



## **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 **26<sup>th</sup> day of January, 2021** at **6:00 p.m.** in the Council Chambers, Burnet Municipal Airport, 2402 S. Water, Burnet, Tx. In order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19), a Declaration of a Public Health Emergency was executed by Mayor Bromley on March 19, 2020. The Council Chambers will be closed to public attendance. A Zoom Webinar with toll free conference call capability has been established for access as follows:

A Zoom Webinar with toll free conference call capability has been established as well, for access as follows:

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

<https://us02web.zoom.us/j/86527678880?pwd=RW1lNitsOGc1a21JK2R3RTdXYTdkZz09>

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

**Enter Webinar ID when prompted: 865 2767 8880 #**

**Enter Password when prompted: 843278 #**

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

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

**Enter Webinar ID when prompted: 865 2767 8880 #**

**Enter Password when prompted: 843278 #**

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

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

The following subjects will be discussed, to-wit:

**CALL TO ORDER:**

## **ROLL CALL:**

### **1. REPORTS/SPECIAL PRESENTATIONS:**

1.1) 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.

1.1 (B.2) First Quarter FY 2021 Financial Report: P. Langford

1.1 (E.3) Police Department Traffic Stop Data Report S. Fuller

1.1(G.3) Haley Nelson Amphitheatre Canopy Report: G. Courtney

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

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

2.1) Approval of the January 12, 2021 Regular City Council Meeting minutes

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

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

4.1) 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

4.2) Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS ADOPTING THE BURNET ZONING MAP IN ITS ENTIRETY AS CURRENTLY PUBLISHED; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: J. Lutz

4.3) Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE AMENDING ORDINANCE NO. 2012-09 BY ASSIGNING A FUTURE LAND USE DESIGNATION OF "RESIDENTIAL" FOR APPROXIMATELY TWO ACRES OF LAND LOCATED IN THE 700 BLOCK OF WHITE ST. (SOUTH SIDE OF STREET) BETWEEN RHOMBERG AND SHEPPERD STREETS., AS SHOWN

IN EXHIBIT A; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: J. Lutz

4.4) Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-06 BY ASSIGNING MULTI-FAMILY RESIDENTIAL—DISTRICT "R-3", DESIGNATIONS TO APPROXIMATELY TWO ACRES OF LAND LOCATED IN THE 700 BLOCK OF WHITE ST. (SOUTH SIDE OF STREET) BETWEEN RHOMBERG AND SHEPPERD STREETS., AS SHOWN IN EXHIBIT A;; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: J. Lutz

4.5) Discuss and consider action: Appointment of staff member position to the Burnet Economic Development Corporation (BEDC) Board of Directors: D. Vaughn

4.6) Discuss and consider action: Direction to staff on "AMENDING THE SIGN REGULATIONS TO AUTHORIZE AN INCREASE IN THE MAXIMUM COPY AREA FOR COMMERCIAL WALL SIGNS AREA": H. Erkan

4.7) Discuss and consider action: A RESOLUTION ADOPTING THE CITY OF BURNET, TX, INVESTMENT POLICY AND NAMING THE INVESTMENT OFFICERS: P. Langford

4.8) Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET AMENDING THE CODE OF ORDINANCES BY ESTABLISHING A NEW CHAPTER 21 (ENTITLED "SIGN REGULATIONS AND STANDARDS" ) AND RECODIFYING THE EXISTING SIGN REGULATIONS AND STANDARDS FROM SECTION 118-63 TO CHAPTER 21; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, CORRELATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: H. Erkan

**5. 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.

**6. ADJOURN:**

Dated this the 22<sup>nd</sup> day of January 2021

**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 January 22<sup>nd</sup>, 2021 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).*

**Addendum to City Council Agenda  
Department and Committee Reports/Briefings**

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

**A. Administrative Services**

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

**B. Finance Department**

1. Utilities
2. Budget and Finance Reports

**C. Municipal Court**

1. Quarterly Reports

**D. City Secretary**

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

**E. Police Department**

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

**F. Fire Department**

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

**G. Public Works**

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

**H. Delaware Springs Golf Course**

**I. Development Services**

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

**J. Human Resources**

- |           |                   |
|-----------|-------------------|
| 1. Policy | 2. Administration |
|-----------|-------------------|



# CITY OF BURNET

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## FINANCIAL REPORT

1st Quarter FY 2021

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*Bluebonnet Capital of Texas - Lakes, Hills, History*

	CITY OF BURNET 1ST QTR FY2021 FINANCIAL REPORT	FY 2021
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## CITY OF BURNET 1ST QTR FY2021 FINANCIAL SUMMARY

**FY 2021**

### GENERAL FUND

The General Fund ended the quarter with a loss of \$(117,836). However, the fund is still on track to end the year within budget.

The General Fund revenues are at 25% of budget at the end of the first quarter. That is below our target because of a timing difference in the receipt of property tax collections from the Burnet Central Appraisal District. This year, most of the collections were received in January rather than December. Property Tax Collections through December are at 19% of budget. However, by the end of January, Property Tax Collections will be back on track with our budget target. Sales tax revenues continue to be strong and are at 30% of budget. EMS transfer revenues are tracking just above our budget target at 26% and Transfers In from other funds are tracking as expected at 24% of budget.

The General Fund expenses are at 27% of budget which is within our target for this time. Overall Personnel Costs are at 28% of budget which was expected because there was an additional pay period in October this year and longevity payments were made in December.

### GOLF COURSE

The Golf Course ended the quarter with a profit of \$97,710 which is a \$76,418 improvement over this time last year.

Revenues are tracking higher than expected mainly because of Green Fee/Cart Rental revenues. Green Fee Rounds are up 58% compared to this time last year and Green Fee/Cart Rental revenues are up \$104,666.

Expenses are tracking at 33% of budget which was expected because of increases in personnel costs for benefit pay-outs to retirees and increases in repairs and maintenance.

Overall, the Golf Course is on track to outperform their budget by the end of the year.

### ELECTRIC FUND

The Electric fund ended the quarter with a profit of \$2,387. Both revenues and expenses are on track with the budget for this time of year and YTD consumption is running consistent with last year.



	CITY OF BURNET 1ST QTR FY2021 FINANCIAL SUMMARY	FY 2021
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### WATER/WASTEWATER

The Water/Wastewater fund ended the quarter with a profit of \$126,986. Both revenues and expenses are tracking very well with the budget for this time of year and compared to last year, consumption is up 13%.

### AIRPORT

The Airport Fund ended the quarter with a profit of \$34,696 and both revenues and expenses are tracking well with the budget for this time.

Net fuel sales are tracking higher than expected due to increases in sales and profit margins for both Avfuel and Jet sales.

### UNRESTRICTED CASH RESERVES

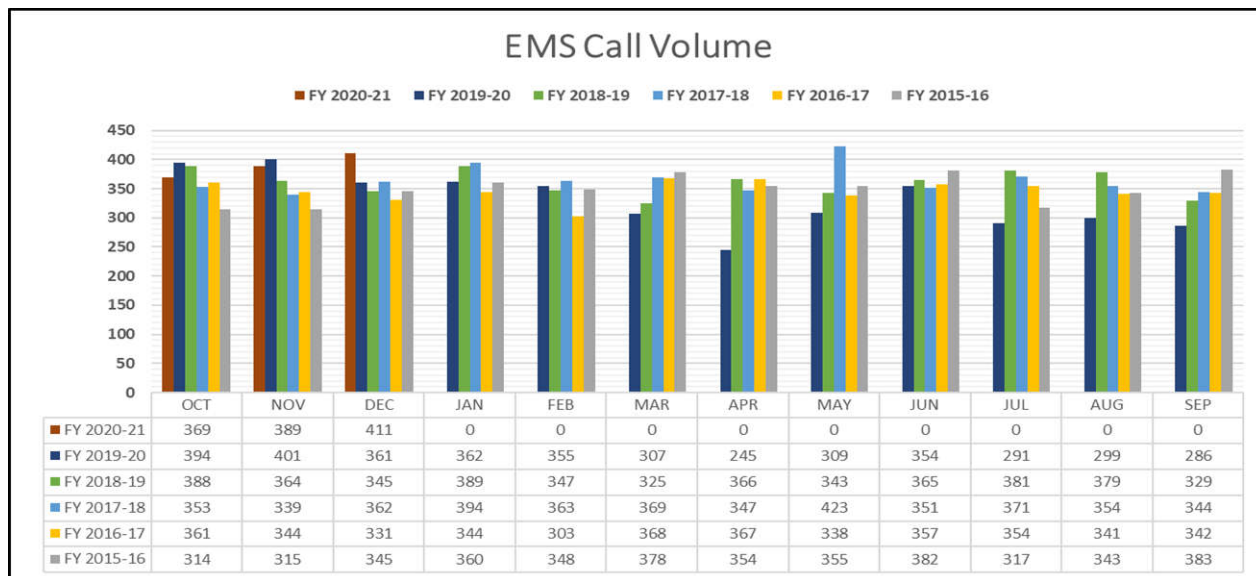
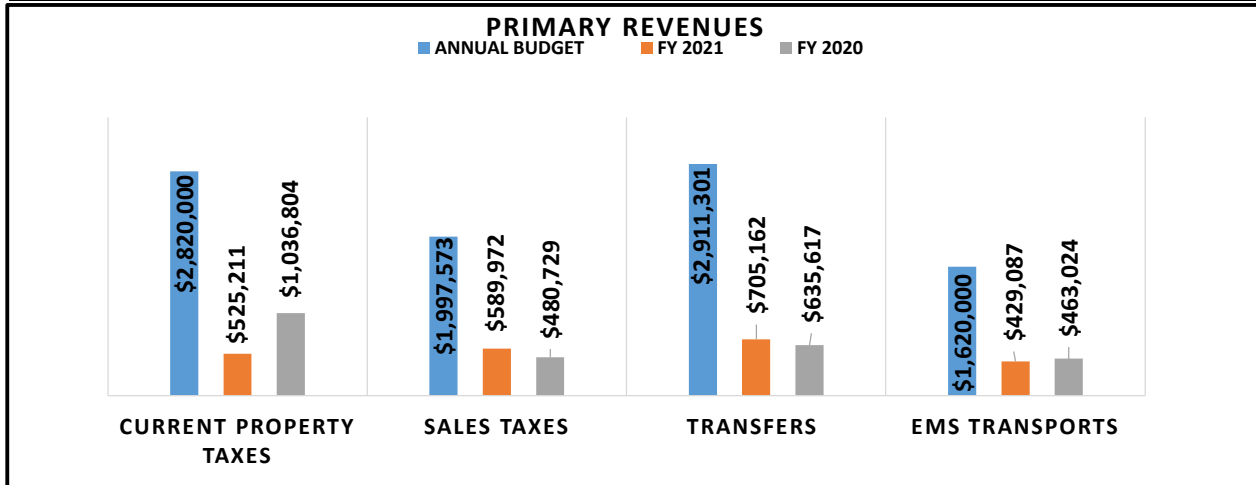
Total unrestricted cash for the City as of December 31st was \$6,586,773. That is \$2,552,774 above our 90-day required reserve amount.

In addition, the City has \$1,923,410 remaining in accounts restricted by council. Those accounts include the self-funded equipment reserve, capital equipment reserve, and the LCRA credit reserve.

## GENERAL FUND DASHBOARD

### CURRENT RESULTS COMPARISON

	ANNUAL BUDGET	ACTUAL FYTD Dec 2020	% OF BUDGET	PY BUDGET 2019-2020	ACTUAL FYTD Dec 2019	% OF BUDGET
REV (net of cogs/tourn exp)	\$ 11,834,714	\$ 2,947,223	25%	\$ 11,589,698	\$ 3,271,782	28%
EXPENSES	11,488,859	3,065,059	27%	11,245,499	2,972,455	26%
PROFIT (LOSS)	\$ 345,855	\$ (117,836)		\$ 344,199	\$ 299,326	



City of Burnet  
Financial Report  
1st QTR FY2021

% of year completed: 25

**GENERAL FUND**

GENERAL FUND	ANNUAL BUDGET			ACTUAL	% OF	PY BUDGET		PY ACTUAL	% OF	
	2020-2021		FYTD Dec 2020	BUDGET		2019-2020 (ORIGINAL)	FYTD Dec 2019	BUDGET		
REVENUE										
Ad Valorem Taxes	\$	2,877,000	\$	537,084	19%	\$	2,677,000	\$	1,046,864	39%
Sales Tax		1,997,573		589,972	30%		1,810,000		480,729	27%
Fire Department Revenue		2,222,788		644,721	29%		2,451,713		578,512	24%
Planning and Zoning fees		86,200		24,926	29%		86,070		31,396	36%
Allocation Transfers		2,911,301		705,162	24%		2,754,977		635,617	23%
Trash Collections		1,073,927		268,950	25%		1,011,070		257,019	25%
Police Department Revenue		227,825		56,023	25%		291,768		127,115	44%
Municipal Court Fines		115,000		25,449	22%		115,000		28,513	25%
Other taxes and franchise fees		155,000		31,252	20%		155,000		26,767	17%
BEDC payments for service		85,000		21,250	25%		85,000		21,250	25%
Rental Fees		30,600		5,420	18%		32,600		22,212	68%
Interest Income		25,000		785	3%		67,000		12,172	18%
Misc Revenue		2,500		36,230	1449%		2,500		3,617	145%
Transfer from Hotel Motel fund		25,000		-	0%		50,000		-	0%
Use of Fund Balance and Covid Grant		1,668,347		208,021	12%		2,332,000		175,494	8%
Total Revenue	\$	13,503,061	\$	3,155,244	23%	\$	13,921,698	\$	3,447,276	25%
Total Revenue less fund balance	\$	11,834,714	\$	2,947,223	25%	\$	11,589,698	\$	3,271,782	28%
OPERATING EXPENSES										
Mayor & Council	\$	15,820	\$	3,268	21%	\$	24,450	\$	5,675	23%
Admin (including op subsidy to golf )		2,027,945		528,262	26%		1,942,911		410,922	21%
Police		2,584,053		697,583	27%		2,490,996		703,820	28%
Municipal Court		59,759		16,068	27%		61,841		21,377	35%
Fire/EMS		3,897,230		1,094,974	28%		3,823,423		1,056,690	28%
Sanitation		901,822		225,729	25%		846,438		215,345	25%
Streets		698,775		166,588	24%		739,478		248,223	34%
Parks		673,767		165,754	25%		696,176		164,761	24%
Development Services		415,074		110,620	27%		405,148		93,336	23%
City Shop		109,614		31,212	28%		109,638		27,307	25%
Community Development		-		-			-		-	
Galloway Hammond		105,000		25,000	24%		105,000		25,000	24%
Sub-total	\$	11,488,859	\$	3,065,059	27%	\$	11,245,499	\$	2,972,455	26%
CAPITAL/OTHER EXP (USES OF FUND BAL)										
Transfers to Capital Funds/Self Fund	\$	1,615,000	\$	154,674	10%	\$	2,332,000	\$	175,494	8%
Coronavirus expenses		-		-	#DIV/0!		-		-	#DIV/0!
Other expenses		53,347		53,347	100%		-		-	#DIV/0!
	\$	1,668,347	\$	208,021	12%	\$	2,332,000	\$	175,494	8%
Total Expenses	\$	13,157,206	\$	3,273,080	25%	\$	13,577,499	\$	3,147,949	23%
Total Expenses less capital/other	\$	11,488,859	\$	3,065,059	27%	\$	11,245,499	\$	2,972,455	26%
Net Profit (Loss)	\$	345,855	\$	(117,836)	-34%	\$	344,199	\$	299,326	87%

City of Burnet  
Financial Report  
1st QTR FY2021

% of year completed: 25

**GENERAL FUND**

**REVENUE**

Ad Valorem Taxes:

	ANNUAL BUDGET 2020-2021	ACTUAL FYTD Dec 2020	% OF BUDGET		PY BUDGET 2019-2020 (ORIGINAL)	PY ACTUAL FYTD Dec 2019	% OF BUDGET
Current Taxes Real Property	\$ 2,820,000	\$ 525,211	19% <b>A</b>	\$	2,620,000	\$ 1,036,804	40%
Delinquent Taxes Real Property	35,000	8,633	25%		35,000	7,504	21%
Penalty & Interest	22,000	3,240	15%		22,000	2,556	12%
Sub-total	2,877,000	537,084	19%		2,677,000	1,046,864	39%
Sales Tax	1,997,573	589,972	30% <b>B</b>		1,810,000	480,729	27%
Fire Department Revenue:							
EMS fees	1,620,000	429,087	26%		1,875,000	463,024	25%
Fire/EMS interdepartmental fees	584,588	103,128	18%		556,513	108,962	20%
Misc Fire Revenue	18,200	112,506	618% <b>C</b>		20,200	6,526	32%
Sub-total Fire Revenue	2,222,788	644,721	29%		2,451,713	578,512	24%
Planning and Zoning fees	86,200	24,926	29%		86,070	31,396	36%
Allocation Transfers In:							
Return on Investment	1,665,263	365,498	22%		1,550,000	351,000	23%
In-Lieu of Property Tax	126,765	32,352	26%		124,905	31,013	25%
In-Lieu of franchise	211,275	53,920	26%		208,175	51,689	25%
Admin Allocations	853,191	237,786	28%		817,078	188,262	23%
Shop Allocations	54,807	15,606	28%		54,819	13,653	25%
Sub-total Allocation Transfers	2,911,301	705,162	24%		2,754,977	635,617	23%
Trash Collections	1,073,927	268,950	25%		1,011,070	257,019	25%
Police Department Revenue:							
Interlocal School Resource Officers	217,125	48,250	22% <b>D</b>		281,068	124,919	44%
Misc PD Revenue	10,700	7,773	73% <b>E</b>		10,700	2,195	21%
Sub-total Police Department Rev	227,825	56,023	25%		291,768	127,115	44%
Municipal Court Fines	115,000	25,449	22%		115,000	28,513	25%
Other taxes and franchise fees	155,000	31,252	20%		155,000	26,767	17%
BEDC payments for service	85,000	21,250	25%		85,000	21,250	25%
Rental Fees	30,600	5,420	18%		32,600	22,212	68%
Interest Income	25,000	785	3%		67,000	12,172	18%
Misc Revenue	2,500	36,230	1449% <b>F</b>		2,500	3,617	145%
Transfer from Hotel Motel fund	25,000	-	0%		50,000	-	0%
Use of Fund Balance	1,668,347	208,021	12%		2,332,000	175,494	8%
<b>Total Revenue</b>	<b>\$ 13,503,061</b>	<b>\$ 3,155,244</b>	<b>23%</b>		<b>\$ 13,921,698</b>	<b>\$ 3,447,276</b>	<b>25%</b>
<i>Total Revenue less fund balance</i>	<i>\$ 11,834,714</i>	<i>\$ 2,947,223</i>	<i>25%</i>		<i>\$ 11,589,698</i>	<i>\$ 3,271,782</i>	<i>28%</i>

**OPERATING EXPENSES**

Personnel Costs

Mayor & Council	\$ -	\$ -		\$ -	\$ -	
Admin	1,004,900	282,132	28%	918,839	196,497	21%
Police	2,002,258	547,094	27%	1,944,683	562,552	29%
Municipal Court	34,109	9,963	29%	33,191	9,839	30%
Fire/EMS	2,997,466	844,930	28%	2,874,391	833,421	29%
Streets	571,375	136,322	24%	560,478	169,007	30%
Parks	414,827	108,358	26%	409,577	107,014	26%
Development Services	267,224	74,375	28%	334,298	76,748	23%
City Shop	73,364	22,677	31%	73,388	21,176	29%
Community Development	-	-		-	-	
Sub-total	7,365,523	2,025,851	28%	7,148,845	1,976,255	28%
Supplies						
Mayor & Council	1,200	(10)	-1%	1,200	302	25%
Admin	75,050	24,543	33%	80,450	20,899	26%
Police	182,750	42,148	23%	168,750	40,475	24%
Municipal Court	4,300	824	19%	3,850	877	23%
Fire/EMS	214,800	66,717	31%	221,900	58,500	26%

City of Burnet  
Financial Report  
1st QTR FY2021

% of year completed: 25

GENERAL FUND	ANNUAL BUDGET 2020-2021	ACTUAL FYTD Dec 2020	% OF BUDGET	PY BUDGET 2019-2020 (ORIGINAL)	PY ACTUAL FYTD Dec 2019	% OF BUDGET
Sanitation	-	-		1,000	996	100%
Streets	55,400	8,595	16%	48,900	15,340	31%
Parks	64,200	18,873	29%	64,200	10,965	17%
Development Services	10,100	5,982	59%	8,100	1,545	19%
City Shop	20,200	4,837	24%	20,200	4,796	24%
Community Development	-	-		-	-	
Sub-total	628,000	172,509	27%	618,550	154,694	25%
Repairs & Maintenance						
Mayor & Council	4,120	1,208	29%	4,000	865	22%
Admin	90,000	21,806	24%	93,000	19,923	21%
Police	90,920	31,822	35%	63,500	25,592	40%
Municipal Court	5,500	1,503	27%	5,500	3,907	71%
Fire/EMS	118,000	51,098	43% G	122,500	28,144	23%
Sanitation	-	-		-	-	
Streets	70,000	21,432	31%	70,000	48,904	70%
Parks	52,750	6,339	12%	53,750	6,862	13%
Development Services	5,250	218	4%	5,250	15	0%
City Shop	10,500	2,844	27%	10,500	117	1%
Community Development	-	-		-	-	
Galloway Hammond	5,000	-	0%	5,000	-	0%
Sub-total	452,040	138,271	31%	433,000	134,328	31%
Services/Other						
Mayor & Council	10,500	2,071	20%	19,250	4,508	23%
Admin	556,521	150,037	27%	550,095	140,712	26%
Police	163,819	41,146	25%	138,413	32,789	24%
Municipal Court	15,850	3,778	24%	19,300	6,754	35%
Fire/EMS	277,960	59,977	22%	294,221	59,023	20%
Sanitation	901,822	225,729	25%	845,438	214,349	25%
Streets	2,000	238	12%	2,000	447	22%
Parks	126,200	28,237	22%	126,200	29,308	23%
Development Services	132,500	30,045	23%	57,500	15,028	26%
City Shop	5,550	854	15%	5,550	1,217	22%
Community Development	-	-		-	-	
Sub-total	2,192,722	542,112	25%	2,057,967	504,135	24%
Transfers to Self-funded						
Mayor & Council	-	-		-	-	
Admin	-	-		-	-	
Police	136,806	34,202	25%	169,650	42,413	25%
Municipal Court	-	-		-	-	
Fire/EMS	289,004	72,251	25%	310,411	77,603	25%
Sanitation	-	-		-	-	
Streets	-	-		58,100	14,525	25%
Parks	15,790	3,947	25%	42,449	10,612	25%
Development Services	-	-		-	-	
City Shop	-	-		-	-	
Community Development	-	-		-	-	
Sub-total	441,600	110,400	25%	580,610	145,153	25%
Capital Outlay						
Admin	-	-		-	-	
Police	7,500	1,171	16%	6,000	-	0%
Parks	-	-		-	-	
Sub-total	7,500	1,171	16%	6,000	-	0%
Transfer to Golf - Admin & Op Subsidy	301,474	49,744	17%	300,527	32,891	11%
YMCA Operating Subsidy	100,000	25,000		100,000	25,000	25%
<b>CAPITAL/OTHER EXP (USES OF FUND BAL)</b>						
Transfer to Gen Cap Project Fund	1,515,000	154,674	10%	2,232,000	98,811	4%
Transfer to Golf Cap Project Fund	100,000	-	0%	100,000	76,683	77%
Transfer to Self Funded	-	-		-	-	

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GENERAL FUND	% of year completed: 25			PY BUDGET 2019-2020 (ORIGINAL)	PY ACTUAL FYTD Dec 2019	% OF BUDGET
	ANNUAL BUDGET 2020-2021	ACTUAL FYTD Dec 2020	% OF BUDGET			
Transfer to Debt Service (early defeasance)	-	-		-	-	
Coronavirus Expenses (Net of Grant Reimbursements)	-	-		-	-	
Development Services Staffing	53,347	53,347		-	-	
Sub-total	1,668,347	208,021	12%	2,332,000	175,494	8%
<b>Total Expenses</b>	<b>\$ 13,157,206</b>	<b>\$ 3,273,080</b>	<b>25%</b>	<b>\$ 13,577,499</b>	<b>\$ 3,147,949</b>	<b>23%</b>
<i>Total Expenses less capital/other</i>	<i>\$ 11,488,859</i>	<i>\$ 3,065,059</i>	<i>27%</i>	<i>\$ 11,245,499</i>	<i>\$ 2,972,455</i>	<i>26%</i>
<b>Net Profit (Loss)</b>	<b>\$ 345,855</b>	<b>\$ (117,836)</b>		<b>\$ 344,199</b>	<b>\$ 299,326</b>	

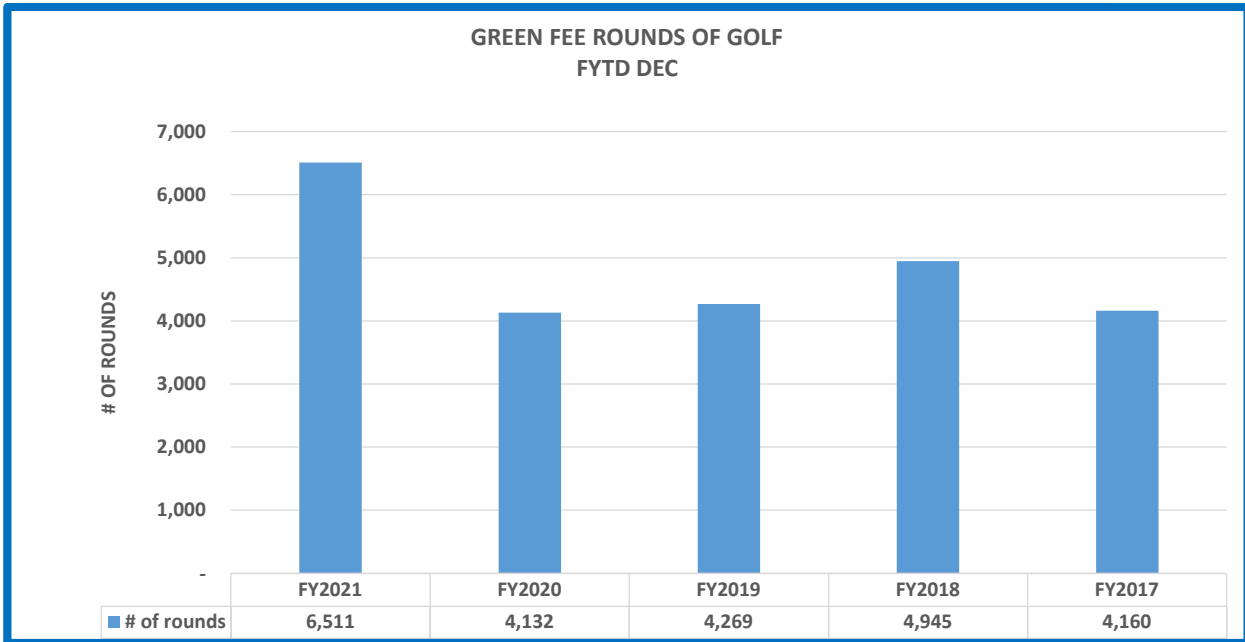
A. Current Property Tax Collections are tracking below our budget target for this time because of a timing difference in the receipt of payments from the BCAD. This year, most of the collections were received in January rather than December. Collections are on track with our budget target at the end of January.
B. Sales tax collections have continued to outperform our targets during the first quarter. The increase is mainly due to on-line sales and the changes in sales tax compliance laws for remote sellers and marketplace facilitators that went into effect on October 1, 2019.
C. Misc Fire Revenue includes the HHS Stimulus grant in the amount of \$88,525.70 for lost EMS revenues, the CATRAC grant for Fire in the amount of \$8,697, and the TDEMS grant in the amount of \$8,676 for labor reimbursements related to COVID 19.
D. The SRO revenue is based on our current contract with BCISD. The total contract is for \$217,125 and we are to collect \$24,125 monthly for 9 months. As of December, we have collected two payments. The prior year revenue included a delinquent payment from 2018.
E. Misc PD Revenue is tracking higher than expected because they received the NRA grant in November in the amount of \$4,377 and a grant for gas station skimmer surveillance in the amount of \$1,131.84.
F. Misc Rev is tracking higher than expected because we received insurance reimbursements for Fleet repairs and for replacement of the Covid 19 Tent that was destroyed by bad weather.
G. Fire/EMS repairs and maintenance are tracking higher than expected mainly due to repairs for Fire Engine 1, Fire Engine 3, and ambulance repairs.

## GOLF COURSE FUND DASHBOARD

### CURRENT RESULTS COMPARISON

	ANNUAL BUDGET	ACTUAL FYTD Dec 2020	% OF BUDGET	PY BUDGET 2019-2020	ACTUAL FYTD Dec 2019	% OF BUDGET
REV (net of cogs/tourn exp)	\$ 1,325,684	\$ 553,892	42%	\$ 1,222,918	\$ 359,250	29%
EXPENSES	1,460,821	456,181	31%	1,366,027	337,959	25%
PROFIT (LOSS)	\$ (135,137)	\$ 97,710		\$ (143,109)	\$ 21,292	

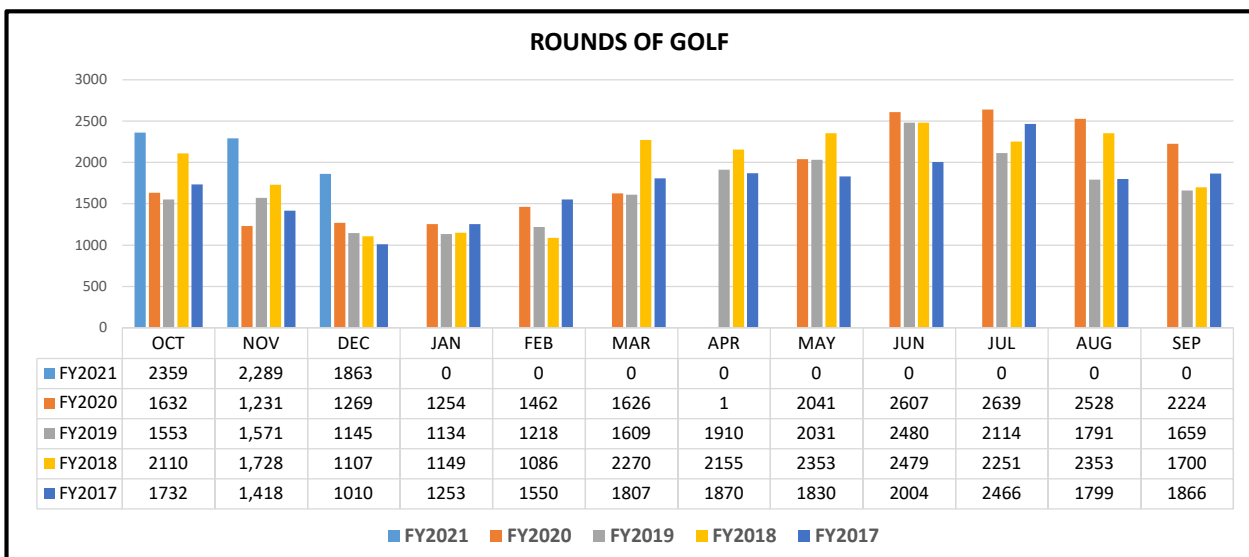
### TABLES/CHARTS



Rounds of Golf\*

2020-2021	6,511
2019-2020	4,132
OVER (UNDER)	2,379
	57.58%

\*Does not include annual dues or tournament rounds played.



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% of year completed: 25

GOLF COURSE	ANNUAL BUDGET 2020-2021	ACTUAL FYTD Dec 2020	% OF BUDGET		PY BUDGET 2019-2020 (ORIGINAL)	PY ACTUAL FYTD Dec 2019	% OF BUDGET
<b>REVENUE</b>							
<b><u>Charges for Services</u></b>							
Green Fees/Cart Rentals	\$ 559,000	\$ 204,825	37% <b>A</b>	\$	510,000	100,159	20%
Prepaid Green Fees/ Annual Cart Rentals/ Trail fees and Cart Storage	218,000	164,177	75%		210,000	154,855	74%
Net Tournament	110,000	24,094	22%		145,000	29,365	20%
Pavilion Revenue	500	-	0%		500	600	120%
Driving Range	53,000	14,127	27%		35,000	7,734	22%
Net Charges for Services	940,500	407,222	43%		900,500	292,714	33%
<b><u>Sales less Cost of Goods Sold</u></b>							
Pro Shop Sales	184,000	39,899			184,000	34,394	
Cost of Merchandise	137,000	29,129			137,000	25,807	
Net Pro Shop Sales	47,000	10,770	23%		47,000	8,588	18%
Snack Bar/Beer Cart Sales	245,000	57,193			242,000	48,654	
Cost of Merchandise	135,500	27,616			132,500	26,996	
Net Snack Bar/Beer Cart Sales	109,500	29,577	27%		109,500	21,658	20%
<b><u>Transfer - Overhead</u></b>	219,684	103,091	47% <b>B</b>		157,418	32,891	21%
<b><u>Misc. Income/Repairs</u></b>	9,000	3,231	36%		8,500	3,400	40%
<b>Total Revenue</b>	<b>\$ 1,325,684</b>	<b>\$ 553,892</b>	<b>42%</b>		<b>\$ 1,222,918</b>	<b>\$ 359,250</b>	<b>29%</b>
<b>EXPENSES</b>							
Personnel Costs	\$ 895,092	\$ 293,735	33% <b>C</b>	\$	827,643	217,694	26%
Supplies	82,800	22,477	27%		81,500	16,595	20%
Repairs & Maintenance	129,950	47,541	37% <b>D</b>		118,450	26,753	23%
Services	68,750	14,212	21%		64,250	14,834	23%
Transfer to Self funded equipment	117,892	29,473	25%		116,766	29,192	25%
Admin Allocation	166,337	48,744	29% <b>E</b>		157,418	32,891	21%
<b>Total Expenses</b>	<b>\$ 1,460,821</b>	<b>\$ 456,181</b>	<b>31%</b>		<b>\$ 1,366,027</b>	<b>\$ 337,959</b>	<b>25%</b>
<b>Net Profit (Loss)</b>	<b>\$ (135,137)</b>	<b>\$ 97,710</b>			<b>\$ (143,109)</b>	<b>\$ 21,292</b>	
Operating Subsidy from General Fund	\$ 135,137	-	0%	\$	143,109	-	0%
Net Profit (Loss)	\$ -	\$ 97,710		\$	-	\$ 21,292	

- A. Green Fee/Cart Rental Revenues are at 37% of budget which is better than expected and \$104,666 above the same point in FY 2020. Green fee rounds are up 58% compared to last year and rates were increased over last year. On March 24th, 2020 Council approved a rate increase of \$2.00 in green fees, cart rentals, and range balls.
- B. Transfer - Overhead includes a transfer from General Fund to offset the admin allocation and an additional transfer this year to offset the lump benefit pay-outs to retirees.
- C. Personnel costs are tracking higher than last year mainly because the course made lump benefit pay-outs to retirees in December. However, the course is still on track to finish the year within budget.
- D. Repairs and Maintenance are up mainly due to increases in purchases of chemicals and fertilizers. This should just be a timing difference because the Superintendent entered into an "Early Order Program" for chemicals that should result in savings at the end of the year. In addition, expenses are up due an increase in the cost of Bunker Sand. The plant that the course previously used to purchase white bunker sand is no longer operational and nearest available vendor is in Arkansas and is more expensive than the previous vendor.
- E. Admin allocation is based on revenues and personnel; therefore as revenues increase, the allocation expense increases.

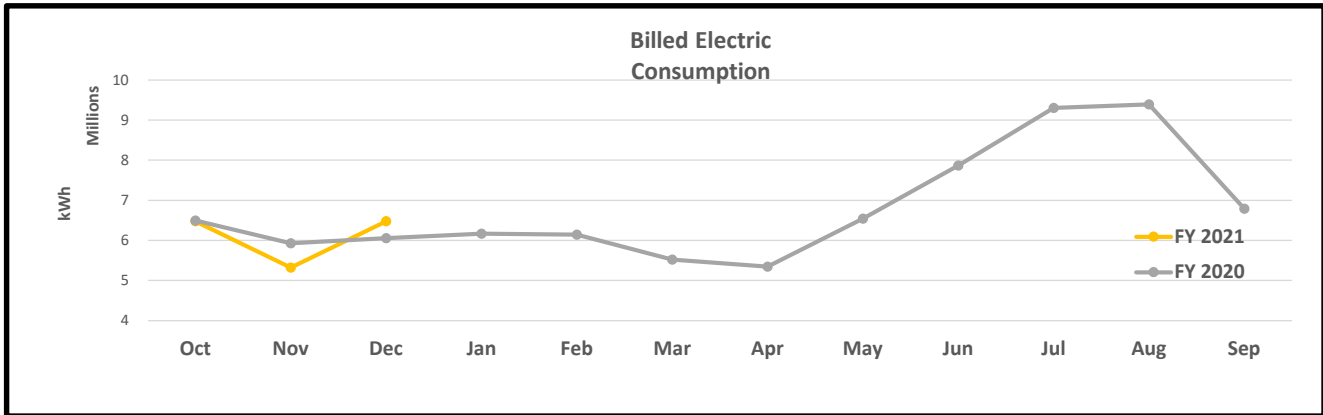


## ELECTRIC FUND DASHBOARD

### CURRENT RESULTS COMPARISON

	ANNUAL BUDGET	ACTUAL FYTD Dec 2020	% OF BUDGET	PY BUDGET 2019-2020	ACTUAL FYTD Dec 2019	% OF BUDGET
REV (net of cogs/tourn exp)	\$ 4,012,175	\$ 883,722	22%	\$ 3,973,147	\$ 893,774	22%
EXPENSES	3,625,824	881,335	24%	3,462,621	829,798	24%
PROFIT (LOSS)	\$ 386,351	\$ 2,387		\$ 510,526	\$ 63,976	

### TABLES/CHARTS



FYTD 2021	18,274,693
FYTD 2020	18,473,664
ytd variance	(198,971)
% variance	-1.08%

% of year completed: 25

ELECTRIC FUND	ANNUAL BUDGET 2020-2021		ACTUAL FYTD Dec 2020		% OF BUDGET	PY BUDGET 2019-2020 (ORIGINAL)		PY ACTUAL FYTD Dec 2019 (1)		% OF BUDGET
REVENUE										
Electric Sales	\$	8,816,400	\$	1,964,063		\$	8,670,051	\$	2,021,793	
Cost of Power		4,959,225		1,112,546			4,876,904		1,165,461	
Net Sales		3,857,175		851,517	22%		3,793,147		856,331	23%
Penalties		85,000		19,754	23%		85,000		19,253	23%
Electric Connects		3,000		6,455	215% A		3,000		2,237	75%
Pole Rental		47,000		18	0%		47,000		-	0%
Other Revenue		15,000		5,150	34%		15,000		8,713	58%
Interest Income		5,000		828	17%		20,000		7,240	36%
Transfer from HOT		-		-	0%		10,000		-	0%
Use of Fund Balance		75,000		-	0%		75,000		9,756	13%
Total Revenue	\$	4,087,175	\$	883,722	22%	\$	4,048,147	\$	903,530	22%
Total Revenue less fund balance	\$	4,012,175	\$	883,722	22%	\$	3,973,147	\$	893,774	22%
EXPENSES										
Personnel Costs	\$	936,909	\$	254,732	27%	\$	912,085	\$	246,588	27%
Supplies		123,260		26,124	21%		114,250		27,371	24%
Repairs & Maintenance		208,000		32,334	16%		199,000		17,549	9%
Services		73,550		27,161	37% B		73,550		16,818	23%
Transfer to Self-funded equipment		32,999		8,250	25%		31,697		7,924	25%
Community Outreach		77,700		38,848	50% C		77,700		39,754	51%
Capital Outlay		35,000		2,888	8%		55,000		12,924	23%
Transfer to Capital Project Fund		75,000		-	0%		75,000		9,756	13%
Transfers to Debt Service		51,740		12,935	25%		49,041		12,260	25%
Transfer to GF - ROI		1,665,263		365,498	22%		1,550,000		351,000	23%
Transfer to GF- Admin Allocation		394,000		104,761	27%		372,889		90,783	24%
Transfer to GF- Shop Allocation		27,403		7,803	28%		27,409		6,827	25%
Total Expenses	\$	3,700,824	\$	881,335	24%	\$	3,537,621	\$	839,554	24%
Total Expenses less xfers to capital project	\$	3,625,824	\$	881,335	24%	\$	3,462,621	\$	829,798	24%
Net Profit (Loss)	\$	386,351	\$	2,387		\$	510,526	\$	63,976	

(1) Restated to exclude the one-time LCRA credits received in the amount of \$316,276.

A. Electric Connect revenues are higher than expected mainly because of the Westfall Villages subdivision.

B. Services are running higher than target because of a payment timing difference. The PEC Pole Rental Contract was paid in December and in the past has typically not been paid until January.

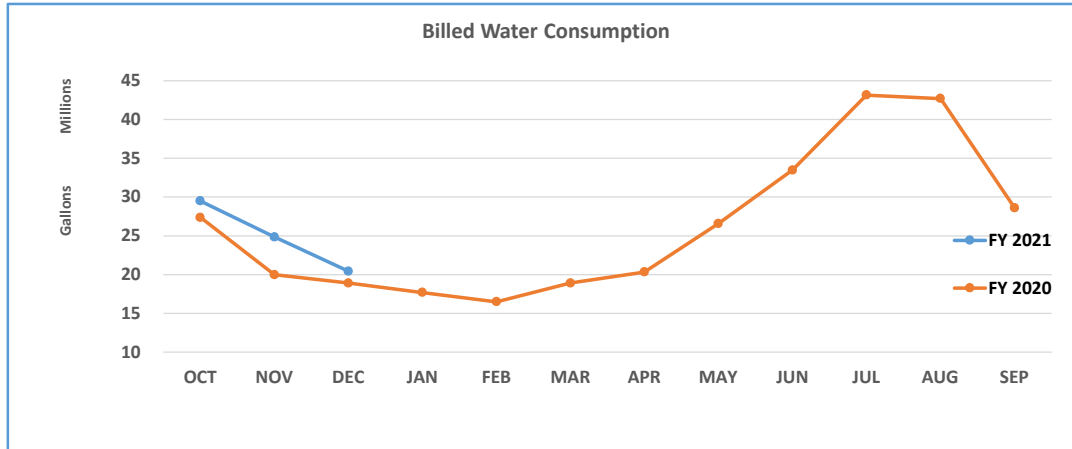
C. Community Outreach is at 50% of budget which is inline with our target for this period. It includes one-time lump payments to non-profits which are made in October and monthly utility payments for non-profits per interlocal agreements.

## WATER/WW FUND DASHBOARD

### CURRENT RESULTS COMPARISON

	ANNUAL BUDGET	ACTUAL FYTD Dec 2020	% OF BUDGET	PY BUDGET 2019-2020	ACTUAL FYTD Dec 2019	% OF BUDGET
REV (net of cogs/tourn exp)	\$ 4,265,500	\$ 1,078,222	25%	\$ 4,213,500	\$ 1,033,775	25%
EXPENSES	3,868,980	951,235	25%	3,872,856	922,515	24%
PROFIT (LOSS)	\$ 396,520	\$ 126,986		\$ 340,644	\$ 111,261	

### TABLES/CHARTS



#### Billed Consumption in gallons:

FYTD 2021	74,777,652
FYTD 2020	66,286,588
Variance	8,491,064
% variance	12.81%

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% of year completed: 25								
WATER/WASTEWATER	ANNUAL BUDGET		ACTUAL		% OF BUDGET	PY BUDGET		% OF BUDGET
	2020-2021		FYTD Dec 2020			2019-2020 (ORIGINAL)		
REVENUE								
Water Sales	\$	2,300,000	\$	586,142	25%	\$	2,235,000	\$ 558,764 25%
Wastewater Sales		1,840,000		460,688	25%		1,825,000	450,268 25%
Penalties		46,000		11,352	25%		46,000	11,400 25%
Water/Sewer Connects		30,000		6,750	23%		30,000	5,125 17%
Irrigation Revenue		2,500		8,768	351% A		2,500	- 0%
Other Revenue		4,000		4,034	101% B		4,000	1,486 37%
Interest Income		3,000		488	16%		21,000	6,733 32%
Use Impact Fees		40,000		-	0%		50,000	- 0%
Use of Fund Balance		35,000		12,012	34% C		185,000	15,857 9%
Total Revenue	\$	4,300,500	\$	1,090,234	25%	\$	4,398,500	\$ 1,049,633 24%
Total Revenue less fund balance	\$	4,265,500	\$	1,078,222	25%	\$	4,213,500	\$ 1,033,775 25%
EXPENSES								
Personnel Costs	\$	1,103,426	\$	292,270	26%	\$	1,091,494	\$ 301,460 28%
Supplies		216,442		41,286	19%		209,750	40,100 19%
Repairs & Maintenance		416,500		81,755	20%		416,500	69,539 17%
Services		394,500		87,697	22%		414,500	79,147 19%
Transfer to Self-funded equipment		68,504		17,126	25%		92,466	23,117 25%
Cost of Water		70,000		20,780	30%		70,000	20,110 29%
Transfers to Capital Fund		35,000		12,012	34% C		185,000	15,857 9%
Capital Outlay		-		-			-	-
Transfers to Debt Service		976,759		244,190	25%		973,873	243,468 25%
Transfer to GF - In Lieu of Property Tax		126,765		32,352	26%		124,905	31,013 25%
Transfer to GF - In Lieu of Franchise		211,275		53,920	26%		208,175	51,689 25%
Transfer to GF- Admin Allocation		257,405		72,055	28%		243,783	56,045 23%
Transfer to GF- Shop Allocation		27,404		7,803	28%		27,410	6,827 25%
Total Expenses	\$	3,903,980	\$	963,247	25%	\$	4,057,856	\$ 938,372 23%
Total Expenses less xfers to capital project	\$	3,868,980	\$	951,235	25%	\$	3,872,856	\$ 922,515 24%
Net Profit (Loss)	\$	396,520	\$	126,986		\$	340,644	\$ 111,261

A Irrigation Revenue is derived from the Hay contract and is running higher than originally expected because the contract was renegotiated at the end of the last fiscal year and has been increased to \$10,000 going forward.

B Other Revenue is running higher than expected due to an increase in the bulk water rates that went into effect this fiscal year.

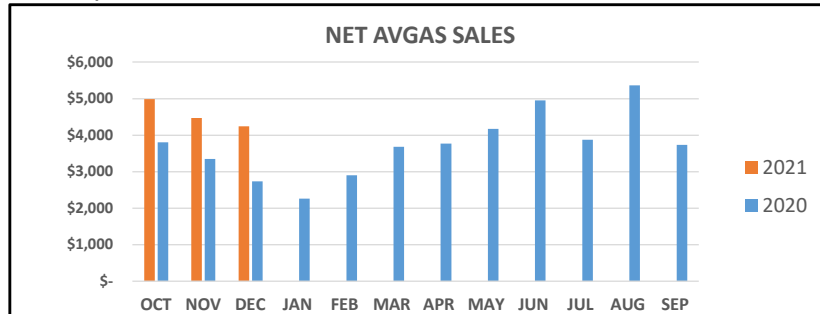
C. "Use of Fund Balance" offsets "Transfers to the Capital Project Fund". The City spent \$12,012 on the Oak Vista /CR 100 water project during the 1st quarter.

# AIRPORT FUND DASHBOARD

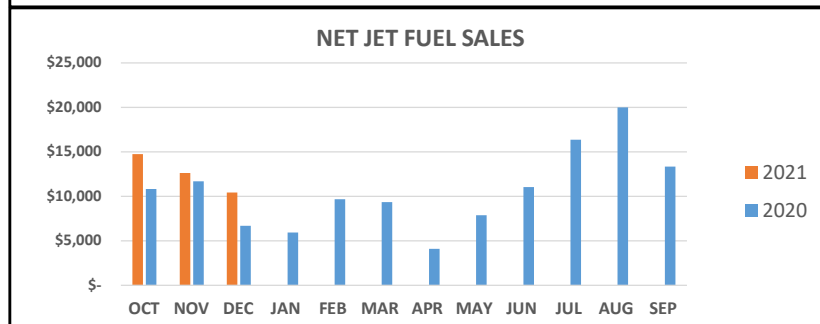
## CURRENT RESULTS COMPARISON

	ANNUAL BUDGET	ACTUAL FYTD Dec 2020	% OF BUDGET	PY BUDGET 2019-2020	ACTUAL FYTD Dec 2019	% OF BUDGET
REV (net of cogs/tourn exp)	\$ 348,154	\$ 103,149	30%	\$ 418,595	\$ 91,603	22%
EXPENSES	254,295	68,453	27%	316,741	67,112	21%
PROFIT (LOSS)	\$ 93,859	\$ 34,696		\$ 101,854	\$ 24,491	

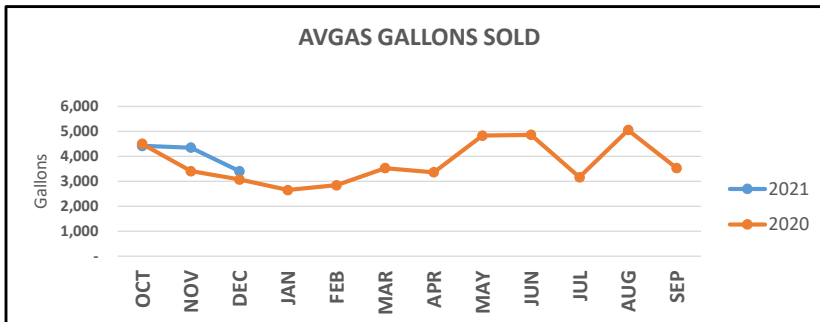
## TABLES/CHARTS



	2021	2020
AvSales	\$ 44,551.07	\$ 44,498.12
Av Purchases	30,839.62	34,605.29
Profit	\$ 13,711.45	\$ 9,892.83
%	30.78%	22.23%

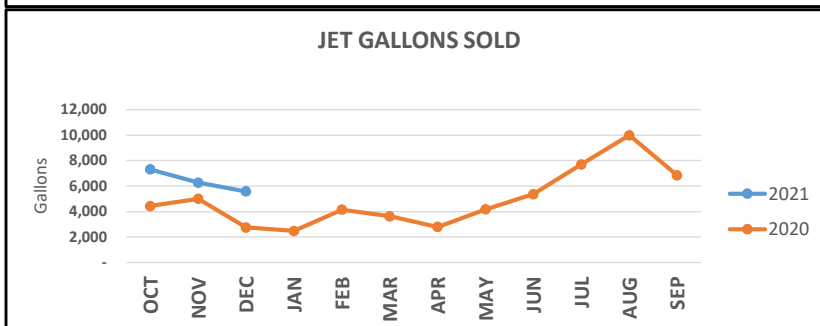


	2021	2020
Jet Sales	\$ 67,592.07	\$ 57,832.14
Jet Purchases	29,773.75	28,637.75
Profit	\$ 37,818.32	\$ 29,194.39
%	55.95%	50.48%



### Avgas Gallons Sold:

FYTD 2021	12,191
FYTD 2020	10,994
Increase(decrease)	1,197
	10.88%



### Jet Gallons Sold:

FYTD 2021	19,167
FYTD 2020	12,203
Increase(decrease)	6,964
	57.07%

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% of year completed: 25										
AIRPORT FUND	ANNUAL BUDGET 2020-2021		ACTUAL FYTD Dec 2020	% OF BUDGET	PY BUDGET 2019-2020 (ORIGINAL)	PY ACTUAL FYTD Dec 2019	% OF BUDGET			
REVENUE										
Av Gas Sales	\$	170,500	\$	44,551	\$	215,000	\$	44,498		
Av Gas Purchases		127,875		30,840		161,250		34,605		
Net Sales		42,625		13,711	32%	A	53,750	9,893	18%	
Jet Gas Sales		210,000		67,592		355,000		57,832		
Jet Gas Purchases		115,500		29,774		209,000		28,638		
Net Sales		94,500		37,818	40%	A	146,000	29,194	20%	
Contributions/Misc Rev		-		-		-		375		
Sign Rental Revenue		500		-	0%	500		-	0%	
Penalties		450		150	33%	775		175	23%	
All Hangar Lease		125,000		32,305	26%	125,000		30,372	24%	
CAF Admissions		5,066		1,266	25%	4,000		1,094	27%	
Rental of Council Chambers		-		-		-		35		
McBride Lease		45,893		11,575	25%	48,000		11,575	24%	
Thru the Fence Lease		12,020		2,592	22%	12,020		2,592	22%	
Airport Parking Permit		2,000		(50)	-3%	150		-	0%	
Hanger Lease - Faulkner		14,400		3,600	25%	14,400		3,600	25%	
Insurance Reimbursement		-		-		-		-		
Interest Earned		5,700		181	3%	14,000		2,698	19%	
Use of Fund Balance		200,000		7,955	4%	B	250,000	105,697	42%	
Total Revenue	\$	548,154	\$	111,104	20%	\$	668,595	\$	197,301	30%
Total Revenue less fund balance	\$	348,154	\$	103,149	30%	\$	418,595	\$	91,603	22%
EXPENSES										
Personnel Costs	\$	92,879	\$	26,594	29%	\$	89,342	\$	26,231	29%
Supplies		15,059		3,853	26%	26,000		3,698	14%	
Repairs & Maintenance		3,000		87	3%	4,000		-	0%	
Contract Labor - FBO		14,400		3,600	25%	14,400		3,600	25%	
Commission on Fuel Sal		40,000		10,000	25%	40,000		7,659	19%	
Schools/Seminars		4,000		-	0%	4,000		-	0%	
Insurance & Bonds		9,000		203	2%	17,310		203	1%	
Professional Services (Mowing Contract)		-		-		43,000		-	0%	
Property Taxes		6,700		3,968	59%	5,000		6,632	133%	
Utilities		9,000		2,205	25%	8,000		2,109	26%	
Av fuel truck lease		12,000		3,000	25%	12,000		4,000	33%	
Jet fuel truck lease		16,800		4,200	25%	16,800		5,600	33%	
Transfers to Debt Service		-		-		-		-		
Transfers to Capital/Uses of Fund Bal		200,000		7,955	4%	B	250,000	105,697	42%	
Admin Allocation		31,457		10,744	34%	36,889		7,380	20%	
Total Expenses	\$	454,295	\$	76,408	17%	\$	566,741	\$	172,810	30%
Total Expense less xfers to capital project	\$	254,295	\$	68,453	27%	\$	316,741	\$	67,112	21%
Net Profit (Loss)	\$	93,859	\$	34,696		\$	101,854	\$	24,491	

*A Fuel Sales are tracking above budget; Avgas gallons sold are up 11% from last year and Jet gallons sold are up 57%. In addition the profit margins for both Avgas and Jet have increased.*

*B Fund Balance is used to offset transfers to the Capital Project Fund; net effect to operations is \$0.*

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**OTHER FUNDS**

	ANNUAL BUDGET 2020-2021			ACTUAL FYTD Dec 2020			% OF BUDGET			PY BUDGET 2019-2020 (ORIGINAL)			PY ACTUAL FYTD Dec 2019			% OF BUDGET		
<b>HOTEL/MOTEL FUND</b>																		
Revenues	\$	111,000		\$	34,223		30.83%			\$	187,000		\$	41,194		22.03%		
Expenses		107,191			20,605		19.22%				178,098			20,389		11.45%		
Net Profit (Loss)	\$	3,809		\$	13,618					\$	8,902		\$	20,805				
<b>BEDC</b>																		
Revenues	\$	1,368,858		\$	234,906		17.16%			\$	1,600,000		\$	571,158		35.70%		
Expenses		1,091,111			101,232		9.28%				1,319,150			438,036		33.21%		
Net Profit (Loss)	\$	277,747		\$	133,674					\$	280,850		\$	133,122				
<b>SELF FUNDED EQUIPMENT FUND</b>																		
Revenues	\$	708,000		\$	165,694		23.40%			\$	822,741		\$	205,788		25.01%		
Expenses		708,000			211,404		29.86%				646,591			22,158		3.43%		
Net Profit (Loss)	\$	-		\$	(45,710)					\$	176,150		\$	183,630				
<b>DEBT SERVICE FUND</b>																		
Revenues	\$	1,029,098		\$	257,388		25.01%			\$	1,023,513		\$	256,038		25.02%		
Expenses		1,028,499			950		0.09%				1,022,914			1,000		0.10%		
Net Profit (Loss)	\$	599		\$	256,438					\$	599		\$	255,038				
<b>INTEREST &amp; SINKING DEBT FUND</b>																		
Revenues	\$	366,049		\$	65,411		17.87%			\$	376,661		\$	155,396		41.26%		
Expenses		366,049			-		0.00%				376,512			-		0.00%		
Net Profit (Loss)	\$	-		\$	65,411					\$	149		\$	155,396				

City of Burnet  
Cash Investment Report  
1st QTR FY2021

Acct #	Bank	Account Name	Account Type	Balance December 2020
<b>Unrestricted Accounts</b>				
984/2410	FSB	Operating Cash	Checking	\$ 2,464,280.80
		Add or Subtract Claim on Cash for Airport		(58,021.36)
2329	FSB	Golf Course Petty Cash	Checking	952.10
2535	FSB	Operating Reserve	M/M	-
2352	FSB	Delaware Springs-Credit Card Acct	Checking	-
2378	FSB	Airport - Credit Card Acct	Checking	-
2386	FSB	Utility - Credit Card Acct	Checking	-
2469	FSB	Court - Credit Card Acct	Checking	-
2711100002	TexPool	Operating Reserve	Investment	4,179,562.12
Total Unrestricted				\$ 6,586,773.66
<div><div>75 Day Reserve Requirement3,361,000.00</div><div>Unrestricted Cash over 75 day reserve\$ 3,225,773.66</div><div>90 Day Reserve Requirement4,034,000.00</div><div>Unrestricted Cash over 90 day reserve\$ 2,552,773.66</div></div>				
<b>Restricted by Council</b>				
2711100004	TexPool	Capital Reserve	Investment	\$ -
2711100011	TexPool	Capital Equipment Reserve	Investment	584,828.21
2711100012	TexPool	Capital - LCRA Credit	Investment	441,970.02
2188	FSB	Self Funded Equipment	M/M	232,415.70
2711100014	TexPool	Self Funded Equipment Reserve	Investment	664,195.94
Total Restricted by Council				\$ 1,923,409.87
<b>Restricted by Purpose or Law</b>				
Acct #	Bank	Account Name	Account Type	Balance December 2020
1453	FSB	Bond Reserve	M/M	\$ 683,635.96
2402	FSB	Hotel Motel	M/M	54,056.22
2711100005	TexPool	Hotel Motel	Investment	60,262.17
2451	FSB	Construction Account	Checking	-
2485	FSB	PD Seizure	M/M	119.82
2493	FSB	Municipal Court Special Revenue	M/M	48,485.76
2519	FSB	Impact Fees - Water	M/M	155,077.43
2543	FSB	Airport Reserve	M/M	-
		Add or Subtract Airport Claim on Cash		58,021.36
2711100009	TexPool	Airport Reserve	Investment	620,880.76
2568	FSB	Benevolent Fund	Checking	-
2576	FSB	Interest & Sinking Acct	M/M	151,729.65
2584	FSB	Impact Fees - Wastewater	M/M	36,347.81
2592	FSB	BEDC	Super NOW	252,084.55
2711100008	TexPool	BEDC Project Fund	Investment	-
2711100010	TexPool	BEDC	Investment	629,501.13
2634	FSB	Benefit Trust Account	M/M	-
2675	FSB	Police Department Explorer Program	M/M	6,925.34
2691	FSB	Fire Department Explorer Program	M/M	4,633.76
3012	FSB	Franchise Fee Account	Super NOW	101,515.06
58776	FSB	Fire Dept. Community Acct	M/M	10,015.39
2711100007	TexPool	TWDB	Investment	1,191.75
2711100006	TexPool	TWDB	Investment	1,046.41
		City of Burnet, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Series 2010		
143033000	US Bank	Escrow Account	Investment	3,199.21
82-020-01-0	Bank of	City of Burnet 2012 TWDB Escrow	Investment	20,192.49
2711100013	TexPool	PD Bonds	Investment	-
62315	FSB	BEDC Bond Fund	Checking	80,170.01
62364	FSB	BEDC Project Fund	Checking	-
Total Restricted Cash				\$ 2,979,092.04
Total All Cash				\$ 11,489,275.57



City of Burnet  
Quarterly Investment Report  
As of December 31, 2020

ACCOUNT NUMBER	INVESTMENT TYPE	DESCRIPT/LOC	MATURITY	BEGINNING BALANCES 10/01/2020	QUARTERLY ACTIVITY	INTEREST EARNINGS	ENDING BALANCE 12/31/2020	BEGINNNG MARKET 10/01/2020	ENDING MARKET 012/31/2020	CHANGE IN MARKET VALUE	AVG YIELD
984 & 2410	OPERATING	FIRST STATE BANK	na	\$ 2,133,339.09	\$ 330,410.57	\$ 531.14	\$ 2,464,280.80	na	na	na	0.0009
1453	DEBT SERVICE	FIRST STATE BANK	na	431,517.32	251,855.52	263.12	683,635.96	na	na	na	0.0019
2188	SELF FUNDED ACCT	FIRST STATE BANK	na	664,300.10	(432,165.28)	280.88	232,415.70	na	na	na	0.0025
2329	GOLF COURSE PETTY CASH	FIRST STATE BANK	na	2,329.57	(1,377.47)	-	952.10	na	na	na	-
2402	HOTEL/MOTEL	FIRST STATE BANK	na	28,539.93	25,491.10	25.19	54,056.22	na	na	na	0.0024
2485	PD SEIZURE	FIRST STATE BANK	na	119.76	(0.00)	0.06	119.82	na	na	na	0.0020
2493	COURT MONIES	FIRST STATE BANK	na	51,552.81	(3,093.05)	26.00	48,485.76	na	na	na	0.0021
2519	IMPACT FEES WATER	FIRST STATE BANK	na	154,999.27	0.00	78.16	155,077.43	na	na	na	0.0020
2576	I & S SINKING FUND	FIRST STATE BANK	na	86,318.30	65,364.05	47.30	151,729.65	na	na	na	0.0016
2584	IMPACT FEE W/W	FIRST STATE BANK	na	36,329.50	(0.00)	18.31	36,347.81	na	na	na	0.0020
2592	BEDC	FIRST STATE BANK	na	146,870.20	105,162.41	51.94	252,084.55	na	na	na	0.0010
2675	PD EXPLORER PROGRAM	FIRST STATE BANK	na	6,422.03	500.00	3.31	6,925.34	na	na	na	0.0020
2691	FD EXPLORER PROGRAM	FIRST STATE BANK	na	4,596.44	35.00	2.32	4,633.76	na	na	na	0.0020
3012	CABLE FRANCHISE FEES	FIRST STATE BANK	na	101,489.48	0.00	25.58	101,515.06	na	na	na	0.0010
58776	FD COMMUNITY FUND	FIRST STATE BANK	na	10,707.79	(692.40)	-	10,015.39	na	na	na	-
62315	BEDC BOND FUND	FIRST STATE BANK	na	31,901.43	48,256.26	12.32	80,170.01	na	na	na	0.0009
62364	BEDC PROJECT FUND	FIRST STATE BANK	na	-	-	-	-	na	na	na	#DIV/0!
	SUBTOTAL - FIRST STATE BANK			\$ 3,891,333.02	\$ 389,746.71	\$ 1,365.63	\$ 4,282,445.36	\$ -	\$ -	\$ -	0.0013
2711100002	TEXPOOL 2 GF RESERVE	TEXPOOL	na	\$ 4,178,343.06	\$ 0.00	\$ 1,219.06	\$ 4,179,562.12	\$ 4,178,343.06	\$ 4,179,562.12	\$ 1,219.06	0.0012
2711100004	TEXPOOL 4 GF RESTRICTED	TEXPOOL	na	-	-	-	-	-	-	-	#DIV/0!
2711100005	TEXPOOL - HOT	TEXPOOL	na	60,244.66	(0.00)	17.51	60,262.17	60,244.66	60,262.17	17.51	0.0012
2711100006	TEXPOOL 6 TWDB	TEXPOOL	na	1,046.62	(0.21)	-	1,046.41	1,046.62	1,046.41	(0.21)	-
2711100007	TEXPOOL 7 TWDB	TEXPOOL	na	1,191.75	(0.12)	0.12	1,191.75	1,191.75	1,191.75	-	0.0004
2711100008	TEXPOOL - BEDC PROJECT FUND	TEXPOOL	na	-	-	-	-	-	-	-	#DIV/0!
2711100009	TEXPOOL - AIRPORT	TEXPOOL	na	620,699.61	0.00	181.15	620,880.76	620,699.61	620,880.76	181.15	0.0012
2711100010	TEXPOOL - BEDC RESERVE	TEXPOOL	na	629,317.51	(0.00)	183.62	629,501.13	629,317.51	629,501.13	183.62	0.0012
2711100011	TEXPOOL - CAPITAL EQUIPMENT RESERVE	TEXPOOL	na	504,528.47	80,137.33	162.41	584,828.21	504,528.47	584,828.21	80,299.74	0.0012
2711100012	TEXPOOL - ELECTRIC RESERVE	TEXPOOL	na	636,386.00	(194,577.55)	161.57	441,970.02	636,386.00	441,970.02	(194,415.98)	0.0012
2711100013	TEXPOOL - PD BOND PROCEEDS	TEXPOOL	na	-	-	-	-	-	-	-	#DIV/0!
2711100014	TEXPOOL - SELF FUNDED EQUIPMENT	TEXPOOL	na	501,280.99	162,750.78	164.17	664,195.94	501,280.99	664,195.94	162,914.95	0.0011
	SUBTOTAL - TEXPOOL			\$ 7,133,038.67	\$ 48,310.23	\$ 2,089.61	\$ 7,183,438.51	\$ 7,133,038.67	\$ 7,183,438.51	\$ 50,399.84	0.0012
143033000	US BANK LOAN		na	\$ 3,199.12	\$ 0.00	\$ 0.09	\$ 3,199.21	\$ 3,199.12	\$ 3,199.21	\$ 0.09	0.0001
82-0220-01-0	BANK OF TEXAS - TWDB #2		na	20,191.52	0.00	0.97	20,192.49	20,191.52	20,192.49	0.97	0.0002
	SUBTOTAL - OTHERS			\$ 23,390.64	\$ 0.00	\$ 1.06	\$ 23,391.70	\$ 23,390.64	\$ 23,391.70	\$ 1.06	0.0002
	TOTALS			\$ 11,047,762.33	\$ 438,056.94	\$ 3,456.30	\$ 11,489,275.57	\$ 7,156,429.31	\$ 7,206,830.21	\$ 50,400.90	0.0012
	PERFORMANCE MEASURES:										
					Benchmark	Actual					

**Collateral Adequacy** - All funds are fully collateralized and/or insured.

Statement of Compliance - All investment transactions of the City meet the requirements set forth in Chapter 2256, Texas Govt. Code, as amended and are in compliance with the City's Investment Policy.

Patricia Langford, Finance Director

Stefani Wright, Senior Accountant

1/22/2021  
Date

City of Burnet  
Capital Project Report  
1st QTR FY2021

GENERAL CAPITAL PROJECT FUND					
DESCRIPTION	ORIGINAL BUDGET 2020-2021	CURRENT BUDGET 2020-2021	FYTD DEC ACTUAL EXPENSES	% complete	REMAINING BALANCE FOR 2020-2021
<u>CAPITAL PROJECTS:</u>					
Incode 10 Upgrade	60,000	60,000	-	0%	60,000
Police Department Facility	800,000	800,000	50,701	6%	749,299
PD Ticket Writers	40,000	40,000	14,340	36%	25,660
FD - Remodel FD Substation	250,000	250,000	5,977	2%	244,023
FD - Covid 19 Supplies/Equipment	100,000	100,000	27,430	27%	72,570
Street Overlay	200,000	200,000	63,656	32%	136,344
Park Improvements	25,000	25,000	-	0%	25,000
GHRC Capital Maintenance	20,000	20,000	-	0%	20,000
GHRC Teen Center	20,000	20,000	20,000	100%	-
	<u>\$ 1,515,000</u>	<u>\$ 1,515,000</u>	<u>\$ 182,104</u>	<u>12%</u>	<u>\$ 1,332,896</u>

BALANCE TO BE FUNDED FROM:		
OPERATING RESERVES	OTHER SOURCES	TOTAL
60,000	-	60,000
749,299	-	749,299
25,660	-	25,660
244,023	-	244,023
72,570	-	72,570
136,344	-	136,344
25,000	-	25,000
20,000	-	20,000
-	-	-
<u>\$ 1,332,896</u>	<u>\$ -</u>	<u>\$ 1,332,896</u>

GOLF COURSE CAPITAL PROJECT FUND					
DESCRIPTION	ORIGINAL BUDGET 2020-2021	CURRENT BUDGET 2020-2021	FYTD DEC ACTUAL EXPENSES	% complete	REMAINING BALANCE FOR 2020-2021
<u>CAPITAL PROJECTS:</u>					
C/O - Course Improvement	<u>\$ 100,000</u>	<u>\$ 100,000</u>	<u>\$ -</u>	<u>0%</u>	<u>\$ 100,000</u>

BALANCE TO BE FUNDED FROM:		
OPERATING RESERVES	OTHER SOURCES	TOTAL
<u>\$ 100,000</u>	<u>\$ -</u>	<u>\$ 100,000</u>

ELECTRIC CAPITAL PROJECT FUND					
DESCRIPTION	ORIGINAL BUDGET 2020-2021	CURRENT BUDGET 2020-2021	FYTD DEC ACTUAL EXPENSES	% complete	REMAINING BALANCE FOR 2020-2021
<u>CAPITAL PROJECTS:</u>					
Subdivision Electrical Costs	<u>\$ 150,000</u>	<u>\$ 150,000</u>	<u>\$ 9,338</u>	<u>6%</u>	<u>\$ 140,662</u>

BALANCE TO BE FUNDED FROM:		
OPERATING RESERVES	OTHER SOURCES	TOTAL
<u>\$ 140,662</u>	<u>\$ -</u>	<u>\$ 140,662</u>

W/WW CAPITAL PROJECT FUND					
DESCRIPTION	ORIGINAL BUDGET 2020-2021	CURRENT BUDGET 2020-2021	FYTD DEC ACTUAL EXPENSES	% complete	REMAINING BALANCE FOR 2020-2021
<u>CAPITAL PROJECTS:</u>					
Water System Improvements	\$ 20,000	\$ 20,000	\$ 13,630	68%	\$ 6,370
Wofford Street Water Line	20,000	20,000	-	0%	20,000
Oak Vista/CR 100 water line expansion	15,000	15,000	12,012	80%	2,988
Transfer Impact Fees	40,000	40,000	-	0%	40,000
	<u>\$ 95,000</u>	<u>\$ 95,000</u>	<u>\$ 25,642</u>	<u>27%</u>	<u>\$ 69,358</u>

BALANCE TO BE FUNDED FROM:		
OPERATING RESERVES	OTHER SOURCES	TOTAL
\$ 6,370	\$ -	\$ 6,370
20,000	-	20,000
2,988	-	2,988
-	40,000	40,000
<u>\$ 29,358</u>	<u>\$ 40,000</u>	<u>\$ 69,358</u>

AIRPORT CAPITAL PROJECT FUND					
DESCRIPTION	ORIGINAL BUDGET 2020-2021	CURRENT BUDGET 2020-2021	FYTD DEC ACTUAL EXPENSES	% complete	REMAINING BALANCE FOR 2020-2021
<u>CAPITAL PROJECTS:</u>					
Ramp Grant	\$ 100,000	\$ 100,000	\$ 8,974	9%	\$ 91,026
Cares Grant	30,000	30,000	-	0%	30,000
Capital Projects	150,000	150,000	7,955	5%	142,045
	<u>\$ 280,000</u>	<u>\$ 280,000</u>	<u>\$ 16,929</u>	<u>6%</u>	<u>\$ 263,071</u>

BALANCE TO BE FUNDED FROM:		
OPERATING RESERVES	OTHER SOURCES	TOTAL
\$ -	\$ 91,026	\$ 91,026
-	30,000	30,000
-	142,045	142,045
<u>\$ -</u>	<u>\$ 263,071</u>	<u>\$ 263,071</u>

TOTAL CAPITAL/OTHER PROJECTS					
DESCRIPTION	ORIGINAL BUDGET 2020-2021	CURRENT BUDGET 2020-2021	FYTD DEC ACTUAL EXPENSES	% complete	REMAINING BALANCE FOR 2020-2021
TOTAL CAPITAL/OTHER PROJECTS	<u>\$ 2,140,000</u>	<u>\$ 2,140,000</u>	<u>\$ 234,012</u>	<u>11%</u>	<u>\$ 1,905,988</u>
TRANSFER TO CAP EQUIP RESERVES	-	-	-	0%	-
TOTAL CAPITAL/OTHER	<u>\$ 2,140,000</u>	<u>\$ 2,140,000</u>	<u>\$ 234,012</u>	<u>11%</u>	<u>\$ 1,905,988</u>

BALANCE TO BE FUNDED FROM:		
OPERATING RESERVES	OTHER SOURCES	TOTAL
<u>\$ 1,602,917</u>	<u>\$ 303,071</u>	<u>\$ 1,905,988</u>
-	-	-
<u>\$ 1,602,917</u>	<u>\$ 303,071</u>	<u>\$ 1,905,988</u>



## Police Department

## ITEM 4.7

Sid Fuller  
Interim Chief of Police  
Police Department  
(512)-756-6404  
sfuller@cityofburnet.com

### Agenda Item Brief

<b>Meeting Date:</b>	February 9, 2021
<b>Agenda Item:</b>	Annual Traffic Stop Data Report: S. Fuller
<b>Background:</b>	Texas Code of Criminal Procedure requires law enforcement agencies to collect and report data related to traffic stops to their governing body. This is a report of data gathered during the calendar year 2020.
<b>Information:</b>	There is no action required by Council. This report of incident-based data related to traffic stops and the analysis of the data is submitted to Council and Texas Commission on Law Enforcement.
<b>Fiscal Impact:</b>	None.
<b>Recommendation:</b>	N/A.

Article 2.132 of the Texas Code of Criminal Procedure requires all law enforcement agencies to collect specific data on all traffic stops. Further, Article 2.132 CCP requires all agencies to have a policy prohibiting racial profiling and to submit the traffic stop data to the State and the local governing body. Finally, law enforcement agencies are required to;

*“evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities”. TXCCP 2.134*

This report is submitted to demonstrate the Burnet Police Department is in full compliance with the requirements of the Texas CCP.

Comparative Analysis  
2020 Traffic Stop Data  
Burnet Police Department

This report details an analysis of the Burnet Police Department's statistical information on traffic stops for the year 2020. This report has been prepared to specifically comply with Article 2.132, 2.133, and 2.134 of the Texas Code of Criminal Procedure (CCP) regarding the compilation and analysis of traffic stop data. The full copies of the applicable laws and supporting documents pertaining to this report are contained in this report.

The Burnet Police Department has a specific policy prohibiting racial profiling and providing for disciplinary action if an employee is found engaging in racial profiling. (see attached policy). The Burnet Police Department also has process for making a racial profiling complaint. The steps for making the complaint are printed on the back of every regular or warning citation issued by the department. All of which are required by the Texas Code of Criminal Procedure. The Burnet Police Department collects all data required by the Code of Criminal Procedure on every traffic stop. The aggregate data and an analysis of the data is provided in the report.

**Analysis of the Data**

Comparative Analysis: Texas Code of Criminal Procedure Article 2.134(c)(1)(A) requires agencies to:

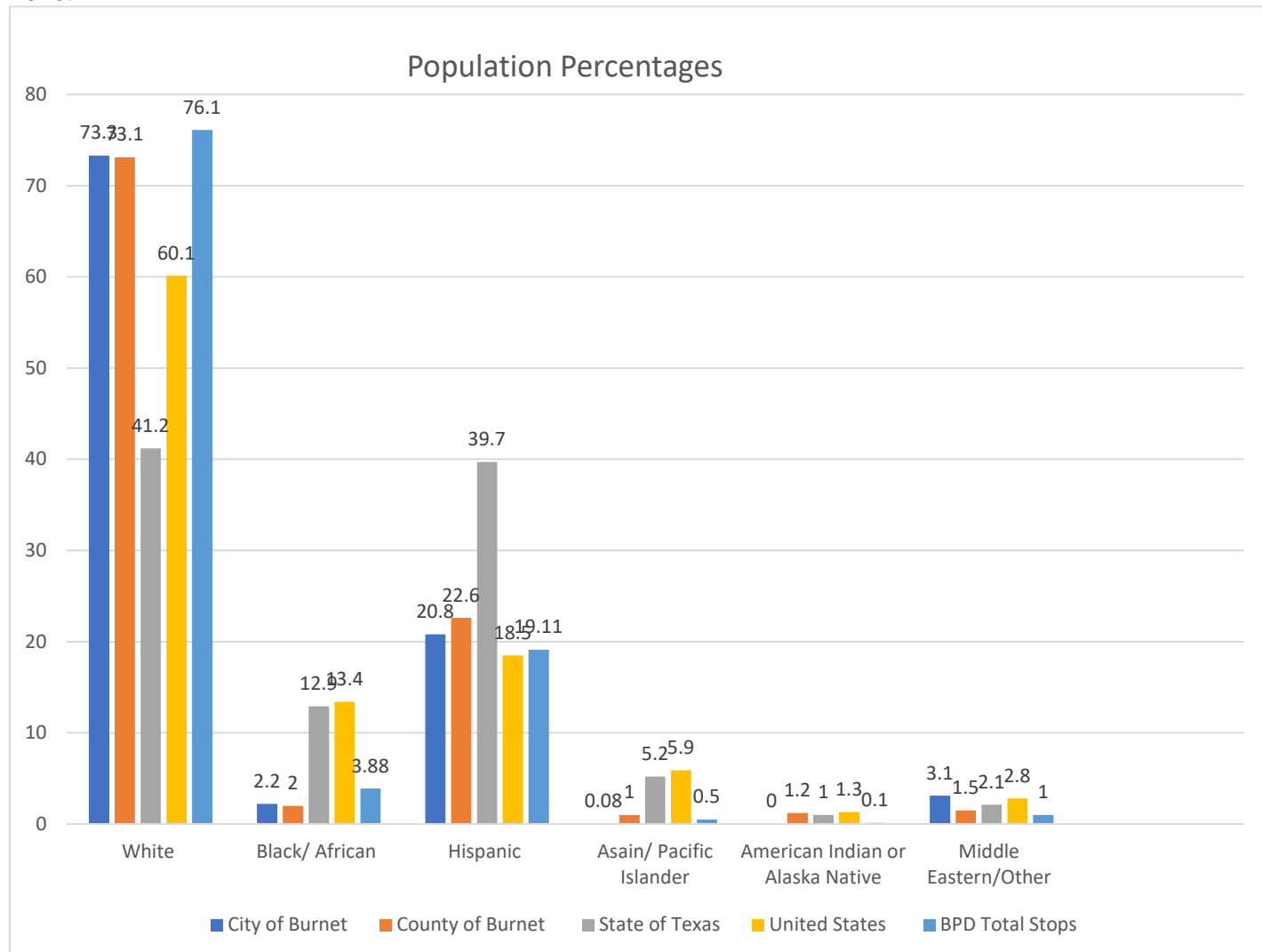
*Evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities.*

The first chart is a breakdown of the population percentages of our area, our State and of the United States. It is important to note that those stopped by the Burnet Police Department may or may not be residents of our city, county or even state. With a major north/south artery passing through Burnet (SH 281) travelers from all over pass through the city daily. Therefore, a comparison of stops to local demographics only, would be inaccurate.

Population Percentages

	City of Burnet	County of Burnet	State of Texas	United States
White	73.3 %	73.1%	41.2 %	60. 1 %
Black/African American	2.2%	2.0 %	12.9 %	13.4 %
Hispanic	20.8	22.6%	39.7 %	18.5 %
Asian/Pacific Islander	0.8%	1.0 %	5.2 %	5.9 5
American Indian or Alaska Native	0.0 %	1.2 %	1.0 %	1.3 %
Middle Eastern/ Other	3.1 %	1.5	2.1%	2.8%

This chart depicts the percentages of people stopped by race/ethnicity among the total 3006 motor vehicle stops in which a ticket, citation, or warning was issued, including arrests made, in 2020.



White drivers constituted 76.1 percent of all drivers stopped, whereas Whites constitute 73.3 percent of the city population, 73.1 percent of the county population, and 41.2 percent of the state population.

African American drivers constituted 3.8 percent of all drivers stopped, whereas African Americans constitute 2.2 percent of the city population, 2 percent of the county population, and 12.9 percent of the state population.

Hispanic drivers constituted 19.11 percent of all drivers stopped, whereas Hispanics constitute 20.8 percent of the city population, 22.6 percent of the county population, and 39.7 percent of the state population.

Asian drivers constituted 0.5 percent of all drivers stopped, whereas Asians constitute 0.8 percent of the city population, 1 percent of the county population, and 5.20 percent of the state population.

Texas Code of Criminal Procedure Article 2.132(c)(1)(B) requires an agency to :

*Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches.*

This is a breakdown of searches that resulted from traffic stops. Searches may be done with consent, incident to arrest, inventory prior to impounding or upon probable cause.

In 2020, a total of 205 searches of motorists were conducted, or roughly 7 percent of all stops resulted in a search. Among searches within each racial/ethnic group, White motorists were searched in roughly 7 percent of all stops of White motorists, African-American motorists were searched in roughly 10 percent of all stops of African-American motorists, Hispanic motorists were searched in roughly 6 percent of all stops of Hispanic motorists, Asian motorists were searched in roughly 0 percent of all stops of Asian motorists, and Alaska Native/American Indian motorists were searched in roughly 0 percent of all stops of Alaska Native/American Indian motorists. Regarding searches, it should be further noted that only 84 out of 205 searches, or 41 percent of all searches, were based on consent, which are regarded as discretionary as opposed to non-discretionary searches. Relative to the total number of stops (3006), discretionary consent searches occurred in 2.7 percent of all stops. Of the searches that occurred in 2020, contraband was discovered in 83 or roughly 40 percent of all searches (205 total searches). Among the searches in which contraband was discovered (83), 30 percent of the time the

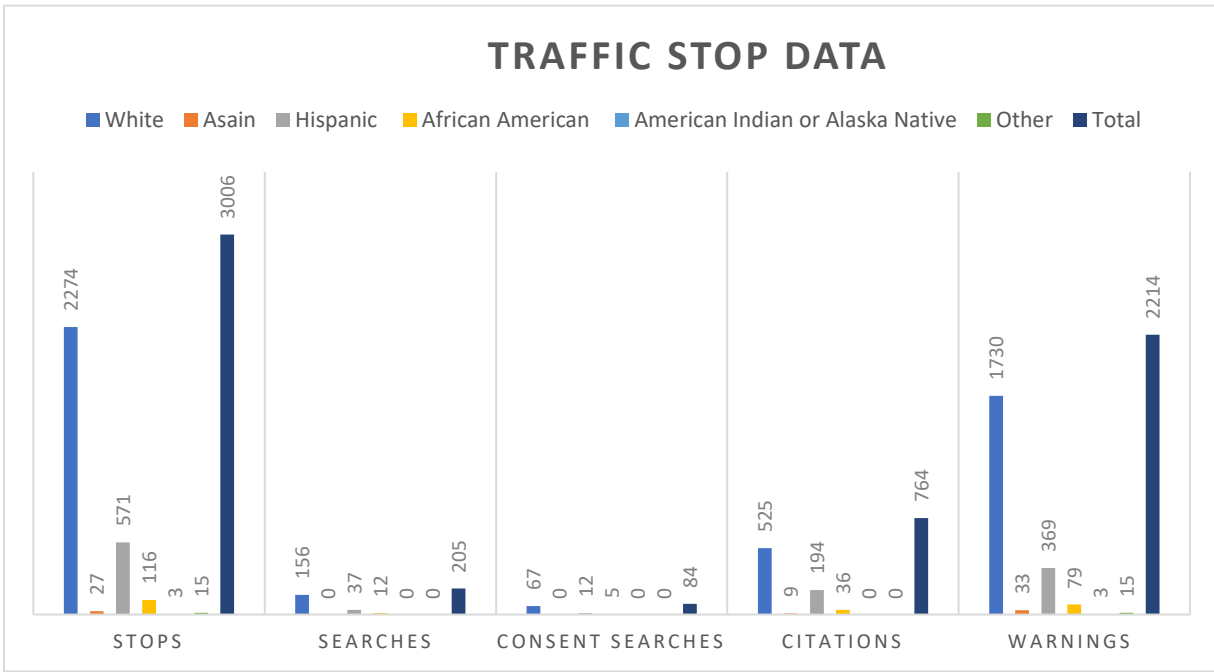
Action	White	Asian	Hispanic	African-American	American Indian or Alaska Native	Other	Total
Stops	2274	27	571	116	3	15	3006
Searches	156	0	37	12	0	0	205
Consent Searches	67	0	12	5	0	0	84
Citations	525	9	194	36	0	0	764
Warnings	1730	33	369	79	3	15	2214

contraband discovered was drugs (62).

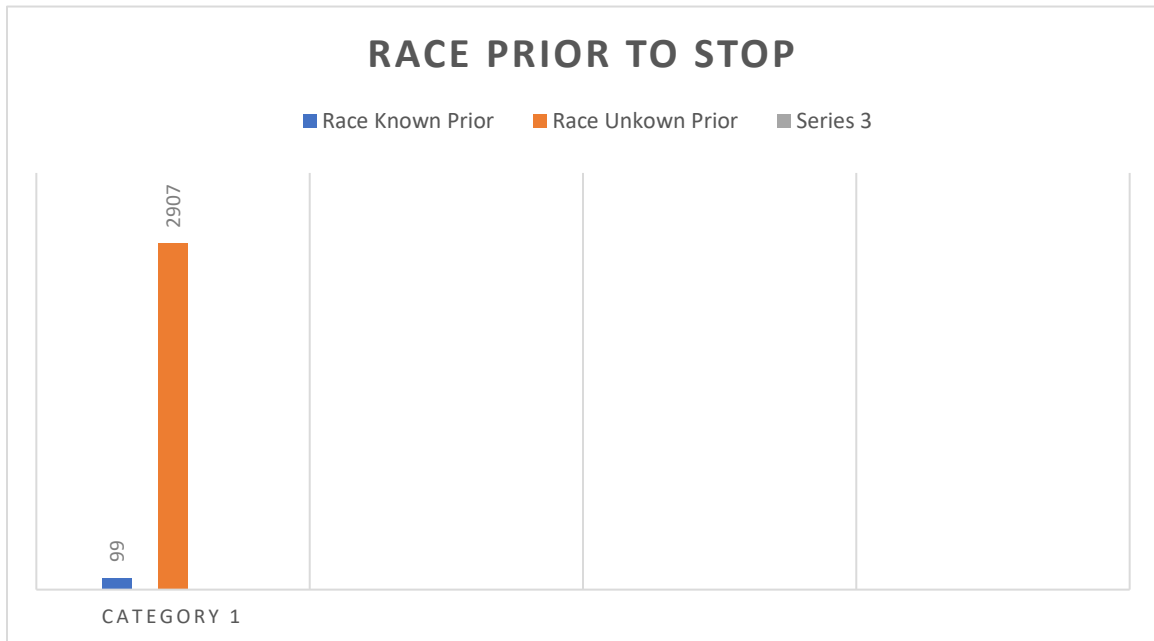
TXCCP requires agencies to:

*Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction. Texas Code of Criminal Procedure Article 2.134(c)(1)(B)*

As shown in this chart, there were a total of 2978 motor vehicle stops in 2020 in which a citation, or warning was issued. Roughly 74 percent of stops resulted in a written warning and roughly 26 percent resulted in a citation. Citations were issued to 69% of white drivers, 4.7% of African Americans, 25% of Hispanic drivers and 1% of Asian drivers.



This next chart is critical when analyzing data as it relates to race/ethnicity in traffic stops. Officers are required by the TXCCP to report if they knew of the race or ethnicity of the driver prior to making the decision to stop a vehicle. In Burnet, 96.7% of the stops officers did not know the race or ethnicity of the driver prior to the stop.



TXCCP requires Information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. Texas Code of Criminal Procedure Article 2.134(c)(2) In researching Internal Affairs files for Burnet Police Department there were **no (0)** complaints of racial profiling filed in 2020.




TXCCP Art 2.133(b)(9)(c) requires:

*The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b) to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.*

Burnet PD supervisors are required to view a minimum of three videos per officer per quarter to ensure compliance with this policy, evaluate performance and to verify that the race/ethnicity of the person stopped is being reported correctly. The supervisor reports these audits in a police department database. The police chief will audit these reports to ensure compliance. (See Appendix C)

# APPENDIX A Burnet Police Dept Policy

	<b>BURNET POLICE DEPARTMENT</b>	
	<b>Policy 100-09 Biased Based Policing</b>	
	<b>Effective Date:</b>	<b>Replaces: 100-09 Racial Profiling</b>
	<b>Approved: <u>Sid Fuller-Interim Police Chief</u></b> Chief of Police	

## I POLICY

We are committed to a respect for constitutional rights in the performance of our duties. Our success is based on the respect we give to our communities, and the respect members of the community observe toward law enforcement. To this end, we shall exercise our sworn duties, responsibilities, and obligations in a manner that does not discriminate based on race, sex, gender, sexual orientation, national origin, ethnicity, age, or religion. Respect for diversity and equitable enforcement of the law are essential to our mission.

All enforcement actions shall be based on the standards of reasonable suspicion or probable cause as required by the Fourth Amendment to the U. S. Constitution and by statutory authority. In all enforcement decisions, officers shall be able to articulate specific facts, circumstances, and conclusions that support probable cause or reasonable suspicion for arrests, searches, seizures, and stops of individuals. Officers shall not stop, detain, arrest, search, or attempt to search anyone based solely upon the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.

All departmental orders are informed and guided by this directive. Nothing in this order limits non-enforcement consensual contacts between officers and the public.

## II PURPOSE

The purpose of this order is to inform officers that bias-based policing is prohibited by the department. Additionally, this order will assist officers in identifying key contexts in which bias may influence these actions and emphasize the importance of the constitutional guidelines within which we operate.

## III DEFINITIONS

- A Most of the following terms appear in this policy statement. In any case, these terms appear in the larger public discourse about alleged biased enforcement behavior and in other orders. These definitions are intended to facilitate on-going discussion and analysis of our enforcement practices.

- 1 Bias: Prejudice or partiality based on preconceived ideas, a person's upbringing, culture, experience, or education.
- 2 Biased-based policing: Stopping, detaining, searching, or attempting to search, or using force against a person based upon his or her race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.
- 3 Ethnicity: A cluster of characteristics that may include race but also cultural characteristics or traits that are shared by a group with a common experience or history.
- 4 Gender: Unlike sex, a psychological classification based on cultural characteristics or traits.
- 5 Probable cause: Specific facts and circumstances within an officer's knowledge that would lead a reasonable officer to believe that a specific offense has been or is being committed, and that the suspect has committed it. Probable cause will be determined by the courts reviewing the totality of the circumstances surrounding the arrest or search from an objective point of view.
- 6 Race: A category of people of a particular decent, including Caucasian, African, Hispanic, Asian, Middle Eastern, or Native American descent. As distinct from ethnicity, race refers only to physical characteristics sufficiently distinctive to group people under a classification.
- 7 Racial profiling: A law-enforcement initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.
- 8 Reasonable suspicion: Specific facts and circumstances that would lead a reasonable officer to believe criminal activity is afoot and the person to be detained is somehow involved. Reasonable suspicion will be determined by the courts reviewing the totality of the circumstances surrounding the detention from an objective point of view.
- 9 Sex: A biological classification, male, or female, based on physical and genetic characteristics.
- 10 Stop: An investigative detention of a person for a brief period, based on reasonable suspicion.

## **IV PROCEDURES**

### **A General responsibilities**

- 1 Officers are prohibited from engaging in bias-based profiling or stopping, detaining, searching, arresting, or taking any enforcement action including seizure or forfeiture activities, against any person based solely on the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. These characteristics, however, may form part of reasonable suspicion or probable cause when officers are seeking a suspect with one or more of these attributes.
- 2 Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or

- probable cause for investigative detentions, traffic stops, subject stops, arrests, nonconsensual searches, and property seizures. Except as provided in number 3 below, officers shall not consider race/ethnicity in establishing either reasonable suspicion or probable cause. Similarly, except as provided below, officers shall not consider race/ethnicity in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search.
- 3 Officers may consider the reported race or ethnicity of a specific suspect or suspects based on relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s). Individuals shall be subjected to stops, seizures, or detentions only upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. Officers shall document the elements of reasonable suspicion and probable cause in appropriate reports.
  - 4 Officers shall observe all constitutional safeguards and shall respect the constitutional rights of all persons.
  - 5 All personnel shall treat everyone with the same courtesy and respect that they would have others observe to department personnel. To this end, personnel are reminded that the exercise of courtesy and respect engenders a future willingness to cooperate with law enforcement.
  - 6 When feasible, personnel shall offer explanations of the reasons for enforcement actions or other decisions that bear on the individual's well-being unless the explanation would undermine an investigation or jeopardize an officer's safety.
  - 7 When feasible, all personnel shall identify themselves by name. When a person requests the information, personnel shall give their departmental identification number, name of the immediate supervisor, or any other reasonable information.
  - 8 All personnel are accountable for their actions. Personnel shall justify their actions when required.
- B Supervisory responsibilities
- 1 Supervisors shall be held accountable for the observance of constitutional safeguards during the performance of their duties and those of their subordinates. Supervisors shall identify and correct instances of bias in the work of their subordinates.
  - 2 Supervisors shall facilitate the filing of any complaints about law- enforcement service.
  - 3 Supervisors will randomly review at least three videos per officer (either body camera and/or in-car camera video) per quarter, reviewing the footage is intended to gain an understanding of that officer's performance and adherence to policy. Supervisors will document the random review of the video in their daily supervisory notes and any violations of policy or law will be addressed using existing internal affairs policy.
  - 4 This policy applies only to first-line uniformed officers and their immediate supervisors. In the absence of a first-line supervisor this responsibility will move to the patrol captain.
- C Disciplinary consequences
- 1 Actions prohibited by this order shall be cause for disciplinary action, up to and including dismissal.
- D Training

- 1 Officers shall complete all training required by state law regarding bias- based profiling.

## **V COMPLAINTS**

- A The department's complaint process will be posted on the department's website and printed on the back of citations. The information shall include, but is not limited to, the email, physical address, and telephone contact information for making a complaint against an employee. Whenever possible, the media will be used to inform the public of the department's policy and complaint process.
- B Complaints alleging incidents of bias-based profiling will be fully investigated as described under policy.
- C All complaints will be logged into the Internal Affairs data base in Quick Base.

## **V RECORD KEEPING**

- A. The department will maintain all required records on traffic stops where a citation or warning is issued or where an arrest is made.
- B. The information collected above will be reported to the city council as required by law.
- C. The information will also be reported to TCOLE in the required format.

## Appendix B: Racial Profiling Laws

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE STOPS. (a) In this article, "race or ethnicity" has the meaning assigned by Article [2.132](#)(a).

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation

of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

(7) the street address or approximate location of the stop;

(8) whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and

(9) whether the officer used physical force that resulted in bodily injury, as that term is defined by Section [1.07](#), Penal Code, during the stop.

(c) The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b) to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. [3389](#)), Sec. 26, eff. September 1, 2009.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. [1849](#)), Sec. 5.02, eff. September 1, 2017.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED. (a) In this article:

(1) "Motor vehicle stop" has the meaning assigned by Article [2.132](#)(a).

(2) "Race or ethnicity" has the meaning assigned by Article [2.132](#)(a).

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article [2.133](#). Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to the Texas Commission on Law Enforcement and, if the law enforcement agency is a local law enforcement agency, to the

governing body of each county or municipality served by the agency.

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article [2.133](#) to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;

(B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

(C) evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article [2.133](#)(b)(1).

(e) The Texas Commission on Law Enforcement, in accordance with Section [1701.162](#), Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.



(g) On a finding by the Texas Commission on Law Enforcement that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. [3389](#)), Sec. 27, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. [686](#)), Sec. 2.06, eff. May 18, 2013.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. [1849](#)), Sec. 5.03, eff. September 1, 2017.

## APPENDIX C: Supervisor review and race verification entry form.

BASE

My Apps

Pipelines

Racial Profiling

Close Patrol Log

BPD Statistics

Home

Users

Racial Profiling Data

New Table

Racial Profiling Data

Add Racial Profiling Data

Reports & Charts

Date of Review

01-15-2021

Officer Being Reviewed

Video #1

Date/Time of Video Being Reviewed (1)

mm-dd-yyyy hh:mm AM/PM

☐ Race Verified Video 1

Video #2

Date/Time of Video Being Reviewed (2)

mm-dd-yyyy hh:mm AM/PM

☐ Race Verified Video 2

Video #3

Date/Time of Video Being Reviewed (3)

mm-dd-yyyy hh:mm AM/PM

☐ Race Verified Video 3

Video #4

Date/Time of Video Being Reviewed(4)

mm-dd-yyyy hh:mm AM/PM

☐ Race Verified Video 4

Reviewing Supervisor

Date of Next Review

03-16-2021

Review Duration

60

Save & close

Cancel

# Racial Profiling Report | Full report

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Agency Name: BURNET POLICE DEPARTMENT

Reporting Date: 1/14/2021

TCOLE Agency Number:

Chief Administrator: Sid Fuller Interim Chief of Police

Agency Contact Information:

Phone: (512) 756-6404

Email:

Mailing Address: 2000 South Water, Burnet, TX 78611

This Agency filed a full report

Burnet Police Dept has adopted a detailed written policy on racial profiling. Our policy:

- 1) clearly defines acts constituting racial profiling;
- 2) strictly prohibits peace officers employed by the Burnet Police Department from engaging in racial profiling;
- 3) implements a process by which an individual may file a complaint with the Burnet Police Dept if the individual believes that a peace officer employed by the Burnet Police Dept. has engaged in racial profiling with respect to the individual;
- 4) provides public education relating to the agency's complaint process;
- 5) requires appropriate corrective action to be taken against a peace officer employed by the Burnet Police Dept who, after an investigation, is shown to have engaged in racial profiling in violation of the Burnet Police Dept. policy;
- 6) requires collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
  - a. the race or ethnicity of the individual detained;
  - b. whether a search was conducted and, if so, whether the individual detained consented to the search;

- c. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
  - d. whether the peace officer used physical force that resulted in bodily injury during the stop;
  - e. the location of the stop;
  - f. the reason for the stop.
- 7) requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
- a. the Commission on Law Enforcement; and
  - b. the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

The Burnet Police Dept. has satisfied the statutory data audit requirements as prescribed in Article 2.133(c), Code of Criminal Procedure during the reporting period.

Executed by: 

Chief Administrator

Sid Fuller Interim Chief of Police

Date: 1/14/2021

**BURNET POLICE DEPARTMENT**

**1/1/2020 - 12/31/2020**

Total stops: 3,006

Street address or approximate location of the stop

City street: 565

US highway: 759

State highway: 1,562

County road: 45

Private property or other: 59

Was race or ethnicity known prior to stop?

Yes: 99

No: 2,907

Race or ethnicity

Alaska Native/American Indian: 3

Asian/Pacific Islander: 42

Black: 116

White: 2,274

Hispanic/Latino: 571

Gender

Female:

Total 1,044

Alaska Native/American Indian 1

Asian/Pacific Islander 8

Black 23

White 855 Hispanic/Latino 157

Male:

Total 1,959

Alaska Native/American Indian 2

Asian/Pacific Islander 34

Black 92

White 1,417 Hispanic/Latino 414

## BURNET POLICE DEPARTMENT

### 1/1/2020 - 12/31/2020

#### Reason for stop?

##### Violation of law:

Total	<u>163</u>			
Alaska Native/American Indian	<u>0</u>	Asian/Pacific Islander	<u>1</u>	Black <u>3</u>
White	<u>119</u>	Hispanic/Latino	<u>40</u>	

##### Preexisting knowledge:

Total	<u>29</u>			
Alaska Native/American Indian	<u>0</u>	Asian/Pacific Islander	<u>0</u>	Black <u>0</u>
White	<u>20</u>	Hispanic/Latino	<u>9</u>	

##### Moving traffic violation:

Total	<u>2,499</u>			
Alaska Native/American Indian	<u>2</u>	Asian/Pacific Islander	<u>38</u>	Black <u>105</u>
White	<u>1,884</u>	Hispanic/Latino	<u>470</u>	

##### Vehicle traffic violation:

Total	<u>301</u>			
Alaska Native/American Indian	<u>1</u>	Asian/Pacific Islander	<u>3</u>	Black <u>8</u>
White	<u>239</u>	Hispanic/Latino	<u>50</u>	

#### Was a search conducted?

##### Yes:

Total	<u>205</u>			
Alaska Native/American Indian	<u>0</u>	Asian/Pacific Islander	<u>0</u>	Black <u>12</u>
White	<u>156</u>	Hispanic/Latino	<u>37</u>	

##### No:

Total	<u>2,801</u>			
Alaska Native/American Indian	<u>3</u>	Asian/Pacific Islander	<u>42</u>	Black <u>104</u>
White	<u>2,118</u>	Hispanic/Latino	<u>534</u>	

#### Reason for Search?

##### Consent:

Total	<u>84</u>			
Alaska Native/American Indian	<u>0</u>	Asian/Pacific Islander	<u>0</u>	Black <u>5</u>
White	<u>67</u>	Hispanic/Latino	<u>12</u>	

##### Contraband:

Total	<u>4</u>			
Alaska Native/American Indian	<u>0</u>	Asian/Pacific Islander	<u>0</u>	Black <u>0</u>
White	<u>3</u>	Hispanic/Latino	<u>1</u>	

BURNET POLICE DEPARTMENT

1/1/2020 - 12/31/2020

Probable cause:

Total	<u>94</u>			
Alaska Native/American Indian	<u>0</u>	Asian/Pacific Islander	<u>0</u>	Black <u>6</u>
White	<u>68</u>	Hispanic/Latino	<u>20</u>	

Inventory:

Total	<u>0</u>			
Alaska Native/American Indian	<u>0</u>	Asian/Pacific Islander	<u>0</u>	Black <u>0</u>
White	<u>0</u>	Hispanic/Latino	<u>0</u>	

Incident to arrest:

Total	<u>23</u>			
Alaska Native/American Indian	<u>0</u>	Asian/Pacific Islander	<u>0</u>	Black <u>1</u>
White	<u>18</u>	Hispanic/Latino	<u>4</u>	

Was Contraband discovered?

Yes:

Total	<u>83</u>	Did the finding result in arrest (total should equal previous column)?	
Alaska Native/American Indian	<u>0</u>	Yes	<u>0</u>
Asian/Pacific Islander	<u>0</u>	No	<u>0</u>
Black	<u>4</u>	Yes	<u>0</u>
White	<u>64</u>	No	<u>4</u>
Hispanic/Latino	<u>15</u>	Yes	<u>8</u>
		No	<u>56</u>
		Yes	<u>2</u>
		No	<u>13</u>

No:

Total	<u>2,923</u>			
Alaska Native/American Indian	<u>3</u>	Asian/Pacific Islander	<u>42</u>	Black <u>112</u>
White	<u>2,210</u>	Hispanic/Latino	<u>556</u>	

Description of contraband

Drugs:

Total	<u>62</u>			
Alaska Native/American Indian	<u>0</u>	Asian/Pacific Islander	<u>0</u>	Black <u>3</u>
White	<u>50</u>	Hispanic/Latino	<u>9</u>	

Currency:

Total	<u>0</u>
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## BURNET POLICE DEPARTMENT

### 1/1/2020 - 12/31/2020

Alaska Native/American Indian	<u>0</u>	Asian/Pacific Islander	<u>0</u>	Black	<u>0</u>
White	<u>0</u>	Hispanic/Latino	<u>0</u>		

#### Weapons:

Total	<u>1</u>				
Alaska Native/American Indian	<u>0</u>	Asian/Pacific Islander	<u>0</u>	Black	<u>0</u>
White	<u>0</u>	Hispanic/Latino	<u>1</u>		

#### Alcohol:

Total	<u>1</u>				
Alaska Native/American Indian	<u>0</u>	Asian/Pacific Islander	<u>0</u>	Black	<u>0</u>
White	<u>0</u>	Hispanic/Latino	<u>1</u>		

#### Stolen property:

Total	<u>0</u>				
Alaska Native/American Indian	<u>0</u>	Asian/Pacific Islander	<u>0</u>	Black	<u>0</u>
White	<u>0</u>	Hispanic/Latino	<u>0</u>		

#### Other:

Total	<u>19</u>				
Alaska Native/American Indian	<u>0</u>	Asian/Pacific Islander	<u>0</u>	Black	<u>1</u>
White	<u>14</u>	Hispanic/Latino	<u>4</u>		

### Result of the stop

#### Verbal warning:

Total	<u>13</u>				
Alaska Native/American Indian	<u>0</u>	Asian/Pacific Islander	<u>0</u>	Black	<u>1</u>
White	<u>10</u>	Hispanic/Latino	<u>2</u>		

#### Written warning:

Total	<u>2,201</u>				
Alaska Native/American Indian	<u>3</u>	Asian/Pacific Islander	<u>33</u>	Black	<u>78</u>
White	<u>1,720</u>	Hispanic/Latino	<u>367</u>		

#### Citation:

Total	<u>764</u>				
Alaska Native/American Indian	<u>0</u>	Asian/Pacific Islander	<u>9</u>	Black	<u>36</u>
White	<u>525</u>	Hispanic/Latino	<u>194</u>		



**BURNET POLICE DEPARTMENT**

**1/1/2020 - 12/31/2020**

Written warning and arrest:

Total 18

Alaska Native/American Indian 0

Asian/Pacific Islander 0

Black 1

White 13

Hispanic/Latino 4

Citation and arrest:

Total 9

Alaska Native/American Indian 0

Asian/Pacific Islander 0

Black 0

White 6

Hispanic/Latino 3

Arrest:

Total 1

Alaska Native/American Indian 0

Asian/Pacific Islander 0

Black 0

White 0

Hispanic/Latino 1

Arrest based on

Violation of Penal Code:

Total 19

Alaska Native/American Indian 0

Asian/Pacific Islander 0

Black 1

White 13

Hispanic/Latino 5

Violation of Traffic Law:

Total 1

Alaska Native/American Indian 0

Asian/Pacific Islander 0

Black 0

White 1

Hispanic/Latino 0

Violation of City Ordinance:

Total 0

Alaska Native/American Indian 0

Asian/Pacific Islander 0

Black 0

White 0

Hispanic/Latino 0

Outstanding Warrant:

Total 8

Alaska Native/American Indian 0

Asian/Pacific Islander 0

Black 0

White 5

Hispanic/Latino 3

BURNET POLICE DEPARTMENT

1/1/2020 - 12/31/2020

Was physical force resulting in bodily injury used during stop?

Yes:

Total	<u>4</u>			
Alaska Native/American Indian	<u>0</u>	Asian/Pacific Islander	<u>0</u>	Black <u>0</u>
White <u>4</u>	Hispanic/Latino <u>0</u>			

No:

Total	<u>3,002</u>			
Alaska Native/American Indian	<u>3</u>	Asian/Pacific Islander	<u>42</u>	Black 116
White <u>2,270</u>	Hispanic/Latino <u>571</u>			

Number of complaints of racial profiling?

Total	0
Resulted in disciplinary action	0
Did not result in disciplinary action	0

Submitted electronically to the



The Texas Commission on Law Enforcement

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

On this the 12<sup>th</sup> day of January 2021, the City Council of the City of Burnet, TX convened in Regular Session, at 6:00 p.m., at 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 was open to public attendance and the guidelines established by Governor Abbott in Executive Order 32 related to social gatherings and COVID-19 were adhered to. A toll-free conference line was also established for access via Zoom by calling 888-475-4499 Password 352260; the following subjects were discussed, to-wit:

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

Guests: Kelli Sames, Sid Fuller, Mark Ingram, Gene Courtney, Habib Erkan, Adrienne Feild, Tommy Gaut, Curtis Murphy (attended in person), Patricia Langford, Leslie Kimbler, Bob Shonk, Alan Burdell, Jason Lutz (attended via zoom)

CALL TO ORDER: The meeting was called to order by Mayor Bromley, at 6:03 p.m.

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

REPORTS/SPECIAL PRESENTATIONS: None.

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.

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 December 8th, 2020 Regular City Council Meeting Minutes: Council Member Cindia Talamantez moved to approve the consent agenda as presented. Council Member Philip Thurman seconded. The motion carried unanimously

PUBLIC HEARING:

Public Hearing: Public Hearing: The Burnet City Council shall conduct a public hearing to receive public testimony and comments on the merits of rezoning 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. J. Lutz: Mayor Bromley opened the public hearing and asked if anyone was interested in speaking, if so to approach the podium. There being no one wishing to speak, Mayor Bromley closed the public hearing.

Public Hearing: The Burnet City Council shall conduct a public hearing to receive public testimony and comments on the merits of a request to amend the City’s Future Land Use Plan for approximately 2 acres of land from its current designation of “Commercial” to a designation of “Residential” for property located in the 700 Block of White St. (south side of street) between Rhomberg and Shepperd Streets: J. Lutz: Mayor Bromley opened the public hearing and asked if anyone was interested in speaking, if so to approach the podium. There being no one wishing to speak, Mayor Bromley closed the public hearing.

Public Hearing: The Burnet City Council shall conduct a public hearing to receive public testimony and comments on the merits of a request to rezone approximately 2 acres of land from its current designation of Single-family residential 1—District “R-1” and Light commercial—District “C-1” to a designation of Multi-family residential—District “R-3” for property located in the 700 Block of White St. (south side of street) between Rhomberg and Shepperd Streets: J. Lutz: Mayor Bromley opened the public hearing and asked if anyone was interested in speaking, if so to approach the

podium. There being no one wishing to speak, Mayor Bromley closed the public hearing.

ACTION ITEMS:

Discuss and consider action: 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 informed all present that Texas has received 1.5 million vaccinations statewide and 800,000 immunizations have been administered and 84,000 are still pending. Healthcare workers are first to receive. The Fire Department is working with Seton hospital on an electronic sign up process and will run an immunization clinic at the Community Center twice a week once the medication is received. The Fire Department is in the process of purchasing rapid testing equipment. Current COVID related numbers for Burnet County is as follows:

2000 cases total

217 case active

30 fatalities

Chief Ingram informed all present that cases were rising every day and that his recommendation for Council Meetings is to resume ZOOM meetings and not meet in person.

Discuss and consider action: SECOND AND FINAL 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: Council Member Danny Lester moved to approve and adopt Ordinance 2020-30 as presented. Council Member Philip Thurman seconded, the motion carried unanimously.

FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS ADOPTING THE BURNET ZONING MAP IN ITS ENTIRETY AS CURRENTLY PUBLISHED; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: J. Lutz: Council Member Philip Thurman moved to approve the first reading of Ordinance 2021-01 as presented. Council Member Tres Clinton seconded. The motion carried unanimously.

Discuss and consider action: FIRST READING OF AN ORDINANCE AMENDING ORDINANCE NO. 2012-09 BY ASSIGNING A FUTURE LAND USE DESIGNATION OF "RESIDENTIAL" FOR APPROXIMATELY TWO ACRES OF LAND LOCATED IN THE 700 BLOCK OF WHITE ST. (SOUTH SIDE OF STREET) BETWEEN RHOMBERG AND SHEPPERD STREETS., AS SHOWN IN EXHIBIT A; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: J. Lutz: Council Member Danny Lester moved to approve the first reading of Ordinance 2021-02 as presented. Council Member Philip Thurman seconded. The motion carried unanimously.

Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-06 BY ASSIGNING MULTI-FAMILY RESIDENTIAL—DISTRICT "R-3", DESIGNATIONS TO APPROXIMATELY TWO ACRES OF LAND LOCATED IN THE 700 BLOCK OF WHITE ST. (SOUTH SIDE OF STREET) BETWEEN RHOMBERG AND SHEPPERD STREETS., AS SHOWN IN EXHIBIT A.; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: J. Lutz: Council Member Danny Lester moved to approve the first reading of Ordinance 2021-03 as presented. Council Member Philip Thurman seconded. The motion carried unanimously.

Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY, TO ACCEPT A TEMPORARY EMERGENCY ACCESS EASEMENT TO SERVE DELAWARE SPRINGS, SECTION 19 SUBDIVISION: J. Lutz: Council Member Philip Thurman moved to approve Resolution R2021-02 as presented Council Member Paul Farmer seconded. The motion carried unanimously

Discuss and consider action: Request for the Police Department to pursue and accept a National Rifle Association (NRA) 2020/2021 Grant for department equipment and/or programs: S. Fuller: Council Member Paul Famer moved to approve the submittal and acceptance of a the 2020/2021 National Rifle Association Grant for the purchase of Police Department equipment as presented. Council Member Tres Clinton seconded the motion carried unanimously.

Discuss and consider action: Appointment of the Burnet Planning and Zoning Commission members to director

positions one (1) through seven (7): K. Dix: Council Member Paul Famer moved to re-appoint Tommy Gaut and Derek Fortin to the Burnet Planning and Zoning Commission for a two year term that will end June 2023 and to re-appoint Cesar Arreaza for a term that will end on June 30, 2021 and additionally approved the change of term month to June for the entire board as presented. Council Member Philip Thurman seconded. The motion carried unanimously.

Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING PART 9 HOLIDAYS, OF THE PERSONNEL POLICY MANUAL BY UPDATING AND CLARIFYING POLICY REQUIREMENTS: K. Sames: Council Member Philip Thurman moved to approve Resolution R2021-01 as presented Council Member Cindia Talamantez seconded. The motion carried unanimously.

Discuss and consider action: Improvements to Delaware Springs Golf Course: D. Vaughn: Council Member Danny Lester moved to approve expenditures for the Delaware Springs Golf Course in an amount not to exceed \$100,000.00 as presented. Council Member Philip Thurman seconded. The motion carried unanimously.

Discuss and consider action: Authorizing the Burnet Economic Development Corporation to borrow funds for the 13 acre commercial park project located at US Hwy 281 and Houston Clinton Drive: D. Vaughn: Council Member Danny Lester moved to authorize and approve the Burnet Economic Developments Board request to borrow funds for the development of the 13 acre commercial park project on US Hwy 281 and Clinton Drive. Council Member Paul Farmer seconded. The motion carried unanimously.

Discuss and consider action: Direction to staff, on the subject of reimbursement of costs to property owners for damages caused by sanitary sewage backups originating in city sanitary sewer mains: H. Erkan: Council Member Philip Thurman moved to approve the creation of a city policy that would provide assistance to citizen's that are effected by sewer back up that is caused on the city side of the line; and additionally to reimburse the owner of 1022 North Vanderveer for repairs to her home that were not covered by insurance in an amount not to exceed \$10,000.00.

Discuss and consider action: A RESOLUTION OF THE CITY OF BURNET, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON MAY 1, 2021, TO ELECT A MAYOR AND THREE CITY COUNCIL MEMBERS; ESTABLISHING THE ELECTION PROCEDURE; AND PROVIDING FOR RELATED MATTERS: K. Dix  
UNA RESOLUCIÓN DE LA CIUDAD DE BURNET, TEXAS, ORDENANDO UNA ELECCIÓN GENERAL A LLEVARSE A CABO EL 7 DE MAYO DE 2021, PARA ELEGIR EL ALCALDE Y TRES MIEMBROS DEL CONSEJO (CONCEJALES); ESTABLECIENDO LOS PROCEDIMIENTOS PARA LA ELECCIÓN; Y PROVEYENDO OTROS ASUNTOS RELACIONADOS: K. Dix: Council Member Philip Thurman moved to approve Resolution R2021-03 as presented Council Member Danny Lester seconded. The motion carried unanimously.

El miembro del Consejo Philip Thurman se trasladó a aprobar la Resolución R2021-03, tal como se presentó al miembro del Consejo Danny Lester. La moción se llevó a cabo por unanimidad.

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.

ADJOURN: There being no further business a motion to adjourn was made by Council Member Mary Janes Shanes at 7:51 p.m., seconded by Council Member Danny Lester. The motion carried unanimously.

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Crista Goble Bromley, Mayor

**ATTEST:**

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Kelly Dix, City Secretary



## Administration

### ITEM 4.1

David Vaughn  
City Manager  
512.715.3208  
dvaughn@cityofburnet.com

## Agenda Item Brief

**Meeting Date:** January 12, 2021

**Agenda Item:** 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

**Background:**

**Information:**

**Fiscal Impact:**

**Recommendation:** To be determined by Council



## Development Services

### ITEM 4.2

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

### Agenda Item Brief

**Meeting Date:** January 26, 2021

**Agenda Item:** Discuss and consider Action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS ADOPTING THE BURNET ZONING MAP IN ITS ENTIRETY AS CURRENTLY PUBLISHED; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: J. Lutz

**Background:** Recently, staff has discovered that in a few instances there are no city records available substantiating the zoning designation of certain properties as shown on the zoning map. Staff has also discovered a few discrepancies between the zoning map and city records regarding the zoning designations of certain properties.

**Staff Analysis:** The zoning map is the municipal record the public generally relies on to ascertain the zoning designation of properties. The proposed ordinance will formalize that zoning classifications for all properties shall be consistent with the current zoning map. The purpose of this ordinance is not to rezone any property. Rather, this ordinance will confirm the current zoning map prevails even when supporting city records are missing or are inconsistent with the map.

The ordinance provides an opportunity for any landowner to present to the city manager documentation of City Council action re-zoning their property with a zoning classification that is different than the classification on the zoning map. Upon presentation of valid documentation, the city manager shall initiate a zoning case to correct the error, at no charge to the property owner.

### P&Z

**Recommendation:** P&Z held a public hearing on January 4, 2021 and recommended approval of the ordinance by a vote of 6-0, with a recommendation to extend the date in which landowners can provide evidence or documentation to the city of a previous zoning change. One person from the public objected to the proposed ordinance.

### Staff

**Recommendation:** Staff recommends approval and adoption of Ordinance 2021-01 as presented.

## **ORDINANCE NO. 2021-01**

### **ADOPTING THE BURNET ZONING MAP IN ITS ENTIRETY AS CURRENTLY PUBLISHED; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, in accordance with Texas Local Government Code Chapter 211, City Council adopted zoning regulations as codified in Chapter 118 of the Code of Ordinances; and

**WHEREAS**, City Council authorized the creation of a zoning map to memorialize the zoning classifications of each parcel of real property within the city's corporate limits; and

**WHEREAS**, it has come to City Council's attention that in a few instances city records of rezonings, reflected in the zoning map do not exist; or there are other discrepancies between the zoning map and city records regarding the zoning designations of certain properties; and

**WHEREAS**, the zoning map is the municipal record the public generally relies on to ascertain the zoning designation of properties; and

**WHEREAS**, to cure the few discovered zoning infirmities, as well as any undiscovered zoning infirmities that might exist, and to provide certainty as to the zoning designation of all properties going forward City Council determines it appropriate and necessary to readopt the zoning map pursuant to the notice and hearing requirements of Texas Local Government Code Chapter 211, the City Charter and Code of Ordinances Chapter 118; and

**WHEREAS**, in accordance with the requirements of the aforementioned authorities, City Council finds:

- Notice of Public Hearings on this Zoning Ordinance were timely published in the Burnet Bulletin; and delivered by United States Postal Service first class mail to every owner of property shown on the city's most recent tax rolls; and
- The Caption of this Ordinance was timely published in the Burnet Bulletin;
- The Planning and Zoning Commission conducted a public hearing on this Zoning Ordinance on Monday, January 4, 2020, and took action to make its recommendation to City Council at the conclusion of the public hearing;
- City Council conducted a public hearing on this Zoning Ordinance on Tuesday, January 12, 2021, and passed the first reading of this Ordinance at the conclusion of the public hearing; and
- City Council, passed and approved this Ordinance on second reading on Tuesday, January 26, 2020.

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

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

**Section 2. Zoning Map.** The Geographic Information System Zoning Map dated January 20, 2021 is attached hereto as **Exhibit "A"** and incorporated in this Ordinance for all purposes.

**Section 3. Action.** **Exhibit "A"** is hereby readopted and adopted as the Official Zoning Map of the City and each zoning classification that corresponds with a property on said map is, and shall continue to be, the zoning classification for such corresponding property.



**Section 4. Conditional Use Permit Ordinances.** This ordinance is cumulative of Ordinances Nos. 2014-16, and 2017-21, and said ordinances shall remain in full force and effect unless expressly repealed by future action of City Council.

**Section 5. City initiated rezoning.** The City Manager is hereby authorized and directed to initiate a case to rezoning any property where it is discovered in the city's records that City Council took prior formal action to rezone the property with a classification contrary to the classification shown for the property on **Exhibit "A"**; and where there is no explanation in the city's record for the discrepancy between the formal action and the **Exhibit "A"**. This Section 5 shall expire and no longer be of any effect after the third anniversary of the effective date of this ordinance.

**Section 6. Repealer.** All ordinances or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

**Section 7. 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 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.

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

**PASSED** on First Reading this the 12<sup>th</sup> day of January 2021.

**PASSED AND APPROVED** on Second Reading this the 26<sup>th</sup> day of January 2021.

**CITY OF BURNET, TEXAS**

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Crista Goble Bromley, Mayor

**ATTEST:**

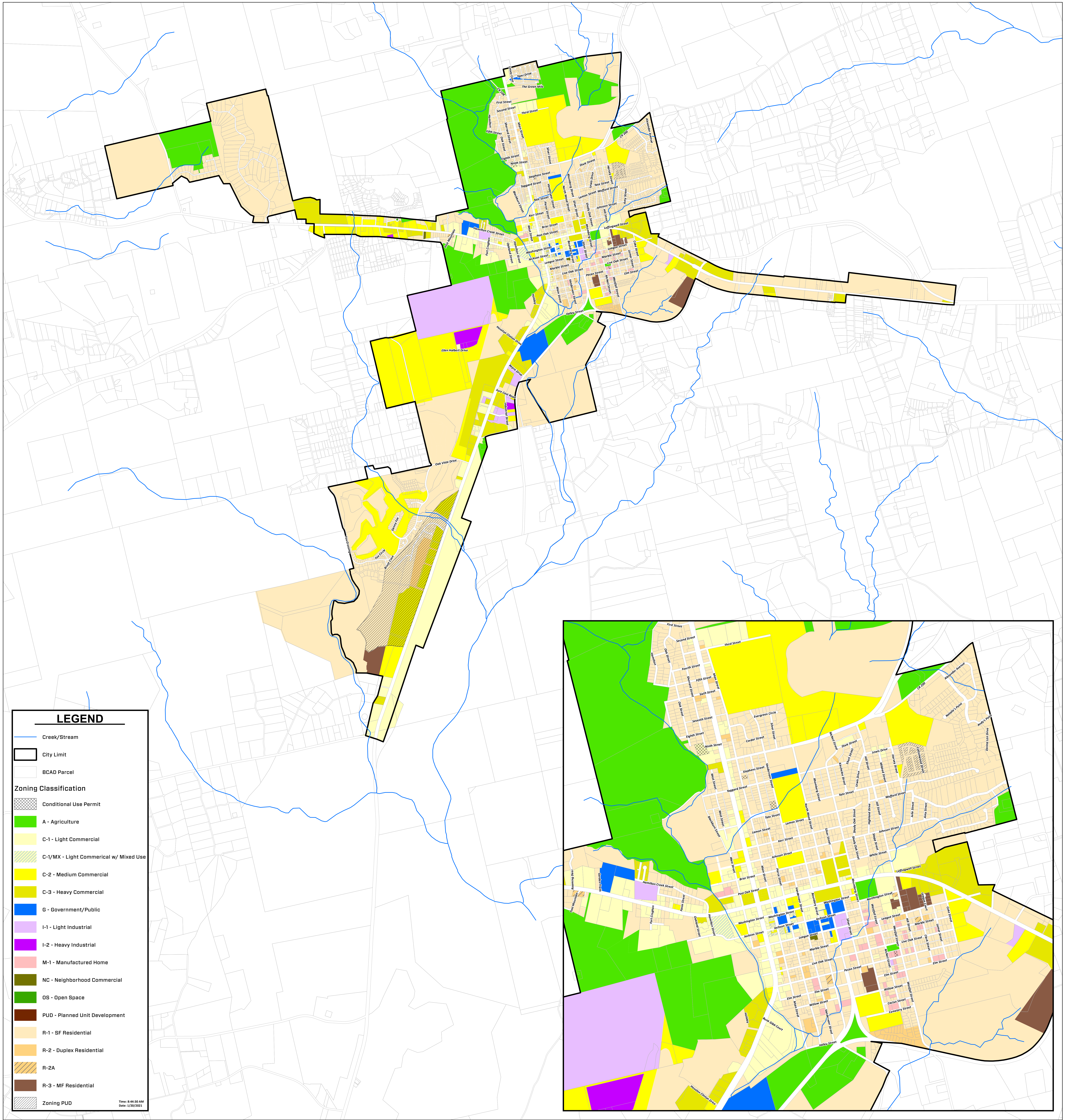
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Kelly Dix, City Secretary

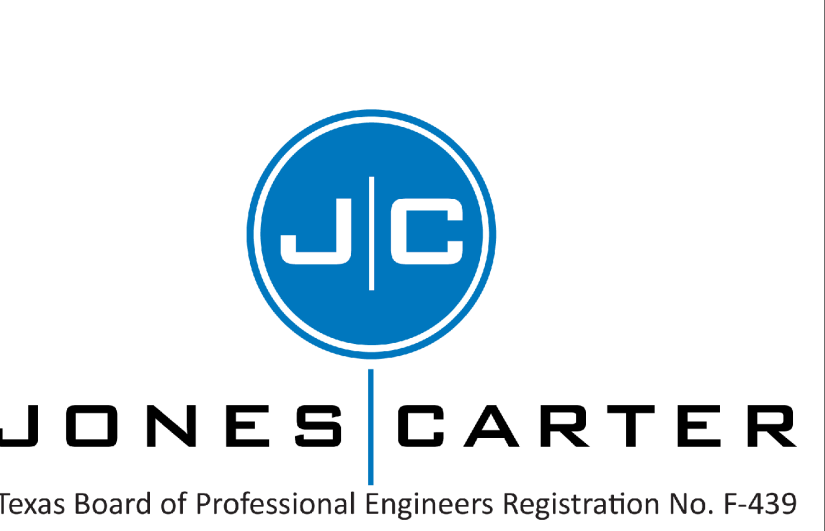
**Exhibit A – Zoning Map**

**(36x42 Zoning Map to be Inserted)**





Disclaimer: This product is offered for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property, governmental and/or political boundaries or related facilities to said boundary. No express warranties are made by Jones/Carter, Inc. concerning the accuracy, completeness, reliability, or usability of the information included within this exhibit.



The official Zoning Map of the City of Burnet, Texas, accepted by Ordinance No. \_\_\_\_\_ by the City Council of the City of Burnet on January 26, 2021.  
Signed: \_\_\_\_\_ (Mayor)

# CITY OF BURNET

## Official Zoning Map - January 2021

0 0.25 0.5 0.75 1 Mile







## Development Services

### ITEM 4.3

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

### Agenda Item Brief

**Meeting Date:** January 26, 2021

**Agenda Item:** Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE AMENDING ORDINANCE NO. 2012-09 BY ASSIGNING A FUTURE LAND USE DESIGNATION OF "RESIDENTIAL" FOR APPROXIMATELY TWO ACRES OF LAND LOCATED IN THE 700 BLOCK OF WHITE ST. (SOUTH SIDE OF STREET) BETWEEN RHOMBERG AND SHEPPERD STREETS., AS SHOWN IN EXHIBIT A; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: J. Lutz

**Background:** The property is currently zoned Light commercial—District "C-1" & Single-family residential 1—District "R-1" and consists of multiple lots. The applicant is requesting to rezone a portion of the property in order to construct a multi-family facility, as the owner does not see this portion of the property as a viable commercial area.

The City's Future Land Use Plan for this property is designated as commercial and the requested Future Land Use amendment must be approved before the zoning change request can be approved (next item on the agenda).

**Staff Analysis:** The property is utilized as a convenience store fronting Hwy 29 with a large vacant portion of the property in the rear with access off White St.

The property would consist of approximately 2 acres of land that would be enough to handle a proposed multi-family project.

The subject property is bound by C-1 zoning to the south and Single-family residential 1—District "R-1" to the west, north, and east (see Exhibit A).

The Future Land Use Plan calls for the subject tract to be Commercial. This tract would be bounded by other Future Land Uses of Commercial on the west, south, and east sides. The property would be bounded to the north by a Future Land Use designation of Residential (see Exhibit B). Changing the Future Land Use Classification from Commercial to Residential would not create an issue of incompatible uses next to each other.

The existing water, sewer, and electric services in the area are adequate to serve the proposed project, and the existing street network consists of 25' wide roads on White St. and 30' wide roads on Rhomberg.

There have been no changes to Ordinance 2021-02 since the first reading on January 12, 2021.

### P&Z

**Recommendation:** P&Z held a public hearing on January 4, 2021 and recommended approval of the ordinance by a vote of 6-0.

### Staff

**Recommendation:** Staff recommends approval and adoption of Ordinance 2021-02 as presented



Exhibit A – Current Zoning Map

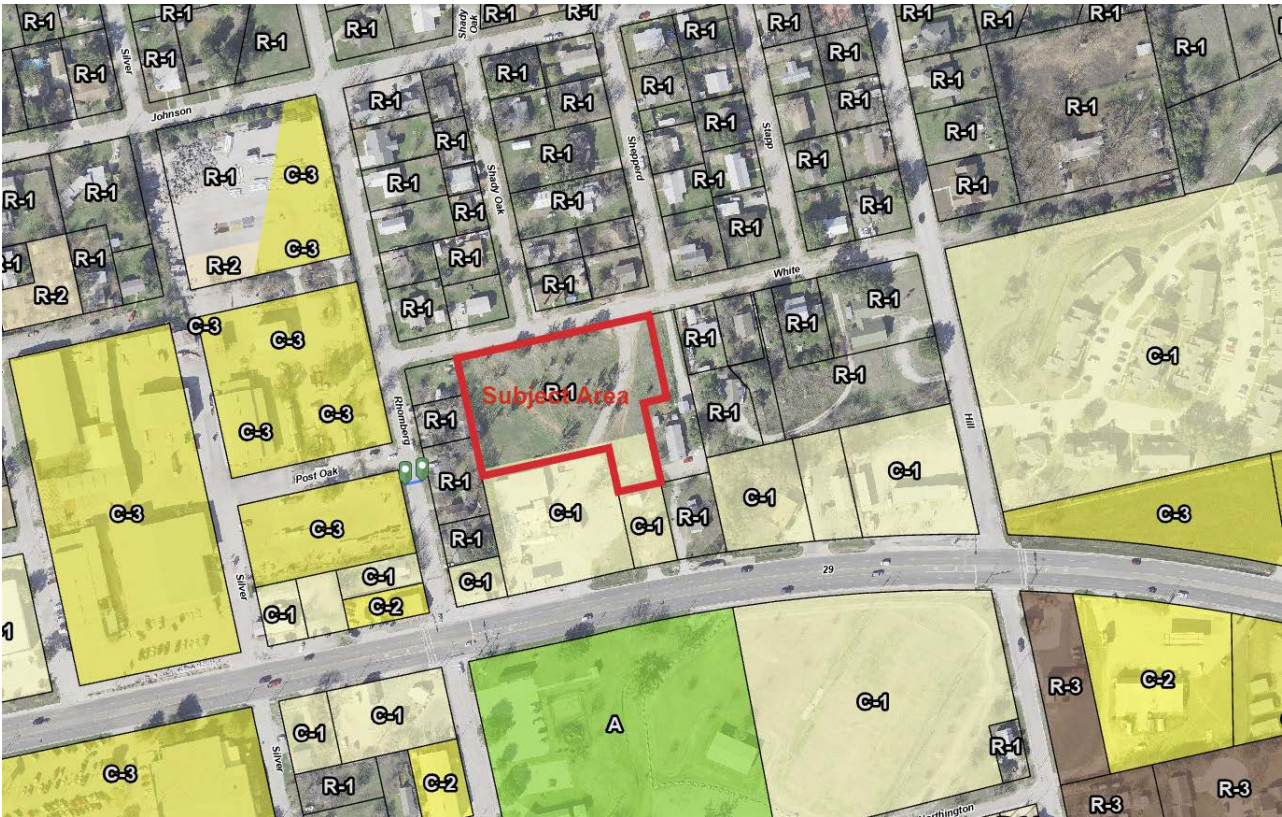
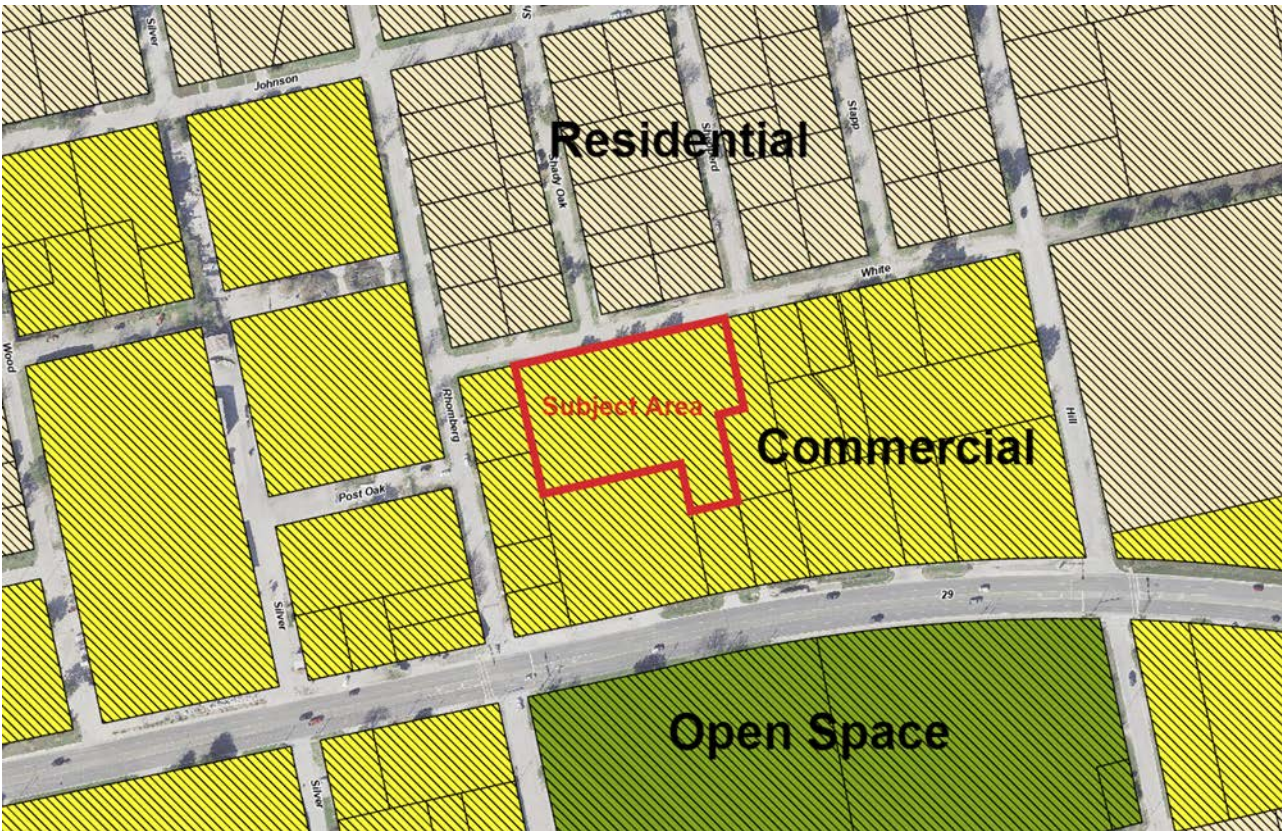


Exhibit B – Future Land Use Map





## ORDINANCE NO. 2021-02

**AN ORDINANCE AMENDING ORDINANCE NO. 2012-09 BY ASSIGNING A FUTURE LAND USE DESIGNATION OF “RESIDENTIAL” FOR APPROXIMATELY TWO ACRES OF LAND LOCATED IN THE 700 BLOCK OF WHITE ST. (SOUTH SIDE OF STREET) BETWEEN RHOMBERG AND SHEPPERD STREETS., AS SHOWN IN EXHIBIT A; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, The Planning and Zoning Commission of the City of Burnet, on January 4, 2021, did conduct a public hearing for the purpose of taking public comment regarding the proposal to assigning a Future Land Use designation of “Residential” for approximately 2 acres of land located in the 700 block of White St. (south side of street) between Rhomberg and Shepperd Streets, as shown in Exhibit A; and

**WHEREAS**, The Planning and Zoning Commission in open deliberation found that applying Future Land Use designation of “Residential” for approximately 2 acres of land located in the 700 block of White St. (south side of street) between Rhomberg and Shepperd Streets; as shown in Exhibit A, consistent with existing development patterns in the area, and consistent with the best public interest; and

**WHEREAS**, The Planning and Zoning Commission did then, by a 6-0 vote of members present, recommended approval of assigning a Future Land Use designation of “Residential” for approximately 2 acres of land located in the 700 block of White St. (south side of street) between Rhomberg and Shepperd Streets; as shown in Exhibit A; and

**WHEREAS**, The City Council of the City of Burnet, on January 12, 2021 did conduct its own public hearing for the purpose of taking public comment regarding the proposal to assigning a Future Land Use designation of “Residential” for approximately 2 acres of land located in the 700 block of White St. (south side of street) between Rhomberg and Shepperd Streets; 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 assigning a Future Land Use designation of “Residential” for approximately 2 acres of land located in the 700 block of White St. (south side of street) between Rhomberg and Shepperd Streets; as shown in Exhibit A; to be consistent with existing development patterns in the area, and therefore consistent the public health, safety, morals, and the general welfare of the city and its present and future residents;

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

**Section 1. 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. Future Land Use Plan.** “Residential” Future Land Uses are hereby assigned to approximately 2 acres of land located in the 700 block of White St. (south side of street) between Rhomberg and Shepperd Streets; 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 12<sup>th</sup> day of January 2021.

**FINALLY PASSED AND APPROVED** on this 26<sup>th</sup> day of January 2021.

**CITY OF BURNET, TEXAS**

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

**ATTEST:**

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

Exhibits A

Exhibit A.1 - Future Land Use Amendment Boundaries

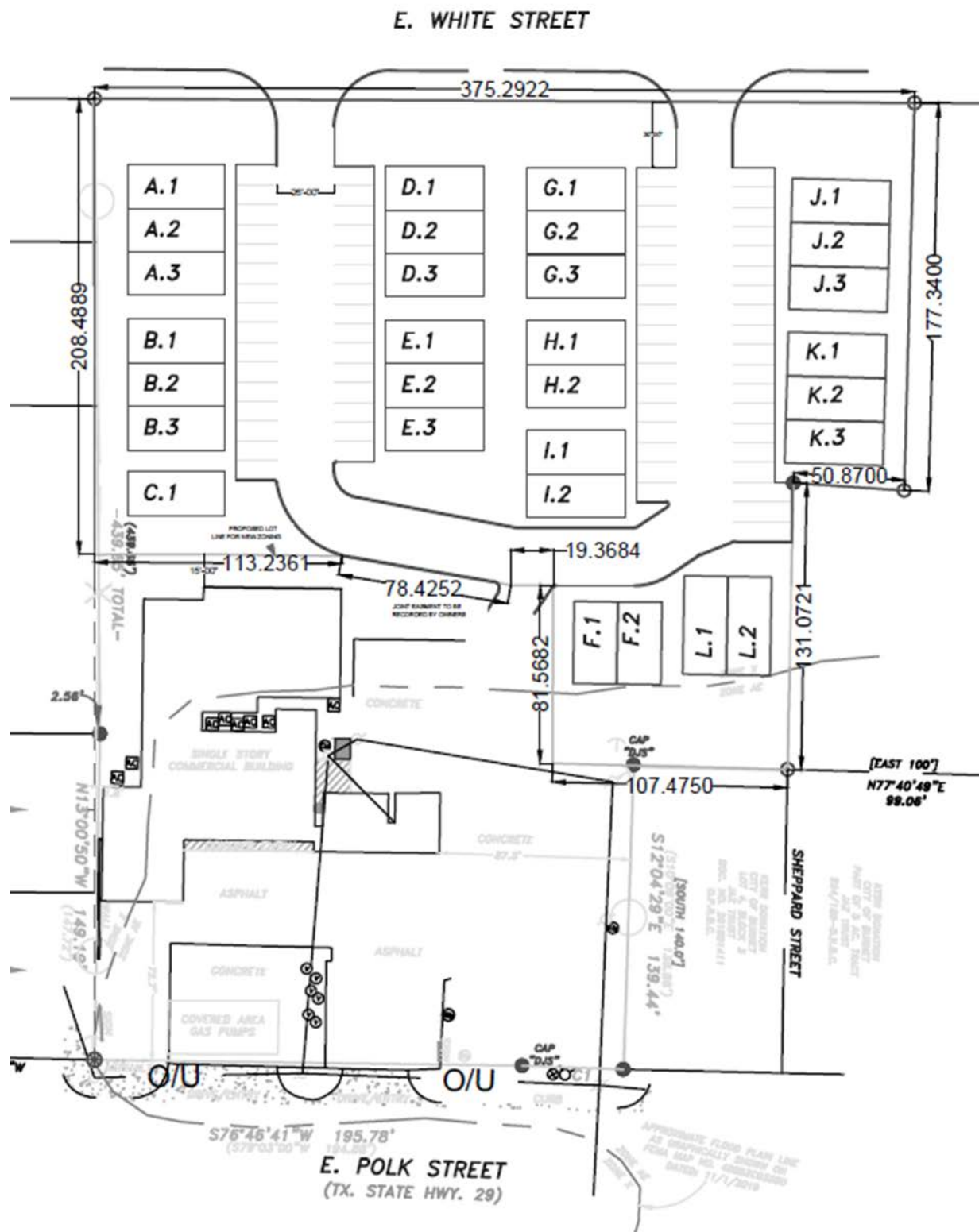
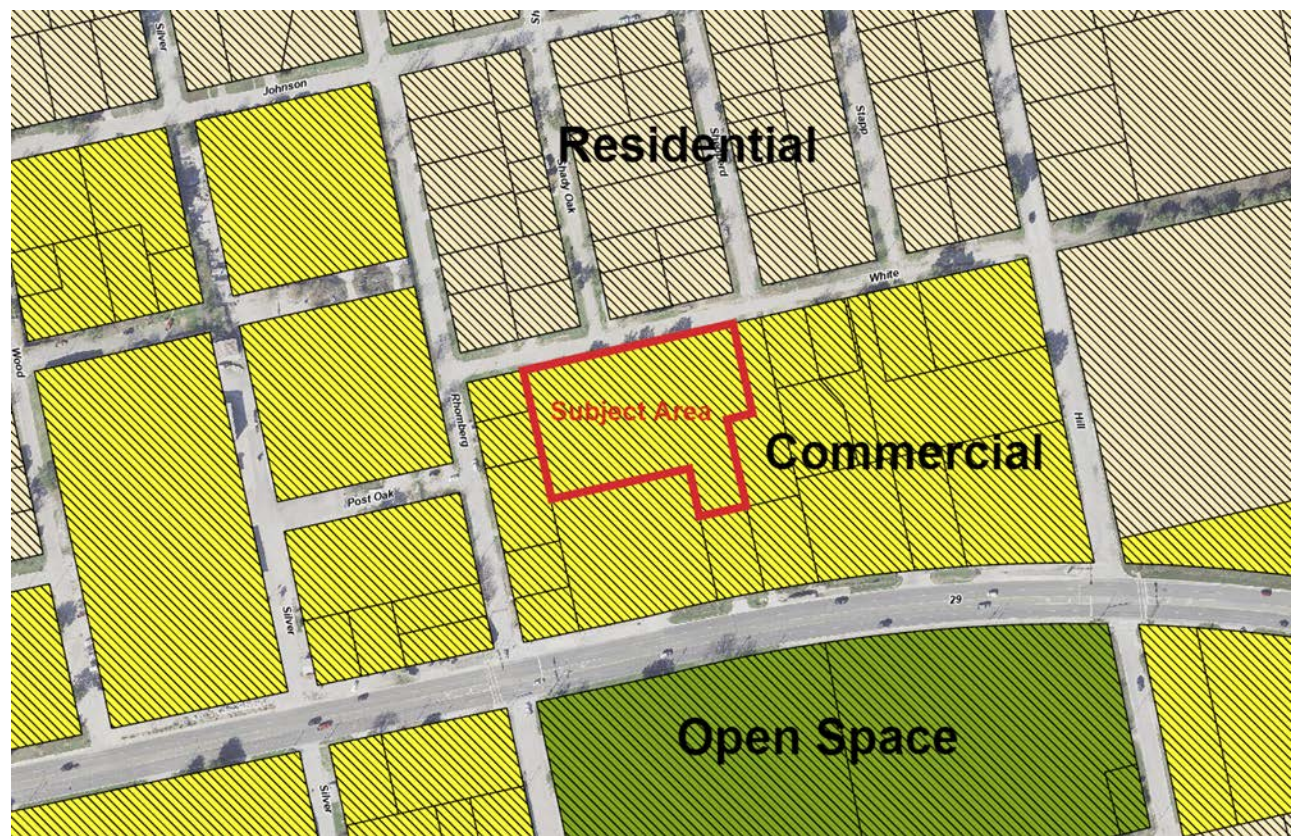




Exhibit A.2 – Subject Area Location





## Development Services

### ITEM 4.4

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

### Agenda Item Brief

**Meeting Date:** January 26, 2021

**Agenda Item:** Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-06 BY ASSIGNING MULTI-FAMILY RESIDENTIAL—DISTRICT "R-3", DESIGNATIONS TO APPROXIMATELY TWO ACRES OF LAND LOCATED IN THE 700 BLOCK OF WHITE ST. (SOUTH SIDE OF STREET) BETWEEN RHOMBERG AND SHEPPERD STREETS., AS SHOWN IN EXHIBIT A.; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: J. Lutz

**Background:** The property is currently zoned Light commercial—District "C-1" & Single-family residential 1—District "R-1" and consists of multiple lots. The applicant is requesting to rezone a portion of the property in order to construct a multi-family facility, as the owner does not see this portion of the property as a viable commercial area.

The City's Future Land Use Plan for this property is designated as commercial and the requested Future Land Use amendment (prior item on the agenda) must be approved before the zoning change request can be approved.

The applicant has provided a concept plan (see Exhibit A) for the facility, but this plan has not been reviewed or approved by City staff for adherence to zoning code regulations.

**Staff Analysis:** The property is utilized as a convenience store fronting Hwy 29 with a large vacant portion of the property in the rear with access off White St.

The property would consist of approximately 2 acres of land that would be enough to handle a proposed multi-family project. The project density would be limited to the zoning code regulations and allow a maximum of 40 units (20 per acre).

This density would further be limited by water quality, detention, impervious cover, and parking regulations (2 spaces per unit) found within the City's codes. Currently the applicant is proposing 30 units.

The subject property is bound by C-1 zoning to the south and Single-family residential 1—District "R-1" to the west, north, and east (see Exhibit B).

The existing water, sewer, and electric services in the area adequate to serve the proposed project and the existing street network consists of 25' wide roads on White St. and 30' wide roads on Rhomberg.

At the time this packet was distributed staff has received no comments in opposition to the proposed zoning change.

There have been no changes to Ordinance 2021-03 since the first reading on January 12, 2021.

**Recommendation:** P&Z held a public hearing on January 4, 2021 and recommended approval of the ordinance by a vote of 6-0.

**Staff**

**Recommendation:** Staff recommends approval and adoption of Ordinance 2021-03 as presented.

## Exhibit A – Concept Plan

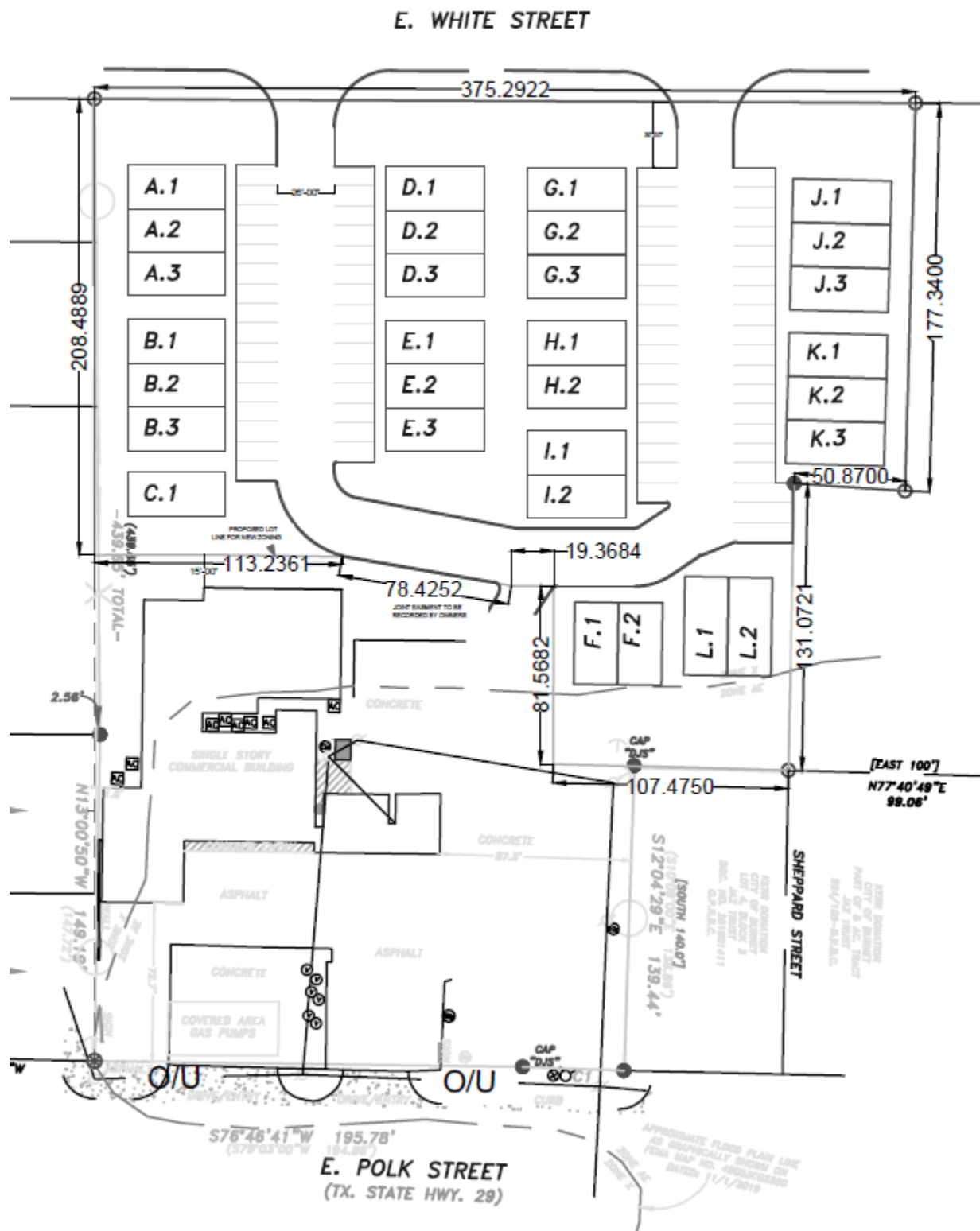
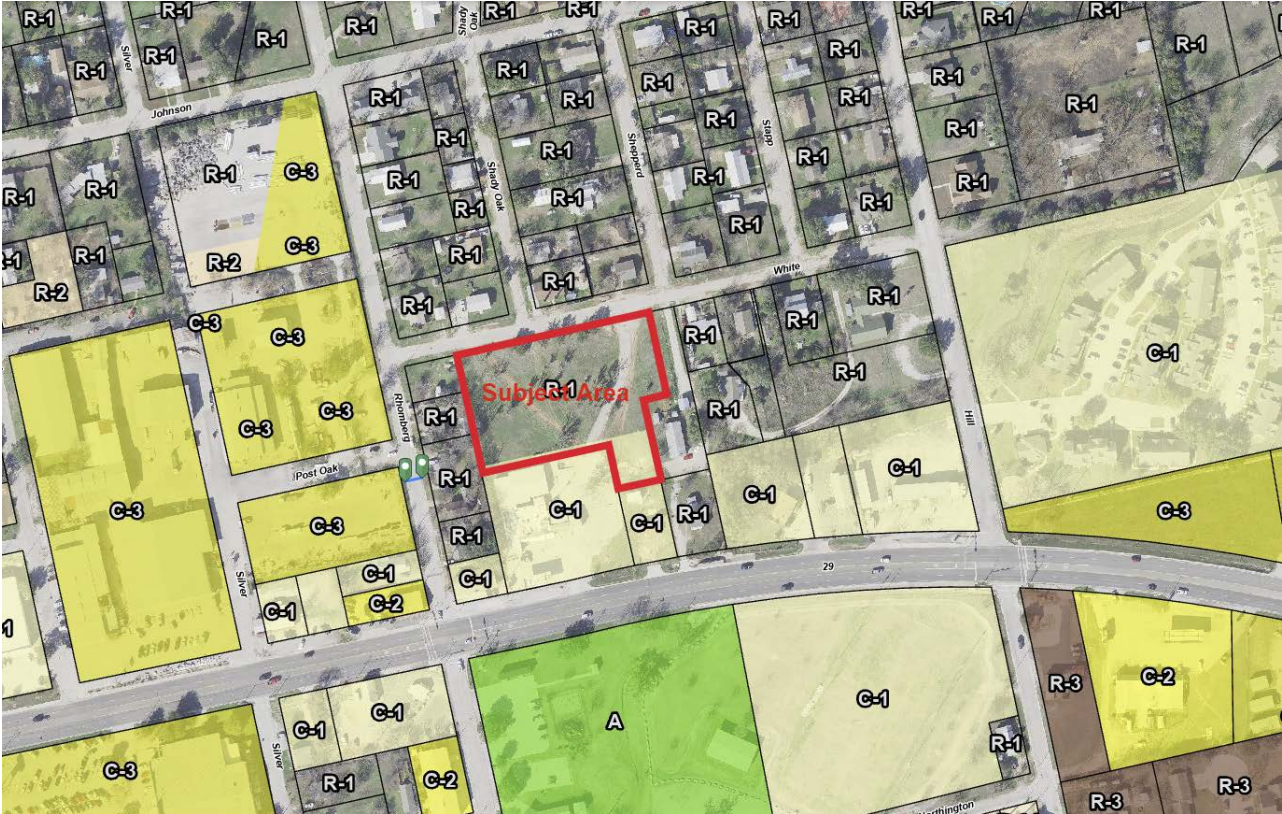




Exhibit B – Current Zoning Map



## ORDINANCE NO. 2021-03

**AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-06 BY ASSIGNING MULTI-FAMILY RESIDENTIAL—DISTRICT "R-3", DESIGNATIONS TO APPROXIMATELY TWO ACRES OF LAND LOCATED IN THE 700 BLOCK OF WHITE ST. (SOUTH SIDE OF STREET) BETWEEN RHOMBERG AND SHEPPERD STREETS., AS SHOWN IN EXHIBIT A;; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, The Planning and Zoning Commission of the City of Burnet, on January 4, 2021, did conduct a public hearing for the purpose of taking public comment regarding the proposal to assign Multi-Family Residential—District "R-3", zoning to property located in the 700 block of White St. (south side of street) between Rhomberg and Shepperd Streets., as shown in Exhibit A; and

**WHEREAS**, The Planning and Zoning Commission in open deliberation found that applying Multi-Family Residential—District "R-3" zoning to the subject property would be consistent with the City's Future Land Use Plan, consistent with existing development patterns in the area, and consistent with the best public interest; and

**WHEREAS**, The Planning and Zoning Commission did then, by a 6-0 vote of members present, recommend approval zoning said property to Multi-Family Residential—District "R-3"; and

**WHEREAS**, The City Council of the City of Burnet, on January 12, 2021 did conduct its own public hearing for the purpose of taking public comment regarding the proposal to assign Multi-Family Residential—District "R-3" zoning to said property; 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 assigning Multi-Family Residential—District "R-3" zoning to the subject property to be consistent with Future Land Use Plan intent, and therefore consistent the public health, safety, morals, and the general welfare of the city and its present and future residents;

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

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

**Section 2. Zoning Changed.** Multi-Family Residential—District "R-3" Zoning is hereby assigned to property located in the 700 block of White St. (south side of street) between Rhomberg and Shepperd Streets, as shown in Exhibit A.

**Section 3. Zoning Map Revision.** The City Manager is hereby authorized and directed to revise the Official Zoning Map to reflect the rezoning approved by this Ordinance.

**Section 4. Repealer.** Other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

**Section 5. 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 6. Effective Date.** This ordinance is effective upon final passage and approval.

**Section 7. 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 the 12<sup>th</sup> day of January 2021.

**FINALLY PASSED AND APPROVED** on this the 26<sup>th</sup> day of January 2021.

**CITY OF BURNET, TEXAS**

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

**ATTEST:**

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

### Exhibit A.1 - Zoning Change Property Dimensions

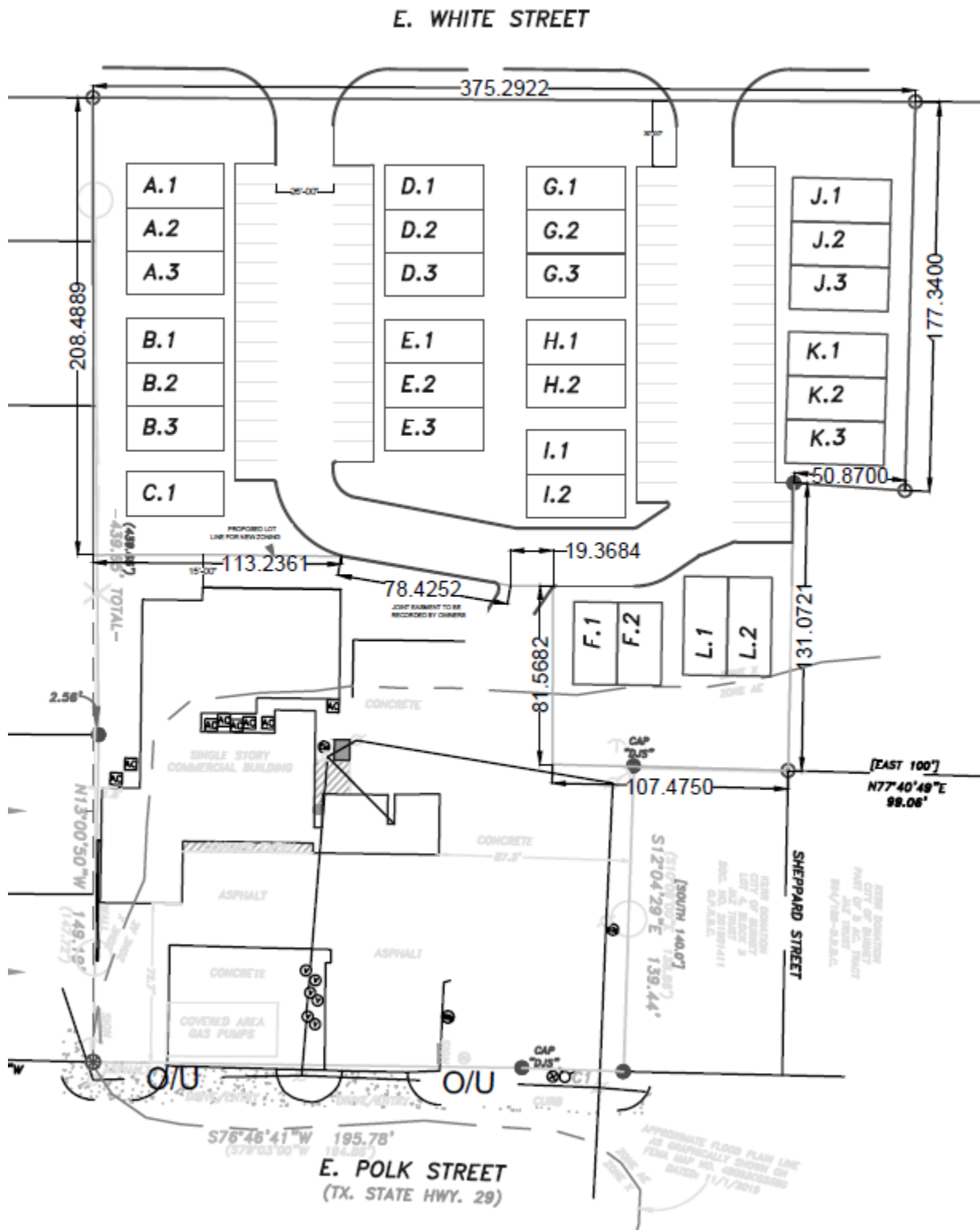
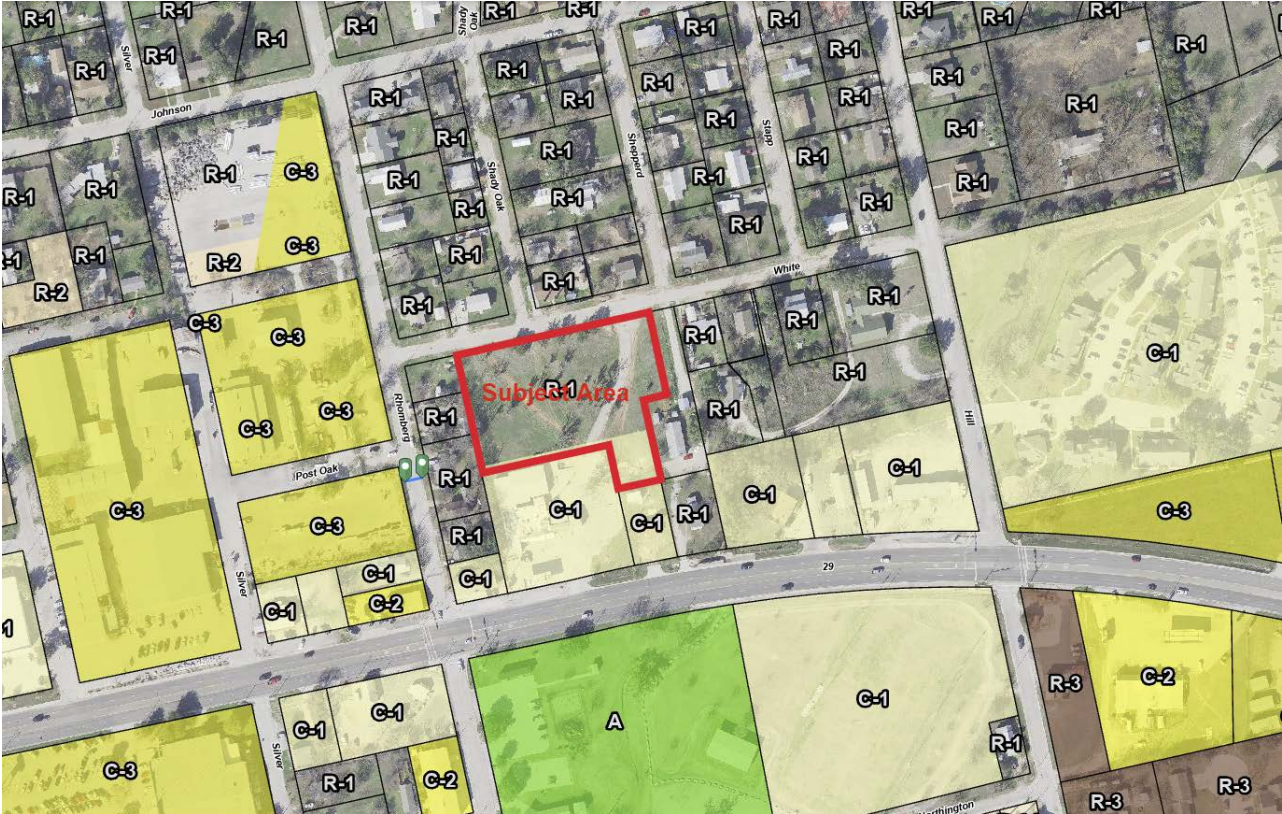




Exhibit A.2 – Current Zoning Map





## ITEM 4.5

### Economic Development

David Vaughn  
City Manager  
(512)-756-6093 ext. 3208  
dvaughn@cityofburnet.com

#### Agenda Item Brief

<b>Meeting Date:</b>	January 26, 2021
<b>Agenda Item:</b>	Discuss and consider action: Appointment of staff member position to the Burnet Economic Development Corporation (BEDC) Board of Directors: D. Vaughn
<b>Background:</b>	Jason Lutz, Director of Development Services was appointed by Council to serve in a staff position on the BEDC Board of Directors. Mr. Lutz has resigned his position as Director of Development Services with the City of Burnet and his last day will be January 27, 2020, leaving a vacated staff position on the board.
<b>Information:</b>	Assistant City Manager Habib Erkan has expressed his desire to serve in the vacant staff position on the BEDC Board for the remainder of the term. The term expiration is June 2020.
<b>Fiscal Impact:</b>	None
<b>Recommendation:</b>	To be determined by Council



## Administration

## ITEM 4.6

Habib Erkan Jr.  
Assistant City Manager  
512-715-3201  
herkan@cityofburnet.com

### Agenda Item Brief

**Meeting Date:**

January 26, 2021

**Agenda Item:**

Discussion and consider action: Direction to staff on "AMENDING THE SIGN REGULATIONS TO AUTHORIZE AN INCREASE IN THE MAXIMUM COPY AREA FOR COMMERCIAL WALL SIGNS AREA": H. Erkan

**Background:**

Currently, in commercial zoning districts the maximum area for wall signs is *two square feet for each lineal foot of the building wall from which the signage is attached, not to exceed 40 square feet*. Maximum copy area for freestanding signs in commercial zoning districts is *"one and one-half square feet for each one lineal foot of street frontage, not to exceed 150 square feet."* Staff has received request to amend the wall sign maximum square footage to be equivalent to the that of freestanding signs.

**Information:**

The code of ordinances defines "*wall signs*" as "*[a]ny sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall.*" Although the term "*freestanding signs*" is not defined in the code the specifications for such signs are provided in Code Section 21.54.

**Fiscal Impact**

No fiscal impact is anticipated.

**Recommendation:**

Give direction to staff to bring an ordinance to Council amending the sign ordinance to increase maximum copy size for wall signs to be equivalent to freestanding signs.



## Finance Department

## ITEM 4.7

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

### Agenda Item Brief

<b>Meeting Date:</b>	January 26, 2021
<b>Agenda Item:</b>	Discuss and consider action: A RESOLUTION ADOPTING THE CITY OF BURNET, TX, INVESTMENT POLICY AND NAMING THE INVESTMENT OFFICERS: P. Langford
<b>Background:</b>	Dictated by the Public Funds Investment Act.
<b>Information:</b>	Must be reviewed and adopted on an annual basis.
<b>Fiscal Impact:</b>	None
<b>Recommendation:</b>	Staff recommends approval of resolution number R2021-04 adopting an investment policy for the City of Burnet as presented.

**RESOLUTION NO. R2021-04**

**A RESOLUTION ADOPTING THE CITY OF BURNET, TX, INVESTMENT POLICY AND NAMING THE FINANCE DIRECTOR AND SENIOR ACCOUNTANT AS THE INVESTMENT OFFICERS.**

**WHEREAS**, Chapter 2256 of the Government Code, commonly known as the “Public Funds Investment Act, “ requires the city to adopt an investment policy by rule, order, ordinance, or resolution; and

**WHEREAS**, the Public Funds Investment Act requires the investment officers of the city to attend investment training; and

**WHEREAS**, the City of Burnet approves the investment training course sponsored by the Texas Municipal League; and

**WHEREAS**, the investment officers of the city, have attended an investment training course sponsored by the Texas Municipal League as required by the Public Funds Investment Act; and

**WHEREAS**, the attached investment policy and incorporated strategy comply with the Public Funds Investment Act and authorize the investment of city funds in safe and prudent investments.

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

That the City of Burnet has complied with the requirements of the Public Funds Investment Act, and the Investment Policy, attached hereto as “Exhibit A,” is hereby adopted as the investment policy of the city effective January 26, 2021.

**PASSED, ADOPTED AND APPROVED** by the City Council of the City of Burnet this the 26<sup>th</sup> day of January 2021.

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Crista Goble Bromley, Mayor

ATTEST:

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Kelly Dix, City Secretary

## **“Exhibit A”**

### **CITY OF BURNET INVESTMENT POLICY**

The investment policy of the City is to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the City and conforming with all state and local statutes governing investment of public funds.

#### **SCOPE**

The investment policy applies to investment activities of all funds of the City and all funds under the control of the City.

Funds covered by this policy are as follows:

All funds

#### **OBJECTIVES**

The primary objectives, in priority order, of the City’s investment activities are:

1. **Safety.** Safety of principal is the primary objective of the investment transaction. Investments shall be made in a manner that seeks to ensure the preservation of capital in the overall portfolio.
2. **Liquidity.** The City’s investment portfolio shall remain sufficiently liquid to enable the City to meet all operating requirements, which might be reasonably anticipated.
3. **Return on investment.** The City’s investment portfolio will be designed with the objective of attaining a rate of return commensurate with the City’s investment risk restraints and the cash flow operating requirements.
4. **Diversification.** Diversification may be required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

#### **STANDARD OF CARE**

Investments will be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

#### **DELEGATION OF AUTHORITY**

Authority to manage the City’s investment program is derived from state statutes and City resolutions. The Investment Officers for the City of Burnet shall invest and reinvest funds of the City in accordance with the City’s investment policy. The Investment Officers shall be responsible for all transactions undertaken and shall establish a system of controls to

regulate subordinate officials. The Investment Officers currently designated by the City Manager are Patricia Langford, Director of Finance and Stefani Wright, Senior Accountant.

## **INVESTMENT TRAINING**

It is the City's policy to provide training required by the Public Funds Act, Sec. 2256.008 of the Government Code for the City's Investment Officers. The Investment Officers shall attend at least one training session within twelve months after taking office or assuming duties. In addition, they shall participate in an investment training session not less than once in a two year period consisting of not less than 8 hours of instruction. Training includes education in investment controls, security risks, strategy risks and compliance with the Public Funds Investment Act.

## **ETHICS AND CONFLICTS OF INTEREST**

An Investment Officer who has a personal business relationship with an entity seeking to sell an investment to the City will file a statement disclosing that personal business interest. An Investment Officer who is related within the second degree by affinity or consanguinity, as determined under Chapter 573, to an individual seeking to sell an investment to the City shall file a statement disclosing that relationship. These statements must be filed with the Texas Ethics Commission and the City Council.

## **COLLATERALIZATION**

All funds must be insured by the FDIC or FSLIC or by collateral pledged to the extent of the fair market value of any amount not insured. To the extent not insured by the FDIC or FSLIC, City funds must be secured by direct obligations of the United States backed by the full faith and credit of the government or by governmental securities or obligations issued by the State of Texas, its agencies or political subdivisions. Collateral will be held by an independent third party, and a safekeeping receipt will be supplied to the City. The City's bank depository will provide the City with a report on the collateral pledged, and a City representative will have the right to inspect the pledged collateral at any time. Collateral may be substituted; however, the City must approve any substitution of collateral in writing.

## **INVESTMENT POLICY DISCLOSURE**

A written copy of the City's investment policy shall be presented to any person seeking to sell to the City an authorized investment. The registered principal of the business organization seeking to sell an authorized investment shall execute a written instrument substantially to the effect that the registered principal has received and thoroughly reviewed the Investment Policy of the City and acknowledged that the organization has implemented reasonable procedures and controls in an effort to preclude imprudent investment activities arising out of investment transactions conducted between the City and the organization. The Investment Officers of the City may not buy any securities from a person who has not delivered to the City a written document providing the above information.

## **AUTHORIZED INVESTMENTS**

Investments described below are some of those authorized by the Public Funds Investment Act and considered suitable for investment of City funds:

1. Obligations of the United States or guaranteed by the United States. The City may invest in funds in obligation of the United States or its agencies and instrumentalities.
2. Certificates of Deposit. The City is authorized to invest its funds in certificates of deposit or other interest bearing accounts of any bank or savings and loan association domiciled in the State of Texas. All certificates of deposit must be fully insured or collateralized. Certificates of deposit should mature one to twenty-four months after purchase with maturity dates falling one to six months apart.
3. Public Funds Investment Pools. The City is authorized to invest in public fund investment pools which strive to maintain a stable \$1.00 net asset value and maintain either a "AAA" or "AA" rating from a nationally recognized rating agency.

## **INVESTMENT STRATEGIES**

Investment strategies are developed to attain the investment objectives of the City.

## **GENERAL FUND AND ENTERPRISE FUNDS**

The investment objectives of the City are as follows:

1. Safety of Principal
2. Liquidity. Availability of funds to meet the monthly operating expenditures of the City in accordance with budgeted expenditures and availability of funds to meet unexpected expenditures.

To attain these objectives, investments should be short term that can be liquidated to assure adequate cash flows as necessary. The weighted average maturity should be 180 days or less.

## **CAPITAL PROJECTS FUND**

The investment objectives of the capital projects fund are as follows:

1. Safety of Principal
2. Availability of funds to meet construction needs of the City.

To attain these objectives, investment maturities should be structured to mature no later than the date funds will be needed for project payments.

## **DEBT SERVICE FUNDS**

Investment objectives of the debt service funds are as follows:

1. Safety of Principal
2. Liquidity
3. Yield

Since payment of debt is one of the highest priorities of the City, safety of principal should be of the highest priority when selecting an investment. To ensure safety, investments should consist of United States Treasury notes and bills, public fund investment pools,



and certificates of deposit. The investment should have a weighted average maturity of 365 days or less and should be structured to insure that the necessary amounts to retire debt on each date will mature 5 days before said due date.

## **INVESTMENT REPORTS**

No less than quarterly, the Investment Officers shall prepare and submit to the City Council a quarterly written investment report. The report must describe in detail the investment position of the City on the date of the report, state the book value and fair market value of each separately invested asset at the beginning and end of the reporting period by the type of asset and fund type invested. State the maturity date of each separately invested asset at the beginning and end of the reporting period by the type of asset and fund type invested. State the fund for which each individual investment was acquired and state the compliance of the investment portfolio of the City as it relates to the investment policies and investment strategies expressed in the City's Investment Policy and the Public Funds Investment Act.

## **COMPLIANCE AUDIT**

The City, in conjunction with its annual financial audit, shall perform a compliance audit of management controls on investments and adherence to the City's Investment Policy.



## Administration

## ITEM 4.8

Habib Erkan  
Assistant City Manager  
512-715-3201  
herkan@cityofburnet.com

### Agenda Item Brief

**Meeting Date:** January 26, 2021

**Agenda Item:** Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET AMENDING THE CODE OF ORDINANCES BY ESTABLISHING A NEW CHAPTER 21 (ENTITLED "SIGN REGULATIONS AND STANDARDS") AND RECODIFYING THE EXISTING SIGN REGULATIONS AND STANDARDS FROM SECTION 118-63 TO CHAPTER 21; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, CORRELATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: H. Erkan

**Background:** Pursuant to Texas Local Government Code Chapter 216 the City, as a home rule municipality, is authorized to license, regulate, control, or prohibit the erection of signs or billboards by charter or ordinance within its corporate limits and extraterritorial jurisdiction. However, the City's current sign regulations are found in Chapter 118, which addresses zoning. As zoning is not applicable in the City's extraterritorial jurisdiction this Ordinance recodifies the City's existing sign regulations in Chapter 21.

**Information:** This Ordinance makes no substantive changes to the existing sign regulations. This ordinance does recodify the existing regulations in a chapter dedicated to exclusively to sign regulations.

**Fiscal Impact** The only financial impact is the cost to have the sign regulations recodified in the code of ordinance published on Municode's website.

**Recommendation:** Approve first reading of ordinance 2021-04 as presented.

## **ORDINANCE NO. 2021-04**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET AMENDING THE CODE OF ORDINANCES BY ESTABLISHING A NEW CHAPTER 21 (ENTITLED “SIGN REGULATIONS AND STANDARDS”) AND RECODIFYING THE EXISTING SIGN REGULATIONS AND STANDARDS FROM SECTION 118-63 TO CHAPTER 21; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, CORRELATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City is authorized to license, regulate, control or prohibit the erection of signs and billboards within its corporate boundaries and its extraterritorial jurisdiction pursuant to Texas Local Government Code Section 216.901(a), its inherent power and authority as a home rule municipality, and the constitution and laws of this state; and

**WHEREAS**, the City’s most recent invocation of such authority is memorialized by passage of Ordinance No. 2012-06 on February 28, 2012; and

**WHEREAS**, the regulations adopted by passage of Ordinance No. 2012-06 are codified in Chapter 118 (entitled “Zoning”); and

**WHEREAS**, by passage of this Ordinance City Council desires to establish a stand-alone chapter devoted to the regulation and standards of signs within the City’s corporate boundaries and extraterritorial jurisdiction

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

**Section one. Chapter established.** The Code of Ordinances of the City of Burnet is hereby amended by the establishment of Chapter 21, which shall be entitled “sign regulations and standards.”

**Section two. Code Amendment.** The Code of Ordinances of the City of Burnet is hereby amended by recodifying Section 118-63 (entitled “sign regulations and standards”) as Chapter 21, with minor non-substantive textural revision as reflected in **Exhibit “A”**, which is attached hereto and incorporated herein for all purposes.

**Section three. Code Amendment.** The Code of Ordinances of the City of Burnet is hereby amended by designating Section 118-63 as “reserved.”

**Section four. Correlative.** Any reference in the Code of Ordinance to Section 118-63, shall now be construed to refer to Chapter 21; and any reference to a subsection of Section 118-63 shall now be construed to refer to the subsection in Chapter 21 with a subsection title that corresponds to the title of the subsection in Section 118-63.

**Section five. Prior actions not affected.** Nothing in this ordinance shall affect the rights, obligations, event offense, or act committed pursuant to Section 118-63 before the adoption of this ordinance.

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

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

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

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

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

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

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

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

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

Passed on first reading on the 26<sup>th</sup> day of January, 2021

Passed and Adopted on the 9<sup>th</sup> day of February, 2021

**CITY OF BURNET**

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Crista Goble Bromley, Mayor

**ATTEST:**

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Kelly Dix, City Secretary

## Chapter 21. Sign regulations and standards.

### Article 1. General.

#### **Sec. 21.01 Purpose, scope and definitions.**

- (a) *Purpose.* The objectives of this section are to promote the health, safety, welfare, convenience, communication and the landscape quality of the public. The sections, provisions and regulations set forth in this chapter shall apply to the control, use, installation, regulation, licensing and permitting of signs within the city and its extra-territorial jurisdiction (ETJ). It is the intent of this chapter to provide comprehensive regulations applicable to signs placed, installed or maintained within the city and its ETJ; provided that this chapter shall not be construed, applied, interpreted nor enforced in a manner to violate the first amendment rights of any person, and the building official shall seek the advice and recommendation of the city attorney prior to taking any action to enforce any provision of this chapter with respect to any non-commercial sign or speech by any person. This section shall further be interpreted and applied to accomplish the following purposes:
- (1) *Safety.* The purpose of this section is to provide for the public safety by requiring that:
- (A) No hazard is created due to collapse, wind, fire, collision, decay or abandonment;
  - (B) No obstruction is created to fire fighting and police surveillance; and
  - (C) No traffic hazard is created by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read the traffic signs.
- (b) *Communications.* The purpose of this section is to promote the efficient transfer of information in sign messages by providing that:
- (1) Businesses and services may identify themselves;
  - (2) Customers and other persons may locate a business or service; and;
  - (3) Persons exposed to signs are not overwhelmed by the number of messages presented, and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose.
- (c) *Landscape quality and preservation.* A purpose of this chapter is to enhance the appearance and economic value of the landscape, by providing signs that:

- (1) Do not interfere with scenic views;
  - (2) Do not create a nuisance to persons using the public right-of-ways;
  - (2) Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height, or movement;
  - (4) Are not detrimental to land or property value;
  - (5) Contribute to the special character of particular areas or districts within the city, helping the observer to understand the city and orient oneself within it; and
  - (6) Maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth.
- (d) *General provisions.* All signs erected or maintained pursuant to the provisions of this chapter shall be erected and maintained in compliance with all applicable federal, state, and local laws and regulations, the building code, electrical code and other applicable ordinances of the city. In the event of conflict between this chapter and other laws, the most restrictive standard applies.
- (e) *General policy.* No person, firm or corporation shall erect, construct, affix, paint, change copy, alter or relocate any sign, without first having obtained a sign permit issued by the city. A separate permit shall be required for each sign; or, in the case where a signage plan has been approved, a single permit may be issued for all signs indicated by the plan.

## **21.02 Definitions.**

For the purpose of this Code, certain terms, phrases, words and their derivatives shall be construed as specified in this chapter or as specified in the building code. Where terms are not defined, they shall have their ordinarily accepted meanings within the context in which they are used. Words in the singular include the plural and the plural the singular.

*Abandoned sign.* An on or off-premises sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product or activity conducted or product available on or off the premises where the sign is displayed.

*Approved plastic materials.* See "Plastic materials, approved".

*Billboard.* Any outdoor advertising sign, display, light, device, figure, painting, drawing, message, plaque, placard, poster, billboard, logo or symbol or other thing which is designed, intended, or used to advertise or inform, if any part of the advertising or information contents are visible from the main-traveled way of a regulated highway or any public right-of-way. (V.T.C.A. Transportation Code ch. 394)

*Building code.* The 2003 International Building Code promulgated by the International Code Council.

*Building official.* The officer or other designated authority charged with the administration and enforcement of the building code.

*Combination sign.* A sign incorporating any combination of the features of pole, projecting and roof signs.

*Curb line.* The line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be established by the building official. See "Legal setback line."

*Display surface.* The area made available by the sign structure for the purpose of displaying the advertising message.

*Directional sign.* Any sign which serves solely to designate the location or direction of any place or area.

*Electric sign.* Any sign where electrical wiring and/or lighting is incorporated into the sign or sign structure.

*Fin sign.* A sign that is supported wholly by a one-story building of an open-air business or by poles placed in the ground or partly by such a pole or poles and partly by a building or structure.

*Ground sign.* A billboard or similar type of sign that is supported by one or more uprights, poles or braces in or upon the ground other than a combination sign, fin sign or pole sign, as defined by this section.

*ICC standards.* Those standards published in the adopted 2003 International Building Code, promulgated by the International Code Council, as adopted by this jurisdiction.

*Legal setback line.* A line established by ordinance beyond which a building may not be built. A legal setback line may be a property line.

*Marquee.* A permanent roofed structure attached to and supported by the building and projecting over public property.

*Noncombustible.* As applied to building construction material means a material which, in the form in which it is used, is either one of the following:

- (1) Material of which no part will ignite and burn when subjected to fire.
- (2) Material having a structural base of noncombustible material as defined in subsection (1) above, with a surfacing material not over 12/8" thick which has a flame-spread rating of 50 or less.



*Nonstructural trim.* The molding, battens, caps, nailing strips, latticing, cutouts or letters and walkways which are attached to the sign structure.

*Off-premises sign.* A sign displaying advertising that pertains to a business, person, organization, activity, event, place, service or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

*On-premises sign.* A sign identifying or advertising a business, person, or activity and installed and maintained on the same premises as the business, person or activity.

*Plastic materials, approved.* Those having a self-ignition temperature of 650°F or greater and a smoke-density rating not greater than 450 when tested in accordance with the adopted building code. Approved plastics shall be classified and shall meet the requirements for either CC1 or CC2 plastic.

*Pole sign.* A sign wholly supported by a sign structure in the ground.

*Portable display surface.* A display surface temporarily fixed to a standardized advertising structure which is regularly moved from structure to structure at periodic intervals.

*Projecting sign.* A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.

*Projection.* The distance by which a sign extends over public property or beyond the building line.

*Roof sign.* A sign erected upon or above a roof or parapet of a building or structure.

*Sign.* An outdoor structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard or other thing that is designed, intended, or used to advertise or inform.

*Sign structure.* Any structure that supports or is capable of supporting a sign as defined in this section. A sign structure may be a single pole and may or may not be an integral part of the building.

*Structure.* That which is built or constructed, an edifice or building of any kind, or any piece of work artificially build up or composed of parts joined together in some definite manner.

*Temporary sign.* Any sign, banner, pendant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed for a limited period of time only.

*Wall sign.* Any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall.

Sec. 21.03-21.10 reserved.

Article 2. - Exempt and prohibited signs.

### **21.11 Exempt signs.**

The following signs shall be exempt from the provisions of this Chapter:

- (a) Official notices authorized by a court, public body or public safety official;
- (b) Governmental signs erected by the local jurisdiction, county, state or federal entity;
- (c) Directional, warning or information signs authorized by federal, state or municipal governments;
- (d) Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure;
- (e) The flag of a government or a noncommercial institution, such as a school;
- (f) Religious symbols and seasonal decorations within the appropriate public holiday season.

### **Sec. 21.12 Prohibited signs.**

The following devices and locations are specifically prohibited within the City Limits and extraterritorial jurisdiction:

- (a) Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
- (b) Except as provided for elsewhere in this section, signs encroaching upon or overhanging public rights-of-way. No sign shall be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.
- (c) Cloth, paper, soft plastic or similar advertising signs or devices other than in rigid frames as provided herein except those intended as temporary signs, or as provided by item (7) subsection (g) of this section.

- (d) Signs that blink, flash, or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings from a distance, as determined by the code official.
- (e) Portable signs except as allowed for temporary signs.
- (f) Any sign attached to, or placed on, a vehicle or trailer parked on public or private property. The prohibition of this section does not prohibit the identification of a firm or its principal products on a vehicle operating during the normal course of business or being taken home.
- (g) Pennants, banners and private flags bearing any logo, product name, business name or other advertising, and balloons, except those temporarily attached to automobiles or temporarily displayed as part of a special sale, promotion or community event. For the purposes of this section, "temporary" means no more than 60 days in any calendar year.
- (h) Billboards in any zone other than the I-1 and I-2 zoning districts.
- (i) Blimps, dirigibles or other large balloon-like devices filled with lighter than air gases utilized as signage.

Sec. 21.13-21.20 reserved.

### Article 3. Zoning District Regulations.

#### **21.21 Signs in residential zones.**

- (a) *Residential development signs.* Residential developments of four or more dwelling units shall be permitted one development complex sign for each public street frontage not within the project (or for each entrance in the case of a subdivision project). Such signs may be placed in any location on private property provided the sign complies with the same height limitations specified for fences. Maximum sign area for each sign shall be two square feet, plus one square foot for each dwelling unit or lot, not to exceed 25 square feet in area per face.
- (b) *Residential home occupation signs.* The only signage permitted shall be a wall mounted sign of a size no larger than four square feet, mounted to the front facade of the residential structure. No illuminated signs shall be permitted in conjunction with the home occupation.
- (c) *Business signs.* Nonconforming and conditionally permitted commercial uses shall each be permitted facade signage and/or one freestanding sign per public street frontage, not to exceed a combined total of 25 square feet in area for every 150 feet of public street frontage. For frontage greater than 150 feet, one square foot of additional sign area shall be allowed for each six feet of frontage up to a

maximum of 80 square feet per sign. The height of a freestanding business sign shall not exceed that specified for fences. The height of freestanding signs for other conditionally permitted uses such as churches and schools shall be limited to 15 feet.

#### **Sec. 21.22 Signs in commercial zones.**

- (a) *Development complexes.* All development complexes shall require a master signage plan pursuant to the requirements of this section, prior to the installation of any signage.
- (b) *Business signs.* Each enterprise or business shall be permitted wall signs, one under-canopy sign per street frontage and one freestanding sign each, subject to the following maximum size requirements. Multiple businesses in the same building shall apportion facade length, building wall and street frontage such that any maximum is not exceeded for a particular property.
  - (1) *Maximum wall sign area.* Total area of wall signage for each separate and distinct business shall not exceed two square feet for each lineal foot of the building wall from which the signage is attached, not to exceed 40 square feet.
  - (2) *Maximum freestanding sign area.* One and one-half square feet for each one lineal foot of street frontage, not to exceed 150 square feet.
  - (3) *Under canopy sign area and dimensions.*
    - (A) The maximum allowable sign area shall be one square foot for each lineal foot of width of the canopy, awning, marquee or similar structure from which the sign is suspended, as measured perpendicular to the building wall.
    - (B) The maximum allowable horizontal length of an under-canopy sign shall be equal to the width of the canopy, awning, marquee or similar structure from which the sign is suspended, as measured perpendicular to the building wall.

The minimum vertical clearance between the lower edge of an under-canopy sign and the ground shall be eight feet.

#### **Sec. 21.23 Signs in industrial zones.**

- (a) *Development complexes.* All development complexes shall require a master signage plan pursuant to the requirements of this section prior to the installation of any signage.
- (b) *Building identification signs.* One building identification sign for each building shall be permitted provided that no such sign shall exceed 25 square feet in area.

- (c) *Business signs.* Each enterprise, franchise or business shall be permitted wall signs, one under-canopy sign per street frontage, and one projecting or freestanding sign per street frontage each subject to the following maximum size requirement. Multiple businesses in the same building shall apportion facade length, building wall and street frontage such that any maximum is not exceeded for a particular property.
- (1) *Maximum wall sign area.* The total area of facade signage shall not exceed three square feet for each lineal foot of the building wall from which the sign is attached.
  - (2) *Maximum projecting sign area.* One square foot for each two lineal feet of the building wall from which the sign projects, not to exceed 64 square feet. The total area of projecting signs shall be subtracted from the permitted total area of facade signs.
  - (3) *Maximum freestanding sign area.* One square foot for each lineal foot of street frontage, not to exceed 150 square feet per sign.
  - (4) *Under-canopy sign area and dimensions.*
    - (A) The maximum allowable sign area shall be one square foot for each lineal foot of width of the canopy, awning, marquee or similar structure from which the sign is suspended, as measured perpendicular to the building wall.
    - (B) The maximum allowable horizontal length of an under-canopy sign shall be equal to the width of the canopy, awning, marquee or similar structure from which the sign is suspended, as measured perpendicular to the building wall.
    - (C) The minimum vertical clearance between the lower edge of an under-canopy sign and the ground shall be eight feet.
- (d) *Off-premise signs.* Off-premise signs shall be permitted pursuant to the requirements of this section.
- (e) *Billboards.* Billboards shall be permitted in the I-1 and I-2 zoning districts only, with a conditional use permit and subject to the provisions of this section.

#### **Sec. 21.24 Signs in government and public institutional zones.**

- (a) Governmental signs are exempt from the requirements of this section.

(b) All other enterprises or businesses shall submit a comprehensive sign plan to show location, size, height coloration, lighting and any other criteria deemed necessary by the code official. The plan review will include:

- (1) Whether the signs serve a special and unique purpose;
- (2) Whether the signs are aesthetically superior and in harmony with the intent and purposes of this section;
- (3) Whether the signs are appropriate to the type of development or structure to which they are related.

The comprehensive sign plan will be considered by the planning and zoning commission during their regularly scheduled public hearings. The commission will make a recommendation to the city council for approval or denial of the sign plan.

#### **Sec. 21.25 Signs in Historic district.**

All proposed signs in the historic overlay district shall be reviewed by city historical board prior to issuance of a permit.

Sec. 21.26-21.30 reserved.

Article 4. General sign regulations.

#### **Sec. 21.31 Sign illumination.**

Except for billboards, all sign illumination shall be from the interior or from floodlight projection shielded to preclude glare visible from public rights-of-way and neighboring properties.

#### **Sec. 21.32 Rotating signs.**

Rotating signs are permitted provided that the outer edge shall not exceed a speed of four revolutions per minute and the rotating portion of the sign shall be a minimum of eight feet above the adjacent grade. No rotating sign shall extend over public rights-of-way.

#### **Sec. 21.33 Roof-mounted signs.**

Signs projecting above the point of intersection of the exterior wall of the building with its roof shall be mounted on a parapet or within the same plane as such exterior wall. Sign area for roof-mounted signs shall be calculated the same as and counted as part of the facade signs. Roof-mounted signs shall be allowed only within the commercial 1, 2, and 3 zones and the I-1 and I-2 industrial zones.

#### **Sec. 21.34 Measurement of sign area.**

The square footage of a sign made up of letters, words or symbols within a frame shall be determined from the outside edge of the frame itself. The square footage of a sign composed of only letters, words or symbols shall be determined from imaginary straight lines drawn around the entire copy or grouping of such letters, words or symbols. Double-faced signs shall be calculated as the area of one side only. Three-dimensional or multi-faced signs shall be calculated as the maximum area visible from any single direction at any point in time.

#### **Sec. 21.35 Measurement of freestanding sign height.**

The height of a freestanding sign shall be measured from the elevation of the crown of the nearest public street to the highest point of the freestanding sign or its supporting structure.

#### **Sec. 21.36 Condition and maintenance.**

All signs shall be of rust-inhibitive material or treatment, and shall be maintained in good condition in the opinion of the code official. All signs, together with all of their supports, braces, guys and anchors shall be kept in good repair and in a safe state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times. Signs remaining when a business closes shall have the copy painted over or removed and replaced with blank inserts until such time as a new business assumes responsibility for the sign.

#### **Sec. 21.37 Electronic message signs.**

Electronic message signs that display time and temperature, or provide changing messages are permitted, provided such signs do not blink, flash, or otherwise distract motorists while driving.

Sec. 21.38-21.50 reserved.

Article 5. Specific sign requirements.

#### **21.51 Billboards.**

The installation, operation and maintenance of any billboard shall be subject to the following:

- (a) Maximum height from adjacent grade is 36 feet.
- (b) Maximum area is 300 square feet.
- (c) Minimum ground clearance is eight feet.

- (d) Minimum front yard setback is 15 feet.
- (e) Minimum distance from residential zones is 200 feet measured along the street.
- (f) Minimum distance from other billboards is 300 feet, except that billboards less than 80 square feet in area may be located no closer than 150 feet from another billboard of any size.
- (g) Minimum distance from street intersection is 100 feet as measured from the right-of-way, provided that a billboard smaller than 80 square feet may be located as near as 50 feet from an intersection.
- (h) Maximum number per parcel of property is one.
- (i) Signs must be approved and licensed by TxDOT as outdoor advertising signs when applicable.

#### **21.52 Directional signs.**

The installation, operation and maintenance of any directional sign shall be subject to the following:

- (a) No more than two directional signs per street entrance shall be permitted for any enterprise or business.
- (b) Such signs shall be for the sole purpose of ensuring safe and convenient access and egress to the use for which they apply.
- (c) No such sign shall exceed two square feet in area in the residential zones, and shall not exceed four square feet in area in all other zones.

#### **21.53 Walls signs.**

In the C-1 and C-2 zones, such projecting parallel signs may project over public right-of-way provided such signs shall not extend more than one foot beyond the wall of the building or impede free and complete use of the sidewalk for pedestrians, that being a minimum height of eight-foot clear space from the bottom of the sign.

#### **21.54 Freestanding signs.**

The installation, operation and maintenance of any freestanding sign shall be subject to the following:

- (a) Freestanding signs shall not exceed 15 feet in height within 15 feet of any lot line abutting public street right-of-way. For each additional one foot of setback beyond 15 feet, the sign height may be increased by two feet provided that in no event



shall a sign exceed 36 feet in height; provided, however, that freestanding signs greater than 15 feet in height may be set back from any lot line abutting a street a distance equal to the average street setback of all freestanding signs in excess of 15 feet in height located in adjacent properties, within 100 feet of the property line and on the same side of said street.

- (b) All freestanding signs shall comply with the site distance triangular setback area height requirements specified by the applicable zone.
- (c) A freestanding sign shall not be located closer than 50 feet from another freestanding sign located on another premises; provided that this section shall not prohibit the ability to place one freestanding sign on a premises that would otherwise have a right to such a sign; nor shall this section be applied in a manner that would require a setback for such freestanding sign in excess of what would otherwise be required by this section.
- (d) Any sign within 40 feet of a property line abutting a street right-of-way shall not be located closer than 100 feet from another freestanding sign on the same premises.

#### **21.55 Projecting signs.**

In the C-1 and C-2 zoning districts only, projecting signs may project over public right-of-way a maximum of four feet, provided such signs shall not extend to within two feet of the street curb or the improved shoulder edge of the traveled way, or impede free and complete use of the sidewalk for pedestrians.

#### **21.56 Off-premise signs.**

The installation, operation and maintenance of any off-premise sign shall be subject to the following:

- (a) Maximum height from adjacent grade is 15 feet;
- (b) Maximum area is 50 square feet;
- (c) Minimum yard setback is 20 feet;
- (d) Minimum distance from residential zones is 100 feet;
- (e) Minimum distance from street intersection is 25 feet;
- (f) Maximum number per parcel of property is one.

#### **21.57 Community event message signs.**

The installation, operation and maintenance of any community event message sign shall be subject to the following:

- (a) A nonprofit organization shall be eligible to apply for a conditional-use permit to allow a sign area bonus for a community event message sign. The purpose of this area bonus shall be to allow the display of changing messages and information on such matters as the date, time, location and sponsor of special events of community interest. Such signs shall meet the following standards and conditions:
  - (1) Each nonprofit organization shall be eligible for a bonus for no more than one facade sign or one freestanding sign.
  - (2) The maximum bonus available shall be 50 percent of the base permitted sign area if located in a residential zone, or 100 percent if located in any other zone.
  - (3) Permanent advertising of a commercial nature shall be allowed only in commercial zones and shall not exceed 25 percent of the total area of the community event message sign.
  - (4) The sign shall be made reasonably available to other community-based nonprofit organizations for the display of information about their special events or other announcements of a noncommercial nature.
  - (5) The signs shall not be of a size, or located in such a manner, that will substantially hinder the visibility of other legal signs on adjacent properties.
- (b) In reviewing an application for a community event message sign, the planning and zoning commission, and city council on appeal, shall consider the following objectives, and may impose conditions to ensure that these objectives are met:
  - (1) By virtue of the sign's design, size, location and other factors, including appropriate landscaping, the sign shall be harmonious and compatible with its surroundings and consistent with community aesthetic sensibilities.
  - (2) The sign shall not be erected, or any electronic or electric changing copy be controlled, in a manner that will be a substantial distraction to motorists, thus causing a traffic hazard.

**21.58 Bus bench signs.**

Bus bench signs shall be limited to two benches per lot.

**21.59 Murals.**

The planning and zoning commission may recommend to council for approval of a proposed building graphic or mural if it is determined that such graphic or mural will

enhance the beauty of its location and is otherwise in keeping with the intent of this section; provided that such building graphic or mural contains no copy, advertising symbols, lettering, trademarks, or other direct references to the premises or to the products or services offered for sale of the premises on which the building graphic is placed, or to any other premises.

Sec. 21.60-21.70 reserved.

Article 6. Temporary signs.

### **Sec. 21.71 Political signs.**

The installation, operation and maintenance of any political sign shall be subject to the following:

- (a) Political signs shall be permitted in all zones.
- (b) Such signs shall not exceed 36 square feet in area, shall not exceed 48 inches in height, nor shall they be illuminated, provided that these restrictions shall not apply to lawfully established billboards. Political signs shall not have any moving parts.
- (c) Political signs shall be permitted only for a period of 90 days preceding the election and shall be removed within ten days after the election provided that signs promoting successful candidates or ballot propositions in a primary election may remain displayed through the general election.
- (d) Political signs shall not be placed within any public right-of-way. This includes posting signs on trees, telephone/utility poles, traffic sign poles and other objects within the right-of-way.

Political signs established in violation of this section and posing a traffic hazard as determined by the code official, may be immediately removed with prior notice. All costs associated with sign removal will be paid by the sign owner.

### **Sec. 21-72 Portable signs.**

The installation, operation and maintenance of any portable sign shall be subject to the following:

- (a) Portable signs shall not exceed 32 square feet in area. Such square footage shall be applied and calculated as part of the total square footage permitted for all business signage permitted for the business or property.
- (b) Such signs shall be displayed no more than 45 days during any single calendar year.

- (c) There shall be no more than one portable sign per parcel of property or business, whichever is lesser, permitted at any one time.
- (d) Electrification of all portable signs shall be in compliance with the National Electrical Code as adopted by the city.
- (e) A portable sign shall not be established or placed prior to obtaining a sign permit.

**Sec. 21-73 Real estate signs.**

The installation, operation and maintenance of any real estate sign shall be subject to the following:

- (a) Real estate signs shall be permitted in all zones, provided that all such signs shall be located on the property to which they apply, except as provided for in (d) of this section.
- (b) Such signs shall conform with the following maximum size requirements: Four square feet in area for the first 10,000 square feet in lot area, plus four square feet for each additional 10,000 square feet of lot area, not to exceed 32 square feet.
- (c) Real estate signs shall be removed upon closing of the sale.
- (d) In addition, real estate signs advertising the sale of lots located within a subdivision shall be permitted provided that there shall be no more than one sign per entrance, and each sign shall be no greater than 32 square feet in area, no greater than eight feet in height, and erected no longer than a period of one year. Such signs may be installed off premises in order to direct visitors to the property.

**Sec. 21-74 Special sale signs.**

The installation, operation and maintenance of any special sale sign shall be subject to the following:

- (a) Sale and grand opening signs shall be permitted in all zones provided that such signs are displayed no more than 15 consecutive days for every three months. Such signs shall be removed immediately upon termination of the sale or event that they advertise.
- (b) All such signs must be attached to the facade, wall or window of the building occupying or conducting the sale or event which they advertise.
- (c) No business shall have more than two such signs for each facade or wall of the building to which they are attached.
- (d) The total sign size shall not exceed 50 percent of the size of the permitted facade sign or four square feet in area, whichever is greater.

### **Sec. 21-75 Promotional signs.**

Promotional signs advertising a special community event such as a fair, farmer's market or parade may be permitted to be located over public right-of-way. The size, location and method of erection of such signs shall be subject to approval by the city council and public works director pursuant to good engineering practices and shall be consistent with the paramount purpose of public rights-of-way to provide safe and convenient traffic circulation. Alternatively, such signs may be permitted to be attached to the wall of a building subject to approval by the code official.

### **Sec. 21-76 Searchlights.**

The installation, operation and maintenance of any searchlight shall be subject to the following:

- (a) The operation of searchlights or similar lighting sources for advertising, display or any other commercial purpose is considered a temporary sign pursuant to the provisions of this section.
- (b) Such signs shall be displayed no more than five consecutive days and in no event be used for advertising longer than 30 days during any single calendar year.
- (c) Such signs shall not be permitted on a public right-of-way and may be immediately removed from such right-of-way by the code official, provided that within the C-1 zone, the public works director may permit the placement of a searchlight on a public right-of-way if no reasonable alternative exists and if such placement will not obstruct traffic or create a safety hazard.

### **Sec. 21-77 Streamers.**

The installation, operation and maintenance of streamers shall be subject to the following:

- (a) Streamers may be used to outline property lines and areas on a lot that display merchandise outdoors.
- (b) Streamers shall be replaced or removed when torn or faded.
- (c) Since the primary purpose of streamers is to make display areas more attractive, for those uses displaying streamers for more than 90 days in a year, landscaping must be combined with streamers usage. Plans are to be approved by the code official with the intent being to provide planting areas with street trees or continuous areas with ground cover, particularly, but not limited to, the area along property lines. The cost of the required landscaping per year need not exceed the cost of the streamers.

## **Sec. 21-78 Highway banners.**

The installation, operation and maintenance of highway banners shall be subject to the following:

- (a) Highway banners are expressly prohibited excepted as provided for in this section.
- (b) Highway banners may be installed by the city for city sponsored or co-sponsored events. Only one highway banner may be installed at each of the predetermined locations across state right-of-ways as approved by the city from time to time. The city manager shall determine the exact location of each banner display. There shall be one location on each of the major highways listed below:
  - (1) State Highway 281 North
  - (2) State Highway 281 South
  - (3) State Highway 29 East
  - (4) State Highway 29 West
- (c) In the event the co-sponsor of an event requests a banner be installed across TxDot right-of way, the co-sponsor shall secure the proper TxDot and city permits. The application for a city permit must be submitted, along with the approved TxDot permit, to the city a minimum 30 days prior to the requested date of installation of the highway banner(s).
- (d) Highway banners may only be displayed for a period of up to three weeks prior to the scheduled event.
- (e) Highway banners must be constructed in accordance with federal, state, and local regulations. Construction standards required by the city may be amended from time to time as approved by the city manager.

Sec. 21.79-21.90 reserved.

Article 7. Master sign plan for development complexes.

## **Sec. 21.91 General.**

Signs for all development complexes shall comply with a master sign plan for the development, approved by the code official pursuant to this section. Said plan shall include all proposed sign locations, materials, structures and installation details to the extent known at the time of master sign plan submittal. Additional submittals or amendments to the master sign plan may be necessary as a new development complex

becomes occupied or as businesses within a complex change. Signs within a development complex shall be subject to the following requirements of this article.

#### **Sec. 21.92 Business signs.**

Each enterprise or business shall be permitted facade signs and no more than one projecting sign subject to the maximum size requirements set forth for the applicable zone.

#### **Sec. 21.93 Freestanding signs.**

Each development complex shall be permitted one freestanding development complex sign per public street frontage. The maximum permitted sign area for each development complex sign shall be as provided within the applicable zoning district, plus a bonus of ten additional square feet per business, enterprise or franchise within the development complex, provided that such bonus shall not exceed 50 percent of the base allowable sign area.

#### **Sec. 21.94 Performance criteria.**

In addition to other applicable requirements set forth in this ~~section~~chapter, signs for development complexes shall conform to the following performance criteria:

- (a) Individual business signs shall share a similar and uniform location and installation format.
- (b) All non-business signage in the complex shall be consistent in format, color and design.

Sec. 21.95-21.100 reserved.

Article 8. Nationally branded signs.

#### **Sec. 21.101 General.**

Signs and sign plans utilized by national retail, commercial, and industrial outlets which do not meet the requirements of this section, may be permitted when, the city council finds such signs are in conformance with the intent of this section and appropriate to the type of development or structure to which they are related. Signs requesting approval under this provision must meet the following requirements:

- (a) *Signage.* The trademark signs or sign formats or organization is generally standardized in cities nationally and redesign to comply with this section may detrimentally impact the nationally recognized company from locating in Burnet. The height of the sign shall conform with this section but the location, size and

number may be approved to appear consistent with similar developments of the national chain.

- (b) *Permit approval.* Nationally branded signs, and/or planned unit developments, which do not conform to the regulations of this section may be granted approval by the city council after the planning and zoning commission has reviewed the sign(s) and site development plan. The planning and zoning commission shall make a recommendation to the city council for approval or denial based on their findings.
- (c) *Notification requirements.* Upon submittal of an application for a nationally branded signs exception, the city shall notify surrounding property owner in accordance with **V.T.C.A., Local Government Code tit. 7, ch. 211.007**.
- (d) *Historic district.* All proposed signs requesting approval under this section within the historic overlay district shall be reviewed, by both the historical board and the planning and zoning commission prior to consideration by the city council.

Sec. 21.102-21.110 reserved.

Article 9. Alterations and Nonconformity.

#### **Sec. 21.111 Change in use.**

*Change in use.* Whenever the use of land or structures changes, any signs that do not relate to the new use or to any product or service associated with the new use, shall be removed or appropriately altered consistent with the provisions of this section. Furthermore, it shall be the responsibility of the property owner of the land and/or improvements to remove any sign or signs on premises where the associated use has been discontinued for a period of more than 90 days.

#### **Sec. 21.112 Nonconforming signs.**

Whenever a business, person, or enterprise for which existing signage does not conform to the requirements of this section, seeks to structurally alter or enlarge an existing sign, or erect or install a new sign, the provisions of this section shall apply as follows:

- (a) The alteration, enlargement, installation or erection of signage shall not increase the degree of non-conformity.
- (b) If the value of structural alterations to a nonconforming sign equals or exceeds 25 percent of the value of the sign, as determined by the building official, the sign shall be made to conform to all provisions of this section.
- (c) Enlargement, installation or erection of conforming signage shall be accompanied by a reduction in the degree of non-conformity for other signage existing on the



premises. This reduction in non-conformity can be accomplished by a reduction in size of existing signs (if nonconforming as to square footage), removal (if nonconforming as to number of signs), relocation (if nonconforming as to location), or a combination of reduction, removal and relocation. The total cost of reduction, removal or relocation of nonconforming signage shall equal, as nearly as is practical, 75 percent of the value of the new or enlarged conforming signage, or the cost necessary to bring all signage on the premises into conformance with this section, whichever is the lesser requirement.

- (d) The provisions of ~~subsections (r)(2) and (3)(b) and (c)~~ of this section do not apply to temporary signs or to illegal signs. Temporary signs that do not comply with the requirements of this section, and other illegal signs shall be removed within 90 days after notification of the sign's non-conformity.
- (e) Billboards that do not conform to the requirements of this section shall be removed, altered or replaced so as to fully conform to the requirements of this section within nine years after the date of installing the billboard, or six years after notification by the jurisdiction of the billboard's non-conformity, whichever is longer.

Sec. 21.113-21.120 reserved.

Article 10. Applications.

#### **Sec. 21.111 Application process.**

- (a) *Permit application.* Application for permits shall contain or have attached thereto the following information:
  - (1) Name, address, and telephone number of the applicant.
  - (2) Location of the building, structure, or lot on which the sign is to be attached or erected.
  - (3) Two sets of plans shall be submitted showing the sign location in relation to nearby buildings or structures, signs, property lines, driveways, public streets, fences, and sidewalks.
  - (4) Two blueprints or ink drawings of the plans and specifications showing method of construction, attachment to the building or ground, size, type, height, construction materials, and such other materials, and such other information as the building official may require. The building official may require plans to be prepared by a registered professional engineer who is registered by the state or an architect licensed by the state.

- (5) Copy of stress sheets and calculations showing the structure as designed for dead load and wind pressure in any direction in the amount required by this chapter, and all other laws and codes of the city.
  - (6) Name of person, firm, corporation, or association erecting structure.
  - (7) Any electrical permit required and issued for said sign.
  - (8) Zoning classification carried by the property.
  - (9) Estimated value of the sign.
  - (10) Such other information as the building official shall require showing full compliance with this chapter and all other laws and codes of the city.
- (b) *Permit issuance.* It shall be the duty of the building official, upon the filing of an application for a sign permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect a sign. If it appears that the proposed structure is in compliance with all the requirements of this section, the building code, and all other laws and ordinances of the city, the building official shall then issue the sign permit. If the work authorized under a sign permit has not been completed within 60 days after issuance, the said permit shall become null and void.