

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

On this the 12th day of September, 2023, the City Council of the City of Burnet convened in Regular Session, at 6:00 p.m. the City of Burnet Council Chambers located at 2402 S. Water Street (Hwy 281 South, Burnet Municipal Airport) Burnet, Tx. thereof with the following members present, to-wit:

Mayor Gary Wideman
Council Members Dennis Langley, Ricky Langley, Philip Thurman, Philip Thurman, Mary Jane Shanes
Absent Joyce Laudenschlager, Tres Clinton
City Manager David Vaughn
City Secretary Kelly Dix

Guests: Eric Belaj, Maria Gonzales, Carly Pearson, Mark Ingram, Tony Nash, Adrienne Feild, Brian Lee, Mark Ingram, Thomas Kirkland, Glenn Decker, Russell Scott, Tommy Gaut, Mark Blankenship, Janet Widmer, Darrell Sargent, Jim Hernandez, Case Hollub, Dale Lyly, Stanley J. Godlewski, Bart Fowler, Jennifer Ritter

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

INVOCATION: Led by Council Member Mary Jane Shanes

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

SPECIAL REPORTS/RECOGNITION:

Burnet Municipal Airport Quarterly Report: A. Field: Airport Manager Adrienne Feild reviewed with all present fuel sales for the quarter, the 2022/2023 Ramp Grant funding and expenditures, the Coronavirus Grant fundings and expenditures, the current status of the storage hangar leases, as well as the updates on the Airport Layout Plan, the Box hangar project, the TxDot Statewide Pavement Maintenance Project. Ms. Feild also provided updates on the Airport Standards and Operating Policy, Ground Leases, the CAF Lease Agreement, Airport Inspection, and the Texas Airport System Plan 2050. The City of Burnet and the CAF hosted a Leadership Highland Lakes Tour/Economic Impact Presentation at the airport in August. Ms. Feild shared that Crosby Flying Services (FBO) are currently working on a Solar Eclipse Airport Event.

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

Approval of the August 22, 2023 City Council Workshop Meeting minutes

Approval of the August 22, 2023 City Council Regular Meeting minutes

Approval of the August 29, 2023 City Council Special Meeting minutes: Council Member Mary Jane Shanes moved to approve the consent agenda as presented. Council Member Philip Thurman seconded. The motion carried unanimously.

PUBLIC HEARINGS/ACTION:

FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING"); SEC.118-20 (ENTITLED "GENERAL REQUIRMENTS AND LIMITATIONS") PROVIDING FOR PERMISSIONS FOR SHORT TERM RENTAL USES; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: C. Kehoe Pearson: Carly Kehoe, Director of Public Works and Development Services, presented the item to Council to conduct the public hearing, discuss, and take action on the first reading of Ordinance 2023-38.

Public Hearing: Mayor Gary Wideman opened the public hearing at 6:42 p.m. and asked if anyone was interested in speaking, if so to approach the podium. Russell Scott voiced his opinion in opposition of the Short Term Rental Ordinance siting passing the ordinance could prove to be litigation heavy. Mark Blankenship suggested alternative options and processes for implementing and ordinance to control Short Term Rentals. There being no one else wishing to speak, Mayor Wideman closed the public hearing at 7:05 p.m.

Consideration and action: Council Member Ricky Langley moved to approve the first reading of Ordinance No. 2023-38 as presented. Council Member Philip Thurman seconded. Mayor Wideman called for a roll vote. Council

Member Thurman, Shanes, Ricky Langley, and Mayor Wideman voted in favor. Council Member Dennis Langley voted against. The motion carried with a vote of four in favor, one opposed and two absent.

FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY KNOWN AS: 104 COUNTY ROAD 108 (LEGALLY DESCRIBED AS: BEING 0.973 ACRES, OUT OF THE JOHN HAMILTON SURVEY NO. 1, ABS. NO. 405) FROM AGRICULTURE – DISTRICT “A” TO NEIGHBORHOOD COMMERCIAL – DISTRICT “NC” CLASSIFICATION: L. Kimbler: Leslie Kimbler, Planning Manager, presented the item to Council to conduct the public hearing, discuss, and take action on the first reading of Ordinance 2023-39.

Public Hearing: Mayor Gary Wideman opened the public hearing at 7:06p.m. and asked if anyone was interested in speaking, if so to approach the podium. There being no one wishing to speak, Mayor Wideman closed the public hearing at 7:07 p.m.

Consideration and action: Council Member Mary Jane Shanes moved to approve the first reading of Ordinance No. 2023-39 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 NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY LEGALLY DESCRIBED AS: LOT 2, BLOCK 4, CHEATHAM SUBDIVISION, FROM SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO LIGHT COMMERCIAL – DISTRICT “C-1” CLASSIFICATION: L. Kimbler: Leslie Kimbler, Planning Manager, presented the item to Council to conduct the public hearing, discuss, and take action on the first reading of Ordinance 2023-40. Ms. Kimbler informed all present that the recommendation from the City of Burnet Planning and Zoning Commission was to deny the rezone as presented.

Public Hearing: Mayor Gary Wideman opened the public hearing at 7:10 p.m. and asked if anyone was interested in speaking, if so to approach the podium. Mark Blankenship with TJM Properties opposed the rezoning of the property cited in the ordinance as he feels it would be detrimental to the adjoining residential neighborhood. There being no one else wishing to speak, Mayor Wideman closed the public hearing at 7:12 p.m.

Consideration and action: Council Member Mary Jane Shanes moved to deny the first reading of Ordinance No. 2023-40 as presented. Council Member Philip Thurman seconded. Mayor Wideman called for a roll vote. Council Member Thurman, Shanes, Ricky Langley, and Mayor Wideman voted in favor. Council Member Dennis Langley voted against. The motion carried with a vote of four in favor, one opposed and two absent. The Ordinance failed.

FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING PROPERTY KNOWN AS 507 E JACKSON & 310 S SILVER ST (LEGALLY DESCRIBED AS: BEING LOTS ONE, TWO, THREE AND FOUR, BLK SIX, PETER KERR DONATION PORTION) FROM ITS PRESENT DESIGNATION OF LIGHT INDUSTRIAL – DISTRICT “I-1” TO A DESIGNATION OF NEIGHBORHOOD COMMERCIAL – DISTRICT “NC”; PROPERTY LEGALLY DESCRIBED AS: EAST PART OF LOTS 1 & 2 (0.67 ACRE), BLOCK 15, VANDEVEER/ALEXANDER ADDITION FROM ITS PRESENT DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2” TO A DESIGNATION OF NEIGHBORHOOD COMMERCIAL – DISTRICT “NC”; PROPERTY KNOWN AS 404 E MARBLE ST(LEGALLY DESCRIBED AS: BEING A PORTION OF LOTS TWO AND THREE, BLK 15, VANDEVEER ADDITION), FROM ITS PRESENT DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2” TO A DESIGNATION OF NEIGHBORHOOD COMMERCIAL – DISTRICT “NC”; PROPERTY KNOWN AS 801 E PECAN STREET (LEGALLY DESCRIBED AS: LOT 4, BLK 4, JOHNSON ADDITION) FROM ITS PRESENT DESIGNATION OF LIGHT INDUSTRIAL – DISTRICT “I-1” TO A DESIGNATION OF SINGLE-FAMILY RESIDENTIAL - DISTRICT “R-1”; AND PROPERTY KNOWN AS 607 S RHOMBERG STREET (LEGALLY DESCRIBED AS: S8450 VANDEVEER/ALEXANDER LOT PT OF 3, BLK 44) FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – DISTRICT “C-1” TO A DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” CLASSIFICATION.: L. Kimbler: Leslie Kimbler, Planning Manager, presented the item to Council to conduct the public hearing, discuss, and take action on the first reading of Ordinance 2023-41.

Public Hearing: Mayor Gary Wideman opened the public hearing at 7:15 p.m. and asked if anyone was interested in speaking, if so to approach the podium. Russell Scott stated that he had purchased the property and planned on

developing it with a business that would attract visitors from the train. He was in opposition of the zoning for the property located at 404 E. Marble Street remain with a C2 zoning designation. There being no one else wishing to speak, Mayor Wideman closed the public hearing at 7:20 p.m.

Consideration and action: Council Member Ricky Langley moved to approve the first reading of Ordinance No. 2023-41 as presented. Council Member Philip Thurman seconded. The motion carried unanimously.

FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING THE PROPERTY KNOWN AS 1402 N. WATER ST (LEGALLY DESCRIBED AS: LOT 2, AND THE EAST 15 FT OF LOT 7, BLOCK 10, OAKS ADDITION), FROM MULTI-FAMILY RESIDENTIAL – DISTRICT “R-3” TO SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” CLASSIFICATION.: L. Kimbler: Leslie Kimbler, Planning Manager, presented the item to Council to conduct the public hearing, discuss, and take action on the first reading of Ordinance 2023-42.

Public Hearing: Mayor Gary Wideman opened the public hearing at 7:20 p.m. and asked if anyone was interested in speaking, if so to approach the podium. There being no one wishing to speak, Mayor Wideman closed the public hearing at 7:22 p.m.

Consideration and action: Council Member Philip Thurman moved to approve the first reading of Ordinance No. 2023-42 as presented. Council Member Dennis Langley seconded. The motion carried unanimously.

FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE USE OF AN “MINI STORAGE WAREHOUSE” IN A HEAVY COMMERCIAL – DISTRICT “C-3” FOR PROPERTY KNOWN AS 2435 W HWY 29, LEGALLY DESCRIBED AS: 6.06 ACRE TRACT, MORE OR LESS (INSIDE CITY LIMITS), OUT OF THE JOHN HAMILTON SURVEY, ABS. NO. 405.: L. Kimbler: Leslie Kimbler, Planning Manager, presented the item to Council to conduct the public hearing, discuss, and take action on the first reading of Ordinance 2023-42.

Public Hearing: Mayor Gary Wideman opened the public hearing at 7:24 p.m. and asked if anyone was interested in speaking, if so to approach the podium. There being no one wishing to speak, Mayor Wideman closed the public hearing at 7:25 p.m.

Consideration and action: Council Member Ricky Langley moved to approve the first reading of Ordinance No. 2023-42 as presented. Council Member Mary Jane Shanes seconded. The motion carried unanimously.

Public Hearing: 2023/2024 FY Budget: P. Langford: City Manager David Vaughn presented the item to Council to conduct the public hearing. Mayor Gary Wideman opened the public hearing at 7:32 p.m. and asked if anyone was interested in speaking, if so to approach the podium. There being no one wishing to speak, Mayor Wideman closed the public hearing at 7:33 p.m.

Public Hearing: Hearing on a proposal to increase gross tax revenues by approximately \$755,000 and of that amount approximately \$165,000 is tax revenue to be raised from new property added to the tax roll this year. Your individual taxes may increase at a greater or lesser rate, or even decrease, depending on the change in the taxable value of your property in relation to the change in taxable value of all other property and the tax rate that is adopted: P. Langford: City Manager David Vaughn presented the item to Council to conduct the public hearing. Mayor Gary Wideman opened the public hearing at 7:34 p.m. and asked if anyone was interested in speaking, if so to approach the podium. There being no one wishing to speak, Mayor Wideman closed the public hearing at 7:35 p.m.

ACTION ITEMS:

Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING ELECTRIC FEES IN SECTIONS 110-138 THROUGH SECTION 110-141 OF THE CITY OF BURNET CODE OF ORDINANCES; PROVIDING SEVERABILITY AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR OTHER RELATED MATTERS: D. Vaughn: Council Member Philip Thurman moved to approve and adopt Ordinance 2023-35 as presented. Council Member Mary Jane Shanes seconded. The motion carried unanimously.

Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING THE 2023-2024 STREET REHAB PROGRAM, AND AUTHORIZING THE CITY MANAGER TO IMPLEMENT THE PROGRAM: E. Belaj: Council Member Mary Jane Shanes moved to

approve and adopt Resolution No. R2023-66 as presented. Council Member Philip Thurman seconded. The motion carried unanimously.

Discuss and consider action: AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF BURNET, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2023; LEVYING AN AD VALOREM TAX AND PLEDGING CERTAIN SURPLUS REVENUES IN SUPPORT OF THE CERTIFICATES; APPROVING AN OFFICIAL STATEMENT, A PAYING AGENT/REGISTRAR AGREEMENT AND OTHER AGREEMENTS RELATING TO THE SALE AND ISSUANCE OF THE CERTIFICATES; AND ORDAINING OTHER MATTERS RELATING TO THE ISSUANCE OF THE CERTIFICATES: D. Vaughn: Council Member Philip Thurman moved to approve Ordinance 2023-44 as presented. Council Member Ricky Langley seconded. The motion carried unanimously.

Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE ADOPTING THE OFFICIAL BUDGET FOR THE CITY OF BURNET, TEXAS, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024, PROVIDING FOR THE INVESTMENT OF FUNDS; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: P. Langford: Council Member Philip Thurman moved to approve and adopt Ordinance 2023-36 as presented. Council Member Ricky Langley seconded. The motion carried unanimously.

Discuss and consider action: A RESOLUTION RATIFYING THE CITY OF BURNET 2023-2024 FISCAL YEAR ADOPTED BUDGET THAT CONTAINS A PROPERTY TAX RATE THAT RAISES MORE TOTAL PROPERTY TAXES THAN THE PREVIOUS YEAR: P. Langford: Council Member Mary Jane Shanes moved to approve and adopt Resolution No. R2023-67 as presented. Council Member Philip Thurman seconded. The motion carried unanimously.

Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS LEVYING AD VALOREM TAXES FOR USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023 AND TERMINATING SEPTEMBER 30, 2024; PROVIDING FOR APPORTIONING EACH LEVY FOR SPECIFIC PURPOSES; AND PROVIDING WHEN TAXES SHALL BECOME DUE AND WHEN SAME SHALL BECOME DELINQUENT IF NOT PAID; PROVIDING OPEN MEETINGS CLAUSES AND PROVIDING FOR AN EFFECTIVE DATE: P. Langford: Council Member Philip Thurman moved to adopt Ordinance 2023-37 that states the property tax rate be increased by the adoption of a tax rate of \$0.6131 on each \$100.00 valuation of property, which is effectively a 9.76 percent increase in the tax rate as presented. Council Member Ricky Langley seconded. The motion carried unanimously.

Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING A PROFESSIONAL SERVICE AGREEMENT WITH THE FIRM MCCORD ENGINEERING INC. TO PROVIDE PROFESSIONAL ELECTRICAL ENGINEERING SERVICES RELATED TO THE CITY OF BURNET: D. Vaughn: Council Member Ricky Langley moved to approve and adopt Resolution No. R2023-68 as presented. Council Member Mary Jane Shanes seconded. The motion carried unanimously.

Discuss and consider action: Authorize renewal of the Animal Shelter/Adoption Center agreement with the Hill Country Humane Society: B. Lee: Council Member Mary Jane Shanes moved to approve and authorize the renewal of the Animal Shelter/Adoption Center agreement with the Hill Country Humane Society as presented. Council Member Ricky Langley seconded. The motion carried unanimously.

Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS SUPPORTING THE CITY OF BURNET'S APPLICATION TO THE TEXAS DEPARTMENT OF EMERGENCY MANAGEMENT 2023 SEVERE WINTER STORM, DR-4705 GRANT PROGRAM; RATIFYING THE SOLICITATION OF REQUEST FOR PROPOSALS AND QUALIFICATIONS FOR PROGRAM RELATED ADMINISTRATIVE CONSULTANT SERVICES AND ENGINEERING CONSULTANT SERVICES; AND AUTHORIZING THE CITY MANAGER TO TAKE NECESSARY PROGRAM RELATED ACTIONS: A. Field: Council Member Philip Thurman moved to approve and adopt Resolution No. R2023-69 as presented. Council Member Mary Jane Shanes seconded. The motion carried unanimously.

Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS

ESTABLISHING A COMMITTEE TO MAKE RECOMMENDATIONS RELATING TO THE SELECTION OF TEXAS DEPARTMENT OF EMERGENCY MANAGEMENT (“TDEM”) 2023 SEVERE WINTER STORM, DR-4705 GRANT PROGRAM PROJECTS AND TO THE SELECTION OF CONSULTANTS TO ASSIST WITH THE GRANT ADMINISTRATION; ENGINEERING SERVICES; AND APPOINTING UP TO THREE CITY COUNCIL MEMBERS TO THE COMMITTEE: A. Field: Council Member Mary Jane Shanes moved to approve and adopt Resolution No. R2023-70 appointing Council Members Philip Thurman, Tres Clinton, and Mayor Gary Wideman to the TDEM Committee as presented. Council Member Ricky Langley seconded. The motion carried unanimously.

Discuss and consider action: Appointment of up to three Council Members to work with Staff as a Finance Committee: D. Vaughn: Council Member Mary Jane Shanes moved to appoint Council Members Joyce Laudenschlager, Philip Thurman, and Ricky Langley to the Finance Committee. Council Member Philip Thurman seconded. The motion carried unanimously.

Discuss and consider action: The 2023/2024 Burnet County Public Safety Dispatch Agreement: B. Lee: Council Member Mary Jane Shanes moved to approve the 2023/2024 Burnet County Public Safety Dispatch Agreement as presented. Council Member Dennis Langley seconded. The motion carried unanimously.

Discuss and consider action: Award Request for Proposal (RFP) 2023-006 Oak Vista (Delaware Springs) Boulevard Reconstruction Project bid and authorize the City Manager to execute the contract: E. Belaj: Council Member Philip Thurman made a motion to award Request for Proposal (RFP) 2023-006 Oak Vista (Delaware Springs) Boulevard Reconstruction Project to Cage & Gage Construction and to authorize the City Manager to execute the contract. Council Member Ricky Langley seconded. The motion carried unanimously.

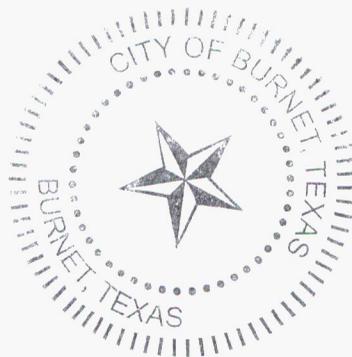
Discuss and consider action: Cancellation of the October 10th, 2023, November 21st, 2023, and December 26th, 2023 Regular City Council meetings: K. Dix: Council Member Philip Thurman moved to cancel the October 10th, 2023, November 21st, 2023, and December 26th, 2023 Regular City Council meetings as presented. Council Member Mary Jane Shanes seconded. The motion carried unanimously.

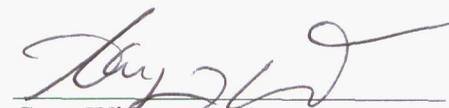
REQUESTS FROM COUNCIL FOR FUTURE REPORTS: In accordance with Resolution R2020-28 councilmembers may request the City Manager to prepare and present future report on matters of public interest: Council Member Ricky Langley requested a council workshop to discuss the Short Term Rentals prior to adoption of the ordinance. City Manager David Vaughn confirmed a joint Council Workshop with the Planning and Zoning Commission will be called.

ADJOURN: There being no further business a motion to adjourn was made by Council Member Mary Jane Shanes at 8:18 p.m. seconded by Council Member Philip Thurman. The motion carried unanimously.

ATTEST:


Kelly Dix, City Secretary




Gary Wideman, Mayor