



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 **11th day of January, 2022** at **6:00 p.m.** in the Burnet Community Center, 401 East Jackson Street, Burnet, Tx.

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 January 4th, 2022 Special City Council Meeting Minutes

3. PUBLIC HEARING:

3.1) Public Hearing: The City Council of the City of Burnet, Texas shall hold a public hearing to receive testimony and comments from members of the public on the merits of a proposed amendment to the City of Burnet's Code of Ordinances Chapter 118

(Entitled "Zoning") Section 118-41 (Entitled "Light Commercial – District C-1"): H. Erkan

3.2) Public Hearing: The City Council of the City of Burnet shall conduct a public hearing to receive public testimony and comments on the merits of a request to rezone property located at 900 County Lane (Legal Description: ABS A0672 EUGENIO PEREZ, TRACT INCLUDING OAK VISTA LOTS 60-67, 75.0 ACRES). The request is to rezone the property from its present designation of Medium Commercial – District "C-2" and to a designation of Government – District "G": L. Kimbler

3.3) Public Hearing: The City Council of the City of Burnet shall conduct a public hearing to receive public testimony and comments on the merits of a request to rezone property located at 800 Ellen Halbert Drive (Legal Description: ABS A0672 EUGENIO PEREZ, TRACT BEING PRISON SITE, 119.06 ACRES and ABS A0672 EUGENIO PEREZ, TRACT BEING PRISON SITE FROM OAK VISTA LOTS 45-52 & PTS, 103.68 ACRES). The request is to rezone the property from its present designation of Medium Commercial – District "C-2" to a designation of Government – District "G". L. Kimbler

3.4) 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 3202 South Water Street (Legal Description: S4540 FLIGHT LINE BOULEVARD SUBDIVISION LOT 1B .43 ACRES). The request is to rezone the property from its present designation of Light Commercial – District "C-1" to a designation of Neighborhood Commercial – District "NC": L. Kimbler

4. ACTION ITEMS:

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

4.2) Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF 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

4.3) Discuss and consider action: SECOND AND FINAL 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

4.4) Discuss and consider action: SECOND AND FINAL 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

4.5) Discuss and consider action: Authorization to issue a purchase order for the acquisition of a Freightliner/Camel Sewer Combo Unit through the Texas Municipal League BuyBoard: A. Burdell

4.6) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS ACCEPTING THE RELEASE OF A 0.101 ACRE ACCESS EASEMENT AND AUTHORIZING THE EXECUTION OF A 0.11 ACRE ACCESS EASEMENT AGREEMENT TO PROVIDE DELAWARE SPRINGS 27 ACCESS: H. Erkan

4.7) Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF BURNET, TEXAS, AWARDED 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

4.8) Discuss and consider action: Appointments to the Burnet Police Department Community Advisory Board: B. Lee

4.9) Discuss and consider action: Appointments to the Burnet Economic Development Corporation Board: K. Dix

4.10) Discuss and consider action: Appointment of a City Council Member to the Planning Advisory Committee (PAC) for the Burnet Municipal Airport – Kate Craddock Field Airport Layout Plan: A. Field

4.11) 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

4.12) 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 900 COUNTY LANE (LEGAL DESCRIPTION: ABS A0672 EUGENIO PEREZ, TRACT INCLUDING OAK VISTA LOTS 60-67, 75.0 ACRES) WITH GOVERNMENT – DISTRICT “G” CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

4.13) 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 800 ELLEN HALBERT DRIVE (Legal Description: ABS A0672 EUGENIO PEREZ, TRACT BEING PRISON SITE, 119.06 ACRES and ABS A0672 EUGENIO PEREZ, TRACT BEING PRISON SITE FROM OAK VISTA LOTS 45-52, 103.68 ACRES) WITH GOVERNMENT – DISTRICT “G” CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

4.14) 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 3202 SOUTH WATER STREET (Legal Description: S4540 FLIGHT LINE BOULEVARD SUBDIVISION LOT 1B, .43 ACRES) WITH NEIGHBORHOOD COMMERCIAL – DISTRICT “NC” CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

4.15) Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, PRELIMINARILY ACCEPTING PUBLIC STREET, WATER, AND ELECTRICAL IMPROVEMENTS CONSTRUCTED WITHIN THE HONEY ROCK PHASE TWO SUBDIVISION; AND APPROVING CASH BOND TO ASSURE THE MAINTENANCE OF THE INFRASTRUCTURE IMPROVEMENTS: H. Erkan

4.16) Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF BURNET, TEXAS ACCEPTING A PETITION FOR ANNEXATION OF 6.94 ACRES OF REAL PROPERTY LOCATED WEST OF THE CITY LIMITS AND SOUTH OF TEXAS HWY 29; AND AUTHORIZING THE INITIATION OF PROCEEDINGS TO ANNEX THE REAL PROPERTY: H. Erkan

4.17) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS REGARDING THE DEVELOPMENT OF DELAWARE SPRINGS SECTION 19 PHASE 3 AND 4: 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 7th day of January, 2022

**CITY OF BURNET
CRISTA GOBLE BROMLEY, MAYOR**

I, the undersigned authority, do hereby certify that the above NOTICE OF MEETING of the governing body of the above named City, BURNET, is a true and correct copy of said NOTICE and that I posted a true and correct copy of said NOTICE on the bulletin board, in the City Hall of said City, BURNET, TEXAS, a place convenient and readily accessible to the general public at all times, and said NOTICE was posted on January 7, 2022 at or before 6 o'clock p.m. 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).

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

On this the 4th day of January, 2022, the City Council of the City of Burnet convened in Special Session, at 5:30 p.m. at the Burnet Community Center, 401 E. Jackson Street, Burnet, TX thereof with the following members present, to-wit:

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

Guests: Adrienne Feild, Wade Langley

Call to Order: Mayor Bromley called the meeting to order at 5:30 p.m.

INVOCATION: Led by Council Member Mayor Crista Goble Bromley

PLEDGE OF ALLEGIANCE Led by Council Member Philip Thurman

PLEDGE TO TEXAS FLAG: Led by Council Member Philip Thurman

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 December 14th, 2021 Regular City Council Meeting Minutes: Council Member Philip Thurman moved to approve the consent agenda as presented. Council Member Mary Jane Shanes seconded. The motion carried unanimously.

ACTION ITEMS:

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: Council Member Mary Jane Shanes moved to approve Resolution No. R2022-01 as presented. Council Member Cindia Talamantez seconded. The motion carried unanimously.

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: Pass. No action taken

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: Council Member Mary Jane Shanes moved to approve the 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 as presented. Council Member Cindia Talamantez seconded. The motion carried unanimously.

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: Council Member Mary Jane Shanes moved to approve the 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 as presented. Council Member Cindia Talamantez seconded. The motion carried unanimously.

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: Pass. No action taken

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: Council Member Philip Thurman moved to authorize and approve a Memorandum of Agreement between the City of Burnet and Hill Country Children's Advocacy Center (HCCAC) as presented. Council Member Mary Jane Shanes 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 5:42 p.m. Seconded by Council Member Cindia Talamantez. 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

Agenda Item Brief

Meeting Date: January 11, 2021

Agenda Item: Public Hearing: The City Council of the City of Burnet, Texas shall hold a public hearing to receive testimony and comments from members of the public on the merits of a proposed amendment to the City of Burnet's Code of Ordinances Chapter 118 (Entitled "Zoning") Section 118-41 (Entitled "Light Commercial – District C-1"): H. Erkan

Background: City Council, by adoption of City Code Sec. 118-45, established the Light Commercial – District "C-1". Subsection 118-45(a) reads as follows:

- (a) *Purpose and permitted uses. This district allows a mix of commercial uses including, retail, office, light commercial, and similar uses **excluding residential and multifamily**. This district allows the retail sale of goods and products (in the following listed use areas) to which value has been added onsite, **including those uses permitted in the "NC" neighborhood commercial district**, sales of goods and services outside of the primary structure as customary with the uses specifically listed, and the following:*

Please note that the first sentence of Sec. 110-45(a) states uses permitted in the district "[excludes] residential and multifamily". The second sentence in the subsection provides permitted uses in the district "[includes] those uses permitted in the NC neighborhood commercial district. The list of uses permitted in the NC neighborhood commercial district exposes the conflict as follows:

Sec. 118-44. Neighborhood commercial—District "NC".

- (a) This district allows for a variety of commercial uses that will serve as a transitional zone between residential and less intense commercial uses. Permitted uses will be those of a less intense nature that will aesthetically blend with the residential character of the area while permitting commercial enterprises. These uses will include accountants, barber or beauty shops, and the following:
- (1) Parks and playgrounds.
 - (2) Community residential facilities with eight or fewer persons.
 - (3) Day-care homes with 12 or fewer children.
 - (4) **Single-family dwellings.**

- (5) **Residential accessory buildings and uses.**
- (6) Churches and temples.
- (7) Credit union offices.
- (8) Doctor or dental offices.
- (9) Bed and breakfast.
- (10) Fire stations.
- (11) Libraries.
- (12) Public and private schools and colleges.
- (13) **Duplexes.**
- (14) **Triplex and four-plex multifamily.**
- (15) Convents and monasteries.
- (16) Small insurance offices.
- (17) Lawyer's offices.
- (18) Optician or optometrist offices.
- (19) Public parking areas.
- (20) Real estate offices.
- (21) Uses as determined by the commission and the council which are closely related and similar to those listed and that are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences than the minimum amount normally resulting from listed uses permitted.

Information:

This ordinance resolves the ambiguity in City Code Sec. 118-45(a) by inserting a textural change to the code clarifying Council's intent that in Light Commercial – District "C-1" "NC" neighborhood commercial district uses are allowed, except single family dwellings, residential accessory buildings and uses, duplex, triplex or fourplex or multifamily uses.

Fiscal Impact

No fiscal impact is anticipated.

Recommendation:

Conduct Public Hearing



Development Services

ITEM 3.2

Leslie Kimbler
Planner I
512-715-3206
lkimbler@cityofburnet.com

Agenda Item Brief

Meeting Date: January 11, 2022

Agenda Item: Public Hearing: The City Council of the City of Burnet shall conduct a public hearing to receive public testimony and comments on the merits of a request to rezone property located at 900 County Lane (Legal Description: ABS A0672 EUGENIO PEREZ, TRACT INCLUDING OAK VISTA LOTS 60-67, 75.0 ACRES). The request is to rezone the property from its present designation of Medium Commercial – District “C-2” and to a designation of Government – District “G”: L. Kimbler

Background: The subject property is a 75 acre site located past the Burnet Rodeo Fair Grounds and just west of the Ellen Halbert Substance Abuse Facility Prison (Exhibit A). The property is owned by Burnet County who operates the Burnet County Jail at this location. Burnet County bought the property from the Texas Department of Criminal Justice back in 2007.

Information: This request is a city initiated request to bring the property into compliance with the current zoning code. The requested District “G” (Government and Public Institutional District) is for properties “intended to provide appropriate areas for uses that provide important community services often requiring large amounts of land.” Permitted uses include facilities owned and operated by the federal government, the state, or local government entity.

Staff Analysis: The Future Land Use Map (Exhibit B) designation for the area is Government. The requested Government – District “G” classification is appropriate in this area.

Properties adjacent to the subject property are zoned as follows:

	North	South	East	West
Zoning	ETJ	ETJ	C-2	ETJ
FLUM	Residential	Residential	Government	Residential
Land Use	Vacant	Single-Family housing	TDCJ SAF-Prison	Single-Family housing

Public Notification: A Notice of Public Hearing was published in the Burnet Bulletin on December 22, 2021, and written notices were mailed to one (1) surrounding property owners within 200 feet of the subject property within the city limits. There have been zero responses in favor and zero

responses in opposition. At the Planning and Zoning Commission meeting, one citizen attended the meeting to hear more information on the request but did not speak in favor or opposition.

P&Z Report:

P&Z conducted a scheduled public hearing at its regularly scheduled meeting and recommended approval of the requested zone change on January 3, 2022.

Exhibit "A"
Location & Current Zoning Map

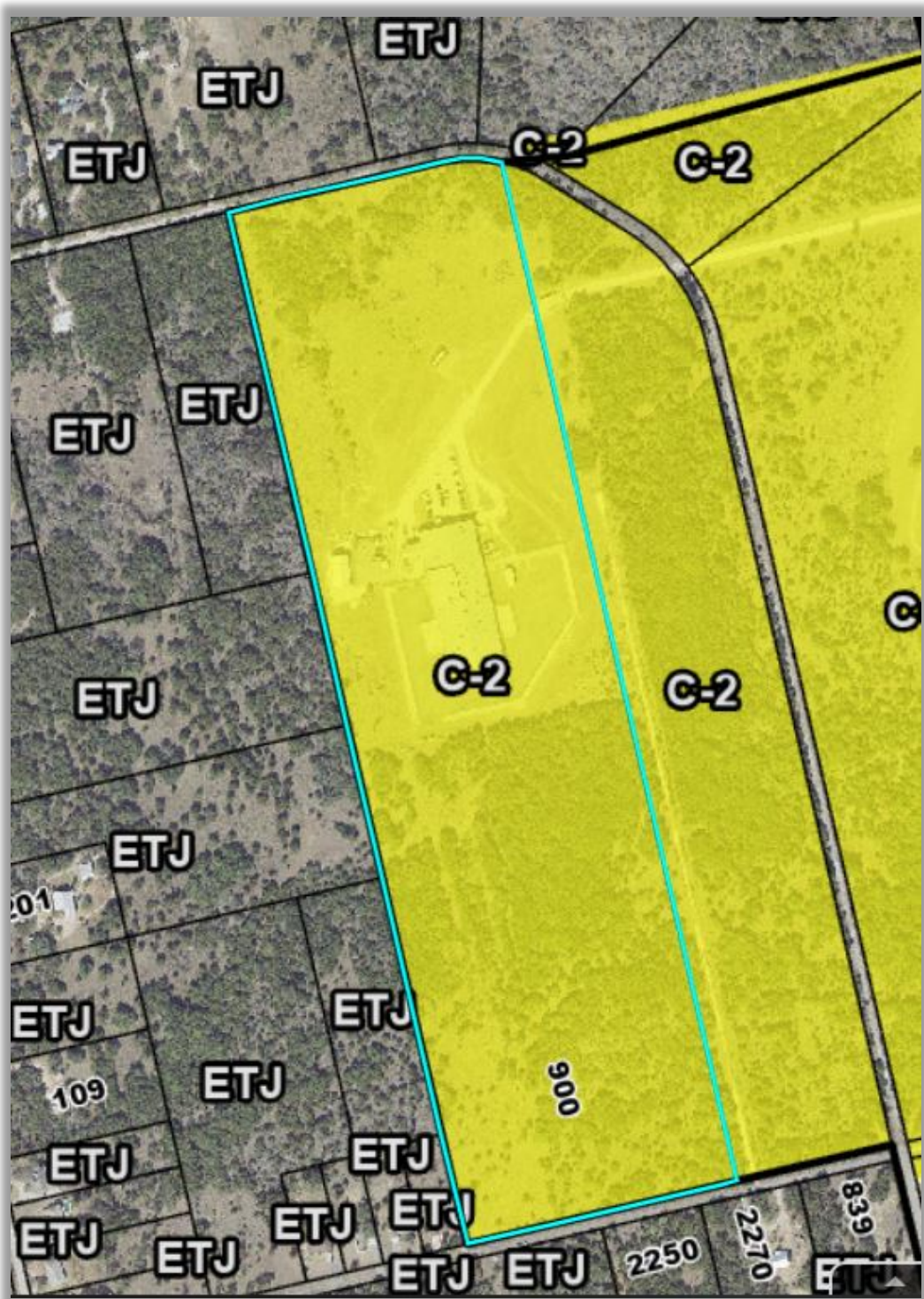
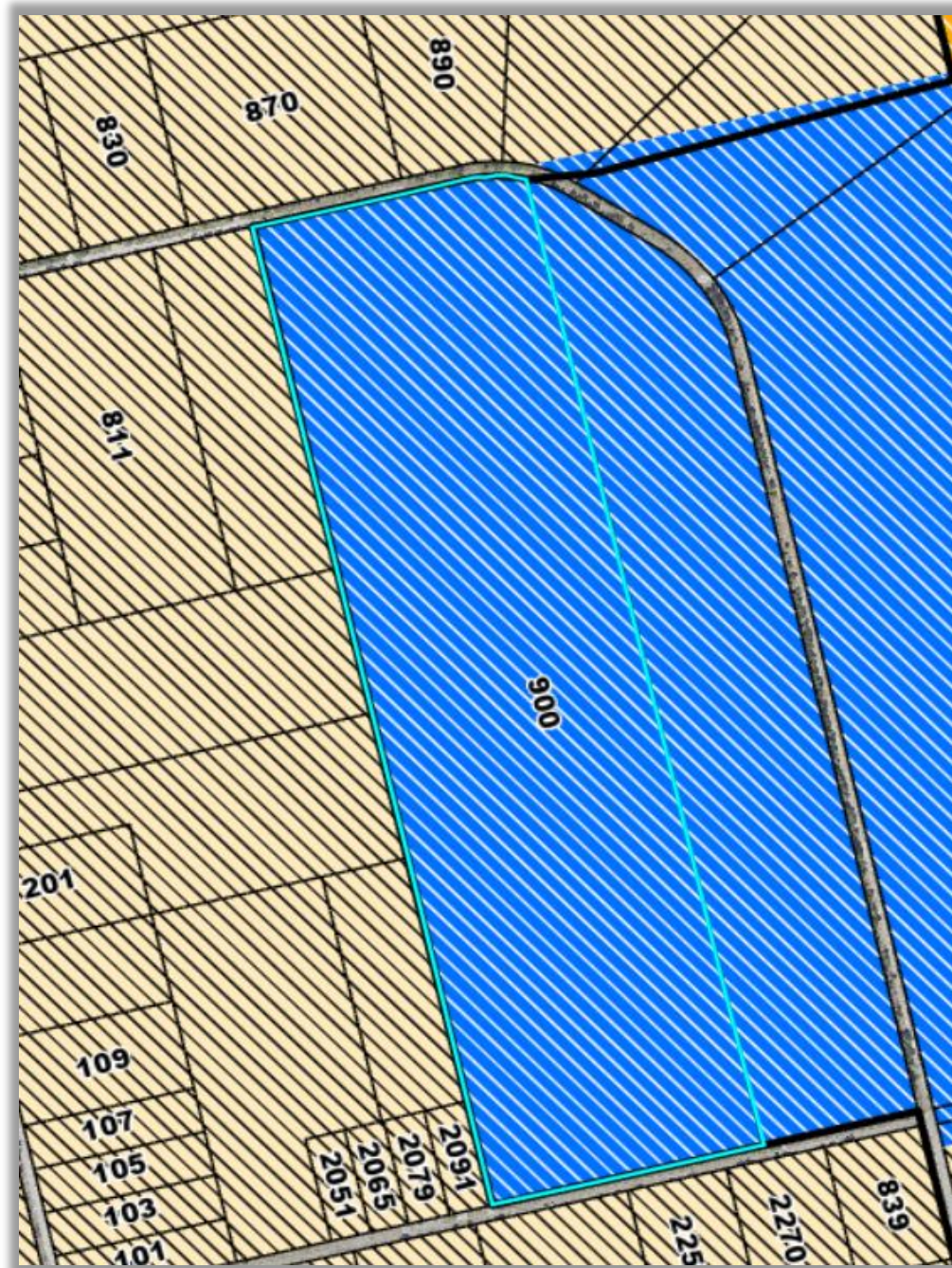


Exhibit "B"
Future Land Use Map



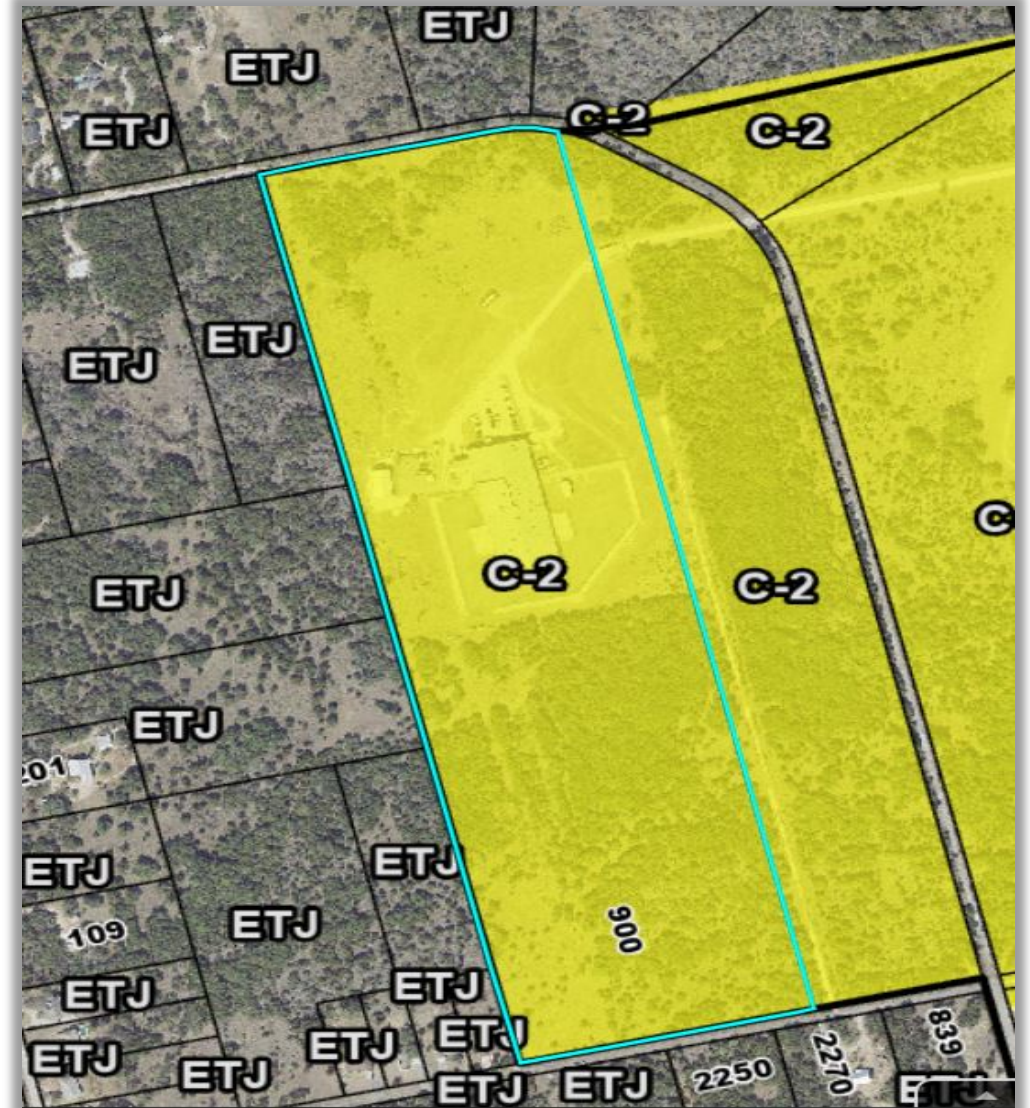
Public Hearing: Item 3.2

The City Council of the City of Burnet shall conduct a public hearing to receive public testimony and comments on the merits of a request to rezone property located at 900 County Lane (Legal Description: ABS A0672 EUGENIO PEREZ, TRACT INCLUDING OAK VISTA LOTS 60-67, 75.0 ACRES). The request is to rezone the property from its present designation of Medium Commercial – District “C-2” and to a designation of Government – District “G”

Public Hearing

Information:

- Current Zoning:
Medium Commercial – District “C-2”
 - Requested Zoning:
Government – District “G”
 - 75 acres
 - Owned by Burnet Co.
 - Location of Burnet Co. Jail
-
- ☐ Request is a City initiated rezone
 - ☐ District “G” (Government and Public Institutional District) allows for properties owned and operated by local government entity



Public Hearing

Future Land Use Map:



Government

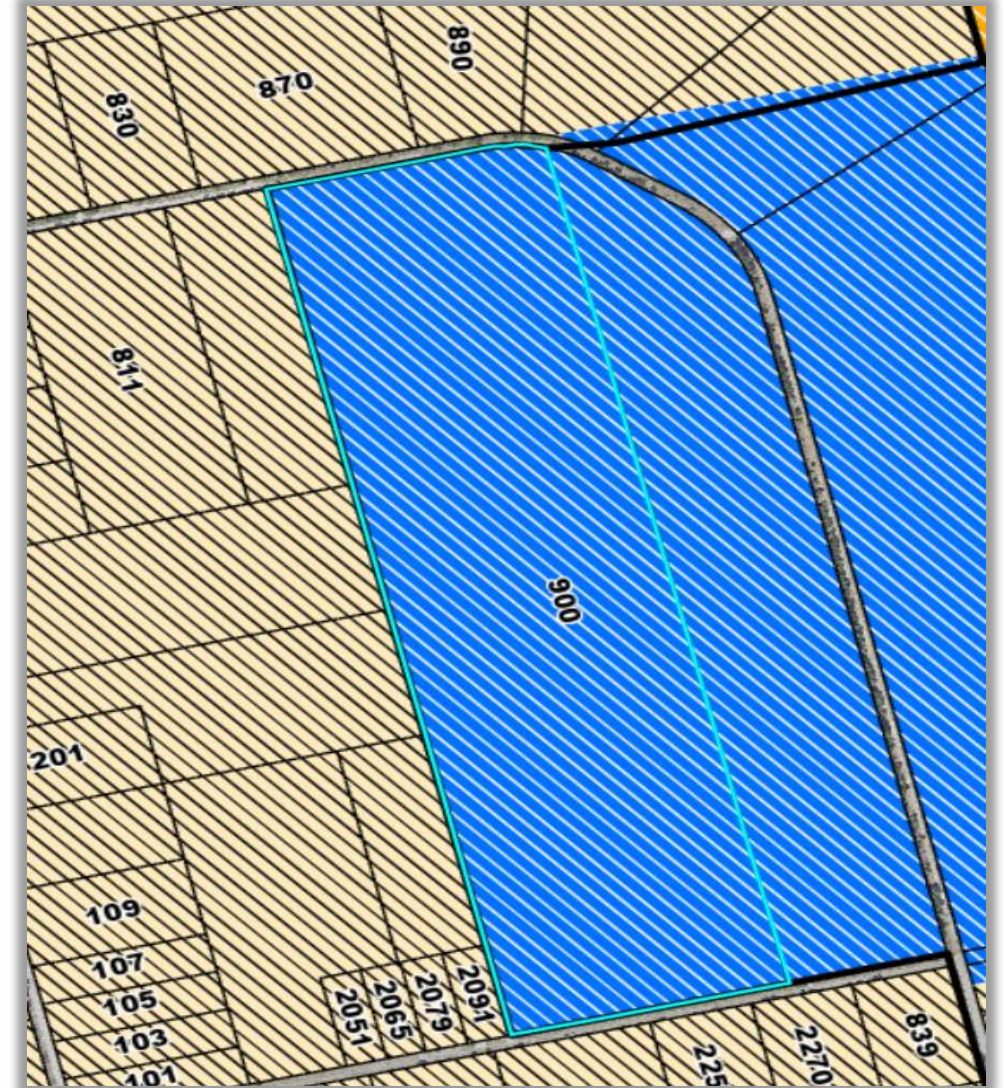
Commercial

Residential

Open Space

	North	South	East	West
Zoning	ETJ	ETJ	C-2	ETJ
FLUM	Residential	Residential	Government	Residential
Land Use	Vacant	Single-Family housing	TDCJ Prison SAF-	Single-Family housing

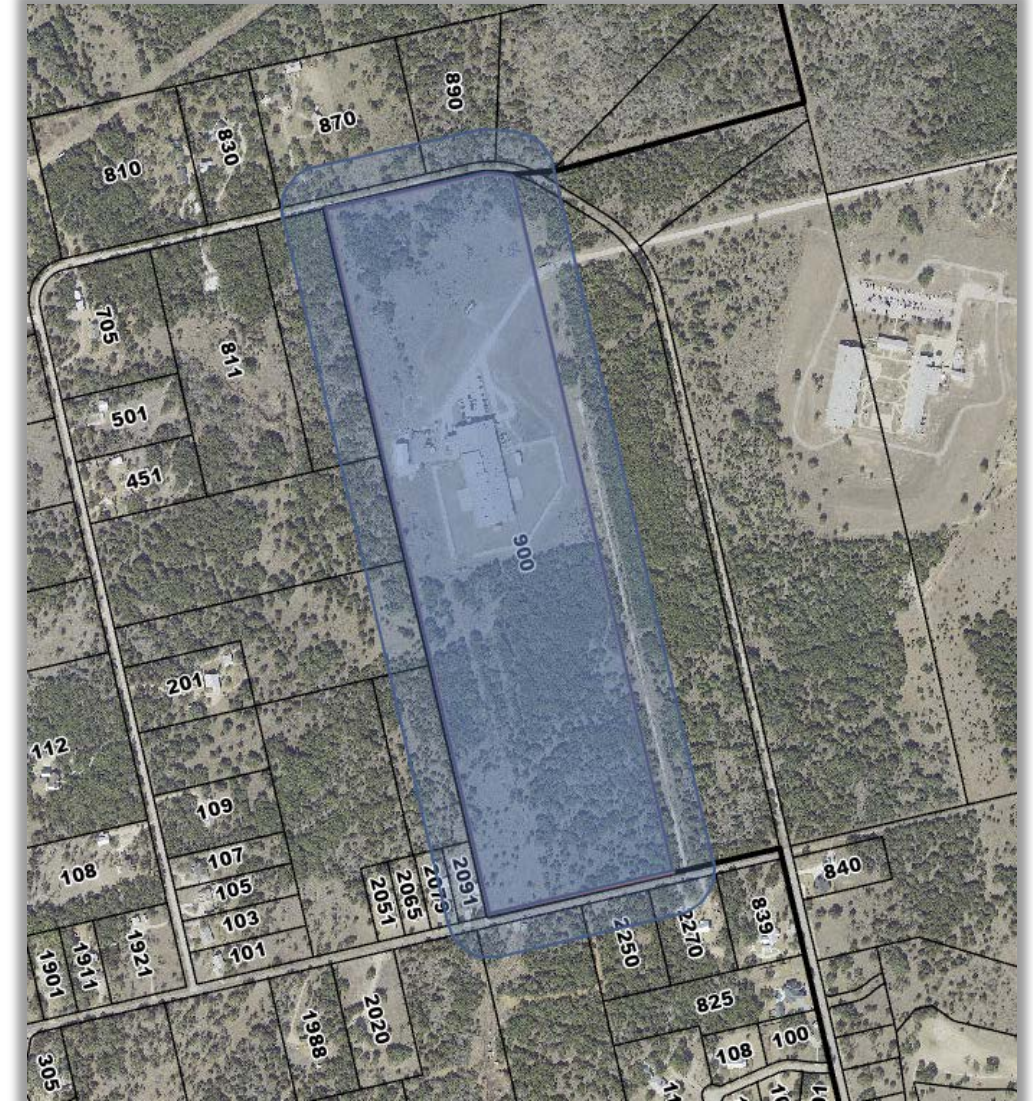
The Future Land Use Map designation for the area is Government. The proposed Government – District “G” zoning is appropriate for this area.



Public Hearing

Public Notification:

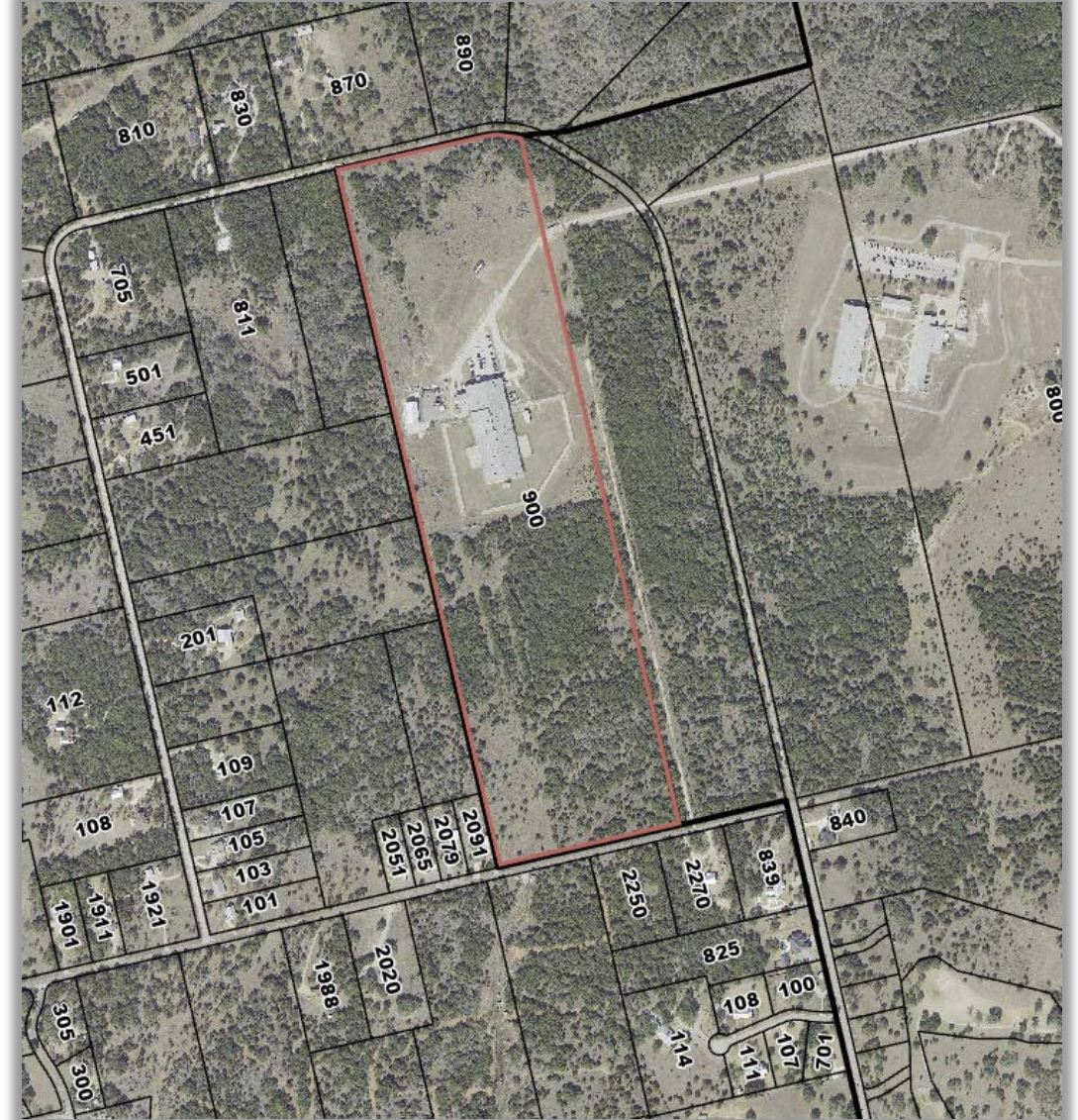
- Notice published in Burnet Bulletin on Dec. 22nd
- Written notices were mailed to one (1) surrounding property owner in the city limits
- No responses in support or opposition have been received
- One citizen at P&Z appeared to hear more information, did not speak for or against



Public Hearing

Planning and Zoning Commission:

- P&Z recommended approval of the requested zone change on January 3rd, 2022





Development Services

ITEM 3.3

Leslie Kimbler
Planner I
512-715-3215
lkimbler@cityofburnet.com

Agenda Item Brief

Meeting Date: January 11, 2021

Agenda Item: Public Hearing: The City Council of the City of Burnet shall conduct a public hearing to receive public testimony and comments on the merits of a request to rezone property located at 800 Ellen Halbert Drive (Legal Description: ABS A0672 EUGENIO PEREZ, TRACT BEING PRISON SITE, 119.06 ACRES and ABS A0672 EUGENIO PEREZ, TRACT BEING PRISON SITE FROM OAK VISTA LOTS 45-52 & PTS, 103.68 ACRES). The request is to rezone the property from its present designation of Medium Commercial – District “C-2” to a designation of Government – District “G”. L. Kimbler

Background: The subject property is approximately 123 acres located off of Houston Clinton Drive, past the Burnet Rodeo Fair Grounds at the end of Ellen Halbert Drive (Exhibit A). The property is owned by the Texas Department of Criminal Justice and is the site of the Ellen Halbert Substance Abuse Felony Punishment Facility. The women’s prison was established in 1995 and provides in-prison substance use treatment.

Information: This request is a city initiated request to bring the property into compliance with the current zoning code. The requested District “G” (Government and Public Institutional District) is for properties “intended to provide appropriate areas for uses that provide important community services often requiring large amounts of land.” Permitted uses include facilities owned and operated by the federal government, the state, or local government entity.

Staff Analysis: The Future Land Use Map (Exhibit B) designation for the area is Government. The requested Government – District “G” classification is appropriate in this area.

Properties adjacent to the subject property are zoned as follows:

	North	South	East	West
Zoning	“I-1”	“R-1”	“C-2” & “I-2”	“C-2”
FLUM	Industrial	Residential	Government	Government
Land Use	Entegris property	1 SFR & Golf course property	Mixture of industrial businesses, Fair Grounds & Vacant	Burnet County Jail

Public Notification: A Notice of Public Hearing was published in the Burnet Bulletin on December 22, 2021, and written notices were mailed to ten (10) surrounding property owners within 200 feet of the subject property. There have been zero responses in favor and zero responses in opposition.

P&Z Report: P&Z conducted a scheduled public hearing at its regularly scheduled meeting and recommended approval of the requested zone change on January 3, 2022.

Exhibit "A"
Location & Current Zoning Map

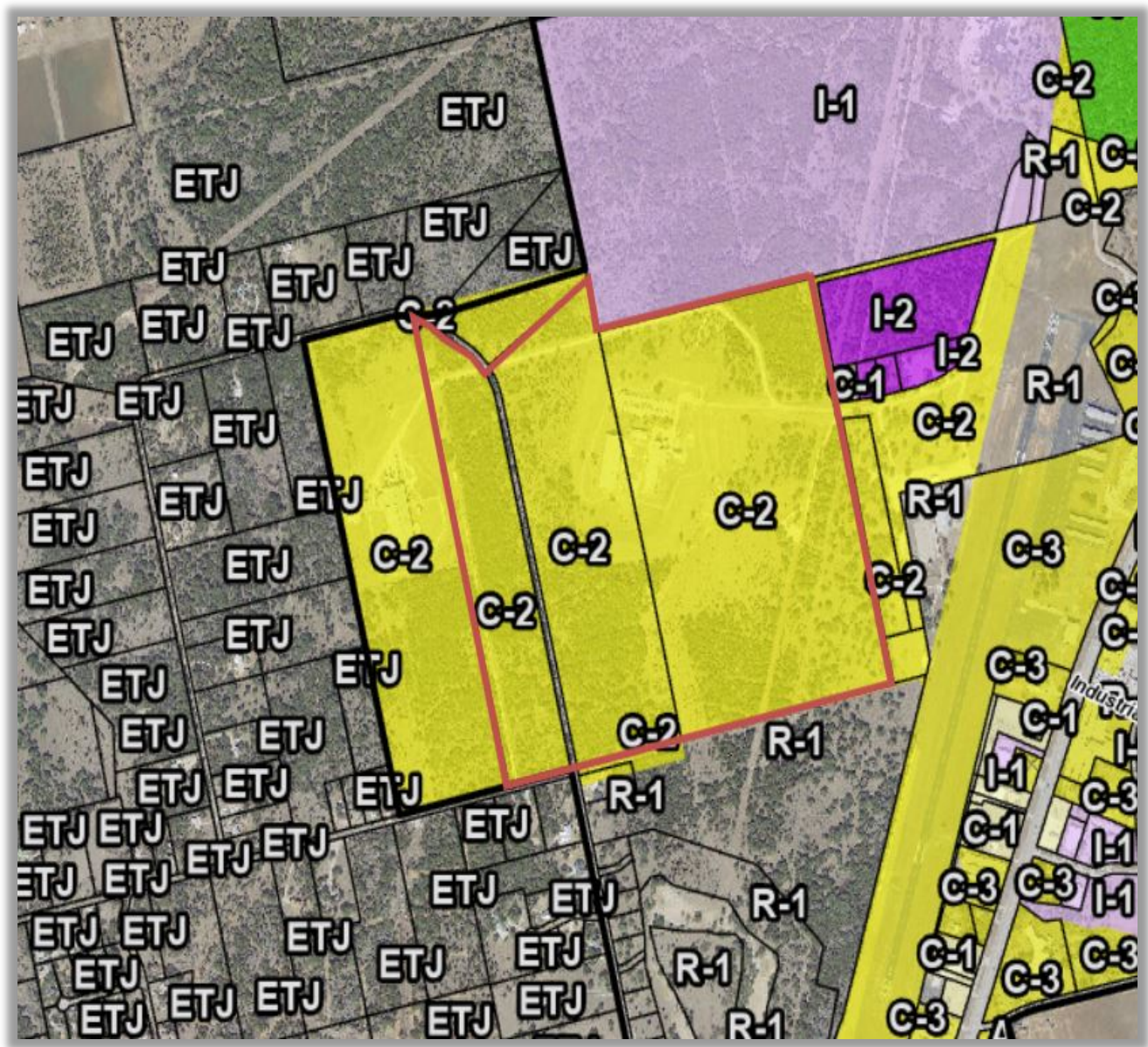
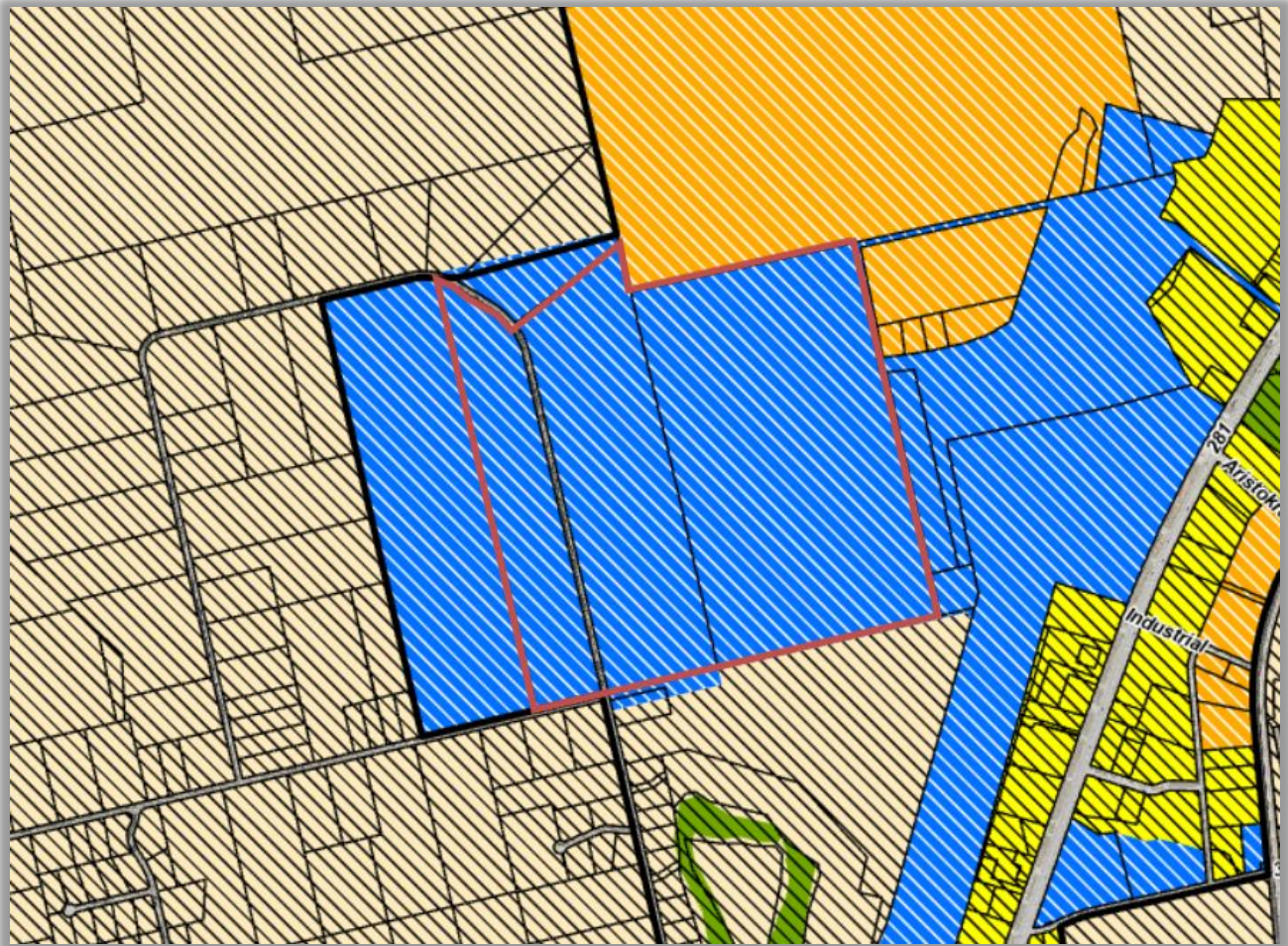


Exhibit "B"
Future Land Use Map



Government



Commercial



Residential



Industrial

Public Hearing: Item 3.3

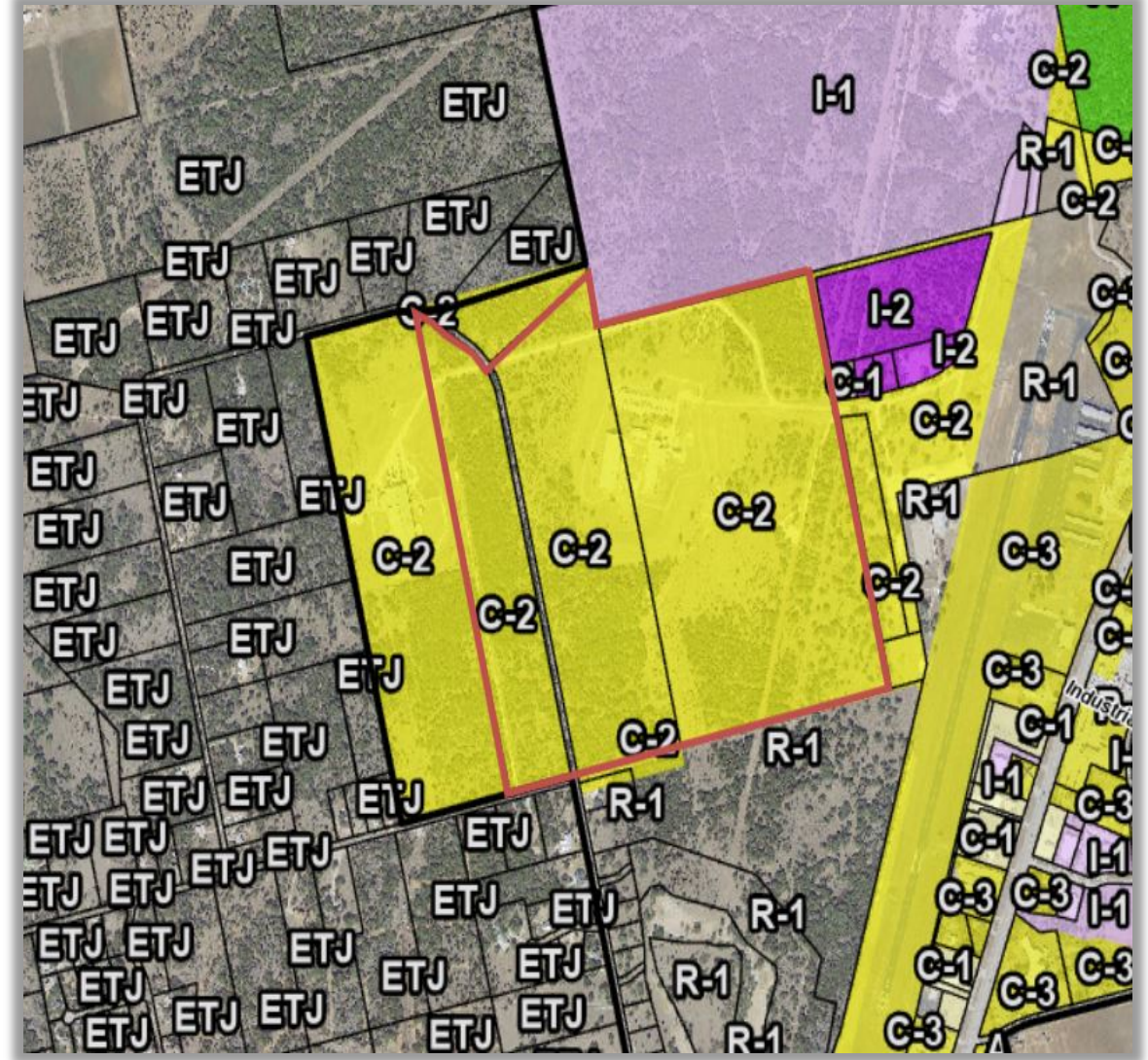
The City Council of the City of Burnet shall conduct a public hearing to receive public testimony and comments on the merits of a request to rezone property located at 800 Ellen Halbert Drive (Legal Description: ABS A0672 EUGENIO PEREZ, TRACT BEING PRISON SITE, 119.06 ACRES and ABS A0672 EUGENIO PEREZ, TRACT BEING PRISON SITE FROM OAK VISTA LOTS 45-52 & PTS, 103.68 ACRES). The request is to rezone the property from its present designation of Medium Commercial – District “C-2” to a designation of Government – District “G”.

Public Hearing

Information:

- Current Zoning:
Medium Commercial – District “C-2”
- Requested Zoning:
Government – District “G”
 - 123 acres
 - Owned by TDCJ
 - Location of Ellen Halbert Substance Abuse Felony Punishment Facility

- ☐ Request is a City initiated rezone
- ☐ District “G” (Government and Public Institutional District) allows for properties owned and operated by local government entity



Public Hearing

Future Land Use Map:



Government

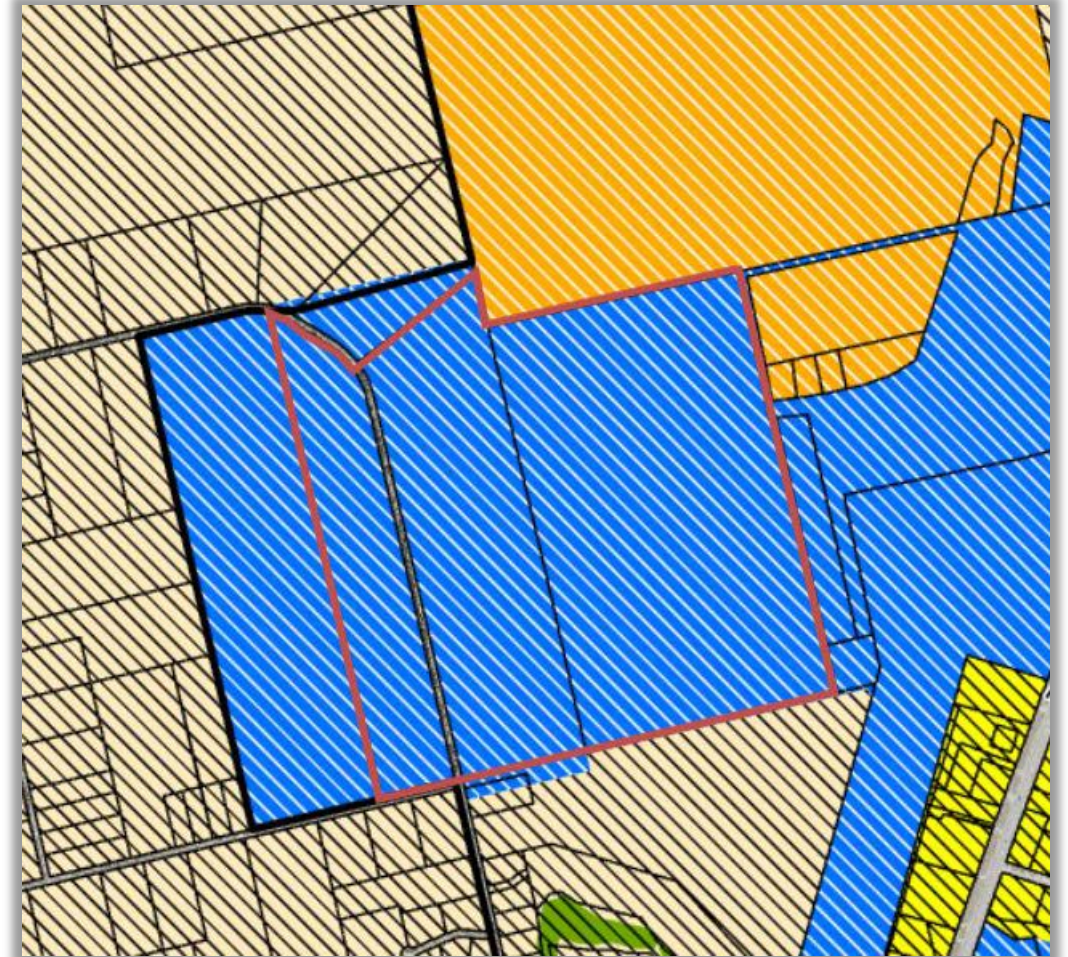
Commercial

Residential

Open Space

	North	South	East	West
Zoning	"I-1"	"R-1"	"C-2" & "I-2"	"C-2"
FLUM	Industrial	Residential	Government	Government
Land Use	Entegris property	1 SFR & Golf course property	Mixture of industrial businesses, Fair Grounds & Vacant	Burnet County Jail

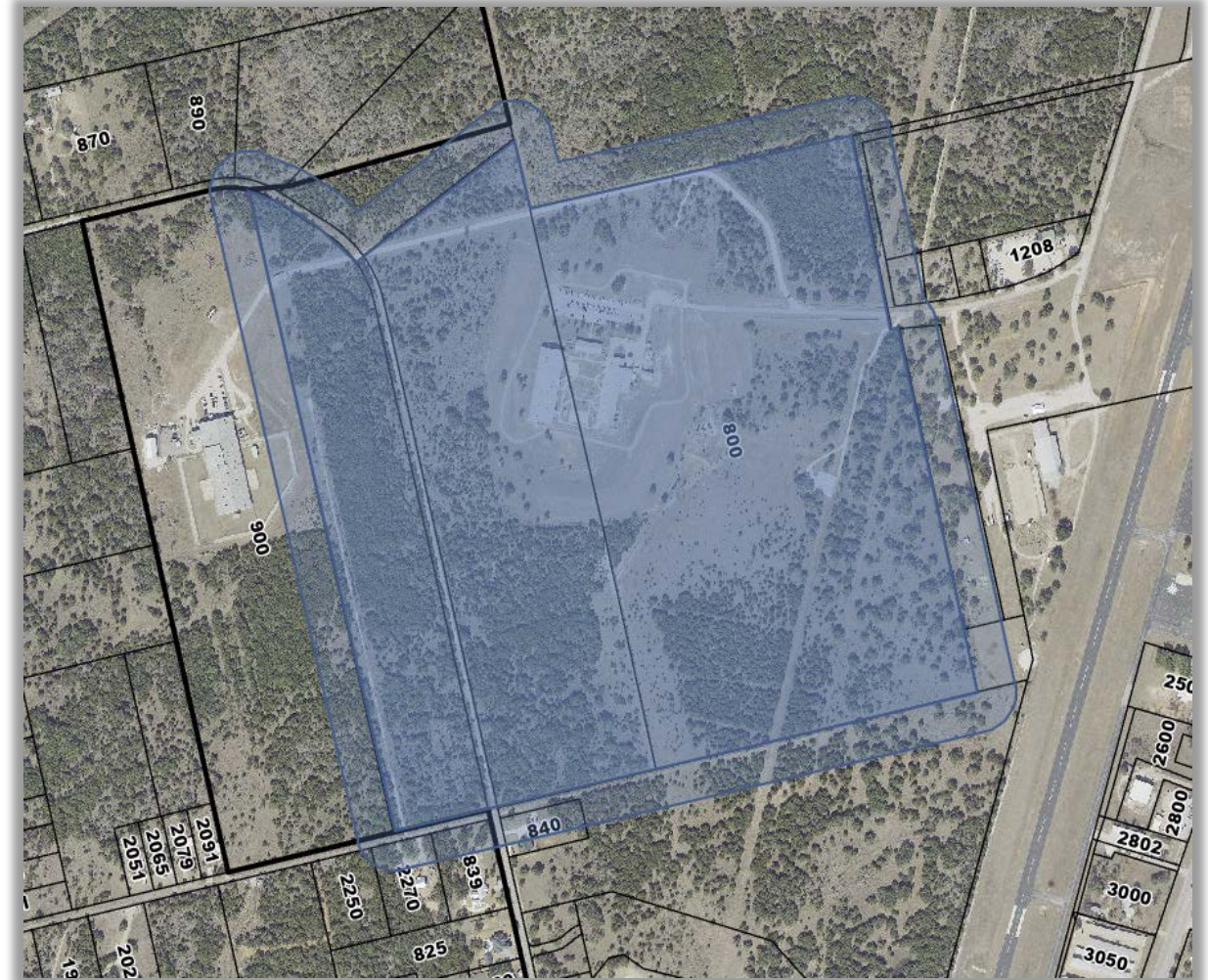
The Future Land Use Map designation for the area is Government. The proposed Government – District "G" zoning is appropriate for this area.



Public Hearing

Public Notification:

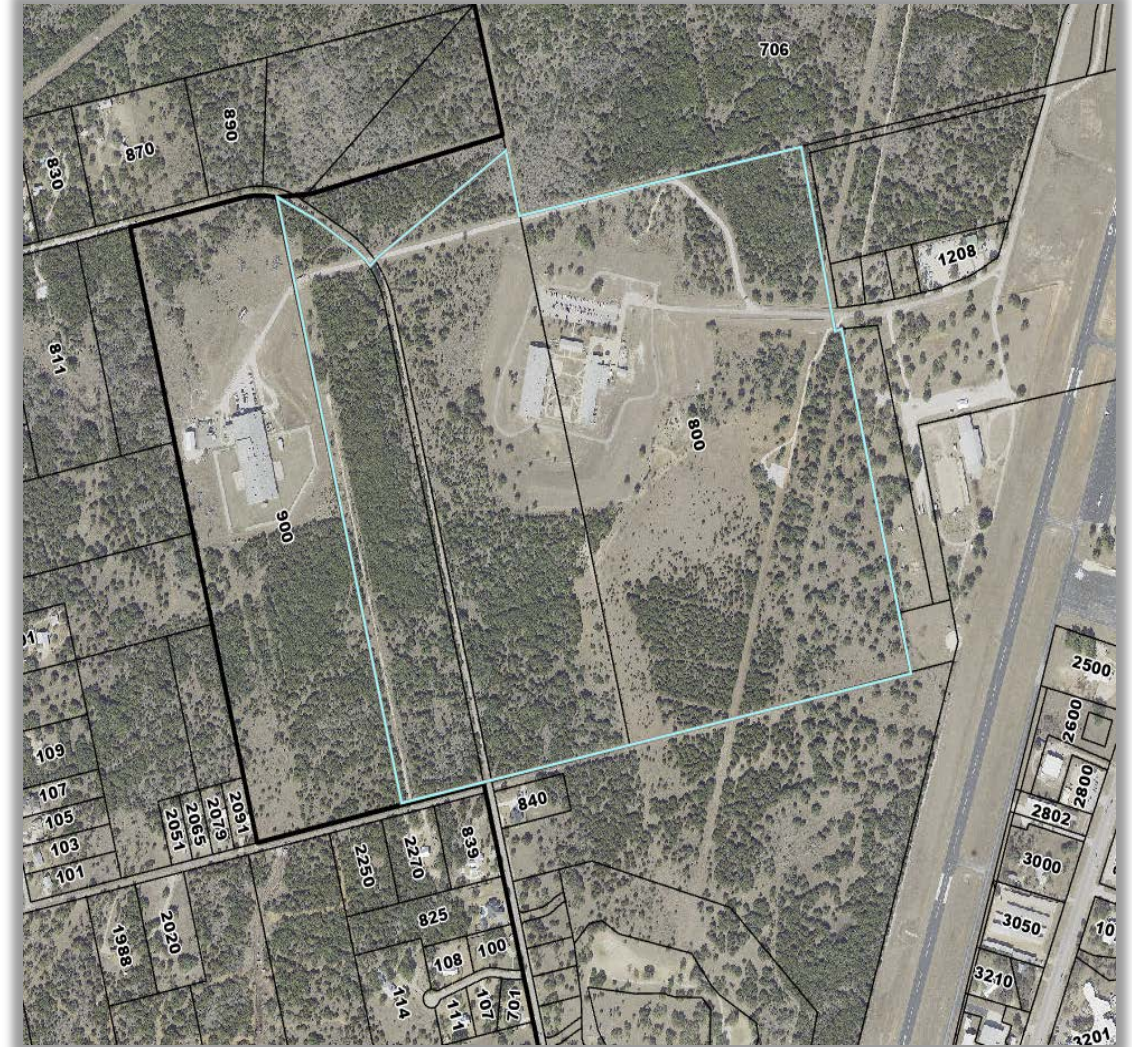
- Notice published in Burnet Bulletin on Dec. 22nd
- Written notices were mailed to ten (10) surrounding property owner in the city limits
- No responses in support or opposition have been received



Public Hearing

Planning and Zoning Commission:

- P&Z recommended approval of the requested zone change on January 3rd, 2022





Development Services

ITEM 3.4

Leslie Kimbler
Planner I
512-715-3215
lkimbler@cityofburnet.com

Agenda Item Brief

Meeting Date: January 11, 2022

Agenda Item: 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 3202 South Water Street (Legal Description: S4540 FLIGHT LINE BOULEVARD SUBDIVISION LOT 1B .43 ACRES). The request is to rezone the property from its present designation of Light Commercial – District “C-1” to a designation of Neighborhood Commercial – District “NC”: L. Kimbler

Background: The property is .43 acres, located along South Water Street across US Hwy 281 from the Ascension Seton Highland Lakes hospital (Exhibit A). The property is adjacent to the Kate Craddock Municipal Airport and was originally a single-family residence that was converted into an office space.

Information: The applicant is requesting a rezone to allow the structure to be used as lodging for the CareFlite helicopter staff. Recently, City Council approved an amendment to the Light Commercial – District “C-1” ordinance that states no residential uses are allowed in the district. For the property to be utilized as lodging where the helicopter staff can sleep, the zoning would need to be changed to allow for the residential use.

Staff Analysis: The Future Land Use Map (Exhibit B) designation for the area is Commercial. As the property is proposed zoning is appropriate in this area.

Properties adjacent to the subject property are zoned as follows:

	North	South	East	West
Zoning	“C-3”	“C-1”	“C-3”	“C-3”
FLUM	Commercial	Commercial	Government	Government
Land Use	Residential	Flight Simulator Training	Hospital	Airport

Public Notification: A Notice of Public Hearing was published in the Burnet Bulletin on December 22, 2021, and written notices were mailed to four (4) surrounding property owners within 200 feet of the subject property. There have been zero responses in favor and zero responses in opposition. At the Planning and Zoning Commission meeting, a neighboring property owner came to hear further information on who the property would be

utilized to ensure a shared driveway was not going to be affected. The applicant was able to speak to the citizen and answer her concerns. The citizen did not speak in favor or opposition of the request.

P&Z Report:

P&Z conducted a scheduled public hearing at its regularly scheduled meeting and recommended approval of the requested zone change on January 3, 2022.

Exhibit "A"

Location & Current Zoning Map

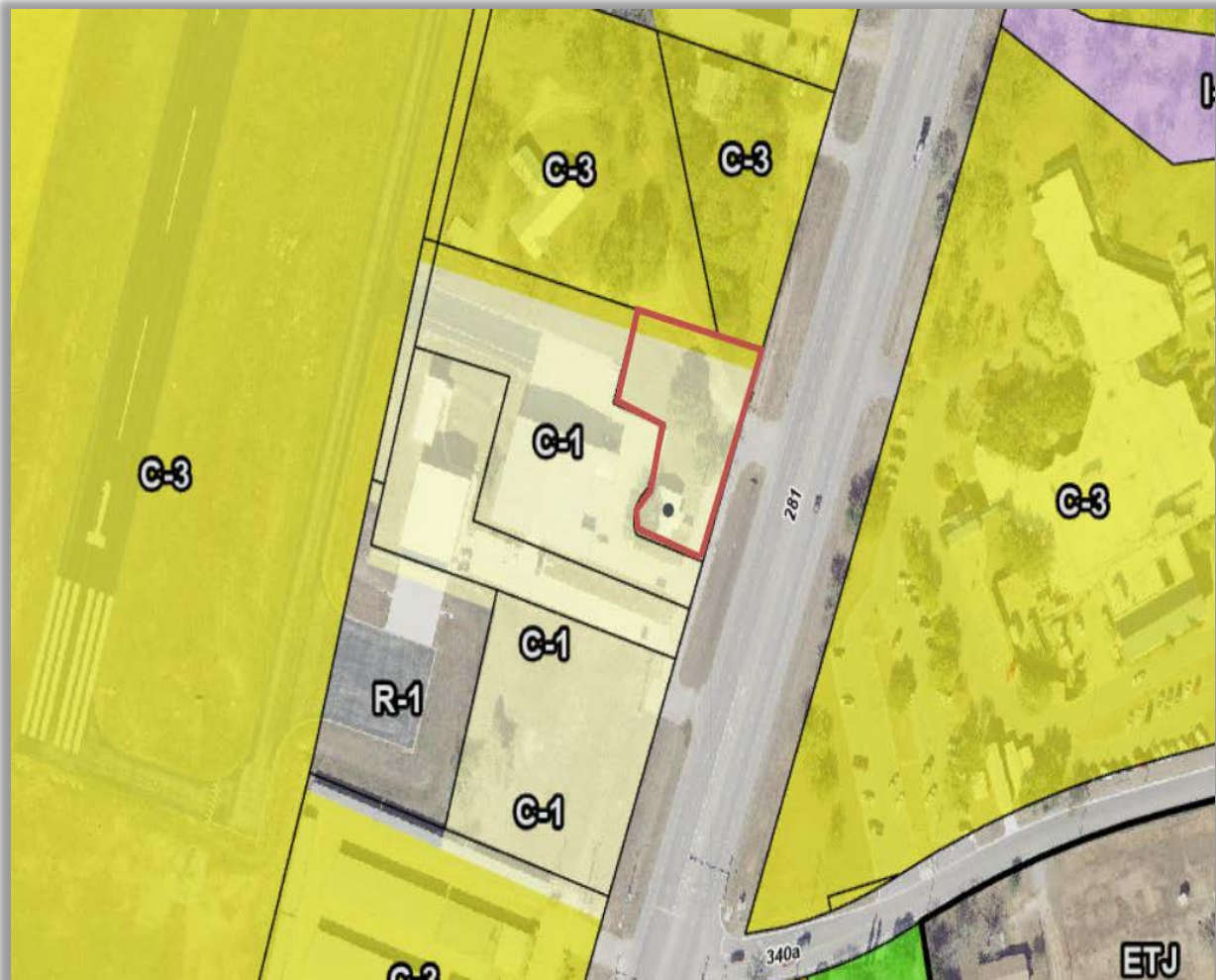
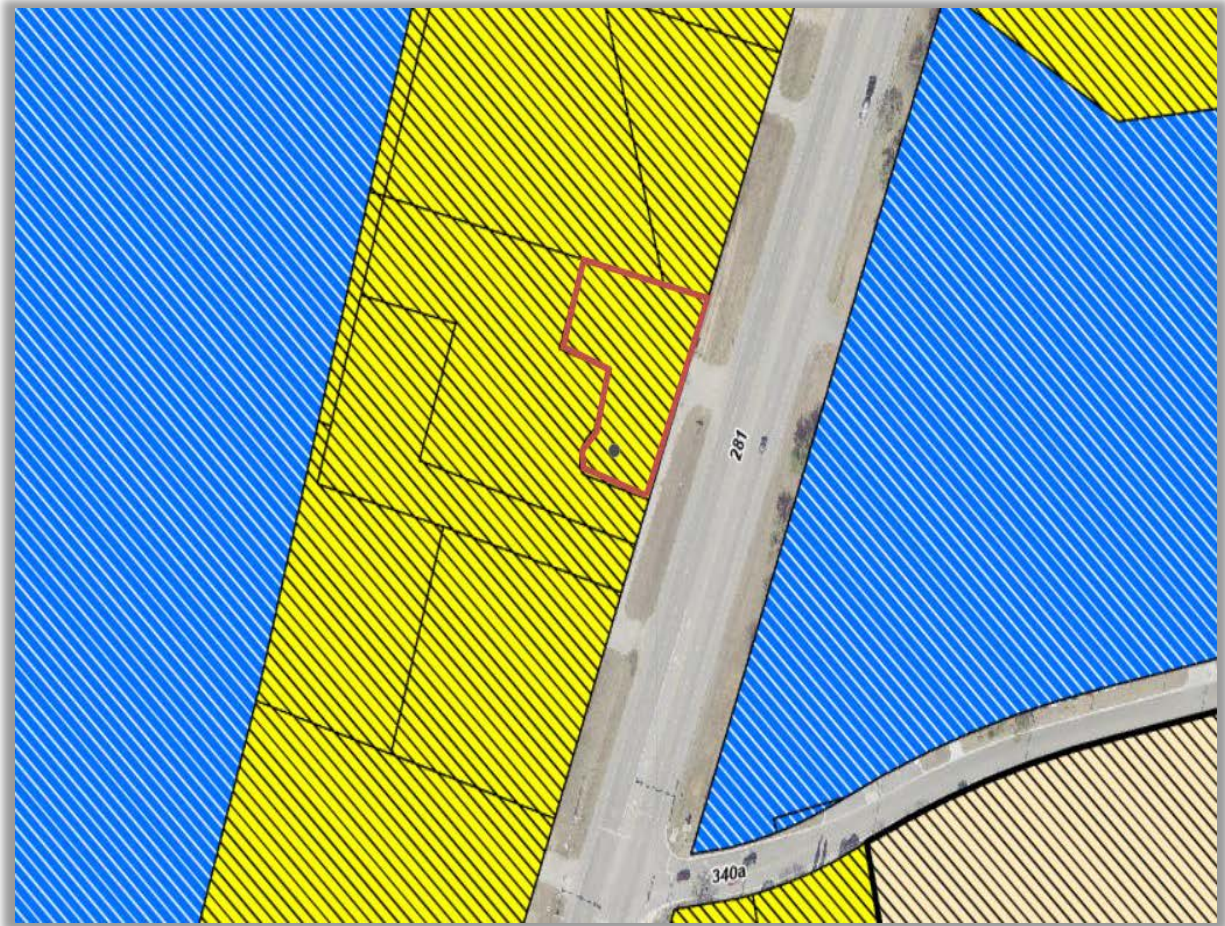


Exhibit "B"
Future Land Use Map



Government



Commercial



Residential



Industrial

Public Hearing: Item 3.4

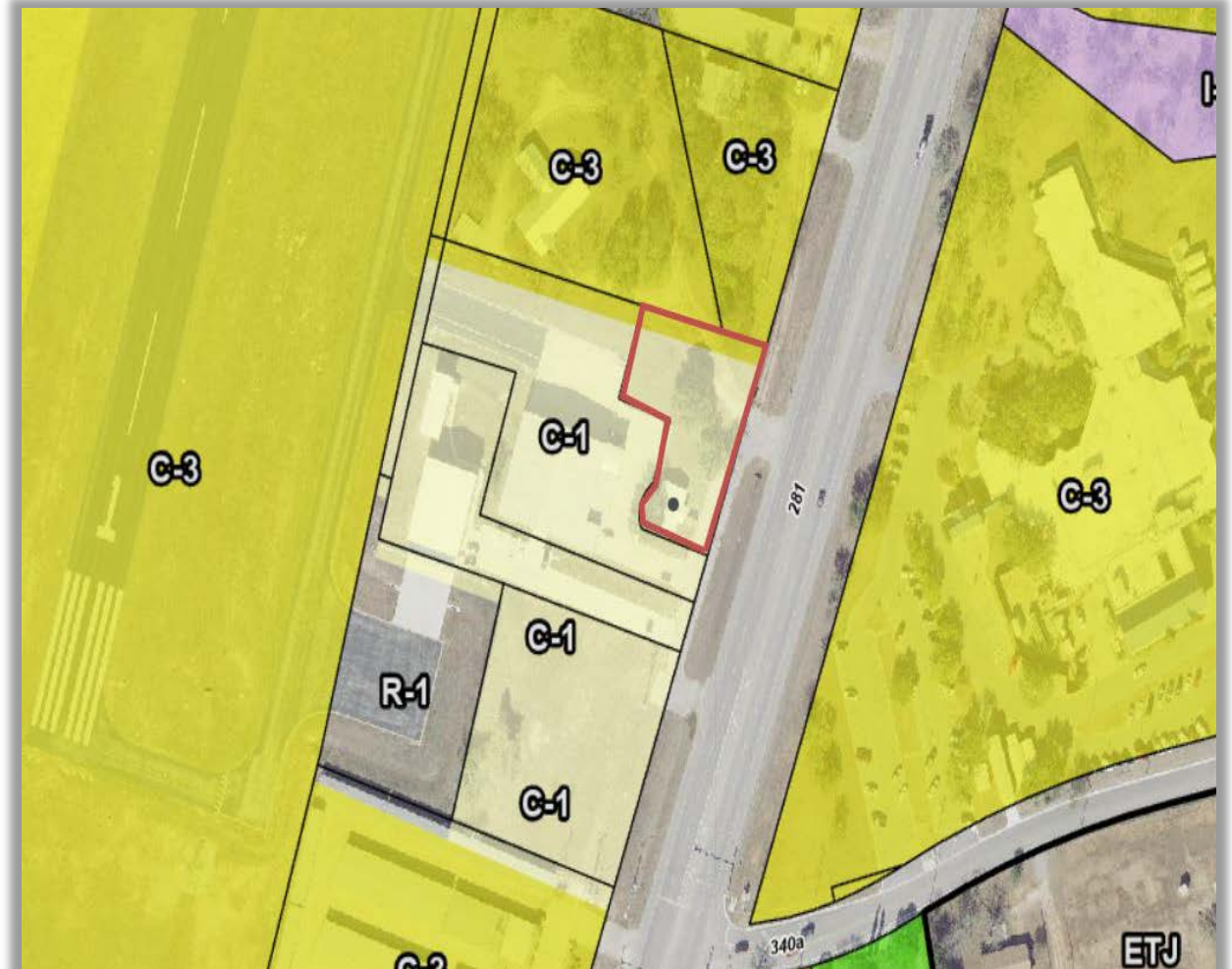
The City Council of the City of Burnet shall conduct a public hearing to receive testimony and comments from members of the public on the merits of a request to rezone property located 3202 South Water Street (Legal Description: S4540 FLIGHT LINE BOULEVARD SUBDIVISION LOT 1B .43 ACRES). The request is to rezone the property from its present designation of Light Commercial – District “C-1” to a designation of Neighborhood Commercial – District “NC”

Public Hearing

Information:

- Current Zoning:
Light Commercial – District “C-1”
- Requested Zoning:
Neighborhood Commercial – District “NC”

Applicant requesting rezone to allow for “lodging” for the CareFlite helicopter staff. District “C-1” does not allow for residential use



Public Hearing

Future Land Use Map:



Government

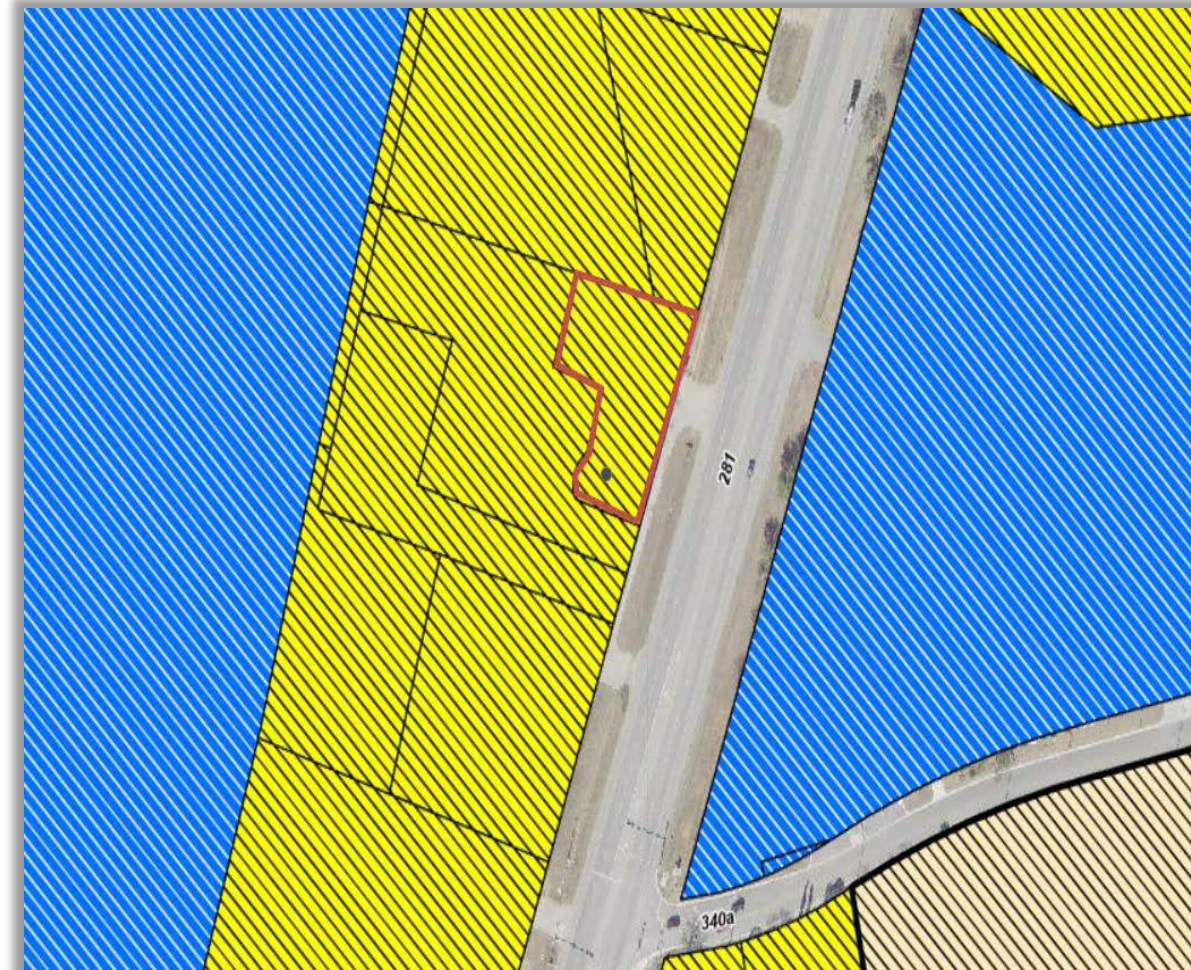
Commercial

Residential

Open Space

	North	South	East	West
Zoning	"C-3"	"C-1"	"C-3"	"C-3"
FLUM	Commercial	Commercial	Government	Government
Land Use	Residential	Flight Simulator Training	Hospital	Airport

The Future Land Use Map designation for the area is Commercial. The proposed Neighborhood Commercial – District "NC" zoning is appropriate for this area.



Public Hearing

Public Notification:

- Notice published in Burnet Bulletin on Dec. 22nd
- Written notices were mailed to four (4) surrounding property owner in the city limits
- No responses in support or opposition have been received
- One citizen at P&Z appeared to hear receive clarification on intent of the request, did not speak for or against



Public Hearing

Planning and Zoning Commission:

- P&Z recommended approval of the requested zone change on January 3rd, 2022





Administration

ITEM 4.1

David Vaughn
City Manager
512.715.3208
dvaughn@cityofburnet.com

Agenda Item Brief

Meeting Date: January 11, 2022

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

Background:

Information:

Fiscal Impact:

Recommendation: To be determined by Council



Development Services

ITEM 4.2

Leslie Kimbler
Interim Planner I
512-715-3206
lkimbler@cityofburnet.com

Agenda Item Brief

Meeting Date: January 11, 2022

Agenda Item: Discuss and consider action: SECOND AND FINAL 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

Background: This property is located near the intersection of North Hill Street and East Graves Street (see Exhibit A). The property is the site of the Sunshine House, also known as the Hill Country Children's Advocacy Center. The center is a resource for children who are victims of crimes. The center provides forensic interviewing and counseling services.

The applicant is seeking the requested amendment to the FLUM to obtain a zoning change to allow for the development of a new building. They have outgrown their current building and will be utilizing a vacant portion of their property to expand their current operations. The applicant is requesting a change from Single Family Residential – District "R-1" to Light Commercial – District "C-1" with a conditional use permit for "Clinic and Safety Services".

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

Staff Analysis: The property is currently an empty lot, measuring approximately 0.75 of an acre. This is large enough for the expected expansion of the applicant's building.

The Future Land Use Map calls for the subject tract to be Residential. This tract would be bounded by other Future Land Uses of Residential on the west and south sides. The property would be bounded to the

north and east by a Future Land Use designation of Government (see Exhibit B).

Public Notification: A Notice of Public Hearing was published in the Burnet Bulletin on December 8, 2021, and written notices were mailed to twelve (12) surrounding property owners within 200 feet of the subject property.

During the Planning and Zoning's Public Hearing, one neighboring citizen did express his concerns and requested further information on the intent of the project. The citizen did state that, at this moment, he did not oppose or support the request. No further responses in favor or opposition have been received at this time.

There have been no changes to ordinance 2021-45 since the first reading on December 14, 2021

P&Z Report: P&Z conducted a scheduled public hearing and recommended approval of the requested Future Land Use amendment on December 6, 2021.

Recommendation: Staff recommends approval and adoption of Ordinance 2021-45 as presented.

ORDINANCE NO. 2021-45

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

WHEREAS, the City Council, by the passage and approval of Ordinance No. 2012-09, did assign Future Land Use classifications for property located within the city in accordance with the Official Future Land Use Map as approved with said ordinance; and

WHEREAS, the purpose of this Ordinance is to amend the Official Future Land Use Map by amending the Future Land Use classification of the Real Property (“Property”) described herein; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on the matter, deliberated the merits of the proposed amendment of Future Land Use classification and has made a report and recommendation to City Council; and

WHEREAS, in passing and approving this ordinance it is legislatively found the Planning and Zoning Commission and City Council complied with all notice, hearing and meetings requirements set forth in Texas Local Government Chapter 211; Texas Government Code Chapter 551, the City Charter; and Chapter 118, of the Code of Ordinances; and

WHEREAS, City Council, after considering the testimony and comments of the public, reports and recommendations of City Staff and the Planning and Zoning Commission, and the deliberation of its members, by passage and approval of this Ordinance hereby determines the action taken herein is meritorious and beneficial to the public health, safety, and welfare.

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

Section one. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted and made a part hereof for all purposes as findings of fact.

Section two. Property. The Property that is the subject to this Future Land Use Reclassification is 1001 NORTH HILL STREET (LEGAL DESCRIPTION: BEING LOTS TEN, ELEVEN AND TWELVE, IN THE KINCHELOE ADDITION) as shown on **Exhibit “A”** hereto.

Section three. Future Land Use Map. “Commercial” Future Land Use is hereby assigned to the Property described in section two.

Section four. Future Land Use Map Revision. The City Secretary is hereby authorized and directed to revise the Official Future Land Use Map to reflect the change in Future Land Use Classification approved by this Ordinance.

Section five. Repealer. Other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such conflict.

Section six. Severability. This Ordinance is severable as provided in City Code Section 1-7 as same may be amended, recodified or otherwise revised.

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

PASSED on First Reading the 14TH day of December 2021.

FINALLY PASSED AND APPROVED on the 11th day of January 2022

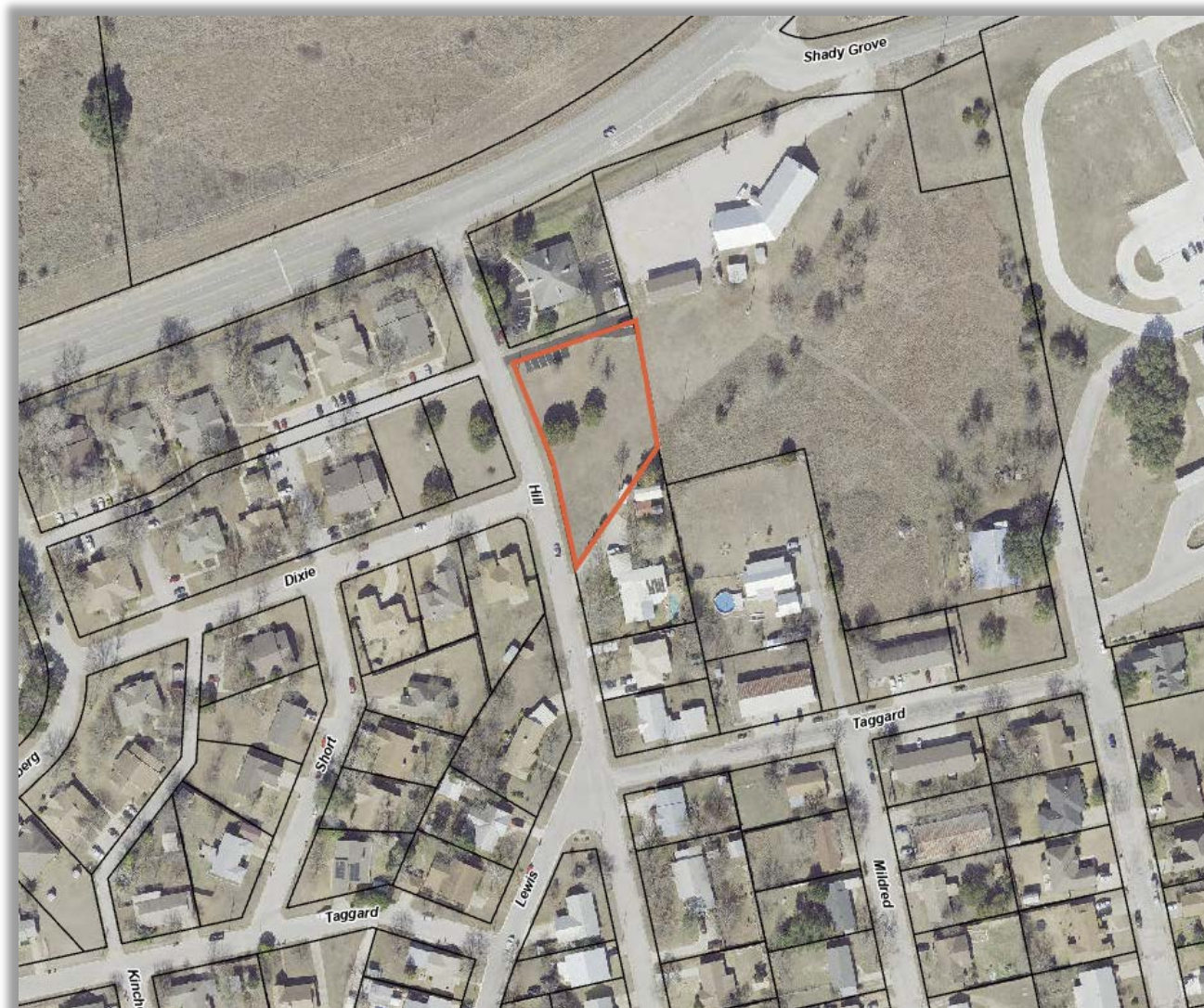
CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

Exhibit "A"
Location Map





Development Services

ITEM 4.3

Leslie Kimbler
Interim Planner I
512-715-3206
lkimbler@cityofburnet.com

Agenda Item Brief

Meeting Date: January 11, 2022

Agenda Item: Discuss and Consider: SECOND AND FINAL 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

Background: This property is located near the intersection of North Hill and East Graves Street. The property is the site of the Sunshine House, also known as the Hill Country Children's Advocacy Center. The Center is a resource for children who are victims of crimes. The Center provides forensic interviewing and counseling services.

Information: The applicant is seeking the requested zoning to allow for the development of a new building. They have outgrown their current building and will be utilizing a vacant portion of their property to expand their current operations. The applicant is requesting a change from Single Family Residential- District "R-1" to Light Commercial- District "C-1" with a Conditional Use Permit for "Clinic and Safety Services".

Staff Analysis: The Future Land Use Map (Exhibit B) designation for the area is Commercial. The item prior to this item on the agenda is a request to amend the City's Future Land Use Map. If approved Light Commercial – District "C-1" would be appropriate for this area.

Properties adjacent to the subject property are zoned as follows:

	North	South	East	West
Zoning	"C-2"	"R-1"	"R-1"	"R-1"
FLUM	Government	Residential	Government	Residential
Land Use	Safety Services Office	Residential	Church	Multi-Family

Public Notification: A Notice of Public Hearing was published in the Burnet Bulletin on December 8, 2021, and written notices were mailed to twelve (12) surrounding property owners within 200 feet of the subject property. There have been zero responses in favor and zero responses in opposition.

There have been no changes to Ordinance 2021-46 since the first reading on December 14, 2021

P&Z Report: P&Z conducted a scheduled public hearing and recommended approval of the requested zone change on December 6, 2021.

Recommendation: Staff recommends approval and adoption of Ordinance 2021-46 as presented.

ORDINANCE NO. 2021-46

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

WHEREAS, the City Council, by the passage and approval of Ordinance No. 2021-001, affixed the zoning classifications for each and every property located within the city in accordance with the Official Zoning Map as approved with said ordinance; and

WHEREAS, the purpose of this Ordinance is to amend the Official Zoning Map by amending the zoning classification of the Real Property (“Property”) described herein; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on the matter, deliberated the merits of the proposed amendment of zoning classification and has made a report and recommendation to City Council; and

WHEREAS, in passing and approving this ordinance it is legislatively found the Planning and Zoning Commission and City Council complied with all notice, hearing and meetings requirements set forth in Texas Local Government Chapter 211; Texas Government Code Chapter 551, the City Charter; and Chapter 118, of the Code of Ordinances; and

WHEREAS, it is further legislatively found that the required amendment to the Future Land Use Plan was, prior to this action, passed and approved by ordinance of this Council; and

WHEREAS, City Council, after considering the testimony and comments of the public, reports and recommendations of City Staff and the Planning and Zoning Commission, and the deliberation of its members, by passage and approval of this Ordinance hereby determines the action taken herein is meritorious and beneficial to the public health, safety, and welfare.

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

Section one. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted and made a part hereof for all purposes as findings of fact.

Section two. Property. The Property that is the subject to this Zoning District Reclassification is 1001 NORTH HILL STREET (LEGAL DESCRIPTION: BEING LOTS TEN, ELEVEN AND TWELVE, IN THE KINCHELOE ADDITION) as shown on **Exhibit “A”** hereto.

Section three Zoning District Reclassification. Light Commercial- District “C-1” with a Conditional Use Permit for “Clinic and Safety Services” Zoning District Classification is hereby assigned to the Property described in section two.

Section four. Zoning Map Revision. The City Secretary is hereby authorized and directed to revise the Official Zoning Map to reflect the change in Zoning District Classification approved by this Ordinance.

Section five. Repealer. Other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such conflict.

Section six. Severability. This Ordinance is severable as provided in City Code Section 1-7 as same may be amended, recodified or otherwise revised.

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

PASSED on First Reading the 14TH day of December 2021.

PASSED AND APPROVED on this the 11th day of January 2022.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

Exhibit "A"
Location Map





Development Services

ITEM 4.4

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

Agenda Item Brief

Meeting Date: January 11, 2022

Agenda Item: Discuss and consider action: SECOND AND FINAL 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

Background: City Council, by adoption of City Code Sec. 118-45, established the Light Commercial – District "C-1". Subsection 118-45(a) reads as follows:

- (a) *Purpose and permitted uses. This district allows a mix of commercial uses including, retail, office, light commercial, and similar uses **excluding residential and multifamily**. This district allows the retail sale of goods and products (in the following listed use areas) to which value has been added onsite, **including those uses permitted in the "NC" neighborhood commercial district**, sales of goods and services outside of the primary structure as customary with the uses specifically listed, and the following:*

Please note that the first sentence of Sec. 110-45(a) states uses permitted in the district "[excludes] residential and multifamily". The second sentence in the subsection provides permitted uses in the district "[includes] those uses permitted in the NC neighborhood commercial district. The list of uses permitted in the NC neighborhood commercial district exposes the conflict as follows:

Sec. 118-44. Neighborhood commercial—District "NC".

- (a) This district allows for a variety of commercial uses that will serve as a transitional zone between residential and less intense commercial uses. Permitted uses will be those of a less intense nature that will aesthetically blend with the residential character of the area while permitting commercial enterprises. These uses will include accountants, barber or beauty shops, and the following:
- (1) Parks and playgrounds.
 - (2) Community residential facilities with eight or fewer persons.

- (3) Day-care homes with 12 or fewer children.
- (4) **Single-family dwellings.**
- (5) **Residential accessory buildings and uses.**
- (6) Churches and temples.
- (7) Credit union offices.
- (8) Doctor or dental offices.
- (9) Bed and breakfast.
- (10) Fire stations.
- (11) Libraries.
- (12) Public and private schools and colleges.
- (13) **Duplexes.**
- (14) **Triplex and four-plex multifamily.**
- (15) Convents and monasteries.
- (16) Small insurance offices.
- (17) Lawyer's offices.
- (18) Optician or optometrist offices.
- (19) Public parking areas.
- (20) Real estate offices.
- (21) Uses as determined by the commission and the council which are closely related and similar to those listed and that are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences than the minimum amount normally resulting from listed uses permitted.

Information:

This ordinance resolves the ambiguity in City Code Sec. 118-45(a) by inserting a textural change to the code clarifying Council's intent that in Light Commercial – District "C-1" "NC" neighborhood commercial district uses are allowed, except single family dwellings, residential accessory buildings and uses, duplex, triplex or fourplex or multifamily uses.

There have been no changes to Ordinance 2021-47 since the first reading on December 14, 2021.

Fiscal Impact

No fiscal impact is anticipated.

Recommendation:

Approve and adopt Ordinance No. 2021-47 as presented.

ORDINANCE NO. 2021-47

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

WHEREAS, City Council, by adoption of City Code Sec. 118-44, established the Neighborhood Commercial – District “NC” to allow a variety of commercial uses than can serve as a transitional zone between residential and less intense commercial uses; and

WHEREAS, single-family dwellings, residential accessory buildings and uses, duplexes, triplexes, quadplexes and multifamily uses (hereinafter residential and multifamily uses”) are allowed in the Neighborhood Commercial – District “NC”; and

WHEREAS, City Council, by adoption of City Code Sec. 118-45, established the Light Commercial – District “C-1”; and

WHEREAS, the first sentence of City Code Sec. 118-45(a) provides City Council established the Light Commercial – District “C-1” *“to allow a mix of commercial uses including, retail, office, light commercial, and similar uses **excluding “residential and multifamily”**”* (emphasis added); and

WHEREAS, the second sentence of City Code Sec. 118-45(a) provides Light Commercial – District “C-1” *“allows the retail sale of goods and products (in the following listed use areas) to which value has been added onsite, **including those uses permitted in the “NC” neighborhood commercial district**, sales of goods and services outside of the primary structure as customary with the uses specifically listed . . .”* (emphasis added); and

WHEREAS, *“residential and multifamily”* is allowed in the Neighborhood Commercial – District “NC” and ambiguity exists between the first and second sentence of City Code Sec. 118-45(a); and

WHEREAS, City Council makes this amendment to resolve such ambiguity and to clarify Council’s intent that residential and multifamily uses are excluded from those uses permitted in the Light Commercial – District “C-1”; and

WHEREAS, on the Planning and Zoning Commission conducted a public hearing to receive comments and testimony on the merits of the code amendments proposed by this ordinance; and

WHEREAS, at the conclusion of the public hearing, the Planning and Zoning Commission made a recommendation to City Council as to the merits of the proposed code amendments; and

WHEREAS, City Council conducted a public hearing; to receive comments and testimony on the merits of the proposed code amendments; and

WHEREAS, The City Council, after due consideration of the Planning and Zoning Commission recommendation; the comments and testimony of public; and the recommendation of City staff; finds adoption of the proposed code amendments will promote the public health, safety, morals, and the general welfare.

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

Section one. Amendment. The Code of Ordinances, Chapter 118 (entitled “Zoning”) Section 118-45 (entitled “Light Commercial – District ‘C-1’”) is hereby amended by adding the language that is underlined (underlined) to Section 118-45(a) as follows:

- (a) *Purpose and permitted uses.* This district allows a mix of commercial uses including, retail, office, light commercial, and similar uses excluding residential and multifamily. This district allows the retail sale of goods and products (in the following listed use areas) to which value has been added onsite, including those uses permitted in the "NC" neighborhood commercial district (except single family dwellings, residential accessory buildings and uses, duplex, triplex or fourplex or multifamily uses), sales of goods and services outside of the primary structure as customary with the uses specifically listed, and the following:

Note to Editor: Section 118-45(a) (1) through (12) are unaffected by this amendment.

Section two. 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 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. Compliance. It is officially found, determined, and declared that: (i) the meeting at which this Ordinance is adopted was conducted in compliance with the Texas Open Meeting Act; and (ii) the City Secretary has published notice of this Ordinance as required by Section 3.14 of the City Charter.

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 14th day of December, 2021.

Passed, Approved and Adopted on the 11th day of January, 2022.

CITY OF BURNET

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Water/Wastewater

ITEM 4.5

Alan Burdell
Water/Wastewater
Operations Manager
(512)-756-2402
aburdell@cityofburnet.com

Agenda Item Brief

Meeting Date: January 11, 2022

Agenda Item: Discuss and consider action: Authorization to issue a purchase order for the acquisition of a Freightliner/Camel Sewer Combo Unit through the Texas Municipal League BuyBoard: A. Burdell

Background: In the 2021-2022 budget, Council approved \$425,000 for purchase of a new combo unit. The current Vaccon (combo unit) is a 2009 model with 6967 hours. The Vaccon is a very valuable tool and is used daily in the Water/Wastewater Department, and often in other departments to help with their specific tasks. The Vaccon is an aged unit and breakdowns are becoming more frequent causing an increase in down time. The Vaccon will be maintained as a backup unit and used as needed.

Information: Five combo units were demonstrated with pricing from \$420,000 to \$449,000. After reviewing all of the options, the Camel combo fits our needs the best and is the best combinations of pricing and options for what we need. The Camel is the only unit that offers the debris box ram push off option that will save significant time during dumping. It has a level-wind hose reel that eliminates the need to focus on rewinding the hose. The unit is used as a hydro-excavator to pothole and identify nearby utilities prior to mechanical excavation, jetting mainline sewer blockages and sewer line cleaning prior to video and removal of blockage identified during sewer line video, removing the jetted material, cleaning lift stations, pressure washing, spill cleanup, water transport for fire support.

Fiscal Impact: (\$420,004.00)

Recommendation:

Staff requests a motion to authorize the City Manager to purchase the Camel Combo Unit through TML BuyBoard.



FREIGHTLINER OF AUSTIN

1701 Smith Rd. (Hwy. 183 So.)
Austin, Texas 78721

Bus: 512-389-0000
FAX: 512-389-2663
Wats: 1-800-395-2005

INV.

Date 09/23/2021

PURCHASING NAME		TELEPHONE	
CITY OF BURNET			
ADDRESS	CITY	STATE	ZIP CODE
1000 BUCHANAN	BURNET	TX	78611

I/We Hereby Purchase from You, Under the Terms and Conditions Specified, the Following:

YEAR	MAKE	MODEL/BODY	VIN	LICENSE PLATE
2022	FREIGHTLINER	114SD	TBD	

A documentary fee is not an official fee, a documentary fee is not required by law but may be charged to buyers for handling documents and performing services relating to the the closing of a sale. Buyers may avoid payment of the fee to the seller by handling the documents and performing the services relating to the closing of the sale. A documentary fee may not exceed \$50.00. This notice is required by law.

El cobro documental no es un cobro oficial. El cobro documental no es un requisito bajo la ley, pero se le puede cobrar. Al comprador por el rendimiento de los servicios relacionados con la completacion de la venta y por completar los documentos. El comprador puede evitar el pago al vendedor de este costo si el comprador mismo se encarga de manejar los documentos y de los servicios necesarios para la completacion de la venta. El cobro documental no puede sobrepasar los \$50.00 (U.S.) Este aviso es requerido bajo la ley.

Disclaimer of Warranties

Any warranties on the products sold hereby are those made by the factory. The Seller, Freightliner of Austin, hereby expressly disclaims all warranties, either expressed or implied including any implied warranty of merchantability or fitness for a particular purpose, and Freightliner of Austin, neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this vehicle.

MILEAGE:

BUY BOARD CONTRACT #601-19

114SD BASE MODEL PRICE

\$63,132.00

CHASSIS OPTION CONTENT

\$40,326.00

CAMEL 1200 EJECTOR STYLE JET/VAC MODULE

\$316,146.00

BUY BOARD FEE

\$400.00

CUSTOMER SIGNATURE

SALESMAN SIGNATURE KEVIN KRIEG

CONTRACTUAL DISCLOSURE STATEMENT FOR USED VEHICLE ONLY. "The information you see on the window form for this vehicle is part of this contract. Information on the window form overrides any contrary provisions in the contract of sale."

MILEAGE:	TRADE-IN
----------	----------

YEAR	MAKE	MODEL/BODY	VIN	LICENSE PLATE
------	------	------------	-----	---------------

MILEAGE:	TRADE-IN
----------	----------

YEAR	MAKE	MODEL/BODY	VIN	LICENSE PLATE
------	------	------------	-----	---------------

		TOTAL	420,004.00
PAYOFF TO:		Trade Allowance	N/A
ADDRESS:		Trading Difference	N/A
TELEPHONE: / FAX:		Sales Tax	N/A
GOOD UNTIL:		Vehicle Inventory Tax	N/A
QUOTED BY:		License Fee	N/A
SHOW LIEN TO:		Body Type:	Documentary Fee N/A
ADDRESS:		License Wt.:	Federal Excise Tax N/A
		State Insp.:	TOTAL SALE PRICE 420,004.00
DATED: LIEN AMOUNT \$		License:	Payoff on Trade
DRAFT FOR \$		Title:	Ext. Service Agreement
DRAFT THRU:		Transfer:	Less Deposit
ADDRESS:		Total Balance Due	420,004.00

Full disclosure required by federal regulation "Z", The Consumer Protection Act and The Texas Consumer Credit Code, will be made prior to consummation of a credit sale. This written order comprises the entire agreement pertaining to this purchase and no other agreement of any kind, verbal understanding or promise whatsoever, will be recognized. It is expressly agreed that the purchaser acquires no right, title or interest in or to the property which he agrees to purchase hereunder until such property is delivered to him/her and either the full price is paid in cash or satisfactory deferred payment agreement is executed by the parties hereto, the terms of which shall thereafter be controlling, and a clear title is furnished to dealer for the used cars or trucks involved, if any. THIS IS NOT A CONDITIONAL SALES CONTRACT, BUT IS A BUYER'S ORDER. All new vehicles carry the standard factory warranty. It is understood there is no guarantee on the above described new or used vehicle other than appears on this Buyer's Order. Mileage, if used vehicle model is not guaranteed and a verbal agreement by the Salesman will not be considered binding on the Seller. It is agreed that neither Freightliner of Austin nor the manufacturer will be



Customer Sales Order

Quote Number: **0721A**Quoted For: **City of Burnet****1000 Buchanan Rd, Burnet, TX 78611**Attn: **Alan Burdell**

Part Number	Qty	Description
0008777	1	Camel Max / Model 1200EJ
Customer Supplied	1	\$0.00
Chassis Mt Charge	1	Chassis Mounting Charge
TRANSMISSION	1	Automatic Transmission
0039176	1	8" vacuum system, "Roots type PD Model 824, 18" hg. and 4500 cfm
0032336	1	Vacuum booster valve
0032314	1	Pleated final filter assembly
0038687	1	Rear splash shield
0032395	1	Acculevel debris level indicator~
0039913	1	Front body drain, 6", knife valve, 35' x 6" fabric drain hose, camlock cap
0035436	1	Assy, Cover, 3", Front Drain
0001883	1	Cover, 6" Tailgate
0001953-3	1	Cover, 3" Tailgate
0039990 - 80/2500	1	80 GPM @ 2500 PSI
0040035	1	Winter recirculation
0038612	1	Retractable hose reel with live center with 50' x 1/2" hose
0032190	1	Low water warning light and alarm with water capacity digital display
0038610	1	Manual Accumulator shut off valve (Standard)
0032187	1	Wireless remote
0037295	2	Boom Decals, Red w/Black Border (choose qty 2) (standard)
3665-80000	1	800' 1" hose
0032380	1	Fully automatic power level wind
0032877	1	Hose reel tensioning system
0032770	1	Hose reel digital counter (Automatic)
0032257	1	LED Boom work lights
0032253	1	LED Flood light package, tailgate area, power unit area
0032165	1	LED Package 1 - (1) Tailgate and (1) Boom beacon omni-directional strobe
0032483	1	LED Package 3 - Front, Mid-ship, and Rear bumper directional strobes
0032143	1	Rear-mounted light bar
0038693	1	Toolbox, 48", Mid, Curb
0028325	1	Toolbox, 48", Upper, Curb, Top Hinge
0038671	1	Toolbox, 52", Driver Side
0035745	1	Back of cab vertical tube rack
0002382	1	Front / rear tow hooks
0030054	1	Camera system, front
Std White Paint	1	Powder coat paint finish, white (Standard)
0029640	1	Hydro-X Kit, Flat-flanged Style
6000-02011-6520	1	Large Chisel Nozzle
6000-02015-6520	1	Standard Nozzle 1"
9050-00038-0002	1	1" standard nozzle extension
0025085	1	Hose, 25', plastic - Single Jacket Filler Hose
3736-12000-0016	1	Leader Hose 1" x 10'



Customer Sales Order

Quote Number: **0721A**

Quoted For: **City of Burnet**

1000 Buchanan Rd, Burnet, TX 78611

Attn: **Alan Burdell**

Part Number	Qty	Description
0023397	1	Washdown handgun
3000-02601	1	Tigertail Sewer Hose Guide
3000-01242	1	Hydrant wrench
3000-01244	1	Puller hook
4510-00245	1	Fluidizing Suction Tube Nozzle 8" x 24"
3000-00824	1	Supertube Lock ring 6"
3000-00825	8	Supertube Lock ring 8"
3500-00206	1	Gaskets for Supertube O-ring, Gasket 6"
3500-00205	8	Gaskets for Supertube O-ring, Gasket 8"
8500-00453BF	1	8" X 36" Supertube w/ Crown
8510-01373	1	8" x 36" Supertube - Aluminum
8510-01374	3	8" x 60" Supertube - Aluminum
8510-01375	1	8" x 84" Supertube - Aluminum
8510-00290	1	8" x 96" Supertube - Aluminum
Unit Special 1	1	Steel Surcharge 12yd
Unit Special 4	1	Make Ready
Freight	1	Freight Charges
Grand Total:		\$323,645.63

City of Burnet Camel Combo Unit

\$425,000 Budgeted

Cost is \$420,004

Current 2009 Vaccon



2022 Camel Max / Model 1200EJ



Camel 1200EJ



Camel 1200 Push Plate Option







Questions?



Development Services

ITEM 4.6

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

Agenda Item Brief

Meeting Date:

January 11, 2022

Agenda Item:

Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS ACCEPTING THE RELEASE OF A 0.101 ACRE ACCESS EASEMENT AND AUTHORIZING THE EXECUTION OF A 0.11 ACRE ACCESS EASEMENT AGREEMENT TO PROVIDE DELAWARE SPRINGS 27 ACCESS: H. Erkan

Background:

SABIK, LLC., owns Delaware Springs Tract 27. The City granted access to Tract 27 via a fifty foot access easement over and across an area of the municipal golf course designated as Delaware Springs Tract 3. During the planning of the development of Tract 27 it was determined the current location of the access easement was incorrect.

Information:

This resolution facilitates the relocation of the access easement by authorizing both the acceptance of the existing easement and the conveyance of a new access easement.

Fiscal Impact

No fiscal impact is anticipated.

Recommendation:

Approve Resolution No. R2022-04 as presented.

RESOLUTION NO. R2022-04

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS ACCEPTING THE RELEASE OF A 0.101 ACRE ACCESS EASEMENT AND AUTHORIZING THE EXECUTION OF A 0.11 ACRE ACCESS EASEMENT AGREEMENT TO PROVED DELAWARE SPRINGS 27 ACCESS

WHEREAS, the City, granted a 0.101-acre Easement to Big Leaf Ltd, (hereinafter "Fox") for access across City property to property held by Big Leaf, and said Easement was designated as Tract 7 and said Big Leaf property was designated as Tract 27 in the that certain Boundary Agreement by and between the City; Granter; BJV Fox Holdings, LP; Series DS-19 of BJV Fox Properties, LLC and recorded in the Public Records of Burnet County, Texas on February 12, 2014, as Document No. 201401086; and

WHEREAS, Fox has conveyed Tract 27 to SABIK, LLC., a limited liability company formed in Texas (hereinafter "SABIK") and

WHEREAS, the City and SABIK have agreed the relocation of the Easement is beneficial to both parties; and

WHEREAS, by this Resolution Council wishes to memorialize its intent to authorize the release of the exiting easement and approve the execution of an easement agreement for the relocated easement.

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

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

Section two. Acceptance of Easement Release. The Release of Easement, as memorialized in **Appendix "A"** hereto, is hereby accepted.

Section three. Easement Agreement Approved . The Easement Agreement, as memorialized in **Appendix "B"** hereto, is hereby approved.

Section four. Authorization. The Mayor, and/or City Manager are hereby authorized to execute instrumentalities in substantial form as **Appendices "A" and "B"** and take such further action and take such further action as may be reasonably necessary to facilitate the purpose of this Resolution.

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

PASSED AND APPROVED this the 11th day of January, 2022.

CITY OF BURNET, TEXAS

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary

Appendices to Resolution/Delaware Springs Tract 27/release 0.101 acre easement & establish new 0.11 access easement.

Appendix "A"

Release of 0.101-acre Easement

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

RELEASE AND TERMINATION OF ACCESS EASEMENT

**THE STATE OF TEXAS §
 §
COUNTY OF BURNET §**

WHEREAS, the City Burnet, Texas, (hereinafter the "Grantor"), conveyed an Easement to Big Leaf Ltd, said Easement tract was designated as Tract 7 in the that certain Boundary Agreement by and between the City; Grantor; BJV Fox Holdings, LP; Series DS-19 of BJV Fox Properties, LLC and recorded in the Public Records of Burnet County, Texas on February 12, 2014, as Document No. 201401086; and

WHEREAS, the purpose of the Easement was to provide access to Tract 27 as described in the aforementioned Boundary Agreement; and

WHEREAS, Big Leaf Ltd, conveyed its interest in Tract 27 and the Easement to SABAK, LLC (hereinafter the "Grantee"); and

WHEREAS, for their mutual benefit, Grantor and Grantee have agreed to relocate the Easement by separate instrument; and

WHEREAS, Grantee desires to terminate and grant a release of the Easement as described in the metes and bounds attached as **Exhibit "A"** and the survey attached as **Exhibit "B"**.

NOW THEREFORE, for ten dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and for the benefit of all present and future owners of the Property, or any portion thereof, Grantee has **RELEASED AND TERMINATED** and, by these presents, does **RELEASE AND TERMINATE** the Easement described in **Exhibit "A"** and **Exhibit "B"**.

It is expressly agreed and understood that this is a release of only said Easement and that this release does not release, affect, or impair any other remaining easements as they may relate to the Property or any real property which is not included within the Property.

By execution hereof, Grantor confirms and acknowledges the Easement will be of no further force or effect.

Signature page to follow.

IN WITNESS WHEREOF, this instrument is executed as of the dates stated below.

SABAK, LLC.

By: _____
Shawn Nelson, Manager

THE STATE OF TEXAS §
 §
COUNTY OF BURNET §

This instrument was acknowledged before me on the _____ day of _____, 2022,
by Shawn Nelson, acting herein as manager of SABAK, LLC., a Texas limited liability company.

NOTARY PUBLIC, STATE OF TEXAS

Accepted:

CITY OF BURNET, TEXAS,
a Texas home-rule municipality

By: _____
Crista Goble Bromley, Mayor

THE STATE OF TEXAS §
 §
COUNTY OF BURNET §

This instrument was acknowledged before me on _____, 2022, by Crista Goble
Bromley, as Mayor of Burnet, Texas and on behalf of said municipality.

(seal)

Notary Public Signature

Delaware Springs Tract 27 easement release exhibits

Exhibit A
Metes and Bounds
0.101-acre (50 ft. wide) easement

City of Burnet
1001 Buchanan Drive, Suite 4
Burnet, TX 78611



**METES AND BOUNDS DESCRIPTION OF
TRACT 7 (0.101 ACRES)**

FIELD NOTES TO DESCRIBE A 0.101 ACRE (50 FT. WIDE) TRACT OF LAND (TRACT 7), OUT OF THE EUGENIO PEREZ SURVEY NO. 41, ABSTRACT NO. 672, SITUATED IN BURNET COUNTY, TEXAS, AND BEING A PORTION OF THE REMAINING PORTION OF A CALLED 110.03 ACRE TRACT OF LAND, DESCRIBED IN A DEED TO BIG LEAF LTD, AS RECORDED IN VOLUME 618, PAGE 569 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, SAID 0.101 ACRES (50 FT. WIDE - TRACT 7) BEING MORE PARTICULARLY DESCRIBED BY METES AND AS FOLLOWS:

BEGINNING at a 1/2-inch iron rod set with "EASEMENT" cap, within the interior of said 110.03 acres, along a westerly line of Tract 27 and an easterly line of Tract 3, for the southeast corner hereof, from which the southeast corner of said 110.03 acres bears South 44°16'39" East, a distance of 2,145.14 feet,

THENCE over and across said 110.03 acres, the following courses and distances:

- 1) South 88°35'41" West, over and across said Tract 3, for the south line hereof, a distance of 94.17 feet, to a 1/2-inch iron rod set with "EASEMENT" cap, along an easterly line of Tract 26 and a westerly line of said Tract 3, for the southwest corner hereof;
- 2) North 02°09'21" West, along an easterly line of said Tract 26 and a westerly line of said Tract 3, for the west line hereof, a distance of 50.00 feet, to a 1/2-inch iron rod set with "EASEMENT" cap, for the northwest corner hereof;
- 3) North 88°35'41" East, over and across said Tract 3, for the north line hereof, a distance of 81.98 feet, to a 1/2-inch iron rod set with "EASEMENT" cap, along a westerly line of said Tract 27 and an easterly line of said Tract 3, for the northeast corner hereof;
- 4) South 15°48'55" East, along a westerly line of said Tract 27 and an easterly line of said Tract 3, for the east line hereof, a distance of 51.62 feet, to the **POINT OF BEGINNING**, containing 0.101 acres, more or less.

That I, Kyle P. Cuplin, a Registered Professional Land Surveyor, do hereby certify that the above description and accompanying plat is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision, with all bearings being referenced to Texas Coordinate System, Central Zone.

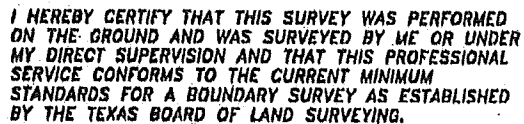
K.P. Cuplin 8/19/09
Registered Professional Land Surveyor No. 5938
Proj. No. 08222



Delaware Springs Tract 27 easement release exhibits

Exhibit B
Survey
0.101-acre (50 ft. wide) easement

LEGAL DESCRIPTION: BEING A 0.101 ACRE (50 FT. WIDE) TRACT OF LAND (TRACT 7), OUT OF THE EUGENIO PEREZ SURVEY NO. 41, ABSTRACT NO. 672, SITUATED IN BURNET COUNTY, TEXAS, AND BEING A PORTION OF THE REMAINING PORTION OF A CALLED 110.03 ACRE TRACT OF LAND, DESCRIBED IN A DEED TO BIG LEAF LTD, AS RECORDED IN VOLUME 618, PAGE 569 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, SAID 0.101 ACRES (60 FT. WIDE- TRACT 7) BEING MORE PARTICULARLY DESCRIBED BY SEPARATE METES AND BOUNDS OF EVEN DATE ATTACHED HERETO AND MADE A PART OF THIS SURVEY.



STATE OF TEXAS
REGISTERED
★
KYLE P. CUPLIN
5938
PROFESSIONAL
LAND SURVEYOR

TEXAS COORDINATE
SYSTEM
CENTRAL ZONE

SHEET		PROJ. NO. 00229	BOUNDARY SURVEY TRACT 7 0.101 ACRES (50 FT. WIDE)		CUPLIN & ASSOCIATES, INC. 3010 WEST RR 1431, SUITE B KINGSLAND, TEXAS 78639 PHONE: 325-388-3300 FAX: 325-388-3320		DRAWN BY: REG CHECKED BY: KPC APPROVED BY: FILE NO.: DATE: 07/31/09			
2		DATE: 07/31/09			2		1		REVISIONS DESCRIPTION	
SCALE		1" = 50'			1		1		REVISIONS DESCRIPTION	
OF 2		0 20 40 60			1		1		REVISIONS DESCRIPTION	

Appendices to Resolution/Delaware Springs Tract 27/release 0.101 acre easement & establish new 0.11 access easement.

Appendix "B"

Agreement for 0.11-acre Access Easement

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

THE STATE OF TEXAS
COUNTY OF BURNET

§
§
§

KNOW ALL BY THESE PRESENTS

Easement Agreement for Access

Date: _____, 2022
Grantor: The City of Burnet, Texas
Grantor's Mailing Address: 1001 Buchanan Drive, Suite 4
Burnet, Burnet County, Texas 78611
Grantee: SABIK, LLC.
Grantee's Mailing Address: PO Box 158, Round Rock, TX 78680

Easement Property: Being a 0.11-acre (50 ft. wide) tract of land, said 0.11-acre Easement being more fully described by the metes and bounds in **Exhibit "A"** and survey in **Exhibit "B"** attached hereto.

Easement Purpose: For providing free and uninterrupted pedestrian, vehicular ingress to and egress from the Dominant Estate Property.

Dominant Estate Property: Being a 16.610 acre tract designated as Tract 27 in the that certain Boundary Agreement by and between the City; Grantor; BJV Fox Holdings, LP; Series DS-19 of BJV Fox Properties, LLC and recorded in the Public Records of Burnet County, Texas on February 12, 2014, as Document No. 201401086.

Consideration: Grantee's release and vacation of that certain Easement Agreement for Access recorded as document no. 201401081 in the Public Records of County Clerk of Burnet County, Texas, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantor.

Reservations from Conveyance: Grantor's right to construct, repair, replace and maintain water, sewer, drainage, electric utilities, and golf course irrigation lines upon, over, above and under the Easement Property (hereinafter Grantor's "public utilities rights") and Grantor's right to allow its officials, employees, contractors and invitees to cross the Easement Property for City of Burnet Golf Course related purposes.

Exceptions to Warranty: This conveyance is expressly made subject to all validly existing restrictions, covenants, conditions, rights-of-way, easements, mineral reservations and royalty reservations, and other matters of record, if any, affecting the Property.

Grant of Easement: Grantor, for the Consideration and subject to the Reservations from Conveyance and Exceptions to Warranty, grants, sells, and conveys to Grantee and Grantee's heirs, successors, and assigns an easement over, on, and across the Easement Property for the Easement Purpose and for the benefit of the Dominant Estate Property, together with all and singular the rights and appurtenances thereto in any way belonging (collectively, the "Easement"), to have and to hold the Easement to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs, successors, and assigns to warrant and forever defend the title to the Easement in Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the Easement or any part thereof, except as to the Reservations from Conveyance and Exceptions to Warranty to the extent that such claim arises by, through, or under Grantor but not otherwise.

[Signatures on Following Page]

To be effective as of the date first set out above.

GRANTOR:

CITY OF BURNET, TEXAS

By: _____
Crista Goble Bromley, Mayor

THE STATE OF TEXAS §

COUNTY OF BURNET §

 This instrument was acknowledged before me, the undersigned authority, on this the _____ day of _____, 2022, by Crista Goble Bromley, acting herein as Mayor of the City of Burnet, Texas.

NOTARY PUBLIC, STATE OF TEXAS

GRANTEE:

SABAK, LLC.

By: _____
Shawn Nelson, Manager

THE STATE OF TEXAS §

COUNTY OF BURNET §

 This instrument was acknowledged before me on the _____ day of _____, 2022, by Shawn Nelson, acting herein as manager of SABAK, LLC., a Texas limited liability company.

NOTARY PUBLIC, STATE OF TEXAS

Delaware Springs Tract 27 Easement Agreement exhibits

Exhibit A
Metes and Bounds
0.11-acre (50 ft. wide) easement

50ft Wide Ingress and Egress Easement

BEING A 0.11 ACRE INGRESS AND EGRESS EASEMENT OUT OF THE EUGENIO PEREZ SURVEY NO. 41, ABSTRACT NO. 672 IN BURNET COUNTY, TEXAS, AND BEING A PORTION OF A 26.042 ACRE TRACT OF LAND, KNOWN AS TRACT 3, DESCRIBED IN A DOCUMENT TO THE CITY OF BURNET, RECORDED IN DOCUMENT NO. 201101280 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, SAID 0.11 ACRE INGRESS AND EGRESS EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron pin found with "Cuplin" cap at the northeasterly corner of Lot 7 of Oak Vista Section Two, a subdivision located in the City of Burnet as shown on Document No. 202013212 of the Official Public Records of Burnet County, at the southeasterly corner of a called 50ft wide public right-of-way and along the westerly line of Tract 3, a called 26.042 acre tract as described in Document No. 201101280 of the Official Public Records of Burnet County, and being the southwest corner hereof;

THENCE North 02°10'00" West, along the east line of said 50ft wide public right-of-way, the westerly line of said Tract 3 and hereof, a distance of 57.05' to a 1/2" iron pin found with "Cuplin" cap at the southeast corner of Lot 8 of said Oak Vista Section Two the northeast corner of said 50ft wide public right-of-way and being the northwest corner hereof;


THENCE departing the east line of said Oak Vista Section Two, over and across said Tract 3, along the north line hereof, along a curve to the right having an arc length of 91.32', a radius of 225.03', a chord bearing of North 74°21'13" East, and a chord length of 90.69' to a 1/2" iron pin set with "Cuplin" cap along the west line of Tract 27, a called 16.610 acre tract as described in Document No. 201101280 of the Official Public Records of Burnet County, the easterly line of said Tract 3 and being the northeast corner hereof;

THENCE South 15°48'55" East, along the west line of said Tract 27, the easterly line of said Tract 3, and hereof, a distance of 51.40' to a 1/2" iron pin set with "Cuplin" cap at the southeast corner hereof;

THENCE departing the west line of said Tract 27, over and across said Tract 3, along the south line hereof, the following courses and distances

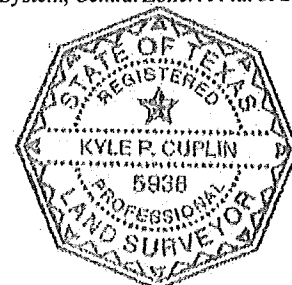
- 1) Along a curve to the left having an arc length of 103.43', a radius of 175.03', a chord bearing of South 72°29'29" West, and a chord length of 101.93' to a 1/2" iron pin set with "Cuplin" cap;
- 2) South 55°33'47" West, a distance of 2.39' to the **POINT OF BEGINNING**, and containing 0.11 acre, more or less.

I hereby certify that this survey was performed on the ground and was surveyed by me and or under my direct supervision. Cuplin & Associates, Inc. accepts no responsibility for the use of this survey by anyone other than the above referenced parties hereby certified to for this specific transaction only, copyright 2021, Cuplin & Associates, Inc. ©. Basis of Bearings are to Texas Coordinate System, Central Zone. A Plat of Survey of even date was prepared as is intended to accompany the above described tract of land.



Kyle P. Cuplin
Registered Professional Land Surveyor No. 5938

Dated: 12/14/2021



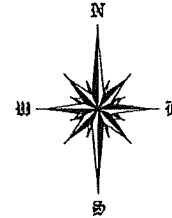
Delaware Springs Tract 27 Easement Agreement exhibits

Exhibit B
Survey
0.11-acre (50 ft. wide) easement

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N02°10'00"W	57.05'
L2	S15°48'55"E	51.40'
L3	S55°33'47"W	2.39'

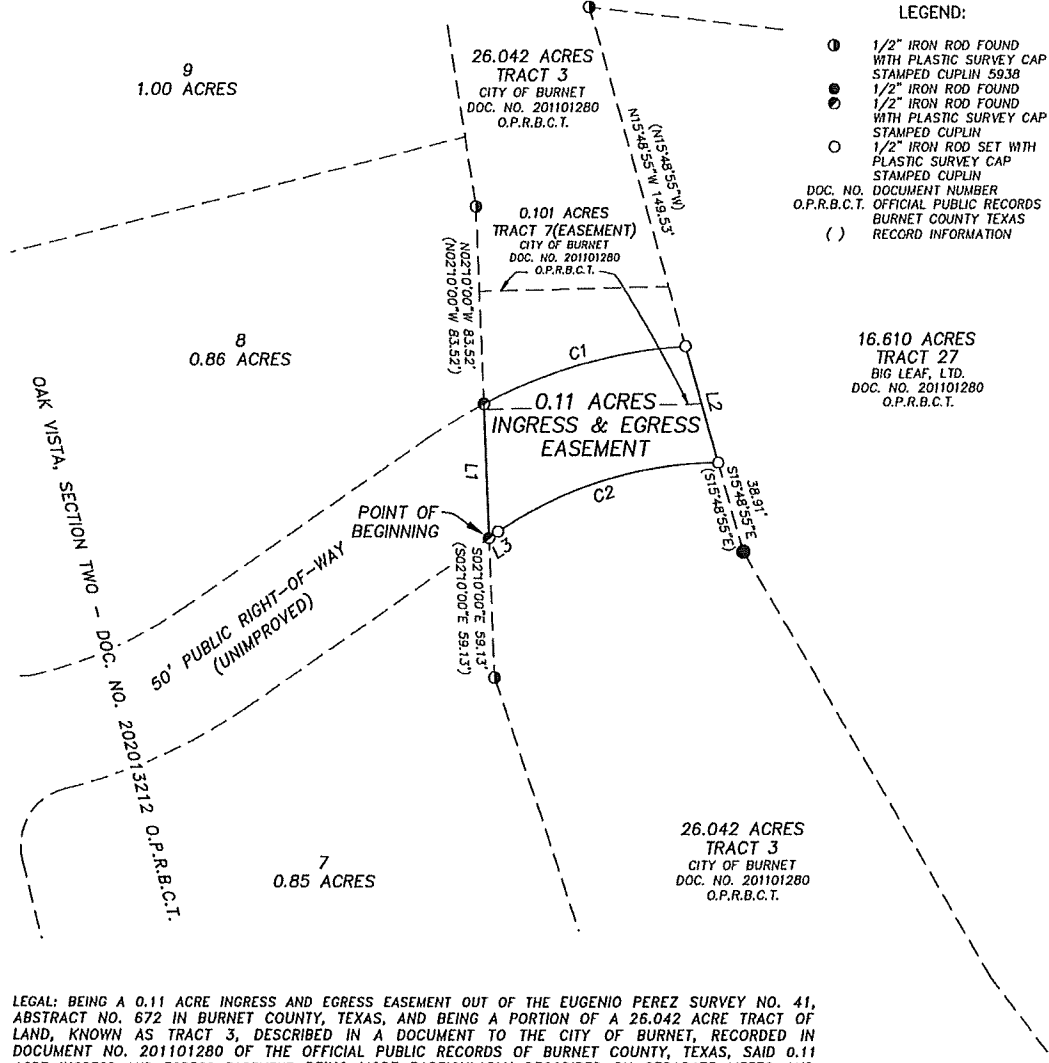
RECORD LINE TABLE		
LINE	BEARING	DISTANCE
L1	N02°10'00"W	57.05'
L2	S15°48'55"E	51.40'

CURVE TABLE					
CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	23°15'01"	225.03'	91.32'	N74°21'13"E	90.69'
C2	33°51'25"	175.03'	103.43'	S72°29'29"W	101.93'



LEGEND:

- ① 1/2" IRON ROD FOUND WITH PLASTIC SURVEY CAP STAMPED CUPLIN 5938
- ② 1/2" IRON ROD FOUND WITH PLASTIC SURVEY CAP STAMPED CUPLIN
- 1/2" IRON ROD SET WITH PLASTIC SURVEY CAP STAMPED CUPLIN
- DOC. NO. DOCUMENT NUMBER
- O.P.R.B.C.T. OFFICIAL PUBLIC RECORDS BURNET COUNTY TEXAS
- () RECORD INFORMATION



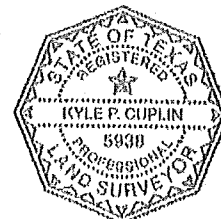
LEGAL: BEING A 0.11 ACRE INGRESS AND EGRESS EASEMENT OUT OF THE EUGENIO PEREZ SURVEY NO. 41, ABSTRACT NO. 672 IN BURNET COUNTY, TEXAS, AND BEING A PORTION OF A 26.042 ACRE TRACT OF LAND, KNOWN AS TRACT 3, DESCRIBED IN A DOCUMENT TO THE CITY OF BURNET, RECORDED IN DOCUMENT NO. 201101280 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, SAID 0.11 ACRE INGRESS AND EGRESS EASEMENT BEING MORE PARTICULARLY DESCRIBED BY SEPARATE METES AND BOUNDS DESCRIPTION TO ACCOMPANY THIS SURVEY OF EVEN DATE.

NOTES:

- 1) SUBJECT PROPERTY IS LOCATED WITHIN ZONE X (AREAS OUTSIDE THE 100 YEAR FLOOD) AS GRAPHICALLY IDENTIFIED ON FEMA F.I.R.M., MAP NO. 48053C0480G, EFFECTIVE 11/11/2019.
- 2) BASIS OF BEARINGS ARE TO THE NORTH AMERICAN DATUM OF 1983, TEXAS COORDINATE SYSTEM, CENTRAL ZONE.
- 3) ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES.

I HEREBY CERTIFY TO ATTORNEY'S ABSTRACT COMPANY AND THE CITY OF BURNET, TEXAS THAT THIS SURVEY WAS PERFORMED ON THE GROUND AND WAS SURVEYED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THIS PROFESSIONAL SERVICE MEETS OR EXCEEDS THE CURRENT MINIMUM STANDARDS OF PRACTICE AS ESTABLISHED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING. CUPLIN & ASSOCIATES, INC. ACCEPTS NO RESPONSIBILITY FOR THE USE OF THIS SURVEY BY ANYONE OTHER THAN THE ABOVE REFERENCED PARTIES HEREBY CERTIFIED TO FOR THIS SPECIFIC TRANSACTION ONLY. COPYRIGHT 2021, CUPLIN & ASSOCIATES, INC. ©.

Kyle P. Cuplin DATED 12/14/2021
KYLE P. CUPLIN, R.P.L.S. NO. 5938



1 OF 2 SHEET	PROJECT NO. 211013
	PREPARED FOR: THE CITY OF BURNET
	TECH: B. BURTON
	APPROVED: KPC
	FIELDWORK PERFORMED ON: DECEMBER, 2021
COPYRIGHT: 2021 PROFESSIONAL FIRM NO: 10126900	

1500 OLLIE LANE
MARBLE FALLS, TX 78654
PH 325-388-3300/830-693-8815
WWW.CUPLINASSOCIATES.COM

SCALE 1" = 60'
0 30 60

DATE	NO.	DESCRIPTION
	2	
	1	
REVISIONS		



Administration

ITEM 4.7

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

Agenda Item Brief

Meeting Date: January 11, 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: Three bids were received for RFQ2021-05 from the following agencies:

- Rakowitz Engineering & Surveying
- TLC Engineering
- Goodwin-Lasiter-Strong

Information: The committee reviewed all bids received and recommends award for the Engineering/Architectural/Surveyor services to Goodwin-Lasiter-Strong.

Fiscal Impact: All out-of-pocket costs related to this project will be either grant funded or paid for by the Children's Advocacy Center.

Recommendation: Approve and adopt Resolution R2022-02 as presented.

RESOLUTION R2022-02

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, three Statement of Qualifications for Engineering/Architectural/Surveying 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 submitted by Goodwin-Lasiter-Strong in response to RFQ2021-05 for all Engineering/Architectural/Surveying Services, on or before the due date is hereby selected to receive an award of a professional services contract..

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 11th day of January, 2022.

ATTEST:

CITY OF BURNET

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary



Administration

ITEM 4.8

Kelly Dix
City Secretary
512-715-3209
kdix@cityofburnet.com

Agenda Item Brief

Meeting Date:	January 11, 2022
Agenda Item:	Discuss and consider action: Appointments to the Burnet Police Department Citizen Advisory Board: K. Dix
Background:	<p>On September 28, 2021 City Council approved Ordinance 2021-36 creating a Citizen Advisory Board for the Burnet Police Department.</p> <p>Upon approval of the Ordinance, City staff launched the application process for citizens interested in serving.</p> <p>In December 2021 the review was conducted of the applications.</p> <p>Since this is the first appointment to the Board, five members terms will end in June 2023 and five members will end in June 2024.</p>
Information:	<p>The Burnet Police Department is requesting the following individuals be appointed by City Council to serve on the Burnet Police Department Citizen Advisory Board:</p> <ul style="list-style-type: none">➤ Council Member Cindia Talamantez➤ Mike O'Hagan➤ Earl Dunagan➤ Bill Drake➤ Greg Jenkins➤ Jeff Kneller➤ Dana Delgado➤ Glenn Labhart➤ Martha Ramirez Underwood
Fiscal Impact:	None
Recommendation:	Staff recommends appointment of Council Member Cindia Talamantez, Mike O'Hagan, Earl Dunagan, Bill Drake, Greg

Jenkins, Jeff Kneller, Dana Delgado, Glenn Labhart, Martha Ramirez Underwood to the Burnet Police Department Citizen Advisory Board for a term of two years.



Administration

ITEM 4.9

Kelly Dix
City Secretary
512-715-3209
kdix@cityofburnet.com

Agenda Item Brief

Meeting Date:	January 11, 2021
Agenda Item:	Discuss and consider action: Burnet Economic Development Corporation (BEDC) board appointments: K. Dix
Background:	<p>Board terms expired in June 2021 for the following:</p> <ul style="list-style-type: none">➤ Cary Johnson➤ Wayne Brown➤ Crista Goble Bromley➤ David Vaughn <p>All four have stated their desire to remain on the board for a term that will expire in June 2023.</p>
Information:	Staff is seeking direction on appointments/re-appointments for the Burnet Economic Development Board.
Fiscal Impact:	None
Recommendation:	To be determined by Council



Administration

ITEM 4.10

Adrienne Feild
Administrative Services/Airport
Manager
(512)-715-3214
afeild@cityofburnet.com

Agenda Item Brief

Meeting Date:	January 11, 2022
Agenda Item:	Discuss and consider action: Appointment of a City Council Member to the Planning Advisory Committee (PAC) for the Burnet Municipal Airport – Kate Craddock Field Airport Layout Plan: A. Feild
Background:	The last Airport Layout Plan was completed in 2011.
Information:	<p>The Airport Planning Study is being prepared to address key issues, objectives, and goals pertinent to the airport's development for the next 20-year planning period. The work effort will address the needs of the community, provide a program for realistic development, and analyze existing and future operations to determine ultimate development needs.</p> <p>As valuable stakeholders in the future of the Airport, members of the PAC will assist the consultant team, airport staff, and TxDOT in preparing a comprehensive planning document for the airport. This study will identify facility, infrastructure, and other needs to ensure the airport adequately serves its aviation users and the community. PAC members provide perspective, technical expertise, and guidance to the project team from a variety of different professions and roles in the community. As a member of the PAC, you will be presented key findings for review at distinct phases of the study including inventory, aviation demand forecasts, airport facility requirements, development alternatives, and financial/capital improvement plan.</p>
Fiscal Impact:	N/A
Recommendation:	To be determined by Council.



Administration

ITEM 4.11

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

Agenda Item Brief

Meeting Date: January 11, 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 R2020-03 as presented.

RESOLUTION NO. R2022-03

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 11th day of January, 2022.

CITY OF BURNET, TEXAS

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary



Development Services

ITEM 4.12

Leslie Kimbler
Planner I
512-715-3206
lkimble@cityofburnet.com

Agenda Item Brief

Meeting Date: January 11, 2022

Agenda Item: Discuss and Consider: 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 900 COUNTY LANE (LEGAL DESCRIPTION: ABS A0672 EUGENIO PEREZ, TRACT INCLUDING OAK VISTA LOTS 60-67, 75.0 ACRES) WITH GOVERNMENT – DISTRICT “G” CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

Background: The subject property is a 75 acre site located past the Burnet Rodeo Fair Grounds and just west of the Ellen Halbert Substance Abuse Facility Prison (Exhibit A). The property is owned by Burnet County who operates the Burnet County Jail at this location. Burnet County bought the property from the Texas Department of Criminal Justice back in 2007.

Information: This request is a city initiated request to bring the property into compliance with the current zoning code. The requested District “G” (Government and Public Institutional District) is for properties “intended to provide appropriate areas for uses that provide important community services often requiring large amounts of land.” Permitted uses include facilities owned and operated by the federal government, the state, or local government entity.

Staff Analysis: The Future Land Use Map designation for the area is Government. The requested Government – District “G” classification is appropriate in this area.

Properties adjacent to the subject property are zoned as follows:

	North	South	East	West
Zoning	ETJ	ETJ	C-2	ETJ
FLUM	Residential	Residential	Government	Residential
Land Use	Vacant	Single-Family housing	TDCJ SAF-Prison	Single-Family housing

Public Notification: A Notice of Public Hearing was published in the Burnet Bulletin on December 22, 2021, and written notices were mailed to one (1)

surrounding property owners within 200 feet of the subject property within the city limits. There have been zero responses in favor and zero responses in opposition. At the Planning and Zoning Commission meeting, one citizen attended the meeting to hear more information on the request but did not speak in favor or opposition.

Recommendation: Staff recommends approval of the first reading of Ordinance 2022-02 as presented.

ORDINANCE NO. 2022-02

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 900 COUNTY LANE (LEGAL DESCRIPTION: ABS A0672 EUGENIO PEREZ, TRACT INCLUDING OAK VISTA LOTS PTS OF 60-67, 75.0 ACRES) WITH GOVERNMENT- DISTRICT "G" CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council, by the passage and approval of Ordinance No. 2021-001, affixed the zoning classifications for each and every property located within the city in accordance with the Official Zoning Map as approved with said ordinance; and

WHEREAS, the purpose of this Ordinance is to amend the Official Zoning Map by amending the zoning classification of the Real Property ("Property") described herein; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on the matter, deliberated the merits of the proposed amendment of zoning classification and has made a report and recommendation to City Council; and

WHEREAS, in passing and approving this ordinance it is legislatively found the Planning and Zoning Commission and City Council complied with all notice, hearing and meetings requirements set forth in Texas Local Government Chapter 211; Texas Government Code Chapter 551, the City Charter; and Chapter 118, of the Code of Ordinances; and

WHEREAS, it is further legislatively found that this proposed zoning reclassification of property does not require an amendment to the Future Land Use Plan; and

WHEREAS, City Council, after considering the testimony and comments of the public, reports and recommendations of City Staff and the Planning and Zoning Commission, and the deliberation of its members, by passage and approval of this Ordinance hereby determines the action taken herein is meritorious and beneficial to the public health, safety, and welfare.

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

Section one. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted and made a part hereof for all purposes as findings of fact.

Section two. Property. The Property that is the subject to this Zoning District Reclassification is 900 COUNTY LANE (LEGAL DESCRIPTION: ABS A0672 EUGENIO PEREZ, TRACT INCLUDING OAK VISTA LOTS 60-67, 75.0 ACRES) as shown on **Exhibit "A"** hereto.

Section three Zoning District Reclassification. GOVERNMENT – DISTRICT “G” Zoning District Classification is hereby assigned to the Property described in section two.

Section four. Zoning Map Revision. The City Secretary is hereby authorized and directed to revise the Official Zoning Map to reflect the change in Zoning District Classification approved by this Ordinance.

Section five. Repealer. Other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such conflict.

Section six. Severability. This Ordinance is severable as provided in City Code Section 1-7 as same may be amended, recodified or otherwise revised.

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

PASSED on First Reading the 11th day of January 2022.

PASSED AND APPROVED on this the 25th day of January 2022.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

Exhibit "A"
Location Map



Action Item 4.12

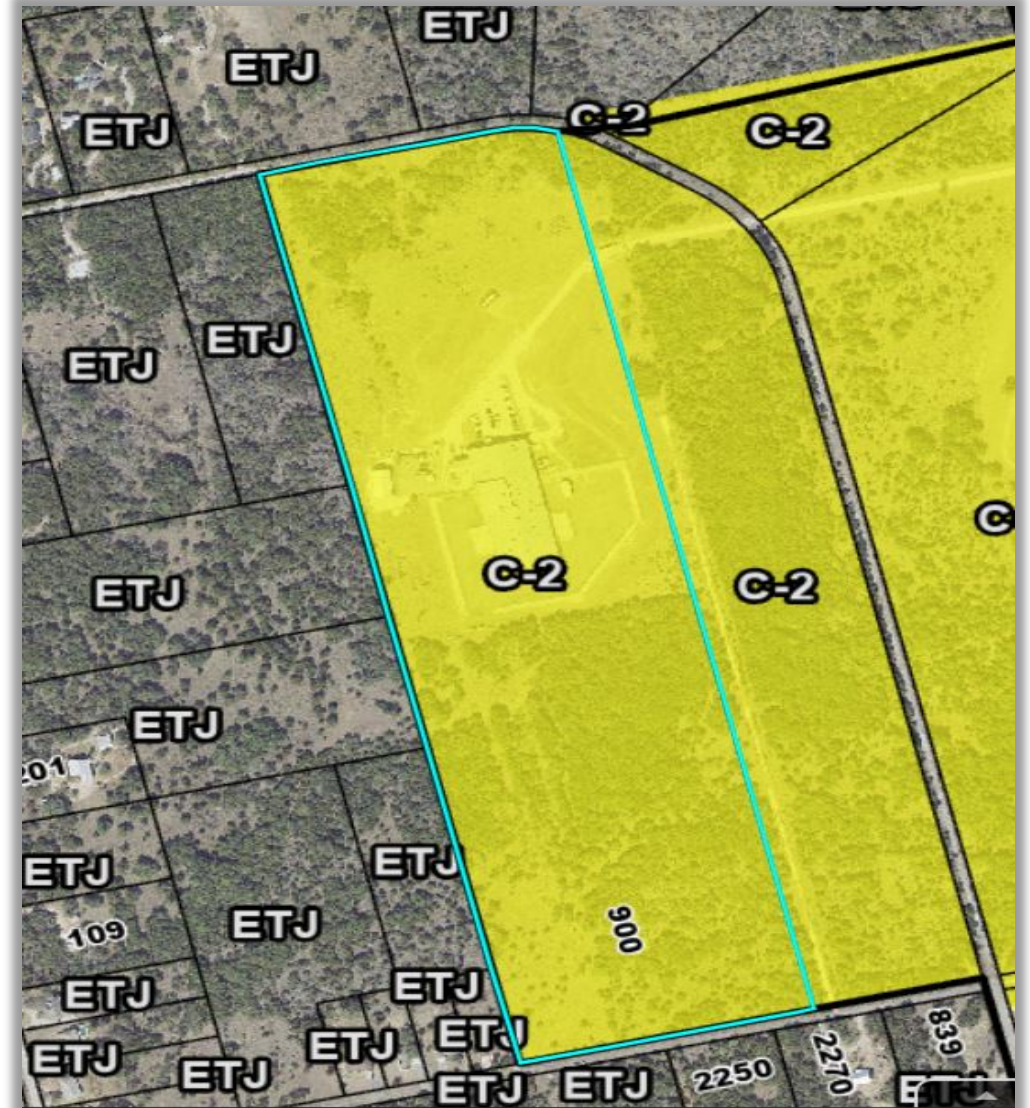
Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY DESCRIBED AS 900 COUNTY LANE (LEGAL DESCRIPTION: ABS A0672 EUGENIO PEREZ, TRACT INCLUDING OAK VISTA LOTS 60-67, 75.0 ACRES) WITH GOVERNMENT – DISTRICT “G” CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

Action Item

Information:

- Current Zoning:
Medium Commercial – District “C-2”
- Requested Zoning:
Government – District “G”
 - 75 acres owned by Burnet Co.
 - Location of Burnet Co. Jail
 - City initiated rezone
 - District “G” (Government and Public Institutional District) allows for properties owned and operated by local government entity

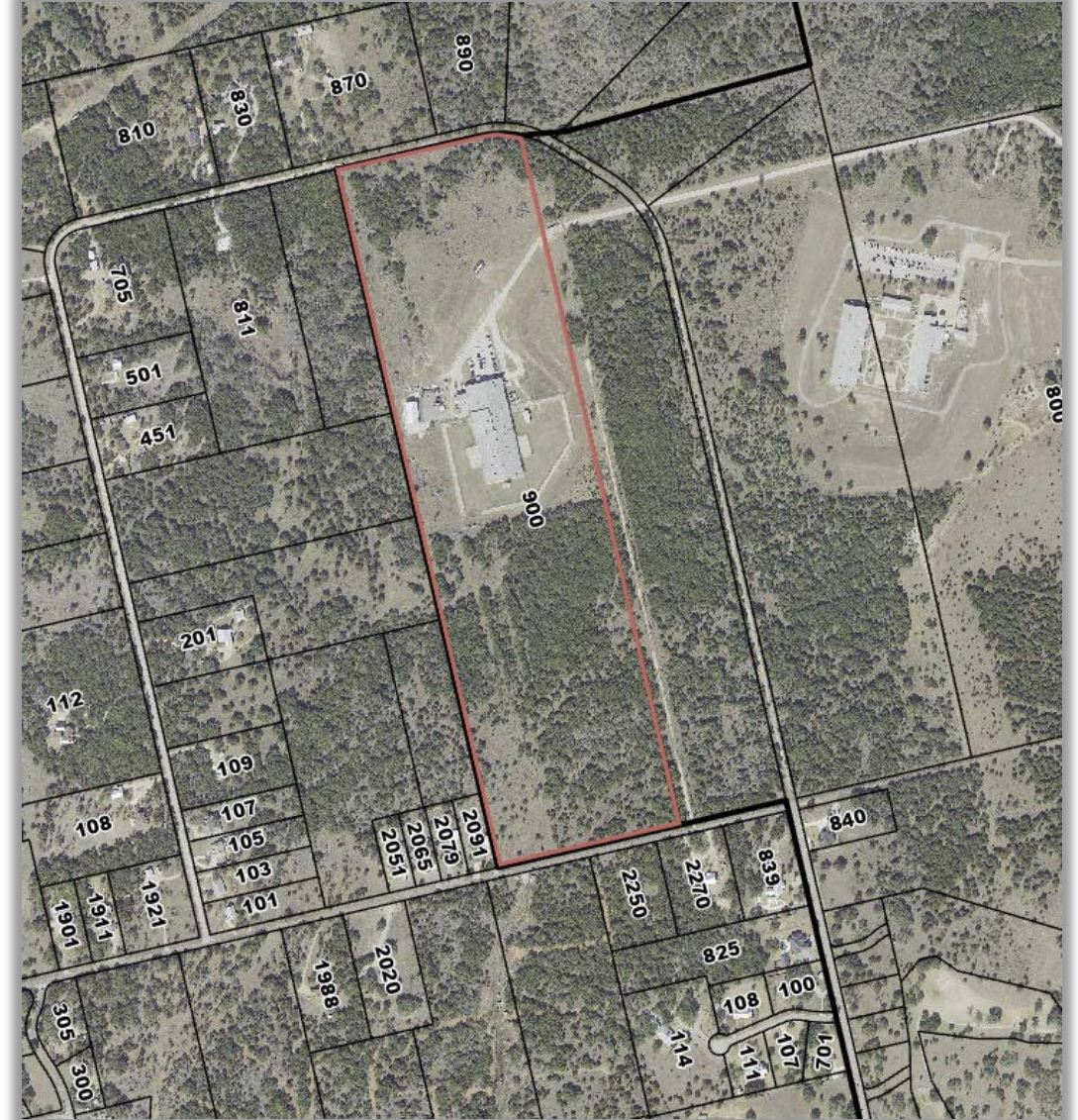
The Future Land Use Map designation for the area is Government. The proposed Government – District “G” zoning is appropriate for this area.



Questions?

Planning and Zoning Commission:

- P&Z recommended approval of the requested zone change on January 3rd, 2022





Development Services

ITEM 4.13

Leslie Kimbler
Planner I
512-715-3215
lkimbler@cityofburnet.com

Agenda Item Brief

Meeting Date: January 11, 2021

Agenda Item: Discuss and Consider: 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 800 ELLEN HALBERT DRIVE (Legal Description: ABS A0672 EUGENIO PEREZ, TRACT BEING PRISON SITE, 119.06 ACRES and ABS A0672 EUGENIO PEREZ, TRACT BEING PRISON SITE FROM OAK VISTA LOTS 45-52, 103.68 ACRES) WITH GOVERNMENT – DISTRICT “G” CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

Background: The subject property is approximately 123 acres located off of Houston Clinton Drive, past the Burnet Rodeo Fair Grounds at the end of Ellen Halbert Drive (Exhibit A). The property is owned by the Texas Department of Criminal Justice and is the site of the Ellen Halbert Substance Abuse Felony Punishment Facility. The women’s prison was established in 1995 and provides in-prison substance use treatment.

Information: This request is a city initiated request to bring the property into compliance with the current zoning code. The requested District “G” (Government and Public Institutional District) is for properties “intended to provide appropriate areas for uses that provide important community services often requiring large amounts of land.” Permitted uses include facilities owned and operated by the federal government, the state, or local government entity.

Staff Analysis: The Future Land Use Map (Exhibit B) designation for the area is Government. The requested Government – District “G” classification is appropriate in this area.

Properties adjacent to the subject property are zoned as follows:

	North	South	East	West
Zoning	“I-1”	“R-1”	“C-2” & “I-2”	“C-2”
FLUM	Industrial	Residential	Government	Government
Land Use	Entegris property	1 SFR & Golf course property	Mixture of industrial businesses, Fair Grounds & Vacant	Burnet County Jail

Public Notification: A Notice of Public Hearing was published in the Burnet Bulletin on December 22, 2021, and written notices were mailed to ten (10) surrounding property owners within 200 feet of the subject property. There have been zero responses in favor and zero responses in opposition.

P&Z Report: P&Z conducted a scheduled public hearing at its regularly scheduled meeting and recommended approval of the requested zone change on January 3, 2022.

Recommendation: Staff recommends approval of the first reading of Ordinance 2022-03 as presented.

ORDINANCE NO. 2022-03

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 800 ELLEN HALBERT DRIVE (Legal Description: ABS A0672 EUGENIO PEREZ, TRACT BEING PRISON SITE, 119.06 ACRES and ABS A0672 EUGENIO PEREZ, TRACT BEING PRISON SITE FROM OAK VISTA LOTS 45-52, 103.68 ACRES) WITH GOVERNMENT – DISTRICT “G” CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council, by the passage and approval of Ordinance No. 2021-001, affixed the zoning classifications for each and every property located within the city in accordance with the Official Zoning Map as approved with said ordinance; and

WHEREAS, the purpose of this Ordinance is to amend the Official Zoning Map by amending the zoning classification of the Real Property (“Property”) described herein; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on the matter, deliberated the merits of the proposed amendment of zoning classification and has made a report and recommendation to City Council; and

WHEREAS, in passing and approving this ordinance it is legislatively found the Planning and Zoning Commission and City Council complied with all notice, hearing and meetings requirements set forth in Texas Local Government Chapter 211; Texas Government Code Chapter 551, the City Charter; and Chapter 118, of the Code of Ordinances; and

WHEREAS, it is further legislatively found that this proposed zoning reclassification of property does not require an amendment to the Future Land Use Plan; and

WHEREAS, City Council, after considering the testimony and comments of the public, reports and recommendations of City Staff and the Planning and Zoning Commission, and the deliberation of its members, by passage and approval of this Ordinance hereby determines the action taken herein is meritorious and beneficial to the public health, safety, and welfare.

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

Section one. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted and made a part hereof for all purposes as findings of fact.

Section two. Property. The Property that is the subject to this Zoning District Reclassification is 800 Ellen Halbert Drive (Legal Description: ABS A0672 EUGENIO PEREZ, TRACT BEING PRISON SITE, 119.06 ACRES and ABS A0672 EUGENIO PEREZ, TRACT BEING PRISON SITE FROM OAK VISTA LOTS 45-52,103.68 ACRES) as shown on **Exhibit “A”** hereto.

Section three Zoning District Reclassification. GOVERNMENT – DISTRICT “G” Zoning District Classification is hereby assigned to the Property described in section two.

Section four. Zoning Map Revision. The City Secretary is hereby authorized and directed to revise the Official Zoning Map to reflect the change in Zoning District Classification approved by this Ordinance.

Section five. Repealer. Other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such conflict.

Section six. Severability. This Ordinance is severable as provided in City Code Section 1-7 as same may be amended, recodified or otherwise revised.

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

PASSED on First Reading the 11th day of January 2022

PASSED AND APPROVED on this the 25th day of January 2022

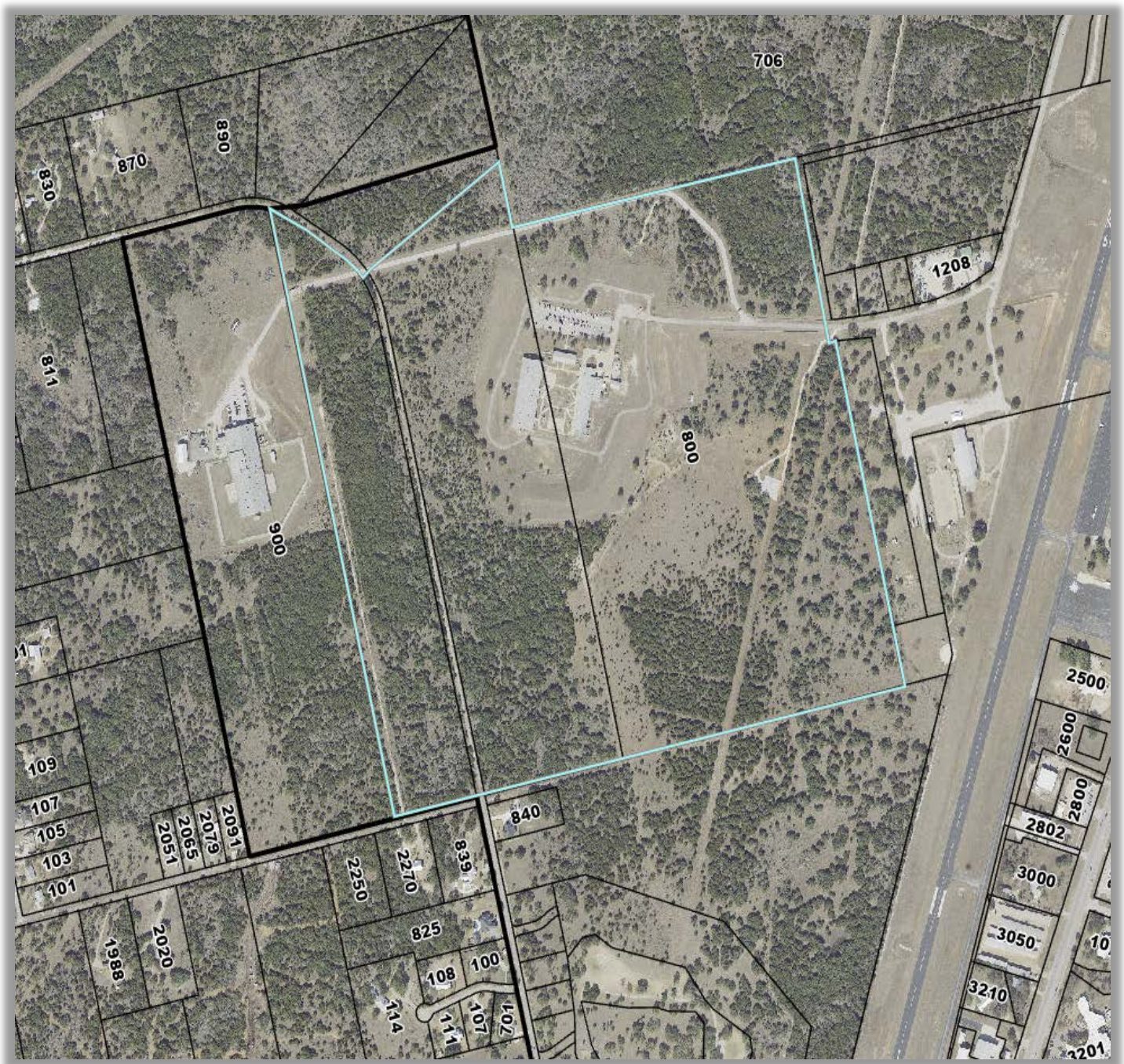
CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

Exhibit "A"
Location Map



Action Item 4.13

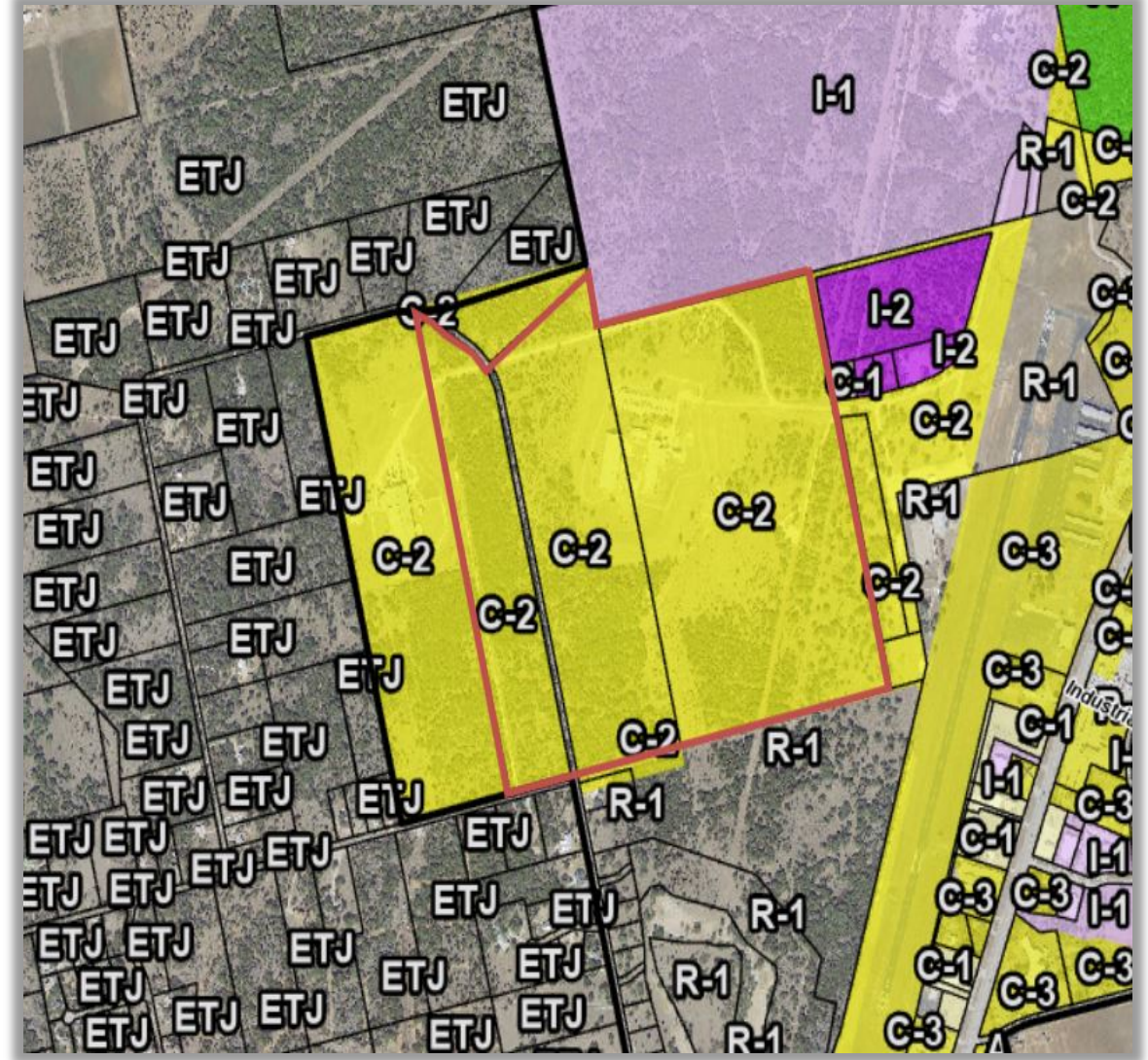
Discuss and Consider: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY DESCRIBED AS 800 ELLEN HALBERT DRIVE (Legal Description: ABS A0672 EUGENIO PEREZ, TRACT BEING PRISON SITE, 119.06 ACRES and ABS A0672 EUGENIO PEREZ,TRACT BEING PRISON SITE FROM OAK VISTA LOTS 45-52, 103.68 ACRES) WITH GOVERNMENT – DISTRICT “G” CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

Action Item

Information:

- Current Zoning:
Medium Commercial – District “C-2”
- Requested Zoning:
Government – District “G”
 - Approx. 123 acres owned by TDCJ
 - Location of Ellen Halbert Substance Abuse Felony Punishment Facility
 - City initiated rezone
 - District “G” (Government and Public Institutional District) allows for properties owned and operated by local government entity

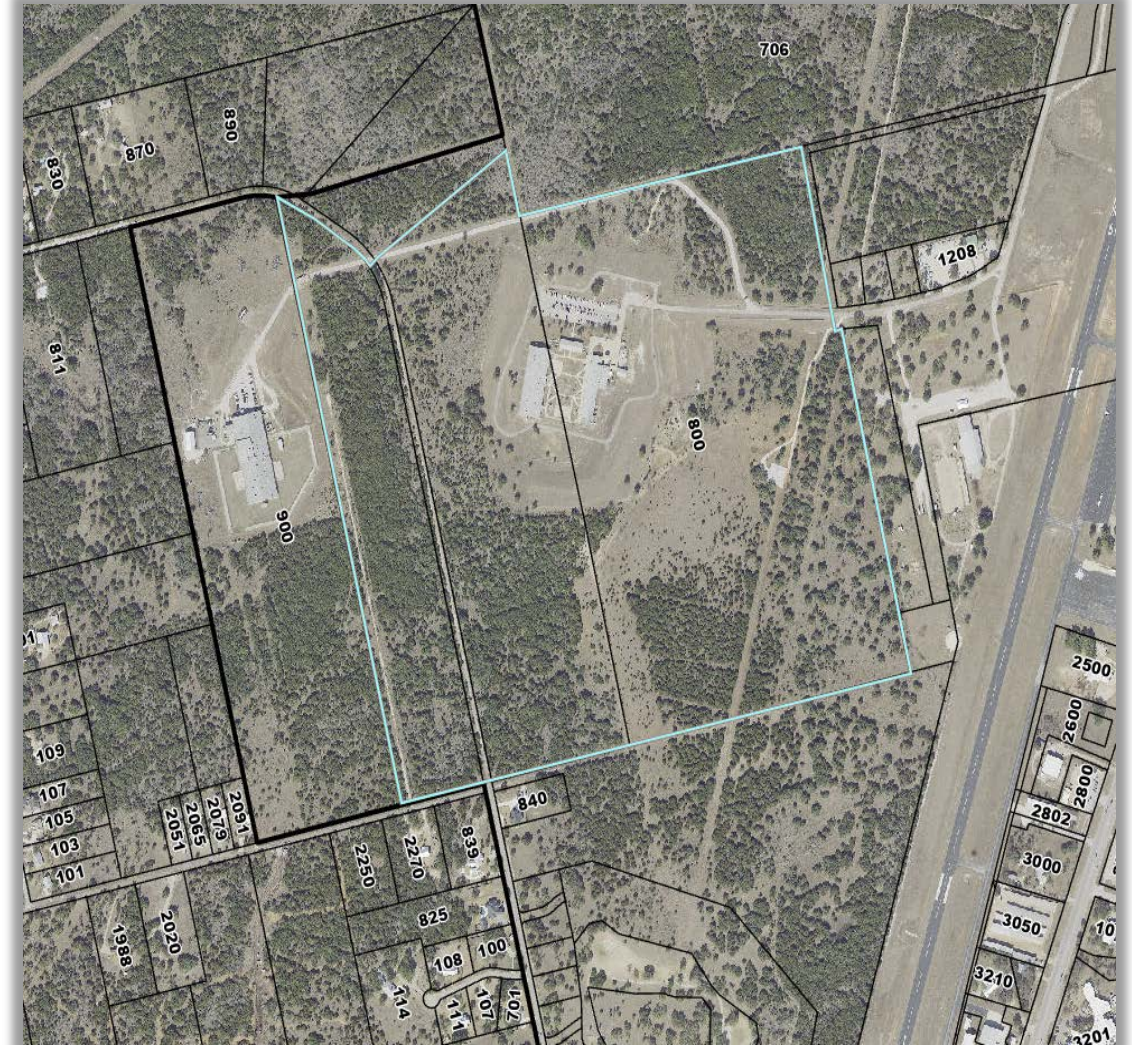
The Future Land Use Map designation for the area is Government. The proposed Government – District “G” zoning is appropriate for this area.



Questions?

Planning and Zoning Commission:

- P&Z recommended approval of the requested zone change on January 3rd, 2022





Development Services

ITEM 4.14

Leslie Kimbler
Planner I
512-715-3215
lkimbler@cityofburnet.com

Agenda Item Brief

Meeting Date: January 11, 2022

Agenda Item: 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 3202 SOUTH WATER STREET (Legal Description: S4540 FLIGHT LINE BOULEVARD SUBDIVISION LOT 1B, .43 ACRES) WITH NEIGHBORHOOD COMMERCIAL – DISTRICT “NC” CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

Background: The property is .43 acres, located along South Water Street across US Hwy 281 from the Ascension Seton Highland Lakes hospital (Exhibit A). The property is adjacent to the Kate Craddock Municipal Airport and was originally a single-family residence that was converted into an office space.

Information: The applicant is requesting a rezone to allow the structure to be used as lodging for the CareFlite helicopter staff. Recently, City Council approved an amendment to the Light Commercial – District “C-1” ordinance that states no residential uses are allowed in the district. For the property to be utilized as lodging where the helicopter staff can sleep, the zoning would need to be changed to allow for the residential use.

Staff Analysis: The Future Land Use Map (Exhibit B) designation for the area is Commercial. As the property is proposed zoning is appropriate in this area.

Properties adjacent to the subject property are zoned as follows:

	North	South	East	West
Zoning	“C-3”	“C-1”	“C-3”	“C-3”
FLUM	Commercial	Commercial	Government	Government
Land Use	Residential	Flight Simulator Training	Hospital	Airport

Public Notification: A Notice of Public Hearing was published in the Burnet Bulletin on December 22, 2021, and written notices were mailed to four (4) surrounding property owners within 200 feet of the subject property. There have been zero responses in favor and zero responses in opposition. At the Planning and Zoning Commission meeting, a neighboring property owner came to hear further information on who the property would be utilized to ensure a shared driveway was not going to be affected. The applicant was able to speak to the citizen and answer her concerns. The citizen did not speak in favor or opposition of the request.

P&Z Report: P&Z conducted a scheduled public hearing at its regularly scheduled meeting and recommended approval of the requested zone change on January 3, 2022.

Recommendation: Staff recommends approval of the first reading of Ordinance 2022-04 as presented.

ORDINANCE NO. 2022-04

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 3202 SOUTH WATER STREET (Legal Description: S4540 FLIGHT LINE BOULEVARD SUBDIVISION LOT 1B, .43 ACRES) WITH NEIGHBORHOOD COMMERCIAL – DISTRICT “NC” CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council, by the passage and approval of Ordinance No. 2021-001, affixed the zoning classifications for each and every property located within the city in accordance with the Official Zoning Map as approved with said ordinance; and

WHEREAS, the purpose of this Ordinance is to amend the Official Zoning Map by amending the zoning classification of the Real Property (“Property”) described herein; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on the matter, deliberated the merits of the proposed amendment of zoning classification and has made a report and recommendation to City Council; and

WHEREAS, in passing and approving this ordinance it is legislatively found the Planning and Zoning Commission and City Council complied with all notice, hearing and meetings requirements set forth in Texas Local Government Chapter 211; Texas Government Code Chapter 551, the City Charter; and Chapter 118, of the Code of Ordinances; and

WHEREAS, it is further legislatively found that this proposed zoning reclassification of property does not require an amendment to the Future Land Use Plan; and

WHEREAS, City Council, after considering the testimony and comments of the public, reports and recommendations of City Staff and the Planning and Zoning Commission, and the deliberation of its members, by passage and approval of this Ordinance hereby determines the action taken herein is meritorious and beneficial to the public health, safety, and welfare.

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

Section one. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted and made a part hereof for all purposes as findings of fact.

Section two. Property. The Property that is the subject to this Zoning District Reclassification is 3202 South Water Street (Legal Description: S4540 FLIGHT LINE BOULEVARD SUBDIVISION LOT 1B, .43 ACRES) as shown on **Exhibit “A”** hereto.

Section three Zoning District Reclassification. NEIGHBORHOOD COMMERCIAL – DISTRICT “NC” Zoning District Classification is hereby assigned to the Property described in section two.

Section four. Zoning Map Revision. The City Secretary is hereby authorized and directed to revise the Official Zoning Map to reflect the change in Zoning District Classification approved by this Ordinance.

Section five. Repealer. Other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such conflict.

Section six. Severability. This Ordinance is severable as provided in City Code Section 1-7 as same may be amended, recodified or otherwise revised.

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

PASSED on First Reading the 11TH day of January 2022

PASSED AND APPROVED on this the 25th day of January 2022.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

Exhibit "A"
Location Map



Action Item 4.14

Discuss and Consider: 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 3202 SOUTH WATER STREET (Legal Description: S4540 FLIGHT LINE BOULEVARD SUBDIVISION LOT 1B, .43 ACRES) WITH NEIGHBORHOOD COMMERCIAL – DISTRICT “NC” CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

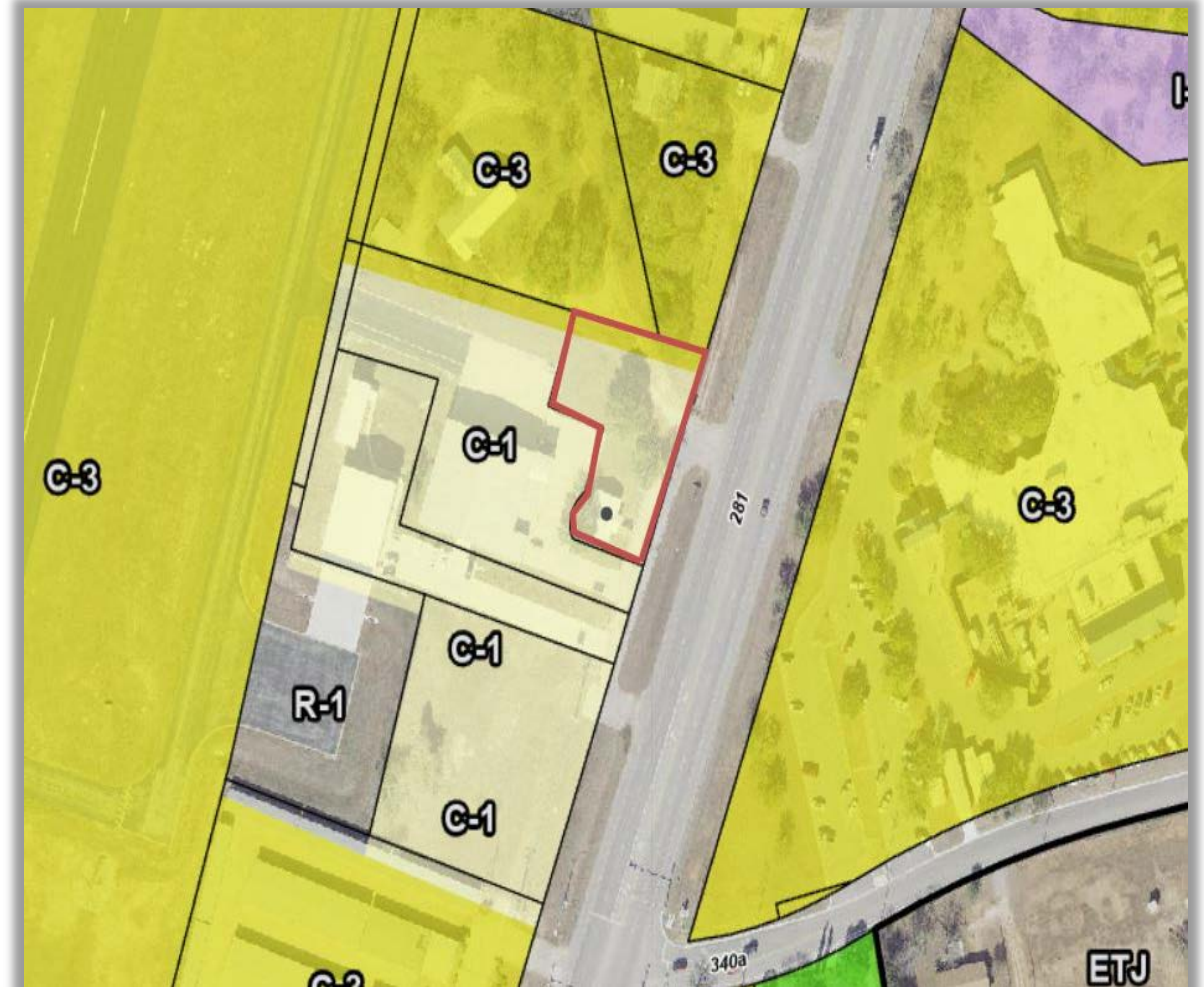
Action Item

Information:

- Current Zoning:
Light Commercial – District “C-1”
- Requested Zoning:
Neighborhood Commercial – District “NC”

Applicant requesting rezone to allow for “lodging” for the CareFlite helicopter staff.
District “C-1” does not allow for residential use

The Future Land Use Map designation for the area is Commercial. The proposed Neighborhood Commercial – District “NC” zoning is appropriate for this area.



Questions?

Planning and Zoning Commission:

- P&Z recommended approval of the requested zone change on January 3rd, 2022





Development Services

ITEM 4.15

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

Agenda Item Brief

Meeting Date: January 11, 2022

Agenda Item: Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, PRELIMINARILY ACCEPTING PUBLIC STREET, WATER, AND ELECTRICAL IMPROVEMENTS CONSTRUCTED WITHIN THE HONEY ROCK PHASE TWO SUBDIVISION; AND APPROVING CASH BOND TO ASSURE THE MAINTENANCE OF THE INFRASTRUCTURE IMPROVEMENTS: H. Erkan

Background: Honey Rock Phase Two is a unit single family subdivision located near the intersection of U.S. Route 281 and Ramseys Way Boulevard. The Final Plat was approved on September 10, 2019. The City Engineer has confirmed the infrastructure meets all requirements of Chapter 98.

Pursuant to Chapter 98 the Developer shall warranty the infrastructure for a period of one year. The Developer proposes to assure this warranty by deposit of a cash bond with the City in an amount equal to the costs of the infrastructure as certified by the Project Engineer and approved by the City Engineer.

Information: This resolution authorizes the preliminary acceptance of the infrastructure and approves the cash bond as the means to assure the Developer's warranty shall be honored. The resolution further:

- (1) requires the City Engineer to inspect the infrastructure before the end of the one-year warranty period; and
- (2) authorizes the City Engineer to issue a letter of acknowledgement of final acceptance of the

improvements if the final inspection finds such improvements free of defect or failure; and

- (3) requires the Developer to cure any discovered defect or failure, and
- (4) authorize the City to use the cash to cure such defect or failure should the Developer fail to do so; and
- (5) extend the warranty period for any defective defect or failure for an additional year after the defect or failure is discovered; and
- (6) authorizes the City Manager to return the unused portion of the cash bond at the expiration of the warranty period.

Fiscal Impact: N/A

Recommendation: Approve Resolution No. R2022-07 as presented,

RESOLUTION NO. R2022-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, PRELIMINARILY ACCEPTING PUBLIC STREET, WATER, AND ELECTRICAL IMPROVEMENTS CONSTRUCTED WITHIN THE HONEY ROCK PHASE TWO SUBDIVISION; AND APPROVING CASH BOND TO ASSURE THE MAINTENANCE OF THE INFRASTRUCTURE IMPROVEMENTS.

WHEREAS, the final plat of Honey Rock Phase 2, constitutes a subdivision of land falling under the purview of Chapter 98 (entitled "Subdivisions") and was approved by City Council on September 10, 2019; and

WHEREAS, the developer of the Honey Rock Phase 2, has caused streets, water, and electrical improvements (collectively "infrastructure") to be constructed to serve the subdivision; and

WHEREAS, the developer desires the infrastructure to be dedicate for public maintenance and use in accordance with the City's Subdivision Ordinance; and

WHEREAS, Section 98-61(g) of the Subdivision Ordinance provides City Council may accept the infrastructure for public dedication provided all improvements were satisfactorily completed, two copies of as-built plans, and computer generated drawings, were prepared and submitted to the City by the design engineer, a statement sealed by a licensed engineers stating all improvements have been installed and constructed in accordance with the submitted as-built plans, Copies of all inspection reports, and certified test results of construction materials that were submitted to and approved by the design engineer, the required maintenance guarantee was provided, and any and all other requirements identified in the platting process have been satisfied; and

WHEREAS, the interim Director of Development Services has confirmed the developer has complied with the requirements of chapter 98; and

WHEREAS, the interim Director of Development Services has, in consultation with the City Engineer, conducted a preliminary inspection of the infrastructure and determined that there are no substantive defects preventing acceptance.

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

Section one. Findings. The foregoing recitals are hereby found to be true and correct and are hereby resolved by the City Council of the City of Burnet, Texas and made a part hereof for all purposes and findings of fact.

Section two. Preliminary Acceptance of Improvements. The City Council hereby preliminarily accepts for public use and maintenance, that infrastructure constructed within the Honey Rock Phase 2 Subdivision and shown on the plat of the subdivision to be subject to public dedication.

Section three. Maintenance guarantee accepted. The cash bond of \$16,208.09 and the accompanying Maintenance and Escrow Agreement provided by Honey Rock LP to assure the warranty and maintenance of the infrastructure is hereby approved subject to the conditions that follows:

- (a) the warranty period shall commence on January 12, 2022 and end on January 11, 2023;
- (b) should a defect or failure of the infrastructure occur within the warranty period, the defect or failure shall be cured by the Developer;
- (c) should the Developer fail to cure, the City may utilize the cash bond to cure; and
- (d) the warranty period shall extend for an additional year after any cure of a defect or failure and the Developer shall provide fiscal security for the extended warranty period.

Section four. Final Acceptance of Improvements. Prior to the date of expiration of the Letter of Credit, the preliminarily accepted improvements shall be inspected by the City Engineer. Should the inspection find such improvements free of defect or failure the City Engineer may issue a letter of acknowledgement of final acceptance of the improvements. However, should a defect or failure be discovered such defect or failure shall be addressed in accordance with section three herein.

Section five. 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 six. Effective Date. This resolution shall take immediate effect.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Burnet this the 11th day of January, 2022.

CITY OF BURNET

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 4.16

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

Agenda Item Brief

Meeting Date:	January 11, 2021
Agenda Item:	Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF BURNET, TEXAS ACCEPTING A PETITION FOR ANNEXATION OF 6.94 ACRES OF REAL PROPERTY LOCATED WEST OF THE CITY LIMITS AND SOUTH OF TEXAS HWY 29; AND AUTHORIZING THE INITIATION OF PROCEEDINGS TO ANNEX THE REAL PROPERTY: H. Erkan
Background:	Albert T. Spaulding is the owner of 6.94 acres of real property located west of the city limits and south of Texas Hwy 29. Pursuant to Texas Local Government Code Chapter 43 Subchapter C-3 the owner submitted a petition for annexation on December 15, 2021.
Information:	This resolution authorizes staff to initiate annexation proceedings, negotiate a service plan and set the date of the statutory required public hearing.
Fiscal Impact	The development is projected to be platted as part of the Hilltop Oaks Subdivision which the City Council accepted for annexation on September 14, 2021. Water shall be provided by the City, and each lot shall have an individual septic system. The streets shall be private. Upon annexation, the property will be subject to city ad valorem and eligible to receive emergency services.
Recommendation:	Approve and adopt Resolution R2022-06 as presented.

RESOLUTION NO. R2022-06

A RESOLUTION OF THE CITY COUNCIL OF BURNET, TEXAS ACCEPTING A PETITION FOR ANNEXATION OF 6.94 ACRES OF REAL PROPERTY LOCATED WEST OF THE CITY LIMITS AND SOUTH OF TEXAS HWY 29; AND AUTHORIZING THE INITIATION OF PROCEEDINGS TO ANNEX THE REAL PROPERTY.

WHEREAS, Albert T. Spaulding, (hereinafter “petitioner”) is the owner of 6.94 acres of real property located west of the city limits and south of Texas Hwy 29, (hereinafter the “territory”); and

WHEREAS, city council finds the territory to be located within the city’s extraterritorial jurisdiction and continuous with its corporate limits and otherwise qualified to be annexed pursuant to Texas Local Government Code Chapter 43 Subchapter C-3, and other applicable law.

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

Section one. Petition Accepted. The petition attached hereto to annex the territory described therein is hereby accepted.

Section two. Service Agreement. Pursuant to Texas Government Code Sec. 43.0672, the City Manager is hereby authorized and directed to negotiate the terms of a service agreement for the territory prior to the date of the public hearing referenced in section three.

Section three. Public Hearing. The City Manager is authorized and directed to set the date of public hearing and the City Secretary is hereby authorized and directed to cause notice of such public hearing to be published once in a newspaper having general circulation in the city and in the above-described territory not more than twenty days nor less than ten days prior to the date of such public hearing, and post such notice on the city’s website from the same date until the day of public hearing; and provide notice by mail deliver to the school district and governmental entities serving the territory as prescribed by Texas Local Government Code Sec. 43.0905 and 43.9051.

Section four. Publication of Notice. The City Secretary is hereby authorized and directed to cause notice of such public hearing to be published once in a newspaper having general circulation in the city and in the above-described territory not more than twenty days nor less than ten days prior to the date of such public hearing, and post such notice on the city’s website from the same date until the day of public hearing; and provide notice by mail deliver to the school district and governmental entities serving the territory as prescribed by Texas Local Government Code Sec. 43.0905 and 43.9051.

PASSED AND APPROVED this the 11th day of January 2022.

CITY OF BURNET

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS, THAT:

The City of Burnet, Texas proposes to institute annexation proceedings to enlarge and extend the boundary limits of said city to include the following described territory, to-wit:

A 6.94-acre tract of land out of the John Hamilton Survey No. 1, Abstract No. 405, and being all of a called 6.92 acre tract, described in document to Burle C. Hawthorne, recorded in volume 155, page 23 of the Official Public Records of Burnet County, Texas.

A map of the land and territory to be annexed is available for viewing in the office of the City Secretary during normal business hours.

A public hearing will be held by and before the City Council of the City of the City of Burnet, Texas on the ____ day of _____, 2022 at 6 o'clock, p.m., in _____ City of Burnet, Texas, for all persons interested in the above proposed annexation. At said time and place all such persons shall have the right to appear and be heard. Of all said matters and things, all persons interested in the things and matters herein mentioned, will take notice.

By order of the City Council of the City of Burnet, Texas this the 11th day of January, 2022.

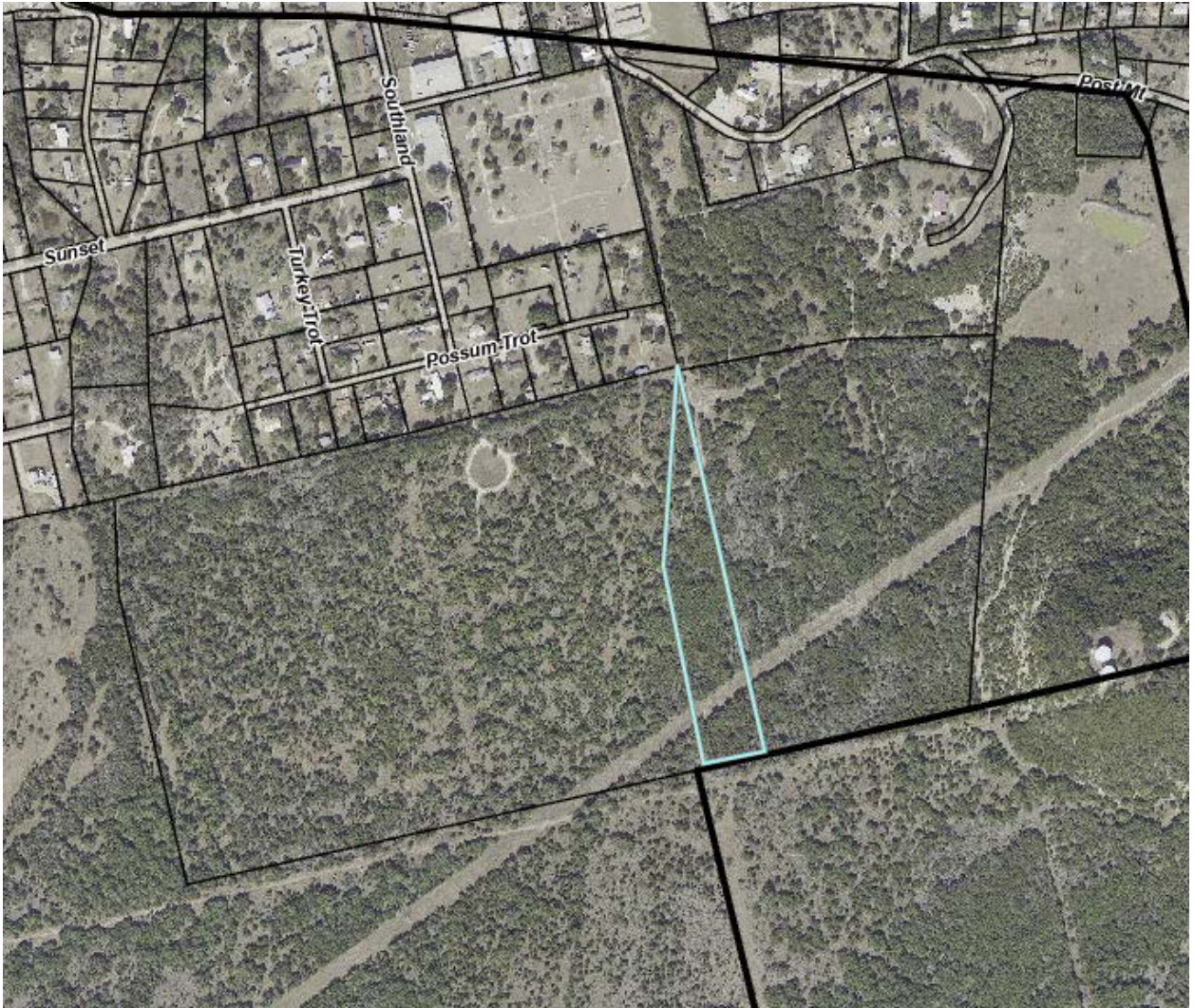
CITY OF BURNET

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

Location Map





Administration

ITEM 4.17

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

Agenda Item Brief

Meeting Date: January 11, 2022

Agenda Item: Discuss and consider action A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS REGARDING THE DEVELOPMENT OF DELAWARE SPRINGS SECTION 19 PHASE 3 AND 4: D. Vaughn

Background: Staff has been working with the Developers of Delaware Springs Section 19, Phases 3 and 4 (Langley Homes) to find a way to address existing deficiencies in the pond that was built when Phase 1 was completed. The original pond was intended to address the drainage for all of Section 19, however it was not constructed properly and therefore is insufficient to properly address detention requirements for the existing houses in Phases 1 and 2. Additionally, FEMA has adopted new rainfall data, known as ATLAS 14, which increases the storage requirement for Phases 3 and 4 to about 10% more than the previous estimates that were used when the pond was designed. Staff, the review engineer, the developer, and the design engineer are working together to come up with a solution that will benefit everyone and address the existing deficiencies in the pond.

Information: This resolution, if approved, would allow the Developer the option to move forward with constructing the roads and utilities while the engineers work out the issues with the pond. Additionally, it provides the Developer with the option to pay a fee-in-lieu of, rather than mitigation, for trees removed as part of Phase 3.

Fiscal Impact: None at this time.

Recommendation: Staff recommends approval and adoption of Resolution R2020-08 as presented.

RESOLUTION NO. R2022-08

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS REGARDING THE DEVELOPMENT OF DELAWARE SPRINGS SECTION 19 PHASE 3 AND 4

Whereas; Delaware Springs Sections 1 and 2 are existing single-family subdivisions located within the city of Burnet; and

Whereas, Delaware Springs Sections 3 and 4 are proposed single family subdivisions adjacent to Delaware Springs Sections 1 and 2; and

Whereas, the development of Delaware Springs Sections 1 and 2 purportedly included the construction of stormwater detention facilities that would adequately address the increase of stormwater discharge from the additional impervious cover that would be constructed in association with the full buildout of Delaware Springs Sections 1, 2, 3 and 4; and

Whereas, the preliminary plat of Delaware Springs Section 3 has been approved by City Council and during the construction plans development process the project's civil engineer discovered the stormwater detention facilities were insufficient to address the increase stormwater from a fully built out Delaware Springs Sections 1, 2, 3 and 4; and

Whereas, the inadequacy appears to be due in part to defects in design, construction, or both; and the application of updated precipitation frequency estimates data (NOAA ATLAS 14) that were unavailable at the time the plat for Delaware Springs Sections 1 and 2 was approved; and

Whereas, the Developer has requested he be allowed to proceed with the construction of utilities to serve Delaware Springs Section 3 before the City's approval of the construction plans; and

Whereas, City Council desires to work with the Developer to address the current inadequacies of the existing pond structure while the Developer addresses the additional run-off created by his development.

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

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

Section two. Authorization. The City Manager is hereby authorized to:

- (a) provide the Developer with a notice to proceed for the installation of utilities and roads within Delaware Springs Section 19, Phase III, at the Developer's sole risk. Such notice shall include a statement that the final plat for Phase III shall not be filed and approved until the City's consulting engineer verifies the construction plans comply with all of the City's regulatory requirements, including, but not limited to the drainage criteria manual and that such improvements for Phase III have been completed and installed, or a

- financial surety has been provided to ensure the improvements are completed; and
- (b) work with the City's consulting engineer, the project engineer and the developer to resolve the issues related to the inadequacy of the storm water detention facilities; and
 - (c) accept payment in the amount of \$12,800.00 from the Developer as a fee-in-lieu of tree mitigation required for Phase III subject to the following:
 - (1) such payment may be applied to the pond improvements to address deficiencies in the existing pond for storm water from Phases I and II of DS Section 19; and
 - (2) the Developer, at his sole option, may elect to mitigate tree removal in accordance with the City of Burnet Code of Ordinances or pay the fee-in-lieu provided for herein.

Section three. 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. This resolution shall take effect immediately upon its passage, and approval as prescribed by law.

PASSED AND APPROVED this the 11th day of January, 2022.

CITY OF BURNET, TEXAS

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary