



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 **12th day of July 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: None.

2. CONSENT AGENDA ITEMS:

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

2.1) Approval of the June 28, 2022, Regular City Council Meeting Minutes

3. PUBLIC HEARINGS/ACTION:

3.1 Public Hearing and Consideration of the following: Adoption and Amendments of the Zoning Ordinance and Zoning Classifications presented by Leslie Kimbler, City Planner.

A) FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") FOR THE PURPOSE OF RESTRICTING TRAILER CAMPS AND RV PARK USES TO HEAVY COMMERCIAL - DISTRICT "C-3" WITH A CONDITIONAL USE PERMIT; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

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

B) FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") BY AMENDING SEC. 118-25 (ENTITLED "SINGLE-FAMILY RESIDENTIAL - DISTRICT 'R-1') BY INCREASING THE MINIMUM LIVING AREA REQUIRED IN THE SINGLE-FAMILY RESIDENTIAL DISTRICT 'R-1'; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

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

C) FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING 75.87 ACRES OF REAL PROPERTY LOCATED WEST OF THE CITY LIMITS AND SOUTH OF TEXAS HWY 29 WITH PLANNED UNIT DEVELOPMENT/MANUFACTURE HOUSING ZONING CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

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

D) FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY

ASSIGNING THE PROPERTY AT 1603 BUCHANAN DRIVE (LEGALLY DESCRIBED AS: ABS A0405 JOHN HAMILTON, 1.036 ACRES) WITH HEAVY COMMERCIAL – DISTRICT “C-3” CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

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

4. ACTION ITEMS:

4.1) Discuss and consider action: Request to purchase breaching equipment, shields, distractionary devices and an under-door camera for the Burnet Police Department: B. Lee

4.2) Discuss and consider action: Appointment of a City Council Committee to collaborate with staff regarding a possible expansion of Entegris: D. Vaughn

4.3) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, TERMINATING A PROFESSIONAL SERVICE AGREEMENT WITH THE FIRM FREESE AND NICHOLS TO PROVIDE PROFESSIONAL PLANNING SERVICES RELATED TO CREATING A NEW COMPREHENSIVE PLAN FOR THE CITY OF BURNET: H. Erkan

4.4) Discuss and consider action: Proposed contract with Burnet County for 2022/2023 Election Services: K. Dix

4.5) Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AMENDING THE CODE OF ORDINANCES; CHAPTER 18 (ENTITLED “AVIATION”) BY AMENDING ARTICLE II (ENTITLED “MUNICIPAL AIRPORT”) BY AND PROVIDING REVISIONS TO DIVISION 2 (ENTITLED “RULES AND REGULATIONS”); PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, CORRELATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: A. Feild

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 23rd day of June 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 June 23, 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).

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

On this the 28th day of June, 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 Dennis Langley, Philip Thurman, Mary Jane Shanes, Cindia Talamantez, Ricky Langley, Joyce Laudenschlager
City Manager David Vaughn
City Secretary Kelly Dix

Guests: Adrienne Feild, Habib Erkan, Mark Miller, Mark Ingram, Patricia Langford, Andrew Scott, Leslie Kimbler, Kelli Sames, Brian Lee, Jacob Thomas, Eric Belaj, Nathan Bush

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

INVOCATION: Led by Council Member Mary Jane Shanes

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

SPECIAL REPORTS/RECOGNITION:

Burnet Police Department Procedures Report: B. Lee: Chief Lee provided a report to Council pertaining to Policies, Procedures, Training and Equipment for the Burnet Police Department as it pertains to an active shooter situation. Chief Lee discussed on going collaborations and established unification plans with the safety resource officers, the school district, area law enforcement agencies and other large businesses in the area. Training of school staff and large commercial business staff is a targeted area as well. Equipment needs include shields, breaching tools and under door cameras.

Water and Wastewater Quarterly Update Report: A. Burdell: City Engineer Eric Belaj and Jacob Thomas presented the quarterly Water/Wastewater Department report to include a review of current projects, emergency preparedness plan, tentative project schedules and current department staffing.

May 2022 Financial Update Report: P. Langford: Director of Finance Patricia Langford presented the May 2022 Financial Report. General Fund is tracking above budget and expenses are on track for the period. The Golf Fund is tracking well above projected revenues as well. Utility funds are showing an increase in revenue for the month of May and expenses are on target with the current budget. Ms. Langford reviewed current balances for unrestricted cash and restricted cash balances as well.

CONSENT AGENDA ITEMS:

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

Approval of the June, 14, 2022, Regular City Council Meeting Minutes:

Council Member Joyce Laudenschlager made a motion to approve the consent agenda as presented. Council Member Cindia Talamantez seconded. The motion carried unanimously.

PUBLIC HEARINGS/ACTION: None

ACTION ITEMS:

Discuss and consider action: Administrative Services Agreement and Self-Directed Brokerage Account Addendum, between City of Burnet, Texas, and Mission Square Retirement for Deferred Compensation Plan: K. Sames:

Council Member Joyce Laudenschlager moved to approve the Administrative Services Agreement and Self-Directed Brokerage Account Addendum, between the City of Burnet, Texas and Mission Square Retirement for a Deferred Compensation Plan as presented. Council Member Cindia Talamantez seconded. The motion carried unanimously.

Discuss and consider action: Appointment of two Commissioners to the Housing Authority of the City of Burnet: K. Dix: Council Member Mary Jane Shanes made a motion to appoint Paula Bundrant and Fran Taylor to the City

of Burnet Housing Authority Board as presented. Council Member Ricky Langley seconded. The motion carried unanimously.

Discuss and consider action: Appointment of members to the City of Burnet Planning and Zoning Commission: K. Dix: Council Member Mary Jane Shanes made a motion to re-appoint Glen Gates (Position 2) and Calib Williams (Position 4) to the Burnet Planning and Zoning Commission for a term of two years that will expire June 30 2024. Council Member Cindia Talamantez seconded. The motion carried unanimously.

Discuss and consider action: Appointment of members to the City of Burnet Zoning Board of Adjustments: K. Dix: Council Member Cindia Talamantez made a motion to re-appoint Tommy J. Gaut (Position 4), Herve Derek Fortin (Position 3) and Linda Freitag (Position 1) to the Burnet Zoning Board of Adjustments for a term of two years that will expire June 30 2024. Council Member Joyce Laudenschlager seconded. The motion carried unanimously.

Discuss and consider action: Appointment of members to the Burnet Economic Development Corporation (BEDC): K. Dix: Council Member Joyce Laudenschlager made a motion to re-appoint Brad Zehner (Position 5) and to appoint Mary Jane Shanes (Position 6) and Philip Thurman (Position 7) to the Burnet Economic Development Corporation Board of Directors for a term of two years that will expire June 30 2024. Council Member Dennis Langley seconded. The motion carried unanimously.

Discuss and consider action: Appointment of members to the Burnet Airport Advisory Board: K. Dix: Council Member Mary Jane Shanes made a motion to re-appoint Board JoDean Perry (position 1) and Charles F. Deitrich (position 2) and Robert Vossman (position 3) to the Burnet Airport Advisory Board for a term of two years that will expire June 30 2024. Council Member Philip Thurman seconded. The motion carried unanimously.

Discuss and consider action: Appointment of members to the Burnet Historic and Preservation Board: K. Dix: Council Member Philip Thurman made a motion to re-appoint Renee Riddell (Position 2) to the Burnet Historic and Preservation Board for a term of two years that will expire June 30 2024. Council Member Joyce Laudenschlager seconded. The motion carried unanimously.

Discuss and consider action: Request to purchase Oxygen Forensics software and computer to conduct forensic evaluation of cellular phones for the Burnet Police Department: B. Lee: Council Member Cindia Talamantez moved to approve and authorize the Burnet Police Department to purchase Oxygen Forensics software and equipment as presented. Council Member Mary Jane Shanes seconded. The motion carried unanimously.

Discuss and consider action: Purchase of two Frazer Type 1 Ambulances: M. Ingram: Council Member Ricky Langley moved to approve and authorize the purchase of two Frazer Type 1 Ambulances for the Burnet Fire Department as presented. Council Member Cindia Talamantez seconded. The motion carried unanimously.

Discuss and consider action: Purchase of five Zoll Auto Pulse Resuscitation Systems: M. Ingram: Council Member Joyce Laudenschlager moved to approve and authorize the Fire Department purchase of five Zoll Auto Pulse Resuscitation Systems as presented. Council Member Cindia Talamantez seconded. The motion carried unanimously.

REQUESTS FROM COUNCIL FOR FUTURE REPORTS: In accordance with Resolution R2020-28 councilmembers may request the City Manager to prepare and present future report on matters of public interest: None.

ADJOURN: There being no further business a motion to adjourn was made by Council Member Mary Jane Shanes at 7:04 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

Action/Public Hearing

Meeting Date: July 12, 2022

Agenda Item: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") FOR THE PURPOSE OF RESTRICTING TRAILER CAMPS AND RV PARK USES TO HEAVY COMMERCIAL – DISTRICT "C-3" WITH A CONDITIONAL USE PERMIT; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

Background: Pursuant to City Code of Ordinance Section 118-47 Trailer camps or RV park is an allowable use in Heavy Commercial – District "C-3". Currently, there are some properties designated with the Heavy Commercial – District "C-3" zoning where Trailer Camps and RV Parks may not be appropriate, as such use may not be compatible with surrounding uses.

Information: The proposed ordinance requires any new development of Trailer Camps or RV Parks to request a Conditional Use Permit which allows the Planning and Zoning Commission and City Council the authority to assure that the proposed Trailer Camps or RV Parks are located at such locations and under such conditions that preserve and protect the health, safety and welfare of the City.

Fiscal Impact No fiscal impact is anticipated.

P&Z Report Planning and Zoning is meeting on Monday, July 11th; staff will present P&Z's recommendation at the City Council meeting.

Recommendation: Open the public hearing.
Discuss and consider first reading of Ordinance 2022-34 as presented.

ORDINANCE NO. 2020-34

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") FOR THE PURPOSE OF RESTRICTING TRAILER CAMPS AND RV PARK USES TO HEAVY COMMERCIAL – DISTRICT "C-3" WITH A CONDITIONAL USE PERMIT; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Code provides that Trailer Camps and RV Parks are permitted uses in Heavy Commercial – District "C-3" as a matter of right; and

WHEREAS, City Council finds that the use of some properties designated with the Heavy Commercial – District "C-3" as a Trailer Camps and RV Park may not be appropriate as such use may not be compatible with surrounding uses of properties; and

WHEREAS, City Council finds that the use of other properties designated with the Heavy Commercial – District "C-3" as a Trailer Camps and RV Park may only be appropriate under specific conditions so such use would be compatible with surrounding uses of properties; and

WHEREAS, City Council finds that the requirement that Trailer Camps and RV Parks permitted uses in Heavy Commercial – District "C-3" by Conditional Use Permit affords the opportunity to assure that Trailer Camps and RV Parks are located within the City at such locations and under such conditions that preserve and protect the health, safety and welfare of the City; and

WHEREAS, on, July 5, 2022, the Planning and Zoning Commission conducted a public hearing for the purpose of taking public comment regarding the proposed amendments; and

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

WHEREAS, on, July 12, 2022, City Council conducted a public hearing for the purpose of taking public comment regarding the proposed amendments; and

WHEREAS, based on due consideration of the Planning and Zoning Commission recommendation and citizen testimony, as well as its own deliberations, City Council finds that the requirement that Trailer Camps and RV Parks permitted uses in Heavy Commercial – District "C-3" by Conditional Use Permit affords the opportunity to assure that Trailer Camps and RV Parks are located within Heavy Commercial – District "C-3" at

such locations and under such conditions that preserve and protect the health, safety and general welfare of the city and its present and future residents; and

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

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

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

Section one. Amendment. The Code of Ordinances, Chapter 118 (entitled “zoning”) Section 118-47 (entitled “*Heavy commercial – District ‘C-3’*”) is hereby amended by adding the language that is underlined (underlined) to subsection (a) (entitled “purpose and permitted uses) as follows:

(18) Trailer Camps or RV park requires conditional use permit.

Section two. Amendment. The Code of Ordinances, Chapter 118 (entitled “zoning”) Table 4.1 (entitled “*district name changes*”) is hereby amended by adding the language that is underlined to the excerpted section of the Table as follows:

RM-3	RV Parks	C-3	Heavy Commercial <u>with conditional use permit</u>
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Section three. Amendment. The Code of Ordinances, Chapter 118 (entitled “zoning”) Section 118-64 (entitled “conditional use permits”) subsection (b) entitled “*applicability*”) is hereby amended by adding to subsection (b)(6) the following language:

n. Trailer camps and RV park. This use is only allowed in Heavy commercial – District ‘C-3’ with a conditional use permit issued by City Council under this section.

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

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

Section six. Cumulative. This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are

in direct conflict with the provisions of such Ordinances, in which event Section 5, (entitled “*Repealer*”) shall be controlling.

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

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

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

Passed and approved on first reading on the 12th day of July 2021

Passed, Approved and Adopted on the 26th day of July 2021

CITY OF BURNET

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 3.1 B

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

Action/Public Hearing

Meeting Date: July 12, 2022

Agenda Item: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") BY AMENDING SEC. 118-25 (ENTITLED "SINGLE-FAMILY RESIDENTIAL — DISTRICT 'R-1'") BY INCREASING THE MINIMUM LIVING AREA REQUIRED IN THE SINGLE-FAMILY RESIDENTIAL DISTRICT 'R-1'; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

Background: On February 22, 2022, City Council adopted Ordinance No. 2022-15 which increased the minimum lot size of Single-Family Residential – District "R-1" properties.

Information: In order to facilitate compatibility between the increased R-1 lot size requirement and the size of residential structures to be constructed on such zoned lots, it would be appropriate to increase the minimum living area square footage in the R-1 Zoning District.

The proposed amendment increases the minimum living area for R-1 zoned lots from 1100 square feet to 1350 square feet.

This amendment also helps to ensure that any future growth continues to preserve the hill country atmosphere that individuals and families, who reside and move to Burnet, enjoy.

Fiscal Impact No fiscal impact is anticipated.

P&Z Report Planning and Zoning is meeting on Monday, July 11th; staff will present P&Z's recommendation at the City Council meeting.

Recommendation: Open the public hearing.
Discuss and consider first reading of Ordinance 2022-35 as presented.

ORDINANCE NO. 2022-35

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED “ZONING”) BY AMENDING SEC. 118-25 (ENTITLED “SINGLE-FAMILY RESIDENTIAL — DISTRICT “R-1”) BY INCREASING THE MINIMUM LIVING AREA REQUIRED IN THE SINGLE-FAMILY RESIDENTIAL DISTRICT “R-1”; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Code of Ordinances provides for “R-1”, “R-1 E”, and “R-6” single family zoning districts, and

WHEREAS, City Council finds that individuals and families reside and move to Burnet to enjoy the agrarian hill country atmosphere the community provides; and

WHEREAS, City Council adopted Ordinance No. 2022-15, inter alia to preserve the community’s agrarian hill country ambiance, which its citizens enjoy, by increasing the minimum lot width and lot size in the R-1 Single Family Zoning District; and

WHEREAS, City Council finds, in order to facilitate compatibility between the increase R-1 lot size requirement and the size of residential structures to be constructed on lots so zoned it appropriate to increase the minimum living area square footage in the density the R-1 Single Family Zoning District; and

WHEREAS, on July 5, 2022, the Planning and Zoning Commission conducted a public hearing to receive comments and testimony on the merits of the code amendments proposed by this ordinance; and

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

WHEREAS, on July 12, 2022, City Council conducted a public hearing; to receive comments and testimony on the merits of the proposed code amendments; and

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

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

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

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

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

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

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

Table 118-25(1)

Single-family residential — District	Minimum living area:	Minimum lot size:
"R-1"	1350 square feet	9000 square feet
"R-6"	1100 square feet	7600 square feet

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

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

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

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

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

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

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

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

Passed on first reading on the 12th day of July 2022

Passed, Approved and Adopted on the 26th day of July 2022

CITY OF BURNET

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 3.1 C

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

Action/Public Hearing

Meeting Date: July 12, 2022

Agenda Item: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY OF BURNET BY ASSIGNING 75.87 ACRES OF REAL PROPERTY LOCATED WEST OF THE CITY LIMITS AND SOUTH OF TEXAS HWY 29 WITH PLANNED UNIT DEVELOPMENT/MANUFACTURED HOUSING ZONING CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

Background: On September 24, 2021, City Council approved the annexation of 75.87 acres located west of the city limits and south of Hwy 29 (Exhibit A), to be known as Hilltop Oaks Subdivision. This subdivision entered into a Development Agreement, with Council, that would allow up to 92 one-half acre lots zoned as Planned Unit Development/Manufactured Home Subdivision.

Information: This tract is currently undeveloped; at the time of annexation, it was assigned a temporary zoning of R-1 for Single-Family Residential. Per the Development Agreement, this is a city-initiated request to assign permanent PUD/Manufactured Housing zoning of the 75.87-acre tract. The purpose of the PUD zoning is to ensure the requirements set out in the Development Agreement are met.

The details of the Planned Unit Development are outlined below:

(a) **Lots.** All lots within the Property shall conform to the lot dimension requirement in Table 1 below:

Front Yard Setback	Side Yard Setback	Street Side Yard Setback	Rear Yard Setback	Min. Lot Area ¹	Min. Lot Width	Max. Height Limit	Minimum street frontage ²
30'	15'	15'	25'	21,780'	60'	35'	100' ³

¹ Minimum area shall be measured in square feet and all other measurements on table one shall be measured by linear feet.

² Minimum street frontage width shall not apply to lots fronting subdivision.

(b) **Use.** Permitted uses are those uses authorized in City Code of Ordinances Sec. 118-25 (entitled “single-family residential – Districts “R-1”, “R—6”, R-15”, and “R-20”; and those uses authorized in City Code of Ordinances Sec. 118-38 (entitled “*manufactured home – district ‘M-1’*”).

(c) **Dwelling unit requirements.** Dwelling units (“homes”) established within the Property shall comply with the following:

- (1) Each home shall be located on a separate subdivided lot with a minimum lot size of not less than one-half acre.
- (2) All homes shall be placed on a permanent concrete foundation;
- (3) All homes shall have a 2 car garage;
- (4) All homes shall have rock underpinning on front and two sides;
- (5) All homes shall have covered front decks at entry;
- (6) All homes shall be restricted from having anything placed or stored in front yard; and
- (7) All homes shall install privacy fence if anything is placed or stored in back or side yards so as not to be visible from the street.

(d) **Infrastructure requirements:** Infrastructure supporting the Property shall comply with the following:

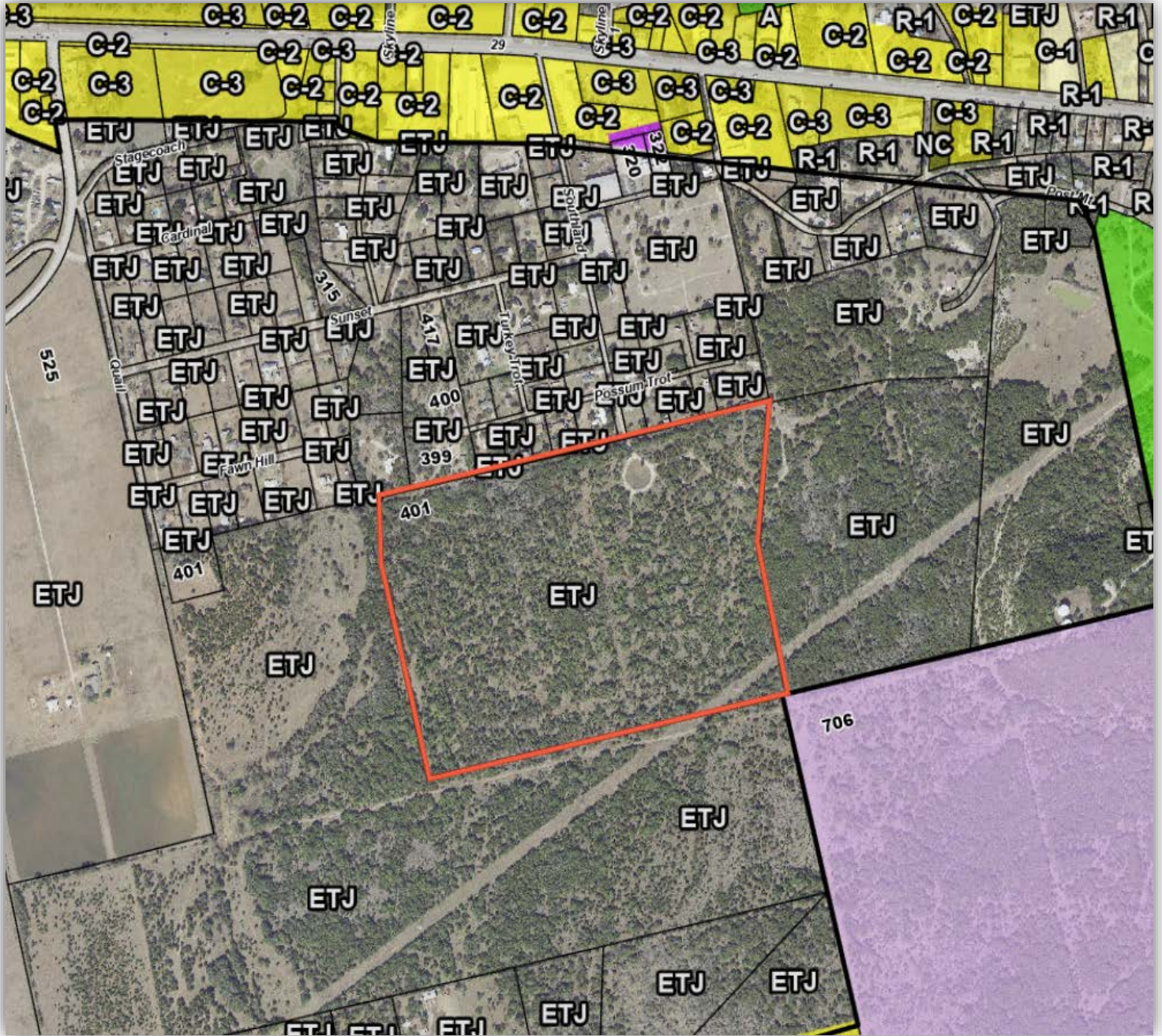
- (1) Streets shall be constructed to city code standards but shall be private streets maintained by a homeowners association (“HOA”) that shall be established in accordance with Title 11 of the Texas Property Code;
- (2) Drainage facilities shall be constructed to city code standards but shall be maintained by the HOA;
- (3) Water service to be provided by city in accordance with city code construction standards and fee requirements;
- (4) Park fee shall be paid in lieu of parkland dedication; and
- (5) Sanitary sewer will be served by onsite septic systems constructed and maintained to city code and state laws and administrative standards.

Public Notification: Written notices were mailed to two (2) surrounding property owners within 200 feet of the subject property within the city limits. There have been zero responses in favor and zero responses in opposition.

P&Z Report Planning and Zoning is meeting on Monday, July 11th; staff will present P&Z’s recommendation at the City Council meeting.

Recommendation: Open the public hearing.
Discuss and consider first reading of Ordinance 2022-36 as presented.

Exhibit "A"
Location



ORDINANCE NO. 2022-36

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING 75.87 ACRES OF REAL PROPERTY LOCATE WEST OF THE CITY LIMITS AND SOUTH OF TEXAS HWY 29 WITH PLANNED UNIT DEVELOPMENT/MANUFACTURED HOUSING ZONING 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. 2021-01, 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, by that certain Development Agreement recorded in the Public Records of Burnet County, Texas, on April 20, 2021, as Document No. 202106364, the property owner and City Council agreed that an ordinance designating the Property as a Planned Unit Development/Manufactured Housing would be presented to City Council; and

WHEREAS, City Council by entering into the Development Agreement did not bargain away its discretion to approve or reject this ordinance, but rather agreed to consider this ordinance; 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 a 75.87-acre tract of land out of the John Hamilton Survey No. 1, Abstract No. 405, Burnet County, Texas as shown on **Exhibit “A”** hereto.

Section three. Zoning District Reclassification. Pursuant to City Code Section 118-51 (entitled “*Planned Unit Development – “PUD” district*”) the Property shall be classified as a Planned Unit Development Manufactured Homes Zoning District; and pursuant to City Code Section 118-51(d) “Rules” applicable to the Property shall be as follows:

(e) **Lots.** All lots within the Property shall conform to the lot dimension requirement in Table 1 below:

Front Yard Setback	Side Yard Setback	Street Side Yard Setback	Rear Yard Setback	Min. Lot Area ¹	Min. Lot Width	Max. Height Limit	Minimum street frontage ²
30'	15'	15'	25'	21,780'	60'	35'	100' ³

¹ Minimum area shall be measured in square feet and all other measurements on table one shall be measured by linear feet.

² Minimum street frontage width shall not apply to lots fronting subdivision.

(f) **Use.** Permitted uses are those uses authorized in City Code of Ordinances Sec. 118-25 (entitled “single-family residential – Districts “R-1”, “R—6”, R-15”, and “R-20”); and those uses authorized in City Code of Ordinances Sec. 118-38 (entitled “*manufactured home – district ‘M-1’*”).

(g) **Dwelling unit requirements.** Dwelling units (“homes”) established within the Property shall comply with the following:

(8) Each home shall be located on a separate subdivided lot with a minimum lot size of not less than one-half acre.

(9) All homes shall be placed on a permanent concrete foundation;

(10) All homes shall have a 2 car garage;

(11) All homes shall have rock underpinning on front and two sides;

(12) All homes shall have covered front decks at entry;

(13) All homes shall be restricted from having anything placed or stored in front yard; and

(14) All homes shall install privacy fence if anything is placed or stored in back or side yards so as not to be visible from the street.

(h) **Infrastructure requirements:** Infrastructure supporting the Property shall comply with the following:

- (6) Streets shall be constructed to city code standards but shall be private streets maintained by a home owners association ("HOA ") that shall be established in accordance with Title 11 of the Texas Property Code;
- (7) Drainage facilities shall be constructed to city code standards but shall be maintained by the HOA;
- (8) Water service to be provided by city in accordance with city code construction standards and fee requirements;
- (9) Park fee shall be paid in lieu of parkland dedication; and
- (10) Sanitary sewer will be served by onsite septic systems constructed and maintained to city code and state laws and administrative standards.

Note: The Rules applicable to this PUD in no ways waives the requirements of the City's subdivision ordinance and the subdivision of the property shall be required to comply with the requirements of said subdivision ordinance.

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. City Council's approval of the annexation facilitating the creation of this PUD, and the adoption of this PUD ordinance is given in reliance on the Property Owner's representation in that certain Development Agreement recorded as Document No. 202106364 of the Public Records of Burnet County, Texas. Therefore, this Ordinance is not severable; and should any word, phrase or provision of this Ordinance be invalidated by a court of competent jurisdiction the actions taken by this Ordinance shall become void and the Property shall be reclassified as single-family residential R-20; it being the intent of Council, after compliance with the notice and hearing requirements of Texas Local Government Code Chapter 211, that this Property only receive the PUD designation if all requirements of this Ordinance are follow; and, that should any requirement of this Ordinance not be followed the zoning classification of the Property shall be single-family residential R-20.

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

PASSED on First Reading the 12th day of July 2022.

PASSED AND APPROVED on this the 26th day of July 2022.

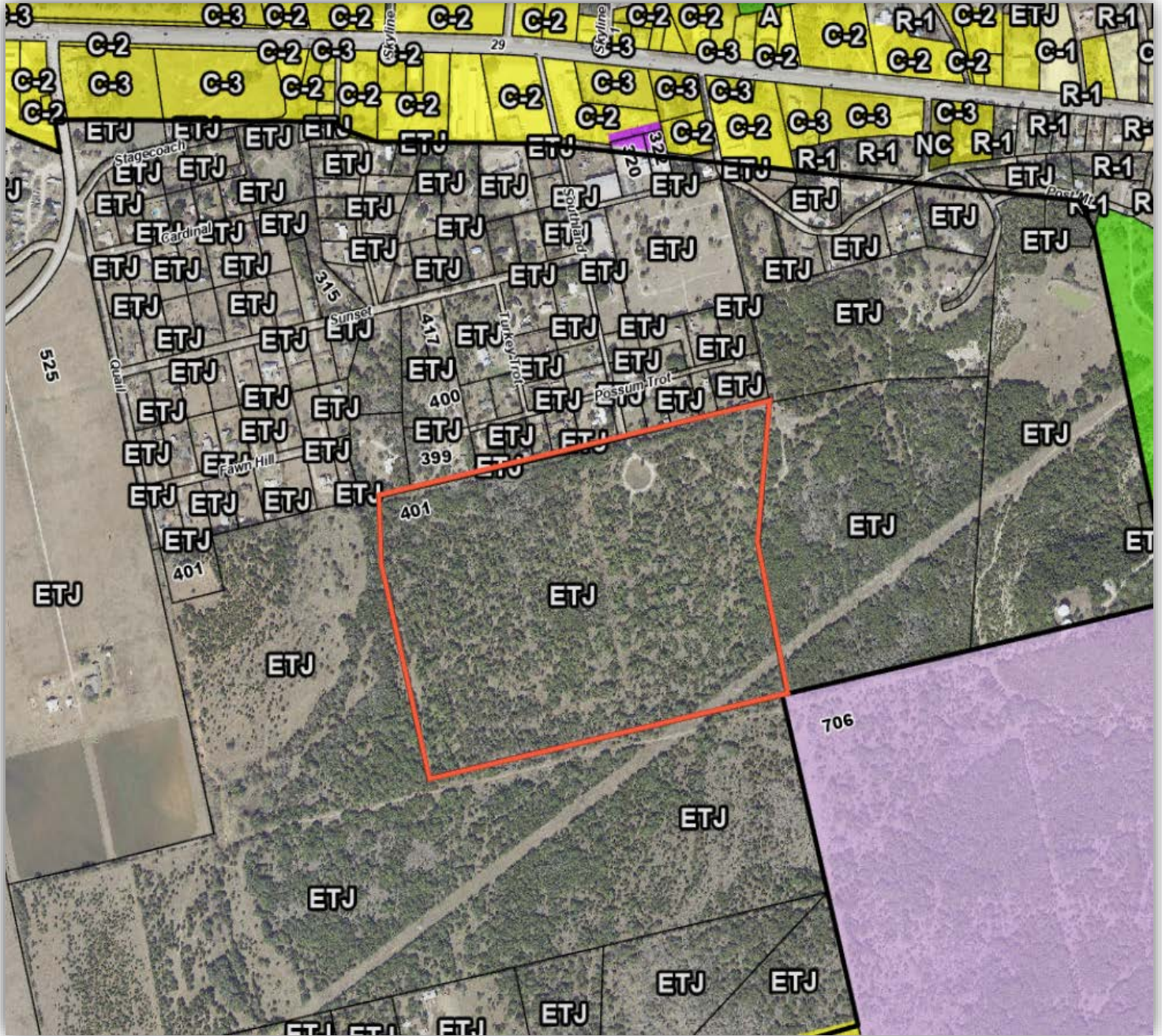
CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

Exhibit "A"
Location



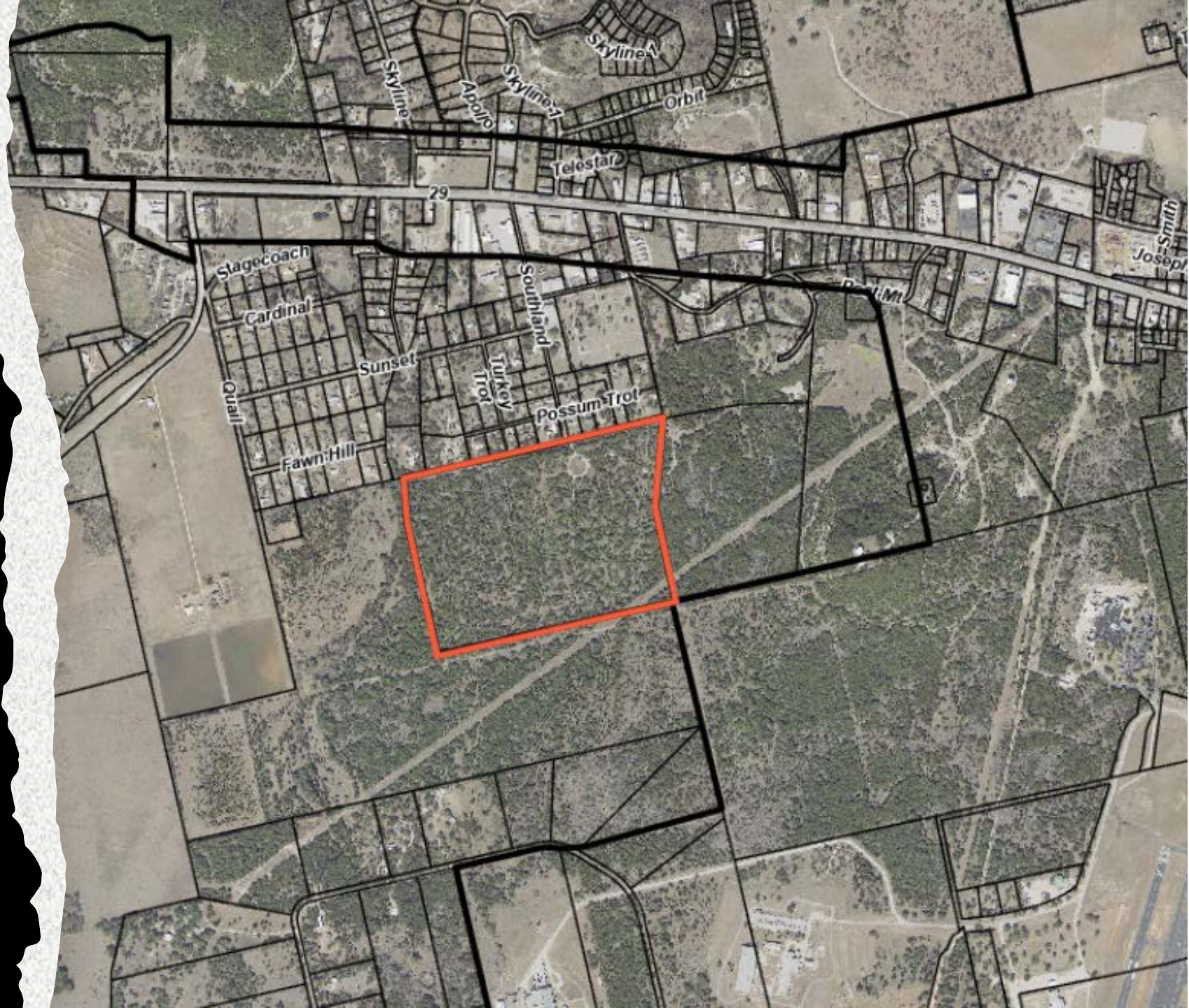
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY OF BURNET BY ASSIGNING 75.87 ACRES OF REAL PROPERTY LOCATED WEST OF THE CITY LIMITS AND SOUTH OF TEXAS HWY 29 WITH PLANNED UNIT DEVELOPMENT/MANUFACTURED HOUSING ZONING CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

▪ **Council approved annexation of 75.87 acres on 9/24/2021**

▪ **Development agreement allows 92 ½-acre lots**

Details set out in Development Agreement:

- **Lot dimensions & setbacks**
- **Permitted Uses**
- **Dwelling Unit Requirements**
- **Infrastructure Requirements**





Open the public hearing

Discuss

Consider first reading of
Ordinance 2022-36 as presented



Development Services

ITEM 3.1 D

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

Action/Public Hearing

Meeting Date: July 12, 2022

Agenda Item: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY OF BURNET BY ASSIGNING THE PROPERTY AT 1603 BUCHANAN DRIVE (LEGALLY DESCRIBED AS: ABS A0405 JOHN HAMILTON, 1.036 ACRES) WITH HEAVY COMMERCIAL – DISTRICT “C-3” CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

Background: The subject property is located along State Highway 29 West (Exhibit A). The property is currently zoned as Neighborhood Commercial – District “NC” with a vacant small commercial building that had once been utilized as an eye clinic.

Information: The applicant owns the Bluebonnet Veterinary Clinic at the adjacent property located to the east of the subject property; this adjacent property is zoned as Heavy Commercial – District “C-3”. The applicant is requesting the rezone of the subject property to allow them to expand their existing business (Exhibit C).

Section 118-47: Heavy Commercial - District “C-3”, of the City Code, allows for “Veterinary services and hospital” which is defined as:
“An establishment offering veterinary services and clinics for pets, small and/or large animals. Typical uses include pet clinics, care, treatment and temporary housing of livestock and large animals, with temporary housing of large animals permitted in an attached or adjacent roofed building, with three or more sides having walls or a solid fence extending from the foundation to at least ¾ of the distance to the roof line”

Additionally, Section 118-46: Medium Commercial – District “C-2”, of the City Code, allows for “Small animal clinic/veterinary services” which is defined as:
“An establishment offering veterinary services and clinics for pets and small domestic animals, with all activities and work in-doors.”

Minimum lot size for District “C-3” is 15,000 square feet with a minimum lot width of 50 feet. The subject property is 45,128 square feet and an approximate lot width of 100 feet; therefore, this lot does meet the minimum size requirements for District “C-3”.

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

Staff Analysis: The Future Land Use Map (Exhibit B) designation for the area is Commercial. The request for the Commercial designation is appropriate.

Properties adjacent to the subject property are zoned as follows:

	North	South	East	West
Zoning	“C-2”	“ETJ”	“C-3”	“C-3”
FLUM	Commercial	Residential	Commercial	Commercial
Land Use	Residential	Residential	Veterinary Clinic	Welding Shop

Public Notification: Written notices were mailed to eleven (11) surrounding property owners within 200 feet of the subject property within the city limits. There have been zero responses in favor and zero responses in opposition.

P&Z Report Planning and Zoning is meeting on Monday, July 11th; staff will present P&Z’s recommendation at the City Council meeting.

Recommendation: Open the public hearing.
Discuss and consider first reading of Ordinance 2022-37 as presented.

Exhibit "A"
Location & Current Zoning Map

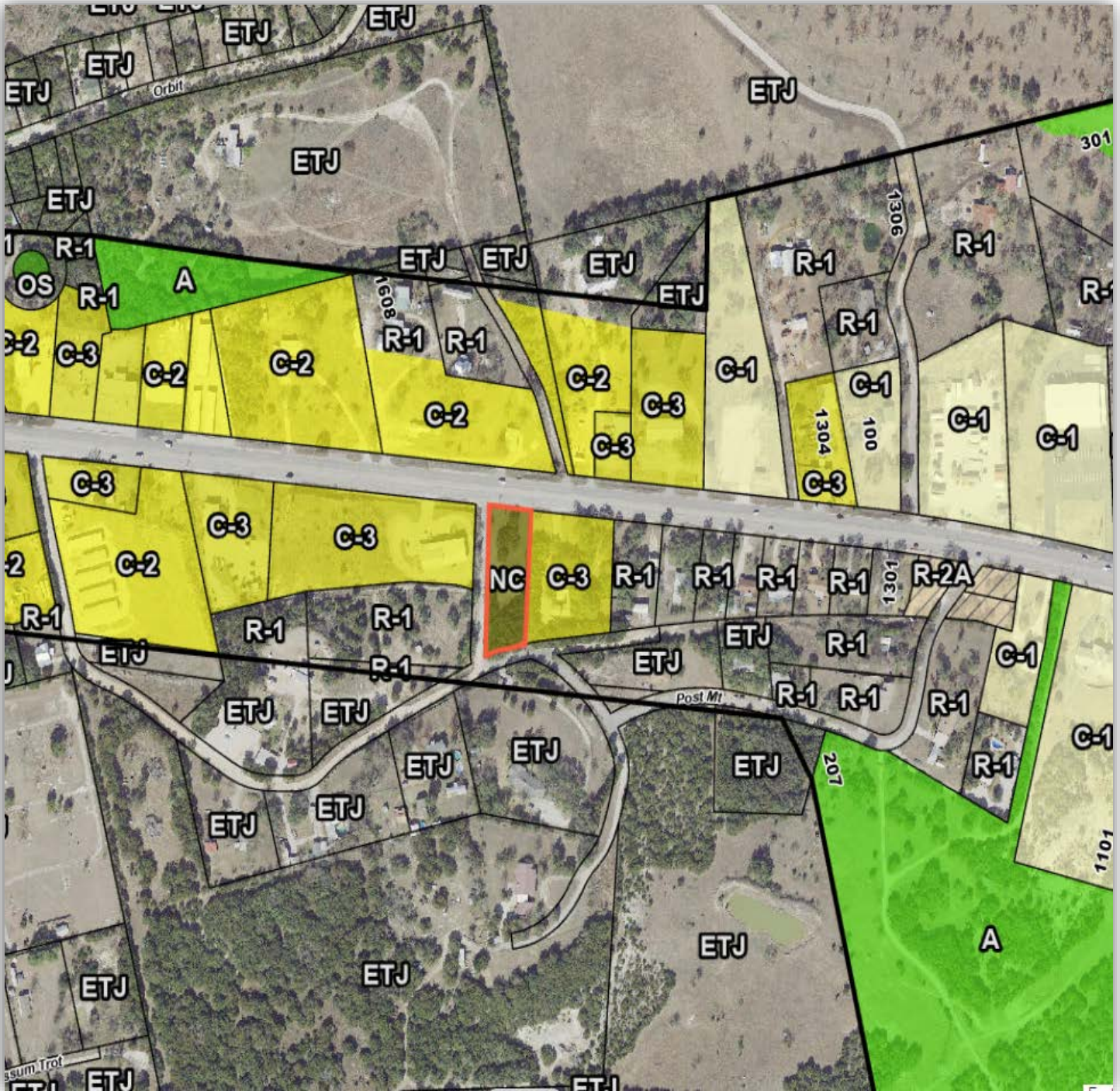


Exhibit "B"
Future Land Use Map



Exhibit "C"
Letter from applicant

June 23, 2022

City of Burnet,

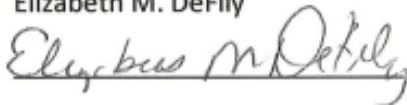
We wish to have the building at 1603 Buchanan Dr., Burnet, TX 78611 rezoned to C-3. Our intent is to use the building to expand our existing business, Bluebonnet Veterinary Clinic, LLC, which is located at 1601 Buchanan Dr, Burnet, TX 78611. By having the building at 1603 Buchanan zoned the same as the clinic we would have the flexibility to expand any of our services, including but not limited to, grooming, office space, exam rooms, surgery or indoor kennel space.

Thank you,

David V. DeFily



Elizabeth M. DeFily



DeS Properties, LLC

PO Box 957, Burnet, TX 78611

ORDINANCE NO. 2022-37

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY AT 1603 BUCHANAN DRIVE (LEGALLY DESCRIBED AS: ABS A0405 JOHN HAMILTON, 1.036 ACRES) WITH HEAVY COMMERCIAL – DISTRICT “C-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 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 1603 BUCHANAN DRIVE (LEGALLY DESCRIBED AS: ABS A0405 JOHN HAMILTON, 1.036 ACRES) as shown on **Exhibit “A”** hereto.

Section three Zoning District Reclassification. HEAVY COMMERCIAL – DISTRICT “C-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 12th day of July 2022

PASSED AND APPROVED on this the 26th day of July 2022.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

Exhibit "A"
Location



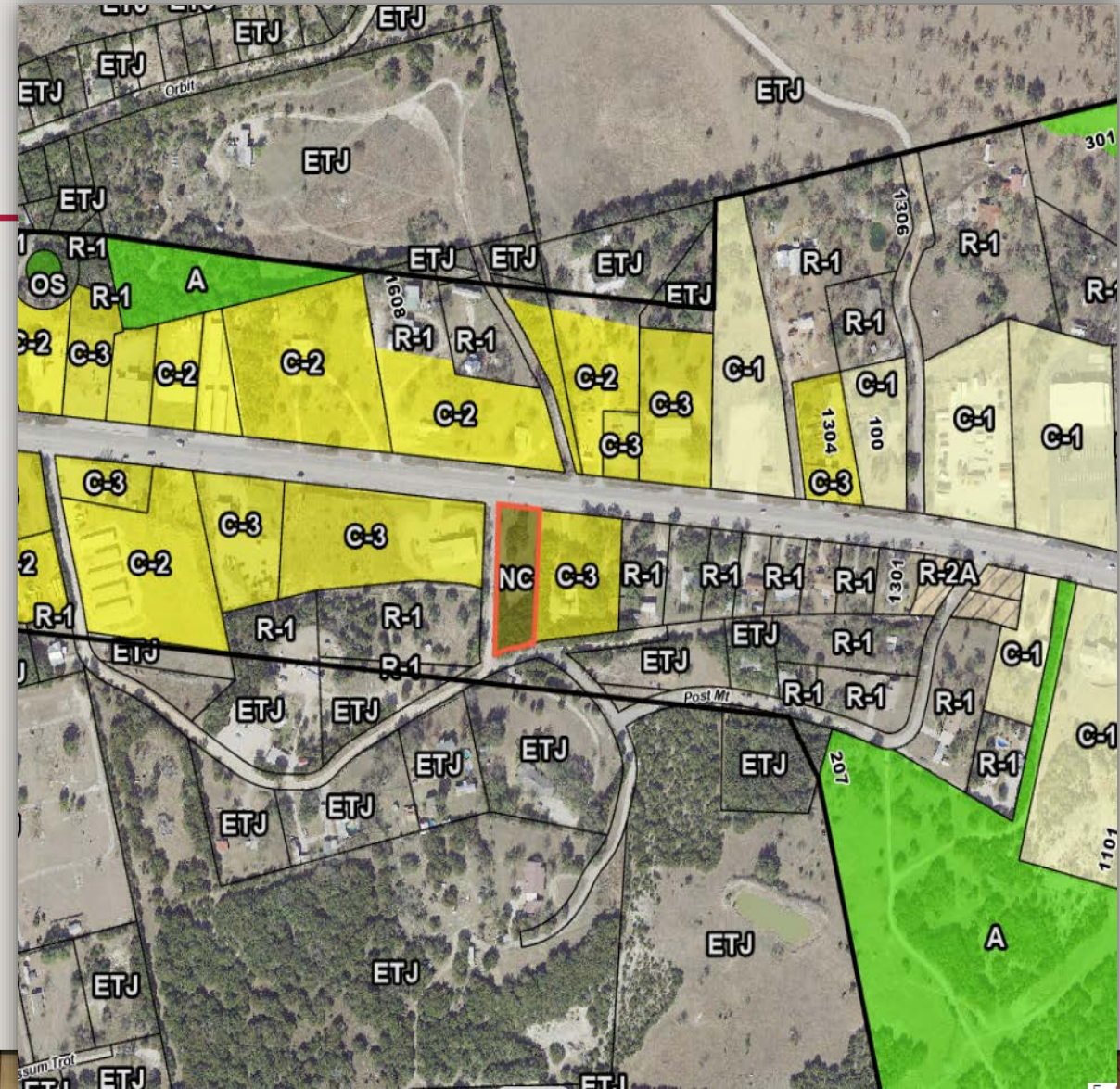
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET,
TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL
ZONING MAP OF THE CITY OF BURNET BY ASSIGNING THE
PROPERTY AT 1603 BUCHANAN DRIVE (LEGALLY DESCRIBED AS:
ABS A0405 JOHN HAMILTON, 1.036 ACRES) WITH HEAVY
COMMERCIAL – DISTRICT “C-3” CLASSIFICATION; PROVIDING A
REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND
PROVIDING AN EFFECTIVE DATE

Information:

- Current Zoning:
Neighborhood Commercial – District “NC”
- Requested Zoning:
Heavy Commercial – District “C-3”
Applicant is requesting the zoning change to allow them to expand their existing business at the neighboring property - Bluebonnet Veterinary Clinic.

	North	South	East	West
Zoning	“C-2”	“ETJ”	“C-3”	“C-3”
FLUM	Commercial	Residential	Commercial	Commercial
Land Use	Residential	Residential	Veterinary Clinic	Welding Shop

The Future Land Use Map designation for the area is Commercial. The proposed Heavy Commercial – District “C-3” zoning is appropriate for this area.

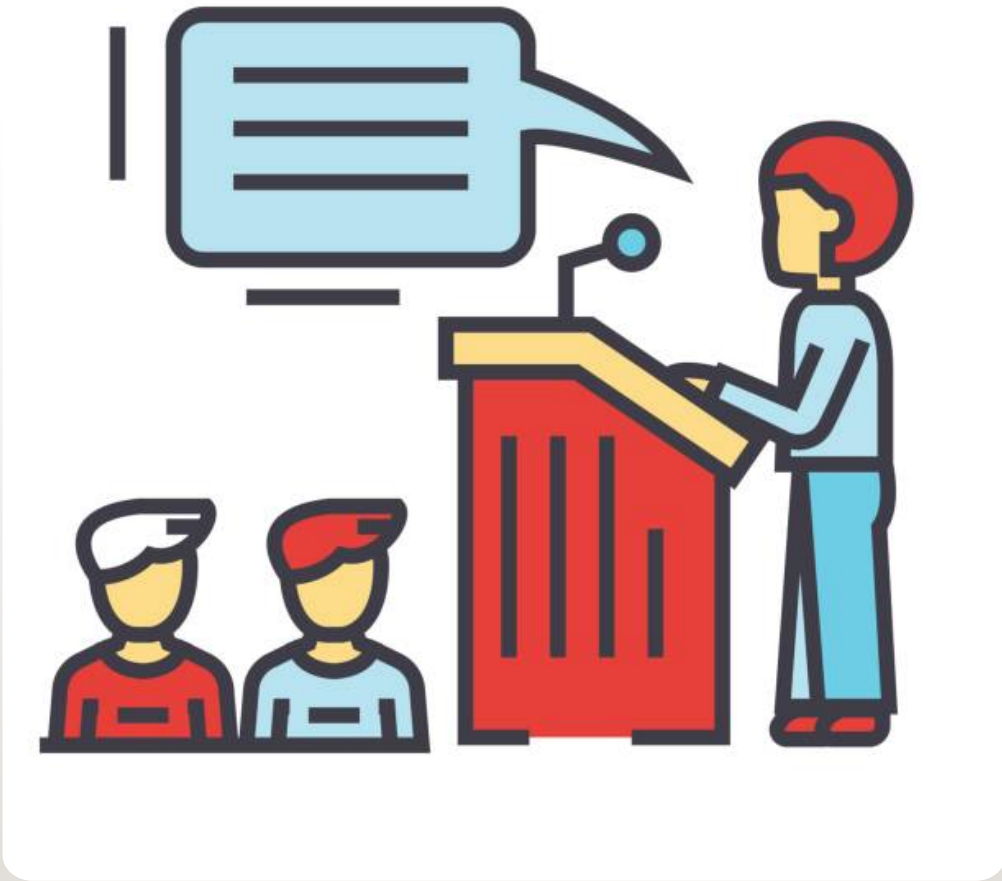


Public Notification:

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

Planning and Zoning Recommendation





Open the public hearing

Discuss

Consider first reading of
Ordinance 2022-37 as presented



Police Department

ITEM 4.1

Brian Lee
Police Chief
(512) 756-6404
Blee@cityofburnet.com

Agenda Item Brief

Meeting Date: July 12, 2022

Agenda Item: Discuss and consider action: Request to purchase breaching equipment, shields, distractionary devices and an under-door camera for the Burnet Police Department: B. Lee

Background: Active shooter response is a dynamic process where time is of the essence. An active shooter is defined as “an individual actively engaged in killing or attempting to kill people in a confined and populated area.” Overcoming obstacles to address an ongoing threat must be done quickly and efficiently while maximizing officer safety. Specialty equipment has been developed that can enhance our ability to quickly and safely carry out that mission.

Information: The police department is requesting approval for the expenditure of funds from cash fund balance to purchase equipment to enable officers to breach and bypass fortified doors quickly and provide other essential safety equipment.

Breaching doors historically has been done with a ram used to repeatedly strike a door to defeat the locking mechanism. The rams are heavy and not all officers are effective in using them due to the weight. As we have seen with the increase of active shooter incidents in the United States law enforcement is often encountering obstacles and fortification as they attempt to resolve these incidents. To effectively address the threat to our community we must be able to quickly access any area and address the threat.

The Kinetic Breaching Tool we are requesting to purchase fulfills our requirements on quick effective breaching that any officer can accomplish. The weight of the tool and the mechanism makes it a perfect fit for our application. In addition, the ram used in the tool is safer than shotgun breaching where projectiles are involved. The ballistic shields

and camera will enhance the officer's safety as we can explore areas behind locked doors and increase ballistic protection from potential threats. Distractionary devices are essential when breaching doors to give first responders a moment in time where the suspect may not be able to acquire them when making a room entry.

Fiscal Impact:

The cost for purchasing the KBT, shields, camera, and distractionary devices is approximately \$25,000.00.

Recommendation:

Staff recommends authorizing the Police Department to purchase the Kinetic Breaching Tool, shields, camera, and distractionary devices.



Sales Quote

1935 Puddingstone Dr
 La Verne, CA 91750
 TEL: 800-997-3773 FAX: 909-392-3823
 FED TAX ID: 95-4451904
 DUNS #: 861004349
 SAM UEI: DGSKHRKYPDK9

Page: 1
 Sales Quote Number: SQ18926
 Sales Quote Date: 6/28/2022
 Quote Valid To: 8/28/2022

Sell

To: Burnet Police Department
 Attn: Jason Davis
 105 S. Rhomberg Street
 Burnet, TX 78611
 USA

Ship

To: Burnet Police Department
 Attn: Jason Davis
 105 S. Rhomberg Street
 Burnet, TX 78611
 USA

Ship Via: Best Way
 Terms: Net 30 Days

Customer ID: BURNETPDTX01
 SalesPerson: Doug Epler
 Contact: Attn: Jason Davis
 Entered By: ATI\AHORSTMAN

Item No.	Description	Unit	Qty	GSA	Unit Price	Total Price
KIT-ATIKBT3-1000	KBT Breaching Tool Includes: Sling, 2 Cylinders, 100 Rounds, and Case with Foam 332216	EACH	1		9,650.00	9,650.00
TAXABLE FREIGHT	Taxable Freight	EACH	1		233.00	233.00

Work Description:

*
 DELIVERY 90-120 DAYS ARO
 **
 Please contact Audrey Horstman at 909.451.6101 or ahorstman@aardvarktactical.com when you are ready to place this order.
 Thank you and have a great day!

No return will be accepted unless a Return Authorization is issued prior to the goods being returned. If the error which necessitates the return is a result of an AARDVARK error, no restocking fee will be charged. Merchandise may be returned within 30 days of purchase and buyer will be subject to a 20% restocking fee. All returns must be Freight Prepaid and in new sellable condition. Credit for the value of the returned merchandise (less restocking fees and shipping charges) will be made. Defective merchandise is not subject to any restocking fee. Customized orders are non-returnable.

Subtotal: 9,883.00
 Invoice Discount: 0.00
 Total Sales Tax: 815.35

Total: 10,698.35

Tactica

14133 Memorial Dr
Houston, TX 77079
(512) 986-9385
ar@gotactica.com



Quote

ADDRESS	SHIP TO	SHIP VIA	Best Way	QUOTE	541074
TX, Burnet Police Department	TX, Burnet Police Department			DATE	06/28/2022
PO Box 1369	2000 S Water Street			EXPIRATION	07/26/2022
Burnet, TX 78611	Burnet, TX 78611			DATE	
United States	United States				

SKU	PRODUCT	QTY	RATE	AMOUNT
SHV31830VP	VENGEANCE WMX3RFT - 18x30 BLUERIDGE ARMOR SHIELD - VENGEANCE WMX3RFT - LEVEL III - 18X30 - FLAT - VIEWPORT NO LIGHT - BLACK	1	4,525.00	4,525.00
SHV32034VP	VENGEANCE WMX3RFT - 20x34 BLUERIDGE ARMOR SHIELD - VENGEANCE WMX3RFT - LEVEL III - 20X34 - FLAT - VIEWPORT NO LIGHT - BLACK	1	5,037.00	5,037.00
SHV1830VPBLK	BLUERIDGE ARMOR SHIELD - VENGEANCE WMX-1- LEVEL IIIA - 18X30 - CURVED - VIEWPORT NO LIGHT - BLACK BLUERIDGE ARMOR SHIELD - VENGEANCE WMX-1- LEVEL IIIA - 18X30 - CURVED - VIEWPORT NO LIGHT - BLACK	1	1,950.00	1,950.00
SHV2034VPBLK	BLUERIDGE ARMOR SHIELD - VENGEANCE WMX-1- LEVEL IIIA - 20X34 - CURVED - VIEWPORT NO LIGHT - BLACK BLUERIDGE ARMOR SHIELD - VENGEANCE WMX-1- LEVEL IIIA - 20X34 - CURVED - VIEWPORT NO LIGHT - BLACK	1	2,100.00	2,100.00
SHV2436VPBLK	BLUERIDGE ARMOR SHIELD - VENGEANCE WMX-1- LEVEL IIIA - 24X36 - CURVED - VIEWPORT NO LIGHT - BLACK BLUERIDGE ARMOR SHIELD - VENGEANCE WMX-1- LEVEL IIIA - 24X36 - CURVED - VIEWPORT NO LIGHT - BLACK	1	2,350.00	2,350.00

SUBTOTAL	15,962.00
TAX	0.00
TOTAL	\$15,962.00

Accepted By

Accepted Date



ACTIVE SHOOTER RESPONSE

Equipment
Needs



Equipment needs

- Ballistic Shields
- Breaching Equipment
- Under-door camera
- Distractionary devices



A police officer in tactical gear, including a helmet with a red light and a vest, is holding a rifle. In the foreground, a large, black, textured ballistic shield is visible, featuring a viewfinder and the word "POLICE" printed vertically in large, grey letters. The background shows a field of tall grass and trees under a clear sky.

Ballistic Shields

- Level III
 - Enhance body armor protection to the vitals and head area.
 - Viewport to see what is going on while providing protection.
 - Provides a larger safe zone for officers.
 - Psychological impact on the offender.
 - Stops everything our vests can stop and is an added layer of protection for slow clearing operations.
 - Will be used everyday on patrol.



Breaching Equipment

- Necessity to bypass doors quickly and efficiently.
- This tool can be operated by any officer.
- Effective on inward and outward opening doors.
- Stored on engine with the FD.

Under Door Camera



- Allow us to gain visual clearance of fortified doors prior to breaching if time allows
- Slow clear situations

Distractionary Devices

- Used to distract suspects
 - Utilize bright light and sound
 - Very effective
 - Used by tactical teams on entries to gain a split second of distraction
 - Only be used on cases where we had a planned deployment
 - Policy still needs to be drafted on use
-



Conclusion

- Breaching tools are a necessity for efficient operations in an active shooter incident.
- Ballistic shields offer additional protection for the officer.
- Distractionary devices and cameras make slow clearing operations safer.



A person in tactical gear, including a helmet and a large, dark, textured riot shield, is standing on a set of stairs. The person's face is partially visible through a clear visor on the shield. The scene is dimly lit, with a strong light source from the left creating a bright glow on the shield and the person's gear. The word "Questions" is written in large, white, bold letters on the left side of the image, with a yellow horizontal line above it and a white horizontal line below it.

Questions



Administration

ITEM 4.2

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

Action

Meeting Date: July 12, 2022

Agenda Item: Discuss and consider action: Appointment of a City Council Committee to collaborate with staff regarding a possible expansion of Entegris: D. Vaughn

Background: Entegris is considering a major expansion of the current facility located on Houston Clinton Drive. The expansion could involve a significant number of jobs and increased electric consumption.

Information Staff is requesting appointment of up to three Council Members to participate on a committee with various staff members to assist in the discussions and negotiations for the proposed Entegris expansion.

Fiscal Impact None.

Recommendation: To be determined by Council.



Administration

ITEM 4.3

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

Agenda Item Brief

- Meeting Date:** July 12, 2022
- Agenda Item:** Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, TERMINATING A PROFESSIONAL SERVICE AGREEMENT WITH THE FIRM FREESE AND NICHOLS TO PROVIDE PROFESSIONAL PLANNING SERVICES RELATED TO CREATING A NEW COMPREHENSIVE PLAN FOR THE CITY OF BURNET: H. Erkan
- Background:** At a regularly called meeting on December 14, 2021, City Council adopted Resolution No. R2021-66, approving a professional services agreement with Freese and Nichols for planning services. Thereafter, the City Manager employed Carly Kehoe Pearson to serve as the Director of Development Services and Public Works and Eric Belaj to serve as the City's on staff engineer; After consultation with Ms. Kehoe Pearson, Mr. Belaj and the Assistant City Manager, the City Manager recommends the City reevaluate the scope of planning consultation services before proceeding with the formation of the comprehensive plan.
- Information:** Freese and Nichols has voiced no objection regarding the termination of this agreement and expressed interest in working with the City in the future.
- Fiscal Impact** The budget for this project was \$252,368.00. The total amount the City has paid the consultant is approximately \$23,000.00.
- Recommendation:** Approve and adopt Resolution R2022-58 as presented.

RESOLUTION NO. R2022-58

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, TERMINATING A PROFESSIONAL SERVICE AGREEMENT WITH THE FIRM FREESE AND NICHOLS TO PROVIDE PROFESSIONAL PLANNING SERVICES RELATED TO CREATING A NEW COMPREHENSIVE PLAN FOR THE CITY OF BURNET

Whereas, at a regularly called meeting on December 14, 2021, City Council adopted Resolution No. R2021-66, approving a professional services agreement with Freese and Nichols for planning services; and

Whereas, subsequent to the adoption of the aforementioned resolution, the City Manager employed Carly Kehoe Pearson to serve as the Director of Development Services and Public Works and Eric Belaj to serve as the City's on staff engineer; and

Whereas, after consultation with Ms. Kehoe Pearson, Mr. Belaj and the Assistant City Manager, the City Manager recommends the City re-evaluate the scope of planning consultation services before proceeding with the formation of the comprehensive plan; and

Whereas, Freese and Nichols does not object to the termination of the Agreement.

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

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

Section two. Termination. The professional services agreement with the firm Freese and Nichols, approved on December 14, 2022 is hereby terminated.

Section three. Authorization. The city manager is hereby authorized and directed to take such actions and execute such ancillary documents as may be reasonably necessary to facilitate the purpose of this resolution.

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.

Signature page to follow.

PASSED AND APPROVED this the 12th day of July, 2022.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Administration

ITEM 4.4

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

Agenda Item Brief

- Meeting Date:** July 12, 2022
- Agenda Item:** Discuss and consider action: Proposed contract with Burnet County for 2022/2023 Election Services: K. Dix
- Background:** The shared polling locations provided by the joint election procedure with Burnet County, enables “One Stop Voting” for the citizens of Burnet County, Burnet School District, and the City of Burnet. The simplicity of the “One Stop Voting” encourages citizen participation in the voting process.
- Information:** Burnet County provides a once a year contract for each of the contracting entities instead of individual contracts for each individual election. This streamlines the processes Burnet County uses with the individual entities that contract for election services. A copy of 2022/2023 Joint Agreement Contract and Election Services contract for all election services provided by the Burnet County Election Administration from August 1, 2022 to July 21, 2023.
- Fiscal Impact** Fees and charges assessed by the Burnet County Election Administration office is based on participation of all local political subdivisions in the specified election. Average annual cost of election services for city elections is approximately \$1,000.00 per year.
- Recommendation:** Staff recommends approval of the Contract for Election Services with Burnet County Elections Administration for the 2022/2023 Fiscal year.

JOINT ELECTION AGREEMENT 2022-2023

FOR BURNET COUNTY LOCAL POLITICAL SUBDIVISIONS

Whereas, the undersigned local political subdivisions, collectively referred to hereafter as the “LPSs”, each anticipate holding election(s) from August 2022 to July 2023; and

Whereas, each of the LPSs is located partially or entirely within Burnet County, Texas (the “County”); and

Whereas, the County has contracted or is contracting with each LPS to conduct and provide election services for such LPS’s election(s) from August 2022 to July 2023; and

Whereas, the LPSs all desire to enter into a joint election agreement for the purpose of sharing election equipment, costs, services of election officials, and sharing precinct polling locations and election ballots where appropriate.

NOW THEREFORE, the LPSs agree as follows:

- I. **Scope of Joint Election Agreement.** The LPSs enter this Joint Election Agreement (“Agreement”) for the conduct of the elections to be held from August 2022 through July 2023.
- II. **Appoint Election Officer.** The LPSs appoint the Burnet County Elections Administrator to serve as the Election Officer for each LPS in order to perform and supervise the duties and responsibilities of the Election Officer for any election from August 2022 through July 2023.
- III. **Early Voting Polling Locations.** The Early Voting locations for most elections will be at the AgriLife Auditorium, 607 N. Vandevener St., Burnet, TX 78611 and the Courthouse South Annex in Marble Falls, 810 Steve Hawkins Pkwy., Marble Falls, TX 78654. In November of even years, the county will also use Granite Shoals Community Center, 1208 North Phillips Ranch Rd, Granite Shoals, TX 78654, and Bertram Library, 170 North Gabriel St., Bertram, TX 78605. The costs incurred in connection with the AgriLife Auditorium and Bertram Library Early Voting locations will be shared only by the Burnet Consolidated Independent School District, the City of Burnet, the City of Bertram, the Central Texas Groundwater Conservation District (CTGCD) and Burnet County. The costs incurred in connection with the Courthouse South Annex and Granite Shoals Community Center Early Voting locations will be shared only by the Marble Falls Independent School District, the City of Marble Falls, the City of Granite Shoals, the City of Cottonwood Shores, the City of Meadowlakes, the City of Highland Haven, the City of Horseshoe Bay, the City of Double Horn, CTGCD and Burnet County.
- IV. **Election Day Polling Locations.** Election Day voting shall be held in common precincts where appropriate at the dates, times, and locations recommended by the Election Officer and authorized and ordered by the governing body of each LPS. Those will be decided within one week after the last day to order an election.
- V. **Cost Sharing.** The LPSs agree to the cost sharing provisions below. This includes Burnet County, the school districts of the county, the cities of the county, and the Central Texas Groundwater Conservation District. Other entities pay a lump sum of \$1,000 for their election.
- VI. **Effective Date.** This Agreement becomes effective upon execution by the participating LPSs.
- VII. **Amendments.** This Agreement may not be amended or modified except in writing and executed by each LPS.

COST SHARING – NOVEMBER UNIFORM ELECTION DATE

- I. The following expenses will be shared equally by all LPSs holding an election including Burnet County: the newspaper notice for the Logic and Accuracy Test of the ballots, consumable election supplies, and ballot programming.
- II. The user fees for the voting equipment, election worker payroll, and mileage payments to poll workers will follow these cost sharing arrangements:
 - a. The county will bear at least 70% of these election costs at each voting location. The remaining 30% will be shared so that 20% is paid by the Independent School District (ISD) or CTGCD associated with the polling place and the remaining 10% is paid by any/all cities equally sharing the costs. If both the ISD and CTGCD are holding elections, they each pay 10%, with any/all cities equally sharing the remaining 10%.
 - b. If there is no city election, the ISD or CTGCD associated with the polling place pays 20% or 10% each and the county the remaining 80%. Subsequently, if there is no ISD or CTGCD election, any/all cities pay 10% of the costs associated with the polling place and the county pays 90%.
 - c. If there is no city, no ISD and no CTGCD election, the county pays 100% of the costs.
- III. It is acknowledged that cost sharing expenses will fluctuate depending upon the number of required polling locations and poll workers required as General Elections, held on even-numbered years, typically require more resources than Constitutional Amendment elections, held on odd-numbered years.

COST SHARING – MAY UNIFORM ELECTION DATE

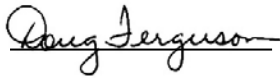
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- II. The user fees for the voting equipment, election worker payroll, and mileage payments to poll workers will follow these cost sharing arrangements:
 - a. For polling locations conducting elections of the county: the county will bear 50% of the election costs at each voting location. The remaining 50% will be shared so that 40% is paid by the Independent School District (ISD) associated with the polling place and the remaining 10% is paid by any/all cities equally sharing the costs.
 - b. If there is no city election, the ISD associated with the polling place pays 50%. Subsequently, if there is no ISD election, any/all cities pay 50% of the costs equally.
 - c. If there is no city or ISD election the county pays 100%.
 - d. For polling locations NOT conducting elections of the county: the ISD pays 80% and any/all cities pay 20% equally.
 - e. If there is no city election, the ISD pays 100%.
 - f. If there is no ISD election, any/all cities pay 100% equally.

A cost estimate for the LPS election will be submitted upon request.

APPROVED BY THE GOVERNING BODY OF The City of Burnet in its meeting held the 12 day of July, 2022 and executed by its authorized representative.

By: _____
Name: Crista Goble Bromley
Title: Mayor

ACKNOWLEDGED BY:



Doug Ferguson
Elections Administrator, Burnet County, Texas

June 29, 2022

Date

JOINT ELECTION AGREEMENT 2022-2023

FOR BURNET COUNTY LOCAL POLITICAL SUBDIVISIONS

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Whereas, each of the LPSs is located partially or entirely within Burnet County, Texas (the “County”); and

Whereas, the County has contracted or is contracting with each LPS to conduct and provide election services for such LPS’s election(s) from August 2022 to July 2023; and

Whereas, the LPSs all desire to enter into a joint election agreement for the purpose of sharing election equipment, costs, services of election officials, and sharing precinct polling locations and election ballots where appropriate.

NOW THEREFORE, the LPSs agree as follows:

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- VII. **Amendments.** This Agreement may not be amended or modified except in writing and executed by each LPS.

COST SHARING – NOVEMBER UNIFORM ELECTION DATE

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 - b. If there is no city election, the ISD or CTGCD associated with the polling place pays 20% or 10% each and the county the remaining 80%. Subsequently, if there is no ISD or CTGCD election, any/all cities pay 10% of the costs associated with the polling place and the county pays 90%.
 - c. If there is no city, no ISD and no CTGCD election, the county pays 100% of the costs.
- III. It is acknowledged that cost sharing expenses will fluctuate depending upon the number of required polling locations and poll workers required as General Elections, held on even-numbered years, typically require more resources than Constitutional Amendment elections, held on odd-numbered years.

COST SHARING – MAY UNIFORM ELECTION DATE

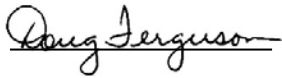
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 - b. If there is no city election, the ISD associated with the polling place pays 50%. Subsequently, if there is no ISD election, any/all cities pay 50% of the costs equally.
 - c. If there is no city or ISD election the county pays 100%.
 - d. For polling locations NOT conducting elections of the county: the ISD pays 80% and any/all cities pay 20% equally.
 - e. If there is no city election, the ISD pays 100%.
 - f. If there is no ISD election, any/all cities pay 100% equally.

A cost estimate for the LPS election will be submitted upon request.

APPROVED BY THE GOVERNING BODY OF _____ in its meeting held the _____ day of _____, 202_, and executed by its authorized representative.

By: _____
Name: _____
Title: _____

ACKNOWLEDGED BY:



Doug Ferguson
Elections Administrator, Burnet County, Texas

June 29, 2022

Date



Administration

ITEM 4.5

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

Agenda Item Brief

Meeting Date: July 12, 2022

Agenda Item: Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AMENDING THE CODE OF ORDINANCES; CHAPTER 18 (ENTITLED "AVIATION") BY AMENDING ARTICLE II (ENTITLED "MUNICIPAL AIRPORT") BY AND PROVIDING REVISIONS TO DIVISION 2 (ENTITLED "RULES AND REGULATIONS"); PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, CORRELATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: A.Feild

Background: City staff has been tasked with preparing a comprehensive revision to the City Code Chapter 18, Articles I and II. Although the entire revision to the Articles is not ready for presentation to Council the revisions to the fee schedule are completed. The existing rates were last updated by ordinance in 2011. Staff conducted a survey of surrounding and similar size airports for comparable rates.

Information: Staff will notify the tenants of the rate increase by mail and by email 30 days before the effective date of the proposed increase.

Fiscal Impact:

	Term (months)	# of Leases	FY 22 Current Rate (monthly)	FY 23 (monthly)	FY 24 (monthly)		Current FY	FY 22/23	FY 23/24
Sun Shelters (1-20)	12	20	\$ 100	\$ 125	\$ 150		\$ 24,000	\$ 30,000	\$ 36,000
D Sun Shelters (DSS04 – DSS07)	12	4	200	200	200		9,600	9,600	9,600
Standard T-hangars	12	28	250	275	300		84,000	92,400	100,800
Community Hangar (DH01 – DH03)	12	3	250	275	300		9,000	9,900	10,800
Large T- hangar(B-9)	12	1	600	600	650		7,200	7,200	7,800
							\$ 133,800	\$ 149,100	\$ 165,000
								\$ 15,300	\$ 15,900

Recommendation: Approve the first reading of Ordinance No. 2022-33 as presented.

ORDINANCE NO. 2022-33

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AMENDING THE CODE OF ORDINANCES; CHAPTER 18 (ENTITLED "AVIATION") BY AMENDING ARTICLE II (ENTITLED "MUNICIPAL AIRPORT") BY AND PROVIDING REVISIONS TO DIVISION 2 (ENTITLED "RULES AND REGULATIONS"); PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, CORRELATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, City staff has been tasked with preparing a comprehensive revision to City Code Chapter 18, Articles I and II; and

WHEREAS, although the entire revision to the Articles is not ready for presentation to Council the revisions to the fee schedule are completed; and

WHEREAS, the existing rates were last updated in 2011.

WHEREAS, the Airport Manager conducted a survey of surrounding and similar size airports for comparable rates;

WHEREAS, to minimize the impact to tenants, the City desires to implement the new rates in two phases beginning October 1, 2022 and October 1, 2023; and

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

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

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

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

Section two. Amendment. The Code of Ordinances, Chapter 18 (entitled "*aviation*") is hereby amended by replacing the existing language in Section 18-41(3)c with the language that follows:

c. *Rent.* Storage hangar rent shall be paid monthly in advance in accordance

with the fee schedule included herein. Rent is due by the first day of the month and shall be considered past due at midnight on the tenth day of the month. A late charge of \$25.00 will be assessed for any monthly payment not received at the city hall by the tenth day of the month.

Fee Schedule A:

Note. Fee Schedule A shall be effective October 1, 2022 to September 30, 2023.

<u>Lease Description</u>	<u>Rate</u>	<u>Deposit*</u>
Short term Tie-down	\$0.00 Daily	\$0.00
Long term Tie-down**	\$75.00/month	\$75.00
Sun Shelters (1-20)	\$125.00/month	\$125.00
D Sun Shelters (DSS04 – DSS07)	\$200.00/month	\$200.00
Standard T-hangars	\$275.00/month	\$275.00
Community Hangar (DH01 – DH03)	\$275.00/month	\$275.00
Large T- hangar(B-9)	\$600.00/month	\$600.00
Long Term Auto Parking	\$240/year	\$0.00

*New deposit not applicable for Lessees which paid deposit prior to October 1, 2022.

**If aircraft remains over 7 days, the long-term lease charge will be assessed.

Fee Schedule B:

Note. Fee Schedule B shall be effective October 1, 2023 until such time as amended by City Council.

<u>Lease Description</u>	<u>Rate</u>	<u>Deposit*</u>
Short term Tie-down	\$0.00 Daily	\$0.00
Long term Tie-down**	\$100.00/month	\$100.00
Sun Shelters (1-20)	\$150.00/month	\$150.00

D Sun Shelters (DSS04 – DSS07)	\$200.00/month	\$200.00
Standard T-hangars	\$300.00/month	\$300.00
Community Hangar (DH01 – DH03)	\$300.00/month	\$300.00
Large T- hangar(B-9)	\$650.00/month	\$650.00
Long Term Auto Parking	\$240/year	\$0.00

*New deposit not applicable for Lessees which paid deposit prior to October 1, 2023.

**If aircraft remains over 7 days, the long-term lease charge will be assessed.

Section three. Penalty. A violation of this ordinance is unlawful and subject to the penalties prescribed in City Code Section 1-6.

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

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

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

Section eight. Publication. The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code. On October 1, 2023 the publisher is authorized and directed to remove the “Fee Schedule A” effective October 1, 2022 to September 30, 2023; and upon the removal of “Fee Schedule A”, “Fee Schedule B” shall be renamed “Fee Schedule”

Section nine. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof and publication as required by law, save and except “Fee Schedule A” shall be effective October 1, 2022 to September 30, 2023, and “Fee Schedule B” shall be effective October 1, 2023 until such time as amended by City Council.

Passed and approved on first reading on the 12th day of July 2022

Passed, approved and adopted on the 26th day of July 2022

CITY OF BURNET

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary