



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 **8th day of March 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) March for Meals Proclamation: Dori Yeater, OWBC
- 1.2) Development Services Monthly Report:
- 1.3) Quarterly Water/Wastewater Report: A. Burdell

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 22nd, 2022, City Council Workshop Meeting Minutes

2.2) Approval of the February 22nd, 2022, Regular City Council Meeting Minutes

3. PUBLIC HEARINGS/ACTION:

3.1) 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, Leslie Kimbler, City Planner, and Matt Imrie, Community Development Coordinator.

A. FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE OFFICIAL FUTURE LAND USE MAP OF THE CITY BY ASSIGNING THE PROPERTY DESCRIBED AS 200 BURNET HILLS DRIVE (LEGAL DESCRIPTION: BEING A 0.190 ACRE TRACT OUT OF THE MISS SARAH ANN GUEST SURVEY NO. 1503, ABSTRACT NO. 1525) TO A DESIGNATION OF "RESIDENTIAL"; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.: L. Kimbler

- (1) Staff Presentation
- (2) Public Hearing
- (3) Consideration and action.

B. FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY DESCRIBED 200 BURNET HILLS DRIVE (Legal Description: BEING A 0.190 ACRE TRACT OUT OF THE MISS SARAH ANN GUEST SURVEY NO. 1503, ABSTRACT NO. 1525) WITH MANUFACTURED HOME-DISTRICT "M-1" CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

- (1) Staff Presentation
- (2) Public Hearing
- (3) Consideration and action

C. FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE FUTURE LAND USE MAP OF THE CITY OF BURNET BY ASSIGNING A DESIGNATION OF "RESIDENTIAL" FOR THE PROPERTY AT 1402 N WATER STREET (LEGAL DESCRIPTION: LOT 2, BLOCK 10, OAKS ADDITION); PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L

Kimbler

- (1) Staff Presentation
- (2) Public Hearing
- (3) Consideration and action

D. FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY DESCRIBED 1402 NORTH WATER STREET (Legal Description: LOT 2, BLOCK 10, OAKS ADDITION) WITH MULTI-FAMILY RESIDENTIAL – DISTRICT “R-3” CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L Kimbler

- (1) Staff Presentation
- (2) Public Hearing
- (3) Consideration and action

E. FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE FUTURE LAND USE MAP OF THE CITY OF BURNET BY ASSIGNING A DESIGNATION OF “RESIDENTIAL” FOR THE PROPERTY AT 1404 N WATER STREET (LEGAL DESCRIPTION: LOT 3 & 4, BLOCK 10, OAKS ADDITION); PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L Kimbler

- (1) Staff Presentation
- (2) Public Hearing
- (3) Consideration and action

F. FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY DESCRIBED 1404 N WATER STREET (Legal Description: LOT 3 & 4, BLOCK 10, OAKS ADDITION) WITH MULTI-FAMILY RESIDENTIAL – DISTRICT “R-3” CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L Kimbler

- (1) Staff Presentation
- (2) Public Hearing
- (3) Consideration and action

G. FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE

OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS THE NORTHWEST CORNER OF EAST JOHNSON AND NORTH RHOMBERG STREETS (Legal Description: 0.37-ACRE TRACT OUT OF THE JOHN HAMILTON SURVEY NO. 1, BEING A PORTION OF LOT 2, BLOCK 37 OF THE PETER KERR PORTION) WITH DUPLEX-DISTRICT "R-2" CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

- (1) Staff Presentation
- (2) Public Hearing
- (3) Consideration and action

3.2) The City of Burnet City Council shall conduct a public hearing to receive public testimony and comments on the merits of a proposed "Preliminary Plat" for approximately 60.53 acres out of Sarah Ann Guest Survey No. 1503, Abs. No. 1525. The proposed "Preliminary Plat" will establish Creekfall Subdivision, Phase Three, consisting of 180 residential lots: L. Kimbler

3.3) The City of Burnet City Council shall conduct a public hearing to receive public testimony and comments on the merits of a proposed "Preliminary Plat" for approximately 11.58 acres out of Sarah Ann Guest Survey No. 1503, Abs. No. 1525. The proposed "Preliminary Plat" will establish Westfall Village Subdivision, Phase Three, consisting of 45 residential lots: L. Kimbler

3.4) The City Council of the City of Burnet shall conduct a public hearing to receive public testimony and comments on the merits of a proposed "Preliminary Plat" for approximately 326.63 acres out of Abs. A0398 Susano Hernandez, Tract Pt. of 6, 14.87 Acres; Abs. A1018 Francisco Ybarbo, 140.95 Acres; Abs. A0398 Susano Hernandez, Tract & Abs. 1018 Francisco Ybarbo, 17.34 Acres; Abs. A1018 Francisco Ybarbo, 150.47 Acres. The proposed "Preliminary Plat" will establish Honey Rock Subdivision, consisting of 299 single-family residential lots, two multi-family lots and two commercial lots: L. Kimbler

4. ACTION ITEMS:

4.1) Discuss and consider action: Consideration and action to allow the Shipley Ranch Subdivision to be served by alternative water supply and alternative wastewater services: H. Erkan

4.2) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE PRELIMINARY PLAT ESTABLISHING CREEKFALL SUBDIVISION, PHASE THREE AND FOUR, CONSISTING OF APPROXIMATELY 116 RESIDENTIAL LOTS ON 55.77 ACRES OUT OF THE SARAH ANN GUEST SURVEY NO. 1503, ABS. NO. 1525: L. Kimbler

4.3) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING A VARIANCE TO THE CODE OF ORDINANCES, SECTION 98-48 – BLOCKS AND LOTS FOR THE PROPOSED PRELIMINARY PLAT OF WESTFALL VILLAGES, PHASE THREE: L. Kimbler

4.4) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE PRELIMINARY PLAT ESTABLISHING WESTFALL VILLAGE, PHASE 3, CONSISTING OF APPROXIMATELY 45 RESIDENTIAL LOTS ON APPROXIMATELY 11.58 ACRES OUT OF THE SARAH ANN GUEST SURVEY NO. 1503, ABS. NO. 1525.: L. Kimbler

4.5) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING A VARIANCE TO THE CODE OF ORDINANCES, SECTION 98-22 PRELIMINARY PLAT FOR THE PROPOSED PRELIMINARY PLAT OF HONEY ROCK SUBDIVISION: L Kimbler

4.6) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE PRELIMINARY PLAT ESTABLISHING HONEY ROCK SUBDIVISION CONSISTING OF APPROXIMATELY 299 SINGLE-FAMILY RESIDENTIAL LOTS, TWO MULTI-FAMILY RESIDENTIAL LOTS, AND TWO COMMERCIAL LOTS ON APPROXIMATELY 326.63 ACRES OUT OF ABS A0398 SUSANO HERNANEZ, TRACT PT OF 6, 14.87 ACRES, ABS A1018 FRANCISCO YBARBO, 140.95 ACRES, ABS A0398 SUSANO HERNANDEZ, TRACT AND ABS 1018 F YBARABO, 17.64 ACRES, ABS A1018 FRANCISCO YBARBO, 150.47 ACRES: L. Kimbler

4.7) Discuss and consider action: Approval and authorization for the City Manager to approve Freedom Flyers LLC/Cowden Ward Jr. to relocate airport access gate to airport property: A. Feild

4.8) Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CANCELLING THE MAY 7, 2022 GENERAL ELECTION FOR THREE CITY COUNCIL MEMBER POSITIONS; DECLARING CANDIDATES ELECTED AT LARGE; MAKING FINDINGS OF FACT; PROVIDING AN OPEN MEETINGS CLAUSE AND FOR OTHER MATTERS.

4.9) Discuss and consider action: Award of bid for RFP2021-06 to HYAS Group, LLC. for deferred compensation plan consulting and authorize the City Manager to negotiate a contract for services: K. Sames

4.10) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AMENDING THE CITY OF BURNET PROCUREMENT POLICY BY CODIFYING THE CURRENT RETURN ON INVESTMENT RATE CALCULATION FOR THE ELECTRIC FUND AND ADOPTING PROCUREMENT PROCEDURES SPECIFICALLY FOR THE CITY'S ELECTRIC UTILITY: P. Langford.

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 4th day of March 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 March 4, 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).



Proclamation

OF THE MAYOR AND CITY COUNCIL FOR THE CITY OF BURNET

Whereas, fifty years ago, on March 22, 1972, President Nixon signed into law a measure that amended the Older Americans Act of 1965 to include a national nutrition program for individuals 60 years and older.

Whereas, for five decades, this landmark law has helped to fund community-based organizations – like Meals on Wheels – and it is still the only federal program designed specifically to meet the nutritional and social needs of older adults

Whereas, this year, Meals on Wheels programs from across the country are joining together for the March for Meals awareness campaign to celebrate 50 years of success and garner the support needed to ensure these critical programs can continue to address food insecurity and malnutrition, combat social isolation, enable independence, and improve health for years to come.

Whereas, Meals on Wheels programs – both congregate and home-delivered, in Burnet County have served our communities admirably for 58 years.

Whereas, volunteers for Meals on Wheels programs in Burnet County are the backbone of the program and they not only deliver nutritious meals to seniors and individuals with disabilities who are at significant risk of hunger and isolation, but also caring concern and attention to their welfare; and

Whereas, Meals on Wheels programs in Burnet County provide nutritious meals to seniors throughout both counties that help them maintain their health and independence, thereby helping to prevent unnecessary falls, hospitalizations and/or premature institutionalization; and

Whereas, Meals on Wheels programs in Burnet County provide a powerful opportunity for social connection for millions of seniors to help combat the negative health effects and economic consequences of loneliness and isolation; and

Whereas, Meals on Wheels programs in Burnet County deserve recognition for the heroic contributions and essential services they have provided amid the COVID-19 pandemic and will continue to provide to local communities, our State and our Nation long after it is over.

Whereas, the senior population is increasing substantially, and action is needed now to support local Meals on Wheels programs through federal, state and local funding; volunteering; donations; and raising awareness to ensure these vital services can continue to be delivered for another 50 years.

Now, therefore, be it proclaimed, that I, Crista Goble Bromley, Mayor of the City of Burnet on behalf of the City Council, of the City of Burnet, Texas, do hereby proclaim March 2022 to be observed as



Meals on Wheels Awareness Month



in the City of Burnet, Texas. Join us in celebrating the 50th anniversary of the Older Americans Act Nutrition program and urge every community member to take this month to honor our Meals on Wheels programs, the seniors they serve and the volunteers who care for them. Our recognition of, and involvement in, the national celebration can enrich our entire community and help combat senior hunger and isolation in America.

In witness thereof, I hereunto set my hand and caused the seal of the City of Burnet to be affixed this 8th day of March 2022.

Mayor Crista Goble Bromley



Development Services Report- January 2022

FEBRUARY 8, 2022

Residential Permits

Permit Type	January 2022
New Residential	8
Other Residential	16

3 new residential permits in Peppermill Phase 3 and, 2 new residential permits in Hills of Shady Grove
1 permit each in Oak Vista- Section 2, Rancho Viejo and Delaware Springs-Section 19

Other Residential includes- Residential remodels, accessory structures, electrical, irrigation systems,
and On-Site Sewage Facility permits.

Subdivision Status

In-Progress

Subdivision	Status	# of Lots
Ranches at Delaware Creek Phase 3	Under Construction	19
Eagle's Nest, Section 3	Under Construction	13
Creekfall Phase 1 & 2	Construction Plans Approved	134
Headwaters of the San Gabriel- Phase 2	Construction Plans under review	26

Commercial Permits

February 2022

1

1 permit issued to Entegris for additional cooling tower.

Commercial Projects

Project	Status
RJ Richey Elementary Upgrades	Site Development Review
Shady Grove Elementary Upgrades	Building Plan Review
East Pecan Street Apartments	Site Development Review

RJ Richey upgrades include: Upgrade to parent driveway and regrading to allow better drainage away from building.

Shady Grove upgrades include: Remodel of existing spaces for a new nurse's station and small group classrooms. Also includes new staff restroom and new lighting throughout the remodeled spaces.

Commercial Projects In-Progress

Subdivision	Status
Mister Bubbles Car Wash	Construction Ongoing
281 Commercial Park (The Crossings at 281)	Construction Completed, Waiting on Engineer Approval

Questions



City of Burnet
W/WW Progress Report
March 8, 2022



Cues Camera Truck



Budgeted - \$225,000

Expense - \$226,500

2022 Camel Maxx

Estimated Delivery April 2022



Budgeted - \$450,000 April 2022 Delivery Date

Service Truck

Not yet ordered
Budget – \$80,000

Concept picture



- Risk and Resiliency Assessment
- Emergency Response Plan

Budget - \$30,000

Cost - \$30,000



Emergency Preparedness Plan

Senate Bill 3 Section 13.1394.

- Inks Lake WTP
- Eaglesnest Pumpstation
- East Tank Pumpstation
- Estimated cost – \$1,100,000



W/WW System Improvements

- East Tank Pumpstation
- Wofford Street
- Eastside Commercial Park
- Creekfall Subdivision Waterline Upsize
- 12" Water Main from Mormon Mill
- Eaglesnest Pumpstation and Storage Tank
- Delaware Creek Liftstation

Budget - Unknown

East Tank Pumpstation





DANGER
ELECTRIC SHOCK
DEATH
DO NOT OPEN DOOR
WHILE MOTOR IS RUNNING
DO NOT TOUCH MOVING
PARTS
DO NOT RE-ENTER
UNTIL ADVISED BY
A QUALIFIED ELECTRICIAN

IR Ingersoll Rand

MADE IN
USA

BALDOR

BALDOR

Eastside Commercial Park

Wofford Street



Creekfall Subdivision Water Main Oversizing

Budget - \$102,301 - Green Line



Eaglesnest Pumpstation





Delaware Creek Lift Station Pump Upgrade

- Designed with the wrong size pumps
- Additional capacity for growth
- No funds have been spent on this project as of this time.
- Budget - \$100,000



VFW Sewer Line

- Easements have been completed.
- Sewer line Engineering is complete.
- Contractor estimate – not complete.
- Budgeted Estimated Cost - \$30,000



GIS Mapping of W/WW Utilities



Zebra Mussels



W/WW Staffing

On February 8, 2022, Council approved a new pay scale and succession plan for the W/WW Department.

Currently we have 6 vacancies, 3 are in the on-boarding process. 1 is transferring from another department. This will result in 2 vacancies.

I would like to thank Council, David, Kelli and everyone else involved for their efforts.



Questions?

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

On this the 22nd day of February, 2022, the City Council of the City of Burnet convened in a special called Workshop Session, at 5:00 p.m. in the City of Burnet Council Chambers located at 2402 S. Water Street (Hwy 281 South, Burnet Municipal Airport) 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, Cindia Talamantez,
City Manager	David Vaughn
City Secretary	Kelly Dix

Guests: Habib Erkan, Alan Burdell, Adrienne Feild, Leslie Kimbler, Alan Burdell

Call to Order: Mayor Bromley called the meeting to order at 5:00 p.m.

DISCUSS AND REVIEW:

Proposed annexation of the 69 acre Tarbet Tract located at the corner of 281 North and County Road 108: H. Erkan: Assistant City Manager, Habib Erkan informed all present that Lennar Homes had submitted a petition for annexation of the Tarbet Tract located at the corner of U.S. Highway 281 and County Road 108. The purpose of the request for annexation was for the developer to be able to connect the proposed one hundred and fifty homes to the city water/wastewater system. The planned development has sixty foot lot widths. Mr. Erkan reiterated to all present that the proposed zoning change to requiring seventy five foot minimum lot widths instead of the sixty foot minimum lot widths was on the Council agenda for final consideration. The property as it stands is mostly in Burnet County, only a small portion of the property is in the city limits. The electric service provider for that area is Pedernales and currently city water utilities are available for connection, but sewer connection would need to be constructed. Luke from Lennar Homes presented to all present that the planned development would include approximately one hundred and fifty homes and some park area and a small section of commercial property on the highway frontage. The proposed plan was developed on the sixty foot lot widths. If the annexation is not completed the developer would no longer be interested due to the cost incorporated by adjusting the lot widths to meet Burnet County requirements for wells and sewer. Council discussed the need for a Planning Financial Model to assess the value of the annexation for the City.

Proposed R-3 Zoning Ordinance amendments and their impacts on pending preliminary plats: H. Erkan: Assistant City Manager Habib Erkan presented to Council an option referred to as Pyramid Zoning in reference to the impact of the proposed R-3 Zoning Ordinance amendments and the impact on the Honey Rock Ranch plat application. Developer Shaun Nelson was present and answered questions posed by the Council and explained that the plat plan was being developed to ease transition from large lots to smaller lots to lessen the effect on the already established homes.

ADJOURN:

There being no further business the Workshop session was adjourned at 6:00 p.m.

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary

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

On this the 22nd day of February, 2022, the City Council of the City of Burnet convened in Regular Session, at 6:00 p.m. the City of Burnet Council Chambers located at 2402 S. Water Street (Hwy 281 South, Burnet Municipal Airport) 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, Kelli Sames, Dylan Hutton, Wayne Casselberry, Brian Lee, Vince Rodgers, Sonny Croom, Darlene Hargett, Dave Hargett, Ed Holley, Ken Graham

Call to Order: Mayor Bromley called the meeting to order at 6:05 p.m.

INVOCATION: Led by Council Member Mary Jane Shanes

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

SPECIAL REPORTS/RECOGNITION:

Commemorative Air Force Report: Kirk D. Noaker, Sr.: Vince Rogers, Director of the Burnet Commemorative Air Force (CAF) reviewed current operation of the CAF to include the upcoming March Air Show, membership increase, startup of a new Cadet program and, renovations and updates to the CAF Museum.

Burnet Chamber of Commerce Report: A. McKee: Chamber of Commerce Director Allison McKee provided Council with an update report on the Christmas on the Square event, the Chamber of Commerce Board Retreat, the Candidate Forum, the annual Chamber of Commerce Banquet, and the current planning of the 2022 Bluebonnet Festival.

Burnet Economic Development Corporation Report: A. Field: Adrienne Feild, Administrative Services, presented the Burnet Economic Development Corporation Report. To include sales tax collection revenues, The Badger Building completion and lease, the proposed parking lot with restrooms on the square, the upcoming ICSC Conference and the impact on Burnet. Updates were provided on the Crossings at 281 and Eastside Commercial Parks; as well as the upcoming Summer Series concert, the partnership with Workforce Network, Inc., the highway 183 Billboard and the COVID Emergency Loan Program.

January 2022 Financial Report: P. Langford: Director of Finance Patricia Langford reviewed the January 2022 Financial report to include revenue and expenses for all funds. Overall revenues are strong, and expenses are tracking with budget.

CONSENT AGENDA ITEMS:

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

Approval of the February 8th, 2022 City Council Workshop Meeting Minutes

Approval of the February 8th, 2022 Regular City Council Meeting Minutes: Council Member Joyce Laudenschlager moved to approve the consent agenda as presented. Council Member Mary Jane Shanes seconded. The motion carried unanimously.

PUBLIC HEARINGS/ACTION: None

ACTION ITEMS:

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: Council Member Danny Lester moved to approve and adopt Ordinance 2022-15 as presented. Council Member Mary Jane Shanes seconded. The motion carried unanimously.

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: Mayor Crista Goble Bromley moved to approve and adopt Ordinance 2022-07 as presented with the exclusion of proposed section 118-35 (a)(1). Council Member Danny Lester seconded. The motion carried unanimously.

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: Council Member Danny Lester moved to approve and adopt Ordinance 2022-12 as presented. Council Member Joyce Laudenschlager seconded. The motion carried unanimously.

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: Council Member Joyce Laudenschlager moved to approve and adopt Ordinance 2022-10 as presented. Council Member Cindia Talamantez seconded. The motion carried unanimously.

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: Council Member Mary Jane Shanes moved to approve and adopt Ordinance 2022-11 as presented. Council Member Cindia Talamantez seconded. The motion carried unanimously.

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: Council Member Cindia Talamantez moved to approve and adopt Ordinance 2022-13 as presented. Council Member Ricky Langley seconded. The motion carried unanimously.

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: Council Member Danny Lester moved to approve and adopt Ordinance 2022-08 as presented. Council Member Mary Jane Shanes seconded. The motion carried unanimously.

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:

Council Member Joyce Laudenschlager moved to approve and adopt Ordinance 2022-09 as presented. Council Member Philip Thurman seconded. The motion carried unanimously.

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: Council Member Philip Thurman moved to approve and adopt Ordinance 2022-14 as presented. Council Member Mary Jane Shanes seconded. The motion carried unanimously.

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: Council Member Danny Lester moved to approve and adopt Ordinance 2022-17 as presented. Council Member Philip Thurman seconded. The motion carried unanimously.

Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING SECTION 8.07 VACATION LEAVE, OF THE PERSONNEL POLICY MANUAL BY UPDATING AND CLARIFYING POLICY REQUIREMENTS: K. Sames: Council Member Danny Lester moved to approve Resolution No. R2022-20 as presented. Council Member Joyce Laudenschlager seconded. The motion carried unanimously.

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: Staff was directed by Mayor Crista Goble Bromley to provide City Council with an Impact Analysis and revised timeline for this issue per City Council Workshop discussions. No action was taken.

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: Council Member Danny Lester moved to approve the purchase of the 2022 John Deere 333G Compact Track Loader and listed attachments through Sourcewell as presented. Council Member Mary Jane Shanes seconded. The motion carried unanimously.

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: Council Member Cindia Talamantez moved to approve the purchase of the Komatsu WA200-8 wheel loader through HGACBuy as presented. Council Member Joyce Laudenschlager seconded. The motion carried unanimously.

Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AUTHORIZING THE ACCEPTANCE OF A DONATION OF FOURTEEN BALLISTIC HELMETS AND TWO BALLISTIC SHIELDS FROM MARILIE WALKER: B. Lee: Council Member Joyce Laudenschlager moved to approve Resolution No. R2022-23 as presented. Council Member Philip Thurman seconded. The motion carried unanimously.

City Manager David Vaughn requested Item 4.17 be moved to the end of the agenda as it would require a lengthy discussion. Mayor Bromley presented the remaining items on the agenda in the following order: Item 4.18, Item

4.16 Item 4.19, Item 4.20, Item 4.21, Item 4.17.

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: Council Member Mary Jane Shanes moved to authorize 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 as presented. Council Member Joyce Laudenschlager seconded. The motion carried unanimously.

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: Council Member Philip Thurman moved to approve Resolution No. R2022-24 as presented. Council Member Joyce Laudenschlager seconded. The motion carried unanimously.

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: Council Member Mary Jane Shanes moved to approve and authorize 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) as presented. Council Member Cindia Talamantez 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 SUBMIT THE CITY OF BURNET EMERGENCY PREPAREDNESS PLAN TO TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR PLAN APPROVAL AND SUBSEQUENT IMPLEMENTATION: A. Burdell: Council Member Joyce Laudenschlager moved to approve Resolution No. R2022-25 as presented. Council Member Ricky Langley seconded. The motion carried unanimously.

Discuss and consider action: Acceptance of the 2021 Annual Traffic Stop Data Report: B. Lee: Council Member Mary Jane Shanes moved to accept and approve the 2021 Annual Traffic Stop Data Report as presented. Council Member Joyce Laudenschlager seconded. The motion carried unanimously.

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: Police Chief Brian Lee presented to Council an overview of the current condition of the property located at 209 W. Jackson Street. The exterior building assessment raises safety and welfare concerns for the occupant that constitute dangerous structure violations. The occupant refuses to cooperate with Code Enforcement, Law Enforcement and the owner, Wayne Casselberry of the property for an interior safety inspection of the premises. The owner Wayne Casselberry addressed Council and confirmed that the occupant was the prior owner that he bought the property from. The purchase included granting a life estate property occupancy to the former owner. Mr. Casselberry confirmed that the occupant will not comply with needed repairs to the structure. Mayor Crista Goble Bromley made a motion directing Chief Lee to proceed with a dangerous structure case and seek the administrative warrant from the Burnet County Court to perform the interior inspection. Council Member Mary Jane Shanes seconded. The motion carried unanimously.

REQUESTS FROM COUNCIL FOR FUTURE REPORTS: In accordance with Resolution R2020-28 councilmembers may request the City Manager to prepare and present future report on matters of public interest: Council Member Philip Thurman requested an update report on Street projects.

ADJOURN: There being no further business a motion to adjourn was made by Council Member Mary Jane Shanes at 8:03 p.m. Seconded by Council Member Joyce Laudenschlager. The motion carried unanimously.

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 3.1-A

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

Agenda Item

Meeting Date: March 8, 2022

Agenda Item: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE OFFICIAL FUTURE LAND USE MAP OF THE CITY BY ASSIGNING THE PROPERTY DESCRIBED AS 200 BURNET HILLS DRIVE (LEGAL DESCRIPTION: BEING A 0.190 ACRE TRACT OUT OF THE MISS SARAH ANN GUEST SURVEY NO. 1503, ABSTRACT NO. 1525) TO A DESIGNATION OF "RESIDENTIAL"; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.: L. Kimbler

Background: The property is 0.19 acres on Burnet Hills Drive. The property is located on Burnet Hills Drive just off East State Highway 29 (East Polk Street).

The applicant is requesting a rezone to allow the current manufactured home that was built in the 1960's to be replaced with a new one. Texas Local Government Code Chapter 1201.008 requires that if the current home is not HUD approved, the municipality may prohibit the addition of a manufactured home unless a zoning change is approved. In the case of this manufactured home, there is no evidence that it was a previously approved HUD home.

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

Staff Analysis: The property has been utilized as a residential lot since at least 2008 and is surrounded by other residential lots.

Properties adjacent to the subject property are zoned as follows:

	North	South	East	West
Zoning	"R-1"	"R-1"	"R-1"	"R-1"
FLUM	Commercial	Commercial	Commercial	Commercial
Land Use	Manufactured Housing	Manufactured Housing	Manufactured Housing	Government

The Future Land Use Plan calls for the subject tract to be Commercial, however the area in question is mainly residential except for a Commercial property to the West. (see Exhibit B).

Public Notice: Written notices were mailed to 11 surrounding property owners. There have been zero responses in favor and zero responses in opposition.

P&Z Report Planning and Zoning is meeting on Monday, March 7th; staff will present P&Z's recommendation at the City Council meeting.

Recommendation: Open the public hearing.
Discuss and consider first reading of Ordinance 2022-19 as presented.

Exhibit "A"
Zoning Map

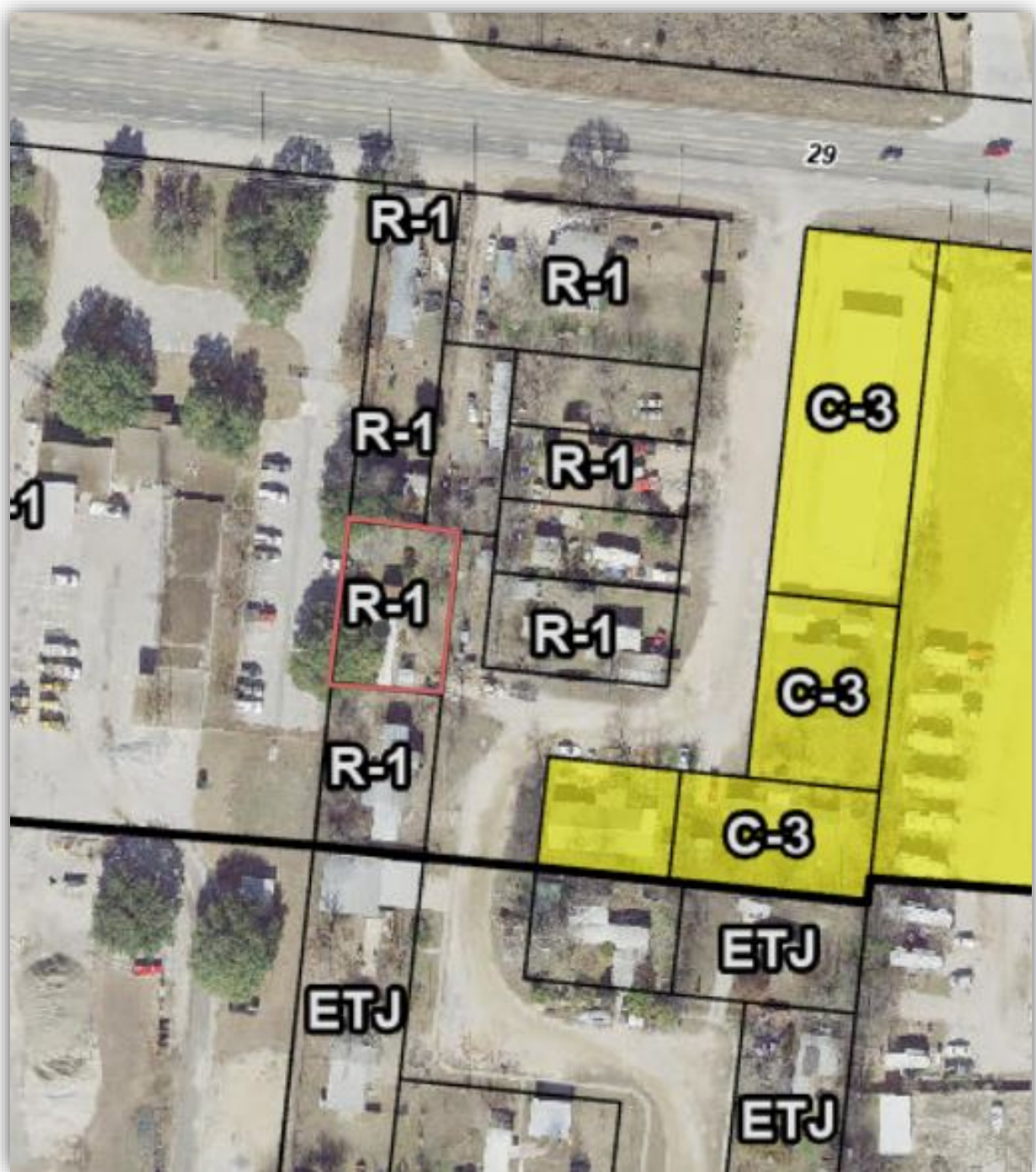


Exhibit "B"
Future Land Use Map





Government



Commercial



Residential



Industrial

ORDINANCE NO. 2022-19

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE OFFICIAL FUTURE LAND USE MAP OF THE CITY BY ASSIGNING THE PROPERTY DESCRIBED AS 200 BURNET HILLS DRIVE (LEGAL DESCRIPTION: BEING A 0.190 ACRE TRACT OUT OF THE MISS SARAH ANN GUEST SURVEY NO. 1503, ABSTRACT NO. 1525)” TO A DESIGNATION OF “RESIDENTIAL”; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

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

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

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

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

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

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

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

Section two. Property. The Property that is the subject to this Future Land Use Reclassification is 200 BURNET HILLS DRIVE (BEING A 0.190 ACRE TRACT OUT OF THE MISS SARAH ANN GUEST SURVEY NO. 1503, ABSTRACT NO. 1525) as shown on **Exhibit “A”** hereto.

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

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

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

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

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

PASSED on First Reading the 8th day of March 2022.

FINALLY PASSED AND APPROVED on the 22nd day of March 2022.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

Exhibit "A"
Location Map



Agenda Item 3.1-A

Information:

- Current FLUM:
Commercial
- Requested FLUM:
Residential

The property has been utilized as a residential lot since at least 2008 and is surrounded by other residential lots.

	North	South	East	West
Zoning	"R-1"	"R-1"	"R-1"	"R-1"
FLUM	Commercial	Commercial	Commercial	Commercial
Land Use	Manufactured Housing	Manufactured Housing	Manufactured Housing	Government Housing



Public Notification:

- Written notices were mailed to 11 surrounding property owners.
- No comments of opposition or support have been received.

Planning and Zoning Recommendation



Open Public Hearing

**Discuss and Consider
Ordinance 2022-19
as presented.**



Development Services

ITEM 3.1-B

Leslie Kimbler
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Agenda Item Brief

Meeting Date: March 8, 2022

Agenda Item: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY DESCRIBED 200 BURNET HILLS DRIVE (Legal Description: BEING A 0.190 ACRE TRACT OUT OF THE MISS SARAH ANN GUEST SURVEY NO. 1503, ABSTRACT NO. 1525) WITH MANUFACTURED HOME-DISTRICT "M-1" CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

Background: The subject property is a 0.19 acre lot currently zoned as Single-Family Residential – District "R-1". The property is located on Burnet Hills Drive just off East State Highway 29 (East Polk Street).

Information: The applicant is requesting a rezone to Manufactured Home – District "M-1" to allow the current manufactured home that was built in the late 1960's to be replaced with a newer manufactured home. Texas Local Government Code Chapter 1201.008 requires that if the current home is not HUD approved, the municipality may prohibit the addition of a manufactured home if the area does not meet the municipalities zoning regulations.

The current home pre-dates all HUD labeling requirements, therefore the property must be rezoned prior to the replacement of a newer manufactured home.

Staff Analysis: The subject property is in an area where most of the surrounding homes are Manufactured Homes. The homes in the area appear to pre-date the City's current zoning ordinance since all the surrounding property are zoned Single-Family Residential – District "R-1".

The Future Land Use Map (Exhibit B) designation for the area is Commercial. The item prior to this item on the agenda is a request to

amend the City's Future Land Use Map. If approved Manufactured Home – District “M-1” would be appropriate for this area.

Properties adjacent to the subject property are zoned as follows:

	North	South	East	West
Zoning	“R-1”	“R-1”	“R-1”	“R-1”
FLUM	Commercial	Commercial	Commercial	Commercial
Land Use	Manufactured Housing	Manufactured Housing	Manufactured Housing	Government

Public Notice: Written notices were mailed to eleven (11) surrounding property owners. There have been zero responses in favor and zero responses in opposition.

P&Z Report Planning and Zoning is meeting on Monday, March 7th; staff will present P&Z's recommendation at the City Council meeting.

Recommendation: Open the public hearing.
Discuss and consider first reading of Ordinance 2022-20 as presented.

Exhibit "A"
Location & Current Zoning Map

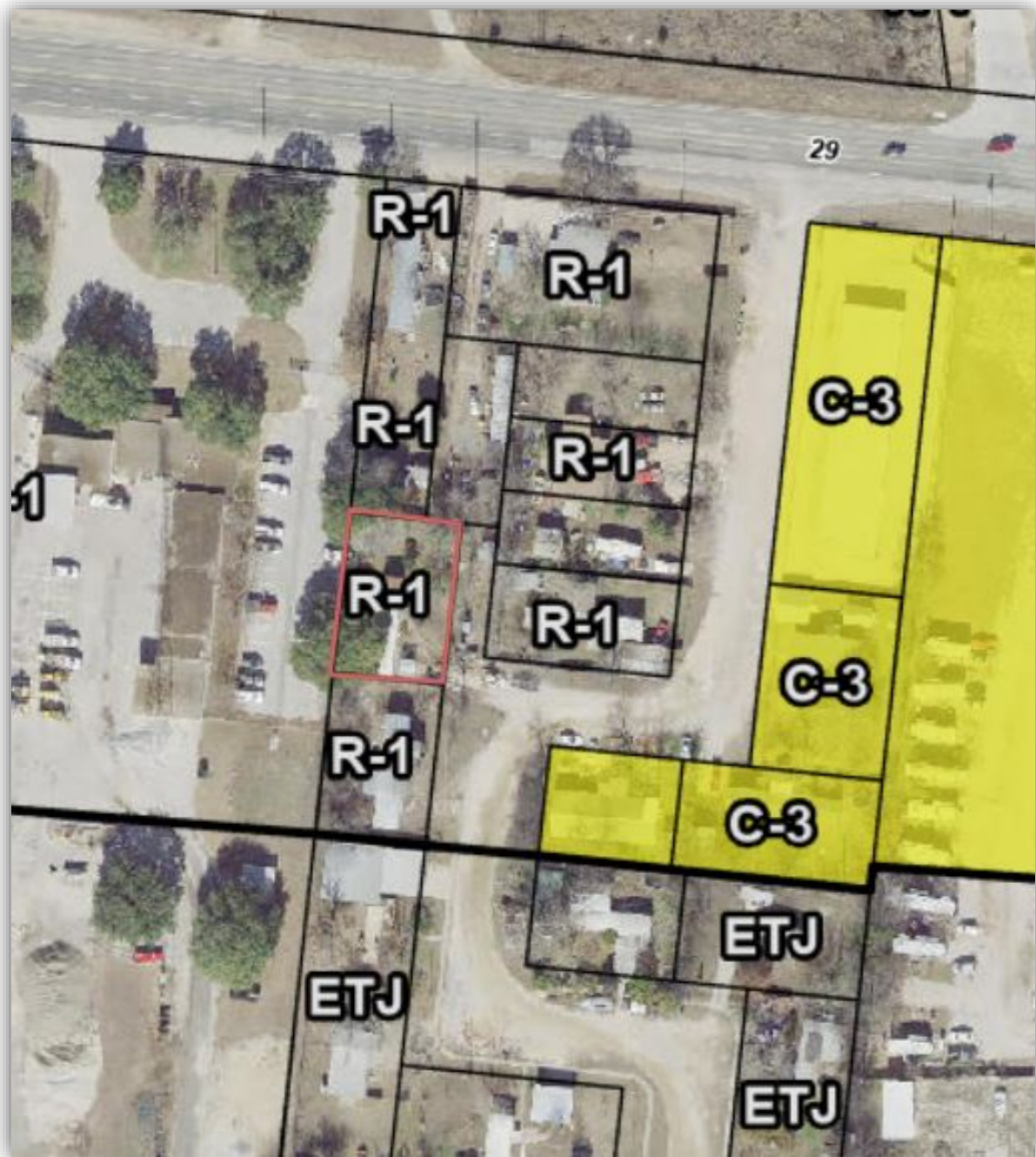
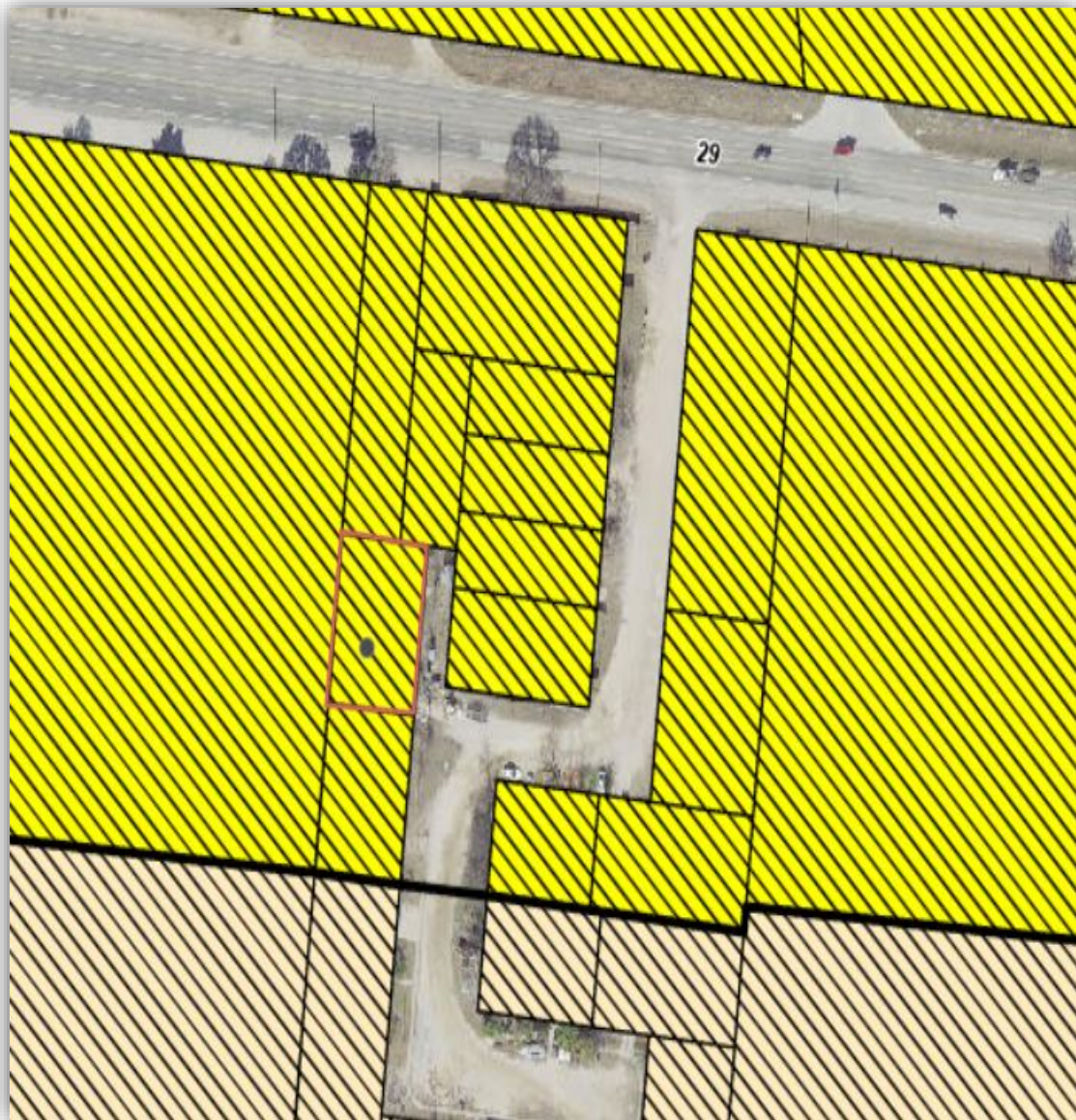


Exhibit "B"
Future Land Use Map



Government



Commercial



Residential



Industrial

ORDINANCE NO. 2022-20

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY DESCRIBED 200 BURNET HILLS DRIVE (Legal Description: BEING A 0.190 ACRE TRACT OUT OF THE MISS SARAH ANN GUEST SURVEY NO. 1503, ABSTRACT NO. 1525) WITH MANUFACTURED HOME-DISTRICT “M-1” CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

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

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

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

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

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

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

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

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

Section two. Property. The Property that is the subject to this Zoning District Reclassification is 200 Burnet Hills Drive (Legal Description: BEING A 0.190 ACRE TRACT

OUT OF THE MISS SARAH ANN GUEST SURVEY NO. 1503, ABSTRACT NO. 1525) as shown on **Exhibit “A”** hereto.

Section three Zoning District Reclassification. MANUFACTURED HOME- DISTRICT “M-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 March 2022

PASSED AND APPROVED on this the 22ND day of March 2022.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

Exhibit "A"
Location

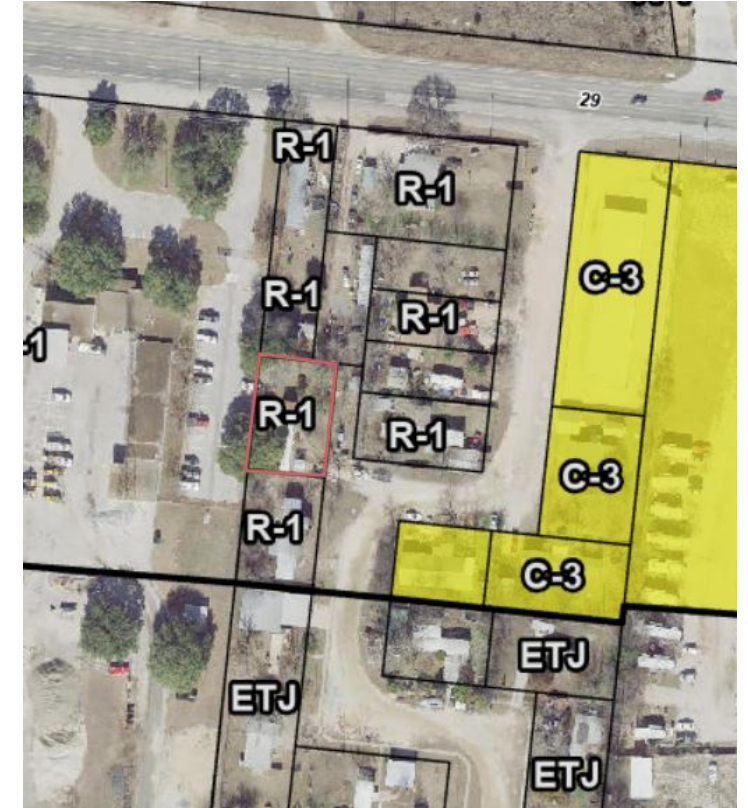


Agenda Item 3.1-B

Information:

- Current Zoning:
Single-Family Residential – “R-1”
- Requested Zoning:
Manufactured Home- District “M-1”

Applicant is seeking zone change to replace an existing 1960's era manufactured home with a new modular home.

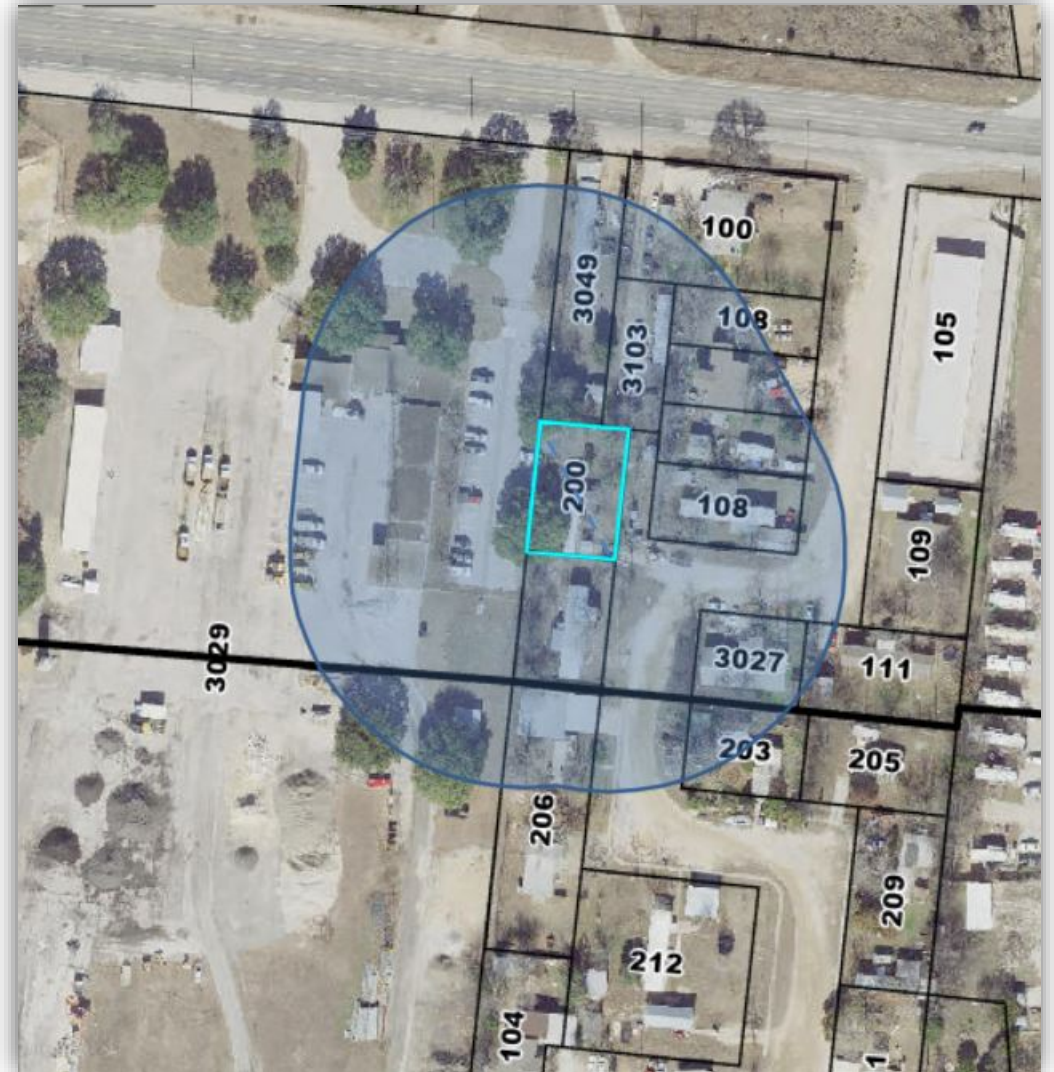


	North	South	East	West
Zoning	"R-1"	"R-1"	"R-1"	"R-1"
FLUM	Commercial	Commercial	Commercial	Commercial
Land Use	Manufactured Housing	Manufactured Housing	Manufactured Housing	Government

Public Notification:

- Written notices were mailed to 11 surrounding property owners
- No responses in support or opposition have been received

Planning and Zoning Recommendation



Open Public Hearing

Discuss and Consider
Ordinance 2022-20
as presented.



Development Services

ITEM 3.1-C

Leslie Kimbler
Planner
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Agenda Item

Meeting Date: March 8, 2022

Agenda Item: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE FUTURE LAND USE MAP OF THE CITY OF BURNET BY ASSIGNING A DESIGNATION OF "RESIDENTIAL" FOR THE PROPERTY AT 1402 N WATER STREET (LEGAL DESCRIPTION: LOT 2, BLOCK 10, OAKS ADDITION); PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L Kimbler

Background: The subject property is located on North US Highway 281 (Exhibit A). It is currently zoned as Single-Family Residential – District "R-1" with a vacant single-family residence located on the property.

Information: The applicant is seeking the requested amendment to the FLUM to obtain a zoning change to allow for the development of a multi-family apartment building.

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

Staff Analysis: The property abuts a major arterial road and the existing water, sewer, and electric services in the area are adequate to serve the proposed project.

Properties adjacent to the subject property are zoned as follows:

	North	South	East	West
Zoning	"R-1"	"R-1"	"R-1"	"R-1"
FLUM	Commercial	Commercial	Commercial	Commercial
Land Use	Vacant	Single-Family Residential	Single-Family Residential	Single-Family Residential

All though the Future Land Use Map calls for Commercial in this area, the current primary land use is Residential.

Public Notice: Written notices were mailed to 16 surrounding property owners. There have been zero responses in favor and zero responses in opposition.

P&Z Report Planning and Zoning is meeting on Monday, March 7th; staff will present P&Z's recommendation at the City Council meeting.

Recommendation: Open the public hearing.
Discuss and consider first reading of Ordinance 2022-21 as presented.

Exhibit "A"
Location & Current Zoning Map



Exhibit "B"



Government



Commercial



Residential



Open Space

ORDINANCE NO. 2022-21

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE FUTURE LAND USE MAP OF THE CITY OF BURNET BY ASSIGNING A DESIGNATION OF “RESIDENTIAL” FOR THE PROPERTY AT 1402 N WATER STREET (LEGAL DESCRIPTION: LOT 2, BLOCK 10, OAKS ADDITION); PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

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

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

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

Section two. Property. The Property that is the subject to this Future Land Use Reclassification is 1402 N WATER STREET (LEGAL DESCRIPTION: LOT 2, BLOCK 10, OAKS ADDITION) as shown on **Exhibit “A”** hereto.

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

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

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

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

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

PASSED on First Reading the 8th day of March 2022.

FINALLY PASSED AND APPROVED on the 22nd day of March 2022.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

Exhibit "A"
Location Map



Agenda Item 3.1-C

Information:

- Current FLUM:
Commercial
- Requested FLUM:
Residential

Property is located on North US Highway 281 and is currently zoned Single Family Residential-District “R-1”

Applicant is seeking the requested amendment to obtain a zoning change to allow for the development of a multi-family apartment building.

	North	South	East	West
Zoning	“R-1”	“R-1”	“R-1”	“R-1”
FLUM	Commercial	Commercial	Commercial	Commercial
Land Use	Vacant	Single-Family Residential	Single-Family Residential	Single-Family Residential



Public Notification:

- Written notices were mailed to 11 surrounding property owners.
- No comments of opposition or support have been received.

Planning and Zoning Recommendation



Open Public Hearing

Discuss and consider
Ordinance 2022-22
as presented.



Development Services

ITEM 3.1-D

Leslie Kimbler
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Agenda Item

Meeting Date: March 8, 2022

Agenda Item: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY DESCRIBED 1402 NORTH WATER STREET (Legal Description: LOT 2, BLOCK 10, OAKS ADDITION) WITH MULTI-FAMILY RESIDENTIAL – DISTRICT “R-3” CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L Kimbler

Background: The subject property is located on North US Highway 281 (Exhibit A). It is currently zoned as Single-Family Residential – District “R-1” with a vacant single-family residence located on the property.

Information: The applicant is seeking the requested amendment to the FLUM to obtain a zoning change to allow for the development of a multi-family apartment building with the possibility of 12-24 units.

Multi-Family Residential – District “R-3” is governed by code of ordinances, Sec. 118-35 and allows attached single family structures with a minimum of 500 square feet of living are on a minimum lot size of 10,000 square feet. The subject property is 12,500 square feet. The code also states the maximum dwelling units per acre are 20 units. All though currently, the lot is not of adequate size for the proposed number of units, the applicant has stated the intent is to replat the property with the property located directly to the north if the rezone is approved.

The property abuts a major arterial road and the existing water, sewer, and electric services in the area are adequate to serve the proposed project.

Staff Analysis: The Future Land Use Map (Exhibit B) designation for the area is Commercial. The item prior to this item on the agenda is a request to amend the City’s Future Land Use Map. If approved Multi-Family Residential – District “R-3” would be appropriate for this area.

Properties adjacent to the subject property are zoned as follows:

	North	South	East	West
Zoning	"R-1"	"R-1"	"R-1"	"R-1"
FLUM	Commercial	Commercial	Commercial	Commercial
Land Use	Vacant	Single-Family Residential	Single-Family Residential	Single-Family Residential

All though the FLUM for the area is currently commercial, the current land use in the area is residential.

Additionally, Multi-Family can be considered a good buffer between the major arterial roads and single-family homes.

Public Notice: Written notices were mailed to 16 surrounding property owners. There have been zero responses in favor and zero responses in opposition.

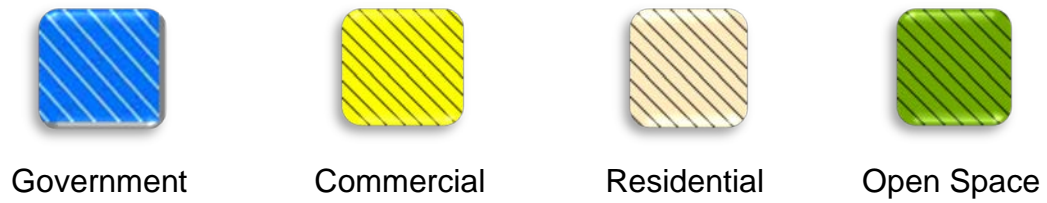
P&Z Report Planning and Zoning is meeting on Monday, March 7th; staff will present P&Z's recommendation at the City Council meeting.

Recommendation: Open the public hearing.
Discuss and consider first reading of Ordinance 2022-22 as presented.

Exhibit "A"
Location & Current Zoning Map



Exhibit "B"
Future Land Use Map



ORDINANCE NO. 2022-22

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY DESCRIBED 1402 NORTH WATER STREET (Legal Description: LOT 2, BLOCK 10, OAKS ADDITION) WITH MULTI-FAMILY RESIDENTIAL – DISTRICT “R-3” CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

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

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

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

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

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

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

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

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

Section two. Property. The Property that is the subject to this Zoning District Reclassification is 1402 North Water Street (Legal Description: LOT 2, BLOCK 10, OAKS ADDITION) as shown on **Exhibit “A”** hereto.

Section three Zoning District Reclassification. MULTI-FAMILY RESIDENTIAL – DISTRICT “R-3” 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 March 2022

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

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

Exhibit "A"
Location



Agenda Item 3.1-D

Information:

- Current Zoning:
Single-Family Residential – “R-1”
- Requested Zoning:
Multi-Family Residential- District “R-3”

Applicant is requesting the zoning change to allow for the development of a multi-family apartment building with possibly 12-24 units.



	North	South	East	West
Zoning	“R-1”	“R-1”	“R-1”	“R-1”
FLUM	Commercial	Commercial	Commercial	Commercial
Land Use	Vacant	Single-Family Residential	Single-Family Residential	Single-Family Residential

Public Notification:

- Written notices were mailed to 16 surrounding property owners
- No responses in support or opposition have been received

**Planning and Zoning Commission
recommended approval of the requested
zoning change on March 7, 2022**



Open Public Hearing

Discuss and Consider
Ordinance 2022-22
as presented.



Development Services

ITEM 3.1-E

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

Agenda Item

Meeting Date: March 8, 2022

Agenda Item: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE FUTURE LAND USE MAP OF THE CITY OF BURNET BY ASSIGNING A DESIGNATION OF "RESIDENTIAL" FOR THE PROPERTY AT 1404 N WATER STREET (LEGAL DESCRIPTION: LOT 3 & 4, BLOCK 10, OAKS ADDITION); PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L Kimbler

Background: The subject property is a vacant lot located at the corner of East 4th Street and North US Highway 281 (Exhibit A). It is currently zoned as Single-Family Residential – District "R-1".

Information: The applicant is seeking the requested amendment to the FLUM to obtain a zoning change to allow for the development of a multi-family apartment building.

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

Staff Analysis: The property abuts a major arterial road and the existing water, sewer, and electric services in the area are adequate to serve the proposed project.

Properties adjacent to the subject property are zoned as follows:

	North	South	East	West
Zoning	"R-1"	"R-1"	"R-1"	"R-1"
FLUM	Commercial	Commercial	Commercial	Commercial
Land Use	Vacant	Single-Family Residential	Single-Family Residential	Single-Family Residential

All though the Future Land Use Map calls for Commercial in this area, the current primary land use is Residential.

Public Notice: Written notices were mailed to 25 surrounding property owners. There have been zero responses in favor and zero responses in opposition.

P&Z Report Planning and Zoning is meeting on Monday, March 7th; staff will present P&Z's recommendation at the City Council meeting.

Recommendation: Open the public hearing.
Discuss and consider first reading of Ordinance 2022-23 as presented.

Exhibit "A"
Location & Current Zoning Map

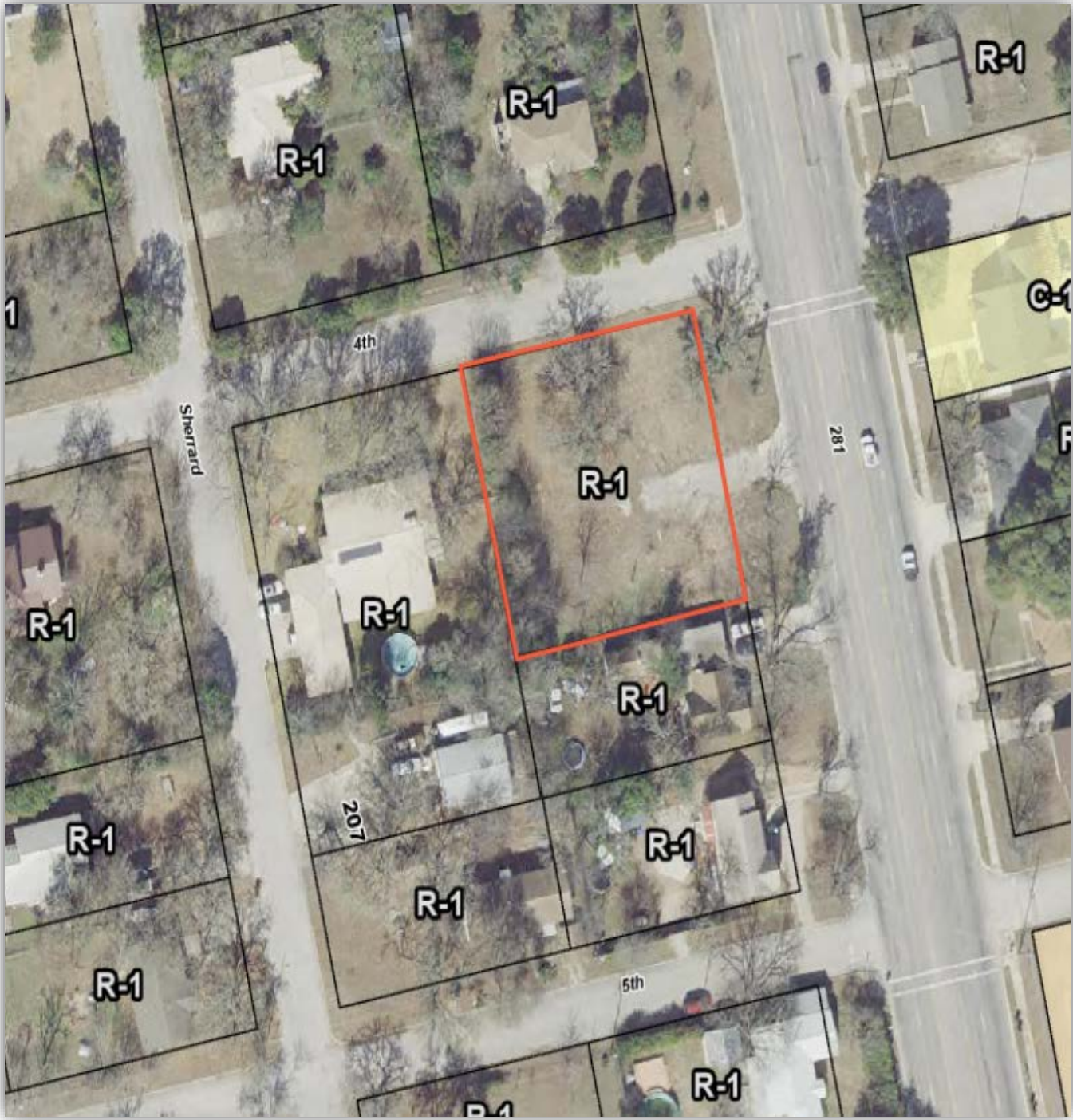
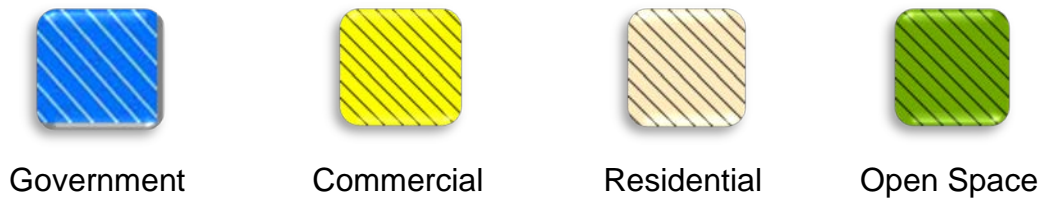
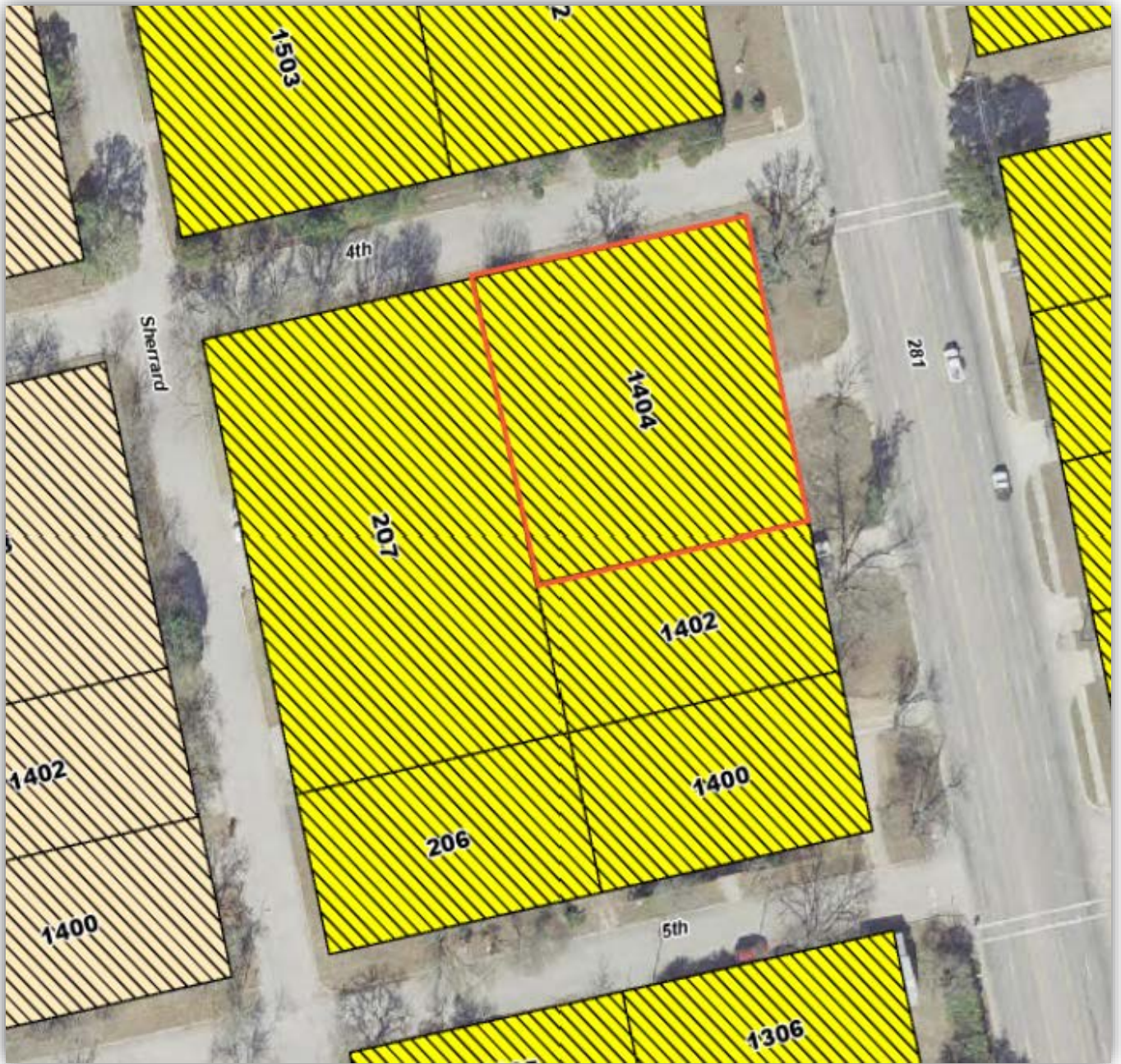


Exhibit "B"
Future Land Use Map



ORDINANCE NO. 2022-23

FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE FUTURE LAND USE MAP OF THE CITY OF BURNET BY ASSIGNING A DESIGNATION OF “RESIDENTIAL” FOR THE PROPERTY AT 1404 N WATER STREET (LEGAL DESCRIPTION: LOT 3 & 4, BLOCK 10, OAKS ADDITION PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

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

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

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

Section two. Property. The Property that is the subject to this Future Land Use Reclassification is 1404 N WATER STREET (LEGAL DESCRIPTION: LOT 3 & 4, BLOCK 10, OAKS ADDITION) as shown on **Exhibit “A”** hereto.

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

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

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

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

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

PASSED on First Reading the 8th day of March 2022.

FINALLY PASSED AND APPROVED on the 22nd day of March 2022.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

Exhibit "A"
Location



Agenda Item 3.1-E

Information:

- Current FLUM:
Commercial
- Requested FLUM:
Residential

Property is located on North US Highway 281 and is currently zoned Single Family Residential- District “R-1”

Applicant is seeking the requested amendment to obtain a zoning change to allow for the development of a multi-family apartment building.



Public Notification:

- Written notices were mailed to 25 surrounding property owners.
- No comments of opposition or support have been received.

Planning and Zoning Recommendation



Open Public Hearing

Discuss and Consider
Ordinance 2022-23
as presented.



Development Services

ITEM 3.1-F

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

Agenda Item

Meeting Date: March 8, 2022

Agenda Item: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY DESCRIBED 1404 N WATER STREET (Legal Description: LOT 3 & 4, BLOCK 10, OAKS ADDITION) WITH MULTI-FAMILY RESIDENTIAL – DISTRICT “R-3” CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L Kimbler

Background: The subject property is a vacant lot located at the corner of East 4th Street and North US Highway 281 (Exhibit A). It is currently zoned as Single-Family Residential – District “R-1”.

Information: The applicant is seeking the requested amendment to the FLUM to obtain a zoning change to allow for the development of a multi-family apartment building with the possibility of 12-24 units.

Multi-Family Residential – District “R-3” is governed by code of ordinances, Sec. 118-35 and allows attached single family structures with a minimum of 500 square feet of living are on a minimum lot size of 10,000 square feet. The subject property is 22,500 square feet. The code also states the maximum dwelling units per acre are 20 units. All though currently, the lot is not of adequate size for the proposed number of units, the applicant has stated the intent is to replat the property with the property located directly to the south if the rezone is approved.

The property abuts a major arterial road and the existing water, sewer, and electric services in the area are adequate to serve the proposed project.

Staff Analysis: The Future Land Use Map (Exhibit B) designation for the area is Commercial. The item prior to this item on the agenda is a request to amend the City’s Future Land Use Map. If approved Multi-Family Residential – District “R-3” would be appropriate for this area.

Properties adjacent to the subject property are zoned as follows:

	North	South	East	West
Zoning	"R-1"	"R-1"	"R-1"	"R-1"
FLUM	Commercial	Commercial	Commercial	Commercial
Land Use	Vacant	Single-Family Residential	Single-Family Residential	Single-Family Residential

All though the FLUM for the area is currently commercial, the current land use in the area is residential.

Additionally, Multi-Family can be considered a good buffer between the major arterial roads and single-family homes.

Public Notice: Written notices were mailed to 25 surrounding property owners. There have been zero responses in favor and zero responses in opposition.

P&Z Report Planning and Zoning is meeting on Monday, March 7th; staff will present P&Z's recommendation at the City Council meeting.

Recommendation: Open the public hearing.
Discuss and consider first reading of Ordinance 2022-24 as presented.

Location & Current Zoning Map

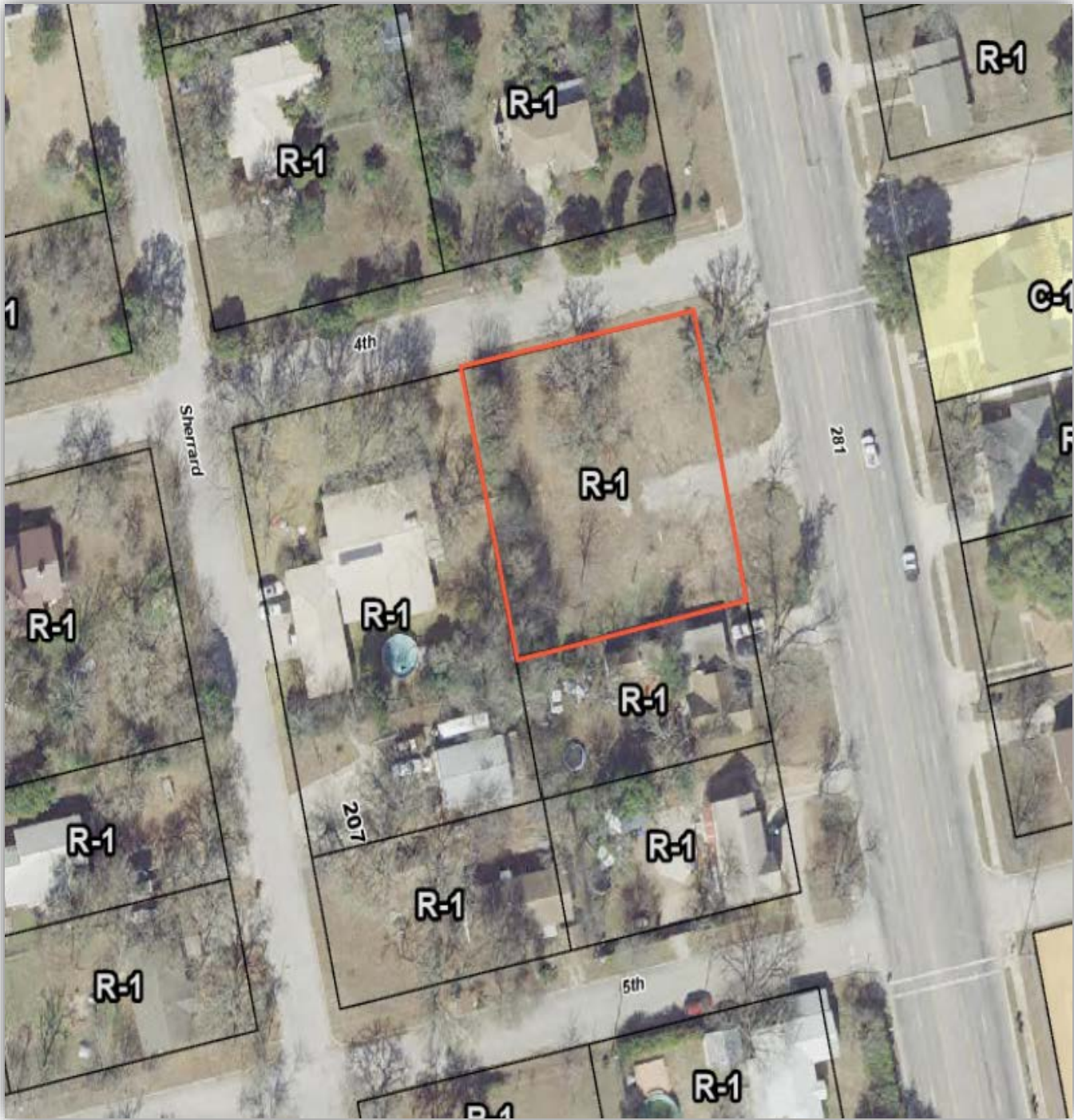
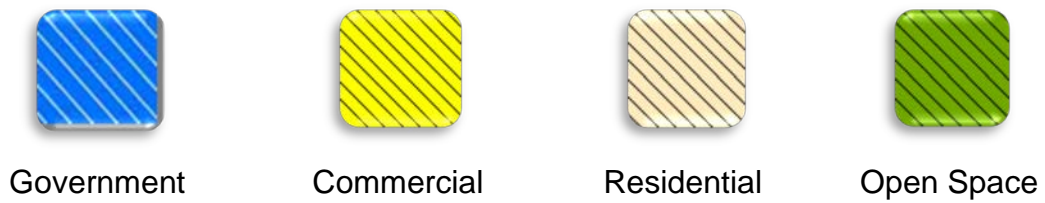
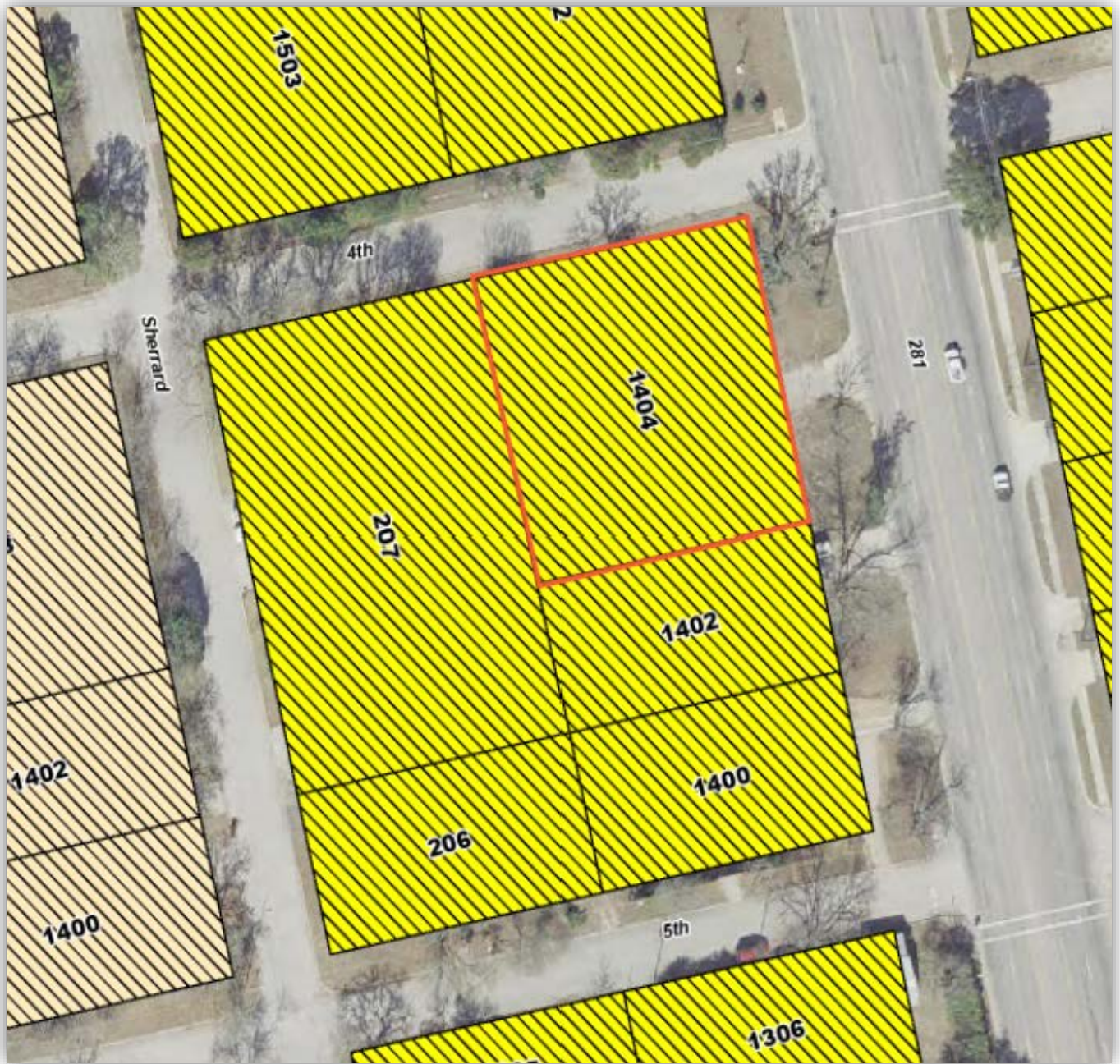


Exhibit "B"
Future Land Use Map



ORDINANCE NO. 2022-24

**AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS,
AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP
OF THE CITY BY ASSIGNING THE PROPERTY DESCRIBED 1404 North
Water Street (Legal Description: LOT 3 & 4, BLOCK 10, OAKS
ADDITION) WITH MULTI-FAMILY RESIDENTIAL – DISTRICT “R-3”
CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A
SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

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

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

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

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

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

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

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

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

Section two. Property. The Property that is the subject to this Zoning District Reclassification is 1404 North Water Street (Legal Description: LOT 3 & 4, BLOCK 10, OAKS ADDITION) as shown on **Exhibit “A”** hereto.

Section three Zoning District Reclassification. MULTI-FAMILY RESIDENTIAL – DISTRICT “R-3” 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 March 2022

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

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

Exhibit "A"
Location

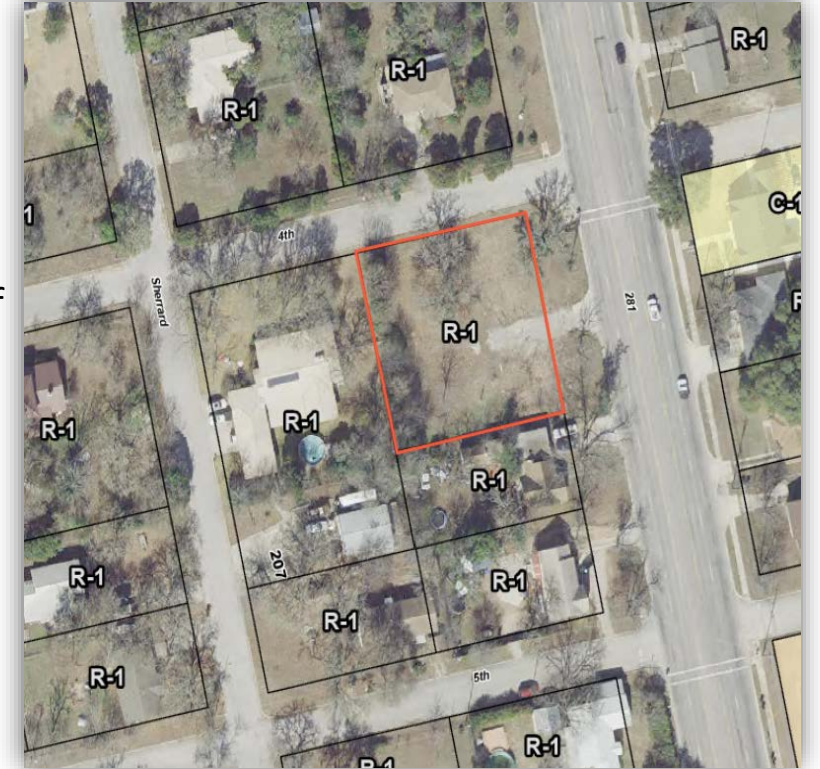


Agenda Item 3.1-F

Information:

- Current Zoning:
Single-Family Residential – “R-1”
- Requested Zoning:
Multi-Family Residential- District “R-3”

Applicant is requesting the zoning change to to allow for the development of a multi-family apartment building with possibly 12-24 units.



	North	South	East	West
Zoning	“R-1”	“R-1”	“R-1”	“R-1”
FLUM	Commercial	Commercial	Commercial	Commercial
Land Use	Vacant	Single-Family Residential	Single-Family Residential	Single-Family Residential

Public Hearing

Public Notification:

- Written notices were mailed to 25 surrounding property owners
- No responses in support or opposition have been received

Planning and Zoning Recommendation



Open Public Hearing

Discuss and Consider
Ordinance 2022-24
as presented.



Development Services

ITEM 3.1-G

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

Agenda Item Brief

Meeting Date: March 8, 2022

Agenda Item: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS THE NORTHWEST CORNER OF EAST JOHNSON AND NORTH RHOMBERG STREETS (Legal Description: 0.37-ACRE TRACT OUT OF THE JOHN HAMILTON SURVEY NO. 1, BEING A PORTION OF LOT 2, BLOCK 37 OF THE PETER KERR PORTION) WITH DUPLEX-DISTRICT “R-2” CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

Background: The property is a vacant lot located at the northwest corner of Johnson Street and Rhomberg Street.

Information: The applicant is requesting to rezone the property to Duplex – District “R-2” to allow for the construction of a duplex with two units. The applicant is proposing each unit having three bedrooms and two bathrooms with a single car garage. One unit will face East Johnson Street and one unit will face North Rhomberg Street.

Duplex – District “R-2” allows two-, three-, and four-unit townhomes with a minimum of 900 square feet per unit on a minimum lot size of 4500 square feet per unit. The subject lot is 16,117 square feet which meets the minimum requirements for the zoning district.

Existing water, sewer, and electric services in the area are adequate to serve the proposed project.

Staff Analysis: The Future Land Use Map (Exhibit B) designation for the area is Residential as the property is bordered by other Residential areas. The Residential designation is appropriate.

Properties adjacent to the subject property are zoned as follows:

	North	South	East	West
Zoning	"R-1"	"C-3"	"R-1"	"R-1"
FLUM	Residential	Commercial	Residential	Residential
Land Use	Single-Family Residential	Commercial	Single-Family Residential	Single-Family Residential

Public Notice: Written notices were mailed to seventeen (17) surrounding property owners. There have been zero responses in favor and zero responses in opposition.

Recommendation: Open the public hearing.
Discuss and consider first reading of Ordinance 2022-25 as presented.

Exhibit "A"
Location & Current Zoning Map



Exhibit "B"
Future Land Use Map



Government



Commercial



Residential



Industrial

ORDINANCE NO. 2022-25

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS THE NORTHWEST CORNER OF EAST JOHNSON AND NORTH RHOMBERG STREETS (Legal Description: 0.37-ACRE TRACT OUT OF THE JOHN HAMILTON SURVEY NO. 1, BEING A PORTION OF LOT 2, BLOCK 37 OF THE PETER KERR PORTION) WITH DUPLEX-DISTRICT “R-2” CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

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

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

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

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

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

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

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

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

Section two. Property. The Property that is the subject to this Zoning District Reclassification is generally located at the northwest corner of East Johnson and North Rhomberg Streets (Legal Description: 0.37-acre tract out of the John Hamilton Survey No. 1, being a portion of Lot 2, Block 37 of the Peter Kerr Portion) as shown on **Exhibit “A”** hereto.

Section three Zoning District Reclassification. Duplex - District “R-2” 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 March 2022

PASSED AND APPROVED on this the 22ND day of March 2022.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

Exhibit "A"
Location

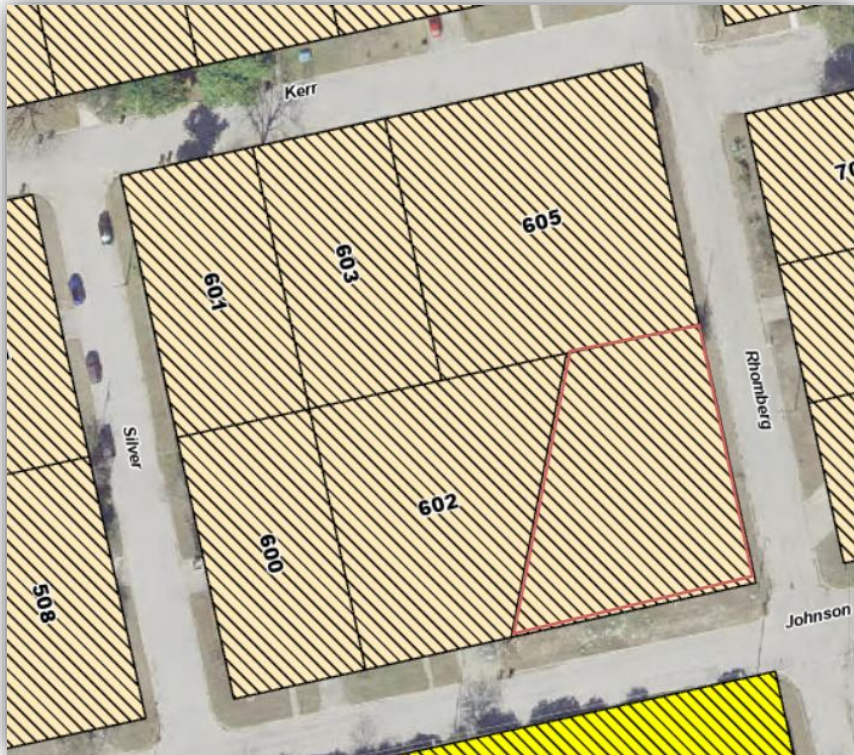


Agenda Item 3.1-G

Information:

- Current Zoning:
Single-Family Residential – “R-1”
- Requested Zoning:
Duplex-District “R-2”

Applicant is seeking the zoning change to allow for the construction of a 2 unit- 3-bedroom 2 bath duplex with a single car garage.



	North	South	East	West
Zoning	“R-1”	“C-3”	“R-1”	“R-1”
FLUM	Residential	Commercial	Residential	Residential
Land Use	Single-Family Residential	Commercial	Single-Family Residential	Single-Family Residential

Public Hearing

Public Notification:

- Written notices were mailed to 17 surrounding property owners
- No responses in support or opposition have been received

Planning and Zoning Recommendation



Open Public Hearing

Discuss and Consider
Ordinance 2022-25
as presented.



Development Services

ITEM 3.2

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

Agenda Item Brief

Meeting Date: March 8, 2022

Public Hearing: The City of Burnet City Council shall conduct a public hearing to receive public testimony and comments on the merits of a proposed “Preliminary Plat” for approximately 60.53 acres out of Sarah Ann Guest Survey No. 1503, Abs. No. 1525. The proposed “Preliminary Plat” will establish Creekfall Subdivision, Phase Three, consisting of 180 residential lots: L. Kimbler

Information: The tract (Exhibit A) is currently zoned R-1 located between East Highway 29 and Westfall Street and abuts the railroad tracks. The applicant is proposing to subdivide the tract to create a 116-lot single-family residential subdivision, with 3 drainage tracts, and one future tract which will establish Creekfall Subdivision, Phase Three and Four (Exhibit B). Creekfall Subdivision, Phase One and Two preliminary plats were approved by City Council in March 2021 and construction plans were approved in October 2021.

The new subdivision will connect to Westfall Street by the means of a new road named Gristmill Road. The subdivision will create four new roads within the subdivision; one of which named Gristmill, the others being named Big Sugar Road, Wheel Horse Road, and Prairie Dew Road. The subdivision will also connect to Coke Street which is being extended by the Westfall Village, Phase Three subdivision just to the north of Creekfall, Phase One.

All the lots will range in size from 0.18 acres to 0.33 acres with a majority of the lots having a minimum lot width of 64’.

Staff Analysis: City staff and city engineer have reviewed the plat in accordance with Sec. 98-22 (entitled “Preliminary Plats”) and have found the plat does generally meet the requirements as outlined in the code.

P&Z Report Planning and Zoning is meeting on Monday, March 7th; staff will present P&Z’s recommendation at the City Council meeting.

Exhibit "A"
Tract

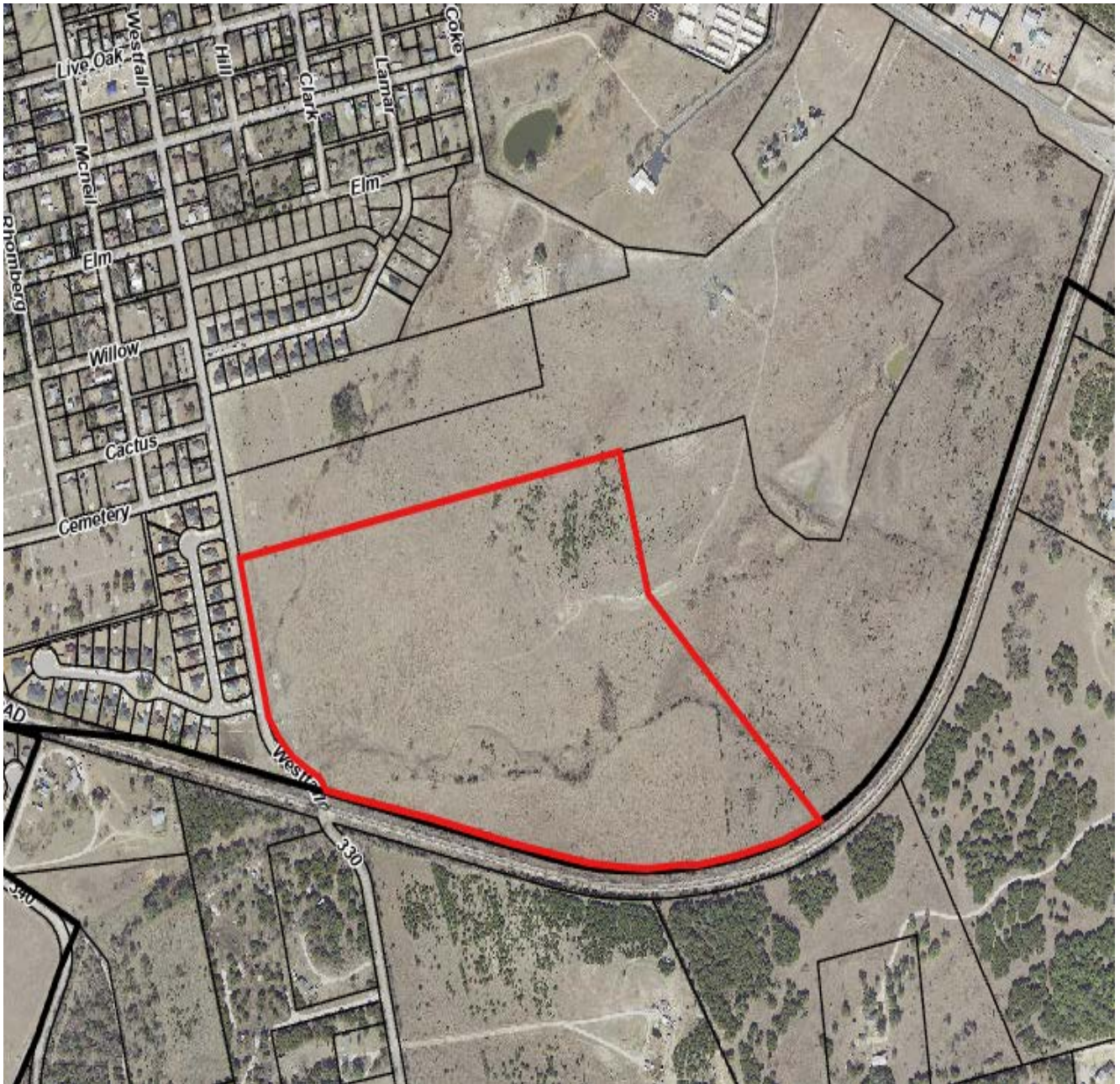
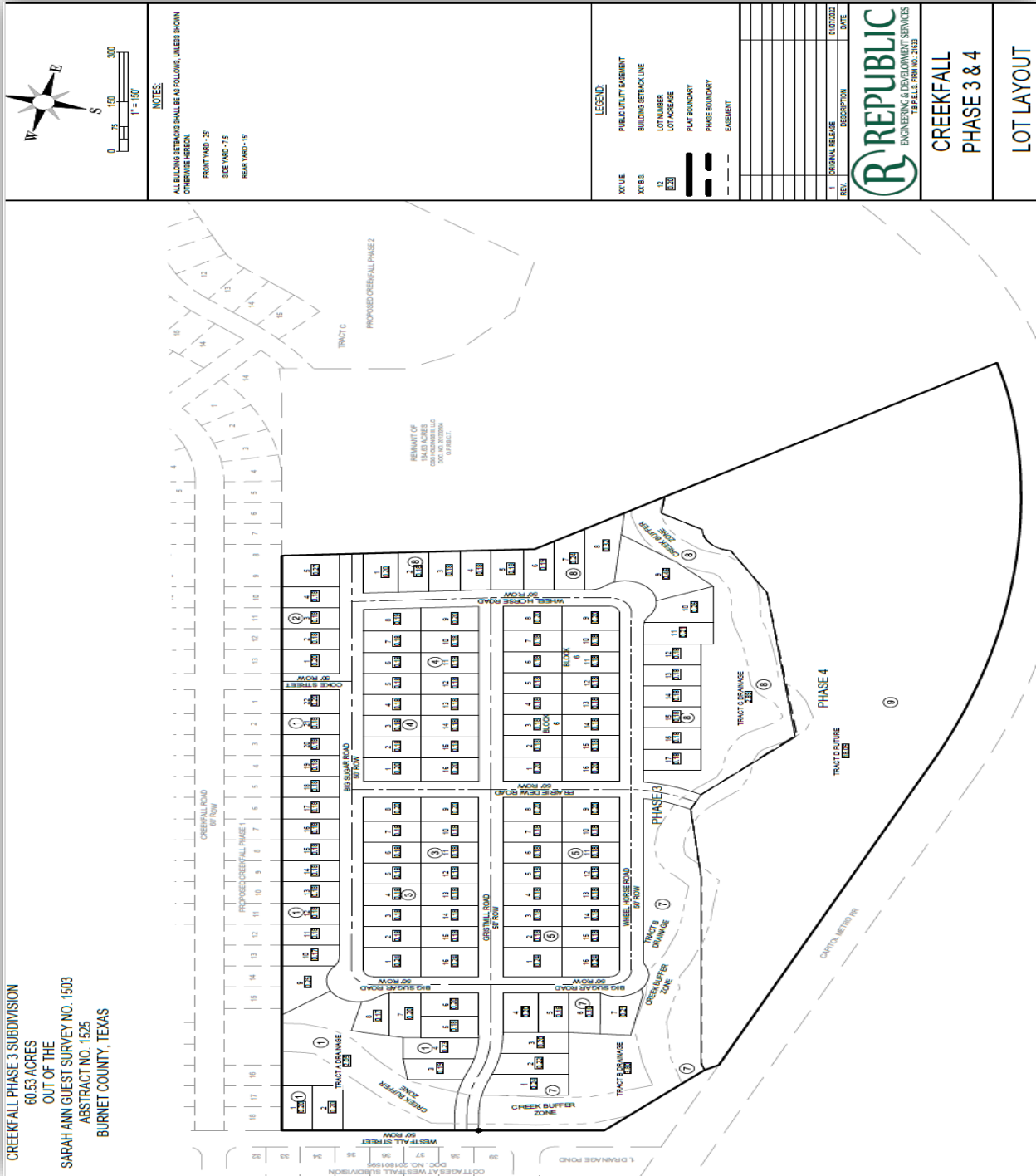


Exhibit "B"
Plat



Agenda Item: 3.2

Public Hearing:

The City Council of the City of Burnet shall conduct a public hearing to receive public testimony and comments on the merits of a proposed “Preliminary Plat” for approximately 60.53 acres out of Sarah Ann Guest Survey No. 1503, Abs. No. 1525. The proposed “Preliminary Plat” will establish Creekfall Subdivision, Phase Three and Four, consisting of 116 residential lots

Public Hearing

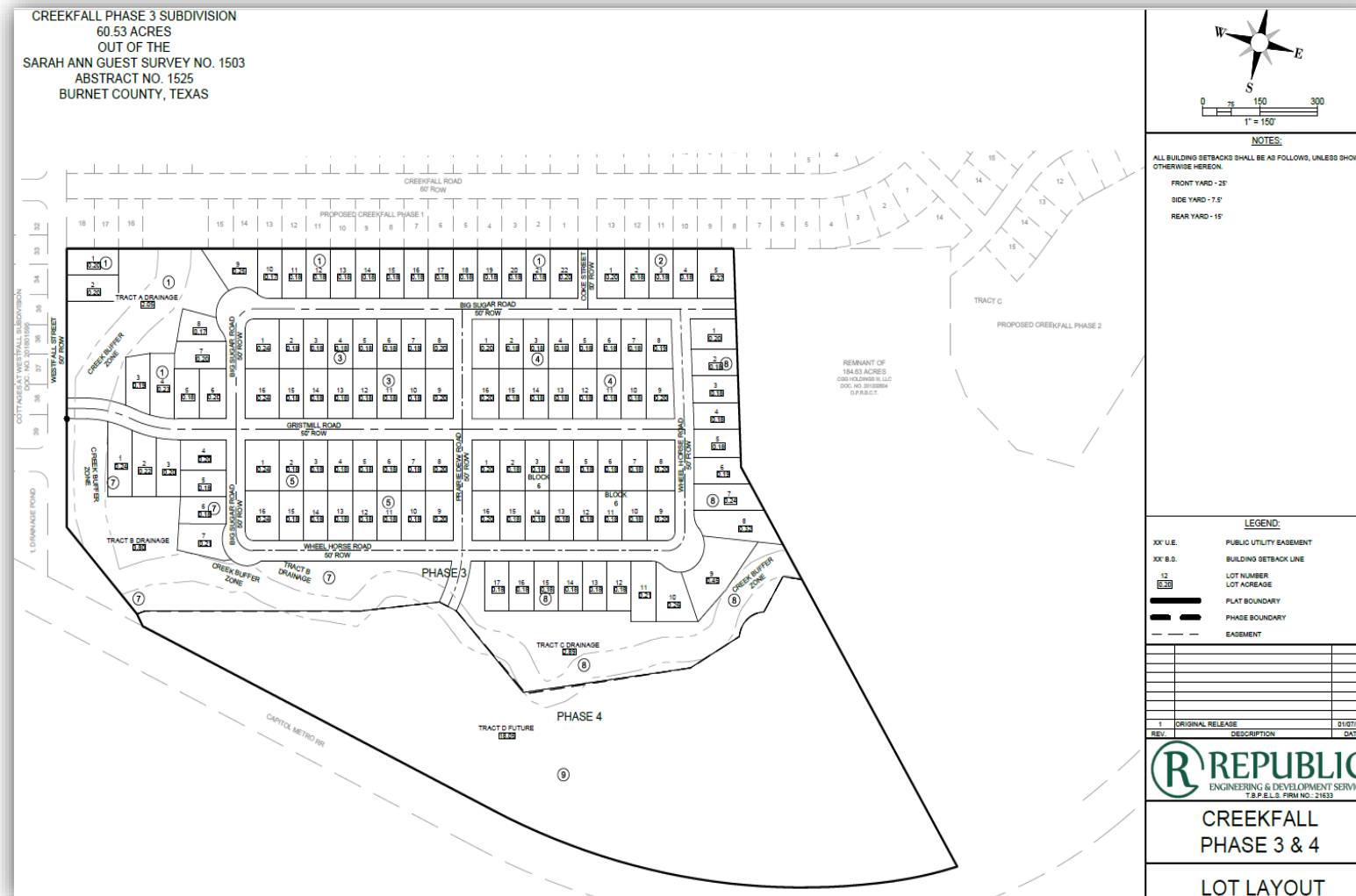
Creekfall Subdivision, Phase Three and Four

- 60.53 acres
- 116 single-family residential lots
- Four new roads:
 - Gristmill Road
 - Big Sugar Road
 - Wheel Horse Road
 - Prairie Dew Road
- Plat connect to Coke Street
- Lots range from 0.18 acres to 0.33 acres with minimum lot width of 64'

City staff and city engineer have reviewed the plat in accordance with Sec. 98-22 and have found the plat does generally meet the requirements as outlined in the code.



Planning and Zoning Recommendation





Development Services

ITEM 3.3

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

Agenda Item Brief

Meeting Date: March 8, 2022

Public Hearing: The City Council of the City of Burnet shall conduct a public hearing to receive public testimony and comments on the merits of a proposed “Preliminary Plat” for approximately 11.58 acres out of Sarah Ann Guest Survey No. 1503, Abs. No. 1525. The proposed “Preliminary Plat” will establish Westfall Village Subdivision, Phase Three, consisting of 45 residential lots: L. Kimbler

Information: The proposed subdivision (Exhibit A), zoned R-1, is located along Westfall Street just south of Westfall Villages, Phases One and Two and north of the Railroad tracks. The applicant is proposing to subdivide the tract to create 45 single-family residential lots with one drainage pond and two water quality ponds.

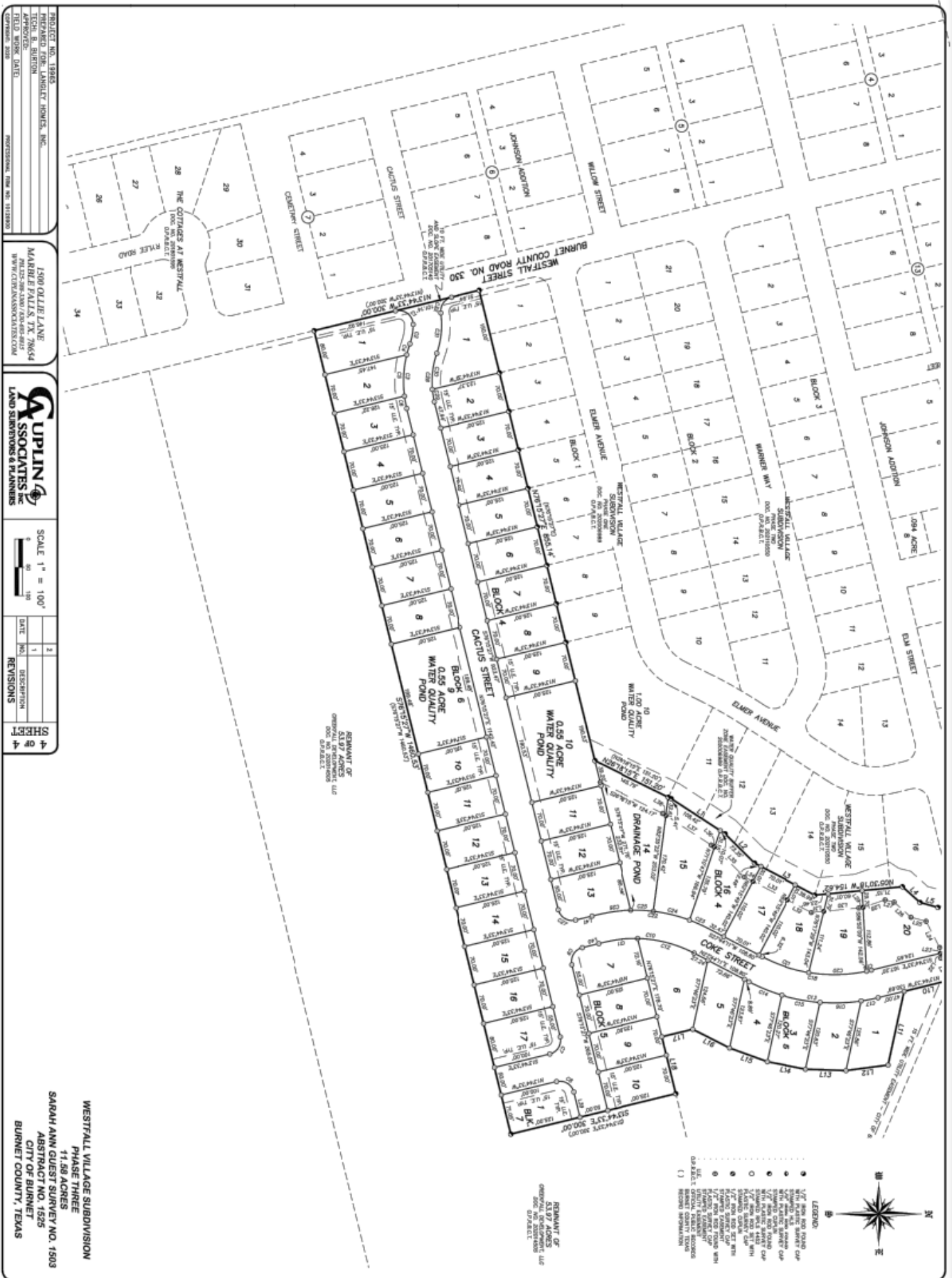
The subdivision will create two streets; the applicant is proposing to extend Cactus Street, from across Westfall, through the center of the proposed subdivision as well as extending Coke Street, located north of the subdivision, down through the subdivision to connect to the Creekfall Subdivision. Cactus Street exceeds the allowable length in the City of Burnet’s code of ordinances, Sec. 98-42, and therefore will require approval of a subdivision variance prior to the plat’s consideration.

All the lots within the subdivision have a minimum square footage of 8750 square feet and a lot width of 70’.

Staff Analysis: City staff and city engineer have reviewed the plat in accordance with Sec. 98-22 (entitled “Preliminary Plats”) and have found the plat does generally meet the requirements as outlined in the code with only one outstanding comment.

P&Z Report Planning and Zoning is meeting on Monday, March 7th; staff will present P&Z’s recommendation at the City Council meeting.

Exhibit “A” Plat



PROJECT NO. 19943
PREPARED FOR: JANDLEY HOMES, INC.
TECH: B. BURTON
DRAWN: J. BURTON
DATE: 01/11/2019
PROFESSIONAL FIRM NO. 00128800

1500 OULIE LANE
MARBLE FALLS, TX 78654
737.253.2862 / 737.693.8417
WWW.CIVILANDSURVEYORS.COM



SCALE: 1" = 100'
0 50 100
FEET

DATE	NO.	DESCRIPTION
	1	
	2	

REVISIONS

SHEET 4 OF 4



Agenda Item: 3.3

Public Hearing:

The City Council of the City of Burnet shall conduct a public hearing to receive public testimony and comments on the merits of a proposed “Preliminary Plat” for approximately 11.58 acres out of Sarah Ann Guest Survey No. 1503, Abs. No. 1525. The proposed “Preliminary Plat” will establish Westfall Village Subdivision, Phase Three, consisting of 45 residential lots

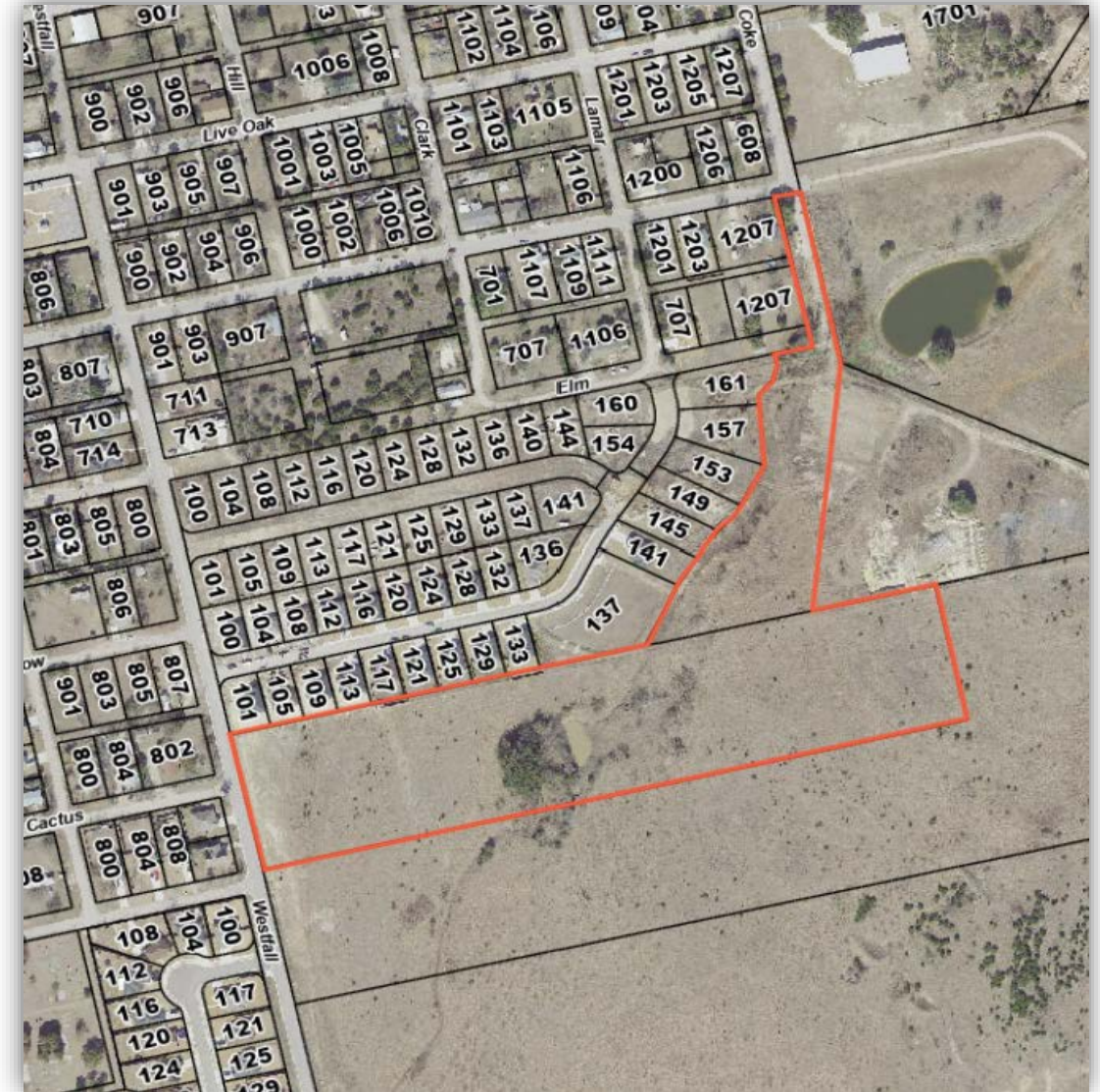
Public Hearing

Westfall Subdivision, Phase Three

- 11.58 acres
- 45 single-family residential lots
- No new streets, but extension of Cactus St. and Coke St. to provide inter-connectivity
- Lots square footage of minimum 8750 sq. ft and lot width of 70'

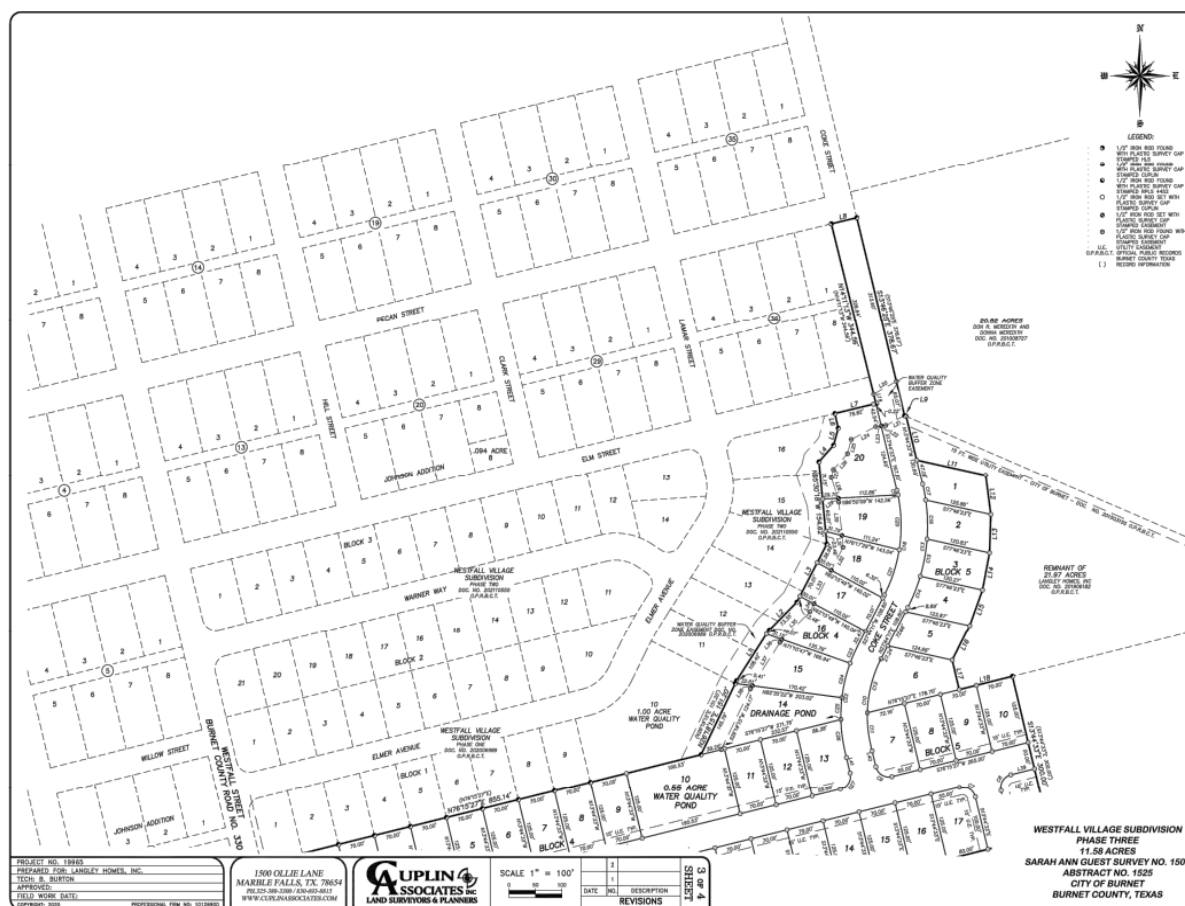
City staff and city engineer have reviewed the plat in accordance with Sec. 98-22 and have found the plat does generally meet the requirements as outlined in the code with only one outstanding comment:

- Revise the centerline geometry of Cactus Street to be compliant with the City of Burnet TCSS Section 213 - Alignment



Questions?

Planning and Zoning Recommendation





Development Services

ITEM 3.4

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

Agenda Item Brief

Meeting Date: March 8, 2022

Public Hearing: The City Council of the City of Burnet shall conduct a public hearing to receive public testimony and comments on the merits of a proposed "Preliminary Plat" for approximately 326.63 acres out of Abs. A0398 Susano Hernandez, Tract Pt. of 6, 14.87 Acres; Abs. A1018 Francisco Ybarbo, 140.95 Acres; Abs. A0398 Susano Hernandez, Tract & Abs. 1018 Francisco Ybarbo, 17.34 Acres; Abs. A1018 Francisco Ybarbo, 150.47 Acres. The proposed "Preliminary Plat" will establish Honey Rock Subdivision, consisting of 299 single-family residential lots, two multi-family lots and two commercial lots: L. Kimbler

Information: The tract (Exhibit A) is located along South Highway 281 and is currently a mixed zoned tract with 103.87 acres designated as Single-Family Residential "R-1", 19.91 acres zoned as Multi-Family "R-3" and 26.58 acres zoned Commercial. Additionally, there is 168.67 acres designated as "Future Development" that is outside of the city limits within the ETJ.

The applicant is proposing to subdivide the tract into five phases. The first phase to be completed will extend from South Highway 281 towards the middle of the tract; the second phase will extend from the existing Honey Rock Boulevard and the third phase will connect the three phases in the middle of the subdivision (Exhibit B).

The subdivision will create fifteen new roads within the subdivision. Proposed street names are: Hive Loop, Worker Court, Drone Court, Killer Bee Court, Nectar Court and Lane, Royal Jelly Loop, Mining Bee Court, Honeycomb Drive, Pollen Court, Bumblebee Lane, Stinger Loop and Court, Honey Bee Drive, Mead Drive, Queen Bee Lane, and Antenna Loop. The subdivision will also connect to the existing Cobblestone Court, in Honey Rock Subdivision, Phase Two.

The plat is also proposing two HOA parkland tracts with an "Amenity Center" to be located on one.

There is a mixture of lot sizes throughout the subdivision; lots will range in size from 0.18 acres to 1.26 acres with most of the lots having a minimum lot width of 60'.

The applicant has agreed to perform all required water and sewer utility studies for the Honey Rock Subdivision Preliminary Plat, but requests that these studies be a condition to the City Council's decision on the Preliminary Plat. These studies will begin after the preliminary platting process and are to be completed before the first construction plan submittal of the first phase of development. The developer also agrees to pay their share of any required utility infrastructure that may be a result of the water and sewer studies.

The developer has also requested a variance to the City of Burnet's code of ordinances, Sec. 98-22, to allow for the delay of the tree survey and mitigation plan requirement from the preliminary platting stage to the construction plan stage. This variance will require approval prior to the plat's consideration.

Staff Analysis: City staff and city engineer have reviewed the plat in accordance with Sec. 98-22 and have found that it does generally meet the code criteria; however, the applicant has not satisfied the requirement of receiving TxDOT approval.

P&Z Report Planning and Zoning is meeting on Monday, March 7th; staff will present P&Z's recommendation at the City Council meeting.

Exhibit "A"
Tract

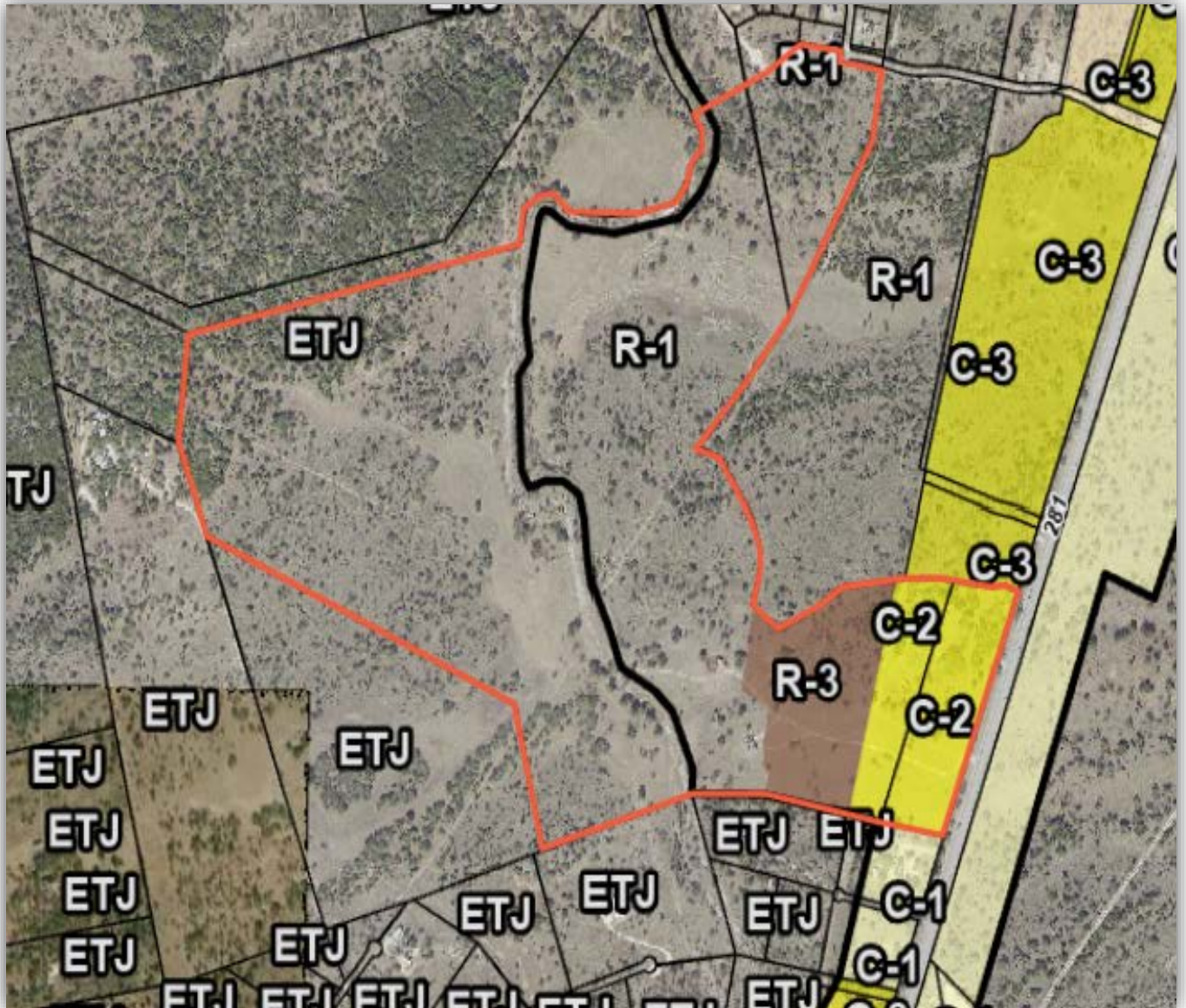
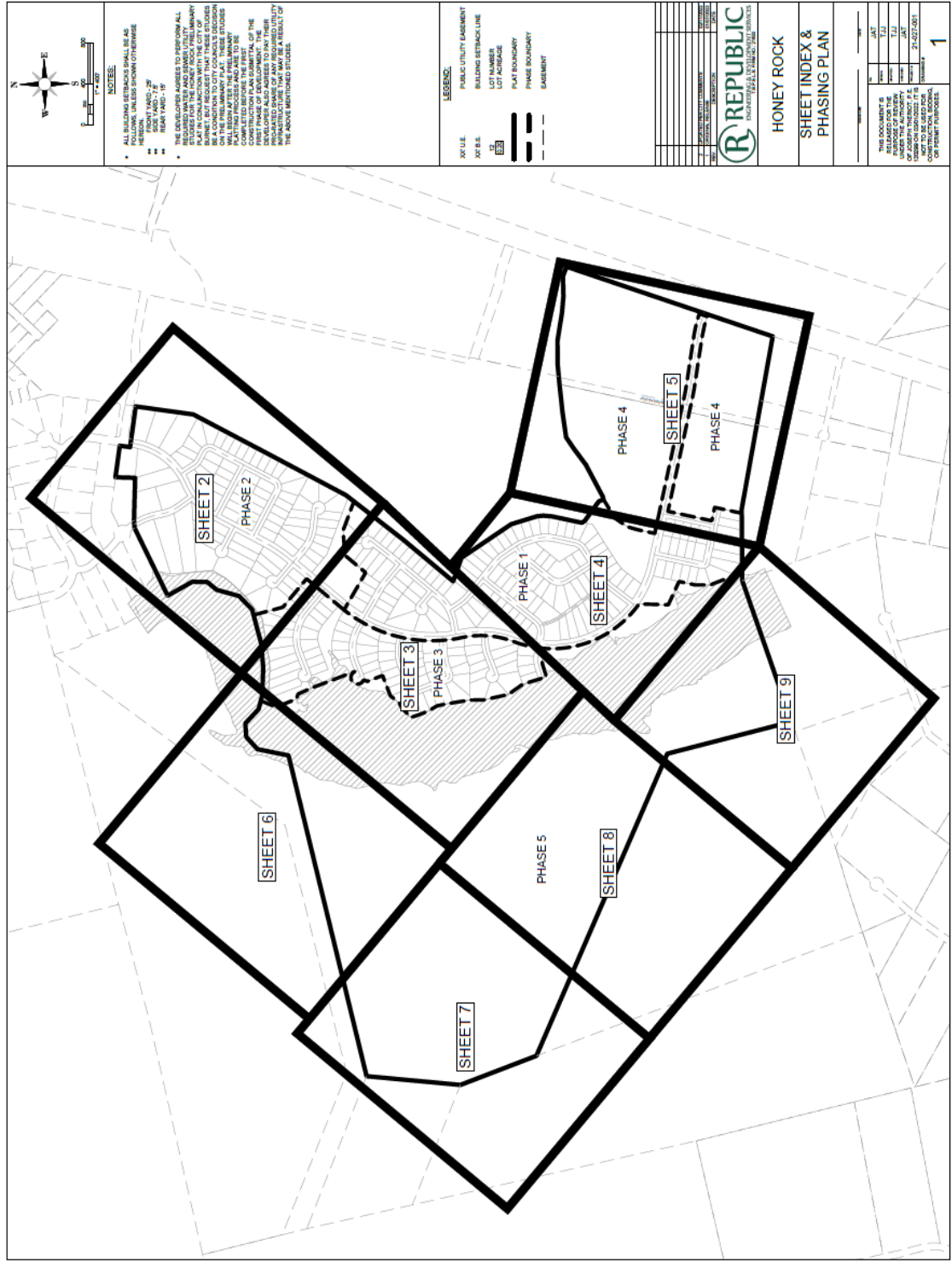


Exhibit "B"
Plat



Agenda Item: 3.3

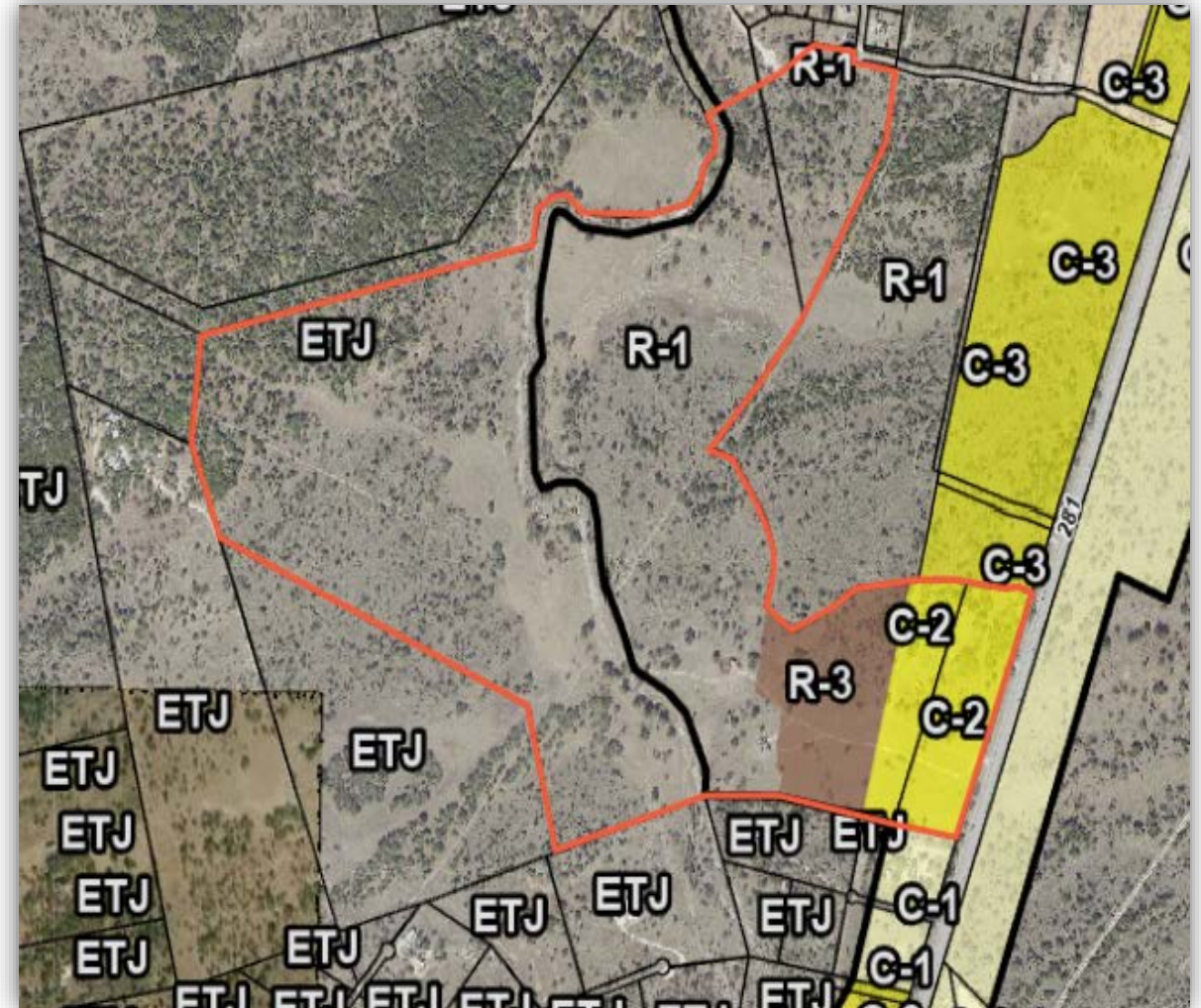
Public Hearing:

The City Council of the City of Burnet shall conduct a public hearing to receive public testimony and comments on the merits of a proposed “Preliminary Plat” for approximately 326.63 acres out of Abs. A0398 Susano Hernandez, Tract Pt. of 6, 14.87 Acres; Abs. A1018 Francisco Ybarbo, 140.95 Acres; Abs. A0398 Susano Hernandez, Tract & Abs. 1018 Francisco Ybarbo, 17.34 Acres; Abs. A1018 Francisco Ybarbo, 150.47 Acres. The proposed “Preliminary Plat” will establish Honey Rock Subdivision, consisting of 299 single-family residential lots, two multi-family lots and two commercial lots

Public Hearing

Honey Rock Subdivision

- 326.63 acres
- 5 phases
- 168.67 acres “Future development” in ETJ
- 299 single-family residential lots (103.87 acres)
- 2 multi-family lots (26.58 acres)
- 2 commercial lots (26.58 acres)
- 15 new streets:
 - * Hive Loop * Worker Court * Drone Court
 - * Killer Bee Court * Nectar Court & Lane * Royal Jelly Loop
 - * Mining Bee Court * Honeycomb Drive * Pollen Court
 - * Bumblebee Lane * Stinger Loop & Court * Honey Bee Drive
 - * Mead Drive * Queen Bee Lane * Antenna Loop
- 2 Parkland lots w/proposed “Amenities Center”
- Mix of lot sizes ranging from 0.18 acres to 1.26 acres – majority lots width 60’



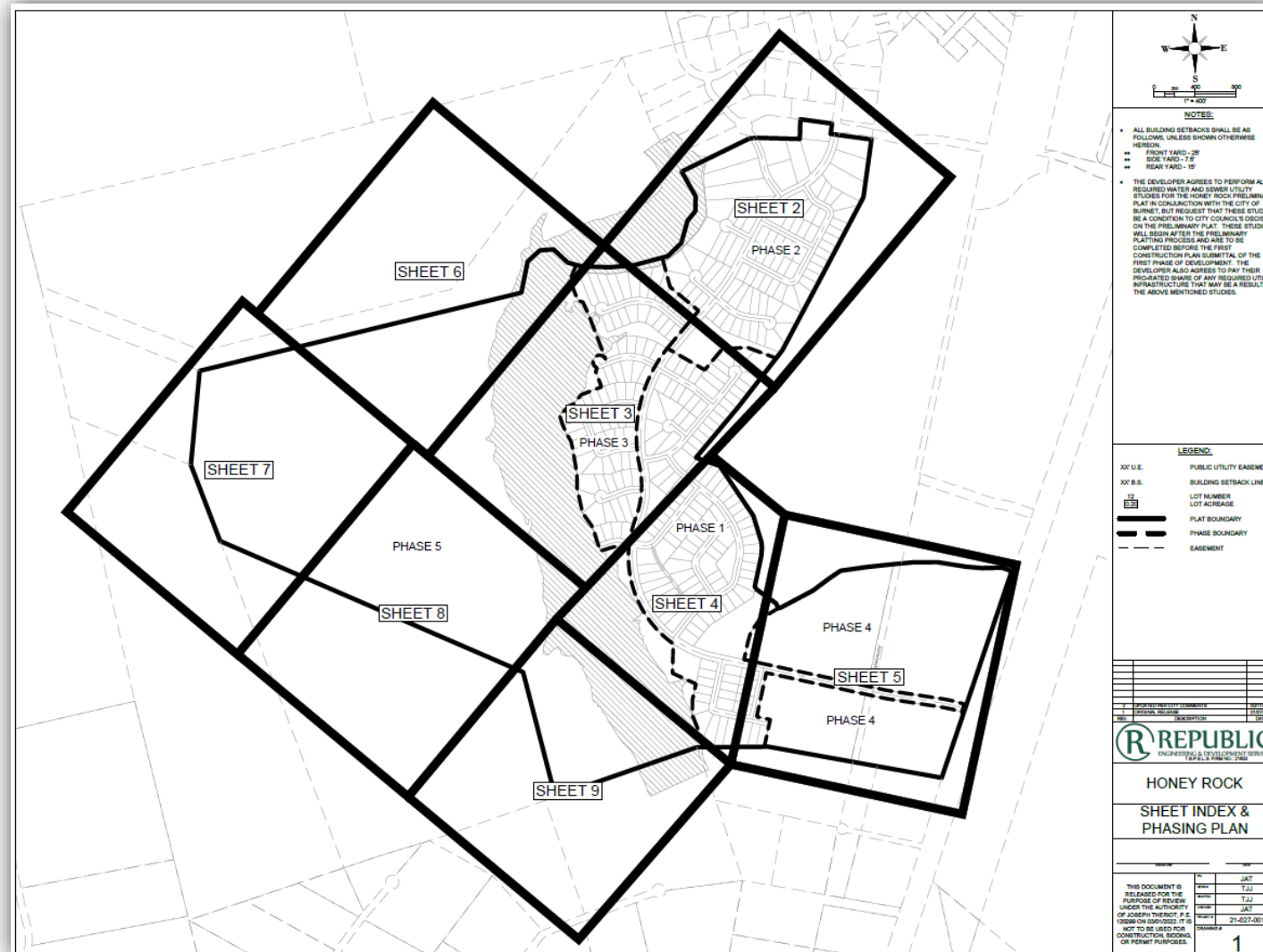
Public Hearing

City staff and city engineer have reviewed the plat in accordance with Sec. 98-22 and have found that it does generally meet the code criteria; however, the applicant has not satisfied the requirement of receiving TxDOT approval and the water and sewer studies should be completed prior to the submittal of the first construction plans submittal (Sec.98-44 (e)).



Questions?

Planning and Zoning Recommendation





Development Services

ITEM 4.1

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

Action Item

Meeting Date:

March 8, 2021

Agenda Item:

Discuss and consider action: Consideration and action to allow the Shipley Ranch Subdivision be served by alternative water supply and alternative wastewater services: H. Erkan

Background:

Shipley Ranch Subdivision is proposed to be established near the intersection of Scenic Oaks Drive and County Road 100. The Subdivision will consist of two lots with Lot 1 being 15.78 acres and Lot 2 being 10.65 acres; both having access off of Scenic Oaks Drive. Because the land is located within the City's corporate limits City Code Section 98-44(c) requires the lots to be connected to the City's utility system unless the distance between the development and the City's utilities is unreasonable to require such connection.

Information:

In this instance the distance between the land and the closest water line is 3,130 feet. The closest sewer line is 2,750 feet from the land. The applicant asserts that as only two lots will be created by this Subdivision the costs for bringing water and sewer to the property would make development cost prohibitive. Should Council approve this request the applicant shall be required to add a plat note stating the quality or quantity of an available water source has not been verified by a registered professional engineer or geoscientist and a plat note confirming the plat was approved by the Central Texas Groundwater Conservation District. Moreover, the applicant shall be required to comply with the permitting, application, and inspection requirements of Chapter 66 Article II (water wells) and Chapter 21 (on site sewer facilities).

Fiscal Impact

No direct fiscal impact is anticipated.

Recommendation:

To be determined by Council



Development Services

ITEM 4.1

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

Action

Meeting Date March 8, 2022

Agenda Item: Discuss and consider action: Consideration and action to allow the Shipley Ranch Subdivision to be served by alternative water supply and alternative wastewater services: H. Erkan

Background: Shipley Ranch Subdivision is proposed to be established near the intersection of Scenic Oaks Drive and County Road 100. The Subdivision will consist of two lots with Lot 1 being 15.78 acres and Lot 2 being 10.65 acres; both having access off of Scenic Oaks Drive. Because the land is located within the City's corporate limits City Code Section 98-44(c) requires the lots to be connected to the City's utility system unless the distance between the development and the City's utilities is unreasonable to require such connection.

Information: In this instance the distance between the land and the closest water line is 3,130 feet. The closest sewer line is 2,750 feet from the land. The applicant asserts that as only two lots will be created by this Subdivision the costs for bringing water and sewer to the property would make development cost prohibitive. Should Council approve this request the applicant shall be required to add a plat note stating the quality or quantity of an available water source has not been verified by a registered professional engineer or geoscientist and a plat note confirming the plat was approved by the Central Texas Groundwater Conservation District. Moreover, the applicant shall be required to comply with the permitting, application, and inspection requirements of Chapter 66 Article II (water wells) and Chapter 21 (on site sewer facilities).

Fiscal Impact: No direct fiscal impact is anticipated.

Recommendation: To be determined by Council.



Development Services

ITEM 4.2

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

Agenda Item Brief

Meeting Date: March 8, 2022

Action Item: Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE PRELIMINARY PLAT ESTABLISHING CREEKFALL SUBDIVISION, PHASE THREE AND FOUR, CONSISTING OF APPROXIMATELY 116 RESIDENTIAL LOTS ON 55.77 ACRES OUT OF THE SARAH ANN GUEST SURVEY NO. 1503, ABS. NO. 1525: L. Kimbler

Information: The tract (Exhibit A) is currently zoned R-1 located between East Highway 29 and Westfall Street and abuts the railroad tracks. The applicant is proposing to subdivide the tract to create a 116-lot single-family residential subdivision, with 3 drainage tracts, and one future tract which will establish Creekfall Subdivision, Phase Three and Four (Exhibit B). Creekfall Subdivision, Phase One and Two preliminary plats were approved by City Council in March 2021 and construction plans were approved in October 2021.

The new subdivision will connect to Westfall Street by the means of a new road named Gristmill Road. The subdivision will create four new roads within the subdivision; one of which named Gristmill, the others being named Big Sugar Road, Wheel Horse Road, and Prairie Dew Road. The subdivision will also connect to Coke Street which is being extended by the Westfall Village, Phase Three subdivision just to the north of Creekfall, Phase One.

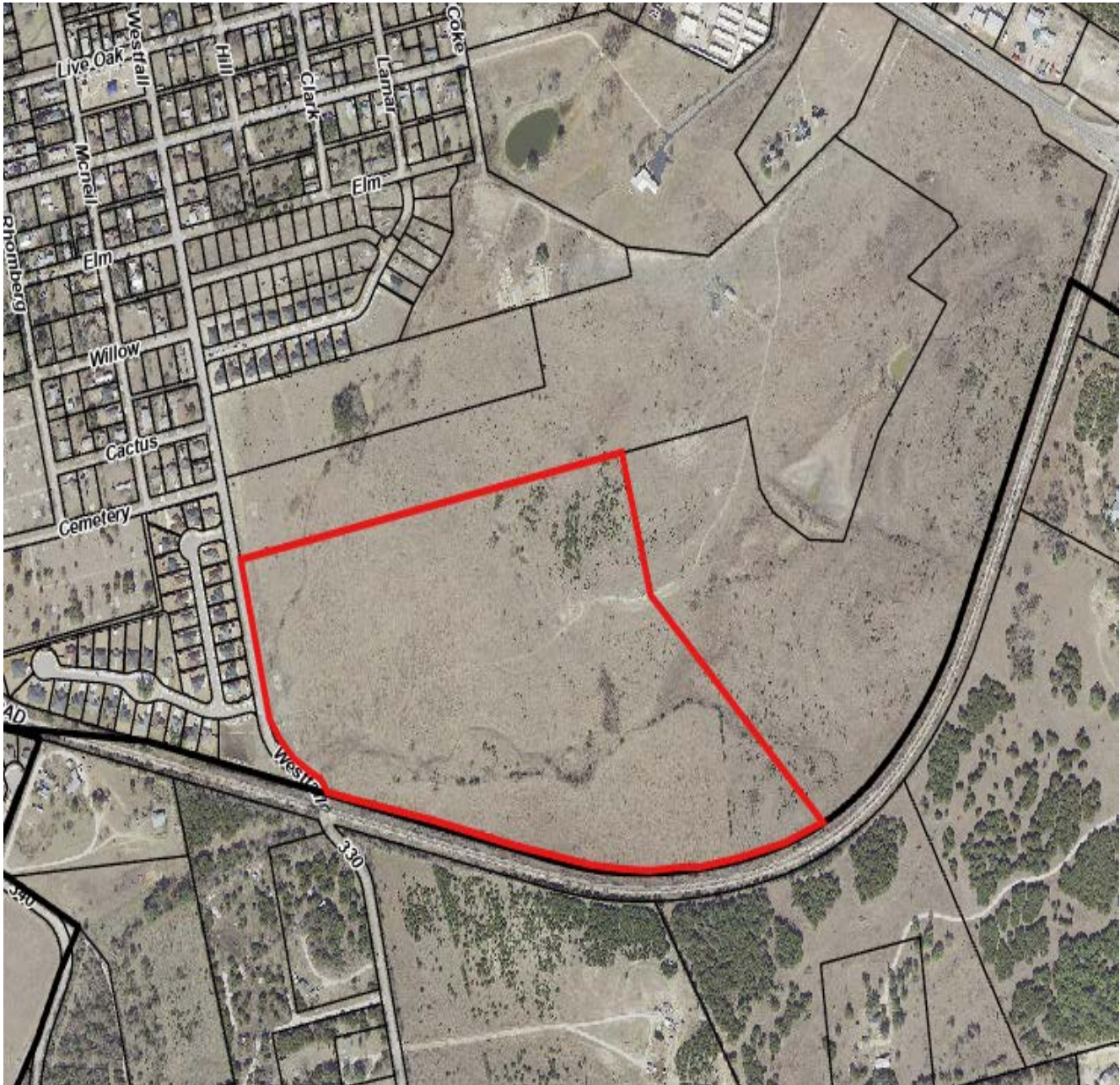
All the lots will range in size from 0.18 acres to 0.33 acres with a majority of the lots having a minimum lot width of 64'.

Staff Analysis: City staff and city engineer have reviewed the plat in accordance with Sec. 98-22 (entitled "Preliminary Plats") and have found the plat does generally meet the requirements as outlined in the code.

P&Z Report Planning and Zoning is meeting on Monday, March 7th; staff will present P&Z's recommendation at the City Council meeting.

Recommendation: Staff recommends approval of Resolution R2022-26.

Exhibit "A"
Tract



[illegible]

RESOLUTION NO. R2022-26

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE PRELIMINARY PLAT ESTABLISHING CREEKFALL SUBDIVISION, PHASE THREE AND FOUR, CONSISTING OF APPROXIMATELY 116 RESIDENTIAL LOTS ON 55.77 ACRES OUT OF THE SARAH ANN GUEST SURVEY NO. 1503, ABS. NO. 1525

Whereas, the Planning and Zoning Commission conducted a public hearing on this application on March 7, 2022; and

Whereas, the Planning and Zoning Commission conditionally recommended approval of the application on March 7, 2022; and

Whereas, City Council conducted a public hearing on this application on March 8, 2022.

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

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

Section 2. Approval. The Preliminary Plat Establishing Creekfall Subdivision, Phases Three and Four is hereby approved.

Section 3. 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 4. Effective Date. That this resolution shall take effect immediately upon its passage, and approval as prescribed by law.

PASSED AND APPROVED this the 8th day of March 2022.

CITY OF BURNET, TEXAS

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary

Agenda Item: 4.2

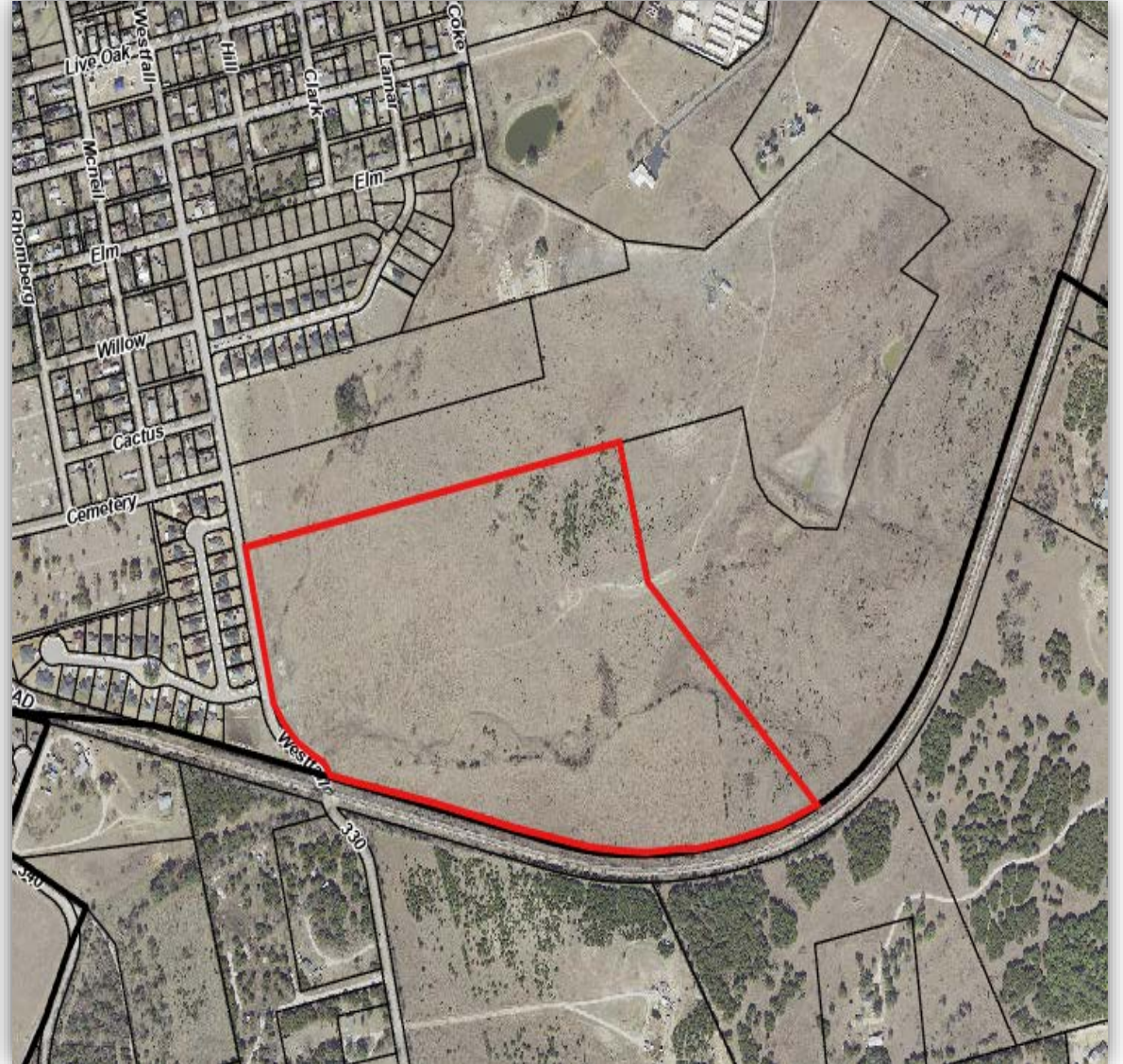
Discuss and consider:

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE PRELIMINARY PLAT ESTABLISHING CREEKFALL SUBDIVISION, PHASE THREE AND FOUR, CONSISTING OF APPROXIMATELY 116 RESIDENTIAL LOTS ON 55.77 ACRES OUT OF THE SARAH ANN GUEST SURVEY NO. 1503, ABS. NO. 1525

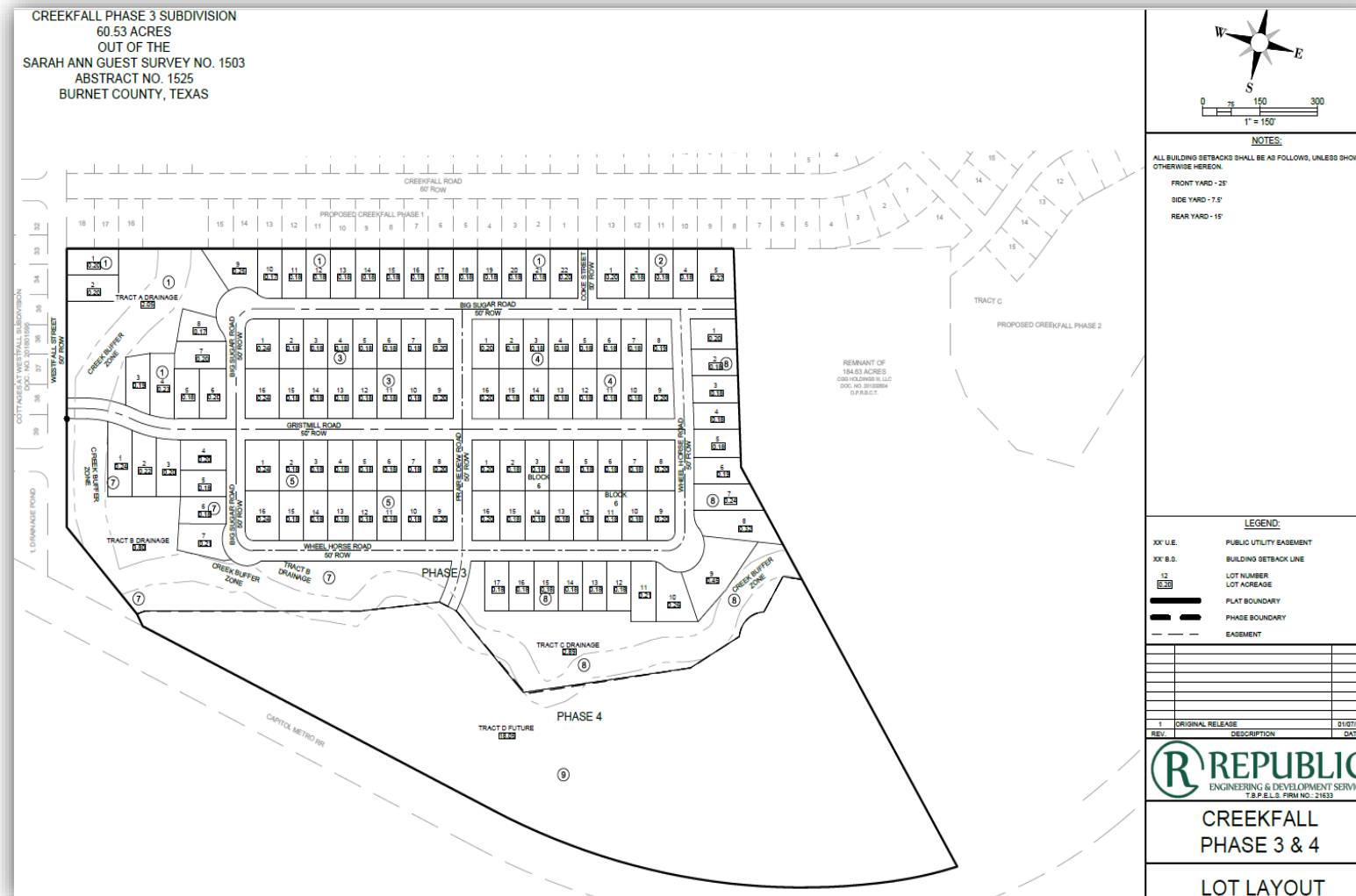
Creekfall Subdivision, Phase Three and Four

- 60.53 acres
- 116 single-family residential lots
- Four new roads:
 - Gristmill Road
 - Big Sugar Road
 - Wheel Horse Road
 - Prairie Dew Road
- Plat connect to Coke Street
- Lots range from 0.18 acres to 0.33 acres with minimum lot width of 64'

City staff and city engineer have reviewed the plat in accordance with Sec. 98-22 and have found the plat does generally meet the requirements as outlined in the code.



Staff recommends approval of Resolution R2022-26.





Development Services

ITEM 4.3

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

Agenda Item Brief

Meeting Date: March 8, 2022

Action Item: Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING A VARIANCE TO THE CODE OF ORDINANCES, SECTION 98-48 – BLOCKS AND LOTS FOR THE PROPOSED PRELIMINARY PLAT OF WESTFALL VILLAGES, PHASE THREE: L. Kimbler

Background: The proposed Preliminary Plat of Westfall Villages, Phase Three (Exhibit A) is a single-family residential subdivision on 11.58 acres of property located along South Westfall Street just north of the Railroad tracks. The proposed subdivision will create 45 residential lots.

The subdivision will extend the existing Cactus Street, from across South Westfall, to connect to Coke Street. Coke Street is an existing street that the applicant is proposing to extend through their subdivision to provide inter-connectivity with the subdivision and existing streets. For Cactus Street to connect with Coke Street, this creates a block length of approximately 1100 linear feet.

Information: The requested variance pertains to the requirements outlined in Code of Ordinances Sec. 98-48(1)(b) which states: "Residential blocks shall not exceed 600 feet nor be less than 300 feet in length."

The City of Burnet Code of Ordinances Sec. 98-82 states the following regarding variances to the subdivision standards:

"In granting approval of a request for variance, the Commission and Council shall conclude that the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the variance observes the spirit of this chapter and concludes that substantial justice is done. The Commission and Council shall meet these requirements by making findings that:

- a. The public convenience and welfare will be substantially served;
- b. The appropriate use of surrounding property will not be substantially or permanently impaired or diminished;

- c. The applicant has not created the hardship from which relief is sought;
- d. The variance will not confer upon the applicant a special right or privilege not commonly shared or available to the owners of similar and surrounding property;
- e. The hardship from which relief is sought is not solely of an economic nature;
- f. The variance is not contrary to the public interest;
- g. Due to special conditions, the literal enforcement of this chapter would result in an unnecessary hardship; and
- h. In granting the variance the spirit of the ordinance is observed and substantial justice is done."

Staff Analysis:

Staff has evaluated the variance requests and has determined that, due to existing development of streets in the area and the existing topography of the property, a variance to the code criteria is necessary to ensure safe and efficient movement of traffic while still preserving the natural features of the area while ensuring an appropriate subdivision design.

Recommendation: Staff recommends approval of Resolution R2022-21 as presented.

PROJECT NO. 1553
 PREPARED FOR: LANDLORD, PHASE, INC.
 PREPARED BY: S. B. BERTON
 FIELD WORK DATE: 07/20/2008
 APPROVED: 07/20/2008

1500 OLLIE LANE
 MARBLE FALLS, TX 78644
 TEL: 512-386-0000
 FAX: 512-386-0001
 WWW.SABRASURVEYING.COM

SURPLAND ASSOCIATES, INC.
 LAND SURVEYORS & PLANNERS
 1500 OLLIE LANE
 MARBLE FALLS, TX 78644
 TEL: 512-386-0000
 FAX: 512-386-0001
 WWW.SABRASURVEYING.COM

SCALE: 1" = 100'
 DATE: 07/20/2008
 REVISIONS: 1
 SHEET 4 OF 4

WESTFALL VILLAGE SUBDIVISION
 PHASE THREE
 SABRA ANN GIBBS SURVEY NO. 1553
 ABSTRACT NO. 1553
 CITY OF BURNET
 BURNET COUNTY, TEXAS

RESOLUTION NO. R2022-21

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING A VARIANCE TO THE CODE OF ORDINANCES, SECTION 98-48 – BLOCKS AND LOTS FOR THE PROPOSED PRELIMINARY PLAT OF WESTFALL VILLAGES, PHASE THREE

Whereas, Code of Ordinances, Section 98-48, imposes lengths for residential blocks within the Subdivision; and

Whereas, the applicant has petitioned for a variance to allow for inter-connectivity with surrounding streets and subdivisions; and

Whereas, the Planning and Zoning Commission has recommended the variance be granted:

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

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

Section two. Findings. As required by City Code Sec. 98-82 City Council finds:

- Granting the variance is not contrary to the public interest: **approving the variance serves the public interest by allowing for the street to connect to an existing street and providing inter-connectivity with surrounding streets and subdivisions.**
- The literal enforcement of this chapter would result in unnecessary hardship: **as existing streets in the area have already been developed and approving the variance allows for the most advantageous use of topography and natural physical features while still ensuring safe and efficient traffic movement.**
- The variance observes the spirit of the chapter and concludes that substantial justice is done: **By granting this variance, the spirit of the code is observed, and substantial justice is done**

Section three. Approval. The variance request is hereby approved and granted.

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

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

PASSED AND APPROVED this the 8th day of March 2022.

CITY OF BURNET, TEXAS

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary

Discuss and Consider:

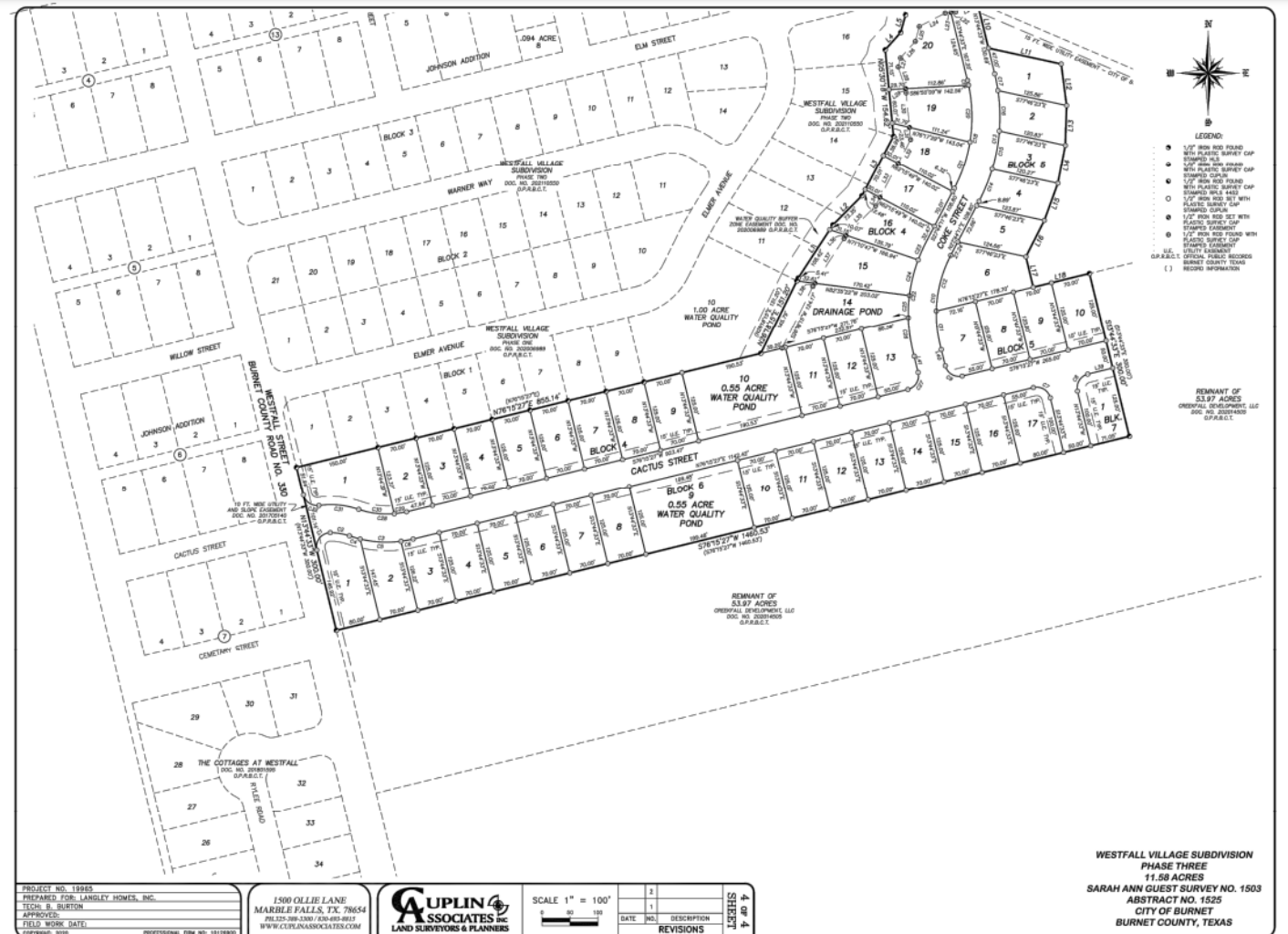
A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING A VARIANCE TO THE CODE OF ORDINANCES, SECTION 98-48 – BLOCKS AND LOTS FOR THE PROPOSED PRELIMINARY PLAT OF WESTFALL VILLAGES, PHASE THREE

Westfall Village, Phase Three:

- 11.58 acres
- 45 residential lots
- Extension of existing Cactus Street to existing Coke Street

Requested Variances:

Sec. 98-48(1)(b) which states:
 “Residential blocks shall not exceed 600
 feet nor be less than 300 feet in length.”



Sec. 98-82 Criteria for granting a variance

- Variance is not contrary to the public interest.
- Approving the variance serves the public interest by allowing for the street to connect to an existing street and providing inter-connectivity with surrounding streets and subdivisions.
- Due to special conditions, a literal enforcement of this chapter would result in unnecessary hardship.
- Existing streets in the area have already been developed and approving the variance allows for the most advantageous use of topography and natural physical features while still ensuring safe and efficient traffic movement.
- The variance observes the spirit of this chapter and concludes that substantial justice is done.
- By granting the variance, the spirit of the code is observed, and substantial justice is done

P&Z recommendation

[illegible]



Development Services

ITEM 4.4

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

Agenda Item Brief

Meeting Date: March 8, 2022

Action Item: Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE PRELIMINARY PLAT ESTABLISHING WESTFALL VILLAGE, PHASE 3, CONSISTING OF APPROXIMATELY 45 RESIDENTIAL LOTS ON APPROXIMATELY 11.58 ACRES OUT OF THE SARAH ANN GUEST SURVEY NO. 1503, ABS. NO. 1525.: L. Kimbler

Information: The proposed subdivision (Exhibit A), zoned R-1, is located along Westfall Street just south of Westfall Villages, Phases One and Two and north of the Railroad tracks. The applicant is proposing to subdivide the tract to create 45 single-family residential lots with one drainage pond and two water quality ponds.

The subdivision will create two streets; the applicant is proposing to extend Cactus Street, from across Westfall, through the center of the proposed subdivision as well as extending Coke Street, located north of the subdivision, down through the subdivision to connect to the Creekfall Subdivision. Cactus Street exceeds the allowable length in the City of Burnet's code of ordinances, Sec. 98-42, and therefore will require approval of a subdivision variance prior to the plat's consideration.

All the lots within the subdivision have a minimum square footage of 8750 square feet and a lot width of 70'.

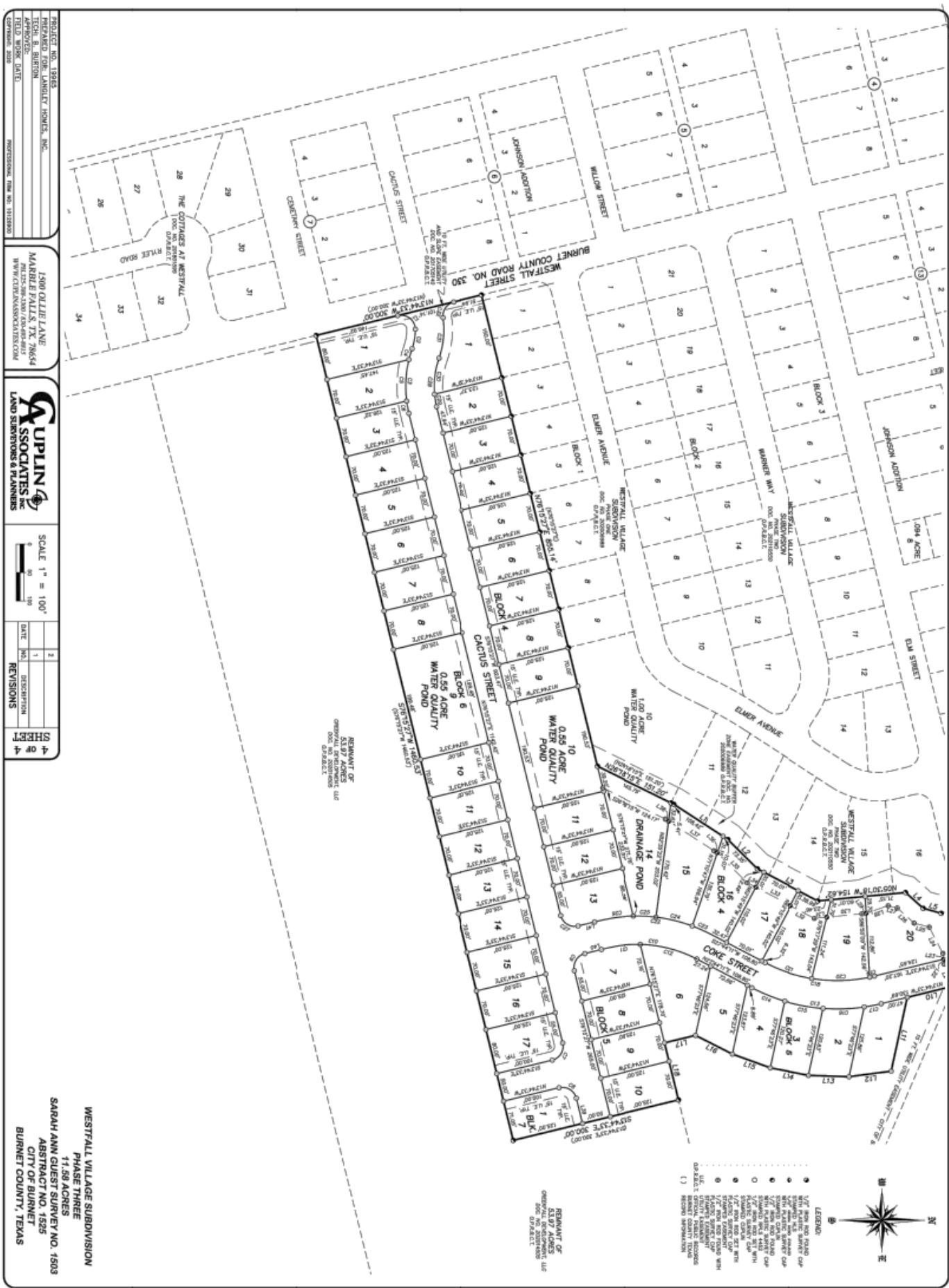
Staff Analysis: City staff and city engineer have reviewed the plat in accordance with Sec. 98-22 (entitled "Preliminary Plats") and have found the plat does generally meet the requirements as outlined in the code with only one outstanding comment. Outstanding comments are as follows:

- Revise the centerline geometry of Cactus Street to be compliant with the City of Burnet TCSS Section 213 - Alignment

P&Z Report Planning and Zoning is meeting on Monday, March 7th; staff will present P&Z's recommendation at the City Council meeting.

Recommendation: Staff recommends approval of Resolution R2022-27 as presented.

Exhibit "A"
Plat



RESOLUTION NO. R2022-27

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE PRELIMINARY PLAT ESTABLISHING WESTFALL VILLAGES, PHASE 3, CONSISTING OF APPROXIMATELY 45 RESIDENTIAL LOTS ON APPROXIMATELY 11.58 ACRES OUT OF THE SARAH ANN GUEST SURVEY NO. 1503, ABS. NO. 1525.

Whereas, the Planning and Zoning Commission conducted a public hearing on this application on March 7, 2022; and

Whereas, the Planning and Zoning Commission conditionally recommended approval of the application on March 7, 2022; and

Whereas, City Council conducted a public hearing on this application on March 8, 2022.

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

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

Section 2. Conditional Approval. The Preliminary Plat Establishing Westfall Village, Phase Three is hereby conditionally approved; subject to the condition recommended by the Planning and Zoning Commission as follow:

- Revise the centerline geometry of Cactus Street to be compliant with the City of Burnet TCSS Section 213 - Alignment

Section 3. 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 4. Effective Date. That this resolution shall take effect immediately upon its passage, and approval as prescribed by law.

PASSED AND APPROVED this the 8th day of March, 2022.

CITY OF BURNET, TEXAS

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary

Agenda Item: 4.4

Discuss and consider:

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE PRELIMINARY PLAT ESTABLISHING WESTFALL VILLAGE, PHASE 3, CONSISTING OF APPROXIMATELY 45 RESIDENTIAL LOTS ON APPROXIMATELY 11.58 ACRES OUT OF THE SARAH ANN GUEST SURVEY NO. 1503, ABS. NO. 1525

Public Hearing

Westfall Subdivision, Phase Three

- 11.58 acres
- 45 single-family residential lots
- No new streets, but extension of Cactus St. and Coke St. to provide inter-connectivity
- Lots square footage of minimum 8750 sq. ft and lot width of 70'

City staff and city engineer have reviewed the plat in accordance with Sec. 98-22 and have found the plat does generally meet the requirements as outlined in the code with only one outstanding comment:

- Revise the centerline geometry of Cactus Street to be compliant with the City of Burnet TCSS Section 213 - Alignment



Staff recommends approval of Resolution R2022-27 as presented





Development Services

ITEM 4.5

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

Agenda Item Brief

Meeting Date: March 8, 2022

Action Item: Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING A VARIANCE TO THE CODE OF ORDINANCES, SECTION 98-22 – PRELIMINARY PLAT FOR THE PROPOSED PRELIMINARY PLAT OF HONEY ROCK SUBDIVISION: L Kimbler

Background: The proposed Preliminary Plat of Honey Rock, Phase is a single-family residential subdivision just under 327 acres of property located on South Highway 281 (Exhibit A). The proposed subdivision will create 299 residential lots, two commercial lots and two multi-family residential lots.

The proposed subdivision will consist of five phases that are proposed to be completed over the next five years.

Information: The requested variance (Exhibit B) pertains to the requirements outlined in Code of Ordinances Sec. 98-22(d)(3)(g) and 98-22(d)(3)(h) which requires the applicant to show significant trees to remain during construction and replacements trees for trees that are to be mitigated during the preliminary plat stage. Because of the sheer size of this preliminary plat and the timing of development for each phase, if a tree survey and mitigation plan were to be performed at the preliminary platting stage of development, it would not account for all the changes that would occur by the time each phase is constructed.

The City of Burnet Code of Ordinances Sec. 98-82 states the following regarding variances to the subdivision standards:

“In granting approval of a request for variance, the Commission and Council shall conclude that the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the variance observes the spirit of this chapter and concludes that substantial justice is done. The Commission and Council shall meet these requirements by making findings that:

- a. The public convenience and welfare will be substantially served;

- b. The appropriate use of surrounding property will not be substantially or permanently impaired or diminished;
- c. The applicant has not created the hardship from which relief is sought;
- d. The variance will not confer upon the applicant a special right or privilege not commonly shared or available to the owners of similar and surrounding property;
- e. The hardship from which relief is sought is not solely of an economic nature;
- f. The variance is not contrary to the public interest;
- g. Due to special conditions, the literal enforcement of this chapter would result in an unnecessary hardship; and
- h. In granting the variance the spirit of the ordinance is observed and substantial justice is done.”

Staff Analysis: When considering the requested variance, staff considered the amount of acreage the preliminary plat covers, as well as the number of trees that could change within the proposed timeframe to complete the different phases of the subdivision. The applicant is proposing to include the tree survey and mitigation plan in the construction plans of each phase; the construction plans could not be approved until all requirements for tree mitigation has been met. The requested variance would still meet the intent of the code, would not diminish surrounding properties, and is not contrary to the public’s interest. Additionally, since most of the trees in the area have been damaged by oak wilt, granting the variance would allow the applicant time to appropriately preserve healthy trees while ensuring the spirit of the ordinance is observed and substantial justice is done.

Recommendation: Staff recommends approval of Resolution R2022-28 as presented.

Exhibit “A”

Proposed Preliminary Plat with Existing Conditions



January 17, 2022

City of Burnet Development Services Department 1001 Buchanan Drive, Suite 4
Burnet, TX 78611

Re: Honey Rock Tree Variance

To whom it may concern,
info@RepublicEDS.com

This letter is addressing the situation and reason for requesting a variance to delay the tree survey and mitigation plan from the preliminary platting stage to the construction plan stage for each individual phase of the Honey Rock development.

The Honey Rock development is just under 327 acres, with the preliminary plat consisting of 388 single family residential lots and just under 170 acres set aside for future development to be determined at a later date. The lots shown in the preliminary plat are divided into four phases that are proposed to be completed over the next 5 years. Because of the sheer size of this preliminary plat and the timing of development for each phase, if a tree survey and mitigation plan were to be performed at the preliminary platting stage of development, it would not account for all the changes that would occur by the time each phase is constructed. There are many factors that would affect the tree survey and mitigation plan's accuracy in that time frame, including but not limited to: Acts of God (floods, hurricanes, tornados, drought, etc.), wildfires, death of trees by drought or disease, new growth, smaller trees reaching the surveyable diameter and market downturns.

Disease is a primary concern since the majority (95% or more) of the trees within the project boundary are oak trees that have been devastated by oak wilt. While it is clear to see those trees that are already dying of oak wilt, there is a high possibility that the other oaks, that currently appear healthy, are already infected but not showing signs or will contract oak wilt within the next few years.

We understand the importance of preserving trees and mitigating the trees that have to be removed, which is why we are only requesting for a postponement of the tree survey and mitigation plan to each individual phase's construction plans. If granted the variance, the developer will follow all ordinances for the tree survey and mitigation plan specified for the preliminary plat at the time of each individual phase's construction plan submittal.

In the Honey Rock Preliminary Plat, Existing Conditions – Sheet 11, current existing trees have been shown utilizing a separate aerial view, as allowed in CH. 98, Article II, Sec. 98-22(2)c. Trees with visible signs of oak wilt are excluded from that map. The Existing Conditions – Sheet 11 is to serve as a baseline for all future tree surveys.

If there are any questions on how we intend to implement these individual tree surveys and mitigation plans at the time of each phase's construction plans, feel free to contact Republic Engineering & Development Services at (512) 665-8910 or jtheriot@RepublicEDS.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Theriot', with a stylized flourish at the end.

Joseph Theriot, P.E.

RESOLUTION NO. R2022-28

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET,
TEXAS, APPROVING A VARIANCE TO THE CODE OF ORDINANCES,**

SECTION 98-22 – PRELIMINARY PLAT FOR THE PROPOSED PRELIMINARY PLAT OF HONEY ROCK SUBDIVISION

Whereas, Code of Ordinances, Section 98-22(D)3(G), requires the applicant to submit a survey showing significant trees within the subdivision that are to remain and to be removed during construction; and

Whereas, Code of Ordinances, Section 98-22(D)3(H), requires the applicant to submit a mitigation plan for trees that are to be removed; and

Whereas, the applicant has petitioned for a variance to allow the applicant to defer the requirement of showing significant trees to remain and be removed, as well as the mitigation plan, to the time of construction plan submittal of each phase; and

Whereas, the Planning and Zoning Commission has recommended the variance be granted:

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

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

Section two. Findings. As required by City Code Sec. 98-82 City Council finds:

- Granting the variance is not contrary to the public interest: **as the applicant would be required to still provide the tree preservation and mitigation plans at the time of construction plan submittal to the code requirement would still be met.**
- The literal enforcement of this chapter would result in unnecessary hardship: **as the amount of acreage and number of trees could change within the proposed timeframe to complete the different phases and approving the variance would allow the applicant sufficient time to preserve healthy trees and meet the intent of the code.**
- The variance observes the spirit of the chapter and concludes that substantial justice is done: **By granting this variance, the spirit of the code is observed, ad substantial justice is done**

Section three. Approval. The variance request is hereby approved and granted.

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

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

PASSED AND APPROVED this the 8th day of March 2022.

CITY OF BURNET, TEXAS

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary

Discuss and Consider:

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET,
TEXAS, APPROVING A VARIANCE TO THE CODE OF ORDINANCES,
SECTION 98-22 – PRELIMINARY PLAT FOR THE PROPOSED
PRELIMINARY PLAT OF HONEY ROCK SUBDIVISION

Honey Rock Subdivision:

- Requested Variances:

Section 98-22(D)3(H), requires the applicant to submit a mitigation plan for trees that are to be removed



Action Item

Sec. 98-82 Criteria for granting a variance

- Variance is not contrary to the public interest.
 - The applicant would be required to still provide the tree preservation & mitigation plans at the time of construction plan submittal to ensure the code requirement is still met
- Due to special conditions, a literal enforcement of this chapter would result in unnecessary hardship.
 - The amount of acreage and number of trees could change within the proposed timeframe to complete the different phases and approving the variance would allow the applicant sufficient time to preserve healthy trees and meet the intent of the code.
- The variance observes the spirit of this chapter and concludes that substantial justice is done.
- By granting the variance, the spirit of the code is observed, and substantial justice is done

LEGEND

- PROPERTY BOUNDARY
- CITY LIMITS
- EA WATERLINE
- EA GAS LINE
- EA DOWNGRADE/ELECTRIC
- EA EASEMENT
- OWNER MAIL CONTOUR (S)
- OWNER MAIL CONTOUR (N)
- OFFSITE MAIL CONTOUR (S)
- OFFSITE MAIL CONTOUR (N)
- EA TREE CRITICAL ROOT ZONE
- SEA-WAY FLOODPLAIN

EXISTING CONDITIONS

HONEY ROCK

REPUBLIC
ENGINEERING & DEVELOPMENT SERVICES
P.O. BOX 10000, DALLAS, TEXAS 75210-0000

THIS DOCUMENT IS PREPARED FOR THE PURPOSE OF RECORD UNDER THE AUTHORITY OF A PROFESSIONAL ENGINEER. IT IS NOT TO BE USED FOR ANY OTHER PURPOSES.

11

Staff recommends approval of Resolution R2022-28



Development Services

ITEM 4.6

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

Agenda Item Brief

Meeting Date: March 8, 2022

Action Item: Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE PRELIMINARY PLAT ESTABLISHING HONEY ROCK SUBDIVISION CONSISTING OF APPROXIMATELY 299 SINGLE-FAMILY RESIDENTIAL LOTS, TWO MULTI-FAMILY RESIDENTIAL LOTS, AND TWO COMMERCIAL LOTS ON APPROXIMATELY 326.63 ACRES OUT OF ABS A0398 SUSANO HERNANDEZ, TRACT PT OF 6, 14.87 ACRES, ABS A1018 FRANCISCO YBARBO, 140.95 ACRES, ABS A0398 SUSANO HERNANDEZ, TRACT AND ABS 1018 F YBARABO, 17.64 ACRES, ABS A1018 FRANCISCO YBARBO, 150.47 ACRES: L. Kimbler

Information: The tract (Exhibit A) is located along South Highway 281 and is currently a mixed zoned tract with 103.87 acres designated as Single-Family Residential "R-1", 19.91 acres zoned as Multi-Family "R-3" and 26.58 acres zoned Commercial. Additionally, there is 168.67 acres designated as "Future Development" that is outside of the city limits within the ETJ.

The applicant is proposing to subdivide the tract into five phases. The first phase to be completed will extend from South Highway 281 towards the middle of the tract; the second phase will extend from the existing Honey Rock Boulevard and the third phase will connect the three phases in the middle of the subdivision (Exhibit B).

The subdivision will create fifteen new roads within the subdivision. Proposed street names are: Hive Loop, Worker Court, Drone Court, Killer Bee Court, Nectar Court and Lane, Royal Jelly Loop, Mining Bee Court, Honeycomb Drive, Pollen Court, Bumblebee Lane, Stinger Loop and Court, Honey Bee Drive, Mead Drive, Queen Bee Lane, and Antenna Loop. The subdivision will also connect to the existing Cobblestone Court, in Honey Rock Subdivision, Phase Two.

The plat is also proposing two HOA parkland tracts with an "Amenity Center" to be located on one.

There is a mixture of lot sizes throughout the subdivision; lots will range in size from 0.18 acres to 1.26 acres with most of the lots having a minimum lot width of 60'.

The applicant has agreed to perform all required water and sewer utility studies for the Honey Rock Subdivision Preliminary Plat, but requests that these studies be a condition to the City Council's decision on the Preliminary Plat. These studies will begin after the preliminary platting process and are to be completed before the first construction plan submittal of the first phase of development. The developer also agrees to pay their share of any required utility infrastructure that may be a result of the water and sewer studies.

The developer has also requested a variance to the City of Burnet's code of ordinances, Sec. 98-22, to allow for the delay of the tree survey and mitigation plan requirement from the preliminary platting stage to the construction plan stage. This variance will require approval prior to the plat's consideration.

Staff Analysis: City staff and city engineer have reviewed the plat in accordance with Sec. 98-22 and have found that it does generally meet the code criteria; however, the applicant has not satisfied the requirement of receiving TxDOT approval and the water and sewer studies should be completed prior to the submittal of the first construction plans submittal (Sec.98-44 (e)).

P&Z Report Planning and Zoning is meeting on Monday, March 7th; staff will present P&Z's recommendation at the City Council meeting.

Recommendation: Staff recommends approval of Resolution R2022-29 as presented.

Exhibit "A"

Tract

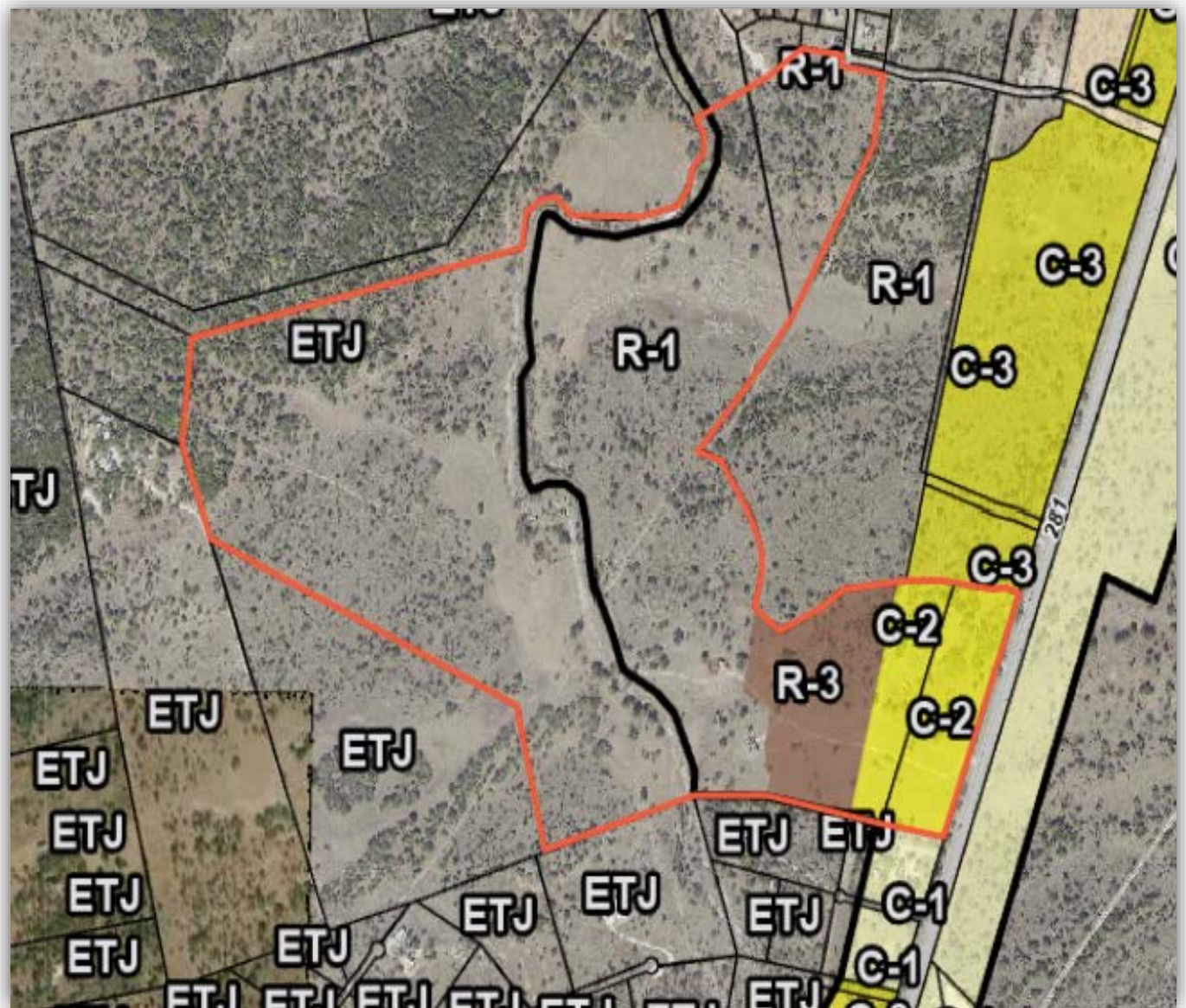
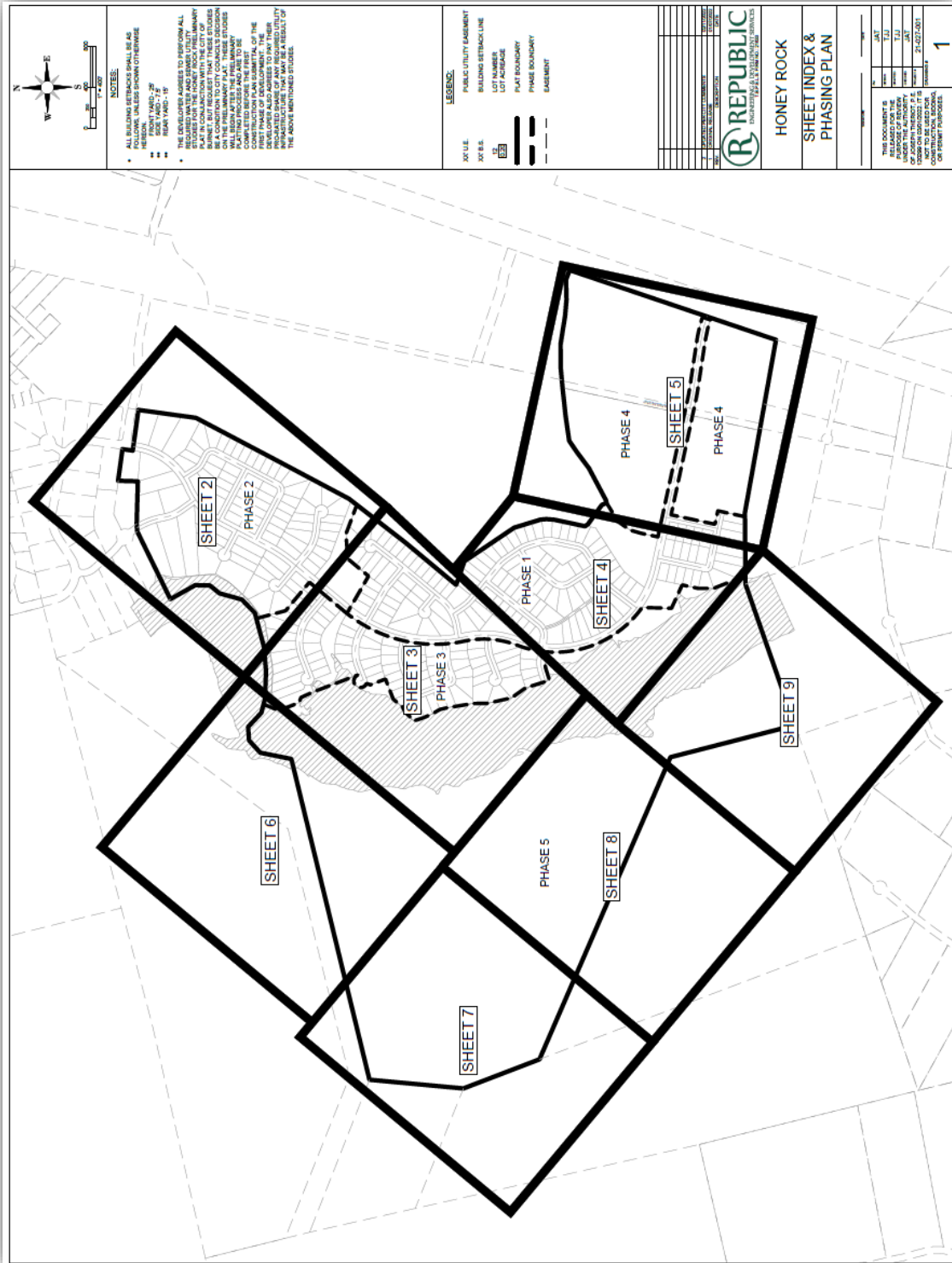


Exhibit "B"

Plat



RESOLUTION NO. R2022-29

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE PRELIMINARY PLAT ESTABLISHING HONEY ROCK SUBDIVISION CONSISTING OF APPROXIMATELY 299 SINGLE-FAMILY RESIDENTIAL LOTS, TWO MULTI-FAMILY RESIDENTIAL LOTS, AND TWO COMMERCIAL LOTS ON APPROXIMATELY 326.63 ACRES OUT OF ABS A0398 SUSANO HERNANDEZ, TRACT PT OF 6, 14.87 ACRES, ABS A1018 FRANCISCO YBARBO, 140.95 ACRES, ABS A0398 SUSANO HERNANDEZ, TRACT AND ABS 1018 F YBARABO, 17.64 ACRES, ABS A1018 FRANCISCO YBARBO, 150.47 ACRES

Whereas, the Planning and Zoning Commission conducted a public hearing on this application on March 7, 2022; and

Whereas, the Planning and Zoning Commission conditionally recommended approval of the application on March 7, 2022; and

Whereas, City Council conducted a public hearing on this application on March 8, 2022.

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

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

Section 2. Conditional Approval. The Preliminary Plat Establishing Westfall Village, Phase Three is hereby conditionally approved; subject to the condition recommended by the Planning and Zoning Commission as follow:

- Applicant should receive TxDOT approval
- The water and sewer studies should be completed prior to the submittal of the first construction plans submittal (Sec. 98-44(e))

Section 3. 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 4. Effective Date. That this resolution shall take effect immediately upon its passage, and approval as prescribed by law.

PASSED AND APPROVED this the 8th day of March 2022.

CITY OF BURNET, TEXAS

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary

Agenda Item: 4.6

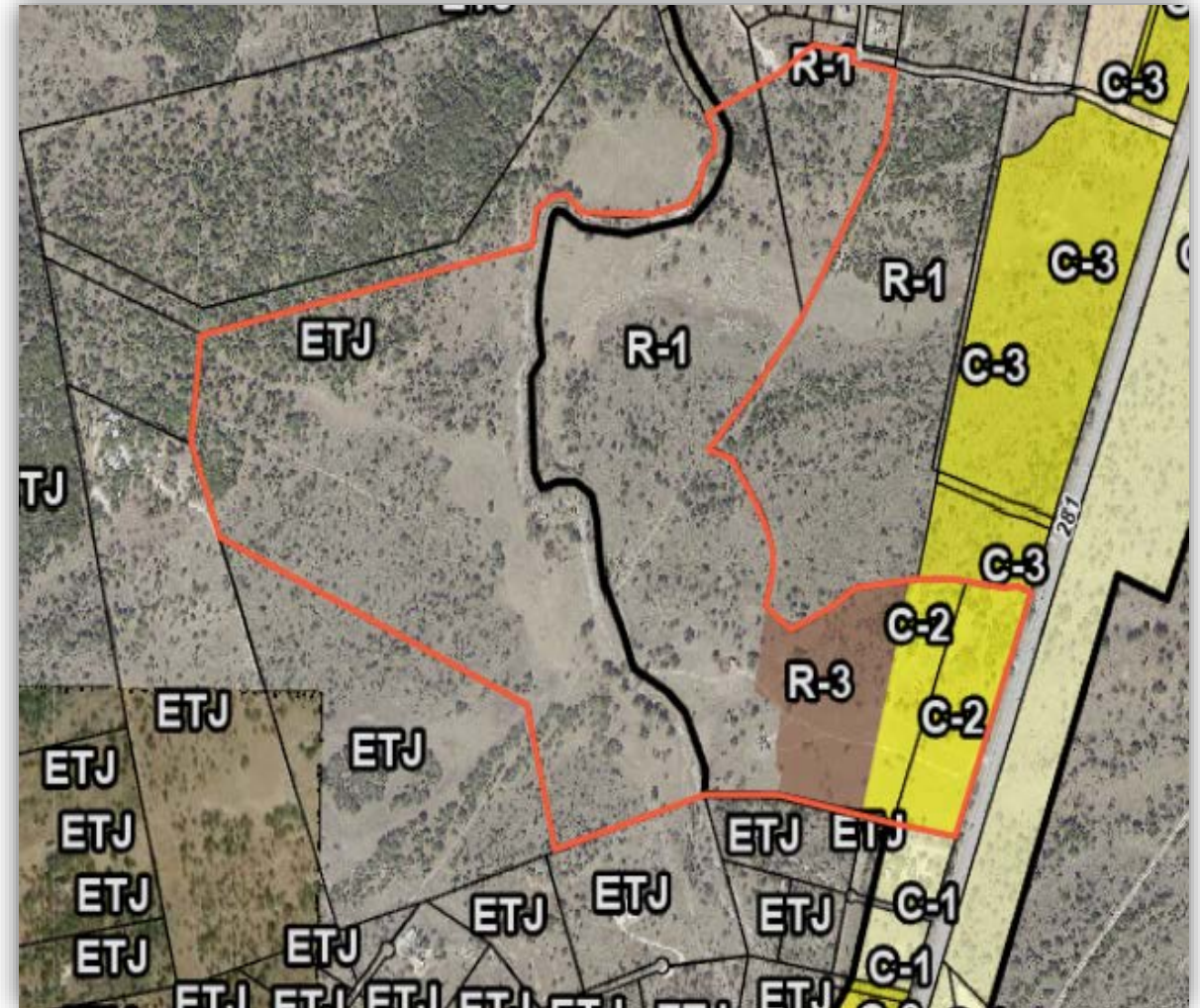
Discuss and consider:

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE PRELIMINARY PLAT ESTABLISHING HONEY ROCK SUBDIVISION CONSISTING OF APPROXIMATELY 299 SINGLE-FAMILY RESIDENTIAL LOTS, TWO MULTI-FAMILY RESIDENTIAL LOTS, AND TWO COMMERCIAL LOTS ON APPROXIMATELY 326.63 ACRES OUT OF ABS A0398 SUSANO HERNANEZ, TRACT PT OF 6, 14.87 ACRES, ABS A1018 FRANCISCO YBARBO, 140.95 ACRES, ABS A0398 SUSANO HERNANDEZ, TRACT AND ABS 1018 F YBARABO, 17.64 ACRES, ABS A1018 FRANCISCO YBARBO, 150.47 ACRES

Public Hearing

Honey Rock Subdivision

City staff and city engineer have reviewed the plat in accordance with Sec. 98-22 and have found that it does generally meet the code criteria; however, the applicant has not satisfied the requirement of receiving TxDOT approval and the water and sewer studies should be completed prior to the submittal of the first construction plans submittal (Sec.98-44 (e)).



Questions?

Staff recommends approval of Resolution R2022-29 as presented.





Administration

ITEM 4.8

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

Agenda Item Brief

Meeting Date: March 8, 2022

Agenda Item: Discuss and consider action: Approval and authorization for the City Manager to approve Freedom Flyers LLC/Cowden Ward Jr. to relocate airport access gate to airport property: A. Feild

Background:

Information: The Freedom Flyers LLC/Cowden Ward Jr. through-the-fence agreement was executed in 2012.

Fiscal Impact: N/A

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



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

March 3, 2022

Freedom Flyers, LLC
%Christopher Ward
PO Box 328
Burnet, Texas 78611

Via Hand Delivery

Re: Burnet Municipal Airport Access Agreement by and between Cowden Ward and Freedom Flyers, LLC dated March 13, 2012.

Dear Mr. Ward:

This letter is in regard to the Access-Way gate that was constructed in accordance with the above referenced Agreement. Pursuant to the Agreement the Access-Way gate was constructed on your side of the Municipal Airport perimeter fence. The Access-Way gate operates by sliding both left and right parallel to the fence.

You have brought to the City's attention that you sold a part of your property on which the Access-Way gate slides but failed to reserve an easement for the Access-Way gate. Now your grantee is preventing you from operating the Access-Way gate.

As you know, at its March 8, 2022, regular meeting, City Council was made aware of the controversy with your neighbor (grantee) regarding the operation of the Access-Way gate.

In light of the circumstances City Council has authorized me to offer you a license to construct the Access-Way gate within the Easement Area described in Exhibit "A" of the Agreement subject to the following:

- the Access-Way gate may be constructed on the municipal airport side of the perimeter fence; provided the Access-Way gate is constructed in the Easement Area described in Exhibit "A" of the Agreement in accordance with the specifications set forth in Exhibit "C" of the Agreement;
- the Access-Way gate shall operate in the manner described in Exhibit "C" and you shall be responsible for all costs associated with its installation and maintenance;
- Access-Way gate shall be constructed within ____ days of the date of this letter;
- During the construction phase you shall insure the municipal airport perimeter fence is secured by temporary fencing to protect against trespassers intruding into the municipal airport;

- The finished Access-Way gate construction shall be inspected by the City and you shall comply with any corrections required by the City, and within such time, as determined in my sole discretion;
- This licensed agreement may not be assigned or transferred by you in any manner;
- Your failure to comply with the terms and conditions of this license agreement shall be caused for my revocation of this license;
- City Council may revoke this license without cause at any time;
- This license shall automatically be revoked upon the termination of the above referenced Agreement; and
- In the event this license is revoke, with or without cause, you shall have ten days from the date of notice of such revocation, or the date of automatic revocation as the case may be, to, at your sole costs, remove the Access-Way gate and replace the Access-Way gate with fencing of the same design, quality and construction as the existing airport perimeter fence.

Please note that below there is a signature line for you to execute indicating your acceptance of the terms and conditions of this license. In acknowledging your acceptance, you are further acknowledging the following: (i) you are authorized to execute this instrument on behalf of Freedom Flyers, LLC; (ii) that no other party or parties other Freedom Flyers, LLC and you have any interest in the above referenced Agreement; (iii) that Freedom Flyers, LLC and you in your personal capacity will indemnify and defend the City of Burnet, its elected and appointed officials and employees against any claim under the Agreement or this license by any third party; and (iv) as the City of Burnet seeks no monetary or other consideration for this offer, the license provided hereby has no monetary value.

Sincerely yours,

David Vaughn, City Manager

Accepted:

By Christopher Ward in his personal capacity and on behalf of Freedom Flyers, LLC, as manager of said limited liability company this ____ day of March 2022.

Christopher Ward

Exhibit B



LEGEND	
●	3/8" IRON PIN FOUND
▲	1/2" IRON PIN FOUND
●	60D NAIL FOUND
⊗	"X" MARK IN CONC. FOUND
⊗	TXDOT TYPE I CONC.
⊗	R.O.W. MONUMENT FND.
...	VOLUME/PAGE
O.P.R.B.C.	OFFICIAL PUBLIC RECORDS
()	BURNET COUNTY
()	RECORD INFO/SUBJECT
B.S.L.	BLDG. SETBACK LINE
U.E.	UTILITY EASEMENT
⊗	AIR CONDITIONER
⊗	UTILITY POLE
⊗	GUY WIRE
⊗	OVERHEAD UTILITY
⊗	WATER METER
⊗	ELECTRIC METER
⊗	CLEAN OUT
⊗	WELL
⊗	TELEPHONE PEDESTAL
⊗	WIRE FENCE
⊗	OVERHANG/COVERED AREA
⊗	"WASTE OIL" TANK

NOTES:

- 1) SUBJECT PROPERTY IS LOCATED WITHIN ZONE X (AREAS OUTSIDE THE 100 YR FLOOD) AS GRAPHICALLY IDENTIFIED ON FEMA F.I.R.M., MAP NO. 48053C0480G, EFFECTIVE 11/01/2019.
- 2) BASIS OF BEARINGS ARE TO THE NORTH AMERICAN DATUM OF 1983, TEXAS COORDINATE SYSTEM, CENTRAL ZONE.
- 3) OWNER TO CONFIRM ALL SETBACK, EASEMENT, AND DESIGN REGULATIONS PRIOR TO DESIGNING AND/OR CONSTRUCTION ON THIS PROPERTY WITH THE PROPER REGULATORY AGENCY.
- 4) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND MAY HAVE ADDITIONAL ENCUMBRANCES. SURVEYOR NOT RESPONSIBLE FOR ANY ENCUMBRANCES THAT A TITLE COMMITMENT MAY DISCLOSE.

BOUNDARY & IMPROVEMENTS SURVEY

Adrian Fields
: Airport

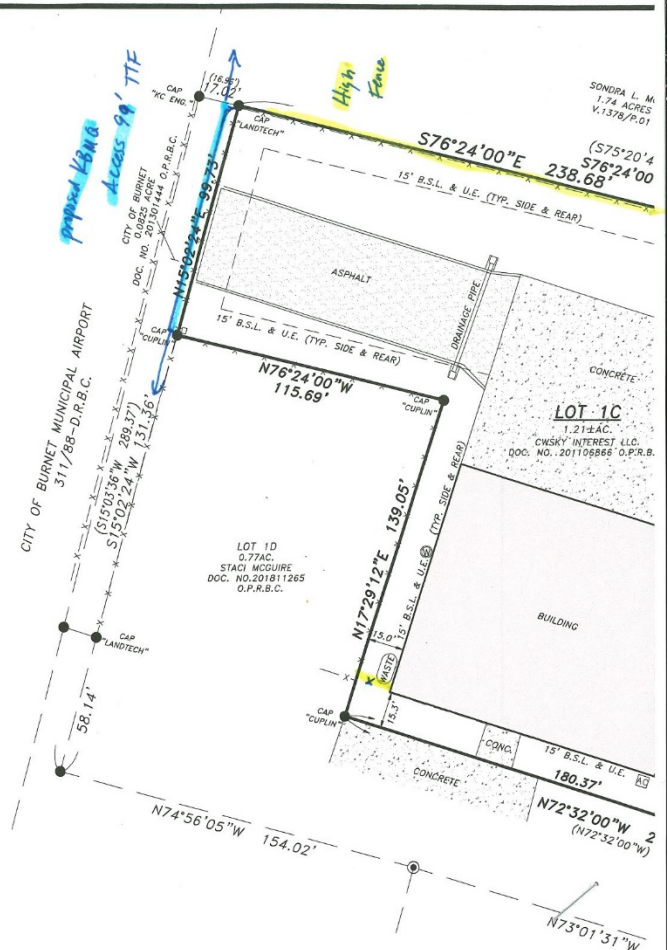


Exhibit C





Administration

ITEM 4.8

Kelly Dix
City Secretary
(512)-756-6093 ext. 209
kdix@cityofburnet.com

Agenda Item Brief

Meeting Date: March 8, 2022

Agenda Item: Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CANCELLING THE MAY 7, 2022 GENERAL ELECTION FOR THREE CITY COUNCIL MEMBER POSITIONS; DECLARING CANDIDATES ELECTED AT LARGE; MAKING FINDINGS OF FACT; PROVIDING AN OPEN MEETINGS CLAUSE AND FOR OTHER MATTERS: K. Dix

Background: A General Election scheduled for May 7, 2022, to fill three Council Member positions, was called by the approval of Resolution No. R2022-09 by the City Council of the City of Burnet on January 25, 2022.

Information: The governing body is elected at-large and there are no contests for the three City Council Member positions for the May 7, 2022 General City Election, deeming an election unnecessary.

As of the deadline for candidate filing on February 18, 2022 at 5:00p.m. the following applications had been filed:

- Philip Thurman filed for the office of City Council Member
- Mary Jane Shanes filed for the office of City Council Member
- Dennis Langley filed for the office of City Council Member

No write-in candidate applications were filed as of the February 18, 2022, 5:00 p.m. deadline. The filed candidates listed above have been certified as eligible for office by the City Secretary and are un-contested.

Fiscal Impact: Savings of election expense approximately \$2,000.00

Recommendation:

Staff recommends approval of Resolution No. R2022-30 cancelling the May 7, 2022, General Election to elect three Council Members and declaring Philip Thurman, Mary Jane Shanes and Dennis Langley elected as Council Members to the City Council of the City of Burnet, Texas.

RESOLUTION NO. R2022-30

A RESOLUTION OF THE CITY OF BURNET, TEXAS, CANCELLING THE MAY 7, 2022 GENERAL ELECTION FOR THREE CITY COUNCIL MEMBER POSITIONS; DECLARING CANDIDATES ELECTED AT LARGE; MAKING FINDINGS OF FACT; PROVIDING AN OPEN MEETINGS CLAUSE AND FOR OTHER MATTERS.

Whereas, SubChapt. C, Chapt. 2, Tex. Elec. Code, authorize candidates who are unopposed for election to the governing body, to be declared elected;

Whereas, Section 2.052, Tex. Elec. Code, requires the City Secretary to certify in writing that a candidate is unopposed if only one candidate name is to be placed on the ballot for an office pursuant to Section 52.003, Tex. Elec. Code, and no candidate's name is to be placed on the ballot as a write-in for such office;

Whereas, Section 2.054, Tex. Elec. Code, authorizes the governing body of cities to declare unopposed candidates to be elected, upon receipt of the Section 2.052 certification; and

Whereas, the City Secretary has certified that Philip Thurman, Mary Jane Shanes, and Dennis Langley applied to be on the ballot for the three Council Member positions for the May 7, 2022 General Election. Thus, Philip Thurman, Mary Jane Shanes, and Dennis Langley, all meet the required qualifications and are unopposed for the three Council Member positions; and

Whereas, the governing body is elected at-large and there are no contests for the three City Council Member positions for the May 7, 2022 General City Election, deeming an election unnecessary and cancellation thereof will serve the public convenience and save public funds;

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

Section 1. Findings of Fact. All of the above premises and recitations are found to be true and correct and are incorporated into the body of this Resolution as findings of fact, as if copied herein in their entirety.

Section 2. Candidates Elected Philip Thurman is hereby declared to be elected to the city council as City Council Member, the office for which he filed. Mary Jane Shanes is hereby declared to be elected to the city council as City Council Member, the office for which she filed. Dennis Langley is hereby declared to be elected to the city council as City Council Member, the office for which he filed.

Section 3. General Election. There being no contest for the three positions of council member and the declaration in Section 2 above having been made, pursuant to the authority of Section 2.053(b), Tex. Elec. Code, the May 2, 2020 General Election of the City of Burnet is hereby cancelled.

Section 4. Directions to City Secretary. The City Secretary is hereby directed to post a copy of this resolution on the bulletin board at the city hall and, on Election Day, a copy of this Resolution shall be posted on the door of the polling place. Such posting at the polling place shall be made in a manner to be readable to persons outside the polling place. The City Secretary shall further issue to each person declared elected, as named in Section 2, a certificate of election as provided in Section 2.053(c), Tex. Elec. Code.

Section 5. Open Meetings. It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public, and public notice of the time, place, and purpose of said meeting was given, as required by the Open Meetings Act, Chapter 551, Texas Government Code.

PASSED, APPROVED AND ADOPTED this the 8th day of March, 2022.

THE CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



**CERTIFICATION OF UNOPPOSED CANDIDATES FOR OTHER POLITICAL SUBDIVISIONS
(NOT COUNTY)
CERTIFICACIÓN DE CANDIDATOS ÚNICOS PARA OTRAS SUBDIVISIONES POLITICAS
(NO EL CONDADO)**

To: Presiding Officer of Governing Body
Al: Presidente de la entidad gobernante

As the authority responsible for having the official ballot prepared, I hereby certify that the following candidates are unopposed for election to office for the election scheduled to be held on May 7, 2022.

Como autoridad a cargo de la preparación de la boleta de votación oficial, por la presente certifico que los siguientes candidatos son candidatos únicos para elección para un cargo en la elección que se llevará a cabo el de 7 de mayo, 2022.

Offices and names of candidates:
De cargos y nombres de los candidatos:

Office(s)
Cargo(s)

Council Member
Council Member
Council Member

Candidate(s)
Candidato(s)

Mary Jane Shanes
Philip Thurman
Dennis Langley

Signature (*Firma*)

Printed name (*Nombre en letra de molde*)

Title (*Puesto*)

Date of signing (*Fecha de firma*)



Human Resources Department

ITEM 4.9

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

Agenda Item Brief

Meeting Date: March 8, 2022

Agenda Item: Discuss and consider action: Award of bid for RFP2021-06 to HYAS Group, LLC. for deferred compensation plan consulting and authorize the City Manager to negotiate a contract for services: K. Sames

Background: The City offers a Deferred Compensation (457) Plan through a third-party record keeper. Deferred compensation is a retirement savings account. Through payroll deductions, employees can contribute a “pre-tax” portion of their salary. The maximum contributions are set by the Internal Revenue Service (IRS) each year in October.

Since October 1983 Mission Square Retirement (formally ICMA-RC) is the City’s current record keeper for deferred compensation. Upon reviewing the City’s current fees and services associated with the deferred compensation plan, it was determined the need to improve the metrics of the plan. Therefore, an RFP was prepared with the intention of hiring an investment advisor to assist the City with a thorough review of investment offerings that would lead to enhanced participant engagement, cost reduction, plan design enhancements, policy deployment and co-fiduciary responsibility.

The City of Burnet solicited sealed Requests for Proposals (RFP2021-06) from December 6, 2021 to January 7, 2022. The evaluation committee comprised of the Human Resources Director, Police Chief, Director of Finance, and City Secretary reviewed the proposals. Out of the five proposals received, three firms were invited to present their proposal to the committee.

The HYAS Group was selected as the vendor that best matched the needs of the City.

Information/Analysis: Proposals received:

- | | |
|-------------------------------------|---|
| 1. USI Consulting Group | Fee is .40% BPS Annually on the fund balance, currently \$3,684 and would increase or decrease based on the fund balance. |
| 2. Gallagher Group | Fee is \$9,750 Annually |
| 3. Southeaster Advisory Services | Fee is \$25,000 Annually |
| 4. RHI, Robert Harrell Incorporated | Fee is \$7,500 per quarter, proposal stated fees are negotiable |
| 5. HYAS Group | Fee is \$2,500 Annually |

The HYAS Group, LLC provides investment advisory services to deferred compensation committees that include fiduciary and regulatory compliance as well as monitoring investment and vendor performance. Based on their industry knowledge HYAS provides over 90% of client services to governmental plans. Due to their overall expertise with deferred compensation plans, expected performance, and plan pricing, the City is requesting that HYAS Group, LLC, assist the City of Burnet with professional services related to deferred compensation plan consulting.

**Community Benefit/
Public Involvement:**

Providing oversight of our deferred compensation plan investments is a fiduciary responsibility that assists in providing quality benefit options to employees and will allow the City to attract and retain a highly skilled and qualified workforce to ensure quality services for the betterment of our community.

Fiscal Impact:

As the current plan assets are below \$1,000,000 the annual fee would be \$2,500 for this fiscal year.

Recommendation:

Award the bid for RFP2021-06 to HYAS Group, LLC for professional consulting services for the City's Deferred Compensation Plan and authorize the City Manager to negotiate a contract for services.



Finance Department

ITEM 4.10

Patricia Langford
Finance Director
512-715-3205

Meeting Date: March 8, 2022

Agenda Item: Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AMENDING THE CITY OF BURNET PROCUREMENT POLICY BY CODIFYING THE CURRENT RETURN ON INVESTMENT RATE CALCULATION FOR THE ELECTRIC FUND AND ADOPTING PROCUREMENT PROCEDURES SPECIFICALLY FOR THE CITY'S ELECTRIC UTILITY: P. Langford.

Background: Pursuant to Tex. Loc. Gov't Code § 252.022 (c) the City's Electric Utility is exempt from the state's municipal procurement laws if purchases made on behalf of the Electric Utility are made in accordance with procurement procedures adopted by City Council and said proceeds set out the public purpose to be achieved by the procedures.

Information: This resolution amends the City of Burnet Fiscal and Budgetary Policy Article III (entitled "*Revenue Management*") Article IV (entitled "*Expenditure Policies*") by adding a new Section D establishing procurement procedures for the Electric Utility and exempting Electric Utility procurements from the state's competitive bidding requirements for purchases greater than \$50,000. The procedures require purchases of goods or services be made on a "best value" determination as defined in the policies. Moreover, the policies designate the City Manager and/or his/her designee to administer the Electric Utility procurements of inventory and materials used for the distribution of the electric utility and it requires him/her to make a good faith effort to obtain at least three quotes before making purchases exceeding \$25,000.

In addition, Division B (entitled "*Internal Costs Recovery Fees*") by amending Section 2 (entitled "*Payment for Return on Investment, Fee In-Lieu of Franchise, and Fee In-Lieu of Property Taxes*") has been updated to reflect the current Return on Investment rate calculation for the Electric Fund of \$0.020 per kWh sold as was approved during the budget process.

Fiscal Impact: The fiscal impact of adoption of this policy should be de minimis considering City Council's adoption of the new line extension policy rules shifting all costs for line extensions to the developer.

Recommendation: Approve resolution no. R2022-22 as presented.

RESOLUTION NO. R2022-22

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AMENDING THE CITY OF BURNET PROCUREMENT POLICY BY CODIFYING THE CURRENT RETURN ON INVESTMENT RATE CALCULATION FOR THE ELECTRIC FUND AND ADOPTING PROCUREMENT PROCEDURES SPECIFICALLY FOR THE CITY'S ELECTRIC UTILITY.

Whereas, the City owns an electric utility, which pursuant to its Certificate of Convenience and Necessity, serves much of the land within its corporate limits; and

Whereas, City Council serves as the governing body of the electric utility; and

Whereas, City Council adopts this Resolution pursuant to Texas Local Government Code Tex. Loc. Gov't Code §252.022(c).

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

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

Section two. Amendment. City Council hereby amends the City of Burnet Fiscal and Budgetary Policy Article III (entitled "*Revenue Management*") Division B (entitled "*Internal Costs Recovery Fees*") by amending Section 2 (entitled "*Payment for Return on Investment, Fee In-Lieu of Franchise, and Fee In-Lieu of Property Taxes*") subsection a) by adding the language that is underlined (underlined) and removing the language that is stricken (~~stricken~~) as follows:

a) Electric Fund

- 1) The Return On Investment (ROI), Fee In-Lieu of Franchise, and Fee In-Lieu of Property Taxes is a combined rate of ~~\$0.019~~ \$0.020 per kWh sold.

Section three. Amendment. City Council hereby amends the City of Burnet Fiscal and Budgetary Policy Article III (entitled "*Revenue Management*") Article IV (entitled "*Expenditure Policies*") Division C (entitled "Purchasing") by adding the language that is underlined (underlined) as follows:

Purchasing – All City purchases of goods or services, except as noted below in "D" for the Electric Utility, will be made in accordance with the City's current Purchasing Policy as established by the City Manager, and consistent with State Law. Formal bids are required for all purchases in excess of the bid law limit as established by State Law and amended from

time to time (currently \$50,000) unless such purchase is made through a purchasing cooperative (Coop) or previously approved contract. Purchases in excess of the state bid law limit shall require Council approval, regardless of whether such purchase is made through a purchasing cooperative or bid.

Section four. Amendment. City Council hereby amends the City of Burnet Fiscal and Budgetary Policy Article III (entitled “*Revenue Management*”) Article IV (entitled “*Expenditure Policies*”) by adding a new Section D (entitled “Purchasing for Electric Utility Distribution”) to read as follows:

- A. **Purchasing for Electric Utility Distribution** – Purchases of inventory or materials used for the distribution of the electric utility shall be administered by the City Manager and/or his/her designee and awarded to the vendor or service provider who provides the best value. In determining the best value, the administrator may consider:
- i. the purchase price;
 - ii. product availability (delivery dates);
 - iii. the reputation of the vendor or service provider and of their respective goods or services;
 - iv. the quality of the goods or services;
 - v. the extent to which the goods or services meet the Electric Utility’s needs;
 - vi. the vendor or service provider’s past relationship with the City;
 - vii. the impact on the ability of the City to comply with laws and rules relating to contracting with historically underutilized businesses and nonprofit organizations employing persons with disabilities;
 - viii. the total long-term cost to the City to acquire the goods or services; and
 - ix. any relevant criteria specifically listed in the Purchasing Administrator’s request for goods or services.

The administrator shall make a good faith effort to solicit quotes from at least three vendors or service providers prior to the purchase of any goods or services that shall be equal to or exceed \$25,000. The administrator shall review the quotes and select the one that provides Best Value. The administrator may reject all quotes. Purchases made for Electric Utility distribution in accordance with these procedures would be exempt from the State’s municipal procurement laws which require formal bids for all purchases in excess of \$50,000.

Section five. Public Purpose. City Council finds and determines that these Electric Utility Procurement Policies promote the provision of electric services to the City’s Electric Utility’s customers in an economical and effective manner by assuring dependable electric service in a cost-efficient manner.

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

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

PASSED AND APPROVED this the 8th day of March, 2022.

CITY OF BURNET, TEXAS

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary