



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

Notice is hereby given that a **Regular Council Meeting** will be held by the governing body of the City of Burnet on the **13th day of July, 2021** at **6:00** p.m. in the Council Chambers, Burnet Municipal Airport, 2402 S. Water, Burnet, at which time the following subjects will be discussed, to-wit:

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:

INVOCATION:

PLEDGE OF ALLEGIANCE:

PLEDGE TO TEXAS FLAG:

1. SPECIAL REPORTS/RECOGNITION:

- 1.1) Development Services Report: M. Imrie

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 June 22, 2021 City Council Regular Meeting minutes

3. PUBLIC HEARING:

3.1) Public Hearing: Public Hearing: City Council will receive testimony and comments from members of the public on an Ordinance amending city code chapter 22 (entitled "*building and building regulations*") by establishing a building permit fee table and revising the building additions and remodeling fee: H. Erkan, Jr.

4. ACTION ITEMS:

4.1) Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET TEXAS AMENDING CITY CODE OF ORDINANCES CHAPTER 98 (ENTITLED "SUBDIVISIONS") BY AMENDING THE NOTIFICATION AND HEARING PROCEDURES PRESCRIBED IN SECTION 98-22; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE: H. Erkan, Jr.

4.2) Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, ADDING TO CODE OF ORDINANCE CHAPTER 2 (ENTITLED "ADMINISTRATION"), A NEW ARTICLE III, (ENTITLED "ADVISORY BODIES"); AND ADDING A NEW SECTION 2-42 (ENTITLED "PLANNING AND ZONING COMMISSION"); PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: H. Erkan, Jr.

4.3) Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET TEXAS AMENDING CITY CODE OF ORDINANCES CHAPTER 98 (ENTITLED "SUBDIVISIONS") BY ADDING A CONSTRUCTION PLAN INSPECTION FEE TO SECTION 98-23; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE: H. Erkan, Jr.

4.4) Discuss and consider action: FIRST READING OF AN ORDINANCE AMENDING CITY CODE CHAPTER 22 (ENTITLED "*BUILDING AND BUILDING REGULATIONS*") BY ESTABLISHING A BUILDING PERMIT FEE TABLE AND REVISING THE BUILDING ADDITIONS AND REMODELING FEE; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE: H. Erkan, Jr.

4.5) Discuss and consider action: Appointment of Burnet Municipal Airport Advisory Board Members: K. Dix

4.6) Discuss and consider action: Burnet Historic Preservation Board appointment: K. Dix

4.7) Discuss and consider action: RESOLUTION AUTHORIZING DEFEASANCE AND REDEMPTION OF CERTAIN OF THE CITY'S OUTSTANDING OBLIGATIONS AND OTHER RELATED MATTERS: D. Vaughn

4.8) Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING SECTION 8.12 MILITARY LEAVE, OF THE PERSONNEL POLICY MANUAL BY UPDATING AND CLARIFYING POLICY REQUIREMENTS: K. Sames

4.9) Discuss and consider action: Transfer of 179D Tax Deduction for the Burnet Police Department Facility: D. Vaughn

4.10) Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF BURNET TEXAS APPROVING A FINANCING USE AND SALES TAX AGREEMENT WITH THE CITY OF BURNET; AND ENACTING OTHER PROCEDURES AND PROVISIONS RELATING TO THE PURPOSES OF THIS RESOLUTION: D. Vaughn

4.11) Discuss and consider action: Approval and authorization for the City Manager to execute a renewal contract with Spectrum Enterprise for fiber-based ethernet service: D. Vaughn

4.12) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, SELECTING THE FIRM SEAUX & PIERCE TO BE THE CITY HALL PROJECT ARCHITECT AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT FOR PROFESSIONAL SERVICES FOR FINAL CITY COUNCIL APPROVAL: 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 8th day of July, 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 July 8, 2021, and remained posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

Kelly Dix, City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS:

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

RIGHT TO ENTER INTO EXECUTIVE SESSION:

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



Development Services Monthly Report- June 2021

JULY 13, 2021

Residential Permits

New Residential Permits

May-2021	June-2021
4 permits	20 permits

- This increase is attributed to the start of construction in the Villages of Westfall Phase 2 as well as permits issued in Rancho Viejo and The Woodlands.
- \$49,070.25 collected in permit fees, utility connection fees and impact fees

Other Residential Permits

Permit Type	Number issued	Fees Collected
Accessory Structure	2	\$30.00
Electrical	3	\$75.00
Irrigation	9	\$443.00
OSSF	1	\$500.00
Plumbing	2	\$50.00
Residential Remodel	32	\$900.00
Right of Way	1	\$250.00

Total Fees Collected for
Other Permits:
\$2398.00

Commercial Permits

Commercial Permits

May 2021	June 2021
1 Permit Issued	6 Permits Issued
\$25.00 collected in permit fees	\$596.75 collected in permit fees

Developments

- Villages At Westfall
- Ranches At Delaware Creek Phase 2

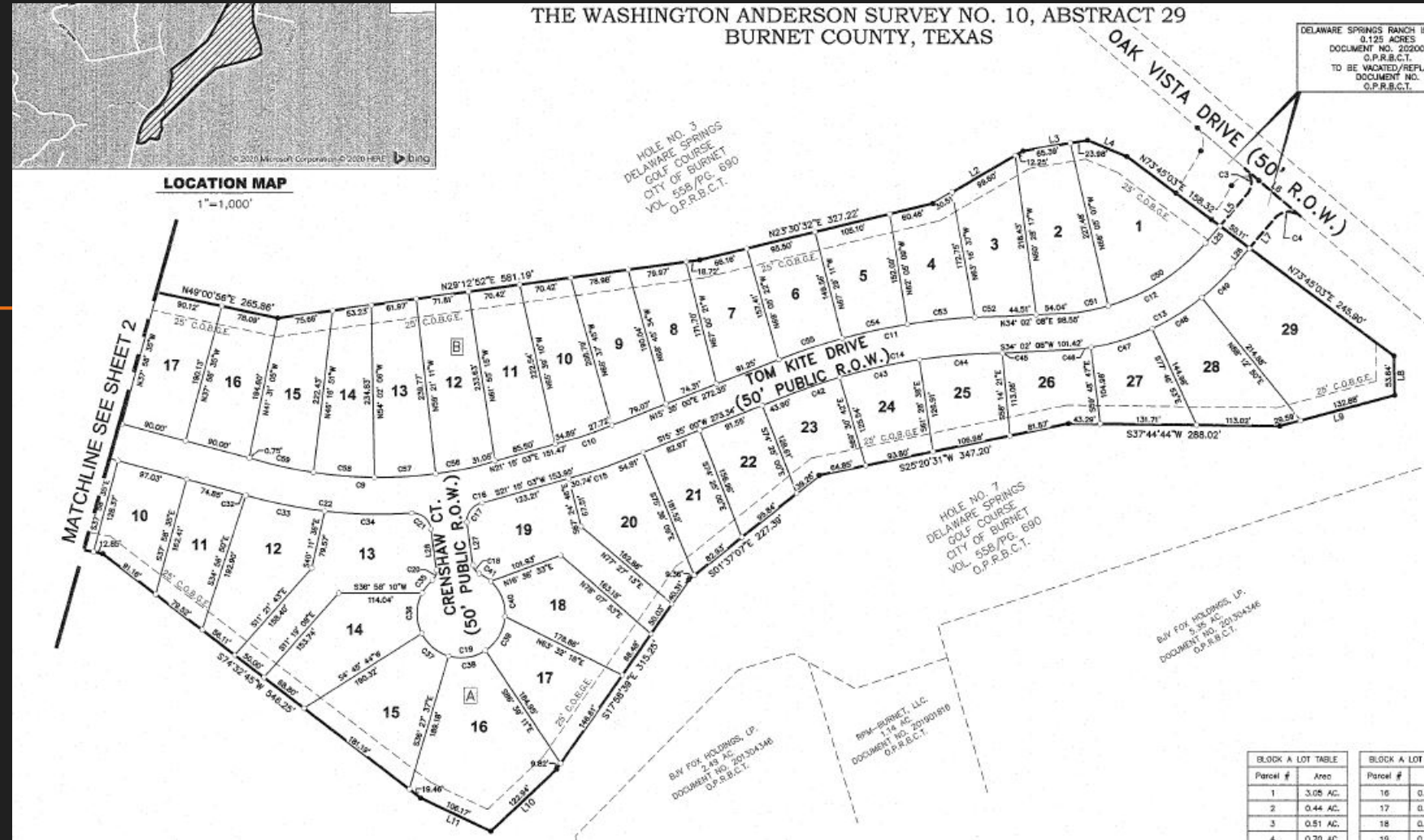
Villages of Westfall

- Final Plat approved
- 29 Lots
- Construction on streets has started.
- 16 building permits issued as of 06/30/21



Delaware Springs Section 24

- Construction Plans have been reviewed and approved.
- Total of 37 additional lots



Code Enforcement

Code Enforcement Activity

May 2021		June 2021	
Debris	15	Bushes Blocking View	1
Junked Vehicles	3	Debris	14
Overgrown Grass	17	Improperly Parked RV	1
		International Property Maintenance Code Violation	2
		Overgrown Grass	16

Questions



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

On this the 22nd day of June, 2021, the City Council of the City of Burnet convened in Regular Session, at 6:00 p.m. at the Council Chambers, Burnet Municipal Airport, 2402 S. Water Street, Burnet, TX thereof with the following members present, to-wit:

Mayor Crista Goble Bromley
Council Members Philip Thurman, Ricky Langley, Danny Lester, Joyce Laudenschlager
Absent Mary Jane Shanes, Cindia Talamantez
City Manager David Vaughn
City Secretary Kelly Dix

Guests: Patricia Langford, Alan Burdell, Mark Ingram, Brian Lee, Tony Nash, Mark Miller, Kelli Sames, Adrienne Field, Leslie Kimbler, Wade Langley, Alan Snider Dan Case

Call to Order: Mayor Bromley called the meeting to order at 6:00 p.m.

INVOCATION: Led by Mayor Bromley

PLEDGE OF ALLEGIANCE:

PLEDGE TO TEXAS FLAG: Pledges led by Council Member Laudenschlager

SPECIAL REPORTS/RECOGNITION:

May 2021 Financial Report: P. Langford: Director of Finance Patricia Langford presented the May 2021 Financial report. Ms. Langford reviewed revenues and expenses and forecasted budget projections for all funds. Overall, the year to date financials are tracking well with budget.

CONSENT AGENDA ITEMS:

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

Approval of the June 8, 2021 City Council Regular Meeting minutes:

Approval of the June 11, 2021 City Council Special Meeting minutes: Council Member Danny Lester moved to approve the consent agenda as presented. Council Member Joyce Laudenschlager seconded. The motion carried unanimously.

PUBLIC HEARING:

Public Hearing: City Council will receive testimony and comments from members of the public on an Ordinance amending city code chapter 98 (entitled “subdivisions”) by amending the notification and hearing procedures prescribed in section 98-22: H. Erkan, Jr.: 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: City Council will receive testimony and comments from members of the public on an Ordinance amending city code of ordinances chapter 98 (entitled “subdivisions”) by adding a construction plan inspection fee to section 98-23: H. Erkan, Jr.: Mayor Bromley opened the public hearing and asked if anyone was interested in speaking, if so to approach the podium. Wade Langley requested clarification from presenter Assistant City Manager Habib Erkan, Jr. pertaining to the engineer verifying the basis of the fee. Mr. Erkan provided the information requested. There being no one else wishing to speak, Mayor Bromley closed the public hearing.

ACTION ITEMS:

Discuss and consider action: SECOND AND FINAL READING AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY DESCRIBED AS 608 BUCHANAN DR (LEGAL DESCRIPTION: LOT NO. NINE-B (9-B), A SHORT FORM REPLAT OF LOT 9B, 9C, & 9D, BEING A REPLAT OF LOT 9A, HAMILTON CREEK DR) WITH MEDIUM COMMERCIAL – DISTRICT “C-2” ZONING CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler: Council Member Danny Lester moved to approve and adopt Ordinance No. 2021-20 as presented. Council Member Philip Thurman seconded. The motion

carried unanimously.

Discuss and consider action: Proposed contract with Burnet County for 2021/2022 Election Services: K. Dix: Council Member Philip Thurman moved to approve the 2021/2022 Election Services Contract with Burnet County as presented. Council Member Joyce Laudenschlager seconded. The motion carried unanimously.

Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF BURNET, TEXAS, EXPRESSING OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES OF THE CITY OF BURNET, TEXAS: D. Vaughn: Council Member Danny Lester moved to approve Resolution No. R2021-31 as presented. Council Member Ricky Langley seconded. The motion carried unanimously.

Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING THE “FINAL PLAT” OF WESTFALL VILLAGE, PHASE TWO, A PROPOSED 29-LOT RESIDENTIAL SUBDIVISION CONSISTING OF APPROXIMATELY 7.61 ACRES; AND ACCEPTING A LETTER OF CREDIT ASSURING COMPLETION OF SUBDIVISION INFRASTRUCTURE: L. Kimbler: Council Member Danny Lester moved to approve Resolution No. R2021-32 as presented. Council Member Philip Thurman seconded. Mayor Bromley stated for the record that Council Member Ricky Langley filed a Conflict of Interest Affidavit with the City Secretary and abstained from the vote. The motion carried with a vote of four in favor, two absent and one abstention.

Discuss and consider action: Appointment of Council Members to serve on the City Hall Building Committee: D. Vaughn: Council Member Danny Lester moved to appoint Council Members Philip Thurman, Rickey Langley, and Mayor Bromley to the City Hall Building Committee. Council Member Philip Thurman seconded. The motion carried unanimously.

Discuss and consider action: Direction to staff regarding the creation a technical advisory committee for review of the city’s development codes: P. Thurman: Council Member Danny Lester made a motion directing staff to execute a process to create a technical advisory committee and to reach out to stakeholders for opinions to assist with creating the process. Council Member Philip Thurman seconded. The motion carried unanimously.

Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET TEXAS AMENDING CITY CODE OF ORDINANCES CHAPTER 98 (ENTITLED “SUBDIVISIONS”) BY AMENDING THE NOTIFICATION AND HEARING PROCEDURES PRESCRIBED IN SECTION 98-22; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE: H. Erkan, Jr.: Council Member Danny Lester moved to approve the first reading of Ordinance No. 2021-21 as presented. Council Member Ricky Langley seconded. The motion carried unanimously.

Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, ADDING TO CODE OF ORDINANCE CHAPTER 2 (ENTITLED “ADMINISTRATION”), A NEW ARTICLE III, (ENTITLED “ADVISORY BODIES”); AND ADDING A NEW SECTION 2-42 (ENTITLED “PLANNING AND ZONING COMMISSION”); PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: H. Erkan, Jr.: Council Member Danny Lester moved to approve the first reading of Ordinance No. 2021-22 as presented. Council Member Joyce Laudenschlager seconded. The motion carried unanimously.

Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET TEXAS AMENDING CITY CODE OF ORDINANCES CHAPTER 98 (ENTITLED “SUBDIVISIONS”) BY ADDING A CONSTRUCTION PLAN INSPECTION FEE TO SECTION 98-23 ; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE: H. Erkan, Jr.: Council Member Ricky Langley moved to approve the first reading of Ordinance No. 2021-23 as presented. Council Member Philip Thurman seconded. Mayor Bromley called for a roll vote. Council Members Thurman, Laudenschlager, Langley and Mayor Bromley voted in favor. Council Member Lester was opposed. Council Members Shanes and Talamantez were absent. The motion carried with four in favor, one opposed and two absent.

Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ACCEPTING THE RESIGNATION OF THE MUNICIPAL COURT PRESIDING JUDGE, EFFECTIVE JUNE 30, 2021, AND DIRECTING THE CITY SECRETARY TO PREPARE AND PUBLISH A REQUEST FOR QUALIFICATIONS FOR A NEW MUNICIPAL COURT PRESIDING JUDGE: H. Erkan, Jr.: Council Member Philip Thurman moved to approve Resolution No. R2021-33 as presented. Council Member

Ricky Langley seconded. The motion carried unanimously accepting the resignation of Municipal Court Judge Peggy Simon

Discuss and consider: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ASSIGNING A MUNICIPAL COURT ASSOCIATE JUDGE TO TEMPORARILY ACT IN THE PLACE OF THE MUNICIPAL COURT PRESIDING JUDGE UNTIL A NEW MUNICIPAL COURT PRESIDING JUDGE IS APPOINTED: H. Erkan, Jr.: Council Member Danny Lester moved to approve Resolution No. R2021-34 as presented and name Tamara Tinney as the Temporary Municipal Court Judge. Council Member Joyce Laudenschlager seconded. The motion carried unanimously.

Discuss and consider action: Action to direct staff to proceed in making improvements to streets within the Woodlands Subdivision: D. Vaughn: Council Member Joyce Laudenschlager made a motion directing staff to proceed with street improvements within the Woodlands Subdivision as presented. Council Member Philip Thurman seconded. The motion carried unanimously.

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: None.

ADJOURN: There being no further business a motion to adjourn was made by Council Member Joyce Laudenschlager at 7:14 p.m., seconded by Council Member Danny Lester. The motion carried unanimously.

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 3.1

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

Public Hearing Brief

- Meeting Date:** July 13, 2021
- Public Hearing:** Public hearing: City Council will receive testimony and comments from members of the public on an Ordinance amending city code chapter 22 (entitled “*building and building regulations*”) by establishing a building permit fee table and revising the building additions and remodeling fee: H. Erkan, Jr.
- Background:** This ordinance addresses two issues. The establishment of a uniform fee table and a state law compliance issue.
- The compliance issue is regarding the 86th legislative session’s approval of HB 852, which was codified as Texas Local Government Code Sec. 214.907. The section prohibits municipalities from basing building permit fees on the value of a residential dwelling or the cost of constructing or improving the dwelling. Moreover, the section prohibits municipalities from inquiring about the value or costs of constructing or improving a residential dwelling as a condition of approving a building permit.
- The only city permit fee not in compliance with Sec. 214.907 is residential remodeling. Currently, the cost of permit table states the permit fee for: “*additions, remodeling, etc., is \$5.00, per \$1000.00 of construction costs.*” As this fee is prohibited as to residential permits, the development services department is only charging the minimum (\$25.00) permit fee for such applications.
- Information:** This ordinance establishes a new Article XXI (entitled “*Fee Schedule*”). Article XXI lists all Chapter 22 building permit fees in one table. This will allow for easier annual updates of fees each fiscal year.
- Additionally, this ordinance will allow collection of more than the minimum begin collecting more than the minimum fee for residential remodeling permit applications.
- Fiscal Impact:** It is anticipated this ordinance will have a small positive fiscal impact, as residential remodeling permit fee revenue increases.
- Recommendation:** Open the public hearing.



Development Services

ITEM 4.1

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

Agenda Item Brief

Meeting Date: July 13, 2021

Agenda Item: Discuss and Consider: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET TEXAS AMENDING CITY CODE OF ORDINANCES CHAPTER 98 (ENTITLED "SUBDIVISIONS") BY AMENDING THE NOTIFICATION AND HEARING PROCEDURES PRESCRIBED IN SECTION 98-22; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE: H. Erkan, Jr.

Background: The review and approval of subdivision plat applications are governed by Texas Local Government Code Chapter 212 and City Code Chapter 98. Chapter 212 prescribes strict timelines for the planning and zoning commission and city council to take action on administratively complete plat applications. Additionally, chapter 212, in most cases does not impose any additional notice of the commission's or council's consideration and action on a plat application than is required under the Texas Open Meetings Act. City code chapter 98 imposes public hearing and notice of such public hearing not earlier than 30 days and not later than 15 days before consideration on a plat application. This notice requirement both causes unnecessary delay for the plat application; and, makes it difficult for the city to comply with the chapter 212 action deadlines.

Information: This ordinance would align the city's notice requirements for consideration of subdivision plats by the commission and council with the state requirements found in chapter 212. It should be noted that unlike action on a zoning application, which is legislative in nature, action on a subdivision plat application is ministerial in nature, unless a variance is requested, and providing the additional public notice and providing for public hearings give the false impression that the commission and council have more discretion than state law allows.

There have been no changes to Ordinance 2021-21 since the first reading on June 22, 2021.

Fiscal Impact: This amendment will have a positive financial impact in that there will no longer be an expense for publication of subdivision plat application public notices.

Recommendation: Approve and adopt Ordinance No. 2021-21 as presented.

ORDINANCE NO. 2021-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET TEXAS AMENDING CITY CODE OF ORDINANCES CHAPTER 98 (ENTITLED "SUBDIVISIONS") BY AMENDING THE NOTIFICATION AND HEARING PROCEDURES PRESCRIBED IN SECTION 98-22; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, pursuant to Texas Local Government Code Chapter 212, City Code Chapter 98 (entitled "Subdivisions") was adopted to regulate the subdivision of land within the city's corporate and extraterritorial jurisdiction to protect the health, safety, and welfare of the public; and

WHEREAS, in Section 98-22 thereof city council has adopted procedures for the submission and disposition of preliminary plat applications; and

WHEREAS, in order to facilitate efficient and effective process of plat applications city council deems it appropriate amend the plat application and notification process to conform with state law requirements; and

WHEREAS, city council has conducted a public hearing allowing members of the public to provide testimony and comments on the proposed code amendment.

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

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

Section two. Code Amendment. The Code of Ordinances, Chapter 98 (entitled "Subdivision") Section 98-22 (entitled "preliminary plats") subsection (f) (entitled "notification") is hereby amended by replacing the existing language with the language that follows:

(f) *Notification.*

- (1) Except as provided in subsection (2), immediately below, notice of the commission's consideration of a preliminary plat application or preliminary replat application shall comply with the Texas Open Meeting Act.
- (2) Notification of commission consideration of an application to replat property zoned within the preceding five years as single family/duplex

residential shall comply with the public notice/hearing requirements of Texas Local Government Code Sec. 212.015.

Section three. Code Amendment. The Code of Ordinances, Chapter 98 (entitled "Subdivision") Section 98-22 (entitled "preliminary plats") subsection (g) (entitled "approval") is hereby amended by adding the language that is underlined (underlined) and deleting the language that is stricken (~~stricken~~) as follows:

- (g) *Approval.* The commission, ~~after holding public hearings in accordance with city ordinances and codes,~~ shall make a recommendation to the city council on the ~~request for preliminary plat application.~~ approval. The plat will be considered at the next regularly scheduled public hearing of the city council, ~~but not earlier than five working days after the commission's hearing.~~
- (1) The ~~planning and zoning~~ commission shall act within 30 days of the preliminary plat filing date to either recommend approval, denial or modification to the application. Failure of the commission to act within the 30 days shall be deemed an approval of the plat, except as otherwise agreed to by the developer. Plans that are disapproved as submitted may be resubmitted without charge within 60 days of disapproval with additional fees being assessed. The city council shall act within 30 days of the approval or inaction of the application by the commission. A plat is considered approved by the city council unless it is disapproved within that period.
 - (2) Zoning of the tract, if applicable, that shall permit the uses proposed by the preliminary plat, or any zoning amendment necessary to permit the proposed uses shall have been adopted prior to or concurrently with the approval of the preliminary plat by the council.
 - (3) Approval of the preliminary plat shall not constitute approval of the final plat but shall constitute a vesting of the right to develop under city ordinances, codes, and policies in effect on the date the requested permit is filed, provided that neither the preliminary plat nor any subsequent plat or permit has been, or is, allowed to expire.
 - (4) The developer may elect to phase the subdivision project.
 - (5) The developer should be aware that specific approvals from other agencies may be required.
 - (6) Upon approval of the preliminary plat and all signatures having been executed, the developer shall furnish one Mylar reproducible copy of the approved plat to be kept on file at the city as public record.

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

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

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

Section six. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be

valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section seven. TOMA Compliance. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, as required by Texas Government Code Chapter 551.

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

Section nine. 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 22nd day of June 2021

Passed, approved and adopted on the 13th day of July, 2021

CITY OF BURNET

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 4.2

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

Agenda Item Brief

Meeting Date: July 13, 2021

Agenda Item: Discuss and Consider: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, ADDING TO CODE OF ORDINANCE CHAPTER 2 (ENTITLED "ADMINISTRATION"), A NEW ARTICLE III, (ENTITLED "ADVISORY BODIES"); AND ADDING A NEW SECTION 2-42 (ENTITLED "PLANNING AND ZONING COMMISSION"); PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: H. Erkan, Jr.

Background: City council may establish and abolish appointed bodies, as may be mandated by state statute or other law, or as city council deems beneficial or necessary to serve the public good. City council has established several boards and commissions to advise and assist in the governance of the city. Each of the active boards and commissions, except the planning and zoning commission, are established by ordinance codified in the city code. The planning and zoning commission is currently governed by bylaws. All boards and commissions are governed by an uncodified *Policies and Procedures for Advisory Boards and Commissions* adopted by city council in 2015.

Information: This ordinance codifies general advisory body rules related to the establishment of such bodies and terms of appointment of a body's members. In addition, this ordinance codifies specific rules relating to the planning and zoning commission and reduces the number of commissioners from seven to five.

There have been no changes to Ordinance 2021-22 since the first reading on June 22, 2021.

Fiscal Impact: Passage of this ordinance will cause no fiscal impact.

Recommendation: Approve and adopt Ordinance No. 2021-22 as presented.

ORDINANCE NO. 2021-22

AN ORDINANCE OF THE CITY OF BURNET, TEXAS, ADDING TO CODE OF ORDINANCE CHAPTER 2 (ENTITLED “ADMINISTRATION”), A NEW ARTICLE III, (ENTITLED “ADVISORY BODIES”); AND ADDING A NEW SECTION 2-42 (ENTITLED “PLANNING AND ZONING COMMISSION”); PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, city council is imbued with the authority to establish such appointed bodies as it may deem necessary for the conduct of city business and management of municipal affairs; and

WHEREAS, the purpose of this ordinance is to codify the general provisions for the establishment and operations of bodies appointed by council; and

WHEREAS, a further purpose of this ordinance is to provide the public with easy reference to the advisory boards established by council; and

WHEREAS, an additional purpose of this ordinance is to codify the establishment and functions of the planning and zoning commission.

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

Section one. Code amendment. City Code Chapter 2 (entitled “Administration”), is hereby amended by the adoption of a new Article III (entitled “Appointed bodies”) to read as follows:

Article III. – Appointed bodies

Section 2-41 Generally.

- (a) *Authority.* Pursuant to the Charter and the laws of this state, City Council is vested with the authority to establish and abolish appointed bodies, as may be mandated by state statute or other law, or as City Council deems beneficial or necessary to serve the public good.
- (b) *Purpose.* The purpose of this Article is to provide guidance generally as to the establishment, appointment of members, and operations of appointed bodies. The authority, functions and responsibilities of such appointed bodies shall be prescribed by separate ordinance, resolution, or order of City Council.
- (c) *Scope.* This article is applicable to all bodies appointed by city council, whether such body is designated as a board, commission, agency, bureau, committee or by other designation.
- (d) *Establishment.* The authority, functions and responsibilities of such appointed bodies shall be established by city council ordinance, resolution, or order. In its sole prerogative, city council may abolish an appointed body; or modify or alter an appointed body’s authority,

functions, and responsibilities. In the event of a conflict between the ordinance, resolution, or order establishing an advisory body and this section the ordinance, resolution, or order establishing the advisory body shall prevail.

- (e) *Term.* Members shall be appointed for two-year terms. Members may be reappointed to an advisory body and may serve on two or more advisory bodies unless such appointments are prohibited by an incompatibility law.
- (f) *Appointments.* Appointments shall be made in June of each year. Each advisory board positions shall be assigned a place number. Even numbered places shall be appointed in even numbered years and odd numbered places shall be appointed in odd numbered years.
- (g) *At will appointment.* Except as provided by state statute, members appointed to an appointed body serve at the pleasure of city council and a member may be removed by city council with or without cause.
- (h) *Policies and Procedures for Advisory Boards and Commissions.* To the extent not in conflict with this article, qualifications, appointment, term, ethics requirement and meeting procedures shall comply with the *Policies and Procedures for Advisory Boards and Commissions* adopted by city council on August 4, 2015.
- (i) *Rules of order.* Appointed bodies shall conduct business under rules of order adopted by the body and approved by city council.

Section 2-42. Planning and zoning commission.

- (a) *Establishment.* In accordance with Texas Local Government Code Chapter 212, Subchapter A there is hereby established a Planning Commission. In accordance with Texas Local Government Code Chapter 211, Subchapter A the members of the Planning Commission shall serve as the Zoning Commission.
- (b) *Name.* This body is designated as the City of Burnet Planning and Zoning Commission and may be referred to simply as the commission.
- (c) *Duties and authority.* The commission shall have those duties and authority prescribed in city code chapters 98 and 118.
- (d) *Membership.* The commission shall consist of five members. Three members shall constitute a quorum.
- (e) *Officers.* Commission officers shall be the chairperson, vice chairperson and secretary. All officers must be appointed members of the commission except the secretary who may be a member of city staff.
 - (1) The chairperson shall preside over all meetings, may appoint committees, and preside over such committees; certify all commission official documents and minutes; and act in the absence of the secretary.
 - (2) The vice chairperson shall act in the absence of the chairperson, and if both the chairperson and secretary is absent, serve as the secretary.
 - (3) The secretary shall cause a record of meeting attendance and minutes; provide notification of meetings to commission members, file official records and reports

of the commission with the city secretary; and provide notification and publications of commission meetings as prescribed by law.

- (f) *Meetings.* The commission's regular meetings shall occur the first Monday of each month. The chairperson may call special meetings as may be required to comply with statutory plat approval timelines or address other emergency matters.

Section 2-43 Zoning Board of Adjustment.

The Zoning Board of Adjustment is established and governed by City Code Chapter 118, Article IV.

Section 2-44 Historic Preservation Board of Directors.

The Historic Preservation Board of Directors is established and governed by City Code Chapter 22, Article X, Division 2.

Section 2-45 Airport Zoning Board.

The Airport Zoning Board is established and governed by City Code Chapter 18, Article I.

Section 2-46 Economic Development Corporation Board of Directors.

The Economic Development Corporation Board of Directors Board is established and governed by June 11, 2008 Articles of Incorporation and the Burnet Economic Development Corporation Bylaws.

Section 2-47 Parks and Recreation Advisory Board.

The Parks and Recreation Advisory Board is established and governed by City Code Chapter 74, Article II.

Section 2-48 Board of Ethics.

The Board of Ethics is established and governed by City Code Chapter 2, Article VII.

Note to publisher: Existing Chapter 2 Articles III through X are to be recodified follows: Article III – Officers is recodified as Article IV; Article IV – Records Management is recodified as Article V; Article V – Claims Against the City is recodified as Article VI; Article VI – Investment Policy is recodified as Article VII; Article VII – Code of Ethics is recodified as Article VIII; Article VIII – Annual Reports . . . is recodified as Article IX; Article IX – Capital Improvement Plan is recodified as Article X; and Article X – Lost Personal Property is recodified as Article XI.

Section two. 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 the City Council.

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

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

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

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

Section seven. TOMA Compliance. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was conducted in compliance with the Texas Open Meeting Act.

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

Section nine. 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 22nd day of June, 2021

Passed, approved, and adopted on the 13th day of July, 2021

CITY OF BURNET

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 4.3

Habib Erkan Jr.
Assistant City Manager
512-715-3201
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Agenda Item Brief

Meeting Date: July 13, 2021

Agenda Item: Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET TEXAS AMENDING CITY CODE OF ORDINANCES CHAPTER 98 (ENTITLED "SUBDIVISIONS") BY ADDING A CONSTRUCTION PLAN INSPECTION FEE TO SECTION 98-23; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE: H. Erkan, Jr.

Background: As council is aware the subdivision of land into buildable commercial and residential lots in many cases involves the dedication of street, water, sewer and electric infrastructure for public maintenance and use. To assure the infrastructure to be dedicated is designed correctly council adopted the city's construction manual. To assure the infrastructure is constructed in accordance with the approved designed, the public works department, in coordination with the city engineer, make periodic onsite inspections of the work site.

Information: This ordinance would allow the city to recoup some of the costs associated with the aforementioned onsite inspections. The proposed fee would be 3.0% of the estimated construction cost for the roads, water, sewer, and drainage facilities, according to calculations by the project engineer and verified by the city engineer.

The chart below was prepared by our city engineer and compares development fees charged by Austin, Buda, Georgetown, Hutto, Kyle, Leander, Marble Falls, Round Rock, and San Marcus. Burnet is the only city in the list not charging an infrastructure inspection fee and the average fee charged is 3%.

City	Water Impact*	Wastewater Impact*	Total Impact Fees*	Subdivision Inspection Fees
Austin	\$4,700.00	\$2,500.00	\$7,200.00	\$201.76 per hour for ~5% of OPC
Buda	\$2,187.00	\$2,531.00	\$4,718.00	\$500 + 3.5% of OPC
Georgetown	\$4,616.31	\$2,077.71	\$6,694.02	\$1,000/Lot** ~ 3% of OPC
Hutto	\$3,625.00	\$2,128.00	\$5,753.00	3% of OPC
Kyle	\$3,535.00	\$2,826.00	\$6,361.00	2% of OPC
Leander	\$3,880.00	\$1,615.00	\$5,495.00	3.5% of OPC
Marble Falls	\$2,761.00	\$3,293.00	\$6,054.00	\$500 + \$70 per acre up to 100 acres + \$50 per acre for each acre over 100 acres
Round Rock	\$4,234.00	\$1,799.00	\$6,033.00	1.5% of OPC
San Marcos	\$3,801.00	\$2,684.00	\$6,485.00	\$2,378 plus \$50 per acre
Average	\$3,704.37	\$2,383.75	\$6,088.11	~3% of OPC
<u>Burnet -Current</u>	<u>\$1,084.50</u>	<u>\$1,173.00</u>	<u>\$2,257.50</u>	<u>\$0</u>
Difference	\$2,619.87	\$1,210.75	\$3,830.61	~3% of OPC

There have been no changes to the first reading of Ordinance 2021-23 since the first reading on June 22, 2021.

Fiscal Impact:

Passage of this ordinance will have a positive fiscal impact as it will allow city inspection costs to be recouped from the applicant requesting infrastructure dedication.

Recommendation:

Approve and adopt Ordinance 2021-23 as presented.

ORDINANCE NO. 2021-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET TEXAS AMENDING CITY CODE OF ORDINANCES CHAPTER 98 (ENTITLED "SUBDIVISIONS") BY ADDING A CONSTRUCTION PLAN INSPECTION FEE TO SECTION 98-23 ; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, pursuant to Texas Local Government Code Chapter 212, City Code Chapter 98 (entitled "Subdivisions") was adopted to regulate the subdivision of land within the city's corporate and extraterritorial jurisdiction to protect the health, safety, and welfare of the public; and

WHEREAS, in Section 98-23 thereof city council has adopted procedures for the submission of construction plans for infrastructure supporting a subdivision; and

WHEREAS, city council has determined that it is of great importance to the proper installation of the infrastructure shown on the construction plans for there to be city inspections of such installation.

WHEREAS, it is necessary to impose a fee to adequately cover the costs of such inspections; and

WHEREAS, city council has conducted a public hearing allowing members of the public to provide testimony and comments on the proposed code amendment.

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

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

Section two. Amendment. The Code of Ordinances, Chapter 98 (entitled "Subdivision") Section 98-23 (entitled "construction plans") is hereby amended by adding the language that is underlined (underlined) to subsection 9-23(d)(4) as follows:

- (d) *Procedure.* After all necessary approvals of the preliminary plat have been granted, construction plans, together with a completed application form, administrative fees, and any other federal, state or local permits required prior to construction (L.C.R.A. NPS permit, SWPPP, etc.) shall be submitted to the city engineer for approval subject to the following:

- (1) Construction plans may be submitted for review and approval simultaneously with a final plat, provided however that the final plat shall not be approved until the construction plans have been approved. If the construction plans and the final plat are to be reviewed simultaneously, a complete application for construction plans and a complete application for final plat must be submitted to the city simultaneously.
- (2) City staff shall review all construction plan submittals for administrative completeness at the time of application. If in the judgment of the city, the construction plan submittal substantially fails to meet the minimal informational requirements as outlined above, it will not be accepted for review and the construction plan shall be deemed rejected. The developer shall have up to 60 days from the date the construction plan is deemed denied to remedy all deficiencies or the construction plan shall be rejected for filing and new filing fees will be required for subsequent submittals.
- (3) The city engineer shall review the construction plans to insure compliance with this chapter, and other applicable city ordinances, codes, standards and specifications, and good engineering practices.
- (4) Upon approval of the construction plans, the applicant shall pay an inspection fee in the amount of 3.0% of the estimated construction cost for the roads, water, sewer and drainage facilities, according to calculations by a Registered Professional Engineer. These calculations must be approved by the City Engineer.

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

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

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

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

Section seven. TOMA Compliance. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, as required by Texas Government Code Chapter 551.

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

Section nine. 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 22nd day of June 2021

Passed, approved and adopted on the 13th day of May, 2021

CITY OF BURNET

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 4.4

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

Agenda Item Brief

- Meeting Date:** July 13, 2021
- Agenda Item:** Discuss and consider action: FIRST READING OF AN ORDINANCE AMENDING CITY CODE CHAPTER 22 (ENTITLED “*BUILDING AND BUILDING REGULATIONS*”) BY ESTABLISHING A BUILDING PERMIT FEE TABLE AND REVISING THE BUILDING ADDITIONS AND REMODELING FEE; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE: H. Erkan, Jr.
- Background:** This ordinance addresses two issues. The establishment of a uniform fee table and a state law compliance issue.
- The compliance issue is regarding the 86th legislative session’s approval of HB 852, which was codified as Texas Local Government Code Sec. 214.907. The section prohibits municipalities from basing building permit fees on the value of a residential dwelling or the cost of constructing or improving the dwelling. Moreover, the section prohibits municipalities from inquiring about the value or costs of constructing or improving a residential dwelling as a condition of approving a building permit.
- The only city permit fee not in compliance with Sec. 214.907 is residential remodeling. Currently, the cost of permit table states the permit fee for: “*additions, remodeling, etc., is \$5.00, per \$1000.00 of construction costs.*” As this fee is prohibited as to residential permits, the development services department is only charging the minimum (\$25.00) permit fee for such applications.
- Information:** This ordinance establishes a new Article XXI (entitled “*Fee Schedule*”). Article XXI lists all Chapter 22 building permit fees in one table. This will allow for easier annual updates of fees each fiscal year.
- Additionally, this ordinance will allow collection of more than the minimum begin collecting more than the minimum fee for residential remodeling permit applications.
- Fiscal Impact:** It is anticipated this ordinance will have a small positive fiscal impact, as residential remodeling permit fee revenue increases.
- Recommendation:** Pass the first reading of Ordinance No. 2021-24, as presented.

ORDINANCE NO. 2021-24

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 22 (ENTITLED "BUILDING AND BUILDING REGULATIONS") FOR THE PURPOSES OF ESTABLISHING A BUILDING PERMIT FEE TABLE AND REVISING THE BUILDING ADDITIONS AND REMODELING FEE; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

Whereas, pursuant to the city's inherent powers as a home rule municipality, the laws and constitution of this state, including Texas Local Government Code Chapter 214, city council has adopted national building, fire, electrical, plumbing, mechanical and similar codes within Chapter 22 of the City Code; and

Whereas, city council desires to amend Chapter 22 to revise the permit fee for construction additions and remodeling to be calculated on a square footage basis; and

Whereas, city council desires to amend Chapter 22 to place all fees authorized by said chapter in one fee schedule.

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

Section One. Fee Revision. The permit fee for building additions and remodeling is hereby revised to eight cents per square foot as reflected in section eight of this ordinance.

Section two. Code Amendment. City Code Chapter 22 (entitled "*buildings and building Regulations*") Article III (entitled "Building Code") Section 22-55 (entitled "*amendments to the building codes*") is hereby amended by revising subsection (c) (entitled "*building permit fee*") to read as follows:

- (c) *Building permit fee.* The table of the International Building Code entitled, "*Building Permit Fees*" is hereby replaced by Article XXI (entitled "*Fee Schedule*") Table One (entitled "*Building Permit Fees*").

Section three. Code Amendment. City Code Chapter 22 (entitled "*buildings and building regulations*") Article VI (entitled "*plumbing code*") Section 22-129 (entitled "*plumbing permit fees*") is hereby amended by revising the section to read as follows:

Sec. 22-129. Plumbing permit fees.

All applications for permits required under this Article shall be made on such form as provided by the Building Official with payment of permit fees as stated in Article XXI (entitled "Fee Schedule") Table Two (entitled "Plumbing Permit Fees").

Section four. Code Amendment. City Code Chapter 22 (entitled “**buildings and building regulations**”) Article VII (entitled “*mechanical code*”) Section 22-152 (entitled “*mechanical permit fees*”) is hereby amended by revising the section to read as follows:

Sec. 22-152. Mechanical permit fee.

Table 1-A of the Uniform Mechanical Code entitled "Mechanical Permit Fees" is hereby replaced by Article XXI (entitled “Fee Schedule”) Table Three (entitled “Mechanical Permit Fees”).

Section five. Code Amendment. City Code Chapter 22 (entitled “*buildings and building regulations*”) Article VIII (entitled “Miscellaneous Codes”) Section 22-160 (entitled “*International Fire Code*”) is hereby amended by revising subsection (a)(2) to read as follows:

- (2) Section 105.1.2 Types of Permits. All applications for permits required under this Article shall be made on such form as provided by the Building Official with payment of permit fees as stated in Article XXI (entitled “Fee Schedule”) Table Four (entitled “Fire Code Permit Fee Schedule”).

Section six. Code Amendment. City Code Chapter 22 (entitled “Buildings and Building Regulations”) Article VIII (entitled “Miscellaneous Codes”) Section 22-160 (entitled “*International Fire Code*”) is hereby amended by revising subsection (a)(15) to read as follows:

- (15) 307.9 Permit fee and duration.
307.0 Permit fee and duration is hereby amended as provide in Article XXI (entitled “*Fee Schedule*”) Table Five (entitled “*Outdoor Burning and Fireworks Fees*”).

Section seven. Code Amendment. City Code Chapter 22 (entitled “*Buildings and Building Regulations*”) Article VIII (entitled “*Miscellaneous Codes*”) Section 22-160 (entitled “*International Fire Code*”) is hereby amended by revising subsection (a)(22) by adding the language that is underlined (underlined) as follows:

- (22) Section 5608.2 Permit application.

Section 5608.2 Permit application is hereby amended as follows:

Any person, company or other entity desiring to ignite fireworks in a controlled public display, use pyrotechnic before a proximate audience or use flame effects before an audience must file an application, with the application fee stated as provide in Article XXI (entitled “Fee Schedule”) Table Five (entitled “Outdoor Burning and Fireworks Fees”), with the city secretary at least 30 days prior to the proposed display along with. The applicant must:

1. Meet all requirements for the same as outlined in Title 28. Insurance; Part 1, Texas Department of Insurance; [Chapter 34](#), State Fire Marshal; Subchapter H, Storage and sale of fireworks;
2. Provide state required documentation to the city for review and final approval of the event, including recommendations or proposals for any changes as required.
3. The Fire Marshal, with approval from the City Manager, may issue a permit for public fireworks displays; use of pyrotechnics before a proximate audience and/or use of flame effects before an audience. The event permitted may only be ignited as provided in the application and any restrictions added in the permit. At the time of the event, the Fire Marshal may require that the fire department be on standby at the site. As a requirement of the permit, the Permittee may be

charged the reasonable costs for the fire department being on standby status for the display.

5608.2.1 The city, its agents, assigns and contractors may sponsor city fireworks displays with the express authorization of a majority vote of the city council. The person(s), company or entity contracted to operate the display, or use pyrotechnics or flames before an audience shall meet all state requirements. The Fire Marshal shall be notified of all city fireworks displays and shall review the proposed ignition site, the proposed trajectory and landing site for all fireworks displays and make recommendations or proposals for any changes. City sponsored fireworks, pyrotechnic and/or flame events shall be exempt from the local permit requirements. The Fire Marshal shall be notified of the location for storage of fireworks.

5608.2.2 The city reserves the right to deny any application. The city reserves the right, with or without notice, to revoke any fireworks permit. All permits shall expire, and no longer be valid, immediately after the fireworks, pyrotechnic or flame event permitted was to occur.

Section eight. Code Amendment. City Code Chapter 22 (entitled “*buildings and building regulations*”) Article IX (entitled “*electrical code*”) Section 22-187 (entitled “*fees and reinspection*”) is hereby amended by revising subsection (b) (entitled “*schedule of fees*”) to read as follows:

- (b) *Schedule of fees.* All fees shall be paid to the city by each person doing any electrical work for which such fees are required in subsection (a) of this section. The permit and inspection fees provided in this subsection shall be paid to the city before the issuance of a permit and before any work is started. The fees shall be as stated in Article XXI (entitled “*Fee Schedule*”) Table Four (entitled “*Fire Code Permit Fee Schedule*”).

Section eight. Code Amendment. City Code Chapter 22 (entitled “*Buildings and Building Regulations*”) is hereby amended by the adoption of a new Article XXI (entitled “*fee schedule*”) and recodifying and restating fees set out in Articles I through X in Article XXI as attached hereto and incorporated herein.

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

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

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

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

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

Section sixteen. 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 13th day of July, 2021

Passed, Approved and Adopted on 27th day of July, 2021

CITY OF BURNET

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary

Note: Article XXI. - Fee Schedule is attached.

Attachment to Ordinance No. 2021-24

Article XXI. - Fee Schedule.

This Article establishes fees for permits, inspections and other services provided by the City under this Chapter. Unless a fee is specified elsewhere in this Chapter, all permit fees required under Articles I through X of this Chapter are due and payable with an application for a permit and are as follows:

Table One. - Building Permit Fees

Single-family	\$0.08 per square foot
Apartments and duplexes	0.08 per square foot
Commercial and institutional	0.08 per square foot
Additions, remodeling, etc.	0.08 per square foot
	Minimum of 25.00
Demolition	50.00
House moving	100.00 plus any additional costs incurred by the police department and/or the utility department
Storage sheds in excess of 120 square feet	15.00
Reinspection	35.00
Plan review—Bldg. Dept.	100.00 each review
Plan review—Fire Marshal	100.00 each review

Table Two. - Plumbing Permit Fee Schedule

New Construction		
Single-family residence		\$ 0.08 per square foot
Apartments and duplexes		0.08 per square foot
Commercial and institutional		0.08 per square foot
Repair and Additions		
	Basic permit	\$25.00 plus items below
	Fixture, each	2.50
	Sewer yard line	2.50
	Gas yard line	2.50
	Water heater	2.50
	Gas piping system	5.50 plus \$0.50 each outlet over five
	Lawn sprinkler system	5.00 plus \$0.50 each outlet over five
	Swimming pool	10.00
	Reinspections	35.00

Table Three. - Mechanical Permit Fees

Single-family, duplex and apartments	\$40.00 per unit
Commercial and institutional	40.00 per unit

All other types of mechanical equipment regulated by this code	10.00 per unit
Reinspection	35.00 per unit

Table Four. – Fire Code Permit Fees

Type	Cost	Notes
Burn Permits		
Residential Burn Permit	\$20	
HOA, POA, Subdivision	\$40	Community burn location
Res. or Com. Development	\$120	
Fireworks Displays	\$100	
New and Remodel Construction		
Fire Safety Plan Review	\$100	General — New Construction
Fire Safety Plan Review	\$50	General — Major Remodel
Sprinkler System	\$100	< 12,000 sqft
Sprinkler System	\$200	> 12,000 sqft
Alarm System	\$100	< 12,000 sqft
Alarm System	\$200	> 12,000 sqft
Commercial Hood Suppression	\$75	
System Inspections		
Underground Fire Main Inspection	\$30	
Sprinkler System Pressure Test	\$25	
Sprinkler System Final	\$50	< 12,000 sqft
Sprinkler System Final	\$100	> 12,000 sqft
Alarm System Final	\$50	< 12,000 sqft
Alarm System Final	\$100	> 12,000 sqft
Commercial Hood Suppression Final	\$25	
Re-inspection Fees	½ rate	Of Initial Inspection charge
Licensing Inspections		
Foster Home	\$0	
Group Home	\$25	
Day Care	\$25	
Nursing Home/Asst. Living	\$75	
Hospital	\$100	
Private Correction Facility	\$50	

County or State Corrections Facility	\$0	
Insurance Inspection	\$25	
After Hour Inspection Rate	Fee +	Inspector over time rate — 1 Hr. Minimum

Table Five. – Outdoor Burning Fireworks Fees

The fee for issued permits for the conducting of approved outdoor burning is subject to the following information:

1. Established Residential or Vacant Lots: \$20.00 for 30 calendar days
2. HOA, POA, of Established Subdivision community Lot: \$40.00 for 30 calendar days
3. Commercial or Residential Development Property under developer control: \$150 for 30 calendar days
4. Exception: Extensions may be granted if the time period was shortened due to weather conditions, state or county issued burn bans, extended red flag warnings or any other reasonable situation as determined by the Fire Marshal.

The fireworks application fee is \$100.00.

Table Six. - Electrical Permit Fees

New Construction		
Single-family residence		\$0.08 per square foot
Apartments and duplexes		0.08 per square foot
Commercial and institutional		0.08 per square foot plus \$50.00 for service over 200 amp, plus \$20.00 per feeder panel
Remodeling and Additions		
	Basic permit	\$25.00 plus items listed below
	Feeder panels	20.00
	Electric outlets and fixtures	0.20 each
	Service size	
	100 amp	\$30.00
	200 amp	30.00
	300 amp	45.00
	400 amp	60.00
Other Electrical Charges		
	Construction meter loop	\$15.00
	Mobile home hookup	10.00
	Swimming pool	10.00
	Reinspection	35.00



Administration

ITEM 4.5

Kelly Dix
City Secretary
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Agenda Item Brief

- Meeting Date:** July 13, 2021
- Agenda Item:** Discuss and consider action: Appointment of Burnet Municipal Airport Advisory Board Members: K. Dix
- Background:** Currently the following members of the Burnet Municipal Airport Advisory Board Dave Hargett (position 4) and James Wreyford (position 5) have completed their term on the board and are eligible for re-appointment. Both members have expressed their desire to serve another term and have requested re-appointment.
- Information:** Staff is requesting re-appointment of the current Airport Advisory members Dave Hargett (position 4) and James Wreyford (position 5) for a two year term that will end in June 2023.
- Fiscal Impact:** No fiscal impact
- Recommendation:** Staff recommends re-appointment of Dave Hargett and James Wreyford to the Burnet Municipal Airport Advisory Board as presented.



Administration

ITEM 4.6

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

Agenda Item Brief

- Meeting Date:** July 13, 2021
- Agenda Item:** Discuss and consider action: Burnet Historic Preservation Board appointment: K. Dix
- Background:** Ordinance 2016-19; Section 22-235(b) states: The Board shall consist of five members; one of which shall be a member of the City of Burnet staff, one shall be a member of the City Council, or a City staff member appointed in their stead, and three at-large members.
- Currently there are two at large positions on the Burnet Historic Board to be filled.
- Information:** An application for appointment was received from Cheryl Howell seeking a position on the Burnet Historic Preservation Board. The term is for a two year period ending June 2023.
- Fiscal Impact:** None.
- Recommendation:** Appointment of Cheryl Howell to the Burnet Historic Preservation Board.



CITY OF BURNET

P. O. Box 1369
1001 Buchanan Drive
Burnet, Texas 78611
Phone: 512-756-6093 Fax: 512-756-8560

COMMUNITY SERVICE APPLICATION

I am interested in serving on the following City of Burnet Board or Commission:

Economic Development Corporation Board
 Historic Board
 Board of Adjustments and Appeals

Planning & Zoning Commission
 Airport Advisory Board
 Charter Review Committee

Name: Cheryl Howell Email: czh51@hotmail.com

Home Address: 502 N. Wood DOB: 9/26/51

Home Phone: 512-755-4893 Business Phone: _____

Resident of Burnet for 69 years. Voter Registration No.: Yes #?

Occupation: Retired From PEC

Education (Optional): Burnet High School

Special knowledge or experience applicable to City board or commission function:

Banking/Finance

Building/Construction

Real Estate/Development

Industrial Training

Business Development

Promotion/Marketing

Manufacturing/Industrial Operations

Law/Contract Administration

Do you serve on any other board/commission at this time: If so, please list:

None

Other information (professional and/or community activities):

Have lived here all my life - Born at Sheppard Hospital.

I have attended one or more meetings of the board or commission for which I have applied. _____ Yes

No

Date: 6/21/2021 Signature: Cheryl Howell

RETURN COMPLETED FORM TO THE CITY SECRETARY'S OFFICE



Administration

ITEM 4.7

David Vaughn
City Manager
512.715.3208
dvaughn@cityofburnet.com

Agenda Item Brief

Meeting Date:	July 13, 2021
Agenda Item:	Discuss and consider action: RESOLUTION AUTHORIZING DEFEASANCE AND REDEMPTION OF CERTAIN OF THE CITY'S OUTSTANDING OBLIGATIONS AND OTHER RELATED MATTERS: D. Vaughn
Background:	
Information:	The attached resolution would authorize the early pre-payment of approximately \$1,145,000 in outstanding debt related to the fire station. This will free up approximately \$2.2m in debt capacity to be used towards the new City Hall.
Fiscal Impact:	\$1,145,000
Recommendation:	Approval and adoption of Resolution No. R2021-35 as presented.

THE STATE OF TEXAS §
COUNTY OF BURNET §
CITY OF BURNET §

RESOLUTION NO. R2021-35

RESOLUTION AUTHORIZING DEFEASANCE AND REDEMPTION OF CERTAIN OF THE CITY'S OUTSTANDING OBLIGATIONS AND OTHER RELATED MATTERS

WHEREAS, the City of Burnet, Texas (the "City") has duly issued and there is now outstanding several series of debt, secured by ad valorem taxes, revenues or a combination of such ad valorem taxes and revenues (collectively, the "Callable Obligations"); and,

WHEREAS, the City expects to have sufficient funds available after taxes are collected for the 2021 tax year to pay off a portion of the Callable Obligations prior to their maturity, which will save the City's taxpayers by reducing the City's future principal and interest payments on such debt; and,

WHEREAS, the City Council (the "City Council") of the City deems it to be in the best interest of the City to use lawfully available funds to defease and redeem a portion of the Callable Obligations during Fiscal Year 2021; and,

WHEREAS, to give effect to this action, the City Council will direct staff to give effect to such redemption and defeasance during the Summer of 2021;

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

Section 1. The City hereby calls for redemption the Callable Obligations selected by the Mayor or City Manager (each an "Authorized Official", and such selected Callable Obligations, the "Defeased Obligations") in an aggregate principal amount of \$1,145,000. Attached to this Resolution as Exhibit "A" and made a part hereof for all purposes, is a copy of the form of Notice of Defeasance and Redemption for the Defeased Obligations. Each Authorized Official is authorized to approve such changes to complete and finalize the Notice of Defeasance and Redemption once the Callable Obligations have been selected and as further authorized in Section 4 hereof. Each Authorized Official, the City's Financial Advisor, the City's Bond Counsel and/or the paying agent for the Defeased Obligations are hereby authorized to take all actions necessary to call for the redemption and defeasance of such obligations, including finalizing the notice of redemption, sending all notices of such redemption required by any ordinance authorizing the Defeased Obligations and approving and executing any other document or agreement, including an escrow agreement, that may be necessary to give effect to the actions authorized by this Resolution. Each Authorized Official is further authorized to determine the timing of the defeasance of the Defeased Obligations and the delivery of the notice once all requirements of this Resolution for such defeasance have been satisfied; provided that such defeasance must occur prior to the end of the City's 2021 Fiscal Year and that such notice in all events is to be given by the time and in the manner

required in any ordinance authorizing the issuance of the Defeased Obligations. Further, all prior actions by City staff and consultants to give effect to any redemption and defeasance of outstanding City debt during Fiscal Year 2021 are hereby approved and confirmed.

Section 2. Each Authorized Official is hereby authorized to transfer lawfully available City funds as necessary to defease and redeem the Defeased Obligations.

Section 3. Notwithstanding any other provision of this Resolution to the contrary, effectuating the defeasance and redemption contemplated by this Resolution is subject to a determination by an Authorized Official that lawfully available funds are or will be on deposit in the applicable interest and sinking fund of the City sufficient to accomplish the defeasance of the Defeased Obligations at the time such defeasance occurs. Additionally, the amount of the Defeased Obligations to be defeased and redeemed may be adjusted as approved by an Authorized Official based on available funds and final rates for any escrow securities, subject to the requirements in Section 1 above.

Section 4. Each Authorized Official and all other officers, employees and agents of the City, and each of them, shall be and they are hereby expressly authorized, empowered and directed from time to time and at any time to do and perform all such acts and things, including giving any notices as may be required by the City's continuing disclosure obligations, if any, with respect to the Defeased Obligations and all other instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Resolution or the official actions authorizing the Defeased Obligations.

Section 5. If any provision of this Resolution or the application thereof to any circumstance shall be held to be invalid, the remainder of this Resolution and the application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Resolution would have been enacted without such invalid provision.

Section 6. This Resolution shall be in full force and effect immediately upon its passage and approval.

PASSED AND ADOPTED this 13th day of July, 2021.

Crista Goble Bromley, Mayor
City of Burnet, Texas

ATTEST:

Kelly Dix, City Secretary
City of Burnet, Texas

EXHIBIT "A"

NOTICE OF REDEMPTION

NOTICE IS HEREBY GIVEN that the City of Burnet, Texas (the "City") has defeased and called certain maturities for redemption of a portion of the outstanding bonds of the City described below at a price of par plus accrued interest to such date of redemption, to-wit:

Burnet, Texas Combination Tax & Revenue Certificates of Obligation, Series 2013, dated April 15, 2013, a portion of the bonds maturing on February 1, 2022 through, and including, 2028, as further described below (collectively, the "Obligations").

<u>Maturity Date (February 1)</u>	<u>Principal Amount Outstanding</u>	<u>Interest Rate</u>	<u>Redemption/ Maturity Date</u>	<u>@Par</u>
2022	\$155,000	2.190%	August 25, 2021	100%
2023	155,000	2.190	August 25, 2021	100%
2024	160,000	2.190	August 25, 2021	100%
2025	165,000	2.190	August 25, 2021	100%
2026	165,000	2.190	August 25, 2021	100%
2027	170,000	2.190	August 25, 2021	100%
2028	175,000	2.190	August 25, 2021	100%

The Obligations being redeemed shall be redeemed upon presentation at the principal corporate offices of TIB-The Independent Bankers Bank, N.A., as paying agent/registrar for the Obligations, at the addresses set forth below. Interest on the Obligations shall cease to accrue from and after August 25, 2021.

First Class/Registered/Certified

Mail

TIB The Independent Bankers
Bank, N.A.
11701 Luna Road
Farmers Branch, TX 75234

By Overnight or Courier

TIB The Independent
Bankers Bank, N.A.
11701 Luna Road
Farmers Branch, TX 75234

By Hand

TIB The Independent Bankers
Bank, N.A.
11701 Luna Road
Farmers Branch, TX 75234

In compliance with section 3406 of the Internal Revenue Code of 1986, as amended, payors making certain payments due on debt securities may be obligated to deduct and withhold a portion of such payment from the remittance to any payee who has failed to provide such payor with a valid taxpayer identification number. To avoid the imposition of this withholding tax, such payees should submit a certified taxpayer identification number when surrendering bonds for redemption.

CITY OF BURNET, TEXAS



Human Resources Department

ITEM 4.8

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

Agenda Item Brief

Meeting Date:

July 13, 2021

Agenda Item:

Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING SECTION 8.12 MILITARY LEAVE, OF THE PERSONNEL POLICY MANUAL BY UPDATING AND CLARIFYING POLICY REQUIREMENTS: K. Sames

Background:

The City of Burnet currently has in effect a Personnel Policy Manual that was adopted by City Council on December 8, 2009, with an effective date of December 8, 2009. Since the original adoption, recommended revisions to the Personnel Policy have occurred from time to time.

Information:

Included in the Personnel Manual is Policy No. 8.12, Military Leave. Per legislative approval of HB 1589 from the Eighty-Seventh Legislative Session, eligible staff would be entitled to seven paid workdays per fiscal year if called to respond to a disaster.

H.B. 1589 (Davis/Menéndez) – Paid Military Leave: provides that: (1) a person who is an officer or employee of the state, a city, a county, or another political subdivision and who is a member of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team is entitled to paid leave of absence for each day the person is called to state active duty by the governor or another appropriate authority in response to a disaster, not to exceed seven workdays in a fiscal year; and (2) during the leave of absence described in (1), the person may not be subjected to loss of time, efficiency rating, personal time, sick leave, or vacation time.

Proposed Personnel Policy No. 8.12, Military Leave is attached as Exhibit A and changes are notated in red.

The proposed changes have been reviewed by the City Manager and City Attorney.

Fiscal Impact:

Salary and benefits for employees eligible for paid military leave will be administered in accordance with policy guidelines.

Recommendation:

City staff recommends approval of Resolution No. R2021-36 updating Personnel Policy No. 8.12 Military Leave effective September 1, 2021 as presented.

RESOLUTION NO. R2021-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING SECTION 8.12 MILITARY LEAVE, OF THE PERSONNEL POLICY MANUAL BY UPDATING AND CLARIFYING POLICY REQUIREMENTS.

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

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

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

Whereas, the Personnel Policy Manual was last revised on June 8, 2021; and

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

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

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

Section 1. The City Council hereby accepts and adopts the amendment to the Personnel Policy to include Section 8.12 Military Leave as attached hereto as Exhibit "A" with an effective date of September 1, 2021.

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

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

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

PASSED AND APPROVED on this 13th day of July 2021.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

Exhibit A

8.12 MILITARY LEAVE (Revised 7-13-2021, Effective 9-1-2021, Resolution 2021-)**

The City of Burnet complies with all state and federal laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military. Temporary employees who have brief or non-recurrent positions with the City and who have no reasonable expectation that their employment with the City will continue indefinitely or for a significant period of time are generally ineligible for extended paid military leave in excess of 15 days, re-employment rights, or any other military leave benefits under this policy.

This policy covers employees who serve in the uniformed services (i.e., a member of the United States or Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team), in a voluntary or involuntary basis, including active duty, active duty for training, initial active duty for training, inactive duty training, and full-time National Guard duty.

Notice to City of Need for Leave. Employees must provide as much advance written or verbal notice to the City as possible for all military duty (unless giving notice is impossible, unreasonable, or precluded by military necessity). Absent unusual circumstances, such notice must be given to the City no later than 24 hours after the employee receives the military orders. To be eligible for paid military leave, employees must complete and submit a Leave Request Form along with the official documents setting forth the purpose of the leave and, if known, its duration. The Leave Request Form must be turned into the Department Director and the Director of Human Resources as far in advance of the leave as possible.

Paid and Unpaid Leave for Training and Duty.

COMPENSATION

Full Pay for Up to 15 Days. An employee shall be eligible for paid leave for military duty for a maximum of fifteen (15) workdays (120 hours, or 180 hours for an employee in a shift firefighter or police position), during the fiscal year (October 1 through September 30). This leave may be used when an employee is engaged in National Guard or U.S. armed forces reserve training or active military duty ordered or approved by proper military authority. The paid leave days may be consecutive or scattered throughout the year. An employee who qualifies for this leave may request an annual accounting of the use of this leave. Military leave will not count as time worked for the purposes of determining overtime.

Full Pay for Up to 7 Days. An employee shall be eligible for paid leave for military duty in response to a disaster, not to exceed seven (7) workdays (56 hours, or 84 hours for an employee in a shift firefighter or police position), during the fiscal year (October 1 through September 30). The paid leave days may be consecutive or scattered throughout the year. An employee who qualifies for this leave may request an annual accounting of the use of this leave. Military leave will not count as time worked for the purposes of determining overtime.

Texas Government Code - GOV'T § 418.004. Definitions - “Disaster” means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, extreme heat, cybersecurity event, other public calamity requiring emergency action, or energy emergency.

Other Paid Leave. An employee who has exhausted all available paid military leave may, at their option, use any other available paid leave time (i.e., vacation leave, holiday leave and compensatory time) to cover their absence from work.

Unpaid Leave. After an employee has exhausted all available paid military leave (including any other paid leave time that the employee chooses to use to cover a military absence), the employee will be placed on leave without pay until their military leave duty is complete and they return to work.

Benefits. The City will continue to provide employees on paid military leave with the following City benefits.

Medical and Dental. While an employee is on paid military leave (or any military leave of less than 31 days), the City will continue to pay its portion of the monthly premium for group health benefits. When military leave is unpaid, the employee may elect to continue group health coverage for up to 24 months following separation of employment or until the employee’s re-employment rights expire, whichever event occurs first, for the employee and eligible dependents.

Upon an employee’s return to employment following military service, the City will provide health insurance coverage immediately. In addition, a returning employee will not be subjected to exclusions from coverage unless the exclusions apply to injuries or conditions that were incurred as a result of military service.

Other Benefits. While on paid military leave, employees continue to accrue vacation, sick leave and other benefits provided to other employees on paid leave. The City will also continue to pay the premium for any City-provided life insurance while the employee is on paid military leave. While on unpaid military leave, employees are generally ineligible for most City-provided benefits. Benefits, such as vacation and sick leave, do not accrue while an employee is on unpaid leave, including unpaid military leave. While on unpaid military leave, benefit accruals will be suspended and will resume upon the employee’s return to active employment. Once an employee returns to work following an unpaid leave, the employee will be treated as though continuously employed for purposes of determining benefits based on length of service, such as vacation accrual and longevity pay.

TMRS. Typically, an employee’s period of uniformed service is deemed to constitute service for purposes of vesting and benefit accrual. Thus, employees earn service credit for time spent on active-duty military leave. Service time is credited when an employee returns to work. To qualify for service credit, an employee must: return to work for the City within 90 days after discharge;

receive an honorable discharge; and timely complete the TMRS USERRA Military Service Credit Application. In order to receive monetary credit, an employee has the lesser of 5 years or 3 times the length of the military service to make up any TMRS contributions that were missed while on military leave.

RETURNING FROM LEAVE

Re-employment Rights. An employee who completes his/her military service shall be re-employed in the position they would have had if they had been continuously employed, pursuant to 38 U.S.C. Section 4313, as amended.

Deadline to Notify City of Intent to Return to Work. The deadline for an employee to return to work and/or notify the City that the employee intends to return to work following military leave depends upon how long the employee's military service lasted:

- For service of less than 31 days, employees have 8 hours following their release from service to report for their next scheduled work period.
- For service between 31 days and 180 days, employees have 14 days following their release from service to apply for re-employment.
- For service of more than 180 days, employees have 90 days following their release from service to apply for re-employment.

These deadlines may be extended for 2 years or more when an employee suffers service-related injuries that prevent the employee from applying for re-employment or when circumstances beyond the employee's control make reporting within the time limits impossible or unreasonable.

Required Documentation. To qualify to return to work, an employee returning from leave must provide to the Human Resources department, documentation of the length and character of military service. Also, if the military leave lasted more than 31 calendar days, the employee must submit documentation of discharge or release under honorable conditions. Such documentation must be provided not later than the deadline for returning to work as stated above.

Changed Circumstances. If the City's circumstances have changed to such an extent that it would be impossible or unreasonable to reemploy an employee, the City may not be required to reemploy an employee following their return from military leave. For example, a reduction-in-force that eliminates the position held by an employee returning from leave may excuse the City from its obligation to reemploy the employee. In addition, the City will make efforts to reemploy and accommodate an employee who was injured or has an aggravated injury while on military duty either in the same, equivalent position or the nearest approximation where they are qualified. The City is not required to make efforts to qualify returning employees for particular positions or to make accommodations for employees who suffered service-related disabilities when such efforts or accommodations would impose an undue hardship on the City.



Administration

ITEM 4.9

David Vaughn
City Manager
512.715.3208
dvaughn@cityofburnet.com

Agenda Item Brief

Meeting Date:	July 13, 2021
Agenda Item:	Discuss and consider action: Transfer of 179D Tax Deduction for the Burnet Police Department Facility: D. Vaughn
Background:	Federal tax law allows the designer (architect, engineer or contractor) to tax a tax deduction for publicly owned buildings that have an energy efficient design. The designer is allowed to take the credit, since the city is tax exempt.
Information:	Since this is a tax deduction and not a credit, the exact amount is unknown, but has been estimated by American Constructors to be worth approximately \$6,400-\$19,200 in value.
Fiscal Impact:	None
Recommendation:	Staff recommends a motion to authorize the City Manager to execute the transfer of the 179D Tax Deduction to American Constructors.



David Vaughn
City of Burnet City Manager
1001 Buchanan Drive, Suite 4
Burnet, TX 78611

TRANSFER OF 179D TAX DEDUCTION

Under the provisions set forth by the Internal Revenue Service, Notice 2008-40, Section 3 - Special rule for Government Owned or Non Profit Buildings, the undersigned do hereby acknowledge this document as execution for transfer of allowable 179D tax deduction for the Public Building from Owner to the Designer.

Cost of the property	In excess of 4,000,000
Property Placed in Service Date	2020
179D deduction allocated to Designer – American Constructors	100%

Owner:

"I declare that I have examined this allocation, including accompanying documents, and to the best of my knowledge and belief, the facts presented in support of this allocation are true, correct, and complete."

Name: City of Burnet
Address: 1001 Buchanan Drive, Suite 4
City: Burnet State: TX Zip: 78611
Phone Number: 512-756-6093

Authorized Representative

Signature Date

Designer:

I declare that I have examined this allocation, including accompanying documents and to the best of my knowledge and belief, the facts presented in support of this allocation are true, correct and complete.

Name: American Constructors
Address: 11900 West Parmer Lane, Suite 200
City: Cedar Park State: TX Zip: 78613
Phone Number: 512-328-2026

Authorized Representative

Signature Date



Public Building

Name: New Police Headquarters

Address: 2000 S Water St

City: Burnet State: TX Zip: 78611

NOTICE 2008-40, SECTION 3 SPECIAL RULE FOR GOVERNMENT OWNED OR NON PROFIT BUILDINGS

SECTION 3. SPECIAL RULE FOR GOVERNMENT-OWNED BUILDINGS

.01 In General. In the case of energy efficient commercial building property (or partially qualifying commercial building property for which a deduction is allowed under § 179D) that is installed on or in property owned by a Federal, State, or local government or a political subdivision thereof, the owner of the property may allocate the § 179D deduction to the person primarily responsible for designing the property (the designer). If the allocation of a § 179D deduction to a designer satisfies the requirements of this section, the deduction will be allowed only to that designer. The deduction will be allowed to the designer for the taxable year that includes the date on which the property is placed in service.

.02 Designer of Government-Owned Buildings. A designer is a person that creates the technical specifications for installation of energy efficient commercial building property (or partially qualifying commercial building property for which a deduction is allowed under § 179D). A designer may include, for example, an architect, engineer, contractor, environmental consultant or energy services provider who creates the technical specifications for a new building or an addition to an existing building that incorporates energy efficient commercial building property (or partially qualifying commercial building property for which a deduction is allowed under § 179D). A person that merely installs, repairs, or maintains the property is not a designer.

.03 Allocation of the Deduction. If more than one designer is responsible for creating the technical specifications for installation of energy efficient commercial building property (or partially qualifying commercial building property for which a deduction is allowed under § 179D) on or in a government-owned building, the owner of the building shall—

- (1) determine which designer is primarily responsible and allocate the full deduction to that designer, or
- (2) at the owner's discretion, allocate the deduction among several designers.

.04 Form of Allocation. An allocation of the § 179D deduction to the designer of a government-owned building must be in writing and will be treated as satisfying the requirements of this section with respect to energy efficient commercial building property (or partially qualifying commercial building property for which a deduction is allowed under § 179D) if the allocation contains all of the following:

- (1) The name, address, and telephone number of an authorized representative of the owner of the government-owned building;
- (2) The name, address, and telephone number of an authorized representative of the designer receiving the allocation of the § 179D deduction;
- (3) The address of the government-owned building on or in which the property is installed;
- (4) The cost of the property;
- (5) The date the property is placed in service;
- (6) The amount of the § 179D deduction allocated to the designer;
- (7) The signatures of the authorized representatives of both the owner of the government-owned building and the designer or the designer's authorized representative; and

(8) A declaration, applicable to the allocation and any accompanying documents, signed by the authorized representative of the owner of the government-owned building, in the following form:

“Under penalties of perjury, I declare that I have examined this allocation, including accompanying documents, and to the best of my knowledge and belief, the facts presented in support of this allocation are true, correct, and complete.”

.05 Obligations of Designer. Before a designer may claim the § 179D deduction with respect to property installed on or in a government-owned building, the designer must obtain the written allocation described in section 3.04. A designer is not required to attach the allocation to the return on which the deduction is taken. However, § 1.6001-1(a) of the Income Tax Regulations requires that taxpayers maintain such books and records as are sufficient to establish the entitlement to, and amount of, any deduction claimed by the taxpayer. Accordingly, a designer claiming a deduction under § 179D should retain the allocation as part of the taxpayer’s records for purposes of § 1.6001-1(a) of the Income Tax Regulations.

.06 Tax Consequences to Designer of Government-Owned Buildings. The maximum amount of the § 179D deduction to be allocated to the designer is the amount of the costs incurred by the owner of the government-owned building to place the energy efficient commercial building property in service. A partial deduction may be allocated and computed in accordance with the procedures set forth in sections 2 and 3 of Notice 2006-52. The designer does not include any amount in income on account of the § 179D deduction allocated to the designer. In addition, the designer is not required to reduce future deductions by an amount equal to the § 179D deduction allocated to the designer. Although reducing future deductions in this manner would provide equivalent treatment for designers that are allocated a § 179D deduction and building owners that are required to reduce the basis of their energy efficient commercial building property by the amount of the § 179D deduction they claim, § 179D does not provide for any reductions other than reductions to the basis of the energy efficient commercial building property.

.07 Tax Consequences to Owner of Public Building. The owner of the public building is not required to include any amount in income on account of the § 179D deduction allocated to the designer. The owner of the public building is, however, required to reduce the basis of the energy efficient commercial building property (or partially qualifying commercial building property) by the amount of the § 179D deduction allocated.



Administration

ITEM 4.10

David Vaughn
City Manager
512.715.3208
dvaughn@cityofburnet.com

Agenda Item Brief

Meeting Date: July 13, 2021

Agenda Item: Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF BURNET TEXAS APPROVING A FINANCING USE AND SALES TAX AGREEMENT WITH THE CITY OF BURNET; AND ENACTING OTHER PROCEDURES AND PROVISIONS RELATING TO THE PURPOSES OF THIS RESOLUTION: D. Vaughn

Background:

Information: This is an agreement for the collection and distribution of the EDC's portion of the sales tax, which is required by the bank for financing the construction loan for the 13 acre commercial park on 281 south.

Fiscal Impact: While the agreement itself does not impact either the City's or EDC's collection of sales tax, it is the final step before the construction loan of \$1.4m can be issued for the 281 south commercial park.

Recommendation: Approve and adopt Resolution No. R2021-37 as presented.

RESOLUTION NO. R2021-37

A RESOLUTION OF THE CITY COUNCIL OF BURNET TEXAS APPROVING A FINANCING USE AND SALES TAX AGREEMENT WITH THE CITY OF BURNET; AND ENACTING OTHER PROCEDURES AND PROVISIONS RELATING TO THE PURPOSES OF THIS RESOLUTION

WHEREAS, the Corporation was created by the City pursuant to authority granted by Article 5190.6, Texas Revised Civil Statutes, as amended (the "Act"), specifically with the Corporation to possess the powers granted by Section 4B of the Act [now Chapter 505, Texas Local Government Code]; and

WHEREAS, the citizens of the City by vote at a duly called election approved the levy of a one-half of one percent sales and use tax upon the receipts at retail of taxable items, pursuant to Section 4B of the Act (the "Economic Development Sales Tax"); and

WHEREAS, under the Act and the provisions of the Texas Tax Code, disbursements of sales and use taxes are made to cities, such as the City, by the Comptroller of Public Accounts of Texas (the "Comptroller"); and

WHEREAS, the City on April 27, 2021, and the Corporation on April 20, 2021, at duly called and convened meetings, adopted resolutions approving and authorizing the Corporation to obtain a loan from First State Bank of Burnet in the principal amount of \$1,400,000.00 (the "Loan") for the purpose of financing an eligible project of the Corporation on property owned by the Corporation located in the City of Burnet, and to secure the Loan with Economic Development Sales Tax collected by the City under authority of Section 4B of the Act; and

WHEREAS, the City Council and the Board of Directors find it necessary and advisable to enter into an Agreement to evidence the duties and responsibilities of the respective parties with respect to the collection, remittance and transfer of such sales and use tax revenues.

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

Section one. Recitals. The recitals set out above are hereby adopted and incorporated herein for all purposes.

Section two. Approval. The "Financing Use and Sales and Tax Remittance Agreement" attached hereto is hereby approved.

Section three. Authorization. The Mayor is hereby authorized to execute the aforementioned Agreement on behalf of the City and take such ancillary actions and execute such ancillary documents as may reasonably be necessary to facilitate the purpose of this Resolution.

Section four. Effective date. This Resolution shall be effective upon passage and approval.

Passed and approved this 13th day of July, 2021

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

FINANCING USE AND SALES TAX REMITTANCE AGREEMENT

THIS FINANCING USE AND SALES TAX REMITTANCE AGREEMENT (the "Agreement") is by and between the City of Burnet, Texas (the "City") and the Burnet Economic Development Corporation (the "Corporation"); and for the mutual promises and covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

Recitals

WHEREAS, the Corporation was created by the City pursuant to authority granted by Article 5190.6, Texas Revised Civil Statutes, as amended (the "Act"), specifically with the Corporation to possess the powers granted by Section 4B of the Act [now Chapter 505, Texas Local Government Code]; and

WHEREAS, the citizens of the City by vote at a duly called election approved the levy of a one-half of one percent sales and use tax upon the receipts at retail of taxable items, pursuant to Section 4B of the Act (the "Economic Development Sales Tax"); and

WHEREAS, under the Act and the provisions of the Texas Tax Code, disbursements of sales and use taxes are made to cities, such as the City, by the Comptroller of Public Accounts of Texas (the "Comptroller"); and

WHEREAS, the City on April 27, 2021, and the Corporation on April 20, 2021, at duly called and convened meetings, adopted resolutions approving and authorizing the Corporation to obtain a loan from First State Bank of Burnet in the principal amount of \$1,400,000.00 (the "Loan") for the purpose of financing an eligible project of the Corporation on property owned by the Corporation located in the City of Burnet, and to secure the Loan with Economic Development Sales Tax collected by the City under authority of Section 4B of the Act; and

WHEREAS, the parties hereto find it necessary and advisable to enter into this Agreement to evidence the duties and responsibilities of the respective parties with respect to the collection, remittance and transfer of such sales and use tax revenues.

NOW THEREFORE, in consideration of the covenants and agreements herein made, and subject to the conditions herein set forth, the City and the Corporation contract and agree as follows:

**ARTICLE I
TRANSFER OF SALES TAXES**

Section 1.1. Deposit of Funds with Depository. The City has established and maintains at an official depository bank of the City (the "Depository") an account into which taxes and other revenues of the City, including revenues derived from the Economic Development Sales Tax, are deposited. Pursuant to generally accepted accounting principles, the City maintains financial accounting records of all monies so deposited, including a record of all revenues derived from Economic Development Sales Taxes on behalf of the Corporation.

Section 1.2. Security for Funds. The City hereby agrees that monies on deposit in the aforementioned account with the Depository shall at all times be collateralized in the manner and with the collateral required by the City for its own funds.

Section 1.3. Change in Depository. The City reserves the right from time to time to change its official depository bank, and hereby agrees to give the Corporation advance written notice of any such change in its official depository bank.

**ARTICLE II
TRANSFER OF FUNDS**

Section 2.1. Collection of Economic Development Sales Tax. The President or Vice-President of the Board of Directors of the Corporation and the City Manager of the City shall take such actions as are required to cause the Economic Development Sales Tax to be delivered and transferred by the City to the Corporation by the last business day of each month.

Section 2.2. Use of Monies by Corporation. The Corporation agrees to use the Pledged Revenues on deposit in the Operating Fund in a manner consistent with the terms and conditions of the Corporation's Resolution No. BEDC R2021-03.

**ARTICLE III
EFFECTIVE DATE**

This Agreement shall become effective on July 13, 2021.

[The remainder of this page is intentionally left blank.]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be signed in multiple counterparts, each of which shall be considered an original for all purposes, as of the effective date.

CITY OF BURNET, TEXAS

By: _____
Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

[CITY SEAL]

BURNET ECONOMIC DEVELOPMENT CORPORATION

By: _____
Wayne Brown, Vice-President

ATTEST:

Kelly Dix, City Secretary



Administration

ITEM 4.11

David Vaughn
City Manager
512.715.3208
dvaughn@cityofburnet.com

Agenda Item Brief

- Meeting Date:** July 13, 2021
- Agenda Item:** Discuss and consider action: Approval and authorization for the City Manager to execute a renewal contract with Spectrum Enterprise for fiber-based ethernet service: D. Vaughn
- Background:**
- Information:** The attached contract doubles our fiber internet bandwidth connection from Spectrum.
- Fiscal Impact:** This is a five year contract and increases the current bill by approximately \$31 per month.
- Recommendation:** Authorize the City Manager to execute the agreement as presented.



SERVICE ORDER

THIS SERVICE ORDER ("Service Order"), is executed and effective upon the date of the signature set forth in the signature block below ("Effective Date") and is by and between Charter Communications Operating, LLC on behalf of those operating subsidiaries providing the Service(s) hereunder ("Spectrum") and Customer (as shown below) and is governed by and subject to the Spectrum Enterprise Commercial Terms of Service posted to the Spectrum Enterprise website, <https://enterprise.spectrum.com/> (or successor url) or, if applicable, an existing services agreement mutually executed by the parties (each, as appropriate, a "Service Agreement"). Except as specifically modified herein, all other terms and conditions of the Service Agreement shall remain unamended and in full force and effect.

Spectrum Enterprise Contact Information	
Spectrum Enterprise 12405 Powerscourt Drive St. Louis, MO 63131	Contact: John Watson Telephone: 5129095561 Email: john.watson@charter.com

Customer Information		
Customer Name City of Burnet TX (HQ)	Order # 12598949	
Address 105 N RHOMBERG ST ATTN: Jim Barho BURNET TX 78611		
Telephone (512) 715-3208	Email: dvaughn@cityofburnet.com	
Contact Name DavidVaughn	Telephone (512) 715-3208	Email: dvaughn@cityofburnet.com
Billing Address 105 N RHOMBERG ST ATTN: Jim Barho BURNET TX 78611		
Billing Contact Name David Vaughn	Telephone (512) 715-3208	Email: dvaughn@cityofburnet.com



NEW AND REVISED SERVICES AT 2002 S Water St , Burnet TX 78611				
Service Description	Contract Term	Quantity	Sales Price	Monthly Recurring Charges
13 Static IP	60 Months	1	\$ 0.00	\$ 0.00
EPL Intrastate 100 Mbps	60 Months	1	\$ 450.00	\$ 450.00
Ethernet Spoke	60 Months	1	\$ 0.00	\$ 0.00
Fiber Internet 200Mbps	60 Months	1	\$ 800.00	\$ 800.00
TOTAL*				\$1,250.00

NEW AND REVISED SERVICES AT 7000 Burleson Rd Unit Bldg. B Ste.400, Austin TX 78744				
Service Description	Contract Term	Quantity	Sales Price	Monthly Recurring Charges
EPL Intrastate 100 Mbps	60 Months	1	\$ 450.00	\$ 450.00
Ethernet EPL HUB	60 Months	1	\$ 0.00	\$ 0.00
TOTAL*				\$450.00



1. **TOTAL FEES.** Total Monthly Recurring Charges and Total One-Time Charges are due in accordance with the monthly invoice.
2. **TAXES.** Prices for Services do not include taxes, surcharges, or other fees.
3. **NO UNTRUE STATEMENTS.** Customer represents and warrants to Spectrum that neither this Service Order, nor any other information, including without limitation, any schedules or drawings furnished to Spectrum contains any untrue or incorrect statement of material fact or omits or fails to state a material fact.
4. **SPECIAL TERMS.**



The Parties have caused their duly authorized representatives to execute this Service Order.

CUSTOMER SIGNATURE

Signature: _____

David Vaughn

Printed Name: _____

Title: _____

Company: _____

Date: _____



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Spectrum Enterprise

Ethernet Service Level Agreement

This document outlines the Service Level Agreement (“SLA”) for fiber-based Spectrum Enterprise Ethernet Service and Spectrum Enterprise Cloud Connect Service (individually the “Service” and collectively the “Services”). Capitalized words used, but not defined herein, shall have the meanings given to them in the Agreement.

This SLA is a part of, and hereby incorporated by reference into the Spectrum Enterprise Service Agreement (including the terms and conditions, attachments, and Service Orders described therein, the “Agreement”). To the extent any provision of this SLA conflicts with the Agreement, this SLA shall control. Performance tier goals (“SLA Targets”) are set forth in the table(s) below.

Ethernet Services SLA Targets presented below are measured end to end (i.e. from any two applicable Customer’s edge or network interface devices at the Service Location) at the individual circuit or service level, and any applicable credits are issued for the affected circuit or service (the “Affected Service”).

The Cloud Connect Service SLA Target for Availability is measured between Spectrum Enterprise’s network interface device (NID) located at the Customer location and the point of physical handoff of the Service to the Cloud Service Provider (the “Gateway Point”).

I. SLA Targets for Ethernet and Cloud Connect Services:

Spectrum Enterprise Ethernet Services SLAs			
Performance Tier	Metro ¹	Regional ¹	National ^{1,2}
Miles ³	0 - 155	>155 - 746	> 746
Kilometers ³	0 - 250	>250 - 1200	> 1200
Latency	≤ 10ms	≤ 25ms	≤ 60ms
Jitter	≤ 2ms	≤ 4ms	≤ 8ms
Frame Loss	≤ 0.01%	≤ 0.01%	≤ 0.01%
Availability	≥ 99.99%	≥ 99.99%	≥ 99.99%
MTTR	4 hrs.	4 hrs.	4 hrs.

¹ “Metro”, “Regional”, and “National” includes circuits that are provided by Spectrum Enterprise to Service Locations directly from the Spectrum Enterprise Network.

² “National” also includes all circuits provided by third party service providers, regardless of distance.

³ Miles and Kilometers are measured by fiber router miles.

Spectrum Enterprise Cloud Connect Gateway Point SLAs	
Availability	≥ 99.99%

II. Priority Classification:

“Excluded Disruptions” means (i) planned outages, (ii) routine or urgent maintenance, (iii) time when Spectrum Enterprise is unable to gain access to Customer’s premises to troubleshoot, repair or replace equipment or the Service, (iv) service problems resulting from acts of omissions of Customer or Customer’s representatives or agents, (v) Customer equipment failures, (vi) Customer is not prepared to release the Service for testing, and (vii) Force Majeure Events. Notwithstanding anything to the contrary in the Agreement, any service issues beyond the connectivity to the Cloud Service Provider is not covered by this SLA.

A “Service Disruption” is defined as an outage, disruption, or severe degradation, other than an Excluded Disruption, that interferes with the ability of a Spectrum Enterprise network hub to transmit and receive network traffic between Customer’s A and Z Service Locations. The Service Disruption period begins when Customer reports a Service Disruption using Spectrum Enterprise’s trouble ticketing system by contacting Customer Care, Spectrum Enterprise acknowledges receipt of such trouble ticket, Spectrum Enterprise validates that the Service is affected, and Customer releases the Service for testing. The Service Disruption ends when the affected Service has been restored.

“Service Degradation” means a degradation of the Service that is not a Service Disruption or a result of an Excluded Disruption, such as failure of the Service to achieve the SLA Targets for Latency / Frame Delay, Jitter / Frame Delay Variation, or Packet / Frame.

Spectrum Enterprise will classify Service problems as follows:

Priority	Criteria
Priority 1	<ul style="list-style-type: none"> Service Disruption resulting in a total loss of Service; or Service Degradation to the point where Customer is unable to use the Service and is prepared to release it for immediate testing (each a “Priority 1 Outage”).
Priority 2	<ul style="list-style-type: none"> Service Degradation where Customer is able to use the Service and is not prepared to release it for immediate testing.
Priority 3	<ul style="list-style-type: none"> A service problem that does not impact the Service; or A single non-circuit specific quality of Service inquiry.

III. Service Availability:

“Service Availability” is calculated as the total number of minutes in a calendar month less the number of minutes that the Service is unavailable due to a Priority 1 Outage (“Downtime”), divided by the total number of minutes in a calendar month.

The following table contains examples of the percentage of Service Availability translated into minutes of Downtime for the 99.99% Service Availability Target:

Percentage by Days Per Month	Total Minutes / Month	Downtime Minutes
99.99% for 31 Days	44,640	4.5
99.99% for 30 Days	43,200	4.3
99.99% for 29 Days	41,760	4.2
99.99% for 28 Days	40,320	4

IV. Mean Time to Restore (MTTR):

The MTTR measurement for Priority 1 Outages is the average time to restore Priority 1 Outages during a calendar month calculated as the cumulative length of time it takes Spectrum Enterprise to restore a Service following a Priority 1 Outage in a calendar month divided by the corresponding number of trouble tickets for Priority 1 Outages opened during the calendar month for the Service.

MTTR per calendar month is calculated as follows:

$$\frac{\text{Cumulative length of time to restore Priority 1 Outage(s) per Service}}{\text{Total number of Priority 1 Outage trouble tickets per Service}}$$

V. Latency / Frame Delay:

Latency or Frame Delay is the average roundtrip network delay, measured every 5 minutes during a calendar month, unless measurement is not possible as a result of an Excluded Disruption, to adequately determine a consistent average monthly performance level for frame delay for each Service. The roundtrip delay is expressed in milliseconds (ms).

Latency / Frame Delay is calculated as follows:

$$\frac{\text{Sum of the roundtrip delay measurements for a Service}}{\text{Total \# of measurements for a Service}}$$

VI. Packet Loss / Frame Loss Ratio:

Packet Loss or Frame Loss Ratio is defined as the percentage of frames that are not successfully received compared to the total frames that are sent in a calendar month, except where any packet or frame loss is the result of an Excluded Disruption. The percentage calculation is based on frames that are transmitted from a network origination point and received at a network destination point.

Packet Loss / Frame Loss Ratio is calculated as follows:

$\text{Packet Loss / Frame Loss (\%)} = 100 (\%) - \text{Frames Received}$
--

VII. Jitter / Frame Delay Variation:

Jitter or Frame Delay Variation is defined as the variation in delay for two consecutive frames that are transmitted (one-way) from a network origination point and received at a network destination point. Spectrum Enterprise measures a sample set of frames every 5 minutes during a calendar month, unless measurement is not possible as a result of an Excluded Disruption, and determines the average delay between consecutive frames within each sample set. The monthly Jitter / Frame Delay Variation is calculated as the average of all of the frame delay variation measurements during such calendar month and is expressed in milliseconds (ms).

$\frac{\text{Sum of the Frame Delay Variation measurements for a Service}}{\text{Total \# of measurements for a Service}}$
--

VIII. Network Maintenance:

Maintenance Notice:

Customer understands that from time to time, Spectrum Enterprise will perform network maintenance for network improvements and preventive maintenance. In some cases, Spectrum Enterprise will need to perform urgent network maintenance, which will usually be conducted within the routine maintenance windows. Spectrum Enterprise will use reasonable efforts to provide advance notice of the approximate time, duration, and reason for any urgent maintenance outside of the routine maintenance windows.

Maintenance Windows:

Routine maintenance may be performed Monday – Friday 12 a.m. – 6 a.m. Local Time.

IX. Remedies Service Credit:

If the actual performance of a Service during any calendar month is less than the SLA Targets, and Customer is in compliance with the terms of the Agreement and this SLA, then Customer may request credit equal to the corresponding percentage of the monthly recurring charges for the Affected Service as set forth in the table below. Any credit to be applied will be off-set against any amounts due from Customer to Spectrum Enterprise in the billing cycle following the date Spectrum Enterprise makes its credit determination. Credit requests must be submitted to Spectrum Enterprise within thirty (30) days of the calendar month in which the SLA Target was missed. Spectrum Enterprise will exercise commercially reasonable efforts to respond to such credit requests within 30 days of receipt thereof.

Service Availability	Mean Time To Restore ("MTTR")	Latency / Frame Delay (Roundtrip)	Jitter / Frame Delay Variation	Packet / Frame Loss
30%	> 4 hours ≤ 7:59:59 hours	4%	5%	5%
	> 8 hours	10%		

All SLA Targets are monthly measurements, and Customer may request only one credit per SLA Target per month for the Affected Service. Should one event impact more than one SLA hereunder, Customer shall receive the single highest of the qualifying credits only. Except as set forth below, the credits described in this SLA shall constitute Customer's sole and exclusive remedy, and Spectrum Enterprise's sole and exclusive liability, with respect to any missed SLA Targets. Service Credits hereunder shall not be cumulative per Service.

X. Chronic Priority 1 Outages:

If Customer experiences and reports three (3) separate Priority 1 Outages where the Downtime exceeds four (4) hours during each Priority 1 Outage within three (3) consecutive calendar months, then Customer may terminate the Affected Service without charge or liability by providing at least thirty (30) days written notice to Spectrum Enterprise; provided, however, that (i) Customer may only terminate the Affected Service; (ii) Customer must exercise its right to terminate the Affected Service by providing written notice to Spectrum Enterprise within thirty (30) days after the event giving rise to Customer's termination right; (iii) Customer shall have paid Spectrum Enterprise all amounts due at the time of such termination for all Services provided by Spectrum Enterprise pursuant to the Agreement, and (iv) the foregoing termination right provides the sole and exclusive remedy of Customer and the sole and exclusive liability of Spectrum Enterprise for chronic Priority 1 Outages and Customer shall not be eligible for any additional credits. Termination will be effective forty-five (45) days after Spectrum Enterprise's receipt of such written notice of termination.

Spectrum Enterprise

Fiber Internet Access Service Level Agreement

This document outlines the Service Level Agreement (“SLA”) for Fiber Internet Access (“FIA”) fiber-based service (the “Service”).

This SLA is a part of, and hereby incorporated by reference into the Spectrum Enterprise Service Agreement (including the terms and conditions, attachments, and Service Orders described therein, the “Agreement”). To the extent any provision of this SLA conflicts with the Agreement, this SLA shall control. All SLA Targets in the table below are measured from Customer’s Service Location to the location where Spectrum Enterprise has local access to the Internet (the Spectrum Enterprise “Point of Presence” or “POP”) at the individual circuit or service level, and any applicable credits are issued only for the affected FIA circuit or service (the “Affected Service”). Capitalized words used, but not defined herein, shall have the meanings given to them in the Agreement.

I. SLA Targets for FIA Services:

Service Availability	Mean Time To Restore (“MTTR”)	Latency / Frame Delay (Roundtrip)	Jitter / Frame Delay Variation	Packet Loss / Frame Loss
End to End: 99.99%	Priority 1 Outages within 4 hours	45ms	<2ms	<0.1%

II. Priority Classification:

A “Service Disruption” is defined as an outage, disruption, or severe degradation, other than an Excluded Disruption, that interferes with the ability of a Spectrum Enterprise network hub to: (i) transmit and receive network traffic on Customer’s dedicated access port at the Spectrum Enterprise network hub; or (ii) exchange network traffic with another Spectrum Enterprise network hub. The Service Disruption period begins when Customer reports a Service Disruption using Spectrum Enterprise’s trouble ticketing system by contacting Customer Care, Spectrum Enterprise acknowledges receipt of such trouble ticket, Spectrum Enterprise validates that the Service is affected, and Customer releases the Service for testing. The Service Disruption ends when the affected Service has been restored.

“Service Degradation” means a degradation of the Service that is not a Service Disruption or a result of an Excluded Disruption, such as failure of the Service to achieve the SLA Targets for Latency / Frame Delay, Jitter / Frame Delay Variation, or Packet / Frame Loss.

“Excluded Disruptions” means (i) planned outages, (ii) routine or urgent maintenance, (iii) time when Spectrum Enterprise is unable to gain access to Customer’s Service Location, if necessary, (iv) service issues arising from acts of omissions of Customer or Customer’s representatives or agents, (v) Customer equipment failures, (vi) Customer is not prepared to release the Service for testing, and (vii) Force Majeure Events.

Spectrum Enterprise will classify Service problems as follows:

Priority	Criteria
Priority 1	Each a "Priority 1 Outage": <ul style="list-style-type: none"> • Service Disruption resulting in a total loss of Service; or • Service Degradation to the point where Customer is unable to use the Service and is prepared to release it for immediate testing
Priority 2	<ul style="list-style-type: none"> • Service Degradation where Customer is able to use the Service and is not prepared to release it for immediate testing.
Priority 3	<ul style="list-style-type: none"> • A service problem that does not impact the Service; or • A single non-circuit specific quality of Service inquiry.

III. Service Availability

"Service Availability" is calculated as the total number of minutes in a calendar month less the number of minutes that the FIA Service is unavailable due to a Priority 1 Outage ("Downtime"), divided by the total number of minutes in a calendar month.

The following table contains examples of the percentage of Service Availability translated into minutes of Downtime for the 99.99% Service Availability Target:

Percentage by Days Per Month	Total Minutes / Month	Downtime Minutes
99.99% for 31 Days	44,640	4.5
99.99% for 30 Days	43,200	4.3
99.99% for 29 Days	41,760	4.2
99.99% for 28 Days	40,320	4

IV. Mean Time to Restore ("MTTR")

The MTTR measurement for Priority 1 Outages is the average time to restore Priority 1 Outages during a calendar month calculated as the cumulative length of time it takes Spectrum Enterprise to restore an FIA Service following a Priority 1 Outage in a calendar month divided by the corresponding number of trouble tickets for Priority 1 Outages opened during the calendar month for the FIA Service.

MTTR per calendar month is calculated as follows:

Cumulative length of time to restore Priority 1 Outage(s) per FIA Service
Total number of Priority 1 Outage trouble tickets per FIA Service

V. Latency / Frame Delay

Latency or Frame Delay is the average roundtrip network delay, measured every 5 minutes during a calendar month, unless measurement is not possible as a result of an Excluded Disruption, to adequately determine a consistent average monthly performance level for frame delay for each FIA Service. The roundtrip delay is expressed in milliseconds (ms).

Latency is calculated as follows:

$\frac{\text{Latency/Frame Delay} = \text{Sum of the roundtrip delay measurements for an FIA Service}}{\text{Total \# of measurements for an FIA Service}}$

VI. Packet Loss / Frame Loss Ratio

Packet Loss or Frame Loss Ratio is defined as the percentage of frames that are not successfully received compared to the total frames that are sent in a calendar month, except where any packet or frame loss is the result of an Excluded Disruption. The percentage calculation is based on frames that are transmitted from a network origination point and received at a network destination point.

Packet Loss / Frame Loss Ratio is calculated as follows:

$\text{Packet Loss / Frame Loss (\%)} = 100 (\%) - \frac{\text{Frames Received (\%)}}{\text{Total \# of measurements for an FIA Service}}$
--

VII. Jitter / Frame Delay Variation

Jitter or Frame Delay Variation is defined as the variation in delay for two consecutive frames that are transmitted (one-way) from a network origination point and received at a network destination point. Spectrum Enterprise measures a sample set of frames every 5 minutes during a calendar month, unless measurement is not possible as a result of an Excluded Disruption, and determines the average delay between consecutive frames within each sample set. The monthly Jitter / Frame Delay Variation is calculated as the average of all of the frame delay variation measurements during such calendar month and is expressed in milliseconds (ms).

Jitter / Frame Delay Variation is calculated as follows:

$\text{Jitter / Frame Delay Variation} = \frac{\text{Sum of the Frame Delay Variation measurements for an FIA Service}}{\text{Total \# of measurements for an FIA Service}}$
--

VIII. Network Maintenance

Maintenance Notice:

Customer understands that from time to time, Spectrum Enterprise will perform network maintenance for network improvements and preventive maintenance. In some cases, Spectrum Enterprise will need to perform urgent network maintenance, which will usually be conducted within the routine maintenance windows. Spectrum Enterprise will use reasonable efforts to provide advance notice of the approximate time, duration, and reason for any urgent maintenance outside of the routine maintenance windows.

Maintenance Windows:

Routine maintenance may be performed Monday – Friday 12 a.m. – 6 a.m. Local Time.

IX. Remedies

Service Credits:

If the actual performance of an FIA Service during any calendar month is less than the SLA Targets and Customer is in compliance with the terms of the Agreement and this SLA, then Customer may request credit equal to the corresponding percentage of monthly recurring charges for the Affected Service as set forth in the table below. Any credit to be applied will be off-set against amounts due from Customer to Spectrum Enterprise in the billing cycle following the date Spectrum Enterprise makes its credit determination. Credit requests must be submitted to Spectrum Enterprise within thirty (30) days of the calendar month in which the SLA Target was missed. Spectrum Enterprise will exercise commercially reasonable efforts to respond to such credit requests within thirty (30) days of receipt thereof.

Service Availability	Mean Time To Restore ("MTTR")	Latency / Frame Delay (Roundtrip)	Jitter / Frame Delay Variation	Packet Loss / Frame Loss
30%	> 4 hours ≤ 7:59:59 hours	4%	5%	5%
	> 8 hours	10%		

All SLA Targets are monthly measurements, and Customer may request only one credit per SLA Target per month for the Affected Service. Should one event impact more than one SLA hereunder, Customer shall receive the single highest of the qualifying credits only. Except as set forth below, the credits described in this SLA shall constitute Customer's sole and exclusive remedy, and Spectrum Enterprise's sole and exclusive liability, with respect to any missed SLA Targets. Service Credits hereunder shall not be cumulative per Service.

Chronic Priority 1 Outages:

If Customer experiences and reports three (3) separate Priority 1 Outages where the Downtime exceeds four (4) hours during each Priority 1 Outage within three (3) consecutive calendar months, then Customer may terminate the Affected Service without charge or liability by providing at least thirty (30) days written notice to Spectrum Enterprise; provided, however, that (i) Customer may only terminate the Affected Service; (ii) Customer must exercise its right to terminate the Affected Service by providing written notice to Spectrum Enterprise within thirty (30) days after the event giving rise to Customer's termination right; (iii) Customer shall have paid Spectrum Enterprise all amounts due at the time of such termination for all Services provided by Spectrum Enterprise pursuant to the Agreement, and (iv) the foregoing termination right provides the sole and exclusive remedy of Customer and the sole and exclusive liability of Spectrum Enterprise for chronic Priority 1 Outages and Customer shall not be eligible for any additional credits. Termination will be effective forty-five (45) days after Spectrum Enterprise's receipt of such written notice of termination.

Certificate Of Completion

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Status: Delivered

Subject: Documents for your DocuSign Signature

Source Envelope:

Document Pages: 14

Signatures: 0

Envelope Originator:

Certificate Pages: 4

Initials: 0

John Watson

AutoNav: Enabled

john.watson@charter.com

Enveloped Stamping: Disabled

IP Address: 13.108.238.8

Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Record Tracking

Status: Original

Holder: John Watson

Location: DocuSign

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john.watson@charter.com

Signer Events**Signature****Timestamp**

David Vaughn

Sent: 7/2/2021 1:07:10 PM

dvaughn@cityofburnet.com

Viewed: 7/2/2021 1:47:32 PM

Security Level: Email, Account Authentication
(None)**Electronic Record and Signature Disclosure:**

Accepted: 7/2/2021 1:47:32 PM

ID: fb92b6fe-3a41-4437-a636-575f405033f0

Company Name: Spectrum Enterprise

In Person Signer Events**Signature****Timestamp****Editor Delivery Events****Status****Timestamp****Agent Delivery Events****Status****Timestamp****Intermediary Delivery Events****Status****Timestamp****Certified Delivery Events****Status****Timestamp****Carbon Copy Events****Status****Timestamp****Witness Events****Signature****Timestamp****Notary Events****Signature****Timestamp****Envelope Summary Events****Status****Timestamps**

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Payment Events**Status****Timestamps****Electronic Record and Signature Disclosure**

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, Charter Communications Operating, LLC (“Spectrum”) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. If you wish to receive paper copies in lieu of electronic documents, you may close this browser and request paper copies from the “sending party” by following the procedures outlined below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

Requesting paper copies, withdrawing consent, and updating contact information

Requesting Paper Copies.

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Administration

ITEM 4.12

David Vaughn
City Manager
512-715-3208
Dvaughn@cityofburnet.com

Agenda Item Brief

Meeting Date: July 13, 2021

Agenda Item: Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, SELECTING THE FIRM SEAUX & PIERCE TO BE THE CITY HALL PROJECT ARCHITECT AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT FOR PROFESSIONAL SERVICES FOR FINAL CITY COUNCIL APPROVAL: D. Vaughn

Background: On June 16, 2021, City Council approved the purchase of the real property located at 118 E. Polk (the “Bealls Building”) to serve as the new City Hall. On June 19, 2021 we closed on the property. On June 22, 2021, City Council established a committee to facilitate the development the Bealls Building into a new city hall. The week of June 28, 2021, the committee interviewed the architectural firms: Home Fuse Architectural Studio; Haddon & Cowan Architects; and Seaux & Pierce Architecture. The committee’s recommendation is the firm Seaux & Pierce Architecture.

Information: State law requires municipalities to select architectural firms first and negotiate price after selection. This resolution complies with the statute and authorizes the city manager to negotiate an agreement with the firm Seaux & Pierce Architecture and to present the negotiated agreement to city council for final approval. Examples of the firm’s work may be view at their website: <https://www.seauxpierce.com/>

Fiscal Impact Approval of this resolution will have no financial impact as city council must first approve the negotiated agreement before incurring any obligation to pay for services.

Recommendation: Approve and adopt Resolution R2021-38 as presented.

RESOLUTION NO. R2021-38

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, SELECTING THE FIRM SEAux & PIERCE TO BE THE CITY HALL PROJECT ARCHITECT AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT FOR PROFESSIONAL SERVICES FOR FINAL CITY COUNCIL APPROVAL

Whereas, at a special session on June 16, 2021, City Council approved the purchase of the real property located at 118 E. Polk (the "Bealls Building") to serve as the new City Hall; and

Whereas, on June 19, 2021, the city closed on the purchase of the Bealls Building; and

Whereas, at a regular session on June 22, 2021, City Council appointed a committee to facilitate the development the Bealls Building into a new city hall; and

Whereas, the week of June 28, 2021, the committee interviewed the architectural firms Home Fuse Architectural Studio; Haddon & Cowan Architects; and Seaux & Pierce Architecture; and

Whereas, after due deliberation the committee recommends the firm Seaux & Pierce Architecture to serve as the project architect.

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

Section one. Findings. The recitals to this Resolution are hereby adopted and incorporated herein for all purposes.

Section two. Selection. The firm Seaux & Pierce Architecture, with offices at 1014 Sailmaster Drive, Austin, Texas is selected to serve as the architect for the city hall project.

Section three. Authorization. The city manager is hereby authorized and directed to negotiate a professional service agreement with the selected firm and to present the negotiated agreement to city council for final approval.

Section four. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

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

PASSED AND APPROVED this the 13th day of July, 2021.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary