



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

Notice is hereby given that a **Regular Council Meeting** will be held by the governing body of the above named City on the **10<sup>th</sup> day of April, 2018** 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:** Led by:

**PLEDGE OF ALLEGIANCE:** Led by:

**PLEDGE TO TEXAS FLAG:**

### **1. PUBLIC RECOGNITION/SPECIAL REPORTS:**

1.1) Proclamation: Valley Masonic Lodge Day: Mayor Bromley

1.2) Proclamation: Child Abuse Prevention Month: Mayor Bromley

### **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.)*

2.2) Approval of the March 27, 2018 Regular Council Meeting minutes

### **3. PUBLIC HEARINGS:** None.

### **4. ACTION ITEMS:**

4.1) Discuss and consider action: Purchase a portion of real property along Hamilton Creek located at 311 West Brier Street with a Burnet Central Appraisal District identification number 51738: E. Milliorn

4.2) Discuss and consider action: Interlocal Agreement with Burnet County Sheriff's Office for use of the City owned Firearms Range Facility: P. Nelson

4.3) Discuss and consider action: Improvements to the Animal Shelter: P. Nelson

4.4) Discuss and consider action: Fire Sub-Station Narcotics Security: M. Ingram

4.5) Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2017-18; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017, AND ENDING SEPTEMBER 30, 2018 FOR THE CITY OF BURNET, TEXAS, FUNDING ACCOUNTS IN BUDGET DUE TO UNFORESEEN SITUATIONS; CONTAINING FINDINGS PROVIDING FOR SAVINGS AND SEVERABILITY: C. Maxwell

4.6) Discuss and consider action: Appointment of Roxanne Nelson as Associate Judge: D. Vaughn

4.7) Discuss and consider action: Contribution of land located in the 2400 block of FM 963 for use as a recycling and collection facility: D. Vaughn

4.8) Discuss and consider action: Board of Adjustment appointment: M. Lewis

**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. REQUESTS FROM COUNCIL FOR FUTURE REPORTS:**

**7. ADJOURN: Time:**

Dated this 6<sup>th</sup> day, of April, 2018

**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 April 6, 2018, at or before 5 o'clock p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

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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).*



# Proclamation

## OF THE MAYOR AND CITY COUNCIL FOR THE CITY OF BURNET

*Whereas*, The Grand Lodge of Texas has established a Statewide Open House to be held in every Texas Masonic Lodge in 2018; and

*Whereas*, The Valley Masonic #175 has established Saturday, April 14, 2018 as its Open House Day; and

*Whereas*, the said purpose of the Open House is to better acquaint the citizens of the great State of Texas with Texas Masonry, its philosophy, many charities and community service activities; and

*Whereas*, Valley Masonic Lodge #175, since 1856, has supported the greater Burnet community, more notably providing scholarships to deserving graduating high school seniors; and

*Whereas*, the City of Burnet wishes to acknowledge the many ways the Masonic Lodge and its members have helped our community.



*Now, Therefore*, be it proclaimed, that I, Crista Goble Bromley, Mayor of the City of Burnet, on behalf of the City Council of the City of Burnet, declare Saturday, April 14, 2018 as

## Valley Masonic Lodge #175 Day

in the City of Burnet.

In witness thereof, I have hereunto set my hand and caused the seal of the City of Burnet to be affixed this 10<sup>th</sup> day of April 2018.

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*Crista Goble Bromley*  
Mayor



# Proclamation

## OF THE MAYOR AND CITY COUNCIL FOR THE CITY OF BURNET

*Whereas*, the City of Burnet prides itself on giving back to our communities, contributing to the quality of life among our citizens; and

*Whereas*, the Burnet County Child Welfare Board and Texas Department of Family Protective Services provide assistance and services for abused and neglected children; and has the cooperation of other agencies such as CASA and the Hill Country Children's Advocacy Center; and

*Whereas*, Burnet County has an extraordinary number of children who suffer some form of abuse or neglect each year; and

*Whereas*, through a national effort, Burnet County community members are encouraged to join together to raise awareness for those children fallen victim to abuse and neglect throughout the month of April; and

*Whereas*, this effort will give abused and neglected children in our community, and around the country, a chance for a safe and positive future.



*Now, Therefore*, be it proclaimed, that I, Crista Goble Bromley, Mayor of the City of Burnet on behalf of the City Council of the City of Burnet, urge all citizens to join in a national effort to raise awareness and to help prevent child abuse and neglect, and as support for that effort, do hereby declare the month of April 2018 as

## Burnet County Child Abuse Prevention and Awareness Month

In witness thereof, I have hereunto set my hand and caused the seal of the City of Burnet to be affixed this, the 10<sup>th</sup> day of April, 2018.

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*Crista Goble Bromley, Mayor*

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

On this the 27<sup>th</sup> day of March, 2018, 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                Paul Farmer, Tres Clinton, Cindia Talamantez,  
   Milton Phair, Danny Lester, Joyce Laudenschlager  
City Manager                      David Vaughn  
City Secretary                    Kelly Dix

Guests: James B. Wilson, Mark Lewis, Evan Milliorn, Gene Courtney, Mark Ingram, Patricia Langford, Paul Nelson, Alan Burdell, Bettye Foulds, Mary Jane Shanes, Adrienne Field, Kim Winkler, Leslie Baugh, Jonny Simons, Randy Hartford, Bill Drake, Doug Fipps, Craig Lindholm, Paul Shell, Tonya Clawson

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

INVOCATION: Council Member Paul Farmer

PLEDGE OF ALLEGIANCE: Council Member Tres Clinton

PLEDGE TO TEXAS FLAG: Council Member Tres Clinton

PUBLIC RECOGNITION/SPECIAL REPORTS:

Quarterly Solid Waste Update Report: Tonya Clawson: Ms. Clawson provided Council with the quarterly spread sheet of tons collected for solid waste, recycling and commercial collections. Ms. Clawson shared with Council that the once a month bulk trash program has been very successful.

Chamber of Commerce Report: Chamber Board Member, Bill Drake briefed Council on upcoming events that included the Hill Country Children's Advocacy's Annual Purse Bingo event, the Highland Lakes Lawn and Garden Show, the Opportunities for Williamson and Burnet County's Spring Style in Action Show supporting Burnet County Meals on Wheels Program and the Highland Lakes Boys and Girls Club Annual Mixer to be held at Delaware Springs in the Pavilion. Bluebonnet Festival planning is in full swing and all vendor slots are full. The 35<sup>th</sup> Bluebonnet Festival Commemorative packets are available at the Chamber of Commerce for purchase. Special thanks were extended to City Staff for the support of the Bluebonnet Festival and all present were informed there would be a hospitality area set up at the Community Center for all of the festival volunteers.

CONSENT AGENDA ITEMS:

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

Approval of the February 27, 2018 Regular City Council Meeting minutes

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

PUBLIC HEARING: None.

ACTION ITEMS:

Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE

CITY OF BURNET, TEXAS, RESCINDING ANY PREVIOUS ORDINANCE, RESOLUTION, ORDER, OR DECREE THAT AUTHORIZED THE TAXATION OF FREEPORT GOODS AND GRANTING A FREEPORT TAX EXEMPTION; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE: D. Vaughn: Council Member Tres Clinton made a motion to approve and adopt Ordinance No. 2018-07 as presented. Council Member Danny Lester seconded, the motion carried unanimously.

Discuss and consider action: The City Council of the City of Burnet, in accordance with Code of Ordinances, Chapter 22, Article IV, Sections 22-81 and 22-82, will convene as the Board of Appeals for the purpose of directing action on the July 25, 2017 Board of Appeals order to demolish or repair structures located at 1407 North Water Street: M. Lewis: The City Council convened as the Board of Appeals. Council Member Danny Lester made a motion to extend the deadline for action on the repairs at 1407 North Water Street, by the owner until April 30<sup>th</sup>, 2018. If no action is taken to repair the building demolition will move forward. Council Member Joyce Laudenschlager seconded, the motion carried unanimously.

Discuss and consider action: A RESOLUTION BY THE CITY OF BURNET, TEXAS ("CITY"), APPROVING A REDUCTION IN RATES CHARGED BY ATMOS ENERGY CORPORATION, MID-TEX DIVISION ("ATMOS") AND AUTHORIZING CONSENT TO A REDUCTION IN RATES CHARGED BY ATMOS PIPELINE TEXAS ("APT"), ALL RELATED TO THE REDUCTION IN THE FEDERAL CORPORATE TAX RATE; FINDING THE REDUCTION IN ATMOS' RATES TO BE JUST AND REASONABLE; FINDING THAT THE MEETING COMPLIED WITH THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THE RESOLUTION TO THE COMPANY AND SPECIAL COUNSEL:G. COURTNEY: Council Member Danny Lester made a motion to approve Resolution R2018-05 as presented. Council Member Milton Phair seconded, the motion carried unanimously.

Discuss and consider action: Airport Advisory Board appointments: L. Baugh: Council Member Joyce Laudenschlager made a motion to approve the re-appointment of Harold Smith, JoDean Perry, and Robert Vossman to the City of Burnet Airport Advisory Board for a term of two years ending in October 2019. Council Member Cindia Talamantez seconded, the motion carried unanimously.

Discuss and consider action: First amendment to the Letter Agreement with the Rotary Club of Burnet for improvements to Live Oak Park: D. Vaughn: Council Member Danny Lester made a motion to approve the first amendment to the Letter of Agreement with the Rotary Club of Burnet for improvement to Live Oak Park, reducing the size of the pavilion to 30 foot x 40 foot. Council Member Joyce Laudenschlager seconded, the motion carried unanimously.

Discuss and consider action: Historic Board Appointment: M. Lewis: Council Member Paul Farmer made a motion to appoint T.L. Henderson to the Burnet Historic Board filling the vacated position of Jeff Townsend. Council Member Tres Clinton 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.

February 2018 Financial Report: Director of Finance Patricia Langford presented Council with the review of revenues, expenses and current status of each fund for the month of February, 2018.

Quarterly School Resource Officer Report and Animal Control Facility update report: Police Chief

Paul Nelson reviewed the quarterly SRO report for Council, noting the School District's satisfaction with the services provided by the officers. Chief Nelson informed Council the State inspection had been completed on the City's Animal Control facility and concurred with the inspection provided by Dr. McBride. A contractor has been contacted for bid for repairs.

REQUESTS FROM COUNCIL FOR FUTURE REPORTS: Council Member Cindia Talamantez requested a Staff Assessment Report for the Police street officers and the Fire Department EMT and paramedic staff. The request included statistics on number of employees, their duties and workload.

ADJOURN: There being no further business a motion to adjourn was made by Council Member Paul Farmer at 6:40 p.m., seconded by Council Member Joyce Laudenschlager. The motion carried unanimously.

ATTEST:

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Crista Goble Bromley, Mayor

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Kelly Dix, City Secretary





## Administration

## ITEM 4.1

Evan Milliorn  
Administrative Services  
(512) 715 - 3200  
emilliorn@cityofburnet.com

### Agenda Item Brief

<b>Meeting Date:</b>	April 10, 2018
<b>Agenda Item:</b>	Discuss and consider action: Purchase a portion of real property along Hamilton Creek located at 311 West Brier Street with a Burnet Central Appraisal District identification number 51738: E. Milliorn
<b>Background:</b>	Extending Hamilton Creek Park and connecting it to Haley Nelson Park and the YMCA at Galloway Hammond is a goal City Council established for the 2017/18 fiscal year.
<b>Information:</b>	<p>The agenda item before you is to authorize the purchase of property along Hamilton Creek between Haley Nelson Park and Hamilton Creek Park as highlighted on Exhibit "A" below.</p> <p>The property owner is asking \$5,000 for the land.</p>
<b>Fiscal Impact:</b>	This is a budgeted item in the Capital Project Fund under Park Improvements.
<b>Recommendation:</b>	Approve the \$5,000 asking price and authorize staff to proceed with the acquisition of a portion of property located along Hamilton Creek at 311 West Brier Street.

Exhibit A





## Police Department

## ITEM 4.2

Mark Ingram  
Fire Chief  
(512)-756-6404  
mingram@cityofburnet.com

### Agenda Item Brief

<b>Meeting Date:</b>	April 10, 2018
<b>Agenda Item:</b>	Discuss and consider action: Interlocal Agreement with Burnet County Sheriff's Office for use of the City owned Firearms Range Facility: P.Nelson
<b>Background:</b>	The City of Burnet owns and operates a firing range; and the Burnet County Sheriff's Office (BCSO) would like to utilize the firearms range for officer training and participation in activities at the firearms range.
<b>Information:</b>	This agreement will provide terms and conditions for the use of the Firearms Range Facility by the BCSO.
<b>Fiscal Impact:</b>	None
<b>Recommendation:</b>	The staff recommends approval

## **FIREARMS RANGE INTERLOCAL AGREEMENT**

THIS CONTRACT AND INTERLOCAL AGREEMENT is made and entered into effective this 10<sup>th</sup> day of April, 2018, by and between the City of Burnet, Texas (the "City"), and the Burnet County Sheriff's Office, Texas (the "BCSO").

### **WITNESSETH:**

**WHEREAS**, Texas Government Code, Chapter 791, the Texas Interlocal Cooperation Act provides that anyone or more public agencies may contract with each other for the performance of governmental functions and for the joint use of facilities or services for the promotion and protection of the health and welfare of the inhabitants of the State and the mutual benefit of the parties; and

**WHEREAS**, each of the parties hereto requires training for firearms use, and any other appropriate law enforcement or public safety training, so as to increase the skill and professionalism of its law enforcement and public safety personnel and reduce liabilities to the parties and their respective insurance carriers; and

**WHEREAS**, the City of Burnet owns and operates a firearms range facility; and

**WHEREAS**, Burnet County Sheriff's Office (BCSO) would like to utilize the firearms range and participate in activities at the firearms range facility; and

**WHEREAS**, the Parties have mutually concluded that it is desirable, practicable, and beneficial for the Parties to enter into this AGREEMENT to memorialize their willingness and ability to assist one another, in order to further enhance training of local law enforcement officers.

**NOW THEREFORE**, in consideration of the mutual covenants and agreements herein contained, the undersigned parties agree as follows:

1. **Purpose.** The purpose of this AGREEMENT is to set forth the terms and conditions under which Participant may use the firearms range facility.
2. **Term.** This AGREEMENT shall become effective upon the date annotated above, and shall supersede all previous agreements between the Parties concerning the usage of the firearms range facility.
3. **Policy.** The City reserves the absolute right to initiate, change or eliminate facilities, services and programs, and to change its hours of operation. BCSO must request prior written authorization to utilize the firearms range facility. The City reserves the right to approve or deny any request for use of the firearms range facility. The City also reserves the right to refuse access to any employee or representative of BCSO.

4. **Rules and Procedure.** BCSO agrees to abide by and follow all rules and procedures established by the City. Failure to abide by rules and procedures established by City may result in removal of any employee or representative of BCSO from firearms range facility.

5. **Compliance with Laws.** This AGREEMENT is subject to all federal, state, and local laws.

6. **Insurance/Indemnification.** City and BCSO are both governed by the Texas Tort Claims Act, Chapter 101.001 et seq., as amended, of the Texas Civil Practice and Remedies Code which sets limits of liability for certain causes of action. Each party to this Agreement warrants and represents that it is insured under a commercial insurance policy, or is self-insured, for all claims falling within the Texas Tort Claims Act. Each party is solely responsible for the actions and omissions of its employees and officers. No party hereto waives or relinquishes any immunity or defense on behalf of itself, its trustees, its officers, employees, and agents as a result of the execution of this Agreement and the performance of the covenants contained herein:

7. **Amendments.** This AGREEMENT may be amended only by written agreement signed by duly authorized representatives of the parties hereto.

8. **Termination.** Either party may suspend or terminate this AGREEMENT at any time by giving 5 days written notice of termination.

9. **Notice.** Notice may be given by fax, hand delivery or certified mail, postage prepaid, and is deemed received on the day faxed or hand-delivered or on the third day after deposit in the U. S. mail, if sent by certified mail. Notice shall be as follows:

**IN WITNESS WHEREOF**, the parties hereto have made and executed this to the AGREEMENT on the respective dates under each signature.

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Calvin Boyd, Sheriff  
Burnet County Sheriff's Office

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David Vaughn, City Manager  
City of Burnet

Date: \_\_\_\_\_

Date: \_\_\_\_\_



## Police Department

### ITEM 4.3

Paul Nelson  
Police Chief  
(512)-756-6404  
pnelson@cityofburnet.com

## Agenda Item Brief

<b>Meeting Date:</b>	April 10, 2018
<b>Agenda Item:</b>	Discuss and consider action: Improvements to the Animal Shelter: P. Nelson
<b>Background:</b>	In December the City of Burnet Animal Shelter was inspected by Dr. Kyle and Dr. McBride, and through that inspection there were approximately 25 deficiencies located that needed to be repaired. Per the request of the City Council on February 12 <sup>th</sup> , you requested an inspection to be completed by the State of Texas Department of Health. That inspection was completed on March 3, 2018. The State of Texas Department of Health agreed with the deficiencies from the original inspection. The police department has received two quotes for repairs and currently in the process of getting a 3 <sup>rd</sup> quote from a local contractor.
<b>Information:</b>	The Police Department has received a quote, and is confident that it can be done for under \$35,000.00.
<b>Fiscal Impact:</b>	The cost for the needed repairs will be \$35,000.00
<b>Recommendation:</b>	The staff recommends approval.



## Administration

### ITEM 4.4

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

## Agenda Item Brief

<b>Meeting Date:</b>	April 10, 2018
<b>Agenda Item:</b>	Discuss and consider action: Fire Sub-Station Narcotics Security: M. Ingram
<b>Background:</b>	
<b>Information:</b>	The Fire Department is requesting funding for additional security measures, which include the addition of two new safes for narcotic storage, a secure scan card lock system for all doors, and a 24 hour security camera monitoring system at Sub-Station Two (located at Wallace Riddell Park) and at the Bertram Station.
<b>Fiscal Impact:</b>	The expense is expected to be approximately \$25,000.00 and would be covered by excess cash reserves.
<b>Recommendation:</b>	Staff recommends approval of up to \$25,000 for additional security measures.



## Administration

## ITEM 4.5

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

### Agenda Item Brief

**Meeting Date:** April 10, 2018

**Agenda Item:** Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2017-18; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017, AND ENDING SEPTEMBER 30, 2018 FOR THE CITY OF BURNET, TEXAS, FUNDING ACCOUNTS IN BUDGET DUE TO UNFORESEEN SITUATIONS; CONTAINING FINDINGS PROVIDING FOR SAVINGS AND SEVERABILITY: C. Maxwell

**Background:**

**Information:** This budget amendment addresses costs associated with repairs to the animal shelter, costs associated with increasing security at both EMS substations, and marketing and event costs within the Hotel/Motel Fund.

**Fiscal Impact:** As noted on Attachment "A".

**Recommendation:** Approve the first reading of Ordinance 2018-08 as presented.



## **ORDINANCE NO. 2018-08**

**AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2017-18; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017, AND ENDING SEPTEMBER 30, 2018, FOR THE CITY OF BURNET, TEXAS, FUNDING ACCOUNTS IN BUDGET DUE TO UNFORESEEN SITUATIONS; CONTAINING FINDINGS; PROVIDING FOR SAVINGS AND SEVERABILITY.**

**WHEREAS**, the City of Burnet, Texas Fiscal Year 2017-2018 Budget was adopted by Ordinance 2017-18 within the time and in the manner required by State Law; and

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

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

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

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

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

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

### **Section 1. Findings**

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

### **Section 2. Purpose**

The City of Burnet, Texas, Fiscal Year 2017-2018 Budget is hereby amended to reflect effect of unforeseen circumstances,

### **Section 3. Savings/Repealing Clause**

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

### **Section 4. Severability**

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

**PASSED AND APPROVED** the First Reading on this the 10<sup>th</sup> day of April, 2018

**FINALLY PASSED AND APPROVED** on this 24<sup>th</sup> day of April, 2018.

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Crista Goble Bromley, Mayor

**ATTEST:**

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Kelly Dix, City Secretary

**ATTACHEMENT A:**

\$15,000 from Hotel/Motel cash reserves for Marketing

\$5,000 from Hotel/Motel cash reserves for Special Events

\$35,000 from General Fund cash reserves to cover the cost of repairs at the animal shelter

\$25,000 from General Fund cash reserves need to properly secure the narcotics in the Fire Department



## Administrative Services

## ITEM 4.6

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

### Agenda Item Brief

<b>Meeting Date:</b>	April 10, 2017
<b>Agenda Item:</b>	Discuss and consider action: Appointment of Judge Roxanne Nelson as Associate Judge: D. Vaughn
<b>Background:</b>	<p>In June 2016 Council adopted Ordinance 2016-14 providing Council the ability to appoint an Associate Judge by motion. This appointment will run concurrently with the Mayor's term and the Council has the authority to fill any unexpired terms that might arise.</p> <p>The primary duty of the Associate Judge is to facilitate magistration of City of Burnet arrestees at the Burnet County Jail. This allows for faster processing thereby saving the City and the County money. In order for the Magistrate to preside over City arrestees, they are required to be an associate judge of the City.</p>
<b>Information:</b>	<p>Judge Nelson had previously been appointed as an associate judge through the City's interlocal with Burnet County for magistrate services at the county jail. This agenda item is a procedural issue to ensure Judge Nelson is properly appointed in accordance with the adopted ordinance.</p>
<b>Fiscal Impact:</b>	This position is not compensated by the City.
<b>Recommendation:</b>	Approve the Appointment of Judge Roxanne Nelson as an Associate Judge for the City of Burnet.



## City Manager

## ITEM 4.7

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

### Agenda Item Brief

<b>Meeting Date:</b>	April 10, 2018
<b>Agenda Item:</b>	Discuss and consider action: Authorize execution of a Special Warranty Deed with Burnet County: D. Vaughn
<b>Background:</b>	<p>On December 12, 2017, Council was advised that Burnet County was looking at several locations throughout the county for a recycling and collection facility. One of the locations under consideration is an approximately nine acre tract owned by the City, which is next to the old landfill and currently the Republic Transfer Station. The County requested this property to be donated by the City, which will be used as matching funds for a CAPCOG grant to build a permanent facility.</p> <p>Council authorized staff to move forward with donating the property to Burnet County for the specified use.</p>
<b>Information:</b>	
<b>Fiscal Impact:</b>	Minor costs associated with surveying and disposal of existing trailers on the property.
<b>Recommendation:</b>	Staff recommends a motion to authorize the Mayor to execute the attached deed and other related closing documents.

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

**SPECIAL WARRANTY DEED**

**DATE:** April 10, 2018

**GRANTOR:** CITY OF BURNET, TEXAS

**GRANTOR'S MAILING ADDRESS (including county):**

1001 Buchanan Drive, Suite 4  
Burnet, Burnet County, Texas 78611

**GRANTEE:** COUNTY OF BURNET, TEXAS

**GRANTEE'S MAILING ADDRESS (including county):**

220 S. Pierce Street  
Burnet, Burnet County, Texas 78611

**Consideration:** Ten Dollars (\$10.00) and other good and valuable consideration (the receipt and sufficiency of which are hereby acknowledged).

**Property: (including any improvements):** Approximately 8.954 acres of real property located in Burnet County, Texas and more particularly described on **Exhibit "A"**, attached hereto and incorporated herein by reference for all purposes.

**Reservations from Conveyance:** None.

**Exceptions to Conveyance and Warranty:** This conveyance is made subject to any validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests, and water interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property; validly existing rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; and standby fees, and assessments from any taxing authorities for 2018 and subsequent years, the payment of which Grantee assumes, and subsequent assessments for this and prior years due to changes in land usage or ownership, or both, the payment of which Grantee assumes.

**RIGHT OF REENTRY/POWER OF TERMINATION:** Pursuant to Texas Local Government Code Section 272.001(l), Grantor grants all of the Property to Grantee on condition that the Property is used exclusively for a public purpose that benefits Grantor. If Grantee does not use, or ceases to use, the Property for such purposes, Grantor, or Grantor's successors, may re-enter and repossess the premises, and Grantor, or Grantor's successors, may bring an action to regain title to the Property.

GRANTOR, for the Consideration. and subject to the Exceptions to Conveyance and Warranty and Grantor's Right of Reentry/Power of Termination, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, TO HAVE AND TO HOLD it to Grantee and Grantee's heirs, successors, and assigns and Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through, or under Grantor but not otherwise on condition that the Property is used exclusively for a public purpose that benefits Grantor.

GRANTEE IS TAKING THE PROPERTY IN AN ARM'S LENGTH AGREEMENT BETWEEN THE PARTIES. THE CONSIDERATION WAS BARGAINED ON THE BASIS OF AN "AS IS, WHERE IS" TRANSACTION AND REFLECTS THE AGREEMENT OF THE PARTIES THAT THERE ARE NO REPRESENTATIONS OR EXPRESSED OR IMPLIED WARRANTIES. GRANTEE HAS NOT RELIED ON ANY INFORMATION OTHER THAN GRANTEE'S INSPECTION.

GRANTEE RELEASES GRANTOR FROM LIABILITY FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY, INCLUDING LIABILITY (1) UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT (CERCLA), THE RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) THE TEXAS SOLID WASTE DISPOSAL ACT, AND THE TEXAS WATER CODE OR (2) ARISING AS A RESULT OF THEORIES OF PRODUCT LIABILITY AND STRICT LIABILITY, OR UNDER NEW LAWS OR CHANGES TO THE EXISTING LAWS ENACTED AFTER THE EFFECT DATE OF THE PURCHASE CONTRACT THAT WOULD OTHERWISE IMPOSE ON GRANTORS IN THIS TYPE TRANSACTION NEW LIABILITIES FOR ENVIRONMENTAL PROBLEMS AFFECTING THE PROPERTY.

When the context requires, singular nouns and pronouns include plural.

**Signature page to follow:**

IN WITNESS WHEREOF, the Grantor herein has executed this Special Warranty Deed to be effective the Day and Year written above.

CITY OF BURNET

By: \_\_\_\_\_  
Crista Goble Bromley, Mayor

THE STATE OF TEXAS     §  
  §  
COUNTY OF BURNET     §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2018,  
by Crista Goble Bromley, for and on behalf of the City of Burnet, Texas, in her official capacity  
as Mayor for said city.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS

**ACCEPTED BY:**

COUNTY OF BURNET, TEXAS

By: \_\_\_\_\_  
James Oakley, County Judge

THE STATE OF TEXAS     §  
  §  
COUNTY OF BURNET     §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2013,  
by James Oakley, for and on behalf of Burnet County, Texas, in his official capacity as County  
Judge.



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NOTARY PUBLIC, STATE OF TEXAS

The preparer of this document has made no investigation of the following matters: the accuracy of the legal description used herein, whether or not the Grantor is the correct owner of the property, whether or not the party signing on behalf of the Grantor is authorized to sign on behalf of the Grantor, or any title matters whatsoever.

AFTER RECORDING RETURN TO:

BURNET COUNTY  
220 S. Pierce Street  
Burnet, TX 78611

PREPARED IN THE LAW OFFICE OF:

DENTON, NAVARRO, ROCHA & BERNAL, P.C.  
2517 N. Main Avenue  
San Antonio, Texas 78212



## Community Development

## ITEM 4.8

Mark Lewis  
Director of Community  
Development

(512)-756-6093 ext. 3215  
mlewis@cityofburnet.com

### Agenda Item Brief

<b>Meeting Date:</b>	April 10, 2018
<b>Agenda Item:</b>	Discuss and consider action: Appoint members to the Burnet Zoning Board of Adjustments: M. Lewis
<b>Background:</b>	<p>The Burnet Zoning Board of Adjustments (ZBA) currently has two occupied seats due for appointment or re-appointment. There are additionally, two vacant seats, one of which expires in January 2019 and the other which will expire in January 2020.</p> <p>The occupied seats up for appointment/reappointment are currently held by Paul Shell and Dale Myers. Mr. Shell has expressed his desire to be reappointed to a new term that will expire in January 2020.</p> <p>City Council is being asked to consider reappointment of Mr. Shell and first time appointments for two new members</p>
<b>Information:</b>	<p>Planning and Zoning Commission (P&amp;Z) members Craig Lindholm and Tommy Gaut have expressed their desire to fill full term ZBA seats while continuing to hold down their seats on P&amp;Z.</p> <p>The City Attorney's office, after researching both the City Charter and State law, finds nothing that prevents Mr. Lindholm and Mr. Gaut from holding seats on both bodies. If appointed, their ZBA terms will run through January 2020. Their current P&amp;Z terms will be unaffected.</p> <p>Staff is currently seeking applications for the remaining vacant ZBA seat.</p>
<b>Fiscal Impact:</b>	None.
<b>Recommendation:</b>	To be determined by Council