



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

Notice is hereby given that a **Regular City Council Meeting** will be held by the governing body of the City of Burnet on the **12<sup>th</sup> day of May, 2020** at **3:00 p.m.** in the Council Chambers, Burnet Municipal Airport, 2402 S. Water, Burnet, Tx. In order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19), a Declaration of a Public Health Emergency was executed by Mayor Bromley on March 19, 2020. The Council Chambers will be closed to public attendance. A Zoom Webinar with toll free conference call capability has been established for access as follows:

**Computer:** Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84434701151?pwd=UXJtYTNzVXRxQVhoUHdQQkxWeGw3dz09>

**OR: Go to: [www.zoom.us](http://www.zoom.us)**

**Enter Webinar ID when prompted: 844-3470-1151#**

**Enter Password when prompted: 495930#**

If you would like to address the Council with a Public Comment while logged-in online, please use the “raise your hand” feature.

**By Telephone Call: 888-475-4499 or 877-853-5257 (Toll Free Numbers)**

**Enter Webinar ID when prompted: 844-3470-1151#**

**Enter Password when prompted: 495930#**

If you would like to address the Council with a Public Comment while dialed in via telephone, please use the “raise your hand” feature, by pressing **\*9** while on the phone.

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

The following subjects will be discussed, to-wit:

**CALL TO ORDER:**

**ROLL CALL:**

**1. CANVASS ELECTION:**

1.2) Discuss and consider action: A RESOLUTION AND ORDER BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CANVASSING THE MAY 2, 2020 GENERAL ELECTION FOR THREE CITY COUNCIL MEMBER POSITIONS; DECLARING CANDIDATES ELECTED

AT LARGE; MAKING FINDINGS OF FACT; PROVIDING AN OPEN MEETINGS CLAUSE AND FOR OTHER MATTERS: K. Dix

**2. RECOGNITION:**

2.1) Recognition of Council Member Joyce Laudenschlager: Mayor Crista Goble Bromley

**3. OATH OF OFFICE:**

3.1) The Oath of Office will be administered to, Danny Lester, Council Member: K. Dix

3.2) The Oath of Office will be administered to, Mary Jane Shanes, Council Member: K. Dix

3.3) The Oath of Office will be administered to, Philip Thurman, Council Member: K. Dix

**4. REPORTS/SPECIAL PRESENTATIONS:**

4.1) Proclamation: Motorcycle Awareness: Mayor Crista Goble Bromley

**5. 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.)*

5.1) Approval of the April 28<sup>th</sup>, 2020 Regular City Council Meeting minutes

**6. PUBLIC HEARINGS:**

6.1) Public Hearing: Proposed amendments to the City of Burnet Code of Ordinances Chapter 118 – “Zoning:”, Section 118-20, Chart 1 for the purpose of revising minimum front yard setbacks, minimum side yard setbacks, and minimum street side yard setbacks for the Light Commercial (C-1), Medium Commercial (C-2), and Heavy Commercial (C-3 zoning districts: J. Lutz

6.2) Public Hearing: A request to rezone property located at the northeast intersection of N. Vanderveer St. and E. Post Oak Street, which is further described as lots 3-A and 3-B, Block 24, of the Peter Kerr Portion. The request is to rezone the property from its present designation of Single Family Residential – District (R-1) to a designation of Townhomes — District (R-2A): J. Lutz

6.3) Public Hearing: For requested variances for Wandering Oaks Circle located off County Road 100 in Oak Vista Subdivision (Legal Description: Lot numbers 80-83, 95-99, and lot 130). The requested variances are as follows:

- Chapter 98 – Subdivisions, Sec. 98-42 Transportation Improvements, requiring all streets to be designed and constructed according to the City's TCSS, in order to allow chip seal paving.
- Chapter 98 – Subdivisions, Sec. 98-42 Transportation Improvements, requiring curbs to be installed on both sides of all interior streets.
- Chapter 98 – Subdivisions, Sec. 98-42 Street Lighting, required to be installed in the subdivision.

## **7. ACTION ITEMS:**

7.1) Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2019-24; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020 FOR THE CITY OF BURNET, TEXAS, FUNDING ACCOUNTS IN BUDGET DUE TO UNFORESEEN SITUATIONS; CONTAINING FINDINGS PROVIDING FOR SAVINGS AND SEVERABILITY: P. Langford

7.2) Discuss and consider action: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS EXTENDING A DECLARATION OF LOCAL DISASTER; ESTABLISHING RULES AND REGULATIONS FOR THE DURATION OF THE DISASTER; RESTRICTING CERTAIN ACTIVITIES: D. Vaughn

7.3) Discuss and consider action: A RESOLUTION AUTHORIZING THE TRANSFER OF ALL CITY RIGHTS, TITLE AND INTEREST TO A 0.34 ACRE TRACT TO THE ABUTTING PROPERTY OWNER, HCR ELECTRONICS, BY QUIT CLAIM INSTRUMENT, SAVE AND EXCEPT THE RESERVATION OF PUBLIC UTILITY EASEMENT, SAVE AND EXCEPT THE RESERVATION OF PUBLIC UTILITY EASEMENT: D. Vaughn

7.4) Discuss and consider action: A RESOLUTION AUTHORIZING THE TRANSFER OF ALL CITY RIGHTS, TITLE AND INTEREST TO A 0.199 ACRE TRACT TO THE ABUTTING PROPERTY OWNER, GMSM LTD., BY QUIT CLAIM INSTRUMENT, SAVE AND EXCEPT THE RESERVATION OF PUBLIC UTILITY EASEMENT: D. Vaughn

7.5) Discuss and consider action: A request for variances for Wandering Oaks Circle located off County Road 100 in Oak Vista Subdivision (Legal Description: Lot numbers 80-83, 95-99, and lot 130): J. Lutz

7.6) Discuss and consider action: A RESOLUTION AUTHORIZING THE RELEASE AND TERMINATION OF A 0.349 ACRE PUBLIC UTILITY EASEMENT RECORDED IN VOLUME 693, PAGE 357 OF THE PUBLIC RECORDS OF THE COUNTY CLERK OF BURNET COUNTY, TEXAS: J. Lutz

## **8. REPORTS: None.**

8.1) 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.

**9. REQUESTS FROM COUNCIL FOR FUTURE REPORTS:**

**10. ADJOURN:**

Dated this 8<sup>th</sup>, day, of May, 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 May 8, 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).*



## Administration

## ITEM 1.2

Kelly Dix  
City Secretary  
(512)-756-6093 ext. 209  
kdix@cityofburnet.com

### Agenda Item Brief

**Meeting Date:** May 12, 2020

**Agenda Item:** Discuss and consider action: A RESOLUTION AND ORDER BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CANVASSING THE MAY 2, 2020 GENERAL ELECTION FOR THREE CITY COUNCIL MEMBER POSITIONS; DECLARING CANDIDATES ELECTED AT LARGE; MAKING FINDINGS OF FACT; PROVIDING AN OPEN MEETINGS CLAUSE AND FOR OTHER MATTERS: K. Dix

**Background:** A General Election scheduled for May 2, 2020, to fill three Council Member positions, was called by the approval of Resolution No. R2020-03 by the City Council of the City of Burnet on January 28, 2020.

**Information:** The governing body is elected at-large and there were no contests for the three City Council Member positions for the May 2, 2020 General City Election, deeming an election unnecessary.

As of the deadline for candidate filing on January 14, 2020 at 5: p.m. the following applications had been filed:

- Danny Lester filed for the office of City Council Member
- Mary Jane Shanes filed for the office of City Council Member
- Zachary DeLeon filed for the office of City Council Member
- Philip Thurman filed for the office of City Council Member

Candidate Zachary DeLeon filed a Certificate of Withdrawal with the City Secretaries Office on February 19, 2020 at 2:52 p.m. prior to the February 21<sup>st</sup>, 5:00 p.m. deadline established by the Secretary of State Election Calendar.

No write-in candidate applications were filed as of the February 18, 2020, 5:00 p.m. deadline. The filed candidates

listed above have been certified as eligible for office by the City Secretary and are un-contested.

The May 2, 2020 General Election to elect three Council Member positions, was officially cancelled by Resolution R2020-04 on February 25, 2020 and the candidates certified eligible to serve.

**Fiscal Impact:**

None.

**Recommendation:**

Staff recommends approval of Resolution No. R2020-11 as presented; canvassing the May 2, 2020, General Election to elect three Council Members and declaring Danny Lester, Mary Jane Shanes and Philip Thurman elected as Council Members to the City Council of the City of Burnet, Texas for a two year term ending in May 2022.

## **RESOLUTION NO. R2020-11**

**A RESOLUTION AND ORDER BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CANVASSING THE MAY 2, 2020 GENERAL ELECTION FOR THREE CITY COUNCIL MEMBER POSITIONS; DECLARING CANDIDATES ELECTED AT LARGE; MAKING FINDINGS OF FACT; PROVIDING AN OPEN MEETINGS CLAUSE AND FOR OTHER MATTERS.**

**Whereas**, SubChapt. C, Chapt. 2, Tex. Elec. Code, authorize candidates who are unopposed for election to the governing body, to be declared elected;

**Whereas**, Section 2.052, Tex. Elec. Code, requires the City Secretary to certify in writing that a candidate is unopposed if only one candidate name is to be placed on the ballot for an office pursuant to Section 52.003, Tex. Elec. Code, and no candidate's name is to be placed on the ballot as a write-in for such office;

**Whereas**, Section 2.054, Tex. Elec. Code, authorizes the governing body of cities to declare unopposed candidates to be elected, upon receipt of the Section 2.052 certification; and

**Whereas**, the City Secretary has certified that Danny Lester, Mary Jane Shanes, Zachary DeLeon and Philip Thurman applied to be on the ballot for the office of City Council Member. Zachary DeLeon filed the AW3-16 Certificate of Withdrawal with the City Secretary's Office removing his name from the candidate filings. Thus, Danny Lester, Mary Jane Shanes and Philip Thurman, all meet the required qualifications and are unopposed for the three Council Member positions; and

**Whereas**, the governing body is elected at-large and there were no contests for the three City Council Member positions for the May 2, 2020 General City Election;

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

**Section 1.** The City Council officially finds, determines, and declares that the election was duly and properly ordered, that proper legal notice of such election was duly given in the English language and the Spanish Language, that proper election officers were duly appointed prior to the election, that the election was duly and legally held, that all resident, qualified electors of the City were permitted to vote at the election and due returns of the results of the election had been made and delivered, and that the City of Burnet has duly canvassed such returns, all in accordance with the laws of the State of Texas and of the United States of America and the Resolution R2020-03 calling the election.

**Section 2.** The election was duly called; that notice of said election was given in accordance with law; DANNY LESTER, and MARY JANE SHANES and PHILIP

THURMAN were duly elected Council Members for a term of two years. Each of the said above named parties are hereby declared duly elected to said office, subject to the taking of their oaths of office as provided by the laws of the State of Texas and the City of Burnet, Texas.

**Section 3.** 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, *Chapt. §551, Tex. Gov't. Code*, having been posted and remaining posted continuously for at least 72 hours preceding the date of this meeting.

**PASSED, APPROVED AND ADOPTED** this the 12<sup>th</sup> day of May 2020.

**THE CITY OF BURNET, TEXAS**

\_\_\_\_\_  
Crista Goble Bromley, Mayor

**ATTEST:**

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



# Proclamation

OF THE MAYOR AND CITY COUNCIL FOR THE  
CITY OF BURNET

*Whereas*, Motorcyclists are relatively unprotected and, therefore, more prone to injury or death in a crash than other vehicle drivers; and,

*Whereas*, All those who put themselves behind the wheel are responsible for being aware of motorcyclists, regarding them with the same respect as any other vehicle traveling our highways; and,

*Whereas*, It is the responsibility of riders and motorists alike to obey all traffic laws and safety rules; and,

*Whereas*, We encourage all Burnet County citizens to do their part to increase safety and awareness in our community for motorcycle riders and motorists to give each other the mutual respect they deserve;



*Now, therefore*, be it proclaimed, that I, Crista Goble Bromley, Mayor of the City of Burnet on behalf of the City Council, of the City of Burnet, Texas, do hereby declare the month of May 2020 to be observed as

## Motorcycle Safety Awareness Month

In witness thereof, I hereunto set my hand and caused the seal of the City of Burnet to be affixed this 12<sup>th</sup> day of May 2020.

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*Crista Goble Bromley, Mayor*

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

On this the 28<sup>th</sup> day of April, 2020, the City Council of the City of Burnet, TX convened in Regular Session, at 3:00 p.m., at the regular meeting place thereof with the following members present. In order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19), a Declaration of a Public Health Emergency was executed by Mayor Bromley on March 19, 2020. The Council Chambers will be closed to public attendance. This meeting of the governing body will be streamed on the City of Burnet Facebook page allowing citizens to post questions to be presented to the City Council. A telephone conference line has been established for access via telephone by calling 888-475-4499 Pin 203165; the following subjects were discussed, to-wit:

Mayor	Crista Goble Bromley (present in chambers)
Council Members call in on conference:	Danny Lester, Paul Farmer, Cindia Talamantez
	Joyce Laudenschlager, Tres Clinton, Mary Jane Shanes
City Manager	David Vaughn
City Secretary	Kelly Dix

Guests: Mark Ingram, Habib Erkan, Adrienne Feild

CALL TO ORDER: The meeting was called to order by Mayor Bromley, at 3:00 p.m.

ROLL CALL: City Secretary Kelly Dix called the Roll. Mayor Bromley was present in Chambers. Council Member Shanes, Farmer, Clinton, Talamantez, Lester and Laudenschlager called in on the zoom conference. Quorum was established.

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 April 14<sup>th</sup>, 2020 Special City Council Meeting minutes

Approval of the April 23<sup>rd</sup>, 2020 Special City Council Meeting minutes

Council Member Joyce Laudenschlager moved to approve the consent agenda as presented. Council Member Mary Jane Shanes seconded. City Secretary Kelly Dix called a roll vote. Council Members Lester, Shanes, Laudenschlager, Clinton, Farmer, Talamantez and Mayor Bromley all voted in favor. The motion carried unanimously.

ACTION ITEMS:

Discuss and consider action: A RESOLUTION BY THE COUNCIL OF THE CITY OF BURNET, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT MADE PURSUANT TO TEXAS LOCAL GOVERNMENT CODE CHAPTER 380 WITH BURNET ECONOMIC DEVELOPMENT CORPORATION, REGARDING THE GRANT OF CERTAIN INCENTIVES RELATING TO IMPROVEMENTS TO A SECTION OF HOUSTON CLINTON DRIVE FOR THE BENEFIT OF BEDC’S HWY 281 SOUTH BUSINESS PARK; REPEALING ALL RESOLUTIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE: D. Vaughn: Council Member Danny Lester made a motion to approve and adopt Resolution R2020-07 as presented. Council Member Joyce Laudenschlager seconded. City Secretary Kelly Dix called a roll vote. Council Members Lester, Shanes, Laudenschlager, Clinton, Farmer, Talamantez and Mayor Bromley all voted in favor. The motion carried unanimously.

Discuss and consider action: Authorize the City Manager to execute the contracts with Gabriel, Roeder, Smith & Co (GRS) for actuarial services: P. Langford: Council Member Paul Farmer moved to approve and authorize the City Manager to execute the contract with Gabriel, Roeder, Smith & Co (GRS) for actuarial services as presented. Council Member Danny Lester seconded. Kelly Dix called a roll vote. Council Members Lester, Shanes,

Laudenschlager, Clinton, Farmer, Talamantez and Mayor Bromley all voted in favor. The motion carried unanimously.

Discuss and consider action: Appointment of members to the Burnet Economic Development Corporation Board of Directors: Council Member Cindia Talamantez moved to approve re-appointment of Council Member Danny Lester and Development Services Director Jason Lutz to the Burnet Economic Development Corporation Board of Directors for a two year term that will end in June 2022. Council Member Mary Jane Shanes seconded. Kelly Dix called a roll vote. Council Members Lester, Shanes, Laudenschlager, Clinton, Farmer, Talamantez and Mayor Bromley all voted in favor. The motion carried unanimously.

Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2019-24; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020 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 Mary Jane Shanes moved to approve the first reading of ordinance 2020-10 as presented. Council Member Paul Farmer seconded. Kelly Dix called a roll vote. Council Members Lester, Shanes, Laudenschlager, Clinton, Farmer, Talamantez and Mayor Bromley all voted in favor. The motion carried unanimously.

Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING SECTION 8.11 FAMILY AND MEDICAL LEAVE OF THE PERSONNEL POLICY MANUAL BY UPDATING AND CLARIFYING POLICY REQUIREMENTS: K. Sames: Council Member Paul Farmer moved to approve Resolution R2020-08 as presented. Council Member Danny Lester seconded. Kelly Dix called a roll vote. Council Members Lester, Shanes, Laudenschlager, Clinton, Farmer, Talamantez and Mayor Bromley all voted in favor. The motion carried unanimously.

Discuss and consider action: A RESOLUTION AUTHORIZING THE ACCEPTANCE OF PAYMENT OF FUNDS APPROPRIATED IN THE PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT AND AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS AND TAKE ACTIONS TO FACILITATE SUCH ACCEPTANCE: P. Langford: Council Member Mary Jane Shanes moved to approve Resolution R2020-08 as presented. Council Member Joyce Laudenschlager seconded. Kelly Dix called a roll vote. Council Members Lester, Shanes, Laudenschlager, Clinton, Farmer, Talamantez and Mayor Bromley all voted in favor. The motion carried unanimously.

Discuss and consider action: Engineering Services Contract with Jones and Carter: D. Vaughn: Council Member Danny Lester authorized the City Manager to terminate the contract with Jones & Carter, Inc. for engineering services. Council Member Tres Clinton seconded. Kelly Dix called a roll vote. Council Members Lester, Shanes, Laudenschlager, Clinton, Farmer, Talamantez and Mayor Bromley all voted in favor. The motion carried unanimously.

Discuss and consider action: Authorize the City Manager to execute a contract with Cuatro Consultants for services as the City Engineer for the City of Burnet: D. Vaughn: Council Member Danny Lester moved to authorize the City Manager to execute a contract with Cuatro Consultants for services as the City Engineer as presented. Council Member Mary Jane Shanes seconded. Kelly Dix called a roll vote. Council Members Lester, Shanes, Laudenschlager, Clinton, Farmer, Talamantez and Mayor Bromley all voted in favor. The motion carried unanimously.

Discuss and consider action: A RESOLUTION AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF THE PAYMENT OF FUNDS THE GOVERNOR'S PUBLIC SAFETY OFFICE HAS MADE AVAILABLE FROM THE CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING PROGRAM; AND, AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS AND TAKE ACTIONS TO FACILITATE SUCH ACCEPTANCE: D. Vaughn: Council Member Mary Jane Shanes moved to approve Resolution R2020-10 as presented. Council Member Tres Clinton seconded. Kelly Dix called a roll vote. Council Members Lester, Shanes, Laudenschlager, Clinton, Farmer, Talamantez and Mayor Bromley all voted in favor. The motion carried unanimously.

Discuss and consider action: Authorization to purchase a 2020 Ford Type 1 Ambulance manufactured by Frazier: M. Ingram: Council Member Cindia Talamantez moved to approve and authorize the purchase of a 2020 Ford Type 1 Ambulance manufactured by Frazier as presented. Council Member Joyce Laudenschlager seconded.

Kelly Dix called a roll vote. Council Members Shanes, Laudenschlager, Talamantez and Mayor Bromley voted in favor. Council Members Clinton, Farmer and Lester voted against. The motion carried with four in favor and three opposed.

Discuss and consider action: Authorization to purchase a 2020 Ford Type 3 Transport Ambulance: M. Ingram: Council Member Cindia Talamantez moved to approve and authorize the purchase of a 2020 Ford Type 3 Transport Ambulance as presented. Council Member Mary Jane Shanes seconded. Kelly Dix called a roll vote. Council Members Shanes, Laudenschlager, Talamantez, Lester and Mayor Bromley voted in favor. Council Members Clinton and Farmer voted against. The motion carried with five in favor and two opposed.

Discuss and consider action: Direction to staff and authorization for the City Manager to execute processes/plans due to the COVID-19 response: D. Vaughn: City Manager David Vaughn updated all present on the following:

- Delaware Springs Golf Course will reopen to the public on Friday, May 1<sup>st</sup> 2020 and will adhere to the social distancing requirements established by the Governor's updated Declaration. The Pro Shop and Snack Bar will be window service only. Public restrooms on the course will remain closed.
- City Staff has ordered thermal thermometers and face masks to provide to restaurants, hair/nail salons, churches and other high risk businesses in the City.
- The Burnet Economic Development Corporation Loan Program is still receiving applicants and the BEDC Board will discuss the possibility of providing more assistance at the special meeting of the Board to be held on Monday, May 4<sup>th</sup>, 2020.

No action was taken.

Discuss and consider action: Authorization to proceed with possible budget amendments due to COVID-19 response: D. Vaughn: No action taken.

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 4:29 p.m., seconded by Council Member Joyce Laudenschlager. City Secretary Kelly Dix called a roll vote. Council Members Lester, Shanes, Laudenschlager, Clinton, Farmer, Talamantez and Mayor Bromley all voted in favor. The motion carried unanimously.

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Crista Goble Bromley, Mayor

**ATTEST:**

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Kelly Dix, City Secretary



## Development Services

### ITEM 6.1

Jason Lutz  
Development Services  
(512) 715-3215  
jlutz@cityofburnet.com

### Agenda Item Brief

**Meeting Date:** May 12, 2020

**Agenda Item:** Public Hearing: Proposed amendments to the City of Burnet Code of Ordinances Chapter 118 – “Zoning:”, Section 118-20, Chart 1 for the purpose of revising minimum front yard setbacks, minimum side yard setbacks, and minimum street side yard setbacks for the Light Commercial (C-1), Medium Commercial (C-2), and Heavy Commercial (C-3 zoning districts: J. Lutz

**Background:** City staff has begun the process of reviewing the City’s adopted zoning code in order to identify needed changes based on development trends, best planning practices, and state law changes.

**Information:** The first issue identified by staff was the need to update the setbacks in regard to commercial zoning districts.

Staff originally proposed to modify front, side, street side, and rear yard setbacks and posted notice based on those proposals. At this time staff would like to focus on only the front yard setbacks for commercial and spend more time reviewing other setbacks.

**Staff Analysis:** Based on review of the City’s code, other municipal setbacks, and best planning practices staff has identified front yard setbacks as an issue to move forward with.

The current front yard setbacks are 30’ for C-1 (light commercial), 40’ for C-2 (medium commercial), and 50’ for heavy commercial. Based on staff findings the City of Burnet is more restrictive than other municipalities in the hill country and other similarly sized cities. You will notice that the city’s smallest front yard setback is larger than the largest front yard setback of other municipalities (see comparison table below).

CITY	ZONING CATEGORY	ZONING INTENSITY	FRONT SETBACK
BURNET	C-1	Light	30'
	C-2	Medium	40'
	C-3	Heavy	50'
MARBLE FALLS	NC	Light	25'
	GC	Heavy	25'
	DD	Heavy/Urban	0'
DRIPPING SPRINGS	LR	Light	15'
	GR	Medium	25'
	CS	Heavy	25'
FREDERICKSBURG	C-1	Light	25'
	C-1.5	Medium	20'
	C-2	Heavy	15'
	CBD	Heavy/Urban	0'
Kerrville	C-1	Light	15'
	C-2	Medium	25'
	C-3	Heavy	25'
<b>*NOTE* where multiple setback distances are listed, the 1st number is the general setback and the 2nd number is the setback adjacent to residential zones.</b>			

After considering several factors regarding front yard setbacks staff is proposing to reduce all front yard setbacks to 25'.

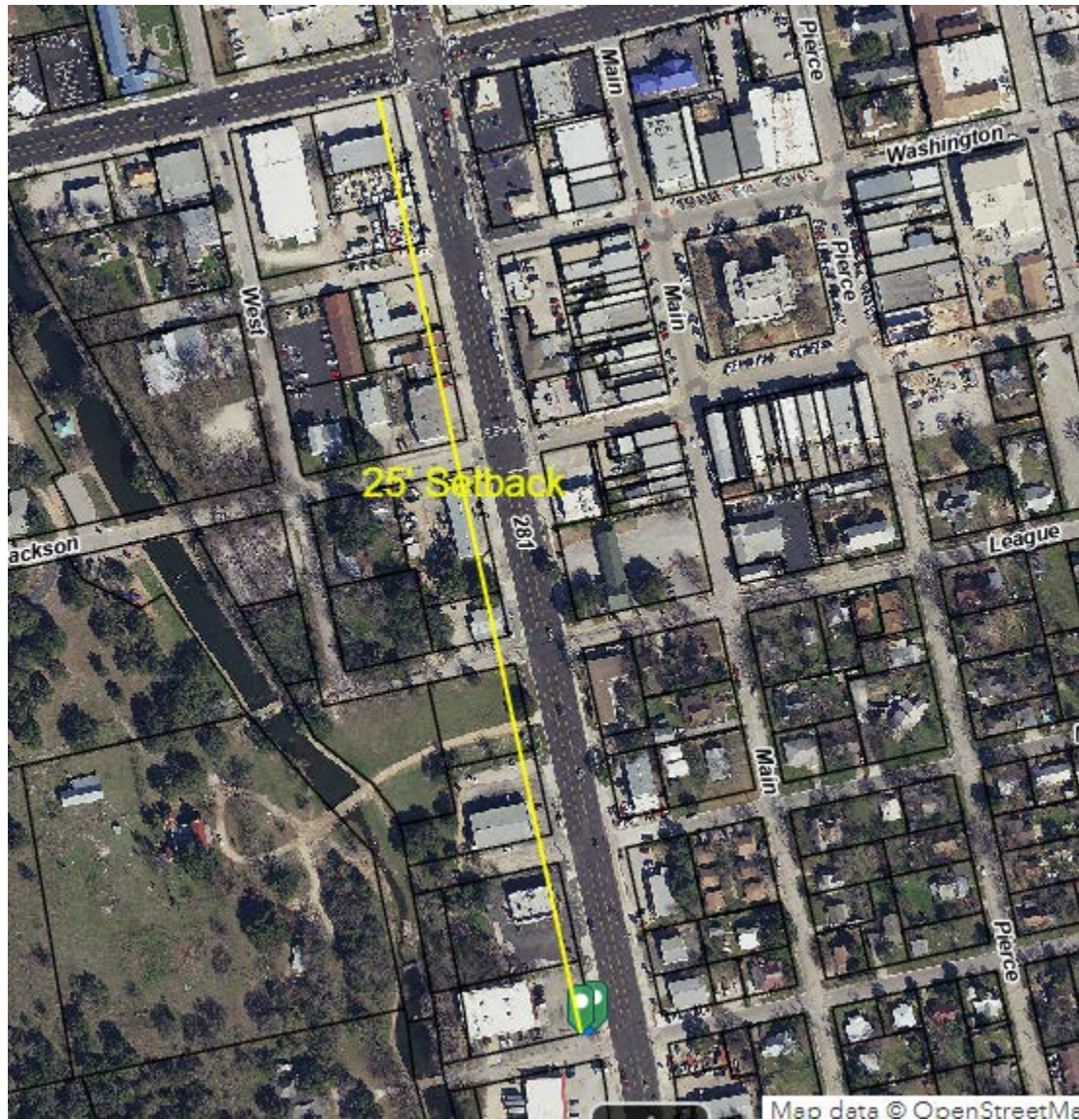
**Flexibility:** The reduction of front yard setbacks will allow flexibility for re-development and new construction by allowing the structure to move closer to the street.

Many new developments are trending to front loaded building to help active the streetscape and encourage a pedestrian friendly environment.

It also allows existing structures to expand existing non-conforming businesses without going through lengthy variance processes.

The reality of development is that most structures will maintain at least the minimum or more for front yards based on how sites are designed. Any developer who wants parking in front (18' wide) plus a drive isle will (12') will still need to be at least 30 feet from the street. However, this amendment would allow a new structure to provide parking in the rear and place more landscaping and sitting areas in the front.

**Consistency:** The reduction of front yard setbacks would keep new structures more consistent within the existing development. Most older structures along 281 have less than required 30'-50' setbacks required by code.



**Recommendation:** Staff recommends approval of the proposed amendment to reduce the front yard setbacks for the C-1, C-2, and C-3 zoning districts to 25'.



## Development Services

### ITEM 6.2

Jason Lutz  
Development Services  
(512) 715-3215  
jlutz@cityofburnet.com

### Agenda Item Brief

**Meeting Date:** May 12, 2020

**Agenda Item:** Public Hearing: A request to rezone property located at the northeast intersection of N. Vanderveer St. and E. Post Oak Street, which is further described as lots 3-A and 3-B, Block 24, of the Peter Kerr Portion. The request is to rezone the property from its present designation of Single Family Residential – District (R-1) to a designation of Townhomes — District (R-2A): J. Lutz

**Background:** The property is located at the northeast intersection of N. Vanderveer St. and E. Post Oak Street. This location is an undeveloped property consisting of two lots, which were recently replatted. The applicant is requesting to up zone the property, from Single Family Residential – District (R-1) to a Townhomes — District (R-2A).

**Information:** The applicant is proposing to construct a single-family home on lot 3-A and construct a 4 unit townhome structure on lot 3-B.

The proposed zoning category would allow the construction of both projects.

**Staff Analysis:** Staff has reviewed the proposed zoning request and looked at several factors such as Future Land Use Plan (FLUP), adjacent zoning/land uses, and access.

FLUP: The City's Comprehensive Plan calls out this parcel as "Residential". While the comp plan does not differentiate between residential types or intensities of land uses, the requested zoning is in line with the Future Land Use Plan (see Exhibit B below).

Adjacent Zoning/Land Uses: The subject tract is surrounded by R-1 (single-family) zoning along the northern and eastern property lines. The property is bounded to the west and south by city streets with R-1 (single-family) zoning across the streets.

However, there are multiple R-2 zoning districts in the area with including the southwest intersection of the property (see zoning exhibit below).

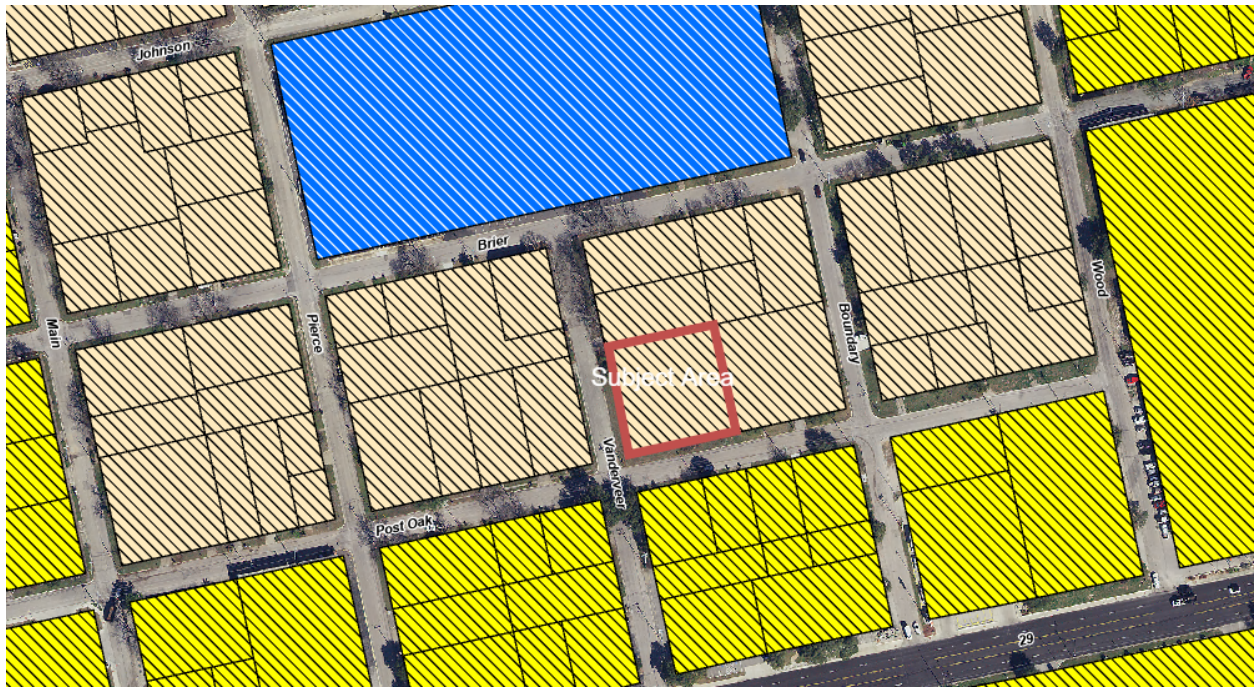
**Recommendation:** Staff recommends approval of the request to rezone the property from its present designation of Single Family Residential – District (R-1) to a designation of Townhomes — District (R-2A).

### Exhibit “A” Location Map



## Exhibit "B"

### Future Land Use Plan Map



#### Future Land Use Plan



Commercial



Residential



Government



Industrial

Exhibit "C"  
Existing Zoning Map



[illegible]



## Development Services

### ITEM 6.3

Jason Lutz  
Development Services  
(512) 715-3215  
jlutz@cityofburnet.com

## Agenda Item Brief

**Meeting Date:** May 12, 2020

**Agenda Item:** Public Hearing: For requested variances for Wandering Oaks Circle located off County Road 100 in Oak Vista Subdivision (Legal Description: Lot numbers 80-83, 95-99, and lot 130). The requested variances are as follows:

1. Chapter 98 – Subdivisions, Sec. 98-42 Transportation Improvements, requiring all streets to be designed and constructed according to the City's TCSS, in order to allow chip seal paving.
2. Chapter 98 – Subdivisions, Sec. 98-42 Transportation Improvements, requiring curbs to be installed on both sides of all interior streets.
3. Chapter 98 – Subdivisions, Sec. 98-42 Street Lighting, required to be installed in the subdivision.

**Background:** The requested variances are in regards to a Preliminary Plat of Oak Vista Subdivision. This is a residential subdivision consisting of approximately 105.08 acres located north of County Road 100 (Scenic Oaks Drive), south and west of County Road 100 (Oak Vista Drive), and east of Billy Joe Fox Drive (see Exhibit A). The proposed subdivision includes twenty-one (21) residential lots ranging in size from 2.97 to 6.01 acres in size.

The preliminary plat and a corresponding variance, regarding maximum lengths for cul-de-sacs were approved by the P&Z Commission and City Council in June of 2019.

The proposed street located in this subdivision is a private street that will be owned and maintained by the subdivision via an HOA.

**Information:** The applicant is seeking a variance to the following regulations found in the City's Code of Ordinances.

**Variance Request # 1:** The applicant is to construct Wandering Oaks Circle to the Burnet County Road Standards.

**Code Requirement:** Sec. 98-42 Transportation Improvements, requiring all streets to be designed and constructed according to the City's TCSS, in order to allow chip seal paving.

**Variance Request # 2:** Applicant requests curb requirements be waived and that the street be constructed per County requirements, which allow streets without curbs.

**Code Requirement:** Chapter 98 – Subdivisions, Sec. 98-42 Transportation Improvements, requiring curbs to be installed on both sides of all interior streets.

**Variance Request # 3:** Applicant requests that street lighting not be required.

**Code Requirement:** Chapter 98 – Subdivisions, Sec. 98-42 Street Lighting, required to be installed in the subdivision.

Approval of a subdivision variance is required. The City of Burnet Code of Ordinances Sec. 98-82 states the following regarding variances to the subdivision standards:

"In granting approval of a request for variance, the Commission and Council shall conclude that the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the variance observes the spirit of this chapter and concludes that substantial justice is done. The Commission and Council shall meet the requirements listed below.

**Staff Analysis:** Staff has provided additional documents regarding the proposed cost of maintenance for the proposed County Road standard. Based on a 20-year estimate of the total maintenance cost for the roads comes to \$80,366.34. Given the number of lots (21) this comes to a yearly cost of 191.35 (per lot).

Below are staff's analysis of the request as it relates to the criteria for a variance:

- a. The public convenience and welfare will be substantially served.

The proposed subdivision consists of large rural lots, with the average lot size being 4.23 acres. Due to the low-density regarding homes and traffic, a desire to maintain consistency in the area, and a desire for a "Dark Sky" community. If the proposed variances are granted the public convenience and welfare will be substantially served, provided maintenance of the street is done in a timely and required manner.

- b. The appropriate use of surrounding property will not be substantially or permanently impaired or diminished.

The requested variances will have no adverse impact on the surrounding properties as those properties are developed to similar standards.

- c. The applicant has not created the hardship from which relief is sought.

As the applicant is the developer of the subdivision the request is self-imposed. However, the applicant is requesting that the development be allowed to develop to similar standards of the adjacent properties.

- d. The variance will not confer upon the applicant a special right or privilege not commonly shared or available to the owners of similar and surrounding property.

The requested variance does not confer upon the applicant any special right or privilege. As the variance process is available to all developers and the property would be developed similarly to adjacent properties.

- e. The hardship from which relief is sought is not solely of an economic nature.

The applicant is requesting that the property be built similarly to other developments in the area and that it is a hardship to not have similar standards as adjacent properties. The applicant also believes that this is not solely economic in nature as they are wanting to maintain a rural dark sky feel and stay consistent with the rural look of surrounding properties.

- f. The variance is not contrary to the public interest.

The proposed variance to the street standard would be built to County standards.

- g. Due to special conditions, the literal enforcement of this chapter would result in an unnecessary hardship.

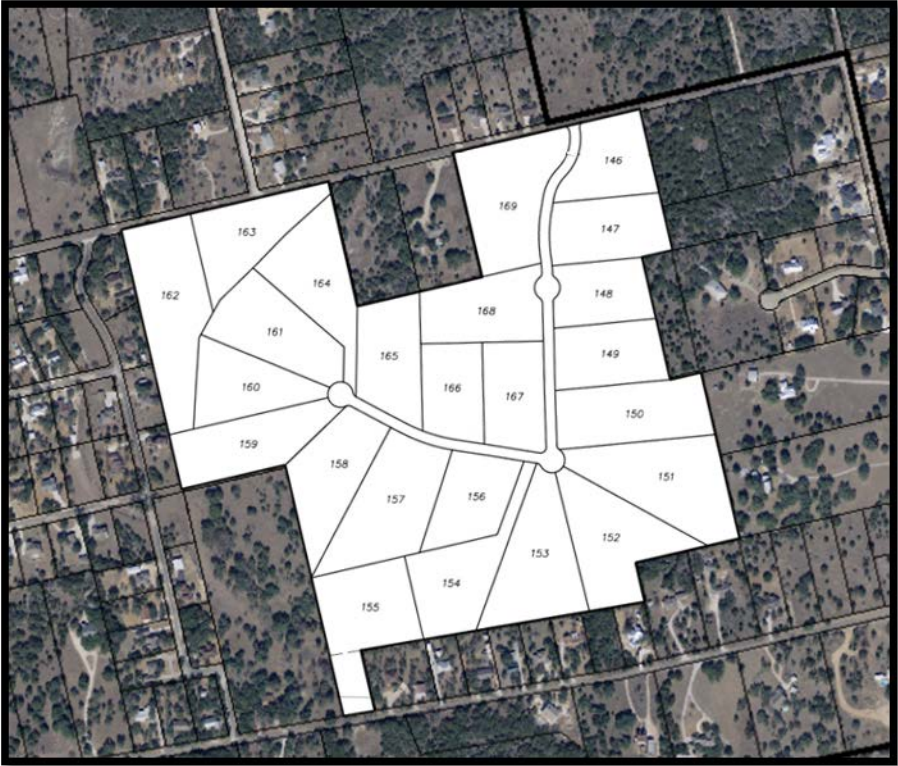
The applicant is requesting that the property be built similarly to other developments in the area and that it is a hardship to not have similar standards as adjacent properties.

- h. In granting the variance the spirit of the ordinance is observed and substantial justice is done.

The proposed variance to the street standard would be built to County standards.

**Recommendation:** Staff does not have any issues with the requested variances. However, staff recommends that should the variances be granted that the applicant activate the HOA and initiate the collection of fees in order to start allocating funds for the maintenance of the streets.

**Exhibit “A”  
Location Map**



**Exhibit "B"**  
**Plat**





## Finance

## ITEM 7.1

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

### Agenda Item Brief

**Meeting Date:** May 12, 2020

**Agenda Item:** Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2019-24; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020 FOR THE CITY OF BURNET, TEXAS, FUNDING ACCOUNTS IN BUDGET DUE TO UNFORESEEN SITUATIONS; CONTAINING FINDINGS PROVIDING FOR SAVINGS AND SEVERABILITY: P. Langford

**Background:**

**Information:** This ordinance provides for budget amendments, many of which were previously approved by Council.

There has been one change to Ordinance 2020-10 since the first reading on April 28, 2020 (see item 14 on Attachment "A").

**Fiscal Impact:** As noted on Attachment "A".

**Recommendation:** Approve and adopt Ordinance 2020-10 as presented

## **ORDINANCE NO. 2020-10**

**AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2019-24; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020, FOR THE CITY OF BURNET, TEXAS, FUNDING ACCOUNTS IN BUDGET DUE TO UNFORESEEN SITUATIONS; CONTAINING FINDINGS; PROVIDING FOR SAVINGS AND SEVERABILITY.**

**WHEREAS**, the City of Burnet, Texas Fiscal Year 2019-2020 Budget was adopted by Ordinance 2019-24 within the time and in the manner required by State Law; and

**WHEREAS**, the City of Burnet, Texas has reviewed the Budget; and

**WHEREAS**, the City Council of the City of Burnet, Texas has considered the status of the Capital Improvement Projects for the rest of the fiscal year; and

**WHEREAS**, the City Council of the City of Burnet, Texas hereby finds and determines that it is prudent to amend the line items due to unforeseen situations that have occurred in the City; and

**WHEREAS**, the City Council of the City of Burnet, Texas further finds that these amendments will serve in the public interest; and

**WHEREAS**, the City Council of the City of Burnet, Texas finds and determines that the change in the Budget for the stated municipal purpose is warranted and necessary, and that the amendment of the Budget to fund these line items due to unforeseen situations and a matter of public necessity warranting action at this time;

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

### **Section 1. Findings**

The facts and matters set out above are found to be true and correct.

### **Section 2. Purpose**

The City of Burnet, Texas, Fiscal Year 2019-2020 Budget is hereby amended to reflect effect of unforeseen circumstances,

### **Section 3. Savings/Repealing Clause**

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

#### **Section 4. Severability**

It is hereby declared to be the intention of the City Council that if any of the sections, paragraphs, sentences, clauses, and phrases of the Ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of unconstitutional or invalid phrases, clauses, sentences, paragraphs, or sections..

**PASSED AND APPROVED** the First Reading on this the 28<sup>th</sup> day of April, 2020.

**FINALLY PASSED AND APPROVED** on this 12<sup>th</sup> day of May, 2020.

---

Crista Goble Bromley, Mayor

**ATTEST:**

---

Kelly Dix, City Secretary

**ATTACHMENT A (COUNCIL MEETING 4/28/2020) - Page 1 of 2**

1. \$800,000 increase to Electric fund expenses for an operating transfer to the General Fund to move excess reserves. The cost will be covered by fund balance.
2. \$800,000 increase to Water/Wastewater fund expenses for an operating transfer to the General fund to move excess reserves. The cost will be covered by fund balance.
3. \$50,000 increase in the use of Hotel Motel funds to fund the 2021 Bluebonnet Festival Marketing Agreement with the Burnet Chamber of Commerce. The cost will be covered by Hotel Motel fund balance. (Council approved agreement during April 14<sup>th</sup>, 2020 City Council Meeting.)
4. \$300,000 increase in BEDC fund expenses to fund the Economic Viability Grant Program for the purpose of financial assistance for businesses impacted by the COVID-19 pandemic. The cost will be covered by BEDC fund balance. (Council approved second reading of R2020-05 during March 27<sup>th</sup>, 2020 Special City Council Meeting.)
5. \$250,000 increase in General fund emergency management expenses for COVID-19 emergency purchases. The cost will be covered by fund balance. (Council approved during March 24<sup>th</sup>, 2020 City Council Meeting.)
6. \$25,000 increase to the General Government Capital Project fund expenses to purchase new bullet proof vests for the Police Department. \$3,000 will be covered by the seizure fund balance and \$22,000 will be covered by General fund balance. (Council approved purchase during March 10<sup>th</sup>, 2020 City Council Meeting.)
7. \$15,750 increase to Self-Funded fund expenses to cover budget shortage for purchase of golf course equipment. The cost will be covered by transfers from the Golf Course fund to the Self-Funded fund. (Council approved equipment purchases during March 10<sup>th</sup>, 2020 City Council Meeting.)
8. \$1,500 increase to the Municipal Court Special Revenue fund expenses to purchase a new computer for the Judge. The cost will be covered by the Court Technology fund. (Council approved purchase during February 11<sup>th</sup>, 2020 City Council Meeting.)
9. \$50,000 increase to the General Government Capital Project fund expenses for the purchase of twelve sets of bunker gear and a gear dryer for the Fire Department. The cost will be covered by General fund balance. (Council approved purchase during February 11<sup>th</sup>, 2020 City Council Meeting.)

**ATTACHMENT A (COUNCIL MEETING 4/28/2020) – Page 2 of 2**

10. \$330,000 increase in Water/Wastewater Capital Project Fund expenses for the award of the contract to install a new 12" water line along Oak Vista Boulevard. \$165,000 of the cost will be covered by fund balance, and the remaining \$165,000 will be covered by Big Leaf, LTD. (Council approved during January 28th, 2020 City Council Meeting.)
11. \$169,568 increase to land acquisition expense in the General Government Capital Project fund for the purchase 18.47 acres next to GHRC. The cost will be covered by fund balance. (Council approved during January 3rd, 2020 City Council Meeting.)
12. \$10,000 increase to Hotel Motel fund expenses for the purchase of bluebonnet seeds. The cost will be covered by Hotel Motel fund reserves. (Council approved purchase during December 10th, 2019 City Council Meeting.)
13. \$38,000 increase to the Self-Funded fund expenses to correct budget for the purchase of Water/Wastewater Department work truck. The cost is being covered by transfers from the Water/Wastewater operating fund to the Self-Funded fund. (Council approved purchase during November 12, 2019 City Council Meeting.)
14. \$15,000 increase to the General Government Capital Project fund for upgrades to the Fire Department training tower. (Council approved upgrades during December 10, 2019 City Council Meeting.)



## Administration

## ITEM 7.2

David Vaughn  
City Manager  
(512)-715-3208  
dvaughn@cityofburnet.com

### Agenda Item Brief

**Meeting Date:** May 12, 2020

**Agenda Item:** Discuss and consider action: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS EXTENDING A DECLARATION OF LOCAL DISASTER; ESTABLISHING RULES AND REGULATIONS FOR THE DURATION OF THE DISASTER; RESTRICTING CERTAIN ACTIVITIES: D. Vaughn

**Background:**

**Information:** The attached ordinance continues the declarations of local state of disaster emergency for the City of Burnet, Texas until terminated and amends the latest proclamation issued by Mayor Crista Goble Bromley to align with the Texas Governor's Executive Order GA-19 and any future orders of the Governor of the State of Texas related to the COVID-19 Pandemic.

**Fiscal Impact:** Extending the disaster declaration is essential to help ensure we may be eligible for reimbursement for expenses incurred due to COVID-19.

**Recommendation:** Approve and adopt Ordinance No. 2020-11 as presented.

## **ORDINANCE 2020-11**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS EXTENDING A DECLARATION OF LOCAL DISASTER; ESTABLISHING RULES AND REGULATIONS FOR THE DURATION OF THE DISASTER; RESTRICTING CERTAIN ACTIVITIES.**

**WHEREAS**, pursuant to Ordinance No. 2020-09, adopted by City Council for reasons stated within the findings of said ordinance, the Mayor's declaration of local disaster and public health emergency in response to the COVID-19 pandemic was extended for a period of thirty days; and

**WHEREAS**, in response to the COVID-19 pandemic Burnet County Officials have declared a public health emergency and have issued executive orders consistent with such declaration; and

**WHEREAS**, as of May 4, 2020, the Center for Disease Control and Prevention reports:

- 1,152,372 COVID-19 reported cases and 67,456 deaths directly related to COVID-19 nationwide; and
- 31,548 COVID-19 reported cases and 867 deaths directly related to COVID-19 within the State of Texas; and
- 23 COVID-19 reported cases within the County of Burnet; and

**WHEREAS**, City officials continue to work collaboratively with County officials and with local health authorities to combat the COVID-19 pandemic; and

**WHEREAS**, on May 5, 2020, the Governor of the State of Texas issued an Executive Order relating to gradually reopening the economy from previous restrictions and provided the public with a report of extensive guidelines, which remains in effect until May 19, 2020; and

**WHEREAS**, the City Council, due to the continued imminent threat of disaster created by the COVID-19 pandemic, and pursuant to Texas Government Code Section 418.108(b), Texas Health and Safety Code, Sec. 122.006, and the police powers granted to the City as a home rule municipality has determined that it is necessary for the health, safety, and welfare of the citizens of Burnet to continue the declarations of local state of disaster emergency for the City of Burnet, Texas, until terminated, and to approve the Proclamation issued by Mayor Crista Goble Bromley related to the COVID-19 pandemic to align with the Texas Governor's May 5<sup>th</sup> Executive Order, and any future orders of the Governor of the State of Texas related to reopening the economy from the restrictions of the COVID-19 guidelines;

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

**SECTION 1.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

**SECTION 2.** The declaration of local state of disaster and, to the extent allowed by law, the state of public health emergency previously declared for the City of Burnet in response to the COVID-19 pandemic ("the Declaration"), by Mayor Crista Goble Bromley, and extended by City Council Ordinance No., 2020-09 is hereby extended until September 30, 2020, unless otherwise terminated or repealed by the Mayor or this City Council, or extended by this City Council.

**SECTION 3.** The Mayor's Proclamation issued on May 6, 2020, and attached hereto, is adopted and approved and shall continue in full force and effect to run concurrently with the Governor's May 5<sup>th</sup> Executive Order, and any other future Executive Orders which may be issued by the Governor of the State of Texas, unless otherwise terminated or repealed by the Mayor or this City Council, or extended by this City Council.

**SECTION 4.** The Mayor is hereby delegated and given the full power and authority of the City Council to review, ratify, and adopt any subsequent City of Burnet emergency orders necessary for the public health, safety, and welfare relating to the COVID-19 pandemic, provided such orders will expire in seven days unless approved by this City Council.

**SECTION 5.** The Declaration continues to activate the Emergency Management Plan utilized by the City of Burnet.

**SECTION 6.** The Declaration continues to activate the recovery and rehabilitation aspects of all applicable local or interjurisdictional emergency management plans, as well as the preparedness and response aspects of such plans.

**SECTION 7.** The sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, clause, sentence, paragraph or section should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections that can be given effect without the invalid provision, and to this end the provisions are severable.

**SECTION 8.** This Ordinance and the Mayor's Proclamation shall be given prompt and general publicity and shall be filed promptly with the City Secretary of the City of Burnet, Texas and forwarded to the State of Texas.

**SECTION 10.** This Ordinance shall take effect immediately from and after its issuance.

**PASSED, ADOPTED, APPROVED, AND EFFECTIVE THE 12<sup>th</sup> DAY of May, 2020.**

**CITY OF BURNET, TEXAS**

\_\_\_\_\_  
Crista Goble Bromley, Mayor

**ATTEST:**

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

CITY OF BURNET AMENDED PROCLAMATION CLARIFYING  
DECLARATION OF LOCAL DISASTER AND PUBLIC HEALTH  
EMERGENCY

**WHEREAS**, the Governor of the State of Texas has issued a statewide disaster declaration related to the COVID-19 pandemic, and on April 17, 2020, the Governor issued Executive Orders GA-15, GA-16 and GA-17, relating to a plan for the gradual reopening of the economy from previous orders related to the continuing COVID-19 pandemic; and

**WHEREAS**, the Governor of the State of Texas issued an Executive Order on May 5, 2020, relating to the expanded reopening of businesses as part of the safe, strategic plan to Open Texas in response to the COVID-19 disaster; and

**WHEREAS**, pursuant to powers granted to me under Texas Government Code Sections 418.108 and 418.1015, Chapter 81 of the Texas Health and Safety Code, and other relevant statutes, I, Crista Goble Bromley, Mayor of the City of Burnet, Texas, on March 24, 2020, issued a Declaration of Public Health Emergency and Disaster for the City due to the imminent threat of disaster posed by the COVID-19 pandemic; and

**WHEREAS**, City Council approved Ordinance 2020-09 extending the Declaration of Public Health Emergency and Disaster, effective for 30 days; and

**WHEREAS**, I have determined that additional measures must be taken to clarify the Declaration and Orders of the City of Burnet's to maintain consistency with the Governor's Executive Orders and the orders of Burnet County for the health, safety and welfare of our citizens.

NOW THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF BURNET, TEXAS THAT:

The following changes to the Declaration and Orders of the City of Burnet are effective on a city-wide basis, effective 12:01 a.m. on May 7, 2020:


**Order No. 1 All residents and businesses of the City of Burnet shall comply with all Executive Orders of the Governor of the State of Texas and such Executive Orders the Governor may issue in the future related to the COVID-19 pandemic. Any provision of the previous Declaration and Orders of the City of Burnet inconsistent with the Governor's Orders are hereby repealed.**

This Proclamation supersedes any provisions of previous Declarations and Orders on this matter that are in conflict or inconsistent with the terms herein or with the terms of any Executive Order of the Governor of Texas issued in response to the COVID-19 pandemic.

This Proclamation shall remain in effect and in full force through the date the Texas State Governor's Orders related to the COVID-19 are terminated.

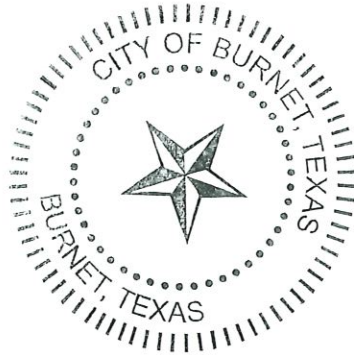
Given under my hand this the 6<sup>th</sup> day of May 2020.

CITY OF BURNET

  
Crista Goble Bromley, Mayor

ATTEST:

  
Kelly Dix, City Secretary





## Administration

## ITEM 7.3

David Vaughn  
City Manager  
(512)-715-3208  
dvaughn@cityofburnet.com

### Agenda Item Brief

**Meeting Date:** May 12, 2020

**Agenda Item:** Discuss and consider action: A RESOLUTION AUTHORIZING THE TRANSFER OF ALL CITY RIGHTS, TITLE AND INTEREST TO A 0.34 ACRE TRACT TO THE ABUTTING PROPERTY OWNER, HCR ELECTRONICS, BY QUIT CLAIM INSTRUMENT, SAVE AND EXCEPT THE RESERVATION OF PUBLIC UTILITY EASEMENT, SAVE AND EXCEPT THE RESERVATION OF PUBLIC UTILITY EASEMENT: D. Vaughn

**Background:** In the 1960's, TxDOT conveyed a narrow strip of land to the City along Hwy 281 South. This strip causes accessibility problems to the adjacent properties and could cause a title company to determine the property is landlocked. The City has no foreseeable need for the property, other than retaining a utility easement for existing utilities.

**Information:**

**Fiscal Impact:** None

**Recommendation:** Approve and adopt Resolution R2020-12 as presented.

## RESOLUTION NO. R2020-12

### A RESOLUTION AUTHORIZING THE TRANSFER OF ALL CITY RIGHTS, TITLE AND INTEREST TO A 0.34 ACRE TRACT TO THE ABUTTING PROPERTY OWNER, HCR ELECTRONICS, BY QUIT CLAIM INSTRUMENT, SAVE AND EXCEPT THE RESERVATION OF PUBLIC UTILITY EASEMENT, SAVE AND EXCEPT THE RESERVATION OF PUBLIC UTILITY EASEMENT

**Whereas**, Public Records of the Burnet County Clerk indicate the City may be the fee simple owner of that certain 0.34-acre tract of land, more or less out of the Lemuel Taylor Survey No. 8, Abstract No. 880 abutting a 1.452 acre tract owned by HCR Electronics and

**Whereas**, said tract of land is unusable to the City except as a public utility easement; and

**Whereas**, City Council deems it appropriate to authorize the transfer of any rights, title and interest in said tract of land, save and except the reservation of a public utility easement.

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

**Section one.** That the recitals to this Resolution are incorporated herein for all purposes.

**Section two.** That the instrument, attached hereto as **Exhibit "A"**, is hereby approved.

**Section three.** That the mayor is hereby authorized to execute a Quitclaim Deed in substantial form as **Exhibit "A"** and execute such other documents and take such other actions reasonably necessary to facilitate the purpose of this Resolution.

**Section four.** That this resolution shall take effect immediately upon its passage, and approval as prescribed by law.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THIS 12<sup>th</sup> DAY OF MAY 2020.**

**CITY OF BURNET, TEXAS**

---

Crista Goble Bromley, Mayor

**ATTEST:**

---

Kelly Dix, City Secretary

**EXHIBIT "A"**

**QUITCLAIM**

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

**THE STATE OF TEXAS   §  
                                  §       KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF BURNET   §**

**QUITCLAIM DEED**

The City of Burnet, a Texas home rule municipality, with its municipal offices located at 1001 Buchanan Drive, Suite 4, Burnet, Burnet County, Texas, acting by and through its Mayor, the Honorable Crista Goble Bromley, as Transferor, for a good and valuable consideration received, including the reservation from transfer stated herein, QUITCLAIMS, TRANSFERS, AND ASSIGNS to HCR Electronics, Inc., a corporation organized and existing under the laws of the State of Texas, whose mailing address is 2708 South Water, Burnet, Burnet County, Texas, as Transferee, all Transferor's right, title, and interest in and to that certain tract or parcel of real property located in Burnet County, Texas, described as follows:

A 0.034 acre tract of land, more or less out of the Lemuel Taylor Survey No. 8, Abstract No. 880 and more fully described as Tract A in the Boundary Exhibit and Metes and Bounds attached hereto as Exhibit "A" and incorporated herein for all purposes.

**RESERVATIONS FROM TRANSFER:** Transferor, for itself and its successors and assigns, retains a blanket public utility easement over the entirety of the above describe 0.034-acre tract of land.

Grantor, for the Consideration and subject to the Reservations from Transfer, hereby transfers TO HAVE AND TO HOLD all of Transferor's right, title, and interest in and to the Property, together with all and singular the rights and appurtenances belonging in any way to Transferor, by Transferee and Transferee's successors and assigns forever. Neither Transferor nor Transferor's successors or assigns shall have, claim, or demand any right, title, or interest in all, or any part of, the Property save and except the Reservations from Transfer.

*Signature page to follow.*

Executed to be effective as of the dates subscribe below:

**TRANSFEROR:  
CITY OF BURNET**

\_\_\_\_\_  
Crista Goble Bromley, Mayor

Acceptance of Transfer subject to terms and provisions set forth herein:

**TRANSFeree:  
HCR ELECTRONICS, INC.**

\_\_\_\_\_  
NAME

**STATE OF TEXAS       §  
COUNTY OF BURNET   §**

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, by Crista Goble Bromley, as mayor of the City of Burnet, on behalf of said municipal corporation.

(Seal)  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public Signature

**STATE OF TEXAS       §  
COUNTY OF BURNET   §**

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2020, by Glenn Morris, the President of HCR Electronics, Inc., on behalf of said Corporation.

(Seal)  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public Signature



## Administration

## ITEM 7.4

David Vaughn  
City Manager  
(512)-715-3208  
dvaughn@cityofburnet.com

### Agenda Item Brief

**Meeting Date:** May 12, 2020

**Agenda Item:** Discuss and consider action: A RESOLUTION AUTHORIZING THE TRANSFER OF ALL CITY RIGHTS, TITLE AND INTEREST TO A 0.199 ACRE TRACT TO THE ABUTTING PROPERTY OWNER, GSM LTD., BY QUIT CLAIM INSTRUMENT, SAVE AND EXCEPT THE RESERVATION OF PUBLIC UTILITY EASEMENT: D. Vaughn

**Background:** In the 1960's, TxDOT conveyed a narrow strip of land to the City along Hwy 281 South. This strip causes accessibility problems to the adjacent properties and could cause a title company to determine the property is landlocked. The City has no foreseeable need for the property, other than retaining a utility easement for existing utilities.

**Information:**

**Fiscal Impact:** None

**Recommendation:** Approve and adopt Resolution R2020-13 as presented.

## RESOLUTION NO. R2020-13

### **A RESOLUTION AUTHORIZING THE TRANSFER OF ALL CITY RIGHTS, TITLE AND INTEREST TO A 0.199 ACRE TRACT TO THE ABUTTING PROPERTY OWNER, GMSM LTD., BY QUIT CLAIM INSTRUMENT, SAVE AND EXCEPT THE RESERVATION OF PUBLIC UTILITY EASEMENT**

**Whereas**, Public Records of the Burnet County Clerk indicate the City may be the fee simple owner of that certain 0.199-acre tract of land, more or less out of the Lemuel Taylor Survey No. 8, Abstract No. 880 abutting a 2.74 acre tract owned by GMSM LTD; and

**Whereas**, said tract of land is unusable to the City except as a public utility easement; and

**Whereas**, City Council deems it appropriate to authorize the transfer of any rights, title and interest in said tract of land, save and except the reservation of a public utility easement.

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

**Section one.** That the recitals to this Resolution are incorporated herein for all purposes.

**Section two.** That the instrument, attached hereto as **Exhibit "A"**, is hereby approved.

**Section three.** That the mayor is hereby authorized to execute a Quitclaim Deed in substantial form as **Exhibit "A"** and execute such other documents and take such other actions reasonably necessary to facilitate the purpose of this Resolution.

**Section four.** That this resolution shall take effect immediately upon its passage, and approval as prescribed by law.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THIS 12<sup>th</sup> DAY OF MAY 2020.**

**CITY OF BURNET, TEXAS**

---

Crista Goble Bromley, Mayor

**ATTEST:**

---

Kelly Dix, City Secretary

**EXHIBIT "A"**

**QUITCLAIM DEED**

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

**THE STATE OF TEXAS   §  
                                      §  
COUNTY OF BURNET   §**

**KNOW ALL PERSONS BY THESE PRESENTS:**

**QUITCLAIM DEED**

The City of Burnet, a Texas home rule municipality, with its municipal offices located at 1001 Buchanan Drive, Suite 4, Burnet, Burnet County, Texas, acting by and through its Mayor, the Honorable Crista Goble Bromley, as Transferor, for good and valuable consideration received, and subject to the reservation from transfer stated herein, QUITCLAIMS, TRANSFERS, AND ASSIGNS to G.M.S.M., LTD., a Texas Limited Partnership, whose mailing address is 2708 South Water, Burnet, Burnet County, Texas, as Transferee, all Transferor's right, title, and interest in and to that certain tract or parcel of real property located in Burnet County, Texas, described as follows:

A 0.199 acre tract of land, more or less out of the Lemuel Taylor Survey No. 8, Abstract No. 880 and more fully described as Tract B in the Boundary Exhibit and Metes and Bounds attached hereto as Exhibit "A" and incorporated herein for all purposes.

**RESERVATIONS FROM TRANSFER:** Transferor, for itself and its successors and assigns, retains a blanket public utility easement over the entirety of the above describe 0.199 tract of land.

Grantor, for the Consideration and subject to the Reservations from Transfer, hereby transfers TO HAVE AND TO HOLD all of Transferor's right, title, and interest in and to the Property, together with all and singular the rights and appurtenances belonging in any way to Transferor, by Transferee and Transferee's successors and assigns forever. Neither Transferor nor Transferor's successors or assigns shall have, claim, or demand any right, title, or interest in all, or any part of, the Property save and except the Reservations from Transfer.

*Signature page to follow.*

Executed to be effective as of the dates subscribe below:

**TRANSFEROR:  
CITY OF BURNET**

By: \_\_\_\_\_  
Crista Goble Bromley, Mayor

Acceptance of Transfer subject to terms and provisions set forth herein:

**TRANSFeree:  
G.M.S.M., LTD, a Texas limited  
partnership**

By: \_\_\_\_\_  
Glenn E Morris, General Partner

By: \_\_\_\_\_  
Susan Morrey Morris, General Partner

*Acknowledgement page to follow.*

**STATE OF TEXAS           §**  
**COUNTY OF BURNET       §**

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, by the Crista Goble Bromley, as mayor of the City of Burnet, on behalf of said municipal corporation.

(Seal)  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public Signature

**STATE OF TEXAS           §**  
**COUNTY OF BURNET       §**

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2020, by Glenn E. Morris, General Partner, on behalf of G.M.S.M., LTD., a Texas Limited Partnership.

(Seal)  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public Signature

**STATE OF TEXAS           §**  
**COUNTY OF BURNET       §**

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2020, by Susan Morrey Morris, General Partner, on behalf of G.M.S.M., LTD., a Texas Limited Partnership.

(Seal)  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public Signature



## Development Services

### ITEM 7.5

Jason Lutz  
Development Services  
(512) 715-3215  
jlutz@cityofburnet.com

## Agenda Item Brief

**Meeting Date:** May 12, 2020

**Agenda Item:** Discuss and consider action: On requested variances for Wandering Oaks Circle located off County Road 100 in Oak Vista Subdivision (Legal Description: Lot numbers 80-83, 95-99, and lot 130). The requested variances are as follows:

1. Chapter 98 – Subdivisions, Sec. 98-42 Transportation Improvements, requiring all streets to be designed and constructed according to the City's TCSS, in order to allow chip seal paving.
2. Chapter 98 – Subdivisions, Sec. 98-42 Transportation Improvements, requiring curbs to be installed on both sides of all interior streets.
3. Chapter 98 – Subdivisions, Sec. 98-42 Street Lighting, required to be installed in the subdivision.

**Background:** The requested variances are in regards to a Preliminary Plat of Oak Vista Subdivision. This is a residential subdivision consisting of approximately 105.08 acres located north of County Road 100 (Scenic Oaks Drive), south and west of County Road 100 (Oak Vista Drive), and east of Billy Joe Fox Drive (see Exhibit A). The proposed subdivision includes twenty-one (21) residential lots ranging in size from 2.97 to 6.01 acres in size.

The preliminary plat and a corresponding variance, regarding maximum lengths for cul-de-sacs were approved by the P&Z Commission and City Council in June of 2019.

The proposed street located in this subdivision is a private street that will be owned and maintained by the subdivision via an HOA.

**Information:** The applicant is seeking a variance to the following regulations found in the City's Code of Ordinances.

**Variance Request # 1:** The applicant is to construct Wandering Oaks Circle to the Burnet County Road Standards.

**Code Requirement:** Sec. 98-42 Transportation Improvements, requiring all streets to be designed and constructed according to the City's TCSS, in order to allow chip seal paving.

**Variance Request # 2:** Applicant requests curb requirements be waived and that the street be constructed per County requirements, which allow streets without curbs.

**Code Requirement:** Chapter 98 – Subdivisions, Sec. 98-42 Transportation Improvements, requiring curbs to be installed on both sides of all interior streets.

**Variance Request # 3:** Applicant requests that street lighting not be required.

**Code Requirement:** Chapter 98 – Subdivisions, Sec. 98-42 Street Lighting, required to be installed in the subdivision.

Approval of a subdivision variance is required. The City of Burnet Code of Ordinances Sec. 98-82 states the following regarding variances to the subdivision standards:

"In granting approval of a request for variance, the Commission and Council shall conclude that the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the variance observes the spirit of this chapter and concludes that substantial justice is done. The Commission and Council shall meet the requirements listed below.

**Staff Analysis:** Staff has provided additional documents regarding the proposed cost of maintenance for the proposed County Road standard. Based on a 20-year estimate of the total maintenance cost for the roads comes to \$80,366.34. Given the number of lots (21) this comes to a yearly cost of 191.35 (per lot).

Below are staff's analysis of the request as it relates to the criteria for a variance:

- a. The public convenience and welfare will be substantially served.

The proposed subdivision consists of large rural lots, with the average lot size being 4.23 acres. Due to the low-density regarding homes and traffic, a desire to maintain consistency in the area, and a desire for a "Dark Sky" community. If the proposed variances are granted the public convenience and welfare will be substantially served, provided maintenance of the street is done in a timely and required manner.

- b. The appropriate use of surrounding property will not be substantially or permanently impaired or diminished.

The requested variances will have no adverse impact on the surrounding properties as those properties are developed to similar standards.

- c. The applicant has not created the hardship from which relief is sought.

As the applicant is the developer of the subdivision the request is self-imposed. However, the applicant is requesting that the development be allowed to develop to similar standards of the adjacent properties.

- d. The variance will not confer upon the applicant a special right or privilege not commonly shared or available to the owners of similar and surrounding property.

The requested variance does not confer upon the applicant any special right or privilege. As the variance process is available to all developers and the property would be developed similarly to adjacent properties.

- e. The hardship from which relief is sought is not solely of an economic nature.

The applicant is requesting that the property be built similarly to other developments in the area and that it is a hardship to not have similar standards as adjacent properties. The applicant also believes that this is not solely economic in nature as they are wanting to maintain a rural dark sky feel and stay consistent with the rural look of surrounding properties.

- f. The variance is not contrary to the public interest.

The proposed variance to the street standard would be built to County standards.

- g. Due to special conditions, the literal enforcement of this chapter would result in an unnecessary hardship.

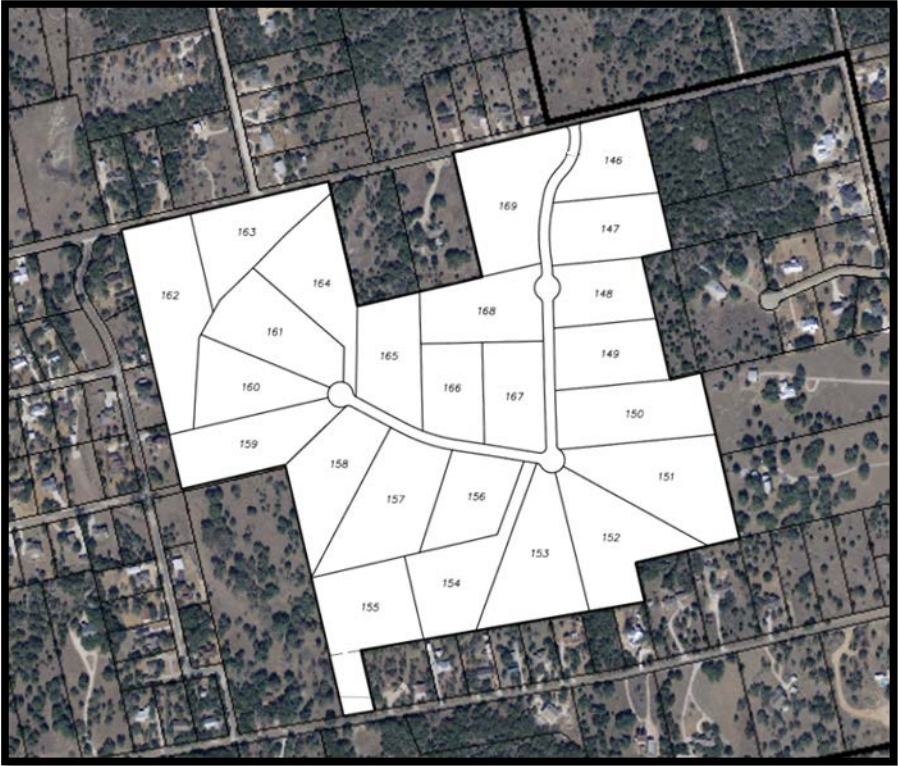
The applicant is requesting that the property be built similarly to other developments in the area and that it is a hardship to not have similar standards as adjacent properties.

- h. In granting the variance the spirit of the ordinance is observed and substantial justice is done.

The proposed variance to the street standard would be built to County standards.

**P&Z Recommendation:** P&Z recommended approval of all three requested variances with the condition that the applicant activate the POA and begin collecting dues in order to start accumulating funds for the maintenance of the infrastructure.

**Exhibit “A”  
Location Map**



**Exhibit "B"**  
**Plat**





## Administration

## ITEM 7.6

David Vaughn  
City Manager  
(512)-715-3208  
dvaughn@cityofburnet.com

### Agenda Item Brief

**Meeting Date:** May 12, 2020

**Agenda Item:** Discuss and consider action: A RESOLUTION AUTHORIZING THE RELEASE AND TERMINATION OF A 0.349 ACRE PUBLIC UTILITY EASEMENT RECORDED IN VOLUME 693, PAGE 357 OF THE PUBLIC RECORDS OF THE COUNTY CLERK OF BURNET COUNTY, TEXAS: J. Lutz

**Background:** In 1996 the Baptist Memorial Geriatric Center, of the County of San Saba, State of Texas granted a 0.343 acre Public Utility and Access Easement across its land which served a water line.

Ownership of the land now vests in Dillard Development & Consulting, LLC, who has developed the Pepper Mill Subdivision. In development of the subdivision the water line was rerouted and the easement is no longer needed.

**Information:** The Release and Termination Instrument contains and acknowledgment Dillard Development & Consulting, LLC, that the abandoned utilities will remain in place.

**Fiscal Impact:** None

**Recommendation:** Approve and adopt Resolution R2020-14 as presented.

**RESOLUTION NO. R2020-14**

**A RESOLUTION AUTHORIZING THE RELEASE AND TERMINATION OF  
A 0.349 ACRE PUBLIC UTILITY EASEMENT RECORDED IN VOLUME  
693, PAGE 357 OF THE PUBLIC RECORDS OF THE COUNTY CLERK OF  
BURNET COUNTY, TEXAS**

**Whereas**, the City received an Easement from the Baptist Memorial Geriatric Center, of the County of San Saba, State of Texas (hereinafter "Grantor") as a 0.349- acre Public Utility and Access Easement across Grantor's Property, and said Easement Instrument was recorded in the Public Records of the Office of the County Clerk, Burnet County, Texas on May 1, 1996, in Volume 693 at Page 357 (hereinafter the "Easement"); and

Whereas, the current owner of the underlying fee estate has requested the Easement be released; and

**Whereas**, the Director of Development Services has confirmed there is no further public need for the Easement; and

**Whereas**, upon such recommendation City Council deems it appropriate to authorize the release and termination of the Easement.

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

**Section one.** That the recitals to this Resolution are incorporated herein for all purposes.

**Section two.** That the Easement described in Volume 693 at Page 357 be released and terminated on condition the underlying fee owner accept the released and terminated easement with abandoned utilities remaining in the ground.

**Section three.** That the instrument, attached hereto as **Exhibit "A"**, is hereby approved.

**Section four.** That the mayor is hereby authorized to execute a Release and Termination of Easement Instrument in substantial form as **Exhibit "A"** and execute such other documents and take such other actions reasonably necessary to facilitate the purpose of this Resolution.

**Section five.** That this resolution shall take effect immediately upon its passage, and approval as prescribed by law.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS,  
THIS 12<sup>th</sup> DAY OF MAY 2020.**

**CITY OF BURNET, TEXAS**

\_\_\_\_\_  
Crista Goble Bromley, Mayor

**ATTEST:**

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

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

THE STATE OF TEXAS   §  
  §       **KNOW ALL PERSONS BY THESE PRESENTS:**  
COUNTY OF BURNET   §

**RELEASE AND TERMINATION OF PUBLIC UTILITY EASEMENT**

**WHEREAS**, the City Burnet, Texas, (hereinafter the "City"), received an Easement from the Baptist Memorial Geriatric Center, of the County of San Saba, State of Texas (hereinafter "Grantor") as a Public Utility and Access Easement across Grantor's Property, and said Easement Instrument was recorded in the Public Records of the Office of the County Clerk, Burnet County, Texas on May 1, 1996, in Volume 693 at Page 357 (hereinafter the "Easement"); and

**WHEREAS**, by Resolution No. R2020-14, passed and approved on the 12<sup>th</sup> day of May, 2020, the City Council determined that the Easement is no longer necessary; and

**WHEREAS**, the City desires to terminate and grant a release of the Easement; and

**WHEREAS**, a copy of the Easement Instrument, which includes a more particular description of the Easement is shown in **Exhibit "A"** attached hereto and incorporated herein for all purposes and has authorized such termination and release.

**NOW THEREFORE**, for ten dollars (\$10.00), the acceptance of this Release and Termination with utility lines capped and remaining in place, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and for the benefit of all present and future owners of the Property, or any portion thereof, the City has **RELEASED AND TERMINATED** and, by these presents, does **RELEASE AND TERMINATE** the Easement attached hereto as Exhibit "A".

It is expressly agreed and understood that this is a release of only said Easement and that this release does not release, affect or impair any other remaining easements as they may relate to the Property or any real property which is not included within the Property.

By execution hereof, the City confirms and acknowledges the Easement as recorded in the Public Records of the Office of the County Clerk, Burnet County, Texas on May 1, 2020, in Volume 693 at Page 357 will be of no further force or effect.

Signature page to follow.

**EXECUTED TO BE EFFECTIVE** the 12<sup>th</sup> day of May, 2020.

ATTEST:

**CITY OF BURNET, TEXAS**

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

\_\_\_\_\_  
Crista Goble Bromley, Mayor

It is understood and Agreed this Release and Termination of Easement is made at the request of the undersigned releasee as owner of the underlying fee estate. In consideration for the City's Release and Termination of Easement Releasee accepts same with all underground utility lines capped and remaining in place; and, shall holds the City of Burnet harmless, and fully indemnifies the City of Burnet against any third party claims which may arise from this Release and Termination of Easement.

**RELEASEE:**

**Dillard Development & Consulting, LLC**

\_\_\_\_\_  
Gary W. Dillard, Principal

**STATE OF TEXAS       §**  
**COUNTY OF BURNET   §**

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, by the Crista Goble Bromley, as mayor of the City of Burnet, on behalf of said municipal corporation.

(Seal)  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public Signature

**STATE OF TEXAS       §**  
**COUNTY OF BURNET   §**

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2020, by Gary W. Dillard, as Principal of Dillard Development & Consulting, LLC, on behalf of said Company.

(Seal)  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public Signature

PERMANENT PUBLIC UTILITY EASEMENT  
AND TEMPORARY CONSTRUCTION EASEMENT

3681

THE STATE OF TEXAS {

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF BURNET {

That BAPTIST MEMORIAL GERIATRIC CENTER, of the County of San Saba, State of Texas, hereinafter referred to as Grantor, for and in consideration of the sum of Ten (\$ 10.00) Dollars and other good and valuable consideration, to Grantors paid in hand by the CITY OF BURNET, the receipt and sufficiency of which is hereby acknowledged and confessed, and for which no lien, expressed or implied, is retained, have this day GRANTED and CONVEYED, and by these presents do grant and convey unto the CITY OF BURNET, TEXAS, a municipal corporation and political subdivision of the State of Texas, situated in Burnet County, Texas, the address of which is 127 East Jackson Street, Burnet, Texas 78611, an easement for the construction, operation, maintenance, replacement and repair of public utility lines and their appurtenances, upon and across the following described property, to-wit:

All that certain tract, piece or parcel of land, lying and being situated in the County of Burnet, State of Texas, described in EXHIBIT "A" attached hereto and made a part hereof for all purposes, to which reference is here made for a more particular description of said property.

TO HAVE AND TO HOLD the same perpetually to the City of Burnet, and its successors and assigns, together with the right and privilege at any and all times to enter said premises, or any part thereof for the purpose of constructing, operating, maintaining replacing and repairing said public utility lines, and for making connections therewith; all upon the condition that the City of Burnet will at all times after doing any work in connection with the construction, operation, maintenance, replacement, and repair of said public utility lines restore the surface of said premises to the condition in which the same was found before such work was undertaken.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on this the 23rd day of April, 1996.

Wayne N. Merrill  
President FOR THE  
BAPTIST MEMORIAL GERIATRIC CENTER

THE STATE OF TEXAS {

COUNTY OF BURNET {

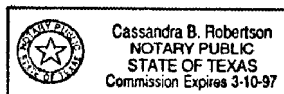
BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Wayne N. Merrill, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 23rd day of April, 1996.

Cassandra B. Robertson Notary Public in and for The State of Texas

Cassandra B. Robertson Printed Name of Notary and Notary Stamp

3/10/97 Date Notary Commission Expires



Vol. 693 Page 354

EXHIBIT "A"  
FIELD NOTE DESCRIPTION

BEING 0.343 ACRE OF LAND IN A PERMANENT EASEMENT AND 0.80 ACRE OF LAND IN TEMPORARY CONSTRUCTION EASEMENTS OUT OF AND A PART OF THAT CERTAIN TRACT OF LAND CALLED 20.00 ACRES, OUT OF THE JOHN HAMILTON SURVEY, ABSTRACT NO. 405, BURNET COUNTY, TEXAS, SAID 20.00 ACRES OF LAND HAVING BEEN CONVEYED TO BAPTIST MEMORIAL GERIATRIC CENTER BY BRENDA KEY AND BEING THE SAME TRACT OF LAND DESCRIBED IN A DEED RECORDED IN VOL. 644, PAGE 190, OF THE REAL PROPERTY RECORDS OF BURNET COUNTY, TEXAS; SAID PERMANENT EASEMENT BEING FIFTEEN ( 15 ) FEET IN WIDTH AND LYING SEVEN AND A HALF ( 7.5 ) FEET EITHER SIDE OF A CENTER LINE, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at an 1/2" Iron rod found marking the southeast corner of a 20.00 acre tract of land conveyed to the Baptist Memorial Geriatric Center by Brenda Key as recorded in Volume 644, Page 196 of the Deed Records of Burnet County, Texas and said iron rod also marking the southwest corner of the remaining acreage of a 121.245 acre tract of land conveyed to Brenda Key by Janet M. Smith as recorded in Volume 644, Page 196 of the Deed Records of Burnet County, Texas; THENCE with the east line of the said 20.00 acre tract N 11° - 46' - 35" W for a distance of 81.02 feet to the POINT OF BEGINNING for this Easement;

THENCE, across the said 20.00 acre Baptist Memorial Geriatric Center tract of land and coincident with the center line of a proposed 8 inch water line, for the following four (4) calls:

(1). S 78° - 13' - 25" W for a distance of 9.37 feet to a computed point;

(2). N 11° - 46' - 35" W for a distance of 34.78 feet to a computed point;

(3). N 73° - 23' - 04" W for a distance of 834.80 feet to a computed point;

(4). N 23° - 52' - 06" W for a distance of 112.57 feet to a 1/2" Iron rod found set in concrete marking an interior corner of the said Baptist Memorial Geriatric Center 20.00 acre tract and the southeast corner of a 20.00 acre tract of land conveyed to the Burnet Consolidated Independent School District as described in Volume 410, Page 417 of the Real Property Records of Burnet County, Texas, and being THE POINT OF TERMINATION for this Easement.

AND IN ADDITION HERETO:

A Temporary Construction Easement abutting said permanent easement, described herein, on both sides in so far as Grantor's property will allow, and said temporary construction easement shall be seventeen and a half ( 17.5 ) feet in width.

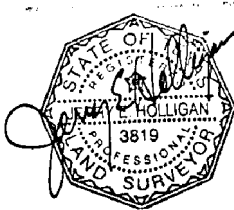
Said easements are illustrated on the attached Sketch to Accompany Field Notes which is made a part of this document for the purposes described herein.

As surveyed by:

INLAND ENGINEERING AND SURVEYING

Jerry E. Holligan  
R.P.L.S. No. 3819

JEH/fmh  
BRESMT4.wps  
2-19-96



VOL 693 PAGE 355



STATE OF TEXAS  
COUNTY OF BURNET

I hereby certify that this instrument was FILED on the date and at the time  
stamped hereon by me and was duly RECORDED in Volume 693  
Page 354-357 of the Real Property RECORDS  
of Burnet County, Texas.



*Janet Parker*  
JANET PARKER, COUNTY CLERK  
BURNET COUNTY, TEXAS  
BY *Janet Parker* Deputy

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL,  
OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR  
OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.  
THE STATE OF TEXAS  
COUNTY OF BURNET

I hereby certify that this instrument was FILED in the number  
Sequence on the date and at the time stamped hereon by me and was  
duly RECORDED in the Real Property  
Records Burnet County, Texas  
on 5-2-96



*Janet Parker*  
COUNTY CLERK  
BURNET COUNTY, TEXAS

COMPUTER

Vol 693-357

3631

FILED

96 MAY -1 PM 3:41

JANET PARKER  
COUNTY CLERK  
BURNET COUNTY, TEXAS

7d. 13.00

*City of Burnet*