



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 **12th day of March, 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: None.

2. CONSENT AGENDA ITEMS:

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

2.1) Approval of the February 26th, 2019 Regular Council Meeting minutes

3. PUBLIC HEARINGS:

3.1) Public Hearing: Regarding a request to rezone approximately 15.789 acres out of the Sarah Ann Guest Survey, part of tract 29 (inside city), Abstract Number A1525 from its present designation of Single-Family Residential—District “R-1” to a designation of Heavy Commercial—District “C-3,” said tract being addressed as 2050 East Polk Street (State Hwy. 29) and being generally located east of the intersection of East Polk Street (State Hwy. 29) and the railroad: W. Meshier

3.2) Public Hearing: Regarding a request to rezone approximately 6.84 acres out of property legally described as S4232 East Side Commercial Park Lot 7C from its

present designation of Heavy Commercial—District “C-3” to a designation of Planned Unit Development—District “PUD,” said property being addressed as a portion of 1500 East Polk Street (State Hwy. 29) and being generally located on the north side of East Polk Street (State Hwy. 29) immediately east of the intersection with Coke Street: Meshier

4. ACTION ITEMS:

4.1) Discuss and consider action: Burnet Municipal Airport Static display restoration project: L. Baugh

4.2) Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2018-19; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2019 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: A replat of East Side Commercial, Lot No. 7-C, a 3-lot commercial subdivision being described as 19.41 acres generally located on the north side of East Polk Street (State Hwy. 29, 1500 blk.) immediately east of the intersection with Coke Street: W. Meshier

4.4) Discuss and consider action: FIRST READING OF AN ORDINANCE AMENDING ORDINANCE NO. 2012-06 TO REZONE APPROXIMATELY 15.789 ACRES OUT OF THE SARAH ANN GUEST SURVEY, PART OF TRACT 29 (INSIDE CITY), ABSTRACT NUMBER A1525, FROM ITS PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL—DISTRICT “R-1” TO A DESIGNATION OF HEAVY COMMERCIAL—DISTRICT “C-3,” SAID TRACT BEING ADDRESSED AS 2050 EAST POLK STREET (STATE HWY. 29), AND BEING GENERALLY LOCATED EAST OF THE INTERSECTION OF EAST POLK STREET (STATE HWY. 29) AND THE RAILROAD: W. Meshier

4.5) Discuss and consider action: FIRST READING OF AN ORDINANCE AMENDING ORDINANCE NO. 2012-06 TO REZONE APPROXIMATELY 6.84 ACRES FROM ITS PRESENT DESIGNATION OF HEAVY COMMERCIAL—DISTRICT “C-3” TO A DESIGNATION OF PLANNED UNIT DEVELOPMENT—DISTRICT “PUD,” SAID PROPERTY BEING LEGALLY DESCRIBED AS LOT 7-E OF THE REPLAT OF LOT NO. 7-C EAST SIDE COMMERCIAL PARK, AND GENERALLY LOCATED ON THE NORTH SIDE OF EAST POLK STREET (STATE HWY. 29), IMMEDIATELY EAST OF THE INTERSECTION WITH COKE STREET; ADOPTING A PLANNED UNIT DEVELOPMENT PLAN KNOWN AS EAST SIDE COMMERCIAL PUD NO. 1: W. Meshier

4.6) Discuss and consider action: A RESOLUTION BY THE CITY OF BURNET, TEXAS AUTHORIZING THE TRANSFER OF FUNDS FROM THE HOTEL MOTEL FUND TO THE BURNET ECONOMIC DEVELOPMENT CORPORATION FOR THE BADGER BUILDING PROJECT: D. Vaughn

5. REPORTS: None.

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

6. CONVENE TO EXECUTIVE SESSION:

6.1) Executive Session: The Council reserves the right to enter into closed session in accordance with the provision of the Open Meetings Act, Texas Government Code, Chapter 551, Subsection 551.086; Deliberation Regarding Municipally Owned Utility-purchase power cost: D. Vaughn

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

7. RECONVENE TO REGULAR SESSION:

8. REQUESTS FROM COUNCIL FOR FUTURE REPORTS:

9. ADJOURN:

Dated this 22nd day, of March, 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 March 22, 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 26th day of February, 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 Crista Goble Bromley
Council Members Paul Farmer, Joyce Laudenschlager, Mary Jane Shanes, Cindia
 Talamantez, Danny Lester

Absent Tres Clinton
City Manager David Vaughn
City Secretary Kelly Dix

Guests: James B. Wilson, Mark Lewis, Evan Milliorn, Gene Courtney, Mark Ingram, Patricia Langford, Paul Nelson, Alan Burdell, Leslie Baugh, Jonny Simons, Doug Fipps, Adrienne Feild, Craig Lindholm, Bettye Foulds, Savanna Gregg, Frank Shubert, Mark Lunsford, Clayton Smith, Zachary Worrell, Dick L. Shell, Tanya Clawson, Troy Clawson, Casey Daniels, Max Cardenas

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

INVOCATION: Council Member Mary Jane Shanes

PLEDGE OF ALLEGIANCE: Council Member Paul Farmer

PLEDGE TO TEXAS FLAG: Council Member Paul Farmer

PUBLIC RECOGNITION/SPECIAL REPORTS:

ACDI Quarterly Report: Tonya Clawson: Ms. Clawson reviewed the quarterly report provided to Council pertaining to residential and commercial trash collections and recycling collections for the City.

YMCA Semi-annual Report: Jennifer Kenson: Ms. Kenson reported that the YMCA memberships are on target as projected. Ms. Kenson also reviewed the success of the competition swim meets being held at the YMCA, the Swimming Lessons Program, the Summer Camp Program, Summer Series Volleyball, Soccer and Baseball programs and the afterschool care partnership that started this year at the BCISD campuses. The annual YMCA Casino Night will be held June 15th with proceeds benefitting the Teen Center project.

Chamber of Commerce Report: Mark Lunsford stated the Chamber Banquet was a huge success and 972 pounds of fresh produce was provided to LaCare. Mr. Lunsford informed all present that the Hill Country Fellowship Church was hosting a pep-rally on Wednesday, February 27th at 6:15 for the Lady Dawgs Basketball team that is headed to State and that Thursday all citizens are encouraged to line US Hwy. 281 and wish the basketball team “good luck” on their way to San Antonio to compete. Bluebonnet Festival planning is in full swing and going well.

CONSENT AGENDA ITEMS:

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

Approval of the February 12, 2019 Regular City Council Meeting minutes

Council Member Joyce Laudenschlager moved to approve the consent agenda as presented. Council Member Mary Jane Shanes seconded, the motion carried unanimously.

PUBLIC HEARING: None.

ACTION ITEMS:

Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE AMENDING ORDINANCE NO. 2012-06 TO REZONE APPROXIMATELY 1.00 ACRE, HAVING A LEGAL DESCRIPTION OF S4345 F.O.C. SUBDIVISION, LOT 1, FROM ITS PRESENT DESIGNATION OF HEAVY INDUSTRIAL—DISTRICT “I-2” TO A DESIGNATION OF LIGHT COMMERCIAL—DISTRICT “C-1,” SAID TRACT BEING GENERALLY LOCATED ON THE NORTH SIDE OF ELLEN HALBERT DRIVE, APPROXIMATELY 884 FEET WEST OF THE INTERSECTION WITH HOUSTON CLINTON DRIVE: W. Meshier: Council Member Paul Farmer made a motion to approve and adopt Ordinance No. 2019-05 as presented. Council Member Cindia Talamantez seconded, the motion carried unanimously.

Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE AMENDING ORDINANCE NO. 2012-06 TO REZONE APPROXIMATELY 2.76 ACRES OUT OF THE B.B. CASTLEBERRY SURVEY, ABSTRACT NUMBER 187, FROM ITS PRESENT DESIGNATION OF AGRICULTURAL—DISTRICT “A” TO A DESIGNATION OF SINGLE-FAMILY RESIDENTIAL—DISTRICT “R-1,” SAID TRACT, KNOWN AS 1139 MORMON MILL ROAD BEING GENERALLY LOCATED ON THE NORTH SIDE OF MORMON MILL ROAD AND SOUTH OF THE RAILROAD; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: W. Meshier: Council Member Joyce Laudenschlager made a motion to approve and adopt Ordinance No. 2019-06 as presented. Council Member Danny Lester seconded, the motion carried unanimously.

Discuss and consider action: A RESOLUTION OF THE CITY OF BURNET, TEXAS, CANCELING THE MAY 4, 2019 GENERAL ELECTION FOR ONE MAYOR AND THREE CITY COUNCIL MEMBER POSITIONS; DECLARING CANDIDATES ELECTED AT LARGE; MAKING FINDINGS OF FACT; PROVIDING AN OPEN MEETINGS CLAUSE AND FOR OTHER MATTERS: K. Dix: Council Member Danny Lester made a motion to approve and adopt Resolution Number R2019-04 as presented. Council Member Joyce Laudenschlager seconded, the motion carried unanimously.

Discuss and consider action: RESOLUTION EXPRESSING INTENT TO FINANCE EXPENDITURES TO BE INCURRED BY THE CITY OF BURNET, TEXAS: D. Vaughn: Council Member Danny Lester made a motion to approve and adopt Resolution Number R2019-05 as presented. Council Member Cindia Talamantez seconded, the motion carried unanimously.

Discuss and consider action: A RESOLUTION BY THE CITY OF BURNET, TEXAS AUTHORIZING THE USE OF CAPITAL RESERVE FUNDS FOR THE MANHOLE/LIFT STATION REHABILITATION PROJECT: D. Vaughn: Council Member Danny Lester made a motion to approve and adopt Resolution Number R2019-06 as presented. Council Member Mary Jane Shanes seconded, the motion carried unanimously.

Discuss and consider action: Authorization and approval to hire additional Fire Department personnel: M. Ingram: Council Member Danny Lester made a motion to authorize the Fire Department to add three more positions to the Fire Department. Council Member Mary Jane Shanes seconded, the motion carried unanimously.

Discuss and consider action: Authorize the purchase of approximately 13.5 acres of land located at the corner of Houston-Clinton Drive and U.S. Hwy. 281 South for the Burnet Economic Development Corporation: D. Vaughn: Council Member Danny Lester made a motion to approve

the purchase of approximately 13.5 acres of land located at the corner of Houston-Clinton Drive and U.S. Hwy. 281 South for the Burnet Economic Development Corporation. Council Member Joyce Laudenschlager seconded, the motion carried unanimously.

Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2018-19; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2019 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 made a motion to approve the first reading of Ordinance No. 2019-07 as presented. Council Member Mary Jane Shanes seconded, the motion carried unanimously.

Discuss and consider action: Approval and authorization to proceed with acceptance of a contract between Burnet Police and Fire Departments and Tania Glenn and Associates, for trauma counseling: P. Nelson: Council Member Danny Lester made a motion to approve and authorize proceeding with acceptance of a contract between Burnet Police and Fire Departments and Tania Glenn and Associates, for trauma counseling. Council Member Joyce Laudenschlager seconded, the motion carried unanimously.

REPORTS:

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

January Financial Report: P. Langford: Patricia Langford Finance Director, briefed the Council on the January 2019 end of month financials. All departments are on target with the 2018/2019 Fiscal Year Budget projections. Ms. Langford reviewed the revenues, expenses, and fund balances for each fund.

Animal Control Report: P. Nelson: Police Chief Paul Nelson updated Council on the quarterly Animal Control report covering October 2018 to January 2019. All is going well and the department is researching implementing a Micro Chip program.

Airport Through The Fence Leasing & Process: Airport Manager Leslie Baugh informed Council that Edd McGuirre is pending approval of a Through the Fence operation at the Burnet Municipal Airport.

REQUESTS FROM COUNCIL FOR FUTURE REPORTS: Council Member Mary Jane Shanes requested an update on the Police Department Building and from the Street Committee

ADJOURN: There being no further business a motion to adjourn was made by Council Member Joyce Laudenschlager at 7:15 p.m., seconded by Council Member Mary Jane Shanes. The motion carried unanimously.

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary



Development Services

ITEM 3.1

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

Agenda Item Brief

Meeting Date: March 12, 2019

Agenda Item: Public Hearing: The City Council of the City of Burnet, Texas will hold a public hearing regarding a request to rezone approximately 15.789 acres out of the Sarah Ann Guest Survey, part of tract 29 (inside city), Abstract Number A1525 from its present designation of Single-Family Residential—District “R-1” to a designation of Heavy Commercial—District “C-3,” said tract being addressed as 2050 East Polk Street (State Hwy. 29) and being generally located east of the intersection of East Polk Street (State Hwy. 29) and the railroad: W. Meshier

Background: This item is for consideration of a request to rezone the tract of land located on the north side of East Polk Street, immediately east of the railroad tracks (see Exhibit A). The tract is currently undeveloped and zoned “R-1” (Single-Family Residential) (see Exhibit A). The property owner has submitted a request to have the tract rezoned to a designation of “C-3” (Heavy Commercial).

Information: District “R-1” (Single-Family Residential) is governed by Sec. 118-25 of the Code of Ordinances and allows “detached single family dwellings with a minimum of 1,100 square feet of living area, and related accessory structures, on a minimum lot size of 7,600 square foot.” Permitted uses include single family homes, parks, playgrounds, public buildings, police stations, and fire stations.

When acting on a zone change request, the usual factors considered include consistency with the Future Land Use Map (FLUM) and existing patterns of development. The zoning requested for this property is consistent with the FLUM recommendation for this area (See Exhibit B).

Chapter 1 of the City’s Comprehensive Development Plan includes the following statements:

The Comprehensive Plan is the “official statement of a municipal governing body which sets forth its major policies concerning desirable future physical development of the community.”

The [Comprehensive Development] Plan [...] provides general policy guidelines and principles for achieving physical development goals.

[The Comprehensive Plan] is an instrument to guide the physical development of the community in an orderly and constructive manner. [...] The plan is intended to provide local elected officials with a foundation upon which sound decisions can be made regarding the future physical development of the City of Burnet.

Chapter 5 of the Plan notes the following regarding future land use:

The primary purpose of land use planning is to set forth policies regarding existing and future uses of public and private property. The plan establishes the types of relationships among land uses that a city would like to encourage.

The plan should recognize the need for diversity of types of development.

Staff Analysis: The Future Land Use Map identifies the subject parcel as being intended for future commercial use. The Future Land Use Map assumptions in this area are generally correct, and should be supported.

Staff finds that the requested “C-3” (Heavy Commercial) zoning is consistent with the adopted Future Land Use. In addition, staff is of the determination that the subject parcel is better suited to commercial development than to residential use, given its location on State Hwy. 29.

An analysis of the property adjacent to the subject parcel is as follows:

	North	South	East	West
Zoning	N/A (ETJ)	“R-1”	“R-1”	“C-3” / “R-1”
FLUM	Industrial	Commercial	Commercial	Commercial
Land Use	Undeveloped	Low-Density Residential	Low-Density Residential	Commercial

Public Notification: A Notice of Public Hearing was published in the Burnet Bulletin on February 20, 2019 and written notices were mailed to nine (9) surrounding property owners regarding this request. As of the date of this report, no responses have been received in support or opposition.

Exhibit "A"
Location & Zoning Map

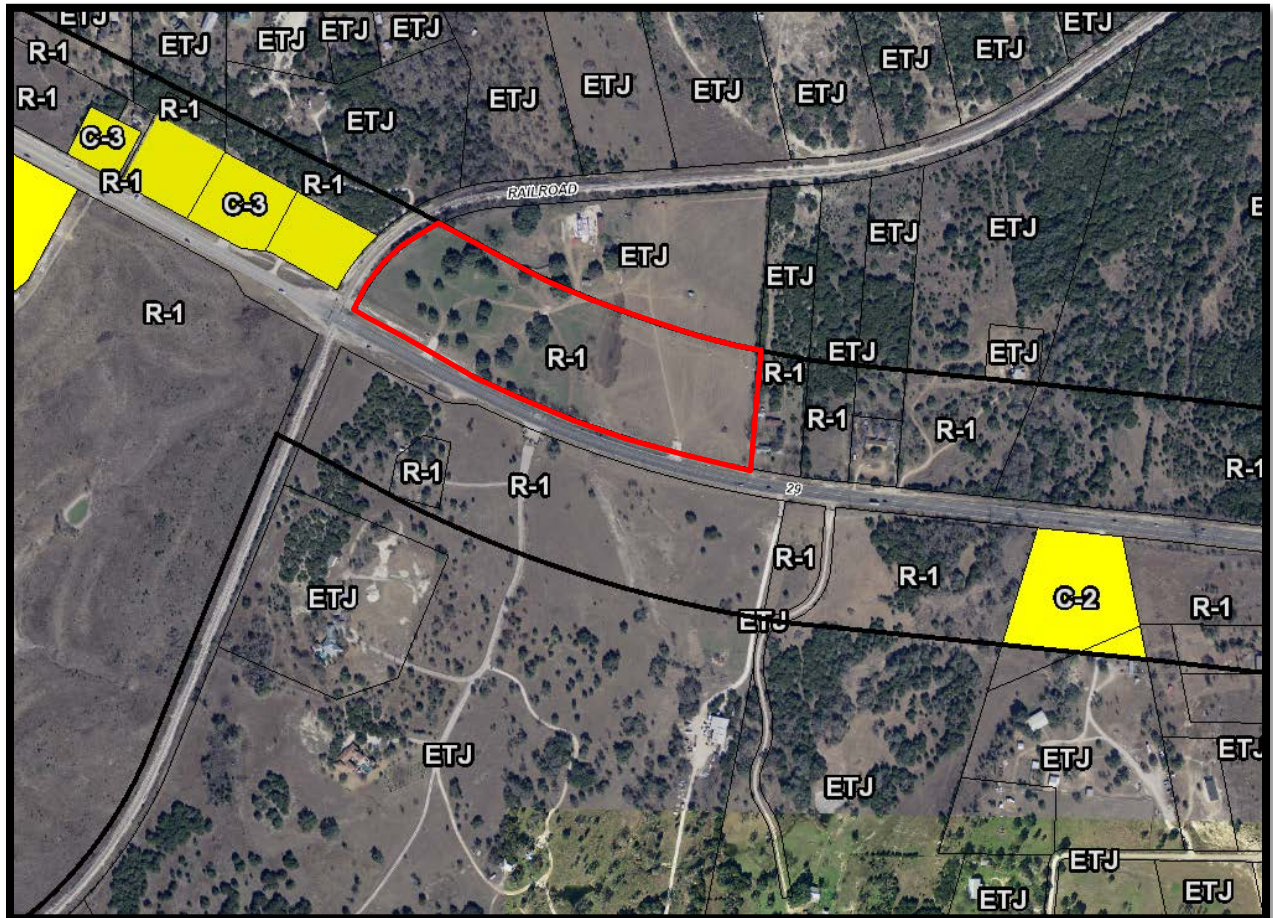
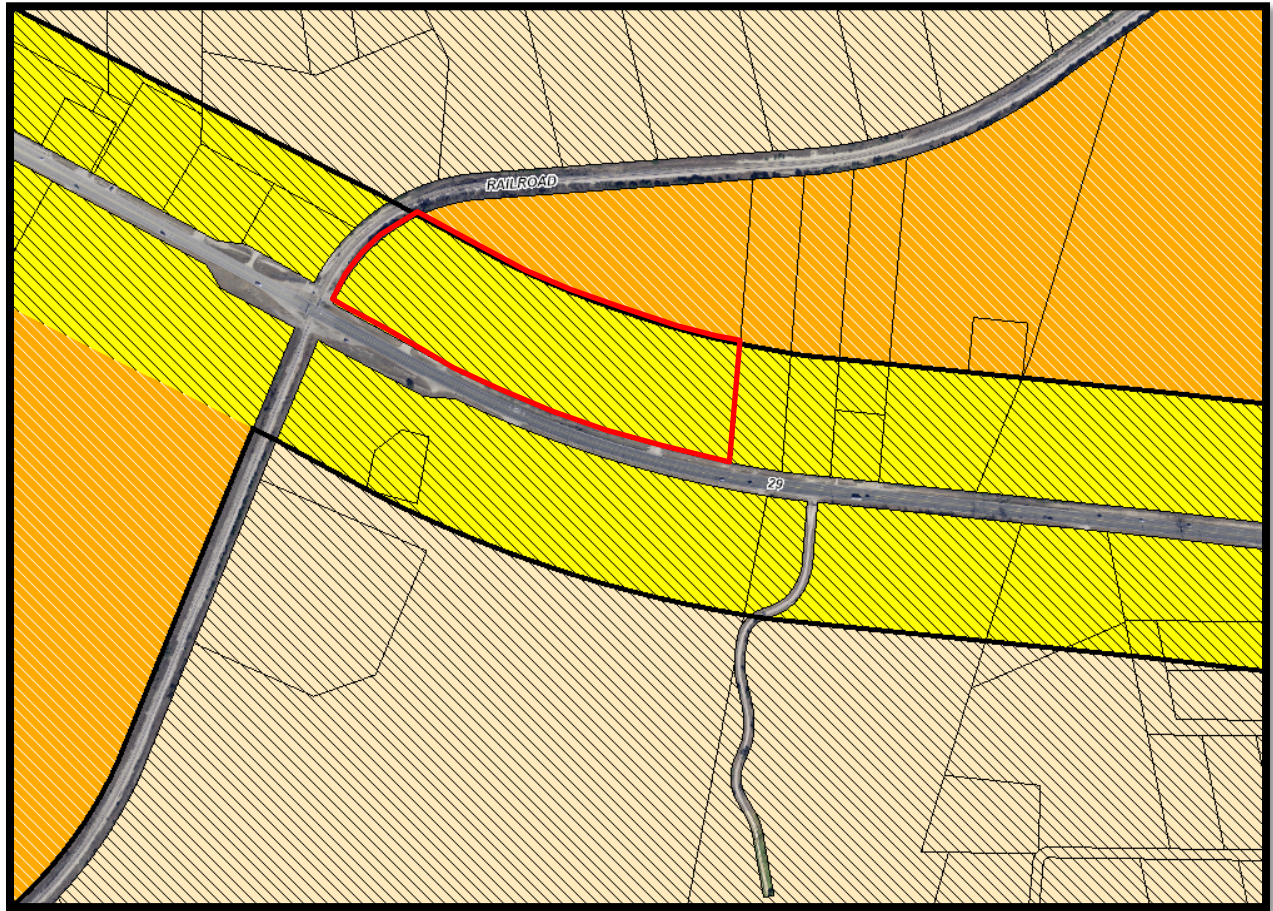


Exhibit "B"
Future Land Use Map (FLUM)



Commercial



Residential



Industrial



Development Services

ITEM 3.2

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

Agenda Item Brief

Meeting Date: March 12, 2019

Agenda Item: Public Hearing: The City Council of the City of Burnet, Texas will hold a public hearing regarding a request to rezone approximately 6.84 acres out of property legally described as S4232 East Side Commercial Park Lot 7C from its present designation of Heavy Commercial—District “C-3” to a designation of Planned Unit Development—District “PUD,” said property being addressed as a portion of 1500 East Polk Street (State Hwy. 29) and being generally located on the north side of East Polk Street (State Hwy. 29) immediately east of the intersection with Coke Street: W. Meshier

Background: This item is for consideration of a request to rezone 6.84 acres out of the tract of land located on the north side of East Polk Street, immediately east of the intersection with Coke Street (see Exhibit A). The tract is currently undeveloped and zoned “C-3” (Heavy Commercial) (see Exhibit B). The subject property is currently owned by the Burnet Economic Development Corporation. This is a staff initiated request to rezone the subject property from “C-3” (Heavy Commercial) to “PUD” (Planned Unit Development). The purpose of the proposed PUD is to accommodate a combination of commercial and light industrial uses on the property.

Information: Planned Unit Developments are governed by Sec. 118-51 of the Code of Ordinances, which states that “the purpose and intent of the Planned Unit Development district is to provide a flexible, alternative procedure to encourage imaginative and innovative designs for the unified development of property in the city consistent with this chapter and accepted urban planning, with overall mixed-use regulations as set forth below and in accordance with the city's comprehensive plan.”

Sec. 118.51(b) states that “the PUD district shall include and allow for compatible mixed uses such as compatible residential, commercial and/or industrial, within a single project within the boundaries of an approved plan area, in order to provide the

flexibility required for a well-designed and innovative development that will conserve, develop, protect and utilize to their best use the natural resources of the area in a manner that ensures the safe, orderly and healthy development and expansion of the city. In order to promote such development, the PUD may be comprised of a combination of all the other zoning districts provided for in this chapter. The outer boundary of each such PUD zoning district shall be shown on a map. Said map will include a descriptive legend, the specific boundaries of the area proposed for use authorized for in any other zoning district and percentage of the total area of such PUD which will comprise each such separate use, and all notations, references and other information shown thereon, shall be adopted by ordinance.”

Staff Analysis: The Future Land Use Map identifies the subject parcel as being intended for future commercial use (see Exhibit C). The Future Land Use Map assumptions in this area are generally correct, and should be supported.

An analysis of the property adjacent to the subject parcel is as follows:

	North	South	East	West
Zoning	N/A (ETJ)	“C-3”	N/A (ETJ)	“C-3”
FLUM	Residential	Commercial	Residential	Commercial
Land Use	Undeveloped	Undeveloped	Undeveloped	Commercial

The proposed PUD document (attached) was drafted by City staff for purposes of incorporating a mixture of heavy commercial and light industrial uses. The proposed PUD document allows all uses listed permitted under the “C-3” (Heavy Commercial) zoning designation, as well as a number of light industrial uses, including the following:

- Assembly and Light Manufacturing
- Food Processing and Distribution
- Large Item Sales and Rental
- Professional Services
- Retail Sales
- Self-Storage
- Trade Shops
- Warehousing and Distribution

The aforementioned use categories are defined within the PUD document to provide a clear understanding of the types of uses that are permitted.

The proposed PUD document also provides standards regarding parking, landscaping, screening, signage, lighting, and dumpster enclosures. The proposed landscape standards include a requirement for a landscape buffer along the northern boundary of the subject property, which is intended to provide a visual buffer between the proposed PUD development and adjacent residential property to the north.

Public Notification: A Notice of Public Hearing was published in the Burnet Bulletin on February 20, 2019 and written notices were mailed to five (5) surrounding property owners regarding this request. As of the date of this report, no responses have been received in support or opposition.

Exhibit "A"
Aerial Map



Exhibit "B"
Zoning Map

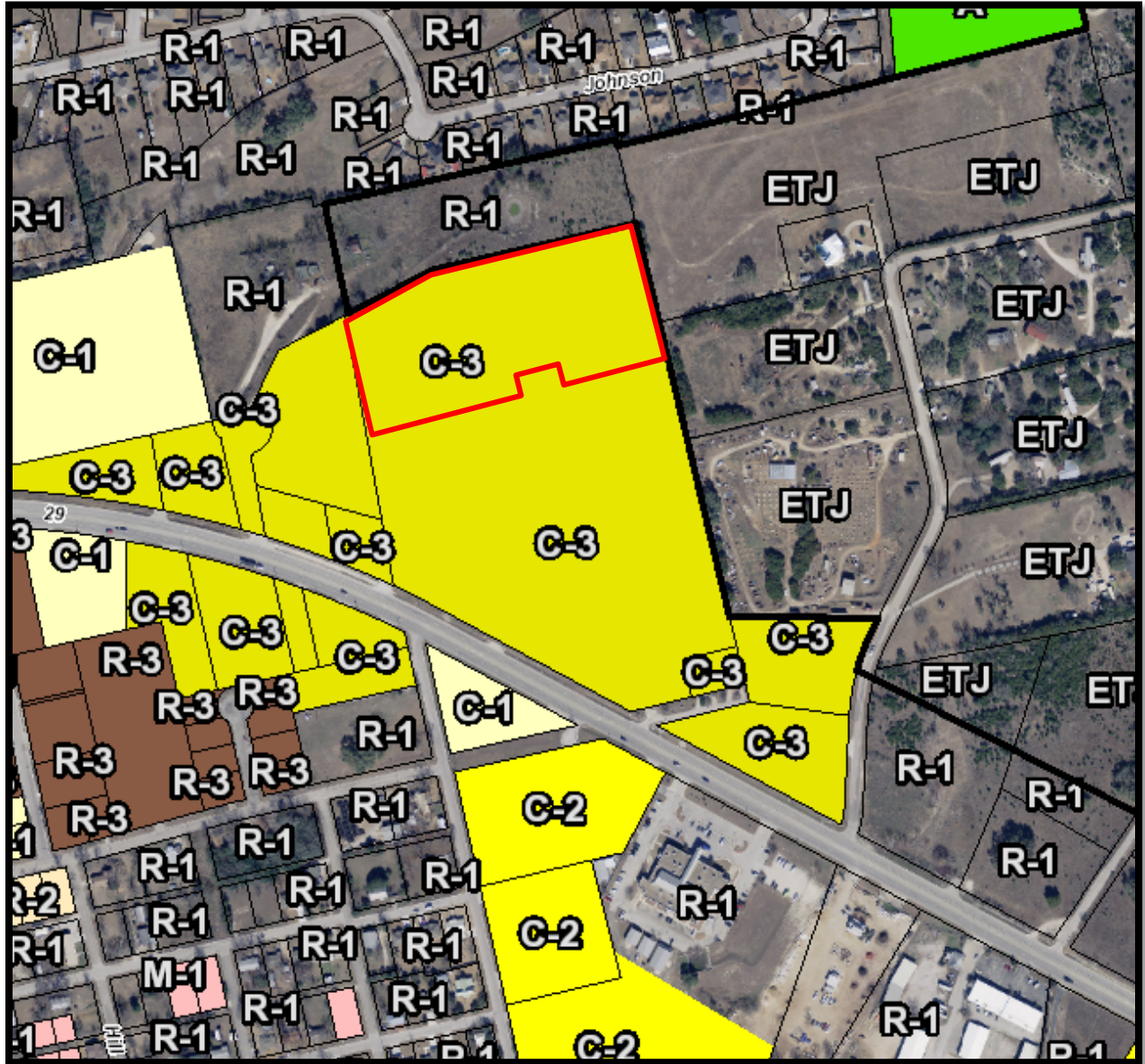
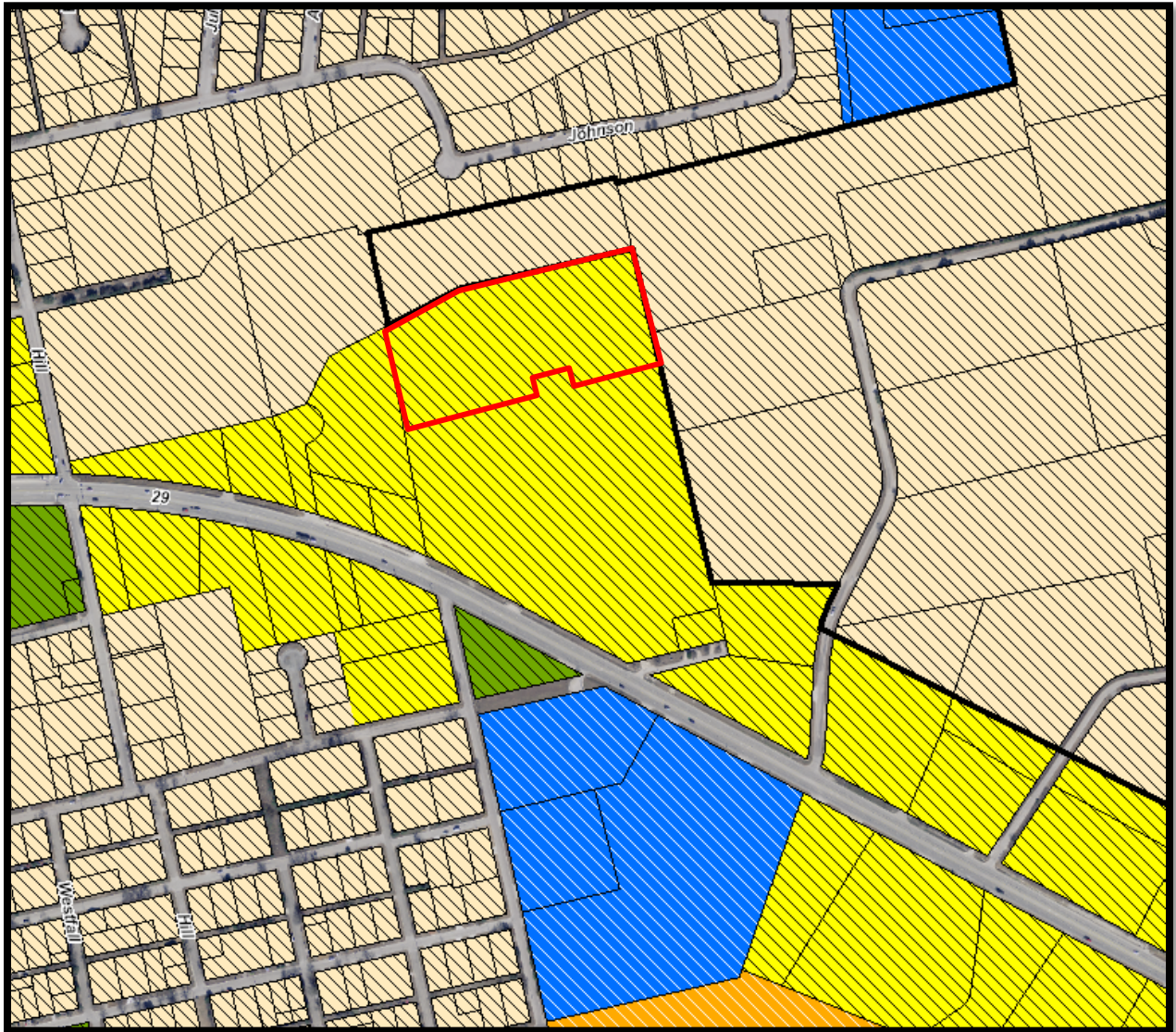


Exhibit "C"
Future Land Use Map (FLUM)



Commercial



Residential



Industrial



Open Space



Government



Administration

ITEM 4.1

Leslie Baugh
Administrative Services
(512)-715-3217
lbaugh@cityofburnet.com

Agenda Item Brief

Meeting Date:	March 12, 2019
Agenda Item:	Discuss and consider action: Burnet Municipal Airport static display restoration project: L. Baugh
Background:	<p>LCRA Steps Forward is an annual project day that the LCRA gives back to its customers and partner with them on projects that help their communities.</p> <p>On April 5, 2019 the LCRA and the City of Burnet are partnering together for the restoration of all four (4) airplane static displays located at the Burnet Municipal Airport.</p> <p>The LCRA has donated 40+ LCRA staff volunteers to complete the project equaling more than 320 labor hours volunteered.</p>
Information:	The City of Burnet is responsible for the cost of all materials and supplies to complete the project.
Fiscal Impact:	The fiscal impact is \$45,000. This is not a budgeted item and will require a budget amendment.
Recommendation:	Staff recommends approval of \$45,000 for the cost of materials and supplies to complete the Burnet Municipal Airport static display project.



Finance

Item 4.2

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

Agenda Item Brief

Meeting Date: February 26, 2019

Agenda Item: Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2018-19; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2019 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: Approve and adopt Ordinance 2019-07 as presented.

ORDINANCE NO. 2019-07

AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2018-19; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2019, 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 2018-2019 Budget was adopted by Ordinance 2018-19 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 2018-2019 Budget is hereby amended to reflect effect of unforeseen circumstances, as shown on Exhibit "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 26th day of February, 2019

FINALLY PASSED AND APPROVED on this 12th day of March, 2019.

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

ATTACHMENT A:

\$4,500 for the purchase of 4 bullet proof vests by the Police Department. The cost will be covered by the use of fund balance.

\$50,000 increase to purchase of police vehicles to replace police vehicle that was damaged beyond repair during the prior year. \$47,000 of the cost will be covered by insurance claim payments received and the remaining balance of \$3,000 will be covered by use of fund balance.

\$13,310 increase in airport insurance expense in order to insure the airport runway. The current year's portion of \$6,610 will be covered by current revenues while the prior year's portion of \$6,700 will be covered by the use of fund balance.

\$41,500 increase in airport runway repairs. The cost will be covered by insurance claim payments received from TML.

\$45,000 increase in airport capital projects to paint the display planes located at the airport. The cost will be covered by the use of fund balance.

\$400,000 increase in BEDC property acquisitions to purchase a 13 acre tract of property located on South 281. The cost will be covered by the use of fund balance.

\$20,000 increase in BEDC professional fees to conduct a hotel motel study, traffic count, and demographic study. The cost will be covered by the use of fund balance.

\$500,000 increase in BEDC Badger Building renovation expense for overages. The cost will be covered by the use of fund balance.

\$250,000 increase in BEDC 21 acre development related expenses for overages. The cost will be covered by the use of fund balance.

\$10,000 increase in general fund capital projects to plant trees. The cost will be covered by the \$10,000 fee charged to developer in lieu of tree replacement.

\$70,000 increase in water and wastewater capital projects for the CR100 water line extension. The cost will be covered by \$17,600 received from developer and the remainder of \$52,400 will be covered by the use of fund balance.

\$16,250 increase to Planning and Development salaries to add a Building Inspector/Official position and eliminate the use of contract inspector. The cost will be covered by the use fund balance.



Development Services

ITEM 4.3

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

Agenda Item Brief

Meeting Date: March 12, 2019

Agenda Item: Discuss and consider action: A replat of East Side Commercial, Lot No. 7-C, a 3-lot commercial subdivision being described as 19.41 acres generally located on the north side of East Polk Street (State Hwy. 29) immediately east of the intersection with Coke Street.

Background: The proposed replat of East Side Commercial, Lot No. 7-C is a commercial subdivision consisting of approximately 19.41 acres of located on the north side of East Polk Street (State Hwy. 29), immediately east of the intersection with Coke Street (see Exhibit A). The proposed subdivision will include three (3) commercial lots being 3.44, 6.84, and 8.29 acres.

The subdivision will gain access from East Polk Street (State Hwy. 29) via a 60-foot right-of-way called Richard Sanders Parkway. At the end of Richard Sanders Parkway is a T-head turnaround, which is designed to allow fire apparatuses the ability to turn around. As the property continues to develop, the intent is that the T-head will be extended as an east-west street during a future phase of development.

As the property is developed, each lot will be responsible for providing its own stormwater detention. In addition, stormwater runoff from Richard Sanders Parkway will be accommodated within the drainage easement shown on Lot 7-F, and runoff from the T-head turnaround will be accommodated on Lot 7-E.

Information: The proposed replat of East Side Commercial, Lot No. 7-C has been reviewed for conformance with Chapter 98 of the City of Burnet Code of Ordinances, and has been found to comply with all requirements relating to form and content with the exception of Sec. 98-42 as it pertains to the maximum length of a cul-de-sac.

Recommendation: The Planning and Zoning Commission recommended approval of the proposed final plat by a vote of 5-0.

EXHIBIT "A"
Location



STATE OF TEXAS:
COUNTY OF BURNET:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: THAT THE BURNET ECONOMIC DEVELOPMENT CORPORATION, BEING THE OWNER OF THAT CERTAIN LOT 7-C AS SHOWN ON THE PLAT OF A REPLAT OF LOT NO. 7A, EAST SIDE COMMERCIAL PARK, RECORDED IN DOCUMENT NO. 201810640 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, AND BEING OUT OF THE JOHN HAMILTON SURVEY NO. 1, ABSTRACT NO. 405, CITY OF BURNET, BURNET COUNTY, TEXAS, DOES HEREBY REPLAT SAME AND DOES HEREBY DEDICATE THE ATTACHED REPLAT TO BE KNOWN AS "A REPLAT OF LOT NO. 7-C, EAST SIDE COMMERCIAL PARK" AS THE OFFICIAL PLAT OF SAME AND DOES HEREBY DEDICATE THE STREETS AND EASEMENTS TO THE USE OF THE PUBLIC FOREVER.

THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE CITY OF BURNET, TEXAS.

WITNESS MY HAND THIS _____ DAY OF _____, 2019.

BURNET ECONOMIC DEVELOPMENT CORPORATION

CARY JOHNSON, PRESIDENT

STATE OF TEXAS:
COUNTY OF BURNET:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED CARY JOHNSON, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FORGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 2019.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

STATE OF TEXAS:
CITY OF BURNET:

THE ATTACHED PLAT OF "A REPLAT OF LOT NO. 7-C, EAST SIDE COMMERCIAL PARK" HAS BEEN SUBMITTED AND HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION ORDINANCES OF THE CITY OF BURNET, TEXAS. I, THE DIRECTOR OF PLANNING AND DEVELOPMENT FOR THE CITY OF BURNET, TEXAS, HAVE APPROVED THIS PLAT ON THIS _____ DAY OF _____ 2019. THIS SUBDIVISION PLAT SHALL BE FILED WITH THE CLERK AND RECORDER'S OFFICE FOR BURNET COUNTY, TEXAS.

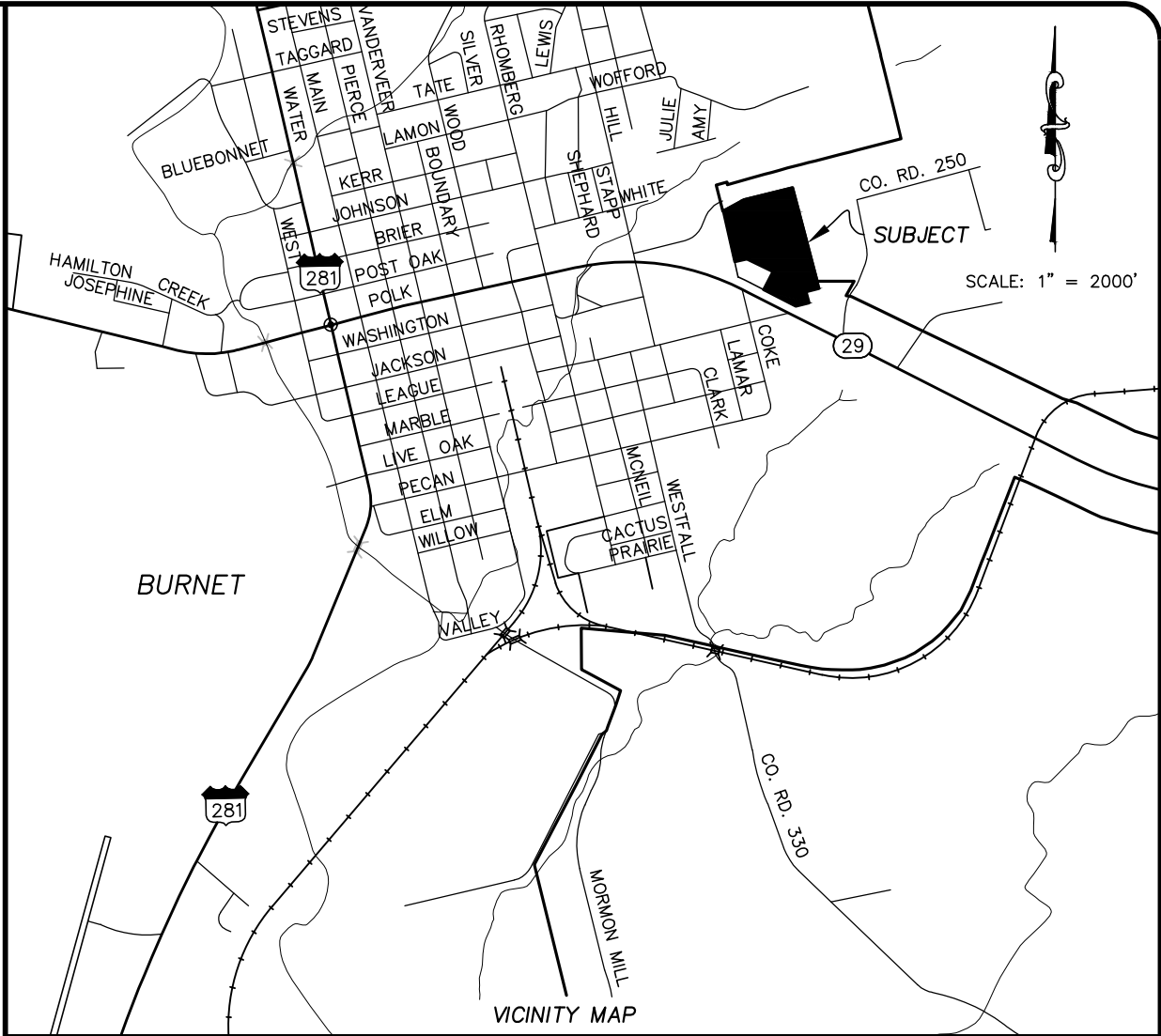
WALLIS MESHIER, DIRECTOR OF PLANNING AND
DEVELOPMENT SERVICES, CITY OF BURNET, TEXAS

STATE OF TEXAS:
COUNTY OF BURNET:

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT OF "A REPLAT OF LOT NO. 7-C, EAST SIDE COMMERCIAL PARK", WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION, AND THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAME AS I LOCATED ITS COMPONENT PARTS ON THE GROUND.

WITNESS MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2019.

DANNY J. STARK, TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5602



GENERAL NOTES:

- THIS PLAT HEREBY DELETES AND TAKES THE PLACE OF LOT NO. 7-C AS SHOWN ON THE PLAT OF A REPLAT OF LOT NO. 7A, EAST SIDE COMMERCIAL PARK RECORDED IN DOCUMENT NO. 201810640 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS.
- ALL PROPERTY HEREIN IS SUBJECT TO THE CITY OF BURNET'S, NON POINT-SOURCE POLLUTION CONTROL ORDINANCE. WRITTEN NOTIFICATION AND/OR PERMITS ARE REQUIRED. PRIOR TO COMMENCING ANY DEVELOPMENT ACTIVITIES, CONTACT THE CITY OF BURNET, ITS ASSIGNS, OR OTHER GOVERNMENTAL ENTITY WITH PROPER AUTHORITY.
- ALL PROPERTY HEREIN IS SUBJECT TO THE CURRENT ADOPTED CITY OF BURNET SUBDIVISION REGULATIONS, LAND USE AND/OR ZONING ORDINANCE.
- THE BASIS OF BEARINGS FOR THE SURVEY SHOWN HEREON IS TEXAS COORDINATE SYSTEM, CENTRAL ZONE, NAD83.
- THE PROPERTY SHOWN HEREON IS LOCATED WITHIN ZONE X (AREAS OUTSIDE THE 100 YEAR FLOOD PLAIN) AS GRAPHICALLY IDENTIFIED ON FEMA F.I.R.M., MAP NO. 48053C0340F, EFFECTIVE 3/15/2012.
- BUILDING SETBACKS ARE SUBJECT TO CITY OF BURNET CURRENT ZONING AND LAND USE REGULATIONS. CONSULT WITH THE CITY OF BURNET PRIOR TO DEVELOPMENT OF ANY PORTION OF THIS SUBDIVISION.
- THE OWNER OF LOT 7-F SHALL BE RESPONSIBLE TO COMPLY WITH RECORDED COVENANTS, CONDITIONS, AND RESTRICTIONS REGARDING MAINTENANCE AND OPERATION OF THE DRAINAGE EASEMENT SHOWN ON LOT 7-F. SAID COVENANTS, CONDITIONS, AND RESTRICTIONS SHALL BE RECORDED WITH BURNET COUNTY BY THE EDC PRIOR TO SALE OF LOT 7-F.
- THERE IS 645 LINEAR FEET OF NEW ROADS.

PROJECT NO. 181153
PREPARED FOR: THE CITY OF BURNET, TEXAS
TECH: B. BURTON
APPROVED: D. STARK
DATE: 1/11/19
COPYRIGHT: 2019
PROFESSIONAL FIRM NO: 10126900

1500 OLLIE LANE
MARBLE FALLS, TX. 78654
PH.325-388-3300 / 830-693-8815
WWW.CUPLINASSOCIATES.COM



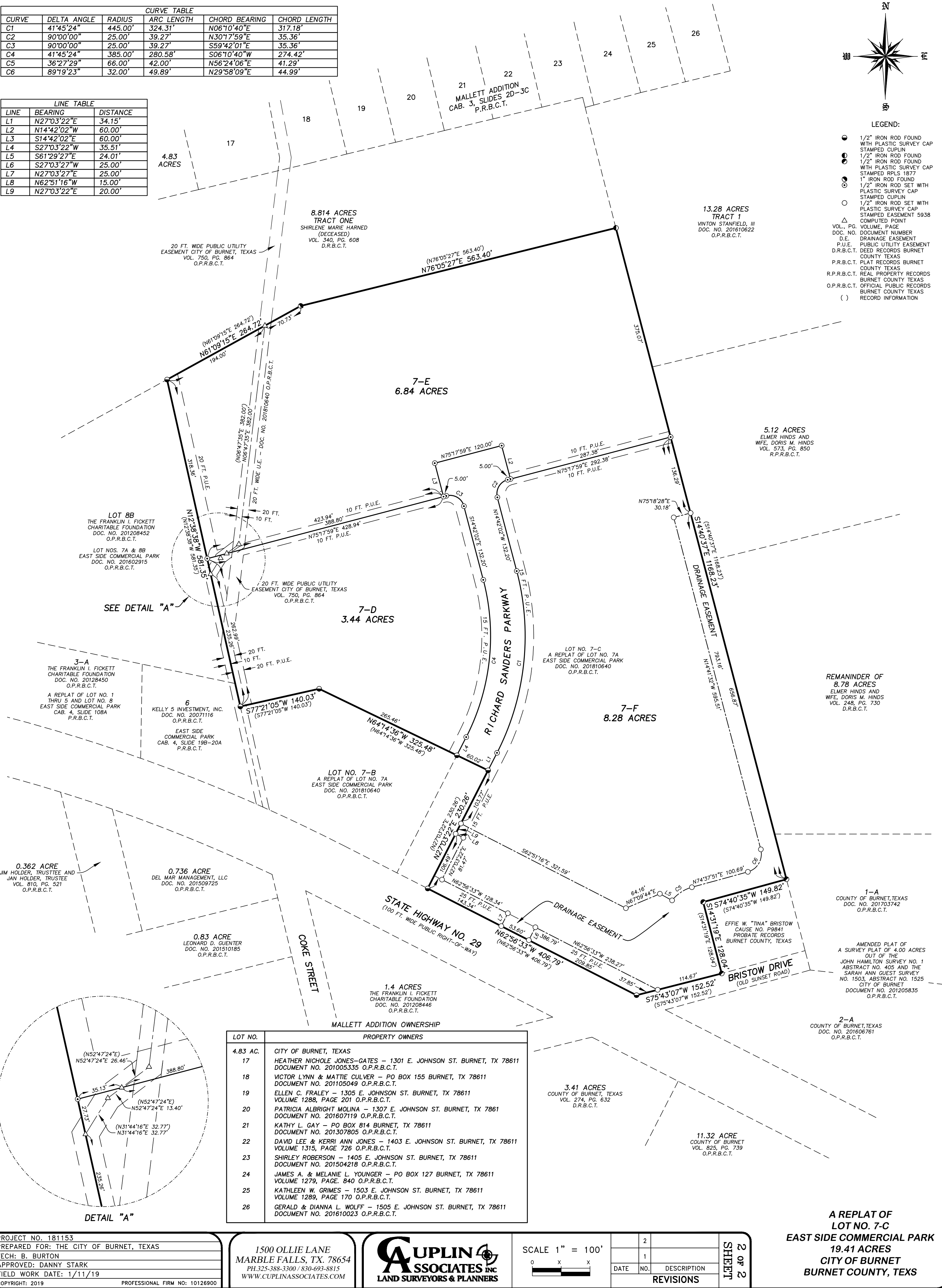
	2	
	1	
DATE	NO.	DESCRIPTION
REVISIONS		

1 OF 2
SHEET

A REPLAT OF
LOT NO. 7-C
EAST SIDE COMMERCIAL PARK
19.41 ACRES
CITY OF BURNET
BURNET COUNTY, TEXS

CURVE TABLE					
CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	41°45'24"	445.00'	324.31'	N06°10'40"E	317.18'
C2	90°00'00"	25.00'	39.27'	N30°17'59"E	35.36'
C3	90°00'00"	25.00'	39.27'	S59°42'01"E	35.36'
C4	41°45'24"	385.00'	280.58'	S06°10'40"W	274.42'
C5	36°27'29"	66.00'	42.00'	N56°24'06"E	41.29'
C6	89°19'23"	32.00'	49.89'	N29°58'09"E	44.99'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N27°03'22"E	34.15'
L2	N14°42'02"W	60.00'
L3	S14°42'02"E	60.00'
L4	S27°03'22"W	35.51'
L5	S61°29'27"E	24.01'
L6	S27°03'27"W	25.00'
L7	N27°03'27"E	25.00'
L8	N62°51'16"W	15.00'
L9	N27°03'22"E	20.00'





Development Services

ITEM 4.3

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

Agenda Item Brief

Meeting Date: March 12, 2019

Agenda Item: Discuss and consider action: FIRST READING OF AN ORDINANCE AMENDING ORDINANCE NO. 2012-06 TO REZONE APPROXIMATELY 15.789 ACRES OUT OF THE SARAH ANN GUEST SURVEY, PART OF TRACT 29 (INSIDE CITY), ABSTRACT NUMBER A1525, FROM ITS PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL—DISTRICT “R-1” TO A DESIGNATION OF HEAVY COMMERCIAL—DISTRICT “C-3,” SAID TRACT BEING ADDRESSED AS 2050 EAST POLK STREET (STATE HWY. 29), AND BEING GENERALLY LOCATED EAST OF THE INTERSECTION OF EAST POLK STREET (STATE HWY. 29) AND THE RAILROAD:
W. Meshier

Background: This item is for consideration of a request to rezone the tract of land located on the north side of East Polk Street, immediately east of the railroad tracks (see Exhibit A). The tract is currently undeveloped and zoned “R-1” (Single-Family Residential) (see Exhibit A). The property owner has submitted a request to have the tract rezoned to a designation of “C-3” (Heavy Commercial).

Recommendation: The Planning and Zoning Commission recommended approval of the request to rezone the subject property from “R-1” (Residential Single-Family) to “C-3” (Heavy Commercial) by a vote of 5-0. Staff recommends approval of Ordinance 2019- as presented.

Exhibit "A"
Location & Zoning Map

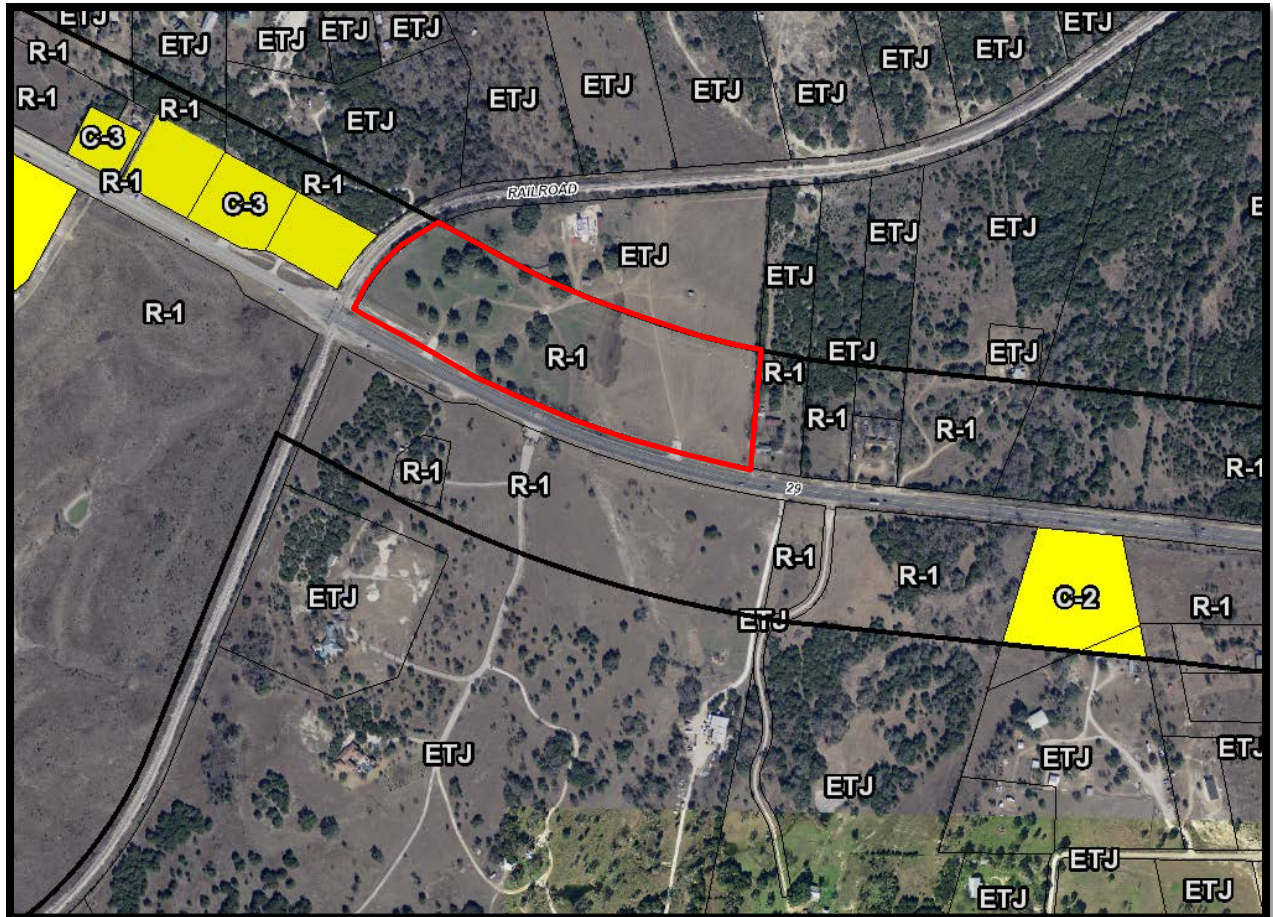
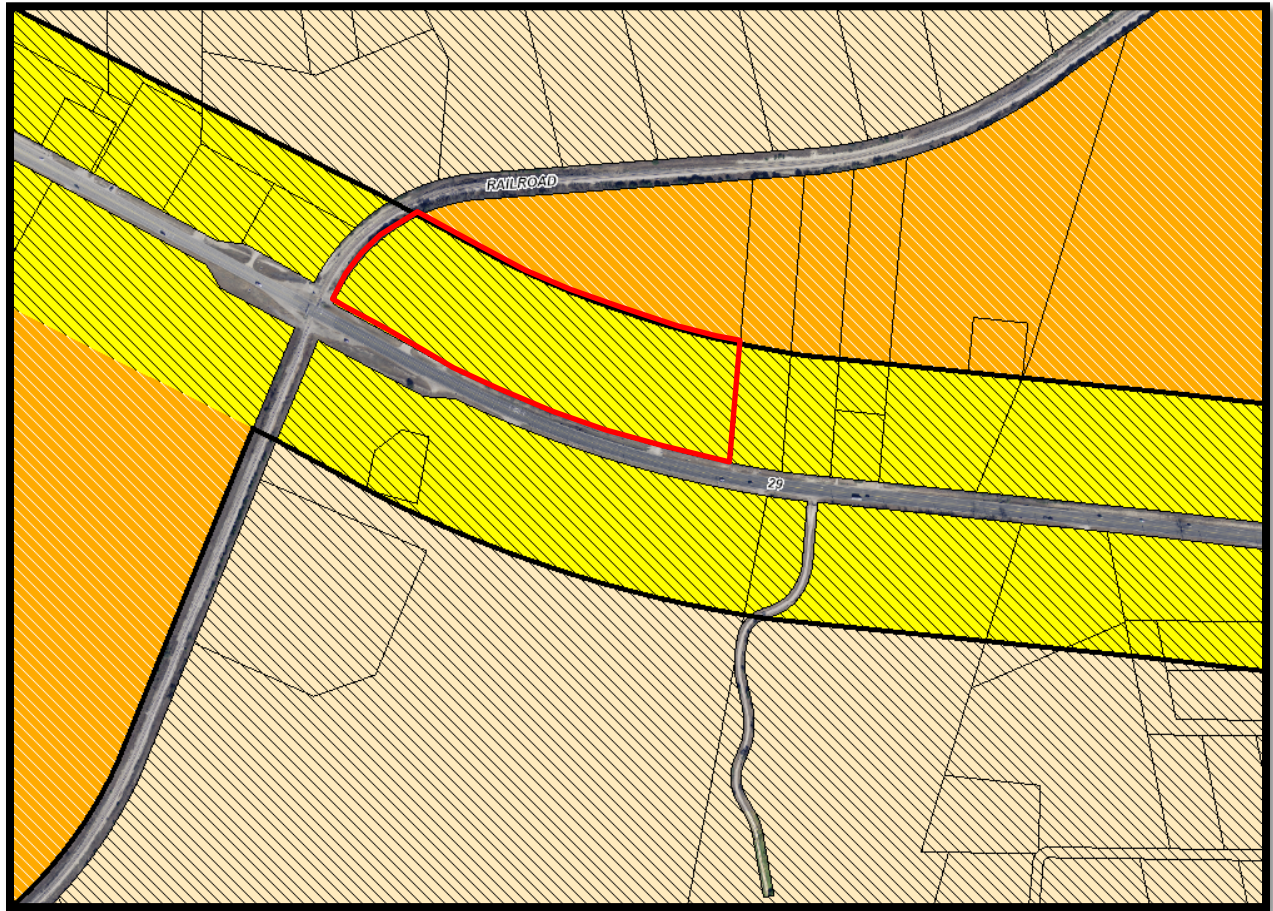


Exhibit "B"
Future Land Use Map (FLUM)



Commercial



Residential



Industrial

ORDINANCE NO. 2019-08

AN ORDINANCE AMENDING ORDINANCE NO. 2012-06 TO REZONE APPROXIMATELY 15.789 ACRES OUT OF THE SARAH ANN GUEST SURVEY, PART OF TRACT 29 (INSIDE CITY), ABSTRACT NUMBER A1525, FROM ITS PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL—DISTRICT “R-1” TO A DESIGNATION OF HEAVY COMMERCIAL—DISTRICT “C-3,” SAID TRACT BEING ADDRESSED AS 2050 EAST POLK STREET (STATE HWY. 29), AND BEING GENERALLY LOCATED EAST OF THE INTERSECTION OF EAST POLK STREET (STATE HWY. 29) AND THE RAILROAD; 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 March 4, 2019, did conduct a public hearing for the purpose of taking public comment regarding the proposal to assign Heavy Commercial—District “C-3” to approximately 15.789 acres out of the Sarah Ann Guest Survey, part of tract 29 (inside city), Abstract Number A1525, said tract being known as 2050 East Polk Street (State Hwy. 29), and being generally located east of the intersection of East Polk Street (State Hwy. 29) and the railroad; and

WHEREAS, The City Council of the City of Burnet, on March 12, 2019 did conduct its own public hearing for the purpose of taking public comment the proposal to assign Heavy Commercial—District “C-3” to approximately 15.789 acres out of the Sarah Ann Guest Survey, part of tract 29 (inside city), Abstract Number A1525, said tract being known as 2050 East Polk Street (State Hwy. 29), and being generally located east of the intersection of East Polk Street (State Hwy. 29) and the railroad; and

WHEREAS, The City Council, based on due consideration of the Planning and Zoning Commission recommendation, and its own findings, did determine that assigning Heavy Commercial—District “C-3” to approximately 15.789 acres out of the Sarah Ann Guest Survey, part of tract 29 (inside city), Abstract Number A1525, said tract being known as 2050 East Polk Street (State Hwy. 29), and being generally located east of the intersection of East Polk Street (State Hwy. 29) and the railroad to be 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. Approximately 15.789 acres out of the Sarah Ann Guest Survey, part of tract 29 (inside city), Abstract Number A1525, said tract being said tract being known as 2050 East Polk Street (State Hwy. 29), and being generally located east of the intersection of East Polk Street (State Hwy. 29) and the railroad is hereby assigned a zoning designation of Heavy Commercial—District “C-3”.

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 12th day of March, 2019.

FINALLY PASSED AND APPROVED on this 26th day of March, 2019.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 4.5

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

Agenda Item Brief

Meeting Date: March 12, 2019

Agenda Item: Discuss and consider action: FIRST READING OF AN ORDINANCE AMENDING ORDINANCE NO. 2012-06 TO REZONE APPROXIMATELY 6.84 ACRES FROM ITS PRESENT DESIGNATION OF HEAVY COMMERCIAL—DISTRICT “C-3” TO A DESIGNATION OF PLANNED UNIT DEVELOPMENT—DISTRICT “PUD,” SAID PROPERTY BEING LEGALLY DESCRIBED AS LOT 7-E OF THE REPLAT OF LOT NO. 7-C EAST SIDE COMMERCIAL PARK, AND GENERALLY LOCATED ON THE NORTH SIDE OF EAST POLK STREET (STATE HWY. 29), IMMEDIATELY EAST OF THE INTERSECTION WITH COKE STREET; ADOPTING A PLANNED UNIT DEVELOPMENT PLAN KNOWN AS EAST SIDE COMMERCIAL PUD NO. 1.

Background: This item is for consideration of a request to 6.84 acres out of the tract of land located on the north side of East Polk Street, immediately east of the intersection with Coke Street (see Exhibit A). The tract is currently undeveloped and zoned “C-3” (Heavy Commercial) (see Exhibit B). The subject property is currently owned by the Burnet Economic Development Corporation. This is a staff initiated request to rezone the subject property from “C-3” (Heavy Commercial) to “PUD” (Planned Unit Development). The purpose of the proposed PUD is to accommodate a combination of commercial and light industrial uses on the property.

Recommendation: The Planning and Zoning Commission recommended approval of the request to rezone the subject property from “C-3” (Heavy Commercial) to “PUD” (Planned Unit Development) by a vote of 5-0. Staff recommends approval of Ordinance 2019- as presented.

Exhibit "A"
Aerial Map



Exhibit "B"
Zoning Map

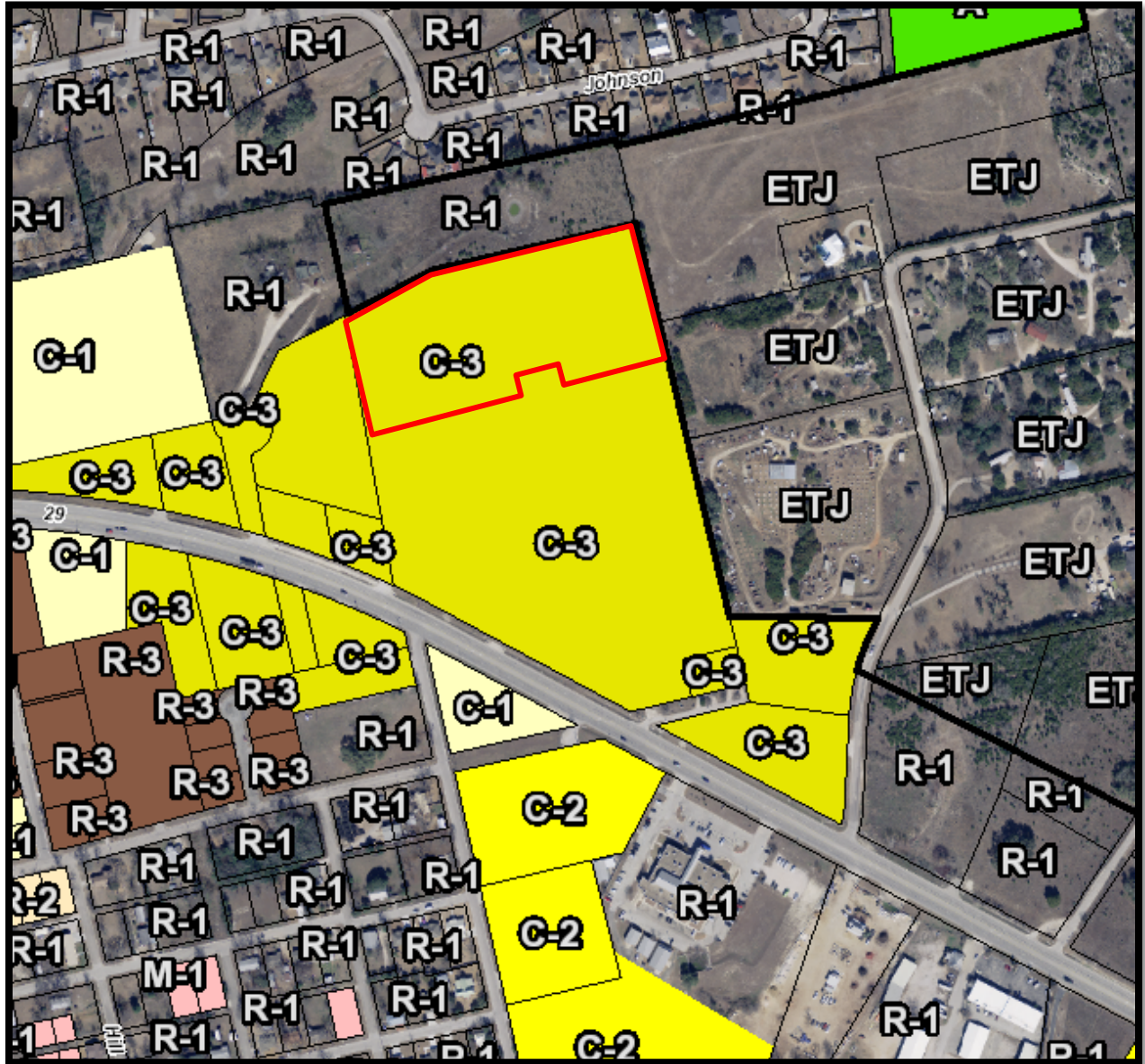
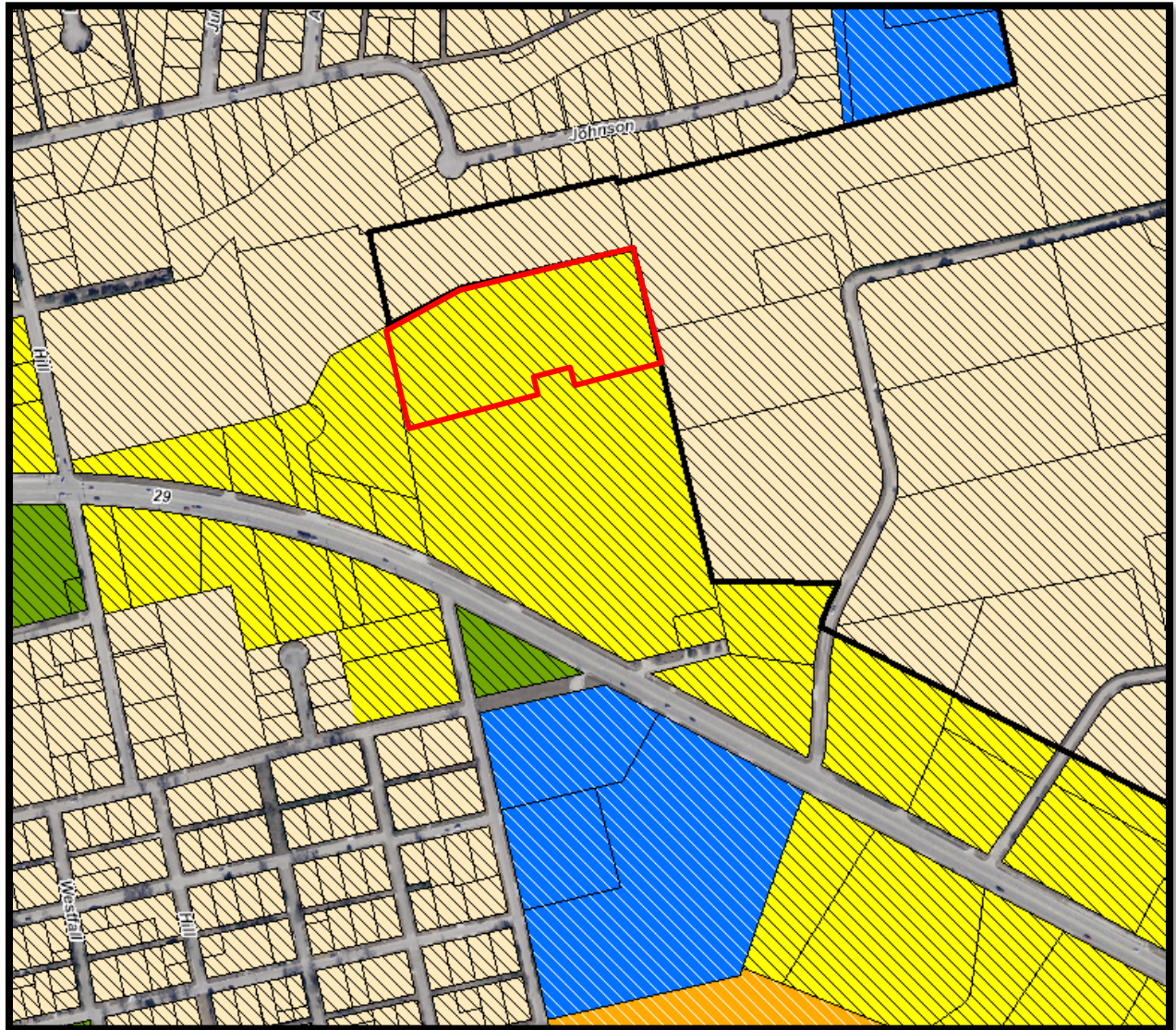


Exhibit "C"
Future Land Use Map (FLUM)



Commercial



Residential



Industrial



Open Space



Government

ORDINANCE NO. 2019-09

AN ORDINANCE AMENDING ORDINANCE NO. 2012-06 TO REZONE APPROXIMATELY 6.84 ACRES FROM ITS PRESENT DESIGNATION OF HEAVY COMMERCIAL—DISTRICT “C-3” TO A DESIGNATION OF PLANNED UNIT DEVELOPMENT—DISTRICT “PUD,” SAID PROPERTY BEING LEGALLY DESCRIBED AS LOT 7-E OF THE REPLAT OF LOT NO. 7-C EAST SIDE COMMERCIAL PARK, AND GENERALLY LOCATED ON THE NORTH SIDE OF EAST POLK STREET (STATE HWY. 29), IMMEDIATELY EAST OF THE INTERSECTION WITH COKE STREET; ADOPTING A PLANNED UNIT DEVELOPMENT PLAN KNOWN AS EAST SIDE COMMERCIAL PUD NO. 1; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, The Planning and Zoning Commission of the City of Burnet, on March 4, 2019, did conduct a public hearing for the purpose of taking public comment regarding the proposal to assign a designation of Planned Unit Development—District “PUD” to approximately 6.84 acres of property being legally described as Lot 7-E of the replat of Lot No. 7-C East Side Commercial Park (“the Property”), said tract being generally located on the north side of East Polk Street (State Hwy. 29), immediately east of the intersection with Coke Street, and being further described in “Exhibit A” being attached hereto and incorporated herein; and

WHEREAS, The City Council of the City of Burnet, on March 12, 2019 did conduct its own public hearing for the purpose of taking public comment regarding the proposal to assign a designation of Planned Unit Development—District “PUD” to the Property; and

WHEREAS, The City Council, based on due consideration of the Planning and Zoning Commission recommendation, finds that the Planned Unit Development—District “PUD” designation for the Property is consistent with development patterns in the surrounding area and consistent with the best public interest of the City;

WHEREAS, The City Council, based on due consideration of the Planning and Zoning Commission recommendation, finds that the Planned Unit Development (PUD) document attached hereto as “Exhibit B” and incorporated herein, to comply with the City’s standards for Planned Unit Developments as prescribed in Sec. 118-51 of the City of Burnet Code of Ordinances;

WHEREAS, each and every requirement set forth in Chapter 211 of the Texas Local Government Code concerning public notices, hearings, and other procedural matters has been fully complied with,

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 and Planned Unit Development Plan Adopted. The Property is hereby zoned as East Side Commercial Park PUD Number One as attached hereto as Exhibit "B".

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

Section 5. 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 6. Effective Date. This ordinance is effective upon final passage and approval.

Section 7. 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 Chapter 551 of the Texas Local Government Code.

PASSED AND APPROVED on First Reading this 12th day of March, 2019.

FINALLY PASSED AND APPROVED on this 26th day of March, 2019.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

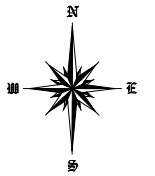
ATTEST:

Kelly Dix, City Secretary

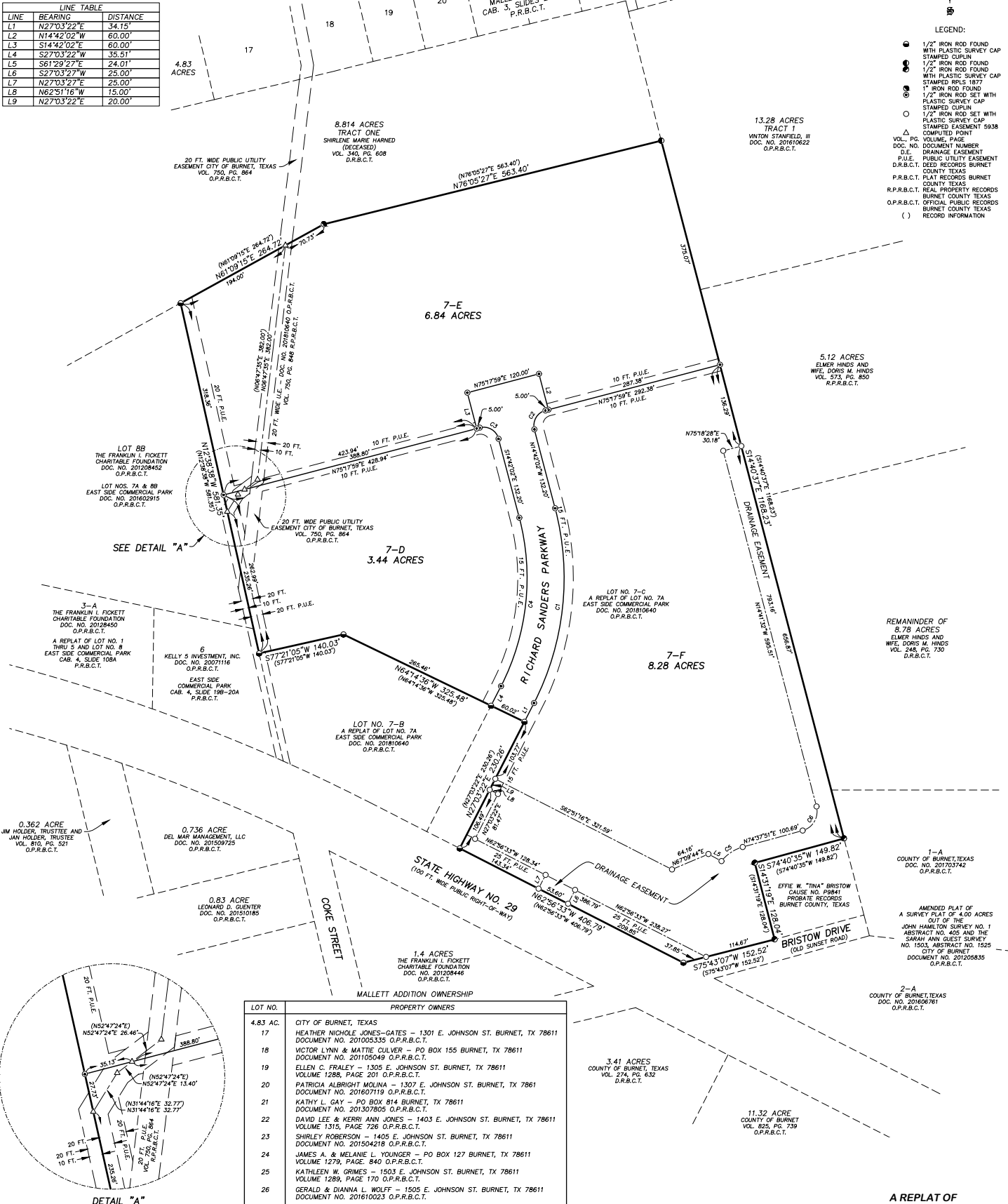
CURVE TABLE					
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L6	S27°03'27"W	25.00'
L7	N27°03'27"E	25.00'
L8	N62°51'16"W	15.00'
L9	N27°03'22"E	20.00'

Exhibit "A"



- LEGEND:
- 1/2" IRON ROD FOUND WITH PLASTIC SURVEY CAP
 - 1/2" IRON ROD FOUND WITH PLASTIC SURVEY CAP
 - 1/2" IRON ROD FOUND WITH PLASTIC SURVEY CAP
 - 1/2" IRON ROD SET WITH PLASTIC SURVEY CAP
 - 1/2" IRON ROD SET WITH PLASTIC SURVEY CAP
 - COMPUTED POINT
 - VOL., PG. VOLUME, PAGE
 - DOC. NO. DOCUMENT NUMBER
 - D.E. DRAINAGE EASEMENT
 - P.U.E. PUBLIC UTILITY EASEMENT
 - D.R.B.C.T. DEED RECORDS BURNET COUNTY TEXAS
 - P.R.B.C.T. PLAT RECORDS BURNET COUNTY TEXAS
 - R.P.R.B.C.T. REAL PROPERTY RECORDS BURNET COUNTY TEXAS
 - O.P.R.B.C.T. OFFICIAL PUBLIC RECORDS BURNET COUNTY TEXAS
 - () RECORD INFORMATION



LOT NO.	PROPERTY OWNERS
4.83 AC.	CITY OF BURNET, TEXAS
17	HEATHER NICOLE JONES-GATES - 1301 E. JOHNSON ST. BURNET, TX 78611 DOCUMENT NO. 201005335 O.P.R.B.C.T.
18	VICTOR LYNN & MATTIE CULVER - PO BOX 155 BURNET, TX 78611 DOCUMENT NO. 201105049 O.P.R.B.C.T.
19	ELLEN C. FRALEY - 1305 E. JOHNSON ST. BURNET, TX 78611 VOLUME 1285, PAGE 201 O.P.R.B.C.T.
20	PATRICIA ALBRIGHT MOLINA - 1307 E. JOHNSON ST. BURNET, TX 7861 DOCUMENT NO. 201607119 O.P.R.B.C.T.
21	KATHY L. GAY - PO BOX 814 BURNET, TX 78611 DOCUMENT NO. 201307905 O.P.R.B.C.T.
22	DAVID LEE & KERRI ANN JONES - 1403 E. JOHNSON ST. BURNET, TX 78611 VOLUME 1315, PAGE 726 O.P.R.B.C.T.
23	SHIRLEY ROBERSON - 1405 E. JOHNSON ST. BURNET, TX 78611 DOCUMENT NO. 201504218 O.P.R.B.C.T.
24	JAMES A. & MELANIE L. YOUNGER - PO BOX 127 BURNET, TX 78611 VOLUME 1279, PAGE 840 O.P.R.B.C.T.
25	KATHLEEN W. GRIMES - 1503 E. JOHNSON ST. BURNET, TX 78611 VOLUME 1289, PAGE 170 O.P.R.B.C.T.
26	GERALD & DIANNA L. WOLFF - 1505 E. JOHNSON ST. BURNET, TX 78611 DOCUMENT NO. 201610023 O.P.R.B.C.T.

PROJECT NO. 181153
PREPARED FOR: THE CITY OF BURNET, TEXAS
TECH: B. BURTON
APPROVED: DANNY STARK
FIELD WORK DATE: 1/11/19
COPYRIGHT: 2019

1500 OLLIE LANE
MARBLE FALLS, TX 78654
PH: 325-388-3300 / 325-693-8811
WWW.CUPLINASSOCIATES.COM



SCALE 1" = 100'

DATE	NO.	DESCRIPTION
	2	
	1	
		REVISIONS

A REPLAT OF
LOT NO. 7-C
EAST SIDE COMMERCIAL PARK
19.41 ACRES
CITY OF BURNET
BURNET COUNTY, TEXAS

Exhibit “B”

East Side Commercial
Planned Unit Development
Number One

March 26, 2019

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1. GENERAL PROVISIONS

1.1 Title

This document shall be known as the “East Side Commercial Planned Unit Development Number One,” and may be referenced herein as “the PUD.”

1.2 Subject Property

This PUD document shall be applicable to approximately 6.84 acres of land legally described as Lot 7-E of the replat of Lot No. 7-C East Side Commercial Park (“the Property”), and being referenced as “Exhibit A” of this ordinance. This PUD document shall be applicable to any future subdivisions of the Property.

1.3 Purpose and Intent

This PUD is intended to allow for flexibility with regard to land use, while also ensuring that adjacent properties are not negatively impacted by development of the Property. This PUD accommodates development with a mixture of uses, and provides for a degree of flexibility in the application of site design standards. This document is generally based upon the existing zoning regulations for the City of Burnet, as outlined in Chapter 118 of the City of Burnet Code of Ordinances.

This ordinance is enacted to promote the following:

1. Orderly land use, while providing for a mixture of commercial and light industrial land uses;
2. Good planning practice and site design;
3. Attractive, high-quality development; and
4. Buffering between the Property and nearby residentially zoned areas to the north.

1.4 Applicability of City of Burnet Code of Ordinances

The Property shall be developed and used in accordance with the development and use regulations of the "C-3"(Heavy Commercial) zoning district as set forth in Chapter 118 of the City of Burnet Code of Ordinances, except as supplemented or modified by this PUD document. All aspects of development which are not specifically covered in this PUD shall be governed by the applicable sections of the City of Burnet Code of Ordinances, as may be amended from time to time. In those cases where in conflict, the PUD standards shall control and supersede.

1.5 Modifications to PUD Document

- A. *Minor Modifications.* Technical, site planning, or engineering considerations that meet the intent of this PUD may call for minor deviations from the approved PUD. The City Manager or his or her designee may approve minor deviations if they do not substantially or adversely change the intent of the PUD. Such modifications shall be done in writing and shall be filed with the City Secretary's office.
- B. *Substantial Modifications.* All PUD modifications not permitted under Subsection A above shall be resubmitted following the same procedures required for approval of the original PUD ordinance. A request for an amendment to the PUD Ordinance shall not subject the entire application to public hearing, but only that portion necessary to rule on the specific issue requiring relief.

1.6 Definitions

For the purpose of this PUD, certain terms, phrases, words and their derivatives shall be construed as defined in the City of Burnet Code of Ordinances. Where terms are not defined, they shall have their ordinarily accepted meanings within the context in which they are used.

2. DEVELOPMENT PLAN

2.1 Permitted Uses

Permitted uses within the PUD shall include the uses outlined below, as well as all permitted uses within the "C-3"(Heavy Commercial) zoning district, and any other uses determined by the City Manager or his or her designee to be consistent with the types of uses outlined below.

Assembly and Light Manufacturing. Manufacturing, assembly, and packaging of products from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of such products and materials. This classification includes manufacturing and assembly of: textiles, apparel, clothing, draperies, and bedding; leather, wood, and paper products; candles and soap; household appliances and furniture; sporting and athletic equipment; medical or musical instruments; computers and computer components; brick and tile; office equipment and supplies; personal cosmetics; chemicals; plastic and rubber products; tobacco products; fabricated metal products; sheet metal fabrication; and the like.

Audio/Video Production Facilities. Establishments providing audio visual services including motion picture or video production facilities; soundstages and recording

studios; lighting, camera, and sound equipment sales, repairs, or rentals; and the like.

Auto Repair and Vehicle Service. Establishments engaged in the repair of automobiles, trucks, motorcycles, recreational vehicles, or boats, including the sale, installation, and servicing of related equipment, parts, lubricants, and accessories. This classification includes quick-service oil changes, tune-ups, brake and muffler shops, engine repair, tire sales and installation, upholstery shops, body and fender work, vehicle painting, towing or repair, but excludes vehicle dismantling or salvaging and tire re-treading or recapping.

Building and Construction Materials Sales and Services. Retailing, wholesaling, or rental of building supplies or construction equipment. This classification includes lumber yards, contractors' yards, tool and equipment sales or rental establishments, building contractors' offices, and retail sales of paint and hardware.

Business Services. Establishments providing building maintenance, document delivery, mail receiving and boxes, graphic arts, drafting, blueprinting, typesetting, copying, desktop publishing, photographic services, and the like.

Catering Businesses. Preparation and delivery of food and beverages for offsite consumption without provision for onsite pickup or consumption.

Cleaning and Laundry Services. Establishments providing commercial cleaning services. This classification includes laundromats, dry cleaners, pressing, dye shops, carpet cleaning, and the like.

Commercial Laboratory. Medical or dental laboratory services or photographic, analytical, or testing services.

Food Processing and Distribution. Facilities engaged in commercial food and beverage processing, packaging, warehousing, wholesaling, or distribution. This classification includes general food processing, dehydrating, commercial bakeries, beverage bottling, frozen food lockers, and the like.

Large Item Sales and Rental. Facilities for the sale, rental, lease, or outdoor display of large items, vehicles, and equipment. This classification includes automobiles, heavy equipment or machinery, vans, light trucks, trailers, golf carts, motor cycles, dirt bikes, boats, kayaks, canoes, rowboats recreational vehicles, motor homes, all-terrain vehicles, dune buggies, four-wheelers, home spas, hot tubs, small portable buildings, gazebos, pottery, statues, fountains, and similar items displayed or stored indoors or outdoors.

Maintenance and Repair Services. Establishments providing repair services for personal or household goods, such as household appliances, computers, televisions,

audio or video equipment, office machines, furniture, home and garden equipment, footwear, leather goods, or building maintenance services.

Nurseries and Garden Supply Stores. Establishments engaged in the retail sale or wholesale of plants, or the sale or rental of garden and landscape materials and equipment. This classification includes greenhouses, grow houses, landscaping facilities, nurseries, florists, and the like.

Personal Instructional Services. Establishments providing personal instructional services. This classification includes photography, fine arts, dance or music studios, driving schools, diet centers, martial arts, yoga and fitness studios.

Personal Services. Establishments providing services of a personal nature. This classification includes barber shops, beauty shops, nail salons, tanning salons, massage parlors, shoe repair, furniture upholstery, dry cleaners, seamstresses, dressmakers, tailors, and the like.

Printing and Publishing. Establishments engaged in commercial printing and publishing operations. This classification includes printing presses, newspaper publishing, book binding, and the like.

Professional Services. Establishments providing services of a professional nature. This classification includes offices for lawyers, accountants, insurance sales, financial services, architecture, interior design, real estate services, consulting services, and the like. This classification also includes clinics and offices for physicians, dentists, ophthalmologists, orthodontists, chiropractors, acupuncture, and the like.

Recycling Collection. A facility for the deposit of recyclable materials. Recyclable materials are not processed in the facility, except for sorting and batching.

Research and Development. Establishments primarily engaged in industrial or scientific research, product development, and controlled production of high technology electronic, industrial or scientific products or commodities for sale. This classification includes biotechnology firms, research laboratories, testing facilities, and manufacturers of nontoxic computer components.

Retail Sales. Establishments engaged in sales of goods, including, but not limited to: furniture and home furnishings; electronics and appliances; clothing, shoes, and jewelry; luggage and leather goods; sporting goods and equipment; audio or video equipment; books, periodicals and music; tobacco sales; automobile parts, lubricants, and accessories; flowers and plants; building and construction supplies; propane sales; and miscellaneous goods, such as office supplies, stationary, gifts, novelties, etc. This classification includes the retail sale or rental of merchandise not specifically listed under another use classification.

Self-Storage. Establishments offering facilities for personal property storage, including mini-warehouses.

Trade Shops. Establishments providing tradesman services. This classification includes carpentry shops, machine shops, commercial painting establishments, sign shops, plumbers, electricians, air conditioning and hearing repair establishments, welding, tinsmith shops, small appliance repair, bicycle repair, and the like.

Warehousing and Distribution. Storage of manufactured products and commercial goods for distribution to wholesale or retail outlets.

2.2 Use Specific Standards

- A. *Outdoor Storage.* Outdoor storage areas that are accessory, incidental, and subordinate to the principal use may be located outside an enclosed building, provided that such storage is enclosed by an opaque screening fence or wall at least six (6) feet in height, and is not located between the building and the street property line.
- B. *Indoor Uses.* All permitted manufacturing activities, as well as any painting, sandblasting, welding, or other similar activities shall be conducted primarily within an enclosed building. Incidental outdoor uses shall be conducted within an area that is improved with concrete, asphalt pavement or other all-weather surface, and that is screened or fenced as specified above.
- C. *Nuisances.* No land use within the PUD, including temporary or incidental uses, shall produce or create external noise, dust, vibration, odor, smoke, fumes, excessive light, or other similar nuisances such that an undesirable or objectionable condition is created to affect adjacent property.

3. SITE DESIGN STANDARDS

3.1 General Standards

- A. *Conformance with Heavy Commercial Zoning District.* All development within the PUD shall conform to the site development standards for the “C-3” (Heavy Commercial) zoning district found in Sec. 118-20 of the City of Burnet Code of Ordinances, as amended. This includes, but is not limited to, standards pertaining to minimum lot area, lot width, lot depth, building setbacks, and lot coverage.
- B. *Common Stormwater Management Facilities.* Multiple lots under single or separate ownership that make use of common detention and water quality facilities may be developed in such a manner that results in an aggregate

impervious cover not exceeding eighty percent (80%) of the Property, provided that covenants, conditions, and restrictions governing the development rights and responsibilities for stormwater management are approved by the City Manager, or his or her designee, and recorded in the Office of Burnet County Deed Records. No site development plan shall be approved for any lot subject to such agreement and no building permit shall be issued on such a lot until said covenants, conditions, and restrictions have been recorded.

3.2 Parking

A. Parking spaces within the PUD shall be provided as follows:

1. One space for each 250 square feet of gross floor area for office uses, personal service shops, retail establishments, and similar uses catering to the general public.
2. One space per 1,000 square feet of gross floor area warehouses, manufacturing facilities, and other similar heavy commercial or light industrial establishments not catering to the general public.
3. Parking requirements for buildings containing multiple uses shall be calculated based on the gross floor area of each use.

B. Minimum parking requirements may be achieved through shared parking agreements, as approved by the City Manager or his or her designee.

3.3 Landscaping

- A. A minimum of ten percent (10%) of the area within the PUD shall be devoted to landscape development. For every six hundred (600) square feet of landscape area required, three (3) trees, or two (2) trees and four (4) shrubs, shall be planted. Trees must have a minimum two (2) inch caliper trunk at time of planting.
- B. In addition to the landscaping requirements above, a ten (10) foot wide landscape buffer shall be provided along the entire northern boundary of the Property. Such buffer shall, at minimum, consist of one (1) tree for each twenty-five (25) linear feet of property line to be buffered.
- C. To reduce the thermal impact of unshaded parking lots, additional trees shall be planted, if necessary, so that no parking space is more than fifty (50) feet away from the trunk of a tree.

- D. An automatic sprinkler system shall be incorporated into all required landscape areas, with the exception of xeriscape areas installed in accordance with a City approved landscape plan.

3.4 Signage

- A. Each building within the PUD shall be entitled to one (1) monument sign not to exceed four (4) feet in height and five (5) feet in width. All such monument signs shall be located within thirty (30) feet of the building entrance, and shall comply with all building setback requirements.
- B. One multi-tenant directional monument sign of not more than six (6) feet in height and fifty (50) square feet in area may be permitted at the front of the Property adjacent to Richard Sanders Parkway. Signage on any such multi-tenant directional monument sign shall be limited to those businesses located within the boundaries of this PUD. In the event the Property is subdivided into smaller lots, such directional monument sign may include businesses that are located on a separate lot within the PUD. A business, making use of a monument sign shall not be precluded from also sharing in the use of such common multi-tenant directional monument sign.

3.5 Site Design

- A. *Dumpster Enclosures.* All dumpsters within the PUD shall be fully enclosed by a six (6) foot tall masonry or metal screening wall.
- B. *Outdoor Lighting.* All outdoor site lighting, including parking lot, security, and accent lighting, shall be fully shielded to direct the light downward in order to minimize light pollution and glare.



Administration

ITEM 4.6

David Vaughn
City Manager
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Agenda Item Brief

Meeting Date: March 12, 2019

Agenda Item: Discuss and consider action: A RESOLUTION BY THE CITY OF BURNET, TEXAS AUTHORIZING THE TRANSFER OF FUNDS FROM THE HOTEL MOTEL FUND TO THE BURNET ECONOMIC DEVELOPMENT CORPORATION FOR THE BADGER BUILDING PROJECT: D. Vaughn

Background:

Information: Due to the increased cost associated with the restoration of the Badger Building, staff is requesting authorization to transfer an additional \$100,000 from the Hotel/Motel Fund to the EDC.

Fiscal Impact:

Recommendation: Staff recommends approval of Resolution R2019-07 as presented

RESOLUTION NO. R2019-07

**A RESOLUTION BY THE CITY OF BURNET, TEXAS
AUTHORIZING THE TRANSFER OF FUNDS FROM THE
HOTEL MOTEL FUND TO THE BURNET ECONOMIC
DEVELOPMENT CORPORATION FOR THE BADGER
BUILDING PROJECT**

Whereas, the City of Burnet (the "City") provided for expenditures in the Adopted 2018-19 Budget for the historical preservation of the Badger Building Project ("Project"); and

Whereas, the cost of the project has risen higher than anticipated and the City desires to use additional Hotel Motel Funds to assist the BEDC with the Project.

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby resolved by the City Council of the City of Burnet, Texas (the "City Council") and made a part hereof for all purposes as findings of fact.

Section 2. Proceedings. The City Council does hereby authorize the transfer of Seventy Five Thousand Dollars (\$75,000) from the Hotel Motel Fund to the Burnet Economic Development Corporation to assist with historical preservation of the Project.

Section 3. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED this the 12th day of March, 2019.

CITY OF BURNET, TEXAS

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary