



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

Notice is hereby given that a **Special City Council Meeting** will be held by the governing body of the City of Burnet on the **4<sup>th</sup> day of January, 2022** at **5:30 p.m.** in the **Burnet Community Center**, 401 E. Jackson Street, Burnet, Tx. In order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) and to slow the spread of the Coronavirus (COVID-19).

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:** None.

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

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

2.1) Approval of the December 14, 2021 Regular City Council Meeting Minutes

### **3. ACTION ITEMS:**

3.1) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE

CITY OF BURNET, TEXAS ACCEPTING THE DONATION OF A FINANCIAL GIFT  
FROM THE ESTATE OF STELLA PELEJ: D. Vaughn

3.2) Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF BURNET CITY, TEXAS, AUTHORIZING THE SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT CARES ACT (CDBG-CV), TEXAS *COMMUNITY RESILIENCY PROGRAM* APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA); AND AUTHORIZING THE CITY MAYOR OR CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT CARES ACT, TEXAS COMMUNITY RESILIENCY PROGRAM: D. Vaughn

3.3) Discuss and consider action: Approval of a Duplication of Benefits Policy for the City of Burnet as part of the Texas Department of Housing and Community Affairs (TDHCA), Community Development Block Grant-Coronavirus Program (CDBG-CV) Community Resiliency Program submission: D. Vaughn

3.4) Discuss and consider action: Approval of a Citizen Participation Plan for the City of Burnet as part of the Texas Department of Housing and Community Affairs (TDHCA), Community Development Block Grant CARES Act (CDBG-CV) Community Resiliency Program submission: D. Vaughn

3.5) Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF BURNET, TEXAS, AWARDING STATEMENT OF QUALIFICATIONS (RFQ 2021-02) FOR PROFESSIONAL SERVICE ENGINEERING/ARCHITECTURAL) FOR TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) COMMUNITY DEVELOPMENT BLOCK GRANT-CORONAVIRUS (CDBG-CV) COMMUNITY RESILIENCY PROJECT (CRP): D. Vaughn

3.6) Discuss and consider action: Authorize and approve a Memorandum of Agreement between the City of Burnet and Hill Country Children's Advocacy Center (HCCAC) Memorandum of Agreement: D. Vaughn

**4. 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.

**5. ADJOURN:**

Dated this the 29<sup>th</sup> day of December, 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 December 29, 2021 at or before 6 o'clock p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

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Kelly Dix, City Secretary

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

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

**RIGHT TO ENTER INTO EXECUTIVE SESSION:**

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

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

On this the 14<sup>th</sup> day of December, 2021, the City Council of the City of Burnet convened in Special Session, at 6:00 p.m. at the City 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                Ricky Langley, Joyce Laudenschlager, Philip Thurman, Cindia Talamantez,  
    Danny Lester, Mary Jane Shanes

City Manager                      David Vaughn

City Secretary                    Kelly Dix

Guests: Patricia Langford, Alan Burdell, Mark Miller, Tony Nash, Leslie Kimbler, Jacob Thomas, Andrew Scott, Adrienne Feild, Kim Winkler, Dean Dahlquitt

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

INVOCATION: Led by Council Member Mary Jane Shanes

PLEDGE OF ALLEGIANCE Led by Council Member Cindia Talamantez

PLEDGE TO TEXAS FLAG: Led by Council Member Cindia Talamantez

SPECIAL REPORTS/RECOGNITION: None.

CONSENT AGENDA ITEMS:

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

Approval of the November 16<sup>th</sup>, 2021 Regular City Council Meeting Minutes: Council Member Joyce Laudenschlager moved to approve the consent agenda as presented. Council Member Cindia Talamantez seconded. The motion carried unanimously.

PUBLIC HEARING:

Public Hearing: The City Council of the City of Burnet shall conduct a public hearing to receive testimony and comments from members of the public on the merits of a request to amend the City's Future Land Use Map for property located at 1001 N Hill Street (Legal Description: BEING LOTS TEN, ELEVEN AND TWELVE, IN THE KINCHELOE ADDITION) from its current designation of "Residential" to a designation of "Commercial".: L. Kimbler: Mayor Bromley opened the public hearing and asked if anyone was interested in speaking, if so to approach the podium. There being no one wishing to speak, Mayor Bromley closed the public hearing.

Public Hearing: The City Council of the City of Burnet shall conduct a public hearing to receive testimony and comments from members of the public on the merits of a request to rezone property located 1001 N Hill Street (Legal Description: BEING LOTS TEN, ELEVEN AND TWELVE, IN THE KINCHELOE ADDITION). The request is to rezone the property from its present designation of Single-Family Residential – District "R-1" to a designation of Light Commercial – District "C-1" with a conditional use permit for "Clinic and Safety Services". L. Kimbler: Mayor Bromley opened the public hearing and asked if anyone was interested in speaking, if so to approach the podium. There being no one wishing to speak, Mayor Bromley closed the public hearing.

ACTION ITEMS:

Discuss and consider action: Authorize the Fire Department to purchase a Ford F350 Type 1 Ambulance from Frazier Ambulance: M. Ingram: Council Member Danny Lester moved to approve and authorize the Burnet Fire Department to purchase a Ford F350 Type 1 Ambulance from Frazier Ambulance as presented. Council member Mary Jane Shanes seconded. The motion carried unanimously.

Discuss and consider action: Authorization to proceed with submittal of an application for a FEMA SAFER Grant (Staffing for Adequate Fire and Emergency Response): M. Ingram: Council Member Danny Lester moved to approve and authorize the submittal of an application for a FEMA SAFER Grant as presented. Council Member Joyce Laudenschlager seconded. The motion carried unanimously.

Discuss and consider action: Appoint members to the Burnet Board of Adjustments: K. Dix: Council Member Mary Jane Shanes made a motion to re-appoint Joy Taylor, Kim Winkler, Paul Shell, and Cesar E. Arreaza to the Burnet Board of Adjustments for a two year term and to re-align the remaining terms of the sitting members to a June term end date. Council Member Joyce Laudenschlager seconded. The motion carried unanimously.

Discuss and consider action: Request creation of a program to assist citizens who are in violation of the property maintenance code due to physical and/or financial limitations: P. Thurman: Council Member Philip Thurman made a motion to direct staff to create a program to assist citizens who are in violation of the property maintenance code due to physical and/or financial limitations as discussed. Council Member Joyce Laudenschlager seconded. The motion carried unanimously.

Discuss and consider action: Request for approval of the purchase of a Camel Combo unit from Patterson Equipment through the TML BuyBoard: A. Burdell: Pass. No action taken.

Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF BURNET, TEXAS, AUTHORIZING PROFESSIONAL SERVICE PROVIDER(S) SELECTION (GRANT WRITER) FOR TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) COMMUNITY DEVELOPMENT BLOCK GRANT-CORONAVIRUS (CDBG-CV) COMMUNITY RESILIENCY PROJECT (CRP): D. Vaughn: Council Member Philip Thurman moved to approve Resolution No. R2021-61 as presented. Council Member Ricky Langley seconded. The motion carried unanimously.

Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF BURNET, TEXAS, REJECTING ALL STATEMENT OF QUALIFICATIONS (RFQ2021-03) FOR PROFESSIONAL SERVICE (ENGINEERING/ARCHITECTURAL) FOR TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) COMMUNITY DEVELOPMENT BLOCK GRANT-CORONAVIRUS (CDBG-CV) COMMUNITY RESILIENCY PROJECT (CRP); AND AUTHORIZE AND DIRECT THE CITY MANAGER TO COORDINATE THE SELECTION PROCESS IN ACCORDANCE WITH TDHCS CDBG-CV REQUIREMENTS: D. Vaughn: Council Member Philip Thurman moved to approve Resolution No. R2021-62 as presented. Council Member Mary Jane Shanes seconded. The motion carried unanimously.

Discuss and consider action: Award of Street Paving Project Bid: M. Miller: Council Member Ricky Langley moved to award the RFP2021-004 Street Paving bid to Bennett Paving, Inc. as presented. Council Member Philip Thurman seconded. The motion carried unanimously.

Discuss and consider action: A First Amendment to the Interlocal Agreement between Burnet Consolidated Independent School District and the City of Burnet for School Resource Officers: D. Vaughn: Council Member Philip Thurman moved to approve the first amendment to the Interlocal Agreement between Burnet Consolidated Independent School District and the City of Burnet for School Resource Officers as presented. Council Member Ricky Langley seconded. The motion carried unanimously.

Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF BURNET, TEXAS ACCEPTING A PETITION FOR ANNEXATION OF REAL PROPERTY LOCATE NORTH OF THE CITY LIMITS AND WEST OF US ROUTE 281, BEING MORE PARTICULARLY DESCRIBED AS A 69.275-ACRE TRACT OF LAND OUT OF JOHN HAMILTON SURVEY, NO. 1, ABSTRACT NO 405, THE THOMAS ALLEY SURVEY NO. 410, ABSTRACT NO. 35, AND THE JOSE MARIA MUSQUEZ SURVEY NO. 1, ABSTRACT NO. 581, BURNET COUNTY, TEXAS; AND AUTHORIZING THE INITIATION OF PROCEEDINGS TO ANNEX THE REAL PROPERTY: H. Erkan: Council Member Danny Lester moved to approve Resolution No. R2021-63 as presented. Council Member Ricky Langley seconded. The motion carried unanimously.

Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE FUTURE LAND USE MAP OF THE CITY OF BURNET BY ASSIGNING A DESIGNATION OF "COMMERCIAL" FOR THE PROPERTY AT 1001 NORTH HILL STREET (LEGAL DESCRIPTION: BEING LOTS TEN, ELEVEN AND TWELVE, IN THE KINCHELOE ADDITION)"; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler: Council Member Danny Lester moved to approve the first reading of Ordinance No. 2021-45 as presented. Council Member Cindia Talamantez seconded. The motion carried unanimously.

Discuss and consider action: FIRST READING OF 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 1001 NORTH HILL STREET (LEGAL DESCRIPTION:

BEING LOTS TEN, ELEVEN AND TWELVE, IN THE KINCHELOE ADDITION). WITH LIGHT COMMERCIAL DISTRICT “C-1” WITH A CONDITIONAL USE PERMIT FOR “CLINIC AND SAFETY SERVICES; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler: Council Member Philip Thurman moved to approve the first reading of Ordinance No. 2021-46 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 THE CROSSINGS AT 281 SUBDIVISION, A PROPOSED 2-LOT COMMERCIAL SUBDIVISION CONSISTING OF APPROXIMATELY 13.51 ACRES: L. Kimbler: Council Member Danny Lester moved to approve Resolution No. R2021-64 as presented. Council Member Philip Thurman seconded. The motion carried unanimously.

Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AUTHORIZING THE ACCEPTANCE OF A PUBLIC UTILITY EASEMENT FROM H-E-B LOCATED NEAR THE INTERSECTION OF EAST POLK STREET AND SOUTH SILVER STREET: H. Erkan: Council Member Mary Jane Shanes moved to approve Resolution No. R2021-65 as presented. Council Member Ricky Langley seconded. The motion carried unanimously.

Discuss and consider action: Authorize staff to enter into a vendor agreement with Opportunities for Williamson and Burnet Counties (OWBC) for the purpose of a Low Income Household Water Assistance Program (LIHWAP): D. Vaughn: Council Member Danny Lester moved to approve and authorize staff to enter into a vendor agreement with Opportunities for Williamson and Burnet Counties (OWBC) for the purpose of a Low Income Household Water Assistance Program (LIHWAP) as presented. Council Member Mary Jane Shanes seconded. The motion carried unanimously.

Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING A PROFESSIONAL SERVICE AGREEMENT WITH THE FIRM FREESE AND NICHOLS TO PROVIDE PROFESSIONAL PLANNING SERVICES RELATED TO CREATING A NEW COMPREHENSIVE PLAN FOR THE CITY OF BURNET: D. Vaughn: Council Member Philip Thurman moved to approve Resolution No. R2021-66 with the caveat not to exceed \$252,000.00 in total cost. Council Member Ricky Langley seconded. The motion carried unanimously.

Discuss and consider action: FIRST READING OF AN ORDINANCE AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED “ZONING”) FOR THE PURPOSE OF CLARIFYING THAT RESIDENTIAL AND MULTIFAMILY USES ARE NOT ALLOWED IN LIGHT COMMERCIAL - DISTRICT “C-1”; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE. H. Erkan: Council Member Danny Lester moved to approve the first reading of Ordinance No. 2021-47 as presented. Council Member Joyce Laudenschlager 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 Mary Jane Shanes at 7:07 p.m. Seconded by Council Member Danny Lester. The motion carried unanimously.

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Crista Goble Bromley, Mayor

**ATTEST:**

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Kelly Dix, City Secretary



## Administration

## ITEM 3.1

David Vaughn  
City Manager  
(512)-715-3208  
dvaughn@cityofburnet.com

### Agenda Item Brief

<b>Meeting Date:</b>	January 4, 2022
<b>Agenda Item:</b>	Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS ACCEPTING THE DONATION OF A FINANCIAL GIFT FROM THE ESTATE OF STELLA PELEJ: D. Vaughn
<b>Background:</b>	The City of Burnet was a recently notified by the Law Offices of Henson and Rockafellow, PLLC. Informing the City that the estate of Stella Pelej generously bequipped a gift of \$50,000.00 to the Burnet Police Department and a gift of \$50,000.00 to the Burnet Fire Department.
<b>Information:</b>	The attached resolution acknowledges the receipt of this generous gift to be used as intended by the Estate of Stella Pelej and authorizes the City Manager to execute the necessary documentation
<b>Fiscal Impact:</b>	\$50,000.00 revenue for the Burnet Police Department and \$50,000.00 revenue for the Burnet Fire Department.
<b>Recommendation:</b>	Staff recommends approval and adoption of Resolution R2020-01 as presented.

## **RESOLUTION NO. R2022-01**

### **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS ACCEPTING THE DONATION OF A FINANCIAL GIFT FROM THE ESTATE OF STELLA PELEJ**

**Whereas**, Stella Pelej a longtime Burnet resident and supporter of the Burnet Police Department and Burnet Fire Department, passed away on December 6, 2021; and

**Whereas**, by her last will and testimony Stella Pelej generously bequipped a gift of \$50,000.00 to the Burnet Police Department and a gift of \$50,000.00 to the Burnet Fire Department; and

**Whereas**, City Council wishes to accept the financial gift on behalf of, and for use by the Burnet Police Department and Fire Department respectively.

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

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

**Section two. Acceptance of donation.** The financial gift bequeathed by the Stella Pelej Estate is hereby accepted to be used as intended in the Donor's last will and testimony.

**Section three. Authorization.** The City Manager is hereby authorized and directed to take such actions and to execute such documents as is reasonably necessary to facilitate the purpose of this Resolution. The City Manager is expressly directed to ensure the donated funds are available for use by the Burnet Police Department and Fire Department in accordance with Stella Pelej's wishes.

**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 4<sup>th</sup> day of January, 2022.

**CITY OF BURNET, TEXAS**

**ATTEST:**

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Crista Goble Bromley, Mayor

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Kelly Dix, City Secretary





## Administration

## ITEM 3.2

David Vaughn  
City Manager  
(512)-715-3208  
dvaughn@cityofburnet.com

### Agenda Item Brief

**Meeting Date:** January 4, 2022

**Agenda Item:** Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF BURNET CITY, TEXAS, AUTHORIZING THE SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT CARES ACT (CDBG-CV), TEXAS *COMMUNITY RESILIENCY PROGRAM* APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA); AND AUTHORIZING THE CITY MAYOR OR CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT CARES ACT, TEXAS COMMUNITY RESILIENCY PROGRAM: D. Vaughn

**Background:**

**Information:** This document is required for submittal of the HCCAC building grant.

**Fiscal Impact:** N/A

**Recommendation:** Staff recommends approval and adoption of Resolution R2020-02 as presented.

## RESOLUTION NO. R2022-02

**A RESOLUTION OF THE CITY COUNCIL OF BURNET CITY, TEXAS, AUTHORIZING THE SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT CARES ACT (CDBG-CV), TEXAS *COMMUNITY RESILIENCY PROGRAM* APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA); AND AUTHORIZING THE CITY MAYOR OR CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT CARES ACT, TEXAS COMMUNITY RESILIENCY PROGRAM.**

**Whereas**, the City Council of the City of Burnet (City) desires to develop a viable community, including decent housing and a suitable living environment and expanding the community's long-term resiliency and ability to mitigate future coronavirus outbreaks, principally for persons of low-to-moderate income; and

**Whereas**, it is necessary and in the best interests of the City to apply for funding under the Community Development Block Grant CARES Act, Texas Community Resiliency Program;

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

**Section One.** That a Community Development Block Grant CARES Act application for the CDBG-CV Texas Community Resiliency Program is hereby authorized to be filed on behalf of the City with the Texas Department of Housing and Community Affairs.

**Section Two.** That the City's application be placed in competition for funding under the CDBG-CV, Texas Community Resiliency Program.

**Section Three.** That the application be for up to \$5,000,000 of grant funds to provide public facilities and improvements.

**Section Four.** That the City Council directs and designates the following to act in all matters in connection with this application and the City's participation in the CDBG-CV, Texas Community Resiliency Program:

- The Mayor or City Manager shall serve as the City's Chief Executive Officer and Authorized Representative to execute this application and any subsequent contractual documents; and
- The Mayor or City Manager is authorized to execute environmental review documents between the Texas Department of Housing and Community Affairs and the City; and
- If this application is funded, the Mayor, City Manager or the Director of Finance are authorized to execute the Request for Payment Form documents and/or other forms required for requesting funds to reimburse project costs; and

- The City's grant administrator, GrantWorks, Inc., is authorized to execute the completion and submission of the application on behalf of the City.

**Section Five.** That all funds will be used in accordance with all applicable federal, state, local and programmatic requirements including but not limited to procurement, environmental review, labor standards, real property acquisition, and civil rights requirements.

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

**PASSED AND APPROVED** this the 4<sup>th</sup> day of January, 2022.

**CITY OF BURNET, TEXAS**

**ATTEST:**

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Crista Goble Bromley, Mayor

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Kelly Dix, City Secretary



## Administration

## ITEM 3.3

David Vaughn  
City Manager  
(512)-715-3208  
dvaughn@cityofburnet.com

### Agenda Item Brief

**Meeting Date:** January 4, 2022

**Agenda Item:** Discuss and consider action: Approval of a Duplication of Benefits Policy for the City of Burnet as part of the Texas Department of Housing and Community Affairs (TDHCA), Community Development Block Grant-Coronavirus Program (CDBG-CV) Community Resiliency Program submission: D. Vaughn

**Background:**

**Information:** This document is required for submittal of the HCCAC building grant.

**Fiscal Impact:** N/A

**Recommendation:** Staff recommends approval of the Duplication of Benefits Policy as presented.

# DUPLICATION OF BENEFITS POLICY

## CITY OF BURNET

### **Purpose**

As a recipient of the U.S. Department of Housing and Urban Development (HUD), through the Texas Department of Housing and Community Affairs (TDHCA) Community Development Block Grant Coronavirus Program (CDBG-CV) funds, City of Burnet is to ensure that CDBG-CV funds are used consistent with the Community Resiliency Program requirements. TDHCA requires that there are adequate procedures in place to prevent any duplication of benefits ("DOB"), and to ensure TDHCA complies with federal regulations and this requirement, this responsibility is passed on to all CDBG-CV subrecipients to effectively manage the multiple active funding streams related to coronavirus response and efficiently target CDBG-CV resources to meet unmet needs in the community. This policy ensures that there is no DOB for any project or program receiving CDBG-CV assistance through this funding award.

### **Applicability**

This policy is applicable to all non-entitlement City of Burnet employees, consultants, or subawardees responsible for the implementation of programs and projects funded under TDHCA's CDBG-CV grants and who oversee agreements or contracts with the subrecipient.

### **Definitions**

- DOB: Duplication of benefits (DOB) occurs when a person, household, business, government, or other financial entity receives financial assistance from multiple sources for the same purpose, and the total assistance received for that purpose is more than the total need for assistance.
- Subrecipient: Subrecipient, for the purpose of this policy, means a non-entitlement City, a nonprofit organization, subawardee, or an entity selected by the non-entitlement City to receive all or a portion of the non-entitlement City CDBG-CV (or other federal) funds.

### **Duplication of Benefits due to COVID-19**

On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) was signed to provide immediate and direct response to the emerging crisis impacting our country as a result of the COVID-19 global pandemic. This allocation was authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136. CDBG-CV funding, intends to address the unmet needs of a community. The funds are supplemental to primary forms of assistance, including private insurance, and FEMA funds, and cannot be used simultaneously. To avoid duplicative assistance and potential de-obligation of funding, TDHCA must account for all possible funding sources before applying CDBG-CV dollars to a project. Any entity receiving CDBG-CV assistance (including subrecipients and subawardees) must agree to repay assistance that is determined to be duplicative. This may be documented through a contract, exhibit, and/or affidavit with the entity (subrecipients or subawardees).

### **Analyzing Duplication of Benefits (DOB)**

To analyze duplication of benefits, City of Burnet will complete the following steps:

1. Assess Need
  - a. Determine the total cost of the project/program.
  - b. Determine the total cost of eligible CDBG-CV project/program expenses.
2. Determine Assistance
  - a. Determine the amount of assistance that has been or will be provided from all sources to pay for all costs of the project/program.
  - b. Determine the amount of all sources that can pay for eligible CDBG-DV project/program expenses.
3. Calculate Unmet CDBG-CV Project/Program Costs
  - a. Determine the amount of assistance already provided for the total project and/or program compared to CDBG-CV eligible expenses to determine the maximum CDBG-CV award (unmet need).
4. Document Analysis
  - a. Document the calculation and maintain adequate documentation justifying determination of maximum award.
    - i. Example:  
How much will the overall project or program cost?  
- (subtract)  
How much of the project or program costs are ineligible CDBG-CV costs?  
Amount of assistance that has been or will be provided by all sources to pay the eligible CDBG-CV cost (other than CDBG-CV).  
= (equals)  
Unmet CDBG-CV Need

### **Recapture/Repayment Process**

If a Duplication of Benefits does occur, the subrecipient agrees that TDHCA will require the subrecipient to repay the CDBG-CV grant with non-federal funds within ten calendar days of discovery of the duplication.

This Policy is implemented through of the City of Burnet's CDBG-CV Review team:

_____ City Manager _____	_____ Finance Director _____
_____ City Secretary _____	_____ Assistant City Manager _____

Passed and approved this 4<sup>th</sup> day of January, 2022

**CITY OF BURNET, TEXAS**

**ATTEST:**

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

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



## Administration

## ITEM 3.4

David Vaughn  
City Manager  
(512)-715-3208  
dvaughn@cityofburnet.com

### Agenda Item Brief

<b>Meeting Date:</b>	January 4, 2022
<b>Agenda Item:</b>	Discuss and consider action: Approval of a Citizen Participation Plan for the City of Burnet as part of the Texas Department of Housing and Community Affairs (TDHCA), Community Development Block Grant CARES Act (CDBG-CV) Community Resiliency Program submission: D. Vaughn
<b>Background:</b>	
<b>Information:</b>	This document is required for submittal of the TDHCA grant for the HCCAC building.
<b>Fiscal Impact:</b>	N/A
<b>Recommendation:</b>	Staff recommends approval of the TDHCA/CDBG-CV Community Resiliency Program Citizen Participation Plan as presented.

**CITY OF BURNET  
CITIZEN PARTICIPATION PLAN  
COMMUNITY DEVELOPMENT BLOCK GRANT CARES ACT (CDBG-CV)  
TEXAS COMMUNITY RESILIENCY PROGRAM**

*Note to Grant Recipients regarding Limited English Proficiency (LEP) requirements:*

In accordance with federal law, if there is a significant number of the population who are non-English speaking residents and are affected by the CDBG-CV Texas Community Resiliency Program project, such citizens should have 'meaningful access' to all aspects of the CDBG-CV project. To provide 'meaningful access', Grant Recipients may need to provide interpreter services at public hearings or provide non-English written materials that are routinely provided in English. Examples of such vital documents may include Citizen Participation notices (e.g., complaint procedures, hearings notices), civil rights notices, and any other published notice that may allow an eligible person with limited English proficiency to participate in discussing proposed CDBG-CV activities.

For more information, see [LEP.gov](http://LEP.gov)

#### COMPLAINT PROCEDURES

These complaint procedures comply with the requirements of the Texas Department of Housing and Community Affairs (the Department or TDHCA) Community Development Block Grant CARES Act (CDBG-CV) for the *Community Resiliency Program* and Local Government Requirements found in 24 CFR §570.486 (Code of Federal Regulations). Citizens can obtain a copy of these procedures at the City of Burnet, 1001 Buchanan Drive, Suite 4, Burnet, TX 78611 or (512)756-6093, during regular business hours.

Below are the formal complaint and grievance procedures regarding the services provided under the CDBG-CV project.

1. A person who has a complaint or grievance about any services or activities with respect to the CDBG-CV project, whether it is a proposed, ongoing, or completed CDBG-CV project, may during regular business hours submit such complaint or grievance, in writing to the City Secretary at 1001 Buchanan Drive Suite 4, Burnet, TX 78611, or may call (512)756-6093.
2. A copy of the complaint or grievance shall be transmitted by the City Manager to the entity that is the subject of the complaint or grievance and to the City Attorney within five (5) working days after the date of the complaint or grievance was received.
3. The City Manager shall complete an investigation of the complaint or grievance, if practicable, and provide a timely written answer to the person who made the complaint or grievance within ten (10) days.
4. If the investigation cannot be completed within ten (10) working days per 3 above, the person who made the grievance or complaint shall be notified, in writing, within



fifteen (15) days where practicable after receipt of the original complaint or grievance and shall detail when the investigation should be completed.

5. If necessary, the grievance and a written copy of the subsequent investigation shall be forwarded to the CDBG-CV for their further review and comment.
6. If appropriate, provide copies of grievance procedures and responses to grievances in both English and Spanish, or other appropriate language.

## TECHNICAL ASSISTANCE

When requested, the City shall provide technical assistance to groups that are representative of persons of low- and moderate-income in developing proposals for the use of CDBG-CV funds. The City, based upon the specific needs of the community's residents at the time of the request, shall determine the level and type of assistance.

## PUBLIC HEARING PROVISIONS

For each public hearing scheduled and conducted by the City, the following public hearing provisions shall be observed:

1. Public notice of all hearings must be published at least five (5) days prior to the scheduled hearing. The public notice must be published in a local newspaper. Each public notice must include the date, time, location, and topics to be considered at the public hearing. A published newspaper article can also be used to meet this requirement so long as it meets all content and timing requirements. Notices should also be prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups.
2. When a significant number of non-English speaking residents are a part of the potential service area of the CDBG-CV project, vital documents such as notices should be published in the predominant language of these non-English speaking citizens.
3. Each public hearing shall be held at a time and location convenient to potential or actual beneficiaries and will include accommodation for persons with disabilities. Persons with disabilities must be able to attend the hearings and the City must make arrangements for individuals who require auxiliary aids or services if contacted at least two days prior to the hearing.
4. A public hearing held prior to the submission of a CDBG-CV application must be held after 5:00 PM on a weekday or at a convenient time on a Saturday or Sunday.
5. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City shall comply with the following citizen participation requirements for the preparation and submission of an application for a CDBG-CV project:

1. At a minimum, the City shall hold at least one (1) public hearing prior to submitting the application to the Texas Department of Housing and Community Affairs.

2. The City shall retain documentation of the hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the proposed use of funds for three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code. The public hearing shall include a discussion with citizens as outlined in the applicable CDBG-CV application manual to include, but is not limited to, the development of housing and community development needs, the amount of funding available, all eligible activities under the CDBG-CV program, and the use of past CDBG-CV contract funds, if applicable. Citizens, with particular emphasis on persons of low- and moderate-income who are residents of slum and blight areas, shall be encouraged to submit their views and proposals regarding community development and housing needs. Citizens shall be made aware of the location where they may submit their views and proposals should they be unable to attend the public hearing.
3. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City must comply with the following citizen participation requirements in the event that the City receives funds from the CDBG-CV program:

1. The City shall also hold a public hearing concerning any substantial change, as determined by CDBG-CV, proposed to be made in the use of CDBG-CV funds from one eligible activity to another again using the preceding notice requirements.
2. Upon completion of the CDBG-CV project, the City shall hold a public hearing and review its program performance including the actual use of the CDBG-CV funds.
3. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, for either a public hearing concerning substantial change to the CDBG-CV project or for the closeout of the CDBG-CV project, publish notice in both English and Spanish, or other appropriate language and provide an interpreter at the hearing to accommodate the needs of the non-English speaking residents.
4. The City shall retain documentation of the CDBG-CV project, including hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the actual use of funds for a period of three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.

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Crista Goble Bromley, Mayor

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Date

**CIUDAD DE BURNET**  
**PLAN DE PARTICIPACIÓN CIUDADANA**  
**PROGRAMA DE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT CARES**  
**ACT (CDBG-CV)**  
**COMMUNITY RESILIENCY PROGRAM**

*Nota a los receptores de subvención en relación a requisitos de Dominio Limitado del Inglés:*

De acuerdo con la ley federal hay un número significativo de población que son residentes y que no hablan inglés y son afectados por el proyecto CDBG-CV, estos ciudadanos deben tener "acceso significativo" a todos los aspectos del proyecto CDBG-CV. Para proporcionar "acceso significativo", receptores de la subvención pueden ser utilizados para proporcionar servicios de interpretación en las audiencias públicas o proporcionar materiales no escritos en inglés que se proporcionan de manera rutinaria en Inglés. Para obtener más información, consulte LEP.gov.

#### PROCEDIMIENTOS DE QUEJA

Estos procedimientos de queja cumplen con los requisitos del Departamento de Vivienda y Asuntos Comunitarios de Texas Community Development Block Grant (CDBG-CV) *Community Resiliency Program* y los requisitos del gobierno local de Texas se encuentran en 24 CFR §570.486 (Código de Regulaciones Federales). Los ciudadanos pueden obtener una copia de estos procedimientos en la ciudad de Burnet, 1001 Buchanan Drive Suite 4, Burnet, TX 78611, (512)756-6093 en horario de oficina.

A continuación, se presentan los procedimientos formales de quejas y quejas relativas a los servicios prestados en el marco del proyecto CDBG-CV.

1. Una persona que tiene una queja o reclamación sobre cualquiera de los servicios o actividades en relación con el proyecto CDBG-CV, o si se trata de una propuesta, en curso o determinado proyecto CDBG-CV, pueden durante las horas regulares presentar dicha queja o reclamo, por escrito a el Administrador de Ciudad, a 1001 Buchanan Drive Suite 4, Burnet, TX 78611, o puede llamar a (512)756-6093.
2. Una copia de la queja o reclamación se transmitirá por el Administrador de Ciudad a la entidad que es encargada de la queja o reclamación y al Abogado del Ciudad dentro de los cinco (5) días hábiles siguientes a la fecha de la queja o día que la reclamación fue recibida.
3. El Administrador del Ciudad deberá realizar una investigación de la queja o reclamación, si es posible, y dará una respuesta oportuna por escrito a la persona que hizo la denuncia o queja dentro de los diez (10) días.
4. Si la investigación no puede ser completada dentro de los diez (10) días hábiles anteriormente, la persona que hizo la queja o denuncia será notificada, por escrito, dentro de los quince (15) días cuando sea posible después de la entrega de la queja original o quejas y detallará cuando se deberá completar la investigación.

5. Si es necesario, la queja y una copia escrita de la investigación posterior se remitirán a la CDBG-CV para su posterior revisión y comentarios.
6. Se proporcionará copias de los procedimientos de queja y las respuestas a las quejas, tanto en Inglés y Español, u otro lenguaje apropiado.

## ASISTENCIA TÉCNICA

Cuando lo solicite, la ciudad proporcionará asistencia técnica a los grupos que son representantes de las personas de bajos y moderados ingresos en el desarrollo de propuestas para el uso de los fondos CDBG-CV. La Ciudad, en base a las necesidades específicas de los residentes de la comunidad en el momento de la solicitud, deberá determinar el nivel y tipo de asistencia.

## DISPOSICIONES AUDIENCIA PÚBLICA

Para cada audiencia pública programada y llevada a cabo por la ciudad, se observarán las disposiciones siguientes de audiencias públicas:

1. El aviso público de todas las audiencias deberá publicarse al menos cinco (5) días antes de la audiencia programada. El aviso público deberá publicarse en un periódico local. Cada aviso público debe incluir la fecha, hora, lugar y temas a considerar en la audiencia pública. Un artículo periodístico publicado también puede utilizarse para cumplir con este requisito, siempre y cuando cumpla con todos los requisitos de contenido y temporización. Los avisos también deben ser un lugar prominente en los edificios públicos y se distribuyen a las autoridades locales de vivienda pública y otros grupos interesados de la comunidad.
2. Cuando se tenga un número significativo de residentes que no hablan inglés serán una parte de la zona de servicio potencial del proyecto CDBG-CV, documentos vitales como las comunicaciones deben ser publicados en el idioma predominante de estos ciudadanos que no hablan inglés.
3. Cada audiencia pública se llevará a cabo en un momento y lugar conveniente para los beneficiarios potenciales o reales e incluirá alojamiento para personas con discapacidad. Las personas con discapacidad deben poder asistir a las audiencias y la ciudad debe hacer los arreglos para las personas que requieren ayudas o servicios auxiliares en caso de necesitarlo por lo menos dos días antes de la audiencia será pública.
4. Una audiencia pública celebrada antes de la presentación de una solicitud CDBG-CV debe hacerse después de las 5:00 pm en un día de semana o en un momento conveniente en sábado o domingo.
5. Cuando un número significativo de residentes que no hablan inglés se registra para participar en una audiencia pública, un intérprete debe estar presente para dar cabida a las necesidades de los residentes que no hablan inglés.

la ciudad deberá cumplir con los siguientes requisitos de participación ciudadana para la elaboración y presentación de una solicitud para un proyecto CDBG-CV:

1. Como mínimo, la ciudad deberá tener por lo menos una (1) audiencia pública antes de presentar la solicitud al Departamento de Vivienda y Asuntos Comunitarios de Texas.
2. la ciudad conservará la documentación de la convocatoria(s) audiencia, un listado de las personas que asistieron a la audiencia(s), acta de la vista(s), y cualquier otra documentación relativa a la propuesta de utilizar los fondos para tres (3) años a partir de la liquidación de la subvención para el Estado. Dichos registros se pondrán a disposición del público, de conformidad con el Capítulo 552, Código de Gobierno de Texas.
3. La audiencia pública deberá incluir una discusión con los ciudadanos como se indica en el manual correspondiente de aplicación CDBG-CV, pero no se limita a, el desarrollo de las necesidades de vivienda y desarrollo comunitario, la cantidad de fondos disponibles, todas las actividades elegibles bajo el programa CDBG-CV y el uso de fondos últimos contratos CDBG-CV, en su caso. Los ciudadanos, con especial énfasis en las personas de bajos y moderados ingresos que son residentes de las zonas de tugurios y tizón, se fomentará a presentar sus opiniones y propuestas sobre el desarrollo de la comunidad y las necesidades de vivienda. Los ciudadanos deben ser conscientes de la ubicación en la que podrán presentar sus puntos de vista y propuestas en caso de que no pueda asistir a la audiencia pública.
4. Cuando un número significativo de residentes que no hablan inglés se registra para participar en una audiencia pública, un intérprete debe estar presente para dar cabida a las necesidades de los residentes que no hablan inglés.

la ciudad debe cumplir con los siguientes requisitos de participación ciudadana en el caso de que la ciudad recibe fondos del programa CDBG-CV:

1. la ciudad celebrará una audiencia pública sobre cualquier cambio sustancial, según lo determinado por CDBG-CV, se propuso que se hará con el uso de fondos CDBG-CV de una actividad elegible a otro utilizando de nuevo los requisitos de notificación
2. Una vez finalizado el proyecto CDBG-CV, la ciudad celebrará una audiencia pública y revisará el desempeño del programa incluyendo el uso real de los fondos CDBG-CV.
3. Cuando un número significativo de residentes que no hablan inglés se puede registra para participar en una audiencia pública, ya sea para una audiencia pública sobre el cambio sustancial del proyecto CDBG-CV o para la liquidación del proyecto CDBG-CV, publicará un aviso en Inglés y Español u otro idioma apropiado y se proporcionara un intérprete en la audiencia para dar cabida a las necesidades de los residentes.

4. la ciudad conservará la documentación del proyecto CDBG-CV, incluyendo aviso de audiencia(s), un listado de las personas que asistieron a la audiencia(s), acta de la vista(s), y cualquier otro registro concerniente al uso real de los fondos por un período de a tres (3) años a partir de la liquidación del proyecto al estado.

Dichos registros se pondrán a disposición del público, de conformidad con el Capítulo 552, Código de Gobierno de Texas.

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Crista Goble Bromley, Alcade

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Fecha



## Administration

## ITEM 3.5

David Vaughn  
City Manager  
(512)-715-3208  
dvaughn@cityofburnet.com

### Agenda Item Brief

**Meeting Date:** January 4, 2022

**Agenda Item:** Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF BURNET, TEXAS, AWARDING STATEMENT OF QUALIFICATIONS (RFQ 2021-02) FOR PROFESSIONAL SERVICE (ENGINEERING/ARCHITECTURAL/ SURVEYING) FOR THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) COMMUNITY DEVELOPMENT BLOCK GRANT-CORONAVIRUS (CDBG-CV) COMMUNITY RESILIENCY PROJECT (CRP):  
D. Vaughn

**Background:**

**Information:**

**Fiscal Impact:**

**Recommendation:** Approve and adopt Resolution R2022-03 as presented.

## RESOLUTION R2022-03

**A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF BURNET, TEXAS, AWARDING STATEMENT OF QUALIFICATIONS (RFQ 2021-02) FOR PROFESSIONAL SERVICE (ENGINEERING/ARCHITECTURAL/SURVEYING) FOR THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) COMMUNITY DEVELOPMENT BLOCK GRANT-CORONAVIRUS (CDBG-CV) COMMUNITY RESILIENCY PROJECT (CRP).**

**WHEREAS**, participation in CDBG-CV (CRP) program(s) requires implementation by professionals experienced in the administration of federally-funded projects;

**WHEREAS**, in order to identify qualified and responsive providers for these services a Request for Qualifications (RFQ) for engineering/architectural/surveying services has been completed in accordance with the TDHCA requirements;

**WHEREAS**, no Statement of Qualification for architectural services were received.

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

**Section one. Award.** The Statement of Qualifications for all Engineering/Architectural/Surveying Services, received by the due date is hereby awarded to \_\_\_\_\_.

**Section Three. Findings.** That any and all project-related services contracts or commitments made with the above-named service provider(s) are dependent on the successful negotiation of a contract with the service provider(s).

**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 4<sup>th</sup> day of January, 2022.**

**CITY OF BURNET**

**ATTEST:**

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

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





## Administration

## ITEM 3.6

David Vaughn  
City Manager  
(512)-715-3208  
dvaughn@cityofburnet.com

### Agenda Item Brief

<b>Meeting Date:</b>	January 4, 2022
<b>Agenda Item:</b>	Discuss and consider action: Authorize and approve a Memorandum of Agreement between the City of Burnet and Hill Country Children's Advocacy Center (HCCAC): D. Vaughn
<b>Background:</b>	
<b>Information:</b>	This agreement outlines the responsibilities of the City and the City regarding the HCCAC building grant.
<b>Fiscal Impact:</b>	The City would be responsible for administering the grant and the Advocacy Center would be responsible for any cost overruns associated with the project.
<b>Recommendation:</b>	Approve the MOU with Hill Country Children's Advocacy Center as presented.

**THE STATE OF TEXAS   §**  
**CITY OF BURNET       §**

## **MEMORANDUM OF AGREEMENT**

This AGREEMENT is made between Burnet city, Texas, hereinafter referred to as the CITY, acting through its City Council, and the Hill Country Children's Advocacy Center, hereinafter referred to as the ORGANIZATION, acting through its Board of Directors.

The CITY agrees to provide grant funds budgeted from its Program Year 2022 Community Development Block Grant CARES Act, Texas Community Resiliency Program Fund contract to construct a facility improvements project on behalf of the ORGANIZATION benefitting the clientele served by ORGANIZATION if such is awarded to the CITY by the Texas Department of Housing and Community Affairs (TDHCA), hereinafter referred to as the GRANT. The term of this Agreement shall be from January 19, 2022, until the GRANT is administratively closed by TDHCA. Either party may terminate this Agreement with thirty (30) days written notice to the other party, but such early termination shall not relieve the parties from the financial obligations addressed below.

Parties agree that the CITY shall:

1. Endeavor to execute its GRANT responsibilities in a timely and efficient manner.
2. Be the repository of all receipts and documentation pertinent to the GRANT and furnish such to TDHCA upon its request.
3. Serve as the primary contact in all matters pertaining to the GRANT and the conduit for communication between itself, the ORGANIZATION, and TDHCA.
4. Provide pre-bid project design and change orders to the ORGANIZATION for its review and approval prior to approval by the CITY.
5. Not award a construction contract or approve a contract modification, including change orders, to complete the activities described in the GRANT in which the cost exceeds the funds available in the GRANT budget unless funds sufficient to cover the shortfall are committed in writing by the ORGANIZATION, or another party.
6. Attempt to modify the GRANT contract with TDHCA in order to bring costs within the GRANT budget if construction bids exceed the GRANT budget and funds sufficient to cover the shortfall are not available.
7. Automatically transfer full ownership of the GRANT-funded improvements to the ORGANIZATION upon acceptance by the CITY of the Certificate of Construction Completion.
8. Ensure the ORGANIZATION continues to maintain and operate any proposed improvements/services for the duration of the grant required timeframe.

Parties agree that the ORGANIZATION shall:

1. Comply with all CITY requests for information required to fulfill the CITY'S obligations under the GRANT.
2. Offer to provide access to the improved services to all beneficiaries of this project/project site.

3. Permit unrestricted access by the CITY and its selected engineering, architect, administrative, and construction contractors to those portions of the construction site under ORGANIZATION control, to allow performance of the GRANT-related duties outlined in agreements these entities shall have with the CITY.
4. Be solely responsible for the continued maintenance and operation of any proposed improvements/services upon acceptance by the CITY of the Certificate of Construction Completion.
5. Pay for any cost overruns attributable to the award of a construction contract or a contract modification, including change orders, to complete the activities described in the GRANT that it has approved in writing.
6. Cooperate with the CITY in any attempt to modify the GRANT contract with TDHCA in order to bring costs within the GRANT budget if construction bids exceed the GRANT budget and the ORGANIZATION is unable to provide funds sufficient to cover the shortfall.
7. Pay any GRANT-related expenses incurred by the CITY that are unreimbursed by or repaid to TDHCA, in the event the GRANT project fails to provide the public improvements and benefits required under the GRANT contract.
8. Pay for any costs resulting from violation or early termination of this Agreement by the ORGANIZATION.
9. Automatically receive full ownership of the GRANT-funded improvements upon acceptance by the CITY of the Certificate of Construction Completion.
10. Be responsible for the continued maintenance and operation of any proposed improvements/services for the duration of the grant required timeframe.
11. Provide any GRANT matching funds that it will separately commit to in writing through its Board of Directors.

The parties further agree that any GRANT funds provided by the CITY are without warranty of any kind to the ORGANIZATION or any third party, and the ORGANIZATION hereby agrees, to the extent allowable by law, to defend, hold harmless, and indemnify the CITY, its officers, agents, and employees for any claims for injury or death of any person or any property damage arising out of the CITY'S performance of its obligations under this Agreement. Nothing herein shall be construed to create any rights in third parties.

BURNET CITY, TEXAS

HILL COUNTRY CHILDREN'S  
ADVOCACY CENTER

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CRISTA GOBLE BROMLEY  
CITY MAYOR

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WADE LANGLEY  
PRESIDENT OF THE BOARD

ATTEST:

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KELLY DIX, CITY SECRETARY

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PAUL NELSON, BOARD SECRETARY

