



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 **14th day of February 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: None.

2. CONSENT AGENDA:

2.1) Approval of the January 24, 2023 Regular City Council Meeting minutes

3. PUBLIC HEARINGS/ACTION:

3.1) Public Hearing and consideration of the following: adoption and amendments of the Zoning Ordinance and zoning classifications presented by Leslie Kimbler, City Planner

A) Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS 805 NORTINGTON (Legal Description: 0.22-ACRE TRACT LOT NUMBER 3, LUNA PARK). WITH SINGLE-FAMILY RESIDENTIAL "R-1" PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

- (1) Staff Presentation: L. Kimbler
- (2) Public Hearing:
- (3) Consideration and action:

B) Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY LOCATED AT 5409 S US HWY 281 (LEGALLY DESCRIBED AS: BEING 16.72 ACRES OF LAND (INSIDE CITY LIMITS), MORE OR LESS, OUT OF AND PART OF THE FRANCISCO YBARBO SURVEY NO. 39, ABST. NO. 1018, AND THE SUSANO HERNANDEZ SURVEY NO 40, ABST. NO 398) WITH MEDIUM COMMERCIAL – DISTRICT "C-2" CLASSIFICATION WITH CONDITIONAL USE PERMIT TO ALLOW FOR "LANDSCAPE YARD AND BUILDING MATERIALS YARD"; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

- (1) Staff Presentation: L. Kimbler
- (2) Public Hearing:
- (3) Consideration and action:

4. ACTION ITEMS:

4.1) Discuss and consider action: SECOND AND FINAL 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 PURPOSE 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

SEGUNDA Y ÚLTIMA 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 SOMETER A 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

4.2) Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS APPROVING AN INTERLOCAL AGREEMENT WITH BURNET COUNTY FOR JAIL SERVICES. B. Lee

4.3) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF CITY OF BURNET AUTHORIZING THE CITY MANAGER TO EXECUTE A RELEASE OF LIABILITY TO THE COMMEMORATIVE AIR FORCE (CAF) FOR THE LANDING OF A-10 AIRCRAFT DURING THE ANNUAL AIR SHOW: A. Feild

4.4) Discuss and consider action: A RESOLUTION ADOPTING THE CITY OF BURNET, TX, INVESTMENT POLICY: P. Langford

4.5) Discuss and consider action: A preliminary plat application for the Hilltop Oaks Subdivision: L. Kimbler

4.6) Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TX, APPROVING THE FIRST AMENDMENT TO THE ARCHITECTURAL AGREEMENT BETWEEN THE CITY OF BURNET AND SEaux-PIERCE ARCHITECTURE FOR THE CONSTRUCTION OF A NEW CITY HALL FACILITY ON THE 300 BLOCK OF EAST JACKSON ST, BURNET, TX.: D. Vaughn

5. 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.

6. ADJOURN:

Dated this 10th day of February, 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 February 10, 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).

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

On this the 24th 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, Jason Davis, Eric Belaj, Habib Erkan, Jr., Maria Gonzales, Adrienne Field, Mark Miller, Haley Archer, Jimmy Crain, Allison McKee, Gery Grumoli, David Bennett, Alan Burdell, Kim Winkler, Bryce Van Arsdale, Tamara Tinney

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

INVOCATION: Led by Council Member Mary Jane Shanes

PLEDGES (US & TEXAS): Led by Council Member Ricky Langley

SPECIAL REPORTS/RECOGNITION:

Burnet Municipal Court Quarterly Report: Judge Tamara Tinney: Municipal Court Judge Tamara Tinney updated all present on the third and fourth quarter court report. Judge Tinney reviewed cases filed, cases closed, current open cases and currently scheduled trials. The Court Security Committee will be meeting in January.

First Quarter Financial Report: P. Langford: Director of Finance Patricia Langford reviewed the financial position of the City for the first quarter. Ms. Langford reported fund balances, revenues received, expenses and tracking with fiscal year 2023-2024 budget projections for all funds.

Chamber of Commerce Report: Allison McKee: Ms. McKee, Director of the Burnet Chamber of Commerce updated all present on the current happenings at the Chamber of Commerce, The annual Christmas on the Square event was a huge success. The Bluebonnet Festival committee is in full swing working on the 40th Bluebonnet Festival plans that will fall on Easter weekend this year. There are several upcoming Chamber Mixers scheduled as well as Lunch and Learn Programs and Coffee and Conversation programs. Details are in the weekly newsletter. Ms. McKee thanked the City for including the Chamber of Commerce at the recent ICSC Economic Development Conference in Dallas.

YMCA Semi-Annual Report: Gery Grumoli and David Bennett: YMCA Board President David Bennett provided all present the year end membership for 2022 is 1,824. Membership continues to grow in all areas. Facility Director Gery Grumoli reviewed current programs which included pickle ball, exercise classes, adult volleyball, senior walking, personal training, swimming, water aerobics, youth indoor soccer, volleyball and basketball, teen programs. The YMCA has summer scholarships and afterschool care scholarships available. The YMCA has hosted the district swim meets as well as all second grader for swimming lessons. The RV park is at full capacity. Mr. Grumoli thanked the City for the continued support and shared with all present that the Annual YMCA Casino Night will be August 26, 2023. The YMCA will participate with LCRA on beautification and building improvement projects this spring for the annual LCRA Make a Difference Day.

Proclamation declaring April 2023 Fair Housing Month: Mayor Bromley: Mayor Crista Goble Bromley requested City Secretary Kelly Dix to present the Proclamation declaring April 2023 as Fair Housing Month in the City of Burnet.

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 January 10, 2023 Regular City Council Meeting Minutes

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

PUBLIC HEARINGS/ACTION: None.

ACTION ITEMS:

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: Council Member Mary Jane Shanes moved to approve and adopt Ordinance 2023-01 as presented. Council Member Cindia Talamantez seconded. The motion carried unanimously.

Discuss and consider action: Appointment of a Commissioner to the Housing Authority of the City of Burnet: K. Dix: Council Member Joyce Laudenschlager made a motion to appoint Louise Lary to the Burnet Housing Authority Board to fill the unexpired term that ends in June 2023. The vacancy occurred due to the passing of Jack Butler. Council Member Cindia Talamantez seconded. The motion carried unanimously.

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: Council Member Joyce Laudenschlager moved to approve Resolution R2023-11 as presented. Council Member Mary Jane Shanes seconded. The motion carried unanimously.

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: Council Member Cindia Talamantez moved to approve the first reading of Ordinance No. 2023-03 as presented. Council Member Joyce Laudenschlager seconded. The motion carried unanimously.

Discuss and consider action: Direction to Staff on issuance of bids and funding source for the Delaware Springs Boulevard Reconstruction: E. Belaj: Mayor Crista Goble Bromley made a motion directing staff to reach out to the Texas Department of Transportation pertaining to mutual funding for the project. Council Member Joyce Laudenschlager seconded. The motion carried unanimously.

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. Field: Council Member Joyce Laudenschlager moved to approve Resolution R2023-06 as presented. Council Member Cindia Talamantez seconded. The motion carried unanimously.

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. Field: Council Member Ricky Langley moved to approve Resolution R2023-07 as presented. Council Member Philip Thurman seconded. The motion carried unanimously.

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. Field: Council Member Philip Thurman moved to approve Resolution R2023-08 awarding the bid for RFQ2022-01 to Goodwin-Lassiter- Strong, as presented. Council Member Mary Jane Shanes seconded. The motion carried unanimously.

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. Field:

Council Member Philip Thurman moved to approve Resolution R2023-09 awarding the bid for RFP2022-07 to Grant Works, Inc., as presented. Council Member Mary Jane Shanes seconded. The motion carried unanimously.

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: Council Member Philip Thurman moved to approve Resolution R2023-10 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: Pass.

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 requested an update from the Comprehensive Committee on the Comprehensive Plan Project.

ADJOURN: There being no further business a motion to adjourn was made by Council Member Mary Jane Shanes at 6:54 p.m. seconded by Council Member Joyce Laudenschlager. The motion carried unanimously.

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 3.1 A

Leslie Kimbler
Planning Manager
512-715-3215
lkimbler@cityofburnet.com

Public Hearing/Action

Meeting Date: February 14, 2023

Agenda Item: Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS 805 NORTINGTON (Legal Description: 0.22-ACRE TRACT LOT NUMBER 3, LUNA PARK). WITH SINGLE-FAMILY RESIDENTIAL "R-1" PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

Background: The property is .22 acres on the south side of Northington Street, across from Wallace Riddell Park. While property is zoned Light Commercial - District "C-1", it has continuously been an existing nonconforming property as a single-family residence.

Information: Nonconforming uses is sanctioned by Code of Ordinances, Section 118-66 which states a nonconforming use shall terminate upon any sale of the property. After purchasing the property, the applicant came to the City regarding the nonconforming zoning and requested the proposed change to come into conformance with the City code. The intent of the applicant is to continue the residential use of the existing single-family home.

Staff Analysis: The Future Land Use Map (Exhibit B) designation for the area is Residential. The request for the Residential designation is appropriate.

Properties adjacent to the subject property are zoned as follows:

| | North | South | East | West |
|-----------------|-------------|-------------|-------------|-------------------------|
| Zoning | "C-1" | "R-3" | "R-2A" | "C-1" |
| FLUM | Open Space | Residential | Residential | Residential |
| Land Use | Public Park | Apartments | Duplex | Single-family residence |

Public Notification: A Notice of Public Hearing was published in the Burnet Bulletin on January 25, 2023, and written notices were mailed to fourteen (14) surrounding property owners within 200 feet of the subject property. There have been zero responses in favor and zero responses in opposition.

P&Z Report Planning and Zoning met at their regular meeting on Monday, February 6th did recommend approval of the requested rezone.

Recommendation: Staff recommends approval of Ordinance 2023-04 as presented.

Exhibit "A"
Location Map

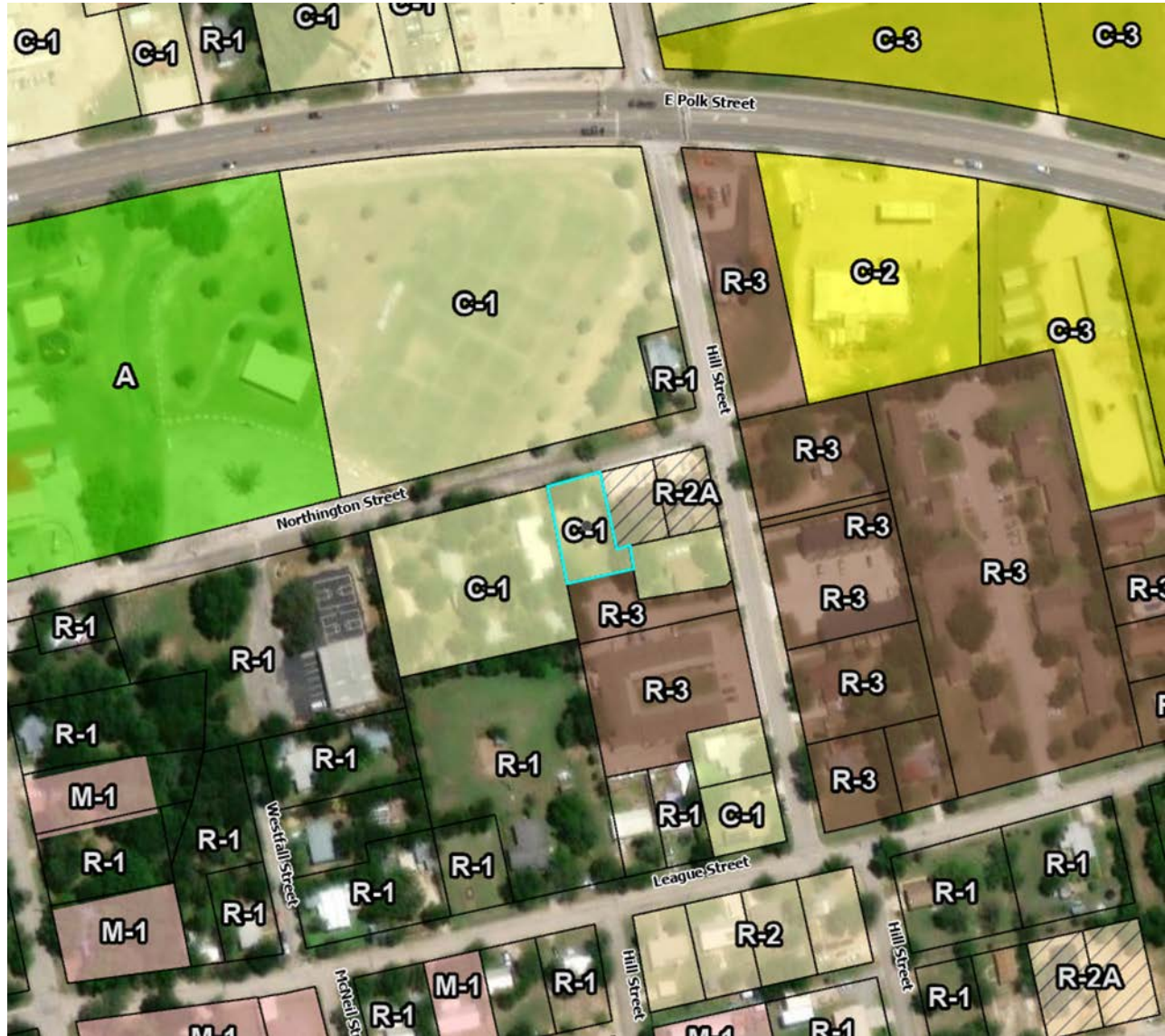
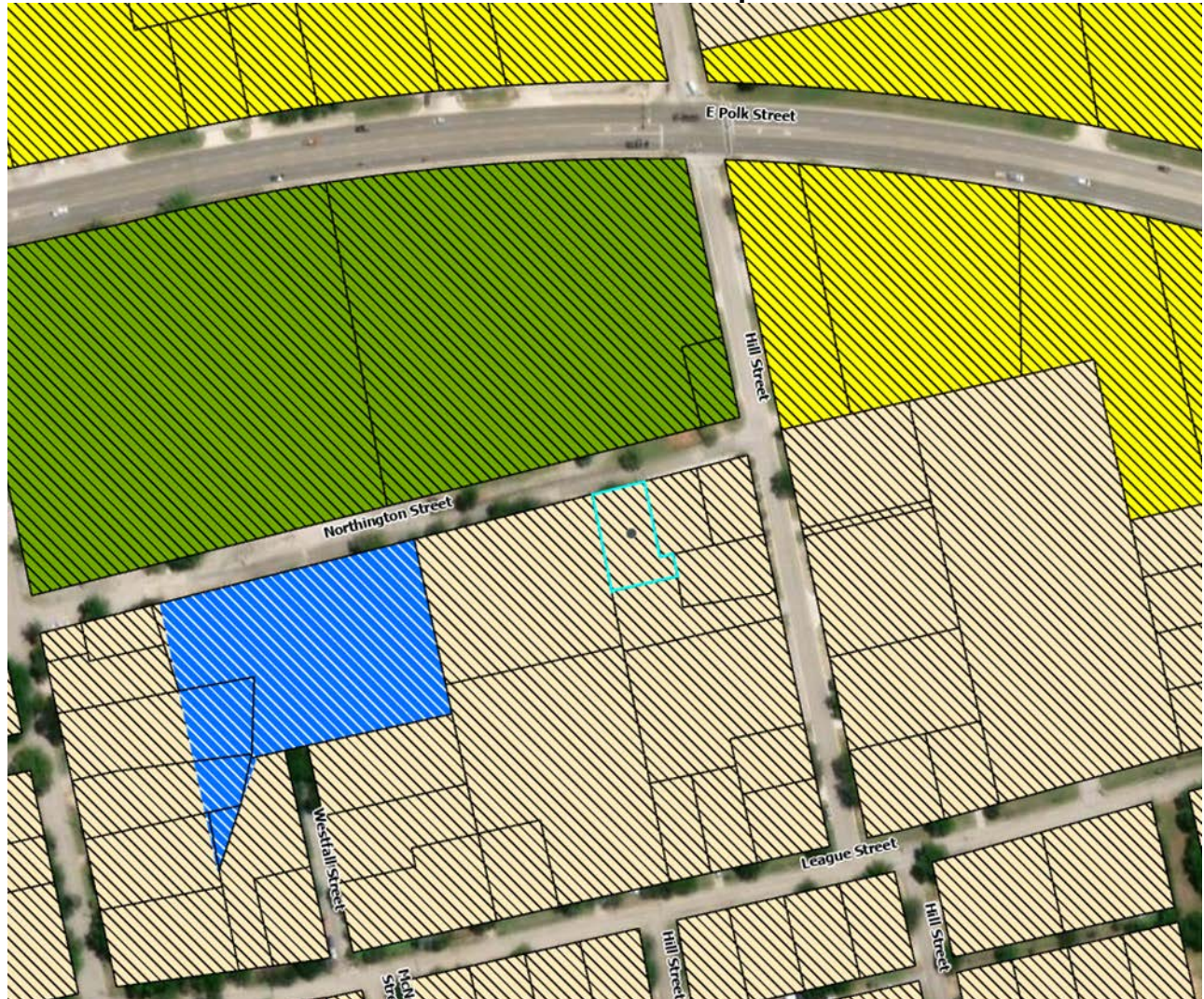


Exhibit "B"

Future Land Use Map



Government



Commercial



Residential



Open Space

ORDINANCE NO. 2023-04

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS 805 NORTINGTON (Legal Description: 0.22-ACRE TRACT LOT NUMBER 3, LUNA PARK). WITH SINGLE-FAMILY RESIDENTIAL “R-1” PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council, by the passage and approval of Ordinance No. 2021-001, affixed the zoning classifications for each and every property located within the city in accordance with the Official Zoning Map as approved with said ordinance; and

WHEREAS, the purpose of this Ordinance is to amend the Official Zoning Map by amending the zoning classification of the Real Property (“Property”) described herein; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on the matter, deliberated the merits of the proposed amendment of zoning classification and has made a report and recommendation to City Council; and

WHEREAS, in passing and approving this ordinance it is legislatively found the Planning and Zoning Commission and City Council complied with all notice, hearing and meetings requirements set forth in Texas Local Government Chapter 211; Texas Government Code Chapter 551, the City Charter; and Chapter 118, of the Code of Ordinances; and

WHEREAS, it is further legislatively found that this proposed zoning reclassification of property does not require an amendment to the Future Land Use Plan; and

WHEREAS, City Council, after considering the testimony and comments of the public, reports and recommendations of City Staff and the Planning and Zoning Commission, and the deliberation of its members, by passage and approval of this Ordinance hereby determines the action taken herein is meritorious and beneficial to the public health, safety, and welfare.

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

Section one. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted and made a part hereof for all purposes as findings of fact.

Section two. Property. The Property that is the subject to this Zoning District Reclassification is located at 805 Northington Street. (Legally Described as: 0.22-ACRE TRACT LOT NUMBER 3, LUNA PARK) as shown on **Exhibit “A”** hereto.

Section three Zoning District Reclassification. Single-family Residential - District “R-1” Zoning District Classification is hereby assigned to the Property described in section two.

Section four. Zoning Map Revision. The City Secretary is hereby authorized and directed to revise the Official Zoning Map to reflect the change in Zoning District Classification approved by this Ordinance.

Section five. Repealer. Other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such conflict.

Section six. Severability. This Ordinance is severable as provided in City Code Section 1-7 as same may be amended, recodified or otherwise revised.

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

PASSED on First Reading the 14TH day of February, 2023

PASSED AND APPROVED on this the 28th day of February, 2023.

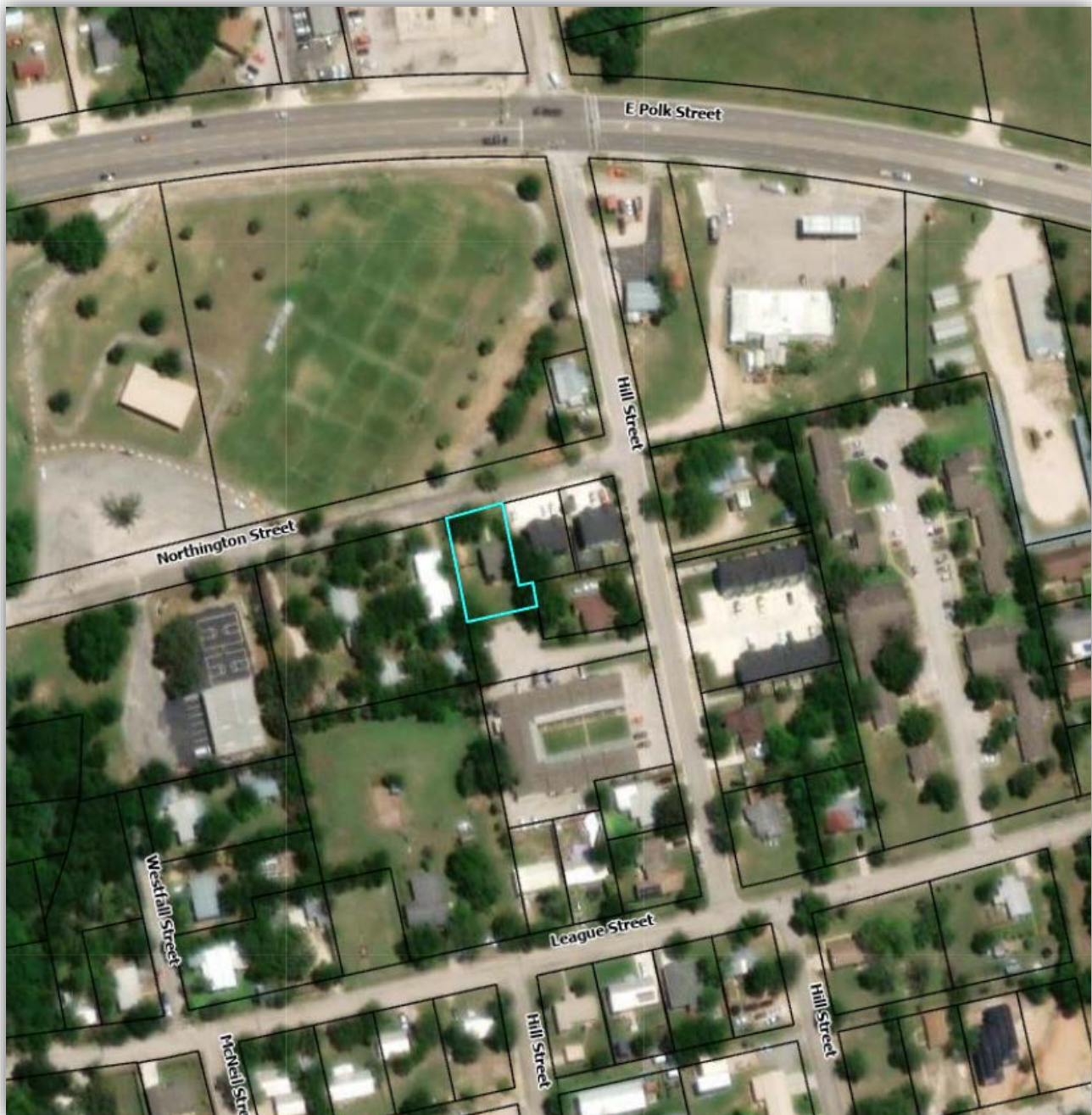
CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

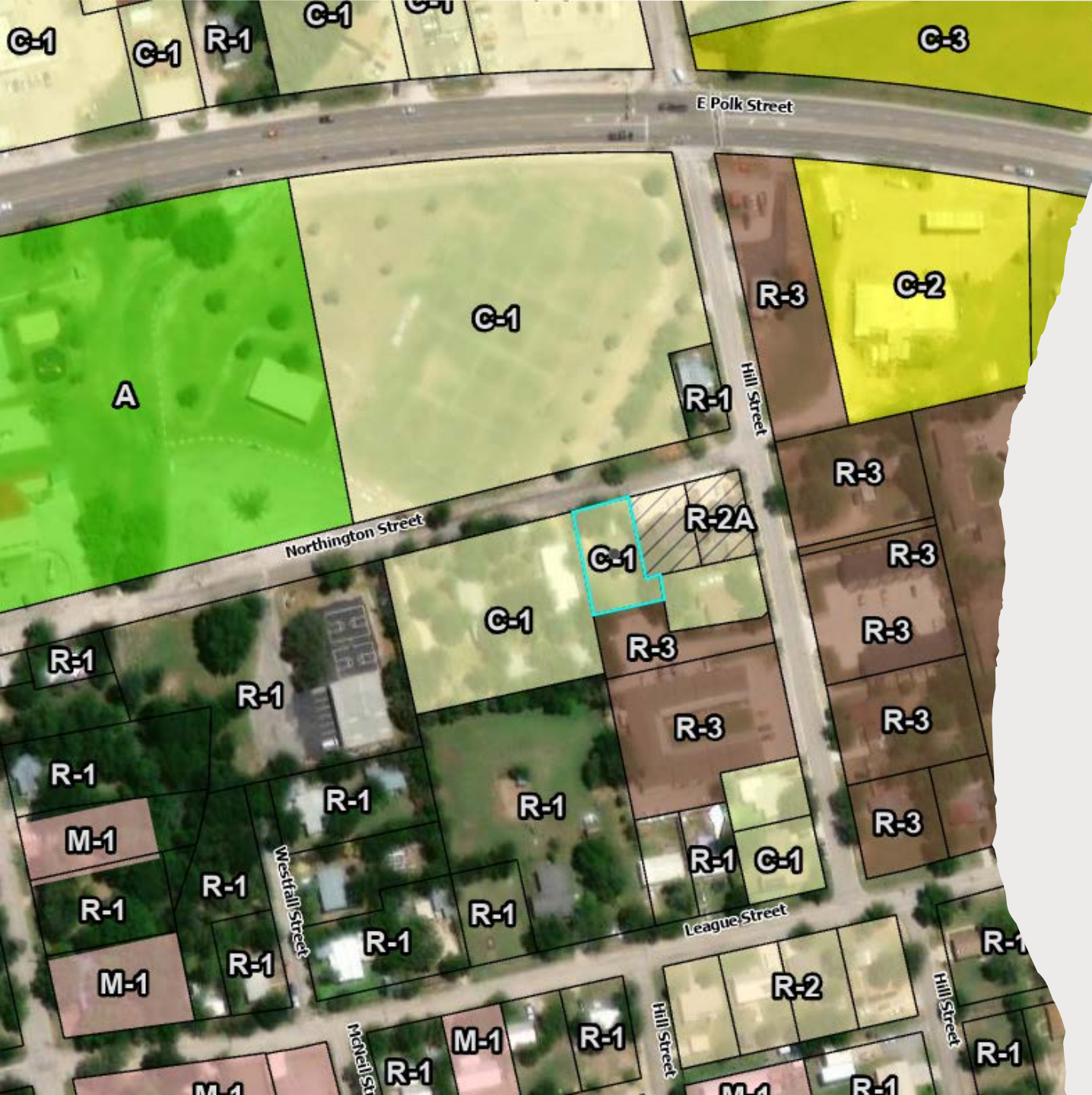
ATTEST:

Kelly Dix, City Secretary

Exhibit A
Subject Property Location



- **FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY GENERALLY DESCRIBED AS 805 NORTINGTON (Legal Description: 0.22-ACRE TRACT LOT NUMBER 3, LUNA PARK). WITH SINGLE-FAMILY RESIDENTIAL “R-1” PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE L. Kimbler**



Information

- Current Zoning:
 - Light commercial- “C-1”

Property is existing non-conforming residence

Requested Zoning:

- Single-family residential- “R-1”
- Applicant is requesting the proposed zoning to bring the property into compliance with Code of Ordinance



Government



Commercial



Residential



Open Space

Future Land Use

| | North | South | East | West |
|----------|-------------|-------------|-------------|-------------------------|
| Zoning | C-1 | R-3 | R-2A | C-1 |
| FLUM | Open space | Residential | Residential | Residential |
| Land Use | Public Park | Apartments | Duplex | Single-family residence |

Public Notification

- Notices were mailed to fourteen surrounding property owners. 0 responses have been received in favor or opposition.
- The Planning and Zoning Commission met on Monday, February 6th and recommended approval of the proposed ordinance 2023-04 as presented.





Open public hearing

Discuss

Discuss and consider the first reading of the ordinance.



Development Services

ITEM 3.1B

Leslie Kimbler
Planner
512-715-3215
lkimbler@cityofburnet.com

Public Hearing/Action

Meeting Date: February 14, 2023

Agenda Item: Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY LOCATED AT 5409 S US HWY 281 (LEGALLY DESCRIBED AS: BEING 16.72 ACRES OF LAND (INSIDE CITY LIMITS), MORE OR LESS, OUT OF AND PART OF THE FRANCISCO YBARBO SURVEY NO. 39, ABST. NO. 1018, AND THE SUSANO HERNANDEZ SURVEY NO 40, ABST. NO 398) WITH MEDIUM COMMERCIAL – DISTRICT “C-2” CLASSIFICATION WITH CONDITIONAL USE PERMIT TO ALLOW FOR “LANDSCAPE YARD AND BUILDING MATERIALS YARD”; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

Background: The subject property is a total of 28 acres with approximately 16 of those acres within the city limits. The property is located along South Highway 281 just north of Park Road 4 on the east side of the highway (Exhibit A). The property is currently zoned as Light Commercial – District “C-1” and abuts the city limits. Prior to the new owners, the portion of the property within the city limits was vacant of any operating buildings with different materials stored on pervious cover.

The property is serviced by an existing well and on-site septic facility; it is also serviced by PEC Electric as it is not inside the City of Burnet’s electrical service area.

Information: In 2021, the current property owners purchased the property to develop into a functioning landscape material and supply yard. The property owners have made considerable improvements to the property and are building a new warehouse on the property within the city limits. During the time of permitting, it was noticed that the property is not properly zoned for the proposed use. All though the property had originally been utilized for a similar use, the site improvements and new building on the property require the property to come into compliance with the zoning

code. The applicant is requesting the rezone to obtain a Certificate of Occupancy for the new business.

Staff Analysis: The Future Land Use Map (Exhibit B) designation for the area is Commercial. The request for the Commercial designation is appropriate.

Properties adjacent to the subject property are zoned as follows:

| | North | South | East | West |
|-----------------|-------------|-------------|-------------------------|-------------|
| Zoning | "C-1" | "C-1" | "ETJ" | "C-1" |
| FLUM | Commercial | Residential | Commercial | Commercial |
| Land Use | Undeveloped | Undeveloped | Landscape material yard | Undeveloped |

Section 118-20, Chart 1, states properties zoned "C-2" must be a minimum of 10,000 square feet with a minimum lot width of 60 feet. The subject property does exceed both requirements.

Public Notification: Written notices were mailed to eight (8) surrounding property owners within 200 feet of the subject property within the city limits. There have been zero responses in favor and zero responses in opposition.

P&Z Report Planning and Zoning met at their regular meeting on Monday, February 6th did recommend approval of Medium Commercial – District "C-2" with Conditional Use Permit to allow for "Landscape Yard and Building Materials Yard".

Recommendation: Open the public hearing.
Discuss and consider first reading of Ordinance 2023-05 as presented.

Exhibit "A"
Location & Current Zoning Map

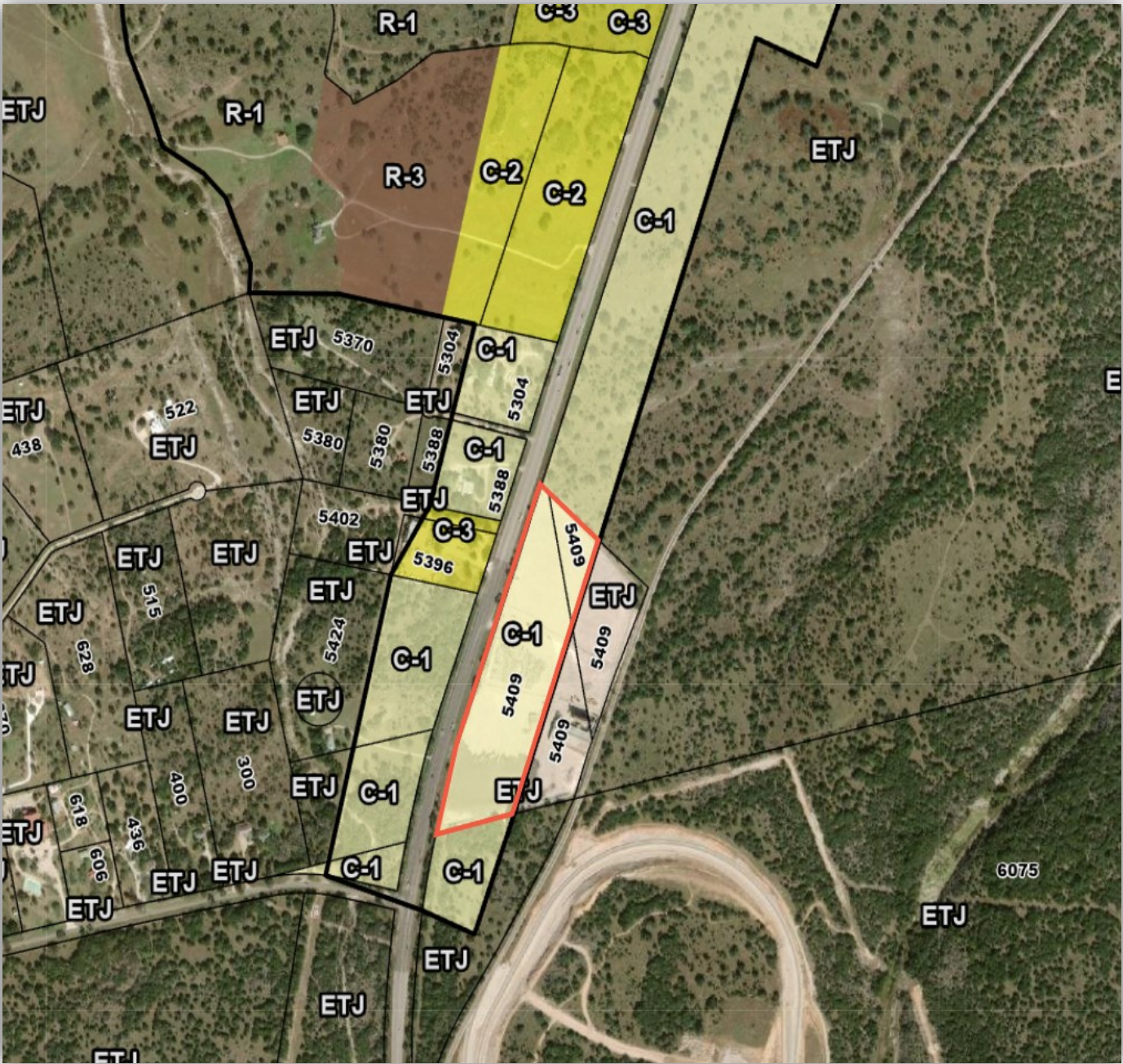
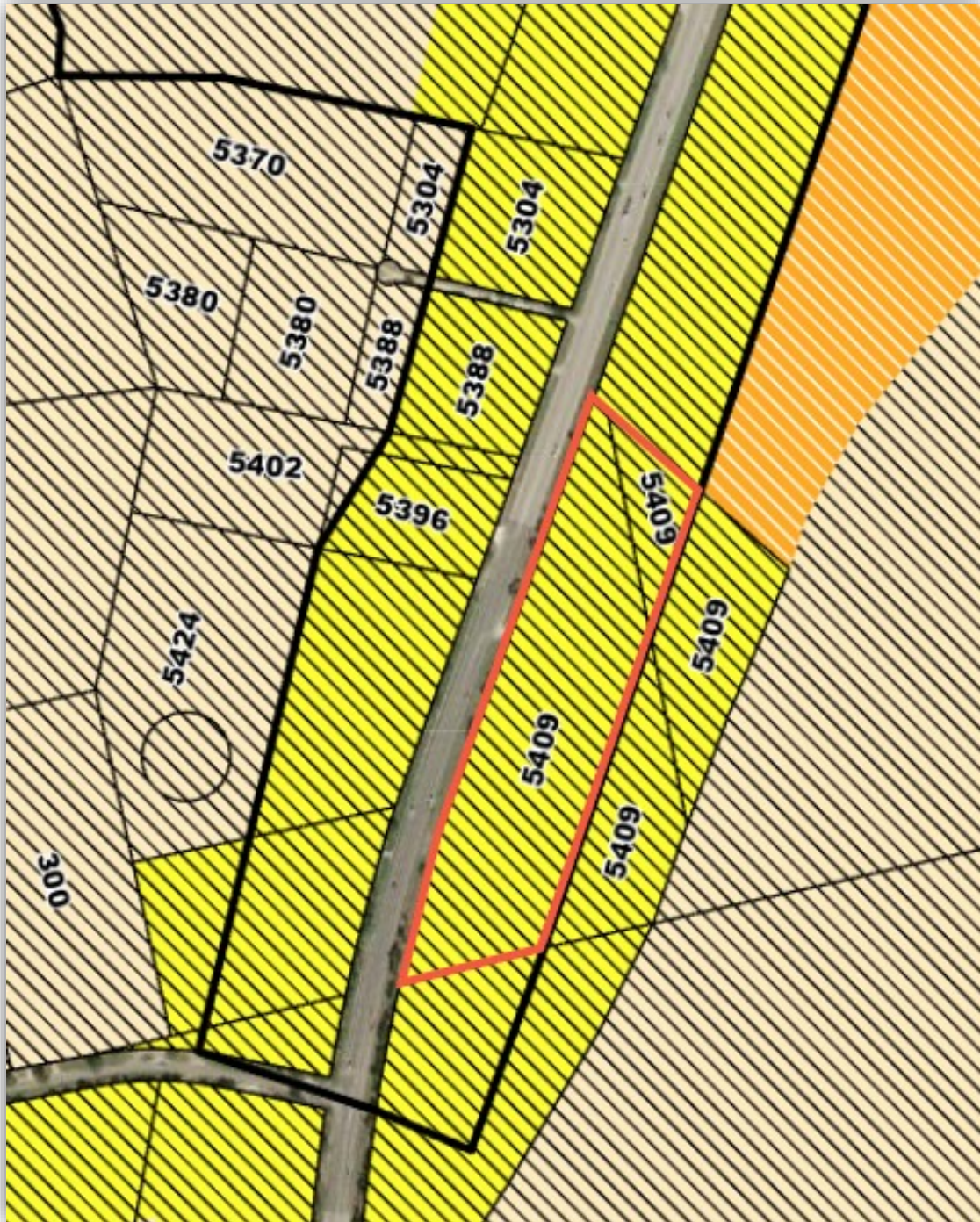


Exhibit "B"
Future Land Use Map



ORDINANCE NO. 2023-05

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY LOCATED AT 5409 S US HWY 281 (LEGALLY DESCRIBED AS: BEING 16.72 ACRES OF LAND (INSIDE CITY LIMITS), MORE OR LESS, OUT OF AND PART OF THE FRANCISCO YBARBO SURVEY NO. 39, ABST. NO. 1018, AND THE SUSANO HERNANDEZ SURVEY NO 40, ABST. NO 398) WITH MEDIUM COMMERCIAL – DISTRICT “C-2” CLASSIFICATION WITH CONDITIONAL USE PERMIT TO ALLOW FOR “LANDSCAPE YARD AND BUILDING MATERIALS YARD”; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council, by the passage and approval of Ordinance No. 2021-001, affixed the zoning classifications for each and every property located within the city in accordance with the Official Zoning Map as approved with said ordinance; and

WHEREAS, the purpose of this Ordinance is to amend the Official Zoning Map by amending the zoning classification of the Real Property (“Property”) described herein; and

WHEREAS, the Planning and Zoning Commission, after conducting a public hearing on the matter, deliberated the merits of the proposed amendment of zoning classification and has made a report and recommendation to City Council; and

WHEREAS, in passing and approving this ordinance it is legislatively found the Planning and Zoning Commission and City Council complied with all notice, hearing and meetings requirements set forth in Texas Local Government Chapter 211; Texas Government Code Chapter 551, the City Charter; and Chapter 118, of the Code of Ordinances; and

WHEREAS, it is further legislatively found that this proposed zoning reclassification of property does not require an amendment to the Future Land Use Plan; and

WHEREAS, City Council, after considering the testimony and comments of the public, reports and recommendations of City Staff and the Planning and Zoning Commission, and the deliberation of its members, by passage and approval of this Ordinance hereby determines the action taken herein is meritorious and beneficial to the public health, safety, and welfare.

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

Section one. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted and made a part hereof for all purposes as findings of fact.

Section two. Property. The Property that is the subject to this Zoning District Reclassification is located at 5409 S US HWY 281 (LEGALLY DESCRIBED AS: BEING 16.72 ACRES OF LAND (INSIDE CITY LIMITS), MORE OR LESS, OUT OF AND PART OF THE FRANCISCO YBARBO SURVEY NO. 39, ABST. NO. 1018, AND THE SUSANO HERNANDEZ SURVEY NO 40, ABST. NO 398) as shown on **Exhibit “A”** hereto.

Section three Zoning District Reclassification. Medium Commercial – District “C-2” Zoning District Classification with Conditional Use Permit to allow for “Landscape Yard and Building Materials Yard” is hereby assigned to the Property described in section two.

Section four. Zoning Map Revision. The City Secretary is hereby authorized and directed to revise the Official Zoning Map to reflect the change in Zoning District Classification approved by this Ordinance.

Section five. Repealer. Other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such conflict.

Section six. Severability. This Ordinance is severable as provided in City Code Section 1-7 as same may be amended, recodified or otherwise revised.

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

PASSED First Reading on the 14TH day of February 2023.

PASSED AND APPROVED on this the 28TH day of February 2023.

CITY OF BURNET, TEXAS

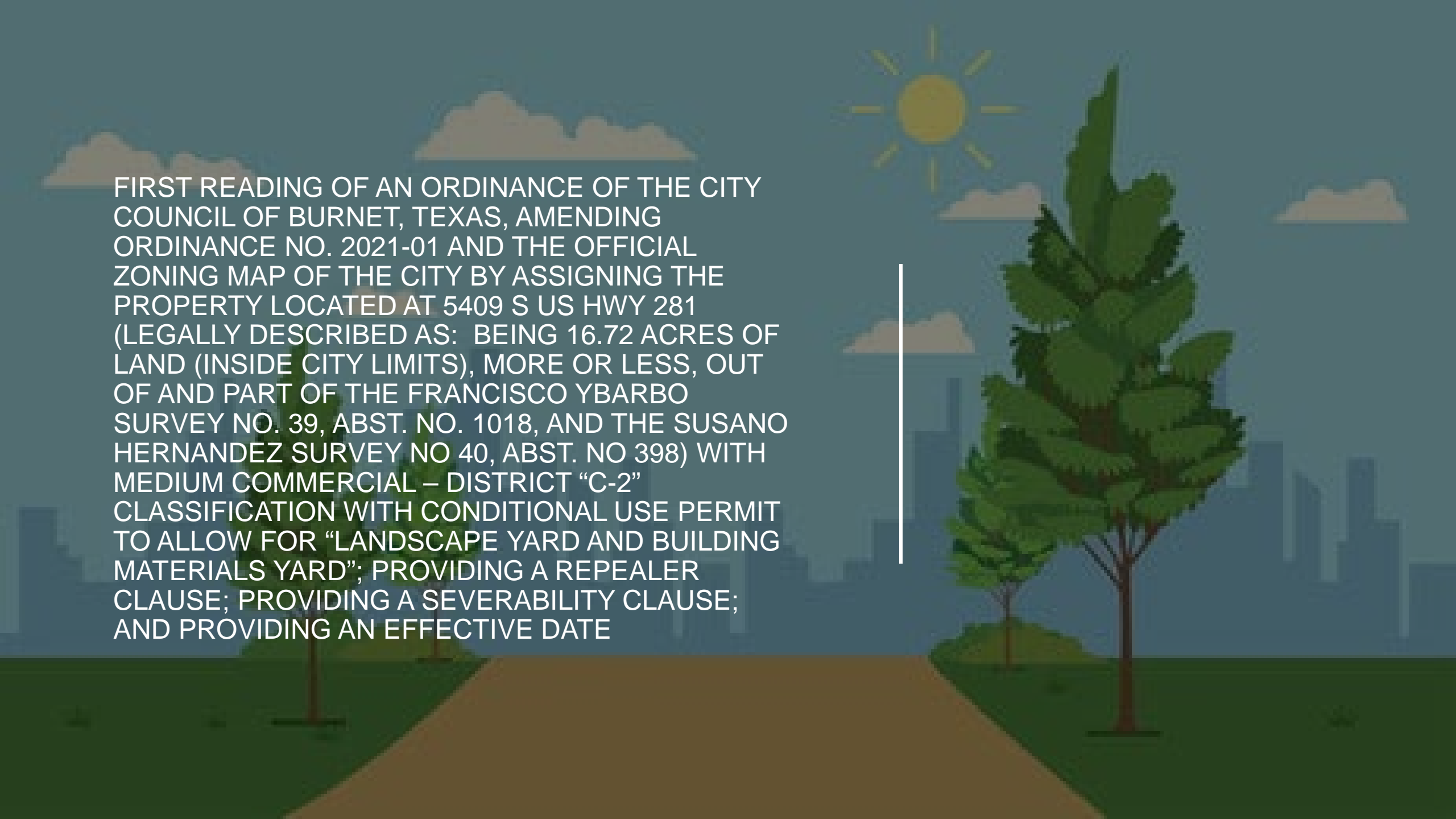
Crista Goble Bromley, Mayor

ATTEST:

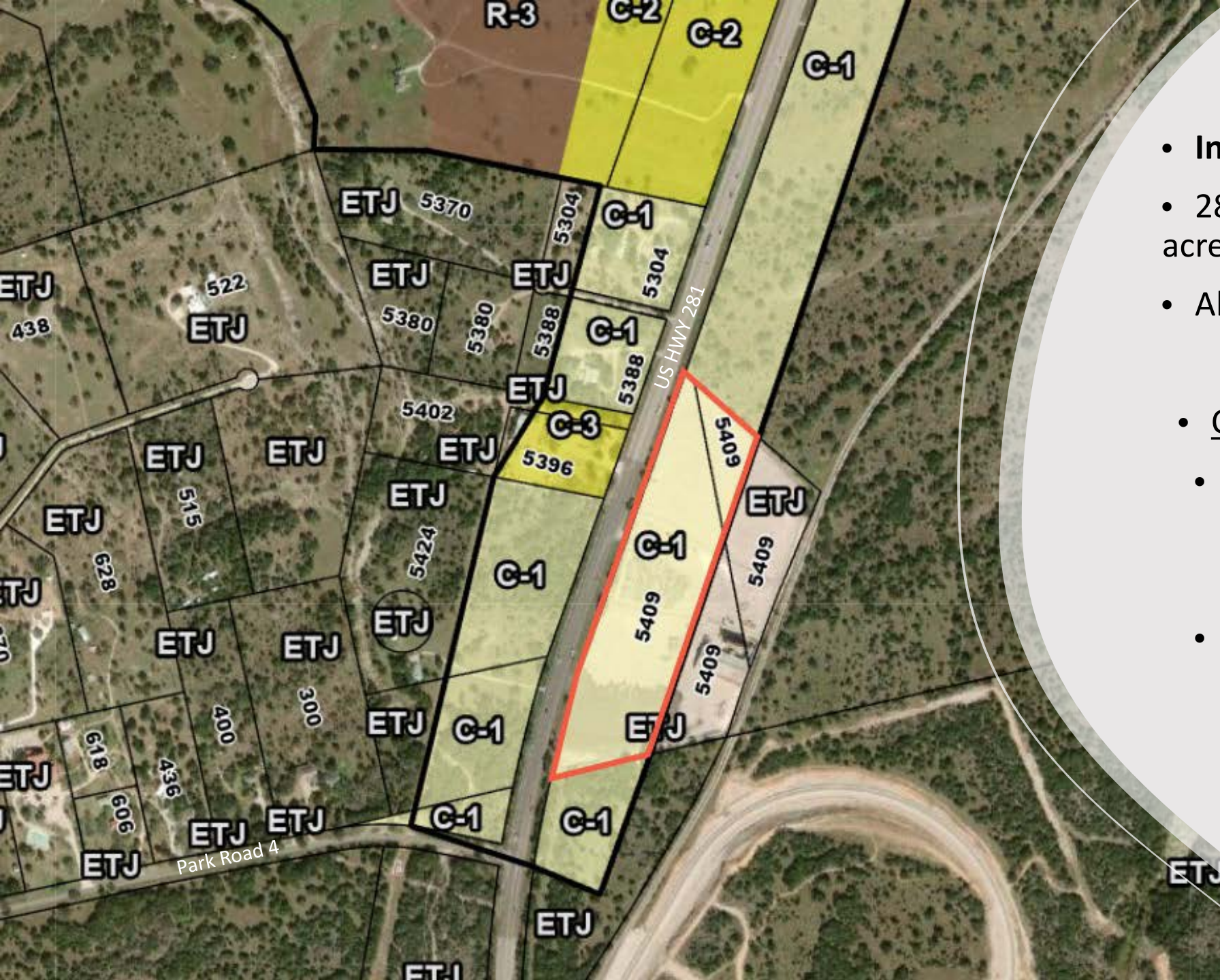
Kelly Dix, City Secretary

Exhibit "A"
Location





FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY LOCATED AT 5409 S US HWY 281 (LEGALLY DESCRIBED AS: BEING 16.72 ACRES OF LAND (INSIDE CITY LIMITS), MORE OR LESS, OUT OF AND PART OF THE FRANCISCO YBARBO SURVEY NO. 39, ABST. NO. 1018, AND THE SUSANO HERNANDEZ SURVEY NO 40, ABST. NO 398) WITH MEDIUM COMMERCIAL – DISTRICT “C-2” CLASSIFICATION WITH CONDITIONAL USE PERMIT TO ALLOW FOR “LANDSCAPE YARD AND BUILDING MATERIALS YARD”; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE



- **Information:**
- 28 acres total with approx. 16 acres within City limits
- Abuts Hwy 281 north Park Rd 4
- Current Zoning:
- Light Commercial – District “C-1”
- Applicant is seeking the rezone to obtain Certificate of Occupancy for new business



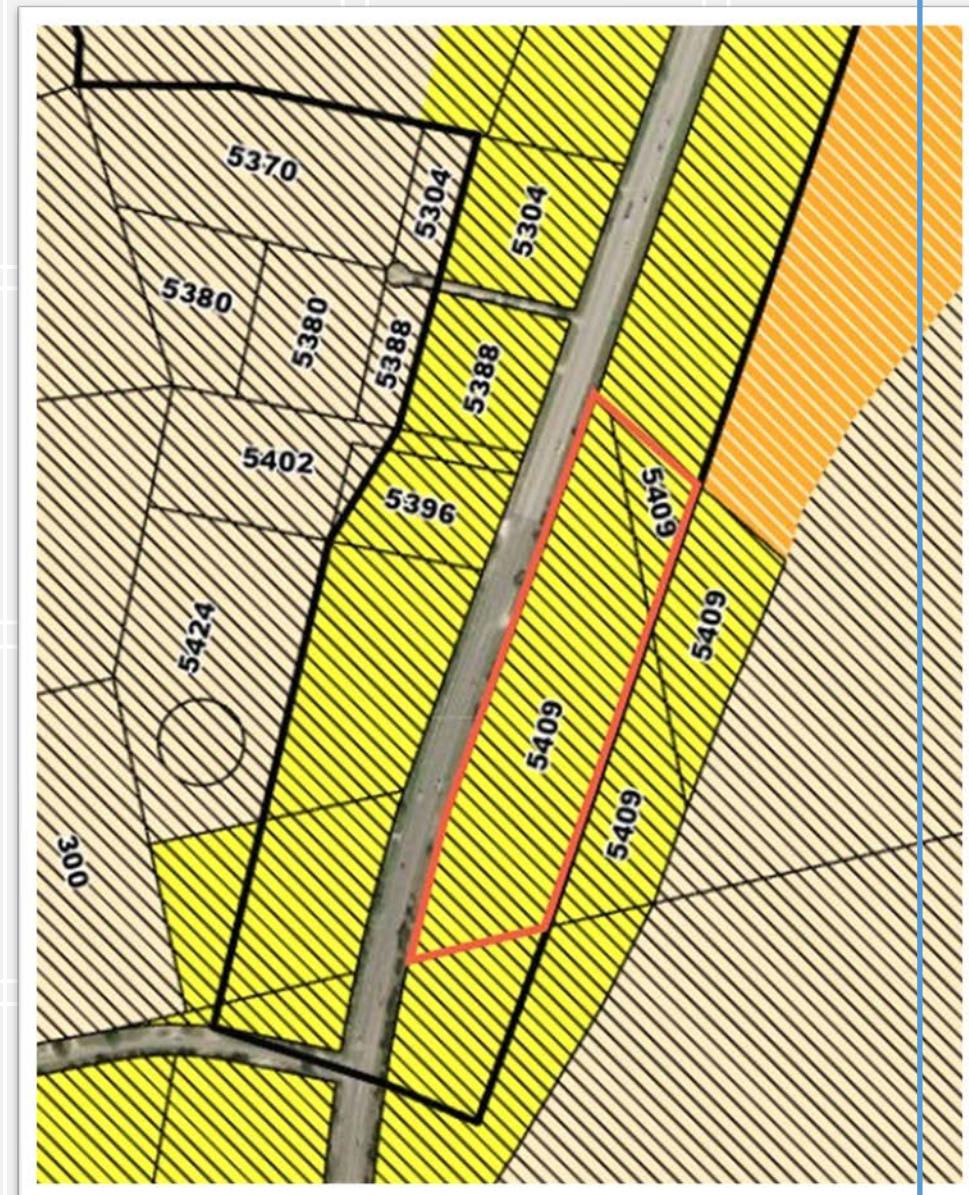
March 2021

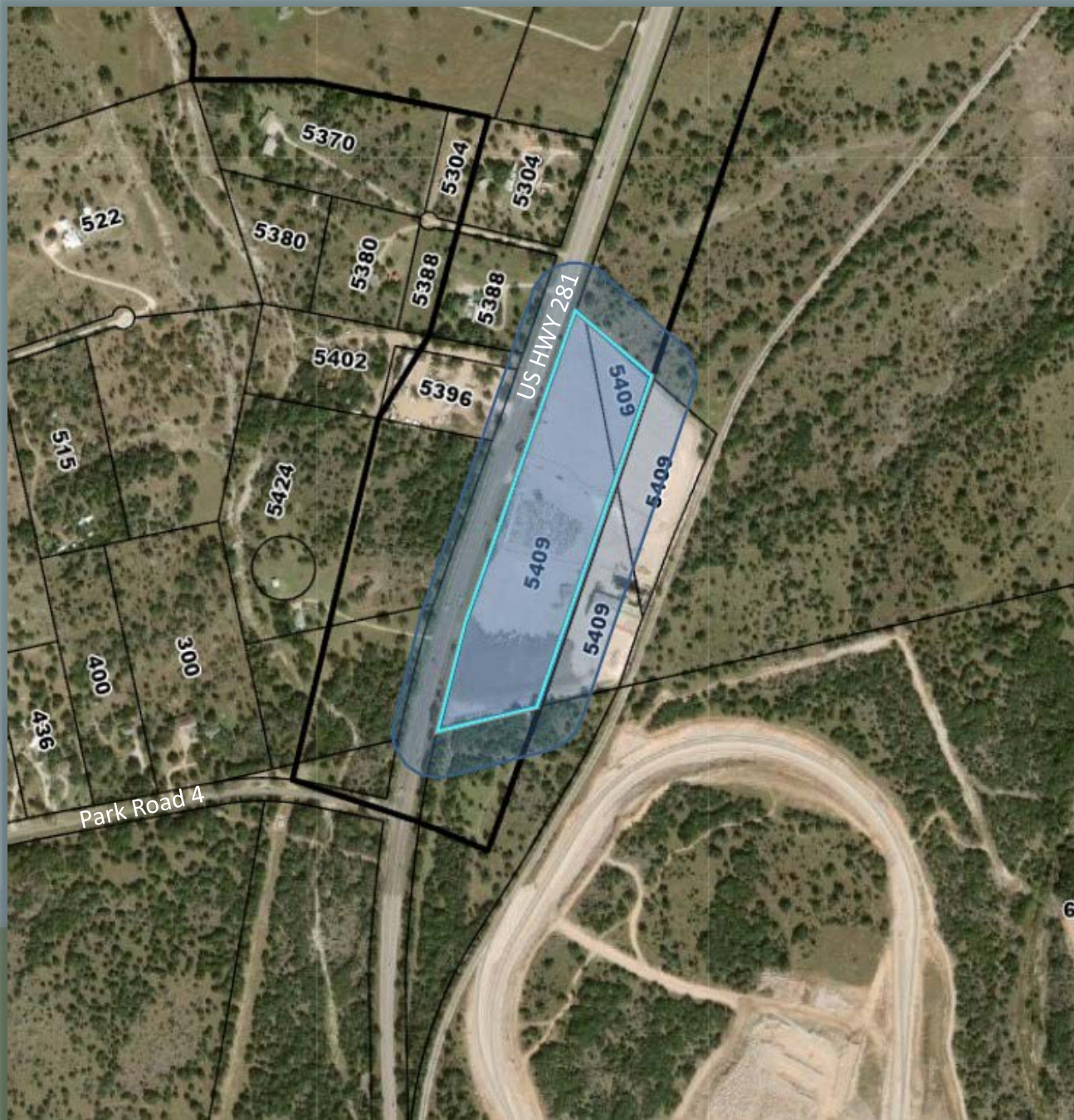


May 2022

| | North | South | East | West |
|-----------------|-------------|-------------|-------------------------|-------------|
| Zoning | "C-1" | "C-1" | "ETJ" | "C-1" |
| FLUM | Commercial | Residential | Commercial | Commercial |
| Land Use | Undeveloped | Undeveloped | Landscape material yard | Undeveloped |

- The Future Land Use Map designation for the area is Commercial. The proposed zoning is appropriate for this area.





■ Public Notification:

- Written notices were mailed to eight (8) surrounding property owners
- No responses in support or opposition have been received

The background is a stylized, flat illustration of a construction or industrial site. It features several workers in hard hats and safety vests, a yellow tractor, a large pile of logs, and a grey factory building with smokestacks in the distance. The scene is set against a light yellow background with some green bushes and trees.

Applicant has requested Heavy Commercial – District “C-3” zoning; however, Planning and Zoning made the following Recommendation:

Medium Commercial – District “C-2” with Conditional Use Permit allowing “Landscape yards and building materials storage yards”



Open the
public
hearing

Discuss



City Secretary

ITEM 4.1

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

Agenda Item Brief

Meeting Date: February 14, 2023

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

SEGUNDA Y ÚLTIMA 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 SOMETER A 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 any 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



Police Department

ITEM 4.2

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

Action

Meeting Date: February 14, 2023

Agenda Item: Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS APPROVING AN INTERLOCAL AGREEMENT WITH BURNET COUNTY FOR JAIL SERVICES. B Lee

Background: The failure to appear at a hearing, or failure to pay an assessed fine, related to the violation of city ordinances or state class C misdemeanor offense within the jurisdiction of the City is cause for arrest. Pursuant to the terms of a 2015 Interlocal Agreement the County provides jails services for housing such arrestees. As the current agreement has expired the County has offered a new Interlocal Agreement.

Information: This resolution authorizes approval of the new Interlocal Agreement for jail services. The new agreement the costs for housing such persons from \$62.00 per day to \$100.00 per day. Additionally, it should be noted that the agreement is effective as of October 1, 2022, with a term of one year; and includes an automatic renewal provision.

Fiscal Impact: An increase in the costs for housing municipal prisoners by \$38.00 per day per prisoner.

Recommendation: Staff recommends approval of Resolution No. R2023-12 as presented.

RESOLUTION NO. R2023-12

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET,
TEXAS APPROVING AN THE INTERLOCAL AGREEMENT WITH
BURNET COUNTY FOR JAIL SERVICES**

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

Section one. Approval. The attached Interlocal Agreement with Burnet County is hereby approved.

Section two. Authorization. The Mayor is hereby authorized to execute the contract documents approved in section one; and, execute such other documents and take such other actions reasonably 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.

PASSED AND APPROVED to be effective this the 14th day of February, 2023.

CITY OF BURNET

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

STATE OF TEXAS
COUNTY OF COUNTY

§
§
§

**INTERLOCAL COOPERATION AGREEMENT
BETWEEN CITY of BURNET AND BURNET COUNTY
FOR JAIL SERVICES**

This Interlocal Agreement is entered into by and between Burnet County, Texas, a political subdivision of the State of Texas, acting by and through its Commissioners Court, hereinafter referred to as "**COUNTY**," and Burnet, Texas, a political subdivision of the State of Texas hereinafter referred to as "**CITY**"

WITNESSETH

WHEREAS, Texas Government Code, Chapter 791, authorizes local governments of the State to enter into contracts for governmental functions and services in order to increase efficiency and effectiveness; and

WHEREAS, a consolidated effort for the housing and care of incarcerated inmates is in each party's best interest as well as for the public, and this agreement will increase the effective and efficient functioning of each party. The **CITY** possesses no jail facility that can adequately house arrested individuals for offenses relating to city ordinance violations, Municipal Court Orders, and/or class "C" level State law violations occurring within its jurisdiction while **COUNTY** possesses and runs the county jail which houses individuals arrested and/or incarcerated for State law criminal violations of class "B" level and above occurring within Burnet County, including but not limited to those arrested inside the confines of **CITY**; and

WHEREAS, **COUNTY** and **CITY** are local governments as defined in the Texas Government Code, Section 791.003(4), each possessing the authority to enter into this agreement; and each have entered into this agreement by the action of its governing body in the appropriate manner prescribed by law; and

WHEREAS, **COUNTY** and **CITY** specify that each party paying for the performance of said functions of government shall make those payments from current revenues available to the paying party;

NOW THEREFORE, in consideration of the premises, and of the terms, provisions, and mutual promises herein contained which fairly compensate the performing party, it is mutually agreed as follows:

ARTICLE I

TERM AND EFFECTIVE DATE

1. **TERM:** This Agreement shall be effective beginning **October 1, 2022** and shall be effective through **SEPTEMBER 30, 2023**. The county will make every attempt to notify **CITY** of rate changes by April 30th of each year.

2. **RENEWAL:** This Agreement will automatically renew each October 1 at the current rate set or a new rate to be set by **COUNTY** and only after providing sixty (60) day notice prior to the end of the contract term. Further, the automatic renewal is subject to **CITY'S** certification that it has current fiscal funds available for the renewal term. **COUNTY** agrees that it shall provide at least sixty (60) days' notice of any change to the per diem rate for detention services for subsequent terms.

3. **TERMINATION:**

A. This Agreement may be terminated without cause at any time at the option of either **COUNTY** or **CITY** upon the giving of sixty (60) days written notice to the other party in the manner and form provided for herein. The Notice is effective if sent by either the Burnet County Judge or the Burnet County Sheriff. The termination of the Agreement will be effective upon the last day of the month in which the expiration of the sixty (60) day period occurs.

B. This Agreement is also subject to termination upon the occurrence of an event that renders performance hereunder by **COUNTY** impracticable or impossible, such as severe damage or destruction of **COUNTY'S** facility or actions by governmental or judicial entities which create a legal barrier to the acceptance of any of **CITY** inmates.

ARTICLE II
DETENTION SERVICES

For the purposes and consideration herein stated and contemplated, **COUNTY** shall provide the following necessary and appropriate services for **CITY'S** inmates to the maximum extent authorized by this Agreement, without regard to race, religion, color, age, sex, or national origin; to-wit:

1. **PURPOSE:** **COUNTY** shall provide housing and food to inmates presented by **CITY** related exclusively to violations of city ordinances, Municipal Court Orders, and/or class "C" level State law violations occurring within its jurisdiction who meet the following minimum criteria (as determined by the Burnet County Sheriff or his designee):

- A. Inmate must be at least 18 years of age;
- B. Inmate must be of good general health which may be confirmed by **COUNTY** jail facility personnel prior to acceptance.

2. **HOUSING AND CARE OF INMATES:** **COUNTY** will confine inmates and give them reasonable and humane care and treatment, consistent with the Texas Commission on Jail Standards and other express provisions in this Agreement. **COUNTY** will provide, as set out herein, for inmates' physical needs, retain them in safe custody, supervise them, maintain proper discipline and control, make certain

inmates receive no privileges except those generally afforded other inmates and that the judgments and orders of the committing court are faithfully executed.

NOTE: CITY inmates must meet the Texas Jail Commission's approved custody assessment system as well as the Burnet County Jail's custody assessment system in order to be eligible for incarceration at the **COUNTY'S** jail facility.

NOTE: COUNTY warrants that it will comply with all federal and state laws and with the requirements of the Texas Commission on Jail Standards while housing **CITY** inmates under this Agreement. Nothing herein will create any obligation upon **COUNTY** to house **CITY** inmates where the housing of said **CITY** inmates will, in the opinion of the Burnet County Sheriff, raise the population of the facility above the permissible number of inmates allowed by law, or will, in the Burnet County Sheriff's opinion, create a condition of overcrowding or create conditions which endanger the life and/or welfare of personnel and inmates at the facility, or result in possible violation of the constitutional rights of inmates housed at the facility. At any time that the Burnet County Sheriff determines that a condition exists at **COUNTY'S** facility necessitating the removal of **CITY** inmates, or any specified number thereof, **CITY** shall, upon notice by the Burnet County Sheriff, immediately remove said inmates from the facility. **CITY** will make every effort to remove any inmate within eight (8) hours of notice from **COUNTY'S** jail facility.

3. **MEDICAL SERVICES:** The per-day rate under this Agreement covers routine medical services such as on-site sick call (when provided by **COUNTY** or by contracted on-site staff) and non-prescription, over-the-counter/non-legend and routine drugs and medical supplies. Additionally, the per-day rate covers medical/health care services provided outside of the **COUNTY'S** facility and any expenses relating to obtaining prescription drugs, surgical care, optical care, and dental care services provided outside of **COUNTY'S** facility.
4. **MEDICAL RECORDS IN POSSESSION OF CITY:** **CITY** agrees to provide **COUNTY** with a copy of each inmate's medical, dental, and mental health record(s) for the purposes of continuity of care should **CITY** possess or be obligated to possess such record(s). **COUNTY** agrees to maintain a confidential record of the health care of each inmate. **CITY** shall ensure that these records are provided upon the arrival of the inmate at the Burnet County Jail. A copy of each inmate's record shall be provided to **CITY** upon request as provided by law.
5. **FACILITY INSPECTION:** **COUNTY** agrees to provide reports of state or federal inspections of the facilities to **CITY** upon request.
6. **TRANSPORTATION FOR CITY INMATES:** **COUNTY** agrees to provide ambulance and other transportation for **CITY** inmates to and from local off-site medical facilities at **COUNTY'S** expense. **CITY** is solely responsible for the transportation and security of inmates to the Burnet County Jail and the same for appearance before the **CITY'S** Municipal Court and/or another appropriate Court of jurisdiction.

7. **SPECIAL PROGRAMS:** The per day rate set out in this Agreement covers basic custodial care and supervision and does not include special educational, vocational or other programs provided to inmates in COUNTY's facilities. The parties may contract by written agreement to the provision of special programs.
8. **LOCATION AND OPERATION OF FACILITY:** COUNTY shall provide the detention services described herein at the COUNTY's jail located in Burnet, Texas.
9. **ADMITTING AND RELEASING:** CITY shall provide inmate biographical information and charge information for each inmate at the time of incarceration at the Burnet County Jail. COUNTY shall be responsible for the admitting and releasing of inmates placed in COUNTY'S facility. COUNTY will maintain records of all such transactions in a manner agreed upon by COUNTY and CITY. COUNTY will provide such records to CITY upon request.
10. **PRISON RAPE ELIMINATION ACT (PREA) COMPLIANCE:** This is an Agreement for the confinement of inmates as described by 28 CFR 115.12. COUNTY has adopted and complies with the standards of the Prison Rape Elimination Act. COUNTY shall provide CITY with access for contract monitoring as described in Section 115.12 (b) to ensure that COUNTY is complying with the PREA standards in the provision of services under this Agreement.

ARTICLE III **FINANCIAL PROVISIONS**

1. **PER DIEM RATE:** The per diem rate for detention services under this Agreement is one hundred dollars (\$100.00) per man-day, subject to Article 1, Section 2 of this Agreement. This rate covers one inmate per day. A portion of any day will count as a man-day under this agreement.
2. **BILLING PROCEDURE:** COUNTY shall submit an itemized invoice for the services provided each month to CITY, in arrears. Such invoice will include a list of each of the inmates housed and the number of calendar days per inmate. Invoices will be submitted to the officer designated to receive the same on behalf of CITY. CITY will make payment to COUNTY within thirty (30) calendar days after receipt of the invoice. Payment will be in the name of Burnet County, Texas and will be remitted to:

BURNET COUNTY TREASURER
133 E. Jackson Street
Burnet, TX 78611

ARTICLE IV
MISCELLANEOUS

1. **BINDING NATURE OF AGREEMENT:** This Agreement is contractual and is binding upon the parties hereto and their successors, assigns and representatives.
2. **NOTICE:** All notices, demands, or other writings may be delivered by either party hereto to the other by United States Mail or other reliable courier at the following address:

To: **BURNET COUNTY**
James Oakley, County Judge
220 S. Pierce St.
Burnet, Texas 78611

To: **CITY of BURNET**
Crista Goble Bromley, Mayor
PO Box 1369
Burnet, Texas 78611

The address to which any notice, demand, or other writing may be delivered to any party as above provided may be changed by written notice given by such party as above provided.

3. **AMENDMENTS:** This Agreement will not be modified or amended except by a written instrument executed by the duly authorized representatives of both parties and approved by the commissioner's courts of the respective parties hereto.
4. **PRIOR AGREEMENTS:** This Agreement contains all of the agreements and undertakings, either oral or written, of the parties with respect to any matter mentioned herein. No prior agreement or understanding pertaining to any such matter shall be effective.
5. **REPRESENTATION:** Each party understands and agrees that each party, its employees, servants, agents, and representatives shall at no time represent themselves to be employees, servants, agents, and/or representative of the other party.
6. **INDEPENDENT RELATIONSHIP:** Each party shall have and retain the exclusive right of control over its employees and contractors assigned to perform services under this Agreement in accordance with the applicable laws of the State of Texas. Neither party has the authority to bind nor otherwise obligate the other orally, in writing or by any act or omission. Nothing contained herein shall establish an agency, employee-employer relationship, partnership, joint enterprise, joint employer, or joint venture relationship by or between the parties.
7. **SEVERABILITY:** If any provision of this agreement is found by a court of competent jurisdiction to be illegal, invalid, or unenforceable, the remainder of this Agreement will not be affected, and in lieu of each provision which is found to be illegal, invalid, or unenforceable, there will be added as part of this Agreement a provision as similar to such illegal, invalid, or unenforceable provision as may be possible and be legal, valid, and

enforceable.

8. **LIABILITY:** This agreement is made for the express purpose of providing detention services, which both parties recognize to be a governmental function. Except as hereinafter provided neither party assumes any liability beyond that required by law. Each party understands and agrees that it is responsible only for the acts, errors, or omissions of its employees and contractors. This Agreement is not intended to create any cause of action for the benefit of third parties.
9. **APPROVALS:** This Agreement must be approved by the governing bodies of both parties in accordance with the Texas Inter-Local Cooperation Act.

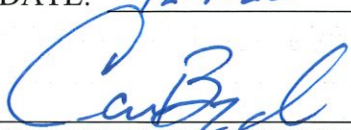
ARTICLE VI
EXECUTION

In Testimony and Witness of which this Agreement has been executed in duplicate originals as follows:

BURNET COUNTY, TEXAS:



JAMES OAKLEY, BURNET COUNTY JUDGE
DATE: 12-7-22



CALVIN BOYD, BURNET COUNTY SHERIFF
DATE: 12-7-22

CITY OF BURNET, TEXAS:

CRISTA GOBLE BROMLEY, MAYOR
DATE: _____

Burnet County Jail Contract

Burnet County Jail



- The Burnet County Jail currently houses all inmates for the City of Burnet.
- The jail currently houses our class C violators under an interlocal agreement.
- The current agreement has expired.
- The new agreement increases the daily housing rate to \$100 per day.



Questions



Administration

ITEM 4.3

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

Action

Meeting Date: February 14, 2023

Agenda Item: Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF CITY OF BURNET AUTHORIZING THE CITY MANAGER TO EXECUTE A RELEASE OF LIABILITY TO THE COMMEMORATIVE AIR FORCE (CAF) FOR THE LANDING OF A-10 AIRCRAFT DURING THE ANNUAL AIR SHOW: A. Feild

Background: A-10 aircraft have participated in the Commemorative Air Force (CAF) Airshow from 2008-2012, and 2020 to current. City Council has in the past approved the Release of Liability request for the 2020, 2021, and 2022 Commemorative Air Force (CAF) Airshows.

Information: The A-10 aircraft has an estimated single wheel weight (swg) of 35,000lbs. Burnet's runway is listed to have a 30,000lb single wheel weight capacity. The City received professional guidance from the Texas Department of Aviation in 2020, to confirm that the airports runway and ramp area could tolerate the A-10 aircraft at 35,000lb (swg).

Fiscal Impact: N/A

Recommendation: Staff recommends approval of Resolution No. R2023-13

RESOLUTION NO. R2023-13

**A RESOLUTION BY THE CITY COUNCIL OF CITY OF BURNET
AUTHORIZING THE CITY MANAGER TO EXECUTE A RELEASE OF
LIABILITY TO THE COMMEMORATIVE AIR FORCE (CAF) FOR THE
LANDING OF A-10 AIRCRAFT DURING THE ANNUAL AIR SHOW:**

WHEREAS, the Burnet Municipal Airport runway is rated for 30,000lb (swg) single-wheel gear aircraft; and

WHEREAS, the City of Burnet received professional guidance from the Texas Department of Aviation in 2020, to confirm that the airports runway and ramp area could tolerate the A-10 aircraft at 35,000lb (swg); and

WHEREAS, the A-10 aircraft have participated in the Commemorative Air Force (CAF) Airshow from 2008-2012, and 2020 to current; and

WHEREAS, City Council has in the past approved the Release of Liability request for the 2020, 2021, and 2022 Commemorative Air Force (CAF) Airshows;

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

Section one. Findings. That the recitals to this Resolution are incorporated herein for all purposes;

Section two. Approval. The A-10 Release of Liability Authorization Letter attached hereto are hereby approved;

Section three. Authorization. The City Manager is hereby authorized to execute the Release of Liability to the Commemorative Air Force (CAF) for the landing of A-10 aircraft during the annual air show.

Section four. 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 five. 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

February 14, 2023

Larry Schleser

ACC/A3TA

205 Dobbs Blvd, Ste 121

Joint Base Langley-Eustis VA 23665-2789

RE: Bluebonnet Air Show

Dear Mr. Schleser:

The Commemorative Air Force Highland Lakes Squadron has contacted us in regard to staging the A-10 Demonstration Team at Burnet Municipal Airport for the Bluebonnet Air Show. It is our understanding that the A-10's normally requires a 35,000 lb capacity, which is slightly higher than the 30,000 lb rating of our airport. As a result, on February 14, 2023 the City Council voted to authorize the A-10's to land and stage at the Burnet Municipal Airport (Kate Craddock Field) for the 2023 Bluebonnet Air Show. Additionally, the airport/city will not hold the A-10 pilots or the USAF liable for any damage that may occur as a result of the A-10 operating on the runway, taxiway or parking area, due to the A-10 being heavier than the published Single Wheel Weight Bearing of the runway.

We look very excited to have the A-10 as an addition to this great event!

Sincerely,

David Vaughn,

City Manager

A RESOLUTION BY THE CITY COUNCIL OF
CITY OF BURNET AUTHORIZING THE CITY
MANAGER TO EXECUTE A RELEASE OF
LIABILITY TO THE COMMEMORATIVE AIR
FORCE (CAF) FOR THE LANDING OF A-10
AIRCRAFT DURING THE ANNUAL AIR
SHOW

Adrienne Feild, Administrative Services/Airport
Manager





- The A-10 aircraft has participated in the Commemorative Air Force (CAF) Airshow from 2008-2012, and 2020 to current.
- The A-10 single wheel weight (swg) is estimated to be 35,000lbs
- Burnet's runway is rated at 30,000lbs(swg)
- In 2020, TxDOT Aviation confirmed that the airports runway and ramp area could tolerate the A-10 aircraft at 35,000lb (swg).





Finance Department

ITEM 4.4

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

Agenda Item Brief

| | |
|------------------------|---|
| Meeting Date: | February 14, 2023 |
| Agenda Item: | Discuss and consider action: A RESOLUTION ADOPTING THE CITY OF BURNET, TX, INVESTMENT POLICY: P. Langford |
| Background: | Chapter 2256 of the Government Code, commonly known as “The Public Funds Investment Act” (PFIA) requires that the governing body adopt a written investment policy and that they review its investment policy not less than annually. |
| Information: | Staff reviewed the current policy for compliance with “The Public Funds Investment Act” and updated the policy based on the Government Finance Officers Association (GFOA) recommended best practices. |
| Fiscal Impact: | None |
| Recommendation: | Staff recommends approval of resolution number R2023-15 adopting an investment policy for the City of Burnet as presented. |

RESOLUTION NO. R2023-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ADOPTING THE INVESTMENT POLICY AND INVESTMENT STRATEGIES AND APPROVING SAID POLICY AS FULFILLMENT OF CHAPTERS 2256.005 AND 2256.025, GOVERNMENT CODE, THE PUBLIC FUNDS INVESTMENT ACT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City of Burnet hereby adopts the investment policy and investment strategies, as fulfillment of Chapter 2256, Government Code, Public Funds Investment Act.

WHEREAS, the City Manager is hereby authorized to take those steps reasonable and necessary to comply with the intent of this Resolution.

WHEREAS, this Resolution shall become effective immediately from and after its passage.

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

That the City of Burnet has complied with the requirements of the Public Funds Investment Act, and the Investment Policy, attached hereto as "Exhibit A," is hereby officially reviewed and adopted as the investment policy of the city effective February 14, 2023.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Burnet this the 14th day of February 2023.

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

"Exhibit A"

CITY OF BURNET INVESTMENT POLICY

The investment policy of the City of Burnet (the City) is to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the City and conforming with all state and local statutes governing the investment of public funds.

I. GOVERNING AUTHORITY

The investment program shall be operated in conformance with Chapter 2256 of the State of Texas Government Code, known as the "Public Funds Investment Act" (PFIA) and any other governing legislation or legal requirements.

II. SCOPE

The investment policy applies to investment activities of all funds of the City and all funds under the control of the City, excluding the investment of employees' retirement funds.

- (a) **Pooling of Funds.** Except for cash in certain restricted and special funds, the City will consolidate cash and reserve balances from all funds to maximize investment earnings and to increase efficiencies regarding investment pricing, safekeeping, and administration. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.

III. OBJECTIVES

The primary objectives, in priority order, of investment activities shall be safety, liquidity, and return:

- (a) **Safety.** The foremost and primary objective of the City's investment program is the preservation and safety of principal in the overall portfolio. Each investment transaction will seek first to ensure that capital losses are avoided, whether the loss occurs from the default of a security or from erosion of market value. The objectives will be to mitigate credit risk and interest rate risk.
 - (1) Credit Risk: The City will minimize credit risk, which is the risk of loss of all or part of the investment due to the failure of the security issuer or backer, by:
 - (A) Limiting investments to the safest types of securities authorized under this investment policy.
 - (B) Pre-qualifying and conducting ongoing due diligence of financial institutions, brokers/dealers, intermediaries, and advisers with which the City will do business.
 - (C) Diversifying the investment portfolio so that the impact of potential losses from any one type of security or from any one individual issuer will be minimized.
 - (2) Interest Rate Risk: The City will minimize interest rate risk, which is the risk that the market value of securities in the portfolio will fall due to changes in market interest rates, by:

- (A) Structuring the investment portfolio so that security maturities match cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity.
 - (B) Investing operating funds primarily in shorter-term securities, money market mutual funds, or similar investment pools and limiting individual security maturity as well as the average maturity of the portfolio in accordance with this policy.
- (b) **Liquidity.** The City's investment portfolio shall remain sufficiently liquid to enable the City to meet all operating requirements, which might be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands (static liquidity). Furthermore, since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets (dynamic liquidity). Alternatively, a portion of the portfolio may be placed in money market mutual funds or local government investment pools which offer same-day liquidity for short-term funds.
- (c) **Return on investment.** The City's investment portfolio will be designed with the objective of attaining a rate of return commensurate with the City's investment risk restraints and the cash flow operating requirements. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. The core investments are limited to relatively minimal risk securities in anticipation of earning a fair return relative to the risk being assumed.

IV. STANDARDS OF CARE

- (a) **Prudence.** The standard of prudence to be used by investment officers shall be the "uniform prudent investor act" standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of securities are conducted in accordance with the terms of this policy.
- (b) **Ethics and Conflicts of Interest.** Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions with which they conduct business, in accordance with applicable laws. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City.
- (c) **Delegation of Authority.** Authority to manage the City's investment program is granted to the Finance Director and the Finance Manager (hereinafter referred to as the investment officers) and is derived from state statutes and City resolutions. Responsibility for the operation of the investment program is hereby delegated to

the investment officers, who shall act in accordance with established written procedures and internal controls for the operation of the investment program consistent with this investment policy. At a minimum, procedures should include references to the following: safekeeping, delivery vs. payment, investment accounting, repurchase agreements, wire transfer agreements, and collateral/depository agreements. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the investment officers. The investment officers shall be responsible for all transactions undertaken and must attend training relating to investment responsibilities as required by Section 2256.008 of the Public Funds Investment Act and approved by this policy in appendix A.

V. AUTHORIZED FINANCIAL INSTITUTIONS, DEPOSITORIES, AND BROKER/DEALERS

- (a) A list will be maintained of financial institutions and depositories authorized to provide investment services. In addition, if applicable, a list will be maintained of approved security broker/dealers selected by creditworthiness and other factors.
- (b) Depositories should be selected through the City's banking services procurement process, which shall include a formal request for proposal (RFP) issued not less than every five years. No public deposit shall be made except in a qualified depository as established by state depository laws. The depository bank bid should not include bids for investment rates on certificates of deposits. Certificate of deposit rates will be bid competitively between financial institutions in accordance with the way all other types of securities are purchased.
- (c) All financial institutions and broker/dealers who desire to become qualified for investment transactions must supply the following as appropriate:
 - (1) Audited financial statements demonstrating compliance with state and federal capital adequacy guidelines.
 - (2) Proof of Financial Industry Regulatory Authority (FINRA) certification (not applicable to Certificate of Deposit counterparties).
 - (3) Proof of state registration.
 - (4) Completed broker/dealer questionnaire (not applicable to Certificate of Deposit counterparties).
 - (5) Certification of having read and understood and agreeing to comply with the City's investment policy.
 - (6) Evidence of adequate insurance coverage.

An annual review of the financial condition and registration of all qualified financial institutions and broker/dealers will be conducted by the investment officers.

VI. SAFEKEEPING AND CUSTODY

- (a) **Delivery vs. Payment.** All trades of marketable securities will be executed by delivery vs. payment (DVP) to ensure that securities are deposited in an eligible custody account prior to the release of funds.
- (b) **Safekeeping.** Securities will be held by an independent third-party custodian

approved by the City and evidenced by safekeeping receipts. A safekeeping agreement must be in place which clearly defines the responsibilities of the safekeeping bank.

- (c) **Collateral.** All funds must be insured by the FDIC or FSLIC or by collateral pledged to the extent of the fair market value of any amount not insured. To the extent not insured by the FDIC or FSLIC, City funds must be secured by direct obligations of the United States backed by the full faith and credit of the government or by governmental securities or obligations issued by the State of Texas, its agencies, or political subdivisions. Collateral will be held by an independent third party, and a safekeeping receipt will be supplied to the City. The City's bank depository will provide the City with a report on the collateral pledged, and a City representative will have the right to inspect the pledged collateral at any time. Collateral may be substituted; however, the City must approve any substitution of collateral in writing.
- (d) **Internal Controls.** The investment officers are responsible for establishing and maintaining an internal control structure designed to protect the assets of the City of Burnet. The controls shall be designated to prevent the loss of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by employees of the City.

Controls and managerial emphasis deemed most important that shall be employed where practical are:

- (1) Control of collusion.
- (2) Separation of duties.
- (3) Separation of transaction authority from accounting and record keeping.
- (4) Custodian safekeeping receipts and records management.
- (5) Dual authorization of wire transfers.
- (6) Avoidance of physical delivery securities.
- (7) Documentation of investment bidding.
- (8) Written confirmation from broker/dealers and financial institutions.
- (9) Reconciliations of security receipts with the investment subsidiary records.
- (10) Compliance with investment policies.
- (11) Accurate and timely investment reports.
- (12) Adequate training and development of investment officers.
- (13) Verification of all investment income and security purchases and sell computations.
- (14) Review of financial condition of all broker/dealers and depository institutions.

The above internal controls represent only a partial list of a system of internal control. An annual process of independent review by an external auditor shall be established. This review will provide internal control by assuring compliance with laws, policies, and procedures. This annual compliance audit is required by Section 2256.005(m) of the PFIA.

VII. SUITABLE AND AUTHORIZED INVESTMENTS

Investment type funds of the City may be invested in the following investments, consistent with the PFIA and as authorized by this investment policy. Investments not specifically listed below will not be permitted by this policy.

(a) **Financial Institution Deposits.** Certificates of Deposits and other evidence of deposit at a financial institution that:

- (1) has its main office or a branch office in Texas and is guaranteed or insured by the Federal Deposit Insurance Corporation (FDIC) or its successor,
- (2) is secured by obligations or in any other manner and amount provided by law for deposits of the City, or
- (3) is executed through a depository institution or approved broker that has its main office or a branch office in Texas that meets the requirements of the PFIA. All financial institution deposits in excess of the FDIC insured amount must be collateralized as described in the policy under Section VI (c) "Collateral."

(b) **U.S. Treasuries and Agencies.** Obligations of the United States of America, its agencies, and instrumentalities, including other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of the United States or its agencies and instrumentalities including obligations that are fully guaranteed or insured by the FDIC or by the explicit full faith and credit of the United States. Such obligations include letters of credit of the United States or its agencies and instrumentalities, including the Federal Home Loan Banks.

(c) **Investment Pools.** The City may invest its funds through an eligible investment pool if the Burnet City Council by resolution authorizes investment in the pool. Eligible investment pools must:

- (1) Provide an offering circular or other similar disclosure instruments and provide monthly and transaction reporting as required by Section 2256.016 of the PFIA.
- (2) Be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service.

(d) **Money Market Mutual Funds.** No-load government money market mutual funds are eligible investments if the fund:

- (1) Is compliant with the PFIA.
- (2) Is registered with and regulated by the Securities and Exchange Commission.
- (3) Has an average weighted maturity of less than 180 days and meets the liquidity requirements of the City.

(e) **Repurchase Agreements.** Fully collateralized repurchase agreements that:

- (1) Have a defined termination date.
- (2) Are secured by cash or obligations as allowed by the PFIA and this Policy.
- (3) Require independent third-party safekeeping of all securities prior to the release of any funds.
- (4) Are placed through a primary dealer or financial institution doing business in Texas.
- (5) Do not create a reverse repurchase agreement by the City.

(f) **Municipal Issuers.** Obligations of:

- (1) The State of Texas or its agencies and instrumentalities; and

(2) Counties, cities, and other political subdivisions of the State of Texas rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent.

(g) **Commercial Paper.** Commercial Paper with a stated maturity of 180 days or fewer from the date of its issuance, rated not less than A-1 or P-1, or an equivalent rating by at least two nationally recognized credit rating agencies, or by one nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state. No more than 20% of any one portfolio should be invested in commercial paper and no more than 5% should be invested in the securities of a single paper issuer.

(h) **Securities Lending Program.** A securities lending program is an authorized investment under this policy if it meets the conditions provided in PFIA Sec. 2256.0115.

(i) **Banker's Acceptances.** A bankers' acceptance is an authorized investment under this policy if it meets the conditions provided in PFIA Sec. 2256.0012. No more than 20% of any one portfolio should be invested in banker's acceptances and no more than 5% should be invested in the securities of a single banker's acceptances issuer.

(j) **Guaranteed Investment Contracts.** A guaranteed investment contract is an authorized investment for bond proceeds under this policy if it meets the conditions provided in PFIA Sec. 2256.0015.

The following investments are specifically **not** authorized under the PFIA:

- (a) Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principle.
- (b) Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest.
- (c) Collateralized mortgage obligations that have a stated final maturity date of greater than 10 years.
- (d) Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

An investment that requires a minimum rating under the PFIA does not qualify as an authorized investment during the period the investment does not have the minimum rating. The City shall at least quarterly obtain from a reliable source the current credit rating for each held investment that has a PFIA required minimum rating and shall take all prudent measures to liquidate an investment that does not have the minimum rating.

VIII. INVESTMENT PARAMETERS

(a) **Bidding Process for Investments.** Investment officers for the City may accept

bids for certificates of deposit and for all marketable securities either orally, in writing, electronically, or in any combination of these methods. The investment officers will strive to receive three price quotes on marketable securities being sold but may allow one broker/dealer to sell at a predetermined price under certain market conditions. Investments purchased shall be shopped competitively between approved financial institutions and broker/dealers.

(b) **Diversification.** The City recognizes that investment risks can result from issuer defaults and market price changes. Risk is partly controlled through portfolio diversification that shall be achieved by the following general guidelines:

- (1) Limiting investment to avoid overconcentration in investments from a specific issuer or business sector (excluding U.S. Treasury securities and certificates of deposit that are fully insured and collateralized in accordance with state and federal law).
- (2) Limiting investment in investments that have higher credit risks (example: commercial paper).
- (3) Investing in investments with varying maturities.
- (4) Continuously investing a portion of the portfolio in readily available funds such as local government investment pools to ensure that appropriate liquidity is maintained in order to meet ongoing obligations.

(c) **Maximum Maturities.** To the extent possible, the City shall attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the City will not directly invest in securities maturing more than 365 days from the date of purchase. The City shall adopt weighted average maturity limitations consistent with the investment objectives.

IX. INVESTMENT STRATEGY

The portfolio will be structured to benefit from anticipated market conditions and to achieve a reasonable return. Relative value between asset groups shall be analyzed and pursued as part of the active investment program within the restrictions set forth by this policy. Asset types with higher credit risk shall be limited to no more than 20% of each portfolio. In addition, commercial paper and bankers' acceptances shall be limited to no more than 5% of each portfolio held in any individual issuer name to limit credit risk.

Specific strategies for each type of fund group of the city are as follows.

(a) **Operating Funds.** Operating funds are defined as cash and investments used for day-to-day operations. Operating funds are to be invested in a manner suitable to provide adequate liquidity for the anticipated operating needs of the City. Investments of the Operating Funds shall be limited to a weighted average maturity of no greater than 180 days. All investment instruments must meet credit and safety criteria as required by the PFIA and this policy. All investments shall be of high quality with no perceived default risk. Operating funds will remain sufficiently liquid to enable the City to meet operating requirements that may be reasonably anticipated. Operating funds' maturities will be staggered based on the City's anticipated operating needs, and the investments may include financial institution deposits, U.S. treasuries and agencies, state and municipal debt instruments, investment pools, and money market mutual funds. Investment of

Operating funds will be structured to attain the optimal yield given the liquidity and safety requirements.

- (b) **Capital Project Funds and Special Purpose Funds.** Capital project funds and special purpose funds shall have as their primary objective to assure that anticipated cash outflows are matched with adequate investment liquidity. These portfolios should have liquid securities to allow for unanticipated project expenditures or accelerated project outlays due to a better than expected or changed construction schedule. The portfolios shall be invested based on cash flow estimates to be supplied by the capital projects managers and finance estimates. The dollar-weighted average life of the portfolio should be matched to that of the duration of the liabilities. A secondary objective of these funds is to achieve a yield equal or greater than the arbitrage yield of the applicable bond.
- (c) **Debt Service Funds.** Debt service funds shall have as the primary objective, the assurance of investment liquidity adequate to cover the debt service obligation on the required payment dates. Securities purchased shall not have a stated final maturity date which exceeds the debt service payment date.

X. REPORTING

- (a) **Quarterly Reporting.** No less than quarterly, the investment officers shall prepare and submit to the City Council a written investment report. The report must describe in detail the investment position of the City on the date of the report, state the book value and fair market value of each separately invested asset at the beginning and end of the reporting period by the type of asset and fund type invested. State the maturity date of each separately invested asset at the beginning and end of the reporting period by the type of asset and fund type invested. State the compliance of the investment portfolio of the City as it relates to the investment policies and investment strategies expressed in the City's Investment Policy and the PFIA.
- (b) **Performance Standards.** The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a market average rate of return during a market/economic environment of stable interest rates. A series of treasury benchmarks whose final maturity most closely matches the weighted average maturity (WAM) of the portfolio shall be established against which portfolio performance shall be compared on a regular basis.
- (c) **Marking to Market.** The market value of the portfolio shall be calculated at least monthly and a statement of the market value of the portfolio shall be issued at least quarterly. This will ensure that review of the investment portfolio, in terms of value and price volatility, has been performed.

XI. INVESTMENT POLICY CONSIDERATIONS

- (a) **Amendments.** This policy shall be reviewed on an annual basis. Any changes must be approved by the investment officers, City Manager and City Council. The City Council should adopt a written instrument, not less than annually, stating the City Council has reviewed and authorized the investment strategies and the amendments, to this Investment Policy.

APPENDIX A

AUTHORIZED BROKER/DEALERS, FINANCIAL INSTITUTIONS,
GOVERNMENT POOLS, AND APPROVED PROVIDERS OF PFIA
TRAINING

**BROKER/DEALERS AND FINANCIAL INSTITUTIONS AUTHORIZED TO
DO BUSINESS WITH THE CITY OF BURNET**

First State Bank of Burnet

**GOVERNMENT POOLS AUTHORIZED BY CITY COUNCIL
RESOLUTION**

(TEXPOOL) Texpool Local Government Investment Pool

APPROVED PROVIDERS OF PFIA TRAINING

University of North Texas
Government Finance Officers Association
Government Finance Officers Association of Texas
Government Treasurer's Organization of Texas
Texas Municipal League



INVESTMENT POLICY REVIEW AND ADOPTION

February 14, 2023



PUBLIC FUNDS INVESTMENT ACT

Texas Government Code Chapter 2256 or the Public Funds Investment Act (PFIA) requires that the governing body:

- Adopt a written investment policy that primarily emphasizes safety and liquidity.
- Review the investment policy and strategies at least annually.
- Adopt a resolution or ordinance stating that it has reviewed the investment policy and that the written instrument so adopted shall record any changes to the investment policy.



INVESTMENT POLICY REVIEW

Compared to the PFIA for compliance



Compared to the Government Finance Officers Association (GFOA) recommended best practices guide



Compared to other local city investment policies

PROPOSED CHANGES — SECTION V. AUTHORIZED FINANCIAL INSTITUTIONS, DEPOSITORIES, AND BROKER/DEALERS



This change complies with the PFIA and gives the City the option to use a Broker/Dealer in the future.

- *The City does not currently invest in securities or have an approved broker/dealer.*

V. AUTHORIZED FINANCIAL INSTITUTIONS, DEPOSITORIES, AND BROKER/DEALERS

1. A list will be maintained of financial institutions and depositories authorized to provide investment services. In addition, if applicable, a list will be maintained of approved security broker/dealers selected by creditworthiness and/or other factors.
3. All financial institutions and broker/dealers who desire to become qualified for investment transactions must supply the following as appropriate:
 - a. Audited financial statements demonstrating compliance with state and federal capital adequacy guidelines.
 - b. Proof of Financial Industry Regulatory Authority (FINRA) certification (not applicable to Certificate of Deposit counterparties).
 - c. Proof of state registration.
 - d. Completed broker/dealer questionnaire (not applicable to Certificate of Deposit counterparties).
 - e. Certification of having read and understood and agreeing to comply with the City's investment policy.
 - f. Evidence of adequate insurance coverage.

An annual review of the financial condition and registration of all qualified financial institutions and broker/dealers will be conducted by the investment officers.

PROPOSED CHANGES- SECTION VII. SUITABLE AND AUTHORIZED INVESTMENTS



Current “Authorized Investments”

- U.S. Treasuries and Agencies
- Certificates of Deposit (CD's)
- Investment Pools

Proposed “Suitable and Authorized Investments”

- Financial Institution Deposits (CD's)
- U.S. Treasuries and Agencies
- Investment Pools
- Money Market Mutual Funds
- Repurchase Agreements
- Municipal Issuer obligations
- Commercial Paper
- Securities Lending Program
- Banker's Acceptances
- Guaranteed Investment Contracts

Note: Only Allowed if they comply with the conditions provided in the PFIA and the proposed policy.

PROPOSED CHANGES — SECTION VIII. INVESTMENT PARAMETERS



1. **Bidding Process for Investments** – strive to receive three price quotes.
2. **Diversification policy** – limit overconcentration, limit investments that have higher risk (ex: commercial paper), use varying maturity dates, maintain appropriate liquidity.
3. **Maximum Maturities** – Match investments with anticipated cash flow requirements. The City shall adopt weighted average maturity limitations consistent with the investment objectives.





INVESTMENT POOLS

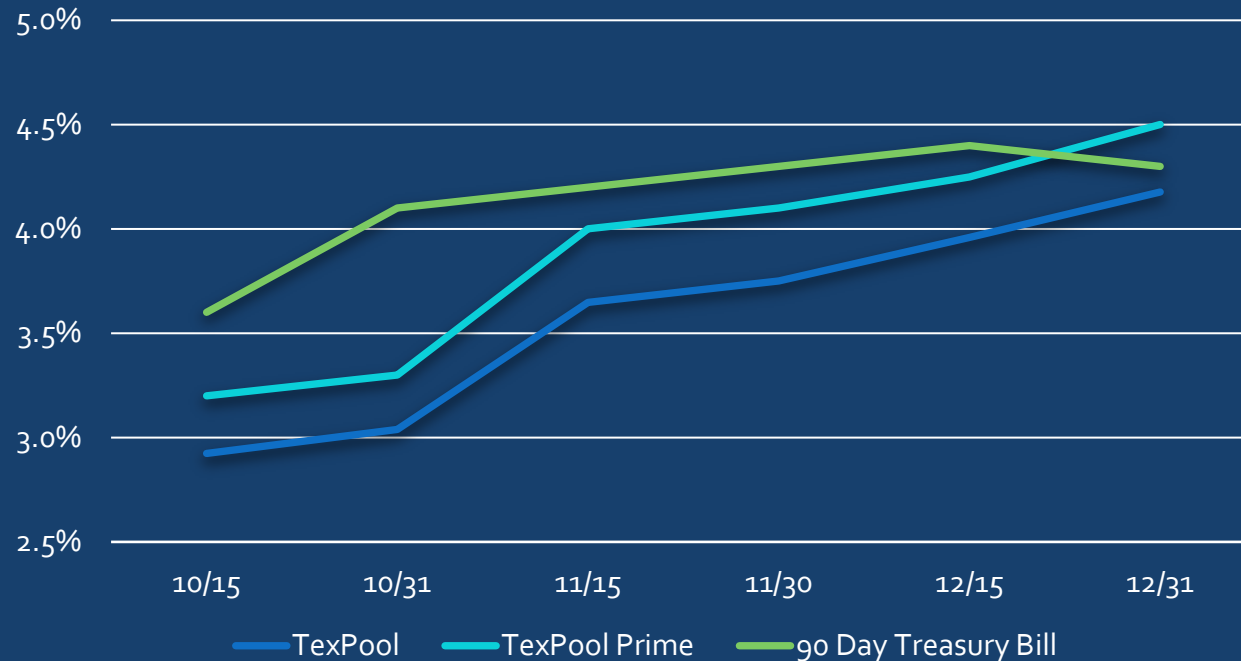
TEXPOOL

- A safe, efficient, and liquid investment alternative for local governments in the State of Texas.
- Offers higher investment returns as a result of economies of scale and the investment expertise and management oversight of the Comptroller and the Trust Company.
- Rated AAAm which is the highest rating a local government pool can achieve.
- No minimum balance and no limit on the number of accounts.



TEXPOOL

TexPool & TexPool Prime vs. 90-Day Treasury Bill



- City is currently earning:
 - 4.5% at Texpool
 - .10% to .20% at FSB on Money Market Accounts depending on balance.
- TexPool vs. TexPool Prime:
 - TexPool investments consist of U.S. Government securities, and repurchase agreements collateralized by U.S. Government securities
 - TexPool Prime invests in the above plus commercial paper and CD's.



QUESTIONS



Development Services

ITEM 4.5

Leslie Kimbler
Planner
512-715-3215
lkimbler@cityofburnet.com

Action

Meeting Date: February 14, 2023

Discussion Item: Discuss and consider action: A preliminary plat application for the Hilltop Oaks Subdivision: L. Kimbler

Background: On February 6, 2023, the Planning and Zoning Commission considered the application for preliminary plat of the Hilltop Oaks Subdivision and approved a resolution recommending denial as the Commission determined the secondary access requirement was not met and that proposed block lengths exceeded the maximum length allowed under the city code. Hilltop Oaks is approximately 75 acres and is located south of West Highway 29 at the southern termination of Southland Drive. Prior City Council action regarding Hilltop Oaks included:

- Approval of a development agreement for a 92 unit manufactured home park with minimum lot sizes of one-half acre;
- Passage of an annexation ordinance; and
- Passage of an ordinance placing a Planned Unit Development/Manufactured Housing zoning classification on the property.

Information: This application shall be presented to City Council for final consideration on February 28. This report is presented to bring to City Council's attention the unique problem with the application. As the application proposes more than 30 single-family lots both the subdivision code and the fire code require two means of access. The problem is the secondary access depends on travel across Hilltop Drive; and the public record is uncertain as to the status of Hilltop Drive (public or private) and consequently, staff and the Commission has concluded the applicant has not shown that it provides a lawful point of secondary access.

Staff is working with the applicant to come to a solution before the February 28 meeting date. However, due to the unique nature of this case staff felt it would be beneficial to provide this report in advance of that meeting.



Administration

ITEM 4.6

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

Action

Meeting Date: February 14, 2023

Agenda Item: Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TX, APPROVING THE FIRST AMENDMENT TO THE ARCHITECTURAL AGREEMENT BETWEEN THE CITY OF BURNET AND SEAUX-PIERCE ARCHITECTURE FOR THE CONSTRUCTION OF A NEW CITY HALL FACILITY ON THE 300 BLOCK OF EAST JACKSON ST, BURNET, TX.

Background: City Council approved Resolution R2023-10 authorizing the sale of Bealls building to the Burnet Economic Corporation to be marketed as a retail operation and further authorized the construction of the new city hall facility to be built on the city owned property located on the 300 block of Jackson Street, Burnet, TX on January 24, 2023.

Information: The plans for the new city hall facility as a new build will require architectural revisions from the original plans that were based on the renovation of the Bealls building. Seaux-Pierce Architects has identified the changes required to the plans to be built as a complete new construction. This first amendment to the Architectural contact with Seaux-Pierce Architects will be amended to reflect the required plan revisions as follows:

(a) Architectural:

- To include minor changes to wall locations due to support beams no longer being a hinderance to design.
- Adapting the building on the new site to include forty parking spaces

(b) Structural:

- Revising framing design and drawings from an existing renovation to an all-new steel framed structure. The primary structure to be steel columns and beams supporting new bar joist assembly.
- Increasing scope of foundation design from existing to all-new foundation which will also require geotechnical reporting for the new site.

(c) MEP:

- HVAC design and new calculations based on the building orientation and any adjustments required.
- New site lighting and photometrics to be revised to reflect the new site parking.
- MEP plans will be revised to reflect the new tie-in locations to the building for electrical and plumbing.

Fiscal Impact: The total cost for the above listed revisions to the architectural plans for the new city hall facility is \$54,160.00.

Recommendation: Approve and adopt Resolution R2023-16 as presented.

RESOLUTION R2023-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TX, APPROVING THE FIRST AMENDMENT TO THE ARCHITECTURAL AGREEMENT BETWEEN THE CITY OF BURNET AND SEAUX-PIERCE ARCHITECTURE FOR THE CONSTRUCTION OF A NEW CITY HALL FACILITY ON THE 300 BLOCK OF EAST JACKSON ST, BURNET, TX.

Whereas, the City of Burnet (owner) and Seaux-Pierce Architecture (Architect). entered into a standard form of agreement between owner and architect on August 6, 2021, for architectural services for the renovation of the property and building located at 118 S. Polk Street, (commonly known as the Bealls building) for the purpose of building a new City of Burnet City Hall; and

Whereas, City Council approved Resolution R2023-10 authorizing the sale of said property to the Burnet Economic Corporation to be marketed as a retail operation and further authorized the construction of the new city hall facility to be built on the city owned property located on the 300 block of Jackson Street, Burnet, TX on January 24, 2023.

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

Section 1. Findings. Amendment to the existing contract for architectural services with Seaux-Pierce Architecture due to plans being changed from renovation of an existing building to a complete new build, include the following:

(a) Architectural:

- To include minor changes to wall locations due to support beams no longer being a hinderance to design.
- Adapting the building on the new site to include forty parking spaces

(b) Structural:

- Revising framing design and drawings from an existing renovation to an all-new steel framed structure. The primary structure to be steel columns and beams supporting new bar joist assembly
- Increasing scope of foundation design from existing to all-new foundation which will also require geotechnical report for the new site.

(c) MEP:

- HVAC design and new calculations based on the building orientation and any adjustments required.
- New site lighting and photometrics to be revised to reflect the new site parking.
- MEP plans will be revised to reflect the new tie-in locations to the building for electrical and plumbing.

Section 2. Compensation. The fee amendment required to provide the anticipated services outlined above for architectural, structural, and MEP purposes is \$54,160.00.

Section 3. Effective. This First Amendment is binding upon and shall inure to the benefit of the parties and their prospective successors and assigns.

Section 4. Open Meetings. It is hereby officially found and determined that the meeting at which this resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED this the 14th day of February, 2023.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



January 17, 2023

Mr. David Vaughn

City of Burnet
1001 Buchanan Drive #4
Burnet, TX 78611

Re: Burnet City Hall

Additional Services: New City Hall Building on 300 Block of East Jackson

Seaux-Pierce Architecture (SEAU X-PIERCE) is pleased to submit this proposal for additional services on the above referenced project to City of Burnet (CLIENT).

I. SCOPE:

The original Agreement for the renovation of the old Beall's building located at 110 E. Polk Stret, dated July 15, 2021 included architectural, structural and MEP services for the renovation of approximately 17,000 SF. Article 4 of the original agreement listed "Providing services in connection with any additional & substantive modifications to the project scope of work" as additional services not included in the Basic Services.

The CLIENT has decided to build a new City Hall building located on the 300 Block of East Jackson. The new building will utilize the renovation design of the old Beall's building and adapted to the new site.

II. ADDITIONAL SERVICES:

Additional Services shall include:

1. Architectural:

- a. Minor changes to wall locations now that the supporting walls are no longer a hinderance.
 - Revise the administration area.
 - Enlarge the break room by relocating the janitors closet to file room area.
 - Add similar brickwork to the front bathroom walls to match the main entry features.
 - Revise walls to work with new structural system and update interior/exterior elevations to reflect changes.
- b. Adapt the building on the new site with 40 parking spaces (25 employees + 15 guest) spaces.
 - There is overflow parking across S. Vandever Street that can be utilized to meet the city parking ordinance.

2. Structural:

- a. Revise framing design & drawings from an existing renovation to an all-new steel framed structure.
- b. Primary structure to be steel columns and beams supporting new bar joist assembly.
- c. Increasing scope of foundation design to include an all-new foundation. It is assumed that a geotechnical report for the new site shall be provided.

3. MEP:

- a. It is assumed that the current HVAC design will be used at the new location. New calculations based on the building orientation will be provided and any adjustments to the system will be revised.
- b. New site lighting and photometrics will be revised to reflect the new site parking.
- c. MEP plans will be revised to reflect the new tie-in locations to the building for electrical and plumbing.

III. ASSUMPTIONS AND CONDITIONS:

The scope of work services presented herein are based upon SEAUX-PIERCE's understanding of the proposed project. Changes in the project that affect the underlying contract assumptions may impact the required professional service fee.

Accordingly, SEAUX-PIERCE wishes to inform the CLIENT and/or the Owner that this proposal is based on the following documents, assumptions, and conditions:

1. The Assumptions & Conditions, Terms & Conditions, Additional Services and Reimbursable are as stated in the Agreement for this project dated July 15, 2021

IV. COMPENSATION:

The lump sum fee to provide the anticipated services outlined above shall be as follows:

1. Architectural, Structural, MEP.....\$54,160

V. REIMBURSABLE:

Reimbursable expenses are as stated in the Agreement for this project dated July 15, 2021

VI. EXCLUSIONS:

Exclusions are as stated in the Agreement for this project dated July 15, 2021

VII. CLIENT PROVIDED SERVICES:


Client Provided Services are as stated in the Agreement for this project dated July 15, 2021

VIII. RESPONSIBILITY OF OTHERS

Responsibility of Others are as stated in the Agreement for this project dated July 15, 2021

If the project is cancelled prior to completion of design, then Seaux-Pierce shall be paid for percentage work completed up to the date of cancellation.

Again, we are very pleased to have this opportunity to offer our services to you on this project, and we are dedicated to



Jeanne A. Seaux-Pierce, AIA
Principal



Chad P. Pierce, AIA
Principal / Project Manager / Project Architect

AGREED & ACCEPTED: (Client)

Authorized Corporate Officer (Please print name, title & sign)

Date:

City Hall

Jackson Street Location



EST
1999



SEAUX PIERCE