



NOTICE OF MEETING OF THE GOVERNING BODY OF THE CITY OF BURNET

Notice is hereby given that a **Special Council Meeting** will be held by the governing body of the above named City on the **14th day of July, 2017** at **6:00** p.m. in the Council Chambers, Burnet Municipal Airport, 2402 S. Water, Burnet, at which time the following subjects will be discussed, to-wit:

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

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

PLEDGE TO TEXAS FLAG:

1. PUBLIC RECOGNITION/SPECIAL REPORTS: None.

2. CONSENT AGENDA ITEMS:

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

2.1) Approval of the June 27, 2017 Regular Council Meeting minutes

3. PUBLIC HEARINGS:

3.1) Public Hearing: The City Council will conduct a public hearing regarding a replat of the City of Burnet Westfall Subdivision for the purpose of creating the Cottages at Westfall Final Plat a property further described as being bounded by Westfall Street, the City of Austin Railroad, Oddfellows and Old Burnet Cemeteries, and Cemetery Street: M. Lewis

3.2) Public Hearing: The City Council will conduct a public hearing regarding a request to rezone property described as 49.009 acres out of the Joseph Barnhart Survey, No. 35 Abstract A0065 and further described as being located on the east side of the 700 block of FM 2341 from its present designation of Single-family residential 1 –

District "R-1" to a designation of Agricultural – District "A": M. Lewis

4. ACTION ITEMS:

4.1) Discuss and consider action: SECOND AND FINAL 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

4.2) 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:

4.3) Discuss and consider action: SECOND AND FINAL 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

4.4) Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, PROVIDING FOR THE WAIVER OF CERTAIN RESIDENTIAL BUILDING PERMITS, STANDARD TAPS FEES AND CERTAIN IMPACT FEES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW: M. LEWIS

4.5) Discuss and consider action: The City Council will consider a replat of the City of Burnet Westfall Subdivision for the purpose of creating the Cottages at Westfall Final Plat a property further described as being bounded by Westfall Street, the City of Austin Railroad, Oddfellows and Old Burnet Cemeteries, and Cemetery Street: M. Lewis

4.6) Discuss and consider action: FIRST READING OF AN ORDINANCE AMENDING ORDINANCE NO. 2012-06 BY ASSIGNING AGRICULTURAL —DISTRICT “A” ZONING TO 49.009 ACRES OUT OF THE JOSEPH BARNHART SURVEY, NO 35, ABSTRACT A0065; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: M. Lewis

4.7) 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

4.8) Discuss and consider action: Authorize and approve a contract with Eileen Merritt, Inc. ATS Engineers, Inspectors and Surveyors to provide plan review and building inspection services for the City of Burnet: M. Lewis

4.9) Discuss and consider action: Authorize and approve a contract with K.C. Engineering, Inc. for the City of Burnet Wastewater Rehabilitation Phase II Project: D. Vaughn

5. REPORTS: None.

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.

6. CONVENE TO EXECUTIVE SESSION

6.1) Executive Session: The Council reserves the right to enter into closed session in accordance with the provision of the Open Meetings Act, Texas Government Code, Chapter 551, Subsection 551.087; Deliberation Regarding Economic Development Negotiations-Entegris: D. Vaughn

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

7. RECONVENE TO REGULAR SESSION FOR POSSIBLE ACTION:

7.1) Discuss and consider action: Regarding economic development negotiations with Entegris: D. Vaughn

7. REQUESTS FROM COUNCIL FOR FUTURE REPORTS:

8. ADJOURN:

Dated this 11th, day, of July, 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 July 11, 2017, at or before 6 o'clock p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

Kelly Dix, City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS:

The City 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).

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

ITEM 2.1

On this the 27th 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, Evan Milliorn, Leslie Baugh, Alan Burdell, Patricia Langford, James B. Wilson, Doug Fipps, Paul Nelson, Mark Ingram, Paul Shell, Connie Maxwell, Craig Lindholm, Bettye Foulds, Esther Warden, Kim Winkler, Ed Holley

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 Joyce Laudenschlager

PLEDGE TO TEXAS FLAG: Council Member Joyce Laudenschlager

CITIZEN COMMENT:

Esther Warden pertaining to 1007 N. Water Street Utilities: Mrs. Esther Warden addressed the Council and informed them that she felt the utility rates for the City of Burnet are much too high and the Council should consider lowering the utility rates.

CONSENT AGENDA ITEMS:

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

Approval of the June 13, 2017 Council Workshop Meeting minutes

Approval of the June 13, 2017 Regular Council Meeting minutes

Approval of the June 22, 2017 Budget Retreat Meeting minutes

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

PUBLIC RECOGNITION/SPECIAL REPORTS:

Chamber of Commerce Report: Kim Wilson, Chamber of Commerce Director, provided and reviewed the quarterly tourism report. There has been a significant increase in hits on the Chamber website from the phone app. There was a very significant increase in Bluebonnet Festival research both by computer and phone app. The back to school breakfast for the new teachers will be held on August 9th. The Chamber is accepting donations for the bags.

ACTION ITEMS:

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: Council Member Joyce Laudenschlager made a motion to approve and adopt Ordinance 2017-10 as presented. Council Member Tres Clinton seconded, the motion carried unanimously.

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: Council Member Mickey Phair made a motion to approve and adopt Ordinance 2017-11 as presented. Council Member Joyce Laudenschlager seconded, the motion carried unanimously.

Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY 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. Mayor Bromley allowed Mrs. Esther Warden to address the Council, Mrs. Warden stated that Cemetery Street needed to be repaved as it is an eyesore for the community. Council Member Danny Lester made a motion to approve and adopt Ordinance 2017-13 as presented. Council Member Joyce Laudenschlager seconded, the motion carried unanimously.

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: Council Member Joyce Laudenschlager made a motion to approve the first reading of Ordinance 2017-15 as presented. Council Member Cindia Talamantez seconded, the motion carried unanimously.

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: Council Member Tres Clinton made a motion to approve the first reading of Ordinance 2017-14 as presented. Council Member Cindia Talamantez seconded, the motion carried unanimously.

Discuss and consider action: Proposed contract with Burnet County for 2017/2018 Election Services: K. Dix: Council Member Danny Lester made a motion to approve the 2017/2018 Election Services Contract with Burnet County. Council Member Mickey Phair seconded, the motion carried unanimously.

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: Council Member Danny Lester made a motion to approve the Interlocal Agreement between The City of Burnet and the Burnet Consolidated Independent School District for two (2) School Resource Officers. 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.

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

REQUESTS FROM COUNCIL FOR FUTURE REPORTS: Council Member Laudenschlager requested a Quarterly Municipal Court Report on the July agenda.

ADJOURN: There being no further business a motion to adjourn was made by Council Member Danny Lester at 6:48 p.m., seconded by Council Member Mickey Phair. The motion carried unanimously.

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 3.1

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

Agenda Item Brief

Meeting Date: July 14, 2017

Agenda Item: Public Hearing: The City Council will conduct a public hearing regarding a replat of the City of Burnet Westfall Subdivision for the purpose of creating the Cottages at Westfall Final Plat a property further described as being bounded by Westfall Street, the City of Austin Railroad, Oddfellows and Old Burnet Cemeteries, and Cemetery Street: M. Lewis

Background: The Cottages at Westfall subdivision will be a thirty-nine lot subdivision created by replatting the recently approved City of Burnet Westfall Subdivision (See Exhibits A & B). The plat is being brought forward to Council as both a replat and a final plat. The Cottages at Westfall Preliminary Plat was approved by City Council on June 13, 2017

Because the final plat is also a replat, it was presented to the Planning and Zoning Commission in a July 5, 2017 public hearing. City Council is also being asked to conduct a public hearing prior to acting on the request for plat approval.

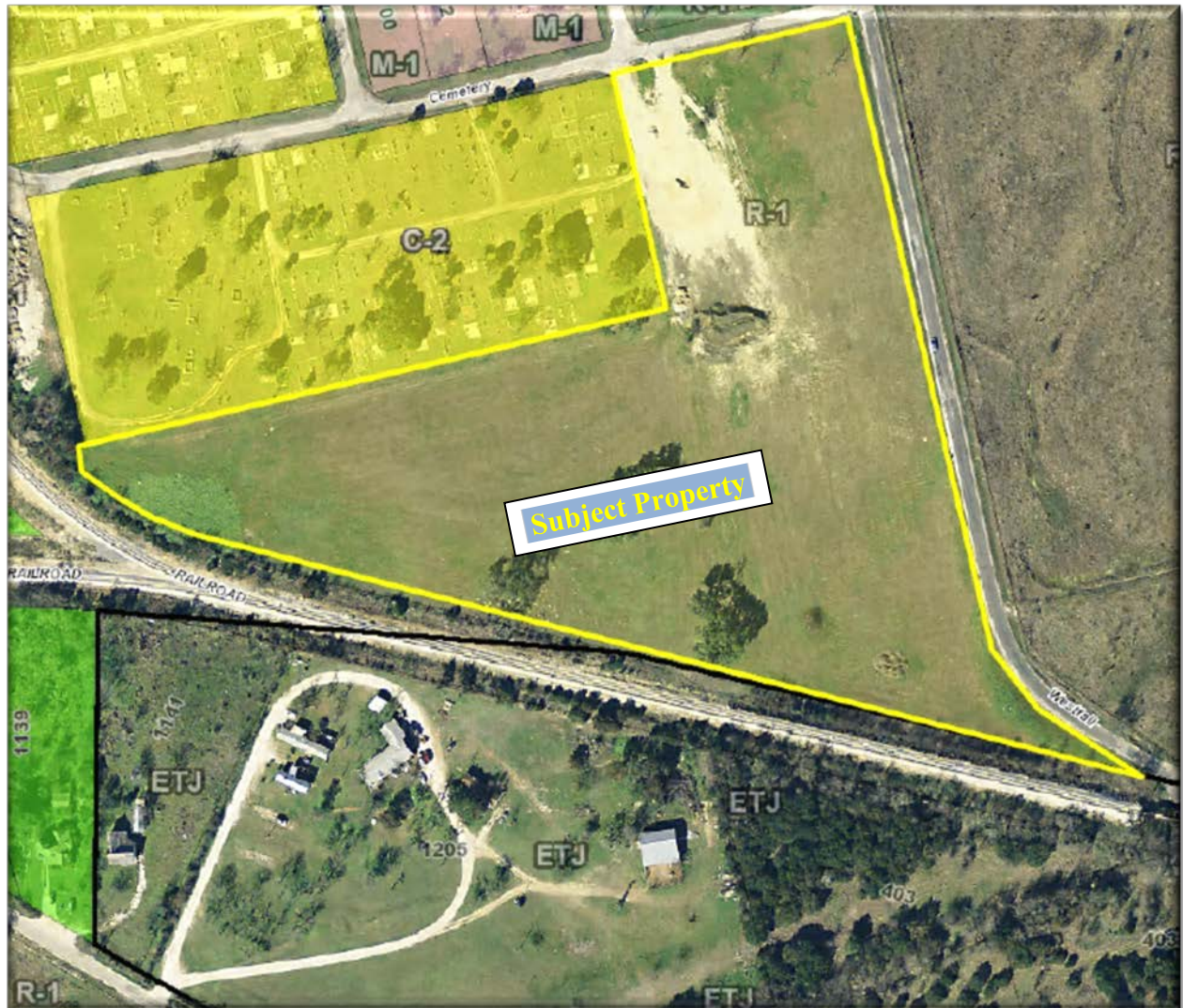
Public notice of both the Planning and Zoning and City Council public hearings was published in the Burnet Bulletin and mailed to nine surrounding property owners. There have been no responses to the public notice.

Information: The Planning and Zoning Commission, following its July 5 public hearing found the plat to be consistent with the approved Cottages at Westfall Preliminary Plat Cottages of Westfall preliminary plat and in compliance with applicable provisions of the City Code of Ordinances. Based on these findings, the Planning and Zoning Commission, by unanimous vote of members present, has recommended approval of the Cottages at Westfall Final Plat.

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

EXHIBIT A

COTTAGES AT WESTFALL SUBDIVISION
LOCATION



[illegible]



Development Services

ITEM 3.2

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

Agenda Item Brief

Meeting Date:

July 14, 2017

Agenda Item:

Public Hearing: The City Council will conduct a public hearing regarding a request to rezone property described as 49.009 acres out of the Joseph Barnhart Survey, No. 35 Abstract A0065 and further described as being located on the east side of the 700 block of FM 2341 from its present designation of Single-family residential 1 – District “R-1” to a designation of Agricultural – District “A”: M. Lewis

Background:

The property described above is part of an approximately 49-acre tract of land located immediately north of the Rancho Viejo Subdivision (See Exhibit A). The zone change request seeks to change zoning from its current R-1 designation to a designation of Agricultural. The property is already under agricultural exemption through the Burnet County Appraisal District.

Public notice of the request to rezone was published in the Burnet Bulletin and mailed to 12-surrounding property owners. There has been no response to the public notice.

The Planning and Zoning Commission considered this request in a July 5, 2017 public hearing. No public comment was offered.

Information:

Following its public hearing, the Planning and Zoning Commission considered this rezone request and found it to be consistent with both the City’s Future Land Use Plan (See Exhibit B), and the surrounding pattern of existing development. Based on these findings, the Commission, by unanimous vote of members present, recommended rezoning 49.009-acres in question to a designation Agricultural – District “A.”

Recommendation:

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

EXHIBIT A

49.009 Acres – Location & Zoning

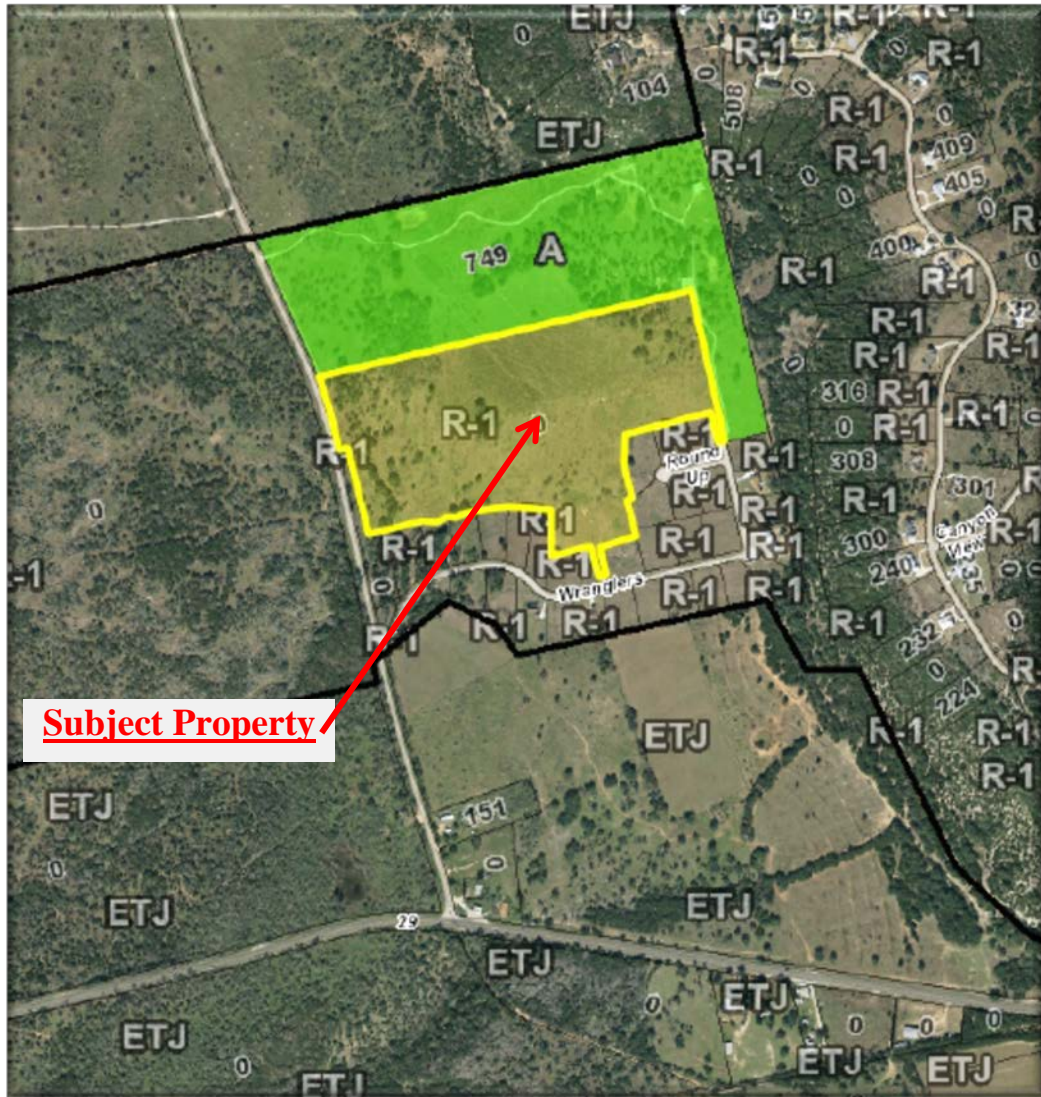
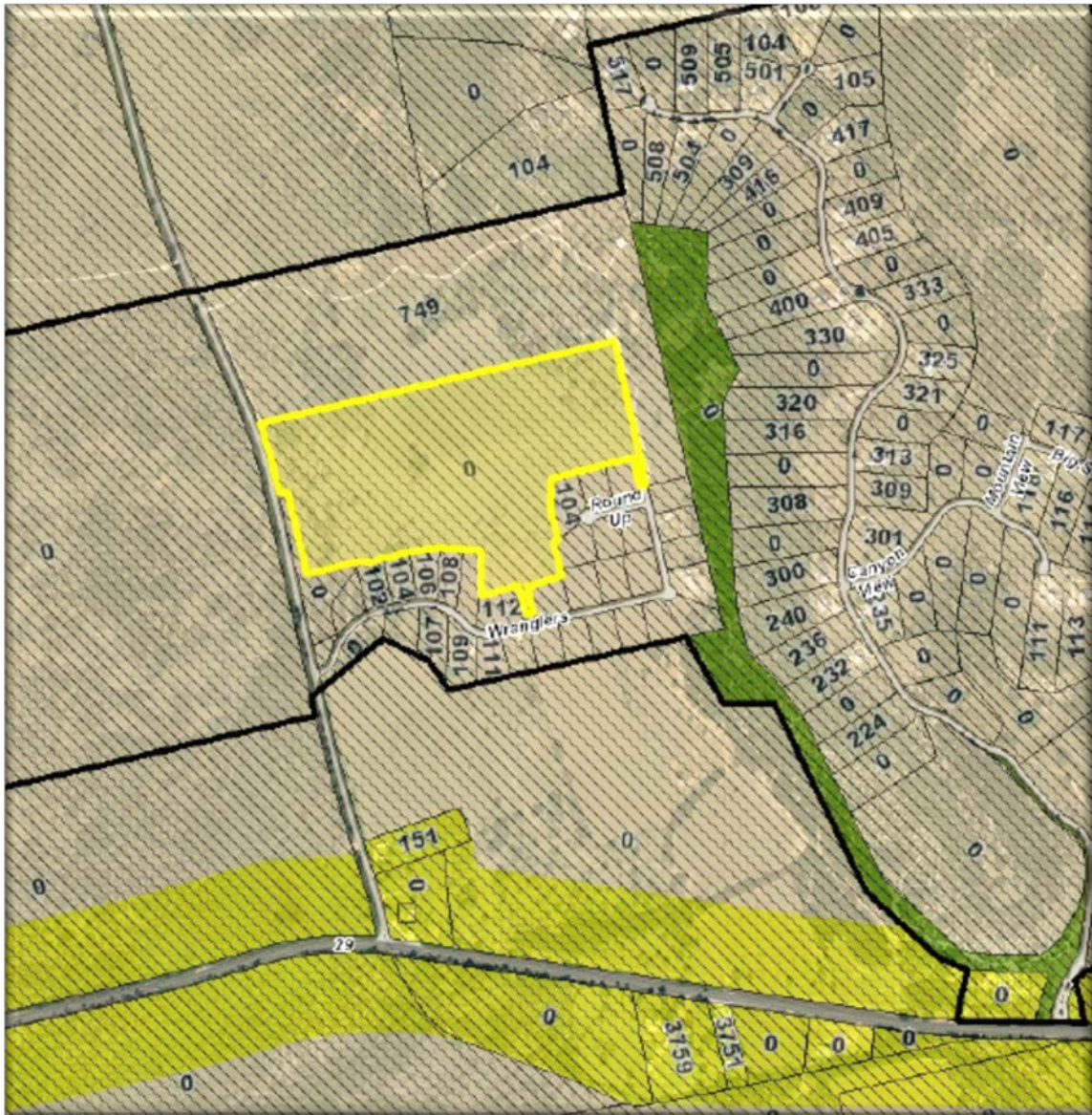


EXHIBIT B

49.009 Acres – Future Land Use



Residential



Commercial



Planning & Zoning

ITEM 4.1

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

Agenda Item Brief

Meeting Date: July 14, 2017

Agenda Item: Discuss and consider action: SECOND AND FINAL 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

Background: On June, 13, 2017 City Council approved the above described ordinance at first reading. The ordinance was approved with the understanding that it would not be brought back for final reading until LCRA had formally approved its release of the ordinance. That release has been received.

Information:

Fiscal Impact: None

Recommendation: Approve and adopt Ordinance 2017-12 abandoning the specified portion of the 40-ft Public Utility, Drainage, and Conservation Easement located at 217 Sunday Drive.

ORDINANCE NO. 2017-12

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

WHEREAS, The City Council of the City of Burnet has determined that abandonment of that portion of Public Utility, Conservation, and Drainage Easement located on the property identified as 217 Sunday Drive to be in the best public interest; and

WHEREAS, K Bar T Custom Homes holds title to the land underlying said easement; and

WHEREAS; K Bar T Custom Homes has expressed desire to see said Public Utility, Drainage and Conservation Easement 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. Easement Abandoned. That portion of easement located on Lot 11, Block A, The Ranch at Delaware Creek, Phase 1-A, described as being a forty foot (40') Public Utility Easement, Drainage Easement and Conservation Easement and further described on that Survey prepared by Danny J Stark, a copy of which is attached hereto as Exhibit A and incorporated for all purposes herein, is hereby abandoned.

Section 3. Ordinance to be Recorded. The City Secretary is hereby directed to cause to be filed with the County Clerk's office, a copy of this ordinance abandoning said portion of easement described in Exhibit A attached hereto.

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 14th day of July, 2017.

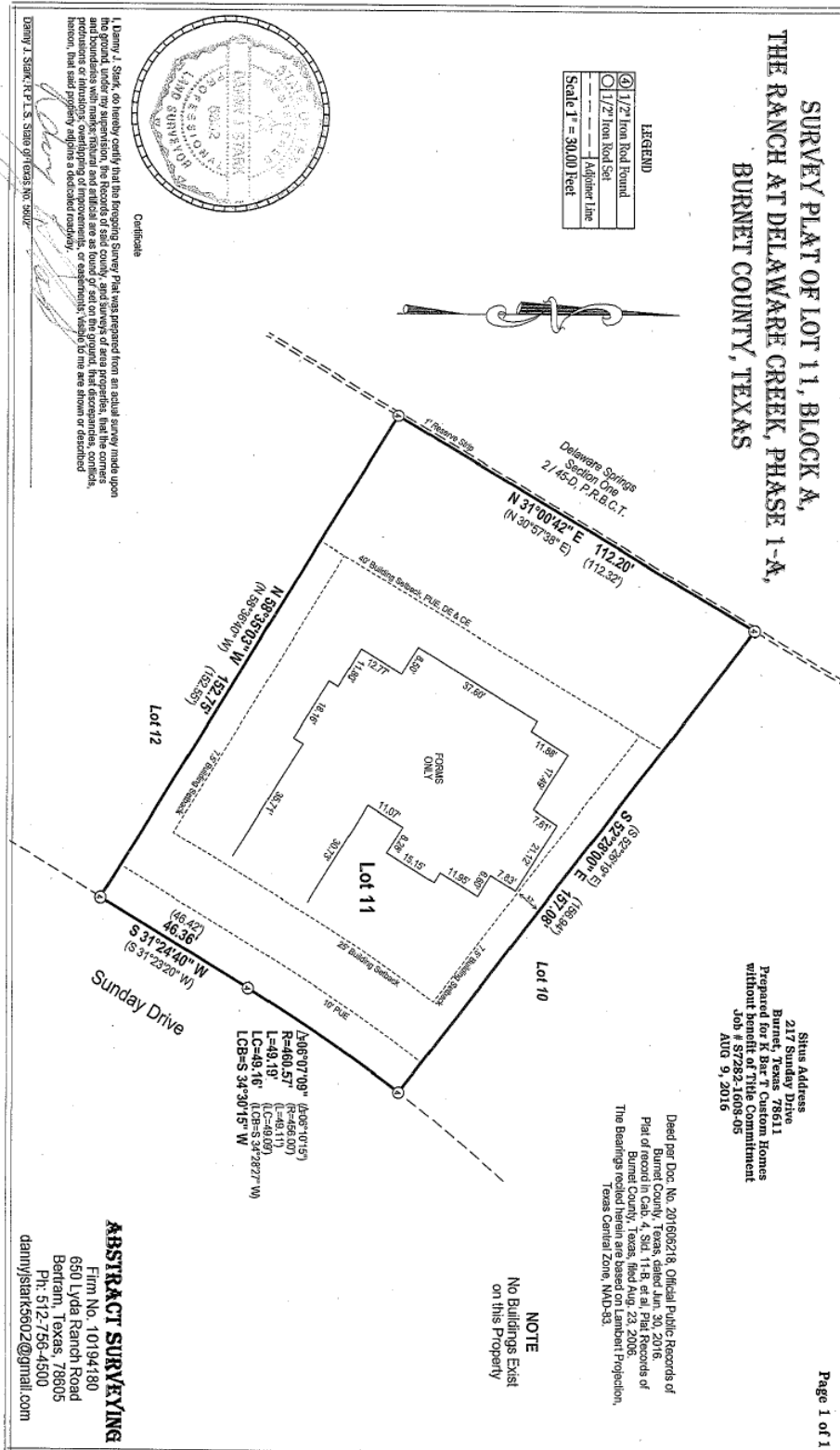
CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

EXHIBIT A





Development Services

ITEM 4.2

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

Agenda Item Brief

Meeting Date: July 14, 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.

The published caption on this item on the June 27th agenda was incorrect therefore, it will be necessary to re-visit this ordinance as a first reading.

Fiscal Impact: None

Recommendation: Approve and adopt Ordinance 2017-15 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.

307.0 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 14th day of July, 2017.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 4.3

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

Agenda Item Brief

Meeting Date: July 14, 2017

Agenda Item: Discuss and consider action: SECOND AND FINAL 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.

There have been no changes to Ordinance 2017-14 since the first reading on June 27, 2017.

Fiscal Impact: None

Recommendation: Approve and adopt ordinance 2017-14 as presented.

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 14th day of July, 2017.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 4.4

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

Agenda Item Brief

Meeting Date: July 14, 2017

Agenda Item: Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, PROVIDING FOR THE WAIVER OF CERTAIN RESIDENTIAL BUILDING PERMITS, STANDARD TAPS FEES AND CERTAIN IMPACT FEES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW: M. Lewis

Background: The resolution described in the above caption will amend the City's current residential permit fee waiver by eliminating waivers in all areas of the City except for the Neighborhood Empowerment Zones (NEZ). If approved as proposed, the terms of the resolution will become effective on October 1, 2017.

This report uses the term "waiver" in a broad sense. The City, under the terms of the fee waiver program, does waive residential permit and tap fees. It does not and cannot waive water and wastewater impact fees.

While impact fees, from the builder's perspective, are being partially or wholly waived, the City is actually paying required water/wastewater impact fees by appropriating required assessments from other City funds and moving the necessary amounts into the Utility Fund. All required water and wastewater assessments are being covered in full.

Information: The City initiated its residential permit fee waiver in 2014. It was enacted with intent to spur new residential building at a

time when the City was seeing very little construction activity. The waiver program has been renewed twice, most recently with some modification to the original parameters.

As currently structured, the program waives all residential permit, tap, and impact fees within the NEZ. Outside the NEZ, all fees except for wastewater impact fees are assessed at 34% of the base fee. Wastewater impact is assessed at 100%. Next year, fee assessment outside the NEZ is scheduled to increase to 66%. Outside the NEZ, all waivers will be eliminated effective January 1, 2019.

The attached resolution modifies the waiver program as follows:

- Within the NEZ all current waivers will remain in place until City Council deems it appropriate to do otherwise.
- Outside the NEZ, all waivers will end on September 30, 2017.

Fiscal Impact:

Adopting this resolution will allow the City to collect permit fees that are currently uncaptured. Impact fees will be collected from builders rather than being transferred from other City accounts.

Recommendation:

Adopt Resolution R2017-15 as presented.

RESOLUTION NO. R2017-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, PROVIDING FOR THE WAIVER OF CERTAIN RESIDENTIAL BUILDING PERMITS, STANDARD TAPS FEES AND CERTAIN IMPACT FEES; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Burnet, Texas, desires to promote residential housing development within the City; and

WHEREAS, the City Council finds that increased residential development provides for increased jobs and is vital for the economic health of the community by providing additional business development opportunities; and

WHEREAS, the City Council of the City of Burnet, Texas previously approved Resolution 2016-11 waiving certain building permit fees and standard utility tap and connection fees to promote residential development with the City; and

WHEREAS, economic conditions have improved such that waivers of such permits throughout the entire City are no longer necessary; and

WHEREAS, the City Council of the City of Burnet, Texas desires to continue to waive certain building permit fees and standard utility tap and connection fees to promote residential development within the Neighborhood Empowerment Zones; and

WHEREAS, the City Council desires to waive certain impact fees and cause other funds to be appropriated in accordance with the City of Burnet Code of Ordinances; and

WHEREAS, the City Council was previously granted the authority to waive such fees under Ordinance 2014-07;

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

Article I General Terms and Definitions

BE IT RESOLVED, that Resolution 2016-11 shall remain in effect through September 30, 2017.

BE IT RESOLVED, that Resolution 2016-11 and all associated fee waivers shall be null and void as of October 1, 2017, except as otherwise provided for herein.

BE IT RESOLVED, that for the purposes of this Resolution the following terms shall mean as follows:

Standard water tap fee shall mean “water tap charge” as provided for in Section 110-29(a) of the City of Burnet Code of Ordinances.

Standard sewer tap fee shall mean “sewer tap fee” as provided for in Section 110-73(c) of the City of Burnet Code of Ordinances.

Standard electrical connection fee shall mean “standard electrical connect fee” as provided for in Section 110-136(b) of the City of Burnet Code of Ordinances.

Article II Building Permits

BE IT RESOLVED, that all building permit fees, standard water tap fees, standard sewer tap fees, and standard electrical connection fees for new single family residential construction, and new multi-family residential zoned as R-2 and R-2A, shall be waived in the City of Burnet designated Neighborhood Empowerment Zones (“NEZs”) only, until such time as the City Council shall determine.

Article III Wastewater Impact Fees

BE IT RESOLVED, that Wastewater Impact Fees shall continue to be collected in accordance with City Ordinances, except that Wastewater Impact Fees in the city’s designated NEZs, equivalent to one (1) Living Unit Equivalent (LUE) per dwelling unit for each new single family, or multi-family zoned R-2 or R-2A, residential building permit shall be waived and caused to be appropriated from other funds, until such time as the City Council shall determine.

Article IV Water Impact Fees

BE IT RESOLVED, that Water Impact Fees in the city’s designated NEZs, equivalent to one (1) Living Unit Equivalent (LUE) per dwelling unit for each new single family, or multi-family zoned R-2 or R-2A, residential building permit shall be waived and caused to be appropriated from other funds, until such time as the City Council shall determine.

BE IT RESOLVED, that this Resolution shall become effective upon adoption by the City Council.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Burnet this the 14th day of July, 2017.

CITY OF BURNET

Crista Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 4.5

Mark S. Lewis
Development Services Director
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mlewis@cityofburnet.com

Agenda Item Brief

Meeting Date: July 14, 2017

Agenda Item: Discuss and Consider Action: The City Council will consider a replat of the City of Burnet Westfall Subdivision for the purpose of creating the Cottages at Westfall Final Plat a property further described as being bounded by Westfall Street, the City of Austin Railroad, Oddfellows and Old Burnet Cemeteries, and Cemetery Street: M. Lewis

Background: The Cottages at Westfall Final Plat has been reviewed and found to be in compliance with applicable provisions of the City of Burnet Code of Ordinances. The plat has been brought forward to City Council with a unanimous Planning and Zoning Commission recommendation for approval.

Information: N/A

Recommendation: Approve the Cottages at Westfall Final Plat.



Development Services

ITEM 4.6

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

Agenda Item Brief

Meeting Date:	July 14, 2017
Agenda Item:	Discuss and Consider Action: FIRST READING OF AN ORDINANCE AMENDING ORDINANCE NO. 2012-06 BY ASSIGNING AGRICULTURAL —DISTRICT “A” ZONING TO 49.009 ACRES OUT OF THE JOSEPH BARNHART SURVEY, NO 35, ABSTRACT A0065; 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 Agricultural—District “A” zoning to the 49.009-acres of 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.
Fiscal Impact:	None
Recommendation:	Approve the first reading of the ordinance assigning 49.009-acres out of the Joseph Barnhart Survey, No. 35, Abstract A0065.

ORDINANCE NO. 2017-16

AN ORDINANCE AMENDING ORDINANCE NO. 2012-06 BY ASSIGNING AGRICULTURAL —DISTRICT A ZONING TO 49.009 ACRES OUT OF THE JOSEPH BARNHART SURVEY, NO 35, ABSTRACT A0065; 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 July 5, 2017, did conduct a public hearing for the purpose of taking public comment regarding the proposal to assign Agricultural – District A zoning to 49.009-acres out of the Joseph Barnhart Survey; and

WHEREAS, The City Council of the City of Burnet, on July 11, 2017 did conduct its own public hearing for the purpose of taking public comment regarding the same proposal to assign Agricultural – District A zoning to 49.009-acres out of the Joseph Barnhart Survey; 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 assigning Agricultural – District A zoning to said 49.009-acres out of the Joseph Barnhart Survey to be 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 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. Zoning Changed. Agricultural – District “A” zoning is hereby assigned to that 49.009-acres out of the Joseph Barnhart Survey, No. 35, Abstract A0065 which is further identified by Burnet County Appraisal District Identification Number 48504.

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 14th day of July 2017.

FINALLY PASSED AND APPROVED on this 25th day of July, 2017.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Planning & Zoning

ITEM 4.7

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

Agenda Item Brief

Meeting Date: July 14, 2017

Agenda Item: Discuss and consider action: The City Council of the City of Burnet, in accordance with Code of Ordinances, Chapter 22, Article IV, Sections 22-81 and 22-82, will convene as the Board of Appeals for the purpose of considering an 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

Background: On June 13, the City Council, sitting as the Board of Appeals heard the owner's appeal to the order for the repair or demolition of the structure located at 1407 N. Water Street (See Exhibits A and B). Mr. John Cashman, the property owner presented his proposal for completing necessary repairs to the structure in question.

The Board granted Mr. Cashman an extension until July 11, 2017 for the purpose of allowing him to undertake necessary repairs.

The purpose of this report is to provide the Board of Appeals with a status update regarding Mr. Cashman's efforts to date.

Information: On June 14, 2017, Mr. Cashman left a voice mail message with Code Enforcement Officer Cindy Young. The message requested information regarding waste container rental. Ms. Young returned the call leaving a voice mail message for Mr. Cashman.

When Mr. Cashman failed to respond, Ms. Young, on June 20, 2017, sent the certified letter attached as Exhibit C. The letter outlines the terms of the extension granted by the Board. It additionally outlines the City's expectations for action relating to necessary repairs.

The certified mail, green card returned to the City by the USPS indicates that Ms. Young's letter was received and signed for on June 22, 2017. As of July 6, 2017, the date on which this report is being drafted, Mr. Cashman has not contacted the City.

On July 5, 2017, Ms. Young again reached out to Mr. Cashman, sending the certified letter attached as Exhibit D. This letter reminds Mr. Cashman that City Council (sitting as Board of Appeals) will consider the extension he was given in order to undertake repairs on 1407 N. Water Street. It also informs him that due to his lack of action, staff will not support any further extension to the order to repair or demolish the structure.

Fiscal Impact:

None

Recommendation:

Staff recommends Board of Appeals authorization to carry out the order for demolition of the structure located at 1407 N. Water Street.

1407 N. Water Street



EXHIBIT B

BOARD OF APPEALS ORDER



CITY OF BURNET BOARD OF APPEALS

ORDER TO DEMOLISH OR REPAIR 1407 N WATER STREET

The Board of Appeals of the City of Burnet, Texas, acting pursuant to authority vested therein by Section 22-81 and Section 22-82 of the City of Burnet Code of Ordinances did on March 14, 2017 conduct a public hearing regarding the structure located 1407 N. Water Street and further described as Lot 4; Block 3; Oaks Addition; Property ID #33508.. A legal quorum of the Board was present.

The property owners of record of 1407 N. Water Street were provided with thirty (30) day notice of said public hearing by means of certified mail in order to afford said owners and any persons with interest the opportunity to appear before the Board and provide testimony to the Board. The property owners, Mr. John B Cashman Jr. and Ms. Sylvia Cashman **DID NOT** appear to present information regarding the property, and more specifically to submit proof of the scope of any work that may be required to comply with the City's Code of Ordinances and the property maintenance codes adopted therein; and the time it will take to reasonably perform the work.

The Board of Appeals, based on evidence and testimony presented at said March 14, 2017 public hearing has found the structure located at 1407 N. Water Street to be a Dangerous and Unsafe Structure, and therefore a public nuisance under the terms of Code of Ordinances, Chapter 22, Article IV, Dangerous Building Abatement Code. This determination is based on evidence received at the March 14, 2017 public hearing said evidence including testimony received from City staff and an January 24, 2017 Substandard Building Inspection Report documenting the conditions which have caused the structure at 1407 N Water Street to become dangerous, unsafe, and a public nuisance. A copy of the January 24, 2017 report is attached to this order and incorporated for all purposes herein;

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF APPEALS OF THE CITY OF BURNET, TEXAS, THAT:

Having considered all information presented in its March 14, 2017 public hearing, the Board of Appeals, by a majority vote of the members of the Board, finds the structures located at 1407 N Water Street to be a dangerous, unsafe and a public nuisance under the terms of Code of Ordinances Chapter 22, Article IV, Dangerous Building Abatement Code.

IT IS THEREFORE ORDERED that the conditions on the property located and legally described as:

1407 N Water Street, Burnet, Texas
Property ID: Property ID #33508
Legal Description: Lot 4; Block 3; Oaks Addition;
Property Owner: John B. Cashman Jr. and Sylvia Cashman
6311 Stillman Street
Houston, Texas 78611

constitutes a public nuisance in need of abatement.

IT IS THEREFORE ORDERED that the above property:

___ be repaired by the owner to meet the standards set forth in the City's Code of Ordinances and the adopted International Codes therein as specified in this Order;

OR

X that the above property be DEMOLISHED should the owner, within (30) days of this order being issued and published as required by law fail to repair the structure in accordance with the standards set forth in the City's Code of Ordinances and the adopted International Codes therein as specified in this Order.

IT IS ALSO ORDERED that the owner:

___ complete the abatement action as ordered above with respect to the above described structure(s) within thirty (30) days of this order being issued and published as required by law;

OR

___ because the Board finds that the owner has established that the required work cannot reasonably be performed within thirty (30) days, the owner is required to commence the required work no later than _____ days following the issuance of this order and shall submit to this Board a detailed plan and time schedule for the performance and completion of the work no later than _____ days following the issuance of this order.

Owner is also required to submit progress reports to this Board demonstrating compliance with this order and the time schedules provided herein using the following Schedule:

Any and all abatement procedures must be done in accordance with all applicable statutory and code regulations.

This Order shall become final and non-appealable at the expiration of thirty (30) days following the mailing of this Order pursuant to Section 22-82(13). Orders of the Board are subject to a temporary stay of enforcement by the filing of a petition for writ of certiorari pursuant to Chapter 214 0012 of the Texas Local Government Code.


Failure to comply with this Order shall result in the abatement of the above condition by the City in a manner ordered by this Board. A lien shall be placed against the property for the City's abatement expenses, investigation and research expenses, civil penalties, plus administrative expenses as allowed by law.

SIGNED AND ORDERED on this the 25th day of April 2017

ATTEST:

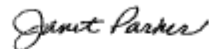

City Secretary




PRESIDING CHAIR



FILED AND RECORDED
OFFICIAL PUBLIC RECORDS



Janet Parker, County Clerk

Burnet County Texas

5/16/2017 3:47:34 PM

FEE: \$24.00

201704750

OR

CITY OF BURNET
SUBSTANDARD BUILDING INSPECTION

DATE: January 24, 2017
ADDRESS: 1407 N. Water St.
LEGAL DESCRIPTION: Blk. 3; Lt. 4; Oaks Addition
PROPERTY OWNER: Cashman, John B. Jr. Etux Sylvia
OWNER'S ADDRESS:
NUMBER OF STRUCTURES: 1 with metal outbuilding
OCCUPANCY CLASSIFICATION: R-3 CONSTRUCTION TYPE: V
IS STRUCTURE OCCUPIED: NO IS STRUCTURE SECURED: NO
REMARKS: House is vacant & unsecured. Evidence of occupancy by transient person or persons. Yard chronically unmaintained. Mowed by City on multiple occasions.

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

EXTERIOR PROPERTY AREAS

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

SWIMMING POOLS/SPAS/HOT TUBS

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

EXTERIOR STRUCTURE—UNSAFE CONDITIONS

STRUCTURAL MEMBERS: Rot & water damage evident in rear wall

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

EXTERIOR WALLS: Localized areas of deterioration observed

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

DECORATIVE FEATURES: N/A

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

STAIRS/DECKS/PORCHES/BALCONIES: N/A

CHIMNEYS & TOWERS: N/A

HANDRAILS & GUARDS: N/A

WINDOWS

GLAZING: OK

OPENABLE WINDOWS: Not Checked

INSECT SCREENS: Some missing

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

OTHER: N/A

INTERIOR STRUCTURE

STRUCTURAL MEMBERS: N/A

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

HANDRAILS & GUARDS: N/A_____

INTERIOR DOORS: N/A_____

RUBBISH & GARBAGE: Rubbish visible through windows

LIGHT

HABITABLE SPACES: Unknown

HALLS & STAIRWAYS: Unknown

OTHER: Improperly installed exterior lighting

VENTILATION

HABITABLE SPACES: Missing window screens. HVAC condition unknown

BATHROOMS & TOILET ROOMS: Unknown

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

COOKING FACILITIES: Unknown

CLOTHES DRYER EXHAUST: N/A

PLUMBING SYSTEMS

WATER SYSTEM: Unknown

FIXTURES: Unknown

DRAINAGE: Substandard

HEATING FACILITIES

HEAT SUPPLY: Unknown

MECHANICAL EQUIPMENT

MECHANICAL APPLIANCES: Unknown

COMBUSTION AIR: Unknown

ELECTRICAL FACILITIES

ELECTRICAL EQUIPMENT: Substandard & Unsafe

RECEPTACLES: Unknown

LIGHTS: N/A

OTHER: Service Drop too close to ground. Unsafe

FIRE SAFETY

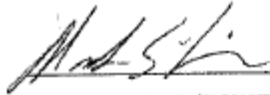
MEANS OF EGRESS: Rear door obstructed and damaged.

FIRE RATED ASSEMBLIES: N/A

FIRE SPRINKLER SYSTEMS: N/A

SMOKE ALARMS: Unknown

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



INSPECTOR NAME/SIGNATURE

1/27/17

DATE

FINAL DISPOSITION

BUILDING REPAIRS AUTHORIZED: _____

DEMOLITION ORDER ISSUED: _____

PERMITS ISSUED: _____

REPAIRS COMPLETED: _____

DEMOLITION COMPLETED: _____

EXHIBIT C

**June 20, 2017 Certified Letter From Cindy Young to John and Sylvia
Cashman**



City of Burnet

CODE ENFORCEMENT OFFICE

DIRECT (512) 715-3216
FAX: (512) 756-8560
E-Mail: cyoung@cityofburnet.com

P.O. Box 1369
Burnet, TX 78611
1001 Buchanan Drive, Suite 5

June 20, 2017

John B Cashman Jr. and Sylvia Cashman
6311 Stillman St.
Houston, TX 77007

CE#70133020000032256800
and Regular Mail

Property Located At: 1407 N. Water

Dear Mr. Cashman:

I received a phone message from you on June 14, 2017, regarding the price of waste containers for the purpose of clearing your property. Although, I returned your call and left a voice message with you, I have not heard back regarding your plans to proceed. An inspection today did not show that the brush had been removed.

The City Council took action on June 13th for the purpose of allowing you time to convince them that you were going to follow through with your proposed plan of action. We would have hoped by now to have already issued permits, with properly licensed mechanical, electrical and plumbing contractors being permitted through the city.

Please understand that if work doesn't commence by July 11th, 2017, as was agreed at the Council meeting, by the council members, a recommendation will have to be made that we let the order stand and commence with the demolition.

Again, if you have any questions or concerns, you may contact this office at your convenience.

Cindy Young
Code Enforcement Officer
City of Burnet

Cc: Mark Lewis, Director of Community Development

EXHIBIT D

July 5 Certified Letter From Cindy Young to John and Sylvia Cashman



City of Burnet

CODE ENFORCEMENT OFFICE

DIRECT (512) 715-3216
FAX: (512) 756-8560
E-Mail: cyoung@cityofburnet.com

P.O. Box 1369
Burnet, TX 78611
1001 Buchanan Drive, Suite 5

July 5, 2017

John B Cashman Jr. and Sylvia Cashman
6311 Stillman St.
Houston, TX 77007

CE# 7013 3020 0000 3225 6824
and Regular Mail

Property Located At: 1407 N. Water

Dear Mr. Cashman:

This letter is a follow up to my letter to you dated June 20, 2017, regarding the above location.

The City Council will be meeting on July 11th, 2017 to discuss the continuation of the demolition commencement. This office has not received any communication from you concerning the violation or any reasons that you cannot accomplish what is required to abate the violations. Due to the lack of communication and work that was assured the Council, they will not be able to support another extension. I would strongly advise that you come in person to the city council meeting next Tuesday to make any requests regarding this property. Based on the circumstances, Staff is not in a position to agree on recommending an extension, which means the order will stand as is.

Sincerely,

Cindy Young
Code Enforcement Officer
City of Burnet

Cc: Mark Lewis, Director of Community Development



Development Services

ITEM 4.8

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

Agenda Item Brief

Meeting Date: July 14, 2017

Agenda Item: Authorize and approve a contract with Eileen Merritt, Inc. ATS Engineers, Inspectors and Surveyors to provide plan review and building inspection services for the City of Burnet: M. Lewis

Background: The attached contract will retain “ATS” as a contract provider of building plan review and inspection services.

Information: The City has been without a building inspector for approximately four months. To date, efforts to hire a licensed inspector have not been successful.

The past four months have also seen an uptick in permitting and inspection activity. With four new single-family residential subdivisions in various stages of development, it appears likely that the City’s present level of building activity will be maintained, if not increased.

ATS is an established firm that provides plan review and building inspection services. The proposed contract will require the City to pay only for the services it actually utilizes. The contract can be terminated by either party with thirty day notice. This provides the City with the flexibility exit the agreement should we find a suitable building inspector, or use ATS as a longer term inspection services provider should that approach prove advantageous.

Fiscal Impact: The ATS fee structure is generally in line with the City’s base permit fee assessment. For the remainder of the fiscal year, ATS fees can be offset by salary savings from the vacant building inspector position.

Recommendation:

Authorize the City Manager to execute the ATS, Plan Review, Inspection Service and Jurisdiction Service Agreement.



PLAN REVIEW, INSPECTION SERVICE and JURISDICTION SERVICE AGREEMENT

This Agreement, made and entered into this _____ day of _____, by and between City of Burnet, hereinafter referred to as the "Jurisdiction" and Eileen Merritt, Inc. (dba ATS Engineers, Inspectors & Surveyors), a Texas corporation, having its principal place of business in Travis County, Texas, hereinafter referred to as "Inspector," is understood and agreed to be as set forth herein:

1. **Description of Services.** The Jurisdiction, in connection with carrying out the duties of its various ordinances and permitting processes regulating the design, construction, materials, use and occupancy, location and maintenance of all buildings and structures within the Jurisdiction, as well as ensuring conformance with state laws, requires the services of a building inspector, as well as plan review services.
 - a. While performing its duties on behalf of the Jurisdiction, as described in this agreement, Inspector shall operate under the designation of "Building Inspector" and shall be subject to limitations and description of duties and powers as described within the codes adopted by the Jurisdiction or state law.
 - b. Inspector agrees to assist the Jurisdiction in enforcement of its ordinances as follows:
 - i. Inspector agrees to make all inspections requested by the Jurisdiction under appropriate ordinances of the Jurisdiction or state law. See Attachment "A" "Inspection Scheduling Procedures."
 - ii. The Inspector, as the Jurisdiction's agent, will help assure (upon request) compliance with the adopted *International Energy Conservation Code* (IECC) to include performance of *REScheck* calculations and Duct Blaster and Blower Door testing of each new residence. Others shall perform commercial calculations and testing.
 - iii. Upon request, Inspector will make written reports noting state law or ordinance compliance or any deviations from all inspections and deliver a copy of such reports to the Jurisdiction office via mail, in person, facsimile, or other electronic means within two (2) business days.
 - iv. Inspector may from time to time be called upon to perform the following services:
 - Attend meeting of the Jurisdiction's Council, when requested by a Council Member or other Jurisdictional Official; and/or
 - Attend other public or private meetings involving inspection matters related to the duties performed under this Agreement.

- v. Inspector shall conduct him/herself as an agent of the Jurisdiction in good faith displaying professionalism and a courteous manner in dealings with the citizens of the Jurisdiction. Inspector agrees to abide by the Building Official Code of Ethics as established by the *International Code Council* (ICC). Inspector will report to the Jurisdiction, verbally or in writing, any conflicts between Inspector and any citizen while performing said duties.
 - vi. The Jurisdiction may conduct customer satisfaction surveys from time to time without notice to Inspector. The Jurisdiction will incur cost of materials to perform such surveys.
 - vii. Inspector shall maintain complete and accurate records of work performed for the Jurisdiction. Inspector shall manage both public and confidential records that Inspector obtains pursuant to this Agreement with the understanding that some records may be subject to state open government laws.
- c) **Payment for Services.** The Jurisdiction will employ the Inspector for the following fee structure:

Inspections:

Residential:	See Attachment B
Multi-family:	By Proposal
Commercial:	See Attachment B

Plan Reviews:

Residential: new construction or additions	See Attachment B
Commercial: new construction or additions	See Attachment B
Multi-family: new construction or additions	See Attachment B

Consulting Fees: \$95/hr. to include meetings, special projects and requests.

Texas Accessibility Standards inspections: fees based on current state fees.

Reimbursable Expenses: Fees related to transmittal of plan reviews and other requested documents:

- 1.) Courier, Postage, Overnight Delivery, Etc.: Pass-thru costs
- 2.) Printing: As required for electronic transfer of plans or plan reproduction: \$25.00 up to first 10 pages. \$3.00 per page thereafter. This section applies if ATS is to print electronic plan copies for the jurisdiction or the permit holder.

Request for the inspection may be made by telephone, fax or email. Upon notification, Inspector will honor the request within one (1) business day.

Request for plan review services may be made by telephone, fax or email. Upon notification, construction document submittals will be picked up or arrangements will be made to have plans mailed or e-mailed to Inspector. Reviewed plans and construction documents will be returned no later than five (5) business days from receipt if for residential construction projects and no later than ten (10) business days if for commercial or multi-family construction projects.

1. Inspector shall invoice the Jurisdiction bi-weekly for each Residential inspection and re-inspection performed. Commercial inspections will be invoiced once for the entire amount at the beginning of the inspections process. Invoice shall include a description of the address and type of inspection performed. Re-inspection fees described in Attachment "A" shall be those fees identified above.
2. **Termination.** Either party may terminate this Agreement by giving thirty (30) days written notice. Upon such notice, Inspector shall, unless otherwise mutually agreed upon in writing, cease all work on the effective date of termination. The Inspector shall submit a statement to the Jurisdiction detailing the work performed to the date of termination. The Jurisdiction agrees to compensate the Inspector for that portion of the work performed, accepted and invoiced under this Agreement.
3. **Relationship of Parties.** It is understood by the parties that Inspector is an independent contractor with respect to the Jurisdiction and not an employee of the Jurisdiction. The jurisdiction will not provide fringe benefits, including health insurance benefits, paid vacation, or any employee benefit, for the benefit of Inspector.
4. **Employees.** Inspector's employees, if any, who perform services for the jurisdiction under this Agreement shall also be bound by the provisions of this Agreement. At the request of the jurisdiction, Inspector shall provide adequate evidence that such persons are Inspector's employees. Jurisdiction agrees not to separately contract with employees of Inspector or otherwise separately employ members of the Inspectors staff without written approval of the Inspector during the period of the Agreement and for a period of one year after the termination of this Agreement.
5. **Insurance.** Inspector shall purchase and/or maintain such general liability, auto liability, professional errors and omission, and other insurance, at its expense or required by state law for the work being performed per "Attachment C" and as will provide protection for the Inspector and Jurisdiction from claims which may arise out of or result from Inspector's performance and furnishing of services, whether such services are provided

by Inspector, any subcontractor or supplier or anyone directly or indirectly employed by any of them, or anyone for whose acts any of them may be liable. Contractor must furnish a current Certificate of Insurance listing the Jurisdiction as additionally insured prior to performance under this Agreement and at least ten (10) days prior to the end of any existing coverage period.

6. **Indemnification.** Indemnification: Inspector shall indemnify, defend and hold harmless the City of Burnet, Texas and its officials, employees and agents (collectively referred to as "Indemnitees") and each of them from and against all loss, costs, penalties, fines, damages, claims, expenses (including reasonable attorney's fees) or liabilities (collectively referred to as "Liabilities") by reason of any injury to or death of any person or damage to or destruction or loss of any property arising out of, resulting from, or in connection with (i) the performance or non-performance of Services contemplated by this Agreement but only to the extent caused by the negligent acts, errors or omissions, intentional torts, intellectual property infringement, or a failure to pay a sub-contractor or supplier committed by Inspector or Inspector's agent, consultant under contract, or another entity over which Inspector exercises control (whether active or passive) of Inspector or its employees, agents or sub-contractors (collectively referred to as "Inspector") (ii) the failure of Inspector to comply with any of the paragraphs herein or the failure of Inspector to conform to statutes, ordinances, or other regulations or requirements of any governmental authority, federal, state or local, in connection with the performance of this Agreement. Inspector expressly agrees to indemnify and hold harmless the Indemnitees, or any one of them, from and against all liabilities which may be asserted by an employee or former employee of Inspector, or any of its sub-contractors, as provided above, for which Inspector's liability to such employee or former employee would otherwise be limited to payments under State Workers' Compensation or similar laws. Nothing herein shall require Inspector to indemnify, defend, or hold harmless any Indemnatee for the Indemnatee's own negligence or willful misconduct. Any and all indemnity provided for in this Agreement shall survive the expiration of this Agreement and the discharge of all other obligations owed by the parties to each other hereunder and shall apply prospectively not only during the term of this Agreement but thereafter so long as any liability could be asserted in regard to any acts or omissions of Professional in performing Services under this Agreement.

For Professional Liability Claims, Inspector shall be liable for reasonable defense costs incurred by Indemnitees but only after final adjudication and to the extent and percent that Inspector or Inspector's agents are found negligent or otherwise at fault. As used in this Agreement, final adjudication includes any negotiated settlement and release of claims, without limitation as to when a negotiated settlement and release of claims occurs.



7. **Assignment.** Inspector's obligation under this Agreement may not be assigned or transferred to any other person, firm, or corporation without the prior written consent of the Jurisdiction.
8. **Notice.** All notice required or permitted under this Agreement shall be in writing and shall be delivered either in person or deposited in the United States mail, postage prepaid, addressed as follows:

If for the Jurisdiction:

City of Burnet
1001 BUCHANAN DRIVE, SUITE 4
Burnet, TX 78611
(512) 756-8093

If for Inspector:

ATS Engineers, Inspectors & Surveyors
4910 West Hwy 290
Austin, Texas 78735
Tel: (512) 328-6995
Fax: (512) 328-6996

Either party may change such address from time to time by providing written notice to the other in the manner set forth above. Notice is deemed to have been received three (3) days after deposit in U.S. mail.

9. **Entire Agreement.** This Agreement contains the entire Agreement of the parties and there are no other promises or conditions in any other Agreement whether oral or written. This Agreement supersedes any prior written agreements between the parties.
10. **Amendment.** This agreement may be modified or amended if the amendment is made in writing and is signed by both parties.
11. **Severability.** If any provision of this Agreement shall be held to be invalid or unenforceable, then such provision shall be deemed to be written, construed, and enforced as so limited; the remainder of the agreement shall be considered valid and enforceable.
12. **Waiver of Contractual Right.** The failure of any party to enforce any provision of this Agreement shall not be construed as a waiver of limitation to that party's right to subsequently enforce and compel strict compliance with every provision of the Agreement.
13. **Applicable Law.** The laws of the State of Texas shall govern this Agreement.
14. **Venue:** Burnet County shall be the venue for any disputes that arise between the Jurisdiction and Inspector under the terms of this Agreement.

Parties to the Service Agreements:

Jurisdictional Representative
ATS_City of Burnet 7-6-17



City of Burnet

By: _____

Printed Name: _____

Title: _____

Inspector Service Provider
Eileen Merritt, Inc. ATS Engineers, Inspectors & Surveyors

By: _____

Printed Name: Dondi Atwell

Title: Inspection Department Manager

Attachment "A"

BUILDING INSPECTION SCHEDULING PROCEDURES

Code inspections conducted by ATS Engineers, Inspectors & Surveyors can be called in or received via facsimile or email to ATS prior to 5:00pm on the day before the inspection is needed. Our office number is 512-328-6995 and fax number is 512-328-6996. Email address for inspection request is inspections@ats-engineers.com. If a preference exists for either a morning or afternoon inspection, or if an inspector must meet with a contractor/owner on the job site, it must be noted by the person requesting the inspection.

It is the responsibility of the permit holder to schedule the inspection per the Jurisdiction's scheduling process. The jurisdiction is to schedule the inspection with inspector by the means of

MPN or any other means feasible by the jurisdiction. This must include the name and phone number of the permit holder, the physical address of the permitted project and the type of inspection needed. Passed inspections allow construction to proceed to the next ordinance(s). Failed inspections shall be remedied and re-inspected for compliance prior to proceeding with construction. All re-inspection fees must be paid prior to further inspection requests being performed.

Inspections will be combined at stages where combining is appropriate and the completion of one stage does not interfere with the inspection at another stage. Inspections performed individually other than those listed in stages at the convenience of the permit holder or necessary due to site conditions or other unforeseeable situations will be billed separately. The following are minimum required inspections for new construction.

Pre-Construction Site Evaluation:

- ❑ Prior to construction, ATS will conduct a site review to help identify building locations, erosion control measures, water quality protection issues and other pre-construction requirements. ATS will utilize the approved site plan as the basis for the inspection and will rely on surveying services provided by the applicant or others.
- ❑ Portable toilet facility and trash receptacle on site.

Temporary Construction Power

- ❑ Meter base and panel set per code with regard to under-ground or over-head electrical connection.
- ❑ Ground-fault circuit protection on all 120-volt receptacles and proper grounding means must be in place.
- ❑ Job-site address must be visible from street.

Plumbing Rough-In and Layout Inspection

- ❑ To be made after the soil, drain and waste piping is installed within the confines of a slab form and prior to any backfill or placement of concrete.
- ❑ A water test with a 10-foot head pressure or 5-PSI air test shall be performed on the entire system to verify tightness of the system.
- ❑ Building drain must be sleeved where passing through exterior beam. Sleeve shall be sealed tight around the building drain to prevent insect intrusion.
- ❑ All drain and waste piping installed with slope required for pipe size.
- ❑ Finished floor elevation allowing proper drainage around structure.

Sewer/Water Yard Line Inspection

- ❑ To be made after trenches are excavated, piping installed and tested, and before any backfill is placed.
- ❑ All necessary main supply shut-off valve(s) and/or back flow prevention devices installed on water supply and where necessary, any backwater prevention valve(s) installed on building sewer piping.
- ❑ Minimum buried depth of 12-inches. Trench is void of rocks, debris and bedded with sand. Sewer piping has slope required for pipe size.
- ❑ Clean out(s) installed and tap connection complete at main.

In-Slab Water Distribution Piping (Plumbing Copper)

- ❑ A pre-pour inspection is required by the design engineer or architect. Forms erected and floated, reinforcement steel and/or post-tension cables in place, grade beams cleaned and have been properly cut, vapor barrier installed and intact. Plans must be on-site.
- ❑ All rough-in plumbing, in-slab electrical or other conduit in place.
- ❑ All in-slab water distribution piping is installed within the confines of slab form and prior to any backfill or placement of concrete.
- ❑ Copper water lines shall be sleeved and protected from dissimilar metals.
- ❑ In-slab water distribution piping is insulated within 12-inches from slab exterior and pressure tested to a minimum 80 PSI.
- ❑ "UFER" ground wire bonded to reinforcing steel.

Frame Inspection

- ❑ Frame Inspection
To be made after the roof, all framing, fire blocking and bracing are in place. All concealing wiring, all pipes, chimneys, ducts and vents are complete.
Construction plans, documents, and engineered product specifications are on-site.
- ❑ Electrical Rough-In Inspection – to be made after the roof, framing, fire blocking and bracing is in place and prior to the installation of batt insulation and/or sheetrock. All branch circuit and dedicated wiring, boxes, conduit, panel(s) in place and properly secured. Cold-water ground wire is installed to copper water distribution piping.
- ❑ Plumbing Top-Out Inspection – to be made after the roof, framing, fire blocking and bracing is in place and all water distribution, soil, waste and vent piping and gas piping is complete and tested, and prior to the installation of insulation and/or wallboard. A full system water pressure test or 50-PSI air test is required for inspection of the water distribution piping. For structures two-stories or more, tub(s) and/or shower pan(s), and drain, waste and vent piping shall have a water test performed to verify tightness of the system. Gas piping shall have a minimum 10-PSI air test performed to verify tightness.
- ❑ Mechanical Rough-In Inspection – to be made after the roof, framing, fire blocking and bracing is in place and all ducting, and all other concealed components are complete, and prior to the installation of batt insulation and/or sheetrock.

Sheathing Inspection

- ❑ To be completed prior to the application of masonry. This inspection is intended to evaluate the wind bracing elements required by the adopted code.

Re-Frame & Insulation Inspection

- ❑ Correction items from previous Frame and MEP rough-in inspection(s) are complete.
- ❑ To be made after all batt insulation is in place and all exterior and plate penetrations have been sealed. Requirements of the *International Energy Conservation Code* are enforced.

Lath and Masonry Tie Inspection

- ❑ Lath inspections are to be completed when the lath is completed. Brick tie inspections are to be called when the masonry veneer is in progress.

Wallboard

- ❑ To be made after all wallboard is installed and fastened and prior to taping/float skim coats.

Gas Test and/ or Electrical Service Inspection

- Gas piping is complete with all gas stop valves installed and all gas flex piping connected to appliance(s). Gas stop valves are readily accessible. A minimum 10-PSI air test is conducted on gas piping to verify tightness of system.
- Electrical service wiring and main disconnect is installed and ready to be energized. Address is posted and visible from street.

IECC Energy Compliance Duct Blaster and Blower Door Testing

- International Energy Compliance Code (IECC) Duct Testing: To be completed by **ATS Engineers, Inspectors & Surveyors**. ATS will perform a duct blaster and blower door test. Applicant is responsible for cost of failed testing. Testing is not required for remodeling projects when the existing ductwork is unaltered.

Final Inspections

- Building Final/Certificate of Occupancy – to be made after the building is complete and ready for occupancy. All prior inspections have passed and re-inspection fees paid.
- Electrical Final Inspection – to be made after the building is complete, all required electrical fixtures are in place and properly secured, connected or protected all panel(s) are labeled and system is energized.
- Plumbing Final Inspection – to be made after the building is complete, all plumbing fixtures are in place and properly connected, gas meter is set and the structure is ready for occupancy. To include required TCEQ Customer Service Inspection.
- Mechanical Final Inspection – to be made after the building is complete, the mechanical system is in place, properly connected and operating and the structure is ready for occupancy.

Attachment "B"

Construction Valuations based on most recent International Code Council Building Valuation Data

Residential Inspections	Per Inspection and Reinspection Fee
Temporary electrical service	\$55.00
Plumbing rough-in/foundation layout	\$55.00
Water/sewer yard-lines	\$55.00
Copper rough-in	\$55.00
Combination Inspections (frame & MEP rough in	\$65.00
Re-frame and Insulation Inspections	\$55.00
Wallboard Inspections	\$55.00
Final Inspections (combination)/ Certificate of Occupancy	\$55.00
Gas test/Electrical service inspection	\$55.00
Additional Inspections to include but is not limited to driveway, fence, pool, demolition	\$55.00
Remodeling/alterations to existing structure	\$55.00

Residential Plan Review

Valuation	Fee
\$1.00 to \$100,000	\$65.00
\$101,001 to \$350,000	\$100.00
\$351,001 to \$1,000,000	\$250.00
\$1,000,001 and up	\$250.00 for the first \$1,000,000 plus .95 for each additional \$1,000

Commercial and Multi Family Construction plan review

Valuation	Fee
\$1.00 to \$50,000	\$100.00
\$50,001 to \$100,000	\$100.00 for the first \$50,000 plus \$3.50 for each additional \$1,000
\$100,001 to \$500,000	\$275 for the first \$100,000 plus \$2.25 for each additional \$1,000
\$500,001 to \$1,000,000	\$1,175 for the first \$500,000 plus \$1.50 for each additional \$1,000
\$1,000,001 and up	\$1,925 plus 0.95 for each additional \$1,000

Commercial Construction Inspection

Valuation	Fee
\$1.00 to \$50,000	\$220.00
\$50,001 to \$100,000	\$220.00 for the first \$50,000 plus \$4.00 for each additional \$1,000
\$100,001 to \$500,000	\$420.00 for the first \$100,000 plus \$3.00 for each additional \$1,000
\$500,001 to \$1,000,000	\$1620 for the first \$500,000 plus \$2.50 for each additional \$1,000
\$1,000,001 and up	\$2,870 for the first \$1,000,000 plus \$1.50 for each additional \$1,000



Administration

ITEM 4.9

David Vaughn
City Manager
(512)-756-6093 ext.3208
dvaughn@cityofburnet.com

Agenda Item Brief

Meeting Date: July 14, 2017

Agenda Item: Discuss and consider action: Authorize and approve a contract with K.C. Engineering, Inc. for the City of Burnet Wastewater Rehabilitation Phase II Project: D. Vaughn

Background:

Information: The sewer line proposed to be replaced under this project is required by TCEQ, which goes from the intersection of Bluebonnet Street and Hwy 281 to Graves Street (FM 963), between Rhomberg Street and Wood Street. The project was previously engineered by K.C. Engineering in anticipation of Stimulus Funds, which did not materialize.

Fiscal Impact: The Texas Water Development Board has agreed to allow the use of funds remaining from the sewer plant project for this line replacement. It is currently anticipated the project will cost approximately \$850,000, with approximately \$500,000-\$525,000 being local funds.

Recommendation: Staff requests authorization to execute an engineering contract with K.C. Engineering for Phase II of the City of Burnet Wastewater Rehabilitation Project.

ATTACHMENT AU (Project Specific Authorization Form)

To
Master Services Agreement
For
The City of Burnet Wastewater Rehabilitation Project Phase II
US Highway 281 to Graves Street and Rhomberg Street

This Project Specific Authorization Form applies to the ***City of Burnet Wastewater Rehabilitation Project Phase II US Highway 281 to Graves Street and Rhomberg Street*** for bidding and construction phase services (Project).

OWNER Project No. _____

In accordance with the terms and conditions of the Master Agreement for Professional Services between the City of Burnet (OWNER) and K.C. Engineering, Inc. ("KC"), for the **City of Burnet Wastewater Rehabilitation Project Phase II US Highway 281 to Graves Street and Rhomberg Street**, KC is hereby authorized to perform the following services:

Scope of Basic Services:

KC shall provide the services of a team of design engineers, draftsmen, and clerical staff who shall work under the direct supervision of a registered professional engineer to perform the following basic services. As used in the following description, the term "engineer" refers to the KC team.

Coordination and Compliance with Texas Water Development Board: The Engineer shall assist the City with coordination and compliance with Texas Water Development Board (TWDB) requirements and obtaining approval for using remaining available funds from the TWDB for constructing the proposed wastewater improvements. The scope of this task list shall include:

1. Preparing a detailed description of works to be completed
2. Assisting with obtaining required permits (LCRA or City of Burnet NPS)
3. Preparing an updated project schedule
4. Preparing an updated construction estimate
5. Providing a map of the proposed work area
6. Revising the previous Engineering Feasibility Report

Project Bidding: The Engineer shall update the previously prepared project bid manual to incorporate current TWDB requirements and documentation based on the direction of the City's TWDB consultant, as well as address the current scope of construction work. This shall include the following:

1. Making changes to the Unit Price Schedule to separate portions of the work into bid alternates, as requested
2. Making bid documents available to potential bidders for a nominal reproduction fee
3. Coordinating with local newspaper for publication of advertisement for bid
4. Holding a pre-bid meeting for potential bidders
5. Addressing bidding questions and issuing addenda, as required

ATTACHMENT AU (Project Specific Authorization Form)

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Master Services Agreement

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The City of Burnet Wastewater Rehabilitation Project Phase II

US Highway 281 to Graves Street and Rhomberg Street

6. Preparing bid tabulations and coordinating with the City regarding discrepancies/issues
7. Preparing a recommendation for award based on review of the bids received

Construction Phase Services: The Engineer shall perform periodic site visits and assist the City during construction. Full-time inspection services are not included in this authorization. This shall include the following specific tasks:

1. Review, comment, and approval of shop drawing submittals for the Project
2. Addressing questions and providing clarifications to the City or contractor, as appropriate
3. Perform periodic site visits to visually observe progress and quality of work being performed at the time of the site visit
4. Review pay applications
5. Perform final walkthrough with City and contractor upon completion of the work and prepare punch list items for contractor to address prior to acceptance by the City
6. Providing a letter of concurrence for the work performed

The engineer shall review the proposed project requirements and make recommendations to the city regarding the potential need for additional services, such as surveying, geotechnical engineering, subsurface utility engineering, and other services that may be required. Due to federal requirements, the City will be responsible for procuring separate contracts for the additional services listed above. The engineer shall assist the city in managing any consultant retained by the city to provide such additional services and in coordinating all engineering and design requirements for the project.

The city reserves the right to temporarily cease, modify, or terminate the awarded contract at any time.

Fee

For the basic services listed above, KC shall be paid on a lump sum basis for the engineering effort:

Lump Sum Engineering Fee: **\$15,600**

The Owner may authorize additional Services for which KC shall be compensated on an hourly basis at the rates shown below. KC shall not accrue compensation outside the scope of basic services until and unless authorized by the Owner.

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Hourly rates for KC personnel for use in determining hourly compensation as discussed above shall be at the following rates:

Senior Project Manager	\$ 190.00	per hour
Project Manager	\$ 135.00	per hour
Senior Engineer	\$ 160.00	per hour
Project Engineer	\$ 130.00	per hour
Engineer-in-Training	\$ 100.00	per hour
Engineering Technician	\$ 105.00	per hour
CAD Technician	\$85.00	per hour
Clerical	\$ 60.00	per hour
Mileage	\$ 0.550	per mile

Any contract or contracts awarded under this proposal are expected to be funded in part by a loan from the TWDB. Neither the State of Texas nor any of its departments, agencies, or employees are or will be a party to this contract.

This proposal is subject to the Environmental Protection Agency's (EPA) "fair share policy", which includes EPA-approved "fair share goals" for Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) firms in the Construction, Supplies, Equipment, and Services procurement categories. EPA's policy requires that applicants and prime contractors make a good faith effort to award a fair share of contracts, subcontracts, and procurements to Small, Minority and Women-Owned Business Enterprises. Although EPA's policy does not mandate that the fair share goals be achieved, it does require applicants and prime contractors to demonstrate use of the six affirmative steps. The current fair share goals for the State of Texas are as follows:

CATEGORY	MBE	WBE
CONSTRUCTION	34.8%	6.7%
SUPPLIES	9.7%	5.2%
EQUIPMENT	7.2%	4.1%
SERVICES	16.1%	21.3%

Equal Opportunity in Employment - All qualified Applicants will receive consideration for employment without regard to race, color, religion, sex, age, handicap or national origin. Bidders on this work will be required to comply with the President's Executive Order No. 11246, as amended by Executive Order 11375, and as supplemented in Department of Labor regulations 41 CFR Part 60. Small, minority, and women-owned business enterprises are encouraged to respond.

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For
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US Highway 281 to Graves Street and Rhomberg Street

AGREED AND EXECUTED this _____ day of _____, 2017.

ATTEST:

K.C. ENGINEERING, INC.
(KC)

CITY OF BURNET
(OWNER)

By: _____
President

By: _____
Crista Goble Bromley, Mayor

ATTACHMENT TC (Terms and Conditions of Agreement)

To

Master Services Agreement

For

The City of Burnet Wastewater Rehabilitation Project Phase II
US Highway 281 to Graves Street and Rhomberg Street

1. **DEFINITIONS:** The term “Owner” as used herein refers to the City of Burnet, Texas. The term “KC” as used herein refers to K.C. Engineering, Inc. The term “Representatives” as applied to an entity shall mean the entity’s employees, officers, directors, partners or other principals, owners, consultants, independent contractors, agents and representatives; “Representatives” as applied to KC will include also its subcontractors and their Representatives. As used herein, “Services” refers to the professional services performed by K.C. Engineering (“KC”), Inc. pursuant to the AGREEMENT.
2. **CHANGES IN WORK SCOPE:** Owner, without invalidating the AGREEMENT, may order changes within the general scope of the WORK required by the AGREEMENT by altering, adding to and/or deducting from the WORK to be performed. If any change made under this clause to the scope of WORK causes an increase or decrease in KC’s cost of, or the time required for, the performance of any part of the Services under the AGREEMENT, an equitable adjustment will be made by mutual agreement and the AGREEMENT will be modified in writing accordingly pursuant to Section 3.
3. **SUPPLEMENTAL AGREEMENTS:** At any point throughout a Project, should the Engineer determine that the scope of services for the Project has changed materially or substantially, the Engineer shall request in writing from the OWNER an amended Authorization Form to modify the scope of services and fee structure for that particular Project to reflect the change.
4. **TERMINATION:** The obligation to provide services under this AGREEMENT may be terminated by either party upon ten (10) days’ written notice. In the event of termination, KC will be paid for all Services rendered in accordance with the terms and conditions herein
5. **LIMITATION OF LIABILITY:** In no event shall either party be liable to the other in contract, tort, strict liability, warranty, or otherwise for any special, indirect, incidental or consequential damages, such as loss of product, loss of use of the equipment or system, loss of anticipated profits or revenue, non-operation or increased expense of operation or other equipment or systems, or for any punitive or exemplary damages.
6. **INFORMATION FURNISHED BY OWNER:** Owner will assist KC by placing at KC’s disposal all available non-privileged information pertinent to the Project, including previous reports and any other data in Owner’s possession relative to design or construction of the Project, that Owner believes are reliable and accurate, and designates as such in writing (“Designated Information”). KC shall have no liability for defects or negligence in the Services attributable to KC’s reasonable reliance upon or use of Designated Information furnished by Owner. KC shall be responsible for exercising professional judgment in relying on and using Designated Information. KC shall disclose

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to Owner, prior to use thereof, any defects or omissions in the Designated Information furnished by Owner that KC may discover in the exercise of professional judgment and due diligence in its review and inspection thereof.

7. **INSURANCE:** KC, maintains the following minimum insurance coverages:

Type	Amount
Professional Liability	\$500,000
General Liability	\$1 million/occurrence - \$2 million aggregate
Auto	\$1 million combined single limit
Workers' Compensation	n/a
Excess Liability (Umbrella Policy)	n/a

8. **SUBCONTRACTS:** If, for any reason, at any time during the provision by KC of the Services, Owner determines that any subcontractor of KC is incompetent or otherwise unacceptable, Owner will notify KC accordingly and KC shall take immediate steps for cancellation of such subcontract and replacement, as appropriate, of the said subcontractor. Subcontractors' contracts with their subcontractors shall contain the same provisions regarding Owner's rights to determine subcontractor suitability, and KC's contracts with its subcontractors shall expressly so provide, as shall subcontractors' contracts with their subcontractors. Nothing contained in the AGREEMENT, however, shall create any contractual relationship between any subcontractor and Owner.
9. **OWNERSHIP OF DOCUMENTS:** All drawings, reports, data and other project documentation and information developed in the execution of the Services provided under this AGREEMENT ("Work Documentation"), whether developed or refined by KC, its Representatives, or any subcontractor's Representatives, shall be the property of the Owner upon payment of KC's fees for the Services, provided, that if a good faith dispute exists between Owner and KC concerning such fees, KC may not withhold Work Documentation from Owner pending resolution of the dispute. KC may retain copies of Work Documentation for record purposes only. Owner agrees such documents are not intended or represented by KC to be suitable for reuse by Owner or others. Any reuse by Owner (or by those to whom the Owner has made the documents available for use) without written verification of suitability or adaptation by KC will be at user's sole risk (or that of such other person) and without liability or legal exposure to KC, or to KC's independent associates or consultants. Any such verification or adaptation will entitle KC to further reasonable compensation.
10. **POLLUTANTS AND HAZARDOUS WASTES:** It is understood and agreed by both parties that KC has neither created nor contributed to the creation or existence of any hazardous, radioactive, toxic, irritant, pollutant, or otherwise dangerous substance or

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condition ("Hazardous Conditions") present on the WORK site as of commencement of the WORK at the site by KC ("Preexisting Hazardous Conditions"), if any, and KC's compensation hereunder is not commensurate with the potential risk of injury or loss that may be caused by exposure to such Hazardous Conditions. The parties agree that in performing the Services required by this AGREEMENT, KC does not take possession or control of the subject site, but acts as an invitee in performing the Services, and is not therefore responsible for the existence of any pollutant present on or migrating from the site, except for any Hazardous Conditions introduced, caused or created by KC or its Representatives. Further, KC shall have no responsibility for any Preexisting Hazardous Condition during clean-up, transportation, storage or disposal activities related to those Pre-existing Hazardous Conditions, provided that KC has not acted in a way that has exacerbated any such Pre-existing Hazardous Condition or increased the cost or difficulty of removing such Preexisting Hazardous Condition and remediating the site. KC and its Representatives shall promptly inform Owner of any Preexisting Hazardous Condition or other Hazardous Condition upon discovery.

11. **OPINION OF PROBABLE COSTS:** If required by the Agreement, KC will furnish an opinion of probable project development cost based on present day cost, but does not guarantee the accuracy of such estimates. Opinions of probable cost, financial evaluations, feasibility studies, economic analyses of alternate solutions, and utilitarian considerations of operations and maintenance costs prepared by KC hereunder will be made on the basis of KC's experience and qualifications and will represent KC's best judgment as an experienced and qualified design professional. It is recognized, however, that KC does not have control over the cost of labor, material, equipment or services furnished by others or over market conditions or contractors' methods of determining their prices.
12. **CONSTRUCTION REPRESENTATION:** If required by the AGREEMENT, KC will furnish Construction Representation according to the defined scope for such services. KC will observe the progress and the quality of work performed by others during the Construction Phase to determine in general if the work is proceeding in accordance with the Contract Documents. In performing these Construction Representation services, KC will endeavor to protect Owner against defects and deficiencies in the work of construction Contractors. KC will report any observed deficiencies to Owner; however, it is understood that KC does not guarantee the Contractor's performance, nor is KC responsible for the supervision of the Contractor's operation and employees. KC shall not be responsible for the means, methods, techniques, sequences or procedures of construction selected by the Contractor, or the safety precautions and programs incident to the work of the Contractor. KC shall not be responsible for the acts or omissions of any person (except KC Representatives) at the Project site or otherwise performing any of the work of the Project. If Owner designates a person to serve in the capacity of Resident Project Representative who is not a KC employee or KC agent, the duties,

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The City of Burnet Wastewater Rehabilitation Project Phase II
US Highway 281 to Graves Street and Rhomberg Street

responsibilities and limitations of authority of such Resident Project Representative(s) will be set forth in writing and made a part of this AGREEMENT before the Construction Phase of the Project begins.

13. **PAYMENT:** Progress payments may be requested by KC based on the relative amount of Services completed. Payment for the services of KC shall be due and payable upon receipt by Owner of a statement for services to OWNER, unless disputed in good faith. Statements for services shall not be submitted more frequently than monthly. Any applicable new taxes imposed upon KC's services, expenses, and charges by any governmental body after the execution of this AGREEMENT will be added to KC's compensation.

If OWNER fails to make any payment due KC for services and expenses within thirty (30) days after receipt of KC's statement for services therefore, KC will be entitled to the payment of interest pursuant to the provisions of TEXAS GOVERNMENT CODE § 2251.025, as amended from time to time, which is currently at the rate of one percent (1%) per month from the date the payment becomes overdue. Interest will stop accruing on the date the OWNER mails or electronically transmits the payment. In addition, KC may, after giving thirty (30) days' written notice to OWNER, suspend services under this AGREEMENT until KC has been paid in full all undisputed amounts due for services, expenses and charges.

14. **ARBITRATION:** This AGREEMENT does not call for the parties to arbitrate any dispute arising out of or related to this AGREEMENT. No arbitration arising out of, or relating to, this AGREEMENT involving one party to this AGREEMENT may include the other party to this AGREEMENT without that other party's consent.
15. **SUCCESSORS AND ASSIGNMENTS:** OWNER and KC each are hereby bound and the partners, successors, executors, administrators and legal representatives of OWNER and KC are hereby bound to the other party of this AGREEMENT and to the partners, successors, executors, administrators and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements and obligations of this AGREEMENT.

Neither OWNER nor KC shall assign, sublet or transfer any rights under or interest in this AGREEMENT (including, but without limitation, moneys that may become due or moneys that are due) without the written consent of the other, except to the extent that any assignment, subletting or transfer is mandated by law or the effect of this limitation may be restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this AGREEMENT. Nothing contained in this paragraph shall

ATTACHMENT TC (Terms and Conditions of Agreement)

To

Master Services Agreement

For

The City of Burnet Wastewater Rehabilitation Project Phase II
US Highway 281 to Graves Street and Rhomberg Street

prevent KC from employing such independent associates and consultants as KC may deem appropriate to assist in the performance of services hereunder.

16. **AUTHORIZATION FORMS:** The Scope of Services and Terms of Agreement shall be as detailed in the Master Agreement, including Attachment TC. An individual Authorization Form (Attachment AU) shall be required for each Project to which the Master Agreement applies. Each individual Authorization Form shall contain a full description of the Scope of Services and Compensation for that individual project. Details of Scope of Services and Compensation contained in a Project Specific Authorization Form shall be in addition to those listed in the Master Agreement and Attachment TC for that individual project only. For each individual project, items not specifically addressed in that Project's Authorization Form shall be as included in the Master Services Agreement, including Attachment TC.
17. **VENUE; CHOICE OF LAWS; ATTORNEYS FEES:** Venue for any disputes, claims or proceedings arising from or related to this AGREEMENT shall be and lie exclusively in the state and county courts of Burnet County, Texas, or the federal district courts of the Western District of Texas, Austin Division. This AGREEMENT shall be construed, applied and enforced according to the laws of the State of Texas, its choice of laws provisions excepted. In any action to enforce this AGREEMENT, the prevailing party shall be entitled to recover its reasonable attorney's fees and costs.



Administration

ITEM 6.1

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

Agenda Item Brief

Meeting Date: July 14, 2017

Agenda Item: 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 551.087; Deliberation Regarding Economic Development Negotiations-Integris: D. Vaughn

Background:

Information:

Fiscal Impact:

Recommendation: To be determined by Council



Administration

ITEM 7.1

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

Agenda Item Brief

Meeting Date: July 14, 2017

Agenda Item: Discuss and consider action: Regarding economic development negotiations with Integris: D. Vaughn

Background:

Information:

Fiscal Impact:

Recommendation: To be determined by Council