



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 above named City on the **14th day of March, 2017** at **6:00** p.m. in the Council Chambers, Burnet Municipal Airport, 2402 S. Water, Burnet, at which time the following subjects will be discussed, to-wit:

This notice is posted pursuant to the Texas Government Code, Chapter §551-Open Meetings.

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

PLEDGE TO TEXAS FLAG:

1. PUBLIC RECOGNITION/SPECIAL REPORTS:

- 1.1) 2016 Audit Report: Diana Ward, CPA, Jaynes, Reitmeier, Boyd & Therrell, P. C.
- 1.2) Proclamation declaring March Youth Art Month: Mayor Gary Wideman

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 28, 2017 Regular Council Meeting minutes

3. PUBLIC HEARING:

- 3.1) Preliminary Plat- Public Hearing: The City Council will conduct a public hearing regarding The Hills of Shady Grove, Sections 8 & 9 preliminary plat which is described as being 13.09-acres of land located west of the 100 and 200 blocks of Shady Grove Parkway, and further described as being out of the John Hamilton Survey, No. 1, Abstract No. 405: M. Lewis

3.2) Public Hearing: The City Council of the City of Burnet, in accordance with Code of Ordinances Chapter 22, Article IV, Sections 22-81 and 22-82, will convene as the Board of Appeals for the purpose of conducting a public hearing and hearing testimony from City Staff and any persons with interest in the property located at 1407 North Water Street for the purpose of determining whether said structure is dangerous: M. Lewis

4. ACTION ITEMS:

4.1) Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BURNET, TEXAS CHAPTER 98, SUBDIVISIONS BY ADOPTING ARTICLE VIII, NON-POINT SOURCE POLLUTION; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FINDING PROPER NOTICE OF MEETING: M. Lewis

4.2) Discuss and consider action: The City Council will consider The Hills of Shady Grove, Sections 8 & 9 preliminary plat which is described as being 13.09-acres of land located west of the 100 and 200 blocks of Shady Grove Parkway, and further described as being out of the John Hamilton Survey, No. 1, Abstract No. 405: M. Lewis

4.3) Discuss and consider action: Acceptance of the Hills of Shady Grove, Section 8, Final Plat, a 19-lot, single-family residential subdivision located west of the 200 block of Shady Grove Parkway which is further described as being 7.27 –acres out of the John Hamilton Survey, No. 1; Abstract No. 405: M. Lewis

4.4) Discuss and consider action: The City Council of the City of Burnet, in accordance with Code of Ordinances, Chapter 22, Article IV, Sections 22-81 and 22-82, will convene as the Board of Appeals for the purpose of considering an order declaring the structures located at 1407 N. Water Street to be a dangerous and unsafe building and therefore a public nuisance and further ordering the repair or removal of said structure: M. Lewis

4.5) Discuss and consider action: Appointment of Judge Kirk D. Noacker, Sr. as Associate Judge: D. Vaughn

4.6) Discuss and consider action: Approve a contract with Austin Turf and Tractor for equipment purchases for Delaware Springs: D. Fipps:

4.7) Discuss and consider action: A RESOLUTION BY THE CITY OF BURNET, TEXAS RESTRICTING THE USE OF FUNDS IN THE SELF-FUNDED BANK ACCOUNT: C Maxwell

4.8) Discuss and consider action: Terms and conditions for disposal of Brush: D. Vaughn/J. Simons

5. EXECUTIVE SESSION:

5.1) Executive Session: The Council reserves the right to enter into closed session in accordance with the provision of the Open Meetings Act, Texas Government Code, Chapter 551, Subsection 551.072; Deliberations Regarding Real Property: pertaining to economic development incentives for the development of thirteen acres of land on the corner of Westfall and Cemetery Streets, owned by the City of Burnet: D. Vaughn

The City Council may take action on any of the matters considered in executive session once the City Council reconvenes in open session.

6. RECONVENE TO REGULAR SESSION FOR POSSIBLE ACTION:

6.1) Discuss and consider action: Pertaining to economic development incentives for the development of the thirteen acres of land on the corner of Westfall and Cemetery Streets, owned by the City of Burnet: D. Vaughn

7. REPORTS:

7.1) Addendum to the City Council Agenda: Department and Committee Reports/Briefings: The City Council may or may not receive a briefing dependent upon activity or change in status regarding the matter. The listing is provided to give notice to the public that a briefing to the Council on any or all subjects may occur.

Item 7.1 (I) Development Services; Department staffing report: M. Lewis

8. REQUESTS FROM COUNCIL FOR FUTURE REPORTS:

9. ADJOURN:

Dated this 10th, day, of March, 2017

CITY OF BURNET

GARY WIDEMAN, 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 10, 2017, at or before 5 o'clock p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of said Meeting.



Kelly Dix, City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS:

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

RIGHT TO ENTER INTO EXECUTIVE SESSION:

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

City of Burnet, Texas
Financial Statements and
Supplementary Information
September 30, 2016
(With Independent Auditor's Report Thereon)

City of Burnet, Texas

September 30, 2016

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INDEPENDENT AUDITOR'S REPORT

The Honorable Mayor and City Council
City of Burnet, Texas:

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate discretely presented component unit and remaining fund information of City of Burnet, Texas (the "City"), as of and for the year ended September 30, 2016, and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate discretely presented component unit and remaining fund information of the City of Burnet, Texas, as of September 30, 2016, and the respective changes in financial position and, where applicable, cash flows thereof and the respective budgetary comparison for the General Fund for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis on pages 4 through 12, and the schedules of changes in the City's net pension liability and related ratios, and schedule of pension contributions on pages 54 and 55 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Supplementary Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City's basic financial statements. The combining nonmajor governmental funds financial statements on pages 56 and 57 are presented for purposes of additional analysis and are not a required part of the basic financial statements. The combining nonmajor governmental funds financial statements are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the combining nonmajor governmental funds financial statements are fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Jaymes. Reitmeier, Boyd + Therrell, P.C.

February 24, 2017

Management's Discussion and Analysis

As management of the City of Burnet, Texas (the "City of Burnet" or the "City"), we offer readers of the City's financial statements this narrative overview and analysis of the financial activities of the City of Burnet for the fiscal year ended September 30, 2016.

Financial Highlights

- The assets and deferred outflows of resources of the City exceeded its liabilities and deferred inflows of resources at the close of the most recent fiscal year by \$50,599,848 (*net position*). Of this amount, \$2,467,289 represents unrestricted net position, which may be used to meet the government's ongoing obligations to citizens and creditors.
- The City's total net position increased \$6,771,140 primarily due to airport capital improvements contributed to the City by the Texas Department of Transportation (TxDOT) of \$5,842,452 and continued profitability of utility services provided by the City.
- At the close of the current fiscal year, the City's governmental funds reported combined fund balances of \$5,708,372, a decrease of \$140,629 in comparison with the prior year. This decrease was mainly due to (1) capital outlay of \$1.1 million for a new fire engine, offset by contributions from outside parties of \$0.3 million; and (2) a contribution to the Burnet Economic Development Corporation (BEDC) of \$0.3 million. Approximately \$3,900,868 of this amount is available for spending at the government's discretion (*unassigned fund balances*).
- At the end of the current fiscal year, unrestricted fund balance (the total of *committed*, *assigned* and *unassigned* components of fund balance) for the general fund was \$3,900,868, or approximately 48% of total general fund expenditures.
- The City's general fund total fund balance decreased \$155,699 mainly due to transfers in from the electric and water and sewer funds and transfers out to the general capital project funds.

Overview of the Financial Statements

This discussion and analysis is intended to serve as an introduction to the City's basic financial statements. The City's basic financial statements include three components: (1) government-wide financial statements, (2) fund financial statements, and (3) notes to the financial statements. This report also contains supplementary information intended to furnish additional detail to support the basic financial statements themselves.

Government-Wide Financial Statements. The *government-wide financial statements* are designed to provide readers with a broad overview of the City's finances, in a manner similar to a private-sector business.

The *statement of net position* presents financial information on all of the City's assets, liabilities, and deferred inflows/outflows of resources, with the difference reported as *net position*. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the City is either improving or deteriorating.

The *statement of activities* presents information showing how the City's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, *regardless of the timing of related cash flows*. Thus, revenues and expenses are reported for some items that will only result in cash flows in future fiscal periods (e.g., uncollected taxes and earned but unused vacation and sick leave).

Both of the government-wide financial statements distinguish functions of the City that are principally supported by taxes and other governmental revenues (*governmental activities*) from other functions that are intended to recover all or a significant portion of their costs through user fees and charges (*business-type activities*). The governmental activities of the City include general government, public safety, highways and streets, aviation services, culture and recreation, sanitation, and economic development. The business-type activities of the City include electricity, water and sewer services, and the Delaware Springs Golf Course.

The government-wide financial statements include not only the City itself (known as the *primary government*), but also a legally separate economic development corporation for which the City is financially accountable. Financial information for this component unit is reported separately from the financial information presented for the primary government itself.

The government-wide financial statements can be found on pages 13 and 14 of this report.

Fund Financial Statements. A *fund* is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The City, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. All of the funds of the City can be divided into two categories: governmental funds and proprietary funds.

Governmental Funds. *Governmental funds* are used to account for essentially the functions reported as *governmental activities* in the government-wide financial statements. However, unlike the government-wide financial statements, government fund financial statements focus on *near-term inflows and outflows of spendable resources*, as well as on *balances of spendable resources* available at the end of the fiscal year. Such information may be useful in evaluating a government's near-term financing requirements.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for *governmental funds* with similar information presented for *governmental activities* in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the government's near-term financing decisions. Both the governmental fund balance sheet and the governmental fund statement of revenues, expenditures, and changes in fund balances provide a reconciliation to facilitate this comparison between *governmental funds* and *governmental activities*.

The City maintains nine individual governmental funds. Information is presented separately in the governmental fund balance sheet and in the governmental fund statement of revenues, expenditures, and changes in fund balance for the general fund, the airport fund, the debt service fund, and the general capital projects fund, which are considered to be major funds. Data from the other five governmental funds are combined into a single aggregated presentation. Individual fund data for each of these nonmajor governmental funds is provided in the form of combining statements in the combining fund statements section of this report.

The City adopts an annual appropriated budget for its general fund. A budgetary comparison statement has been provided for the general fund to demonstrate compliance with this budget.

The basic governmental fund financial statements can be found on pages 15 through 18 of this report.

Proprietary Funds. The City maintains one type of proprietary fund – enterprise funds. *Enterprise funds* are used to report the same functions presented as *business-type activities* in the government-wide financial statements. The City uses enterprise funds to account for its electricity, water and sewer services, and the Delaware Springs Golf Course.

Proprietary funds provide the same type of information as the government-wide financial statements, only in more detail. The proprietary fund financial statements provide separate information for its electricity, water and sewer services, and the Delaware Springs Golf Course operations, all of which are considered to be major funds of the City.

The basic proprietary fund financial statements can be found on pages 19 through 22 of this report.

Notes to the Financial Statements. The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements. The notes to the financial statements can be found on pages 23 through 53 of this report.

Other Information. In addition to the basic financial statements and accompanying notes, this report also presents required supplementary information concerning the City's pension benefits to its employees. Required supplementary information can be found on pages 54 and 55. The combining statements referred to earlier in connection with nonmajor governmental funds are presented immediately following the required supplementary information. The combining fund statements can be found on pages 56 through 57 of this report.

Government-wide Overall Financial Analysis

As noted earlier, net position may serve over time as a useful indicator of a government's financial position. In the case of the City, assets and deferred outflows of resources exceeded liabilities and deferred inflows of resources by \$50,599,848 at the close of the most recent fiscal year.

City of Burnet's Net Position

	Governmental Activities		Business-type Activities		Total	
	2016	2015	2016	2015	2016	2015
Current and other assets	\$ 6,304,957	6,459,827	5,123,683	6,947,461	11,428,640	13,407,288
Capital assets, net	31,697,929	24,464,232	38,635,429	38,352,760	70,333,358	62,816,992
Total assets	38,002,886	30,924,059	43,759,112	45,300,221	81,761,998	76,224,280
Total deferred outflows of resources	1,135,683	455,752	563,050	300,940	1,698,733	756,692

	Governmental Activities		Business-type Activities		Total	
	2016	2015	2016	2015	2016	2015
Current liabilities	490,937	512,515	954,514	1,780,108	1,445,451	2,292,623
Noncurrent liabilities	8,748,148	7,505,143	22,667,284	23,306,011	31,415,432	30,811,154
Total liabilities	9,239,085	8,017,658	23,621,798	25,086,119	32,860,883	33,103,777
Total deferred inflows of resources	-	33,026	-	15,461	-	48,487
Net position:						
Net investment in capital assets	28,741,370	21,214,029	18,152,400	17,511,195	46,893,770	38,725,224
Restricted	1,238,789	1,340,997	-	-	1,238,789	1,340,997
Unrestricted	(80,675)	774,101	2,547,964	2,988,386	2,467,289	3,762,487
Total net position	\$ 29,899,484	23,329,127	20,700,364	20,499,581	50,599,848	43,828,708

By far, the largest portion of the City's net position (92.7%) reflects its investment in capital assets, less any related outstanding debt that was used to acquire those assets. The City uses these capital assets to provide a variety of services to its citizens. Accordingly, these assets are not available for future spending. Although the City's investment in capital assets is reported net of related debt, it should be noted that the resources used to repay this debt must be provided from other sources, since the capital assets themselves cannot be used to liquidate these liabilities.

An additional portion of the City's net position (2.4%) represents resources that are subject to external restrictions on how they may be used. The remaining balance of net position of \$2,467,289 is unrestricted and may be used to meet the government's ongoing obligations to citizens and creditors.

The City's overall net position increased \$6,771,140. The reasons for this overall increase are discussed in the following sections for governmental activities and business-type activities.

City of Burnet's Changes in Net Position

	Governmental Activities		Business-type Activities		Total	
	2016	2015	2016	2015	2016	2015
Program revenues:						
Charges for services	\$ 3,548,555	3,853,657	13,913,050	15,242,128	17,461,605	19,095,785
Operating grants and contributions	565,044	532,971	-	-	565,044	532,971
Capital grants and contributions	6,200,801	767,048	26,649	161,496	6,227,450	928,544
General revenues:						
Property taxes	2,245,634	2,139,732	-	-	2,245,634	2,139,732
Sales taxes	1,578,655	1,475,565	-	-	1,578,655	1,475,565
Franchise taxes	125,361	139,780	-	-	125,361	139,780
Hotel/motel taxes	151,168	136,372	-	-	151,168	136,372
Unrestricted interest	9,266	60,127	5,326	59,421	14,592	119,548
Gain on disposition of capital assets	73,141	3,028	-	-	73,141	3,028
Total revenues	14,497,625	9,108,280	13,945,025	15,463,045	28,442,650	24,571,325

	Governmental Activities		Business-type Activities		Total	
	2016	2015	2016	2015	2016	2015
Expenses:						
General government	\$ 2,128,923	1,935,695	-	-	2,128,923	1,935,695
Public safety	5,468,034	5,115,418	-	-	5,468,034	5,115,418
Highways and streets	764,824	735,677	-	-	764,824	735,677
Aviation services	430,876	585,925	-	-	430,876	585,925
Culture and recreation	1,001,469	980,761	-	-	1,001,469	980,761
Sanitation	775,516	785,024	-	-	775,516	785,024
Economic development	498,496	236,673	-	-	498,496	236,673
Interest on long-term debt	87,978	99,480	-	-	87,978	99,480
Electric	-	-	6,035,719	7,287,947	6,035,719	7,287,947
Water and sewer	-	-	2,942,937	2,679,434	2,942,937	2,679,434
Delaware Springs Golf Course	-	-	1,536,738	1,615,377	1,536,738	1,615,377
Total expenses	<u>11,156,116</u>	<u>10,474,653</u>	<u>10,515,394</u>	<u>11,582,758</u>	<u>21,671,510</u>	<u>22,057,411</u>
Increase (decrease) in net position before transfers	3,341,509	(1,366,373)	3,429,631	3,880,287	6,771,140	2,513,914
Transfers	<u>3,228,848</u>	<u>3,792,711</u>	<u>(3,228,848)</u>	<u>(3,792,711)</u>	<u>-</u>	<u>-</u>
Increase in net position	6,570,357	2,426,338	200,783	87,576	6,771,140	2,513,914
Net position, beginning of year	<u>23,329,127</u>	<u>20,902,789</u>	<u>20,499,581</u>	<u>20,412,005</u>	<u>43,828,708</u>	<u>41,314,794</u>
Net position, end of year	<u>\$ 29,899,484</u>	<u>23,329,127</u>	<u>20,700,364</u>	<u>20,499,581</u>	<u>50,599,848</u>	<u>43,828,708</u>

Governmental Activities. During the current fiscal year, net position for governmental activities increased \$6,570,357 from the prior fiscal year for an ending balance of \$29,899,484. Key elements of the variance from the prior year are as follows:

- Charges for services decreased \$305,102. This was mainly attributable to decreases of \$204,905 in public safety revenues for EMS transport services, and \$62,588 in aviation services revenue due to ongoing construction at the airport.
- Capital contributions increased \$5,433,753. During the year, the City received \$5,842,452 contributed capital assets for the airport expansion project compared to \$767,048 in the prior year. Additionally, the City received contributions of \$351,000 from outside parties designated for the purchase of the new fire engine.
- Sales tax revenues increased by \$103,090 or 7%.
- Interest income decreased by \$50,861 due to a decrease in the interest rate with the renewal of the City's depository contract. The previous bank depository agreement guaranteeing the City 2.0% interest expired in June 2015. The current agreement has a minimum guaranteed interest rate of only 0.1%.
- Overall, expenses for governmental activities increased \$681,463 mainly due to an \$188,179 or 5% increase in personnel costs; an increase in expense for other post-employment benefits of \$543,636; and a \$340,000 increase in economic development expenses for a contribution to the BEDC. These increases were offset by decreases in aviation services expenses of \$160,626 due to a decrease in fuel purchases consistent with the decrease in fuel sales resulting from ongoing construction at the airport, a \$70,783 decrease in economic development expenses for the one-time project to relocate the historic Craddock House during the prior year, and a \$70,189 decrease in public safety expenses for the conversion of department records from paper to digital imaged files in the prior year.

- Transfers from business-type activities decreased by \$563,863 due to decreases in the discretionary transfers from the electric and water and sewer funds resulting from declines in electric revenues due to decreases in consumption and the cost of power as more fully discussed below.

Business-Type Activities. For the City's business-type activities, the results for the current fiscal year were positive in that overall net position increased to an ending balance of \$20,700,364. The total increase in net position for business-type activities was \$200,783 from the prior fiscal year. Key elements of the variances from the prior year are as follows:

- Charges for business-type activities totaled \$13,913,050, a decrease of \$1,329,078 or 8.7% from the prior year. This decrease is mainly due to the decrease in electric revenue. Electric consumption was down slightly, 4.7%, due to temperatures in the current year that were milder than the extreme drought conditions in the prior year. Additionally, charges for services are impacted by the cost of power, which was less than the prior year as discussed below.
- Electric expenses decreased \$1,252,228 mainly because of the decrease in the cost of power of \$1,283,344 from the Lower Colorado River Authority. Kilowatts purchased were down 4.7% and the average cost per kilowatt hour decreased from \$0.069. to \$0.057
- Water and sewer expenses increased \$263,503. With the completion of the new sewer plant in May 2015, depreciation expense increased by \$313,360 due to a full year of depreciation in the current year, offset by a decrease in personnel costs of \$65,539 or 3.6%.
- Transfers to governmental activities decreased by \$563,863 due to declines in payments in lieu of taxes from the electric and water and sewer funds resulting from declines in revenues due to milder temperatures in the summer months as opposed to extreme drought conditions in the prior year.

Financial Analysis of the City's Funds

As noted earlier, the City uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

Governmental funds. The focus of the City's *government funds* is to provide information on near-term inflows, outflows, and balances of available resources. Such information is useful in assessing the City's financing requirements. In particular, *unassigned fund balance* may be a useful measure of a government's net resources available for discretionary use as they represent the portion of fund balance which has not yet been limited to use for a particular purpose by either an external party or the City itself.

At September 30, 2016, the City's governmental funds reported combined fund balances of \$5,708,372, a decrease of \$140,629 in comparison with the prior year. Of this amount, \$3,900,868 is available for spending at the government's discretion (*unassigned fund balances*). The remainder of the fund balance is either nonspendable, restricted, committed, or assigned to indicate that it is (a) not in spendable form (\$85,686), (2) legally required to be maintained intact (\$-0-), (3) restricted for particular purposes (\$1,183,475), (4) committed for a particular purpose (\$-0-), or (5) assigned for particular purposes (\$538,343).

The general fund is the chief operating fund of the City. At the end of the current fiscal year, unassigned fund balance of the general fund was \$3,900,868. As a measure of the general fund's liquidity, it may be useful to compare unassigned fund balance to total general fund

expenditures. Unassigned fund balance represents approximately 50 percent of total general fund expenditures.

The fund balance of the City's general fund decreased by \$155,699 during the current fiscal year. Key factors in this decrease are as follows:

- Revenues increased \$166,741 as a result of (1) an increase in sales tax revenues of \$103,090 due to an improved economy; (2) an increase in property tax revenues of \$98,810 due to increases in assessed values; (3) an increase in contributions of \$200,000 received from the BEDC designated for the purchase of the new fire engine; offset by (4) a decrease in charges for EMS services of \$204,905 mainly resulting from the City's inability to collect for transports as a result of increasing deductibles for health insurance due to the Affordable Care Act.
- Expenses increased \$167,098, approximately 2% over the prior year, and expenses exceeded revenues by \$875,057, which is comparable to the prior year result. The City transfers payments (1) for return on investment from the electric fund and (2) in lieu of taxes from the water and sewer fund to the general fund and makes other transfers in and transfers out at the discretion of management. Net transfers in for the current year amounted to \$709,030, resulting in the net decrease in fund balance of \$155,699.

Proprietary Funds. The City's proprietary funds provide the same type of information found in the government-wide financial statements, but in more detail.

Unrestricted net position of the electric, water and sewer, and Delaware Springs Golf Course funds at the end of the year were \$1,031,453, \$1,718,912 and (\$202,401), respectively. Net position for the water and sewer and Delaware Springs Golf Course funds increased by \$396,290 and \$96,278, respectively. The net position for the electric fund decreased by \$291,785. Key factors affecting the changes have been addressed under the government-wide financial analysis above.

General Fund Budgetary Highlights

Original budget compared to final budget. During the year, the only significant amendment to the budget was to increase transfers in from enterprise funds by \$1,200,000.

Final budget compared to actual results. During the year, actual revenues and transfers in were over budget by \$402,941. This was mostly attributable to the increase in sales tax revenues and the contribution of \$200,000 from BEDC designated for the purchase of the new fire engine. Actual expenditures were 98.2% of appropriations, and transfers out were \$1,252,661 under appropriations primarily due to reduced amount of actual transfers out.

Capital Assets and Debt Administration

Capital Assets. The City's investment in capital assets for its governmental and business-type activities as of September 30, 2016, amounts to \$70,333,358 (net of accumulated depreciation). This investment in capital assets includes land, buildings, machinery and equipment, infrastructure and construction in progress. The total net increase in the City's investment in capital assets for the current fiscal year was \$7,516,366 or 12.0%.

**City of Burnet's Capital Assets
(Net of Depreciation)**

	Governmental Activities		Business-type Activities		Total	
	2016	2015	2016	2015	2016	2015
Land	\$ 1,488,682	1,321,369	577,543	577,543	2,066,225	1,898,912
Buildings	6,162,488	6,368,331	112,092	115,253	6,274,580	6,483,584
Machinery and equipment	2,207,888	1,088,649	1,047,668	1,246,667	3,255,556	2,335,316
Infrastructure	12,250,208	11,939,672	36,103,866	36,221,025	48,354,074	48,160,697
Construction in progress	9,588,663	3,746,211	794,260	192,272	10,382,923	3,938,483
	<u>\$ 31,697,929</u>	<u>24,464,232</u>	<u>38,635,429</u>	<u>38,352,760</u>	<u>70,333,358</u>	<u>62,816,992</u>

Major capital asset activity during the current fiscal year included:

Work was completed on:

Wastewater improvements including interceptor lines and SSES line improvements	\$ 669,978
Acquisition of new fire engine, ambulance, and transport van	1,441,164
Street improvements	625,138

Work continued on:

Airport master plan improvements/expansion	5,842,452
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Additional information on the City's capital assets can be found in Note III.C. on pages 35 to 37 of this report.

Long-Term Debt. At the end of the current fiscal year, the City had total long-term debt outstanding of \$31,415,432.

City of Burnet's Outstanding Long-Term Debt

	Governmental Activities		Business-type Activities		Total	
	2016	2015	2016	2015	2016	2015
Certificates of obligation	\$ 1,096,559	1,255,203	20,832,000	21,630,000	21,928,559	22,885,203
Refunding bonds	1,860,000	1,995,000	344,916	376,272	2,204,916	2,371,272
Tax notes	-	-	130,000	265,000	130,000	265,000
Compensated absences	448,162	410,162	163,402	171,873	611,564	582,035
Net OPEB obligation	2,545,112	2,001,587	-	-	2,545,112	2,001,587
Net pension liability	2,798,315	1,843,191	1,196,966	862,866	3,995,281	2,706,057
	<u>\$ 8,748,148</u>	<u>7,505,143</u>	<u>22,667,284</u>	<u>23,306,011</u>	<u>31,415,432</u>	<u>30,811,154</u>

The City's total outstanding debt increased by \$604,278 during the current fiscal year. The reasons for the increase were (1) an increase in the net pension liability due to market performance during the current year; (2) an increase in the net OPEB obligation due to rising health insurance costs; and (3) offset by the regularly scheduled principal payments due on existing bonded debt and tax notes. No new bonded debt was issued during the year.

The City maintains an "A" rating from Standard & Poor's for general obligation debt.

There is no specific maximum debt limit established by law for the City; therefore, the limit is governed by the City's ability to levy and collect taxes to service the debt for its outstanding general obligation debt.

Additional information on the City's long-term debt can be found in Note III.D. on pages 37 to 40 of this report.

Economic Factors and Next Year's Budget and Rates

The following economic factors currently affect the City and were considered in developing the 2017 fiscal year budget:

- Projected moderate increases in sales tax;
- Increasing personnel costs (including how to manage rising health care costs while keeping the highest level of service for employees);
- Appropriately managing equipment replacements at the optimal time;
- Review of current debt service requirements and consideration of benefits of early defeasance; and
- Preparing to build new police department and city hall with minimal effect on property tax rate and debt ratio.

Requests for Information

This financial report is designed to provide a general overview of the City's finances for all those with an interest in the government's finances. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to the Office of the City Manager, City of Burnet, Texas, P. O. Box 1369, Burnet, Texas 78611.

City of Burnet, Texas

Statement of Net Position

September 30, 2016

	Primary Government			Component Unit
	Governmental	Business-type	Total	Burnet Economic
	Activities	Activities		Development
				Corporation, Inc.
Assets				
Cash and cash equivalents	\$ 5,686,356	1,703,923	7,390,279	690,128
Receivables (net of allowance for uncollectibles)	873,725	1,289,719	2,163,444	89,097
Intergovernmental receivable	7,349	-	7,349	-
Due from component unit	200,000	-	200,000	-
Inventories	72,310	711,966	784,276	-
Internal balances	(548,159)	548,159	-	-
Prepaid and other items	13,376	5,993	19,369	4,118
Restricted cash and cash equivalents	-	863,923	863,923	-
Properties held for resale	-	-	-	1,118,466
Capital assets not being depreciated:				
Land	1,488,682	577,543	2,066,225	-
Construction in progress	9,588,663	794,260	10,382,923	-
Capital assets, net of accumulated depreciation:				
Buildings	6,162,488	112,092	6,274,580	-
Machinery and equipment	2,207,888	1,047,668	3,255,556	13,780
Infrastructure	12,250,208	36,103,866	48,354,074	-
Total assets	38,002,886	43,759,112	81,761,998	1,915,589
Deferred Outflows of Resources				
Deferred outflows of resources	1,135,683	563,050	1,698,733	-
Liabilities				
Accounts and retainages payable	256,490	188,818	445,308	15,821
Accrued interest payable	13,143	11,708	24,851	-
Accrued liabilities	188,433	234,965	423,398	4,703
Deposits payable	27,600	424,990	452,590	-
Unearned revenue	5,271	94,033	99,304	-
Due to primary government	-	-	-	200,000
Noncurrent liabilities:				
Due within one year	743,670	1,126,894	1,870,564	-
Due in more than one year	8,004,478	21,540,390	29,544,868	-
Total liabilities	9,239,085	23,621,798	32,860,883	220,524
Net Position				
Net investment in capital assets	28,741,370	18,152,400	46,893,770	1,132,246
Restricted for:				
Debt service	214,492	-	214,492	-
Economic development	342,499	-	342,499	-
Aviation services	618,440	-	618,440	-
Public safety	63,358	-	63,358	-
Unrestricted	(80,675)	2,547,964	2,467,289	562,819
Total net position	\$ 29,899,484	20,700,364	50,599,848	1,695,065

See accompanying notes to financial statements.

City of Burnet, Texas

Statement of Activities

Year Ended September 30, 2016

		Program Revenues		
Functions/Programs	Expenses	Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions
Primary government:				
Governmental activities:				
General government	\$ 2,128,923	186,002	-	-
Public safety	5,468,034	1,884,904	558,309	351,000
Highways and streets	764,824	-	-	-
Aviation services	430,876	590,356	6,735	5,849,801
Culture and recreation	1,001,469	24,058	-	-
Sanitation	775,516	863,235	-	-
Economic development	498,496	-	-	-
Interest	87,978	-	-	-
Total governmental activities	11,156,116	3,548,555	565,044	6,200,801
Business-type activities:				
Electric	6,035,719	8,529,957	-	13,299
Water and sewer	2,942,937	4,069,235	-	-
Delaware Springs Golf Course	1,536,738	1,313,858	-	13,350
Total business-type activities	10,515,394	13,913,050	-	26,649
Total primary government	\$ 21,671,510	17,461,605	565,044	6,227,450
Component unit:				
Burnet Economic Development Corporation				
	\$ 439,191	44,274	340,000	-
General revenues:				
Property taxes				
Sales taxes				
Franchise taxes				
Hotel/motel taxes				
Unrestricted interest				
Gain (loss) on disposition of capital assets				
Transfers				
Total general revenues and transfers				
Change in net position				
Net position, beginning of year				
Net position, end of year				

See accompanying notes to financial statements.

Net Revenues (Expenses) and Changes in Net Position			
Primary Government			Component Unit
Governmental Activities	Business-type Activities	Total	Burnet Economic Development Corporation, Inc.
(1,942,921)	-	(1,942,921)	
(2,673,821)	-	(2,673,821)	
(764,824)	-	(764,824)	
6,016,016	-	6,016,016	
(977,411)	-	(977,411)	
87,719	-	87,719	
(498,496)	-	(498,496)	
(87,978)	-	(87,978)	
(841,716)	-	(841,716)	
-	2,507,537	2,507,537	
-	1,126,298	1,126,298	
-	(209,530)	(209,530)	
-	3,424,305	3,424,305	
(841,716)	3,424,305	2,582,589	
			(54,917)
2,245,634	-	2,245,634	-
1,578,655	-	1,578,655	526,218
125,361	-	125,361	-
151,168	-	151,168	-
9,266	5,326	14,592	807
73,141	-	73,141	(258,969)
3,228,848	(3,228,848)	-	-
7,412,073	(3,223,522)	4,188,551	268,056
6,570,357	200,783	6,771,140	213,139
23,329,127	20,499,581	43,828,708	1,481,926
29,899,484	20,700,364	50,599,848	1,695,065

City of Burnet, Texas

Balance Sheet Governmental Funds

September 30, 2016

	General	Airport	Debt Service	General Capital Projects	Other Governmental Funds	Total Governmental Funds
Assets						
Cash and cash equivalents	\$ 3,447,067	580,829	524,753	241,133	892,574	5,686,356
Receivables (net of allowance for uncollectibles)	785,926	32,251	20,452	9,394	25,702	873,725
Intergovernmental receivable	-	7,349	-	-	-	7,349
Due from component unit	200,000	-	-	-	-	200,000
Due from other funds	-	-	255	-	48,830	49,085
Inventories	37,190	35,120	-	-	-	72,310
Prepaid and other items	13,376	-	-	-	-	13,376
Total assets	\$ 4,483,559	655,549	545,460	250,527	967,106	6,902,201
Liabilities						
Liabilities:						
Accounts and retainages payable	\$ 219,280	22,667	-	5,456	9,087	256,490
Accrued liabilities	186,452	1,981	-	-	-	188,433
Deposits payable	19,465	8,135	-	-	-	27,600
Unearned revenue	1,200	4,071	-	-	-	5,271
Due to other funds	7,131	255	330,968	-	258,890	597,244
Total liabilities	433,528	37,109	330,968	5,456	267,977	1,075,038
Deferred Inflows of Resources						
Unavailable revenue - property taxes	98,597	-	20,194	-	-	118,791
Fund Balances						
Nonspendable	50,566	35,120	-	-	-	85,686
Restricted	-	583,320	194,298	-	405,857	1,183,475
Assigned	-	-	-	245,071	293,272	538,343
Unassigned	3,900,868	-	-	-	-	3,900,868
Total fund balances	3,951,434	618,440	194,298	245,071	699,129	5,708,372
Total liabilities, deferred inflows of resources and fund balances	\$ 4,483,559	655,549	545,460	250,527	967,106	
Amounts reported for governmental activities in the statement of net assets are different because:						
Capital assets used in governmental activities are not financial resources and, therefore, are not reported in the funds.						31,697,929
Other long-term assets are not available to pay for current period expenditures and, therefore, are deferred in the funds.						118,791
Long-term liabilities, including general obligation debt payable and the net pension liability, are not due and payable in the current period and, therefore, are not reported in the funds.						(7,625,608)
Net position of governmental activities						\$ 29,899,484

See accompanying notes to financial statements.

City of Burnet, Texas

**Statement of Revenues, Expenditures and Changes in
Fund Balances - Governmental Funds**

Year Ended September 30, 2016

	General	Airport	Debt Service	General Capital Projects	Other Governmental Funds	Total Governmental Funds
Revenues:						
Property taxes	\$ 1,860,949	-	378,736	-	-	2,239,685
Sales taxes	1,578,655	-	-	-	-	1,578,655
Franchise taxes	125,361	-	-	-	-	125,361
Hotel/motel taxes	-	-	-	-	151,168	151,168
Licenses and permits	43,302	-	-	-	-	43,302
Intergovernmental	458,959	7,349	-	-	-	466,308
Charges for services - sanitation	863,235	-	-	-	-	863,235
Charges for services - EMS	1,741,445	-	-	-	-	1,741,445
Charges for services - other	24,058	-	-	-	-	24,058
Fines	126,503	-	-	-	12,150	138,653
Interest	5,098	567	1,070	-	2,531	9,266
Contributions and donations	206,735	-	-	151,000	-	357,735
Fuel sales	-	387,664	-	-	-	387,664
Miscellaneous	246,856	202,692	-	-	-	449,548
Total revenues	7,281,156	598,272	379,806	151,000	165,849	8,576,083
Expenditures:						
Current:						
General government	1,734,087	-	-	-	-	1,734,087
Public safety	4,432,456	-	-	-	-	4,432,456
Highways and streets	404,575	-	-	-	-	404,575
Aviation services	-	400,793	-	-	-	400,793
Culture and recreation	728,381	-	-	-	-	728,381
Sanitation	775,516	-	-	-	-	775,516
Economic development	81,198	340,000	-	-	74,200	495,398
Debt service:						
Principal	-	-	293,644	-	-	293,644
Interest and fiscal charges	-	-	89,366	-	-	89,366
Capital outlay	-	-	-	2,067,521	686,714	2,754,235
Total expenditures	8,156,213	740,793	383,010	2,067,521	760,914	12,108,451
Excess (deficiency) of revenues over (under) expenditures	(875,057)	(142,521)	(3,204)	(1,916,521)	(595,065)	(3,532,368)
Other financing sources (uses):						
Insurance recoveries	10,328	-	-	-	62,813	73,141
Transfers in	3,751,400	-	23,315	2,401,400	620,708	6,796,823
Transfers out	(3,042,370)	(50,030)	-	(65,986)	(319,839)	(3,478,225)
Total other financing sources (uses)	719,358	(50,030)	23,315	2,335,414	363,682	3,391,739
Net change in fund balances	(155,699)	(192,551)	20,111	418,893	(231,383)	(140,629)
Fund balances, beginning of year	4,107,133	810,991	174,187	(173,822)	930,512	5,849,001
Fund balances, end of year	\$ 3,951,434	618,440	194,298	245,071	699,129	5,708,372

See accompanying notes to financial statements.

City of Burnet, Texas

**Reconciliation of the Statement of Revenues,
Expenditures, and Changes in Fund Balances of
Governmental Funds to the Statement of Activities**

Year Ended September 30, 2016

Amounts reported for governmental activities in the statement of activities are different because:

Net change in fund balances - total governmental funds \$ (140,629)

Governmental funds report capital outlays as expenditures. However, in the statement of activities, the cost of those assets is allocated over their estimated useful lives as depreciation expense. This is the amount by which capital outlay (\$2,639,272) and contributed capital assets (\$5,842,452) exceeded depreciation expense (\$1,248,027) in the current period.

7,233,697

Revenues in the statement of activities that do not provide current financial resources are not reported as revenues in the funds.

5,949

Some expenses reported in the statement of activities do not require the use of current financial resources and, therefore, are not reported in governmental funds. This amount is the net effect of the change in net OPEB obligation (\$543,525) plus the change in compensated absences (\$38,000) plus the change in net pension liability and the related deferred outflows and inflows of resources (\$242,167) less the change in accrued interest payable (\$1,388).

(822,304)

The issuance of long-term debt provides current financial resources to governmental funds, while the repayment of the principal of long-term debt consumes current financial resources of governmental funds. Neither transaction, however, has any effect on net assets. Also, governmental funds report the effect of issuance premiums, discounts, and similar items when debt is first issued, whereas these amounts are deferred and amortized in the statement of activities. This is the amount of principal repayments in the current year.

293,644

Change in net position of governmental activities

\$ 6,570,357

See accompanying notes to financial statements.

City of Burnet, Texas

**General Fund
Statement of Revenues, Expenditures, and Changes in
Fund Balances – Budget and Actual – Budgetary Basis**

Year Ended September 30, 2016

	Budgeted Amounts		Actual Amounts (Budgetary Basis)	Variance with Final Budget
	Original	Final		
Revenues:				
Property taxes	\$ 1,810,000	1,810,000	1,860,949	50,949
Sales taxes	1,475,000	1,475,000	1,578,655	103,655
Franchise taxes	125,000	125,000	125,361	361
Licenses and permits	19,350	19,350	43,302	23,952
Intergovernmental	455,871	455,871	458,959	3,088
Charges for services - sanitation	903,399	903,399	863,235	(40,164)
Charges for services - EMS	1,773,000	1,773,000	1,741,445	(31,555)
Charges for services - other	13,000	13,000	24,058	11,058
Fines	84,000	84,000	126,503	42,503
Interest	9,600	9,600	5,098	(4,502)
Contributions and donations	6,000	6,000	206,735	200,735
Miscellaneous	225,419	261,419	286,424	25,005
Total revenues	<u>6,899,639</u>	<u>6,935,639</u>	<u>7,320,724</u>	<u>385,085</u>
Expenditures:				
General government:				
Mayor and Council	25,580	25,580	14,994	10,586
Administrative	1,347,356	1,365,356	1,319,339	46,017
Planning and zoning	377,980	377,980	363,803	14,177
City shop	85,297	85,297	84,453	844
Public safety:				
Police	1,725,622	1,742,122	1,713,366	28,756
Municipal court	101,016	101,016	98,500	2,516
Fire	3,026,370	3,035,370	3,014,945	20,425
Highways and streets	425,932	425,932	425,363	569
Culture and recreation:				
Parks	657,533	657,533	654,603	2,930
Recreation center	145,000	145,000	127,600	17,400
Sanitation	783,640	783,640	775,516	8,124
Economic development	89,823	89,823	81,198	8,625
Total expenditures	<u>8,791,149</u>	<u>8,834,649</u>	<u>8,673,680</u>	<u>160,969</u>
Excess (deficiency) of revenues over (under) expenditures	<u>(1,891,510)</u>	<u>(1,899,010)</u>	<u>(1,352,956)</u>	<u>546,054</u>
Other financing sources (uses):				
Insurance recoveries	-	9,500	10,328	828
Transfers in	2,533,544	3,733,544	3,751,400	17,856
Transfers out	(3,082,645)	(3,341,645)	(2,564,471)	777,174
Total other financing sources (uses)	<u>(549,101)</u>	<u>401,399</u>	<u>1,197,257</u>	<u>795,858</u>
Net change in fund balances	(2,440,611)	(1,497,611)	(155,699)	1,341,912
Fund balances, beginning of year	<u>4,851,710</u>	<u>4,851,710</u>	<u>4,851,710</u>	<u>-</u>
Fund balances, end of year	<u>\$ 2,411,099</u>	<u>3,354,099</u>	<u>4,696,011</u>	<u>1,341,912</u>

See accompanying notes to financial statements.

City of Burnet, Texas
Statement of Net Position –
Proprietary Funds
September 30, 2016

	Business-type Activities - Enterprise Funds			
	Electric	Water and Sewer	Delaware Springs Golf Course	Total
Assets				
Current assets:				
Cash and cash equivalents	\$ 540,832	1,150,607	12,484	1,703,923
Receivables (net of allowance for uncollectibles)	895,464	393,948	307	1,289,719
Inventories	344,920	252,316	114,730	711,966
Prepaid and other items	5,993	-	-	5,993
Due from other funds	99,206	479,600	-	578,806
Total current assets	<u>1,886,415</u>	<u>2,276,471</u>	<u>127,521</u>	<u>4,290,407</u>
Noncurrent assets:				
Restricted cash and cash equivalents	-	863,923	-	863,923
Capital assets:				
Land	11,171	357,759	208,613	577,543
Buildings	126,438	-	-	126,438
Infrastructure	5,950,803	41,826,836	2,996,485	50,774,124
Machinery and equipment	2,115,467	1,234,388	1,174,392	4,524,247
Construction in progress	-	794,260	-	794,260
Less accumulated depreciation	<u>(3,786,274)</u>	<u>(12,047,169)</u>	<u>(2,327,740)</u>	<u>(18,161,183)</u>
Total capital assets, net	<u>4,417,605</u>	<u>32,166,074</u>	<u>2,051,750</u>	<u>38,635,429</u>
Total noncurrent assets	<u>4,417,605</u>	<u>33,029,997</u>	<u>2,051,750</u>	<u>39,499,352</u>
Total assets	<u>6,304,020</u>	<u>35,306,468</u>	<u>2,179,271</u>	<u>43,789,759</u>
Deferred Outflows of Resources				
Deferred outflows of resources	<u>231,131</u>	<u>199,040</u>	<u>132,879</u>	<u>563,050</u>
Liabilities				
Current liabilities:				
Accounts and retainages payable	20,829	153,646	14,343	188,818
Accrued interest payable	2,135	9,573	-	11,708
Accrued liabilities	48,885	147,781	38,299	234,965
Deposits payable	424,990	-	-	424,990
Due to other funds	-	5,249	25,398	30,647
Unearned revenue	94,033	-	-	94,033
Compensated absences - current	38,835	67,219	57,348	163,402
General obligation debt payable - current	54,492	909,000	-	963,492
Total current liabilities	<u>684,199</u>	<u>1,292,468</u>	<u>135,388</u>	<u>2,112,055</u>
Noncurrent liabilities:				
General obligation debt payable	310,424	20,033,000	-	20,343,424
Net pension liability	379,119	490,434	327,413	1,196,966
Total noncurrent liabilities	<u>689,543</u>	<u>20,523,434</u>	<u>327,413</u>	<u>21,540,390</u>
Total liabilities	<u>1,373,742</u>	<u>21,815,902</u>	<u>462,801</u>	<u>23,652,445</u>
Net Position				
Net investment in capital assets	4,129,956	11,970,694	2,051,750	18,152,400
Unrestricted	<u>1,031,453</u>	<u>1,718,912</u>	<u>(202,401)</u>	<u>2,547,964</u>
Total net position	<u>\$ 5,161,409</u>	<u>13,689,606</u>	<u>1,849,349</u>	<u>20,700,364</u>

See accompanying notes to financial statements.

City of Burnet, Texas

**Statement of Revenues, Expenses, and Changes in Net Position –
Proprietary Funds**

Year Ended September 30, 2016

	Business-type Activities - Enterprise Funds			
	Electric	Water and Sewer	Delaware Springs Golf Course	Total
Operating revenues:				
Charges for sales and services:				
Electric service	\$ 8,463,572	-	-	8,463,572
Water and sewer services	-	4,027,437	-	4,027,437
Golf services	-	-	896,014	896,014
Sales of merchandise	-	-	401,960	401,960
Other operating revenue	66,385	41,798	15,884	124,067
Total operating revenues	<u>8,529,957</u>	<u>4,069,235</u>	<u>1,313,858</u>	<u>13,913,050</u>
Operating expenses:				
Personnel	750,041	978,993	711,111	2,440,145
Materials and supplies	89,694	187,660	72,868	350,222
Repairs and maintenance	40,911	118,578	136,520	296,009
Purchased services	50,627	366,722	83,125	500,474
Purchases for resale	4,729,301	59,572	286,495	5,075,368
Depreciation	257,265	1,072,976	246,619	1,576,860
Other operating expenses	93,339	44,297	-	137,636
Total operating expenses	<u>6,011,178</u>	<u>2,828,798</u>	<u>1,536,738</u>	<u>10,376,714</u>
Operating income (loss)	<u>2,518,779</u>	<u>1,240,437</u>	<u>(222,880)</u>	<u>3,536,336</u>
Nonoperating revenues (expenses):				
Interest earnings	1,451	3,875	-	5,326
Interest expense	(24,541)	(114,139)	-	(138,680)
Total nonoperating revenues (expenses)	<u>(23,090)</u>	<u>(110,264)</u>	<u>-</u>	<u>(133,354)</u>
Income (loss) before contributions and transfers	2,495,689	1,130,173	(222,880)	3,402,982
Capital contributions	87,194	15,855	13,350	116,399
Transfers in	-	-	351,853	351,853
Transfers out	<u>(2,874,668)</u>	<u>(749,738)</u>	<u>(46,045)</u>	<u>(3,670,451)</u>
Change in net position	(291,785)	396,290	96,278	200,783
Net position, beginning of year	<u>5,453,194</u>	<u>13,293,316</u>	<u>1,753,071</u>	<u>20,499,581</u>
Net position, end of year	<u>\$ 5,161,409</u>	<u>13,689,606</u>	<u>1,849,349</u>	<u>20,700,364</u>

City of Burnet, Texas

**Statement of Cash Flows –
Proprietary Funds**

Year Ended September 30, 2016

	Business-type Activities - Enterprise Funds			
	Electric	Water and Sewer	Delaware Springs Golf Course	Total
Cash flows from operating activities:				
Receipts from customers and users	\$ 8,713,652	4,098,354	1,315,163	14,127,169
Payments to employees for salaries and wages	(521,731)	(674,654)	(498,002)	(1,694,387)
Payments to suppliers and others	(5,201,277)	(1,942,345)	(855,969)	(7,999,591)
Net cash provided by (used in) operating activities	<u>2,990,644</u>	<u>1,481,355</u>	<u>(38,808)</u>	<u>4,433,191</u>
Cash flows from noncapital financing activities:				
Transfers from other funds	-	-	351,853	351,853
Transfers to other funds	(2,874,668)	(749,738)	(46,045)	(3,670,451)
Net cash provided by (used in) noncapital financing activities	<u>(2,874,668)</u>	<u>(749,738)</u>	<u>305,808</u>	<u>(3,318,598)</u>
Cash flows from capital and related financing activities:				
Acquisition and construction of capital assets	(238,949)	(1,212,864)	(317,966)	(1,769,779)
Capital contributions	13,299	-	13,350	26,649
Principal paid on capital debt	(51,356)	(913,000)	-	(964,356)
Interest paid on capital debt	(14,505)	(116,622)	-	(131,127)
Net cash provided by (used in) capital and related financing activities	<u>(291,511)</u>	<u>(2,242,486)</u>	<u>(304,616)</u>	<u>(2,838,613)</u>
Cash flows from investing activities:				
Interest on investments	<u>1,451</u>	<u>3,875</u>	<u>-</u>	<u>5,326</u>
Net cash provided by investing activities	<u>1,451</u>	<u>3,875</u>	<u>-</u>	<u>5,326</u>
Net increase (decrease) in cash and cash equivalents	(174,084)	(1,506,994)	(37,616)	(1,718,694)
Cash and cash equivalents, beginning of year	<u>714,916</u>	<u>3,521,524</u>	<u>50,100</u>	<u>4,286,540</u>
Cash and cash equivalents, end of year	<u>\$ 540,832</u>	<u>2,014,530</u>	<u>12,484</u>	<u>2,567,846</u>

(continued)

City of Burnet, Texas

**Statement of Cash Flows –
Proprietary Funds**

(Continued)

	Business-type Activities - Enterprise Funds			
	Electric	Water and Sewer	Delaware Springs Golf Course	Total
Reconciliation of operating income (loss) to net cash provided by (used in) operating activities:				
Operating income (loss)	\$ 2,518,779	1,240,437	(222,880)	3,536,336
Adjustments to reconcile operating income (loss) to net cash provided by (used in) operating activities:				
Depreciation	257,265	1,072,976	246,619	1,576,860
Decrease (increase) in assets and liabilities:				
Accounts receivables	81,732	29,119	1,305	112,156
Due from / due to other funds	(7)	(435)	-	(442)
Inventories	13,007	(15,820)	2,176	(637)
Prepaid and other items	(5,993)	-	-	(5,993)
Accounts payable and accrued liabilities	(11,776)	(874,183)	(38,831)	(924,790)
Deposits payable	7,930	-	-	7,930
Unearned revenues	94,033	-	-	94,033
Net pension liability and pension-related deferred outflows and inflows of resources	24,413	24,370	(51,820)	(3,037)
Compensated absences	11,261	4,891	24,623	40,775
Total adjustments	471,865	240,918	184,072	896,855
Net cash provided by (used in) operating activities	\$ 2,990,644	1,481,355	(38,808)	4,433,191
Non-cash capital and related financing activities:				
Contributions of capital assets	\$ 73,895	15,855	-	89,750

See accompanying notes to financial statements.

City of Burnet, Texas

Notes to Financial Statements

September 30, 2016

I. Summary of Significant Accounting Policies

A. Reporting Entity

The City of Burnet, Texas, the county seat for Burnet County, is situated in the midwestern part of Burnet County in Central Texas and encompasses approximately six square miles. The City of Burnet, Texas (the "City") is a "Home Rule Charter" city. The City operates under a Council / Manager form of government meaning that the City Council makes and adopts regulations, laws and policy and the City Manager is responsible for the day to day operations of the City. The City provides basic services to its citizens, such as police, fire, electricity, water and sewer, and sanitation, as well as health and welfare, economic development, aviation services, and parks and recreation services.

The accompanying financial statements present the government and its component units, entities for which the government is considered to be financially accountable. Blended component units although legally separate entities are, in substance, part of the government's operations and so data from these units are combined with data of the primary government. The City did not have any blended component units. A discretely presented component unit, on the other hand, is reported in a separate column in the government-wide financial statements to emphasize it is legally separate from the government.

Discretely presented component unit - The Burnet Economic Development Corporation, Inc. (the "Development Corporation") is a governmental nonprofit corporation organized for the purpose of promoting, assisting, and enhancing economic development activities of the City of Burnet, Texas. The City Council appoints a governing body that is not substantively the same as the governing body of the primary government. Budgets of the Corporation and debt to be incurred must be approved by the Council. The Development Corporation does not issue separate financial statements.

B. Basis of Presentation - Government-Wide Financial Statements

The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all of the activities of the primary government and its component units. Governmental activities, which normally are supported by taxes and other nonexchange transactions, are reported separately from business-type activities, which rely to a significant extent on fees and charges to external customers for support. Likewise, the primary government is reported separately from certain legally separate component units for which the primary government is financially accountable.

While separate government-wide and fund financial statements are presented, they are interrelated. The governmental activities column incorporates data from governmental funds, while business-type activities incorporate data from the government's enterprise

City of Burnet, Texas

Notes to Financial Statements (Continued)

I. Summary of Significant Accounting Policies (continued)

B. Basis of Presentation - Government-Wide Financial Statements (continued)

funds. Separate financial statements are provided for governmental funds and proprietary funds.

As a general rule, the effect of interfund activity has been eliminated from the government-wide financial statements. Exceptions to this general rule are payments in lieu of taxes where the amounts are reasonably equivalent in value to the interfund services provided and other charges between the City's electric, water and sewer functions, and various other functions of the government. Elimination of these charges would distort the direct costs and program revenues reported for the various functions concerned.

C. Program Revenues

Amounts reported as program revenues include: (1) charges to customers or applicants for goods, services, or privileges provided, (2) operating grants and contributions, and (3) capital grants and contributions. All taxes, including those dedicated for specific purposes, and other internally dedicated resources are reported as general revenues rather than as program revenues.

D. Basis of Presentation - Fund Financial Statements

The fund financial statements provide information about the government's funds. Separate statements for each fund category - governmental and proprietary - are presented. The emphasis of fund financial statements is on major governmental and enterprise funds, each displayed in a separate column. All remaining governmental and enterprise funds are aggregated and reported as nonmajor funds. Major individual governmental and enterprise funds are reported as separate columns in the fund financial statements.

The City reports the following major governmental funds:

The general fund is the City's primary operating fund. It accounts for all financial resources of the general government, except those required to be accounted for in another fund.

The airport fund, a special revenue fund, accounts for the operations of Burnet Municipal Airport.

The debt service fund is used to account for the accumulation of resources that are restricted, committed, or assigned for the payment of principal and interest on long-term obligations of governmental funds.

City of Burnet, Texas

Notes to Financial Statements (Continued)

I. Summary of Significant Accounting Policies (continued)

D. Basis of Presentation - Fund Financial Statements (continued)

The general capital projects fund is used to account for the acquisition / renovation of buildings, equipment, and other capital items for City purposes.

The City reports the following major enterprise funds:

The electric fund accounts for the City's electric services to its residents. All activities necessary to provide such services are accounted for in this fund including, but not limited to, administration, operations, maintenance, and financing and related debt service.

The water and sewer fund accounts for the City's water and sewer services to its residents. All activities necessary to provide such services are accounted for in this fund including, but not limited to, administration, operations, maintenance, and financing and related debt service.

The Delaware Springs Golf Course fund accounts for the operation of the Delaware Springs Municipal Golf Course. All activities necessary for the operation of the golf course are accounted for in this fund including, but not limited to, administration, operations, maintenance, and financing and related debt service.

During the course of operations, the City has activity between funds for various purposes. Any residual balances outstanding at year-end are reported as due from/to other funds. While these balances are reported in fund financial statements, certain eliminations are made in the preparation of the government-wide financial statements. Balances between the funds included in governmental activities (i.e., the governmental funds) are eliminated so that only the net amount is included as internal balances in the governmental activities column. Similarly, balances between the funds included in business-type activities (i.e., the enterprise funds) are eliminated so that only the net amount is included as internal balances in the business-type activities column.

Further, certain activity occurs during the year involving transfers of resources between funds. In fund financial statements these amounts are reported at gross amounts as transfers in/out. While reported in fund financial statements, certain eliminations are made in the preparation of the government-wide financial statements. Transfers between the funds included in governmental activities are eliminated so that only the net amount is included as transfers in the governmental activities column. Similarly, balances between the funds included in business-type activities are eliminated so that only the net amount is included as transfers in the business-type activities column.

City of Burnet, Texas

Notes to Financial Statements (Continued)

I. Summary of Significant Accounting Policies (continued)

E. Measurement Focus and Basis of Accounting

The accounting and financial reporting treatment is determined by the applicable measurement focus and basis of accounting. Measurement focus indicates the type of resources being measured such as current financial resources or economic resources. The basis of accounting indicates the timing of transactions or events for recognition in the financial statements.

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

The governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the City considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences, and claims and judgments, are recorded only when payment is due. General capital asset acquisitions are reported as expenditures in governmental funds. Issuance of long-term debt and acquisitions under capital leases are reported as other financing sources.

Property taxes, sales taxes, franchise taxes and charges for services associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Expenditure-driven grants are recognized as revenue when the qualifying expenditures have been incurred and all other eligibility requirements have been met, and the amount is received during the period or within the availability period for this revenue source (within 60 days of year-end). All other revenue items are considered to be measurable and available only when cash is received by the City.

The proprietary funds are reported using the economic resources measurement focus and the accrual basis of accounting.

City of Burnet, Texas

Notes to Financial Statements (Continued)

I. Summary of Significant Accounting Policies (continued)

F. Proprietary Funds Operating and Nonoperating Revenues and Expenses

Proprietary funds distinguish operating revenues and expenses from nonoperating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the electric fund, water and sewer fund, and Delaware Springs Golf Course fund are charges to customers for sales and services. Operating expenses for the enterprise funds include the cost of sales and services, administrative expenses, and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

G. Budgetary Information

Annual budgets are legally adopted for the following funds (under the City's budgetary fund structure): the general fund, the hotel/motel tax fund, the airport fund, and the debt service fund. Capital projects funds are generally planned on both a project-length basis and an annual basis. Also, operating plans are developed for the electric fund, water and sewer fund and the Delaware Springs Golf Course fund.

The appropriated budget is prepared by fund, department and object. The City Manager is authorized to transfer budgeted amounts within departments within any fund; however, any revisions that alter the total expenditures of any fund must be approved by the City Council. The legal level of budgetary control (i.e., the level at which expenditures may not legally exceed appropriations) is the fund level.

Appropriations in all budgeted funds lapse at the end of the fiscal year even if they have related encumbrances. Encumbrances are commitments related to unperformed (executory) contracts for goods or services (i.e., purchase orders and contracts). Encumbrance accounting is utilized to the extent necessary to assure effective budgetary control and accountability and to facilitate effective cash planning and control. While all appropriations and encumbrances lapse at year end, valid outstanding encumbrances (those for which performance under the executory contract is expected in the next year) are re-appropriated and become part of the subsequent year's budget.

The City prepares its appropriated budgets on a budgetary basis structure which differs from that used for financial reporting in accordance with generally accepted accounting principles ("GAAP"). The budget and all transactions of the general fund are presented in accordance with the City's budgetary basis structure in the Statement of Revenues, Expenditures and Changes in Fund Balances – Budget and Actual – Budgetary Basis to provide a meaningful comparison of actual results with the budget. The major difference between the budgetary basis and the GAAP basis is that the budgetary basis uses a fund

City of Burnet, Texas

Notes to Financial Statements (Continued)

I. Summary of Significant Accounting Policies (continued)

G. Budgetary Information (continued)

structure which is used in the City's legally adopted budget (rather than the fund structure used in their financial statements) which results in certain activities reported on a GAAP basis which are not included on a budgetary basis. Adjustments necessary for the general fund to convert the net change in fund balance on the budgetary basis to a GAAP basis are provided below:

Net change in fund balance - budgetary basis	\$ (155,699)
Activites not included in general fund budget	<u>-</u>
Net change in fund balance - GAAP basis	<u>\$ (155,699)</u>

H. Investments, and Cash and Cash Equivalents

State statutes and the City's investment policy authorize the City to invest in obligations of the United States and its agencies, certificates of deposit, and public funds investment pools.

Investments for the government are reported at fair value (generally based on quoted market prices) except for the position in the State Treasurer's Texas Local Government Investment Pool ("TexPool"). In accordance with state law, the Comptroller of Public Accounts (the Comptroller) is the sole officer, director and shareholder of TexPool. Additionally, the Comptroller has established an advisory board composed of both participants in TexPool and other persons who do not have a business relationship with TexPool. The advisory board members review the investment policy and management fee structure. There are no maximum transaction amounts and withdrawals from TexPool may be made daily. TexPool uses amortized cost rather than fair value to report net assets share price.

The City's cash and cash equivalents for purposes of reporting cash flows of the enterprise funds are considered to be cash on hand, demand deposits, external investment pools and deposits in the City's internal cash pool.

I. Inventories and Prepaid Items

Inventories are valued at cost using the first-in/first-out method and consist of expendable material and supplies and vehicle repair parts. The cost of such inventories is recorded as expenditures/expenses when consumed rather than when purchased.

City of Burnet, Texas

Notes to Financial Statements (Continued)

I. Summary of Significant Accounting Policies (continued)

I. Inventories and Prepaid Items (continued)

Certain payments to vendors reflect costs applicable to future accounting periods and are recorded as prepaid items in both the government-wide and fund financial statements. The cost of prepaid items is recorded as expenditures/expenses when consumed rather than when purchased.

J. Capital Assets

Capital assets, which include land, buildings, machinery and equipment, and infrastructure assets (e.g., roads, bridges, sidewalks, and similar items) are reported in the applicable governmental or business-type activities columns in the government-wide financial statements. Capital assets are defined by the City as assets with an initial, individual cost of more than \$5,000 and an estimated useful life in excess of one year.

In the case of the initial capitalization of general infrastructure assets (i.e., those reported by governmental activities), the City chose to include all such items regardless of their acquisition date or amount. The City was able to estimate the historical cost for the initial reporting of these assets. As the City constructs or acquires additional capital assets each period, including infrastructure assets, they are capitalized and reported at historical cost.

The reported value excludes normal maintenance and repairs which are essentially amounts spent in relation to capital assets that do not increase the capacity or efficiency of the item or increase its estimated useful life. Donated capital assets are recorded at their estimated fair value at the date of donation.

Interest incurred during the construction phase of capital assets of enterprise funds is included as part of the capitalized value of the assets constructed. The amount of interest capitalized depends on the specific circumstances.

Land and construction in progress are not depreciated. The other capital assets of the City are depreciated using the straight line method over the following estimated useful lives:

<u>Assets</u>	<u>Years</u>
Buildings	10 – 40
Machinery and equipment	5 – 10
Infrastructure	10 – 50

City of Burnet, Texas

Notes to Financial Statements (Continued)

I. Summary of Significant Accounting Policies (continued)

K. Long-Term Liabilities

In the government-wide financial statements and proprietary fund types in the fund financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities, business-type activities, or proprietary-fund-type statement of net position. Bond premiums and discounts are deferred and amortized over the life of the bonds using the effective interest method. Bonds payable are reported net of the applicable bond premium or discount.

In the fund financial statements, governmental fund types recognize bond premiums and discounts during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts on debt issuances are reported as other financing uses.

L. Pensions

For purposes of measuring the net pension asset or liability, deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the Texas Municipal Retirement System ("TMRS") and additions to/deductions from TMRS's fiduciary net position have been determined on the same basis as they are reported by TMRS. For this purpose, plan contributions are recognized in the period that compensation is reported for the employee, which is when contributions are legally due. Benefit payments and refunds are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

M. Deferred Outflows/Inflows of Resources

In addition to assets, the statement of financial position and balance sheet will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net position that applies to a future period(s) and so will not be recognized as an outflow of resources (expense/expenditure) until then.

In addition to liabilities, the statement of financial position and balance sheet will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net position that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until that time.

City of Burnet, Texas

Notes to Financial Statements (Continued)

I. Summary of Significant Accounting Policies (continued)

N. Net Position Flow Assumptions

Sometimes the City will fund outlays for a particular purpose from both restricted (e.g., restricted bond or grant proceeds) and unrestricted resources. In order to calculate the amounts to report as restricted – net position and unrestricted – net position in the government-wide and proprietary fund financial statements, a flow assumption must be made about the order in which the resources are considered to be applied. It is the City's policy to consider restricted – net position to have been depleted before unrestricted – net position is applied.

O. Fund Balance Flow Assumptions

Sometimes the City will fund outlays for a particular purpose from both restricted and unrestricted resources (the total of committed, assigned, and unassigned fund balance). In order to calculate the amounts to report as restricted, committed, assigned, and unassigned fund balance in the governmental fund financial statements, a flow assumption must be made about the order in which the resources are considered to be applied. It is the City's policy to consider restricted fund balance to have been depleted before using any of the components of unrestricted fund balance. Further, when the components of unrestricted fund balance can be used for the same purpose, committed fund balance is depleted first, followed by assigned fund balance. Unassigned fund balance is applied last.

P. Fund Balance Policies

Fund balance of governmental funds is reported in various categories based on the nature of any limitations requiring the use of resources for specific purposes. The government itself can establish limitations on the use of resources through either a commitment (committed fund balance) or an assignment (assigned fund balance).

The committed fund balance classification includes amounts that can be used only for the specific purposes determined by a formal action of the government's highest level of decision-making authority. The City Council is the highest level of decision-making authority for the City that can, by adoption of an ordinance prior to the end of the fiscal year, commit fund balance. Once adopted, the limitation imposed by the ordinance remains in place until a similar action is taken (the adoption of another ordinance) to remove or revise the limitation.

Amounts in the assigned fund balance classification are intended to be used by the City for specific purposes but do not meet the criteria to be classified as committed. City management is authorized to assign fund balance. Unlike commitments, assignments

City of Burnet, Texas

Notes to Financial Statements (Continued)

I. Summary of Significant Accounting Policies (continued)

P. Fund Balance Policies (continued)

generally only exist temporarily. In other words, an additional action does not normally have to be taken for the removal of an assignment. Conversely, as discussed above, an additional action is essential to either remove or revise a commitment.

The components and specific purpose details of nonspendable, restricted, and assigned fund balances of governmental funds at September 30, 2016 are as follows:

	General	Airport	Debt Service	General Capital Projects	Nonmajor Governmental Funds	Total
Nonspendable:						
Inventories	\$ 37,190	35,120	-	-	-	72,310
Prepaid items	13,376	-	-	-	-	13,376
Restricted:						
Aviation services	-	583,320	-	-	-	583,320
General obligation debt service	-	-	194,298	-	-	194,298
Economic development	-	-	-	-	342,499	342,499
Public safety	-	-	-	-	63,358	63,358
Assigned:						
Capital projects	-	-	-	245,071	293,272	538,343
Unassigned	3,900,868	-	-	-	-	3,900,868
	<u>\$ 3,951,434</u>	<u>618,440</u>	<u>194,298</u>	<u>245,071</u>	<u>699,129</u>	<u>5,708,372</u>

Q. Property Taxes

Property taxes attach as an enforceable lien on real property and are levied as of October 1 on the assessed value as of the previous January 1 for all real and personal property in the City.

R. Compensated Absences

The City's policy permits employees to accumulate earned but unused vacation and sick leave benefits, which are eligible for payment upon separation from government service subject to certain limitations. The liability for such leave is reported as incurred in the government-wide and proprietary fund financial statements. A liability for those amounts is recorded in the governmental funds only if the liability has matured as a result of employee resignations or retirements.

City of Burnet, Texas

Notes to Financial Statements (Continued)

II. Reconciliation of Government-Wide and Fund Financial Statements

A. Explanation of Certain Differences Between the Governmental Fund Balance Sheet and the Government-Wide Statement of Net Position

The governmental fund balance sheet includes a reconciliation between fund balance – total governmental funds and net position – governmental activities as reported in the government-wide statement of net position. One element of that reconciliation explains that “long-term liabilities, including general obligation debt payable and the net pension liability, are not due and payable in the current period and, therefore, are not reported in the funds.” The details of this \$7,625,608 are as follows.

General obligation debt payable	\$ 2,956,559
Compensated absences	448,162
Accrued interest payable	13,143
Net OPEB obligation	2,545,112
Net pension liability	2,798,315
Pension-related deferred outflows of resources	<u>(1,135,683)</u>
	<u>\$ 7,625,608</u>

III. Detailed Notes On All Activities and Funds

A. Cash Deposits and Investments

Investments of the City at September 30, 2016, consist of investments in Texas Local Government Investment Pool (“TexPool”) of \$276,558. See Note I.H. for a discussion of how the shares in TexPool are valued.

Credit Risk: For an investment, credit risk is the risk that an investment issuer or other counterparty to an investment will not fulfill obligations. The Public Funds Investment Act (Government Code Chapter 2256) restricts the types of investments in which the City may invest. The City’s investment policy addresses credit quality by further restricting authorized investments to obligations of the United States and its agencies, and public funds investment pools rated AAA or AA from a nationally recognized rating service. The City’s investment in TexPool is rated AAAm by Standard & Poors.

Interest Rate Risk: Interest rate risk is the risk that changes in market interest rates will adversely affect the fair value of an investment. In accordance with its investment policy, the City will only invest on a basis which allows liquidity to meet cash flow needs as necessary – the weighted average maturity should be 180 days or less for the general fund and 365 days or less for the debt service fund. The weighted average maturity of TexPool is 44 days as of September 30, 2016.

City of Burnet, Texas

Notes to Financial Statements (Continued)

III. Detailed Notes On All Activities and Funds (continued)

A. Cash Deposits and Investments (continued)

Custodial Credit Risk: The custodial credit risk for deposits is the risk that, in the event of the failure of a depository financial institution, a government will not be able to recover deposits or will not be able to recover collateral securities that are in the possession of an outside party. City policy requires all deposits to be federally insured or collateralized by eligible securities held by an independent third-party custodian.

For an investment, custodial credit risk is the risk that in the event of the failure of the counter-party, the City will not be able to recover the value of its investment or collateralized securities that are in the possession of an outside third party. The City has no specific policies that limit the custodial credit risk for its investments.

A reconciliation of deposits and investments as shown on the statement of net position:

Cash on hand	\$ 2,018
Carrying amount of deposits	8,665,754
Carrying amount of investments	<u>276,558</u>
	<u>\$ 8,944,330</u>
Per the statement of net position for the City:	
Cash and cash equivalents	\$ 7,390,279
Restricted cash and cash equivalents	<u>863,923</u>
	8,254,202
Per the statement of net position for the Burnet Economic Development Corporation, Inc.:	
Cash and cash equivalents	<u>690,128</u>
	<u>\$ 8,944,330</u>

B. Receivables

Amounts are aggregated into a single account receivable (net of allowance for uncollectibles) line for certain funds and aggregated columns. Below is the detail of receivables for the general, airport, and debt service funds, and for the nonmajor governmental funds in the aggregate, including the applicable allowances for uncollectible accounts:

City of Burnet, Texas

Notes to Financial Statements (Continued)

III. Detailed Notes On All Activities and Funds (continued)

B. Receivables (continued)

	General	Airport	Debt Service	General Capital Projects	Nonmajor Governmental Funds	Total
Receivables:						
Property taxes	\$ 98,597	-	20,194	-	-	118,791
Sales taxes	267,246	-	-	-	-	267,246
Franchise taxes	14,573	-	-	-	-	14,573
Hotel/motel taxes	-	-	-	-	25,702	25,702
EMS	2,998,550	-	-	-	-	2,998,550
Other	111,304	32,251	258	9,394	-	153,207
	3,490,270	32,251	20,452	9,394	25,702	3,578,069
Less: allowance for uncollectibles	(2,704,344)	-	-	-	-	(2,704,344)
	<u>\$ 785,926</u>	<u>32,251</u>	<u>20,452</u>	<u>9,394</u>	<u>25,702</u>	<u>873,725</u>

C. Capital Assets

Capital asset activity for the year ended September 30, 2016, was as follows:

	Beginning Balance	Increases	Decreases	Ending Balance
<i>Governmental activities:</i>				
Capital assets, not being depreciated:				
Land	\$ 1,321,369	167,313	-	1,488,682
Construction in progress	3,746,211	5,842,452	-	9,588,663
Total capital assets not being depreciated	5,067,580	6,009,765	-	11,077,345
Capital assets, being depreciated:				
Buildings	9,461,240	104,576	-	9,565,816
Machinery and equipment	7,789,439	1,565,973	-	9,355,412
Infrastructure	18,384,229	801,410	-	19,185,639
Total capital assets, being depreciated	35,634,908	2,471,959	-	38,106,867
Less accumulated depreciation for:				
Buildings	(3,092,909)	(310,419)	-	(3,403,328)
Machinery and equipment	(6,700,790)	(446,734)	-	(7,147,524)
Infrastructure	(6,444,557)	(490,874)	-	(6,935,431)
Total accumulated depreciation	(16,238,256)	(1,248,027)	-	(17,486,283)
Total capital assets, being depreciated, net	19,396,652	1,223,932	-	20,620,584
	<u>\$ 24,464,232</u>	<u>7,233,697</u>	<u>-</u>	<u>31,697,929</u>

City of Burnet, Texas

Notes to Financial Statements (Continued)

III. Detailed Notes On All Activities and Funds (continued)

C. Capital Assets (continued)

	Beginning Balance	Increases	Decreases	Ending Balance
<i>Business-type activities:</i>				
Capital assets, not being depreciated:				
Land	\$ 577,543	-	-	577,543
Construction in progress	192,272	867,899	(265,911)	794,260
Total capital assets not being depreciated	769,815	867,899	(265,911)	1,371,803
Capital assets, being depreciated:				
Buildings	126,438	-	-	126,438
Machinery and equipment	4,406,137	118,110	-	4,524,247
Infrastructure	49,634,693	1,139,431	-	50,774,124
Total capital assets being depreciated	54,167,268	1,257,541	-	55,424,809
Less accumulated depreciation for:				
Buildings	(11,185)	(3,161)	-	(14,346)
Machinery and equipment	(3,159,470)	(317,109)	-	(3,476,579)
Infrastructure	(13,413,668)	(1,256,590)	-	(14,670,258)
Total accumulated depreciation	(16,584,323)	(1,576,860)	-	(18,161,183)
Total capital assets, being depreciated, net	37,582,945	(319,319)	-	37,263,626
	\$ 38,352,760	548,580	(265,911)	38,635,429

Depreciation expense was charged to functions/programs of the governmental activities of the City as follows:

General government	\$ 221,053
Public safety	466,656
Highways and streets	309,265
Aviation services	33,376
Culture and recreation	217,677
Total depreciation expense	\$ 1,248,027

The City has active construction projects as of September 30, 2016. At year-end, the City's construction contract commitments with contractors for governmental activities are as follows:

City of Burnet, Texas

Notes to Financial Statements (Continued)

III. Detailed Notes On All Activities and Funds (continued)

C. Capital Assets (continued)

<u>Project Title</u>	<u>Spent to Date</u>	<u>Remaining Commitment</u>
Airport improvements	\$ <u>9,588,663</u>	<u>412,167</u>

For the airport improvements project, the City has secured a governmental grant to fund 90% of the construction costs, with the City funding the remaining 10%. The City has funded their entire obligation under the grant agreement; therefore, the remaining construction commitments under the project will be financed by the grantor.

At September 30, 2016, the City's construction contract commitments with contractors for business-type activities are as follows:

<u>Project Title</u>	<u>Spent to Date</u>	<u>Remaining Commitment</u>
Airy Mount water line	\$ 39,691	5,000
Steve Cox water line	84,455	27,000
Sewer plant construction	<u>670,114</u>	<u>66,433</u>
	<u>\$ 794,260</u>	<u>98,433</u>

The construction contract commitments will be financed with available resources.

D. Long-Term Liabilities

The City issues general obligation bonds, tax notes and combination tax and revenue certificates of obligation (collectively, "general obligation debt") to provide funds for the acquisition and construction of major capital facilities for both governmental and business-type activities. These general obligation debts are direct obligations and pledge the full faith and credit of the City. The general obligation bonds, tax notes and certificates of obligation generally are issued with equal amounts of principal maturing each year with maturities that range from 6 to 40 years. General obligation debt outstanding at September 30, 2016 is as follows.

	<u>Date</u>	<u>Original Amount</u>	<u>Interest Rates</u>	<u>Final Maturity</u>	<u>Amount Outstanding</u>
<i>Governmental Activities</i>					
Combination tax and revenue certificates of obligation	1998	\$ 175,000	4.15-5.10%	2018	\$ 45,000
General obligation refunding bonds	2008	3,325,561	3.52%	2024	1,860,000
Combination tax and revenue certificates of obligation	2013	2,240,000	2.19%	2028	<u>1,051,559</u>
					<u>\$ 2,956,559</u>

City of Burnet, Texas

Notes to Financial Statements (Continued)

III. Detailed Notes On All Activities and Funds (continued)

D. Long-Term Liabilities (continued)

	Date	Original Amount	Interest Rates	Final Maturity	Amount Outstanding
<i>Business-Type Activities</i>					
Combination tax and revenue certificates of obligation	2003	\$ 1,289,000	4.50%	2042	\$ 1,081,000
Combination tax and revenue certificates of obligation	2004	527,000	4.50%	2043	453,000
Combination tax and revenue certificates of obligation	2006	1,050,000	4.12%	2045	913,000
Combination tax and revenue certificates of obligation	2010	11,425,000	0.00%	2040	9,450,000
Combination tax and revenue certificates of obligation	2012	9,900,000	0.00%	2042	8,865,000
Combination tax and revenue certificates of obligation	2012A	110,000	0.00-1.26%	2022	70,000
Tax note	2010	1,145,000	1.75-3.35%	2017	130,000
General obligation refunding bonds	2008	909,439	3.52%	2024	344,916
					<u>\$ 21,306,916</u>

Changes in the government's long-term liabilities for the year ended September 30, 2016 are as follows:

	Beginning Balance	Additions	Reductions	Ending Balance	Due Within One Year
Governmental activities:					
General obligation debt	\$ 3,250,203	-	(293,644)	2,956,559	295,508
Compensated absences	410,162	448,162	(410,162)	448,162	448,162
Net OPEB obligation	2,001,587	543,525	-	2,545,112	-
Net pension liability	1,843,191	955,124	-	2,798,315	-
	<u>\$ 7,505,143</u>	<u>1,946,811</u>	<u>(703,806)</u>	<u>8,748,148</u>	<u>743,670</u>
Business-type activities:					
General obligation debt	\$ 22,271,272	-	(964,356)	21,306,916	963,492
Compensated absences	171,873	163,402	(171,873)	163,402	163,402
Net pension liability	862,866	334,100	-	1,196,966	-
	<u>\$ 23,306,011</u>	<u>497,502</u>	<u>(1,136,229)</u>	<u>22,667,284</u>	<u>1,126,894</u>

For governmental activities, the liability for compensated absences, the net OPEB obligation, and the net pension liability are substantially liquidated by the General Fund.

City of Burnet, Texas

Notes to Financial Statements (Continued)

III. Detailed Notes On All Activities and Funds (continued)

D. Long-Term Liabilities (continued)

The debt service requirements for the City's bonds and certificates of obligation follow:

<u>Year Ended</u> <u>September 30,</u>	<u>Principal</u>	<u>Interest</u>	<u>Total</u>
<i>Governmental Activities</i>			
2017	\$ 295,508	78,566	374,074
2018	302,373	69,589	371,962
2019	282,373	60,357	342,730
2020	284,237	52,346	336,583
2021	286,102	44,214	330,316
2022 - 2026	1,160,966	105,190	1,266,156
2027 - 2028	<u>345,000</u>	<u>7,610</u>	<u>352,610</u>
	<u>\$ 2,956,559</u>	<u>417,872</u>	<u>3,374,431</u>
<i>Business-Type Activities</i>			
2017	\$ 963,492	123,732	1,087,224
2018	839,627	115,986	955,613
2019	841,627	112,329	953,956
2020	846,763	108,556	955,319
2021	857,898	104,510	962,408
2022 - 2026	4,172,509	457,898	4,630,407
2027 - 2031	4,073,000	368,655	4,441,655
2032 - 2036	4,159,000	273,611	4,432,611
2037 - 2041	3,884,000	155,036	4,039,036
2042 - 2045	<u>669,000</u>	<u>28,451</u>	<u>697,451</u>
	<u>\$ 21,306,916</u>	<u>1,848,764</u>	<u>23,155,680</u>

The City's bond indentures contain restrictions concerning the maintenance of accounting records as well as reporting the results of the City's operations to specified major bond holders. The City is in compliance with all significant requirements and restrictions.

City of Burnet, Texas

Notes to Financial Statements (Continued)

III. Detailed Notes On All Activities and Funds (continued)

D. Long-Term Liabilities (continued)

There is no specific maximum debt limit established by law for the City; therefore, the limit is governed by the City's ability to levy and collect taxes to service the debt.

The City has pledged net revenues of the water and sewer system to repay \$20,832,000 in combination tax and revenue certificates of obligation issued from 2003 to 2012. Annual principal and interest payments on the debt is expected to require approximately 50% of the pledged net revenues. The total principal and interest remaining to be paid on the debt is \$22,617,800. Principal and interest paid for the current year and total pledged net revenues for the current year were \$907,489 and \$1,563,675, respectively.

E. Interfund Receivables and Payables

The composition of interfund balances as of September 30, 2016 is as follows:

<u>Receivable Fund</u>	<u>Payable Fund</u>	<u>Amount</u>
Debt service	Airport	\$ 255
Nonmajor governmental	Delaware Springs Golf Course	25,398
Nonmajor governmental	Water and sewer	5,249
Nonmajor governmental	Nonmajor governmental	18,183
Electric	Debt service	23,793
Electric	Nonmajor governmental	75,413
Water and sewer	General	7,131
Water and sewer	Debt service	307,175
Water and sewer	General capital projects	53,150
Water and sewer	Nonmajor governmental	32,412
		<u>\$ 548,159</u>

The outstanding balances between funds result mainly from the time lag between the dates that (1) interfund goods and services are provided or reimbursable expenditures occur, (2) transactions are recorded in the accounting system, and (3) payments between funds are made.

City of Burnet, Texas

Notes to Financial Statements (Continued)

III. Detailed Notes On All Activities and Funds (continued)

F. Interfund Transfers

The composition of interfund transfers for the year ended September 30, 2016 is as follows:

		Transfer out:						Total
	General	Airport	General Capital Projects	Nonmajor Governmental	Electric	Water and Sewer	Delaware Springs Golf Course	
Transfer in:								
General	\$ -	25,576	65,986	66,839	2,811,904	735,050	46,045	3,751,400
Debt service	-	23,315	-	-	-	-	-	23,315
General capital projects	2,401,400	-	-	-	-	-	-	2,401,400
Nonmajor governmental	289,117	1,139	-	253,000	62,764	14,688	-	620,708
Delaware Springs Golf Course	351,853	-	-	-	-	-	-	351,853
	<u>\$ 3,042,370</u>	<u>50,030</u>	<u>65,986</u>	<u>319,839</u>	<u>2,874,668</u>	<u>749,738</u>	<u>46,045</u>	<u>7,148,676</u>

During the year, transfers are used to (1) move revenues from the fund with collection authorization to the debt service fund as debt service principal and interest payments become due, and (2) move proprietary fund resources to the general fund for payments in lieu of taxes, administrative allocations, and a return on the general fund's investment in the electric fund.

G. Employee Benefits

Pension Plan

Plan Description - The City participates as one of 866 plans in the nontraditional, joint contributory, hybrid defined benefit pension plan administered by the Texas Municipal Retirement System ("TMRS"). TMRS is an agency created by the State of Texas and administered in accordance with the TMRS Act, Subtitle G, Title 8, Texas Government Code (the "TMRS Act") as an agent multiple-employer retirement system for municipal employees in the State of Texas. The TMRS Act places the general administration and management of the System with a six-member Board of Trustees. Although the Governor, with the advice and consent of the Senate, appoints the Board, TMRS is not fiscally dependent on the State of Texas. TMRS's defined benefit pension plan is a tax-qualified plan under Section 401(a) of the Internal Revenue Code. TMRS issues a publicly available comprehensive annual financial report ("CAFR") that can be obtained at www.tmrs.com.

City of Burnet, Texas

Notes to Financial Statements (Continued)

III. Detailed Notes On All Activities and Funds (continued)

G. Employee Benefits (continued)

Pension Plan (continued)

All eligible employees of the City are required to participate in TMRS.

Benefits Provided – TMRS provides retirement, disability, and death benefits. Benefit provisions are adopted by the governing body of the City, within the options available in the state statutes governing TMRS.

At retirement, the benefit is calculated as if the sum of the employee's contributions, with interest, and the City-financed monetary credits with interest were used to purchase an annuity. Members may choose to receive their retirement benefit in one of seven payment options. Members may also choose to receive a portion of their benefit as a partial lump sum distribution in an amount equal to 12, 24, or 36 monthly payments, which cannot exceed 75% of the member's deposits and interest.

Employees Covered by Benefit Terms – At the December 31, 2015 valuation and measurement date, the following employees were covered by the benefit terms:

Inactive employees or beneficiaries currently receiving benefits	52
Inactive employees entitled to but not yet receiving benefits	59
Active employees	110

Contributions – The contribution rates for employees in TMRS are either 5%, 6%, or 7% of employee gross earnings, and the City matching percentages are either 100%, 150%, or 200%, both as adopted by the governing body of the City. Under the state law governing TMRS, the contribution rate for each city is determined annually by the actuary, using the Entry Age Normal actuarial cost method. The actuarially determined rate is the estimated amount necessary to finance the cost of benefits earned by employees during the year, with an additional amount to finance any unfunded accrued liability.

Employees for the City were required to contribute 7% of their annual gross earnings during the fiscal year. The contribution rate for the City was 7% in calendar years 2016 and 2015, respectively. The City's contributions to TMRS for the year ended September 30, 2016 were \$663,154 and were equal to the required contributions.

Net Pension Liability – The City's net pension liability was measured as of December 31, 2015, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of that date.

City of Burnet, Texas

Notes to Financial Statements (Continued)

III. Detailed Notes On All Activities and Funds (continued)

G. Employee Benefits (continued)

Pension Plan (continued)

Actuarial assumptions – The total pension liability in the December 31, 2015 actuarial valuation was determined using the following actuarial assumptions:

Inflation	2.5% per year
Overall payroll growth	3.0% per year
Investment rate of return	6.75%, net of pension plan investment expense, including inflation

Salary increases were based on a service-related table. Mortality rates for active members, retirees, and beneficiaries were based on the gender-distinct RP2000 Combined Healthy Mortality Tables with Blue Collar Adjustment, with male rates multiplied by 109% and female rates multiplied by 103%. The rates are projected on a fully generational basis by scale BB to account for future mortality improvements. For disabled annuitants, the gender-distinct RP2000 Combined Healthy Mortality Tables with Blue Collar Adjustment are used with males rates multiplied by 109% and female rates multiplied by 103% with a 3-year set-forward for both males and females. In addition, a 3% minimum mortality rate is applied to reflect the impairment for younger members who become disabled. The rates are projected on a fully generational basis by scale BB to account for the future mortality improvements subject to the 3% floor.

Actuarial assumptions used in the December 31, 2015, valuation were based on the results of actuarial experience studies. The experience study in TMRS was for the period December 2010 through December 31, 2014. Healthy post-retirement mortality rates and annuity purchase rates were updated based on a Mortality Experience Investigation Study covering 2009 through 2011, and dated December 31, 2013. These assumptions were first used in the December 31, 2013 valuation, along with a change to the Entry Age Normal (EAN) actuarial cost method. Assumptions are reviewed annually. No additional changes were made for the 2014 valuation. After the Asset Allocation Study analysis and experience investigation study, the Board amended the long-term expected rate of return on pension plan investments from 7% to 6.75%. Plan assets are managed on a total return basis with an emphasis on both capital appreciation as well as the production of income, in order to satisfy the short-term and long-term funding needs of TMRS.

City of Burnet, Texas

Notes to Financial Statements (Continued)

III. Detailed Notes On All Activities and Funds (continued)

G. Employee Benefits (continued)

Pension Plan (continued)

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. In determining their best estimate of a recommended investment return assumption under the various alternative asset allocation portfolios, GRS focused on the area between (1) arithmetic mean (aggressive) without an adjustment for time (conservative) and (2) the geometric mean (conservative) with an adjustment for time (aggressive). At its meeting on July 30, 2015, the TMRS Board approved a new portfolio target allocation. The target allocation and best estimates of real rates of return for each major asset class are summarized in the following table:

	<u>Target Allocation</u>	<u>Long-Term Expected Real Rate of Return (Arithmetic)</u>
Domestic Equity	17.5%	4.6%
International Equity	17.5%	6.1%
Core Fixed Income	10.0%	1.0%
Non-Core Fixed Income	20.0%	3.7%
Real Return	10.0%	4.0%
Real Estate	10.0%	5.0%
Absolute Return	10.0%	4.0%
Private Equity	<u>5.0%</u>	8.0%
Total	<u>100.0%</u>	

Discount Rate – The discount rate used to measure the total pension liability was 6.75%. The projection of cash flows used to determine the discount rate assumed that the employee and employer contributions will be made at the rates specified in statute. Based on that assumption, the pension plan's fiduciary net position was projected to be available to make all projected future benefit payments of current active and inactive employees. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total pension liability.

City of Burnet, Texas

Notes to Financial Statements (Continued)

III. Detailed Notes On All Activities and Funds (continued)

G. Employee Benefits (continued)

Pension Plan (continued)

	Increase (Decrease)		
	Total Pension Liability (a)	Plan Fiduciary Net Position (b)	Net Pension Liability (a) - (b)
Balance at December 31, 2014	\$ 19,898,719	17,192,662	2,706,057
Changes for the year:			
Service cost	848,679	-	848,679
Interest	1,395,492	-	1,395,492
Difference between expected and actual experience	50,376	-	50,376
Change in assumptions	35,371	-	35,371
Contributions - employer	-	652,621	(652,621)
Contributions - employee	-	379,117	(379,117)
Net investment income	-	25,372	(25,372)
Benefit payments, including refunds of employee contributions	(774,915)	(774,915)	-
Administrative expense	-	(15,452)	15,452
Other changes	-	(764)	764
Net changes	1,555,003	265,979	1,289,024
Balance at December 31, 2015	\$ 21,453,722	17,458,641	3,995,081

Sensitivity of the Net Pension Liability to Changes in the Discount Rate – The following presents the net pension liability of the City, calculated using the discount rate of 6.75%, as well as what the City's net pension liability would be if it were calculated using a discount rate that is one percentage point lower (5.75%) or one percentage point (7.75%) higher than the current rate.

	1% Decrease (5.75%)	Current Rate Assumption (6.75%)	1% Increase (7.75%)
City's net pension liability	\$ 7,359,377	3,995,281	1,282,850

Pension Plan Fiduciary Net Position – Detailed information about the pension plan's Fiduciary Net Position is available in a separately-issued TMRS financial report. That report may be obtained on the internet at www.tmr.com.

City of Burnet, Texas

Notes to Financial Statements (Continued)

III. Detailed Notes On All Activities and Funds (continued)

G. Employee Benefits (continued)

Pension Expense and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions

For the year ended September 30, 2016, the City recognized pension expense of \$960,756.

At September 30, 2016, the City reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	<u>Deferred Outflows of Resources</u>	<u>Deferred Inflows of Resources</u>
Differences between expected and actual economic experience	\$ 4,096	-
Change in assumptions	27,921	-
Difference between projected and actual investment earnings	1,068,213	-
Contributions subsequent to the measurement date	<u>521,236</u>	<u>-</u>
	<u>\$ 1,621,466</u>	<u>-</u>

The \$521,236 reported as deferred outflows of resources related to pensions resulting from contributions subsequent to the measurement date will be recognized as a reduction of the net pension liability for the year ending September 30, 2016. Other amounts reported as deferred outflows and inflows of resources related to pensions will be recognized in pension expense as follows:

<u>Year Ended December 31,</u>	
2016	\$ 282,973
2017	282,973
2018	286,650
2019	<u>247,634</u>
Total	<u>\$ 1,100,230</u>

City of Burnet, Texas

Notes to Financial Statements (Continued)

III. Detailed Notes On All Activities and Funds (continued)

G. Employee Benefits (continued)

Supplemental Death Benefits Plan

Plan Description – The City also participates in the cost-sharing multiple-employer defined benefit group-term life insurance plan operated by TMRS known as the Supplemental Death Benefits Fund (“SDBF”). The City elected, by ordinance, to provide group-term life insurance coverage to both current and retired employees. The City may terminate coverage under and discontinue participation in the SDBF by adopting an ordinance before November 1 of any year to be effective the following January 1.

Benefits – The death benefit for active employees provides a lump-sum payment approximately equal to the employee’s annual salary (calculated based on the employee’s actual earnings, for the 12-month period preceding the month of death); retired employees are insured for \$7,500; this coverage for retired employees is considered an “other postemployment benefit”, or OPEB.

Contributions – The City contributes to the SDBF at a contractually required rate as determined by an annual actuarial valuation. The rate is equal to the cost of providing one-year term life insurance. The funding policy for the SDBF program is to assure that adequate resources are available to meet all death benefit payments for the upcoming year; the intent is not to pre-fund retiree term life insurance during employees’ entire careers.

The City’s contributions to the TMRS SDBF for the years ended September 30, 2016, 2015 and 2014, were \$8,942, \$8,619, and \$8,979, respectively, which equaled the required annual contributions each year.

Other Post-Employment Benefit Plan

Plan Description and Benefits – The City provides medical (including dental) benefits to eligible retirees through a single-employer defined benefit plan. Retirees who have retired with 20 years of service without regard to age, and were hired prior to January 1, 2010 are eligible for benefits.

Contributions – The City provides on a pay-as-you-go basis. The City’s annual funding for these benefits is equal to the monthly contribution rate for the qualified retired employees – the retiree is responsible for the contribution for any family coverage elected. For 2016, the City paid contributions of \$116,937.

City of Burnet, Texas

Notes to Financial Statements (Continued)

III. Detailed Notes On All Activities and Funds (continued)

G. Employee Benefits (continued)

Other Post-Employment Benefit Plan (continued)

Annual OPEB Cost and Net OPEB Obligation – The City’s annual other post-employment benefit (“OPEB”) cost is calculated based on the annual required contribution (“ARC”) of the employer, an amount actuarially determined in accordance with the parameters of Government Accounting Standards Board (“GASB”) Statement 45. The ARC represents a level of funding that, if paid on an ongoing basis, is projected to cover normal cost each year and amortize any unfunded actuarial liabilities over a period not to exceed thirty years. For 2016, the ARC of \$693,903 is comprised of employer normal service costs of \$290,006 and amortization of unfunded actuarial liabilities of \$403,897. The following table shows the components of the City’s annual net OPEB cost, the amount actually contributed to the plan, and the City’s net OPEB obligation:

Annual required contribution (ARC)	\$ 693,903
Interest on prior year net OPEB obligation	80,063
Amortization of prior year net OPEB obligation	<u>(113,504)</u>
Annual OPEB cost	660,462
Contributions made	<u>(116,937)</u>
Increase in net OPEB obligation	543,525
Net OPEB obligation, beginning of year	<u>2,001,587</u>
Net OPEB obligation, end of year	<u>\$ 2,545,112</u>

The annual OPEB cost, the percentage of annual OPEB cost contributed to the plan, and the net OPEB obligation for 2016, 2015, and 2014 were as follows:

Fiscal Year Ending	Annual OPEB Cost	Actual Contribution Made	Percentage of APC Contributed	Net OPEB Obligation
2016	\$ 660,462	116,937	17.71%	\$ 2,545,112
2015	476,778	97,661	20.48%	2,001,587
2014	426,523	62,798	14.72%	1,622,470

Funded Status and Funding Progress – As of October 1, 2015, the most recent actuarial valuation date, the plan was zero percent funded (i.e., the ratio of plan assets to actuarial accrued liabilities.) The actuarial accrued liability for benefits was \$7,021,232 with no assets, resulting in an unfunded actuarial accrued liability (“UAAL”) of \$7,021,232. The covered payroll (annual payroll of active employees covered by the plan) was approximately \$2,423,175 and the ratio of the UAAL to the covered payroll was 289.8%.

City of Burnet, Texas

Notes to Financial Statements (Continued)

III. Detailed Notes On All Activities and Funds (continued)

G. Employee Benefits (continued)

Other Post-Employment Benefit Plan (continued)

The following schedule of funding progress presents multi-year trend information about whether the actuarial value of plan assets is increasing or decreasing over time relative to the actuarial accrued liability for benefits.

Actuarial Valuation Date	Actuarial Value of Assets	Actuarial Accrued Liability (AAL)	Funded Ratio	Unfunded AAL (UAAL)	Covered Payroll	UAAL as a Percentage of Covered Payroll
10/01/2015	\$ -	7,021,232	0.0%	7,021,232	2,423,175	289.8%
10/01/2014	-	5,079,983	0.0%	5,079,983	4,961,201	102.4%
10/01/2013	-	4,456,823	0.0%	4,456,823	5,400,000	82.5%

Actuarial valuations of an ongoing plan involve estimates of the value of reported amounts and assumptions about the probability of occurrence of events far into the future. Examples include assumptions about mortality and the healthcare cost trend. Amounts determined regarding the funded status of the plan and the annual required contributions of the employer are subject to continual revision as actual results are compared with past expectations and new estimates are made about the future.

Actuarial Methods and Assumptions – Projections of benefits for financial reporting purposes are based on the plan provisions and include the types of benefits provided at the time of each valuation and the historical pattern of sharing of benefit costs between the employer and plan members to that point. The actuarial methods and assumptions used include techniques that are designed to reduce the effects of short-term volatility in actuarial accrued liabilities, consistent with the long-term perspective of the calculations. The Projected Unit Cost actuarial cost method is used to calculate the annual required contribution for the plan. Using the plan benefits, the present monthly contribution rates and a set of actuarial assumptions, the anticipated future payments are projected. The projected unit credit method then provides for a systematic recognition of the cost of these anticipated payments. The yearly ARC is computed to cover the cost of benefits being earned by covered members as well as to amortize a portion of the unfunded accrued liability. The significant actuarial assumptions included a (a) 4.0% discount rate (1% real rate of return plus 3% inflation), (b) 5.0% annual healthcare cost trend rate, and (c) mortality rates (probabilities of dying) based on the RP-2000 combined mortality table for males and females. The UAAL is being amortized as a level percentage of projected payrolls on an open basis over thirty years.

City of Burnet, Texas

Notes to Financial Statements (Continued)

III. Detailed Notes On All Activities and Funds (continued)

H. Risk Management

The City is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters. The City has joined together with other governments in Texas to form the Texas Municipal League Intergovernmental Risk Pool, a public entity risk pool currently operating as a common risk management and insurance program for liability, property and workmen's compensation coverage. The City pays a quarterly contribution to the pool for its insurance coverage. The agreement for formation of the Texas Municipal League Intergovernmental Risk Pool provides that the Pool will be self-sustaining through member contributions and will reinsure through commercial companies for claims in excess of specific limits.

The Texas Municipal League Intergovernmental Risk Pool has published its own financial report, which can be obtained by writing the Texas Municipal League Intergovernmental Risk Pool, 1821 Rutherford Lane, Austin, Texas 78754.

I. Deferred Outflows and Inflows of Resources

The statements of financial position, and the balance sheet includes the following deferred outflows/inflows of resources at September 30, 2016:

	Statements of Net Position		Balance Sheet	
	Governmental Activities	Business-Type Activities - Water and Sewer	General Fund	Debt Service Fund
Deferred outflows of resources:				
Deferred charge on refunding	\$ -	77,267	-	-
Pension - post measurement date contributions	365,077	156,159	-	-
Pension - net differences between projected and actual earnings	748,181	320,032	-	-
Pension - change in assumptions	19,557	8,364	-	-
Pension - differences between expected and actual experience	<u>2,868</u>	<u>1,228</u>	<u>-</u>	<u>-</u>
	<u>\$ 1,135,683</u>	<u>563,050</u>	<u>-</u>	<u>-</u>
Deferred inflows of resources:				
Unavailable property tax revenue	<u>\$ -</u>	<u>-</u>	<u>98,597</u>	<u>20,194</u>

City of Burnet, Texas

Notes to Financial Statements (Continued)

III. Detailed Notes On All Activities and Funds (continued)

J. Deferred Outflows and Inflows of Resources (continued)

Deferred Outflows of Resources. The deferred charge on refunding, resulting from the difference in the carrying value of refunded debt and its reacquisition price, is amortized over the shorter of the life of the refunded or refunding debt. Post-measurement date contributions will be recognized as a reduction of the net pension liability in the following fiscal year. The pension-related net differences between projected and actual earnings, change in assumptions, and difference between projected and actual investment earnings will be amortized into pension expense.

Deferred Inflows of Resources. The governmental funds, under the modified accrual basis of accounting, report unavailable revenues from property taxes, which is deferred and recognized as an inflow of resources in the period that the amounts become available.

K. Operating Lease

The City leases a building for all City administrative services. Total cost for the lease was \$40,125 for the year ended September 30, 2016. The future minimum lease payments for the lease are as follows: 2017, \$46,404; 2018, \$47,333; and 2019, \$36,029.

L. Commitments and Contingencies

Amounts received or receivable from granting agencies are subject to audit and adjustment by grantor agencies. Any disallowed claims, including amounts already collected, may constitute a liability of the applicable funds. The amount, if any, of expenditures which may be disallowed by the grantors cannot be determined at this time, although the City expects such amounts, if any, to be immaterial.

The City has contracted with a private company for the collection and disposal of solid waste. The contract's initial five-year term expired October 2009. Thereafter, the contract is renewed for additional terms of five years if mutually agreed by the parties. The fees charged under the contract are adjusted annually to reflect changes in the cost of operations. The City's cost under the agreement for the year ended September 30, 2016, was \$762,548.

The City has entered into a long-term agreement to purchase wholesale electric power from the Lower Colorado River Authority effective June 2011. The cost of electric power is based on the reasonable and necessary cost of providing power generation in accordance with Article 8503.011 of the Texas Special District Local Laws Code. The City's cost under the agreement for the year ended September 30, 2016, was \$4,729,301.

City of Burnet, Texas

Notes to Financial Statements (Continued)

III. Detailed Notes On All Activities and Funds (continued)

L. Commitments and Contingencies (continued)

Also, the City has entered into a long-term agreement to purchase water from the Lower Colorado River Authority (the "Authority") effective January 1985. The agreement allows the City the right to withdraw up to 4100 acre-feet of raw water from the Colorado River. The cost of the water is adjusted each year as determined by the Board of Directors of the Authority. The City's cost under the agreement for the year ended September 30, 2016, was \$59,572.

The City is involved in various claims and legal actions arising in the ordinary course of business. In the opinion of management, the ultimate outcome of these claims will not have a material adverse effect on the City's financial position.

M. Authoritative Pronouncement Not Yet Effective

A summary of pronouncements issued by the Governmental Accounting Standards Board, which may impact the City but are not yet effective follows. The City has not yet determined the effects of the adoption of these pronouncements on the financial statements.

GASB Statement No. 75, *Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions* (issued June 2015) – The objective of this statement is to improve accounting and financial reporting by state and local governments for postemployment benefits other than pensions (other postemployment benefits or "OPEB"). This statement results from a comprehensive review of the effectiveness of existing standards of accounting and financial reporting for all OPEB with regard to providing decision-useful information, supporting assessments or accountability and interperiod equity, and creating additional transparency. The provisions of this statement are effective for financial statements for periods beginning after June 15, 2017.

GASB Statement No. 77, *Tax Abatement Disclosures* (issued August 2015) – The objective of this statement is to improve disclosures on the nature and magnitude of tax abatements, specifically how tax abatements affect a government's future ability to raise resources and meet its financial obligations and the impact those abatements have on a government's financial position and economic condition. The provisions of this statement are effective for financial statements for periods beginning after December 15, 2015.

GASB Statement No. 79, *Certain External Investment Pools and Pool Participants* (issued December 2015) – The objective of this statement is to permit qualifying external investment pools to measure pool investments at amortized cost for financial reporting purposes and allow many pools to continue to qualify for amortized cost accounting. The provisions of this statement are effective for financial statements for periods beginning after December 15, 2015.

City of Burnet, Texas

Notes to Financial Statements
(Continued)

M. Authoritative Pronouncement Not Yet Effective (continued)

GASB Statement No. 82, *Pension Issues – an Amendment of GASB Statements No. 67, No. 68, and No. 73* (issued March 2016) – The objective of this statement is to address practice issues raised by stakeholders during implementation of the GASB standards for accounting and financial reporting of defined benefit pension plans by state and local governments. The statement is designed to improve consistency in the application of the pension standards by clarifying or amending related areas of existing guidance. The provisions of this statement are effective for financial statements for periods beginning after June 15, 2016.

GASB Statement No. 83, *Certain Asset Retirement Obligations* (issued November 2016) – The objective of this statement is to establish criteria for determining the timing and pattern of recognition of a liability and a corresponding deferred outflow or resources for asset retirement obligations. This statement requires that recognition occur when the liability is both incurred and reasonably estimable. The provisions of this statement are effective for financial statements for periods beginning after June 15, 2018.

Required Supplementary Information

City of Burnet, Texas

Schedule of Changes in Net Pension Liability and Related Ratios

Last Two Fiscal Years

	<u>2016</u>	<u>2015</u>
Total Pension Liability		
Service cost	\$ 848,679	753,691
Interest (on the Total Pension Liability)	1,395,492	1,317,058
Difference between expected and actual experience	50,376	(61,528)
Change in assumptions	35,371	-
Benefit payments, including refunds of employee contributions	<u>(774,915)</u>	<u>(1,097,550)</u>
Net change in Total Pension Liability	1,555,003	911,671
Total Pension Liability - beginning	<u>19,898,719</u>	<u>18,987,048</u>
Total Pension Liability - ending (a)	<u>\$ 21,453,722</u>	<u>19,898,719</u>
Plan Fiduciary Net Position		
Contributions - employer	\$ 652,621	602,184
Contributions - employee	379,117	377,039
Net investment income	25,372	937,360
Benefit payments, including refunds of employee contributions	(774,915)	(1,097,550)
Administrative expense	(15,452)	(9,786)
Other	<u>(764)</u>	<u>(805)</u>
Net change in Plan Fiduciary Net Position	265,979	808,442
Plan Fiduciary Net Position - beginning	<u>17,192,662</u>	<u>16,384,220</u>
Plan Fiduciary Net Position - ending (b)	<u>\$ 17,458,641</u>	<u>17,192,662</u>
Net Pension Liability - ending (a) - (b)	\$ 3,995,081	2,706,057
Plan Fiduciary Net Position as a percentage of Total Pension Liability	81.4%	86.4%
Covered employee payroll	\$ 5,415,950	5,386,274
Net Pension Liability as a percentage of covered employee payroll	73.8%	50.2%

Note: The City of Burnet adopted GASB Statement No. 68, *Accounting and Financial Reporting for Pensions*, effective September 1, 2014. Information for years prior to 2015 is not available.

See accompanying independent auditor's report.

City of Burnet, Texas
Schedule of Contributions
Last Two Fiscal Years

	<u>2016</u>	<u>2015</u>
Actuarially Determined Contributions	\$ 663,154	648,053
Contributions in relation to the actuarially determined contributions	<u>663,154</u>	<u>648,053</u>
Contribution deficiency (excess)	<u>\$ -</u>	<u>-</u>
 Covered employee payroll	 \$ 5,415,950	 5,386,274
Contributions as a percentage of covered employee payroll	12.2%	12.0%

Notes to Schedule of Contributions

Valuation Date:

Notes Actuarially determined contribution rates are calculated as of December 31 and become effective in January, 13 months later

Methods and Assumptions Used to Determine Contribution Rates:

Actuarial Cost Method	Entry Age Normal
Amortization Method	Level Percentage of payroll, Closed
Remaining Amortization Period	30 years
Asset Valuation Method	10 year smoothed market, 15% soft corridor
Inflation	3%
Salary Increases	3.50% to 10.50%, including inflation
Investment Rate of Return	6.75%
Retirement Age	Experience-based table of rates that are specific to the City's plan of benefits. Last updated for the 2015 valuation pursuant to an experience study of the period 2010 - 2014.
Mortality	RP2000 Combined Mortality Table with Blue Collar Adjustment with male rates multiplied by 109% and female rates multiplied by 103% and projected on a fully generational basis with scale BB
Other Information	There were no benefit changes during the year.

Note: The City adopted GASB Statement No. 68, *Accounting and Financial Reporting for Pensions*, effective September 1, 2014. Information for years prior to 2015 is not available.

See accompanying independent auditor's report.

Supplementary Information

City of Burnet, Texas
Combining Balance Sheet
Nonmajor Governmental Funds

September 30, 2016

	Special Revenue				Capital Projects			Total Nonmajor Governmental Funds
	Hotel/ Motel Tax	Police Seizure	Court Security and Technology	Total	General Capital Equipment	Airport Capital Project	Total	
Assets								
Cash and cash equivalents	\$ 317,228	2,274	58,394	377,896	514,678	-	514,678	892,574
Receivables	25,702	-	-	25,702	-	-	-	25,702
Due from other funds	-	-	2,690	2,690	46,140	-	46,140	48,830
Total assets	<u>\$ 342,930</u>	<u>2,274</u>	<u>61,084</u>	<u>406,288</u>	<u>560,818</u>	<u>-</u>	<u>560,818</u>	<u>967,106</u>
Liabilities and Fund Balances								
Liabilities:								
Accounts and retainages payable	\$ 431	-	-	431	8,656	-	8,656	9,087
Due to other funds	-	-	-	-	258,890	-	258,890	258,890
Total liabilities	<u>431</u>	<u>-</u>	<u>-</u>	<u>431</u>	<u>267,546</u>	<u>-</u>	<u>267,546</u>	<u>267,977</u>
Fund balances:								
Restricted	342,499	2,274	61,084	405,857	-	-	-	405,857
Assigned	-	-	-	-	293,272	-	293,272	293,272
Total fund balances	<u>342,499</u>	<u>2,274</u>	<u>61,084</u>	<u>405,857</u>	<u>293,272</u>	<u>-</u>	<u>293,272</u>	<u>699,129</u>
Total liabilities and fund balances	<u>\$ 342,930</u>	<u>2,274</u>	<u>61,084</u>	<u>406,288</u>	<u>560,818</u>	<u>-</u>	<u>560,818</u>	<u>967,106</u>

See accompanying independent auditor's report.

City of Burnet, Texas
Combining Statement of Revenues, Expenditures and
Changes in Fund Balance
Nonmajor Governmental Funds
Year Ended September 30, 2016

	Special Revenue				Capital Projects			Total Nonmajor Governmental Funds
	Hotel/ Motel Tax	Police Seizure	Court Security and Technology	Total	General Capital Equipment	Airport Capital Project	Total	
Revenues:								
Hotel/motel taxes	\$ 151,168	-	-	151,168	-	-	-	151,168
Fines	-	-	12,150	12,150	-	-	-	12,150
Interest	649	4	99	752	1,779	-	1,779	2,531
Total revenues	151,817	4	12,249	164,070	1,779	-	1,779	165,849
Expenditures:								
Current -								
Economic development	74,200	-	-	74,200	-	-	-	74,200
Capital outlay	-	-	-	-	683,379	3,335	686,714	686,714
Total expenditures	74,200	-	-	74,200	683,379	3,335	686,714	760,914
Excess (deficiency) of revenues over (under) expenditures	77,617	4	12,249	89,870	(681,600)	(3,335)	(684,935)	(595,065)
Other financing sources (uses):								
Insurance recoveries	-	-	-	-	62,813	-	62,813	62,813
Transfers in	-	-	-	-	616,234	4,474	620,708	620,708
Transfers out	(19,839)	-	-	(19,839)	(300,000)	-	(300,000)	(319,839)
Total other financing sources (uses)	(19,839)	-	-	(19,839)	379,047	4,474	383,521	363,682
Net change in fund balances	57,778	4	12,249	70,031	(302,553)	1,139	(301,414)	(231,383)
Fund balances, beginning of year	284,721	2,270	48,835	335,826	595,825	(1,139)	594,686	930,512
Fund balances, end of year	\$ 342,499	2,274	61,084	405,857	293,272	-	293,272	699,129

See accompanying independent auditor's report.



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March 14, 2017

The Honorable Mayor and City Council
City of Burnet, Texas:

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate discretely presented component unit and remaining fund information of the City of Burnet, Texas (the "City") for the year ended September 30, 2016. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards; as well as certain information related to the planned scope and timing of our audit. Professional standards also require that we advise you of the following matters relating to our audit.

Our Responsibility in Relation to the Financial Statement Audit

As communicated in our engagement letter dated October 20, 2016, our responsibility, as described by professional standards, is to form and express opinions about whether the financial statements that have been prepared by management with your oversight are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America. Our audit of the financial statements does not relieve you or management of your respective responsibilities.

Our responsibility, as prescribed by professional standards, is to plan and perform our audit to obtain reasonable, rather than absolute, assurance about whether the financial statements are free of material misstatement. An audit of financial statements includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control over financial reporting. Accordingly, as part of our audit, we considered the internal control of the City solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

We are also responsible for communicating significant matters related to the audit that are, in our professional judgment, relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures for the purpose of identifying other matters to communicate to you.

Planned Scope and Timing of the Audit

We conducted our audit consistent with the planned scope and timing we previously communicated to you.

Compliance with All Ethics Requirements Regarding Independence

The engagement team; others in our firm, as appropriate; our firm; and our network firms have complied with all relevant ethical requirements regarding independence.

Qualitative Aspects of the City's Significant Accounting Practices

Significant Accounting Policies

Management has the responsibility to select and use appropriate accounting policies. A summary of the significant accounting policies adopted by the City is included in Note 1 to the financial statements. There have been no initial selections of accounting policies and no changes in significant accounting policies or their application during 2016. No matters have come to our attention that would require us, under professional standards, to inform you about (1) the methods used to account for significant unusual transactions and (2) the effect of significant accounting policies in controversial or emerging areas for which there is a lack of authoritative guidance or consensus.

Significant Accounting Estimates

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's current judgments. Those judgments are normally based on knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ markedly from management's current judgments. The most sensitive accounting estimates affecting the City's financial statements were:

Allowance for doubtful accounts -- Management's estimate of the allowance for doubtful accounts is based upon historical loss levels of receivables; and an analysis of the collectibility of aged accounts.

Useful lives of depreciable assets -- Management's estimate of useful lives of assets is based upon historical experience and industry suggested standards.

Assumptions used in pensions and other post-employment benefits --
Management's estimate of actuarial assumptions is based upon historical experience and industry suggested standards (inflation, payroll growth, investment expected rate of return, morbidity, mortality, etc.)

We evaluated the key factors and assumptions used to develop the estimates described above and determined that they are reasonable in relation to the basic financial statements taken as a whole and in relation to the applicable opinion units.

Financial Statement Disclosures

Certain financial statement disclosures involve significant judgment and are particularly sensitive because of their significance to financial statement users. The most sensitive disclosures affecting the City's financial statements relate to accounting and reporting for pensions and other post-employment benefits.

Significant Difficulties Encountered during the Audit

We encountered no significant difficulties in dealing with management relating to the performance of the audit.

Uncorrected and Corrected Misstatements

For purposes of this communication, professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that we believe are trivial, and communicate them to the appropriate level of management. Further, professional standards require us to also communicate the effect of uncorrected misstatements related to prior periods on the relevant classes of transactions, account balances or disclosures, and the financial statements as a whole and each applicable opinion unit. The attached schedules summarize uncorrected financial statement misstatements whose effects in the current and prior periods, as determined by management, are immaterial, both individually and in the aggregate, to the financial statements taken as a whole and each applicable opinion unit.

Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a matter, whether or not resolved to our satisfaction, concerning a financial accounting, reporting, or auditing matter, which could be significant to the City's financial statements or the auditor's report. No such disagreements arose during the course of the audit.

Representations Requested from Management

We have requested certain written representations from management, which are included in the attached letter.

Management's Consultations with Other Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters. Management informed us that, and to our knowledge, there were no consultations with other accountants regarding auditing and accounting matters.

Other Significant Matters, Findings, or Issues

In the normal course of our professional association with the City, we generally discuss a variety of matters, including the application of accounting principles and auditing standards, operating and regulatory conditions affecting the entity, and operational plans and strategies that may affect the risks of material misstatement. None of the matters discussed resulted in a condition to our retention as the City's auditors.

Other Matters

We applied certain limited procedures to management's discussion and analysis and the schedule of contributions, which are required supplementary information (RSI) that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

We were engaged to report on the combining fund financial statements, which accompany the financial statements but are not RSI. With respect to this supplementary information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the combining fund financial statements to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

The Honorable Mayor and City Council
City of Burnet, Texas
March 14, 2017
Page 5

Restriction on Use

This report is intended solely for the information and use of management, the members of the City Council and others within the City and is not intended to be and should not be used by anyone other than these specified parties.

Very truly yours,

Jaynes, Reitmeier, Boyd + Therrell, P.C.

Summary of Uncorrected Misstatements - General Fund

		<i>Financial Statement Effect of Uncorrected Misstatements: Over (Under) Statement</i>					
		<i>Total Assets and Deferred Outflows</i>	<i>Total Liabilities and Deferred Inflows</i>	<i>Fund Balance</i>	<i>Revenues</i>	<i>Expenditures</i>	<i>Net Change in Fund Balance</i>
Amounts Per Financial Statements		4,483,559	532,125	3,951,434	11,042,884	11,198,583	(155,699)
Effect of Current Period Uncorrected Misstatements		(30,000)	(34,800)	4,800	(7,000)	(11,800)	4,800
Effect of Prior Period Uncorrected Misstatements					24,000	9,300	14,700
Net Effect of Uncorrected Misstatements		(30,000)	(34,800)	4,800	17,000	(2,500)	19,500
<i>No.</i>	<i>Description</i>						
1	Understatement of accrued payroll taxes - historically not accrued by the City	-	(11,800)	11,800	-	(11,800)	11,800
2	Understatement of accrued franchise tax revenues and related deferred inflow	(30,000)	(23,000)	(7,000)	(7,000)	-	(7,000)
3							
4							
5							
6							
7							
8							
9							

Summary of Uncorrected Misstatements - General Capital Projects Fund

		Financial Statement Effect of Uncorrected Misstatements: Over (Under) Statement					
		Total Assets and Deferred Outflows	Total Liabilities and Deferred Inflows	Fund Balance	Revenues	Expenditures	Net Change in Fund Balance
Amounts Per Financial Statements		250,527	5,456	245,071	2,552,400	2,133,507	418,893
Effect of Current Period Uncorrected Misstatements		-	(11,200)	11,200	-	(11,200)	11,200
Effect of Prior Period Uncorrected Misstatements					-	-	-
Net Effect of Uncorrected Misstatements		-	(11,200)	11,200	-	(11,200)	11,200
No.	Description						
1	Inadvertent unrecorded liability - construction related	-	(11,200)	11,200	-	(11,200)	11,200
2							
3							
4							
5							
6							
7							
8							
9							

Summary of Uncorrected Misstatements - Governmental Activities

		<i>Financial Statement Effect of Uncorrected Misstatements: Over (Under) Statement</i>					
		<i>Total Assets and Deferred Outflows</i>	<i>Total Liabilities and Deferred Inflows</i>	<i>Net Position</i>	<i>Revenues</i>	<i>Expenses</i>	<i>Change in Net Position</i>
Amounts Per Financial Statements		39,138,569	9,239,085	29,899,484	17,726,473	11,156,116	6,570,357
Effect of Current Period Uncorrected Misstatements		(41,200)	(23,000)	(18,200)	(30,000)	(11,800)	(18,200)
Effect of Prior Period Uncorrected Misstatements					53,500	9,300	44,200
Net Effect of Uncorrected Misstatements		(41,200)	(23,000)	(18,200)	23,500	(2,500)	26,000
<i>No.</i>	<i>Description</i>						
1	Understatement of accrued payroll taxes - historically not accrued by the City	-	(11,800)	11,800	-	(11,800)	11,800
2	Understatement of accrued franchise tax revenues - historically not accrued by the City	(30,000)	-	(30,000)	(30,000)	-	(30,000)
3	Inadvertent unrecorded liability - construction related	(11,200)	(11,200)	-	-	-	-
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City of Burnet

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FAX (512) 756-8560
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P. O. Box 1369
1001 Buchanan Drive, Suite 4
Burnet, TX 78611

February 24, 2017

Jaynes, Reitmeier, Boyd & Therrell, P. C.
P. O. Box 7616
Waco, TX 76714-7616

This representation letter is provided in connection with your audit of the financial statements of the City of Burnet, Texas (the "City"), which comprise the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate discretely presented component unit and remaining fund information as of September 30, 2016, and the respective changes in financial position and, where applicable, cash flows for the year then ended, and the related notes to the financial statements, for the purpose of expressing opinions on whether the financial statements present fairly, in all material respects, the financial position and results of operations of the various opinion units of the City in accordance with accounting principles generally accepted for governments in the United States of America (U.S. GAAP).

Certain representations in this letter are described as being limited to matters that are material. Items are considered material, regardless of size, if they involve an omission or misstatement of accounting information that, in light of surrounding circumstances, makes it probable that the judgment of a reasonable person relying on the information would be changed or influenced by the omission or misstatement.

We confirm, to the best of our knowledge and belief, having made such inquiries as we considered necessary for the purpose of appropriately informing ourselves as of February 24, 2017.

Financial Statements

- We have fulfilled our responsibilities, as set out in the terms of the audit engagement letter dated October 20, 2016, for the preparation and fair presentation of the financial statements of the various opinion units referred to above in accordance with U.S. GAAP.
- We acknowledge our responsibility for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.
- We acknowledge our responsibility for the design, implementation, and maintenance of internal control to prevent and detect fraud.

- We acknowledge our responsibility for compliance with the laws, regulations, and provisions of contracts and grant agreements.
- We have reviewed, approved, and taken responsibility for the financial statements and related notes.
- We have identified and communicated to you all previous audits, attestation engagements, and other studies related to the audit objectives and whether related recommendations have been implemented.
- Significant assumptions we used in making accounting estimates, including those measured at fair value, are reasonable.
- Related party relationships and transactions have been appropriately accounted for and disclosed in accordance with the requirements of U.S. GAAP.
- All events subsequent to the date of the financial statements and for which U.S. GAAP requires adjustment or disclosure have been adjusted or disclosed.
- We believe that the effects of uncorrected misstatements summarized in the attached schedules and aggregated by you during the current engagement are immaterial, both individually and in the aggregate, to the applicable opinion units and to the financial statements as a whole.
- The effects of all known actual or possible litigation and claims have been accounted for and disclosed in accordance with U.S. GAAP.
- All component units, as well as joint ventures with an equity interest, are included and other joint ventures and related organizations are properly disclosed.
- All funds and activities are properly classified.
- All funds that meet the quantitative criteria in GASB Statement No. 34, *Basic Financial Statements – and Management’s Discussion and Analysis – for State and Local Governments*, GASB Statements No. 37, *Basic Financial Statements – and Management’s Discussion and Analysis – for State and Local Governments: Omnibus*, as amended, and GASB Statement No. 65, *Items Previously Reported as Assets and Liabilities*, for presentation as major are identified and presented as such and all other funds that are presented as major are considered important to financial statement users.
- All components of net position, nonspendable fund balance, and restricted, committed, assigned, and unassigned fund balance are properly classified and, if applicable, approved.
- Our policy regarding whether to first apply restricted or unrestricted resources when an expense is incurred for purposes for which both restricted and unrestricted net position/fund

balance are available is appropriately disclosed and net position/fund balance is properly recognized under the policy.

- All revenues within the statement of activities have been properly classified as program revenues, general revenues, contributions to term or permanent endowments, or contributions to permanent fund principal.
- All expenses have been properly classified in or allocated to functions and programs in the statement of activities, and allocations, if any, have been made on a reasonable basis.
- All interfund and intra-entity transactions and balances have been properly classified and reported.
- Special items and extraordinary items have been properly classified and reported.
- Deposit and investment risks have been properly and fully disclosed.
- Capital assets, including infrastructure assets, are properly capitalized, reported and, if applicable, depreciated.
- All required supplementary information is measured and presented within the prescribed guidelines.

Information Provided

- We have provided you with:
 - Access to all information, of which we are aware that is relevant to the preparation and fair presentation of the financial statements of the various opinion units referred to above, such as records, documentation, meeting minutes, and other matters;
 - Additional information that you have requested from us for the purpose of the audit; and
 - Unrestricted access to persons within the entity from whom you determined it necessary to obtain audit evidence.
- All transactions have been recorded in the accounting records and are reflected in the financial statements.
- We have disclosed to you the results of our assessment of the risk that the financial statements may be materially misstated as a result of fraud.
- We have no knowledge of any fraud or suspected fraud that affects the City and involves:
 - Management;
 - Employees who have significant roles in internal control; or

- Others where the fraud could have a material effect on the financial statements.
- We have no knowledge of any fraud, or suspected fraud, affecting the City's financial statements communicated by employees, former employees, vendors, regulators, or others.
- We have disclosed to you all known actual or possible litigation, claims, and assessments whose effects should be considered when preparing the financial statements.
- We have disclosed to you the identity of the City's related parties and all the related party relationships and transactions of which we are aware.
- There have been no communications from regulatory agencies concerning noncompliance with or deficiencies in accounting, internal control, or financial reporting practices.
- The City has no plans or intentions that may materially affect the carrying value or classification of assets and liabilities.
- We have disclosed to you all guarantees, whether written or oral, under which the City is contingently liable.
- We have disclosed to you all significant estimates and material concentrations known to management that are required to be disclosed in accordance with GASB Statement No. 62, *Codification of Accounting and Financial Reporting Guidance Contained in Pre-November 30, 1989 FASB and AICPA Pronouncements* (GASB 62). Significant estimates are estimates at the balance sheet date that could change materially within the next year. Concentrations refer to volumes of business, revenues, available sources of supply, or markets or geographic areas for which events could occur that would significantly disrupt normal finances within the next year.
- We have identified and disclosed to you the laws, regulations, and provisions of contracts and grant agreements that could have a direct and material effect on financial statements amounts, including legal and contractual provisions for reporting specific activities in separate funds.
- There are no:
 - Violations or possible violations of laws or regulations, or provisions of contracts or grant agreements whose effects should be considered for disclosure in the financial statements or as a basis for recording a loss contingency, including applicable budget laws and regulations.
 - Unasserted claims or assessments that our lawyer has advised are probable of assertion and must be disclosed in accordance with GASB 62.
 - Other liabilities or gain or loss contingencies that are required to be accrued or disclosed by GASB 62.

- Continuing disclosure consent decree agreements or filings with the Securities and Exchange Commission and we have filed updates on a timely basis in accordance with the agreements (Rule 240, 15c2-12).
- The City has satisfactory title to all owned assets, and there are no liens or encumbrances on such assets nor has any asset or future revenue been pledged as collateral, except as disclosed to you.
- We have complied with all aspects of grant agreements and other contractual agreements that would have a material effect on the financial statements in the event of noncompliance.
- Tax-exempt bonds issued have retained their tax-exempt status.
- We believe that the actuarial assumptions and methods used to measure pension and other postemployment benefit liabilities and costs for financial accounting purposes are appropriate in the circumstances.
- We have reviewed capital assets for impairment whenever events or changes in circumstances have indicated that the carrying amount of the assets might not be recoverable and have appropriately recorded the adjustment.
- The City has satisfactory title to all owned assets, and there are no liens or encumbrances on such capital assets; nor has the City pledged any capital assets as collateral.
- We agree with the findings of specialists in evaluating the accuracy and completeness of the net pension liability and the liability for other post-employment benefits and related deferred outflows and deferred inflows, and have adequately considered the qualifications of the specialists in determining the amounts and disclosures used in the financial statements and underlying accounting records. We did not give or cause any instructions to be given to the specialists with respect to the values or amounts derived in an attempt to bias their work, and we are not otherwise aware of any matters that have had an impact on the independence or objectivity of the specialists.
- We believe that the actuarial assumptions and methods used to measure pension and OPEB liabilities and costs for financial accounting purposes are appropriate in the circumstances.
- Expenditures of federal awards were below the \$750,000 threshold during the year ended September 30, 2016, and we were not required to have an audit in accordance with Title 2 CFR Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements of Federal Awards* ("Uniform Guidance").
- As part of your audit, you assisted with preparation of the financial statements and related notes. We acknowledge our responsibility as it relates to the those nonaudit services, including that we assume all management responsibilities; oversee the services by designating an individual, preferably within senior management, who possess suitable skill,

knowledge, or experience; evaluate the adequacy and results of the services performed; and accept responsibility for the results of the services. We have reviewed, approved, and accepted responsibility for those financial statements and related notes.

Supplementary Information in Relation to the Financial Statements as a Whole

With respect to the combining fund financial statements and schedules presented as supplementary information ("the supplementary information"):

- a. We acknowledge our responsibility for the presentation of supplementary information in accordance with U.S. GAAP.
- b. We believe the supplementary information, including its form and content, is fairly presented in accordance with U.S. GAAP.
- c. The methods of measurement or presentation have not changed from those used in the prior period.
- d. We believe the significant assumptions or interpretations underlying the measurement or presentation of the supplementary information, and the basis for our assumptions and interpretations, are reasonable and appropriate in the circumstances.
- e. We acknowledge our responsibility to include the auditor's report on the supplementary information in any document containing the supplementary information and that indicates the auditor reported on such supplementary information.
- f. We acknowledge our responsibility to present the supplementary information with the audited financial statements or, if the supplementary information will not be presented with the audited financial statements, to make the audited financial statements readily available to the intended users of the supplementary information no later than the date of issuance by the entity of the supplementary information and the auditor's report thereon.

Required Supplementary Information

With respect to Management's Discussion and Analysis, the Schedule of Changes in Net Pension Liability and Related Ratios, and the Schedule of Contributions and Notes to Schedule of Contributions (collectively, "RSI") accompanying the financial statements:

- a. We acknowledge our responsibility for the presentation of RSI in accordance with U.S. GAAP.
- b. We believe the RSI, including form and content, are measured and fairly presented in accordance with U.S. GAAP.
- c. The methods of measurement or presentation have not changed from those used in the prior period.

- d. We believe the significant assumptions or interpretations underlying the measurement or presentation of the RSI and the basis for our assumptions and interpretations, are reasonable and appropriate in the circumstances.

Very truly yours,

CITY OF BURNET, TEXAS

David Vaughn
City Manager

Patricia Langford, C.P.A.
Director of Finance



JAYNES REITMEIER BOYD & THERRELL, P.C.
Certified Public Accountants
5400 Bosque Blvd., Ste. 500 | Waco, TX 76710
P.O. Box 7616 | Waco, TX 76714
Main 254.776.4190 | Fax 254.776.8489 | jrbl.com

March 14, 2017

The Honorable Mayor and City Council
City of Burnet, Texas:

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate discretely presented component unit and remaining fund information of the City of Burnet, Texas (the "City") for the year ended September 30, 2016. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards; as well as certain information related to the planned scope and timing of our audit. Professional standards also require that we advise you of the following matters relating to our audit.

Our Responsibility in Relation to the Financial Statement Audit

As communicated in our engagement letter dated October 20, 2016, our responsibility, as described by professional standards, is to form and express opinions about whether the financial statements that have been prepared by management with your oversight are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America. Our audit of the financial statements does not relieve you or management of your respective responsibilities.

Our responsibility, as prescribed by professional standards, is to plan and perform our audit to obtain reasonable, rather than absolute, assurance about whether the financial statements are free of material misstatement. An audit of financial statements includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control over financial reporting. Accordingly, as part of our audit, we considered the internal control of the City solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

We are also responsible for communicating significant matters related to the audit that are, in our professional judgment, relevant to your responsibilities in overseeing the financial reporting process. However, we are not required to design procedures for the purpose of identifying other matters to communicate to you.

Planned Scope and Timing of the Audit

We conducted our audit consistent with the planned scope and timing we previously communicated to you.

Compliance with All Ethics Requirements Regarding Independence

The engagement team; others in our firm, as appropriate; our firm; and our network firms have complied with all relevant ethical requirements regarding independence.

Qualitative Aspects of the City's Significant Accounting Practices

Significant Accounting Policies

Management has the responsibility to select and use appropriate accounting policies. A summary of the significant accounting policies adopted by the City is included in Note 1 to the financial statements. There have been no initial selections of accounting policies and no changes in significant accounting policies or their application during 2016. No matters have come to our attention that would require us, under professional standards, to inform you about (1) the methods used to account for significant unusual transactions and (2) the effect of significant accounting policies in controversial or emerging areas for which there is a lack of authoritative guidance or consensus.

Significant Accounting Estimates

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's current judgments. Those judgments are normally based on knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ markedly from management's current judgments. The most sensitive accounting estimates affecting the City's financial statements were:

Allowance for doubtful accounts -- Management's estimate of the allowance for doubtful accounts is based upon historical loss levels of receivables; and an analysis of the collectibility of aged accounts.

Useful lives of depreciable assets -- Management's estimate of useful lives of assets is based upon historical experience and industry suggested standards.

Assumptions used in pensions and other post-employment benefits --
Management's estimate of actuarial assumptions is based upon historical experience and industry suggested standards (inflation, payroll growth, investment expected rate of return, morbidity, mortality, etc.)

We evaluated the key factors and assumptions used to develop the estimates described above and determined that they are reasonable in relation to the basic financial statements taken as a whole and in relation to the applicable opinion units.

Financial Statement Disclosures

Certain financial statement disclosures involve significant judgment and are particularly sensitive because of their significance to financial statement users. The most sensitive disclosures affecting the City's financial statements relate to accounting and reporting for pensions and other post-employment benefits.

Significant Difficulties Encountered during the Audit

We encountered no significant difficulties in dealing with management relating to the performance of the audit.

Uncorrected and Corrected Misstatements

For purposes of this communication, professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that we believe are trivial, and communicate them to the appropriate level of management. Further, professional standards require us to also communicate the effect of uncorrected misstatements related to prior periods on the relevant classes of transactions, account balances or disclosures, and the financial statements as a whole and each applicable opinion unit. The attached schedules summarize uncorrected financial statement misstatements whose effects in the current and prior periods, as determined by management, are immaterial, both individually and in the aggregate, to the financial statements taken as a whole and each applicable opinion unit.

Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a matter, whether or not resolved to our satisfaction, concerning a financial accounting, reporting, or auditing matter, which could be significant to the City's financial statements or the auditor's report. No such disagreements arose during the course of the audit.

The Honorable Mayor and City Council
City of Burnet, Texas
March 14, 2017
Page 4

Representations Requested from Management

We have requested certain written representations from management, which are included in the attached letter.

Management's Consultations with Other Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters. Management informed us that, and to our knowledge, there were no consultations with other accountants regarding auditing and accounting matters.

Other Significant Matters, Findings, or Issues

In the normal course of our professional association with the City, we generally discuss a variety of matters, including the application of accounting principles and auditing standards, operating and regulatory conditions affecting the entity, and operational plans and strategies that may affect the risks of material misstatement. None of the matters discussed resulted in a condition to our retention as the City's auditors.

Other Matters

We applied certain limited procedures to management's discussion and analysis and the schedule of contributions, which are required supplementary information (RSI) that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

We were engaged to report on the combining fund financial statements, which accompany the financial statements but are not RSI. With respect to this supplementary information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the combining fund financial statements to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

The Honorable Mayor and City Council
City of Burnet, Texas
March 14, 2017
Page 5

Restriction on Use

This report is intended solely for the information and use of management, the members of the City Council and others within the City and is not intended to be and should not be used by anyone other than these specified parties.

Very truly yours,

Jaynes. Reitmeier, Boyd + Therrell, P.C.

Summary of Uncorrected Misstatements - General Fund

		<i>Financial Statement Effect of Uncorrected Misstatements: Over (Under) Statement</i>					
		<i>Total Assets and Deferred Outflows</i>	<i>Total Liabilities and Deferred Inflows</i>	<i>Fund Balance</i>	<i>Revenues</i>	<i>Expenditures</i>	<i>Net Change in Fund Balance</i>
Amounts Per Financial Statements		4,483,559	532,125	3,951,434	11,042,884	11,198,583	(155,699)
Effect of Current Period Uncorrected Misstatements		(30,000)	(34,800)	4,800	(7,000)	(11,800)	4,800
Effect of Prior Period Uncorrected Misstatements					24,000	9,300	14,700
Net Effect of Uncorrected Misstatements		(30,000)	(34,800)	4,800	17,000	(2,500)	19,500
<i>No.</i>	<i>Description</i>						
1	Understatement of accrued payroll taxes - historically not accrued by the City	-	(11,800)	11,800	-	(11,800)	11,800
2	Understatement of accrued franchise tax revenues and related deferred inflow	(30,000)	(23,000)	(7,000)	(7,000)	-	(7,000)
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Summary of Uncorrected Misstatements - General Capital Projects Fund

		<i>Financial Statement Effect of Uncorrected Misstatements: Over (Under) Statement</i>					
		<i>Total Assets and Deferred Outflows</i>	<i>Total Liabilities and Deferred Inflows</i>	<i>Fund Balance</i>	<i>Revenues</i>	<i>Expenditures</i>	<i>Net Change in Fund Balance</i>
Amounts Per Financial Statements		250,527	5,456	245,071	2,552,400	2,133,507	418,893
Effect of Current Period Uncorrected Misstatements		-	(11,200)	11,200	-	(11,200)	11,200
Effect of Prior Period Uncorrected Misstatements					-	-	-
Net Effect of Uncorrected Misstatements		-	(11,200)	11,200	-	(11,200)	11,200
<i>No.</i>	<i>Description</i>						
1	Inadvertent unrecorded liability - construction related	-	(11,200)	11,200	-	(11,200)	11,200
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Summary of Uncorrected Misstatements - Governmental Activities

		Financial Statement Effect of Uncorrected Misstatements: Over (Under) Statement					
		Total Assets and Deferred Outflows	Total Liabilities and Deferred Inflows	Net Position	Revenues	Expenses	Change in Net Position
Amounts Per Financial Statements		39,138,569	9,239,085	29,899,484	17,726,473	11,156,116	6,570,357
Effect of Current Period Uncorrected Misstatements		(41,200)	(23,000)	(18,200)	(30,000)	(11,800)	(18,200)
Effect of Prior Period Uncorrected Misstatements					53,500	9,300	44,200
Net Effect of Uncorrected Misstatements		(41,200)	(23,000)	(18,200)	23,500	(2,500)	26,000
No.	Description						
1	Understatement of accrued payroll taxes - historically not accrued by the City	-	(11,800)	11,800	-	(11,800)	11,800
2	Understatement of accrued franchise tax revenues - historically not accrued by the City	(30,000)	-	(30,000)	(30,000)	-	(30,000)
3	Inadvertent unrecorded liability - construction related	(11,200)	(11,200)	-	-	-	-
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City of Burnet

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February 24, 2017

Jaynes, Reitmeier, Boyd & Therrell, P. C.
P. O. Box 7616
Waco, TX 76714-7616

This representation letter is provided in connection with your audit of the financial statements of the City of Burnet, Texas (the "City"), which comprise the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate discretely presented component unit and remaining fund information as of September 30, 2016, and the respective changes in financial position and, where applicable, cash flows for the year then ended, and the related notes to the financial statements, for the purpose of expressing opinions on whether the financial statements present fairly, in all material respects, the financial position and results of operations of the various opinion units of the City in accordance with accounting principles generally accepted for governments in the United States of America (U.S. GAAP).

Certain representations in this letter are described as being limited to matters that are material. Items are considered material, regardless of size, if they involve an omission or misstatement of accounting information that, in light of surrounding circumstances, makes it probable that the judgment of a reasonable person relying on the information would be changed or influenced by the omission or misstatement.

We confirm, to the best of our knowledge and belief, having made such inquiries as we considered necessary for the purpose of appropriately informing ourselves as of February 24, 2017.

Financial Statements

- We have fulfilled our responsibilities, as set out in the terms of the audit engagement letter dated October 20, 2016, for the preparation and fair presentation of the financial statements of the various opinion units referred to above in accordance with U.S. GAAP.
- We acknowledge our responsibility for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.
- We acknowledge our responsibility for the design, implementation, and maintenance of internal control to prevent and detect fraud.

- We acknowledge our responsibility for compliance with the laws, regulations, and provisions of contracts and grant agreements.
- We have reviewed, approved, and taken responsibility for the financial statements and related notes.
- We have identified and communicated to you all previous audits, attestation engagements, and other studies related to the audit objectives and whether related recommendations have been implemented.
- Significant assumptions we used in making accounting estimates, including those measured at fair value, are reasonable.
- Related party relationships and transactions have been appropriately accounted for and disclosed in accordance with the requirements of U.S. GAAP.
- All events subsequent to the date of the financial statements and for which U.S. GAAP requires adjustment or disclosure have been adjusted or disclosed.
- We believe that the effects of uncorrected misstatements summarized in the attached schedules and aggregated by you during the current engagement are immaterial, both individually and in the aggregate, to the applicable opinion units and to the financial statements as a whole.
- The effects of all known actual or possible litigation and claims have been accounted for and disclosed in accordance with U.S. GAAP.
- All component units, as well as joint ventures with an equity interest, are included and other joint ventures and related organizations are properly disclosed.
- All funds and activities are properly classified.
- All funds that meet the quantitative criteria in GASB Statement No. 34, *Basic Financial Statements – and Management’s Discussion and Analysis – for State and Local Governments*, GASB Statements No. 37, *Basic Financial Statements – and Management’s Discussion and Analysis – for State and Local Governments: Omnibus*, as amended, and GASB Statement No. 65, *Items Previously Reported as Assets and Liabilities*, for presentation as major are identified and presented as such and all other funds that are presented as major are considered important to financial statement users.
- All components of net position, nonspendable fund balance, and restricted, committed, assigned, and unassigned fund balance are properly classified and, if applicable, approved.
- Our policy regarding whether to first apply restricted or unrestricted resources when an expense is incurred for purposes for which both restricted and unrestricted net position/fund

balance are available is appropriately disclosed and net position/fund balance is properly recognized under the policy.

- All revenues within the statement of activities have been properly classified as program revenues, general revenues, contributions to term or permanent endowments, or contributions to permanent fund principal.
- All expenses have been properly classified in or allocated to functions and programs in the statement of activities, and allocations, if any, have been made on a reasonable basis.
- All interfund and intra-entity transactions and balances have been properly classified and reported.
- Special items and extraordinary items have been properly classified and reported.
- Deposit and investment risks have been properly and fully disclosed.
- Capital assets, including infrastructure assets, are properly capitalized, reported and, if applicable, depreciated.
- All required supplementary information is measured and presented within the prescribed guidelines.

Information Provided

- We have provided you with:
 - Access to all information, of which we are aware that is relevant to the preparation and fair presentation of the financial statements of the various opinion units referred to above, such as records, documentation, meeting minutes, and other matters;
 - Additional information that you have requested from us for the purpose of the audit; and
 - Unrestricted access to persons within the entity from whom you determined it necessary to obtain audit evidence.
- All transactions have been recorded in the accounting records and are reflected in the financial statements.
- We have disclosed to you the results of our assessment of the risk that the financial statements may be materially misstated as a result of fraud.
- We have no knowledge of any fraud or suspected fraud that affects the City and involves:
 - Management;
 - Employees who have significant roles in internal control; or

- Others where the fraud could have a material effect on the financial statements.
- We have no knowledge of any fraud, or suspected fraud, affecting the City's financial statements communicated by employees, former employees, vendors, regulators, or others.
- We have disclosed to you all known actual or possible litigation, claims, and assessments whose effects should be considered when preparing the financial statements.
- We have disclosed to you the identity of the City's related parties and all the related party relationships and transactions of which we are aware.
- There have been no communications from regulatory agencies concerning noncompliance with or deficiencies in accounting, internal control, or financial reporting practices.
- The City has no plans or intentions that may materially affect the carrying value or classification of assets and liabilities.
- We have disclosed to you all guarantees, whether written or oral, under which the City is contingently liable.
- We have disclosed to you all significant estimates and material concentrations known to management that are required to be disclosed in accordance with GASB Statement No. 62, *Codification of Accounting and Financial Reporting Guidance Contained in Pre-November 30, 1989 FASB and AICPA Pronouncements* (GASB 62). Significant estimates are estimates at the balance sheet date that could change materially within the next year. Concentrations refer to volumes of business, revenues, available sources of supply, or markets or geographic areas for which events could occur that would significantly disrupt normal finances within the next year.
- We have identified and disclosed to you the laws, regulations, and provisions of contracts and grant agreements that could have a direct and material effect on financial statements amounts, including legal and contractual provisions for reporting specific activities in separate funds.
- There are no:
 - Violations or possible violations of laws or regulations, or provisions of contracts or grant agreements whose effects should be considered for disclosure in the financial statements or as a basis for recording a loss contingency, including applicable budget laws and regulations.
 - Unasserted claims or assessments that our lawyer has advised are probable of assertion and must be disclosed in accordance with GASB 62.
 - Other liabilities or gain or loss contingencies that are required to be accrued or disclosed by GASB 62.

- Continuing disclosure consent decree agreements or filings with the Securities and Exchange Commission and we have filed updates on a timely basis in accordance with the agreements (Rule 240, 15c2-12).
- The City has satisfactory title to all owned assets, and there are no liens or encumbrances on such assets nor has any asset or future revenue been pledged as collateral, except as disclosed to you.
- We have complied with all aspects of grant agreements and other contractual agreements that would have a material effect on the financial statements in the event of noncompliance.
- Tax-exempt bonds issued have retained their tax-exempt status.
- We believe that the actuarial assumptions and methods used to measure pension and other postemployment benefit liabilities and costs for financial accounting purposes are appropriate in the circumstances.
- We have reviewed capital assets for impairment whenever events or changes in circumstances have indicated that the carrying amount of the assets might not be recoverable and have appropriately recorded the adjustment.
- The City has satisfactory title to all owned assets, and there are no liens or encumbrances on such capital assets; nor has the City pledged any capital assets as collateral.
- We agree with the findings of specialists in evaluating the accuracy and completeness of the net pension liability and the liability for other post-employment benefits and related deferred outflows and deferred inflows, and have adequately considered the qualifications of the specialists in determining the amounts and disclosures used in the financial statements and underlying accounting records. We did not give or cause any instructions to be given to the specialists with respect to the values or amounts derived in an attempt to bias their work, and we are not otherwise aware of any matters that have had an impact on the independence or objectivity of the specialists.
- We believe that the actuarial assumptions and methods used to measure pension and OPEB liabilities and costs for financial accounting purposes are appropriate in the circumstances.
- Expenditures of federal awards were below the \$750,000 threshold during the year ended September 30, 2016, and we were not required to have an audit in accordance with Title 2 CFR Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements of Federal Awards* ("Uniform Guidance").
- As part of your audit, you assisted with preparation of the financial statements and related notes. We acknowledge our responsibility as it relates to the those nonaudit services, including that we assume all management responsibilities; oversee the services by designating an individual, preferably within senior management, who possess suitable skill,

knowledge, or experience; evaluate the adequacy and results of the services performed; and accept responsibility for the results of the services. We have reviewed, approved, and accepted responsibility for those financial statements and related notes.

Supplementary Information in Relation to the Financial Statements as a Whole

With respect to the combining fund financial statements and schedules presented as supplementary information ("the supplementary information"):

- a. We acknowledge our responsibility for the presentation of supplementary information in accordance with U.S. GAAP.
- b. We believe the supplementary information, including its form and content, is fairly presented in accordance with U.S. GAAP.
- c. The methods of measurement or presentation have not changed from those used in the prior period.
- d. We believe the significant assumptions or interpretations underlying the measurement or presentation of the supplementary information, and the basis for our assumptions and interpretations, are reasonable and appropriate in the circumstances.
- e. We acknowledge our responsibility to include the auditor's report on the supplementary information in any document containing the supplementary information and that indicates the auditor reported on such supplementary information.
- f. We acknowledge our responsibility to present the supplementary information with the audited financial statements or, if the supplementary information will not be presented with the audited financial statements, to make the audited financial statements readily available to the intended users of the supplementary information no later than the date of issuance by the entity of the supplementary information and the auditor's report thereon.

Required Supplementary Information

With respect to Management's Discussion and Analysis, the Schedule of Changes in Net Pension Liability and Related Ratios, and the Schedule of Contributions and Notes to Schedule of Contributions (collectively, "RSI") accompanying the financial statements:

- a. We acknowledge our responsibility for the presentation of RSI in accordance with U.S. GAAP.
- b. We believe the RSI, including form and content, are measured and fairly presented in accordance with U.S. GAAP.
- c. The methods of measurement or presentation have not changed from those used in the prior period.

- d. We believe the significant assumptions or interpretations underlying the measurement or presentation of the RSI and the basis for our assumptions and interpretations, are reasonable and appropriate in the circumstances.

Very truly yours,

CITY OF BURNET, TEXAS

David Vaughn
City Manager

Patricia Langford, C.P.A.
Director of Finance



Proclamation

OF THE MAYOR AND CITY COUNCIL FOR THE
CITY OF BURNET

Whereas, Youth Art Month has been observed nationally and in many foreign countries, since 1961, and has gained wide acceptance, and

Whereas, childhood is the time to develop interests, skills, and aptitudes that will last a lifetime, and

Whereas, through meaningful art activities, children develop initiative, self-expression, creative ability, self-assessment, discipline, and a heightened appreciation of their environment, and

Whereas, the importance of art in education and in recreation is widely recognized,



Now, therefore, be it proclaimed, that I, Gary Wideman, Mayor of the City of Burnet on behalf of the City Council, of the City of Burnet, Texas, do hereby declare March 2017 to be observed as

Youth Art Month

in the City of Burnet, Texas, all citizens are urged to take interest in and give full support to quality art programs for children and youth.

In witness thereof, I hereunto set my hand and caused the seal of the City of Burnet to be affixed this 14th day of March 2017.

Gary Wideman, Mayor

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

ITEM 2.1

On this the 28th day of February 2017, the City Council of the City of Burnet convened in Regular Session, at 6:00 p.m., at the regular meeting place thereof with the following members present, to-wit:

Mayor Gary Wideman

Council Members Danny Lester, Joyce Laudenschlager, Paul Farmer, Tres Clinton, Mary Jane Shanes

City Manager David Vaughn

Deputy City Secretary Kelly Dix

Guests: Mark Lewis, Gene Courtney, Evan Milliorn, Leslie Baugh, Craig Lindholm, Ed Hollicky, Alan Burdell, Patricia Langford, James B. Wilson, Doug Fipps, Harold Smith, Bettye Foulds, Melody Pauling, Crista Bromley, Mark Ingram, Paul Nelson, Paul Shell, Ricky Langley, Connie Maxwell, Cindia Telamantez, Zachary Worrell, Philip Thurman

CALL TO ORDER: The meeting was called to order by Mayor Wideman, at 6:00 p.m.

INVOCATION: Council Member Mary Jane Shanes

PLEDGE OF ALLEGIANCE: Council Member Paul Farmer

PLEDGE TO TEXAS FLAG: Council Member Paul Farmer

PUBLIC RECOGNITION/SPECIAL REPORTS:

Chamber of Commerce Report: Pass

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 14, 2017 Regular Council Meeting minutes

Council Member Joyce Laudenschlager moved to approve the consent agenda as presented. Council Member Danny Lester seconded, and the motion carried unanimously.

ACTION ITEMS:

Discuss and consider action: Declaring council seat vacant: K. Dix: Council Member Danny Lester made a motion to declare Council Member Philip Thurman's seat vacant due to his February 15, 2017 candidate filing for the Mayor's position on the May 6, 2017 General Election Ballot. Council Member Mary Jane Shanes seconded, the motion carried unanimously.

Discuss and consider action: A RESOLUTION ORDERING A SPECIAL ELECTION TO ELECT ONE COUNCIL MEMBER TO FILL AN UNEXPIRED TERM FOR THE CITY COUNCIL, CITY OF BURNET, TEXAS, ON May 6, 2017: K. Dix: Council Member Paul Farmer made a motion to approve and adopt Resolution No. R2017-04 as presented ordering a Special Election to be held on May 6, 2017, for the purpose of electing one Council Member to fill the seat vacated by Council Member Philip Thurman for an unexpired term of one year. Council Member Tres Clinton seconded, the motion carried unanimously.

Discuss and consider action: Appoint Mayor Pro Tem: K. Dix: Mayor Gary Wideman made a motion to appoint Joyce Laudenschlager as Mayor Pro Tem. Council Member Danny Lester seconded, the motion carried unanimously.

Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BURNET, TEXAS CHAPTER 98, SUBDIVISIONS BY ADOPTING ARTICLE VIII, NON-POINT SOURCE POLLUTION;

PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FINDING PROPER NOTICE OF MEETING: M. Lewis: Pass. No action taken.

REPORTS: Addendum to the City Council Agenda: Department and Committee Reports/Briefings: The City Council may or may not receive a briefing dependent upon activity or change in status regarding the matter. The listing is provided to give notice to the public that a briefing to the Council on any or all subjects may occur.

Project Update Report: Staff Directors/ Supervisors: Chief Nelson reviewed the plans for the newly proposed site for the police station on East Highway 29. Allen Burdell informed Council that the SSES project was moving along and that engineers have requested additional jetting and video and the West Tank pump is place. Honey Rock Phase I has been completed, tested and passed inspection. Doug Fipps informed Council that the bathrooms were completed and that the bunker renovation is currently taking place on holes three and four. Jonny Simons reported that the Hamilton Creek bathroom facility will happen in the next sixty days. Gene Courtney reported that the Honey Rock project is completed and the department is currently working with ElectSolve on the utility billing software upgrade.

January Financial Report: Connie Maxwell reviewed the January revenues and expenditures and current account balances with the Council.

REQUESTS FROM COUNCIL FOR FUTURE REPORTS: None.

ADJOURN: There being no further business a motion to adjourn was made by Council Member Mary Jane Shanes at 6:54 p.m., seconded by Council Member Joyce Laudenschlager. The motion carried unanimously.

Gary Wideman, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 3.1

Mark S. Lewis
Development Services Director
(512)-715-3215
mlewis@cityofburnet.com

Agenda Item Brief

Meeting Date: March 14, 2017

Agenda Item: Public Hearing: The City Council will conduct a public hearing regarding The Hills of Shady Grove, Sections 8 & 9 preliminary plat which is described as being 13.09-acres of land located west of the 100 and 200 blocks of Shady Grove Parkway, and further described as being out of the John Hamilton Survey, No. 1, Abstract No. 405: M. Lewis

Background: The City of Burnet approved the Hills of Shady Grove Preliminary Plat in 2005. The subdivision was designed to be developed in nine phases, each of which could be individually approved and developed.

Drainage plans for the full subdivision were reviewed and approved as a precondition of the plat being brought forward to the Planning and Zoning Commission and City Council. Construction plans covering the entire subdivision were reviewed and approved by the City in order to clear the way for full buildout.

Five of the nine subdivision phases were subsequently final platted and constructed. The preliminary plat, which includes the four as of yet unbuilt sections, is now expired due to a period of activity that followed development of Phase 5.

The developer is ready to begin moving forward on completion of the subdivision and to that end has submitted a new preliminary plat that covers two of the unconstructed subdivision phases.

The Planning and Zoning Commission considered this preliminary plat in its March 6, 2017 public hearing and

regular meeting. Following its public hearing, the Commission, by unanimous vote of members present, recommended that the Hills of Shady Grove, Sections 8 and 9 Preliminary Plat be approved as presented.

Information:

Preliminary plat review and approval standards are established by Code of Ordinances Section 98-22. These are the standards that were in effect at the time of original preliminary plat approval. The ordinance standards applied to review and approval of the preliminary plat's drainage plans also remain unchanged.

The preliminary plat under consideration differs from the original preliminary plat in only one significant regard. It covers two rather than all four of the as of yet undeveloped subdivision phases. The drainage plans that support the new plat are unchanged from the original preliminary plat. LCRA approvals granted for the initial plat remain in effect. An exhibit showing the locations of the subject property is attached as Exhibit A to this report. A copy of the updated preliminary plat is attached as Exhibit B.

Approving this plat will have the effect of reactivating approvals for sections 8 and 9 of the already approved, but expired preliminary plat. This in turn will enable the developer to move forward with final platting and construction of new final plats for these two sections.

Recommendation:

Recommendation will be provided under the action item relating to this request.

EXHIBIT A

Hills of Shady Grove, Sec. 8 & 9 Location





Planning & Zoning

ITEM 3.2

Mark S. Lewis
Community Development
Director
(512)-715-3215
mlewis@cityofburnet.com

Agenda Item Brief

Meeting Date: March 14, 2017

Agenda Item: Public Hearing: The City Council of the City of Burnet, in accordance with Code of Ordinances Chapter 22, Article IV, Sections 22-81 and 22-82, will convene as the Board of Appeals for the purpose of conducting a public hearing and hearing testimony from City Staff and any persons with interest in the property located at 1407 North Water Street for the purpose of determining whether said structure is dangerous: M. Lewis

Background: Code of Ordinances Chapter 22, Article IV establishes the City's Dangerous Building Abatement Code. Sections 22-81 and 22-82 of the Chapter call for City Council to sit as the Board of Appeals for matters relating to substandard or dangerous buildings.

The Board's initial role is to conduct a public hearing for the purpose of hearing testimony from staff and any persons with interest in a structure that has been identified as substandard or dangerous. At the hearing's conclusion, if the Board has concluded that the structure in question is indeed dangerous or unsafe and therefore a public nuisance, it is tasked with issuance of an order for the repair or demolition of the structure.

The structure that is to be the subject of this hearing is a vacant single-family home located at 1407 N Water Street. Written notice of the hearing was mailed (via certified mail) to the property owner of record on February 7, 2017 and accepted on February 11, 2017. Notice of the hearing has also been placed on the structure itself.

The property owner has not contacted staff and other than signing for the certified notice, has taken no action regarding the property.

Information:

The structure at 508 South Westfall Street was inspected on January 14, 2017 and found to be substandard and dangerous under the terms of Code of Ordinance Chapter 22, Article IV, Dangerous Building Abatement Code. A report prepared during the course of the inspection documents the condition of the structure and the property on which it is located.

An identification photo of the property is attached and follows this item brief. A copy of staff's inspection report is attached. Key findings from the inspection include:

- The structure is unsecured and therefore available to be entered or used by vagrants or otherwise uninvited persons as a place of harborage or could be entered or used by children.
- The structure fails to comply with any one or more of the requirements established by the International Property Maintenance Code including:
 - Water damage to ceiling areas indicate significant and ongoing water leaks
 - Rot and water damage is evident in the home's rear wall.
 - Deterioration of electrical and plumbing systems has rendered them inadequate and non-functional
 - Due to condition, the structure provides harborage for rodents and other vermin
 - Yard cleanup required. Accessory structure is in poor condition and structurally unsound.

The property on which this structure is located has been the subject of numerous Code Enforcement actions dating back to 2012. To this point, actions, which include high grass and weeds, junk vehicles, and junk and debris, have been limited to property conditions.

Due to neglect, the structure has deteriorated to the point that is now unsafe and a blighting influence on the surrounding neighborhood.

Fiscal Impact:

None

Recommendation:

Recommendation is attached to the action item that is companion to this public hearing.

1407 N. Water Street



1/24/17, 3:04 PM

CITY OF BURNET
SUBSTANDARD BUILDING INSPECTION

DATE: January 24, 2017
ADDRESS: 1407 N. Water St.
LEGAL DESCRIPTION: Blk. 3; Lt. 4; Oaks Addition
PROPERTY OWNER: Cashman, John B. Jr. Etux Sylvia
OWNER'S ADDRESS:

NUMBER OF STRUCTURES: 1 with metal outbuilding
OCCUPANCY CLASSIFICATION: R-3 CONSTRUCTION TYPE: V
IS STRUCTURE OCCUPIED: NO IS STRUCTURE SECURED: NO

REMARKS: House is vacant & unsecured. Evidence of occupancy by transient person or persons. Yard chronically unmaintained. Mowed by City on multiple occasions.

THE ABOVE DESCRIBED STRUCTURE(S) WAS/WERE INSPECTED IN ORDER FOR THE PURPOSE OF IDENTIFYING ANY VIOLATIONS AND/OR DEFICIENCIES THAT MAY EXIST UNDER THE TERMS OF CODE OF ORDINANCES CHAPTER 22—BUILDINGS AND BUILDING REGULATIONS, ARTICLE IV—DANGEROUS BUILDING ABATEMENT CODE AND/OR THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE. ANY VIOLATIONS/DEFICIENCIES OBSERVED ARE DETAILED BELOW.

EXTERIOR PROPERTY AREAS

SANITATION: Inadequate
GRADING & DRAINAGE: N/A
SIDEWALKS & DRIVEWAYS: N/A
WEEDS: Yes
RODENT HARBORAGE: YES.
EXHAUST VENTS: N/A
ACCESSORY STRUCTURES: Substandard metal accessory building
MOTOR VEHICLES: N/A
PROPERTY DEFACEMENT: N/A

SWIMMING POOLS/SPAS/HOT TUBS

SWIMMING POOL/SPA/HOT TUB: N/A
POOLS/SPA/HOT TUB ENCLOSURE: N/A

EXTERIOR STRUCTURE---UNSAFE CONDITIONS

STRUCTURAL MEMBERS: Rot & water damage evident in rear wall

FOUNDATION/FOUNDATION WALLS/FOOTINGS: Rot in rear foundation sill

EXTERIOR WALLS: Localized areas of deterioration observed

ROOFS & DRAINAGE: Roof in poor condition. Missing shingles & underlayment allowing water in to house

DECORATIVE FEATURES: N/A

OVERHANG EXTENSIONS: Water damage to fascia & soffit. Opening in fascia allows vermin access.

STAIRS/DECKS/PORCHES/BALCONIES: N/A

CHIMNEYS & TOWERS: N/A

HANDRAILS & GUARDS: N/A

WINDOWS

GLAZING: OK

OPENABLE WINDOWS: Not Checked

INSECT SCREENS: Some missing

DOORS & ACCESS: Damage to rear doors prevent house from being secured.

OTHER: N/A

INTERIOR STRUCTURE

STRUCTURAL MEMBERS: N/A

INTERIOR SURFACES: Evidence of water damaged ceilings visible through building windows

HANDRAILS & GUARDS: N/A_____

INTERIOR DOORS: N/A_____

RUBBISH & GARBAGE: Rubbish visible through windows

LIGHT

HABITABLE SPACES: Unknown

HALLS & STAIRWAYS: Unknown

OTHER: Improperly installed exterior lighting

VENTILATION

HABITABLE SPACES: Missing window screens. HVAC condition unknown

BATHROOMS & TOILET ROOMS: Unknown

INSPECTION REPORT FOR 904 S. Main Street
DATE: January 27, 2017
PAGE 3 OF 3

COOKING FACILITIES: Unknown

CLOTHES DRYER EXHAUST: N/A

PLUMBING SYSTEMS

WATER SYSTEM: Unknown

FIXTURES: Unknown

DRAINAGE: Substandard

HEATING FACILITIES

HEAT SUPPLY: Unknown

MECHANICAL EQUIPMENT

MECHANICAL APPLIANCES: Unknown

COMBUSTION AIR: Unknown

ELECTRICAL FACILITIES

ELECTRICAL EQUIPMENT: Substandard & Unsafe

RECEPTACLES: Unknown

LIGHTS: N/A

OTHER: Service Drop too close to ground. Unsafe

FIRE SAFETY

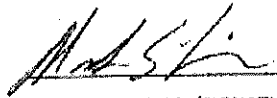
MEANS OF EGRESS: Rear door obstructed and damaged.

FIRE RATED ASSEMBLIES: N/A

FIRE SPRINKLER SYSTEMS: N/A

SMOKE ALARMS: Unknown

NOTES: House is non-habitable & unsecured. Did not enter due to evidence of use by transients.
Inspection made from building exterior. Interior comments based on view through windows and doors.

 _____ 1/27/17 _____
INSPECTOR NAME/SIGNATURE DATE

FINAL DISPOSITION

BUILDING REPAIRS AUTHORIZED: _____

DEMOLITION ORDER ISSUED: _____

PERMITS ISSUED: _____

REPAIRS COMPLETED: _____

DEMOLITION COMPLETED: _____



Development Services

ITEM 4.1

Mark S. Lewis
Development Services Director
(512)-715-3215
mlewis@cityofburnet.com

Agenda Item Brief

Meeting Date: March 14, 2017

Agenda Item: Discuss and Consider Action: SECOND AND FINAL READING OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BURNET, TEXAS CHAPTER 98, SUBDIVISIONS BY ADOPTING ARTICLE VIII, NON-POINT SOURCE POLLUTION; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FINDING PROPER NOTICE OF MEETING: M. Lewis

Background: On February 14, 2017, City Council approved a first reading of the revised Nonpoint Source Pollution (NPS) control ordinance. Staff, continuing to work with LCRA, has incorporated a few more revisions into the ordinance attached to this report. Substantive changes are outlined in the Information section below.

Information: **Article 2 – Definitions**

A few definitions were clarified

Sec. 98-104 – Impervious Cover

Clarified intent that a property owner or developer is not required to accommodate existing runoff from off-site properties and roads not associated with his/her development.

Sec. 98-105 – Projects Exempt from Article 4

Clarified scope of exemptions

Sec. 98-106 – Non-Point Source Pollution Control Approval

Clarified review and approval procedures

Sec. 98-109 – Maintenance Requirements

Revised requirement dealing with a Maintenance Association (MA) charged with maintenance of BMP's including water quality ponds. Section now prohibits a MA from dissolving itself until it has transferred BMP ownership and maintenance obligation to a responsible party.

Sec. 98-114 Variances

Provision was revised to channel all variance requests through P&Z and City Council.

Other changes to the ordinance were primarily minor "housekeeping" items such as format clean-up and ensuring consistent capitalization and non-capitalization of defined and non-defined terms.

Fiscal Impact: None

Recommendation: Approve and adopt ordinance 2017-02, establishing NPS pollution management regulations.

ORDINANCE 2017-02

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BURNET, TEXAS CHAPTER 98, SUBDIVISIONS BY ADOPTING ARTICLE VIII, NON-POINT SOURCE POLLUTION; ADOPTING NPS TECHNICAL MANUAL; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FINDING PROPER NOTICE OF MEETING.

WHEREAS, the City Council of the City of Burnet, Texas (the "City") seeks to provide for the health, safety and welfare of its citizens; and

WHEREAS, the Council finds that the drainage ways and creeks of the City are subject to the potential for periodic pollution which may result in the loss of life and property, health and safety hazards, disruption of commerce and governmental services and extraordinary public expenditures for pollution reduction and protection, all of which adversely affect the public health, safety and general welfare; and

WHEREAS, the Council seeks to protect the drainage ways, creeks, rivers, and lake areas of the City from non-point source pollution; and

WHEREAS, the City has the authority to regulate non-point source pollution ("NPS") within the City's corporate limits pursuant to Texas Local Government Code Chapters 51, 212, 401, and 402, the Texas Water Code Chapters 7 and 26, and sections 2.01 and 2.05 of the City Charter; and

WHEREAS, the Council seeks to amend that portion of the City Code of Ordinances relating to non-point source pollution and add a new Article related to the regulation of non-point source pollution control;

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

Section 1. Findings: The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Sec. 98-41 Repealed and replaced: Section 98-41, Drainage improvements of Code of Ordinances Chapter 98, Article IV is hereby repealed in its entirety and replaced by a new Sec. 98-41 as follows:

Sec. 98-41 Storm water collection and conveyance systems.

(a) *Required Permits and Authorizations.* Unless otherwise exempt under the terms of this chapter, all property owners subject to these land use regulations shall obtain all

permits or authorizations required herein.

- (b) *System design requirements.* Drainage improvements shall be designed so as to not cause damage to other property, shall accommodate Runoff from the upstream drainage area in its anticipated maximum "build-out" condition, and shall be designed in accordance with the most recently adopted Drainage Criteria Manual to prevent overloading the capacity of the downstream drainage system. The City may require the phasing of development, the use of control methods such as retention or detention, or the construction of off-site drainage improvements in order to mitigate the impact of the proposed development. No storm water collection system shall be constructed unless it is designed in accordance with the Drainage Criteria Manual by a Licensed Professional Engineer, and unless it is reviewed and approved by the City Engineer. All plans submitted to the City shall include a layout of the drainage system together with supporting calculations for the design of the system.
- (c) All Erosion and Sedimentation controls shall conform to the Non-point Source Pollution Control Technical Manual (the "NPS Technical Manual"), as amended, a copy of which is on file at the City.
- (d) No person, individual, partnership, firm or corporation shall deepen, widen, Fill, reclaim, reroute or change the course or location of any existing ditch, channel, stream or drainage-way without first obtaining written permission of the City Engineer and any other applicable agency (such as FEMA or the U.S. Army Corps of Engineers) having jurisdiction. The City Engineer may, at his or her discretion, require preparation and submission of a FEMA or flood study for a proposed development if there are concerns regarding storm drainage on the subject property or upstream or downstream from the subject property. The costs of such study, if required, shall be borne by the Developer.
- (e) In order to help reduce storm water Runoff, and resulting Erosion, Sedimentation and conveyance of non-point source Pollutants, the layout of the street network, lots and building sites shall, to the greatest extent possible, be sited and aligned along natural contour lines, and shall minimize the amount of cut and Fill on Slopes in order to minimize the amount of land area that is disturbed during construction.
- (f) No concentrated surface cross-street flow (i.e., perpendicular to traffic flow) of storm water Runoff shall be allowed unless approved by the City Engineer. When and if such drainage flow is allowed, it must be across a concrete street (i.e., valley gutter) and as approved by the City Engineer.

All storm water treatment facilities shall be designed using materials and techniques as established in the NPS Technical Manual, or as may be required by the City Engineer.

Section 3. Sec. 98-65 established: The Burnet Code of Ordinances is hereby amended by the addition of a new Section 98-65 (entitled "Storm drainage and Water Quality Controls") which shall read as follows:

- (a) An adequate storm Sewer system, consisting of inlets, pipes and other underground Structures with approved outlets, as outlined in Drainage Criteria Manual, shall be designed where Runoff of storm water and the prevention of Erosion cannot be accomplished satisfactorily by surface drainage facilities.
- (b) Areas subject to flood conditions or inadvertent storm water retention, such as standing or pooling water, as established by the City Engineer, will not be considered for development until adequate drainage has been provided.
- (c) In no case shall storm water drainage be diverted artificially to adjacent properties or across roadways except that such artificially diverted drainage may flow onto another property, or properties under separate ownership provided it does not harm or damage, or otherwise pose an inconvenience to said other property or properties, is specifically approved by the City Engineer, and conveyed across said property, or properties in a drainage easement procured from the Owner(s) of affected property or properties.
- (d) The criteria for use in designing Water Quality Control Structures, and other Best Management Practices ("BMPs") for non-point source pollution control shall conform to Chapter 98 – Subdivisions and Article VIII – Non-point Source Pollution of the Code.
- (e) The Landowner or Developer shall ensure that all drainage improvements within public Easements or Rights-of-Way are functioning properly prior to the expiration of the maintenance bond. The Developer shall be responsible for removing any significant build- up of Sediment or debris from drainage improvements, with the exception of backlot and side lot drainage Swales, at the eleventh month of the second year for the required two- year maintenance bond for the applicable facilities. The City shall inspect the improvements to determine any maintenance or correction of deficiencies at the conclusion of this period.
- (f) Water Quality Control Structures, retention and detention facilities, and BMPs for non-point source pollution control permitted by the City under Chapter 98 of this Code shall be maintained and inspected in accordance with Chapter 98 of this Code, and any permits or authorizations issued thereunder.

Section 4. Sec. 98-66 established: A new Sec. 98-66 "Appendix D to Chapter 98 – SUBDIVISIONS, said Appendix D, titled Non-Point Source Pollution, is hereby established as follows:

APPENDIX D: NON-POINT SOURCE POLLUTION CONTROL TABLE OF CONTENTS

ARTICLE 1. GENERAL PROVISIONS

Sec. 98-90	Authority
Sec. 98-91	Scope of Authority and Jurisdiction
Sec. 98-92	Findings of Fact
Sec. 98-93	Statement of Purpose
Sec. 98-94	Reserved
Sec. 98-95	Non-Point Source (NPS) Pollution Control Technical Manual
Sec. 98-96 through 98-99	[Reserved]

ARTICLE 2. DEFINITIONS

ARTICLE 3. NON-POINT SOURCE POLLUTION CONTROL MEASURES

Sec. 98-101	Non-Point Source Pollution Control Management Prohibitions
Sec. 98-102	Regulation of Pesticides, Herbicides, and Fertilizers
Sec. 98-103	Used Oil Regulation
Sec. 98-104	Impervious Cover
Sec. 98-105 - 98-109	[Reserved]

ARTICLE 4. NPS POLLUTION CONTROL AUTHORIZATIONS

Sec. 98-110	Projects Exempt for Article 4
Sec. 98-111	Non-Point Source Pollution Control Approval
Sec. 98-112	Operating Permit
Sec. 98-113	Required Plans
Sec. 98-114	Maintenance Requirements
Sec. 98-115	TPDES Notice of Intent and Stormwater Pollution Prevention Plan
Sec. 98-116	NPS Pollution Control and BMP Performance Standards and Design Requirements
Sec. 98-117	Water Quality Buffer Zones
Sec. 98-118-98-119	[Reserved]

ARTICLE 5. ADMINISTRATIVE PROVISIONS

Sec. 98-120	Charges and Fees
Sec. 98-121	Variances
Sec. 98-122	Release Reporting and Cleanup
Sec. 98-123	Access for Maintenance and Monitoring
Sec. 98-124	Compliance Monitoring – Right of Entry and Inspection

Sec 98.-125	Fiscal Security
Sec. 98-126	Supplemental Enforcement Action
Sec. 98-127	Stop Orders
Sec. 98-128	Permit or Authorization Revocation
Sec. 98-129	Denial of Approvals and Permits
Sec. 98-130	Penalties an Injunctive Relief
Sec. 90-131-98-139	[Reserved]

CHAPTER 98 – APPENDIX D: NON-POINT SOURCE POLLUTION CONTROL

ARTICLE 1. GENERAL PROVISIONS

Sec. 98-90 Authority

This appendix is promulgated under the authority of sections 2.01 and 2.05 of the Charter of Burnet, Texas, Texas Local Government Code Chapters 51, 212, 401, and 402, and Texas Water Code Chapters 7 and 26.

Sec. 98-91 Jurisdiction and Scope of Authority

- (1) Jurisdiction. This appendix shall apply to all territory within that portion of the incorporated limits of the City of Burnet, Texas located within the Lake Travis Watershed.
- (2) Scope. This appendix applies to any Development of Land in that portion of the of the City that is located within the Lake Travis Watershed..

Sec. 98-92 Findings of Fact

The drainage ways and creeks of the City of Burnet, Texas, are subject to the potential for periodic pollution and Erosion which may result in the loss of life and property, health and safety hazards, disruption of commerce and governmental services and extraordinary public expenditures for pollution reduction and protection, all of which adversely affect the public health, safety and general welfare.

- (1) All Watersheds within the City's jurisdiction are undergoing development or are facing development pressure, which if not properly regulated can adversely impact Stormwater quality.
- (2) All Watersheds within the City's jurisdiction, and especially those with abrupt topography, sparse vegetation, and thin and/or easily disturbed soil, are vulnerable to degradation resulting from development activities.
- (3) The development of land causes large quantities of soil to be displaced and transported to downstream locations. This soil displacement can create significant soil Erosion, degradation of the water quality, and Sedimentation problems. Erosion is a dangerous activity in that it contaminates water supplies and water resources. A buildup of Sediment degrades water quality, destroys valuable environmental resources and clogs watercourses and storm drains.
- (4) The continued economic growth of the City is dependent on adequate quality and quantity of water, a pleasing natural environment, and recreational opportunities in close proximity to the City.
- (5) Specifically, creek and floodplain areas in the City are valuable resources to

the citizens of the City in that they provide recreational opportunities, improve the aesthetics of the community, convey Stormwater runoff and filter water Pollutants.

- (6) If Watersheds within the City's jurisdiction are not developed in a sensitive and innovative manner, their water resources, natural environment, and recreational characteristics will be irreparably damaged. As valuable resources, creeks and floodplains warrant protection.
- (7) The City Council is desirous of adopting appropriate development rules and regulations for the purpose of protecting the water quality of the Watersheds within its jurisdiction.

Sec. 98-93 Statement of Purpose

Non-point source pollution control management policies shall govern the planning, design, construction, operation and maintenance of drainage, Erosion, and Water Quality Control facilities within the those portions of the City located within the Lake Travis Watershed. This chapter sets forth the minimum requirements necessary to provide and maintain a safe, efficient and effective non-point source pollution control system within the City and to establish the various public and private responsibilities for the provision thereof. Further, it is the purpose of this chapter to:

- (1) Protect human life, health and property;
- (2) Minimize the expenditure of public money for building and maintaining non-point source pollution control projects and cleaning Sediments out of storm drains, streets, sidewalks and watercourses;
- (3) Help maintain a stable tax base and preserve land values;
- (4) Preserve the natural beauty and aesthetics of the community;
- (5) Control and manage the quality of Stormwater Runoff, the Sediment load in that Runoff, from points and surfaces within subdivisions;
- (6) Establish a reasonable standard of design and performance for development which prevents Erosion and Sediment damage and which reduces the Pollutant loading to streams, ponds and other watercourses.

*Reserved*Sec. 98-95 *NPS Technical Manual*

This appendix is designed to require an accompanying Non-point Source Pollution Control Ordinance Technical Manual (NPS Technical Manual), which describes in detail the technical requirements to be used to comply with the provisions contained in this chapter. Although the intention of this manual is to establish uniform design practices, it neither replaces the need for engineering judgment nor precludes the use

of information not presented. Other accepted engineering procedures may be used to conduct hydrologic and hydraulic studies if approved by the City Engineer. The NPS Technical Manual is maintained and available for inspection at the City Offices.

Sec. 98-96 through 98-99 [Reserved]

ARTICLE 2. DEFINITIONS

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated.

Applicant: A property Owner, or any person authorized by that property Owner to submit an Application for an approval required by this appendix. .

Application: A written request for an approval required by this appendix, the form of which is provided by the City.

Best Management Practices (BMP): Schedules of activities, prohibitions of practices, maintenance procedures, management practices, infiltration BMPs, Erosion controls, vegetation practices, Stormwater and overland flow controls, retention, Water Quality Controls, and treatment facilities designed to prevent, reduce, or treat the Discharge of non-point source pollution into or adjacent to the Stormwater Drainage System or Water in the State.

Bond: Any form of a surety bond in an amount and form satisfactory to the City.

Buffer Zone: Vegetated area adjacent to a natural creek, swale, or Critical Environmental Feature that is to remain undisturbed and free of Impervious Cover to the largest extent practicable (as determined by the City).

Business Day: Monday, Tuesday, Wednesday, Thursday, or Friday, except legal holidays observed by the City.

City: The City of Burnet, Texas.

City Manager: The person holding the position of City Manager of the City of Burnet, as appointed by the City Council. For the purposes of this chapter, the City Manager may appoint, in writing, a designee to act on his or her behalf.

City Engineer: Such professional engineer or firm of licensed professional consulting engineers that has been specifically employed by the City to assist in engineering-related matters.

Code: City of Burnet Code of Ordinances as amended from time to time.

Commencement of Construction: The disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.

Contractor: Any person, other than the Owner, engaging in land development activities on land located within the City's jurisdiction.

Contributing On-site Drainage Area: The portion of a site that contributes Stormwater Runoff to a common point of interest.

Critical Environmental Feature: Features determined to be of critical importance to the maintenance of water quality, including groundwater recharge areas, springs, natural wetlands, caves, and highly erodible natural features.

Developer: A person who is engaged in clearing, grubbing, filling, mining, excavating, grading, installing streets and utilities or otherwise preparing a tract of land for the eventual division into one or more lots on which building(s) or other Structure(s) will be constructed or placed.

Development or Development of Land: All land modification activity or Disturbance of Land, including the construction of building, roads, paved storage areas, and parking lots. "Development" also includes any land disturbing construction activities or human-made change of the land surface, including clearing of Vegetative Cover, excavating, filling and grading, mining, and dredging, and the deposit of refuse, waste or Fill. Care and maintenance of lawns, gardens, and trees; minimal clearing (not to exceed ten feet (10') wide) for surveying and testing; and agricultural activities are excluded from this definition.

Discharge: Any addition or introduction of any Pollutant, Stormwater, or any other substance whatsoever into the Stormwater Drainage System or into waters of the United States or waters in the State.

Discharger: Any person, who causes, allows, permits, or is otherwise responsible for, a Discharge, including, without limitation, any Operator of a construction site or industrial Facility.

Disturbance of Land or Disturbed Land: Construction activities or human-made change of the land surface, including clearing of Vegetative Cover, excavating, filling and grading, mining, and dredging, and the deposit of refuse, waste or Fill, except for care and maintenance of lawns, gardens, and trees, minimal clearing (not to exceed ten feet (10') wide) for surveying and testing, and agricultural activities.

Domestic Sewage: Human excrement, gray water from home clothes washing, bathing, showers, dishwashing, and food preparation, other wastewater from household drains, and waterborne waste normally discharged from the sanitary conveniences of dwellings, including single-family homes, apartment houses and hotels, office buildings, factories, and institutions, that are free from Industrial Waste.

Drainage Criteria Manual: A technical manual containing a description of drainage policies and required methods of hydraulic and hydrologic design and analysis, adopted by Ordinance 2009-32 and as may be amended from time to time to be used in that portion of the City located within the Lake Travis Watershed.

Easement: The right of the City or a public utility, or both, to use an identified area on the property of another for the purpose or purposes described in the Easement Instrument, or subdivision plat.

Erosion: The detachment and movement of soil, Sediment, or rock fragments by wind, water, ice or gravity.

ETJ: The extraterritorial jurisdiction of the City as established by Texas Local Government Code Chapter 42.

Extremely Hazardous Substance: Any substance listed in the Appendices to 40 CFR Part 355, Emergency Planning and Notification.

Facility: Any building, Structure, installation, process, or activity from which there is or may be Discharge of a Pollutant.

Fertilizer: A solid or non-solid substance or compound that contains an essential plant nutrient element in a form available to plants that is used primarily for its essential plant nutrient element content in promoting or stimulating growth of a plant or improving the quality of a crop, or a mixture of one or more fertilizers. The term does not include the excreta of an animal, plant remains, or a mixture of those substances, for which no claim of essential plant nutrients is made.

Fill: The manmade deposition and compaction of material that will effect elevation.

Harmful Quantity: The amount of any substance that will cause pollution of Water in the State.

Hazardous Household Waste (HHW): Any material generated in a household (including single and multiple residences, hotels, motels, bunk houses, ranger stations, crew quarters, camp grounds, picnic grounds, and day use recreational areas) by a consumer which, except for the exclusion provided in 40 CFR §261.4(b)(1), would be classified as a Hazardous Waste under 40 CFR Part 261.

Hazardous Substance: Any substance listed in Table 302.4 of 40 CFR Part 302.

Hazardous Waste: Any substance identified or listed as a Hazardous Waste by the EPA pursuant to 40 CFR Part 261.

Herbicide: A substance or mixture of substances used to destroy a plant or to inhibit plant growth.

Impervious Cover: All man-made improvements that prevent the infiltration of water into the natural soil, or prevent the migration of the infiltration as base flow, including but not limited to, roads, pavements, and driveways, parking areas, buildings, pedestrian walkways and sidewalks, concrete, asphalt, masonry, surfaces areas, and paving stone surfaced areas, swimming pool water surface area, densely compacted natural soils or Fills which result in a coefficient of permeability less than 1×10^{-6} cm/sec., all existing man-made impervious surfaces prior to Development, water quality and Stormwater detention basins lined with impermeable materials, Stormwater drainage conveyance Structures lined with impermeable materials, interlocking or "permeable pavers," fifty percent (50%) of the horizontal surface area of an uncovered deck that has drainage spaces between the deck boards that is located over a pervious surface. Impervious Cover does not include naturally occurring impervious features, such as rock out crops, landscaped areas and areas remaining in their natural state, Water Quality Controls and Stormwater detention basins not lined with impermeable materials, and Stormwater drainage conveyance Structures not lined with impermeable materials. A property Owner, or Developer shall not be required to provide BMP's to accommodate Runoff from impervious surfaces such as existing roads adjacent to the Development that were not constructed as part of an earlier phase of the Development.

Industrial Waste: Any waterborne liquid or solid substance that results from any process of industry, manufacturing, mining, production, trade, or business.

Landowner: Any person, including said person's agents or assigns, holding title, either exclusively or jointly with others, to land.

Land User: Any person operating, leasing, renting, or having made other arrangements with the Landowner by which the Landowner authorizes use of his or her land.

Larger Common Plan of Development: Development that is or will be completed in separate stages, in separate phases, or in combination with other construction activities and is identified by documentation that identifies the scope of the project including such things as plats, blueprints, marketing plans, contracts, building permits, public notice or hearing, or zoning requests.

Licensed Professional Engineer (LPE), Professional Engineer (PE): A person who has been duly licensed and registered by the State Board of Registration for Professional Engineers to engage in the practice of engineering in the State of Texas.

Natural Creek or Swales: A well-defined natural drainage path capable of conveying Stormwater Runoff.

New Construction: Structures for which the Start of Construction commenced on or after the date of adoption of this chapter by the City Council.

NPS Pollution Controls and Best Management Practices (BMPs): Schedules of activities, prohibitions of practices, maintenance procedures, management practices, infiltration BMPs, Erosion controls, vegetation practices, Stormwater and overland flow controls, retention, Water Quality Controls, and treatment facilities designed to prevent, reduce, or treat the Discharge the non-point source pollution into or adjacent to the Stormwater Drainage System or Water in the State .

Oil: Any kind of oil in any form, including, but not limited to, petroleum, fuel oil, crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure, sludge, oil refuse, and oil mixed with waste.

Operator: The person or persons who, either individually or taken together, meet one of the following two criteria: (1) they have operational control over the Facility specifications, including the ability to make modifications in specifications; or (2) they have the day-to-day operational control over those activities at the Facility necessary to ensure compliance with pollution prevention requirements and any permit conditions.

Owner: The person who owns a Facility or part of a Facility or a lessee.

Permanent Stabilization: Installation of approved permanent measures to prevent Erosion with a minimum of 80% coverage of perennial vegetation over pervious areas.

Permittee: A Landowner or Land User who is undertaking land Development activities pursuant to a permit or authorization granted according to the provisions of this chapter.

Pesticide: A substance or mixture of substances intended to prevent, destroy, repel, or mitigate any pest, or any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant, as these terms are defined in Section 76.001 of the Texas Agriculture Code.

Petroleum Product: A petroleum product that is obtained from distilling and processing crude oil and that is capable of being used as a fuel for the propulsion of a motor vehicle or aircraft, including motor gasoline, gasohol; other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil, and #1 and #2 diesel. The term does not include naphtha-type jet fuel, kerosene-type jet fuel, or a petroleum product destined for use in chemical manufacturing or feedstock of that manufacturing.

Petroleum Storage Tank (PST): Any one or combination of aboveground or underground storage tanks that contain Petroleum Products and any connecting underground pipes.

Pollutant: Dredged spoil, Solid Waste, incinerator residue, Sewage, garbage, Sewage sludge, filtered backwash, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into or adjacent to water.

Pollution: The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any Water in the State that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

Primary Treatment: The permanent BMPs designed to have substantial removal of the increase in Pollutant loads due to the Development or Redevelopment of a site.

Redevelopment: Any rebuilding, renovation, remodeling, reconstruction, Revision, or replat of an existing development.

Release: Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into or adjacent to the Stormwater Drainage System or the Water in the State .

Revision: Any amendments to a previously approved project.

Right-of-Way: The land on which a public or private street or alley is or may be located. A Right of Way may be established by Easement or in Fee title. The scope of a "Right-of-Way" established by Easement may include other facilities and utilities such as sidewalks; railroad crossings; electrical, communication, Oil and/or gas facilities; water, wastewater and drainage facilities. Right-of-Way shall also include parkways and medians outside of the paved portion of the street.

Rubbish: Non-putrescible Solid Waste, excluding ashes, which consists of (A) combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials; or (B) noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (1600 to 1800 degrees Fahrenheit).

Runoff: That portion of rainfall, melted snow, melted sleet, melted hail, irrigation, or drainage that flows across ground surface and reaches the water in the state, storm drain, or storm Sewer.

Sanitary Sewer (or sewer): The system of pipes, conduits, and other conveyances which carry Industrial Waste and Domestic Sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, to a sewage treatment plant (and to which Stormwater, surface water, and groundwater are not intentionally admitted).

Secondary Treatment: Any additional permanent BMPs necessary to meet performance standards not achieved by the Primary Treatment for a site.

Sediment: Solid soil material, both mineral and organic, that is being moved or has been moved from its original site by wind, gravity, flowing water or ice and including those materials sometimes also referred to as "silt" or "sand."

Sedimentation: Deposit of detached soil particles.

Septic Tank Waste: Any Domestic Sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Service Station: Any retail establishment engaged in the business of selling fuel for motor vehicles that is dispensed from stationary storage tanks.

Sewage (or Sanitary Sewage): The Domestic Sewage and Industrial Waste that is discharged into a Sanitary Sewer system and passes through the Sanitary Sewer system to a sewage treatment plant for treatment.

Sheet Flow: The flow of water in a thin layer over the ground surface.

Site: The property boundaries of a development, including the limits of construction for any offsite improvements.

Slope: A measure of change in vertical elevation with respect to horizontal distance between two defined points.

Solid Waste: Any garbage, Rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air Pollution control Facility, and other discarded material, including, solid, liquid, semi-solid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations, and from community and institutional activities.

Start of Construction: The date the building permit was issued, provided the actual Start of Construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a Structure on a Site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Steep Slope: Slope with a grade in excess of twenty percent (20%),

Stormwater: Any moisture that falls from the atmosphere in a discrete storm event, including snow, sleet, rain, and hail.

Stormwater Drainage System: A conveyance or system of conveyances including roads with drainage systems, catch basins, curbs, gutters, ditches, man-made channels, or storm drains designed or used for collecting or conveying storm water.

Structure: A walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home. When used in the context of Stormwater, the term means drainage improvement, such as dams, levees, bridges, culverts, head walls, or flumes.

Used Oil or Used Motor Oil: Any oil that has been refined from crude oil or a synthetic oil that, as a result of use, storage, or handling, has become unsuitable for its original purpose because of impurities or the loss of original properties but that may be suitable for further use and is recyclable in compliance with state and federal law.

Vegetative Cover: The cover over a land's surface area with plant life.

Water in the State): Any groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico, inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or non-navigable, and including the beds and banks of all water courses and bodies of surface water, that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

Water Quality Control: A Structure, system, or feature that provides water quality benefits by treating Stormwater Runoff.

Water Quality Standard: The designation of a body or segment of surface Water in the State for desirable uses and the narrative and numerical criteria deemed by the state to be necessary to protect those uses, as specified in Chapter 307 of Title 30 of the Texas Administrative Code.

Watershed: The total area contributing Runoff to a stream or drainage system.

Yard Waste: Leaves, grass clippings, yard and garden debris, and brush that results from landscaping maintenance and land-clearing operations.

1-Year, 3-Hour Storm Event: A rainfall event over a 3 hour period as defined in the Drainage Criteria Manual. The 1-year, 3-hour rainfall distribution can be found in Drainage Criteria Manual.

ARTICLE 3. NON-POINT SOURCE POLLUTION CONTROL MEASURES

Sec. 98-101 Non-point Source Pollution Control Management Prohibitions

- (1) Except as authorized by permit or this Code, no person shall introduce or cause

to be introduced into or adjacent to the Stormwater Drainage System or Water in the State any Discharge that is not composed entirely of Stormwater.

- (2) Except as authorized by permit or this Code, no person shall introduce or cause to be introduced into or adjacent to the Stormwater Drainage System or Water in the State any Discharge that causes or contributes to causing the City to violate a water quality standard.
- (3) Except as authorized by permit or this Code, no person shall dump, spill, leak, pump, pour, emit, empty, Discharge, leach, dispose, or otherwise introduce or cause, allow, or permit to be introduced any of the following substances into or adjacent to the Stormwater Drainage System or Water in the state:
 - a. Any Used Motor Oil, antifreeze, or any other motor vehicle fluid;
 - b. Any Industrial Waste or Hazardous Waste, including Hazardous Household Waste;
 - c. Any Domestic Sewage or Septic Tank Waste, grease trap waste, or grit trap waste;
 - d. Any garbage, Rubbish, or Yard Waste;
 - e. Any wastewater from:
 - (i) a commercial carwash Facility; from any vehicle washing, cleaning, or maintenance at any new or used automobile or other vehicle dealership, rental agency, body shop, repair shop, or maintenance Facility; or from any washing, cleaning, or maintenance of any business or commercial or public service vehicle, including a truck, bus, or heavy equipment, by a business or public entity that operates more than two such vehicles;
 - (ii) from the washing, cleaning, de-icing, or other maintenance of aircraft;
 - (iii) a commercial mobile power washer or from the washing or other cleaning of a building exterior that contains any soap, detergent, degreaser, solvent, or any other harmful cleaning substance;
 - (iv) commercial floor, rug, or carpet cleaning;
 - (v) the wash down or other cleaning of pavement that contains any Harmful Quantity of soap, detergent, solvent, degreaser, emulsifier, dispersant, or any other harmful cleaning substance; or any wastewater from the wash-down or other cleaning of any

pavement where any spill, leak, or other release of oil, motor fuel, or other petroleum or Hazardous Substance has occurred, unless all harmful quantities of such Released material have been previously removed;

- f. Any effluent from a cooling tower, condenser, compressor, emissions scrubber, emissions filter, or the blowdown from a boiler;
 - g. Any ready-mixed concrete, mortar, ceramic, or asphalt base material or hydromulch material, or from the cleaning of commercial vehicles or equipment containing, or used in transporting or applying, such material;
 - h. Any Runoff or wash down water from any animal pen, kennel, or foul or livestock containment area;
 - i. Any filter backwash from a swimming pool, or fountain, or spa;
 - j. Any swimming pool water containing any Harmful Quantity of chlorine, muriatic acid or other chemical used in the treatment or disinfection of the swimming pool water or in pool cleaning;
 - k. Any Discharge from water line disinfection by superchlorination or other means if it contains any Harmful Quantity of chlorine or any other chemical used in line disinfection;
 - l. Any fire protection water containing Oil or Hazardous Substances or materials. This prohibition does not apply to Discharges or flow from firefighting by the Fire Department;
 - m. Any water from a water curtain in a spray room used for painting vehicles or equipment;
 - n. Any contaminated Runoff from a vehicle wrecking yard;
 - o. Any substance or material that will damage, block, or clog the Stormwater Drainage System; or
 - p. Any Release from a Petroleum Storage Tank (PST), or any leachate or Runoff from soil contaminated by a leaking PST, or any Discharge of pumped, confined, or treated wastewater from the remediation of any such PST Release, unless the Discharge complies with all state and federal standards and requirements.
- (4) Except as authorized by permit or this Code, no person shall introduce or cause

to be introduced into or adjacent to the Stormwater Drainage System or Water in the State any Harmful Quantity of Sediment, silt, earth, soil, or other material associated with clearing, grading, excavation or other construction activities, or associated with land filling or other placement or disposal of soil, rock, or other earth materials, in excess of what could be retained on Site or captured by employing Sediment and Erosion control measures to the maximum extent practicable.

- (5) Except as authorized by a permit or other approval issued by the Texas Commission on Environmental Quality or authorized agent under Texas Water Code Chapter 26 or Texas Health and Safety Code Chapter 366, no person shall connect a line conveying Sanitary Sewage, domestic or industrial, to the Stormwater Drainage System, or allow such a connection to continue.
- (6) Except as authorized by permit or this Code, no person shall cause or allow any pavement wash water from a Service Station to be discharged into or adjacent to the Stormwater Drainage System or Water in the State. No permit is required for existing Service Stations on the effective date of this chapter. However, wash water from new Service Stations shall pass through a properly functioning and maintained, grease, Oil, and sand interceptor before discharge into or adjacent to the Stormwater Drainage System or Water in the State.

Sec. 98-102 Regulation of Pesticides, Herbicides, and Fertilizers.

- (1) Any sale, distribution, application, labeling, manufacture, transportation, storage, or disposal of a Pesticide, Herbicide, or Fertilizer must comply fully with all state and federal statutes and regulations including, without limitation, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and all federal regulations promulgated pursuant to FIFRA; Chapters 63 and 76 of the Texas Agriculture Code and all state regulations promulgated pursuant thereto; and any other state or federal requirement.
- (2) Any license, permit, registration, certification, or evidence of financial responsibility required by state or federal law for sale, distribution, application, manufacturer, transportation, storage, or disposal of a Pesticide, Herbicide or Fertilizer must be presented to the City and any City law enforcement officer for examination upon request.
- (3) No person shall use or cause to be used any Pesticide or Herbicide contrary to any directions for use on any labeling required by state or federal statute or regulation.
- (4) No person shall use or cause to be used any Pesticide, Herbicide, or Fertilizer in any manner that the person knows, or reasonably should know, is likely to cause, or does cause, a Harmful Quantity of the Pesticide, Herbicide, or Fertilizer to enter the Stormwater Drainage System or Water in the State.

- (5) No person shall dispose of, discard, store, or transport a Pesticide, Herbicide, or Fertilizer, or a Pesticide, Herbicide, or Fertilizer container, in a manner that the person knows, or reasonably should know, is likely to cause, or does cause, a Harmful Quantity of the Pesticide, Herbicide, or Fertilizer to enter the Stormwater Drainage System or Water in the State.
- (6) If provided with a display notice containing the provisions of this subsection, pertaining to the regulation of Pesticides, Herbicides, and Fertilizers, or a reasonable description thereof, and the information that any user of the product may obtain further information from the City, any person selling Pesticides, Herbicides, or Fertilizers at retail or wholesale shall post the notice prominently where it may be read by purchasers of the product.

Sec. 98-103 Used Oil Regulation

- (1) No person shall:
 - a. Discharge Used Oil into or adjacent to the Stormwater Drainage System, Water in the State, or a Sewer, drainage system, septic tank, surface Water, groundwater, or watercourse;
 - b. Knowingly mix or commingle Used Oil with Solid Waste that is to be disposed of in a landfill or knowingly directly dispose of Used Oil on land or in a landfill;
 - c. Apply Used Oil to a road or land for dust suppression, weed abatement, or other similar use that introduces Used Oil into the environment.
- (2) A retail dealer who annually sells directly to the public Oil in containers for use off-premises shall post in a prominent place a sign informing the public that improper disposal of Used Oil is prohibited by law. The sign shall prominently display the toll-free telephone number of the state Used Oil information center.

Sec. 98-104 Impervious Cover

- (1) This section applies to all new development, re-development, and construction for which a construction or development plat, Site plan, or NPS Site plan is required, or a building permit is, or will be, required.
- (2) This section applies regardless if the development is exempt under Section 98-105.
- (3) A property Owner, or Developer shall not be required to provide BMP's to accommodate Runoff from impervious surfaces such as existing roads

adjacent to the Development that were not constructed as part of an earlier phase of the Development.

(4)

Although certain percentages of Impervious Cover are designated in this section, nothing in this section shall release a person from meeting other zoning and land use regulations in this Code.

(5) Unless increases are permitted by the use of Impervious Cover allowances, the Impervious Cover shall not exceed the allowances required by Chapter 98 of this Code, or, if Chapter 98 does not specifically limit the Impervious Cover for a particular type of land use, then the Impervious Cover shall not exceed the following:

- a. 85% of the total area of the Site for industrial sites;
- b. 80% of the total area of the Site for commercial sites;
- c. 75% of the total area of the Site for multi-family sites; and
- d. 50% of the total area of the Site for residential subdivisions.

(6) Subsection (2) of this section does not apply to the H-Historical District, which is exempt from the Impervious Cover limitations.

(7) No Impervious Cover shall be constructed within a water quality buffer zone, downstream of a Water Quality Control, or within areas designated for on-site irrigation for treated wastewater effluent disposal.

(8) Impervious Cover Allowances:

- a. Isolation of roof runoff, rainwater collection, and Irrigation: If approved by the City, the maximum Impervious Cover limit may be increased by up to five (5) percentage points if roof runoff or rainwater is isolated, treated, and used for irrigation. The roof runoff or rainwater must comply with the Pollutant removal performance standards in Section 98-111.
- b. Use of Mitigation Land
 - (i) For each three (3) acres of land (transferring tract) that the Applicant leaves undeveloped or undisturbed and that is not included in an Impervious Cover calculation, the Applicant may transfer up to one (1) acre of land (receiving tract) for Impervious

Cover, but in no case shall the maximum Impervious Cover limit be increased by more than ten (10) percentage points.

- (ii) Both the transferring and receiving tracts used in the Impervious Cover allowances shall be located within the corporate limits of the City.
- (iii) The transferring tract shall not include a water quality Buffer Zone or Critical Environmental Feature.
- (iv) The receiving tract shall comply with the Water Quality Control standards of this chapter.
- (v) The transferring and the receiving tracts shall be concurrently platted and must transfer development intensity at that time.
- (vi) The use of mitigation land and the increase in Impervious Cover limits shall be noted on the plats of the transferring and receiving tracts.
- (vii) A restrictive covenant that runs with the transferring tract and describes the use of mitigation land shall be filed in the deed records upon approval by the City of the restrictive covenant.

ARTICLE 4. NPS POLLUTION CONTROL AUTHORIZATIONS

Sec. 98-105 Projects Exempt from Article 4

The following projects are exempt from the requirements of this Article:

- (1) Single-family Residences. New Construction of a single-family residence; provided the subdivision plat, establishing the lot on which the construction is to occur, establishes only that lot. .
- (2) Existing Development. Development which is legally existing on the effective date of this chapter shall be subject to the regulatory standards under which it was approved. If, however, improvements, additions, or Revisions to the approved plans are made after the effective date of this chapter that require an any type of plat, then such improvements, additions, or Revisions to the originally approved plans or plat shall be subject to NPS Pollution Control authorization as determined by this appendix.
- (3) Final Plats. Development which occurs on a lot established by a final plat that was approved by City before the effective date of the Lower Colorado River

Authority Ordinance.

- (4) Utility Maintenance. Routine maintenance and installation of utility lines.
- (5) Developments of One Acre or Less. Developments or Redevelopments of one acre or less that are not part of a Larger Common Plan of Development
- (6) Previously Permitted Developments. Developments or Redevelopments that have already been issued a permit by the Lower Colorado River Authority as of the effective date of this ordinance. Such Developments or Redevelopments shall remain subject to said permit unless the Permittee elects to file a new permit Application with the City.

106 Non-Point Source Pollution Control Approval

- (1) Authorized Activities- NPS Pollution Control Authorization Required
 - a. An authorization by ordinance or an Non-Point Source (NPS) Pollution Control authorization shall be required for all development, re-development, or other construction that causes, may cause, or has the potential to cause the discharge of Stormwater, NPS Pollution, or other Pollutant listed in section 98-101 into or adjacent to the Stormwater Drainage System or Water in the State. No Landowner or Land User subject to this chapter may commence or conduct construction or development within the City without first obtaining an NPS Pollution Control authorization from the City. At the time the Landowner or Land User controlling or using the Site and desiring to undertake construction or development subject to this chapter, the Landowner or Land User shall pay all applicable fees required by this chapter and provide the required information for an NPS Pollution Control authorization with the Landowner's or Land User's Site plan or construction or development plat. By submitting a Site plan or plat, the Applicant is authorizing City to enter the Site to obtain information required to review and provide approval for the NPS Pollution Control measures.
 - b. Except as otherwise provided by this chapter, all development, re-development, or other construction that is required to obtain an authorization by ordinance or an NPS Pollution Control authorization shall ensure all the required NPS Pollution Controls and BMPs comply with the performance standards prescribed in section 98-111.
- (2) Activities Authorized by Ordinance
 - a. Except as provided by subsections c. and d. of this section and if the development is not exempt under Section 98-105, the following list of projects are eligible for authorization by ordinance:

- (i) 1 Acre or Less of Impervious Cover with 5 acres or Less of Disturbance of Land: Developments or Redevelopments with one (1) acre or less of Impervious Cover with five (5) acres or less of disturbance of land.
 - (ii) 20 Percent or Less of Overall Impervious: Cover for the Site: Developments or Redevelopments with twenty (20) percent or less of overall Impervious Cover for the Site.
- b. Requirements for Projects Authorized by Ordinance. To qualify for an authorization by ordinance, the projects listed in subsection (2)a. of this section shall comply with the following:
 - (i) Submit a written notice to the City at the same time the request is made for a construction or development plat, or Site plan approval, or if no plat or Site plan is required, fourteen (14) Business Days before the Commencement of Construction that contains the following information:
 - (a) name of the Landowner;
 - (b) location of address of the property;
 - (c) name of development, if applicable;
 - (d) contact information for Owner, engineer, and Contractor as applicable;
 - (e) type of project or development;
 - (f) basis for exemption from NPS Pollution control authorizations;
 - (g) amount of Impervious Cover expected as a result of the project;
 - (h) certification of compliance with the NPS Pollution Control requirements, as set forth in this chapter and NPS Technical Manual;
 - (i) dated signature of Owner's or owners' authorized representative;
 - (ii) Comply with all applicable TPDES and EPA Stormwater requirements.

- (iii) Submit to the City all documents submitted to the TCEQ or EPA.
 - (iv) Comply with guidelines and BMPs set forth in the NPS Technical Manual for controlling Erosion, Sedimentation and NPS Pollution in a manner and to a level consistent with this Chapter and the NPS Technical Manual.
 - (v) For developments or Redevelopments for which the construction of a permanent BMP, other than vegetative filter strips and infiltration trenches, is required, submit a maintenance plan to the City at least fourteen (14) days prior to the Commencement of Construction of the permanent BMP.
- c. Projects listed in section 98-105 shall comply with all other applicable chapters in the Code, or other applicable ordinances adopted by the City from time to time.
 - d. If the City, after receipt of the notice required by b. of this subsection, determines that the project as proposed will not meet the performance standards described in Section 98-111 of this Code and will cause the water quality to degrade, the City may require the Landowner or Land User to obtain an individual NPS Pollution Control authorization or an Operating Permit.

(3) Processing of NPS Pollution Control authorizations

- a. Submittals. Landowners and Land Users who must obtain NPS Pollution Control authorization shall submit the required information in accordance with this appendix and the NPS Technical Manual.
- b. Review of NPS Pollution Control Information.
 - (i) Preliminary Plats and Construction Plans. If a person is required to obtain a preliminary plat, or submit construction plans in conjunction with a final plat, or site development plan, the person shall submit the information required for an NPS Pollution Control authorization along with, and at the same time the preliminary plat or construction plan is submitted to the City in accordance with Chapter 98 of the City's Code of Ordinances. The City shall review the NPS Pollution Control information in conjunction with the review of Applications for construction or development plats.
 - (ii) Site Plan Reviews. If a person is not required to obtain a plat but

is required to obtain site development plan approval under Chapter 118 of this Code, the person shall submit the information required for an NPS Pollution Control authorization along with and at the same time the site development plan Application is submitted to the City in accordance with Chapter 118 of the City's Code of Ordinances. The City shall review the NPS Pollution Control information in conjunction with the review of Applications for Site plans.

- (iii) NPS Site Plan Reviews: If no construction or development plat is required and if no Site plan is otherwise required but the person is required by this Chapter to obtain NPS Pollution Control authorization, the person shall submit the information required for an NPS Pollution Control authorization in the form of an NPS Site Plan. The NPS Site Plan shall be submitted for the total area of the Site. The NPS Site Plan shall include:
 - (a) Name and address of the Landowner and Applicant.
 - (b) Address and legal description of the property.
 - (c) If the Applicant is not the legal Landowner of the property, a statement that the Applicant is the authorized agent of the Landowner.
 - (d) A brief description of the proposed use.
 - (e) A Site plan, drawn to scale and sufficiently dimensioned as required, showing the following:
 - 1. The date, scale, North arrow, title, name of Owner and name of person preparing the Site plan.
 - 2. The location and dimensions of boundary lines, Easements and required yards and setbacks.
 - 3. A scale drawing of location and intended use of proposed and existing Site improvements and proposed and existing Impervious Cover, including parking and loading areas, pedestrian and vehicular access, landscaped areas, and utility or services areas.
 - 4. A scale drawing of location and description of all Water Quality Control and Erosion control BMPs as

required by this Chapter and the NPS Technical Manual.

5. A Site inventory analysis including a scale drawing showing major existing vegetation, natural watercourses, creeks or bodies of Water in the State and an analysis of planned changes in such natural features as a result of the development. This shall include a delineation of any flood prone areas.
6. For Sites with an average Slope greater than ten (10) percent, a plan showing existing and proposed topography and grading and proposed Erosion control measures.
7. Any other information that may be necessary to review the Application for compliance with this Chapter and the NPS Technical Manual.

(f) Any applicable fee established by the City Council.

(g) If the Site plan does not include the required information, the City may request additional information or return the Application as incomplete.

c. Approval Process and Procedures:

- (i) Approvals in Conjunction with preliminary plats and site development plans: For NPS Pollution Control Applications submitted in conjunction with a preliminary plat or a site development plan required by Chapter 98, or Chapter 118 of this Code, approval of the NPS Pollution Control measures shall occur at the same time and in conjunction with plat and site development plan approvals.
- (ii) Approvals of NPS Site Plans: The procedure for approval of an NPS Site Plan and NPS Pollution Control measures is as follows:
 - (a) Review for administrative completeness: Within ten (10) business days after an Application for approval of an NPS Site Plan is filed with the City, the City shall determine if the Application is complete. If the Application is not complete, the City may return to the Applicant the incomplete Application or provide the Applicant with additional time to submit the required information. The review period specified by paragraph (b) below, does not

start until a completed Application is filed.

- (b) Review for approval: Following a determination that an Application for NPS site plan approval is administratively complete; the City shall approve, approve subject to conditions, or disapprove the Application. The City shall provide written notice to the Applicant stating such approval, approval with conditions, or disapproval. The notice shall list any and all conditions of approval, or provide a comprehensive list of reasons for disapproval.
- (b) Effect of disapproval: Following an initial disapproval of an Application for NPS site plan, the Applicant, within sixty (60) days of said disapproval, and without imposition of additional Application or review fees, may submit a revised Application to the City. Revised Applications will be processed in accordance with the provisions of paragraphs (a) and (b) above. A revised Application submitted more than sixty (60) days following disapproval shall be considered a new Application and will be subject to fees as provided for in Section 98-113.
- (c) Review and evaluation criteria. The City shall review and evaluate NPS site plans to ensure conformance with applicable regulations and standards established by this Chapter and the NPS Technical Manual.
- (d) Modification of site plan. The City may require modification of an NPS site plan as a prerequisite for approval to ensure compliance with this Chapter and the NPS Technical Manual.
- (e) Expiration of approval.
 - 1. Unless a longer time shall be specifically established as a condition of approval, an NPS Site plan approval shall expire and shall become void one (1) year after the date on which such approval became effective, unless prior to the expiration of one (1) year construction is commenced and diligently pursued toward.

2. An NPS Site plan approval subject to expiration, upon recommendation by the City Engineer and concurrence by the City Manager, may be extended for an additional period, not to exceed, one-hundred eighty (180) days, provided that prior to the expiration date, a written request for extension is filed with the City. The request shall include an explanation as to the reason for delay in Commencement of Construction. The request shall not be approved unless the City Engineer and City Manager find good cause to grant such extension.

- (f) New Applications. Following the denial or revocation of an NPS Site plan review Application, no application for an NPS Site plan review for the same or substantially the same Site plan on the same or substantially the same Site shall be filed within sixty (60) days from the date of denial or revocation. Any such Application filed will be returned to the Applicant as an incomplete Application.
- d. Fees. The fees and charges required to process NPS Pollution Control authorizations shall be as shown in this Code.
- e. Fiscal Security. Proof of fiscal security shall be provided with the NPS Pollution Control authorization. Fiscal security shall be provided in accordance with the requirements in Section 98-118.
- f. Conditions. In addition to Site specific conditions that may be required to comply with the technical standards set forth in the NPS Technical Manual, all permits or NPS Pollution Control authorizations shall require the Permittee to:
 - (i) Notify the City within forty-eight (48) hours before commencing any development;
 - (ii) Obtain a permit or authorization amendment from City prior to modifying the approved NPS Pollution Controls and BMPs; however, no permit or authorization amendment is required for minor field adjustments of temporary Erosion controls;
 - (iii) Install all NPS Pollution Controls and BMPs as identified in the approved permit or authorization and ensure those NPS Pollution Controls and BMPs comply with the applicable performance standards prescribed in section 98-116 or other standard for which

a variance has been granted;

- (iv) Comply with the requirements of this chapter regarding maintenance plans;
- (v) Repair any siltation or Erosion damage resulting from development;
- (vi) Inspect all temporary Erosion and Sedimentation controls after each rain of one-half inch (0.5") or more, and at least once each week, and make needed repairs;
- (vii) Allow the City to enter the Site for the purpose of inspecting compliance with the permit or authorization, or for performing any work necessary to bring the Site into compliance with the permit or authorization;
- (viii) Designate a location on the Site for the posting of notices;
- (ix) Keep a copy of the permit or authorization and all development plans on the Site or with the Permittee's designated representative;
- (x) Upon completion of development, the Permittee's registered professional engineer shall certify in writing to the City that the NPS Pollution Controls and BMPs were constructed and maintained in accordance with the permit or authorization conditions and this chapter;
- (xi) Promptly notify the City in writing of any change in the name, address, or telephone number of the Permittee;
- (xii) Assign the NPS Pollution Control authorization and all rights and obligations associated therewith to the land Owner, Operator, Property Owners' Association or other entity as applicable, upon completion of construction of the development if the permit or authorization is not already in the name of the entity responsible for the BMPs.
- (xiii) Pay all fees associated with the approval of the NPS Pollution Control measures at the time of submittal;
- (xiv) Perform all activities in accordance with the federal, state or local laws or ordinances;

- (xv) Indemnify and hold the City and its authorized agents and its authorized consultants harmless from any and all claims, demands, damages, actions, costs and charges to which the City may become subject and which the City may have to pay by reason of injury to any person or property, or loss of life, or loss of property, resulting from, or in any way connected with the Permittee's actions under this NPS Pollution Control authorization.
 - (xvi) No work is authorized that is not directly addressed in the permit Application submitted to the City.
 - (xvii) Nothing in the permit is intended to amend or alter any legal rights or benefits previously granted to or vested in the City.
 - (xviii) Any terms and conditions reached between the City and the Applicant.
- g. Approval of permit. The City will issue a NPS Pollution Control permit upon the Applicant's submission of a complete permit Application, payment of the Application fee, the City's approval of the NPS Pollution Control measure, and approval of the plat or Site plan, as applicable.
 - h. Duration. Except as provided in Subsection (3) g. of this section or Sections 98-112 and 98-128 of this Chapter, NPS Pollution Control authorization shall be valid for the life of the Site development permit or the building permit for the development.
 - i. Termination for Nonuse. An NPS Pollution Control authorization will be terminated by the City should the building permit or the Site development permit be terminated. Commencement of development means clearing the Site and performing initial or rough grading of the improvements. If the City terminates a permit for nonuse and the fiscal security is still in effect, the City may call on the Permittee's security in order to provide Permanent Stabilization of the Site.
- (4) Enforcement. Failure to comply with the provisions of an NPS Pollution Control authorization is a violation of this Code.

Sec. 98-107 Operating Permit

- (1) General Requirements. Except for projects listed and authorized under section 98-105 of this Code, the Landowners or Operators of all new Water Quality Controls for residential and non-residential development must obtain an Operating Permit. The Application for the Operating Permit shall be filed concurrently with the Application for the NPS Pollution Control authorization. The Landowner or Operator is responsible for the proper operation and

maintenance of the control and for Operating Permit renewal. The first Operating Permit will be issued by the City upon:

- a. The completion of construction, if applicable;
 - b. Inspection of the control by the City after review of the maintenance plan accompanying the design engineer's concurrence letter of the completion of construction;
 - c. Final inspection approval by the City;
 - d. The issuance of a certificate of compliance or a certificate of occupancy by the City, if applicable; and
 - e. Payment of any required fees.
- (2) Operating Permit Procedures. All Water Quality Controls shall be maintained in accordance with this chapter, the permit, and the NPS Technical Manual, and in accordance with section 98-117 of this Code, each permitted control will be inspected from time to time by the City to confirm that proper maintenance, as described in the maintenance plan, has occurred prior to renewal of the permit. An Operating Permit for developed Sites with existing Water Quality Control shall be amended only when new development or re-development occurs.
- (3) Operating Permit Information Requirements. The permit Application shall include the following components and must be submitted to the City with the Site plan for New Construction, or not later than thirty (30) calendar days prior to the renewal date shown on an existing permit:
 - a. Name and address of the development;
 - b. Name, title and business phone number of the Owner or Operator;
 - c. Single point of contact name, phone number, and fax number;
 - d. Mailing address of the Owner or Operator;
 - e. Site plan number on file with the City for the control;
 - f. Previous Operating Permit;
 - g. Signature block for City approval;
 - h. Special conditions required by restrictive covenant, or by agreement at a condition of City approval;

- i. Maintenance records and date of last maintenance;
 - j. Name of Contractor who performed the required maintenance;
 - k. Results of required maintenance, including actions take, materials removal, disposal location, components replaced;
 - l. Evidence of fiscal security, if applicable;
 - m. Types of BMPs being used.
- (4) Permit Duration. Any Operating Permit issued by the City shall be issued for a period of one (1) year, or five (5) years as provided for herein.
- (5) Operating Permit Renewal
- a. It is the responsibility of the Permittee to apply to the City for renewal of the permit no later than thirty (30) calendar days before the existing permit expires. The Application must be accompanied by payment of the appropriate renewal fee, updated information concerning ownership or Facility operation and enforcement status. Upon receipt of all information and fees, including a favorable inspection and maintenance report, the City will renew the permit for a period of either one (1), or five (5) years.
 - b. Any repair work or modifications of a control not specified in the maintenance plan shall require the Permittee's engineer's concurrence letter, prior to renewal of the permit.
 - c. Permit renewal will be withheld if there is pending enforcement action against the Permittee based on any violations of water quality regulations at the Site.
- (6) Permit Transfer. The transfer of the Operating Permit shall require the completion of a new permit Application, and must be submitted not later than thirty (30) calendar days after transfer of ownership or operation of the control.
- (7) Enforcement. Failure to comply with the provisions of the Operating Permit is a violation of this Code.

Sec. 98-108 Required Plans

All plans required by the NPS Technical Manual shall be submitted for review and approval along with the required information necessary for authorization of any NPS

Pollution Control measures. Any required plans shall be incorporated into any permits or authorizations issued by the City.

Sec. 98-109 Maintenance Requirements

- (1) Maintenance Required. All Water Quality Control measures and their appurtenances shall be maintained by the Permittee or subsequent Landowner(s) or Land User(s) pursuant to an approved maintenance plan. The City may require the Permittee and subsequent Landowner(s) or Land Users to post fiscal security in a manner described in section 98-118 for the purpose of maintaining all Water Quality Controls required by this chapter. Landowners and Land Users may elect to form a Maintenance Association (MA) in accordance with this section prior to the issuance of an Operating Permit. All MAs must post fiscal security or create a maintenance fund for the purpose of maintaining all Water Quality Controls required by this chapter. The duties and responsibilities of an MA may be performed by a Homeowners' Association, Property Owners' Association, or like entity if it meets the requirements of this section of this chapter. The maintenance of all BMPs shall be in accordance with the NPS Pollution Control authorization or Operating Permit and the approved maintenance plan.
- (2)
- (3) Requirements for MA's. The Applicant must submit to the City the approved articles of association for the MA, as well as a map showing the boundaries of its jurisdiction. The MA must have the following general powers which are reflected in the articles of association:
 - a. Own and convey property;
 - b. Operate and maintain common property, specifically the Water Quality Controls;
 - c. Establish rules and regulations;
 - d. Assess member maintenance fees and enforce said assessments;
 - e. Sue and be sued;
 - f. Contract for services to provide operation and maintenance;
 - g. If the MA is a homeowners' association, it must have as members all the homeowners, lot owners, property owners, or unit owners;
 - h. The MA and its defined obligations shall be established by deed restriction or covenant and shall exist in perpetuity; however, if the MA is dissolved the articles of association must provide that, prior to dissolution,

the property consisting of the Water Quality Controls, along with authority to assess annual dues for maintenance of the Water Quality Controls shall be conveyed to a responsible party; and

- i. No covenant or deed restriction establishing a MA shall be filed until said covenants or deed restrictions have been reviewed and approved by the City.
 - j. It shall be clearly stated in the chapters of association of the MA that:
 - (i) It is the responsibility of the MA to operate and maintain the water quality controls;
 - (ii) The water quality controls are owned by the MA or described therein as common property;
 - (iii) There is a method of assessing and collecting the assessment for operation and maintenance of the water quality controls; and
 - (iv) Any amendment that would affect the water quality controls must be approved by the City.
- (4) Phased Projects. If an MA is proposed for a project which will be developed in phases and subsequent phases will utilize the Water Quality Controls, the MA must have the ability to accept future phases into the MA.

Sec. 98-110 Texas Pollutant Discharge Elimination System (TPDES) Notice of Intent and Stormwater Pollution Prevention Plan

Any Owner or Operator who intends to obtain coverage as an Owner or Operator for Stormwater Discharges from a construction Site under the TPDES General Permit for Stormwater Discharges From Construction Sites shall submit a signed copy of its Notice of Intent (NOI) and the Stormwater Pollution Prevention Plan (SWPPP) to the City Engineer at least fourteen (14) days prior to the Commencement of Construction. The Owner or Operator shall make the SWPPP and any modifications thereto available to the City upon request.

Sec. 98-111 NPS Pollution Control and BMP Performance Standards and Design Requirements

- (1) All Development and Redevelopment is required to obtain an authorization by ordinance or an NPS Pollution Control authorization under Section 98-111(2) or (3) shall utilize NPS Pollution Controls and BMPs to treat Stormwater Runoff. All NPS Pollution Controls and BMPs required by this chapter shall be designed in

accordance with the NPS Technical Manual and by a Professional Engineer. All NPS Pollution Controls and BMPs shall meet the performance standards and design requirements prescribed by this section.

- (2) Water Quality Volume: All NPS Pollution Controls and BMPs shall be designed and sized based on water quality volume calculated using the methods prescribed in the NPS Technical Manual. The minimum volume of Stormwater Runoff for Water Quality Control shall be based on the 1-Year, 3-Hour Storm Event for the Contributing On-site Drainage Area.
- (3) Sites in excess of ten (10) acres: The BMPs for Sites of ten (10) or more acres shall be designed to achieve an annual removal rate of 70% or more for the increase of Total Suspended Solids (TSS) and increase in Total Phosphorus (TP) resulting from the development or Redevelopment. Primary and Secondary Treatment methods may be used to achieve these removal rates.
- (4) Overland Flow Controls
 - a. To the maximum extent practical, all roof runoff from non-residential buildings shall have down spouts disconnected from the Site Stormwater Drainage System.
 - b. To the maximum extent practical, all Stormwater drainage shall be treated using overland flow methods to a vegetated buffer. The vegetated buffer shall be designed in accordance with the NPS Technical Manual.
 - c. Drainage patterns shall be designed to the maximum extent practical to prevent Erosion, maintain and recharge of local seeps and springs, and attenuate the harm of contaminants collected and transported by Stormwater. Overland Sheet Flow and natural drainage features and patterns shall be maintained to the maximum extent practical, depending on volumes and velocities of Runoff for the development, as opposed to concentrating flows in storm Sewers and drainage ditches.
 - d. Construction of enclosed storm Sewers and impervious channel linings are permitted only when the City, on the basis of competent engineering evidence from the Applicant, concludes that such storm Sewers or impervious linings are protective of water quality.
 - e. If storm Sewers are deemed necessary as specified above, the Applicant shall design the Stormwater Drainage System to mitigate its impact on water quality by using structural devices or other methods to prevent Erosion and dissipate Discharges from outlets wherever practicable, and by directing Discharges to maximize overland flow

through buffer zones or grass lined Swales.

- f. Overland flow facilities for the Stormwater Drainage System shall be designed in accordance with the criteria of the Drainage Criteria Technical Manual.
- (5) Infiltration: To the maximum extent practical, Water Quality Controls shall be designed to restore the infiltration capacity of pre-development conditions. Infiltration BMPs shall be designed in accordance with the NPS Technical Manual.
- (6) Steep Slopes
- a. Erosion control and Water Quality Control BMPs shall be designed in accordance with the NPS Technical Manual.
 - b. A cut or Fill with a finished gradient steeper than thirty-three percent (33%) shall be stabilized in accordance with the NPS Technical Manual.
- (7) Vegetation
- a. To the maximum extent practical, landscape shall be preserved in its natural state and shall comply with the requirements of the zoning ordinance of the City.
 - b. To the maximum extent practical, xeriscape and low maintenance vegetation shall be included in all non-residential development and shall be provided in accordance with the NPS Technical Manual.
 - c. To the maximum extent practical, the use of Herbicides, Pesticides and Fertilizers shall be minimized.
 - d. If Pesticides and Fertilizers will be used, a Pesticide and Fertilizer management plan shall be submitted providing information regarding proper use, storage, and disposal of Pesticides and Fertilizers. The plan shall indicate likely Pesticides and Fertilizers to be used. The plan shall include two lists of Pesticides and Fertilizers: (1) those which, due to their chemical characteristics, potentially contribute significantly to water quality degradation; (2) those which, due to the chemical characteristics, potentially would result in minimal water quality degradation.
 - e. An Integrated Pest Management (IPM) Plan shall be submitted in accordance with the NPS Technical Manual.
 - f. Vegetative BMPs, such as vegetative filter strips, shall be designed in

accordance with the NPS Technical Manual.

(8) Water Quality Controls (WQC)

- a. Water Quality Controls (WQC) are required for residential and non-residential developments and re-developments. Water Quality Controls shall be sized for the on-site contributing drainage area that contains development if the new development or re-development contains Impervious Cover.
- b. The volume of Runoff (water quality volume) to be captured, isolated, and treated by each WQC shall be as required in subsection (2) of this section. Each WQC shall be sized for the Contributing On-site Drainage Area only to that WQC.
- c. Vegetated filter strips shall be used to the maximum extent practicable for the treatment of Stormwater Runoff.
- d. Developed areas requiring treatment shall include the on-site contributing drainage area with:
 - (i) areas of Impervious Cover;
 - (ii) lawns using Pesticides, Herbicides or Fertilizers;
 - (iii) landscaping using Pesticides, Herbicides or Fertilizers;
 - (iv) gardens using Pesticides, Herbicides or Fertilizers;
 - (v) golf courses and play fields using Pesticides, Herbicides or Fertilizers;
 - (vi) areas of on-site spray irrigation with wastewater effluent.
- e. The following areas shall not require water quality treatment:
 - (i) The full area of existing natural areas or restored natural areas which are restricted from development and Pesticides, Herbicide, or Fertilizer Application through a plat note or restrictive covenant and the Runoff from which is routed around the WQC. The Runoff from natural areas which blend with the Runoff from the developed areas shall be included in the water quality volume calculations.
 - (ii) The full area of the WQC Structure.
 - (iii) Swimming pools which do not discharge its filter backwash into the

Stormwater Drainage System or Water in the State.

- (iv) Impervious surface areas used for Stormwater collection and on-Site irrigation.
 - (v) The full area of off-Site drainage areas.
 - f. Removal efficiencies for WQC's shall be as established in the NPS Technical Manual.
 - g. The design of WQC's shall be in accordance with the NPS Technical Manual.
- (9) Erosion Control Requirements
- a. All temporary and permanent Erosion and Sedimentation control BMPs shall comply with the NPS Technical Manual.
 - b. Peak Runoff Rate: The peak Runoff rate for the 1-Year, 3-Hour Storm Event under developed conditions shall not exceed the peak Runoff rate for the 1- Year, 3-Hour Storm Event under pre-development conditions, unless otherwise noted in the NPS Technical Manual. Peak Runoff rate calculations shall comply with the criteria given in the NPS Technical Manual and the Drainage Criteria Manual.
 - c. The Site for which temporary or permanent Erosion and Sediment control BMPs may be required include any off-Site burrow, spoil, and staging areas, as well as any other land disturbed related to the project.
- (10) Isolation of Roof Runoff and Irrigation: If roof runoff is isolated from the Site Stormwater collection system and is used for irrigation, the system shall comply with the following requirements:
- a. The system shall comply with the Pollutant removal requirements of subsection (2) of this section;
 - b. No reduction in the water quality volume will be allowed as a result of choosing this method of pollution reduction;
 - c. Roof Runoff shall be collected and routed to a separate storage area distinct from that which collects and treats other Stormwater Runoff;
 - d. The roof runoff system shall provide for the collection of no less than the required water quality volume. Harvesting and storage of

additional Runoff in excess of the minimum required water quality volume for on-site irrigation is allowable;

- e. Roof Runoff in excess of the minimum required water quality volume may be routed to detention facilities or discharged to a Water Quality Control;
- f. The system shall be designed to accept the water quality volume within seventy-two (72) hours after the end of the rainfall event and to detain and treat the water quality volume in accordance with the Water Quality Control requirements of this chapter. For the purpose of this requirement, individual storm events shall be separated by seventy-two (72) hours with no more than a trace of rainfall; and
- g. The collected water may be used to irrigate landscaped or natural areas on the Site. Irrigation systems shall be designed in accordance with standard irrigation practices considering such factors as soil type Slope, and vegetation and must be approved by the City.

Sec. 98-112 Water Quality Buffer Zones

- (1) Water quality buffer zones (WQBZ) of 15 feet are required along natural creeks and Swales with overall contributing drainage areas of 25 acres or more within the corporate limits of the City. A WQBZ of 85 feet is established around all Critical Environmental Features inside the corporate limits of the City.
- (2) All development activities, including temporary construction activities and landscaping activities, shall be restricted from the WQBZ, except the following development activities may be allowed if approved by the City:
 - a. Roadway and driveway crossings (as close to perpendicular as practical);
 - b. Hike and bike trails in accordance with the Comprehensive Plan;
 - c. Maintenance and restoration of natural vegetation;
 - d. Water Quality Control monitoring devices;
 - e. Removal of trash, debris, Pollutants;
 - f. Utilities, as subject to the restrictions of subsection (3) of this section;

- g. Fences that do not obstruct flood flows;
 - h. Public and private parks and open space, with development in the parks and open space limited to hiking, jogging, or walking trails, and excludes stables and corrals for animals;
 - i. Private drives to allow access to property not otherwise accessible;
 - j. Structural WQC's (only when unavoidable as deemed by the City).
- (3) All utilities, other than wastewater utilities, shall be located outside the WQBZ except for crossings. . On-Site wastewater disposal system shall be located outside the WQBZ. Wastewater trunk lines and lateral lines shall be located outside the WQBZ to the maximum extent practical except for crossings. All wastewater trunk lines located in the WQBZ shall meet design standards and construction specifications of testing to a zero (0) leakage allowable.
- (4) All Water Quality Control Discharges and Stormwater Discharges onto a WQBZ shall have diffused Sheet Flow.

ARTICLE 5: ADMINISTRATIVE PROVISIONS

Sec. 98-113 Charges and Fees

- (1) The City hereby adopts reasonable fees for reimbursement of costs of implementing its non-point source pollution prevention management program and the cost of implementing this chapter, which costs may include, but not be limited to, the following:
- a. Fees for monitoring, inspections, and surveillance including the cost of collecting and analyzing Discharges and reviewing monitoring reports submitted by Dischargers;
 - b. Fees for spill and Release reports and responding to spills and Releases of Oil, hazardous and Extremely Hazardous Substances, and other Pollutants;
 - c. Application and review fees for permits;
 - d. Application and review fees for submittals associated with the concept plan, preliminary plat, Site plan, construction drawings for public improvements, and final plats;
 - e. Re-Application and re-review fees;

- f. Inspection fees;
- g. General consultation fee with the Applicant and with the City concerning the Applicant's development; and
- h. Other fees as the City may deem necessary to carry out the requirements contained in this chapter. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the City.

(2) Fees and charges shall be as follows:

	Exempt Projects See Sec. 98-105	Activities Authorized by Ordinance See Sec. 98-106(2)	NPS Pollution Control Authorizations See Sec. 98-106(3)
Individual Single-family residence	No fee		
All other exempt projects	\$250		
NPS Review of non-exempt projects including preliminary plats, final plats, Site development plans and utility projects		\$250 administrative processing fee + City Engineer review fee (Minimum \$200)	\$250 administrative processing fee + City Engineer review fee (Minimum \$200)
2 nd & each subsequent resubmittal any plans undergoing City of Burnet NPS review		\$250 administrative processing fee + City Engineer review fee (Minimum \$200)	\$250 administrative processing fee + City Engineer review fee (Minimum \$200)
1-year BMP Operating Permit		\$300	\$300
5-year BMP Operating Permit			
Variance Request	\$250 administrative processing fee + City Engineer review fee (Minimum \$200)	\$1,200 \$250 administrative processing fee + City Engineer review fee	\$1,200 \$250 administrative processing fee + City Engineer review fee

		(Minimum \$200)	(Minimum \$200)
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Sec. 98-114 Variances

(1) General. Where the Planning and Zoning Commission recommends, and the City Council finds, that undue hardships will result from strict compliance with a certain provision(s) of this chapter, or where the purposes of these regulations may be served to a greater extent by an alternative proposal, and that such a variance from portions of these regulations will serve to ensure that that substantial justice may be done and the public interest be secured, provided that the variance shall not have the effect of nullifying the intent and the purpose of these regulations, and further provided that the City Council shall not approve a variance unless it shall make finding based upon the evidence presented to it in each specific case that:

- a. Granting the variance will not be detrimental to the public safety, health or welfare, water quality, and will not be injurious to other property or to the owners of other property, and the variance will not prevent the orderly development or use of other property in the vicinity;
- b. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought, and are not applicable generally to other property;
- c. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the property Owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
- d. The variance will not in any manner vary the provisions of the zoning, land use, or subdivision ordinances, or the comprehensive plan or any other adopted plans or ordinances of the City.
- e. An alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein.

Such findings of the City Council, together with the specific facts upon which such findings are based, shall be incorporated into

the official minutes of the City Council meeting at which a variance is considered. A variance from any provision of this chapter may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the property Owner or Developer, standing alone, shall not be deemed to constitute undue hardship.

- (2) Conditions. In approving a variance, the City Council may require such conditions as will, in its judgments, secure substantially the purpose described in Section 98-93.
- (3) Procedures:
 - a. A petition for a variance shall be submitted in writing by the Applicant before the required Application or submittal is presented for the consideration of the City's planning and zoning commission (commission). The petition shall fully state the grounds for the Application, and all of the facts relied upon by the petitioner.
 - b. Where a hardship is identified pursuant to this chapter which requires issuance of a variance from a provision of Chapter 98, the commission may recommend a conditional variance from the provision in this chapter in conjunction with approval by the City Council. A conditional variance from this chapter shall receive final approval provided that no new information or reasonable alternative plan exists which, at the determination of the City Council, voids the need for a variance. All variances shall have final approval or disapproval by the City Council. Any variance recommended for denial by the planning and zoning commission shall require a two-thirds (2/3) majority for approval by the city council.

Sec. 98-115

Release Reporting and Cleanup

- (1) The person in charge of any Facility, vehicle, or other source of any spilling, leaking, pumping, pouring, emitting, emptying, discharging, escaping, leaching, dumping, disposing, or any other Release of any of the following quantities of any of the following substances that may flow, leach, enter, or otherwise be introduced into or adjacent to the Stormwater Drainage System or Water in the State, shall immediately telephone and notify the City concerning the incident:
 - a. An amount equal to or in excess of a reportable quantity of any

Hazardous Substance, as established under 40 CFR Part 302;

- b. An amount equal to or in excess of a reportable quantity of any Extremely Hazardous Substance, as established under 40 CFR Part 355;
 - c. An amount of Oil that leaves a film or sheen upon or discoloration of the surface of the water or an adjoining shoreline, or causes a sludge or emulsion to be deposited beneath the surface of the water or upon an adjoining shoreline; or
 - d. Any Harmful Quantity of any Pollutant.
- (2) The immediate notification required by this chapter shall include the following information:
- a. The identity or chemical name of the substance released, and whether the substance is an Extremely Hazardous Substance;
 - b. The exact location of the Release, including any known name of the waters involved or threatened and any other environmental media affected;
 - c. The time and duration (thus far) of the Release;
 - d. An estimate of the quantity and concentration (if known) of the substance Released;
 - e. The source of the Release;
 - f. Any known or anticipated health risks associated with the Release and, where appropriate, advice regarding medical attention that may be necessary for exposed individuals (Material Safety Data Sheet reports);
 - g. Any precautions that should be taken as a result of the Release;
 - h. Any steps that have been taken to contain and clean up the Released material and minimize its impacts; and
 - i. The names and telephone numbers of the person or persons to be contacted for further information.
- (3) Within fifteen (15) days following such Release, the responsible person in charge of the Facility, vehicle, or other source of the Release shall, unless waived by the City Council, submit a written report containing each of the

items of information specified above in this chapter, as well as the following additional information:

- a. The ultimate duration, concentration, and quantity of the Release;
 - b. All actions taken to respond to, contain, and clean up the Released substances, and all precautions taken to minimize the impacts;
 - c. Any known or anticipated acute or chronic health risks associated with the Release;
 - d. Where appropriate, advice regarding medical attention necessary for exposed individuals;
 - e. The identity of any governmental/private sector representatives responding to the Release; and
 - f. The measures taken or to be taken by the responsible person(s) to prevent similar future occurrences.
- (4) The notifications required by this chapter shall not relieve the responsible person of any expense, loss, damage, or other liability which may be incurred as a result of the Release, including any liability for damage to the City, to natural resources, or to any other person or property; nor shall such notification relieve the responsible person of any fine, penalty, or other liability which may be imposed pursuant to this chapter or to state or federal law.
- (5) Any person responsible for any Release as described in this chapter shall comply with all state, federal, and any other local law requiring reporting, cleanup, containment, and any other appropriate remedial action in response to the Release.
- (6) Any person responsible for a Release described in this chapter shall reimburse the City for any cost incurred by the City in responding to the Release.

Sec. 98-116 Access for Maintenance and Monitoring

To provide necessary access for maintenance and monitoring, Water Quality Controls must be contained within a water quality Easement or restricted, platted lot. The Easement documents shall note that water quality restrictions exist on the property or Easement and that any alternative use or alteration must be approved by the City. Also, an access Easement with suitable means of ingress and egress for construction equipment shall be provided to access the designated water quality Easement.

- (1) **Right of Entry During Construction.** Any Owner who has filed a notice under Section 98-106, an NPS Pollution Control authorization or Operating Permit Application or has received an NPS Pollution Control permit or Operating Permit under this chapter shall allow entry by the City on the Site for the purposes of inspection and monitoring. Employees and agents of the City Manager are entitled to enter any public or private property at any reasonable time for the purpose of inspecting and investigating conditions related to water quality and administration of this chapter. They shall notify the Owner or his designated agent prior to entering the Site for inspection purposes.
 - a. **Predevelopment Inspection.** After the issuance of any authorization or permit required under this Chapter, but before the installation of permanent Erosion and Sedimentation controls and before development commences, the Applicant shall provide a written request to the City for an inspection of the temporary Erosion controls and Water Quality Controls. This predevelopment inspection will be attended by the City's designated representative who will determine whether the temporary Erosion and Sedimentation controls and Water Quality Controls will be in compliance with the NPS Pollution Control authorization or Operating Permit. If the City does not conduct the predevelopment inspection within five (5) Business Days of receipt of the request for inspection, the Applicant may proceed with development.
 - b. **Inspections During Development.** During development, the City will inspect the Site to ensure that temporary and permanent Erosion controls are being maintained and that the permanent NPS Pollution Controls and BMPs are being constructed in accordance with the requirements of this chapter.
 - c. **Final Inspection.** Upon completion of development, the City will conduct a final inspection of the NPS Pollution Controls and BMPs used. This final development inspection must be attended by the Permittee; the City's designated representative, the design engineer, Contractor, and field engineer. The City's representative will determine whether the NPS Pollution Controls are in compliance with the NPS Pollution Control authorization or Operating Permit.
 - d. Permittee shall confirm that Water Quality Controls are constructed in conformance with the approved design by providing a concurrence letter certified by the Permittee's design

engineer.

- e. The Permittee's fiscal security for construction of temporary and permanent NPS Pollution Controls and BMPs will be released in accordance with Section 98-125.

(2) Right of Entry and Periodic Inspection of Completed Projects.

- a. The City shall have the right to enter the premises of any permitted Site discharging Stormwater to the Stormwater Drainage System, to Water Quality Controls, or to Water in the State to determine if the Permittee or Discharger is complying with all requirements of this chapter, and with any state or federal discharge permit, limitation, or requirement. Permittees or Dischargers shall allow the City ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and for the performance of any additional duties. Permittees or Dischargers shall make available to the City, upon request, any SWPPPs, operating permits, Site development permits, construction permits, modifications thereto, self-inspection reports, monitoring records, compliance evaluations, NOI's, and any other records, reports, and other documents related to compliance with this chapter and with any state or federal discharge permit.
 - (i) Where the Owner has security measures in force which require proper identification and clearance before entry into its premises, the Permittee or Discharger shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the City will be permitted to enter without delay for the purposes of performing his/her responsibilities.
 - (ii) The City may require any Owner whose property discharges into or adjacent to the Stormwater Drainage System or Water in the State or any Permittee to conduct specified sampling, testing, analysis, and other monitoring of its Stormwater Discharges, and may specify the frequency and parameters of any such required monitoring.
 - (iii) The City may require the Owner or Permittee to install monitoring equipment as necessary at the Discharger's expense. The Facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the Permittee or Discharger at its own expense. All devices used to measure Stormwater flow and quality shall be calibrated to ensure their accuracy.

- (iv) Any temporary or permanent obstruction to safe and easy access to the Facility to be inspected and/or sampled shall be promptly removed by the Permittee or Discharger at the written or verbal request of the City and shall not be replaced. The costs of clearing such access shall be borne by the Owner.
 - (v) Unreasonable delaying or denying access by the City to the Permittee's Discharger's premises shall be a violation of this chapter.
- b. City will inspect facilities authorized under this Chapter from time to time to confirm that proper maintenance of the facilities and to ensure compliance with the authorization. City will inspect the facilities at least once every two years.

Sec. 98-118 Fiscal Security

- (1) This section applies to owners and Developers of all developments, re-developments, and other construction that are required to obtain NPS Pollution Control authorization, as described in Section 98-106(3), or an Operating Permit, as described in Section 98-107.
- (2) Fiscal security shall be provided by the Owner or Developer for the construction of temporary Erosion and Sedimentation controls and for Water Quality Controls, under the following considerations:
 - a. Fiscal security shall be provided if the development is single-family subdivision, or multi-family residential or non-residential development regardless if a plat is required; and
 - b. Fiscal security shall be provided for New Construction of controls and for re-development modifications to existing controls; and
 - c. Fiscal security shall be provided if the Application to construct or modify the controls under a Site plan is submitted to the City after the development Application is submitted to the City for the City's approval of the final plat.
- (3) Fiscal security shall be provided to the City in order to obtain NPS Pollution Control authorization.
- (4) The amount of the fiscal security shall be determined and certified by the Developer's engineer's and shall be equal to the full construction cost of the temporary controls and 100 percent of the re-vegetation of

the entire Site of the proposed project.

- (5) The City may require fiscal security for permanent Erosion and Sedimentation controls and for Water Quality Controls in order to obtain an Operating Permit if the Applicant has violated its NPS Control approval, or if the permanent controls are in close proximity to a Critical Environmental Feature.
- (6) Fiscal security for the controls shall be in the form of cash escrow or a cashier's check or money order in the specified amount. If authorized by the City, a performance bond or a letter of credit may be considered by the City, as security for the construction of the controls. The issuer of any surety bond and letter of credit shall be subject to the approval of the City.
 - a. Performance Bond. If the City Manager authorizes the Developer to post a performance bond as security for its promises contained in the improvement agreement, the performance bond shall comply with the following requirements:
 - (i) All performance bonds must be in the forms acceptable to the City Manager and the City attorney; and
 - (ii) All performance bonds must be executed by such sureties as are named in the current list of "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies" as published in Circular 570 (amended) by Financial Management Service, Surety Bond Branch, U.S. Department of the Treasury; and
 - (iii) All performance bonds must be signed by an agent accompanied by a certified copy of the authority to act; and
 - (iv) All performance bonds shall be obtained from surety or insurance companies that are duly licensed or authorized in the State of Texas to issue performance bonds for the limits and coverage required.

If the surety on any performance bond furnished by the Owner is declared to be bankrupt or becomes insolvent or its right to do business is terminated in the State of Texas or the surety ceases to meet the requirements to be listed in Circular 570, the Owner shall within twenty (20) calendar days thereafter substitute another performance bond and surety, both of which must be acceptable to the City.

- b. Letter of Credit. If the City Manager authorizes the Developer to post a letter of credit as security, the letter of credit shall:
 - (i) Be irrevocable; and
 - (ii) Be for a term sufficient to cover the completion, and warranty periods, but in no event less than two (2) years; and
 - (iii) Required only that the City present the issuer with a sight draft and a certificate signed by an authorized representative of the City certifying to the City's right to draw funds under the letter of credit.
- (7) The City may, by written notice, order any Owner or Operator of a source of pollution Discharge associated with construction or industrial activity to file a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the City to be necessary to achieve consistent compliance with this chapter, any order issued hereunder, or any required BMP. The City may deny approval of any building permit, grading permit, subdivision plat, Site development plan, or any other City permit or approval necessary to commence or continue construction or any industrial activity at the Site, or to assume occupancy, until such a performance bond has been filed.
- (8) The City may, by written notice, order any Owner or Operator of a source of Stormwater Discharge associated with construction or industrial activity to submit proof that it has obtained liability insurance, or other financial assurance, in an amount not to exceed a value determined by the City, that is sufficient to remediate, restore, and abate any damage to the Stormwater Drainage System, the Water in the State, or any other aspect of the environment that is caused by the Discharge.
- (9) Upon acceptance by the City of all required construction of the controls, the City will authorize a reduction in the security to ten percent (10%) of the original amount of the security if the property Owner is not in violation of the permit requirements. The remaining security shall be security for the Owner's covenant to maintain the required controls and to warrant that the improvements are free from defects for two (2) years thereafter.

(1)

Whenever any work is being done contrary to the provisions of this chapter, the City Manager may order the work stopped by notice in writing (referred to as a "Stop Work Order") served on any persons engaged in the doing or causing such work to be done. The stop work order shall be posted on the property adjacent to the activity in question, and any such person shall forthwith stop work until authorized by the building official to proceed with the work.

Sec. 98-2-120 Permit or Authorization Revocation

A violation of this chapter shall authorize the City Manager to cancel any permit or authorization depending in whole or in part on any approval under this chapter. If a permit or authorization is canceled, no further work covered by said permit or authorization shall be done until the violation has been cured and new submittals under this chapter, as required by the City Manager, have been made and approved in accordance with the provisions of this chapter and a new permit or authorization has been issued. Permanent Stabilization of the Site shall immediately be required, and the City may fund the establishment of Permanent Stabilization through the fiscal security provided in accordance with this Chapter.

Sec. 98-121 Denial of Approvals and Permits

A violation of this chapter shall authorize the City Manager to deny any other approvals or permits sought by the person violating this chapter under this Code.

Sec. 98-122 Appeal of Denial or Revocation of Approvals and Permits

Any party aggrieved by the City Manager's denial or revocation of an approval or permit may appeal such denial or revocation to the City Council. Appeals shall be made in writing and to be eligible for consideration shall be filed in the office of the City Secretary no later than the tenth (10th) day following issuance of the City Managers written Denial or Revocation.

Sec. 98-123 Penalties and Injunctive Relief

Any person violating this chapter, upon conviction, is punishable by a fine in accordance with the general penalty provision found in Section 1-9 of this Code. Any person violating this chapter is subject to suit for injunctive relief, civil penalties, as well as prosecution for criminal violations.

SECTION V. PROVIDING FOR A SAVINGS CLAUSE. The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION VI. SEVERABILITY CLAUSE. If any provision, section, sentence, clause or phrase of this ordinance, or the Application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this ordinance or its Application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting, and of the Mayor in approving this ordinance, that no portion thereof or provision or regulation contained herein shall be come inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

SECTION VII. REPEALER CLAUSE. The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance.

SECTION VIII. EFFECTIVE DATE. This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION IX. NOTICE AND MEETING CLAUSE. It is hereby officially found and determined that the meeting at which this Ordinance 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, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED on First Reading this 14 day of February, 2017.

FINALLY PASSED AND APPROVED on this 14 day of March, 2017.

ATTEST:

CITY OF BURNET, TEXAS

Kelly Dix, City Secretary

Gary Wideman, Mayor

THE CITY OF BURNET



NONPOINT-SOURCE POLLUTION CONTROL ORDINANCE TECHNICAL MANUAL

EFFECTIVE TBD

FIRST EDITION

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1. Introduction

The City of Burnet considers it an advantage to protect its natural water resources. Nonpoint-Source Pollution (NPS) carried by stormwater runoff is considered a cause of degradation in water quality. Land development is considered a source of nonpoint-source pollution. This Technical Manual (TM) presents measures to provide for the protection of water quality for the City of Burnet. The following sections describe the process and requirements for implementing stormwater management for developments located within the jurisdiction of the City of Burnet Nonpoint-Source Pollution Control Ordinance.

2. Site Planning

In many cases sites have been planned before considering potential methods of stormwater treatment. This historical procedure could be problematic when implementing the requirements as set forth in this Ordinance. Consequently, familiarization with the requirements of this Technical Manual should precede any conceptual planning or layout work for a subdivision or other development project.

2.1 Stream Buffers

Natural buffer areas adjacent to streams and natural drainage ways play an important role in maintaining predevelopment water quality. The riparian vegetation stabilizes stream channels and floodplain areas, reducing erosion. In addition, they provide an area to filter overland flow from adjacent development. Consequently, all streams should have an undisturbed native vegetation buffer on each side as follows:

- Natural streams or swales draining 30 acres or greater should have a minimum buffer of 15 feet from the point at which the water surface elevation for the 1-year, 3-hour design storm meets natural ground. If the water surface elevation is not evaluated, then the top of the existing cut bank shall be used to delineate the beginning of the buffer. Buffer areas should have slopes of 12% or less. Instances where slopes for the proposed buffer areas exceed 12% must be specifically accepted on a case by case basis by the City Engineer
- Natural streams or swales draining less than 30 acres shall be evaluated on a case by case basis to determine the impact on water quality.

Figure 2-1 shows a typical buffer zone schematic.

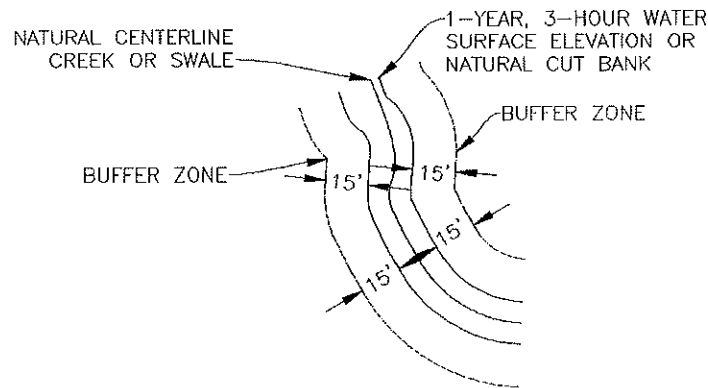


Figure 2-1 Typical buffer zone schematic

Site plans submitted to the City of Burnet for review must show the location of all stream buffers in addition to the plan elements required to reasonably assess the water quality of stormwater runoff from the site.

Buffer zones should generally remain free of construction, development, or other alterations, although stormwater treatment systems can be constructed there if the natural drainage to the site is less than 128 acres and an alternative location is not possible. The number of roadways crossing through the buffer zones should be minimized and constructed only when necessary, such as when a significant portion of the site can only be reached by crossing a buffer zone.

Other alterations within buffer zones could include utility crossings (only if necessary), fences, low impact parks, and open space. Roadways and utilities crossings should be approximately perpendicular to the buffer zone. Low impact park development within the buffer zone should be limited to trails, picnic facilities, and similar construction that do not significantly alter the existing vegetation. Parking lots and roads significantly alter existing vegetation and are not considered low impact. Neither golf course development nor wastewater effluent irrigation shall take place in the buffer zone.

3. Temporary and Permanent Erosion and Sedimentation Controls

Earthen disturbance that occurs during construction activities allows for the transportation of sediment through natural drainage paths having a detrimental affect on water quality. Due to the relative ease in displacement of disturbed earthen material during a rainfall event, steps must be taken to prevent sediment from leaving the site. As a result, temporary erosion and sedimentation control measures are incorporated into this Technical Manual to maintain acceptable water quality conditions.

3.1 Stormwater Pollution Prevention Plan (SWPPP)

The City of Burnet NPS Pollution Control Ordinance requires that a Stormwater Pollution Prevention Plan be prepared and submitted to the City Engineer for approval. The SWPPP shall be signed and sealed by a licensed Professional Engineer. Submittal information shall include all information necessary to determine the adequacy of proposed temporary erosion and sedimentation controls for the site. At minimum, the following information shall be submitted for review:

- SWPPP to an appropriate scale with existing site topography, proposed improvements, limits of construction, temporary erosion and sedimentation controls, construction equipment storage areas, sequence of construction, required creek and swale buffers, and permanent site stabilization requirements
- Temporary erosion and sedimentation control details and specifications
- Existing and proposed drainage patterns

If the City Engineer determines that additional information is necessary to complete the review for the SWPPP, then the applicant shall be notified.

When construction operations are ready to commence, all temporary erosion and sedimentation controls must be in place prior to any earthen disturbances on the site. An up-to-date copy of the SWPPP shall be readily available on site at all times during construction activity. If it is determined by the City Manager that the temporary erosion and sedimentation controls are insufficient, or are not effectively serving their intended purpose, then immediate measures shall be taken to correct the problem(s). It shall be the responsibility of the developer and/or contractor that these measures are implemented, as appropriate.

Table 3-1 is a list of approved temporary erosion and sedimentation controls along with selection criteria for each.

Table 3-1 Guidelines for Selection of Temporary Erosion and Sedimentation Controls				
Control Type	Application	Drainage Area	Slope	Spacing

Silt Fence (Interior)	Areas of sheet flow or very minor channel flow	2 acres	< 20%	200 ft
Silt Fence (Perimeter)	Downslope borders of site; upslope border if necessary to divert offsite drainage	N/A	N/A	200 ft
Triangular Filter Dike	Areas within site requiring frequent vehicular access	1 acre	< 10%	N/A
Rock Berm	Drainage swales and ditches within and below site	5 acres	< 30%	150 ft
High Service Rock Berm	Near critical features, high flow areas within and below site	5 acres	< 30%	150 ft
Inlet Protection	Storm sewer inlets receiving drainage	N/A	N/A	N/A
Sediment Basin	Appropriate for large disturbed areas	5-100 acres	N/A	N/A
Construction Exit	Should be used at all designated access points	N/A	N/A	N/A
Concrete Washout	Use on all concrete pouring operations	N/A	N/A	N/A

3.2 Temporary Erosion and Sedimentation Controls Requirements

A Silt Fence

1. Materials

- Silt fence material shall be polypropylene, polyethylene, or polyamide woven or non-woven fabric
- Filter fabric width shall be 36 inches with a minimum unit weight of 4 oz/yd², ultraviolet stability in excess of 70%, and maximum apparent opening size of U.S. Sieve No. 30
- Fence posts shall be made of hot rolled steel, a minimum of 4 feet long with Tee or Y-bar cross section, surface painted or galvanized, minimum nominal weight 1.25 lbs/ft²
- Woven wire backing shall be used to support the filter fabric and shall be galvanized 2" x 4" welded wire, 12 gauge minimum

2. Installation

- Locate silt fencing down gradient of disturbance area, following the contour as closely as possible

- Steel posts used to support the fence should be driven a minimum of 1 foot into the ground and spaced a maximum of 8 feet on center
- Turn ends of silt fence upstream in areas where flow concentrates and at the ends of silt fence lines
- Silt fence fabric skirt must be buried to a depth of 6 inches or fastened to the ground so as to prevent runoff from flowing under the fence

Figure 3-1 shows typical installation requirements for silt fencing.

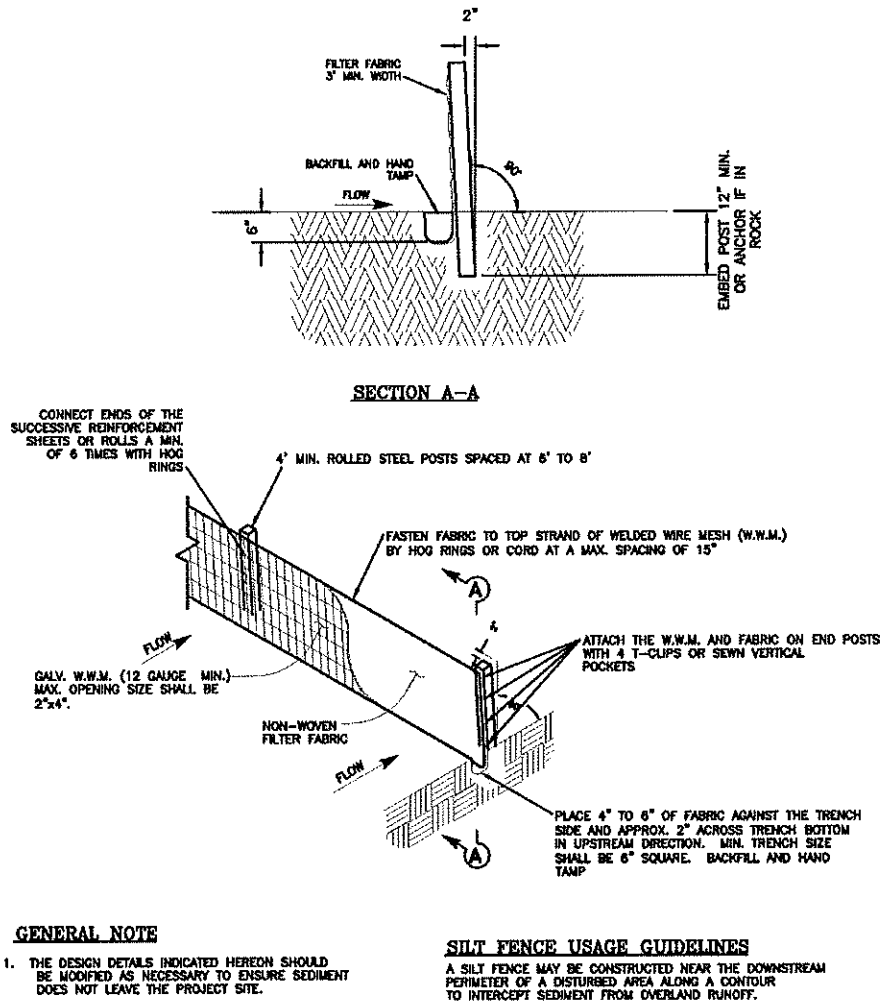


Figure 3-1 Typical installation requirements for silt fencing

A Triangular Filter Dikes

1. Materials

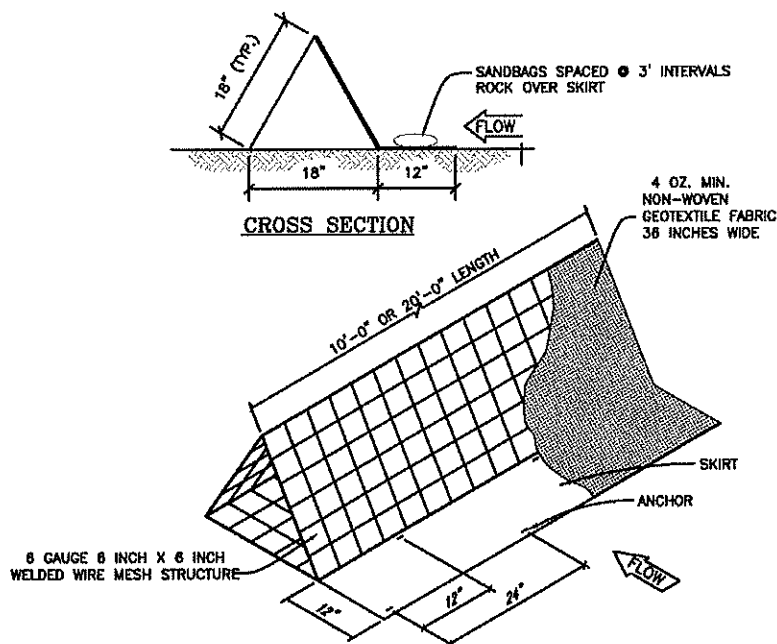
- Silt fence material shall be non-woven filter fabric
- Filter fabric width shall be 36 inches with a minimum unit weight of 4 oz/yd²

- The dike structure shall be 6 gauge 6" x 6" wire mesh shaped into triangular form with 18" sides
- The sand bag material shall be polypropylene, polyethylene, polyamide, or cotton burlap woven fabric
- Filter fabric shall have a minimum unit weight of 4 oz/yd², mullen burst strength in excess of 300 psi and ultraviolet stability in excess of 70 percent
- The bag shall have a length of 24-30" with a width of 16-18" and a thickness of 6-8"
- The sandbags shall be filled with coarse grade sand and free of deleterious material
- The sand shall be capable of passing through a No. 10 Sieve
- The filled bag should have an approximate weight of 40 pounds and be sealed by staples or tied with cord

2. Installation

- Locate filter dike parallel to the contours with adjacent ends abutting one another
- Filter fabric shall overlap adjacent filter dikes at junctions
- Place sandbags on 3 foot intervals to fasten filter dike to the ground

Figure 3-2 shows typical installation requirements for triangular filter dikes.



INSTALLATION:

- LAYOUT THE FILTER DIKE FOLLOWING AS CLOSELY AS POSSIBLE TO THE CONTOUR.
- CLEAR THE GROUND OF DEBRIS, ROCKS OR PLANTS THAT WILL INTERFERE WITH INSTALLATION.
- PLACE THE FILTER DIKE SECTIONS ONE AT A TIME, WITH THE SKIRT ON THE UPHILL SIDE TOWARDS THE DIRECTION OF FLOW, ANCHORING EACH SECTION TO THE GROUND BEFORE THE NEXT SECTION IS PLACED.
- SANDBAGS SHOULD BE PLACED ON 3' CENTERS BETWEEN ANCHORS.
- SECURELY FASTEN THE SKIRT FROM ONE SECTION OF FILTER DIKE TO THE NEXT.
- FILTER DIKES MUST MAINTAIN CONTINUOUS CONTACT WITH THE GROUND.
- AFTER THE SITE IS COMPLETELY STABILIZED, THE DIKES AND ANY REMAINING SILT SHOULD BE REMOVED. SILT SHOULD BE DISPOSED OF IN A MANNER THAT WILL NOT CONTRIBUTE TO ADDITIONAL SILTATION.

INSPECTION AND MAINTENANCE GUIDELINES:

- INSPECTION SHOULD BE MADE WEEKLY OR AFTER EACH RAINFALL EVENT AND REPAIR OR REPLACEMENT SHOULD BE MADE PROMPTLY AS NEEDED BY THE CONTRACTOR.
- INSPECT AND REALIGN BERMS AS NEEDED TO PREVENT GAPS BETWEEN THE SECTIONS.
- ACCUMULATED SILT SHOULD BE REMOVED AFTER EACH RAINFALL EVENT, AND DISPOSED OF IN A MANNER WHICH WILL NOT CAUSE ADDITIONAL SILTATION.

Figure 3-2 Typical installation requirements for triangular filter dikes

A Rock Berm

1. Materials

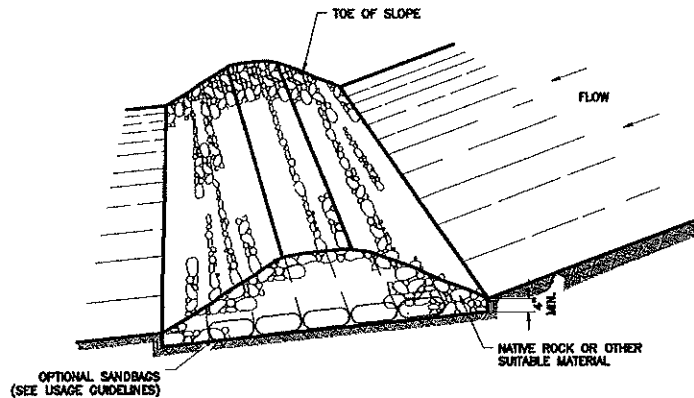
- Woven wire sheathing used to secure the berm shall have a minimum wire diameter of 20 gauge galvanized with a maximum opening of 1"
- 3-5" diameter aggregate shall be used where high velocities are not anticipated
- 5-8" diameter aggregate shall be used where high velocities are expected

2. Installation

- Locate woven wire sheathing perpendicular to the flow line
- Place aggregate along the sheathing to a minimum height of 18"
- Wrap the sheathing around the aggregate and secure the ends with tie wire (ends should overlap a minimum of 2")

- Verify stability of berm by walking across it (if the berm moves when walked on, then it needs to be better stabilized)

Figure 3-3 shows typical installation requirements for rock berms.



GENERAL NOTES

1. IF SHOWN ON THE PLANS OR AS REQUIRED TO PREVENT OFF-SITE SEDIMENTATION, BERMS SHALL BE PLACED NEAR THE TOE OF SLOPES WHERE EROSION IS ANTICIPATED, UPSTREAM AND/OR DOWNSTREAM AT DRAINAGE STRUCTURES, AND IN ROADWAY DITCHES AND CHANNELS TO COLLECT SEDIMENT.
2. THE ROCK BERMS DIMENSIONS SHALL BE AS INDICATED ON THE DETAIL SHEETS.
3. SIDE SLOPES TO BE 2:1 OR FLATTER.
4. MAINTAIN A MIN. OF 1" BETWEEN TOP OF ROCK BERMS WEIR AND TOP OF EMBANKMENT FOR BERMS.
5. BERMS SHALL BE EMBEDDED A MINIMUM OF 4" INTO EXISTING GROUND.
6. ROCK BERMS TYPE 2 & 3 SHALL BE SECURED WITH 20 GAUGE GALVANIZED WOVEN WIRE MESH WITH 1" DIAMETER HEXAGONAL OPENINGS. THE AGGREGATE SHALL BE PLACED ON THE MESH TO THE HEIGHT & SLOPE SPECIFIED. THE MESH SHALL BE FOLDED AT THE UPSTREAM SIDE OVER THE AGGREGATE AND TIGHTLY SECURED TO ITSELF ON THE DOWNSTREAM SIDE USING WIRE TIES OR HOG RINGS. IN STREAM USE THE MESH SHOULD BE SECURED OR STAKED TO THE STREAM BED PRIOR TO AGGREGATE PLACEMENT.
7. SACK GABIONS SHOULD BE STAKED DOWN WITH 3/4" DIA. REBAR STAKES.
8. FLOW OUTLET SHOULD BE ON A STABILIZED AREA (VEGETATION, ROCK, ETC.)
9. THE DESIGN DETAILS INDICATED HEREON SHOULD BE MODIFIED AS NECESSARY TO ENSURE SEDIMENT DOES NOT LEAVE THE PROJECT SITE.

ROCK BERMS SHOULD BE CONSTRUCTED DOWNSTREAM FROM UNDISTURBED AREAS TO INTERCEPT SEDIMENT FROM OVERLAND RUNOFF AND/OR CONCENTRATED FLOW.

TYPE 1 (18" HIGH WITH NO WIRE MESH): TYPE 1 MAY BE USED AT THE TOE OF SLOPES, AROUND INLETS, IN SMALL DITCHES, AND AT DIKE OR SWALE OUTLETS. THIS TYPE OF DAM IS RECOMMENDED TO CONTROL EROSION FROM DRAINAGE AREA OF 5 ACRES OR LESS. TYPE 1 SHOULD NOT BE USED IN CONCENTRATED HIGH VELOCITY FLOWS (APPROX. 8 FT/SEC OR MORE) IN WHICH AGGREGATE WASH OUT MAY OCCUR. SANDBAGS SHOULD BE USED AT THE EMBEDDED FOUNDATION (4" DEEP MIN.) FOR BETTER FILTERING EFFICIENCY OF LOW FLOWS IF CALLED FOR ON THE PLANS OR AS A RESULT OF ROUTINE INSPECTIONS

TYPE 2 (18" HIGH WITH WIRE MESH): TYPE 2 MAY BE USED IN DITCHES AND AT DIKE OR SWALE OUTLETS.

TYPE 3 (36" HIGH WITH WIRE MESH): TYPE 3 MAY BE USED IN STREAM FLOW AND SHOULD BE SECURED TO THE STREAM BED.

TYPE 4 (SACK GABIONS): TYPE 4 MAY BE USED IN DITCHES AND SMALLER CHANNELS TO FORM AN EROSION CONTROL DAM.

**Figure 3-3 Typical installation requirements for rock berms
(Type 1 or 2)**

A High Service Rock Berm

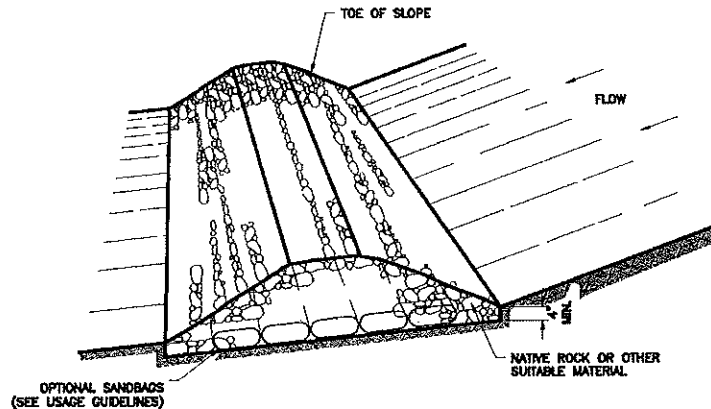
1. Materials

- Silt fence shall be non-woven fabric 36 inches in width with a minimum unit weight of 4 oz/yd²
- Fence posts shall be made of hot rolled steel, a minimum of 4 feet long with Tee or Y-bar cross section, surface painted or galvanized, minimum nominal weight 1.25 lbs/ft²
- Woven wire backing used to support the filter fabric shall be galvanized 2" x 4" welded wire, 12 gauge minimum
- Woven wire sheathing used to secure the berm shall have a minimum wire diameter of 20 gauge galvanized with a maximum opening of 1"
- 3-5" diameter aggregate shall be used where high velocities are not anticipated
- 5-8" diameter aggregate shall be used where high velocities are expected

2. Installation

- Locate woven wire sheathing perpendicular to the flow line
- Install silt fence along the center of the berm
- Place aggregate along the sheathing to a minimum height of 24"
- Wrap the sheathing around the aggregate and secure the ends with tie wire (ends should overlap a minimum of 2")
- The high service rock berm may be removed only after the site is stabilized

Figure 3-4 shows typical installation requirements for high service rock berms.



GENERAL NOTES

1. IF SHOWN ON THE PLANS OR AS REQUIRED TO PREVENT OFF-SITE SEDIMENTATION, BERMS SHALL BE PLACED NEAR THE TOE OF SLOPES WHERE EROSION IS ANTICIPATED, UPSTREAM AND/OR DOWNSTREAM AT DRAINAGE STRUCTURES, AND IN ROADWAY DITCHES AND CHANNELS TO COLLECT SEDIMENT.
2. THE ROCK BERMS DIMENSIONS SHALL BE AS INDICATED ON THE DETAIL SHEETS.
3. SIDE SLOPES TO BE 2:1 OR FLATTER.
4. MAINTAIN A MIN. OF 1' BETWEEN TOP OF ROCK BERMS WEIR AND TOP OF EMBANKMENT FOR BERMS.
5. BERMS SHALL BE EMBEDDED A MINIMUM OF 4" INTO EXISTING GROUND.
6. ROCK BERMS TYPE 2 & 3 SHALL BE SECURED WITH 20 GAUGE GALVANIZED WOVEN WIRE MESH WITH 1" DIAMETER HEXAGONAL OPENINGS. THE AGGREGATE SHALL BE PLACED ON THE MESH TO THE HEIGHT & SLOPE SPECIFIED. THE MESH SHALL BE FOLDED AT THE UPSTREAM SIDE OVER THE AGGREGATE AND TIGHTLY SECURED TO ITSELF ON THE DOWNSTREAM SIDE USING WIRE TIES OR HOG RINGS. IN STREAM USE THE MESH SHOULD BE SECURED OR STAKED TO THE STREAM BED PRIOR TO AGGREGATE PLACEMENT.
7. SACK GABIONS SHOULD BE STAKED DOWN WITH 3/4" DIA. REBAR STAKES.
8. FLOW OUTLET SHOULD BE ON A STABILIZED AREA (VEGETATION, ROCK, ETC.)
9. THE DESIGN DETAILS INDICATED HEREON SHOULD BE MODIFIED AS NECESSARY TO ENSURE SEDIMENT DOES NOT LEAVE THE PROJECT SITE.

ROCK BERMS SHOULD BE CONSTRUCTED DOWNSTREAM FROM UNDISTURBED AREAS TO INTERCEPT SEDIMENT FROM OVERLAND RUNOFF AND/OR CONCENTRATED FLOW.

TYPE 1 (18" HIGH WITH NO WIRE MESH): TYPE 1 MAY BE USED AT THE TOE OF SLOPES, AROUND INLETS, IN SMALL DITCHES, AND AT DIKE OR SWALE OUTLETS. THIS TYPE OF DAM IS RECOMMENDED TO CONTROL EROSION FROM DRAINAGE AREA OF 5 ACRES OR LESS. TYPE 1 SHOULD NOT BE USED IN CONCENTRATED HIGH VELOCITY FLOWS (APPROX. 8 FT/SEC OR MORE) IN WHICH AGGREGATE WASH OUT MAY OCCUR. SANDBAGS SHOULD BE USED AT THE EMBEDDED FOUNDATION (4" DEEP MIN.) FOR BETTER FILTERING EFFICIENCY OF LOW FLOWS IF CALLED FOR ON THE PLANS OR AS A RESULT OF ROUTINE INSPECTIONS

TYPE 2 (18" HIGH WITH WIRE MESH): TYPE 2 MAY BE USED IN DITCHES AND AT DIKE OR SWALE OUTLETS.

TYPE 3 (36" HIGH WITH WIRE MESH): TYPE 3 MAY BE USED IN STREAM FLOW AND SHOULD BE SECURED TO THE STREAM BED.

TYPE 4 (SACK GABIONS): TYPE 4 MAY BE USED IN DITCHES AND SMALLER CHANNELS TO FORM AN EROSION CONTROL DAM.

**Figure 3-4 Typical installation requirements for high service rock berms
(Type 3 or 4)**

A Inlet Protection

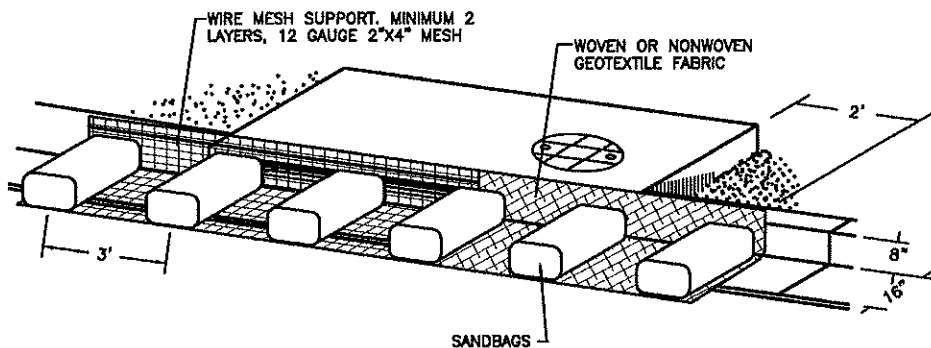
1. Materials

- Filter fabric width shall be non-woven with a minimum unit weight of 4 oz/yd²
- Woven wire backing used to support the filter fabric shall be galvanized 2" x 4" welded wire, 12 gauge minimum
- The sand bag material shall be polypropylene, polyethylene, polyamide, or cotton burlap woven fabric

- Filter fabric shall have a minimum unit weight of 4 oz/yd², mullen burst strength in excess of 300 psi and ultraviolet stability in excess of 70 percent
- The bag shall have a length of 24-30" with a width of 16-18" and a thickness of 6-8"
- The sandbags shall be filled with coarse grade sand and free of deleterious material
- The sand shall be capable of passing through a No. 10 Sieve
- The filled bag should have an approximate weight of 40 pounds and be sealed by staples or tied with cord

2. Installation

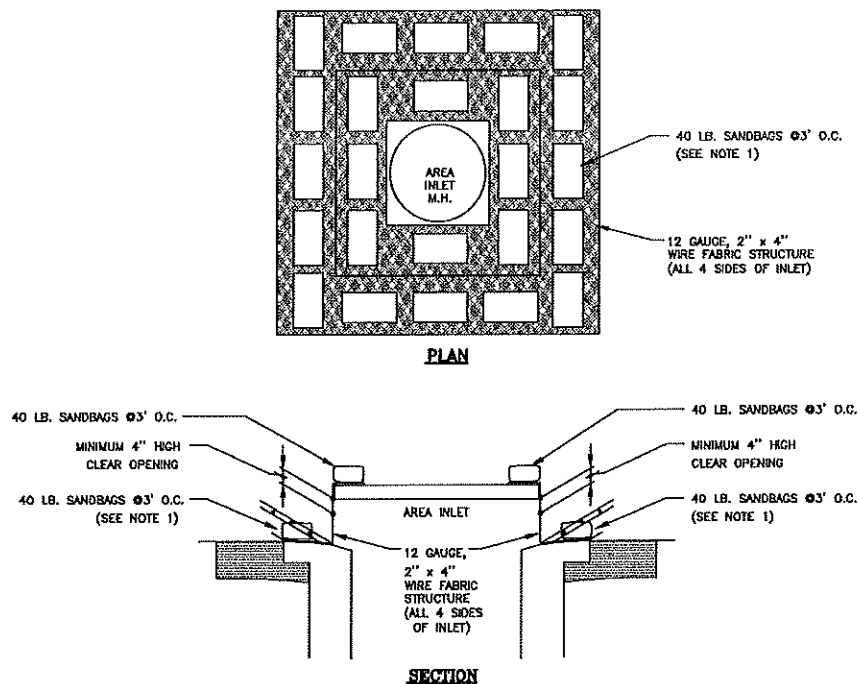
See figures 3-5 and 3-6 for typical installation guidelines for curb inlet and area/grate inlet protection.



NOTES:

1. WHEN A SANDBAG IS FILLED WITH MATERIAL, THE OPEN END OF THE SANDBAG SHOULD BE STAPLED OR TIED WITH NYLON OR POLY CHORD.
2. INLET PROTECTION SHALL BE PLACED OVER THE MOUTH OF THE INLET WITH A 2 FOOT OVERLAP ON EITHER SIDE.
3. THE FABRIC COVER AND SHALL BE A CONTINUOUS WRAPPING OF GEOTEXTILE.
4. THE SKIRT SHALL BE WEIGHTED WITH ONE MINIMUM 18"x24"x6" SANDBAG EVERY 3 FEET.
5. INSPECTION SHALL BE MADE WEEKLY OR AFTER EACH RAINFALL EVENT AND REPAIR OR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED BY THE CONTRACTOR.
6. ACCUMULATED SILT SHALL BE REMOVED WHEN IT REACHES A DEPTH OF FOUR INCHES, AND DISPOSED OF IN A MANNER WHICH WILL NOT CAUSE ADDITIONAL SILTATION.
7. AFTER THE DEVELOPMENT SITE IS COMPLETELY STABILIZED, THE INLET PROTECTION AND ANY REMAINING SILT SHALL BE REMOVED. SILT SHALL BE DISPOSED OF AS INDICATED IN NOTE 6 ABOVE.

Figure 3-5 Typical installation guidelines for curb inlet protection



NOTES:

1. WHERE MINIMUM CLEARANCES CAUSE TRAFFIC TO DRIVE IN THE GUTTER, THE CONTRACTOR MAY SUBSTITUTE A 1" x 4" BOARD SECURED WITH CONCRETE NAILS 3' O.C. NAILED INTO THE GUTTER IN LIEU OF SANDBAGS TO HOLD THE FILTER DIKE IN PLACE. UPON REMOVAL, CLEAN ANY DIRT/DEBRIS FROM NAILING LOCATIONS, APPLY CHEMICAL SANDING AGENT AND APPLY NON-SHRINK GROUT FLUSH WITH SURFACE OF GUTTER.
2. A SECTION OF FILTER FABRIC SHALL BE REMOVED AS SHOWN ON THIS DETAIL OR AS DIRECTED BY THE ENGINEER OR DESIGNATED REPRESENTATIVE. FABRIC MUST BE SECURED TO WIRE BACKING WITH CLIPS OR HOG RINGS AT THIS LOCATION.
3. DAILY INSPECTION SHALL BE MADE BY THE CONTRACTOR AND SILT ACCUMULATION MUST BE REMOVED WHEN DEPTH REACHES 2".
4. CONTRACTOR SHALL MONITOR THE PERFORMANCE OF INLET PROTECTION DURING EACH RAINFALL EVENT AND IMMEDIATELY REMOVE THE INLET PROTECTIONS IF THE STORM-WATER BEGINS TO OVERTOP THE CURB.
5. INLET PROTECTIONS SHALL BE REMOVED AS SOON AS THE SOURCE OF SEDIMENT IS STABILIZED.

Figure 3-6 Typical installation guidelines for area/grate inlet protection

A Sediment Basin

1. Materials

- Suitable outfall structure(s) as approved by the City Engineer

2. Design Requirements

- Side slopes of basins shall not exceed 3:1
- Basins shall be graded to drain to the outfall structure(s)
- Basins and outfall structure(s) shall be sized to pass the 10-year design storm
- A 48 hour drawdown time is required to effectively detain the 1-year 3 hour storm event

3. Required submittal information for sediment basins to be submitted to the City Engineer for review:
 - Contributing drainage area
 - Design flow rates and sizing calculations
 - Details for outfall structure(s)
 - Other information and details required to reasonably construct the sediment basin as determined by the City Engineer

A Construction Exit

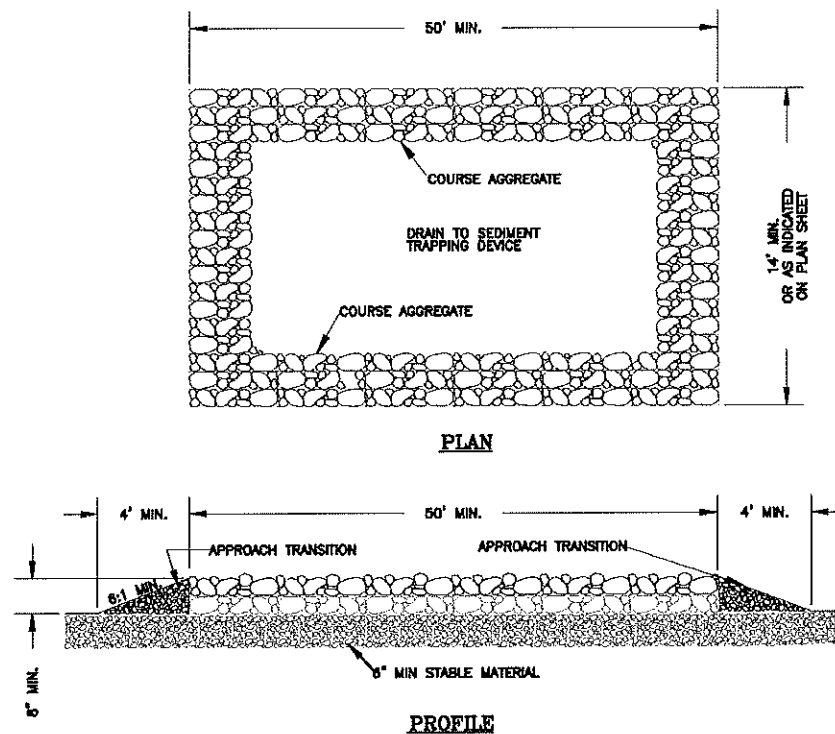
1. Materials

- Aggregate shall consist of 4" to 8" diameter washed stone

2. Installation

- Avoid areas with steep slopes
- Clear vegetation and other objectionable material from foundation area
- Grade back to site (where possible), otherwise install a 6" tall rock berm on the downstream side
- Install aggregate to a minimum thickness of 8"
- The construction exit shall be the full width of the proposed roadway, or a minimum of 12 feet if no roadway is proposed
- The construction exit shall be a minimum of 50 feet in length
- Install culvert pipe as necessary to maintain proper drainage for existing roadway

Figure 3-7 shows typical installation requirements for construction exits.



GENERAL NOTES

1. THE LENGTH OF THE ROCK CONSTRUCTION EXIT SHALL BE AS INDICATED ON THE PLANS, BUT NOT LESS THAN 50'.
2. THE COARSE AGGREGATE SHOULD BE OPEN GRADED WITH A SIZE OF 4" TO 8".
3. THE APPROACH TRANSITION SHOULD BE NO STEEPER THAN 6:1.
4. THE CONSTRUCTION EXIT SHALL BE GRADED TO ALLOW FOR POSITIVE DRAINAGE.
5. THE DESIGN DETAILS INDICATED HEREON SHOULD BE MODIFIED AS NECESSARY TO ENSURE SEDIMENT DOES NOT LEAVE PROJECT SITE.

Figure 3-7 Typical installation requirements for construction exits

A Concrete Washout

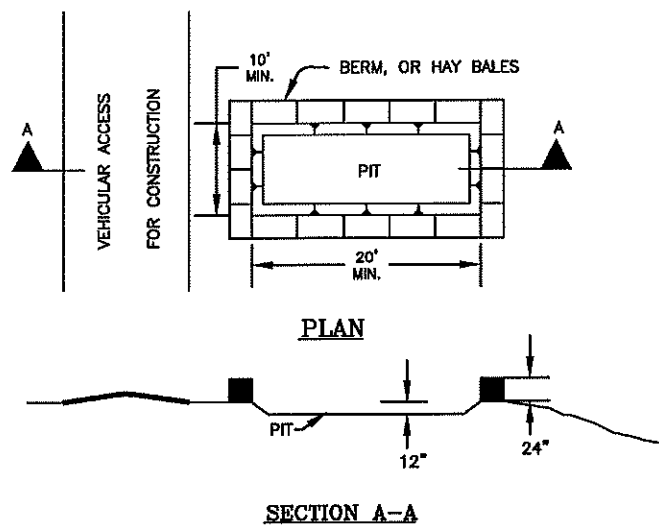
1. Materials

- Standard hay bales or 24" tall earthen berms shall be used

2. Installation

- Excavate pit to a depth of 12" with a minimum width of 10 feet and a minimum length of 20 feet
- Establish hay bales or 24" tall earthen berms around the bank of the excavated pit

Figure 3-8 shows typical installation requirements for concrete washouts.



GENERAL NOTES:

1. DETAIL ILLUSTRATES MINIMUM DIMENSIONS. PIT CAN BE INCREASED IN SIZE DEPENDING ON EXPECTED FREQUENCY OF USE.
2. IF HAY BALES ARE USED, THEY SHALL BE PLACED IN ACCORDANCE WITH DETAILS SHOWN ON EXHIBIT FOR HAY BALES.
3. WASHOUT PIT SHALL BE LOCATED IN AN AREA EASILY ACCESSIBLE TO CONSTRUCTION TRAFFIC.
4. WASHOUT PIT SHALL NOT BE LOCATED IN AREAS SUBJECT TO INUNDATION FROM STORM WATER RUNOFF.

Figure 3-8 Typical installation requirements for concrete washouts

3.3 Buffer Zone Crossings

When roadway, utility, or other disturbance activities located in buffer zones are necessary, special accommodations must be made to protect these environmentally sensitive areas.

B. General Considerations

- Buffer zone crossings should be made as close to perpendicular to the flow line of the drainage way as practical
- If baseflow exists, temporary diversion or pumping techniques may be required during construction as is necessary to prevent displacement of sediment and obstruction of flow through the channel. Adequacy of design shall be determined by the City Engineer
- If pumping is required, discharges shall be released downstream of the construction area but upstream of erosion control measures; if velocities have potential for inducing erosion, or discharge is in an area that is susceptible to erosion, then energy

dissipating devices shall be implemented with aggregate 6" in diameter and buried to a depth of 12"

- The construction area shall be kept free of surface and ground water
- Energy dissipaters, flow spreaders, and appropriate stabilization procedures shall be implemented as necessary to limit erosion potential

B. Utility Crossings and Excavation

- Prior to any disturbance activities, install two high service rock berms at 100 foot spacing across the channel downstream of the disturbance area. The first berm should be located approximately 100 feet downstream of the disturbance area. Alternative measures may be required due to property constraints. The City Engineer shall determine the adequacy of proposed alternative methods.
- After completion of activities (or at end of work day) install silt fence along disturbance area parallel to the flow line of the channel at 25 foot spacing.
- All excess excavated material must be removed from the channel and buffer zone at the end of the work day.

3.4 Permanent Erosion Controls

A. Vegetation

- All vegetation work shall comply with TxDOT standard specification item numbers 160, 162, 164, 166, and 168
- All areas disturbed by construction shall be permanently stabilized with perennial vegetation
- Cellulose fiber or paper mulch used for erosion control shall be applied at a rate of 2,500 pounds per acre
- The seedbed shall be maintained in a condition favorable for the growth of grass
- It is recommended that the seedbed receive at least one-half inch of water per week
- Stabilization measures shall be initiated as soon as practicable, but no more than 14 days after construction activity has temporarily or permanently ceased
- Where construction activity on a portion of a site has temporarily ceased, and earth disturbing activities will resume within 21 days, that area does not require temporary stabilization
- Sod can be used as an immediate manner to stabilize a disturbed area
- Seeding activities shall consist of broadcast seeding or hydro-mulching
- Hydro-mulch shall consist of either wood or paper mulch and be applied at a rate of 2,500 pounds per acre. Fertilizer of the 13-13-13 analysis shall be included in the mixture at the manufacturer's recommended rate. Each bag of seed shall comply with the requirements of the Texas Seed Law including the labeling requirements for showing pure live seed (pls = purity x germination)
- Recommended seeding requirements and applicable dates are as follows:
 - a. January 16 – May 15: 1 pound per 1,000 ft² of hulled Bermuda Grass
 - b. May 16 – September 15: 1 pound per 1,000 ft² of hulled Bermuda Grass and 2 pounds per 1,000 ft² of Fox Tail Millet
 - c. September 16 – January 15: 1 pound per 1,000 ft² of unhulled Bermuda Grass and 3 pounds per 1,000 ft² of wheat (red, winter) or oats

- Fertilizer for seeding activities shall be of an 15-15-15 analysis and applied at a rate of 1 to 1.5 pounds per 1,000 ft² (45-65 pounds per acre)
- Mulch type used shall be hay, straw, or mulch applied at a rate of 45 pounds per 1,000 ft² with a soil tackifier at a rate of 1.4 pounds per 1,000 ft²
- The planted area shall be irrigated or sprinkled at 10 day intervals for the first 2 months to sufficiently soak the soil to a depth of 6", but not so as to erode the topsoil (rainfall occurrences of 0.5" or more shall postpone the watering for one week)
- Restoration shall be accepted when the grass has reached a height of 1.5" with 80% coverage and no bare areas in excess of 16 ft²

B. Other Permanent Erosion Controls

Areas with high potential for erosion such as channels, culverts, storm sewer outlets, etc. shall be protected against erosion with appropriate energy dissipating devices, flow spreading devices, erosion control matting, rock riprap, etc. The City of Burnet most recently adopted Drainage Criteria Manual provides some direction on when additional erosion protection is necessary. Geotechnical reports may be required in some instances to evaluate soil conditions. The adequacy of erosion protection shall be subject to review by the City Engineer.

4. Permanent BMP Implementation

This section describes the configuration, sizing, and design guidelines of permanent Best Management Practices (BMPs) to meet the requirements of the City of Burnet NPS Pollution Control Ordinance.

Permanent BMP submittal requirements:

- Location map
- Slopes map for proposed flow through type devices (vegetated filter strips)
- Vegetative cover map
- Location, sizing calculations, and description of all proposed permanent BMPs

4.1 Water Quality BMP Sizing

Permanent water quality BMP's are required for all new development or redevelopment, providing that one of the conditions for exemption cannot be met as outlined in Sec. 98-110 under the heading: "Projects Exempt from Article 4."

**Step
1:
Calc
ulate**

Impervious Cover

Imperviousness is the percent, or decimal fraction, of the total site area covered by the sum of roads, parking lots, sidewalks, rooftops and other impermeable surfaces. Roof areas directed to rainwater harvesting systems are exempt from the treatment requirement. Table 4-1 shows the relation between lot size and impervious cover. When calculating the impervious area of a residential development, use the values from Table 4-1, unless the actual future impervious cover is known.

Table 4-1 Impervious Cover Assumptions for Residential Tracts

Lot Size	Assumed Impervious Cover (ft²)
> 3 acres	10,000
Between 1 and 3 acres	7,000
Between 15,000 ft ² and 1 acre	5,000
Between 10,000 and 15,000 ft ²	3,500
<10,000 ft ²	2,500

Step 2: Determine Drainage Area to BMP

Contributing on site drainage areas shall be determined using existing and proposed topography. Topography to be used for on site design must include at a minimum 2-foot contour intervals based on current survey information. Offsite contributing drainage areas shall not be required to be treated, but flows shall be diverted to largest extent practical. Offsite contributing drainage areas, when applicable, must be accounted for in drainage and water quality outfall structure sizing. Minimum contour intervals for offsite drainage areas are 20 feet (USGS maps are allowable).

Step 3: Select an Appropriate BMP

Select an appropriate BMP or series of BMPs for the site. BMPs should be chosen based on contributing drainage area to the BMP, as well as based on the required pollutant removal requirements.

Sites with 10 acres or less of total on site area, and that are not part of a larger common plan of development, shall require the use of at least one BMP for each on site drainage area provided that the sizing and design criteria as outlined later in this manual are met.

Sites with total areas in excess of 10 acres, shall require a higher standard for pollutant removal than for smaller sites. For sites in excess of 10 acres, BMPs that can achieve an annual removal rate of 70% or more for the increase in Total Suspended Solids (TSS) and increase in Total Phosphorus (TP) due to development or redevelopment shall require treatment by at least one BMP provided that all sizing and design criteria are met for that BMP in accordance with this manual. In the event that a single BMP cannot achieve the abovementioned removal rates for sites in excess of 10 acres, then treatment with additional BMP(s) shall be required. Pollutant removal efficiencies and allowable contributing drainage areas for each approved BMP are listed in Table 4-2.

Table 4-2 Approved BMPs, Pollutant Removal Efficiencies, and Recommended Contributing Drainage Areas			
BMP	TSS Removal (%)	TP Removal (%)	Contributing Drainage Area Limits
Retention/Irrigation	90	90	Less than 128 acres
Wet Basins	83	58	20 to 128 acres
Constructed Wetlands	83	58	20 to 128 acres
Sand Filters	80	55	Less than 20 acres
Bioretention	80	72	Less than 10 acres
Vegetated Filter Strips	85	70	Less than 3 acres
Extended Detention	68	45	5 to 128 acres

Basin			
Infiltration Trench	90	90	* Downstream of BMP

* Note: Infiltration Trenches must be designed as offline BMPs.

Step 4: Calculate Runoff Coefficient

Based on the impervious cover calculated for each drainage area contributing to each of the BMPs installed at the site, calculate the runoff coefficient using equation 4.1 or figure 4-1.

Equation 4.1 $R_v = 0.05 + 0.0085(IC)$

Where:

IC = Percent impervious cover

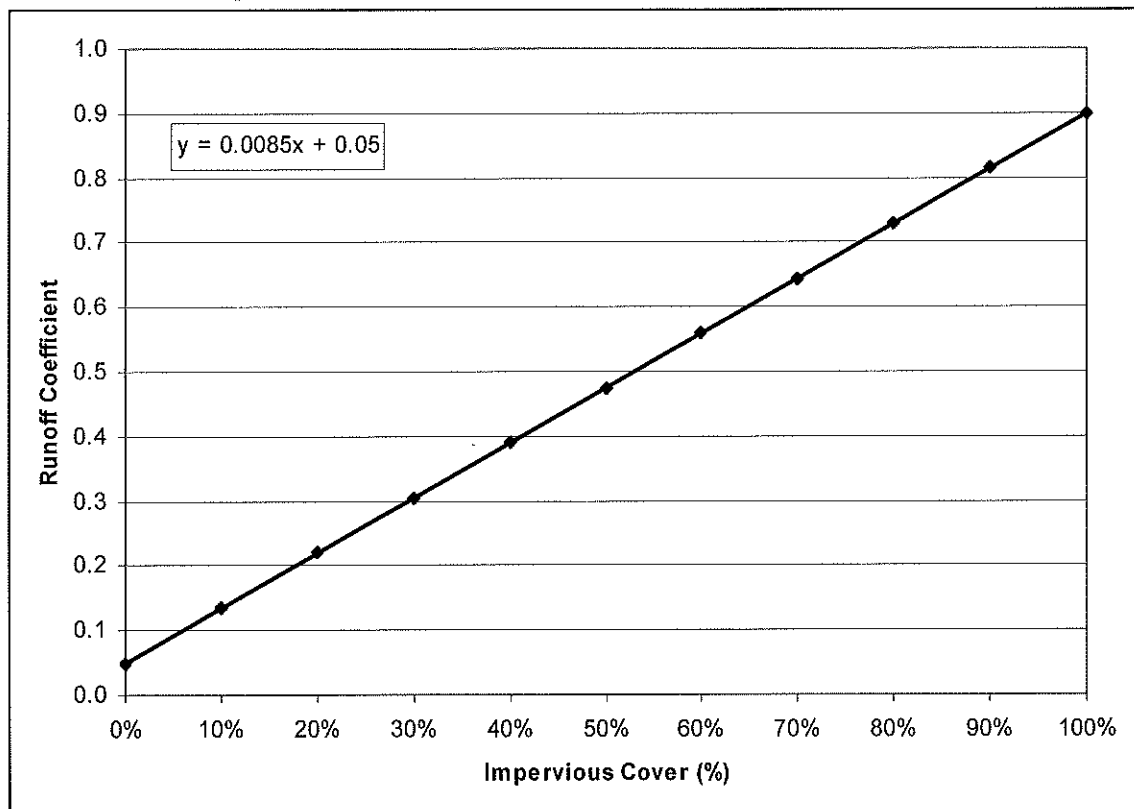


Figure 4-1 Relationship Between Runoff Coefficient and Impervious Cover

Step 5: Calculate Water Quality Volume

This step calculates the required Water Quality Volume (WQV) for each regulated area. Correlations between WQV and BMP sizing are addressed later in this manual. The WQV is calculated using equation 4.2:

Equation 4.2 $WQV = \text{Runoff Coefficient} \times \text{Area} \times 43,560 \times 1.93 / 12$

Where:

WQV = Water quality volume (ft³)

R_v = Runoff Coefficient determined in Step 4 (in.)

Area = Site area contributing to the BMP (ac)

1.93 = Rainfall Depth for 1-Year, 3-Hour Rainfall Event

Step 6: BMP Sizing

After determining the appropriate BMP(s) for each on site drainage area, and calculating the WQV, use Tables 4-3, 4-4 and 4-5 to establish the sizing criteria for each BMP. Additional BMP design criteria are included in section 4.2. Table 4-3 gives BMP sizing criteria based on WQV for sites with a total area of 10 acres or less. Table 4-4 corresponds to single BMP sizing criteria for sites in excess of 10 acres. Table 4-5 gives primary and secondary BMP sizing criteria for sites in excess of 10 acres.

Table 4-3 Stand Alone BMP Sizing Criteria for Sites of 10 Total Acres or Less		
BMP	BMP Sizing (ft ³)	Sediment Forebay (ft ³)
Retention/Irrigation	WQV x 1.55	WQV x 0.2
Wet Basins	WQV x 1.05	See "Wet Basins"
Constructed Wetlands	WQV x 1.05	See "Constructed Wetlands"
Sand Filters	* D x WQV / 18	WQV x 1.05
Bioretention	WQV x 1.05	WQV x 0.2
Vegetated Filter Strips	WQV / 0.44	N/A
Extended Detention Basin	WQV x 1.05	WQV x 0.2

*Note: D = Depth of pond over the sand filter

Table 4-4 Stand Alone BMP Sizing Criteria for Sites Greater Than 10 Total Acres		
BMP	BMP Sizing (ft ³)	Sediment Forebay (ft ³)
Retention/Irrigation	WQV x 1.55	WQV x 0.2
Bioretention	WQV x 1.05	WQV x 0.2
Vegetated Filter Strips	WQV / 0.44	N/A

Table 4-5 Dual BMP Sizing Criteria for Sites Greater Than 10 Total Acres					
Primary BMP	Secondary BMP Sizing				
	Vegetated Filter Strip Upgradient (ft ²)	Vegetated Filter Strip Downgradient (ft ²)	Bioretention (ft ³)	Infiltration Trench (ft ²)	Infiltration Trench/Vegetated Filter Strip Combo
Wet Basins	WQV x	WQV x 0.26	WQV x	WQV x	WQV x 0.0043

	0.69		0.029	0.023	
Sand Filters	$WQV \times 0.77$	$WQV \times 0.3$	$WQV \times 0.033$	$WQV \times 0.023$	$WQV \times 0.0045$
Extended Detention Basin	$WQV \times 1.05$	$WQV \times 0.4$	$WQV \times 0.044$	$WQV \times 0.03$	$WQV \times 0.006$

Note: Refer to Table 4-3 for sediment forebay sizing and primary BMP sizing.

For infiltration trench/vegetated filter strip combo, trench must be a minimum of 8 ft² in cross-sectional area and the strip must be a minimum of 30 ft in width.

4.2 BMP Design Criteria

Some of the methods of implementation of permanent BMPs described in this section include regrading and reshaping existing watershed surfaces, modifying drainage channels, and in some cases, construction of control structures and/or berms. In many cases, the facilities required for implementation of permanent BMPs will be constructed in areas where there may be conflict with existing drainage patterns. All constructed facilities associated with the implementation of permanent BMPs are subject to the same restrictions as other planned structures. That is, the addition of the permanent BMPs must not produce any adverse impact on existing drainage systems or patterns outside the property boundaries or easement lines of the proposed site. Adverse impact includes, but is not limited to:

- Increase in runoff from a developed property
- Concentration of flow
- Blockage of flow (backwater effects)
- Change in existing flow patterns, including redirection or diversion of flow
- Placement of fill in the flood plain (The volume of a raised berm and all water ponded behind the raised berm has the same effect on displacement of flood storage as placement of earthen fill of equal volume.)
- Placement of structures in the floodway

Obviously, the BMP structure(s) may produce any or a combination of the above listed effects in the immediate vicinity of the constructed facilities; however, all adverse impacts must be completely mitigated within the confines of the property lines of the site (including easements).

This section gives general design requirements for each of the approved BMPs. All pond bottoms, side slopes, and earthen embankments shall be designed and constructed to be independently stable and compacted to 95% of optimum density. Side slopes for earthen embankments shall not be steeper than 3' horizontal to 1' vertical (3:1) without appropriate erosion protection measures. All slopes in excess of 3:1 shall be stabilized with erosion control matting, rock riprap, retaining walls, or other methods as approved by the City Engineer. All earthen BMPs shall be permanently stabilized with perennial vegetation to a minimum coverage of 80% with no bare areas exceeding 16 ft².

A. BMP Design Requirements

1. General Basin Requirements

- A minimum of 1 foot of freeboard is required above the proposed maximum water surface elevation of the basin

2. Sediment Forebays

- If required, sediment forebays shall be sized in accordance with the General Requirements for each approved BMP
- Sediment forebays shall maintain a minimum length to width ratio of 1:1
- Sediment forebays shall be separated from the remainder of the BMP by rock gabion mattresses or loose rock riprap (dependant on flow rates)
- Acceptable aggregate diameters for rock gabion mattresses and loose rock riprap is 4" to 8"

3. Flow Splitting Devices and Outfall Structures

- All flow splitting devices, outfall structures, or other drainage structures associated with a proposed BMP shall be designed in accordance with the City of Burnet most recently adopted Drainage Criteria Manual.

4. Flow Spreading Devices

- Flow spreading devices shall be required for basin discharges to establish sheet flow for the 1-year, 3-hour storm event. Sheet flow is defined to have a depth of flow of 0.2 feet or less and a velocity of 1 foot per second or less. This can be approximated using the following relationship:

$$L = 5 \times Q_{1\text{-year, 3-hour developed}}$$

Where: L = Length of spreader in the direction of flow (ft)
 $Q_{1\text{-year, 3-hour developed}}$ = Peak discharge for the 1-year, 3-hour storm event under proposed conditions (cfs, see section 6 for rainfall data)

B. Retention/Irrigation

1. General Requirements

- The required volume of the pond is the WQV + 55% to account for reductions in volume due to deposition of solids and to protect against streambank erosion
- A fixed vertical marker shall be installed in the basin to indicate sediment accumulation
- A pump, wet well, and irrigation system must be designed to distribute the water quality volume (systems should be designed similarly to wastewater effluent irrigation systems)
- If the basin is to be designed as an offline pond, then a flow splitting device shall be required.
- The irrigation schedule shall insure complete drawdown of the water quality volume within 72 hours, however, irrigation is not permitted within 12 hours of the completion of a rainfall event (effective time allowed for distribution of the water quality volume is consequently 60 hours)

- Irrigation areas must be pervious with slopes of 12% or less to receive credit
- The minimum required irrigation area is calculated by equation 4.8:

Equation 4.8
$$A = \frac{12 \times V}{T \times \gamma}$$

Where:

A = Area required for irrigation (ft²)
V = Water quality volume (ft³)
T = Period of active irrigation (60 hr)
γ = Soil permeability (in/hr)

2. Soil permeability information should be obtained from the most recent county soil survey or from testing information (if available); if no information is submitted, an assumed value of 0.1 in/hr shall be assumed

C. Wet Basins

1. General Requirements

- The required volume of the pond is the WQV + 5% to account for reductions in volume due to deposition of solids
- The volume of the permanent pool shall be greater than or equal to the water quality volume
- A sediment forebay shall be sized to contain 20% of the permanent pool volume and be at least 3 feet deep
- The sediment forebay shall be separated from the rest of the permanent pool by a gabion or loose riprap wall
- The pond should be narrowest at the inlet and widest at the outlet, with a minimum length to width ratio of 2.0
- An aquatic bench 10 feet wide from the perimeter of the permanent pool and no more than 18" below normal depth is required
- All permanent pools with a depth of 4 feet or more shall require a safety bench with a minimum width of 10 feet from the water surface elevation of the maximum pool elevation and with a maximum allowable slope of 3%
- A fixed vertical marker shall be installed in the forebay to measure sediment accumulation
- The low flow orifice outfall shall be sized to a minimum diameter of 4" and shall discharge the water quality volume over a period of 40-48 hours
- The facility shall require a separate drain pipe with a manual valve to allow for draining of the facility for maintenance purposes
- If the basin is to be designed as an offline pond, then a flow splitting device shall be required.
- Some of the appropriate wetland species for warm weather climates along with planting guidelines are listed in Tables 4-6 through 4-10 below

- A pond buffer zone of 25 feet that extends outward from the maximum water surface elevation is required
- The permanent pool shall not exceed 8 feet in depth and should average 4-6 feet deep
- The pond must maintain a permanent pool, therefore a 12" clay, or approved alternative, impermeable liner and a constant source of water must be provided for in order to maintain the facilities condition as a wet basin

Table 4-6 Appropriate Bulrush Species		
Bulrush	Water Depth	Notes
<i>Scirpus validus</i> , Bulrush	1-3'	8' tall evergreen, resists cattail encroachment
<i>Scirpus californicus</i> , Bulrush	1-3'	8' tall evergreen, resists cattail encroachment
<i>Scirpus americanus</i> , Three-square Bulrush	2-6"	2-4' tall, with 3 distinct edges

Note: Bulrush species should be installed in clumps with individual plants spaced approximately 3 to 4 feet on center. At least 2 species should be used.

Table 4-7 Appropriate Marsh Species		
Marsh Diversity	Water Depth	Notes
<i>Cyperus ochraeus</i> , Flatsedge	2-6"	1-2' tall, clump-forming, common to central Texas
<i>Dichromena colorata</i> , White-topped Sedge	2-6"	1-2' tall, white bracts during warm season
<i>Echinodorus rostratus</i> , Burhead	3"-1'	1-2' tall, annual, heart-shaped leaves, flower similar to arrowhead
<i>Eleocharis quadrangulata</i> , Four-square Spikerush	6"-1'	1-2' tall, colonizes, inhabits deeper water than other Spikerushes
<i>Iris Pseudacorus</i> , Yellow Flag Iris	1-2'	3-4' tall, can be invasive, dense growth, yellow flowers
<i>Juncus effusus</i> , Soft Rush	6"-1'	3-4' tall, forms a tight clump, evergreen, very attractive
<i>Justicia Americana</i> , Water Willow	2-6"	2-3' tall, common, white flowers, herbaceous, colonizes
<i>Marsilea macropoda</i> , Water Clover	2-6"	Looks like floating four-leaf clover, endemic to Texas
<i>Najas guadalupensis</i> , Water-Naiad	1-4'	Submergent, valuable to fish and wildlife
<i>Pontederia cordata</i> , Pickerelweed	2"-1'	3' tall, colonizes, cosmopolitan, purple flowers
<i>Rhynchospora corniculata</i> , Horned-rush	2-6"	2-3' tall, brass-colored flowers in May

Note: Marsh species should be installed in clumps in shallow water, with individual plants spaced approximately 3 feet on center. At least 2 species should be used.

Table 4-8 Appropriate Spikerush Species		
Spikerush	Water Depth	Notes
<i>Eleocharis montevidensis</i> , Spikerush	0-6"	1' tall, rhizomatous, reduces erosion at the pond edge

Eleocharis Spikerush	macrostachys,	0-6"	1' tall, rhizomatous, reduces erosion at the pond edge
Eleocharis Spikerush	quadrangulata,	3"-1'	2-2.5' tall, rhizomatous, can accommodate deeper water, 4-angled

Note: Spikerush species should be installed at or near the water's edge, with individual plants spaced approximately 3 to 6 feet on center. At least 2 species should be used.

Table 4-9 Appropriate Arrowhead Species		
Arrowhead	Water Depth	Notes
Sagittaria latifolia, Arrowhead	2"-1'	2' height, wildlife value, white flowers, proven water quality performer

Note: Arrowhead species should be installed in clumps in shallow water, with individual plants spaced approximately 3 feet on center.

Table 4-10 Appropriate Aquatic Species		
Aquatics	Water Depth	Notes
Cabomba caroliniana, Fanwort	1-4'	Approximately 6' length underwater, submergent
Ceratophyllum spp., Coon-tail	1-4'	Maximum 8' length, tolerant of turbidity and water fluctuation, wildlife food
Nymphaea odorata, Fanwort	6"-2'	A native, reliably hardy, floating-leaved aquatic, with white flowers
Potomageton pectinatus, Sago Pondweed	8"-3'	Colonizes quickly, valuable to fish and wildlife; floating-leaved aquatic

Note: Floating-leaved aquatic species are rooted in the sediment of the pond, and have leaves that float on the water, providing shade which limits the potential for algae growth. At least 2 species should be used.

2. Considerations

- Stocking the facility with Gambusia affinis (mosquito fish) to a minimum initial density of 200 individuals per surface acre should be considered to minimize problems with mosquitoes
- The performance and appearance of the facility may be improved by providing aeration of the permanent pool

D. Constructed Wetlands

1. General Requirements

- The design requirements are the same for constructed wetlands as for wet basins with the exception of the following items
- A minimum 10 foot wide flat area around the perimeter of the facility is required
- Where possible, a 30 foot wide landscaped buffer shall surround the entire facility
- The permanent pool should comprise 30-50% of the pond's surface area and should range between 2-4 feet in depth

- The remaining wetland zone should make up 50-70% of the pond's surface area and range from 6-12" in depth
- The basin should be designed as an offline pond with a flow splitting device so as to isolate the WQV
- The depth of any designated micropools shall not exceed 4 feet

E. Sand Filters

1. General Requirements

- The required volume of the sedimentation forebay in the pond is the WQV + 5% to account for reductions in volume due to deposition of solids
- The total required pond volume is $(WQV \times 1.05) + (\text{Depth of pond over sand filter} \times WQV / 18)$
- The depth of water in the sedimentation basin when full should be no less than 2 feet and no more than 8 feet
- A fixed vertical marker shall be installed in the sedimentation basin to indicate sediment accumulation
- The minimum average surface area for the filtration basin is calculated by equation 4.9:

Equation 4.9

$$A_f = \frac{WQV}{18}$$

Where:

A_f = Minimum surface area for the filtration basin (ft²)

WQV = Water Quality Volume (ft³)

- The sand filter consists of 18" of sand over 6" of gravel separated by a permeable geotextile fabric
- Minimum 4" SCH. 40 PVC pipe, with perforations spaced 6" apart or less, located beneath the gravel layer is used to drain the capture volume
- The underdrain piping shall consist of a collector pipe and at least 2 lateral branch pipes, each minimum 4" SCH. 40 PVC
- The pipes shall maintain a minimum slope of 0.5% with the laterals spaced at a maximum of 10 feet
- Each underdrain pipe shall require a cleanout that is accessible when the basin is completely full
- If the pond is designed as offline, then a flow-splitting device shall be incorporated into the design of the sedimentation basin.
- Energy dissipation at the inlet to the sedimentation basin is required so as to produce uniform distribution and reduced flow velocities
- The outflow structure from the sedimentation chamber shall consist of a concrete wall or a rock gabion (if rock gabion is used, aggregate shall be a minimum of 4" in diameter)
- The sand filter shall be protected against erosion via splash pad, riprap, etc. from the flows released from the upstream sedimentation basin
- The overall sand filtration BMP shall be designed to drawdown in 40-48 hours

F. Bioretention

1. General Requirements

- The required volume of the pond is the WQV + 5% to account for reductions in volume due to deposition of solids
- A sediment forebay shall be sized to contain 20% of the of the water quality volume
- The sediment forebay shall be separated from the rest of the facility by a gabion or loose riprap wall
- A fixed vertical marker shall be installed in the sedimentation basin to indicate sediment accumulation
- The bottom of the facility shall be graded out to be as flat as possible to allow for uniform ponding and infiltration
- Due to the dependence on infiltration for this BMP, soil permeability information should be obtained from the most recent county soil survey or from soil testing information (if available); if no information is submitted, an assumed value of 0.1 in/hr shall be assumed
- Infiltration rates of less than 1 in/hr shall require underdrain piping wrapped in geotextile fabric in a gravel bedding material
- If underdrain piping is necessary, a minimum pipe diameter of 6" and a minimum slope of 0.5% is allowed; a cleanout shall be required for all underdrain pipes that is accessible when the basin is completely full
- The water depth above the soil media shall not exceed 12" unless a sand filter overflow is included in the design; if a sand filter overflow is implemented, then a water depth of 24" over the soil media and 12" over the sand filter is acceptable
- If a sand filter overflow is used, it must be separated from the remainder of the facility with a concrete wall or a rock gabion (if rock gabion is used, aggregate shall be a minimum of 4" in diameter)
- The area of the sand filter overflow (if included) shall be sized by dividing the water quality volume by 18 ($\text{Area} = \text{WQV}/18$)
- The minimum thickness of the sand filter overflow (if included) is 18" with 2-3" of topsoil and the remainder of the subsurface material being comprised of sand
- The filtration media shall require an overall minimum depth of 30" consisting of 18-24" of soil mixture over 6-12" of sand
- Install soil in 8-12" lifts to protect against excessive settlement (lifts are not to be compacted)

G. Vegetated Filter Strips

1. General Requirements

- Sheet flow is required across the filter strip as defined in Flow Spreading Devices under the Basin Design Requirements heading (flow spreading devices shall be required as necessary)

- Areas with slopes up to 12% shall be given full credit as a filter strip
- Areas with slopes in excess of 12%, but less than 20% shall receive a 25% credit as a filter strip
- Areas with slopes that exceed 20% will receive no credit as a filter strip
- The minimum allowable flow length in the direction of flow shall be 12 feet as measured perpendicular to the contours
- Vegetated filter strips shall require a soil depth of at least 4" with a minimum vegetative coverage of 80% with no bare areas exceeding 16 ft²

H. Extended Detention Basin

1. General Requirements

- The required volume of the pond is the WQV + 5% to account for reductions in volume due to deposition of solids
- The ratio of flow path length (distance between inlet and outfall) to the average width in the basin should be at least 2:1
- A sediment forebay sized to approximately 20% of the water quality volume is required (known as Stage I)
- The sediment forebay shall be separated from the rest of the facility by a gabion or loose riprap wall
- The basin depth for Stage I should range from 2-5 feet
- A fixed vertical marker shall be installed in the sediment forebay to indicate sediment accumulation
- Stage II of the pond is required to contain vegetation adaptable to periodic inundation
- A rock-lined low flow channel with a longitudinal slope of 1-5% is required to connect Stage I to Stage II of the basin
- The lateral slope of Stage I toward the low flow channel should have a slope of approximately 1-1.5%
- The bottom of Stage II should range from 1.5-3 feet below that of Stage I
- Energy dissipation and flow spreading is required at the inlet to the basin
- The outfall structure(s) shall be designed so as to allow for complete drawdown of the water quality volume in 40-48 hours
- If the pond is designed as offline, then a flow-splitting device shall be incorporated into the design of the sedimentation basin.

I. Infiltration Trench

1. General Requirements

- Infiltration trenches must be the second BMP in series located downstream of the water quality basin
- Due to the dependence on infiltration for this BMP, soil permeability information should be obtained from the most recent county soil survey or from soil testing

information (if available); if no information is submitted, an assumed permeability of 0.1 inches per hour shall be used

- Acceptable infiltration rates range from 0.3-5.0 inches per hour
- A minimum of 3 feet of soil separation is required between the basin invert and the bedrock and the high water table
- Trench sizing is based on the type of structural BMP upstream as indicated below:

$$\begin{aligned} \text{Wet Basin:} & \quad V_{IT} = WQV \times 0.023 \times (1 - VR\%) \\ \text{Sand Filter:} & \quad V_{IT} = WQV \times 0.023 \times (1 - VR\%) \\ \text{Extended Detention:} & \quad V_{IT} = WQV \times 0.03 \times (1 - VR\%) \end{aligned}$$

Where: V_{IT} = Required volume for infiltration trench (ft³)
 WQV = Required Water Quality Volume (ft³)
 $VR\%$ = Volume reduction % (See Table 4-11)

Table 4-11 Soil Permeability Allowances	
k (inches/hour)	Infiltration Trench Volume Reduction
0.4	0%
0.6	24%
0.8	39%
1.0	49%
1.2	56%
1.4	62%
1.6	65%

- The ratio of infiltration volume to infiltration surface area (V_{IT}/A_i) should be no greater than 1.0
- The trench shall be no greater than 8 feet in depth
- Infiltration trenches in parallel shall be separated by a distance of twice the trench depth
- An overflow shall be provided for parallel to a contour with erosion protection as necessary
- Trench backfill shall consist of 1.5-3 inch washed bank run gravel aggregate with no fines material
- A top filter layer consisting of 3 inch thick pea gravel or coarse sand is required
- Filter fabric is required on the bottom, sides, and below the top filter layer
- Two observation wells are required with 6" perforated schedule 40 PVC

J. Alternative BMPs

Any proposed BMPs not discussed in this Technical Manual must be approved by the City Engineer prior to implementation. Approval will be subject to review of the submitted information and shall be comprised of objective, reliable, and verifiable data that indicates that the TSS removal requirements will be met. All such BMPs, if approved, shall require that a monitoring program be initiated for the first year after installation is complete. All monitoring expenses shall be paid for by the developer.

1. Additional submittal requirements for alternative BMPs:

- Documentation of mechanism(s) by which TSS is removed
- Documentation and/or discussion of potential causes of poor performance or failure of the BMP
- Key design specifications or considerations
- Specific installation requirements
- Specific maintenance requirements
- Data in support of declared TSS removal efficiencies
- Detailed monitoring plan to assess TSS removal

5. Measures to Protect Streambanks

Increases in sediment and other pollutants in waterways are often caused by the accelerated rate of channel erosion due to the increase in rate and volume of stormwater runoff from impervious cover associated with development. To reduce the rate of channel erosion, stormwater runoff must be controlled. This section outlines regulation requirements for stormwater runoff rates.

In accordance with the City of Burnet most recently adopted Drainage Criteria Manual, detention requirements for flood control purposes may be required whether BMPs are required or not. In addition to detention requirements as set forth by the most recently adopted City of Burnet Drainage Criteria Manual, streambank erosion control requirements are set forth in this manual. In an effort to prevent erosion of natural and man-made drainage swales, the design criteria for BMPs in this manual incorporates infiltration and releasing of stormwater over an extended period of time for the 1-year, 3-hour rainfall event. The design requirements as specified in this manual and the City of Burnet most recently adopted Drainage Criteria Manual must be upheld simultaneously for all applicable projects in order to prevent adverse impacts from both a water quality and quantity standpoint. All such information must be submitted to the City Engineer for review and approval.

Existing and proposed developed condition runoff volumes and flow rates shall be estimated using Rational Method, TR-55, HEC-1, HEC-HMS or approved equivalent methods as outlined in the City of Burnet most recently adopted Drainage Criteria Manual. The use of appropriate hydrologic and hydraulic modeling techniques and software should be chosen and its acceptability will be reviewed on case by case basis.

6. Rainfall Data

Table 6-1 below gives the average annual rainfall depth for the 1-year, 3-hour storm event (Source: 2006 Lower Colorado River Authority Highland Lakes Watershed Ordinance Water Quality Management Technical Manual).

Table 6-1 Average Annual Rainfall Events
1-Year, 3-Hour
1.93

Table 6-2 lists the runoff coefficients to be used when performing hydrologic analysis using the Rational Method for the 1-year, 3-hour storm event (Source: 2006 Lower Colorado River Authority Highland Lakes Watershed Ordinance Water Quality Management Technical Manual).

Table 6-2 Rational Method Runoff Coefficients	
	1-Year, 3-Hour
Streets	
Asphaltic	0.69
Concrete	0.75
Drives and Walks (Concrete)	0.75
Roofs	0.75
Lawns, Sandy Soil	
Flat, 0-2%	0.05
Average, 2-7%	0.10
Steep, 7+%	0.14
Lawns, Clay Soil	
Flat, 0-2%	0.15
Average, 2-7%	0.18
Steep, 7+%	0.25
Undeveloped Woodlands and Pastureland, Sandy Soil	
Flat, 0-2%	0.10
Average, 2-7%	0.16
Steep, 7+%	0.25
Undeveloped Woodlands and Pastureland, Clay Soil	
Flat, 0-2%	0.25
Average, 2-7%	0.32
Steep, 7+%	0.41

Table 6-3 provides the rainfall intensities to be used when performing hydrologic analysis for the 1-year, 3-hour storm event (Source: 2006 Lower Colorado River Authority Highland Lakes Watershed Ordinance Water Quality Management Technical Manual).

Table 6-3 Rainfall Intensity Values	
	1-Year, 3-Hour
T_c	(in/hr)
5	5.5
10	4.3
15	3.7
30	2.6
60	1.65

Table 6-4 on the following page presents the 1-year, 3-hour design storm rainfall distribution cumulative values to be applied for hydrologic modeling of a drainage area (Source: 2006 Lower Colorado River Authority Highland Lakes Watershed Ordinance Water Quality Management Technical Manual).

Table 6-4 Design Storm Rainfall Distribution Cumulative Values	
Time (min.)	1-Year, 3-Hour
5	0.006
10	0.012
15	0.019
20	0.026
25	0.034
30	0.043
35	0.053
40	0.064
45	0.077
50	0.092
55	0.110
60	0.134
65	0.166
70	0.212
75	0.287
80	0.384
85	0.542
90	0.802

95	1.262
100	1.462
105	1.587
110	1.688
115	1.746
120	1.784
125	1.811
130	1.832
135	1.849
140	1.863
145	1.875
150	1.885
155	1.894
160	1.902
165	1.910
170	1.917
175	1.924
180	1.930

As an alternative to the tabulated intensities and depths provided by LCRA, the designer may determine rainfall intensities for the 1-year, 3-hour storm with the rational method using Equation 6.1 as defined in the current City of Burnet Drainage Criteria Manual.

Equation 6.1

$$I_1 = \frac{135.827}{(T_c + 20.232)^{1.010}}$$

Where:

I_1 = Rainfall Intensity for the 1-Year, 3-Hour Storm Event (in/hr)
 T_c = Time of Concentration (min.)

For Structural BMPs, the configuration of stormwater treatment and detention facilities is at the design engineer's discretion as to whether one or two components shall be required. The required water quality volume as calculated according to the methodology in Section 4 is directed to a capture and treat device. If the capture and treat device is to be constructed as offline, then the runoff in excess of the water quality volume is bypassed to the detention facility for peak runoff control as necessary. On the other hand, a combination water quality and detention facility can be incorporated into a capture and treat device with the appropriate outlet configuration to provide the required peak control.

7. Maintenance Requirements

A maintenance plan developed by the design engineer must be submitted for review by the City Engineer. At minimum, the following information shall be included:

- Specification of routine and non-routine maintenance activities to be performed

- A schedule for maintenance activities
- Provision for access to the site by the City of Burnet and any of their designated representatives
- Name(s) and contact information for the party(ies) responsible for maintaining the BMPs
- The maintenance plan is required to be signed and dated by the party(ies) responsible for maintenance.

8. References

Lower Colorado River Authority, 1998, *Nonpoint Source Pollution Control Technical Manual*, Austin, Texas.

Lower Colorado River Authority, 2006, *Highland Lakes Watershed Ordinance Water Quality Management Technical Manual*, Austin, Texas.

Texas Commission on Environmental Quality, 2005, *Optional Enhanced Measures for the Protection of Water Quality in the Edwards Aquifer*

Texas Commission on Environmental Quality, 1999, *Complying with the Edwards Aquifer Rules: Technical Guidance on Best Management Practices*, RG-348

Texas Commission on Environmental Quality, 2003, *TPDES General*



Development Services

ITEM 4.2

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Agenda Item Brief

Meeting Date: March 14, 2017

Agenda Item: Discuss and Consider Action: The City Council will consider The Hills of Shady Grove, Sections 8 & 9 preliminary plat which is described as being 13.09-acres of land located west of the 100 and 200 blocks of Shady Grove Parkway, and further described as being out of the John Hamilton Survey, No. 1, Abstract No. 405: M. Lewis

Background: The Hills of Shady Grove, Sections 8 and 9 Preliminary Plat is consistent with the originally approved Hills of Shady Grove Preliminary Plat. It conforms to the City's current subdivision regulations. The Planning and Zoning Commission, by unanimous vote, recommended that the plat be approved.

Information: N/A

Recommendation: Approve the Hills of Shady Grove, Sections 8 and 9 Preliminary Plat.



Development Services

ITEM 4.3

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Agenda Item Brief

Meeting Date: March 14, 2017

Agenda Item: Discuss and consider action: The City Council will consider The Hills of Shady Grove, Section 8, Final Plat, a 19-lot, single-family residential subdivision located west of the 200 block of Shady Grove Parkway which is further described as being 7.27-acres out of the John Hamilton Survey, No. 1; Abstract No. 405: M. Lewis

Background: The Hills of Shady Grove, Section 8, Final Plat consists of 19 lots intended for development as single-family home-sites. It is part of the just considered Hills of Shady Grove, Sections 8 and 9 Preliminary Plat. The property being final platted is shown on the attached Exhibit A. A copy of the final plat is attached as Exhibit B.

The Planning and Zoning Commission considered this final plat during its March 6, 2017 regular meeting. The Commission, by a unanimous vote of members present, has recommended that the plat be approved.

Information: Final plat review and approval standards are established by Code of Ordinances Section 98-24. The Hills of Shady Grove, Section 8, Final Plat has been reviewed and found to be consistent with these standards. It is consistent with the preliminary plat considered and acted on by the City Council as an earlier item on its March 14, 2017 agenda. Street, utility, and drainage plans for this section of the subdivision have been reviewed and approved.

The Hills of Shady Grove, Section 8, Final Plat, because it satisfies the criteria outlined above, is in conformance with

applicable provisions of the City of Burnet Code of Ordinances. The plat should therefore, be approved.

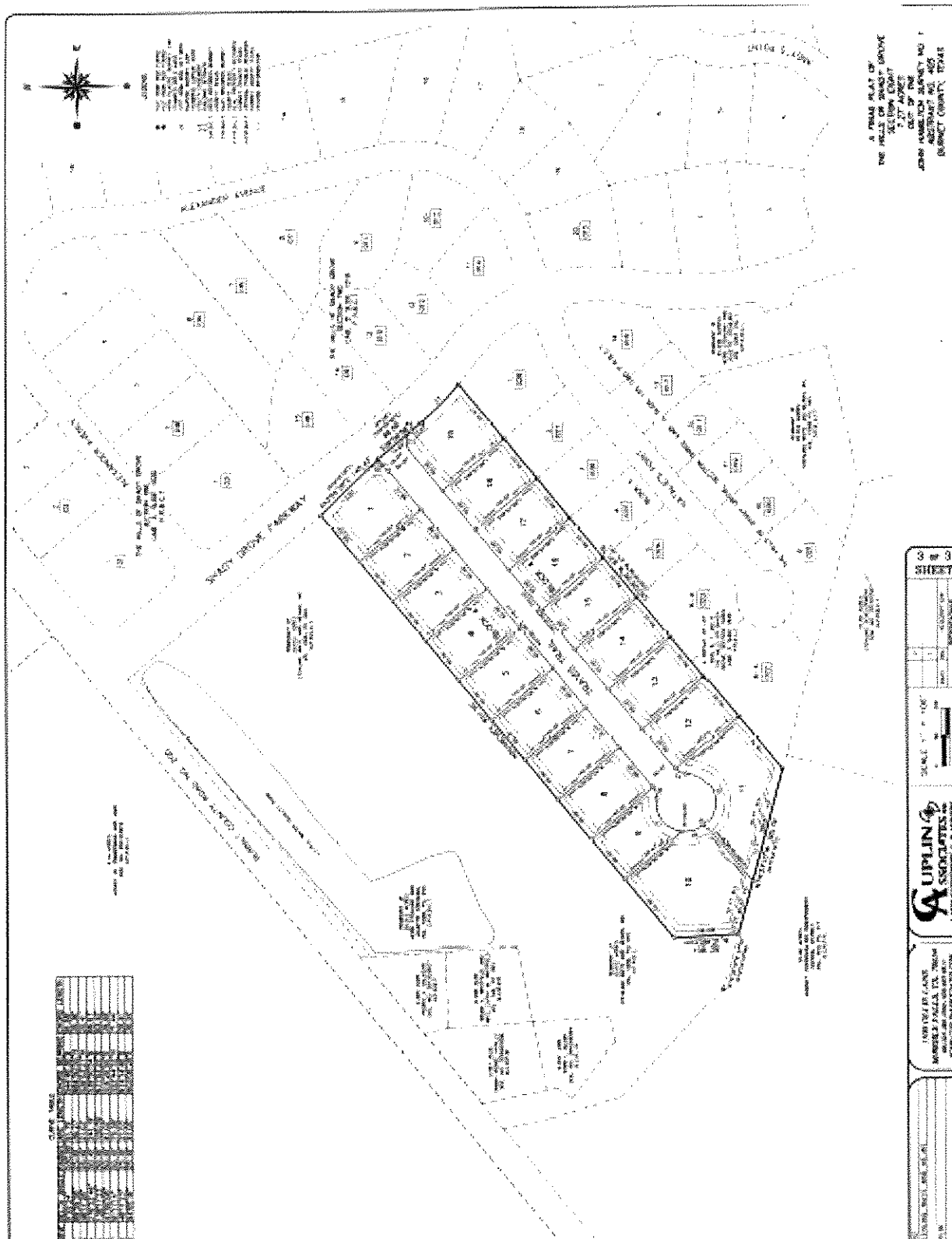
Recommendation: Approve the Hills of Shady Grove, Section 8 Final Plat.

EXHIBIT A

Hills of Shady Grove, Section 8, Location



EXHIBIT B





Planning & Zoning

ITEM 4.4

Mark S. Lewis
Community Development
Director
(512)-715-3215
mlewis@cityofburnet.com

Agenda Item Brief

Meeting Date: March 14, 2017

Agenda Item: Discuss and consider action: The City Council of the City of Burnet, in accordance with Code of Ordinances, Chapter 22, Article IV, Sections 22-81 and 22-82, will convene as the Board of Appeals for the purpose of considering an order declaring the structures located at 1407 N. Water Street to be a dangerous and unsafe building and therefore a public nuisance and further ordering the repair or removal of said structure: M. Lewis

Background: The Board of Appeals has conducted a public hearing regarding the condition of the structure located at 1407 N. Water Street and further described as Oaks Addition, Lot 4, Block 3, S6750, Property ID #33508. The Board is now asked to consider issuing an order finding this structure to be dangerous and unsafe and therefore a public nuisance. The order, if approved, should also specify the action required to abate the public nuisance as well as specifying the time frame for completion of abatement action.

Actions that can be ordered include repair of the structure, securing, or demolition.

The Board's order must:

- Contain written findings regarding the violations found present in the structure;
- Require the owner to repair or demolish the structure within 30-days from the order's issuance date.
- State that the City will cause the structure to be secured, removed or demolished should the owner

not complete the required action within the time limit specified by the Board.

If an owner establishes that a period in excess of 30-days is needed to accomplish the ordered action, the Board does have authority to establish a reasonable time for the required corrective action to be completed.

Information:

The structure at 1407 N. Water was inspected on January 14, 2017 and found to be substandard and dangerous under the terms of Code of Ordinance Chapter 22, Article IV, Dangerous Building Abatement Code. An identification photo of the property is attached and follows this item brief. A copy of the inspection report is incorporated into the “**ORDER TO REPAIR OR DEMOLISH**” that is also attached to this item brief

Fiscal Impact:

None

Recommendation:

Based on the property conditions noted above, staff recommends that the Board of Appeals issue an order requiring repair or demolition of the single-family home located at 1407 N. Water Street and further specifying that that such repair or demolition be completed on or before April 17, 2017.

1407 N. Water Street



CITY OF BURNET BOARD OF APPEALS

ORDER TO DEMOLISH OR REPAIR 1407 N WATER STREET

The Board of Appeals of the City of Burnet, Texas, acting pursuant to authority vested therein by Section 22-81 and Section 22-82 of the City of Burnet Code of Ordinances did on April 28, 2015 conduct a public hearing regarding the structure located 1407 N. Water Street and further described as Lot 4; Block 3; Oaks Addition; Property ID #33508.. A legal quorum of the Board was present.

The property owners of record of 1407 N. Water Street were provided with thirty (30) day notice of said public hearing by means of certified mail in order to afford said owners and any persons with interest the opportunity to appear before the Board and provide testimony to the Board. The property owners, Mr. John B Cashman Jr. and Ms. Sylvia Cashman Hernandez **DID/DID NOT** appear to present information regarding the property, and more specifically to submit proof of the scope of any work that may be required to comply with the City's Code of Ordinances and the property maintenance codes adopted therein; and the time it will take to reasonably perform the work.

The Board of Appeals, based on evidence and testimony presented at said March 14, 2017 public hearing has found the structure located at 1407 N. Water Street to be a Dangerous and Unsafe Structure, and therefore a public nuisance under the terms of Code of Ordinances, Chapter 22, Article IV, Dangerous Building Abatement Code. This determination is based on evidence received at the March 14, 2017 public hearing said evidence including testimony received from City staff and an January 24, 2017 Substandard Building Inspection Report documenting the conditions which have caused the structure at 1407 N Water Street to become dangerous, unsafe, and a public nuisance. A copy of the January 24, 2017 report is attached to this order and incorporated for all purposes herein;

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF APPEALS OF THE CITY OF BURNET, TEXAS, THAT:

Having considered all information presented in its March 14, 2017 public hearing, the Board of Appeals, by a majority vote of the members of the Board, finds the structures located at 1407 N Water Street to be a dangerous, unsafe and a public nuisance under the terms of Code of Ordinances Chapter 22, Article IV, Dangerous Building Abatement Code.

IT IS THEREFORE ORDERED that the conditions on the property located and legally described as:

1407 N Water Street, Burnet, Texas
Property ID: Property ID #33508
Legal Description: Lot 4; Block 3; Oaks Addition;
Property Owner: John B. Cashman Jr. and Sylvia Cashman
6311 Stillman Street
Houston, Texas 78611

constitutes a public nuisance in need of abatement.

IT IS THEREFORE ORDERED that the above property:

_____ be repaired by the owner to meet the standards set forth in the City's Code of Ordinances and the adopted International Codes therein as specified in this Order;

OR

_____ that the above property be VACATED / SECURED / DEMOLISHED as the Board has found that it will not be feasible to repair the structure.

IT IS ALSO ORDERED that the owner:

_____ complete the abatement action as ordered above with respect to the above described structure(s) within thirty (30) days of this order being issued and published as required by law;

OR

_____ because the Board finds that the owner has established that the required work cannot reasonably be performed within thirty (30) days, the owner is required to commence the required work no later than _____ days following the issuance of this order and shall submit to this Board a detailed plan and time schedule for the performance and completion of the work no later than _____ days following the issuance of this order.

Owner is also required to submit progress reports to this Board demonstrating compliance with this order and the time schedules provided herein using the following Schedule:

Any and all abatement procedures must be done in accordance with all applicable statutory and code regulations.

This Order shall become final and non-appealable at the expiration of thirty (30) days following the mailing of this Order pursuant to Section 22-82(13). Orders of the Board are subject to a temporary stay of enforcement by the filing of a petition for writ of certiorari pursuant to Chapter 214 0012 of the Texas Local Government Code.

Failure to comply with this Order shall result in the abatement of the above condition by the City in a manner ordered by this Board. A lien shall be placed against the property for the City's abatement expenses, investigation and research expenses, civil penalties, plus administrative expenses as allowed by law.

SIGNED AND ORDERED on this the 14th day of March 2017

PRESIDING CHAIR

ATTEST:

City Secretary

CITY OF BURNET
SUBSTANDARD BUILDING INSPECTION

DATE: January 24, 2017
ADDRESS: 1407 N. Water St.
LEGAL DESCRIPTION: Blk. 3; Lt. 4; Oaks Addition
PROPERTY OWNER: Cashman, John B. Jr. Et ux Sylvia
OWNER'S ADDRESS:
NUMBER OF STRUCTURES: 1 with metal outbuilding
OCCUPANCY CLASSIFICATION: R-3 CONSTRUCTION TYPE: V
IS STRUCTURE OCCUPIED: NO IS STRUCTURE SECURED: NO
REMARKS: House is vacant & unsecured. Evidence of occupancy by transient person or persons. Yard chronically unmaintained. Mowed by City on multiple occasions.

THE ABOVE DESCRIBED STRUCTURE(S) WAS/WERE INSPECTED IN ORDER FOR THE PURPOSE OF IDENTIFYING ANY VIOLATIONS AND/OR DEFICIENCIES THAT MAY EXIST UNDER THE TERMS OF CODE OF ORDINANCES CHAPTER 22--BUILDINGS AND BUILDING REGULATIONS, ARTICLE IV--DANGEROUS BUILDING ABATEMENT CODE AND/OR THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE. ANY VIOLATIONS/DEFICIENCIES OBSERVED ARE DETAILED BELOW.

EXTERIOR PROPERTY AREAS

SANITATION: Inadequate
GRADING & DRAINAGE: N/A
SIDEWALKS & DRIVEWAYS: N/A
WEEDS: Yes
RODENT HARBORAGE: YES.
EXHAUST VENTS: N/A
ACCESSORY STRUCTURES: Substandard metal accessory building
MOTOR VEHICLES: N/A
PROPERTY DEFACEMENT: N/A

SWIMMING POOLS/SPAS/HOT TUBS

SWIMMING POOL/SPA/HOT TUB: N/A
POOLS/SPA/HOT TUB ENCLOSURE: N/A

EXTERIOR STRUCTURE--UNSAFE CONDITIONS

STRUCTURAL MEMBERS: Rot & water damage evident in rear wall

FOUNDATION/FOUNDATION WALLS/FOOTINGS: Rot in rear foundation sill

EXTERIOR WALLS: Localized areas of deterioration observed

ROOFS & DRAINAGE: Roof in poor condition. Missing shingles & underlayment allowing water in to house

DECROATIVE FEATURES: N/A

OVERHANG EXTENSIONS: Water damage to fascia & soffit. Opening in fascia allows vermin access.

STAIRS/DECKS/PORCHES/BALCONIES: N/A

CHIMNEYS & TOWERS: N/A

HANDRAILS & GUARDS: N/A

WINDOWS

GLAZING: OK

OPENABLE WINDOWS: Not Checked

INSECT SCREENS: Some missing

DOORS & ACCESS: Damage to rear doors prevent house from being secured.

OTHER: N/A

INTERIOR STRUCTURE

STRUCTURAL MEMBERS: N/A

INTERIOR SURFACES: Evidence of water damaged ceilings visible through building windows

HANDRAILS & GUARDS: N/A _____

INTERIOR DOORS: N/A _____

RUBISH & GARBAGE: Rubbish visible through windows

LIGHT

HABITABLE SPACES: Unknown

HALLS & STAIRWAYS: Unknown

OTHER: Improperly installed exterior lighting

VENTILATION

HABITABLE SPACES: Missing window screens. HVAC condition unknown

BATHROOMS & TOILET ROOMS: Unknown

INSPECTION REPORT FOR 904 S. Main Street
DATE: January 27, 2017
PAGE 3 OF 3

COOKING FACILITIES: Unknown

CLOTHES DRYER EXHAUST: N/A

PLUMBING SYSTEMS

WATER SYSTEM: Unknown

FIXTURES: Unknown

DRAINAGE: Substandard

HEATING FACILITIES

HEAT SUPPLY: Unknown

MECHANICAL EQUIPMENT

MECHANICAL APPLIANCES: Unknown

COMBUSTION AIR: Unknown

ELECTRICAL FACILITIES

ELECTRICAL EQUIPMENT: Substandard & Unsafe

RECEPTACLES: Unknown

LIGHTS: N/A

OTHER: Service Drop too close to ground. Unsafe

FIRE SAFETY

MEANS OF EGRESS: Rear door obstructed and damaged.

FIRE RATED ASSEMBLIES: N/A

FIRE SPRINKLER SYSTEMS: N/A

SMOKE ALARMS: Unknown

NOTES: House is non-habitable & unsecured. Did not enter due to evidence of use by transients.
Inspection made from building exterior. Interior comments based on view through windows and doors.

 _____ 1/27/17
INSPECTOR NAME/SIGNATURE DATE

FINAL DISPOSITION

BUILDING REPAIRS AUTHORIZED: _____

DEMOLITION ORDER ISSUED: _____

PERMITS ISSUED: _____

REPAIRS COMPLETED: _____

DEMOLITION COMPLETED: _____



Administrative Services

ITEM 4.5

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

Agenda Item Brief

Meeting Date: March 14, 2017

Agenda Item: Discuss and consider action: Appointment of Judge Kirk D. Noacker, Sr. as Associate Judge: D. Vaughn

Background: In June 2016 Council adopted Ordinance 2016-14 providing Council the ability to appoint an Associate Judge by motion. This appointment will run concurrently with the Mayor's term and the Council has the authority to fill any unexpired terms that might arise.

The primary duty of the Associate Judge is to facilitate magistration of City of Burnet arrestees at the Burnet County Jail. This allows for faster processing thereby saving the City and the County money. In order for the Magistrate to preside over City arrestees, they are required to be an associate judge of the City.

Information:

Fiscal Impact: This position is not compensated by the City.

Recommendation: Approve the Appointment of Judge Kirk D. Noacker, Sr. as an Associate Judge for the City of Burnet.

Kirk D. Noaker, Sr. has been in public service for over 28 years in careers such as the Federal Bureau of Investigation (JTTF), the Federal Air Marshal Service, the Drug Enforcement Administration, City & County law enforcement, capital criminal defense and various corporate organizations such as FedEx Ground and the government "tech" contractor Adams Evidence Grade Technology. Kirk is currently an Associate Judge with the City of Bertram and the full-time Burnet County Magistrate Judge.

Professional Portfolio for Kirk D. Noaker, Sr

With Cover Letter and Resume

KIRK DARIN NOAKER, SR.

411 Lagoon Loop, Horseshoe Bay, TX 78657

Mobile: 830-220-9304 ** E-Mail: Kirk.Noaker@gmail.com



February 21, 2017

TO: City of Burnet
Kelly Dix
City Secretary
kdix@cityofburnet.com

RE: Expressed interest to be the City of Burnet Associate Judge

Greetings Mayor Anderson,

Attached you will find a copy of my professional resume which details my employment history and provides detailed information on training, knowledge and experience. This letter and professional biography is provided as my expressed desire to serve the citizens of the City of Burnet and to support the Municipal Court as the Municipal Associate Judge. I'm currently the Burnet County (full-time) Magistrate Judge. I have an eclectic professional history that includes (police) executive leadership, criminal defense / law enforcement / mitigation (mental health screening and awareness), investigative experiences, project management, government relations, international and humanitarian affairs, and organizational skills. As you review my portfolio, you will notice that I not only possess the aforementioned experiences, but I have extensive experience serving local, civic, and non-profit volunteer organizations. As a former Federal Bureau of Investigation (FBI) – Joint Terrorism Task Force (JTTF) Agent, I possess the unique skill set of counter-terrorism investigations not only in “every-day” world events, but within the U.S. / international private and commercial aviation sector(s) as I operated as a United States Federal Air Marshal for several years (post 9/11). Many of the positions I've held often involved the direct supervision of staff (no more than 20 employees) in the government, public, and sales industries. I'm very proficient with various Microsoft Office applications (Word, Excel, Access, PowerPoint and Outlook) and few proprietary (platform) applications and know how to use said tools to achieve the highest standards of project management and operational objectives. I believe that such knowledge, skills and abilities would serve the residents of this great community of ours.


As a Fact Investigator for the Regional Public Defender's Office for Capital Cases (RPDO), I have developed a commitment to ensuring that our clients are treated fairly in the criminal justice system and a belief that in order for the State to deprive someone of their liberty and/or life, that any and all facts relevant to the case are uncovered, developed, analyzed, and, where appropriate, contested. I believe very strongly that the defense has an obligation and a responsibility to hold the State to its burden of proof. In each and every case, I have a commitment to understanding our client's history, background, and story, and to uncovering facts that are supportive of the defense theory. I also believe that a thorough fact investigation can often be helpful in securing favorable resolutions to cases that

give our clients the best possible outcome. In the field of Capital Defense, most persons are found to be indigent and often possess some sort of mental illness and/or mental health problems. The role of the defense investigator(s) is to identify the disorder(s) and formulate a plan for diagnosis. I have received mental health "awareness" training through several Texas organizations such as: Texas Indigent Defense Commission, Texas Criminal Defense Lawyers Association and the Center for American and International Law. I am proud of the work I have done at the RPDO to ensure that our clients are protected and treated with respect. This is challenging work that I could not do without those core beliefs. Recently, I've orchestrated one of the largest U.S. Immigration and Custom's Enforcement's (ICE) "visa" operations where 10 Filipino citizens were "paroled" into the United States (State of Texas) for courtroom testimony purposes in a death penalty trial (2015). This "parole" process is called Significant Public Benefit Parole and I was required to communicate and coordinate with U.S. and Filipino government offices. This required that I establish relationships with Philippine Senatorial Offices and the U.S. Embassy in Manila.

I possess broadcast media experiences as I was often selected as the FBI's liaison agent to the FOX Network's "**AMERICA'S MOST WANTED**" television program where I would interact with producers and staff to further the mission, ie: secure a resolution in an ongoing criminal investigation. Furthermore, I've coordinated several interviews with Austin's (Texas) ABC affiliate, KVUE News channel to propagate numerous fundraising events for community and child welfare organizations, non-profit entities that serve children, and various other humanitarian awareness efforts. Personal appearances and logistical support of the media projects were all coordinated with the goal of spreading the news of not only that respective event, but to highlight the successes or needs of a particular group.

I believe that my career successes within the federal, state and local criminal justice vocations, commitment to social and civic organizations, and my current position as the full-time Burnet County Magistrate Judge uniquely qualifies me for this position. I trust that you will too. I welcome the opportunity to meet with you regarding this expressed interest to better serve the citizens of the city of Burnet and I thank you for any attention afforded.

Cordially,

A handwritten signature in black ink, appearing to read "Kirk D. Noaker, Sr.", followed by the letters "se". The signature is fluid and cursive.

Kirk D. Noaker, Sr.

KIRK DARIN NOAKER, SR.

411 Lagoon Loop, Horseshoe Bay, TX 78657

Mobile: 830-220-9304 ** E-Mail: Kirk.Noaker@gmail.com

OBJECTIVE

This is my expressed desire to serve the citizens of the City of Burnet as an Associate Judge as I possess and eclectic background of executive leadership, criminal defense / mental health knowledge & experiences / law enforcement / mitigation investigative experiences, project management, government relations, international affairs and organizational skills. I further believe that my current position as the full-time Burnet County Magistrate Judge uniquely qualifies me for this position.

RELEVANT WORK EXPERIENCE

Fact Investigator, Regional Public Defender for Capital Cases, Burnet, TX, *Feb. 2012 - present*

Serve as a fact investigator in cases in which clients are facing the death penalty. Responsible for investigating the facts of the alleged crime, reviewing evidence and discovery, identifying and locating witnesses, conducting witness interviews, collecting records, serving subpoenas, and providing trial testimony as needed.

Deputy Sheriff, Carroll County Sheriff's Office, Westminster, MD, *Sept. 2006-Mar. 2007*

Served as a full-time deputy sheriff engaged in public safety duties including criminal investigations, crime prevention, traffic enforcement, and community interaction.

Federal Air Marshal, Federal Bureau of Investigation, Baltimore, MD, *Mar. 2002- Mar. 2007*

Served to ensure public safety through aviation security, counter-terrorism measures, terrorism investigations, public education, and marshal training.

Deputy Sheriff, Washington Co. Sheriff's Off., DEA Task Force, Maryland, *Jul. 1998-Mar. 2002*

Served as a full-time deputy sheriff engaged in public safety duties including criminal investigations, traffic enforcement, plain-clothed & under-cover narcotics investigations, and community interaction.

Police Officer/Detective Baltimore City Police Dept., Baltimore, MD, *Mar. 1995-July 1998*

Served as a full-time police officer and detective engaged in public safety duties including criminal investigations, traffic enforcement, and community interaction.

Military Police Officer, United States Army, Bremerhaven, Germany, *Nov. 1987-Nov. 1993*

Served as a soldier engaged in public safety duties including crime prevention and physical security detail.

EDUCATION / TRAINING re-instatement

Baltimore City Community College (Criminal Justice) 1995 (21 Semester Hours)
Kentucky DPA Criminal Defense Institute (State of Kentucky), 48 hours
Defense Investigator Training (CAPDS), 24 hours
Child Abuse Investigations (CAIL), 24 hours
Maryland Police Training Commission Comparative Compliance Academy, 160 hours
Maryland Police Training Commission Entry Level Academy, 1280 hours
BATTLE – Counter Terrorism Training (FBI), 32 hours
FAMS – JTTF Counter Terrorism Training (FAMS), 32 hours
FLETC, Federal Air Marshal Training (TSA), [Academic Honors] 240 hours
Task Force Officer Basic Investigations (DEA), 40 hours
MACGLOCLIN – Narcotics Seminar (MSP), 32 hours
Task Force Officer Advanced Investigations (DEA), 80 hours
Marijuana Indoor Grow School (DEA), 32 hours
Electronic Surveillance School (National Intelligence Academy), 40 hours
Computer Search and Seizure Training (NCTC), 24 hours
Drug Identification Training (NCTC), 40 hours
Basic Analytical Investigations Training (NCTC), 40 hours
High Risk Warrant Execution (NCTC), 32 hours
Video Surveillance Training (NCTC), 24 hours
Interview and Interrogation Training (It WORKS Seminar), 24 hours
Maryland State Police TOP GUN Undercover Narcotics Training (MSP), 48 hours
Stolen Auto Investigators School (National Insurance Crime Bureau), 24 hours
Executive Protection Training (US Army), 40 hours
Hostage Negotiations Training (US Army Criminal Investigations), 80 hours
Firearms EXPERT qualified (Beretta 9mm / .40 cal / Sig P229 and the Glock 17 / 19)

REFERENCES

Additional references available upon request

PROFESSIONAL "BIOGRAPHY" FOR...

Kirk D. Noaker, Sr.
411 Lagoon Loop
Horseshoe Bay, Texas
United States of America



SUMMARY OF EXPERIENCE:

I possess varied experience(s) as a Federal Air Marshal providing counter-terrorism support for civil aviation to working for the Federal Bureau of Investigation's Joint Terrorism Task Force conducting domestic and international terrorism investigations. Additionally, I served as a federally deputized Task Force Agent to the Drug Enforcement Administration's Hagerstown Resident Office while employed with the Washington County Sheriff's Department. Police or "road" experience includes patrol activities with the Washington County Sheriff's Office, Baltimore City Police Department and the United States Army's Military Police Corps. Specialized skills include international/domestic terrorism investigative "know-how", with extensive experience in criminal investigations to include: Narcotics, Crimes against persons(s) / property, State of Maryland criminal law, US and States Attorney prosecution protocol and computer hardware/software troubleshooting / problem solving. I possess supervisory experience serving as the Acting Assistant to the Special Agent in Charge for the Federal Air Marshal Service (squad level) managing 15-20 personnel. I further served as an Acting Sergeant for the Baltimore City Police Department supervising 6-8 police officers within a patrol sector. Professional achievements include significant narcotics investigations resulting in extended confinement and asset forfeiture of \$100,000's. Also, I was responsible for the creation of a city-wide criminal investigatory database (Baltimore City). I continue to maintain expert qualifications with various firearms (established speed records at the Federal Law Enforcement Training Center, Artesia, NM). Previously held U.S. Top Secret security clearance...

WORK-RECORD ANALYSIS:

February 2012 to
Current

State of Texas

Regional Public Defender for Capital Cases
Burnet Field Office (Central Texas)
Fact Investigator

March 2011 to
February 2012

Adams Evidence Grade Technology

Utopia, TX
Vice President of Sales

March 2007 to
March 2011

Federal Express - Ground

Harrisburg, PA
Contract Operations / Security

November 2004 to
March 2007

U. S. Department of Justice
Federal Bureau of Investigation
Baltimore Division
Joint Terrorism Task Force
Federal Air Marshal – FBI Task Force Agent

March 2002 to
November 2004

U. S. Department of Homeland Security
Federal Air Marshal Service
Washington Field Office
Federal Air Marshal, Asst. Squad Leader

August 1999 to
March 2002

U. S. Department of Justice
Drug Enforcement Administration
Hagerstown Resident Office
Deputy Sheriff – Task Force Agent

July 1998 to
August 1999

Washington County Sheriff's Office
Hagerstown, Maryland
Deputy Sheriff (Patrol Division)

March 1995 to
July 1998

Baltimore City Police Department
Northwest District
Police Officer, Major Crimes Investigator
Crime Analyst

November 1987 to
November 1993

U. S. Department of Defense (Army)
Military Police Corps
Bremerhaven, Germany and Aberdeen, MD
Military Police Officer

ACCOLADES:

As the FBI's Joint Terrorism Task Force liaison Federal Air Marshal, my responsibilities included immediate response to BWI Airport for any incident that could potentially be terrorism related. I was also responsible for ALL terror / suspicious activity reports in Carroll and Frederick County(s). All suspicious activity reports receive an immediate threat assessment and subsequent investigation in an attempt to identify a potential nexus to terrorism. An additional responsibility includes providing FBI JTTF public speaking engagements across the states of Maryland and Delaware discussing critical infrastructure, current threat advisories and the Maryland Coordination and Analysis Center (MCAC). It is estimated that over 10,000 residents were "reached" during 2005. Prior to the FBI's JTTF assignment, I was a Federal Air Marshal that travelled the nation's airways both domestic and abroad ready to react to incidents of terror and/or criminal activity. Federal Air Marshal's work covertly and are highly trained in "close quarters combat", weapons proficiency and aircraft counter-terror tactics. I received praise for appropriate response when a potential threat onboard an inbound flight to Reagan National Airport was identified resulting with the arrest of 2 subjects for crew interference. This incident garnered national media attention and many consider our response critical in adding to the Federal Air Marshal Service's stability as a federal law enforcement agency.

As a federally sworn DEA Task Force Agent, I managed several federal narcotics trafficking investigations ranging from Tucson, Arizona / Miami, Florida / Martinsburg, West Virginia to Brussels, Belgium. Many cases involved historical financial conspiracies resulting in \$100,000's in cash and real property seizures for the United States Government and Washington County, MD. Such intricacies demand a strong knowledge of federal narcotics guidelines and a mandatory relationship with the United States Attorney's Office. I have an impeccable reputation within the US Attorney's Office in Baltimore, Maryland often working with several Assistant US Attorneys at a time. My case organizational skills, meticulous attention to detail and the willingness to analyze 1000's of documents eased the prosecution process always in pursuit of criminal confinement. On multiple occasions, I've testified to Federal Grand Jury's with regards to my expertise in narcotics trafficking (with enhanced knowledge in club drugs, ie: "ecstasy" or MDMA, GHB, "Roofies", etc...). I've established strong relationships with various law enforcement agencies across the tristate area during multiple jurisdiction investigations. I've authored in excess of 100 search and seizure warrants with many being through the federal system. I've participated in Title III (wiretap) investigations resulting in the seizure of several kilograms of cocaine and have testified in the trial of a narcotics trafficker leading to a life sentence.

Serving as a police officer with the City of Baltimore and the County of Washington, I have been twice decorated for employing less than lethal responses during deadly force situations. I have further been recognized for investigatory prowess resulting in the seizure of approximately 50 firearms in Baltimore City. I was quickly accelerated through the ranks to capitalize on a strong history of criminal investigations to the Major Crimes Unit where I was responsible for the investigations of serious aggravated assault crimes against persons. My computer expertise placed me in a unique role spearheading the creation of a new computerized crime analysis unit patterned after a successful New York City program. Additionally, I was tasked to collect crime statistics, geo-based computerized mapping, analysis of criminal patterns and the ultimate recommendation to the District Commander for abatement and prevention. I successfully established a criminal "field interview" database, which captured detailed person information for subsequent search and sort capabilities during criminal investigations. This database was designed in such a manner that it could interface with the Baltimore County Police Department and Anne Arundel Police Department as criminal's don't always recognize jurisdictional boundaries. This investigative tool has been directly credited for the identification of criminal suspect(s). Such accomplishments received media attention where I was the subject of a WJZ Channel 13 (CBS) story on how technology is being utilized by the Baltimore City Police Department to positively affect and prevent criminal patterns and tendencies. My tenure with the United States Military established a strong foundation for my subsequent law enforcement career. I had the honor of being selected as a senior emergency response coordinator for a highly sensitive facility embodied within the Aberdeen Proving Grounds. I was the lowest ranking member to hold such a position, which was generally held by a supervisor of 2-3 grades higher than I. I further enjoyed the participation in a crime prevention program where I often traveled to local schools (military and civilian) teaching fundamentals of crime prevention and safety.

As a Fact Investigator for the Regional Public Defender's Office for Capital Cases (RPDO), I have developed a commitment to ensuring that our clients are treated fairly in the criminal justice system and a belief that in order for the State to deprive someone of their liberty and/or life, that any and all facts relevant to the case are uncovered, developed, analyzed, and, where appropriate, contested. I believe very strongly that the defense has an obligation and a responsibility to hold the State to its burden of proof. In each and every case, I have a commitment to understanding our client's history, background, and story, and to uncovering facts that are supportive of the defense theory. I also believe

that a thorough fact investigation can often be helpful in securing favorable resolutions to cases that give our clients the best possible outcome. I am proud of the work I have done at the RPDO to ensure that our clients are protected and treated with respect. This is challenging work that I could not do without those core beliefs. Recently, I've orchestrated one of the largest U.S. Immigration and Customs Enforcement's (ICE) specialized "visa" operations where 10 Filipino citizens were "paroled" into the United States (State of Texas) for courtroom testimony purposes in a death penalty trial (2015). This "parole" process is called Significant Public Benefit Parole and I was required to communicate and coordinate with U.S. and Filipino government offices. This required that I establish relationships with Philippine Senatorial Offices and the U.S. Embassy.

EDUCATIONAL BACKGROUND:

Baltimore City Community College (Criminal Justice) [continuing]
Rochester Adams High School, Rochester Hills, Michigan [Graduate]
Federal Law Enforcement Training Center (Artesia, NM) [Federal Air Marshal]
Baltimore City Police Academy, Owings Mills, MD [Certified Police Officer]
US Army Military Police School, Ft. McClellan, AL [Graduate]

TRAINING:

Kentucky DPA Criminal Defense Institute (State of Kentucky), 48 hours
Defense Investigator Training (CAPDS), 24 hours
Child Abuse Investigations (CAIL), 24 hours
Maryland Police Training Commission Comparative Compliance Academy, 160 hours
Maryland Police Training Commission Entry Level Academy, 1280 hours
BATTLE – Counter Terrorism Training (FBI), 32 hours
FAMS – JTTF Counter Terrorism Training (FAMS), 32 hours
FLETC, Federal Air Marshal Training (TSA), [Academic Honors] 240 hours
Task Force Officer Basic Investigations (DEA), 40 hours
MACGLOLEN – Narcotics Seminar (MSP), 32 hours
Task Force Officer Advanced Investigations (DEA), 80 hours
Marijuana Indoor Grow School (DEA), 32 hours
Electronic Surveillance School (National Intelligence Academy), 40 hours
Computer Search and Seizure Training (NCTC), 24 hours
Drug Identification Training (NCTC), 40 hours
Basic Analytical Investigations Training (NCTC), 40 hours
High Risk Warrant Execution (NCTC), 32 hours
Video Surveillance Training (NCTC), 24 hours
Interview and Interrogation Training (It WORKS Seminar), 24 hours
Maryland State Police TOP GUN Undercover Narcotics Training (MSP), 48 hours
Stolen Auto Investigators School (National Insurance Crime Bureau), 24 hours
Executive Protection Training (US Army), 40 hours
Hostage Negotiations Training (US Army Criminal Investigations), 80 hours
Firearms EXPERT qualified (Beretta 9mm / .40 cal / Sig P229 and the Glock 17 / 19)

*** REFERENCE(S) AND PROFESSIONAL PORTFOLIO ARE AVAILABLE UPON REQUEST**



Delaware Springs Golf Course

ITEM 4.6

Doug Fipps
Golf Course General Manager
830-798-4177
dfipps@cityofburnet.com

Agenda Item Brief

- Meeting Date:** March 14, 2017
- Agenda Item:** Discuss and consider action: A contract with Austin Turf and Tractor for equipment purchases for Delaware Springs Golf Course. D. Fipps
- Background:** This agenda item is in reference to equipment replacement at the golf course. The equipment scheduled to be replaced is at the end of its useful life and cost more to repair than the equipment is worth.
- Information:** Below is an itemized list of the maintenance equipment scheduled and budgeted for replacement this fiscal year. Attached is the quote prepared by Austin Turf and Tractor through the National Buy Board Contract #447-14 for the new equipment.
- (1) JOHN DEERE 2500B Precision Cut Riding Greens Mower-Diesel.
 - (2) JOHN DEERE 7700A Precision Cut Fairway Mower-Diesel.
 - (3) JOHN DEERE PRO-Gator TX. Turf.
- Fiscal Impact:** The total cost for all the equipment listed above is \$90,177.10. This is a budgeted expense.
- Recommendation:** Staff recommends approval of the quote prepared by Austin Turf and Tractor through the Texas Buy Board Contract #447-14 for the purchase of the new equipment.



Quote Id: 14867265

Prepared For:
Delaware Springs Golf Course

Prepared By: **Terry Harris**

AUSTIN TURF & TRACTOR
809 Steve Hawkins Pkwy
Marble Falls, TX 78654

Tel: 830-693-6477

Fax: 830-693-7791

Email: terry.harris@austinturf.com

Date: 06 March 2017

Offer Expires: 30 April 2017

Confidential



Quote Summary

Prepared For:

Delaware Springs Golf Course
600a Delaware Springs Blvd
Burnet, TX 78611
Business: 512-756-8471

Prepared By:

Terry Harris
AUSTIN TURF & TRACTOR
809 Steve Hawkins Pkwy
Marble Falls, TX 78654
Phone: 830-693-6477
terry.harris@austinturf.com

National Buy Board Contract # 447-14 Buy Board Pricing

Quote Id: 14867265
Created On: 06 March 2017
Last Modified On: 07 March 2017
Expiration Date: 30 April 2017

Equipment Summary	Suggested List	Selling Price	Qty	Extended
JOHN DEERE 2500B PrecisionCut Riding Greens Mower - Diesel	\$ 42,172.00	\$ 32,633.47 X	1 =	\$ 32,633.47
JOHN DEERE 7700A PrecisionCut Fairway Mower	\$ 70,497.00	\$ 52,398.63 X	1 =	\$ 52,398.63
JOHN DEERE PR - Gator TX Turf (MY16)	\$ 10,309.00	\$ 8,145.00 X	1 =	\$ 8,145.00

Equipment Total **\$ 93,177.10**

Trade In Summary	Qty	Each	Extended
JOHN DEERE 2500B RGM GAS - TC250BG020446	1	\$ 2,000.00	\$ 2,000.00
PayOff			\$ 0.00
Total Trade Allowance			\$ 2,000.00
JOHN DEERE TX TURF GAS GATOR - MOTURFD051400	1	\$ 1,000.00	\$ 1,000.00
PayOff			\$ 0.00
Total Trade Allowance			\$ 1,000.00

Trade In Total **\$ 3,000.00**

Quote Summary

Equipment Total	\$ 93,177.10
Trade In	\$ (3,000.00)
SubTotal	\$ 90,177.10
Total	\$ 90,177.10
Down Payment	(0.00)
Rental Applied	(0.00)
Balance Due	\$ 90,177.10

Salesperson : X _____

Accepted By : X _____

Confidential



Selling Equipment



Quote Id: 14867265

Customer: DELAWARE SPRINGS GOLF COURSE

JOHN DEERE 2500B PrecisionCut Riding Greens Mower - Diesel

Hours:

Suggested List

Stock Number:

\$ 42,172.00

Code	Description	Qty
1186TC	2500B PrecisionCut Riding Greens Mower - Diesel	1

Standard Options - Per Unit

001A	US/Canada	1
0443	All Other countries (English/Spanish)	1
1022	(3) Smooth Tires and Wheels (20x10.00-10) 2 ply	1
1203	(3) Quick Adjust 5 (QA5) Eleven Blade 22 In. (55.9 cm)	1
1300	(3) 22 In. 2 In. (5 cm) Diameter Machined Grooved Solid Front Rollers With Solid End Caps	1
1400	(3) Cutting Unit ONLY Counter Weight Kit	1
1602	(3) 22 In. 2 In. (5 cm) Diameter Wide Tube/Hollow Smooth Rollers	1
2009	Standard Seat	1
3200	(3) 22 Inch Cutting Unit Attaching Yokes and Molded One-Piece Grass Catchers	1

Dealer Attachments

BM22995	(1) 22 In. Smooth Roller Scraper	1
BM19746	Light Kit, Front	1
BM19852	Light Kit, Rear Grass Catcher	1

JOHN DEERE 7700A PrecisionCut Fairway Mower

Hours:

Suggested List

Stock Number:

\$ 70,497.00

Code	Description	Qty
1421TC	7700A PrecisionCut Fairway Mower	1

Confidential

**JOHN DEERE**

Selling Equipment

**Austin**
TURF & TRACTOR

Quote Id: 14867265

Customer: DELAWARE SPRINGS GOLF COURSE

Standard Options - Per Unit		
001A	United States and Canada	1
0443	All Other countries (English/Spanish)	1
1190	2WD Traction Unit	1
1208	(5) Quick Adjust 7 (QA7) Eight Blade 22 In. Cutting Units	1
1305	(5) 22 In. 3 In. (7.6 cm) Diameter Heavy Duty Grooved Disc Front Rollers	1
1408	Less Counter Weight kit	1
9754	(5) 22 In. 3 In. Diameter Heavy Duty Grooved Disc Roller Scrapers	1
9756	(5) 22 In. Smooth Roller Scrapers	1
9764	Canopy	1



JOHN DEERE PR - Gator TX Turf (MY16)

Hours:

Suggested List

Stock Number:

\$ 10,309.00

Code	Description	Qty
563UM	PR - Gator TX Turf (MY16)	1
Standard Options - Per Unit		
001A	US/Canada	1
1015	Turf Tires	1
2017	Adjustable Seat	1
3004	Deluxe Cargo Box with Reflectors and Spray-On Liner	1
3100	Less Power Lift	1
4099	Less Front Protection Package	1
4199	Less Rear Protection Package	1

Confidential



Selling Equipment



Quote Id: 14867265

Customer: DELAWARE SPRINGS GOLF COURSE

8175	PR TX Turf Tires Adj Seat	1
Dealer Attachments		
BM23989	Drawbar, 1.25 In. (38mm)	1
Eagle CW	Eagle Canopy w Fold Wind	1



Confidential



Finance Department

ITEM 4.7

Connie Maxwell
Director of Budgets/Special
Projects
(512)-715-3219
CMaxwell@cityofburnet.com

Agenda Item Brief

Meeting Date:	March 14, 2017
Agenda Item:	Discuss and consider action: A RESOLUTION BY THE CITY OF BURNET, TEXAS RESTRICTING THE USE OF FUNDS IN THE SELF-FUNDED BANK ACCOUNT: C Maxwell
Background:	The City maintains a separate bank account (the "Self-Funded Bank Account") for the purpose of making equipment purchases and capital expenditures internally rather than using loan proceeds.
Information:	Staff is requesting Council impose a restriction on the Self-Funded Bank Account solely for the purpose of making equipment and capital purchases as outlined in the approved operating budget.
Fiscal Impact:	None
Recommendation:	Staff recommends approval of Resolution no. R2017-05, restricting the use of funds in the Self-Funded Bank Account.

RESOLUTION NO. 2017-05

A RESOLUTION BY THE CITY OF BURNET, TEXAS
RESTRICTING THE USE OF FUNDS IN THE SELF-
FUNDED BANK ACCOUNT.

Whereas, the City of Burnet (the "City") maintains a separate bank account (the "Self-Funded Bank Account") for the purpose of making equipment purchases and capital expenditures internally rather than using loan proceeds; and

Whereas, expenditure of funds in the Self-Funded Bank Account shall only be used for equipment and capital purchases as outlined in the approved operating budget.

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby resolved by the City Council of the City of Burnet, Texas (the "City Council") and made a part hereof for all purposes as findings of fact.

Section 2. Proceedings. The City Council does hereby authorize the use of funds in the Self-Funded Bank Account solely for the purpose of making equipment and capital purchases as outlined in the approved operating budget.

Section 3. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED this the 14th day of March, 2017.

CITY OF BURNET, TEXAS

ATTEST:

Gary Wideman, Mayor

Kelly Dix, City Secretary



Administrative Services

ITEM 4.8

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

Agenda Item Brief

Meeting Date:	March 14, 2017
Agenda Item:	Discuss and consider action: Terms and conditions for disposal of brush: D. Vaughn/J. Simons
Background:	Collecting and disposing of brush is a valuable service that promotes the neat and orderly appearance of the community and its neighborhoods.
Information:	The attached flyer outlines several options for citizens to dispose of brush.
Fiscal Impact:	None.
Recommendation:	Approve the proposed brush disposal options.



BRUSH DISPOSAL OPTIONS

CITYOFBURNET.COM | (512) 756-6093

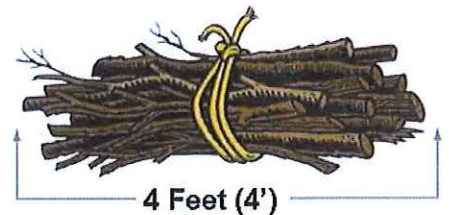
BRUSH BUNDLES

When do I set it out? Place your brush-bundles out for collection on your regular trash day of the first full week of each month during bulky item collection week.

What is brush-bundles? It is brush and/or yard trimmings securely tied together forming an easily handled package not exceeding four (4) feet in length or forty (40) pounds in weight.

How much will it cost me? Up to three (3) cubic yards will be collected at no cost. Brush in excess of three (3) cubic yards will be collected at a cost of \$5.00 per cubic yard.

Where do I place my brush? Place your brush at the curb in front of your home and a minimum of three (3) feet from your trash and recycling cart. Do not place brush in a location that covers or otherwise obstructs access to water meter boxes, telephone pedestals, gas meters, cable wires, or any other public utility infrastructure.



Maximum weight: Forty (40 lbs.)

MONTHLY BRUSH DROP-OFF



When and where? Residents may drop-off their brush on the 1st Saturday of each month between the hours of 8 a.m.—12 p.m. at the brush drop-off location located at 3447 FM 963.

Who can get in? Residents must provide proof of residency using a utility bill and a valid driver's license. Commercial contractors including tree trimming companies are prohibited from using this service.

What is accepted? Clean brush only. Brush containing garbage, lumber, concrete, metal or other material will not be accepted by the City. Brush or leaves in plastic bags will not be accepted.

CITY WIDE CLEANUP - BRUSH DISPOSAL

When does this take place? The City provides two (2) annual cleanups, one in the spring and one in the fall, for all customers in which brush will be collected by the City.

When do I set my brush out? Place your brush out for disposal not earlier than two (2) weeks prior to the bi-annual city wide clean-up.

Where do I put my brush? At the curb or edge of the street and stacked in a neat and orderly manner.

How much can I set out? You may set out up to twelve (12) yards of brush.

What can I not set out? Brush containing garbage, lumber, concrete, metal or other material will not be accepted by the City.





Administration

ITEM 5.1

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

Agenda Item Brief

Meeting Date: March 14, 2017

Agenda Item: Executive Session: The Council reserves the right to enter to closed session in accordance with the provision of the Open Meetings Act, Texas Government Code, Chapter 551, Subsection 551.072; Deliberations Regarding Real Property: pertaining to economic development incentives for the development of thirteen acres of land on the corner of Westfall and Cemetery Streets, owned by the City of Burnet: D. Vaughn

Background:

Information: Council will meet in executive session to discuss economic development incentives.

Fiscal Impact:

Recommendation: To be determined by Council.



Administration

ITEM 6.1

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

Agenda Item Brief

Meeting Date: March 14, 2017

Agenda Item: Discuss and consider action: Pertaining to economic development incentives for the development of the thirteen acres of land on the corner of Westfall and Cemetery Streets, owned by the City of Burnet: D. Vaughn

Background:

Information:

Fiscal Impact:

Recommendation: To be determined by Council.