



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

Notice is hereby given that a **Regular Council Meeting** will be held by the governing body of the City of Burnet on the **24th day of May 2022** 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) Fire Department Quarterly Report: M. Ingram
- 1.2) Chamber of Commerce Update Report: A. McKee

2. CONSENT AGENDA ITEMS:

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

- 2.1) Approval of the May 10, 2022, Regular City Council Meeting Minutes
- 2.2) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL of THE CITY OF BURNET, TEXAS APPROVING ACCEPTANCE OF THREE

PUBLIC UTILITY EASEMENTS ASSOCIATED WITH A WATER LINE PROJECT SOUTH OF THE INTERSECTION OF TEXAS HIGHWAY 29 AND F.M. 3509; AND AUTHORIZING THE MAYOR'S EXECUTION OF SAID INSTRUMENTS ON BEHALF OF THE CITY: H. Erkan

3. PUBLIC HEARINGS: None.

4. ACTION ITEMS:

4.1) Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2021-31; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021, AND ENDING SEPTEMBER 30, 2022 FOR THE CITY OF BURNET, TEXAS, FUNDING ACCOUNTS IN BUDGET DUE TO UNFORESEEN SITUATIONS; CONTAINING FINDINGS; PROVIDING FOR SAVINGS AND SEVERABILITY: P. Langford

4.2) Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 74 (ENTITLED "PARKS AND RECREATION") BY ESTABLISHING A NEW SECTION 74.11 (ENTITLED "ANIMALS IN CITY PARKS"); PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: H. Erkan

4.3) Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AMENDING THE CODE OF ORDINANCES CHAPTER 106 (ENTITLED "TRAFFIC AND VEHICLES") BY AMENDING AND RETITLING ARTICLE V AS "ABANDONED, JUNKED, AND THE TOWING AND IMPOUNDMENT OF, VEHICLES" ; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, CORRELATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: H. Erkan

4.4) Discuss and consider action: A contract with Austin Turf and Tractor for equipment purchases for Delaware Springs Golf Course: T. Nash

4.5) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS APPROVING THE FIRST AMENDMENT TO THE BURNET MUNICIPAL AIRPORT FIXED BASE OPERATOR AGREEMENT: A. Field

4.6) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS APPROVING THE BURNET COUNTY APPRAISAL DISTRICT'S PURCHASE OF PROPERTY LOCATED AT 215 SOUTH PIERCE STREET, BURNET, TEXAS FOR EXPANSION OF THE CURRENT

APPRAISAL DISTRICT OFFICE FACILITY IN THE AMOUNT OF \$405,000.00: D. Vaughn

5. 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.

6. ADJOURN:

Dated this the 20th day of May 2022

**CITY OF BURNET
CRISTA GOBLE BROMLEY, MAYOR**

I, the undersigned authority, do hereby certify that the above NOTICE OF MEETING of the governing body of the above named City, BURNET, is a true and correct copy of said NOTICE and that I posted a true and correct copy of said NOTICE on the bulletin board, in the City Hall of said City, BURNET, TEXAS, a place convenient and readily accessible to the general public at all times, and said NOTICE was posted on May 20, 2022 at or before 6 o'clock p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

Kelly Dix, City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS:

The City of Burnet Council Chambers is wheelchair accessible. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services, such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's office (512.756.6093) at least two working days prior to the meeting. Requests for information may be faxed to the City Secretary at 512.756.8560.

RIGHT TO ENTER INTO EXECUTIVE SESSION:

The City Council for the City of Burnet reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).



Coffee & Conversation

May 17 – Meet & Greet with new City employees – About 30 attendees

June – TBD

City Fish Fry (Thank you for help with Bluebonnet Festival.)

About 50-60 attendees.

Student Job Board

16 businesses listed. Non-members allowed to post since it is seasonal. Gained a new member.

Business After Hours

May 12 @ Spider Mountain. About 35 attendees, including kids & spouses.

Live music, nacho bar from Trailblazer Grille, chair lift, beer/wine/water/soda.

Tentative Fall Schedule:

September 22 @ Torr Na Lochs (sponsored by Lake Land Realty)

October 20 @ 7 Creek Vineyard with the Bertram Chamber (sponsored by Double Eagle Entertainment)

Women in Business – New program!

Partnering with Bertram Chamber. Modeling after Liberty Hill Chamber.

Tourism Committee – Meets Wed., May 25 @ 9am at Motorcycle Museum

Discussion: How to attract more tourists. How to make the most of the tourists that come. How to make Chamber website more tourist friendly/ go-to source of visitor info.

Relocation Guide & Membership Directory

Finalizing content and membership list. Members have been sending updates to their business listing.

Printed publication comes out in August. Online PDF flipbook also available and will be on website.

Burnet Brochure Updated

Replaced meeting room section with museums to allow more room on the back for other area attractions. Brochures are displayed at Visitor Centers around the state, given out to train riders, and given out at the Chamber office.

CRM Program

Working on switching from Excel spreadsheet to true CRM program.

Advantages/features:

Able to list contact info for multiple reps at a business.

Able to review key info for event in one spot without multiple Excel spreadsheets and QB.

Able to send invoices and reminders with one click vs. manually creating invoices in QB.

Links to website so new members automatically added/ dropped as status changes.

Makes it easy for businesses to renew online.

Festival Applications Live

Christmas on the Square – 23 applications.

Price increased from businesses on the Square and food vendors. Prices are the same for vendors on E. Jackson.

Bluebonnet Festival – 50 applications.

\$25 prices increase for vendors to cover rising costs.

Changing Friday hours from 2-6 to 3-8. More time for shopping after work.

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

On this the 10th day of May, 2022, the City Council of the City of Burnet convened in Regular Session, at 6:00 p.m. the City of Burnet Council Chambers located at 2402 S. Water Street (Hwy 281 South, Burnet Municipal Airport) Burnet, Tx. thereof with the following members present, to-wit:

Mayor Crista Goble Bromley
Council Members Ricky Langley, Philip Thurman, Joyce Laudenschlager, Mary Jane Shanes, Cindia Talamantez, Dennis Langley

Absent Danny Lester

City Manager David Vaughn

Assistant City Secretary Leslie Kimbler

Guests: Adrienne Feild, Habib Erkan, Dennis Langley, Mark Miller, Mark Ingram, Tony Nash, Patricia Langford, Andrew Scott, Leslie Kimbler, Jacob Thomas, John Erskine, Kelli Sames, Courtney Raney, Brock English, Jeremy Stewart, Tanya Clawson, Steven Vollmer, Shawn Kohler, Jason Davis, Brandon Bertelson, Dalton Buchhorn

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

INVOCATION: Led by Mayor Crista Goble Bromley

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

CANVASS ELECTION:

Discuss and consider action: A RESOLUTION AND ORDER BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CANVASSING THE MAY 1, 2022 GENERAL ELECTION FOR THREE CITY COUNCIL MEMBER POSITIONS; DECLARING CANDIDATES ELECTED AT LARGE; MAKING FINDINGS OF FACT; PROVIDING AN OPEN MEETINGS CLAUSE AND FOR OTHER MATTERS: K. Dix: Council Member Joyce Laudenschlager move to approve and adopt Resolution R2022-40 canvassing the May 7, 2022 General Election as presented. Council Member Cindia Talamantez seconded. The motion carried unanimously.

RECOGNITION:

Recognition of Council Member Danny Lester: Mayor Crista Goble Bromley: No action was taken. Council Member Lester was absent.

OATH OF OFFICE:

The Oath of Office will be administered to, Philip Thurman, Council Member: K. Dix: A Certificate of Election was presented to Philip Thurman by Mayor, Crista Goble Bromley, and the Oath of Office was administered. Philip Thurman was sworn in as Council Member for a term of two years.

The Oath of Office will be administered to, Mary Jane Shanes, Council Member: K. Dix: A Certificate of Election was presented to Mary Jane Shanes by Mayor, Crista Goble Bromley, and the Oath of Office was administered. Mary Jane Shanes was sworn in as Council Member for a term of two years.

The Oath of Office will be administered to, Dennis Langley, Council Member: K. Dix: A Certificate of Election was presented to Dennis Langley by Mayor, Crista Goble Bromley, and the Oath of Office was administered. Dennis Langley was sworn in as Council Member for a term of two years.

SPECIAL REPORTS/RECOGNITION:

Motorcycle Awareness Proclamation: Mayor Bromley: Mayor Bromley presented the proclamation declaring the Month of May as Motorcycle Awareness month in the City of Burnet to all present.

ACDI Quarterly Update Report: Tonya Clawson: Tanya Clawson presented the January, February, and March financial and collection reports. Ms. Clawson updated all present on changes in the allowable recycling items. There will be an updated “Do’s and Don’t” notice will be going out in the City utility billing. Questions posed by City Council were addressed by Ms. Clawson.

Community Development Monthly Report: L. Kimbler: Leslie Kimbler, Planner, presented the monthly Community Development report to include an overview of the residential permits and commercial permits issued for the month of April as well as an update on the current subdivisions under construction in the City. City Engineer Eric Belaj updated all present on the current status of the street paving project for the Woodlands,

Delaware 24 Phase 3 Electric Design, Lamar Street improvements and the site design for the Jackson Street restroom Project.

Police Department Quarterly Update Report: B. Lee: Police Chief Brian Lee updated all present that the department was still working on staffing issues and were down one position still. A review of “Best Practices” is being conducted. The department integrated a cloud server for Watchguard and successfully completed and submitted the NRA Grant that will provide five more patrol rifles. The Burnet Police Department Advisory Council is going well and has covered topics to include patrol, pursuit policy, CID case assignments, and proactive case management. There will be two positions available on the Advisory Board as of June 1st, 2022. The department launched the bicycle patrol program during the Bluebonnet Festival with great success. Chief Lee presented the Life Saving Award to Officers Kohler and English for their heroic actions on a call involving an accidental gunshot wound. Chief Lee also presented the Chief’s Commendation Award to several of the department officers to include Captain Jason Davis, Investigator Steven Vollmer, Investigator Christine Cummings, Sgt. Jeremy Stewart, Sgt. Brandon Burtelson, Officer Dalton Buchhorn, Officer Courtney Raney, and Officer Shawn Kohler for their work on a missing child case on March 7, 2022.

CONSENT AGENDA ITEMS:

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

Approval of the April 26, 2022, Regular City Council Meeting Minutes: Council Member Philip Thurman made a motion to approve the consent agenda as presented. Council Member Mary Jane Shanes seconded. The motion carried unanimously.

ACTION ITEMS:

Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER (ENTITLED “BUILDING AND BUILDING REGULATIONS”) FOR THE PURPOSES OF AMENDING FEE SCHEDULE TABLE FOUR (ENTITLED “FIRE CODE PERMIT FEES”); PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: J. Erskine: Council Member Joyce Laudenschlager moved to approve and adopt Ordinance 2022-29 as presented. Council Member Cindia Talamantez seconded. The motion carried unanimously.

Discuss and consider action: RESOLUTION OF THE CITY COUNCIL OF BURNET, TEXAS, RATIFYING THE ABANDONMENT AND VACATION OF PORTIONS OF NORTH SILVER STREET, EAST BRIER STREET AND EAST POST OAK STREET LOCATED WITHIN THE PETER KERR DONATION ADJACENT TO BLOCKS 13, 16, 17, AND 18; AND MAKING SAID ABANDONMENT AND VACATION SUBJECT TO RESERVATION OF PUBLIC UTILITY EASEMENTS; DIRECTING THE CITY SECRETARY TO CAUSE AN INSTRUMENT OF ABANDONMENT TO BE RECORDED IN THE DEED RECORDS OF BURNET COUNTY: H. Erkan: Council Member Mary Jane Shanes moved to approve Resolution R2022-41 as presented. Council Member Philip Thurman seconded. The motion carried unanimously.

Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2021-31; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021, AND ENDING SEPTEMBER 30, 2022 FOR THE CITY OF BURNET, TEXAS, FUNDING ACCOUNTS IN BUDGET DUE TO UNFORESEEN SITUATIONS; CONTAINING FINDINGS; PROVIDING FOR SAVINGS AND SEVERABILITY: P. Langford: Council Member Philip Thurman moved to approve the first reading of Ordinance No. 2022.30 as presented. Council Member Joyce Laudenschlager seconded. The motion carried unanimously.

Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS APPROVING AN AGREEMENT WITH KSA ENGINEERING FOR A HANGAR AT BURNET MUNICIPAL AIRPORT AND ASSOCIATED IMPROVEMENTS AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT ON BEHALF OF THE CITY: A. Field: Council Member Joyce

Laudenschlager moved to approve Resolution R2022-43 as presented. Council Member Ricky Langley seconded. The motion carried unanimously.

Discuss and consider action: Burnet Historic Preservation Board appointment: K. Dix: Council Member Philip Thurman moved to appoint Public Works Director Carly Kehoe to the Burnet Historic Preservation Board to fill the seat currently held by Assistant City Manger Habib Erkan. Council Member Cindia Talamantez seconded. The motion carried unanimously.

Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, TAKING ACTION RELATED TO THE BURNET MUNICIPAL AIRPORT FIXED BASED OPERATOR (FBO) BY AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT FOR FBO SERVICES AND REJECTING ALL OTHER RESPONSES TO THE REQUEST FOR PROPOSALS AND DIRECTING THE CITY MANAGER TO INITIATE CITY OPERATION OF THE FBO: D. Vaughn: Council Member Ricky Langley moved to approve Resolution R2022-44 as presented. Council Member Joyce Laudenschlager seconded. The motion carried unanimously.

REQUESTS FROM COUNCIL FOR FUTURE REPORTS: In accordance with Resolution R2020-28 councilmembers may request the City Manager to prepare and present future report on matters of public interest: Council Member Philip Thurman requested that the parking lot issue at Randy Longoria Park be re-visited.

ADJOURN: There being no further business a motion to adjourn was made by Council Member Mary Jane Shanes at 7:07 p.m. seconded by Council Member Joyce Laudenschlager. The motion carried unanimously.

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 4.5

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

Action Item

Meeting Date: May 24, 2022

Agenda Item: Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL of THE CITY OF BURNET, TEXAS APPROVING ACCEPTANCE OF THREE PUBLIC UTILITY EASEMENTS ASSOCIATED WITH A WATER LINE PROJECT SOUTH OF THE INTERSECTION OF TEXAS HIGHWAY 29 AND F.M. 3509; AND AUTHORIZING THE MAYOR'S EXECUTION OF SAID INSTRUMENTS ON BEHALF OF THE CITY: H. Erkan

Background: South of Texas Highway 29 on the west side of F.M. 3509 sits the Best Stop gas station. On the east side of F.M. 3509 is the City's water main. Acquisition of easements from SRS Burnett Properties LLC (owner of Best Stop) and Orville and Sheryl Gilbert (owners of a small adjoining property) is necessary in order to bring water service to Best Stop.

Information: This resolution authorizes the acceptance of the easements.

Fiscal Impact: No direct fiscal impact is anticipated.

Recommendation: Approve Resolution No. R2022-42 as presented.

RESOLUTION NO. R2022-42

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS APPROVING ACCEPTANCE OF THREE PUBLIC UTILITY EASEMENTS ASSOCIATED WITH A WATER LINE PROJECT SOUTH OF THE INTERSECTION OF TEXAS HIGHWAY 29 AND F.M. 3509.; AND AUTHORIZING THE MAYOR EXECUTE SAID INSTRUMENTS ON BEHALF OF THE CITY

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

Easements Agreement Approved. The Easement Agreements as memorialized in Appendix One and Appendix Two, attachment hereto, are hereby approved.

Section two. Authorization. The mayor is hereby authorized to execute instruments in substantial form as the attachments hereto and take such further action as may be reasonably necessary to facilitate the purpose of this resolution.

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

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

PASSED AND APPROVED this the 24th day of May, 2022.

CITY OF BURNET, TEXAS

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary

APPENDIX A

SRS Burnett Properties LLC Easement
(two easements)

Public Utility Easement

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

PUBLIC UTILITY EASEMENT

THE STATE OF TEXAS §
 §
COUNTY OF BURNET §

KNOW ALL PERSONS BY THESE PRESENTS:

DATE:

GRANTOR: **SRS BURNETT PROPERTY LLC**

GRANTOR'S MAILING ADDRESS (including County): **2004 Glen Lake Drive
Spring, Harris County Texas 77388**

GRANTEE: **City of Burnet, Texas**

GRANTEE'S MAILING ADDRESS (including County): **P.O. Box 1369
1001 Buchanan Drive Suite #4,
Burnet, Burnet County, Texas 78611**

CONSIDERATION: One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

PROPERTY: The Property consists of Easement Property One and Two (collectively "Easement Properties") and Construction Easement Property One as described below:

Easement Property One: Being a 0.06-acre (2,718 sq. ft) tract of land out of that certain 6.15-acre tract of land located in Burnet County, Texas, and described in that certain warranty deed with vendor's lien recorded as Document No. 201510776 in the Official Public Records of Burnet County, Texas, and being more particularly described by metes and bounds and sketch attached hereto as **Exhibit "A"**.

Construction Easement Property One: Being a 30-foot-wide area extending outward from the western edge of segment L5 of Easement Property One and running parallel with and along the entire length of segment L5 of the Easement Property One.

Easement Property Two: Being a 0.42-acre (18,489 sq. ft) tract of land out of that certain 6.15-acre tract of land located in Burnet County, Texas, and described in that certain warranty deed with vendor's lien recorded as Document No. 201510776 in the Official Public Records of Burnet County, Texas, and being more particularly described by metes and bounds and sketch attached hereto as **Exhibit "A"**.

Public Utility Easement

GRANTOR, for the CONSIDERATION paid to GRANTOR, hereby grants, sells, and conveys to GRANTEE, its successors and assigns: (i) exclusive, perpetual easements for all purposes necessary for installing, operating and maintaining any and all desired utility services within said easements, including but not limited to placing, constructing, operating, repairing, maintaining, rebuilding, replacing, relocating and removing or causing to be placed, constructed, operated, repaired, maintained, rebuilt, replaced, relocated and removed structures or improvements reasonably necessary for the supplying of electric, water and/or sanitary sewer service, stormwater drainage and all other utility services deemed necessary by the GRANTEE in, upon, under and across the Easement Properties more fully described and as shown in Exhibit "A" attached hereto; and (ii) a exclusive perpetual easement for temporary staging, placing, constructing, repairing, maintaining, rebuilding, replacing, relocating and removing the aforementioned utilities in the Easement Property One at those times as may be reasonably deemed necessary by the GRANTEE for service to such utilities, in, upon, under and across the Construction Easement Properties. GRANTEE shall restore the Construction Easement Property in substantially to its original condition within a reasonable time after each use.

GRANTOR and GRANTOR's heirs, successors, and assigns shall retain the right to use all or part of the PROPERTY as long as such use does not interfere with GRANTEE's use of the Easement Properties or Construction Easement Property One for the purposes provided for herein. GRANTEE shall have the right to eliminate any encroachments into the Easement Properties that interfere with GRANTEE's use of the Easement Properties One and Two as Public Utility Easements and the Construction Easement Property One whenever use of said temporary easement is necessary for GRANTEE to serve the Public Utilities.

TO HAVE AND TO HOLD the above-described Easement Properties, together with all and singular the rights and appurtenances thereto in anyway belonging unto GRANTEE, and GRANTEE's successors and assigns forever; and GRANTOR does hereby bind itself, its successors and assigns to **WARRANT AND FOREVER DEFEND** all and singular the easements unto GRANTEE, its successor, and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

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

The remainder of this page is intentionally blank and grantor's signature page follows.

Public Utility Easement
To be effective as of the date first stated above.

GRANTOR:

By: _____
Printed name: _____
Title: _____

THE STATE OF TEXAS §
 §
COUNTY OF BURNET §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the __ day of _____, 2022.

(Personalized Seal)

Notary Public's Signature

AGREED AND ACCEPTED:
CITY OF BURNET, TEXAS,
a Texas home-rule municipality

By: _____
Crista Goble Bromley, Mayor

THE STATE OF TEXAS §
 §
COUNTY OF BURNET §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Crista Goble Bromley, mayor of the City of Burnet, Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the __ day of _____, 2022.

(Personalized Seal)

Notary Public's Signature

Exhibit A attached.

FIELD NOTE DESCRIPTION FOR A 0.06 ACRE (2,718 SF) TRACT OF LAND, SITUATED IN BURNET COUNTY, TEXAS:

BEING A 0.06 ACRE (2,718 SF) TRACT OF LAND, OUT OF THE JOHN HAMILTON SURVEY NO. 1, ABSTRACT NO. 405, BEING OUT OF THAT CERTAIN 6.15 ACRE TRACT OF LAND CONVEYED BY GENERAL WARRANTY DEED WITH VENDOR'S LIEN TO THE SRS BURNETT PROPERTY, LLC., RECORDED IN DOCUMENT NO. 201510776 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found, lying in the west right-of-way line of R.M. Highway No. 3509 (RM 3509), a public road, marking corner of said 6.15 acre tract, common with the southeast corner of a 0.13 acre tract of land conveyed by Warranty Deed with Vendor's Lien to Orville and Sheryl A. Gilbert, recorded in Document No. 202115487 of the Official Public Records of Burnet County, Texas, for the north corner of this tract;

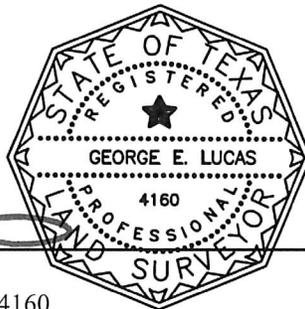
THENCE, South 10°38'58" East, along the east line of this tract and west right-of-way line of RM 3509, common with the east line of said 6.15 acre tract, a distance of 135.82, to a 1/2" iron rod found, marking the north corner of an 11.23 acre tract of land conveyed to Orville and Sheryl A. Gilbert, recorded in Document No. 202115487 of the Official Public Records of Burnet County, Texas, common with the southeast corner of said 6.15 acre tract, for the southeast corner of this tract;

THENCE, South 78°03'40" West, along the south line of this tract, common with the north line of said 11.23 acre tract, common with the south line of said 6.15 acre tract, a distance of 15.12 feet, to a 1/2" iron rod found, marking an angle corner of said 6.15 acre tract, and an angle corner of said 11.23 acre tract, and common with the south corner of this tract;

THENCE, North 87°32'01" West, along the south line of this tract, common with the north line of said 11.23 acre tract, common with the south line of said 6.15 acre tract, a distance of 5.02 feet, to a calculated point, for the southwest corner of this tract;

THENCE, North 10°38'58" West, through and across said 6.15 acre tract, along the west line of this tract, a distance of 135.05 feet, to a calculated point in the south line of said 0.13 acre tract, common with a north line of said 6.15 acre tract, for the northwest corner of this tract;

THENCE, North 79°25'47" West, along the north line of this tract, common with the south line of said 0.13 acre tract, common with a north line of said 6.15 acre tract, a distance of 20.00 feet, to the POINT OF BEGINNING, containing 0.06 acres (2,718 SF) of land, more or less.



George E. Lucas
Registered Professional Land Surveyor No. 4160
Celco Surveying, Firm Registration No. 10193975
18018 Overlook Loop, Suite 105
San Antonio, Texas 78259
Date: April 28, 2022

FIELD NOTE DESCRIPTION FOR A 0.42 ACRE (18,489 SF) TRACT OF LAND, SITUATED IN BURNET COUNTY, TEXAS:

BEING A 0.42 ACRE (18,489 SF) TRACT OF LAND, OUT OF THE JOHN HAMILTON SURVEY NO. 1, ABSTRACT NO. 405, BEING OUT OF THAT CERTAIN 6.15 ACRE TRACT OF LAND CONVEYED BY GENERAL WARRANTY DEED WITH VENDOR'S LIEN TO THE SRS BURNETT PROPERTY, LLC., RECORDED IN DOCUMENT NO. 201510776 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found, lying in the south right-of-way line of State Highway No. 29, a public road, marking the northeast corner of a certain 2.20 acre tract of land, conveyed by General Warranty Deed with Vendor's Lien to Christopher And Charlene Havelka, recorded in Document No. 201609874 of the Official Public Records of Burnet County, Texas, common with the northwest corner of said 6.15 acre tract, for the northwest corner of this tract;

THENCE, South 89°27'59" East, along the north line of this tract and south right-of-way line of said State Highway No. 29, common with the north line of said 6.15 acre tract, a distance of 624.65 feet, to a 1/2" iron rod found, lying in the west right-of-way line of R.M. Highway No. 3509 (RM 3509), a public road, marking the northeast corner of said 6.15 acre tract, for the northeast corner of this tract;

THENCE, South 11°30'04" East, along the east line of this tract and west right-of-way line of said RM 3509, common with the east line of said 6.15 acre tract, a distance of 159.31 feet, to a 1/2" iron rod found marking an angle corner of said west right-of-way line of RM 3509, common with an angle corner of said 6.15 acre tract, for an angle corner of this tract;

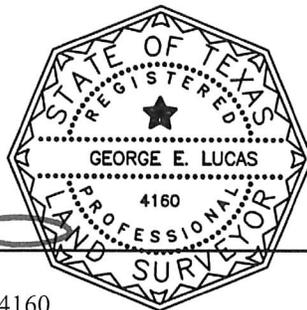
THENCE, South 10°35'39" East, along the east line of this tract and west right-of-way line of said RM 3509, common with the east line of said 6.15 acre tract, a distance of 153.64 feet, to a 1/2" iron rod found, marking the northeast corner of a 0.13 acre tract of land conveyed by Warranty Deed with Vendor's Lien to Orville and Sheryl A. Gilbert, recorded in Document No. 202115487 of the Official Public Records of Burnet County, Texas, common with an angle corner of said 6.15 acre tract, for the southeast corner of this tract;

THENCE, South 79°26'39" West, a distance of 20.00 feet, along the south line of this tract, common with the north line of said 0.13 acre tract, to a calculated point, marking the south corner of this tract;

THENCE, through and across said 6.15 acre tract, along the west and south lines of this tract, the following three (3) courses and distances:

- 1) North 10°35'39" West, a distance of 153.47 feet, to a calculated point, for an angle corner of this tract;
- 2) North 11°30'04" West, a distance of 142.97 feet, to a calculated point, for an interior corner of this tract, and;
- 3) North 89°27'59" West, a distance of 614.84 feet, to a calculated point, lying in the east line of said 2.20 acre Havelka tract, common with the west line of said 6.15 acre tract, for the southwest corner of this tract;

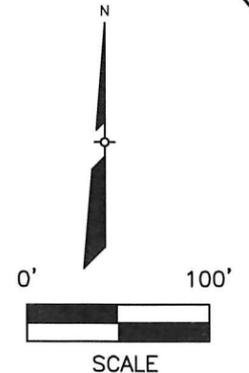
THENCE, North 18°12'26" East, along the west line of this tract, common with the east line of said 2.20 acre tract, common with the west line of said 6.15 acre tract, a distance of 20.99 feet, to the POINT OF BEGINNING, containing 0.42 acres (18,489 SF) of land, more or less.



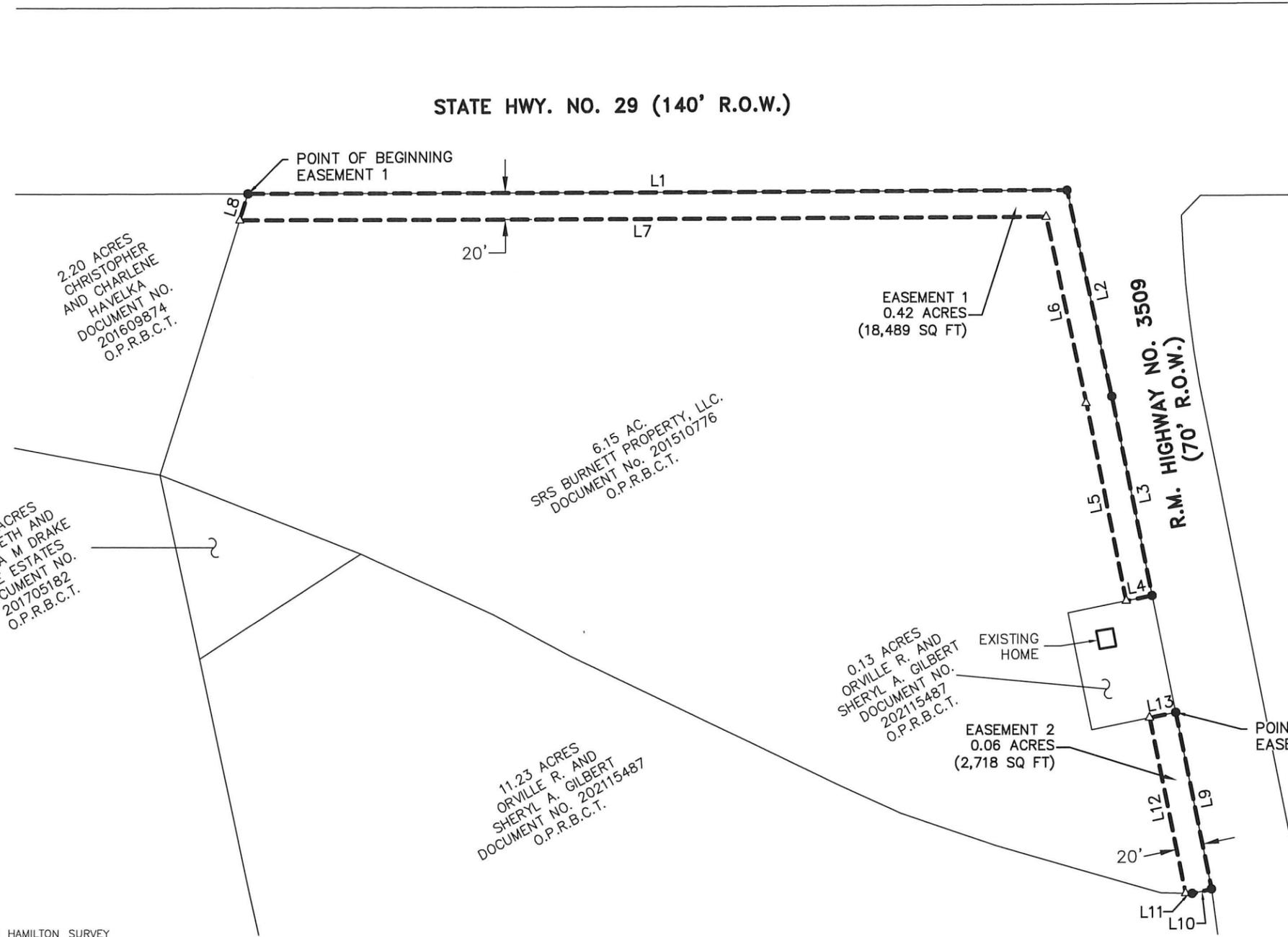
George E. Lucas
Registered Professional Land Surveyor No. 4160
Celco Surveying, Firm Registration No. 10193975
18018 Overlook Loop, Suite 105
San Antonio, Texas 78259
Date: April 28, 2022

SKETCH TO ACCOMPANY FIELD NOTES 20' WIDE UTILITY EASEMENTS

BOUNDARY LINE TABLE		
LINE #	LENGTH	BEARING
L1	624.65'	S89°27'59"E
L2	159.31'	S11°30'04"E
L3	153.64'	S10°35'39"E
L4	20.00'	S79°26'39"W
L5	153.47'	N10°35'39"W
L6	142.97'	N11°30'04"W
L7	614.84'	N89°27'59"W
L8	20.99'	N18°12'26"E
L9	135.82'	S10°38'58"E
L10	15.12'	S78°03'40"W
L11	5.02'	N87°32'01"W
L12	135.05'	N10°38'58"W
L13	20.00'	S79°25'47"W



LEGEND	
●	IRON ROD FOUND
○	IRON ROD SET
⊗	RIGHT-OF-WAY DISC
⊠	CONCRETE MONUMENT
△	CALCULATED POINT
—	BOUNDARY LINE
- - -	EXISTING R.O.W. LINE
· · · · ·	EXISTING LOT LINE
⋯	EXISTING CENTER LINE OF DITCH
- - - - -	EASEMENT



LEGAL DESCRIPTION – EASEMENT 1

BEING A 0.42 ACRE (18,489 S.F.) OF LAND, OUT OF THE JOHN HAMILTON SURVEY NO. 1, ABSTRACT NO. 405 IN BURNET COUNTY, TEXAS, BEING OUT OF THAT CERTAIN 6.15 ACRE TRACT OF LAND CONVEYED BY GENERAL WARRANTY DEED WITH VENDOR'S LEIN TO THE SRS BURNETT PROPERTY, LLC., RECORDED IN DOCUMENT NO. 201510776 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS

LEGAL DESCRIPTION – EASEMENT 2

BEING A 0.06 ACRE (2,718 S.F.) OF LAND, OUT OF THE JOHN HAMILTON SURVEY NO. 1, ABSTRACT NO. 405 IN BURNET COUNTY, TEXAS, LYING WITHIN A 6.15 ACRE TRACT OF LAND CONVEYED BY GENERAL WARRANTY DEED WITH VENDOR'S LEIN TO THE SRS BURNETT PROPERTY, LLC., RECORDED IN DOCUMENT NO. 201510776 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS


 GEORGE E. LUCAS
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4160
 CELCO SURVEYING, FIRM REGISTRATION NO. 10193975
 18018 OVERLOOK LOOP, SUITE 105
 SAN ANTONIO, TX 78259
 OFFICE (512) 635-4857



4-27-2022
DATE

APPENDIX B

Gilbert Easement
(one easement)

Public Utility Easement

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

PUBLIC UTILITY EASEMENT

THE STATE OF TEXAS §
 §
COUNTY OF BURNET §

KNOW ALL PERSONS BY THESE PRESENTS:

DATE:

GRANTOR: **Orville R. and Sheryl Ann Gilbert
509 County Road 340A
Burnet, Burnet County, Texas 78611**

GRANTOR'S MAILING ADDRESS (including County):

GRANTEE: **City of Burnet, Texas**

GRANTEE'S MAILING ADDRESS (including County): **P.O. Box 1369
1001 Buchanan Drive Suite #4,
Burnet, Burnet County, Texas 78611**

CONSIDERATION: One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

PROPERTY: The Property consists of the following:

Being a 0.04 acre (1,796 sq. ft.) tract of land out of the John Hamilton Survey No. 1 Abstract No. 405, being out of that certain 0.13 acre tract of land conveyed by warranty deed with vendor's lien to Orville and Sheryl Ann Gilbert, recorded in Document No. 202115487 in the Official Public Records of Burnet County, Texas, and being more particularly described by metes and bounds and sketch attached hereto as **Exhibit "A"**.

GRANTOR, for the CONSIDERATION paid to GRANTOR, hereby grants, sells, and conveys to GRANTEE, its successors and assigns an exclusive, perpetual easement for all purposes necessary for installing, operating and maintaining any and all desired utility services within said easement, including but not limited to placing, constructing, operating, repairing, maintaining, rebuilding, replacing, relocating and removing or causing to be placed, constructed, operated, repaired, maintained, rebuilt, replaced, relocated and removed structures or improvements reasonably necessary for the supplying of electric, water and/or sanitary sewer service, stormwater drainage and all other utility services deemed necessary by the GRANTEE in, upon, under and across the Property more fully described and as shown in **Exhibit "A"**.

GRANTOR and GRANTOR's heirs, successors, and assigns shall retain the right to use all or part of the

Public Utility Easement

PROPERTY as long as such use does not interfere with GRANTEE's use of the Property for the purposes provided for herein. GRANTEE shall have the right to eliminate any encroachments into the Easement Properties that interfere with GRANTEE's use of the Property for the easement purposes.

TO HAVE AND TO HOLD the above-described Property, together with all and singular the rights and appurtenances thereto in anyway belonging unto GRANTEE, and GRANTEE's successors and assigns forever; and GRANTOR does hereby bind itself, its successors and assigns to **WARRANT AND FOREVER DEFEND** all and singular the easements unto GRANTEE, its successor, and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

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

The remainder of this page is intentionally blank and grantor's signature page follows.

Public Utility Easement
To be effective as of the date first stated above.

GRANTORS:

ORVILLE R. GILBERT

SHERYL ANN GILBERT

By: _____

By: _____

THE STATE OF TEXAS §

§

COUNTY OF BURNET §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Orville R. Gilbert known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the __ day of _____, 2022.

(Personalized Seal)

Notary Public's Signature

THE STATE OF TEXAS §

§

COUNTY OF BURNET §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Sheryl Ann Gilbert known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the __ day of _____, 2022.

(Personalized Seal)

Notary Public's Signature

The remainder of this page is intentionally blank and grantee's signature page follows.

Public Utility Easement

AGREED AND ACCEPTED:
CITY OF BURNET, TEXAS,
a Texas home-rule municipality

By: _____
Crista Goble Bromley, Mayor

THE STATE OF TEXAS §
 §
COUNTY OF BURNET §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State, on this day personally appeared Crista Goble Bromley, mayor of the City of Burnet, Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed and, in the capacity, therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the __ day of _____, 2022.

(Personalized Seal)

Notary Public's Signature

Exhibit A attached.

FIELD NOTE DESCRIPTION FOR A 0.04 ACRE (1,796) TRACT OF LAND, SITUATED IN BURNET COUNTY, TEXAS:

BEING A 0.04 ACRE (1,796) TRACT OF LAND, OUT OF THE JOHN HAMILTON SURVEY NO. 1, ABSTRACT No. 405, BEING OUT OF THAT CERTAIN 0.13 ACRE TRACT OF LAND CONVEYED BY WARRANTY DEED WITH VENDOR’S LIEN TO ORVILLE AND SHERYL A. GILBERT, RECORDED IN DOCUMENT NO. 202115487 OF THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

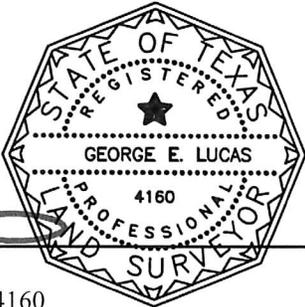
BEGINNING at a 1/2” iron rod found, lying in the west right-of-way line of R.M. Highway No. 3509 (RM 3509), a public road, marking a corner of a 6.15 acre tract of land conveyed by General Warranty Deed with Vendor's Lien to the SRS Burnett Property, LLC., recorded in Document No. 201510776 of the Official Public Records of Burnet County, Texas, for the northeast corner of this tract;

THENCE, South 10°30’50” East, along the east line of this tract and the west right-of-way line of RM 3509, common with the, common with the east line of said 0.13 acre tract, a distance of 89.81 feet, to a 1/2” iron rod found, marking a corner of said 6.15 acre tract, common with the southeast corner of said 0.13 acre tract, for the southeast corner of this tract;

THENCE, South 79°25’47” West, along the south line of this tract, common with a north line of said 6.15 acre tract, common with the south line of said 0.13 acre tract, a distance of 20.00 feet, to a calculated point, for the southwest corner of this tract;

THENCE, North 10°30’50” West, along the west line of this tract, common with the east line of said 6.15 acre tract, and the west line of said 0.13 acre tract, a distance of 89.82 feet, to a calculated point in the north line of said 0.13 tract, common with a south line of said 6.15 acre tract, for the northwest corner of this tract;

THENCE, North 79°26’39” East, along the north line of this tract, common with the north line of said 0.13 acre tract, common with a south line of said 6.15 acre tract, a distance of 20.00 feet, to the POINT OF BEGINNING, containing 0.04 acres (1,796) of land, more or less.



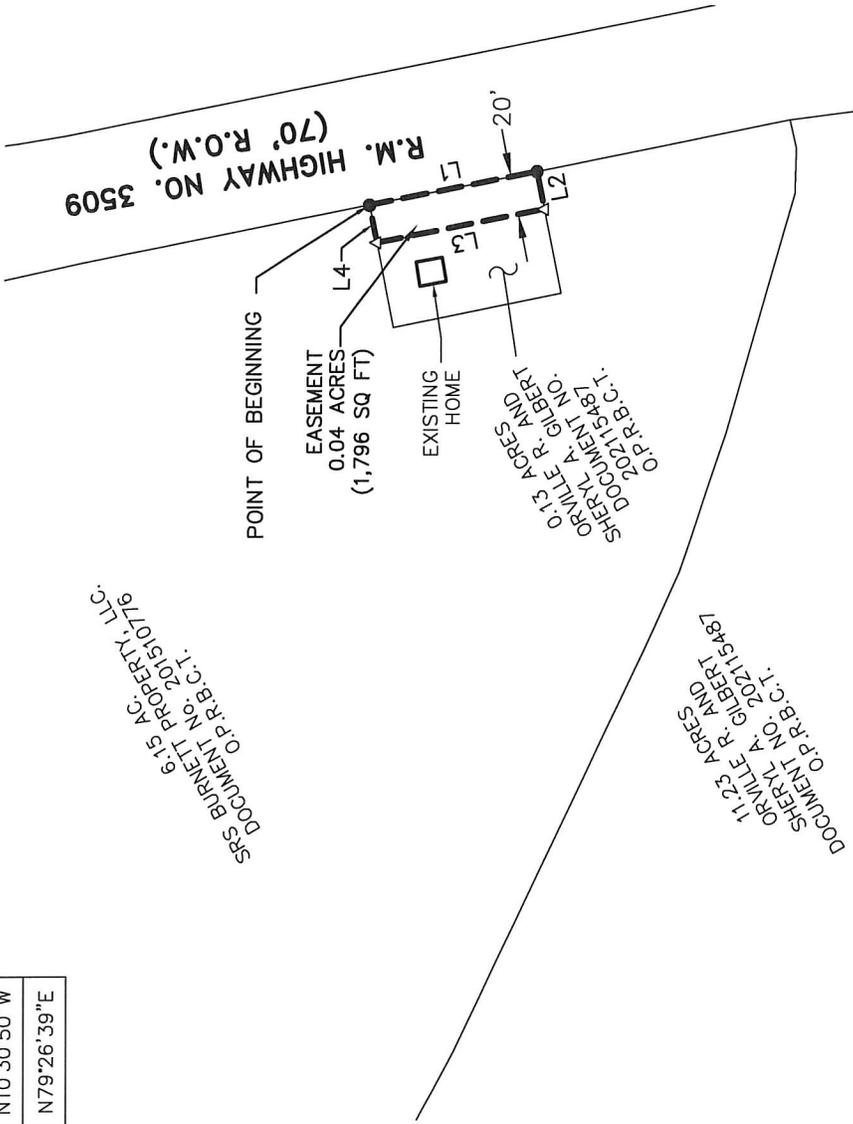
[Handwritten signature]

George E. Lucas
Registered Professional Land Surveyor No. 4160
Celco Surveying, Firm Registration No. 10193975
18018 Overlook Loop, Suite 105
San Antonio, Texas 78259
Date: April 28, 2022

SKETCH TO ACCOMPANY FIELD NOTES 20' WIDE UTILITY EASEMENTS

BOUNDARY LINE TABLE	
LINE #	LENGTH BEARING
L1	89.81' S10°30'50"E
L2	20.00' S79°25'47"W
L3	89.82' N10°30'50"W
L4	20.00' N79°26'39"E

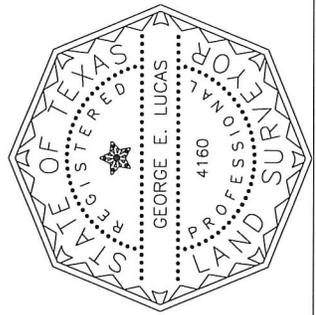
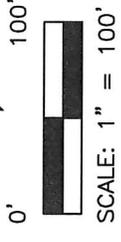
SRS BURNETT PROPERTY, LLC
6.15 AC. P.R.B.C.1.
DOCUMENT NO. 20151076



11.23 ACRES
ORVILLE R. AND
SHERYL A. GILBERT
DOCUMENT NO. 202115487
O.P.R.B.C.1.

LEGEND

- IRON ROD FOUND
- IRON ROD SET
- ⊗ RIGHT-OF-WAY DISC
- CONCRETE MONUMENT
- △ CALCULATED POINT
- BOUNDARY LINE
- - - EXISTING R.O.W. LINE
- ⋯ EXISTING LOT LINE
- ⋯ EXISTING CENTER LINE OF DITCH
- ⋯ EASEMENT



[Signature]
GEORGE E. LUCAS
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4160
CELCO SURVEYING, FIRM REGISTRATION NO. 10193975
18018 OVERLOOK LOOP, SUITE 105
SAN ANTONIO, TX 78259
OFFICE (512) 635-4857

4-27-2022
DATE

LEGAL DESCRIPTION - EASEMENT

BEING A 0.04 ACRE (1,796 S.F.) OF LAND, OUT OF THE JOHN HAMILTON SURVEY NO. 1, ABSTRACT NO. 405, IN BURNETT COUNTY, TEXAS, LYING WITHIN A .13 ACRE TRACT OF LAND CONVEYED BY GENERAL WARRANTY DEED WITH VENDOR'S LIEN TO ORVILLE R. AND SHERYL A. GILBERT RECORDED IN DOCUMENT NO. 202115487 OF THE OFFICIAL PUBLIC RECORDS OF BURNETT COUNTY, TEXAS



Finance

ITEM 4.1

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

Agenda Item Brief

Meeting Date: May 24, 2022

Agenda Item: Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2021-31; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021, AND ENDING SEPTEMBER 30, 2022 FOR THE CITY OF BURNET, TEXAS, FUNDING ACCOUNTS IN BUDGET DUE TO UNFORESEEN SITUATIONS; CONTAINING FINDINGS; PROVIDING FOR SAVINGS AND SEVERABILITY: P. Langford

Background:

Information: This ordinance provides for fiscal year 2021-2022 budget amendments as listed on Attachment "A". Most of the items listed were previously presented to and approved by the City Council.

There has been one change to Ordinance 2022-30 since the first reading on May 10, 2022. Item number twelve has been added to Attachment "A" for ongoing operations of the FBO at the airport.

Fiscal Impact: As noted on Attachment "A".

Recommendation: Approve and adopt Ordinance 2022-30 as presented.

ORDINANCE NO. 2022-30

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2021-31; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021, AND ENDING SEPTEMBER 30, 2022, FOR THE CITY OF BURNET, TEXAS, FUNDING ACCOUNTS IN BUDGET DUE TO UNFORESEEN SITUATIONS; CONTAINING FINDINGS; PROVIDING FOR SAVINGS AND SEVERABILITY.

WHEREAS, the City of Burnet, Texas Fiscal Year 2021-2022 Budget was adopted by Ordinance 2021-31 within the time and in the manner required by State Law; and

WHEREAS, the City of Burnet, Texas has reviewed the Budget; and

WHEREAS, the City Council of the City of Burnet, Texas has considered the status of the Capital Improvement Projects for the rest of the fiscal year; and

WHEREAS, the City Council of the City of Burnet, Texas hereby finds and determines that it is prudent to amend the line items due to unforeseen situations that have occurred in the City; and

WHEREAS, the City Council of the City of Burnet, Texas further finds that these amendments will serve in the public interest; and

WHEREAS, the City Council of the City of Burnet, Texas finds and determines that the change in the Budget for the stated municipal purpose is warranted and necessary, and that the amendment of the Budget to fund these line items due to unforeseen situations and a matter of public necessity warranting action at this time;

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

Section 1. Findings: The facts and matters set out above are found to be true and correct.

Section 2. Purpose: The City of Burnet, Texas, Fiscal Year 2021-2022 Budget is hereby amended to reflect the effect of unforeseen circumstances, as reflected in attachment "A",

Section 3. Savings/Repealing Clause: All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

Section 4. Severability: It is hereby declared to be the intention of the City Council that if any of the sections, paragraphs, sentences, clauses, and phrases of the Ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since

the same would have been enacted by the City Council without the incorporation of this Ordinance of unconstitutional or invalid phrases, clauses, sentences, paragraphs, or sections.

PASSED AND APPROVED the First Reading on this the 10th day of May, 2022.

FINALLY PASSED AND APPROVED on this the 24th day of May, 2022.

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

ATTACHMENT A

1. \$96,000 increase to the General Capital Project Fund budget for the purchase of COVID-19 tests. The cost of the increase is being offset by testing fee revenue that was charged by the Fire department.
2. \$100,000 increase to General Capital Project Fund budget allowing the Police and Fire department to spend donated funds. This cost will be covered by a donation made by the estate of Stella Pelej which generously bequipped a gift of \$50,000.00 to the Burnet Police Department and a gift of \$50,000.00 to the Burnet Fire Department. (Presented at 1/4/22 Council Meeting).
3. \$11,000 increase to General Capital Project Fund budget for the purchase of a new plotter for the Development Services department. The cost will be covered by general fund balance.
4. \$11,000 increase to the General Capital Project Fund budget for the purchase of six laptops primarily purchased for the council to use at the community center. In addition, city hall staff uses the laptops as needed. The cost will be covered by general fund balance.
5. \$22,000 increase to the Airport Capital Fund budget for professional services for the development of Minimum Standards for Commercial Aeronautical Activity and Airport Rules and Regulations (Guiding Documents). The cost will be covered by Airport fund balance. (Presented at 2/22/2022 Council Meeting).
6. \$15,250 increase to the General Capital Project fund budget to cover the price increase to purchase a new track loader for the Street department. The original budget amount was \$140,000. The cost will be covered by fund balance. (Presented at 2/22/22 Council Meeting).
7. \$2,500 increase to the General Fund operating budget for administrative expenses for the new deferred compensation consulting services agreement. The cost will be covered general fund balance. (Presented at 3/22/22 Council Meeting).
8. \$65,000 increase to the General Capital Project Fund budget for engineering department expenses to purchase new design and analysis software. The cost will be covered by general fund balance. (Presented at 4/12/22 Council Meeting).
9. \$14,000 net increase to the Self-Funded Fund budget for the purchase of a new vehicle for the Public Works Director. The \$40,000 budget that was originally approved for the purchase of a Street department vehicle will be transferred to offset this purchase and the remaining \$14,000 will be covered by fund balance. (Presented at 4/12/22 Council Meeting).
10. \$30,000 increase to Water and Wastewater Fund budget, a \$15,000 increase to the Development Services budget, a \$4,000 increase the General Fund Parks department budget, and a \$4,000 increase to the General Fund Streets department budget for salaries and benefits. This is to properly allocate the Director of Public Works salary for the remainder of the fiscal year which was previously being funded from the Electric Fund. The costs will be covered by the fund's operations.
11. \$52,500 increase to the Water and Wastewater Fund and a \$13,000 increase to the Electric Fund budget for salaries and benefits, to properly allocate the Engineer and the

future Project Manager's salaries for the remainder of the fiscal year. The costs will be covered the fund's operations.

12. \$100,000 increase to Airport Fund expenses for personnel, supplies, and equipment purchases related to the ongoing operations of the FBO (fixed base operator). The personnel costs will be covered by the fund's operating revenues and equipment and supplies will be covered by airport fund balance.



Administration

ITEM 4.2

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

Action Item

- Meeting Date:** May 24, 2022
- Agenda Item:** Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 74 (ENTITLED "PARKS AND RECREATION") BY ESTABLISHING A NEW SECTION 74.11 (ENTITLED "ANIMALS IN CITY PARKS"); PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: H. Erkan
- Background:** It has been reported that horseback riders using Hamilton Park have allowed their horses to defecate in the park. This has caused a health issue for other patrons in the park and a maintenance headache for city staff.
- Information:** This Ordinance will prohibit horseback riding in city parks, except for City sponsored or approved events. Moreover, the Ordinance protects ducks, fish, and other indigenous animals from harassment (but does not prohibit fishing activities in Hamilton Creek Park conducted in compliance with applicable state and city laws and regulations. The Ordinance provides that dogs are welcomed in the park provided the dogs are leashed, vaccinated and licensed. The Ordinance requires dog owners to clean up after their dog's "accidents." The Ordinance prohibits all other animals, except dogs, and horse for city sponsored or approved events, to be brought to city parks.
- Fiscal Impact** This Ordinance will have a positive impact on the city budget as park crews will no longer be required to clean-up after horses.
- Recommendation:** Pass and approve First reading of Ordinance No. 2002-31 as presented.

ORDINANCE NO. 2022-31

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 74 (ENTITLED "PARKS AND RECREATION") BY ESTABLISHING A NEW SECTION 74.11 (ENTITLED "ANIMALS IN CITY PARKS"); PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, City Council has established city parks for the benefit and enjoyment of the community; and

WHEREAS, City Council adopted City Code Chapter 74, to provide park operational rules and regulations to ensure City parks are provide a positive recreational experience; and

WHEREAS, it has been reported to City Council that defecation left by horses ridden in Hamilton Creek Park has caused consternation to other park goers and staff; and

WHEREAS, City Council adopts this Ordinance to prohibit horseback riding in city parks and to address other matters related to animals in city parks; 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. Amendment. The Code of Ordinances, Chapter 74 (entitled "*Parks and Recreation*") is hereby amended by adding a new Section 74-11 (entitled "*Animals in City Parks*") to read as follows:

Sec. 74-11 - Animals in City Parks.

(a) *Ducks, fish, and indigenous animals residing in the park.*

- (1) Except as provided in subsection (2) or (3) immediately below, it is unlawful to kill, injure, harass, or remove any duck, or other species of wild bird or any indigenous mammal, amphibian, or reptile inhabiting a City Park.

- (2) Fishing is permitted in Hamilton Creek Park, subject to compliance with all state and city laws and regulations.
 - (3) Upon authorization of the City Manager, a City employee or agent may take reasonable and necessary action to remove or eradicate animals presenting a potential danger to the public or a City Park's ecosystem.
- (b) *Dogs.* Dogs are allowed in City Parks subject to the following:
- (1) Dogs must be on a leash at all times while in a City Park.
 - (2) Any person walking a dog is responsible for the animal(s) at all times and shall have the animal(s) under control at all times while in a City Park.
 - (3) All dogs must have a valid license and current vaccinations; and must wear a collar with vaccinations and license tags.
 - (4) It shall be unlawful to bring a dog into a City Park showing aggressive behavior towards people or other animals.
 - (5) It shall be unlawful to bring a dog into a City Park and permit or allow the dog to defecate therein unless the owner or the person having control or custody of the dog immediately removes, and properly disposes of the feces.
- (c) *Equine.*
- (1) Except as provided in subsection (2) immediately below, horseback riding shall be unlawful in any City Park.
 - (2) Horseback riding may be allowed in a City Park provided the activity is associated with a City sponsored or approve event, and City Council explicitly authorized horseback riding in a City Park or City Parks by ordinance, resolution, or minute order.
- (d) *Other domesticated, indigenusness, or exotic animals.* Except as provided in subsections (b) and (c) above it shall be unlawful for any person to bring any species of domesticated indigenusness, or exotic animals into any City Park.

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

Section four. 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 five. 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 six. 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 seven. 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 eight. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof and publication as required by law.

Passed on first reading on the 24th day of May, 2022

Passed, Approved and Adopted on the 14th day of June, 2022

CITY OF BURNET

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

ORDINANCE NO. 2022-31

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 74 (ENTITLED "PARKS AND RECREATION") BY ESTABLISHING A NEW SECTION 74.11 (ENTITLED "ANIMALS IN CITY PARKS"); PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES;

PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, City Council has established city parks for the benefit and enjoyment of the community; and

WHEREAS, City Council adopted City Code Chapter 74, to provide park operational rules and regulations to ensure City parks are provide a positive recreational experience; and

WHEREAS, it has been reported to City Council that defecation left by horses ridden in Hamilton Creek Park has caused consternation to other park goers and staff; and

WHEREAS, City Council adopts this Ordinance to prohibit horseback riding in city parks and to address other matters related to animals in city parks; 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. Amendment. The Code of Ordinances, Chapter 74 (entitled "*Parks and Recreation*") is hereby amended by adding a new Section 74-11 (entitled "*Animals in City Parks*") to read as follows:

Sec. 74-11 - Animals in City Parks.

- (e) *Ducks, fish, and indigenous animals residing in the park.*
 - (4) Except as provided in subsection (2) or (3) immediately below, it is unlawful to kill, injure, harass, or remove any duck, or other species of wild bird or any indigenous mammal, amphibian, or reptile inhabiting a City Park.
 - (5) Fishing is permitted in Hamilton Creek Park, subject to compliance with all state and city laws and regulations.
 - (6) Upon authorization of the City Manager, a City employee or agent may take reasonable and necessary action to remove or eradicate animals presenting a potential danger to the public or a City Park's ecosystem.

- (f) *Dogs.* Dogs are allowed in City Parks subject to the following:
- (6) Dogs must be on a leash at all times while in a City Park.
 - (7) Any person walking a dog is responsible for the animal(s) at all times and shall have the animal(s) under control at all times while in a City Park.
 - (8) All dogs must have a valid license and current vaccinations; and must wear a collar with vaccinations and license tags.
 - (9) It shall be unlawful to bring a dog into a City Park showing aggressive behavior towards people or other animals.
 - (10) It shall be unlawful to bring a dog into a City Park and permit or allow the dog to defecate therein unless the owner or the person having control or custody of the dog immediately removes, and properly disposes of the feces.
- (g) *Equine.*
- (1) Except as provided in subsection (2) immediately below, horseback riding shall be unlawful in any City Park.
 - (2) Horseback riding may be allowed in a City Park provided the activity is associated with a City sponsored or approved event, and City Council explicitly authorized horseback riding in a City Park or City Parks by ordinance, resolution, or minute order.
- (h) *Other domesticated, indigenous, or exotic animals.* Except as provided in subsections (b) and (c) above it shall be unlawful for any person to bring any species of domesticated indigenous, or exotic animals into any City Park.

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

Section four. 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 five. 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 six. 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 seven. 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 eight. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof and publication as required by law.

Passed on first reading on the 24th day of May, 2022

Passed, Approved and Adopted on the 14th day of June, 2022

CITY OF BURNET

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

Abandoned, junked, and the towing and impoundment of, vehicles



Administration

ITEM 4.3

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

Action Item

Meeting Date: May 24, 2022

Agenda Item: Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AMENDING THE CODE OF ORDINANCES CHAPTER 106 (ENTITLED "TRAFFIC AND VEHICLES") BY AMENDING AND RETITLING ARTICLE V AS "ABANDONED, JUNKED, AND THE TOWING AND IMPOUNDMENT OF, VEHICLES"; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, CORRELATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: H. Erkan

Background: The regulation of abandoned and junk vehicles is found in Chapter 106, Article V of the City Code. The current regulations place the authority to hear appeals with the City Council and provides that City Council will establish rules of procedure for processing and hearing appeals. Staff has been unable to find such rules have been established. Additionally, Article V's only reference to "Abandoned Vehicles" is found in the definition section of the article.

Information: As authorized by Texas Transportation Code, Chapter 683, Subchapter E, this ordinance designates any peace officer, except the Chief of Police, or code enforcement officer as the Enforcement Authority and delegates the authority to hear junk vehicle appeals to the Chief of Police. In addition, the ordinance establishes rules of procedure regarding pre-hearing, hearing, and post hearing matters.

This ordinance authorizes the Enforcement Authority to seize abandoned vehicles in the manner prescribed by to remove abandoned Texas Transportation Code, Chapter 683, Subchapter E.

And, finally, this ordinance provides regulations related to City initiated tow of vehicles. The ordinance only addresses the process to be used for a city initiate tow. The actual authority to tow a junk and abandoned vehicles is stated in Divisions III and IV of Article V. The authority to tow vehicles unlawfully parked on City property is found in Article III of Chapter 106.

Fiscal Impact: No fiscal impact is anticipated from the adoption of this ordinance.

Recommendation: Pass, and approve the first reading of Ordinance No. 2022-32 as presented.

ORDINANCE NO.2022-32

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AMENDING THE CODE OF ORDINANCES CHAPTER 106 (ENTITLED “TRAFFIC AND VEHICLES”) BY AMENDING AND RETITLING ARTICLE V AS “ABANDONED, JUNKED, AND THE TOWING AND IMPOUNDMENT OF, VEHICLES”; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, CORRELATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, City Council finds that the storage or parking of junked or abandoned in public view is a detriment to the quality of life of the citizens of Burnet by causing visual blight, being a potential cause of vehicular accidents and criminal activity, and eroding the integrity of the city’s neighborhoods and environs; and

WHEREAS, Texas Transportation Code, Chapter 683, Subchapter B, establishes regulations and procedures a municipality may use to regulate “Abandoned Vehicles”; and

WHEREAS, Texas Transportation Code, Chapter 683, Subchapter E, establishes regulations and procedures a municipality may use to regulate “Junk Vehicles”; and

WHEREAS, City Council desires to codify procedures for towing and impoundment of unlawfully parked and abandoned vehicle, as well as vehicles obstructing public streets; and

WHEREAS, City Council in accordance with said statutory authority and the city’s inherent home rule powers adopted regulations abandoned and junked, codified as City Code Chapter 106, Article V; and,

WHEREAS, City Council deems it appropriate and necessary, for the promotion of the public health, safety, and general welfare, to amend City Code Chapter 106 in order to designate the Chief of Police as the Junked Vehicle Hearing Officer and to make other revisions thereto as provided herein; 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.

Abandoned, junked, and the towing and impoundment of, vehicles

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

Section one. 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 two. Amendment. The Code of Ordinances, Chapter 106 (entitled “Traffic and Vehicles”) is hereby amended by retitling Article V as “Abandoned and Junked Vehicles”) and replacing the existing language in said Article in its entirety with the language contained within Exhibit “A” attached hereto and incorporated herein for all purposes as if fully set forth herein.

Section three. Penalty. A violation of this ordinance is unlawful and subject to the penalties prescribed herein.

Section four. 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 the more restrictive provision shall apply.

Section five. 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 six. 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.

Abandoned, junked, and the towing and impoundment of, vehicles

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

Passed and approved on first reading on the 24th day of May 2022

Passed, approved and adopted on the 14th day of June 2022

CITY OF BURNET

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

The remainder of this page intentionally blank and Attachment "A" follows.

EXHIBIT A

ARTICLE V – ABANDONED, JUNKED, AND THE TOWING AND IMPOUNDMENT OF, VEHICLES.

Division One. Generally.

Sec. 106-121 – Purpose. The purpose of this Article is to protect the general welfare, health, and safety of the public by providing rules and regulations addressing Abandoned and Junk Vehicles and by authorizing the towing and or impoundment of any vehicles found standing or parked in violation of any city ordinance, or any vehicle that may be abandoned or left in any public place, or any wrecked or disabled vehicle that constitutes a traffic hazard.

Sec. 106-122. Definitions

In this Article, the terms in bold italics (***bold italics***) have the meanings ascribed to them below:

Abandoned Vehicle means a motor vehicle that is either:

- (a) inoperable, more than five years old, and has been left unattended on public property for more than 48 hours;
- (b) has remained illegally on public property for more than 48 hours;
- (c) remained on private property without the consent of the owner or person in charge of the property for more than 48 hours;
- (d) has been left unattended on the right-of-way of a designated county, state, or federal highway for more than 48 hours;
- (e) has been left unattended for more than 24 hours on the right-of-way of a turnpike project constructed and maintained by the Texas Turnpike Authority division of the Texas Department of Transportation or a limited-access or controlled-access highway (as defined in State Code Section 541.302); or
- (f) is considered an abandoned motor vehicle under State Code Section 644.153(r).

Note: State law source: Tex. Transp. Code § 683.002

Antique Vehicle means a passenger car or truck that is at least 25 years old.

Appellee means a Notice Recipient who timely requests a hearing before the Hearing Officer.

Enforcement Authority means any peace officer or code enforcement officer employed by the City; but shall not be the City's Chief of Police or person designate by the Chief of Police to be the Hearing Officer.

City Secretary means the City Secretary of the City of Burnet, or his or her designee.

Hearing Officer means the City's Chief of Police or his or her designee.

Inoperable means a vehicle that is in such condition at the time of inspection, that it is no longer usable for the purpose for which it was manufactured, regardless of the potential for repair or restoration. If the vehicle is wrecked, dismantled, or partially dismantled it is presumed to be inoperable.

Junked vehicle means a vehicle that is self-propelled or was manufactured to be self-propelled, or any part thereof, in ordinary public view, which remains inoperable for a continuous period of ten (10) days.

Mail means United States Postal Service certified mail with a five-day return request; or United States Postal Service mail with signature confirmation service.

Motor Vehicle Collector means a person who owns one or more antique or special interest vehicles and who collects, purchases, acquires, trades, or disposes of special interest or antique vehicles or parts of them for his own use in order to restore, preserve, and maintain an antique or special interest vehicle for historic interest.

Motor Vehicle Demolisher means any person in the business of converting motor vehicles into processed scrap or scrap metal, or to otherwise wreck or dismantle motor vehicles.

Notice means a written statement to abate a Public Nuisance described in **City Code Section 116-143**.

Notice Recipient means a party who is sent notice by the Enforcement Administrator under this Section.

Public Nuisance means a Junked Vehicle.

Real Property Owner/Occupant means the owner or occupant of the real property on which a junked vehicle is located; or, if the junked vehicle is located on public property, the owner or occupant of the real property adjacent to the public property on which the junked vehicle is located.

Abandoned, junked, and the towing and impoundment of, vehicles

Special Interest Vehicle means a motor vehicle of any age which has not been altered or modified from original manufacturer's specifications and, because of its historic interest, is being preserved by a hobbyist.

State Code means the Texas Transportation Code, as same may be amended, revised, or recodified from time to time.

Storage Facility means a garage, parking lot, or any type of facility or establishment for the servicing, repairing, storing, or parking of motor vehicles.

Vehicle Owner means the vehicle's owner of record.

Sec. 106-123 *Offense*

- (a) A person commits an offense if the person causes a vehicle to either become an Abandoned Vehicle, or a Junked Vehicle.
- (b) An offense under this section is a misdemeanor punishable by a fine not to exceed Five Hundred and No/100 Dollars (\$500.00). In the event, a defendant has once previously been convicted under this article; the defendant shall be fined an amount not less than One Hundred and No/100 Dollars (\$100.00) for each conviction thereafter. Each day a violation is permitted to exist shall constitute a separate offense.
- (c) The enforcement of this Section by Abatement Proceedings or by criminal fine are not exclusive remedies. The City may impose both Abatement Proceedings and criminal prosecution against a violator; and, avail itself to such other remedies as are available under law or equity.

Sec. 106-124 *Conflict with other laws*

- (a) This Article does not affect a law authorizing the immediate removal of a vehicle left on public property that is an obstruction to traffic.
- (b) The authority to take possession of Abandoned or Junk Vehicles, and the procedures relating thereto, as adopted under this Article are to be construed in a manner consistent with the laws of the State of Texas. If the provisions or procedures adopted by the city should conflict with the laws of the State of Texas, the laws of the State of Texas shall control.

Secs. 116-124 through 116-130 are reserved.

Division Two. Abandoned vehicles.

Sec. 116-131 *Seizure, auction, storage, and demolition of an abandoned vehicles*

Abandoned, junked, and the towing and impoundment of, vehicles

The Enforcement Administrator may take any and all actions authorized in State Code Chapter 683, including contracting for services, equipment, or facilities to remove and dispose of an Abandoned Vehicle in accordance with Division Four herein.

Secs. 116-132 through 116-140 are reserved.

Division Three Junked Vehicle.

Sec. 116 – 141. *Junked Vehicles declared a Public Nuisance*

It is hereby declared that a Public Nuisance is create by a Junked Vehicle, including a part of a Junked Vehicle, that is visible at any time of the year from a public place or public right-of-way, and said Junked Vehicle, or part thereof:

- (a) Is detrimental to the safety and welfare of the public;
- (b) Tends to reduce the value of private property;
- (c) Invites vandalism;
- (d) Creates a fire hazard;
- (e) Is an attractive nuisance creating a hazard to the health and safety of minors; or
- (f) Produces urban blight adverse to the maintenance and continuing development of the city.

Sec. 116-142 *Defenses*

It is a defense to the application of this Article that a vehicle or vehicle part is:

- (a) completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or
- (b) is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or that is an Antique or Special Interest Motor Vehicle or part thereof stored by a Motor Vehicle Collector on the collector's property, provided that the vehicle or part and the outdoor storage area, if any, are:
 - (1) maintained in an orderly manner;
 - (2) do not constitute a health hazard, and
 - (3) screened from ordinary public view by means of a fence that is consistent with building regulations and zoning requirements applicable to the property.

Sec. 116-143 *Notice to abate Public Nuisance*

Service of Notice of a Public Nuisance shall be given as provided in this Section as follows:

- (a) An Enforcement Officer shall serve the Abatement Notice by hand delivery to the Vehicle Owner and the Real Property Owner/Occupant. If the Vehicle Owner and Real Property Owner/Occupant are one and the same only one notice shall be required.
 - (1) If service by hand deliver to the Vehicle Owner is not possible the notice shall be served by Mail to the Vehicle Owner's last known address and placed conspicuously on the Vehicle.
 - (2) If service by hand deliver to the Real Property Owner/Occupant is not possible the notice shall be served by Mail to the Real Property Owner/Occupant's last known address and placed on the front door of the main structure on the property and if the property is undeveloped conspicuously stake in the ground so it is visible from the street.
- (b) The notice must include:
 - (1) A statement as to the nature of the Public Nuisance;
 - (2) An order that the Vehicle Owner or the Real Property Owner/Occupant abate the nuisance no later than ten days after the date the Notice was delivered;
 - (3) A description of the right to request a hearing before the expiration of the ten-day period; and
 - (4) A statement of the consequences for failing to abate the nuisance or timely request a hearing.
- (c) A Notice Recipient may request a hearing to contest the Enforcement Officer's determination. The hearing request must be made to the City Secretary not later than the tenth day after the date the Notice is delivered. The request shall be in writing without the requirement of bond.

Sec. 116-144 *Abatement Proceedings*

- (a) With the delivery of the Notice, Abatement Proceedings commence.
- (b) Once Abatement Proceedings have commenced, the relocation of the Public Nuisance to another location in the city has no effect on the proceedings.
- (c) A Public Nuisance removed under these Abatement Proceedings may not be reconstructed or made operable.

Sec. 116-145 *Abatement Public Hearing Not Requested*

- (a) On or after the eleventh day after the commencement of Abatement Proceedings the Enforcement Administrator shall inquiry with the City Secretary and verify no hearing was requested. Upon such verification, and verification the Notice Recipient did not abate the Public Nuisance, the Enforcement Administrator shall report same to the Hearing Officer.
- (b) If Notice was served by Mail, and the Notice was returned as undeliverable, the Enforcement Administrator shall include such information in his or her report to the Hearing Officer. In such instance the Hearing Officer shall verify the Mail was addressed in accordance with the requirements of City Code Section **116-143(a)(1)** and **(2)**
- (c) Upon the Hearing Officer's verification that Notice was properly delivered and the time to request a hearing expired, the Hearing officer may issue an Order to abate the Public Nuisance pursuant to **City Code Section 116-147.**

Sec. 116-146 *Hearing*

- (a) If timely requested by a Notice Recipient, the City Secretary shall schedule the Hearing not earlier than the eleventh day after the date of delivery of Notice. The City Secretary shall provide written notice of the date, time, and location of the Hearing to the Appellee. The date of the Hearing may be rescheduled one time on the request of an Appellee; provided if both the Vehicle Owner and the Real Property Owner/Occupant request a hearing the City Secretary shall give the Vehicle Owner preference when setting the date of the Hearing.
- (b) The Hearing Officer shall conduct the Hearing as summarily and informally as due process and orderly procedure will allow; and, in a manner, consistent with the following:
 - (1) In accordance with State Code Section 683.076(c) the Junked Vehicle is presumed to be inoperable, unless demonstrated otherwise by the owner.
 - (2) The Enforcement Officer and Appellee shall each be given up to thirty minutes to present their case. The Hearing Officer may extend such time equally if he or she feels such additional time is necessary to make a just and impartial decision.
 - (3) Neither the Enforcement Officer nor the Appellee may cross examine the other; but the Hearing Officer shall ask such questions of both he or she finds reasonably necessary to make a just and impartial decision.

- (4) At the conclusion of the Hearing the Hearing Officer shall render a decision.
- (5) Should the Hearing Officer determine that a question of law arises during the Hearing he or she may continue the hearing, for no more than 30 days in order to consult with the City Attorney before rendering a decision.

Sec. 116-147 *Hearing Officer Order*

- (a) Upon rendering a decision, the Hearing Officer shall enter a written order and copies shall be given by hand at the Hearing, or by mail within five business days of the hearing, to Appellee, Enforcement Officer. and City Secretary.
- (b) The Order shall become final as of the date of issuance.
- (b) The Order shall include the following information:
 - (1) For a motor vehicle, the vehicle's description, VIN Number and license plate number
 - (2) For an aircraft, the aircraft's description, federal aircraft identification number as described in 14 C.F.R. Part 47; and
 - (3) For a watercraft, the watercraft's description; and identification number as set forth in the watercraft's certificate of number.
- (c) On a finding affirming the Enforcement Administrator's determination that a Junked Vehicle is a Public Nuisance, the Hearing Officer shall order the Notice Recipient to remove the Junked Vehicle and abate the Public Nuisance; and, further order that if the Public Nuisance is not abated within the thirty-day Judicial Appeal period prescribed in **City Code Section 116-148** the Enforcement Administrator shall take action to abate the Public Nuisance.

Section 116.148 **Judicial Appeal.**

- (a) Any party aggrieved by an Order of the Hearing Officer shall have 30 days after the date the date the Order is issued to appeal the Order to a court of competent jurisdiction.
- (b) All abatement actions by the City shall be stayed until the thirty-first day after the date the Order was issued; or, if an appeal is perfected, until such

time a decision upholding the Order, or dismissing the appeal, by the court becomes final.

Section 116.149 Disposal of Junked Vehicles

- (a) Upon the finality of an Order under this Article:
 - (1) a Junked Vehicle declared a Public Nuisance or part thereof may be disposed of by removal to a scrapyards, a motor vehicle demolisher, or any suitable site operated by the City, for processing as scrap or salvage pursuant to authority provided in the State Code, § 683.078 or any successor statute for junked vehicle disposal;
 - (2) the Enforcement Administrator shall give notice to the Texas Department of Motor Vehicles of the removal no later than the 5th day after removal; and
 - (3) the Junked Vehicle may not be reconstructed or made operable after removal.

Sec. 116.150 through 106.160 is reserved.

Division IV – Towing and Impoundment of Vehicles.

Sec. 106.161 – Enforcement. Any police officer or persons duly authorized and acting under and by authority and direction of any member of the police department may order the tow and/or impoundment of a vehicle in violation of this Division.

Sec. 106.162 – Violating Vehicles. A vehicle is in violation of this Division and subject to being immediately towed and or impounded if the vehicle is found to be:

- (a) standing or parked in violation of any city ordinance where “no parking” signs are authorized in said ordinance and posted in accordance with said ordinance; or
- (b) abandoned as defined in **Division I of this Article**; or
- (c) is wrecked or disabled and constitutes a traffic hazard on a public street or highway.

Sec. 106.163 – Procedures.

Abandoned, junked, and the towing and impoundment of, vehicles

- (a) Any vehicle found in violation of this Division shall be immediately removed and impounded in such storage facility that may be authorized by the City Manager for such purpose.
- (b) Any vehicle towed and/or impounded shall be retained and held by the storage facility operator until all charges for towing and storage described in **Section 106-164** have been paid in full.
- (c) Notice of impoundment of Abandoned Vehicles shall be in the manner prescribed in State Code 683.012

Sec. 106.164 – Authorized Fees. Fees for each vehicle taken into the control and custody of the police department or its duly authorized operator shall be collected by the police department before the impounded vehicle is released. Said fees are stated in the Fee Schedule incorporated in this Article as **Appendix A**.

Sec. 106.165 - Release of impounded vehicles.

(a) Impounded motor vehicles shall be released by the police department or the operator of the police department's vehicle storage facility, after payment is made of any towing or storage charges or fees, only upon receipt of one (1) of the following:

- (1) Submission of certificate of title or other satisfactory proof that the person applying for the release is the owner of the vehicle.
- (2) Submission of the certificate of title and of a current power of attorney duly executed by the owner requesting release to the person named therein and presenting same.
- (3) Release of impounded vehicle to lienholder. A motor vehicle which has not been claimed by the owner after ten (10) days of impoundment (including the day the vehicle arrived at the storage facility) and after the mortgage note is thirty (30) days delinquent, shall be released to the claimant identifying himself as lienholder or agent of the lienholder named on the certificate of title upon the submission of a surety bond, from a firm authorized by the Texas Department of Insurance to provide such surety, and which maintains a physical office in this state, and which shall indemnify, save and hold harmless the city from all damage, liability, costs, attorney's fees, expenses, actions, judgments and special proceedings that may arise, accrue or be brought against the city by reason of releasing the vehicle to the bonded vehicle claimant, up to the amount of the bond, and upon payment of towing charges and storage fees. The form of the surety bond must be approved by the City Attorney and shall be in either the original mortgage amount of the vehicle or an amount equal to the current National Automobile Dealers Association book value plus ten (10) percent. A separate indemnification agreement shall be signed by the vehicle claimant who appears at the vehicle storage facility to take possession of the vehicle, and said claimant shall identify himself or herself as the lienholder or the lienholder's agent, and shall state that said claimant holds the City of Burnet harmless and fully indemnified against any claims of loss of property which may arise out of the release of the vehicle.

The surety bond shall include a statement that: (i) the title owner is in default of his mortgage contract by virtue of being delinquent in a scheduled payment by at least thirty (30) days, that the person

named in the bond is the lienholder or the legal agent of the lienholder being bonded, that the named lienholder has paramount right of possession of the vehicle, and is legally entitled to repossess same, or (ii) the title owner is in default of his mortgage contract by virtue of the seizure of the mortgaged vehicle by peace officers who have identified it as contraband and subject to confiscation under Chapter 59 of the Code of Criminal Procedure, thus entitling the lienholder to exercise a contractual right of repossession to preserve the mortgage collateral.

The signatory of the indemnification agreement and the surety bond, if signing as agent for a principal or as agent for or officer of a corporation, shall certify in writing and under oath before a notary public that he or she has full authority to execute the document on behalf of the corporation.

- (b) Nothing herein shall prevent the release of any motor vehicle by any person upon the service of an order or judgment directing such release by a court of competent jurisdiction.

- (1) **Impound Fee.** An Impound Fee in the amount of **\$000.00** shall be imposed at the time of impoundment of a vehicle.

- (2) **Notification Fee.** A notification fee in the amount of \$00.00 shall be imposed on the registered owner to notify the registered owner and the primary lien holder that said vehicle will be sold at auction if the vehicle is not retrieved by the vehicle owners within a designated period of time and such other information as required by law.

- (3) **Tow Fee.**

- (4) **Storage fees.** Storage fees.

Note: Pre-notice storage fees may only be charged for ten days. Once notice is sent post-notice storage fees can be charged until the vehicle is returned to owner.



Delaware Springs Golf Course

ITEM 4.3

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

Action Item

- Meeting Date:** May 24, 2022
- Agenda Item:** Discuss and consider action: A contract with Austin Turf and Tractor for equipment purchases for Delaware Springs Golf Course: T. Nash
- Background:** This agenda item is in reference to equipment for the golf course. The equipment will take the place of resodding collars and tees and will be used to maintain them yearly.
- Information:** Below is an itemized list of the equipment Attached is the quote prepared by Austin Turf and Tractor through the National Buy Board Contract #611-20 for the new equipment.
- (1) Wiedenmann Super 600 Multipurpose Fraise, Verticut and Vacuum Mower (1 each)
 - (2) Wiedenmann S Trac 720 Fraise Mower (1 each)
- Fiscal Impact:** The total cost for all the equipment is \$ 71,190.06. This is a budgeted purchase.
- Recommendation:** Staff recommends approval of the quote prepared by Austin Turf and Tractor through the National Buy Board Contract #611-20 for the purchase of the new equipment.

New Golf Course Equipment

WIEDENMANN

- Super 600 Multi Purpose Fraise, Verticut, and Vacuum Mower.
- S Trac 720 power Unit.



COST

- S Trac 600 Multipurpose Fraise, Verticut, Vacuum mower
 - \$51,311.06
 - S Trac 720 Fraise Mower
 - \$19,879.00
- Total - \$71,190.06





COST COMPARISON

Sod \$63,020.40

Labor \$98,250.72

Total \$161,271.12

FUNDED

Land sale to Jordan Shipley.

-

Question

Quote Id: 26661060

Prepared For:
DELAWARE SPRINGS GOLF COURSE



Prepared By: **Charlie Thames**

Austin Turf & Tractor
809 Steve Hawkins Pkwy
Marble Falls, TX 78654

Tel: 830-693-6477
Fax: 830-693-7791
Email: charlie.thames@austinturf.com

Quote Summary

Prepared For:
 DELAWARE SPRINGS GOLF COURSE
 600A DELAWARE SPRINGS BLVD
 BURNET, TX 78611
 Business: 512-756-8471

Prepared By:
 Charlie Thames
 Austin Turf & Tractor
 809 Steve Hawkins Pkwy
 Marble Falls, TX 78654
 Phone: 830-693-6477
 charlie.thames@austinturf.com

BUYBOARD #: 611-20

Quote Id: 26661060
Created On: 10 May 2022
Last Modified On: 18 May 2022
Expiration Date: 30 June 2022

Equipment Summary	Selling Price	Qty	Extended
WIEDENMANN Super 600 Multipurpose Type	\$ 51,311.06 X	1 =	\$ 51,311.06
Equipment Total			\$ 51,311.06

Quote Summary	
Equipment Total	\$ 51,311.06
SubTotal	\$ 51,311.06
Sales Tax - (0.00%)	\$ 0.00
Est. Service Agreement Tax	\$ 0.00
Total	\$ 51,311.06
Down Payment	(0.00)
Rental Applied	(0.00)
Balance Due	\$ 51,311.06

Salesperson : X _____

Accepted By : X _____

Quote Id: 26661060

Customer: DELAWARE SPRINGS GOLF COURSE

WIEDENMANN Super 600 Multipurpose Type

Hours: 0

Stock Number:

Code	Description	Qty
275 00 43	SUPER 600 MULTI PURPOSE TYPE Turf Sweeper with high performance and easy operation for professional users. For sweeping, verticutting, flail type mowing, or leaf collection.	1
Standard Options - Per Unit		
123 00 08	Set of flail blades	1
275 99 10	Operator Parts Manual	1
275 99 90	Parts Manual	1
Other Charges		
	Freight	1





Quote Summary

Prepared For:
DELAWARE SPRINGS GOLF COURSE
600A DELAWARE SPRINGS BLVD
BURNET, TX 78611
Business: 512-756-8471

Prepared By:
Charlie Thames
Austin Turf & Tractor
809 Steve Hawkins Pkwy
Marble Falls, TX 78654
Phone: 830-693-6477
charlie.thames@austinturf.com

BUYBOARD #: 611-20

Quote Id: 26713971
Created On: 17 May 2022
Last Modified On: 18 May 2022
Expiration Date: 30 June 2022

Equipment Summary	Selling Price	Qty	Extended
WIEDENMANN STrac 720	\$ 19,879.00 X	1 =	\$ 19,879.00
Equipment Total			\$ 19,879.00

Quote Summary

Equipment Total	\$ 19,879.00
SubTotal	\$ 19,879.00
Sales Tax - (0.00%)	\$ 0.00
Est. Service Agreement Tax	\$ 0.00
Total	\$ 19,879.00
Down Payment	(0.00)
Rental Applied	(0.00)
Balance Due	\$ 19,879.00

Salesperson : X _____

Accepted By : X _____



JOHN DEERE

Selling Equipment



Austin
TURF & TRACTOR

Quote Id: 26713971

Customer: DELAWARE SPRINGS GOLF COURSE

WIEDENMANN STrac 720

Hours: 0

Stock Number:

Code	Description	Qty
130 37 01	STrac 720 Power Unit	1

Standard Options - Per Unit

130 31 70	STrac 170 – Flex Fraise Mower Head	1
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Administration

ITEM 4.5

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

Agenda Item Brief

- Meeting Date:** May 24, 2022
- Agenda Item:** Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS APPROVING THE FIRST AMENDMENT TO THE BURNET MUNICIPAL AIRPORT FIXED BASE OPERATOR AGREEMENT: A. Feild
- Background:** The City and Faulkner’s Air Shop, Inc., (“FBO”) entered into that certain Fixed Base Operator Contract effective December 1, 2019 (the “Contract”) in which the terms and conditions by which the FBO would provide FBO services to the airport. The FBO timely provided notice of its intent to terminate the Contract effective June 1, 2022. In response the City issued a Request for Proposals for FBO services and is in negotiations with the selected responder. The current FBO has agreed to extend the current contract until August 31, 2022, on a month-to-month basis until a new FBO can transition in, or until the City assumes operations as the FBO.
- Information:** This resolution authorizes an amendment to the current FBO contract by extending its term to August 31, 2022, and increasing the FBO fee, and waiving the hangar rental fee during the extended term. In addition, the amendment allows either party to terminate the contract without cause on 10 business days’ notice. And, finally, this resolution authorizes the City Manager to exercise the City’s early termination rights.
- Fiscal Impact:** Approval of this resolution will have a financial impact not to exceed \$54,000 (\$18,000/month for up to three months) to be expensed out of the Airport Fund
- Recommendation:** Approve and adopt Resolution R2022-45 as presented.

RESOLUTION NO. R2022-45

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS APPROVING THE FIRST AMENDMENT TO THE BURNET MUNICIPAL AIRPORT FIXED BASE OPERATOR AGREEMENT.

Whereas, the City and Faulkner's Air Shop, Inc., ("FBO") entered into that certain Fixed Base Operator Contract effective December 1, 2019 (the "*Contract*") in which the terms and conditions by which the FBO would provide FBO services to the airport; and

Whereas, the FBO timely provided notice of its intent to terminate the Contract effective June 1, 2022; and

Whereas, the Parties agree that it is in their mutual interest to continue the Contract Term to expire on August 31, 2022 or until a new FBO can transition in, or until the City assumes operations as the FBO, whichever occurs first; and

Whereas, City and FBO desire to amend the Contract as set forth below; and

Whereas, City Council deems it appropriate to delegate to the City Manager the authority to terminate the amended contract at such time as a new FBO is engaged to service the airport or the City takes over FBO responsibilities.

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

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

Section two. Approval. The First Amendment to the Fixed Base Operator Agreement is hereby approved.

Section three. Delegation of Authority. The City Manager is hereby authorized and directed to execute, on behalf of the City, an agreement in substantial form as the attachment hereto, and take such further actions and execute such ancillary documents as may reasonably be necessary to facilitate the purpose of this resolution. Further, the City Manager is authorized, without further action by City Council, to terminate the agreement pursuant to Article I Section (c) therein upon his determination that such termination is in the best interest of the City.

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

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

PASSED AND APPROVED this the 24th day of May, 2022.

CITY OF BURNET, TEXAS

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary

FIRST AMENDMENT TO FIXED BASE OPERATOR CONTRACT

THIS FIRST AMENDMENT TO FIX BASE OPERATOR CONTRACT (this "*Amendment*") is entered into by and between **City of Burnet** a Texas home rule municipality ("*Seller*") and Faulkner's Air Shop, Inc., a Texas corporation ("*FBO*").

RECITALS

Whereas, City and FBO entered into that certain Fixed Base Operator Contract effective December 1, 2019 (the "*Contract*"), in which the terms and conditions by which FBO would provide FBO services to the Burnet Municipal Airport.

Whereas, the FBO timely provided notice of its intent to terminate the Contract effective June 1, 2022.

Whereas, the Parties agree that it is in their mutual interest to continue the Contract Term on a month to month basis until a new FBO can transition in, or until the City assumes operations as the FBO, as the case may be.

Whereas, City and FBO desire to amend the Contract as set forth below.

Whereas, All defined terms not otherwise defined in this Amendment shall have the same meaning as the meaning given such terms in the Contract.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which Seller and Buyer acknowledge, and the mutual benefits to be derived by the Parties from this Amendment, Seller and Buyer agree as follows:

- (I) **Amendments. The amendments to the Contract are as follows:**
 - (a) **The section of Contract entitled "*Consideration*" on page one therein, is hereby amended by replacing the existing language with the language in italics (*italics*) that follows:**

CONSIDERATION

City shall pay as a fix based operator's fee to the FBO, the cash sum of eighteen thousand and 00/00 DOLLARS (\$18,000.00). The first monthly payment to be paid on the first day of June, 2022, and a like payment on the first day of each month thereafter during the term of this First Amendment. Should this First Amendment terminate before the end of any month, the fee shall be prorated for said month.

*The FBO shall not be required to pay any hangar rental fee to City for the hangar described in **Exhibit "A"** of the Contract.*

The FBO shall track and report all fuel dispensed and shall note all gallons pumped, both self-service and full-service. The FBO shall pay to the City the entire proceeds of the sale of all fuel sales collected by the FBO

- (b) **The section of Contract entitled “*Term*”, on page one therein, is hereby amended by replacing the existing language with the language in italics (*italics*) that follows:**

TERM

The Contract Term, as amended, shall be effective as of June 1, 2022, and terminate on August 31, 2022.

- (c) The section of the Contract (entitled “*Termination*”) on page 2 therein, is hereby amended by replacing the paragraph numbered (2). Paragraphs 1, 3 and 4 are not amended. The amended language is in italics (*italics*) as follows:

TERMINATION

2. This Contract may be terminated before August 31, 2022, by mutual agreement between the Parties or for the convenience by either the FBO or the City upon written notice of either Party of its intent to terminate at least ten (10) business days prior to such termination. The City Manager is hereby fully authorized to act on behalf of the City regarding this provision.

- (II) **Binding. This First Amendment is binding upon and shall inure to the benefit of the parties and their prospective successors and assigns.**
- (III) **Counterparts. This First Amendment may be executed and delivered in one or more counterparts. Transmission of this First Amendment by telecopy shall be deemed transmission of the original First Amendment for all purposes.**
- (IV) **Full Force and Effect. In all other respects, the Contract shall continue in full force and effect, unmodified except to the extent provided herein, and City and FBO hereby Ratify and Affirm the same.**

The remainder of this page is intentionally blank.

This First Amendment to be effective as of June 1, 2022.

**City
City of Burnet**

By: _____
Crista Goble Bromley, Mayor

Attest:

By: _____
Kelly Dix, City Secretary

By execution of this Amendment the FBO agrees its notice of termination is withdrawn and the Term of the Contract shall continue as prescribed by this Amendment.

FBO
Faulkner's Air Shop, Inc.

By: _____
Dale Faulkner, authorized agent

By: _____
Johanna Faulkner, authorized agent



Administration

ITEM 4.6

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

Agenda Item Brief

Meeting Date: May 24, 2022

Agenda Item: Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS APPROVING THE BURNET COUNTY APPRAISAL DISTRICT'S PURCHASE OF PROPERTY LOCATED AT 215 SOUTH PIERCE STREET, BURNET, TEXAS FOR EXPANSION OF THE CURRENT APPRAISAL DISTRICT OFFICE FACILITY IN THE AMOUNT OF \$405,000.00: D. Vaughn

Background: The Board of Directors of the Burnet County Appraisal District (BCAD) has been reviewing options for the past two years to address the needs of the BCAD for the future. The Board realized the financial burden to the entities with a purchase of land and building a facility.

Information The building adjacent to the existing BCAD offices (215 S. Pierce St.), became available for sale and proved to be the best option for the expansion of the current facility to accommodate future growth needs.

The current occupants will remain in the facility with a one year lease agreement. Once the tenant lease expires and they have vacated the building, renovations/modifications and connection to the existing facility will commence. Approval of cost estimates for the renovation/modification will require approval from all entities of the appraisal district in the same manner as the purchase of the property.

Resolution No. 4-20-2022 approved by the Board of Directors for the Burnet County Appraisal District is attached as Exhibit "A".

Fiscal Impact The total purchase price for the property located at 215 S. Pierce is \$405,000.00 which will be funded by the BCAD with no additional cost to any of the entities represented by the BCAD.

Recommendation: Approve the amendment to Resolution No. R2022-46 as presented.

RESOLUTION R2022-46

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS APPROVING THE BURNET COUNTY CENTRAL APPRAISAL DISTRICTS PUCHASE OF PROPERTY LOCATED AT 215 SOUTH PIERCE STREET, BURNET, TEXAS FOR EXPANSION OF THE CURRENT APPRAISAL DISTRICT OFFICE FACILITY IN THE AMOUNT OF \$405,000.00

WHEREAS, the Burnet Central Appraisal District has demonstrated a need for additional office workspace to meet the growing demand for appraisal services, and

WHEREAS, the Board of Directors of the Burnet Central Appraisal District proposed and authorized the purchase of real estate at 215 S. Pierce, Burnet, Texas for the expansion of the district's facilities; and

WHEREAS, Texas Property Code Section 6.051 requires acquisition or conveyance of real property by the appraisal district be approved by the governing body of three-fourths of the taxing units entitled to vote on the appointment of board members; and

WHEREAS, purchase of the proposed real estate and construction of a building offers the most effective solution to provide the Burnet Central Appraisal District with the additional office space needed to house additional staff and service the taxing entities and the taxpayers of Burnet County;

NOW, THEREFORE, BE IT RESOLVED that the Burnet Central Appraisal District's purchase of the real estate located at 215 S. Pierce, Burnet, Texas including closing cost of up to \$405,000 for the expansion of the appraisal district office facilities be approved.

Passed and approved on the 24th day of May, 2022.

By: _____
Crista Goble Bromley, Mayor

ATTEST:

By: _____
Kelly Dix, City Secretary

Exhibit A

RESOLUTION NO. 4-20-2022

WHEREAS the Burnet Central Appraisal District is a political subdivision of the State of Texas, created by the Texas Legislature pursuant to Section 6.01 of the Texas Property Tax Code and;

WHEREAS the Board of Directors of the Burnet Central Appraisal District hereby determines that there is a need for additional office workspace for the appraisal district to meet the growing demands of Burnet County; and

WHEREAS, the Board of Directors of the Burnet Central Appraisal District finds it in the public's best interest to purchase the real estate located at 215 S. Pierce, Burnet, Texas at a sale price including closing costs of up to \$405,000; and

WHEREAS, there Board of Directors finds that purchase of the proposed real estate offers the most effective solution to provide the Burnet Central Appraisal District with the additional office space needed to house additional staff and service the taxing entities and the taxpayers of Burnet County; and

WHEREAS, Texas Property Tax Code Section 6.051 requires acquisition or conveyance of real property by an appraisal district be approved by the governing bodies of three-fourths of the taxing units entitled to vote on the appointment of board members;

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Burnet Central Appraisal District that it hereby proposes and authorizes the purchase of the real estate located at 215 S. Pierce, Burnet, Texas at a sale price including closing costs of up to \$405,000; and

IT IS HEREBY FURTHER RESOLVED, that the Chief Appraiser of the Burnet Central Appraisal District shall contact the taxing units entitled to vote on the

appointment of board members to the Burnet Central Appraisal District's Board of Directors in an effort to obtain the approval required by Texas Property Tax Code, section 6.051.

ADOPTED this 20th day of APRIL, 2022 by the Board of Directors of the Burnet Central Appraisal District.

Name: 

Title: Chairman

ATTEST:


Secretary Board Member