

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 **13**th **day of August 2024**, 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.

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) CAF Report: Tim Reynolds
- **2. CONSENT AGENDA:** (All of the following items on the Consent Agenda are considered to be self-explanatory and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member, staff member or citizen requests removal of the item from the consent agenda for the purpose of discussion. For removal of an item, a request must be made to the Council when the Consent Agenda is opened for Council action.)
 - 2.1) Approval of the July 23, 2024, City Council Regular Meeting Minutes

3. PUBLIC HEARINGS/ACTION:

3.1) Public Hearing and Action: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE OFFICIAL FUTURE LAND USE MAP OF THE CITY BY ASSIGNING THE PROPERTY KNOWN AS 400 N WEST STREET FROM ITS PRESENT DESIGNATION OF RESIDENTIAL TO A DESIGNATION OF GOVERNMENT; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

- 3.2) Public Hearing and Action: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING PROPERTY KNOWN AS 205 S HILL ST., 307 S HILL ST., 309 S HILL ST., 1006 E LEAGUE ST., 303 LEAGUE CT., 304 LEAGUE CT., 305 LEAGUE CT., 306 LEAGUE CT., 307 LEAGUE CT., 308 LEAGUE CT., 309 LEAGUE CT., 310 LEAGUE CT., FROM THEIR PRESENT DESIGNATION OF MULTI-FAMILY RESIDENTIAL - DISTRICT "R-3" TO A DESIGNATION OF SINGLE-FAMILY RESIDENTIAL - DISTRICT "R-1"; PROPERTY KNOWN AS 1001 E POLK ST FROM THE PRESENT DESIGNATION OF MULTI-FAMILY RESIDENTIAL - DISTRICT "R-3" TO A DESIGNATION OF MEDIUM COMMERCIAL - DISTRICT "C-2"; PROPERTY KNOWN AS 703 N MAIN ST FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL - DISTRICT "R-1" TO A DESIGNATION OF GOVERNMENT -DISTRICT "G"; AND PROPERTY KNOWN AS 400 N WEST ST FROM THE PRESENT DESIGNATIONS OF SINGLE-FAMILY RESIDENTIAL - DISTRICT "R-1". LIGHT COMMERCIAL - DISTRICT "C-1" AND MEDIUM COMMERCIAL - DISTRICT "C-2" TO A DESIGNATION OF GOVERNMENT - DISTRICT "G": PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler
- 3.3) Public Hearing and Action: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING PROPERTY KNOWN AS 303 BLUEBONNET STREET FROM THE PRESENT DESIGNATIONS OF SINGLE-FAMILY "R-1" AND LIGHT COMMERCIAL DISTRICT "C-1" TO A DESIGNATION OF NEIGHBORHOOD COMMERCIAL DISTRICT "NC"; PROPERTY KNOWN AS 3029 EAST STATE HIGHWAY 29 FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL DISTRICT "R-1" TO A DESIGNATION OF GOVERNMENT DISTRICT "G"; AND PROPERTY KNOWN AS 1958 COUNTY ROAD 340 FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL DISTRICT "R-1" TO A DESIGNATION OF GOVERNMENT DISTRICT "G"; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler
- 3.4) Public Hearing and Action: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE OFFICIAL FUTURE LAND USE MAP OF THE CITY OF BURNET BY ASSIGNING THE PROPERTY KNOWN AS 104 COUNTY ROAD 108 FROM ITS PRESENT DESIGNATION OF RESIDENTIAL TO A DESIGNATION OF COMMERCIAL; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler
- 3.5) Public Hearing and Action: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY OF BURNET BY REZONING PROPERTY KNOWN AS 104

COUNTY ROAD 108 FROM ITS PRESENT DESIGNATION OF NEIGHBORHOOD COMMERCIAL – DISTRICT "NC" TO A DESIGNATION OF LIGHT COMMERCIAL – DISTRICT "C-1" WITH A CONDITIONAL USE PERMIT TO ALLOW "ASSISTED RETIREMENT LIVING"; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

- 3.6) Public Hearing and Action: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY REZONING PROPERTY LOCATED AT THE NORTH CORNER OF COUNTY ROAD 108 AND NORTH WATER STREET FROM ITS CURRENT DESIGNATION OF AGRICULTURE DISTRICT "A" TO A DESIGNATION OF LIGHT COMMERCIAL DISTRICT "C-1" WITH A CONDITIONAL USE PERMIT TO ALLOW "GASOLINE SALES AND ALCOHOL SALES" AND A CONDITIONAL USE PERMIT TO ALLOW FOR "PACKAGED LIQUOR STORE FOR OFF PREMISE CONSUMPTION SALES"; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler
- 3.7) Public Hearing and Action: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY REZONING PROPERTY KNOWN AS 402 AND 404 NORTH WATER STREET FROM ITS CURRENT DESIGNATIONS OF MEDIUM COMMERCIAL DISTRICT "C-2" AND SINGLE-FAMILY RESIDENTIAL DISTRICT "R-1" TO A DESIGNATION OF LIGHT COMMERCIAL DISTRICT "C-1" WITH A CONDITIONAL USE PERMIT TO ALLOW "GASOLINE SALES AND ALCOHOL SALES"; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

4. ACTION ITEMS:

- 4.1) Discuss and consider action: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING CODE OF ORDINANCE CHAPTER 22 (ENTITLED "BUILDING AND BUILDING REGULATIONS") AND CHAPTER 46 ("ENTITLED FIRE PREVENTION AND PROTECTION") TO RECODIFY THE INTERNATIONAL FIRE CODE, IN CHAPTER 46; REPEAL DUPLICATIVE AND CONFLICTING PROVISIONS OF CHAPTER 46, TO REPEAL, IN ITS ENTIRETY, ORDINANCE NO. 2001-26 AND REPLACE IT WITH THIS ORDINANCE, ADOPTING THE 2021 EDITION OF THE INTERNATIONAL FIRE CODE, INCLUDING AMENDMENTS A, B, C, D, E, F, G, H, I, K, AND L, AMEND SECTION 46-3 (OUTDOOR BURNING) AND AMEND THE TEXT RELATING TO THE FIRE MARSHAL TO COMPLY WITH THE CITY CHARTER: Mark Ingram.
- 4.2) Discuss and consider action: Approval of Burnet Economic Development Corporation Board appointments: M. Gonzales
- 4.3) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AUTHORIZING AN AGREEMENT WITH NEWGEN

STRATEGIES AND SOLUTIONS, LLC TO CONDUCT A REVIEW OF THE CITY'S WATER AND WASTEWATER IMPACT FEES: K. McBurnett

- 4.4) Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AUTHORIZING THE APPROVAL OF THE EMPLOYEE BENEFITS PLAN FOR THE 2024-2025 FISCAL YEAR: H. Archer
- 4.5) Discuss and consider action: Appointment of up to two Council Members to serve on the Street Committee: E. Belaj
- 4.6) Discuss and consider action: AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, ORDERING THE ADOPTION OF THE DOCUMENT ENTITLED "CITY OF BURNET HOME RULE CHARTER AS AMENDED MAY 2024" TO COMPLETELY REPLACE THE CURRENTLY PUBLISHED CHARTER IN ORDER TO PROVIDE A CHARTER THAT ACCURATELY REFLECTS THE WILL OF THE VOTERS THROUGH THE AMENDMENTS APPROVED IN THE MAY 4, 2024 CHARTER AMENDMENT SPECIAL ELECTION: K. McBurnett
- 4.7) Discuss and consider action: AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET ORDINANCE NO. 2019-10 AND SECTION 110-40 DROUGHT CONTINGENCY PLAN; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: E. Belai
- 4.8) Discuss and consider action: Approval and authorization to purchase 50 water filled barricades for the street department. B. Lee
- 4.9) Discuss and consider action: AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 106 (ENTITLED "TRAFFIC AND VEHICLES") BY ADDING A NEW SECTION 106-67 RESTRICTING PARKING ON DELAWARE SPRINGS BOULEVARD; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: B. Lee
- 4.10) Discuss and consider action: AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 106 (ENTITLED "TRAFFIC AND VEHICLES") BY ADDING A NEW SECTION 106-68 RESTRICTING PARKING ON CERTAIN PORTIONS OF PIERCE STREET; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: B. Lee
- 4.11) Discuss and consider action: Approval and authorization to purchase TruNarc unlimited instrument for the identification of unknown substances: B. Lee

- 4.12) Discuss and consider action: Vote on the maximum tax rate that would be considered for the fiscal year 2024-2025 budget and schedule the public tax rate hearing (if applicable) and meeting for final vote to adopt the tax rate: P. Langford
- 4.13) Discuss and consider action: Appointment of a City Council Strategic Planning and Service Level Subcommittee: P. Thurman
- 4.14) Discuss and consider action: A resolution of the City Council of the City of Burnet, Texas restricting the proceeds from the sale of equipment to the Self-Funded reserve accounts; restricting the use of certain reserves for street projects, and depositing restricted funds in accordance with the City's Investment Policy: P. Langford
- 4.15) Discuss and consider action: A resolution of the City Council of the City of Burnet, Texas authorizing the use of council restricted funds and restricted bond proceeds for the City Hall project; the use of restricted water impact fee funds for water plant generators; use of council restricted funds for the purchase of electric equipment; and the use of council restricted funds for Galloway Hammond capital maintenance projects: P. Langford
- **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 matters of public interest.

6. ADJOURN:

Dated this 9th day of August 2024

City of Burnet

Mayor Gary Wideman

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 August 9, 2024 at or before 6 o'clock p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Maria Gonzales, 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).





COMMEMORATIVE AIR FORCE



Highland Lakes Squadron CAF Col Tim Reynolds, Squadron Leader

Keep 'em flying!

COLLECTION / CAF FLEET 181 AIRCRAFT











**11,000+ Colonels (volunteers)

**181 Aircraft (171)

** 82 Units (84)

** 35 full time staff (26)

** 11 Board members (volunteers)



CAF History

1953 - Confederate Air Corps, Montgomery, AL

1957 - P-51 Red Nose

1960 – Search for more historic aircraft

1961 – Chartered as Texas Corp

1965 – 1st Museum, Mercedes, TX

1976 – B-29 Hiroshima Re-enactment by Paul

Tibbetts

1991 - Moved to Midland

2002 - Official name change to

Commemorative Air Force

2014 – Move to Dallas Executive Airport (RBD)







OUR HISTORIC AIRCRAFT

	<u>Adult</u>	<u>Senior</u>	<u>Child</u>	<u>Comp</u>
January	37	33	8	19
February	79	32	34	20
March	68	48	26	29
April	59	72	17	33
May	76	54	14	24
June	89	50	29	21
July	104	54	42	10
	====	====	====	====
Totals	512	343	170	156







Highland Lakes Squadron's

Bluebonnet Air Show 2024





The World's only "non-flying Airshow"!!

- ** Five airplanes plus ours on the Ramp.
 - ** 3000 people braved the weather to attend.
- ** Col. Joe McPhail, at 102 yrs. old was a Corsair pilot was and very popular with students.

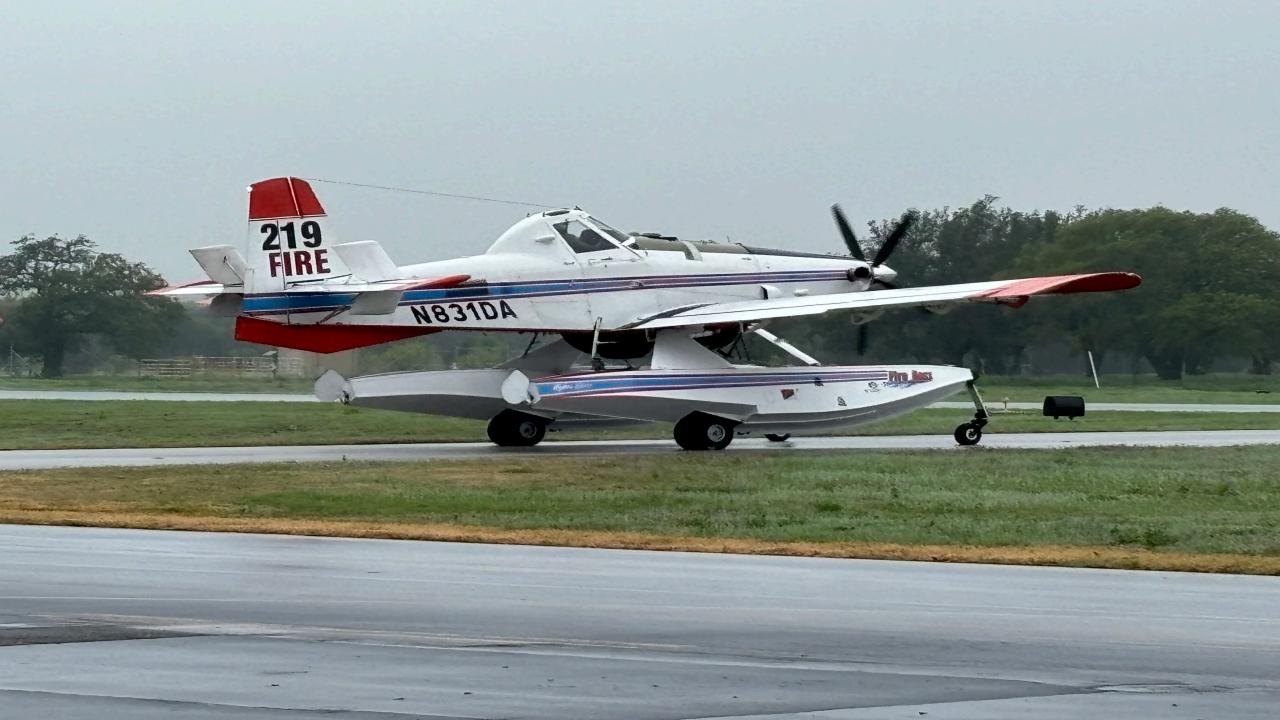




























COMMUNITY INVOLVEMENT

Our impact is not always visible.



Future events:

- 1) Pancake Breakfast and Fly-in 17 AUG
- 2) Friends of the Library Fund Raiser Hangar Dance **5 OCT**
- 3) Hosting Austin Chapter of the 99s 2 NOV
- 4) Pumpkins and Paratroops TBD
- 5) C-47 and Santa TBD
- 6) All American Jump Team TBD
- 7) Fly the C-47 hoping for 8/31 or 9/07
- 8) Update or R&R Signs TBD

PAST EVENTS:

- 1) Bluebonnet Airshow
- 2) Memorial Day Parade Burnet
- 3) 8th Grade School Hangar Dance Regents School Austin.
- 4) Host the Wright Brothers Award JT Baker for 50 years of safe flying. Given by the FAA.
- 5) Museum hosted a group of 16 Home school children as well as a few other groups.
- 6) Burnet School Teachers Welcome event. Donated a ride in the SNJ-4.
- Donated period appropriate props to Llano Theater group
- 8) Bluebonnet Festival Fly-over





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

On this the 23rd day of July 2024, 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 Gary Wideman

Council Members Tommy Gaut, Joyce Laudenschlager, Ricky Langley
Absent Cindia Talamantez, Philip Thurman, Tres Clinton

City Manager David Vaughn
City Secretary Maria Gonzales

Guests: Haley Archer, Eric Belaj, Angie Beyer, Adrienne Field, Veronica Hernandez, Mark Ingram, Leslie

Kimbler, Patricia Langford, Brian Lee, Keith McBurnett, Thad Mercer, Tony Nash, Andrew Scott

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

INVOCATION: Led by Mayor Gary Wideman

PLEDGES (US & TEXAS): Led by Council Member Tommy Gaut

Special Reports/Recognition

<u>Chamber of Commerce Quarterly Report: A. McKee</u>: Chamber Director, Allison McKee, reported on a number of events that the Chamber hosts, such as their Coffee & Conversation events, featuring local directors as guest speakers. These particular events are the best attended for the Chamber. The Chamber is also gearing up for the teacher back to school event and is accepting donations for swag bags. Membership with the Chamber is currently over 300 members.

<u>April 2024 Financial Report: P. Langford:</u> Director of Finance, Patricia Langford, presented the June 2024 Financial Report to all present. Mrs. Langford reviewed revenues, expenses, and overall fund balances for the general fund, golf fund, utility funds, and airport funds. Mrs. Langford stated that the City is doing well and cash reserves were noted as good.

CONSENT AGENDA:

Approval of the July 9, 2024, City Council Regular Meeting Minutes

Council Member Tommy Gaut moved to approve the consent agenda as presented. Council Member Ricky Langley seconded. The motion carried unanimously.

PUBLIC HEARINGS/ACTION: None.

ACTION ITEMS:

- 4.1) SECOND AND FINAL READING OF AN ORDINANCE CREATING A CITY POLICY REQUIRING THE CITY PUBLISH A CAPTION SUMMARIZING THE PURPOSE OF AN ORDINANCE AND THE PENALTIES FOR VIOLATING AN ORDINANCE TO BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION: D. Vaughn: Council Member Joyce Laudenschlager moved to approve the second and final reading of Ordinance 2024-18 as presented. Council Member Tommy Gaut seconded. The motion carried unanimously.
- 4.2) Discuss and consider action: Approval and authorization to enter into a contract with the Elections Administrator of Burnet County for the 2024-2025 election year: M. Gonzales: Council Member Joyce Laudenschlager moved to approve the contract with the Elections Administrator for Burnet County for the 2024-2025 election year. Council Member Tommy Gaut seconded the motion. The motion carried unanimously.
- 4.3) Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS ADOPTING THE FEMA APPROVED BURNET COUNTY, TEXAS MULTI-JURISDICTION HAZARD MITIGATION PLAN AND APPOINTING THE CITY MANAGER AS THE CHIEF EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE TO ACT IN ALL MATTERS IN CONNECTION WITH THEIR PORTION OF THE HAZARD MITIGATION PLAN: M. INGRAM: Council Member Ricky Langley moved to approve Resolution R2024-56 as presented. Council Member Joyce Laudenschlager seconded the motion. The motion carried unanimously.

- 4.4) Discuss and consider action: Authorize the purchase for SCADA improvements of the City's Water System: E. Belaj: Council Member Joyce Laudenschlager moved to approve and authorize the purchase of SCADA improvements for the City's Water System as presented. Council Member Tommy Gaut seconded the motion. The motion carried unanimously.
- 4.5) Discuss and consider action: To allow 3720 E State Highway 29 to be served by alternative water supply and alternative wastewater services: L. Kimbler: Council Member Ricky Langley moved to approve and allow 3720 East State Highway 29 to be served by alternative water and wastewater services. Council Member Joyce Laudenschlager seconded the motion. The motion carried unanimously.
- 4.6) Discuss and consider action: Award engineering contract for the Wofford Waterline Project and authorize the City Manager to execute the contract: E. Belaj: Council Member Joyce Laudenschlager moved to approve and authorize the City Manager to execute an engineering contract for the Wofford Waterline Project. Council Member Tommy Gaut seconded the motion. The motion carried unanimously.
- 4.7) Discuss and consider: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ACCEPTING A LETTER OF CREDIT AS AN ALTERNATIVE TO COMPLETING CONSTRUCTION OF INFRASTRUCTURE IMPROVEMENTS REQUIRED FOR CREEKFALL SUBDIVISION PHASES 1 AND 2: L. Kimbler: Council Tommy Gaut moved to approve Resolution R2024-57 as presented. Council Member Joyce Laudenschlager seconded the motion. The motion carried unanimously.
- 4.8) Discuss and consider action: Electric System Mapping Proposal with McCord Engineering: D. Vaughn: Council Member Ricky Langley moved to approve the Electric System Mapping Proposal with McCord Engineering as presented. Council Member Joyce Laudenschlager seconded the motion. The motion carried unanimously.
- 4.9) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AUTHORIZING THE ACCEPTANCE OF PROPERTY LOCATED AT THE CORNER OF E. LEAGUE AND S. BOUNDARY STREETS: D Vaughn: Council Member Joyce Laudenschlager moved to approve Resolution R2024-58 as presented. Council Member Tommy Gaut seconded the motion, which 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: None.

<u>ADJOURN</u>: There being no further business, a motion to adjourn was made by Council Member Joyce Laudenschlager at 6:30 p.m. and seconded by Council Member Tommy Gaut. The motion carried unanimously.

	Gary Wideman, Mayor
ATTEST:	
Maria Gonzales, City Secretary	

City of Burnet City Council

Item Brief



ITEM 3.1

Meeting Date

August 13, 2024

Agenda Item

Public Hearing and Action: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE OFFICIAL FUTURE LAND USE MAP OF THE CITY BY ASSIGNING THE PROPERTY KNOWN AS 400 N WEST STREET FROM ITS PRESENT DESIGNATION OF RESIDENTIAL TO A DESIGNATION OF GOVERNMENT; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

Information

In February, the City of Burnet purchased the property known as 400 N West Street for parkland. The City's Future Land Use Plan for this property is designated as Residential. Now that the City owns the property, it is more appropriate for the FLUM and zoning map to reflect the property as Governmental property. The requested Future Land Use amendment must be approved before the zoning change request can be approved (next item on the agenda).

Notices were mailed to 18 surrounding property owners within 200' of the subject property and staff has received no comments in opposition to the proposed amendment to the City's Future Land Use Plan.

P&Z Report

Planning and Zoning met at their regular scheduled meeting on Monday, August 5th and recommended approval of Ordinance 2024-24 as presented.

Recommendation

Open the public hearing.

Discuss and consider Ordinance 2024-24.

Exhibit A – Future Land Use Map 400 N WEST









Commercial



Residential



Open Space

ORDINANCE NO. 2024-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE OFFICIAL FUTURE LAND USE MAP OF THE CITY BY ASSIGNING THE PROPERTY KNOWN AS 400 N WEST STREET FROM ITS PRESENT DESIGNATION OF RESIDENTIAL TO A DESIGNATION OF GOVERNMENT; 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. 2012-09, did assign Future Land Use classifications for property located within the city in accordance with the Official Future Land Use Map as approved with said ordinance; and

WHEREAS, the purpose of this Ordinance is to amend the Official Future Land Use Map by amending the Future Land Use 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 Future Land Use 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, 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 Future Land Use Reclassification is: **400 N WEST ST** (LEGAL DESCRIPTION: Being Lot One, Kroger Subdivision) as shown on **Exhibit "A"** hereto.

Section Three. Future Land Use Map. "Government" Future Land Use is hereby assigned to the Property described in section two.

Section Four. Future Land Use Map Revision. The City Secretary is hereby authorized and directed to revise the Official Future Land Use Map to reflect the change in Future Land Use 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.

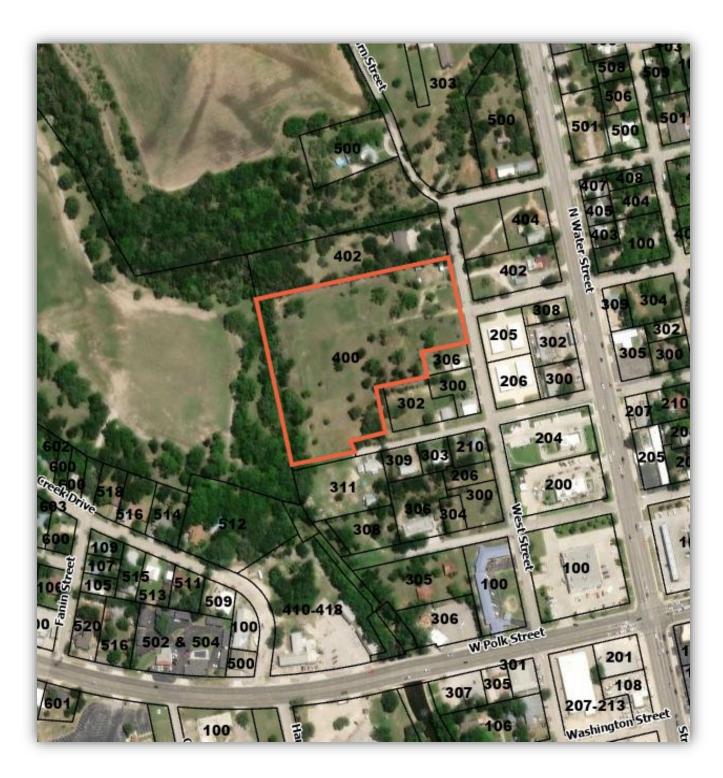
Section Six. Severability. This Ordinance is severable as provided in City Code Section 1-7 as same may be amended, recodified or otherwise revised.

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

PASSED AND APPROVED on the 13th day of August 2024.

	CITY OF BURNET, TEXAS
ATTEST:	Gary Wideman, Mayor
Maria Gonzales. City Secretary	

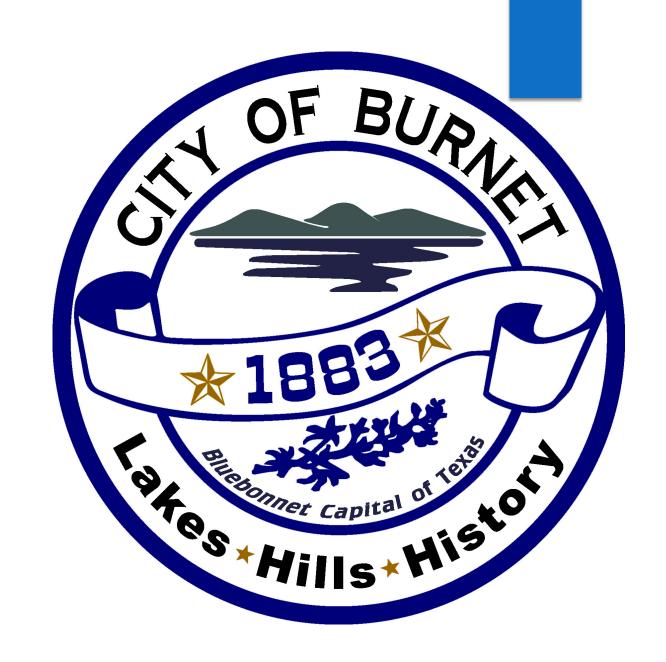
Exhibit "A" 400 N West St



Public hearing and action:

ORDINANCE OF COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE OFFICIAL FUTURE LAND USE MAP OF THE ASSIGNING THE PROPERTY KNOWN DESIGNATION PRESENT RESIDENTIAL TO A DESIGNATION OF GOVERNMENT; PROVIDING REPEALER CLAUSE; PROVIDING AND SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE:

L. Kimbler



Residential

Government

Commercial

Open Space

400 N West Street

Current FLUM:

Residential

CITY INITIATED REQUEST

Government

BACKGROUND:

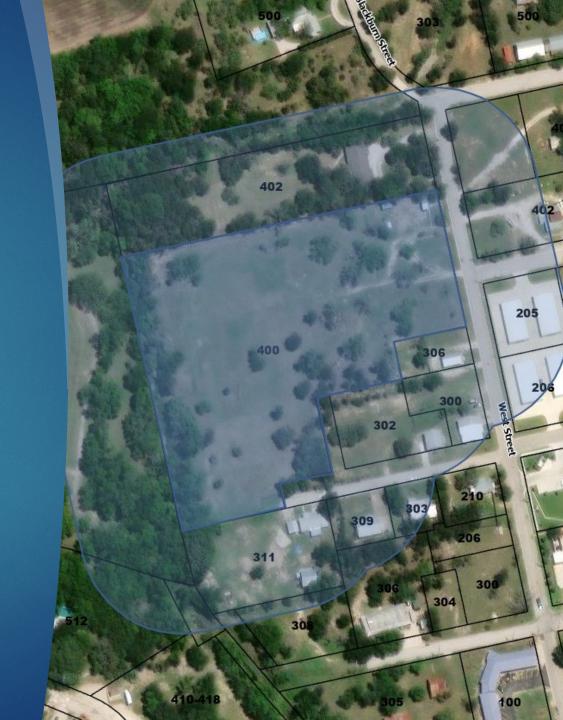
The City of Burnet purchased 400 N West Street for parkland. The Future Land Use Plan is designated as Residential. It is more appropriate for the FLUM and zoning map to reflect the property as Governmental property.

The requested Future Land Use amendment must be approved before the zoning change request can be approved.

Public Notification:

Notices were mailed to 18 surrounding property owners. Zero responses have been received in favor or opposition

Planning and Zoning met August 5th and did recommend approval of the ordinance as presented.





Open public hearing

Discuss and consider the draft ordinance

Ordinance #2024-24

City of Burnet City Council

Item Brief



ITEM 3.2

Meeting Date

August 13, 2024

Agenda Item

Public Hearing and Action: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING PROPERTY KNOWN AS 205 S HILL ST., 307 S HILL ST., 309 S HILL ST., 1006 E LEAGUE ST., 303 LEAGUE CT., 304 LEAGUE CT., 305 LEAGUE CT., 306 LEAGUE CT., 307 LEAGUE CT., 308 LEAGUE CT., 309 LEAGUE CT., 310 LEAGUE CT., FROM THEIR PRESENT DESIGNATION OF MULTI-FAMILY RESIDENTIAL - DISTRICT "R-3" TO A DESIGNATION OF SINGLE-FAMILY RESIDENTIAL - DISTRICT "R-1"; PROPERTY KNOWN AS 1001 E POLK ST FROM THE PRESENT DESIGNATION OF MULTI-FAMILY RESIDENTIAL - DISTRICT "R-3" TO A DESIGNATION OF MEDIUM COMMERCIAL - DISTRICT "C-2"; PROPERTY KNOWN AS 703 N MAIN ST FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL - DISTRICT "R-1" TO A DESIGNATION OF GOVERNMENT - DISTRICT "G": AND PROPERTY KNOWN AS 400 N WEST ST FROM THE PRESENT DESIGNATIONS OF SINGLE-FAMILY RESIDENTIAL - DISTRICT "R-1", LIGHT COMMERCIAL – DISTRICT "C-1" AND MEDIUM COMMERCIAL – DISTRICT "C-2" TO A DESIGNATION OF GOVERNMENT - DISTRICT "G"; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

Information

This request is a city-initiated request to bring the properties into compliance with the current zoning code.

In the continued effort to clean up the zoning map to ensure each property is zoned appropriately for the use of the property as well as the surrounding area, staff is bringing this request forward for consideration.

Written notices were mailed to 60 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 scheduled meeting on Monday, August 5th and recommended approval of Ordinance 2024-22 as presented.

Recommendation

Open the public hearing.

Discuss and consider Ordinance 2024-22.

Exhibit A – Location and Current Zoning

205 S HILL ST., 307 S HILL ST., 309 S HILL ST., 1006 E LEAGUE ST., 303 LEAGUE CT., 304 LEAGUE CT., 305 LEAGUE CT., 306 LEAGUE CT., 307 LEAGUE CT., 309 LEAGUE CT., 310 LEAGUE CT., AND 1001 E POLK ST

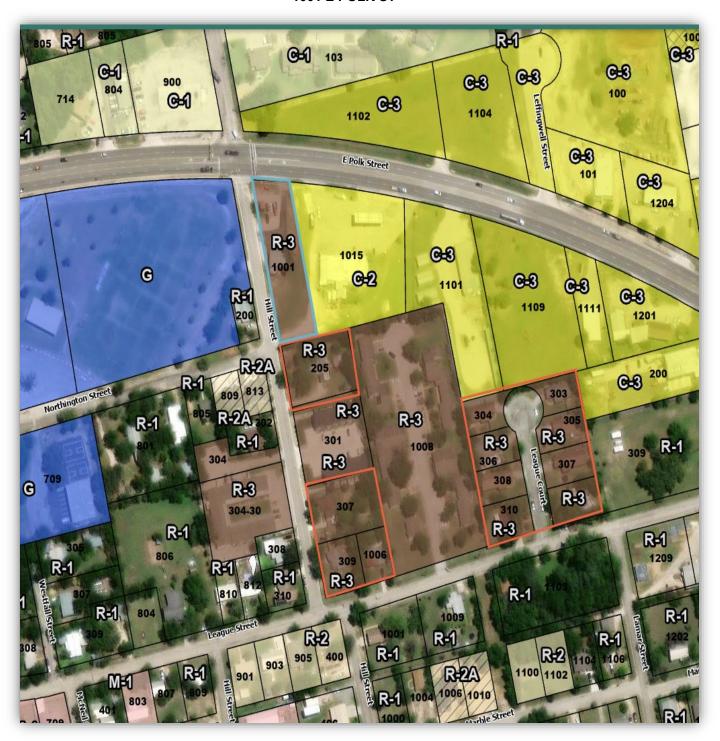


Exhibit A – Location and Current Zoning (cont.)

703 N MAIN ST



Exhibit A – Location and Current Zoning (cont.)

400 N WEST



ORDINANCE NO. 2024-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING PROPERTY KNOWN AS 205 S HILL ST., 307 S HILL ST., 309 S HILL ST., 1006 E LEAGUE ST., 303 LEAGUE CT., 304 LEAGUE CT., 305 LEAGUE CT., 306 LEAGUE CT., 307 LEAGUE CT., 308 LEAGUE CT., 309 LEAGUE CT., 310 LEAGUE CT., THEIR PRESENT DESIGNATION OF **MULTI-FAMILY** RESIDENTIAL - DISTRICT "R-3" TO A DESIGNATION OF SINGLE-FAMILY RESIDENTIAL - DISTRICT "R-1"; PROPERTY KNOWN AS 1001 E POLK ST FROM THE PRESENT DESIGNATION OF MULTI-FAMILY RESIDENTIAL - DISTRICT "R-3" TO A DESIGNATION OF MEDIUM COMMERCIAL - DISTRICT "C-2"; PROPERTY KNOWN AS 703 N MAIN ST FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY "R-1" DISTRICT TO A DESIGNATION GOVERNMENT - DISTRICT "G"; AND PROPERTY KNOWN AS 400 N WEST ST FROM THE PRESENT DESIGNATIONS OF SINGLE-FAMILY RESIDENTIAL - DISTRICT "R-1", LIGHT COMMERCIAL - DISTRICT "C-1" AND MEDIUM COMMERCIAL - DISTRICT "C-2" TO A DESIGNATION OF GOVERNMENT - DISTRICT "G": PROVIDING A SEVERABILITY **CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City Council, by the passage and approval of Ordinance No. 2021-01, 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 the required amendment to the Future Land Use Plan was, prior to this action, passed and approved by ordinance of this Council; 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: **205 S HILL ST.** (LEGAL DESCRIPTION: ABS A0405 John Hamilton, Tract 154, 0.0549) 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. Property. The Property that is the subject to this Zoning District Reclassification is: **307 S HILL ST.** (LEGAL DESCRIPTION: Being 0.290 acre tract out of John Hamilton Survey No. 1, Abs. No. 405) as shown on **Exhibit "B"** hereto.

Section Five. Zoning District Reclassification. SINGLE-FAMILY RESIDENTIAL – DISTRICT "R-1" Zoning District Classification is hereby assigned to the Property described in section four.

Section Six. Property. The Property that is the subject to this Zoning District Reclassification is: **309 S HILL ST.** (LEGAL DESCRIPTION: Being 0.211 acre tract out of John Hamilton Survey No. 1, Abs. No. 405) as shown on **Exhibit "C"** hereto.

Section Seven. Zoning District Reclassification. SINGLE-FAMILY RESIDENTIAL – DISTRICT "R-1" Zoning District Classification is hereby assigned to the Property described in section six.

Section Eight. Property. The Property that is the subject to this Zoning District Reclassification is: **1006 E LEAGUE ST.** (LEGAL DESCRIPTION: Being 0.162 acre tract out of John Hamilton Survey No. 1, Abs. No. 405, Tract 286), as shown on **Exhibit "D"** hereto.

Section Nine. Zoning District Reclassification. SINGLE-FAMILY RESIDENTIAL – DISTRICT "R-1" Zoning District Classification is hereby assigned to the Property described in section eight.

Section Ten. Property. The Property that is the subject to this Zoning District Reclassification is: **303 LEAGUE CT.** (LEGAL DESCRIPTION: Being Lot No. 4, Replat of Green Hill Subdivision), as shown on **Exhibit "E"** hereto.

Section Eleven. Zoning District Reclassification. SINGLE-FAMILY RESIDENTIAL – DISTRICT "R-1" Zoning District Classification is hereby assigned to the Property described in section ten.

Section Twelve. Property. The Property that is the subject to this Zoning District Reclassification is: **304 LEAGUE CT.** (LEGAL DESCRIPTION: Being Lot No. 5, Replat of Green Hill Subdivision), as shown on **Exhibit "E"** hereto.

Section Thirteen. Zoning District Reclassification. SINGLE-FAMILY RESIDENTIAL – DISTRICT "R-1" Zoning District Classification is hereby assigned to the Property described in section twelve.

Section Fourteen. Property. The Property that is the subject to this Zoning District Reclassification is: **305 LEAGUE CT.** (LEGAL DESCRIPTION: Being Lot No. 3, Replat of Green Hill Subdivision), as shown on **Exhibit "E"** hereto.

Section Fifteen. Zoning District Reclassification. SINGLE-FAMILY RESIDENTIAL – DISTRICT "R-1" Zoning District Classification is hereby assigned to the Property described in section fourteen.

Section Sixteen. Property. The Property that is the subject to this Zoning District Reclassification is: **306 LEAGUE CT.** (LEGAL DESCRIPTION: Being Lot No. 6, Replat of Green Hill Subdivision), as shown on **Exhibit "E"** hereto.

Section Seventeen. Zoning District Reclassification. SINGLE-FAMILY RESIDENTIAL – DISTRICT "R-1" Zoning District Classification is hereby assigned to the Property described in section sixteen.

Section Eighteen. Property. The Property that is the subject to this Zoning District Reclassification is: **307 LEAGUE CT** (LEGAL DESCRIPTION: Being Lot No. 2, Replat of Green Hill Subdivision), as shown on **Exhibit "E"** hereto.

Section Nineteen. Zoning District Reclassification. SINGLE-FAMILY RESIDENTIAL – DISTRICT "R-1" Zoning District Classification is hereby assigned to the Property described in section eighteen.

Section Twenty. Property. The Property that is the subject to this Zoning District Reclassification is: **308 LEAGUE CT.** (LEGAL DESCRIPTION: Being Lot No. 7, Replat of Green Hill Subdivision), as shown on **Exhibit "E"** hereto.

Section Twenty-one. Zoning District Reclassification. SINGLE-FAMILY RESIDENTIAL – DISTRICT "R-1" Zoning District Classification is hereby assigned to the Property described in section twenty.

Section Twenty-two. Property. The Property that is the subject to this Zoning District Reclassification is: **309 LEAGUE CT.** (LEGAL DESCRIPTION: Being Lot No. 1, Replat of Green Hill Subdivision), as shown on **Exhibit "E"** hereto.

Section Twenty-three. Zoning District Reclassification. SINGLE-FAMILY RESIDENTIAL – DISTRICT "R-1" Zoning District Classification is hereby assigned to the Property described in section twenty-two.

Section Twenty-four. Property. The Property that is the subject to this Zoning District Reclassification is: **310 LEAGUE CT.** (LEGAL DESCRIPTION: Being Lot No. 8, Replat of Green Hill Subdivision), as shown on **Exhibit "E"** hereto.

Section Twenty-five. Zoning District Reclassification. SINGLE-FAMILY RESIDENTIAL – DISTRICT "R-1" Zoning District Classification is hereby assigned to the Property described in section twenty-four.

Section Twenty-six. Property. The Property that is the subject to this Zoning District Reclassification is: **1001 E POLK ST.** (LEGAL DESCRIPTION: Being 0.7621 acre tract out of the John Hamilton Survey No. 1, Abs. No. 405, Tract 2 Survey Plat), as shown on **Exhibit "F"** hereto.

Section Twenty-seven. Zoning District Reclassification. MEDIUM COMMERCIAL – DISTRICT "C-2" Zoning District Classification is hereby assigned to the Property described in section twenty-six.

Section twenty-eight. Property. The Property that is the subject to this Zoning District Reclassification is: **703 N MAIN ST.** (LEGAL DESCRIPTION: S7200 Phair Addition, Lot Exempt Area, 1.492 acres), as shown on **Exhibit "G"** hereto.

Section Twenty-nine. Zoning District Reclassification. GOVERNMENT – DISTRICT "**G**" Zoning District Classification is hereby assigned to the Property described in section twenty-eight.

Section Thirty. Property. The Property that is the subject to this Zoning District Reclassification is: **400 N WEST ST.** (LEGAL DESCRIPTION: Being Lot One Kroger Subdivision), as shown on **Exhibit "H"** hereto.

Section Thirty-one. Zoning District Reclassification. GOVERNMENT – DISTRICT "**G**" Zoning District Classification is hereby assigned to the Property described in section thirty.

Section Thirty-two. 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 Thirty-three. Repealer. Other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such conflict.

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

Section Thirty-five. Effective Date. This ordinance is effective upon final passage and approval.

PASSED AND APPROVED on this the 13th day of August 2024.

	CITY OF BURNET, TEXAS
ATTEST:	Gary Wideman, Mayor
Maria Gonzales, City Secretary	

Exhibit "A"
205 S HILL ST

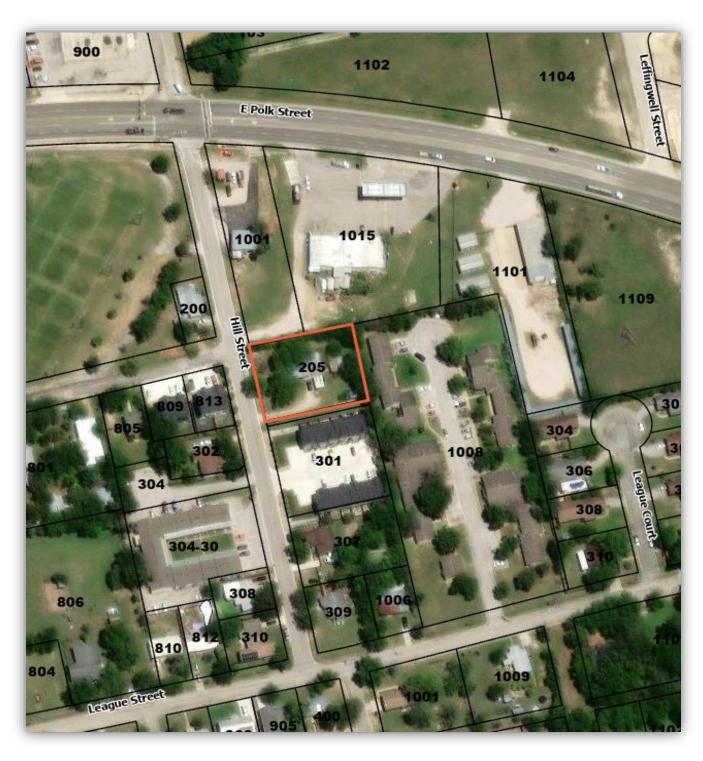


Exhibit "B"
307 S HILL ST

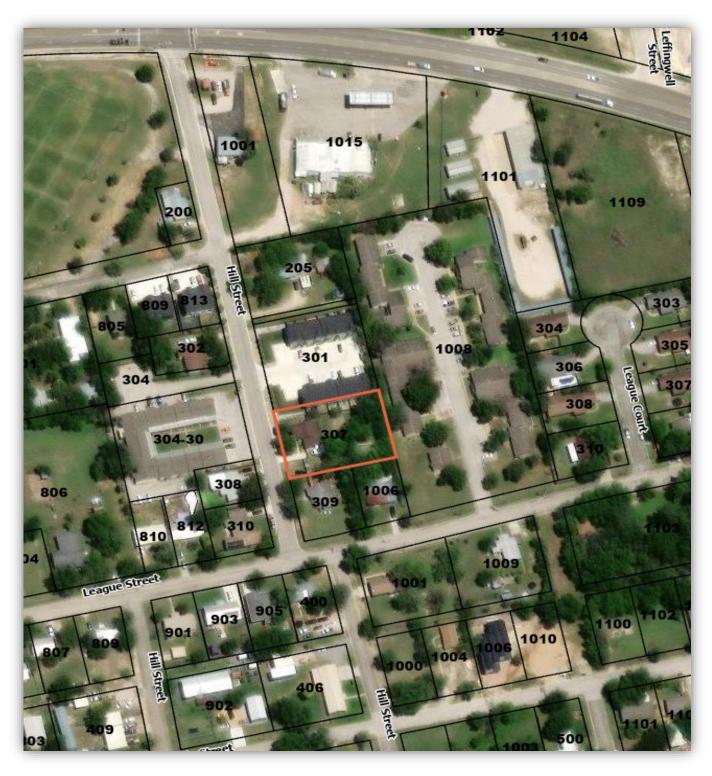


Exhibit "C"
309 S HILL ST



Exhibit "D"1006 E LEAGUE ST

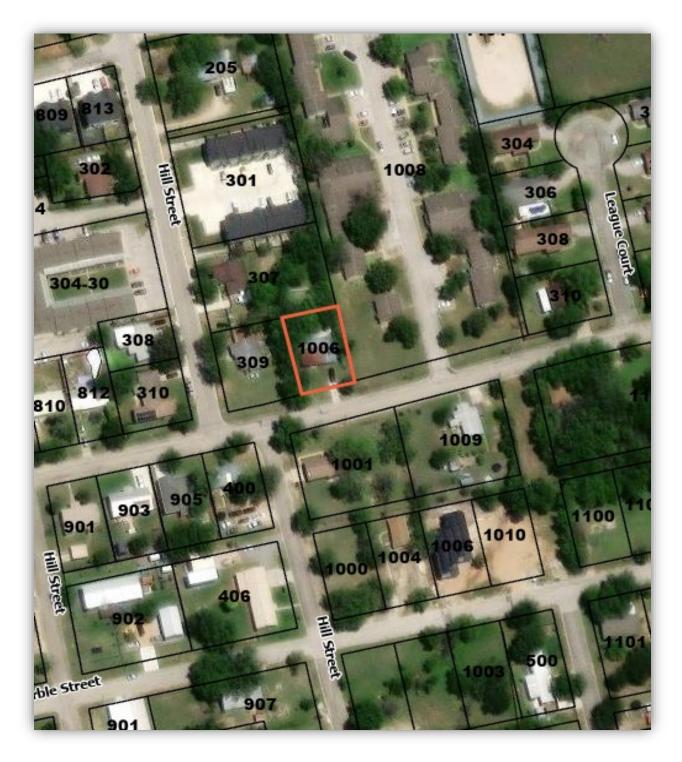


Exhibit "E"

303 LEAGUE CT., 304 LEAGUE CT., 305 LEAGUE CT., 306 LEAGUE CT., 307 LEAGUE CT., 308 LEAGUE CT., 309 LEAGUE CT., 310 LEAGUE CT.



Exhibit "F"



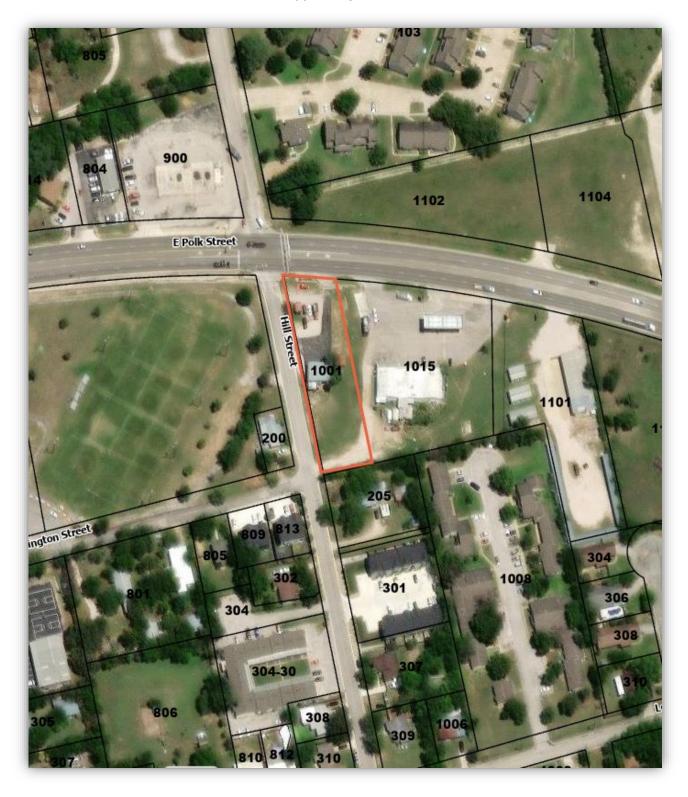


Exhibit "G"703 N MAIN ST.

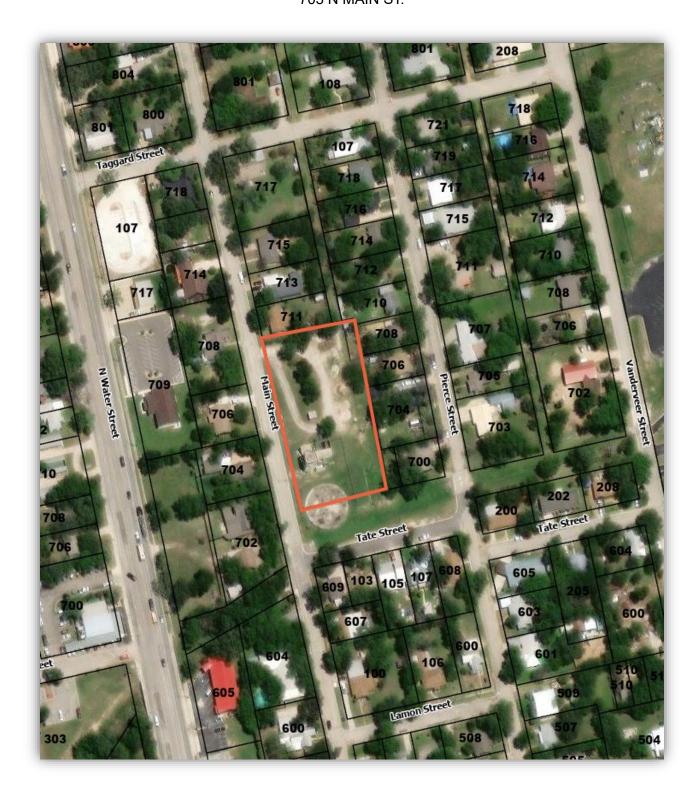


Exhibit "H"

400 N WEST ST.



Public hearing and action:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY BURNET, TEXAS, AMENDING SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler





303 LEAGUE CT., 304 LEAGUE CT., 305 LEAGUE CT., 306 LEAGUE CT., 307 LEAGUE CT., 308 LEAGUE CT., 309 LEAGUE CT., 310 LEAGUE CT.

> **CITY-INITIATED REQUEST** RESIDENTIAL - DISTRICT "R-1"

> > 1001 E POLK ST

CITY-INITIATED REQUEST MEDIUM COMMERCIAL - DISTRICT "C-2"



703 N MAIN ST CITY-INITIATED REQUEST

GOVERNMENT - DISTRICT "G"

400 N WEST STREET CITY-INITIATED REQUEST GOVERNMENT - DISTRICT "G"

BACKGROUND & INFORMATION:

In the

continued

effort to clean

up the zoning

map to

ensure each

property is

zoned

appropriately

for the use as

well as the

surrounding

area, staff is

bringing this

request

forward for

consideration.













Public Notification:
Notices were mailed to 60
surrounding property owners.
Zero responses have been
received in favor or opposition

Planning and Zoning met on August 5th and did recommend approval of the ordinance as presented.



Open public hearing

Discuss and consider the draft ordinance

Ordinance #2024-22

City of Burnet City Council

Item Brief



ITEM 3.3

Meeting Date

August 13, 2024

Agenda Item

Public Hearing and Action: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING PROPERTY KNOWN AS 303 BLUEBONNET STREET FROM THE PRESENT DESIGNATIONS OF SINGLE-FAMILY – "R-1" AND LIGHT COMMERCIAL – DISTRICT "C-1" TO A DESIGNATION OF NEIGHBORHOOD COMMERCIAL – DISTRICT "NC"; PROPERTY KNOWN AS 3029 EAST STATE HIGHWAY 29 FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT "R-1" TO A DESIGNATION OF GOVERNMENT – DISTRICT "G"; AND PROPERTY KNOWN AS 1958 COUNTY ROAD 340 FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT "R-1" TO A DESIGNATION OF GOVERNMENT – DISTRICT "G"; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

<u>Information</u>

This request is a city-initiated request to bring the properties into compliance with the current zoning code.

In the continued effort to clean up the zoning map to ensure each property is zoned appropriately for the use of the property as well as the surrounding area, staff is bringing this request forward for consideration.

Written notices were mailed to 33 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 scheduled meeting on Monday, August 5th and recommended approval of Ordinance 2024-23 as presented.

Recommendation

Open the public hearing.

Discuss and consider Ordinance 2024-23.

Exhibit A – Location and Current Zoning 303 BLUEBONNET STREET

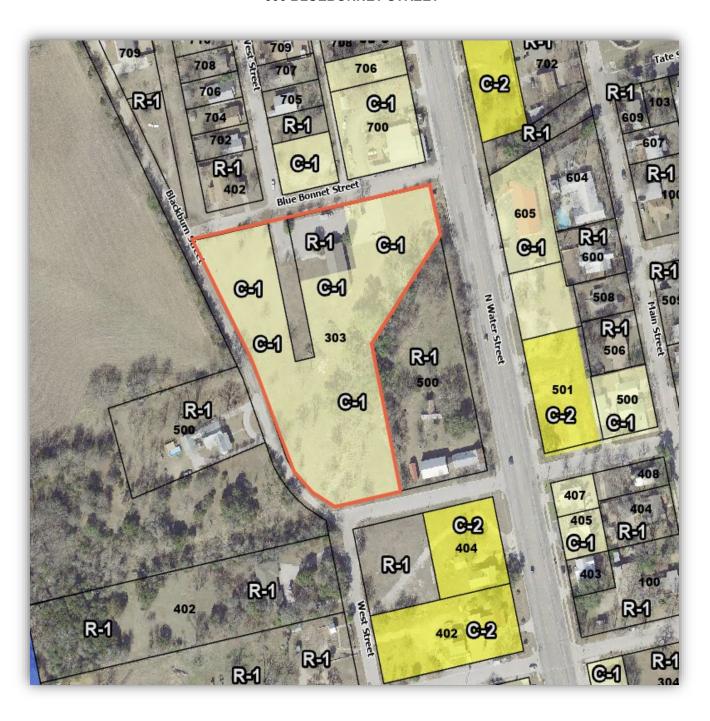


Exhibit A – Location and Current Zoning (cont.)

3029 EAST STATE HWY 29

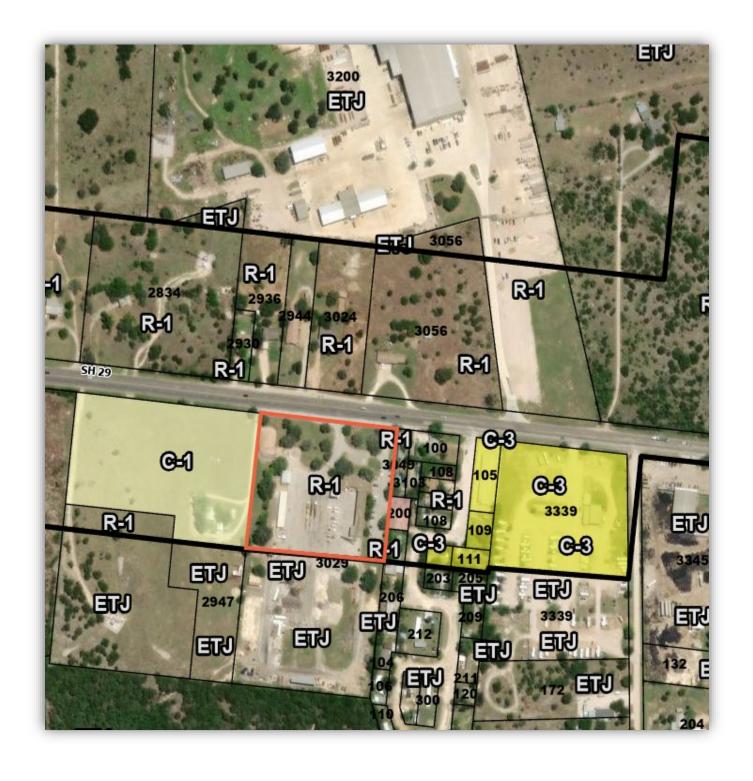
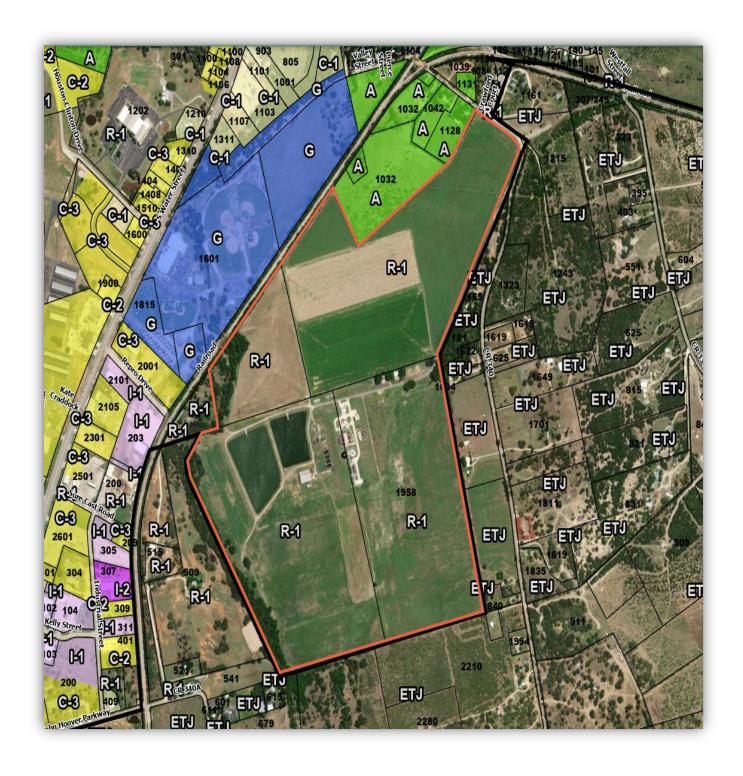


Exhibit A – Location and Current Zoning (cont.)

1958 COUNTY ROAD 340



ORDINANCE NO. 2024-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING PROPERTY KNOWN AS 303 BLUEBONNET STREET FROM THE PRESENT DESIGNATIONS OF SINGLE-FAMILY - "R-1" AND LIGHT COMMERCIAL - DISTRICT "C-1" TO A DESIGNATION OF NEIGHBORHOOD COMMERCIAL - DISTRICT "NC": PROPERTY KNOWN AS 3029 EAST STATE HIGHWAY 29 FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL -DISTRICT "R-1" TO A DESIGNATION OF GOVERNMENT - DISTRICT "G"; AND PROPERTY KNOWN AS 1958 COUNTY ROAD 340 FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL -DISTRICT "R-1" TO A DESIGNATION OF GOVERNMENT - DISTRICT PROVIDING A REPEALER CLAUSE; **PROVIDING** SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council, by the passage and approval of Ordinance No. 2021-01, 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: **303 BLUEBONNET STREET** (LEGAL DESCRIPTION: CHEATHAM 3.89 AC., BLK 1 LOT 1, BLK 3 LOT 1 THRU 5, BLK 5 LOT 1 THRU 5, PT OF STREET & ALLEY) as shown on **Exhibit "A"** hereto.

Section Three. Zoning District Reclassification. NEIGHBORHOOD COMMERCIAL – DISTRICT "NC" Zoning District Classification is hereby assigned to the Property described in section two.

Section Four. Property. The Property that is the subject to this Zoning District Reclassification is: **3029 EAST STATE HIGHWAY 29** (LEGAL DESCRIPTION: BAS A1525 SARAH ANN GUEST, 10.0 ACRES) as shown on **Exhibit "B"** hereto.

Section Five. Zoning District Reclassification. GOVERNMENT – DISTRICT "G" Zoning District Classification is hereby assigned to the Property described in section four.

Section Six. Property. The Property that is the subject to this Zoning District Reclassification is: **1958 COUNTY ROAD 340** (LEGAL DESCRIPTION: ABS A0187 B, B, CASTLEBERRY, 73.74 ACRES;) as shown on **Exhibit "C"** hereto.

Section Seven. Zoning District Reclassification. GOVERNMENT – DISTRICT "G" Zoning District Classification is hereby assigned to the Property described in section six.

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

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

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

PASSED AND APPROVED on this the 13th day of August 2024.

	Gary Wideman, Mayor
ATTEST:	
Maria Gonzales, City Secretary	

CITY OF BURNET, TEXAS

Exhibit "A"
303 BLUEBONNET

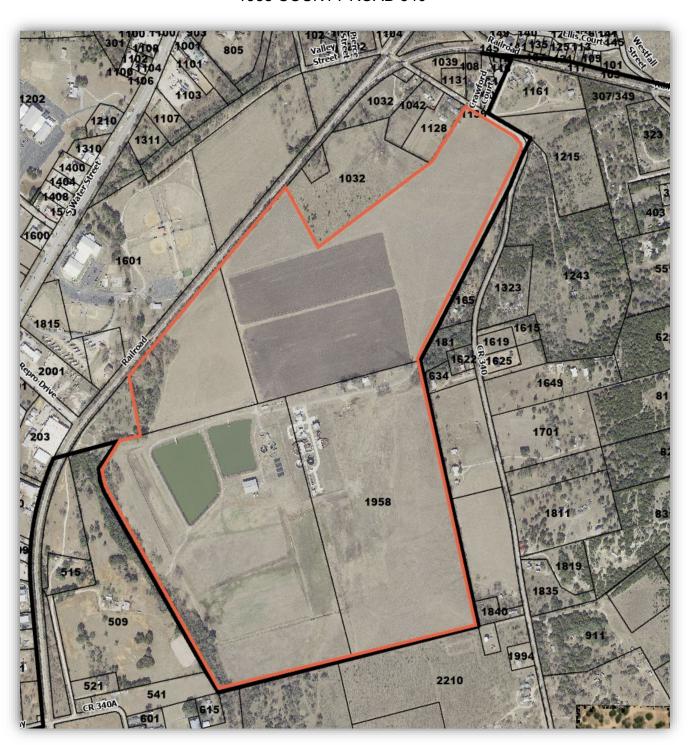


Exhibit "B"
3029 EAST STATE HIGHWAY 29



Exhibit "C"

1958 COUNTY ROAD 340



Public hearing and action:

AN ORDINANCE OF THE CITY COUNCIL OF THE AMENDING BURNET, TEXAS, ORDINANCE NO. 2021-01 AND THE OFFICIAL 70NING MAP OF THE CITY BY ASSIGNING PROPERTY KNOWN AS 303 BLUEBONNET STREET FROM THE PRESENT DESIGNATIONS OF SINGLE-FAMILY - "R-1" AND LIGHT COMMERCIAL -DESIGNATION NFIGHBORHOOD COMMERCIAL "NC": PROPERTY KNOWN AS 3029 EAST STATE HIGHWAY 29 FROM THE PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT "R-1" DESIGNATION OF GOVERNMENT DISTRICT "G": AND PROPERTY KNOWN AS 1958 ROAD DESIGNATION OF SINGLE-FAMILY RESIDENTIAL -DESIGNATION GOVERNMENT - DISTRICT "G"; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler





303 BLUEBONNET STREET

CITY-INITIATED REQUEST

NEIGHBORHOOD COMMERCIAL – DISTRICT "NC"

3029 EAST STATE HIGHWAY 29

CITY-INITIATED REQUEST

GOVERNMENT - DISTRICT "G"

1958 COUNTY ROAD 340

CITY-INITIATED REQUEST

GOVERNMENT - DISTRICT "G"

BACKGROUND & INFORMATION:

In the continued effort to clean up the zoning map to ensure each property is zoned appropriately for the use as well as the surrounding area, staff is bringing this request forward for consideration.









Public Notification:
Notices were mailed to 33
surrounding property owners.
Zero responses have been
received in favor or opposition

Planning and Zoning met on August 5th and did recommend approval of the ordinance as presented.



Open public hearing

Discuss and consider the draft ordinance

Ordinance #2024-23

City of Burnet City Council

Item Brief



ITEM 3.4

Meeting Date

August 13, 2024

Agenda Item

Public Hearing and Action: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE OFFICIAL FUTURE LAND USE MAP OF THE CITY OF BURNET BY ASSIGNING THE PROPERTY KNOWN AS 104 COUNTY ROAD 108 FROM ITS PRESENT DESIGNATION OF RESIDENTIAL TO A DESIGNATION OF COMMERCIAL; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

Information

The subject property is located along County Road 108 just west of North Water Street. The current Future Land Use for this property is residential. The property was rezoned from Single-family Residential – District "R-1" to a designation of Neighborhood Commercial - District "NC" in September of 2023. The FLUM was not required to be amended at that time because District "NC" still allows for residential use of the property.

The applicant is requesting to amend the Future Land Use Map to Commercial to be able to consider a rezone of the property from District "NC" to District "C-1" with a CUP for an assisted living facility. The requested Future Land Use amendment must be approved before the zoning change request can be approved (next item on the agenda). The property is just shy of one acre and is currently developed with a single-family residential structure.

This property gains access from County Road 108 just west of the highway intersection with a stop light. It abuts the back of residential properties but is not located within a residential neighborhood. When considering future development patterns, commercial development in the area is anticipated; therefore, amending the FLUM to commercial for this property would appear to be consistent with long term development patterns.

Notices were mailed to 14 surrounding property owners within 200' of the subject property and staff has received no comments in opposition to the proposed amendment to the City's Future Land Use Plan.

P&Z Report

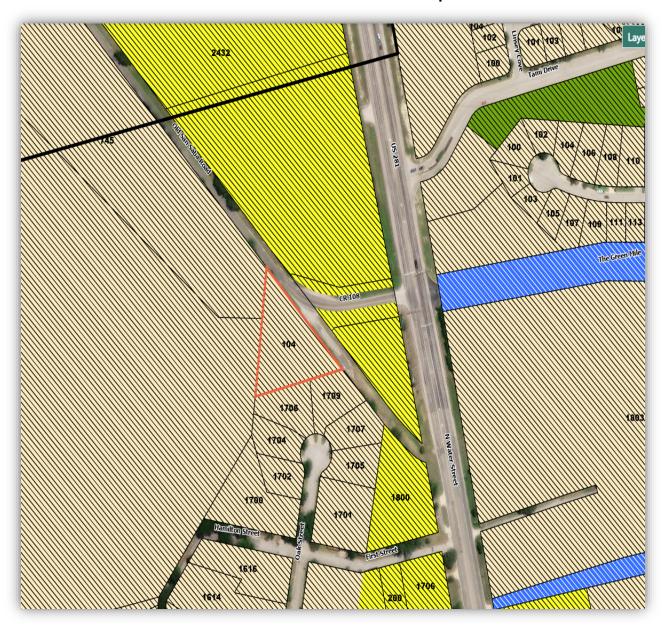
Planning and Zoning met at their regular scheduled meeting on Monday, August 5th and recommended approval of Ordinance 2024-25 as presented.

Recommendation

Open the public hearing.

Discuss and consider Ordinance 2024-25.

Exhibit A – Future Land Use Map









Commercial



Residential



Open Space

ORDINANCE NO. 2024-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE OFFICIAL FUTURE LAND USE MAP OF THE CITY OF BURNET BY ASSIGNING THE PROPERTY KNOWN AS 104 COUNTY ROAD 108 FROM ITS PRESENT DESIGNATION OF RESIDENTIAL TO A DESIGNATION OF COMMERCIAL; 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. 2012-09, did assign Future Land Use classifications for property located within the city in accordance with the Official Future Land Use Map as approved with said ordinance; and

WHEREAS, the purpose of this Ordinance is to amend the Official Future Land Use Map by amending the Future Land Use 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 Future Land Use 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, 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 Future Land Use Reclassification is: **104 COUNTY ROAD 108** (LEGAL DESCRIPTION: Being 0.973 acre tract out of John Hamilton Survey No. 1, Abs. No. 405) as shown on **Exhibit "A"** hereto.

Section Three. Future Land Use Map. "Commercial" Future Land Use is hereby assigned to the Property described in section two.

Section Four. Future Land Use Map Revision. The City Secretary is hereby authorized and directed to revise the Official Future Land Use Map to reflect the change in Future Land Use 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 AND APPROVED on the 13th day of August 2024.

	CITY OF BURNET, TEXAS
	Gary Wideman, Mayor
ATTEST:	
Maria Gonzales. City Secretary	

Exhibit "A"

Subject Property



Public hearing and action:

ORDINANCE OF THE COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE OFFICIAL FUTURE LAND USE MAP OF THE CITY BURNET BY ASSIGNING PROPERTY KNOWN AS 104 COUNTY ROAD 108 FROM ITS PRESENT DESIGNATION OF RESIDENTIAL TO A DESIGNATION OF COMMERCIAL; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler









Commercial



Residential



Open Space

104 COUNTY ROAD 108

CURRENT FLUM:

RESIDENTIAL

APPLICANT REQUEST:

COMMERCIAL

BACKGROUND & INFORMATION:

Located along County Road 108, the current Future Land Use is zoned residential -"R-1". The property was previously rezoned to Neighborhood Commercial -"NC". The FLUM was not amended at that time because District "NC" allowed for residential use.

The applicant is requesting to amend the Future Land Use Map to Commercial to be able to consider a rezone of the property from District "NC" to District "C-1" with a CUP for an assisted living facility.

STAFF ANALYSIS:

Access is gained from County Road 108 just west of the highway. It abuts the back of residential properties but is not in a residential neighborhood. Commercial development in the area is anticipated; therefore, amending the FLUM to commercial would appear to be consistent with long term development patterns.

Public Notification:

Notices were mailed to 14 surrounding property owners. Zero responses have been received in favor or opposition

Planning and Zoning met on August 5th and did recommend approval of the ordinance as presented.





Open public hearing

Discuss and consider the draft ordinance

Ordinance #2024-25

City of Burnet City Council

Item Brief



ITEM 3.5

Meeting Date

August 13, 2024

Agenda Item

Public Hearing and Action: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY OF BURNET BY REZONING PROPERTY KNOWN AS 104 COUNTY ROAD 108 FROM ITS PRESENT DESIGNATION OF NEIGHBORHOOD COMMERCIAL – DISTRICT "NC" TO A DESIGNATION OF LIGHT COMMERCIAL – DISTRICT "C-1" WITH A CONDITIONAL USE PERMIT TO ALLOW "ASSISTED RETIREMENT LIVING"; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

Information

Located along County Road 108, just west of North Water Street, the subject property was recently rezoned to Neighborhood Commercial – District "NC" in September of 2023. The applicant is requesting to rezone the property to Light Commercial – District "C-1" with a Conditional Use Permit to allow for the development of an assisted retirement facility. The property is developed with a single-family residential structure and a large asphalt parking area with carport and garage.

Code of Ordinances, Section 118-5 defines "Assisted Retirement Living" as a facility which provides 24-hour supervision and assisted living for more than 15 residents not requiring regular ongoing medical attention. The applicant is proposing to remodel the existing single-family residential structure into a 16-bed senior living facility.

The Conditional Use Permit approval process is established by Code of Ordinances Sec. 118-64; Subsection (e). Per the cited section in making its recommendation the Commission should consider the following:

- Appearance, size, density and operating characteristics are compatible with surrounding neighborhood and uses;
- Proposed use will not adversely affect value of surrounding properties nor impede their proper development;

- Proposed use will not create a nuisance factor nor otherwise interfere with a neighbor's enjoyment of property or operation of business:
- Traffic generated on existing streets will not create nor add significantly to congestion, safety hazards, or parking problems, and will not disturb peace and quiet of neighborhood;
- Comply with other applicable ordinances and regulations.

Staff has reviewed the criteria in Sec. 118-64(e) and have made the following observations:

- The applicant proposes to continue to utilize the existing structure and the property in its current state. Renovations will be minor and only to the interior of the building. The appearance and size of the property will continue to be compatible with surrounding properties.
- The property is not located within a residential subdivision and is the only developed property along this section of County Road 108. The senior living facility would provide a buffer between heavier commercial uses, along the highway, and any future residential developments in the area.
- A senior living facility would have low impact on any surrounding properties as the characteristics of the property will remain the same.
 The proposed use should not create a nuisance nor interfere with neighboring properties enjoyment.
- This property is located in an area with high traffic; since most of the abutting properties are undeveloped, any additional traffic generated by staff or guests would not create congestion or parking problems.

Written notices were mailed to 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

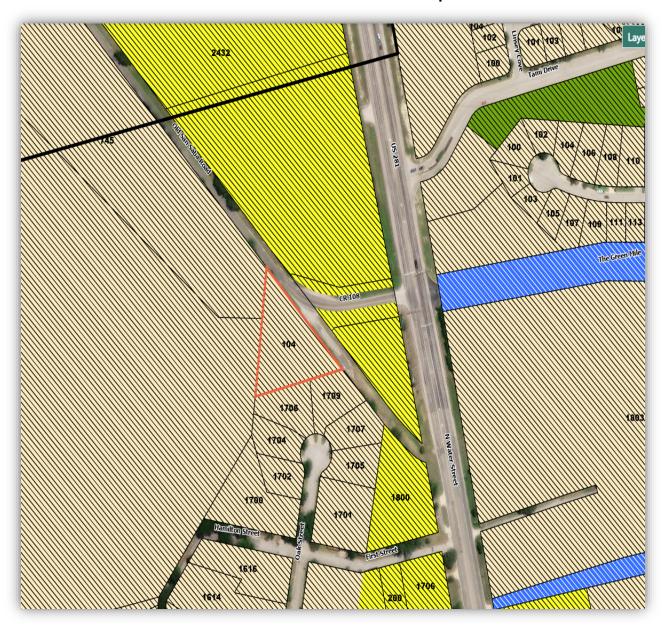
Planning and Zoning met at their regular scheduled meeting on Monday, August 5th and recommended approval of Ordinance 2024-26 as presented.

Recommendation

Open the public hearing.

Discuss and consider Ordinance 2024-26.

Exhibit A – Future Land Use Map









Commercial



Residential



Open Space

ORDINANCE NO. 2024-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2012-09 AND THE OFFICIAL FUTURE LAND USE MAP OF THE CITY OF BURNET BY ASSIGNING THE PROPERTY KNOWN AS 104 COUNTY ROAD 108 FROM ITS PRESENT DESIGNATION OF RESIDENTIAL TO A DESIGNATION OF COMMERCIAL; 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. 2012-09, did assign Future Land Use classifications for property located within the city in accordance with the Official Future Land Use Map as approved with said ordinance; and

WHEREAS, the purpose of this Ordinance is to amend the Official Future Land Use Map by amending the Future Land Use 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 Future Land Use 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, 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 Future Land Use Reclassification is: **104 COUNTY ROAD 108** (LEGAL DESCRIPTION: Being 0.973 acre tract out of John Hamilton Survey No. 1, Abs. No. 405) as shown on **Exhibit "A"** hereto.

Section Three. Future Land Use Map. "Commercial" Future Land Use is hereby assigned to the Property described in section two.

Section Four. Future Land Use Map Revision. The City Secretary is hereby authorized and directed to revise the Official Future Land Use Map to reflect the change in Future Land Use 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 AND APPROVED on the 13th day of August 2024.

	CITY OF BURNET, TEXAS
	Gary Wideman, Mayor
ATTEST:	
Maria Gonzales, City Secretary	

Exhibit "A"

Subject Property



Public hearing and action:

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE BURNET BY REZONING PROPERTY KNOWN AS 104 ROAD 108 FROM ITS PRESENT DESIGNATION OF NEIGHBORHOOD COMMERCIAL - DISTRICT "NC" TO DESIGNATION OF LIGHT COMMERCIAL -WITH A CONDITIONAL PERMIT LIVING"; RETIREMENT PROVIDING CLAUSE; PROVIDING REPEALER SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler





104 COUNTY ROAD 108 REQUESTED

LIGHT COMMERCIAL "C-1" WITH CONDITIONAL USE PERMIT "ASSISTED LIVING FACILIY"

- Located along County Road 108, the property was recently rezoned to Neighborhood Commercial – District "NC". The applicant is requesting to rezone the property to Light Commercial – District "C-1" with a Conditional Use Permit to allow for the development of an assisted retirement facility.
- Code of Ordinances, Section 118-5 defines "Assisted Retirement Living" as a facility which provides 24-hour supervision and assisted living for more than 15 residents not requiring regular ongoing medical attention.
- The applicant is proposing to remodel the existing single-family residential structure into a 16-bed senior living facility.

Conditional Use Permit Criteria Considerations:

Appearance, size, density and operating characteristics are compatible with surrounding neighborhood and uses;

Proposed use will not adversely affect value of surrounding properties nor impede their proper development;

Proposed use will not create a nuisance factor nor otherwise interfere with a neighbor's enjoyment of property or operation of business;

Traffic generated on existing streets will not create nor add significantly to congestion, safety hazards, or parking problems, and will not disturb peace and quiet of neighborhood;

Comply with other applicable ordinances and regulations.

Staff Analysis:



Staff Analysis:

Staff has reviewed the criteria in Sec. 118-64(e) and have made the following observations:

- The applicant proposes to continue to utilize the existing structure and the property in its current state. Renovations will be minor and only to the interior of the building. The appearance and size of the property will continue to be compatible with surrounding properties.
- The property is not located within a residential subdivision and is the only developed property along this section of County Road 108. The senior living facility would provide a buffer between heavier commercial uses, along the highway, and any future residential developments in the area.
- A senior living facility would have low impact on any surrounding properties as the characteristics of the property will remain the same. The proposed use should not create a nuisance nor interfere with neighboring properties enjoyment.
- This property is located in an area with high traffic; since most of the abutting properties are undeveloped, any additional traffic generated by staff or guests would not create congestion or parking problems.

Public Notification:

Notices were mailed to 14 surrounding property owners. Zero responses have been received in favor or opposition

Planning and Zoning met on August 5th and did recommend approval of the ordinance as presented.





Open public hearing

Discuss and consider the draft ordinance

Ordinance #2024-26

City of Burnet City Council

Item Brief



ITEM 3.6

Meeting Date

August 13, 2024

Agenda Item

Public Hearing and Action: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY REZONING PROPERTY LOCATED AT THE NORTH CORNER OF COUNTY ROAD 108 AND NORTH WATER STREET FROM ITS CURRENT DESIGNATION OF AGRICULTURE – DISTRICT "A" TO A DESIGNATION OF LIGHT COMMERCIAL – DISTRICT "C-1" WITH A CONDITIONAL USE PERMIT TO ALLOW "GASOLINE SALES AND ALCOHOL SALES" AND A CONDITIONAL USE PERMIT TO ALLOW FOR "PACKAGED LIQUOR STORE FOR OFF PREMISE CONSUMPTION SALES"; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

Information

Located at the intersection of County Road 108 and North Water Street, the subject property is an undeveloped 5.8 acre tract. The applicant is requesting to rezone the property to Light Commercial – District "C-1" with a Conditional Use Permit to allow for the development of a convenience store with gasoline and alcohol sales. This building will have an additional suite to be utilized as a packaged liquor store. The property does have water but will need to work with the city engineer to appropriately address wastewater.

Code of Ordinances, Section 118-45(4) lists "Convenience Store" as an allowable use in district "C-1"; however, gasoline and/or alcohol sales are only allowed with the approval of a Conditional Use Permit. Additionally, the use "Packaged Liquor Store for Off-Premise Consumption Sales" is only allowed in Medium Commercial – District "C-2" zones which require a Conditional Use Permit to operate in the "C-1" district. These are two separate Conditional Use Permits that the applicant must acquire to operate both businesses.

The Conditional Use Permit approval process is established by Code of Ordinances Sec. 118-64; Subsection (e). Per the cited section in making its recommendation the Commission should consider the following:

- Appearance, size, density and operating characteristics are compatible with surrounding neighborhood and uses;
- Proposed use will not adversely affect value of surrounding properties nor impede their proper development;
- Proposed use will not create a nuisance factor nor otherwise interfere with a neighbor's enjoyment of property or operation of business;
- Traffic generated on existing streets will not create nor add significantly to congestion, safety hazards, or parking problems, and will not disturb peace and quiet of neighborhood;
- Comply with other applicable ordinances and regulations.

Staff has reviewed the criteria in Sec. 118-64(e) and have made the following observations:

- The only developed property, within the surrounding area, is a single-family home which has been utilized for commercial purposes and is proposed to be continued to be utilized for commercial use. There is a residential subdivision across the highway from the subject property; however, the undeveloped property in front of the subdivision is already zoned commercial and will likely develop with commercial use in the future. The commercial use of this property would be compatible with the future development of surrounding properties. The request for the Conditional Use Permit for gasoline and/or alcohol sales, as well as the request for the packaged liquor store may be an appropriate request due to the lack of other development in the area.
- The proposed use would not adversely affect value of surrounding properties or impede their proper development. Being this is the first commercial development this far north of town, it may increase surrounding property values and encourage further commercial development in this area.
- Most of the properties directly surrounding the subject property are currently undeveloped; therefore, it should not interfere with those neighboring properties enjoyment or operation of business.
- Any commercial development in this area is going to increase traffic; however, this property is located at an intersection with a stop light. This would be the most ideal location for commercial property that may increase traffic. The stop light will help with traffic control as well as provide a safer route for patrons and large trucks to enter and exit the highway.

Written notices were mailed to 6 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 scheduled meeting on Monday, August 5th and recommended approval of Ordinance 2024-27 as presented.

Recommendation

Open the public hearing.

Discuss and consider Ordinance 2024-27.

Exhibit A – Location and Current Zoning



Exhibit B – Applicant's Request

July 16, 2024

Leslie Kimbler Planning Manager Ikimbler@cityofburnet.com (512) 715-3215

City of Burnet – Development Services P.O. Box 1369 Burnet, TX 78611

Subject: Zoning Change Application

Address: N US Hwy 281 Burnet, TX 78611

Burnet CAD Property ID: 125129 Property Owner: Drip City Holdings, LLC

Acreage: 5.84 Acres

Legal Description: ABS A0035 THOMAS ALLEY, 5.84 ACRES

Dear Ms. Kimbler.

On behalf of Drip City Holdings, LLC, I am hereby requesting a Zoning Change for the abovereferenced property. The 5.84-acre property is located at the corner of US HWY 281 and CR 108 within the City of Burnet City Limits, in Burnet County, Texas. The parcel is further identified with the Burnet Central Appraisal District Property ID 125129. The property's legal description is "ABS A0035 THOMAS ALLEY, 5.84 ACRES".

The property's current Zoning Classification is "A – Agriculture" according to the City of Burnet Official Zoning Map dated 02/01/2024. We request that the Zoning Classification of the property be changed to "C-1 Light Commercial District" with a Conditional Use Permit for gasoline and alcohol sales. The future development plans on the site will include a Convenience Store, Liquor Store, and Gas Station. The proposed zoning will encourage development while maintaining appropriate limitations on the character and intensity of use, assuring compatibility with adjoining and proximate properties, and following the guidelines and Ordinances of the City of Burnet.

The requested Conditional Use Permit will allow the following commercial land uses included in the "C-2 Medium Commercial District" permitted uses.

- Convenience stores, grocery stores and supermarkets (including the sale of alcoholic beverages for off premises consumption and/or gasoline).
- Package liquor stores for off-premises consumption sales.

Please feel free to contact me if you have any questions or comments. Thank you for your consideration.

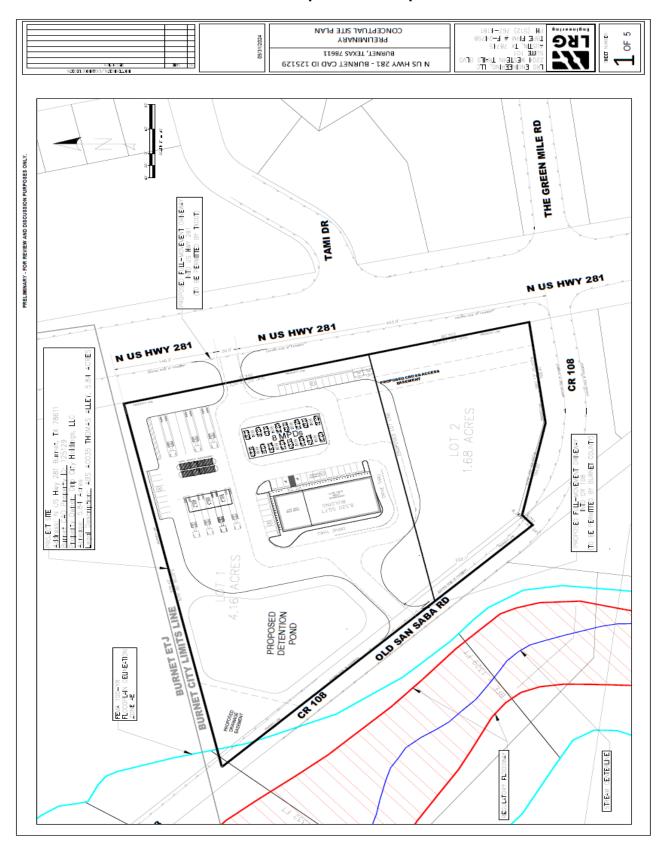
Sincerely,

Jems Gandhi

Drip City Holdings, LLC jems_gandhi@yahoo.com

Jems Gandhi

Exhibit C - Proposed Concept Plan



ORDINANCE NO. 2024-27

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY REZONING PROPERTY LOCATED AT THE NORTH CORNER OF COUNTY ROAD 108 AND NORTH WATER STREET FROM ITS CURRENT DESIGNATION OF AGRICULTURE – DISTRICT "A" TO A DESIGNATION OF LIGHT COMMERCIAL – DISTRICT "C-1" WITH A CONDITIONAL USE PERMIT TO ALLOW "GASOLINE SALES AND ALCOHOL SALES" AND A CONDITIONAL USE PERMIT TO ALLOW FOR "PACKAGED LIQUOR STORE FOR OFF PREMISE CONSUMPTION SALES"; 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 the required amendment to the Future Land Use Plan was, prior to this action, passed and approved by ordinance of this Council; 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 subject to this Zoning District Reclassification is: **Property ID 125129**, (LEGAL DESCRIPTION: ABS A0035 THOMAS ALLEY, 5.84 ACRES) as shown on **Exhibit "A"** hereto.

Section Three. Zoning District Reclassification. Light Commercial – District "C-1" Zoning District Classification" is hereby assigned to the Property described in section two.

Section Four. Conditional Use Permit. A <u>Conditional Use Permit</u> to allow the use "Gasoline and/or Alcohol Sales" is hereby assigned to the Property described in section two.

Section Five. Conditional Use Permit. A <u>Conditional Use Permit</u> to allow the use "Packaged Liquor Store for Off-Premise Consumption Sales" is hereby assigned to the Property described in section two.

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

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

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

PASSED AND APPROVED on this the 13th day of August 2024.

	CITY OF BURNET, TEXAS
	Gary Wideman, Mayor
ATTEST:	
Maria Gonzales, City Secretary	

Exhibit "A"

Subject Property



Public hearing and action:

AN ORDINANCE OF THE AND PROVIDING AN EFFECTIVE DATE: L. Kimbler



COUNTY ROAD 108 and NORTH WATER STREET



REQUESTED

LIGHT COMMERCIAL "C-1"
WITH CONDITIONAL USE PERMIT
"GASOLINE AND/OR ALCOHOL SALES"
AND
"PACKAGED LIQUOR STORE FOR OFF PREMISE
CONSUMPTION SALES"

- Located at the intersection of County Road 108 and North Water Street, the property is an undeveloped 5.8-acre tract.
- Allow for the development of a convenience store with gasoline and alcohol sale
- An additional suite will be utilized as a package liquor store
- Code of Ordinances, Section 118-45(4) lists
 "Convenience Store" as an allowable use in district
 "C-1"; however, gasoline and/or alcohol sales are only allowed with a Conditional Use Permit.
- "Packaged Liquor Stores are only allowed in Medium Commercial – District "C-2" which requires a Conditional Use Permit to operate in the "C-1" district.

Conditional Use Permit Criteria Considerations:

Appearance, size, density and operating characteristics are compatible with surrounding neighborhood and uses;

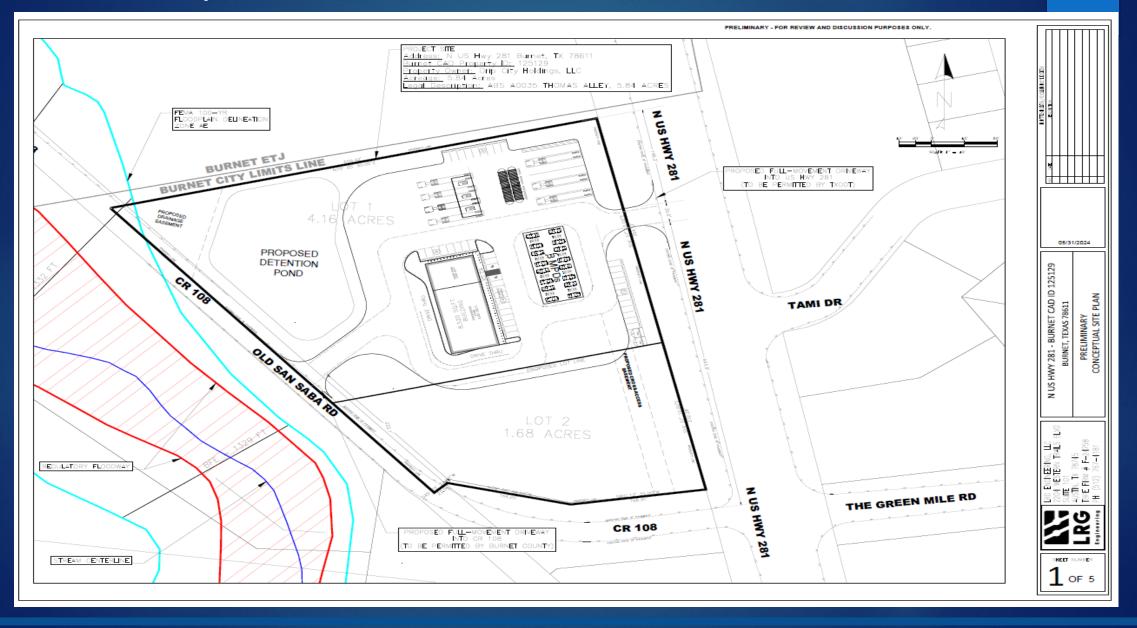
Proposed use will not adversely affect value of surrounding properties nor impede their proper development;

Proposed use will not create a nuisance factor nor otherwise interfere with a neighbor's enjoyment of property or operation of business;

Traffic generated on existing streets will not create nor add significantly to congestion, safety hazards, or parking problems, and will not disturb peace and quiet of neighborhood;

Comply with other applicable ordinances and regulations.

Staff Analysis:



Staff Analysis:

Staff has reviewed the criteria in Sec. 118-64(e) and have made the following observations:

- The only developed property, within the surrounding area, is a single-family home which has been utilized for commercial purposes and is proposed to be continued to be utilized for commercial use. There is a residential subdivision across the highway from the subject property; however, the undeveloped property in front of the subdivision is already zoned commercial and will likely develop with commercial use in the future. The commercial use of this property would be compatible with the future development of surrounding properties. The request for the Conditional Use Permit for gasoline and/or alcohol sales, as well as the request for the packaged liquor store may be an appropriate request due to the lack of other development in the area.
- This is the first commercial development this far north of town, it may increase surrounding property values and encourage further commercial development in this area.
- Most of the properties directly surrounding the subject property are currently undeveloped; therefore,
 it should not interfere with those neighboring properties enjoyment or operation of business.
- Any commercial development in this area is going to increase traffic; however, this property is located
 at an intersection with a stop light. This would be the most ideal location for commercial property that
 may increase traffic. The stop light will help with traffic control as well as provide a safer route for
 patrons and large trucks to enter and exit the highway.



Public Notification:

Notices were mailed to 6 surrounding property owners. Zero responses have been received in favor or opposition

Planning and Zoning met on August 5th and did recommend approval of the ordinance as presented.



Open public hearing

Discuss and consider the draft ordinance

Ordinance #2024-27

City of Burnet City Council

Item Brief



ITEM 3.7

Meeting Date

August 13, 2024

Agenda Item

Public Hearing and Action: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY REZONING PROPERTY KNOWN AS 402 AND 404 NORTH WATER STREET FROM ITS CURRENT DESIGNATIONS OF MEDIUM COMMERCIAL – DISTRICT "C-2" AND SINGLE-FAMILY RESIDENTIAL – DISTRICT "R-1" TO A DESIGNATION OF LIGHT COMMERCIAL – DISTRICT "C-1" WITH A CONDITIONAL USE PERMIT TO ALLOW "GASOLINE SALES AND ALCOHOL SALES"; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

<u>Information</u>

The subject property is the entire block located between West Kerr Street, West Johnson Street, North Water Street and North West Street. The property is currently developed with a small residential house, a barn and a commercial building which was most recently used as a restaurant. The property is three separate lots; two of the lots are zoned Medium Commercial – District "C-2" and the remaining lot is Single-family Residential – District "R-1". The applicant is proposing to develop a convenience store and is requesting the zoning of Light Commercial - District "C-1" with a Conditional Use Permit to allow for "gasoline and/or alcohol sales".

Code of Ordinances, Section 118-45(4) lists "Convenience Store" as an allowable use in district "C-1"; however, gasoline and/or alcohol sales are only allowed with the approval of a Conditional Use Permit.

The Conditional Use Permit approval process is established by Code of Ordinances Sec. 118-64; Subsection (e). Per the cited section in making its recommendation the Commission should consider the following:

- Appearance, size, density and operating characteristics are compatible with surrounding neighborhood and uses;
- Proposed use will not adversely affect value of surrounding properties nor impede their proper development;

- Proposed use will not create a nuisance factor nor otherwise interfere with a neighbor's enjoyment of property or operation of business:
- Traffic generated on existing streets will not create nor add significantly to congestion, safety hazards, or parking problems, and will not disturb peace and quiet of neighborhood;
- Comply with other applicable ordinances and regulations.

Staff has reviewed the criteria in Sec. 118-64(e) and have made the following observations:

- Properties surrounding the subject property are a mix of light commercial uses, residential use, and future parkland use. Surrounding properties zoned commercial are either offices or businesses that have very low impact on surrounding properties; these businesses generally operate within the building, during daytime business hours. The proposed use for consideration would be a larger building, with more outdoor use, higher traffic volume, and operate in the early morning hours and later evening hours.
- Commercial development has different effects on the value and development of surrounding properties. For some properties, this may have a positive effect by encouraging more development in the area; therefore, raising the commercial value of the property. For other properties, it may have an adverse effect. The noise and traffic generated by the proposed use may have negative impacts on the desirability of the residential properties and discourage further residential development.
- The submitted concept plan shows outdoor use and vehicular traffic at the business being conducted in the front of the building along the highway frontage. This would create a buffer for some of the residential properties, behind the subject property, helping with some of the increased light and noise generated by the proposed use. However, a previous concept plan did show diesel pumps, for large trucks, at the rear of the property behind the building. This could create a nuisance for surrounding residential properties.
- The property was utilized as commercial property in the past; similar light commercial uses of the property should not significantly increase current traffic patterns. However, allowing the sale of gasoline at this subject property would create a higher traffic volume. The final site design will determine just how much this could affect the peace and quiet of the surrounding neighborhood. Additionally, if pumps are installed for the large trucks, this could be seen as a traffic hazard with large trucks entering and exiting the highway.

Written notices were mailed to 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 scheduled meeting on Monday, August 5th. A motion was made to deny the request; the Commission was split with two in favor of the motion to deny and two in opposing the motion. The Commission was unable to come to an agreement on a recommended motion for Council and therefore voted to report to Council that there is no recommendation from the Planning and Zoning Commission.

Recommendation

Open the public hearing.

Discuss and consider Ordinance 2024-28.

Exhibit A - Location and Current Zoning

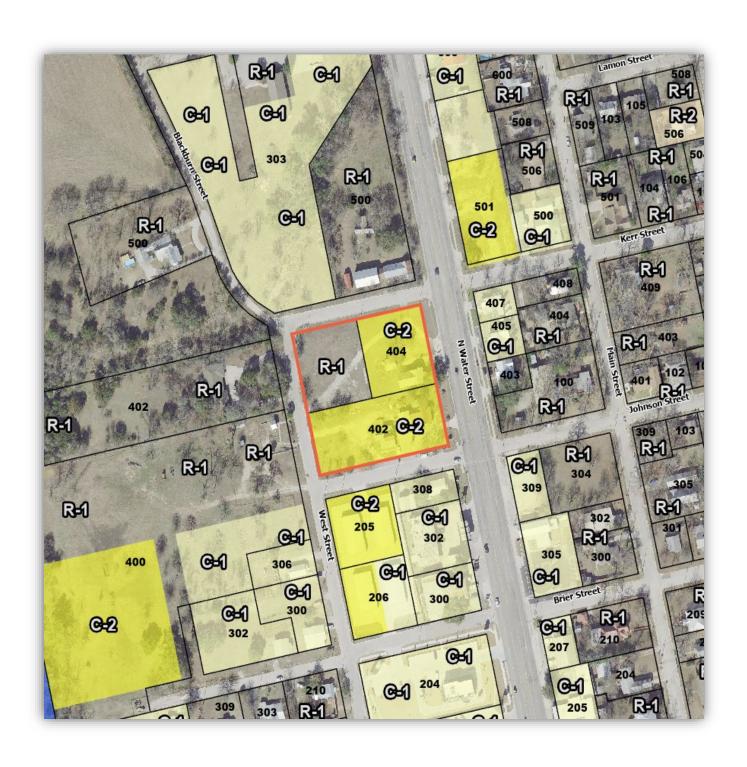


Exhibit B – Applicant's Request



July 15th, 2024

Development Services Department City of Burnet 1001 Buchanan Drive, Suite 4 Burnet, TX 78611

RE: Zoning Letter - Zoning Change Application

To Whom It May Concern,

Please accept this letter as part of the zoning change application for the property located at 404 N Water St, Burnet, TX, 78611. The subject site to be rezoned is the entirety of the block bound by SH 281, Kerr Street, Johnson Street, and West Street within the City of Burnet, Burnet County, Texas. There are three (3) existing parcels, totaling 2.01 acres that are part of this zoning request. Two of the parcels are currently zoned Medium Commercial (C-2) with a restaurant that is no longer operational, while the third parcel is currently zoned Single Family Residential (R-1) with an existing house that is currently occupied. This zoning request is for all three tracts to be rezoned to Light Commercial (C-1) with a conditional use permit to allow for gasoline and alcohol sales.

Please feel free to contact me at 737-222-7228 if additional information is required.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Jordan Schaefer, P.E. Project Manager

Exhibit C – Proposed Concept Plan

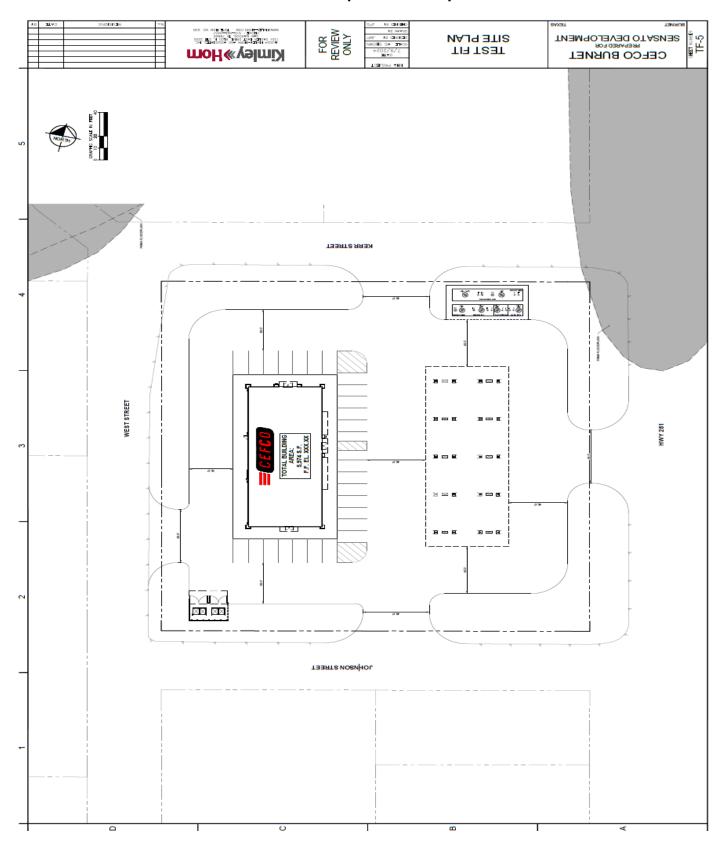


Exhibit D – Letter of Opposition

Honorable Chairperson and Members of the Planning & Zoning Commission

My name is Bettye Foulds and I reside at 402 N West Street, and I am opposed to the request for zoning change at 402 and 404 N Water Street (HWY 281N).

I only became aware of this when I received the letter from the city on July 26, 2024, which was 5 working days prior to this meeting so my reasons for this request may not be complete.

The City of Burnet has purchased property at 400 N West Street for a park as it is adjacent to and easily accessible to Haley-Nelson Park and the Hamilton Creek-Walk Park. I am in total agreement with this. A portion of this property is directly across the street from 400 and 402 N Water. According to the small amount of information I have received, this would place the park directly across the street from a truck/gas terminal. This is highly undesirable.

My property extends from 402 N West Street to 500 Blackburn Lane, approximately 3 acres. This would also put the truck/gas terminal directly across from my home.

Imagine the impact the noise, lighting, traffic, etc. would have on my home and me. West Johnson and West Kerr streets are not wide streets and there is traffic on them from vehicles leaving Starbucks and McDonalds. I know this because trash is discarded along the road from various fast food restaurants. The people are using N West, West Johnson, and West Kerr to access 281. Also, people use N West from 29 to miss the intersection of 29 and 281 to access 281N

If the proposed business requires entrance and exits on 281 this would cause congestion with traffic as large trucks would be delivering supplies and gasoline to the store, as well as a truck stop. There is already a convenience store with gas 1/2 block away from this site and there are traffic delays there on occasion and frequently on school days when buses are running the traffic is backed up to Kerr.

There is always some loitering around truck terminals as some people wish to use the facilities and ask customers for money. Our great police department does not need one more place of this sort to monitor.

Safety is also an issue for me. I have several security means in place, but we know this is not totally foolproof. My property value would be diminished, and this concerns me very much. I humbly ask you to deny this change.

Thank you for listening to me and reading my objections.

Bettye Foulds 402 N West St

Cell: 512-470-6360 Home: 512-756-7013 Sent from my iPad

ORDINANCE NO. 2024-28

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY REZONING PROPERTY KNOWN AS 402 AND 404 NORTH WATER STREET FROM ITS CURRENT DESIGNATIONS OF MEDIUM COMMERCIAL – DISTRICT "C-2" AND SINGLE-FAMILY RESIDENTIAL – DISTRICT "R-1" TO A DESIGNATION OF LIGHT COMMERCIAL – DISTRICT "C-1" WITH A CONDITIONAL USE PERMIT TO ALLOW "GASOLINE SALES AND ALCOHOL SALES"; 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 subject to this Zoning District Reclassification is: **402 and 404 NORTH WATER STREET** (LEGAL DESCRIPTION: LOTS 1-4, BLOCK 30, PETER KERR PORTION) as shown on **Exhibit "A"** hereto.

Section Three. Zoning District Reclassification. Light Commercial – District "C-1" Zoning District Classification" is hereby assigned to the Property described in section two.

Section Four. Conditional Use Permit. A <u>Conditional Use Permit</u> to allow the use "Gasoline and/or Alcohol Sales" is hereby assigned to the Property described in section two.

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

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

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

PASSED AND APPROVED on this the 13th day of August 2024.

	CITY OF BURNET, TEXAS	
ATTEST:	Gary Wideman, Mayor	
Maria Gonzales, City Secretary		

Exhibit "A"

Subject Property

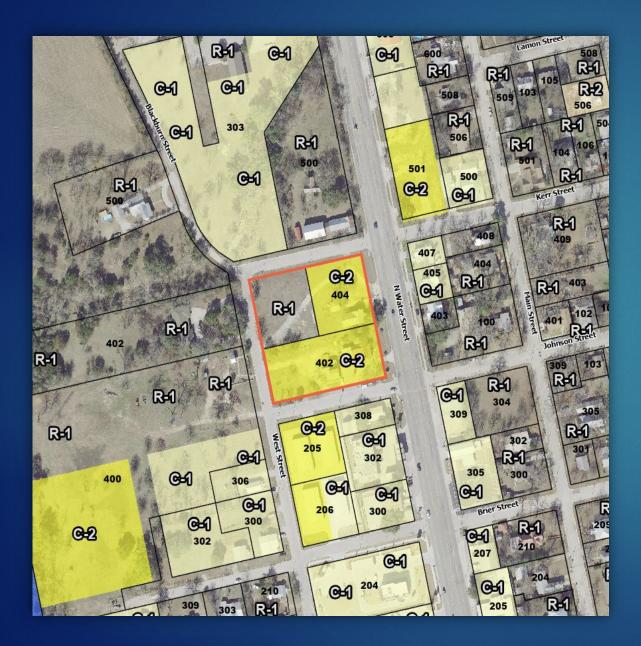


Public hearing and action:

AN ORDINANCE OF THE CITY COUNCIL BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY REZONING PROPERTY KNOWN AS 402 AND 404 NORTH WATER STREET FROM ITS CURRENT DESIGNATIONS OF MEDIUM COMMERCIAL – DISTRICT "C-2" SINGLE-FAMILY CONDITIONAL USE PERMIT "GASOLINE ALLOW SALES ALCOHOL SALES"; PROVIDING CLAUSE; PROVIDING REPEALER SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler



402 and 404 NORTH WATER STREET



REQUESTED

LIGHT COMMERCIAL "C-1" WITH CONDITIONAL USE PERMIT "GASOLINE AND/OR ALCOHOL SALES"

- Entire block located between West Kerr Street, West Johnson Street, North Water Street, and North West Street.
- Developed with small house, a barn and a commercial building with was a restaurant.
- Three separate lots; two zoned "C-2", one zoned "R-1"
- Allow for the development of a convenience store with gasoline and alcohol sale

Code of Ordinances, Section 118-45(4) lists
 "Convenience Store" as an allowable use in district
 "C-1"; however, gasoline and/or alcohol sales are only allowed with a Conditional Use Permit.

Conditional Use Permit Criteria Considerations:

Appearance, size, density and operating characteristics are compatible with surrounding neighborhood and uses;

Proposed use will not adversely affect value of surrounding properties nor impede their proper development;

Proposed use will not create a nuisance factor nor otherwise interfere with a neighbor's enjoyment of property or operation of business;

Traffic generated on existing streets will not create nor add significantly to congestion, safety hazards, or parking problems, and will not disturb peace and quiet of neighborhood;

Comply with other applicable ordinances and regulations.

Staff Analysis: WEST STREET N L Kimley» Hom TOTAL BUILDING AREA: 5,974 S.F. F.F. EL XXX.XX FOR KERR STREET REVIEW ONLY TEST FIT SITE PLAN 6 0 0 CEFCO BURNET
REPARED FOR
SENSATO DEVELOPMENT HWY 281 SHEET NUMBER

Staff Analysis:

Staff has reviewed the criteria in Sec. 118-64(e) and have made the following observations:

- Properties surrounding the subject property are a mix of light commercial uses, residential use, and
 future parkland use. Surrounding properties zoned commercial are either offices or businesses that have very
 low impact on surrounding properties; these businesses generally operate within the building, during daytime
 business hours. The proposed use for consideration would be a larger building, with more outdoor use, higher
 traffic volume, and operate in the early morning hours and later evening hours.
- Commercial development has different effects on the value and development of surrounding properties. For some properties, this may have a positive effect by encouraging more development in the area; therefore, raising the commercial value of the property. For other properties, it may have an adverse effect. The noise and traffic generated by the proposed use may have negative impacts on the desirability of the residential properties and discourage further residential development.
- The submitted concept plan shows outdoor use and vehicular traffic at the business being conducted in the front of the building along the highway frontage. This would create a buffer for some of the residential properties, behind the subject property, helping with some of the increased light and noise generated by the proposed use. However, a previous concept plan did show diesel pumps, for large trucks, at the rear of the property behind the building. This could create a nuisance for surrounding residential properties.
- The property was utilized as commercial property in the past; similar light commercial uses of the property should not significantly increase current traffic patterns. However, allowing the sale of gasoline at this subject property would create a higher traffic volume. The final site design will determine just how much this could affect the peace and quiet of the surrounding neighborhood. Additionally, if pumps are installed for the large trucks, this could be seen as a traffic hazard with large trucks entering and exiting the highway.

Public Notification:

Notices were mailed to 14 surrounding property owners. Zero responses have been received in favor or opposition

Planning and Zoning met on August 5th; the Commission motioned for denial of the request with a split vote; therefore, there is no recommendation from the P&Z.





Open public hearing

Discuss and consider the draft ordinance

Ordinance #2024-28

City of Burnet City Council

Item Brief



ITEM 4.1

Meeting Date

August 13, 2024

Agenda Item

Discuss and consider action: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING CODE OF ORDINANCE CHAPTER 22 (ENTITLED "BUILDING AND BUILDING REGULATIONS") AND CHAPTER 46 ("ENTITLED FIRE PREVENTION AND PROTECTION") TO RECODIFY THE INTERNATIONAL FIRE CODE, IN CHAPTER 46; REPEAL DUPLICATIVE AND CONFLICTING PROVISIONS OF CHAPTER 46, TO REPEAL, IN ITS ENTIRETY, ORDINANCE NO. 2001-26 AND REPLACE IT WITH THIS ORDINANCE, ADOPTING THE 2021 EDITION OF THE INTERNATIONAL FIRE CODE, INCLUDING AMENDMENTS A, B, C, D, E, F, G, H, I, K, AND L, AMEND SECTION 46-3 (OUTDOOR BURNING) AND AMEND THE TEXT RELATING TO THE FIRE MARSHAL TO COMPLY WITH THE CITY CHARTER: Mark Ingram.

Information

In 1998, City Council adopted Ordinance No. 98-17, adopting the Uniform Fire Code in Chapter 46; and in 2001 City Council adopted Ordinance No. 2001-26, adopting the International Fire Code, 2015 edition in Chapter 22. Inexplicitly, Ordinance No. 2001-26 did not repeal Ordinance No. 98-17. Additionally, the office of fire marshal was created in 1979, while Burnet was still a general law city. The City deems it necessary to adopt the 2021 Fire code and amend section 46-3 (Outdoor Burning).

This Ordinance recodifies the International Fire Code, Adopts the 2021 edition of the International Fire Code, repeals all duplicative and conflicting code provisions, Amends section 46-3 Outdoor burning and amends code text relating to the fire marshal to comply with the city charter.

Fiscal Impact

Passage of this ordinance will cause no fiscal impact.

Recommendation

Approve the first and final reading of Ordinance No. 2024-19 as presented.

EXHIBIT A

AMENDMENT to FIRE CODE

Sec. 46-26. International Fire Code.

The International Fire Code, 2021 edition, a copy of which in on file in the office of the city secretary, is hereby adopted as the fire code of the city, said adoption being inclusive of Appendices A, B, C, D, E, F, G, H, I, K, and L and such amendments as follow:

- (a) Section 101.1. Title. Insert: City of Burnet101.1 Title. These regulations shall be known as the Fire Code of City of Burnet hereinafter referred to as "this code."
- (b) Section 103.1 Creation of agency; amend to read as follows: Section 103.1 "Creation of Agency." Amend to read: "The Burnet Fire Department Fire Prevention Division is hereby created and the Fire Chief or his designee shall be known as the Fire Code Official. The function of the agency shall be the implementation, administration and enforcement of the
- (c) Section 103.2; amend to read as follows:"The fire code official shall be the Fire Chief or his designee."
- (d) Add section 107.1.1 To read as follows:

provisions of this code."

- All applications for permits required under this Article shall be made on such form as provided by the Building Official with payment of permit fees as stated in Article XI (entitled "Fee Schedule") Table Four (entitled "Fire Code Permit Fee Schedule").
- (e) 107.3 Permit valuations. Delete this section in its entirety.
- (f) 111.1 Board of Appeals Established, Amend to read as follows:
 - 111.1 Board of appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the Fire Chief and shall hold office at its pleasure. The board of appeals shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.
- (g) Delete Section 111.3 Qualifications in its entirety.
- (h) Section 112.4, Violation penalties is amended as follows:
 - 112.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction

documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a Class C Misdemeanor punishable by a fine of not more than not less than \$100 dollars or more than \$2000 dollars or by imprisonment not exceeding number of days to be at the discretion of the Judge or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(i) Section 113.4, Failure to comply is hereby amended as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$100 dollars or more than \$2000 dollars.

(j) SECTION 202, GENERAL DEFINITIONS

Amend section by including and or changing the following definitions:

"ALL WEATHER DRIVING SURFACE - A driving surface that is capable of supporting the imposed loads of fire apparatus and consisting of material that is impervious to damage from wet conditions and does not produce dust during dry weather conditions. Accepted materials shall consist of concrete or asphalt correctly applied.

AMBULATORY CARE FACILITY. Buildings or portions thereof used to provide medical, surgical, psychiatric, nursing, or similar care on a less than 24-hour basis to persons who are rendered incapable of self-preservation by the services provided or staff has accepted responsibility for care recipients already incapable. This group may include but not be limited to the following: Dialysis centers, Sedation dentistry, Surgery centers, Colonic centers, Psychiatric centers, or Procedures involving sedation.

DEFEND IN PLACE. A method of emergency response that engages building components and trained staff to provide occupant safety during an emergency. Emergency response involves remaining in place, relocating within the building, or both, without evacuating the building.

Change definition **ENERGY STORAGE SYSTEM CABINET** to read as follows:

ENERGY STORAGE SYSTEM CABINET. An enclosure containing an *energy storage system* and meeting the applicable requirements of the listing for the system. Personnel are not able to enter the enclosure other than reaching in to access components for maintenance purposes.

(k) Section 503.2.3 Surface.

Amend to read: Fire apparatus access roads shall be designed and maintained to support imposed loads of at least 85,000 Lbs. for fire apparatus and shall be surfaced to provide all-weather driving capabilities

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- utilizing concrete or asphalt materials. When required by the code official a signed and sealed letter from a Geotechnical Engineer shall be provided to verify the design meets the standard.
- (I) Section 505.1 Address Identification. Amend to read: New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 6 inches (152.4 mm) high with a minimum stroke width of 1 inch (25.4 mm). Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road, buildings do not immediately front a street, and/or the building cannot be viewed from the public way, a monument, pole or other sign with approved 6-inch (152.4 mm) height building numerals. Address identification shall be maintained.

Exception: R-3 Single Family occupancies shall have approved numerals of a minimum 4 inches (101.6 mm) in height and a color contrasting with the background clearly visible and legible from the street fronting the property and rear alleyway where such alleyway exists.

- (m) Section 606.1 "General." Amend to read: "Commercial kitchen exhaust hoods shall comply with the requirements of the International Mechanical Code and NFPA 96."
- (n) Section 903.2.11.8 Spray Booths and Rooms. Add section to read: New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system.
- (o) Section 903.2.4.2 Group F-1 distilled spirits. Amend to read: An automatic sprinkler system shall be provided throughout a Group F-1 fire area used for the manufacture of distilled spirits involving more than 120 gallons of distilled spirits (>16% alcohol) in the fire area at any one time.
- (p) Section 903.2.9.3 Group S-1 distilled spirits or wine. Amend to read: An automatic sprinkler system shall be provided throughout a Group S-1 fire area used for the bulk storage of distilled spirits or wine involving more than 120 gallons of distilled spirits or wine (>16% alcohol) in the fire area at any one time.
- (q) Section 912.2.3; add to read as follows:
 912.2.3 Hydrant Distance. An approved fire hydrant shall be located within 100 feet of the fire department connection as the fire hose lays along an unobstructed path.

(r) Section 1103.5.3. Group 1-2 Condition 2.

Change to read as follows:

In addition to the requirements of section 1103.5.2 existing buildings of Group I-2 condition 2 occupancy shall be equipped throughout with an approved automatic sprinkler system in accordance with 903.3.1.1 The automatic sprinkler system shall be installed as established by the adopting ordinance. The sprinkler system must be installed prior to operation or immediate "stop work" order administered upon discovery until sprinkler system is installed.

- (s) Section 1103.5.6 Spray Booths and Rooms. Add section to read: Existing spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system in accordance with Section 2404.
- (t) Section 5704.2.9.6.1 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited): Zones R-1, R-1E, R-2, R-2A, R-3, OS, M-1, M-2, G, NC, PUD, C-1 as described in Sec. 118 City Code of Ordinances.
- (u) Section 5706.2.4.4 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): Zones R-1, R-1E, R-2, R-2A, R-3, OS, M-1, M-2, G, NC, PUD, C-1 as described in Sec. 118 City Code of Ordinances.
- (v) Section 5806.2 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): Zones R-1, R-1E, R-2, R-2A, R-3, OS, M-1, M-2, G, NC, PUD, C-1 as described in Sec. 118 City Code of Ordinances.
- (w) Section 6104.2 (geographic limits in which the storage of liquefied petroleum gas is restricted or the protection of heavily populated or congested areas): Zones R-1, R-1E, R-2, R-2A, R-3, OS, M-1, M-2, G, NC, PUD, C-1 as described in Sec. 118 City Code of Ordinances.
- (x) A101.3 Membership of Board. Amend to read as follows:

The Board shall consist of three to five voting members appointed by the Fire Chief. Each member shall serve until a successor has been appointed.

- (y) A101.3.1 Delete this paragraph.
- (z) A101.3.7 Delete this paragraph.
- (aa) A101.5.3 Change to read as follows:

When 3 members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

(bb) Section D102.1; change to read as follows:

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- (cc) D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing up to 85,000 pounds (38 556 kg)
- (dd) D104.3 Remoteness. Amend to read: Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses, or as approved by the fire code official and the City Manager or his/her designee.
- (ee) D105.3 Proximity to building. Amend to read: Unless otherwise approved by the fire code official, one or more of the required access routes meeting this condition shall be located not less than 15 feet (4572 mm) and not greater than 30 feet (9144 mm) from the building and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.
- (ff) D106.3 Remoteness. Amend to read: Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses, or as approved by the fire code official and the City Manager or his/her designee.
- (gg) D107.2 Remoteness. Amend to read: Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses, or as approved by the fire code official and the City Manager or his/her designee.

EXHIBIT B

AMENDMENT to FIRE CODE

Sec. 46-3. Outdoor burning.

- (a) Outdoor burning within the incorporated City Limits of Burnet, Texas is prohibited except as provided by permit of the fire marshal, local AHJ or their representative(s); or as further allowed by this subchapter and state law.
- (b) Definitions.

Extinguished—The absence of any visible flames, glowing coals, or smoke.

Practical alternative—An economically, technologically, ecologically and logistically viable option.

Sensitive receptor(s)—A manmade structure utilized for human residence or business, the containment of livestock, or the housing of sensitive live vegetation. The term "sensitive live vegetation" is defined as vegetation which has potential to be damaged by smoke and heat, examples of which include, but are not limited to: nursery production, mushroom cultivation, pharmaceutical plant production, or laboratory experiments involving plants.

Sunrise/sunset—Official sunrise/sunset as set forth in the United States Naval Observatory tables available from National Weather Service offices.

- (c) Permitted burning. The on-site burning of trees, brush, and other plant growth for property upkeep, right-of-way maintenance, land clearing operations, and maintenance along water canals when no practical alternative to burning exists, when the materials are generated only from that property and when a permit is issued in compliance with the following requirements:
 - (1) The minimum lot size to conduct outdoor burning is one acre.
 - (2) Commercial properties will not be issued a burn permit, exception for development.
 - (3) On-site land clearing on lots two (2) acres or greater upon which the owner intends to clear the lot itself of selected trees, brush and other plant growth. When approved by the Fire Marshal.
 - (4) Burning must be conducted downwind of or at least 300 feet (90 meters) from any structure containing sensitive receptors located on adjacent properties unless prior written approval is obtained from the adjacent occupant with possessory control.
 - (5) Open burning must not be conducted within 50 feet of any structure or combustible material. Conditions that would enable fire to spread within 50 feet of a structure shall be eliminated prior to ignition. **Exception:** Distance from structures and other combustibles may be reduced to 15 feet if the fire is to be contained in an approved burning appliance.

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- (6) Each day prior to burning the permit holder shall contact the local emergency dispatcher on a non-emergency phone line.
- (7) Sites permitted for open burning shall have a readily available garden hose or other reasonable method of conveying water or other approved fire extinguishing equipment. The burning material shall be constantly attended by a person 17 years of age or older who is knowledgeable in the use of the onsite fire extinguishing equipment and familiar with the requirements of the permit.
- (8) Burning shall be commenced and conducted only when wind direction and other meteorological conditions are such that smoke and other pollutants will not cause adverse effects to any public road, landing strip, navigable water, or off-site structure containing sensitive receptor(s).
- 9) If at any time the burning causes or may tend to cause smoke to blow onto or across a road or highway, it is the responsibility of the person initiating the burn to post flagpersons on affected roads.
- (10) Burning shall be conducted in compliance with the following meteorological and timing considerations:
 - a. The initiation of burning shall commence no earlier than one hour after sunrise. Burning shall be completed on the same day not later than one hour before sunset and shall be attended by a responsible party at all times during the active burn phase when the fire is progressing. In cases where residual fires and/or smoldering objects continue to emit smoke after this time, such areas shall be extinguished if the smoke from these areas has the potential to create a nuisance or traffic hazard condition. In no case shall the extent of the burn area be allowed to increase after this time.
 - Burning shall not be commenced when surface wind speed is predicted to be less than six miles per hour (mph) (five knots) or greater than 23 mph (20 knots) during the burn period.
 - c. Burning shall not be conducted during periods of actual or predicted persistent low-level atmospheric temperature inversions.
- (11) Electrical insulation, lumber that has been treated, glued, laminated, pressed, varnished, stained or painted, plastics, non-wood construction/demolition materials, fiberglass, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, and items containing natural or synthetic rubber must not be burned.
- (12) The authority to conduct outdoor burning under this regulation does not exempt or excuse any person responsible from the consequences, damages, or injuries resulting from the burning and does not exempt or excuse anyone from complying with all other applicable laws or ordinances, regulations, and orders of governmental entities

- having jurisdiction, even though the burning is otherwise conducted in compliance with this regulation.
- (d) Permit fee and duration. Issued permits for the conducting of approved outdoor burning shall pay a fee as established by city ordinance. Burning is allowed for no more than 30 consecutive days. Extensions may be granted if the time period was shortened due to weather conditions, state or county issued burn bans, or any other reasonable reason as determined by the fire marshal.
- (e) *Revocation.* The fire marshal and his representatives are authorized to revoke a burn permit and require that the open burning be immediately discontinued if:
 - (1) A complaint on the fire is received and substantiated.
 - (2) On inspection of the fire, it is determined that the permit conditions are not being met.
 - (3) It is determined that weather or other conditions not readily apparent or otherwise present at the time of issuance of the permit, have created too hazardous a condition for continued burning.
- (f) Refusal to issue permit. In instances where the greater good or the health, safety and welfare of the public supersedes those of the individual, or in times of a state or county issued burn ban; the fire marshal or his representatives may refuse to issue a permit for outdoor burning even though all conditions for permit issuance are being met.
- (g) Allowable nonpermitted outdoor burning. Outdoor burning shall be authorized for fires used solely for recreational or ceremonial purposes, or in the noncommercial preparation of food, or used exclusively for the purpose of supplying warmth during cold weather. These fires shall be no larger than two feet in height and three feet in diameter and shall be allowed without permit or notification of the local authority.
- (h) *Penalty*. Any person who violates any of the provisions of this section shall be guilty of a class C misdemeanor and upon conviction thereof, shall be punished by a fine not less than \$100.00 nor greater than \$2,000.00.

(Code 1979, ch. 5, § 5; Ord. No. 2006-18, § 2, 8-8-06)

Cross reference(s)—Solid waste, ch. 90.

ORDINANCE NO. 2024-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING CODE OF ORDINANCE CHAPTER 22 (ENTITLED "BUILDING AND BUILDING REGULATIONS") AND CHAPTER 46 (ENTITLED "FIRE PREVENTION AND PROTECTION") TO RECODIFY THE INTERNATIONAL FIRE CODE, 2015 EDITION IN CHAPTER 46; REPEAL DUPLICATIVE AND CONFLICTING PROVISIONS OF CHAPTER 46 TO REPEAL, IN ITS ENTIRETY, ORDINANCE NO. 2001-26 AND REPLACE IT WITH THIS ORDINANCE, ADOPTING THE 2021 EDITION OF THE INTERNATIONAL FIRE CODE, INCLUDING AMENDMENTS A, B, C, D, E, F, G, H, I, K, AND L, AMEND SECTION 46-3 (OUTDOOR BURNING) AND AMEND THE TEXT RELATING TO THE FIRE MARSHAL TO COMPLY WITH THE CITY CHARTER; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 1998 City Council adopted Ordinance No. 98-17, adopting the Uniform Fire Code in Chapter 46; and in 2001 City Council adopted Ordinance No. 2001-26, adopting the International Fire Code, 2015 edition in Chapter 22; and

WHEREAS, inexplicitly, Ordinance No. 2001-26 did not repeal Ordinance No. 98-17; and

WHEREAS, additionally the office of fire marshal was created in 1979, while Burnet was still a general law city; and

WHEREAS, the purpose of this ordinance is, inter alia, to recodify the International Fire Code, Adopt the 2021 International Fire Code, amend Section 46-3 (outdoor burning) repeal all duplicative and conflicting code provisions and amend code text relating to the fire marshal to comply with the city charter; and

WHEREAS, City Council, finds, determines, and declares that publication of notice of this Ordinance, as required by Section 3.14 of the City Charter and the laws of the State of Texas, was made by the City Secretary within the period prescribed by Section 3.14; and

WHEREAS, City Council, finds, determines, and declares that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given as required by Chapter 551 of the Texas Government Code.

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

Section One. Code amendment. City Code Chapter 22 (entitled "Buildings and Building Regulations"), Article VIII (entitled "Miscellaneous Codes"), Section 22-160 (entitled

"International Fire Code") is hereby amended by replacing the existing text in its entirety with the text that follows:

Sec. 22-160. International Fire Code. The International Fire Code is adopted and codified in Chapter 46, Article II of this Code.

Section Two. Code amendment. City Code Chapter 46 (entitled "*Fire Prevention and Protection*"), Article I (entitled "In General") is hereby amended by repealing Section 46-1 (entitled "*Fire zones—Established*"), said section shall be designated as reserved.

Note to publisher: Section 46-3 (entitled "Outdoor burning"), Section 46-4 (entitled "Arson reward") and Section 46-5 (entitled "Fees for services rendered; collection") shall not be repealed and shall remain part of the Code. This note shall not be published.

Section Three. Code amendment. Section 46-2 of the Code of Ordinances of the City of Burnet shall be amended in its entirety:

Sec. 46-2. Parking Restrictions.

- (a) Vehicles containing flammable liquids. It shall be unlawful for any person to park any tank truck or tank trailer containing butane, propane, gasoline, kerosene, fuel oil, or liquefied petroleum gases, upon any of the streets or alleys within the city, except as provided for in subsection (b) of this section.
- (b) *Trucks making deliveries within the city.* Trucks entering the city for deliveries shall, as soon as delivery can be completed, move vehicles from any street or alley within the city.

Section Four. Code amendment. City Code Chapter 46 (entitled "Fire Prevention and Protection"), Article II (entitled "Fire Code"), Section 46-26 is hereby amended by replacing the existing language it its entirety with the text set out in the attachment hereto labeled **Exhibit "A."**

Section Five. Code amendment. City Code Chapter 46 (entitled "*Fire Prevention and Protection*"), Article 1 (entitled "*outdoor burning*"), Section 46-3 is hereby amended by replacing the existing language it its entirety with the text set out in the attachment hereto labeled **Exhibit "B."**

Section Six. Code amendment. City Code Chapter 46 (entitled "Fire Prevention and Protection"), Article II (entitled "Fire Code"), is hereby amended by repealing 46-27 (entitled "Establishment and duties of bureau of fire prevention"), Section 46-28 (entitled "Definitions"), Section 46-29 (entitled "Establishment of limits—Of districts in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited"), Section 46-30 (entitled "Establishments of limits—In which storage of liquefied petroleum gases is prohibited"), Section 46-31 (entitled "Same—Of districts in which storage of explosives and blasting agents is to be prohibited"), Section 46-32 (entitled "Same—Of districts in which the storage of compressed natural gas is to be prohibited"), Section 46-

32 (entitled "Same—Of districts in which the storage of compressed natural gas is to be prohibited"), Section 46-33 (entitled "Same—Of districts in which the storage of stationary tanks of flammable cryogenic fluids are to be prohibited"), Section 46-34 (entitled "Same—Of districts in which the storage of hazardous materials is to be prohibited or limited"), Section 46-35 (entitled "Appeals"), Section 46-46 (entitled "New materials, processes or occupancies which may require permits"), Section 46-37 (entitled "Penalties for the violation of Uniform Fire Code"), Section 46-38 (entitled "Owners of buildings, structures or premises maintaining same as fire hazards"), Section 46-39 (entitled "Owners maintaining hazards within buildings, structures or premises"), Section 46-40 (entitled "Prosecution under sections 46-36 and 46-37; notice required") and said sections shall be designated as reserved.

Note to publisher: Section 46-41 (entitled "Fireworks—Prohibition of, within city; declaring nuisance"), and Section 46-42 (entitled "Same—Public fireworks displays; use of pyrotechnics before a proximate audience and use of flame effects before an audience") shall not be repealed and shall remain part of the Code. This note shall not be published.

Section Seven. Code amendment. City Code Chapter 46 (entitled "Fire Prevention and Protection"), Article III (entitled "Fire Marshal") is hereby amended by replacing the existing language in its entirety with text that follows:

ARTICLE III – FIRE MARSHAL

Sec. 46-61. – Office Created.

The office of fire marshal is hereby created, as a full-time position with the city. Such office shall be situated within the fire department, the fire marshal reporting directly to the fire chief. Such office shall be filled in accordance with the City Charter, municipal ordinances and the City's personnel policies, as same may be amended from time to time. The fire marshal shall be properly qualified for the duties of such office and shall be removed only for cause.

Sec. 46-62. – Investigation of all fires.

The Fire Marshal shall investigate the cause, origin and circumstances of every fire occurring within the city by which property has been damaged or destroyed and shall especially make investigation as to whether such fire was the result of carelessness or design. Such investigations shall be begun within 24 hours, not including Sunday, of the occurrence of such fire. The Fire Marshal shall keep in his office a record of all fires, together with all facts, statistics, and circumstances, including the origin of the fires and the amount of loss, which may be determined by the investigation required by this article.

State Law reference— Investigation of fire by state Fire Marshal, V.T.C.A., Government Code § 417.007.

Sec. 46-63. - Taking of testimony and furnishing evidence.

The Fire Marshal, when in his opinion further investigation is necessary, shall take or cause to be taken the testimony, on oath, of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter under investigation, and shall cause the same to be reduced to writing. If he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or with the attempt to commit the crime of arson, conspiracy to defraud, or criminal conduct in connection with such fire, he shall cause such person to be lawfully arrested and charged with such offense, or either of them, and shall furnish to the proper prosecuting attorney all such evidence, together with the names of witnesses and all information obtained by him, including a copy of all pertinent and material testimony taken in the case.

Sec. 46-64. - Summoning of witnesses.

The Fire Marshal shall have the power to summon witnesses before him to testify in relation to any matter which is, by the provisions of this article, a subject of inquiry and investigation, and may require the production of any book, paper or document deemed pertinent thereto. The Fire Marshal is hereby authorized and empowered to administer oaths and affirmations to any persons appearing as witnesses before him.

Sec. 46-65. – Refusing To Be Sworn.

• Any witness who refuses to be sworn; who refuses to appear or testify; who disobeys any lawful order of the Fire Marshal; who fails or refuses to produce any book, paper or document touching any matter under examination; or who is guilty of any contemptuous conduct during any of the proceedings of the Fire Marshal, in the matter of the investigation or inquiry, after being summoned to give testimony in relation to any matter under investigation, may be criminally charged with a misdemeanor. and in the event of any offense, the fire marshal shall institute a complaint to be prosecuted in the appropriate court having jurisdiction of the matters.

Sec. 46-66. – Investigations Private.

All investigations held by or under the direction of the Fire Marshal may, in his discretion, be private, and persons other than those required to be present may be excluded from the place where such investigation is held. Witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

Sec. 46-67.- Authority to Enter Premises.

The Fire Marshal shall have the authority at all times of day or night, when necessary, in the performance of the duties imposed upon him by the provisions of this subchapter, to enter upon and examine any building or premises where any fire has occurred, and other buildings and premises adjoining or near the same, which authority shall be exercised only with reason and good discretion.

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

Section Nine. Penalty. A violation of this Ordinance is unlawful and subject to City Code of Ordinances Sec. 1-6 (entitled "*General Penalty*").

Section Ten. Cumulative. This Ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event Section 5, (entitled "Repealer") shall be controlling.

Section Eleven. Repealer. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section Twelve. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section Thirteen. Publication. The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

Section Fourteen. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof and publication as required by law.

Passed, Approved and Adopted on the 13th day of August 2024.

	CITY OF BURNET
	Gary Wideman, Mayor
ATTEST:	
Maria Gonzales, City Secretary	





ISO Rating

- The Building Code Effectiveness Grading Schedule (BCEGS) assesses the building codes in effect in a particular community and how the community enforces its building codes, with special emphasis on mitigation of losses from natural hazards.
- The concept is simple: municipalities with wellenforced, up-to-date codes should demonstrate better loss experience, and insurance rates can reflect that.

Mobile Food Vendors

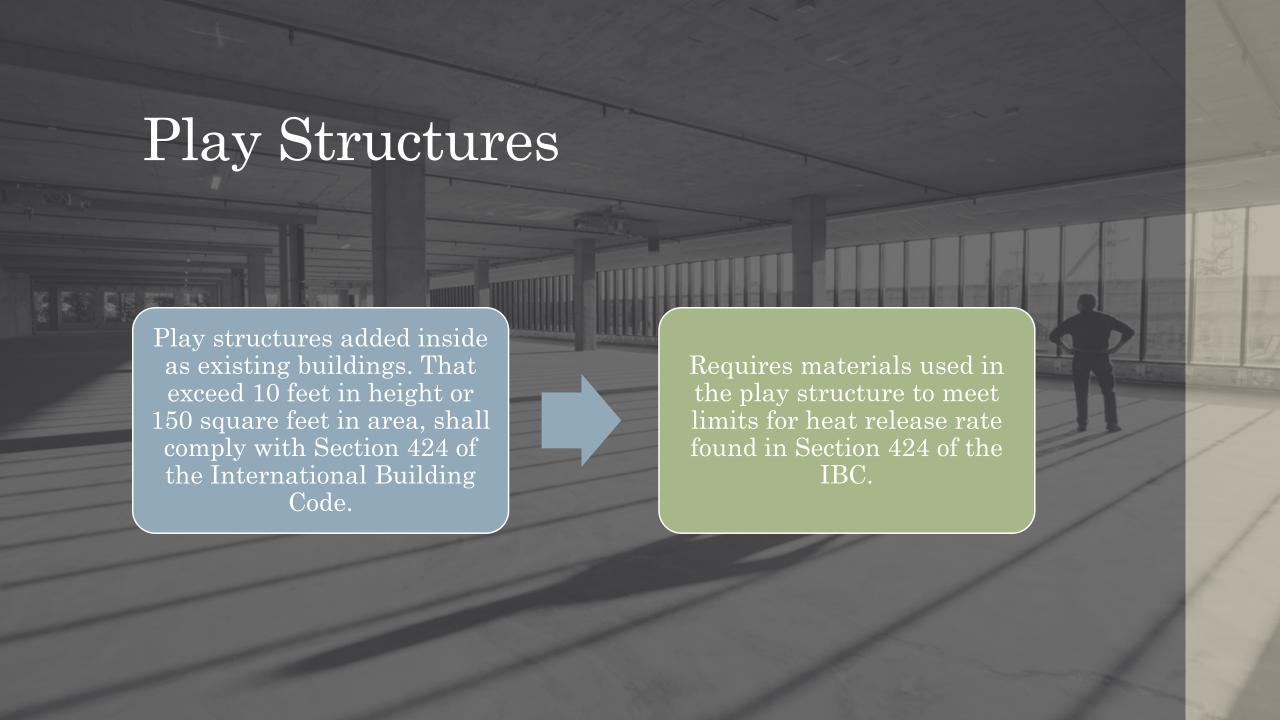
The 2021 fire code has a mobile food unit section. Carried over from the 2018 IFC.



Emergency Radio Responder

• The testing criteria for in-building 2-way emergency responder coverage systems is enhanced by requiring 99 percent coverage in critical areas and by adding a second test criteria for inbound signals.

CRITICAL AREAS. Areas that are designated for the highest level of emergency responder radio coverage including but not limited to areas such as exit stairs, exit passageways, elevator lobbies, fire protection equipment room and control valve locations, fire command centers.



Distilled Spirits

All fire areas containing a distillery operation and the bulk storage of beverages over 16% alcohol content are required to be equipped with an automatic sprinkler system.



Low frequency Alarms in sleeping rooms

Audible fire alarm notification with a 520 Hz low frequency signal is designed to enhance the waking effectiveness of high-risk segments of the population and is required in Hotels and Motels when a fire alarm system is required.

Only applicable if the building is required to have a fire alarm system.

Puzzle Rooms

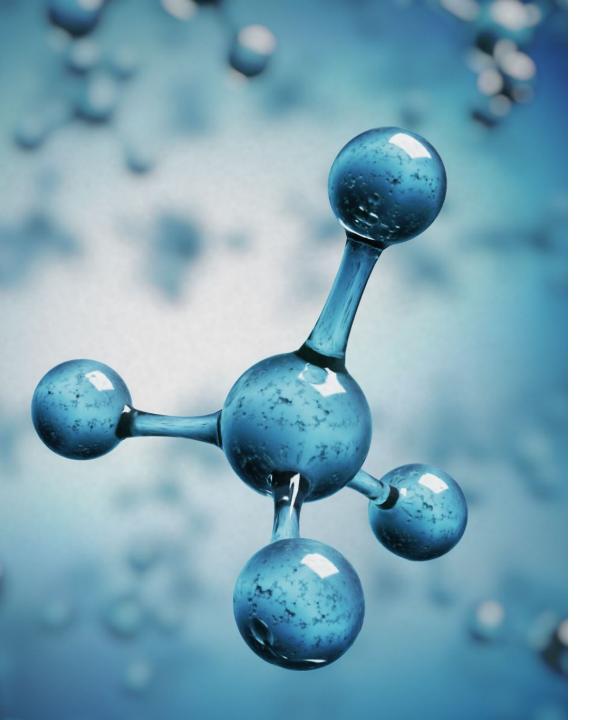
- Puzzle rooms (escape rooms) are now defined and regulated as special amusement areas, requiring compliance with Section 411 and special means of egress requirements.
- Enhanced requirements for exits and exit identification.





Hotel and Motel Fire Alarm Systems

- Requires manual fire alarm system in existing Group R-1 hotels/motels if more than one story or with more than 20 sleeping units
- Retroactive



Carbon Monoxide Detection in Existing Buildings

- Carbon monoxide detection is required in existing Group I-1, I-3, I-4 and R occupancies and in existing classrooms in Group E.
- Existing classrooms in buildings containing fuel fired appliances required to have CO detection.
- Recognizes either CO alarms or CO detection systems

Board of Appeals

- Currently the City Council
- Sec. 22-81. City council to serve as board of appeals.
 - In order to conduct public hearings and to hear and decide appeals of orders, decisions or determinations made by the code official or building official relative to the application and interpretation of this article, the city council shall serve as the board of appeals.
- Sec. 23-9. Appeals
- Persons aggrieved by an action or decision of the designated representative may appeal such action or decision to the board of adjustments for the City of Burnet, Texas.
- 2021 Fire Code Board of Appeals 3-5 members of the community.
- Who appoints?



City of Burnet City Council

Item Brief



ITEM 4.2

Meeting Date

August 13, 2024

Agenda Item

Discuss and consider action: Approval of Burnet Economic Development Corporation Board appointments: M. Gonzales

Information

The Bylaws of the Burnet Economic Development Corporation (BEDC) state that the Board of Directors will consist of seven (7) members of which not more than four (4) Directors shall be an employee, officer, or member of the governing body of the City of Burnet. All Directors shall be designated as Director 1 through 7. The terms of Directors 1, 2, 3, and 4 shall expire on June 30th of odd-numbered years, while the terms of Directors 5, 6, and 7 shall expire on June 30th of even-numbered years.

The BEDC currently has two at-large Director positions open. Director 2, previously held by Katy Randall, is vacant, and its term expires in June 2025. The term for Director 5, held by Brad Zehner, expired in June 2024, and this position is now also open. Mr. Zehner has requested to be considered for reappointment.

Two applications requesting consideration to serve on the BEDC Board were received from:

- Joshua Milam
- Habib Erkan, Jr.

With three (3) candidates vying for two (2) Director positions, Council Members will individually submit a ballot during the Council Meeting selecting two names among the three candidates: Brad Zehner, Joshua Milam, and Habib Erkan, Jr. The top vote-getter will be placed in the Director 5 position with a term expiration of June 2026. The second-place vote-getter will fill the vacancy in the Director 2 position, set to expire June 2025. Should a tie ensue, the positions will be filled alphabetically by last name among the two top vote-getters.

Additionally, Assistant to the City Manager Keith McBurnett was recently appointed by the Council to fill the position of Director 7, a city-related role. However, this position's term expired in June 2024, so Mr. McBurnett is seeking reappointment. Director 6, currently held by Mayor Pro-Tem Philip Thurman, is another city-related role that also expired in June 2024, and Mr. Thurman is eligible for reappointment.

In addition to voting on the two open Director positions, the Council is being requested to reappoint the two city-related Director positions.

Fiscal Impact

None.

Recommendation

Sample Motion:	I move to approve the canvass of	the election for the Burnet Economic
Development Co	orporation Board, appointing	to the Director 5 position
and	to the Director 2 position	, and reappointing Phillip Thurman to
the city-related	Director 6 position and Keith McE	Burnett to the city-related Director 7
position		

City of Burnet City Council

Item Brief



ITEM 4.3

Meeting Date

August 13, 2024

Agenda Item

Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AUTHORIZING AN AGREEMENT WITH NEWGEN STRATEGIES AND SOLUTIONS, LLC TO CONDUCT A REVIEW OF THE CITY'S WATER AND WASTEWATER IMPACT FEES: K. McBurnett

Information

The City of Burnet's Water and Wastewater Impact Fees, last reviewed in 2019, must be reviewed every five years per Chapter 395 of the Texas Local Government Code to reflect current land use assumptions and capital improvement plans. While no changes are needed to the Land Use Assumptions, minor adjustments may be necessary for the Impact Fee Capital Improvement Plan. At this time, the fees themselves are not expected to increase.

To assist with the review of the impact fees, the City requested a proposal from NewGen Strategies and Solutions, LLC (NewGen), a management and economic consulting firm serving the utility industry and market. NewGen's review process will include preparing a timeline of key events, submitting required notices, drafting ordinances for legal review, and participating in up to two meetings with the City Council to discuss compliance and the City's competitive position regarding impact fees. The study is expected to be completed before the end of the current calendar year. A copy of the resolution, the agreement with NewGen, and the City's current Water and Wastewater Impact Fees are attached for Council's review.

Fiscal Impact

NewGen's proposal outlines a fixed fee of fourteen thousand five hundred and 00/100 dollars (\$14,500). This cost will be covered by previously collected Water and Wastewater Impact Fees currently in the Capital Fund.

Recommendation

Staff recommends the approval and adoption of Resolution R2024-59 as presented.

RESOLUTION NO. R2024-59

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AUTHORIZING AN AGREEMENT WITH NEWGEN STRATEGIES AND SOLUTIONS, LLC TO CONDUCT A REVIEW OF THE CITY'S WATER AND WASTEWATER IMPACT FEES

WHEREAS, the City of Burnet's Water and Wastewater Impact Fees (collectively "impact fees") were last reviewed in 2019; and

WHEREAS, it is required under Chapter 395 of the Texas Local Government Code that impact fees be reviewed every five years to ensure they accurately reflect current land use assumptions and capital improvement plans; and

WHEREAS, the agreement with NewGen Strategies and Solutions, LLC (NewGen), that is the subject of this resolution, will provide for the required review of the impact fees to include preparing a timeline of key events, submitting required notices, drafting ordinances for legal review, and participating in up to two meetings with the City Council to discuss compliance and the City's competitive position regarding impact fees.

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

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

Section Two. Authorization. The City Manager is hereby authorized and directed to execute the agreement with NewGen Strategies and Solutions, LLC for the review of the City of Burnet's Water and Wastewater Impact Fees. The City Manager is further authorized and directed to utilize previously collected impact fees to pay any and all costs associated with this agreement.

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

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

Remainder of page intentionally blank and signature page follows.

PASSED AND APPROVED on this the 13th day of August 2024.

	CITY OF BURNET, TEXAS
	Gary Wideman, Mayor
ATTEST:	
Maria Gonzales, City Secretary	_



275 W Campbell Road Suite 440 Richardson, TX 75080 Phone: (972) 680-2000

July 31, 2024

Mr. David Vaughn City Manager City of Burnet P.O. Box 1369 Burnet, Texas 78611

Subject: 2024 Water and Wastewater Impact Fee Update

Dear Mr. Vaughn:

Based on our prior discussions, NewGen Strategies and Solutions, LLC (NewGen) is pleased to have this opportunity to assist the City of Burnet (City) in performing an update to the City's current Water and Wastewater Impact Fees. In particular, it is our understanding that the City desires NewGen to provide the following scope of services:

- Perform an update to the City's Water and Wastewater Impact Fees in compliance with the requirements of Chapter 395 of the Texas Local Government Code (LGC). At this time, the Project Team understands that there have not been any changes to the City's Land Use Assumptions, but minor changes may be needed to the City's Impact Fee Capital Improvement Plan. However, it is not anticipated that the fee itself may necessarily require a change pending discussions with the City Council;
- Prepare a timeline and schedule of key events for the City in accordance with the requirements of LGC 395;
- Prepare and facilitate the submission and publication of notices as required under LGC 395;
- Prepare and provide to City Attorney for review appropriate ordinances under LGC 395; and,
- Participate in up to two (2) meetings with either the Capital Improvements Advisory Commission
 or City Council to discuss the requirements of the Local Government Code and discuss the City's
 current competitive position as it relates to water and wastewater impact fees.

For this engagement, Mr. Chris Ekrut will serve as the Project Manager and be responsible for the overall successful completion of the project. Mr. Matthew Garrett will assist Mr. Ekrut. Dependent upon scheduling and availability, either Mr. Ekrut or Mr. Garrett will participate in the presentations included within the scope, unless otherwise requested by the City.

Based on the above outlined scope of services, NewGen will provide these services for a fixed fee of \$14,500. NewGen will invoice the City monthly based on the percentage complete of the project. Any services requested outside the above scope of services will be provided on time and expenses incurred at our then applicable billing rates. NewGen's hourly billing rates, effective through December 31, 2024, are as follows:

Mr. David Vaughn July 31, 2024 Page 2

NewGen Strategies and Solutions 2024 Billing Rates

Position	Hourly Billing Rate
Partner	\$265 – \$405
Principal	\$250 – \$405
Senior Manager	\$225 – \$280
Manager	\$195 – \$235
Senior Consultant	\$170 – \$195
Consultant	\$160 – \$170
Administrative Services	\$130

Note: Billing rates are subject to change based on annual reviews and salary increases.

Please note that the fixed fee pricing outlined above includes up to two (2) on-site meetings. Additional meetings will be provided on a time and expense basis.

The City may cancel this agreement at any time by providing written notification to NewGen, within thirty (30) days of the desired cancellation. All charges outstanding will be due at the time of cancellation.

By executing this letter, you agree that the services rendered by NewGen will be performed in accordance with instructions or specifications received by the City and will be provided with the degree of skill and judgment exercised by recognized professionals performing services of similar nature and consistent with the applicable industry best practices.

All payments made under this engagement should be remitted to:

NewGen Strategies and Solutions, LLC 275 W Campbell Road, Suite 440 Richardson, Texas 75080

If this letter is in agreement with your understanding of the scope of services to be provided, and our proposal terms and conditions are acceptable, please execute one copy and return to our Richardson, Texas office. Again, we appreciate the opportunity to once again assist the City. Should you, City staff, or the City Council have any questions regarding this proposal, please do not hesitate to contact me at 972.232.2234 or at cekrut@newgenstrategies.net.

Sincerely,

NewGen Strategies and Solutions, LLC

Docusigned by:

(Luris D. Elerus

Chief Financial Officer

Mr. David Vaughn July 31, 2024 Page 3

Water and Wastewater Impact	Fee Update	(Fixed Fee	\$14.500)
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Signed	Printed
Title	Date



CITY OF BURNET WASTE & WASTEWATER IMPACT FEES

(Effective January 1, 2007)

METER SIZE	WATER	WASTEWATER	EQUIVELANCY	TOTAL
	IMPACT FEE	IMPACT FEE	FACTOR (E.F.)	IMPACT FEE
5/8" (Positive	\$1,084.50	\$1,173.00	1.00 (Multiply	\$2,257.50
Displacement	(Base Fee)	(Base Fee)	Times Impact Fee)	
Meter)*				
3/4" (Positive	\$1,084.50	\$1,173.00	1.00 (Multiply	\$2,257.50
Displacement	(Base Fee)	(Base Fee)	Times Impact Fee)	
Meter)*				
1" (Positive	\$1,811.12	\$1,958.91	1.67	\$3,770.03
Displacement	(Impact Fee Times	(Impact Fee Times		
Meter)*	E.F.)	E.F.)		
1 ½ "(Positive	\$3,611.39	\$3,906.09	3.33	\$7,517.48
Displacement	(Impact Fee Times	(Impact Fee Times		
Meter)*	E.F.)	E.F.)		
2" (Positive	\$5,780.39	\$6,252.09	5.33	\$12,032.48
Displacement	(Impact Fee Times	(Impact Fee Times		
Meter)*	E.F.)	E.F.)		
		d for domestic meters		
2" (Turbine	\$11,571.62	\$12,515.91	10.67	\$24,087.53
Meter)**	(Impact Fee Times	(Impact Fee Times		
	E.F.)	E.F.)		
3" (Turbine	\$25,301.39	\$27,366.09	23.33	\$52,667.48
Meter)**	(Impact Fee Times	(Impact Fee Times		
	E.F.)	E.F.)		
4" (Turbine	\$72,303.62	\$78,203.91	66.67	\$150,670.53
Meter)**	(Impact Fee Times	(Impact Fee Times		
	E.F.)	E.F.)		
6" (Turbine	\$144,596.39	\$156,396.09	133.33	\$300,992.48
Meter)**	(Impact Fee Times	(Impact Fee Times		
	E.F.)	E.F.)		
8" (Turbine	\$253,046.39	\$273,696.09	233.33	\$526,742.48
Meter)**	(Impact Fee Times	(Impact Fee Times		
	E.F.)	E.F.)		
10" (Turbine	\$397,653.62	\$430,103.91	366.67	\$827,757.53
Meter)**	(Impact Fee Times	(Impact Fee Times		
	E.F.)	E.F.)		
		pe meter (captures hig	,	
3" (Compound	\$23,132.39	\$25,020.09	21.33	\$48,152.48
Meter)*	(Impact Fee Times	(Impact Fee Times		
	E.F.)	E.F.)		
4" (Compound	\$36,146.39	\$39,096.09	33.33	\$75,242.48
Meter)*	(Impact Fee Times	(Impact Fee Times		
	E.F.)	E.F.)		
6" (Compound	\$72,303.62	\$78,203.91	66.67	\$150,507.53
Meter)*	(Impact Fee Times	(Impact Fee Times		
	E.F.)	E.F.)		

CITY OF BURNET

City Council Regular Meeting August 13, 2024

ITEM 4.3

Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AUTHORIZING AN AGREEMENT WITH NEWGEN STRATEGIES AND SOLUTIONS, LLC TO CONDUCT A REVIEW OF THE CITY'S WATER AND WASTEWATER IMPACT FEES: K. McBurnett



- Required to be reviewed every five years per Chapter 395 of the Texas Local Government Code to reflect current land use assumptions and capital improvement plans; Last reviewed in 2019
- While no changes are needed to the Land Use Assumptions, minor adjustments may be necessary for the Impact Fee Capital Improvement Plan
- At this time, the fees themselves are not expected to increase



- The City is proposing that NewGen Strategies and Solutions, LLC conduct the review of the impact fees
- The review will include preparing a timeline of key events, submitting required notices, drafting ordinances for legal review, and participating in up to two meetings with the City Council



- NewGen's Fixed fee-\$14,500
- This cost will be covered by previously collected Water and Wastewater Impact Fees currently in the Capital Fund
- Attachments- Resolution; NewGen Agreement;
 Schedule of Current Impact Fees



Recommendation

 Staff recommends the approval and adoption of Resolution R2024-59 as presented.



Questions?

Recommendation

 Staff recommends the approval and adoption of Resolution R2024-59 as presented.



City of Burnet City Council

Item Brief



ITEM 4.4

Meeting Date

August 13, 2024

Agenda Item

Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AUTHORIZING THE APPROVAL OF THE EMPLOYEE BENEFITS PLAN FOR THE 2024-2025 FISCAL YEAR: H. Archer

Information

The City of Burnet provides health insurance to all eligible employees, ensuring they have access to quality medical care. Currently, the City offers three medical plan options and covers 100% of the "employee-only" premium for two of these plans. Employees can purchase additional medical coverage for their family members or dependents at their own expense. Last year, the City consolidated most of its insurance coverages, including health, dental, vision, life, accidental death and dismemberment (ADD), and disability, under the Blue Cross Blue Shield of Texas provider.

In addition, the City offers various supplemental policies to further support employees, such as accident, cancer, and critical illness coverages. These voluntary benefits are provided as options to employees, but the employee is responsible for the premiums.

The City's benefit package is reviewed annually to ensure that both the City and its employees receive the best products at competitive rates. For the 2024-2025 fiscal year, the City's current insurance consultant, HUB International, solicited proposals for employee benefits. Four medical proposals were received and evaluated based on total cost and the value of coverage and services offered.

The City of Burnet is proposing to renew Blue Cross Blue Shield of Texas (BCBS of Texas) as its insurance provider for the upcoming fiscal year. The medical coverage will see an overall premium increase of 2.5%, while dental coverage will experience a 5% increase. All other lines of coverage, including vision, life insurance (both group and voluntary), accidental death and dismemberment (ADD), and both short-term and long-term disability, will remain at a rate pass, with no increase in premiums.

The City is also proposing to approve a telemedicine plan that offers a virtual primary care physician, which establishes a doctor-patient relationship and assists in cost containment efforts for medical claims that impact insurance renewal rates. This new feature represents a substantial enhancement to this offering which will result in an additional

premium increase from \$5.95 per employee, per month, to \$19.25. This premium increase is approximately \$24,000 per year.

Fiscal Impact

Based on current and projected medical claims, the proposed 2024-2025 fiscal year budget contains an approximate 2.5% increase for medical and dental premiums. In addition, based on current enrollment numbers the proposed 2024-2025 fiscal year budget will include an approximate \$24,000 increase for increased telemedicine premiums.

Recommendation

Staff recommends the approval and adoption of Resolution R2024-60 as presented.

RESOLUTION NO. R2024-60

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AUTHORIZING THE APPROVAL OF THE EMPLOYEE BENEFITS PLAN FOR THE 2024-2025 FISCAL YEAR

WHEREAS, the City of Burnet is committed to providing comprehensive health insurance benefits to each eligible employee to ensure access to quality medical care; and

WHEREAS, the City offers three medical plan options, covering 100% of the "employee-only" premium for two of these plans, with additional coverage available for family members and dependents at the employee's expense; and

WHEREAS, last year, the City consolidated most insurance coverages, including health, dental, vision, life, accidental death and dismemberment (ADD), and disability under the Blue Cross Blue Shield of Texas provider; and

WHEREAS, the City also offers supplemental policies such as accident, cancer, and critical illness coverages, for which employees are responsible for the premiums; and

WHEREAS, the City, in conjunction with its insurance consultant, HUB International, conducts an annual review of these benefits to ensure the best products are provided at the most competitive rates; and

WHEREAS, for the fiscal year 2023-2024, four medical proposals were received and evaluated for both total cost and the value of coverage and services provided.

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

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

Section Two. **Approval**. The City of Burnet's 2024-2025 Benefits Plan is hereby approved at an overall 2.5% premium increase for medical and a 5% increase premium increase for dental. Additionally, this approval includes the addition of the New Benefits Telemedicine benefit that includes Virtual PCP Services, creating an increase of per employee, per month premium from \$5.95 to \$19.25. This approval includes the renewal of Blue Cross Blue Shield as the provider for health, dental, vision, life, accidental death and dismemberment, and disability insurances as further shown in Exhibit "A."

Section Three. Authorization. The City Manager is hereby authorized and directed to execute all necessary documents to implement the approved employee benefits plan and take any such further actions as may be reasonably necessary to facilitate the purpose of this resolution.

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

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

PASSED AND APPROVED on this the 13th day of August 2024.

	CITY OF BURNET, TEXAS
	Gary Wideman, Mayor
ATTEST:	
Maria Gonzales City Secretary	_

EXHIBIT A

23-24 Medical Rates

Monthly Premium	HSA HDHP	НМО	PPO Buyup
Employee Only	\$415.04	\$502.70	\$589.88
Employee Spouse	\$861.32	\$1,043.27	\$1,137.59
Employee Children	\$800.39	\$969.48	\$1,137.59
Family	\$1,246.68	\$1,510.04	\$1,771.90

24-25 Medical Rates - 2.5% Overall Increase

Total Difference (Based on current enrollment numbers): \$24,274.80

Monthly Premium	HSA HDHP: 4.83%	HMO: (-4.11%)	PPO Buyup: 2.49%
Employee Only	\$435.08	\$482.07	\$604.56
Employee Spouse	\$902.91	\$1,000.44	\$1,254.63
Employee Children	\$839.04	\$929.67	\$1,165.88
Family	\$1,306.88	\$1,448.04	\$1,815.95

23-24 Dental Rates

Monthly Premium	Dental PPO
Employee Only	\$28.38
Employee Spouse	\$56.75
Employee Children	\$70.38
Family	\$108.09

24-25 Dental Rates - 5% Increase

Total Difference (Based on current enrollment numbers): \$2,266.32

Monthly Premium	Dental PPO
Employee Only	\$29.80
Employee Spouse	\$59.59
Employee Children	\$73.90
Family	\$113.49

23-24 Telemedicine Rate

Monthly Premium	\$5.95

24-25 Telemedicine Rate

Total Difference (Based on current enrollment numbers): \$24,000

`	
Monthly Premium	\$19.25

RESOLUTION 2024-60

EMPLOYEE BENEFITS PLAN FY 24-25



BY THE NUMBERS

BASED ON CURRENT ENROLLMENT

Medical

2.5% overall premium increase.

HSA: 4.83% Increase

• HMO: -4.11% Decrease

• PPO: 2.49% Increase

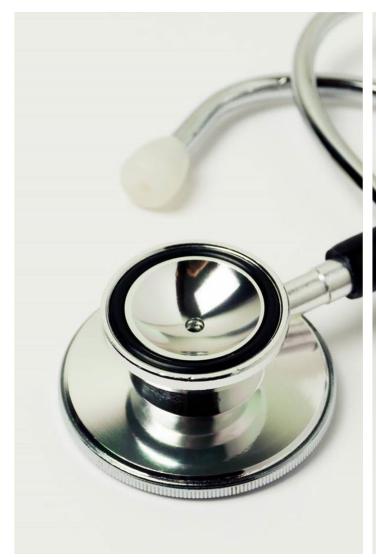
Approximately \$24,274.80 budget increase.

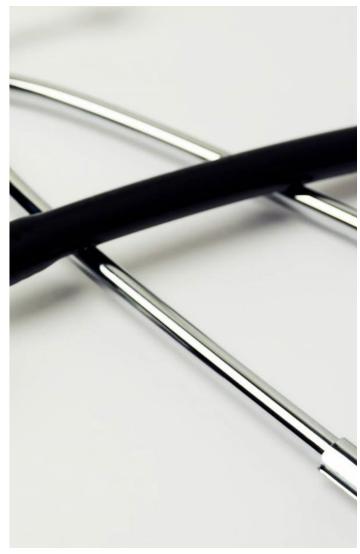
Dental

- 5% overall premium increase.
- Approximately \$2,266.32 budget increase.

Telemedicine

- Premium increase from \$5.95 to \$19.25
 - Per employee, per month
- Approximately \$24,000 budget increase.





City of Burnet City Council





ITEM 4.5

Meeting Date

August 13, 2024

Agenda Item

Discuss and consider action: Appoint members to Street Committee. Eric Belaj

Information

The City staff have been working on implementing the Council approved Street Rehabilitation Plan. The City Council previously appointed a Street Committee of two Council Members to prioritize and make recommendations to the Council. Through that committee, the City has been able to work on over 20 miles of roadway while devoting over \$5.3M to the program. One of the committee members has termed out. Council can appoint one or two more members to the committee.

Fiscal Impact

N/A.

Recommendation

N/A.

STREET REHAB PLAN



STREET REHAB PLAN

What is this agenda item for?

Determining street schedule is a task that goes beyond engineering and project management into community impact and outlook.

Currently 1 member on street committee

Appoint 1 or 2 adl. members to Street Committee (up to 3 total)

THINGS TO CONSIDER

STREET REHAB PLAN

COMPLETED

- Road rehab over 58,000 feet
- Over 10,000 feet with County Help
- Preventative Maint. Over 55,000 feet

	Road Project	Туре	Road Miles		Cost	Notes
REHAB CONTRACT ROADWORK						
Done	Woodlands	Reconstruction	0.6	\$	155,165	
Done	Oak Vista	Reconstruction	0.4	\$	620,567	Del Springs Blvd
Done	2023A Road Rehab	Rehab	2.2	\$	600,345	N Main and N Pierce
Done	2023H Road Rehab	Rehab	4.4	\$	1,759,002	S Main, Johnson, etc.
Underway	2023J Road Rehab	Rehab	1.7	\$	800,088	4th St, N Main etc.
Done	2022 County Interlocal	Rehab	0.7	\$	88,000	N Rhomberg, Shady Oak
Done	2023 County Interlocal	Rehab	0.6	\$	85,000	E Lamon, N Pierce
Underway	2024 County Interlocal	Rehab	0.6	\$	85,000	1st St, Oak Pl
		Subtotal Contract Work	11.1		\$ 4,193,168	

THINGS TO CONSIDER

STREET REHAB PLAN

COMPLETED REHAB PREVENTATIVE • Preventative Maint. Over 55,000 feet

PREVENTATIVE MAINTENANCE - Contract Work						
Done	23-01 Road Fog Seal	Preventative Maint	3.4	\$	254,097	E Marble E Live Oak
Done	2023D Reclamite	Preventative Maint	1.9	\$	48,341	Westfall, S Silver etc.
Done	24-01 Road Fog Seal	Preventative Maint	4.0	\$	361,935	S Vanderveer, Hayley Nelson Park, etc.
Underway	2023K Reclamite	Preventative Maint	1.3	\$	47,561	Peppermill, Lewis Drive, etc.
		Subtotal Contract Work	10.5	\$	711,934	

THINGS TO CONSIDER

STREET REHAB PLAN

What is this agenda item for?

Determining street schedule is a task that goes beyond engineering and project management into community impact and outlook.

Appoint 1 or 2 adl. members to Street Committee (up to 3 total)

City of Burnet City Council

Item Brief



ITEM 4.6

Meeting Date

August 13, 2024

Agenda Item

Discuss and consider action: AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, ORDERING THE ADOPTION OF THE DOCUMENT ENTITLED "CITY OF BURNET HOME RULE CHARTER AS AMENDED MAY 2024" TO COMPLETELY REPLACE THE CURRENTLY PUBLISHED CHARTER IN ORDER TO PROVIDE A CHARTER THAT ACCURATELY REFLECTS THE WILL OF THE VOTERS THROUGH THE AMENDMENTS APPROVED IN THE MAY 4, 2024 CHARTER AMENDMENT SPECIAL ELECTION: K. McBurnett

Information

The citizens of the City of Burnet adopted the City of Burnet Home Rule Charter (Charter) in November 2000 and subsequently adopted amendments to the Charter in 2006, 2013, 2015, and 2018. On August 22, 2023, the City Council established a Charter Review Commission (CRC) to evaluate and suggest changes to the Charter. The CRC conducted several public meetings and presented a written report to the Council, titled "2024 Report of the Charter Review Commission," detailing the proposed amendments. After hearing the CRC's presentation and reviewing the amendments and their justifications, the City Council called for a special election held on May 4, 2024, to allow voters to decide on the proposed amendments.

The election results were canvassed on May 28, 2024, where voters approved Propositions A-I and rejected Proposition J. The approved amendments have been codified in the document entitled "City of Burnet Home Rule Charter As Amended May 2024," and it is recommended that this document replace in its entirety the currently published Charter in the City of Burnet Code of Ordinances, thus reflecting the will of the voters. The "City of Burnet Home Rule Charter As Amended May 2024" is attached for Council's review.

Fiscal Impact

None.

Recommendation

Staff recommends the approval and adoption of Ordinance No. 2024-21 as presented.



City of Burnet Home Rule Charter

2006 Amendments Ordered by Ordinance 2006-02 & Canvassed by Ordinance No. 2006-13

2013 Amendments Ordered by Ordinance 2013-01 & Canvassed by Resolution No. R2013-08

2015 Amendments Ordered by Ordinance 2015-02 & Canvassed Ordinance 2015-09

2018 Amendments Ordered by Ordinance 2018-03 & Canvassed Ordinance 2018-10

2024 Amendments Ordered by Ordinance 2024-05 & Canvassed Ordinance 2024-16

As Amended May 2024

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City Charter City of Burnet, Texas

Preamble

This Charter is dedicated to and adopted by the Citizens of the City of Burnet, Texas, to grant the full authority for local self-government, to ensure such rights and duties, to reserve to the people the powers of initiative, referendum and recall, and to encourage citizen participation in democratic government for the proper and efficient progress of our City. To this end we ordain this Home Rule Charter as prescribed by law and with the guidance of God.

Article I. Form of Government and Boundaries

Section 1.01. <u>Incorporation.</u> The City of Burnet, Burnet County, Texas, as the boundaries and limits are established in this Charter, or may hereafter be established, shall be a body politic, incorporated under and known by the name and style of the City of Burnet, Texas (the "City") with such powers, rights, and duties as provided by this Charter.

Section 1.02. Form of Government. The municipal government provided by this Charter shall be the Council-Manager form of government consisting of a Mayor and Council Members (collectively and individually referred to herein as "Member(s) of City Council"), elected by and responsible to the people, and a City Manager, appointed by and responsible to the City Council for proper administration of the affairs of the City.

Section 1.03. Boundaries. The boundaries of the City shall be the same as have previously been established, and as may be established by ordinance consistent with this Charter and not inconsistent with state law, as reflected on the official map of the City on file with the City Secretary.

Section 1.04. Annexation.

- **A.** Additional Territory. Additional territory may be annexed to the City in any manner and by any procedure that may now be provided by law or that may be hereafter provided by law.
- **B. Disannexation.** Any area of the City may be disannexed pursuant to any procedure allowed under state law or by adoption of an ordinance after notice and a public hearing.

Article II. Powers of the City

Section 2.01. General Powers. The City shall have all powers possible for a city to have under the Constitution and laws of the State of Texas as fully and completely as though they were specifically enumerated in this Charter.

Section 2.02. Construction. The powers of the City under this Charter shall be construed liberally in favor of the City and the specific mention of particular powers in this Charter shall not be construed as limiting in any way the general power granted in this Article.

Section 2.03. <u>Intergovernmental Relations.</u> The City may exercise any of its powers or perform any of its functions and may participate in the financing of these powers and functions jointly or in cooperation, by

contract or otherwise, with any one or more states or any political subdivision or agency of the states, or the United States or any of its agencies.

Article III. The City Council

Section 3.01. Number, Selection and Term. The City Council shall be composed of the Mayor and six (6) Council Members elected from the City at large. The Mayor and Council Members shall be elected in the manner provided in Article V of this Charter to serve for two (2) year terms and for no more than three (3) consecutive terms. Terms served as Council Member shall be considered separately from those served as Mayor; however, no person may serve more than six (6) consecutive terms as Mayor and Council Member. A Mayor or City Council Member elected at a special election or appointed by City Council to serve a vacated place shall be elected or appointed to serve the remainder of the unexpired term of the office without the time counting against a full two-year term.

Section 3.02. Qualifications. A citizen who desires to become a candidate for an elective City office shall file with the City Secretary a signed, sworn, application for the citizen's name to appear on the ballot. The application shall represent that the citizen meets each qualification for the office.

Each candidate for an elective City office shall have the following qualifications as of the time and date the candidate files the application:

- A. Shall be a U.S. citizen.
- B. Shall be a registered voter of the City, and twenty-one (21) years of age or over.
- **C.** Shall have resided for at least twelve (12) months preceding the election within the corporate limits of the City or within an area having been annexed into the City.
- **D.** Shall not have been finally convicted of a felony from which the candidate has not been pardoned or otherwise released from the resulting disabilities.
- **E.** Shall be disqualified by reason of having been judged incompetent by a final judgment of court, or by reason of any provision of any other section of this Charter or by any provision of state law.
- **F.** Shall not be a candidate for any other office in the same election.
- **G.** Shall not be an employee of the City at the time of filing for office.

Section 3.03. <u>Judge of Election Qualifications.</u> The City Council shall be the judge of the qualifications of its members.

Section 3.04. <u>Compensation.</u> The Mayor and Council Members may be compensated. The rate of compensation may be established or changed by the City Council; however, no increase in the rate of compensation shall take effect unless ratified by a majority of the voters in the next regular City election. The Mayor and Council Members shall be entitled, with approval by the City Council, to be reimbursed for reasonable expenses incurred in the performance of specific duties. Levels of reimbursement shall be determined by the City Council.

Section 3.05. Mayor and Mayor Pro-tem. The Mayor shall be the official head of the City government. The Mayor shall be the Chair and shall preside at all meetings of the City Council. The Mayor may make motions and may vote on every proposition before the City Council. While the Mayor or alternate presiding officer shall have no power to veto, he/she shall have the power to declare a delay of the vote on any item on an agenda until the next Council meeting, such authority to be limited to a single delay for any agenda item being considered. The Mayor shall, except as provided otherwise by the City Council, sign all official documents such as ordinances, resolutions, conveyances, grant agreements, official plats, contracts and

bonds. The Mayor shall appoint special committees as advisable and as instructed by the City Council. The Mayor shall perform such other duties consistent with this Charter or as may be imposed by the City Council.

A Mayor Pro-tem shall be elected by the City Council as soon as practicable after each regular City election, or in the event of a vacancy in the Mayor Pro-tem position. The Mayor Pro-tem shall act as Mayor during the disability or absence of the Mayor, and in this capacity shall have the rights conferred upon the Mayor.

Section 3.06. Vacancies, Forfeiture, and Filling of Vacancies.

- **A. Vacancies.** The office of a City Council Member or the Mayor shall become vacant upon the death, incapacity, resignation, or removal from office in any manner authorized by law, or forfeiture of office by the office holder.
- B. Forfeiture of Office. If the Mayor or any City Council Member:
 - 1. fails to maintain the qualifications set forth in Section 3.02 of this Charter (unless the residence of a member of the Council is de-annexed, then the member shall serve the remainder of his/her term of office); or
 - 2. has been found by at least a two-thirds (2/3) vote of the remaining Members of City Council to have violated any express prohibition of this Charter; or
 - 3. is convicted of a crime involving moral turpitude or a felony; or
 - 4. fails to attend three (3) consecutive regular Council meetings without being excused by the City Council;

the City Council shall, at its next regular meeting, declare the office to be vacant and shall fill such vacancy as set forth below.

C. Resignation by Filing for Another Elected Position.

If a City Council Member or the Mayor has more than one year remaining on their term and files to run for another elected position within the City government then said filing shall be considered a resignation of their current position. However, the resigning individual shall holdover in their current position until their successor is sworn into office.

D. Filling of Vacancies.

- 1. When a single or double vacancy occurs in the City Council, the remaining Members of City Council shall:
 - a. If the remaining term(s) is less than one year in duration either appoint a qualified person to fill the unexpired term(s) or hold a special election to fill the unexpired term(s). An appointment must be approved by an affirmative vote of at least five (5) members of the City Council; or
 - b. If the remaining term(s) is one year or more, order an election to fill the unexpired term(s) at the next regular general election.
- 2. Should three (3) vacancies exist on City Council at the same time then City Council shall order an election to fill the vacancies on the next available uniform election date as provided by law.
- 3. All appointments to City Council shall serve until the next regular election.
- 4. All appointments to City Council shall be qualified to serve pursuant to Section 3.02 of this Charter and shall take office immediately upon appointment.

Section 3.07. General Powers and Duties of Elected Officials. The City Council shall be the legislative and governing body of the City and, except as otherwise provided by state law or this Charter, all powers of the City shall be vested in the City Council which shall provide for the exercise of all powers and for the performance of all duties and obligations imposed on the City by law.

The City Council shall have control of all the City finances, property, streets, functions, services, affairs and programs, and shall have the power to ordain, alter, amend or repeal and enforce ordinances, resolutions, rules, orders, and regulations, for any public purpose, including but not limited to recreation; the regulation, licensing and control of streets; public property; municipal finances; the preservation of the public peace and good order; the security and protection of the public health, safety and welfare of the citizenry; the promotion of trade, commerce and economic development; the beautification and quality of life within the City; and to provide for any other public service or program provided by any city within the State of Texas.

Section 3.08. City Council Responsibilities.

The City Council is elected to carry-out the duties of the office as provided for in state law and this Charter including, but not limited to: strategic planning; establishing service levels and financial goals; land use; and capital improvements. The City Council shall review the Charter, establish annual goals and objectives for the budget, and conduct performance reviews on the City Manager, Municipal Judge and other positions reporting directly to the City Council on an annual basis.

Section 3.09. Prohibitions.

- A. Holding Other Office. Except as authorized by law, no Mayor or Council Member shall hold any other City office or City employment during a term as Mayor or Council Member. No former Mayor or Council Member shall hold any compensated appointive City office or City employment until one year after the expiration of term as Mayor or Council Member except as provided in Section 3.01 of this Charter.
- **B.** Appointments and Removals. Neither the Mayor, nor any City Council Member shall in any manner dictate the appointment or removal of any City administrative officers or employees whom the City Manager or the Manager's subordinates are empowered to appoint. However, the City Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.
- C. Interference with Administration. Except for the purpose of inquiries or investigations under Section 3.16, neither the Mayor, City Council Members, nor the City Council shall direct City officers or employees who are subject to the direction and supervision of the City Manager, except through the City Manager. Neither the City Council nor any of the Members of City Council shall give orders to any officer or employee supervised by the City Manager, either publicly or privately, except as otherwise provided in this Charter.

Section 3.10. Meetings of the Council.

- **A. Monthly Council Meeting.** The City Council shall hold at least one (1) regular meeting each month at a time and place the City Council shall designate.
- **B.** Regular Meetings. Regular meetings are council meetings required to be held at least monthly and designated as regular.
- C. Special Meetings. Special meetings may be called by the City Secretary at the request of the Mayor, the City Manager or two (2) City Council Members. The City Manager and each City Council Member shall be notified of all special meetings.

- **D. Public Meetings.** All meetings shall be open to the public except as authorized by law and shall be held at the City Council Chambers of the City, or other places within or outside of the City that will permit the attendance of the general public.
- **Section 3.11. Quorum.** Four (4) Members of City Council shall constitute a quorum for the purpose of transacting business. Any action of the City Council, except as provided in this Charter, shall be valid or binding when adopted by majority vote of the Members of City Council in attendance. A Member of City Council that is present but not voting shall be in attendance for purposes of the quorum.
- **Section 3.12.** Rules of Procedure. The City Council shall, by ordinance, determine its own rules and order of business and the rules shall provide that citizens of the City shall have a reasonable opportunity to be heard at any meeting in regard to any matter under consideration.

A citizen of the City of Burnet who wishes to recommend an agenda item for a City Council meeting shall submit a request only to the Mayor, the City Manager or a City Council Member. These individuals are the only ones empowered to set an agenda item.

Section 3.13. <u>Voting.</u> The City Council shall provide for the taking and recording of minutes for all open meetings, and such minutes shall be a public record. There shall also be provision for a certified agenda or recording of meetings held in executive or closed session in accordance with applicable law. The "ayes" and "nays" of each Member of City Council, on every vote taken by the City Council shall be recorded in the minutes. All Members of City Council present shall vote upon every resolution or ordinance, except where there is a conflict of interest, the reason for which shall be stated concisely in the minutes.

Section 3.14. Ordinances and Resolutions. The enacting clause of all ordinances shall be: "Be it ordained by the City Council of the City of Burnet, Texas..." Ordinances, and formal resolutions that establish programs, adopt policy, provide any rule or regulation applicable to the general public, or establish requirements for any general administrative function of the City, shall be introduced in the City Council only in written or printed form and shall contain only one subject each. All ordinances, unless otherwise provided by law or this Charter or by the terms of such ordinances, shall take effect immediately upon the final passage thereof. City Council shall adopt a policy regarding the publication of ordinances consistent with State law.

Resolutions that give directions to the City Manager on a business matter, approve an administrative action, contract or bid, and that approve plans and actions in the course of the day-to-day business of the City, will be sufficient if shown by recording the motion and vote in the minutes of the City Council. Ordinances making appropriations shall be confined to appropriations.

Section 3.16. Council Investigative Body; Hearings; Process.

A. General. In addition to any other specific authority of investigation and hearing provided for in this Charter, the City Council shall have the power to inquire into the official conduct of any department, agency, office, officer, employee, or contract service provider of the City, and for that purpose shall have the power to administer oaths and subpoena witnesses, compel the attendance of witnesses and the production of books, papers, and other evidence material to the inquiry. The City Council shall, by ordinance, provide the process, procedures and requirements for the subpoena of persons, books, papers and other evidence, the giving of notice, and the fine or penalty for the failure or refusal of any person to comply with a subpoena, and shall have the power to punish the misconduct in the manner provided by the ordinance.

B. Hearing Process for Forfeiture of Office and Prohibitions.

 All hearings held under this subsection shall be conducted in open session, except that the City Council may conduct a closed session to get advice from its attorney pursuant to the Texas Open Meetings Act.

- 2. The office holder subject to any investigation and/or hearing under this section shall be entitled to written notice, delivered by certified mail return receipt requested, of the allegations of forfeiture and/or the alleged violation of this Charter as applicable; delivery shall be complete on the fifth business day following upon deposit of the written notice, postpaid and properly addressed, in the mail.
- 3. A special meeting shall be called to hold the hearing. Said special meeting to be held no earlier than fourteen (14) days subsequent from the delivery of written notice and no later than ninety (90) days after delivery of written notice, unless otherwise agreed to by a majority of the City Council and the individual subject to the hearing.
- 4. A Member of City Council who initiated or is the subject of the investigation or hearing shall not sit at the dais and shall not participate in deliberation or vote.
- 5. City Council shall adopt by ordinance rules of procedures to be followed.
- 6. The City Council shall state the nature of the hearing and the allegations to be considered, shall be provided the results of any investigation and a presentation of the evidence against the office holder including, but not limited to testimony from individuals.
- 7. The individual who is subject to the hearing shall be provided a copy of the results of the investigation, including any written testimony acquired during the investigation, an opportunity to respond to the allegations and present any relevant evidence including, but not limited to, testimony from individuals.
- 8. City Council may ask questions of any individual giving testimony.
- 9. No public comment shall be allowed.
- 10. In the case of a violation of Section 3.06 of this Charter, City Council shall vote on the forfeiture and on the affirmative vote of two-thirds (2/3) of the remaining Members of City Council to declare the office of said office holder to be forfeited and vacant.
- 11. In the case of a violation of Section 3.09 of this Charter, City Council may on the affirmative vote of a majority of the City Council may take any of the following actions: directing further investigation, requesting further information, take a vote of censure; or upon the affirmative vote of two-thirds (2/3) of the City Council, declare the office of said office holder to be forfeited and vacant; and
- 12. Any investigation conducted pursuant to this section shall be conducted by an outside, independent third party.

Article IV. Administrative Service

Section 4.01. City Manager.

- A. Appointment and Qualifications. The City Manager shall be appointed by an affirmative vote of five (5) or more Members of City Council. The method of selection shall be left to the discretion of the City Council. The City Manager shall reside within the City of Burnet within forty-five (45) days of assuming his/her duties. The City Manager shall be bonded at City expense in an amount consistent with current need as established by the City Council.
- **B.** Compensation. The City Manager shall receive compensation as fixed by the City Council. The compensation shall be agreed upon before appointment. The City Council may increase but not reduce the compensation of the City Manager at their discretion.

- C. Term and Removal. The City Manager shall be appointed for an indefinite term. An affirmative vote of five (5) or more Members of City Council may remove the City Manager. The action of the City Council in suspending or removing the City Manager shall be final. It is the intention of this Charter to vest all authority and fix all responsibilities of such suspension or removal in the City Council.
- **D. Powers and Duties.** The City Manager shall be the chief administrative officer of the City, and shall be responsible to the City Council for the proper administration of all the affairs of the City and to that end shall be required to:
 - 1. see that all state laws and City ordinances are enforced.
 - 2. appoint, suspend and remove, direct and supervise the directors of departments, except as otherwise provided in this Charter.
 - 3. attend all meetings of the City Council except when excused by the City Council, and shall have the right to take part in the discussions.
 - 4. prepare an annual budget, submit it to the City Council and be responsible for its administration after its adoption.
 - 5. prepare and submit to the City Council at the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year.
 - 6. keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem advisable.
 - make other reports as the Council may require concerning the operations of City departments, offices and agencies subject to the City Manager's direction and supervision, and
 - 8. perform duties as may be prescribed by this Charter or required by the City Council.
- **E.** Acting City Manager. The City Manager, within sixty (60) days after taking office, shall designate by letter filed with the City Secretary, an administrative officer of the City to perform the duties of the City Manager in the absence or disability of the City Manager. The designee shall be subject to the consent of the City Council. The designee may be changed at the discretion of the City Manager, with the consent of the City Council.

Section 4.02. <u>Departments.</u> There shall be such departments as established by this Charter and as established by ordinance. The City Manager shall direct and supervise all departments, unless this Charter directs otherwise. The City Council shall have power by ordinance to establish departments not herein provided by this Charter and may discontinue, redesignate or combine any of the departments created by ordinance. No changes shall be made by the City Council in the organization of the departments of the City until the recommendations of the City Manager shall have been heard by the City Council.

Section 4.03. Municipal Court.

- A. Municipal Court Established. There shall be established and maintained a court, designated as the Municipal Court for the trial of misdemeanor offenses and other matters as provided by state law or ordinance. The Municipal Court shall perform such other duties and functions appropriate for the Municipal Court as are established by ordinance not inconsistent with state law. The Municipal Court shall have all such other powers and duties as are now, or may in the future be prescribed by laws of the State of Texas, relative to municipal courts.
- **B. Presiding Judge.** The Presiding Judge of the Municipal Court shall be appointed by the City Council and shall hold office for two years from the date of appointment unless sooner removed by

a majority vote of the City Council as provided for herein. The Presiding Judge shall have such qualifications as are required by the City Council and state law, shall report to the City Council, shall be required to participate in training programs available for municipal judges, and shall receive such salary as fixed by the City Council.

- **C. Court Clerk.** There shall be a clerk of the Municipal Court, and such deputies as the City Council may deem advisable, who shall be appointed by the City Manager.
- D. Duties of Clerk. The Clerk and Deputies of the Municipal Court shall have the power to administer oaths and affidavits, make certificates, affix the seal of the Municipal Court and generally do and perform any and all acts usual and necessary to be performed by the clerks of courts in issuing process and conducting business.
- **E.** Alternate Judges. The City Council shall have the power to appoint alternate judges who may serve in the temporary absence of the Presiding Judge. Alternate Judges serve at the pleasure of the City Council.
- **F.** Removal of Presiding Judge. The Presiding Judge shall serve at the will and pleasure of the City Council and may be relieved from office by a majority vote of the City Council.

Section 4.04. <u>City Attorney.</u> The City Council shall appoint a competent and duly licensed attorney practicing law in the State of Texas who shall be the City Attorney. The City Attorney shall receive for services such compensation as fixed by the City Council, shall report to the City Council and shall hold office at the pleasure of the City Council. The City Attorney may appoint assistant City attorneys, and the City Attorney, or such other attorneys selected with the approval of the City Council, shall represent the City in all litigation. The City Attorney shall be the legal advisor of, and attorney and counsel for, the City and all its officers and departments.

Section 4.05. City Secretary. The City Manager shall, with the consent of the City Council, appoint and may remove the City Secretary and any assistant City Secretaries as the City Council shall deem advisable. The duties of the City Secretary or an assistant City Secretary shall be as follows:

- **A. Gives Public Notice.** Gives notice of City Council meetings, the meetings of all other City boards and commissions and public hearings.
- **B. Keeps Minutes and Records.** Keeps the minutes and records of the proceedings of such meetings.
- **C. Maintains Documents and Records.** Authenticates by signature and record in full in a book kept and indexed for the purpose, all ordinances and resolutions, and
- **D. Performs Additional Duties.** Performs such other duties as the City Manager shall assign and those elsewhere provided for in this Charter or by ordinance.

Article V. Elections

Section 5.01. <u>Election of Mayor and City Council Members.</u> The regular City election shall be held annually on the uniform election date in May, or at such other times as may be specified by state law. All elections shall be held as required by law.

At the regular election held in odd numbered years a Mayor shall be elected, and three (3) City Council Members shall be elected to serve in the City Council positions for which the term of office expires in that year. At the regular election in even numbered years, three (3) City Council Members shall be elected to serve in the three (3) City Council positions for which the term of office expires in that year. The term of

each office shall be two (2) years and the office holders shall serve until their successors are elected and take office.

Each qualified voter of the City may vote for one (1) Mayoral candidate and three (3) City Council candidates in odd numbered years, and for three (3) City Council candidates in even numbered years. The candidate for Mayor that receives the highest number of votes cast shall be elected, and in each election the three (3) candidates for City Council Members that individually receive the highest number of votes shall be elected.

Section 5.02. Filing for Office.

- **A. Applications.** Any person having the qualifications set forth under Section 3.02 of this Charter shall have the right to file an application to have their name placed on the official ballot as a candidate for any elective office.
 - 1. Any such application shall be in writing, signed by such candidate, and filed with the City Secretary in accordance with the Texas Election Code and this Charter.
 - An application filed in accordance herewith shall entitle such applicant to a place on the official ballot.
- **B.** Place or Position. A candidate of City Council shall specify the place number or position the candidate is seeking.

Section 5.03. <u>Taking of Office.</u> Each newly elected person to the City Council shall be inducted into office at the City Council meeting canvassing the votes.

Article VI. Initiative, Referendum and Recall

Section 6.01. General. The citizens reserve the powers of Initiative, Referendum and Recall, which may be exercised in the manner and subject to the limitations provided in this Article.

Section 6.02. Power of Initiative. Subject only to the limitations provided in this Article, the people of the City shall have the power to propose legislation on any local government issue, except legislation appropriating money, levying taxes, affecting zoning, annexing land, or setting rates, fees or charges, and, if the City Council fails to adopt an ordinance so proposed, to adopt or reject the proposed legislation at an election. An initiated ordinance may be submitted to the City Council by a petition signed by at least two hundred (200) registered voters of the City or five percent (5%) of the number of voters registered to vote in the previous municipal election whichever number is greater.

Section 6.03. Power of Referendum. The voters of this City shall have the power to approve or reject at the polls any ordinance enacted by the City Council that is subject to the Referendum process under this Charter, except for bonds that have been legally awarded to a successful bidder or other legal obligations. The petition for Referendum shall require the signatures of at least two hundred (200) registered voters or five percent (5%) of the number of voters registered to vote in the previous municipal election whichever number is greater.

Section 6.04. Requirements of Petition. Any five (5) registered voters may begin Initiative or Referendum proceedings by filing with the City Secretary an affidavit stating they constitute the petitioners' committee and will be responsible for circulating the petition and filing it in proper form, stating their names and addresses, and setting out in full the proposed Initiative ordinance or the ordinance sought to be reconsidered. Petitions shall contain, or have attached to them, the full text of the ordinance proposed or sought to be reconsidered. The signatures to the Initiative or Referendum need not all be appended to one paper, but signers shall sign their names in ink and shall add their printed name, place of residence by street and number, date of birth, voter registration number and date of signing. The circulators of each

petition page shall make an affidavit stating they personally circulated that page of the petition, and that each signature is the genuine signature of the person as is written, and further, that no signatures shall have been placed there more than forty-five (45) days prior to filing the petition. Petitions shall be returned to the City Secretary for filing within forty-five (45) days after the issuance of the appropriate forms to the petitioners' committee.

Section 6.05. Filing, Examining and Certifying Petitions. Within fifteen (15) business days after an Initiative or Referendum petition is filed, the City Secretary shall determine whether it is properly signed by the requisite number of registered voters residing within the City. The City Secretary shall declare void any petition paper which does not have both the required information and an affidavit attached thereto as required. The City Secretary shall examine the petition and indicate the names of signers found not qualified. The City Secretary shall certify the results of the petition examination to the City Council at its next regular meeting. If the certificate of the City Secretary shows an Initiative or Referendum petition to be insufficient, the City Secretary shall notify in writing the persons filing the petition. The written notification shall detail the defects that must be corrected if the petition is to be found sufficient. The petition may then be amended within fifteen (15) days from the date of such notice by the filing of a supplementary petition with any additional papers that are signed and filed as prescribed for the original petition. Within fifteen (15) business days after the amendment is filed, the City Secretary shall examine the amended petition and certify as to its sufficiency. If the amended petition is then found to be insufficient, no further proceedings shall be had with regard to it.

Section 6.06. Publication of Initiated and Referred Ordinances. The City Secretary shall publish at least once in a newspaper of general circulation in the City of Burnet and as files available for download via the Internet any initiated or referred ordinance. Such publication shall be within fifteen (15) days prior to the date of the election and shall give other notices and do other things that are required in general municipal elections or by the ordinance or resolution calling such elections.

Section 6.07. <u>Council Consideration and Submission to Voters.</u> If the City Council receives an authorized Initiative petition certified by the City Secretary to be sufficient, the City Council shall:

- **A.** Adopt Without Amendment. Adopt the initiated ordinance without amendment within thirty (30) days after the date of the certification to the City Council, or
- **B.** Order Special Election. Submit the initiated ordinance without amendment to a vote of the qualified voters of the City at a special election to be held on the first available uniform election date, for which the required election notice may be given, that is sixty (60) days or more after the date of the certification to the City Council, or as soon thereafter as permitted by the laws of the State of Texas. or
- C. Submit Alternative Ordinance. At an election, as described in subsection 6.07 B, submit to a vote of the qualified voters of the City the initiated ordinance without amendment along with an alternative ordinance on the same subject proposed by the City Council. The ordinance receiving the higher number of affirmative votes shall be effective as an ordinance of the City. The other ordinance shall be considered rejected and shall not be effective.

If the City Council receives an authorized Referendum petition certified by the City Secretary to be sufficient, the City Council shall reconsider the referred ordinance. If upon reconsideration the ordinance is not repealed within thirty (30) days, it shall be submitted to the qualified voters of the City at a special election. Such special election shall be held on the first available uniform election date for which the required election notice may be given that is sixty (60) days or more after the date of the certification to the City Council or as soon thereafter as permitted by the laws of the State of Texas.

Special elections on initiated or referred ordinances shall be held as required by this Charter and not inconsistent with state law. No ordinance on the same subject as an initiated ordinance that has been

defeated or on the same subject as a referred ordinance that has been approved at any election may be initiated by the voters within two (2) years from the date of that election.

Section 6.08. Ballot Form and Results of Elections. The ballot used in voting upon an initiated or referred ordinance shall state the caption of the ordinance and below the caption shall set forth on separate lines the words: "For the Ordinance" and "Against the Ordinance." Any number of ordinances may be voted upon at the same election in accordance with the provisions of this Charter. An ordinance submitted and receiving an affirmative majority of the votes cast shall then become effective as an ordinance of the City. An ordinance so adopted may be repealed or amended at any time after the expiration of two (2) years by an affirmative vote of five (5) or more Members of City Council. A referred ordinance that is not approved by a majority of the voters is repealed.

Section 6.09. <u>Franchise Ordinances Exempt from Initiative and Referendum.</u> Franchise ordinances of the City are exempt from Initiative and Referendum petitions.

Section 6.10. Power of Recall. The people of the City reserve the power to recall any elected officer of the City and may exercise the power by filing with the City Secretary a petition stating cause for the removal of the elected officer. Such petitions shall be signed by the greater of either five hundred (500) registered voters or ten percent (10%) of the registered voters of the City registered to vote at the last general election. Within fifteen (15) business days after a recall petition is filed, the City Secretary shall determine whether it is properly signed by the requisite number of registered voters residing within the City and shall verify the petition as sufficient or insufficient. If the certificate of the City Secretary shows a Recall Petition to be insufficient, the City Secretary shall notify in writing the persons filing the petition. The written notification shall detail the defects that must be corrected if the petition is to be found sufficient. The petition may then be amended within fifteen (15) business days from the date of such notice by the filing of a supplementary petition and the submitting of additional papers that are signed and filed as prescribed for the original petition. Within fifteen (15) business days after the amendment is filed, the City Secretary shall examine the amended petition and certify as to its sufficiency. If the amended petition is then found to be insufficient, no further proceedings shall be had with regard to it. A separate petition shall be required for each officer to be recalled.

Section 6.11. Recall Election. If a Recall petition is certified by the City Secretary to be sufficient, the City Council shall order and hold an election within sixty (60) days or as soon thereafter as shall be permitted by state law to determine whether the officer shall be recalled.

Section 6.12. Results of Recall Election. If the majority of the legal votes cast at a Recall election favor the recall of the officer named on the ballot, the City Council shall immediately declare the office vacant and call a special election to fill the vacancy as soon thereafter as shall be permitted by state law.

Section 6.13. <u>Limitation on Recall.</u> No Recall petition shall be filed against an elected officer within six (6) months after taking office, and no officer shall be subjected to more than one (1) Recall election during the term of office.

Section 6.14. Public Hearing on Recall. The officer whose removal is sought may, within five (5) days after such Recall petition has been presented to the City Council, request that a public hearing be held to permit the officer to present facts pertinent to the cause specified in the Recall petition. If requested, the City Council shall order such public hearing to be held but in not fewer than five (5) days nor more than fifteen (15) days after receiving such request for a public hearing.

Section 6.15. <u>Ballots in Recall Election.</u> Ballots used at Recall elections shall conform to the following requirements:

A. Officer Subject to Recall. With respect to each person whose removal is sought, the question shall be submitted, "Shall (name of person) be removed from the office of (Mayor) (City Council Member) by recall?"

B. Recall Proposition. Immediately below the question, there shall be printed the two (2) following propositions, one above the other, in the order indicated: "For the recall of (name of person)" "Against the recall of (name of person)," each with a place in which the voter may cast a vote.

Article VII. Municipal Finance

Section 7.01. <u>Fiscal Year.</u> The fiscal year of the City shall begin on October 1, each year and end on the following September 30. The fiscal year may be changed by the City Council by ordinance, provided that no change shall be effective until six (6) months after the passage of such ordinance.

Section 7.02. <u>Submission of Budget and Budget Message.</u> On or before the 15th day of August of each fiscal year, the City Manager shall submit to the City Council a budget for the ensuing fiscal year, a five (5) year projected operating budget, five (5) year capital program and an accompanying message.

Section 7.03. <u>Budget Message.</u> The City Manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget and indicate any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes. The message shall also summarize the City's debt position and include such other material as the City Manager deems desirable.

Section 7.04. <u>Budget.</u> The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the City Manager deems desirable or the City Council may require. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections as follows:

- **A. Goals and Objectives.** The City Council's goals and objectives as provided for in Section 3.08 and any associated expenditures for current operations during the ensuing fiscal year, detailed for each fund by organization unit and program, purpose or activity, and the method of financing such expenditures; and
- **B.** Capital Budget. Proposed capital expenditures during the ensuing fiscal year, detailed for each fund by organization unit when practicable, and the proposed method of financing each capital expenditure; and
- C. Enterprise Funds. The anticipated income and expense and profit and loss for the ensuing year for each public utility or other proprietary enterprise fund operated by the City. For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus any fund balance carried forward, exclusive of reserves.

Section 7.05. City Council Action on Budget. The City Council shall comply with state law in the adoption of the budget and, unless otherwise in conflict with state law, shall adopt the budget on or before the last day of the last month of the current fiscal year.

Section 7.06. <u>Appropriation and Revenue Ordinances.</u> To implement the adopted budget, the City Council shall adopt the following prior to the beginning of the ensuing fiscal year:

- **A. Ordinance Adopting Budget.** An ordinance shall be made adopting the budget and making the appropriations set forth therein by department or major organizational unit and authorizing a single appropriation for each program, capital project or activity.
- **B.** Tax Levy Ordinance. A tax levy ordinance shall be made authorizing the property tax levy or levies and setting the tax rate or rates.
- **C. Revenue Ordinances.** Any other ordinances required to authorize new revenues or to amend the rates or other features of existing taxes or other revenue sources shall be made.

Section 7.07. <u>Amendments after Adoption.</u> City Council shall comply with any requirements of state law in amending the budget after adoption.

Section 7.08. <u>Administration of the Budget.</u> The City Council shall provide by ordinance the procedures for administering the budget.

Section 7.09. Overspending of Appropriations Prohibited. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with authorized appropriations and unless the City Manager or his designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment made shall be illegal. A violation of this provision shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation. Such officer may also be liable to the City for any amount so paid. Except as prohibited by law, however, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed in whole or in part by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year.

Section 7.10. <u>Depository.</u> All moneys received by any person, department or agency of the City for or in connection with affairs of the City shall be deposited daily in the City depository or depositories. The City Council shall designate depositories in accordance with regulations and subject to security requirements for deposits and accrued interest as may be established by ordinance. All checks, vouchers, or warrants for the withdrawal of money from the City depositories shall be signed by two City officials as designated by the City Council. The City Council may by ordinance authorize the use of machine-imprinted facsimile signatures of the Mayor or City Manager on checks, vouchers and warrants. However, two original signatures shall be required for all checks in excess of \$5,000.

Section 7.11. Purchase Procedure. All purchases made and contracts executed by the City shall be completed pursuant to state law.

Section 7.12. <u>Independent Audit.</u> At the close of each fiscal year and at other times as necessary, the City Council shall have a certified public accountant conduct an independent audit of all accounts of the City. The certified public accountant shall have no personal interest in the financial affairs of the City or of its officers. A summary of the results of the completed audit shall be on file in the City Secretary's office as a public record and as files available for download via the Internet.

Section 7.13. <u>Public Records.</u> Copies of the budget, capital program and appropriation and revenue ordinances shall be public records and shall be made available to the public at suitable places in the City and as files available for download via the Internet.

Article VIII. Public Utilities, Public Services, Proprietary Enterprises and Franchises

Section 8.01. Public Utilities, Public Services and Proprietary Enterprises. The City shall not provide any public utility, public service or proprietary enterprise outside the City limits except by a written contract with the prospective customer requesting such services and only when the provision of such services appears to be in the best interests of the City.

Section 8.02. Franchise Value Not Allowed in Rate Regulation. No value shall be assigned to any franchise granted by the City under this Charter in fixing reasonable rates and charges for utility service or any other service provided under authority of a franchise within the City or in determining the just compensation to be paid by the City for public utility, public service or proprietary enterprise property which the City may acquire by condemnation or otherwise.

Section 8.03. <u>Regulation of Franchises.</u> All grants, removals, extensions, or amendments of public utility, public service and proprietary enterprise franchises should be negotiated to include, to the extent possible, the following right of City Council to:

- A. forfeit the franchise by ordinance for failure of the holder to comply with the terms of the franchise, this Charter, any applicable statute of the State of Texas or the rule of any applicable governmental body. This right may be exercised only after written notice to the franchise holder stating how the holder has failed to comply with the terms of the franchise and setting a reasonable time for the correction of the failure. Forfeiture may occur only after a hearing and after expiration of a reasonable time for correction;
- B. impose reasonable regulations to ensure safe, efficient and continuous service to the public;
- **C.** require expansion, extension, enlargement and improvement of plant and facilities as necessary to provide adequate service to the public;
- **D.** require franchise holders to furnish to the City, without cost to the City, full information regarding the location and precise description of all facilities of the franchise holder in, over and under the City; and to regulate and control the location, relocation and removal of the facilities;
- **E.** require compensation, franchise fees and fees for the rental, use and occupancy of City property not inconsistent with state law:
- **F.** collect from public utilities, public service providers and proprietary enterprises operating in the City a proportionate part of the increased cost of City operations and services attributable to the occupancy by or use of public property by the public utility, public service or proprietary enterprise; to collect a proportionate part of the cost of City operations and services required as a result of damage to or disturbance of public property caused by the public utility, public service or proprietary enterprise; and to compel the public utility, public service provider or proprietary enterprise to perform at its own expense repairs or other operations made necessary by the occupancy or use of or damage to or disturbance of public property by the public utility, public service or proprietary enterprise;
- G. require one franchise holder to allow other holders to use its facilities if the City Council considers that joint use to be in the public interest. In the event of joint use, reasonable terms of use may be imposed by and a reasonable rental shall be paid to the owner for the use of the facility. The inability of franchise holders to agree on terms and rentals for the use of each other's facilities shall not be an excuse for failure to comply with a joint use requirement by the City Council;

- **H.** require franchise holders to keep records that accurately reflect the value of the franchise holder's property used and useful in rendering its service to the public and which reflect the franchise holder's expenses, receipts and profits of all kinds;
- I. examine and audit, at any time during business hours, the accounts and other records of the franchise holders:
- **J.** require reports on the operations of public utilities, public services and proprietary enterprises in the form and containing information that the City Council directs;
- **K.** establish specifications for materials and construction for public utilities, public services and proprietary enterprises used within or beyond the limits of the City; and
- L. prescribe penalties for noncompliance with any provision of this Article or the ordinances pertaining to franchises, public utilities, public services, and proprietary enterprises.

Section 8.04. Sale of Public Utility, Public Service or Proprietary Enterprise. No public utility, public service or proprietary enterprise owned or operated by the City shall be sold or leased without the approval of a majority vote of the qualified voters of the City voting at an election called for such purpose. The election shall be held on a uniform election date. The City may authorize the renting of City owned facilities for temporary use by an individual, organization or group.

Article IX. Planning and Zoning

Section 9.01. Comprehensive City Plan. The City Council shall cause to be written and shall adopt a comprehensive plan for the City which shall not be inconsistent with state law. This master plan shall be reviewed and updated as needed by the City Council.

Article X. General Provisions and Transitions

Section 10.01. Publicity of Records. The Burnet web site shall publicize as files available for download via the Internet the budget; existing and proposed ordinances; pending contracts and bids; minutes of the last City Council meeting; proposed agendas for upcoming City Council meetings; times and locations for all public City meetings; audit summaries; monthly balance sheet reports for all public utilities, public services and proprietary enterprises; names, addresses and telephone numbers of all City Council persons and standing committee members, and all City career opportunities and other matters as prescribed by this Charter. Failure to post any such matter shall not invalidate any action taken with respect to such matter, nor give rise to any equitable or legal claim whatsoever. References in this Charter to the World Wide Web shall include means of access to the Internet or its equivalent and/or successor.

Section 10.02. Ethics.

A. Conflicts of Interest. The use of public office for private gain is prohibited. The City Council shall implement this prohibition by ordinance. Regulations to this end shall include but not be limited to acting in an official capacity on matters in which the official has a private financial interest clearly separate from that of the general public, the acceptance of gifts and other things of financial value, acting in a private capacity on matters dealt with as a public official, the use of confidential information, and appearances by City officials before other City agencies on behalf of private interests. This ordinance shall provide for reasonable public disclosure of finances by officials with major decision-making authority over monetary expenditures and contractual matters and, insofar as permissible under state law, shall provide fines and punishment for violations.

- B. Board of Ethics. The City Council shall by ordinance establish an independent Board of Ethics to administer and enforce the conflict-of-interest and financial-disclosure ordinances. No member of the Board may hold any political party office. Insofar as possible under state law, the City Council shall authorize the Board to issue binding advisory opinions, conduct investigations on its own initiative, and on referral or complaint, refer cases for prosecution, impose administrative fines, and hire independent counsel. The City Council shall appropriate sufficient funds to the Board of Ethics to enable it to perform its assigned duties.
- **C. Nepotism.** City Council shall adhere to and comply with the applicable nepotism laws provided by state law.

Section 10.03 <u>Surety Bonds.</u> Before starting employment or entering the duties of office, all City officers, the City Manager and all City employees whose duties will include the handling of moneys shall make surety bonds in amounts and with surety companies acceptable to the City Council. Surety companies must be authorized to do business in Texas. The condition of a surety bond shall be that the principal will faithfully perform the duties of office and account for and pay to the City all moneys and property coming into the principal's hands and belonging to the City and comply with applicable state law. The City will pay the premiums for these bonds.

Section 10.04. Notice of Claim.

- A. Personal Injury. The City shall never be liable for any personal injury, whether resulting in death or not, unless the person injured or someone in his behalf, or in the event the injury results in death, the person or persons who may have a cause or action under the law by reason of such death injury, shall file a notice in writing with the City Manager within ninety (90) days after the same has been received, stating specifically in such notice when, where and how the exact injury occurred and the full extent thereof, together with the amount of damages claimed or asserted. The notice requirements provided for herein do not apply if the City has actual notice that death has occurred, or that the claimant has received some injury. Further, should the claimant provide good cause for failure to comply with the notice requirements herein then said notice requirements shall not apply.
- **B.** Personal Property. The City shall never be liable for any claim for damage or injury to personal property unless the person whose personal property has been injured or damaged or someone in his behalf, shall file a claim in writing with the City Manager within ninety (90) days after said damage or injury has occurred and the full extent thereof, and the amount of damage sustained. The City shall never be liable for any claim for damage or injury to real property caused by negligent act or omission of its officers, servants, agents, or employees, unless the person whose real property has been injured or damaged or someone in his behalf, shall file a claim in writing with the City Manager within ninety (90) days after said damage or injury has occurred, stating specifically when, where and how the injury or damage occurred and the amount of damage claimed. The notice requirements provided for herein do not apply if the City has actual notice that the claimant's property has been damaged. Further, should the claimant provide good cause for failure to comply with the notice requirements herein then said notice requirements shall not apply.

Section 10.05. Reservation of Defenses. Nothing contained in this Charter or in any ordinance or contract of the City shall be construed to mean the City waives any rights, privileges, defenses or immunities provided under common law or the Constitution and laws of the State of Texas. No such right, privilege, defense or immunity may be waived except by the City Council acting in a public meeting to settle or compromise a claim, dispute or lawsuit.

Section 10.06. Construction of Charter. This Charter shall not be construed as a mere grant of enumerated powers but shall be construed as a general grant of power and limitation of power on the government of the City of Burnet in the same manner as the Constitution of Texas is construed as a grant of and a limitation on the powers of the Legislature. Except as expressly prohibited by this Charter, every

power under the Constitution of Texas, which it would be competent for the people of the City expressly to grant to the City, shall be construed to be granted to the City by this Charter.

Section 10.07. <u>Separability Clause.</u> If a Section or part of a Section of this Charter is held invalid by a court of competent jurisdiction, that holding shall not affect the remainder of this Charter nor the context in which the Section or part of a Section invalidated appears, except to the extent that an entire Section or part of a Section is inseparably connected in meaning and effect with the Section or part invalidated.

Section 10.08. Rearranging and Renumbering. The City Council shall have the power by ordinance to renumber and rearrange Articles, Sections, paragraphs or amendments of this Charter as they shall deem it appropriate but without creating substantive changes. The City Secretary shall file with the Secretary of State a certified copy of an ordinance that authorizes changes in numbering or arrangement within this Charter.

ORDINANCE NO. 2024-21

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, ORDERING THE ADOPTION OF THE DOCUMENT ENTITLED "CITY OF BURNET HOME RULE CHARTER AS AMENDED MAY 2024" TO COMPLETELY REPLACE THE CURRENTLY PUBLISHED CHARTER IN ORDER TO PROVIDE A CHARTER THAT ACCURATELY REFLECTS THE WILL OF THE VOTERS THROUGH THE AMENDMENTS APPROVED IN THE MAY 4, 2024 CHARTER AMENDMENT SPECIAL ELECTION

WHEREAS, the City Council adopted the City of Burnet Home Rule Charter (hereinafter "Charter") by Ordinance No. 2000-26 on the 10th day of November 2000; and

WHEREAS, the City Council adopted subsequent amendments in 2006, 2013, 2015 and 2018; and

WHEREAS, on the 22nd day of August 2023, the City Council created a charter review commission ("CRC") and charged it with reviewing and proposing amendments to the Charter; and

WHEREAS, the CRC held multiple public meetings and presented its "2024 Report of the Charter Review Commission" to the City Council, which specified proposed Charter amendments; and the City Council subsequently reviewed the proposed amendments, and examined the rationale behind them as detailed in the Report; and

WHEREAS, after considering the Report, the City Council ordered a special election by Ordinance No. 2024-05, which was held in conjunction with the uniform election date on the 24th day of May 2024 for a vote of the electors as to the proposed amendments to the Charter; and

WHEREAS, on the 28th day of May 2024, the City Council canvassed the votes of the special election by Resolution No. R2024-42, and voters stated approval of Propositions A-I and rejected Proposition J of the special election; and

WHEREAS, Texas Local Government Code Section 9.05 (b) provides that an amendment to a charter does not take effect until the governing body of the municipality enters an order in the records of the municipality declaring that the amendment is adopted; and

WHEREAS, pursuant to notice of a public meeting held in compliance with the Texas Open Meetings Act, the City Council of the City of Burnet, Texas, convened into a regular meeting of the City Council on the 28th day of May 2024 for the purpose of entering an order into the records of the City and declaring that the amendments to the City Charter are adopted; and

WHEREAS, the amendments, as approved by voters, are codified in the document entitled "City of Burnet Home Rule Charter As Amended May 2024"; and

WHEREAS, the City Council finds, determines, and declares that the meeting at which this Ordinance is adopted was open to the public and that public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given as required by Chapter 551 of the Texas Government Code.

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

Section One. Findings. The recitals set out above are hereby deemed to be the true and correct findings of the City Council and are incorporated herein for all purposes.

Section Two. **Order**. The document attached hereto (entitled "City of Burnet Home Rule Charter As Amended May 2024") is hereby ordered and declared to be the true and correct Home Rule Charter of the City and should replace in its entirety the currently published Charter in the City of Burnet Code of Ordinances.

Section Three. Authorization. The City Manager and City Secretary are hereby authorized and directed to take all actions reasonably necessary to facilitate the purpose of this Order, including the publication of the true and correct Home Rule Charter as prescribed herein, and coordination with the City Attorney to ensure this Order is consistent with the requirements of state law.

Section Four. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof.

CITY OF BUDNET

PASSED, APPROVED, AND ADOPTED on this 13th day of August 2024

	CITY OF BURNET	
	Gary Wideman, Mayor	
ATTEST:		
Maria Gonzales, City Secretary		

CITY OF BURNET

City Council Regular Meeting August 13, 2024

ITEM 4.6

Discuss and consider action: AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, ORDERING THE ADOPTION OF THE DOCUMENT ENTITLED "CITY OF BURNET HOME RULE CHARTER AS AMENDED MAY 2024" TO COMPLETELY REPLACE THE CURRENTLY PUBLISHED CHARTER IN ORDER TO PROVIDE A CHARTER THAT ACCURATELY REFLECTS THE WILL OF THE VOTERS THROUGH THE AMENDMENTS APPROVED IN THE MAY 4, 2024 CHARTER AMENDMENT SPECIAL ELECTION: K. McBurnett



Home Rule Charter

• The citizens of the City of Burnet adopted the City of Burnet Home Rule Charter (Charter) in November 2000 and subsequently adopted amendments to the Charter in 2006, 2013, 2015, and 2018



Charter Review Commission (CRC)

- Established August 22, 2023
- The purpose was to evaluate and suggest changes to the City Charter
- Conducted several open meetings
- Produced "2024 Report of the Charter Review Commission," containing detailed proposed amendments and justifications



City Council Actions

- Reviewed CRC's presentation and proposed amendments
- Called a Charter Amendment Special Election for May 4, 2024 to consider proposed amendments to the Charter
- The election results were canvassed on May 28, 2024; voters approved Propositions A-I and rejected Proposition J

Home Rule Charter

- The approved amendments have been codified in the document entitled "City of Burnet Home Rule Charter As Amended May 2024"
- It is being recommended that this document replace the currently published Charter in its entirety in the City of Burnet Code of Ordinances, thus reflecting the will of the voters



Home Rule Charter

Recommendation

 Staff recommends the approval and adoption of Ordinance No. 2024-21 as presented.



Any Questions?

Recommendation

• Staff recommends the approval and adoption of Ordinance No. 2024-21 as presented.



City of Burnet City Council

Item Brief



ITEM 4.7

Meeting Date

August 13, 2024

Agenda Item

Discuss and consider action: AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET ORDINANCE NO. 2019-10 AND SECTION 110-40 DROUGHT CONTINGENCY PLAN; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: E. Belaj

Information

Texas Water Code requires review and adoption of the Drought Contingency Plan (DCP) every 5 years. Section 12.1272 of the Texas Water Code and applicable rules of the Texas Commission on Environmental Quality require all public water supply systems in Texas to prepare a drought contingency plan. Moreover, LCRA has adopted new requirements which affect the City's DCP.

Fiscal Impact

N/A.

Recommendation

Staff recommends approval of Ordinance No. 2024-20 as presented.

ORDINANCE NO. 2024-20

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET ORDINANCE NO. 2019-10 AND SECTION 110-40 DROUGHT CONTINGENCY PLAN; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Burnet, Texas recognizes that the amount of water available to the city and its water utility customers is limited and subject to depletion during periods of extended drought; and

WHEREAS, the City recognizes that natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes; and

WHEREAS, Section 12.1272 of the Texas Water Code and applicable rules of the Texas Natural Resource Conservation Commission require all public water supply systems in Texas to prepare a drought contingency plan; and

WHEREAS, The Lower Colorado River Authority (LCRA) requires all the firm customers who draw water from the basin to adopt a drought contingency plan that complies with their rules and regulations; and

WHEREAS, City Council, finds, determines, and declares that publication of notice of this Ordinance, as required by Section 3.14 of the City Charter and the laws of the State of Texas, was made by the City Secretary within the period prescribed by Section 3.14; and

WHEREAS, City Council, finds, determines, and declares that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given as required by Chapter 551 of the Texas Government Code.

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

Section One. Plan. That the City of Burnet, Texas, Drought Contingency Plan attached hereto and made part hereof for all purposes, is hereby amended in its entirety and adopted as the official policy of the City of Burnet:

Section Two. Ordinances in Conflict. That all ordinances that are in conflict with the provisions of this ordinance are, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section Three. Code Amendment. That the City of Burnet, Texas Drought Contingency attached hereto as Exhibit "A" and made part hereof for all purposes, is hereby amended in its entirety and adopted as the official policy of the City of Burnet.

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

Section Five. Penalty. A violation of this ordinance is unlawful and subject to City Code of Ordinances Sec. 1-6 (entitled "general penalty") and Appendix B or this Ordinance (entitled Enforcement Provisions).

Section Six. Cumulative. This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event Section 5, (entitled "Repealer") shall be controlling.

Section Seven. Repealer. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section Eight. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section Nine. Publication. The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

Section Ten. Effective Date. This Ordinance shall be effective upon the last day of the same month of final adoption hereof.

PASSED, APPROVED, AND ADOPTED on this 13th day of August 2024

	CITY OF BURNET, TEXAS
	Gary Wideman, Mayor
ATTEST:	
Maria Gonzales, City Secretary	

Exhibit "A" Drought Contingency Plan

City of Burnet Drought Contingency Plan



August 13, 2024

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DROUGHT CONTINGENCY PLAN FOR MUNICIPAL WATER USE

1.0 Declaration of Policy, Purpose and Intent

The City of Burnet (the "City") receives a portion of its water supply for the Lower Colorado River Authority (LCRA) and the remaining portion from wells located throughout the City that are subject to the jurisdiction of the Central Texas Groundwater District. In cases of drought, periods of abnormally high usage or system contamination, or extended reduction in ability to supply water due to equipment failure, the LCRA and/or the Central Texas Groundwater District may require water customers to institute temporary restrictions to limit nonessential water usage. This Drought Contingency Plan (Plan) is designed to protect the available water supply and protect the integrity of water supply facilities, with regard for domestic water use, sanitation and fire protection during these periods or other water supply emergencies.

Water uses regulated or prohibited under this Plan are considered nonessential and continuation of such uses during times of water shortage or other emergency water supply conditions is deemed to constitute a waste of water.

2.0 Authorization

The City Manager and/or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety and welfare. The City Manager shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan.

3.0 Public Education

The City Manager will periodically provide its employees, members, and the public with information about this Plan, including the importance of the Plan, information about the conditions under which each stage of the Plan is to be initiated, processes used to reduce water use, and impending or current drought conditions.

4.0 Coordination with Regional Planning Groups

The City will provide a copy of this Plan to the Lower Colorado Regional Planning Group (Region K).

5.0 Notice Requirements

The City shall notify the executive director of the Texas Commission on Environmental Quality and LCRA General Manager in writing within five (5) business days of the implementation of any mandatory provisions of the Drought Contingency Plan.

6.0 Normal Water Use Restrictions

The following restrictions apply to all City water utility system(s) on a year-round basis, regardless of water supply or water treatment plant production conditions. According to the restrictions, a water user must not:

- Irrigate outdoors using an automatic or manual irrigation systems or hose-end sprinklers more than twice per week or outside scheduled days and times as indicated in Appendix A.
- 2) Fail to repair a controllable leak, including a broken sprinkler head, a leaking valve, leaking or broken pipes, or a leaking faucet.
- 3) Operate an irrigation system:
 - with a broken head;
 - with a head that is out of adjustment and the arc of the spray head is over a street or parking area;
 - with a head that is fogging or misting because of excessive water pressure;
 - between the hours of 10 a.m. and 7 p.m.
- 4) During irrigation, allow water:
 - to run off a property and form a stream of water in a street for a distance of 50 feet or greater; or
 - to pool in a street or parking lot to a depth greater than one-quarter of an inch.

7.0 Initiation and Termination of Response Stages

The City Manager shall monitor water supply and demand conditions on a regular basis and shall determine when conditions warrant initiation and termination of each stage of this Plan in accordance with LCRA's Water Management Plan. Water supply conditions will be determined by the source of supply, system capacity and weather conditions. Water demand will be measured by the peak daily demands on the system.

Public notification of the initiation or termination of drought response stages shall be by a variety of ways (e.g., bill inserts, email, automated telephone calls, signs posted at entry points to the service area, social media posts, website content or a combination of these methods).

The following triggering criteria shall apply to the City's water utility system(s) and customer service area.

7.1 Stage 1 - Mild Water Shortage Conditions

A. **Requirements for initiation -** Customers shall be requested to adhere to the Stage 1 Drought Response Measures when one or more these criteria occur:

1. <u>Treatment Capacity:</u>

 When total daily water demand equals or exceeds 80% of the total operating system treatment capacity for three consecutive days; or

2. Water Supply:

- Combined storage of lakes Travis and Buchanan falls below 1.1 million acre-feet, in accordance with the LCRA Drought Contingency Plan for Firm Water Customers (DCP).
- A reduction in groundwater production is required to achieve restrictions imposed by the Central Texas Groundwater District.

3. Other Factors:

- Any other system demand or supply factors that in the opinion of the City Manager, could jeopardize the health, safety, and welfare of the public.
- B. **Requirements for termination** Stage 1 of the Plan may be rescinded when:

1. Treatment Capacity:

 The water treatment plant capacity condition listed above as a triggering event for Stage 1 has ceased to exist for five consecutive days; or

2. Water Supply:

- Combined storage of lakes Travis and Buchanan reaches 1.2 million acre-feet.
- A reduction in groundwater production is no longer required to achieve restrictions imposed by the Central Texas Groundwater District.

C. Water Supply Reduction Target: Achieve a 10% reduction in water use.

Upon termination of Stage 1, Normal Water Use Restrictions become operative.

7.2 Stage 2 - Moderate Water Shortage Conditions

A. **Requirements for initiation** - Customers shall be required to adhere to the Stage 2 Drought Response Measures when one or more of these criteria occur:

1. <u>Treatment Capacity:</u>

 When total daily water demand equals or exceeds 90% of the total operating system treatment capacity for three consecutive days; or

2. Water Supply:

- Combined storage of lakes Travis and Buchanan falls below 900,000 acre-feet, in accordance with the LCRA DCP; or
- On March 1 or July 1, the combined storage of lakes Travis and Buchanan is below 1.1 million acre-feet and the prior threemonths of inflows cumulative total is less than the 25th percentile of historical inflows for that three-month period, in accordance with the LCRA DCP.
- A reduction in groundwater production is required to achieve restrictions imposed by the Central Texas Groundwater District.

3. Other Factors:

- Any other system demand or supply factors that in the opinion of the City Manager, could jeopardize the health, safety, and welfare of the public.
- B. **Requirements for termination -** Stage 2 of the Plan may be rescinded when:

1. Treatment Capacity:

 The water treatment plant capacity condition listed above as a triggering event for Stage 2 has ceased to exist for five consecutive days; or

2. Water Supply:

- Combined storage of lakes Travis and Buchanan reaches 1.1 million acre-feet.
- A reduction in groundwater production is no longer required to achieve restrictions imposed by the Central Texas Groundwater District.
- C. Water Supply Reduction Target: Achieve a 20% reduction in water use.

Upon termination of Stage 2, Stage 1 becomes operative unless the criteria for

terminating Stage 1 is also met.

7.3 Stage 3 - Severe Water Shortage Conditions

A. **Requirements for initiation** - Customers shall be required to adhere to the Stage 3 Drought Response Measures when one or more of these criteria occur:

1. <u>Treatment Capacity:</u>

 When total daily water demand equals or exceeds 95% of the total operating system treatment capacity for three consecutive days; or

2. Water Supply:

- Combined storage of lakes Travis and Buchanan falls below 750,000 acre-feet, in accordance with the LCRA DCP.
- Production restriction compliance with the Central Texas Groundwater District conservation requirements.

3. Other Factors:

- Any other system demand or supply factors that in the opinion of the City Manager, could jeopardize the health, safety, and welfare of the public.
- B. **Requirements for termination -** Stage 3 of the Plan may be rescinded when:

1. Treatment Capacity:

 The water treatment plant capacity condition listed above as a triggering event for Stage 3 has ceased to exist for five consecutive days; or

2. Water Supply:

- Combined storage of lakes Travis and Buchanan reaches 825,000 acre-feet.
- Production restriction compliance with the Central Texas Groundwater District conservation requirement.
- C. Water Supply Reduction Target: Achieve a 25% reduction in water use.

Upon termination of Stage 3, Stage 2 becomes operative unless the criteria for terminating Stage 2 is also met.

7.4 Stage 4 - Critical Water Shortage Conditions

A. **Requirements for initiation** - Customers shall be required to adhere to the Stage 4 Drought Response Measures when one or more of these criteria occur:

1. Treatment Capacity:

 Major water line breaks, loss of distribution pressure or pump system failures that cause substantial loss in the ability to provide water service.

2. Water Supply:

- Combined storage of lakes Travis and Buchanan reaches 600,000 acre-feet; or
- The LCRA Board of Directors declares a Drought Worse than Drought of Record or other water supply emergency and orders the mandatory curtailment of firm water supplies.
- A reduction in groundwater production is required to achieve restrictions imposed by the Central Texas Groundwater District.

3. Other Factors:

- Any other emergency situation and/or system demand/supply factors that in the opinion of the City Manager, could jeopardize the health, safety, and welfare of the public.
- B. **Requirements for termination** Stage 4 of the Plan may be rescinded when:

1. Treatment Capacity:

 The water treatment plant capacity condition listed above as a triggering event for Stage 4 has ceased to exist for five consecutive days; or

2. Water Supply:

- LCRA announces that mandatory Stage 4 water restrictions for firm water customers are no longer required in accordance with the LCRA DCP.
- A reduction in groundwater production is no longer required to achieve restrictions imposed by the Central Texas Groundwater District.
- C. Water Supply Reduction Target: Achieve a 30% reduction in water use.

Upon termination of Stage 4, Stage 3 becomes operative unless the criteria for terminating Stage 3 is also met.

8.0 Drought Response Measures: Retail Customers

8.1 Stage 1 - Mild Water Shortage Conditions

A. Supply Management Measures:

- 1. The City will review system operations and identify ways to improve system efficiency and accountability.
- 2. The City will review this document and associated enforcement mechanisms and prepare for an increased level of enforcement.

B. Demand Management Measures:

- Irrigation of Landscaped Areas. Irrigation of landscaped areas shall be limited to a no more than ONCE weekly watering schedule from Oct. 1 to April 30 and no more than TWICE weekly watering schedule from May 1 to Sept. 30. Irrigation of commercial landscapes and recreational areas (including public parks) may apply for a variance but must still develop a schedule which will achieve the same level of reduction in water usage. (See Appendix A – City of Burnet Water System - Watering Schedule.)
- 2. The City will ask customers to comply with the remaining water-use restrictions outlined in Stage 2 of the Plan.
- 3. The City will actively share drought-related information and the need to conserve.
- 4. If appropriate, the City will explore ways to implement permanent water efficiency ordinances relating to uses such as vehicle washing facilities, pressure washing equipment, drought-tolerant landscaping for all new landscapes and irrigation evaluations for large properties.

8.2 Stage 2 - Moderate Water Shortage Conditions

A. Supply Management Measures:

- 1. Apply all water-use restrictions prescribed for Stage 2 of the Plan for City utility-owned facilities and properties.
- 2. The City will explore ways to reduce system water loss by measures such as fixing leaks, replacing old meters and recycling line flush water, as appropriate.
- 3. The City will explore ways to increase use of recycled wastewater to reduce irrigation of public parks with potable water, as appropriate.
- The City will actively share drought-related information, including current and projected water supply conditions, water supply restrictions and the need to conserve to its retail customers, including

- publicly posting notice of entering or exiting Stage 2 on the City's website.
- 5. The City will actively enforce the irrigation watering restrictions.

B. Demand Management Measures:

Under threat of penalty, the following water-use restrictions shall apply to all retail water customers:

1. Irrigation of Landscaped Areas:

- a. Irrigation of landscaped areas with hose-end sprinklers or automatic or manual irrigation systems shall be limited to no more than <u>ONCE</u> weekly as provided for herein. Irrigation of commercial landscapes and recreational areas (including public parks) may apply for a variance but must still develop a schedule which will achieve the same level of reduction in water usage. (See Appendix A – City of Burnet Water System - Mandatory Watering Schedule.)
- b. Outdoor watering hours will be limited to 15 hours per day before 10 a.m. and after 7 p.m. on designated days as determined by the City (see watering schedule in Appendix A). This prohibition does not apply to irrigation of landscaped areas if it is by means of:
 - i. a hand-held hose with a positive shut-off device; or
 - ii. a faucet-filled bucket or watering can of 5 gallons or less.
- c. New landscapes may be installed and revegetation seeding performed under these specific criteria:
 - i. a 30-day watering schedule variance has been applied for and accepted;
 - ii. only drought-tolerant or native plants/turf are installed;
 - iii. Irrigation of the new landscape follows the schedule identified in the new landscape variance. The schedule will be developed to minimize water waste.
 - iv. Areas being revegetated for soil stabilization must also comply with the (i) and (ii) specific criteria above. Alternative options to revegetation such as mulch may be available in times of low water supply. Additional information regarding options is available in the LCRA Highland Lakes Watershed Ordinance Technical Manual.
 - v. Variances for new landscapes may be issued for a period of no more than 30 days from the day of issuance. A variance is not an exemption from compliance with the normal water

use restrictions of this Plan. Variances will not be granted for seasonal "color bed" or temporary grass installation (overseeding).

2. Vehicle Washing:

Use of water to wash any motor vehicle, such as a motorbike, boat, trailer or airplane, is prohibited except on designated watering days before 10 a.m. or after 7 p.m. Such activity, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shut-off nozzle. A vehicle may be washed anytime at a commercial car wash facility or commercial service station. This activity is exempt from these regulations if the health, safety and welfare of the public are served by washing the vehicle, such as a truck used to collect garbage or used to transport food and perishables.

3. Pools:

- a. Draining and refilling is permitted only onto pervious surfaces or onto a surface where water will be transmitted directly to a pervious surface, and only if:
 - i. Draining excess water from pool due to rain in order to lower water to maintenance level;
 - ii. Repairing, maintaining or replacing pool components that have become hazardous; or
 - iii. Repair of a pool leak.
- b. Public/community swimming pools are allowed to fill or replenish water in order to maintain safe levels of water quality for human contact and for maintenance as outlined above.

4. Outside Water Features:

- a. Operation of outside water features is prohibited except where such features are used for aeration necessary to sustain aquatic life or maintain water quality, and except for ornamental fountains that are recirculating. (This provision includes recirculating fountains associated with aesthetic ponds and swimming pools unless required for filtration).
- b. Operation of outdoor misting systems at a commercial facility is allowed only between 4 p.m. and midnight.
- c. Splash pad type fountains must be recirculating and should have an automatic timer shut-off feature when not in use unless public health and safety is compromised by installing a shut-off feature.

5. Ponds:

Ponds used for aesthetic, amenity and/or storm water purposes may maintain water levels only as necessary to preserve the integrity of the liner and operating system. The City may request specific design documentation regarding a pond and the intended purpose.

6. Golf Courses:

Golf courses receiving any amount of treated water from the City utility must either develop a drought contingency plan that meets the minimum water reduction target set for Stage 2, or adopt the LCRA sample golf course drought contingency plan.

7. Events:

Events involving the use of water such as: car washes, festivals, parties, water slides and other activities involving the use of water are permitted if the water being used drains to a recirculating device or onto a pervious surface to prevent water waste. A charity car wash may not be conducted unless it occurs at a commercial vehicle washing facility.

8. Restaurants:

Restaurants, bars and other commercial food or beverage establishments are encouraged not to provide drinking water to customers unless a specific request is made by the customer for drinking water.

9. Hotels/motels:

The owner or operator of a hotel, motel, short-term rental or other establishment that offers or provides lodging or rental accommodations for compensation are encouraged to offer a towel and linen reuse water conservation option to its lodgers, renters or customers and maintain signage about the opportunity to participate in each guest room, suite, or property.

10. Fire Hydrants:

Use of water from fire hydrants shall be prohibited for landscape irrigation, filling pools, operating fountains and car washing. Water should be transported only for the purpose of firefighting or providing minimal water needed for indoor use where auxiliary sources are inadequate and activities necessary to maintain public health, safety

and welfare, or for construction use. Transport of water other than for firefighting requires a variance and a meter.

11. Athletic fields

Watering should follow a no more than once-per-week schedule per irrigated area unless the athletic fields are actively used for organized sports practice, competition or exhibition events when irrigation outside of the standard weekly schedule is necessary to protect the health and safety of the players, staff or officials present for the athletic event.

- a. All ornamental landscape areas around facilities with athletic fields shall follow general landscape irrigation restrictions.
- b. A variance must be filed with the City for watering outside of the once per week irrigation schedule stated in Appendix A.

12. Water Waste

The following nonessential uses of water are prohibited during periods in which restrictions are in effect:

- a. Washing sidewalks, walkways, driveways, parking lots, street, tennis courts and other impervious surfaces is prohibited except for immediate health and safety.
- b. Use of water to wash buildings, houses or structures with a pressure washer is restricted to equipment that is fitted with a water recycling unit and a spray nozzle using no more than 3.5 gallons of water per minute and employing a working trigger shutoff with a protective weep mechanism. Use of water to wash buildings with a hand-held hose with a positive shut-off nozzle is allowed.
- c. Use of water to control dust is prohibited, unless there is a demonstrated need to do so for reasons of public health and safety, or as part of an approved construction plan.

8.3 Stage 3 - Severe Water Shortage Conditions

A. <u>Supply Management Measures:</u>

- 1. The City will aggressively reduce system water loss by measures such as fixing leaks, replacing old meters and recycling line flush water, as appropriate for the utility system.
- 2. The City will actively share drought-related information, including the current and projected water supply conditions, water supply

- restrictions and the need to conserve to its retail customers including publicly posting notice of entering or exiting Stage 3 on the City's website.
- In addition to measures implemented in the preceding stages of the Plan, the City will explore additional emergency water supply options.
- B. <u>Demand Management Measures:</u> Under threat of penalty, all retail customers are required to further reduce nonessential water uses as follows. All requirements of Stage 2 shall remain in effect during Stage 3, with the following modifications and additions.

1. Irrigation of Landscaped Areas:

- a. Irrigation of landscaped areas with automatic or manual irrigation systems or hose-end sprinklers shall be limited to a maximum ONCE a week watering schedule for no more than **6 hours** as provided for herein. Irrigation of commercial landscapes and recreational areas (including public parks) may apply for a variance but must still develop a schedule which will achieve the same level of reduction in water usage. (See Appendix A City of Burnet Water System Mandatory Watering Schedule.)
- b. Outdoor watering hours for hand watering will be limited to 15 hours a day, before 10 a.m. or after 7 p.m. on designated days as determined by the City (see watering schedule in Appendix A). The allowed methods of irrigation of landscaped areas are:
 - i. a hand-held hose with a positive shut-off device;
 - ii. a faucet-filled bucket or watering can of 5 gallons or less;
 - iii. a soaker hose; or
 - iv. tree gator watering bags.
- c. New landscapes may only be installed if:
 - a 30-day watering schedule variance has been applied for and accepted;
 - ii. only drought-tolerant or native plants/turf are installed;
 - iii. Irrigation of the new landscape follows the schedule identified in the new landscape variance. The schedule will be developed to minimize water waste.
 - iv. Areas being revegetated for soil stabilization must also comply with the (i) and (ii) specific criteria above. Alternative options to revegetation such as mulch may be available in times of low water supply. Additional information regarding options is available in the LCRA Highland Lakes Watershed Ordinance Technical Manual.
 - v. Variances for new landscapes may be issued for a period

of no more than 30 days from the day of issuance. A variance is not an exemption from compliance with the normal water use restrictions of this Plan. Variances will not be granted for seasonal "color bed" or temporary grass installation (overseeding).

d. A temporary watering variance may be granted by the City for the revegetation of disturbed areas due to construction is allowed, if required by local, state, or federal regulations.

2. Vehicle Washing:

Use of water to wash any motor vehicle, such as a motorbike, boat, trailer or airplane, is prohibited except on designated watering days between 7 a.m. and 10 a.m. and between 7 p.m. and 10 p.m. Such activity, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shut-off nozzle. A vehicle can be washed at any time at a commercial car wash facility or commercial service station that recycles its water. This activity is exempt from these regulations if the health, safety and welfare of the public are served by washing the vehicle, such as a truck used to collect garbage or used to transport food and perishables.

3. Pools:

Installation of swimming pools is prohibited except when equipped with an automatic pool cover. Public/community swimming pools may be exempt from this prohibition to maintain safe levels of water quality for human contact.

4. Outside Water Features:

- a. Operation of ornamental fountains is prohibited.
- b. Operation of outside water features, is only allowed when such features are used for aeration necessary to sustain aquatic life or maintain water quality. (This provision includes fountains associated with aesthetic ponds and swimming pools.)
- c. Operation of residential aesthetic or recreational devices such as water slides is prohibited.
- d. Operation of outdoor misting systems at a commercial facility is allowed only between 4 and 8 p.m.

5. Ponds:

Ponds used for aesthetic, amenity and/or stormwater purposes may maintain water levels only necessary to preserve the integrity of the liner and operating system and meet the LCRA Highland Lakes Watershed Ordinance or other applicable non-point source pollution regulation. The City may request specific design documentation regarding a pond and the intended purpose.

6. Golf Course:

Golf courses receiving any amount of treated water from the City utility must either develop a drought contingency plan that meets the minimum water reduction target set for Stage 3, or adopt the LCRA sample golf course drought contingency plan.

7. Events:

Events involving the use of water such as car washes, festivals, parties, water slides, and other activities involving the use of water are prohibited.

8. Recreational areas (includes municipal parks and common areas):

Irrigation of recreational areas with potable water must follow the sixhour weekly irrigation schedule outlined in section B1, and watering of recreational areas should be prioritized by frequency of use. Unnecessary foot traffic should be discouraged. Watering using an auxiliary source such as recycled water is exempt from these restrictions.

9. Athletic fields:

A variance including a map of active play areas that must be irrigated with automatic sprinkler systems for sports practice and competition must be filed with the City if irrigation falls outside of the normal watering schedule listed in Appendix A. The irrigation must be necessary to protect the health and safety of the players, staff, and officials present for athletic events.

- a) All ornamental landscape areas around facilities with athletic fields shall follow general landscape irrigation restrictions.
- b) All athletic fields that are not actively used for sports practice and competition shall follow general landscape irrigation restrictions.

10.Water Waste:

The following additional nonessential uses of water are prohibited at all times during periods in which restrictions have gone into effect.

a) Pressure washing is prohibited but variances may be granted by the City on the designated watering day for health and safety purposes only. Pressure washing equipment must be fitted with a spray nozzle that does not use more than 3.5 gallons of water per minute and has a trigger shut-off.

8.4 Stage 4 - Critical Water Shortage Conditions

Under threat of penalty for violation, all retail customers are required to reduce nonessential water uses during an emergency. All requirements of stages 1 through 3 are also in effect during Stage 4, with the following modifications and additions:

- A. Irrigation of ornamental turfgrass is prohibited. The use of hose-end sprinklers and automatic irrigation systems, including drip irrigation, are prohibited except as provided under item B below.
- B. Irrigation of foundations, trees and vegetable gardens is allowed with a hand-held hose with a working on/off nozzle, bucket, drip irrigation or soaker hoses irrigation only for **six hours** between the hours of 7 a.m. and 10 a.m. or 7 p.m. and 10 p.m. one day per week on the designated outdoor water use day as determined by the City.
- C. New landscapes irrigated with spray irrigation are prohibited. New irrigated turf grass is prohibited. The City may issue new landscape variances for planting beds installed with drought-tolerant or native plants specified in the Grown Green Plant Guide as having low or very low water needs (http://austintexas.gov/department/grow-green/plant-guide) and irrigated with point source drip irrigation or hand-held hose.
- D. Use of water to operate outside water features, including fountains, outdoor misting systems and splash pads, is prohibited.
- E. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited, except as required for public health and safety purposes. Commercial car washing facilities, except facilities that recycle water, may operate for health and safety purposes only.
- F. Golf courses receiving any amount of treated water from the City must either develop a drought contingency plan in accordance with the City's Drought Contingency Plan and implement its Stage 4 mandatory restrictions in conjunction with the water provider or adopt the LCRA sample golf course drought contingency plan.

- G. The filling or replenishing of single-family residential swimming pools is only allowed if the pool is covered with a pool cover when not in use.
- H. Public/community swimming pools are allowed to fill or replenish water in order to maintain safe levels of water quality for human contact.

Upon declaration of Stage 4, water use restrictions outlined in Stage 3 shall immediately apply.

9.0 Drought Response Measures: Wholesale Treated Customers

All City wholesale treated water customers are required to develop and formally adopt drought contingency plans for their own systems in accordance with Title 30 Texas Administrative Code Sections 288.20 and 288.22. The water supply triggers, and target reduction goals must be consistent with the LCRA DCP. In addition, the measures of this Plan must be at least as stringent as the drought response measures required by the City for its retail customers. Wholesale treated water customers must include in their wholesale water supply contracts the requirement that each successive wholesale customer develop and formally adopt a drought contingency plan, consistent with the LCRA DCP.

9.1 Stage 1 - Mild Water Shortage Conditions

The City will contact wholesale treated water customers to discuss supply and demand conditions. The City will provide a limited supply of consumer information and materials on water conservation measures and practices to wholesale customers.

9.2 Stage 2 - Moderate Water Shortage Conditions

The City will keep wholesale treated water customers informed about demand and current and projected water supply conditions. The City will initiate discussions with wholesale treated water customers about potential curtailment and the implementation of mandatory measures to reduce all nonessential water uses.

9.3 Stage 3 - Severe Water Shortage Conditions

The City will contact its wholesale treated water customers to initiate mandatory measures to control water demand and to ensure capacity for emergency response requirements. Mandatory measures will include the curtailment of nonessential water uses in accordance with the wholesale treated water customer's drought contingency plan.

In addition, if the Stage 4 triggering criteria is based on a water supply

shortage, LCRA will initiate the curtailment of water provided to wholesale treated water customers on a pro rata basis. The wholesale treated water customer's monthly allocation of water shall be based on a percentage of the customer's baseline water use. The percentage will be determined by the LCRA Board and may be adjusted as conditions warrant.

9.4 Stage 4 - Critical Water Shortage Conditions

All requirements of Stage 3 shall remain in effect during Stage 4. Additional measures may be added as needed.

10.0 Enforcement Provisions

The enforcement provisions provided for in Appendix B shall apply to all City water customers:

10.1 Variances

The City Manager may, in writing, grant a variance for new or existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, primary business, or fire protection for the public or the person requesting such variance or if one or more of the following conditions are met:

- 1) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect
- 2) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting a variance from the provisions of this article shall file a petition for variance with the City Manager after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the City Manager and shall include the following:

- 1) Name and address of the petitioner(s);
- 2) Purpose of water use:
- 3) Specific provision(s) of the Plan from which the petitioner is requesting relief;
- 4) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Plan;
- 5) Description of the relief requested;
- 6) Period of time for which the variance is sought;
- 7) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date; and
- 8) Other pertinent information.

Variances granted by the City Manager shall be subject to the following conditions, unless waived or modified by the City Manager:

- 1) Variances granted shall include a start and end date for compliance;
- 2) Variance requests must be submitted no more than two (2) months prior to the requested start date, and no less than 48 hours prior to the requested start date: and
- 3) Variances granted shall expire on the date set at the time when the application was granted.

Additionally, variances may be granted when a Customer is using Efficient Irrigation Technology for outdoor irrigation purposes. In order to receive this variance the requestor must have a master valve or flow sensor, the irrigation controller must have a cycle and soak capability, and will be subject to annual random irrigation checks by the City.

10.2 Plan Updates

The Plan will be reviewed and updated as needed to meet both TCEQ and LCRA drought contingency plan rules.

Appendix A – Mandatory Watering Schedules

Normal Water Use Watering Schedule

Irrigate outdoors using automatic or manual irrigation systems or hose-end sprinklers no more than **TWICE per week** for up to **15 hours** and only during scheduled days and times as indicated below:

Twice-Per-Week Watering Schedule

	Mon/Thur	Tue/Fri	Wed/Sat
Address Ending with #:	1,2, 5 or 6	3,4, 7 or 8	9 or 0

Watering Hours

Midnight to 10 a.m. and 7 p.m. to midnight

Stage 1 mandatory watering schedule

Irrigate outdoors using automatic or manual irrigation systems or hose-end sprinklers no more than **ONCE per week** for up to **15 hours** only during scheduled days and times as indicated below between the dates of Oct. 1 and April 30.

Once-Per-Week Watering Schedule (Oct. 1-April 30)

	Monday	Tuesday	Wednesday	Thursday	Friday
Address Ending with #:	1 or 2	3 or 4	5 or 6	7 or 8	9 or 0

Twice-Per-Week Watering Schedule (May 1 – Sept. 30)

	Mon/Thur	Tue/Fri	Wed/Sat
Address Ending with #:	1,2, 5 or 6	3,4, 7 or 8	9 or 0

Watering Hours

Midnight to 10 a.m. and 7 p.m. to midnight

Stage 2 mandatory watering schedule

Irrigate outdoors using automatic or manual irrigation systems or hose-end sprinklers no more than **ONCE per week** for up to **15 hour**s and only during scheduled days and times as indicated below.

Once-Per-Week Watering Schedule

	Monday	Tuesday	Wednesday	Thursday	Friday
Address Ending with #:	1 or 2	3 or 4	5 or 6	7 or 8	9 or 0

Watering Hours

Midnight to 10 a.m. and 7 p.m. to midnight

Stage 3 mandatory watering schedule

Irrigate outdoors using automatic or manual irrigation systems or hose-end sprinklers no more than **ONCE per WEEK** for up to **six hours** during scheduled days and times as indicated below.

Once-Per-Week Watering Schedule

	Monday	Tuesday	Wednesday	Thursday	Friday
Address Ending with #:	1 or 2	3 or 4	5 or 6	7 or 8	9 or 0

Watering Hours

Automatic irrigation systems: Midnight to 10 a.m. and 7 p.m. to midnight

Hose-end irrigation: 7 a.m. to 10 a.m. and 7 p.m. to 10 p.m.

Hand-held irrigation: Before 10 a.m. and after 7 p.m.

Stage 4 mandatory watering schedule

Irrigate outdoors using only a soaker hose, point-source drip irrigation, tree gator watering bags, hand-held watering or a bucket for areas not defined as ornamental landscaping no more than **ONCE per week** for up to **six hours** only during scheduled days and times as indicated below.

Once-Per-Week Watering Schedule

	Monday	Tuesday	Wednesday	Thursday	Friday
Address Ending with #:	1 or 2	3 or 4	5 or 6	7 or 8	9 or 0

Watering Hours

Soaker hose, hand-held water or bucket irrigation: 7 a.m. to 10 a.m. and 7 p.m. to 10 p.m.

Watering Schedule Summary

Watering Schedule Summary

Tracering concurre cannuary							
Address Ends with #	Normal Conditions	STAGE 1 Oct 1 – April 30	STAGE 1 May 1 – Sept. 30	STAGE 2	STAGE 3	STAGE 4 (Hand held only)	
1 or 2	Mon/Thur	Monday	Mon/Thur	Monday	Monday	Monday	
3 or 4	Tue/Fri	Tuesday	Tue/Fri	Tuesday	Tuesday	Tuesday	
5 or 6	Mon/Thur	Wednesday	Mon/Thur	Wednesday	Wednesday	Wednesday	
7 or 8	Tue/Fri	Thursday	Tue/Fri	Thursday	Thursday	Thursday	
9 or 0	Wed/Sat	Friday	Wed/Sat	Friday	Friday	Friday	
Irrigation Hours	12 AM to 10 AM 7 PM to 12 AM	12 AM to 10 AM 7 PM to 12 AM	12 AM to 10 AM 7 PM to 12 AM	12 AM to 10 AM 7 PM to 12 AM	12 AM to 10 AM 7 PM to 12 AM	See DCP Plan	
Irrigation Duration	15 hours	15 hours	15 hours	15 hours	6 hours	6 hours	

Appendix B - Enforcement Provisions

Enforcement for Retail Customers

The following enforcement provisions shall apply to all City retail water customers:

- (1) No person shall knowingly or intentionally use or allow the use of water from the City for residential, commercial, industrial, agricultural, governmental or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time.
- (2) Any person who violates this Plan shall be subject to the following fines, penalties and/or conditions of service:
 - A. Following the first documented violation, the violator shall be given a written warning specifying the type of violation, the date and time it was observed, and fines and restrictions on service that may result from additional violations.
 - B. Following the second documented violation, the violator shall be subject to a civil penalty of \$100.00.
 - C. Following the third documented violation, the violator shall be subject to a civil penalty of \$250.00.
 - D. Following the fourth documented violation, the City shall, upon due notice to the customer, discontinue water service to the premises where such violations occur and the violator shall be subject to a civil penalty of \$500.00. Services discontinued under such circumstances shall be restored only upon payment of a reconnection charge, hereby established at \$75.00, and any outstanding charges including late payment fees or penalties. In addition, suitable assurance in the amount of a deposit of \$500.00 must be given to the City so that the same action shall not be repeated while the Plan is in effect. The City may apply the deposit to any surcharges or penalties subsequently assessed under this Plan against a customer. The deposit, if any, shall be returned to the customer at the time of the customer's voluntary disconnection from the utility system.
- (3) Each day that one or more of the provisions in this Plan is violated shall constitute a separate violation. Any person, including one classified as a water customer of the City, in apparent control of the property where a violation occurs or originates, shall be presumed to be the violator. Any such persons, however, shall have the right to show that they did not commit the violation. (See enforcement process diagram in Appendix E Drought Response Retail Enforcement Process for Municipalities.)
- (4) The City Manager shall have the power to enforce the provisions of this Plan.
- (5) The municipal court shall have the power to issue to the City Manager administrative search warrants, or other process allowed by law, where necessary to aid in enforcing this Plan.

- (6) Judicial enforcement of fines and penalties issued pursuant to this Plan may be sought through a municipal court, district court or small claims court having jurisdiction over the matter.
- (7) Compliance with this Plan also may be sought through injunctive relief in state district court.

Enforcement for Wholesale Customers

Wholesale treated water customers shall provide the City with an order, ordinance or resolution to demonstrate adequate enforcement provisions for the wholesale customer's drought contingency plan.

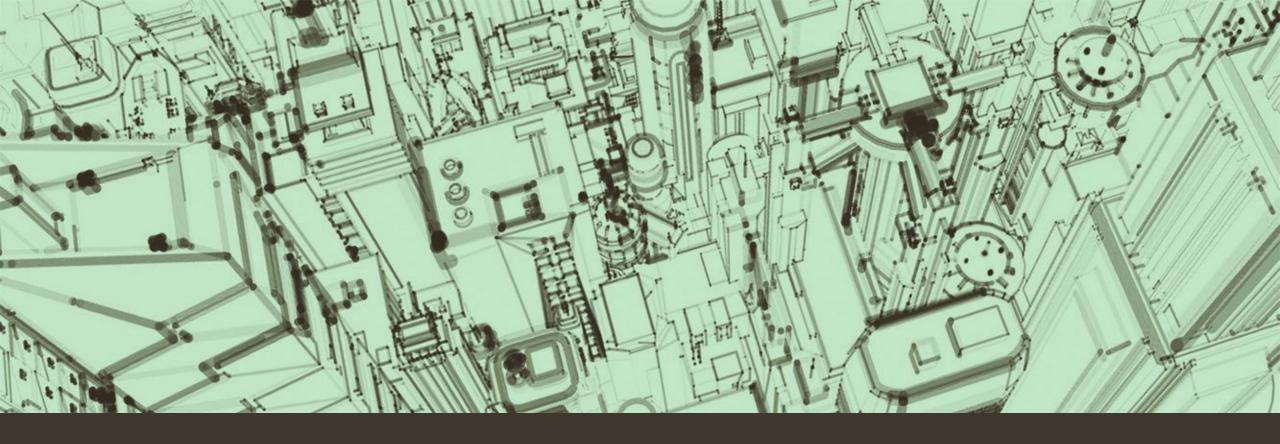
In addition, wholesale treated water customers that fail to comply with the drought contingency measures in this Plan may be subject to the following civil penalties, in addition to any other remedies available to the City by law or under the terms of the wholesale water contracts.

Penalties for wholesale treated water customers:

First documented violation: Written notice of violation

Second documented violation: Penalty fee up to \$1,000.00

Third documented violation: Penalty fee up to \$5,000.00



Drought Contingency Plan

Amending Ordinance 119-10 and Code 110-40

The State requires cities to create a drought contingency plan

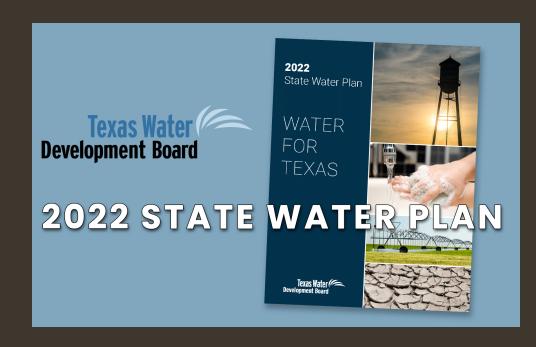
Must be amended every 5-years

Last one adopted was in 2019

LCRA has adopted new rules for all Cities using Lake water

City of Burnet is required to comply with both the State and LCRA

Amend the City's Drought Contingency Plan (DCP)



LCRA's New Rules



APPENDIX B

Drought Contingency Plan Rules for Water Sale Contracts

Lower Colorado River Authority

April 2024

- Required for any entity which withdraws water from the Lakes
- Adopted in March 2024
- New requirements are:
 - 20% Water Pro-rata Curtailment when lake storage drops to 1.1MM Ac-ft.
 - Implement at least 4 Drought Stages Correlating to Lake Water Storage
 - Stages to progressively conserve between 10% and 30% water usage,
- Each City's DCP to be approved by LCRA before the State can approve it.
- Cities are required to enforce the DCP

LCRA's New Rules

• Summary of the new requirements: not much different except when it comes to enforcement

NEW DCP ORDINANCE	PREVIOUS DCP
Normal Use when lakes are over 1.1MM Ac-ft. Mandatory 2x per week watering	Voluntary water conservation and avoid water waste
Stage 1: Conserve 10%, 2x Water in Summer and 1x Watering in Winter	5%-10% voluntary 2x watering conservation
Stage 2: 20% Reduction. Once per week for 15 hrs. New lawns can apply or a 30-day administrative variance	10%-20% reduction. 2x per week watering
Stage 3: 25% Reduction. Once per week watering for 6 hrs. New lawns can apply or a 30-day administrative variance with some planting restrictions	20% reduction. 1x per week watering. New lawns exempt for 21 days
Stage 4: 30% reduction. No Watering. No new ornamental grass/watering except for native plants	30% reduction. No irrigation watering. No new landscape permits allowed

Stage	Trigger for Entering Drought Stage (ac-ft)	Trigger for Exiting Drought Stage (ac- ft)	Water Use Reduction Goal	Minimum Measures
Conservation Stage	2.0 MAF – 1.1 MAF	N/A	NA	Year-round permanent maximum 2x/week watering. LCRA drought messaging begins when combined storage drops below 1.4 MAF.
1	< 1.1 MAF	1.2 MAF	10%	Customers notify end— users of mandatory reduction goal, Increased drought messaging
2	< 900 KAF Or March 1 or July 1 < 1.1 MAF & preceding 3- month inflow below 25%	1.1 MAF	20%	Maximum 1x/week watering schedule
3	< 750 KAF	825 KAF	25%	Preferred option no automatic in-ground spray irrigation systems, alternative 1x/2-week watering.
4	< 600 KAF	LCRA Board discretion	30%	No automatic irrigation systems including drip. No turf irrigation. Hand-held only for trees, foundations, planting beds.

LCRA's New Rules

Summary of Stage Triggering Criteria

LCRA's New Enforcement Rules



- New DCP some other differences:
 - Variance Process is a little more detailed
 - If Golf Course ends up using potable water for irrigation, then a separate DCP must be adopted for the Course.
- Enforcement:
 - Currently not heavily enforced, but the new plan will require enforcement.
 - Old Rule: Citation \$50-\$1,000. Each day an offence
 - New Rule is: 1st Warning, second violation civil penalty of \$100, then \$250 for each subsequent violation, and other req's for after 4th violation up to \$500.



Approval of Ordinance 2024-20

Drought Contingency Plan

City of Burnet City Council

Item Brief



ITEM 4.8

Meeting Date

August 13, 2024

Agenda Item

Discuss and consider action: Approval and authorization to purchase 50 water filled barricades for the Street Department. B. Lee

Information

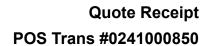
The Street Department currently has type III barricades that are used for various events and projects around the City providing for road closures. The type III barricades provide minimal security and are easily moved. The water barricades weigh approximately 900 pounds when filled with water and require a forklift to move. The barricades will offer a more secure and stable road closure, making them ideal for directing traffic or pedestrians during events and public works projects. This will help create a safer environment for both workers and pedestrians.

Fiscal Impact

The fiscal impact for the purchase of 50 barricades is \$20,650.00.

Recommendation

Staff recommends the purchase of the barricades.



Sale Date: 7/23/2024



601 Commercial Drive, Buda, TX 78610 512-437-6499

Customer: 507	50 - City of Burnet
DO Poy 1260 E	Durnot TV 70612

PO Box 1369, Burnet, TX 78613

Contact:

Ship To:

Pay Type:Pay Terms:Tax Code: TX78610NSA

PO: Cust Ref: Cust Type:

Sales Person: Valera Byrd Shipping:

Notes:

Material	Description	UM	Qty	Unit Price	Product Total	Tax	Total
5400070100	WHITE 32" H2OBar-Yodock 2001MB- 6`X18"-75LB Empty/750LB Fu	EA	25.0	\$395.00	\$9,875.00	\$0.00	\$9,875.00
5400070500	ORANGE 32" H2OBAR-Yodock 2001MB-6`X1"-Empty 75LB/Full 75	EA	25.0	\$395.00	\$9,875.00	\$0.00	\$9,875.00
5400071001	Plug Wrench-Water Barrier (Yodock 2001 Longitudinal Barrier)	EA	1.0	\$0.00	\$0.00	\$0.00	\$0.00
Delivery Fee	Shipping & Handling	EA	1.0	\$900.00	\$900.00	\$0.00	\$900.00

Item Total: \$20,650.00

Tax Total: \$0.00

Grand Total: \$20,650.00

Customer Signature:



Water filled barricades

- 900 pounds when filled with water
- Better for protection
- Channelizing traffic and pedestrians
- Forklift for movement
- Utilized for work projects and special events
- Used in conjunction with our current type III barricades

Questions

City of Burnet City Council

Item Brief



ITEM 4.9

Meeting Date

August 13, 2024

Agenda Item

Discuss and consider action: AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 106 (ENTITLED "TRAFFIC AND VEHICLES") BY ADDING A NEW SECTION 106-67 RESTRICTING PARKING ON DELAWARE SPRINGS BOULEVARD; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: B. Lee

Information

Delaware Springs Boulevard is a main thoroughfare from US 281 to the Delaware Springs Golf Course. The roadway is built to accommodate two-way traffic and does not contain sidewalks for pedestrians. As development has occurred over the years it has brought more vehicular and pedestrian traffic. Any vehicles that park on the roadway would create an unsafe lane of passage for two-way traffic. This ordinance will establish a no-parking area on Delaware Springs Boulevard, from US 281 to Denny Fox, enhancing safety for both vehicular and pedestrian traffic.

Fiscal Impact

The fiscal impact will be minimal with the cost of signage being placed in the no parking area.

Recommendation

Staff recommends the approval of Ordinance 2024-29 as presented.

ORDINANCE NO. 2024-29

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 106 (ENTITLED "TRAFFIC AND VEHICLES") BY ADDING A NEW SECTION 106-67 RESTRICTING PARKING ON DELAWARE SPRINGS BOULEVARD; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, City Council, finds, determines, and declares that restricting parking on Delaware Springs Boulevard will protect public health, safety, and welfare, by providing a safe area of travel for vehicular traffic without obstructions; and

WHEREAS, City Council, finds, determines, and declares that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given as required by Chapter 551 of the Texas Government Code.

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

Section One. Code Amendment. City of Burnet Code of Ordinances Chapter 106 (entitled "Traffic and Vehicles") is hereby amended by adding a new Section 106-67 to read as follows:

Sec. 106-68. Restricted parking on Delaware Springs Boulevard.

It shall be unlawful to park a motor vehicle on any portion of Delaware Springs Boulevard from U.S. Hwy 281 to Denny Fox Drive, as further shown on Exhibit "A" and as indicated by no parking signage.

Section Two. Signage. The City Manager is hereby authorized and directed to have signs installed clearly marking the "No Parking" areas and restrictions stated in Section One. Further, immediately upon the installation of said signs, this Ordinance may be enforced by penalty prescribed in Section Four below.

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

Section Four. Penalty. A violation of this ordinance is unlawful and subject to City Code of Ordinances Sec. 1-6 (entitled "general penalty").

Section Five. Cumulative. This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are

in direct conflict with the provisions of such Ordinances, in which event Section 5, (entitled "Repealer") shall be controlling.

Section Six. Repealer. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section Seven. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section Eight. Publication. The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

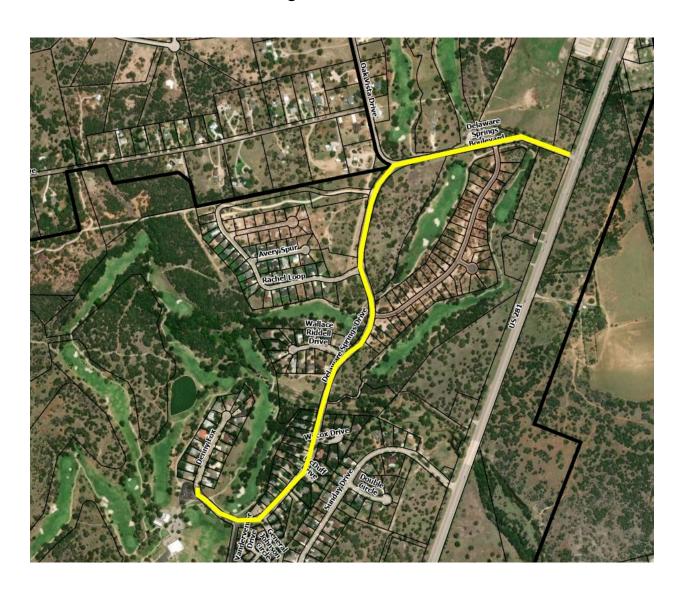
Section Nine. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof.

PASSED, APPROVED, AND ADOPTED on this 13th day of August 2024.

	CITY OF BURNET, TEXAS
	Gary Wideman, Mayor
ATTEST:	
Maria Gonzales, City Secretary	-

Exhibit "A"

No Parking Area Shown in Yellow



Delaware Springs

No Parking zone





City of Burnet City Council

Item Brief



ITEM 4.10

Meeting Date

August 13, 2024

Agenda Item

Discuss and consider action: AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 106 (ENTITLED "TRAFFIC AND VEHICLES") BY ADDING A NEW SECTION 106-68 RESTRICTING PARKING ON CERTAIN PORTIONS OF PIERCE STREET; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: B. Lee

Information

The parking on Pierce Street on the west side of the road between US Highway 29 and E. Washington Street is located adjacent to the historic Burnet Square. The parking is often used by employees working on the Square limiting availability for citizens to easily park and access businesses within the Square. The businesses have designated employee parking they can utilize instead of parking in this area. The restricted area will create a parking area for 1 hour use during business hours between 8 a.m. and 5 p.m. Monday through Friday.

Fiscal Impact

The fiscal impact will be minimal with the cost of signage being placed in the no parking area.

Recommendation

Staff recommends the approval of Ordinance 2024-30 as presented.

ORDINANCE NO. 2024-30

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 106 (ENTITLED "TRAFFIC AND VEHICLES") BY ADDING A NEW SECTION 106-68 RESTRICTING PARKING ON CERTAIN PORTIONS OF PIERCE STREET; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, City Council, finds, determines, and declares that restricting parking on certain portion of South Pierce Street will protect public health, safety, and welfare by making on street parking in the historic downtown district safer; and

WHEREAS, City Council, finds, determines, and declares that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given as required by Chapter 551 of the Texas Government Code.

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

Section One. Code Amendment. City of Burnet Code of Ordinances Chapter 106 (entitled "Traffic and Vehicles") is hereby amended by adding a new Section 106-68 to read as follows:

Sec. 106-68. Restricted parking on certain portions of Pierce Street.

It shall be unlawful to park a motor vehicle on the southern half of the west side of Pierce Street between E. State Highway 29 and E Washington Street (south of the alley) for more than one hour between 8 a.m. and 5 p.m., Monday through Friday, as further shown on Exhibit "A" and as indicated by temporary parking signage.

Section Two. Signage. The City Manager is hereby authorized and directed to have signs installed clearly marking the "No Parking" areas and restrictions stated in Section One. Further, immediately upon the installation of said signs, this Ordinance may be enforced by penalty prescribed in Section Four below.

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

Section Four. Penalty. A violation of this ordinance is unlawful and subject to City Code of Ordinances Sec. 1-6 (entitled "general penalty").

Section Five. Cumulative. This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are

in direct conflict with the provisions of such Ordinances, in which event Section 5, (entitled "Repealer") shall be controlling.

Section Six. Repealer. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section Seven. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section Eight. Publication. The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

Section Nine. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof.

PASSED, APPROVED, AND ADOPTED on this 13th day of August 2024.

	CITY OF BURNET, TEXAS
	Gary Wideman, Mayor
ATTEST:	
Maria Gonzales, City Secretary	-

Exhibit "A"

Restricted Area Shown in Yellow



Pierce Street

Restricted Parking Zone



Section of Pierce street identified as temporary parking.



City of Burnet City Council

Item Brief



ITEM 4.11

Meeting Date

August 13, 2024

Agenda Item

Discuss and consider action: Approval and authorization to purchase 1 TruNarc unlimited instrument for the identification of unknown substances: B. Lee

Information

The Police Department currently uses NIK field test kits to presumptively identify unknown substances and illicit drugs. With the emergence and prevalence of fentanyl it has become extremely dangerous with several cases of injury death related to exposures. The TruNarc analyzer utilizes a laser to identify most drugs in the packaging without officers or other personnel having to handle it. TruNarc can analyze and identify 530 substances and has a false positive rating of less than .1%.

Fiscal Impact

The fiscal impact for the purchase of the TruNarc system is \$38,495.22.

Recommendation

Staff recommends the purchase of the TruNarc analyzer.

Sales Quotation

Quote Number	Created Date	Exp. Delivery Terms Pag		
00425469	07/10/2024	ARO	1 / 8	
Contact:	Phone	Payment Term	Valid To	
Scott Fitzpatrick	(979) 777-2874	Net 30	12/27/2024	
Inco Terms		Shipping Meth	od	
FOB Origin - Tewksbury, MA		Fed Ex 2nd Da	ay	

Thermo Scientific Portable Analytical Instruments Inc.

2 Radcliff Rd Tewksbury, Massachusetts 01876 **United States**

Submitted To:

Brian Lee **Burnet Police Department** 2000 S. Water Burnet, Texas 78611 **United States**

Phone:

Email: blee@cityofburnet.com

THANK YOU FOR YOUR INTEREST IN THERMO SCIENTIFIC INSTRUMENTATION

To Place an Order:

Contact: Scott Fitzpatrick

Phone: Fax:

Email:

sfitzpatrick@thermofisher.com Additional instructions, terms & conditions on last page

GSA Contract No. GS-07F-6099R

Contract period: March 26, 2010 - September 28, 2025

SIN 334519 SIN 339999E

When placing a purchase order against this quote, please use the Mandatory PO language for state/local orders using the Cooperative **Purchasing Program as follows:**

"This order is placed under GSA contract number GS-07F-6099R under the authority of the GSA Cooperative Purchasing Program. In the event of a conflict between the terms of this order and those of the GSA Schedule, GSA's terms shall govern."

Pos.	Product Code	Product Name	List Price	Disc %	Sales Price	Quantity	Total Price
1.00	800-01045-01	TruNarc, Unlimited, Warranty - 5 Yrs, Train-12	USD 40,300.00	6.30%	USD 37,762.22	1.00	USD 37,762.22
	GSA Item	TruNarc Unlimited Model with 5 years support. Companion PC TruNarc admi updates to core narcotics library are protaining for up to 12 students within the	in software, unlimited accerovided for the life of the in	ess to TruNa estrument. I	arc eLearning cou ncludes TruNarc	urse and fre on-site instr	e basic software ructor led
2.00	820-01051-01	TruNarc, Unlimited, Warranty Renewal - 1 Yr	USD 2,200.00	100.00%	USD 0.00	1.00	USD 0.00
	GSA Item	Warranty for 1 year for a TruNarc Unlin loaner units when available. Companion free basic software updates to core na	on PC TruNarc admin soft	ware, unlim	ited access to Tru	ıNarc eLea	•
3.00	820-01054-01	TruNarc, Unlimited, Warranty Renewal - 4 Yrs	USD 8,250.00	6.30%	USD 7,730.48	1.00	USD 7,730.48

When applicable, commodities, technology, or software to be provided in furtherance of this order shall be exported from the United States in accordance with applicable U.S export laws or regulations. Diversion contrary to US law prohibited. Unless otherwise agreed to in writing, Thermo Scientific Portable Analytical Instruments Inc. terms and conditions shall apply and take precedence.

Warranty for 4 years for a TruNarc Unlimited instrument (for instruments up to 5th year). Includes factory repair and GSA Item

loaner units when available. Companion PC TruNarc admin software, unlimited access to TruNarc eLearning course and

free basic software updates to core narcotics library are provided for the life of the instrument.

USD 733.00 USD 733.00 4.00 810-01462-01 TruNarc Solution Kit (Type H) -USD 733.00 0.00% 1.00

100, English

TruNarc Solution Kit (Type H) for identification of Heroin and other special narcotics. Kit includes 100 Test Sticks and

Open Market Item 100 Solution Vials with Ethanol. Note that because of the Ethanol, this product ships as a Hazardous Goods shipment.

The shelf life for Type H-sticks is approximately one year from shipment.

Subtotal: USD 51,483.00

Discount: USD 5,257.30

> Total: USD 46,225.70

Important Note: Please issue POs to Thermo Scientific Portable Analytical Instruments Inc

Federal Tax ID No.: 01-0650031

CAGE CODE: 392A9 DUNS #: 11-289-3131

Bank of America ABA# for Wire Payments: 026 009 593 Bank of America ABA# for ACH Payments: 111 000 012

Beneficiary Account Number: 4426843850

Acceptance of Purchase		
By signing below, you (i) warrant that you are an authorized reattached hereto (the "Terms and Conditions") shall supersede Conditions shall exclusively govern the transaction(s) contempts	any preprinted terms and conditions, in their entirety, contain	
Signature of authorized company representative	Date	Phone#
Print Name	Title	Email
Model #	Amount + S&H	Purchase Orde
E-mail to:	Fax to: 1-877-680-2568	
PAIGlobalCustomerService@thermofisher.com		
Order Processing Address: sfitzpatrick@thermofisher.com Thermo Scientific Portable Analytical Instruments Inc 2 Radcliff Road Tewksbury, MA 01876	Remit check Payment To: Thermo Scientific Portable Analytical Inst PO Box 415918 Boston, MA 02241-415918	ruments Inc
Payment Details		
Made at at Daymand	Calan Tay Application	

Method of Payment

Net 30 (Attach Credit Application & Credit References)

Yes Apply Sales Tax

Credit Card

No

Check

- If no, you must provide a copy of your tax exemption certificate along with your purchase order.

Wire Transfer

When applicable, commodities, technology, or software to be provided in furtherance of this order shall be exported from the United States in accordance with applicable U.S export laws or regulations. Diversion contrary to US law prohibited. Unless otherwise agreed to in writing, Thermo Scientific Portable Analytical Instruments Inc. terms and conditions shall apply and take precedence.

^{**}Please contact your customer service representative with your credit card information. (Do not send any credit card info via email or fax.)**

United States	United States
Additional Options / Accessories	
Please use the space below to note any additional options and/or accessories quotation.	s you wish to add from the attached sheets that are not included in the above
	

Ship to:

105 South Rhomberg

Burnet, Texas 78611

When applicable, commodities, technology, or software to be provided in furtherance of this order shall be exported from the United States in accordance with applicable U.S export laws or regulations. Diversion contrary to US law prohibited. Unless otherwise agreed to in writing, Thermo Scientific Portable Analytical Instruments Inc. terms and conditions shall apply and take precedence.

Address Verification

105 South Rhomberg

Burnet, Texas 78611

Bill to:

Please make corrections if necessary below:

THERMO SCIENTIFIC PORTABLE ANALYTICAL INSTRUMENTS INC – TERMS AND CONDITIONS OF SALE

Last revised November 2019

UNLESS OTHERWISE EXPRESSLY AGREED IN WRITING, ALL SALES ARE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

- 1. GENERAL. Thermo Scientific Portable Analytical Instruments Inc ("Seller") hereby offers for sale to the buyer named on the face hereof ("Buyer") the products listed on the face hereof (the "Products") on the express condition that Buyer agrees to accept and be bound by the terms and conditions set forth herein. Any provisions contained in any document issued by Buyer are expressly rejected and if the terms and conditions in this agreement (the "Agreement") differ from the terms of Buyer's offer, this document shall be construed as a counter offer and shall not be effective as an acceptance of Buyer's document. Buyer's receipt of Products or Seller's commencement of the services provided hereunder will constitute Buyer's acceptance of this Agreement. This is the complete and exclusive statement of the contract between Seller and Buyer with respect to Buyer's purchase of the Products. No waiver, consent, modification, amendment or change of the terms contained herein shall be binding unless in writing and signed by Seller and Buyer. Seller's failure to object to terms contained in any subsequent communication from Buyer will not be a waiver or modification of the terms set forth herein. All orders are subject to acceptance in writing by an authorized representative of Seller.
- 2. <u>PRICE</u>. All prices published by Seller or quoted by Seller's representatives may be changed at any time without notice. All prices quoted by Seller or Seller's representatives are valid for thirty (30) days, unless otherwise stated in writing. All prices for the Products will be as specified by Seller or, if no price has been specified or quoted, will be Seller's price in effect at the time of shipment. All prices are subject to adjustment on account of specifications, quantities, raw materials, cost of production, shipment arrangements or other terms or conditions, which are not part of Seller's original price quotation.
- 3. TAXES AND OTHER CHARGES. Prices for the Products exclude all sales, value added and other taxes and duties imposed with respect to the sale, delivery, or use of any Products covered hereby, all of which taxes and duties must be paid by Buyer. If Buyer claims any exemption, Buyer must provide a valid, signed certificate or letter of exemption for each respective jurisdiction. Buyer shall be solely responsible for obtaining any and all necessary licenses, registrations, certificates, permits, approvals or other authorizations required by federal, state or local statute, law or regulation pertaining to the use or possession of the products contemplated herein that include radioactive isotopes, or x-ray tubes if any.

Buyer shall pay Seller such surcharges, or other fees, in respect of the sale of Products hereunder as Seller deems necessary and appropriate (in Seller's sole, good-faith, reasonable discretion) to account for changes in the cost to product, develop, market, or sell the Products to Buyer hereunder (whether as the result of the imposition of tariffs or otherwise). All such surcharges must be paid by Buyer in accordance with the payment terms set forth herein. Buyer agrees that such surcharges, or other fees, or any termination thereof, shall take effect immediately upon written notice thereof by Seller to Buyer. In the event that Seller's quote and/or order acknowledgement set forth surcharges, those documents shall be considered adequate written notice to Buyer that said surcharges are Buyer's responsibility. Any such surcharges shall not constitute an increase in the Price(s) of any Products or Services sold under this Agreement

- 4. <u>TERMS OF PAYMENT</u>. Seller may invoice Buyer upon shipment for the price and all other charges payable by Buyer in accordance with the terms on the face hereof. If no payment terms are stated on the face hereof, payment shall be net thirty (30) days from the date of invoice. If Buyer fails to pay any amounts when due, Buyer shall pay Seller interest thereon at a periodic rate of one and one-half percent (1.5%) per month (or, if lower, the highest rate permitted by law), together with all costs and expenses (including without limitation reasonable attorneys' fees and disbursements and court costs) incurred by Seller in collecting such overdue amounts or otherwise enforcing Seller's rights hereunder. Seller reserves the right to require from Buyer full or partial payment in advance, or other security that is satisfactory to Seller, at any time that Seller believes in good faith that Buyer's financial condition does not justify the terms of payment specified. All payments shall be made in U.S. Dollars.
- 5. <u>DELIVERY CANCELLATION OR CHANGES BY BUYER</u>. The Products will be shipped to the destination specified by Buyer, F.O.B. shipping point. Seller will have the right, at its election, to make partial shipments of the Products and to invoice each shipment separately. Seller reserves the right to stop delivery of Products in transit and to withhold shipments in whole or in part if Buyer fails to make any payment to Seller when due or otherwise fails to perform its obligations hereunder. All shipping dates are approximate only, and Seller will not be liable for any loss or damage resulting from any delay in delivery or failure to deliver which is due to any cause beyond Seller's reasonable control. In the event of a delay due to any cause beyond Seller's reasonable control, Seller reserves the right to terminate the order or to reschedule the shipment within a reasonable period of time, and Buyer will not be entitled to refuse delivery or otherwise be relieved of any obligations as the result of such delay. Products as to which delivery is delayed due to any cause within Buyer's control may be placed in storage by Seller at Buyer's risk and expense and for Buyer's account. Orders in process may be canceled only with Seller's written consent and upon agreement by the parties as an appropriate adjustment in the purchase price therefor. Credit will not be allowed for Products returned without prior written consent of seller.
- 6. <u>RETURN OF PRODUCTS/RESTOCKING CHARGE</u>. Buyer must obtain permission from Seller prior to returning Products. The request must be received within ten (10) days of receipt of the Products. Older items, service parts, and discontinued items cannot be returned for credit. In order to obtain a RMA number, Buyer must contact Seller's customer support. Seller, in its discretion, may impose a twenty (20%) percent restocking charge of the price paid for any item authorized for return for credit
- 7. <u>TITLE AND RISK OF LOSS</u>. Notwithstanding the trade terms indicated above and subject to Seller's right to stop delivery of Products in transit, title to and risk of loss of the Products will pass to Buyer upon delivery of possession of the Products by Seller to the carrier irrespective of which Party's carrier is used for the transport or the manner of payment ascribed to the transport; provided, however, that title to any software incorporated within or forming a part of the Products shall at all times remain with Seller or the licensor(s) thereof, as the case may be.
- 8. <u>WARRANTY</u>. Seller warrants that the Products will operate or perform substantially in conformance with Seller's published specifications and be free from defects in material and workmanship, when subjected to normal, proper and intended usage by properly trained personnel, for the period of time set forth in the product documentation, published specifications or package inserts. If a period of time is not specified in Seller's product documentation, published specifications or package inserts, the warranty period shall be one (1) year from the date of shipment to Buyer for equipment and ninety (90) days for all other products (the "Warranty Period"). During the Warranty Period, Seller agrees, in its sole discretion, to repair or replace, Products and/or provide additional parts or services as reasonably necessary to cause the same to perform in substantial conformance with said published specifications; provided that Buyer shall (a) promptly notify Seller in writing upon the discovery of any defect, which notice shall include the product model and serial number (if applicable) and details of the warranty claim; and (b) after Seller's review, Seller will provide Buyer with service data and /or a Return Material Authorization ("RMA), which may include biohazard decontamination procedures and other product-specific handling instructions, then, if applicable, Buyer may return the defective Products to Seller with all costs prepaid by Buyer. Replacement parts may be new or refurbished, at the election of Seller. All replaced parts shall become

the property of Seller. Shipment to Buyer of repaired or replacement Products shall be made in accordance with the Delivery provisions of the Seller's Terms and Conditions of Sale. Consumables are expressly excluded from this warranty. If Seller elects to repair defective device instruments, Seller may, in its sole discretion, provide a replacement loaner instrument to Buyer as necessary for use while the instruments are being repaired. Notwithstanding the foregoing, Products supplied by Seller that are obtained by Seller from an original manufacturer or third party supplier are not warranted by Seller, but Seller agrees to assign to Buyer any warranty rights in such Product that Seller may have from the original manufacturer or third party supplier, to the extent such assignment is allowed by such original manufacturer or third party supplier. In no event shall Seller have any obligation to make repairs, replacements or corrections required, in whole or in part, as the result of (i) normal wear and tear, (ii) accident, disaster or event of force majeure, (iii) misuse, fault or negligence of or by Buyer, (iv) use of the Products in a manner for which they were not designed, (v) causes external to the Products such as, but not limited to, power failure or electrical power surges, (vi) improper storage and handling of the Products or (vii) use of the Products in combination with equipment or software not supplied by Seller. If Seller determines that Products for which Buyer has requested warranty services are not covered by the warranty hereunder, Buyer shall pay or reimburse Seller for all costs of investigating and responding to such request at Seller's then prevailing time and materials rates. If Seller provides repair services or replacement parts that are not covered by this Warranty shall pay Seller therefor at Seller's then prevailing time and materials rates.

ANY INSTALLATION, MAINTENANCE, REPAIR, SERVICE, RELOCATION OR ALTERATION TO OR OF, OR OTHER TAMPERING WITH, THE PRODUCTS PERFORMED BY ANY PERSON OR ENTITY OTHER THAN SELLER WITHOUT SELLER'S PRIOR WRITTEN APPROVAL, OR ANY USE OF REPLACEMENT PARTS NOT SUPPLIED BY SELLER, SHALL IMMEDIATELY VOID AND CANCEL ALL WARRANTIES WITH RESPECT TO THE AFFECTED PRODUCTS. THE OBLIGATIONS CREATED BY THIS WARRANTY STATEMENT TO REPAIR OR REPLACE A DEFECTIVE PRODUCT SHALL BE THE SOLE REMEDY OF BUYER IN THE EVENT OF A DEFECTIVE PRODUCT. EXCEPT AS EXPRESSLY PROVIDED IN THIS WARRANTY STATEMENT, SELLER DISCLAIMS ALL OTHER WARRANTIES, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN, WITH RESPECT TO THE PRODUCTS, INCLUDING WITHOUT LIMITATION ALL IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE. SELLER DOES NOT WARRANT THAT THE PRODUCTS ARE ERROR-FREE OR WILL ACCOMPLISH ANY PARTICULAR RESULT.

9. INDEMNIFICATION

9.1. By Seller. Seller agrees to indemnify, defend and save Buyer, its officer, directors, and employees from and against any and all damages, liabilities, actions, causes of action, suits, claims, demands, losses, costs and expenses (including without limitation reasonable attorney's fees) ("Indemnified Items") for (i) injury to or death of persons or damage to property to the extent caused by the negligence or willful misconduct of Seller, its employees, agents or representatives or contractors in connection with the performance of services at Buyer's premises under this Agreement and (ii) claims that a Product infringes any valid United States patent, copyright or trade secret; provided, however, Seller shall have no liability under this Section to the extent any such Indemnified Items are caused by either (i) the negligence or willful misconduct of Buyer, its employees, agents or representatives or contractors, (ii) by any third party, (iii) use of a Product in combination with equipment or software not supplied by Seller where the Product would not itself be infringing, (iv) compliance with Buyer's designs, specifications or instructions, (v) use of the Product in an application or environment for which it was not designed or (vi) modifications of the Product by anyone other than Seller without Seller's prior written approval. Buyer shall provide Seller prompt written notice of any third party claim covered by Seller's indemnification obligations hereunder. Seller shall have the right to assume exclusive control of the defense of such claim or, at the option of the Seller, to settle the same. Buyer agrees to cooperate reasonably with Seller in connection with the performance by Seller of its obligations in this Section.

Notwithstanding the above, Seller's infringement related indemnification obligations shall be extinguished and relieved if Seller, at its discretion and at its own expense (a) procures for Buyer the right, at no additional expense to Buyer, to continue using the Product; (b) replaces or modifies the Product so that it becomes non-infringing, provided the modification or replacement does not adversely affect the specifications of the Product; or (c) in the event(a) and (b) are not practical, refund to Buyer the amortized amounts paid by Buyer with respect thereto, based on a five (5) year amortization schedule. THE FOREGOING INDEMNIFICATION PROVISION STATES SELLER'S ENTIRE LIABILITY TO BUYER FOR THE CLAIMS DESCRIBED HEREIN.

- 9.2. By Buyer. Buyer shall indemnify, defend with competent and experienced counsel and hold harmless Seller, its parent, subsidiaries, affiliates and divisions, and their respective officers, directors, shareholders and employees, from and against any and all damages, liabilities, actions, causes of action, suits, claims, demands, losses, costs and expenses (including without limitation reasonable attorneys' fees and disbursements and court costs) to the extent arising from or in connection with (i) the negligence or willful misconduct of Buyer, its agents, employees, representatives or contractors; (ii) use of a Product in combination with equipment or software not supplied by Seller where the Product itself would not be infringing; (iii) Seller's compliance with designs, specifications or instructions supplied to Seller by Buyer; (iv) use of a Product in an application or environment for which it was not designed; or (v) modifications of a Product by anyone other than Seller without Seller's prior written approval
- 10. <u>SOFTWARE</u>. With respect to any software products incorporated in or forming a part of the Products hereunder, Seller and Buyer intend and agree that such software products are being licensed and not sold, and that the words "purchase", "sell" or similar or derivative words are understood and agreed to mean "licensee". Notwithstanding anything to the contrary contained herein, Seller or its licensor, as the case may be, retains all rights and interest in software products provided hereunder. Seller hereby grants to Buyer a royalty-free, non-exclusive, nontransferable license, without power to sublicense, to use software provided hereunder solely for Buyer's own internal business purposes on the hardware products provided hereunder and to use the related documentation solely for Buyer's own internal business purposes. This license terminates when Buyer's lawful possession of the hardware products provided hereunder ceases, unless earlier terminated as provided herein. Buyer agrees to hold in confidence and not to sell, transfer, license, loan or otherwise make available in any form to third parties the software products and related documentation provided hereunder. Buyer may not disassemble, decompile or reverse engineer, copy, modify, enhance or otherwise change or supplement the software products provided hereunder without Seller's prior written consent. Seller will be entitled to terminate this license if Buyer fails to comply with any term or condition herein. Buyer agrees, upon termination of this license, immediately to return to Seller all software products and related documentation provided hereunder and all copies and portions thereof
- 11. <u>LIMITATION OF LIABILITY</u>. NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED HEREIN, THE LIABILITY OF SELLER UNDER THESE TERMS AND CONDITIONS (WHETHER BY REASON OF BREACH OF CONTRACT, TORT, INDEMNIFICATION, OR OTHERWISE, BUT EXCLUDING LIABILITY OF SELLER FOR BREACH OF WARRANTY (THE SOLE REMEDY FOR WHICH SHALL BE AS PROVIDED UNDER SECTION 8 ABOVE)) SHALL NOT EXCEED AN AMOUNT EQUAL TO THE LESSER OF (A) THE TOTAL PURCHASE PRICE THERETOFORE PAID BY BUYER TO SELLER WITH RESPECT TO THE PRODUCT(S) GIVING RISE TO SUCH LIABILITY OR (B)

ONE MILLION DOLLARS (\$1,000,000). NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED HEREIN, IN NO EVENT SHALL SELLER BE LIABLE FOR ANY INDIRECT, SPECIAL, CONSEQUENTIAL OR INCIDENTAL DAMAGES (INCLUDING WITHOUT LIMITATION DAMAGES FOR LOSS OF USE OF FACILITIES OR EQUIPMENT, LOSS OF REVENUE, LOSS OF DATA, LOSS OF PROFITS OR LOSS OF GOODWILL), REGARDLESS OF WHETHER SELLER (a) HAS BEEN INFORMED OF THE POSSIBILITY OF SUCH DAMAGES OR (b) IS NEGLIGENT

- 12. EXPORT RESTRICTIONS. Buyer acknowledges that each Product and any related software and technology, including technical information supplied by Seller or contained in documents (collectively "Items"), is subject to export controls of the U.S. government. The export controls may include, but are not limited to, those of the Export Administration Regulations of the U.S. Department of Commerce (the "EAR"), which may restrict or require licenses for the export of Items from the United States and their re-export from other countries. Buyer shall comply with the EAR and all other applicable laws, regulations, laws, treaties, and agreements relating to the export, re-export, and import of any Item. Buyer shall not, without first obtaining the required license to do so from the appropriate U.S. government agency; (i) export or re-export any Item, or (ii) export, re-export, distribute or supply any Item to any restricted or embargoed country or to a person or entity whose privilege to participate in exports has been denied or restricted by the U.S. government. Buyer shall, if requested by Seller, provide information on the end user and end use of any Item exported by the Buyer or to be exported by the Buyer. Buyer shall cooperate fully with Seller in any official or unofficial audit or inspection related to applicable export or import control laws or regulations, and shall indemnify and hold Seller harmless from, or in connection with, any violation of this Section by Buyer or its employees, consultants, or agents
- 13. <u>HAZARDOUS MATERIALS</u>. Some Products may require special packaging, labeling, marking and handling. Carriers may add additional freight charges for the handling or transporting of these materials. The consolidating of such material with other Products may be prohibited. Additional freight charges will be billed per Seller's shipping terms. Be sure to advise Seller of shipping instructions for these hazardous materials to reduce your freight costs
- 14. MISCELLANEOUS. (a) Buyer may not delegate any duties nor assign any rights or claims hereunder without Seller's prior written consent, and any such attempted delegation or assignment shall be void. (b) The rights and obligations of the parties hereunder shall be governed by and construed in accordance with the laws of the State of Seller's manufacturing location, without reference to its choice of law provisions. Each party hereby irrevocably consents to the exclusive jurisdiction of the state and federal courts located in the county and state of Seller's manufacturing location, in any action arising out of or relating to this Agreement. (c) Both parties waive any right they may have under applicable law or otherwise to a right to a trial by jury. Any action arising under this Agreement must be brought within one (1) year from the date that the cause of action arose. (d) The application to this Agreement of the U.N. Convention on Contracts for the International Sale of Goods is hereby expressly excluded. (e) In the event that any one or more provisions contained herein shall be held by a court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions contained herein shall remain in full force and effect, unless the revision materially changes the bargain. (f) Seller's failure to enforce, or Seller's waiver of a breach of, any provision contained herein shall not constitute a waiver of any other breach or of such provision. (g) Unless otherwise expressly stated on the Product or in the documentation accompanying the Product, the Product is intended for non-clinical, non-diagnostic, non-therapeutic use only and is not to be used for any other purpose, including without limitation, unauthorized commercial uses, in vitro diagnostic uses, ex vivo or in vivo therapeutic uses, or any type of consumption by or application to humans or animals. (h) Buyer agrees that all pricing, discounts and technical information that Seller provides to Buyer are the confidential and proprietary information of Seller. Buyer agrees to (1) keep such information confidential and not disclose such information to any third party, and (2) use such information solely for Buyer's internal purposes and in connection with the Products supplied hereunder. Nothing herein shall restrict the use of information available to the general public. (i) Any notice or communication required or permitted hereunder shall be in writing and shall be deemed received when personally delivered or three (3) business days after being sent by certified mail, postage prepaid, to a party at the address specified herein or at such other address as either party may from time to time designate to the other (j) Seller hereby rejects and disclaims any rights of Buyer contained, or obligations imposed upon Seller, in any document provided, referenced or otherwise submitted by Buyer, in each case, that Seller has not expressly included in these [terms and conditions] or a writing manually executed by Seller (including, without limitation, any rights of Buyer in respect of designs, specifications, source code or intellectual property, owned, created, developed or licensed, by Seller; any rights to items or services not specifically identified in Seller's quotation; any audit rights or financial offset rights of Buyer; any penalties or liquidated damages imposed upon Seller; any obligation by Seller to comply with Health Insurance Portability and Accountability Act of 1996 (as amended), Current Good Manufacturing Practice regulations (as amended), the requirements, as amended, of the Customs-Trade Partnership Against Terrorism or any code of conduct, quality program, information security program, background or drug screening program or other quidelines, programs or policies, in each case, promulgated or required by Buyer; any obligation that Seller comply with any law that, under law, would not otherwise apply to Seller in respect of the transaction(s) contemplated hereby; any right of Buyer to withhold all, or any portion, of the purchase price of any products or services provided hereunder for any period of time, any right of Buyer, itself or through any third party, to remediate any defects in, replace or re-perform, any products or services provided hereunder at Seller's cost or expense; any obligation of Seller to waive, or require its insurers to waive, any rights of subrogation; any obligation of Seller that would impair, restrict or prohibit Seller's ability to freely conduct any business with any person or in any geography or market; any early-payment, or other, discount; any obligation of Seller to maintain a supply of spares, or otherwise make any services available, for any particular period of time; any representation, warranty or other obligation of Seller to provide pricing comparable to, or more favorable than, the pricing that Seller provides to others; any restriction of, or prohibition on, Seller's ability to modify, change or discontinue any of its products, processes or services; or any waiver by Seller of any right to enforce any of the terms hereof).
- 15. <u>SOFTWARE-AS-A-SERVICE TRANSACTIONS</u>. IF YOU ARE PURCHASING ANY PRODUCTS PROVIDED BY SELLER HEREUNDER AND DESCRIBED IN THE RELEVANT QUOTATION OR PURCHASE ORDER AS A SUBSCRIPTION TO ANY THERMO FISHER SOFTWARE-AS-A-SERVICE OFFERING (ANY SUCH PRODUCT, HEREINAFTER, A "SUBSCRIPTION"),THEN IN RESPECT OF SUCH SUBSCRIPTION(S) ONLY
- (a) The following terms and conditions of this Agreement shall not apply: Sections 6-7, 9.1, and 13.
- (b) The following terms and conditions of this Agreement shall be modified as set forth below:
 - (i) Section 5 shall be replaced in its entirety with the following:
 - 5. CANCELLATION OR CHANGES BY BUYER. Seller reserves the right to suspend or terminate the Buyer's Subscription(s), in whole or in part, if Buyer fails to make any payment to Seller when due, otherwise fails to perform its obligations hereunder, or fails to comply with the Seller's Terms of Use agreement agreed to by Buyer and governing Buyer's use of the Subscription(s), as in effect from time to time (the "Terms of Use"). Seller will not be liable for any loss or damage resulting from any delay in activation of the Subscription(s) or failure to activate the Subscription(s) which is due to any cause beyond Seller's reasonable control. In the event of a delay due to any cause beyond Seller's reasonable control, Seller reserves the right to terminate the order or to reschedule the activation of the Subscription(s) within a reasonable period of time, and Buyer will not be entitled to refuse payment or otherwise be relieved of any obligations as the result of such delay. Orders in process may be canceled only with Seller's written consent and upon

payment of Seller's cancellation charges. Orders in process may not be changed except with Seller's written consent and upon agreement by the parties as an appropriate adjustment in the purchase price therefor.

- (ii) Section 8 shall be replaced in its entirety with the following:
- 8. WARRANTY. BUYER AGREES AND ACKNOWLEDGES THAT THE SUBSCRIPTIONS ARE SOLD "AS-IS", WITH NO WARRANTIES EXPRESSED OR IMPLIED. SELLER DISCLAIMS ALL EXPRESS OR IMPLIED WARRANTIES, ORAL OR WRITTEN, WITH RESPECT TO THE SUBSCRIPTIONS, INCLUDING WITHOUT LIMITATION ALL IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE.
- (iii) Section 10 shall be replaced in its entirety with the following:
- 10. <u>SOFTWARE</u>. This Agreement shall not be construed to grant to Buyer any patent license, know-how license or any other rights except as specifically provided herein. Buyer agrees and acknowledges that, by virtue of its purchase of the Subscriptions hereunder, it does not acquire any intellectual property rights (whether by license, assignment, or otherwise) of Seller, including without limitation any rights to the Subscriptions or related software or hardware systems (except for the limited right to use the Subscription subject to the terms and conditions set forth herein). Buyer shall not reverse engineer or copy the design, algorithms, or code, or any components thereof, of any information related to the Subscriptions for any purpose.
- (iv) In Section 11, the language "ONE MILLION DOLLARS (\$1,000,000)" shall be replaced with "TEN THOUSAND DOLLARS (\$10,000)".
- (c) The following additional terms and conditions shall apply

TERMS OF USE. Buyer hereby acknowledges and agrees that it shall comply with all terms and conditions of the Terms of Use, and that Buyer's use of the Subscription in violation of any such terms and/or conditions shall entitle Seller, without prejudice to any other remedies that may be available to Seller at law or in equity, to terminate Buyer's use of the Subscription(s) effective immediately. Buyer further agrees and acknowledges that it shall not be entitled to any refund of any portion of the purchase price paid in respect of Subscription(s) cancelled by Seller pursuant to Seller's rights under this Section and/or the Terms of Use. Buyer's rights to use these Subscription will begin upon Seller's transmission to Buyer of Subscription link and end 12 months from this date unless otherwise terminated by Seller. In the event of any conflict between this Agreement and the Terms of Use, the Terms of Use shall control.

TruNarc v1.10 substance library: Display names

Alarm



- 1,4-Dibenzylpiperazine (DBZP)
- 1-Naphthyl U-47700
- 2',5'-Dimethoxy fentanyl
- 25B-NBOMe
- 25C-NBOMe
- 25D-NBOMe
- 25E-NBOMe
- 25I-NBOMe 25N-NBOMe
- 10 25P-NBOMe
- 11 25T4-NBOMe
- 25T7-NBOMe
- 13 2-Al (Aminoindan)
- 14 2C-B (phenethylamine)
- 15 2C-C (phenethylamine)
- 16 2C-D (phenethylamine)
- 17 2C-E (phenethylamine)
- 18 2C-H (phenethylamine) 19 2-Chloromethcathinone (2-CMC)
- 20 2C-I (phenethylamine)
- 21 2C-N (phenethylamine)
- 22 2C-P (phenethylamine)
- 23 2C-T-2 (phenethylamine) 24 2C-T-7 (phenethylamine)
- 25 2-Ethylmethcathinone (2-EMC)
- 26 2-Fluoromethamphetamine
- 2-MAPB
- 28 2-Methyl AP-237
- 29 2-Methylmethcathinone (2-MMC)
- 30 3,4-Dichloromethylphenidate
- 31 3,4-Dimethoxymethcathinone
- 32 3-Bromoamphetamine
- 33 3-Bromomethcathinone (3-BMC)
- 34 3-Chloroethcathinone (3-CEC)
- 35 3-Chloromethcathinone (3-CMC)
- 36 3-Ethylmethcathinone (3-EMC)
- 37 3-Fluoroamphetamine
- 38 3-Fluoromethcathinone (3-FMC)
- 39 3-Fluorophenmetrazine
- 40 3-MeO-PCP
- 41 3-Methoxymethcathinone
- 42 3-Methylmethcathinone (3-MMC)
- 43 4-APDB
- 44 4-Bromoethcathinone (4-BEC)
- 45 4-Bromomethcathinone (4-BMC) 46 4-Chloro 2,5-DMA
- 47 4-Chloroamphetamine 48 4-Chloroethcathinone (4-CEC)
- 49 4-Chloromethcathinone (4-CMC)
- 50 4-Chloro-N-isopropylcathinone
- 51 4-Chloropentedrone (cathinone)
- 52 4-Cyano CUMYL-BUT7AICA (cannabinoid)
 53 4-Cyano CUMYL-BUTINACA
- (cannabinoid)
- 54 4-Ethylethcathinone
- 55 4-Ethylmethcathinone
- 56 4-Fluoro PV8
- 57 4-Fluoro-alpha-PVP (cathinone) 58 4-Fluoroamphetamine
- 59 4-Fluorobuphedrone (cathinone)
- 60 4-Fluoromethamphetamine
- 61 4-Fluoromethcathinone (4-FMC)
- 62 4-Fluoropentedrone (cathinone)
- 63 4-MeO-alpha-PVP (cathinone)

- 64 4-MeO-DMT
- 65 4-MeO-PCP
- 66 4-Methoxy PV8 67 4'-Methyl acetylfentanyl
- 68 4-Methylaminorex
- 69 4-Methylbuphedrone (cathinone)
- 70 4-Methylethcathinone (4-MEC)
- 71 4-Methylpentedrone (cathinone) 72 5-APB
- 73 5-APDB
- 74 5-Chloro AB-PINACA (cannabinoid)
- 75 5-Chloro AKB48 (cannabinoid) 5-Chloro UR-144 (cannabinoid)

- 5-Fluoro ABICA (cannabinoid)
- 80 5-Fluoro AB-PINACA (cannabinoid)
- 5-Fluoro ADB (cannabinoid)
- 82 5-Fluoro ADBICA (cannabinoid)
- 83 5-Fluoro AEB (cannabinoid) 84 5-Fluoro AKB48 (cannabinoid)
- 85 5-Fluoro AMB (cannabinoid)
- 86 5-Fluoro CUMYL-P7AICA (cannabinoid)
- 87 5-Fluoro EDMB-PINACA (cannabinoid)
- 88 5-Fluoro MDMB-PICA (cannabinoid)
- 89 5-Fluoro MN-18 (cannabinoid)
- 5-Fluoro NNEI (cannabinoid)
- 91 5-Fluoro NPB-22 (cannabinoid)
- 5-Fluoro PB-22 (cannabinoid)
- 93 5-Fluoro SDB-006 (cannabinoid)
- 94 5-IAI
- 95 5-IT 96 5-MAPB 97 5-MeO-DALT 98 5-MeO-DiPT 99 5-MeO-MiPT

- 100 6-APDB
- 101 6-Bromo-MDMA 102 6-Chloro-MDMA
- 103 6-EAPB
- 104 7-APDB
- 105 A-834735 (cannabinoid) 106 AB-001 (cannabinoid)
- 107 AB-CHMINACA (cannabinoid)
- 108 AB-FUBINACA (cannabinoid) 109 AB-PINACA (cannabinoid)

- 110 Acetyl fentanyl 111 Acrylfentanyl 112 ADB-FUBINACA (cannabinoid)
- ADB-PINACA (cannabinoid)
- 115 AKB48 (APINACA) (cannabinoid)
- Alfentanil
- 117 alpha-Methyl acetylfentanyl
- alpha-Methyl fentanyl
- 119 alpha-Methyltryptamine (AMT) 120 alpha-PiHP (cathinone)
- alpha-PVP (cathinone)
- 122 Alprazolam
- 123 AM1220 (cannabinoid) 124 AM1235 (cannabinoid)
- 125 AM1241 (cannabinoid)
- 126 AM1248 (cannabinoid)
- AM2201 (cannabinoid)
- 128 AM2233 (cannabinoid)
- 129 AM630 (cannabinoid)
- 130 AM694 (cannabinoid) 131 Amphetamine
- 132 AP-237 133 APICA (cannabinoid)
- 134 APP-CHMINACA (cannabinoid)
- 135 APP-FUBINACA (cannabinoid) 136 APP-PICA (cannabinoid)
- 137 BB-22 (cannabinoid)
- 138 Benzedrone (cathinone) 139 Benzodioxole fentanyl

- 140 Benzyl fentanyl
- 141 bk-2C-B
- 142 Bromadol
- 143 Bromo-dragonFLY (phenethylamine)
- 144 Brorphine
- 145 Buphedrone (cathinone) 146 Buprenorphine
- 147 Butalbital
- 148 Butonitazene
 149 Butylone (cathinone)
 150 Butyryl fentanyl
 151 BZP
- 152 Carfentanil
- 153 Carisoprodol
- 154 Cathinone
- 155 CB-13
- 156 Clonazepam 157 Clonazolam
- 158 Cocaine
- 159 Cocaine base
- 160 Cocaine HCI 161 Codeine
- 162 CP-47 497 (cannabinoid)
- 163 Crotonyl fentanyl 164 CUMYL-THPINACA (cannabinoid)
- 165 Cyclobenzaprine
- 166 Cyclobutyl fentanyl
- Cyclohexyl fentanyl
- Cyclopentyl fentanyl
- 169 Cyclopropyl fentanyl
- 170 Deschloroketamine
- Desomorphine
- 172 Dextromethorphan (DXM) 173 Diazepam
- 174 Dibutylone (bk-DMBDB) (cathinone) 175 Diclazenam
- 176 Diethylcathinone
- 177 Dimethylaminorex (DMAR)
- 178 Dimethylcathinone
- Dimethylmethcathinone 180 Dimethylone (bk-MDDMA) (cathinone)
- 181 Dimethyltryptamine (DMT)
- 182 Diphenidine
- 183 Diphenylprolinol (D2PM) 184 EADB-FUBINACA (cannabinoid) 185 EAM-2201 (cannabinoid) 186 EMB-FUBINACA (cannabinoid)

- 191 Eutylone (cathinone)
- 193 Fenethylline

- 198 Flunitazene
- 200 Fluoxetine
- 202 FUB-AMB (cannabinoid)
- 205 Furanyl fentanyl
- 207 GBI
- 208 GHB
- 210 Hexanoyl fentanyl

- 219 JWH-018 (cannabinoid)
- 222 JWH-073 (cannabinoid) 223 JWH-081 (cannabinoid)
- 225 JWH-182 (cannabinoid) 226 JWH-200 (cannabinoid)

- 231 Ketamine 232 Levorphanol
- 234 MAB-CHMINACA (cannabinoid)
- 237 MDA
- 240 MDMA
- 245 MDPPP (cathinone)
- 247 Mephedrone (cathinone)
- 248 Mephtetramine (MTTA)
- 250 meta-Fluoro methoxyacetyl fentanyl
- 251 meta-Fluorofentanyl
- 253 Methamphetamine

- 187 Ethcathinone
- 188 Ethylone (cathinone) 189 Ethylphenidate
- 190 Etizolam
- 192 FDU-PB-22 (cannabinoid)
- 194 Fentanyl 195 Flualprazolam
- 196 Flubromazepam 197 Flubromazolam
- 199 Flunitrazenam
- 201 FUB-144 (cannabinoid)
- 203 FUB-JWH-018 (cannabinoid) 204 FUB-PB-22 (cannabinoid)
- 206 Gabapentin
- 209 Heroin
- 211 HU-210 (cannabinoid) 212 HU-211 (cannabinoid)
- 213 Hydromorphone 214 Isobutyryl fentanyl 215 Isopropyl U-47700

- 216 Isotodesnitazene
- 217 Isotonitazene 218 JWH-015 (cannabinoid)
- 220 JWH-019 (cannabinoid) 221 JWH-020 (cannabinoid)
- 224 JWH-122 (cannabinoid)
- 227 JWH-203 (cannabinoid) 228 JWH-210 (cannabinoid) 229 JWH-250 (cannabinoid) 230 JWH-412 (cannabinoid)
- 233 Lisdexamfetamine
- 235 MAM-2201 (cannabinoid) 236 mCPP
- 238 MDAI 239 MDEA
- 241 MDMB-CHMICA (cannabinoid)242 MDMB-FUBINACA (cannabinoid)
- 243 MDPBP (cathinone) 244 MDPHP (cathinone)
- 246 MDPV (cathinone)
- 249 Mescaline-NBOMe
- 252 Methadone
- 254 Methaqualone 255 Methcathinone
- 256 Methedrone (cathinone)
- 257 Methoxetamine (MXE) 258 Methoxphenidine (MXP)
- 259 Methoxyacetylfentanyl
- 260 Methylone (cathinone) 261 Methylphenidate
- 262 Metodesnitazene 263 Metonitazene
- 264 Mexedrone (cathinone) 265 MMB2201 (cannabinoid) 266 MMB-CHMICA (cannabinoid) 267 MN-18 (cannabinoid)
- 268 MN-24 (NNEI) (cannabinoid) 269 MN-25 (cannabinoid) 270 MO-CHMINACA (cannabinoid)
- 271 Morphine 272 MPHP (cathinone) 273 N,N-Diethylpentylone (cathinone)
- 274 N,N-Dimethylpentylone (cathinone) 275 Naphyrone (cathinone) 276 N-Ethylbuphedrone (cathinone) 277 N-Ethylhexedrone (cathinone)278 N-Ethylnorketamine
- 279 N-Ethylpentedrone (cathinone)280 N-Ethylpentylone (cathinone) 281 Nimetazepam

283 NPB-22 (cannabinoid)

284 N-Piperidinyl etonitazene

282 Nitracaine

- 285 N-Pyrrolidino etonitazene
- 286 NRG-3 (cathinone) 287 Ocfentanil
- 288 ortho-Fluorofentanyl 289 ortho-Methyl acetyl fentanyl 290 ortho-Methyl furanyl fentanyl
- 291 Oxazepam 292 Oxycodone 293 Oxymorphone
- 294 para-Chloro furanylfentanyl 295 para-Chlorofentanyl 296 para-Chloroisobutyryl fentanyl
- 297 para-Fluoro cyclopropyl fentanyl 298 para-Fluoro furanyl fentanyl
- 299 para-Fluoro methoxyacetyl fentanyl 300 para-Fluorobutyryl fentanyl 301 para-Fluorofentanyl
- 301 para-Fluoroisobutyrylfentanyl (FIBF) 302 para-Fluoroisobutyrylfentanyl (FIBF) 303 para-Methoxyacetyl fentanyl 304 para-Methoxyfentanyl 305 para-Methoxyfentanyl
- 306 para-methyl AP-237
- 307 para-Methyl furanyl fentanyl 308 PB-22 (cannabinoid)
- 310 Pentedrone (cathinone) 311 Pentylone (cathinone) 312 Phenazepam 313 Phentermine
- 314 Phenyl fentanyl 315 PMA 316 PMFA
- 317 PMMA 318 Pravadoline 319 Protonitazene 320 PX-1 (cannabinoid)
- 321 PX-2 (cannabinoid) 322 RCS-4 (cannabinoid) 323 RCS-8 (cannabinoid)
- 324 Remifentanil 325 SDB-005 (cannabinoid)
- 326 B'-Phenyl rentanyl 327 STS-135 328 Sufentanil
- 329 t-BOC MDMA 330 t-BOC Methamphetamine
- 331 Temazepam 332 Tetrahydrofuran fentanyl
- 334 Thiophene fentanyl 335 THJ-018 (cannabinoid) 336 THJ-2201 (cannabinoid) 337 Tramadol
- 339 U-47700 340 U-48800 341 U-49900

338 Trihexyphenidyl (THP)

344 UR-144 (cannabinoid) 345 UR-144 N-heptyl (cannabinoid) 346 Valeryl fentanyl 347 W-18

342 U-50488

343 U-51754

348 XLR-11 (cannabinoid) 349 XLR-11 N-(4-pentenyl) 350 Xylazine 351 Zolpidem 352 β-Hydroxythiofentanyl

Clear



- 2-Ethylamino- 1-phenylbutane
- Antipyrine
- Atropine
- Baby powder
- Baking soda Benzocaine
- Boric acid
- 8 Brucine
- Caffeine*
- Calcium carbonate 11 Calcium stearate
- Calcium sulfate
- Cellulose
- Chloroquine
- 15 Citric acid Confectioner's sugar
- Copper phthalocyanine
- 18 Corn starch
- 19 Creatine 20 Dextrose

- Diltiazem
- 22 23 Dimethyl aminoantipyrine Dimethyl sulfone
- 24 25 Diphenhydramine (Benadryl)
- Dipyrone
- 26 Epsom salt 27 28 Fthanol
- Ethyl benzoate
- 29 Fructose 30 Glucose
- 31 Glutamine
- 32 Griseofulvin 33 34 Guaifenesin
- Gypsum High density polyethylene
- 35 36 Hydroxyzine 37 Inositol
- Isopropyl benzylamine
- 38
- Levamisole (Tetramisole)
- 39 Lactose
- 52 Naloxone' Naproxen Nicotinamide* 55
 - Nicotine 57 Nicotinic acid
 - N-Methyl- phenethylamine
 - Noscapine 60 Papaverine*

Lidocaine

Low density polyethylene

Magnesium citrate

Magnesium stearate

Magnesium sulfate

Methyl salicylate

Minoxidil

Methylhexanamine (DMAA)

42 Loratidine

43

47 Maltose

48 Mannitol

50

Phenacetin

- Piracetam
 - 63 64 Plaster of Paris

 - Poly(propylene glycol)
 Polyethylene glycol
 Polyethylene terephthalate 66
 - 67 Polypropylene
 - Polyvinyl chloride 68

 - Procaine* 69
 - 70 Propyphenazone
 - 71 72 Saccharin
 - Silicon dioxide
 - 73 74 75 Sodium sulfate Sorbitol
 - 76 77 Sucrose
 - Sugar
 - 78 Tetracaine
 - 79 Theophylline 80 Titanium oxide

Phenylnitropropene

Piperonyl methyl ketone (PMK, MDP2P)

PMK (MDP2P) methyl glycidate PMK Glycidic acid (sodium salt)

Potassium permanganate

Phosphoric acid

65 Piperidine

66 Piperonal

67

69

70

71

72

73 74

75

76

Vitamin C

* These substances may also be displayed after a TypeH scan.

Precursor/Chemical



- 1,4-Butanediol
- 1-Phenethyl-4-piperidone (NPP)
- Acetic anhydride
- Acetone
- Acetyl bromide
- Acetyl chloride
- Acetyl norfentanyl AIRN
- 10 Ammonium chloride
- Ammonium nitrate
- Ammonium sulfate
- Anthranilic acid
- APAA
- APAAN
- Barium sulfate
- Benzoic acid
- 18 BMK ethyl glycidate 10
- BMK Glycidic acid BMK Glycidic acid (sodium salt)
- BMK methyl glycidate

- Bromobenzene
- Chloroephedrine/
- Chloropseudoephedrine Chloroform
- Chlorophenyl cyclopentyl ketone
- 26 Chloropseudoephedrine
- 27 Cvclohexane
- 28 Cyclohexanone
- 29 30 Despropionyl fentanyl (ANPP)
- Despropionyl para-fluorofentanyl
- 31 Dichloromethane
- 32 Diethyl ether
- 33 Dihydrosafrole
- 34 Dimethylacetamide 35
- Ephedrine Ethyl acetate
- 36 37 H-Phe-Cyclohexylamide
- 38 Hydrogen Peroxide
- 39 Hydroxylamine
- Hydroxylimine Hypophosphorous acid

- 42 Isopropanol
- 43 Isosafrole 44
- Lead acetate 45 MAPA
- 46 Methanol
- Methyl ethyl ketone (MEK)
- Methylamine HCI
- MYCP
- 50 N-Benzyl para-fluoro norfentanyl
- N-Benzyl phenyl norfentanyl
- 52 N-Isopropylbenzylamine
- Nitric acid N-Methyl cyclopropyl norfentanyl 54
- N-Methyl norfentanyl N-Methylephedrine 55
- 56 Norephedrine 57
- 58 Norfentanyl
- Palladium chloride
- Phenethylamine Phenyl-2-propanone (P2P, BMK)
- Phenylacetic acid
- 77 78 Sulfuric acid t-BOC Pseudoephedrine

Safrole

79 Toluene White Fuel (camping) 80

Propyl acetate

Pseudoephedrine

Red phosphorus

Sodium acetate

Sodium carbonate

81 Xylene

Type H Alarm



- 25B-NBOMe 25C-NBOMe
- 3 25I-NBOMe
- 4 2C-B (phenethylamine) 2C-E (phenethylamine)
- Alprazolam
 - Buprenorphine*# 9 Clonazepam
 - 10 Cocaine HCI 11 Diazepam
- Fentanyl Compound or
- Methamphetamine ^ + Flubromazolam
- Heroin
 - Heroin w/Fentanyl Compound or Methamphetamine †
- Hydromorphone*
- Lorazepam
- 18 MDMA
- 19 Oxycodone* Oxymorphone* 20

Synthetic Cannabinoid+

- * Some low dose pills require a Type H Kit for identification.
- 2C-I (phenethylamine)
 - # Buprenorphine both tablet and strip.
 - + A "Synthetic Cannabinoid" screen result encompasses the individual cannabinoids listed above.
 - ^ Fentanyl Compound includes fentanyl and fentanyl analogs. † Combined result

Type H Clear



- Caffeine
- Naloxone Nicotinamide
- Noscapine Papaverine Procaine

Quinine

6



- Acetaminophen (Paracetamol)*
- Aspirin 3 lbuprofen'

These substances have a strong Raman signal which can mask certain narcotics. Additional testing via an alternate method is recommended.

* These substances may also be displayed after a TypeH scan.



thermo scientific



Field testing of unknown substances

- NIK tests are the most common form of field testing
 - Prevalent test used by LE for many years
 - Requires handling of the substance as it is loaded into the kit
 - Recently fentanyl has shown the vulnerability of this type of kit

Fentanyl is our greatest risk to exposure when testing unknown substances

DRUG TYPE*	(ESTIMATED DEATHS 2023)	(ESTIMATED DEATHS 2022)
Synthetic Opioids (fentanyl)	74,702	76,226
Psychostimulants (including methamphetamine)	36,251	35,550
Cocaine	29,918	28,441
Natural/semi-synthetic	10,171	12,135

TruNarc

- Thermo Scientific
- Can analyze substances through the packages through the use of a laser
- Virtually eliminates exposure to officers using the scanner
- Limited circumstances require officers to handle a substance with TruNarc
 - Heroin or really dark substances
 - Less than .1% false positive
- Instant recognition and identification compared to the time waiting on NIK color changes
- Portable
- Identifies more than 530 of the highest priority illicit and abused narcotics in a single drug test

TruNarc

- TruNarc logs results and the scans are printable for evidence in a case.
- The library is updated on a regular basis to identify illegal substances including cutting agents and precursors
- Used in all 50 states now and 50 countries worldwide
- Technology is becoming more enhanced, and they anticipate a new unit in the coming years that will have more capabilities
- Warranty can go out to ten years
- Recommend 5-year warranty with an expectation of replacing or purchasing a new unit at that point with the new technology embedded.

FIRE/EMS

Seattle EMS just put TruNarc on every ambulance.

We can assist in town with EMS if they have unknown substances or several medications they need quickly identified.

As more drugs are developed and analogs are used to circumvent detection it becomes more dangerous for all first responders who are being exposed on a daily basis.





Conclusion

- The PD is seeking \$38,495.22 in funding to purchase the TruNarc system and solution kits
- Report back to council on the use of the device and applicability in FIRE/EMS
- Lead time is approximately 2 weeks
- Includes onsite training for 12 operators
- Device is rechargeable, comes in a pelican case and portable
- 5 year warranty



City of Burnet City Council

Item Brief



ITEM 4.12

Meeting Date

August 13, 2024

Agenda Item

Discuss and consider action: Vote on the maximum tax rate that would be considered for the fiscal year 2024-2025 budget and schedule the public tax rate hearing (if applicable) and meeting for final vote to adopt the tax rate: P. Langford

Information

The proposed budget is supported by a tax rate equal to \$0.6131/\$100 which is the current tax rate. It is lower than the "Voter-Approval" tax rate of \$0.6420/\$100 and lower than the "No-New-Revenue" tax rate of \$0.6152/\$100. If the Council intends to adopt a tax rate that exceeds the "No-New-Revenue" tax rate, the Council must vote to propose a tax increase and is required to hold a public hearing on the tax increase. If the Council intends to adopt a tax rate that is lower than the "No-New-Revenue" tax rate, a public hearing is not required because it is not considered a tax increase.

At this time, the City Council is not actually setting the tax rate. The purpose of this vote is to establish the upper threshold for the tax rate that the City Council will consider when the actual final vote is tentatively required on September 10, 2024. At that time, the City Council may consider any rate up to the amount that is approved at this time but may not exceed it.

Following this brief is a copy of form 50-212 - Notice About 2024 Tax Rates and Form 50-856 - 2024 Tax Rate Calculation Worksheet.

Fiscal Impact

If the City of Burnet adopts the proposed tax rate of \$0.6131/\$100, and assumes a 95.5% collection rate, the city would receive an estimated \$439,000 increase in M&O mainly due to growth in the city and a reduction of \$105,000 in I&S ad valorem tax over the current year projection mainly from overcollection in the prior year.

This year each \$0.01 increase in the tax rate generates approximately \$69,000 in property taxes.

Recommendation

Staff recommends that Council approve the proposed tax rate of \$.6131/\$100 and schedules the meeting to vote on the tax rate for September 10, 2024, at the regularly scheduled council meeting.

2024 Tax Rate Calculation Worksheet Taxing Units Other Than School Districts or Water Districts

City of Burnet	(512) 756-6093
Taxing Unit Name	Phone (area code and number)
P O BOX 1369, BURNET, TX, 78611	www.cityofburnet.com
Taxing Unit's Address, City, State, ZIP Code	Taxing Unit's Website Address

GENERAL INFORMATION: Tax Code Section 26.04(c) requires an officer or employee designated by the governing body to calculate the no-new-revenue (NNR) tax rate and voter-approval tax rate for the taxing unit. These tax rates are expressed in dollars per \$100 of taxable value calculated. The calculation process starts after the chief appraiser delivers to the taxing unit the certified appraisal roll and the estimated values of properties under protest. The designated officer or employee shall certify that the officer or employee has accurately calculated the tax rates and used values shown for the certified appraisal roll or certified estimate. The officer or employee submits the rates to the governing body by Aug. 7 or as soon thereafter as practicable.

School districts do not use this form, but instead use Comptroller Form 50-859 *Tax Rate Calculation Worksheet, School District without Chapter 313 Agreements* or Comptroller Form 50-884 *Tax Rate Calculation Worksheet, School District with Chapter 313 Agreements*.

Water districts as defined under Water Code Section 49.001(1) do not use this form, but instead use Comptroller Form 50-858 Water District Voter-Approval Tax Rate Worksheet for Low Tax Rate and Developing Districts or Comptroller Form 50-860 Developed Water District Voter-Approval Tax Rate Worksheet.

The Comptroller's office provides this worksheet to assist taxing units in determining tax rates. The information provided in this worksheet is offered as technical assistance and not legal advice. Taxing units should consult legal counsel for interpretations of law regarding tax rate preparation and adoption.

SECTION 1: No-New-Revenue Tax Rate

The NNR tax rate enables the public to evaluate the relationship between taxes for the prior year and for the current year based on a tax rate that would produce the same amount of taxes (no new taxes) if applied to the same properties that are taxed in both years. When appraisal values increase, the NNR tax rate should decrease.

The NNR tax rate for a county is the sum of the NNR tax rates calculated for each type of tax the county levies.

While uncommon, it is possible for a taxing unit to provide an exemption for only maintenance and operations taxes. In this case, the taxing unit will need to calculate the NNR tax rate separately for the maintenance and operations tax and the debt tax, then add the two components together.

Line	No-New-Revenue Tax Rate Worksheet	Amount/Rate
1.	Prior year total taxable value. Enter the amount of the prior year taxable value on the prior year tax roll today. Include any adjustments since last year's certification; exclude Tax Code Section 25.25(d) one-fourth and one-third over-appraisal corrections from these adjustments. Exclude any property value subject to an appeal under Chapter 42 as of July 25 (will add undisputed value in Line 6). This total includes the taxable value of homesteads with tax ceilings (will deduct in Line 2) and the captured value for tax increment financing (adjustment is made by deducting TIF taxes, as reflected in Line 17). ¹	ş <u>919,904,336</u>
2.	Prior year tax ceilings. Counties, cities and junior college districts. Enter the prior year total taxable value of homesteads with tax ceilings. These include the homesteads of homeowners age 65 or older or disabled. Other taxing units enter 0. If your taxing unit adopted the tax ceiling provision last year or a prior year for homeowners age 65 or older or disabled, use this step. ²	\$ 221,286,274
3.	Preliminary prior year adjusted taxable value. Subtract Line 2 from Line 1.	ş 698,618,062
4.	Prior year total adopted tax rate.	\$ <u>0.6131</u> /\$100
5.	Prior year taxable value lost because court appeals of ARB decisions reduced the prior year's appraised value.	
	A. Original prior year ARB values: \$_10,258,265	
	B. Prior year values resulting from final court decisions: -\$ 8,070,252	
	C. Prior year value loss. Subtract B from A. ³	ş <u>2,188,013</u>
6.	Prior year taxable value subject to an appeal under Chapter 42, as of July 25. \$ 0 A. Prior year ARB certified value: -\$ 0 B. Prior year disputed value: -\$ 0	
	C. Prior year undisputed value. Subtract B from A. 4	ş <u>0</u>
7.	Prior year Chapter 42 related adjusted values. Add Line 5C and Line 6C.	ş <u>2,188,013</u>

¹ Tex. Tax Code §26.012(14)

² Tex. Tax Code §26.012(14)

³ Tex. Tax Code §26.012(13)

⁴ Tex. Tax Code §26.012(13

Line	No-New-Revenue Tax Rate Worksheet	Amount/Rate
8.	Prior year taxable value, adjusted for actual and potential court-ordered adjustments. Add Line 3 and Line 7.	\$ 700,806,075
9.	Prior year taxable value of property in territory the taxing unit deannexed after Jan. 1, 2024. Enter the prior year value of property in deannexed territory. ⁵	\$ <u>0</u>
10.	Prior year taxable value lost because property first qualified for an exemption in the current year. If the taxing unit increased an original exemption, use the difference between the original exempted amount and the increased exempted amount. Do not include value lost due to freeport, goods-in-transit, temporary disaster exemptions. Note that lowering the amount or percentage of an existing exemption in the current year does not create a new exemption or reduce taxable value.	
	A. Absolute exemptions. Use prior year market value: \$ 32,202 B. Partial exemptions. Current year exemption amount or current year percentage exemption	
	times prior year value:	_{\$_} 1,640,845
11.	Prior year taxable value lost because property first qualified for agricultural appraisal (1-d or 1-d-1), timber appraisal, recreational/scenic appraisal or public access airport special appraisal in the current year. Use only properties that qualified for the first time in the current year; do not use properties that qualified in the prior year. A. Prior year market value:	
	B. Current year productivity or special appraised value:	
	C. Value loss. Subtract B from A. 7	\$ <u>0</u>
12.	Total adjustments for lost value. Add Lines 9, 10C and 11C.	ş <u>1,640,845</u>
13.	Prior year captured value of property in a TIF. Enter the total value of the prior year captured appraised value of property taxable by a taxing unit in a tax increment financing zone for which the prior year taxes were deposited into the tax increment fund. § If the taxing unit has no captured appraised value in line 18D, enter 0.	\$ <u>0</u>
14.	Prior year total value. Subtract Line 12 and Line 13 from Line 8.	ş 699,165,230
15.	Adjusted prior year total levy. Multiply Line 4 by Line 14 and divide by \$100.	ş <u>4,286,582</u>
16.	Taxes refunded for years preceding the prior tax year. Enter the amount of taxes refunded by the taxing unit for tax years preceding the prior tax year. Types of refunds include court decisions, Tax Code Section 25.25(b) and (c) corrections and Tax Code Section 31.11 payment errors. Do not include refunds for the prior tax year. This line applies only to tax years preceding the prior tax year. 9	\$_ 7 ,924
17.	Adjusted prior year levy with refunds and TIF adjustment. Add Lines 15 and 16. 10	\$ <u>4,294,506</u>
18.	Total current year taxable value on the current year certified appraisal roll today. This value includes only certified values or certified estimate of values and includes the total taxable value of homesteads with tax ceilings (will deduct in Line 20). These homesteads include homeowners age 65 or older or disabled. ¹¹	
	A. Certified values: 5 956,276,277	
	B. Counties: Include railroad rolling stock values certified by the Comptroller's office:	
	C. Pollution control and energy storage system exemption: Deduct the value of property exempted for the current tax year for the first time as pollution control or energy storage system property:	
	D. Tax increment financing: Deduct the current year captured appraised value of property taxable by a taxing unit in a tax increment financing zone for which the current year taxes will be deposited into the tax increment fund. Do not include any new property value that will be included in Line 23 below. 12 \$	
	E. Total current year value. Add A and B, then subtract C and D.	§ 956,276,277

⁵ Tex. Tax Code \$26.012(15)
6 Tex. Tax Code \$26.012(15)
7 Tex. Tax Code \$26.012(15)
8 Tex. Tax Code \$26.03(c)
9 Tex. Tax Code \$26.03(c)
9 Tex. Tax Code \$26.012(13)
10 Tex. Tax Code \$26.012(13)
11 Tex. Tax Code \$26.012, 26.04(c-2)
12 Tex. Tax Code \$26.03(c)

Line	No-New-Revenue Tax Rate Worksheet	Amount/Rate
19.	A. Current year taxable value of properties under protest. The chief appraisal roll. 13 under ARB protest. The list shows the appraisal district's value and the taxpayer's claimed value, if any, or an estimate of the value if the taxpayer wins. For each of the properties under protest, use the lowest of these values. Enter the total value under protest. 14	
	B. Current year value of properties not under protest or included on certified appraisal roll. The chief appraiser gives taxing units a list of those taxable properties that the chief appraiser knows about but are not included in the appraisal roll certification. These properties also are not on the list of properties that are still under protest. On this list of properties, the chief appraiser includes the market value, appraised value and exemptions for the preceding year and a reasonable estimate of the market value, appraised value and exemptions for the current year. Use the lower market, appraised or taxable value (as appropriate). Enter the total value of property not on the certified roll. 15	
	C. Total value under protest or not certified. Add A and B.	\$_15,627,944
20.	Current year tax ceilings. Counties, cities and junior colleges enter current year total taxable value of homesteads with tax ceilings. These include the homesteads of homeowners age 65 or older or disabled. Other taxing units enter 0. If your taxing unit adopted the tax ceiling provision in the prior year or a previous year for homeowners age 65 or older or disabled, use this step. 16	\$ 250,786,663
21.	Current year total taxable value. Add Lines 18E and 19C. Subtract Line 20. 17	\$ <u>721,117,558</u>
22.	Total current year taxable value of properties in territory annexed after Jan. 1, of the prior year. Include both real and personal property. Enter the current year value of property in territory annexed. 18	\$ <u>0</u>
23.	Total current year taxable value of new improvements and new personal property located in new improvements. New means the item was not on the appraisal roll in the prior year. An improvement is a building, structure, fixture or fence erected on or affixed to land. New additions to existing improvements may be included if the appraised value can be determined. New personal property in a new improvement must have been brought into the taxing unit after Jan. 1, of the prior year and be located in a new improvement. New improvements do include property on which a tax abatement agreement has expired for the current year. ¹⁹	\$ <u>23,155,895</u>
24.	Total adjustments to the current year taxable value. Add Lines 22 and 23.	\$ 23,155,895
25.	Adjusted current year taxable value. Subtract Line 24 from Line 21.	\$ 697,961,663
26.	Current year NNR tax rate. Divide Line 17 by Line 25 and multiply by \$100. 20	\$ <u>0.6152</u> /\$100
27.	COUNTIES ONLY. Add together the NNR tax rates for each type of tax the county levies. The total is the current year county NNR tax rate. ²¹	\$ <u>0.0000</u> /\$100

SECTION 2: Voter-Approval Tax Rate

The voter-approval tax rate is the highest tax rate that a taxing unit may adopt without holding an election to seek voter approval of the rate. The voter-approval tax rate is split into two separate rates:

- Maintenance and Operations (M&O) Tax Rate: The M&O portion is the tax rate that is needed to raise the same amount of taxes that the taxing unit levied in the prior year plus the applicable percentage allowed by law. This rate accounts for such things as salaries, utilities and day-to-day operations.
- 2. **Debt Rate:** The debt rate includes the debt service necessary to pay the taxing unit's debt payments in the coming year. This rate accounts for principal and interest on bonds and other debt secured by property tax revenue.

The voter-approval tax rate for a county is the sum of the voter-approval tax rates calculated for each type of tax the county levies. In most cases the voter-approval tax rate exceeds the no-new-revenue tax rate, but occasionally decreases in a taxing unit's debt service will cause the NNR tax rate to be higher than the voter-approval tax rate.

Line	Voter-Approval Tax Rate Worksheet	Amount/Rate
28.	Prior year M&O tax rate. Enter the prior year M&O tax rate.	\$ <u>0.4710</u> /\$100
29.	Prior year taxable value, adjusted for actual and potential court-ordered adjustments. Enter the amount in Line 8 of the No-New-Revenue Tax Rate Worksheet.	\$ 700,806,075

¹³ Tex. Tax Code §26.01(c) and (d)

¹⁴ Tex. Tax Code §26.01(c)

¹⁵ Tex. Tax Code §26.01(d)

¹⁶ Tex. Tax Code §26.012(6)(B)

¹⁷ Tex. Tax Code §26.012(6)

¹⁸ Tex. Tax Code §26.012(17)

¹⁹ Tex. Tax Code §26.012(17) 20 Tex. Tax Code §26.04(c)

²¹ Tex. Tax Code §26.04(d)

Line		Voter-Approval Tax Rate Worksheet		Amount/Ra	ate
30.	Total p	rior year M&O levy. Multiply Line 28 by Line 29 and divide by \$100		\$ 3,300,790	<u> </u>
31.	Adjust	M&O taxes refunded for years preceding the prior tax year. Enter the amount of M&O taxes refunded in the preceding year for taxes before that year. Types of refunds include court decisions, Tax Code Section 25.25(b) and (c) corrections and Tax Code Section 31.11 payment errors. Do not include refunds for tax year 2023. This line applies only to tax years preceding the prior tax year	+ \$ 6,670		
	В.	Prior year taxes in TIF. Enter the amount of taxes paid into the tax increment fund for a reinvestment zone as agreed by the taxing unit. If the taxing unit has no current year captured appraised value in Line 18D, enter 0.	0 -\$		
	C.	Prior year transferred function. If discontinuing all of a department, function or activity and transferring it to another taxing unit by written contract, enter the amount spent by the taxing unit discontinuing the function in the 12 months preceding the month of this calculation. If the taxing unit did not operate this function for this 12-month period, use the amount spent in the last full fiscal year in which the taxing unit operated the function. The taxing unit discontinuing the function will subtract this amount in D below. The taxing unit receiving the function will add this amount in D below. Other taxing units enter 0.	0 /-\$		
	D.	Prior year M&O levy adjustments. Subtract B from A. For taxing unit with C, subtract if discontinuing function and add if receiving function.	6,670 \$	s 3,307,460	â
	E.	Add Line 30 to 31D.		\$ 3,307,400	
32.	Adjust	ed current year taxable value. Enter the amount in Line 25 of the No-New-Revenue Tax Rate Worksheet.		\$ 697,961,0	663_
33.	Curren	t year NNR M&O rate (unadjusted). Divide Line 31E by Line 32 and multiply by \$100.		ş_0.4738	/\$100
34.	Rate a	djustment for state criminal justice mandate. ²³			
	A.	Current year state criminal justice mandate. Enter the amount spent by a county in the previous 12 months providing for the maintenance and operation cost of keeping inmates in county-paid facilities after they have been sentenced. Do not include any state reimbursement received by the county for the same purpose.	\$ <u>0</u>		
	В.	Prior year state criminal justice mandate. Enter the amount spent by a county in the 12 months prior to the previous 12 months providing for the maintenance and operation cost of keeping inmates in county-paid facilities after they have been sentenced. Do not include any state reimbursement received by the county for the same purpose. Enter zero if this is the first time the mandate applies	-\$ <u>0</u>		
	C.	Subtract B from A and divide by Line 32 and multiply by \$100	\$ <u>0.0000</u> /\$100		
	D.	Enter the rate calculated in C. If not applicable, enter 0.		\$ <u>0.0000</u>	/\$100
35.	Rate a	ljustment for indigent health care expenditures. 24			
	A.	Current year indigent health care expenditures. Enter the amount paid by a taxing unit providing for the maintenance and operation cost of providing indigent health care for the period beginning on July 1, of the prior tax year and ending on June 30, of the current tax year, less any state assistance received for \$\overline{0}\$	the same purpose.		
	В.	Prior year indigent health care expenditures. Enter the amount paid by a taxing unit providing for			
		the maintenance and operation cost of providing indigent health care for the period beginning on July 1, 2022 and ending on June 30, 2023, less any state assistance received for the same purpose	-\$ <u>0</u>		
	C.	on July 1, 2022 and ending on June 30, 2023, less any state assistance received	-\$ <u>0</u> \$ <u>0.0000</u> /\$100		

²² [Reserved for expansion] ²³ Tex. Tax Code §26.044 ²⁴ Tex. Tax Code §26.0441

Line	e Voter-Approval Tax Rate Worksheet	Amount/Rate
36.	Rate adjustment for county indigent defense compensation. ²⁵	
	 A. Current year indigent defense compensation expenditures. Enter the amount paid by a county to provide appointed counsel for indigent individuals and fund the operations of a public defender's office under Article 26.044, Code of Criminal Procedure for the period beginning on July 1, of the prior tax year and ending on June 30, of the current tax year, less any state grants received by the county for the same purpose	
	appointed counsel for indigent individuals and fund the operations of a public defender's office under Article 26.044, Code of Criminal Procedure for the period beginning on July 1, 2022 and ending on June 30, 2023, less any state grants received by the county for the same purpose	
	C. Subtract B from A and divide by Line 32 and multiply by \$100	/\$100
	D. Multiply B by 0.05 and divide by Line 32 and multiply by \$100	/\$100
	E. Enter the lesser of C and D. If not applicable, enter 0.	\$ <u>0.0000</u> /\$100
37.	Rate adjustment for county hospital expenditures. ²⁶	
	A. Current year eligible county hospital expenditures. Enter the amount paid by the county or municipality to maintain and operate an eligible county hospital for the period beginning on July 1, of the prior tax year and ending on June 30, of the current tax year.	
	B. Prior year eligible county hospital expenditures. Enter the amount paid by the county or municipality to maintain and operate an eligible county hospital for the period beginning on July 1, 2022 and ending on June 30, 2023	
	C. Subtract B from A and divide by Line 32 and multiply by \$100	/\$100
	D. Multiply B by 0.08 and divide by Line 32 and multiply by \$100	/\$100
	E. Enter the lesser of C and D, if applicable. If not applicable, enter 0.	\$ <u>0.0000</u> /\$100
38.	Rate adjustment for defunding municipality. This adjustment only applies to a municipality that is considered to be a defunding municipality for the current tax year under Chapter 109, Local Government Code. Chapter 109, Local Government Code only applies to municipalitie a population of more than 250,000 and includes a written determination by the Office of the Governor. See Tax Code Section 26.0444 for reinformation.	es with
	A. Amount appropriated for public safety in the prior year. Enter the amount of money appropriated for public safety in the budget adopted by the municipality for the preceding fiscal year	
	B. Expenditures for public safety in the prior year. Enter the amount of money spent by the municipality for public safety during the preceding fiscal year	
	C. Subtract B from A and divide by Line 32 and multiply by \$100	/\$100
	D. Enter the rate calculated in C. If not applicable, enter 0.	\$ <u>0.0000</u> /\$100
39.	Adjusted current year NNR M&O rate. Add Lines 33, 34D, 35D, 36E, and 37E. Subtract Line 38D.	\$ 0.4738 /\$100
40.	Adjustment for prior year sales tax specifically to reduce property taxes. Cities, counties and hospital districts that collected and speadditional sales tax on M&O expenses in the prior year should complete this line. These entities will deduct the sales tax gain rate for the year in Section 3. Other taxing units, enter zero.	
	A. Enter the amount of additional sales tax collected and spent on M&O expenses in the prior year, if any. Counties must exclude any amount that was spent for economic development grants from the amount of sales tax spent	
	B. Divide Line 40A by Line 32 and multiply by \$100	/\$100
	C. Add Line 40B to Line 39.	\$ 0.6127 /\$100
41.	, 11 1	\$ 0.6341 /\$100
	Special Taxing Unit. If the taxing unit qualifies as a special taxing unit, multiply Line 40C by 1.08. - or -	
	Other Taxing Unit. If the taxing unit does not qualify as a special taxing unit, multiply Line 40C by 1.035.	

²⁵ Tex. Tax Code §26.0442 ²⁶ Tex. Tax Code §26.0443

Line	Voter-Approval Tax Rate Worksheet	Amount/Rate
D41.	Disaster Line 41 (D41): Current year voter-approval M&O rate for taxing unit affected by disaster declaration. If the taxing unit is located in an area declared a disaster area and at least one person is granted an exemption under Tax Code Section 11.35 for property located in the taxing unit, the governing body may direct the person calculating the voter-approval tax rate to calculate in the manner provided for a special taxing unit. The taxing unit shall continue to calculate the voter-approval tax rate in this manner until the earlier of 1) the first year in which total taxable value on the certified appraisal roll exceeds the total taxable value of the tax year in which the disaster occurred, or 2) the third tax year after the tax year in which the disaster occurred	
	If the taxing unit qualifies under this scenario, multiply Line 40C by 1.08. ²⁷ If the taxing unit does not qualify, do not complete Disaster Line 41 (Line D41).	\$/\$100
42.	 Total current year debt to be paid with property taxes and additional sales tax revenue. Debt means the interest and principal that will be paid on debts that: are paid by property taxes, are secured by property taxes, are scheduled for payment over a period longer than one year, and are not classified in the taxing unit's budget as M&O expenses. A. Debt also includes contractual payments to other taxing units that have incurred debts on behalf of this taxing unit, if those debts meet the four conditions above. Include only amounts that will be paid from property tax revenue. Do not include appraisal district budget payments. If the governing body of a taxing unit authorized or agreed to authorize a bond, warrant, certificate of obligation, or other evidence of indebtedness on or after Sept. 1, 2021, verify if it meets the amended definition of debt before including it here. ²⁸ 	
	Enter debt amount	
	E. Adjusted debt. Subtract B, C and D from A.	\$ 1,078,744
43.	Certified prior year excess debt collections. Enter the amount certified by the collector. ²⁹	ş <u>229,184</u>
44.	Adjusted current year debt. Subtract Line 43 from Line 42E.	\$_849,560
45.	Current year anticipated collection rate. A. Enter the current year anticipated collection rate certified by the collector. 30 99.00 % B. Enter the prior year actual collection rate. 99.18 % C. Enter the 2022 actual collection rate. 100.00 % D. Enter the 2021 actual collection rate. 101.70 %	
	E. If the anticipated collection rate in A is lower than actual collection rates in B, C and D, enter the lowest collection rate from B, C and D. If the anticipated rate in A is higher than at least one of the rates in the prior three years, enter the rate from A. Note that the rate can be greater than 100%. ³¹	99.18 %
46.	Current year debt adjusted for collections. Divide Line 44 by Line 45E.	\$ <u>856,583</u>
47.	Current year total taxable value. Enter the amount on Line 21 of the No-New-Revenue Tax Rate Worksheet.	\$ <u>721,117,558</u>
48.	Current year debt rate. Divide Line 46 by Line 47 and multiply by \$100.	\$ <u>0.1187</u> /\$100
49.	Current year voter-approval tax rate. Add Lines 41 and 48.	\$ <u>0.7528</u> /\$100
D49.	Disaster Line 49 (D49): Current year voter-approval tax rate for taxing unit affected by disaster declaration. Complete this line if the taxing unit calculated the voter-approval tax rate in the manner provided for a special taxing unit on Line D41. Add Line D41 and 48.	\$/\$100

²⁷ Tex. Tax Code \$26.042(a) ²⁸ Tex. Tax Code \$26.012(7) ²⁹ Tex. Tax Code \$26.012(10) and 26.04(b) ³⁰ Tex. Tax Code \$26.04(b) ³¹ Tex. Tax Code \$\$26.04(h), (h-1) and (h-2)

Line	Voter-Approval Tax Rate Worksheet	Amount/Rate
50.	COUNTIES ONLY. Add together the voter-approval tax rates for each type of tax the county levies. The total is the current year county voter-approv-	
	al tax rate.	\$ 0.0000 /\$100

SECTION 3: NNR Tax Rate and Voter-Approval Tax Rate Adjustments for Additional Sales Tax to Reduce Property Taxes

Cities, counties and hospital districts may levy a sales tax specifically to reduce property taxes. Local voters by election must approve imposing or abolishing the additional sales tax. If approved, the taxing unit must reduce its NNR and voter-approval tax rates to offset the expected sales tax revenue.

This section should only be completed by a county, city or hospital district that is required to adjust its NNR tax rate and/or voter-approval tax rate because it adopted the additional sales tax.

Line	Additional Sales and Use Tax Worksheet	Amount/Rate
51.	Taxable Sales. For taxing units that adopted the sales tax in November of the prior tax year or May of the current tax year, enter the Comptroller's estimate of taxable sales for the previous four quarters. ³² Estimates of taxable sales may be obtained through the Comptroller's Allocation Historical Summary webpage. Taxing units that adopted the sales tax before November of the prior year, enter 0.	\$ <u>0</u>
52.	Estimated sales tax revenue. Counties exclude any amount that is or will be spent for economic development grants from the amount of estimated sales tax revenue. 33 Taxing units that adopted the sales tax in November of the prior tax year or in May of the current tax year. Multiply the amount on Line 51 by the sales tax rate (.01, .005 or .0025, as applicable) and multiply the result by .95. 34 - or - Taxing units that adopted the sales tax before November of the prior year. Enter the sales tax revenue for the previous four quarters. Do not multiply by .95.	ş 9 70,000
53.	Current year total taxable value. Enter the amount from Line 21 of the No-New-Revenue Tax Rate Worksheet.	ş 721,117,558
54.	Sales tax adjustment rate. Divide Line 52 by Line 53 and multiply by \$100.	\$ <u>0.1345</u> /\$100
55.	Current year NNR tax rate, unadjusted for sales tax. ³⁵ Enter the rate from Line 26 or 27, as applicable, on the No-New-Revenue Tax Rate Worksheet.	\$ 0.6152 /\$100
56.	Current year NNR tax rate, adjusted for sales tax. Taxing units that adopted the sales tax in November the prior tax year or in May of the current tax year. Subtract Line 54 from Line 55. Skip to Line 57 if you adopted the additional sales tax before November of the prior tax year.	\$/\$100
57.	Current year voter-approval tax rate, unadjusted for sales tax. Enter the rate from Line 49, Line D49 (disaster) or Line 50 (counties) as applicable, of the <i>Voter-Approval Tax Rate Worksheet</i> .	\$ 0.7528 /\$100
58.	Current year voter-approval tax rate, adjusted for sales tax. Subtract Line 54 from Line 57.	\$ <u>0.6183</u> /\$100

SECTION 4: Voter-Approval Tax Rate Adjustment for Pollution Control

A taxing unit may raise its rate for M&O funds used to pay for a facility, device or method for the control of air, water or land pollution. This includes any land, structure, building, installation, excavation, machinery, equipment or device that is used, constructed, acquired or installed wholly or partly to meet or exceed pollution control requirements. The taxing unit's expenses are those necessary to meet the requirements of a permit issued by the Texas Commission on Environmental Quality (TCEQ). The taxing unit must provide the tax assessor with a copy of the TCEQ letter of determination that states the portion of the cost of the installation for pollution control.

This section should only be completed by a taxing unit that uses M&O funds to pay for a facility, device or method for the control of air, water or land pollution.

Line	Voter-Approval Rate Adjustment for Pollution Control Requirements Worksheet	Amount/Rate
59.	Certified expenses from the Texas Commission on Environmental Quality (TCEQ). Enter the amount certified in the determination letter from TCEQ. ³⁷ The taxing unit shall provide its tax assessor-collector with a copy of the letter. ³⁸	\$
60.	Current year total taxable value. Enter the amount from Line 21 of the No-New-Revenue Tax Rate Worksheet.	\$
61.	Additional rate for pollution control. Divide Line 59 by Line 60 and multiply by \$100.	\$/\$100

³² Tex. Tax Code §26.041(d)

³³ Tex. Tax Code §26.041(i)

³⁴ Tex. Tax Code §26.041(d)

³⁵ Tex. Tax Code §26.04(c)

³⁶ Tex. Tax Code §26.04(c)

³⁷ Tex. Tax Code §26.045(d)

³⁸ Tex. Tax Code §26.045(i)

Line	e Voter-Approval Rate Adjustment for Pollution Control Requirements Worksheet	
62.	Current year voter-approval tax rate, adjusted for pollution control. Add Line 61 to one of the following lines (as applicable): Line 49, Line D49 (disaster), Line 50 (counties) or Line 58 (taxing units with the additional sales tax).	\$/\$100

SECTION 5: Voter-Approval Tax Rate Adjustment for Unused Increment Rate

The unused increment rate is the rate equal to the sum of the prior 3 years Foregone Revenue Amounts divided by the current taxable value. ³⁹ The Foregone Revenue Amount for each year is equal to that year's adopted tax rate subtracted from that year's voter-approval tax rate adjusted to remove the unused increment rate multiplied by that year's current total value. ⁴⁰ In a year where a taxing unit adopts a rate by applying any portion of the unused increment rate, the portion of the unused increment rate that was used must be backed out of the calculation for that year.

The difference between the adopted tax rate and adjusted voter-approval tax rate is considered zero in the following scenarios:

- a tax year in which a taxing unit affected by a disaster declaration calculates the tax rate under Tax Code Section 26.042; 41
- a tax year in which the municipality is a defunding municipality, as defined by Tax Code Section 26.0501(a); 42 or
- after Jan. 1, 2022, a tax year in which the comptroller determines that the county implemented a budget reduction or reallocation described by Local Government Code Section 120.002(a) without the required voter approval. 43

Individual components can be negative, but the overall rate will be the greater of zero or the calculated rate.

This section should only be completed by a taxing unit that does not meet the definition of a special taxing unit. 44

Line	Unused Increment Rate Worksheet	Amount/Rate
63.	Year 3 Foregone Revenue Amount. Subtract the 2023 unused increment rate and 2023 actual tax rate from the 2023 voter-approval tax rate. Multiply the result by the 2023 current total value	
	A. Voter-approval tax rate (Line 67). B. Unused increment rate (Line 66). C. Subtract B from A. D. Adopted Tax Rate. E. Subtract D from C. F. 2023 Total Taxable Value (Line 60).	\$ 0.6289 /\$100 \$ 0.0015 /\$100 \$ 0.6274 /\$100 \$ 0.6131 /\$100 \$ 0.0143 /\$100 \$ 676,129,383
	G. Multiply E by F and divide the results by \$100	\$ 96,686
64.	Year 2 Foregone Revenue Amount. Subtract the 2022 unused increment rate and 2022 actual tax rate from the 2022 voter-approval tax rate. Multiply the result by the 2022 current total value	
	A. Voter-approval tax rate (Line 67) B. Unused increment rate (Line 66) C. Subtract B from A D. Adopted Tax Rate E. Subtract D from C F. 2022 Total Taxable Value (Line 60) G. Multiply E by F and divide the results by \$100	\$ 0.6195 /\$100 \$ 0.0306 /\$100 \$ 0.5889 /\$100 \$ 0.6131 /\$100 \$ -0.0242 /\$100 \$ 582,657,310 \$ 0
65.	Year 1 Foregone Revenue Amount. Subtract the 2021 unused increment rate and 2021 actual tax rate from the 2021 voter-approval	
	A. Voter-approval tax rate (Line 67) B. Unused increment rate (Line 66) C. Subtract B from A D. Adopted Tax Rate E. Subtract D from C F. 2021 Total Taxable Value (Line 60) G. Multiply E by F and divide the results by \$100	\$\ 0.6337 \ /\$100 \$\ 0.0050 \ /\$100 \$\ 0.6287 \ /\$100 \$\ 0.6131 \ /\$100 \$\ 0.0156 \ /\$100 \$\ 476,985,803 \$\ 74,409
66.	Total Foregone Revenue Amount. Add Lines 63G, 64G and 65G	\$ <u>171,095.0000</u>
67.	2024 Unused Increment Rate. Divide Line 66 by Line 21 of the No-New-Revenue Rate Worksheet. Multiply the result by 100	\$ <u>0.0237</u> /\$100
68.	Total 2024 voter-approval tax rate, including the unused increment rate. Add Line 67 to one of the following lines (as applicable): Line 49, Line 50 (counties), Line 58 (taxing units with additional sales tax) or Line 62 (taxing units with pollution)	\$ <u>0.6420</u> /\$100

³⁹ Tex. Tax Code §26.013(b)

⁴⁰ Tex. Tax Code §26.013(a)(1-a), (1-b), and (2)

⁴¹ Tex. Tax Code §§26.04(c)(2)(A) and 26.042(a)

⁴² Tex. Tax Code §§26.0501(a) and (c)

⁴³ Tex. Local Gov't Code §120.007(d)

⁴⁴ Tex. Local Gov't Code §120.007(d)

SECTION 6: De Minimis Rate

The de minimis rate is the rate equal to the sum of the no-new-revenue maintenance and operations rate, the rate that will raise \$500,000, and the current debt rate for a taxing unit. 44 This section should only be completed by a taxing unit that is a municipality of less than 30,000 or a taxing unit that does not meet the definition of a special taxing unit. 45

Line	De Minimis Rate Worksheet	Amount/Rate	
69.	Adjusted current year NNR M&O tax rate. Enter the rate from Line 39 of the Voter-Approval Tax Rate Worksheet.	0.4738	
70.	Current year total taxable value. Enter the amount on Line 21 of the No-New-Revenue Tax Rate Worksheet. § 721,1		
71.	Rate necessary to impose \$500,000 in taxes. Divide \$500,000 by Line 70 and multiply by \$100.	\$ <u>0.0693</u> _/\$100	
72.	Current year debt rate. Enter the rate from Line 48 of the Voter-Approval Tax Rate Worksheet.	ş <u>0.1187</u> /\$100	
73.	De minimis rate. Add Lines 69, 71 and 72.	\$ 0.6618 /\$100	

SECTION 7: Voter-Approval Tax Rate Adjustment for Emergency Revenue Rate

In the tax year after the end of the disaster calculation time period detailed in Tax Code Section 26.042(a), a taxing unit that calculated its voter-approval tax rate in the manner provided for a special taxing unit due to a disaster must calculate its emergency revenue rate and reduce its voter-approval tax rate for that year.49

Similarly, if a taxing unit adopted a tax rate that exceeded its voter-approval tax rate, calculated normally, without holding an election to respond to a disaster, as allowed by Tax Code Section 26.042(d), in the prior year, it must also reduce its voter-approval tax rate for the current tax year. 49

This section will apply to a taxing unit other than a special taxing unit that:

- directed the designated officer or employee to calculate the voter-approval tax rate of the taxing unit in the manner provided for a special taxing unit in the prior year; and
- the current year is the first tax year in which the total taxable value of property taxable by the taxing unit as shown on the appraisal roll for the taxing unit submitted by the assessor for the taxing unit to the governing body exceeds the total taxable value of property taxable by the taxing unit on January 1 of the tax year in which the disaster occurred or the disaster occurred four years ago. This section will apply to a taxing unit in a disaster area that adopted a tax rate greater than its voter-approval tax rate without holding an election in the prior year.

Note: This section does not apply if a taxing unit is continuing to calculate its voter-approval tax rate in the manner provided for a special taxing unit because it is still within the disaster calculation time period detailed in Tax Code Section 26.042(a) because it has not met the conditions in Tax Code Section 26.042(a)(1) or (2).

Line	Emergency Revenue Rate Worksheet	Amount/Rate
74.	2023 adopted tax rate. Enter the rate in Line 4 of the No-New-Revenue Tax Rate Worksheet.	\$/\$100
75.	Adjusted 2023 voter-approval tax rate. Use the taxing unit's Tax Rate Calculation Worksheets from the prior year(s) to complete this line. If a disaster occurred in 2023 and the taxing unit calculated its 2023 voter-approval tax rate using a multiplier of 1.08 on Disaster Line 41 (D41) of the 2023 worksheet due to a disaster, complete the applicable sections or lines of Form 50-856-a, Adjusted Voter-Approval Tax Rate for Taxing Units in Disaster Area Calculation Worksheet. - or - If a disaster occurred prior to 2023 for which the taxing unit continued to calculate its voter-approval tax rate using a multiplier of 1.08 on Disaster Line 41 (D41) in 2023, complete form 50-856-a, Adjusted Voter-Approval Tax Rate for Taxing Units in Disaster Area Calculation Worksheet to recalculate the voter-approval tax rate the taxing unit would have calculated in 2023 if it had generated revenue based on an adopted tax rate using a multiplier of 1.035 in the years following the disaster. ⁵⁰ Enter the final adjusted 2023 voter-approval tax rate from the worksheet. - or - If the taxing unit adopted a tax rate above the 2023 voter-approval tax rate without calculating a disaster tax rate or holding an election due to a disaster, no recalculation is necessary. Enter the voter-approval tax rate from the prior year's worksheet.	\$/\$100
76.	Increase in 2023 tax rate due to disaster. Subtract Line 75 from Line 74.	\$/\$100
77.	Adjusted 2023 taxable value. Enter the amount in Line 14 of the No-New-Revenue Tax Rate Worksheet.	\$
78.	Emergency revenue. Multiply Line 76 by Line 77 and divide by \$100.	\$
79.	Adjusted 2023 taxable value. Enter the amount in Line 25 of the No-New-Revenue Tax Rate Worksheet.	\$
80.	Emergency revenue rate. Divide Line 78 by Line 79 and multiply by \$100. 51	\$/\$100

⁴⁵ Tex. Tax Code §26.04(c)(2)(B)

⁴⁶ Tex. Tax Code §26.012(8-a)

⁴⁷ Tex. Tax Code §26.063(a)(1) 48 Tex. Tax Code §26.042(b)

⁴⁹ Tex. Tax Code §26.042(f)

⁵⁰ Tex. Tax Code §§26.42(c)

⁵¹ Tex. Tax Code §§26.42(b)

Line	Emergency Revenue Rate Worksheet	Amount/Rate
81.	Current year voter-approval tax rate, adjusted for emergency revenue. Subtract Line 80 from one of the following lines (as applicable): Line 49, Line D49 (disaster), Line 50 (counties), Line 58 (taxing units with the additional sales tax), Line 62 (taxing units with pollution control) or Line 68 (taxing units with the unused increment rate).	\$

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Indicate the applicable total tax rates as calculated above.

No-new-revenue tax rate. As applicable, enter the current year NNR tax rate from: Line 26, Line 27 (counties), or Line 56 (adjusted for sales tax). Indicate the line number used: 26	\$ <u>0.6152</u>	/\$100
Voter-approval tax rate	\$ <u>0.6420</u>	/\$100
De minimis rate	\$ <u>0.6618</u>	/\$100

SECTION 9: Taxing Unit Representative Name and Signature

Enter the name of the person preparing the tax rate as authorized by the governing body of the taxing unit. By signing below, you certify that you are the designated officer or employee of the taxing unit and have accurately calculated the tax rates using values that are the same as the values shown in the taxing unit's certified appraisal roll or certified estimate of taxable value, in accordance with requirements in the Tax Code. 52

print here	Stan Hemphill	
	Printed Name of Taxing Unit Representative	
sign here ▶	Stan Hemphill	7/29/2024
	Taxing Unit Representative	Date

⁵² Tex. Tax Code §§26.04(c-2) and (d-2)

Notice About 2024 Tax Rates

Property Tax Rates in City of Burnet.

This notice concerns the 2024 property tax rates for City of Burnet.

This notice provides information about two tax rates used in adopting the current tax year's tax rate. The no-new-revenue tax rate would Impose the same amount of taxes as last year if you compare properties taxed in both years. In most cases, the voter-approval tax rate is the highest tax rate a taxing unit can adopt without holding an election. In each case, these rates are calculated by dividing the total amount of taxes by the current taxable value with adjustments as required by state law. The rates are given per \$100 of property value.

To see the full calculations, please visit www.burnet-cad.org for a copy of the Tax Rate Calculation Worksheet.

Unencumbered Fund Balances.

The following estimated balances will be left in the taxing unit's accounts at the end of the fiscal year. These balances are not encumbered by corresponding debt obligation.

Type of Fund	Balance
Operating Reserve Fund	\$4,500,000
City Hall Reserve Fund	\$1,701,000
Operating Cash Fund	\$1,530,000
Street Rehab/Replacement Reserve Fund	\$435,000
Interest & Sinking Fund	\$260,000
Capital Equipment Reserve Fund	\$208,000
Franchise Fee Fund	\$167,000
YMCA Land Sale Proceeds Fund	\$119,000
Municipal Court Special Revenue Fund	\$107,000
Parks Fund	\$39,000
Fire Department Community Fund	\$16000
Police Department Explorer Program Fund	\$6400
Police Department Seizure Fund	\$5000
Fire Department Explorer Program Fund	\$3600

Current Year Debt Service.

The following amounts are for long-term debts that are secured by property taxes. These amounts will be paid from upcoming property tax revenues (or additional sales tax revenues, if applicable).

Description of Debt	Principal or Contract Payment To be Paid From Property Taxes		Other Amounts To be Paid	Total Payment
Comb Tax & Rev CO's 2021 - City Hall	\$205,000	\$96,313	\$0	\$301,313
Comb Tax & Rev CO's 2019- PD	\$120,000	\$70,375	\$0	\$190,375
Comb Tax & Rev CO's 2022 - Streets	\$135,000	\$157,600	\$0	\$292,600
Comb Tax & Rev CO's 2023 - Streets	\$125,000	\$169,456	\$0	\$294,456

	Total required for 2024 debt service	\$ 1,078,744
-	Amount (if any) paid from funds listed in unencumbered funds	\$ 0
-	Amount (if any) paid from other resources	\$ 0
-	Excess collections last year	\$ 229,184
	= Total to be paid from taxes in 2024	\$ 849.560

+ Amount added in anticipation that the taxing unit will collect

\$ 7,023

only 99.1800% of its taxes in 2024

= Total Debt Levy \$ 856,583

This notice contains a summary of the no-new-revenue and voter-approval calculations as certified by Stan Hemphill, Chief Appraiser, 07/29/2024.

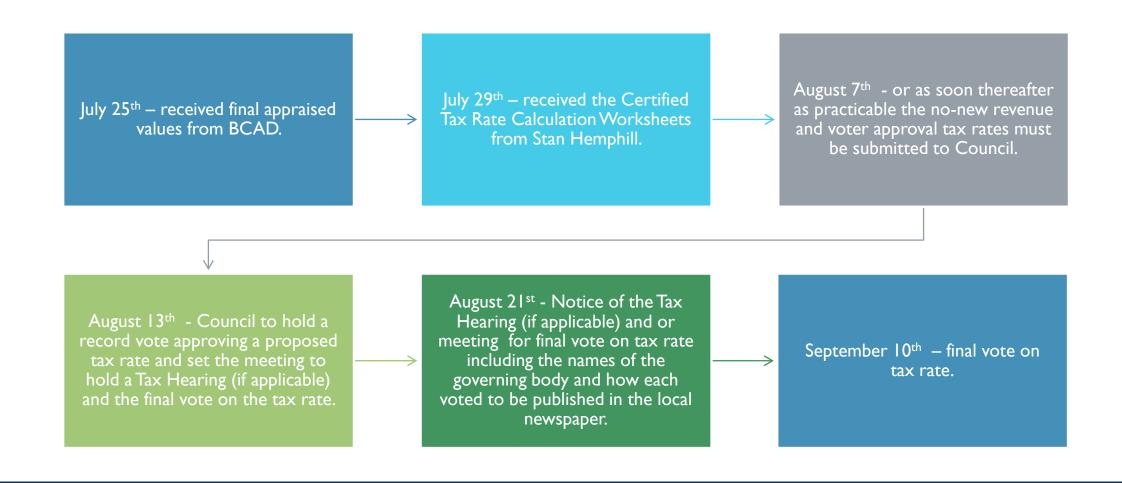
Visit <u>Texas.gov/PropertyTaxes</u> to find a link to your local property tax database on which you can easily access information regarding your property taxes, including information about proposed tax rates and scheduled public hearings of each entity that taxes your property.

The 86th Texas Legislature modified the manner in which the voter-approval tax rate is calculated to limit the rate of growth of property taxes in the state.



CITY OF BURNET - PROPOSED TAX RATE

FOR 2024-2025 BUDGET



CITY OF BURNET – PROPOSED TAX RATE FOR 2024-2025 BUDGET

No-new revenue tax rate = $\frac{50.6152}{100}$

The no-new revenue tax rate imposes the same amount of taxes as last year if you compare properties taxed in both years.

Voter-approval tax rate = $\frac{90.6420}{100}$

The voter-approval tax rate is the highest tax rate a taxing unit can adopt without holding an election.

Current/Proposed tax rate = \$0.6131/\$100

CITY OF BURNET – PROPOSED TAX RATE FOR 2024-2025 BUDGET

CITY OF BURNET – PROPOSED TAX RATE FOR 2024-2025 BUDGET

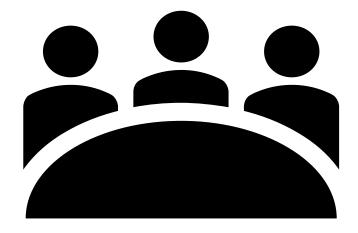
Note:

- The proposed tax rate of \$0.6131/\$100 is less than the no-new revenue tax rate therefore this is not considered a tax increase, and the City is not required to hold a public tax rate hearing.
- Tonight's vote on the proposed tax rate will establish the maximum tax rate that the City Council may consider adopting when the final vote is taken.
 - Council may consider any rate up to the amount that is approved tonight but may not exceed it.
- Under the proposed tax rate, the general fund will receive an estimated \$4,334,655 in property tax revenue which is
 an increase of about \$439,000 over last year due to growth in the City and a reduction in the I&S rate.
- Each one cent (\$0.01) decrease in the tax rate reduces the property tax revenue for the General Fund by approximately \$69,000 and reduces the property tax expense for the average property owner by approximately \$29 (based on an average homestead value of \$292,828).

CITY OF BURNET – PROPOSED TAX RATE FOR 2024-2025 BUDGET

Staff Recommends:

- Council approve the proposed tax rate of \$0.6131/100.
- Schedules the meeting to vote on the tax rate for September 10, 2024 at the regularly scheduled Council meeting.



•Questions?

City of Burnet City Council

Item Brief



ITEM 4.13

Meeting Date

August 13, 2024

Agenda Item

Discuss and consider action: Appointment of a City Council Strategic Planning and Service Level Subcommittee: P. Thurman

Information

Section 3.08 of the City Charter states that the City Council shall carry out the duties of office, including strategic planning, establishing service levels and financial goals, land use, capital improvements and establish annual goals and objectives for the budget.

Currently, the City Council has established a Finance Committee that can help review and develop financial goals and establish annual goals and objectives for the budget. Additionally, Council addresses land use on a monthly basis through rezoning requests and P&Z, and capital improvements are traditionally voted on during the budgeting process.

However, currently there is no mechanism in-place for strategic planning and establishing service levels, which is required by the Charter.

This subcommittee would consist of up to three (3) Council Members and its purpose would be to review and recommend strategic planning initiatives and establish service levels. These recommendations would be presented to the entire Council for a formal vote on an as-needed basis.

Fiscal Impact

None.

Recommendation

Request a motion to appoint up to three (3) council members to a City Council Strategic Planning and Service Level Subcommittee.

City of Burnet City Council

Item Brief



ITEM 4.14

Meeting Date

August 13, 2024

Agenda Item

Discuss and consider action: A resolution of the City Council of the City of Burnet, Texas restricting the proceeds from the sale of equipment to the Self-Funded reserve accounts; restricting the use of certain reserves for street projects, and depositing restricted funds in accordance with the City's Investment Policy: P. Langford

Information

The purpose of this resolution is to ask for Council's approval and authorization to restrict certain funds for future purposes.

Fiscal Impact

- Future equipment sales will be deposited into the Restricted by Council Self-Funded reserve accounts for future equipment purchases.
- \$340,000 will be transferred from operating reserves to Restricted by Council funds for street improvements.

Recommendation

Staff recommends the approval of Resolution No. R2024-61 restricting certain funds as presented.

RESOLUTION NO. R2024-61

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS RESTRICTING THE PROCEEDS FROM THE SALE OF EQUIPMENT TO THE SELF-FUNDED RESERVE ACCOUNTS; RESTRICTING THE USE OF CERTAIN RESERVES FOR STREET PROJECTS, AND DEPOSITING RESTRICTED FUNDS IN ACCORDANCE WITH THE CITY'S INVESTMENT POLICY:

WHEREAS, the City Council of the City of Burnet, Texas (the "Council") has formally approved a separate Investment Policy for the City of Burnet (the "City") that meets the requirements of the Public Funds Investment Act (PFIA), Section 2256 of the Texas Local Government Code; and

WHEREAS, the Investment Policy is reviewed and adopted annually by the Council, complies with the PFIA, and authorizes the investment of City funds in safe and prudent investments; and

WHEREAS, it is advantageous for the City to withdraw and deposit restricted fund assets for the purpose of investment as provided for herein; and

WHEREAS, In 2012, the City established a Self-Funded Equipment reserve account to fund the equipment needs of the City. On July 9, 2024, Council approved establishing a separate Self-Funded Equipment reserve account exclusively for the golf course equipment needs using golf course reserves.

WHEREAS, it is advantageous for the City to deposit all proceeds from the sale of equipment into the Self-funded equipment reserve accounts to help maintain the funds at a level to properly fund future equipment needs based on a five-year projection.

WHEREAS, during the 2023-2024 budget process the Council identified street improvements as a priority and the City Manager recommended restricting general fund operating reserves in the amount of three hundred forty thousand and 00/100 dollars (\$340,000.00) for street improvement projects.

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

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

Section Two. Approval. The Council does hereby approve restricting the proceeds from the sale of equipment be deposited into the Self-funded equipment accounts to fund future equipment needs.

The Council does hereby approve restricting general fund operating reserves in the amount of three hundred forty thousand and 00/100 dollars (\$340,000.00) for street improvement projects.

Section Three. Authorization. The City Manager and the Finance Director are authorized and directed to take those actions that are reasonably necessary to facilitate the purpose of this Resolution.

Section Four. Deposit. The Council does hereby direct that the funds be invested in accordance with the City's Investment Policy as a "Restricted by Council Action" account.

Section Five. Withdrawal. The Council does hereby direct that the funds shall not be withdrawn from the deposited investment account without action by Council expressly directing such withdrawal to satisfy an authorized expenditure.

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

PASSED AND APPROVED on this the 13th day of August 2024.

	CITY OF BURNET, TEXAS
	Gary Wideman, Mayor
ATTEST:	
Maria Gonzales, City Secretary	_

City of Burnet City Council

Item Brief



ITEM 4.15

Meeting Date

August 13, 2024

Agenda Item

Discuss and consider action: A resolution of the City Council of the City of Burnet, Texas authorizing the use of council restricted funds and restricted bond proceeds for the City Hall project; the use of restricted water impact fee funds for water plant generators; use of council restricted funds for the purchase of electric equipment; and the use of council restricted funds for Galloway Hammond capital maintenance projects: P. Langford

Information

The purpose of this resolution is to ask for Council's approval and authorization to use certain restricted funds for capital project expenses as approved in the budget.

Fiscal Impact

- Up to \$8,000,000 in Restricted bond funds and Restricted by Council funds may be used for City Hall project.
- Up to \$200,000 in Restricted Water Impact funds may be used to purchase generators for the Water Plant.
- Up to \$350,000 in Restricted by Council funds may be used to purchase a Digger Derrick truck for the Electric Department.
- \$118,813.21 in Restricted by Council funds will be used to reimburse operating funds for Galloway Hammond capital project expenses.

Recommendation

Staff recommends the approval of Resolution No. R2024-62 authorizing the use of restricted funds as presented.

RESOLUTION NO. R2024-62

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AUTHORIZING THE USE OF COUNCIL RESTRICTED FUNDS AND RESTRICTED BOND PROCEEDS FOR THE CITY HALL PROJECT; THE USE OF RESTRICTED WATER IMPACT FEE FUNDS FOR WATER PLANT GENERATORS; USE OF COUNCIL RESTRICTED FUNDS FOR THE PURCHASE OF ELECTRIC DEPT. EQUIPMENT; AND THE USE OF COUNCIL RESTRICTED FUNDS FOR GALLOWAY HAMMOND CAPITAL PROJECTS:

WHEREAS, the City Council of the City of Burnet, Texas (the "Council") has formally approved a separate Investment Policy for the City of Burnet (the "City") that meets the requirements of the Public Funds Investment Act (PFIA), Section 2256 of the Texas Local Government Code; and

WHEREAS, the Investment Policy is reviewed and adopted annually by the Council, complies with the PFIA, and authorizes the investment of City funds in safe and prudent investments; and

WHEREAS, it is advantageous for the City to withdraw and deposit restricted fund assets for the purpose of investment as provided for herein; and

WHEREAS, the Council has identified as a priority the construction of a new city hall facility.

WHEREAS, on July 27, 2021, the City issued Combination Tax and Revenue Certificates of Obligation, Series 2021 and deposited four million five thousand eight hundred nine and 91/100 dollars (\$4,005,809.91) into a restricted bond investment account for the purpose of providing funds for paying contractual obligations incurred or to be incurred for constructing, improving, and/or renovating a new City Hall facility, including the acquisition of land. The funds were deposited into Texpool account 2711100017 in accordance with the City's Investment Policy.

WHEREAS, the City established a Restricted by Council fund with general fund reserves as approved by Council in April 2023 in the amount of one million six hundred thousand and 00/100 dollars (\$1,600,000.00) for the purpose of constructing a new city hall facility. The funds were deposited into Texpool account 2711100031 in accordance with the City's Investment Policy.

WHEREAS, on September 12, 2023, the City issued Combination Tax and Revenue Certificates of Obligation, Series 2023 and deposited one million and 00/100 dollars (\$1,000,000.00) into a restricted bond investment account for the purpose of constructing, improving, extending and equipping the City's administration offices to include the City's utility billing and collections department, Municipal Court, engineering department and

related technology infrastructure. The funds were deposited into Texas Class account TX0104400004 in accordance with the City's Investment Policy.

WHEREAS, eight million six hundred thousand and 00/100 dollars (\$8,600,000.00) has been appropriated in the 2023-2024 budget for the new city hall facility.

WHEREAS, the Council has identified as a priority the purchase of generators for the Water Plant.

WHEREAS, the City established a community impact fee which shall be imposed against new development in order to generate revenues for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to such new development (Ord. No. 2004-22, subsection 2.2, 12-14-04).

WHEREAS, the City has established a restricted water impact fee account with Texpool, (Account 2711100025) in accordance with the City's Investment Policy.

WHEREAS, three hundred ten thousand dollars and 00/100 dollars (\$310,000.00) has been appropriated in the 2023-2024 capital budget for the purchase of water plant generators of which the City has spent two hundred seventy-nine thousand nine hundred sixty-nine and 00/100 dollars (\$279,969.00) as of July 31, 2024.

WHEREAS, the Council has identified as a priority the purchase of a Digger Derrick truck for the Electric Department.

WHEREAS, the City established a Restricted by Council fund for Electric Capital Improvements with reserves of four hundred thousand and 00/100 dollars in September of 2022. The funds were deposited into Texpool account 2711100022 in accordance with the City's Investment Policy.

WHEREAS, three hundred fifty thousand and 00/100 dollars (\$350,000.00) has been appropriated in the 2023-2024 capital budget for the purchase of a Digger Derrick truck for the Electric department.

WHEREAS, the Electric Department received a quote to purchase a Digger Derrick truck for three hundred thirty-two thousand three hundred thirteen and 00/100 dollars (\$332,313.00) dollars. The quote includes the purchase of a 2023 International chassis for one hundred twelve thousand nine hundred seventy-five and 00/100 dollars (\$112,975.00).

WHEREAS, the Council approved the ordering of the Digger Derrick Truck for the Electric Department per Resolution No. R2023-60, and staff expects it to arrive in October 2024.

WHEREAS, the Council has identified as a priority the capital projects at the Galloway Hammond Recreation Center.

WHEREAS, the City established a Restricted by Council fund for Galloway Hammond capital projects with land sale proceeds of one hundred nine thousand eight hundred forty-four and 40/100 dollars (\$109,844.40) in December of 2022. The funds were deposited into Texpool account 2711100029 in accordance with the City's Investment Policy.

WHEREAS, four hundred thirty-four thousand five hundred and 00/100 dollars (\$434,500.00) has been appropriated in the 2023-2024 capital budget for Galloway Hammond Recreation Center capital projects of which the City has spent one hundred seventy thousand eight hundred seventy-eight and 30/100 dollars (\$170,878.30) as of July 31, 2024.

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

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

Section Two. Approval. The Council does hereby approve the use of the 2021 restricted bond funds plus interest in Texpool account 2711100017 and the use of the 2023 restricted bond funds plus interest in Tex Class account TX0104400004 for the City Hall Project in accordance with the bond restrictions. In addition, Council does hereby approve the use of the Restricted by Council funds of one million six hundred thousand and 00/100 dollars (\$1,600,000.00) plus interest in Texpool account 2711100031 for the new City Hall project as needed to complete the City Hall Project. (Approximately \$8m total restricted funds)

The Council does hereby approve the use of restricted water impact fee funds plus interest in Texpool account 2711100025 to reimburse the City's pooled cash account for generator purchases as approved in the budget up to two hundred thousand and 00/100 dollars (\$200,000.00).

The Council does hereby approve the use of the Restricted by Council funds in Texpool account 2711100022 to reimburse the City's operating funds for the future purchase of the Digger Derrick Truck and the cost of outfitting the truck for service in an amount not to exceed three hundred fifty thousand and 00/100 dollars (\$350,000.00).

The Council does hereby approve the use of the Restricted by Council funds of one hundred nine thousand eight hundred forty-four and 00/100 dollars (\$109,844.40) plus interest in Texpool account 2711100029 to reimburse the City's operating funds for Galloway Hammond Capital Maintenance project expenses as approved in the budget.

Section Three. Authorization. The City Manager and the Finance Director are authorized and directed to take those actions that are reasonably necessary to facilitate the purpose of this Resolution.

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

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

PASSED AND APPROVED on this the 13th day of August 2024.

	CITY OF BURNET, TEXAS
	Gary Wideman, Mayor
ATTEST:	
Maria Gonzales, City Secretary	