURNET, TEXAS**

**WILLIAM H ENGINEERING LLC**  
1001 BUCHANAN DRIVE, SUITE 2  
BURNET, TEXAS 78611  
PH. 512-553-1555  
marcus@williamhengineering.com  
TEXAS REGISTRATION # 17058

**SHEET**  
**EXHIBIT**





William H Engineering LLC

January 28, 2020

Mr. Gary Dillard  
Dillard Development and Consulting, LLC  
353 San Saba St.  
Meadowlakes, TX 78654

Re: Letter of Substantial Completion Utilities and Roadway for The Peppermill  
Subdivision Phases 1 and 2

Dear Mr. Dillard:

William H Engineering LLC (WMH) performed the engineering design for Peppermill Subdivision Phases 1 and 2, on an approximately 19-acre tract adjoining west of Alexander Ave and connecting to Spicewood Dr. in Burnet, Texas. Upon notification by Dillard Development and Consulting, LLC, WMH performed a visual site inspection to determine if the city infrastructure including Water, Wastewater and Roadway construction appeared to be in substantial compliance with the approved engineering plans. Additionally, WMH conducted interviews with the contractor and City staff to help identify any deviations from the approved plans.

During the abovementioned visual inspection, the following deviations from the approved site plans were noted:

1. The filter strip areas downstream of ponds 2 and 3 deviate slightly from the original approved detail. The level spreader initially proposed was not possible to construct, due to minimal slope downstream of the pond outlet. An attached detailed exhibit shows the constructed outlet and filter strip. The minimal slope (near level) will be effective in spreading the flow without needing a level spreader.
2. Sidewalk has not been constructed adjacent to two common areas including the entry triangle at the north entrance to the subdivision and along the ponds at the south entrance to the subdivision.
3. Revegetation has not been completed in the common areas of the ponds and entry tract to the north. This work is seasonally constrained and should be completed over the next several spring months.

The abovementioned items are noted as deviations from the approved plans as determined by visual inspection of the site. Based on visual inspection of the site and discussions with City staff, who performed inspections of underground utility installation, construction of the roadway and underground utilities appear to be in substantial compliance with the approved plans. Minor field adjustments are indicated on the asbuilt plan and digital file submitted to the city for record. It is our opinion that the contractor has achieved substantial completion of these items.

Please note that other construction items such as final stabilization of site soils within the limits of construction, channel/berm construction, and sidewalk construction have not been completed.

It is our understanding that work will be ongoing to establish final permanent vegetation, based on seasonal application and home site landscaping and that the developer has submitted a bond to the city for the items remaining to be completed. In addition, the contractor will construct channels, berms, and sidewalks during grading of the lots in preparation for home construction. We will inspect these items upon completion.

If you have any questions or need any additional information, please feel free to contact me at (512) 553-1555.

Sincerely,

Marcus W. Horner, P.E.  
Principal  
William H Engineering LLC  
Firm # 17058



## Human Resources Department

### ITEM 4.3

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

### Agenda Item Brief

**Meeting Date:** February 11, 2020

**Agenda Item:** Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING SECTION 8.14 (TRANSFER OF SICK 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. 8.14, Transfer of Sick Leave. The purpose of this personnel policy is to establish a method of transferring accrued sick leave from one employee to another employee who has suffered a catastrophic injury or illness and forces the employee to exhaust all leave time earned and to lose compensation. The current policy provides for a transfer of sick leave for an employee's catastrophic injury or illness. The proposed policy has been expanded to allow a transfer of sick leave for a catastrophic injury or illness for an employee's eligible dependent. An eligible dependent is defined as legal spouse, employee's parents, natural child\*, adopted child\*, or child\* for whom the employee is the legal guardian (\*child up to age 25 or no age restriction if disabled). The proposed policy also provides clarification by defining the eligibility, guidelines, restrictions, confidentiality, and appeal process regarding the transfer of sick leave.

The existing policy states - *In order to assist employees in times of dire need, the City of Burnet has implemented a Sick Leave Transfer Policy. Participation in the Sick Leave*

*Transfer policy shall, at all times, be voluntary on the part of any employee. Employees must show proof of need. Sick leave can be transferred for catastrophic illness of the employee, only as defined below. Catastrophic shall be defined as: A medical diagnosis or surgery that is debilitating, a severely complicated disability and/or is a severe accident, any of which requires a period of recuperation longer than thirty (30) consecutive days. Treatment of a catastrophic illness or injury must be under the supervision of a licensed physician of record. A licensed physician of record must certify the level of disability and must submit a recommended period of convalescence and/or rehabilitation. Examples of catastrophic illness are; Heart Disease, Cancer, Complications of Diabetes, AIDS, Stroke, other medical conditions which may reduce normal life expectancy. An employee shall not be eligible for transferred sick leave until all of his or her own accrued vacation time, personal days, Flex or Comp time, sick leave or other forms of available leave, have been exhausted. Injuries and illnesses that are compensable under the Workers' Compensation Act or Workers' Occupational Diseases Act shall not be eligible for sick leave transfer. Any abuse of the use of the sick leave transfer shall be investigated by the City and upon a finding of wrongdoing on the part of a participating employee, that employee shall repay all sick leave days transferred and may be subject to other disciplinary action. An employee required to repay the sick leave will have all accruing vacation and sick leave transferred to the donor until the donor has been repaid for the amount owed. Provisions for appeal of adverse decisions affecting a participating employee's abuse of the sick leave transfer shall be made in the normal appeal process. Upon termination, retirement, or death, neither the recipient of the transferred leave nor the recipient's estate shall be entitled to payment for unused sick leave acquired from a sick leave transfer. Sick leave hours must be transferred bi-weekly and may not exceed the number of hours necessary to fulfill the employees standard work period. An employee may receive no more than a total of three months of transferred leave from all combined sources at the receiving employee's regular accrual rate. Unused sick leave transfers cannot be returned to the donor except as provided for in this section.*

The proposed Transfer of Sick Leave policy is attached with Ordinance No. 2020-04.

**Fiscal Impact:**

Salary and benefits for employees eligible for a transfer of sick leave will be administered in accordance with policy guidelines.

**Recommendation:**

City staff recommends approval of the first reading of Ordinance No. 2020-04, updating Personnel Policy No. 8.14 Transfer of Sick Leave as presented.

## **ORDINANCE NO. 2020-04**

**ORDINANCE NO. 2020-04 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING SECTION 8.14 (TRANSFER OF SICK 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 herein above 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 8.14 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 11th day of February 2020.

**FINALLY PASSED AND APPROVED** on this 25th day of February 2020.

**CITY OF BURNET, TEXAS**

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Crista Goble Bromley, Mayor

**ATTEST:**

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Kelly Dix, City Secretary

## **TRANSFER OF SICK LEAVE**

The purpose of the City of Burnet's Transfer of Sick Leave policy is to establish a method of transferring accrued sick leave from one employee to another employee who has suffered a catastrophic injury or illness and forces the employee or eligible dependent to exhaust all leave time earned and to lose compensation. This is accomplished through voluntary contributions of accrued sick leave from active employees.

### **Definitions**

Catastrophic shall be defined as a severe injury or illness requiring prolonged (long-term) hospitalization or recovery; a medical diagnosis or surgery that is debilitating, or a severely complicated disability, or other serious medical condition as defined under FMLA guidelines. (Examples of catastrophic illness are Heart Disease, Cancer, complications of Diabetes, AIDS, Stroke).

### **Eligibility**

- Any benefit-eligible City of Burnet employee who has worked for the City for at least 3 months.
- Transfer of sick leave may be used for the employee's own catastrophic injury or illness or for the catastrophic injury or illness of an eligible dependent. An eligible dependent is defined as legal spouse, employee's parents, natural child\*, adopted child\*, or child for whom the employee is the legal guardian\* (\*child up to age 25 or no age restriction if disabled).
- Eligibility is discontinued upon termination of employment, retirement or death of the employee. No continuation or payment of benefits will be made to survivors.

### **Guidelines to Transfer Sick Leave**

- Participation in the Sick Leave Transfer policy shall, at all times, be voluntary on the part of any employee.
- Employees must show proof of need.
- Employee must have a minimum of 240 hours of sick leave remaining in their balance following contribution.
- Employee may contribute not less than 8 hours nor more than 80 hours at one time.

### **Guidelines for Employee Receiving Transfer of Sick Leave**

- An employee shall not be eligible for transferred sick leave until all of his or her own accrued vacation time, personal days, flex or comp time, sick leave or other forms of available leave have been exhausted.

- All requests for a transfer of sick leave shall be accompanied by a physician's statement which shall include the beginning date of the illness or injury, a description of the illness or injury, and the prognosis for recovery.
- All medical reports shall be kept confidential in the employee's medical file in the Human Resources Department.
- A recipient must not be receiving, or be eligible to receive, compensation for absence from work under the Workers' Compensation benefit plan.
- Upon termination, retirement, or death, neither the recipient of the transferred leave nor the recipient's estate shall be entitled to payment for unused sick leave acquired from a sick leave transfer.
- Sick leave hours must be transferred bi-weekly and may not exceed the number of hours necessary to fulfill the employees standard work period.
- Donated leave will be paid to the recipient on the regular payroll schedule and normal payroll deductions will be withheld.
- It is the employee's responsibility requesting a transfer of sick leave to request voluntary contributions.

### **Restrictions**

- Any abuse of the use of the sick leave transfer shall be investigated by the City and upon a finding of wrongdoing on the part of a participating employee, that employee shall repay all sick leave days transferred and may be subject to disciplinary action. An employee required to repay the sick leave will have all accruing vacation and sick leave transferred to the donor until the donor has been repaid for the amount owed.
- Once leave has been donated to the eligible employee, neither the donor nor the eligible employee may revoke the transaction.
- Upon returning to full duty, the employee may not receive additional sick leave donations.
- Employees are prohibited from receiving monetary or any other compensation or benefits in exchange for donating leave hours.

### **Confidentially**

- Any and all medical information forwarded to the Human Resources Department will remain confidential and will not be shared with other employees in the department or elsewhere in the organization beyond that necessary for accounting and/or reporting purposes.

### **Appeal Process**

- Provisions for appeal of adverse decisions affecting a participating employee's abuse of the sick leave transfer shall be made in the normal appeal process. (Personnel Policy 15.03)



## Fire Department

## ITEM 4.4

Mark Ingram  
Fire Chief  
(512)-756-6202  
mingram@cityofburnet.com

### Agenda Item Brief

<b>Meeting Date:</b>	February 11, 2020
<b>Agenda Item:</b>	Discuss and consider action: Purchase of twelve sets of bunker gear and gear dryer: M. Ingram
<b>Background:</b>	Due to a rule change from the Texas Fire Protection Commission, it will be necessary to purchase new bunker gear to meet the new safety requirements mandated for firefighter gear.
<b>Information:</b>	There is an upcoming March 1 <sup>st</sup> , 2020, deadline for the purchase of the gear and the submission of the policy that provides explanation of how the City of Burnet Fire Department is meeting the requirements of the National Fire Protection Agency 1851.
<b>Fiscal Impact:</b>	Cost for the twelve sets of bunker gear and the gear dryer is expected to be \$50,000. This is not a budgeted item and is expected to be paid for from the reserve account by budget transfer
<b>Recommendation:</b>	Staff recommends approval of the purchase of the twelve sets of bunker gear and the gear dryer as presented.



## Finance

## ITEM 4.5

Patricia Langford  
Director of Finance  
(512) 715-3205  
plangford@cityofburnet.com

### Agenda Item Brief

<b>Meeting Date:</b>	February 11, 2020
<b>Agenda Item:</b>	Discuss and consider action: Authorize the use of Municipal Court Technology Funds for the purchase of a new computer: P. Langford
<b>Background:</b>	The Municipal Court Technology fund established under City of Burnet Ordinance 2008-20 section 2 requires a defendant convicted in municipal court to pay the maximum amount provided by state law which is \$4.00 as a cost of court. The funds collected may only be used to finance the purchase of or to maintain technological enhancements for the municipal court.
<b>Information:</b>	The new computer will be used to replace the Municipal Court Judge's current computer which is over nine years old and in need of an upgrade.
<b>Fiscal Impact:</b>	Purchase price not to exceed \$1,500. This is not a budgeted item.
<b>Recommendation:</b>	Authorize use of Municipal Court Technology Funds to purchase a computer.



**N9 Ventures Inc.**  
PO Box 340399  
Austin, TX 78734 US  
(512) 377-1298  
AP@neptune9.com



**ADDRESS**

Ms. Sandra Graves  
City of Burnet  
1001 Buchanan Drive Ste 4  
Burnet, TX 78611

**SHIP TO**

Ms. Sandra Graves  
City of Burnet  
1001 Buchanan Drive Ste 4  
Burnet, TX 78611

**Quote 2138**

**DATE** 02/05/2020

DESCRIPTION	QTY	RATE	AMOUNT
OptiPlex 5270 All-in-One Windows 10 Professional, Intel Core i5-9500, 4GB 1X8GB DDR4, M.2 500GB SATA Drive. 3 Years Hardware Service with Onsite/In-Home Service After Remote Diagnosis. (PC for Judge at the City Hall)	1	994.25	994.25
Shipping	1	25.00	25.00

**TOTAL**

**\$1,019.25**

Accepted By

Accepted Date



## Administration

## ITEM 4.6

Kelly Dix  
City Secretary  
(512)-756-6093 ext. 3209  
kdix@cityofburnet.com

### Agenda Item Brief

<b>Meeting Date:</b>	February 11, 2020
<b>Agenda Item:</b>	Discuss and consider action: Burnet Historic Preservation Board appointment: K. Dix
<b>Background:</b>	<p>Ordinance 2016-19; Section 22-235(b) states: The Board shall consist of five members; one of which shall be a member of the City of Burnet staff, one shall be a member of the City Council or a City staff member appointed in their stead, and three at- large members.</p> <p>Wallis Meshier the former Development Services Director, was appointed by the Council to serve on the Burnet Historic Preservation Board as a City of Burnet Staff member. Upon her departure, the position was left vacant pending the hire of a new Development Services Director.</p>
<b>Information:</b>	Staff recommends that Jason Lutz, Director of Development Services be appointed to the Burnet Historic Preservation Board to fill the staff member position required by Ordinance 2016-19.
<b>Fiscal Impact:</b>	None.
<b>Recommendation:</b>	To be determined by Council.





## Administration

## ITEM 4.7

Kelly Dix  
City Secretary  
(512)-756-6093 ext. 3209  
kdix@cityofburnet.com

### Agenda Item Brief

<b>Meeting Date:</b>	February 11, 2020
<b>Agenda Item:</b>	Discuss and consider action: Appoint members to the Burnet Zoning Board of Adjustments: K. Dix
<b>Background:</b>	<p>Paul Shell and Tommy Gaut both have terms that ended January 31<sup>st</sup>, 2020.</p> <p>Both have confirmed that they would like to continue to serve on the Burnet Zoning Board of Adjustments for another two year term that will end in January 2022.</p>
<b>Information:</b>	City Council is being asked to consider re-appointment of Paul Shell and Tommy Gaut to the Zoning Board of Adjustments.
<b>Fiscal Impact:</b>	None.
<b>Recommendation:</b>	To be determined by Council

