



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 **27th day of June, 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. CITIZEN COMMENT:

- 1.1) Esther Warden pertaining to 1007 N. Water Street Utilities

2. CONSENT AGENDA ITEMS:

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

- 2.1) Approval of the June 13, 2017 Council Workshop Meeting minutes
- 2.2) Approval of the June 13, 2017 Regular Council Meeting minutes
- 2.3) Approval of the June 22, 2017 Budget Retreat Meeting minutes

3. PUBLIC RECOGNITION/SPECIAL REPORTS:

- 3.1) Chamber of Commerce Report

4. ACTION ITEMS:

4.1) Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE AMENDING ORDINANCE NO. 2012-06 BY ASSIGNING ORIGINAL SINGLE-FAMILY-DISTRICT R-1 ZONING TO THAT CERTAIN Q. CRAWFORD PROPERTY DEVELOPMENT, LLC CALLED 1.8-ACRE TRACT RECORDED IN DOCUMENT 20160695, OFFICIAL PUBLIC RECORDS, BURNET COUNTY, TEXAS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: M. Lewis

4.2) Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE ABANDONING THAT 0.338 ACRE TRACT OF LAND LOCATED EAST OF SOUTH SILVER STREET, WEST OF SOUTH RHOMBERG STREET AND LYING BETWEEN BLOCKS 37 AND 38 OF THE ALEXANDER ADDITION, SAID TRACT BEING FURTHER DESCRIBED AS THE 600 BLOCK OF THE EAST ELM STREET RIGHT-OF-WAY; ABANDONING SAID RIGHT-OF-WAY IN FAVOR OF THE OWNER OF THE ABUTTING PORTIONS OF SAID BLOCKS 37 AND 38; RETAINING A TWENTY-FIVE FOOT SANITARY SEWER EASEMENT DEDICATED TO THE CITY OF BURNET; DIRECTING THE CITY SECRETARY TO FILE A DEED ABANDONING SAID RIGHT-OF-WAY AND GRANTING SAID EASEMENT; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: M. Lewis

4.3) Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2016-23; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016, AND ENDING SEPTEMBER 30, 2017, FOR THE CITY OF BURNET, TEXAS, FUNDING ACCOUNTS IN BUDGET DUE TO UNFORESEEN SITUATIONS; CONTAINING FINDINGS; PROVIDING FOR SAVINGS AND SEVERABILITY.

4.4) Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, REPEALING IN ITS ENTIRETY CODE OF ORDINANCES CHAPTER 46—FIRE PREVENTION AND PROTECTION AND ESTABLISHING A NEW CHAPTER 46—FIRE PREVENTION AND PROTECTION; PROVIDING FOR PENALTIES; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE: M. Lewis

4.5) Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING CHAPTER 22—BUILDINGS AND BUILDING REGULATIONS, BY REPEALING THE 2009 EDITIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL ENERGY CONSERVATION CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, AND NFPA, LIFE SAFETY CODE; REPEALING THE NATIONAL ELECTRICAL CODE, 2008 EDITION; REPEALING SECTION 22-177 – DEFINITIONS; REPEALING SECTION 22-202 - WIRING AND

OTHER SPECIFICATIONS, AND ADOPTING, WITH SELECTED APPENDICES, THE 2015 EDITIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL ENERGY CONSERVATION CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE; NFPA 101 LIFE SAFETY CODE; ADOPTING THE NATIONAL ELECTRICAL CODE, 2014 EDITION; PROVIDING FOR A REPEALER CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE: M. Lewis

4.6) Discuss and consider action: Proposed contract with Burnet County for 2017/2018 Election Services: K. Dix

4.7) Discuss and consider action: Interlocal Agreement between The City of Burnet and the Burnet Consolidated Independent School District for two (2) School Resource Officers: P. Nelson

5. REPORTS:

5.1) 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.

5.1(B.3) May Financial Report: P. Langford

6. REQUESTS FROM COUNCIL FOR FUTURE REPORTS:

7. ADJOURN:

Dated this 23rd, day, of June, 2017

CITY OF BURNET

CRISTA GOBLE BROMLEY, MAYOR

I, the undersigned authority, do hereby certify that the above NOTICE OF MEETING of the governing body of the above named City, BURNET, is a true and correct copy of said NOTICE and that I posted a true and correct copy of said NOTICE on the bulletin board, in the City Hall of said City, BURNET, TEXAS, a place convenient and readily accessible to the general public at all times, and said NOTICE was posted on June 23, 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
REQUEST FOR CITIZEN INPUT ITEM
PLEASE PRINT ALL INFORMATION

Every effort is made to expedite all requests for an appearance before the City Council.

INSTRUCTIONS:

USE THIS FORM ONLY FOR REQUESTING TIME TO APPEAR BEFORE THE COUNCIL WITH A CITIZEN'S INPUT ITEM. COUNCIL WILL NOT BE ABLE TO RESPOND OR TAKE ACTION ON THIS ITEM. YOU WILL HAVE FIVE MINUTES TO SPEAK. Please return this form along with all associated documents to the City Secretary of the City of Burnet no less than five **business** days prior to the requested appearance. Twelve (12) packets should be prepared for distribution to the City Council, Staff and file. Due to restrictions in the Gov. Code Chapter 551, as amended, Open Meetings Act, deviations from the submitted request cannot be heard. In the event you must cancel the appearance, please notify the City Secretary by noon on the day of your scheduled appearance at (512) 756-6093 or by email at mail@cityofburnet.com.

NAME: Esther Warden PHONE: (512) 756-2455
(where you can be reached M-F, 8-5)

REPRESENTING: Mr. & Mrs. Warden

ADDRESS: 4712 FM 963 CITY Burnet STATE TX ZIP 76522

REQUESTED DATE OF APPEARANCE: June 27, 2017 6:00 p.m. Regular City Council Meeting

NATURE OF ITEM TO BE PRESENTED: (be as specific as possible)

Would like to address the Council on concerns with high cost of utilities. The Warden's own a
property located at 1007 N. Water . Mrs. Warden said the utilities are way too high for one person
living in the residence and feels that the cost of utilities needs to be addressed by the Council.

6/13/17 @ 3:50 p.m.

Date of Request

requested was recieved via telephone call

Signature of Applicant

RECEIVED BY PUBLIC INFORMATION OFFICER ON <u>6/13/17 @ 3:50 p.m.</u>	
SCHEDULED FOR APPEARANCE ON: <u>6/27/17 @ 6:00 p.m.</u>	
CHANGES OR CANCELLATIONS: _____ _____	
SIGNATURE OF PIO: <u><i>Henry Dice</i></u> Date <u>6-13-17</u>	
Time Received: _____	

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

ITEM 2.1

On this the 13th day of June, 2017, the City Council of the City of Burnet convened in Workshop Session, at 5:00 p.m. at the Council Chambers, Burnet Municipal Airport, 2402 S. Water Street, Burnet, TX thereof with the following members present, to-wit:

Mayor	Crista Goble Bromley
Council Members	Danny Lester, Joyce Laudenschlager, Milton Phair, Tres Clinton, Paul Farmer, Cindia Talamantez
City Manager	David Vaughn
City Secretary	Kelly Dix

Guests: Mark Lewis, Evan Milliorn, Gene Courtney, Jonny Simons, Mark Ingram, Doug Fipps, Patricia Langford, Paul Nelson, Connie Maxwell, Alan Burdell, Jason Davis, Larry Lamb, Noel Lowe

Call to Order: Mayor Bromley at 5:00 p.m.

School Resource Officer: D. Vaughn: City Manager David Vaughn opened the presentation and Police Chief Paul Nelson brief the Council on the Burnet Consolidated Independent School Districts request to add an additional School Resource Officer. Superintendent Keith McBurnett provided Council with an overview of how successful the program has been and the need to increase coverage of the middle school campus and provide instructional programs related to elementary students in the district. The School Board supports the addition of another SRO for the 2017/2018 school year. The School Board has agreed to the same terms of compensation with the additional officer as they have with the current SRO and has asked the Council for the addition of another SRO to be a consideration for the City's 2017/2018 fiscal budget.

Adjourn: There being no further business the workshop was adjourned at 5:37 p.m.

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix , City Secretary

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

ITEM 2.2

On this the 13th day of June 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 Crista Goble Bromley
Council Members Danny Lester, Tres Clinton, Joyce Laudenschlager, Milton Phair,
 Paul Farmer, Cindia Talamantez
City Manager David Vaughn
City Secretary Kelly Dix

Guests: Mark Lewis, Gene Courtney, Evan Milliorn, Leslie Baugh, Alan Burdell, Patricia Langford, James B. Wilson, Doug Fipps, Paul Nelson, Paul Shell, Connie Maxwell, Craig Lindholm, Bettye Foulds, Craig Lindholm, Noel Lowe, Ricky Langley, Wade Langley, Jason Davis

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

INVOCATION: Council Member Mary Paul Farmer

PLEDGE OF ALLEGIANCE: Council Member Tres Clinton

PLEDGE TO TEXAS FLAG: Council Member Tres Clinton

PUBLIC RECOGNITION/SPECIAL REPORTS: None.

CONSENT AGENDA ITEMS:

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

Approval of the May 23, 2017 Regular Council Meeting minutes

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

PUBLIC HEARING:

Public Hearing: The City Council will conduct a public hearing regarding a Preliminary Plat of the Cottages at Westfall which is described as being a 12.55-acre, 39-lot, residential subdivision located in the 1100 block of S. Westfall Street: M. Lewis: Mayor Bromley opened the public hearing and invited anyone interested in speaking in favor, of or against, the item to approach the podium. There being no one wishing to speak, Mayor Bromley closed the public hearing.

Public Hearing: The City Council will conduct a public hearing regarding the Crawford Subdivision Short Form Final Plat which is described as being a 1.8-acre, six-lot, single-family subdivision located in the 1100 block of CR 340: M. Lewis: Mayor Bromley opened the public hearing and invited anyone interested in speaking in favor, of or against, the item to approach the podium. There being no one wishing to speak, Mayor Bromley closed the public hearing.

Public Hearing: The City Council will conduct a public hearing regarding assignment of original Single-family—District R-1 zoning to that certain Q Crawford Property Development, LLC called 1.8 acre tract recorded in Document 20160695, Official Public Records, Burnet County, Texas: M. Lewis: Mayor Bromley opened the public hearing and invited anyone interested in speaking in favor, of or against, the item to approach the podium. There being no one wishing to speak, Mayor Bromley closed the public hearing.

Public Hearing: The City Council will conduct a public hearing regarding a request to abandon the 600 block of Elm Street which is further described as being located between the S. Rhomberg and S. Silver Street rights-of-way: M. Lewis: Council Member Lester requested confirmation that the

drainage issue had been addressed. City Manager David Vaughn explained the collaboration with Mr. Pratt and Mr. Nored to improve the drainage in question. There being no others wishing to speak, Mayor Bromley closed the public hearing

Public Hearing: Public Hearing: The City Council will conduct a public hearing regarding a request to abandon the Public Utility, Drainage, and Conservation Easement located on Lot 11, Block A, The Ranch at Delaware Creek, Phase I which is further described as 217 Sunday Drive:
M. Lewis: Mayor Bromley opened the public hearing and invited anyone interested in speaking in favor, of or against, the item to approach the podium. There being no one wishing to speak, Mayor Bromley closed the public hearing.

ACTION ITEMS:

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

Discuss and consider action: Appointment of three Commissioners to the Housing Authority of the City of Burnet: K. Dix: Council Member Danny Lester made a motion to re-appoint Roy Hallmark, James Herbort and Jack Butler to serve a two year term ending in June 2019 on the Burnet Housing Authority Board. Council Member Tres Clinton seconded, the motion carried unanimously.

Discuss and consider action: Replacement and Appointment of the Burnet Economic Development Corporation Board: K. Dix: Council Member Danny Lester made a motion to remove Philip Thurman from the Burne Economic Development Corporation Board as he no longer serves on City Council and currently holds a Council appointed position that ends in June of 2018. Council Member Laudenschlager seconded, the motion carried unanimously. The Council was asked to complete a ballot with to fill the vacant seats on the EDC Board. City Secretary Kelly Dix tallied the votes, and presented to Council the list to fill the open seats. Council Member Danny Lester will fill the unexpired term of one year, replacing Philip Thurman. Carey Johnson and David Vaughn were re-appointed for a two year term ending in May of 2019. Mayor Crista Bromley and Wayne Brown, were appointed to the EDC Board for a term of two years ending in May 2019. Council Member Danny Lester moved to accept the results of the ballots and approve the appoint, David Vaughn, Danny Lester, Crista Goble Bromley, Wayne Brown and Cary Johnson to the EDC Board. Council Member Joyce Laudenschlager seconded, the motion carried unanimously.

Discuss and consider action: Approval to accept a citizen donation, and purchase Body Cameras for the Police Department: P. Nelson: Council Member Danny Lester made a motion to accept a citizen donation in the amount of \$14,000.00, and purchase Body Cameras for the Police department. Council Member Cindia Talamantez seconded, the motion carried unanimously.

Discuss and consider action: Loan agreement with Kawasaki: P. Nelson: Council Member Paul Farmer made a motion to approve a loan agreement with Kawasaki for a sport utility vehicle for the Police Department use. Council Member Tres Clinton second, the motion carried unanimously.

Discuss and consider action: The City Council will consider a Preliminary Plat of the Cottages at Westfall which is described as being a 12.55-acre, 39-lot, residential subdivision located in the 1100 block of S. Westfall Street: M. Lewis: Council Member Mickey Phair made a motion to approve a Preliminary Plat of the Cottages at Westfall which is described as being a 12.55-acre, 39-lot, residential subdivision located in the 1100 block of S. Westfall Street. Council Member Danny Lester seconded, the motion carried unanimously.

Discuss and consider action: The City Council will consider the Crawford Subdivision Short Form Final Plat with a variance for reduction of Urban Subdivision right-of-way width from 50-feet to a width of 36-feet: M. Lewis: Council Member Paul Farmer made a motion to approve the Crawford

Subdivision Short Form Final Plat with a variance for reduction of Urban Subdivision right-of-way width from 50-feet to a width of 36-feet. Council Member Cindia Talamantez seconded, the motion carried unanimously. Discuss and consider action: FIRST READING OF AN ORDINANCE AMENDING ORDINANCE NO. 2012-06 BY ASSIGNING ORIGINAL SINGLE-FAMILY-DISTRICT R-1 ZONING TO THAT CERTAIN Q. CRAWFORD PROPERTY DEVELOPMENT, LLC CALLED 1.8-ACRE TRACT RECORDED IN DOCUMENT 20160695, OFFICIAL PUBLIC RECORDS, BURNET COUNTY, TEXAS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: M. Lewis

Discuss and consider action: FIRST READING OF AN ORDINANCE ABANDONING THAT 0.338 ACRE TRACT OF LAND LOCATED EAST OF SOUTH SILVER STREET, WEST OF SOUTH RHOMBERG STREET AND LYING BETWEEN BLOCKS 37 AND 38 OF THE ALEXANDER ADDITION, SAID TRACT BEING FURTHER DESCRIBED AS THE 600 BLOCK OF THE EAST ELM STREET RIGHT-OF-WAY; ABANDONING SAID RIGHT-OF-WAY IN FAVOR OF THE OWNER OF THE ABUTTING PORTIONS OF SAID BLOCKS 37 AND 38; RETAINING A TWENTY-FIVE FOOT SANITARY SEWER EASEMENT DEDICATED TO THE CITY OF BURNET; DIRECTING THE CITY SECRETARY TO FILE A DEED ABANDONING SAID RIGHT-OF-WAY AND GRANTING SAID EASEMENT; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: M. Lewis: Council Member Tres Clinton made a motion to approve the first reading of Ordinance 2017-10 as presented. Council Member Mickey Phair seconded, the motion carried unanimously.

Discuss and consider action: FIRST READING OF AN ORDINANCE ABANDONING THAT PORTION OF THE 40-FOOT PUBLIC UTILITY, DRAINAGE, AND CONSERVATION EASEMENT LOCATED ON LOT 11, BLOCK A, THE RANCH AT DELAWARE CREEK, PHASE 1-A WHICH IS FURTHER DESCRIBED AS BEING 217 SUNDAY DRIVE; DIRECTING THE CITY SECRETARY TO FILE THIS ABANDONMENT ORDINANCE WITH THE OFFICE OF THE BURNET COUNTY CLERK; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: M. Lewis: Council Member Joyce Laudenschlager made a motion to approve the first reading of Ordinance 2017-12 as presented. Council Member Danny Lester seconded, the motion carried unanimously.

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 appeal to the order declaring the structure located at 1407 N. Water Street to be dangerous and unsafe, and therefore a public nuisance; and further ordering the demolition or removal of said structure: M. Lewis: The Council convened as the Board of Appeals. Council Member Paul Farmer made a motion to extend the order to July 7, 2017 and give the owners time to produce a plan for reconstruction/renovation. Mark Lewis will report the findings at the July 11, 2017 regular Council Meeting. Council Member Milton Phair seconded, the motion carried unanimously.

Discuss and consider action: Approve a quote and authorize purchase of a Frazer built ambulance: M. Ingram: Council Member Danny Lester made a motion to authorize the purchase of a Frazer built ambulance for the Fire Department. Council Member Joyce Laudenschlager seconded, the motion carried unanimously.

Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY OF

BURNET, TEXAS, AMENDING ORDINANCE 2016-23; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016, AND ENDING SEPTEMBER 30, 2017, FOR THE CITY OF BURNET, TEXAS, FUNDING ACCOUNTS IN BUDGET DUE TO UNFORESEEN SITUATIONS; CONTAINING FINDINGS; PROVIDING FOR SAVINGS AND SEVERABILITY. Council Member Cindia Talamantez made a motion to approve the first reading of Ordinance 2017-13 as presented. Council Member Mickey Phair seconded, the motion carried unanimously.

Discuss and consider action: Termination of the Parking Lot Agreement between the City of Burnet and The Friends of the Herman Brown Free Library: D. Vaughn: Council Member Paul Farmer made a motion to terminate the Parking Lot agreement between the City of Burnet and The Friends of the Herman Brown Free Library. Council Member Joyce Laudenschlager seconded, the motion carried unanimously.

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.

April 2017 Financial Report: Director of Finance Patricia Langford reviewed the April Financial Report for Council to include revenues, expenditures and fund balances.

EXECUTIVE SESSION:

Council Member Joyce Laudenschlager made a motion to convene to Executive Session at 7:05 p.m. Council Member Tres Clinton seconded, the motion carried unanimously.

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:

RECONVENE TO REGULAR SESSION FOR POSSIBLE ACTION:

Council Member Danny Lester made a motion to reconvene to regular session at 7:21 p.m. Council Member Mickey Phair seconded, the motion carried unanimously.

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: Council Member Danny Lester made a motion to approve Resolution R2017-14 as presented. Council Member Joyce Laudenschlager seconded, the motion carried unanimously.

REQUESTS FROM COUNCIL FOR FUTURE REPORTS: None.

ADJOURN: There being no further business a motion to adjourn was made by Council Member Joyce Laudenschlager at 7:23 p.m., seconded by Council Member Danny Lester. The motion carried unanimously.

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

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

ITEM 2.3

On this the 22nd day of June, 2017, the City Council of the City of Burnet convened in a special called Budget Retreat Session, at 10:00 a.m. at the Bluebonnet Room, Canyon of the Eagles, 16942 RR 2341, Burnet, TX thereof with the following members present, to-wit:

Mayor Crista Goble Bromley
Council Members Danny Lester, Joyce Laudenschlager, Milton Phair, Tres Clinton, Paul Farmer, Cindia Talamantez
City Manager David Vaughn
City Secretary Kelly Dix

Guests: Mark Lewis, Evan Milliorn, Gene Courtney, Mark Ingram, Doug Fipps, Patricia Langford, Connie Maxwell, Alan Burdell, Leslie Baugh

Call to Order: Mayor Bromley called the meeting to order at 10:00 a.m.

CONSIDERATION ITEMS:

Discuss and consider: Fiscal Year 2016/17 Capital Projects Report: A review of the Public Works department to include the Electric, Parks, and Water/Wastewater department Capital Projects were presented to Council by Public Works Director Gene Courtney and Water/Wastewater Supervisor Alan Burdell. Fire Chief Mark Ingram reviewed the Fire/EMS capital projects. Director of Golf covered the Delaware Springs projects and City Manager David Vaughn covered the Police Department projects.

Discuss and consider: Council's goals and priorities: Each Council Member shared their envisioned goals for the 2017/2018 FY Budget with staff.

Discuss and consider: Mid-year budget review and preview of FY 17/18 budget requests: City Manager David Vaughn reviewed the proposed Capital Improvement Projects and presented several options for funding in the next fiscal year and the effects on the projected financial forecast. Council prioritized items to be considered for the preparation of the 2017/18 FY budget.

ADJOURN:

Adjourn: There being no further business the Budget Retreat session was adjourned at 3:39 p.m.

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix , City Secretary



Development Services

ITEM 4.1

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

Agenda Item Brief

Meeting Date: June 27, 2017

Agenda Item: Discuss and Consider Action: SECOND AND FINAL READING OF AN ORDINANCE AMENDING ORDINANCE NO. 2012-06 BY ASSIGNING ORIGINAL SINGLE-FAMILY – DISTRICT R-1 ZONING TO THAT CERTAIN Q. CRAWFORD PROPERTY DEVELOPMENT, LLC CALLED 1.8-ACRE TRACT RECORDED IN DOCUMENT 20160695, OFFICIAL PUBLIC RECORDS, BURNET COUNTY, TEXAS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: M. Lewis

Background: The attached ordinance, if approved by City Council, will assign original Single-Family – District R-1 to the 01.8-acre property described in the above caption.

Information: All necessary precursor actions in the zoning process, including public notice, Planning and Zoning Commission public hearing, and City Council public hearing have been completed. It is appropriate that Council take action on the zone change ordinance at this time.

There have been no changes since the first reading of Ordinance 2017-10 since the first reading on June 13, 2017.

Fiscal Impact: None

Recommendation: Approve and adopt Ordinance No. 2017-10 as presented.

ORDINANCE NO. 2017-10

AN ORDINANCE AMENDING ORDINANCE NO. 2012-06 BY ASSIGNING ORIGINAL SINGLE-FAMILY – DISTRICT R-1 ZONING TO THAT CERTAIN Q. CRAWFORD PROPERTY DEVELOPMENT, LLC CALLED 1.8-ACRE TRACT RECORDED IN DOCUMENT 20160695, OFFICIAL PUBLIC RECORDS, BURNET COUNTY, TEXAS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, The Planning and Zoning Commission of the City of Burnet, on June 5, 2017, did conduct a public hearing for the purpose of taking public comment regarding the proposal to assign original Single-Family – District R-1 zoning to that 1.8 tract described herein; and

WHEREAS, The City Council of the City of Burnet, on June 13, 2017 did conduct its own public hearing for the purpose of taking public comment regarding the same proposal to assign original Single-Family – District R-1 zoning to said 1.8 acres of land; and

WHEREAS, The City Council, based on due consideration of the Planning and Zoning Commission recommendation as well as its own deliberations did determine that Single-Family – District R-1 zoning is consistent with the City of Burnet Future Land Use Plan, consistent with development patterns in the surrounding area, and consistent with the best public interest of the City;

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

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

Section 2. Zoning Changed. Single-Family – District R-1 zoning is hereby assigned to that certain Q Crawford Property Development, LLC called 1.8 acre tract recorded in Document 20160695, Official Public Records, Burnet County, Texas, which is more particularly described by Exhibit A, a copy of which is attached hereto and incorporated for all purposes herein.

Section 3. Repealer. That other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

Section 4. Severability. That should any provisions of this ordinance be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

Section 5. Effective Date. That this ordinance is effective upon final passage and approval.

Section 6. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance 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 Meeting Act, Chapter. 551, Loc. Gov't. Code.

PASSED AND APPROVED on First Reading this 13 day of June, 2017.

FINALLY PASSED AND APPROVED on this 27 day of June, 2017.

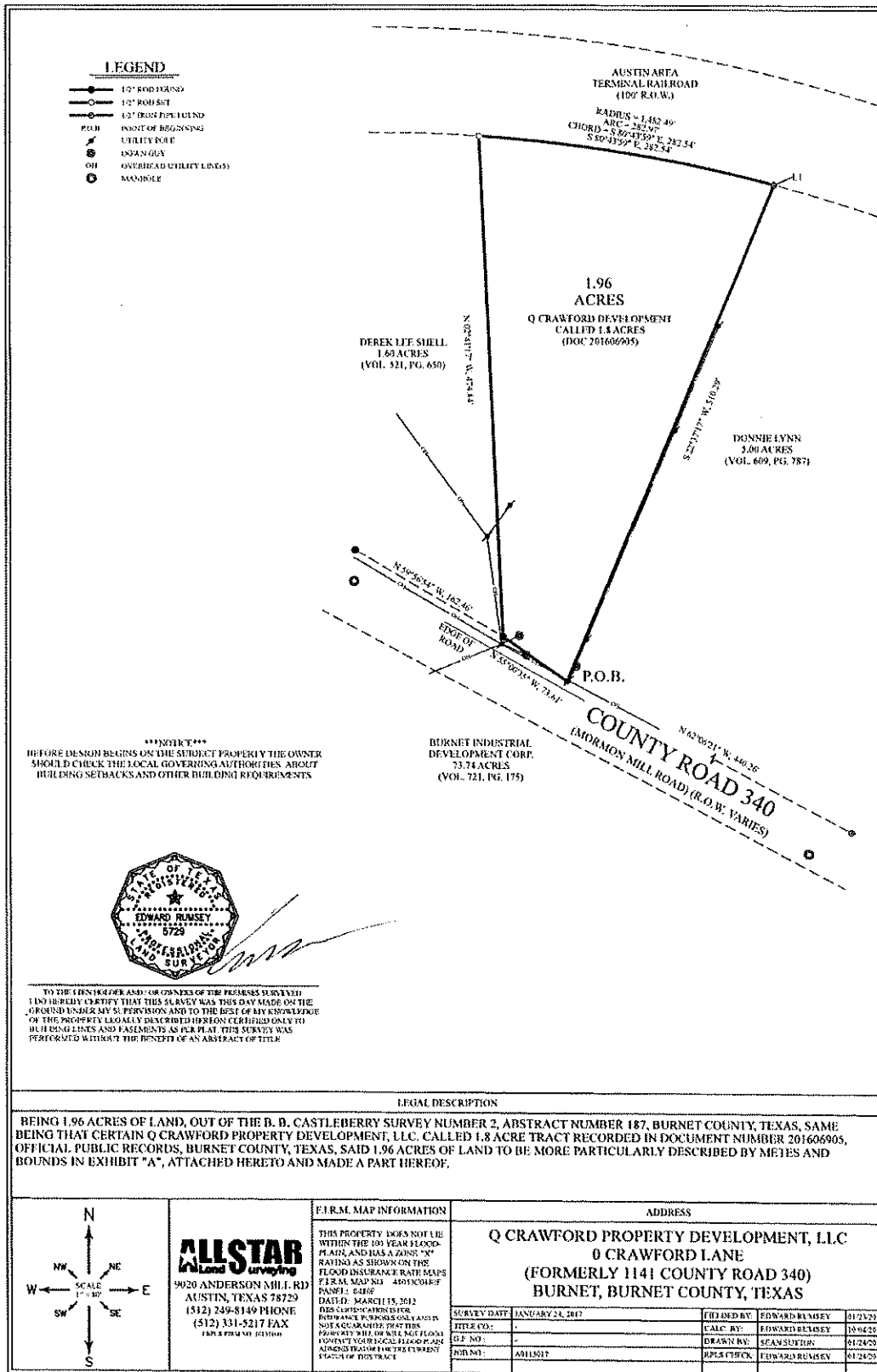
CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

EXHIBIT A





Planning & Zoning

ITEM 4.2

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

Agenda Item Brief

Meeting Date:

June 27, 2017

Agenda Item:

Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE ABANDONING THAT 0.338 ACRE TRACT OF LAND LOCATED EAST OF SOUTH SILVER STREET, WEST OF SOUTH RHOMBERG STREET AND LYING BETWEEN BLOCKS 37 AND 38 OF THE ALEXANDER ADDITION, SAID TRACT BEING FURTHER DESCRIBED AS THE 600 BLOCK OF THE EAST ELM STREET RIGHT-OF-WAY; ABANDONING SAID RIGHT-OF-WAY IN FAVOR OF THE OWNER OF THE ABUTTING PORTIONS OF SAID BLOCKS 37 AND 38; RETAINING A TWENTY-FIVE FOOT SANITARY SEWER EASEMENT DEDICATED TO THE CITY OF BURNET; DIRECTING THE CITY SECRETARY TO FILE A DEED ABANDONING SAID RIGHT-OF-WAY AND GRANTING SAID EASEMENT; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: M. Lewis

Background:

The ordinance attached to this item brief will abandon the 600 block of the East Elm Street right-of-way subject to retention of a 25-foot wide sanitary sewer easement granted to the City of Burnet.

Information:

The abandonment proposal is being brought to City Council with a unanimous Planning and Zoning Commission recommendation for approval. Staff concurs with the Commission and also recommends that the right-of-way be abandoned subject to retention of the referenced utility easement.

There have been no changes to Ordinance 2017-11 since the first reading on June 13, 2017.

Fiscal Impact:

None

Recommendation: Approve and adopt Ordinance 2017-11 as presented.

ORDINANCE NO. 2017-11

AN ORDINANCE ABANDONING THAT 0.338 ACRE TRACT OF LAND LOCATED EAST OF SOUTH SILVER STREET, WEST OF SOUTH RHOMBERG STREET AND LYING BETWEEN BLOCKS 37 AND 38 OF THE ALEXANDER ADDITION, SAID TRACT BEING FURTHER DESCRIBED AS THE 600 BLOCK OF THE EAST ELM STREET RIGHT-OF-WAY; ABANDONING SAID RIGHT-OF-WAY IN FAVOR OF THE OWNER OF THE ABUTTING PORTIONS OF SAID BLOCKS 37 AND 38; RETAINING A TWENTY-FIVE FOOT SANITARY SEWER EASEMENT DEDICATED TO THE CITY OF BURNET; DIRECTING THE CITY SECRETARY TO FILE A DEED ABANDONING SAID RIGHT-OF-WAY AND GRANTING SAID EASEMENT; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, The City Council of the City of Burnet has determined that abandonment of that 0.338 acre portion of the East Elm Street right-of-way described above to be in the best public interest; and

WHEREAS, Whereas the Burnet Economic Development Corporation (BEDC), as owner of the abutting properties, holds title to the land underlying said public right-of-way; and

WHEREAS; the BDEC has expressed a desire to see said public right-of-way abandoned;

NOW, THEREFORE, BE IT ORDAINED BY THE 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 adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Abandonment of Right-of-way. That portion of the East Elm Street right-of-way lying east of South Silver Street and west of South Rhomberg Street, between Blocks 37 and 38, said 0.338 acre being more particularly described by that May 31, 2017 graphic exhibit prepared by Cuplin and Associates, attached hereto as Exhibit A and incorporated for all purposes herein is hereby abandoned in favor of the Burnet Economic Development Corporation in return for the fair value consideration of a twenty-five (25) foot Sanitary Sewer Easement granted to the City of Burnet and more particularly described on Exhibit A attached hereto..

Section 3. Deed to be Recorded. The City Secretary is hereby directed to cause to be filed with the County Clerk's office, a deed granting to the Burnet Economic

Development Corporation, that portion of the East Elm Street right-of-way described in Exhibit A attached hereto and further granting to the City of Burnet the twenty-five (25) foot sanitary sewer easement described by that same Exhibit A.

Section 4. Repealer. That other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

Section 5. Severability. That should any provisions of this ordinance be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

Section 6. Effective Date. That this ordinance is effective upon final passage and approval.

Section 7. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance 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 Meeting Act, Chapter. 551, Loc. Gov't. Code.

PASSED AND APPROVED on First Reading this 13th day of June, 2017.

FINALLY PASSED AND APPROVED on this 27th day of June, 2017.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

EXHIBIT A



LEGEND	
•	1/2" IRON PIN FOUND
—	EXISTING BOUNDARY
- - -	PROPOSED BOUNDARY
○	OFFICIAL OFFICIAL PLAT ACROSS
○	OFFICIAL PLAT ACROSS
○	P.O.B. POINT OF BEGINNING
()	RECORD INFO/SUBJECT

NOTES:
 1) SUBJECT PROPERTY IS LOCATED WITHIN ZONE X (AREAS OUTSIDE THE 100 YR FLOOD)
 AS GRAPHICALLY IDENTIFIED ON FEMA F.I.R.M., MAP NO. 480350240F, EFFECTIVE
 08/13/2012.
 2) BASIS OF BEARINGS ARE TO THE NORTH AMERICAN DATUM OF 1983, TEXAS
 COORDINATE SYSTEM, CENTRAL ZONE.

BOUNDARY SURVEY

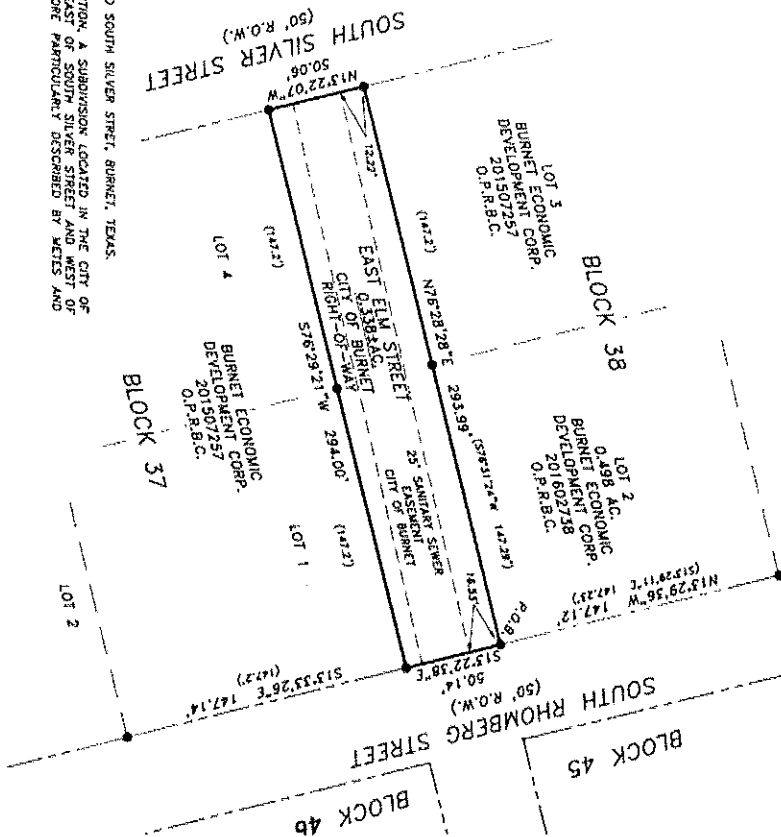
LOCAL ADDRESS: A PORTION OF EAST ELM STREET BETWEEN SOUTH RHOMBURG STREET AND SOUTH SILVER STREET, BURNET, TEXAS.

LEGAL DESCRIPTION: BEING A 0.338 ACRE TRACT OF LAND OUT OF THE ALEXANDER ADDITION, A SUBDIVISION LOCATED IN THE CITY OF BURNET, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS DESCRIPTION TO ACCOMPANY THIS SURVEY.

PURSUANT TO THE STATE OF TEXAS ADMINISTRATIVE CODE SECTION 653.18c, THIS DOCUMENT IS "PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT"

KYLE P. CUPUN, R.P.L.S. NO. 5938

DATE 05/31/2017



PROJ. NO. 17576	1500 DILLIE LANE
PREPARED FOR: CITY OF BURNET	STARBLE FALLS, TX 76684
TECH. NO. 1011	PH 817-257-5757
APPROVED: K. CUPUN	WWW.CUPUNASSOCIATES.COM
FIELDWORK PERFORMED ON: 2/27/2017	
COPYRIGHT 2017	PROFESSIONAL FIRM NO. 10124500

1500 DILLIE LANE
 STARBLE FALLS, TX 76684
 PH 817-257-5757
 WWW.CUPUNASSOCIATES.COM

SCALE = 1" = 60'
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SHEET
 1 OF 2

EXHIBIT A

Page 2 of 2

CUPLIN & ASSOCIATES, Inc.
land surveyors & planners

Prepared For: The City of Burnet, Texas
Project No. 161220
Date: 10/04/2016

FIELD NOTES TO ACCOMPANY A SURVEY PLAT OF A 577 SQUARE FOOT TRACT OF LAND OUT OF THE JOHN HAMILTON SURVEY NO. 1, ABSTRACT NO. 405 IN BURNET COUNTY, TEXAS AND BEING A PORTION OF LEAGUE STREET IN THE CITY OF BURNET, BURNET COUNTY, TEXAS, SAID 577 SQUARE FOOT TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a 3/8" iron rod found in the north right-of-way line of said League Street and the south line of that certain 5 acre Block No. 8 of the Peter Kerr Donation, being the southeast corner of that certain 0.151 acre tract of land conveyed to Charleen Carothers in Document No. 201602281 of the Official Public Records of Burnet County, Texas and the southwest corner of that certain 0.17 acre tract of land conveyed to Josef K. Hernandez and wife, Rebecca K. Hernandez in Document No. 201607517 of the Official Public Records of Burnet County, Texas, for the northwest corner hereof, from which 1/2" iron rod found with plastic survey cap stamped DJS 5602, for the northwest corner of said 0.17 acre tract bears N13°29'56"W (called N12°00'W), a distance of 69.74 feet (called 70.00 feet);

THENCE N76°34'11"E (called N78°00'E) with the north right-of-way line of said League Street, the south line of said 5 acre Block No. 8 and the north line hereof, a distance of 103.08 feet (called 103.00 feet) to a 1/2" iron rod found at the point of intersection of the north right-of-way line of said League Street and the west right-of-way line of Hill Street for the southeast corner of said 5 acre Block No. 8, the southeast corner of said 0.17 acre tract and the northeast corner hereof, from which a 5/8" iron rod found for the northeast corner of said 0.17 acre tract bears N13°41'21"W (called N12°00'W), a distance of 69.86 feet (called 70.00 feet);

THENCE S13°41'21"E with an extension of the west line of said Hill Street and the east line hereof, a distance of 5.60 feet to a 1/2" iron rod set with plastic survey cap stamped CUPLIN 5938, for the southeast corner hereof;

THENCE S76°34'11"W with the south line hereof, a distance of 103.10 feet to a 1/2" iron rod set with plastic survey cap stamped CUPLIN 5938, for the southwest corner hereof;

THENCE N13°29'56"W with the west line hereof, a distance of 5.60 feet to the **POINT OF BEGINNING**, containing 577 Square Feet, more or less

I hereby certify that this survey was prepared on the ground and was surveyed by me or under my direct supervision and that this professional service meets or exceeds the current minimum standards of practice as established by the Texas Board of Professional Land Surveying. Basis of Bearings are to N.A.D. of 1983, Texas Coordinate System, Central Zone. A Plat of Survey of even date was prepared as is intended to accompany the above described tract of land.

Kyle P. Cuplin
Registered Professional Land Surveyor No. 5938

Dated: 10/04/2016

1500 Ollie Lane, Marble Falls, Texas 78654
P/E: 325.388.3300 Fax: 325.388.3320 Prof. Firm No. 10126900
www.cuplinassociates.com





Administration

ITEM 4.3

Connie Maxwell
Director of Budgets/Special
Projects
(512)-756-6093 ext. 3219
cmaxwell@cityofburnet.com

Agenda Item Brief

Meeting Date: June 27, 2017

Agenda Item: Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2016-23; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016, AND ENDING SEPTEMBER 30, 2017 FOR THE CITY OF BURNET, TEXAS, FUNDING ACCOUNTS IN BUDGET DUE TO UNFORESEEN SITUATIONS; CONTAINING FINDINGS PROVIDING FOR SAVINGS AND SEVERABILITY: C. Maxwell

Background:

Information:

Fiscal Impact: As noted on Attachment "A".

Recommendation: Approve and adopt Ordinance 2017-13 as presented.

ORDINANCE NO. 2017-13

AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2016-23; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016, AND ENDING SEPTEMBER 30, 2017, FOR THE CITY OF BURNET, TEXAS, FUNDING ACCOUNTS IN BUDGET DUE TO UNFORESEEN SITUATIONS; CONTAINING FINDINGS; PROVIDING FOR SAVINGS AND SEVERABILITY.

WHEREAS, the City of Burnet, Texas Fiscal Year 2016-2017 Budget was adopted by Ordinance 2016-23 within the time and in the manner required by State Law; and

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

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

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

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

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

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

Section 1. Findings

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

Section 2. Purpose

The City of Burnet, Texas, Fiscal Year 2016-2017 Budget is hereby amended to reflect effect of unforeseen circumstances,

Section 3. Savings/Repealing Clause

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal

prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

Section 4. Severability

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

PASSED AND APPROVED the First Reading on this the 13th day of June, 2017

FINALLY PASSED AND APPROVED on this 27th day of June, 2017.

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

ATTACHEMENT A:

\$14,000 revenue and \$14,500 expense for Police Department body camera purchase and donation received.

Move \$44,400 from the Police Department Architect Fees for the following:

- \$10,000 to purchase laptops for City Council.
- \$8,500 for the upgrade to the Police and Fire radios approved by Council.
- \$11,500 for the test radios that were not recorded in FY 2015-16.
- \$9,400 for expenses incurred in the purchase of the Fire Truck that were not recorded in FY 2015-16.
- \$5,000 for additional expenses incurred for the Delaware Springs Drainage project

Budget \$240,000 of Revenue and Expense for Sewer Plant and Interceptor Line expenses covered by loan proceeds.

Budget \$30,000 for the CR 200 Drainage program. Expense will be reimbursed by the Developer.

Additional Fund Balance in General Fund is needed in the amount of \$31,000 to be used as follows:

- \$15,000 for the Park Extension
- \$15,000 to repair structural issues at the Police Department building
- \$1,000 to cover overage on the Delaware Springs Improvements

Additional \$4,200 of Fund Balance from the Electric Fund to cover the addition of a street light and transformer at Ramsey's Way.

Additional Water Impact Fees of \$22,000 to complete the Hwy 281 Water Line Project.

Budget \$5,800 of Fund Balance in Water/Wastewater for expenses incurred for the Airy Mount Water Line Extension.

Budget \$5,000 of revenue and expense for the NRA grant received by the Police Department

\$850,000 for sewer line from 281 N to FM 963 to be funded with \$500,000 of Fund Balance and \$350,000 of loan proceeds.

An additional fund balance of \$350,000:

- \$220,000 for the street improvements needed on Westfall
- \$130,000 for a new dump truck in FY 2016-17



Development Services

ITEM 4.4

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

Agenda Item Brief

Meeting Date: June 27, 2017

Agenda Item: Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY OF BURNET AMENDING CODE OF ORDINANCES CHAPTER 22 BY REPEALING SECTION 22-160 – ADOPTION OF THE INTERNATIONAL FIRE CODE, 2009 EDITION FOR THE PURPOSE OF ESTABLISHING A NEW SECTION 22-160 – ADOPTION OF THE INTERNATIONAL FIRE CODE, 2015 EDITION; PROVIDING FOR A SEVERABILITY CLAUSE, A REPEALER CLAUSE, AND ESTABLISHING AN EFFECTIVE DATE: M. Lewis

Background: The City of Burnet currently utilizes the 2009 edition of the International Fire Code. The attached ordinance repeals and replaces the 2009 code with its 2015 analogue. The ordinance also establishes certain amendments the Fire Department has determined to be appropriate for the community.

Information: Building materials and methods are evolving as quickly as all other branches of modern technology. Construction related codes, in order to keep up with the building industry, are typically updated on a three year cycle. The 2009 National Fire Code currently utilized by the City is two code cycles out of date.
Adoption of the 2015 Fire Code will better position the City to deal with ongoing growth and development.

Fiscal Impact: None

Recommendation: Approve the first reading of the ordinance adopting the 2015 International Fire Code as presented.

ORDINANCE NO. 2017-15

AN ORDINANCE OF THE CITY OF BURNET AMENDING CODE OF ORDINANCES CHAPTER 22 BY REPEALING SECTION 22-160 – ADOPTION OF THE INTERNATIONAL FIRE CODE, 2009 EDITION FOR THE PURPOSE OF ESTABLISHING A NEW SECTION 22-160 – ADOPTION OF THE INTERNATIONAL FIRE CODE, 2015 EDITION; PROVIDING FOR A SEVERABILITY CLAUSE, A REPEALER CLAUSE, AND ESTABLISHING AN EFFECTIVE DATE:

WHEREAS, The City Council has determined that adoption and enforcement of an up to date and effective fire code is necessary for the preservation of the health, safety, general welfare and morals of the community; and

WHEREAS, the City Council has further determined that the 2015 edition of the International Fire Code published by the International Code Council, is such an up to date and effective code; and

WHEREAS, Council desires to adopt said up to date and effective code for the purpose of protecting the health, safety, general welfare and morals of the community:

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

The City Council of the City of Burnet does ordain as follows:

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. Section 22-160 – Adoption of the International Fire Codes, 2009 edition is hereby repealed and a new Section 22-160 – International Fire Code is establishes as follows:

(a) The International Fire Code, 2015 edition, a copy of which in on file in the office of the City Secretary, is hereby adopted as the Fire Code of the City of Burnet, said adoption being inclusive of Appendices B, C, D, E, F, G, H, I, K, AND L and such amendments as follow:

(1) Section 101.1. Title.

Insert: City of Burnet

101.1 Title. These regulations shall be known as the Fire Code of City of Burnet hereinafter referred to as "this code."

(2) Section 105.1.2 Types of Permits.

Insert: Section 105.1.2.3 Permit Fees

Type	Cost	Notes
Burn Permits		

Residential Burn Permit	\$20	
HOA, POA, Subdivision	\$40	Community burn location
Res. or Com. Development	\$120	
Fireworks Displays	\$100	
New and Remodel Construction		
Fire Safety Plan Review	\$100	General – New Construction
Fire Safety Plan Review	\$50	General – Major Remodel
Sprinkler System	\$100	<12,000 sqft
Sprinkler System	\$200	> 12,000 sqft
Alarm System	\$100	<12,000 sqft
Alarm System	\$200	> 12,000 sqft
Commercial Hood Suppression	\$75	
System Inspections		
Underground Fire Main Inspection	\$30	
Sprinkler System Pressure Test	\$25	
Sprinkler System Final	\$50	<12,000 sqft
Sprinkler System Final	\$100	> 12,000 sqft
Alarm System Final	\$50	<12,000 sqft
Alarm System Final	\$100	> 12,000 sqft
Commercial Hood Suppression Final	\$25	
Re-inspection Fees	½ rate	Of Initial Inspection charge
Licensing Inspections		
Foster Home	\$0	
Group Home	\$25	
Day Care	\$25	
Nursing Home/Asst. Living	\$75	
Hospital	\$100	
Private Correction Facility	\$50	
County or State Corrections Facility	\$0	
Insurance Inspection	\$25	
After Hour Inspection Rate	Fee +	Inspector over time rate – 1 Hr. Minimum

(3) Section 108.1 Board of appeals established.

Section 108.1, Board of appeals is amended as follows:

City council to serve as board of appeals. In order to conduct public hearings and to hear and decide appeals of orders, decisions or determinations made by the code official or building official relative to the application and interpretation of this article, the city council shall serve as the board of appeals to pass upon matters pertaining to building standards. The board of appeals may adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the property owner and lien holders, with a duplicate copy to the code official. Appeals to the board shall be processed in accordance with the provisions established by this article.

- (4) Section 108.3 Qualifications.
Section 108.3, Qualifications is hereby deleted
- (5) Section 109.4 Violation penalties.
Section 109.4, Violation penalties is amended as follows:
109.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a Class C Misdemeanor punishable by a fine of not more than not less than \$100 dollars or more than \$2000 dollars or by imprisonment not exceeding number of days to be at the discretion of the Judge or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- (6) Section 111.4 Failure to comply.
Section 111.4, Failure to comply is hereby amended as follows:
Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$100 dollars or more than \$2000 dollars.
- (7) Section 307 Open burning, recreational fires and portable outdoor fireplaces.
Section 307, Open burning, recreational fires and portable outdoor fireplaces is hereby amended as follows:
Outdoor open burning is generally prohibited anywhere within the incorporated city limits of Burnet, Texas. There are allowable exceptions for specific situations in which burning is necessary or does not pose a threat to property or the environment, or as further allowed by this subchapter and state law. A permit issued by the Fire Marshal or his designee is required to exercise these exceptions.
- (8) Section 307.2.1 Definitions.
Section 307.2.1, Definitions is hereby amended to include definitions as follow:
Extinguished—The absence of any visible flames, glowing coals, or smoke.

Practical alternative—An economically, technologically, ecologically and logistically viable option.

Red Flag Warning—A Red Flag Warning means high fire danger with increased probability of a quickly spreading vegetation fire in the area within 24 hours. The weather criteria for red flag warnings vary based on the local vegetation type, topography, and distance from major water sources. They usually include the daily vegetation moisture content calculations, expected afternoon high temperature, afternoon minimum relative humidity and daytime wind speed.

Sensitive receptor(s)—A manmade structure utilized for human residence or business, the containment of livestock, or the housing of sensitive live vegetation. The term "sensitive live vegetation" is defined as vegetation which has potential to be damaged by smoke and heat, examples of which include, but are not limited to: nursery production, mushroom cultivation, pharmaceutical plant production, or laboratory experiments involving plants.

Sunrise/sunset—Official sunrise/sunset as set forth in the United States Naval Observatory tables available from National Weather Service offices.

(9) 307.3 Outdoor burning exceptions

307.3 Outdoor burning exceptions is hereby amended as follows:

Trees, brush and other plant growth may be burned on the property on which the material grew if they meet all of the following:

1. The plant waste must not have been created secondary to the work of a commercial lawn or tree cutting service or other person, group or entity providing the labor for monetary compensation.
2. The material must be burned by the property owner or his designee (for this purpose a designee can be a paid employee of the property owner). The property owner's designee may not be a commercial tree cutting or lawn service or any person, group or entity subcontracted for the sole purpose of providing the labor for the burn for compensation.
3. Commercial tree cutting services and lawn care services may not burn generally allowable material on their property if that material was brought from offsite.

(10) 307.4 Rules while conducting the burn.

307.4 Rules while conducting the burn is hereby amended as follows:

Once a permit for on-site burning is issued, the following rules shall be followed:

1. Immediately prior to igniting the controlled burn, the property owner or his designee will contact the local emergency dispatch at their non-emergency phone number and report the physical address location of the burn and a contact phone number.
2. Open burning must not be conducted within 50 feet of any structure or combustible material. Conditions that would enable fire to spread within 50 feet of a structure shall be eliminated prior to ignition.
3. Sites permitted for open burning shall provide a method to control the fire that is adequate for the fire's size, the local geography and weather conditions such as a readily available garden hose or other reasonable method of managing the fire and preventing its spread outside the boundaries of the pile. The burning material shall be constantly attended by a person 17 years of age or older who is knowledgeable in the use of the provided fire extinguishing equipment and familiar with the requirements and/or special conditions of the permit.

4. Burning shall be commenced and conducted only when wind direction and other meteorological conditions are such that smoke and other pollutants will not cause adverse effects to any public road, landing strip, navigable water, or off-site structure containing sensitive receptor(s).

5. If at any time the burning causes or may tend to cause smoke to blow onto or across a road or highway, it is the responsibility of the person initiating the burn to post flag-persons on affected roads.

6. Burning must be conducted downwind of or at least 300 feet (90 meters) from any structure containing sensitive receptors located on adjacent properties unless prior written approval is obtained from the adjacent occupant with possessory control.

(11) 307.5 is hereby amended as follows:

Burning shall be conducted in compliance with the following meteorological and timing considerations:

1. The initiation of burning shall commence no earlier than one hour after sunrise. Burning shall be completed on the same day not later than one hour before sunset, and shall be attended by a responsible party at all times during the active burn phase when the fire is progressing. In cases where residual fires and/or smoldering objects continue to emit smoke after this time, such areas shall be extinguished if the smoke from these areas has the potential to create a nuisance or traffic hazard condition. In no case shall the extent of the burn area be allowed to increase after this time.

2. Burning shall not be commenced when surface wind speed is predicted to be less than six miles per hour (mph) (five knots) or greater than 23 mph (20 knots) during the burn period. Additionally, no burning shall commence on Red Flag warning days.

3. Burning shall not be conducted during periods of actual or predicted persistent low-level atmospheric temperature inversions.

(12) 307.6 is hereby amended as follows:

Electrical insulation, lumber that has been treated, glued, laminated, pressed, varnished, stained or painted, plastics, non-wood construction/demolition materials, fiberglass, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, and items containing natural or synthetic rubber must not be burned.

(13) 307.7 is hereby amended as follows:

The burning of pallets and/or other packaging or product handling material made from dimensional lumber by commercial end users of such products shall be specifically prohibited.

(14) 307.8 is hereby amended as follows:

The authority to conduct outdoor burning under this regulation does not exempt or excuse any person responsible from the consequences, damages, or injuries resulting from the burning and does not exempt or excuse anyone from complying with all other applicable laws or ordinances, regulations, and

orders of governmental entities having jurisdiction, even though the burning is otherwise conducted in compliance with this regulation.

(15) 307.9 Permit fee and duration.

307.9 Permit fee and duration is hereby amended as follows:

The fee for issued permits for the conducting of approved outdoor burning is subject to the following information:

1. Established Residential or Vacant Lots: \$20.00 for 30 calendar days
2. HOA, POA, of Established Subdivision community Lot: \$40.00 for 30 calendar days
3. Commercial or Residential Development Property under developer control: \$150 for 30 calendar days
4. Exception: Extensions may be granted if the time period was shortened due to weather conditions, state or county issued burn bans, extended red flag warnings or any other reasonable situation as determined by the Fire Marshal.

(16) 307.10 Revocation.

307.10 Revocation is hereby amended as follows:

The Fire Marshal and his representatives are authorized to revoke a burn permit and require that the open burning be immediately discontinued if:

(17) 307.11 Refusal to issue permit.

307.11 Refusal to issue permit is hereby amended as follows:

In addition to burn piles containing non-allowed combustible material within, the Fire Marshal or his representatives may refuse to issue a permit for outdoor burning where the greater good or the health, safety and welfare of the public supersedes those of the individual, even though all conditions for permit issuance are being met.

(18) 307.12 Outdoor burning allowed without permit.

307.12 Outdoor burning allowed without permit is hereby amended as follows:

Outdoor burning shall be authorized for fires used solely for recreational, religious or ceremonial purposes, or in the noncommercial preparation of food, or used exclusively for the purpose of supplying warmth during cold weather. These fires shall be no larger than two feet in height and three feet in diameter and shall be allowed without permit or notification of the local authority.

(19) 307.13 Penalty.

307.13 Penalty is hereby amended as follows:

Any person who violates any of the provisions of this section shall be guilty of a class C misdemeanor and upon conviction thereof, shall be punished by a fine not less than \$100.00 or greater than \$2,000.00.

(20) Section 903.2.7 Group M. subparagraph 4.

Section 903.2.7 Group M, subparagraph 4 is hereby amended as follows:
Section 903.2.7 Group M. subparagraph 4. A Group M occupancy that meets or exceeds 5,000 square feet and utilizes 2,500 square feet or more for the sale, display, or storage of upholstered furniture or mattresses.

(21) Section 1103.5.3. Group I-2 Condition 2

Section 1103.5.3. Group 1-2 Condition 2 is hereby amended by the inclusion of the following:

Section 1103.5.3 Sprinkler system. Sprinkler system must be installed prior to operation or immediate "stop work" order administered upon discovery until sprinkler system is installed.

(22) Section 5608.2 Permit application.

Section 5608.2 Permit application is hereby amended as follows:

Any person, company or other entity desiring to ignite fireworks in a controlled public display, use pyrotechnic before a proximate audience or use flame effects before an audience must file an application with the city secretary at least 30 days prior to the proposed display along with a \$100.00 application fee. The applicant must:

1. Meet all requirements for the same as outlined in Title 28. Insurance; Part 1, Texas Department of Insurance; Chapter 34, State Fire Marshal; Subchapter H, Storage and sale of fireworks;

2. Provide state required documentation to the city for review and final approval of the event, including recommendations or proposals for any changes as required.

3. The Fire Marshal, with approval from the City Manager, may issue a permit for public fireworks displays; use of pyrotechnics before a proximate audience and/or use of flame effects before an audience. The event permitted may only be ignited as provided in the application and any restrictions added in the permit. At the time of the event, the Fire Marshal may require that the fire department be on standby at the site. As a requirement of the permit, the Permittee may be charged the reasonable costs for the fire department being on standby status for the display.

5608.2.1 The city, its agents, assigns and contractors may sponsor city fireworks displays with the express authorization of a majority vote of the city council. The person(s), company or entity contracted to operate the display, or use pyrotechnics or flames before an audience shall meet all state requirements. The Fire Marshal shall be notified of all city fireworks displays and shall review the proposed ignition site, the proposed trajectory and landing site for all fireworks displays and make recommendations or proposals for any changes. City sponsored fireworks, pyrotechnic and/or flame events shall be exempt from the local permit requirements. The Fire Marshal shall be notified of the location for storage of fireworks.

5608.2.2 The city reserves the right to deny any application. The city reserves the right, with or without notice, to revoke any fireworks permit. All permits shall expire, and no longer be valid, immediately after the fireworks, pyrotechnic or flame event permitted was to occur.

5608.2.3 Only those persons issued a valid permit shall be permitted to transport, store and ignite fireworks in compliance with a valid permit.

(23) Section 5704.2.9.6.1 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited): Zones R-1, R-1E, R-2, R-2A, R-3, OS, M-1, M-2, G, NC, PUD, C-1 as described in Sec. 118 City Code of Ordinances.

(24) Section 5706.2.4.4 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): Zones R-1, R-1E, R-2, R-2A, R-3, OS, M-1, M-2, G, NC, PUD, C-1 as described in Sec. 118 City Code of Ordinances.

(25) Section 5806.2 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): Zones R-1, R-1E, R-2, R-2A, R-3, OS, M-1, M-2, G, NC, PUD, C-1 as described in Sec. 118 City Code of Ordinances.

(26) Section 6104.2 (geographic limits in which the storage of liquefied petroleum gas is restricted or the protection of heavily populated or congested areas): Zones R-1, R-1E, R-2, R-2A, R-3, OS, M-1, M-2, G, NC, PUD, C-1 as described in Sec. 118 City Code of Ordinances.

Section 3. Repealer. That other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

Section 4. Severability. That should any provisions of this ordinance be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

Section 5. Effective Date. That this ordinance is effective upon final passage and approval.

Section 6. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance 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 Meeting Act, Chapter. 551, Loc. Gov't. Code.

PASSED AND APPROVED on First Reading this 27th day of June, 2017.

FINALLY PASSED AND APPROVED on this 11th day of July, 2017.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 4.5

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

Agenda Item Brief

Meeting Date: June 27, 2017

Agenda Item:

Discuss and Consider Action: FIRST READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING CHAPTER 22—BUILDINGS AND BUILDING REGULATIONS, BY REPEALING THE 2009 EDITIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL ENERGY CONSERVATION CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, AND NFPA, LIFE SAFETY CODE; REPEALING THE NATIONAL ELECTRICAL CODE, 2008 EDITION; REPEALING SECTION 22-177 – DEFINITIONS; REPEALING SECTION 22-202 - WIRING AND OTHER SPECIFICATIONS, AND ADOPTING, WITH SELECTED APPENDICES, THE 2015 EDITIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL ENERGY CONSERVATION CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE; NFPA 101 LIFE SAFETY CODE; ADOPTING THE NATIONAL ELECTRICAL CODE, 2014 EDITION; PROVIDING FOR A REPEALER CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE: M. LEWIS

Background: The City of Burnet currently utilizes the 2009 editions of the International Codes, the National Fire Prevention Association's (NFPA) Life Safety Code, and the 2008 National Electrical Code. The attached ordinance repeals these codes and replaces them with their up to date analogues. The ordinance also repeals certain, out of date local amendments to those earlier code editions.

Information: Building materials and methods are evolving as quickly as all other branches of modern technology. Construction related codes, in order to keep up with the building industry, are typically updated on a three year cycle. 2009 International Codes and 2008 Electrical Code currently utilized by the City are two code cycles out of date.

The codes adopted by the attached ordinance are the current editions of the International and National Electrical Codes. These are also the code editions in common use throughout the Austin metropolitan area.

Adoption of these codes will better position the City to deal with ongoing growth and development.

Fiscal Impact: None

Recommendation: Approve the first reading of the ordinance adopting the 2015 International and 2014 National Electrical Codes.

ORDINANCE NO. 2017-14

AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING CHAPTER 22—BUILDINGS AND BUILDING REGULATIONS, BY REPEALING THE 2009 EDITIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL ENERGY CONSERVATION CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, AND NFPA, LIFE SAFETY CODE; REPEALING THE NATIONAL ELECTRICAL CODE, 2008 EDITION; REPEALING SECTION 22-177 – DEFINITIONS; REPEALING SECTION 22-202 - WIRING AND OTHER SPECIFICATIONS, AND ADOPTING, WITH SELECTED APPENDICES, THE 2015 EDITIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL ENERGY CONSERVATION CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE; NFPA 101 LIFE SAFETY CODE; ADOPTING THE NATIONAL ELECTRICAL CODE, 2014 EDITION; PROVIDING FOR A REPEALER CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City Council has determined that adoption and enforcement of up to date and effective building codes are necessary for the preservation of the health, safety, general welfare and morals of the community; and

WHEREAS, the City Council has further determined that the 2015 editions of the International Codes published by the International Code Council, along with the 2014 National Electrical Code and 2015 edition of the NFPA 101, Life Safety Code published by the National Fire Prevention Association constitute such a body of up to date and effective codes; and

WHEREAS, Council desires to adopt said up to date and effective codes for the purpose of protecting the health, safety, general welfare and morals of the community:

NOW, THEREFORE, BE IT ORDAINED BY THE 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 adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Codes adopted

(a) Section 22-51 International Building, Residential, and Existing Building Codes, 2009 edition is hereby repealed and a new Section 22-51, International Building, Residential and Existing Building Codes, 2015 editions is established as follows.

(1) The International Building Code, 2015 edition, a copy of which is on file in the office of the City Secretary is hereby adopted as the Building Code of the City of Burnet, said adoption being inclusive of appendices listed in (i) through (vi) below

- (i) Appendix C, Group U – Agricultural Buildings
- (ii) Appendix D, Fire Districts
- (iii) Appendix F, Rodent Proofing
- (iv) Appendix G, Flood-Resistant Construction
- (v) Appendix I, Patio Covers
- (vi) Appendix J, Grading

(2) The International Residential Code, 2015 Edition, a copy of which is on file in the office of the City Secretary is hereby adopted as the Residential Code of the City of Burnet, said adoption being inclusive of Appendices listed in (i) through (xiii) below:

- (i) Appendix A, Sizing and Capacities of Gas Piping,
- (ii) Appendix B, Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances, and Appliances listed for use with Type B Vents
- (iii) Appendix C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems

- (iv) Appendix E, Manufactured Housing Used as Dwellings
- (v) Appendix F, Passive Radon Gas Controls
- (vi) Appendix G, Piping Standards for Various Applications
- (vii) Appendix H, Patio Covers
- (viii) Appendix J, Existing Buildings and Structures
- (ix) Appendix K, Sound Transmission
- (x) Appendix N, Venting Methods
- (xi) Appendix P, Sizing of Water Piping System
- (xii) Appendix R Light Straw-Clay Construction
- (xiii) Appendix S Strawbale Construction

(3) The International Existing Building Code, 2015 Edition, a copy of which is on file in the office of the City Secretary is hereby adopted as the Existing Building Code of the City of Burnet, said adoption being inclusive of Resource A – Guidelines on Fire Ratings of Archaic Materials and Assemblies

(b) Section 22-127 – International Plumbing Code 2009 Edition is hereby repealed and a new Section 22-127 - International Plumbing Code, 2015 Edition is hereby established as follows:

The International Plumbing Code, 2015 Edition, a copy of which is on file in the office of the City Secretary, is hereby adopted as the Plumbing Code of the City of Burnet, said adoption being inclusive of Appendices listed in (i) and (ii) below:

- (i) Appendix C, Structural Safety
- (ii) Appendix F, Sizing of Water Piping System

(c) Section 22-151 – Adoption of the International Mechanical Code, 2009 edition is hereby repealed and a new Section 22-151 International Mechanical Code, 2015 Edition, is established as follows:

The International Mechanical Code 2015, a copy of which is on file in the office of the City Secretary, is hereby adopted as the Mechanical Code of the City of Burnet, said adoption being inclusive of Appendix A, Chimney Connector Pass-Throughs.

- (d) Section 22-161 – Adoption of the International Fuel Gas Code, 2009 edition is hereby repealed and a new Section 22-161 – International Fuel Gas Code, 2015 Edition is established as follows:

The International Fuel Gas Code, 2015 edition, a copy of which is on file in the office of the City Secretary, is hereby adopted as the Fuel Gas Code of the City of Burnet, said adoption being inclusive of Appendices listed in (i) through (iii) below:

- (i) Appendix A, Sizing and Capacities of Gas Piping (IFGS)
- (ii) Appendix B, Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances and Appliances Listed For Use With Type B Vents (IFGS)
- (iii) Appendix C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems (IFGS)

- (e) Section 22-162 – Adoption of the International Energy Conservation Code, 2009 Edition and a new Section 22-162 – International Energy Conservation Code, 2015 Edition, is established as follows:

The International Energy Conservation Code, 2015 edition, a copy of which is on file in the office of the City Secretary, is hereby adopted as the Energy Conservation Code of the City of Burnet.

- (f) Section 22-163 – Adoption of the International Property Maintenance Code, 2015 Edition is hereby repealed and a new Section 22-163 – International Property Maintenance Code is hereby established as follows:

The International Property Maintenance Code, 2015 edition, a copy of which is on file in the office of the City Secretary is hereby adopted as the Property Maintenance Code of the City of Burnet.

- (g) Section 22-164 – Adoption of the NFPA Life Safety Code, 2009 edition is hereby repealed and a new Section 22-164 NFPA Life Safety Code, 2015 edition is hereby established as follows:

The NFPA 101, Life Safety Code, 2015 edition, a copy of which is on file in the office of the City Secretary is hereby adopted as the Life Safety Code of the City of Burnet.

- (h) Section 22-178 – Adoption of the National Electrical Code, 2009 edition is hereby repealed and a new Section 22-178 – National Electrical Code, 2014 edition is hereby established as follows:

The National Electrical Code, 2014 edition, a copy of which is on file in the office of the City Secretary is hereby adopted as the Electrical Code of the City of Burnet.

Section 3. Reserve Sections.

- (a) Section 22-177 – Definitions is hereby repealed and a new Section 22-177 – Reserved is created.

- (b) Section 22-202 – Wiring and other specifications is hereby repealed and a new Section 22-202 – Reserved is created.

Section 4. That other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

Section 5. Severability. That should any provisions of this ordinance be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

Section 6. Effective Date. That this ordinance is effective upon final passage and approval.

Section 7. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance 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 Meeting Act, Chapter. 551, Loc. Gov't. Code.

PASSED AND APPROVED on First Reading this 27th day of June, 2017.

FINALLY PASSED AND APPROVED on this 11th day of July, 2017.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Administration

ITEM 4.6

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

Agenda Item Brief

Meeting Date:	June 27, 2017
Agenda Item:	Discuss and consider action: Proposed contract with Burnet County for 2017/2018 Election Services: K. Dix
Background:	The shared polling locations provided by the joint election procedure with Burnet county, enables "One Stop Voting" for the citizens of Burnet County, Burnet School District and the City of Burnet. The simplicity of the "One Stop Voting" encourages citizen participation in the voting process.
Information:	The County provides a once a year contract for each of the contracting entities instead of individual contracts for each individual election. This streamlines the processes Burnet County uses with the individual entities that contract for election services. A copy of the drafted contract with Burnet County for the 2017/2018 fiscal year beginning October 1, 2017 and ending on September 30, 2018 General Election and Special Election Services has been provided for your review.
Fiscal Impact	All fees and charges will remain the same for each election held by the city for the fiscal year
Recommendation:	Staff recommends approval of the Contract for Election Services with Burnet County for the 2017/2018 Fiscal year.

CONTRACT FOR ELECTION SERVICES

THIS CONTRACT FOR ELECTION SERVICES (this "Contract") is made and entered into by and between the ELECTIONS ADMINISTRATOR OF BURNET COUNTY, TEXAS ("Contracting Officer") and the Local Political Subdivision set forth on the signature page of this Contract (the "LPS") pursuant to the authority under Section 31.092(a) of the Texas Election Code.

RECITALS

WHEREAS, the LPS expects to order an election during the term of this Contract and during any renewal term of this Contract (the "Election");

WHEREAS, the LPS desires that certain election services for the Election be provided by the Contracting Officer pursuant to Chapter 31, Subchapter D of the Texas Election Code and;

WHEREAS, the Contracting Officer and the LPS desire to enter into a contract setting out the respective responsibilities of the parties;

NOW, THEREFORE, the parties to this Contract agree as follows with respect to the coordination, supervision, and conduct of the Election.

I. GENERAL PROVISIONS.

- A. The purpose of this Contract is to maintain consistency and accessibility in voting practices, polling places, and election procedures to best assist the voters of the LPS. For purposes of this Contract the term "Election" will include any resulting recount or election contest. It will also apply to any election to resolve a tie.
- B. The Contracting Officer is hereby appointed to serve as the LPS's Election Officer and Early Voting Clerk to conduct the Election for those areas of the LPS located in Burnet County. As Election Officer and Early Voting Clerk, the Contracting Officer will coordinate, supervise and conduct all aspects of administering voting in connection with the Election in compliance with all applicable law except as otherwise provided in this Contract.
- C. The LPS agrees to commit the funds necessary to pay for election-related expenses for the LPS's election.
- D. The Contracting Officer has the right to enter into agreements with other entities at any time and may require that authorities of LPSs holding elections on the same day in all or part of the same territory to enter into a joint election agreement as authorized in Chapter 271 of the Texas Election Code. The LPS agrees to enter into a joint election agreement required by Burnet County.

II. **RESPONSIBILITIES OF CONTRACTING OFFICER.** The Contracting Officer shall be responsible for performing the following services and furnishing the following materials and equipment in connection with the election:

- A. ***Nomination of Presiding Judges and Alternate Judges.*** The Contracting Officer shall recruit and appoint Election Day presiding and alternate judges, central accumulation station

judges, and the Early Voting Ballot Board (EVBB) presiding judge, all of which shall meet the eligibility requirements in Subchapter C of Chapter 32 of the Texas Election Code.

B. *Notification to LPS.* The Contracting Officer shall provide the LPS with the most up-to-date list of presiding and alternate judges three weeks before the statutory deadline to order the election and again three weeks before Election Day. LPS acknowledges that the information provided may not be final or complete.

C. *Notification to Presiding and Alternate Judges; Appointment of Clerks.*

1. The Contracting Officer shall notify each presiding and alternate judge of his or her appointment. The notification will also include the assigned polling location, the date of the election training(s), the date and time of the election, the rate of compensation, the number of clerks the judge may appoint, the eligibility requirements for election workers, and the name of the presiding or alternate judge as appropriate.
2. The election judge will make the clerk appointments in consultation with the Contracting Officer. If a presiding judge or the alternate judge does not speak both English and Spanish, and the election precinct is one subject to Sections 272.002 and 272.009 of the Texas Election Code, the Contracting Officer shall ensure that a bilingual election clerk is appointed. The Contracting Officer shall notify the clerks of the same information that the judges receive under this section.

D. *Election Training.* The Contracting Officer shall be responsible for conducting election training for the presiding judges, alternate judges, clerks, and Early Voting deputies in the operation and troubleshooting of the direct record electronic (DRE) voting system and the conduct of elections, including qualifying voters, issuing ballot style codes, maintaining order at the polling location, conducting provisional voting and counting votes.

E. *Logic and Accuracy Testing.* In advance of Early Voting (including the sending out of any mail ballots), the Contracting Officer, the tabulation supervisor, and other members the Contracting Officer designates for the testing board shall conduct all logic and accuracy testing in accordance with the procedures set forth by the Texas Election Code and under guidelines provided by the Secretary of State's office. The Contracting Officer shall also be responsible for the publication of the required notice of such testing.

F. *Election Supplies.* The Contracting Officer shall procure, prepare, and distribute to the presiding judges for use at the polling locations on Election Day (and to the Early Voting clerks during Early Voting) the following election supplies: election and early voting kits (including the appropriate envelopes, lists, forms, name tags, posters, and signage described in Chapters 51, 61, and 62, and Subchapter B of Chapter 66 of the Texas Election Code) seals, sample ballots, thermal paper rolls for use in the Judge's Booth Controllers (JBCs), batteries for use in the JBCs and eSlates, labels for the electronic poll books, and all consumable-type office supplies necessary to hold an election.

G. *Registered Voter List.* The Contracting Officer shall provide lists of registered voters required by law for use on Election Day and for the Early Voting period.

H. Notice at Previous Polling Place. The Contracting Officer shall post notices of a change in a polling place at the entrance to the previous polling location. Section 43.062 of the Texas Election Code provides that the notice shall state the location has changed and give the location of the new polling place.

I. Election Equipment. The Contracting Officer shall prepare and distribute the Direct Record Electronic (DRE) voting system components from Hart InterCivic, Inc. ("Hart") for the election. This voting system includes the equipment referred to as "eSlates" and "Judge's Booth Controllers" (JBCs). Each polling location will have at least one voting machine that is accessible to disabled voters and provides a practical and effective means for voters with disabilities to cast a secret ballot.

J. Ballots. The Contracting Officer or designee shall be responsible for the preparation, printing, programming and distribution of English and Spanish ballots and sample ballots, including the mail ballots, based on the information provided by the LPS, including names of the candidates, names of the offices sought, order of names on the ballot, propositions on the ballot, and the Spanish translation of the offices and any propositions. The ballot will be prepared in these formats: DRE, paper and auditory.

K. Early Voting. In accordance with Sections 31.096 and 32.097(b) of the Texas Election Code, the Contracting Officer shall serve as Early Voting Clerk for the election.

1. The Contracting Officer shall supervise and conduct early voting by mail and by personal appearance and shall secure personnel to serve as Early Voting Deputies.
2. Early Voting by personal appearance for the election shall be conducted during the hours and time period and at the locations as determined by the Contracting Officer.
3. The Contracting Officer shall receive mail ballot applications on behalf of the LPS. All applications for mail ballots shall be processed in accordance with Title 7 of the Texas Election Code by the Contracting Officer or deputies at the Records Building, located behind the Burnet County Courthouse Annex at 1701 E. Polk St., Burnet, TX. Applications for mail ballots erroneously sent to the LPS shall be faxed promptly to the Contracting Officer for timely processing then the original application shall be forwarded to the Contracting Officer for proper retention.
4. Early voting ballots shall be secured and maintained at the Records Building at 1701 E. Polk St., Burnet, TX and in accordance with Chapter 87 of the Texas Election Code. The Early Voting Ballot Board shall meet at the same location unless posted differently.

L. Election Day Polling Locations. The Election Day polling locations are determined by the Contracting Officer in consultation with the LPS and in accordance with the Texas Election Code. The Contracting Officer shall arrange for the use of all Election Day polling places and shall arrange for the setting up of the polling location including tables, chairs and voting booths.

M. Election Day Activities.

1. The Contracting Officer and staff shall be available from 6:00 am until the completion of vote counting on Election Day to render technical support and assistance to voters and

election workers.

2. The Contracting Officer and staff shall prepare and conduct Election Night intake of election equipment, supplies and records.
3. The Contracting Officer and designee shall serve as central counting station manager and tabulation supervisor, counting the votes in conjunction with the Early Voting Ballot Board and the Central Counting Station judges.

N. Election Night Reports. The Contracting Officer shall prepare the unofficial and official tabulation of precinct results under Section 66.056(a) of the Texas Election Code. The unofficial tabulation of Early Voting precinct results and Election Day precinct results shall be made available to the LPS via e-mail as soon as they are prepared and may be released under law, but no earlier than 7:05 pm on Election Day. The tabulation reports may also be provided to other counties as necessary for the election.

O. Provisional Votes/Determination of Mail Ballots Timely Received under Section 86.007(d) of the Texas Election Code. The Contracting Officer, serving as voter registrar, shall retain the provisional voting affidavits and shall provide factual information on each of the provisional voters' status. The Contracting Officer shall reconvene the EVBB after the election within the time set forth in Section 65.051 of the Texas Election Code for the purpose of determining the disposition of the provisional votes. At the same time, the EVBB will review mail ballots timely received under Section 86.007(d) of the Texas Election Code to determine whether such will be counted and to resolve any issues with such ballots.

P. Canvass Material Preparation. Promptly after determination of the provisional votes and resolution of any mail ballots, the Contracting Officer shall work with the EVBB to tally the accepted provisional votes and resolved mail ballots, amend the unofficial tabulations, and submit new unofficial tabulations to the LPS. The reports will serve as the canvass materials for the LPS.

Q. Custodian of Election Records. The election records will be submitted to the LPS except for those records that must be maintained by the Contracting Officer as Voter Registrar in accordance with Section 66.051 of the Texas Election Code. The Contracting Officer is hereby appointed the custodian of voted ballots (which in the case of the ballots cast on the DRE voting system consists of the DVD backup) and shall preserve them in accordance with Chapter 66 of the Texas Election Code and other applicable law. The Contracting Officer shall also maintain custody of the records pertaining to the operation of the JBCs and eSlates.

R. Recount.

1. If required by law, the Contracting Officer shall perform a partial manual count of electronic voting system ballots in accordance with section 127.201 of the Texas Election Code. A recount may also be requested in accordance with Chapter 212 of the Texas Election Code.
2. The LPS shall advise the Contracting Officer if a recount is required by law or requested and the Contracting Officer and the LPS shall discuss how such recount is

to be conducted. The LPS shall reimburse the Contracting Officer for the cost of such count which is not included in the original invoice.

S. *Schedule for Performance of Services.* The Contracting Officer shall perform all election services in accordance and compliance with the time requirements set out in the Texas Election Code.

T. *Contracting with Third Parties.* In accordance with Section 31.098 of the Texas Election Code, the Contracting Officer is authorized to contract with third parties for election services and supplies. The cost of such third-party services and supplies will be paid by the Contracting Officer and reimbursed by the LPS.

U. *Department of Justice Preclearance for General Elections.* If required by law, any changes to the general conduct of voting in Burnet County will be pre-cleared through the United States Department of Justice by the Contracting Officer with copies of the submission and response e-mailed to the LPS.

III. RESPONSIBILITIES OF THE LPS. The LPS shall perform the following responsibilities:

A. *Applications for Mail Ballots.* The LPS shall date stamp and then as promptly as possible fax to the Contracting Officer all applications for mail ballots that it receives. Promptly thereafter, the LPS shall deliver or send by mail the original mail ballot applications to the Contracting Officer.

B. *Election Orders, Election Notices, and Canvass.* The LPS shall be responsible for preparing, adopting, publishing, and posting all required election orders, resolutions, notices and other documents, including bilingual materials, evidencing action by the governing authority of the LPS necessary to the conduct of the election. The LPS shall be responsible for conducting the official canvass of the election.

C. *Map/ Annexations.* The LPS shall provide the Contracting Officer with an updated map and street index of its jurisdiction in an electronic or printed format and shall advise the Contracting Officer of any annexations or de-annexations.

D. *Department of Justice Preclearance for Special Elections.* If required by law, the LPS shall be individually responsible for obtaining appropriate preclearance from the United States Department of Justice for any special elections.

E. *Ballot Information.* The LPS shall prepare the text for the LPS's official ballot in English and Spanish and provide to the Contracting Officer as soon as possible at the end of the period for ordering the election or filing for candidacy. The ballot information shall include a list of propositions showing the order and the exact manner in which the candidates' names and the propositions are to appear on the ballot. The LPS shall promptly review for correctness the ballot when requested by the Contracting Officer to do so prior to finalization and shall approve by e-mail or by signature in person.

F. *Precinct Reports to the Texas Secretary of State.* Based on information provided by the Contracting Officer, the LPS shall prepare and file all required precinct reports with the Texas Secretary of State.

G. **Annual Voting Report.** The LPS shall be responsible for filing its annual voting system report to the Texas Secretary of State as required under Chapter 123 *et seq.* of the Texas Election Code.

IV. SPECIAL PROVISIONS RELATING TO ELECTION WORKERS

A. **Number of Election Workers at Election Day Polling Locations.** It is agreed by the Contracting Officer and the LPS that there will be at least three election workers at each Election Day polling location: the presiding judge, an alternate judge, and at least one election clerk appointed by the presiding judge. The number of necessary clerks is derived from the number of elections at the poll and the number of registered voters for that poll.

B. **Compensation for Election Workers.** The Contracting Officer shall compensate all election workers in accordance with the Contracting Officer's established compensation policies, in accordance with the Texas Election Code and using the rates set by Burnet County Commissioners Court for county elections. The Contracting Officer shall pay the workers and be reimbursed by the entities sharing the polling location unless a polling place is open for only one LPS holding an election. In this case, the LPS shall pay the election workers directly.

V. PAYMENT

A. **Charges and Distribution of Costs.** In consideration of the joint election services provided by the Contracting Officer, the LPS will be charged a share of election costs and an administrative fee. The costs distribution is set forth in the Joint Election Agreement. The cost estimate is set forth in the Cost Estimate.

B. **Administrative Fee.** The Contracting Officer shall charge a fee equal to 10% of the LPS's share of the cost of the election or a minimum of \$75.00.

C. **Equipment Rental Fee.** Per Section 123.032(d) of the Texas Election Code, the Burnet County Commissioners Court has set the equipment rental fee at \$150 per JBC and per eSlate. There is no charge for Early Voting rental of equipment. If the County acquires additional equipment, different voting equipment, or upgrades existing equipment during the term of this Contract, the charge for the use of the equipment may be reset by the Burnet County Commissioners Court.

D. **Fixed Lump Sum Price for Districts other than Cities, School Districts and Central Texas Groundwater Conservation District.** A LPS that is not a city, school district or the Central Texas Groundwater Conservation District shall pay the Contracting Officer a fixed lump sum price to administer its election. The only item not included in the lump sum price is the cost of any recount.

E. **Payment.** The Contracting Officer's invoice shall be due and payable to the address set forth in the invoice within 30 days from the date of receipt by the LPS.

VI. TERM AND TERMINATION

A. **Initial Term.** The initial term of this Contract shall commence upon the last party's execution

hereof and shall continue thereafter in full force and effect for one year, subject to the termination rights set forth herein.

- B. **Renewal.** Subject to the termination rights set forth herein, this Contract shall automatically renew for a one-year term.
- C. **Termination.** If either party wishes to terminate this Contract for convenience or for cause the party must provide thirty (30) business days' written notice to the other party and allow for discussion of the desired outcome and options to reach the desired outcome. In the event of termination, it is understood and agreed that only the amounts due to the Contracting Officer for services provided and expenses incurred will be due and payable.

VII. MISCELLANEOUS PROVISIONS

- A. **Nontransferable Functions.** In accordance with Section 31.096 of the Texas Election Code, nothing in this Contract shall authorize or permit a change in:
 - 1. The authority with whom or the place at which any document or record relating to the election is to be filed;
 - 2. The officers who conduct the official canvass of the election returns;
 - 3. The authority to serve as custodian of voted ballots or other election records; or
 - 4. Any other nontransferable function specified under Section 31.096 or other provisions of Texas law.
- B. **Cancellation of Election.** If the LPS cancels its election pursuant to Section 2.053 of the Texas Election Code, the Contracting Officer shall be entitled to receive an administrative fee of \$75. The Contracting Officer shall submit an invoice for the administrative fee as soon as reasonably possible after the cancellation, and the LPS shall make payment therefore in a manner similar to that set forth in V. PAYMENT above.
- C. **Contract Copies to Treasurer and Auditor.** In accordance with Section 31.099 of the Texas Election Code, the Contracting Officer agrees to file copies of this Contract with the County Treasurer and the County Auditor of Burnet County, Texas.
- D. **Election to Resolve a Tie.** In the event that an election is necessary to resolve a tie vote, the terms of this Contract shall extend to the second election, except:
 - 1. The LPS and the Contracting Officer will agree upon the date of the election and the early voting schedule subject to provisions of the Election Code and with regard to other elections conducted by the Contracting Officer.
 - 2. The LPS will be responsible for any Department of Justice preclearance submission under Section 5 of the Federal Voting Rights Act.
 - 3. An attempt will be made to use election workers that worked in the first election; those poll workers will not have additional training provided by the Contracting Officer.

4. The cost of the election will be borne by the LPS; the Contracting Officer will work with the LPS on cost management.

E. **Amendment/ Modification.** Except as otherwise provided, this Contract may not be amended, modified, or changed in any respect except in writing, duly executed by the parties hereto. Both the Contracting Officer and the LPS may propose necessary amendments or modifications to this Contract in writing in order to conduct the election smoothly and efficiently, except that any such proposals must be approved by the Contracting Officer and the governing body of the LPS or its authorized agent, respectively.

F. **Severability.** If any provision of this Contract is found to be invalid, illegal, or unenforceable a court of competent jurisdiction, such invalidity, illegality, or unenforceability shall not affect the remaining provisions of this Contract and parties to this Contract shall perform their obligations under this Contract in accordance with the intent of the parties to this Contract as expressed in the terms and provisions.

G. **Representatives.** For purposes of implementing this Contract and coordinating activities, the Contracting Officer and the LPS designate the following individuals for submission of information, documents and notice:

For the Contracting Officer:

Doug Ferguson
Elections Administrator, Burnet County
220 S. Pierce
Burnet, TX 78611
Tel: (512) 715-5288
Fax: (512) 715-5287
Email: electadmin@burnetcountytexas.org

For the LPS:

* * *

WITNESS BY MY HAND THIS THE _____ DAY OF _____, 20____.

CONTRACTING OFFICER:

Doug Ferguson, Elections Administrator
Burnet County, Texas

WITNESS BY MY HAND THIS THE _____ DAY OF _____, 20____.

THE LOCAL POLITICAL SUBDIVISION:

Name of Entity: _____

By: _____

Printed Name: _____

Official Capacity: _____

ATTEST: _____

JOINT ELECTION AGREEMENT 2017-2018

FOR BURNET COUNTY LOCAL POLITICAL SUBDIVISIONS

Whereas, the undersigned local political subdivisions, collectively referred to hereafter as the “LPSs”, each anticipate holding election(s) from August 2017 to July 2018; and

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

Whereas, the County has contracted or is contracting with each LPS to conduct and provide election services for such LPS’s election(s) from August 2017 to July 2018; and

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

NOW THEREFORE, the LPSs agree as follows:

- I. **Scope of Joint Election Agreement.** The LPSs enter this Joint Election Agreement (“Agreement”) for the conduct of the elections to be held from August 2017 through July 2018.
- II. **Appoint Election Officer.** The LPSs appoint the Burnet County Elections Administrator to serve as the Election Officer for each LPS in order to perform and supervise the duties and responsibilities of the Election Officer for any election from August 2017 through July 2018.
- III. **Early Voting Polling Locations.** The Early Voting locations for the elections will be at the main Burnet Courthouse, 220 S. Pierce, Burnet, TX 78611 and the Courthouse South Annex in Marble Falls, 810 Steve Hawkins Pkwy., Marble Falls, TX 78654. The costs incurred in connection with the Burnet Courthouse Early Voting location will be shared only by the Burnet Consolidated Independent School District, the City of Burnet, the City of Bertram, the Central Texas Groundwater Conservation District (CTGCD) and Burnet County. The costs incurred in connection with the Courthouse South Annex Early Voting location will be shared only by the Marble Falls Independent School District, the City of Marble Falls, the City of Granite Shoals, the City of Cottonwood Shores, the City of Meadowlakes, the City of Highland Haven, the City of Horseshoe Bay, the CTGCD and Burnet County.
- IV. **Election Day Polling Locations.** Election Day voting shall be held in common precincts where appropriate at the dates, times, and locations recommended by the Election Officer and authorized and ordered by the governing body of each LPS. Those will be decided within one week after the last day to order an election.
- V. **Cost Sharing.** The LPSs agree to the cost sharing provisions below. This includes Burnet County, the school districts of the county, the cities of the county, and the Central Texas Groundwater Conservation District. Other entities pay a lump sum of \$1,000 for their election.
- VI. **Effective Date.** This Agreement becomes effective upon execution by the participating LPSs.
- VII. **Amendments.** This Agreement may not be amended or modified except in writing and executed by each LPS.

COST SHARING – NOVEMBER UNIFORM ELECTION DATE

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

COST SHARING – MAY UNIFORM ELECTION DATE

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

A cost estimate for the LPS election will be submitted separately.

APPROVED BY THE GOVERNING BODY OF _____ in its meeting held the
_____ day of _____, 201_, and executed by its authorized representative.

By: _____
Name: _____
Title: _____

ACKNOWLEDGED BY:

Doug Ferguson
Elections Administrator, Burnet County, Texas

Date



Police Department

ITEM 4.7

Paul Nelson
Police Chief
(512)-756-6064
pnelson@cityofburnet.com

Agenda Item Brief

Meeting Date:	June 27, 2017
Agenda Item:	Discuss and consider action: Interlocal Agreement between The City of Burnet and the Burnet Consolidated Independent School District for two (2) School Resource Officers: P. Nelson
Background:	This will be the fourth year for this Interlocal Agreement. There is a great working relationship between the City of Burnet and the Burnet Consolidated Independent School District.
Information:	The attached proposed Interlocal agreement is intended to address the majority of potential issues that have been identified at this time related to the joint use of the police officer and ensure all parties receive their proportionate benefit from the officer.
Fiscal Impact	Under the proposed agreement, BCISD would pay 75% of the calculated salary and related expenses for the (2) Two Officers.
Recommendation:	Staff recommends approval.

INTERLOCAL AGREEMENT
BETWEEN
BURNET CONSOLIDATED INDEPENDENT SCHOOL DISTRICT AND THE CITY OF
BURNET

This Agreement is made the 27th day of June, 2017, between the Burnet Consolidated Independent School District ("District") and the City of Burnet ("City").

Pursuant to the authority granted by the "Texas Interlocal Cooperation Act", Chapter 791 Texas Government code providing for the cooperation between local governmental bodies, the parties hereto, in consideration of the premises and mutual promises contained herein, agree as follows:

WHEREAS, the contract is made under the authority of Section 791 of the Texas Government Code; and,

WHEREAS, the parties, in performing governmental functions or in paying for the performance of governmental function hereunder shall make that performance or those payments from current revenues legally available to that party;

WHEREAS, the governing bodies of each party find that the subject of this contract is necessary for the benefit of the public and that each party has the legal authority to perform and to provide the governmental function or service which is the subject matter of this agreement; furthermore, the governing bodies find that the performance of this contract is in the common interest of both parties; and that the division of cost fairly compensates the performing party.

WITNESSETH:

NOW THEREFORE, in consideration of the foregoing promises and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, it is hereby agreed as follows:

1. City will provide two (2) Burnet Police Department (BPD) police officers to the District to serve as a School Resource Officer (SRO) on campuses located within the City of Burnet, in accordance with Exhibit "A" and under the policies and procedures of the City and the District as amended from time to time.
2. The Term of this Agreement is from August 21, 2017 through May 24, 2018 (Term).
3. District shall pay to City the amount of One Hundred Thirty Five Thousand Three Hundred Eighty Dollars and 74/100's (\$135,380.74) for Compensation Reimbursement of all salaries, benefits, training, and vehicle expenses of said (2)

Two officers during the Term of this agreement, payable in nine equal installments of Fifteen Thousand Forty Two dollars and 30/100's (\$15,042.30) payable by the last day of each month, beginning in September 2017.

4. City and District agree that City in performing this Agreement shall act as an independent contractor and shall have control of its own work and the manner in which it is performed. District, acting through its designated administrator, will have the right to allocate the officer's time amongst District's various facilities as it sees fit, however City will control assignment of specific officers to those positions and will maintain supervisory control over all officers in the performance of their duties as peace officers. SRO's shall not work more than forty (40) hours per week without prior authorization by the City.
5. District agrees that its Board of Trustees will, pursuant to Section 37.081 of the Texas Education Code, designate officers of BPD as District peace officers. The Parties further recognize that the officers shall remain City employees, and shall wear the uniform and equipment of the BPD.
6. The City reserves the right to temporarily reassign the SRO, when, in the sole judgment of the City, their services are required in response to a citywide or major emergency.
7. In the event of an extended period of leave, or time-off, by the SRO during the school year, the City and the District shall cooperate in good faith to provide a temporary replacement SRO, as BPD staffing levels allow.
8. Nothing herein shall be deemed in any manner to constitute a waiver of sovereign, governmental, or any other immunity or affirmative defense that may be asserted by District or City, nor shall this Agreement be in any manner construed to create a cause of action for the benefit of any person not a party to this Agreement, or to create any rights for the benefit of any person not a party to this Agreement not otherwise existing at law.
9. No assignment by a party hereto of any rights under or interests in this Agreement will be binding on another party hereto without the written consent of the other party.
10. Whenever possible, each provision of this Agreement shall be interpreted in such manner as to be effective and valid under applicable law, however if any provision of this Agreement is prohibitive or invalid under applicable law, such provision shall be ineffective to the extent of such provision or invalidity, without

invalidating the remainder of such provision or the remaining provisions of this Agreement.

11. Formal notices, demands, and communications between Parties shall be sufficiently given if dispatched by registered or certified mail, postage prepaid, to the principal offices of the Parties and addressed to:

City of Burnet
Attn: City Manager
P.O. Box 1369
Burnet, Texas 78611

BCISD
Attn: Superintendent
208 E. Brier
Burnet, Texas 78611

12. This Agreement may be terminated for convenience at any time by either party upon sixty (60) days written notice, at which time all parties shall be relieved of their obligations under this Agreement.
13. This Agreement shall be construed and enforced in accordance with and governed by the laws of the State of Texas.
14. This Agreement and all obligations created hereunder shall be performable in Burnet County, Texas.

In witness whereof, the parties have hereunto set their hands and signatures on the date first above mentioned.

Burnet Consolidated Independent School District,

By: _____
Keith McBurnett, Superintendent

City of Burnet,
A Texas Municipal Corporation

By: _____
David Vaughn, City Manager

FINANCIAL REPORT MAY 2017

	2016-2017 BUDGET		YTD 05/31/2017	% of BUDGET	Target	Over/Under	YTD 05/31/16	YTD BUDGET	YTD 05/31/2017	Variance	MTD BUDGET	MTD 05/31/2017	Variance						
GOVERNMENTAL ORGANIZATIONAL UNIT																			
General Fund																			
Operating Revenues	\$	9,793,014	\$	7,216,910	74%	72%	2%	\$	6,717,938	\$	7,027,429	\$	7,216,910	103%	\$	711,056	\$	691,120	97%
Use of Fund Balance	\$	1,427,500	\$	793,201	56%	71%		\$	840,491	\$	1,009,000	\$	793,201	79%	\$	104,625	\$	253,385	242%
Operating Expenses	\$	10,670,802	\$	6,995,989	66%	65%	1%	\$	6,621,649	\$	6,926,562	\$	6,995,989	101%	\$	823,207	\$	993,202	121%
Debt Service	\$	-	\$	-	0%	0%	0%	\$	-	\$	-	\$	-	0%	\$	-	\$	-	0%
Total Expense	\$	10,670,802	\$	6,995,989	66%	65%	1%	\$	6,621,649	\$	6,926,562	\$	6,995,989	101%	\$	823,207	\$	993,202	121%
Operating Profit/Loss	\$	549,712	\$	1,014,121	184%	202%	-18%	\$	936,780	\$	1,109,867	\$	1,014,121	91%	\$	(7,525)	\$	(48,697)	647%
Golf Course Fund																			
Operating Revenues	\$	1,437,604	\$	993,067	69%	68%	1%	\$	980,013	\$	981,675	\$	993,067	101%	\$	116,815	\$	136,356	117%
Operating Expenses	\$	1,553,514	\$	1,013,640	65%	64%	1%	\$	948,785	\$	998,500	\$	1,013,640	102%	\$	132,986	\$	127,612	96%
Debt Service	\$	-	\$	-	0%	0%	0%	\$	-	\$	-	\$	-	0%	\$	-	\$	-	0%
Total Expense	\$	1,553,514	\$	1,013,640	65%	64%	1%	\$	948,785	\$	998,500	\$	1,013,640	102%	\$	132,986	\$	127,612	96%
Operating Profit/Loss	\$	(115,910)	\$	(20,573)	18%	15%	3%	\$	31,228	\$	(16,825)	\$	(20,573)	122%	\$	(16,172)	\$	8,744	-54%
General Government Capital Fund																			
Revenue	\$	-	\$	-															
Use of Loan Proceeds	\$	-	\$	-	0%														
Use of Fund Balance - General Fund	\$	1,050,000	\$	567,481	54%														
Expenses	\$	1,050,000	\$	567,481	54%														
Capital Project Gain/Loss	\$	-	\$	(0)															
Golf Course Capital Project Fund																			
Contributions	\$	-	\$	-	0%														
Use of Fund Balance - General Fund	\$	225,000	\$	225,720	100%														
Expenses	\$	225,000	\$	225,720	100%														
Capital Project Gain/Loss	\$	-	\$	-															
ORGANIZATIONAL UNIT NET CHANGE	\$	433,802	\$	993,548															
ELECTRIC ORGANIZATIONAL UNIT																			
Electric Fund																			
Operating Revenues	\$	8,309,373	\$	5,169,875	62%	55%	7%	\$	5,305,753	\$	4,566,517	\$	5,169,875	113%	\$	842,513	\$	743,605	88%
Use of Fund Balance	\$	265,000	\$	110,579		67%		\$	10,005	\$	176,667	\$	110,579	63%	\$	22,083	\$	-	0%
Operating Expenses	\$	7,755,241	\$	4,885,846	63%	66%	-3%	\$	4,888,514	\$	5,084,957	\$	4,885,846	96%	\$	648,290	\$	647,342	100%
Debt Service	\$	67,303	\$	44,869	67%	67%	0%	\$	43,912	\$	44,869	\$	44,869	100%	\$	5,609	\$	5,609	100%
Total Expense	\$	7,822,544	\$	4,930,715	63%	66%	-3%	\$	4,932,426	\$	5,129,826	\$	4,930,715	96%	\$	653,899	\$	652,951	100%
Operating Profit/Loss	\$	751,829	\$	349,739	47%	-51%	98%	\$	383,332	\$	(386,642)	\$	349,739	-90%	\$	210,697	\$	90,654	43%
Transfer Out	\$	(235,000)	\$	(110,579)	0%	67%	-67%	\$	(10,005)	\$	(156,667)	\$	(110,579)	71%	\$	(19,583)	\$	-	0%
Operating Profit/Loss	\$	516,829	\$	239,159	46%	-105%	151%	\$	373,327	\$	(543,309)	\$	239,159	-44%	\$	191,114	\$	90,654	47%
Electric Capital Project Fund																			
Contributions	\$	115,000	\$	79,623	69%														
Use of Fund Balance - Electric Fund	\$	235,000	\$	110,579	47%														
Expenses	\$	350,000	\$	167,978	48%														
Capital Project Gain/Loss	\$	-	\$	22,224	0%														
ORGANIZATIONAL UNIT NET CHANGE	\$	516,829	\$	261,383															

[illegible]

FINANCIAL REPORT MAY 2017[illegible]

Cash & Investment Report May-17

Acct #	Bank	Account Name	Account Type	Balance 05/31/2017	Date Purchased	Maturity Date	Interest Rate
Unrestricted Accounts							
984	FSB	Operating Cash	Checking	\$ 3,093,726.15	N/A	N/A	0.10%
2329	FSB	Golf Course Petty Cash	Checking	\$ 3,316.19	N/A	N/A	0.00%
2535	FSB	Operating Reserve	M/M	\$ 382,943.84	N/A	N/A	0.20%
2352	FSB	Delaware Springs-Credit Card Acct	Checking	\$ -	N/A	N/A	0.00%
2378	FSB	Airport-Credit Card Acct	Checking	\$ -	N/A	N/A	0.00%
2386	FSB	Utility-Credit Card Acct	Checking	\$ -	N/A	N/A	0.00%
2469	FSB	Court-Credit Card Acct	Checking	\$ -	N/A	N/A	0.00%
33139	FSB	Operating	CD	\$ 500,678.53	04/19/2017	07/20/2017	0.55%
33140	FSB	Operating	CD	\$ 500,000.00	01/13/2017	07/12/2017	0.70%
33141	FSB	Operating	CD	\$ 500,000.00	01/13/2017	07/12/2017	0.70%
Total Unrestricted Accounts				\$ 4,980,664.71			
Restricted by Council Action							
33144	FSB	Operating Reserve	CD	\$ 250,000.00	01/17/2017	07/16/2017	0.70%
33145	FSB	Operating Reserve	CD	\$ 250,000.00	01/17/2017	07/16/2017	0.70%
33146	FSB	Operating Reserve	CD	\$ 500,000.00	01/17/2017	07/16/2017	0.70%
Total Restricted by Council Action				\$ 1,000,000.00			
Restricted by Purpose or Law							
1453	FSB	Bond Reserves	M/M	\$ 366,744.35	N/A	N/A	0.20%
2188	FSB	Self Funded	M/M	\$ 511,641.62	N/A	N/A	0.20%
2402	FSB	Hotel/Motel	M/M	\$ 63,730.03	N/A	N/A	0.20%
33142	FSB	Hotel/Motel	CD	\$ 300,407.12	04/18/2017	07/17/2017	0.55%
2451	FSB	Construction Acct.	Checking	\$ 124,899.28	N/A	N/A	0.00%
2485	FSB	PD Seizure	M/M	\$ 3,641.94	N/A	N/A	0.20%
2493	FSB	Municipal Court	M/M	\$ 60,681.78	N/A	N/A	0.20%
2519	FSB	Impact Fee Water	M/M	\$ 149,441.72	N/A	N/A	0.20%
2543	FSB	Airport Reserve	M/M	\$ 35,259.95	N/A	N/A	0.20%
33143	FSB	Airport Reserve	CD	\$ 400,000.00	01/17/2017	07/16/2017	0.70%
2568	FSB	Benevolent Funds	Checking	\$ 2,119.97	N/A	N/A	0.00%
2576	FSB	Interest & Sinking Acct.	M/M	\$ 229,887.32	N/A	N/A	0.20%
2584	FSB	Impact Fee Wastewater	M/M	\$ 35,437.13	N/A	N/A	0.20%
2592	FSB	BEDC	Super NOW	\$ 602,449.84	N/A	N/A	0.10%
33181	FSB	BEDC	CD	\$ 250,000.00	03/22/2017	09/22/2017	0.55%
2634	FSB	Benefit Trust Account	Checking	\$ -	N/A	N/A	0.00%
2675	FSB	PD Explorer Program	M/M	\$ 6,308.46	N/A	N/A	0.00%
2691	FSB	Fire Dept Explorer Program	M/M	\$ 4,852.30	N/A	N/A	0.20%
3012	FSB	Franchise Fee Account	Super NOW	\$ 62,377.26	N/A	N/A	0.10%
58776	FSB	Fire Dept Community Account	Checking	\$ 19,890.71	N/A	N/A	0.00%
2711100007	TexPool	TWDB	Investment	\$ 65,189.45	N/A	N/A	0.7121%
2711100006	TexPool	TWDB	Investment	\$ 65,178.76	N/A	N/A	0.7121%
143033000	US Bank	City of Burnet, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Series 2010 Escrow Account	Investment	\$ 3,052.19	N/A	N/A	0.34%
82-0220-01-0	Bank of Texas	City of Burnet Ctr 2012 TWDB Escrow	Investment	\$ 286,845.71	N/A	N/A	0.37%
Total Restricted Accounts				\$ 3,650,036.89			
TOTAL ALL ACCOUNTS				\$ 9,630,701.60			

RESERVE GOALS:

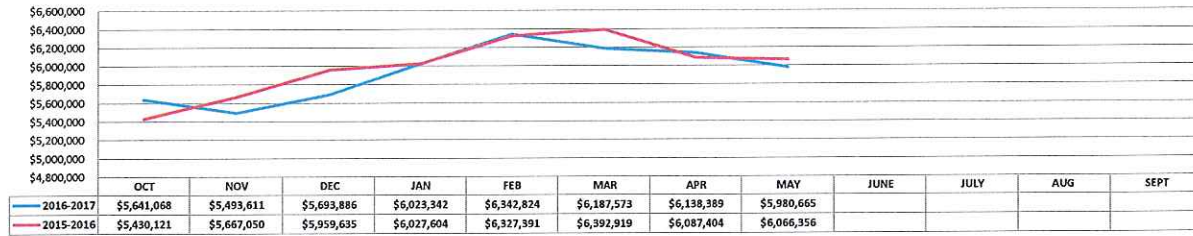
75 DAY	\$	2,648,928.54	\$	3,331,736.17	**
90 DAY	\$	3,179,222.93	\$	2,801,441.78	**

** \$234843.59 belongs to the Airport

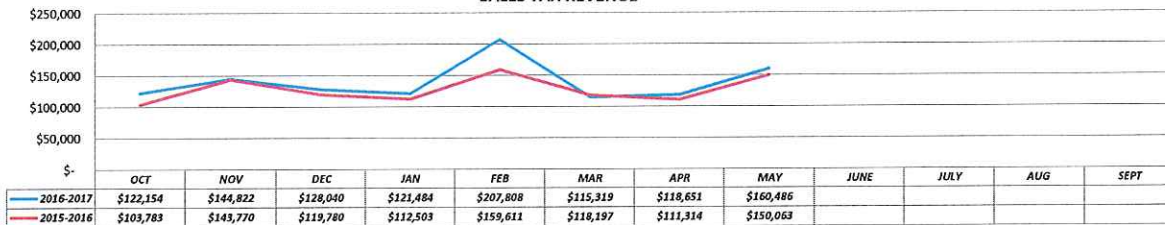
Patricia Langford
Investment Officer

Donnie Maxwell
Investment Officer

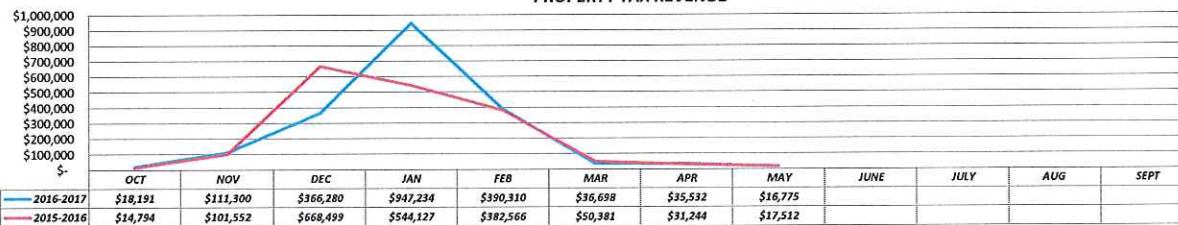
TOTAL UNRESTRICTED CASH RESERVES



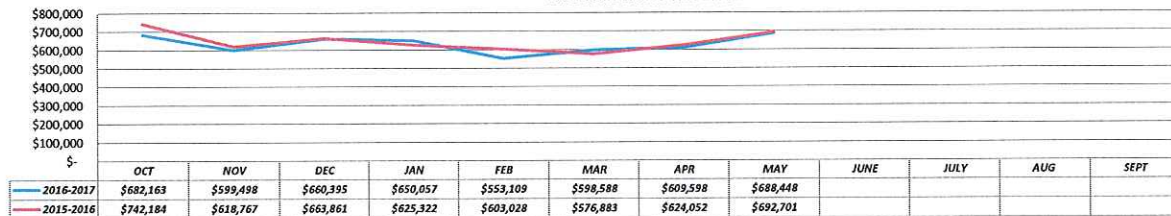
SALES TAX REVENUE



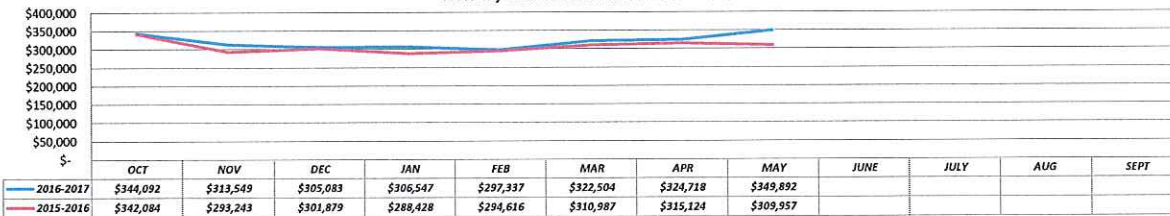
PROPERTY TAX REVENUE



ELECTRIC SALES REVENUE

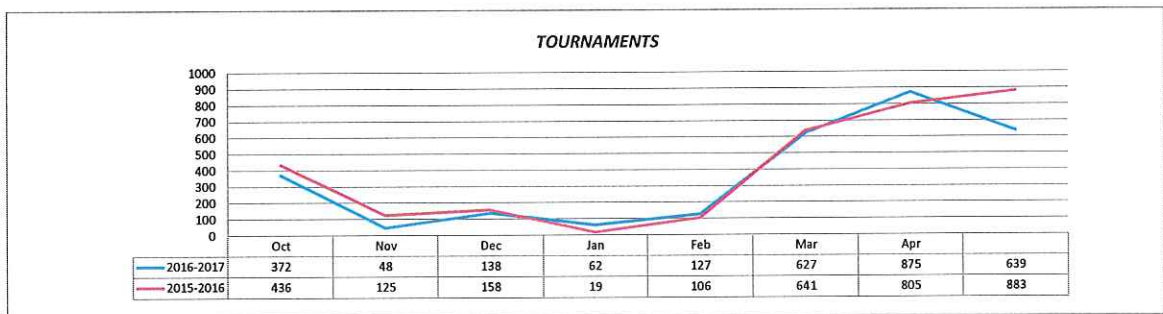
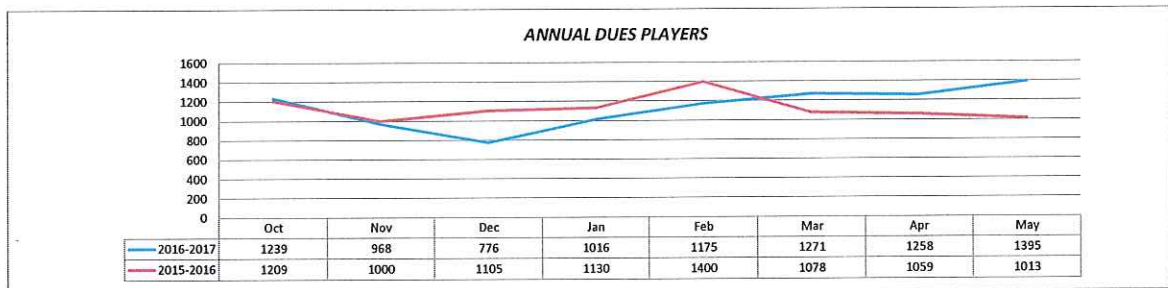
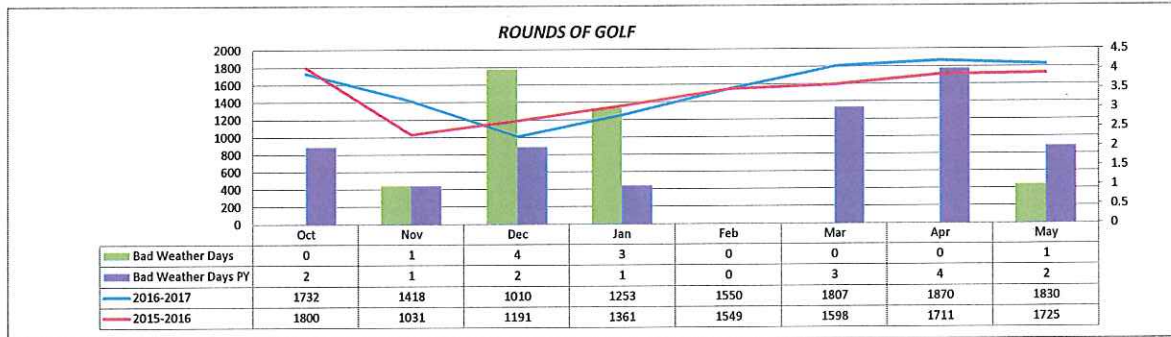


WATER/WASTEWATER SALES REVENUE



Golf Course Statistics

	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	August	Sept	YTD
Rounds of Golf*	1732	1418	1010	1253	1550	1807	1870	1830					12470
Rounds of Golf PY	1800	1031	1191	1361	1549	1598	1711	1725					11966
Tournaments	372	48	138	62	127	627	875	639					2888
Tournaments PY	436	125	158	19	106	641	805	883					3173
Annual Dues Players	1239	968	776	1016	1175	1271	1258	1395					9098
Annual Dues Players PY	1209	1000	1105	1130	1400	1078	1059	1013					8994
Bad Weather Days	0	1	4	3	0	0	0	1					9
Bad Weather Days PY	2	1	2	1	0	3	4	2					15



Fire Department Statistics

	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	August	Sept	YTD
Fire 2015-2016													
# Calls City*	39	40	50	56	88	74	60	59					466
Fire 2016-2017													
# Calls City*	61	71	60	77	67	84	66	67					553

EMS 2015-2016													
# 911 Calls	250	259	281	369	362	367	291	266					2,445
# Transport	113	105	123	115	120	120	116	121					933
TOTAL EMS CALLS	363	364	404	484	482	487	407	387					3,378

EMS 2016-2017													
# 911 Calls	251	245	236	215	199	276	268	300					1,990
# Transport	110	99	95	129	104	92	99	88					816
TOTAL EMS CALLS	361	344	331	344	303	368	367	388					2,806

