



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 **28th 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:

1.1) January 2023 Financial Report: P. Langford

1.2) Annual Traffic Stop Data Report: B. Lee

1.3) Presentation of TDHCA CDBG-CV Section 3 Goals and Concepts as related to the CDBG-CV CARES Act Program and Grant Contract 70800001002 - Child Advocacy Center: A. Feild

2. CONSENT AGENDA:

2.1) Approval of the February 14, 2023 Regular City Council Meeting minutes

3. PUBLIC HEARINGS/ACTION: None.

4. ACTION ITEMS:

4.1) Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE 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 NORTHINGTON: 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

4.2) Discuss and consider action: SECOND AND FINAL 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

4.3) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ELECTING TO PARTICIPATE IN THE TEXAS ATTORNEY GENERAL'S OPIOID SETTLEMENTS; AUTHORIZING THE CITY MANAGER TO TAKE REASONABLY NECESSARY ACTIONS TO FACILITATE THE CITY'S PARTICIPATION; AND DIRECTING FUNDS RECEIVED FROM SUCH SETTLEMENT BE BUDGETED FOR POLICE DEPARTMENT DRUG INTERDICTION PROGRAMS: H. Erkan

4.4) Discuss and consider action: A request for the addition of a full-time Food and Beverage Attendant position to replace a part-time position at the Delaware Springs Golf Course and consider an increase to Golf Course Food and Beverage salaries budget: T. Nash

4.5) Discuss and consider action: An amendment to the Planning and Zoning Commission By-Laws: L. Kimbler

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 24th 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 24, 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).

Agenda Memorandum

AGENDA DATE: February 14, 2023

DEPARTMENT: Administration

Commented [HS1]: Update as needed

CONTACT: Adrienne Feild, Administrative Services/Airport Manager and Hillary Sotello, Community Development Senior Project Manager with GrantWorks

SUBJECT: Presentation of the TDHCA CDBG-CV Section 3 Program Goals Presentation for the CDBG-CV Project 70800001002 (Child Advocacy Center)

SUMMARY: TDA issued a revised Section 3 Rule, Policy Issuance CDBG 20-01 on July 1, 2021 that now applies to all projects receiving CDBG funds. As part of this policy issuance, localities are required to present the Section 3 CDBG program goals in a City Council meeting. The intent of the Section 3 Program goals is to promote economic opportunities for low and very low-income persons in projects using CDBG funds. This issuance also applies to TDHCA projects.

BACKGROUND: HUD published a final rule updating requirements related to Section 3 of the Housing and Urban Development Act of 1968, as amended, which became effective on November 30, 2020. The Texas Department of Agriculture issued Policy Issuance CDBG 20-01 on July 1, 2021 to update the Section 3 requirements within the CDBG Implementation Manual. The purpose of the final rule is to improve the reporting and promotion of economic opportunities for low- and very low-income persons in projects using CDBG funds.

ISSUE: None.

ALTERNATIVES: None.

FISCAL IMPACT: None.

RECOMMENDATION: Review/hear presentation from Hillary Sotello, GrantWorks Senior Project Manager, regarding Section 3 Goals



City of Burnet Financial Report

FYTD

JANUARY 31, 2023

General Fund

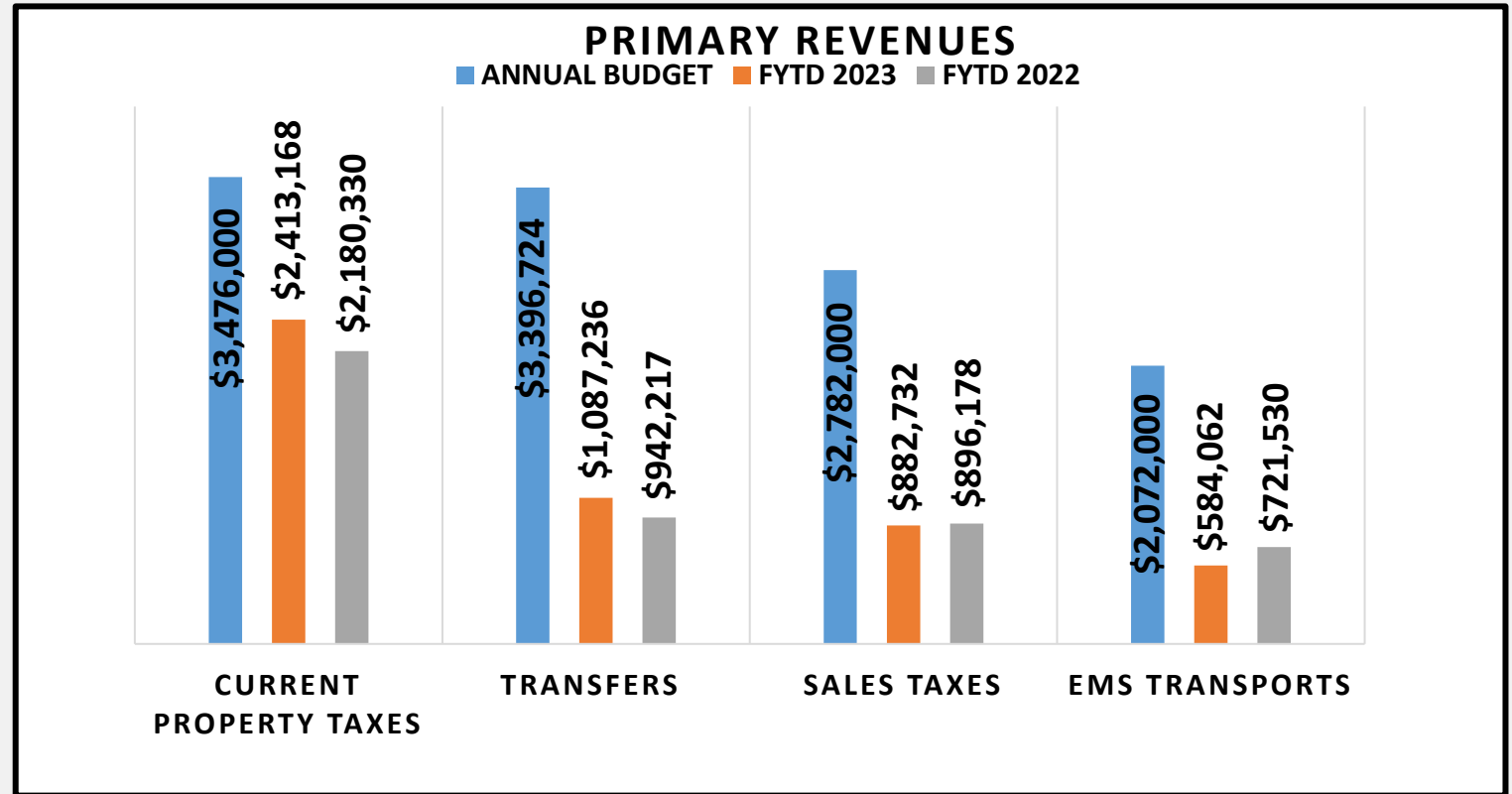


	Annual Budget	Actual FYTD Jan 2023	% of Budget
Revenues	\$14,766,308	\$6,066,996	41%
Expenses	14,305,521	4,820,616	34%
Profit (Loss)	\$460,787	\$1,246,380	

General Fund Revenue

For the period ended January 31, 2023

- o Property Taxes – ended the period at 69% of budget and increased by \$232,838 over last year.
- o Transfers In – ended the period at 32% of budget and increased by almost \$145,018 over last year.
- o Sales Tax – ended the period at 32% of budget and decreased by (\$13,446) over last year.
- o EMS transports – ended the period at 28% of budget and decreased by (\$137,468) over last year.
 - Collections are tracking under budget because EMS transfer call volume is down 18% mainly because of hospital staff shortages.



Golf Fund

	Annual Budget	Actual FYTD Jan 2023	% of Budget
Revenues	\$1,860,895	\$750,378	40%
Expenses	1,778,214	563,239	32%
Profit (Loss)	\$82,681	\$187,139	

Golf Fund Rounds

Average Revenue Per Round:

FYTD Jan 2023 \$39.63

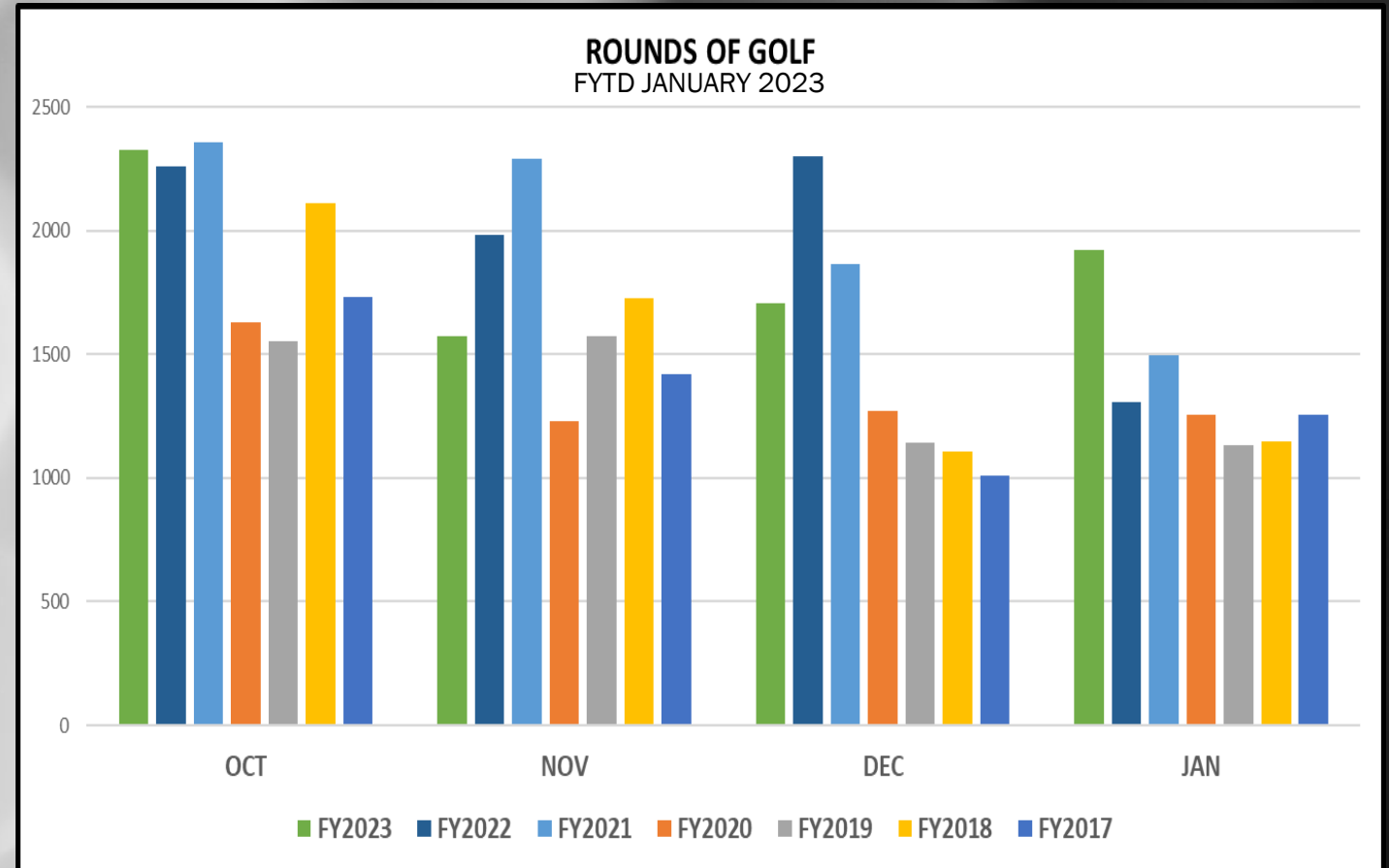
FYTD Jan 2022 \$37.83

Rounds of Golf:

FYTD Jan 2023 – 7,532

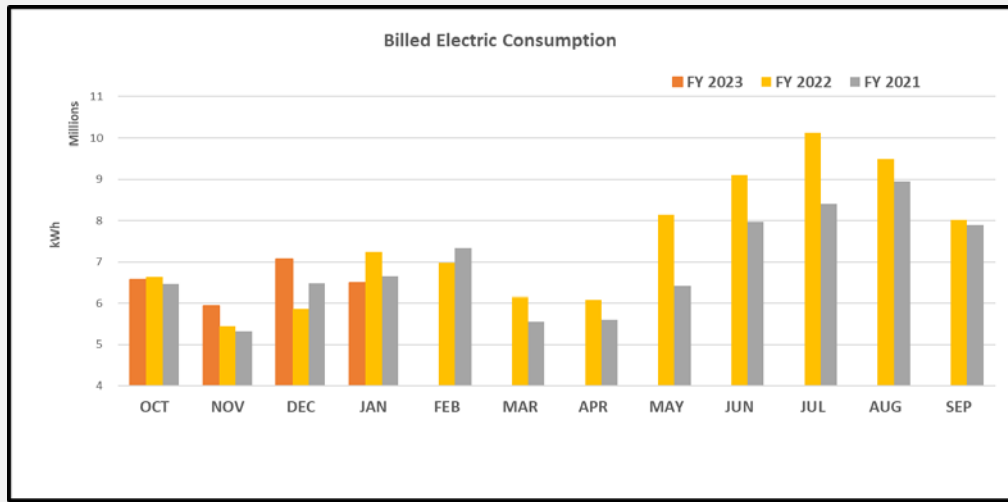
FYTD Jan 2022 – 7,849

➤ Decrease (317) rounds (4%)

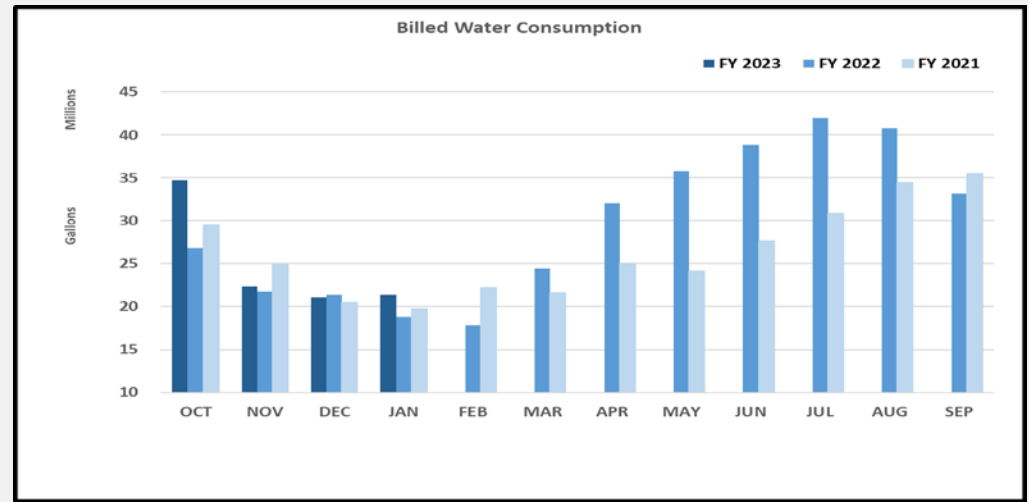


Utility Funds

ELECTRIC	Annual Budget	Actual FYTD Jan 2023	% of Budget
Revenues	\$4,089,298	\$1,263,101	31%
Expenses	3,786,446	1,180,875	31%
Profit(Loss)	\$302,852	\$82,226	



WATER	Annual Budget	Actual FYTD Jan 2023	% of Budget
Revenues	\$4,624,417	\$1,477,009	32%
Expenses	4,330,936	1,453,032	34%
Profit (Loss)	\$293,481	\$23,976	





Cash Reserves

As of January 31, 2023

Unrestricted Cash Reserve Balance	\$7,513,689
90 Day Reserve Requirement	<u>4,647,000</u>
Unrestricted Cash Balance over 90 Day Reserve	<u>\$2,866,689</u>
“Restricted by Council” Cash Balance	<u>\$3,763,734</u>



Questions?



CITY OF BURNET

FINANCIAL REPORT

FYTD January 2023

Bluebonnet Capital of Texas - Lakes, Hills, History

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	CITY OF BURNET FYTD JANUARY FINANCIAL SUMMARY	FY 2023
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GENERAL FUND

The General Fund ended the period with a profit of \$1,246,380 and in total their revenues and expenses are on track with the budget for the period.

The General Fund's primary revenues include:

- **Property tax collections** – ended the period at 69% of budget and increased by \$232,838 over the same period last year.
- **Sales tax collections** – ended the period at 32% of budget and decreased by (\$13,446) over the same period last year.
- **EMS transfer collections** – ended the quarter at 28% of budget and decreased by (\$137,468) over the same period last year.
 - Collections are tracking under budget because EMS transfer call volume is down 18% mainly because of hospital staff shortages.
- **Transfers In from other funds** – ended the quarter at 32% of budget and increased by \$145,018 over the same period last year.

Total expenditures ended the quarter on track at 34% of budget.

GOLF COURSE

The Golf Course ended the period with a profit of \$187,139 which is about a \$38,000 improvement over the same period last year because of increasing revenues.

Total revenues ended the period at 40% of budget and have increased by over \$65,000 compared to last year mainly due to increases from new members and other revenues which include rebates from early order chemical and fertilizer programs and interest income. Rounds played are down about 4% from last year but the average green fee revenue per round is \$39.63 which is an increase of \$1.80 over last year.

Operating Expenses ended the period on track at 32% of budget.

ELECTRIC FUND

The Electric fund ended the period with a profit of \$82,226.

Total revenues ended the period on track at 31% of budget. Compared to last year, electric consumption has increased by about 4%.

Total expenses ended the period on track at 31% of budget.

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

The Water/Wastewater fund ended the period with a profit of \$23,976.

Total revenues are on track and ended the period at 32% of budget. Compared to last year, total revenues have increased mainly due to increasing water sales because of increasing consumption.

Total expenses are on track and ended the period at 34% of budget. Compared to last year, expenses have increased mainly because of personnel costs. Last year, the department had several vacancies but are now fully staffed.

AIRPORT (Restricted Fund)

The new Fixed Base Operator (FBO) contract went into effect on January 1, 2023. Prior to January 1, the Airport Fund was operated under an “Interim” FBO contract.

The Airport fund ended the period with a profit of \$22,554. Compared to last year, the net is down (\$44,493) mainly because of the decrease in fuel sales and the increase in the “Interim” FBO contract payments.

CASH RESERVES

The total “Unrestricted” cash reserve balance for the city as of January 31, 2023, was \$7,513,689. That is **\$2,866,689** above our 90-day required reserve amount.

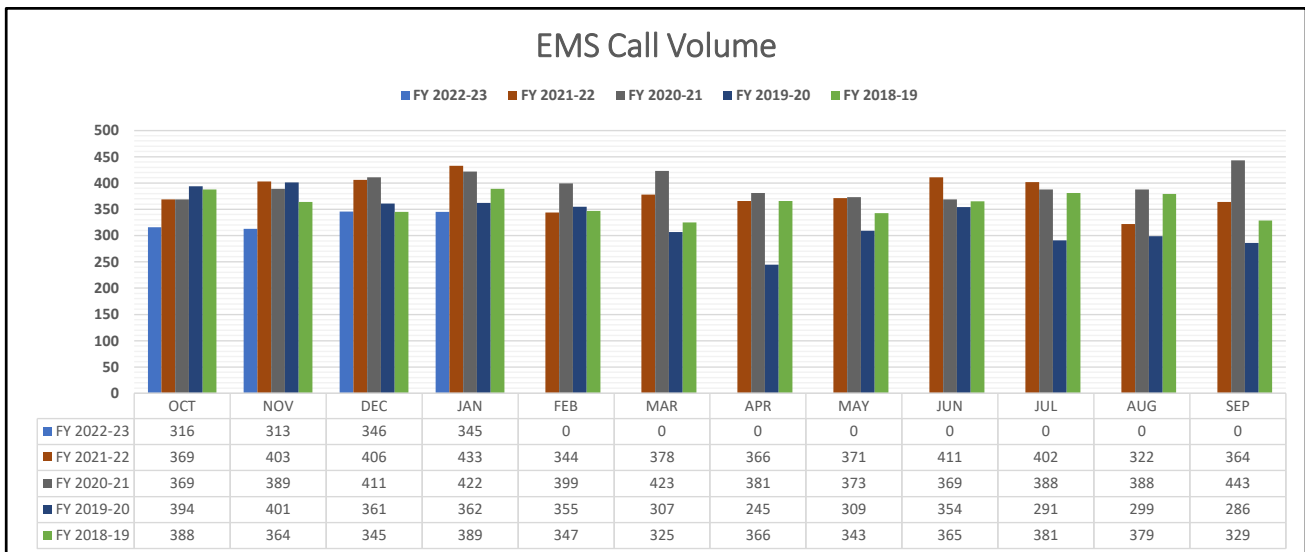
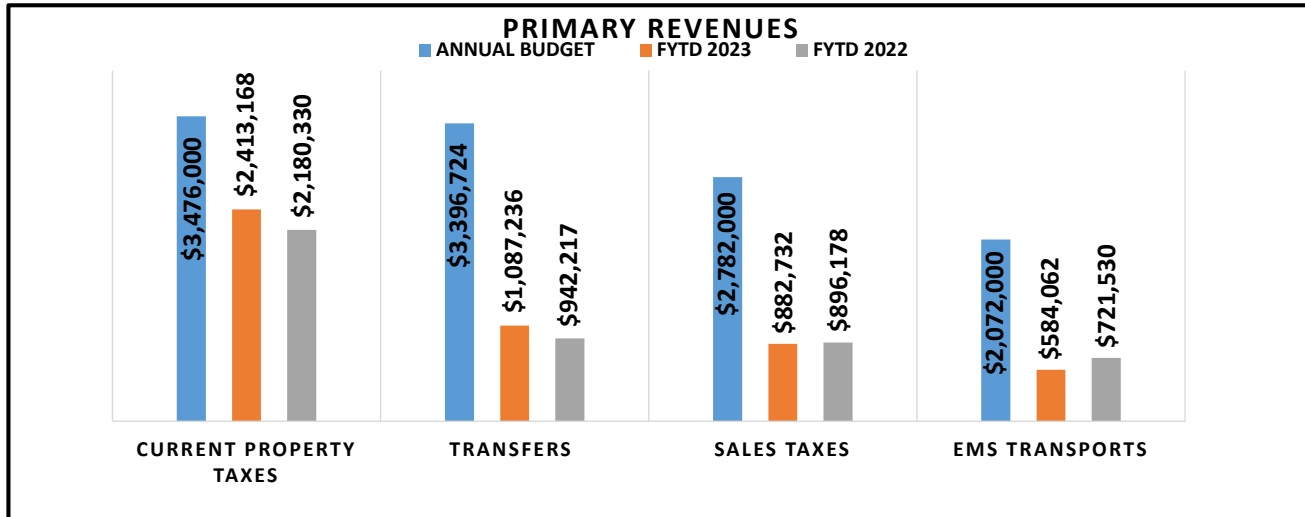
The total “Restricted by Council” cash reserve balance for the city as of January 31, 2023, was \$3,763,734.

GENERAL FUND DASHBOARD

FYTD JAN 2023

CURRENT RESULTS COMPARISON

	ORIGINAL BUDGET	ACTUAL FYTD JAN 2023	% OF BUDGET	PY BUDGET 2021-2022	ACTUAL FYTD JAN 2022	% OF BUDGET
REV	\$ 14,766,308	\$ 6,066,996	41%	\$ 13,098,563	\$ 5,709,074	44%
EXPENSES	14,305,521	4,820,616	34%	12,641,112	4,298,021	34%
PROFIT (LOSS)	\$ 460,787	\$ 1,246,380		\$ 457,451	\$ 1,411,053	



	Transports	
FYTD 2023	1,320	
FYTD 2022	1,611	
Increase (Decrease)	(291)	-18%

City of Burnet, Texas
General Fund
Revenues, Expenditures, and Changes in Fund Balance - Budget and Actual (Unaudited)
FYTD JAN 2023

	33% of year complete						
	ORIGINAL BUDGET 2022-2023	ACTUAL FYTD JAN 2023	% OF BUDGET	PY BUDGET 2021-2022	PY ACTUAL FYTD JAN 2022	% OF BUDGET	
REVENUE							
Ad valorem taxes	\$ 3,476,000	\$ 2,413,168	69%	\$ 2,980,000	\$ 2,180,330	73%	
Sales taxes	2,782,000	882,732	32%	2,438,000	896,178	37%	
Interfund Transfers	3,396,724	1,087,236	32%	3,023,893	942,217	31%	
EMS Transfers	2,072,000	584,062	28%	1,900,000	721,530	38%	
Franchise and other taxes	162,000	38,097	24%	155,000	28,045	18%	
Court Fines and Fees	140,000	54,567	39%	130,000	42,166	32%	
Grants & Donations	9,500	1,550	16%	10,200	9,058	89%	
Licenses & Permits	153,300	61,110	40%	132,200	63,409	48%	
Charges for Services	2,369,684	780,901	33%	2,199,595	725,772	33%	
Other Revenue	205,100	163,572	80%	129,675	100,368	77%	
Use of Fund Balance	-	-		2,028,500	460,380	23%	
Total Revenue	\$ 14,766,308	\$ 6,066,996	41%	\$ 15,127,063	\$ 6,169,454	41%	
<i>Total Revenue less fund balance</i>	<i>\$ 14,766,308</i>	<i>\$ 6,066,996</i>	<i>41%</i>	<i>\$ 13,098,563</i>	<i>\$ 5,709,074</i>	<i>44%</i>	
EXPENDITURES							
Personnel Services	\$ 9,592,515	\$ 3,168,018	33%	\$ 8,251,268	\$ 2,708,122	33%	
Supplies & Materials	591,175	180,808	31%	456,150	176,320	39%	
Repairs & Maint	612,211	219,251	36%	507,200	154,876	31%	
Contractual Services	2,102,170	713,219	34%	2,080,259	731,834	35%	
Other Designated Expenses	686,568	289,410	42%	589,559	287,920	49%	
Transfers to Self-funded	514,037	171,346	33%	486,909	162,302	33%	
Capital Outlay	-	-		-	11,765		
Transfers to Golf Admin	206,845	78,563	38%	269,767	64,882	24%	
Sub-total	<u>\$ 14,305,521</u>	<u>\$ 4,820,616</u>	<u>34%</u>	<u>\$ 12,641,112</u>	<u>\$ 4,298,021</u>	<u>34%</u>	
CAPITAL/OTHER EXP (USES OF FUND BAL)							
Transfers - Capital/Other Uses of FB	-	-		\$ 2,028,500	\$ 460,380	23%	
	<u>\$ -</u>	<u>\$ -</u>		<u>\$ 2,028,500</u>	<u>\$ 460,380</u>	<u>23%</u>	
Total Expenditures	\$ 14,305,521	\$ 4,820,616	34%	\$ 14,669,612	\$ 4,758,401	32%	
<i>Total Expenditures less Capital/Other</i>	<i>\$ 14,305,521</i>	<i>\$ 4,820,616</i>	<i>34%</i>	<i>\$ 12,641,112</i>	<i>\$ 4,298,021</i>	<i>34%</i>	
NET CHANGE IN FUND BALANCE	\$ 460,787	\$ 1,246,380		\$ 457,451	\$ 1,411,052		

KEY VARIANCES - BUDGET vs ACTUAL (33% of Year Complete)

Revenues

- The majority of property taxes are collected in December and January of each year. Collections appear to be on track.
- EMS Transfer Revenues are tracking below the average run rate because ems call volume is down 18% compared to last year.
- Per the Fire Chief, there is a nursing shortage which is impacting the hospital transfer requests.
- Franchise fee revenues are tracking below the average run rate because of the timing of collections. On track with target for the period.
- Grant revenues are tracking below the average run rate because of the timing of the grants. PD Grant not expected to be collected until April.
- Licenses & Permits are tracking higher than the average mainly because of an increase in Inspection Fees from Construction Projects.
- Subdivision inspection fees collected were higher than anticipated.
- Other Revenues are tracking higher than expected mainly because of increased interest income and insurance claim receipts.

Expenditures

- See Expenditures by Department/Category for more detail.

City of Burnet, Texas
General Fund
Expenditures by Department/Category
FYTD JAN 2023

			33% of year complete					
			ORIGINAL BUDGET 2022-2023	ACTUAL FYTD JAN 2023	% OF BUDGET	PY BUDGET 2021-2022	PY ACTUAL FYTD JAN 2022	% OF BUDGET
EXPENDITURES (Less transfers to capital/other):								
City Council								
Supplies & Materials	\$	2,000	\$	-	0%	\$	1,000	10%
Repairs & Maint		1,000		126	13%		274	27%
Contractual Services		7,020		2,038	29%		2,182	32%
Other Designated Expenses		8,575		4,895	57%		18,852	338%
Total Expenditures		18,595		7,059	38%		14,295	150%
General Administration								
Personnel Services		1,277,069		411,566	32%		375,944	32%
Supplies & Materials		21,700		7,286	34%		6,958	26%
Repairs & Maint		91,000		30,999	34%		24,405	31%
Contractual Services		260,303		104,924	40%		96,227	41%
Other Designated Expenses		423,581		196,117	46%		179,886	45%
Transfers to Golf Admin & Subsidy		206,845		78,563	38%		64,882	24%
Total Expenditures		2,280,498		829,455	36%		748,301	34%
Municipal Court								
Personnel Services		73,658		24,996	34%		20,571	29%
Supplies & Materials		675		42	6%		442	59%
Repairs & Maint		8,500		-	0%		51	1%
Contractual Services		15,300		6,855	45%		5,449	37%
Other Designated Expenses		5,050		2,466	49%		1,335	31%
Total Expenditures		103,183		34,359	33%		27,847	28%
Police/Animal Shelter/K-9								
Personnel Services		2,610,113		861,341	33%		627,124	29%
Supplies & Materials		138,200		42,547	31%		35,286	32%
Repairs & Maint		113,950		41,204	36%		19,576	17%
Contractual Services		228,350		83,941	37%		80,139	39%
Other Designated Expenses		99,162		31,495	32%		41,259	63%
Transfers to Self-funded		181,341		60,447	33%		65,522	33%
Total Expenditures		3,371,116		1,120,974	33%		868,907	30%
Fire/EMS								
Personnel Services		3,584,056		1,196,446	33%		1,213,247	37%
Supplies & Materials		243,650		73,913	30%		79,485	41%
Repairs & Maint		174,500		65,108	37%		71,906	50%
Contractual Services		302,070		102,916	34%		97,656	32%
Other Designated Expenses		74,600		34,673	46%		21,506	44%
Transfers to Self-funded		267,868		89,289	33%		84,929	33%
Capital Outlay		-		-			-	
Total Expenditures		4,646,744		1,562,345	34%		1,568,728	37%
Streets								
Personnel Services		753,705		270,827	36%		211,291	30%
Supplies & Materials		77,300		31,595	41%		25,372	61%
Repairs & Maint		89,400		26,639	30%		14,663	19%
Contractual Services		8,750		1,753	20%		2,627	31%
Other Designated Expenses		5,000		195	4%		929	40%
Transfers to Self-funded		26,611		8,870	33%		3,007	
Total Expenditures		960,766		339,878	35%		257,889	31%
City Shop								
Personnel Services		78,439		21,495	27%		27,216	36%
Supplies & Materials		15,000		6,870	46%		3,363	24%
Repairs & Maint		12,500		837	7%		1,449	11%
Contractual Services		6,380		1,964	31%		2,297	34%
Other Designated Expenses		5,050		1,494	30%		1,139	23%
Total Expenditures		117,369		32,659	28%		35,465	31%
Sanitation								
Contractual Services		974,947		320,945	33%		308,980	34%
Other Designated Expenses		25,000		5,563	22%		646	3%
Total Expenditures		999,947		326,508	33%		309,626	33%
PW Admin								
Personnel Services		164,985		55,065	33%		-	-
Supplies & Materials		1,800		547	30%		-	-
Repairs & Maint		200		85	43%		-	-
Contractual Services		-		385	-		-	-
Other Designated Expenses		850		2,344	276%		-	-
Transfers to Self-funded		-		-	-		-	-
Total Expenditures		167,835		58,426	35%		-	-

City of Burnet, Texas
General Fund
Expenditures by Department/Category
FYTD JAN 2023

33% of year complete						
	ORIGINAL BUDGET	ACTUAL	% OF	PY BUDGET	PY ACTUAL	% OF
	2022-2023	FYTD JAN 2023	BUDGET	2021-2022	FYTD JAN 2022	BUDGET
EXPENDITURES (Less transfers to capital/other):						
Parks						
Personnel Services	589,046	177,804	30%	502,241	151,221	30%
Supplies & Materials	79,000	16,893	21%	62,500	24,494	39%
Repairs & Maint	101,650	36,520	36%	57,250	20,615	36%
Contractual Services	88,650	26,548	30%	133,700	27,124	20%
Other Designated Expenses	8,500	503	6%	6,000	1,415	24%
Transfers to Self-funded	28,069	9,356	33%	26,535	8,845	33%
Total Expenditures	894,915	267,625	30%	788,226	233,714	30%
Galloway Hammond						
Repairs & Maint	5,000	13,626	273%	5,000	-	0%
Contractual Services	100,000	33,333	33%	100,000	33,333	33%
Capital Outlay	-	-	0%	-	-	-
Total Expenditures	105,000	46,959	45%	105,000	33,333	32%
Development Services						
Personnel Services	187,774	61,019	32%	292,654	81,508	28%
Supplies & Materials	5,650	657	12%	3,400	820	24%
Repairs & Maint	8,261	1,948	24%	4,250	1,936	46%
Contractual Services	99,050	26,412	27%	139,500	75,821	54%
Other Designated Expenses	28,200	6,598	23%	28,000	20,953	75%
Capital Outlay	-	-	-	-	11,765	-
Total Expenditures	328,935	96,633	29%	467,804	192,804	41%
Engineering						
Personnel Services	273,670	87,459	32%	-	-	-
Supplies & Materials	6,200	460	7%	-	-	-
Repairs & Maint	6,250	2,160	35%	-	-	-
Contractual Services	11,350	1,206	11%	-	-	-
Other Designated Expenses	3,000	3,068	102%	-	-	-
Transfers to Self-funded	10,148	3,383	33%	-	-	-
Total Expenditures	310,618	97,735	31%	-	-	-
TOTAL EXPENDITURES	\$ 14,305,521	\$ 4,820,616	34%	\$ 12,641,112	\$ 4,298,021	34%

KEY VARIANCES - BUDGET vs ACTUAL (33% of Year Complete)

Expenditures

CITY COUNCIL - Other Designated Expenses are tracking higher than the average run rate because they include travel for TML which was held in October 2022.
ADMIN - Designated Expenses are tracking higher than the average run rate because of the timing of the audit payments. Majority of audit work is done in December and January each year. In total, audit fees are still on track with the amount budgeted.
ADMIN - Contractual Services are tracking higher than the average run rate because of the timing of the insurance payments to TML. Insurance payments are made quarterly not monthly. In total insurance payments are still on track with the amount budgeted.
COURT - Contractual Service Expenses are tracking higher than the average run rate because of the timing of payments. Annual dues were paid in full, jury services were used in October and November, and the February payment for the Judge's services was paid early in January but should be back on track in February.
COURT - Other Designated Expenses are tracking higher than the average run rate because credit card service fees collected have increased which is consistent with the increase in collected municipal court fees and fines.
FIRE - Other Designated Expenses are tracking higher than the average run rate mainly because of the purchase of 9 sets of new Bunker Gear.
STREETS - Personnel Services are tracking slightly higher than the average run rate because of a retro pay adjustment that was paid in December.
STREETS - Supplies and Materials are tracking slightly higher than the average run rate mainly because; 1) Purchase of streets sign stock in October and 2) Fuel costs were higher than expected because of using dump trucks to haul off debris and materials that were dumped at the airport.
CITY SHOP - Supplies and Materials are tracking higher than the average run rate mainly because the shop purchased bulk oil for stock in December. In the long run this will save oil costs.
PW ADMIN - Other Designated Expenses are tracking higher than the average run rate mainly because of increases for employee appreciation programs and employee travel.
GALLOWAY HAMMOND - R&M Expenses are tracking higher than expected because of water leak repairs, the replacement of a faulty winch on side court basketball structure, pylon sign repairs, and interior painting.
ENGINEERING - Other Designated Expenses are tracking higher than budgeted mainly because of travel and training expenses. Travel was incurred for the TML Conference, Crack Seal Training, Infinity Training, and Staking Training.

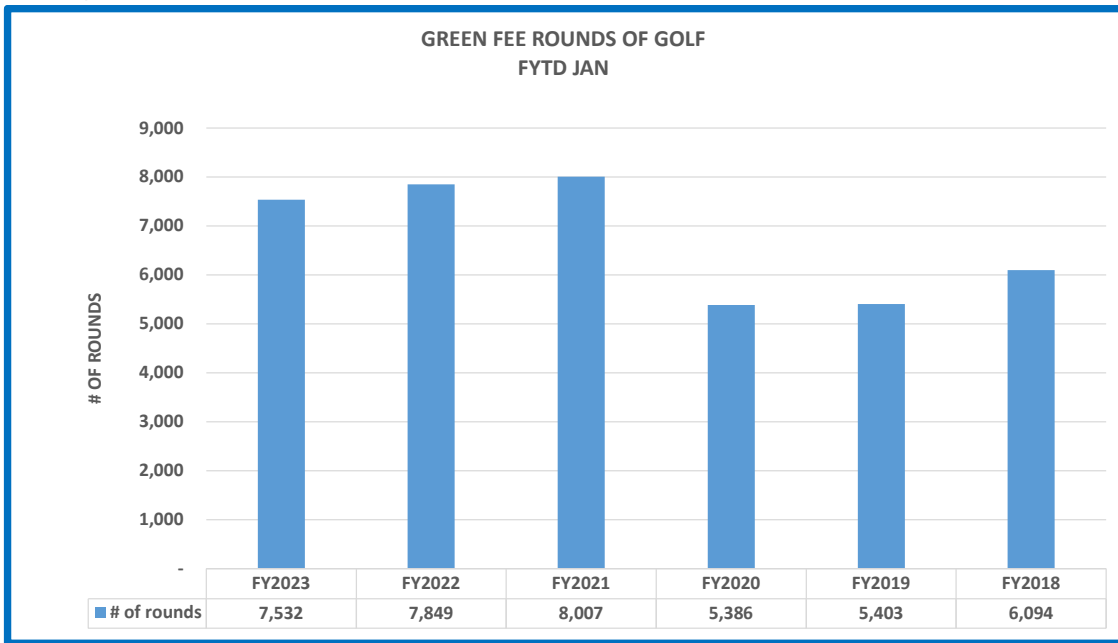
GOLF COURSE FUND DASHBOARD

FYTD JAN 2023

CURRENT RESULTS COMPARISON

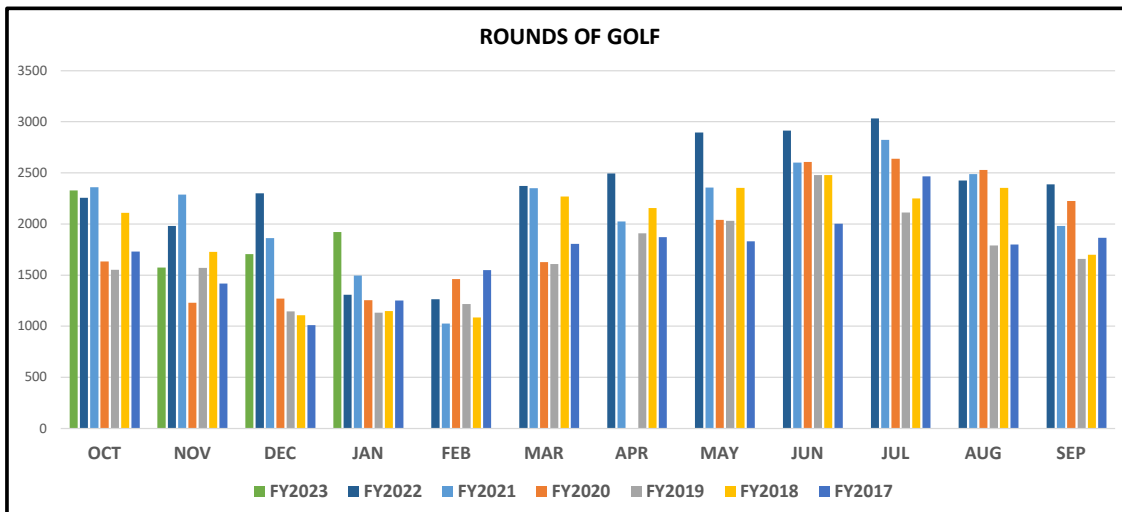
	ORIGINAL BUDGET	ACTUAL FYTD JAN 2023	% OF BUDGET	PY BUDGET 2021-2022	ACTUAL FYTD JAN 2022	% OF BUDGET
REV (net of cogs/tourn exp)	\$ 1,860,895	\$ 750,378	40%	\$ 1,470,651	\$ 684,962	47%
EXPENSES	1,778,214	563,239	32%	1,562,218	536,082	34%
PROFIT (LOSS)	\$ 82,681	\$ 187,139		\$ (91,567)	\$ 148,879	

TABLES/CHARTS



Rounds of Golf*	FYTD
2022-2023	7,532
2021-2022	7,849
OVER (UNDER)	(317)
	-4.04%

*Does not include annual dues or tournament rounds played.



Notes:

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

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

City of Burnet, Texas
Golf Fund (Delaware Springs)
Revenues, Expenses, and Changes in Fund Net Position - Budget and Actual (Unaudited)
FYTD JAN 2023

33% of year complete						
	ORIGINAL BUDGET 2022-2023	ACTUAL FYTD JAN 2023	% OF BUDGET	PY BUDGET 2021-2022	PY ACTUAL FYTD JAN 2022	% OF BUDGET
Revenues						
Charges for Services:						
Green Fees/Cart Rentals	\$ 947,205	\$ 298,469	32%	\$ 696,600	\$ 296,952	43%
Member Charges	232,000	202,271	87%	224,000	171,975	77%
Net Tournament Fees	144,000	51,763	36%	112,000	44,498	40%
Driving Range	62,000	17,457	28%	53,000	18,934	36%
Net Charges for Services	1,385,205	569,960	41%	1,085,600	532,359	49%
Pro Shop Merchandise Sales (Net)	72,655	20,734	29%	48,750	21,794	45%
Snack Bar Sales (Net)	147,744	46,375	31%	129,600	45,357	35%
Transfer from GF (Admin/Use of FB)	206,845	78,563	38%	192,701	76,706	40%
Other Revenue	48,446	34,746	72%	14,000	8,746	62%
Total Revenues	1,860,895	750,378	40%	1,470,651	684,962	47%
Expenses						
Personnel Services	1,067,824	340,692	32%	924,829	330,892	36%
Supplies & Materials	129,550	25,717	20%	119,050	32,113	27%
Repairs & Maint	84,300	25,232	30%	82,500	18,201	22%
Contractual Services	67,600	16,567	25%	59,000	20,748	35%
Other Designated Expenses	52,750	20,019	38%	45,050	18,051	40%
Transfers to Self-funded	169,345	56,448	33%	153,588	51,196	33%
Admin Allocation	206,845	78,563	38%	178,201	64,882	36%
Total Expenses	1,778,214	563,239	32%	1,562,218	536,082	34%
Change in Net Position	82,681	187,139		(91,567)	148,879	
Operating Subsidy from General Fund	-	-		91,567	-	
Net Position	82,681	187,139		-	148,879	
Green Fee Rounds		7,532			7,849	
Green Fee Rev Per Round		\$ 39.63			\$ 37.83	

KEY VARIANCES - BUDGET vs ACTUAL (33% of Year Complete)

Revenues
-The majority of Member Charges which include pre-paid green fees, trail fees, annual cart rental and storage are collected in October each year. Per Tony Nash, the course is seeing an increase in annual members this year over last year.
- Net Tournament Fees have increased due to additional tournaments during the 1st quarter.
-Transfer from General Fund (GF) is used to offset the admin allocation.
-Other revenues are tracking above the average run rate for the year because of increases in interest income, payment of ghin fees in January and because of chemical and fertilizer rebates received from the Early Order Program (EOP).
Expenses
- Other designated expenses include credit card service fees which are tracking higher than the average run rate mainly because of the increase in revenues from the Annual Member charges.
- Admin allocation is offset by the Transfer from GF, therefore, net impact to the bottom line is 0.

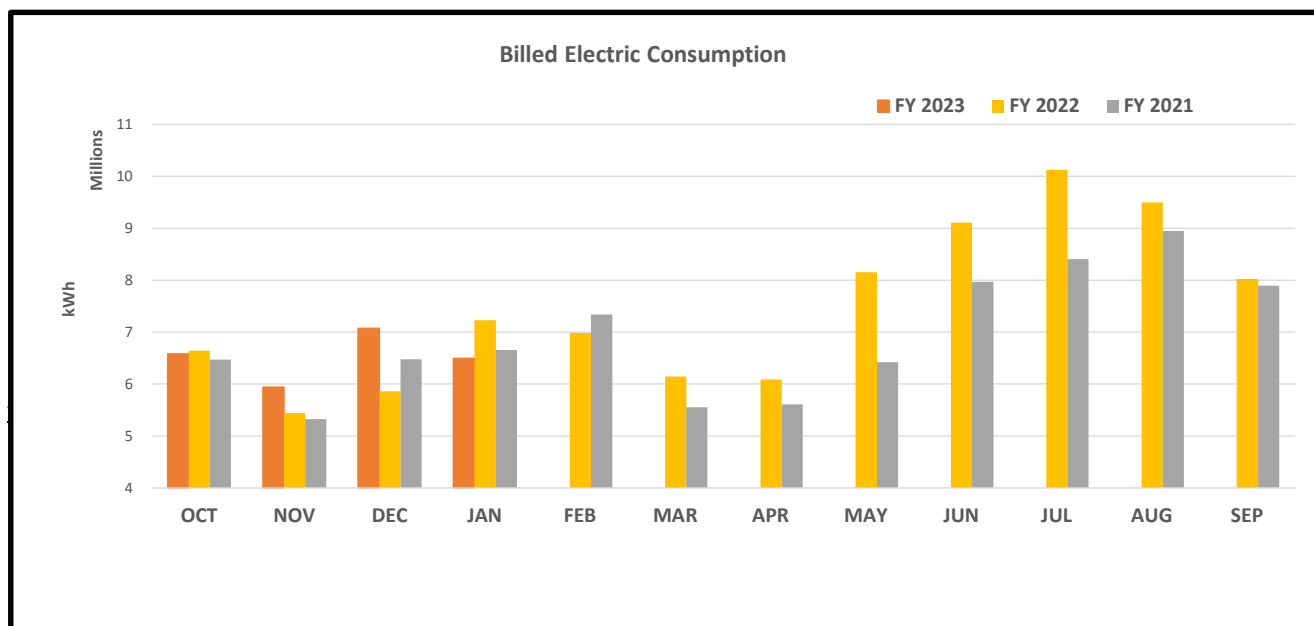
ELECTRIC FUND DASHBOARD

FYTD JAN 2023

CURRENT RESULTS COMPARISON

	ORIGINAL BUDGET	ACTUAL FYTD JAN 2023	% OF BUDGET	PY BUDGET 2021-2022	ACTUAL FYTD JAN 2022	% OF BUDGET
REV (net of cogs)	\$ 4,089,298	\$ 1,263,101	31%	\$ 4,034,144	\$ 1,219,365	30%
EXPENSES	3,786,446	1,180,875	31%	3,635,322	1,184,876	33%
PROFIT (LOSS)	\$ 302,852	\$ 82,226		\$ 398,822	\$ 34,488	

TABLES/CHARTS



FYTD 2023	26,085,993
FYTD 2022	25,174,450
ytd variance	911,543
% variance	3.62%

City of Burnet, Texas
Electric Fund
Revenues, Expenses, and Changes in Fund Net Position - Budget and Actual (Unaudited)
FYTD JAN 2023

33% of year complete						
	ORIGINAL BUDGET 2022-2023	ACTUAL FYTD JAN 2023	% OF BUDGET	PY BUDGET 2021-2022	PY ACTUAL FYTD JAN 2022	% OF BUDGET
REVENUES						
Electric Sales	\$ 9,090,778	\$ 2,953,760		\$ 9,000,000	\$ 2,851,351	
Less Cost of Power	5,237,806	1,748,825		5,166,000	1,694,300	
Net Electric Sales	3,852,972	1,204,935	31%	3,834,000	1,157,051	30%
Penalties	87,766	28,812	33%	85,000	28,040	33%
Pole Rental	48,400	-	0%	47,000	-	0%
Credit Card Convenience Fees	52,660	16,944	32%	45,144	-	
Other Revenue	47,500	12,410	26%	23,000	34,274	149%
Use of Fund Balance	-	-		230,000	21,446	9%
Total Revenue	\$ 4,089,298	\$ 1,263,101	31%	\$ 4,264,144	\$ 1,240,810	29%
<i>Total Revenue less fund balance</i>	<i>\$ 4,089,298</i>	<i>\$ 1,263,101</i>	<i>31%</i>	<i>\$ 4,034,144</i>	<i>\$ 1,219,365</i>	<i>30%</i>
EXPENSES						
Personnel Services	945,807	293,083	31%	\$ 1,000,827	317,171	32%
Supplies & Materials	77,100	15,549	20%	51,000	18,576	36%
Repairs & Maint	191,000	40,220	21%	180,000	66,451	37%
Contractual Services	158,400	79,136	50%	133,900	68,373	51%
Other Designated Expenses	89,050	29,065	33%	87,714	28,988	33%
Capital Outlay	25,000	1,654	7%	35,000	13,064	37%
Transfers to Debt Service	53,000	17,667	33%	49,350	16,450	33%
Transfers to Self-funded	25,418	8,473	33%	19,780	6,593	33%
Return on Investment	1,678,174	521,720	31%	1,639,441	503,489	31%
Admin Allocation	432,742	138,843	32%	409,541	136,857	33%
Shop Allocation	29,342	8,165	28%	28,769	8,866	31%
PW Admin Allocation	50,351	17,528	35%	-	-	
Engineering Allocation	31,062	9,774	31%			
Transfer to Capital	-	-		230,000	21,446	9%
Total Expenses	\$ 3,786,446	\$ 1,180,875	31%	\$ 3,865,322	\$ 1,206,322	31%
<i>Total Expenses less xfers to capital and other uses of fund balance</i>	<i>\$ 3,786,446</i>	<i>\$ 1,180,875</i>	<i>31%</i>	<i>\$ 3,635,322</i>	<i>\$ 1,184,876</i>	<i>33%</i>
Change in Net Position	\$ 302,852	\$ 82,226		\$ 398,822	\$ 34,488	

KEY VARIANCES - BUDGET vs ACTUAL (33% of Year Complete)

Revenues

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

Expenses

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

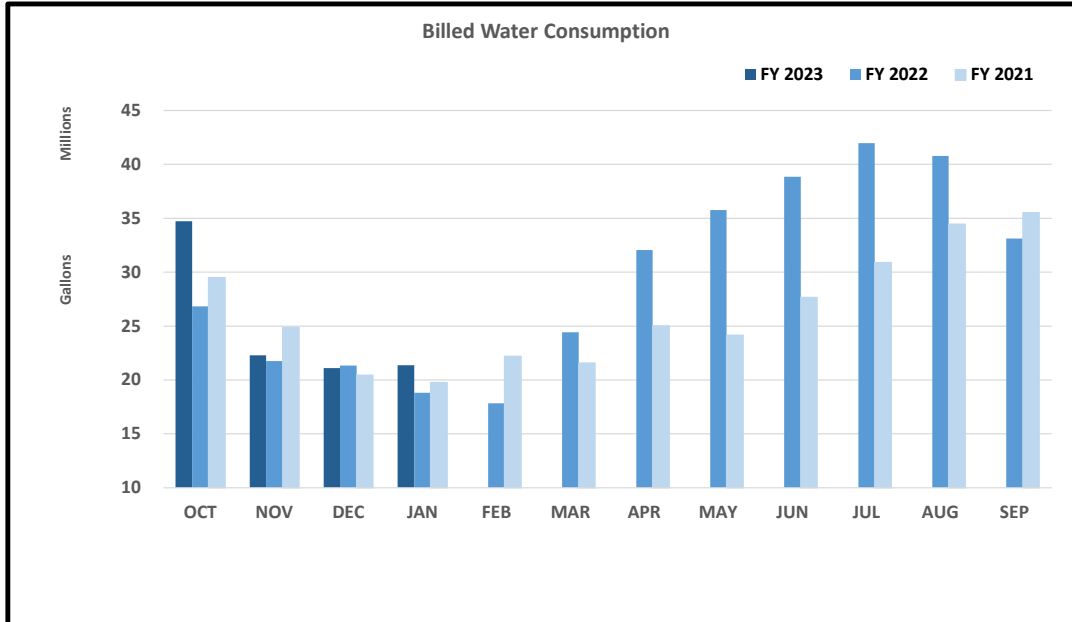
WATER/WW FUND DASHBOARD

FYTD JAN 2023

CURRENT RESULTS COMPARISON

	ORIGINAL BUDGET	ACTUAL FYTD JAN 2023	% OF BUDGET	PY BUDGET 2021-2022	ACTUAL FYTD JAN 2022	% OF BUDGET
REV	\$ 4,624,417	\$ 1,477,009	32%	\$ 4,500,420	\$ 1,419,868	32%
EXPENSES	4,330,936	1,453,032	34%	4,039,275	1,193,277	30%
PROFIT (LOSS)	\$ 293,481	\$ 23,976		\$ 461,145	\$ 226,590	

TABLES/CHARTS



Billed Consumption in gallons:

FYTD 2023	99,485,791
FYTD 2022	88,708,250
Variance	10,777,541
% variance	12.15%

City of Burnet, Texas
Water/Wastewater Fund
Revenues, Expenses, and Changes in Fund Net Position - Budget and Actual (Unaudited)
FYTD JAN 2023

33% of year complete							
	ORIGINAL BUDGET 2022-2023	ACTUAL FYTD JAN 2023	% OF BUDGET		PY BUDGET 2021-2022	PY ACTUAL FYTD JAN 2022	% OF BUDGET
REVENUE							
Water Sales	\$ 2,482,303	\$ 801,543	32%	\$	2,400,000	\$ 740,257	31%
Wastewater Sales	1,932,000	637,603	33%		1,920,000	633,571	33%
Penalties	45,072	14,961	33%		46,000	14,596	32%
Water/Sewer Connects	37,000	2,425	7%		30,000	25,600	85%
Credit Card Convenience Fees	25,042	9,126	36%		19,920	-	
Other Revenue	28,000	11,350	41%		9,500	5,844	62%
Use Impact Fees	75,000	-	0%		75,000	-	0%
Use of Fund Balance	1,135,000	-	0%		1,135,000	226,500	20%
Total Revenue	\$ 5,759,417	\$ 1,477,009	26%	\$	5,635,420	\$ 1,646,368	29%
<i>Total Revenue less fund balance</i>	<i>\$ 4,624,417</i>	<i>\$ 1,477,009</i>	<i>32%</i>	<i>\$</i>	<i>4,500,420</i>	<i>\$ 1,419,868</i>	<i>32%</i>
EXPENSES							
Personnel Services	1,410,682	467,480	33%	\$	1,274,566	346,749	27%
Supplies & Materials	190,300	86,245	45%		171,750	48,411	28%
Repairs & Maint	383,750	113,475	30%		409,500	75,991	19%
Contractual Services	300,050	103,044	34%		317,500	111,897	35%
Cost of Water	70,000	27,358	39%		70,000	18,470	26%
Other Designated Expenses	98,542	36,325	37%		105,474	40,275	38%
Transfers to Debt Service	930,125	310,042	33%		944,764	315,138	33%
Transfers to Self-funded	51,512	17,171	33%		73,692	24,564	33%
In Lieu of Taxes	363,953	118,161	32%		354,034	113,411	32%
Admin Allocation	305,298	103,104	34%		289,227	84,091	29%
Shop Allocation	29,342	8,165	28%		28,768	8,866	31%
PW Admin Allocation	67,134	23,370	35%		-	-	
Engineering Allocation	124,248	39,094	31%		-	-	
Capital Outlay	6,000	-			-	5,414	0%
Transfer to Capital	1,135,000	-	0%		1,135,000	226,500	20%
Total Expenses	\$ 5,465,936	\$ 1,453,032	27%	\$	5,174,275	\$ 1,419,777	27%
<i>Total Expenses less Transfers to Capital and other uses of fund balance</i>	<i>\$ 4,330,936</i>	<i>\$ 1,453,032</i>	<i>34%</i>	<i>\$</i>	<i>4,039,275</i>	<i>\$ 1,193,277</i>	<i>30%</i>
Change in Net Position	\$ 293,481	\$ 23,976		\$	461,145	\$ 226,590	

KEY VARIANCES - BUDGET vs ACTUAL (33% of Year Complete)

Revenues

-Other Revenues are tracking higher than expected because of increased bulk potable water sales at public works.

Expenses

-Supplies and Materials are tracking higher than the average run rate because of the timing of chemical purchases. Bulk chemicals and fertilizers were purchased earlier than normal but the account is still on track for the year.

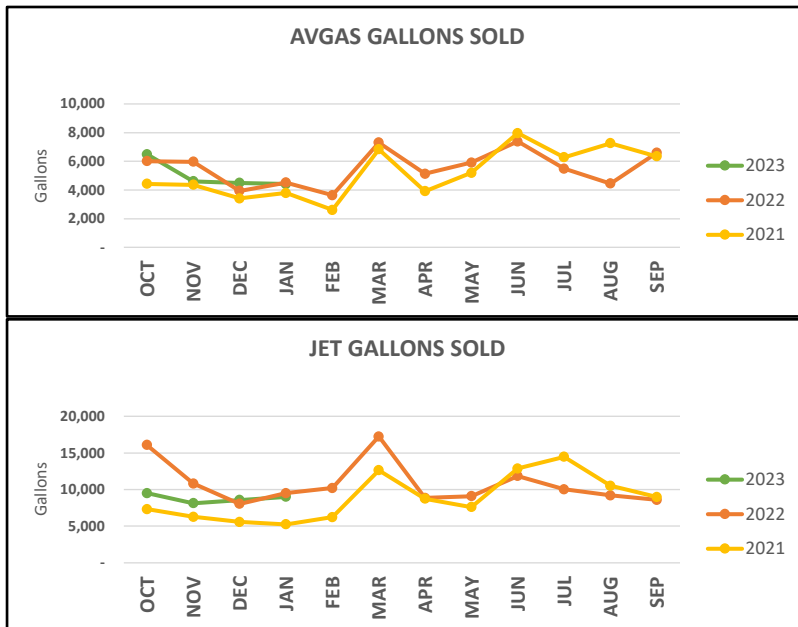
AIRPORT FUND DASHBOARD

FYTD JAN 2023

CURRENT RESULTS COMPARISON

	ORIGINAL BUDGET	ACTUAL FYTD JAN 2023	% OF BUDGET	PY BUDGET 2021-2022	ACTUAL FYTD JAN 2022	% OF BUDGET
REV (net of cogs)	\$ 265,791	\$ 179,888	68%	\$ 428,729	\$ 165,552	39%
EXPENSES	172,048	157,335	91%	276,330	98,505	36%
PROFIT (LOSS)	\$ 93,743	\$ 22,554		\$ 152,399	\$ 67,047	

TABLES/CHARTS



Avgas Gallons Sold:

FYTD 2023	19,997
FYTD 2022	20,426
Increase(decrease)	(429)
	-2.10%

Jet Gallons Sold:

FYTD 2023	35,184
FYTD 2022	44,461
Increase(decrease)	(9,277)
	-20.87%

City of Burnet, Texas
Airport Fund
Revenues, Expenses, and Changes in Fund Net Position - Budget and Actual (Unaudited)
FYTD JAN 2023

33% of year complete						
	ORIGINAL BUDGET 2022-2023	ACTUAL FYTD JAN 2023	% OF BUDGET	PY BUDGET 2021-2022	PY ACTUAL FYTD JAN 2022	% OF BUDGET
REVENUE						
Av Gas Sales	\$ -	\$ 89,527		\$ 233,000	\$ 98,797	
Av Gas Purchases	-	71,574		174,750	76,403	
Net Sales	-	17,953		58,250	22,395	38%
Jet Gas Sales	-	156,012		367,000	194,809	
Jet Gas Purchases	-	102,772		201,850	118,043	
Net Sales	-	53,240		165,150	76,765	46%
Avgas Flowage Fees	3,140	309	10%	450	400	89%
Jet Flowage Fees	11,122	1,799	16%			
Penalties	450	-	0%			
All Hangar Lease	153,600	63,605	41%	125,000	43,633	35%
CAF Admissions	5,066	2,327	46%	5,066	1,773	35%
McBride Lease	45,893	15,343	33%	45,893	15,323	33%
Thru the Fence Lease	12,020	-	0%	12,020	-	0%
Airport Parking Permit	5,000	375	8%	2,000	-	0%
Hangar Lease - FBO	-	2,084		14,400	4,800	33%
Interest Earned	4,500	22,752	506%	500	203	41%
Other	25,000	101	0%	-	260	
Use of Fund Balance	61,863	20,621	33%	493,069	70,355	14%
Total Revenue	\$ 327,654	\$ 200,509	61%	\$ 921,798	\$ 235,907	26%
<i>Total Revenue less fund balance</i>	<i>\$ 265,791</i>	<i>\$ 179,888</i>	<i>68%</i>	<i>\$ 428,729</i>	<i>\$ 165,552</i>	<i>39%</i>
EXPENSES						
Personnel Services	\$ 100,502	\$ 41,809	42%	\$ 97,884	\$ 34,339	35%
Supplies & Materials	3,000	1,104	37%	4,000	604	15%
Repairs & Maint	3,675	841	23%	3,000	354	12%
Contractual Services	10,750	58,134	541%	64,400	21,423	33%
Other Designated Expenses	33,082	29,771	90%	38,600	13,886	36%
Transfers to Debt Service	61,863	20,621	33%	58,069	19,356	33%
Admin Allocation	21,039	17,775	84%	39,646	18,299	46%
Av fuel truck lease	-	3,350		12,000	4,000	33%
Jet fuel truck lease	-	4,550		16,800	5,600	33%
Transfers to Capital	-	-		435,000	50,999	12%
Total Expenses	\$ 233,911	\$ 177,956	76%	\$ 769,399	\$ 168,860	22%
<i>Total Exp - xfers to capital and debt svc.</i>	<i>\$ 172,048</i>	<i>\$ 157,335</i>	<i>91%</i>	<i>\$ 276,330</i>	<i>\$ 98,505</i>	<i>36%</i>
Change in Net Position	\$ 93,743	\$ 22,554		\$ 152,399	\$ 67,047	

NOTE

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

Under the new FBO contract:

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

Variances from Last Year:

REVENUES:

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

EXPENSES:

- Contractual Services increased because of the "Interim" FBO contract payments which were \$18,000 per month.

City of Burnet, Texas
Other Funds
Revenues, Expenses, and Changes in Fund Net Position - Budget and Actual (Unaudited)
FYTD JAN 2023

	ANNUAL BUDGET 2022-2023			ACTUAL FYTD JAN 2023			% OF BUDGET			PY BUDGET 2021-2022			PY ACTUAL FYTD JAN 2022			% OF BUDGET		
HOTEL/MOTEL FUND																		
Revenues	\$	191,900	\$	79,379	41.36%	\$	171,281	\$	86,563	50.54%								
Expenses		168,795		24,721	14.65%		147,465		28,868	19.58%								
Net Profit (Loss)	\$	23,105	\$	54,658		\$	23,816	\$	57,694									
BEDC																		
Revenues	\$	4,015,333	\$	334,633	8.33%	\$	4,009,417	\$	910,294	22.70%								
Expenses		3,722,497		268,270	7.21%		3,795,481		787,090	20.74%								
Net Profit (Loss)	\$	292,836	\$	66,363		\$	213,936	\$	123,204									
SELF FUNDED EQUIPMENT FUND																		
Revenues	\$	1,539,000	\$	782,235	50.83%	\$	1,020,800	\$	264,553	25.92%								
Expenses		1,539,000		782,234	50.83%		1,020,800		87,980	8.62%								
Net Profit (Loss)	\$	-	\$	0		\$	-	\$	176,574									
DEBT SERVICE FUND																		
Revenues	\$	1,046,528	\$	348,442	33.30%	\$	1,052,683	\$	351,032	33.35%								
Expenses		1,046,328		735,150	70.26%		1,052,183		736,100	69.96%								
Net Profit (Loss)	\$	200	\$	(386,708)		\$	500	\$	(385,068)									
INTEREST & SINKING DEBT FUND																		
Revenues	\$	796,782	\$	537,112	67.41%	\$	490,178	\$	384,214	78.38%								
Expenses		796,582		-	0.00%		489,978		-	0.00%								
Net Profit (Loss)	\$	200	\$	537,112		\$	200	\$	384,214									

City of Burnet, Texas
Cash and Investment Accounts
FYTD JAN 2023

Acct #	Bank	Account Name	Account Type	Balance as of JANUARY 2023
Unrestricted Accounts				
984/2410	FSB	Operating Cash	Checking	\$ 2,289,787.27
		Add or Subtract Claim on Cash for Airport		(43,594.07)
2329	FSB	Golf Course Petty Cash	Checking	391.18
2535	FSB	Operating Reserve	M/M	-
2352	FSB	Delaware Springs-Credit Card Acct	Checking	-
2378	FSB	Airport - Credit Card Acct	Checking	-
2386	FSB	Utility - Credit Card Acct	Checking	-
2469	FSB	Court - Credit Card Acct	Checking	-
2711100002	TexPool	Operating Reserve	Investment	5,267,105.08
Total Unrestricted				\$ 7,513,689.46

75 Day Reserve Requirement	3,873,000.00
Unrestricted Cash over 75 day reserve	\$ 3,640,689.46
90 Day Reserve Requirement	4,647,000.00
Unrestricted Cash over 90 day reserve	\$ 2,866,689.46

Restricted by Council

2711100004	TexPool	Capital Reserve	Investment	\$ -
2711100011	TexPool	Capital Equipment Reserve	Investment	561,517.23
2711100012	TexPool	Capital - LCRA Credit	Investment	-
2188	FSB	Self Funded Equipment	M/M	38,475.49
2711100014	TexPool	Self Funded Equipment Reserve	Investment	829,476.57
2711100016	TexPool	CLFRF - American Rescue Plan	Investment	1,616,203.07
2711100021	TexPool	YMCA/GHRC Capital Improvement	Investment	101,266.12
2711100029	TexPool	YMCA Land Sale Proceeds	Investment	110,465.20
2711100022	TexPool	Electric Capital Improvement	Investment	405,064.09
2711100023	TexPool	Water/WW Improvement	Investment	101,266.12
Total Restricted by Council Action				\$ 3,763,733.89

City of Burnet, Texas
Cash and Investment Accounts
FYTD JAN 2023

Restricted by Purpose or Law

Acct #	Bank	Account Name	Account Type	Balance as of JANUARY 2023
1453	FSB	Bond Reserve	M/M	\$ 39,061.64
2402	FSB	Hotel Motel	M/M	86,500.84
2711100005	TexPool	Hotel Motel	Investment	199,611.75
2451	FSB	Construction Account	Checking	
2485	FSB	PD Seizure	M/M	119.95
2493	FSB	Municipal Court Special Revenue	M/M	-
2711100027	TexPool	Municipal Court Special Revenue	Investment	79,347.60
2519	FSB	Impact Fees - Water	M/M	-
2711100025	TexPool	Impact Fees - Water	Investment	432,507.73
2543	FSB	Airport Reserve	M/M	-
		Add or Subtract Airport Claim on Cash		43,594.07
2711100009	TexPool	Airport Reserve	Investment	1,842,635.99
2568	FSB	Benevolent Fund	Checking	-
2576	FSB	Interest & Sinking Acct	M/M	658,777.16
2584	FSB	Impact Fees - Wastewater	M/M	-
2711100026	TexPool	Impact Fees - Wastewater	Investment	11,126.18
2592	FSB	BEDC	Super NOW	377,467.52
2711100008	TexPool	BEDC Project Fund	Investment	-
2711100010	TexPool	BEDC	Investment	1,448,726.41
70516	FSB	BEDC Commercial Park Project	M/M	190,185.13
2634	FSB	Benefit Trust Account	M/M	-
2675	FSB	Police Department Explorer Program	M/M	6,074.29
2691	FSB	Fire Department Explorer Program	M/M	4,532.28
3012	FSB	Franchise Fee Account	Super NOW	-
2711100028	TexPool	Franchise Fee Account	Investment	133,019.57
3053	FSB	Parks Fund	M/M	27,561.88
58776	FSB	Fire Dept. Community Acct	M/M	13,105.14
2711100007	TexPool	TWDB	Investment	1,214.62
2711100006	TexPool	TWDB	Investment	1,066.63
		City of Burnet, Texas Combination Tax and Surplus Revenue Certificates of Obligation, Series 2010		
143033000	US Bank	Escrow Account	Investment	3,246.81
82-020-01-0	Bank of	City of Burnet 2012 TWDB Escrow	Investment	20,470.81
2711100013	TexPool	PD Bonds	Investment	-
2711100017	TexPool	2021 CO - City Hall	Investment	3,821,387.52
62026	FSB	Escrow Honey Rock Phase #2	M/M	-
62315	FSB	BEDC Bond Fund (Badger Bldg DS)	Checking	57,803.44
62364	FSB	BEDC Project Fund	Checking	-
2711100018	TexPool	Golf Course Ops Reserve	Investment	618,378.18
2711100019	TexPool	Golf Course Capital Improvement Reserve	Investment	270,380.22
2711100020	TexPool	Street Rehab/Replacement Reserve	Investment	405,032.40
2711100024	TexPool	Street Bond Reserve	Investment	4,058,587.30
Total Restricted Cash				\$ 14,851,523.06
Total All Cash				\$ 26,128,946.41

City of Burnet, Texas
Capital Projects
FYTD JAN 2023

GENERAL CAPITAL PROJECT FUND						BALANCE TO BE FUNDED FROM:		
DESCRIPTION		CURRENT BUDGET 2022-2023	FYTD JANUARY ACTUAL EXPENSES	% complete	REMAINING BALANCE 2022-2023	OPERATING RESERVES	OTHER SOURCES	TOTAL
CAPITAL PROJECTS:								
SERVER UPGRADE	ADMIN	\$ 75,000	\$ -	0%	\$ 75,000	\$ 75,000	\$ -	\$ 75,000
INCODE 10 UPGRADE - COURT	ADMIN	17,000	-	0%	17,000	17,000	-	17,000
COMP PLAN	ADMIN	200,000	-	0%	200,000	200,000	-	200,000
NEW CITY HALL	ADMIN	4,800,000	93,292	2%	4,706,708	806,708	3,900,000	4,706,708
PD ACCREDITATION PROGRAM	POLICE	15,000	-	0%	15,000	15,000	-	15,000
PD MONUMENT SIGN	POLICE	10,000	13,262	133%	(3,262)	(3,262)	-	(3,262)
PD DONATED FUNDS - STELLA PELEJ	POLICE	50,000	-	0%	50,000	50,000	-	50,000
PD OPIOD FUNDS	POLICE	50,000	-	0%	50,000	-	50,000	50,000
FIRE PROF SERVICES - TAASP PROGRAM	FIRE	12,000	10,143	85%	1,857	1,857	-	1,857
FIRE COVID EXPENSES	FIRE	30,000	114	0%	29,886	29,886	-	29,886
FIRE TACTICAL GEAR (NEEDS BUDGET AMEND)	FIRE	18,534	18,534	100%	-	-	-	-
FD DONATED FUNDS - STELLA PELEJ	FIRE	50,000	-	0%	50,000	50,000	-	50,000
STREET EQUIPMENT CRACK SEAL MACHINE	STREETS	125,000	99,730	80%	25,270	25,270	-	25,270
STREETS	STREETS	4,000,000	59,945	1%	3,940,055	-	3,940,055	3,940,055
COMMUNITY CENTER IMPROVEMENTS	PARKS	100,000	2,320	2%	97,680	97,680	-	97,680
DOWNTOWN RESTROOMS	PARKS	150,000	3,536	2%	146,464	146,464	-	146,464
PARK IMPROVEMENTS	PARKS	50,000	2,400	5%	47,600	47,600	-	47,600
GHRC TEEN CENTER	GHRC	20,000	-	0%	20,000	20,000	-	20,000
GHRC CAPITAL MAINTENANCE	GHRC	325,000	2,329	1%	322,671	222,671	100,000	322,671
TOTAL		\$ 10,097,534	\$ 305,606	3%	\$ 9,791,928	\$ 1,801,873	\$ 7,990,055	\$ 9,791,928

GOLF COURSE CAPITAL PROJECT FUND						BALANCE TO BE FUNDED FROM:		
DESCRIPTION		CURRENT BUDGET 2022-2023	FYTD JANUARY ACTUAL EXPENSES	% complete	REMAINING BALANCE 2022-2023	OPERATING RESERVES	OTHER SOURCES	TOTAL
CAPITAL PROJECTS:								
GOLF COURSE IMPROVEMENTS		\$ 267,000	\$ 51,311	19%	\$ 215,689	\$ -	\$ 215,689	\$ 215,689
		\$ 267,000	\$ 51,311	19%	\$ 215,689	\$ -	\$ 215,689	\$ 215,689

ELECTRIC CAPITAL PROJECT FUND						BALANCE TO BE FUNDED FROM:		
DESCRIPTION		CURRENT BUDGET 2022-2023	FYTD JANUARY ACTUAL EXPENSES	% complete	REMAINING BALANCE 2022-2023	OPERATING RESERVES	OTHER SOURCES	TOTAL
CAPITAL PROJECTS:								
ELECTRIC RATE STUDY		\$ 50,000	\$ -	0%	50,000	\$ 50,000	\$ -	\$ 50,000
SOFTWARE - ELSTER UPGRADES (CARRYOVER)		46,500	-	0%	46,500	46,500	-	46,500
ENTEGRIS ELECTRIC FEEDER		500,000	61,800	12%	438,200	188,200	250,000	438,200
SCADA/RECLOSES (CARRYOVER)		73,000	-	0%	73,000	73,000	-	73,000
SCADA/RECLOSES		100,000	-	0%	100,000	100,000	-	100,000
SUBDIVISION ELECTRICAL COSTS		200,000	-	0%	200,000	-	200,000	200,000
DEVELOPMENT PROJECTS (CARRYOVER)		370,000	23,390	6%	346,610	346,610	-	346,610
		\$ 1,339,500	\$ 85,190	6%	\$ 1,254,310	\$ 804,310	\$ 450,000	\$ 1,254,310

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

AIRPORT CAPITAL PROJECT FUND					BALANCE TO BE FUNDED FROM:		
DESCRIPTION	CURRENT BUDGET 2022-2023	FYTD JANUARY ACTUAL EXPENSES	% complete	REMAINING BALANCE 2022-2023	OPERATING RESERVES	OTHER SOURCES	TOTAL
CAPITAL PROJECTS:							
CONSULTING FEES	\$ -	\$ 958.75		\$ -	\$ -	\$ -	\$ -
C/O BLDG & FACILITY - JET HANGAR	965,000	1,341	0%	963,659	-	963,659	963,659
C/O LAND - DECEL LANE	100,000	-	0%	100,000	-	100,000	100,000
C/O IMPROVEMENTS	200,000	-	0%	200,000	-	200,000	200,000
RAMP GRANT	100,000	12,587	13%	87,413	-	87,413	87,413
	<u>\$ 1,365,000</u>	<u>\$ 14,887</u>	<u>1%</u>	<u>\$ 1,351,072</u>	<u>\$ -</u>	<u>\$ 1,351,072</u>	<u>\$ 1,351,072</u>
TOTAL CAPITAL/OTHER PROJECTS					BALANCE TO BE FUNDED FROM:		
	CURRENT BUDGET 2022-2023	FYTD JANUARY ACTUAL EXPENSES	% complete	REMAINING BALANCE 2022-2023	OPERATING RESERVES	OTHER SOURCES	TOTAL
TOTAL CAPITAL/OTHER PROJECTS	\$ 14,784,034	\$ 526,746	4%	\$ 14,258,247	\$ 3,976,431	\$ 10,281,816	\$ 14,258,247
TRANSFER TO CAP EQUIP RESERVES	-	-	0%	-	-	-	-
TOTAL CAPITAL/OTHER	<u>\$ 14,784,034</u>	<u>\$ 526,746</u>	<u>4%</u>	<u>\$ 14,258,247</u>	<u>\$ 3,976,431</u>	<u>\$ 10,281,816</u>	<u>\$ 14,258,247</u>



Police Department

ITEM 1.2

Brian Lee
Chief of Police
Police Department

Report

Meeting Date:	February 28, 2023
Agenda Item:	Discuss and consider action: Annual Traffic Stop Data Report: B. Lee
Background:	Texas Code of Criminal Procedure requires law enforcement agencies to collect and report data related to traffic stops to their governing body. This is a report of data gathered during the calendar year 2022.
Information:	There is no action required by Council. This report of incident - based data related to traffic stops and the analysis of the data is submitted to Council and Texas Commission on Law Enforcement.
Fiscal Impact:	None.
Recommendation:	N/A.

Article 2.132 of the Texas Code of Criminal Procedure requires all law enforcement agencies to collect specific data on all traffic stops. Further, Article 2.132 CCP requires all agencies to have a policy prohibiting racial profiling and to submit the traffic stop data to the State and the local governing body. Finally, law enforcement agencies are required to;

“evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities”. TXCCP 2.134

This report is submitted to demonstrate the Burnet Police Department is in full compliance with the requirements of the Texas CCP.

Comparative Analysis
2022 Traffic Stop Data
Burnet Police Department

This report details the Burnet Police Department's statistical information on traffic stops for the year 2022. This report is a requirement to comply with Article 2.132, 2.133, and 2.134 of the Texas Code of Criminal Procedure (CCP) regarding the analysis of traffic stop data. The full copies of the applicable laws and supporting documents are contained in this report.

The Burnet Police Department has a specific policy prohibiting racial profiling and providing for disciplinary action if an employee is found engaging in racial profiling. The Burnet Police Department also has process for making a racial profiling complaint.

The Burnet Police Department collects all data required by the Code of Criminal Procedure on every traffic stop. The aggregate data and an analysis of the data is provided in the report.

Analysis of the Data

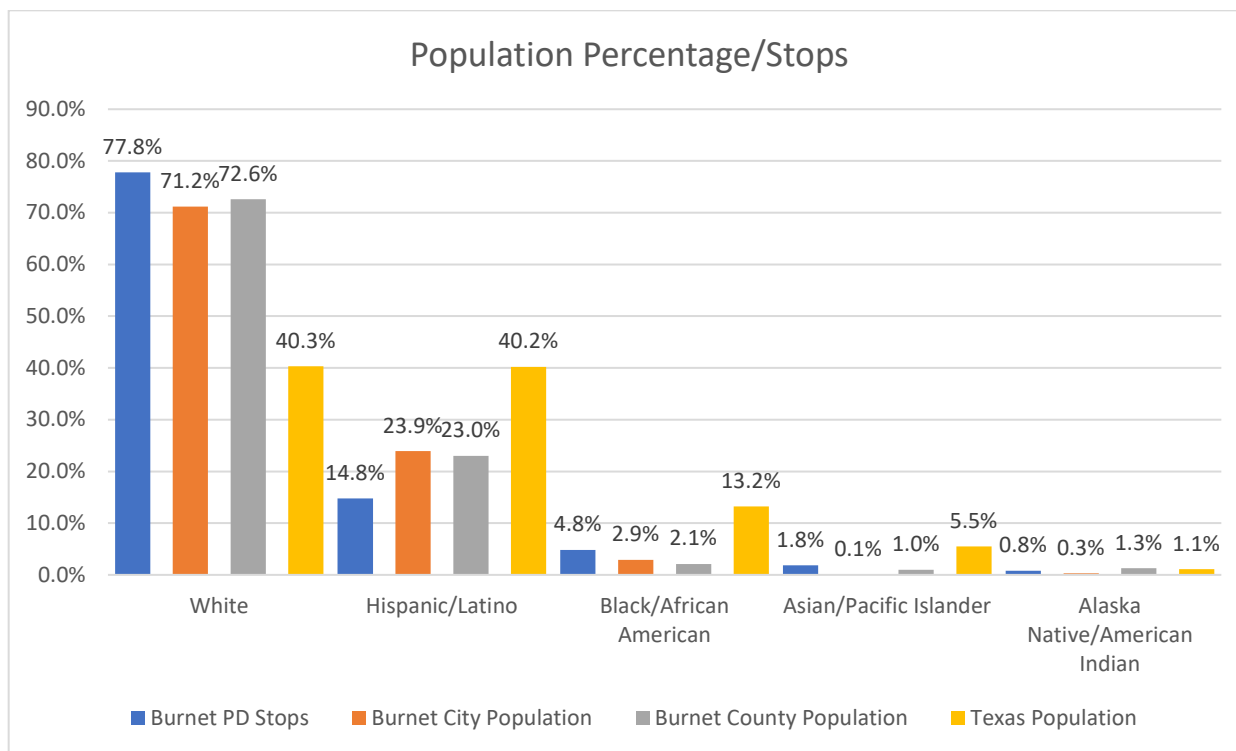
Comparative Analysis: Texas Code of Criminal Procedure Article 2.134(c)(1)(A) requires agencies to:

Evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities.

The first chart is a breakdown of the population percentages of our area and the state. It is important to note that many violators who are stopped may not be residents of the city. With the major arterial roads used to travel through Burnet we encounter many drivers who live outside the city. Therefore, a comparison of stops to local demographics only, would be inaccurate.

Population Percentages			
	City of Burnet	County of Burnet	State of Texas
White	71.2%	72.6%	40.3%
Black/African American	2.9%	2.1%	13.2%
Hispanic	23.9%	23.0%	40.2%
Asian/Pacific Islander	0.1%	1.0%	5.5%
American Indian or Alaska Native	0.3%	1.3%	1.1%
Middle Eastern/ Other	3.5%	1.5%	2.2%

This chart depicts the percentages of people stopped by race/ethnicity among the total 2674 motor vehicle stops in which a ticket, citation, or warning was issued, including arrests made, in 2022.



White drivers represented 77.8 percent of all drivers stopped, whereas the white population constitutes 71.2 percent of the city population, 72.6 percent of the county population, and 40.3 percent of the state population.

African American drivers constituted 4.8 percent of all drivers stopped, whereas African Americans represent 2.9 percent of the city population, 2.1 percent of the county population, and 13.2 percent of the state population.

Hispanic drivers constituted 14.8 percent of all drivers stopped, whereas Hispanics constitute 23.9 percent of the city population, 23 percent of the county population, and 40.2 percent of the state population.

Asian drivers constituted 1.8 percent of all drivers stopped, whereas Asians constitute 0.1 percent of the city population, 1 percent of the county population, and 5.5 percent of the state population.

Texas Code of Criminal Procedure Article 2.132(c)(1)(B) requires an agency to:
Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches.

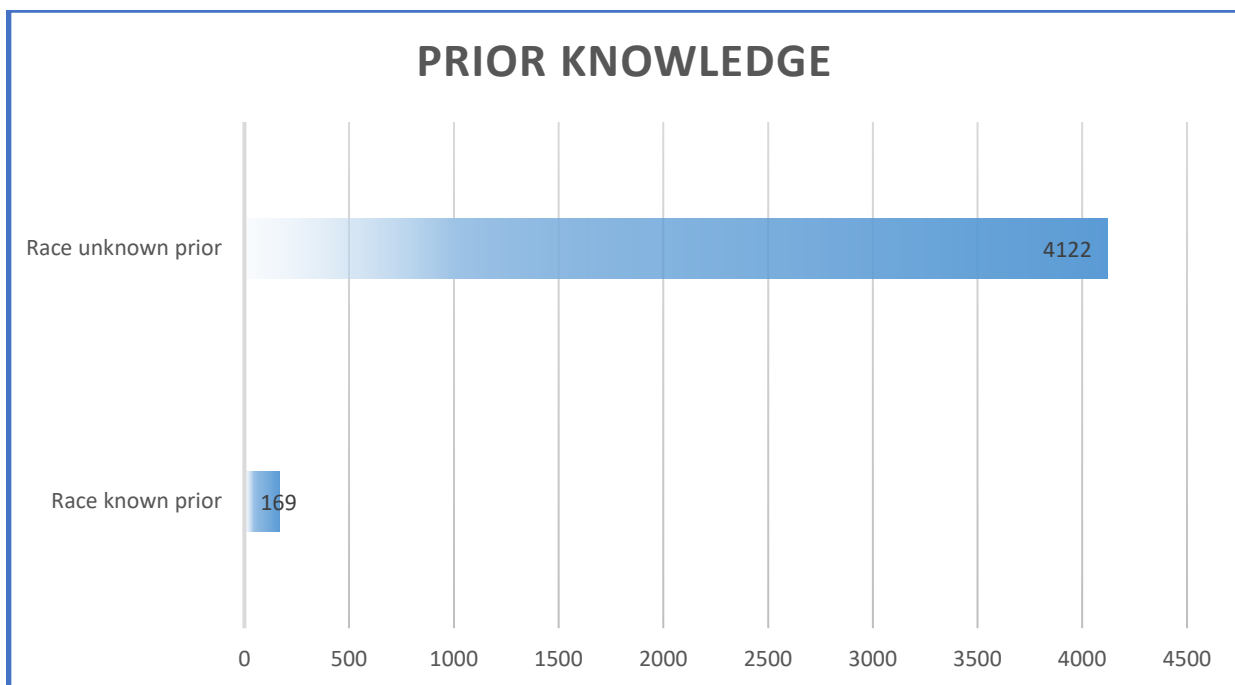
This is a breakdown of searches that resulted from traffic stops of each ethnic group. The percentages identified are specific to those groups number of stops and searches. A total of 168 searches were done in 2022 consisting of consent, incident to arrest, probable cause, and inventories. 168 searches constitute 4% of all stops resulted in a search. Of the 168 searches within the ethnic groups, White motorists were searched in roughly 6 percent of stops, African American motorists were searched 6.3%, Hispanic motorists were searched 4.4%, Asian motorists were searched in 2.5% percent of stop, and Alaska Native/American Indian motorists were searched in 6.5%. Of the searches that occurred in 2022, contraband was discovered in 113 or 67.3% of all searches, including 56 searches which is nearly a third of all searches yielding drugs.

TXCCP requires agencies to:

Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction. Texas Code of Criminal Procedure Article 2.134(c)(1)(B)

There was a total of 4,291 motor vehicle stops in 2022 in which a citation, or warning was issued. Roughly 78 percent of stops resulted in a written warning and roughly 22 percent resulted in a citation.

This next chart is critical when analyzing data as it relates to race/ethnicity in traffic stops. Officers are required by the TXCCP to report if they knew of the race or ethnicity of the driver prior to making the decision to stop a vehicle. In Burnet, 96% of the stop's officers did not know the race or ethnicity of the driver prior to the stop.



TXCCP requires *Information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. Texas Code of Criminal Procedure Article 2.134(c)(2)* In researching Internal Affairs files for Burnet Police Department there were **no (0)** complaints of racial profiling filed in 2022.

TXCCP Art 2.133(b)(9)(c) requires:


The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b) to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

Burnet Police mandates written warnings on every stop regardless of citation issuance. The use of electronic ticket writing software requires the collection of stop data when issuing either a citation or

warning. This requirement enables us to collect appropriate data to report. Supervisors are required to audit performance by policy.

Supervisors will randomly review at least three videos per officer (either body camera and/or in-car camera video) per quarter, reviewing the footage is intended to gain an understanding of that officer's performance and adherence to policy. Supervisors will document the random review of the video in their daily supervisory notes and any violations of policy or law will be addressed using existing internal affairs policy.

APPENDIX A Burnet Police Dept Policy

	BURNET POLICE DEPARTMENT	
	Policy 100-09 Biased Based Policing	
	Effective Date: 3/1/2023	Replaces: 100-09 Racial Profiling
	Approved: <u>Brian Lee</u> Chief of Police	

I POLICY

We are committed to a respect for constitutional rights in the performance of our duties. Our success is based on the respect we give to our communities, and the respect members of the community observe toward law enforcement. To this end, we shall exercise our sworn duties, responsibilities, and obligations in a manner that does not discriminate based on race, sex, gender, sexual orientation, national origin, ethnicity, age, or religion. Respect for diversity and equitable enforcement of the law are essential to our mission.

All enforcement actions shall be based on the standards of reasonable suspicion or probable cause as required by the Fourth Amendment to the U. S. Constitution and by statutory authority. In all enforcement decisions, officers shall be able to articulate specific facts, circumstances, and conclusions that support probable cause or reasonable suspicion for arrests, searches, seizures, and stops of individuals. Officers shall not stop, detain, arrest, search, or attempt to search anyone based solely upon the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.

II PURPOSE

The purpose of this order is to inform officers that bias-based policing is prohibited by the department. Additionally, this order will assist officers in identifying key contexts in which bias may influence these actions and emphasize the importance of the constitutional guidelines within which we operate.

III DEFINITIONS

- A Most of the following terms appear in this policy statement. In any case, these terms appear in the larger public discourse about alleged biased enforcement behavior and in

other orders. These definitions are intended to facilitate on-going discussion and analysis of our enforcement practices.

- 1 Bias: Prejudice or partiality based on preconceived ideas, a person's upbringing, culture, experience, or education.
- 2 Biased-based policing: Stopping, detaining, searching, or attempting to search, or using force against a person based upon his or her race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.
- 3 Ethnicity: A cluster of characteristics that may include race but also cultural characteristics or traits that are shared by a group with a common experience or history.
- 4 Probable cause: Specific facts and circumstances within an officer's knowledge that would lead a reasonable officer to believe that a specific offense has been or is being committed, and that the suspect has committed it.
- 5 Race: A category of people of a particular decent, including Caucasian, African, Hispanic, Asian, Middle Eastern, or Native American descent. As distinct from ethnicity, race refers only to physical characteristics sufficiently distinctive to group people under a classification.
- 6 Racial profiling: A law-enforcement initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.
- 7 Reasonable suspicion: Specific facts and circumstances that would lead a reasonable officer to believe criminal activity is afoot and the person to be detained is somehow involved.
- 8 Sex: A biological classification, male, or female, based on physical and genetic characteristics.
- 9 Stop: An investigative detention of a person for a brief period, based on reasonable suspicion.

IV PROCEDURES

A General responsibilities

- 1 Officers are prohibited from engaging in bias-based profiling or stopping, detaining, searching, arresting, or taking any enforcement action including seizure or forfeiture activities, against any person based solely on the person's race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. These characteristics, however, may form part of reasonable suspicion or probable cause when officers are seeking a suspect with one or more of these attributes.
- 2 Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, subject stops, arrests, nonconsensual searches, and property seizures. Except as provided in number 3 below, officers shall not consider race/ethnicity in establishing either reasonable suspicion or probable cause. Similarly, except as provided below, officers shall not consider race/ethnicity in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search.
- 3 Officers may consider the reported race or ethnicity of a specific suspect or suspects based on relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s). Individuals shall be subjected to

- stops, seizures, or detentions only upon reasonable suspicion that they have committed, are committing, or are about to commit an offense. Officers shall document the elements of reasonable suspicion and probable cause in appropriate reports.
- 4 Officers shall observe all constitutional safeguards and shall respect the constitutional rights of all persons.
 - 5 All personnel shall treat everyone with the same courtesy and respect that they would have others observe to department personnel. To this end, personnel are reminded that the exercise of courtesy and respect generates a future willingness to cooperate with law enforcement.
 - 6 When feasible, all personnel shall identify themselves by name. When a person requests the information, personnel shall give their departmental identification number, name of the immediate supervisor, or any other reasonable information.
 - 7 All personnel are accountable for their actions. Personnel shall justify their actions when required.
- B Supervisory responsibilities**
- 1 Supervisors shall be held accountable for the observance of constitutional safeguards during the performance of their duties and those of their subordinates. Supervisors shall identify and correct instances of bias in the work of their subordinates.
 - 2 Supervisors shall facilitate the filing of any complaints about law enforcement service.
 - 3 Supervisors will randomly review at least three videos per officer (either body camera and/or in-car camera video) per quarter, reviewing the footage is intended to gain an understanding of that officer's performance and adherence to policy. Supervisors will document the random review of the video in Quickbase and any violations of policy or law will be addressed using existing internal affairs policy.
 - 4 This policy applies only to first-line uniformed officers and their immediate supervisors. In the absence of a first-line supervisor this responsibility will move to the patrol captain.
- C Disciplinary consequences**
- 1 Actions prohibited by this order shall be cause for disciplinary action, up to and including dismissal.
- D Training**
- 1 Officers shall complete all training required by state law regarding bias-based profiling.

V COMPLAINTS

- A** The department's complaint process will be posted on the department's website and printed on the back of citations. The information shall include, but is not limited to, the email, physical address, and telephone contact information for making a complaint against an employee. Whenever possible, the media will be used to inform the public of the department's policy and complaint process.
- B** Complaints alleging incidents of bias-based profiling will be fully investigated as described under policy.
- C** All complaints will be logged into the Internal Affairs data base in Quick Base.

VI RECORD KEEPING

- A The department will maintain all required records on traffic stops where a citation or warning is issued or where an arrest is made.
- B The information collected above will be reported to the city council as required by law.
- C The information will also be reported to TCOLE in the required format.

Appendix B: Racial Profiling Laws

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE STOPS. (a)
In this article, "race or ethnicity" has the meaning assigned by
Article [2.132\(a\)](#).

(b) A peace officer who stops a motor vehicle for an
alleged violation of a law or ordinance shall report to the law
enforcement agency that employs the officer information relating
to the stop, including:

(1) a physical description of any person operating
the motor vehicle who is detained as a result of the stop,
including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by
the person or, if the person does not state the person's race or
ethnicity, as determined by the officer to the best of the
officer's ability;

(2) the initial reason for the stop;

(3) whether the officer conducted a search as a
result of the stop and, if so, whether the person detained
consented to the search;

(4) whether any contraband or other evidence was
discovered in the course of the search and a description of the
contraband or evidence;

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in
plain view;

(B) any probable cause or reasonable suspicion
existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

(7) the street address or approximate location of the stop;

(8) whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and

(9) whether the officer used physical force that resulted in bodily injury, as that term is defined by Section [1.07](#), Penal Code, during the stop.

(c) The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b) to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. [3389](#)), Sec. 26, eff. September 1, 2009.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. [1849](#)), Sec. 5.02, eff. September 1, 2017.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED. (a) In this article:

(1) "Motor vehicle stop" has the meaning assigned by Article [2.132](#)(a).

(2) "Race or ethnicity" has the meaning assigned by Article [2.132](#)(a).

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article [2.133](#). Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to the Texas Commission on Law Enforcement and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency.

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article [2.133](#) to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;

(B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

(C) evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article [2.133](#)(b)(1).

(e) The Texas Commission on Law Enforcement, in accordance with Section [1701.162](#), Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(g) On a finding by the Texas Commission on Law Enforcement that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. [3389](#)), Sec. 27, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. [686](#)), Sec. 2.06, eff. May 18, 2013.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. [1849](#)), Sec. 5.03, eff. September 1, 2017.

Burnet Police 2022 Stop Data

Chief Brian Lee



Background

- Texas CCP Article 2.132
 - Requires all law enforcement to collect specific data on traffic stops
 - Includes a requirement that we have a policy prohibiting racial profiling
 - Requires presentation of the data to the local governing body
 - Requires the agency to evaluate the data

Traffic Stop Total

2021 2,674

2022 4,291

Increase in traffic stops by 37.7%

Higher number of stops is attributed to increased staffing, STEP grants, and direction.

Citation issuance has decreased from 2021 to 2022 by 5%.

Stop Data

- 3,338 stops conducted were on white drivers
- 77.8% of all stops
- Burnet population is 71.2% white
- 123 searches were conducted
- Approximately 6% of stops concluded with a search
- 635 stops conducted were on Hispanic drivers
- 14.8% of all stops
- Burnet population is 20.8% Hispanic
- 28 searches were conducted
- Approximately 4.4% of stops concluded with a search

Stop Data Continued

- 205 stops conducted were on Black/African American drivers
- 4.78% of all stops
- Burnet population is 2.9% Black
- 13 searches were conducted
- Approximately 6.3% of stops concluded with a search
- 78 stops conducted were on Asian drivers
- 1.82% of all stops
- Burnet population is .1% Asian
- 2 searches were conducted
- Approximately 2.5% of stops concluded with a search



Alaskan/Native American Stops

- 35 stops conducted were on Alaskan/Native American Drivers
- .82% of all stops
- Burnet population is .8% Alaskan/Native American
- 2 searches were conducted
- Approximately 2.5% of stops concluded with a search



Searches and Citations

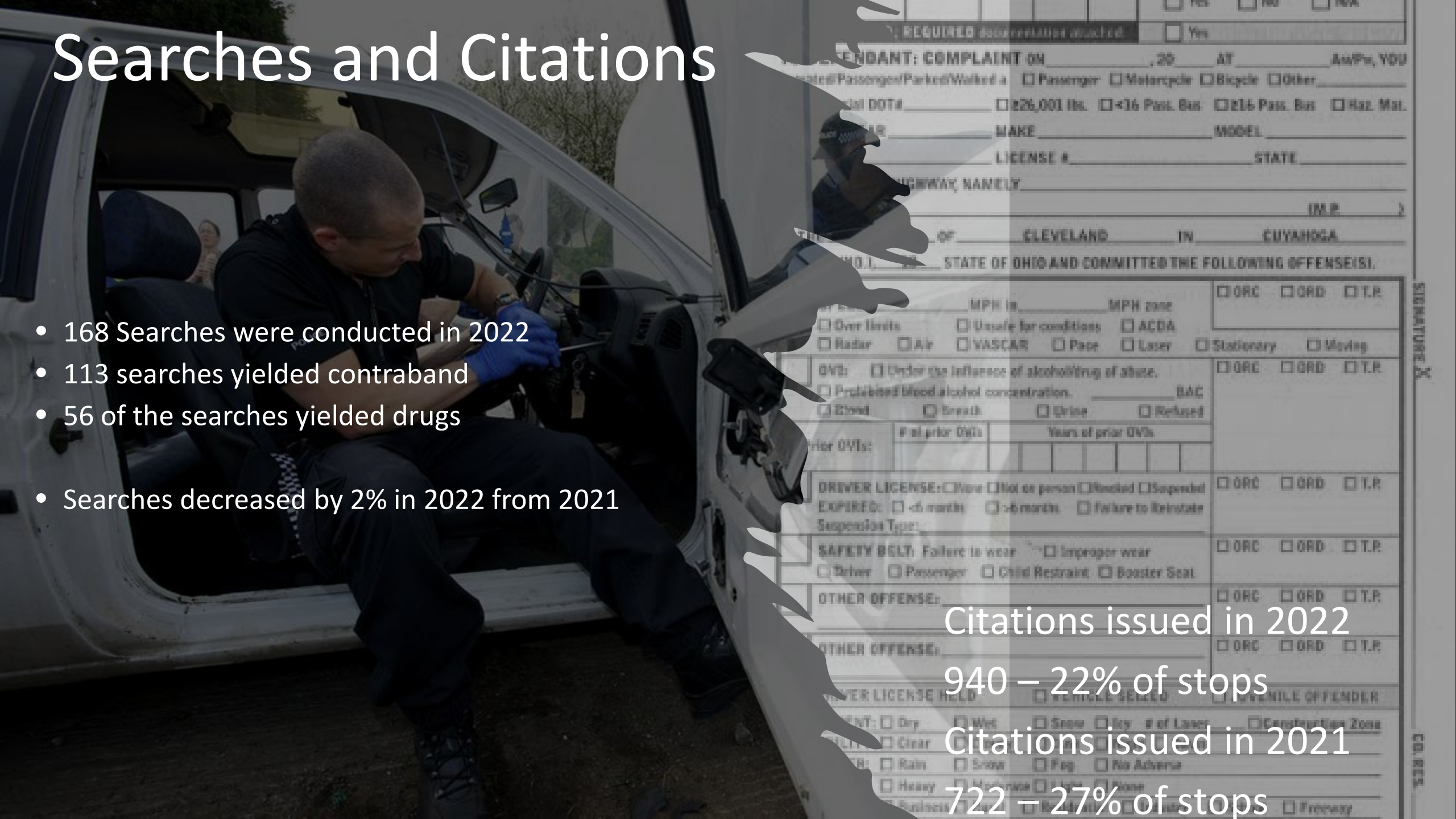
- 168 Searches were conducted in 2022
- 113 searches yielded contraband
- 56 of the searches yielded drugs
- Searches decreased by 2% in 2022 from 2021

Citations issued in 2022

940 – 22% of stops

Citations issued in 2021

722 – 27% of stops





Questions



Section 3 Presentation to City of Burnet



The City of Burnet recently received the following grant award from the TDHCA:

- Grant Contract No. 70800001002
- Award Amount: \$4,976,605.88
- Project: Significant expansion of the Hill Country Children's Advocacy Center to provide enhanced and socially distanced therapeutic services to children and families



The grant is funded through the Community Development Block Grant, via:

- U.S. Department of Housing and Urban Development

and

- Texas Department of Housing and Community Affairs (TDHCA)



Section 3 Concepts

- As a condition of funding, the City of Burnet must comply with Section 3 of the Housing and Urban Development Act of 1968.
- To the greatest extent feasible, Grant Recipients must direct economic opportunities generated by CDBG funds to low- and very low-income persons.



Section 3 Concepts

In part, this means ensuring that:

- Section 3 Businesses have the information to submit a bid or proposal for the project; and
- Section 3 Workers have information about any available job opportunities related to the project.

For precise definitions, see TxCDBG Policy Issuance 20-01



Section 3 Business

A company may qualify as a Section 3 Business if:

- it is owned by low-income persons;
- it is owned by Section 8-Assisted housing residents;
or
- 75% of all labor hours for the business in a 3-month period are performed by Section 3 Workers



Section 3 Business

Register and/or search for Section 3 businesses at:

- HUD's Section 3 website:
[https://portalapps.hud.gov/Sec3BusReg/BRegistry/
RegisterBusiness](https://portalapps.hud.gov/Sec3BusReg/BRegistry/RegisterBusiness)
- Texas Procurement & Support Services –
Disadvantaged Business Enterprise search:
[https://mycpa.cpa.state.tx.us/tpasscmbsearch/tpassc
mbsearch.do](https://mycpa.cpa.state.tx.us/tpasscmbsearch/tpasscmbsearch.do)

Section 3 Business

This project is expected to include the following contracting opportunities:

- Grant Administration services – GrantWorks (previously selected)
- Engineering Services – Goodwin Lasiter Strong (previously selected)
- Prime Contractor for building construction: approx. 10,000 SF building addition to Hill Country Children's Advocacy Center
- Subcontractors potentially including, but not limited to: carpenter, plumber, electrician, HVAC mechanic, roofer
- There may also be small purchase opportunities

Section 3 Worker

You may qualify as a Section 3 Worker if:

- Your annual income is below the county threshold for your family size:
<https://www.huduser.gov/portal/datasets/il/il2022/2022summary.odn>
- You are a current or recent Youthbuild participant

Register your information and search for opportunities at:

- WorkInTexas.com
- HUD's Section 3 Opportunity Portal
<https://hudapps.hud.gov/OpportunityPortal/>
- A local/regional job board



Recordkeeping

The City of Burnet will track all hours worked on the project based on the three categories of workers.

This will require collection of certain income information.



For More Information

TxCDBG Policy Issuance 20-01

REVISED Policy Issuance 20-01 Section 3 v1.pdf
(texasagriculture.gov)

24 CFR Part 75

Electronic Code of Federal Regulations (eCFR)

Contact(s) for questions:

GrantWorks Senior Project Manager: Hillary Sotello

hillary@grantworks.net / 512-653-9714 or

GrantWorks Project Manager: Eileen Schrandt

eileen.schrandt@grantworks.net / 512-758-5535

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

On this the 14th day of February, 2023, the City Council of the City of Burnet convened in Regular Session, at 6:00 p.m. the City of Burnet Council Chambers located at 2402 S. Water Street (Hwy 281 South, Burnet Municipal Airport) Burnet, Tx. thereof with the following members present, to-wit:

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

Guests: Mark Ingram, Patricia Langford, Tony Nash, Brian Lee, Eric Belaj, Maria Gonzales, Adrienne Field, Mark Miller, Haley Archer, Bryce Van Arsdale, Carly Pearson, Daniel King, David Beardsley, Camille Price

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

INVOCATION: Led by Mayor Crista Goble Bromley

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

SPECIAL REPORTS/RECOGNITION: None.

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 24, 2023 Regular City Council Meeting Minutes

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

PUBLIC HEARINGS/ACTION:

Public Hearing and consideration of the following: adoption and amendments of the Zoning Ordinance and zoning classifications:

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 NORTHINGTON (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: Leslie Kimbler, City Planner, presented the item to Council to conduct the public hearing, discuss and take action on the first reading of Ordinance 2023-04.

Public Hearing: Mayor Bromley opened the public hearing at 6:04 p.m. and asked if anyone was interested in speaking, if so to approach the podium. There being no one wishing to speak, Mayor Bromley closed the public hearing at 6:05 p.m.

Consideration and action: Council Member Cindia Talamantez moved to approve the first reading of Ordinance No. 2023-04 as presented. Council Member Mary Jane Shanes seconded. The motion carried unanimously.

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: Leslie Kimbler, City Planner, presented the item to Council to conduct the public hearing,

discuss and take action on the first reading of Ordinance 2023-05.

Public Hearing: Mayor Bromley opened the public hearing at 6:07 p.m. and asked if anyone was interested in speaking, if so to approach the podium. David Beardsley, Collier Materials, approached the podium and provided all present with the background of the purchase and improvements being performed on the property. There being no one else wishing to speak, Mayor Bromley closed the public hearing at 6:10 p.m.

Consideration and action: Council Member Mary Jane Shanes moved to approve the first reading of Ordinance No. 2023-05 as presented. Council Member Ricky Langley seconded. The motion carried unanimously.

ACTION ITEMS:

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: Council Member Philip Thurman moved to approve and adopt Ordinance 2023-03 as presented. Council Member Joyce Laudenschlager seconded. The motion carried unanimously.

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: Council Member Joyce Laudenschlager moved to approve Resolution R2023-12 as presented. Council Member Mary Jane Shanes seconded. The motion carried unanimously.

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. Field: Council Member Philip Thurman moved to approve Resolution R2023-13 as presented. Council Member Dennis Langley seconded. The motion carried unanimously.

Discuss and consider action: A RESOLUTION ADOPTING THE CITY OF BURNET, TX, INVESTMENT POLICY: P. Langford: Council Member Mary Jane Shanes moved to approve Resolution R2023-15 as presented. Council Member Joyce Laudenschlager seconded. The motion carried unanimously.

Discuss and consider action: A preliminary plat application for the Hilltop Oaks Subdivision: L. Kimbler: No action taken.

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 SEAX-PIERCE ARCHITECTURE FOR THE CONSTRUCTION OF A NEW CITY HALL FACILITY ON THE 300 BLOCK OF EAST JACKSON ST, BURNET, TX.: D. Vaughn: Council Member Ricky Langley moved to approve Resolution R2023-16 as presented. Council Member Joyce Laudenschlager seconded. The motion carried unanimously.

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 made a motion to request a report on the Development Service Department's adequacy to manage the demands of the impending community growth. Council Member Ricky Langley seconded. The motion carried unanimously.

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

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 4.1

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

Action

Meeting Date: February 28, 2023

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

There have been no changes to Ordinance 2023-04 since the first reading on February 14, 2023.

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
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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: Approve and adopt Ordinance 2023-04 as presented.

Exhibit "A"
Location Map

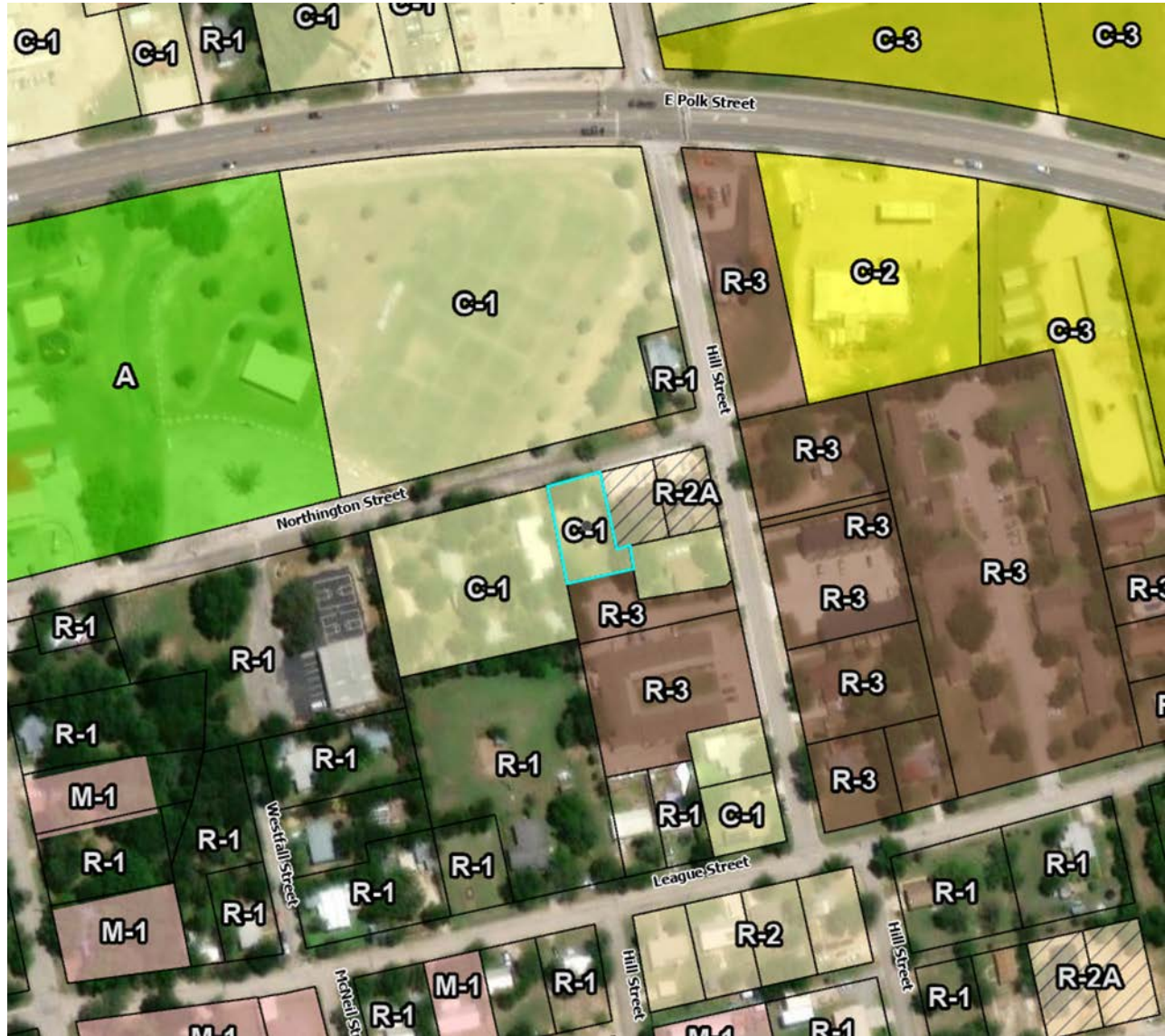
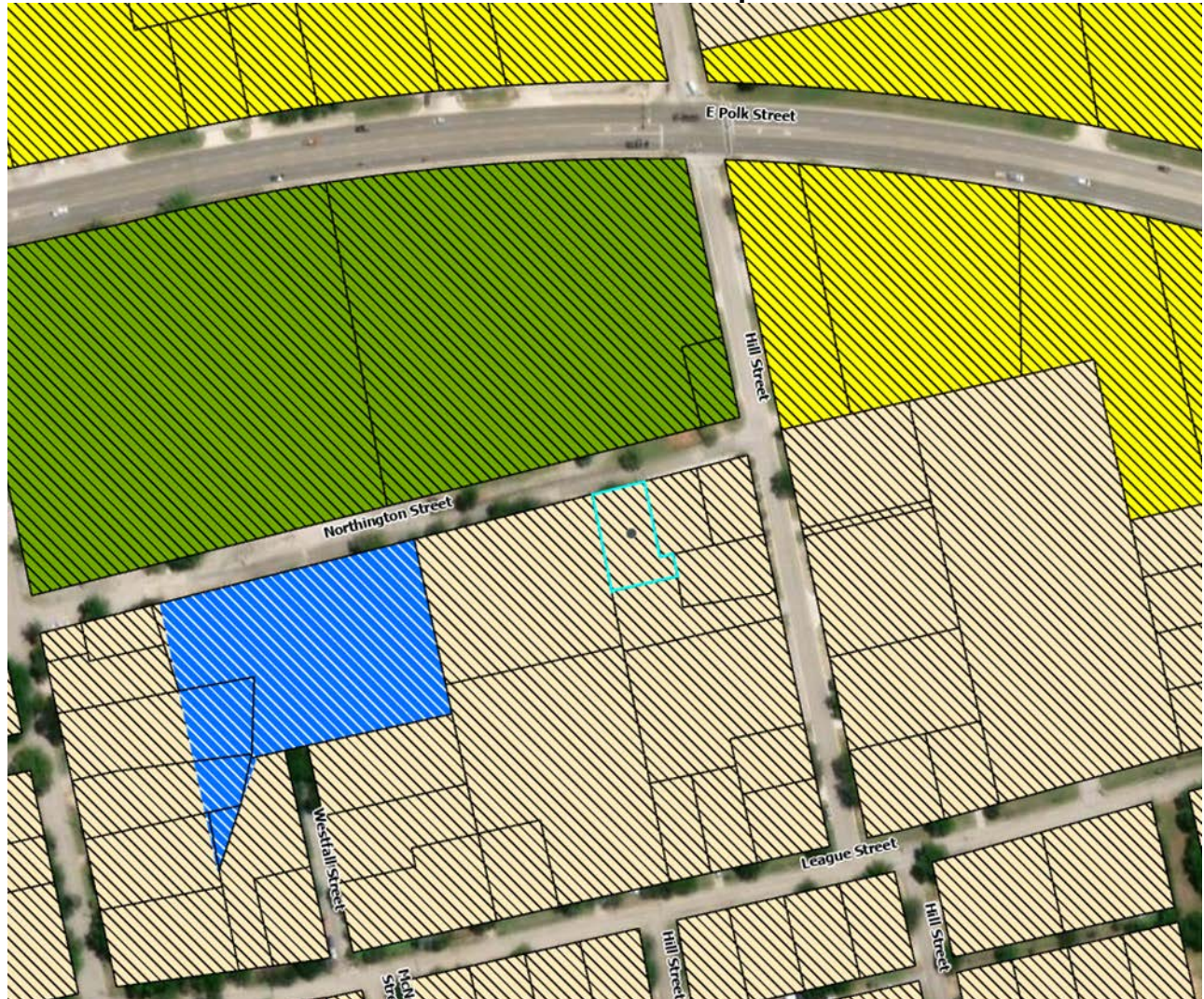


Exhibit "B"

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.

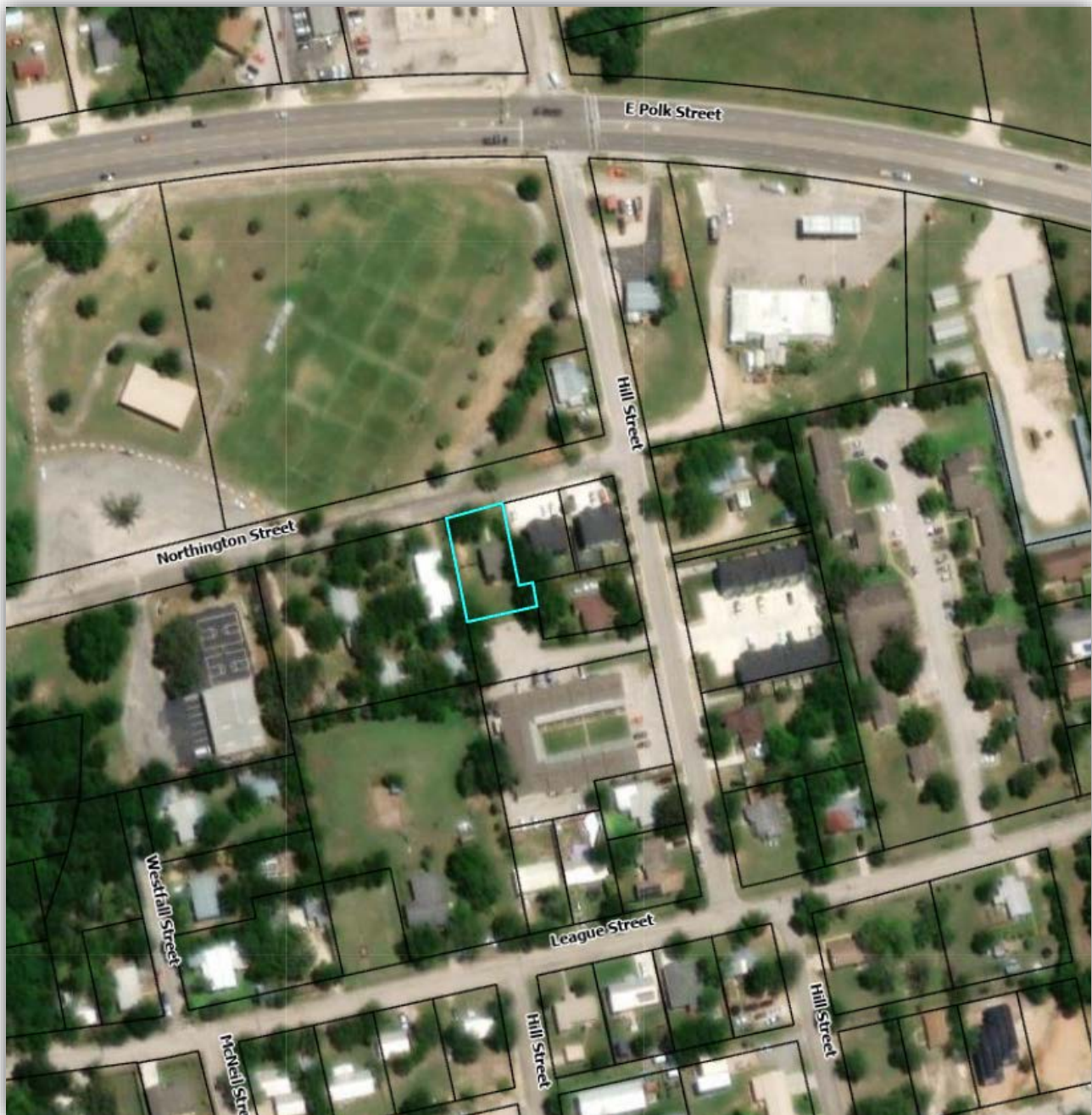
CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

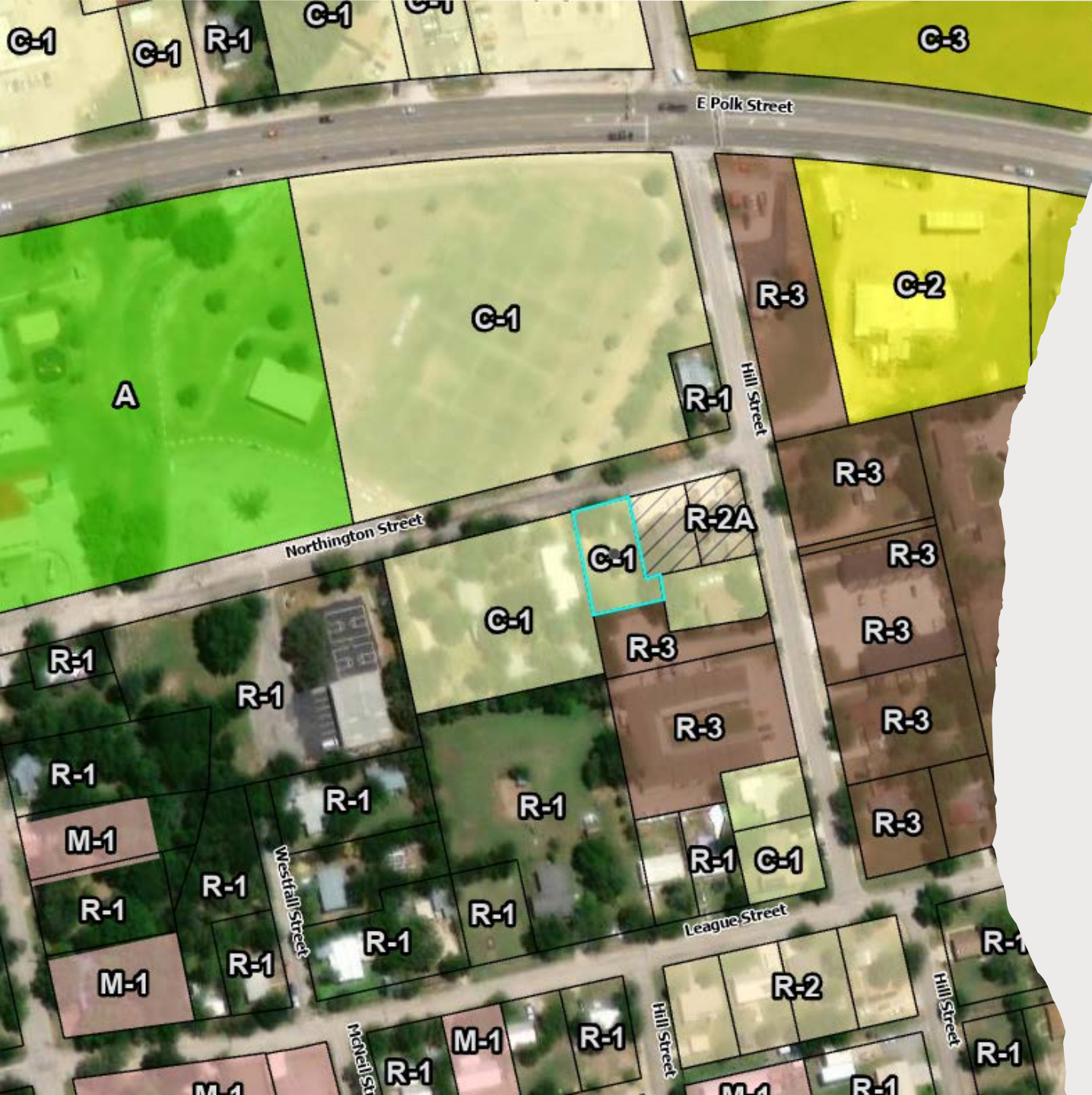
ATTEST:

Kelly Dix, City Secretary

Exhibit A
Subject Property Location



- **SECOND 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: 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**



- 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

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.





There have been no changes to Ordinance 2023-04 since the first reading on February 14, 2023.

Recommendation:
Approve and adopt Ordinance 2023-04 as presented.



Development Services

ITEM 4.2

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

Action

Meeting Date: February 28, 2023

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

There have been no changes to Ordinance 2023-05 since the first reading on February 14, 2023.

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.

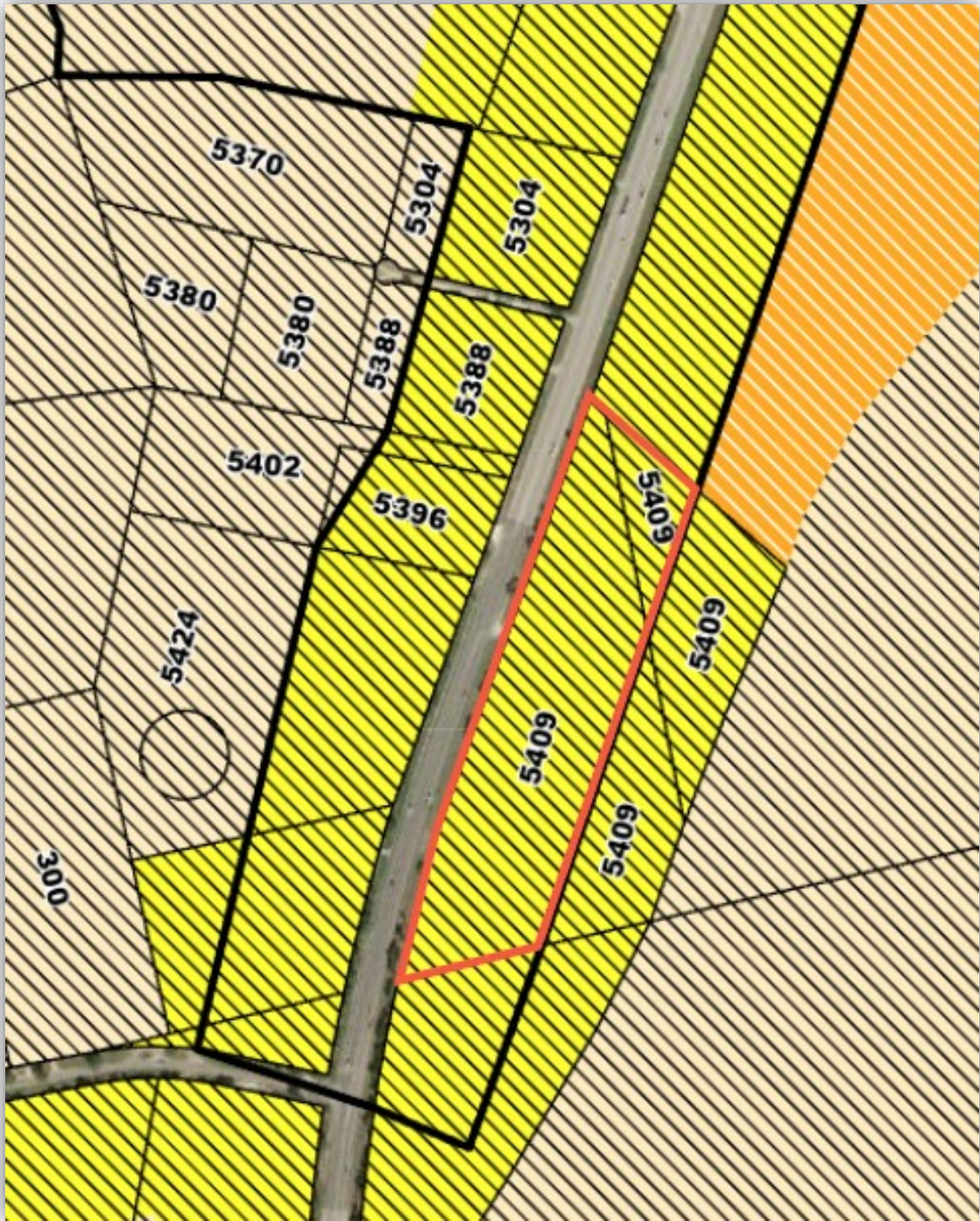
Public Notification: Written notices were mailed to eight (8) surrounding property owners within 200 feet of the subject property within the city limits. There have been zero responses in favor and zero responses in opposition.

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: Approve and adopt Ordinance 2023-05 as presented.

[illegible]

An aerial photograph of a residential neighborhood. The map shows several lots, some of which are highlighted with yellow diagonal hatching. A prominent road runs diagonally from the bottom left towards the top right. To the right of this road, a lot is outlined in red. Various lot numbers are visible, including 5370, 5380, 5388, 5396, 5402, 5409, 5424, and 5400. The area to the right of the road is mostly yellow-hatched, while the area to the left is mostly white with some yellow-hatched sections. A large orange-hatched area is visible in the top right corner.



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

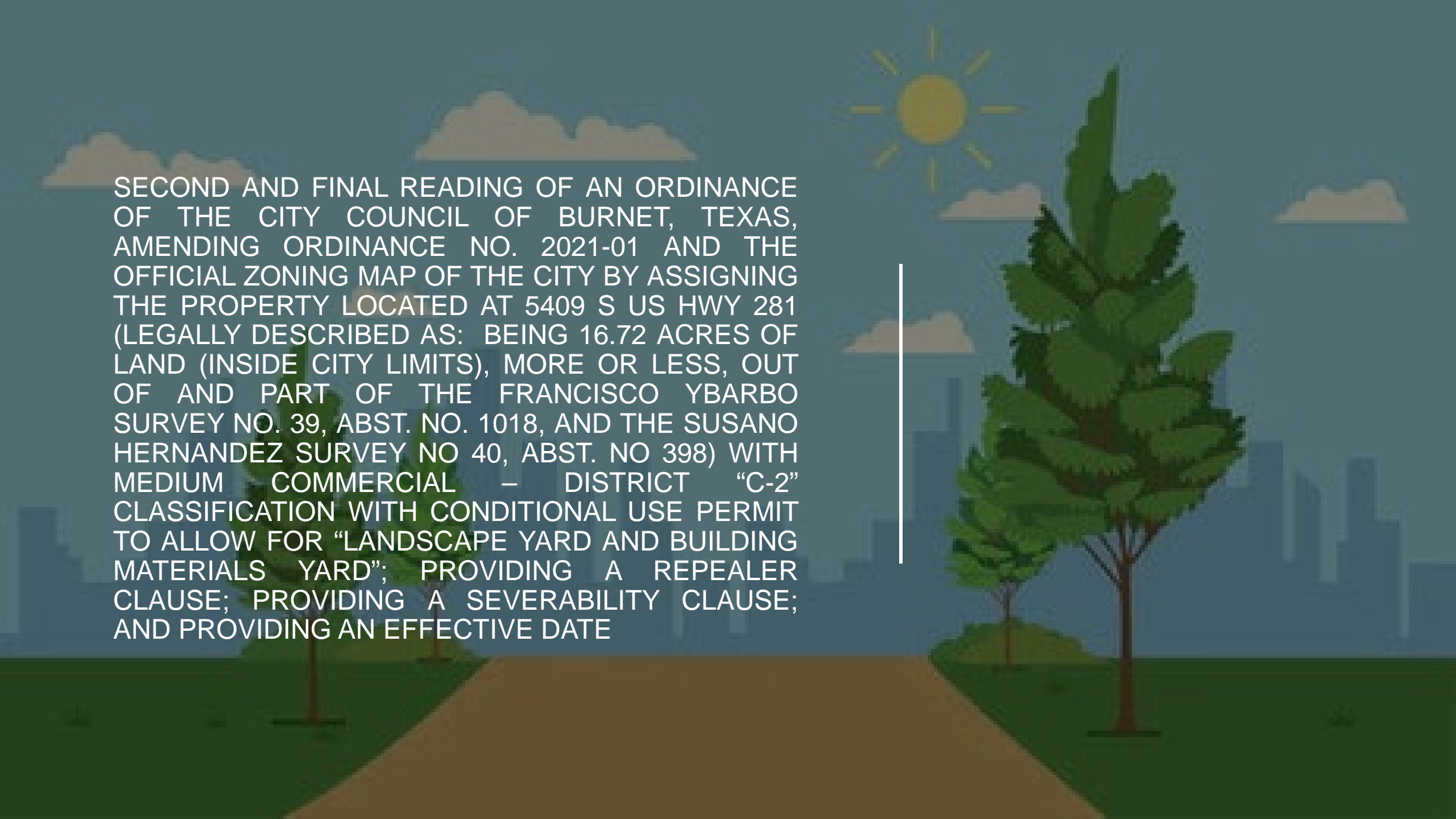
Crista Goble Bromley, Mayor

ATTEST:

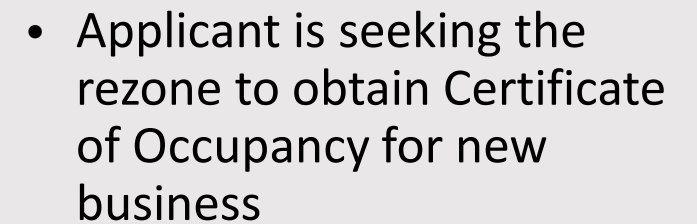
Kelly Dix, City Secretary

Exhibit "A"
Location





SECOND AND FINAL 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





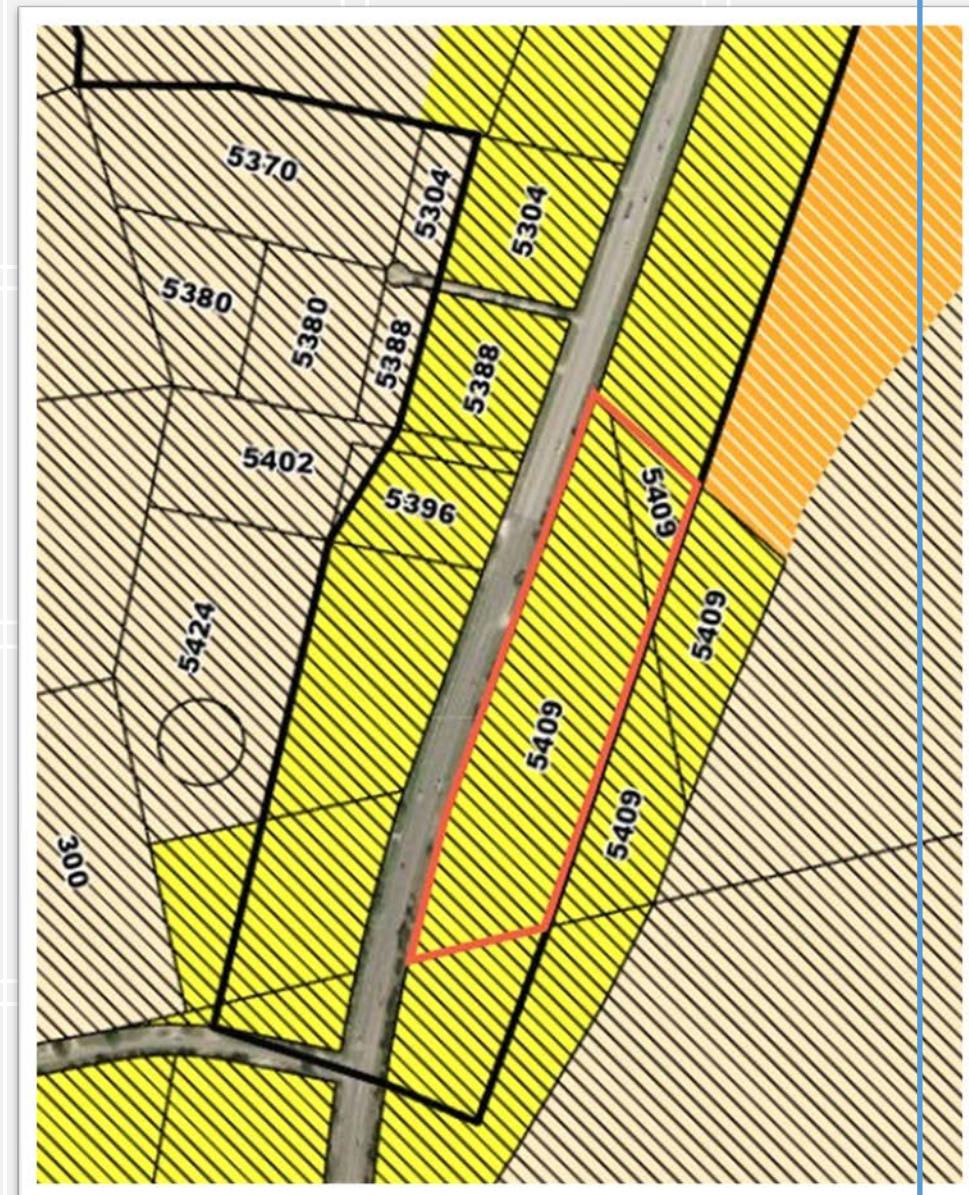
March 2021



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

A stylized, flat-design illustration of a construction site. In the foreground, a worker in a pink shirt and yellow hard hat walks towards the left. In the center, a yellow tractor is parked. To the right, a worker in a light blue shirt and yellow hard hat stands with hands on hips. In the background, another worker is visible near a red tractor. A grey factory with smokestacks is on the far right. The scene is set on a brown hill with some green bushes and a blue sky with light clouds.

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”

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 dirt, and a factory with smokestacks in the distance. The color palette is muted, with earthy tones and soft pastels.

There have been no changes to Ordinance 2023-05 since the first reading on February 14, 2023:

Recommendation: Approve and adopt Ordinance 2023-05 as presented.



Administration

ITEM 4.3

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

Action

Meeting Date: February 28, 2023

Agenda Item: Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ELECTING TO PARTICIPATE IN THE TEXAS ATTORNEY GENERAL'S OPIOID SETTLEMENTS; AUTHORIZING THE CITY MANAGER TO TAKE REASONABLY NECESSARY ACTIONS TO FACILITATE THE CITY'S PARTICIPATION; AND DIRECTING FUNDS RECEIVED FROM SUCH SETTLEMENT BE BUDGETED FOR POLICE DEPARTMENT DRUG INTERDICTION PROGRAMS: H. Erkan

Background: The state of Texas, through the office of the Texas Attorney General is a participant in opioid litigation settlements with multiple pharmaceutical distributors. The office of the Texas Attorney General has encouraged all eligible subdivisions of the state to participate in the settlements.

Information: This Resolution authorizes the City's participation in the opioid litigation settlements; and authorizes the City Manager to execute such documents and take those actions reasonably necessary to facilitate the City's participation in the settlement. Additionally, this Resolution directs any recovery be budgeted for Police Department drug interdiction programs.

Fiscal Impact Passage of this Resolution will have a positive fiscal impact upon distribution of the settlement funds by the Texas Attorney General. The amount of settlement the city will receive is not available at this time.

Recommendation: Approve Resolution No. R2023-14 as presented.

RESOLUTION NO. R2023-14

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ELECTING TO PARTICIPATE THE IN THE TEXAS ATTORNEY GENERAL'S OPIOID SETTLEMENT; AUTHORIZING THE CITY MANAGER TO TAKE REASONABLY NECESSARY ACTIONS TO FACILITATE THE CITY'S PARTICIPATION; AND DIRECTING FUNDS RECEIVED FROM SUCH SETTLEMENT BE BUDGETED FOR POLICE DEPARTMENT DRUG INTERDICTION PROGRAMS

Whereas, the state of Texas, through the office of the Texas Attorney General continues to settle claims against opioid distributors; and

Whereas, the office of the Texas Attorney General has encouraged all eligible subdivisions of the state to participate in the settlement; and

Whereas, the adoption of this Resolution shall memorialize the City's desire to participate in the settlement; and

Whereas, City Council deems it appropriate for any recovered funds to be budgeted for use by the Police Department for drug interdiction:

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

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

Section two. Election. Pursuant to the recommendation of the office of the Texas Attorney General, City Council hereby elects to participate in all present and future opioid litigation settlements; including the Allergan Settlement, CVS, Walgreens and Walmart settlement documents attached hereto.

Section three. Authorization. The City Manager is hereby authorized and directed to execute such documents and take such actions reasonably necessary to facilitate the purpose of this Resolution.

Section four. Budget. All funds recovered pursuant to this settlement are hereby directed to be budgeted for Police Department drug interdiction programs.

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

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

PASSED AND APPROVED this the 28th day of February, 2022.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Delaware Springs Golf Course

ITEM 4.4

Tony Nash
Golf Course General Manager
830-285-9660
tnash@cityofburnet.com

Action

Meeting Date: February 28, 2023

Agenda Item: Discuss and consider action: A request for the addition of a full-time Food and Beverage Attendant position to replace a part-time position at the Delaware Springs Golf Course and consider an increase to Golf Course Food and Beverage salaries budget: T. Nash

Background: The Delaware Springs Golf Course budgeted staffing levels in Fiscal Year 2021-2022 included one full-time employee and seven part-time employees. Fiscal Year 2022-2023 increased staffing levels to one full-time employee and eight part-time employees. Both the full-time and part-time positions have equivalent duties, primarily differentiating in the number of hours worked each week, which is projected at 20 hours for a part-time employee and 40 for full-time. In recent months, hiring and retaining employees for the Food and Beverage positions has become difficult even after recent salary increases for those positions. Staff has been operating short-handed resulting in a consideration for reducing hours food and beverage services are available at the Golf Course.

Information: Funding in the Golf Course salaries budget line covers an amount of 206 hours worked per week (10,712 annually) for all Golf Course food and beverage employees. The hours required for an additional full-time position will be covered by replacing one part-time position and utilizing additional hours available to work due to part-time employees who regularly work less than our projected amounts of 20 hours per week. This allows for a full-time position to be added in the current year without an increase in the salaries budget and a slight projected increase in FY 2023-2024. Employee benefit expenses are the only impact to the FY 2022-2023 approved budget.

The position was previously budgeted at \$12.00 per hour. Proposed salary for this position has been increased to \$15.00 per hour, resulting in an increase to FY 2023-2024 proposed budget.

Fiscal Impact: For Fiscal Year 2022-2023 the fiscal impact is pro-rated to cover remaining benefit expenses for the year, which would be \$9,523.28, assuming an immediate hire date and a \$15.00 per hour salary, which is equivalent to \$31,200 annually. Salary will be based on experience.

A full year benefit expense budget impact for FY 2023-2024 would be an approximate increase of \$15,392.00.

The impact to the salaries budget in FY 2023-2024 would be \$6,240.00 due to the increased in proposed salary for this position.

Recommendation: Staff recommends the authorize and approval of an additional full-time Food and Beverage position for the Delaware Springs Golf Course snack bar as presented.



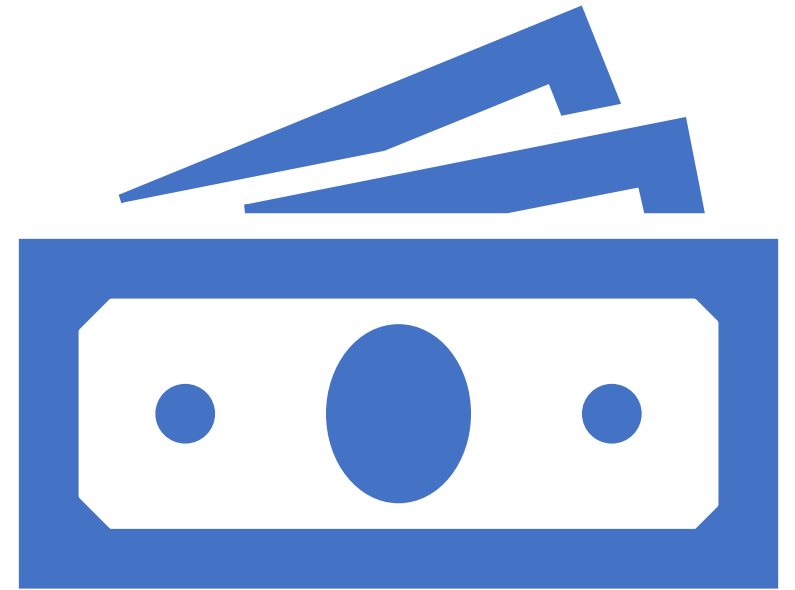
Food & Beverage

Current Staffing

- 1 - Full Time Food and Beverage Manager
- 7 - Part-time Snack Bar Attendants
- Current Snack Bar Hours – Monday-Sunday
7:00 am – 6:00 pm
 - Staffing – 7:00 am – 2:00 pm; 9:00 am – 4:00 pm, and 10:30 am-Close
- Tournament Hours – Monday – Sunday
5:00 am – 9:00 pm
 - Staffing – 4 to 7 Snack Bar Attendants including Beverage Cart

Annual Benefits Impact

- Full Time Snack Bar Attendant
- Prorated for 2023 \$ 9523.38
- Annual Impact \$ 15392 .00





QUESTIONS



Development Services

ITEM 4.5

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

Action

- Meeting Date:** February 28, 2022
- Agenda Item:** Discuss and consider action: An amendment to Planning and Zoning Commission By-Laws: L. Kimbler
- Background:** The Planning and Zoning Commission have reviewed and are requesting an update to the by-laws to clarify the verbiage under Articles: Three, Four, Five, Seven, Eight, Nine and Eleven.
- Information:** The proposed changes to the Planning and Zoning Commission by-laws will ensure consistency with Ordinance #2021-22, which establishes the Commission, their duties and membership, while also ensuring the existing practices of the Commission comply with the by-laws.
- Financial Impact:** None.
- Recommended action:** Approve the proposed Planning and Zoning By-Laws.



Planning and Zoning Commission By-Laws

City of Burnet, TX

Article One – Authorization

- A. The Burnet Planning and Zoning Commission was created by Article IX, Section 9.02 of the Home Rule Charter of the City of Burnet under authority granted by the State of Texas.
- B. The official title of the Planning Commission shall be the “Planning and Zoning Commission,” hereinafter referred to as the “Commission.”

Article Two – Purpose

- A. The purposes of the Commission are to:
 - (i) Assist the City Council of the City of Burnet, Texas with planning and zoning matters;
 - (ii) Anticipate and guide future development and change, in and around the City, by preparing plans, ordinances, capital improvements programs, studies, reports and other documents for consideration by the City Council;
 - (iii) Administer the zoning program of the City and prepare recommendations for the City Council; and
 - (iv) Consider, and approve or disapprove, requests for any variance to the subdivision regulations.

Article Three – Membership

- A. The Commission shall consist of no less than five (5) or more than seven (7) members, who are citizens of Burnet and qualified to vote in city elections, and nominated and confirmed by the City Council.
- B. Each member shall serve a term of two (2) years.
- C. Any vacancy in membership shall be filled by appointment by the City Council, and shall be for the remainder of the term of office only.

- D. Any member of the Commission shall be eligible for re-appointment.
- E. Any member of the Commission may be removed by the City Council for inefficiency, neglect of duty or malfeasance in office.
- F. The term of office for an officer of the Commission shall expire immediately prior to the beginning of the regular July meeting, at which meeting the successor's term of office shall begin, even if the officer is re-elected.
- G. Any member of the Commission failing to attend more than three (3) consecutive regular meetings will be considered as resigned from the Commission. Whereupon, the City Council shall name a replacement to complete the term of office. If the resigned member is also an officer, the Commission shall elect a new officer to finish the term, consistent with these By-Laws.
- H. Any member of the Commission failing to attend more than four (4) regular meetings during a twelve (12) consecutive month period will be considered as resigned from the Commission. Whereupon, the City Council shall name a replacement to complete the term of office. If the resigned member is also an officer, the Commission shall elect a new officer to finish the term, consistent with these By-Laws.

Article Four – Selection of Officers

- A. Commission officers shall be the Chair, Vice-Chair, and Secretary. All officers must be appointed members of the Commission except the Secretary who may be a member of City Staff. All officers shall be elected by the membership.
- B. Nomination and election of officers shall be made from the floor at the beginning of the regular July meeting each year, with the Chair, Vice-Chair, and Secretary, considered in turn. A candidate receiving a majority vote of the entire membership for each office shall be declared elected for that office.
- C. Officers of the Commission shall serve for one year or until immediately prior to the beginning of the regular July meeting when a successor shall be elected.
- D. If for any reason the Commission should fail to elect new officers at the regularly scheduled July meeting, they shall attempt to do so at the next regularly scheduled meeting(s) of the Commission, until successful.
- E. Should a vacancy occur in one of the offices of the Commission, a new officer shall be elected by the membership in the same manner as officers are normally elected.

Article Five – Duties of Officers

- A. The Chair shall be a member of the Commission and shall:
 - (i) Preside at all meetings of the body.

- (ii) Appoint all committees and the Chair of all committees.
 - (iii) Rule on all procedural questions, subject to a reversal by a two-thirds (2/3) majority vote of the members present.
 - (iv) Be informed of any official communication and report this information at the following Commission meeting.
 - (v) Certify all official documents involving the authority of the Commission.
 - (vi) Certify all minutes as true and correct copies.
 - (vii) Carry out other duties as assigned by the Commission, and
 - (viii) Act in the absence or inability of the Secretary and Vice-Chair to act, with the full powers of the Secretary, until a successor is elected by the Commission.
- B. The Vice-Chair shall be a member of the Commission and shall:
- (i) Act in the absence or inability of the Chair to act, with the full powers of the Chair; and
 - (ii) Act in the absence or inability of the Secretary to act, with the full powers of the Secretary.
- C. The Secretary may be a member of the Commission or a member of city staff and shall cause the following to be provided:
- (i) A record of attendance at all Commission meetings.
 - (ii) Minutes of the Commission meetings.
 - (iii) Notification of the members of the Commission of all meetings.
 - (iv) A file of all official Commission records and reports in City Hall.
 - (v) A certification of all maps, records, and reports of the Commission.
 - (vi) Notification and publication of all Commission hearings and meetings.
 - (vii) Correspondence as necessary for the execution of the duties and functions of the Commission.

Article Six – Ethics

- A. The primary obligation of a member of the Commission is to serve the public interest, particularly of the citizens of Burnet, Texas.
- B. Citizen participation is vital to the success of any city planning commission and each member of the Commission has the obligation and duty to encourage citizen participation in the planning process.
- C. The members of the Commission should be alert for opportunities to expand the choices and plans for the needs of disadvantaged persons.
- D. The members of the Commission shall avoid conflicts of interest and the appearance of conflicts of interest, whether in matters of business, friendship, blood or marriage. The public expects the Commission to be fair and objective in making planning decisions.

- E. The members of the Commission shall neither seek nor offer favors, directly or indirectly solicited, for any service or gift that could be misunderstood as influence or undue compensation.
- F. The members of the Commission shall not disclose or improperly use confidential information for gain or advantage.
- G. Serving on the Commission is a public trust and it is vital for the public to have confidence in the members of the Commission.

Article Seven – Meetings

- A. Three (3) members of the Commission constitute a quorum for the transaction of business. Passage or failure of any motion by a majority vote of the members present during the quorum shall be binding upon the Commission. See Art. 8, Sub. A.
- B. If the Chair and Vice-Chair are absent from the quorum, the first act shall be the selection of a Temporary Chair to preside over the meeting. Should the members fail to select a Temporary Chair, the Commission shall adjourn.
- C. The Chair or Acting Chair shall call the room to order. The roll will be called to determine if a quorum exists. If a quorum exists, the Commission shall be convened to conduct business. If a quorum does not exist, the meeting shall adjourn.
- D. If the Chair of the Commission, or Acting Chair, has been informed that the Commission will fail to meet for lack of a quorum, the same announcement will be made to the public at the expected meeting time and the Commission adjourned.
- E. If a quorum is expected at the meeting, the Chair, or Acting Chair, shall delay calling the room to order until a quorum is possible or a minimum of fifteen (15) minutes, whichever occurs first. The Chair, or Acting Chair, may exceed the waiting time beyond the minimum of fifteen (15) minutes at his/her own discretion.
- F. Regular meetings of the Commission shall be held at the Council Chambers at the Burnet Municipal Airport on the first Monday of each calendar month at 6:00 P.M. local time, unless announced otherwise at least seven (7) days in advance of the meeting.
- G. Special meetings may be called by the Chair of the Commission as may be required to comply with statutory plat approval timelines or address other important matters. The Secretary may also call a special meeting when notified of a need by at least three (3) members, which may include the Secretary.
- H. The Secretary of the Commission shall have written notice delivered to all other members at least five (5) days prior to a special meeting, giving the time, date,

location, purpose, and agenda of the meeting. The Secretary shall likewise serve public notice of the special meeting as required by Texas State Statutes.

- I. Any written statements, documents, maps or other materials to be provided to the Commission must be registered with the City of Burnet and assigned an exhibit number at least ten (10) working days prior to the public hearing for consideration by the Commission.
- J. All meetings of the Commission must be open to the public.
- K. A meeting may be continued at a later date if the continuation is requested by an applicant with the approval of the Commission members in attendance. Any meeting that is continued must be concluded during the same calendar month. No continuation meeting may be further continued at a later date. The Commission's authority to table a motion or to continue a meeting at a later date shall be governed by State or Federal law or Municipal ordinance (such as no subdivision application can be tabled by the Commission).

Article Eight – Voting

- A. No action of the Commission shall be valid unless authorized by a majority vote of all voting members of the Commission present during a quorum.
- B. Negative votes, and abstentions are all “nay” votes on any motion before the Commission.
- C. Members of the Commission must excuse themselves from voting on any motion if there may be a conflict of interest. The motion shall be tabled if a recusal results in failure to reach a quorum of the Commission.
- D. The Chair shall entertain a motion and a second to the motion, whereupon the Chair shall call for the vote of the members present, with the Chair casting the final vote on the motion.
- E. A tie vote or failure to take action shall be recorded as a recommendation of denial of the matter before the commission. In the case of a tie the Chair shall call for the members to state, for the record, the rationale for casting their vote, which shall be included in the report to Council with the recommendation.

Article Nine – Order of Business

- A. The order of business for a regular meeting shall be as follows as presided by the Chair:
 - (i) Call to order.
 - (ii) Roll Call.
 - (iii) Determination and announcement of a quorum. See Art. 7 Sub C, D and E.

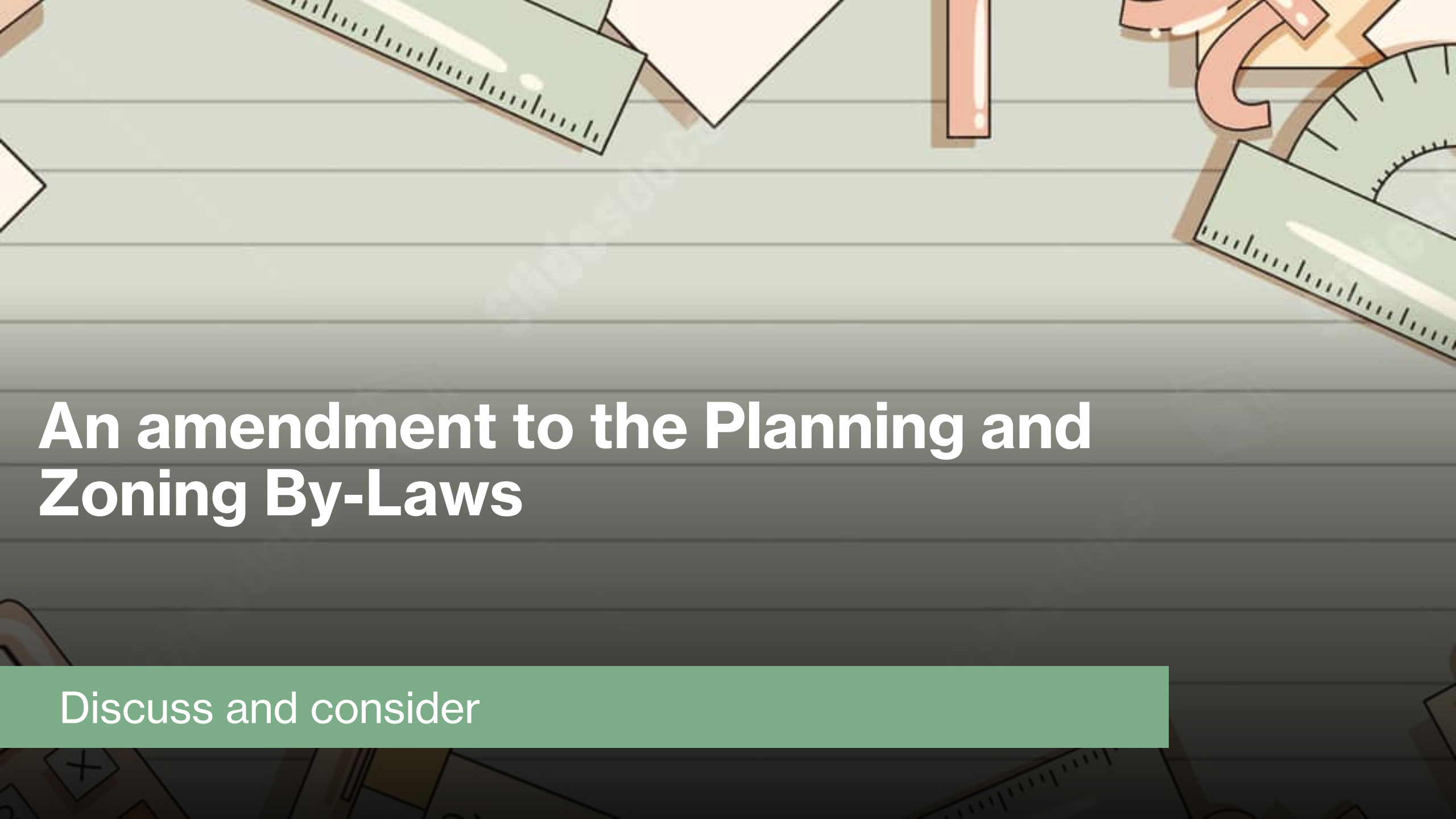
- (iv) Consent Agenda Items including acceptance of the minutes of any previous meeting as accurate or changed as needed.
 - (v) Conduct Public Hearings
 - (vi) Consideration and take action on proposed action items and/or discussion topics
 - (vii) City Staff Reports
 - (viii) Introduce new business as a motion approved by majority vote
 - (ix) Request for future agenda items.
 - (x) Adjournment.
- B. Parliamentary procedure in Commission meetings shall be governed by Robert's Rules of Order (revised edition), unless superseded by State or Federal law, Municipal ordinance, or these By-Laws.
- C. The Secretary of the Commission shall cause to be kept a copy of the minutes of each meeting and these shall be a public record. The Secretary and Chair shall sign all official minutes and certify at the end of the year that all minutes of meetings of the previous year are true and correct copies.

Article Ten – Public Hearings

- A. In addition to those required by law, the Commission may hold public hearings on any planning and zoning matter which it deems to be in the public interest.
- B. The Chair shall summarize the matter before the Commission or introduce another person to make a presentation on the matter before allowing interested parties to address the Commission. The Chair may also accept written statements and other documentation pertinent to the matter before the Commission.
- C. An accurate written record, audio taping or audio-video recording shall be made of the proceedings of each public hearing and maintained as part of the Commission's files.

Article Eleven – Amendments

Amendment of these By-Laws may be initiated by the Commission or by Council. If an amendment is initiated by the Commission the proposed change shall be presented at a prior meeting before acted on, and if approved, sent to Council for confirmation. Such amendments, once adopted by Council, are effective immediately.

The background features a light green surface with horizontal grey lines, resembling a piece of paper or a table. Scattered across the top and right edges are various drafting tools: a green ruler with black markings, a red pencil, a red eraser, and a green protractor. A faint, diagonal watermark reading "Shutterstock" is visible across the center of the image.

An amendment to the Planning and Zoning By-Laws

Discuss and consider



Proposed amendments -

Clarify articles to be compliant with ordinances

Include existing practices to ensure compliance

Article Eight – Voting:

E. A tie vote or failure to take action shall be recorded as a recommendation of denial of the matter before the commission. In the case of a tie, the Chair shall call for the members to state, for the record, the rationale for casting their vote, which shall be included in the report to Council with the recommendation.