



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 **22nd day of February 2022** at **6:00** p.m. in the City of Burnet Council Chambers located at 2402 S. Water Street (Hwy 281 South, Burnet Municipal Airport) 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:

PLEDGES (US & TEXAS):

1. SPECIAL REPORTS/RECOGNITION:

- 1.1) Commemorative Air Force Report: Kirk D. Noaker, Sr.
- 1.2) Burnet Chamber of Commerce Report: A. McKee
- 1.3) Burnet Economic Development Corporation Report: A. Feild
- 1.4) January 2022 Financial Report: P. Langford

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 February 8th, 2022, City Council Workshop Meeting Minutes

2.2) Approval of the February 8th, 2022, Regular City Council Meeting Minutes

3. PUBLIC HEARINGS/ACTION: None

4. ACTION ITEMS:

4.1) Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE AMENDING CITY CODE OF ORDINANCES CHAPTER 118 (ENTITLED “ZONING”) FOR THE PURPOSE OF AMENDING THE SINGLE-FAMILY RESIDENTIAL —DISTRICT "R-1" BY INCREASING THE MINIMUM LOT WIDTH REQUIREMENT TO 75-FEET AND INCREASING THE MINIMUM LOT SIZE TO 9000 SQUARE FEET: AND ESTABLISHING A NEW SINGLE-FAMILY RESIDENTIAL —DISTRICT "R-6" WITH MINIMUM LOT WIDTH REQUIREMENT OF 60-FEET AND MINIMUM LOT SIZE REQUIREMENT OF 7600 SQUARE FEET: H. Erkan

4.2) Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED “ZONING”) BY AMENDING SECTION 118-35 (ENTITLED “MULTI-FAMILY RESIDENTIAL—DISTRICT ‘R-3’”) BY INCREASING THE MAXIMUM STORIES TO THREE, CLARIFYING THE MAXIMUM UNITS PER ACRE ARE 20, AND AMENDING THE OPEN SPACES REQUIREMENTS: H. Erkan

4.3) 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 ADOPTING A NEW SECTION 118-63 (ENTITLED “MUNICIPAL GOLF COURSE VEGETATIVE BUFFER REQUIREMENTS”) THAT SHALL ESTABLISH A 25 FOOT BUFFER ZONE ON CERTAIN PROPERTIES ABUTTING THE MUNICIPAL GOLF COURSE: H. Erkan

4.4) 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 GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE USE OF AN “AIRPLANE HANGAR” IN A LIGHT COMMERCIAL - DISTRICT “C-1” FOR PROPERTY DESCRIBED AS 2802 S WATER STREET (LEGALLY DESCRIBED AS HIGHERPOWER SUBDIVISION, UNIT 1) PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

4.5) 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

GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE USE OF AN "AIRPLANE HANGAR" IN A LIGHT COMMERCIAL – DISTRICT "C-1" FOR PROPERTY DESCRIBED AS 3242 S WATER STREET (LEGALLY DESCRIBED AS FLIGHT LINE BOULEVARD SUBDIVISION, LOT 1D) PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

4.6) 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 GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE USE OF AN "AIRPLANE HANGAR" IN A LIGHT COMMERCIAL – DISTRICT "C-1" FOR PROPERTY DESCRIBED AS 3214 S WATER STREET (LEGALLY DESCRIBED AS FLIGHT LINE BOULEVARD SUBDIVISION, LOT 1C) PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

4.7) Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CHANGING THE NAME OF A SEGMENT OF ROAD BETWEEN U.S. ROUTE 281 AND ITS INTERSECTION OF DELAWARE SPRINGS BOULEVARD FROM OAK VISTA DRIVE TO DELAWARE SPRINGS BOULEVARD; AND PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES AND PROVIDING AN EFFECTIVE DATE: H. Erkan

4.8) Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AMENDING THE CODE OF ORDINANCES CHAPTER 1 (ENTITLED "GENERAL PROVISIONS"); SECTION 1-6 (ENTITLED "PENALTIES AND CREDIT CARD PROCESSING FEES") BY RENAMING AND RECODIFYING THE SECTION (TO BE ENTITLED "PENALTIES, CREDIT CARD PROCESSING FEES AND BAD CHECK FEES") AND ESTABLISHING A BAD CHECK FEE; PROVIDING FOR PENALTY, CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: H. Erkan

4.9) Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2021-31; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021, AND ENDING SEPTEMBER 30, 2022, FOR THE CITY OF BURNET, TEXAS, FUNDING ACCOUNTS IN BUDGET DUE TO UNFORESEEN SITUATIONS; CONTAINING FINDINGS; PROVIDING FOR SAVINGS AND SEVERABILITY: P. Langford

4.10) Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS,

AMENDING THE CODE OF ORDINANCES SECTION 110-148 (ENTITLED "ELECTRIC LINE EXTENSION POLICIES") AND SECTION 110-149 (ENTITLED "RELOCATING FACILITIES AND LINE CLEARANCE"); PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: H. Erkan

4.11) Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING SECTION 8.07 VACATION LEAVE, OF THE PERSONNEL POLICY MANUAL BY UPDATING AND CLARIFYING POLICY REQUIREMENTS: K. Sames

4.12) Discuss and consider action: Direction to staff regarding a petition for annexation of real property located north of the city limits and west of us route 281, being more particularly described as a 69.275-acre tract of land out of the John Hamilton Survey, No. 1, Abstract no 405, the Thomas Alley Survey No. 410, Abstract No. 35, and the Jose Maria Musquez Survey No. 1, Abstract No. 581, Burnet County, Texas; and authorizing the initiation of proceedings to annex the real property: H. Erkan

4.13) Discuss and consider action: Authorizing the City Manager to issue a purchase order for the acquisition of a 2022 John Deere 333G compact track loader and listed attachments through Sourcewell bid # 032119-JDC: M. Miller

4.14) Discuss and consider action: Authorizing the City Manager to issue a purchase order for the acquisition of a Komatsu WA200-8 wheel loader through HGACBuy, contract #EM06-19: M. Miller

4.15) Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AUTHORIZING THE ACCEPTANCE OF A DONATION OF FOURTEEN BALLISTIC HELMETS AND TWO BALLISTIC SHIELDS FROM MARILIE WALKER: B. Lee

4.16) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS APPROVING THREE PUBLIC UTILITY EASEMENTS LOCATED AT 1504, 1402 AND 1304 BUCHANAN DRIVE AND AUTHORIZING THE MAYOR TO EXECUTE SAID INSTRUMENT ON BEHALF OF THE CITY: A. Burdell

4.17) Discuss and consider action: City Code violations at the property located at 209 W. Jackson Street and provide direction to staff on how to proceed with enforcement action: B. Lee

4.18) Discuss and consider action: Authorizing the City Manager to execute a Release of Liability to the Commemorative Airforce (CAF) for the landing of an A-10 during the annual air show: A. Field

4.19) Discuss and consider action: Approval and authorization for the City Manager to execute a contract with KSA Engineering for professional services for the development of Minimum Standards for Commercial Aeronautical Activity and Airport Rules and Regulations (Guiding Documents): A. Field

4.20) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AUTHORIZING THE CITY MANAGER TO SUBMIT THE CITY OF BURNET EMERGENCY PREPAREDNESS PLAN TO TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR PLAN APPROVAL AND SUBSEQUENT IMPLEMENTATION: A. Burdell

4.21) Discuss and consider action: Acceptance of the 2021 Annual Traffic Stop Data Report: B. Lee

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 18th day of February 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 February 18, 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 of Burnet Council Chambers 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).



Christmas on the Square (Typical attendance: 10,000 people)

Expanded onto E. Jackson allowing us to accept nearly 20 additional vendors. (Raising about \$1000)

Good attendance by the public despite the cold weather.

Positive feedback from most vendors. A few felt that the cold and/or new system for Main Street Bethlehem tickets led to lower sales. Most vendors said they did very well though.

Board Strategic Planning Retreat (Jan 20) - First planning retreat since 2014.

Key focuses established:

- Create membership tiers based on well-defined benefits

- Create and publicize schedule of Chamber activities (major events and recurring meetings)

- Increase participation at events by having Chamber staff and board personally invite 5 people each

- Restart the Chamber ambassador program

- Increase collaboration with the City and EDC

- Relaunch quarterly Business After Hour networking events

Other outcomes sought:

- Add stories to website from local residents about why they live in Burnet.

- Revise by-laws so executive committee meets monthly. Full board meets quarterly.

Candidate Forum (Jan 27) - Chamber sponsored and helped publicize.

Annual Awards Banquet (Feb 12)

Attendance: 300 people. Raised ticket prices from \$30 to \$40. Found sponsors.

Banquet in 2020 lost \$5k. Banquet 2022 raised about \$4k despite higher food costs.

Bluebonnet Festival (April 8-10)

Record high sponsorships (\$79,700 sponsorship + \$1900 ads). Budget was \$55k.

Plan to have more signage for top sponsors at the event this year.

Increased vendor booth prices in January to offset a projected \$20k in increased expenses.

Expanding the food court slightly (raising an additional (\$1650).

Chamber Visibility

Changing signage on building so easier to read that it's the Chamber AND Visitors Center.

Notified Google that Chamber no longer has location on the Square.

Coffee & Conversation (March 22nd from 8-9 am at Reed Building)

Update on BCISD Athletics, UIL info, and student activity center. Free event for the business community.

PENDING. Bluebonnet Air Show – March 19

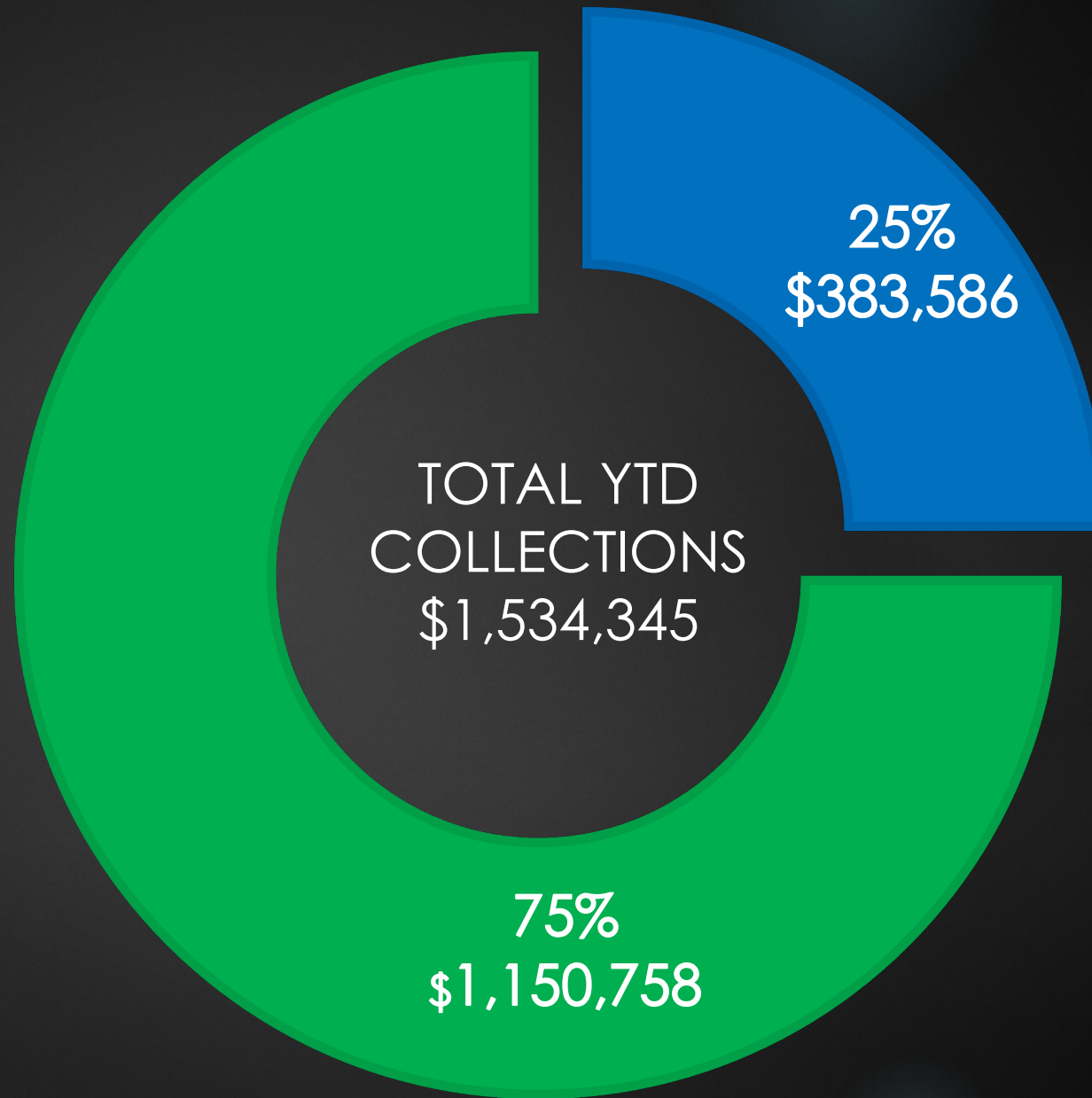
Give out visitor and Bluebonnet Festival info from the Chamber trailer.



SALES TAX COLLECTION COMPARISON(YTD)

■ Burnet EDC Fund

■ General Fund



SALES TAX COLLECTION COMPARISON(YTD)

	Current YTD	Prior YTD	Var over PY
Burnet EDC Fund	\$ 383,586	\$ 334,089	\$ 49,497
General Fund	1,150,758	1,002,267	148,492
Total	1,534,345	1,336,356	197,989

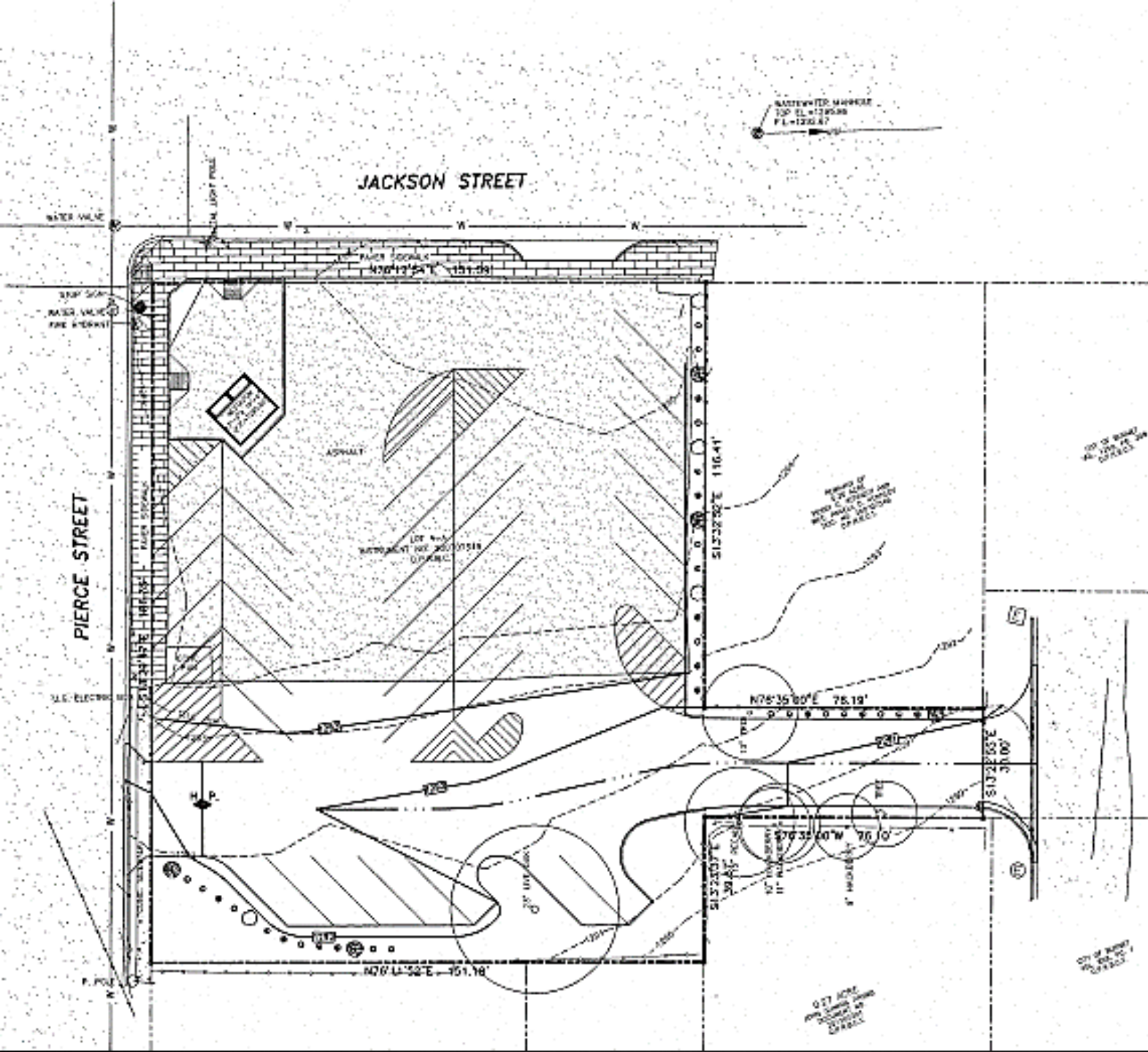


Texas Wine Lover®

BEDC Property

229 S PIERCE ST

► BADGER BUILDING



BEDC Property

305 S Pierce St

► PARKING LOT
AND PUBLIC
BATHROOM
FACILITY ON
SQUARE



The Crossings at 281

S HWY 281 (13 ACRES)

East Side Commercial Park

RICHARD SANDERS
PARKWAY (21 ACRES)





ICSC Conference

MARCH 30 – APRIL 1

**AT THE KAY BAILEY HUTCHISON CONVENTION
CENTER IN DALLAS, TEXAS.**

COVID-19 Emergency Loan Programs

- ▶ Provided \$277,700 in assistance to 54 local businesses
- ▶ 23 Businesses have already paid ½ of their loan balances
- ▶ Only 2 businesses out of the 54 are delinquent on their payments.

Workforce Network Inc.

- ▶ BEDC invested \$5,000 in FY 2021 and plans to increase their investment in FY 2022 to \$10,000.
- ▶ WNI improves access to post-secondary education and training right here where we live and work.
- ▶ \$2.28 Million Department of Labor Rural Healthcare Initiative Grant: Workforce Solutions Rural Capital Area (WSRCA) is the sole awardee in Texas and one of only eighteen awardees in the nation. The \$2.28M is designated specifically for Burnet, Llano, Blanco, and Lampasas counties.
- ▶ Staff has also been communicating with WNI on developing a CDL program.



Billboard Advertising

- ▶ Local Events
 - ▶ Bluebonnet Festival
 - ▶ Commemorative Air Force Bluebonnet Airshow
 - ▶ Summer Concert Series
 - ▶ Christmas in Burnet
- ▶ Other Ads
 - ▶ Hiring Ads
 - ▶ Delaware Springs Golf course



**CITY OF
BURNET**
FIRE/EMS DEPARTMENT

JOIN OUR TEAM

Fire Fighter/Paramedic Starting Salary: \$68,000 - \$82,000

Visit www.cityofburnet.com/JoinOurTeam today!



**CITY OF
BURNET**
POLICE DEPARTMENT

JOIN OUR TEAM

Patrol Officer Starting Salary: \$58,700 - \$71,000

Visit www.cityofburnet.com/JoinOurTeam today!

**BLUEBONNET
AIRSHOW**

**MARCH 19
BURNET, TX**

BluebonnetAirshow.com





Summer Concert Series

What's
coming
up...

- ▶ Redesign of BEDC Website

The background of the slide is a dark, textured surface covered with numerous 3D question marks. The question marks are rendered in a dark gray color with a slight metallic or glossy finish, giving them a three-dimensional appearance. They are scattered across the entire frame, some appearing larger and more prominent than others. In the top right corner, there is a solid white vertical rectangular bar.

Questions?



CITY OF BURNET

FINANCIAL REPORT

FYTD JANUARY 2022

Bluebonnet Capital of Texas - Lakes, Hills, History

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	CITY OF BURNET FYTD JANUARY FINANCIAL SUMMARY	FY 2022
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GENERAL FUND

The General Fund is showing a year-to-date profit of \$1,411,053 which is better than expected for this time mainly because of strong revenue collections.

The General Fund's primary revenues include:

- **Property tax collections** - on track with our budget target for this time at 73% and have increased by over \$144,000 compared to last year.
- **Sales tax collections** - have continued to trend upward. They have increased by over 15% or almost \$124,000 compared to last year and are tracking above budget by almost \$84,000.
- **EMS transport collections** - have increased by almost \$170,000 compared to last year and are tracking above budget by over \$88,000.
- **Transfers In from other funds** - on track with our budget target for this time at 31% and have increased by almost \$16,000 compared to last year.

The General Fund expenditures in total are on track for this time at 34% of budget.

GOLF COURSE

The Golf Course is showing a year-to-date profit of \$148,879 which is a \$56,473 improvement over this time last year.

Revenues are tracking higher than expected mainly because the Green Fee/Cart Rental revenues have continued to increase. The number of Green Fee Rounds played is running consistent with last year, but the Green Fee "Revenue per Round" has increased from \$31.98 to \$37.83. Compared to this time last year Green Fee/Cart Rental revenues have increased by almost \$41,000.

Expenses in total are on track for this time at 34% of budget.

ELECTRIC FUND

The Electric fund is showing a year-to-profit of \$34,488. Both revenues and expenses are on track with the budget for this time of year and year-to-date consumption is running consistent with last year.



CITY OF BURNET FYTD JANUARY FINANCIAL SUMMARY

FY 2022

WATER/WASTEWATER

The Water/Wastewater fund is showing a year-to-date profit of \$226,590.

In total revenues are on track with the budget for this time. Water sales and consumption have decreased slightly from last year, but Wastewater sales have increased.

Expenses in total are tracking slightly below budget for this time and that is mainly because of savings in personnel costs.

AIRPORT

The Airport Fund is showing a year-to-date profit of \$67,047 and both revenues and expenses are tracking well with the budget for this time.

Compared to last year, Avgas gallons sold have increased by almost 28% and jet gallons sold have increased by 82%.

UNRESTRICTED CASH RESERVES

Total unrestricted cash for the City as of January 31st was \$8,812,733. That is \$4,590,733 above our 90-day required reserve amount.

In addition to the unrestricted cash balance, the City has \$3,413,113 remaining in accounts that are "restricted by council". Those accounts include the self-funded equipment reserve, capital equipment reserve, LCRA credit reserve, and the \$793,680 received from the American Rescue Plan.

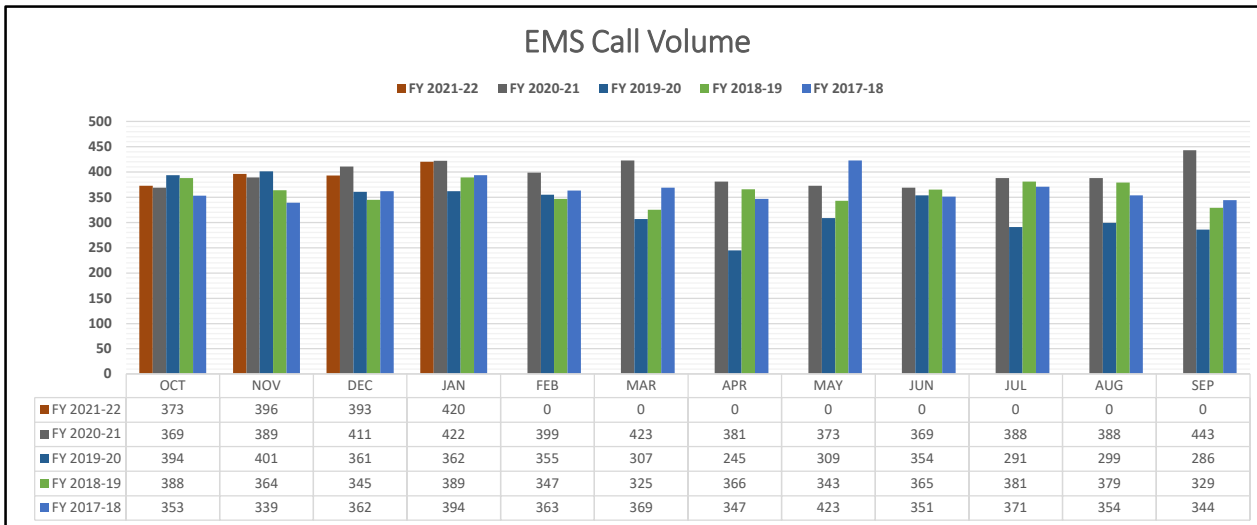
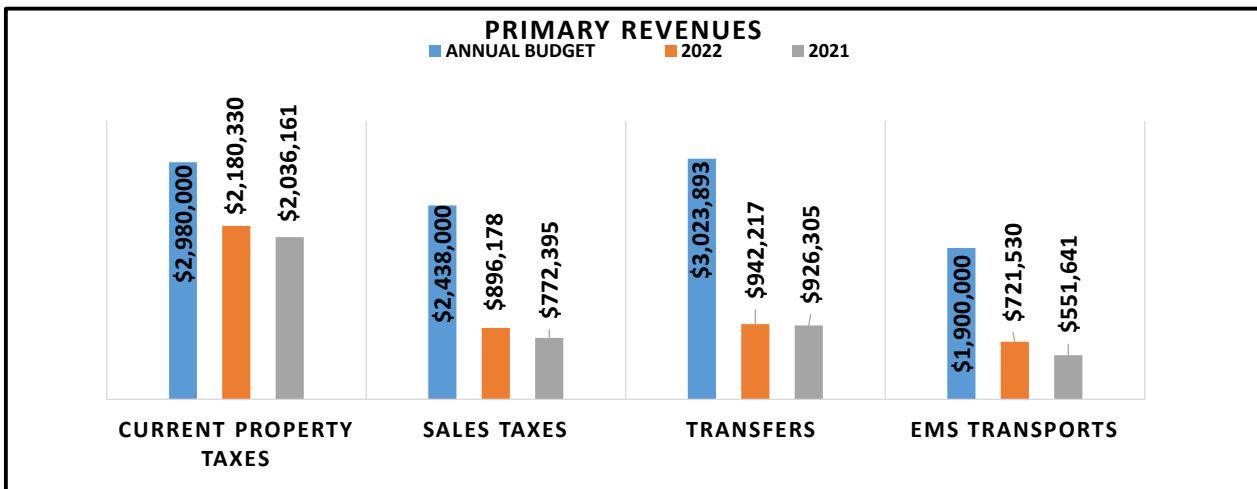
As of January 31, 2022, the City has \$2,688,721 remaining in capital projects to be funded from the unrestricted cash reserves.

GENERAL FUND DASHBOARD

FYTD January 2022

CURRENT RESULTS COMPARISON

	ANNUAL BUDGET	ACTUAL FYTD Jan 2022	% OF BUDGET	PY BUDGET 2020 -2021	ACTUAL FYTD Jan 2021	% OF BUDGET
REV (net of cogs/tourn exp)	\$ 13,098,563	\$ 5,709,075	44%	\$ 11,834,714	\$ 5,213,726	44%
EXPENSES	12,641,112	4,298,022	34%	11,488,859	3,991,733	35%
PROFIT (LOSS)	\$ 457,451	\$ 1,411,053		\$ 345,855	\$ 1,221,994	



	Transports
FYTD 2022	1,582
FYTD 2021	1,591
Increase (Decrease)	(9)

City of Burnet, Texas
General Fund
Revenues, Expenditures, and Changes in Fund Balance - Budget and Actual (Unaudited)
FYTD January 2022

33.33% of year complete

	ANNUAL BUDGET 2021-2022	ACTUAL FYTD Jan 2022	% OF BUDGET	PY BUDGET 2020 -2021	PY ACTUAL FYTD Jan 2021	% OF BUDGET
REVENUE						
Ad valorem taxes	\$ 2,980,000	\$ 2,180,330	73%	\$ 2,820,000	\$ 2,036,161	72%
Sales taxes	2,438,000	896,178	37%	1,997,573	772,395	39%
Allocation Transfers	3,023,893	942,217	31%	2,936,301	926,305	32%
EMS Transports	1,900,000	721,530	38%	1,620,000	551,641	34%
Franchise and other taxes	155,000	28,045	18%	155,000	37,485	24%
Court Fines and Fees	130,000	42,166	32%	115,000	33,900	29%
Grants & Donations	10,200	9,058	89%	10,200	113,390	1112%
Licenses & Permits	132,200	63,409	48%	80,700	29,557	37%
Charges for Services	2,199,595	725,772	33%	1,960,640	638,985	33%
Other Revenue	129,675	100,368	77%	139,300	73,908	53%
Use of Fund Balance	2,028,500	460,380	23%	1,668,347	228,739	14%
Total Revenue	\$ 15,127,063	\$ 6,169,454	41%	\$ 13,503,061	\$ 5,442,465	40%
<i>Total Revenue less fund balance</i>	<i>\$ 13,098,563</i>	<i>\$ 5,709,075</i>	<i>44%</i>	<i>\$ 11,834,714</i>	<i>\$ 5,213,726</i>	<i>44%</i>
EXPENDITURES						
Personnel Services	\$ 8,251,268	\$ 2,708,122	33%	\$ 7,370,773	\$ 2,592,992	35%
Supplies & Materials	456,150	176,320	39%	427,850	123,222	29%
Repairs & Maint	507,200	154,876	31%	426,420	155,592	36%
Contractual Services	2,080,259	731,834	35%	1,959,812	674,267	34%
Other Designated Expenses	589,559	299,685	51%	560,930	239,822	43%
Transfers to Self-funded	486,909	162,302	33%	441,600	147,200	33%
Transfers to Golf Admin & Subsidy	269,767	64,882	24%	301,474	58,637	19%
Sub-total	\$ 12,641,112	\$ 4,298,022	34%	\$ 11,488,859	\$ 3,991,733	35%
CAPITAL/OTHER EXP (USES OF FUND BAL)						
Transfers - Capital/Other Uses of FB	2,028,500	460,380	23%	\$ 1,668,347	\$ 227,739	14%
	\$ 2,028,500	\$ 460,380	23%	\$ 1,668,347	\$ 227,739	14%
Total Expenditures	\$ 14,669,612	\$ 4,758,401	32%	\$ 13,157,206	\$ 4,219,471	32%
<i>Total Expenditures less Capital/Other</i>	<i>\$ 12,641,112</i>	<i>\$ 4,298,022</i>	<i>34%</i>	<i>\$ 11,488,859</i>	<i>\$ 3,991,733</i>	<i>35%</i>
NET CHANGE IN FUND BALANCE	\$ 457,451	\$ 1,411,053		\$ 345,855	\$ 1,222,994	

KEY VARIANCES - BUDGET vs ACTUAL (33% of Year Complete)

Revenues

- The bulk of property taxes are collected in December and January of each year.
- Grant revenues are tracking higher than expected because we received \$7,864 from FEMA related to reimbursements from the 2018 flood that the City partnered with the County on.
- Other Revenues are tracking higher than expected because we received \$43,382 in delinquent field rental fees from the YMCA.
- Use of Fund Balance offsets Transfers to Capital/Other Exp, therefore the net impact of these adjustments is zero.

Expenditures

- See Expenditures by Department/Category for more detail.

City of Burnet, Texas
General Fund
Expenditures by Department/Category
FYTD January 2022

33.33% of year complete

	ANNUAL BUDGET 2021-2022	ACTUAL FYTD Jan 2022	% OF BUDGET	PY BUDGET 2020 -2021	PY ACTUAL FYTD Jan 2021	% OF BUDGET
Expenditures (Less transfers to capital/other)						
City Council						
Supplies & Materials	\$ 1,000	\$ 99	10%	\$ 1,200	\$ 32	3%
Repairs & Maint	1,000	274	27%	1,000	428	43%
Contractual Services	6,720	2,182	32%	6,620	3,241	49%
Other Designated Expenses	5,575	18,852	338%	7,000	294	4%
Total Expenditures	14,295	21,407	150%	15,820	3,995	25%
General Administration						
Personnel Services	1,168,369	375,944	32%	1,005,400	358,783	36%
Supplies & Materials	27,000	6,958	26%	36,000	8,348	23%
Repairs & Maint	80,000	24,405	31%	78,000	24,067	31%
Contractual Services	236,995	96,227	41%	231,341	91,247	39%
Other Designated Expenses	398,234	179,886	45%	375,730	163,275	43%
Transfers to Golf Admin & Subsidy	269,767	64,882	24%	301,474	58,637	19%
Total Expenditures	2,180,365	748,301	34%	2,027,945	704,358	35%
Municipal Court						
Personnel Services	70,974	20,571	29%	34,109	12,615	37%
Supplies & Materials	750	442	59%	750	145	19%
Repairs & Maint	8,500	51	1%	5,500	1,516	28%
Contractual Services	14,800	5,449	37%	15,050	4,826	32%
Other Designated Expenses	4,350	1,335	31%	4,350	1,182	27%
Total Expenditures	99,374	27,847	28%	59,759	20,284	34%
Police/Animal Shelter/K-9						
Personnel Services	2,179,249	627,124	29%	2,003,758	692,942	35%
Supplies & Materials	111,500	35,286	32%	96,500	30,317	31%
Repairs & Maint	116,800	19,576	17%	80,420	37,336	46%
Contractual Services	203,000	80,139	39%	192,819	74,624	39%
Other Designated Expenses	66,000	41,259	63%	73,750	26,784	36%
Transfers to Self-funded	196,567	65,522	33%	136,806	45,602	33%
Total Expenditures	2,873,116	868,907	30%	2,584,053	907,605	35%
Fire/EMS						
Personnel Services	3,263,222	1,213,247	37%	2,999,966	1,094,410	36%
Supplies & Materials	194,500	79,485	41%	175,300	58,400	33%
Repairs & Maint	144,000	71,906	50%	118,000	55,679	47%
Contractual Services	309,150	97,656	32%	269,260	82,659	31%
Other Designated Expenses	49,000	21,506	44%	45,700	26,036	57%
Transfers to Self-funded	254,786	84,929	33%	289,004	96,335	33%
Total Expenditures	4,214,658	1,568,728	37%	3,897,230	1,413,519	36%
Streets						
Personnel Services	698,233	211,291	30%	571,925	173,596	30%
Supplies & Materials	41,500	25,372	61%	47,500	7,298	15%
Repairs & Maint	77,400	14,663	19%	70,000	24,303	35%
Contractual Services	8,500	2,627	31%	7,000	4,735	68%
Other Designated Expenses	2,350	929	40%	2,350	94	4%
Transfers to Self-funded	9,021	3,007	33%	-	-	-
Total Expenditures	837,004	257,889	31%	698,775	210,026	30%
City Shop						
Personnel Services	76,326	27,216	36%	73,364	28,121	38%
Supplies & Materials	14,000	3,363	24%	14,000	3,577	26%
Repairs & Maint	13,000	1,449	11%	10,500	3,571	34%
Contractual Services	6,700	2,297	34%	6,700	2,278	34%
Other Designated Expenses	5,050	1,139	23%	5,050	2,421	48%
Total Expenditures	115,076	35,465	31%	109,614	39,968	36%
Sanitation						
Contractual Services	921,194	308,980	34%	881,822	293,724	33%
Other Designated Expenses	25,000	646	3%	20,000	8,207	41%
Total Expenditures	946,194	309,626	33%	901,822	301,931	33%

City of Burnet, Texas
General Fund
Expenditures by Department/Category
FYTD January 2022

33.33% of year complete						
	ANNUAL BUDGET 2021-2022	ACTUAL FYTD Jan 2022	% OF BUDGET	PY BUDGET 2020 -2021	PY ACTUAL FYTD Jan 2021	% OF BUDGET
Expenditures (Less transfers to capital/other)						
Parks						
Personnel Services	502,241	151,221	30%	415,027	138,068	33%
Supplies & Materials	62,500	24,494	39%	52,500	13,865	26%
Repairs & Maint	57,250	20,615	36%	52,750	8,474	16%
Contractual Services	133,700	27,124	20%	130,700	41,000	31%
Other Designated Expenses	6,000	1,415	24%	7,000	4,633	66%
Transfers to Self-funded	26,535	8,845	33%	15,790	5,263	33%
Total Expenditures	788,226	233,714	30%	673,767	211,303	31%
Galloway Hammond						
Repairs & Maint	5,000	-	0%	5,000	-	0%
Contractual Services	100,000	33,333	33%	100,000	33,333	33%
Total Expenditures	105,000	33,333	32%	105,000	33,333	32%
Development Services						
Personnel Services	292,654	81,508	28%	267,224	94,457	35%
Supplies & Materials	3,400	820	24%	4,100	1,239	30%
Repairs & Maint	4,250	1,936	46%	5,250	218	4%
Contractual Services	139,500	75,821	54%	118,500	42,601	36%
Other Designated Expenses	28,000	32,718	117%	20,000	6,894	34%
Total Expenditures	467,804	192,804	41%	415,074	145,410	35%
TOTAL EXPENDITURES	\$ 12,641,112	\$ 4,298,022	34%	\$ 11,488,859	\$ 3,991,733	35%

KEY VARIANCES - BUDGET vs ACTUAL (33% of Year Complete)

Expenditures

- Council Designated Expenses include "travel and training" in the amount of \$3,850 for TML which was held in October, and it includes purchases of small capital equipment (council laptops and camera equipment for council meetings) in the amount of \$14,224.76 which were not budgeted.
- Admin other designated expenses are tracking higher than the average because of timing differences but are on track with target for the period. Included in this category are the Christmas Party expenses which were paid in full in December and Insurance which is paid in advance quarterly.
- Police Other Designated Expenses are tracking higher than the average because of the timing of the purchase of non-capital equipment and travel and training. Ballistic vests were purchased in October and additional weapons were purchased in November. Officers attended several trainings and programs in October including Police Week (honoring Jose Meza), Sergeant Academy, FTO training, and Detective school.
- Fire/EMS Repairs and Maintenance are tracking higher than average mainly because they had to replace a Water Heater at Station 1, they paid for their annual Fire reporting software maintenance in full in December, and had repairs to Engine 2 in the first quarter.
- Street Supplies and Materials are tracking higher than average because of the purchase of new Traffic control signs in October, an increase in Fuel costs mainly from hauling base to Rhomberg and Cemetery, and the purchase of salt supplies in January for icy roads.
- Development Services Other Designated Expenses include abatements which are tracking higher than expected due to a large clean up of a residence; and in addition, they include the purchase of a new plotter for the department.

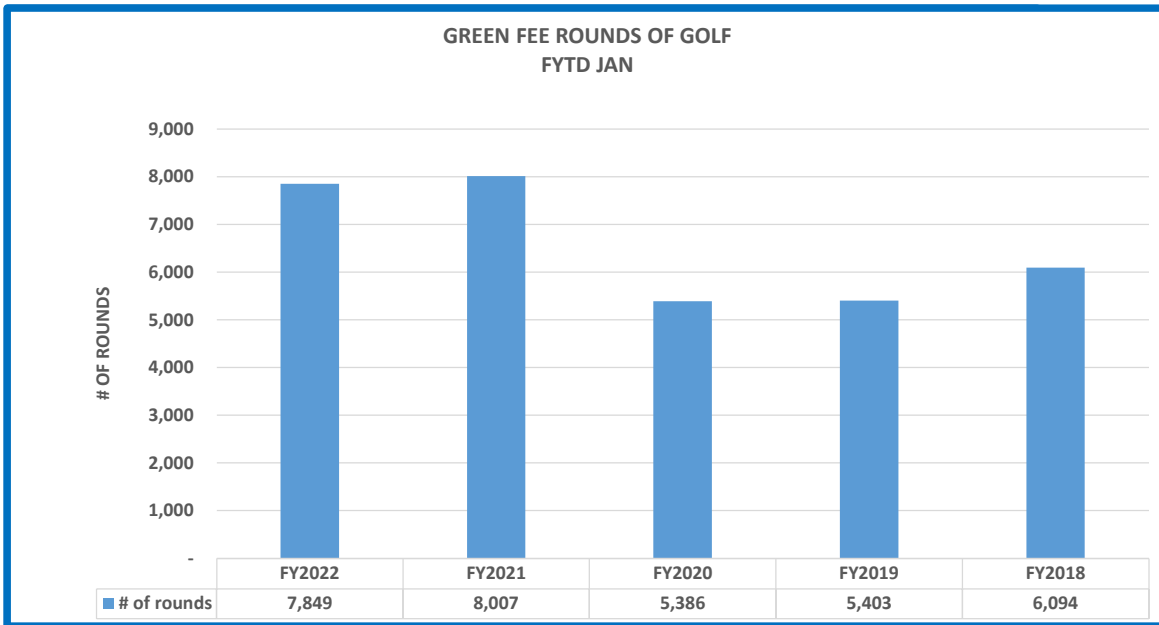
GOLF COURSE FUND DASHBOARD

FYTD January 2022

CURRENT RESULTS COMPARISON

	ANNUAL BUDGET	ACTUAL FYTD Jan 2022	% OF BUDGET	PY BUDGET 2020-2021	ACTUAL FYTD Jan 2021	% OF BUDGET
REV (net of cogs/tourn exp)	\$ 1,470,651	\$ 684,961	47%	\$ 1,325,684	\$ 641,431	48%
EXPENSES	1,562,218	536,082	34%	1,460,821	549,025	38%
PROFIT (LOSS)	\$ (91,567)	\$ 148,879		\$ (135,137)	\$ 92,406	

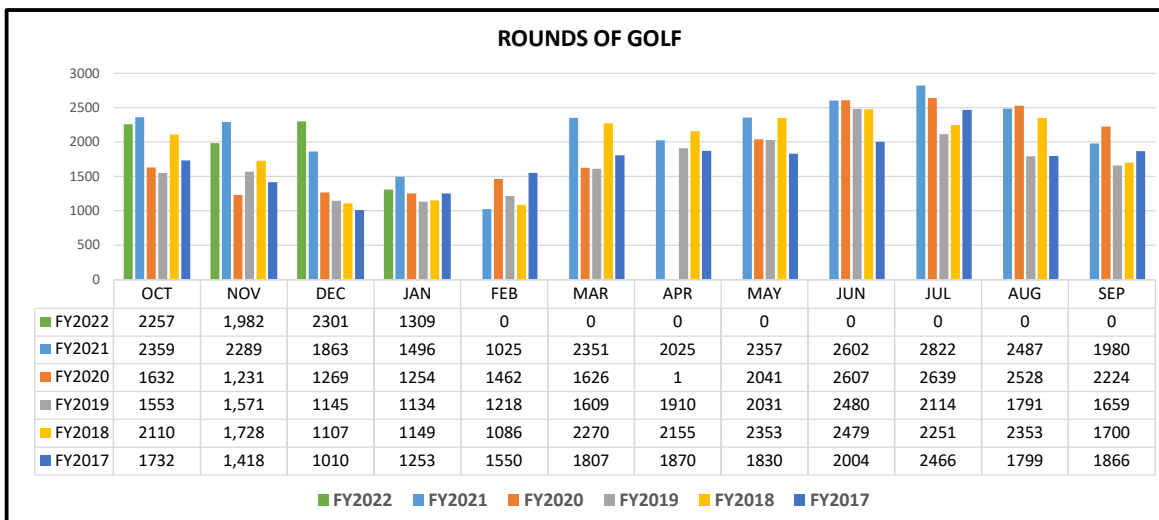
TABLES/CHARTS



Rounds of Golf*

OCT - JAN
2021-2022
7,849
2020-2021
8,007
OVER (UNDER)
(158)
-1.97%

*Does not include annual dues or tournament rounds played.



Notes:

April of 2020 golf course was closed for the month due to the Covid Pandemic.

Feb of 2021 golf course was closed for 11 days because of Severe Winter Storm.

City of Burnet, Texas
Golf Fund (Delaware Springs)
Revenues, Expenses, and Changes in Fund Net Position - Budget and Actual (Unaudited)
FYTD January 2022

	33.33% of year complete					
	ANNUAL BUDGET 2021-2022	ACTUAL FYTD Jan 2022	% OF BUDGET	PY BUDGET 2020-2021	PY ACTUAL FYTD Jan 2021	% OF BUDGET
Revenues						
Charges for Services:						
Green Fees/Cart Rentals	\$ 696,600	\$ 296,952	43%	\$ 559,000	\$ 256,043	46%
Annual Charges	224,000	171,975	77%	218,000	173,991	80%
Net Tournament Fees	112,000	44,498	40%	110,000	29,024	26%
Driving Range	53,000	18,934	36%	53,000	18,458	35%
Net Charges for Services	1,085,600	532,359	49%	940,000	477,516	51%
Pro Shop Merchandise Sales (Net)	48,750	21,794	45%	47,000	13,284	28%
Snack Bar Sales (Net)	129,600	45,357	35%	109,500	34,557	32%
Transfer from GF (Admin/Use of FB)	192,701	76,706	40%	219,684	111,984	51%
Other Revenue	14,000	8,746	62%	9,500	4,089	43%
Total Revenues	1,470,651	684,961	47%	1,325,684	641,431	48%
Expenses						
Personnel Services	924,829	330,892	36%	896,092	343,914	38%
Supplies & Materials	119,050	32,113	27%	107,300	44,910	42%
Repairs & Maint	82,500	18,201	22%	67,950	27,547	41%
Contractual Services	59,000	20,748	35%	61,500	17,723	29%
Other Designated Expenses	45,050	18,051	40%	43,750	17,996	41%
Transfers to Self-funded	153,588	51,196	33%	117,892	39,297	33%
Admin Allocation	178,201	64,882	36%	166,337	57,637	35%
Total Expenses	1,562,218	536,082	34%	1,460,821	549,025	38%
Change in Net Position	(91,567)	148,879		(135,137)	92,406	
Operating Subsidy from General Fund	91,567	-		135,137	-	
Net Position	-	148,879		-	92,406	
Green Fee Rounds	21,500	7,849			8,007	
Green Fee Rev Per Round	\$ 32.40	\$ 37.83			\$ 31.98	

KEY VARIANCES - BUDGET vs ACTUAL (33% of Year Complete)

Revenues

- The bulk of Annual Charges which include pre-paid green fees, trail fees, annual cart rental and storage are collected in October each year.
- Transfer from GF is used to offset the admin allocation and includes an additional transfer from fund balance to cover the final payouts to retirees. In the current year the transfer for payouts was \$11,824; in the py the transfer was \$54,347.

Expenses

- Other designated expenses include credit card service charges which are tracking higher than normal for this time because of increased sales revenues.

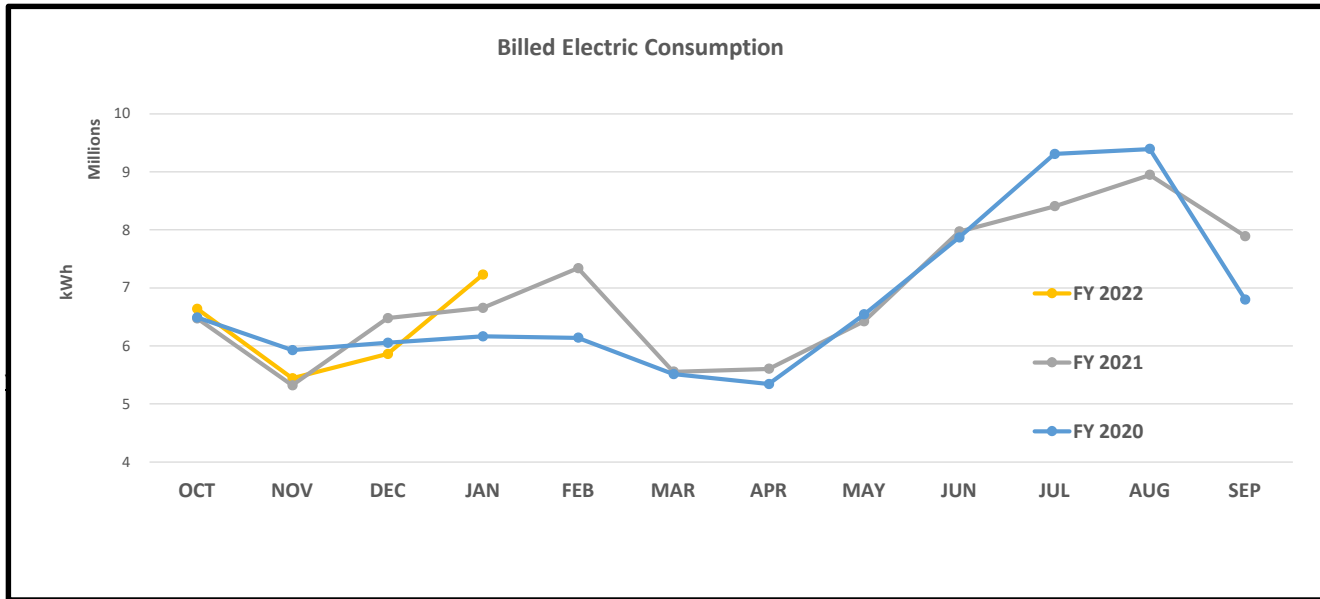
ELECTRIC FUND DASHBOARD

FYTD January 2022

CURRENT RESULTS COMPARISON

	ANNUAL BUDGET	ACTUAL FYTD Jan 2022	% OF BUDGET	PY BUDGET 2020-2021	ACTUAL FYTD Jan 2021	% OF BUDGET
REV (net of cogs/tourn exp)	\$ 4,034,144	\$ 1,219,365	30%	\$ 4,012,175	\$ 1,195,181	30%
EXPENSES	3,635,322	1,184,876	33%	3,625,824	1,145,839	32%
PROFIT (LOSS)	\$ 398,822	\$ 34,488		\$ 386,351	\$ 49,342	

TABLES/CHARTS



FYTD 2022	25,174,450
FYTD 2021	24,931,751
ytd variance	242,699
% variance	0.97%

City of Burnet, Texas
Electric Fund
Revenues, Expenses, and Changes in Fund Net Position - Budget and Actual (Unaudited)
FYTD January 2022

33.33% of year complete										
	ANNUAL BUDGET 2021-2022		ACTUAL FYTD Jan 2022		% OF BUDGET		PY BUDGET 2020-2021	PY ACTUAL FYTD Jan 2021	% OF BUDGET	
REVENUES										
Electric Sales	\$	9,000,000	\$	2,851,351			\$	8,816,400	\$	2,668,000
Less Cost of Power		5,166,000		1,694,300				4,959,225		1,516,227
Net Electric Sales		3,834,000		1,157,051	30%			3,857,175		1,151,773
Penalties		85,000		28,040	33%			85,000		28,462
Pole Rental		47,000		-	0%			47,000		32
Credit Card Convenience Fees		45,144		4,137	9%			-		-
Other Revenue		23,000		30,138	131%			23,000		14,914
Use of Fund Balance		230,000		21,446	9%			75,000		-
Total Revenue	\$	4,264,144	\$	1,240,810	29%		\$	4,087,175	\$	1,195,181
Total Revenue less fund balance	\$	4,034,144	\$	1,219,365	30%		\$	4,012,175	\$	1,195,181
EXPENSES										
Personnel Services		1,000,827		317,171	32%		\$	937,909		321,614
Supplies & Materials		51,000		18,576	36%			44,000		12,752
Repairs & Maint		180,000		66,451	37%			208,000		45,989
Contractual Services		133,900		68,373	51%			137,700		64,788
Other Designated Expenses		87,714		28,988	33%			91,810		29,322
Capital Outlay		35,000		13,064	37%			35,000		3,252
Transfers to Debt Service		49,350		16,450	33%			51,740		17,247
Transfers to Self-funded		19,780		6,593	33%			32,999		11,000
Return on Investment		1,639,441		503,489	31%			1,665,263		498,639
Admin Allocation		409,541		136,857	33%			394,000		131,243
Shop Allocation		28,769		8,866	31%			27,403		9,992
Transfer to Capital		230,000		21,446	9%			75,000		-
Total Expenses	\$	3,865,322	\$	1,206,322	31%		\$	3,700,824	\$	1,145,839
Total Expenses less xfers to capital	\$	3,635,322	\$	1,184,876	33%		\$	3,625,824	\$	1,145,839
Change in Net Position	\$	398,822	\$	34,488			\$	386,351	\$	49,342

KEY VARIANCES - BUDGET vs ACTUAL (33% of Year Complete)

Revenues

- Pole Rental Charges are typically invoiced in February and received in March.
- Credit Card Convenience fees were not implemented until January 1, 2022.
- Other Revenues are tracking higher than expected because of the connect fees received from new subdivision - PepperMill Phase III.
- Use of Fund Balance offsets Transfers to Capital/Other Exp, therefore the net impact of these adjustments is zero.

Expenses

- Repairs and Maint are tracking slightly higher than average because of inventory corrections made in October.
- Contractual Services are tracking above the straight lined average of 33% because they include the interlocal agreements with local nonprofits.
The majority of one-time contributions to local nonprofits were paid in October and November.
- Capital Outlay includes purchase of Christmas Decorations. Balance was spent in November to purchase new "Merry Christmas" sign and snowflake ornament lights.

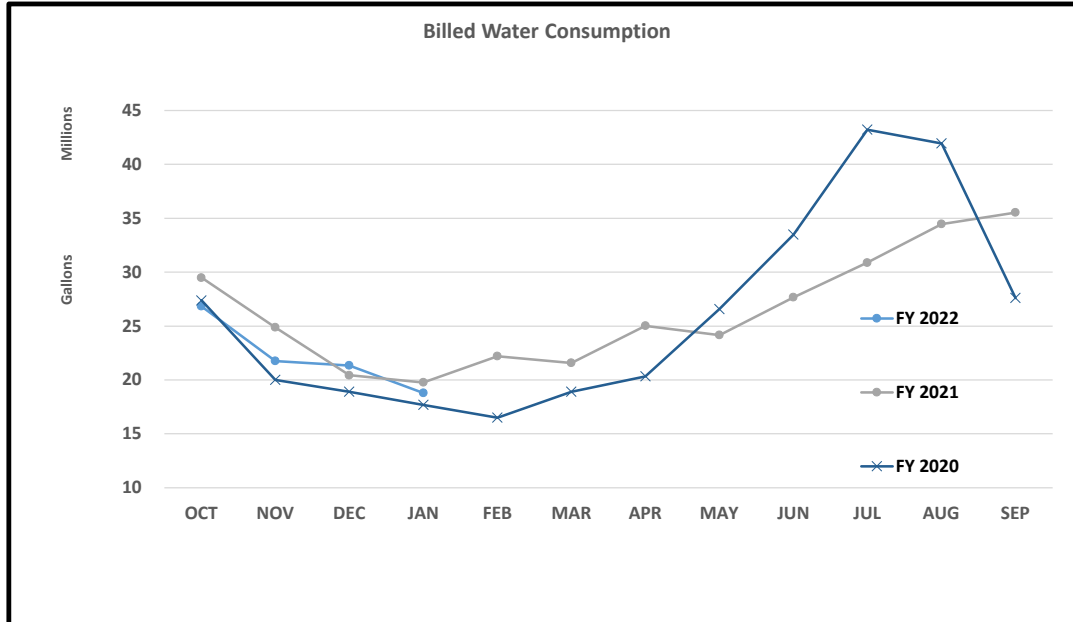
WATER/WW FUND DASHBOARD

FYTD January 2022

CURRENT RESULTS COMPARISON

	ANNUAL BUDGET	ACTUAL FYTD Jan 2022	% OF BUDGET	PY BUDGET 2020-2021	ACTUAL FYTD Jan 2021	% OF BUDGET
REV (net of cogs/tourn exp)	\$ 4,500,420	\$ 1,419,868	32%	\$ 4,265,500	\$ 1,410,731	33%
EXPENSES	4,039,275	1,193,277	30%	3,868,980	1,277,474	33%
PROFIT (LOSS)	\$ 461,145	\$ 226,590		\$ 396,520	\$ 133,257	

TABLES/CHARTS



Billed Consumption in gallons:

FYTD 2022	88,708,250
FYTD 2021	94,543,310
Variance	(5,835,060)
% variance	-6.17%

City of Burnet, Texas
Water/Wastewater Fund
Revenues, Expenses, and Changes in Fund Net Position - Budget and Actual (Unaudited)
FYTD January 2022

33.33% of year complete												
	ANNUAL BUDGET 2021-2022			ACTUAL FYTD Jan 2022		% OF BUDGET	PY BUDGET 2020-2021			PY ACTUAL FYTD Jan 2021		% OF BUDGET
REVENUE												
Water Sales	\$	2,400,000	\$	740,257	31%		\$	2,300,000	\$	759,785	33%	
Wastewater Sales		1,920,000		633,571	33%			1,840,000		613,997	33%	
Penalties		46,000		14,596	32%			46,000		15,412	34%	
Water/Sewer Connects		30,000		25,600	85%			30,000		7,800	26%	
Credit Card Convenience Fees		19,920		2,228	11%			-		-		
Other Revenue		9,500		3,616	38%			9,500		13,737	145%	
Use Impact Fees		75,000		-	0%			40,000			0%	
Use of Fund Balance		1,135,000		226,500	20%			35,000		13,464	38%	
Total Revenue	\$	5,635,420	\$	1,646,368	29%		\$	4,300,500	\$	1,424,194	33%	
Total Revenue less fund balance	\$	4,500,420	\$	1,419,868	32%		\$	4,265,500	\$	1,410,731	33%	
EXPENSES												
Personnel Services		1,274,566		346,749	27%		\$	1,104,176		378,387	34%	
Supplies & Materials		171,750		48,411	28%			153,750		58,308	38%	
Repairs & Maint		409,500		75,991	19%			416,500		120,365	29%	
Contractual Services		317,500		111,897	35%			328,500		102,140	31%	
Cost of Water		70,000		18,470	26%			70,000		26,082	37%	
Other Designated Expenses		105,474		40,275	38%			127,942		30,078	24%	
Transfers to Debt Service		944,764		315,138	33%			976,759		325,586	33%	
Transfers to Self-funded		73,692		24,564	33%			68,504		22,835	33%	
In Lieu of Taxes		354,034		113,411	32%			338,040		112,873	33%	
Admin Allocation		289,227		84,091	29%			257,405		90,828	35%	
Shop Allocation		28,768		8,866	31%			27,404		9,992	36%	
Capital Outlay		-		5,414				-		-	0%	
Transfer to Capital		1,135,000		226,500	20%			35,000		13,464	38%	
Total Expenses	\$	5,174,275	\$	1,419,777	27%		\$	3,903,980	\$	1,290,938	33%	
Total Expenses less Transfers to Capital	\$	4,039,275	\$	1,193,277	30%		\$	3,868,980	\$	1,277,474	33%	
Change in Net Position	\$	461,145	\$	226,590			\$	396,520	\$	133,257		

KEY VARIANCES - BUDGET vs ACTUAL (33% of Year Complete)

Revenues

- Water/Sewer Connects are tracking higher than expected because of the fees received from new subdivision - PepperMill Phase III.
- Credit Card Convenience fees were not implemented until January 1, 2022.
- Use of Impact fees will be transferred mid-year after the majority of Impact fees have been collected.
- Use of Fund Balance offsets Transfers to Capital/Other Exp, therefore the net impact of these adjustments is zero.

Expenses

- Capital Outlay includes the purchase and installation of new ac/heater in the amount \$5,414 for the Eagle's Nest pump station.

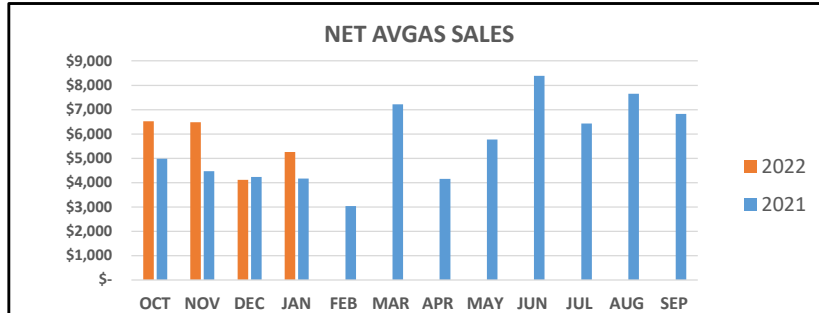
AIRPORT FUND DASHBOARD

FYTD January 2022

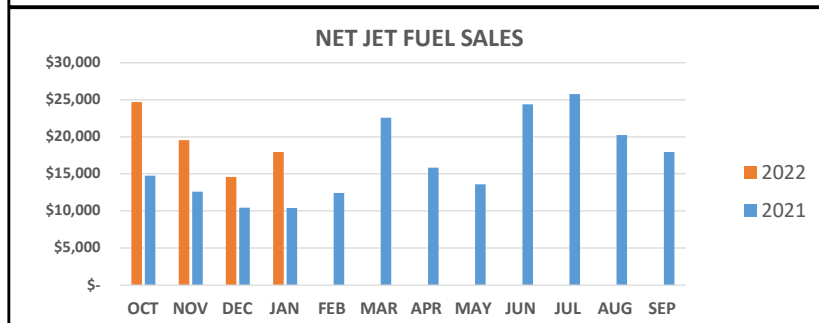
CURRENT RESULTS COMPARISON

	ANNUAL BUDGET	ACTUAL FYTD Jan 2022	% OF BUDGET	PY BUDGET 2020-2021	ACTUAL FYTD Jan 2021	% OF BUDGET
REV (net of cogs/tourn exp)	\$ 428,729	\$ 165,552	39%	\$ 348,154	\$ 133,605	38%
EXPENSES	276,330	98,505	36%	254,295	87,024	34%
PROFIT (LOSS)	\$ 152,399	\$ 67,047		\$ 93,859	\$ 46,580	

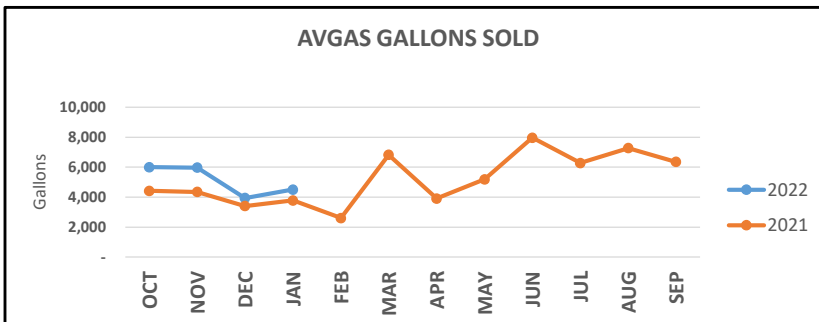
TABLES/CHARTS



	FYTD 2022	FYTD 2021
AvSales	\$ 98,797	\$ 58,478
Av Purchases	76,403	40,591
Profit	\$ 22,395	\$ 17,887
%	22.67%	30.59%

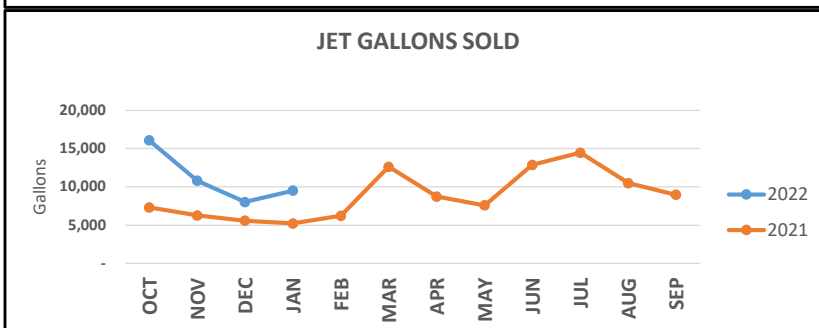


	FYTD 2022	FYTD 2021
Jet Sales	\$ 194,809	\$ 86,726
Jet Purchases	118,043	38,519
Profit	\$ 76,765	\$ 48,207
%	39.41%	55.59%



Avgas Gallons Sold:

FYTD 2022	20,426
FYTD 2021	15,980
Increase(decrease)	4,446
	27.82%



Jet Gallons Sold:

FYTD 2022	44,461
FYTD 2021	24,404
Increase(decrease)	20,057
	82.19%

City of Burnet, Texas
Airport Fund
Revenues, Expenses, and Changes in Fund Net Position - Budget and Actual (Unaudited)
FYTD January 2022

33.33% of year complete						
	ANNUAL BUDGET 2021-2022	ACTUAL FYTD Jan 2022	% OF BUDGET	PY BUDGET 2020-2021	PY ACTUAL FYTD Jan 2021	% OF BUDGET
REVENUE						
Av Gas Sales	\$ 233,000	\$ 98,797		\$ 170,500	\$ 58,478	
Av Gas Purchases	174,750	76,403		127,875	40,591	
Net Sales	58,250	22,395	38%	42,625	17,887	42%
Jet Gas Sales	367,000	194,809		210,000	86,726	
Jet Gas Purchases	201,850	118,043		115,500	38,519	
Net Sales	165,150	76,765	46%	94,500	48,207	51%
Penalties	450	400	89%	450	150	33%
All Hangar Lease	125,000	43,633	35%	125,000	42,582	34%
CAF Admissions	5,066	1,773	35%	5,066	1,689	33%
McBride Lease	45,893	15,323	33%	45,893	15,405	34%
Thru the Fence Lease	12,020	-	0%	12,020	2,592	22%
Airport Parking Permit	2,000	-	0%	2,000	70	4%
Hanger Lease - Faulkner	14,400	4,800	33%	14,400	4,800	33%
Interest Earned	500	203	41%	5,700	223	4%
Other	-	260		500		
Use of Fund Balance	493,069	70,355	14%	200,000	11,456	6%
Total Revenue	\$ 921,798	\$ 235,907	26%	\$ 548,154	\$ 145,061	26%
<i>Total Revenue less fund balance</i>	<i>\$ 428,729</i>	<i>\$ 165,552</i>	<i>39%</i>	<i>\$ 348,154</i>	<i>\$ 133,605</i>	<i>38%</i>
EXPENSES						
Personnel Services	\$ 97,884	\$ 34,339	35%	\$ 92,879	\$ 33,616	36%
Supplies & Materials	4,000	604	15%	3,800	599	16%
Repairs & Maint	3,000	354	12%	3,000	358	12%
Contractual Services	64,400	21,423	33%	63,400	21,179	33%
Other Designated Expenses	38,600	13,886	36%	30,959	8,688	28%
Transfers to Debt Service	58,069	19,356	33%	-	-	
Admin Allocation	39,646	18,299	46%	31,457	12,985	41%
Av fuel truck lease	12,000	4,000	33%	12,000	4,000	33%
Jet fuel truck lease	16,800	5,600	33%	16,800	5,600	33%
Transfers to Capital	435,000	50,999	12%	200,000	11,456	6%
Total Expenses	\$ 769,399	\$ 168,860	22%	\$ 454,295	\$ 98,480	22%
<i>Total Exp - xfers to capital and debt svc.</i>	<i>\$ 276,330</i>	<i>\$ 98,505</i>	<i>36%</i>	<i>\$ 254,295</i>	<i>\$ 87,024</i>	<i>34%</i>
Change in Net Position	\$ 152,399	\$ 67,047		\$ 93,859	\$ 46,580	

KEY VARIANCES - BUDGET vs ACTUAL (33% of Year Complete)

Revenues

- Sales revenues have increased because fuel gallons sold have increased 28% for avgas and 82% for jet fuel.
- Use of Fund Balance offsets Transfers to Capital and Debt Svc, therefore the net impact of these adjustments is zero.

Expenses

- Overall expenses are tracking higher than average mainly because as revenues increase so do related expenses.

City of Burnet, Texas
Other Funds
Revenues, Expenses, and Changes in Fund Net Position - Budget and Actual (Unaudited)
FYTD January 2022

	ANNUAL BUDGET 2021-2022	ACTUAL FYTD Jan 2022	% OF BUDGET	PY BUDGET 2020-2021	PY ACTUAL FYTD Jan 2021	% OF BUDGET
HOTEL/MOTEL FUND						
Revenues	\$ 171,281	\$ 86,563	50.54%	\$ 111,000	\$ 58,683	52.87%
Expenses	147,465	28,868	19.58%	107,191	25,609	23.89%
Net Profit (Loss)	<u>\$ 23,816</u>	<u>\$ 57,694</u>		<u>\$ 3,809</u>	<u>\$ 33,074</u>	
BEDC						
Revenues	\$ 4,009,417	\$ 910,294	22.70%	\$ 1,368,858	\$ 301,787	22.05%
Expenses	3,795,481	787,090	20.74%	1,091,111	125,726	11.52%
Net Profit (Loss)	<u>\$ 213,936</u>	<u>\$ 123,204</u>		<u>\$ 277,747</u>	<u>\$ 176,061</u>	
SELF FUNDED EQUIPMENT FUND						
Revenues	\$ 1,020,800	\$ 264,553	25.92%	\$ 708,000	\$ 220,874	31.20%
Expenses	1,020,800	87,980	8.62%	708,000	215,404	30.42%
Net Profit (Loss)	<u>\$ -</u>	<u>\$ 176,574</u>		<u>\$ -</u>	<u>\$ 5,470</u>	
DEBT SERVICE FUND						
Revenues	\$ 1,052,683	\$ 351,032	33.35%	\$ 1,029,098	\$ 343,195	33.35%
Expenses	1,052,183	736,100	69.96%	1,028,499	744,320	72.37%
Net Profit (Loss)	<u>\$ 500</u>	<u>\$ (385,068)</u>		<u>\$ 599</u>	<u>\$ (401,125)</u>	
INTEREST & SINKING DEBT FUND						
Revenues	\$ 490,178	\$ 384,214	78.38%	\$ 366,049	\$ 248,904	68.00%
Expenses	489,978	-	0.00%	366,049	164,180	44.85%
Net Profit (Loss)	<u>\$ 200</u>	<u>\$ 384,214</u>		<u>\$ -</u>	<u>\$ 84,724</u>	

City of Burnet, Texas
Cash and Investment Accounts
FYTD January 2022

Acct #	Bank	Account Name	Account Type	Balance as of Jan 2022
Unrestricted Accounts				
984/2410	FSB	Operating Cash	Checking	\$ 4,778,941.79
		Add or Subtract Claim on Cash for Airport		(147,396.60)
2329	FSB	Golf Course Petty Cash	Checking	247.60
2535	FSB	Operating Reserve	M/M	-
2352	FSB	Delaware Springs-Credit Card Acct	Checking	-
2378	FSB	Airport - Credit Card Acct	Checking	-
2386	FSB	Utility - Credit Card Acct	Checking	-
2469	FSB	Court - Credit Card Acct	Checking	-
2711100002	TexPool	Operating Reserve	Investment	4,180,940.10
Total Unrestricted				\$ 8,812,732.89

75 Day Reserve Requirement	3,518,000.00
Unrestricted Cash over 75 day reserve	\$ 5,294,732.89
90 Day Reserve Requirement	4,222,000.00
Unrestricted Cash over 90 day reserve	\$ 4,590,732.89

Restricted by Council

2711100004	TexPool	Capital Reserve	Investment	\$ -
2711100011	TexPool	Capital Equipment Reserve	Investment	957,211.71
2711100012	TexPool	Capital - LCRA Credit	Investment	442,115.58
2188	FSB	Self Funded Equipment	M/M	555,591.60
2711100014	TexPool	Self Funded Equipment Reserve	Investment	664,414.78
2711100016	TexPool	CLFRF - Amercian Rescue Plan	Investment	793,779.00
Total Restricted by Council Action				\$ 3,413,112.67

City of Burnet, Texas
Cash and Investment Accounts
FYTD January 2022

Restricted by Purpose or Law

Acct #	Bank	Account Name	Account Type	Balance as of Jan 2022
1453	FSB	Bond Reserve	M/M	\$ 43,309.74
2402	FSB	Hotel Motel	M/M	184,741.70
2711100005	TexPool	Hotel Motel	Investment	60,282.13
2451	FSB	Construction Account	Checking	-
2485	FSB	PD Seizure	M/M	119.87
2493	FSB	Municipal Court Special Revenue	M/M	63,433.78
2519	FSB	Impact Fees - Water	M/M	354,525.90
2543	FSB	Airport Reserve	M/M	-
		Add or Subtract Airport Claim on Cash		147,396.60
2711100009	TexPool	Airport Reserve	Investment	1,626,238.24
2568	FSB	Benevolent Fund	Checking	-
2576	FSB	Interest & Sinking Acct	M/M	457,202.21
2584	FSB	Impact Fees - Wastewater	M/M	83,177.78
2592	FSB	BEDC	Super NOW	823,086.33
2711100008	TexPool	BEDC Project Fund	Investment	-
2711100010	TexPool	BEDC	Investment	629,708.56
70516	FSB	BEDC Commercial Park Project	M/M	476,187.70
2634	FSB	Benefit Trust Account	M/M	-
2675	FSB	Police Department Explorer Program	M/M	6,955.94
2691	FSB	Fire Department Explorer Program	M/M	4,191.48
3012	FSB	Franchise Fee Account	Super NOW	115,391.53
3053	FSB	Parks Fund	M/M	18,283.23
58776	FSB	Fire Dept. Community Acct	M/M	12,015.39
2711100007	TexPool	TWDB	Investment	1,191.75
2711100006	TexPool	TWDB	Investment	1,046.41
		City of Burnet, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Series 2010		
143033000	US Bank	Escrow Account	Investment	3,199.62
82-020-01-0	Bank of	City of Burnet 2012 TWDB Escrow	Investment	20,196.64
2711100013	TexPool	PD Bonds	Investment	-
2711100017	TexPool	2021 CO - City Hall	Investment	4,006,418.57
62026	FSB	Escrow Honey Rock Phase #2	M/M	16,208.27
62315	FSB	BEDC Bond Fund	Checking	55,253.27
62364	FSB	BEDC Project Fund	Checking	-
Total Restricted Cash				\$ 9,209,762.64
Total All Cash				\$ 21,435,608.20

City of Burnet, Texas
Capital Projects
FYTD January 2022

GENERAL CAPITAL PROJECT FUND						
DESCRIPTION			CURRENT BUDGET 2021-2022	FYTD JAN ACTUAL EXPENSES	% complete	REMAINING BALANCE FOR 2021-2022
<u>CAPITAL PROJECTS:</u>						
INCODE 10 UPGRADE	ADMIN	46-1111-58397	\$ 38,000	\$ 10,580	28%	\$ 27,420
CITY COMP PLAN/UTILITY MAPS	ADMIN	46-1111-58550	300,000	-	0%	300,000
SERVERS AND COMPUTERS	ADMIN	46-1111-58000	75,000	-	0%	75,000
NEW CITY HALL	ADMIN	46-1111-58810	5,000,000	49,209	1%	4,950,791
PD Tasers	POLICE	46-1600-58000	60,000	57,304	96%	2,696
PD Ticket Writers	POLICE	46-1600-58399	26,000	19,142	74%	6,858
REMODEL FD SUBSTATION	FIRE	46-1640-58489	100,000	38,735	39%	61,265
COVID EXPENSES	FIRE	46-1640-57030	50,000	65,238	130%	-
FIRE TRUCK	FIRE	46-1640-58000	650,000	5,727	1%	644,273
TASSPP ANNUAL FEE	FIRE	46-1640-54500	47,250	37,322	79%	-
STREETS	STREETS	46-1700-58700	400,000	197,714	49%	202,286
TRACKED SKID STEER - STREETS	STREETS	46-1700-58000	140,000	-	0%	140,000
LOADER - STREETS	STREETS	46-1700-58000	175,000	-	0%	175,000
DE-ICING EQUIP STREETS	STREETS	46-1700-58000	30,000	11,905	40%	18,095
PARK IMPROVEMENTS	PARKS	46-1800-58800	100,000	-	0%	100,000
COMMUNITY CENTER IMPROVEMENTS	PARKS	46-1800-58800	100,000	-	0%	100,000
DOWNTOWN RESTROOMS	PARKS	46-1800-58400	100,000	-	0%	100,000
GHRC IMPROVEMENTS	GHRC	46-1813-58478	50,000	-	0%	50,000
GHRC TEEN CENTER	GHRC	46-1813-58461	20,000	-	0%	20,000
TOTAL			\$ 7,461,250	\$ 492,875	7%	\$ 6,973,684

BALANCE TO BE FUNDED FROM:		
OPERATING RESERVES	OTHER SOURCES	TOTAL
\$ 27,420	\$ -	\$ 27,420
300,000		300,000
75,000		75,000
-	4,950,791	4,950,791
2,696		2,696
6,858		6,858
61,265		61,265
-		-
-	644,273	644,273
-		-
202,286		202,286
140,000		140,000
175,000		175,000
18,095		18,095
100,000		100,000
100,000		100,000
100,000		100,000
50,000		50,000
20,000		20,000
\$ 1,378,620	\$ 5,595,064	\$ 6,973,684

GOLF COURSE CAPITAL PROJECT FUND						
DESCRIPTION			CURRENT BUDGET 2021-2022	FYTD JAN ACTUAL EXPENSES	% complete	REMAINING BALANCE FOR 2021-2022
<u>CAPITAL PROJECTS:</u>						
CLUB HOUSE IMPROVEMENTS			\$ 250,000	\$ 58,453	23%	\$ 191,547
OTHER IMPROVEMENTS			370,000	-	0%	370,000
			\$ 620,000	\$ 58,453	0%	\$ 561,547

BALANCE TO BE FUNDED FROM:		
OPERATING RESERVES	OTHER SOURCES	TOTAL
\$ 191,547	\$ -	\$ 191,547
-	370,000	370,000
\$ 191,547	\$ 370,000	\$ 561,547

ELECTRIC CAPITAL PROJECT FUND						
DESCRIPTION			CURRENT BUDGET 2021-2022	FYTD JAN ACTUAL EXPENSES	% complete	REMAINING BALANCE FOR 2021-2022
<u>CAPITAL PROJECTS:</u>						
SOFTWARE - ELSTER UPGRADES			\$ 55,000	\$ 8,572	16%	\$ 46,428
SCADA/RECLOSES			100,000	-	0%	100,000
DEVELOPMENT PROJECTS			150,000	12,874	9%	137,126
			\$ 305,000	\$ 21,446	0%	\$ 283,554

BALANCE TO BE FUNDED FROM:		
OPERATING RESERVES	OTHER SOURCES	TOTAL
\$ 46,428	\$ -	\$ 46,428
100,000	-	100,000
62,126	75,000	137,126
\$ 208,554	\$ 75,000	\$ 283,554

W/WW CAPITAL PROJECT FUND						
DESCRIPTION			CURRENT BUDGET 2021-2022	FYTD JAN ACTUAL EXPENSES	% complete	REMAINING BALANCE FOR 2021-2022
<u>CAPITAL PROJECTS:</u>						
CAMERA TRUCK	45-4210-58000		\$ 225,000	226,500	101%	\$ -
VAC TRUCK	45-4210-58000		450,000	-	0%	450,000
GENERATORS - WATER FUND BAL	45-4210-58000		200,000	-	0%	200,000
GENERATORS - WATER IMPACT FEES	45-4210-58000		300,000	-	0%	300,000
FACILITY UPGRADES FOR ZEBRA MUSSELS	45-4200-58400		50,000	-	0%	50,000
HWY 29 WATER LINE EXT	45-4210-58600		100,000	-	0%	100,000
VFW SEWER UPGRADE	45-4210-58800		30,000	-	0%	30,000
RANCH LIFT STATION UPGRADE	45-4210-58800		100,000	-	0%	100,000
RISK AND RESILIENCE STUDY	45-4200-58551		30,000	-	0%	30,000
WATER SYSTEM IMPROVEMENTS	45-4200-58880		10,000	-	0%	10,000
TRANSFER OUT WW IMPACT FEES	45-4210-59042		75,000	-	0%	75,000
			\$ 1,570,000	\$ 226,500	14%	\$ 1,345,000

BALANCE TO BE FUNDED FROM:		
OPERATING RESERVES	OTHER SOURCES	TOTAL
\$ -	\$ -	\$ -
450,000	-	450,000
200,000	-	200,000
-	300,000	300,000
-	50,000	50,000
100,000	-	100,000
30,000	-	30,000
100,000	-	100,000
30,000	-	30,000
-	10,000	10,000
-	75,000	75,000
\$ 910,000	\$ 435,000	\$ 1,345,000

City of Burnet, Texas
Capital Projects
FYTD January 2022

AIRPORT CAPITAL PROJECT FUND					
DESCRIPTION		CURRENT BUDGET 2021-2022	FYTD JAN ACTUAL EXPENSES	% complete	REMAINING BALANCE FOR 2021-2022
<u>CAPITAL PROJECTS:</u>					
RAMP GRANT	47-2310-53300	\$ 100,000	\$ 50,998.73	51%	\$ 49,001
C/O EQUIPMENT - JET TUG AND GPU	47-2300-58000	75,000	-	0%	75,000
CAPITAL OUTLAY	47-2300-58174	200,000	-	0%	200,000
C/O BLDG & FACILITY - JET HANGAR	47-2300-58400	1,000,000	-	0%	1,000,000
C/O LAND - DECEL LANE	47-2300-58500	90,000	-	0%	90,000
FUTURE PLAN	47-2300-58550	20,000	-	0%	20,000
		<u>1,485,000</u>	<u>50,999</u>	<u>3%</u>	<u>\$ 1,434,001</u>

BALANCE TO BE FUNDED FROM:		
OPERATING RESERVES	OTHER SOURCES	TOTAL
\$ -	\$ 49,001	\$ 49,001
-	75,000	75,000
-	200,000	200,000
-	1,000,000	1,000,000
-	90,000	90,000
-	20,000	20,000
<u>\$ -</u>	<u>\$ 1,434,001</u>	<u>\$ 1,434,001</u>

TOTAL CAPITAL/OTHER PROJECTS					
		CURRENT BUDGET 2021-2022	FYTD JAN ACTUAL EXPENSES	% complete	REMAINING BALANCE FOR 2021-2022
TOTAL CAPITAL/OTHER PROJECTS		\$ 11,441,250	\$ 850,273	7%	\$ 10,597,787
TRANSFER TO CAP EQUIP RESERVES		-	-	0%	-
TOTAL CAPITAL/OTHER		<u>\$ 11,441,250</u>	<u>\$ 850,273</u>	<u>7%</u>	<u>\$ 10,597,787</u>

BALANCE TO BE FUNDED FROM:		
OPERATING RESERVES	OTHER SOURCES	TOTAL
\$ 2,688,721	\$ 7,909,066	\$ 10,597,787
-	-	-
<u>\$ 2,688,721</u>	<u>\$ 7,909,066</u>	<u>\$ 10,597,787</u>

City of Burnet

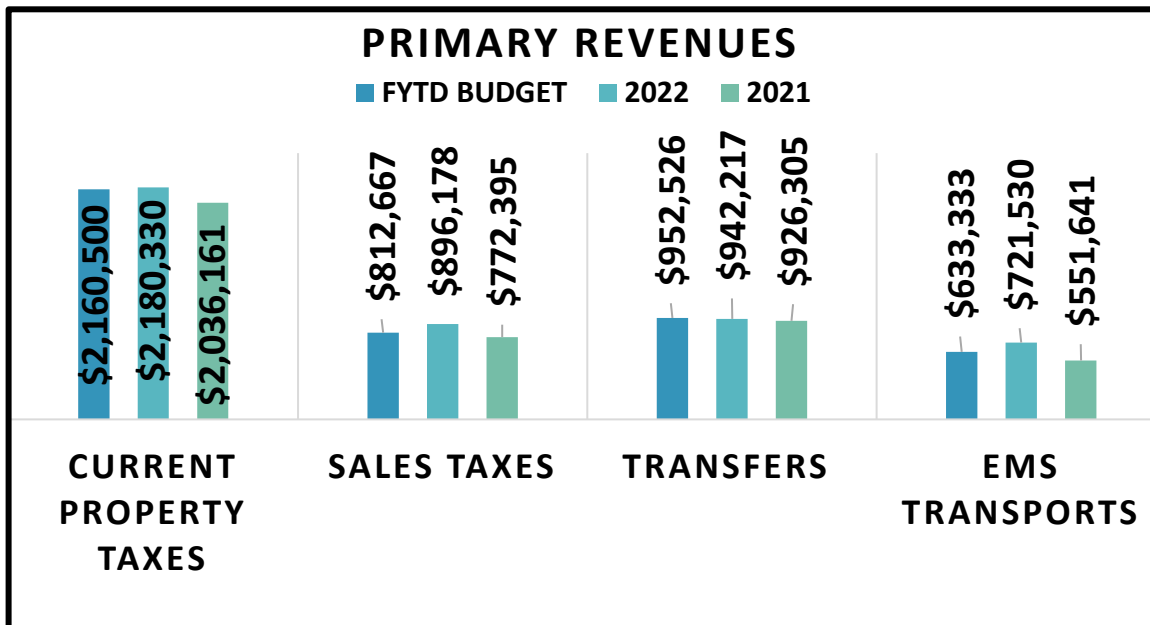
Financial Report

YTD January 31, 2022

FY 2022

General Fund

	Annual Budget	Actual FYTD Jan 2022	% of Budget
Revenues	\$13,098,563	\$5,709,075	44%
Expenses	12,641,112	4,298,022	34%
Profit(Loss)	\$ 457,451	\$ 1,411,053	



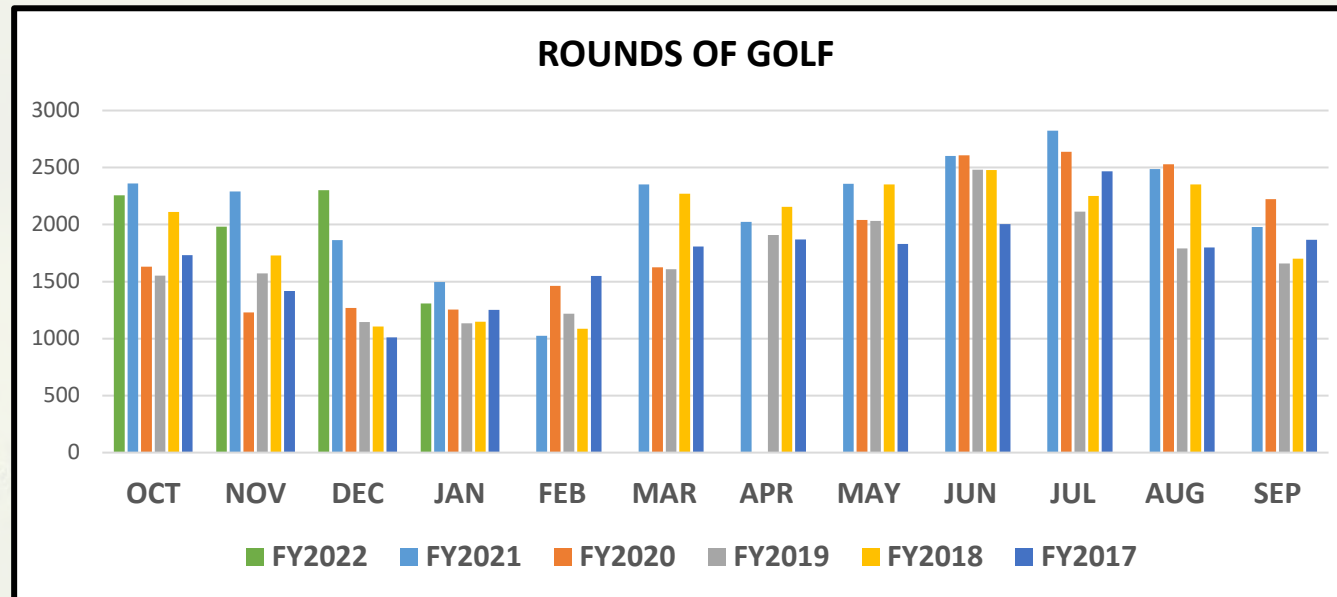
- Revenues – tracking above budget at 44%
 - *Property Tax Collections*
Increased \$144,000 over py, on track with budget
 - *Sales Tax Collections*
Increased \$124,000 over py, above budget by \$84,000
 - *Transfers In*
Increased \$16,000 over py, on track with budget
 - *EMS Transport Revenues*
Increased \$170,000 over py, above budget by \$88,000
- Expenses – on track for the period at 34%

Golf Fund

	Annual Budget	Actual FYTD Jan 2022	% of Budget
Revenues	\$1,470,651	\$684,961	47%
Expenses	1,562,218	536,082	34%
Profit(Loss)	\$(91,567)	\$148,879	

CY Rev per Round \$37.83

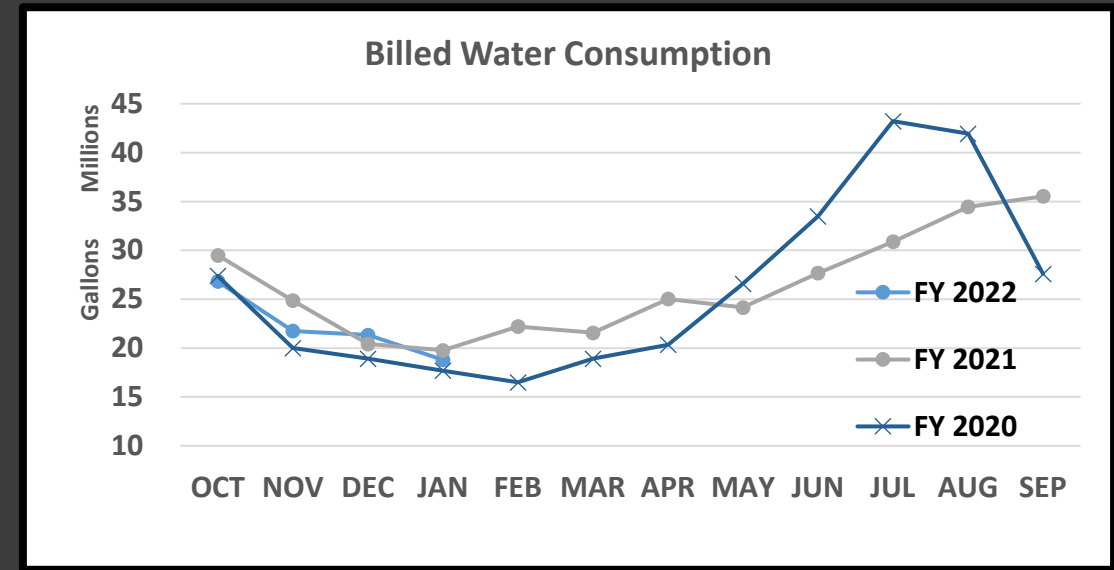
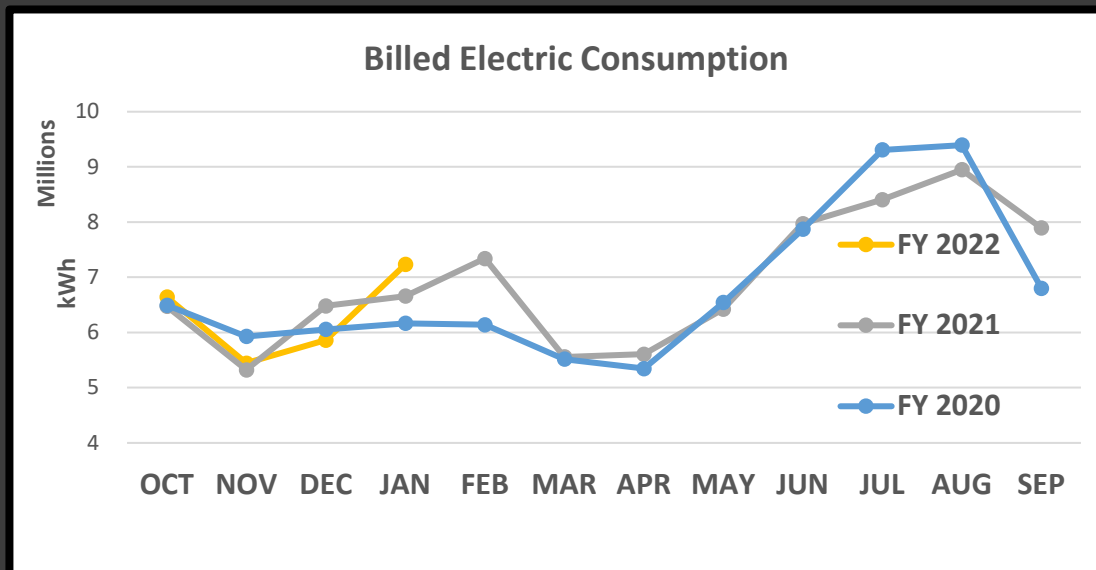
PY Rev per Round \$31.98



Utility Funds

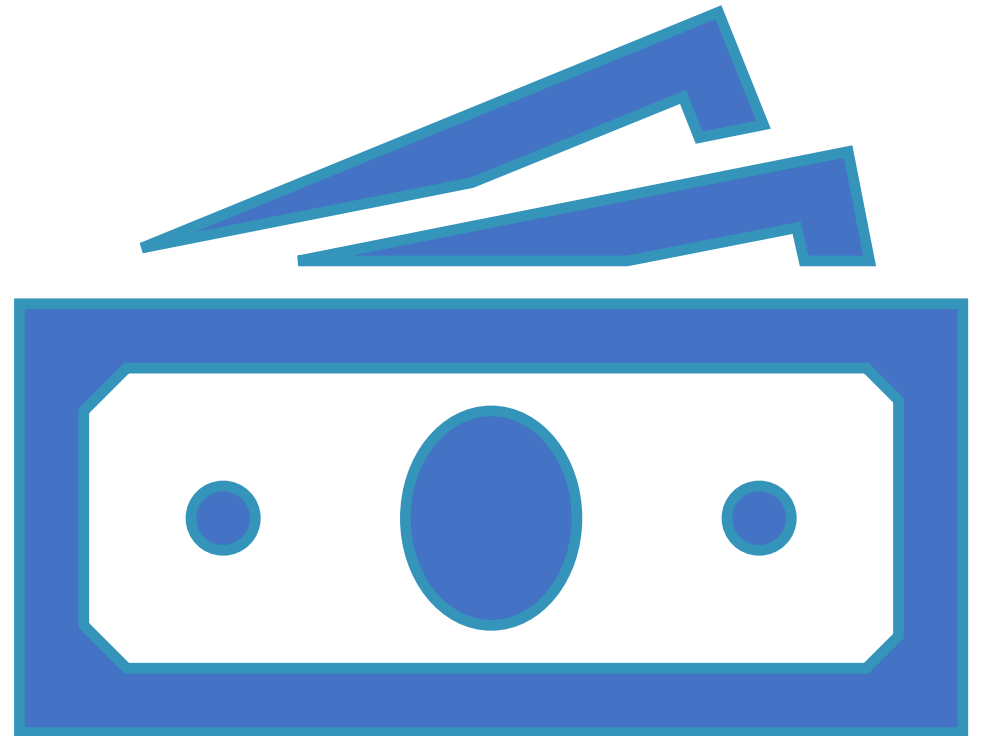
ELECTRIC FUND	Annual Budget	Actual FYTD Jan 2022	% of Budget
Revenues	\$4,034,144	\$1,219,365	30%
Expenses	3,635,322	1,184,876	33%
Profit(Loss)	\$398,822	\$34,488	

WATER FUND	Annual Budget	Actual FYTD Jan 2022	% of Budget
Revenues	\$4,500,420	\$1,419,868	32%
Expenses	4,039,275	1,193,277	30%
Profit(Loss)	\$461,145	\$226,590	



Unrestricted Cash Balance January 31, 2022

Unrestricted Cash	\$ 8,812,733
Less 90-day Reserve	<u>4,222,000</u>
Unrestricted Cash Over Reserve	<u>\$ 4,590,733</u>



Questions?



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

On this the 8th day of February, 2022, the City Council of the City of Burnet convened in a special called Workshop Session, at 3:00 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 Mary Jane Shanes, Ricky Langley, Joyce Laudenschlager, Philip
 Thurman, and Danny Lester
Absent Cindia Talamantez,
City Manager David Vaughn
City Secretary Kelly Dix

Guests: Habib Erkan, Patricia Langford, Adrienne Feild, Mark Ingram, Tony Nash, Andrew Scott, Alan Burdell

Call to Order: Mayor Bromley called the meeting to order at 3:00 p.m.

DISCUSS AND REVIEW:

Burnet Municipal Airport Fixed Base Operator: City Manager David Vaughn and Airport Manager Adrienne Feild informed all present that the current Burnet Municipal Airport Fixed Base Operator (FBO) Dale and Johanna Faulkner have submitted their letter of resignation with an effective date of June 1, 2022. Current operations and the need for an interim coverage plan were discussed. Staff is currently working on the Request for Proposal for the FBO position that will be posted on February 16th, 2022. Staff is also working on long term operating and revenue plan for the airport operations.

Salaries for the Water/Wastewater Department: City Manager David Vaughn reviewed current staffing needs for the Water and Wastewater Department. There are currently six vacancies that have not been filled. The City Manager presented a proposed pay schedule that would bring current pay rates to a competitive level for the surrounding area and provide more opportunity for recruitment and retention of qualified employees. The proposed PayScale includes compensation for certification and licensing incentives for the employees.

Electric Line Extension Policy: City Manager David Vaughn informed all present that the current electric extension policy was adopted in 2006 and was based on the Pedernales Electric Cooperative's policies at the time. Costs were allocated at approximately fifty-fifty between developers and the City. Currently, due to supply chain disruptions, the post pandemic construction boom and related factors material costs have risen exponentially. Pre-pandemic electric line extension costs to the City for a subdivision averaged \$75,000.00. Due to the tremendous growth the area is experiencing, the City's total liability could now exceed \$5,000,000. Staff is proposing that all electric line extensions costs, (design, materials, labor) be incurred by the developer and new line extensions to be underground, unless overhead facilities are approved by the City.

ADJOURN:

There being no further business the Workshop session was adjourned at 5:09 p.m.

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary

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

On this the 8th day of February, 2022, the City Council of the City of Burnet convened in Regular Session, at 6:00 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, Joyce Laudenschlager, Danny Lester, Mary Jane Shanes
City Manager David Vaughn
City Secretary Kelly Dix

Guests: Adrienne Feild, Habib Erkan, Kelli Sames, Mark Ingram, Alan Burdell, Tony Nash, Mark Miller, Patricia Langford, Andrew Scott, Leslie Kimbler, Phil Reynolds, Stacey McGuire, Dennis Langley, Wade Langley, Mark Clury, Ray Ragland, Jodi Perry, Holly Diemer, Cathy Flowers, Steven Hinds, Ken Graham, Read Frymire, Glen Morris

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

INVOCATION: Led by Council Member Mary Jane Shanes

PLEDGES (US & TEXAS): Led by Council Member Philip Thurman

SPECIAL REPORTS/RECOGNITION:

Development Services Quarterly Report: L. Kimbler: Leslie Kimbler, Planner, presented the Development Services Quarterly update report to include a review of residential and commercial permits that have been issued for the quarter.

Delaware Springs Golf Course Quarterly Report: T. Nash: Tony Nash, General Manager of Delaware Springs Golf Course updated all present on the remodeling project at the Golf Course club house and parking lots. Mr. Nash explained the new processes implemented for Golf Tournaments and the changes in the GolfNow contract which have all contributed to the increase in revenues to date.

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 January 25th, 2022 City Council Workshop Meeting Minutes

Approval of the January 25th, 2022 Regular City Council Meeting Minutes: Council Member Mary Jane Shanes moved to approve the consent agenda as presented. Council Member Joyce Laudenschlager seconded. The motion carried unanimously.

PUBLIC HEARINGS/ACTION:

Public Hearing and Consideration of the following: Preliminary Plat Applications, Adoption and Amendments of the Zoning Ordinance, Future Land Use Plan and Zoning Classifications presented by Habib Erkan Jr., Assistant City Manager and Leslie Kimbler, City Planner:

FIRST READING OF AN ORDINANCE AMENDING CITY CODE OF ORDINANCES CHAPTER 118 (ENTITLED "ZONING") FOR THE PURPOSE OF AMENDING THE SINGLE-FAMILY RESIDENTIAL — DISTRICT "R-1" BY INCREASING THE MINIMUM LOT WIDTH REQUIREMENT TO 75-FEET AND INCREASING THE MINIMUM LOT SIZE TO 9000 SQUARE FEET: AND ESTABLISHING A NEW SINGLE-FAMILY RESIDENTIAL — DISTRICT "R-6" WITH MINIMUM LOT WIDTH REQUIREMENT OF 60-FEET AND MINIMUM LOT SIZE REQUIREMENT OF 7600 SQUARE FEET:

Staff Presentation – H. Erkan Jr.: Assistant City Manager Habib Erkan presented the item to Council to conduct the public hearing, discuss and take action on the first reading of Ordinance 2022-15.

Public Hearing: Mayor Bromley opened the public hearing at 6:14 p.m. and asked if anyone was interested in speaking, if so to approach the podium. Mr. Steven Hines approached and requested clarification that the platted properties would remain the same. Mr. Erkan provided clarification per Local Government Code 211. There

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

Consideration and action: Council Member Mary Jane Shanes moved to approve the first reading of Ordinance No. 2022-15 as presented. Council Member Joyce Laudenschlager seconded. The motion carried unanimously. FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING"); FOR THE PURPOSE OF ESTABLISHING A NEW SINGLE-FAMILY RESIDENTIAL —DISTRICT "R-5" WITH MINIMUM LOT WIDTH REQUIREMENT OF 50-FEET AND INCREASING THE MINIMUM LOT SIZE TO 6000 SQUARE FEET PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE:

Staff Presentation – H. Erkan Jr.: Assistant City Manager Habib Erkan presented the item to Council to conduct the public hearing, discuss and take action on the first reading of Ordinance 2022-15.

Public Hearing: Mayor Bromley opened the public hearing at 6:21 p.m. and asked if anyone was interested in speaking, if so to approach the podium. Dennis Langley approached and stated he was opposed to the zoning change as it takes away the beauty of the area and that properties would be too close. There being no one else wishing to speak, Mayor Bromley closed the public hearing.

Consideration and action: Council Member Philip Thurman moved to not approve the first reading of Ordinance No. 2022-16 as presented. Council Member Ricky Langley seconded. The motion carried unanimously. The Ordinance failed.

FIRST READING OF AN ORDINANCE AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") BY AMENDING SECTION 118-35 (ENTITLED "MULTI-FAMILY RESIDENTIAL—DISTRICT 'R-3'") BY INCREASING THE MAXIMUM STORIES TO THREE, CLARIFYING THE MAXIMUM UNITS PER ACRE ARE 20, AND AMENDING THE OPEN SPACES REQUIREMENTS:

Staff Presentation – H. Erkan Jr.: Assistant City Manager Habib Erkan presented the item to Council to conduct the public hearing, discuss and take action on the first reading of Ordinance 2022-07.

Public Hearing: Mayor Bromley opened the public hearing at 6:34 p.m. and asked if anyone was interested in speaking, if so to approach the podium. There being no one wishing to speak, Mayor Bromley closed the public hearing.

Consideration and action: Council Member Mary Jane Shanes moved to approve the first reading of Ordinance No. 2022-07 as presented. Council Member Danny Lester seconded. The motion carried unanimously.

FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") FOR THE PURPOSE OF ADOPTING A NEW SECTION 118-63 (ENTITLED "MUNICIPAL GOLF COURSE VEGETATIVE BUFFER REQUIREMENTS") THAT SHALL ESTABLISH A 25 FOOT BUFFER ZONE ON CERTAIN PROPERTIES ABUTTING THE MUNICIPAL GOLF COURSE; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE:

Staff Presentation – H. Erkan Jr.: Assistant City Manager Habib Erkan presented the item to Council to conduct the public hearing, discuss and take action on the first reading of Ordinance 2022-12.

Public Hearing: Mayor Bromley opened the public hearing at 6:41 p.m. and asked if anyone was interested in speaking, if so to approach the podium. There being no one wishing to speak, Mayor Bromley closed the public hearing.

Consideration and action: Council Member Philip Thurman moved to approve the first reading of Ordinance No. 2022-12 as presented. Council Member Ricky Langley seconded. The motion carried unanimously.

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 GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE USE OF AN "AIRPLANE HANGAR" IN A LIGHT COMMERCIAL – DISTRICT "C-1" FOR PROPERTY DESCRIBED AS 2802 S WATER STREET (LEGALLY DESCRIBED AS HIGHERPOWER SUBDIVISION, UNIT 1) PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

Staff Presentation – H. Erkan Jr.: Assistant City Manager Habib Erkan presented the item to Council to conduct the public hearing, discuss and take action on the first reading of Ordinance 2022-10.

Public Hearing: Mayor Bromley opened the public hearing at 6:48 p.m. and asked if anyone was interested in speaking, if so to approach the podium. There being no one wishing to speak, Mayor Bromley closed the public hearing.

Consideration and action: Council Member Cindia Talamantez moved to approve the first reading of Ordinance No. 2022-10 as presented. Council Member Mary Jane Shanes seconded. The motion carried unanimously.

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 GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE USE OF AN "AIRPLANE HANGAR" IN A LIGHT COMMERCIAL – DISTRICT "C-1" FOR PROPERTY DESCRIBED AS 3242 S WATER STREET (LEGALLY DESCRIBED AS FLIGHT LINE BOULEVARD SUBDIVISION, LOT 1D) PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE:

Staff Presentation – H. Erkan Jr.: Assistant City Manager Habib Erkan presented the item to Council to conduct the public hearing, discuss and take action on the first reading of Ordinance 2022-11.

Public Hearing: Mayor Bromley opened the public hearing at 6:51 p.m. and asked if anyone was interested in speaking, if so to approach the podium. There being no one wishing to speak, Mayor Bromley closed the public hearing.

Consideration and action: Council Member Mary Jane Shanes moved to approve the first reading of Ordinance No. 2022-11 as presented. Council Member Cindia Talamantez seconded. The motion carried unanimously.

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 GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE USE OF AN "AIRPLANE HANGAR" IN A LIGHT COMMERCIAL – DISTRICT "C-1" FOR PROPERTY DESCRIBED AS 3214 S WATER STREET (LEGALLY DESCRIBED AS FLIGHT LINE BOULEVARD SUBDIVISION, LOT 1C) PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE:

Staff Presentation – H. Erkan Jr.: Assistant City Manager Habib Erkan presented the item to Council to conduct the public hearing, discuss and take action on the first reading of Ordinance 2022-13.

Public Hearing: Mayor Bromley opened the public hearing at 6:57 p.m. and asked if anyone was interested in speaking, if so to approach the podium. There being no one wishing to speak, Mayor Bromley closed the public hearing.

Consideration and action: Council Member Mary Jane Shanes moved to approve the first reading of Ordinance No. 2022-13 as presented. Council Member Cindia Talamantez seconded. The motion carried unanimously.

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 GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE USE OF A "HELIPORT" IN A LIGHT COMMERCIAL – DISTRICT "C-1" FOR PROPERTY DESCRIBED AS 3214 S WATER STREET (LEGALLY DESCRIBED AS FLIGHT LINE BOULEVARD SUBDIVISION, LOT 1C) PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: City Council passed on this item.

Staff Presentation – L. Kimbler: No presentation

Public Hearing: No Public Hearing

Consideration and action: No action taken.

Public Hearing: The Planning & Zoning Commission will conduct a public hearing to receive public testimony and comments on the merits of a proposed "Preliminary Plat" for approximately 11.35 acres out of the Susano Hernandez Survey, No. 40, Abs. No. 398. The proposed "Preliminary Plat" will establish The Ranch at Delaware Creek Subdivision, Phase Two, consisting of approximately 29 residential lots: L. Kimbler:

Clarification was made to City Council that this was a Public Hearing of the City Council and not the Planning and Zoning Commission as stated in the item. Mayor Bromley opened the public hearing at 7:03 p.m. and asked if anyone was interested in speaking, if so to approach the podium. There being no one wishing to speak, Mayor Bromley closed the public hearing.

ACTION ITEMS:

Discuss and consider action: City Council shall receive information from the City Manager on the status of the COVID-19 pandemic's impact on the City and may discuss, give direction, or take action to implement, extend, modify, or terminate plans or programs in response to the pandemic: D. Vaughn: Fire Chief Mark Ingram updated all present on the current COVID-19 pandemic. The Fire Department is still conducting COVID testing by appointment Monday through Friday. Positivity rates have dropped to eighteen percent. The hospitals are still full. Chief Ingram agreed that it would be fine to move the City Council Meetings back to Council Chambers.

Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 50 (ENTITLED "FLOOD DAMAGE PREVENTION") BY AMENDING SECTION 50-56 (ENTITLED ELEVATION AND LOT GRADING FOR STRUCTURES LOCATED IN ZONE X"); PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: H. Erkan: Council Member Philip Thurman moved to approve and adopt Ordinance 2022-06 as presented. Council Member Ricky Langley seconded. The motion carried unanimously.

Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE PRELIMINARY PLAT ESTABLISHING THE RANCH AT DELAWARE CREEK, PHASE TWO, CONSISTING OF APPROXIMATELY 29 RESIDENTIAL LOTS ON APPROXIMATELY 11.35 ACRES OUT OF THE SUSANO HERNANDEZ SURVEY, NO. 40, ABS. NO. 398: L. Kimbler: Council Member Joyce Laudenschlager moved to approve Resolution No. R2022-16 as presented. Council Member Mary Jane Shanes seconded. The motion carried unanimously.

Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CHANGING THE NAME OF A SEGMENT OF ROAD BETWEEN US ROUTE 290 AND ITS INTERSECTION OF DELAWARE SPRINGS BOULEVARD FROM OAK VISTA DRIVE TO DELAWARE SPRINGS BOULEVARD; AND PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES AND PROVIDING AN EFFECTIVE DATE: H. Erkan: Assistant City Manager Habib Erkan addressed the Council and requested that the record reflect there was a typo on the ordinance caption; it should read U.S. Route 281 instead of U.S. Route 290. Council Member Danny Lester moved to approve the first reading of Ordinance 2022-08 as presented. Council Member Philip Thurman seconded. The motion carried unanimously.

Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AMENDING THE CODE OF ORDINANCES CHAPTER 1 (ENTITLED "GENERAL PROVISIONS"); SECTION 1-6 (ENTITLED "PENALTIES AND CREDIT CARD PROCESSING FEES") BY RENAMING AND RECODIFYING THE SECTION (TO BE ENTITLED "PENALTIES, CREDIT CARD PROCESSING FEES AND BAD CHECK FEES") AND ESTABLISHING A BAD CHECK FEE; PROVIDING FOR PENALTY, CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: H. Erkan: Council Member Mary Jane Shanes moved to approve the first reading of Ordinance No. 2022-09 as presented. Council Member Joyce Laudenschlager seconded. The motion carried unanimously.

Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2021-31; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021, AND ENDING SEPTEMBER 30, 2022, FOR THE CITY OF BURNET, TEXAS, FUNDING ACCOUNTS IN BUDGET DUE TO UNFORESEEN SITUATIONS; CONTAINING FINDINGS; PROVIDING FOR SAVINGS AND SEVERABILITY: P. Langford: Council Member Philip Thurman moved to approve the first reading of Ordinance No. 2022-14 as presented. Council Member Mary Jane Shanes seconded. The motion carried unanimously.

Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AUTHORIZING ADOPTION OF A REVISED PAY SCALE FOR WATER/WASTEWATER SERVICES PERSONNEL; AND AUTHORIZE THE CITY MANAGER TO ADOPT RULES AND REGULATIONS FOR THE EFFICIENT IMPLEMENTATION OF THE SCALES: K. Sames: Council Member Mary Jane Shanes

moved to approve Resolution No. R2022-18 as presented. Council Member Joyce Laudenschlager seconded. The motion carried unanimously.

Discuss and consider action: Changing the City of Burnet's Health Insurance Contribution Strategy: K. Sames: Council Member Danny Lester moved to approve the changes to the City of Burnet's Health Insurance Contribution as presented. Council Member Mary Jane Shanes seconded. The motion carried unanimously.

Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING THE CODE OF ORDINANCES SECTION 110-148 (ENTITLED "ELECTRIC LINE EXTENSION POLICIES") AND SECTION 110-149 (ENTITLED "RELOCATING FACILITIES AND LINE CLEARANCE"); PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: H. Erkan: Council Member Danny Lester moved to approve the first reading of Ordinance No. 2022-17 to be effective immediately on final approval and with the removal of language in Section Ten "saving and excepting applications that have construction plans approved before the effective date" and I further move to instruct the City Manager not to provide quotes for electric line extensions until February 23, 2022. Council Member Mary Jane Shanes seconded. The motion carried unanimously.

Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS ACCEPTING THE RESIGNATION OF FAULKNER'S AIR SHOP INC. AS BURNET MUNICIPAL AIRPORT FIXED BASE OPERATOR: A. Field: Council Member Danny Lester moved to approve Resolution No. R2022-19 as presented. Council Member Philip Thurman seconded. The motion carried unanimously.

Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT WITH THE CREEKFALL SUBDIVISION PLAT APPLICANT FOR THE OVERSIZING OF A WATER MAIN PROPOSED TO SERVE THE SUBDIVISION: D. Vaughn: Council Member Joyce Laudenschlager moved to approve Resolution No. R2022-17 as presented. Council Member Cindia Talamantez 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: City Manager David Vaughn informed all present that Adrienne Field would be presenting the Burnet Economic Development Corporation update report requested by Council Member Mary Jane Shanes, at the next Council meeting on February 22, 2022

ADJOURN: There being no further business a motion to adjourn was made by Council Member Mary Jane Shanes at 7:33 p.m. Seconded by Council Member Cindia Talamantez. The motion carried unanimously.

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 4.1

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

Action

Meeting Date: February 22, 2022

Agenda Item: Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE AMENDING CITY CODE OF ORDINANCES CHAPTER 118 (ENTITLED "ZONING") FOR THE PURPOSE OF AMENDING THE SINGLE-FAMILY RESIDENTIAL —DISTRICT "R-1" BY INCREASING THE MINIMUM LOT WIDTH REQUIREMENT TO 75-FEET AND INCREASING THE MINIMUM LOT SIZE TO 9000 SQUARE FEET; AND ESTABLISHING A NEW SINGLE-FAMILY RESIDENTIAL —DISTRICT "R-6" WITH MINIMUM LOT WIDTH REQUIREMENT OF 60-FEET AND MINIMUM LOT SIZE REQUIREMENT OF 7600 SQUARE FEET; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: H. Erkan

Background: On November 9, 2021, City Council directed staff to prepare an ordinance increasing the lot width in District "R-1" to 70 or 75 feet may enable subdivision densities more in harmony with the City's agrarian heritage; and to include in the ordinance a new "R-6" ordinance which would incorporate the 60-foot width/7600 square feet area dimensions of the current District "R-1"

Information: This ordinance amends District R-1 to require 75-foot lot widths. It also establishes a new R-6 district which incorporates the existing District R-1 dimensions. Upon adoption, staff will initiate rezoning of existing lots that do not conform to the new R-1 dimensions. During the interim such lots shall be considered legally conforming lots.

There have been no changes to Ordinance 2022-15 since the first reading on February 8, 2022.

Fiscal Impact: Adoption of this ordinance will not have a direct financial impact.

Recommendation: Approve and adopt Ordinance 2022-15 as presented.

ORDINANCE NO. 2022-15

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") FOR THE PURPOSE OF AMENDING THE SINGLE-FAMILY RESIDENTIAL —DISTRICT "R-1" BY INCREASING THE MINIMUM LOT WIDTH REQUIREMENT TO 75-FEET AND INCREASING THE MINIMUM LOT SIZE TO 9000 SQUARE FEET; AND ESTABLISHING A NEW SINGLE-FAMILY RESIDENTIAL —DISTRICT "R-6" WITH MINIMUM LOT WIDTH REQUIREMENT OF 60-FEET AND MINIMUM LOT SIZE REQUIREMENT OF 7600 SQUARE FEET; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, at the November 9, 2021, City Council discussed the merits of increasing the Single-family "R-1" lot width minimums to 70 or 75 feet; and

WHEREAS, City Council finds that 60-foot width minimum lots are not conducive to maintaining the community's hill country environment; and

WHEREAS, City Council deems it appropriate to increase the lot width in District "R-1" to 75 feet to enable subdivision densities to be more in harmony with the City's agrarian heritage; and make stormwater management more controllable; and

WHEREAS, City Council finds in specific instances there is a place for 60-foot width minimum lots and deems it appropriate to create a new zoning district to accommodate such developments; and

WHEREAS, City Council finds that existing 60-foot width minimum lots should not become non-conforming due to this ordinance; and

WHEREAS, on February 7, 2022, 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, on February 8, 2022, 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; and

WHEREAS, City Council, finds, determines, and declares that publication of notice of this Ordinance, as required by Section 3.14 of the City Charter and the laws of the State of Texas, was made by the City Secretary within the period prescribed by Section 3.14; and.

WHEREAS, City Council, finds, determines, and declares that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given as required by Chapter 551 of the Texas Government Code.

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

Section one. Amendment. The City Code of Ordinances Sec. 118-20 (entitled “general requirements and limitations”) is hereby amended by amending Chart 1, therein, by adding to the row entitled “R-1” the language that is underlined (underline) and deleting the language that is stricken (~~stricken~~); and adding a new row entitled “R-6”, and adding to the “R-6” row the language that is underlined (underline) as follows:

Sec. 118-20. General requirements and limitations.

Chart 1

Zoning District	Front Yard Setback	Side Yard Setback	Street Side Yard Setback	Rear Yard Setback	Min. Lot S.F. Area	Min. Lot Width	Max. Height Limit
R-1	20 ft. for any road over 31 feet of pavement. 25 ft. for roads shorter than 31 ft.	7½ ft.	15 ft.	15 ft.	<u>9000 ft.</u> 7,600 s.f.	60 ft. <u>75 ft.</u>	35 ft. for structures over 1,500 s.f. 30 ft. for structures under 1,500 s.f.
<u>R-6</u>	<u>20 ft. for any road over 31 feet of pavement.</u> <u>25 ft. for roads shorter than 31 ft.</u>	<u>7½ ft.</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>7,600</u> <u>s.f.</u>	<u>60 ft.</u>	<u>35 ft.</u>

Section two. Amendment. The City Code of Ordinances Sec. 118-20 (entitled “general requirements and limitations”) is hereby amended by amending Chart 2, therein, by adding to the second row abbreviated zoning designation “R-6” as shown in bold (**bold**) below:

Chart 2

District	Coverage Main Buildings and all Accessory Buildings
OS, A, R1 E	10%
R1, R2, R-2, R-6 , A, NC, M1	40%
M-2,C-1, C-2, G	50%
C-3, I-1, I-2	60%
PUD	N/A

Section three. Amendment. The City Code of Ordinances Sec. 118-21 (entitled “establishment of zoning districts”) is hereby amended by amending the table, found therein, by adding rows therein the zoning district names for the abbreviated designation “R-6” as shown in bold (**bold**) below:

Abbreviated Designation	Zoning District Name
R-6	Single-family residential —District "R-6"

Note to publisher: Except as expressly amended in sections one, two and three of this ordinance, Section 118-20, and charts 1 and 2 therein; as well as Section 118-21, and the undesignated table therein, shall remain in full force and effect as stated prior to the adoption of this ordinance. This note shall not be published in Code.

Section five. Amendment. The City Code of Ordinances Sec. 118-25 (entitled “Single-family residential 1—District ‘R-1’”) is hereby amended by replacing subsection (a) in its entirety with the following:

Sec. 118-25. Single-family residential — District "R-1" and District “R-6”.

- (a) *Purpose and permitted uses.* Single-family residential District "R-1" and District “R-6” permits detached single-family dwellings with a minimum living area and minimum lot size as follows:

Table 118-25(1)

Single-family residential — District "R-1"	Minimum living area: 1100 square feet	Minimum lot size: 9000 square feet
Single-family residential — District "R-6"	Minimum living area: 1100 square feet	Minimum lot size: 7600 square feet

Note to publisher: Section 118-25 subsections (b) and (c) shall remain in full force and effect as stated prior to the adoption of this ordinance. This note shall not be published in Code.

Section six. Amendment. The City Code of Ordinances Sec. 118-25 (entitled “Single-family residential 1—District ‘R-1’ and District “R-6”) is hereby amended by adding a new subsection (d) to read as follows:

- (d) *Preexisting lots.* Any Single-Family lot established by a subdivision plat recorded on or before February 22, 2022, that was in compliance with the Single-family residential —District "R-1" lot dimensions in effect prior to that date but made non-conforming due to the adoption of new lot dimensions after that date shall be entitled to a city initiated zoning reclassification to Single-family residential — District "R-6" and shall be considered a legally conforming lot, for all purposes, until such zoning reclassification is final.

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

Section nine. 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 ten. 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 eleven. 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 twelve. 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 thirteen. 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 8th day of February 2022

Passed, Approved and Adopted on the 22nd day of February 2022

CITY OF BURNET

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 4.2

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

Action

Meeting Date: February 22, 2021

Agenda Item: Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") SECTION 118-35 (ENTITLED MULTI-FAMILY RESIDENTIAL – DISTRICT "R-3"); PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: H. Erkan

Background: Multi-family housing is allowed in District "R-3" pursuant to City Code Section 118-35. This ordinance addresses three issues with the current application of certain subsections of Section 118-35. First, the maximum height of structures in District "R-3" is 35 feet while the maximum allowed stories is only two. However, as a practical matter a height of 35-feet will accommodate three stories. Second the existing language in Sec. 118-35 states both the maximum dwelling units per acre is 20, and minimum lot size is 4000 square feet per unit. These two statements are incongruent. And, finally, Section 118-35 requires parkland dedication where it is City policy to require a fee in lieu of parkland dedication in order to promote regional parks and discourage pocket parks.

Information: The fire marshal has no objection to the amendment increasing maximum number of stories from two to three. Additionally, this ordinance clarifies that maximum density in the R-3 district is 20 units per acre; and adds a minimum lot size requirement of 10,000 square feet for a multi-family project. Further, this ordinance amends Section 118-35(b)(3) by requiring payment of a fee of \$200.00 per unit, instead of parkland dedication; but retains council discretion to allow land dedication in place of the fee.

In addition to resolving the aforementioned ambiguities and policy directives this ordinance amends Sec. 118-35(a)(1) to allow Single-family residential District R-1; Single-family District R-1 E; Duplex District R-2; and Townhomes – District "R-2 A in a Multi-family residential—District "R-3" provided the lot dimension requirements

for the respective single-family duplex, or townhome district are adhered to.

It should be noted that the application for platting of the Honey Rock proposed single-family 60-foot wide lot subdivision includes property zoned R-3. If the amendment to Sec. 118-35(a)(1) is not approved the land zoned R-3 would not be vested with rights to be developed as a single-family 60-foot wide lot subdivision.

Fiscal Impact No direct fiscal impact is anticipated.

Recommendation: Approve and adopt Ordinance 2022-07 as presented.

ORDINANCE NO. 2022-07

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") by AMENDING SECTION 118-35 (ENTITLED "MULTI-FAMILY RESIDENTIAL—DISTRICT 'R-3'"); PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, City Council, by adoption of City Code Sec. 118-35, established the multi-family residential—District "R-3" to allow multi-family housing which serves as a transitional zone between single-family residential and less intense commercial uses; and

WHEREAS, the fire marshal has no objection in increasing the number of maximum stories in the "R-3" District from two to three, provide the maximum height of 35 feet is not increased; and

WHEREAS, City Council determines it appropriate to clarify that the maximum allowed density in the "R-3" district is 20 units per acre; and

WHEREAS, City Council determines it appropriate to impose a minimum lot size for a multi-family project in the "R-3" district; and

WHEREAS, City Council determined that resources for parkland maintenance and enhancement can be more efficiently and effectively spent on regional parks instead of "pocket parks"; and

WHEREAS, in setting the fee in lieu of parkland dedication City Council takes legislative notice that the average price for an acre of land in Burnet exceeds \$30,000.00; and

WHEREAS, City Council determines it appropriate to allow Single-family residential District R-1; Single-family District R-1 E; Duplex District R-2; and Townhomes – District "R-2 A uses in a Multi-family residential—District "R-3" provided the lot dimension requirements for the respective district are adhered to; and

WHEREAS, on February 7, 2022, 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, on February 8, 2022, 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; and

WHEREAS, City Council, finds, determines, and declares that publication of notice of this Ordinance, as required by Section 3.14 of the City Charter and the laws of the State of Texas, was made by the City Secretary within the period prescribed by Section 3.14; and.

WHEREAS, City Council, finds, determines, and declares that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given as required by Chapter 551 of the Texas Government Code.

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 118-35 (entitled “*Multi-family residential—District ‘R-3’*”) is hereby amended by adding the language that is underlined (underlined) deleting the language that is stricken (~~stricken~~) as follows:

Sec. 118-35. Multi-family residential—District "R-3.

(a) *Permitted uses.*

- (1) Single-family residential District R-1; Single-family District R-1 E; Duplex District R-2; and Townhomes – District “R-2 A uses are allowed in a Multi-family residential—District "R-3" provided the lot dimension requirements for the respective single-family duplex, or townhome district district are adhered to.
- (2) Attached single family structures with a minimum of 500 square feet of living area and permitted accessory structures generally known as apartments, with buildings not exceeding three stories, on a minimum lot size of 4,000 square feet per unit.

(b) *Conditions and limitations.*

- (1) More than one building or structure may be located upon a lot.
- (2) All buildings and structures shall be separated by a minimum horizontal distance of ten feet or meet the separation requirements of the adopted fire code.
- (3) Recreation open space. ~~Unless otherwise satisfied pursuant to the city's subdivision ordinance, A park land dedication fee of \$200.00 per dwelling unit shall be required prior to issuance of a building permit. Provided however, council may, at its discretion, allow on-site recreational dedication at one acre per 100 dwelling units, or five percent of the total site area subject to the following: requirements; provided that the council may, at its discretion, require the payment of the established fee in lieu of land dedication for each such dwelling unit.~~
 - (A) Such recreational open space shall be located or arranged so as to function as a recreational area and be uniformly beneficial to all of the dwelling units in the project or development; and
 - (B) Open space required to separate structures shall not be considered to be a part of the required recreational open space.
- (4) *Parking.*
 - a. There shall be a minimum five-foot setback from the rear most wall of any garage, and from the curb line of any parking area, to the nearest property line.
 - b. Private garages and covered parking, if any, may be attached or detached.
 - c. A minimum of two off-street parking spaces shall be provided for each living unit. All off-street parking and driveways shall be improved with all-weather asphalt, concrete, or paving stones, and curb and gutter.
- (5) *Driveways.*
 - a. All ingress and egress must be located on major collectors or arterials as designated in the comprehensive plan.
 - b. Ingress and egress shall be through driveways designed to convey residents, visitors, and staff of the apartment over a common driveway.
 - c. There shall be no head-in parking on any public collector or arterial streets abutting the lot.
- (6) The commission and the council may consider number of units proposed, the availability of mass-transit and the impact the development may have on existing traffic patterns, with respect to any application for multi-family zoning.
- (7) See Chart 1.
- (8) See Chart 3.

- (c) *Site development regulations.* The following site development regulations shall be applicable to apartment buildings and property zoned multi-family residential, district "R-3":
- (1) Maximum dwelling units per acre: 20 units.
 - (2) Minimum lot size shall be 10,000 square feet for a multi-family project.

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. 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 eight. 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 8th day of February 2022

Passed, Approved and Adopted on the 22nd day of February 2022

CITY OF BURNET

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 4.3

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

Action

Meeting Date: February 22, 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 ADOPTING A NEW SECTION 118-63 (ENTITLED "MUNICIPAL GOLF COURSE VEGETATIVE BUFFER REQUIREMENTS") THAT SHALL ESTABLISH A 25 FOOT BUFFER ZONE ON CERTAIN PROPERTIES ABUTTING THE MUNICIPAL GOLF COURSE: H. Erkan

Background: The municipal golf course was established pursuant to a development agreement dated December 21st 1990, by and between the City and Oaks Vista Inc, Billy Joe Fox, and Mark Fox for the development of Delaware Springs. Through subsequent development agreements and easement agreements vegetative buffers have been established on fully developed golf course lots within Delaware Springs. These vegetative buffers provide reciprocal protection for golf course lot owners unobstructive view of the golf course. The buffers also protect the operation of the golf course. However, there is undeveloped property abutting the golf course on which no buffer easements presently exist.

Information: This ordinance imposes a 25-foot vegetative buffer on designated undeveloped tracks or lots that protect and preserve the function and aesthetics of the municipal golf course; and the rights and interest of owners of properties abutting the municipal golf course to unobstructive views of the course from their properties. The ordinance allows the golf course vegetation buffer to be included in the calculation of code requirements for: (i) minimum lot size under the code; (ii) minimum setbacks and (iii) impervious cover requirements.

Since the first reading, minor changes were made to the definition of "Golf Course Lot" so that all property outline in green on Map 118-63 is included in the definition. In addition, the ordinance authorizes the

City Manager to record in the public records of Burnet County notice of the properties effected by the vegetative buffer requirement.

Fiscal Impact No direct fiscal impact is anticipated.

Recommendation: Pass, approve and adopt Ordinance 2022-12 on second reading, as presented.

ORDINANCE NO. 2022-12

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") FOR THE PURPOSE OF ADOPTING A NEW SECTION 118-63 (ENTITLED "MUNICIPAL GOLF COURSE VEGETATIVE BUFFER REQUIREMENTS") THAT SHALL ESTABLISH A 25 FOOT BUFFER ZONE ON CERTAIN PROPERTIES ABUTTING THE MUNICIPAL GOLF COURSE; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City owns and operates the Delaware Springs municipal golf course; and

WHEREAS, City Council deems a Municipal Golf Course Vegetative Buffer applicable to lots abutting the golf course is mutually beneficial to the owners of golf course lots, by assuring unobstructive views of course from golf course lots, and to operation of the golf course; and

WHEREAS, City Council finds and determines that buffer easements on fully developed golf course lots have been established pursuant to development agreements or the recordation of easement instruments; and

WHEREAS, it is City Council's intent to implement a Municipal Golf Course Vegetative Buffer as prescribed herein for the mutual benefit of golf course lot owners and for the operation of the golf course; and

WHEREAS, on February 7, 2022, 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, on February 8, 2022, 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; and

WHEREAS, City Council, finds, determines, and declares that publication of notice of this Ordinance, as required by Section 3.14 of the City Charter and the laws of the State of Texas, was made by the City Secretary within the period prescribed by Section 3.14; and.

WHEREAS, City Council, finds, determines, and declares that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given as required by Chapter 551 of the Texas Government Code.

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 is hereby amended by adding to Section 118 (entitled “Definitions”) the language that is underlined (underlined) as follows:

Sec. 118-5. - Definitions.

Boundary Agreement means that certain written instrument recorded in the Public Records of Burnet County as Document No. 2014086.

Golf Course Lot means any lot, parcel, tract, or other division of property sharing a property line with the Municipal Golf Course and:

- (a) located within those tracts described in Boundary Agreement as Tracts 14, 15, 16, 17, 18, 22, 23, 24, 25, 26 and 27; and
- (b) the approximately 1.142 acre tract of land described in Exhibit “A” of the General Warranty Deed recorded in the Public Records of Burnet County as Document No.201901816; and
- (c) the approximately 28.31 acre tract of land and 1.49 acre tract of land and described in Exhibit “A” of the General Warranty Deed recorded in the Public Records of Burnet County as Document No. 202117151; and
- (d) the property described as Lot No. Two, Block A of the Ranch at Delaware Creek, Phase One-A a subdivision in Burnet County Texas as shown on plat recorded in Cabinet 4, Slide 11B, 11C, 12A, 12B and 12C, Plat Records of Burnet County, Texas, and described in the Warranty Deed with Vendor’s Lien recorded in the Public Records of Burnet County as Document No. 200713598.

Municipal golf course means the 18-hole championship golf course operated by the City.

Section two. Amendment. The Code of Ordinances, Chapter 118 (entitled “Zoning”) Section is hereby amended by adding a new Section 118-63 to read as follows:

Sec. 118-63. – Municipal golf course vegetative buffer requirements.

- (a) Purpose. These requirements are imposed to protect and preserve the function and aesthetics of the municipal golf course; and to protect the rights

and interest of owners of properties abutting the municipal golf course to unobstructive views of the course from their properties.

- (b) Scope. As illustrated by the green borders in Map 118-63, below, these requirements are applicable to each any every Golf Course Lot, as defined in Sec. 118-5, abutting any part of the municipal golf course property.

Map 118-63 – Boundary Agreement Tracts 1, 7, 14, 15, 16, 17, 21, 22, 23, 24, 25, 26 and 27 borders outlined in green



- (c) Established. There is hereby established a municipal golf course vegetative buffer running along the lot line a Golf Course Lot shares with the municipal golf course. The width of the municipal golf course vegetative buffer for golf course lots shall be twenty-five feet (25') measured from the common property line with the municipal golf course.
- (d) Use limitations. The use of the municipal golf course vegetation buffer shall be restricted to a vegetation buffer and no fence or structure shall be permitted therein. The municipal golf course vegetation buffer may be maintained in its natural state or may be landscaped by the planting of non-native vegetation and decorative stones; provided such stones do not create a wall or other barrier between the buffer and municipal golf course.

- (e) Credits. The golf course vegetation buffer may be included in the calculation of code requirements for: (i) minimum lot size under the code; (ii) minimum setbacks and (iii) impervious cover requirements.

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

Section five. 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 six. 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 seven. 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 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. Notice. The City Manager is hereby authorized and directed to record in the public records of Burnet County notice of the properties effected by the vegetative buffer requirement.

Remainder of page intentionally blank and signature page to follow.

Section ten. 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 8th day of February 2022

Passed, Approved and Adopted on the 22nd day of February 2022

CITY OF BURNET

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

NOTICE

THE STATE OF TEXAS

§

COUNTY OF BURNET

§

§

KNOW ALL BY THESE PRESENTS:

VEGETATIVE BUFFER ZONE (25 FEET WIDE) ON CERTAIN PROPERTIES ABUTTING THE BURNET MUNICIPAL GOLF COURSE.

Notice is hereby given that on February 22, 2022, the City Council of the City of Burnet, Texas, passed, approved, and adopted Ordinance No. 2022-12.

Ordinance No. 2022-12, is applicable to any lot, parcel, tract, or other division of property sharing a property line with the Burnet Municipal Golf Course and is located within:

- (a) located within those tracts described in Boundary Agreement as Tracts 14, 15, 16, 17, 18, 22, 23, 24, 25, 26 and 27; and
- (b) the approximately 1.142 acre tract of land described in Exhibit "A" of the General Warranty Deed recorded in the Public Records of Burnet County as Document No. 201901816; and
- (c) the approximately 28.31 acre tract of land and 1.49 acre tract of land and described in Exhibit "A" of the General Warranty Deed recorded in the Public Records of Burnet County as Document No. 202117151; and
- (d) the property described as Lot No. Two, Block A of the Ranch at Delaware Creek, Phase One-A a subdivision in Burnet County Texas as shown on plat recorded in Cabinet 4, Slide 11B, 11C, 12A, 12B and 12C, Plat Records of Burnet County, Texas, and described in the Warranty Deed with Vendor's Lien recorded in the Public Records of Burnet County as Document No. 200713598.

The property for which Ordinance No. 2022-12, is applicable is further depicted in Burnet City Code of Ordinances Map 118-63. Copies of the Ordinance are available upon request from the City Secretary during normal business hours.

City of Burnet, a Texas municipal corporation,

Crista Goble Bromley, Mayor

THE STATE OF TEXAS

§

COUNTY OF BURNET

§

This instrument was acknowledged before me on _____, 2022, by Crista Goble Bromley, as the Mayor of the City of Burnet, a Texas municipal corporation, on behalf of said municipality

Notary Public, State of Texas

My commission expires: _____



Development Services

ITEM 4.4

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

Action

Meeting Date: February 22, 2022

Agenda Item: 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 GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE USE OF AN "AIRPLANE HANGAR" IN A LIGHT COMMERCIAL – DISTRICT "C-1" FOR PROPERTY DESCRIBED AS 2802 S WATER STREET (LEGALLY DESCRIBED AS HIGHERPOWER SUBDIVISION, UNIT 1) PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

Background: The subject property is located on South Highway 281 and adjacent to the Kate Craddock Municipal Airport (Exhibit A). It is currently zoned as Light Commercial – District "C-1". An airplane hangar was developed on the property in 2014. The request to allow an Airplane Hangar is a City initiated request to align the zoning map with current land use.

All though an airplane hangar is not specifically outlined as an allowable use, staff has determined that the intent of the hangar, which is to be utilized as storage for an airplane, is consistent with "Mini Storage Warehouse and Storage Garage" that is an allowable use in Medium Commercial – District "C-2".

Information: The Conditional Use Permit approval process is established by Code of Ordinances Sec. 118-64; Subsection (e). Per the cited section in making its recommendation the Commission should consider the following:

- Appearance, size, density and operating characteristics are compatible with surrounding neighborhood and uses;
- Proposed use will not adversely affect value of surrounding properties nor impede their proper development;

- Proposed use will not create a nuisance factor nor otherwise interfere with a neighbor's enjoyment of property or operation of business;
- Traffic generated on existing streets will not create nor add significantly to congestion, safety hazards, or parking problems, and will not disturb peace and quiet of neighborhood;
- Comply with other applicable ordinances and regulations.

The Future Land Use Map (Exhibit B) designation for the subject property is Commercial.

Properties adjacent to the subject property are zoned as follows:

	North	South	East	West
Zoning	"C-3" & "I-1"	"C-1"	"C-3"	"C-3"
FLUM	Commercial	Commercial	Commercial	Government
Land Use	Machine Shop & Light Manufacturing	Single-Family Residential	Church	Airport

- Staff Analysis:** When considering the request for the Conditional Use Permit, staff has made the following observations:
- The surrounding properties are a mix of uses along the highway and abutting the airport.
 - The subject property is in a commercial zoned area, surrounded by other commercial zoned properties. Approving the CUP for the existing airplane hangar should not adversely affect surrounding properties value nor impede any future development.
 - The current airplane hangar has been in existence since 2014.
 - The existing use of the property will not generate any additional traffic.
 - The property is adjacent to the airport and does have an existing "through the fence" agreement with the City of Burnet.
 - There have been no changes to Ordinance 2022-10 since the first reading on February 8, 2022.

Public Notification: A Notice of Public Hearing was published in the Burnet Bulletin on January 19th and written notices were mailed to six (6) surrounding property owners within 200 feet of the subject

property. There have been zero responses in favor or opposition.

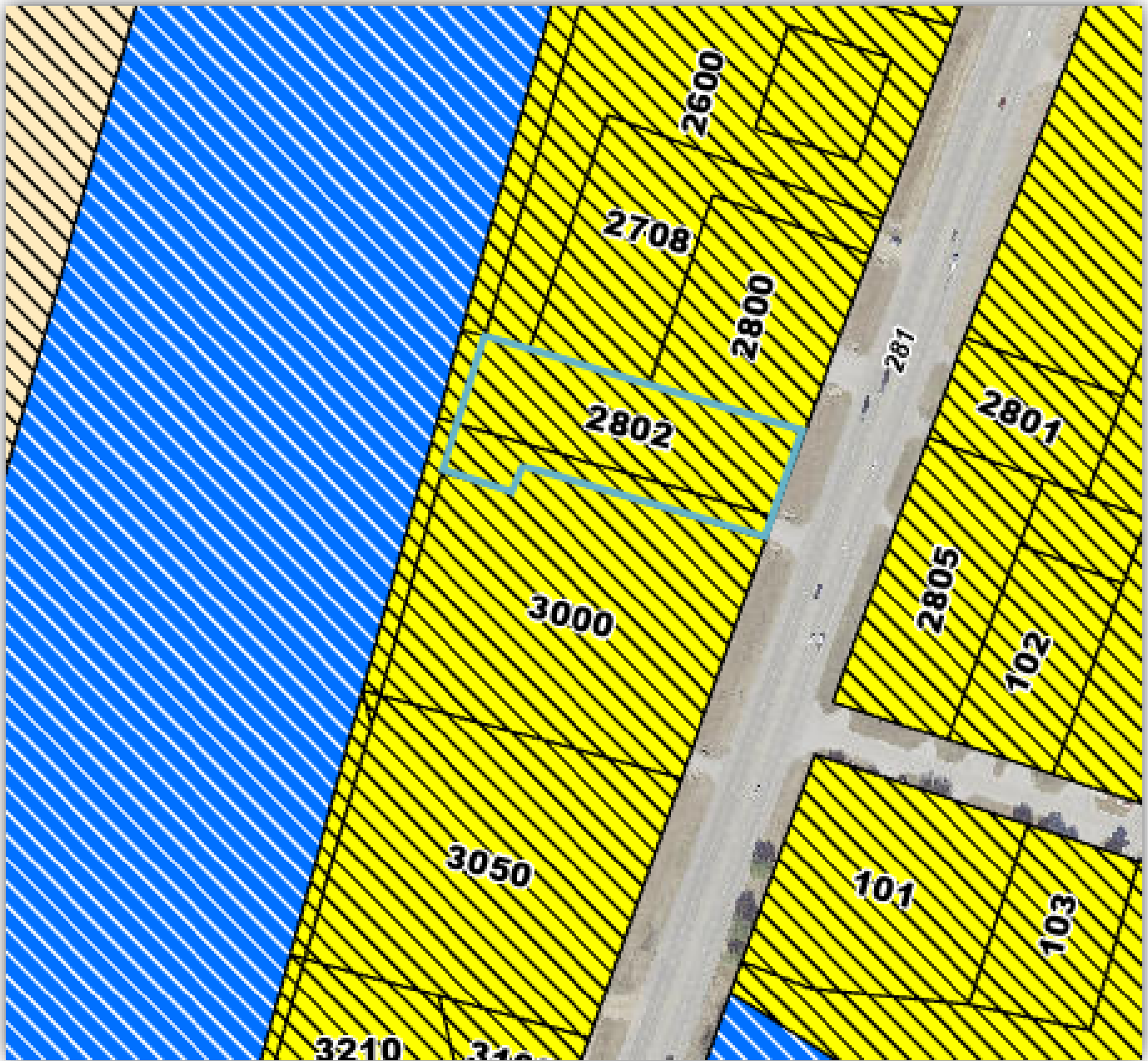
P&Z Report: The Planning and Zoning Commission held a scheduled public hearing on Monday, February 7th and did recommend approval for the City Council to approve and adopt Ordinance No. 2022-10 as presented.





Recommendation: Approve and adopt Ordinance 2022-10 as presented.

Exhibit "A"
Location & Current Zoning Map



Exhibit "B"
Future Land Use Map



- | | | | |
|---|---|--|---|
|  |  |  |  |
| Government | Commercial | Residential | Open Space |

ORDINANCE NO. 2022-10

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE USE OF AN “AIRPLANE HANGAR” IN A LIGHT COMMERCIAL – DISTRICT “C-1” FOR PROPERTY DESCRIBED AS 2802 S WATER STREET (LEGALLY DESCRIBED AS HIGHERPOWER SUBDIVISION, UNIT 1) 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 2802 S Water St (legally described as Higherpower Subdivision, Unit 1) as shown on **Exhibit “A”** hereto.

Section three Zoning District Reclassification. Conditional Use Permit to allow the use of a, "Airplane Hangar" in a Light Commercial – District "C-1", 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 8th day of February 2022.

PASSED AND APPROVED on this the 22nd day of February 2022.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

Exhibit "A" – Property





Development Services

ITEM 4.5

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

Action

Meeting Date: February 22, 2022

Agenda Item: 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 GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE USE OF AN "AIRPLANE HANGAR" IN A LIGHT COMMERCIAL – DISTRICT "C-1" FOR PROPERTY DESCRIBED AS 3242 S WATER STREET (LEGALLY DESCRIBED AS FLIGHT LINE BOULEVARD SUBDIVISION, LOT 1D) PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

Background: The subject property is located on South Highway 281 and adjacent to the Kate Craddock Municipal Airport (Exhibit A). It is currently zoned as Light Commercial – District "C-1". An airplane hangar was developed on the property in 2019 along with an Aircraft Simulator Training Facility. The request to allow an Airplane Hangar is a City initiated request to align the zoning map with current land use.

Section 118-63 of the City of Burnet's Code of Ordinances allows for a use in a Medium Commercial – District "C-2" to be authorized in a Light Commercial – District "C-1" with a conditional use permit approved by the City Council.

All though an airplane hangar is not specifically outlined as an allowable use, staff has determined that the intent of the hangar, which is to be utilized as storage for an airplane, is consistent with "Mini Storage Warehouse and Storage Garage" that is an allowable use in Medium Commercial – District "C-2".

Information: The Conditional Use Permit approval process is established by Code of Ordinances Sec. 118-64; Subsection (e). Per the cited section in making its recommendation the Council should consider the following:

- Appearance, size, density and operating characteristics are compatible with surrounding neighborhood and uses;
- Proposed use will not adversely affect value of surrounding properties nor impede their proper development;

- Proposed use will not create a nuisance factor nor otherwise interfere with a neighbor's enjoyment of property or operation of business;
- Traffic generated on existing streets will not create nor add significantly to congestion, safety hazards, or parking problems, and will not disturb peace and quiet of neighborhood;
- Comply with other applicable ordinances and regulations.

The Future Land Use Map (Exhibit B) designation for the subject property is Commercial.

Properties adjacent to the subject property are zoned as follows:

	North	South	East	West
Zoning	"C-1"	"C-1"	"C-3"	"C-3"
FLUM	Commercial	Commercial	Government	Government
Land Use	Office/Hangar	Vacant	Hospital	Airport

- Staff Analysis:** When considering the requested for both Conditional Use Permits, staff has made the following observations:
- This property, as well as the property to the north and south of this property, abuts the airport. The neighboring property also has an existing airplane hangar.
 - The subject property is in a commercial zoned area, surrounded by other commercial zoned properties. Approving the CUP would not adversely affect their values or future development.
 - The current airplane hangar has been in existence since 2019
 - Approving the conditional use permit will not generate any additional traffic.
 - The property is adjacent to the airport and does have an existing "through the fence" agreement with the City of Burnet.
 - There have been no changes to Ordinance 2022-11 since the first reading on February 8, 2020.

Public Notification: A Notice of Public Hearing was published in the Burnet Bulletin on January 19th and written notices were mailed to six (6) surrounding property owners within 200 feet of the subject property. There have been zero responses in favor or opposition.

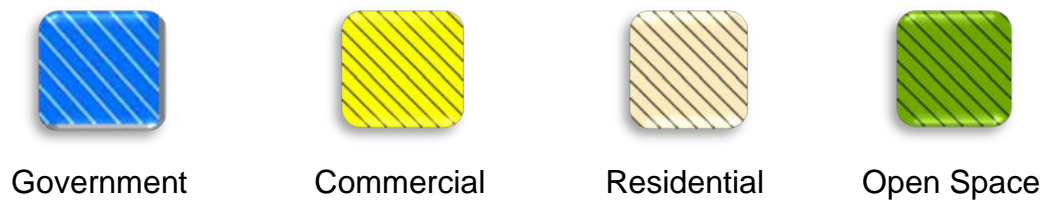
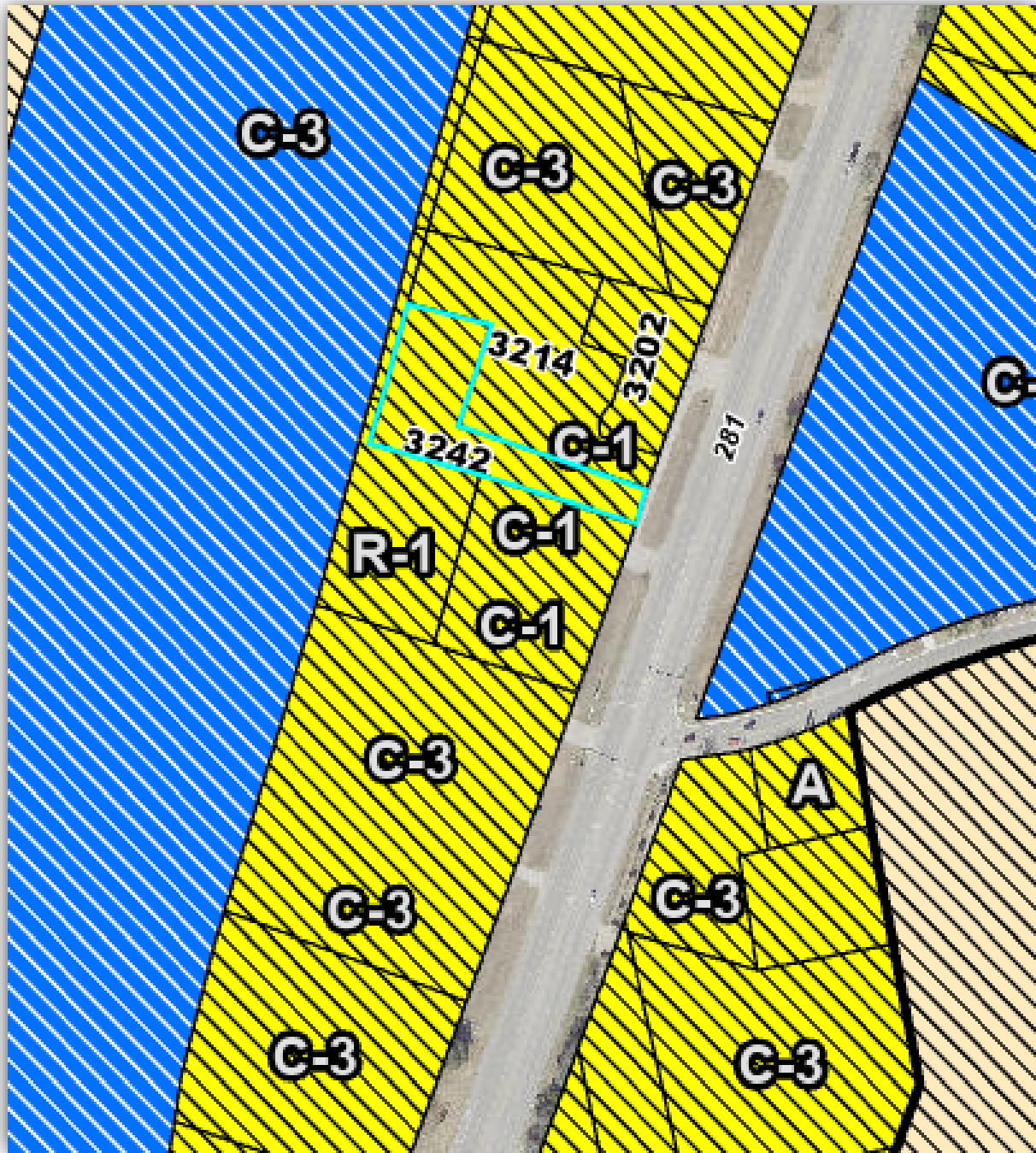
P&Z Report: The Planning and Zoning Commission held a scheduled public hearing on Monday, February 7th and did recommend approval for the City Council to approve and adopt Ordinance No. 2022-11 as presented.

Recommendation: Approve and adopt Ordinance 2022-11 as presented.

Exhibit "A"
Location & Current Zoning Map



Exhibit "B"
Future Land Use Map



ORDINANCE NO. 2022-11

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE USE OF AN "AIRPLANE HANGAR" IN A LIGHT COMMERCIAL – DISTRICT "C-1" FOR PROPERTY DESCRIBED AS 3242 S WATER STREET (LEGALLY DESCRIBED AS FLIGHT LINE BOULEVARD SUBDIVISION, LOT 1D 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 3242 S Water St (legally described as Flight Line Boulevard Subdivision, Lot 1D) as shown on **Exhibit "A"** hereto.

Section three Zoning District Reclassification. Conditional Use Permit to allow the use of a, "Airplane Hangar" in a Light Commercial – District "C-1", 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 8th day of February 2022.

PASSED AND APPROVED on this the 22nd day of February 2022.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

Exhibit "A" – Property





Development Services

ITEM 4.6

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

Action

Meeting Date: February 22, 2022

Agenda Item: 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 GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE USE OF AN "AIRPLANE HANGAR" IN A LIGHT COMMERCIAL – DISTRICT "C-1" FOR PROPERTY DESCRIBED AS 3214 S WATER STREET (LEGALLY DESCRIBED AS FLIGHT LINE BOULEVARD SUBDIVISION, LOT 1C) PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

Background: The subject property is located on South Highway 281 and adjacent to the Kate Craddock Municipal Airport (Exhibit A). It is currently zoned as Light Commercial – District "C-1". An airplane hangar was developed on the property in 2012 which is currently in use today. The request to allow an Airplane Hangar as Storage is a City initiated request to align the zoning map with current land use.

Section 118-63 of the City of Burnet's Code of Ordinances allows for a use in a Medium Commercial – District "C-2" to be authorized in a Light Commercial – District "C-1" with a conditional use permit approved by the City Council.

All though an airplane hangar is not specifically outlined as an allowable use, staff has determined that the intent of the hangar, which is to be utilized as storage for an airplane, is consistent with "Mini Storage Warehouse and Storage Garage" that is an allowable use in Medium Commercial – District "C-2".

Information: The Conditional Use Permit approval process is established by Code of Ordinances Sec. 118-64; Subsection (e). Per the cited section in making its recommendation the Council should consider the following:

- Appearance, size, density and operating characteristics are compatible with surrounding neighborhood and uses;
- Proposed use will not adversely affect value of surrounding properties nor impede their proper development;

- Proposed use will not create a nuisance factor nor otherwise interfere with a neighbor's enjoyment of property or operation of business;
- Traffic generated on existing streets will not create nor add significantly to congestion, safety hazards, or parking problems, and will not disturb peace and quiet of neighborhood;
- Comply with other applicable ordinances and regulations.

The Future Land Use Map (Exhibit B) designation for the subject property is Commercial.

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	Single-Family Residential	Office/Hangar	Hospital	Airport

Staff Analysis: When considering the requested for both Conditional Use Permits, staff has made the following observations:

- One neighboring property also utilizes an airplane hangar onsite; this property, as well as the property to the north and south all about the airport
- The subject property is in a commercial zoned area, surrounded by other commercial zoned properties.
- The current airplane hangar has been in existence since 2012; by approving the conditional use permit for the hangar, it would not create any additional nuisances.
- Approving the conditional use permit will not generate any additional traffic.
- The property owner has a "through the fence" agreement with the City of Burnet allowing the airplane to move from the hangar to the airport.
- There have been no changes to Ordinance 2022-13 since the first reading on February 8, 2022.

Public Notification: A Notice of Public Hearing was published in the Burnet Bulletin on January 19th and written notices were mailed to seven (7) surrounding property owners within 200 feet of the subject property. There have been zero responses in favor or opposition.

P&Z Report: The Planning and Zoning Commission held a scheduled public hearing on Monday, February 7th and did recommend approval for the City Council to approve and adopt Ordinance No. 2022-13 as presented.

Recommendation: Approve and adopt Ordinance 2022-13 as presented.

Exhibit "A"
Location & Current Zoning Map

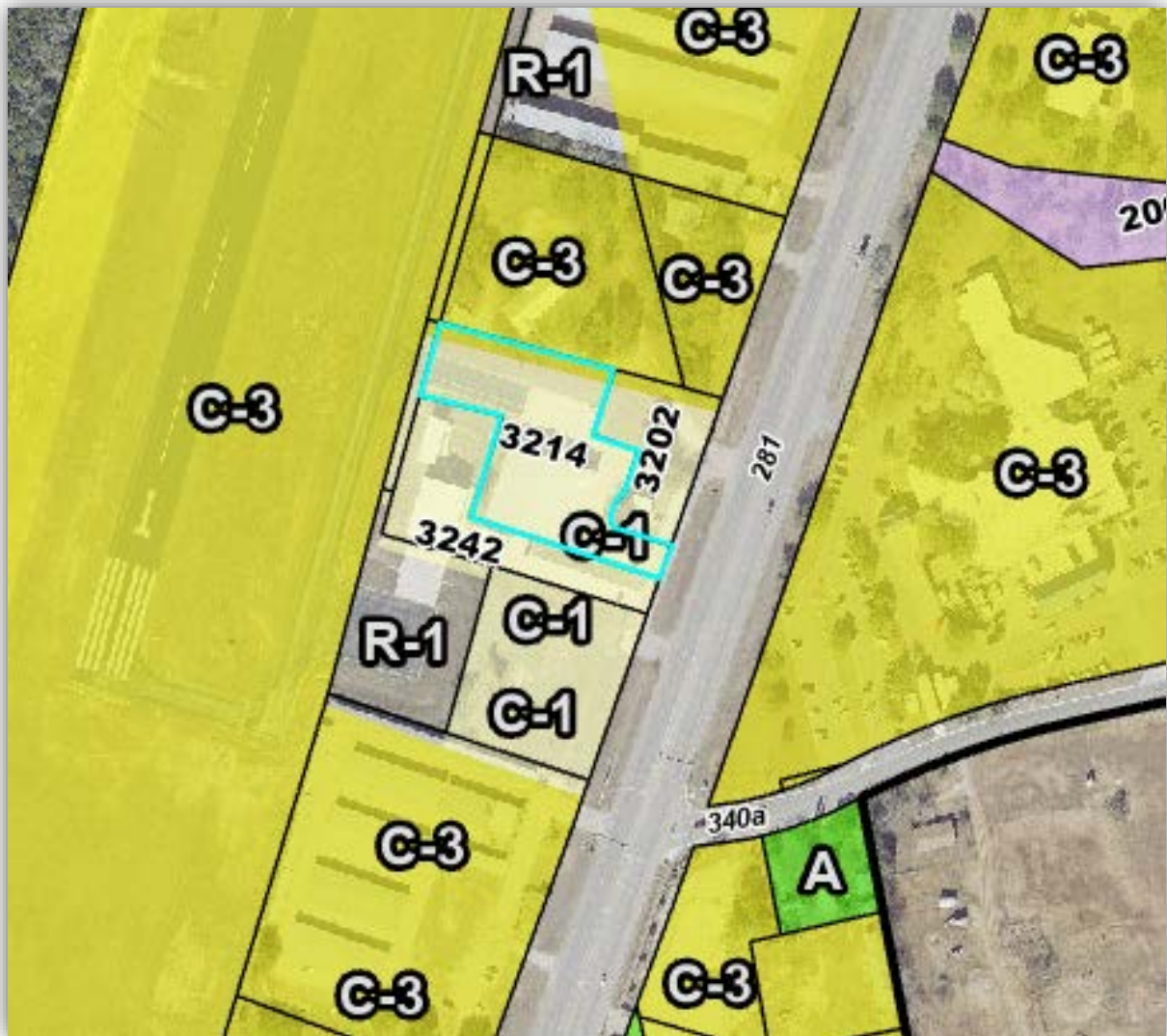
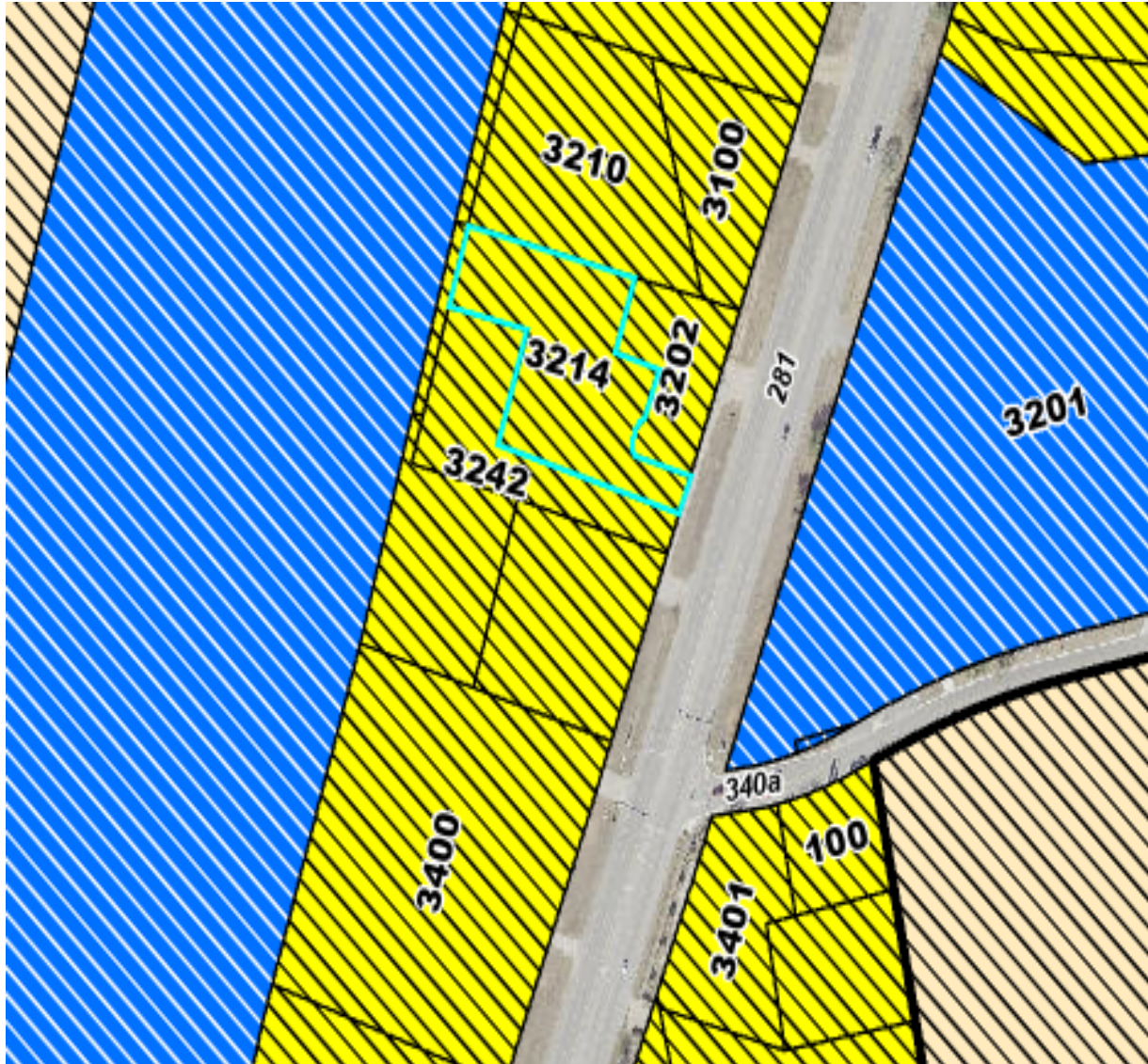


Exhibit "B"
Future Land Use Map



Government



Commercial



Residential



Open Space

ORDINANCE NO. 2022-13

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE USE OF AN "AIRPLANE HANGAR" IN A LIGHT COMMERCIAL – DISTRICT "C-1" FOR PROPERTY DESCRIBED AS 3214 S WATER STREET (LEGALLY DESCRIBED AS FLIGHT LINE BOULEVARD SUBDIVISION, LOT C) 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 3214 S Water St (legally described as Flight Line Boulevard Subdivision, Lot 1C) as shown on **Exhibit "A"** hereto.

Section three Zoning District Reclassification. Conditional Use Permit to allow the use of a, "Airplane Hangar" in a Light Commercial – District "C-1", 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 8th day of February 2022.

PASSED AND APPROVED on this the 22nd day of February 2022.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

Exhibit "A" – Property





Administration

ITEM 4.7

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

Agenda Item Brief

Meeting Date: February 22, 2022

Agenda Item: Discuss, and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CHANGING THE NAME OF A SEGMENT OF ROAD BETWEEN U.S. ROUTE 281 AND ITS INTERSECTION OF DELAWARE SPRINGS BOULEVARD FROM OAK VISTA DRIVE TO DELAWARE SPRINGS BOULEVARD; AND PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES AND PROVIDING AN EFFECTIVE DATE: H. Erkan

Background: Oak Vista Drive is the name of the entry street to Delaware Springs from U. S. Route 281 shown on the plat of the street and on the Burnet County 911 coordinator's records. However, commercial mapping services, such as Google, show the name of the entry street as Delaware Springs Boulevard. As part of TXDOT'S recent signal light installation a sign was installed misnaming the street as Delaware Springs Boulevard.

Information: This ordinance only changes the name of that segment of Oak Vista Drive between U. S. Route 281 and its intersection with Delaware Springs Boulevard. The name of the remainder of the street shall remain Oak Vista Drive.

The only change made to Ordinance 2022-08 since the first reading on February 8, 2022 was to correct the U.S. Route 290 to U.S. Route 281.

Fiscal Impact: None.

Recommendation: Approve the first reading of Ordinance No. 2022-08 as presented.

ORDINANCE NO. 2022-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CHANGING THE NAME OF A SEGMENT OF ROAD BETWEEN US ROUTE 281 AND ITS INTERSECTION OF DELAWARE SPRINGS BOULEVARD FROM OAK VISTA DRIVE TO DELAWARE SPRINGS BOULEVARD; AND PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Oak Vista Drive is a street located partially within the city's corporate limits and extraterritorial jurisdiction with its southern terminus at US Route 281 and its northern terminus at Scenic Oak Drive; and

WHEREAS, the segment of Oak Vista Drive within the City's corporate limits intersects with Delaware Springs Boulevard; and

WHEREAS, the city's municipal golf course is located on Delaware Springs Boulevard; and.

WHEREAS, deems it beneficial and convenient to members of the public traveling on U. S. Route 281 to the municipal golf course to rename the segment of Oak Vista Drive located between U. S. Route 281 and its intersection with Delaware Springs Boulevard to Delaware Springs Boulevard; and

WHEREAS, city council, finds, determines, and declares that publication of notice of this Ordinance, as required by Section 3.14 of the City Charter and the laws of the State of Texas, was made by the City Secretary within the period prescribed by Section 3.14; and.

WHEREAS, city council, finds, determines, and declares that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given as required by Chapter 551 of the Texas Government Code.

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

Section one. Street name change. The name of a segment of road between U. S. Route 281 and its intersection of Delaware Springs Boulevard is hereby changed from Oak Vista Drive to Delaware Springs Boulevard. The remainder of Oak Vista Drive shall not be effective by this name change.

Section two. Authorization. The city manager is hereby authorized and directed to notify Burnet County's 911 address coordinator and, as applicable, other governmental entity of the name change and to install street name signs as necessary.

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

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

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

Section ten. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof.

Passed and Approved on first reading on the 8th day of February, 2022

Passed Approved and Adopted on the 22nd day of February, 2022

CITY OF BURNET

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Administration

ITEM 4.8

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

Agenda Item Brief

Meeting Date: February 8, 2022

Agenda Item: Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AMENDING THE CODE OF ORDINANCES CHAPTER 1 (ENTITLED "GENERAL PROVISIONS"); SECTION 1-6 (ENTITLED "PENALTIES AND CREDIT CARD PROCESSING FEES") BY RENAMING AND RECODIFYING THE SECTION (TO BE ENTITLED "PENALTIES, CREDIT CARD PROCESSING FEES AND BAD CHECK FEES") AND ESTABLISHING A BAD CHECK FEE; PROVIDING FOR PENALTY, CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: H. Erkan

Background: The city incurs costs for processing checks drawn on accounts with non-sufficient funds. There has been a longstanding policy to charge a fee of \$25.00 for checks returned for non-sufficient funds. The proposed ordinance codifies this policy.

Information: The proposed code amendment reads:

Bad check fees. Whenever a check tendered to the City for payment of water, wastewater, electric, garbage or other utility service; or for payment for any other municipal fees, fines, court costs or other charges, is not honored by the drawee due to non-sufficient funds in the account on which the check is drawn, or for any other reason, a bad check fee in the amount of \$25.00 shall be charged against the drawer of the check.

There have been no changes to Ordinance 2022-09 since the first reading on February 8, 2022.

Fiscal Impact: None. This ordinance codifies an existing policy.

Recommendation: Approve and adopt Ordinance No. 2022-09 as presented.

ORDINANCE NO. 2022-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AMENDING THE CODE OF ORDINANCES CHAPTER 1 (ENTITLED “GENERAL PROVISIONS”); SECTION 1-6 (ENTITLED “PENALTIES AND CREDIT CARD PROCESSING FEES”) BY RENAMING AND RECODIFYING THE SECTION (TO BE ENTITLED “PENALTIES, CREDIT CARD PROCESSING FEES AND BAD CHECK FEES”) AND ESTABLISHING A BAD CHECK FEE; PROVIDING FOR PENALTY, CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the city incurs costs processing checks written on accounts with insufficient funds (hereinafter sometimes a “bad check”); and

WHEREAS, city council deems it appropriate to impose a bad check fee to recoup the city’s costs for processing checks drawn on accounts with nonsufficient funds or that are not honored by the drawee for other reasons; and

WHEREAS, city council, finds, determines, and declares that publication of notice of this Ordinance, as required by Section 3.14 of the City Charter and the laws of the State of Texas, was made by the City Secretary within the period prescribed by Section 3.14; and.

WHEREAS, city council, finds, determines, and declares that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given as required by Chapter 551 of the Texas Government Code.

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

Section one. Code Amendment. The Code of Ordinances, Chapter 1 (entitled “*general provisions*”) Section 1-6 (entitled “Penalties and Credit Card Processing Fees”) is hereby amending by renaming the Section as (“Penalties, Credit Card Processing Fees and Bad Check Fees”) and adding a new subsection (c) to read as follows:

Sec. 1-6. Penalties, Credit Card Processing Fees and Bad Check Fees.

- (c) *Bad check fees.* Whenever a check tendered to the City for payment of water, wastewater, electric, garbage or other utility service; or for payment for any other municipal fees, fines, court costs or other charges, is not honored by the drawee due to non-sufficient funds in the account on which the check is drawn, or for any other reason, a bad check fee in the amount of \$25.00 shall be charged against the drawer of the check.

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 the more restrictive provision shall apply.

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

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

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

Passed and Approved on first reading on the 8th day of February, 2022.

Passed Approved and Adopted on the 22nd day of February, 2022.

CITY OF BURNET

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Finance

ITEM 4.9

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

Agenda Item Brief

Meeting Date: February 22, 2022

Agenda Item: Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2021-31; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021, AND ENDING SEPTEMBER 30, 2022 FOR THE CITY OF BURNET, TEXAS, FUNDING ACCOUNTS IN BUDGET DUE TO UNFORESEEN SITUATIONS; CONTAINING FINDINGS; PROVIDING FOR SAVINGS AND SEVERABILITY: P. Langford

Background:

Information: This ordinance provides for the fiscal year 2021-2022 budget amendments as listed on Attachment "A". All the items listed have been previously presented to and approved by the Council.

There has been one change to Ordinance 2022-14 since the first reading on February 8, 2022. Item number six has been added to Attachment "A" for the oversizing of a water main to benefit future growth.

Fiscal Impact: As noted on Attachment "A".

Recommendation: Approve and adopt Ordinance 2022-14 as presented.

ORDINANCE NO. 2022-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2021-31; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021, AND ENDING SEPTEMBER 30, 2022, FOR THE CITY OF BURNET, TEXAS, FUNDING ACCOUNTS IN BUDGET DUE TO UNFORESEEN SITUATIONS; CONTAINING FINDINGS; PROVIDING FOR SAVINGS AND SEVERABILITY.

WHEREAS, the City of Burnet, Texas Fiscal Year 2021-2022 Budget was adopted by Ordinance 2021-31 within the time and in the manner required by State Law; and

WHEREAS, the City of Burnet, Texas has reviewed the Budget; and

WHEREAS, the City Council of the City of Burnet, Texas has considered the status of the Capital Improvement Projects for the rest of the fiscal year; and

WHEREAS, the City Council of the City of Burnet, Texas hereby finds and determines that it is prudent to amend the line items due to unforeseen situations that have occurred in the City; and

WHEREAS, the City Council of the City of Burnet, Texas further finds that these amendments will serve in the public interest; and

WHEREAS, the City Council of the City of Burnet, Texas finds and determines that the change in the Budget for the stated municipal purpose is warranted and necessary, and that the amendment of the Budget to fund these line items due to unforeseen situations and a matter of public necessity warranting action at this time;

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

Section 1. Findings

The facts and matters set out above are found to be true and correct.

Section 2. Purpose

The City of Burnet, Texas, Fiscal Year 2021-2022 Budget is hereby amended to reflect the effect of unforeseen circumstances, as reflected in attachment "A",

Section 3. Savings/Repealing Clause

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal

of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

Section 4. Severability

It is hereby declared to be the intention of the City Council that if any of the sections, paragraphs, sentences, clauses, and phrases of the Ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of unconstitutional or invalid phrases, clauses, sentences, paragraphs, or sections.

PASSED AND APPROVED the First Reading on this the 8th day of February, 2022.

FINALLY PASSED AND APPROVED on this the 22nd day of February, 2022.

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

ATTACHMENT A

1. \$4,250 increase to the Electric fund expenses and a \$4,250 increase to the Water/Wastewater fund expenses to cover new agreement costs with IPKEY Power Partners, Inc. (Includes the one time set up fee and hosting fee for the duration of the fiscal year). The cost will be covered by fund balance. (Presented at 10/26/21 Council Meeting).
2. \$200,000 increase to the General Fund Capital expense to purchase a 2022 Pierce Enforcer Mega PUC pumper truck to replace the existing Fire Engine #1. The original budget amount was for \$650,000. The cost will be covered by the capital equipment reserve account. (Presented at 10/26/21 Council Meeting).
3. \$25,000 increase in the Hotel Motel fund expenses to purchase Christmas decorations to attract visitors to the Square. The cost will be covered by the Hotel Motel fund balance. (Presented at 10/26/21 Council Meeting).
4. \$40,000 net increase to the General Fund Development Services Department expenses to cover the cost of adding a City Engineer. Personnel costs for this position are anticipated to exceed the savings in engineering fees by approximately \$30,000 to \$40,000 this fiscal year. The cost will be covered by current operations. (Presented at 11/16/21 Council Meeting).
5. \$115,000 increase to General Fund personnel expenses for the Fire department per the resolution adopting the revised pay scale for the remainder of the fiscal year. The cost will be covered by increased revenues. (Presented at 1/25/22 Council Meeting).
6. \$102,301 increase to the Water and Wastewater Capital fund expenses for the oversizing of a water main to the Creekfall Subdivision for future growth. The cost will be covered by fund balance. (Presented at 2/8/22 Council Meeting).



Development Services

ITEM 4.10

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

Action item

Meeting Date:

February 22, 2022

Agenda Item:

Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING THE CODE OF ORDINANCES SECTION 110-148 (ENTITLED "ELECTRIC LINE EXTENSION POLICIES") AND SECTION 110-149 (ENTITLED "RELOCATING FACILITIES AND LINE CLEARANCE"); PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: H. Erkan

Background:

New commercial and residential development requires extension of electric service. Materials required for extensions of service include electric cables and transformers. The City's current electric extension policy was adopted in 2006 and was based on Pedernales Electric Cooperative's then effective policies. It allocated costs approximately fifty-fifty between developer's and the City. Recently, Pedernales Electric Cooperative amended its policies to impose all costs of line extensions on the developer. Moreover, due to supply chain disruptions, the post pandemic construction boom and related factors material cost have risen exponentially. Pre-pandemic electric line extension costs to the City for a subdivision averaged \$75,000.00. Now the City's average costs exceed \$300,000.00

Information:

This ordinance shifts all electric line extensions costs, (design, materials, labor) to the developer. Additionally, the ordinance requires new line extensions to be underground, unless overhead facilities are approved by the City. As a matter of housekeeping the ordinance

also moves the City's line relocation policy from Section 110-147 to 110-148.

Pursuant to Council direction, for the second reading the ordinance has been revised be effective immediately upon passage.

Fiscal Impact

This ordinance will have a positive fiscal impact on the Electric Utility's budget.

Recommendation:

Approve and adopt Ordinance No. 2022-17 as presented.

ORDINANCE NO. 2021-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING THE CODE OF ORDINANCES SECTION 110-148 (ENTITLED “ELECTRIC LINE EXTENSION POLICIES”) AND SECTION 110-149 (ENTITLED “RELOCATING FACILITIES AND LINE CLEARANCE”); PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City by virtue of a Certificate of Convenience and Necessity issued by the Texas Public Utility Commission provides electric service to many of its citizens; and

WHEREAS, pursuant to its police powers the City may impose reasonable regulations related to connection to the electric system; and

WHEREAS, City Council’s regulatory objectives are to protect the public electric system from unnecessary waste or compromise; assure sufficient revenue to sustain the system; and, to assure the electric system’s continuous availability to the public; and

WHEREAS, City Council's adoption of the current electric line extension policy was adopted pursuant to Ordinance No. 2006-6 on February 28, 2006, and said policy was based on Pedernales Electric Cooperative’s then effective policies; and

WHEREAS, Pedernales Electric Cooperative’s current policies obliges the applicant for service extension to pay all costs associated with the service extensions; and

WHEREAS, due to supply chain disruptions and other factors costs for transformers and other hardware have increased exponentially; and

WHEREAS, City Council deems it appropriate to amend the current electric line extension policy in a manner consistent with Pedernales Electric Cooperative’s current policy; and

WHEREAS, City Council deems it appropriate to codify the procedures for providing line clearance assistance related to transportation of oversized goods; and

WHEREAS, City Council, finds, determines, and declares that publication of notice of this Ordinance, as required by Section 3.14 of the City Charter and the laws of the State of Texas, was made by the City Secretary within the period prescribed by Section 3.14; and.

WHEREAS, City Council, finds, determines, and declares that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given as required by Chapter 551 of the Texas Government Code.

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

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

Section two. Code Amendment. The Code of Ordinances of the City of Burnet, Chapter 110 (entitled "*Utilities*") Section 110-148 (entitled "*Electric Line Extension Policies*") is hereby amended as follows:

Sec. 110-148 Electric Line Extension Policies

- (a) *Scope.* This section applies only to land located within the City's certificate of convenience and necessity service.
- (b) *Administration.* These policies shall be administered by the City of Burnet City Manager, or his or her designee.
- (c) *Service Rules.* The extension of electric lines under this section shall comply with all applicable provisions of the Service Rules and Regulations of the City of Burnet, including, but not limited to applicable sections of this Chapter such as Sec. 110-137 (entitled "*responsibility for connection of electrical service*").
- (d) *Application.* An applicant shall complete an application for electric line extension on such form as provided by the City.
- (e) *Costs.* Except as expressly stated in this section, all costs for electric line extension, including but not limited to engineering, easement acquisition and dedication, labor, materials, equipment, shall be borne by the applicant; and applicant shall reimburse the City for any costs the City may incur as follows:
 - (1) the Administrator shall determine what electric facilities will adequately serve all prospective customers requesting the electric line extension;
 - (2) the administrator, using the most current data available, shall provide the applicant with an estimate of the City's costs for the requested electric line extension;
 - (3) prior to the City initiating any work, applicant shall pay the City 100% of the cost estimate; and
 - (4) if, at completion of the work it is determined the actual costs was less than the estimate the City shall reimburse the applicant the difference; but if the actual costs are more than the estimate the applicant shall reimburse the City the difference.

- (f) *Dedication.* Ownership of all lines, services, material, and facilities installed by the City, applicant, or other party shall vest with the City without formality of dedication, whether or not the same have been paid for by the applicant; except those services installed past the point of delivery as defined in City Code Section 110-136.
- (g) *Individual lots:* The costs to connect individual lots within the subdivision are in addition to the costs described in this section.
- (h) *Underground facilities.* Unless overhead facilities are approved by the administrator all electric line extensions shall be placed underground. Underground infrastructure to subdivisions or commercial lots shall be subject to all applicable requirements that follow:
 - (1) the applicant shall be responsible for providing all civil work. Including but not limited to, trenching, bedding, backfill, concrete work associated with ground mounted gear, and all conduits and its installation; and
 - (2) when the design of the development is such that switchgears are required for safe and proper operation of the distribution system, the developer will bear the cost of the switchgear; but, where switchgears are installed solely for the convenience of the City to provide flexibility in serving load outside of the development, the City shall bear the cost of such switchgear;
 - (3) In all cases, underground secondary service lines from the meter to the customer's main disconnect or service center shall be installed and maintained by the customer and the City of Burnet shall have no responsibility or liability in connection therewith;
 - (4) for Commercial/Industrial/multi-family residential services where the meter bank of meters is to be located on the building or adjacent to the load, the service (cables, conduit, and trench) from the transformer to the load will be provided by the customer; and
 - (5) all electric line extensions shall be three-phase, unless otherwise approved by the City.
- (i) *Overhead facilities.* Upon request by an applicant, the administrator's approval, and applicant's compliance with all applicable requirements of this section the city will construct new extension of its overhead distribution system subject to all applicable requirements that follow:
 - (1) the applicant complies with applicable requirements of this Chapter;
 - (2) the applicant dedicates to the public such rights-of-way easements and covenants as required by the City;

- (3) the applicant provides Site Plans (streets, wet utilities, mechanical, electrical, plumbing, and landscaping plans, etc.), notice of construction start dates and construction schedules that are reasonable and industry typical for the type of work to be performed;
 - (4) the applicant shall provide survey points for grades, lot corners, street rights of way, and other locations necessary for installation of the electric system; and
 - (5) all electric line extensions shall be three-phase, unless otherwise approved by the City.
- (j) *Oversize Facilities.* For the purposes of this subsection, a facility is deemed oversize when, and to the extent, the City requires installation facilities in excess of the specific electric load requirement for a development at full development. In such case the City of Burnet may, in its sole discretion, participate with the developer, customer, or applicant in the cost of oversized facilities.

Section three. Code Amendment. The Code of Ordinances of the City of Burnet, Chapter 110 (entitled “*Utilities*”) Section 110-149 (entitled “*Relocating Facilities and Line Clearance*”) is hereby amended as follows:

Sec. 110-149. Relocating Facilities and Line Clearance.

- (a) *Relocating lines and facilities.* At the applicant's request, and at the sole option of the City electric lines and other facilities may be relocated only if the following conditions are met:
- (1) Service to other customers, both present and prospective, will not be adversely affected.
 - (2) Dedications of easements necessary for the relocated lines or other facilities are granted to the City.
 - (3) The applicant pays in advance the total estimated cost of removing the existing lines and/or facilities and replacing them with lines and/or facilities at the new location, in accordance with Sec. 110-148(e).
- (b) *Line Clearance.* The City will assist in the transportation of oversized objects through the area or in the construction of buried pipelines or other objects within the City of Burnet right-of-way by temporarily de-energizing City facilities or temporarily relocating or raising City facilities subject to the following:
- (1) the line clearance request shall be made at least ten business days before the activity requiring the line clearance;
 - (2) the applicant shall pay the City its estimated costs for the line clearance in advanced, with the understanding that should the estimate exceed the City's actual costs the City will repay the applicant the difference, but should the estimate be less than the

City's actual costs the applicant shall reimburse the City the difference; and

- (3) City's cost shall be calculated to include, but not limited to labor, materials, engineering, right-of-way acquisition and clearing, and costs for vehicles or equipment use.

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

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

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

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

Section ten. Effective Date. This Ordinance shall be effective upon the date of final adoption.

The remainder of this page is intentionally blank, and the signature page follows.

Passed on first reading on the 8th day of February, 2022

Passed, Approved and Adopted to be Effective on second reading the 22nd day of February, 2022

CITY OF BURNET

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Human Resources Department

ITEM 4.11

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

Agenda Item Brief

Meeting Date: February 22, 2022

Agenda Item: Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING SECTION 8.07 VACATION LEAVE, OF THE PERSONNEL POLICY MANUAL BY UPDATING AND CLARIFYING POLICY REQUIREMENTS: K. Sames

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

Information: Included in the Personnel Policy Manual is No. 8.07, Vacation Leave. As the City desires to attract and retain quality employees, staff frequently evaluates the compensation package in order to offer competitive salaries and benefits.

In 2021 a vacation survey conducted by the City of Pflugerville that included sixty-three participants. One survey question included, "How many hours of vacation time do your employees initially accrue in a year when first hired?" Results revealed that 57% of survey participants provided 80 hours of vacation, 14% provided 96 hours of vacation, and 21% provided 120 hours.

In September 2021 HR requested samples of vacation policies from other municipalities. Policies were reviewed from thirty cities across Texas ranging from small to mid-size cities. Results reflected a commonality that new employees can accrue vacation upon employment and the accrual rates in the first five years varied between 80 and 120 hours.

Currently the City of Burnet provides no vacation leave during the first year of employment. After one year of employment, regular non-shift employees may use 40 hours of accrued vacation, police shift employees may use 42 hours of accrued vacation, and fire shift employees may use 60 hours of

accrued vacation. The same amount of vacation leave is earned during year 2 of employment. The accrual table increases after 2 years of employment.

A copy of the current and proposed vacation policy is attached for review.

Staff recommends the following changes to Personnel Policy No. 8.07, Vacation Leave –

1. Allow full time benefit eligible employees to accrue vacation from hire date.
2. Allow full time benefit eligible employees to utilize accrued vacation after completing 90 days of employment.
3. Provide no payout of accrued vacation upon separation of employment until one year of service is completed.
4. Change the vacation accrual table to provide employees with 0-2 years of service to accrue vacation leave at the current 2-5 year accrual rate. Thus, employees would begin accruing vacation each pay period upon hire:
 - 80 hours annually (regular non-shift employees)
 - 84 hours annually (police shift employees)
 - 120 hours annually (fire shift employees)

Fiscal Impact:

As employees would not be eligible for vacation payout until one year of service is completed, the payout of vacation would be based on the proposed accrual table for 12-24 months.

Recommendation:

City staff recommends approval of Resolution No. 2022-20, updating Personnel Policy No. 8.07 Vacation Leave effective March 1, 2022.

RESOLUTION NO. 2022-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING SECTION 8.07 VACATION LEAVE, OF THE PERSONNEL POLICY MANUAL BY UPDATING AND CLARIFYING POLICY REQUIREMENTS.

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

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

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

Whereas, the Personnel Policy Manual was last revised on August 24, 2021; and

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

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

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

Section 1. The City Council hereby accepts and adopts the amendment to the Personnel Policy to include Section 8.07 Vacation Leave as attached hereto as Exhibit "A" with an effective date of March 1, 2022.

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

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

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

PASSED AND APPROVED on this 22nd day of February 2022.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

EXHIBIT A

8.07 VACATION LEAVE (Revised 2-22-2022, Resolution 2022-)**

I. PURPOSE/POLICY

1. Vacation leave is an earned benefit intended to provide time away from the work environment to pursue activities that will promote the wellbeing of the individual.
2. All regular full-time employees shall accrue vacation leave upon employment.
3. Eligibility and accrual rate of vacation benefits is determined by the date of regular full-time employment to the City of Burnet.
4. Earned vacation leave may be used after successfully completing 90 days of full-time employment; vacation leave is forfeited if employment is terminated (voluntarily or involuntarily) before an employee successfully completes 1 year of employment.
5. Part-time, temporary and seasonal employees shall not earn vacation leave and shall not be entitled to vacation time.
6. Official City of Burnet observed holidays occurring while an employee is on approved paid vacation leave shall be considered as paid holidays and do not affect vacation leave balances.
7. Employees on workers compensation will not accrue vacation leave when the employee is unable to work and being compensated by workers compensation benefits.
8. Employees on an unpaid leave of absence will not accrue vacation leave.
9. An employee on disciplinary suspension forfeits all claims to use vacation leave for the duration of the disciplinary suspension.
10. If an employee becomes ill while on approved vacation leave, sick leave will be used. Documentation/verification from a licensed physician's may be required.
11. Employees may not "borrow" unearned vacation time.

II. USE OF VACATION LEAVE

1. All requests for vacation leave must be approved by the Department Director prior to time leave is to start. Department Directors must have approval from the City Manager prior to the time the leave is to start. Request forms are available from the Department Supervisor or the Human Resources Department.
2. Employees shall not be authorized to take in excess of two weeks (consecutively) of vacation leave, without the prior written approval of the Department Director, except when the employee is on approved Family and Medical Leave (FMLA) or leave of absence.

3. To ensure proper payment of vacation pay, employees must submit a vacation leave request within Time Entry (ESS) or an approved leave request form prior to the vacation time beginning.

A. Vacation Accrual Limits

1. An employee may accrue as many hours of vacation as authorized per the approved vacation schedule throughout the calendar year. In addition, earned but unused vacation leave accrues from year to year up to the maximum number of hours stated below. At each calendar year end, unless a balance carry-over is approved by the City Manager, any vacation balance in excess of the maximum number of hours authorized shall be forfeited. Any balance carry-over request for the City Manager must be approved by the Mayor. Under no circumstances at calendar year end will vacation hours over the maximum be compensated to the employee.
 - a) Regular personnel, except shift Fire/EMS and Police, may accrue a maximum of 240 hours.
 - b) Police Department personnel working a 12-hour shift may accrue a maximum of 258 hours.
 - c) Fire/EMS Department personnel working 24-hour shifts may accrue a maximum of 336 hours.

B. Compensation of Vacation Leave

1. Vacation leave is paid at the employee's base rate at the time of the leave. It does not include overtime or any special forms of compensation. Vacation time is paid only for scheduled hours the employee would ordinarily have worked.
2. Employees will not be paid for any unused vacation except upon separation of employment.
3. Upon termination, retirement, resignation, or death, an employee shall be paid for accrued vacation leave at the rate of pay the employee was receiving at the time of separation. Only employees who have successfully completed 1 year of employment are entitled to this payout provision upon separation.
4. Separating employees will not be authorized to use vacation leave during their resignation period unless approved in advance by the City Manager.

C. *Accrual of Vacation*

1. Vacation leave will be earned and credited, according to the vacation accrual schedule below, to regular full-time employees for each completed pay period worked.

Vacation Earning Schedule Pay Period Accrual - Full-time employees, including non-shift police and fire department personnel earn vacation leave as follows:

REGULAR FULL-TIME EMPLOYEES (Except Fire/EMS and Police Shift Personnel) Maximum of 240 Hours		
Years of Service	Hours Per Pay Period	Hrs. Accrued Yearly
0 - 5	3.08	80
6- 15	4.62	120
16	4.92	128
17	5.23	136
18	5.54	144
19	5.85	152
≥ 20	6.15	160

Vacation Earning Schedule Pay Period Accrual – Full Time police shift personnel earn vacation leave as follows:

REGULAR FULL-TIME EMPLOYEES (Police Shift Personnel) Maximum of 258 Hours		
Years of Service	Hours Per Pay Period	Hrs. Accrued Yearly
0 - 5	3.23	84
6- 15	4.85	126
16	5.12	133
17	5.39	140
18	5.69	148
19	5.96	155
≥ 20	6.23	162

Vacation Earning Schedule Pay Period Accrual – Full Time fire shift personnel earn vacation leave as follows:

REGULAR FULL-TIME EMPLOYEES (Fire /EMS Shift Personnel) Maximum of 336 Hours		
Years of Service	Hours Per Pay Period	Hrs. Accrued Yearly
0 - 5	4.62	120
6- 15	6.92	180
16	7.38	192
17	7.85	204
18	8.31	216
19	8.77	228
≥ 20	9.23	240

Existing Policy

8.07 VACATION LEAVE

No vacation leave benefits vest with a new City employee during the first year of employment. Upon completion of the initial one-year employment period, vacation leave benefits, figured from date of employment, are credited to the employee, and are available for use. Thereafter, earned vacation leave is earned and credited to the employee at the beginning of each pay period.

Regular employees normally scheduled to work five eight-hour days per week, Monday through Friday, earn vacation leave as follows:

At the completion of Years of Service	Days per Year
1 year	5 days*
2 through 5	10 days
6 through 15	15 days
16 and over	1 additional day per year for a maximum of 20 days
For the purposes of this table, 1 day equals 8 hours	

Regular employees normally scheduled to work four ten-hour days (4/10's) per week earn vacation leave as follows:

At the completion of Years of Service	Days per Year
1 year	4 days*
2 through 5	8 days
6 through 15	12 days

16 and over	.8 additional days per year for a maximum of 16 days
For the purposes of this table, 1 day equals 10 hours	

Police Department shift-employees working 12-hour shifts earn vacation leave as follows:

Years of Service	Days per Year
1 year	3.5 days*
2 through 5	7 days
6 through 15	10.5 days
16 and over	.7 additional days per year for a maximum of 13.5 days
For the purposes of this table, 1 day equal 12 hours	

Fire/EMS shift-employees working 24-hour shifts shall earn vacation leave as follows:

Years of Service	Days per Year
1 year	2.5 days*
2 through 5	5 days
6 through 15	7.5 days
16 and over	.5 additional day per year for a maximum of 10 days
For the purposes of this table, 1 day equals 24 hours	

** Accrual is posted as a lump sum at the end of the first year of service.*

Shift employees are employees subject to shiftwork, i.e.: Police Officers, Fire/EMS employees, etc. Part-time and temporary employees do not earn vacation leave.

Earned but unused vacation leave accrues from year to year up to a maximum of 240 hours. Each calendar year end, any vacation balance in excess of 240 hours, is dropped from the records without compensation to the employee. Police Department personnel working a 12-hour shift would be allowed to accrue a maximum of 258 hours and Fire/EMS Department personnel working 24-hour shifts would be allowed to accrue up to 336 hours before losing any unused vacation.

After one year's service leave credits are posted to the employee's account at the rate prescribed above. No advance of unearned vacation leave benefits will be made.

No more than two (2) weeks' vacation can be taken at any given time, unless special provision is made with the Department Director, or in the case of a request by the Department Director, the City Manager.

All requests for vacation leave must be approved by the Department Director prior to time leave is to start. Department Directors must have approval from the City Manager prior to the time the leave is to start. Request forms are available from the Department Supervisor or the Human Resources Director's office.

Active employees are not eligible to receive payment for unused vacation. Upon the termination from City employment, regular employees will be paid for accrued and unused vacation leave.



Development Services

ITEM 4.12

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

Agenda Item Brief

Meeting Date: February 22, 2021

Agenda Item: Discuss and consider action: Direction to staff regarding a petition for annexation of real property located north of the city limits and west of U.S. Route 281, being more particularly described as a 69.275-acre tract of land out of the John Hamilton Survey, No. 1, Abstract no 405, the Thomas Alley Survey No. 410, Abstract No. 35, and the Jose Maria Musquez Survey No. 1, Abstract No. 581, Burnet County, Texas; and authorizing the initiation of proceedings to annex the real property: H. Erkan

Background: On December 14, 2022, City Council accepted a petition from LinTang, LLC requesting annexation of 69.275 acres of real property located north of the city limits and west of U.S. Route 281. On January 31, 2022, the owner submitted a preliminary plat application to subdivide the property into one-hundred-fifty-one single-family lots that would not meet the 75-foot-wide lot the minimum (hereinafter the “project”). On February 8, 2022, City Council considered the first reading of an ordinance amending the zoning code to make 75-foot-wide lots the minimum in the R-1 single-family district, instead of the current 60-foot wide minimum.

Information: The next steps for annexation proceedings is to provide notice to interested parties and set the public hearing. Additionally, staff is reviewing the plat application. Should Council approve an annexation ordinance the project will be vested to the 60-foot wide minimum and would be eligible for water, and wastewater service. In light of the deliberations on the ordinance amending the zoning code staff determined it would be prudent to bring this manner before City Council before setting the annexation public hearing date..

Fiscal Impact

Annexation brings positive fiscal impact by the collection of ad valorem taxes and utility service fees. Annexation brings a negative fiscal impact due services that will be provided to the newly annex area.

Recommendation:

Open discussion on the item and proved staff direction on how to proceed with this proposed annexation.



JOHN DEERE

Investment Proposal (Quote)

RDO Equipment Co.
16415 N Interstate 35
Pflugerville TX, 78660
Phone: (512) 272-4141 - Fax: (512) 272-9365

Proposal for:
CITY OF BURNET
1001 BUCHANAN DR SUITE 4
PO BOX 1369
BURNET, TX, 786111369
BURNET

Investment Proposal Date: 7/21/2021
Pricing Valid Until: 8/20/2021
Deal Number: 1467273
Customer Account#: 6093004
Sales Professional: Chris Hamilton
Phone: (512) 687-7183
Fax: 252-3621
Email: CHamilton@rdoequipment.com

Comments

Sourcwell: #032119-JDC

Equipment Information

Quantity	Serial Number Stock Number	Hours (approx.)	Status / Year / Make / Model Additional Items	Cash Price
1	TBD TBD	0	New 2022 JOHN DEERE 333G	\$112,389.00
			Customer Discount Sourcwell - 32% off list	(\$35,964.48)
			Freight in factory ride	\$1,827.00
			Prep / Reconditioning pdi	\$775.00
			Freight Out delivery	\$425.00
1	TBD TBD	0	Attachment - New 2021 JOHN DEERE MH60D	\$36,623.00
			Customer Discount Sourcwell - 20% off list	(\$7,324.60)
			Freight in Factory	\$350.00
			Prep / Reconditioning PDI/Install/Test	\$350.00
1	TBD TBD	0	Attachment - New 2021 JOHN DEERE RX84	\$17,663.00
			Customer Discount Sourcwell - 20% off list	(\$3,532.60)
			Prep / Reconditioning PDI/Install/Test	\$350.00
1	81003 X309267	0	Attachment - New 2021 ARROW MATERIAL HANDLING PRODUCTS FORKS48	\$1,100.00
1	TBD TBD	0	New 2022 JOHN DEERE cp30e	\$29,269.00
			Customer Discount Sourcwell discount 20% off list	(\$5,733.80)
			Equipment Subtotal:	\$148,565.52

Purchase Order Totals

Balance: \$148,565.52
Total Taxable Amount: \$0.00
TX STATE TAX: \$0.00
TX SPECIAL TAX: \$0.00
Sales Tax Total: \$0.00
HEI: \$222.85
Sub Total: \$148,788.37
Cash with Order: \$0.00
Balance Due: \$148,788.37

Equipment Options

Qty	Serial Number	Year / Make / Model	Description
1	TBD	2022 JOHN DEERE 333G	0BF2T 333G COMPACT TRACK LDR BASE 0770 2SP HIFL SLEV RC CB/AC PQT 0953 ISO SWITCHABLE CTLS & JS PPK 170K JDLINK 4001 2" SEAT BELT W/SHOULDERSTRAP 6006 AIR RIDE SEAT (CLOTH W HEAT) 8060 PRE CLEANER 8310 3 SET COUNTERWEIGHT 8370 LOUVER REAR GRILLE, HVY DUTY 8380 FOOTREST WITH FLOORMAT 9062 84" HD CONST BKT W/ EDGE 1501 ENGLISH DECALS AND MANUALS 2605 RUBBER TRACK, 450MM
1	TBD	2021 JOHN DEERE MH60D	07A2T MH60D MULCHING HEAD 2000 MH60D MULCHING HEAD SMOOTH
1	TBD	2021 JOHN DEERE RX84	83B1T RX84 ROTARY CUTTER
1	81003	2021 ARROW MATERIAL HANDLING PRODUCTS FORKS48	1.5X4X48 48" FORK TINES
1	TBD	2022 JOHN DEERE cp30e	9012T CP30E COLD PLANER 30" 1013 1 CP30E ST 1013 1013 1 CP30E ST



Streets Department

Item 4.13

Mark Miller
Streets / Parks
Superintendent
(737)251-3563
mmiller@cityofburnet.com

Agenda Item Brief

Meeting Date: February 22, 2022

Agenda Item: Discuss and consider action: Authorizing the City Manager to issue a purchase order for the acquisition of a 2022 John Deere 333G compact track loader and listed attachments through Sourcewell bid # 032119-JDC: M. Miller

Background: In the 2021-2022 budget, Council approved \$140,000 for the purchase of a new tracked skid steer loader and attachments. The versatility of this loader will enable the maintenance crews to improve efficiencies performing current daily tasks as well as assume new tasks. These loaders have superior traction, flotation, and the ability to work in a wide range of underfoot conditions. The requested additional attachments include:

1. Planer: for edge milling for utility and pavement repairs, road failure stabilization,
2. Mulch head: for stump and tree grinding in waterways, reservoirs, and parks trails
3. Rotary mulcher: for brush cutting, small tree removal and shredding in waterways.
4. Forks: for pallet lifts, pipes, etc.
5. PA40 auger with dirt and rock bits: sign and post installation.

Information: Two additional employees were hired in the Street department to increase attention to maintenance. This track loader will enable the department to improve efficiencies and perform new tasks. Staff solicited a \$179,400 quote from Holt Caterpillar for cost comparison. A cooperative bid option was not offered. The City of Georgetown reported they currently own and use a 333G for many of the same tasks and are pleased with the performance. Burnet currently utilizes John

Deere backhoe loaders and find their performance to be satisfactory. Staff feels this loader and attachments will serve the city of Burnet well.

Fiscal Impact:

The proposed cost for the 2022 John Deere 333G compact track loader is \$155,239.12 which exceeds the budgeted amount of \$140,000. The price increased since last year's quote and the addition of an auger bit.

Recommendation:

Staff requests a motion to authorize the City Manager to purchase the John Deere 333G compact track loader and listed attachments through Sourcewell bid #032119-JDC.



Street Department

ITEM 4.14

Mark Miller
Streets / Parks
Superintendent
(737)251-3563
mmiller@cityofburnet.com

Agenda Item Brief

Meeting Date: February 22, 2022

Agenda Item: Discuss and consider action: Authorizing the City Manager to issue a purchase order for the acquisition of a Komatsu WA200-8 wheel loader through HGACBuy, contract #EM06-19: M. Miller

Background: In the 2021-2022 budget, Council approved \$175,000 for the purchase of a new Wheel loader. The existing loader assigned to the Street Department is a 1994 Komatsu open-cab loader with 9156 hours. The size and maneuverability of these loaders make them the workhorse of the City's roadway excavation and rehabilitation program. The Existing Komatsu loader has had recent structural repairs on the loader arms and is becoming more prone to breakdowns. Staff is recommending keeping the old unit for faster loading of materials at stockpiles and as a backup loader if needed.

Information: Staff has been very pleased with the performance of the Komatsu and solicited a quote for a similar unit with upgrades from contractor, Waukesha-Pearce. Upgrades will include an enclosed pressurized cab to improve health/safety and comfort of the operator and a multi-purpose bucket (also known as a "clam" or "grapple" bucket) to improve efficiency when loading brush and/or fine grading materials in confined areas. Staff also solicited a quote from Holt Caterpillar on a comparable sized loader with requested features. The Caterpillar 930 loader was quoted at \$209,900. Both companies make great loaders. After reviewing the two loaders and considering pricing and the longevity and success the city has had with our existing Komatsu loader, staff feels the WA200-8 Wheel Loader will serve the needs of Public Works.

Fiscal Impact: Proposed cost of the Komatsu WA200-8 Wheel Loader \$175,133.16. The City Council budgeted \$175,000.00 for the purchase of this equipment in the FY2021-2022 Budget.

Recommendation: Staff requests approval and authorization for the City Manager to purchase the Komatsu WA200-8 wheel loader through HGACBuy .



CONTRACT PRICING WORKSHEET
For Catalog & Price Sheet Type Purchases

Contract No.:

EM06-19

Date Prepared:

01/05.2022

This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents MUST be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.

Buying Agency:	City of Burnet	Contractor:	Waukesha-Pearce Industries
Contact Person:		Prepared By:	Cory Webb
Phone:		Phone:	512-783-6977
Fax:		Fax:	
Email:		Email:	cory.webb@wpi.com

Catalog / Price Sheet Name:	EM19A139 Komatsu Wheel Loader Pricing Catalog Effective 11/15/2018
General Description of Product:	2022 Komatsu WA200-8 Wheel Loader

A. Catalog / Price Sheet Items being purchased - Itemize Below - Attach Additional Sheet If Necessary

Quan	Description	Unit Pr	Total
1	Komatsu WA200-8 Wheel Loader	238587	238587
	Michelin Tires		0
	Hydraulic Quick Coupler		0
	3-Spool Valve, Hydraulic Control with Mono-Lever		0
			0
			0
			0
			0
	12 months/Unlimited Hours Manufacturer Warranty		0
			0
1	Less 25% Discount	-59646.75	-59646.75
Total From Other Sheets, If Any:			
Subtotal A:			178940.25

B. Unpublished Options, Accessory or Service items - Itemize Below - Attach Additional Sheet If Necessary

(Note: Unpublished Items are any which were not submitted and priced in contractor's bid.)

Quan	Description	Unit Pr	Total
1	2.5cyd Quick Coupler Multi-Purpose Bucket	17430	17430
1	3.5% Manufacturer Surcharge	6262.91	6262.91
			0
			0
Total From Other Sheets, If Any:			
Subtotal B:			23692.91
Check: Total cost of Unpublished Options (B) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B).		For this transaction the percentage is:	13%

C. Trade-Ins / Special Discounts / Other Allowances / Freight / Installation / Miscellaneous Charges

Mfg & Customer Delivery Freight	4500
Pre-Delivery Inspection	950
Additional Mfg Discount	-32950
Subtotal C:	-27500

Delivery Date:	D. Total Purchase Price (A+B+C):	175133.16
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Police Department

ITEM 4.15

Brian Lee
Police Chief
512-756-6404
blee@cityofburnet.com

Action

Meeting Date:	February 22, 2022
Agenda Item:	Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AUTHORIZING THE ACCEPTANCE OF A DONATION OF FOURTEEN BALLISTIC HELMETS AND TWO BALLISTIC SHIELDS FROM MARILIE WALKER: B. Lee
Background:	Ms. Walker has approached the Burnet Police Department wishing to donate ballistic protection in the form of helmets and shields. The department currently does not have any ballistic helmets for officers or ballistic shields to deploy when circumstances dictate. The donation would be large enough to equip all patrol officers with a ballistic helmet affording them more protection in high-risk situations.
Information:	The use of ballistic helmets and shields are common when officers are faced with known threats. The helmets and shields offer a significant amount of protection in addition to other body armor officers already wear. The implementation of this program would be possible through the donation to the police department and would equip all uniformed patrol personnel.
Fiscal Impact	None.
Recommendation:	Approve and adopt Resolution 2022-23 as presented.

RESOLUTION NO. R2022-23

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET,
TEXAS AUTHORIZING THE ACCEPTANCE OF A DONATION OF
FOURTEEN BALLISTIC HELMETS AND TWO BALLISTIC SHIELDS
FROM MARILIE WALKER TO THE BURNET POLICE DEPARTMENT.**

Whereas, Marilie Walker has generously offered to donate fourteen Ballistic Helmets and two Ballistic Shields for the officers of the Burnet Police Department; and

Whereas, Ballistic helmets and shields provide a significant amount of protection in addition to other body armor officers already wear in the line of duty for the City of Burnet Police Department; and

Whereas, City Council gratefully wishes to accept this donation.

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

Section one. Acceptance. The offer by Marilie Walker to donate fourteen ballistic helmets and two ballistic shields for the additional protection of the Burnet Police Department Police Officers while serving in the line of duty, is hereby accepted.

Section two. Instrumentalities of conveyance. The Mayor is authorized to coordinate with the City Manager to finalize such donation agreements, such as valuation of gift certification and other instruments and documents necessary to finalize and record the acceptance of this donation.

Section three. Findings. The findings of this resolution are deemed to be true, correct, and incorporated herein for all purposes.

Section four. Open Meetings. That 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.

PASSED AND APPROVED to be effective this the 22nd day of February, 2022.

CITY OF BURNET

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



**Water/Wastewater
Department**

Item 4.16

Alan Burdell
Streets / Parks
W/WW Operations Manager
(830)798-3978
aburdell@cityofburnet.com

Agenda Item Brief

Meeting Date: February 22, 2022

Agenda Item: Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS APPROVING THREE PUBLIC UTILITY EASEMENTS LOCATED AT 1504, 1402 AND 1304 BUCHANAN DRIVE AND AUTHORIZING THE MAYOR TO EXECUTE SAID INSTRUMENT ON BEHALF OF THE CITY: A. Burdell

Background:

Information:

Fiscal Impact:

Recommendation: Adopt Resolution R2022-24 as presented.

RESOLUTION NO. R2022-24

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS APPROVING THREE PUBLIC UTILITY EASEMENTS LOCATED AT 1504, 1402 AND 1304 BUCHANAN DRIVE AND AUTHORIZING THE MAYOR EXECUTE SAID INSTRUMENT ON BEHALF OF THE CITY.

Whereas, Ken Hopkins granted to the City a 20' wide public utility easement as described in Exhibit "A"; and

Whereas, JMH Industries, LLC, granted to the City a 20' wide public utility easement as described in Exhibit "B"; and

Whereas, Jerry Holt Quartermaster VFW Post #6974 granted to the City a 20' wide public utility easement as described in Exhibit "C"; and

Whereas, City Council deems in the public interest to accept the grants of easements.

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

Section one. Findings. The recitals to this Resolution are found to be true and correct and are incorporated herein for all purposes.

Section two. Approval. The acceptance of the Public Utility Easement attached hereto as **Exhibits "A"; "B"; and "C"** are hereby approved.

Section three. Authorization. The Mayor is hereby authorized to execute Easement Instruments in substantially the same form as **Exhibits "A"; "B"; and "C"**.

Section four. Recordation. The City Secretary is authorized and directed to have the executed Easement Instruments duly recorded in the public records of Burnet County.

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 8th day of February, 2022.

CITY OF BURNET, TEXAS

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary



Police Department

ITEM 4.17

Brian Lee
Chief of Police
512-7103483
blee@cityofburnet.com

Action

Meeting Date:	February 22, 2021
Agenda Item:	Discuss and consider action: City Code violations at the property located at 209 W. Jackson Street and provide direction to staff on how to proceed with enforcement action: B. Lee.
Background:	Betty Ulbricht holds a life estate at property located at 209 W. Jackson Street. Ms. Ulbricht, an elderly woman resides alone on the property. In response to neighbor complaints the Code Compliance officer opened an investigation and has found the exterior of the property in serious disrepair. Much of the roof of Ms. Ulbricht's home is collapsed and tarps have been placed on the supporting beams to provide protection from the weather. It is suspected that the interior of the home is equally dilapidated. Ms. Ulbricht has ignored Municipal Court summons. The holder of the remainder interest in the property (the party who will take ownership after the expiration of the life estate) is Wayne's Automotive.
Information:	Dangerous structures fall under the purview of City Code Sec. 22-77. Pursuant to the section, City Council, after notice and hearing can adjudicate a structure to be dangerous, order its repair; and if not repaired in thirty days (or up to ninety days at Council's discretion) order its demolition. In this case staff feels the home is in such a state of disrepair the life estate holder/resident will not have the resources to make the necessary repairs. If the home is demolished the City is under no legal obligation to find housing for the resident. Should Council direct staff to initiate a dangerous structure case, the first step would be to seek an administrative search warrant from District or County Court to inspect the home's interior.
Fiscal Impact	Should demolition be ordered the costs can be significant. The City can seek to recoup those costs from the Life Estate

holder and the holder of the remainder interest. And if payment is not made the City can lien the property.

Recommendation:

Open discussion on the item and provide staff direction on how to proceed with this matter.



Administration

ITEM 4.18

Adrienne Feild
Admin Services/Airport Manager
512.715.3214
afeild@cityofburnet.com

Agenda Item Brief

Meeting Date:	February 22, 2022
Agenda Item:	Discuss and consider action: Authorizing the City Manager to execute a Release of Liability to the Commemorative Airforce (CAF) for the landing of an A-10 during the annual air show: A. Feild
Background:	The Burnet CAF has requested permission to land an A-10 aircraft at the Burnet Municipal Airport during the 2022 Air Show. The A-10 estimated weight is 35,000 pounds. Based on the Texas Department of Aviation's calculations, the runway is listed to have a 30,000 lb wheel weight for an aircraft.
Information:	This is the same letter that was approved by the City Council for the 2021 Airshow.
Fiscal Impact:	N/A
Recommendation:	Staff recommends a motion to authorize the City Manager to execute the release of liability.



City of Burnet

(512) 756-6093
FAX (512) 756-8560
www.cityofburnet.com

P.O. Box 1369
1001 Buchanan Drive, Suite 4
Burnet, TX 78611

February 23, 2022

Larry Schleser
ACC/A3TA
205 Dobbs Blvd, Ste 121
Joint Base Langley-Eustis VA 23665-2789

RE: Bluebonnet Air Show

Dear Mr. Schleser:

The Commemorative Air Force Highland Lakes Squadron has contacted us in regard to staging the A-10 Demonstration Team at Burnet Municipal Airport for the Bluebonnet Air Show. It is our understanding that the A-10 normally requires a 35,000 lb. capacity, which is slightly higher than the 30,000 lb. rating of our airport.

As a result, on February 22, 2022 the City Council voted to authorize the A-10's to land and stage at the Burnet Municipal Airport (Kate Craddock Field) for the 2022 Bluebonnet Air Show.

Additionally, the airport/city will not hold the A-10 pilots or the USAF liable for any damage that may occur as a result of the A-10 operating on the runway, taxiway, or parking area, due to the A-10 being heavier than the published Single Wheel Weight Bearing of the runway.

We are looking forward to the addition of the A-10 to this great event!

Sincerely,

David Vaughn,
City Manager



Administration

ITEM 4.19

Adrienne Feild
Admin Services/Airport Manager
512.715.3214
afeild@cityofburnet.com

Agenda Item Brief

Meeting Date: February 22, 2022

Agenda Item: Discuss and consider action: Approval and authorization for the City Manager to execute a contract with KSA Engineering for professional services for the development of Minimum Standards for Commercial Aeronautical Activity and Airport Rules and Regulations (Guiding Documents): A. Feild

Background:

Information: The development of these Guiding Documents is important for the future planning and growth of the Burnet Municipal Airport. Due to the retirement of the current FBO, it is imperative that we get the rules and regulations updated prior to executing an agreement with a new FBO, should the City elect to continue to contract out such services.

Fiscal Impact: Approximately \$22,000 to be paid for out of the airport fund.

Recommendation: Staff recommends approval of the City Manager to execute contract with KSA Engineering for professional services for the development of Minimum Standards for Commercial Aeronautical Activity and Airport Rules and Regulations (Guiding Documents)

This document has important legal consequences; consultation with an attorney is encouraged with respect to its use or modification. This document should be adapted to the particular circumstances of the contemplated Project and the controlling Laws and Regulations.

SHORT FORM OF AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES

Prepared by



and

Issued and Published Jointly by



AMERICAN COUNCIL OF ENGINEERING COMPANIES

ASSOCIATED GENERAL CONTRACTORS OF AMERICA

AMERICAN SOCIETY OF CIVIL ENGINEERS

PROFESSIONAL ENGINEERS IN PRIVATE PRACTICE
A Practice Division of the
NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS

This Agreement has been prepared for use with the Standard General Conditions of the Construction Contract (EJCDC C-700, 2007 Edition) of the Engineers Joint Contract Documents Committee. Their provisions are interrelated, and a change in one may necessitate a change in the other.

SPECIAL NOTE ON USE OF THIS FORM

This abbreviated Agreement form is intended for use only for professional services of limited scope and complexity. It does not address the full range of issues of importance on most projects. In most cases, Owner and Engineer will be better served by the Standard Form of Agreement Between Owner and Engineer for Professional Services (EJCDC E-500, 2008 Edition), or one of the several special purpose EJCDC professional services agreement forms.

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1420 King Street, Alexandria, VA 22314-2794
(703) 684-2882
www.nspe.org

American Council of Engineering Companies
1015 15th Street N.W., Washington, DC 20005
(202) 347-7474
www.acec.org

American Society of Civil Engineers
1801 Alexander Bell Drive, Reston, VA 20191-4400
(800) 548-2723
www.asce.org

Associated General Contractors of America
2300 Wilson Boulevard, Suite 400, Arlington, VA 22201-3308
(703) 548-3118
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**SHORT FORM OF AGREEMENT
BETWEEN OWNER AND ENGINEER
FOR
PROFESSIONAL SERVICES**

THIS IS AN AGREEMENT effective as of _____ (“Effective Date”) between

_____ The City of Burnet (“Owner”) and

_____ KSA Engineers, Inc. (“Engineer”).

Owner's Project, of which Engineer's services under this Agreement are a part, is generally identified as follows: _____ Burnet Municipal Airport Guiding Documents (“Project”).

Engineer’s Services under this Agreement are generally identified as follows:

Professional Services related to the Governing Documents (Minimum Standards and Rules and Regulations).

Owner and Engineer further agree as follows:

1.01 Basic Agreement and Period of Service

- A. Engineer shall provide, or cause to be provided, the services set forth in this Agreement. If authorized by Owner, or if required because of changes in the Project, Engineer shall furnish services in addition to those set forth above. Owner shall pay Engineer for its services as set forth in Paragraphs 7.01 and 7.02.
- B. Engineer shall complete its services within a reasonable time, or within the following specific time period: _____
- C. If the Project includes construction-related professional services, then Engineer's time for completion of services is conditioned on the time for Owner and its contractors to complete construction not exceeding N/A months. If the actual time to complete construction exceeds the number of months

indicated, then Engineer's period of service and its total compensation shall be appropriately adjusted.

2.01 *Payment Procedures*

- A. *Invoices*: Engineer shall prepare invoices in accordance with its standard invoicing practices and submit the invoices to Owner on a monthly basis. Invoices are due and payable within 30 days of receipt. If Owner fails to make any payment due Engineer for services and expenses within 30 days after receipt of Engineer's invoice, then the amounts due Engineer will be increased at the rate of 1.0% per month (or the maximum rate of interest permitted by law, if less) from said thirtieth day. In addition, Engineer may, after giving seven days written notice to Owner, suspend services under this Agreement until Engineer has been paid in full all amounts due for services, expenses, and other related charges. Owner waives any and all claims against Engineer for any such suspension. Payments will be credited first to interest and then to principal.

3.01 *Termination*

A. The obligation to continue performance under this Agreement may be terminated:

1. For cause,

- a. By either party upon 30 days written notice in the event of substantial failure by the other party to perform in accordance with the Agreement's terms through no fault of the terminating party. Failure to pay Engineer for its services is a substantial failure to perform and a basis for termination.
- b. By Engineer:
 - 1) upon seven days written notice if Owner demands that Engineer furnish or perform services contrary to Engineer's responsibilities as a licensed professional; or
 - 2) upon seven days written notice if the Engineer's services for the Project are delayed for more than 90 days for reasons beyond Engineer's control.

Engineer shall have no liability to Owner on account of a termination by Engineer under Paragraph 3.01.A.1.b.

- c. Notwithstanding the foregoing, this Agreement will not terminate as a result of a substantial failure under Paragraph 3.01.A.1.a if the party receiving such notice begins, within seven days of receipt of such notice, to correct its substantial failure to perform and proceeds diligently to cure such failure within no more than 30 days of receipt of notice; provided, however, that if and to the extent such substantial failure cannot be reasonably cured within such 30 day period, and if such party has diligently attempted to cure the same and thereafter continues diligently to cure the same, then the cure period provided for herein shall extend up to, but in no case more than, 60 days after the date of receipt of the notice.

2. For convenience, by Owner effective upon Engineer's receipt of written notice from Owner.

- B. The terminating party under Paragraph 3.01.A may set the effective date of termination at a time up to 30 days later than otherwise provided to allow Engineer to complete tasks whose value would otherwise be lost, to prepare notes as to the status of completed and uncompleted tasks, and to assemble Project materials in orderly files.
- C. In the event of any termination under Paragraph 3.01, Engineer will be entitled to invoice Owner and to receive full payment for all services performed or furnished in accordance with this Agreement and all reimbursable expenses incurred through the effective date of termination.

4.01 *Successors, Assigns, and Beneficiaries*

- A. Owner and Engineer are hereby bound and the successors, executors, administrators, and legal representatives of Owner and Engineer (and to the extent permitted by Paragraph 4.01.B the assigns of Owner and Engineer) are hereby bound to the other party to this Agreement and to the successors, executors, administrators, and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements, and obligations of this Agreement.
- B. Neither Owner nor Engineer may assign, sublet, or transfer any rights under or interest (including, but without limitation, moneys that are due or may become due) in this Agreement without the written consent of the other, except to the extent that any assignment, subletting, or transfer is mandated or restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.
- C. Unless expressly provided otherwise, nothing in this Agreement shall be construed to create, impose, or give rise to any duty owed by Owner or Engineer to any contractor, subcontractor, supplier, other individual or entity, or to any surety for or employee of any of them. All duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of Owner and Engineer and not for the benefit of any other party.

5.01 *General Considerations*

- A. The standard of care for all professional engineering and related services performed or furnished by Engineer under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. Engineer makes no warranties, express or implied, under this Agreement or otherwise, in connection with Engineer's services. Subject to the foregoing standard of care, Engineer and its consultants may use or rely upon design elements and information ordinarily or customarily furnished by others, including, but not limited to, specialty contractors, manufacturers, suppliers, and the publishers of technical standards.
- B. Engineer shall not at any time supervise, direct, control, or have authority over any contractor's work, nor shall Engineer have authority over or be responsible for the means, methods, techniques, sequences, or procedures of construction selected or used by any contractor, or the safety precautions and programs incident thereto, for security or safety at the Project site, nor for any failure of a contractor to comply with laws and regulations applicable to such contractor's furnishing and performing of its work.

- C. This Agreement is to be governed by the law of the state ~~or jurisdiction in which the Specific Project is located.~~ of Texas.
- D. Any controversy or claim arising out of or relating to this Agreement or breach thereof shall be settled in the state courts in Gregg County, Texas.
- E. Engineer neither guarantees the performance of any contractor nor assumes responsibility for any contractor's failure to furnish and perform its work in accordance with the contract between Owner and such contractor. Engineer is not responsible for variations between actual construction bids or costs and Engineer's opinions or estimates regarding construction costs.
- F. Engineer shall not be responsible for the acts or omissions of any contractor, subcontractor, or supplier, or of any of their agents or employees or of any other persons (except Engineer's own employees) at the Project site or otherwise furnishing or performing any construction work; or for any decision made regarding the construction contract requirements, or any application, interpretation, or clarification of the construction contract other than those made by Engineer.
- G. The general conditions for any construction contract documents prepared hereunder are to be the "Standard General Conditions of the Construction Contract" as prepared by the Engineers Joint Contract Documents Committee (EJCDC C-700, 2007 Edition) unless the parties agree otherwise.
- H. All documents prepared or furnished by Engineer are instruments of service, and Engineer retains an ownership and property interest (including the copyright and the right of reuse) in such documents, whether or not the Project is completed. Owner shall have a limited license to use the documents on the Project, extensions of the Project, and for related uses of the Owner, subject to receipt by Engineer of full payment for all services relating to preparation of the documents and subject to the following limitations: (1) Owner acknowledges that such documents are not intended or represented to be suitable for use on the Project unless completed by Engineer, or for use or reuse by Owner or others on extensions of the Project, on any other project, or for any other use or purpose, without written verification or adaptation by Engineer; (2) any such use or reuse, or any modification of the documents, without written verification, completion, or adaptation by Engineer, as appropriate for the specific purpose intended, will be at Owner's sole risk and without liability or legal exposure to Engineer or to its officers, directors, members, partners, agents, employees, and consultants; (3) Owner shall indemnify and hold harmless Engineer and its officers, directors, members, partners, agents, employees, and consultants from all claims, damages, losses, and expenses, including attorneys' fees, arising out of or resulting from any use, reuse, or modification of the documents without written verification, completion, or adaptation by Engineer; and (4) such limited license to Owner shall not create any rights in third parties.
- I. To the fullest extent permitted by law, Owner and Engineer (1) waive against each other, and the other's employees, officers, directors, agents, insurers, partners, and consultants, any and all claims for or entitlement to special, incidental, indirect, or consequential damages arising out of, resulting from, or in any way related to the Project, and (2) agree that Engineer's total liability to Owner under this Agreement shall be limited to \$50,000 or the total amount of compensation received by Engineer, whichever is greater.
- J. The parties acknowledge that Engineer's scope of services does not include any services related to a Hazardous Environmental Condition (the presence of asbestos, PCBs, petroleum, hazardous

substances or waste as defined by the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§9601 et seq., or radioactive materials). If Engineer or any other party encounters a Hazardous Environmental Condition, Engineer may, at its option and without liability for consequential or any other damages, suspend performance of services on the portion of the Project affected thereby until Owner: (1) retains appropriate specialist consultants or contractors to identify and, as appropriate, abate, remediate, or remove the Hazardous Environmental Condition; and (2) warrants that the Site is in full compliance with applicable Laws and Regulations.

- K. Owner and Engineer agree to negotiate each dispute between them in good faith during the 30 days after notice of dispute. If negotiations are unsuccessful in resolving the dispute, then the dispute shall be mediated. If mediation is unsuccessful, then the parties may exercise their rights at law.
- L. Scanned Reproductions. The parties agree and stipulate that the original of this Agreement, including the signature page and any attachments, may be scanned and stored in a computer database or similar device, and that any printout or other output readable by sight, the reproduction of which is shown to accurately reproduce the original, may be used for any purpose just as if it were the original, including proof of the content of the original writing.

6.01 *Total Agreement*

- A. This Agreement (including any expressly incorporated attachments), constitutes the entire agreement between Owner and Engineer and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

7.01

Basis of Payment—Hourly Rates Plus Reimbursable Expenses

- A. Using the procedures set forth in Paragraph 2.01, Owner shall pay Engineer as follows:
 - 1. An amount equal to the cumulative hours charged to the Project by each class of Engineer's employees times standard hourly rates for each applicable billing class for all

services performed on the Project, plus reimbursable expenses and Engineer's consultants' charges, if any.

2. Engineer's Standard Hourly Rates are attached as Appendix 1.

3. The total compensation for services and reimbursable expenses is estimated to be no more than \$22,000.00.

7.02 *Additional Services:* For additional services of Engineer's employees engaged directly on the Project, Owner shall pay Engineer ~~an amount equal to the cumulative hours charged to the Project by each class of Engineer's employees times standard hourly rates for each applicable billing class; plus reimbursable expenses and Engineer's consultants' charges, if any. Engineer's standard hourly rates are attached as Appendix 1.~~ as follows:

1. An amount equal to the cumulative hours charged to the Project by each class of Engineer's employees times standard hourly rates for each applicable billing class for all services performed on the Project, plus reimbursable expenses and Engineer's consultants' charges, if any.

2. Engineer's Standard Hourly Rates are attached as Appendix 1.

3. The total compensation for additional services and reimbursable expenses is estimated to be \$ N/A .

Attachment: Appendix 1, Engineer's Standard Hourly Rates

Attachment 1, Scope of Services

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the Effective Date of which is indicated on page 1.

OWNER: The City of Burnet

By: _____

Name: _____

Title: _____

Date Signed: _____

Address for giving notices:

PO Box 1369

Burnet, TX 78601

ENGINEER: KSA Engineers, Inc.

By: 

Name: Craig Phipps, P.E.

Title: Director of Aviation Services

Date Signed: 02/09/2022

Engineer License or Firm's
Certificate Number: F-1356

State of: Texas

Address for giving notices:

140 East Tyler Street

Suite 600

Longview, TX 75601



2022 SCHEDULE OF HOURLY FEES - Aviation

Principal	\$285.00/hour
Senior Environmental Planner	\$220.00/hour
Environmental Planner	\$175.00/hour
Senior Aviation Planner	\$220.00/hour
Aviation Planner	\$180.00/hour
Electrical Engineer	\$180.00/hour
Electrical Design Engineer	\$150.00/hour
Mechanical Engineer	\$185.00/hour
Senior Project Manager	\$215.00/hour
Project Manager	\$190.00/hour
Senior Project Engineer	\$180.00/hour
Project Engineer	\$155.00/hour
Senior Design Engineer	\$145.00/hour
Design Engineer	\$125.00/hour
Senior Project Architect	\$220.00/hour
Project Architect	\$145.00/hour
Design Architect	\$105.00/hour
GIS Specialist	\$185.00/hour
Senior Engineering Technician	\$200.00/hour
Engineering Technician	\$105.00/hour
Senior Design Technician	\$125.00/hour
Design Technician	\$ 90.00/hour
Project Assistant	\$115.00/hour
Senior CAD Technician	\$ 95.00/hour
CAD Technician	\$ 85.00/hour
Senior Project Representative	\$110.00/hour
Senior Project Representative - After Hours	\$130.00/hour
Project Representative	\$100.00/hour
Project Representative - After Hours	\$120.00/hour
Graphic Designer	\$ 75.00/hour
Grant Administrator	\$130.00/hour
Administrative Assistant	\$ 90.00/hour
Secretary	\$ 60.00/hour
Three-Man Survey Crew	\$200.00/hour
Two-Man Survey Crew	\$155.00/hour
Senior Registered Surveyor	\$180.00/hour
Registered Surveyor	\$140.00/hour
Senior Survey Technician	\$110.00/hour
Survey Technician	\$ 95.00/hour
Mileage	\$ 0.56/mile
ATV (4-Wheeler)	\$100.00/day
GPS	\$100.00/day

Reimbursable Expenses (Travel, Lodging, Copies, Printing)	Actual Cost
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Outside Consultants	Cost + 15%
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NOTE: The Standard Hourly Rates and Reimbursable Expenses Schedule shall be adjusted annually as of January to reflect equitable changes in the compensation payable to Engineer.

KSA Program of Services for BMQ

The Development of Guiding Documents for Burnet Municipal Airport (BMQ):

- **Minimum Standards for Commercial Aeronautical Activity (FBO)**
 - Research/compilation/baselining of existing commercial operators at BMQ
 - Comparison of like regional and national guidance and documents
 - Development of draft Minimum Standards for Commercial Aeronautical Activity
 - Full Service Providers (FBO)
 - Specialty Service Providers
 - Workshop Minimum Standards with tenants and municipal review
 - Revise draft standards for comments received
 - Produce final documents
- **Airport Rules and Regulations**
 - Research/compilation/baselining of existing practices regarding Airport Rules and Regulations at BMQ
 - Comparison of like regional and national guidance and documents
 - Development of draft Minimum Standards
 - Workshop Rules and Regulations with tenants and municipal review
 - Revise draft standards for comments received
 - Produce final documents



Water/Wastewater Department

Item 4.20

Alan Burdell
W/WW Operations Manager
(830)798-3978
aburdell@cityofburnet.com

Agenda Item Brief

Meeting Date: February 22, 2022

Agenda Item: Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AUTHORIZING THE CITY MANAGER TO SUBMIT THE CITY OF BURNET EMERGENCY PREPAREDNESS PLAN TO TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR PLAN APPROVAL AND SUBSEQUENT IMPLEMENTATION: A. Burdell

Background: Senate Bill 3 states that an affected utility, as defined by Texas Water Code 13.1394, shall provide a minimum of 20 psi for the system during an extended power outage (greater than 24 hours).

No later than March 1, 2022, each affected utility shall submit an Emergency Preparedness Plan (EPP). No later than July 1, 2022, or upon final approval by the commission, each affected utility shall implement the Emergency Preparedness Plan.

One 90-day extension will be allowed for "good cause". The rule does not state a required completion date.

Information: Staff has been working with the City Engineer to prepare and submit the EPP along with a timeline of implementation and cost estimates.

Fiscal Impact: Budgetary Estimate \$1,145,000.

Recommendation: Staff recommends adopting Resolution No. R2022-25 as presented.

RESOLUTION NO. R2022-25

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AUTHORIZING THE CITY MANAGER TO SUBMIT THE CITY OF BURNET EMERGENCY PREPAREDNESS PLAN TO TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR PLAN APPROVAL AND SUBSEQUENT IMPLEMENTATION.

Whereas, Senate Bill 3 states that an affected utility, as defined by Texas Water Code 13.1394, shall provide a minimum of 20 psi for the system during an extended power outage (greater than 24 hours); and

Whereas, No later than March 1, 2022, each affected utility shall submit an Emergency Preparedness Plan. No later than July 1, 2022, or upon final approval by the commission, each affected utility shall implement the Emergency Preparedness Plan.

Whereas, One 90-day extension will be allowed for “good cause”. The rule does not state a required completion date.

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

Section one. Findings. The recitals to this Resolution are found to be true and correct and are incorporated herein for all purposes.

Section two. Approval. The acceptance of the Emergency Preparedness Plan **Exhibit “A”** and the Plan Timeline attached hereto as **Exhibit “B”** are hereby approved.

Section three. Authorization. The Mayor hereby authorizes the City Manager to execute the Emergency Preparedness Plan Timeline instrument in substantially the same form as exhibit **“A”**.

Section four. Recordation. The Water/Wastewater Operation Manager is authorized to file the Emergency Preparedness Plan with Texas Commission on Environmental Quality for the City of Burnet.

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 22th day of February, 2022.

CITY OF BURNET, TEXAS

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary

EXHIBIT "A"

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Emergency Preparedness Plan Template

For All Affected Utilities Except Fort Bend and Harris Counties

Assistance

If you need assistance with the EPP template, please fill out the **EPP Help Form** at www.tceq.texas.gov/goto/epp-help and TCEQ will contact you via email or phone to work with you.

General Instructions

- On page 1 complete "General Information" table, circle the option(s) chosen, answer the questions, and sign the certification.
- Complete sections I, II, read section III, in section IV complete the option(s) chosen that apply to your affected utility, and complete Section V as applicable to your affected utility (county judge and sheriff's office information are required).
- Attachments A explains the EPP submittal and distribution requirements, and attachments B - D do not have to be filled out but are supplemental information to assist you in the event of an emergency.

General Information

Water System Name:	City of Burnet Water System
PWS ID No. (if applicable):	0270001
District No. (if applicable):	N/A
County:	Burnet
CCN No. (if applicable):	10438
Owner:	City of Burnet
Prepared by:	Hugo Elizondo, Jr., P.E.
Preparer's Phone No.:	512-312-5040
Preparer's Email:	hugo@cuatroconsultants.com
Preparer's Mailing Address:	3601 Kyle Crossing, Suite A, Kyle, Texas 78640
Preparer Title:	Manager
Preparer's Organization:	Cuatro Consultants, Ltd.
Expected Completion Date for EPP Plan Implementation:	10/1/2024

Option(s) Chosen:

1. **Refer to Section III-ALTERNATE POWER OPTIONS OVERVIEW.**

Circle all Option(s) that will provide emergency operations during extended power outages lasting more than 24 hours for this affected utility.

1

2A 2B 3A 3B 4 5 6 7 8A 8B 9 10A 10B 11 12 13 14

2. Short Explanation of Proposed Emergency Preparedness Plan (i.e. *Using portable generator to power 2 out of 3 well(s):* Using permanently installed auxiliary generators to power Ink's Lake surface water intake/water treatment plant, East Tank Pump Station, and Eagle's Nest Pump Station.
3. Will this plan provide for 20 pounds per square inch (psi) of pressure to all your direct customers during a power outage lasting more than 24 hours caused by a natural disaster? Yes
4. Is a timeline to implement the plan (TWC 13.1394(b)(2)(B)) provided as an attachment? Yes, in Attachment D.

I certify, under penalty of law, that all the information provided herein is true and accurate to the best of my knowledge.

Signature: _____ Title

Date

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UPDATES TO EMERGENCY PREPAREDNESS PLAN (EPP)

The EPP is updated as changes occur such as dictated by personnel, phone numbers, water plant additions, modifications, and serving additional water systems.

Record updates below:

Last Updated By	Title	Purpose (page #s)	On (Date)

SECTION I – INTRODUCTION

1. APPLICABILITY

This emergency preparedness plan template was developed for the operators and administrators of affected utilities to comply with the requirements for “affected utilities” in Texas Water Code, Section 13.1394 as required by Senate Bill 3 (SB 3) and to demonstrate the affected utility's ability to provide emergency operations during extended power outages lasting **more than 24 hours**.

An **affected utility** is a retail public utility, exempt utility, or provider or conveyer of potable or raw water service that furnishes water service to more than one customer, provides overnight accommodations, and **is not** an affected utility under Texas Water Code, Section 13.1395. An **extended power outage** means a power outage lasting more than 24 hours.

If you believe that you are NOT an affected utility please email PDWEPP@tceq.texas.gov to ensure that the requirements do not apply to the water system.

A. Describe Your Water System. Check all that apply.

☒ Residential ☐ Commercial ☐ Industrial ☒ Wholesale ☐ Institution

B. Is This EPP For An ☒ Existing or ☐ Proposed Water System?

2. CONTACT INFORMATION

During any type of emergency, the following person(s) will be responsible for the water system (contact will be attempted in the order indicated):

Name	Title in the Organization	E-mail	Office Phone Number	Cell Phone Number	Home Phone Number	Other Phone Number
Alan Burdell	Water/Wastewater Operation Manager	aburdell@cityofburnet.com	512-756-6093	512-756-2402		830-798-3978
Richard Harrison	Treatment Supervisor	rharrison@cityofburnet.com	512-756-6093	512-470-3003		
David Jordan	Lead W/WW Plant Operator	waterplant@cityofburnet.com	512-756-6093			
David Vaughn	City Manager	dvaughn@cityofburnet.com	512-756-6093	512-715-3208		

3. Location of Maps

The maps are not required to be submitted to TCEQ for review of the EPP but should be available in case of an emergency to enable staff to locate valves, lines, and meters.

Where are your distribution system(s) map(s) located?

- [City of Burnet Emergency Response Plan](#)
- [City of Burnet Public Works](#)

4. Diagram of Water System

Submit a diagram of your drinking water system that shows all equipment (source(s), tank(s), pumps), treatment chemicals, and any open or closed interconnects with other water systems. *SEE ATTACHMENT E FOR CITY OF BURNET WATER UTILITY SCHEMATIC.*

Section II – DESCRIPTION OF THE WATER SYSTEM

IMPORTANT: Include only the equipment located at your water system, not the equipment located at another water system unless two or more systems rely on each other for emergency purposes and it is documented in a contract or written agreement.

1. SOURCE INFORMATION

A. Groundwater Systems - Does Your Water System Have A Ground Water Well(s)?

YES ☒ NO ☐ (If NO, go to 1.B)

TCEQ Source ID	Owner's Designation	Well Location	Used During an Emergency?	What plant name is this source associated with?	Pump Capacity
G0270001A	Community	N 30° 45' 51.65" W 98° 13' 51.34"	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Main Street Water Plant	600 gpm
G0270001B	Community	N 30° 45' 51.69" W 98° 13' 51.12"	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Main Street Water Plant	600 gpm

B. Surface Water/GUI Systems: Does Your Water System Treat Surface Water or Ground Water Under the Influence of Surface Water Sources(s) (raw water intake pump information)?

YES ☒ NO ☐ (If NO, go to 1.C)

TCEQ Source ID	Owner's Designation	Intake Location	Used During an Emergency?	Number of Pumps	What plant name is this source associated with?	Total Pump Capacity at Intake
S0270001A	Community	N 30° 44' 46.36" W 98° 22' 12.23"	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	2	Ink's Lake WTP	5,000 gpm

C. Does Your Water System Purchase (or Receive) Water?

YES ☐ NO ☒ (If NO, go to 2.A)

2. TREATMENT INFORMATION

A. Does Your Water System Disinfect the Water?

YES ☒ NO ☐ (If NO, go to 2.B)

Disinfectant (Disinfectant Name)	Location (Plant Name)	Disinfectant Used During an Emergency?	Type of Disinfectant (Liquid/Gas)	Volume Stored (gals or lbs.)	Days of Storage** (Emergency Demand)	Electricity Required to Feed Disinfectant?
AquaPac 8515 NSF	Ink's Lake WTP	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Liquid	6,000 gal	37	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Chlorine Gas	Ink's Lake WTP	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Gas	4,000 lbs	20	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Ammonium Sulfate	Ink's Lake WTP	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Liquid	6,000 gal	75	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Aluminum Sulfate Solution	Main Street WTP	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Liquid	400 gal	7	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Chlorine Gas	Main Street WTP	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Gas	750 lbs	7	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

** To consider the worst case scenario, 25% of the volume stored was used when calculating the day of storage at emergency demand.

B. Does Your Water System Provide Treatment Other Than Disinfection (example: polyphosphate, caustic etc.)?

YES ☐ NO ☒ (If NO, go to 2.C)

C. Does Your Water System Have Transfer Pump(s) Between Treatment Units? These are the pumps located within the treatment processes of your treatment Plant(s).

(Do not include well or intake pumps)

YES ☐ NO ☒ (If NO, go to 3.A)

3. DISTRIBUTION SYSTEM INFORMATION

A. Does Your Water System Have Booster and/or Service Pumps in the Distribution system?

YES ☒ NO ☐ (If NO, go to 3.B)

Booster/Service Pump Name	Location (include pressure plane)	Pump Used During an Emergency?	Pump Capacity
Ink's Lake WTP Service Pumps	1401 Park Road 4 S, Burnet, Texas 78611 1,570 HGL	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	3,000 gpm
Main Street Pump Station	701 N Main St, Burnet, Texas 78611 1,470 HGL	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	1,050 gpm
Eagle's Nest	1,620 HGL	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	1,125 gpm
East Tank Pump Station	1,620 HGL	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	1,000 gpm
West Tank Pump Station	1,470 HGL and 1,570 HGL	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	2,000 gpm

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B. Does Your Water System Have Any Finished Water Storage/Pressurization Tanks?

YES ☒ NO ☐ (If NO, go to 4.A)

Tank Type (<i>Elevated, Hydropneumatic, Ground or Standpipe</i>)	Location (<i>include pressure plane</i>)	Tank Used During an Emergency?	Tank Capacity
Ground	1401 Park Road 4 S, Burnet, Texas 78611 1,570 HGL	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	1,000,000 gal
Ground	701 N Main St, Burnet, Texas 78611 1,470 HGL	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	400,000 gal
Ground	Eagle's Nest 1,570 HGL	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	25,000 gal
Hydro-pneumatic	Eagle's Nest 1,620 HGL	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	5,000 gal
Elevated	East Tank 1,470 HGL	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	400,000 gal
Hydro-pneumatic	East Tank 1,620 HGL	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	7,000 gal
Elevated	Post Mountain 1,570 HGL	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	1,000,000 gal
Elevated	West Tank 1,470 HGL	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	400,000 gal

4. PRESSURE PLANES

Does Your Water System Have More Than One Pressure Plane?

YES ☒ NO ☐ (If NO, go to 5)

Pressure Plane	TCEQ Source ID(s) or Provider PWS ID(s)	Plant Names(s) (If Applicable)	Pump Names(s) (If Applicable)
1,470 HGL	PWS 0270001	Ink's Lake WTP	Main Street Pump Station and West Tank Pump Station
1,570 HGL	PWS 0270001	Ink's Lake WTP	Ink's Lake WTP Service Pumps
1,620 HGL	PWS 0270001	Ink's Lake WTP	Eagle's Nest Pump Station, and East Tank Pump Station

5. SYSTEM DEMAND

Emergency Operation means the demand in MGD from the highest emergency usage day (not normal daily usage) occurring during a natural disaster within the last 3 years, excluding fire events and large water main breaks.

Demand Information	Normal Operation	Emergency Operation
Average Daily Demand:	<u>0.950</u> MGD	<u>1.200</u> MGD
Maximum Daily Demand:	<u>1.300</u> MGD	<u>1.300</u> MGD
System Capacity:	<u>3.580</u> MGD	<u>2.880</u> MGD

6. SYSTEM SIZE

A. Does Your Water System Sell/Provide Water to Other Water Systems?

YES ☒ NO ☐ (If NO, go to 6.B)

Receiver/Buyer Name	PWS ID (if applicable)	Normally Open or Normally Closed Interconnect?	Will You Provide 20 psi Throughout the Receiver's Distribution System During an Emergency?	Number of Connections in the Receiver's Water System	Population of the Receiver's Water System
Water Boy	TX2270372	Normally Open	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	1	25

B. Number of Connections and Population in Each Pressure Plane in Your Water System?

(If applicable, include any connections from other water systems you may serve in the table in 6.A)

Pressure Plane (if applicable)	Number of Connections	Population
1,470 HGL	2,091	6,273
1,570 HGL	438	1,314
1,620 HGL	476	1,428

7. POWER PROVIDER(s)

Electric Utility or Retail Electrical Provider(s)	City of Burnet Electric Services Pedernales Electric Cooperative
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8. ELECTRICAL SCHEMATIC

Provide an electrical schematic or diagram of your water system's emergency power facilities and the equipment (treatment(s), supply, pressure maintenance, etc.) that is powered. *SEE ATTACHMENT F FOR EMERGENCY POWER SCHEMATICS.*

9. OTHER PERTINENT SYSTEM INFORMATION

Other information about the system that could be useful during an emergency (This can include plant equipment not used or any other circumstances that would clarify how the affected utility will meet the EPP requirements):

The City of Burnet has determined three locations where generation is necessary to satisfy the EPP requirements. Providing auxiliary generation at these locations will provide water at least 20 psi to the entire water system. These locations are as follows:

- Ink's Lake Water Treatment Plant – Providing auxiliary generation at this location will power the surface water intakes, the water treatment plant, and the service pumps. The service pumps will be able to provide water to Post Mountain, which provides water for the 1,570 HGL pressure plane. With pressure reducing valves in the system, this location will also provide water for the 1,470 HGL pressure plane.
- East Tank Pump Station – Auxiliary generation at this location will power the pump station that provides water for a portion of the 1,620 HGL pressure plane. This pump station is provided by water from the lower pressure planes.
- Eagle's Nest Pump Station – Auxiliary generation at this location will power the pump station that provides water for the remaining portion of the 1,620 pressure plane. This pump station is provided by water from the lower pressure planes.

Section III– Alternate Power Options Overview

The following is a list that will assist in determining which option (or options) should be selected to demonstrate the ability to provide emergency operations during extended power outages lasting more than 24 hours. Provide the required information on the following applicable pages. You must select at least one option and **options (7-13) may require more than one option.**

OPTION 1: PERMANENTLY INSTALLED AUTOMATIC STARTING AUXILIARY GENERATOR(S)

COMPLETE OPTION 1 – Sections A through C

OPTION 2A: YOUR SYSTEM WILL RELY ON YOUR PROVIDER DURING AN EXTENDED POWER OUTAGE

OPTION 2B: MEMBER OF TXWARN

OPTION 3A: NEGOTIATION OF LEASING AND CONTRACTING AGREEMENTS

OPTION 3B: MUTUAL AID AGREEMENT(S) WITH OTHER WATER PROVIDERS

OPTION 4: USE OF PORTABLE GENERATOR(S) CAPABLE OF SERVING MULTIPLE FACILITIES EQUIPPED WITH QUICK-CONNECT SYSTEMS

OPTION 5: USE OF ON-SITE ELECTRICAL GENERATION OR DISTRIBUTED GENERATION FACILITIES

OPTION 6: HARDENING THE ELECTRIC TRANSMISSION AND DISTRIBUTION SYSTEM SERVING THE WATER SYSTEM

OPTION 7: USE AND MAINTENANCE OF DIRECT ENGINE OR RIGHT-ANGLE DRIVES

OPTION 8A: DESIGNATION OF THE WATER SYSTEM AS A CRITICAL LOAD FACILITY

OPTION 8B: RECOGNITION OF THE WATER SYSTEM AS HAVING REDUNDANT, ISOLATED, OR DEDICATED ELECTRICAL FEEDS

OPTION 9: PROVIDE WATER STORAGE CAPABILITIES

OPTION 10A: WATER IS DELIVERED TO YOUR DISTRIBUTION SYSTEM FROM OUTSIDE YOUR SERVICE AREA USING AN EMERGENCY INTERCONNECT

OPTION 10B: WATER IS DELIVERED TO YOUR DISTRIBUTION SYSTEM FROM OUTSIDE YOUR SERVICE AREA USING A WATER HAULER

OPTION 11: WATER SYSTEM HAS THE ABILITY TO PROVIDE WATER THROUGH ARTESIAN FLOWS

OPTION 12: REDUNDANT INTERCONNECTIVITY BETWEEN PRESSURE ZONES

Section IV– Alternate Power Options Details

OPTION 1: PERMANENTLY INSTALLED AUXILIARY GENERATOR(S)

A. Generator Specifications.

Please list **all** the generators, **all** equipment to be powered, and the power needs for each piece of equipment.

Generator Brand & Model	Max Power (KW)**	Phase	Fuel Type	Automatic Switch Gear?	Facility Staffed 24 hours a day, 7 days a week?	List all Facilities and Treatment Units That Will Be Powered During an Emergency	Power Requirements for Each Facility and Treatment Unit Powered**
	1,250	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input checked="" type="checkbox"/>	Diesel	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Ink's Lake WTP Pump Station <input checked="" type="checkbox"/> East Tank Pump Station <input type="checkbox"/> Eagle's Nest Pump Station <input type="checkbox"/>	815 kW 268 kW 179 kW
	400	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input checked="" type="checkbox"/>	Diesel	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Ink's Lake WTP Pump Station <input type="checkbox"/> East Tank Pump Station <input checked="" type="checkbox"/> Eagle's Nest Pump Station <input type="checkbox"/>	815 kW 268 kW 179 kW
	230	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input checked="" type="checkbox"/>	Diesel	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Ink's Lake WTP Pump Station <input type="checkbox"/> East Tank Pump Station <input type="checkbox"/> Eagle's Nest Pump Station <input checked="" type="checkbox"/>	815 kW 268 kW 179 kW

**The generator's total KWs cannot be less than the KWs listed under the power requirements for each facility and treatment unit that will be provided power. The generator must be able to power the equipment listed by the water system. **

B. Fuel Location

- i. Physical Location of Fuel Supply (GPS or "911" address):
 - a. Ink's Lake WTP: N 30° 44' 54.81", W 98° 22' 0.83"
 - b. East Tank Pump Station: N 30° 46' 3.62", W 98° 12' 34.65"
 - c. Eagle's Nest Pump Station: N 30° 46' 5.09", W 98° 16' 8.22"

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- C. Fuel Re-supply. Must have sufficient fuel to provide emergency power for a minimum of 48 hours or more if needed based on past power outages and utility knowledge.**
- i. How much fuel is stored on site?
 - a. Ink's Lake WTP: 3,000 gallons
 - b. East Tank Pump Station: 1,000 gallons
 - c. Eagle's Nest Pump Station: 550 gallons
 - ii. How much fuel does the generator use per hour? (Attachment **B** may assist in determining that amount)
 - a. 1,250 kW @ full load = 88 gph
 - b. 400 kW @ full load = 28 gph
 - c. 230 kW @ full load = 17 gph
 - iii. Does the water system have access to additives/other methods to prevent fuel from freezing as per manufactures recommendations (example diesel additives)?
 - a. The City of Burnet is working on a maintenance agreement for the proposed auxiliary generators. The maintenance agreement will cover the fuel tanks and the provider has access to diesel additives to prevent the fuel from freezing.

Section V – Emergency Communications

Emergency Communications are an essential part of an emergency response event. Knowing who to notify before an emergency event occurs is the best way to ensure that you, your system, and your customers receive needed emergency assistance. Many numbers have been provided to assist you with completing this portion of the plan. Please feel free to make copies of the pages in Section IV to post at your facility and/or to train your employees.

If the Organization is not applicable to your utility, please enter **N/A**. You are required to provide phone numbers for your County Judge and County Sheriff's Office.

If you are a member of another mutual aid organization other than TXWARN please include them on this list.

A. Emergency Contacts

Organization	Phone Numbers (include area code)		E-Mail or Website
	Day	Evening	
Fire Department	911	911	
Police Department	911	911	
Emergency Medical Service	911	911	
TCEQ Water Homeland Security	888/777-3186	888/777-3186	
Texas PUC	512/936-7405		http://www.puc.texas.gov/industry/water/utilities/fmt.aspx Email: water@puc.texas.gov
National Response Center	800/424-8802	800/424-8802	http://nrc.uscg.mil/Default.aspx
State Spill Hotline	800/832-8224	800/832-8224	https://www.tceq.texas.gov/response/spills
Poison Control	800/222-1222	800/222-1222	http://poisoncontrol.org/home/
CHLOREP (Chlorine Emergency Plan)	800/424-9300	800/424-9300	https://www.chlorineinstitute.org/emergency-preparedness/chlorepl/
TCEQ Regional Office	24-hour cell phone 512-965-2717		Website: https://www.tceq.texas.gov/agency/directory/region/reglist.html
<u>County Judge</u>	512-756-5400		Email: countyjudge@burnetcountytexas.org Website: http://www.burnetcountytexas.org/page/countyjudge
County Office of Emergency Management	512-715-5262	512-750-0507	Email: jimbarho@gmail.com Website: http://www.burnetcountytexas.org/page/oem.home
County Sheriff's Office	512-756-8080	911	Email: Website: https://www.burnetsheriff.com/
County Public Health & Environmental Services	512-715-5280		Email: cellis@burnetcountytexas.org Website: http://www.burnetcountytexas.org/page/ihc.home

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Organization	Phone Numbers (include area code)		E-Mail or Website
	Day	Evening	
City Mayor's Office	512-756-6093	830-613-5649	Email: mayor@cityofburnet.com Website: https://www.cityofburnet.com/
Local Public Health & Environmental Services			Email: Website:
Local Office of Emergency Management			Email: Website:
TX Division of Emergency Management (TDEM)	Provides list of State and District Coordinators which assist local officials with state assistance requests. Requests must start at local level first.		https://tdem.texas.gov/field-response/
TXWARN	866/9-TXWARN (866/989-9276)		Email: info@txwarn.org https://www.txwarn.org

B. Local Contact Notification List

Identify those entities that should be notified in the event of an extended power outage requiring emergency operations. These are people who you provide water to that you may need to contact during an emergency.

Organization Type	Contact / Organization Name	Title	Phone Numbers (include area code)			E-Mail
			Day	Evening	Cellular/ Pager	
Other Local Government Officials		Public Works Director	512-756-2402	512-756-6093		
	Andrew Scott	Electric Dept. Superintendent	512-756-2402	512-756-6093	512-755-2946	ascott@cityofburnet.com
	Brian Lee	Police Chief	512-756-6404	911		blee@cityofburnet.com
	Mark Ingram	Fire Chief	512-756-2662	911		mingram@cityofburnet.com
	Curtis Murphy	EMS Coordinator	512-756-2662	911		cmurphy@cityofburnet.com
Hospitals served by the Affected Utility	Ascension Seton Highland Lakes		512-715-3000			
Nursing Homes served by the Affected Utility	Country Oaks at Hamilton Creek		512-756-4724			
	Oaks Nursing Center		512-756-6044			
Pharmacies	Walgreens Pharmacy		512-756-1094			
	Bobby J. Henry, RPh		512-715-0701			

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Organization Type	Contact / Organization Name	Title	Phone Numbers (include area code)			E-Mail
			Day	Evening	Cellular/ Pager	
	H-E-B Pharmacy		512-715-0701			
Priority Water Users (Those that are critically dependent upon water including schools, dialysis centers, institutions, individuals with special needs, businesses, and other interconnected water systems, etc.)	CARTS		800-456-4733			
	Burnet CISD		512-756-2124			
	Pumpkin Patch Learning Center		512-756-8021			
	Bluebonnet Country Preschool		512-756-0709			
	Burnet Head Start		512-756-4777			
	Kid's Kastle Learning Center		512-756-4053			
	WBCO Early Head Start		512-705-0805			
	Little Texan Learning Center		512-756-1900			
	CPI Products		877-756-2388			
	Burnet County Government		830-798-3029			
	Burnet County Jail		512-715-8600			
	Halbert Unit-TDCJ		512-756-6171			
	Entegris		512-756-7314			

C. Chemical Supplier Information

Identify your Chemical Suppliers. You may need to contact them for more chemicals during an emergency

Chemical	Supplier	Contact Name	Phone Number	E-Mail
Chlorine	DPC Industries, Inc.	Linda Lisby	512-825-2940	llisby@dsigroup.com
AquaPac 8515 NSF	Brenntag	Cody Clinton	210-627-7462	cclinton@brenntag.com
Ammonium Sulfate	Brenntag	Cody Clinton	210-627-7462	cclinton@brenntag.com
Aluminum Sulfate Solution	Brenntag	Cody Clinton	210-627-7462	cclinton@brenntag.com

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D. Certified Laboratory Information

Identify your laboratory and a backup laboratory. You may need a backup laboratory if your lab is nonfunctional.

Organization	Address	Phone Number	Website
Round Rock Environmental Services Laboratory	5200 N Interstate Highway 35 Andice, Texas 78628	512-218-5555	https://www.roundrocktexas.gov/city-departments/utilities-and-environmental-services/environmental-services-laboratory/
Aqua Tech Laboratories	3512 Montropolis Dr Suite A Austin, Texas 78744	512-301-9559	https://www.aqua-techlabs.com/
Ana-Lab Corporation	8101 Cameron Rd #305 Austin, Texas 78754	512-821-0047	https://www.ana-lab-work.com/

E. Fuel Supplier Contact Information (if applicable)

Identify your Fuel Suppliers. You may need to contact them for fuel during an emergency

Fuel Type	Supplier	Phone Number Day	Phone Number Evening	E-Mail
Diesel	Clifford Power	512-477-6937	1-800-324-0066	rlane@cliffordpower.com

F. Utilities Contact Information

Identify your Utilities Contacts. You may need to contact them during an emergency and use **N/A** if a listed organization does not apply to your water system.

			Phone Numbers (include area code)			
Organization	Contact Name	Title	Day	Evening	Cellular/ Pager	E-Mail
Pedernales Electric Cooperative			830-868-7155	888-343-7702		
City of Burnet Electric	Andrew Scott	Electric Dept Superintendent	512-755-2946	512-756-6093		ascott@cityofburnet.com
City of Burnet Public Works (W/WW)	Alan Burdell	W/WW Operations Manager	512-756-2402	512-756-6093	830-798-3978	aburdell@cityofburnet.com
Frontier Communications			1-800-921-8101	1-800-921-8106		
Verizon Communications			1-800-922-0204			

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G. Bulk Water Suppliers

Identify any bulk or bottled water suppliers that you might utilize in an emergency.

Organization Type	Company	Primary Phone	Secondary Phone	Available Supply	Distribution Point
Bulk Water Haulers	Highland Lakes	512-756-1787		5,000 gallon tanker trucks	City Hall
Bottle Water Sources	H-E-B	512-756-6188		1 gallon jugs	H-E-B
	Wal-Mart	830-693-4461		1 gallon jugs	Wal-Mart
	Ozarka	866-863-8905		1 and 5 gallon jugs	City Hall
	Clearwater Station, Inc.	512-756-5694	512-556-3300	1 and 5 gallon jugs	City Hall

H. Media Notification List

Identify the media organizations that you might need to contact to provide information to your customers. Also identify who is your media spokesperson. If you have a different method to communicate to your customers, please list under **Other**.

Organization	Contact Name	Title	Day	Cellular/Pager	E-Mail or Website
City of Burnet	Adrienne Field	Utility Social Media Coordinator	512-715-3214	512-756-3324	afield@cityofburnet.com
City of Burnet	Kelly Dix	Utility Social Media Coordinator	512-715-3209		kdix@cityofburnet.com
City of Burnet	David Vaughn	Utility Social Media Coordinator	512-715-3208		dvaughn@cityofburnet.com
KBEY Radio Station			830-693-7152		info@kbeyfm.com https://kbeyfm.com/
The Daily Trib					https://www.dailytrib.com/

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ATTACHMENT A – SUBMITTING COMPLETED EPP

Upon completing your EPP please email or mail (**not both**) the completed form and additional documentation needed to the Texas Commission on Environmental Quality for review and approval to:

Choose One

PDWEPP@tceq.texas.gov

OR

Water Supply Division, Emergency Preparedness and Response Section, MC-155
P.O. Box 13087
Austin, TX 78711-3087

Assistance

If you need assistance with the EPP template please fill out the **EPP Help Form** at www.tceq.texas.gov/goto/epp-help and TCEQ will contact you via email or phone to work with you.

Approved Plan Distribution

Completer this section after the approval letter is received from TCEQ. Please maintain appropriate documentation of compliance with plan distribution requirements. In addition, a copy of the approved plan must be maintained by the "affected utility", so that it can be easily accessed in the event of an emergency. All employees must receive annual training on implementation of the plan.

Copies of the approved Emergency Preparedness Plan and the TCEQ Approval Letter must be distributed to the following entities:

Distributed To	Method of Distribution	Date
County Judge		
County Office of Emergency Management		
Public Utility Commission Filing	Use the weblinks provided: For Confidential filing procedures for the PUC use Docket No. 52272 1. http://puc.texas.gov/industry/filings/Confidential.aspx For PUC Procedural Rules for Filing of Pleadings, Documents, and Other Materials 2. http://puc.texas.gov/agency/rulesnlaws/procrules/pr-e/22.71/22.71.pdf Address: Public Utility Commission of Texas Central Records 1701 N Congress PO Box 13326	

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	<p>Austin, Texas 78711-3326</p> <p>For additional questions contact the PUC Central Records office at (512)-936-7180.</p>	
<p>Texas Division of Emergency Management (TDEM)</p>	<p>Submit to TDEM via email at: TechHaz@tdem.texas.gov</p> <p>Address: Texas Division of Emergency Management 1033 La Posada, Ste 300 Austin, Texas 78752</p> <p>For additional questions contact the TDEM (512)-424-2208</p>	

ATTACHMENT B – RECOVERY CHECKLIST – Supplemental Information Only

Returning to normal operations is vital to rapid restoration of clean, safe water to the community and is essential to the assessment and recovery process. The following is a checklist of actions to be taken during the recovery period. Also included is a preliminary damage assessment that can be used to assist in the recovery process.

Assessment and Recovery Period Checklist

- ☐ Perform in-depth damage assessment of system to determine long-term effects of damaged areas (use assessment form below).
- ☐ Notify TCEQ of system operational status and situation.
- ☐ Will there be a need to use mutual aid agreements and/or implement standby contracts or other emergency agreements for equipment and operations?
- ☐ Prepare written documentation of emergency work performed for possible compensation by emergency agencies. Make sure that crews make a record of work effort, written logs (see Work Order Log) and take pictures. This will all be helpful in recovery of funds.
- ☐ Notify appropriate insurance carriers. Provide written and photo documentation of damage.
- ☐ Assist in the survey of emergency repairs and scheduling of permanent repairs.
- ☐ Servicing of emergency equipment, when able (oil changes, lubrication, etc.).
- ☐ Make sure the public is kept informed throughout the extent of the emergency.

Preliminary Damage Assessment

Following the Damage Assessment, you should notify TCEQ of your operational status.

A. General Overview:

- ☐ Determine need to repair, replace, or abandon facilities
- ☐ Estimate cost to repair damage
- ☐ Evacuate buildings in danger of collapse

B. Treatment Plants:

- ☐ Check if power is available and condition of mechanical and electrical equipment
- ☐ Check for chemical spills or releases

C. Confirm that field crew does the following:

- ☐ Check for structural damage
- ☐ Closes and tags damaged facilities and equipment

D. Tanks:

- ☐ Check for evidence of failure of subbase

E. Reservoirs:

Check for:

- ☐ Leaks and Seepage
- ☐ Cracks

- ☐ Broken inlet/outlet pipes, underdrains
- ☐ Landslides or Embankment slump
- ☐ Buckling

F. Distribution System:

Check for:

- ☐ Leaks
- ☐ Breaks
- ☐ Pressure loss in lines
- ☐ Cross-connections
- ☐ Check mechanical couplings
- ☐ Lower water levels to reduce possibility of structural damage

G. Wells:

- ☐ Check for physical damage to facilities
- ☐ Test for contamination
- ☐ Name, address, phone # for private lab
- ☐ Check for pump or motor failure
- ☐ Check power source

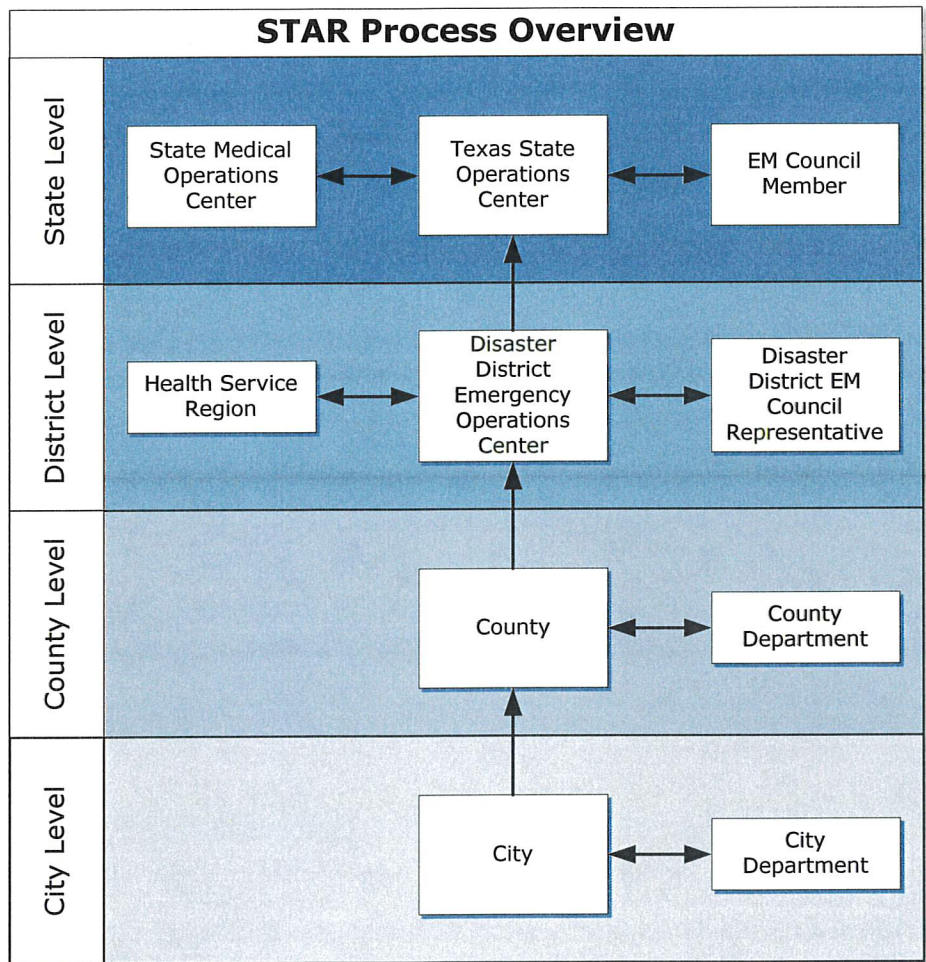
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ATTACHMENT C – State Assistance Request (Supplemental Information Only):

If an affected utility is interested only in mutual aid assistance, register with TXWARN at <https://www.txwarn.org/>; this is a free service.

When requesting state assistance, the request(s) must start at the local level with the County Judge or the County Emergency Manager. The request must go to the [Texas Division of Emergency Management](#) using the steps outlined in the STAR Process.



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ATTACHMENT D – PROJECT SCHEDULE

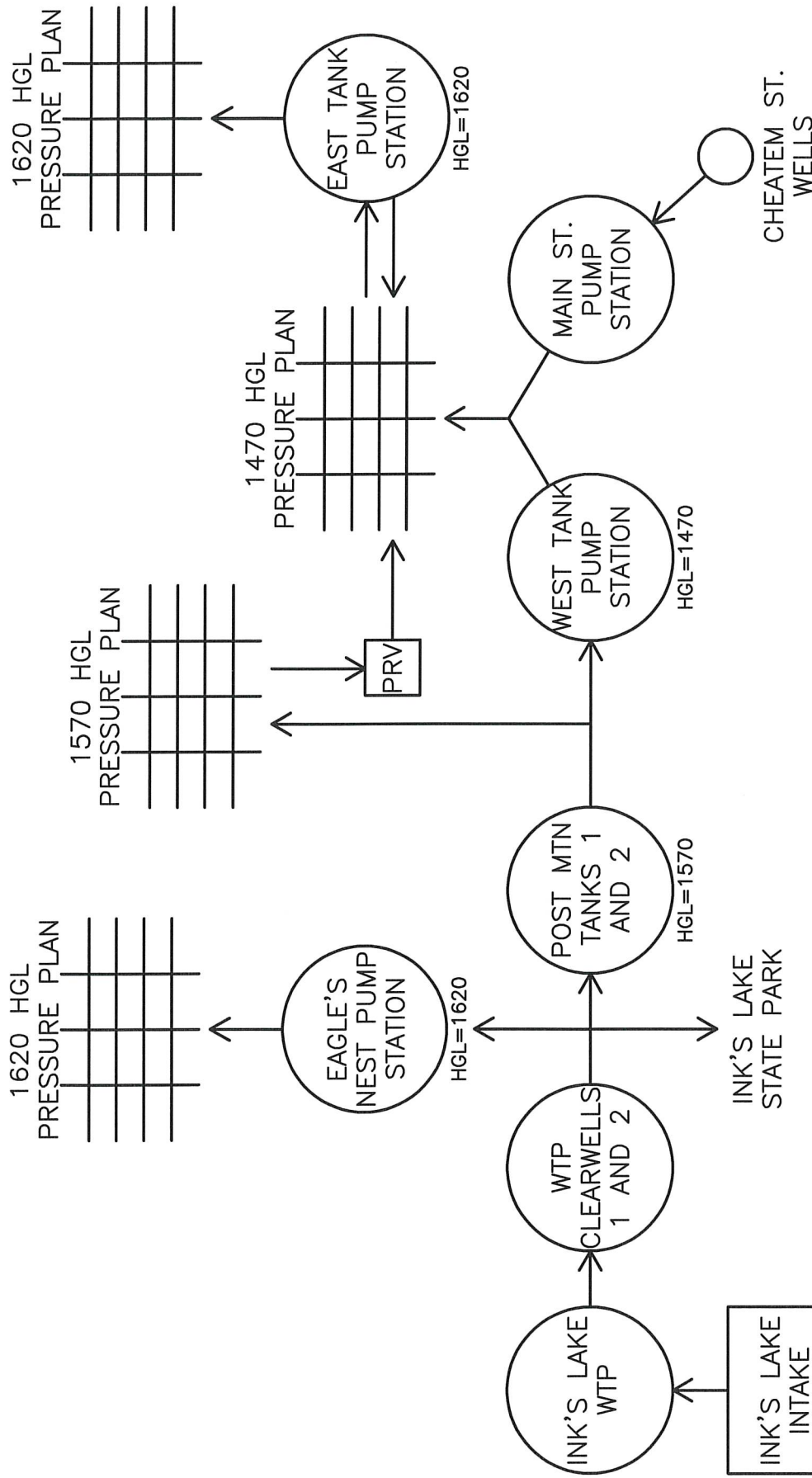
TENTATIVE PROJECT SCHEDULE
FOR
EMERGENCY PREPAREDNESS PLAN
CITY OF BURNET
BURNET COUNTY, TEXAS
February 17, 2022

		2022												2023												2024												
Task		1/1	2/1	3/1	4/1	5/1	6/1	7/1	8/1	9/1	10/1	11/1	12/1	1/1	2/1	3/1	4/1	5/1	6/1	7/1	8/1	9/1	10/1	11/1	12/1	1/1	2/1	3/1	4/1	5/1	6/1	7/1	8/1	9/1	10/1	11/1	12/1	
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1	Submit Report to TCEQ																																					
90 DAY EXTENTION																																						
1	90 DAY EXTENTION																																					
EMERGENCY PREPAREDNESS PLAN REPORT																																						
1	Ink's Lake WTP Upgrade																																					
2	East Tank Pump Station Upgrade																																					
3	Eagle's Nest Pump Station Upgrade																																					

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ATTACHMENT E – CITY OF BURNET WATER UTILITY SCHEMATIC



FACILITIES

1. INK'S LAKE RAW INTAKE
2. INK'S LAKE WTP & CLEARWELLS
3. MAIN STREET PUMP STATION
4. CHEATEM STREET WELLS
5. POST MOUNTAIN GROUND STORAGE TANKS
6. EAST TANK PUMP STATION
7. WEST TANK PUMP STATION
8. EAGLE'S NEST PUMP STATION

CITY OF BURNET
WATER UTILITY SCHEMATIC

PUBLIC WORKS
CITY OF BURNET
BURNET COUNTY, TEXAS

DATE: 2/17/22

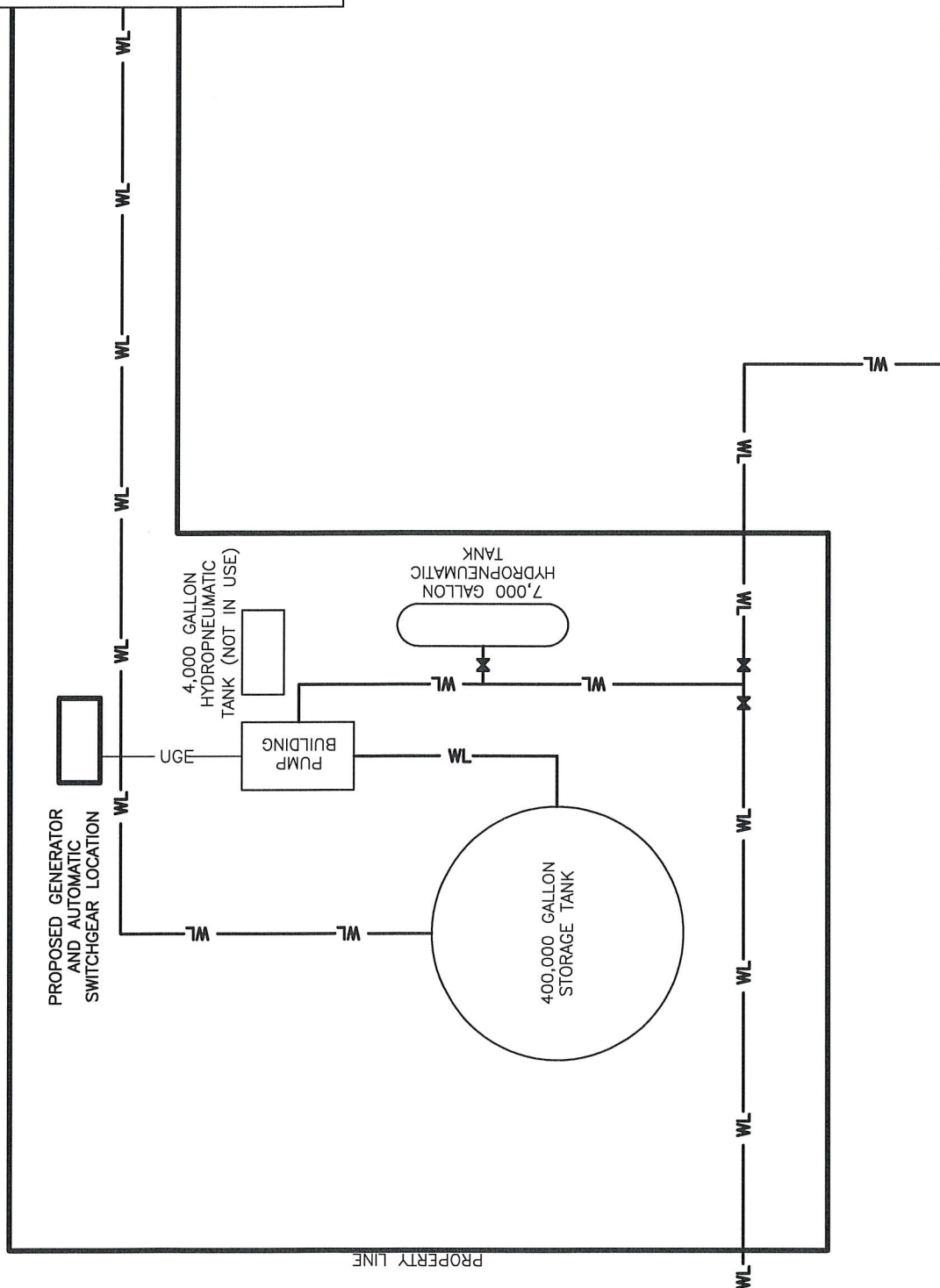
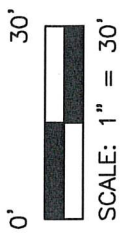
4 CUATRO
Consultants, LTD

3601 Kyle Crossing, Suite A Phone: (512) 312-5040 Fax: (512) 312-5599
Kyle, Texas 78640 e-mail: cuatro@cuatroconsultants.com
Firm F-5524

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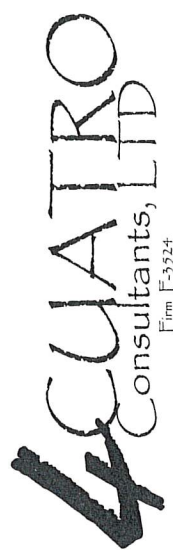
ATTACHMENT F – EMERGENCY POWER DIAGRAMS



EAST TANK PUMP STATION
PROPOSED GENERATOR LOCATION

PUBLIC WORKS
CITY OF BURNET
BURNET COUNTY, TEXAS

DATE: 2/17/22



3601 Kyle Crossing, Suite A Phone: (512) 312-5040 Fax: (512) 312-5399
Kyle, Texas 78640 e-mail: cuatro@cuatroconsultants.com

EXHIBIT "B"

TENTATIVE PROJECT SCHEDULE
FOR
EMERGENCY PREPAREDNESS PLAN
CITY OF BURNET
BURNET COUNTY, TEXAS
February 17, 2022

		2022												2023												2024												
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3	Eagle's Nest Pump Station Upgrade																																					



Police Department

ITEM 4.21

Brian Lee
Chief of Police
512-756-6404
blee@cityofburnet.com

Action

Meeting Date:	February 22, 2022
Agenda Item:	Discuss and consider action: Acceptance of the 2021 Annual Traffic Stop Data Report: B. Lee
Background:	Texas Code of Criminal Procedure requires law enforcement agencies to collect and report data related to traffic stops to their governing body. This is a report of data gathered during the calendar year 2021.
Information:	There is no action required by Council. This report of incident-based data related to traffic stops and the analysis of the data is submitted to Council and Texas Commission on Law Enforcement.
Fiscal Impact:	None.
Recommendation:	Acknowledge receipt of the 2021 Traffic Data Safety Report as presented.

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

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

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

Comparative Analysis
2021 Traffic Stop Data
Burnet Police Department

This report details the Burnet Police Department’s statistical information on traffic stops for the year 2021. This report is a requirement to comply with Article 2.132, 2.133, and 2.134 of the Texas Code of Criminal Procedure (CCP) regarding the analysis of traffic stop data. The full copies of the applicable laws and supporting documents are contained in this report.

The Burnet Police Department has a specific policy prohibiting racial profiling and providing for disciplinary action if an employee is found engaging in racial profiling. The Burnet Police Department also has process for making a racial profiling complaint.

The Burnet Police Department collects all data required by the Code of Criminal Procedure on every traffic stop. The aggregate data and an analysis of the data is provided in the report.

Analysis of the Data

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

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

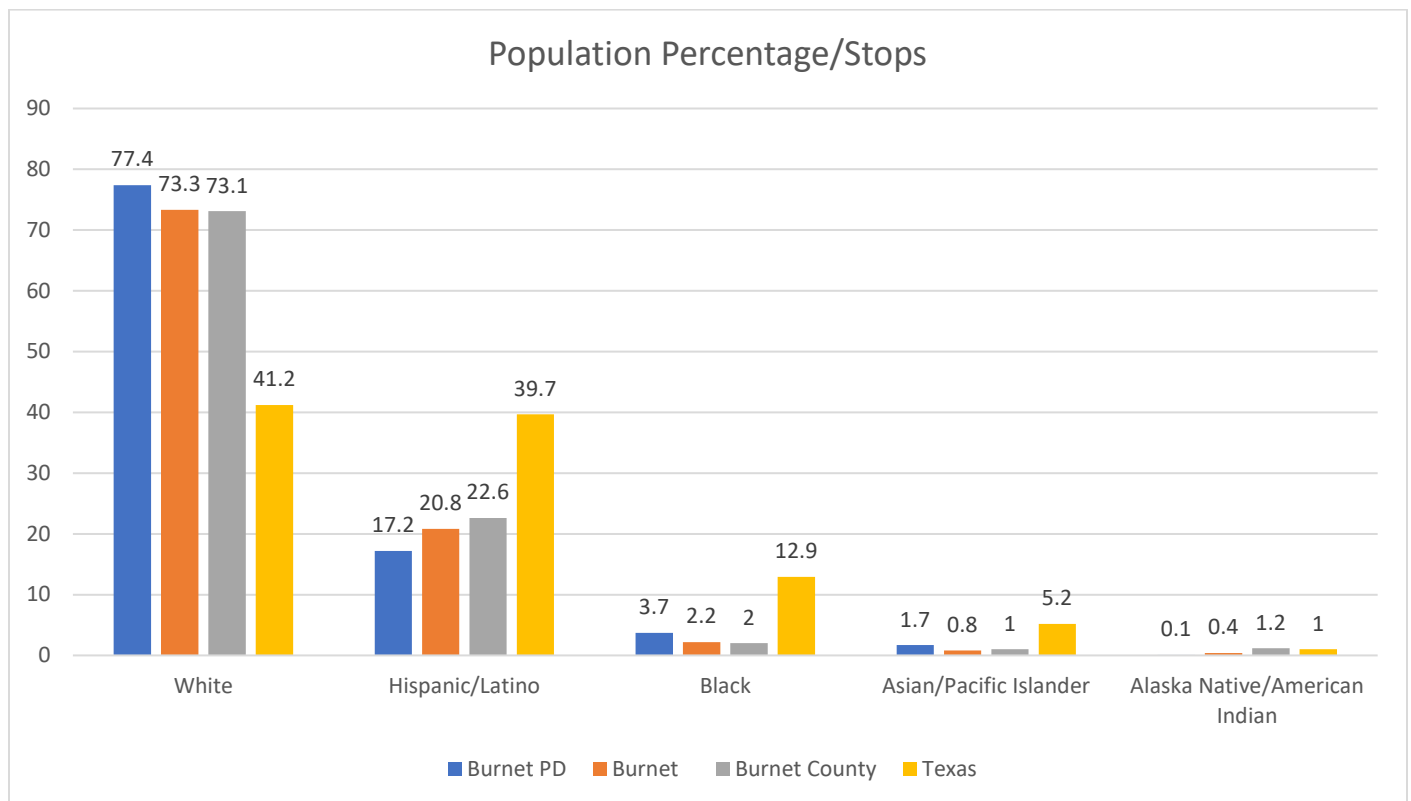
The first chart is a breakdown of the population percentages of our area and the state. It is important to note that many violators who are stopped may not be residents of the city. With the major arterial roads used to travel through Burnet we encounter many drivers who live outside the city. Therefore, a comparison of stops to local demographics only, would be inaccurate.

Population Percentages

	City of Burnet	County of Burnet	State of Texas
--	----------------	------------------	----------------

White	73.3 %	73.1%	41.2 %
Black/African American	2.2%	2.0 %	12.9 %
Hispanic	20.8%	22.6%	39.7 %
Asian/Pacific Islander	0.8%	1.0 %	5.2 %
American Indian or Alaska Native	0.4 %	1.2 %	1.0 %
Middle Eastern/ Other	3.1 %	1.5	2.1%

This chart depicts the percentages of people stopped by race/ethnicity among the total 2674 motor vehicle stops in which a ticket, citation, or warning was issued, including arrests made, in 2021.



White drivers represented 77.4 percent of all drivers stopped, whereas the white population constitutes 73.3 percent of the city population, 73.1 percent of the county population, and 41.2 percent of the state population.

African American drivers constituted 3.7 percent of all drivers stopped, whereas African Americans represent 2.2 percent of the city population, 2 percent of the county population, and 12.9 percent of the state population.

Hispanic drivers constituted 17.2 percent of all drivers stopped, whereas Hispanics constitute 20.8 percent of the city population, 22.6 percent of the county population, and 39.7 percent of the state population.

Asian drivers constituted 1.7 percent of all drivers stopped, whereas Asians constitute 0.8 percent of the city population, 1 percent of the county population, and 5.20 percent of the state population.

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

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

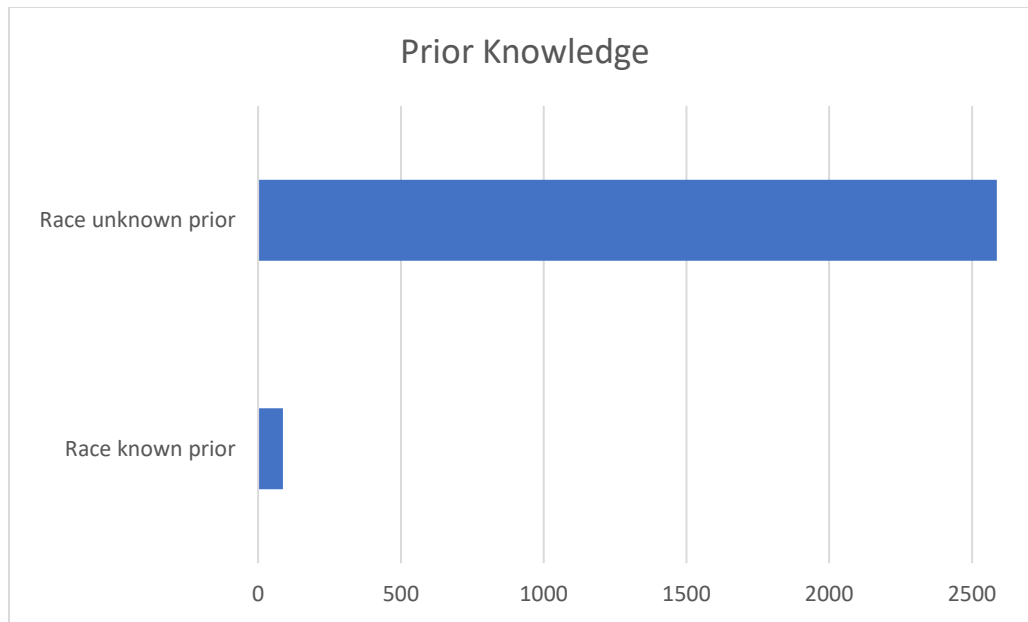
This is a breakdown of searches that resulted from traffic stops. A total of 162 searches were done in 2021 consisting of consent, incident to arrest, probable cause, and inventories. 162 searches constitute 6% of all stops resulted in a search. Of the 162 searches within the ethnic groups, White motorists were searched in roughly 6 percent of all stops of White motorists, African-American motorists were searched in roughly 6 percent of all stops of African-American motorists, Hispanic motorists were searched in roughly 5.8 percent of all stops of Hispanic motorists, Asian motorists were searched in roughly 0 percent of all stops of Asian motorists, and Alaska Native/American Indian motorists were searched in roughly 0 percent of all stops of Alaska Native/American Indian motorists. Of the searches that occurred in 2021, contraband was discovered in 88 or roughly 54 percent of all searches, including 69 searches yielding drugs.

TXCCP requires agencies to:

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

There were a total of 2674 motor vehicle stops in 2021 in which a, citation, or warning was issued. Roughly 73 percent of stops resulted in a written warning and roughly 27 percent resulted in a citation.

This next chart is critical when analyzing data as it relates to race/ethnicity in traffic stops. Officers are required by the TXCCP to report if they knew of the race or ethnicity of the driver prior to making the decision to stop a vehicle. In Burnet, 96.8% of the stops officers did not know the race or ethnicity of the driver prior to the stop.



TXCCP requires *Information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. Texas Code of Criminal Procedure Article 2.134(c)(2)* In researching Internal Affairs files for Burnet Police Department there were **no (0)** complaints of racial profiling filed in 2021.


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

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

Burnet Police mandates written warnings on every stop regardless of citation issuance. The use of electronic ticket writing software requires the collection of stop data when issuing either a citation or warning. This requirement enables us to collect appropriate data to report. Supervisors are required to audit performance by policy.

- 1 *Supervisors will randomly review at least three videos per officer (either body camera and/or in-car camera video) per quarter, reviewing the footage is intended to gain an understanding of that officer's performance and adherence to policy. Supervisors will document the random review of the video in their daily supervisory notes and any violations of policy or law will be addressed using existing internal affairs policy.*

APPENDIX A Burnet Police Dept Policy

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

I POLICY

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

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

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

II PURPOSE

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

III DEFINITIONS

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

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

IV PROCEDURES

A General responsibilities

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

nonconsensual searches, and property seizures. Except as provided in number 3 below, officers shall not consider race/ethnicity in establishing either reasonable suspicion or probable cause. Similarly, except as provided below, officers shall not consider race/ethnicity in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search.

- 3 Officers may consider the reported race or ethnicity of a specific suspect or suspects based on relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s). Individuals shall be subjected to stops, seizures, or detentions only upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. Officers shall document the elements of reasonable suspicion and probable cause in appropriate reports.
- 4 Officers shall observe all constitutional safeguards and shall respect the constitutional rights of all persons.
- 5 All personnel shall treat everyone with the same courtesy and respect that they would have others observe to department personnel. To this end, personnel are reminded that the exercise of courtesy and respect engenders a future willingness to cooperate with law enforcement.
- 6 When feasible, personnel shall offer explanations of the reasons for enforcement actions or other decisions that bear on the individual's well-being unless the explanation would undermine an investigation or jeopardize an officer's safety.
- 7 When feasible, all personnel shall identify themselves by name. When a person requests the information, personnel shall give their departmental identification number, name of the immediate supervisor, or any other reasonable information.
- 8 All personnel are accountable for their actions. Personnel shall justify their actions when required.

B Supervisory responsibilities

- 1 Supervisors shall be held accountable for the observance of constitutional safeguards during the performance of their duties and those of their subordinates. Supervisors shall identify and correct instances of bias in the work of their subordinates.
- 2 Supervisors shall facilitate the filing of any complaints about law- enforcement service.
- 3 Supervisors will randomly review at least three videos per officer (either body camera and/or in-car camera video) per quarter, reviewing the footage is intended to gain an understanding of that officer's performance and adherence to policy. Supervisors will document the random review of the video in their daily supervisory notes and any violations of policy or law will be addressed using existing internal affairs policy.
- 4 This policy applies only to first-line uniformed officers and their immediate supervisors. In the absence of a first-line supervisor this responsibility will move to the patrol captain.

C Disciplinary consequences

- 1 Actions prohibited by this order shall be cause for disciplinary action, up to and including dismissal.

D Training

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

V COMPLAINTS

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

VI RECORD KEEPING

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

Appendix B: Racial Profiling Laws

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

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

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

(A) the person's gender; and

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

(2) the initial reason for the stop;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) On a finding by the Texas Commission on Law Enforcement that the chief administrator of a law enforcement agency

intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

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

Amended by:

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

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

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