



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

Notice is hereby given that a **Regular Meeting** will be held by the governing body of the City of Burnet on the **14<sup>th</sup> day of July, 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/88080340611?pwd=dm1tUUdKWkNYNjFDeUZjbVZIT1ZjQT09>

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

**Enter Webinar ID when prompted: 880 8034 0611 #**

**Enter Password when prompted: 555817 #**

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: 880 8034 0611 #**

**Enter Password when prompted: 555817 #**

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:**

**1. SPECIAL REPORTS/RECOGNITION:** None.

## **2. CONSENT AGENDA ITEMS:**

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

2.1) Approval of the July 2<sup>nd</sup>, 2020 Special City Council Meeting Minutes

## **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: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET AMENDING THE CODE OF ORDINANCES SECTION 110-31 (ENTITLED "SHUTOFF VALVES" ); PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: A. Burdell

3.3) Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET AMENDING THE CODE OF ORDINANCES SECTION 98-44 (ENTITLED "WATER UTILITY IMPROVEMENTS" ) AND SECTION 98-45 (ENTITLED "WASTEWATER UTILITY IMPROVEMENTS" ) ; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: A. Burdell

3.4) Discuss and consider action: A RESOLUTION OF THE BURNET CITY COUNCIL ESTABLISHING A POLICY FOR PROCESSING INDIVIDUAL COUNCILMEMBER'S REQUEST FOR INFORMATION: Council Member Lester

3.5) Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET DESIGNATING PATRICIA LANGFORD, DIRECTOR OF FINANCE AND DAVID VAUGHN CITY MANAGER AS EMPLOYEES TO CALCULATE THE NO-NEW REVENUE TAX RATE AND THE VOTER APPROVAL TAX RATE IN ACCORDANCE WITH THE TEXAS TAX CODE: D. Vaughn

3.6) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF BURNET, TEXAS AUTHORIZING THE ACCEPTANCE OF PAYMENT OF WHOLESALE PURCHASE ELECTRICAL POWER CREDITS FROM THE LOWER COLORADO RIVER AUTHORITY; DIRECTING CREDITS TO DEPOSITED IN

ACCORDANCE WITH THE CITY'S INVESTMENT POLICY; AND RESTRICTING  
THE USE OF THE RECEIVED CREDITS: D. Vaughn

3.7) Discuss and consider action: Direction to Staff regarding a variance to lot sizes  
at Honey Rock Ranch: J. Lutz

3.8) Discuss and consider action: Authorization and approval to purchase three (3)  
2020 Chevy Tahoe's for the Police Department: J. Davis

**4. REPORTS:** None.

4.1) 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. REQUESTS FROM COUNCIL FOR FUTURE REPORTS:**

**6. ADJOURN:**

Dated this the 9<sup>th</sup> day of July, 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 July 9, 2020 at or before 3 o'clock p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

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Kelly Dix, City Secretary

**NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS:**

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

**RIGHT TO ENTER INTO EXECUTIVE SESSION:**

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

**AGENDA SCHEDULE**  
**July 14, 2020**  
**Regular Council Meeting**

Added	Backup	Req. By	Description	Type
		CS	7-2-2020 SM Council Minutes	C
		Dev. Serv.	Honey Rock-Council Guidance	R
		CM/ACM	Resolution- Restricted Fund-LCRA Fuel Rebate Council Policy & Procedure	A A
		PW	Amendment- 98-40 & 45 Water /WWT Utilities Amendment- 110-31 Water Shut off valves	A A
		HR		
		FD		
		PD		
		Finance	Resolution-Senate Bill 2 designation	A
		Golf		
		Airport		
		Pending	Atmos Energy Franchise PEC Franchise Agreement YMCA-February & August Reports ACDI- Qrtly. Feb, May, Aug, Nov Building & Code Qrtly. Feb, May, Aug, Nov Ethics Ordinance Tree Ordinance <a href="#">Heritage Society Easment</a> <a href="#">Shell Easment</a> <a href="#">Ground Lease</a> <a href="#">Chapter 18 Aviation Ordinance</a> Wukash (re-drafting) Grinder Pumps-Amend Ord. Industrial Waste Peppermill Acceptance Resolution Shady Grove 7 Acceptance Resolution RFP-Renovate SunShade Hangar Sale of Property-Golf Course	

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

On this the 2<sup>nd</sup> day of July, 2020, the City Council of the City of Burnet, TX convened in Regular Session, at 6:00 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 Password 940149; the following subjects were discussed, to-wit:

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

Guests: Mark Ingram, Habib Erkan, Jason Lutz, Adrienne Field, (present in Chambers) Gene Courtney, Jason Davis, Allen Burdell, Stefani Wright, Patricia Langford, Marcus Horner, Amber Cardenas, Tanis Jamar, Greg Jenkins, Doug Fipps, Bobbie Dameworth, Mr. Snideren

CALL TO ORDER: The meeting was called to order by Mayor Bromley, at 3:02 p.m.

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

#### SPECIAL REPORTS/RECOGNITION:

Proclamation-Facial Masks: Mayor Crista Goble Bromley: Mayor Bromley presented the Proclamation of the City of Burnet urging citizen compliance with face mask use when social distancing is not possible and compliance with Governor Abbott’s directives pertaining to the COVID-19 Pandemic.

#### 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 June 23<sup>rd</sup>, 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 that the number of cases reported for Burnet County continues to rise
- Chief Ingram reviewed the current mask protocols and Mayor Bromley reviewed the latest statistics and expressed the need for masks to be used to slow down the spread of the virus
- Corona Virus testing at the fairgrounds and the fire station were put on hold to allow the lab to catch up. Testing will resume the week of July 6<sup>th</sup>.

#### City Manager David Vaughn reported:

The City Manager requested direction from Council pertaining to utility late fees and disconnections for non- payment. Council Member Danny Lester moved to re-instate protocols in accordance with Ordinance 2012-30. Council Member Paul Farmer seconded. City Secretary Kelly Dix called a roll vote. Council Members Lester, Shanes, Clinton, Farmer, Talamantez and Mayor Bromley all voted in favor. Council Member Thurman voted against. The motion carried with six in favor and one opposed.

Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AMENDING THE RESIDENTIAL UTILITY CUSTOMER PAYMENT ASSISTANCE PROGRAM AUTHORIZING UTILITY PAYMENT ASSISTANCE TO RESIDENTIAL CUSTOMERS EXPERIENCING

FINANCIAL HARDSHIP DUE TO THE COVID-19 PANDEMIC: D. Vaughn: Council Member Paul Farmer made a motion to approve and adopt Resolution R2020-27 as presented. Council Member Mary Jane Shanes seconded. 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.

Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AMENDING AN ECONOMIC STIMULUS PROGRAM PROVIDING COMMERCIAL CUSTOMERS EXPERIENCING FINANCIAL HARDSHIP DUE TO THE COVID-19 PANDEMIC PUBLIC UTILITY PAYMENT ASSISTANCE: D. Vaughn: Council Member Danny Lester made a motion to approve and adopt Resolution R2020-26 as presented. Council Member Mary Jane Shanes seconded. 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.

Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING THE PROVISION OF A PERFORMANCE LETTER OF CREDIT AS AN ALTERNATIVE TO COMPLETING CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS REQUIRED FOR THE HILLS OF SHADY GROVE, SECTION 7 SUBDIVISION; AND FINDING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW. J. Lutz: Council Member Paul Farmer made a motion to approve and adopt Resolution R2020-22 as presented. Council Member Cindia Talamantez seconded. 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.

DISCUSS AND REVIEW:

Discuss and Review: Proposed 2020/2021 Fiscal Year Budget: D. Vaughn: City Manager David Vaughn presented a draft of the 2020/2021 Fiscal Year Budget. Year-end projections by department were reviewed and discussed. Council and staff reviewed proposed capital improvement expenditures, projected staffing needs, and overall expectations for the new fiscal budget.

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.

ADJOURN: There being no further business a motion to adjourn was made by Council Member Mary Jane Shanes at 5:24 p.m., seconded by Council Member Danny Lester. 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.

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Crista Goble Bromley, Mayor

**ATTEST:**

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Kelly Dix, City Secretary



## Administration

## ITEM 3.1

David Vaughn  
City Manager  
512.715.3208  
dvaughn@cityofburnet.com

### Agenda Item Brief

**Meeting Date:** July 14<sup>th</sup>, 2020

**Agenda Item:** 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

**Background:**

**Information:**

**Fiscal Impact:**

**Recommendation:** To be determined by Council



## Public Works

## ITEM 3.2

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

### Agenda Item Brief

**Meeting Date:** July 14, 2020

**Agenda Item:** Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET AMENDING THE CODE OF ORDINANCES SECTION 110-31 (ENTITLED "SHUTOFF VALVES"); PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: A. Burdell

**Background:** Current Section 110-31:  
In all new water service connections made after December 9, 1980, and in all cases where house service line is repaired or replaced, there shall be one or more approved shutoff valves attached to every supply line on the customer side of the meter

**Information:** The first change to the ordinance changed the requirement from only residential customer needing a shutoff valve to all water services needing a shutoff valve. Second change was the location of the shutoff valve to be with in two feet of the water meter, and the third was to house the valve in an appropriate valve box to protect the valve from damage.

**Fiscal Impact** None.

**Recommendation:** Approve the first reading of Ordinance 2020-15 as presented.



## ORDINANCE NO. 2020-15

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET AMENDING THE CODE OF ORDINANCES SECTION 110-31 (ENTITLED “SHUTOFF VALVES”); PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City is a provider of water service to its citizens; and

**WHEREAS**, pursuant to its police powers the City may impose reasonable regulations related to connection to the public water system; and

**WHEREAS**, City Council's objective in imposing a shutoff valve requirement is to protect the public water system from unnecessary waste or compromise, and to assure the public water system retains adequate water pressure to provide service to customers and be available for fire suppression..

**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 110-31 (entitled “Shutoff valves”) is hereby amended by replacing the existing language in its entirety with the language that follows:

**Sec. 110-31. - Shutoff valves.**

- (a) Shutoff valve requirements December 9, 1980 to August 31, 2020. At least one approved shutoff valve is required to be installed, on the customer's side of the meter, for all water services connections made after December 9, 1980, and in all cases where a service line was repaired or replaced during such period.
- (b) Shutoff valve requirements after August 31, 2020. At least one approved shutoff valve is required to be installed, on the customer's side of the meter, for all water services connections made after August 31, 2020, and in all cases where a service line is repaired or replaced after such date, subject to the additional requirements that follow:
  - (1) The shutoff valve shall be installed as near as practical to the meter; but in no event shall a shutoff valve be installed more than two (2) feet from the meter; and
  - (2) The shutoff valve shall be placed in a valve box approved by the City's building official.

**Section two. 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 three. 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 four. 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 five shall apply.

**Section five. 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 six. 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 seven. 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 eight. 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 nine. 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 ten. 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 14<sup>th</sup> day of July, 2020

Passed and Adopted on the 28<sup>th</sup> day of July, 2020

**CITY OF BURNET**

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Crista Goble Bromley, Mayor

**ATTEST:**

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Kelly Dix, City Secretary



## Public Works

## ITEM 3.3

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

### Agenda Item Brief

**Meeting Date:** July 14, 2020

**Agenda Item:** Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET AMENDING THE CODE OF ORDINANCES SECTION 98-44 (ENTITLED "WATER UTILITY IMPROVEMENTS") AND SECTION 98-45 (ENTITLED "WASTEWATER UTILITY IMPROVEMENTS") ; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: G. Courtney

**Background:** In furtherance of the objective to maintain efficient and low maintenance water and wastewater utility infrastructure Council and staff have discussed revising City Code Section 98-44 (entitled "Water utility improvements") and 98-45 (entitled "Wastewater utility improvements"). Of specific concern was section 98-45(b)(1) which reads: *"All new public wastewater systems shall be designed and constructed to operate on a gravity flow basis by taking advantage of natural topographic conditions and thereby reducing the need for lift stations and force mains. In extreme cases, grinder pumps for any wastewater system may be approved by the commission and the council."*

**Information:** In response to those concerns staff has prepared an amending ordinance which provides as follows:

- Consolidates Sections 98-44 and 98-45 into one section (98-44) which includes a subsection addressing water and wastewater utilities generally; a subsection addressing water utilities; and a subsection addressing wastewater utilities;

- Clarifies that water and wastewater utility construction is to comply with Burnet Construction Manual and TCEQ Rules and regulations, as previously adopted by Council.
- Provides a variance process wherein the City Engineer/City Manager may authorize a variance upon finding of undue hardship not of the developer's own making;
- Provides for an infrastructure oversizing policies. Oversizing is where the city would require the line or pipe to be larger than what the developer needs to meet the needs of the city.

**Fiscal Impact**

These amendments shall have no direct fiscal impact. Implementation of the oversizing policy will have long term beneficial financial impact.

**Recommendation:**

Approve and the first reading of Ordinance 2020-16 as presented.

## ORDINANCE NO. 2020-16

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET AMENDING THE CODE OF ORDINANCES SECTION 98-44 (ENTITLED “WATER UTILITY IMPROVEMENTS”) AND SECTION 98-45 (ENTITLED “WASTEWATER UTILITY IMPROVEMENTS”) ; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City is a provider of water and wastewater service to its citizens; and

**WHEREAS**, pursuant to its police powers, the City regulates the subdivision and development of land and the construction of utility infrastructure required to support the development of land; and

**WHEREAS**, City Council’s objective in adopting regulations related water and wastewater utilities is to advance the safe, orderly development of land and expansion of the water and wastewater utility networks; 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 98 (entitled “Subdivisions”) Section 98-44 (entitled “Water utility improvements”) and Section 98-45 (entitled “Wastewater utility improvements”) are hereby amended by replacing the existing language in its entirety with the language that follows:

### **Section 98-44 Water and Wastewater Utilities**

- (a) **Purpose.** The purpose of this section is to ensure the adequate provision of water and wastewater service to customers within the city and to protect the health, safety, and welfare of the community through standardization and quality of water and wastewater utilities design and construction.
- (b) **General.**
  - (1) Texas Commission on Environmental Quality (TCEQ). The Rules and Regulations of TCEQ, as published and adopted into the Texas Administrative Code shall be the minimum standards for the design, installation, and regulation of water and wastewater facilities within the jurisdiction of the City of Burnet. Variance from TCEQ rules shall not be authorized by this section.
  - (2) Inspection, Certificate of Occupancy and Appeal:

- (A) Inspections. An inspector designated by the public works director will conduct as many inspections as necessary of the water or wastewater systems, but at least two inspections shall be conducted. One inspection will occur after completion of the installation of underground facilities but prior to backfilling of any soil. Another inspection will occur upon completion of the entire system but prior to its operation. The applicant or registered installer will notify the City that an inspection is desired at least one (1) business days prior to the need for inspection. The applicant or registered installer will provide whatever reasonable assistance the City requests in order to make the inspection and will be present at the time of inspection.
- (B) Approve or Disapprove. The city engineer will have the authority to approve or disapprove of the design and construction of the systems. If the city engineer determines that there are design, materials, construction, or installation practices that are not in compliance with the requirements of this code, then the city will have the right to cause all development related work to cease and desist until the city determines that the work can be or has been brought into compliance with applicable city regulations.
- (C) Variances. Unless expressly prohibited, the city engineer may authorize variances to the requirements of this section 98-44 if the city engineer finds the following:
  - (i) strict application of the regulation would cause undue hardship;
  - (ii) the undue hardship was not caused by the developer;
  - (iii) the developer proposes an alternative solution that has a substantially similar effect as would compliance with the regulation; and
  - (iv) authorizing the variance would not compromise the public health and safety.
- (3) Additional requirements.
  - (A) Impact fees. The developer shall be obligated to contribute a pro-rata share to the funding of needed storage facilities, treatment facilities, and specific distribution lines through the assessment of impact fees.
  - (B) Phasing. Construction of development shall be phased in a manner that assures adequate water and wastewater services is maintained.
  - (C) Extension. The Extensions of utilities (including any necessary on-site and off-site improvements) to existing utility services must be sufficient to serve the needs of the proposed development.
  - (D) Easements. Developer shall acquire all necessary offsite easements.
  - (E) Fiscal Security. Developer shall provide fiscal security, in such form as approved by the city attorney, assuring construction of improvements shall be completed.

- (F) Authorization. Developer shall obtain all necessary approvals from water and wastewater services purveyors and shall comply with all purveyor rules, regulations and requirements.
  - (G) Alternative water supply. Developer shall provide plans and specifications for alternative water supply and wastewater disposal systems for city approval.
  - (H) Fire Flow. Shall cause the water system to be designed and constructed to provide adequate fire flow as determined by the city's fire chief.
- (c) **Connection to the City's Systems.**
- (1) Water. All new development shall be connected to an approved public water supply or distribution main. The costs for connection to the city's system shall be borne by the developer.
    - (A) Alternative water supply system. Should the distance to the city's water system's connection point be more than one-half mile from the development the developer may appeal to city council and request to be allowed to construct an alternative water supply system. City council may approve the alternative water supply system if council finds that due to the distance between the development and the city's water system it is unreasonable to require the connection. All alternative water supply systems, to the maximum extent practicable, shall be designed and sited in a manner that enables, connection to the city's water system, when connection becomes available.
  - (2) Wastewater. All new development shall be connected to an approved public wastewater collection main. All wastewater systems shall function by gravity flow unless a variance authorized as provided in this Section. The costs for connection to the city's system shall be borne by the developer. The costs for connection to the city's system shall be borne by the developer.
    - (A) Alternative wastewater system. Should the distance to the city's wastewater system's connection point be more than one-half mile from the development the developer may appeal to city council and request to be allowed to construct an alternative wastewater supply system. City council may approve the alternative wastewater supply system if council finds that due to the distance between the development and the city's wastewater system it is unreasonable to require the connection. All developments that are designed to be served by On-Site Sewage Facilities OSSFs shall be designed to allow, to the maximum extent practicable, the future extension of gravity sewer lines along the property lines and the connection of individual wastewater lines from such developments to the city sewer by gravity flow, when same becomes available.
- (d) **Oversizing.**
- (1) Generally. Developers must pay for all mains and other facilities needed to serve a proposed development. The city may require the installation



of oversized water mains and wastewater mains and related facilities pursuant to the terms of this subsection.

- (2) Notice. The city shall give developer written notice of its intent to consider its oversizing option within thirty (30) days from the date a developer submits a preliminary plat for any section of a development. Should the city not provide timely notice its oversized option is waived.
- (3) Oversizing cost estimate. Within thirty (30) days of receipt of the city's notice the developer shall provide the city a written costs estimate for the oversizing that complies with Table 98-44(a). A cost estimate shall not be considered submitted to the city unless it complies with the table.
- (4) Exercise option. Within ten (10) days of receipt of the costs estimate the city shall provide developer with notice of its intent to exercise its option. If the city fails to timely provide notice the oversized option is waived. If city timely gives notice the city shall be obligated to incur all costs for oversizing to a capacity greater than required to serve the property as stated in the subsection immediately below and exemplified in Table 98-44(a).
- (5) City's costs obligation. The city's cost obligation for oversizing utilities shall be limited to the incremental costs for oversizing the main or other facility.

**Table 98-44(a). City's oversizing costs obligation example.**

Costs for 8-inch water line designed for project	Costs for city requested 10-inch oversize water line	City's oversizing costs obligation
\$50.00 per linear foot	\$55.00 per linear foot	\$5.00 per linear foot.

- (6) Dispute resolution. In the event a dispute arises between the city and developer regarding any aspect of the oversizing option the city manager shall work with the developer to find an amicable solution, which may include the selection of an engineer unconnected with either the city or the developer to serve as a non-binding mediator.
- (e) **General Design Standards.**
- (1) Licensed Professional Engineer. All installations must be designed by a Licensed Professional Engineer, registered to practice in the State of Texas, in accordance with this Code and the City of Burnet Construction Manual. The Engineer will provide a letter certifying that the completed construction of the water or wastewater system meets the minimum regulations of the state, county and city. Whenever the standards and specifications of the city, county, or the state conflict, the more restrictive requirements will govern.
  - (2) System Improvements. All water distribution, and wastewater collection, system improvements shall be designed and sized to meet the minimum design standards of TCEQ, the design standards set forth in the Burnet Water and Wastewater Capital Improvement Plan, and the City of Burnet Construction Manual.

(f) **Public Water System Design Standards.**

In addition to the aforementioned General Design Standards, water distribution systems shall be designed to the standards that follow:

- (1) General Specifications. Piping for water mains and connections will be constructed of such materials as required by the City of Burnet Construction Manual.
- (2) Minimum Diameter. Water mains smaller than eight inches inside diameter will not be permitted. Fire hydrants will be installed on an 8-inch or larger diameter water line.
- (3) Maximum Length. In all areas, water mains will be no longer than that length which would by fluid friction render the main incapable of producing the desired flows and pressures required for the type of area to be served.
- (4) Valve Locations. There shall be three (3) valves located at each tee in the main (one for each direction of the tee) and there shall be four (4) valves located at each cross in the main (one for each direction of the cross) or as directed by the City Engineer .
- (5) Service Lines. Service lines of two inches or less shall be polyethylene tubing with brass fittings. The materials for service lines larger than two inches shall be determined on a case by case basis by the Director of Public Works and the City Engineer.
- (6) Fire Hydrants. All extensions or additions to the City water distribution system within the subdivision must meet the requirements set forth in the current ISO Rating as promulgated by the Texas State Board of Insurance (TBI) for the installation of fire hydrants. Fire hydrants will be colored standard red and comply with the requirements of the by the City of Burnet Construction Manual. All fire hydrants will have left opening threads.
  - (A) Type. Standard three-way hydrants will be installed and will have a six-inch or larger connection ductile iron pipe to mains with a minimum five-inch valve opening.
  - (B) Location. All fire hydrants will have a three foot clear horizontal radius of 360 degrees around the fire hydrant, clear of vegetation and landscaping. All fire hydrants will be located on street corners, before the end of any cul-de-sacs or side property lines so as to be readily accessible at all times. All fire hydrants will be equipped with at least a six (6) inch valve located on the hydrant lead and the valve and hydrant will be mechanically anchored to the main.
  - (C) Maximum Spacing. Hydrants will be properly located along streets so there will be a fire hydrant every three hundred (300) feet in the commercial / mixed-use areas and every six hundred (600) feet in residential areas, so that every building will be within five hundred (500) feet of a standard fire hydrant. Hydrants must be equipped with the National Standard hose threads.
- (7) Sufficient Size. Water systems will be of sufficient size to furnish adequate domestic water supply, to furnish fire protection and water services to all lots, and to conform to the Water and Wastewater Utility

Plan component of the City of Burnet Master Plan and specific plans for provision of expanded capacity. No water main line extensions will be less than eight (8) inches in diameter.

- (8) **Connectivity and Fire Flow and Pressure.** All water lines will be connected to other distribution system water lines at both ends. Where it is not practical to connect a water line to the system at both ends, the dead-end water lines will be the minimum size that will provide fire flow and pressure as required herein. The dead end line will have a flush hydrant at end of the line.
- (9) **Fire Hydrants. Fire Flows.** Fire flows are required to conform to International Standards Organization (ISO) standards. The City Manager (or designee) is responsible for maintaining and updating the listing of required fire flows for distribution whenever ISO standards change, and for providing this listing of required fire flows for distribution to Applicants / Developers. All fire flows will be calculated at such residual pressure as required by Texas Administrative Code Section 290.44(d). Fire flow calculations and/or model run printouts will be included with submittals for the City Engineer's review.
- (10) **State Fire Insurance Commission.** The design and layout of the water distribution system will be acceptable to the State Fire Insurance Commission

(g) **Public Wastewater System Design Standards.**

In addition to the aforementioned General Design Standards, wastewater collection systems shall be designed to the standards that follow:

- (1) **Capacity.** All wastewater systems will be sized to accommodate the maximum peak flow plus infiltration flows, which will render the pipe flowing no greater than three-fourths full. Minimum slope will be according to current TCEQ rules and regulations and wastewater design standards.
- (2) **Locations.** Wastewater mains will be located in the street right-of-way except where required otherwise to transport the wastewater to the treatment facility or a pump station. Separation distances will comply with TCEQ design standards found in Texas Administrative Code Title 30 Environmental Quality, Chapters 217, Design Criteria for Domestic Wastewater Systems, and 290, Public Drinking Water.
- (3) **Materials.** Wastewater lines will be constructed of such materials as required by the City of Burnet Construction Manual.
- (4) **Minimum Diameter of Mains and Services.** All wastewater mains will be a minimum of eight (8) inches inside diameter. Service lines serving individual lots will be no smaller than six (6) inches inside diameter.
- (5) **Manholes.** Manholes will be installed in compliance with Texas Administrative Code Section 217.55.
- (6) **Lift Stations and Force Mains.** All wastewater systems shall function by gravity flow unless a variance is authorized in the manner provided in this Section. If authorized by variance lift stations and force mains shall be constructed in accordance with Texas Administrative Code Chapter

217 (entitled “Design Criteria for Domestic Wastewater Systems”) Subchapter C: Conventional Collection Systems §§217.51 – 217.71, as amended, unless otherwise specified in this Chapter.

(7) Permits.

- (A) Permit required. A permit shall be required for the construction of a wastewater collection system or service connection.
- (B) Plans. Three (3) copies of the plans for the wastewater collection system and/or service connection including a plat showing the location of the system will be required. The plans will show the seal of the Engineer responsible for the design.
- (C) Review. The City Engineer will review the plans for the proposed wastewater collection system and or service connection and recommend issuance of a permit if he determines that the plans are in compliance with the all the requirements set forth herein

**Section 98-45 Reserved.**

**Section two. 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 three. 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 four. 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 five shall apply.

**Section five. 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 six. 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 seven. 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 eight. 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 nine. 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 ten. 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 14<sup>th</sup> day of July, 2020

Passed and Adopted on the 28<sup>th</sup> day of July, 2020

**CITY OF BURNET**

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Crista Goble Bromley, Mayor

**ATTEST:**

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Kelly Dix, City Secretary



## City Council

## ITEM 3.4

Danny Lester  
Councilmember  
dlester@cityofburnet.com

### Agenda Item Brief

**Meeting Date:** July 14, 2020

**Agenda Item:** Discuss and consider action A RESOLUTION OF THE BURNET CITY COUNCIL ESTABLISHING A POLICY FOR PROCESSING INDIVIDUAL COUNCILMEMBER'S REQUEST FOR INFORMATION: Council Member Lester

**Background:**

**Information:** The attached resolution outlines a directive to staff to send any request by a Councilmember for existing information to all Councilmembers along with the name of the person requesting the information. The resolution also provides direction regarding requests for documents that are not readily available and have to be created by staff.

**Fiscal Impact:**

**Recommendation:** To be determined by Council.

**VERSION 1**

**RESOLUTION NO. R2020-28**

**A RESOLUTION OF THE BURNET CITY COUNCIL ESTABLISHING A  
POLICY FOR PROCESSING INDIVIDUAL COUNCILMEMBER'S  
REQUEST FOR INFORMATION.**

**Whereas**, Texas Government Code § 552.008 (entitled "Information for Legislative Purposes") provides individual members of the City Council may examine the records of the City to further the member's legislative responsibilities; and

**Whereas**, City Council understands that, where such records do not exist, the preparation of a report in response to a request for information may involve a significant use of staff resources; and

**Whereas**, City Council determines it appropriate to establish this policy to provide clarity to the City Manager when responding to **individual members of the City Council request for information and reports**.

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

**Section one. Existing City Records.** Any member of Council may request to inspect, or receive copies of, any existing City Record. Upon receipt of such request, the City Manager, or City Secretary shall provide copies of requested city records, and the name of the Councilmember who initiated the request, to each member of Council. In the event the requested record contains "confidential information" the request shall be processed in accordance with the requirements of Texas Government Code **§ 552.008(b)**.

**Section two. Other Information.** For the purpose of this policy, other information includes any response to a request for information that does not currently exist as a record of the City. Should a Councilmember request constitute a request for other information the City Manager shall so advise the requesting Councilmember. Should the requesting Councilmember desire the other information be captured as a City Record the Councilmember shall place the request on the first available City Council agenda. Should a majority of Council vote in favor of creation of such City Record, the City Manager shall direct such record be created and distributed to all members of Council.

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

**APPROVED AND ADOPTED on this the 14<sup>th</sup> day of July, 2020.**

**CITY OF BURNET**

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Crista Goble Bromley, Mayor

**ATTEST:**

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Kelly Dix, City Secretary



**VERSION 2**

**RESOLUTION NO. R2020-28**

**A RESOLUTION OF THE BURNET CITY COUNCIL ESTABLISHING A  
POLICY FOR PROCESSING INDIVIDUAL COUNCILMEMBER'S  
REQUEST FOR INFORMATION.**

**Whereas**, Texas Government Code § 552.008 (entitled "Information for Legislative Purposes") provides individual members of the City Council may examine the documents or records of the City to further the member's legislative responsibilities; and

**Whereas**, City Council understands that, where such documents or city records do not exist, the preparation of a document in response to a request for information may involve a significant use of staff resources; and

**Whereas**, City Council determines it appropriate to establish this policy to provide clarity to the City Manager when responding to **individual members of the City Council request for information and the creation of documents or city records.**

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

**Section one. Existing City Records.** Any member of Council may request to inspect, or receive copies of, any existing document or city record. Upon fulfilling such request, the City Manager, or City Secretary shall provide copies of requested documents or city records, and the name of the Councilmember who initiated the request shall be sent to each member of Council. In the event the requested record contains "confidential information" the request shall be processed in accordance with the requirements of Texas Government Code § 552.008(b).

**Section two. Other Information.** For the purpose of this policy, other information includes any response to a request for information that does not currently exist as a document or record of the City. Should a Councilmember's request require the creation of a new document or new city record, which the City Manager estimates would take less than four hours to complete, the City Manager shall direct the creation of the document or record be initiated and shall provide copies of the newly created document or record, and the name of the Councilmember initiating the request, to all members of City Council.

Should a Councilmember's request require the creation of a new document or new city record, which the City Manager estimates would take four hours, or more, to complete, the City Manager shall so advise the requesting Councilmember. The Councilmember may then place their request on a future City Council agenda for Council consideration.

Should a majority of Council present at the meeting vote in favor of creation of such document or city record, the City Manager shall direct such document or city record be created and distributed to all members of Council.

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

**APPROVED AND ADOPTED on this the 14<sup>th</sup> day of July, 2020.**

**CITY OF BURNET**

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Crista Goble Bromley, Mayor

**ATTEST:**

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Kelly Dix, City Secretary



## Administration

## ITEM 3.5

David Vaughn  
City Manager  
512.715.3208  
dvaughn@cityofburnet.com

### Agenda Item Brief

**Meeting Date:** July 14, 2020

**Agenda Item** Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET DESIGNATING PATRICIA LANGFORD, DIRECTOR OF FINANCE AND CITY MANAGER DAVID VAUGHN, AS EMPLOYEES TO CALCULATE THE NO-NEW REVENUE TAX RATE AND THE VOTER APPROVAL TAX RATE IN ACCORDANCE WITH THE TEXAS TAX CODE: D. Vaughn

**Background:** Senate Bill 2, the *Texas Property Tax Reform and Transparency Act of 2019*, by Sen. Bettencourt, was signed by the governor on June 12, 2019.

The bill makes substantial changes to the property tax and appraisal systems amending the Education, Local Government, Health and Safety, Government, Special District, and Tax Codes. The changes result in compressing existing timeframes and altering procedures for municipalities preparing their 2021 budgets.

**Information:** Texas Tax Code Sections 26.04 (c) and 26.17 (e ) now require an officer or an employee designated by the governing body to calculate the no-new-revenue tax rate and the voter-approval tax rate for the taxing unit after the assessor submits the certified appraised roll.

**Fiscal Impact:** None.

**Recommendation:** Approve and adopt Resolution R2020-29 as presented.

## RESOLUTION NO. R2020-29

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET ESTABLISHING DESIGNATING PATRICIA LANGFORD, DIRECTOR OF FINANCE AND DAVID VAUGHN CITY MANAGER AS EMPLOYEES TO CALCULATE THE NO-NEW REVENUE TAX RATE AND THE VOTER APPROVAL TAX RATE IN ACCORDANCE WITH THE TEXAS TAX CODE.**

**Whereas**, the State legislature amended the Texas Tax Code in 2019 as part of its Property Tax reform;

**Whereas**, Texas Tax Code Sections 26.04(c) and 26.17(e) now require an officer or employee designated by the governing body to calculate the no-new-revenue tax rate and the voter-approval tax rate for the taxing unit after the assessor submits the appraisal roll; and

**Whereas**, Patricia Langford, Certified Public Accountant and Certified Government Finance Officer, is the Director of Finance.

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

**Section one. Designation.** Patricia Langford and David Vaughn are hereby designated as a qualified professionals to calculate the no-new revenue tax rate and the voter-approval tax rate for the City of Burnet in accordance with section 26 of the Texas Tax Code.

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

**APPROVED AND ADOPTED on this the 14<sup>th</sup> day of July, 2020.**

**CITY OF BURNET**

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Crista Goble Bromley, Mayor

**ATTEST:**

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Kelly Dix, City Secretary



## Administration

## ITEM 3.6

David Vaughn  
City Manager  
512.715.3208  
dvaughn@cityofburnet.com

### Agenda Item Brief

**Meeting Date:** July 14, 2020

**Agenda Item** Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF BURNET, TEXAS AUTHORIZING THE ACCEPTANCE OF PAYMENT OF WHOLESALE PURCHASE ELECTRICAL POWER CREDITS FROM THE LOWER COLORADO RIVER AUTHORITY; DIRECTING CREDITS TO DEPOSITED IN ACCORDANCE WITH THE CITY'S INVESTMENT POLICY; AND RESTRICTING THE USE OF THE RECEIVED CREDITS: D. Vaughn

**Background:**

**Information:**

**Fiscal Impact:**

**Recommendation:** Approve and adopt Resolution R2020-30 as presented.

## RESOLUTION NO. R2020-30

**A RESOLUTION BY THE CITY COUNCIL OF BURNET, TEXAS AUTHORIZING THE ACCEPTANCE OF PAYMENT OF WHOLESALE PURCHASE ELECTRICAL POWER CREDITS FROM THE LOWER COLORADO RIVER AUTHORITY; DIRECTING CREDITS TO DEPOSITED IN ACCORDANCE WITH THE CITY'S INVESTMENT POLICY; AND RESTRICTING THE USE OF THE RECEIVED CREDITS.**

**Whereas**, the City purchases wholesale electrical power from the Lower Colorado River Authority; and

**Whereas**, the City Manager received written notification from the Lower Colorado River Authority of a surplus balance in the City's fuel account; and

**Whereas**, the City is entitled to a credit of \$283,092.02, spread evenly to the wholesale power charges for June and July 2020; and

**Whereas**, the City was allocated \$475,000.00 in credits by the Lower Colorado River Authority earlier this fiscal year; and

**Whereas**, City Council has formally approved a separate Investment Policy for the City that meets the requirements of the Public Funds Investment Act (PFIA), Section 2256 of the Texas Local Government Code; and

**Whereas**, the Investment Policy complies with the Public Funds Investment Act and authorizes the investment of city funds in safe and prudent investments; and

**Whereas**, it is advantageous for the City to withdrawal and deposit restricted fund assets for the purpose of investment as provided for herein.

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

**Section 1. Findings.** That the recitals to this Resolution are incorporated herein for all purposes.

**Section 2. Acceptance.** The wholesale fuel and purchased power charges credits received from the Lower Colorado River Authority ("LCRA-Managed Fuel and Power Cost Recovery Credit Funds") earlier this fiscal year in the amount of \$475,000.00 and the wholesale power charges credit to be received from the Lower Colorado River Authority for June and July 2020, in the amount of \$283,092.02 are hereby accepted.

**Section 3. Deposit.** City Council does hereby authorize and direct the LCRA-Managed Fuel and Power Cost Recovery Credit Funds be invested in accordance with the City's investment policy as a "Restricted by Council Action" account.

**Section 4. Withdrawals.** City Council does hereby direct that LCRA-Managed Fuel and Power Cost Recovery Credit Funds, deposited in accordance with Section 3, shall not be withdrawn from the deposited investment account without action by City Council expressly directing such withdrawal to satisfy an authorized expenditure.

**Section 5. 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 6. Effective Date.** That this resolution shall take effect immediately upon its passage, and approval as prescribed by law.

**PASSED AND APPROVED** this the 14<sup>th</sup> day of July, 2020.

**CITY OF BURNET, TEXAS**

**ATTEST:**

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

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



## Development Services

## ITEM 3.7

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

### Agenda Item Brief

**Meeting Date:** July 14, 2020

**Agenda Item:** Discuss and consider action: Direction to Staff regarding a variance to lot sizes at Honey Rock Ranch: J. Lutz

**Information:** The owner of property located in Honey Rock would like to explore the possibility of creating a development that may have some lots smaller than those allowed in the City's Zoning Code. The owner would like some feedback from Council regarding the ability to develop residential lots that are 40' wide instead of the required 60' lots.

Staff has reviewed the proposed concept plan to identify any potential issues, concerns, and benefits regarding such a development.

**Lot Size** – From a planning perspective, the reduction to 40' lots is not a new concept. Many municipalities have similar developments with similar densities. The important issue would need to be how these developments function in relation to neighboring properties. Setbacks, lot depth, and minimum lot sizes would most likely need to be adjusted in order to develop the property.

**Impervious Cover & Drainage** – Due to the limited size of the lot and increase in density, drainage will become a major issue. Any proposals would need to be carefully reviewed to ensure regional detention and flooding as well as drainage between properties are adequately addressed. Given the presence of a creek and the challenges in developing those areas, it is most likely that the property could still adhere to



current regulations regarding the “overall impervious cover” requirements for residential subdivisions.

**Public Utilities / Infrastructure** – Water and electricity are available in the area, but additional infrastructure required to serve the development would be the responsibility of the landowner. Additional off-site upgrades will most likely be required in order to bring utilities to the site. Electricity can be provided, but existing service and transmission lines may need to be adjusted to keep existing properties adequately served. Sewer would need to be extended to this area and there may need to be additional off-site upgrades in the area as well. Depending on ultimate buildout, upgrades to existing lift stations or upsizing of existing pipes may also need to be performed at the applicant’s expense.

**Emergency Services & Code Enforcement** – Due to the high density and close proximity of homes, there may be additional resources required by P.D. and Code Enforcement in the area. Smaller lot developments like this are also popular to older individuals who are looking to downsize and could increase emergency responses in the area. Given the close proximity to property lines, the Fire Code may require additional fire separation requirements than are typically found in order to keep fires from jumping from one structure to another since setbacks and structures are built closer together. The fire access road may also need to be constructed, in its entirety, to allow 2 points of access to the community for emergency access.

**Zoning Process** – The City Code does allow Council to adopt a Planned Unit Development (PUD) which allows for different development standards for lot sizes, setbacks, and impervious cover. This process would be the most ideal as it allows for unique development and could include standards such as percentages of masonry requirements or other building materials. By utilizing the PUD process, the City could create this district and allow the development, without giving a blanket approval to be utilized within the City. The other process would be to create a new zoning district that would allow this development, or the applicant could apply for variances. The variance process would not be ideal as the

standards for approval and requirements regarding the necessity of hardships, self-imposed, and uniqueness may be difficult to prove.

**Fiscal Impact:**

**Recommendation:** To be determined by Council. The owner and staff are seeking Council feedback in regards to smaller lot sizes before the owner expends funds and staff dedicates time and resources to further develop plans for the project.











## Police Department

## ITEM 3.8

Jason Davis  
Interim Police Chief  
(512)-756-6404  
jdavis@cityofburnet.com

### Agenda Item Brief

<b>Meeting Date:</b>	July 14 <sup>th</sup> , 2020
<b>Agenda Item:</b>	Discuss and consider action: Authorization and approval to purchase three (3) 2020 Chevy Tahoe's for the Police Department: J. Davis
<b>Background:</b>	Burnet Police has been using Caldwell Country Chevrolet for the last several years, to purchase Chevy Tahoe's for patrol units. The price per Tahoe will be \$51,628.00. This price does include some of the needed equipment for each Tahoe.
<b>Information:</b>	The Tahoe's will come equipped with most of the needed equipment for each patrol vehicle. There will be a minimum of 90-120 days for delivery and there is a good possibility the vehicles will not be delivered until the first quarter of 2021. If we wait until after October 1, we are being informed there is a good chance the vehicles will not be delivered until next summer.
<b>Fiscal Impact:</b>	The total cost for the Three Tahoe's will be \$154,885.00 for the 2020-2021 Budget. Payment will not take place until we receive delivery.
<b>Recommendation:</b>	Staff recommends approval of the purchase of three Chevy Tahoe's for the Police Department.