



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

Notice is hereby given that a **Special Meeting** will be held by the governing body of the City of Burnet on the **1<sup>st</sup> day of April, 2021** at **5:00** 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/85908394123?pwd=YnVLcGhFdTFEL3V2dXRnK2h3QldyUT09>

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

**Enter Webinar ID when prompted: 859 0839 4123#**

**Enter Password when prompted: 695992#**

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: 827 0083 7481#**

**Enter Password when prompted: 464213#**

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:** None.

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.

**2. CONSENT AGENDA ITEMS:** None.

*(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.)*

**3. PUBLIC HEARING:** None.

**4. ACTION ITEMS:**

4.1) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ALLOWING DEVELOPER OF THE WANDERING OAKS SUBDIVISION TO PROVIDE A LETTER OF CREDIT AS ASSURANCE PUBLIC IMPROVEMENTS SHALL BE CONSTRUCTED AND AUTHORIZING THE RECORDATION OF THE "FINAL PLAT" IN THE PUBLIC RECORDS OF THE COUNTY CLERK OF BURNET COUNTY, TEXAS: D. Vaughn

**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 29<sup>th</sup> day of March, 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 March 29, 2021 at or before 5 o'clock p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

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Kelly Dix, City Secretary

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

*The City Council Chamber is wheelchair accessible. Persons with disabilities who plan to attend this meeting and who may need*

*auxiliary aids or services, such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's office (512.756.6093) at least two working days prior to the meeting. Requests for information may be faxed to the City Secretary at 512.756.8560.*

***RIGHT TO ENTER INTO EXECUTIVE SESSION:***

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



## Administration

### ITEM 4.1

David Vaughn  
City Manager  
512.715.3208  
dvaughn@cityofburnet.com

## Agenda Item Brief

**Meeting Date:** April 1, 2021

**Agenda Item:** Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ALLOWING DEVELOPER OF THE WANDERING OAKS SUBDIVISION TO PROVIDE A LETTER OF CREDIT AS ASSURANCE PUBLIC IMPROVEMENTS SHALL BE CONSTRUCTED AND AUTHORIZING THE RECORDATION OF THE "FINAL PLAT" IN THE PUBLIC RECORDS OF THE COUNTY CLERK OF BURNET COUNTY, TEXAS: D. Vaughn

**Background:**

**Information:** The Subdivision Ordinance provides that the City Council may authorize a landowner to provide a Letter of Credit (LOC) in-lieu of completing the required improvements.

**Fiscal Impact:** If the Council approves the resolution authorizing the acceptance of the LOC, then the City is responsible for completing the infrastructure if the developer were to default, which is why it is important to ensure the LOC is sufficient to cover the required improvements.

**Recommendation:** Staff recommends approval of Resolution No. R2021-16 as presented.

**RESOLUTION NO. R2021-16**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ALLOWING DEVELOPER OF THE WANDERING OAKS SUBDIVISION TO PROVIDE A LETTER OF CREDIT AS ASSURANCE PUBLIC IMPROVEMENTS SHALL BE CONSTRUCTED AND AUTHORIZING THE RECORDATION OF THE “FINAL PLAT” IN THE PUBLIC RECORDS OF THE COUNTY CLERK OF BURNET COUNTY, TEXAS**

**Whereas**, City Council approved the final plat of Wandering Oaks Subdivision on March 8, 2021; and

**Whereas**, the developer desires to posts a letter of credit in lieu of completing construction of improvements prior to recordation of the final plat of Wandering Oaks Subdivision; and

**Whereas**, City Code Section 98-61(d) City Council may waive the requirement that the developer complete the improvements prior to the signing of the approved plat, contingent upon securing from the developer a guarantee, such as a letter of credit.

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

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

**Section 2. Approval.** Developer's provision of a letter of credit, as attached, guaranteeing completion of the improvements for Wandering Oaks Subdivision is hereby approved.

**Section 3. Recordation.** The final plat of the Wandering Oaks Subdivision may be recorded in the Public Records of the County Clerk of Burnet County, Texas.

**Section 4. Open Meetings.** It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, as modified by the governor's orders in response to the COVID-19 pandemic.

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

**PASSED AND APPROVED** this the 1<sup>th</sup> day of April, 2021.

**CITY OF BURNET, TEXAS**

**ATTEST:**

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Crista Goble Bromley, Mayor

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Kelly Dix, City Secretary

FIRST STATE BANK OF BURNET  
P.O. BOX 965  
BURNET, TEXAS 78611

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IRREVOCABLE LETTER OF CREDIT #221 Date: March 29, 2021

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APPLICANT: BIG LEAF, LTD  
ATTN: LOUISE LARY, AUTHORIZED AGENT  
605B N. WATER  
BURNET, TEXAS 78611

BENEFICIARY: CITY OF BURNET  
ATTN: CITY MANAGER  
1001 BUCHANAN DRIVE, SUITE #4, BURNET, TEXAS 78611  
PO BOX 1369, BURNET, TEXAS 78611

AMOUNT: US \$83,325.00 (EIGHTY-THREE THOUSAND AND THREE HUNDRED TWENTY-FIVE 00/100'S US DOLLARS) 110% OF ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COSTS FOR WANDERING OAK CIRCLE STATED IN EXHIBIT "A"

EXPIRATION DATE: JUNE 27, 2021

GENTLEMEN

WE HEREBY ESTABLISH OUR IRREVOCABLE STANDBY LETTER OF CREDIT NO. 221 IN YOUR FAVOR AS BENEFICIARY, UP TO THE AGGREGATE SUM OF EIGHTY-THREE THOUSAND AND THREE HUNDRED TWENTY-FIVE 00/100'S US DOLLARS, EXPIRING ON THE EXPIRATION DATE STATED ABOVE, AT THE COUNTERS OF FIRST STATE BANK OF BURNET, AVAILABLE BY PAYMENT AGAINST YOUR DRAFT(S) DRAWN ON US AT SIGHT ACCOMPANIED BY:

1. A STATEMENT DATED AND SIGNED BY AN AUTHORIZED OFFICIAL OF THE CITY OF BURNET, SIGNING AS SUCH AND SWORN TO BEFORE A NOTARY PUBLIC STATING THAT:
  - A. "WE HEREBY CERTIFY THAT THE FUNDS DRAWN UNDER LETTER OF CREDIT NO. 221 ISSUED BY FIRST STATE BANK OF BURNET ARE DUE BY REASON OF BIG LEAF LTD'S FAILURE TO COMPLETE CERTAIN ELEMENTS OF THE WANDERING OAKS SUBDIVISION ROADWAY IMPROVEMENTS, EROSION & SEDIMENT CONTROL ITEMS, AND/OR DRAINAGE IMPROVEMENTS, AS REQUIRED BY THE CITY OF BURNET CODE OF ORDINANCES SAID IMPROVEMENTS BEING DESCRIBED BY THAT ENGINEER'S "OPINION OF PROBABLE CONSTRUCTION COSTS FOR THE "WANDERING OAK CIRCLE" DATED MARCH 26, 2021, SIGNED BY MARCUS HORNER, P.E.;" AND





THAT AT LEAST TEN (10) BUSINESS DAYS IN ADVANCE OF THIS PRESENTATION OF THE SIGHT DRAFT FOR PAYMENT, THE CITY OF BURNET HAS PROVIDED TO THE APPLICANT, BY CURRIER SERVICE OR CERTIFIED MAIL, RETURN RECEIPT REQUESTED, NOTICE OF THE CITY OF BURNET'S INTENTION TO DRAW FUNDS ON THIS LETTER OF CREDIT," OR

- B. WE HEREBY CERTIFY THAT WE HAVE RECEIVED A NOTICE OF NON-EXTENSION OR TERMINATION OF LETTER OF CREDIT NO. 221 ISSUED BY FIRST STATE BANK OF BURNET TO THE CURRENT EXPIRATION DATE OF JUNE 27, 2021, THAT BIG LEAF LTD'S OBLIGATIONS TO THE CITY REMAIN OUTSTANDING AND THAT WE HAVE NOT RECEIVED A REPLACEMENT LETTER OF CREDIT IN A FORM ACCEPTABLE TO US;" AND

2. THE ORIGINAL OF THIS LETTER OF CREDIT.

SPECIAL CONDITIONS:

PARTIAL DRAWINGS ARE ACCEPTABLE, AND ONLY SUCH AMOUNT AS NECESSARY TO COMPLETE REPAIRS TO THE ITEMS SPECIFIED BY THE ENGINEER'S "OPINION OF PROBABLE CONSTRUCTION COSTS FOR "WANDERING OAKS CIRCLE" AS SHOWN IN EXHIBIT "A."

DRAFTS DRAWN UNDER THIS LETTER OF CREDIT MUST BE MARKED "DRAWN UNDER IRREVOCABLE STANDBY LETTER OR CREDIT NO. 221 ISSUED BY FIRST STATE BANK OF BURNET."

WE HEREBY REPRESENT TO YOU THAT DRAFTS DRAWN UNDER AND IN COMPLIANCE WITH THE TERMS OF THIS LETTER OF CREDIT WILL BE DULY HONORED UPON PRESENTATION AT OUR OFFICE AT P O BOX 10, BURNET, TEXAS 78611 BY COURIER OR CERTIFIED MAIL, ON OR BEFORE THE EXPIRATION DATE AS SPECIFIED ABOVE.

PLEASE MAIL ALL DRAWINGS AND CORRESPONDENCE IN CONNECTION WITH THIS STANDBY LETTER OF CREDIT TO OUR OFFICE:

FIRST STATE BANK OF BURNET  
P.O. BOX 10  
BURNET, TEXAS 78611

THIS LETTER OF CREDIT SHALL BE GOVERNED BY, AND CONSTRUED IN ACCORDANCE WITH, THE LAWS OF THE STATE OF TEXAS WITHOUT REGARD TO PRINCIPLES OR CONFLICT OF LAWS, AND SHALL BE PERFORMABLE IN BURNET COUNTY, TEXAS.





VERY TRULY YOURS,

FIRST STATE BANK OF BURNET

BY:

  
MATT KELLEY, PRESIDENT

ACCEPTED

CITY OF BURNET

BY:

  
DAVID VAUGHN, CITY MANAGER

DATE:

***EXCEPT SO FAR AS IS OTHERWISE EXPRESSLY STATED, THIS DOCUMENTARY CREDIT IS SUBJECT TO THE UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY CREDITS, 2007 REVISION, INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION No. 600.***

\*\*\*NOTE: IF THERE ARE ANY QUESTIONS IN REGARD TO ANY INFORMATION WITHING THIS LETTER OF CREDIT, PLEASE CONTACT MATT KELLEY AT FIRST STATE BANK OF BURNET (512) 756-2191.

