



## **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 **8<sup>th</sup> day of December, 2020** at **5:30** p.m. in the Burnet Community Center, 401 E. Jackson Street, 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 Burnet Community Center will be open for public attendance, however, masks will be required, hand sanitizer will be provided, temperatures will be taken upon entry and seating will adhere to social distancing guidelines.

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. ROLL CALL:**

#### **2. CONVENE TO EXECUTIVE SESSION:**

2.1) Pursuant to Texas Government Code Section 551.071 (entitled “Consultation with Attorney”) City Council shall convene in executive session to receive legal advice on contemplated litigation, settlement offer, and/or matter in which the duty of the city attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Texas Government Code Chapter 551 related to the topics that follow:

- (a) City’s predecessors in title claims of a reversionary interest in the 42 acres of City land located west of the Burnet Municipal Golf Course, said land being the subject of a bid for purchase by Delaware Springs Ranch Investment LLC; and
- (b) The rezoning of all real property within the City of Burnet by the re-adoption of the official City of Burnet Zoning Map in its entirety as currently published for the purpose of alleviating any discrepancies between the City of Burnet

Zoning Map and other City records and to cure any potential infirmities in prior rezoning actions.

### **3. RECONVENE TO REGULAR SESSION FOR POSSIBLE ACTION:**

3.1) Discuss and consider action: Regarding 42 acres of City Land located west of the Burnet Municipal Golf Course, said land being the subject of a bid for purchase by Delaware Springs Ranch Investment LLC.

3.2) Discuss and consider action: Regarding The rezoning of all real property within the City of Burnet by the re-adoption of the official City of Burnet Zoning Map in its entirety as currently published for the purpose of alleviating any discrepancies between the City of Burnet Zoning Map and other City records and to cure any potential infirmities in prior rezoning actions.

### **4. SPECIAL REPORTS/RECOGNITION: 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. PUBLIC HEARING:**

5.1) Public Hearing: The City Council will conduct a public hearing to receive public testimony and comments on the merits of a proposed "Preliminary Plat" for approximately 25.954 acres out of the Eugenio Perez Survey, No. 41, Abstract No. 672, The Susano Hernandez Survey No. 40, Abstract 398 and Washington Anderson Survey 10, abstract 29, and located approximately 830 feet west of the intersection of US Hwy 281 and Delaware Springs Blvd. The proposed "Preliminary Plat" will establish Section 24 of the Delaware Springs Subdivision, consisting of approximately 51 residential lots: J. Lutz

5.2) Public Hearing: The Burnet City Council shall conduct a public hearing to receive public testimony and comments on the merits of a proposed amendment to the City's Code of Ordinances Chapter 118 (entitled "Zoning") Section 118-64 (entitled "Conditional Use Permit"). The proposed amendment would expand City Council's authority to grant conditional use permits in all commercial and industrial districts and provide criteria for granting a conditional use permit.

### **6. 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.)*

6.1) Approval of the November 10<sup>th</sup>, 2020 Regular City Council Meeting Minutes

## **7. ACTION ITEMS:**

7.1) Discuss and consider action: City Council shall receive information from the City Manager on the status of the COVID-19 pandemic's impact on the City and may discuss, give direction, or take action to implement, extend, modify or terminate plans or programs in response to the pandemic: D. Vaughn

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

7.3) Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING PART 15, GRIEVANCES, OF THE PERSONNEL POLICY MANUAL BY UPDATING AND CLARIFYING POLICY REQUIREMENTS: K. Sames

7.4) Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING RESOLUTION NO. 2020-43 BY EXTENDING THE DATE BY WHICH A REAL ESTATE AGREEMENT WITH DELAWARE SPRINGS RANCH INVESTMENTS LLC, FOR THE SALE OF APPROXIMATELY 42 ACRES OF CITY LAND LOCATED WEST OF THE BURNET MUNICIPAL GOLF COURSE IS TO BE PRESENTED TO CITY COUNCIL AND AUTHORIZING AND DIRECTING THE CITY MANAGE TO NEGOTIATE THE REAL ESTATE AGREEMENT FOR FUTURE CITY COUNCIL APPROVAL: H. Erkan

7.5) Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF BURNET, TEXAS AMENDING RESOLUTION NO. R2020-32 BY EXTENDING THE DATE BY WHICH AN AGREEMENT TO LEASE AN AIRPORT HANGAR IS TO BE PRESENTED TO COUNCIL AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO NEGOTIATE THE LEASE AGREEMENT FOR FUTURE CITY COUNCIL APPROVAL: H. Erkan

7.6) Discuss and consider action: The City Council will discuss and consider action regarding a proposed "Preliminary Plat" for approximately 25.954 acres out of the Eugenio Perez Survey, No. 41, Abstract No. 672, The Susano Hernandez Survey No. 40, Abstract 398 and Washington Anderson Survey 10, abstract 29, and located approximately 830 feet west of the intersection of US Hwy 281 and Delaware

Springs Blvd. The proposed "Preliminary Plat" will establish Section 24 of the Delaware Springs Subdivision, consisting of approximately 51 residential lots: J. Lutz

7.7) Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AMENDING THE CODE OF ORDINANCES CHAPTER 118 (ENTITLED "ZONING") SECTION 118-64 (ENTITLED "CONDITIONAL USE PERMITS") BY EXPANDING CITY COUNCIL'S AUTHORITY TO GRANT A CONDITIONAL USE PERMIT IN COMMERCIAL AND INDUSTRIAL DISTRICTS AND PROVIDING A CRITERIA FOR GRANTS OF CONDITIONAL USE PERMITS; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: J. Lutz

7.8) Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS ("CITY"), EXPRESSING SUPPORT FOR HOUSE BILL NO. 233 BEING PROPOSED BY REPRESENTATIVE ANDREW MURR DURING THE 87<sup>TH</sup> LEGISLATIVE SESSION: D. Vaughn

7.9) Discuss and consider action: A RESOLUTION BY THE CITY OF BURNET, TEXAS DESIGNATING CERTAIN CITY OFFICIALS TO SIGN CHECKS AND OTHER DISBURSEMENTS FOR ANY AUTHORIZED DEPOSITORY OF THE CITY OF BURNET, TEXAS: P. Langford

7.10) Discuss and consider action: Regarding proposed regulations governing the use and operation of Mobile Food Establishments and providing feedback and direction to City staff regarding the proposed regulations: J. Lutz

7.11) Discuss and consider action: Appointment of the Burnet Airport Advisory board members to director positions one (1) through five (5): K. Dix

7.12) Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING SECTION 3.14 SEXUAL HARASSMENT POLICY, OF THE PERSONNEL POLICY MANUAL BY UPDATING AND CLARIFYING POLICY REQUIREMENTS: K. Sames

7.13) Discuss and consider action: Authorizing the City Manager to execute a letter of acceptance with the Commemorative Airforce (CAF) and the Army to allow A-10 aircraft to land at the airport for the 2021 airshow: D. Vaughn

**8. REQUESTS FROM COUNCIL FOR FUTURE REPORTS:** In accordance with Resolution R2020-28 councilmembers may request the City Manager to prepare and present future report on matters of public interest.

**9. ADJOURN:**

Dated this the 4<sup>th</sup> day of December, 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 December 4<sup>th</sup>, 2020 at or before 6 o'clock p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

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Kelly Dix, City Secretary

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

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

**RIGHT TO ENTER INTO EXECUTIVE SESSION:**

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



## Administration

### ITEM 2.1

David Vaughn  
City Manager  
512.715.3208  
dvaughn@cityofburnet.com

## Agenda Item Brief

**Meeting Date:** December 8, 2020

**Agenda Item:** Executive Session: Pursuant to Texas Government Code Section 551.071 (entitled "Consultation with Attorney") City Council shall convene in executive session to receive legal advice on contemplated litigation, settlement offer, and/or matter in which the duty of the city attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Texas Government Code Chapter 551 related to the topics that follow:

- (a) City's predecessors in title claims of a reversionary interest in the 42 acres of City Land located west of the Burnet Municipal Golf Course, said land being the subject of a bid for purchase by Delaware Springs Ranch Investment LLC; and
- (b) The rezoning of all real property within the City of Burnet by the readoption of the official City of Burnet Zoning Map in its entirety as currently published for the purpose of alleviating any discrepancies between the City of Burnet Zoning Map and other City records and to cure any potential infirmities in prior rezoning actions.

**Background:**

**Information:**

**Fiscal Impact:**

**Recommendation:** To be determined by Council



## Administration

### ITEM 3.1

David Vaughn  
City Manager  
512.715.3208  
dvaughn@cityofburnet.com

## Agenda Item Brief

<b>Meeting Date:</b>	December 8, 2020
<b>Agenda Item:</b>	Discuss and consider action: Regarding 42 acres of City Land located west of the Burnet Municipal Golf Course, said land being the subject of a bid for purchase by Delaware Springs Ranch Investment LLC.: D. Vaughn
<b>Background:</b>	
<b>Information:</b>	Discussed in Executive Session
<b>Fiscal Impact:</b>	
<b>Recommendation:</b>	To be determined by Council



## Administration

### ITEM 3.2

David Vaughn  
City Manager  
512.715.3208  
dvaughn@cityofburnet.com

## Agenda Item Brief

**Meeting Date:** December 8, 2020

**Agenda Item:** Discuss and consider action: Regarding The rezoning of all real property within the City of Burnet by the readoption of the official City of Burnet Zoning Map in its entirety as currently published for the purpose of alleviating any discrepancies between the City of Burnet Zoning Map and other City records and to cure any potential infirmities in prior rezoning actions:  
D. Vaughn

**Background:**

**Information:** Discussed in Executive Session

**Fiscal Impact:**

**Recommendation:** To be determined by Council





## Development Services

### ITEM 6.1

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

## Agenda Item Brief

**Meeting Date:** December 8, 2020

**Agenda Item:** Public Hearing: The City Council will conduct a public hearing to receive public testimony and comments on the merits of a proposed "Preliminary Plat" for approximately 25.954 acres out of the Eugenio Perez Survey, No. 41, Abstract No. 672, The Susano Hernandez Survey No. 40, Abstract 398 and Washington Anderson Survey 10, abstract 29, and located approximately 830 feet west of the intersection of US Hwy 281 and Delaware Springs Blvd. The proposed "Preliminary Plat" will establish Section 24 of the Delaware Springs Subdivision, consisting of approximately 51 residential lots: J. Lutz

**Information:** The property is currently zoned R-1 and consists of approximately 25+ acres of unplatted property. The applicant is proposing to subdivide the existing tract in order to create a 51 lot single-family residential subdivision which will establish Section 24 of the Delaware Springs Subdivision.

The property will be accessed via two locations. The 1<sup>st</sup> access point will be off of Oak Vista Dr. and the 2nd point of access will be off of Delaware Springs Blvd. Both access points are along streets with 50' of public rights-of-way that are sufficient to handle the proposed additional traffic. The properties will be serviced via two 50' wide public rights-of-way, Tom Kite Dr. and Crenshaw Ct.

The access point off of Oak Vista Drive will cross city owned property. The City has previously provided the property an access easement as recorded in Document No. 202002970. This easement will need to be relocated to align with the new proposed Tom Kite Drive.

All lots will be 0.30 acres or greater, with most lots falling in the range of 0.30-0.40 acres in size with an expected impervious cover calculation of approximately 30%.

Water will be provided by the City of Burnet with a proposed 8" water line to serve the properties that will connect to an existing 12" water line along the south and west side of the property.

Sewer will also be provided by the City of Burnet with a proposed 8" sewer line servicing the properties that will connect to existing sewer infrastructure along the southwest and eastern portion of the properties.

A 25' City of Burnet Greenbelt Easement (C.O.B.G.E.) is provided along all property lines adjacent to the golf course. This easement will be maintained by the property owners and will prohibit the construction of fences, improvements, or other impervious cover. An additional 20' irrigation line easement has been provided between lots 1 & 2 of Block B in order to allow the City's irrigation line to be relocated into this easement.

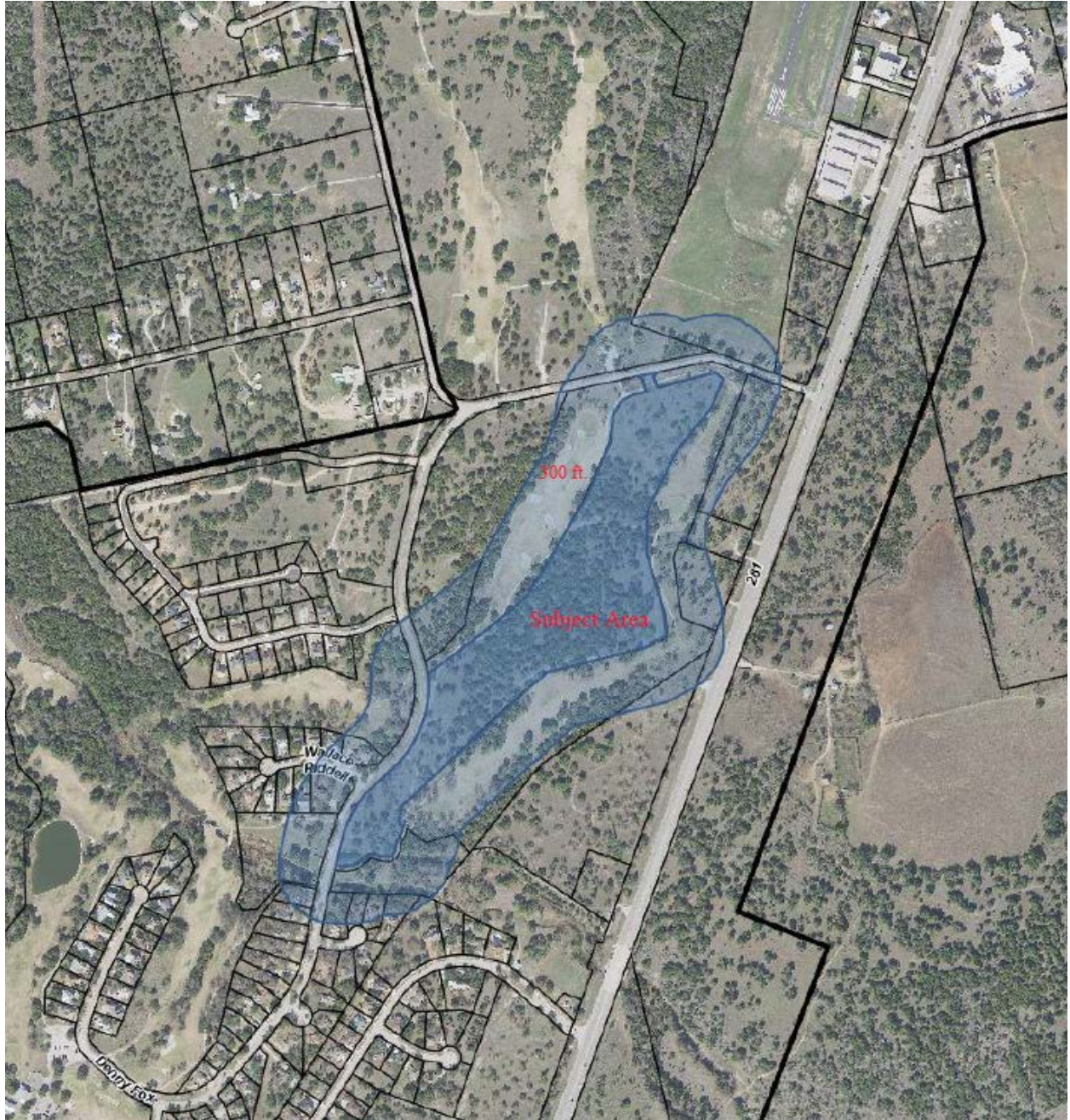
A portion of the property is located in a floodplain, but the proposed floodplain analysis shows no detention improvements would be required based on the impervious cover and location to the floodplain. Staff must note that the flood study is still being reviewed by K.C. Engineering and they are reviewing several additional pieces of information submitted by the applicant. K.C. Engineering has stated that the outstanding comments/information should not change the results of the study or require the plat to be modified.

A tree survey will be provided in the future with the submittal of the proposed construction plans for staff review and mitigation requirements.

**Staff Analysis:** Staff has reviewed the proposed preliminary plat and found it to be in compliance with the City's adopted Subdivision Ordinance.

**Public Hearing:** Open the Public Hearing and receive comments.

Exhibit A – Location Map





**DELAWARE SPRINGS  
SECTION 24  
PRELIMINARY PLAT  
DELAWARE SPRINGS BLVD  
BURNET, TEXAS**



SUBMISSION PAGE NUMBER  
 JOURNAL DATE  
 PRODUCT NUMBER  
 ZONE  
 USE  
 REFERENCE NO.  
 RELEASE SERVICE NO.  
 REPORT ID#  
 R-1  
 SINGLE FAMILY RESIDENTIAL

[illegible]

1. THIS CASE IS LOCATED IN THE DECLARING STATE, ILLINOIS.
2. THIS CASE WAS FILED AND LOCATED IN THE ILLINOIS JUDICIAL CIRCUIT COURT, 702E.
3. A COURT OF THIS STATE HAS JURISDICTION OVER THE SUBJECT MATTER OF THIS CASE, AND THE COURT HAS JURISDICTION OVER THE PARTIES TO THIS CASE.
4. THE COURT HAS JURISDICTION OVER THE SUBJECT MATTER OF THIS CASE, AND THE COURT HAS JURISDICTION OVER THE PARTIES TO THIS CASE.
5. THE COURT HAS JURISDICTION OVER THE SUBJECT MATTER OF THIS CASE, AND THE COURT HAS JURISDICTION OVER THE PARTIES TO THIS CASE.
6. THE COURT HAS JURISDICTION OVER THE SUBJECT MATTER OF THIS CASE, AND THE COURT HAS JURISDICTION OVER THE PARTIES TO THIS CASE.

6600 N. NEW ARLINGFIELD AVE.  
CHICAGO, ILL. 60630

CLAUDIO CONSULTANTS, LTD.  
2601 KYLE CIRCUS NO. SUITE A  
KELLS, TEXAS 75640  
817/312-5040  
817/312-6399 FAX

CELLO GLUECO, FIRM REGISTERED NO. 0016075,  
CAROLINE E. LUCAS, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4166,  
2205 STONEYBROOK PATH  
NEW BRUNSWICK, TEXAS 76130  
(817) 635-4657

CLERK OF DISTRICT COURT  
2001 WEST CHANDLER, SUITE A  
DENVER, CO 80202  
(303) 312-5299 FAX  
(303) 312-5299 FAX

10/17/04

DATE

Year	Manufacturing, Wholesale and Retail Trade
1990	10.0
1991	10.0
1992	10.0
1993	10.0
1994	10.0
1995	10.0
1996	10.0
1997	10.0
1998	10.0
1999	10.0
2000	10.0
2001	10.0
2002	10.0
2003	10.0
2004	10.0
2005	10.0
2006	10.0
2007	10.0
2008	10.0
2009	10.0
2010	10.0
2011	10.0
2012	10.0
2013	10.0
2014	10.0
2015	10.0
2016	10.0
2017	10.0
2018	10.0
2019	10.0
2020	10.0

JACOB LUTZ, Director of Planning and Development Services  
City of Bristol, TN 37620  
Telephone: Vols. PCH One (7) Ten

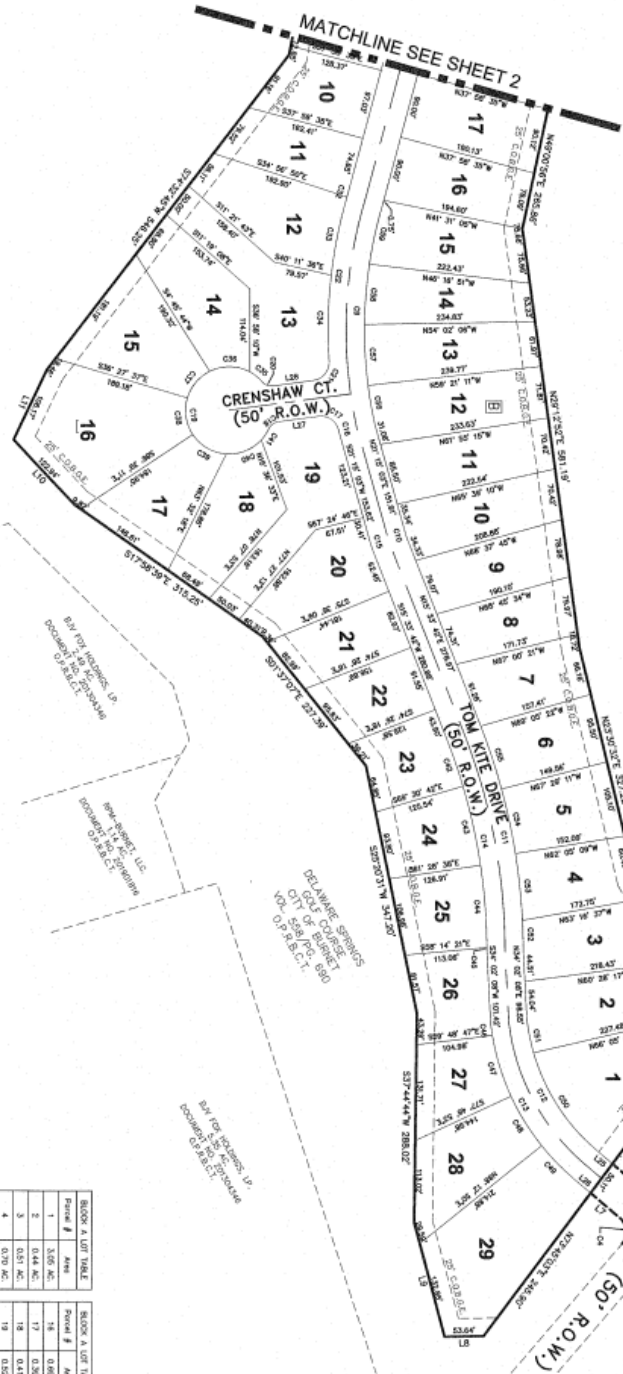
	Date _____
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**4 CUATRO**  
Consultants, LTD.  
Registration No. F-4504  
3601 Kyle Crossing, Suite A, Phoenix (602) 951-8288 Fax (602) 951-1459  
Kyle, Texas 76040 e-mail: cuatro@cuatroltd.com

DELAWARE SPRINGS TRACT 24  
BURNET, TEXAS 78611  
BURNET COUNTY

**CLIENT:**  
**JORDAN SHIPLEY**  
**DULLNIG RANCH SALES**  
**8606 N. NEW BRAUNFELS AVE.**  
**SAN ANTONIO, TEXAS 78209**



NAME	CLASS	D.W. (POUNDS)	TRAVEL, MIN	CLIMB TYPE	CLEAR JUMP (INCHES)	STRIKE
LOUI LOUI	LOOSE LOT 3-80 DUE	50"	30"	ROCKING	17"	30 MPH
LOUI LOUI	LOOSE LOT 3-80 DUE	50"	30"	ROCKING	17"	30 MPH

BLOCK 5 LOT 1 TABLE		BLOCK 6 LOT 1 TABLE		BLOCK 7 LOT 1 TABLE		BLOCK 8 LOT 1 TABLE	
Parcel #	Area	Parcel #	Area	Parcel #	Area	Parcel #	Area
1	5.03 AC.	16	0.30 AC.	1	0.68 AC.	16	0.37 AC.
2	0.43 AC.	17	0.34 AC.	2	0.46 AC.	17	0.38 AC.
3	4.61 AC.	18	0.41 AC.	3	0.40 AC.	18	0.36 AC.
4	0.70 AC.	19	0.41 AC.	4	0.33 AC.	19	0.37 AC.
5	0.20 AC.	20	0.43 AC.	5	0.34 AC.	20	0.37 AC.
6	0.21 AC.	21	0.23 AC.	6	0.34 AC.	21	0.38 AC.
7	0.25 AC.	22	0.20 AC.	7	0.33 AC.	22	0.38 AC.
8	0.25 AC.	23	0.20 AC.	8	0.33 AC.	23	0.38 AC.
9	0.23 AC.	24	0.20 AC.	9	0.38 AC.	24	0.38 AC.
10	0.23 AC.	25	0.21 AC.	10	0.38 AC.	25	0.38 AC.
11	0.24 AC.	26	0.20 AC.	11	0.41 AC.	26	0.41 AC.
12	0.24 AC.	27	0.20 AC.	12	0.48 AC.	27	0.48 AC.
13	0.24 AC.	28	0.41 AC.	13	0.48 AC.	28	0.48 AC.
14	0.44 AC.	29	0.72 AC.	14	0.48 AC.	29	0.48 AC.
15	0.44 AC.			15	0.29 AC.		

[illegible]

CITY OF BURKET  
4.12 AC.  
DOCUMENT NO.  
201-58432-0  
D.P. & B.C.T.

CITY OF BURKET  
3.13 AC.  
DOCUMENT NO.  
201-58432-0  
D.P. & B.C.T.

DELAWARE SPRINGS  
GOLF COURSE  
CITY OF BURKET  
NO. 201-58432-1  
D.P. & B.C.T.

DELAWARE SPRINGS BLVD. (50' R.O.W.)

TOM KITE DRIVE (50' R.O.W.)

22  
21  
20  
19  
18

1  
2  
3  
4  
5  
6  
7  
8  
9

MATCHLINE SEE SHEET 1

CH#	NAME	NO. LISTS	NET LENGTH	CORR. TIME	CHORD LENGTH	POSSIBLE	DELTA
C01	705.56	111.56	962.50.2072	111.47	56.69	007.00.74	
C02	706.58	113.56	962.50.2072	113.47	56.69	007.00.74	
C03	707.59	115.56	962.50.2072	115.47	56.69	007.00.74	
C04	708.60	117.56	962.50.2072	117.47	56.69	007.00.74	
C05	709.61	119.56	962.50.2072	119.47	56.69	007.00.74	
C06	710.62	121.56	962.50.2072	121.47	56.69	007.00.74	
C07	711.63	123.56	962.50.2072	123.47	56.69	007.00.74	
C08	712.64	125.56	962.50.2072	125.47	56.69	007.00.74	
C09	713.65	127.56	962.50.2072	127.47	56.69	007.00.74	
C10	714.66	129.56	962.50.2072	129.47	56.69	007.00.74	
C11	715.67	131.56	962.50.2072	131.47	56.69	007.00.74	
C12	716.68	133.56	962.50.2072	133.47	56.69	007.00.74	
C13	717.69	135.56	962.50.2072	135.47	56.69	007.00.74	
C14	718.70	137.56	962.50.2072	137.47	56.69	007.00.74	
C15	719.71	139.56	962.50.2072	139.47	56.69	007.00.74	
C16	720.72	141.56	962.50.2072	141.47	56.69	007.00.74	
C17	721.73	143.56	962.50.2072	143.47	56.69	007.00.74	
C18	722.74	145.56	962.50.2072	145.47	56.69	007.00.74	
C19	723.75	147.56	962.50.2072	147.47	56.69	007.00.74	
C20	724.76	149.56	962.50.2072	149.47	56.69	007.00.74	
C21	725.77	151.56	962.50.2072	151.47	56.69	007.00.74	
C22	726.78	153.56	962.50.2072	153.47	56.69	007.00.74	
C23	727.79	155.56	962.50.2072	155.47	56.69	007.00.74	
C24	728.80	157.56	962.50.2072	157.47	56.69	007.00.74	
C25	729.81	159.56	962.50.2072	159.47	56.69	007.00.74	
C26	730.82	161.56	962.50.2072	161.47	56.69	007.00.74	
C27	731.83	163.56	962.50.2072	163.47	56.69	007.00.74	
C28	732.84	165.56	962.50.2072	165.47	56.69	007.00.74	
C29	733.85	167.56	962.50.2072	167.47	56.69	007.00.74	
C30	734.86	169.56	962.50.2072	169.47	56.69	007.00.74	
C31	735.87	171.56	962.50.2072	171.47	56.69	007.00.74	
C32	736.88	173.56	962.50.2072	173.47	56.69	007.00.74	
C33	737.89	175.56	962.50.2072	175.47	56.69	007.00.74	
C34	738.90	177.56	962.50.2072	177.47	56.69	007.00.74	
C35	739.91	179.56	962.50.2072	179.47	56.69	007.00.74	
C36	740.92	181.56	962.50.2072	181.47	56.69	007.00.74	
C37	741.93	183.56	962.50.2072	183.47	56.69	007.00.74	
C38	742.94	185.56	962.50.2072	185.47	56.69	007.00.74	
C39	743.95	187.56	962.50.2072	187.47	56.69	007.00.74	
C40	744.96	189.56	962.50.2072	189.47	56.69	007.00.74	
C41	745.97	191.56	962.50.2072	191.47	56.69	007.00.74	
C42	746.98	193.56	962.50.2072	193.47	56.69	007.00.74	
C43	747.99	195.56	962.50.2072	195.47	56.69	007.00.74	
C44	749.00	197.56	962.50.2072	197.47	56.69	007.00.74	
C45	750.01	199.56	962.50.2072	199.47	56.69	007.00.74	



## Development Services

### ITEM 6.2

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

### Agenda Item Brief

**Meeting Date:** December 8, 2020

**Agenda Item:** Public Hearing: The Burnet City Council shall conduct a public hearing to receive public testimony and comments on the merits of a proposed amendment to the City's Code of Ordinances Chapter 118 (entitled "Zoning") Section 118-64 (entitled "Conditional Use Permit"). The proposed amendment would expand City Council's authority to grant conditional use permits in all commercial and industrial districts and provide a criteria for granting a conditional use permit.

**Background:** Over the last several months the City Council has received multiple zoning requests to up zone commercial properties. During the public hearing process, both P&Z and City Council have indicated their desire to allow the up zoning but had concerns regarding other uses that the higher commercial category would allow by right. Staff is proposing the following amendments to allow for greater flexibility regarding land uses and authority to grant conditional use permits in all commercial and industrial districts and provide a criteria for granting a conditions use permit.

**Information:** Staff has considered Council's desire to allow certain uses found in a higher commercial or industrial zoning category while also limiting the wide range of additional uses allowed by moving the zoning district from one classification to another.

Staff is proposing the following sections of code to allow Council the authority to give a CUP for any land use found one category above the current zoning district, without requiring a zoning change to a higher category, which would open up more land uses than Council may be comfortable granting.

#### Proposed Code Modifications:

1. *Purpose.* Language was modified (see attached ordinance with redlines).
2. *General conditional uses.* Section was renamed to “Applicability” and language was modified (see attached ordinance with redlines).

#### Proposed Code Additions:

##### 1. *Applicability.*

(1) A use authorized in Sec. 118-45 as use by right in a Light Commercial – District “C-1” may be authorized in a Neighborhood commercial—District “NC” with a Conditional Use Permit.

(2) A use authorized in Sec. 118-46 as use by right in a 118-46. - Medium commercial—District “C-2” may be authorized in a Light Commercial – District “C-1” with a Conditional Use Permit.

(3) A use authorized in Sec. 118-47 as use by right in a Heavy commercial—District “C-3” may be authorized in Medium commercial—District “C-2” with a Conditional Use Permit.

(4) A use authorized in Sec. 118-48 as use by right in a Light industrial—District “I-1” may be authorized in Heavy commercial—District “C-3” with a Conditional Use Permit.

(5) A use authorized in Sec. 118-49 as use by right in a Light industrial—District “I-1” may be authorized in with a Heavy commercial—District “C-3” Conditional Use Permit.

(6) Uses that may only be authorized by Conditional Use Permit are as follows:

2. (f) Approval Criteria. City council may impose appropriate conditions and safeguards, including a specified period of time for the permit, to protect the comprehensive plan and to conserve and protect property and property values in the neighborhood.
  - The language found in this section of code was actually moved from the original “*Purpose*” section.



**Staff Analysis:** The proposed changes will give Council more flexibility regarding land uses within zoning districts without requiring the need to re-zone properties.

The CUP process will continue to require public notice to each landowner within 200 feet to allow affected properties to voice their concerns to City Council.

**Public Hearing:** Open the Public Hearing to receive comments.

**Exhibit “A”**  
**Zoning Code Amendments**

Insertions identified in blue and deletions identified in red.

Sec. 118-64. - Conditional use permits.

- (a) Purpose. Conditional use permits provide a planning mechanism to authorize certain uses, which, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right; but which may, under the right set of circumstances and conditions be acceptable in certain specific locations. These uses are permitted only through the issuance of conditional use authorization by city council after ensuring that the use can be appropriately accommodated on the specific property, will be in conformance with the comprehensive plan, can be constructed and operated in a manner which is compatible with the surrounding land uses and overall character of the community, and that the public interest and general welfare of the citizens of the city will be protected. No inherent right exists to receive a conditional use authorization; and such authorization shall only be granted by the city council under a specific set of circumstances and conditions, and each application and situation is unique. ~~The city council may by ordinance, adopted by a majority of affirmative votes after receiving the recommendation of the commission, grant a conditional use permit in compliance with this section for the conditional uses as listed in (b) and (c) below. The city council may impose appropriate conditions and safeguards, including a specified period of time for the permit, to protect the comprehensive plan and to conserve and protect property and property values in the neighborhood.~~
- (b) General conditional uses Applicability. Provided the procedures, criteria and conditions prescribed in this Section are met, the following listed conditional uses, and those indicated in a specific zoning district as a permitted use with a conditional use permit, and none other, may be authorized as a conditional use. ~~The following listed conditional uses and those indicated in a specific zoning district as a permitted use with a conditional use permit, and none other, may be authorized subject to the terms of this subsection and compliance with all conditional terms, regulations and requirements established by the city council.~~
- (1) A used authorized in Sec. 118-45 as use by right in a Light Commercial – District "C-1" may be authorized in a Neighborhood commercial—District "NC" with a Conditional Use Permit.
- (2) A used authorized in Sec. 118-46 as use by right in a 118-46. - Medium commercial—District "C-2" may be authorized in a Light Commercial – District "C-1" with a Conditional Use Permit.
- (3) A used authorized in Sec. 118-47 as use by right in a Heavy commercial—District "C-3" may be authorized in Medium commercial—District "C-2" with a Conditional Use Permit.
- (4) A used authorized in Sec. 118-48 as use by right in a Light industrial—District "I-1" may be authorized in Heavy commercial—District "C-3" with a Conditional Use Permit.
- (5) A used authorized in Sec. 118-49 as use by right in a Light industrial—District "I-1" may be authorized in with a Heavy commercial—District "C-3"Conditional Use Permit.
- (6) Uses that may only be authorized by Conditional Use Permit are as follows:
- (1a) Airport, landing field, landing strip or heliport for aircraft; municipal service facilities and buildings.
- (2b) Amusement park, but not within 300 feet of any residential district.
- (3c) Circus, carnival or zoo grounds, but not within 300 feet of any residential district.
- (4d) Commercial, recreational or amusement development for temporary or seasonal periods.
- (5e) Hospital, clinic or institution, provided that any hospital or institution permitted in any residential district shall be located on a site of not less than five acres, shall not occupy more than ten percent of the total lot area and shall be set back from all property lines at least two feet for each foot of building height.
- (6f) Horse race track and riding stables.
- (7g) Private operated community building or recreation field.

- (8h) Radio or television broadcasting towers or station.
  - (9i) Cemeteries.
  - (40j) Schools—Public and denominational.
  - (44k) Gasoline sales.
  - (42l) Alcoholic beverages-on premises and alcoholic beverages-mixed drink for those specific uses and in the specific zoning districts as provided by this chapter, including a bar, nightclub, tavern and private club.
  - (43m) Sexually oriented business (See permit requirements subsection [118-67](g)), including other uses as identified in the specific district or definition of the use.
- (c) *Conditional uses in newly annexed areas.* Residential and industrial uses and/or structures that were in operation prior to the effective date of annexation and may become nonconforming uses as a result of the property being permanently zoned C-1, C-2 or C-3, may request a conditional use permit for the use existing at the time of annexation during the initial permanent zoning process if the property is proposed to be permanently zoned C-1, C-2 or C-3. The existing use shall be specifically identified in the application for a conditional use permit and, if granted, may be continued as set forth in the conditional use permit as a permitted additional use to the C-1, C-2 or C-3 zoning without being deemed nonconforming while continuing in compliance with the conditional use permit.
- (d) *Procedure.* Before authorization of any of the above conditional uses, public notice shall be given and public hearings shall be held as provided in V.T.C.A., Local Government Code ch. 211; provided that a conditional use permit for a period not to exceed seven calendar days may be given for a use set forth in subsections (b)(3) or (b)(4) above after a public hearing is held by the city council after having received a report and recommendation from the commission concerning the effect of the proposed use on the adjacent and neighboring properties and neighborhoods.
- (1) *Permit required.* No conditional use shall be established, operated or maintained except as authorized by a conditional use permit issued in accordance with the requirements of this section.
  - (2) *Conditional use permit issued by city council.* A conditional use permit may be issued only for the special uses specified in this section, and only for the district where it is authorized.
  - (3) The city council shall determine whether the proposed special use complies with each of the general criteria in subsection (e) of this section and with each of the criteria for the district applicable to the proposed use and shall make separate findings thereon or adopt the findings made by the commission.
  - (4) The city council may condition its approval of an application on the applicant's adoption of specified changes, additions, limitations, safeguards or effective time periods designed to assure compliance with the criteria.
  - (5) *Application.* An application for a conditional use permit shall be made in writing in a form prescribed by the city building official and shall be accompanied by such information as may be requested (including a site plan, if required) in order to properly review the proposed use. Such information may include, but is not limited to, site and building plans, drawings and elevations, and operational data.
- (e) *General criteria applicable to all conditional uses.* A proposed conditional use permit must comply with all the following criteria:
- (1) The appearance, size, density and operating characteristics of the proposed conditional use are compatible with the surrounding neighborhood and uses;
  - (2) The proposed use will not have an adverse effect on the value of surrounding properties nor impede their proper development;
  - (3) The proposed use will not create a nuisance factor nor otherwise interfere with a neighbor's enjoyment of his property or operation of his business;
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Vertical line

Horizontal line



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

On this the 11<sup>th</sup> day of November 2020, the City Council of the City of Burnet, TX convened in Special 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 856274 the following subjects were discussed, to-wit:

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

Guests: Adrienne Field, Habib Erkan (present in Chambers), Jason Lutz, Alan Burdell, James Wilson, David Rojas, Burnet Bulletin, Mark Ingram, Gene Courtney, David Paschall, Amy Fuller, Sid Fuller, Patricia Langford,

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

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

SPECIAL REPORTS/RECOGNITION:

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

September Financial Report: P. Langford: Director of Finance Patricia Langford reviewed the year end September Financial Report with all present. Ms. Langford reported on fund balances for all departments, to include year-end revenues and expenses. Sales tax was 113% above projected revenue for the year.

PUBLIC HEARING: None

CONSENT AGENDA ITEMS:

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

Approval of the October 27<sup>th</sup>, 2020 Regular City Council Meeting Minutes:

Consent: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY, TO ACCEPT A PUBLIC UTILITY EASEMENT FROM RICK AND RHONDA COLEMAN FAMILY TRUST: G. Courtney:

Consent: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY, TO ACCEPT A PUBLIC UTILITY EASEMENT FROM VERANDAS BURNET JMS LLC: G. Courtney:

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

ACTION ITEMS:

Discuss and consider action: City Council shall receive information from the City Manager on the status of the COVID-19 pandemic’s impact on the City and may discuss, give direction, or take action to implement, extend, modify or terminate plans or programs in response to the pandemic: D. Vaughn:

Fire Chief Mark Ingram reported:

- Burnet County has had 1140 cases and 272 are currently active
- Burnet County has had 15 deaths
- Hospitals are reporting 60%-70% full.

- Fairground testing ongoing
- The Fire Department will be working with Seton on processing of the vaccines
- There may be a possible need for additional freezers for storage of the COVID-19 immunization
- Recommendation to continue Zoom meetings for Council through the rest of year

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 110-1 (ENTITLED "DEFINITIONS") AND SECTION 110-36 (ENTITLED "BULK WATER SALES") BY ADJUSTING THE BULK WATER RATE; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: A.

Burdell: Council Member Danny Lester moved to approve and adopt Ordinance 2020-26 as presented. Council Member Tres Clinton seconded. City Secretary Kelly Dix called a roll vote. Council Members Lester, Shanes, Clinton, Farmer, Talamantez and Mayor Bromley all voted in favor. The motion carried unanimously.

Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, AMENDING ORDINANCE NO. 2012-06 BY ASSIGNING TOWNHOMES—DISTRICT "R-2 A", DESIGNATIONS TO S5550 JOHNSON ADDITION, LOTS 7 & 8, BLOCK 17, AS SHOWN IN EXHIBIT A; LOCATED AT 1006 E. MARBLE ST.; PROVIDING A REPEALER CLAUSE; PROVIDING FOR NON-SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE: J. Lutz:

Council Member Paul Farmer moved to approve and adopt Ordinance 2020-29 as presented. Council Member Tres Clinton seconded. City Secretary Kelly Dix called a roll vote. Council Members Lester, Shanes, 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, ACCEPTING TRANSFER OF TITLE TO A ONE-FOOT WIDE STRIP OF LAND LOCATED IN THE DELAWARE SPRINGS GOLF COURSE COMMUNITY: D. Vaughn:

Council Member Danny Lester moved to approve Resolution R2020-54 as presented Council Member Mary Jane Shanes seconded. City Secretary Kelly Dix called a roll vote. Council Members Lester, Shanes, Clinton, Farmer, Talamantez and Mayor Bromley all voted in favor. The motion carried unanimously.

Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AUTHORIZING THE SUBMISSION OF A JOINT APPLICATION WITH PEDERNALES ELECTRIC COOPERATIVE INC., FOR AMENDMENT OF CERTIFICATE OF CONVENIENCE AND NECESSITY FOR SERVICE AREA BOUNDARIES. G. Courtney:

Council Member Mary Jane Shanes moved to approve Resolution R2020-55 as presented Mayor Crista Goble Bromley seconded. City Secretary Kelly Dix called a roll vote. Council Members Lester, Shanes, Clinton, Talamantez and Mayor Bromley all voted in favor. Council Member Paul Farmer abstained. The motion carried with five in favor, one abstention and one absent.

Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AUTHORIZING THE CITY MANAGER TO COORDINATE WITH THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE TO PURSUE LEGISLATION THAT WOULD AUTHORIZE THE CITY TO REPURCHASE LAND DONATED, BUT NOT USED, FOR THE DEVELOPMENT OF THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE'S ELLEN HALBERT UNIT: D. Vaughn:

Council Member Paul Farmer moved to approve Resolution R2020-56 as presented Council Member Tres Clinton seconded. City Secretary Kelly Dix called a roll vote. Council Members Lester, Shanes, Clinton, Farmer, Talamantez and Mayor Bromley all voted in favor. The motion carried unanimously.

Discuss and consider action: Allow the City Manager to enter into a sixty month contract with Cintas to supply and maintain the Electric Departments Safety (FR) Flame Retardant clothing. G.Courtney: Council Member Cindia Talamantez moved to approve the sixty month contract with Citas as presented and to authorize the City Manager to negotiate and execute the contract. Council Member Mary Jane Shanes seconded. City Secretary Kelly Dix called a roll vote. Council Members Lester, Shanes, Clinton, Farmer, Talamantez and Mayor Bromley all voted in favor. The motion carried unanimously.

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

Council Member Danny Lester moved to approve the first reading of Ordinance 2020-30 as presented. Council Member Cindia Talamantez seconded. City

Secretary Kelly Dix called a roll vote. Council Members Lester, Shanes, 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, AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR AND ACCEPTANCE OF THE PAYMENT OF FUNDS APPROPRIATED IN THE PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT FOR PROVIDER RELIEF AND AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS AND TAKE ACTIONS TO FACILITATE SUCH

ACCEPTANCE: P. Langford: Council Member Tres Clinton moved to approve Resolution R2020-57 as presented 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. The motion carried unanimously.

REQUESTS FROM COUNCIL FOR FUTURE REPORTS: In accordance with Resolution R2020-28 Council Members may request the City Manager to prepare and present future report on matters of public interest. Council Member Tres Clinton requested an update on the Shipley Property.

ADJOURN: There being no further business a motion to adjourn was made by Council Member Mary Janes Shanes at 7:15 p.m., seconded by Council Member Cindia Talamantez. City Secretary Kelly Dix called a roll vote. Council Members Lester, Shanes, Farmer, Clinton, 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





## Finance

## ITEM 7.2

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

### Agenda Item Brief

**Meeting Date:** December 8, 2020

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

**Background:**

**Information:** This ordinance provides for the 2019-2020 fiscal year end budget amendments. These amendments are for expense overages that are directly related to revenue increases and for transfers and purchases that were previously approved by Council (see Attachment "A").

There have been no changes to Ordinance 2020-30 since the first reading on November 10, 2020.

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

**Recommendation:** Adopt Ordinance 2020-30 as presented.

## **ORDINANCE NO. 2020-30**

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

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

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

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

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

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

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

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

### **Section 1. Findings**

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

### **Section 2. Purpose**

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

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

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

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

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

**PASSED AND APPROVED** the First Reading on this the 10<sup>th</sup> day of November, 2020.

**FINALLY PASSED AND APPROVED** on this 8<sup>th</sup> day of December, 2020.

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

**ATTEST:**

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

## **ATTACHMENT A (COUNCIL MEETING 11/10/2020)**

1. \$180,000 increase in the Electric Capital Project Fund for the Utility Assistance Programs which were previously approved by Council. The expense will be covered by fund balance/cash reserves. Specifically, the funds in the LCRA Capital Reserve account will be used to fund this increase.
2. \$15,000 increase in the Electric Capital Project Fund for electric capital improvements. The expense increase will be offset by increases in the Electric Connect revenues from customers.
3. \$29,300 increase in the General Fund's Solid Waste Disposal Contract expenses. The expense increase will be offset by increases in the Solid Waste Collections revenues.
4. \$43,000 increase in the Self-Funded fund for the early purchase of a Tahoe for the Police Chief. The cost will be covered by transfers from the General Fund to the Self-funded Fund (Council approved purchase during July 14, 2020 City Council Meeting).
5. \$162,750.78 increase in Transfers to the Self-funded Debt fund for the early payoff of capital equipment debt for the Police Department (\$50,307.38), Fire/EMS department (\$41,344), Street department (\$41,575.46), Parks department (\$26,659.02), and the Golf fund (\$2,864.23). The expense will be covered by fund balance/cash reserves. Specifically, the funds in the LCRA Capital Reserve account will be used to fund this increase (Council approved proposal during August 11, 2020 City Council Meeting).



## Human Resources Department

### ITEM 7.3

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

### Agenda Item Brief

<b>Meeting Date:</b>	December 8, 2020
<b>Agenda Item:</b>	Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING PART 15, GRIEVANCES, OF THE PERSONNEL POLICY MANUAL BY UPDATING AND CLARIFYING POLICY REQUIREMENTS: K. Sames
<b>Background:</b>	The City of Burnet currently has in effect an Employee Personnel Policy Manual that was adopted by City Council on December 8, 2009 with an effective date of December 8, 2009. Since the original adoption, recommended revisions to the Personnel Policy have occurred from time to time.
<b>Information:</b>	<p>The updated personnel policy now includes a grievance definition, defines the components of a grievance, and the brings the employee Grievance Policy into compliance with the Charter.</p> <p>Both current and proposed policies are attached as Exhibit A.</p>
<b>Fiscal Impact:</b>	N/A
<b>Recommendation:</b>	City staff recommends to approve and adopt Resolution No. R2020-58 as presented

## **RESOLUTION NO. R2020-58**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING PART 15, GRIEVANCES, OF THE PERSONNEL POLICY MANUAL BY UPDATING AND CLARIFYING POLICY REQUIREMENTS.**

**Whereas**, the City Council believes its personnel policies should reflect the needs of the City and meet all applicable state and federal labor laws; and

**Whereas**, it is necessary to update, revise, and clarify language in the City of Burnet Personnel Policies consistent with laws, regulations, and industry standard practices; and

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

**Whereas**, the Personnel Policy Manual was last revised on August 11, 2020; and

**Whereas**, the City Council believes it is in the best interest of the City and its employees to make additional amendments to said Personnel Policy Manual; and

**Whereas**, The City Council has reviewed the proposed amendments to the Personnel Policy Manual and has determined the need to update and clarify those sections.

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

**Section 1.** The City Council hereby accepts and adopts the amendment to the Personnel Policy to include Part 15 Grievances as attached hereto as Exhibit "A" with an effective date of December 8, 2020.

**Section 2.** The findings and recitations set out herein above are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 3.** If any provision of this resolution or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared to be severable.

**Section 4.** That it is hereby officially found and determined that the meeting at which this resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.

**PASSED AND APPROVED** on this 8<sup>th</sup> day of December 2020.

**CITY OF BURNET, TEXAS**

**ATTEST:**

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Crista Goble Bromley, Mayor

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Kelly Dix, City Secretary

## **Exhibit A**

### **PART 15.00**

### **GRIEVANCES** (Revised 12-8-2020 Resolution 2020-58)

#### **15.01 POLICY**

It is the policy of the City of Burnet insofar as possible to prevent the occurrence of grievances and to deal promptly with those that occur. In order to achieve this objective, it is imperative that employees report grievances in a timely manner. No adverse action will be taken against an employee for reason of his/her exercise of the grievance right.

Definition of Grievance. Employee complaints of inconsistent and/or unlawful treatment, interpretation, application or violation of City or departmental policies, procedures, or practices; and retaliation.

#### **15.02 PROCEDURE**

Employees are encouraged to attempt to resolve a grievance by informal conference with his/her immediate supervisor. If the informal conference with the supervisor does not result in a resolution of the problem(s), that is satisfactory to the employee, (s)he may file a formal grievance. Formal grievances must be in writing, signed by the employee, and presented to the Director of Human Resources. A grievance should include:

- The nature of the grievance.
- Detailed information including evidence of the issue, witnesses, alleged policy violations (if applicable), etc.
- The remedy or outcome desired.

After being presented with a written, signed grievance, the Director of Human Resources shall forward to the appropriate supervisor, Department Director, or the City Manager. The supervisor's, Department Director's, or City Manager's response may include a denial, or grant the appeal, a modification of the discipline, or schedule further review or action.

An employee who is not satisfied with the proposed resolution, may within the next ten (10) working days appeal in writing to the next person in the chain of command. The decision of a supervisor may be appealed to the Department Director and the decision of the Department Director may be appealed to the City Manager. The City Manager's decision shall be final.

Failure to meet established time limits (i.e. grievance not timely filed or appealed) will not affect the validity of a grievance upon showing good cause



or extenuating circumstances for the delay, or when the City Manager deems it to be in the best interest of the City.

## **PART 15.00**

### **GRIEVANCES (Current Policy)**

#### **15.01 POLICY**

*It is the policy of the City of Burnet insofar as possible to prevent the occurrence of grievances and to deal promptly with those that occur. No adverse action will be taken against an employee for reason of his/her exercise of the grievance right. Only those disciplinary actions that result in termination are eligible for appeal to the City Council. In all other instances, the City Manager shall be the final authority.*

#### **15.02 FINAL AUTHORITY**

*Grievances can be appealed through the immediate supervisor, the Department Director, the City Manager, then the City Council where applicable. Grievances against the City Manager regarding discrimination, sexual harassment, or violations of civil rights, may be made to the City Attorney as qualifying grievances subject to the grievance policy. All other grievances will be first submitted to the City Manager and where applicable, shall be forwarded to the City Council.*

#### **15.03 PROCEDURE**

*The first step in the grievance procedure is for the employee to attempt to resolve the grievance by informal conference with his/her immediate supervisor. If the informal conference with supervisor does not result in a resolution of the problem(s), that is satisfactory to the employee, (s)he may file a formal grievance. Qualifying grievances against the City Manager shall go directly to the Mayor or City Attorney and where applicable, forwarded to the City Council.*

*Formal grievances must be in writing, signed by the employee, and presented to the employee's immediate supervisor. A statement of the specific remedial action requested by the employee must be included in the written grievance.*

*After being presented with a written, signed grievance, the immediate supervisor shall consult with the Department Director. They will then attempt to resolve the grievance within five (5) working days after receipt of the grievance and communicate the decision to the employee in writing.*

*An employee who receives no written resolution by the close of the fifth working day following the day the written grievance was presented, or, is not satisfied with the proposed resolution, may within the next three (3) working days appeal in writing to the City Manager. The City Manager shall respond in writing within seven (7) working days after the day the written appeal was received. The City Manager's response may include*

*a denial, or grant the appeal, a modification of the discipline, or schedule further review or action with respect to appeal.*

*In the event of disciplinary action which results in termination or is a qualifying grievance against the City Manager, the employee can appeal to the City Council. In all other instances, the City Manager shall be the final authority. The employee must submit his/her request to appear before the City Council no more than ten (10) business days following receipt of written notification of the City Manager's determination upholding termination. The City Manager shall place the item on the agenda within thirty days following the request to appeal, unless otherwise agreed upon by the parties. The decision of the City Council is final. An employee's appeal will be held in Executive (closed) Session unless specifically requested by the employee to be held in open session.*



## Administration

## ITEM 7.4

Habib Erkan  
Assistant City Manager  
512-715-3000  
herkan@cityofburnet.com

### Agenda Item Brief

**Meeting Date:** December 8, 2020

**Agenda Item:** Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING RESOLUTION NO. 2020-43 BY EXTENDING THE DATE BY WHICH A REAL ESTATE AGREEMENT WITH DELAWARE SPRINGS RANCH INVESTMENTS LLC, FOR THE SALE OF APPROXIMATELY 42 ACRES OF CITY LAND LOCATED WEST OF THE BURNET MUNICIPAL GOLF COURSE IS TO BE PRESENTED TO CITY COUNCIL AND AUTHORIZING AND DIRECTING THE CITY MANAGE TO NEGOTIATE THE REAL ESTATE AGREEMENT FOR FUTURE CITY COUNCIL APPROVAL. H. Erkan

**Background:** On October 13, 2020, City Council, by resolution, acknowledged the bid by Delaware Springs Ranch Investments LLC, to purchase approximately 42 acres of land that adjoins the municipal golf course, and authorized the City Manager to negotiate a sales contract that would include vegetative buffers, and other, easements that would preserve and enhance the municipal golf course. The offered bid was \$9,000.00 per acre. After City Council's passage of the resolution representatives of the City's predecessors in title to the land have made claims of a reversionary interest in the land.

**Information:** This resolution extends the City Manager's authorization to negotiate terms of a sales contract for an additional 100 days. The extension is necessary as the reversionary claims must be resolved before negotiation of the sales contract can begin.

**Fiscal Impact**

Until the reversionary interest claims are resolved the fiscal impact of the sale of the land is unclear. However, any resolution of the reversionary claims, and approval of the final contract for the sale of the land, shall require separate Council action at which time the fiscal impact of the sale of the land will be better ascertained.

**Recommendation:**

Approve and adopt Resolution R2020-59 as presented.

## **RESOLUTION NO. R2020-59**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING RESOLUTION NO. 2020-43 BY EXTENDING THE DATE BY WHICH A REAL ESTATE AGREEMENT WITH DELAWARE SPRINGS RANCH INVESTMENTS LLC, FOR THE SALE OF APPROXIMATELY 42 ACRES OF CITY LAND LOCATED WEST OF THE BURNET MUNICIPAL GOLF COURSE IS TO BE PRESENTED TO CITY COUNCIL AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO NEGOTIATE THE REAL ESTATE AGREEMENT FOR FUTURE CITY COUNCIL APPROVAL.**

**Whereas**, Council adopted Resolution No. 2020-33 authorizing the solicitation of bids for the sale of approximately 42 acres adjoining the Burnet Municipal Golf Course (the "land"); and

**Whereas**, Council adopted Resolution No. 2020-46 authorizing the City Manager to negotiate a real estate sales contract with the sole bidder; and

**Whereas**, after the passage of Resolution No. 2020-46, the City's predecessor in title to the land made claims of a reversionary interest in the land; and

**Whereas**, Council deems it advisable to resolve the reversionary interest claims before going forward with negotiations of real estate sales contract.

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

**Section one. The recitals.** The above stated recitals are incorporated herein for all purposes.

**Section two. Negotiation period extended.** The period Council authorized in Resolution R2020-46 is hereby amended by extending the real estate sales contract negotiation period for 100 days from the effective date of this resolution.

**Section three. Resolution R2020-46 effected as amended.** All other terms of Resolution R2020-46, including the authorization and the direction provided therein to the City Manager, shall remain effective as hereby amended.

**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.

**PASSED AND APPROVED** to be effective this the 8<sup>th</sup> day of December, 2020.

**CITY OF BURNET**

---

Crista Goble Bromley, Mayor

**ATTEST:**

---

Kelly Dix, City Secretary



## Administration

## ITEM 7.5

Habib Erkan  
Assistant City Manager  
512-715-3000  
herkan@cityofburnet.com

### Agenda Item Brief

**Meeting Date:** December 8, 2020

**Agenda Item:** Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF BURNET, TEXAS AMENDING RESOLUTION NO. R2020-32 BY EXTENDING THE DATE BY WHICH AN AGREEMENT TO LEASE AN AIRPORT HANGAR IS TO BE PRESENTED TO COUNCIL AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO NEGOTIATE THE LEASE AGREEMENT FOR FUTURE CITY COUNCIL APPROVAL: H. Erkan

**Background:** On July 28, 2020, City Council adopted Resolution No.2020-31 authorizing the publication of a request for proposals to lease the aircraft hangar, known as Hangar D. One proposal was received and opened at the public opening at City Hall on September 16, 2020. September 22, 2020, by Resolution R2020-43 City Council accepted the proposal, authorized the negotiation of a lease agreement and directed that a final agreement be presented to City Council no later than December 21, 2020. Due to the recent birth of the proposer's son, negotiations of the lease agreement have been delayed.

**Information:** This resolution would amend Resolution R2020-43 by allowing negotiations to continue for 100 days from the date of passage of this resolution.

**Fiscal Impact** By entering into the proposed lease, the City shall receive \$150.00 in rent, in addition to the rent received for storage of the three aircraft.

**Recommendation:** Approve and adopt Resolution R2020-60 as presented.

## **RESOLUTION NO. R2020-60**

### **A RESOLUTION OF THE CITY COUNCIL OF BURNET, TEXAS AMENDING RESOLUTION NO. R2020-43 BY EXTENDING THE DATE BY WHICH AN AGREEMENT TO LEASE AN AIRPORT HANGAR IS TO BE PRESENTED TO COUNCIL AND AUTHORIZING AND DIRECTING THE CITY MANAGER TO NEGOTIATE THE LEASE AGREEMENT FOR FUTURE CITY COUNCIL APPROVAL**

**Whereas**, On July 28, 2020, City Council authorizing the publication, in a newspaper of general circulation and on the City's website, of a request for proposals to lease the aircraft hangar, known as Hangar D, pursuant to adopted Resolution No.2020-31; and

**Whereas**, On September 16, 2020, the public opening of the proposals took place, with the proposal of Tres Clinton being the only proposal received; and

**Whereas**, on September 22, 2020, by Resolution R2020-43 City Council accepted the proposal, authorized the negotiation of a lease agreement and directed that a final agreement be presented to City Council no later than December 21, 2020; and

**Whereas**, due to circumstances beyond the proposer's control additional time is necessary to finalize negotiations of a lease agreement.

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

**Section one. Findings approve.** The forgoing findings of fact are hereby approved and adopted as part of this resolution.

**Section two. Negotiation period extended.** The period Council authorized in Resolution R2020-43 is hereby amended by extending the lease agreement negotiation period for 100 days from the effective date of this resolution.

**Section three. Resolution R2020-43 effected as amended.** All other terms of Resolution R2020-43, including the authorization and the direction provided therein to the City Manager, shall remain effective as hereby amended.

**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.



**PASSED AND APPROVED** this the 8<sup>th</sup> day of December, 2020.

CITY OF BURNET

---

Crista Goble Bromley, Mayor

**ATTEST:**

---

Kelly Dix, City Secretary



## Development Services

### ITEM 7.6

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

### Agenda Item Brief

**Meeting Date:** December 8, 2020

**Agenda Item:** Discuss and consider action: The City Council will discuss and consider action regarding a proposed "Preliminary Plat" for approximately 25.954 acres out of the Eugenio Perez Survey, No. 41, Abstract No. 672, The Susano Hernandez Survey No. 40, Abstract 398 and Washington Anderson Survey 10, abstract 29, and located approximately 830 feet west of the intersection of US Hwy 281 and Delaware Springs Blvd. The proposed "Preliminary Plat" will establish Section 24 of the Delaware Springs Subdivision, consisting of approximately 51 residential lots:  
J. Lutz

**Information:** The property is currently zoned R-1 and consists of approximately 25+ acres of unplatted property. The applicant is proposing to subdivide the existing tract in order to create a 51 lot single-family residential subdivision which will establish Section 24 of the Delaware Springs Subdivision.

The property will be accessed via two locations. The 1<sup>st</sup> access point will be off of Oak Vista Dr. and the 2nd point of access will be off of Delaware Springs Blvd. Both access points are along streets with 50' of public rights-of-way that are sufficient to handle the proposed additional traffic. The properties will be serviced via two 50' wide public rights-of-way, Tom Kite Dr. and Crenshaw Ct.

The access point off of Oak Vista Drive will cross city owned property. The City has previously provided the property an access easement as recorded in Document No. 202002970. This easement will need to be relocated to align with the new proposed Tom Kite Drive.

All lots will be 0.30 acres or greater, with most lots falling in the range of 0.30-0.40 acres in size with an expected impervious cover calculation of approximately 30%.

Water will be provided by the City of Burnet with a proposed 8" water line to serve the properties that will connect to an existing 12" water line along the south and west side of the property.

Sewer will also be provided by the City of Burnet with a proposed 8" sewer line servicing the properties that will connect to existing sewer infrastructure along the southwest and eastern portion of the properties.

A 25' City of Burnet Greenbelt Easement (C.O.B.G.E.) is provided along all property lines adjacent to the golf course. This easement will be maintained by the property owners and will prohibit the construction of fences, improvements, or other impervious cover. An additional 20' irrigation line easement has been provided between lots 1 & 2 of Block B in order to allow the City's irrigation line to be relocated into this easement.

A portion of the property is located in a floodplain, but the proposed floodplain analysis shows no detention improvements would be required based on the impervious cover and location to the floodplain. Staff must note that the flood study is still being reviewed by K.C. Engineering and they are reviewing several additional pieces of information submitted by the applicant. K.C. Engineering has stated that the outstanding comments/information should not change the results of the study or require the plat to be modified.

A tree survey will be provided in the future with the submittal of the proposed construction plans for staff review and mitigation requirements.

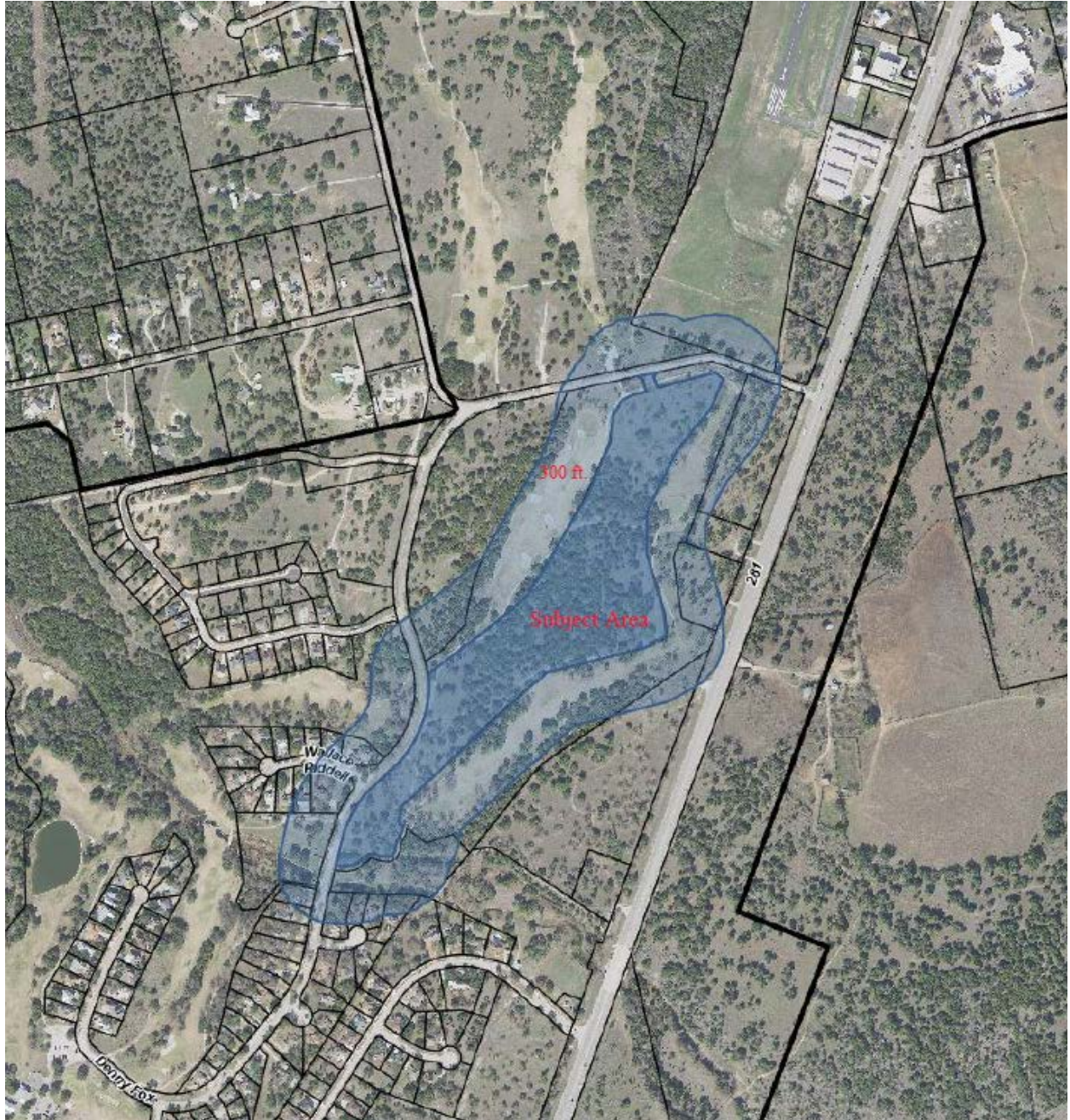
**Staff Analysis:** Staff has reviewed the proposed preliminary plat and found it to be in compliance with the City's adopted Subdivision Ordinance.

**P&Z**

**Recommendation:** P&Z will consider this item on Monday December 7, 2020. Staff will provide an update to Council Tuesday morning regarding P&Z recommendation.

**Recommendation: Approve the Preliminary Plat.**

Exhibit A – Location Map





**DELAWARE SPRINGS**  
**SECTION 24**  
**PRELIMINARY PLAT**  
**DELAWARE SPRINGS BLVD**  
**BURNET, TEXAS**



SUBMISSION PAD NUMBER  
 SERIAL DATE  
 PRODUCT ADDRESS  
 ZONE  
 USE  
 REFERENCE, 2000  
 RELEASE SERVICES BUREAU  
 REPORT, 1946  
 R-1  
 SINGLE FAMILY RESIDENCE

RE: 41-253025E TRACT OF LAND (7MT 24), OUT OF THE DIVISION POWER SURVEY NO. 41, ADJACENT TO E72, THE SUGANO-HENNEBERRY SURVEY, NO. 40, ADJACENT TO S56 AND THE MORTGATION ANCHORAGE TRACT, NO. 39, ALL OF WHICH ARE SITUATED IN ELBERT COUNTY, TEXAS, AND BEING A PORTION OF THE RETURNED 5552-33 TRACT OF LAND AS RECEIVED BY FEDERAL AUTHORITY DEED TO DELAWARE SPARKS TRUST INVESTMENTS, L.L.C. AS RECORDED IN INSTRUMENT NO. 300303870 OF THE OFFICIAL PUBLIC RECORDS OF ELBERT COUNTY, TEXAS.

[illegible]

6600 N. NEW ARLINGFIELD AVE.  
CHICAGO, ILL. 60630

CLAUDIO CONSULTANTS, LTD.  
2601 KYLE CIRCUS NO. SUITE A  
KELLS, TEXAS 75640  
817/312-5040  
817/312-6399 FAX

CELCO SUBSISTING, FIRM REGISTERED NO. 0016075,  
CAROLINE E. LUCAS, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4166,  
2205 STONEYBROOK PATH  
NEW BRUNSWICK, TEXAS 76130  
(817) 635-4657

CLAUDETTE STROUD, 1717  
3601 AVE. CONCORD, ALTA. A  
STLA. TX 78849  
(512) 312-2046  
(512) 312-5289 FAX

1992 ELECTION  
#8786

INTX

ref 7/3

Year	Manufacturing, Wholesale and Retail Trade
1990	10.0
1991	10.0
1992	10.0
1993	10.0
1994	10.0
1995	10.0
1996	10.0
1997	10.0
1998	10.0
1999	10.0
2000	10.0
2001	10.0
2002	10.0
2003	10.0
2004	10.0
2005	10.0
2006	10.0
2007	10.0
2008	10.0
2009	10.0
2010	10.0
2011	10.0
2012	10.0
2013	10.0
2014	10.0
2015	10.0
2016	10.0
2017	10.0
2018	10.0
2019	10.0
2020	10.0

JACOB LUTZ, DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES  
CITY OF BOSTON, MASS.  
ADDRESS: VARIOUS FOR ONE (1) YEAR

[illegible]

REVISION	DESCRIPTION	BY:	DATE

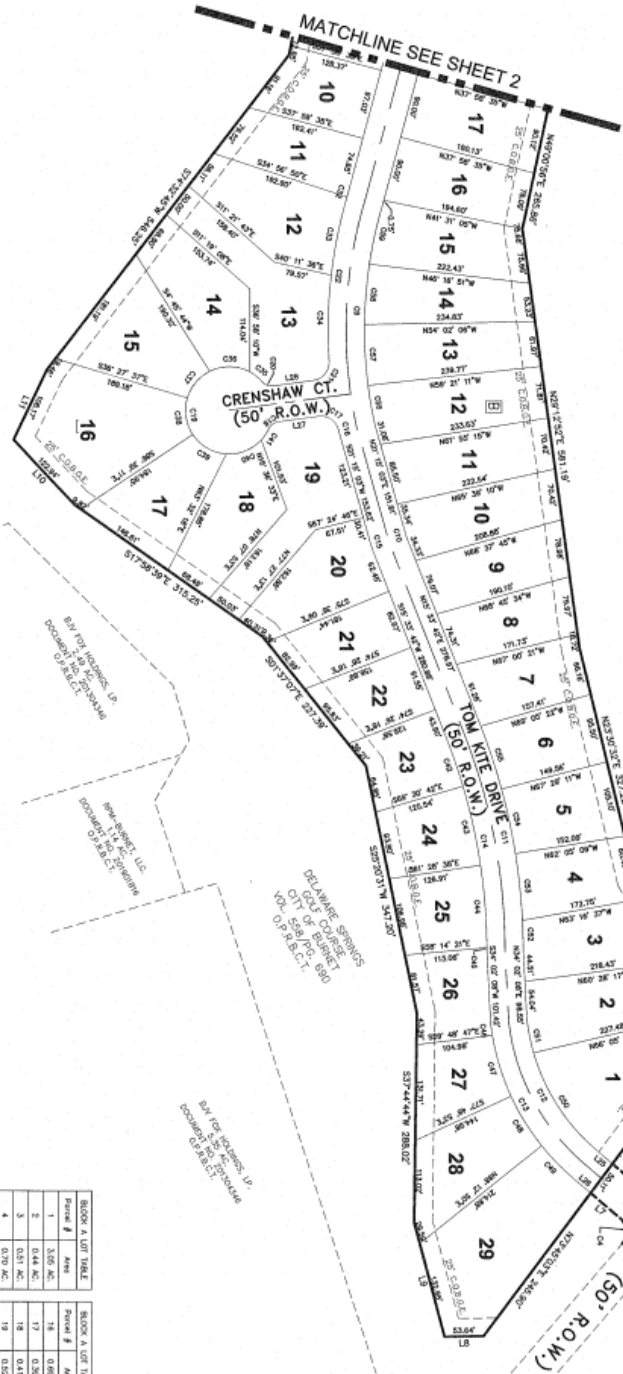
**4 CUATRO**  
Consultants, LTD.  
Registration No. F-4594  
3601 Kyle Crossing, Suite A, Phoenix, AZ 85018-5290 Fax: (602) 311-1105  
Kyle, Texas 75140 e-mail: cuatro@cuatroltd.com

**DELAWARE SPRINGS TRACT 24  
BURNET, TEXAS 78611  
BURNET COUNTY**

**CLIENT:**  
**JORDAN SHIPLEY**  
**DULLNIG RANCH SALES**  
**8606 N. NEW BRAUNFELS AVE.**  
**SAN ANTONIO, TEXAS 78209**

The map shows the study area (hatched area) located between the city of Baku and the Caspian Sea. The city of Garmy is also shown. A scale bar indicates distances up to 10 km. A north arrow is present in the bottom right corner.

1"=1,000'



NAME	CLASS	D.W. (POUNDS)	TRAVEL, MIN	CLIMB TYPE	CLEAR JUMP (INCHES)	STRIKE
LOUI LOU	LOOSE LOT 3-80 DUE	50"	30"	ROCKING	17"	30 MPH
LOUI LOU	LOOSE LOT 3-80 DUE	50"	30"	ROCKING	17"	30 MPH

BLOCK 5 LOT 1 TABLE		BLOCK 6 LOT 1 TABLE		BLOCK 7 LOT 1 TABLE		BLOCK 8 LOT 1 TABLE	
Parcel #	Area	Parcel #	Area	Parcel #	Area	Parcel #	Area
1	5.03 AC.	16	0.30 AC.	1	0.68 AC.	16	0.37 AC.
2	0.43 AC.	17	0.34 AC.	2	0.46 AC.	17	0.38 AC.
3	4.61 AC.	18	0.41 AC.	3	0.40 AC.	18	0.36 AC.
4	0.70 AC.	19	0.41 AC.	4	0.33 AC.	19	0.37 AC.
5	0.20 AC.	20	0.43 AC.	5	0.34 AC.	20	0.37 AC.
6	0.21 AC.	21	0.23 AC.	6	0.34 AC.	21	0.38 AC.
7	0.25 AC.	22	0.20 AC.	7	0.33 AC.	22	0.38 AC.
8	0.25 AC.	23	0.20 AC.	8	0.33 AC.	23	0.38 AC.
9	0.23 AC.	24	0.21 AC.	9	0.38 AC.	24	0.38 AC.
10	0.23 AC.	25	0.21 AC.	10	0.38 AC.	25	0.38 AC.
11	0.24 AC.	26	0.20 AC.	11	0.41 AC.	26	0.41 AC.
12	0.24 AC.	27	0.20 AC.	12	0.48 AC.	27	0.48 AC.
13	0.24 AC.	28	0.41 AC.	13	0.48 AC.	28	0.48 AC.
14	0.44 AC.	29	0.72 AC.	14	0.48 AC.	29	0.48 AC.
15	0.44 AC.			15	0.29 AC.		

[illegible]

CITY OF BURKET  
 5.15 AC.  
 DOCUMENT NO.  
 2015-00010  
 O.P. & B.C.T.

CITY OF BURKET  
 5.15 AC.  
 DOCUMENT NO.  
 2015-00010  
 O.P. & B.C.T.

SERIES DEL-18 OF  
 SIX FOR PAPERBROS, LLC  
 DOCUMENT NO. 2015-04350  
 O.P. & B.C.T.

DELAWARE SPRINGS  
 GOLD COURSE  
 CITY OF BURKET  
 2015-00010  
 O.P. & B.C.T.

DELAWARE SPRINGS  
 BLVD. (50' R.O.W.)

TOM KITE DRIVE  
 (50' R.O.W.)

MATCHLINE SEE SHEET 1

[illegible]



## Development Services

### ITEM 7.7

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

## Agenda Item Brief

**Meeting Date:** December 8, 2020

**Agenda Item:** Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AMENDING THE CODE OF ORDINANCES CHAPTER 118 (ENTITLED "ZONING") SECTION 118-64 (ENTITLED "CONDITIONAL USE PERMITS") BY EXPANDING CITY COUNCIL'S AUTHORITY TO GRANT A CONDITIONAL USE PERMIT IN COMMERCIAL AND INDUSTRIAL DISTRICTS AND PROVIDING A CRITERIA FOR GRANTS OF CONDITIONAL USE PERMITS; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: J. Lutz

**Background:** Over the last several months the City Council has received multiple zoning requests to up zone commercial properties. During the public hearing process, both P&Z and City Council have indicated their desire to allow the up zoning but had concerns regarding other uses that the higher commercial category would allow by right. Staff is proposing the following amendments to allow for greater flexibility regarding land uses and authority to grant conditional use permits in all commercial and industrial districts and provide a criteria for granting a conditions use permit.

**Information:** Staff has considered Council's desire to allow certain uses found in a higher commercial or industrial zoning category while also limiting the wide range of additional uses allowed by moving the zoning district from one classification to another.

Staff is proposing the following sections of code to allow Council the authority to give a CUP for any land use found one category above the current zoning district, without requiring a zoning change to a higher category, which would open up more land uses than Council may be comfortable granting.



Proposed Code Modifications:

1. *Purpose*. Language was modified (see attached ordinance with redlines).
2. *General conditional uses*. Section was renamed to “Applicability” and language was modified (see attached ordinance with redlines).

Proposed Code Additions:

1. *Applicability*.

(1) A used authorized in Sec. 118-45 as use by right in a Light Commercial – District “C-1” may be authorized in a Neighborhood commercial—District “NC” with a Conditional Use Permit.

(2) A used authorized in Sec. 118-46 as use by right in a 118-46. - Medium commercial—District “C-2” may be authorized in a Light Commercial – District “C-1” with a Conditional Use Permit.

(3) A used authorized in Sec. 118-47 as use by right in a Heavy commercial—District “C-3” may be authorized in Medium commercial—District “C-2” with a Conditional Use Permit.

(4) A used authorized in Sec. 118-48 as use by right in a Light industrial—District “I-1” may be authorized in Heavy commercial—District “C-3” with a Conditional Use Permit.

(5) A used authorized in Sec. 118-49 as use by right in a Light industrial—District “I-1” may be authorized in with a Heavy commercial—District “C-3” Conditional Use Permit.

(6) Uses that may only be authorized by Conditional Use Permit are as follows:

2. (f) Approval Criteria. City council may impose appropriate conditions and safeguards, including a specified period of time for the permit, to protect the comprehensive plan and to conserve and protect property and property values in the neighborhood.
  - The language found in this section of code was actually moved from the original “*Purpose*” section.

**Staff Analysis:** The proposed changes will give Council more flexibility regarding land uses within zoning districts without requiring the need to re-zone properties.

The CUP process will continue to require public notice to each landowner within 200 feet to allow affected properties to voice their concerns to City Council.

**P&Z**

**Recommendation:** P&Z will consider this item on Monday December 7, 2020. Staff will provide an update to Council Tuesday morning regarding P&Z recommendation.

**Recommendation:** Approve the first reading of Ordinance 2020-31 as presented.

## **ORDINANCE NO. 2020-31**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AMENDING THE CODE OF ORDINANCES CHAPTER 118 (ENTITLED "ZONING") SECTION 118-64 (ENTITLED "CONDITIONAL USE PERMITS") BY EXPANDING CITY COUNCIL'S AUTHORITY TO GRANT A CONDITIONAL USE PERMIT IN COMMERCIAL AND INDUSTRIAL DISTRICTS AND PROVIDING A CRITERIA FOR GRANTS OF CONDITIONAL USE PERMITS; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, The Planning and Zoning Commission of the City of Burnet, on December 7, 2020, did conduct a public hearing for the purpose of taking public comment regarding proposed amendment to the City's Code of Ordinances Chapter 118 (entitled "Zoning") Section 118-64 (entitled "Conditional Use Permit"). The proposed amendment would expand City Council's authority to grant conditional use permits in all commercial and industrial districts and provide a criteria for granting a conditions use permit as shown in Exhibit A; and

**WHEREAS**, The Planning and Zoning Commission in open deliberation found that proposed amendments to be consistent with the City's adopted comprehensive plan and consistent with the best public interest; and

**WHEREAS**, The Planning and Zoning Commission did then, by a 5-0 vote of members present, recommended approval of the proposed amendments as shown in Exhibit A; and

**WHEREAS**, The City Council of the City of Burnet, on December 8, 2020 did conduct its own public hearing for the purpose of taking public comment regarding proposed amendment to the City's Code of Ordinances Chapter 118 (entitled "Zoning") Section 118-64 (entitled "Conditional Use Permit"). The proposed amendment would expand City Council's authority to grant conditional use permits in all commercial and industrial districts and provide a criteria for granting a conditions use permit as shown in Exhibit A; 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 the proposed amendments to be consistent with the City's adopted comprehensive plan and consistent with the best public interest;

**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 Code Amendments.** The Code of Ordinances, Chapter 118 (entitled "zoning") Section 118-64 (entitled "conditional use permits") is amended by adding the underlined (underlined) language shown in blue font and deleting the stricken (~~stricken~~) language shown in red font as shown in Exhibit A.

**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.** Should any provisions of this ordinance be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

**Section 5. Effective Date.** This ordinance shall become effective upon passage, adoption and publication as required by law.

**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 8<sup>th</sup> day of December 2020.

**FINALLY PASSED AND APPROVED** on this 12<sup>th</sup> day of January 2021.

**CITY OF BURNET, TEXAS**

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

**ATTEST:**

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

## Exhibit "A"

### Zoning Code Amendments

Insertions identified in blue and deletions identified in red.

#### Sec. 118-64. - Conditional use permits.

- (a) Purpose. Conditional use permits provide a planning mechanism to authorize certain uses, which, because of their unique characteristics or potential impacts on adjacent land uses, are not generally permitted in certain zoning districts as a matter of right; but which may, under the right set of circumstances and conditions be acceptable in certain specific locations. These uses are permitted only through the issuance of conditional use authorization by city council after ensuring that the use can be appropriately accommodated on the specific property, will be in conformance with the comprehensive plan, can be constructed and operated in a manner which is compatible with the surrounding land uses and overall character of the community, and that the public interest and general welfare of the citizens of the city will be protected. No inherent right exists to receive a conditional use authorization; and such authorization shall only be granted by the city council under a specific set of circumstances and conditions, and each application and situation is unique.~~The city council may by ordinance, adopted by a majority of affirmative votes after receiving the recommendation of the commission, grant a conditional use permit in compliance with this section for the conditional uses as listed in (b) and (c) below. The city council may impose appropriate conditions and safeguards, including a specified period of time for the permit, to protect the comprehensive plan and to conserve and protect property and property values in the neighborhood.~~
- (b) General conditional uses Applicability. Provided the procedures, criteria and conditions prescribed in this Section are met, the following listed conditional uses, and those indicated in a specific zoning district as a permitted use with a conditional use permit, and none other, may be authorized as a conditional use.~~The following listed conditional uses and those indicated in a specific zoning district as a permitted use with a conditional use permit, and none other, may be authorized subject to the terms of this subsection and compliance with all conditional terms, regulations and requirements established by the city council.~~
- (1) A used authorized in Sec. 118-45 as use by right in a Light Commercial – District "C-1" may be authorized in a Neighborhood commercial—District "NC" with a Conditional Use Permit.
- (2) A used authorized in Sec. 118-46 as use by right in a 118-46. - Medium commercial—District "C-2" may be authorized in a Light Commercial – District "C-1" with a Conditional Use Permit.
- (3) A used authorized in Sec. 118-47 as use by right in a Heavy commercial—District "C-3" may be authorized in Medium commercial—District "C-2" with a Conditional Use Permit.
- (4) A used authorized in Sec. 118-48 as use by right in a Light industrial—District "I-1" may be authorized in Heavy commercial—District "C-3" with a Conditional Use Permit.
- (5) A used authorized in Sec. 118-49 as use by right in a Light industrial—District "I-1" may be authorized in with a Heavy commercial—District "C-3"Conditional Use Permit.
- (6) Uses that may only be authorized by Conditional Use Permit are as follows:
- (1a) Airport, landing field, landing strip or heliport for aircraft; municipal service facilities and buildings.
- (2b) Amusement park, but not within 300 feet of any residential district.
- (3c) Circus, carnival or zoo grounds, but not within 300 feet of any residential district.
- (4d) Commercial, recreational or amusement development for temporary or seasonal periods.
- (5e) Hospital, clinic or institution, provided that any hospital or institution permitted in any residential district shall be located on a site of not less than five acres, shall not occupy more than ten percent of the total lot area and shall be set back from all property lines at least two feet for each foot of building height.
- (6f) Horse race track and riding stables.
- (7g) Private operated community building or recreation field.



- (~~8~~h) Radio or television broadcasting towers or station.
  - (~~9~~i) Cemeteries.
  - (~~40~~j) Schools—Public and denominational.
  - (~~44~~k) Gasoline sales.
  - (~~42~~l) Alcoholic beverages-on premises and alcoholic beverages-mixed drink for those specific uses and in the specific zoning districts as provided by this chapter, including a bar, nightclub, tavern and private club.
  - (~~43~~m) Sexually oriented business (See permit requirements subsection [118-67](g)), including other uses as identified in the specific district or definition of the use.
- (c) *Conditional uses in newly annexed areas.* Residential and industrial uses and/or structures that were in operation prior to the effective date of annexation and may become nonconforming uses as a result of the property being permanently zoned C-1, C-2 or C-3, may request a conditional use permit for the use existing at the time of annexation during the initial permanent zoning process if the property is proposed to be permanently zoned C-1, C-2 or C-3. The existing use shall be specifically identified in the application for a conditional use permit and, if granted, may be continued as set forth in the conditional use permit as a permitted additional use to the C-1, C-2 or C-3 zoning without being deemed nonconforming while continuing in compliance with the conditional use permit.
- (d) *Procedure.* Before authorization of any of the above conditional uses, public notice shall be given and public hearings shall be held as provided in V.T.C.A., Local Government Code ch. 211; provided that a conditional use permit for a period not to exceed seven calendar days may be given for a use set forth in subsections (b)(3) or (b)(4) above after a public hearing is held by the city council after having received a report and recommendation from the commission concerning the effect of the proposed use on the adjacent and neighboring properties and neighborhoods.
- (1) *Permit required.* No conditional use shall be established, operated or maintained except as authorized by a conditional use permit issued in accordance with the requirements of this section.
  - (2) *Conditional use permit issued by city council.* A conditional use permit may be issued only for the special uses specified in this section, and only for the district where it is authorized.
  - (3) The city council shall determine whether the proposed special use complies with each of the general criteria in subsection (e) of this section and with each of the criteria for the district applicable to the proposed use and shall make separate findings thereon or adopt the findings made by the commission.
  - (4) The city council may condition its approval of an application on the applicant's adoption of specified changes, additions, limitations, safeguards or effective time periods designed to assure compliance with the criteria.
  - (5) *Application.* An application for a conditional use permit shall be made in writing in a form prescribed by the city building official and shall be accompanied by such information as may be requested (including a site plan, if required) in order to properly review the proposed use. Such information may include, but is not limited to, site and building plans, drawings and elevations, and operational data.
- (e) *General criteria applicable to all conditional uses.* A proposed conditional use permit must comply with all the following criteria:
- (1) The appearance, size, density and operating characteristics of the proposed conditional use are compatible with the surrounding neighborhood and uses;
  - (2) The proposed use will not have an adverse effect on the value of surrounding properties nor impede their proper development;
  - (3) The proposed use will not create a nuisance factor nor otherwise interfere with a neighbor's enjoyment of his property or operation of his business;





## Administration

## ITEM 7.8

David Vaughn  
City Manager  
512.715.3208  
dvaughn@cityofburnet.com

### Agenda Item Brief

<b>Meeting Date:</b>	December 8, 2020
<b>Agenda Item:</b>	Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS ("CITY"), EXPRESSING SUPPORT FOR HOUSE BILL NO. 233 BEING PROPOSED BY REPRESENTATIVE ANDREW MURR DURING THE 87 <sup>TH</sup> LEGISLATIVE SESSION: D. Vaughn
<b>Background:</b>	House Bill 2439 was passed during the 86 <sup>th</sup> session of the Texas legislature which generally prohibits cities in Texas from adopting and enforcing regulations regarding certain building products, materials or methods (Exhibit A).
<b>Information:</b>	Representative Andrew Murr has introduced HB 233 for the 87 <sup>th</sup> legislative session that will amend Government Code Chapter 3000, Section 1 (Exhibit B) to exempt municipalities with a population of less than 25,000 from the requirements stated in the above referenced chapter of the Government Code.
<b>Fiscal Impact:</b>	None.
<b>Recommendation:</b>	Approve and adopt Resolution No. R2020-61 as presented.



## RESOLUTION NO. R2020-61

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS (“CITY”), EXPRESSING SUPPORT FOR HOUSE BILL NO. 233 BEING PROPOSED BY REPRESENTATIVE ANDREW MURR DURING THE 87<sup>TH</sup> LEGISLATIVE SESSION**

**WHEREAS**, during the 86<sup>th</sup> Texas Legislative Session, House Bill 2439 was passed and added to the Texas Government Code as Chapter 3000. This Chapter generally prohibits cities in Texas from adopting or enforcing regulations regarding certain building products, materials, or methods as.

**WHEREAS**, the City Council of the City of Burnet believes these restrictions on the City’s ability to regulate building materials within the city limits is detrimental to residential and commercial development in the City of Burnet; and

**WHEREAS**, Representative Andrew Murr has introduced House Bill 233 for the 87<sup>th</sup> legislative session which will amend Government Code Chapter 3000, Section 1 (as detailed in **Exhibit B**) to exempt municipalities with a population of less than 25,000 from Chapter 3000 of the Government Code.

**WHEREAS**, the City Council of the City of Burnet would like to formally express support for the proposed House Bill 233.

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

**Section one. Findings approve.** The City Council hereby expresses support for House Bill 233 proposed by Texas State Representative Andrew Murr during the 87<sup>th</sup> Legislative Session to amend Texas Government Code Chapter 3000, Section 1 (adopted as House Bill 2439 during the 86<sup>th</sup> Legislative Session).

**Section two. 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.

**PASSED AND APPROVED** this, the 8<sup>th</sup> day of December, 2020, by a vote of the City Council of Burnet, Texas.

**CITY OF BURNET**

**ATTEST:**

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

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

**Exhibit A**

## GOVERNMENT CODE

## TITLE 10. GENERAL GOVERNMENT

SUBTITLE Z. MISCELLANEOUS PROVISIONS PROHIBITING CERTAIN GOVERNMENTAL  
ACTIONSCHAPTER 3000. GOVERNMENTAL ACTION AFFECTING RESIDENTIAL AND COMMERCIAL  
CONSTRUCTION

Sec. 3000.001. DEFINITIONS. In this chapter:

- (1) "National model code" has the meaning assigned by Section [214.217](#), Local Government Code.
- (2) "Governmental entity" has the meaning assigned by Section [2007.002](#).

Added by Acts 2019, 86th Leg., R.S., Ch. 1289 (H.B. [2439](#)), Sec. 1, eff. September 1, 2019.

Sec. 3000.002. CERTAIN REGULATIONS REGARDING BUILDING PRODUCTS, MATERIALS, OR METHODS PROHIBITED. (a) Notwithstanding any other law and except as provided by Subsection (d), a governmental entity may not adopt or enforce a rule, charter provision, ordinance, order, building code, or other regulation that:

- (1) prohibits or limits, directly or indirectly, the use or installation of a building product or material in the construction, renovation, maintenance, or other alteration of a residential or commercial building if the building product or material is approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building; or

- (2) establishes a standard for a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if the standard is more stringent than a standard for the product, material, or aesthetic method under a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building.

- (b) A governmental entity that adopts a building code governing the construction, renovation, maintenance, or other alteration of a residential

or commercial building may amend a provision of the building code to conform to local concerns if the amendment does not conflict with Subsection (a).

(c) This section does not apply to:

(1) a program established by a state agency that requires particular standards, incentives, or financing arrangements in order to comply with requirements of a state or federal funding source or housing program;

(2) a requirement for a building necessary to consider the building eligible for windstorm and hail insurance coverage under Chapter 2210, Insurance Code;

(3) an ordinance or other regulation that regulates outdoor lighting that is adopted for the purpose of reducing light pollution and that:

(A) is adopted by a governmental entity that is certified as a Dark Sky Community by the International Dark-Sky Association as part of the International Dark Sky Places Program; or

(B) applies to outdoor lighting within five miles of the boundary of a military base in which an active training program is conducted;

(4) an ordinance or order that:

(A) regulates outdoor lighting; and

(B) is adopted under Subchapter B, Chapter 229, Local Government Code, or Subchapter B, Chapter 240, Local Government Code;

(5) a building located in a place or area designated for its historical, cultural, or architectural importance and significance that a municipality may regulate under Section 211.003(b), Local Government Code, if the municipality:

(A) is a certified local government under the National Historic Preservation Act (54 U.S.C. Section 300101 et seq.); or

(B) has an applicable landmark ordinance that meets the requirements under the certified local government program as determined by the Texas Historical Commission;

(6) a building located in a place or area designated for its historical, cultural, or architectural importance and significance by a governmental entity, if designated before April 1, 2019;

(7) a building located in an area designated as a historic district on the National Register of Historic Places;

(8) a building designated as a Recorded Texas Historic Landmark;



(9) a building designated as a State Archeological Landmark or State Antiquities Landmark;

(10) a building listed on the National Register of Historic Places or designated as a landmark by a governmental entity;

(11) a building located in a World Heritage Buffer Zone; and

(12) a building located in an area designated for development, restoration, or preservation in a main street city under the main street program established under Section [442.014](#).

(d) A municipality that is not a municipality described by Subsection (c) (5) (A) or (B) may adopt or enforce a regulation described by Subsection (a) that applies to a building located in a place or area designated on or after April 1, 2019, by the municipality for its historical, cultural, or architectural importance and significance, if the municipality has the voluntary consent from the building owner.

(e) A rule, charter provision, ordinance, order, building code, or other regulation adopted by a governmental entity that conflicts with this section is void.

Added by Acts 2019, 86th Leg., R.S., Ch. 1289 (H.B. [2439](#)), Sec. 1, eff. September 1, 2019.

Sec. 3000.003. INJUNCTION. (a) The attorney general or an aggrieved party may file an action in district court to enjoin a violation or threatened violation of Section [3000.002](#).

(b) The court may grant appropriate relief.

(c) The attorney general may recover reasonable attorney's fees and costs incurred in bringing an action under this section.

(d) Sovereign and governmental immunity to suit is waived and abolished only to the extent necessary to enforce this chapter.

Added by Acts 2019, 86th Leg., R.S., Ch. 1289 (H.B. [2439](#)), Sec. 1, eff. September 1, 2019.

Sec. 3000.004. OTHER PROVISIONS NOT AFFECTED. This chapter does not affect provisions regarding the installation of a fire sprinkler protection system under Section [1301.551](#)(i), Occupations Code, or Section [775.045](#)(a)(1), Health and Safety Code.

Added by Acts 2019, 86th Leg., R.S., Ch. 1289 (H.B. [2439](#)), Sec. 1, eff. September 1, 2019.

Sec. 3000.005. SEVERABILITY. If any provision of a rule, charter provision, ordinance, order, building code, or other regulation described by Section [3000.002\(a\)](#) is held invalid under this chapter, the invalidity does not affect other provisions or applications of the rule, charter provision, ordinance, order, building code, or other regulation that can be given effect without the invalid provision or application, and to this end the provisions of the rule, charter provision, ordinance, order, building code, or other regulation are severable.

Added by Acts 2019, 86th Leg., R.S., Ch. 1289 (H.B. [2439](#)), Sec. 1, eff. September 1, 2019.

## Exhibit B

By: Murr

H.B. No. 233

### A BILL TO BE ENTITLED

1 AN ACT

2 relating to the applicability of the prohibition on governmental  
3 entities adopting certain regulations governing the use of certain  
4 building products, materials, or methods.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Chapter 3000, Government Code, is amended by  
7 adding Section 3000.0015 to read as follows:

8 Sec. 3000.0015. APPLICABILITY. This chapter does not apply  
9 to a municipality with a population of less than 25,000.

10 SECTION 2. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2021.



## Finance

## ITEM 7.9

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

### Agenda Item Brief

<b>Meeting Date:</b>	December 8, 2020
<b>Agenda Item:</b>	Discuss and consider action: A RESOLUTION BY THE CITY OF BURNET, TEXAS DESIGNATING CERTAIN CITY OFFICIALS TO SIGN CHECKS AND OTHER DISBURSEMENTS FOR ANY AUTHORIZED DEPOSITORY OF THE CITY OF BURNET, TEXAS: P. Langford
<b>Background:</b>	The City Charter states, the following, "All checks, vouchers, or warrants for the withdrawal of money from the City depositories shall be signed by two City officials as designated by the City Council".
<b>Information:</b>	Staff is requesting adoption of the attached resolution to ensure compliance with the City Charter.
<b>Fiscal Impact:</b>	None.
<b>Recommendation:</b>	Approve and adopt Resolution No. R2020-62 as presented

## RESOLUTION NO. R2020-62

### **A RESOLUTION BY THE CITY OF BURNET, TEXAS DESIGNATING CERTAIN CITY OFFICIALS TO SIGN CHECKS AND OTHER DISBURSEMENTS FOR ANY AUTHORIZED DEPOSITORY OF THE CITY OF BURNET, TEXAS.**

**Whereas**, the City of Burnet, Texas (the "City") is a home rule municipality acting under its charter adopted by City Council and pursuant to Article XL, Section 5, of the Texas Constitution and Chapter 9 of the Local government Code; and

**Whereas**, Section 7.11 of the City Charter requires depositories shall be signed by two City officials as designated by City Council; and

**Whereas**, the City Council desires to designate officials to serve as signatories for all authorized depositories of the City.

**NOW, THEREFORE, BE IT RESOLVED BY 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 (the "City Council") and made a part hereof for all purposes as findings of fact.

**Section 2. Proceedings.** The City Council hereby designates the following individuals as City Officials for the limited purposes of this Resolution and authorizes the individuals listed herein to execute checks, vouchers, warrants, drafts, or other instruments for withdrawal of municipal funds in accordance with Section 7.11 of the City Charter. Such authorized officials of the City, shall be: Crista Goble Bromley, Mayor; David Vaughn, City Manager; Habib Erkan, Assistant City Manager; Patricia Langford, Director of Finance; Mark Ingram, Fire Chief; Gene Courtney, Director of Public Works; Jason Lutz, Director of Development Services; Kelli Sames, Human Resource Director; and Adrienne Feild, Administrative Services Specialist/Airport Manager which authorization shall apply to all depository accounts of the City, including, current and future depository accounts deemed necessary by the City Manager to conduct the business of the City.

In addition to the individuals listed above, Anthony Nash, Golf Course Superintendent; Blake January, Assistant Pro Shop II; and Elizabeth Sanders, Lead Snack Bar Attendant, shall be authorized to execute checks for withdrawal of municipal funds for bank account number 2329 titled Delaware Springs Petty Cash.

**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, *Chapt. 551, Tex. Gov't. Code*.



**PASSED AND APPROVED** this the 8th day of December, 2020.

**CITY OF BURNET, TEXAS**

**ATTEST:**

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

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



## Development Services

### ITEM 7.10

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

### Agenda Item Brief

**Meeting Date:** December 8, 2020

**Agenda Item:** Discuss and consider action: Regarding proposed regulations governing the use and operation of Mobile Food Establishments and providing feedback and direction to City staff regarding the proposed regulations: J. Lutz

**Background:** Currently the City has one location in the City located at the corner of E. Polk St. and S. Rhomberg St. (Mojo's Coffee) which allows food trucks. At this time the City does not have any existing regulations which govern the use, development, or safety of such vehicles.

Mobile food establishments are currently permitted through the Peddler/Vendor ordinance under the special events section. These regulations were not designed for such a use and do not directly address several issues dealing with this type of facility.

Staff has also seen an increase in the number of calls wanting to operate mobile food establishments and other mobile type businesses.

City staff has provided a draft copy of regulations for Council's consideration and feedback (see Exhibit A).

**Information:** The attached regulations represent staff's 1<sup>st</sup> attempt at addressing some of the major issues associated with Mobile Food Establishments.

Most of the regulations are regarding definitions, development standards (setbacks & parking), inspections, and fire/life safety.

Staff is seeking specific direction regarding the following issues:

1. Zoning Districts
  - Staff is proposing allowing by right in all commercial districts and would consider them the same land use as restaurants.
2. Setbacks
  - Front setbacks would be the same as the commercial zoning district regulations of the property.

- Side and rear yards would also be the same as the zoning district regulations of the property, if located adjacent to a residential zone. If the property is adjacent to other commercial zones the setbacks would be reduced to 10 feet.

### 3. Definitions

- While these regulations directly revolve around Mobile Food Establishments, they would also prohibit other mobile vendors & businesses.
- Staff would like specific feedback regarding the prohibition of other mobile vendors/businesses.
- Staff has seen an increase in questions regarding the ability to use RVs or Connex/shipping containers as offices, if modified and attached to trailers. The code does not specifically address these types of vehicles but the sections of code that may apply, and when viewed in their totality trend towards prohibition without specifically stating so.

**Recommendation:** Provide staff with direction on moving forward with the regulations, with modifications for adoption, and provide recommendations for changes or other concerns you would like addressed.

## Exhibit A – Draft Mobile Food Establishments Ordinance

### Sec. 118-69. - Mobile Food Establishments

(A) *Purpose and Intent.* It is the purpose of this section of section to regulate Mobile Food Establishments to promote the public health, safety, morals and general welfare of the citizens of the city, and to establish reasonable and uniform regulations of Mobile Food Establishments within the city.

- (1) Any person desiring to operate a Mobile Food Establishment (MFE) must obtain a permit for each MFE from the City. The City will issue each permit only after an inspection reveals satisfactory compliance with state and local laws, including this section. Such permit remains the property of the city.
- (2) It is unlawful for a person to operate or cause to be operated any MFE, which does not possess a valid permit issued by the City. Any person, firm, or establishment who is found to have operated or caused to be operated a MFE without a valid mobile food Establishment permit may be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be assessed fines or other punishment as provided by this section. An MFE operating within the city must have onsite at least one employee who possesses a food manager certification.
- (3) This section does not apply to vendors under contract with the City of Burnet or Burnet County to provide food and beverage services at properties owned and operated by the City or Burnet County.

(B) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning.

- (1) “MOBILE FOOD COURT” means a site, parcel of land, or facility designed to allow 2 or more MFEs to congregate in order to offer food or beverages for sale to the public.
- (2) “MOBILE FOOD ESTABLISHMENT” means a self-propelled or towed unit that offers prepackaged food in individual servings; beverages that are not potentially hazardous and are dispensed from covered urns or other protected vessels; and packaged frozen foods; OR may cook, prepare and assemble a full menu of food items; that is

permitted to do business within the City of Burnet on a schedule typical of a brick and mortar restaurant.

- (3) "TEMPORARY MOBILE FOOD ESTABLISHMENT" means a self-propelled or towed unit that offers prepackaged food in individual servings; beverages that are not potentially hazardous and are dispensed from covered urns or other protected vessels; and packaged frozen foods; OR may cook, prepare and assemble a full menu of food items; that is permitted to do business within the City of Burnet for no more than six events or celebrations, and for a total of 84 days or less in a calendar year.
- (4) "OTHER MOBILE VENDORS OR SERVICES" means any other business but not limited to, offices, salons, other personal services, and retail sales that operates from a mobile vehicle, trailer, or recreational vehicle (RV) are prohibited from operating within the City.

(C) *Development Standards.* MFEs shall adhere to the following development standards and are permitted by right in any commercial zone.

- (1) It is unlawful for the operator of a MFE to remove any food from the MFU to vend from a stand or other temporary structure located upon any public street, sidewalk, right-of-way, or other adjacent public area.
- (2) It is unlawful to operate an MFE from the public right-of-way. The operation of a mobile food unit near a street must not create a traffic hazard.
- (3) An MFE may apply for permission to operate within a city park subject to applicable park regulations and conditions placed on them by the City.
- (4) Unless written permission is granted by the appropriate school, it is unlawful for a person to operate a MFE within 300 feet of the property line of any public or private elementary, middle, or high school one hour before, during, and after school hours.
- (5) No person shall operate a MFE within or twenty five (25') feet of any residential zoning district, unless approved for temporary peddlers permit associated with a community event or special event permit.
- (6) Temporary Mobile Food Establishments may be located in existing commercial lots provided they do not reduce the number of off-street parking spaces below the minimum required amount for the existing facility.
- (7) Setbacks shall adhere to the following regulations.

- a. Front yard setbacks shall be in accordance with the applicable setbacks of the zoning district with which they are located.
  - b. Side and rear yard setbacks shall be in accordance with the applicable setbacks of the zoning district with which they are located, when adjacent to a residential zone.
    - 1. Side and rear yard setbacks adjacent to other commercial properties shall be ten (10').
  - c. A minimum of ten (10') of separation shall be provided between all MFEs, structures, fences, or other combustible materials.
- (8) No vendor participating in the sale shall impede access to the entrance or driveway of an adjacent building, or operate within the public right-of-way.
- (9) All vendors selling food or beverages must provide at least one (1) appropriately sized trash receptacle adjacent to or as a part of their stand/operation.
- (10) Bathroom facilities within a building(s) on the premises authorized by written consent of the building owner/tenant are required.
- (11) Mobile food vendors/vehicles shall not have permanent connections for electricity, potable water and sewage disposal. Mobile food vendors/vehicles must provide independent self-contained systems to adequately provide these services to each unit.
- (12) The sale, distribution or consumption of alcoholic beverage is prohibited within mobile food courts.
- (13) MFEs must provide complete contact information such as name, address, phone number, and any other information reasonably required by the city manager or his/her designee for a designated on-call person to be a principal point of contact for city staff and the individual vendors/vehicles.
- (14) Residing and/or dwelling within a vendor/vehicle unit(s) overnight is prohibited.
- (15) Vendors shall be allowed one (1) single temporary detached sign to advertise. The sign must remain temporary and no permanent installation shall be allowed. One (1) sign may be attached to a structure per vendor. The sign should be anchored or stabilized to prevent wind damage. Overall sign dimensions shall not exceed twenty-four (24) square feet. Sign may be dual sided.

(16) Failure to comply with these standards may result in termination or suspension of the temporary use permit.

- a. The city manager or his/her designee shall have the authority to revoke a permit upon violation of the conditions or standards for issuance as set forth in this section or when temporary uses create, refuse to mitigate, or otherwise have an adverse effect upon the health, safety, or welfare of the public, persons or property.
- d. "MOBILE FOOD COURTS" shall be required to adhere to these regulations in addition to those found in this section.
- a. Vendors shall be allowed to engage in the business of vending only between the hours of 6:30 a.m. and 10:00 p.m. or as otherwise approved by the city manager or his/her designee.
- b. A minimum twenty (20) foot wide fire apparatus access route shall be provided, if required by the fire chief or designee.
- c. On-site bathroom facilities, which meet ADA requirements shall be provided. This requirement can be met through one (1) of the following methods.
  - 1. Bathroom facilities within a building(s) on the premises.
    - i. Number of water closets required shall be a minimum of four (4).
  - 2. Bathroom facility trailer or mobile trailer with bathrooms and self-contained water and wastewater facilities within it, maintained by a licensed company.
  - 3. Port-o-potties located on the premises, at the farthest reasonable distance from public right-of-way, parking areas, residential zones, and maintained by a licensed company.
- e. Permitted mobile food vendors/vehicles located within the court shall be exempt from having to remove the vehicle from the site during non-operating hours so long as such operation is in compliance the applicable rules and regulations.
- f. Mobile food courts must comply with the setbacks listed in subsection (c)(7) of this code.

- g. Mobile food courts must provide a paved parking area, at a ratio of three (3) parking spaces per individual vendor/vehicle.
- h. Mobile food courts must provide outside seating consisting of a table and a seating capacity of four (4), per mobile food vendor/vehicle unit.
- i. Mobile food vendors/vehicles shall not have permanent connections for electricity, potable water and sewage disposal. Mobile food vendors/vehicles must provide independent self-contained systems to adequately provide these services to each unit.
- j. No mobile food vendor/vehicle unit, structures associated with the mobile food court use, nor any seating areas shall be located in a required setback, buffer yard, access easement, drainage easement, floodplain, driveway, utility easement and/or fire lane unless authorized by the city manager or his/her designee.

(D) *Inspections & Safety.* All MFEs shall adhere to the following regulations.

(1) Fire Safety.

- a. If a person who operates a mobile food establishment maintains food at a hot holding temperature by mechanical means, that person shall comply with fire and explosion safety standards established by the fire marshal.
- b. If a person uses a pressurized fuel system or container in conjunction with the mobile food establishment, that person shall comply with fire and explosion safety standards established by the fire marshal.
- c. PORTABLE FIRE EXTINGUISHERS
  - 1. At least one 2A10BC (5lb) fire extinguisher must be provided for the MFE.
  - 2. At least one Class K extinguisher must be provided for the MFE's using oil or grease fryers.
  - 3. All provided portable fire extinguishers must be charged, unobstructed and possess a current and valid inspection tag attached to the unit.
- d. COMMERCIAL HOOD FIRE SUPPRESSION SYSTEM
  - 1. Required in MFE units utilizing any form of deep fat frying, including but not limited to commercial deep fat fryers, commercial or



residential grade table top fryers, commercial or residential stoves heating vessels used to deep fat fry consumer items.

2. MFEs equipped with Hood fire suppression systems shall be fully functioning and possess a current and valid inspection tag.

e. Fuel and Power Sources

1. Propane

- i. Documentation showing a leak test on the propane plumbing system has been successfully conducted.
- ii. Flexible connectors must be used between the regulator outlet and the fixed piping system.
- iii. Propane tanks are secured in an upright position.
- iv. Propane tanks are within their hydrostatic test date.
- v. Propane system must be in good condition, (i.e. no leaks, rust).
- vi. The main shut-off must be marked, in plain view and easily assessable.
- vii. Fuel supply must be shut off when not in use or while in transit.

2. ELECTRICAL

- i. Electrical wire and equipment must be in accordance with the electric code and in good working condition.
- ii. Extension cords must be adequate gauge and in good condition.

3. GENERATORS

- i. Generators shall be placed at least 10 feet from buildings, structures, vehicles and combustibles.
- ii. Generator exhaust shall be directed away from mobile cooking vehicle, vehicles, buildings, structures, exits and openings.
- iii. Generators shall be protected from contact by the public.

- iv. Generators shall be shut down for refueling.

#### 4. SOLID FUEL

- i. Combustible solid fuel shall be stored properly and away from heat producing appliances.
- ii. Ashes, cinders, and other fire debris shall be removed at the end of the day and stored in an approved ash bucket with lid away from the vehicle, buildings and combustibles.
- iii. Ashes, cinders and other fire debris shall not be discarded in plastic trash receptacles or metal dumpster without being "cold to the touch."

(2) Inspections. The fire marshal is authorized to conduct periodic inspections as necessary to determine the extent of compliance at any time.

- a. An operator of a MFE must possess a valid driver's license. In addition, the MFE must display valid license plates and a state registration sticker and must be in good working order.
- b. All cooking appliances in the mobile food unit must be of an approved type, listed, and labeled for the use intended. Appliances must be installed in accordance with the manufacturer's instructions. All cooking appliances must have an approved, labeled, and listed on-off valve. Camp stoves or the equivalent are prohibited.
- c. All propane and natural gas appliances must be pressure tested annually and contain only approved parts. Rubber hoses are prohibited. All piping must comply with National Fire Protection Association 58 and be protected from physical damage. Mounting and placement of containers must comply with National Fire Protection Association 58 and Texas Department of Transportation regulations. The capacity limit of propane and natural gas containers or cylinders will be determined by the fire marshal after

consideration of features that secure and protect the container. Upon request of the fire marshal, the owner/operator of the MFU shall produce documentation illustrating that an annual gas test was performed and passed by a licensed individual or firm.

- d. Cooking surfaces in the mobile food unit must remain clean of grease build-up. Trash containers and debris must be emptied regularly. Appliances shall be plugged directly into electrical outlets and extension cords may not be utilized for appliances.

(E) Penalty. Any person who violates any of the provisions of this section may have their permit revoked and incur daily fines of not less than \$100.00 or greater than \$2,000.00 per day.



## Administration

## ITEM 7.11

David Vaughn  
City Manager  
512.715.3208  
dvaughn@cityofburnet.com

### Agenda Item Brief

<b>Meeting Date:</b>	December 8, 2020
<b>Agenda Item:</b>	Discuss and consider action: Appointment of the Burnet Airport Advisory board members to director positions one (1) through five (5): K. Dix
<b>Background:</b>	<p>Currently the following members of the Burnet Airport Advisory Board JoDean Perry, Robert Vossman and Charles Deitrich have all completed their term on the board and are eligible for re-appointment. All three have expressed their desire to serve another term and have requested re-appointment. (current board roster Attachment "A"). Upon re-appointment these position will serve a two year term expiring in 2022.</p> <p>Additionally, staff would like to align the term end dates and assigned positions on the Airport Advisory board which will provide continuity with other Boards and Commissions of the City.</p>
<b>Information:</b>	Staff is requesting re-appointment of the current Airport Advisory members JoDean Perry, Charles F. Deitrich, Dave and Robert Vossman for a two year term that will end in 2022 as well as approval to appoint positions and move all board member term dates to the month of June will staggard terms as presented in Attachment "B"
<b>Fiscal Impact:</b>	No fiscal impact
<b>Recommendation:</b>	Staff recommends re-appointment of the Burnet Airport Advisory Board as presented

## ATTACHMENT “A”

### **BURNET MUNICIPAL AIRPORT ADVISORY BOARD**

(As of: January 2020)

<b><u>NAME</u></b>	<b><u>ADDRESS</u></b>	<b><u>EMAIL</u></b>	<b><u>PHONE</u></b>	<b><u>APPOINTED</u></b>	<b><u>EXPIRES</u></b>
<b>JoDean Perry</b> (Chair)	301 E. Marble St. Burnet, TX 78611	<a href="mailto:cubbie@kbmq.net">cubbie@kbmq.net</a>	(512) 507-4252	March 2018	Oct 2020
<b>Charles F. Deitrich</b> (Vice Chair)	1601 Wofford Drive Burnet, Texas 78611	<a href="mailto:cffd66@yahoo.com">cffd66@yahoo.com</a>	(512) 756-6999	December 2018	Oct 2020
<b>Robert Vossman</b>	409 Fox Crossing Burnet, TX 78611	<a href="mailto:bvossman@austin.rr.com">bvossman@austin.rr.com</a>	(512) 366-2578	March 2018	Oct 2020
<b>Dave Hargett</b>	118 Big Sky Burnet, TX 78611	<a href="mailto:dave@dhargett.com">dave@dhargett.com</a>	(713) 690-2620	May 2019	Oct 2021
<b>James Wreyford</b>	50 Oxbow Trail Marble Falls, TX	<a href="mailto:jim.wreyford@gmail.com">jim.wreyford@gmail.com</a>	(512) 756-3250	September 2019	Oct 2021

#### **EX-OFFICIO MEMBERS**

Adrienne Feild – Airport Manager  
P.O. Box 1369, Burnet, TX 78611  
[afeild@cityofburnet.com](mailto:afeild@cityofburnet.com) 512-715-3217

Dale Faulkner – Fixed Base Operator  
P.O. Box 1147, Burnet, TX 78611  
[dale@faulknersairshop.com](mailto:dale@faulknersairshop.com) 512-756-6655

## ATTACHMENT “B”

### **PROPOSED BURNET MUNICIPAL AIRPORT ADVISORY BOARD**

(As of: December 2020)

<b><u>NAME</u></b>	<b><u>ADDRESS</u></b>	<b><u>EMAIL</u></b>	<b><u>PHONE</u></b>	<b><u>APPOINTED</u></b>	<b><u>EXPIRES</u></b>
1. <b>JoDean Perry</b> (Chair)	301 E. Marble St. Burnet, TX 78611	<a href="mailto:cubbie@kbmq.net">cubbie@kbmq.net</a>	(512) 507-4252	December 2020	June 2022
2. <b>Charles F. Deitrich</b> (Vice Chair)	1601 Wofford Drive Burnet, Texas 78611	<a href="mailto:cffd66@yahoo.com">cffd66@yahoo.com</a>	(512) 756-6999	December 2020	June 2022
3. <b>Robert Vossman</b>	409 Fox Crossing Burnet, TX 78611	<a href="mailto:bvossman@austin.rr.com">bvossman@austin.rr.com</a>	(512) 366-2578	December 2020	June 2022
4. <b>Dave Hargett</b>	118 Big Sky Burnet, TX 78611	<a href="mailto:dave@dhargett.com">dave@dhargett.com</a>	(713) 690-2620	December 2020	June 2021
5. <b>James Wreyford</b>	50 Oxbow Trail Marble Falls, TX	<a href="mailto:jim.wreyford@gmail.com">jim.wreyford@gmail.com</a>	(512) 756-3250	December 2020	June 2021

#### **EX-OFFICIO MEMBERS**

Adrienne Feild – Airport Manager  
P.O. Box 1369, Burnet, TX 78611  
[afeild@cityofburnet.com](mailto:afeild@cityofburnet.com) 512-715-3217

Dale Faulkner – Fixed Base Operator  
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[dale@faulknersairshop.com](mailto:dale@faulknersairshop.com) 512-756-6655



## Human Resources Department

## ITEM 7.12

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

### Agenda Item Brief

<b>Meeting Date:</b>	December 8, 2020
<b>Agenda Item:</b>	Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING SECTION 3.14 SEXUAL HARASSMENT POLICY, OF THE PERSONNEL POLICY MANUAL BY UPDATING AND CLARIFYING POLICY REQUIREMENTS: K. Sames
<b>Background:</b>	<p>The City of Burnet currently has in effect an Employee Personnel Policy Manual that was adopted by City Council on December 8, 2009 with an effective date of December 8, 2009. Since the original adoption, recommended revisions to the Personnel Policy have occurred from time to time.</p>
<b>Information:</b>	<p>Personnel Policy 3.14, Sexual and Other Unlawful Harassment, establishes the City's standards and expectations in maintaining a workplace free from unlawful harassment. The policy has been updated and now includes a section regarding prohibitions for "other unlawful harassment". The proposed policy also expands the "what is sexual harassment section" to provide for additional examples not in the current policy.</p> <p>Both current and proposed policies are attached as Exhibit A.</p>
<b>Fiscal Impact:</b>	N/A
<b>Recommendation:</b>	City staff recommends approval of Resolution No. 2020-63, updating Personnel Policy 3.14 Sexual Harassment and Other Unlawful Harassment.

**RESOLUTION NO. 2020-63**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING SECTION 3.14 SEXUAL HARASSMENT POLICY, OF THE PERSONNEL POLICY MANUAL BY UPDATING AND CLARIFYING POLICY REQUIREMENTS.**

**Whereas**, the City Council believes its personnel policies should reflect the needs of the City and meet all applicable state and federal labor laws; and

**Whereas**, it is necessary to update, revise, and clarify language in the City of Burnet Personnel Policies consistent with laws, regulations, and industry standard practices; and

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

**Whereas**, the Personnel Policy Manual was last revised on August 11, 2020; and

**Whereas**, the City Council believes it is in the best interest of the City and its employees to make additional amendments to said Personnel Policy Manual; and

**Whereas**, the City Council has reviewed the proposed amendments to the Personnel Policy Manual and has determined the need to update and clarify those sections.

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

**Section 1.** The City Council hereby accepts and adopts the amendment to the Personnel Policy to include Section 3.14 Sexual Harassment and Other Unlawful Harassment as attached hereto as Exhibit "A" with an effective date of December 8, 2020.

**Section 2.** The findings and recitations set out herein above are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 3.** If any provision of this resolution or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared to be severable.

**Section 4.** That it is hereby officially found and determined that the meeting at which this resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.

**PASSED AND APPROVED** on this 8<sup>th</sup> day of December 2020.

**CITY OF BURNET, TEXAS**

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

**ATTEST:**

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



## Exhibit A

### 3.14 Sexual Harassment and Other Unlawful Harassment (Revised 12-8-2020 Resolution 2020-\*\*)

All City employees are entitled to a workplace free of unlawful harassment by management, supervisors, co-workers, citizens, and vendors. This means that each employee must be respectful of others and act professionally. City employees are also prohibited from engaging in unlawful harassment of other employees, citizens, vendors, and all other third parties.

In the event the City receives a complaint of sexual harassment or other unlawful harassment, or otherwise has reason to believe that sexual harassment or other unlawful harassment is occurring, it will take all necessary steps to ensure that the matter is promptly investigated and addressed.

Exercising rights under this policy does not in any way affect an employee's right to seek relief through the Texas Commission on Human Rights, the Equal Employment Opportunity Commission, or in a court of proper jurisdiction for any complaint for which a remedy is provided under state or federal law.

All types of sexual harassment are prohibited.

What is "sexual harassment"?

Sexual harassment is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- (1) submission to that conduct is made either explicitly or implicitly a term or condition of employment;
- (2) submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual; or
- (3) the conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Sexual harassment does not require sexual attraction or interest. Examples of sexual harassment include, but are not limited to the following, when such acts or behavior fall under one of the above definitions whether it be physical, verbal or visual conduct:

- either explicitly or implicitly conditioning any term of employment (e.g. continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
- touching or grabbing a sexual part of a person's body;
- touching or grabbing any part of a person's body after that person has indicated, or it is known, that such physical contact was unwelcome;
- continuing to ask a person to socialize on or off-duty when that person has indicated they are not interested;
- displaying or transmitting sexually suggestive pictures, objects, cartoons, or posters if it is known or should be known that the behavior is unwelcome;
- continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;

- referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior;
- regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;
- retaliation of any kind for having filed or supported a complaint of sexual harassment (e.g. ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering that person's duties or work environment, etc.);
- derogatory or provoking remarks about or relating to a person's sex or sexual orientation;
- harassing acts or behavior directed against a person on the basis of his or her sex or sexual orientation; or
- off-duty conduct which falls within the above definition and affects the work environment.

**Other Prohibited Harassment.** In addition to the City's prohibition against sexual harassment, harassment on the basis of any other legally protected characteristic is also strictly prohibited. This means that verbal or physical conduct that singles out, disparages, or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, genetics, veteran status, citizenship, or any other characteristic protected by law is also prohibited.

Prohibited conduct includes, but is not limited to, epithets, slurs and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures, that single out, disparages, or show hostility or aversion toward someone on the basis of a protected characteristic. Conduct, comments, or innuendoes that may be perceived by others as offensive are wholly inappropriate and are strictly prohibited.

This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, e-mail, cell phone or other electronic devices, social media, and/or the Internet, such as YouTube and Facebook. Harassment of any nature, when based on race, religion, color, sex, national origin, age or disability, genetics, veteran status, citizenship or any other characteristic protected by law is prohibited and will not be tolerated.

**Mandatory Reporting.** The City requires that employees report all perceived incidents of harassment, regardless of the offender's identity or position. Any employee who observes or otherwise learns of possible harassment in the workplace or who feels that harassment has occurred or has been subjected to conduct prohibited by this policy must report it immediately to:

- the Department Director;
- the Director of Human Resources;
- the Assistant City Manager; or
- the City Manager.

Every supervisor is responsible for promptly responding to, and reporting, any complaint or suspected acts of sexual harassment or other prohibited harassment. Any supervisor, manager, or Department Director who becomes aware of possible conduct prohibited by this policy must immediately advise the Director of Human Resources, the Assistant City Manager, and /or the City Manager. Failure by a supervisor to appropriately report or address

such sexual harassment, or other prohibited harassment complaints or suspected acts shall be considered to be in violation of this policy.

**Investigation.** All reports of prohibited conduct will be investigated promptly and in as confidential a manner as possible. The Human Resources Director shall be the employee charged with handling complaints unless another person is duly designated. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have other relevant knowledge. All employees are required to cooperate with the investigation and to maintain confidentiality. The City of Burnet is committed, and required by law, to act if it learns of potential sexual harassment, even if the aggrieved person does not wish to formally file a complaint.

If the allegation of sexual harassment, or other unlawful harassment, is found to be credible, the City of Burnet will take appropriate corrective action. The City will inform the complaining person and the accused person of the results of the investigation and what actions will be taken to ensure that the harassment will cease, and that no retaliation will occur. If the allegation is not found to be credible, the person making the complaint and the accused person shall be so informed.

**Retaliation Prohibited.** Care will be taken to protect the identity of the person with the complaint and of the accused party or parties, except as may be reasonably necessary to successfully complete the investigation. Retaliation against employees who make a good faith charge or report of prohibited conduct or who assist in a complaint investigation is prohibited. Acts of retaliation must be reported immediately as set out above.

**Responsive Action.** Misconduct constituting harassment or retaliation will be dealt with appropriately. Discipline, up to and including dismissal will be imposed upon any employee who is found to have engaged in conduct prohibited by this policy. Likewise, disciplinary action will be imposed in situations where claims of prohibited conduct were untruthful, fabricated or exaggerated or when employees are untruthful during an investigation.

**Training.** It will be the responsibility of the Human Resources Department to schedule sexual harassment prevention training for City employees and supervisors. Each supervisor has a responsibility to communicate to employees that sexual harassment, and other unlawful harassment, will not be tolerated and to make certain that employees are aware of this policy.

This policy applies to City employees, citizens, vendors, and other visitors to the workplace. Non-employee violators of this policy are subject to expulsion from a City facility when harassment occurs on City premises. The City may report violators to the appropriate authority for civil or criminal action.

### ***Sexual (Current Policy)***

#### ***3.14 Sexual Harassment Policy (Current Policy)***

*It is the policy of the City of Burnet to prohibit harassment of its employees by any person. The City of Burnet does not tolerate the harassment of any employee or non-employee by any other employee or non-employee for any reason. Harassment of a sexual nature is a violation of various state and federal laws which may subject the individual harasser to liability for any such unlawful conduct. Violators of this policy are subject to immediate disciplinary action.*

*Specifically forbidden is harassment of a sexual, racial, ethnic, or religious nature. Harassment may include unsolicited remarks, gestures, or physical contact, display, or circulation of written materials or pictures derogatory to either gender or racial, ethnic, or religious groups; or basing personnel decisions on an employee's response to sexually oriented requests.*

*Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature when:*

- Submission to such conduct is made, either explicitly or implicitly a term or condition of an individual's employment.*
- Submission to or rejection of such conduct by an individual is used as the basis of employment decisions affecting such individuals; **or***
- Such conduct has the purpose of, or the effect of, unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.*

*Non-employee violators of this policy are subject to expulsion from a City facility when harassment occurs on City premises. The City may report violators to the appropriate authority for civil or criminal action. The City prohibits any retaliation of any kind against employees, who in good faith, bring sexual harassment complaints or assist in investigating complaints.*

*Any employee who experiences conduct of this nature shall bring it to the attention of the employee's supervisor or the Department of Human Resources. Employees having knowledge of impermissible harassment among employees must report such harassment to the appropriate supervisor not involved in the harassment and to the Human Resources Director. The Human Resources Director shall be the employee charged with handling complaints unless another person is duly designated. If the employee accused of harassment is the City Manager, the report shall be made to the City Attorney. Any employee violating the City's rule against harassment of employees may be subject to discipline, up to and including termination.*

*It is the responsibility of each employee to be aware of the details of the foregoing policy.*

*Exercising rights under this policy does not in any way affect an employee's right to seek relief through the Texas Commission on Human Rights, the Equal Employment Opportunity Commission, or in a court of proper jurisdiction for any complaint for which a remedy is provided under state or federal law.*

*Sexual harassment complaints or grievances shall be made in writing to the appropriate supervisor and/or Human Resources Director. The City takes all reports seriously and handles them as confidentially as possible.*

*Procedure outline for investigating sexual harassment:*

- 1. The Human Resources Director, referred to hereinafter as the City representative, handles the complaint, unless such individual cannot be objective, or the complaint involves the City Manager or the Human Resources Director. In these cases, the City Attorney shall handle the complaint. The City representative conducts interviews with the complainant and the alleged harasser and may request written statements.*
- 2. The City representative forwards the findings to the City Manager with a recommendation regarding actions to be taken. After reviewing the report, the City Manager determines if further investigation is needed. If the allegations involve the City Manager, the report shall be forwarded to the City Attorney. The City Attorney shall perform the duties of the City Manager in investigating the complaint.*

*If the City Manager determines further investigation is not necessary, (s)he forwards the report, all documentation, and recommendation to the Hu*



## Administration

### ITEM 7.13

David Vaughn  
City Manager  
512.715.3208  
dvaughn@cityofburnet.com

## Agenda Item Brief

<b>Meeting Date:</b>	December 8, 2020
<b>Agenda Item:</b>	Discuss and consider action: Authorizing the City Manager to execute a letter of acceptance with the Commemorative Airforce (CAF) and the Army to allow A-10 aircraft to land at the airport for the 2021 airshow: D. Vaughn
<b>Background:</b>	The Burnet CAF has requested permission to land an A-10 aircraft at the Burnet Municipal Airport during the 2021 Air Show. The A-10 normally requires a runway capacity of 35,000 pounds and our airfield is rated for 30,000 pounds for a single tired aircraft. Based on conversations with the engineer, the loading only becomes an issue if there are repeated landing, when there are high temperatures, or when the subgrade is wet. The City provided a authorization in 2008, which was the last time the A-10's were at the airshow. Additionally, steel plates can be used to protect the tarmac when the planes are parked to prevent damage as well.
<b>Information:</b>	At the time of posting the agenda, staff is still waiting on a response from the CAF to be able to finalize the release letter. A copy of the letter will be provided at the time of the meeting.
<b>Fiscal Impact:</b>	N/A
<b>Recommendation:</b>	Staff recommends approval of the release of liability



## Administration

### ITEM 7.13

David Vaughn  
City Manager  
512.715.3208  
dvaughn@cityofburnet.com

## Agenda Item Brief

**Meeting Date:** December 8, 2020

**Agenda Item:** Discuss and consider action: Authorizing the City Manger to execute a Release of Liability to the Commemorative Airforce (CAF) for the landing of an A-10 during the annual air show:  
D. Vaughn

**Background:** The Burnet CAF has requested permission to land an A-10 aircraft at the Burnet Municipal Airport during the 2021 Air Show. The A-10 estimated weight is 35,000 pounds. Based on the Texas Department of Aviation's calculations, the runway is listed to have a 30,00 lb wheel weight for an aircraft.

Staff has conferred with the Texas Department of Aviation engineer and is currently waiting on a response.

**Information:**

**Fiscal Impact:**

**Recommendation:** To be determined by Council