



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

Notice is hereby given that a **Regular City Council Meeting** will be held by the governing body of the City of Burnet on the **24th day of January, 2023** at **6:00 p.m.**, in the City of Burnet Council Chambers located at 2402 S. Water Street (Hwy. 281 South, Burnet Municipal Airport) Burnet, TX.

The City of Burnet City Council Meeting will be available for live viewing via the following media connections.

City of Burnet Facebook Page: <https://www.facebook.com/cityofburnet>

City of Burnet Website via Zoom as follows:

<https://us02web.zoom.us/j/81278669602>

Or One tap mobile :

US: 8778535257,,81278669602# (Toll Free) or 8884754499,,81278669602# (Toll Free)

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: 877 853 5257 (Toll Free) or 888 475 4499 (Toll Free)

Webinar ID: 812 7866 9602

International numbers available: <https://us02web.zoom.us/j/81278669602>

The Zoom connection is a live broadcast viewing option only. The option for comments will not be available.

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

The following subjects will be discussed, to wit:

CALL TO ORDER:

ROLL CALL:

INVOCATION:

PLEDGES (US & TEXAS):

1. SPECIAL REPORTS/RECOGNITION:

1.1) Burnet Municipal Court Quarterly Report: Judge Tamara Tinney

1.2) First Quarter Financial Report: P. Langford

1.3) Chamber of Commerce Report: Allison McKee

1.4) Proclamation declaring April 2023 Fair Housing Month: Mayor Bromley

2. CONSENT AGENDA:

2.1) Approval of the January 10, 2023 Regular City Council Meeting minutes

3. PUBLIC HEARINGS/ACTION: None.

4. ACTION ITEMS:

4.1) Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE ESTABLISHING CURFEWS FOR MINORS; PROVIDING DEFINITIONS; PROVIDING DEFENSES AND EXCEPTIONS; PROVIDING PENALTIES; AND PROVIDING OPEN MEETINGS, SEVERABILITY AND RELATED CLAUSES: J. Davis

4.2) Discuss and consider action: Appointment of a Commissioner to the Housing Authority of the City of Burnet: K. Dix

4.3) Discuss and consider action: A RESOLUTION OF THE CITY OF BURNET, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON MAY 6, 2023, TO ELECT ONE 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 QUE SE CELEBREN ELECCIONES GENERALES EL 6 DE MAYO 2023, PARA ELEGIR UN ALCALDE Y TRES MIEMBROS DEL CONCEJO MUNICIPAL; ESTABLECER EL PROCEDIMIENTO DE ELECCIÓN; Y QUE SE OCUPAN DE CUESTIONES CONEXAS: K. Dix

4.4) Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ORDERING AN ELECTION ON SATURDAY, MAY 6, 2023, FOR THE ADDITIONAL PUPOSE OF SUBMITTING FOR APPROVAL OR REJECTION; A PROPOSAL TO AUTHORIZE THE SALE OF CITY PARKLAND PROPERTY, MAKING PROVISION FOR THE CONDUCT OF THE ELECTION, RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; AND PROVIDING FOR AN EFFECTIVE DATE: K. Dix

PRIMERA LECTURA DE UNA ORDENANZA DEL CONCEJO MUNICIPAL DE LA CIUDAD DE BURNET, TEXAS, ORDENANDO UNA ELECCIÓN EL SÁBADO 6 DE MAYO DE 2023, PARA EL PROPÓSITO ADICIONAL DE PRESENTAR PARA APROBACIÓN O RECHAZO; UNA PROPUESTA PARA AUTORIZAR LA VENTA DE LA PROPIEDAD DE LOS PARQUES DE LA CIUDAD, TOMANDO DISPOSICIONES PARA LA REALIZACIÓN DE LA ELECCIÓN, RESOLVIENDO OTROS ASUNTOS INCIDENTES Y RELACIONADOS CON DICHA ELECCIÓN; Y ESTABLECER UNA FECHA DE ENTRADA EN VIGOR: K. Dix

4.5) Discuss and consider action: Direction to Staff on issuance of bids and funding source for the Delaware Springs Boulevard Reconstruction: E. Belaj

4.6) Discuss and consider action. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET DESIGNATING AUTHORIZED SIGNATORIES FOR THE 2021 TEXAS

COMMUNITY DEVELOPMENT BLOCK GRANT CARES ACT COMMUNITY RESILIENCY PROGRAM: A. Feild

4.7) Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET ADOPTING REQUIRED COMMUNITY DEVELOPMENT BLOCK GRANT CIVIL RIGHTS POLICIES: A. Feild

4.8) Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF BURNET, TEXAS, AWARDING STATEMENT OF QUALIFICATIONS (RFQ2022-001) FOR PROFESSIONAL SERVICE (ENGINEERING/ARCHITECTURAL/SURVEYING) TO COMPLETE PROJECT IMPLEMENTATION FOR THE CITY OF BURNET'S 2023-2024 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM: A. Feild

4.9) Discuss and consider action. A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF BURNET, TEXAS, AWARDING STATEMENT OF PROPOSALS (RFP2022-007) FOR ADMINISTRATION/PROJECT DELIVERY SERVICE PROVIDER TO COMPLETE APPLICATION AND PROJECT IMPLEMENTATION FOR THE 2023-2024 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM: A. Feild

4.10) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AUTHORIZING THE SALE OF THE BEALLS PROPERTY TO THE BURNET ECONOMIC DEVELOPMENT CORPORATION AND DECLARING THE BURNET ECONOMIC DEVELOPMENT CORPORATION'S RESALE OF THE PROPERTY TO A SALES AND USE TAX GENERATING ENTITY A PUBLIC PURPOSE: H. Erkan Jr.

5. CONVENE TO EXECUTIVE SESSION:

5.1) Executive Session: Pursuant to Section 551.072 Texas Government Code City Council shall convene in executive session to: (i) deliberate the purchase, exchange, lease, or value of real property in order to minimize the detrimental effect of such discussion in open session on the position of City Council in negotiations with third parties: 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.

6. RECONVENE TO REGULAR SESSION FOR POSSIBLE ACTION:

6.1) Discuss and consider action: Regarding deliberations of the purchase, exchange, lease, or value of real property: D. Vaughn

7. REQUESTS FROM COUNCIL FOR FUTURE REPORTS: In accordance with Resolution 2020-28 Council Members may request the City Manager to prepare and present future reports on matter of public interest.

8. ADJOURN:

Dated this 20th day of January, 2023

City of Burnet

Mayor Crista Goble Bromley

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 20, 2023 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 of Burnet Council Chambers 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).

BURNET MUNICIPAL COURT

QUARTERLY REPORT – 01/2023

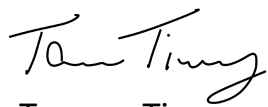
This report covers the 3rd & 4th quarters of 2022.

In the third quarter of 2022 we took in 383 new cases, disposed of 395 cases and ended September with 312 active cases. There were 2 appeals this quarter.

In the fourth quarter of 2022 we took in 324 new cases, disposed of 313 cases and ended December with 325 active cases. There were 2 appeals this quarter.

We are caught up on trials at this time, with the last one set for 01/19/2023.

We have continued our Court Security meetings and will be meeting in the next few weeks to look over a final draft of our Court Security and Protocols.


Tamara Tinney

Burnet Municipal Judge



CITY OF BURNET

FINANCIAL REPORT

First Quarter Ended December 31, 2022

Bluebonnet Capital of Texas - Lakes, Hills, History



Table of Contents

Summary.....1-2

Financial Reports

General Fund.....3-6

Golf Course Fund.....7-8

Electric Fund.....9-10

Water and Wastewater Fund.....11-12

Airport Fund.....13-14

Other Funds15

Cash – Unrestricted and Restricted Balances Report.....16-17

Quarterly Investment Report.....18-19

Capital Project Funding Report.....20-21

	CITY OF BURNET FYTD DECEMBER FINANCIAL SUMMARY	FY 2023
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GENERAL FUND

The General Fund ended the first quarter with a profit of \$520,648. Total revenues and expenses are on track with the budget for the period.

The General Fund's primary revenues include:

- **Property tax collections** – ended the quarter at 40% of budget and increased by \$147,000 over the same period last year.
- **Sales tax collections** – ended the quarter at 24% of budget and decreased by (\$4,400) over the same period last year.
- **EMS transfer collections** – ended the quarter at 21% of budget and decreased by (\$121,000) over the same period last year.
 - Collections are tracking under budget because EMS transfer call volume is down 17% mainly because of hospital staff shortages.
- **Transfers in from other funds** – ended the quarter at 24% of budget and increased by almost \$131,000 over the same period last year.

Total expenditures ended the quarter on track at 25% of budget.

GOLF COURSE

The Golf Course ended the quarter with a profit of \$192,294 which is about a \$24,000 improvement over the same period last year.

Total revenues ended the quarter at 33% of budget. Compared to last year, green fee rounds, and green fee revenues have decreased mainly because of the increase in bad weather days. However, the course has seen an increase in both member charges and tournament revenues which exceeds the decrease in green fee revenues.

Operating Expenses ended the quarter on track at 24% of budget.

ELECTRIC FUND

The Electric fund ended the quarter with a profit of \$71,652.

Total revenues ended the quarter on track at 23% of budget. Compared to last year, electric consumption increased by 9% and net electric sales increased by over \$78,000 compared to the same period last year.

Total expenses ended the quarter on track at 23% of budget.

	CITY OF BURNET FYTD DECEMBER FINANCIAL SUMMARY	FY 2023
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WATER/WASTEWATER

The Water/Wastewater fund ended the quarter with a profit of \$6,318.

Total revenues ended the quarter at 24% of budget. Compared to last year, water sales have increased by \$48,000 due to increasing consumption.

Total expenses ended the quarter at 26% of budget which is tracking slightly ahead of our target for the period mainly because of the early purchase of chemicals. Compared to last year, expenses have increased mainly because of increased personnel costs.

AIRPORT (Restricted Fund)

The Airport Fund was operated under an “Interim” Fixed Base Operator (FBO) contract for the first quarter and ended the period with a profit of \$16,222.

Compared to last year, total revenues increased by \$23,000. Net fuel sales were down slightly but hangar lease revenues increased because of the rate increase that went into effect on October 1, 2022.

Total expenses increased by just over \$57,000 compared to last year mainly because of the interim FBO service contract which began in June ended in December.

The new FBO contract will go into effect on January 1, 2023.

CASH RESERVES

Total “Unrestricted” cash reserve balance for the city as of December 31, 2022, was \$7,397,188. That is **\$2,750,188** above our 90-day required reserve amount.

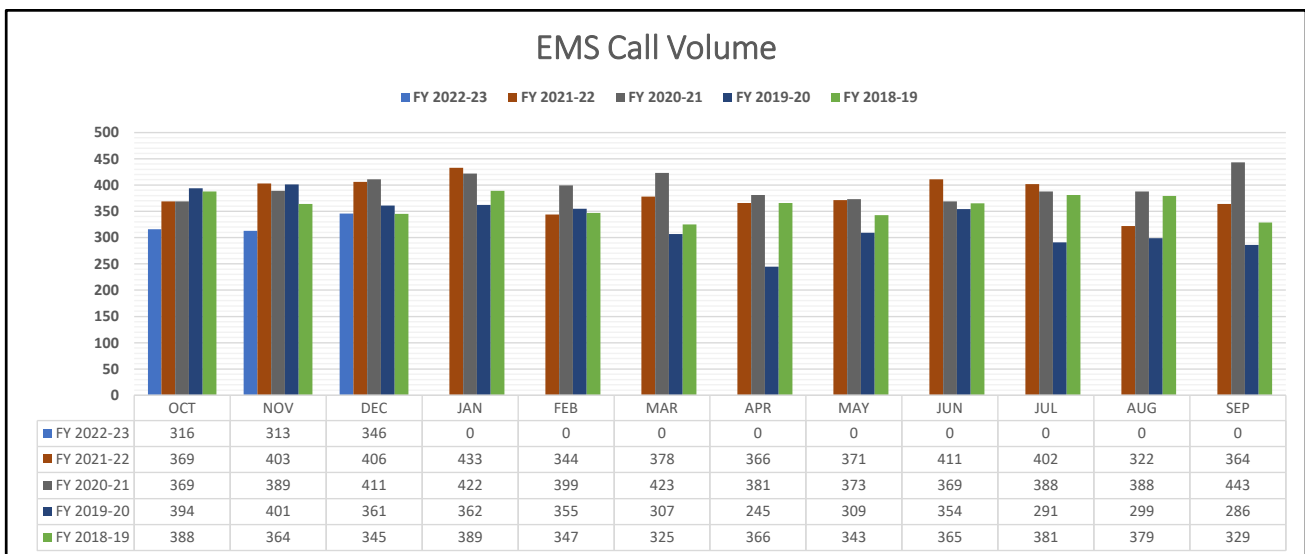
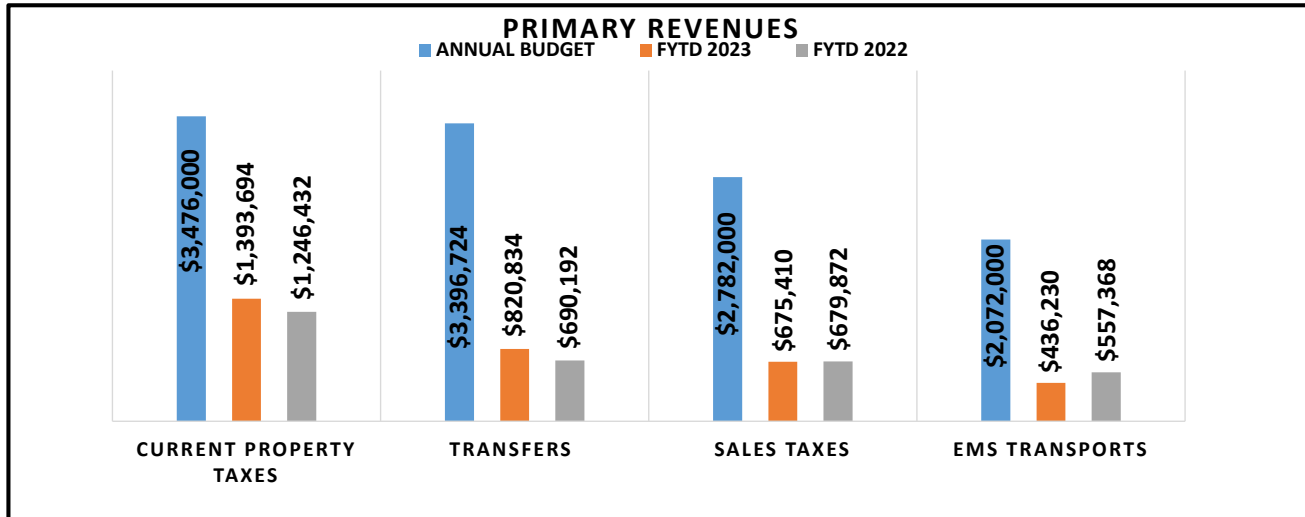
Total “Restricted by Council” cash reserve balance for the city as of December 31, 2022, was \$4,029,379.

GENERAL FUND DASHBOARD

FYTD DECEMBER 2022

CURRENT RESULTS COMPARISON

	ORIGINAL BUDGET	ACTUAL FYTD DEC 2022	% OF BUDGET	PY BUDGET 2021-2022	ACTUAL FYTD DEC 2021	% OF BUDGET
REV	\$ 14,766,308	\$ 4,126,045	28%	\$ 13,098,563	\$ 3,929,510	30%
EXPENSES	14,305,521	3,605,397	25%	12,641,112	3,286,993	26%
PROFIT (LOSS)	\$ 460,787	\$ 520,648		\$ 457,451	\$ 642,517	



	Transports	
FYTD 2023		975
FYTD 2022		1,178
Increase (Decrease)		(203)
		-17%

City of Burnet, Texas
General Fund
Revenues, Expenditures, and Changes in Fund Balance - Budget and Actual (Unaudited)
FYTD DECEMBER 2022

	25% of year complete						
	ORIGINAL BUDGET 2022-2023	ACTUAL FYTD DEC 2022	% OF BUDGET		PY BUDGET 2021-2022	PY ACTUAL FYTD DEC 2021	% OF BUDGET
REVENUE							
Ad valorem taxes	\$ 3,476,000	\$ 1,393,694	40%		\$ 2,980,000	\$ 1,246,432	42%
Sales taxes	2,782,000	675,410	24%		2,438,000	679,872	28%
Interfund Transfers	3,396,724	820,834	24%		3,023,893	690,192	23%
EMS Transfers	2,072,000	436,230	21%		1,900,000	557,368	29%
Franchise and other taxes	162,000	31,656	20%		155,000	27,455	18%
Court Fines and Fees	140,000	41,813	30%		130,000	33,445	26%
Grants & Donations	9,500	806	8%		10,200	8,762	86%
Licenses & Permits	153,300	54,331	35%		132,200	41,717	32%
Charges for Services	2,369,684	565,051	24%		2,199,595	566,009	26%
Other Revenue	205,100	106,220	52%		129,675	78,258	60%
Use of Fund Balance	-	-			2,028,500	282,220	14%
Total Revenue	\$ 14,766,308	\$ 4,126,045	28%		\$ 15,127,063	\$ 4,211,730	28%
<i>Total Revenue less fund balance</i>	<i>\$ 14,766,308</i>	<i>\$ 4,126,045</i>	<i>28%</i>		<i>\$ 13,098,563</i>	<i>\$ 3,929,510</i>	<i>30%</i>
EXPENDITURES							
Personnel Services	\$ 9,592,515	\$ 2,410,754	25%		\$ 8,251,268	\$ 2,087,241	25%
Supplies & Materials	591,175	139,344	24%		456,150	150,722	33%
Repairs & Maint	612,211	170,540	28%		507,200	125,323	25%
Contractual Services	2,102,170	526,422	25%		2,080,259	553,325	27%
Other Designated Expenses	686,568	169,718	25%		589,559	197,818	34%
Transfers to Self-funded	514,037	128,509	25%		486,909	121,727	25%
Capital Outlay	-	-			-	-	
Transfers to Golf Admin	206,845	60,110	29%		269,767	50,837	19%
Sub-total	<u>\$ 14,305,521</u>	<u>\$ 3,605,397</u>	<u>25%</u>		<u>\$ 12,641,112</u>	<u>\$ 3,286,993</u>	<u>26%</u>
CAPITAL/OTHER EXP (USES OF FUND BAL)							
Transfers - Capital/Other Uses of FB	-	-			\$ 2,028,500	\$ 282,220	14%
	<u>\$ -</u>	<u>\$ -</u>			<u>\$ 2,028,500</u>	<u>\$ 282,220</u>	<u>14%</u>
Total Expenditures	\$ 14,305,521	\$ 3,605,397	25%		\$ 14,669,612	\$ 3,569,213	24%
<i>Total Expenditures less Capital/Other</i>	<i>\$ 14,305,521</i>	<i>\$ 3,605,397</i>	<i>25%</i>		<i>\$ 12,641,112</i>	<i>\$ 3,286,993</i>	<i>26%</i>
NET CHANGE IN FUND BALANCE	\$ 460,787	\$ 520,648			\$ 457,451	\$ 642,517	

KEY VARIANCES - BUDGET vs ACTUAL (25% of Year Complete)

Revenues

- The majority of property taxes are collected in December and January of each year. Collections appear to be on track.
- EMS Transfer Revenues are tracking below the average run rate because ems call volume is down 17% compared to last year.
Per the Fire Chief, there is a nursing shortage which is impacting the hospital transfer requests.
- Franchise fee revenues are tracking below the average run rate because of the timing of collections. On track with target for the period.
- Grant revenues are tracking below the average run rate because of the timing of the grants. PD Grant not expected to be collected until April.
- Licenses & Permits are tracking higher than the average mainly because of an increase in Inspection Fees from Construction Projects.
Subdivision inspection fees collected were higher than anticipated.
- Other Revenues are tracking higher than expected mainly because of increased interest income and insurance claim receipts.

Expenditures

- See Expenditures by Department/Category for more detail.

City of Burnet, Texas
General Fund
Expenditures by Department/Category
FYTD DECEMBER 2022

			25% of year complete					
			ORIGINAL BUDGET 2022-2023	ACTUAL FYTD DEC 2022	% OF BUDGET	PY BUDGET 2021-2022	PY ACTUAL FYTD DEC 2021	% OF BUDGET
EXPENDITURES (Less transfers to capital/other):								
City Council								
Supplies & Materials	\$	2,000	\$	-	0%	\$	1,000	\$ - 0%
Repairs & Maint		1,000		126	13%		1,000	274 27%
Contractual Services		7,020		1,587	23%		6,720	2,281 34%
Other Designated Expenses		8,575		4,895	57%		5,575	4,194 75%
Total Expenditures		18,595		6,608	36%		14,295	6,749 47%
General Administration								
Personnel Services		1,277,069		313,662	25%		1,168,369	290,812 25%
Supplies & Materials		21,700		4,810	22%		27,000	4,991 18%
Repairs & Maint		91,000		28,126	31%		80,000	21,862 27%
Contractual Services		260,303		76,655	29%		236,995	68,632 29%
Other Designated Expenses		423,581		113,638	27%		398,234	114,332 29%
Transfers to Golf Admin & Subsidy		206,845		60,110	29%		269,767	50,837 19%
Total Expenditures		2,280,498		597,001	26%		2,180,365	551,466 25%
Municipal Court								
Personnel Services		73,658		19,072	26%		70,974	15,215 21%
Supplies & Materials		675		42	6%		750	442 59%
Repairs & Maint		8,500		-	0%		8,500	- 0%
Contractual Services		15,300		5,655	37%		14,800	4,237 29%
Other Designated Expenses		5,050		1,667	33%		4,350	840 19%
Total Expenditures		103,183		26,436	26%		99,374	20,734 21%
Police/Animal Shelter/K-9								
Personnel Services		2,610,113		656,137	25%		2,179,249	486,083 22%
Supplies & Materials		138,200		31,935	23%		111,500	29,259 26%
Repairs & Maint		113,950		21,380	19%		116,800	16,777 14%
Contractual Services		228,350		56,752	25%		203,000	63,638 31%
Other Designated Expenses		99,162		22,581	23%		66,000	32,502 49%
Transfers to Self-funded		181,341		45,335	25%		196,567	49,142 25%
Total Expenditures		3,371,116		834,120	25%		2,873,116	677,401 24%
Fire/EMS								
Personnel Services		3,584,056		909,072	25%		3,263,222	927,413 28%
Supplies & Materials		243,650		55,864	23%		194,500	75,081 39%
Repairs & Maint		174,500		59,429	34%		144,000	60,004 42%
Contractual Services		302,070		72,346	24%		309,150	79,586 26%
Other Designated Expenses		74,600		8,432	11%		49,000	13,875 28%
Transfers to Self-funded		267,868		66,967	25%		254,786	63,696 25%
Capital Outlay		-		-			-	-
Total Expenditures		4,646,744		1,172,109	25%		4,214,658	1,219,655 29%
Streets								
Personnel Services		753,705		207,633	28%		698,233	164,998 24%
Supplies & Materials		77,300		25,823	33%		41,500	17,209 41%
Repairs & Maint		89,400		20,888	23%		77,400	10,218 13%
Contractual Services		8,750		1,545	18%		8,500	2,402 28%
Other Designated Expenses		5,000		103	2%		2,350	792 34%
Transfers to Self-funded		26,611		6,653	25%		9,021	2,255 24%
Total Expenditures		960,766		262,645	27%		837,004	197,874 24%
City Shop								
Personnel Services		78,439		16,257	21%		76,326	21,420 28%
Supplies & Materials		15,000		6,307	42%		14,000	3,033 22%
Repairs & Maint		12,500		798	6%		13,000	1,005 8%
Contractual Services		6,380		1,487	23%		6,700	1,794 27%
Other Designated Expenses		5,050		1,494	30%		5,050	822 16%
Total Expenditures		117,369		26,343	22%		115,076	28,074 24%
Sanitation								
Contractual Services		974,947		240,945	25%		921,194	232,544 25%
Other Designated Expenses		25,000		5,563	22%		25,000	1,002 4%
Total Expenditures		999,947		246,508	25%		946,194	233,546 25%
PW Admin								
Personnel Services		164,985		41,643	25%		-	-
Supplies & Materials		1,800		391	22%		-	-
Repairs & Maint		200		-	0%		-	-
Contractual Services		-		345	-		-	-
Other Designated Expenses		850		1,962	231%		-	-
Transfers to Self-funded		-		-	-		-	-
Total Expenditures		167,835		44,341	26%		-	-

City of Burnet, Texas
General Fund
Expenditures by Department/Category
FYTD DECEMBER 2022

25% of year complete						
	ORIGINAL BUDGET	ACTUAL	% OF	PY BUDGET	PY ACTUAL	% OF
	2022-2023	FYTD DEC 2022	BUDGET	2021-2022	FYTD DEC 2021	BUDGET
EXPENDITURES (Less transfers to capital/other):						
Parks						
Personnel Services	589,046	134,798	23%	502,241	116,195	23%
Supplies & Materials	79,000	13,760	17%	62,500	20,022	32%
Repairs & Maint	101,650	28,441	28%	57,250	15,113	26%
Contractual Services	88,650	20,688	23%	133,700	21,037	16%
Other Designated Expenses	8,500	159	2%	6,000	981	16%
Transfers to Self-funded	28,069	7,017	25%	26,535	6,634	25%
Total Expenditures	894,915	204,863	23%	788,226	179,982	23%
Galloway Hammond						
Repairs & Maint	5,000	7,711	154%	5,000	-	0%
Contractual Services	100,000	25,000	25%	100,000	25,000	25%
Capital Outlay	-	-	0%	-	-	-
Total Expenditures	105,000	32,711	31%	105,000	25,000	24%
Development Services						
Personnel Services	187,774	46,451	25%	292,654	65,105	22%
Supplies & Materials	5,650	380	7%	3,400	685	20%
Repairs & Maint	8,261	1,481	18%	4,250	70	2%
Contractual Services	99,050	22,255	22%	139,500	52,174	37%
Other Designated Expenses	28,200	5,957	21%	28,000	28,478	102%
Capital Outlay	-	-	-	-	-	-
Total Expenditures	328,935	76,524	23%	467,804	146,512	31%
Engineering						
Personnel Services	273,670	66,030	24%	-	-	-
Supplies & Materials	6,200	32	1%	-	-	-
Repairs & Maint	6,250	2,160	35%	-	-	-
Contractual Services	11,350	1,162	10%	-	-	-
Other Designated Expenses	3,000	3,267	109%	-	-	-
Transfers to Self-funded	10,148	2,537	25%	-	-	-
Total Expenditures	310,618	75,188	24%	-	-	-
TOTAL EXPENDITURES	\$ 14,305,521	\$ 3,605,397	25%	\$ 12,641,112	\$ 3,286,993	26%

KEY VARIANCES - BUDGET vs ACTUAL (25% of Year Complete)

Expenditures

CITY COUNCIL - Other Designated Expenses are tracking higher than the average run rate because they include travel for TML which was held in October 2022.
ADMIN - R&M Expenses are tracking higher than the average run rate because of the timing of the software maintenance payments. Applicant tracking software and City Website hosting were paid in full in October.
COURT - Contractual Service Expenses are tracking higher than the average run rate because of the timing of payments. Annual Dues were paid in full, jury services were used in October and November, and January payment for the Judge's services was paid early in December but will be back on track in January.
FIRE - R&M Expenses are tracking higher than the average run rate mainly because; 1) the department entered into an annual Cardiac Monitor Maintenance Agreement that was paid in full in November, 2) Repairs to the Bay Door at Fire Station 1, and 3) the replacement of tires on the Brush Truck.
STREETS - Personnel Services are tracking slightly higher than the average run rate because of a retro pay adjustment that was paid in December.
STREETS - Supplies and Materials are tracking slightly higher than the average run rate mainly because; 1) Purchase of streets sign stock in October and 2) Fuel costs were higher than expected because of using dump trucks to haul off debris and materials that were dumped at the airport.
CITY SHOP - Supplies and Materials are tracking higher than the average run rate mainly because the shop purchased bulk oil for stock in December. In the long run this will save oil costs.
PW ADMIN - Other Designated Expenses are tracking higher than the average run rate mainly because of increases for employee appreciation programs.
GALLOWAY HAMMOND - R&M Expenses are tracking higher than the average run rate mainly because of water leak repairs from a water fountain and the replacement of a faulty winch on a side court basketball structure.
ENGINEERING - R&M Expenses are tracking higher than the average run rate mainly because of the timing of software maintenance payments. Smartnet was paid in full in November.
ENGINEERING - Other Designated Expenses are tracking higher than budgeted mainly because of travel and training expenses. Travel was incurred for the TML Conference, Crack Seal Training, Infinity Training, and Staking Training.

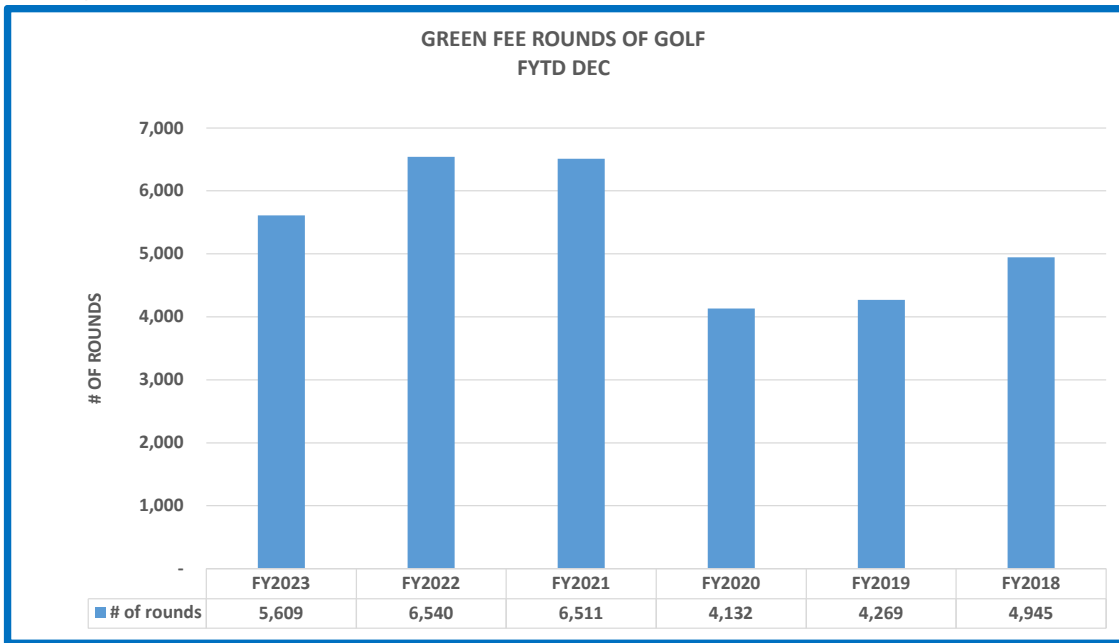
GOLF COURSE FUND DASHBOARD

FYTD DECEMBER 2022

CURRENT RESULTS COMPARISON

	ORIGINAL BUDGET	ACTUAL FYTD DEC 2022	% OF BUDGET	PY BUDGET 2021-2022	ACTUAL FYTD DEC 2021	% OF BUDGET
REV (net of cogs/tourn exp)	\$ 1,860,895	\$ 617,484	33%	\$ 1,548,673	\$ 571,703	37%
EXPENSES	1,778,214	425,190	24%	1,640,240	403,469	25%
PROFIT (LOSS)	\$ 82,681	\$ 192,294		\$ (91,567)	\$ 168,234	

TABLES/CHARTS



Rounds of Golf*

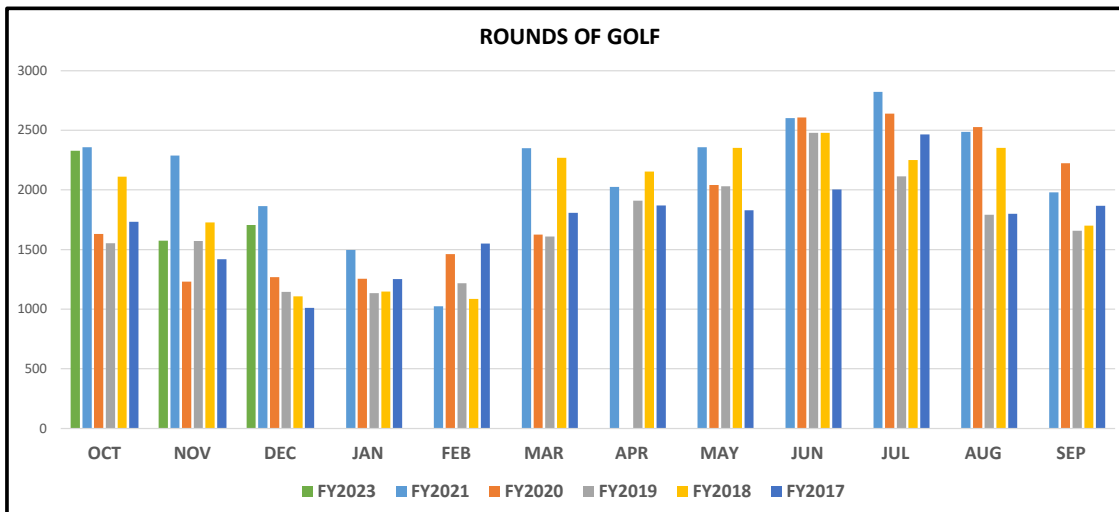
2022-2023

2021-2022

OVER (UNDER)

FYTD
5,609
6,540
(931)
-14.24%

*Does not include annual dues or tournament rounds played.



Notes:

April of 2020 golf course was closed for the month due to the Covid Pandemic.

Feb of 2021 golf course was closed for 11 days because of Severe Winter Storm.

City of Burnet, Texas
Golf Fund (Delaware Springs)
Revenues, Expenses, and Changes in Fund Net Position - Budget and Actual (Unaudited)
FYTD DECEMBER 2022

25% of year complete						
	ORIGINAL BUDGET			PY BUDGET		
	2022-2023	FYTD DEC 2022	% OF BUDGET	2021-2022	FYTD DEC 2021	% OF BUDGET
Revenues						
Charges for Services:						
Green Fees/Cart Rentals	\$ 947,205	\$ 220,588	23%	\$ 747,600	\$ 248,272	33%
Member Charges	232,000	195,916	84%	224,000	168,356	75%
Net Tournament Fees	144,000	48,023	33%	138,183	32,317	23%
Driving Range	62,000	12,704	20%	53,000	15,469	29%
Net Charges for Services	1,385,205	477,232	34%	1,162,783	464,414	40%
Pro Shop Merchandise Sales (Net)	72,655	16,282	22%	51,342	18,118	35%
Snack Bar Sales (Net)	147,744	38,700	26%	127,847	36,457	29%
Transfer from GF (Admin/Use of FB)	206,845	60,110	29%	192,701	50,837	26%
Other Revenue	48,446	25,160	52%	14,000	1,877	13%
Total Revenues	1,860,895	617,484	33%	1,548,673	571,703	37%
Expenses						
Personnel Services	1,067,824	256,043	24%	962,009	250,469	26%
Supplies & Materials	129,550	21,891	17%	134,153	23,069	17%
Repairs & Maint	84,300	16,175	19%	94,939	13,145	14%
Contractual Services	67,600	12,559	19%	70,904	13,372	19%
Other Designated Expenses	52,750	16,075	30%	56,702	14,180	25%
Transfers to Self-funded	169,345	42,336	25%	153,588	38,397	25%
Admin Allocation	206,845	60,110	29%	167,945	50,837	30%
Total Expenses	1,778,214	425,190	24%	1,640,240	403,469	25%
Change in Net Position	82,681	192,294		(91,567)	168,234	
Operating Subsidy from General Fund	-	-		91,567	-	
Net Position	82,681	192,294		-	168,234	
Green Fee Rounds		5,609			6,540	
Green Fee Rev Per Round		\$ 39.33			\$ 37.96	

KEY VARIANCES - BUDGET vs ACTUAL (25% of Year Complete)

Revenues

- The majority of Member Charges which include pre-paid green fees, trail fees, annual cart rental and storage are collected in October each year. Per Tony Nash, the course is seeing an increase in annual members this year over last year.
- Net Tournament Fees have increased due to additional tournaments during the 1st quarter.
- Transfer from GF is used to offset the admin allocation.
- Other revenues are tracking above the average run rate for the year because of increases in interest income and because of chemical and fertilizer rebates received from the Early Order Program (EOP).

Expenses

- Other designated expenses include credit card service fees which are tracking higher than the average run rate mainly because of the increase in revenues from the Annual Member charges.

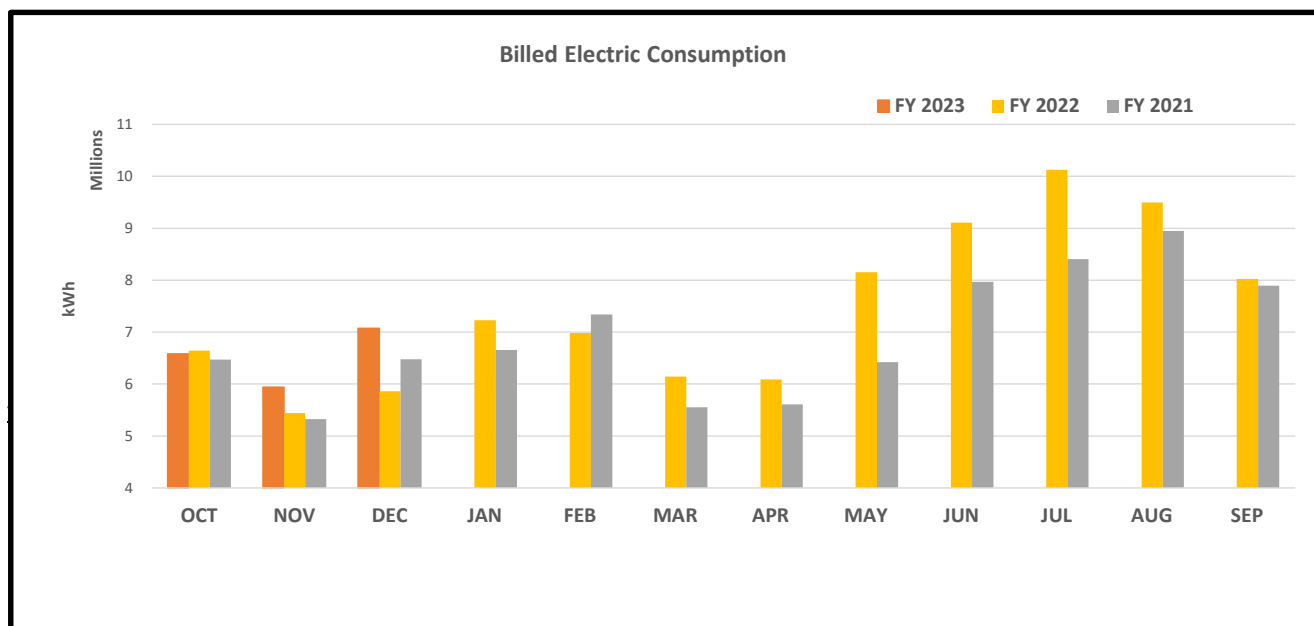
ELECTRIC FUND DASHBOARD

FYTD DECEMBER 2022

CURRENT RESULTS COMPARISON

	ORIGINAL BUDGET	ACTUAL FYTD DEC 2022	% OF BUDGET	PY BUDGET 2021-2022	ACTUAL FYTD DEC 2021	% OF BUDGET
REV (net of cogs)	\$ 4,089,298	\$ 949,779	23%	\$ 4,034,144	\$ 872,809	22%
EXPENSES	3,786,446	878,127	23%	3,635,322	912,476	25%
PROFIT (LOSS)	\$ 302,852	\$ 71,652		\$ 398,822	\$ (39,667)	

TABLES/CHARTS



FYTD 2023	19,593,331
FYTD 2022	17,944,583
ytd variance	1,648,748
% variance	9.19%

City of Burnet, Texas
Electric Fund
Revenues, Expenses, and Changes in Fund Net Position - Budget and Actual (Unaudited)
FYTD DECEMBER 2022

	25% of year complete						
	ORIGINAL BUDGET 2022-2023	ACTUAL FYTD DEC 2022	% OF BUDGET	PY BUDGET 2021-2022	PY ACTUAL FYTD DEC 2021	% OF BUDGET	
REVENUES							
Electric Sales	\$ 9,090,778	\$ 2,211,737		\$ 9,000,000	\$ 2,057,624		
Less Cost of Power	5,237,806	1,306,031		5,166,000	1,229,949		
Net Electric Sales	3,852,972	905,706	24%	3,834,000	827,675	22%	
Penalties	87,766	21,756	25%	85,000	20,582	24%	
Pole Rental	48,400	-	0%	47,000	-	0%	
Credit Card Convenience Fees	52,660	12,683	24%	45,144	-		
Other Revenue	47,500	9,634	20%	23,000	24,552	107%	
Use of Fund Balance	-	-		230,000	20,110	9%	
Total Revenue	\$ 4,089,298	\$ 949,779	23%	\$ 4,264,144	\$ 892,919	21%	
<i>Total Revenue less fund balance</i>	<i>\$ 4,089,298</i>	<i>\$ 949,779</i>	<i>23%</i>	<i>\$ 4,034,144</i>	<i>\$ 872,809</i>	<i>22%</i>	
EXPENSES							
Personnel Services	945,807	223,330	24%	\$ 1,000,827	255,480	26%	
Supplies & Materials	77,100	11,393	15%	51,000	14,079	28%	
Repairs & Maint	191,000	17,107	9%	180,000	62,373	35%	
Contractual Services	158,400	67,920	43%	133,900	60,812	45%	
Other Designated Expenses	89,050	14,915	17%	87,714	24,098	27%	
Capital Outlay	25,000	1,356	5%	35,000	13,031	37%	
Transfers to Debt Service	53,000	13,250	25%	49,350	12,338	25%	
Transfers to Self-funded	25,418	6,355	25%	19,780	4,945	25%	
Return on Investment	1,678,174	391,867	23%	1,639,441	358,892	22%	
Admin Allocation	432,742	103,229	24%	409,541	99,507	24%	
Shop Allocation	29,342	6,586	22%	28,769	6,921	24%	
PW Admin Allocation	50,351	13,302	26%	-	-		
Engineering Allocation	31,062	7,519	24%				
Transfer to Capital	-	-		230,000	20,110	9%	
Total Expenses	\$ 3,786,446	\$ 878,127	23%	\$ 3,865,322	\$ 932,586	24%	
<i>Total Expenses less xfers to capital and other uses of fund balance</i>	<i>\$ 3,786,446</i>	<i>\$ 878,127</i>	<i>23%</i>	<i>\$ 3,635,322</i>	<i>\$ 912,476</i>	<i>25%</i>	
Change in Net Position	\$ 302,852	\$ 71,652		\$ 398,822	\$ (39,667)		

KEY VARIANCES - BUDGET vs ACTUAL (25% of Year Complete)

Revenues

-Pole Rental Charges are typically invoiced in February and received by April or May.

Expenses

-Contractual Services are tracking higher than the average run rate for the period because they include annual contributions to local non profit organizations which are paid in October.

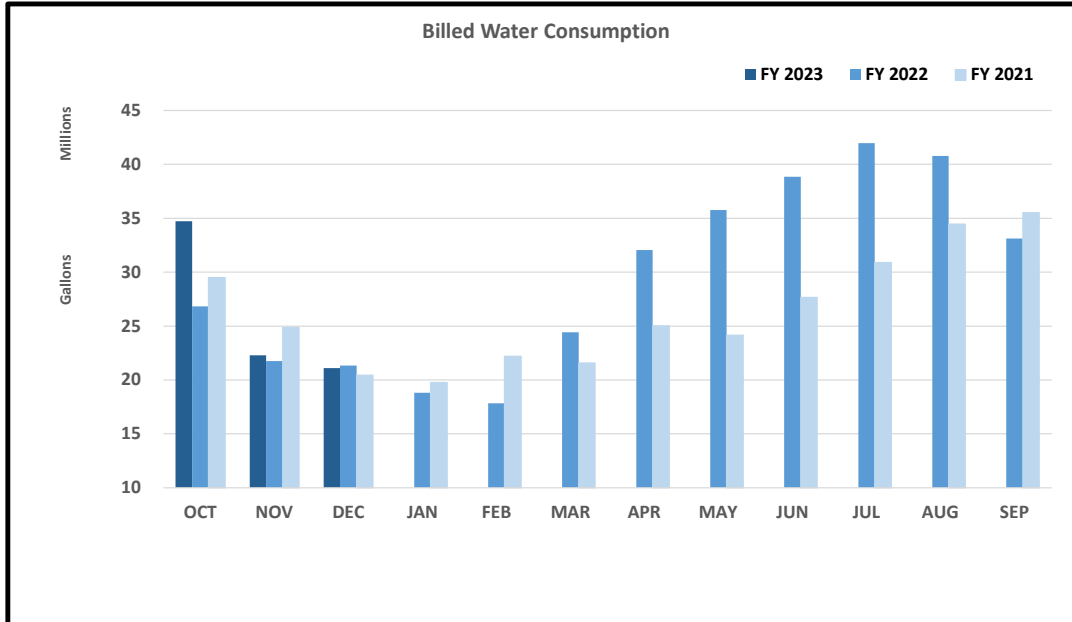
WATER/WW FUND DASHBOARD

FYTD DECEMBER 2022

CURRENT RESULTS COMPARISON

	ORIGINAL BUDGET	ACTUAL FYTD DEC 2022	% OF BUDGET	PY BUDGET 2021-2022	ACTUAL FYTD DEC 2021	% OF BUDGET
REV	\$ 4,624,417	\$ 1,124,498	24%	\$ 4,500,420	\$ 1,080,354	24%
EXPENSES	4,330,936	1,118,180	26%	4,039,275	910,122	23%
PROFIT (LOSS)	\$ 293,481	\$ 6,318		\$ 461,145	\$ 170,232	

TABLES/CHARTS



Billed Consumption in gallons:

FYTD 2023	78,121,015
FYTD 2022	69,912,426
Variance	8,208,589
% variance	11.74%

City of Burnet, Texas
Water/Wastewater Fund
Revenues, Expenses, and Changes in Fund Net Position - Budget and Actual (Unaudited)
FYTD DECEMBER 2022

	25% of year complete						
	ORIGINAL BUDGET 2022-2023	ACTUAL FYTD DEC 2022	% OF BUDGET	PY BUDGET 2021-2022	PY ACTUAL FYTD DEC 2021	% OF BUDGET	
REVENUE							
Water Sales	\$ 2,482,303	\$ 618,458	25%	\$ 2,400,000	\$ 570,229	24%	
Wastewater Sales	1,932,000	478,430	25%	1,920,000	475,780	25%	
Penalties	45,072	11,858	26%	46,000	10,677	23%	
Water/Sewer Connects	37,000	1,375	4%	30,000	21,075	70%	
Credit Card Convenience Fees	25,042	6,832	27%	19,920	-		
Other Revenue	28,000	7,545	27%	9,500	2,593	27%	
Use Impact Fees	75,000	-	0%	75,000	-	0%	
Use of Fund Balance	1,135,000	-	0%	1,135,000	-	0%	
Total Revenue	\$ 5,759,417	\$ 1,124,498	20%	\$ 5,635,420	\$ 1,080,354	19%	
<i>Total Revenue less fund balance</i>	<i>\$ 4,624,417</i>	<i>\$ 1,124,498</i>	<i>24%</i>	<i>\$ 4,500,420</i>	<i>\$ 1,080,354</i>	<i>24%</i>	
EXPENSES							
Personnel Services	1,410,682	357,290	25%	\$ 1,274,566	278,081	22%	
Supplies & Materials	190,300	78,098	41%	171,750	30,591	18%	
Repairs & Maint	383,750	85,335	22%	409,500	61,262	15%	
Contractual Services	300,050	78,791	26%	317,500	81,715	26%	
Cost of Water	70,000	21,994	31%	70,000	13,495	19%	
Other Designated Expenses	98,542	30,247	31%	105,474	32,998	31%	
Transfers to Debt Service	930,125	232,531	25%	944,764	236,354	25%	
Transfers to Self-funded	51,512	12,878	25%	73,692	18,423	25%	
In Lieu of Taxes	363,953	89,960	25%	354,034	86,428	24%	
Admin Allocation	305,298	76,659	25%	289,227	63,854	22%	
Shop Allocation	29,342	6,586	22%	28,768	6,921	24%	
PW Admin Allocation	67,134	17,736	26%	-	-		
Engineering Allocation	124,248	30,075	24%	-	-		
Capital Outlay	6,000	-		-	-	0%	
Transfer to Capital	1,135,000	-	0%	1,135,000	-	0%	
Total Expenses	\$ 5,465,936	\$ 1,118,180	20%	\$ 5,174,275	\$ 910,122	18%	
<i>Total Expenses less Transfers to Capital and other uses of fund balance</i>	<i>\$ 4,330,936</i>	<i>\$ 1,118,180</i>	<i>26%</i>	<i>\$ 4,039,275</i>	<i>\$ 910,122</i>	<i>23%</i>	
Change in Net Position	\$ 293,481	\$ 6,318		\$ 461,145	\$ 170,232		

KEY VARIANCES - BUDGET vs ACTUAL (25% of Year Complete)

Revenues

-Water Sales are tracking higher than expected because of increased consumption during October.

Expenses

-Supplies and Materials are tracking higher than the average run rate for the period because of the earlier than normal purchase of chemicals and fertilizers for the year. Account is still on track for the year.

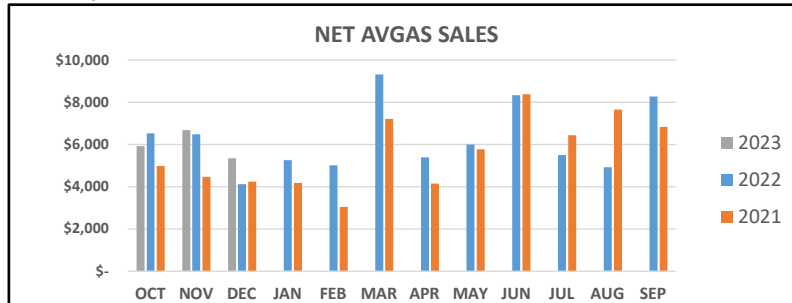
AIRPORT FUND DASHBOARD

FYTD DECEMBER 2022

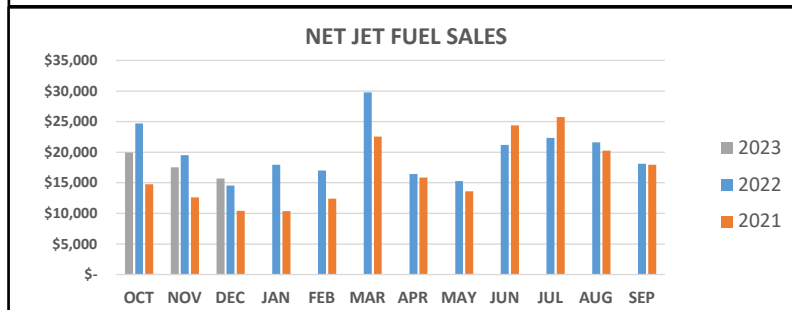
CURRENT RESULTS COMPARISON

	ORIGINAL BUDGET	ACTUAL FYTD DEC 2022	% OF BUDGET	PY BUDGET 2021-2022	ACTUAL FYTD DEC 2021	% OF BUDGET
REV (net of cogs)	\$ 265,791	\$ 152,550	57%	\$ 428,729	\$ 129,473	30%
EXPENSES	172,048	136,328	79%	276,330	79,136	29%
PROFIT (LOSS)	\$ 93,743	\$ 16,222		\$ 152,399	\$ 50,337	

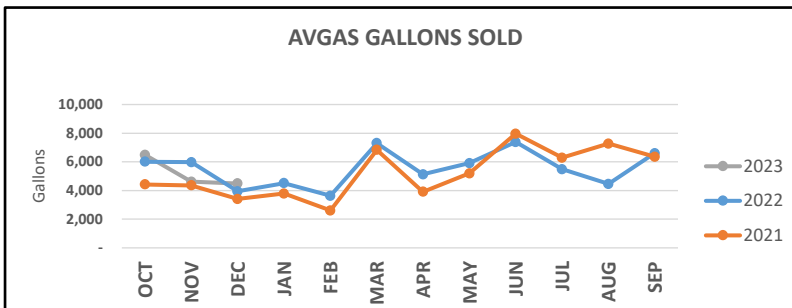
TABLES/CHARTS



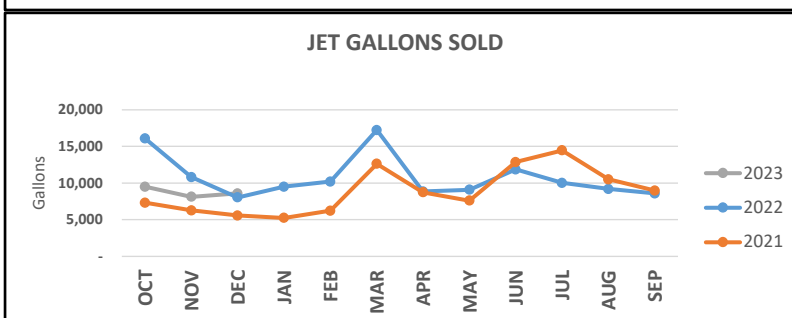
	FYTD 2023	FYTD 2022
Av Sales	\$ 89,527	\$ 76,582
Av Purchases	71,574	55,856
Profit	\$ 17,953	\$ 20,726
%	20.05%	27.06%



	FYTD 2023	FYTD 2022
Jet Sales	\$ 156,012	\$ 151,734
Jet Purchases	102,772	92,934
Profit	\$ 53,240	\$ 58,801
%	34.13%	38.75%



Avgas Gallons Sold:	
FYTD 2023	15,589
FYTD 2022	15,918
Increase(decrease)	(329)
	-2.07%



Jet Gallons Sold:	
FYTD 2023	26,188
FYTD 2022	34,950
Increase(decrease)	(8,762)
	-25.07%

City of Burnet, Texas
Airport Fund
Revenues, Expenses, and Changes in Fund Net Position - Budget and Actual (Unaudited)
FYTD DECEMBER 2022

	25% of year complete					
	ORIGINAL BUDGET 2022-2023	ACTUAL FYTD DEC 2022	% OF BUDGET	PY BUDGET 2021-2022	PY ACTUAL FYTD DEC 2021	% OF BUDGET
REVENUE						
Av Gas Sales	\$ 3,140	\$ 89,527		\$ 233,000	\$ 76,582	
Av Gas Purchases	-	71,574		174,750	55,856	
Net Sales	3,140	17,953	572%	58,250	20,726	36%
Jet Gas Sales	11,122	156,012		367,000	151,734	
Jet Gas Purchases	-	102,772		201,850	92,934	
Net Sales	11,122	53,240	479%	165,150	58,800	36%
Penalties	450	-	0%	450	350	78%
All Hangar Lease	153,600	51,379	33%	125,000	32,763	26%
CAF Admissions	5,066	1,862	37%	5,066	1,330	26%
McBride Lease	45,893	11,508	25%	45,893	11,492	25%
Thru the Fence Lease	12,020	-	0%	12,020	-	0%
Airport Parking Permit	5,000	375	8%	2,000	-	0%
Hangar Lease - Faulkner	-	-		14,400	3,600	25%
Interest Earned	4,500	16,134	359%	500	152	30%
Other	25,000	100		-	260	
Use of Fund Balance	61,863	15,466	25%	493,069	62,070	13%
Total Revenue	\$ 327,654	\$ 168,016	51%	\$ 921,798	\$ 191,543	21%
<i>Total Revenue less fund balance</i>	<i>\$ 265,791</i>	<i>\$ 152,550</i>	<i>57%</i>	<i>\$ 428,729</i>	<i>\$ 129,473</i>	<i>30%</i>
EXPENSES						
Personnel Services	\$ 100,502	\$ 31,429	31%	\$ 97,884	\$ 26,770	27%
Supplies & Materials	3,000	1,104	37%	4,000	458	11%
Repairs & Maint	3,675	292	8%	3,000	354	12%
Contractual Services	10,750	57,026	530%	64,400	15,789	25%
Other Designated Expenses	33,082	23,751	72%	38,600	11,788	31%
Transfers to Debt Service	61,863	15,466	25%	58,069	14,517	
Admin Allocation	21,039	14,826	70%	39,646	14,377	36%
Av fuel truck lease	-	3,350		12,000	4,000	33%
Jet fuel truck lease	-	4,550		16,800	5,600	33%
Transfers to Capital	-	-		435,000	47,553	11%
Total Expenses	\$ 233,911	\$ 151,793	65%	\$ 769,399	\$ 141,206	18%
<i>Total Exp - xfers to capital and debt svc.</i>	<i>\$ 172,048</i>	<i>\$ 136,328</i>	<i>79%</i>	<i>\$ 276,330</i>	<i>\$ 79,136</i>	<i>29%</i>
Change in Net Position	\$ 93,743	\$ 16,223		\$ 152,399	\$ 50,337	

NOTE

Current budget was based on the new FBO contract going into effect October 1st. However, the new FBO contract did not go into effect until January 1, 2023. Staff to amend the budget.

Under the new FBO contract:

- Net fuel sales are replaced by flowage fees.
- Fuel truck lease expenses are assumed by the FBO.
- FBO contract payments which were \$18,000 per month under the Interim FBO contract will be \$0 under the new FBO contract.

Variances from Last Year:

REVENUES:

- Net fuel sales are down because of a decrease in gallons sold.
- Hangar Leases were increased over last year.
- Interest rates and revenue have increased over last year.

EXPENSES:

- Contractual Services increased because of the interim FBO contract that went into effect in June, 2022.

City of Burnet, Texas
Other Funds
Revenues, Expenses, and Changes in Fund Net Position - Budget and Actual (Unaudited)
FYTD DECEMBER 2022

	ANNUAL BUDGET 2022-2023			ACTUAL FYTD DEC 2022	% OF BUDGET	PY BUDGET 2021-2022			PY ACTUAL FYTD DEC 2021	% OF BUDGET
HOTEL/MOTEL FUND										
Revenues	\$	191,900	\$	62,797	32.72%	\$	171,281	\$	57,268	33.44%
Expenses		168,795		19,598	11.61%		147,465		22,607	15.33%
Net Profit (Loss)	\$	23,105	\$	43,199		\$	23,816	\$	34,661	
BEDC										
Revenues	\$	4,015,333	\$	253,885	6.32%	\$	4,009,417	\$	826,389	20.61%
Expenses		3,722,497		181,793	4.88%		3,795,481		702,841	18.52%
Net Profit (Loss)	\$	292,836	\$	72,092		\$	213,936	\$	123,548	
SELF FUNDED EQUIPMENT FUND										
Revenues	\$	1,539,000	\$	197,267	12.82%	\$	1,020,800	\$	183,608	17.99%
Expenses		1,539,000		439,463	28.56%		1,020,800		87,980	8.62%
Net Profit (Loss)	\$	-	\$	(242,196)		\$	-	\$	95,628	
DEBT SERVICE FUND										
Revenues	\$	1,046,528	\$	261,313	24.97%	\$	1,052,683	\$	263,274	25.01%
Expenses		1,046,328		-	0.00%		1,052,183		950	0.09%
Net Profit (Loss)	\$	200	\$	261,313		\$	500	\$	262,324	
INTEREST & SINKING DEBT FUND										
Revenues	\$	796,782	\$	310,867	39.02%	\$	490,178	\$	219,740	44.83%
Expenses		796,582		-	0.00%		489,978		-	0.00%
Net Profit (Loss)	\$	200	\$	310,867		\$	200	\$	219,740	

City of Burnet, Texas
Cash and Investment Accounts
FYTD DECEMBER 2022

Acct #	Bank	Account Name	Account Type	Balance as of DECEMBER 2022
Unrestricted Accounts				
984/2410	FSB	Operating Cash	Checking	\$ 2,134,663.30
		Add or Subtract Claim on Cash for Airport		14,218.53
2329	FSB	Golf Course Petty Cash	Checking	119.30
2535	FSB	Operating Reserve	M/M	-
2352	FSB	Delaware Springs-Credit Card Acct	Checking	-
2378	FSB	Airport - Credit Card Acct	Checking	-
2386	FSB	Utility - Credit Card Acct	Checking	-
2469	FSB	Court - Credit Card Acct	Checking	-
2711100002	TexPool	Operating Reserve	Investment	5,248,186.70
Total Unrestricted				\$ 7,397,187.83

75 Day Reserve Requirement	3,873,000.00
Unrestricted Cash over 75 day reserve	\$ 3,524,187.83
90 Day Reserve Requirement	4,647,000.00
Unrestricted Cash over 90 day reserve	\$ 2,750,187.83

Restricted by Council

2711100004	TexPool	Capital Reserve	Investment	\$ -
2711100011	TexPool	Capital Equipment Reserve	Investment	559,500.36
2711100012	TexPool	Capital - LCRA Credit	Investment	-
2188	FSB	Self Funded Equipment	M/M	217,860.68
2711100014	TexPool	Self Funded Equipment Reserve	Investment	926,138.09
2711100016	TexPool	CLFRF - American Rescue Plan	Investment	1,610,398.00
2711100021	TexPool	YMCA/GHRC Capital Improvement	Investment	100,902.34
2711100029	TexPool	YMCA Land Sale Proceeds	Investment	110,068.41
2711100022	TexPool	Electric Capital Improvement	Investment	403,609.18
2711100023	TexPool	Water/WW Improvement	Investment	100,902.34
Total Restricted by Council Action				\$ 4,029,379.40

City of Burnet, Texas
Cash and Investment Accounts
FYTD DECEMBER 2022

Restricted by Purpose or Law

Acct #	Bank	Account Name	Account Type	Balance as of DECEMBER 2022
1453	FSB	Bond Reserve	M/M	\$ 687,082.27
2402	FSB	Hotel Motel	M/M	70,903.26
2711100005	TexPool	Hotel Motel	Investment	198,894.78
2451	FSB	Construction Account	Checking	
2485	FSB	PD Seizure	M/M	119.87
2493	FSB	Municipal Court Special Revenue	M/M	-
2711100027	TexPool	Municipal Court Special Revenue	Investment	79,061.76
2519	FSB	Impact Fees - Water	M/M	-
2711100025	TexPool	Impact Fees - Water	Investment	428,793.28
2543	FSB	Airport Reserve	M/M	-
		Add or Subtract Airport Claim on Cash		(14,218.53)
2711100009	TexPool	Airport Reserve	Investment	1,836,017.65
2568	FSB	Benevolent Fund	Checking	-
2576	FSB	Interest & Sinking Acct	M/M	432,531.65
2584	FSB	Impact Fees - Wastewater	M/M	-
2711100026	TexPool	Impact Fees - Wastewater	Investment	8,748.66
2592	FSB	BEDC	Super NOW	377,055.59
2711100008	TexPool	BEDC Project Fund	Investment	-
2711100010	TexPool	BEDC	Investment	1,443,522.92
70516	FSB	BEDC Commercial Park Project	M/M	190,052.93
2634	FSB	Benefit Trust Account	M/M	-
2675	FSB	Police Department Explorer Program	M/M	6,070.14
2691	FSB	Fire Department Explorer Program	M/M	4,529.19
3012	FSB	Franchise Fee Account	Super NOW	-
2711100028	TexPool	Franchise Fee Account	Investment	131,999.41
3053	FSB	Parks Fund	M/M	27,292.85
58776	FSB	Fire Dept. Community Acct	M/M	13,105.14
2711100007	TexPool	TWDB	Investment	1,210.28
2711100006	TexPool	TWDB	Investment	1,062.85
		City of Burnet, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Series 2010		
143033000	US Bank	Escrow Account	Investment	3,236.21
82-020-01-0	Bank of	City of Burnet 2012 TWDB Escrow	Investment	20,407.10
2711100013	TexPool	PD Bonds	Investment	-
2711100017	TexPool	2021 CO - City Hall	Investment	3,807,659.49
62026	FSB	Escrow Honey Rock Phase #2	M/M	16,215.71
62315	FSB	BEDC Bond Fund (Badger Bldg DS)	Checking	78,656.55
62364	FSB	BEDC Project Fund	Checking	-
2711100018	TexPool	Golf Course Ops Reserve	Investment	616,157.11
2711100019	TexPool	Golf Course Capital Improvement Reserve	Investment	269,409.11
2711100020	TexPool	Street Rehab/Replacement Reserve	Investment	403,577.62
2711100024	TexPool	Street Bond Reserve	Investment	4,043,103.35
Total Restricted Cash				\$ 15,182,258.20
Total All Cash				\$ 26,608,825.43

City of Burnet
Quarterly Investment Report
As of December 31, 2022

update as of 01/06/2023

ACCOUNT NUMBER	INVESTMENT TYPE	DESCRIPT/LOC	MATURITY	BEGINNING BALANCES 10/01/2022	QUARTERLY ACTIVITY	INTEREST EARNINGS	ENDING BALANCE 12/31/2022	BEGINNING MARKET 01/01/2023	ENDING MARKET 03/31/2023	CHANGE IN MARKET VALUE	AVG YIELD
984 & 2410	OPERATING	FIRST STATE BANK	na	\$ 2,355,332.39	\$ (220,845.57)	\$ 176.48	\$ 2,134,663.30	na	na	na	0.0003
1453	DEBT SERVICE	FIRST STATE BANK	na	427,719.46	259,297.22	65.59	687,082.27	na	na	na	0.0005
2188	SELF FUNDED ACCT	FIRST STATE BANK	na	744,360.04	(526,556.93)	57.57	217,860.68	na	na	na	0.0005
2329	GOLF COURSE PETTY CASH	FIRST STATE BANK	na	326.47	(207.17)	-	119.30	na	na	na	-
2402	HOTEL/MOTEL	FIRST STATE BANK	na	165,766.47	(94,879.22)	16.01	70,903.26	na	na	na	0.0005
2485	PD SEIZURE	FIRST STATE BANK	na	119.87	-	-	119.87	na	na	na	-
2493	COURT MONIES	FIRST STATE BANK	na	77,810.18	(77,816.88)	6.70	-	na	na	na	0.0007
2519	IMPACT FEES WATER	FIRST STATE BANK	na	424,417.07	(424,452.53)	35.46	-	na	na	na	0.0007
2576	I & S SINKING FUND	FIRST STATE BANK	na	121,664.77	310,850.19	16.69	432,531.65	na	na	na	0.0002
2584	IMPACT FEE W/W	FIRST STATE BANK	na	7,555.99	(7,556.37)	0.38	-	na	na	na	0.0004
2592	BEDC	FIRST STATE BANK	na	1,098,708.67	(721,711.18)	58.10	377,055.59	na	na	na	0.0003
2675	PD EXPLORER PROGRAM	FIRST STATE BANK	na	6,069.67	0.00	0.47	6,070.14	na	na	na	0.0003
2691	FD EXPLORER PROGRAM	FIRST STATE BANK	na	3,528.89	1,000.00	0.30	4,529.19	na	na	na	0.0003
3012	CABLE FRANCHISE FEES	FIRST STATE BANK	na	127,128.12	(127,134.57)	6.45	-	na	na	na	0.0004
3053	PARKS FUND	FIRST STATE BANK	na	27,289.41	(0.00)	3.44	27,292.85	na	na	na	0.0005
58776	FD COMMUNITY FUND	FIRST STATE BANK	na	12,905.14	200.00	-	13,105.14	na	na	na	-
62315	BEDC BOND FUND	FIRST STATE BANK	na	31,621.66	47,031.24	3.65	78,656.55	na	na	na	0.0003
70516	281 COMM PARK PROJECT	FIRST STATE BANK	na	190,028.98	(0.00)	23.95	190,052.93	na	na	na	0.0005
62026	ESCROW HONEY ROCK PHASE 2	FIRST STATE BANK	na	\$ 16,213.66	\$ (0.00)	\$ 2.05	\$ 16,215.71				
	SUBTOTAL - FIRST STATE BANK			\$ 5,838,566.91	\$ (1,582,781.77)	\$ 473.29	\$ 4,256,258.43	\$ -	\$ -	\$ -	0.0004
2711100002	TEXPOOL - GF RESERVE	TEXPOOL	na	\$ 4,209,834.68	\$ 1,000,000.00	\$ 38,352.02	\$ 5,248,186.70	\$ 4,209,834.68	\$ 5,248,186.70	\$ 1,038,352.02	0.0322
2711100005	TEXPOOL - HOT	TEXPOOL	na	60,698.84	137,000.00	1,195.94	198,894.78	60,698.84	198,894.78	138,195.94	0.0366
2711100006	TEXPOOL - TWDB	TEXPOOL	na	1,053.48	(0.00)	9.37	1,062.85	1,053.48	1,062.85	9.37	0.0351
2711100007	TEXPOOL - TWDB	TEXPOOL	na	1,199.69	(0.00)	10.59	1,210.28	1,199.69	1,210.28	10.59	0.0349
2711100008	TEXPOOL - BEDC PROJECT FUND	TEXPOOL	na	-	-	-	-	-	-	-	#DIV/0!
2711100009	TEXPOOL - AIRPORT	TEXPOOL	na	1,819,883.55	(0.00)	16,134.10	1,836,017.65	1,819,883.55	1,836,017.65	16,134.10	0.0350
2711100010	TEXPOOL - BEDC RESERVE	TEXPOOL	na	634,060.42	799,999.96	9,462.54	1,443,522.92	634,060.42	1,443,522.92	809,462.50	0.0361
2711100011	TEXPOOL - CAPITAL EQUIPMENT RESERVE	TEXPOOL	na	554,583.71	0.00	4,916.65	559,500.36	554,583.71	559,500.36	4,916.65	0.0350
2711100012	TEXPOOL - ELECTRIC RESERVE	TEXPOOL	na	-	-	-	-	-	-	-	#DIV/0!
2711100013	TEXPOOL - PD BOND PROCEEDS	TEXPOOL	na	-	-	-	-	-	-	-	#DIV/0!
2711100014	TEXPOOL - SELF FUNDED EQUIPMENT	TEXPOOL	na	669,006.59	250,000.00	7,131.50	926,138.09	669,006.59	926,138.09	257,131.50	0.04
2711100017	TEXPOOL - 2021 CO - CITY HALL	TEXPOOL	na	4,034,106.98	(261,673.21)	35,225.72	3,807,659.49	4,034,106.98	3,807,659.49	(226,447.49)	0.04
2711100016	TEXPOOL - CLFRF AMERICAN RESCUE PLAN	TEXPOOL	na	1,596,246.43	0.00	14,151.57	1,610,398.00	1,596,246.43	1,610,398.00	14,151.57	0.0350
2711100018	TEXPOOL - GOLF COURSE OPS RESERVE	TEXPOOL	na	\$ 242,515.82	369,716.00	3,925.29	616,157.11	242,515.82	616,157.11	373,641.29	0.0363
2711100019	TEXPOOL - GOLF COURSE CAPITAL RESERVE	TEXPOOL	na	\$ 267,041.64	(0.00)	2,367.47	269,409.11	267,041.64	269,409.11	2,367.47	0.0350
2711100020	TEXPOOL - STREET REHAB/REPLACE RESERVE	TEXPOOL	na	\$ 400,031.19	(0.00)	3,546.43	403,577.62	400,031.19	403,577.62	3,546.43	0.0350
2711100021	TEXPOOL - YMCA/GHRC CAPITAL RESERVE	TEXPOOL	na	\$ 100,015.60	(0.00)	886.74	100,902.34	100,015.60	100,902.34	886.74	0.0350
2711100022	TEXPOOL - ELECTRIC CAPITAL IMPROVEMENT	TEXPOOL	na	\$ 400,062.39	(0.00)	3,546.79	403,609.18	400,062.39	403,609.18	3,546.79	0.0350
2711100023	TEXPOOL - WATER/WW CAPITAL IMPROVEMENT	TEXPOOL	na	\$ 100,015.60	(0.00)	886.74	100,902.34	100,015.60	100,902.34	886.74	0.0350
2711100024	TEXPOOL - STREET BOND RESERVE	TEXPOOL	na	\$ -	4,009,138.79	33,964.56	4,043,103.35	-	4,043,103.35	4,043,103.35	0.0667
2711100025	TEXPOOL - WATER IMPACT FEE	TEXPOOL	na	\$ -	427,706.03	1,087.25	428,793.28	-	428,793.28	428,793.28	0.0201
2711100026	TEXPOOL - WASTWATER IMPACT FEE	TEXPOOL	na	\$ -	8,729.37	19.29	8,748.66	-	8,748.66	8,748.66	0.0175
2711100027	TEXPOOL - COURT SPECIAL REVENUE	TEXPOOL	na	\$ -	78,850.99	210.77	79,061.76	-	79,061.76	79,061.76	0.0212
2711100028	TEXPOOL - FRANCHISE FEE	TEXPOOL	na	\$ -	131,663.03	336.38	131,999.41	131,999.41	131,999.41	-	0.0202
2711100029	TEXPOOL - YMCA LAND SALE PROCEEDS	TEXPOOL	na	\$ -	\$ 109,844.40	\$ 224.01	\$ 110,068.41	\$ -	\$ 110,068.41	\$ 110,068.41	0.0161
	SUBTOTAL - TEXPOOL			\$ 15,090,356.61	\$ 7,060,975.36	\$177,591.72	\$ 22,328,923.69	\$ 15,222,356.02	\$ 22,328,923.69	\$ 7,106,567.67	0.0377

143033000	US BANK LOAN		na	\$ 3,213.17	\$ (0.00)	\$ 23.04	\$ 3,236.21	\$ 3,213.17	\$ 3,236.21	\$ 23.04	0.0283
82-0220-01-0	BANK OF TEXAS - TWDB #2		na	20,271.03	(0.00)	136.07	20,407.10	20,271.03	20,407.10	136.07	0.0265
	SUBTOTAL - OTHERS			\$ 23,484.20	\$ (0.00)	\$ 159.11	\$ 23,643.31	\$ 23,484.20	\$ 23,643.31	\$ 159.11	0.0268
	TOTALS			\$ 20,952,407.72	\$ 5,478,193.59	\$178,224.12	\$ 26,608,825.43	\$ 15,245,840.22	\$ 22,352,567.00	\$ 7,106,726.78	0.0648
	PERFORMANCE MEASURES:				Benchmark	Actual					
		Avg Yield (Benchmark at 12/31/20)			0.1000%	6.4820%					
		Benchmark=90 day T-Bill Rate									
		WAM			Max 365						
		Diversification:									
		Other				0.09%					
		FSB				16.00%					
		TexPool			Max 100%	#REF!					

Collateral Adequacy - All funds are fully collateralized and/or insured.

Statement of Compliance - All investment transactions of the City meet the requirements set forth in Chapter 2256, Texas Govt. Code, as amended and are in compliance with the City's Investment Policy.

Patricia Langford
Patricia Langford, Finance Director

Stefani Wright
Stefani Wright, Senior Accountant

1/17/23
Date

City of Burnet, Texas
Capital Projects
FYTD DECEMBER 2022

GENERAL CAPITAL PROJECT FUND							BALANCE TO BE FUNDED FROM:		
DESCRIPTION			CURRENT BUDGET 2022-2023	FYTD DECEMBER ACTUAL EXPENSES	% complete	REMAINING BALANCE 2022-2023	OPERATING RESERVES	OTHER SOURCES	TOTAL
<u>CAPITAL PROJECTS:</u>									
SERVER UPGRADE	ADMIN	46-1111-58015	\$ 75,000	\$ -	0%	\$ 75,000	\$ 75,000	\$ -	\$ 75,000
INCODE 10 UPGRADE - COURT	ADMIN	46-1111-58397	17,000	-	0%	17,000	17,000		17,000
COMP PLAN	ADMIN	46-1111-58560	200,000	-	0%	200,000	200,000		200,000
NEW CITY HALL	ADMIN	46-1111-58810	4,800,000	22,533	0%	4,777,467	877,467	3,900,000	4,777,467
PD ACCREDITATION PROGRAM	POLICE	46-1600-57700	15,000	-	0%	15,000	15,000		15,000
PD MONUMENT SIGN	POLICE	46-1600-58400	10,000	-	0%	10,000	10,000		10,000
PD DONATED FUNDS - STELLA PELEJ	POLICE	46-1600-58400	50,000	10,262	21%	39,738	39,738		39,738
PD OPIOD FUNDS	POLICE	46-1600-58400	50,000	-	0%	50,000	-	50,000	50,000
FIRE PROF SERVICES - TAASP PROGRAM	FIRE	46-1641-54500	12,000	10,143	85%	1,857	1,857	-	1,857
FIRE COVID EXPENSES	FIRE	46-1640-57030	30,000	114	0%	29,886	29,886		29,886
FIRE TACTICAL GEAR (NEEDS BUDGET AMEND)	FIRE	46-1641-57000	18,534	18,534	100%	-	-	-	-
FD DONATED FUNDS - STELLA PELEJ	FIRE	46-1640-58481	50,000	-	0%	50,000	50,000	-	50,000
STREET EQUIPMENT CRACK SEAL MACHINE	STREETS	46-1700-58000	125,000	99,730	80%	25,270	25,270		25,270
STREETS	STREETS	46-1700-58700	4,000,000	15,563	0%	3,984,437	-	3,984,437	3,984,437
COMMUNITY CENTER IMPROVEMENTS	PARKS	46-1800-58400	100,000	-	0%	100,000	100,000		100,000
DOWNTOWN RESTROOMS	PARKS	46-1800-58400	150,000	3,536	2%	146,464	146,464		146,464
PARK IMPROVEMENTS	PARKS	46-1800-58800	50,000	2,400	5%	47,600	47,600		47,600
GHRC TEEN CENTER	GHRC	46-1813-58461	20,000	-	0%	20,000	20,000		20,000
GHRC CAPITAL MAINTENANCE	GHRC	46-1813-58478	325,000	3,579	1%	321,421	221,421	100,000	321,421
TOTAL			\$ 10,097,534	\$ 186,394	2%	\$ 9,911,140	\$ 1,876,703	\$ 8,034,437	\$ 9,911,140

GOLF COURSE CAPITAL PROJECT FUND							BALANCE TO BE FUNDED FROM:		
DESCRIPTION			CURRENT BUDGET 2022-2023	FYTD DECEMBER ACTUAL EXPENSES	% complete	REMAINING BALANCE 2022-2023	OPERATING RESERVES	OTHER SOURCES	TOTAL
<u>CAPITAL PROJECTS:</u>									
GOLF COURSE IMPROVEMENTS			\$ 267,000	\$ -	0%	\$ 267,000	\$ -	\$ 267,000	\$ 267,000
				-				-	
			\$ 267,000	\$ -	0%	\$ 267,000	\$ -	\$ 267,000	\$ 267,000

ELECTRIC CAPITAL PROJECT FUND							BALANCE TO BE FUNDED FROM:		
DESCRIPTION			CURRENT BUDGET 2022-2023	FYTD DECEMBER ACTUAL EXPENSES	% complete	REMAINING BALANCE 2022-2023	OPERATING RESERVES	OTHER SOURCES	TOTAL
<u>CAPITAL PROJECTS:</u>									
ELECTRIC RATE STUDY			\$ 50,000	\$ -	0%	50,000	\$ 50,000	\$ -	\$ 50,000
SOFTWARE - ELSTER UPGRADES (CARRYOVER)			46,500	-	0%	46,500	46,500	-	46,500
ENTEGRIS ELECTRIC FEEDER			500,000	-	0%	500,000	250,000	250,000	500,000
SCADA/RECLOSES (CARRYOVER)			73,000	-	0%	73,000	73,000	-	73,000
SCADA/RECLOSES			100,000	-	0%	100,000	100,000	-	100,000
SUBDIVISION ELECTRICAL COSTS			200,000	-	0%	200,000	-	200,000	200,000
DEVELOPMENT PROJECTS (CARRYOVER)			370,000	23,344	6%	346,656	346,656	-	346,656
			\$ 1,339,500	\$ 23,344	2%	\$ 1,316,156	\$ 866,156	\$ 450,000	\$ 1,316,156

W/WW CAPITAL PROJECT FUND							BALANCE TO BE FUNDED FROM:		
DESCRIPTION			CURRENT BUDGET 2022-2023	FYTD DECEMBER ACTUAL EXPENSES	% complete	REMAINING BALANCE 2022-2023	OPERATING RESERVES	OTHER SOURCES	TOTAL
<u>CAPITAL PROJECTS:</u>									
GENERATORS - WATER FUND BAL	45-4200-58000		\$ 500,000	\$ -	0%	\$ 500,000	\$ 500,000	\$ -	\$ 500,000
GENERATORS - WATER IMPACT FEES	45-4200-58000		200,000	-	0%	200,000	-	200,000	200,000
WATER LINE OVERSIZE	45-4200-58600		155,000	-	0%	155,000	155,000	-	155,000
WATER SYSTEM IMPROVEMENTS	45-4200-58880		10,000	-	0%	10,000	10,000	-	10,000
WATER IMPR WELLS AND PUMPS	45-4200-58800		100,000	-	0%	100,000	100,000	-	100,000
WATER IMPR EAGLES NEST	45-4200-58800		200,000	-	0%	200,000	200,000	-	200,000
WATER IMPR EAST TANK	45-4200-58800		200,000	-	0%	200,000	200,000	-	200,000
WATER IMPR VALLEY ST WELL	45-4200-58800		50,000	1,053	2%	48,947	48,947	-	48,947
SEWER IMPROVEMENT - VFW	45-4210-58800		75,000	68,699	92%	6,301	6,301	-	6,301
SEWER IMPROVEMENT - RANCH LIFT STATION	45-4210-58800		150,000	-	0%	150,000	150,000	-	150,000
TRANSFER OUT WW IMPACT FEES	45-4210-59042		75,000	-	0%	75,000	-	75,000	75,000
			\$ 1,715,000	\$ 69,752	4%	\$ 1,645,248	\$ 1,370,248	\$ 275,000	\$ 1,645,248

AIRPORT CAPITAL PROJECT FUND						BALANCE TO BE FUNDED FROM:		
DESCRIPTION		CURRENT BUDGET 2022-2023	FYTD DECEMBER ACTUAL EXPENSES	% complete	REMAINING BALANCE 2022-2023	OPERATING RESERVES	OTHER SOURCES	TOTAL
<u>CAPITAL PROJECTS:</u>								
C/O BLDG & FACILITY - JET HANGAR	47-2300-58400	\$ 965,000	\$ -	0%	\$ 965,000	\$ -	\$ 965,000	\$ 965,000
C/O LAND - DECEL LANE	47-2300-58500	100,000	-	0%	100,000	-	100,000	100,000
C/O IMPROVEMENTS	47-2300-58500	200,000	958	0%	199,042	-	199,042	199,042
RAMP GRANT	47-2310-58800	100,000	12,356	12%	87,644	-	87,644	87,644
		<u>\$ 1,365,000</u>	<u>\$ 13,314</u>	<u>1%</u>	<u>\$ 1,351,686</u>	<u>\$ -</u>	<u>\$ 1,351,686</u>	<u>\$ 1,351,686</u>
TOTAL CAPITAL/OTHER PROJECTS						BALANCE TO BE FUNDED FROM:		
		CURRENT BUDGET 2022-2023	FYTD DECEMBER ACTUAL EXPENSES	% complete	REMAINING BALANCE 2022-2023	OPERATING RESERVES	OTHER SOURCES	TOTAL
TOTAL CAPITAL/OTHER PROJECTS		\$ 14,784,034	\$ 292,805	2%	\$ 14,491,229	\$ 4,113,106	\$ 10,378,123	\$ 14,491,229
TRANSFER TO CAP EQUIP RESERVES		-	-	0%	-	-	-	-
TOTAL CAPITAL/OTHER		<u>\$ 14,784,034</u>	<u>\$ 292,805</u>	<u>2%</u>	<u>\$ 14,491,229</u>	<u>\$ 4,113,106</u>	<u>\$ 10,378,123</u>	<u>\$ 14,491,229</u>

The background of the slide features a dark, grayscale image. It shows a close-up of a pen, likely a fountain pen, resting on a document. The document has a line graph with several data series plotted. Some text is visible on the document, including "int is" and "on". The overall tone is professional and financial.

City of Burnet Financial Report

FOR THE FIRST QUARTER ENDED

DECEMBER 31, 2022

General Fund

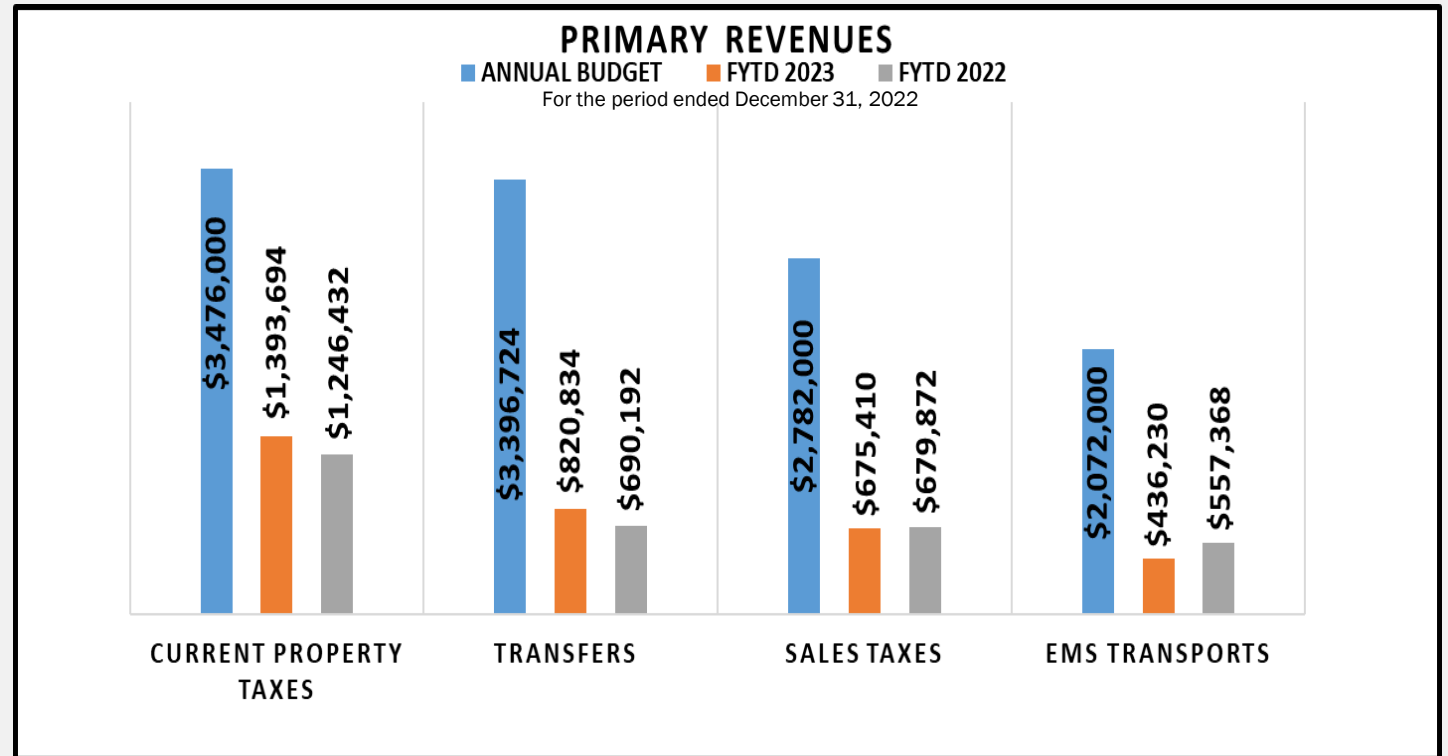


	Annual Budget	Actual FYTD Dec 2022	% of Budget
Revenues	\$14,766,308	\$4,126,045	28%
Expenses	14,305,521	3,605,397	25%
Profit (Loss)	\$460,787	\$520,648	

General Fund Revenue

For the period ended December 31, 2022

- o Property Taxes – ended the period at 40% of budget and increased by \$147,000 over last year.
- o Transfers In – ended the period at 24% of budget and increased by almost \$131,000 over last year.
- o Sales Tax – ended the period at 24% of budget and decreased by (\$4,400) over last year.
- o EMS transports – ended the period at 21% of budget and decreased by (\$121,000) over last year.
 - Collections are tracking under budget because EMS transfer call volume is down 17% mainly because of hospital staff shortages.



Golf Fund

	Annual Budget	Actual FYTD Dec 2022	% of Budget
Revenues	\$1,860,895	\$617,484	33%
Expenses	1,778,214	425,190	24%
Profit (Loss)	\$82,681	\$192,294	

Golf Fund Rounds

Average Revenue Per Round:

FYTD Dec 2022 \$39.33

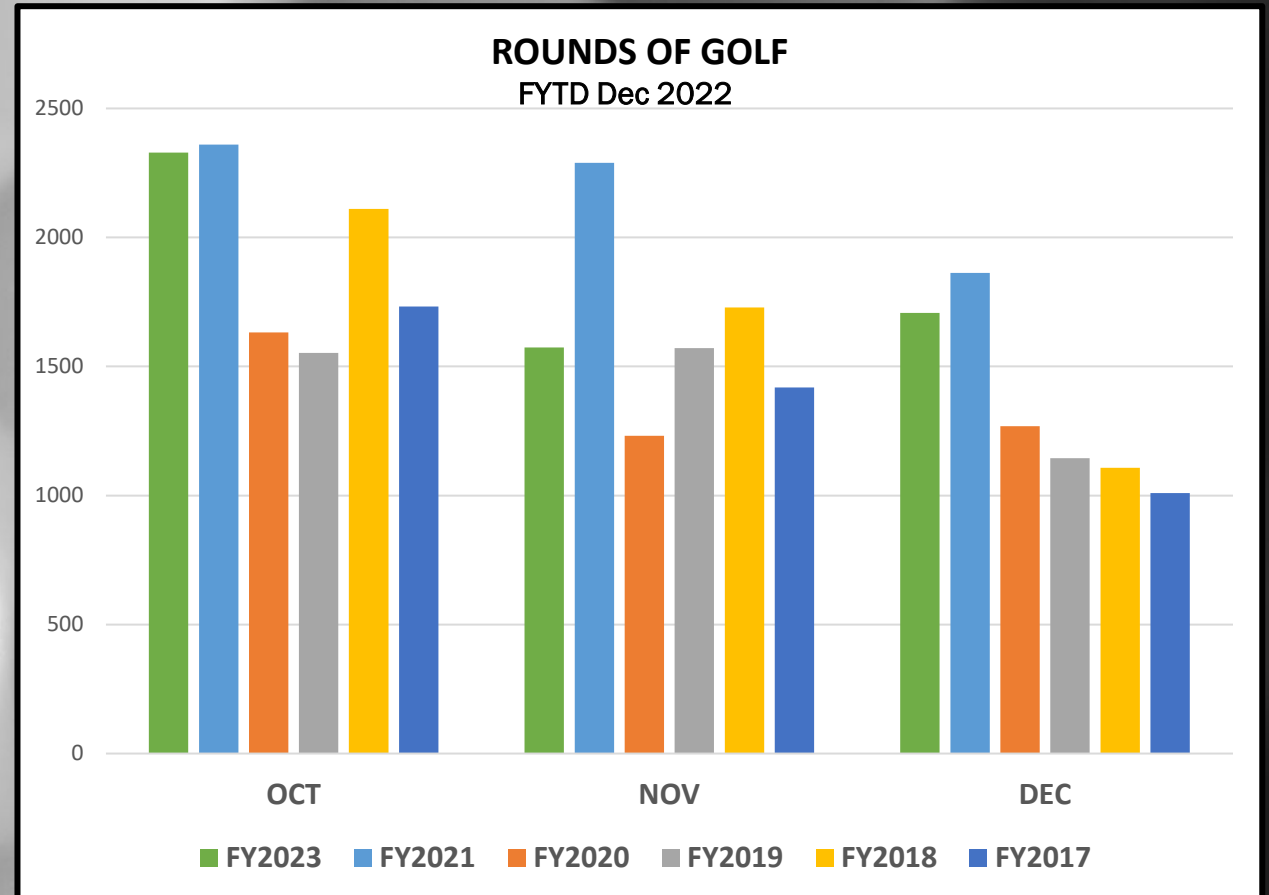
FYTD Dec 2021 \$37.96

Rounds of Golf:

FYTD Dec 2022 – 5,609

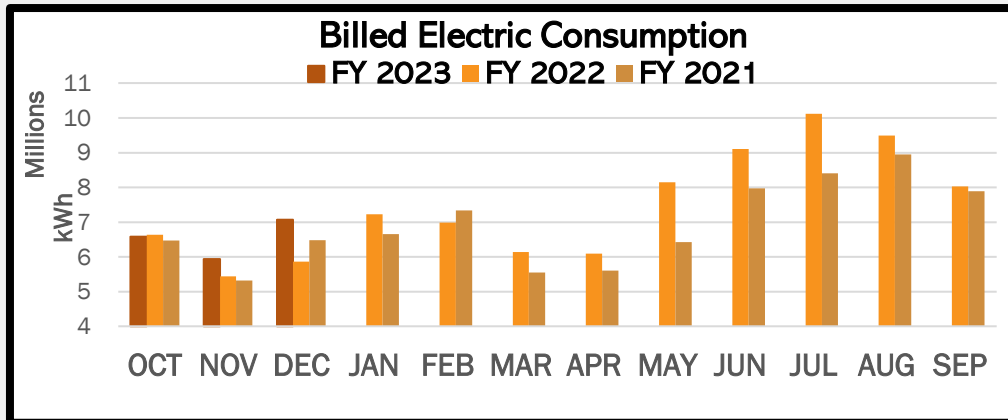
FYTD Dec 2021 – 6,540

➤ Decrease 931 rounds (14%)

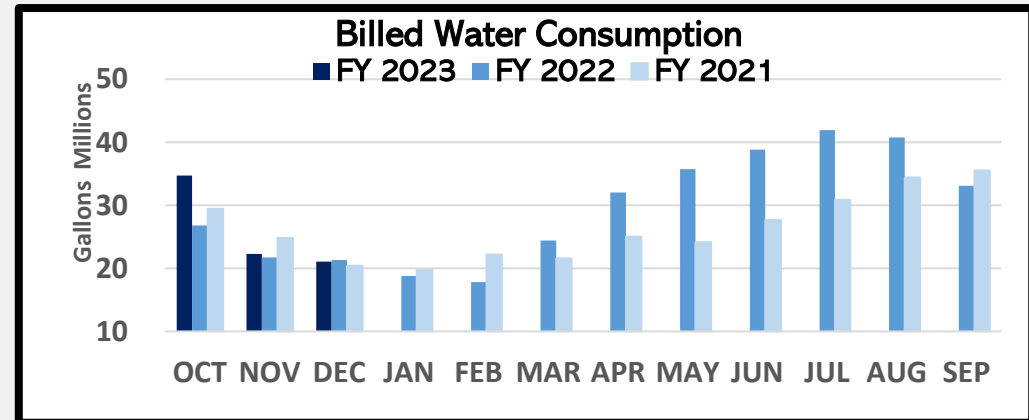


Utility Funds

ELECTRIC	Annual Budget	Actual FYTD Dec 2022	% of Budget
Revenues	\$4,089,298	\$949,779	23%
Expenses	3,786,446	878,127	23%
Profit(Loss)	\$302,852	\$71,652	



WATER	Annual Budget	Actual FYTD Dec 2022	% of Budget
Revenues	\$4,624,417	\$1,124,498	24%
Expenses	4,330,936	1,118,180	26%
Profit (Loss)	\$293,481	\$6,318	





Cash Reserves

Unrestricted Cash Reserve Balance	\$7,397,188
90 Day Reserve Requirement	<u>4,647,000</u>
Unrestricted Cash Balance over 90 Day Reserve	<u>\$2,750,188</u>
“Restricted by Council” Cash Balance	<u>\$4,029,379</u>



Questions?



Proclamation

OF THE MAYOR AND CITY COUNCIL FOR THE
CITY OF BURNET

Whereas, Title VIII of the Civil Rights Act of 1968, as amended, prohibits discrimination in housing and declares it a national policy to provide, within constitutional limits, for fair housing in the United States; and

Whereas, The principle of Fair Housing is not only national law and national policy, but a fundamental human concept and entitlement for all Americans; and

Whereas, The National Fair Housing Law, during the month of April, provides an opportunity for all Americans to recognize that complete success in the goal of equal housing opportunity can only be accomplished with the help and cooperation of all Americans.

Now, therefore, be it proclaimed, that I, Crista Goble Bromley, Mayor of the City of Burnet on behalf of the City Council, of the City of Burnet, Texas, do hereby declare the month of April 2023 to be observed as



Fair Housing Month

and urge all citizens of Burnet, Texas to become aware of and support the Fair Housing law.

In witness thereof, I hereunto set my hand and caused the seal of the City of Burnet to be affixed this 24th day of January, 2023.

Crista Goble Bromley

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

On this the 10th day of January, 2023, the City Council of the City of Burnet convened in Regular Session, at 6:00 p.m. the City of Burnet Council Chambers located at 2402 S. Water Street (Hwy 281 South, Burnet Municipal Airport) Burnet, Tx. thereof with the following members present, to-wit:

Mayor Crista Goble Bromley
Council Members Dennis Langley, Mary Jane Shanes, Philip Thurman, Ricky Langley, Cindia Talamantez, Joyce Laudenschlager
City Manager David Vaughn
City Secretary Kelly Dix

Guests: Mark Ingram, Patricia Langford, Tony Nash, Brian Lee, Eric Belaj, Habib Erkan, Jr., Maria Gonzales, Adrienne Field, Mark Miller, Haley Archer

Call to Order: Mayor Bromley called the meeting to order at 6:00 p.m.

INVOCATION: Led by Mayor Crista Goble Bromley

PLEDGES (US & TEXAS): Led by Council Member Philip Thurman

SPECIAL REPORTS/RECOGNITION:

Engineering Quarterly Report: E. Belaj: City Engineer Eric Belaj reviewed the quarterly Engineering report with all present to include a review of the Jackson Street Parking Lot drainage and landscaping, Houston-Clinton Drive re-design, Delaware Springs design progress, the Inks Lake Generator project, the Valley St. Well Project, Coke Street re-alignment design progress and the completion of the VFW sewer line project. The Engineering Department is currently working on the preliminary areas needed for the water/wastewater modeling project which will allow a late spring, early summer start on the water model as well as collaborating on the airport paving project. Mr. Belaj reviewed the current status of Creekfall Phase 1 & 2, Eagles Nest Section 3, Headwaters Phase 2, Sunday Drive and Westfall Phase 3 as well.

Development Services Quarterly Report: L. Kimbler: Leslie Kimbler Development Services Planning Manager, reviewed the fourth quarter permit issuance for both residential, and commercial as well as Certificates of Occupancy issuances for the quarter. The Development Services reviewed six minor plats and are working on long term planning goals that include the Capital Improvement Plan, Comp Plan-Vision 2030 Survey, and the Comp Plan- Future Land Use Plan.

Golf Course Quarterly Report: T. Nash: Tony Nash, Delaware Springs General Manager reported that the equipment expected later in the year should be in by the end of next month. Mr. Nash explained the planned winterization and maintenance of the course to include the collars and the greens and along the cart paths. A diver is scheduled to take a look at the drainage filter in the irrigation retention pond to see if the filter can be replaced by staff. Staff is currently working on an analysis of the cost-of-goods and pricing for the snack bar.

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 13, 2022 Regular City Council Meeting Minutes

Council Member Joyce Laudenschlager moved to approve the consent agenda as presented. Council Member Cindia Talamantez seconded. The motion carried unanimously.

PUBLIC HEARINGS/ACTION: None.

ACTION ITEMS:

SECOND AND FINAL READING OF AN ORDINANCE AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") FOR THE PURPOSE OF AMENDING THE MUNICIPAL GOLF COURSE VEGETATIVE BUFFER DEFINITIONS AND REQUIREMENTS; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR

PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: H. Erkan Jr: Council Member Joyce Laudenschlager moved to approve the first reading of Ordinance No. 2022-50 as presented. Council Member Philip Thurman seconded. The motion carried unanimously.

Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, PROVIDING FOR THE ACCEPTANCE OF TRANSFER OF REAL PROPERTY FROM THE DISSOLVED BURNET INDUSTRIAL DEVELOPMENT CORPORATION AND AUTHORIZING THE MAYOR'S EXECUTION AN ASSET TRANSFER DEED ON BEHALF OF THE CITY: H. Erkan: Council Member Mary Jane Shanes moved to adopt Resolution R2023-02 as presented. Council Member Cindia Talamantez seconded. The motion carried unanimously.

Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS APPROVING AN AGREEMENT BY AND BETWEEN THE CITY OF BURNET AND BURNET COUNTY EMERGENCY SERVICES DISTRICT NO. 7 FOR THE EXPENDITURE OF FUNDS FOR A FIRE TRUCK. M. Ingram: Council Member Mary Jane Shanes moved to adopt Resolution R2023-01 as presented. Council Member Joyce Laudenschlager seconded. The motion carried unanimously.

Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS APPROVING THE PURCHASE OF 2022 PIERCE FREIGHTLINER FX3 PUMPER TRUCK FROM SIDDONS-MARTIN FOR THE BURNET FIRE DEPARTMENT. M. Ingram: Council Member Ricky Langley moved to adopt Resolution R2023-03 as presented. Council Member Joyce Laudenschlager seconded. The motion carried unanimously.

Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS APPROVING THE LETTER OF INTENT TO GROUND LEASE PROPERTY AT THE BURNET MUNICIPAL AIRPORT. A. Field: Council Member Philip Thurman moved to adopt Resolution R2023-04 as presented. Council Member Mary Jane Shanes seconded. The motion carried unanimously.

Discuss and consider action: FIRST READING OF AN ORDINANCE ESTABLISHING CURFEWS FOR MINORS; PROVIDING DEFINITIONS; PROVIDING DEFENSES AND EXCEPTIONS; PROVIDING PENALTIES; AND PROVIDING OPEN MEETINGS, SEVERABILITY AND RELATED CLAUSES: B. Lee: Council Member Philip Thurman moved to approve the first reading of Ordinance No. 2023-01 as presented. Council Member Cindia Talamantez seconded. The motion carried unanimously.

Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING THE EXPENDITURE OF \$122,500 AND DIRECTING THE CITY MANAGER TO SIGN APPROPRIATE PAPERWORK, WITH THE STATE OF TEXAS, REPRESENTED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, FOR THE AIRPORT PAVING PROJECT CSJ-2314BRNET: E. Belaj: Council Member Cindia Talamantez moved to adopt Resolution R2023-05 as presented. Council Member Philip Thurman seconded. The motion carried unanimously.

Discuss and consider action: Authorizing the purchase of turning targets, three pop-up target systems, and a protective knee wall from ATS targets: B. Lee: Council Member Philip Thurman moved to approve and authorize the Police Department to purchase the turning targets, three pop-up target systems, and a protective knee wall from ATS targets in an amount not to exceed \$65,000.00, to be utilized at the Police Department gun range as presented. Council Member Mary Jane Shanes seconded. The motion carried unanimously.

CONVENE TO EXECUTIVE SESSION: Pass.

Executive Session: Pursuant to Section 551.072 Texas Government Code City Council shall convene in executive session to: (i) deliberate the purchase, exchange, lease, or value of real property in order to minimize the detrimental effect of such discussion in open session on the position of City Council in negotiations with third parties: 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:

RECONVENE TO REGULAR SESSION FOR POSSIBLE ACTION: Council Member Joyce Laudenschlager made a motion to re-convene to Regular Session at 7:36 p.m. Council Member Cindia Talamantez seconded. The motion carried unanimously.

Discuss and consider action: Regarding deliberations of the purchase, exchange, lease, or value of real property: D. Vaughn: Pass. No action taken.

REQUESTS FROM COUNCIL FOR FUTURE REPORTS: In accordance with Resolution R2020-28

councilmembers may request the City Manager to prepare and present future report on matters of public interest:
Council Member Philip Thurman complimented the Street Department on the recent street sweeping at Delaware Spring. Council Member Thurman asked staff if there was a regular street sweeping schedule. Public Works Director Carly Kehoe Pearson stated that the department would provide a schedule.

ADJOURN: There being no further business a motion to adjourn was made by Council Member Philip Thurman at 6:57 p.m. seconded by Council Member Ricky Langley. The motion carried unanimously.

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Police Department

ITEM 4.1

Brian Lee
Police Chief
(512)-756-6404
blee@cityofburnet.com

Action

Meeting Date: January 10, 2023

Agenda Item: Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE ESTABLISHING CURFEWS FOR MINORS; PROVIDING DEFINITIONS; PROVIDING DEFENSES AND EXCEPTIONS; PROVIDING PENALTIES; AND PROVIDING OPEN MEETINGS, SEVERABILITY AND RELATED CLAUSES: B. Lee

Background: The City established curfew hours for minors within the city limits for the protection of such minors and the public health, safety and welfare of the community.

Information: The City currently imposes a curfew on juveniles within the city limits and as described in LGC §308.001-§308.008, any Municipality which adopts a juvenile curfew ordinance must review that ordinance before the third anniversary date of its adoption, and every third year thereafter. The next review of the ordinance will be in January 2026.

There have been no changes to Ordinance 2023-01 since the first reading on January 10, 2023.

Fiscal Impact: None.

Recommendation: Approve and adopt Ordinance 2023-01 as presented.

ORDINANCE NO. 2023-01

AN ORDINANCE ESTABLISHING CURFEWS FOR MINORS; PROVIDING DEFINITIONS; PROVIDING DEFENSES AND EXCEPTIONS; PROVIDING PENALTIES; AND PROVIDING OPEN MEETINGS, SEVERABILITY AND RELATED CLAUSES.

WHEREAS, the City Council of the City of Burnet, Texas finds the establishment of reasonable curfew hours for minors to be necessary and reasonable for the protection of such minors and the public health, safety and welfare;

WHEREAS, the City currently imposes a curfew on juveniles within the city limits; and

WHEREAS, the City has conducted a public hearing on the need to continue the juvenile curfew ordinance; and

WHEREAS, the City has reviewed the effect of the juvenile ordinance; and

WHEREAS, the City finds that continuation of its juvenile curfew ordinance will promote the public welfare;"

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

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. Curfew. Division 2, entitled "Curfew", Sections 70-36 through 70-41 of the Code of Ordinances of the City of Burnet having expired is hereby reaffirmed and readopted to remain in the Code of Ordinances and shall read as follows:

Sec. 70-36. Short Title. This Division shall be known and may be cited as the "Curfew Hours for Minors Ordinance."

Sec. 70-37. Definitions.

For the purposes of this division the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number

include the plural number. The word "shall" is always mandatory and not merely directory.

Curfew hours means:

- (1) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 a.m. of the following day; and
- (2) 12:01 a.m. until 6:00 a.m. on any Friday or Saturday.

Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Establishment means any privately-owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.

Guardian means:

- (1) A person who, under court order, is the guardian of a minor; or
- (2) A public or private agency with whom a minor has been placed by a court.

Minor means any person under 17 years of age.

Operator means any individual, firm, association, partnership or corporation, operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

Parent means a person who is:

- (1) A natural parent, adoptive parent or step-parent or another person; or
- (2) At least 18 years of age and authorized by a parent or guardian in writing to have the care and custody of a minor.

Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

Remain means to:

- (1) Linger or stay; or
- (2) Fail to leave premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.

Serious bodily injury means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Sec. 70-38. Curfew related offenses.

- (a) A minor commits an offense if he remains in any public place or on the premises of any establishment within the city during curfew hours.
- (b) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.
- (c) The owner, operator or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

Sec. 70-39. Exceptions and defenses.

- (a) It is a defense to prosecution under section 70-38 that the minor was:
 - (1) Accompanied by the minor's parent or guardian;
 - (2) On a lawful errand at the direction of the minor's parent or guardian, without any detour or stop;
 - (3) In a motor vehicle involved in interstate travel;
 - (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - (5) Involved in an emergency;
 - (6) On the sidewalk abutting the minor's residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;

- (7) Attending an official school, religious or other recreational activity supervised by adults and sponsored by the city, a civic organization or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious or other recreational activity supervised by adults and sponsored by the city, a civic organization; or another similar entity that takes responsibility for the minor;
- (8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly; or
- (9) Married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code.

(b) It is a defense to prosecution under subsection 70-38(c) that the owner, operator or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

Sec. 70-40. Enforcement.

Before taking any enforcement action under this division, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this division unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in section 70-39 is present.

Sec. 70-41. Penalties.

(a) A person who violates a provision of this section is guilty of a separate offense for each day or part of a day during which the violation is committed, continued or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$500.00.

(b) When required by V.T.C.A, Family Code § 51.08, as amended, the municipal court shall waive original jurisdiction over a minor who violates subsection 70-38(a) of this division and shall refer the minor to juvenile court.

Section 3. Conflicting Ordinances. All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby amended and repealed to the extent of such inconsistency or conflict.

Section 4. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 5. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.

Section 6. Effective Date. This ordinance shall take effect immediately upon its adoption by the City Council and publication as required by the Local Government Code.

PASSED AND APPROVED on First Reading this 10th day of January, 2023.

FINALLY PASSED AND APPROVED on this the 24th day of January, 2023.

CITY OF BURNET, TEXAS

Crista Bromley , Mayor

ATTEST:

Kelly Dix, City Secretary



City Secretary

ITEM 4.2

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

Action

Meeting Date:	January 24, 2023
Agenda Item:	Discuss and consider action: Appointment of a Commissioner to the Housing Authority of the City of Burnet: K. Dix
Background:	The longest serving Burnet Housing Authority Board Commissioner Jack Butler passed away in December 2022, creating a vacancy of an unexpired term that ends in June, 2023.
Information:	Billie Shelburn, Executive Director of the Burnet Housing Authority of the City of Burnet submitted a request to appoint Louise Lary as Commissioner on the Burnet Housing Authority Board, to fill the unexpired term vacated by Mr. Butler that will expire in June of 2023.
Fiscal Impact:	None.
Recommendation:	Appoint Louise Lary to the Housing Authority Board of Commissioners of the City of Burnet to serve a two-year term, expiring in June 2023.

**Certificate of Appointment of
Commissioners of the Housing Authority
Of the City of Burnet, Texas**

Pursuant to the provisions of section 5 of the "Housing Authorities Law" of the State of Texas and by virtue of my office as Mayor:

I hereby appoint, the following named person to serve as Commissioner of the Housing Authority of the City of Burnet, Texas and to serve for the remainder of an unexpired term vacated by Commissioner Jack Butler:

**Louise Lary
January 2023-June 2023**

I hereby certify that the above designated Commissioner is not an Officer or Employee of the City of Burnet, Texas, but said Commissioner is a resident thereof.

In witness whereof, I have hereunto signed my name as Mayor of the City of Burnet, Texas, and caused the official Corporate Seal of the City of Burnet, Texas to be attached hereto this 24th day of January, 2023

Crista Goble Bromley, Mayor
City of Burnet, Texas

ATTEST:

Kelly Dix, City Secretary
City of Burnet, Texas

**CERTIFICATE OF THE CITY SECRETARY OF THE
THE CITY OF BURNET, TEXAS
FILING OF CERTIFICATE OF APPOINTMENT**

I hearby certify that on this the 24th day of January, 2013, a certificate of appointment of commissioner **Louise Lary** of the Housing Authority of the City of Burnet, Texas, was duly filed with the City Secretary of the City of Burnet, Texas and the certificate being dated the 24th day of January, 2023 and signed by the Mayor of the said City, and attached hereto is a true, correct and compared copy of the original certificate of appointment and destination which is now on file in the office of the City Secretary of the City of Burnet, Texas.

In witness hereof, I have hereunto set my hand and the seal of the City of Burnet, Texas, This the 24th day of January, 2023.

Kelly Dix, City Secretary

(SEAL)



Housing Authority of The City of Burnet

805 SOUTH WATER
P. O. BOX 56
BURNET, TEXAS 78611
PHONE 512 756-4745

January 16, 2023

Mayor Crista Bromley
City of Burnet
P.O. Box 1369
Burnet, Texas 78611

Dear Mayor Bromley:

It is with a lot of sadness I write this letter, but our Jack Butler, I sure you know, has passed away. We will miss him so much on our Board. He was a great Board member and such an awesome man. He will be deeply missed.

We have talked to Louise Lary, she was on our Board for a long time got off to take care of Cam, and we would love for her to be appointed to serve in Jack place for the remaining time of his term. This term will continue until July 1, 2023.

Thank you so much for you help in this matter.

Yours truly,

Billie Shelburn
Executive Director
Burnet Housing Authority
P.O. Box 56
Burnet, Texas 78611



City Secretary

ITEM 4.3

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

Agenda Item Brief

Meeting Date: January 24, 2023

Agenda Item: Discuss and consider action: A RESOLUTION OF THE CITY OF BURNET, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON MAY 6, 2023, TO ELECT ONE 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 QUE SE CELEBREN ELECCIONES GENERALES EL 6 DE MAYO 2023, PARA ELEGIR UN ALCALDE Y TRES MIEMBROS DEL CONCEJO MUNICIPAL; ESTABLECER EL PROCEDIMIENTO DE ELECCIÓN; Y QUE SE OCUPAN DE CUESTIONES CONEXAS: K. Dix

Background: Mayor Crista Goble Bromely is completing her third and final term as Mayor and is ineligible for re-election. Council Member Cindia Talamantez is completing her third term on Council and is ineligible for re-election. Council Member Joyce Laudenschlager is completing her first term and is eligible for re-election. Council Member Ricky Langley is completing his first term and is eligible for re-election.

Information: A General Election will be held on May 6, 2023, 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. R2023-11 ordering a General Election to be held on May 6, 2023, to elect one Mayor and three Council Members for the City of Burnet as presented.

RESOLUTION R2023-11

A RESOLUTION OF THE CITY OF BURNET, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON MAY 6, 2023, TO ELECT 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 6 DE MAYO DE 2023, PARA ELEGIR TRES MIEMBROS DEL CONSEJO (CONCEJALES); ESTABLECIENDO LOS PROCEDIMIENTOS PARA LA ELECCIÓN; Y PROVEYENDO OTROS ASUNTOS RELACIONADOS.

WHEREAS, on May 6, 2023 there shall be elected the following officials for this City: one Mayor and three City Council Members;

CONSIDERANDO QUE, el 6 de mayo de 2023 se elegirán los siguientes funcionarios para esta Ciudad: un Alcalde y tres Miembros del Concejo Municipal;

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 6, 2023, to elect one 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 18, 2023 and 5:00 p.m. on February 17, 2023. 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. Elecciones generales. La Elección General de la Ciudad se llevará a cabo el sábado 6 de mayo de 2023, para elegir un Alcalde y tres Miembros del Concejo Municipal, para servir un término de dos (2) años cada uno. Los candidatos en la elección para los cargos anteriores deberán presentar su solicitud para convertirse en candidatos ante el Secretario de la Ciudad de Burnet, en el Ayuntamiento, 1001 W. Buchanan, , Ste. 4, entre las 8:00 a.m. del 18 de enero de 2023 Burnet, Texas 78611 y las 5:00 p.m. del 17 de febrero de 2023. Todas las solicitudes de candidatura deberán estar en un formulario según lo prescrito por el *Código Elec*. El orden en que los nombres de los candidatos para cada cargo deben imprimirse en la boleta se determinará mediante un sorteo realizado por el Secretario 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 Clerk, 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 Clerk. Early voting shall commence on Monday, April 24th, 2023 and continue through

Tuesday, May 2, 2023. 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, 24 de Abril de 2023, y continuará hasta el martes, 2 de mayo de 2023.

SECTION 5. 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 aid the Burnet County Clerk 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 no 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 Clerk 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 24th day of January, 2023.
PASADO Y APROBADO este día 24th de Enero, 2023.

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

Crista Goble Bromley, Mayor
Crista Goble Bromley, Alcalde

**ATTEST:
ATESTIGUAR:**

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 6, 2023** for the purpose of:
A General Election to elect one Mayor and three Council Members.*

*Early voting by personal appearance will be conducted each weekday at:
**AgrLife Auditorium, located at 607 N. Vandever Street, Burnet, Texas and the
Marble Falls Courthouse S. Annex, located at 810 Steve Pkwy., Marble Falls, TX
78654.***

April 24, 2023	8am-5pm
April 25, 2023	8am-5pm
April 26, 2023	8am-5pm
April 27, 2023	7am-7pm
April 28, 2023	8am-5pm
May 1, 2023	7am-7pm
May 2, 2023	8am-5pm

Applications for ballot by mail shall be mailed to:
**Douglas Ferguson
Elections Administrator, Burnet County
220 South Pierce Street
Burnet, TX 78611**

*Applications for ballots by mail and federal Post Card Applications must be received no
later than the close of business on: **April 25, 2023***

Issued this the 24th day of January, 2023.

Crista Goble Bromley, Mayor

Dennis Langley, Council Member

Joyce Laudenschlager, Council Member

Mary Jane Shanes, Council Member

Philip Thurman, Council Member

Ricky Langley, Council Member

Cindia Talamantez, 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 celebren elecciones el 6 de mayo de 2023 con el propósito de:

Una elección general para elegir un alcalde y tres concejales.

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

Auditorio AgrLife, ubicado en 607 N. Vandever Street, Burnet, Texas y de Marble Falls Palacio de Justicia S. Anexo, ubicado en 810 Steve Pkwy., Marble Falls, TX 78654.

24 de abril de 2023	8am-5pm
25 de abril de 2023	8am-5pm
26 de abril de 2023	8am-5pm
27 de abril de 2023	7am-7pm
28 de abril de 2023	8am-5pm
1 de mayo de 2023	7am-7pm
2 de mayo de 2023	8am-5pm

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

**Doug Ferguson
Elections Administrator, Burnet County
220 South Pierce Street
Burnet, TX 78611**

*Las solicitudes de boletas por correo y tarjetas postales federales deben recibirse a más tardar al cierre de los negocios el: **25 de abril de 2023***

Emitida este día 24 de enero de 2023.

Crista Goble Bromley, del Alcalde

Dennis Langley, Persona del Concilio

Joyce Laudenschlager, Persona del Concilio

Mary Jane Shanes, Persona del Concilio

Philip Thurman, Persona del Concilio

Ricky Langely, 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.



City Secretary

ITEM 4.3

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

Agenda Item Brief

Meeting Date: January 24, 2023

Agenda Item: Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ORDERING AN ELECTION ON SATURDAY, MAY 6, 2023, FOR THE ADDITIONAL PUPOSE OF SUBMITTING FOR APPROVAL OR REJECTION; A PROPOSAL TO AUTHORIZE THE SALE OF CITY PARKLAND PROPERTY, MAKING PROVISION FOR THE CONDUCT OF THE ELECTION, RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; AND PROVIDING FOR AN EFFECTIVE DATE.

PRIMERA LECTURA DE UNA ORDENANZA DEL CONCEJO MUNICIPAL DE LA CIUDAD DE BURNET, TEXAS, ORDENANDO UNA ELECCIÓN EL SÁBADO 6 DE MAYO DE 2023, PARA EL PROPÓSITO ADICIONAL DE PRESENTAR PARA APROBACIÓN O RECHAZO; UNA PROPUESTA PARA AUTORIZAR LA VENTA DE LA PROPIEDAD DE LOS PARQUES DE LA CIUDAD, TOMANDO DISPOSICIONES PARA LA REALIZACIÓN DE LA ELECCIÓN, RESOLVIENDO OTROS ASUNTOS INCIDENTES Y RELACIONADOS CON DICHA ELECCIÓN; Y ESTABLECER UNA FECHA DE ENTRADA EN VIGOR.

Background: Pursuant to requirements of the subdivision ordinance the developers of the Highland Oaks Subdivision dedicated 1.458 acres of land to the public for park purposes. As the park is located within the subdivision and is primarily used by the Highland Oaks Homeowners Association members, the conveyance of land to the Highland Oaks Homeowners Association would be deemed the preferred owners of the parkland.

Information: Texas Local Government Code Sec. 253.001 (b) requires that the conveyance of land dedicated to the public, for park purposes, be first approved by the voters.

A Special Election will be held on May 6, 2023, to determine the desire of the citizenry for the conveyance of the property to the Highland Oaks Homeowners Association. 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 the first reading of Ordinance 2023-03 ordering a Special Election to be held on May 6, 2023, authorizing the sale of parkland property by the City of Burnet, in accordance and under the provisions of Section 253.001(b) of the Texas Local Government Code

ORDINANCE NO. 2023-03
ORDENANZA N° 2023-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ORDERING AN ELECTION ON SATURDAY, MAY 6, 2023, FOR THE ADDITIONAL PUPOSE OF SUBMITTING FOR APPROVAL OR REJECTION; A PROPOSAL TO AUTHORIZE THE SALE OF CITY PARKLAND PROPERTY, MAKING PROVISION FOR THE CONDUCT OF THE ELECTION, RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; AND PROVIDING FOR AN EFFECTIVE DATE.

UNA ORDENANZA DEL CONCEJO MUNICIPAL DE LA CIUDAD DE BURNET, TEXAS, ORDENANDO UNA ELECCIÓN EL SÁBADO 6 DE MAYO DE 2023, PARA EL PROPÓSITO ADICIONAL DE PRESENTAR PARA APROBACIÓN O RECHAZO; UNA PROPUESTA PARA AUTORIZAR LA VENTA DE LA PROPIEDAD DE LOS PARQUES DE LA CIUDAD, TOMANDO DISPOSICIONES PARA LA REALIZACIÓN DE LA ELECCIÓN, RESOLVIENDO OTROS ASUNTOS INCIDENTES Y RELACIONADOS CON DICHA ELECCIÓN; Y ESTABLECER UNA FECHA DE ENTRADA EN VIGOR.

WHEREAS, Section 3.04 of the Texas Election Code directs that the City Council of the City of Burnet shall order an election for the City; and

CONSIDERANDO QUE, *la Sección 3.04 del Código Electoral de Texas ordena que el Concejo Municipal de la Ciudad de Burnet ordene una elección para la Ciudad; y*

WHEREAS, Section 41.001 of the Texas Election Code establishes May 6th, 2023 as a "uniform election date" for the purposes of conducting the election; and

CONSIDERANDO QUE, *la Sección 41.001 del Código Electoral de Texas establece el 6 de mayo de 2023 como una "fecha de elección uniforme" con el propósito de llevar a cabo la elección; y*

WHEREAS, the Highland Oaks Homeowners Association Board of Directors has requested the land be conveyed to them for use and maintenance by its members of the Highland Oaks Homeowners Association as a private park; and

CONSIDERANDO QUE, *la Junta Directiva de la Asociación de Propietarios de Highland Oaks ha solicitado que la tierra les sea transmitida para uso y mantenimiento por sus miembros de la Asociación de Propietarios de Highland Oaks como un parque privado; y*

WHEREAS, Section 253.001 of the Texas Local Government Code requires that the sale of any parkland owned by the City must be submitted to the qualified voters of the City at an election and approved by a majority of the votes received at the election, and that nay

proceeds from the sale must only be used to acquire and improve property for park purposes; and

CONSIDERANDO QUE, la Sección 253.001 del Código de Gobierno Local de Texas requiere que la venta de cualquier parque propiedad de la Ciudad debe ser presentada a los votantes calificados de la Ciudad en una elección y aprobada por la mayoría de los votos recibidos en la elección, y que los ingresos de la venta solo deben usarse para adquirir y mejorar la propiedad para fines de parque; y

WHEREAS, The City Council of the City of Burnet, Texas, desires to convey by sale, land commonly known as the Highland Oaks Public Park located in the Highland Oaks Subdivision and particularly described as: all of the approximately 1.3902-acre lot described as Highland Oaks Subdivision Phase One (1) Lot No. Three (3), Block No. Nine (9), Burnet County, Texas as shown on the Plat recorded on March 27, 2003, as Instrument No. 200303659 in the Public Records of Burnet County, Texas; and all of the approximately 0.6779-acre lot described as Highland Oaks Subdivision Phase Two (2) Lot No. Thirty (30), Block No. Six (6), Burnet County, Texas as shown on the Plat recorded on March 27, 2003, as Instrument No. 200303659 in the Public Records of Burnet County, Texas, and

CONSIDERANDO QUE, el Concejo Municipal de la Ciudad de Burnet, Texas, desea transmitir por venta, terrenos comúnmente conocidos como el Parque Público Highland Oaks ubicados en la Subdivisión Highland Oaks y particularmente descritos como: todo el lote de aproximadamente 1.3902 acres descrito como Highland Oaks Subdivisión Fase Uno (1) Lote No. Tres (3), Bloque No. Nueve (9), Condado de Burnet, Texas, como se muestra en el Plat registrado el 27 de marzo de 2003, como Instrumento No. 200303659 en los Registros Públicos del Condado de Burnet, Texas; y todo el lote de aproximadamente 0.6779 acres descrito como Highland Oaks Subdivisión Fase Dos (2) Lote No. Treinta (30), Bloque No. Seis (6), Condado de Burnet, Texas como se muestra en el Plano registrado el 27 de marzo de 2003, como Instrumento No. 200303659 en los Registros Públicos del Condado de Burnet, Texas, y

WHEREAS, The City Council of the City of Burnet, Texas, has determined to submit to the qualified voters of the City for their approval or rejection, a certain proposal to authorize the sale of parkland property pursuant to Section 253.001 (b) of the Texas Local Government Code;

CONSIDERANDO QUE, el Concejo Municipal de la Ciudad de Burnet, Texas, ha determinado presentar a los votantes calificados de la Ciudad para su aprobación o rechazo, una cierta propuesta para autorizar la venta de propiedades de parques de conformidad con la Sección 253.001 (b) del Código de Gobierno Local de Texas;

WHEREAS, The City Council of the City of Burnet further has agreed to enter into a joint agreement with the Burnet County Election Administration to conduct all election services for May 6, 2023.

CONSIDERANDO QUE, el Concejo Municipal de la Ciudad de Burnet ha acordado además celebrar un acuerdo conjunto con la Administración Electoral del Condado de Burnet para llevar a cabo todos los servicios electorales para el 6 de mayo de 2023.

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

AHORA, POR LO TANTO; SEA ORDENADO POR EL CONCEJO MUNICIPAL DE LA CIUDAD DE BURNET, TEXAS:

Section 1. Election Order. An election shall be held on May 6th, 2023, a uniform election date, in the City of Burnet, Texas, for the purpose of submitting the following measure to the qualified voters of the City:

Sección 1. Orden electoral. Se llevará a cabo una elección el 6 de mayo de 2023, una fecha de elección uniforme, en la Ciudad de Burnet, Texas, con el propósito de presentar la siguiente medida a los votantes calificados de la Ciudad:

Section 2. Submission of Measures

The following measures will be submitted to the qualified voters of the City at the election in the form of propositions in accordance with Section 9.004 of the Texas Local Government Code and other applicable laws:

Sección 2. Presentación de medidas

Las siguientes medidas se presentarán a los votantes calificados de la Ciudad en la elección en forma de propuestas de acuerdo con la Sección 9.004 del Código de Gobierno Local de Texas y otras leyes aplicables:

Measure No. 1 **Medida Nº 1**

Measure 1 shall be placed on the ballot in the form of the following Proposition:
La Medida 1 se colocará en la boleta electoral en la siguiente Proposición:

CITY OF BURNET PROPOSITION A

Shall the City be authorized to sell property as described below; under the provisions of Section 253.001(b) of the Texas Local Government Code:

CIUDAD DE BURNET PROPOSICIÓN A

¿Estará autorizada la Ciudad a vender propiedades como se describe a continuación? bajo las disposiciones de la Sección 253.001(b) del Código de Gobierno Local de Texas:

FOR _____
PARA _____

AGAINST _____
CONTRA _____

Highland Oaks Public Park located in the Highland Oaks Subdivision and particularly described as: all of the approximately 1.3902-acre lot described as Highland Oaks Subdivision Phase One (1) Lot No. Three (3), Block No. Nine (9), Burnet County, Texas as shown on the Plat recorded on March 27, 2003, as Instrument No. 200303659 in the Public Records of Burnet County, Texas; and all of the approximately 0.6779-acre lot described as Highland Oaks Subdivision Phase Two (2) Lot No. Thirty (30), Block No. Six (6), Burnet County, Texas as shown on the Plat recorded on March 27, 2003, as Instrument No. 200303659 in the Public Records of Burnet County, Texas.

Highland Oaks Public Park ubicado en la Subdivisión Highland Oaks y particularmente descrito como: todo el lote de aproximadamente 1.3902 acres descrito como Highland Oaks Subdivisión Fase Uno (1) Lote No. Tres (3), Bloque No. Nueve (9), Condado de Burnet, Texas como se muestra en el Plano registrado el 27 de marzo de 2003, como Instrumento No. 200303659 en los Registros Públicos del Condado de Burnet, Texas; y todo el lote de aproximadamente 0.6779 acres descrito como Highland Oaks Subdivisión Fase Dos (2) Lote No. Thirty (30), Block No. Six (6), Burnet County, Texas como se muestra en el Plat registrado el 27 de marzo de 2003, como Instrumento No. 200303659 en los Registros Públicos del Condado de Burnet, Texas.

Section 3. Election Administration. The Burnet County Election Administrator 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/special 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. Administración Electoral. *El Administrador Electoral del Condado de Burnet y sus empleados y designados, y los jueces electorales, jueces suplentes y secretarios debidamente designados para la elección, celebrarán y conducirán la elección de la manera prevista por contrato con la Ciudad y la ley que rige la celebración de elecciones generales / especiales por las ciudades autónomas del Estado de Texas; y las papeletas oficiales, junto con cualquier otro material electoral requerido por el Código Elec. de Texas, se preparará en los idiomas inglés y español y contendrá las disposiciones, marcas y el lenguaje requerido por la ley.*

Section 4. Early voting, both by personal appearance and by mail, will be conducted by the Burnet County Election 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 25, 2023, and continue through Monday, May 2, 2023. Early voting shall also be held at any time and location authorized by the Burnet County Clerk.

Sección 4. *La votación anticipada, tanto por comparecencia personal como por correo, será realizada por el Administrador Electoral del Condado de Burnet, quien es designado y designado como el secretario de Votación Anticipada, de acuerdo con el Código Electoral de Texas. La votación anticipada por comparecencia personal se llevará a cabo en los horarios, lugares y lugares autorizados por la ley estatal y el Administrador Electoral del Condado de Burnet. La votación anticipada comenzará el lunes 25 de abril de 20 a 23 y continuará hasta el lunes 2 de mayo del 20al 23 de mayo. La votación anticipada también se llevará a cabo en cualquier momento y lugar autorizado por el secretario del Condado de Burnet.*

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 Election Administrator shall tabulate and provide the election returns for the election.

Sección 5. *Los precintos electorales para la elección serán los precintos electorales establecidos por el Condado de Burnet, siempre que cada uno contenga e incluya el área geográfica que se encuentra dentro de la Ciudad. El lugar de votación para cada precinto electoral será el lugar de votación establecido por el Condado de Burnet para dichos precintos electorales en el Condado de Burnet y la votación de los residentes de la Ciudad. Las urnas permanecerán abiertas el día de la elección de 7:00 a.m. a 7:00 p.m. Las declaraciones de los precintos en el Condado de Burnet serán proporcionadas por precinto y el Administrador de Elecciones del Condado de Burnet tabulará y proporcionará las declaraciones electorales para la elección.*

Section 6. The City Secretary, or designee, is instructed to aid the Burnet County Election 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 Election Administrator 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 Election Administrator 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. *El secretario de la Ciudad, o su designado, tiene instrucciones de ayudar al Administrador Electoral del Condado de Burnet en la adquisición y suministro de todos los suministros y materiales electorales necesarios para llevar a cabo la elección según lo dispuesto por el Acuerdo Electoral. El Secretario de la Ciudad está autorizado además a*

dar o hacer que se le den los avisos requeridos para la elección, y a tomar cualquier otra acción adicional que sea necesaria para llevar a cabo la elección de conformidad con el Código Eléctrico de Texas y la Carta de la Ciudad; siempre que, de conformidad con el Acuerdo Electoral entre el Condado de Burnet y la Ciudad, el Administrador Electoral del Condado de Burnet tendrá el deber y será responsable de organizar y conducir la elección de conformidad con el Código Elec. de Texas; y para proporcionar todos los servicios especificados para ser proporcionados en el Acuerdo Electoral. El Administrador de Elecciones del Condado de Burnet dará los avisos requeridos por el Código Elec. de Texas que se dará para la elección que no es requerido por la Ciudad bajo el Acuerdo Electoral.

Section 7. The presiding judges, alternate presiding judges and clerks for the election shall be selected and appointed by the Burnet County Election Administrator and its appointees in compliance with the requirements of state law, and such judges and clerks so selected by Burnet County Election Administrator 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 suplentes y secretarios para la elección serán seleccionados y nombrados por el Administrador Electoral del Condado de Burnet y sus designados de conformidad con los requisitos de la ley estatal, y dichos jueces y secretarios así lo seleccionarán el Administrador Electoral del Condado de Burnet. y sus designados son designados y nombrados por el Concejo Municipal como los oficiales electorales, jueces y secretarios, respectivamente, para la celebración de dicha elección general. Los jueces presidentes, los jueces presidentes suplentes y los secretarios desempeñarán las funciones y deberes de sus respectivos cargos que establece la ley estatal. El concejo municipal confirmará y nombrará a los jueces electorales y jueces electorales alternativos que son 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 Ordinance 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. *La notificación de la elección se dará mediante la publicación de un aviso que contenga una copia sustancial de esta Ordenanza en el tablón de anuncios utilizado para publicar el aviso de las reuniones del cuerpo gobernante en el Ayuntamiento y en los lugares de votación del día de las elecciones antes mencionado a más tardar el vigésimo primer (21) día antes de la elección, y mediante la publicación de dicho Aviso de elección al 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 publique, y el aviso que se publique en un periódico de circulación general dentro de la ciudad, estará escrito tanto en inglés como en 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 Ordinance shall be in force and effect from and after its passage on the date shown below.

Sección 9. *La elección será realizada y conducida por el Administrador Electoral del Condado de Burnet de conformidad con la ley estatal y el Acuerdo Electoral. Y, esta Ordenanza estará en vigor y efecto desde y después de su aprobación en la fecha que se muestra a continuación.*

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. *Por la presente se encuentra y determina oficialmente que esta reunión estaba abierta al público, y se dio aviso público de la hora, el lugar y el propósito de dicha reunión, todo según lo requerido por la Ley de Reuniones Abiertas, Capítulo 551, Código de Gobierno de Texas.*

Passed and Approved on first reading this the 24th day of January, 2023.

Aprobado y aprobado en primera lectura el 24 de enero de 2023.

Passed and Approved on second and final reading this the 14th day of February, 2023

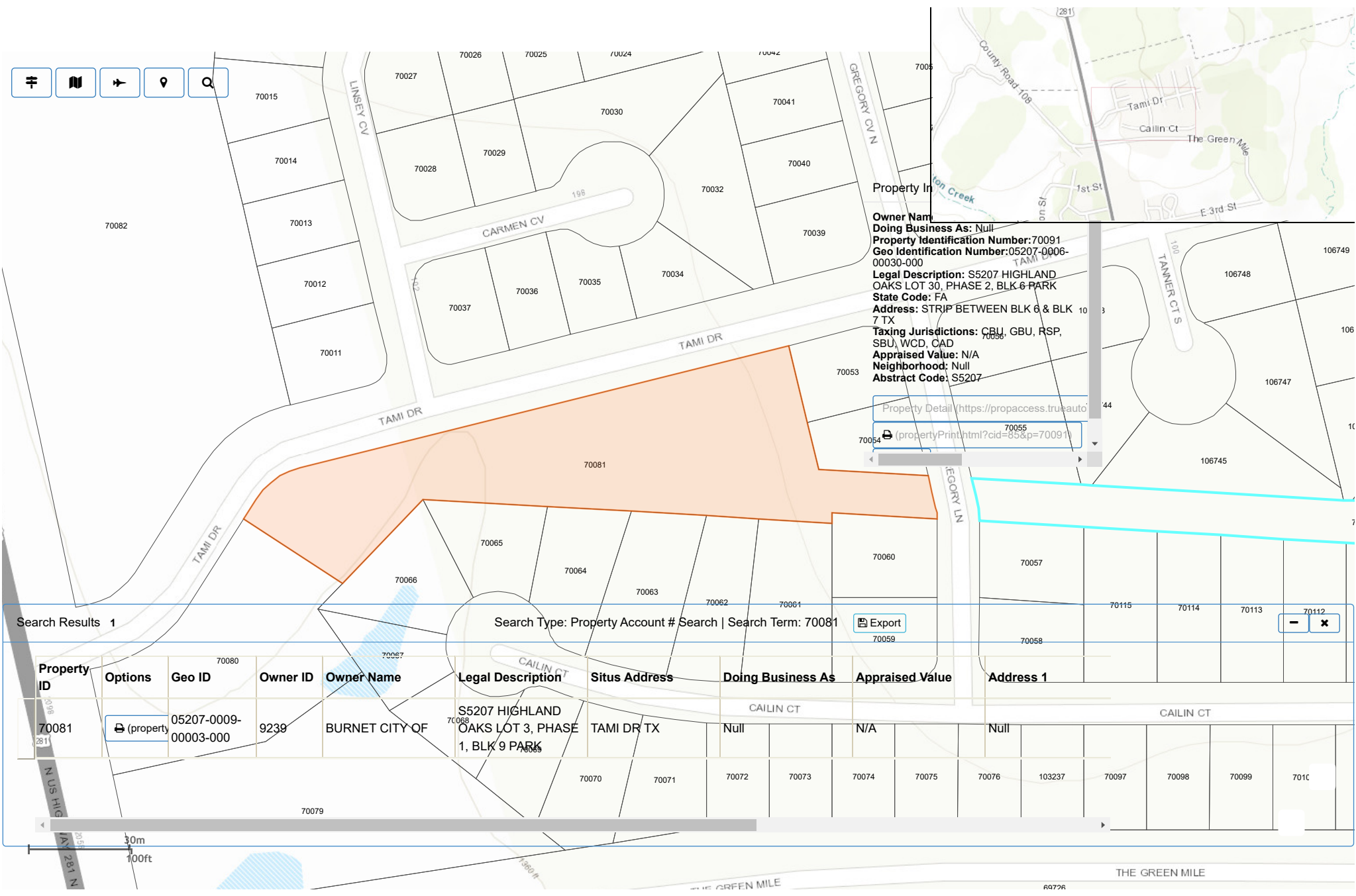
Aprobado y aprobado en segunda y última lectura el 14 de febrero de 2023

ATTEST:
ATESTIGUAR:

CITY OF BURNET, TEXAS
CIUDAD DE BURNET, TEXAS

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

Crista Goble Bromley, Mayor
Crista Goble Bromley, alcaldesa



Property Information
Owner Name: [Redacted]
Doing Business As: Null
Property Identification Number: 70091
Geo Identification Number: 05207-0006-00030-000
Legal Description: S5207 HIGHLAND OAKS LOT 30, PHASE 2, BLK 6 PARK
State Code: FA
Address: STRIP BETWEEN BLK 6 & BLK 10
Taxing Jurisdictions: CBU, GBU, RSP, SBU, WCD, CAD
Appraised Value: N/A
Neighborhood: Null
Abstract Code: S5207

Property Detail (<https://propaccess.trueauto.com/propertyPrint.html?cid=853&p=70091>)

Search Results 1

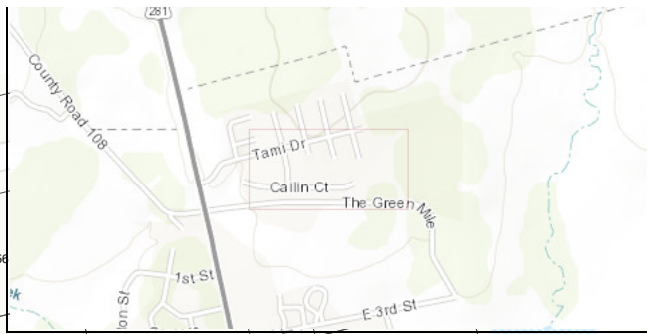
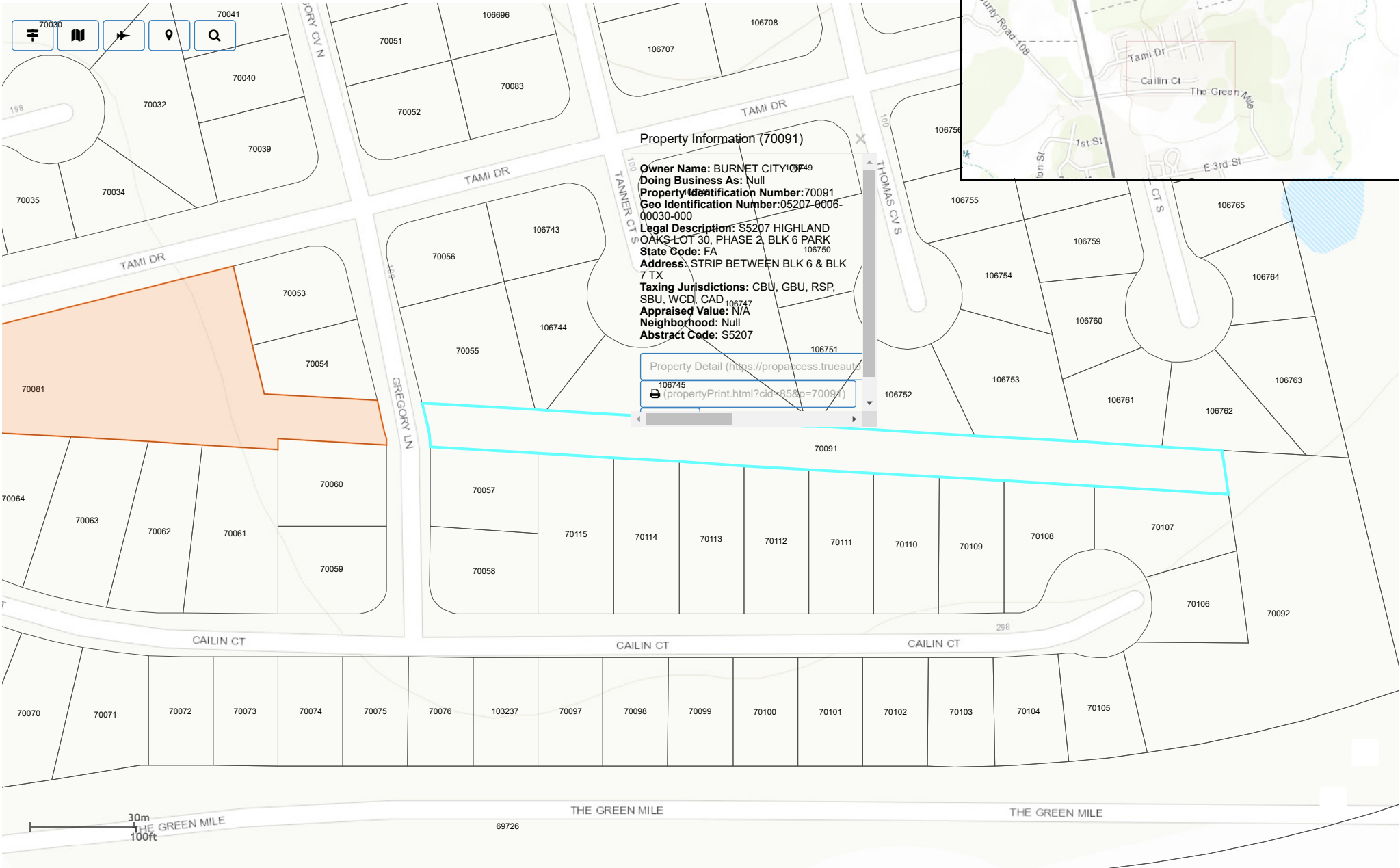
Search Type: Property Account # Search | Search Term: 70081

[Export](#)

Property ID	Options	Geo ID	Owner ID	Owner Name	Legal Description	Situs Address	Doing Business As	Appraised Value	Address 1
70081	(property)	05207-0009-00003-000	9239	BURNET CITY OF	S5207 HIGHLAND OAKS LOT 3, PHASE 1, BLK 9 PARK	TAMI DR TX	Null	N/A	Null









HIGHLAND OAKS

STATE OF TEXAS:
COUNTY OF BURNET:

KNOW ALL MEN BY THESE PRESENTS: THAT HIGHLAND OAKS, LLC, BURNET, TEXAS, A LIMITED LIABILITY CORPORATION, ACTING HEREIN BY JIMMY BARHO, JR. ITS PRESIDENT, OWNER OF THAT CERTAIN TRACT OF LAND SITUATED IN THE JOHN HAMILTON SURVEY NUMBER 1, ABSTRACT NO. 405, BURNET COUNTY, TEXAS, CONVEYED TO IT BY INSTRUMENT OF RECORD IN VOL. PG. OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, A PORTION OF SAID TRACT HAVING BEEN PREVIOUSLY SUBDIVIDED AS BURNET COUNTY REGIONAL MEDICAL COMPLEX, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN CABINET 2, SLIDES 27C AND 27D, PLAT RECORDS BURNET COUNTY, TEXAS, SAID SUBDIVISION HAVING BEEN VACATED BY INSTRUMENT RECORDED IN VOLUME PAGE, OFFICIAL PUBLIC RECORDS BURNET COUNTY, TEXAS, DO HEREBY SUBDIVIDE 40.007 ACRES OF LAND IN ACCORDANCE WITH THE ATTACHED PLAT, TO BE KNOWN AS:

"HIGHLAND OAKS"

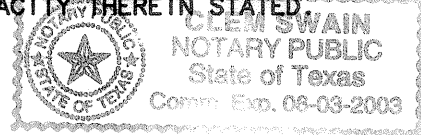
AND DO HEREBY ADOPT THIS PLAT OR MAP OF SAID SUBDIVISION TO BE THE OFFICIAL MAP OF SAME, AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF ALL STREETS AND EASEMENTS SHOWN HEREON, SUBJECT TO ANY EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED AND NOT RELEASED.

JIMMY BARHO, JR.
HIGHLAND OAKS, LLC
P.O. BOX 341419
AUSTIN, TEXAS 78734

DATE

STATE OF TEXAS:
COUNTY OF DALLAS:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED JIMMY BARHO, JR., KNOWN TO BE THE PERSON OR AGENT WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.



GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 19th DAY OF March, 2001.

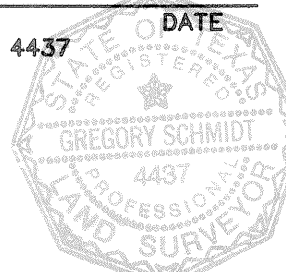
NOTARY PUBLIC IN AND FOR Travis COUNTY, TEXAS

PRINT OR STAMP NAME HERE

MY COMMISSION EXPIRES

I, GREGORY SCHMIDT, A REGISTERED SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT OF THE "HIGHLAND OAKS" SUBDIVISION WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SAME, AS I LOCATED ITS COMPONENT PARTS ON THE GROUND.

GREGORY SCHMIDT
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4437
CUNNINGHAM-ALLEN, INC.
3103 BEE CAVE ROAD, SUITE 202
AUSTIN, TEXAS 78746
(PHONE) 512-327-2946
(FAX) 512-327-2973

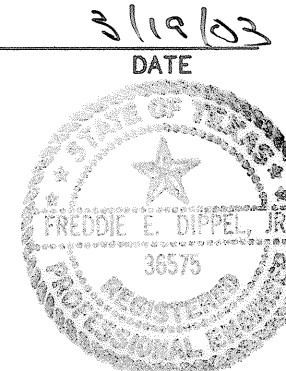


THE 100-YEAR FLOOD PLAIN IS CONTAINED WITHIN THE DRAINAGE EASEMENTS SHOWN HEREON.

NO PORTION OF THIS SUBDIVISION IS WITHIN THE BOUNDARIES OF THE 100-YEAR FLOODPLAIN ACCORDING TO THE DATA FROM THE FEDERAL INSURANCE ADMINISTRATION FIRM PANEL NUMBER 48053C0143 C AND 48053C0231 C, DATED NOVEMBER 16, 1990, FOR BURNET COUNTY, TEXAS AND INCORPORATED AREAS.

I, FREDDIE E. DIPPEL, JR., P.E., AM AUTHORIZED UNDER THE LAWS OF THE STATE OF TEXAS TO PRACTICE THE PROFESSION OF ENGINEERING, AND HEREBY CERTIFY THAT THE INFORMATION CONTAINED ON THIS PLAT COMPLIES WITH THE SUBDIVISION ORDINANCES AND THE STORM WATER DRAINAGE POLICY ADOPTED BY THE CITY OF BURNET, TEXAS.

FREDDIE DIPPEL, JR., P.E.
CUNNINGHAM-ALLEN, INC.
3103 BEE CAVES ROAD
SUITE 202
AUSTIN, TEXAS 78746
(512) 327-2973



STATE OF TEXAS:
COUNTY OF BURNET:

I, JANET PARKER, COUNTY CLERK OF THE COUNTY COURT OF SAID COUNTY, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD ON THE 27th DAY OF March, 2001 AT 3:36 O'CLOCK P.M. AND WAS DULY RECORDED THIS 27th DAY OF March, 2001 AT 3:36 O'CLOCK P.M. IN CABINET 3, SLIDE 114 OF THE PLAT RECORDS OF BURNET COUNTY, TEXAS.

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS 27th DAY OF March, 2001.

JANET PARKER, COUNTY CLERK, BURNET COUNTY, TEXAS

STATE OF TEXAS:
COUNTY OF BURNET:

I, DANNY LESTER, DIRECTOR OF PUBLIC WORKS FOR THE CITY OF BURNET, TEXAS, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF SUBDIVISION REGULATIONS FOR THE CITY AS TO WHICH MY APPROVAL IS REQUIRED.

DANNY LESTER, DIRECTOR OF PUBLIC WORKS, CITY OF BURNET, TEXAS

CITY OF BURNET PLANNING AND ZONING COMMISSION

BRET BURTON, CHAIRMAN

STATE OF TEXAS:
COUNTY OF BURNET:

THIS PLAT OF HIGHLAND OAKS SUBDIVISION HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AND IS HEREBY APPROVED BY SUCH CITY COUNCIL.

BY:

DENNIS KINCHELOE, MAYOR, CITY OF BURNET

ATTEST: CRISTA GOBLE, CITY SECRETARY

ALL PROPERTY ON THE HEREIN-DESCRIBED SUBDIVISION IS SUBJECT TO THE LOWER COLORADO RIVER AUTHORITY'S NONPOINT SOURCE (NPS) POLLUTION CONTROL ORDINANCE. ANY DEVELOPMENT OTHER THAN SINGLE FAMILY RESIDENTIAL MAY REQUIRE AN NPS DEVELOPMENT PERMIT FROM THE LOWER COLORADO RIVER AUTHORITY.

LOWER COLORADO RIVER AUTHORITY

NOTES:

1) ALL RESIDENTIAL LOTS SHALL HAVE 20 FOOT BUILDING SET BACK LINES ADJACENT TO ALL STREET RIGHT-OF-WAYS. SIDE YARD SET BACKS SHALL BE 7.5 FEET WITH A MINIMUM REAR YARD SETBACK OF 15 FEET.

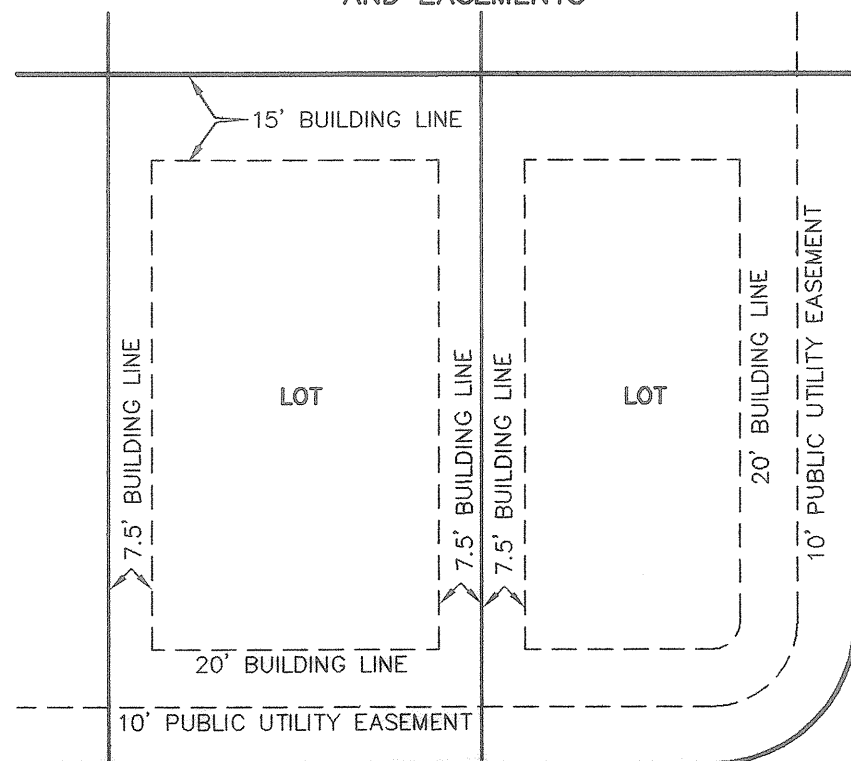
2) GRID COORDINATES SHOWN FOR OUTERMOST PROPERTY CORNERS ARE IN TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE - 4203, NORTH AMERICAN DATUM 1983 HARN (FEET).

3) 10 FOOT PUBLIC UTILITY EASEMENT ADJACENT TO ALL STREET RIGHT OF WAY LINES IS HEREBY DEDICATED IN ADDITION TO EASEMENTS SHOWN.

4) LOT 1 AND LOT 34, BLOCK B, SHALL BE CONVEYED BY THE DEVELOPER TO THE NEIGHBORHOOD ASSOCIATION THROUGH COVENANTS AND RESTRICTIONS. THE DEVELOPER AND/OR NEIGHBORHOOD ASSOCIATION WILL BE RESPONSIBLE FOR MAINTENANCE AND PAYMENT OF PROPERTY TAXES.

5) HOMEOWNER'S ASSOCIATION IS SUBJECT TO A MAINTENANCE PERMIT ISSUED BY THE LOWER COLORADO RIVER AUTHORITY.

TYPICAL BUILDING SET BACK LINES
AND EASEMENTS



FRONT STREET R.O.W.

DESCRIPTION

FIELD NOTES FOR 40.007 ACRES OF LAND OUT OF THE JOHN HAMILTON SURVEY NO. 1, ABSTRACT NO. 405, IN BURNET COUNTY, TEXAS, BEING ALL OF THAT CERTAIN TRACT DESCRIBED IN DEED TO BURNET MEDICAL INVESTMENTS, A TEXAS GENERAL PARTNERSHIP, OF RECORD IN VOLUME 368, PAGE 335 OF THE DEED RECORDS OF BURNET COUNTY, TEXAS; SAID 40.007 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod found at the intersection of the north line of Victoria Drive, a 100 foot wide right-of-way as described in deed to the City of Burnet of record in Volume 338, Page 340 of the Deed Records of Burnet County, Texas, and the east line of U. S. Highway No. 281 (R.O.W. Varies), being the southwest corner of said Burnet Medical Investments tract and the southwest corner of the herein described tract;

THENCE with said east line of U. S. Highway No. 281, the west line of said Burnet Medical Investments tract and the west line of the herein described tract, the following two (2) courses:

- 1) N13°19'14"W a distance of 469.36 feet to concrete highway monument found (Type 1) at the beginning of a curve to the left;
- 2) With said curve to the left having a central angle of 01°05'29", a radius of 22,976.73 feet, an arc length of 437.72 feet, and a chord bearing and distance of N 13°53'24" W, 437.71 feet to a 1/2 inch iron rod found for the southwest corner of that certain tract of land described in deed to Mary Beth Peoples of record in Volume 502, Page 833 of the Official Public Records of Burnet County, also being the northwest corner of said Burnet Medical Investments tract and the northwest corner of the herein described tract, from which a concrete highway monument found (Type 1) in said east line of U. S. Highway No. 281 at the end of said curve to the left bears N 14°29'36" W a distance of 225.02 feet;

THENCE with the south line of said Mary Beth Peoples tract and the north line of said Burnet Medical Investments tract, also being the north line of the herein described tract, N 75°01'11" E a distance of 1669.51 feet to a 1/2 inch iron rod found for the northwest corner of that certain tract of land described in deed to Land Specialties, Inc., and Open Lands, Inc., of record in Volume 443, Page 967 of the Official Public Records of Burnet County, Texas, also being the northeast corner of said Burnet Medical Investments tract, and the northeast corner of the herein described tract;

THENCE with the west line of said Land Specialties, Inc. and Open Lands, Inc. tract, and the east line of said Burnet Medical Investments tract, also being the east line of the herein described tract, S 14°36'08" E a distance of 1187.44 feet to a 1/2 inch iron rod found at the beginning of a curve to the right at the northeast corner of said Victoria Drive R.O.W. tract, being the southeast corner of said Burnet Medical Investments tract, and the southeast corner of the herein described tract;

THENCE with said north line of Victoria Drive, the south line of said Burnet Medical Investments tract, and the south line of the herein described tract the following three (3) courses:

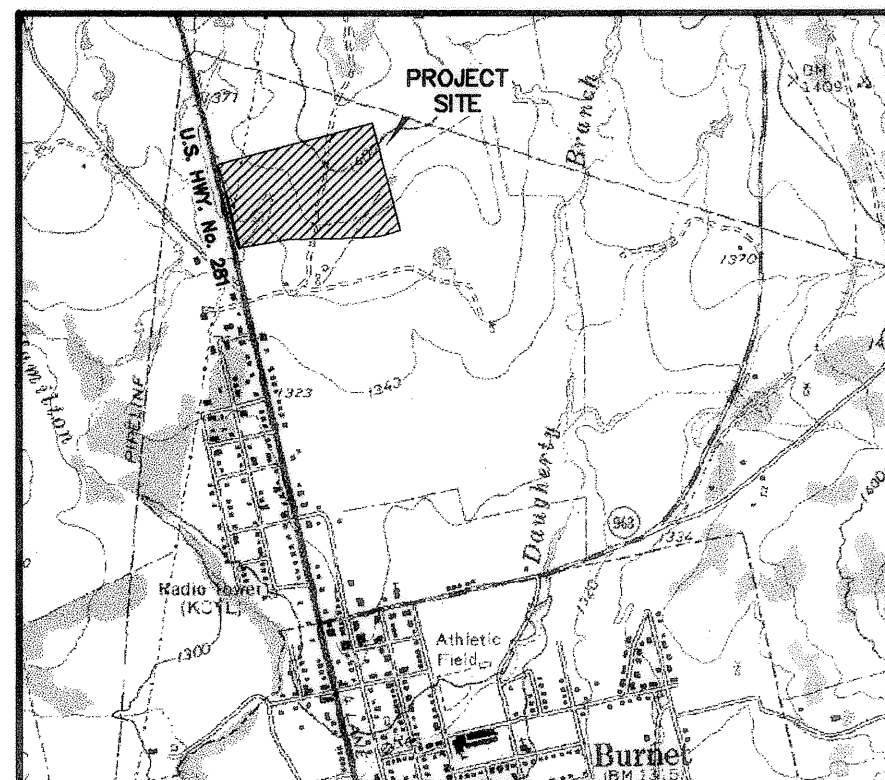
- 1) With said curve to the right having a central angle of 19°47'48", a radius of 1226.13 feet, an arc length of 423.65 feet, and a chord bearing and distance of S 79°08'36" W, 421.54 feet to a 1/2 inch iron rod found;
- 2) S 89°02'48" W a distance of 751.63 feet to a 1/2 inch iron rod found;
- 3) S 80°10'07" W a distance of 536.23 feet to the POINT OF BEGINNING, containing 40.007 acres of land, more or less, within these metes and bounds.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 75°01'11" W	85.53'
L2	N 75°01'11" E	85.53'
L3	S 76°40'48" W	12.00'
L4	S 76°40'48" W	12.00'
L5	S14°36'08"E	30.53'
L6	S14°33'57"E	18.37'
L7	S14°36'08"E	9.96'
L8	S14°36'08"E	11.95'
L9	S 87°41'35" E	8.21'
L10	N 75°01'11" E	5.01'
L11	N 14°36'08" W	15.66'
L12	N 03°14'23" E	23.19'
L13	N 14°36'08" W	40.39'
L14	N 75°01'11" E	15.39'
L15	N 75°01'11" E	10.13'
L16	S 75°01'11" W	15.00'
L17	N 75°01'11" E	20.00'
L18	S 75°01'11" W	9.87'
L19	S 14°36'08" E	70.00'

LINE TABLE		
LINE	BEARING	DISTANCE
L20	S 14°36'08" E	100.01'
L21	S 14°36'08" E	60.22'
L22	S00°57'12"E	57.81'
L23	S 30°12'32" W	106.08'
L24	N 75°01'11" E	20.00'
L25	S 75°01'11" W	20.00'
L26	N 57°17'04" W	112.25'
L27	N 75°01'11" E	80.00'
L28	S 14°36'08" E	70.29'
L29	N 75°01'11" E	10.13'
L30	S 14°36'08" E	100.00'
L31	N 75°01'11" E	9.87'
L34	S 14°36'08" E	25.14'
L35	S 14°36'08" E	16.74'
L36	S 14°36'08" E	16.48'
L39	S 14°36'08" E	15.10'
L40	N 14°36'44" W	14.95'
L41	S 14°36'08" E	28.23'

CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	CH. BEARING	DELTA
C1	1226.13'	423.65'	421.54'	N 79°08'36" E	19°47'48"
C2	LABEL NOT USED				
C3	25.00'	23.18'	22.36'	S 11°57'44" W	53°07'44"
C4	25.00'	23.18'	22.36'	N 41°10'04" W	53°07'52"
C5	25.00'	39.10'	35.24'	N 30°12'32" E	89°37'19"
C6	25.00'	39.43'	35.47'	S 59°47'28" E	90°22'41"
C7	25.00'	23.15'	22.33'	S 11°55'41" W	53°03'37"
C8	25.00'	23.21'	22.39'	N 41°12'12" W	53°12'08"
C9	25.00'	39.10'	35.24'	N 30°12'32" E	89°37'19"
C10	25.00'	39.43'	35.47'	S 59°47'28" E	90°22'41"
C11	25.00'	23.18'	22.36'	S 11°57'42" W	53°07'39"
C12	25.00'	23.18'	22.36'	N 41°10'02" W	53°07'48"
C13	25.00'	39.10'	35.24'	N 30°12'32" E	89°37'19"
C14	25.00'	39.43'	35.47'	S 59°47'28" E	90°22'41"
C15	25.00'	23.18'	22.36'	S 11°57'47" W	53°07'50"
C16	25.00'	23.18'	22.36'	N 41°09'57" W	53°07'39"
C17	25.00'	39.10'	35.24'	N 30°12'32" E	89°37'19"
C18	25.00'	39.43'	35.47'	S 59°47'28" E	90°22'41"
C19	25.00'	39.10'	35.24'	S 30°12'32" W	89°37'19"
C20	25.00'	23.18'	22.36'	N 78°24'56" W	53°07'47"
C21	25.00'	23.18'	22.36'	N 48°27'16" E	53°07'50"
C22	25.00'	39.43'	35.47'	S 59°47'28" E	90°22'41"
C23	60.00'	93.85'	84.57'	S 30°12'32" W	89°37'19"
C24	25.00'	23.18'	22.36'	N 78°24'54" W	53°07'50"
C25	25.00'	23.18'	22.36'	N 48°27'16" E	53°07'50"
C26	100.00'	156.42'	140.95'	S 30°12'32" W	89°37'19"
C27	25.00'	39.10'	35.24'	N 30°12'32" E	89°37'19"
C28	50.00'	249.81'	60.00'	N 14°58'49" W	286°15'40"
C29	130.00'	98.49'	96.16'	S 53°23'04" W	43°24'36"
C30	70.00'	54.98'	53.58'	N 54°10'46" E	45°00'00"
C31	130.00'	102.10'	99.50'	N 54°10'46" E	45°00'00"
C32	70.00'	53.04'	51.78'	S 53°23'04" W	43°24'36"
C33	25.00'	39.43'	35.47'	N 59°47'28" W	90°22'41"
C34	60.00'	14.29'	14.26'	N 07°46'41" W	13°38'58"
C35	25.00'	39.27'	35.36'	N 44°02'48" E	90°00'00"
C36	480.00'	170.45'	169.55'	S 80°46'50" E	20°20'45"
C37	25.00'	24.37'	23.42'	S 42°40'34" E	55°51'48"
C38	25.00'	22.15'	21.44'	S 84°27'55" W	50°46'17"
C39	520.00'	188.81'	187.78'	S 80°33'04" E	20°48'15"
C40	25.00'	11.34'	11.25'	N 83°13'11" W	25°59'48"
C41	25.00'	32.28'	30.09'	N 48°51'46" E	73°59'17"
C42	25.00'	39.27'	35.36'	S 45°57'12" E	90°00'00"
C43	100.00'	23.82'	23.77'	N 07°46'40" W	13°38'56"
C44	25.00'	39.10'	35.24'	S 30°12'32" W	89°37'19"
C45	25.00'	39.43'	35.47'	N 59°47'28" W	90°22'41"
C46	25.00'	23.18'	22.36'	N 11°57'46" E	53°07'48"
C47	25.00'	23.18'	22.36'	S 41°10'02" E	53°07'48"
C48	25.00'	39.10'	35.24'	S 30°12'32" W	89°37'19"
C49	25.00'	39.43'	35.47'	N 59°47'28" W	90°22'41"
C50	25.00'	23.44'	22.59'	N 12°15'19" E	53°42'54"
C51	25.00'	22.93'	22.13'	S 40°52'21" E	52°32'27"
C52	25.00'	39.10'	35.24'	S 30°12'32" W	89°37'19"
C53	25.00'	39.43'	35.47'	N 59°47'28" W	90°22'41"
C54	25.00'	23.18'	22.36'	N 11°57'46" E	53°07'48"
C55	25.00'	23.18'	22.36'	S 41°10'02" E	53°07'48"
C56	LABEL NOT USED				
C57	50.00'	249.81'	60.00'	S 75°23'58" W	286°15'29"
C58	50.00'	249.81'	60.00'	N 14°58'51" W	286°15'37"
C59	100.00'	41.89'	41.58'	S 63°01'12" W	23°59'56"
C60	50.00'	38.36'	37.43'	N 53°25'00" E	43°57'44"
C61	480.00'	19.27'	19.27'	S 71°45'28" E	2°18'02"
C62	520.00'	37.67'	37.66'	S 72°13'28" E	4°09'02"
C63	520.00'	32.38'	32.38'	S 89°10'10" E	3°34'04"
C64	1126.13'	35.51'	35.51'	N 88°08'58" E	1°48'24"
C65	50.00'	42.86'	41.56'	N 85°13'18" E	49°06'50"
C66	50.00'	15.00'	14.94'	N 52°04'13" E	17°11'19"
C67	1086.13'	15.06'	15.06'	N 86°15'15" E	0°47'40"
C68	1086.13'	45.31'	45.31'	N 87°50'47" E	2°23'25"
C69	1086.13'	60.56'	60.55'	N 87°27'15" E	3°11'41"
C70	100.00'	32.85'	32.70'	S 05°11'26" E	18°49'23"
C71	50.00'	31.80'	31.27'	S 20°53'35" W	36°26'22"
C72	50.00'	249.81'	60.00'	N 75°23'52" E	286°15'37"
C73	50.00'	249.81'	60.00'	N 75°59'06" E	286°15'20"
C74	50.00'	249.81'	60.00'	N 75°23'52" E	286°15'37"
C75	50.00'	249.81'	60.00'	S 75°23'48" W	286°15'37"
C76	50.00'	249.81'	60.00'	S 75°19'37" W	286°15'45"
C77	50.00'	249.81'	60.00'	S 75°23'48" W	286°15'28"
C78	1226.13'	245.00'	244.59'	N 74°58'09" E	11°26'55"
C79	50.00'	249.74'	60.06'	S 22°10'04" W	286°10'33"
C80	50.00'	242.52'	65.67'	N 29°10'35" W	277°54'36"
C81	1126.13'	103.60'	103.57'	N 86°25'03" E	5°16'16"
C82	1226.13'	73.23'	73.22'	N 82°24'16" E	3°25'19"
C83	1226.13'	68.02'	68.01'	N 85°42'17" E	3°10'42"
C84	1226.13'	37.40'	37.40'	N 88°10'04" E	1°44'51"
C85	50.00'	41.69'	40.49'	S 45°46'26" W	47°46'11"
C86	60.00'	3.22'	3.22'	N02°29'20" W	3°04'16"
C87	60.00'	11.08'	11.06'	N08°18'49" W	10°34'41"
C88	1126.13'	8.11'	8.11'	N83°59'17" E	0°24'45"

LOCATION MAP

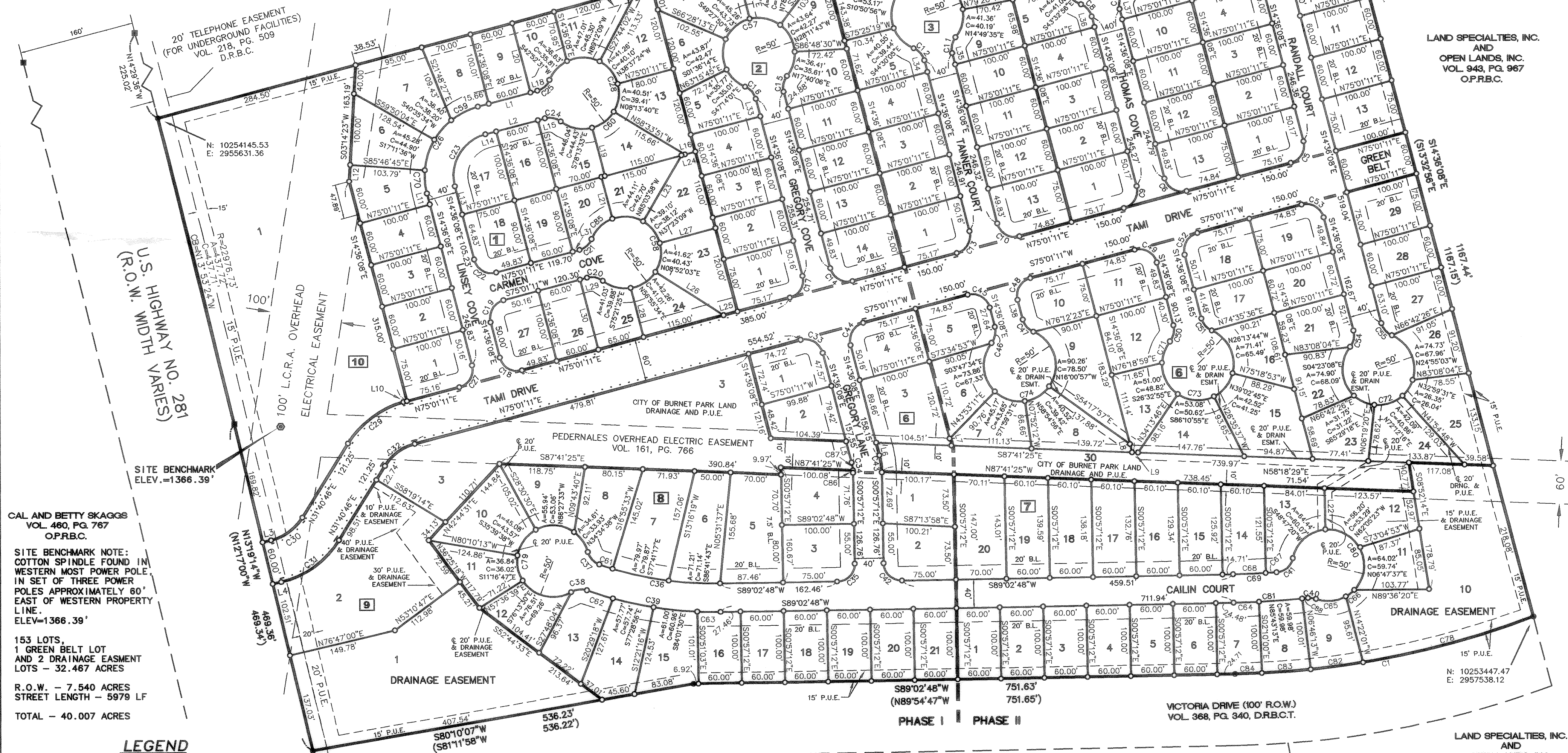


1"=2000'

HIGHLAND OAKS

JOHN HAMILTON
SURVEY NO. 1
ABSTRACT NO. 405MARY BETH PEOPLES
VOL. 502, PG. 833
O.P.R.B.C.

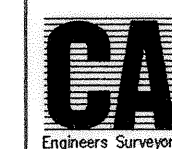
GRAPHIC SCALE

(IN FEET)
1 inch = 100 ft.LAND SPECIALTIES, INC.
AND
OPEN LANDS, INC.
VOL. 943, PG. 967
O.P.R.B.C.CAL AND BETTY SKAGGS
VOL. 460, PG. 767
O.P.R.B.C.SITE BENCHMARK NOTE:
COTTON SPINDLE FOUND IN
WESTERN MOST POWER POLE
IN SET OF THREE POWER
POLES APPROXIMATELY 60'
EAST OF WESTERN PROPERTY
LINE.
ELEV=1366.39'153 LOTS,
1 GREEN BELT LOT
AND 2 DRAINAGE EASMENT
LOTS - 32.467 ACRESR.O.W. - 7.540 ACRES
STREET LENGTH - 5979 LF

TOTAL - 40.007 ACRES

LEGEND

- 1/2" IRON ROD FOUND (UNLESS STATED)
- CONCRETE HWY. MONUMENT FOUND (TYPE I)
- 1/2" IRON ROD W/CAP SET (UNLESS STATED)
- () RECORD INFORMATION
- B.L. BUILDING LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- O.P.R.B.C. OFFICIAL PUBLIC RECORDS OF BURNET COUNTY
- PROPOSED SIDEWALK

MERLE STRAHAN
VOL. 476, PG. 867
O.P.R.B.C.VICTORIA DRIVE (100' R.O.W.)
VOL. 368, PG. 340, D.R.B.C.T.LAND SPECIALTIES, INC.
AND
OPEN LANDS, INC.
VOL. 943, PG. 967
O.P.R.B.C.

CUNNINGHAM-ALLEN, INC.

3103 BEE CAVE ROAD, SUITE 202, AUSTIN, TEXAS 78746
TELEPHONE: (512) 327-2946 FAX: (512) 327-2973

SUBMITTAL DATE:

DATE: 08/01 PROJECT NO.: 2820101
DRAWN BY: ORC SHEET 1 OF 2

FILE: 2820101.FINAL.DWG



Engineering

ITEM 4.11

Eric Belaj
City Engineer
(512)-756-2402
ebelaj@cityofburnet.com

Action

Meeting Date:	January 24, 2023
Agenda Item:	Discuss and consider action: Direction to Staff on issuance of bids and funding source for the Delaware Springs Boulevard Reconstruction: E. Belaj
Background:	The City previously hired an engineering firm to resolve the left turn maneuvering issues into Delaware Springs Blvd, and design a partial roadway reconstruction that also resolves the current drainage issues. The design engineer has substantially completed the design and has provided the City with an overall project estimate of \$574,976.80 and a minor deviation alternative of \$584,964.80.
Information:	Given that this project was not previously specifically funded through the budget process, city staff is requesting direction from council whether to move forward with issuing the bids, change design, or delay the project. If approved, bids and construction contract will be presented via a separate agenda item in March.
Fiscal Impact:	The project has not specifically been funded. The main funding source available is the revenues from the street rehab bonds issued in 2022.
Recommendation:	Staff recommends proceeding with the issuance of the bids for the Delaware Springs Boulevard and utilize the reserve funds from the 2022 Street Bond proceeds.

Delaware Springs Reconstruction

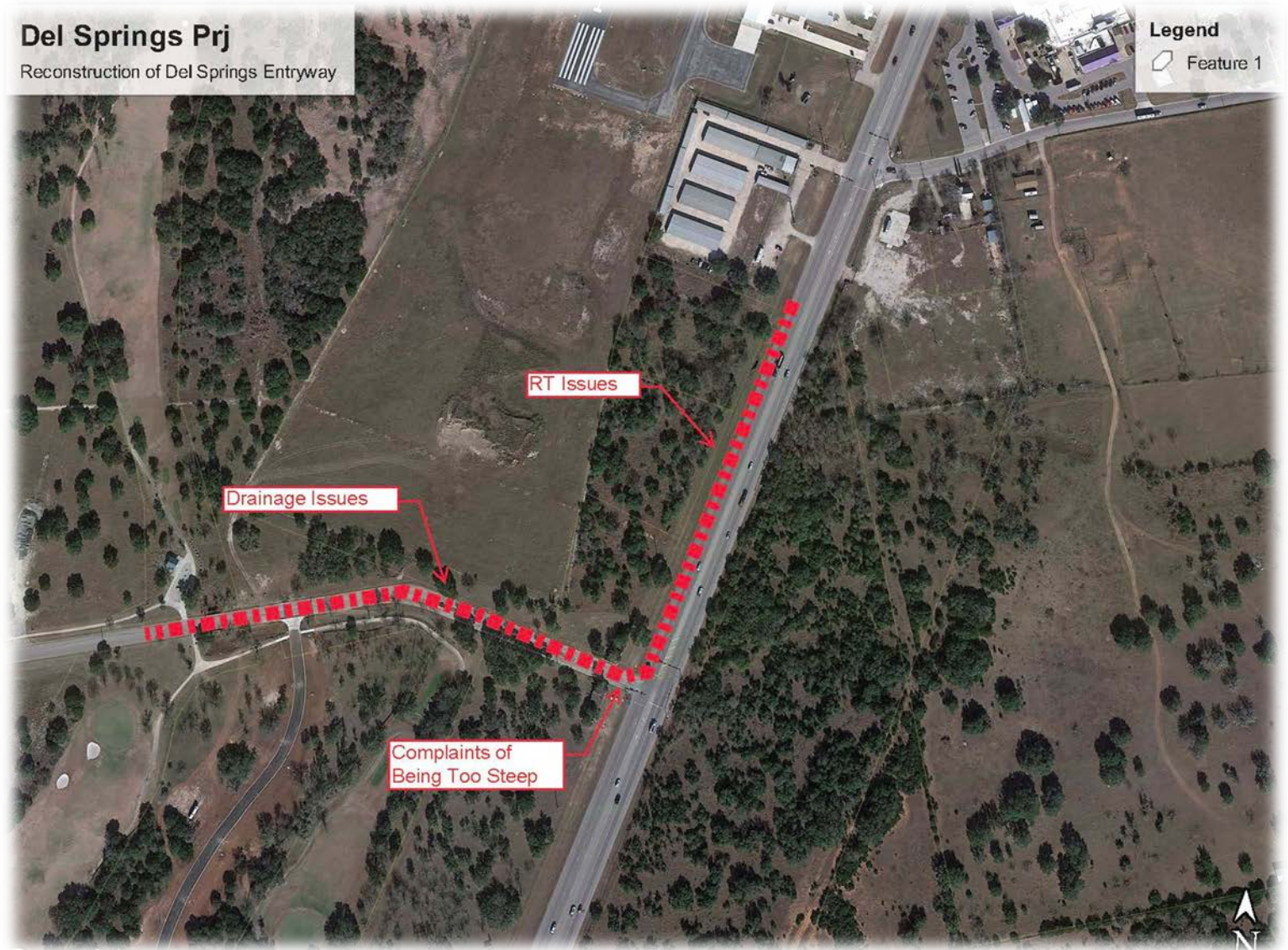
ENGINEERING

Why Reconstructing?

- Complaints on Turn Lane from SB 281
- Entryway too steep for RVs
- Drainage Issues at Tom Kite

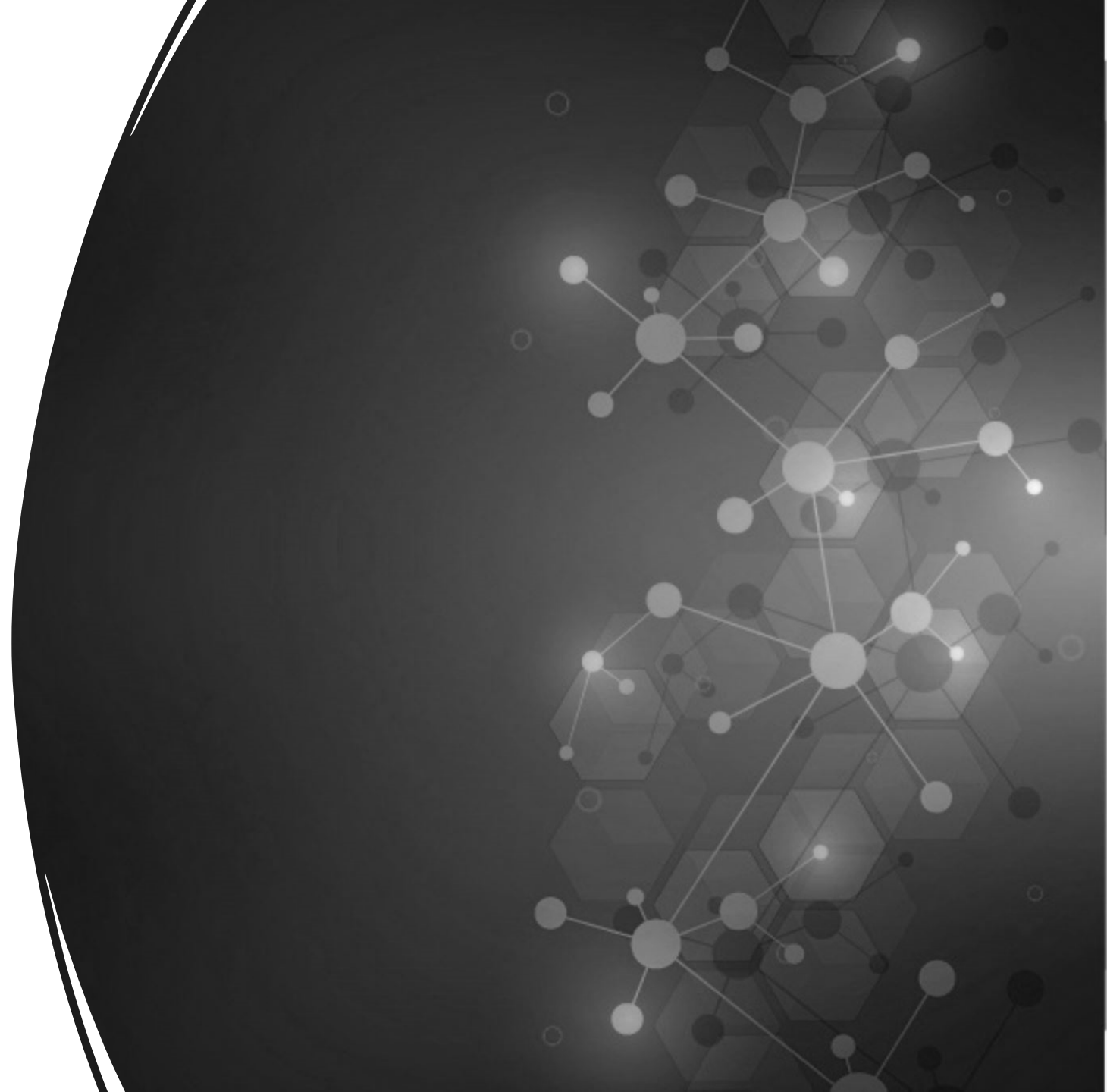
ENGINEERING

Street Map



WHAT ARE WE IMPROVING?

- WIDDENING RIGHT TURN LANE.
- ADD SHOULDER ON RT LANE
- WIDEN ROADWAY THROAT
- REMOVE RD CROWN ADD CROSS SLOPE
- ADD DRAINAGE PIPE AND INLETS
- REMOVE ISLAND



ENGINEERING

Estimate: \$57K-\$585K

39	CONCRETE PAVING (4")	SY	454	\$	45.00	\$	20,430.00
SUBTOTAL CONSTRUCTION COST:				\$			526,031.74
CONTINGENCY, 10%:				\$			52,603.17
TOTAL CONSTRUCTION COST:				\$			578,634.92
TOTAL CONSTRUCTION COST WITH HEAVY DUTY HMAC IN STATE ROW:				\$			574,976.80
TOTAL CONSTRUCTION COST WITH CONCRETE IN STATE ROW:				\$			584,964.80

A. EROSION/SEDIMENTATION CONTROL					
ITEM NO.	DESCRIPTION	UNIT	QTY	UNIT PRICE	TOTAL PRICE
1	TEMPORARY SEDIMENT CONTROL FENCE INSTALL	LF	1,202	\$ 4.15	\$ 4,988.30
2	CURB INLET PROTECTION	EA	2	\$ 250.00	\$ 500.00
3	CONCRETE WASHOUT STATION	LS	1	\$ 1,000.00	\$ 1,000.00
4	PERMANENT SEEDING OF STREET R.O.W.	SY	1,740	\$ 2.00	\$ 3,479.78

SUBTOTAL: EROSION/SEDIMENTATION CONTROL \$ 76,138.08

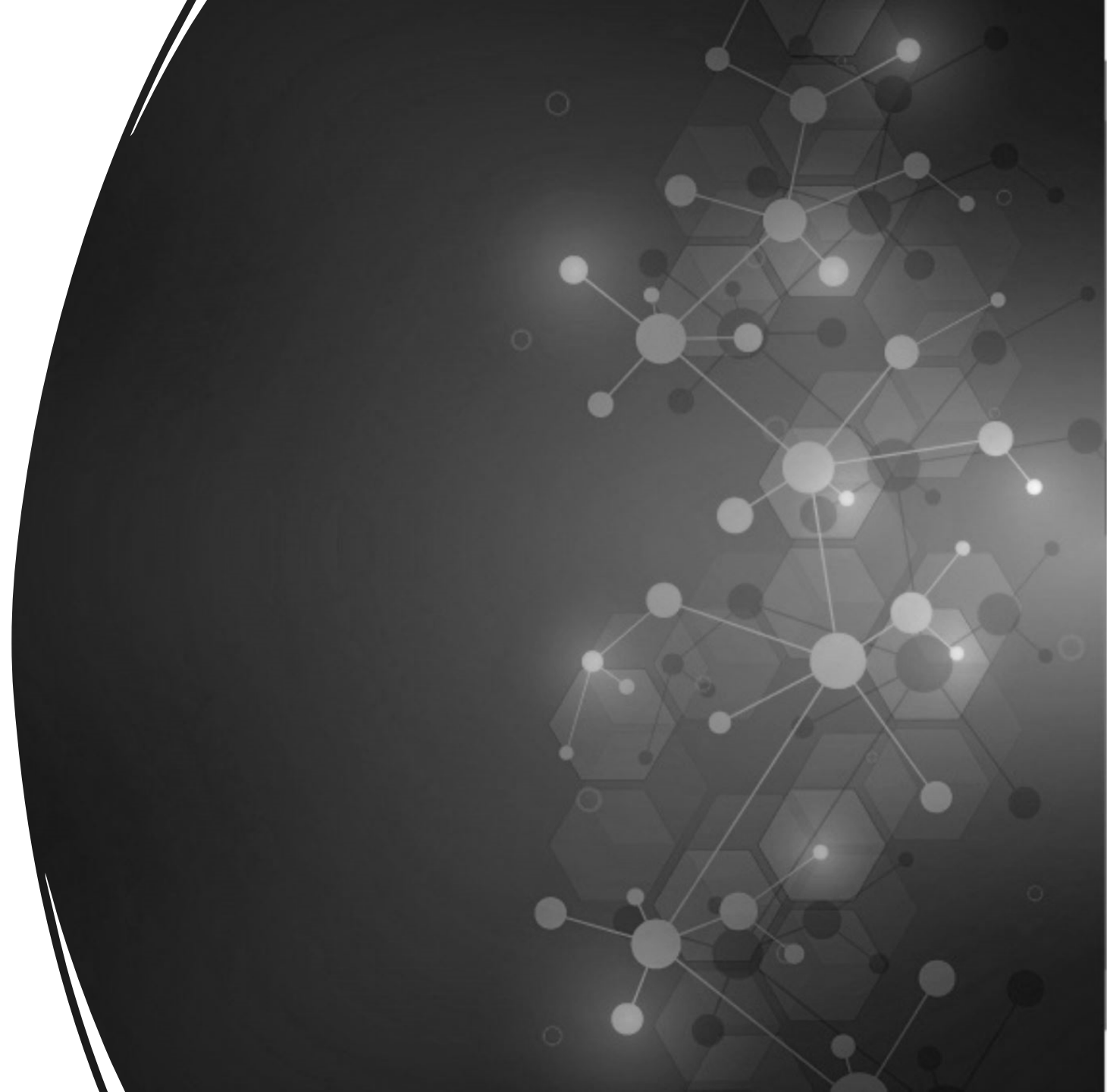
B. STREET AND DRAINAGE IMPROVEMENTS					
ITEM NO.	DESCRIPTION	UNIT	QTY	UNIT PRICE	TOTAL PRICE
5	MOBILIZATION	LS	1	\$ 26,170.00	\$ 26,170.00
6	DEMOLITION OF EXISTING STREET	LS	1	\$ 40,000.00	\$ 40,000.00
7	PAYMENT/PERFORMANCE/ MAINTENANCE BONDS	LS	1	\$ 10,565.00	\$ 10,565.00
8	SCARIFY AND ROUGH CUT STREET	AC	1.06	\$ 25,000.00	\$ 26,500.00
9	SUBGRADE PREPARATION (1.5' BEHIND CURB)	SY	4,612	\$ 4.00	\$ 18,448.00
10	10" FLEXIBLE BASE (TYPE A OR B GRADE 4) TXDOT ITEM 247	SY	4,612	\$ 16.00	\$ 73,792.00
11	2.5" HMAC TYPE D, TXDOT ITEM 340	SY	3,485	\$ 21.00	\$ 73,185.00
12	REINFORCED CONCRETE RIBBON CURB	LF	2,237	\$ 14.00	\$ 31,318.00
13	COMBINATION STREET / STOP SIGNS / STOP BARS	EA	1	\$ 450.00	\$ 450.00
14	SPEED LIMIT SIGNS	EA	1	\$ 450.00	\$ 450.00
15	4' X 4' GRATE INLETS	EA	2	\$ 5,000.00	\$ 10,000.00
16	18" RCP, CLASS IV (ALL DEPTHS)	LF	102	\$ 80.00	\$ 8,160.00
17	PAVEMENT MARKINGS	LS	1	\$ 2,500.00	\$ 2,500.00
18	GRADING FOR DRAINAGE PURPOSES	LS	1	\$ 15,000.00	\$ 15,000.00
19	SAW CUT EXISTING PAVEMENT	LF	23	\$ 45.00	\$ 1,035.00
20	2' LIMESTONE BLOCK WALL	LF	125	\$ 120.00	\$ 15,000.00
21	BULL ROCK RIPRAP	SY	67	\$ 50.00	\$ 3,350.00
22	TRENCH SAFETY	LS	1	\$ 2,000.00	\$ 2,000.00
23	FLARED CONCRETE WINGWALL - 18" RCP	EA	1	\$ 6,500.00	\$ 6,500.00
24	TRAFFIC CONTROL ONE LANE OPEN	LS	1	\$ 2,500.00	\$ 2,500.00
25	RECONNECT AND REINSTALL EXISTING LIGHTS AND UNDERGROUND CABLES AS NEEDED.	LS	1	\$ 5,000.00	\$ 5,000.00
26	RECONNECT EXISTING IRRIGATION LINES	LS	1	\$ 4,000.00	\$ 4,000.00

SUBTOTAL: STREET AND DRAINAGE IMPROVEMENTS \$ 375,923.00

C. TxDOT DECELERATION LANE/ DRIVEWAY APRON					
ITEM NO.	DESCRIPTION	UNIT	QTY	UNIT PRICE	TOTAL PRICE
27	3" HMAC TYPE D, TXDOT ITEM 340	SY	454	\$ 25.00	\$ 11,350.00
28	CLEAR/GRUB AND EXCAVATION	SY	500	\$ 6.00	\$ 3,000.00
29	SUBGRADE PREPARATION	SY	454	\$ 4.00	\$ 1,815.11
30	12" CRUSHED STONE FLEXIBLE BASE	SY	454	\$ 20.00	\$ 9,075.56

Why this agenda?

- Community Concerns
- No Funding Specified
- Ready to issue for Bid
- Only issue bids if estimated funding is avail.
- Will utilize cash bonds form Tom Kite
- Reach out to County for Participation?
- Only funding available is Street bond proceeds





Administration

ITEM 4.6

Adrienne Feild
Admin Services/Airport Manager
512.715.3214
afeild@cityofburnet.com

Action

Meeting Date: January 24, 2023

Agenda Item: Discuss and consider action. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET DESIGNATING AUTHORIZED SIGNATORIES FOR THE 2021 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT CARES ACT COMMUNITY RESILIENCY PROGRAM: A. Feild

Background: The City of Burnet has received a 2021 Texas Community Development Block Grant CARES Act Community Resiliency Program (CRP PROGRAM CONTRACT 70800001002) award to provide Public Facilities and Improvements. These awarded funds are being used build a new facility for the Hill Country Children's Advocacy Center.

Information: This resolution authorizes the city manager and finance director to execute documents on behalf of the City related to the implementation of the Program

Fiscal Impact: Passage of this resolution will have no financial impact.

Recommendation: Approve and adopt Resolution R2023-06 as presented.

RESOLUTION NO. R2023-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET AUTHORIZED SIGNATORIES FOR THE 2021 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT CARES ACT COMMUNITY RESILIENCY PROGRAM

WHEREAS, the City of Burnet has received a 2021 Texas Community Development Block Grant CARES Act Community Resiliency Program CRP award (designated as CRP PROGRAM CONTRACT 70800001002 and hereinafter as the "Program") to provide Public Facilities and Improvements; and

WHEREAS, the purpose of this resolution is to appoint persons to execute, on behalf of the City, contractual documents and documents requesting funds from the Texas Department of Housing and Community Affairs under the Program; and

WHEREAS in the event that a signatory authorized by this resolution is unable to serve City Council shall provide to the TxCDBG-CV the following:

- a resolution stating who the new authorized signatory is (not required if this original resolution names only the title and not the name of the signatory); and
- a revised TxCDBG-CV *Depository/ Authorized Signatories Designation Form (Form A202)*.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF BURNET, TEXAS, AS FOLLOWS:

Section one. Findings. The recitals set out above are hereby approved and incorporated herein for all purposes.

Section two. Authorization. Elected and appointed officials are authorized to represent the City's interest under the Program as follows:

- The City Manager shall serve as the City's Chief Executive Officer and Authorized Representative to execute contractual documents between the Texas Department of Housing and Community Affairs;
- The City Manager and Mayor are authorized to execute environmental review documents between the Texas Department of Housing and Community Affairs and the City; and
- The City Manager and Finance Director are authorized to execute the Request for Payment Form documents and/or other forms required for requesting funds to reimburse project costs.

In pursuit of their duties under this authorization the aforementioned elected and appointed officials may execute such ancillary documents and take such actions as may reasonably be necessary to facilitate the purpose of this resolution.

Section three. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act,

Section four. Effective Date. That this resolution shall take effect immediately upon its passage, and approval as prescribed by law.

PASSED AND APPROVED this the 24th day of January 2023.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

A202

Depository/Authorized Signatories Designation Form

Grant Recipient City of Burnet

TxCDBG-CV Contract No. 70800001002

The individuals listed below are designated by resolution as authorized signatories for contractual and environmental review documents.

David Vaughn

(Name)

City Manager

(Title)

(Signature)

Crista Goble Bromley

(Name)

Mayor

(Title)

(Signature)

In addition to the individuals listed above, the individuals listed below are designated by resolution as authorized signatories for the *Request for Payment Form* (Form A203)

(At least two (2) signatories required).

David Vaughn

(Name)

City Manager

(Title)

(Signature)

Patricia Langford

(Name)

Finance Director

(Title)

(Signature)

_____ (Name)	_____ (Name)
_____ (Title)	_____ (Title)
_____ (Signature)	_____ (Signature)

NOTE: A copy of a Resolution passed by the city council or county commissioner’s court authorizing the signatories must be submitted along with this form. Grant Recipients are strongly encouraged to use the sample resolution provided.

_____	_____
-------	-------

September 1, 2020



Administration

ITEM 4.7

Adrienne Feild
Admin Services/Airport
Manager
512.715.3214
afeild@cityofburnet.com

Action

Meeting Date: January 24, 2023

Agenda Item: Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET ADOPTING REQUIRED COMMUNITY DEVELOPMENT BLOCK GRANT CIVIL RIGHTS POLICIES: A.Feild

Background: The City of Burnet has received a 2021 Texas Community Development Block Grant CARES Act Community Resiliency Program CRP (TxCDBG-CV) award to provide Public Facilities and Improvements. These awarded funds are being used build a new facility for the Hill Country Children's Advocacy Center.

Information: It is necessary to execute policy documents from the Texas Department of Housing and Community Affairs.

Fiscal Impact: N/A

Recommendation: Approve and adopt Resolution R2023-07 as presented.

RESOLUTION NO. R2023-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET ADOPTING REQUIRED COMMUNITY DEVELOPMENT BLOCK GRANT CIVIL RIGHTS POLICIES

WHEREAS, the City of Burnet, Texas, (hereinafter referred to as “City of Burnet”) has received a 2021 Texas Community Development Block Grant CARES Act Community Resiliency Program CRP (TxCDBG-CV) award from the Texas Department of Housing and Community Affairs (hereinafter referred to as “TDHCA”);

WHEREAS, the City of Burnet, in accordance with Section 109 of the Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG activity, on the basis of race, color, religion, sex, national origin, age, or disability;

WHEREAS, the City of Burnet, in consideration for the receipt and acceptance of federal funding for the Contract, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections;

WHEREAS, the City of Burnet, in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 135, is required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the TxCDBG-CV project area;

WHEREAS, the City of Burnet, in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State’s certification requirements at 24 CFR 91.325(b)(6), must adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations;

WHEREAS, the City of Burnet, in accordance with Executive Order 13166, must take reasonable steps to ensure meaningful access to services in federally assisted programs and activities by persons with limited English proficiency (LEP) and must have an LEP plan in place specific to the locality and beneficiaries for each TxCDBG-CV project;

WHEREAS, the City of Burnet, in accordance with Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability and agrees to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds;

WHEREAS, the City of Burnet, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a

manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period to affirmatively further fair housing; and

WHEREAS, the City of Burnet, agrees to maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

NOW, THEREFORE, BE IT RESOLVED BY CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT THE CITY OF BURNET ADOPTS THE FOLLOWING POLICIES OR RE-AFFIRMS SIMILAR POLICIES ALREADY IN PLACE TO MEET THESE REQUIREMENTS:

1. Citizen Participation Plan and Grievance Procedures (Form A1013);
2. Section 3 Policy (Form S3);
3. Excessive Force Policy (Form A1003);
4. Section 504 Policy and Grievance Procedures (Form A1004);
5. Limited English Proficiency (LEP) Standards (LEP Plan);
6. Fair Housing Policy (Form 1015); and
7. Code of Conduct Policy (A1002).

PASSED AND APPROVED this the 24th day of January 2023.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

A1013

**CITY OF BURNET
CITIZEN PARTICIPATION PLAN
TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

Note to Grant Recipients regarding Limited English Proficiency (LEP) requirements:

In accordance with federal law, if there is a significant number of the population who are non-English speaking residents and are affected by the TxCDBG-CV project, such citizens should have “meaningful access” to all aspects of the TxCDBG-CV project. To provide ‘meaningful access’, Grant Recipients may need to provide interpreter services at public hearings or provide non-English written materials that are routinely provided in English. Examples of such vital documents include Citizen Participation notices (e.g. complaint procedures, hearing notices) civil rights notices, and any other published notice that may allow an eligible person with limited English proficiency to participate in discussing proposed CDBG activities.

For more information, see LEP.gov.

COMPLAINT PROCEDURES

These complaint procedures comply with the requirements of the Texas Department of Housing and Community Affairs’ Texas Community Development Block Grant (TxCDBG-CV) Program and Local Government Requirements found in 24 CFR §570.486 (Code of Federal Regulations). Citizens can obtain a copy of these procedures at the City of Burnet offices, 1001 Buchanan Dr. Suite 4, Burnet, TX 78611, during regular business hours.

Below are the formal complaint and grievance procedures regarding the services provided under the TxCDBG-CV project.

1. A person who has a complaint or grievance about any services or activities with respect to the TxCDBG-CV project, whether it is a proposed, ongoing, or completed TxCDBG-CV project, may during regular business hours submit such complaint or grievance, in writing to the Mayor, at City of Burnet at or PO BOX 1369, Burnet TX 78611, or may call (512) 756-6093.
2. A copy of the complaint or grievance shall be transmitted by the Mayor to the entity that is the subject of the complaint or grievance and to the City Attorney within five (5) working days after the date of the complaint or grievance was received.
3. The Mayor shall complete an investigation of the complaint or grievance, if practicable, and provide a timely written answer to person who made the complaint or grievance within ten (10) days.
4. If the investigation cannot be completed within ten (10) working days per 3. above, the person who made the grievance or complaint shall be notified, in writing, within fifteen (15) days where practicable after receipt of the original complaint or grievance and shall detail when the investigation should be completed.
5. If necessary, the grievance and a written copy of the subsequent investigation shall be forwarded to TDHCA for their further review and comment.
6. If appropriate, provide copies of grievance procedures and responses to grievances in both English and Spanish, or other appropriate language.

TECHNICAL ASSISTANCE

When requested, the City shall provide technical assistance to groups that are representative of persons of low- and moderate-income in developing proposals for the use of TxCDBG-CV funds. The City, based upon the specific needs of the community's residents at the time of the request, shall determine the level and type of assistance.

PUBLIC HEARING PROVISIONS

For each public hearing scheduled and conducted by the City, the following public hearing provisions shall be observed:

1. Public notice of all hearings must be published at least seventy-two (72) hours prior to the scheduled hearing. The public notice must be published in a local newspaper. Each public notice must include the date, time, location, and topics to be considered at the public hearing. A published newspaper article can also be used to meet this requirement so long as it meets all content and timing requirements. Notices should also be prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups.
2. When a significant number of non-English speaking residents are a part of the potential service area of the TxCDBG-CV project, vital documents such as notices should be published in the predominant language of these non-English speaking citizens.
3. Each public hearing shall be held at a time and location convenient to potential or actual beneficiaries and will include accommodation for persons with disabilities. Persons with

disabilities must be able to attend the hearings and the City must arrange for individuals who require auxiliary aids or services if contacted at least two days prior to the hearing.

4. A public hearing held prior to the submission of a TxCDBG-CV application must be held after 5:00 PM on a weekday or at a convenient time on a Saturday or Sunday.
5. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City shall comply with the following citizen participation requirements for the preparation and submission of an application for a TxCDBG-CV project:

1. At a minimum, the City shall hold at least one (1) public hearing prior to submitting the application to the Texas Department of Housing and Community Affairs.
2. The City shall retain documentation of the hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the proposed use of funds for three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.
3. The public hearing shall include a discussion with citizens as outlined in the applicable TxCDBG-CV application manual to include, but is not limited to, the development of housing and community development needs, the amount of funding available, all eligible activities under the TxCDBG-CV program, and the use of past TxCDBG-CV contract funds, if applicable. Citizens, with particular emphasis on persons of low- and moderate-income who are residents of slum and blight areas, shall be encouraged to submit their views and proposals regarding community development and housing needs. Citizens shall be made aware of the location where they may submit their views and proposals should they be unable to attend the public hearing.
4. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City must comply with the following citizen participation requirements in the event that the City receives funds from the TxCDBG-CV program:

1. The City shall also hold a public hearing concerning any substantial change, as determined by TxCDBG-CV, proposed to be made in the use of TxCDBG-CV funds from one eligible activity to another again using the preceding notice requirements.
2. Upon completion of the TxCDBG-CV project, the City shall hold a public hearing and review its program performance including the actual use of the TxCDBG-CV funds.
3. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, for either a public hearing concerning substantial change to the TxCDBG-CV project or for the closeout of the TxCDBG-CV project, publish notice in both English and Spanish, or other appropriate language and provide an interpreter at the hearing to accommodate the needs of the non-English speaking residents.

4. The City shall retain documentation of the TxCDBG-CV project, including hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the actual use of funds for a period of three (3) years three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.

David Vaughn, City Manager

Date

Form S3

SECTION 3 POLICY

In accordance with 12 U.S.C. 1701u, (Section 3), the City of Burnet agrees to implement the following steps, which, to the *greatest extent feasible*, will provide job training, employment and contracting opportunities for Section 3 residents and Section 3 businesses of the areas in which the program/project is being carried out.

- A. Introduce and pass a resolution adopting this plan as a policy to strive to attain goals for compliance to Section 3 regulations by increasing opportunities for employment and contracting for Section 3 residents and businesses.
- B. Assign duties related to implementation of this plan to the designated Civil Rights Officer.
- C. Notify Section 3 residents and business concerns of potential new employment and contracting opportunities as they are triggered by TxCDBG-CV grant awards through the

use of: Public Hearings and related advertisements; public notices; bidding advertisements and bid documents; notification to local business organizations such as the Chamber(s) of Commerce or the Urban League; local advertising media including public signage; project area committees and citizen advisory boards; local HUD offices; regional planning agencies; and all other appropriate referral sources. Include Section 3 clauses in all covered solicitations and contracts.

- D. Maintain a list of those businesses that have identified themselves as Section 3 businesses for utilization in TxCDBG-CV funded procurements, notify those businesses of pending contractual opportunities, and make this list available for general Grant Recipient procurement needs.
- E. Maintain a list of those persons who have identified themselves as Section 3 residents and contact those persons when hiring/training opportunities are available through either the Grant Recipient or contractors.
- F. Require that all Prime contractors and subcontractors with contracts over \$100,000 commit to this plan as part of their contract work. Monitor the contractors' performance with respect to meeting Section 3 requirements and require that they submit reports as may be required by HUD or TDHCA to the Grant Recipient.
- G. Submit reports as required by HUD or TDHCA regarding contracting with Section 3 businesses and/or employment as they occur; and submit reports within 20 days of federal fiscal year end (by October 20) which identify and quantify Section 3 businesses and employees.
- H. Maintain records, including copies of correspondence, memoranda, etc., which document all actions taken to comply with Section 3 regulations.

As officers and representatives of the City of Burnet, we the undersigned have read and fully agree to this plan and become a party to the full implementation of this program.

David Vaughn, City Manager

Date

A1003

Excessive Force Policy

In accordance with 24 CFR 91.325(b)(6), the City of Burnet hereby adopts and will enforce the following policy with respect to the use of excessive force:

1. It is the policy of the City of Burnet to prohibit the use of excessive force by the law enforcement agencies within its jurisdiction against any individual engaged in non-violent civil rights demonstrations;

2. It is also the policy of the City of Burnet to enforce applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction; and
3. The City of Burnet will introduce and pass a resolution adopting this policy.

As officers and representatives of City of Burnet, we the undersigned have read and fully agree to this plan and become a party to the full implementation of this program.

David Vaughn, City Manager

Name – Please Print

Date

A1004

**Section 504 Policy Against Discrimination Based on Handicap and Grievance
Procedures**

In accordance with 24 CFR Section 8, Nondiscrimination based on Handicap in federally assisted programs and activities of the Department of Housing and Urban Development, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Section 109 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309), City of Burnet hereby adopts the following policy and grievance procedures:

1. Discrimination prohibited. No otherwise qualified individual with handicaps in the United States shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Housing and Urban Development (HUD).
2. City of Burnet does not discriminate on the basis of handicap in admission or access to, or treatment or employment in, its federally assisted programs and activities.
3. City of Burnet's recruitment materials or publications shall include a statement of this policy in 1. above.
4. City of Burnet shall take continuing steps to notify participants, beneficiaries, applicants and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipients that it does not discriminate on the basis of handicap in violation of 24 CFR Part 8.
5. For hearing and visually impaired individuals eligible to be served or likely to be affected by the TxCDBG-CV program, City of Burnet shall ensure that they are provided with the information necessary to understand and participate in the TxCDBG-CV program.
6. Grievances and Complaints
 - a. Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for City of Burnet) to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.
 - b. Complaints should be addressed to the Mayor, PO BOX 1369, Burnet, TX, 78611 or call (512) 756-6093, to speak with the Civil Rights Officer who has been designated to coordinate Section 504 compliance efforts.
 - c. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
 - d. A complaint should be filed within thirty (30) working days after the complainant becomes aware of the alleged violation.
 - e. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by the Mayor. Informal but thorough investigations will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
 - f. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by Mayor, and a copy forwarded to the complainant with fifteen (15) working days after the filing of the complaint where practicable.

- g. The Section 504 coordinator shall maintain the files and records of the City of Burnet relating to the complaint files.
- h. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the determination/resolution as described in f. above. The request for reconsideration should be made to the City of Burnet within ten working days after the receipt of the written determination/resolution.
- i. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the U.S. Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- j. These procedures shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and assure that the City of Burnet complies with Section 504 and HUD regulations.

David Vaughn, City Manager

Date

LEP Plan

Under 5% Limited English Proficiency Plan - 70800001002

Name Grantee:	City of Burnet
Community Population:	6,075
LEP Population:	59 Spanish (1%)
Languages spoken: 1) By more than 5% of the eligible population or beneficiaries and has more than 50 in number; or 2) By more than 5% of the eligible population or beneficiaries but has less than 50 or less in number; or 3) By more than 1,000 individuals in the eligible population in the market area or among current beneficiaries	N/A – No languages meet threshold to qualify as LEP

Program activities to be accessible to LEP persons:

<input type="checkbox"/>	Public Notices and hearings regarding applications for grant funding, amendments to project activities, and completion of grant-funded project
<input type="checkbox"/>	Publications regarding TxCDBG-CV application, grievance procedures, <i>complaint procedures</i> , <i>answers to complaints</i> , <i>notices</i> , <i>notices of rights and disciplinary action</i> , and other vital hearings, documents, and program requirements
<input type="checkbox"/>	Other program documents:

Resources available to Grant Recipient:

<input type="checkbox"/>	Translation services: _____ _____
<input type="checkbox"/>	Interpreter services: _____ _____
<input type="checkbox"/>	Other resources: _____ _____

Language Assistance to be provided:

	Translation (oral and/or written) of advertised notices and vital documents for:
	Referrals to community liaisons proficient in the language of LEP persons:
	Public meetings conducted in multiple languages:

	Notices to recipients of the availability of LEP services:
	Other services:

Signature - Chief Elected Official or Civil Rights Officer

Date

A1015

Fair Housing Policy

In accordance with Fair Housing Act, the City of Burnet hereby adopts the following policy with respect to the Affirmatively Furthering Fair Housing:

1. City of Burnet agrees to affirmatively further fair housing choice for all seven protected classes (race, color, religion, sex, disability, familial status, and national origin).
2. City of Burnet agrees to plan at least one activity during the contract term to affirmatively further fair housing.
3. City of Burnet will introduce and pass a resolution adopting this policy.

As officers and representatives of City of Burnet, we the undersigned have read and fully agree to this plan and become a party to the full implementation of this program.

David Vaughn, City Manager

Name – Please Print

Date

Code of Conduct Policy of the City of Burnet

As a Grant Recipient of a TxCDBG-CV contract, City of Burnet shall avoid, neutralize, or mitigate actual or potential conflicts of interest so as to prevent an unfair competitive advantage or the existence of conflicting roles that might impair the performance of the TxCDBG-CV contract or impact the integrity of the procurement process.

For procurement of goods and services, no employee, officer, or agent of the City of Burnet shall participate in the selection, award, or administration of a contract supported by TxCDBG-CV funds if he or she has a real or apparent conflict of interest. Such a conflict could arise if the employee, officer or agent; any member of his/her immediate family; his/her partner; or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

No officer, employee, or agent of the City of Burnet shall solicit or accept gratuities, favors or anything of monetary value from contractors or firms, potential contractors or firms, or parties to sub-agreements, except where the financial interest is not substantial, or the gift is an unsolicited item of nominal intrinsic value.

Contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements.

For all other cases, no employee, agent, consultant, officer, or elected or appointed official of the state, or of a unit of general local government, or of any designated public agencies, or subrecipients which are receiving TxCDBG-CV funds, that has any CDBG function/responsibility, or is in a position to participate in a decision-making process or gain inside information, may obtain a financial interest or benefit from the TxCDBG-CV activity.

The conflict of interest restrictions and procurement requirements identified herein shall apply to a benefitting business, utility provider, or other third-party entity that is receiving assistance, directly or indirectly, under a TxCDBG-CV contract or award, or that is required to complete some or all work under the TxCDBG-CV contract to meet the National Program Objective.

Any person or entity including any benefitting business, utility provider, or other third-party entity that is receiving assistance, directly or indirectly, under a TxCDBG-CV contract or award, or that is required to complete some or all work under the TxCDBG-CV contract to meet a National

Program Objective, that might potentially receive benefits from TxCDBG-CV awards may not participate in the selection, award, or administration of a contract supported by CDBG funding.

Any alleged violations of these standards of conduct shall be referred to the City of Burnet Attorney. Where violations appear to have occurred, the offending employee, officer or agent shall be subject to disciplinary action, including but not limited to dismissal or transfer; where violations or infractions appear to be substantial in nature, the matter may be referred to the appropriate officials for criminal investigation and possible prosecution.

Passed and approved this _____ day of _____, 2023.

David Vaughn, City Manager

These procedures are intended to serve as guidelines for the procurement of supplies, equipment, construction services and professional services for the Texas Community Development Block Grant (TxCDBG-CV) Program. The regulations related to conflict of interest and nepotism may be found at the Texas Government Code Chapter 573, Texas Local Government Code Chapter 171, Uniform Grant Management Standards by Texas Comptroller, 24 CFR 570.489(g) &(h), and 2 CFR 200.318



Administration

ITEM 4.8

Adrienne Feild
Admin Services/Airport
Manager
512.715.3214
afeild@cityofburnet.com

Action

Meeting Date: January 24, 2023

Agenda Item: Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF BURNET, TEXAS, AWARDING STATEMENT OF QUALIFICATIONS (RFQ 2022-001) FOR PROFESSIONAL SERVICE (ENGINEERING/ARCHITECTURAL/SURVEYING) TO COMPLETE PROJECT IMPLEMENTATION FOR THE CITY OF BURNET'S 2023-2024 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM: A.Feild

Background: At the December 13, 2022 Council meeting council passed Resolution R2022-84, and appointed Council Members Dennis Langley, Philip Thurman and Ricky Langley to serve on the City of Burnet 2023-2024 Texas Community Development Block Grant Committee. Staff also appointed Eric Belaj, City Engineer to Committee.

Five bids were received for RFQ2022-001 from the following agencies:

- Doucet
- TRC Engineering
- Guzman & Munoz
- TLC Engineering, Inc.
- Goodwin-Lasiter-Strong

Information: The committee reviewed and scored all bids received and recommends award for the Engineering/Architectural/Surveyor services to Goodwin-Lasiter-Strong

Fiscal Impact: The fiscal impact is contingent upon award of grant.

Recommendation: Approve and adopt Resolution R2023-08 as presented.

RESOLUTION NO. R2023-08

**A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF BURNET, TEXAS,
WARDING STATEMENT OF QUALIFICATIONS (RFQ 2022-001) FOR
PROFESSIONAL SERVICE (ENGINEERING/ARCHITECTURAL/SURVEYING)
TO COMPLETE PROJECT IMPLEMENTATION FOR THE CITY OF BURNET'S
2023-2024 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

WHEREAS, the 2023-2024 Texas Community Development Block Grant Program TxCDBG Community Development Fund contract requires implementation by professionals experienced in federally-funded community development projects;

WHEREAS, in order to identify qualified and responsive providers for these services a Request for Qualifications (RFQ) process for engineering/architectural/surveying services and has been completed in accordance with Texas CDBG requirements;

WHEREAS, five statement of qualifications received by the due date have been reviewed to determine the most qualified and responsive providers for each professional service;

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

Section one. Award. That Goodwin-Lasiter-Strong be awarded a contract to provide TxCDBG application and project-related professional engineering/architectural/surveying services for the 2023-2024 Texas Community Development Block Grant Program TxCDBG Community Development Fund project.

Section two. Findings. That any and all contracts or commitments made with the above-named services providers are dependent on the successful negotiation of a contract with the service provider;

Section three. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act,

Section four. Effective Date. That this resolution shall take effect immediately upon its passage, and approval as prescribed by law.

PASSED AND APPROVED this the 24th day of January 2023.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Administration

ITEM 4.9

Adrienne Feild
Admin Services/Airport Manager
512.715.3214
afeild@cityofburnet.com

Action

Meeting Date: January 24, 2023

Agenda Item: Discuss and consider action. A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF BURNET, TEXAS, AWARDED STATEMENT OF PROPOSALS (RFP2022-007) FOR ADMINISTRATION/PROJECT DELIVERY SERVICE PROVIDER TO COMPLETE APPLICATION AND PROJECT IMPLEMENTATION FOR THE 2023-2024 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM: A. Feild

Background: At the December 13, 2022 Council meeting council passed Resolution R2022-84, and appointed three committee members. Those council members were Dennis Langley, Philip Thurman, and Ricky Langley. Staff also appointed Eric Belaj, City Engineer to Committee.

Three bids were received for RFP2022-007 from the following agencies:

- Grant Works, Inc.
- Langford CMS, Inc.
- Public Management

Information: The committee reviewed and scored all proposals received and recommends award for the administration/project delivery service provider to Grant Works, Inc.

Fiscal Impact: The fiscal impact is contingent upon award of grant.

Recommendation: Approve and adopt Resolution R2023-09 as presented.

RESOLUTION NO. R2023-09

A RESOLUTION OF THE CITY COUNCIL, OF THE CITY OF BURNET, TEXAS, AWARDED STATEMENT OF PROPOSALS (RFP2022-007) FOR ADMINISTRATION/PROJECT DELIVERY SERVICE PROVIDER TO COMPLETE APPLICATION AND PROJECT IMPLEMENTATION FOR THE 2023-2024 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

WHEREAS, the 2023-2024 Texas Community Development Block Grant Program TxCDBG Community Development Fund contract requires implementation by professionals experienced in federally-funded community development projects;

WHEREAS, in order to identify qualified and responsive providers for these services a Request for Proposals (RFP) process for administration services has been completed in accordance with Texas CDBG requirements;

WHEREAS, the proposals received by the due date have been reviewed to determine the most qualified and responsive providers for professional services;

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

Section one. Award. That Grant Works, Inc. be awarded a contract to provide Texas CDBG application and project-related administration services for the 2023-2024 Texas Community Development Block Grant Program TxCDBG Community Development Fund project.

Section two. Findings. That any and all contracts or commitments made with the above-named services providers are dependent on the successful negotiation of a contract with the service provider.

Section three. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

Section four. Effective Date. That this resolution shall take effect immediately upon its passage, and approval as prescribed by law.

PASSED AND APPROVED this the 24th day of January 2023.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Administration

ITEM 4.10

Habib Erkan Jr.
Assistant City Manager
512-715-3201
herkan@cityofburnet.com

Action

Meeting Date: January 24, 2023

Agenda Item: Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AUTHORIZING THE SALE OF THE BEALLS PROPERTY TO THE BURNET ECONOMIC DEVELOPMENT CORPORATION AND DECLARING THE BURNET ECONOMIC DEVELOPMENT CORPORATION'S RESALE OF THE PROPERTY TO A SALES AND USE TAX GENERATING ENTITY A PUBLIC PURPOSE: H. Erkan Jr.

Background: In June 2021 the City purchased the Bealls property ("Property") for the relocation of city hall. Subsequently the City has received inquiries as to the property's availability for retail development. As the Property is situated on a prime commercial location it is beneficial to explore such options and place the new city hall at an alternative location. Section 253.012 Texas Government Code authorizes the transfer of municipal real property to its economic development corporation without going through the formality of a competitive process; provided the corporation uses the real property for a public purpose.

Information: This resolution approves an agreement to sell the Property to the corporation for a purchase price of \$1,115,000.00; and the form of the transaction documents (special warranty deed, deed of trust, promissory note). Receipt of the sales price is guaranteed by the balloon promissory note which requires payment in full by January 31, 2024. Moreover, this resolution authorizes the mayor to execute the agreement and the transaction documents, and close on the sale without further council action necessary; provided the transaction documents are substantively the same as approved by this resolution and the sales price is \$1,115,000.00. And finally, this resolution finds the corporation's resale or lease of the Property to a sales and use tax generating entity to be a public purpose for the purposes of the above referenced statute.

Fiscal Impact The City shall be entitled to receive \$1,115,000, in proceeds on the closing of the sale. Pursuant to the terms of the promissory note, payment in full shall be due on or before January 31, 2024. As the

Resolution approving sale of Bealls Property to BEDC

corporation shall be responsible for payment of all closing costs there should be no offset against the proceeds.

Recommendation: Approve Resolution No. R2023-10 as presented.

RESOLUTION NO. R2023-10

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AUTHORIZING THE SALE OF THE BEALLS PROPERTY TO THE BURNET ECONOMIC DEVELOPMENT CORPORATION AND DECLARING THE BURNET ECONOMIC DEVELOPMENT CORPORATION'S RESALE OF THE PROPERTY TO A SALES AND USE TAX GENERATING ENTITY A PUBLIC PURPOSE

Whereas, in 2021, the Bealls store located at 118 E Polk St, Burnet, TX 78611, permanently closed causing the owner of the Property to put it on the market,

Whereas, in June 2021, the City purchased the Property with the purpose of repurposing the building affixed thereto as the new city hall; and

Whereas, as the detrimental effects of the pandemic subside retailers have inquired about the availability of the Property; and

Whereas, City Council has determined that the property's is a prime location for commercial redevelopment; and

Whereas, City Council has received numerous requests from citizens for the return of retail sales at the Property; and

Whereas, finds the Burnet Economic Development Corporation ("corporation") better suited to explore the commercial redevelopment potential of the Property; and

Whereas, City Council therefore deems it appropriate to transfer the property to the corporation pursuant to the authority provided in Section 253.012 Texas Local Government Code; and

Whereas, City Council determines it appropriate to carry a promissory note guaranteeing payment of the purchase price in full by January 31, 2024, to give the corporation time to market the property.

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

Section one. Approval. The following is hereby approved:

- (a) The agreement to sell the Property to the corporation for a purchase price of \$1,115,000.00; and
- (b) the form of the sales agreement and transaction documents (special warranty deed, deed of trust, promissory note) that are attached hereto; and

- (c) the terms of the promissory note obligating the corporation to pay the purchase price in full by January 31, 2024.

Section two. Authorization. The mayor is hereby authorized to execute instruments in substantial form as the agreement and transaction documents, attached hereto, and take such further action, and execute such ancillary documents, as may be reasonably necessary to facilitate the close of the transaction authorized by this resolution. In that regard the mayor is hereby authorized to close on the sale without further Council action provided; the final sales price is \$1,115,000.00.

Section three. Public Purpose Declared. In accordance with the requirements of Section 253.012, Texas Local Government Code, it is hereby declared the sale or lease of the Property to an entity that generates sales or use tax is a Public Purpose.

Section four. Findings. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this resolution for all purposes and are adopted as a part of the judgment and findings of the Council.

Section five. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

Section four. Effective Date. That this resolution shall take effect immediately upon its passage, and approval as prescribed by law.

PASSED AND APPROVED this the 24th day of January 2023.

CITY OF BURNET, TEXAS

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary

Notice of confidentiality rights: If you are dda natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number

DEED OF TRUST

STATE OF TEXAS §
 §
COUNTY OF BURNET §

KNOW ALL PERSONS BY THESE PRESENTS:

Terms

Date: January 23, 2023

Grantor: Burnet Economic Development Corporation
Grantor's Mailing Address: P. O. Box 1369 Burnet, TX 78611

Trustee: David Vaughn
Trustee's Mailing Address: City of Burnet
P. O. Box 1369 Burnet, TX 78611

Lender: City of Burnet
Lender's Mailing Address: City of Burnet
P. O. Box 1369 Burnet, TX 78611

Obligation: Grantor is obligated to perform on that certain Promissory Note of even date.

Original principal amount: One Million One Hundred Fifteen Thousand 00/000 United States Dollars (\$1,115,000.00)

Borrower: Burnet Economic Development Corporation

Lender: City of Burnet

Maturity date: January 31, 2024

Property (including any improvements): Being that approximately 1.177-acre lot legally described in the Subdivision Plat known as Lot 1-B, Block No. 17, Peter Kerr Portion, City of Burnet, recorded as Document No. 202213519 in the Public Records of Burnet County, Texas.

Prior Lien: NONE

Other Exceptions to Conveyance and Warranty: NONE

For value received and to secure payment of the Obligation, Grantor conveys the Property to Trustee in trust. Grantor warrants and agrees to defend the title to the Property, subject to the Other Exceptions to Conveyance and Warranty. On payment of the Obligation and all other amounts secured by this deed of trust, this deed of trust will have no further effect, and Lender will release it at Grantor's expense.

Clauses and Covenants

A. Grantor's Obligations

Grantor agrees to—

1. Keep the Property in good repair and condition;
2. Pay all taxes and assessments on the Property before delinquency, not authorize a taxing entity to transfer its tax lien on the Property to anyone other than Lender, and not request a deferral of the collection of taxes pursuant to section 33.06 of the Texas Tax Code;
3. Defend title to the Property subject to the Other Exceptions to Conveyance and Warranty and preserve the lien's priority as it is established in this deed of trust;
4. Maintain all insurance coverages with respect to the Property, revenues generated by the Property, and operations on the Property that Lender reasonably requires ("Required Insurance Coverages"), issued by insurers and written on policy forms acceptable to Lender, and deliver evidence of the Required Insurance Coverages in a form acceptable to Lender at least ten days before the expiration of the Required Insurance Coverages;
5. Obey all laws, ordinances, and restrictive covenants applicable to the Property;
6. Keep any buildings occupied as required by the Required Insurance Coverages;
7. If the lien of this deed of trust is not a first lien, pay or cause to be paid all prior lien notes and abide by or cause to be abided by all prior lien instruments; and
8. Notify Lender of any change of address.

B. Lender's Rights

1. Lender or Lender's mortgage servicer may appoint in writing one or more substitute trustees, succeeding to all rights and responsibilities of Trustee.

2. If the proceeds of the Obligation are used to pay any debt secured by prior liens, Lender is subrogated to all the rights and liens of the holders of any debt so paid.
3. Lender may apply any proceeds received under the property insurance policies covering the Property either to reduce the Obligation or to repair or replace damaged or destroyed improvements covered by the policy. If the Property is Grantor's primary residence and Lender reasonably determines that repairs to the improvements are economically feasible, Lender will make the property insurance proceeds available to Grantor for repairs.
4. Notwithstanding the terms of the Note to the contrary, and unless applicable law prohibits, all payments received by Lender from Grantor with respect to the Obligation or this deed of trust may, at Lender's discretion, be applied first to amounts payable under this deed of trust and then to amounts due and payable to Lender with respect to the Obligation, to be applied to late charges, principal, or interest in the order Lender in its discretion determines.
5. If Grantor fails to perform any of Grantor's obligations, Lender may perform those obligations and be reimbursed by Grantor on demand for any amounts so paid, including attorney's fees, plus interest on those amounts from the dates of payment at the rate stated in the Note for matured, unpaid amounts. The amount to be reimbursed will be secured by this deed of trust.
6. If a default exists in payment of the Obligation or performance of Grantor's obligations and the default continues after any required notice of the default and the time allowed to cure, Lender may—
 - a. declare the unpaid principal balance and earned interest on the Obligation immediately due;
 - b. exercise Lender's rights with respect to rent under the Texas Property Code as then in effect;
 - c. direct Trustee to foreclose this lien, in which case Lender or Lender's agent will cause notice of the foreclosure sale to be given as provided by the Texas Property Code as then in effect; and
 - d. purchase the Property at any foreclosure sale by offering the highest bid and then have the bid credited on the Obligation.
7. Lender may remedy any default without waiving it and may waive any default without waiving any prior or subsequent default.

C. Trustee's Rights and Duties

If directed by Lender to foreclose this lien, Trustee will:

1. Either personally or by agent give notice of the foreclosure sale as required by the Texas Property Code as then in effect;
2. Sell and convey all or part of the Property "AS IS" to the highest bidder for cash with a general warranty binding Grantor, subject to the Prior Lien and to the Other Exceptions to Conveyance and Warranty and without representation or warranty, express or implied, by Trustee;
3. From the proceeds of the sale, pay, in this order—
 - a. Expenses of foreclosure, including a reasonable commission to Trustee;
 - b. To Lender, the full amount of principal, interest, attorney's fees, and other charges due and unpaid;
 - c. Any amounts required by law to be paid before payment to Grantor; and
 - d. To Grantor, any balance; and
4. Be indemnified, held harmless, and defended by Lender against all costs, expenses, and liabilities incurred by Trustee for acting in the execution or enforcement of the trust created by this deed of trust, which includes all court and other costs, including attorney's fees, incurred by Trustee in defense of any action or proceeding taken against Trustee in that capacity.

D. General Provisions

1. If any of the Property is sold under this deed of trust, Grantor must immediately surrender possession to the purchaser. If Grantor fails to do so, Grantor will become a tenant at sufferance of the purchaser, subject to an action for forcible detainer.
2. Recitals in any trustee's deed conveying the Property will be presumed to be true.
3. Proceeding under this deed of trust, filing suit for foreclosure, or pursuing any other remedy will not constitute an election of remedies.
4. This lien will remain superior to liens later created even if the time of payment of all or part of the Obligation is extended or part of the Property is released.
5. If any portion of the Obligation cannot be lawfully secured by this deed of trust, payments will be applied first to discharge that portion.
6. Grantor assigns to Lender all amounts payable to or received by Grantor from condemnation of all or part of the Property, from private sale in lieu of

condemnation, and from damages caused by public works or construction on or near the Property. After deducting any expenses incurred, including attorney's fees and court and other costs, Lender will either release any remaining amounts to Grantor or apply such amounts to reduce the Obligation. Lender will not be liable for failure to collect or to exercise diligence in collecting any such amounts. Grantor will immediately give Lender notice of any actual or threatened proceedings for condemnation of all or part of the Property.

8. Grantor collaterally assigns to Lender all present and future rent from the Property and its proceeds. Grantor warrants the validity and enforceability of the assignment. Grantor will apply all rent to payment of the Obligation and performance of this deed of trust, but if the rent exceeds the amount due with respect to the Obligation and the deed of trust, Grantor may retain the excess. If a default exists in payment of the Obligation or performance of this deed of trust, Lender may exercise Lender's rights with respect to rent under the Texas Property Code as then in effect. Lender neither has nor assumes any obligations as lessor or landlord with respect to any occupant of the Property. Lender may exercise Lender's rights and remedies under this paragraph without taking possession of the Property. Lender will apply all rent collected under this paragraph as required by the Texas Property Code as then in effect. Lender is not required to act under this paragraph, and acting under this paragraph does not waive any of Lender's other rights or remedies.
8. Interest on the debt secured by this deed of trust will not exceed the maximum amount of nonusurious interest that may be contracted for, taken, reserved, charged, or received under law. Any interest in excess of that maximum amount will be credited on the principal of the debt or, if that has been paid, refunded. On any acceleration or required or permitted prepayment, any such excess will be canceled automatically as of the acceleration or prepayment or, if already paid, credited on the principal of the debt or, if the principal of the debt has been paid, refunded. This provision overrides any conflicting provisions in this and all other instruments concerning the debt.
9. In no event may this deed of trust secure payment of any debt that may not lawfully be secured by a lien on real estate or create a lien otherwise prohibited by law.
10. Grantor may not sell, transfer, or otherwise dispose of any Property, whether voluntarily or by operation of law, without the prior written consent of Lender. If granted, consent may be conditioned upon (a) the grantee's integrity, reputation, character, creditworthiness, and management ability being satisfactory to Lender; and (b) the grantee's executing, before such sale, transfer, or other disposition, a written assumption agreement

containing any terms Lender may require, such as a principal pay down on the Obligation, an increase in the rate of interest payable with respect to the Obligation, a transfer fee, or any other modification of the Note, this deed of trust, or any other instruments evidencing or securing the Obligation.

Grantor may not cause or permit any Property to be encumbered by any liens, security interests, or encumbrances other than the liens securing the Obligation and the liens securing ad valorem taxes not yet due and payable without the prior written consent of Lender. If granted, consent may be conditioned upon Grantor's executing, before granting such lien, a written modification agreement containing any terms Lender may require, such as a principal pay down on the Obligation, an increase in the rate of interest payable with respect to the Obligation, an approval fee, or any other modification of the Note, this deed of trust, or any other instruments evidencing or securing the Obligation.

Grantor may not grant any lien, security interest, or other encumbrance (a "Subordinate Instrument") covering the Property that is subordinate to the liens created by this deed of trust without the prior written consent of Lender. If granted, consent may be conditioned upon the Subordinate Instrument's containing express covenants to the effect that—

- a. the Subordinate Instrument is unconditionally subordinate to this deed of trust;
- b. if any action is instituted to foreclose or otherwise enforce the Subordinate Instrument, no action may be taken that would terminate any occupancy or tenancy without the prior written consent of Lender, and that consent, if granted, may be conditioned in any manner Lender determines;
- c. rents, if collected by or for the holder of the Subordinate Instrument, will be applied first to the payment of the Obligation then due and to expenses incurred in the ownership, operation, and maintenance of the Property in any order Lender may determine, before being applied to any indebtedness secured by the Subordinate Instrument;
- d. written notice of default under the Subordinate Instrument and written notice of the commencement of any action to foreclose or otherwise enforce the Subordinate Instrument must be given to Lender concurrently with or immediately after the occurrence of any such default or commencement; and
- e. in the event of the bankruptcy of Grantor, all amounts due on or with respect to the Obligation and this deed of trust will be payable in full before any payments on the indebtedness secured by the Subordinate Instrument.

Grantor may not cause or permit any of the following events to occur without the prior written consent of Lender: if Grantor is (a) a corporation, the dissolution of the corporation or the sale, pledge, encumbrance, or assignment of any shares of its stock; (b) a limited liability company, the dissolution of the company or the sale, pledge, encumbrance, or assignment of any of its membership interests; (c) a general partnership or joint venture, the dissolution of the partnership or venture or the sale, pledge, encumbrance, or assignment of any of its partnership or joint venture interests, or the withdrawal from or admission into it of any general partner or joint venturer; or (d) a limited partnership, (i) the dissolution of the partnership, (ii) the sale, pledge, encumbrance, or assignment of any of its general partnership interests, or the withdrawal from or admission into it of any general partner, (iii) the sale, pledge, encumbrance, or assignment of a controlling portion of its limited partnership interests, or (iv) the withdrawal from or admission into it of any controlling limited partner or partners. If granted, consent may be conditioned upon (a) the integrity, reputation, character, creditworthiness, and management ability of the person succeeding to the ownership interest in Grantor (or security interest in such ownership) being satisfactory to Lender; and (b) the execution, before such event, by the person succeeding to the interest of Grantor in the Property or ownership interest in Grantor (or security interest in such ownership) of a written modification or assumption agreement containing such terms as Lender may require, such as a principal pay down on the Obligation, an increase in the rate of interest payable with respect to the Obligation, a transfer fee, or any other modification of the Note, this deed of trust, or any other instruments evidencing or securing the Obligation.

11. When the context requires, singular nouns and pronouns include the plural.
12. The term *Note* includes all extensions, modifications, and renewals of the Note and all amounts secured by this deed of trust.
13. This deed of trust binds, benefits, and may be enforced by the successors in interest of all parties.
14. If Grantor and Borrower are not the same person, the term *Grantor* includes Borrower.
15. Grantor and each surety, endorser, and guarantor of the Obligation waive, to the extent permitted by law, all (a) demand for payment, (b) presentation for payment, (c) notice of intention to accelerate maturity, (d) notice of acceleration of maturity, (e) protest, and (f) notice of protest, and (g) rights under sections 51.003, 51.004, and 51.005 of the Texas Property Code.

16. Grantor agrees to pay reasonable attorney's fees, trustee's fees, and court and other costs of enforcing Lender's rights under this deed of trust if this deed of trust is placed in the hands of an attorney for enforcement.
17. If any provision of this deed of trust is determined to be invalid or unenforceable, the validity or enforceability of any other provision will not be affected.
18. The term *Lender* includes any mortgage servicer for Lender.
19. Grantor represents that this deed of trust and the Note are given for the following purposes: Purchase money for purchase of the Property describe herein.

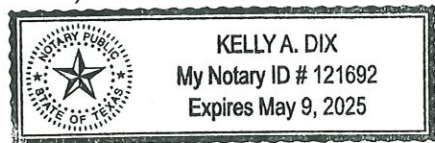
Burnet Economic Development Corporation

By 
Cary Johnson, President

STATE OF TEXAS
COUNTY OF BURNET

This instrument was acknowledged before me on the 23 day of January, 2023 by Cary Johnson, President of the Burnet Economic Development Corporation, on behalf of said corporation.

(Personalized Seal)





Notary Public in and for the State
of Texas

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

SPECIAL WARRANTY DEED WITH VENDOR'S LIEN

STATE OF TEXAS §
 § **KNOW ALL PERSONS BY THESE PRESENTS:**
COUNTY OF BURNET §

DATE: January 24, 2023

GRANTOR: City of Burnet

GRANTOR'S MAILING ADDRESS P. O. Box 1369 Burnet, Burnet County, Texas
78611

GRANTEE: Burnet Economic Development Corporation

GRANTOR'S MAILING ADDRESS: P. O. Box 1369 Burnet, Burnet County, Texas
78611

PROPERTY (including improvements): Being that approximately 1.177-acre lot legally described in the Subdivision Plat known as Lot 1-B, Block No. 17, Peter Kerr Portion, City of Burnet, recorded as Document No. 202213519 in the Public Records of Burnet County, Texas.

CONSIDERATION: Cash and promissory note of even date executed by Grantee. The promissory note is payable to the order of Grantor in the principal amount of ONE MILLION ONE HUNDRED FIFTEEN THOUSAND DOLLARS (\$1,115,000.00). The promissory note is secured by the first and superior vendor's lien against, and superior title to, the Property retained in this deed in favor of Grantor and is also secured by a first-lien deed of trust of even date from Grantee to David Vaughn, trustee.

RESERVATIONS. None.

EXCEPTIONS. This conveyance is made and accepted subject to all easements, right-of-way, and prescriptive rights, whether of record or not; all presently recorded instruments, other than liens and conveyances; and all applicable zoning laws, regulations, and ordinances of municipal or other governmental authorities.

STATUTORY CONDITION. Pursuant to Section 253.012(e) this conveyance is subject to the following:

- (1) Grantee is required to use the property in a manner that primarily promotes a public purpose of Grantor; and
- (2) should Grantee fail to use the property for the promotion of such public purpose the Property shall automatically revert to Grantor.

Grantor acknowledges that by resolution of its governing body, the sale or lease of the property by Grantee to an entity that generates sales and use tax is declared a public purpose; and that on conveyance of the property to such entity, Grantor shall have entered into the public record an instrument declaring the statutory condition is fulfilled.

Grantor in consideration of the valuable consideration paid by Grantee, to Grantor, the receipt and sufficiency of which is hereby acknowledged, has granted, sold, and conveyed and by these presents does grant, sell, and convey to Grantee, all of the Property, together with all and singular the rights and appurtenances thereto in any wise belonging to have and to hold it to Grantee, Grantee's successors or assigns forever. Grantor binds Grantor, Grantor's heirs, executors, administrators, and successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, though, or under Grantor but not otherwise, subject to the statutory condition and except as to the reservations from and exceptions to conveyance and warranty.

Ad valorem taxes on the Property for the current year are assumed by Grantee.

The vendor's lien against and superior title to the Property are retained until each note described is fully paid according to its terms, at which time this deed will become absolute subject to the statutory condition.

GRANTEE ACCEPTS THE PROPERTY "AS IS" AND "WHERE IS", WITH ALL FAULTS, AND , EXCEPT FOR THE WARRANTIES OF TITLE CONTAINED IN THIS DEED AND THE LIMITED EXPRESS WRITTEN REPRESENTATIONS CONTAINED IN THE SURVIVING LANGUAGE OF THE CONTRACT FOR SALE OF THE PROPERTY, NEITHER GRANTOR, NOR ANY OF GRANTOR'S EMPLOYEES OFFICERS, MEMBERS, DIRECTORS, REPRESENTATIVES, ATTORNEYS AND/OR AGENTS (COLLECTIVELY THE "SELLER RELATED PARTIES") HAVE MADE OR GIVEN ANY WARRANTIES, GUARANTEES, OR REPRESENTATIONS OF ANY KIND WHATSOEVER, REGARDING ANY MATTER RELATING TO THE PROPERTY WHETHER ORAL OR WRITTEN, EXPRESSED OR IMPLIED. MOREOVER, EXCEPT AS SET FORTH IN THE SURVIVING LANGUAGE OF THE CONTRACT FOR SALE OF THE PROPERTY AND THIS DEED, THERE ARE NO EXPRESS OR IMPLIED WARRANTIES OF HABITABILITY, MERCHANTABILITY, SUITABILITY, OR FITNESS FOR A PARTICULAR PURPOSE AND THAT THERE ARE NO EXPRESS OR IMPLIED WARRANTIES OR REPRESENTATIONS REGARDING THE PRESENT OR FUTURE VALUE, PROFITABILITY, PERFORMANCE OR PRODUCTIVITY OF THE PROPERTY, THE CONDITION OF THE PROPERTY FOR GRANTEE'S INTENDED USE OR ANY OTHER USE, OR REGARDING THE PAST OR PRESENT COMPLIANCE BY SELLER WITH LAWS RELATED TO LAND USE, ENVIRONMENTAL MATTERS, POLLUTION,

OR ANY LAWS PERTAINING TO THE HANDLING, GENERATING, TREATING, STORING, TRANSPORTING, OR DISPOSING, OR THE PRESENCE OR ABSENCE ON THE PROPERTY OF HAZARDOUS OR TOXIC WASTE OR SUBSTANCES AS SUCH TERMS ARE DEFINED IN FEDERAL, STATE AND LOCAL LAWS.

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

**GRANTOR
CITY OF BURNET**

By _____
Crista Goble Bromley, Mayor

STATE OF TEXAS
COUNTY OF BURNET

This instrument was acknowledged before me on the ____ day of January 2023 by Crista Goble Bromley, City of Burnet, on behalf of said municipality.

(Personalized Seal)

Notary Public in and for the State
of Texas

STATE OF TEXAS §
 §
COUNTY OF BURNET §

KNOW ALL PERSONS BY THESE PRESENTS:

PURCHASE AGREEMENT

THAT, the City of Burnet, a Texas home rule municipality acting through its mayor, hereinafter referred to as “**SELLERS**”, for and in consideration of the agreed purchase price of One Million One Hundred Fifteen Thousand 00/000 United States Dollars (\$1,115,000.00) (the “Purchase Price”) and upon the terms and conditions hereof, contracts to **GRANT, SELL** and **CONVEY** by Special Warranty Deed to the Burnet Economic Development Corporation, a 4B established pursuant to the Development Corporation Act of 1979, hereinafter referred to as “**PURCHASER**”; a good, marketable, and title, free and clear of all liens and encumbrances of every kind (except liens for current taxes and assessments), to the following described Property in the City of Burnet, Burnet County, Texas, to-wit:

Being that approximately 1.177-acre lot legally described in the Subdivision Plat known as Lot 1-B, Block No. 17, Peter Kerr Portion, City of Burnet, recorded as Document No. 202213519 in the Public Records of Burnet County, Texas.

Together with all improvements incident or belonging thereto.

Purchase and Sale Agreement. Seller agrees to sell and convey the Property to Buyer, and Buyer agrees to buy and pay Seller for the Property. The promises by Buyer and Seller stated in this contract are the consideration for the formation of this contract.

SELLER hereby agrees to furnish **PURCHASER** a Release, Partial Release or Subordination of Lien, if applicable.

Special Conditions:

- (a) **Section 253.012 Texas Local Government Code.** Pursuant to the statute the parties agree the Property shall be used in a manner that primarily promotes the public purpose of the City of Burnet, Texas as expressed in the resolution approving this agreement.
- (b) **Special Warranty Deed.** The form of the Special Warranty Deed attached hereto as **Exhibit “A”** is hereby approved by the Parties, and an instrument of conveyance, in substantial form as **Exhibit “A”** shall be duly executed by the Parties representatives and recorded in the Burnet County Public Records.
- (c) **SELLER financing.** The Purchase Price shall be financed by the **SELLER**, and **PURCHASER’S** representative shall duly execute a Promissory Note in substantial form as **Exhibit “B”** and a Deed of Trust in substantial form as **Exhibit “C”**.
- (d) **Closing Costs.** All closing costs, including the costs of recordation of the Special Warranty Deed and Deed of Trust, shall be paid by **PURCHASER**.
- (e) **Dispute Resolution.** Any dispute arising between the Parties regarding any aspect of this Agreement, or transaction, shall be resolved by the Burnet City Council, whose decision shall be final and binding.

The agreed Purchase Price includes full accord, satisfaction and compensation for all demands and damages to the remaining property of the **SELLER**, if any.

Until title has been conveyed to the **PURCHASER**, loss or damage to the property by fire or other casualty, except that caused by **PURCHASER**, shall be at the risk of the **SELLER** and the amount thereof shall be deducted from the Purchase Price. In the event this purchase fails to close through no fault of **SELLER**, **PURCHASER** shall repair any damage caused by **PURCHASER'S** entry on the Property.

This Agreement shall remain binding on the Parties for a period of 60 days after execution by the Mayor, or other designated city official. After such period should the sale that is the subject of this contract not close this Agreement shall terminate.


The **PURCHASER** may take possession of the Property and begin construction immediately upon the **SELLER'S** execution of this contract.

PURCHASER takes the Property "As Is Where Is" with all faults both latent and patent.

EXECUTED to be EFFECTIVE this the 23 day of January 2023.

SELLER:
CITY OF BURNET

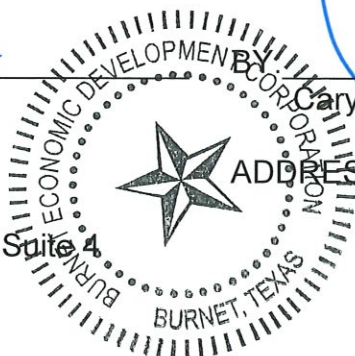
PURCHASER:
**BURNET ECONOMIC DEVELOPMENT
CORPORATION**

BY: 
Crista Goble Bromley, Mayor

BY: 
Cary Johnson, President

ADDRESS: City of Burnet
P. O. Box 1369
1001 Buchanan Drive, Suite 4
Burnet, Texas 78611

ADDRESS: Burnet Economic Development Corp.
P. O. Box 1369
1001 Buchanan Drive, Suite 4
Burnet, Texas 78611



Promissory Note

Date: January 23, 2023

Borrower: Burnet Economic Development Corporation
Borrower's Mailing Address: P. O. Box 1369 Burnet, TX 78611
Lender: City of Burnet, Texas
Place for Payment: 1001 Buchanan Drive, Suite 4, Burnet, TX 78611
Principal Amount: One Million One Hundred Fifteen Thousand 00/000
United States Dollars (\$1,115,000.00)
Annual Interest Rate: NONE
Maturity Date: January 31, 2024

Annual Interest Rate on Matured, Unpaid Amounts: Maximum amount authorities by law.

Terms of Payment (principal and interest): The entire Principal Amount shall be payable in full on January 31, 2024.

Security for Payment: This note is secured by a vendor's lien and superior title retained in a deed from Lender to Borrower dated January 23, 2023 and by a deed of trust of even date from the Burnet Economic Development Corporation to David Vaughn, trustee, both of which cover the following real property: Being that approximately 1.177-acre lot legally described in the Subdivision Plat known as Lot 1-B, Block No. 17, Peter Kerr Portion, City of Burnet, recorded as Document No. 202213519 in the Public Records of Burnet County, Texas. .

Other Security for Payment: None.

Borrower promises to pay to the order of Lender the Principal Amount plus interest at the Annual Interest Rate. This note is payable at the Place for Payment and according to the Terms of Payment. All unpaid amounts are due by the Maturity Date. If any amount is not paid either when due under the Terms of Payment or on acceleration of maturity, Borrower promises to pay any unpaid amount plus interest from the date the payment was due to the date of payment at the Annual Interest Rate on Matured, Unpaid Amounts.

If Borrower defaults in the payment of this note or in the performance of any obligation in any instrument securing or collateral to this note, Lender may declare the unpaid principal balance, earned interest, and any other amounts owed on the note immediately due. Borrower and each surety, endorser, and guarantor waive, to the extent permitted by law, all (1) demand for payment, (2) presentation for payment, (3) notice of intention to accelerate maturity, (4) notice of acceleration of maturity, (5) protest, (6) notice of protest, and (7) rights under sections 51.003 and 51.004 of the Texas Property Code.

Borrower also promises to pay reasonable attorney's fees and court and other costs if this note is placed in the hands of an attorney to collect or enforce the note. These expenses will bear interest from the date of advance at the Annual Interest Rate on Matured, Unpaid Amounts. Borrower will pay Lender these expenses and interest on demand at the Place for Payment. These expenses and interest will become part of the debt evidenced by the note and will be secured by any security for payment.

Borrower may prepay this note in any amount at any time before the Maturity Date without penalty or premium.

Interest on the debt evidenced by this note will not exceed the maximum rate or amount of nonusurious interest that may be contracted for, taken, reserved, charged, or received under law. Any interest in excess of that maximum amount will be credited on the Principal Amount or, if the Principal Amount has been paid, refunded. On any acceleration or required or permitted prepayment, any excess interest will be canceled automatically as of the acceleration or prepayment or, if the excess interest has already been paid, credited on the Principal Amount or, if the Principal Amount has been paid, refunded. This provision overrides any conflicting provisions in this note and all other instruments concerning the debt.

Each Borrower is responsible for all obligations represented by this note.

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

Burnet Economic Development
Corporation

By

Cary Johnson, President

A large, stylized handwritten signature in blue ink is written over the printed name and extends upwards into the company name.