



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 **22nd day of January, 2019** at **6:00 p.m.** in the Council Chambers, Burnet Municipal Airport, 2402 S. Water, Burnet, at which time the following subjects will be discussed, to-wit:

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

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

PLEDGE TO TEXAS FLAG:

1. PUBLIC RECOGNITION/SPECIAL REPORTS:

1.1) Chamber of Commerce Report

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 January 8th, 2018 Regular Council Meeting minutes

3. PUBLIC HEARINGS: None.

4. ACTION ITEMS:

4.1) Discuss and consider action: A RESOLUTION OF THE CITY OF BURNET, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON MAY 4, 2019, TO ELECT A MAYOR AND THREE CITY COUNCIL MEMBERS; ESTABLISHING THE ELECTION PROCEDURE; AND PROVIDING FOR RELATED MATTERS: K. Dix

UNA RESOLUCIÓN DE LA CIUDAD DE BURNET, TEXAS, ORDENANDO UNA ELECCIÓN GENERAL A LLEVARSE A CABO EL 7 DE MAYO DE 2017, PARA ELEGIR EL ALCALDE Y TRES MIEMBROS DEL CONSEJO (CONCEJALES); ESTABLECIENDO LOS PROCEDIMIENTOS PARA LA ELECCIÓN; Y PROVEYENDO OTROS ASUNTOS RELACIONADOS.

4.2) Discuss and consider action: SECOND AND FINAL 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: P. Langford

4.3) Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE TO REZONE 34.068 ACRES OUT OF THE B.B. CASTLEBERRY SURVEY, ABSTRACT NUMBER 187 FROM ITS PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL—DISTRICT “R-1” TO A DESIGNATION OF GOVERNMENT AND PUBLIC INSTITUTIONAL—DISTRICT “G,” SAID TRACT BEING FURTHER DESCRIBED AS 1601 SOUTH WATER STREET, AND BEING GENERALLY LOCATED ON THE EAST SIDE OF SOUTH WATER STREET (HWY. 281), APPROXIMATELY 1,120 FEET SOUTH OF THE INTERSECTION WITH ARISTOKRAFT DRIVE: W. Meshier

4.4) Discuss and consider action: FIRST READING OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BURNET, TEXAS, CHAPTER 98 – SUBDIVISIONS, SECTIONS 98-7, 98-22, 98-23, AND APPENDIX B, ADOPTING CHAPTER 98, ARTICLE IX – TREE PRESERVATION, MITIGATION, AND REMOVAL, AND AMENDING CHAPTER 118 – ZONING, SECTIONS 118-61 AND 118-62; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; FINDING PROPER NOTICE OF MEETING; AND PROVIDING AN EFFECTIVE DATE: W. Meshier

4.5) Discuss and consider action: Approve a quote and authorize the purchase of a 2019 Ford F350 Diesel Ambulance for the Burnet Fire Department: M. Ingram

4.6) Discuss and consider action: Authorize the City Manager to execute a contract with HVS for a hotel feasibility study: D. Vaughn

5. REPORTS:

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

5.1(B.3) Presentation of the December 2018 Financial Report: P. Langford

6. REQUESTS FROM COUNCIL FOR FUTURE REPORTS:

7. ADJOURN:

Dated this 18th day, of January, 2019

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 January 18, 2019, 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 {}

On this the 8th day of January, 2019, 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 Pro Tem	Paul Farmer
Council Members	Mary Jane Shanes, Danny Lester, Cindia Talamantez, Joyce Laudenschlager, Tres Clinton
Absent	Mayor Crista Bromley
City Manager	David Vaughn
City Secretary	Kelly Dix

Guests: Mark Lewis, Gene Courtney, Mark Ingram, Patricia Langford, Paul Nelson, Alan Burdell, Adrienne Feild, Wallis Meshier, Evan Milliorn, Leslie Baugh, James Wilson, Jonny Simons, Craig Lindholm, Savanna Gregg, Bettye Foulds, Heather Jones, Gail Maxwell, Dale Moore, David & Ruby Mitchell, Janice Brizendine, Rita Gooch, Dick & Bev Sample, Jason & Kristen Jones, Betty Fowler, Pamela & John Ferguson, Myron Hall, Kathy Bascom, Jack Hayes, Gail Vermillian, Ralph Vermillian, Randy Hilman, Niki Campbell, Teresa Lopez, Chad & Wendy Keele, Nancy Keck, Bill Petrowski, Tina Morgan, Kat & Reece Carter, William Weaver, Rod & Debra Corbin, Jijesh Madau, Zane & Amber Thorp, Amanda Green, Jorge Leus, Angel Rios

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

INVOCATION: Council Member Mary Jane Shanes

PLEDGE OF ALLEGIANCE: Council Member Tres Clinton

PLEDGE TO TEXAS FLAG: Council Member Tres Clinton

PUBLIC RECOGNITION/SPECIAL REPORTS: Mayor Pro Tem Paul Farmer presented a proclamation honoring the life of Carole Ann Goble to all present.

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 December 11, 2018 Regular Council Meeting minutes

Approval of the December 11, 2018 Public Meeting Minutes

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

PUBLIC HEARINGS:

Public Hearing: Consider a request to rezone Highland Oaks, Lot 1, Phase 1, Block 10 from its present designation of Light Commercial — District “C-1” to a designation of Townhomes — District “R-2A,” said tract being further described as being located on the north side of Tami Drive, east of the intersection with North Water Street (Hwy. 281): W. Meshier: Mayor Pro Tem Paul Farmer opened the Public Hearing. Director of Development Services Wallis Meshier presented a map of the area that the rezone request encompassed. John Brannigan, Realtor for the Brannigan team explained that his group wanted to build town homes on the south side and north side of Tami Drive. The townhomes would be multi-family rentals. The following individuals spoke in

opposition of the rezone for the following reasons:

- **Ryan Corbin:** opposed; the rezone due to child safety concerns and the potential for poor quality apartments
- **Bill Petrowski:** opposed; due to effect of multi-family property in a single family property area and the possibility of decreased property values, the increase in traffic, concerned with limited ingress and egress.
- Wendy Kiehl: opposed; concerned with privacy issues, loss of vegetation, and the concern of a possible parking lot behind her fence, traffic issues, the effect on property values, and the possible compromise that could be caused for the retention pond due to decreased vegetation.
- **John Brannigan:** opposed; does not want low income apartments, prefers the area to remain the way it is.
- **Roy Wagner:** opposed; does not comply with the original HOA requirements of square footage and single family home.
- **David Mitchell:** opposed; does not want the aesthetics of the area to change.
- **Jensen & Kristen Jones:** Opposed; concerned with child safety, impacts on the school zones, and increased traffic a major concern.
- **Andrew Steele:** opposed; does not comply with the existing development of the area

There being no further comments the Public Hearing was closed by Mayor Pro Tem Paul Farmer.

Public Hearing: Consider a request to rezone Highland Oaks, Lot 1, Phase 1, Block 9 from its present designation of Agricultural—District “A” to a designation of Townhomes—District “R-2A,” said tract being further described as being located on the south side of Tami Drive, east of the intersection with North Water Street (Hwy. 281): W. Meshier: Mayor Pro Tem Paul Farmer opened the Public Hearing. Director of Development Services Wallis Meshier presented a map of the area that the rezone request encompassed. The following individuals spoke in opposition of the rezone for the following reasons:

- **JC Perry:** opposed; compromised safety for all in the neighborhood
- **William Weaver:** opposed; concerned with the effect on the aesthetics of the existing neighborhood and compromised safety for children.
- **Randy Hibler:** opposed; requested Council’s support for all present and to deny approval of the two ordinances to rezone the property described before them.
- **Reese Carter:** opposed; concerned that property values will decrease and ruin the aesthetics of the area
- **Clifford Coleman:** opposed; concerns with water runoff issues.
- **Shay & Teresa Lopez:** opposed; does not want the aesthetics of the area to change.
- **Ricky Campbell:** Opposed; concerned with decreased property values
- **Ryan Corbin:** opposed; re-iterated his opposition on this item for the same reasons.

There being no further comments the Public Hearing was closed by Mayor Pro Tem Paul Farmer.

Public Hearing: Consider a request to rezone 34.068 acres out of the B.B. Castleberry Survey, Abstract Number 187 from its present designation of Single-Family Residential—District “R-1” to a designation of Government and Public Institutional—District “G,” said tract being further described as 1601 South Water Street, and being generally located on the east side of South Water Street (Hwy. 281), approximately 1,120 feet south of the intersection with Aristokraft Drive: W. Meshier: Mayor Pro Tem Paul Farmer opened the Public Hearing. Director of Development Services Wallis Meshier presented a map of the area that the rezone request encompassed. Mayor Pro Tem Famer asked if anyone cared to speak to this item. There being no one wishing to speak,

Mayor Pro Tem Farmer closed the Public Hearing

ACTION ITEMS:

Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF BURNET, TEXAS, DISCLAIMING BEQUEATHMENT FROM THE ESTATE OF HESSIE WILLIAMS OWEN, DECEASED; CAUSE NO. C-1-PB-18-000906: D. Vaughn: Council Member Danny Lester made a motion to approve and adopt Resolution R2019-02 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 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: P. Langford: Council Member Joyce Laudenschlager moved to approve the first reading of Ordinance 2018-20 as presented. Council Member Mary Jane Shanes seconded, the motion carried unanimously.

Discuss and consider action: A RESOLUTION ADOPTING THE CITY OF BURNET, TX, INVESTMENT POLICY AND NAMING THE INVESTMENT OFFICERS: P. Langford: Council Member Mary Jane Shanes made a motion to approve and adopt Resolution R2019-01 as presented. Council Member Tres Clinton seconded the motion carried unanimously.

Discuss and consider action: FIRST READING OF AN ORDINANCE AMENDING ORDINANCE NO. 2012-06 BY ASSIGNING TOWNHOME – DISTRICT R-2A TO LOT 1, PHASE 1, BLOCK 10 OF THE HIGHLAND OAKS SUBDIVISION, SAID TRACT BEING FURTHER DESCRIBED AS BEING LOCATED ON THE NORTH SIDE OF TAMI DRIVE, EAST OF THE INTERSECTION WITH NORTH WATER STREET; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: W. Meshier: Council Member Danny Lester made a motion to deny Ordinance 2019-01 as presented. Council Member Joyce Laudenschlager seconded, the motion carried unanimously. The rezone was denied.

Discuss and consider action: FIRST READING OF AN ORDINANCE TO REZONE HIGHLAND OAKS, LOT 1, PHASE 1, BLOCK 9 FROM ITS PRESENT DESIGNATION OF AGRICULTURAL-DISTRICT “A” TO A DESIGNATION OF TOWNHOMES-DISTRICT “R-2A,” SAID TRACT BEING FURTHER DESCRIBED AS BEING LOCATED ON THE SOUTH SIDE OF TAMI DRIVE, EAST OF THE INTERSECTION WITH NORTH WATER STREET (HWY. 281): W. Meshier: Council Member Danny Lester made a motion to deny Ordinance 2019-02 as presented. Council Member Joyce Laudenschlager seconded, the motion carried unanimously. The rezone was denied.

Discuss and consider action: FIRST READING OF AN ORDINANCE TO REZONE 34.068 ACRES OUT OF THE B.B. CASTLEBERRY SURVEY, ABSTRACT NUMBER 187 FROM ITS PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL—DISTRICT “R-1” TO A DESIGNATION OF GOVERNMENT AND PUBLIC INSTITUTIONAL—DISTRICT “G,” SAID TRACT BEING FURTHER DESCRIBED AS 1601 SOUTH WATER STREET, AND BEING GENERALLY LOCATED ON THE EAST SIDE OF SOUTH WATER STREET (HWY. 281), APPROXIMATELY 1,120 FEET SOUTH OF THE INTERSECTION WITH ARISTOKRAFT DRIVE: W. Meshier: Council Member Tres Clinton made a motion to approve Ordinance 2019-03 as presented. Council Member Cindia Talamantez seconded, the motion carried unanimously.

Discuss and consider action: Request for a variance to Code of Ordinances, Chapter 98, Sec. 98-22.d.3.h for the purpose of allowing an alternative means of compliance with the tree removal and replacement standards: W. Meshier: Council Member Tres Clinton made a motion to approve the variance to the Code of Ordinances, Chapter 98, Sec. 98-22.d.3.h for the purpose of allowing an alternative means of compliance with the tree removal and replacement standards as long as the trees were going to be replanted at one of the parks, or along the trails or green spaces. The motion died for the lack of a second. Council Member Mary Jane Shanes made a motion to approve the variance to Code of Ordinances, Chapter 98, Sec. 98-22.d.3.h for the purpose of allowing an alternative means of compliance with the tree removal and replacement standards as presented. Council Member Joyce Laudenschlager seconded. Mayor Pro Tem Farmer called for a roll vote; Council Members Lester, Laudenschlager, Shanes, Farmer and Talamantez voted in favor, Council Member Clinton voted against, Mayor Bromley was absent. The motion carried with five in favor, one opposed and one absent.

Discuss and consider action: Acceptance of a deed for dedication of land as a public right-of-way from Seton Family of Hospitals: G. Courtney: Council Member Danny Lester made a motion to accept a deed for the dedication of land as a public right-of-way from Seton Family of Hospitals as presented. Council Member Mary Jane Shanes seconded, the motion carried unanimously.

Discuss and consider action: Acceptance of a Public Utility Easement granted by the Seton Family of Hospitals: G. Courtney: Council Member Danny Lester made a motion to accept a public utility easement granted by Seton Family of Hospitals as presented. Council Member Mary Jane Shanes seconded, the motion carried unanimously.

REPORTS: None.

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.

REQUESTS FROM COUNCIL FOR FUTURE REPORTS: Council Member Mary Jane Shanes requested an update report on the proposed police facility.

ADJOURN: There being no further business a motion to adjourn was made by Council Member Mary Jane Shanes at 7:49 p.m., seconded by Council Member Joyce Laudenschlager. The motion carried unanimously.

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary



Administration

ITEM 4.1

Kelly Dix
City Secretary
(512)-756-6093 ext. 209
kdix@cityofburnet.com

Agenda Item Brief

Meeting Date: January 22, 2019

Agenda Item: Discuss and consider action: A RESOLUTION OF THE CITY OF BURNET, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON MAY 4, 2019, TO ELECT A MAYOR AND THREE CITY COUNCIL MEMBERS; ESTABLISHING THE ELECTION PROCEDURE; AND PROVIDING FOR RELATED MATTERS: K. Dix

UNA RESOLUCIÓN DE LA CIUDAD DE BURNET, TEXAS, ORDENANDO UNA ELECCIÓN GENERAL A LLEVARSE A CABO EL 7 DE MAYO DE 2017, PARA ELEGIR EL ALCALDE Y TRES MIEMBROS DEL CONSEJO (CONCEJALES); ESTABLECIENDO LOS PROCEDIMIENTOS PARA LA ELECCIÓN; Y PROVEYENDO OTROS ASUNTOS RELACIONADOS.

Background: Mayor Crista Goble Bromley and Council Members Paul Farmer and Tres Clinton have all completed their second term and are eligible for re-election. Council Member Cindia Talamantez has completed her first term and is eligible for re-election to a council member seat.

Information: A General Election will be held on May 4, 2019, to fill the vacancies. This election will be held in compliance with the laws established by the Texas Election Code and the State of Texas.

Fiscal Impact: The total estimated election expense is expected not to exceed \$2,000.

Recommendation: Staff recommends approval of Resolution No. R2018-03 ordering a General Election to be held on May 4, 2019, to elect three Council Members and one Mayor for the City of Burnet.

RESOLUTION R2018-03

A RESOLUTION OF THE CITY OF BURNET, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON MAY 4, 2019, TO ELECT A MAYOR AND THREE CITY COUNCIL MEMBERS; ESTABLISHING THE ELECTION PROCEDURE; AND PROVIDING FOR RELATED MATTERS. UNA RESOLUCIÓN DE LA CIUDAD DE BURNET, TEXAS, ORDENANDO UNA ELECCIÓN GENERAL A LLEVARSE A CABO EL 9 DE MAYO DE 2015, PARA ELEGIR EL ALCALDE Y TRES MIEMBROS DEL CONSEJO (CONCEJALES); ESTABLECIENDO LOS PROCEDIMIENTOS PARA LA ELECCIÓN; Y PROVEYENDO OTROS ASUNTOS RELACIONADOS.

WHEREAS, on May 4, 2019 there shall be elected the following officials for this City: a Mayor and three City Council members;

POR CUANTO, *el 4 de mayo de 2019 se elegirán los siguientes oficiales para esta Ciudad: Alcalde y tres Miembros del Consejo (Concejales) de la Ciudad.*

WHEREAS, the Texas Election Code is applicable to said election and this resolution establishes procedures consistent with the Code, and designates the voting place for the election; and

POR CUANTO, *el Código Electoral de Texas aplica para dicha elección, y esta resolución establece los procedimientos conformes con el Código, y designa el lugar de votación para la elección; y*

WHEREAS, the City of Burnet, Texas (hereinafter the "City") has made provision to contract with Burnet County to conduct the City's general election, pursuant to *Chapter 31, Tex. Elec. Code, and Chapter 791, Tex. Gov't Code* (the "Election Agreement" or "contract"), jointly with Burnet Independent School District and any other political subdivisions that hold elections on the same day in all or part of the same territory of the City, as authorized in *Chapter 271, Tex. Elec. Code*;

POR CUANTO, *la Ciudad de Burnet, Texas (más adelante identificado como la "Ciudad"), ha provisto contratar con el Condado de Burnet para conducir la elección general, según el Capítulo 31, Código Electoral de Texas, y el Capítulo 791, Código Gubernamental de Texas (el "Contrato de Elección" o "contrato"), conjuntamente con el Distrito Escolar Independiente de Burnet y cualquier otras subdivisiones políticas que celebran elecciones el mismo día en todo o en parte del mismo territorio de la Ciudad, según lo autoriza el Capítulo 271, Código Electoral de Texas;*

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS

AHORA, POR LO TANTO, QUEDE RESUELTO Y ORDENADO POR EL CONSEJO DE LA CIUDAD DE BURNET, TEXAS:

SECTION 1. General Election. The General Election of the City shall be held on Saturday, May 4, 2019, to elect a Mayor and three City Council Members, to serve a term

of two (2) years each. Candidates at the election for the above offices shall file their application to become candidates with the City Secretary of the City of Burnet, at City Hall, 1001 W. Buchanan, Ste. 4, Burnet, Texas 78611, between 8:00 a.m. on January 16, 2019 and 5:00 p.m. on February 15, 2019. All applications for candidacy shall be on a form as prescribed by the *Tex. Elec. Code*. The order in which the names of the candidates for each office are to be printed on the ballot shall be determined by a drawing conducted by the City Secretary.

SECCIÓN 1. Elección General. *La Elección General de la Ciudad se llevará a cabo el sábado, 4 de mayo de 2019, para elegir el Alcalde y tres Miembros del Consejo (Concejales) de la Ciudad, para servir un término de dos (2) años cada uno. Los candidatos en la elección para los puestos antes mencionados deberán someter su solicitud para candidatos a la Secretaria de la Ciudad, en la Casa Municipal (Alcaldía), 1001 W. Buchanan, Salón (Suite) 4, Burnet, Texas 78611, entre las 8:00 a.m. el 16 de enero de 2019 y las 5:00 p.m. el 15 de febrero de 2019. Todas las solicitudes para candidatura deberán estar en una forma prescrita por el Código Electoral de Texas. El orden en el cual los nombres de los candidatos para cada puesto será impreso en la boleta se determinará por un sorteo a conducirse por la Secretaria de la Ciudad.*

SECTION 2. Notice of the election shall be given and the election shall be held in compliance with the provisions of the *Tex. Elec. Code* in all respects. The ballots for the election shall comply with the *Tex. Elec. Code* and be in the form provided by the City to the Burnet County Clerk for use on the voting devices and ballots used by Burnet County.

SECCIÓN 2. *El aviso de la elección será dado y la elección será celebrada conforme a las provisiones del Código Electoral de Texas en todos los aspectos. Las boletas para la elección serán conformes al Código Electoral de Texas y deberán ser en la forma provista por la Ciudad al Secretario del Condado de Burnet para ser usadas en los equipos de votación y las boletas usadas por el Condado de Burnet.*

SECTION 3. The Burnet County Clerk and his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election in the manner provided by contract with the City and the law governing the holding of general elections by home rule cities of the State of Texas; and the official ballots, together with such other election materials as are required by the *Tex. Elec. Code*, shall be prepared in both the English and Spanish languages and shall contain such provisions, markings and language as is required by law.

SECCIÓN 3. *El Secretario del Condado de Burnet y sus empleados y nombrados asistentes, y los jueces electorales, jueces alternos, y escribientes debidamente nombrados para la elección, celebrarán y conducirán la elección de la manera provista por el contrato con la Ciudad y por la ley que gobierna el conducir elecciones por ciudades autónomas del Estado de Texas; y las boletas oficiales, junto con todos materiales electorales requeridos por el Código Electoral de Texas, serán preparados en ambos inglés y español y deberán tener tales provisiones, marcas, y lenguaje según lo requiere la ley.*

SECTION 4. Early voting, both by personal appearance and by mail, will be conducted by the Burnet County Elections Administrator, who is designated and appointed as the Early

Voting Clerk, in accordance with the *Texas Election Code*. Early voting by personal appearance shall be conducted at the times, places, and locations authorized by state law and the Burnet County Election Administrator. Early voting shall commence on Monday, April 22, 2019, and continue through Tuesday, April 30, 2019. Early voting shall also be held at any time and location authorized by the Burnet County Clerk.

SECCIÓN 4. *La votación adelantada/temprana, en persona y por correo, se conducirá por el Secretario del Condado de Burnet, quien es designado y nombrado como el Escribiente de la Votación Adelantada/temprana, de acuerdo con el Código Electoral de Texas. La votación adelantada/temprana en persona se conducirá durante las horas, los lugares, y locales autorizados por la ley estatal y por el Secretario del Condado de Burnet. La votación adelantada/temprana comenzará el lunes, 22 de abril de 2019, y continuará hasta el martes, 30 de abril de 2019.*

SECTION 5. The election precincts for the election shall be the election precincts established by Burnet County, provided that each shall contain and include geographic area that is within the City. The polling place for each such election precinct shall be the polling place established by Burnet County for such election precincts in Burnet County and voting by residents of the City. The polls shall remain open on the day of the election from 7:00 a.m. to 7:00 p.m. The returns for precincts in Burnet County will be provided by precinct and the Burnet County Clerk shall tabulate and provide the election returns for the election.

SECCIÓN 5. *Los recintos electorales para la elección serán los recintos electorales establecidos por el Condado de Burnet, proveyendo de que cada uno tenga e incluya el área geográfica que está dentro de la ciudad. El lugar de votación para dicho recinto electoral será el lugar de votación establecido por el Condado de Burnet para dichos recintos electorales en el Condado de Burnet y para votar por residentes de la Ciudad. Los lugares de votación se mantendrán abiertos el día de la elección desde las 7:00 a.m. hasta las 7:00 p.m. Los resultados por recintos en el Condado de Burnet serán provistos por recinto, y el Secretario del Condado de Burnet deberá tabular y proveer los resultados electorales para la elección.*

SECTION 6. The City Secretary, or designee, is instructed to aide the Burnet County Elections Administrator in the acquisition and furnishing of all election supplies and materials necessary to conduct the election as provided by the Election Agreement. The City Secretary is further authorized to give or cause to be given notices required for the election, and to take such other and further action as is required to conduct the election in compliance with the *Tex. Elec. Code* and *City Charter*; provided that, pursuant to the Election Agreement between Burnet County and the City, the Burnet County Clerk shall have the duty and be responsible for organizing and conducting the election in compliance with the *Tex. Elec. Code*; and for providing all services specified to be provided in the Election Agreement. The Burnet County Clerk shall give the notices required by the *Tex. Elec. Code* to be given for the election not required to be given by the City under the Election Agreement.

SECCIÓN 6. *La Secretaria de la Ciudad, o su designado, queda por este medio instruída a proveer ayuda al Secretario del Condado de Burnet en la adquisición y provisión de todos los materiales y provisiones necesarios para conducir la elección,*

según lo provee el Contrato de Elección. La Secretaria de la Ciudad está además autorizada a dar o a causar que se den los avisos requeridos para la elección, y a tomar cualquier otra acción adicional según se requiera para conducir la elección conforme con el Código Electoral de Texas y la Carta Constitucional, proveyendo que, de acuerdo con el Contrato de Elección entre el Condado de Burnet y la Ciudad, el Secretario del Condado de Burnet tendrá la obligación y será responsable de organizar y conducir la elección cumpliendo con el Código Electoral de Texas; y de proveer todos los servicios especificados a ser provistos en el Contrato de Elección. El Secretario del Condado de Burnet dará los avisos requeridos por el Código Electoral de Texas a ser dados para la elección que no seab requeridos a darse por la Ciudad bajo el Contrato de Elección.

SECTION 7. The presiding judges, alternate presiding judges and clerks for the election shall be selected and appointed by Burnet County and its appointees in compliance with the requirements of state law, and such judges and clerks so selected by Burnet County and its appointees are hereby designated and appointed by the city council as the election officers, judges and clerks, respectively, for the holding of said general election. The presiding judges, alternate presiding judges and clerks shall perform the functions and duties of their respective positions that are provided by state law. The city council will further confirm and appoint the election judges and alternate election judges that are appointed by Burnet County for the election.

SECCIÓN 7. *Los jueces presidentes, jueces presidentes alternos, y escribientes para la elección serán seleccionados y nombrados por el Condado de Burnet y sus funcionarios de acuerdo con los requisitos de la ley estatal, y dichos jueces y escribientes seleccionados por el Condado de Burnet y sus funcionarios quedan por este medio designados y nombrados por el consejo de la ciudad como los oficiales electorales, jueces y escribientes, respectivamente, para llevar a cabo dicha elección general. Los jueces presidentes, jueces presidentes alternos, y escribientes deberán desempeñar las funciones y deberes de sus respectivas posiciones según lo provee la ley estatal. El consejo de la ciudad confirmará y nombrará los jueces electorales y jueces electorales alternos que sean nombrados por el Condado de Burnet para la elección.*

SECTION 8. Notice of the election shall be given by posting a notice containing a substantial copy of this resolution on the bulletin board used for posting notice of meetings of the governing body at the City Hall and at the aforesaid election day polling places not later than the twenty-first (21st) day before the election, and by publishing said Notice of Election at least one time, not earlier than thirty (30) days nor later than ten (10) days prior to said election, in a newspaper of general circulation in the City. The notice that is posted, and the notice that is published in a newspaper of general circulation within the city, will be written in both English and Spanish.

SECCIÓN 8. *El aviso de la elección se dará fijando un aviso que contenga una copia substancial de esta resolución en el tablón de edictos que se usa para dar aviso de reuniones del cuerpo gubernamental en la Casa Municipal (Alcaldía) y en los antedichos lugares de votación el día de la elección no más tarde del vigésimo-primer (21) día antes de la elección, y publicando dicho Aviso de la Elección por lo menos una vez, no antes de treinta (30) días ni más tarde de diez (10) días antes de dicha elección, en un periódico de circulación general en la Ciudad. El aviso que se fije, y el aviso que se*

publique en el periódico de circulación general en la ciudad, será escrito en ambos inglés y español.

SECTION 9. The election shall be held and conducted by the Burnet County Election Administrator in compliance with state law and the Election Agreement. And, this Resolution shall be in force and effect from and after its passage on the date shown below.

SECCIÓN 9. *La elección se llevará a cabo y se conducirá por el Secretario del Condado de Burnet de acuerdo con la ley estatal y el Contrato de Elección. Y, esta Resolución estará vigente y tomará efecto desde y luego de haberse pasado en la fecha mostrada abajo.*

SECTION 10. It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, *Chapter 551, Texas Government Code.*

SECCIÓN 10. *Queda por este medio establecido y determinado oficialmente que esta reunión se condujo abierta al público, y que se dio aviso público de la hora, el lugar, y el propósito de dicha reunión, todo como lo requiere la Ley de Reuniones Abiertas (Open Meetings Act), Capítulo 551 del Código Gubernamental de Texas.*

**AND, IT IS SO RESOLVED.
Y ASI SE HA RESUELTO.**

PASSED AND APPROVED this 22nd day of January, 2019.

PASADO Y APROBADO este día 22nd de enero, 2019.

**CITY OF BURNET, TEXAS
CIUDAD DE BURNET, TEXAS**

Crista Goble Bromley, Mayor
Gary Wideman, Alcalde

ATTEST:
ATESTIGUA:

Kelly Dix, City Secretary
Kelly Dix, Secretaria de la Ciudad

ORDER OF ELECTION FOR MUNICIPALITIES

An election is hereby ordered to be held on **May 4, 2019** for the purpose of:
General Election to elect one Mayor and three Council Members.

Early voting by personal appearance will be conducted each weekday at:
Burnet County Courthouse, located at 220 S. Pierce Street, Burnet, Texas

April 22, 2019	8am-5pm
April 23, 2019	8am-5pm
April 24, 2019	8am-5pm
April 25, 2019	7am-7pm
April 26, 2019	8am-5pm
April 29, 2019	7am-7pm
April 30, 2019	8am-5pm

Applications for ballot by mail shall be mailed to:

Doug Ferguson
Elections Administrator, Burnet County
1701 E. Polk Street
Burnet, TX 78611

Applications for ballots by mail must be received no later than the close of business on:
April 23, 2019

Issued this the 22nd day of January, 2019

Crista Goble Bromley
Mayor

Danny Lester
Council Member

Joyce Laudenschlager
Council Member

Mary Jane Shanes
Council Member

Tres Clinton

Paul Farmer, Council Member
Council Member

Mary Jane Shanes
Council Member

Instruction Note: A copy of this election order must be delivered to the County Clerk/Elections Administrator and Voter Registrar not later than 60 days before election day.

ORDEN DE ELECCION PARA MUNICIPIOS

Por la presente se ordena que se llevará a cabo una elelcción el:
**UNA ELECCIÓN GENERAL A LLEVARSE A CABO EL 4 DE MAYO DE 2019,
PARA ELEGIR UN ALCALDE Y TRES MIEMBROS DEL CONSEJO (CONCEJALES).**

La votación adelantada en persona se llevará a cabo de lunes a viernes en:

Corte del Condado de Burnet, 220 S. Pierce Street, Burnet, Texas

22 de abril de 2019	8am-5pm
23 de abril de 2019	8am-5pm
24 de abril de 2019	8am-5pm
25 de abril de 2019	7am-7pm
26 de abril de 2019	8am-5pm
29 de abril de 2019	7am-7pm
30 de abril de 2019	8am-5pm

Las solicitudes para boletas que se votarán en ausencia por correo deberán enviarse a:

**Doug Furgeson
Elections Administrator, Burnet County
1701 E. Polk Street
Burnet, TX 78611**

*Las solicitudes para boletas que se votarán en ausencia por correo deberán recibirse para el fin de las horas de las horas de negocio el **23 de abril de 2019.***

Emitida este día 22 de Enero de 2019.

Crista Goble Bromley
del Alcalde

Danny Lester
Persona del Concilio

Joyce Laudenschlager
Persona del Concilio

Mary Jane Shanes,
Persona del Concilio

Tres Clinton
Persona del Concilio

Paul Farmer
Persona del Concilio

Cindia Talamantez
Persona del Concilio

Nota de instrucción: Se deberá entregar una copia de esta orden de elección al/a la Secretario(a) del Condado/Administrador(a) de Elecciones y el/la Registrador(a) de Votantes a más tardar 60 días antes del día de elección.



Administration

ITEM 4.2

Patricia Langford
Director of Finance
(512)-715-3205
plangford@cityofburnet.com

Agenda Item Brief

Meeting Date: January 22, 2019

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

Background:

Information:

Fiscal Impact: As noted on Attachment "A".

Recommendation: Adopt Ordinance 2018-20 as presented.

ORDINANCE NO. 2018-20

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 the effect of unforeseen circumstances as shown on Attachment "A".

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 8th day of January, 2019

FINALLY PASSED AND APPROVED on this 22nd day of January, 2019.

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

ATTACHMENT A:

\$6,696 for the purchase of police rifles by the Police Department. The cost will be covered by NRA grant revenues received.

\$13,194.66 in additional EMS billing commission expense for the Fire Department. The increase will be covered by additional transport revenues.

\$29,894.70 in additional solid waste services and \$10,241.16 in additional monthly clean up expenses. The increase will be covered by additional solid waste revenue collections.

\$4,341.80 in City Shop building maintenance to replace condenser. The cost will be covered by insurance proceeds.

\$6,578 in Police Department explorer program expenses. The cost will be covered by additional Police Department explorer program revenues.

\$4,151.43 in Fire Department explorer program expenses. The cost will be covered by additional Fire Department explorer program revenues.

\$56,119.70 increase in the Electric fund's return on investment expense. The increase will be covered by increased electric billing revenues.

\$16,275.53 increase in the Water fund's transfer to the General Fund for in-lieu of franchise fees, in-lieu of property taxes, and admin allocation. The increase will be covered by increased water billing revenue.

\$17,165.02 increase in the Waste Water fund's transfer to the General Fund for in-lieu of franchise fees, in-lieu of property taxes, and admin allocation. The increase will be covered by increased waste water billing revenue.

\$14,405.44 increase in fuel purchases for resale for the Airport Fund. The increase will be covered by increased fuel sales.



Development Services

ITEM 4.3

Wallis Meshier
Director of Development Services
(512) 715-3215
wmeshier@cityofburnet.com

Agenda Item Brief

Meeting Date: January 22, 2019

Agenda Item: Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE AMENDING ORDINANCE NO. 2012-06 BY ASSIGNING GOVERNMENT AND PUBLIC INSTITUTIONAL — DISTRICT G TO 34.068 ACRES OUT OF THE B.B. CASTLEBERRY SURVEY, ABSTRACT NUMBER 187, WHICH IS FURTHER DESCRIBED AS 1601 SOUTH WATER STREET, AND BEING GENERALLY LOCATED ON THE EAST SIDE OF SOUTH WATER STREET (HWY. 281), APPROXIMATELY 1,120 FEET SOUTH OF THE INTERSECTION WITH ARISTOKRAFT DRIVE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: W. Meshier

Background: The attached ordinance, if approved by City Council, will assign Government and Public Institutional — District “G” zoning to the property described in the above caption.

Information: This request was reviewed and was unanimously approved by the Planning & Zoning Commission on Monday, January 7, 2019.

There have been no changes to Ordinance 2019-03 since the first reading.

Fiscal Impact: None

Recommendation: Staff recommends adoption of Ordinance 2019-03 as presented.

ORDINANCE NO. 2019-03

AN ORDINANCE AMENDING ORDINANCE NO. 2012-06 BY ASSIGNING GOVERNMENT AND PUBLIC INSTITUTIONAL — DISTRICT G TO 34.068 ACRES OUT OF THE B.B. CASTLEBERRY SURVEY, ABSTRACT NUMBER 187, WHICH IS FURTHER DESCRIBED AS 1601 SOUTH WATER STREET, AND BEING GENERALLY LOCATED ON THE EAST SIDE OF SOUTH WATER STREET (HWY. 281), APPROXIMATELY 1,120 FEET SOUTH OF THE INTERSECTION WITH ARISTOKRAFT DRIVE; 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 January 7, 2019, did conduct a public hearing for the purpose of taking public comment regarding the proposal to assign Government and Public Institutional — District G to 34.068 acres out of the B.B. Castleberry Survey, Abstract Number 187, which is further described as 1601 South Water Street, and being generally located on the east side of South Water Street (Hwy. 281), approximately 1,120 feet south of the intersection with Aristokraft Drive; and

WHEREAS, The City Council of the City of Burnet, on January 8, 2019 did conduct its own public hearing for the purpose of taking public comment regarding the proposal to assign Government and Public Institutional — District G to 34.068 acres out of the B.B. Castleberry Survey, Abstract Number 187, which is further described as 1601 South Water Street, and being generally located on the east side of South Water Street (Hwy. 281), approximately 1,120 feet south of the intersection with Aristokraft Drive; and

WHEREAS, The City Council, based on due consideration of the Planning and Zoning Commission recommendation, and its own findings, did determine that assigning Government and Public Institutional — District G to 34.068 acres out of the B.B. Castleberry Survey, Abstract Number 187, which is further described as 1601 South Water Street, and being generally located on the east side of South Water Street (Hwy. 281), approximately 1,120 feet south of the intersection with Aristokraft Drive 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. The 34.068 acres out of the B.B. Castleberry Survey, Abstract Number 187, which is further described as 1601 South Water Street,

and being generally located on the east side of South Water Street (Hwy. 281), approximately 1,120 feet south of the intersection with Aristokraft Drive is hereby assigned a zoning designation of Government and Public Institutional — District G.

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

Section 4. Severability. 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. This ordinance is effective upon final passage and approval.

Section 6. Open Meetings. 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 8th day of January, 2019.

FINALLY PASSED AND APPROVED on this 22nd day of January, 2019.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 4.4

Wallis Meshier
Director of Development Services
(512) 715-3215
wmeshier@cityofburnet.com

Agenda Item Brief

Meeting Date: January 22, 2018

Agenda Item: Discuss and consider action: FIRST READING OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BURNET, TEXAS, CHAPTER 98 – SUBDIVISIONS, SECTIONS 98-7, 98-22, 98-23, AND APPENDIX B, ADOPTING CHAPTER 98, ARTICLE IX – TREE PRESERVATION, MITIGATION, AND REMOVAL, AND AMENDING CHAPTER 118 – ZONING, SECTIONS 118-61 AND 118-62; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; FINDING PROPER NOTICE OF MEETING; AND PROVIDING AN EFFECTIVE DATE: W. Meshier

Background: The following is a City initiated amendment to the Code of Ordinances as it pertains to the preservation, mitigation, and removal of existing trees. The existing provision, found in Code of Ordinances Sec. 98-22(d)(3)(h) states the following:

“The developer shall be responsible for providing replacement trees as shown in the application submittal documents based on a replacement ratio (inches removed to inches planted) of:

1. One to two for significant trees 18 inches in caliper and larger, and
2. One to one for significant trees between eight and 18 inches in caliper.
3. Replacement trees shall not be required for the removal of trees smaller than eight inches in caliper. The removal of significant trees larger than 18 inches in caliper shall require commission approval.”

After reviewing the requirements of other cities in the region, we believe that our provisions regarding tree preservation and mitigation to be overly restrictive. It has been difficult for certain developments, especially those with higher densities, to meet the current mitigation requirements. The current standards do not include any provision for off-site mitigation or payment of a fee in lieu of mitigation. The intent of the proposed amendment is to alleviate the burden of requiring mitigation for relatively small trees, and to provide additional flexibility

for developers by allowing for off-site mitigation and/or payment of a fee in lieu of mitigation.

In addition, the existing tree preservation and mitigation standards are applicable only to property for which a Preliminary Plat is required. The proposed amendments would make tree preservation standards applicable to any site development or redevelopment, even if no platting action is required.

The proposed amendment incorporates a requirement for protective fencing to be installed around protected trees during construction. The proposed amendment also includes amendments to some of the existing definitions found in Sec. 98-7, and incorporates additional definitions. It also includes amendments to the list of preferred plant species found in Chapter 98, Appendix B, and incorporates a list of nuisance species.

Information: Below is a table that compares the protected size, required mitigation ratios, and fees in lieu of mitigation for cities in the region:

	Protected Size	Mitigation Ratios	Fee in Lieu of Replacement
Cedar Park	Protected: 16" Heritage: 26"	Protected: 1:1 Heritage: 3:1	Protected: \$100 per inch removed Heritage: \$300 per inch removed
Georgetown	Protected: 12" Heritage: 26"	Protected: 1:1 Heritage: 3:1	Protected: \$150 per inch removed Heritage: \$200 per inch removed
Hutto	Protected: 12" Heritage: 24"	Protected: 1:1 Heritage: 1:1	Equal to cost of replacement trees Same as above
Leander	Protected: 8" Significant: 18" Heritage: 26"	Protected: 1:1 Significant: 2:1 Heritage: 3:1 + \$300 per inch	\$150 per inch of required replacement Same as above Same as above
Liberty Hill	Protected: 19"	N/A	N/A
Marble Falls	Protected: 16"	N/A	N/A
McKinney	Protected: 6" Heritage: 16"	Protected: 1:1 Heritage: 2:1	\$500 per 3-inch tree \$1,200 per 6" tree
Round Rock	Protected: 8" Heritage: 20" Monarch: Varies by species	Protected: 1:1 Heritage: 2:1 Monarch: 3:1	Protected: \$150 per inch removed Heritage: \$300 per inch removed Monarch: \$450 per inch removed
Burnet – Current	Protected: 8" Heritage: 18"	Protected: 1:1 Heritage: 2:1	N/A N/A
Burnet – Proposed	Protected: 12" Heritage: 24"	Protected: 1:1 Heritage: 2:1	Protected: \$100 per inch removed Heritage: \$200 per inch removed

Fiscal Impact: None

Recommendation: Approve the first reading of Ordinance 2019-04 as presented.

ORDINANCE 2019-04

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BURNET, TEXAS, CHAPTER 98 – SUBDIVISIONS, SECTIONS 98-7, 98-22, 98-23, AND APPENDIX B, ADOPTING CHAPTER 98, ARTICLE IX – TREE PRESERVATION, MITIGATION, AND REMOVAL, AND AMENDING CHAPTER 118 – ZONING, SECTIONS 118-61 AND 118-62; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; FINDING PROPER NOTICE OF MEETING; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Council seeks to amend the Code of Ordinances, Chapters 98 and 118, incorporating amendments regarding tree preservation, mitigation, and removal; and

WHEREAS, the City Council determines that the amendment provided for herein promotes the health, safety, morals and protects and preserves the general welfare of the community; and

WHEREAS, on the 22nd day of January, 2019, after proper notification, the City Council held a public hearing on the proposed amendment; and

WHEREAS, all requirements set forth in Chapter 212, Section 212.905, Texas Local Government Code concerning regulation of tree removal has been fully complied with,

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

Section 1. That 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. That the Code of Ordinances, Chapter 98 – Subdivisions, is hereby amended to include the changes described in **Exhibit “A”** attached hereto and incorporated herein.

Section 3. That the Code of Ordinances, Chapter 118 – Zoning, is hereby amended to include the changes described in **Exhibit “A”** attached hereto and incorporated herein.

Section 4. *Savings clause.* The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

Section 5. *Severability clause.* The provisions of this ordinance are severable, and if any sentence, section, or other parts of this ordinance should be found to be invalid, such invalidity shall not affect the remaining provisions, and the remaining provisions shall continue in full force and effect.

SECTION 6. *Repealer clause.* The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent

or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance.

SECTION 7. *Open meeting clause.* The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this ordinance and the subject hereof were discussed, considered, and formerly acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

SECTION 8. *Effective date.* This ordinance shall take effect immediately from and after its passage.

READ AND APPROVED on first reading this 22nd day of January, 2019.

PASSED AND ADOPTED on second reading this 12th day of February, 2019.

CITY OF BURNET, TEXAS

ATTEST:

Crista Goble Bromley
Mayor

Kelly Dix
City Secretary

Exhibit A

Chapter 98 – Subdivisions

Article I – General Provisions

Sec. 98-7. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words used in the present tense include the future tense. Words used in the plural number include the singular, and words in the singular include the plural. The word "shall" is always mandatory. The word "herein" means in this chapter. The word "regulations" means the provisions of any applicable ordinance, rule, regulation or policy. The word "person" means any human being or legal entity and includes a corporation, a partnership, and an incorporated or unincorporated association. The words "used or occupied" as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.

Caliper inch is a unit of measurement used to state in inches the diameter of a tree's trunk at the tree's correct measurement height.

Critical root zone means a circular area around a ~~significant~~ **protected** tree equal to one-foot in radius for each one-inch caliper, and the center of the circular area located at the trunk.

Diameter at breast height (DBH) is the diameter of a tree's trunk measured at a height of four feet six inches from base of the tree at grade level.

Diseased tree means a tree weakened by disease, infestation, decay, age or fire, or any other form of damage, to an extent where there is a risk the tree may die in five years, split, fall, threaten the viability of healthy trees, or pose a hazard to any adjoining property; and the problem cannot be fixed or healed through normal horticultural practices.

Drip line means an imaginary line around a tree that corresponds with the outermost edge of the canopy of said tree if projected directly downward, or, if the tree is damaged or deformed, a circular area with a radius equal to two feet per inch of caliper. When depicted on a survey or site plan, the drip line of a tree will generally appear as an irregularly shaped circle that follows the contour of the branches of the tree.

Healthy tree means a tree showing good structural integrity, free of serious diseases, and maintaining normal appearance appropriate to the species including size of tree and leaves, normal coloration, and displaying normal vigor and growth characteristics of the species.

Heritage tree means a healthy, native tree having a trunk of twenty-four (24) inches or greater in caliper at four feet six inches above the ground.

Invasive tree means a tree that threatens native trees by competing for resources and habitat, including, but not limited to Juniper, Chinese Tallow, Hackberry, and Chinaberry.

Native species means a tree, shrub, vine, or ground cover of a species native or well adapted to Central Texas, and which is not an invasive tree species. A list of native plant species can be found in Chapter 98, Appendix B.

Nuisance tree means a tree that may threaten the viability of native plant species and the integrity of the ecosystem, and shall include invasive trees and diseased trees, as defined herein.

Protected tree means a healthy, native tree having a trunk twelve (12) inches or greater in caliper at four feet six inches above the ground. This definition shall include heritage tree, but shall not include nuisance tree, as defined herein.

Protective fencing means chain link fencing, orange vinyl construction fencing or other fencing at least four feet high and supported at a maximum of ten-foot intervals by approved methods sufficient to keep the fence upright and in place. The fencing shall be of a highly visible material.

Replacement trees means new landscape trees ~~approved by the city council to be~~ planted by the developer to replace significant trees removed during the development of property. ~~A list of approved replacement trees can be obtained at the office of the city.~~

~~Significant trees means a native, living tree that the city requires preservation of to the greatest extent possible. A list of significant trees can be provided by city staff.~~

Tree means any self-supporting woody plant species which normally grows to an overall minimum height of 15 feet.

Tree protection zone means the area located at least 10 ft. from the trunk of a protected tree, or one-half of the drip line, whichever is more, and which is enclosed by protective fencing during construction.

Tree removal and mitigation plan means a plan that specifies which protected trees on the site will be removed, and how the required mitigation will be achieved.

Tree survey means a scaled drawing accurately showing the location, caliper, and critical root zone of ~~significant~~ protected trees in relation to the property boundaries, and prepared by a licensed arborist, surveyor, engineer, or landscape architect.

Tree topping means the severe cutting back of limbs to stubs larger than three inches in caliper within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

Chapter 98 – Subdivisions

Article II – Procedures

Sec. 98-22. - Preliminary plat.

d) Content. The preliminary plat shall include all of the land intended to be developed and any off-site improvements required to accommodate the project. If the subdivision is to be developed in phases, each phase shall be identified on the preliminary plat. The preliminary plat application shall contain ~~or have attached thereto~~ the following:

(2) *Existing conditions.*

c. ~~A tree survey shall be prepared showing all Significant-protected trees, within the boundaries of the subdivision and of which are eight-twelve inches in caliper and or larger, Protected trees shall be shown accurately to the nearest one-foot, and shall indicate the tree species for each tree. Critical root zones of these trees shall also be shown. Trees may be shown utilizing a separate aerial view of the proposed area to be subdivided.~~

(3) *Improvements.*

g. ~~A tree removal and mitigation plan shall be prepared showing the caliper, species, and critical root zone of all Significant-protected trees to remain, and those to be removed during construction, showing the critical root zones as solid circles, and significant trees designated to be removed showing the critical root zones as dashed circles utilizing a separate aerial view of the area to be subdivided.—The tree removal and mitigation plan shall, on a separate sheet, indicate where and how the mitigation requirements will be met.~~

h. The developer shall be responsible for providing replacement trees as specified in Article XI of this chapter. ~~shown in the application submittal documents based on a replacement ratio (inches removed to inches planted) of:~~

~~1. One to two for significant trees 18 inches in caliper and larger, and~~

~~2. One to one for significant trees between eight and 18 [inches] in caliper.~~

~~3. Replacement trees shall not be required for the removal of trees smaller than eight inches in caliper. The removal of significant trees larger than 18 inches in caliper shall require commission approval.~~

Chapter 98 – Subdivisions

Article II – Procedures

Sec. 98-23. - Construction plans.

c) Content. Construction plans shall include all on and off-site improvements required to serve the proposed development as indicated on the approved preliminary plat and in compliance with applicable ordinances, codes, standards and policies of the city, and other applicable governmental entities. All construction plans shall be signed and scaled by a registered professional engineer, licensed to practice in the state, and shall contain or have attached thereto:

(11) ~~{Location, size and description.}~~The location, size and description of all significant protected trees (to remain and to be removed), and replacement trees to meet the requirements of this chapter ~~may be shown utilizing a separate aerial view of the area to be subdivided.~~

(12) Tree Protection Zone. During construction, protective fencing must be erected around all protected trees that will remain. Such fencing shall be located at least 10 ft. from the trunk or one-half of the drip line, whichever is more. Parking, storage, or movement of equipment, vehicles, material, debris or fill inside the Tree Protection Zone is prohibited.

Chapter 98 – Subdivisions

Article IX – Tree Preservation, Mitigation, and Removal.

- a) The developer shall be responsible for providing replacement trees as shown in the application submittal documents based on a replacement ratio (inches removed to inches planted) of:
- 1) One to ~~two~~ one (1:1) for significant protected trees ~~18 12~~ inches in caliper and larger, but less than 24 inches in caliper, and
 - 2) One to ~~one~~ two (1:2) for significant heritage trees ~~between eight and 18 [inches]~~ 24 inches in caliper and larger.
 - 3) Replacement trees shall not be required for the removal of trees smaller than ~~eight~~ 12 inches in caliper. The removal of significant heritage trees ~~larger than 18~~ 24 inches in caliper or larger shall require Planning and Zoning Commission approval.
 - 4) Replacement trees shall be selected from the list of native canopy tree species found in Chapter 98, Appendix B, and shall be at least 2 inches in caliper at the time of planting.
 - 5) Replacement trees shall not be required for the removal of nuisance trees, as defined herein.
 - 6) An applicant may appeal the calculation of the total caliper inches of replacement trees required to the City Council by filing a written notice of appeal within ten business days from notification by the Director of Development Services of the tree replacement calculation, setting forth the reason(s) and including the documentation for any contention that the calculation of caliper inches of replacement trees is too high.
- b) Exceptions.
- 1) Hazardous Trees. If a protected tree is determined to pose an imminent or immediate threat to persons or property, the requirements of this section may be waived as deemed necessary by the City Manager or his or her designee.
 - 2) Airport Hazard. Protected trees which constitute an Airport Hazard, as defined in Chapter 18, are exempt from the requirements of this section.
 - 3) Sight Triangles. If a protected tree is interfering with the safe visibility at a sight triangle of an existing public street, as determined by the City Manager or his or her designee, the tree may be removed without fulfilling the mitigation requirements of this chapter.
 - 4) Dead or Diseased Trees. If a protected tree is already dead, dying or fatally diseased prior to starting a project, the provisions of the mitigation requirements will not apply.

A certified letter from a licensed arborist shall be required prior to removal of a dead or diseased tree.

- c) On-site mitigation. Removal of protected trees shall be mitigated on-site whenever feasible.
- d) Fee-in-lieu of mitigation. In cases where on-site mitigation is deemed infeasible, e.g., planting capacity has been reached on site and no off-site location is available, a payment in lieu of providing replacement trees may be approved by the City Manager or his or her designee. Such fee shall be used by the city to purchase and plant replacement trees in public parks or on other city-owned property. Payment in lieu of replacement trees shall be calculated as follows:
 - 1) One hundred dollars (\$100.00) per caliper inch of protected tree to be removed.
 - 2) Two hundred dollars (\$200.00) per caliper inch of heritage tree to be removed.
- e) Prohibited activities.
 - 1) It shall be unlawful for any person to remove any protected tree without first securing a tree removal permit.
 - 2) It shall be unlawful for any person to damage a protected tree, such as through tree topping, over pruning or chemical poisoning.
 - 3) It shall be unlawful for a person to continue work or removal of trees after a stop work order has been issued.
 - 4) It shall be unlawful for a person to engage in any hazardous activities which causes damage to the crown or trunk or disturbs the critical root zone of a protected tree without the written approval of the City Manager or his or her designee.
- f) Unauthorized removal. Any person who intentionally, knowingly, accidentally, or negligently removes a protected tree in violation of this section shall be required to:
 - 1) Replant replacement trees at a caliper ratio of 2:1 for protected trees and 4:1 for heritage trees, or
 - 2) Pay a fine in lieu of providing replacement trees in the amount of two hundred dollars (\$200.00) per caliper inch of protected tree removed, and four hundred dollars (\$400.00) per caliper inch of heritage tree removed.

APPENDIX B—PREFERRED NATIVE PLANT SPECIES

(Plants listed in italics are considered xeriscape or xeriscape plants)

CANOPY TREES		
Pecan	<i>Carya illinoensis</i>	Deep tap root
Bur Oak and other White Oaks	<i>Quercus macrocarpa. etc.</i>	Nice branch character
Cedar Elm	<i>Ulmus crassifolia</i>	Disease resistant
Shumard Red Oak and other Red Oaks	<i>Quercus Shumardi, etc.</i>	Red fall color
Live Oak	<i>Querus virginiana</i>	Very hardy evergreen
<u>Post Oak</u>	<u><i>Quercus stellata</i></u>	<u>Disease and drought resistant</u>
Lacey Oak	<i>Quercus glaucoides</i>	Small to medium tree that is drought tolerant, pest resistant
Big Tooth Maple	<i>Acer grandidentatum</i>	Fall color
Texas Ash, <u>Mountain Ash</u>	<i>Fraxinus texensis</i>	Long lived, fast growing
Chinese Pistachio(e)	<i>Pistacia chenensis</i>	Fall color
<u>Bradford Pear</u>	<u><i>Pryrus calleryana</i></u>	<u>Fall color</u>
Gingko	<i>Gingo bilboa</i>	Yellow fall color
Catalpa	Catalpa sp.	Flowers, slightly messy
Western Soapberry	<i>Sapindus drummondii</i>	Showy winter fruit, yellow fall color
<u>Southern Magnolia</u>	<u><i>Magnolia grandiflora</i></u>	<u>Large evergreen, large white</u>
<u>American Sycamore</u>	<u><i>Plantanus occidentalis</i></u>	<u>Stout trunk and large limbs</u>
<u>Mexican Sycamore</u>	<u><i>Platanus mexicana</i></u>	<u>Insect and disease resistant</u>
Bald Cypress	Taxodium <u>species distichum</u>	Fernlike leaves, fall color

Montezuma Cypress	<i>Taxodium species</i>	Fernlike leaves, fall color
Texas Pistachio	<i>Pistacia texensis</i>	Evergreen in this area, new growth red
<u>Escarpment Black Cherry</u>	<u><i>Prunus serotina var. eximia</i></u>	<u>Spring blooms and summer fruits, vivid yellow fall foliage</u>
<u>TexMex Sycamore</u>	<u><i>Plantus hybrid</i></u>	<u>Insect and disease resistant</u>
ORNAMENTAL TREES		
Texas persimmon	<i>Diospyros texana</i>	Smooth gray bark
<u>Sweetgum</u>	<u><i>Liquidambar styraciflua</i></u>	<u>Tall tree, red bark</u>
Possumhaw Holly	<i>Ilex deciduas</i>	Deciduous, red fruit in winter
Texas Redbud	<i>Cercis Canadensis texana</i>	Long flowering in spring
Desert Willow	<i>Chilopsis linearis</i>	Drought tolerant, summer blooms
Yaupon	<i>Ilex vomitoris</i>	Very hardy, red berries
Vitex	<i>Vitex Agnus-castus</i>	Native, purple or white flower
Crape Myrtle	<i>Lagerstroemia indica</i>	Some die back, flowers
Eve's Necklace	<i>Sophora affinis</i>	Fernlike foliage, winter fruit color
Japanese Black Pine	<i>Pinus thunbergi</i>	Great color, best of pines
Loquat	<i>Eriobotrya japonica</i>	Evergreen, fall fruit
Texas Mountain Laurel	<i>Sophora secundiflora</i>	Fragrant purple flower
Mexican Plum	<i>Prunus Mexicana</i>	White flowers
Mexican Buckeye	<i>Ungnadia speciosa</i>	Brilliant pink flowers in spring
Elderica Pine (Afgan)	<i>Pinus cliderica</i>	30 — 80', suited to alkaline soils
SHRUBS		

Hollies (most varieties)	<i>Hex sp.</i>	Durable, some have berries
Eleagnus	<i>Eleagnus pungens</i>	Large, gray, tolerates heat, drought
Dwarf Wax Myrtle	<i>Myrica pulilla</i>	Mass plantings, hedges
Evergreen Sumax	<i>Rhus virens</i>	Evergreen red fruit
Flame leaf Sumac	<i>Rhus lanceolata</i>	Brilliant red foliage
Florida Jasmine	<i>Jasminum floridum</i>	Spring yellow blooms
Indian Hawthorn (all varieties)	<i>Raphiolepis indica</i>	Spring flower
Red Yucca	<i>Hesperaloe parviflora</i>	Coral flower spikes
Viburnum (all varieties)	<i>Viburnum sp.</i>	Dark green, spring flowers
Nandina Domestica	Nandina domestica	Winter color, red berries
Moonbay Nandina	<i>Nandina moonbay</i>	Compact, winter color
Gulf stream Nandina	<i>Nandina gulfstream</i>	Winter color, fuller at base
Italian Jasmine	<i>Jasminum humile</i>	Flower small, bright yellow
Mexican Buckeye	<i>Ungnadio speciosa</i>	Hardy, spring pink flowers
Agarita	<i>Berberis trifliata</i>	Holly-like foliage, flowers, berries
Muhly Grass	<i>Muhlenbergia lindhemeri</i>	Looks like small pampas grass
Pampas Grass	Cordateria Selloana	Fall flower
GROUND COVERS		
Holly Fern	Cyrtomium falcatum	Coarse texture, dark green
Rosemary	<i>Rosmarinus officinalis</i>	Coarse texture, dark green
Santolina (green and gray)	<i>Santolina spp.</i>	Will take extreme heat
Cherry Sage	<i>Salvia Greggii</i>	Nearly evergreen, long bloom

Liriope	<i>Liriope muscari</i>	Hardy, blue flower
Mondo (monkey) Grass	<i>Ophiopogon japonicas</i>	Thin, dark leaves, hardy
Asian Jasmine	<i>Trachelopermun asiaticum</i>	Some die back
Trailing Vinca (periwinkle)	<i>Vinca Major</i>	Shade, flower
Ajuga (carpet bugle)	<i>Ajuga reptans</i>	Shade, part shade, purple flower
Star Jasmine	<i>Trachaelopspermum</i>	Sun, white flower, can be vine

VINES

Cross Vines	<i>Bigonia capreolata</i>	Bi-color flower
Carolina Jessamine	<i>Gelsemium sempervirens</i>	Yellow flower
Coral Honeysuckle	<i>Lonicera sempervirens</i>	Red flower
Pyracantha	<i>Pyracantha</i> sp.	Thorns, flowers, berries
Lady Banksia Rose	<i>Rose Banksiae</i>	Yellow flower, needs support
Boston Ivy	<i>Parthenocissus tricuspidate</i>	Climbing, bright red in fall
English Ivy	<i>Hedera helix</i>	Shade, self-climbing, also

NUISANCE TREES

<u>Juniper (males)</u>	<u><i>Juniperus</i></u>	
<u>Chinese Tallow</u>	<u><i>Sapium sebiferum</i></u>	
<u>Hackberry</u>	<u><i>Celtis laevigata</i></u>	
<u>Chinaberry</u>	<u><i>Melia azedarach</i></u>	
<u>Bradford Pear</u>	<u><i>Pryrus calleryana</i></u>	
<u>Silver Maple</u>	<u><i>Acer saccharinum</i></u>	
<u>Sycamore</u>	<u><i>Platanus occidentalis</i></u>	

Honey Mesquite	<i>Prosopis glandulosa</i>	
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~~Trees should come from a western seed source such as San Antonio, Austin, Dallas and further west, Trees grown in Houston, Louisiana, and other coastal areas are not acceptable. Trees grown in acidic soils from these areas are prone to chlorosis and stunting when planted in our Hill Country soil.~~

Chapter 118 – Zoning

Article III – Site Development Plan Requirements and Special Provisions

Sec. 118-61. - Construction plans.

- a) *Content.* Construction plans shall include all of the land proposed to be developed or improved, and any offsite improvements required to accommodate the project. Construction plans shall contain, or have attached thereto:
- 1) A cover sheet, showing:
 - g. An existing conditions plan, showing as follows:
 4. The accurate location, caliper and critical root zone of ~~significant trees 8-inch caliper and larger~~, all protected trees in relation to the property boundary and, if applicable, within the limits of the proposed off-site improvements.
 - n. A landscape plan, showing as follows:
 1. Dimensions, types of materials, size and spacing of proposed vegetative materials, planting details and irrigation appurtenances in relation to proposed structures or other significant improvements.
 2. The following maintenance note: The developer and subsequent owners of the landscaped property, or the manager or agent of the owner, shall be responsible for the maintenance of all landscape areas. Said areas shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free of refuse and debris. All planted areas shall be provided with a readily available water supply and watered as necessary to ensure continuous healthy growth and development. Maintenance shall include the replacement of all dead plant material if that material was used to meet the requirements of the subdivision regulations.
 3. Compliance with the ~~city's~~ landscaping and screening requirements of this chapter. ~~See Sec. 118-61 of this chapter.~~
 4. Compliance with all Protected Tree preservation and mitigation requirements, as outlined in Chapter 98, Article IX. If there are Protected Trees on the site, a tree protection plan, and/or tree removal and mitigation plan shall be submitted for all residential and non-residential site development or redevelopment.

Article III – Site Development Plan Requirements and Special Provisions

Sec. 118-62. – Landscaping and Screening Requirements.

- h) *Credit.* The ~~building official and/or city engineer~~ City Manager or his or her designee shall, with respect to the issuance of a building permit ~~or approval of a construction or site development plan~~, give a credit against the requirements of this section for trees preserved on the site. In addition, required landscaping shall count toward the mitigation requirement, as outlined in Chapter 98. Provided that, in order to reward the preservation of significant protected trees, a credit may be given for such preservation only if no more than 50 percent of the critical root zone is disturbed or distressed with impervious cover; and provided further that the remaining critical root zone must consist of at least 100 square feet.



Fire Department

ITEM 4.5

Mark Ingram
Fire Chief
mingram@cityofburnet.com

Agenda Item Brief

- Meeting Date:** January 22, 2019
- Agenda Item:** Discuss and consider action: Approve a quote and authorize the purchase of a 2019 Ford F350 Diesel Ambulance for the Burnet Fire Department: M. Ingram
- Background:** The purchase of this ambulance is to replace Med 4, due to age and mileage. There will be no trade in value as Med 4 will be moved to fleet backup status.
- Information:**
- Fiscal Impact:** This is a budgeted item for the 2018/2019 FY Budget. The estimated total is \$181,700.50
- Recommendation:** Approve the quote and authorize the purchase of the 2019 Ford F350 Diesel Ambulance for the Burnet Fire/EMS



Defining the future of Mobile Healthcare.™

Replace medic 4
MI: 153,000

Customer Quote

Order No.: Q845-00001

Quote Date: 12/4/2018

Expiration Date: 1/29/2019

Salesperson: Kasey Gillum

kgillum@frazerbilt.com

Invoice To:

City of Burnet Fire Department
P. O. Box 1369
Burnet TX 78611
US

Attention:

EMS Coordinator
Curtis Murphy
cmurphy@cityofburnet.com

No.	Item	Quantity	U/M	Unit Price	Net Amount
1	MODULE Type I 12' Module	1.000	EA	\$ 144,975.00	\$ 144,975.00
2	CHASSIS 2019 Ford F-350 Diesel	1.000	EA	\$ 45,000.00	\$ 45,000.00
3	DELIVERY Customer Pick Up - FOB Frazer	0.000	M	\$ 2.75	\$ 0.00
4	HGAC-NEW HGAC Fee for a New Unit	1.000	EA	\$ 1,000.00	\$ 1,000.00
5	14389-BLU Bin-Hang/Stack, Large, Blue	18.000	EA	\$ 12.32	\$ 221.76
6	14390-BLU Bin-Hang/Stack, Small, Blue	36.000	EA	\$ 6.86	\$ 246.96
7	14109 Regulator-Oxygen, Preset 50 PSI	1.000	EA	\$ 245.90	\$ 245.90
8	9398 Bracket-SCBA, Walkaway, High Cycle	2.000	EA	\$ 100.44	\$ 200.88

Frazer, Ltd., 7219 Rampart Street, Houston, TX, 77081,
P: 713-772-5511 www.frazerbilt.com
Frazer Proprietary and Confidential



Customer Quote

Defining the future of Mobile Healthcare.™

Order No.: Q845-00001
 Quote Date: 12/4/2018
 Expiration Date: 1/29/2019

Remit To:

Sterling McCall Ford
 6445 Southwest Freeway
 Houston TX 77074

Sale Amount:	191,890.50
Order Disc(5.3103%):	-10,190.00
Sales Tax:	0.00
Total Amount:	181,700.50

Payment Terms: Net 30 Days

Special Instructions:

Email this quote along with your PO to sales@frazerbilt.com.
 Graphics pricing includes two hours' design time in the base price.
 More extensive graphics or multiple changes will be billed at \$100/hr.

January 16, 2019

Mr. David Vaughn
City Manager
City of Burnet
1001 Buchanan Drive, Suite 4
Burnet, Texas 78611
(512) 715-3208
dvaughn@cityofburnet.com

Re: Proposed Burnet Hotel
Burnet, Texas

HVS AUSTIN
603 West 13th Street
Suite 2H
Austin, Texas 78701
(512) 626-9172
(516) 742-3059 Fax
www.hvs.com

Dear Mr. Vaughn:

Thank you for your recent call pertaining to your Burnet, Texas project; we are pleased to submit this proposal for our services. We are certain that we will be able to provide you with the precise mix of experience and skills you will need for this engagement. HVS is internationally recognized as the leader in hospitality consulting, providing the highest-quality experience in this arena. HVS is unique among hospitality consulting firms and offers City of Burnet unparalleled credibility, specialized experience, and a track record of success.

The attached proposal sets forth a description of the objectives and scope of the assignment, along with a detailed description of the methodology to be employed, an estimate of the time requirements, and a schedule of professional fees. The proposal also includes a list of requested information that we would require for completing the study.

Additionally, for your convenience we have enclosed a confirmation letter detailing this proposal. If the proposal meets your acceptance, please sign, and then return a copy of the accompanying confirmation, together with your retainer check. If you have any questions regarding the contents of the proposal, please do not hesitate to contact me. Thank you for the opportunity to submit this proposal for your project.

Very truly yours,
HVS, Division of TS Worldwide, LLC



Shannon L. Sampson
Senior Vice President
ssampson@hvs.com
(512) 626-9172 - Direct



PROPOSAL FOR A MARKET STUDY

Proposed Burnet Hotel, Burnet, Texas

SUBMITTED TO:

Mr. David Vaughn
City Manager
City of Burnet
1001 Buchanan Drive, Suite 4
Burnet, Texas 78611
(512) 715-3208
dvaughn@cityofburnet.com

PREPARED BY:

HVS AUSTIN
Division of TS Worldwide, LLC
603 West 13th Street, Suite 2H
Austin, Texas 78701
(512) 626-9172
(516) 742-3059 FAX

January 16, 2019

Proposal for a Market Study

Pursuant to our conversation, we are pleased to submit this proposal for services of the HVS division of TS Worldwide LLC in connection with the proposed hotel project in Burnet, Texas. This letter sets forth a description of the objectives and scope of the assignment, along with the methodology to be employed, an estimate of the time requirements, and a schedule of professional fees.

Objective

The objective of this assignment is to perform a market study for the purpose of evaluating the market demand, analyzing the economics, and forecasting occupancy and average rate (ADR) levels, for a Proposed Burnet Hotel in Burnet, Texas. Our study will also include a recommendation of the size, quality and type of lodging facility, and an optimal brand chain scale for the hotel.

Phase One: Fieldwork

To accomplish the objective described above, our work will be conducted in three phases, which typically include the following steps:

1. An onsite inspection of the proposed sites will be made. The physical orientation of these sites with respect to access and visibility to highways, other forms of transportation, and the local demand for accommodations will be analyzed. We will also review the supportive nature of surrounding land uses as they relate to the site, and then recommend the most optimal site.
2. The demand for transient accommodations will be investigated to identify the various generators of visitation operating within the local market. The current and anticipated potential of each of these market segments will be evaluated to determine the extent of existing and future demand. Interviews with officials of business and government, as well as statistical data collected during the fieldwork, are useful in locating and quantifying transient demand. In conjunction with the identification of potential demand, an investigation will be made of the respective strengths of these markets in terms of seasonality, weekly demand fluctuations, vulnerability to economic trends and changes in travel patterns, and other related factors.
3. The market orientation of nearby lodging facilities will be evaluated to determine their competitive position with respect to the subject site. Those properties displaying similar market attributes will receive a physical inspection, along with selective management interviews, to estimate levels of occupancy, room rates, market segmentation, and other pertinent

operational characteristics. Some of the competitive factors that will be specifically reviewed include location, type and quality of facilities, physical condition, management expertise, and chain affiliation.

4. Statistical data relating to general economic and demographic trends often foreshadow future potential for market areas and neighborhoods. Interviews with local Chambers of Commerce, economic development agencies, and other related organizations, along with an investigation of the proposed subject property's primary market area, will reveal patterns reflecting growth, stability, or decline.
5. Through interviews with hotel operators, developers, governmental officials, and others, we will ascertain the status of projects under construction, proposed, or rumored that might be competitive with the proposed subject property.

Phase Two: Market Analysis

The following analysis phase will utilize data and information gathered during the fieldwork phase, along with our extensive library of actual hotel operating statements, financial statistics, area hotel trends, and investor requirements.

We will first compose a facilities and brand chain-scale recommendation. This recommendation will be based on the demands of the local and pertinent regional market and will address the following points:

- Room count and room type mix (suites vs. standard rooms)
- Food and beverage facilities
- Meeting and function space
- Recreational amenities
- Brand chain scale

These recommendations will include comparisons for each category to the relevant competitive market. Based on the above noted recommendations,

We will then perform a supply-and-demand analysis for the proposed subject property to forecast its market orientation and competitive position with respect to other lodging facilities. The supply-and-demand analysis typically encompasses the following steps:

1. Using the occupancy levels and market segmentations of the competitive properties, the number of room nights accommodated in each segment is calculated by multiplying each property's room count by its occupancy, market segmentation, and 365 days, which yields the accommodated-room-night demand. The annual number of room nights occupied per room in each

segment is also calculated (room nights occupied per year divided by the room count), and the resulting figure serves as a competitive index.

2. Latent demand (unaccommodated and induced demand) is estimated for each market segment.
3. Growth rates are projected for each of the market segments.
4. The total usable room-night demand, which consists of usable latent demand and accommodated demand, is projected.
5. The area's guestroom supply and total room nights available are quantified for each projection year.
6. The overall competitive occupancy is calculated for each projection year.

**Phase Three:
Analysis for Proposed
Subject Property**

Based on the facilities program, brand name, and opening date we have recommended, we will then perform a supply-and-demand analysis for the proposed subject property to forecast its market orientation and competitive position with respect to other lodging facilities.

Using competitive indexes, the relative competitiveness of each of the area hotels will be evaluated. The proposed subject property will be positioned accordingly by demand segment, reflecting the hotel's expected competitiveness across all relevant user groups. This will result in a market- and property-appropriate forecast of segmentation, penetration, and occupancy levels.

We will also perform a similar competitive positioning analysis for the proposed hotel's forecasted room rate, which will result in a quantification and documentation of probable future trends in the proposed subject property's overall rooms revenues.

**Phase Four:
Written Report**

Complete documentation of our fieldwork and analyses will be set forth in a written report and will contain the following sections:

- Purpose of the market study
- Description of the site and neighborhood
- Review of the market area
- Analysis of the market for hotel accommodations
- Examination of existing and proposed competition
- Facilities and brand chain-scale recommendation
- Projection of occupancy and average rate

When appropriate, we will include graphics such as photographs, maps, surveys, plans, and charts to assist in visualizing our findings.

Additional Services

Following the completion of this engagement, HVS can be engaged for additional development consulting services at the client's discretion, including:

- Design and Architecture
- Development Project Management
- Construction Management
- Financing
- Franchise / Brand Search and Contract Negotiations
- Management / Operator Search and Contract Negotiations
- Hotel Management
- Asset Management

Requested Information

To aid us in performing this assignment, we request that you provide us with the following information (where applicable):

1. Name of contact person for site tour
2. List of potential sites to be examined
3. Name of legal owner, parcel or CAD ID Number, and ownership history for the selected subject site for the last five years

Timing

We anticipate that Phases I, II, III, and IV of the market study will be completed within approximately 20 to 25 business days from the date we receive the signed proposal, all requested information, and the retainer check. At that time, we will provide you with a *verbal* summary of findings via conference call; for this conference, we will provide you with the market study report, in draft format.

Professional Fees

Our fee for Phases I, II, III, and IV will be \$7,500, payable *upon execution* of this agreement.

It is our normal policy to provide an electronic draft copy of our final report for your review. This draft will be provided in PDF prior to the summary of findings call and will include a watermark "Draft." Upon your approval of this draft, we will commence preparation of the final report. This fee includes one electronic copy of the final report, which will be delivered to you via email in PDF. Upon your request, we can prepare two bound, hard copies that can be mailed to you at no additional cost. If more than two hard copies are required, additional copies of

the report can be prepared for a fee of \$250 per copy. Reports are not transmitted in Microsoft Word format.

In addition to our professional fees, you agree to reimburse us for reasonable out-of-pocket travel and related expenses (including a \$650 charge for a Smith Travel Research trend report) incurred while traveling on your behalf. You will be billed periodically for these expenses, which will be due and payable upon presentation of our bills. These expenses are capped at \$1,000, inclusive of the Smith Travel Research trend report.

After completing the fieldwork phase of this assignment, should it become necessary to alter the parameters of the study, such as the property description, opening date, location, or any other factor that could change the final conclusions, the HVS division of TS Worldwide LLC will be entitled to charge an additional fee based on our current per-diem rates and the time required to incorporate the necessary changes into our analysis and report. In addition, the estimate of timing will be extended by an amount equal to the added work.

Payment Due Dates

If payment for out-of-pocket travel and related expenses is not received within thirty (30) days of the billing date, HVS reserves the right to suspend all work until payment is made and apply a service charge of 1.5 percent per month, or fraction thereof, to the total unpaid sum. Should any type of action become necessary to enforce collection of bills rendered, it is further agreed that you will be responsible for all collection costs, including but not limited to court costs and reasonable legal fees. It is understood that HVS may extend the time for payment on any part of billings rendered without affecting the understanding outlined above.

Collection of Outstanding Professional Fees

The parties to this contract agree that any disputes regarding professional fees and/or other charges owed to HVS will be resolved in accordance with Texas law (TS Worldwide is a Texas-based LLC with a home office location of 2601 Sagebrush Drive, Suite 101, Flower Mound, Texas, 75028). The parties to this contract further agree that (a) any legal action regarding money owed to HVS will take place in Texas; (b) Texas courts have exclusive jurisdiction for resolution of disputes; and (c) the plaintiff will have the choice of venue in any county in the State of Texas.

Limitations of Liability

It is agreed that our company's liability, our employees, and anyone else associated with this assignment is limited to the amount of the fee paid as liquidated damages. You acknowledge that any opinions, recommendations, and conclusions expressed during this assignment will be rendered by the staff acting solely as employees and not as individuals. Our responsibility is limited to the client; use of our product by third parties shall be solely at the risk of the client

and/or third parties. The study described in this proposal will be made subject to certain assumptions and limiting conditions. A copy of our normal assumptions and limiting conditions will be provided upon request.

Conclusion

If the foregoing proposal meets with your acceptance, please sign, and then return one copy of the accompanying confirmation, together with your retainer check in the amount of \$7,500. Your signature beneath the words "Agreed to and Accepted" signifies your agreement to employ the HVS division of TS Worldwide LLC for these services.

In order to schedule our assignments and perform your study in accordance with the timing set forth above, we ask that you return an executed copy of this agreement by February 15, 2019. We appreciate the opportunity of submitting this proposal and look forward to working with you on this assignment.

Very truly yours,
HVS
Division of TS Worldwide, LLC

A handwritten signature in cursive script that reads "Shannon L. Sampson".

Shannon L. Sampson
Senior Vice President
ssampson@hvs.com
(512) 626-9172 - Direct

CONFIRMATION

Client: Mr. David Vaughn
City of Burnet
Date: January 16, 2019

Your signature beneath the words "Agreed to and Accepted" signifies your agreement to employ the HVS division of TS Worldwide LLC for the services described in the accompanying proposal titled "Proposal for a Market Study." A summary of the proposal's salient data is as follows:

Type of Assignment:	Market Study
Property Name:	Proposed Burnet Hotel
Property Location:	Burnet, Texas
Timing:	Phases I-IV: 20 to 25 Business Days
Total Fee (Phases I, II, III, IV):	\$7,500, excludes expenses, expenses capped at \$1,000
Number of Final Copies:	Electronic Copy Only (Hard Copy Upon Request)
Retainer:	\$7,500

In order to schedule our assignments and perform your study in accordance with the timing set forth above, we ask that you return an executed copy of this agreement by February 15, 2019.

Payment must be made in U.S. dollars, using either a check drawn on a U.S. bank or a wire transfer of funds to the account of TS Worldwide LLC. After completing the fieldwork phase of this assignment, should it become necessary to alter the parameters of the assignment, such as the property description(s); date(s) of hotel opening(s); financial, management, or ownership structure(s); or any other factor that could change the final estimate(s) of operating results, the HVS division of TS Worldwide LLC will be entitled to charge an additional fee based on our current per-diem rates and the time required to incorporate the necessary changes into our analysis and reports. In addition, the estimate of timing will be extended by an amount equal to the added work. Notwithstanding the fee payment schedule set forth above, if, at any time while performing this assignment, it becomes necessary to suspend work for a period of 30 days or more, then the HVS division of TS Worldwide LLC will be entitled to bill for the portion of the assignment completed up to the suspension (less any retainer paid) at its current per-diem rates.

It is agreed that the liability of the HVS division of TS Worldwide LLC, its employees, and anyone else associated with this assignment is limited to the amount of the fee paid as liquidated damages. You acknowledge that any opinions, recommendations, and conclusions expressed during this assignment will be rendered by the staff of TS Worldwide LLC acting solely as employees and not as individuals. Any responsibility of HVS is limited to the client; use of our product by third parties shall be solely at the risk of the client and/or third parties. The study described in this proposal will be made subject to certain assumptions and limiting conditions. A copy of our normal assumptions and limiting conditions will be provided upon request.

HVS, Division of TS Worldwide, LLC


Rodney G. Clough, MAI, President, Americas


Shannon L. Sampson – Senior Vice President

AGREED TO AND ACCEPTED: Mr. David Vaughn, City of Burnet

By: _____ Date: _____



INVOICE FOR RETAINER

HVS Accounting Office
1400 Old Country Road
Suite 105N
Westbury, New York 11590
(516) 248-8828, Ext. 223
www.hvs.com

Date: January 16, 2019
Terms: *Due Prior to Start of Assignment*

Mr. David Vaughn
City of Burnet
1001 Buchanan Drive, Suite 4
Burnet, Texas 78611

Re: Proposed Burnet Hotel
Burnet, Texas
(HVS staff member: Shannon Sampson)

<i>Project</i>	<i>Amount Due</i>
Market Study Report	\$7,500

Please make all checks payable to **HVS**
(dba of TS Worldwide, LLC - Tax ID #20-2762887)

Please remit to:
TS Worldwide, LLC – Accounting Office
1400 Old Country Road
Suite 105N
Westbury, NY 11590

Wire Instructions:

JPMorgan Chase Bank (please notify mculbertson@hvs.com of all wire transmissions):
267 Old Country Road
Carle Place, NY 11514
(516) 333-4691

Account Name: TS Worldwide, LLC
Transit ABA #: 021000021
Swift Code: CHASUS33
Account Number: 682090837



City Manager

ITEM 4.6

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

Agenda Item Brief

- Meeting Date:** January 22, 2019
- Agenda Item:** Discuss and consider action: Authorize the City Manager to execute a contract with HVS for a hotel feasibility study: D. Vaughn
- Background:**
- Information:** During attendance at the recent International Conference of Shopping Centers, staff became aware of several hotels that may be interested in locating in Burnet. The proposed study is to determine if additional hotels would be financially feasible.
- Fiscal Impact:** \$7,500 from the Hotel/Motel Fund. Depending on the outcome of the study, the City may want to execute an additional contract to conduct a pro-forma.
- Recommendation:** Staff recommends approval of the contract with HVS.