



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 **9th day of June, 2020** at **6:00** 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/83335592075?pwd=VSs5QXRoRjBIMTduNIJpRnJoaU05dz09>

OR: Go to: www.zoom.us

Enter Webinar ID when prompted: 833 3559 2075 #

Enter Password when prompted: 886097 #

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: 833 3559 2075 #

Enter Password when prompted: 886097 #

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. 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.)

1.1) Approval of the June 2nd, 2020 Special City Council Meeting Minutes

2. PUBLIC HEARINGS:

2.1) Public Hearing: The City Council of the City of Burnet, Texas will conduct a public hearing regarding the Final Plat of Westfall Village, Phase I, part of a 51-lot single-family residential subdivision to be generally located in the southeastern quadrant of the intersection of Elm and Westfall Streets: J. Lutz

2.2) Public Hearing: Regarding a Final Plat of the Hills of Shady Grove, Section Seven, which is a 13-lot, single-family subdivision, further being described as 4.42 acres located adjacent to the 300-400 blocks of Shady Grove Parkway: J. Lutz

3. ACTION ITEMS:

3.1) 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

3.2) Discuss and consider action: SECOND READING OF AN ORDINANCE AMENDING ORDINANCE NO. 2012-06 BY AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 – “ZONING,” SECTION 118-20, CHART 1 FOR THE PURPOSE OF REVISING MINIMUM FRONT YARD SETBACKS ESTABLISHED FOR THE LIGHT COMMERCIAL – DISTRICT “C-1”, THE MEDIUM COMMERCIAL – DISTRICT “C-2”, AND THE HEAVY COMMERCIAL – DISTRICT “C-3” FOR THE PURPOSE OF REDUCING THE FRONT YARD SETBACK TO TWENTY FIVE FEET (25’); PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: J. Lutz

3.3) Discuss and consider action: SECOND READING OF AN ORDINANCE TO REZONE APPROXIMATELY 0.487 ACRES, LEGALLY DESCRIBED AS LOTS 3-A AND 3-B, BLOCK 24, OF THE PETER KERR PORTION OF THE CITY OF BURNET, FROM ITS PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL—DISTRICT “R-1” TO A DESIGNATION OF TOWNHOMES—DISTRICT “R-2A,” SAID TRACT BEING GENERALLY LOCATED AT THE NORTHEAST INTERSECTION OF N. VANDERVEER ST. AND E. POST OAK STREET; PROVIDING A REPEALER CLAUSE; PROVIDING A NON-SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: J Lutz

3.4) Discuss and consider action: SECOND READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET AMENDING THE CODE OF ORDINANCES SECTION 110-136 (ENTITLED "ELECTRIC CONNECTION FEES") AND SECTION 110-137 (ENTITLED "RESPONSIBILITY FOR CONNECTION OF ELECTRICAL SERVICE") BY REVISING THE ELECTRIC CONNECTION FEES, ELECTRIC METER INSTALLATION CHARGES, AND ELECTRIC TAP FEES; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: G. Courtney

3.5) 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 PHASE 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

3.6) Discuss and consider action: A RESOLUTION OF THE BURNET CITY COUNCIL APPROVING THE PROVISION OF A LETTER OF CREDIT AS AN ALTERNATIVE TO COMPLETING CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS REQUIRED FOR THE WESTFALL VILLAGE SUBDIVISION: J. Lutz

3.7) Discuss and consider action: The Final Plat of Westfall Village, Phase I, part of a 51-lot single-family residential subdivision to be generally located in the southeastern quadrant of the intersection of Elm and Westfall Streets: J. Lutz

3.8) Discuss and consider action: Regarding a Final Plat of the Hills of Shady Grove, Section Seven, which is a 13-lot, single-family subdivision, further being described as 4.42 acres located adjacent to the 300-400 blocks of Shady Grove Parkway: J. Lutz

3.9) Discuss and consider action: Burnet Housing Authority Board Appointments: K. Dix

3.10) Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS EXPANDING ON THE DECLARATION OF LOCAL DISASTER BY ESTABLISHING A RESIDENTIAL UTILITY CUSTOMER PAYMENT ASSISTANCE PROGRAM AND AUTHORIZING UTILITY PAYMENT ASSISTANCE TO RESIDENTIAL CUSTOMERS EXPERIENCING FINANCIAL HARDSHIP DUE TO THE COVID-19 PANDEMIC: D. Vaughn

3.11) Discuss and consider action: A RESOLUTION OF THE BURNET CITY COUNCIL REASSIGNING THE ROLE OF THE FIRM DENTON, NAVARRO, ROCHA, BERNAL & ZECH P. C. FROM CITY ATTORNEY TO SPECIAL COUNSEL AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN ENGAGEMENT AGREEMENT WITH THE FIRM: D. Vaughn

3.12) Discuss and consider action: A RESOLUTION OF THE BURNET CITY COUNCIL APPOINTING HABIB H. ERKAN JR, AS CITY ATTORNEY AND AUTHORIZING THE

CITY ATTORNEY TO DESIGNATE SPECIAL COUNSEL WHEN NECESSARY: D. Vaughn

4. OATH OF OFFICE:

4.1) The Oath of Office will be administered to, Habib H. Erkan, Jr., City Attorney: K. Dix

5. REPORTS:

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.

5.1(I.1) Code Enforcement Report: J. Lutz

6. REQUESTS FROM COUNCIL FOR FUTURE REPORTS:

7. ADJOURN:

Dated this 5th, day, of June, 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 June 5th, 2020, at or before 6 o'clock p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

Kelly Dix, City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS:

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

RIGHT TO ENTER INTO EXECUTIVE SESSION:

The City Council for the City of Burnet reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).

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

On this the 2nd day of June, 2020, the City Council of the City of Burnet, TX convened in Special Session, at 3:00 p.m., at the regular meeting place thereof. 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 were closed to public attendance. A toll free conference line was established for access via Zoom by calling 888-475-4499 Pin 224477; the following subjects were discussed, to-wit:

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

Guests: Mark Ingram, Habib Erkan, Adrienne Field, (present in Chambers) Gene Courtney, Jason Davis, Alex Copeland, James Wilson, Toshia Lowe, Kelli Sames, Patricia Langford, Sonia Tucker, Tina Morgan, Amber Cardenas (via Zoom call)

CALL TO ORDER: The meeting was called to order by Mayor Bromley, at 3:05 p.m.

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

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 May 26th, 2020 Special City Council Meeting minutes

Council Member Danny Lester 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, Thurman, Shanes, Clinton, Farmer, Talamantez and Mayor Bromley all voted in favor. The motion carried unanimously.

ACTION ITEMS:

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: No action taken.

Fire Chief Mark Ingram reported:

- Chief Ingram stated there were twenty-two additional cases reported for Burnet County for the past week with three fatalities.
- To date two hundred and twenty nine Corona Virus tests have been completed at the Fair Grounds and one hundred and sixty eight Corona Virus/Antibody tests have been completed at the Fire Station.
- Fire Department Staff will be testing all patients and staff at the Oaks Nursing Home on Wednesday, June 3rd.

City Manager David Vaughn reported:

- The City Manager requested feedback from Council on re-opening City Hall
- Council Member Lester stated he had no problem with keeping City Hall closed for now as the cases have increased, however he requested that the automated phone system be updated to be more user friendly.
- Council Member Clinton requested the Council Meetings be scheduled to 6:00 p.m. to accommodate working members instead of the 3:00 p.m. meetings

Discuss and consider action: A RESOLUTION OF THE CITY OF BURNET APPROVING AN ECONOMIC STIMULUS PROGRAM PROVIDING BUSINESS COMMERCIAL CUSTOMERS PUBLIC UTILITY PAYMENT ASSISTANCE: D. Vaughn: Council Member Philip Thurman made a motion to approve and adopt Resolution

R2020-18 as presented. Council Member Mary Jane Shanes seconded. Mayor Bromley recognized Amber Cardenas, owner of Bill's Burger who requested to speak to Council. Ms. Cardenas said that business is building back up slowly. The loss of March and April revenue has been extremely hard to get back on track. Mayor Bromley recognized Louis Johnson, Manager of Mama's Café. Mr. Louis stated that with the loss of March and April revenues and the restricted occupancy since re-opening the restaurant is still not recovering. Mr. Louis said his goal has been to not lay off employees, but it may be inevitable if business does not pick up. Both Mr. Louis and Ms. Cardenas expressed thanks to the Council for the Burnet Economic Development Corporations Loan Assistance Program and said that it had helped so much. City Secretary Kelly Dix called a roll vote. Council Members Thurman, Shanes, Clinton, Farmer, Talamantez and Mayor Bromley all voted in favor. Council Member Danny Lester was opposed. The motion carried with six in favor and one opposed.

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.

Building Permits Report: J. Lutz: None.

REQUESTS FROM COUNCIL FOR FUTURE REPORTS:

ADJOURN: There being no further business a motion to adjourn was made by Council Member Mary Jane Shanes at 4:06 p.m., seconded by Council Member Cindia Talamantez. City Secretary Kelly Dix called a roll vote. Council Members Lester, Shanes, Thurman, Clinton, Farmer, Talamantez and Mayor Bromley all voted in favor. The motion carried unanimously.

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 2.1

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

Agenda Item Brief

Meeting Date: June 9, 2020

Agenda Item: Public Hearing: The City Council of the City of Burnet, Texas will conduct a public hearing regarding the Final Plat of Westfall Village, Phase I, part of a 51-lot single-family residential subdivision to be generally located in the southeastern quadrant of the intersection of Elm and Westfall Streets: J. Lutz

Background: The Westfall Village subdivision will consist of 50-single-family residential lots plus one lot dedicated to stormwater management. The subdivision will contain two internal streets, Elmer Avenue and Mike Warner Rd.

The applicant is looking to Final Plat Phase I only, at this time. Phase I consists of 22 lots (1 detention lot and 21 single-family residential lots).

The preliminary plat was approved by P&Z and City Council in December 2019.

Information: The Westfall Village Final Plat has been reviewed using Code of Ordinances Section 98-24 (Final Plats) as a guide. It has been found to comply with ordinance requirements relating to form and content.

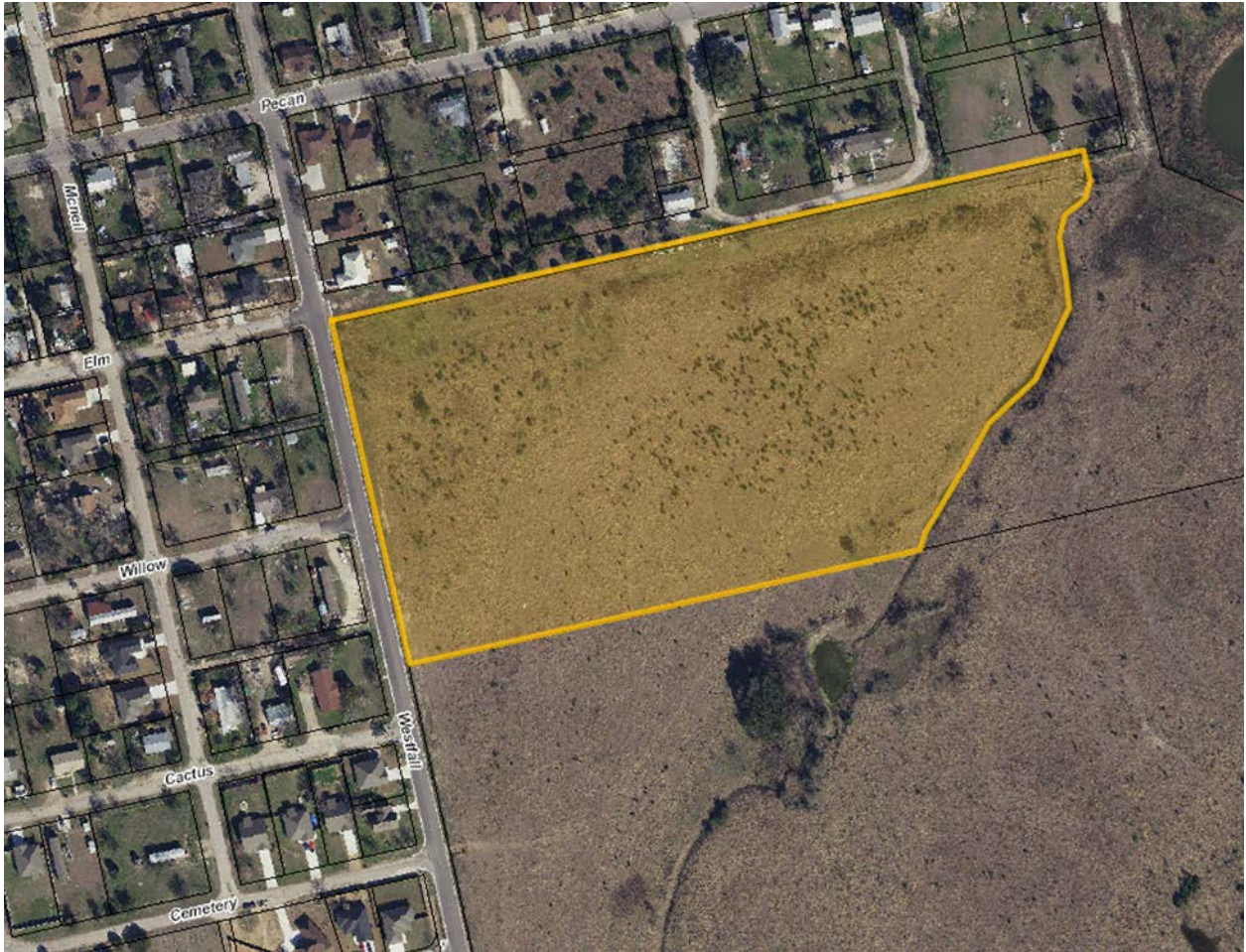
Staff Analysis: The Final Plat does meet the requirements of the ordinance, but some outstanding items must be cleared prior to the signing and recordation of the final plat. A list of outstanding documents & items remaining are as follows:

1. "As-builts" shall be submitted for review and approval to the City. either in an electronic format acceptable to the city or, if previously approved by city staff, on paper and shall show all infrastructure constructed.
2. Performance and Maintenance guarantees for all required improvements shall be provided and accepted by Council.
3. Applicable fees pursuant to city ordinance shall be paid.

4. A complete and accurate representation of the subdivision shall also be submitted in AutoCAD (.dwg) digital format.
5. The title and corresponding plat language need to be modified to "Final Plat of Westfall Subdivision, Phase I".
6. Add the following Plat Note: "Water / Wastewater Impact Fees
The City of Burnet has an ordinance implementing the assessment and collection of water and wastewater impact fees. The total amount assessed is established on the recordation date of this plat, based upon the impact fee ordinance in effect as of that date. The amount to be collected is determined as provided said ordinance and becomes effective, and due, on the date a building permit is issued, or on the connection date to the municipal water and/or wastewater system."
7. A temporary fire turn around must be constructed and maintained (at the end of Elmer Ave.) until such time as the street is completed and connected to Elm Street or Mike Warner Rd. This will prevent lot 12 from being developed until that time.

Recommendation: Open the public hearing.

Exhibit "A"
Location Map



**Exhibit “B”
Final Plat**

PROJECT NO. 1503
 PROJECT NAME: WESTFALL VILLAGE, PHASE 1
 PREPARED BY: CUPPLIN & ASSOCIATES, INC.
 DATE: 08/15/2017
 PROJECT NO. 1503

1500 OLLIE LANE
 MARBLE FALLS, TX 78654
 PHONE: 512.386.2000
 FAX: 512.386.2001
 WWW.CUPPLINANDASSOCIATES.COM



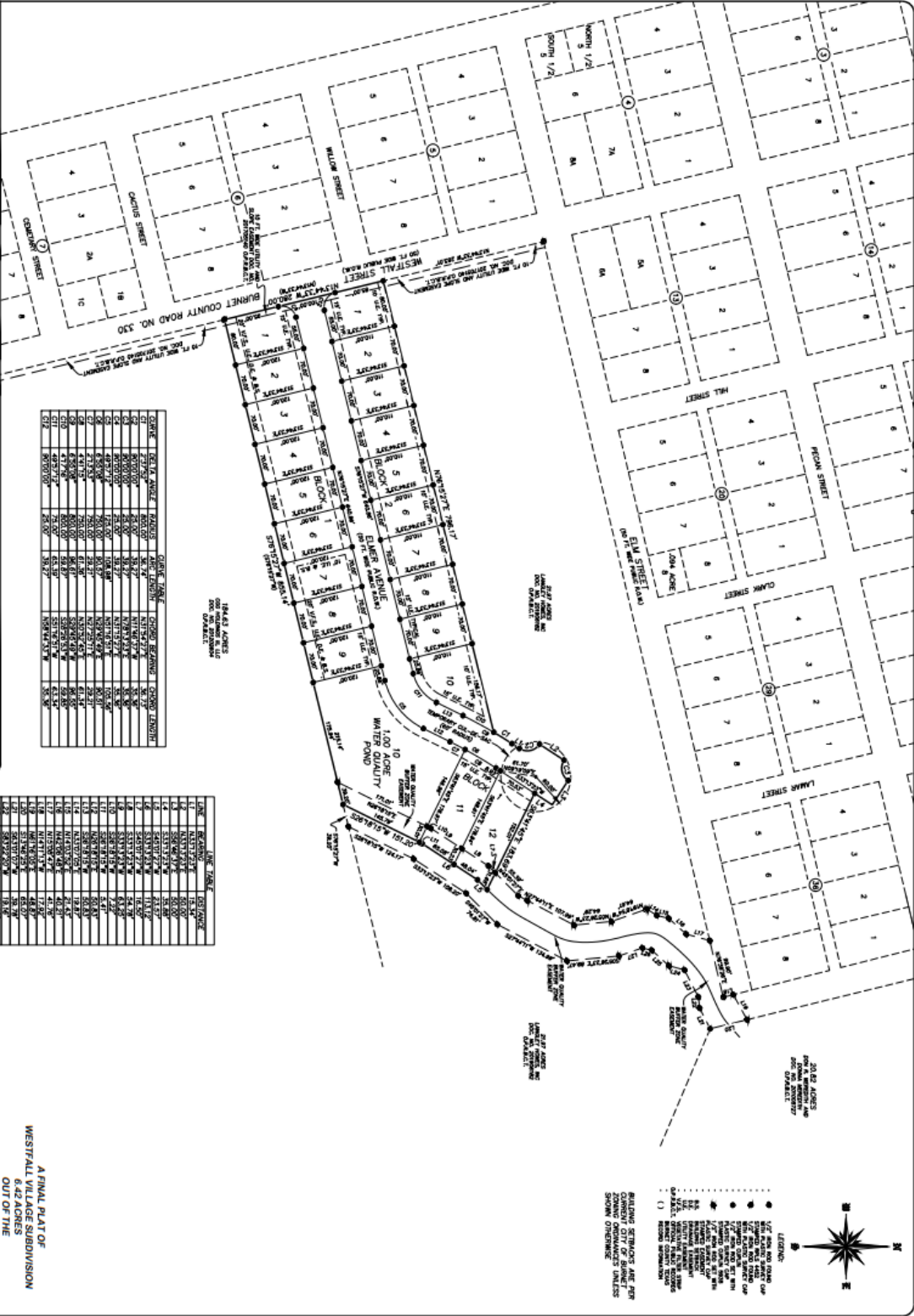
SCALE 1" = 100'
 DATE: 08/15/2017
 SHEET NO. 2 OF 2

NO.	REVISION
1	ISSUED FOR PERMIT

SHEET NO. 2 OF 2

LINE	BEARING	LENGTH	AREA
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A FINAL PLAT OF
 WESTFALL VILLAGE SUBDIVISION
 6.42 ACRES
 OUT OF THE
 SARAH ANN GUEST SURVEY NO. 1503
 CITY OF BURNET
 BURNET COUNTY, TEXAS



BUILDING SETBACKS ARE FROM
 CORNER OF LOT OR BURNET
 COUNTY ROAD 330 UNLESS
 SHOWN OTHERWISE UNLESS
 OTHERWISE NOTED



Development Services

ITEM 2.2

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

Agenda Item Brief

Meeting Date: June 9, 2020

Agenda Item: Public Hearing: Regarding a Final Plat of the Hills of Shady Grove, Section Seven, which is a 13-lot, single-family subdivision, further being described as 4.42 acres located adjacent to the 300-400 blocks of Shady Grove Parkway: J. Lutz

Background: The Hills of Shady Grove, Sec. VII is bounded to the north, east and south by The Hills of Shady Grove Subdivision and to the west by the Pepper Mill Subdivision. Shady Grove Sec. VII, Final Plat is approximately 4.42 acres and consist of 13 single-family lots. The preliminary plat was approved by P&Z and City Council in September of 2018.

Information: The Shay Grove Sec. VII Final Plat has been reviewed using Code of Ordinances Section 98-24 (Final Plats) as a guide. It has been found to comply with ordinance requirements relating to form and content.

Staff Analysis: The Final Plat does meet the requirements of the ordinance, but some outstanding items must be cleared prior to the signing and recordation of the final plat. A list of outstanding documents & items remaining are as follows:

1. "As-builts" shall be submitted for review and approval to the City. either in an electronic format acceptable to the city or, if previously approved by city staff, on paper and shall show all infrastructure constructed.
2. Park land fees as required by this chapter, if applicable, shall have been paid.
 - **Parkland Fees are \$3,250 for this project.**
3. Maintenance guarantees for all required improvements shall be provided and accepted by Council.
4. Applicable fees pursuant to city ordinance shall be paid.
5. A complete and accurate representation of the subdivision shall also be submitted in AutoCAD (.dwg) digital format.

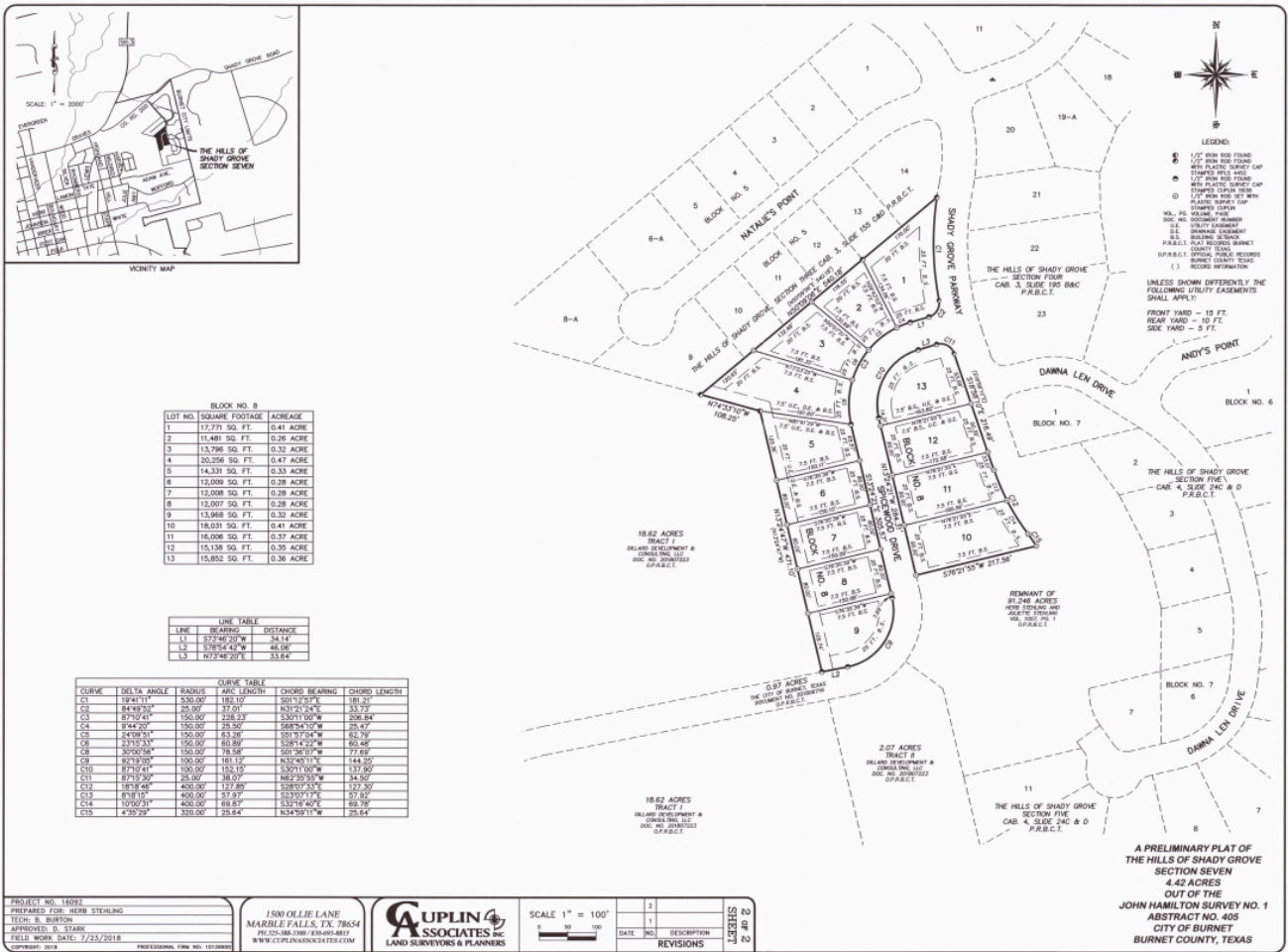
6. Add the following Plat Note: "Water / Wastewater Impact Fees
The City of Burnet has an ordinance implementing the assessment and collection of water and wastewater impact fees. The total amount assessed is established on the recordation date of this plat, based upon the impact fee ordinance in effect as of that date. The amount to be collected is determined as provided said ordinance and becomes effective, and due, on the date a building permit is issued, or on the connection date to the municipal water and/or wastewater system."
7. Update the street name from Spicewood Drive to "Colby Canyon", as requested by the developer and approved by Burnet 9-1-1.

Recommendation: Open the public hearing.

Exhibit "A"
Location Map



**Exhibit “B”
Final Plat**





Development Services

ITEM 3.2

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

Agenda Item Brief

Meeting Date: June 9, 2020

Agenda Item: Discuss and consider action: SECOND READING OF AN ORDINANCE AMENDING ORDINANCE NO. 2012-06 BY AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 – “ZONING,” SECTION 118-20, CHART 1 FOR THE PURPOSE OF REVISING MINIMUM FRONT YARD SETBACKS ESTABLISHED FOR THE LIGHT COMMERCIAL – DISTRICT “C-1”, THE MEDIUM COMMERCIAL – DISTRICT “C-2”, AND THE HEAVY COMMERCIAL – DISTRICT “C-3” FOR THE PURPOSE OF REDUCING THE FRONT YARD SETBACK TO TWENTY FIVE FEET (25’); PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: J. Lutz

Background: Staff presented changes regarding the proposed setback amendments to Council on May 12, 2020 and on May 26, 2020. During the discussion Council had some concerns regarding the proposed reduction in setbacks and Council instructed staff to review other options regarding the amendments for setbacks.

Information: Staff has outlined some possible options below.

Staff Analysis: **Options:**

- I. Zoning Overlay
 - a. We would need at least 3 zones to cover **most** of the C-3 Zoning in the City.
 - i. South (Airport area), east & west 29 (end of city). These are clusters.
 - b. Other C-3 is scattershot throughout the major streets.
 - c. Consider other regulations to go along with the overlay
 - i. Include updating site development, landscaping, land use chart, and other regs.

- d. Would require going back through the public process (P&Z and notifications).
 - e. Could complicate development process.
 - f. Would require going back through the public process (P&Z and notifications).
- II. Modify Existing Proposed Setbacks.
 - a. Commercial Setbacks could be modified by individual zone.
 - i. Example: C-1=25, C-2=30, C-3=50 (Unchanged)
 - ii. As long as setbacks are reduced to less than what was proposed we would not need to go back though the public process.
 - b. Reduces non-conforming structures need for variance.
 - i. Does not eliminate the occasional need for variance
 - ii. Would not create any additional non-conforming structures.
 - iii. Allows for some flexibility.
 - iv. Preserves larger setbacks for more intense uses.
 - v. Provides immediate relief to property owners with existing structures, by reducing setbacks for C-1 & C-2, which have similar land uses.
- III. Keep Existing Setbacks
 - a. Does not alleviate any variance requests.
 - b. Keeps development consistent with recent developments.
 - c. Less flexible
 - d. Ensures lots do not look overdeveloped with oversized buildings, but recommend updating landscaping regulations

P&Z Recommendation: P&Z recommended approval of the proposed amendment to reduce the front yard setbacks for the C-1, C-2, and C-3 zoning districts to 25'. Two Commissioners voted against the proposed amendments.

Staff Recommendation: Staff recommends approval of the setback amendments for C-1 & C-2 and recommends no change to the C-3 regulations.

ORDINANCE NO. 2020-13

AN ORDINANCE AMENDING ORDINANCE NO. 2012-06 BY AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 – “ZONING,” SECTION 118-20, CHART 1 FOR THE PURPOSE OF REVISING MINIMUM FRONT YARD SETBACKS ESTABLISHED FOR THE LIGHT COMMERCIAL – DISTRICT “C-1”, THE MEDIUM COMMERCIAL – DISTRICT “C-2”, AND THE HEAVY COMMERCIAL – DISTRICT “C-3” FOR THE PURPOSE OF REDUCING THE FRONT YARD SETBACK TO TWENTY FIVE FEET (25’); PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Zoning Administrator proposed certain amendments to the setback requirements in Section 118-20 of the City Code; and

WHEREAS, on May 4, 2020, the Planning and Zoning Commission conducted a public hearing for the purpose of taking public comment regarding the proposed amendments; and

WHEREAS, at the conclusion of the public hearing , the Planning and Zoning Commission made a recommendation to City Council as to the merits of the proposed amendments; and

WHEREAS, on May 12, 2020 City Council conducted a public hearing for the purpose of taking public comment regarding the proposed amendments; and

WHEREAS, The City Council, based on due consideration of the Planning and Zoning Commission recommendation as well as its own deliberations did determine that enacting said Code of Ordinance amendments will serve to promote the public health, safety, morals, and the general welfare of the city and its present and future residents;

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

Section 1. Amendment. The Code of Ordinances, Chapter 118 (entitled “Zoning”) Section 118-20 (entitled “General requirements and limitations”) is hereby amending by adding the language that is underlined (underlined) and deleting the language that is stricken (~~stricken~~) to Chart 1 as follows:.

Chapter 118, Sec. 118-20 – General requirements and limitations—Chart 1 is hereby amended follows.

Chart 1

Zoning District	Front Yard Setback	Side Yard Setback	Street Side Yard Setback	Rear Yard Setback	Min. Lot S.F. Area	Min. Lot Width	Max. Height Limit
R-1	20 ft. for any road over 31 ft. of pavement 25 ft. for roads less than 31 ft.	7½ ft.	15 ft.	15 ft.	7,600 s.f.	60 ft.	35 ft. for structures over 1,500 s.f. 30 ft. for structures under 1,500 s.f.
R-1 E	30 ft.	15 ft.	15 ft.	15 ft.	1 acre	150 ft.	30 ft.
R-2	25 ft. for two unit 30 ft. for three and four unit	10 ft.	15 ft.	10 ft. 15 ft. when abutting R-1	4,500 s.f. per unit	75 ft.	35 ft.
R-2 A	25 ft. for two connected units 30 ft. for three or four connected units	10 ft. between structures	15 ft.	10 ft. 15 ft. when abutting R-1	4,500 s.f. per unit	75 ft.	35 ft.
R-3	50 ft.	10 ft. and one foot per unit	15 ft.	10 ft. 15 ft. when abutting R1	4,000 s.f. per unit	150 ft.	35 ft.
M-1	20 ft. for any road over 31 ft. of pavement 25 ft. for roads less than 31 ft.	7½ ft.	15 ft.	15 ft.	7,600 s.f.	60 ft.	35 ft. for structures over 1,500 s.f. 30 ft. for structures under 1,500 s.f.

M-2	50 ft.	10 ft. and one foot per unit	15 ft.	10 ft. 15 ft. when abutting R-1	4,000 s.f. per unit	150 ft.	35 ft.
OS	25 ft.	10 ft.	15 ft.	25 ft.	7,500 s.f.	60 ft.	35 ft.
A	25 ft.	25 ft.	15 ft.	25 ft.	2 Acres	150 ft.	35 ft.
Gov	25 ft.	15 ft.	15 ft.	15 ft.	7,600 s.f.	60 ft.	35 ft.
NC	20 ft. for any road over 31 ft. of pavement 25 ft. for roads of less than 31 ft.	7½ ft.	15 ft.	15 ft.	7,600 s.f.	60 ft.	35 ft.
C-1	25 50 ft.	15 ft.	15 ft.	15 ft.	10,000 s.f.	50 ft.	35 ft.
C-2	25 50 ft.	15 ft.	20 ft.	15 ft.	10,000 s.f.	60 ft.	35 ft.
C-3	50 ft.	15 ft. for single tenant 25 ft. for multi-tenant	20 ft.	15 ft.	10,000 s.f.	60 ft. for single-tenant 100 ft. for multi-tenant	35 ft.
I-1	25 ft.	25 ft.	25 ft.	25 ft.	10,000 s.f.	50 ft.	60 ft.
I-2	25 ft.	25 ft.	25 ft.	25 ft.	10,000 sf.	60 ft.	60 ft.
PUD	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Section 2. Findings. 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 Council.

Section 3. Penalty. A violation of this ordinance is unlawful and subject to City Code of Ordinances Sec. 1-6 (entitled “general penalty”).

Section 4. Cumulative. This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event Section 5, (entitled “Repealer”) shall be controlling.

Section 5. Repealer. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the

extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 6. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 7. TOMA Compliance. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was conducted in compliance with the Texas Open Meeting Act as modified by Executive Orders of the Governor of the State of Texas in response to the COVID-19 pandemic.

Section 8. Publication. The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

Section 9. Notice. The City Secretary is hereby directed to publish notice of this Ordinance, in substantial form as **Exhibit “A”**, as required by Section 3.14 of the City Charter and the laws of the State of Texas.

Section 10. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof and publication as required by law.

Passed on first reading on the 26th day of May, 2020

Passed and Adopted on the 9th day of June, 2020

CITY OF BURNET

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

EXHIBIT "A"

PUBLIC NOTICE

IN ACCORDANCE WITH SECTION 3.14 OF THE CHARTER OF THE CITY OF BURNET, TEXAS THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS PROVIDES NOTICE OF THE READING AND ADOPTION OF ORDINANCE NO. 2020-13 AS FOLLOWS:

AN ORDINANCE AMENDING ORDINANCE NO. 2012-06 BY AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 – "ZONING," SECTION 118-20, CHART 1 FOR THE PURPOSE OF REVISING MINIMUM FRONT YARD SETBACKS ESTABLISHED FOR THE LIGHT COMMERCIAL – DISTRICT "C-1", THE MEDIUM COMMERCIAL – DISTRICT "C-2", AND THE HEAVY COMMERCIAL – DISTRICT "C-3" FOR THE PURPOSE OF REDUCING THE FRONT YARD SETBACK TO TWENTY FIVE FEET (25'); PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

VIOLATION OF THE ORDINANCE IS A CLASS "C" MISDEMEANOR AND THE MAXIMUM FINE UPON CONVICTION IS \$2000.00



Development Services

ITEM 3.3

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

Agenda Item Brief

Meeting Date: June 9, 2020

Agenda Item: Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE TO REZONE APPROXIMATELY 0.487 ACRES, LEGALLY DESCRIBED AS LOTS 3-A AND 3-B, BLOCK 24, OF THE PETER KERR PORTION OF THE CITY OF BURNET, FROM ITS PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL—DISTRICT “R-1” TO A DESIGNATION OF TOWNHOMES—DISTRICT “R-2A,” SAID TRACT BEING GENERALLY LOCATED AT THE NORTHEAST INTERSECTION OF N. VANDERVEER ST. AND E. POST OAK STREET; PROVIDING A REPEALER CLAUSE; PROVIDING A NON-SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: 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: Approve and adopt Ordinance 2020-12 as presented.

ORDINANCE NO. 2020-12

AN ORDINANCE TO REZONE APPROXIMATELY 0.487 ACRES, LEGALLY DESCRIBED AS LOTS 3-A AND 3-B, BLOCK 24, OF THE PETER KERR PORTION OF THE CITY OF BURNET, FROM ITS PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL—DISTRICT “R-1” TO A DESIGNATION OF TOWNHOMES—DISTRICT “R-2A,” SAID TRACT BEING GENERALLY LOCATED AT THE NORTHEAST INTERSECTION OF N. VANDERVEER ST. AND E. POST OAK STREET; PROVIDING A REPEALER CLAUSE; PROVIDING A NON-SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, The Planning and Zoning Commission of the City of Burnet, on May 4, 2020, did conduct a public hearing for the purpose of taking public comment regarding the proposal to assign Townhomes—District “R-2A” to approximately 0.487 acres legally described as Lots 3-A and 3-B of the Peter Kerr Portion of the city, and being generally located at the northeast intersection of N. Vanderveer St. and E. Post Oak Street; and

WHEREAS, The City Council of the City of Burnet, on May 12, 2020 did conduct its own public hearing for the purpose of taking public comment regarding the proposal to assign Townhomes—District “R-2A” to approximately 0.487 acres legally described as Lots 3-A and 3-B of the Peter Kerr Portion of the city, and being generally located at the northeast intersection of N. Vanderveer St. and E. Post Oak Street; and

WHEREAS, The City Council, based on due consideration of the Planning and Zoning Commission recommendation, and its own findings, did determine that assigning Townhomes—District “R-2A” to approximately 0.487 acres legally described as Lots 3-A and 3-B of the Peter Kerr Portion of the city, and being generally located at the northeast intersection of N. Vanderveer St. and E. Post Oak Street to be consistent with development patterns in the surrounding area and consistent with the best public interest of the City;

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

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

Section 2. Zoning Changed. Approximately 0.487 acres legally described as Lots 3-A and 3-B of the Peter Kerr Portion of the city, and being generally located at the northeast intersection of N. Vanderveer St. and E. Post Oak Street is hereby assigned a zoning designation of Townhomes—District “R-2A”.

Section 3. Repealer. Other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

Section 4. Severability. This Ordinance is not severable.

Section 5. Effective Date. This ordinance is effective upon final passage and approval.

Section 6. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was conducted in compliance with the Texas Open Meeting Act as modified by Executive Orders of the Governor of the State of Texas in response to the COVID-19 pandemic.

PASSED AND APPROVED on First Reading this 26th day of May, 2020.

FINALLY PASSED AND APPROVED on this 9th day of June, 2020.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Public Works

ITEM 3.4

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

Agenda Item Brief

Meeting Date: June 9, 2020

Agenda Item: Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET AMENDING THE CODE OF ORDINANCES SECTION 110-136 (ENTITLED "ELECTRIC CONNECTION FEES") AND SECTION 110-137 (ENTITLED "RESPONSIBILITY FOR CONNECTION OF ELECTRICAL SERVICE") BY REVISING THE ELECTRIC CONNECTION FEES, ELECTRIC METER INSTALLATION CHARGES, AND ELECTRIC TAP FEES; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: G. Courtney

Background: Council and staff previously had conversations about reviewing the Tap Fees in the City Ordinance. Staff's review was specific to a few areas. First, how did the body of the Code present the charge for service installation and what work went into providing that service. Second, does the current ordinance represent the actual true cost of providing those services with today's city practices

Information: After review staff has decided to remove the terms Standard and Non-standard tap fee and create an Installation Charge and a Tap Fee. This change is to separate the two processes and identify the appropriate charges for each one. The electrical connection charge will go from \$450.00 to \$500.00.

There have been no changes to Ordinance 2020-14 since the first reading on May 26, 2020

Fiscal Impact Minimal

Recommendation: Approve and adopt Ordinance 2020-14 as presented.

ORDINANCE NO. 2020-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET AMENDING THE CODE OF ORDINANCES SECTION 110-136 (ENTITLED “ELECTRIC CONNECTION FEES”) AND SECTION 110-137 (ENTITLED “RESPONSIBILITY FOR CONNECTION OF ELECTRICAL SERVICE”) BY REVISING THE ELECTRIC CONNECTION FEES, ELECTRIC METER INSTALLATION CHARGES, AND ELECTRIC TAP FEES; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City is a provider of electricity to its citizens; and

WHEREAS, the provision of electricity includes the costs for electric current, reading electric meters, constructing and repairing electric infrastructure and connect service and meters for new customers; and

WHEREAS, City Council’s objective in setting electricity related fees is to impose fees in an amount that will allow the City to cover the costs for providing electricity so that electricity service is self-sufficient and not reliant on the general fund; and

WHEREAS, City Council’s purpose for these amendments is to assure the fee setting objectives are met and to clarify how other subsections of Sections 110-136 and 110-137 of the Code are to be applied.

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

Section one. Code Amendment. The Code of Ordinances of the City of Burnet, Chapter 110 (entitled “Utilities”) Section 110-136 (entitled “General requirements and limitations”) is hereby amended by replacing the existing language in its entirety with the language that follows:

Sec. 110-136. - Electric Connect Fees.

(a) *Connection Fees.* Connections with the municipal electric system are as follows:

- (i) *Existing Tap.* Connections fees for new service with an existing tap shall be charged an Electric Meter Installation Charge as state in Table 110-136(a).
- (ii) *No existing Tap.* Connections with the municipal electric system without an existing tap shall be charged an Electrical Meter Installation Charge stated in Table 110-136(a); and, an Electric Tap Fee as stated in Section 110-136(c).

Table 110-136(a). Electric Meter Installation Charge

Meter Type and Size	Meter Installation Charge
200-amp 2s	\$500.00
Meters exceeding 200-amp 2s	\$500.00 plus all additional costs

- (b) *Hardware Provided.* The Meter Installation Charge shown in **Table 110-136(a)** covers the cost of one 200-amp meter and one meter socket. In addition, if needed, the city will provide any customer with one pole mounted transformer of such KVA as the city determines to be adequate to service the meter up to 50 KVA. Customer shall bear any additional costs should the load require a transformer larger than 50 KVA.
- (c) *Electric Tap Fee.* Connections with the municipal electric system without an existing tap shall require payment of an Electric Tap Fee. As the City's costs for providing an Electric Tap will vary depending on accessibility to the service line, the Electric Tap Fee shall be equal to the total cost of installation, including materials, equipment, and labor. Electric Tap Fee may include, but are not limited to, cutting across a right-of-way, road repairs, cutting through rock and all costs associated with easement acquisition (including land surveying, easement purchase price, and attorney fees). Additionally, the Electric Tap Fee will include costs the City incurs for devoting staff to complete an electric tap project.
- (d) *Payment due in advance.* Payment of the Electric Meter Installation Charge and the Electric Tap Fee shall be paid in full prior to city issuing the work order. In the case of the Electric Tap Fee, an estimate shall be made as to the final costs and the customer shall pay the estimated final costs in advance. At the completion of the work, the actual final costs of the Electric Tap shall be calculated. Should the actual costs of the Electric Tap exceed the estimated costs the customer shall pay the difference. Should the actual costs be less than the estimated final costs the City shall refund the difference

Section two. Code Amendment. The Code of Ordinances of the City of Burnet, Chapter 110 (entitled "Utilities") Section 110-137 (entitled "Responsibility for connection of electrical service") is hereby amended by replacing the existing language in its entirety with the language that follows:

Sec. 110-137. - Responsibility for connection of electrical service.

- (a) All connections of electrical service shall comply with the current National Electric Codes as adopted and amended by the city.
- (b) *Overhead secondary service lines.* Upon the customer's payment of all fees associated with new construction the city will supply overhead secondary service lines subject to the following:
- (i) *Construction plans.* Prior to city issuing a work order the customer shall provide a plan for the building or other permanent facility.

- (ii) *Service extension.* The city shall determine the type and location of the service extension and shall connect to customer-installed wiring; provided the customer-installed wiring is in compliance with regulatory requirements.
 - (iii) *Customer's request.* Upon a request by customer the city may change the point of delivery; provided customer pays any actual costs associated with the request. The final determination as to the location of the point of delivery shall always rest with the city; and the city may refuse any request for a change in the point of delivery.
 - (iv) *Attachment Poles.* Customers shall be responsible for providing a suitable attachment point for installation of the service line. The attachment must comply with chapter 22 of this code; and with applicable codes published by the state, or other regulatory bodies. In the event of a conflict between regulatory publications the most stringent regulation, as determined by the city, shall apply.
- (c) *City meter pole.* Customers may request service be delivered to a city meter pole. In such cases, customers must provide an approved service meter loop on the pole. Customers must also install and pay for any service line required beyond the meter pole. The final determination as to service delivery via a city metered pole shall always rest with the city; and the city may refuse any request for service delivery via a city metered pole.
- (d) *Underground service lines.* Customers are responsible for installing and maintaining underground secondary service lines from the point of delivery to the main disconnect switch and service center. The city will assume no responsibility for the connection or the use of such connections.
- (e) *Connection fees.* Customer shall be responsible for payment of electric connection fees as provided in Section 110-136 of this article prior to city's issuance of any work order.
- (f) *Prohibition.* No person shall provide, or cause to be provided, electrical service to any improved property within the corporate limits of the city by any means other than connection to the city electrical system, or, if the improved property is in a retail public utility's certificate of convenience and necessity area, by connection to a retail public utility authorized by the Public Utility Commission of Texas to provide electricity within the certificate of convenience and necessity area. It shall be an exception to this prohibition to provide emergency electrical service as authorized in subsection (f).
- (g) *Emergency electrical service.* This section provides an exception to the prohibition stated in subsection (e) during times of emergency. For the purposes of this exception an emergency occurs only when city, or retail public utility as the case may be, electric service is temporarily disrupted to an improved property due to weather or other factors outside the control of the city or retail public utility. The use of a generator to provide

electricity to an improved property in an emergency is allowed; provided however, upon restoration of electricity by the city to the improved property the use of the generator shall cease. The operation of an emergency generator shall comply with applicable safety requirements of the International Fire Code and International Building Code. Disconnection of city services by the city shall not constitute an emergency under this subsection.

- (h) *Disconnect required.* Customers shall provide a main disconnect to the customer's electric system. The main disconnect shall be placed in an exterior location, readily accessible to city. The location of the main disconnect to any electric system disconnect that is equal to, or exceeds 800 amps, shall be determined by the city on a case by case basis.

Section three. Findings. 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 Council.

Section four. Penalty. A violation of this ordinance is unlawful and subject to penalty as prescribed in City Code of Ordinances Sec. 1-6 (entitled "*general penalty*").

Section five. Cumulative. This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event section six shall apply.

Section six. Repealer. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section seven. Severability. Pursuant to Code of Ordinances of the City of Burnet, Section 1-7, if any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the city council in adopting, and of the mayor in approving this Ordinance, that no portion of this Ordinance, or provision or regulation contained in this Ordinance, shall become inoperative or fall by reason of any unconstitutionality or invalidity of any other portion, provision or regulation.

Section eight. TOMA Compliance. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code; as suspended, or otherwise modified, by executive orders of the governor of this state in response to the COVID-19 pandemic.

Section nine. Publication. The publishers of the City Code of Ordinances are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

Section ten. Notice. The City Secretary is hereby directed to publish notice of this Ordinance, as required by Section 3.14 of the City Charter and the laws of the State of Texas.

Section eleven. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof and publication as required by law.

Passed on first reading on the 26th day of May, 2020

Passed and Adopted on the 9th day of June, 2020

CITY OF BURNET

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 3.5

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

Agenda Item Brief

Meeting Date: June 9, 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 PHASE 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 Two of the Pepper Mill Subdivision.

The Final Plat of Phase II was approved in December of 2019 with the condition that the applicant meet all requirements of Chapter 98 – Subdivision of the City's Code of Ordinances.

Phase I of the subdivision was accepted by City Council on March 24, 2020. Financial guarantees were provided as part of that acceptance and those guarantees included Phase II. The Applicant will be providing an updated list of items regarding the LOC for performance and this LOC will remove items that have been completed and include funds for any additional drainage and grading issues as a contingency.

Information: Dillard Development & Consulting, LLC has completed construction of subdivision improvements located in Phase 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 regarding the project.

Fiscal Impact: N/A

Recommendation: Approve and adopt Resolution R2020-19 as presented.

RESOLUTION NO. R2020-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ACCEPTING PUBLIC STREET, WATER, WASTEWATER, AND ELECTRICAL IMPROVEMENTS CONSTRUCTED WITHIN PHASE 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 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 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 9th day of June, 2020.

CITY OF BURNET

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 3.6

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

Agenda Item Brief

Meeting Date: June 9, 2020

Agenda Item: Discuss and consider action: A RESOLUTION OF THE BURNET CITY COUNCIL APPROVING THE PROVISION OF A LETTER OF CREDIT AS AN ALTERNATIVE TO COMPLETING CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS REQUIRED FOR THE WESTFALL VILLAGE SUBDIVISION: J. Lutz

Background: The Westfall Village subdivision will consist of 50-single-family residential lots plus one lot dedicated to stormwater management. The subdivision will contain two internal streets, Elmer Avenue and Mike Warner Rd.

The applicant is looking to Final Plat Phase I only, at this time. Phase I consists of 22 lots (1 detention lot and 21 single-family residential lots).

The preliminary plat was approved by P&Z and City Council in December 2019.

Information: The applicant is providing a Letter of Credit to cover the cost of improvements that are yet to be completed in order to record the Final Plat and begin the sale of existing lots.

Staff Analysis: The Westfall Village Final Plat has been reviewed using Code of Ordinances Section 98-24 (Final Plats) as a guide. It has been found to comply with ordinance requirements relating to form and content.

Recommendation: Approve Resolution R2020-20 as presented.

RESOLUTION NO. R2020-20

A RESOLUTION OF THE BURNET CITY COUNCIL APPROVING THE PROVISION OF A LETTER OF CREDIT AS AN ALTERNATIVE TO COMPLETING CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS REQUIRED FOR THE WESTFALL VILLAGE SUBDIVISION.

WHEREAS, the code of ordinances requires the construction of all public improvements required by the subdivision ordinance, prior to the recordation of a subdivision plat approved by city council and the provision of a one year warranty bond prior to the preliminary acceptance of the public improvements; and

WHEREAS, notwithstanding the forgoing the code of ordinances authorizes alternatives to completing improvements, including developer's provision of a letter or credit from a bank or other reputable institution or individual; and

WHEREAS, the subdivision plat of Westfall Village was approved by city council on even date of this resolution; and

WHEREAS, the approval of the subdivision plat of Westfall Village is conditioned on both the subdivider completing the public improvements described in that certain engineer's opinion of probable construction costs for the Westfall Village dated May 22, 2020 and signed by Marcus Horner, P.E.. before the expiration of the Letter of Credit; and, the provision of a one-year warranty bond prior to City Council's preliminary acceptance of the public improvements.

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

Section one. 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 two. Letter of Credit accepted. The Letter or Credit issued by First State Bank of Burnet, dated May 29, 2020, for the guaranty of completion of the public improvements required for the Westfall Village Subdivision, subject to the following:

- (a) the public improvements are completed and preliminary accepted before May 29, 2021; and
- (b) at the time of preliminary acceptance of the public improvements the subdivider provides a warranty or maintenance bond, assuring the quality of materials and workmanship, and maintenance of all public improvements; and
- (c) failure to timely complete the public improvements shall cause the city manager to draw on the letter of credit to complete the public improvements; and

- (d) the public improvements shall not be accepted until all improvements have been satisfactory completed; and
- (e) the city shall withhold all city services to the subdivision until the public improvements are satisfactory completed and accepted.

Section three. Authorization. The city manager is authorized and directed to take those actions that are reasonably necessary to facilitate the purpose of this Resolution. Further, the city manager is to draw on the letter of credit to complete the public improvements, without any further city council action necessary, should the subdivider fail to complete the public improvements within the period prescribed in this resolution.

Section four. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, as modified by the governor's orders in response to the COVID-19 pandemic.

Section five. Effective Date. This resolution shall take effect upon approval and adoption by City Council.

APPROVED AND ADOPTED on this the 9th day of June, 2020.

City of Burnet

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 3.7

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

Agenda Item Brief

Meeting Date: June 9, 2020

Agenda Item: Discuss and consider action: The Final Plat of Westfall Village, Phase I, part of a 51-lot single-family residential subdivision to be generally located in the southeastern quadrant of the intersection of Elm and Westfall Streets: J. Lutz

Background: The Westfall Village subdivision will consist of 50-single-family residential lots plus one lot dedicated to stormwater management. The subdivision will contain two internal streets, Elmer Avenue and Mike Warner Rd.

The applicant is looking to Final Plat Phase I only, at this time. Phase I consists of 22 lots (1 detention lot and 21 single-family residential lots).

The preliminary plat was approved by P&Z and City Council in December 2019.

Information: The Westfall Village Final Plat has been reviewed using Code of Ordinances Section 98-24 (Final Plats) as a guide. It has been found to comply with ordinance requirements relating to form and content.

Staff Analysis: The Final Plat does meet the requirements of the ordinance, but some outstanding items must be cleared prior to the signing and recordation of the final plat. A list of outstanding documents & items remaining are as follows:

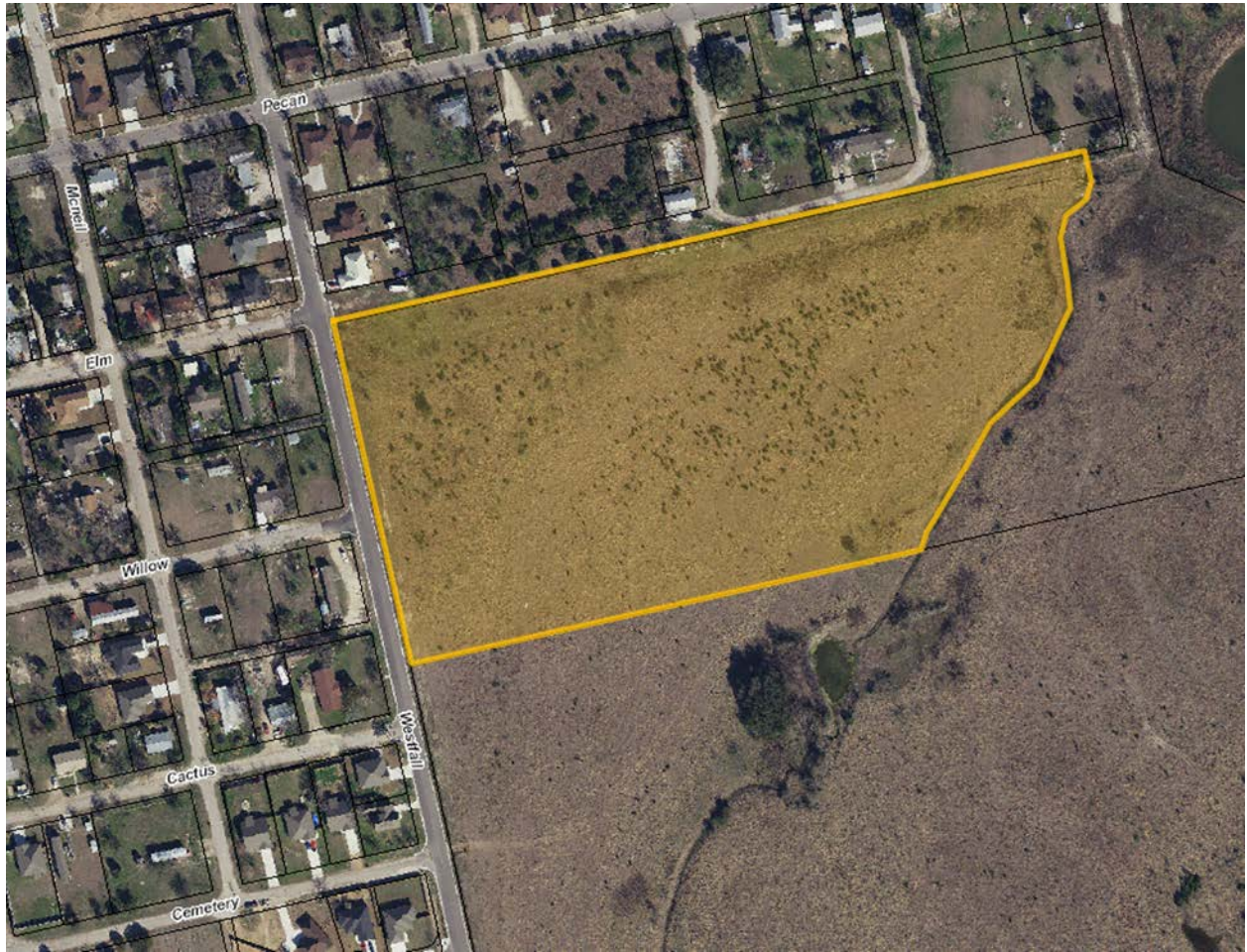
1. "As-builts" shall be submitted for review and approval to the City. either in an electronic format acceptable to the city or, if previously approved by city staff, on paper and shall show all infrastructure constructed.
2. Performance and Maintenance guarantees for all required improvements shall be provided and accepted by Council.
3. Applicable fees pursuant to city ordinance shall be paid.
4. A complete and accurate representation of the subdivision shall also be submitted in AutoCAD (.dwg) digital format.
5. The title and corresponding plat language need to be modified to "Final Plat of Westfall Subdivision, Phase I".

6. Add the following Plat Note: "Water / Wastewater Impact Fees
The City of Burnet has an ordinance implementing the assessment and collection of water and wastewater impact fees. The total amount assessed is established on the recordation date of this plat, based upon the impact fee ordinance in effect as of that date. The amount to be collected is determined as provided said ordinance and becomes effective, and due, on the date a building permit is issued, or on the connection date to the municipal water and/or wastewater system."
7. A temporary fire turn around must be constructed and maintained (at the end of Elmer Ave.) until such time as the street is completed and connected to Elm Street or Mike Warner Rd. This will prevent lot 12 from being developed until that time.

P&Z Recommendation: P&Z held a public hearing on June 1, 2020 and recommended approval of the final plat with the conditions listed by staff.

Recommendation: Approve the final plat of Westfall Village, Phase I, with the outstanding documents & items remaining, listed by staff, as conditions of approval.

Exhibit "A"
Location Map



LEGEND:

- 1/2" = 1' SCALE
- 1/4" = 1' SCALE
- 1/8" = 1' SCALE
- 1/16" = 1' SCALE
- 1/32" = 1' SCALE
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Development Services

ITEM 3.8

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

Agenda Item Brief

Meeting Date: June 9, 2020

Agenda Item: Discuss and consider action: Regarding a Final Plat of the Hills of Shady Grove, Section Seven, which is a 13-lot, single-family subdivision, further being described as 4.42 acres located adjacent to the 300-400 blocks of Shady Grove Parkway: J. Lutz

Background: The Hills of Shady Grove, Sec. VII is bounded to the north, east and south by The Hills of Shady Grove Subdivision and to the west by the Pepper Mill Subdivision. Shady Grove Sec. VII, Final Plat is approximately 4.42 acres and consist of 13 single-family lots. The preliminary plat was approved by P&Z and City Council in September of 2018.

Information: The Shay Grove Sec. VII Final Plat has been reviewed using Code of Ordinances Section 98-24 (Final Plats) as a guide. It has been found to comply with ordinance requirements relating to form and content.

Staff Analysis: The Final Plat does meet the requirements of the ordinance, but some outstanding items must be cleared prior to the signing and recordation of the final plat. A list of outstanding documents & items remaining are as follows:

1. "As-builts" shall be submitted for review and approval to the City. either in an electronic format acceptable to the city or, if previously approved by city staff, on paper and shall show all infrastructure constructed.
2. Park land fees as required by this chapter, if applicable, shall have been paid.
 - **Parkland Fees are \$3,250 for this project.**
3. Maintenance guarantees for all required improvements shall be provided and accepted by Council.
4. Applicable fees pursuant to city ordinance shall be paid.
5. A complete and accurate representation of the subdivision shall also be submitted in AutoCAD (.dwg) digital format.

6. Add the following Plat Note: "Water / Wastewater Impact Fees
The City of Burnet has an ordinance implementing the assessment and collection of water and wastewater impact fees. The total amount assessed is established on the recordation date of this plat, based upon the impact fee ordinance in effect as of that date. The amount to be collected is determined as provided said ordinance and becomes effective, and due, on the date a building permit is issued, or on the connection date to the municipal water and/or wastewater system."
7. Update the street name from Spicewood Drive to "Colby Canyon", as requested by the developer and approved by Burnet 9-1-1.

P&Z Recommendation: P&Z held a public hearing on June 1, 2020 and recommended approval of the Final Plat with the conditions/items listed by staff.

Recommendation: "Approve the Final Plat of Shady Grove, Sec. VII with the outstanding documents & items, listed by staff, as conditions of approval.

Exhibit "A"
Location Map

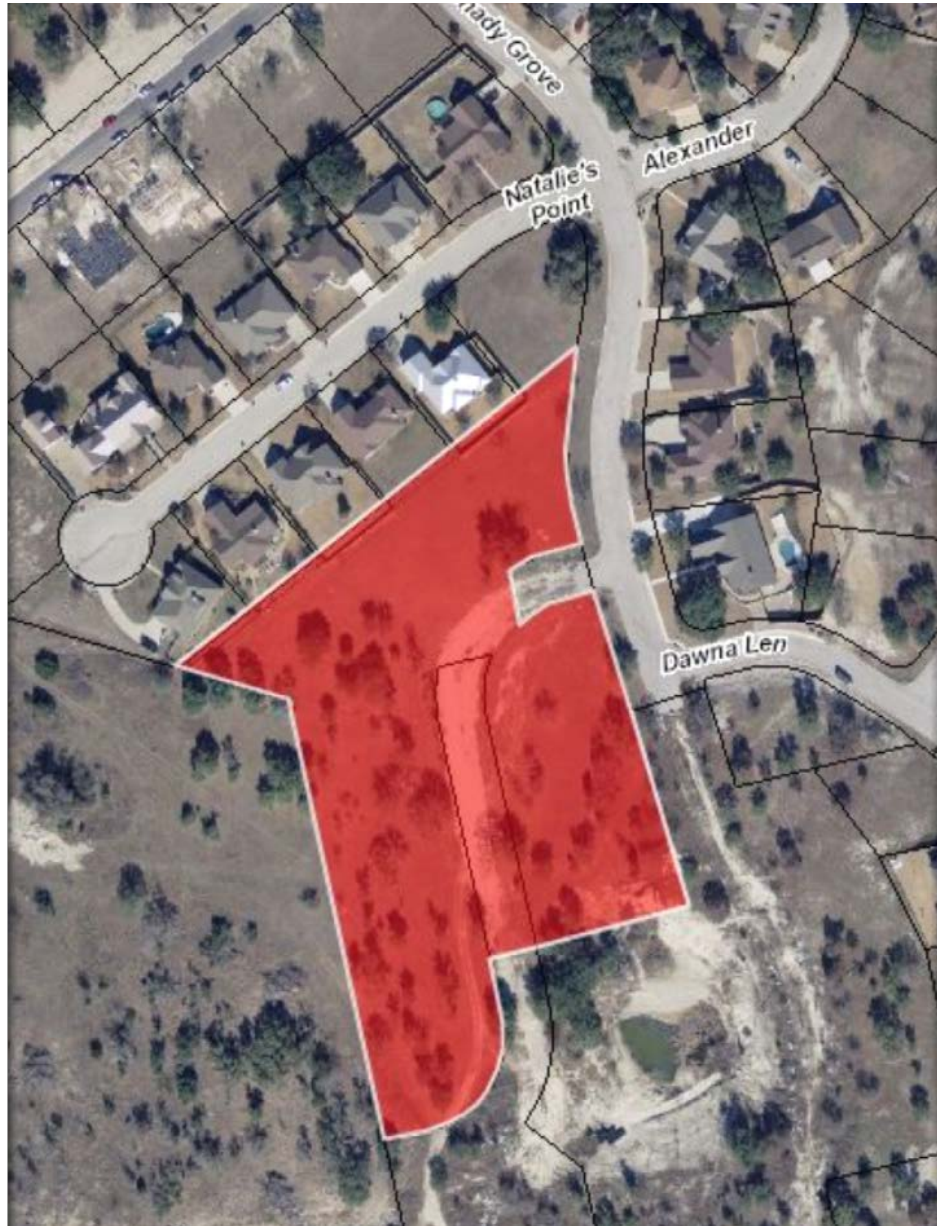
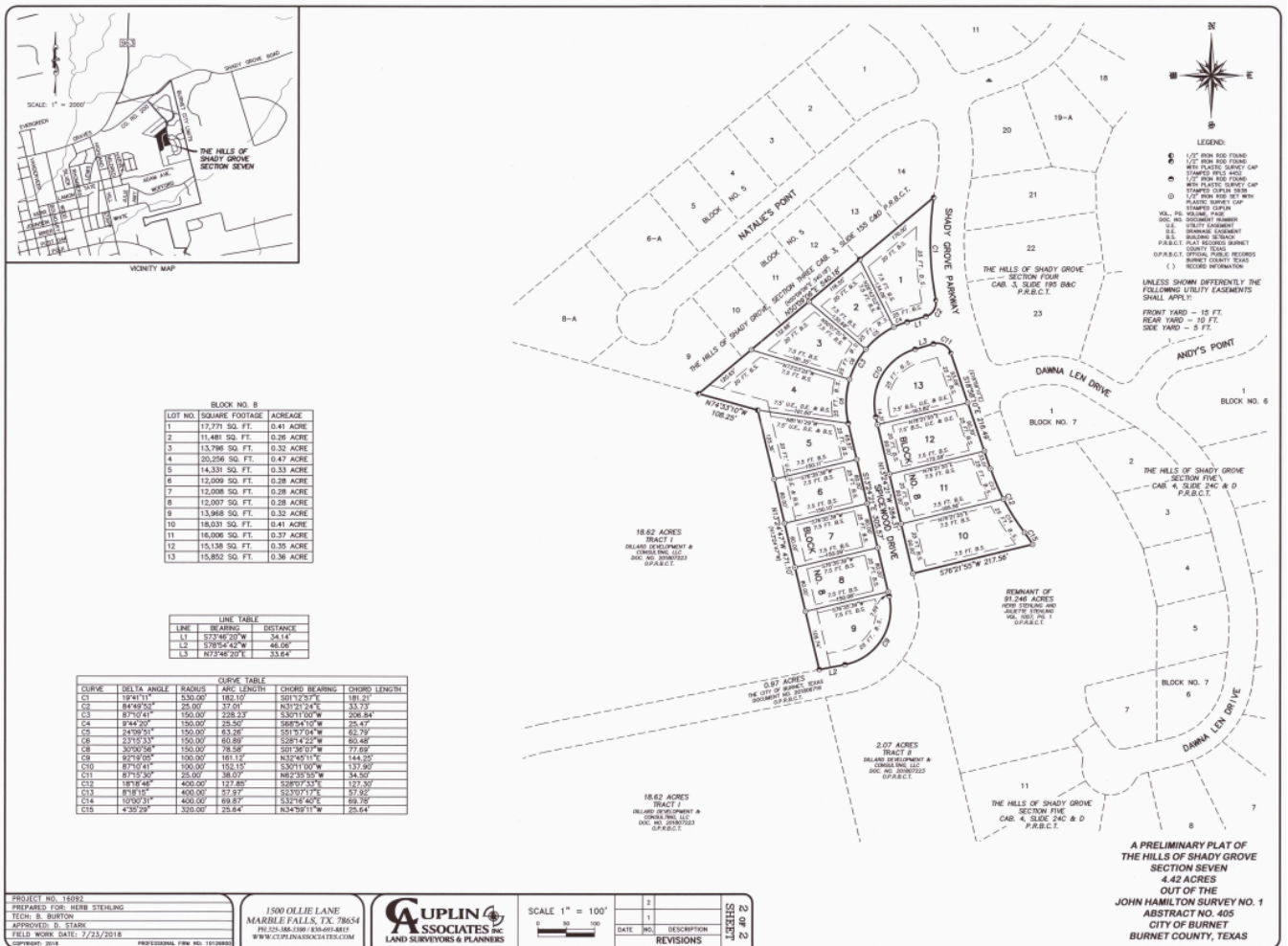


Exhibit “B” Final Plat





City Secretary

ITEM 3.9

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

Agenda Item Brief

Meeting Date:	June 9, 2020
Agenda Item:	Discuss and consider action: Appointment of two Commissioners to the Housing Authority of the City of Burnet: K. Dix
Background:	Paula Bundrant and Fran Taylor currently serve as Commissioners on the Housing Authority for the City of Burnet and are both seeking re-appointment. Their two year terms expires the end of June 2020.
Information:	Billie Shelburn, Executive Director of the Burnet Housing Authority of the City of Burnet submitted a request to re-appoint Paula Bundrant and Fran Taylor as Commissioners on the Housing Authority Board for the City of Burnet for a term of two years, expiring in June of 2022.
Fiscal Impact:	None.
Recommendation:	Re-appoint Paula Bundrant and Fran Taylor to the Housing Authority Board of Commissioners for the City of Burnet to serve a two year term, expiring in June 2022.

**Certificate of Appointment of
Commissioners of the Housing Authority
Of the City of Burnet, Texas**

Pursuant to the provisions of section 5 of the "Housing Authorities Law" of the State of Texas and by virtue of my office as Mayor:

I hereby appoint, the following named person to serve as Commissioner of the Housing Authority of the City of Burnet, Texas and to serve for the following two-year term:

**Paula Bundrant
2020-2022**

I hereby certify that the above designated Commissioner is not an Officer or Employee of the City of Burnet, Texas, but said Commissioner is a resident thereof.

In witness whereof, I have hereunto signed my name as Mayor of the City of Burnet, Texas, and caused the official Corporate Seal of the City of Burnet, Texas to be attached hereto this 9th day of June, 2020.

Crista Goble Bromley, Mayor
City of Burnet, Texas

ATTEST:

Kelly Dix, City Secretary
City of Burnet, Texas

CERTIFIED DOCUMENT

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

I hereby certify that on the 9th day of June 2020 a certificate of appointment of Commissioner **Paul Bundrant** of the Housing Authority of the city of Burnet, Texas, was duly filed with the City Secretary of the City of Burnet, Texas, and the certificate being dated the 9th day of June 2020, and signed by the Mayor of the said City, and attached hereto is a true, correct and compared copy of the original certificate of appointment and designation which is now on file in the office of the City Secretary of the City of Burnet Texas.

In witness hereof, I have hereunto set my hand and the seal of the City of Burnet, Texas this 9th, day of June, 2020.

Kelly Dix, City Secretary

**Certificate of Appointment of
Commissioners of the Housing Authority
Of the City of Burnet, Texas**

Pursuant to the provisions of section 5 of the "Housing Authorities Law" of the State of Texas and by virtue of my office as Mayor:

I hereby appoint, the following named person to serve as Commissioner of the Housing Authority of the City of Burnet, Texas and to serve for the following two-year term:

**Fran Taylor
2020-2022**

I hereby certify that the above designated Commissioner is not an Officer or Employee of the City of Burnet, Texas, but said Commissioner is a resident thereof.

In witness whereof, I have hereunto signed my name as Mayor of the City of Burnet, Texas, and caused the official Corporate Seal of the City of Burnet, Texas to be attached hereto this 9th day of June, 2020.

Crista Goble Bromley, Mayor
City of Burnet, Texas

ATTEST:

Kelly Dix, City Secretary
City of Burnet, Texas

CERTIFIED DOCUMENT

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

I hereby certify that on the 9th day of June 2020 a certificate of appointment of Commissioner **Fran Taylor** of the Housing Authority of the city of Burnet, Texas, was duly filed with the City Secretary of the City of Burnet, Texas, and the certificate being dated the 9th day of June 2020, and signed by the Mayor of the said City, and attached hereto is a true, correct and compared copy of the original certificate of appointment and designation which is now on file in the office of the City Secretary of the City of Burnet Texas.

In witness hereof, I have hereunto set my hand and the seal of the City of Burnet, Texas this 9th day of June, 2020.

Kelly Dix, City Secretary



Administration

ITEM 3.10

David Vaughn
City Manager
512.715.3208
dvaughn@cityofburnet.com

Agenda Item Brief

Meeting Date: June 9, 2020

Agenda Item: Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS EXPANDING ON THE DECLARATION OF LOCAL DISASTER BY ESTABLISHING A RESIDENTIAL UTILITY CUSTOMER PAYMENT ASSISTANCE PROGRAM AND AUTHORIZING UTILITY PAYMENT ASSISTANCE TO RESIDENTIAL CUSTOMERS EXPERIENCING FINANCIAL HARDSHIP DUE TO THE COVID-19 PANDEMIC: D. Vaughn

Background: The City of Burnet and the Burnet Economic Development Corporation has responded to the financial devastation caused to the business community by the COVID-19 pandemic by providing loans, grants and utility payment assistance. This program recognizes the adverse financial impact the pandemic has caused citizens by providing utility payment assistance to those utility customers who have experienced a loss of income or rise in expenses.

Information: Eligible City of Burnet utility customers will receive payment assistance for one half of their utility bill up to \$250.00. Customers who have had more than two service disconnects for non-payment from March 2019 to February 2020 shall be ineligible to participate in the program.

Fiscal Impact: This program shall be funded from the refund received from the LCRA. This program shall run until June 30, 2020 or until \$25,000.00 is disbursed, whichever occurs first.

Recommendation: Approve and adopt Resolution R2020-23 as presented.

RESOLUTION R2020-23

A RESOLUTION OF THE BURNET CITY COUNCIL A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS EXPANDING ON THE DECLARATION OF LOCAL DISASTER BY ESTABLISHING A RESIDENTIAL UTILITY CUSTOMER PAYMENT ASSISTANCE PROGRAM AND AUTHORIZING UTILITY PAYMENT ASSISTANCE TO RESIDENTIAL CUSTOMERS EXPERIENCING FINANCIAL HARDSHIP DUE TO THE COVID-19 PANDEMIC

WHEREAS, pursuant to Ordinance No. 2020-11, adopted by City Council on May 12, 2020, the city is in a state of local disaster and public health emergency due to the COVID-19 pandemic; and

WHEREAS, due to the pandemic and measures imposed to prevent its spread, the city has experienced unprecedented job loss; and

WHEREAS, City Council deems it in the public interest and necessity to assist residential utility customers suffering financial hardship due to the COVID-19 pandemic.

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

Section one. Findings. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section two. Program Established. Pursuant to the declaration of local state of disaster and the state of public health emergency adopted in response to the COVID-19 pandemic ("the Declaration"), by Mayor Crista Goble Bromley, and extended by City Council by Ordinance No. 2020-11, a Residential Customer Utility Payment Assistance Program is hereby established. The guidelines for the Program are set out in Exhibit "A" attached hereto and incorporated herein for all purposes.

Section three. Authorization. The City Manager is authorized to manage all aspects of the program; and, is authorized and directed to take those actions that are reasonably necessary to facilitate the purpose of this Resolution.

Section four. Severability. The sections, paragraphs, sentences, clauses and phrases of this Resolution 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 five. Notice. This Resolution shall be given prompt and general publicity.

Section six. Effective date. This Resolution shall take effect immediately from and after its issuance.

PASSED, ADOPTED, APPROVED, AND EFFECTIVE THE 9th DAY of June, 2020.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Residential Customers Public Utility Payment Assistance Program Guidelines.

- (1) Short Title. This Program may be referred to as the Residential Customers Public Utility Payment Assistance Program and may be referenced in this document as the “Program”.
- (2) Purpose. City Council finds a public benefit in establishing this Program in response to the adverse economic impact caused by the COVID-19 pandemic. This Program provides City of Burnet residential utility customers financially adversely impacted by the pandemic, in a significant way, with assistance with payment of a portion of their electric, water, sewer, garbage, and recycling service charges.
- (3) Funding. Grants made under this Program shall be made from an LCRA refund that was deposited in the Electric Fund this fiscal year. The maximum municipal expenditure under this Program shall be \$25,000.00. Applications shall be administered on a first come first serve basis and the Program shall end when the maximum fund amount is expended or on June 30, 2020, whichever occurs first.
- (4) Program Term. The Program shall be instituted for the April and May 2020 utility billing cycles.
- (5) Grant Eligibility. Grants under this Program shall be available to City of Burnet residential utility customers who were adversely impacted financially in a significant way by the COVID-19 pandemic. The Program is limited to City of Burnet utility customers who occupy a residential dwelling located within the corporate limits of the City of Burnet. Eligibility under the Program is subject to the following:
 - (a) only account holders occupying the dwelling unit for an account may apply. (By way of example an individual leasing an apartment unit may apply if the apartment unit is metered and the account is in the name of the occupant. However, the owner of the apartment complex is ineligible to participate in this Program)
 - (b) residential utility customers who are in delinquent in payment of real property tax, or any other amounts due to the City of Burnet shall be ineligible to participate in the Program;

- (c) residential utility customers whose utility service was disconnected for non-payment on more than two occasions between March 2019 and February 2020 shall be ineligible to participate in the Program;
 - (d) residential utility customers whose utility service was disconnected for non-payment on more than one occasions between March 2019 and February 2020 may be required to provide additional information regarding payment history to be eligible to participate in the Program; and
 - (e) residential utility customers must demonstrate the pandemic has caused them significant adverse impact by loss of employment income, rise in childcare costs or related factors.
- (6) Application. To be considered for a grant under this Program the residential utility customer must submit a grant application on a form approved by the City Manager.
- (7) Maximum Grant Amount. Grants shall be in the form of a credit of 50% of a recipient's electric, water, sewer, garbage and recycling services charges incurred on their City of Burnet Utility Account during the Program Term, not to exceed \$250.00 total for any residential utility customer.
- (8) Grant Distribution. Grants awarded under this Program shall have no cash value and shall be distributed as a credit to grant recipients' City of Burnet utility account(s). The credit shall be applied to an applicant's account upon the account holder's payment of their portion due. If the account holder fails to pay their portion due by the disconnect date, as established in Section 110-21 of the Code of Ordinance, the grant shall be null and void. The credits shall never exceed the Maximum Grant Amount authorized under this Program. Any credits unused after the expiration of this Program shall immediately expire.
- (9) Administration. The City Manager is hereby authorized to develop a methodology to effectively institute grant distribution and to develop rules and regulations to efficiently implement this Program.
- (10) Award process.
 - (a) Submission. To be eligible for a grant, a completed application must be delivered to the email address provided in the application.
 - (b) Award Determination. A committee consisting of the Assistant City Manager, Director of Finance, Utility Billing Coordinator, and Customer Service Representative shall review each application and determine if an

award amount should be credited to the applicant's utility accounts. To receive any grant under this Program, the application must be unanimously approved by the Committee. The committee shall consider the COVID-19 pandemic's effect on each applicant and approve grants for those individuals who have experienced significant adverse financial impact by the pandemic and the resulting shelter in place precautions. The committee may request additional information or records from an applicant, as may be reasonably necessary to make award determinations. Upon making an award determination the committee shall advise the applicant by email.

- (c) Appeals. Any applicant who is denied a grant under this Program may appeal to the City Manager. Such appeal must be in writing and delivered by email to the City Secretary within 10 business days of the date of the committee's determination. The committee's notice of any determination to deny a request shall include notice of the applicant's right to appeal under this subsection and shall provide instructions for delivery of the appeal to the City Secretary.
- (11) Fraud. Any grant recipient later suspected of submitting fraudulent information on a grant application may be subject to a grant revocation hearing by the City Council. Such applicant shall receive notice of, and an opportunity to be heard at, the hearing. At the conclusion of the hearing should a majority of City Council, then sitting, determine the application contained fraudulent information the grant shall be revoked, and the grant amount charged back to the applicant's utility accounts for immediate payment.



**Residential Customers Residential Customers Public Utility Payment
Assistance Program
50% Assistance (Up to \$250.00)**

The City of Burnet Residential Customers Public Utility Payment Assistance Program is intended to provide financial assistance to residential utility customers who were significantly adversely affected by COVID-19 with payment of a portion of their electric, water, sewer, garbage and recycling service charges.

The City of Burnet will provide assistance under the following terms and conditions:

1. The applicant must occupy a home or apartment with a City of Burnet Residential Electric Utility, and Water/Sewer Utility Account.
2. The Maximum Grant Amount shall equal 50% of the applicant's utility bill for the months of April and May 2020, up to a total of \$250.00, including electric, water, sewer, garbage, and recycling services.
3. Applicants must not be delinquent on property taxes or any other amounts due to the City of Burnet at the time of filing the application.
4. Residential utility customers whose service was disconnected on more than two occasions for non-payment between March 2019 and February 2020 shall be ineligible to participate in the Program. Residential utility customers whose service was disconnected on more than one occasion between March 2019 and February 2020 may be required to provide additional information regarding their payment history in order to eligible to participate in the Program.
5. A committee consisting of the Assistant City Manager, Director of Finance, Utility Billing Coordinator, and Customer Service Representative shall review each application.
6. Any applicant who is denied a grant under this program may appeal to the City Manager. Such appeal must be in writing and delivered by email to the City Secretary within 10 business days of the date of the committee's determination.
7. Any grant recipient later suspected of submitting fraudulent information on a grant application may be subject to a grant revocation hearing by the City Council. Such applicant shall receive notice of, and an opportunity to be heard at, the hearing. At the conclusion of the hearing should a majority of City Council, then sitting, determine the application contained fraudulent information the grant shall be revoked, and the grant amount charged back to the applicant's utility accounts for immediate payment.



Residential Customers Public Utility Payment Assistance Application

Name of account holder: _____

Physical Address of property: _____

Telephone number: _____

Email Address: _____

Have you received any financial assistance from any other government entity related to the COVID-19 pandemic?

☐ Yes

☐ No

If yes please explain:

Are you delinquent in payment of any City of Burnet taxes, fines or permit fees?

☐ Yes

☐ No

If yes please explain:

Have you experienced a significant loss of income, or rise in expenses due to the COVID-19 pandemic?

☐ Yes

☐ No

If yes, please explain: (i.e. loss of job, reduction in hours, additional childcare costs)
(Continued on next page).

Commitment

By affixing my signature below, I acknowledge this application is a governmental record which shall be used to determine my eligibility to participate in a municipal program funded by the City of Burnet. I affirm that, to the best of my knowledge, the information provided herein is truthful and complete. Furthermore, I understand that intentionally providing false information on this application may subject an applicant to civil and or criminal prosecution.

Signature of Applicant

Date

Any grant recipient suspected of submitting fraudulent information may be subject to a grant revocation hearing before the City Council, which may cause the grant to be revoked and the grant amount charged back to the applicant's utility accounts for immediate payment.

If you have questions, or for assistance with your application, please contact Adrienne Feild at (512) 715-3214 or utility-assistance@cityofburnet.com .

Applications may only be submitted by email to:

utility-assistance@cityofburnet.com



Administration

ITEM 3.11

David Vaughn
City Manager
512.715.3208
dvaughn@cityofburnet.com

Agenda Item Brief

Meeting Date: June 9, 2020

Agenda Item: Discuss and consider action: A RESOLUTION OF THE BURNET CITY COUNCIL REASSIGNING THE ROLE OF THE FIRM DENTON, NAVARRO, ROCHA, BERNAL & ZECH P. C. FROM CITY ATTORNEY TO SPECIAL COUNSEL AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN ENGAGEMENT AGREEMENT WITH THE FIRM: D. Vaughn

Background: Item 3.11 addresses the appointment of Assistant City Manager Habib H. Erkan Jr. as City Attorney. Adoption of this resolution is necessary to create a vacancy in the position.

Information: The transition was coordinated with the firm currently providing City Attorney services and the firm has agreed to serve as special counsel in the absence of the City Attorney or when otherwise needed. The special counsel agreement authorized by this resolution is non-exclusive and the City, may, when appropriate and beneficial to the needs of the City, engage other firms or attorneys as special counsel.

Fiscal Impact: As the 2019-20 budget anticipated bringing municipal attorney services in house this change will not have a fiscal impact.

Recommendation: Approve and adopt Resolution R2020-21 as presented.

RESOLUTION R2020-21

**A RESOLUTION OF THE BURNET CITY COUNCIL REASSIGNING THE
ROLE OF THE FIRM DENTON, NAVARRO, ROCHA, BERNAL & ZECH P.
C. FROM CITY ATTORNEY TO SPECIAL COUNSEL AND AUTHORIZING
THE CITY MANAGER TO EXECUTE AN ENGAGEMENT AGREEMENT
WITH THE FIRM**

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

Section one. Designation. The role of the firm Denton, Navarro, Rocha, Bernal & Zech P. C. is reassigned from city attorney to special council.

Section two. Authorization. The city manager is authorized and directed to execute an engagement agreement in substantial form as Exhibit "A" attached hereto and take those actions reasonably necessary to facilitate the purpose of this Resolution.

Section three. Scope of Service. The firm shall provide legal representation to the City in the absence of the City Attorney or by specific assignment as directed by the City Manager or City Attorney.

Section four. Non-Exclusivity. The special counsel relationship created by the aforementioned agreement shall not bind the city to exclusively look to the firm to provide such services; and, the city may engage the services of other firms as may be appropriate and beneficial to the needs of the city.

Section five. TOMA. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, as modified by the governor's orders in response to the COVID-19 pandemic.

Section six. Effective Date. This resolution shall take effect upon approval and adoption by City Council.

APPROVED AND ADOPTED on this the 9th day of June, 2020.

CITY OF BURNET

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



San Antonio | Austin | Rio Grande Valley | Texas Gulf Coast
2500 W. William Cannon Drive, Suite 609 | Austin, Texas 78745-5320
V 512-279-6431 | F 512-279-6438

June 5, 2020

David Vaughn
City of Burnet
P.O. Box 1369
Burnet, Texas 78611

Re: **Special Counsel Engagement for Legal Services**

Dr. Mr. Vaughn:

We appreciate the confidence you and the City of Burnet (the “City”) have demonstrated in Denton Navarro Rocha Bernal & Zech P.C. (the “Firm”) by continuing to utilize our services through a Special Counsel Legal Services agreement.

Shareholder and Partner Charles E. Zech will be the primary supervising attorney and contact for the City. However, depending on the needs and work load, other lawyers in the firm may be used when necessary to increase the responsiveness to your needs and reduce your overall costs.

The Firm agrees to serve the City as special counsel based on the hourly attorney rates in effect. All time will be billed at one-tenth of an hour increments. All invoices are due on receipt and are past due after thirty (30) days. The hourly billing rates for this engagement are \$225.00 per hour for Partners; \$210.00 per hour for Senior Associates; \$200.00 per hour for Associate Attorneys; \$125.00 per hour for Law Clerks; and \$100.00 per hour for Paralegals and legal secretaries. All other staff support is provided at no charge. All related travel or other expenses are charged at cost, with no mark-up and all related mileage is charged by multiplying the actual miles traveled by the then current IRS rate. All invoices will be sent to the City Manager unless you direct otherwise.

It is understood that the information exchanged between you, your representatives, and Denton Navarro Rocha Bernal & Zech, P.C. is subject to the attorney-client relationship, and is therefore both privileged and confidential. All communications and information are subject to the confidentiality provisions of Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct and Rule 503 of the Texas Rules of Evidence.

Please execute this letter in the space provided below to acknowledge our engagement and return it to our office to be effective on the date signed. Please feel free to contact us regarding any

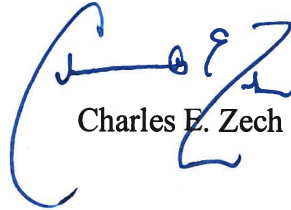
Serving all of Texas from our San Antonio, Rio Grande Valley, Austin and Texas Gulf Coast offices

questions you may have involving this letter.

We look forward to continuing to provide you with reliable legal analysis and advice.

Very truly yours,

Denton Navarro Rocha Bernal & Zech, P.C.
attorneys & counselors at law • rampagelaw.com



Charles E. Zech

**AGREED AND APPROVED:
CITY OF BURNET, TEXAS**

Date

By: _____



Administration

ITEM 3.12

David Vaughn
City Manager
512.715.3208
dvaughn@cityofburnet.com

Agenda Item Brief

Meeting Date:	June 9, 2020
Agenda Item:	Discuss and consider action: A RESOLUTION OF THE BURNET CITY COUNCIL APPOINTING HABIB H. ERKAN JR, AS CITY ATTORNEY AND AUTHORIZING THE CITY ATTORNEY TO DESIGNATE SPECIAL COUNSEL WHEN NECESSARY: D. Vaughn
Background:	Habib Erkan Jr., was appointed to the role of Assistant Manager by the City Manager and was approved by City Council to serve as Acting City Manager in the absence of the City Manager. As Mr. Erkan is a licensed Texas attorney who provided legal service to the City of Burnet for almost eight years as a member of the firm Denton, Navarro, Rocha, Bernal & Zech P.C., his appointment as City Attorney will be both fiscally and operationally beneficial to the City.
Information:	This transition was coordinated with the firm currently providing City Attorney services and the firm has agreed to serve as special counsel in the absence of the City Attorney or when otherwise needed. This resolution also authorizes the City Manager and City Attorney to engage other attorneys or firms as special council whenever a conflict of interest or matter requiring specialized expertise requires.
Fiscal Impact:	As the 2019-20 budget anticipated bringing municipal attorney services in house this change will not have a fiscal impact.
Recommendation:	Approve and adopt Resolution R2020-22 as presented.

RESOLUTION R2020-22

A RESOLUTION OF THE BURNET CITY COUNCIL APPOINTING HABIB H. ERKAN JR, AS CITY ATTORNEY AND AUTHORIZING THE CITY ATTORNEY TO DESIGNATE SPECIAL COUNSEL WHEN NECESSARY

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

Section one. Appointment. As provided in Section 2-82 of the Code of Ordinances, Habib H. Erkan Jr. is hereby appointed as City Attorney; and shall continue to serve as assistant city manager.

Section two. Bond. The City Attorney shall not be required to post a bond.

Section three. Special Council. The city attorney upon consultation with, and approval by, the city manager is authorized to engage qualified attorneys to act in his absence or assist with specific legal matters.

Section four. TOMA. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, as modified by the governor's orders in response to the COVID-19 pandemic.

Section five. Effective Date. This resolution shall take effect upon approval and adoption by City Council.

APPROVED AND ADOPTED on this the 9th day of June, 2020.

CITY OF BURNET

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 5.1(I.1)

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

Agenda Item Brief

Meeting Date: June 9, 2020

Agenda Item: STAFF REPORT: Updated Quarterly Inspections and Code Enforcement Report: J. Lutz

Background:

Information: Staff has compiled inspection and code enforcement numbers below.

INSPECTION REPORT	
YEAR	INSPECTIONS
2020	629
2019	1005
2018	983
2017	1066
2016	1337
MONTH	INSPECTIONS
Feb-20	73
Mar-20	106
Apr-20	34

CODE ENFORCEMENT (Yearly Totals)	
VIOLATION TYPE	TOTAL
Weeds	42
Debris	32
Parking Surfaces	21
RV Living/Parking	5
Dangerous/Unfit Home	1
Historical Violations	3
Sent to Court	1
Verbal Warnings/Issues	40

Addendum to City Council Agenda Department and Committee Reports/Briefings

The items listed below include subjects that are of interest to the City Council. The Council may or may not receive a briefing dependent upon activity or change in status regarding the matter. This listing is provided to give notice to the public that a briefing to the Council on any or all subjects may occur.

A. Administrative Services

1. Economic Development Corporation
2. Burnet Municipal Airport
3. Commemorative Air Force/Museum
4. Special Projects

B. Department of Finance

1. Utilities
2. Human Resources
3. Budget and Finance Reports

C. Municipal Court

1. Quarterly Reports

D. City Secretary

- | | |
|---------------------------|-------------------------------------|
| 1. Records Management | 4. Special Projects or Activities |
| 2. Elections | 5. Interlocal Agreements and Leases |
| 3. Boards and Commissions | 6. Administration |

E. Police Department

- | | |
|-------------------|----------------------------|
| 1. Animal Control | 2. School Resource Officer |
| 3. Reports | |

F. Fire Department

- | | |
|-------------------------------|-------------------------|
| 1. Emergency Medical Services | 2. Emergency Management |
| 3. Administration | |

G. Public Works

- | | |
|--------------------------------|---------------------------|
| 1. Electric Department | 4. Street Department/Shop |
| 2. Water/Wastewater Department | |
| 3. Parks/Maintenance | |

H. Delaware Springs Golf Course

I. Development Services

- | | |
|---------------------|-------------------------------------|
| 1. Code Enforcement | 5. Planning and Zoning |
| 2. Cemetery | 6. Board of Adjustments |
| 3. Floodplain | 7. Building Inspection & Permitting |