



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

Notice is hereby given that a **Regular City Council Meeting** will be held by the governing body of the City of Burnet on the **9th day of May, 2023**, at **6:00 p.m.**, in the City of Burnet Council Chambers located at 2402 S. Water Street (Hwy. 281 South, Burnet Municipal Airport) Burnet, TX.

The City of Burnet City Council Meeting will be available for live viewing via the following media connections.

City of Burnet Facebook Page: <https://www.facebook.com/cityofburnet>

City of Burnet Website via Zoom as follows:

<https://us02web.zoom.us/j/81278669602>

Or One tap mobile :

US: 8778535257,,81278669602# (Toll Free) or 8884754499,,81278669602# (Toll Free)

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: 877 853 5257 (Toll Free) or 888 475 4499 (Toll Free)

Webinar ID: 812 7866 9602

International numbers available: <https://us02web.zoom.us/j/81278669602>

The Zoom connection is a live broadcast viewing option only. The option for comments will not be available.

This notice is posted pursuant to the Texas Government Code, Chapter §551-Open Meetings.

The following subjects will be discussed, to wit:

CALL TO ORDER:

ROLL CALL:

INVOCATION:

PLEDGES (US & TEXAS):

1. SPECIAL REPORTS/RECOGNITION:

1.1) Al Clawson Disposal, Inc. Semi-annual report:

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

2.1) Approval of the April 25, 2023 Regular City Council Meeting minutes

2.2) A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS APPROVING A DRAINAGE EASEMENT FOR NORTH WEST STREET AND AUTHORIZING THE MAYOR EXECUTE SAID INSTRUMENT ON BEHALF OF THE CITY. E. Belaj

3. PUBLIC HEARINGS/ACTION:

3.1) Public Hearing and consideration of the following items:

A) Public hearing and action: FIRST READING OF A RESOLUTION BY THE CITY COUNCIL AUTHORIZING THE DEVELOPMENT OF A RETAIL STORE AT THE EASTSIDE COMMERCIAL SUBDIVISION AS A PROJECT THE BURNET ECONOMIC DEVELOPMENT CORPORATION MAY INCENTIVIZE THROUGH A PERFORMANCE AGREEMENT WITH THE RETAIL STORE DEVELOPER: H. Erkan, Jr.

- (1) Staff Presentation: H. Erkan, Jr.
- (2) Public Hearing:
- (3) Consideration and action:

B) Public hearing and action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ORDAINING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE, PROVIDING TAX INCENTIVES, DESIGNATING A LIAISON FOR COMMUNICATION WITH INTERESTED PARTIES, AND NOMINATING ENTEGRIS, INC. TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT & TOURISM THROUGH THE ECONOMIC DEVELOPMENT BANK AS AN ENTERPRISE PROJECT: H Erkan, Jr.

- (1) Staff Presentation: H. Erkan, Jr.
- (2) Public Hearing:
- (3) Consideration and action:

C) Public hearing and 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 7-D OF THE EAST SIDE COMMERCIAL PARK SUBDIVISION WITH LIGHT COMMERCIAL – DISTRICT “C-1” CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

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

D) Public hearing and action: FIRST READING OF A RESOLUTION BY THE CITY COUNCIL AUTHORIZING THE DEVELOPMENT OF A NATIONAL FRANCHISE HOTEL AT THE CROSSING AT 281 SUBDIVISION AS A PROJECT THE BURNET ECONOMIC DEVELOPMENT CORPORATION MAY INCENTIVIZE THROUGH A PERFORMANCE AGREEMENT WITH THE NATIONAL FRANCHISE HOTEL DEVELOPER: H. Erkan, Jr.

- (1) Staff Presentation: H. Erkan, Jr.
- (2) Public Hearing:
- (3) Consideration and action:

4. ACTION ITEMS:

4.1) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AUTHROIZING THE PURCHASE OF CHRISTMAS DIRECTIONS FOR THE HISTORIC DOWNTOWN DISTRICT AND SURROUNDING AREAS: C. Pearson

4.2) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, RETIRING POLICE CANINE KUSO AND TRANSFERRING OWNERSHIP TO KUSO’S HANDLER: B. Lee

4.3) Discuss and consider action: Authorization and approval to purchase a 2023 FORD RESPONDER 4WD for the PD Lieutenants position and a 2023 SILVERADO 4WD CREW CAB truck for the electric department supervisor: B. Lee

5. REQUESTS FROM COUNCIL FOR FUTURE REPORTS: In accordance with Resolution 2020-28 Council Members may request the City Manager to prepare and present future reports on matter of public interest.

6. ADJOURN:

Dated this 5th day of May, 2023

City of Burnet

Mayor Crista Goble Bromley

I, the undersigned authority, do hereby certify that the above NOTICE OF MEETING of the governing body of the above named City, BURNET, is a true and correct copy of said NOTICE and that I posted a true and correct copy of said NOTICE on the bulletin board, in the City Hall of said City, BURNET, TEXAS, a place convenient and readily accessible to the general public at all times, and said NOTICE was posted on May 5, 2023 at or before 6 o'clock p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Kelly Dix

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).

City of Burnet
Solid Waste & Recycling Report

Jan, Feb, Mar
2023

ACDI

AI Clawson Disposal, Inc.

Team ACDI – Residential Burnet Driver



First Job: Fencing for cattle ranches.

Fave Recipe made by my Grandma: Biscuits and Gravy!

Why ACDI? ACDI provided me with the opportunity to grow in a new career. I started as a loader, then obtained a CDL to become a residential driver in training.

WWW.CLAWSONDISPOSAL.COM

Team ACDI

Team *ACDI*

- 18 Veterans
- 204 Years of Military Service
- Army, Marines, Air Force, Navy

Thank you!

Step 1. What can I recycle?

Metal

Tin Cans

Aluminum Cans

Aluminum Foil –

No food contamination

Please rinse



Paper

Newspaper

Office Paper

Junk Mail

Phone Books

Brown Paper Bags

Magazines

Cereal Boxes

Cardboard – Flatten

(Must be kept dry)



Plastic

Soft Drink, Water, and Other Beverage Bottles

Detergent Bottles

Cleaning Containers

Milk and Water Jugs

Detergent Bottles

Shampoo Bottles

Yogurt Containers

Baby Bottles

Clouded Plastic Containers

5-Gallon Water Bottles

Non-Battery Toys

Plastic Buckets and Tubs

Please rinse and remove lids



Glass

Clear

Brown

Green

Please rinse and remove lids



Step 2. When is my collection day?

*Please see
reverse side for
collection information.*



Step 3. Cart Placement

Place your carts at the curb or edge of the street or alley with the wheels and handle facing toward your house (away from the street). Be sure there is a minimum clearance of three (3) feet on all sides of the carts, including mailboxes, trees, cars etc. The trash and recycling carts also need to be placed three (3) feet apart from each other. This will allow the automated truck arm to safely reach the carts and dump them into the trash or recycling truck.

Please have your
garbage and recycle
carts out by 7:00AM.



What if this tag appears on my cart?

Your container has a material that cannot be accepted for recycling. Please contact our office to correct the mistake and schedule a return collection.

Please have your
garbage and
recycle carts out
by 7:00AM.



Common Mistake – Cart Placement



Common Mistake – Plastic Bags



You can reference these graphics when deciding if materials should be placed in your green cart.



Our recycle product is continuing to improve with consistent communication and education. We are seeing the results in product.

This tip comes to us from our recycling partner,
Balcones Resources!

**RECYCLE PLASTIC CAPS
WITH PLASTIC BOTTLES**



**LOOSE BOTTLE CAPS ARE TOO
SMALL TO RECYCLE SEPARATELY**



January, February, March

2023

	January	February	March
Residential	246.76 Tons	217.23 Tons	220.89 Tons
Recycle	43.49 Tons	42.78 Tons	52.89 Tons
Commercial	330.27 Tons	294.36 Tons	364.47 Tons
Chunk Your Junk	21.45 Tons	33.56 Tons	35.54 Tons
Chunk Your Junk	200 Cubic Yards	240 Cubic Yards	240 Cubic Yards

Residential Collection Statistics

January, February, March
2023

Solid Waste Returns: 75

Residential Solid Waste
Successful Collections: 28,360

0.99806 Collection Rate

January, February, March
2023

Recycle Returns: 4

Residential Recycle Successful
Collections: 14,213

0.99971 Collection Rate

Al Clawson Disposal, Inc.
www.clawsondisposal.com
info@clawsondisposal.com
512-930-5490

2023

ACDI

Al Clawson Disposal, Inc.

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

On this the 25th day of April, 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 Pro Tem Philip Thurman
Council Members Dennis Langley, Mary Jane Shanes, Ricky Langley, Cindia Talamantez
Absent Mayor Crista Goble Bromley, Joyce Laudenschlager
City Manager David Vaughn
City Secretary Kelly Dix

Guests: Patricia Langford, Brian Lee, Eric Belaj, Maria Gonzales, Mark Miller, Jimmy Crain, Carly Pearson, Mark Ingram, Haley Archer, Tamara Tinney, Allison McKee

Call to Order: Mayor Pro Tem Philip Thurman called the meeting to order at 6:00 p.m.

INVOCATION: Led by Council Member Mary Jane Shanes

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

SPECIAL REPORTS/RECOGNITION:

Burnet Chamber of Commerce Quarterly Report: A. McKee: Allison McKee, Director of the Burnet Chamber of Commerce presented a review of the 2023 Bluebonnet Festival, overall a very successful event. Ms. McKee reviewed the upcoming events to include Jackson Street Jams, The Breakfast of Champions event, the Coffee & Conversation schedule, and preparation for the Christmas on the Square event.

Burnet Municipal Court Quarterly Report: Judge Tamara Tinney: Judge Tamara Tinney reviewed the first quarter of 2023 Burnet Municipal Court activity to include, cases received, cases disposed, pending trials and appeals. Judge Tinney also provided all present with an overview of the 2021-2022 Budget year cases and revenue comparisons.

March 2023 Financial Report: P. Langford: Director of Finance Patricia Langford presented the March 2023 Financial Report that included a review of revenue, expenses, and fund balances for all funds. Ms. Langford reviewed the cash reserve balances as of March 31, 2023 as well.

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 11, 2023 Regular City Council Meeting Minutes

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

PUBLIC HEARINGS/ACTION:

Public Hearing and consideration of the following: Adoption and amendments of the Zoning Ordinance and zoning classifications presented by Habib Erkan, Asst. City Manager, and Leslie Kimbler, City Planner:

Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 98 (ENTITLED "SUBDIVISIONS"); SEC. 98-21 (ENTITLED "PRE-APPLICATION PROCEDURE") PROVIDING FOR COMPLIANCE WITH TEXAS HOUSE BILL 3167 PROCESS FOR REVIEWING AND APPROVING PLAT APPLICATIONS; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: C. Kehoe Pearson: Pass. No action was taken.

ACTION ITEMS:

Discuss and consider action: SECOND AND READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AMENDING SECTION EIGHT OF ORDINANCE NO. 2022-45

(AMENDING CITY CODE CHAPTER 18 ENTITLED “AVIATION”) TO EXTEND THE EFFECTIVE DATE PROVIDING CUMULATIVE, CORRELATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: H. Erkan: Council Member Mary Jane Shanes moved to approve and adopt Ordinance 2023-07 as presented. Council Member Cindia Talamantez seconded. The motion carried unanimously.

Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING CITY CODE OF ORDINANCES CHAPTER 118 (ENTITLED “ZONING”) SECTION 118-63 (ENTITLED “MUNICIPAL GOLF COURSE VEGETATIVE BUFFER REQUIREMENTS”) BY IMPLEMENTING TREE PRESERVATION REGULATIONS WITHIN THE MUNICIPAL GOLF COURSE VEGETATIVE BUFFER; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: H. Erkan: Council Member Ricky Langley moved to approve and adopt Ordinance 2023-08 as presented. Council Member Mary Jane Shanes seconded. The motion carried unanimously.

Discuss and consider action: SECOND AND FINAL 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 GENERALLY DESCRIBED AS 302 SOUTH HILL STREET (Legal Description: S6127 LUNA PARK LOT 4) WITH SINGLE-FAMILY “R-1” PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler: Council Member Dennis Langley moved to approve and adopt Ordinance 2023-09 as presented. Council Member Mary Jane Shanes seconded. The motion carried unanimously.

Discuss and consider action: SECOND AND FINAL 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 GENERALLY DESCRIBED AS 308 SOUTH HILL STREET (Legal Description: BEING 0.17 ACRES OUT OF JOHN HAMILTON SURVEY NO. 1, ABS. NO 405 AND BEING PORTION OF 5 AC OUT OF BLK NO. 8, PETER KERR DONATION) WITH SINGLE-FAMILY “R-1” PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler: Council Member Mary Jane Shanes moved to approve and adopt Ordinance 2023-10 as presented. Council Member Dennis Langley seconded. The motion carried unanimously.

Discuss and consider action: SECOND AND FINAL 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 GENERALLY DESCRIBED AS 310 SOUTH HILL STREET (Legal Description: BEING 0.165 ACRES OUT OF JOHN HAMILTON SURVEY NO. 1, ABS NO. 405, AND BEING A PORTION OF 5 ACRES, BLK 8, PETER KERR DONATION) WITH SINGLE-FAMILY “R-1” PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler: Council Member Cindia Talamantez moved to approve and adopt Ordinance 2023-11 as presented. Council Member Ricky Langley seconded. The motion carried unanimously.

Discuss and consider action: SECOND AND FINAL 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 GENERALLY DESCRIBED AS THE CORNER LOT OF SOUTH WEST STREET AND WEST LEAGUE STREET (Legal Description: BEING ALL OF LOT NO. 3, BLOCK NO. 1 OF THE PETER KERR PORTION) WITH LIGHT COMMERCIAL “C-1” PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler: Council Member Mary Jane Shanes moved to approve and adopt Ordinance 2023-12 as presented. Council Member Dennis Langley seconded. The motion carried unanimously.

Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF BURNET, TEXAS, RESTRICTING THE USE OF CERTAIN FUNDS FOR INVESTMENT INTO A NEW CITY HALL FACILITY: P. Langford: Council Member Ricky Langley moved to approve and adopt Resolution R2023-26 as presented. Council Member Mary Jane Shanes seconded. The motion carried unanimously.

Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF BURNET, TEXAS, AUTHORIZING THE TRANSFER OF UNRESTRICTED FUNDS TO RESTRICTED FUNDS TO REIMBURSE BOND PROCEEDS USED FOR CERTAIN EXPENDITURES: P. Langford: Council Member Mary Jane Shanes moved to approve and adopt Resolution R2023-27 as presented. Council Member Cindia Talamantez seconded. The motion carried unanimously.

Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET ACCEPTING THE TRANSFER OF WATER RIGHTS OF ALL PROPERTY OWNED BY CORPORATION TO THE CITY OF BURNET: H. Erkan: Council Member Ricky Langley moved to approve and adopt Resolution R2023-28 as presented. Council Member Cindia Talamantez seconded. The motion carried unanimously.

Discuss and consider action: Request for funding for beautification projects in the City: M. Gonzales: Council Member Mary Jane Shanes move to approve and authorize funding in an amount not to exceed fifty thousand dollars for beautification projects as presented. Council Member Dennis Langley seconded. The motion carried unanimously.

Discuss and consider action: Call a Special Meeting of the City Council for Tuesday, May 16th, 2023 at 5:30 p.m. to canvass the May 6th, 2023 General Election and Special Election: K. Dix: Council Member Mary Jane Shanes made a motion calling a special meeting of the City Council for Tuesday, May 16th, 2023 at 5:30 p.m. as presented. Council Member Cindia Talamantez 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: None.

ADJOURN: There being no further business a motion to adjourn was made by Council Member Mary Jane Shanes at 6:46 p.m. seconded by Council Member Cindia Talamantez. The motion carried unanimously.

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary



Development Services

ITEM 2.2

Eric Belaj
City Engineer
(512)-756-2402
ebelaj@cityofburnet.com

Consent

Meeting Date: May 9, 2023

Agenda Item: Consent: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS APPROVING A DRAINAGE EASEMENT FOR NORTH WEST STREET AND AUTHORIZING THE MAYOR EXECUTE SAID INSTRUMENT ON BEHALF OF THE CITY. E. Belaj

Background: The City is in the process of reconstruction a portion of North West Street. As part of this reconstruction, City staff is installing a drainage way that clips the property at 808 N. West Street. The property owner was willing to dedicate a 15-foot drainage easement understanding that these improvements would also benefit his property and alleviate the current drainage issues.

Information: This resolution authorizes the acceptance of the easement.

Fiscal Impact No direct fiscal impact is anticipated.

Recommendation: Approve Resolution No. R2023-30 as presented.

RESOLUTION NO. R2023-30

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET,
TEXAS APPROVING A DRAINAGE EASEMENT FOR NORTH WEST
STREET AND AUTHORIZING THE MAYOR EXECUTE SAID
INSTRUMENT ON BEHALF OF THE CITY.**

Whereas, The City is reconstruction a portion of North West Street; and

Whereas, as part of the reconstruction is improving or installing drainageways; and

Whereas, The City is in deed of a drainage easement at the northern end of North West Street; and

Whereas, The property owner at 808 N. West Street seeks to grant to the City a Drainage Easement related to the aforementioned public improvements; and

Whereas, City Council deems in the public interest to accept the grants of easements.

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

Section one. Findings. The recitals to this Resolution are found to be true and correct and are incorporated herein for all purposes.

Section two. Approval. The acceptance of the Drainage Easement attached hereto is hereby approved.

Section three. Authorization. The Mayor is hereby authorized to execute an Easement Instruments in substantially the same form as the attachment.

Section four. Recordation. The City Secretary is authorized and directed to have the executed Easement Instrument duly recorded in the public records of Burnet County.

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

Section six. Effective date. This resolution shall take effect immediately upon its passage, and approval as prescribed by law.

PASSED AND APPROVED this the 9th day of May, 2023.

CITY OF BURNET, TEXAS

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary



Administration

ITEM 3.1A

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

Public Hearing & Action

Meeting Date: May 9, 2023

Agenda Item: Discuss and consider action. FIRST READING OF A RESOLUTION BY THE CITY COUNCIL AUTHORIZING THE DEVELOPMENT OF A RETAIL STORE AT THE EASTSIDE COMMERCIAL SUBDIVISION AS A PROJECT THE BURNET ECONOMIC DEVELOPMENT CORPORATION MAY INCENTIVIZE THROUGH A PERFORMANCE AGREEMENT WITH THE RETAIL STORE DEVELOPER: H. Erkan, Jr.

Background: The Burnet Economic Development Corporation desires to sell land located within the Eastside Commercial Subdivision to a retail store developer at fair market rate and incentivize the development of the retail store project by refunding a portion of the purchase price upon issuance of a certificate of occupancy. The corporation and developer are negotiating a performance agreement memorializing the terms and conditions for grant of the incentive. The net price the Corporation shall have received after the refund should still be above the Corporation's acquisition and development costs for the land.

Information: As the incentive in this instance are anticipated to exceed \$10,000.00, Section 505.158(b) Texas Local Government Code, requires the project be approved by City Council resolution. The statute further requires the resolution to receive two readings.

Fiscal Impact: The net price the developer shall pay Corporation after deduction of the incentive should be above land acquisition and development costs so this project will have a small positive effect on the Corporation's budget. The project will have an indirect positive fiscal impact on the City's budget through the collection of ad valorem, personal property, and sales and use taxes.

Recommendation: Pass first reading of Resolution R2023-29 as presented.

RESOLUTION NO. R2023-29

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AUTHORIZING THE DEVELOPMENT OF A RETAIL STORE AT THE EASTSIDE COMMERCIAL SUBDIVISION AS A PROJECT THE BURNET ECONOMIC DEVELOPMENT CORPORATION MAY INCENTIVIZE THROUGH A PERFORMANCE AGREEMENT WITH THE RETAIL STORE DEVELOPER

WHEREAS, the Section 505.158(a) Texas Local Government Code, authorizes a Corporation created by a municipality of 20,000 or less to fund a project that includes the land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements found by the Corporation's Board of Directors to promote new or expanded business development; and

WHEREAS, the Burnet Economic Development Corporation is the owner of certain lots lying within the corporate limits of the City of Burnet, Burnet County Texas and being part of existing Lot 7-F of the Replat of Lot No. 7-C, Eastside Commercial Park Subdivision recorded as Document No. 201902804 on March 22, 2019, in the Public Records of Burnet County Texas (the "Land"); and

WHEREAS, the Corporation's Board of Directors desire to negotiate the sale of portion of the Land to the developer of a retail store project; and

WHEREAS, the Corporation's Board of Directors desire to designate this endeavor as a "Project" pursuant to Section 505.158(a) Texas Local Government Code in order to offer incentives to entice the development of a quality retail store; and

WHEREAS, City Council finds and determines that Project is necessary and suitable to promote or develop new or expanded business enterprises within the City of Burnet, and further, that the proposed Project is an authorized project pursuant to Section 505.158 Texas Local Government Code; and

WHEREAS, City Council finds and determines the notice of the time, place, and subject matter of the first and second readings of this resolution fully complied with the notice requirements of the Texas Open Meetings Act, and that the meeting where the readings were heard was open to public comment as required by said Act.

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

Section one. Findings. The recitals to this Resolution are deemed to be the true and correct findings of City Council and are incorporated herein for all purposes.

Resolution: Eastside Commercial Retail Store

Section two. Project Approval. The Project described in the recitals is hereby authorized in accordance with Section 505.158(b) Texas Local Government Code.

Section three. Effective Date. That this resolution shall take effect immediately upon its passage, and approval on second reading.

PASSED on first reading this the 9th day of May, 2023.

PASSED AND APPROVED on second reading this the 16th day of May, 2023.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

**RESOLUTION TO
APPROVE A RETAIL
STORE AS AN ECONOMIC
DEVELOPMENT PROJECT**

City Council Regular
Session May 9, 2023

STATUTORY AUTHORITY

- **Sec. 505.158 TLGC Municipalities with pop >20K**
 - **Project include land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements found by the corporation's board of directors to promote new or expanded business development”**
 - **Projects with expenditures more than \$10K require City Council approval.**

THE PROJECT

- **The land: approximately 5.75 acres**
- **The location: Eastside Commercial Subdivision**
- **The Project: National Brand Retail Store**

The incentive

- **The developer has requested a financial incentive to make this project feasible**
- **To insure project completion:**
 - **The real estate contract shall reflect a price equivalent to full market value**
 - **The performance agreement shall authorize the refund of a portion of the purchase price paid upon issuance of a Certificate of Occupancy for the Retail Store**

THANK YOU

Recommend passing the first
reading of the resolution
approving the proposed
project



Administration

ITEM 3.1B

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

Public Hearing & Action

Meeting Date: May 9, 2023

Agenda Item: Public hearing and action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ORDAINING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE, PROVIDING TAX INCENTIVES, DESIGNATING A LIAISON FOR COMMUNICATION WITH INTERESTED PARTIES, AND NOMINATING ENTEGRIS, INC. TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT & TOURISM THROUGH THE ECONOMIC DEVELOPMENT BANK AS AN ENTERPRISE PROJECT: H Erkan Jr.

Background: The purposes of Chapter 2303 Texas Government Code (hereinafter the "Act") are to establish a process that clearly identifies severely distressed areas of the state and provides incentives by state and local government to induce private investment in those areas by removing unnecessary governmental regulatory barriers to economic growth and to provide tax incentives and economic development program benefits.

Information: This ordinance nominates ENTEGRIS, INC., as a qualified business for designation as an enterprise project. In accordance with the requirements of the Act the ordinance also summarizes the local incentives, including tax incentives, that Council may offer to ENTEGRIS, INC as a nominated project.

Fiscal Impact No direct fiscal impact is anticipated with the passage of this Ordinance. The grant of future economic incentives pursuant to this ordinance may have an impact on the fiscal budget.

Recommendation: Open the public hearing.
Approve the first reading of Ordinance 2023-15 as presented.

ORDINANCE NO. 2023-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ORDAINING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE (ACT), PROVIDING TAX INCENTIVES, DESIGNATING A LIAISON FOR COMMUNICATION WITH INTERESTED PARTIES, AND NOMINATING ENTEGRIS, INC. TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT & TOURISM (EDT) THROUGH THE ECONOMIC DEVELOPMENT BANK (BANK) AS AN ENTERPRISE PROJECT (PROJECT).

WHEREAS, the City Council of the City of **BURNET**, Texas (City) desires to create the proper economic and social environment to induce the investment of private resources in productive business enterprises located in severely distressed areas of the city and to provide employment to residents of such area; and

WHEREAS, the project or activity is not located in an area designated as an enterprise zone; and

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Act, **ENTEGRIS, INC.** has applied to the City for designation as an enterprise project; and

WHEREAS, the City finds that **ENTEGRIS, INC.** meets the criteria for tax relief and other incentives adopted by the City on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and

WHEREAS, a public hearing to consider this ordinance was held by the City Council on May 9, 2023;

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

Section one. Nomination. The City nominates **ENTEGRIS, INC.** for enterprise project status.

Section two. Incentives. The following local incentives, at the election of City Council, are or will be made available to the nominated project or activity of the qualified business:

- a) The City may provide local sales tax refunds and may abate taxes on the increase in value of real property improvements and eligible personal property that locate in a designated enterprise zone. The level of abatement shall be based upon the extent to which the business receiving the abatement creates jobs for qualified employees, in accordance with the City of **BURNET** Tax Abatement Policy, and with qualified employee being defined by the Act.

- b) The City may provide tax increment financing, freeport exemptions, Ch 380 incentives, as well as Economic Development Sales Tax (4B) Contributions or other tax incentives.
- c) The City may provide regulatory relief to businesses, including:
 - 1) zoning changes or variances;
 - 2) exemptions from unnecessary building code requirements, impact fees, or inspection fees; or
 - 3) streamlined permitting.
- d) The City may provide enhanced municipal services to businesses, including:
 - 1) improved police and fire protection;
 - 2) institution of community crime prevention programs; or
 - 3) special public transportation routes or reduced fares.
- e) The City may provide improvements in community facilities, including:
 - 1) capital improvements in water and sewer facilities;
 - 2) road repair; or
 - 3) creation or improvement of parks.
- f) The City may provide improvements to housing, including:
 - 1) low-interest loans for housing rehabilitation, improvement, or new construction; or
 - 2) transfer of abandoned housing to individuals or community groups.
- g) The City may provide business and industrial development services, including:
 - 1) low-interest loans for business;
 - 2) use of surplus school buildings or other underutilized publicly owned facilities as small business incubators;
 - 3) provision of publicly owned land for development purposes, including residential, commercial, or industrial development;
 - 4) creation of special one-stop permitting and problem resolution centers or ombudsmen; or
 - 5) promotion and marketing services.
- h) The City may provide job training and employment services to businesses, including:
 - 1) retraining programs;
 - 2) literacy and employment skills programs;
 - 3) vocational education; or
 - 4) customized job training.

Section three. Areas. The enterprise zone areas within the City are reinvestment zones in accordance with the Texas Tax Code, Chapter 312.

Section four. Designation. The City of **BURNET** City Council directs and designates its **City Manager** as the City's liaison to communicate and negotiate with the EDT through the Bank and enterprise project(s) and to oversee zone activities and communications with qualified businesses and other entities in an enterprise zone or affected by an enterprise project.

Section five. Findings. The City finds that **ENTEGRIS, INC.** meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the grounds that follow:

- (a.) **ENTEGRIS, INC.** is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site within the governing body's jurisdiction, located outside of an enterprise zone and at least thirty-five percent (35%) of the business' new employees will be residents of an enterprise zone, economically disadvantaged individuals, or veterans; and
- (b.) There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities in the area; and
- (c.) The designation of **ENTEGRIS, INC.** as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

Section six. Termination date. The enterprise project shall take effect on the date of designation of the enterprise project by EDT and terminate on **June 1, 2028**.

Section seven. Effective Date. This ordinance shall take effect from and after its passage as the law and charter in such case provides.

PASSED AND APPROVED this 9th day of May, 2023

PASSED AND ADOPTED this 23rd day of May 2023.

CITY OF BURNET, TEXAS

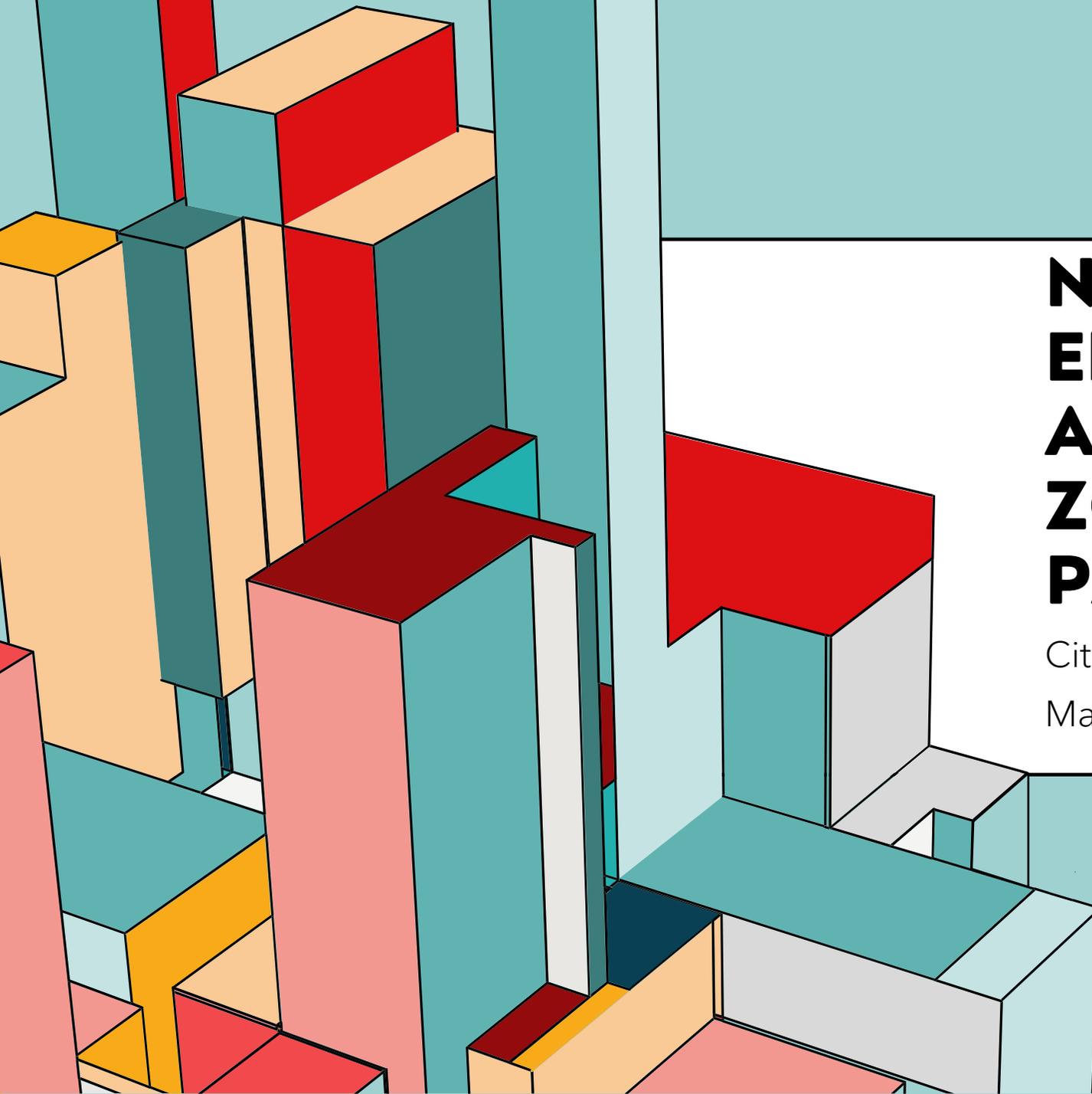
ATTEST:

Kelly Dix, City Secretary

Crista Goble Bromley, Mayor

APPROVED AS TO FORM:

DNRB&Z P.C., City Attorney

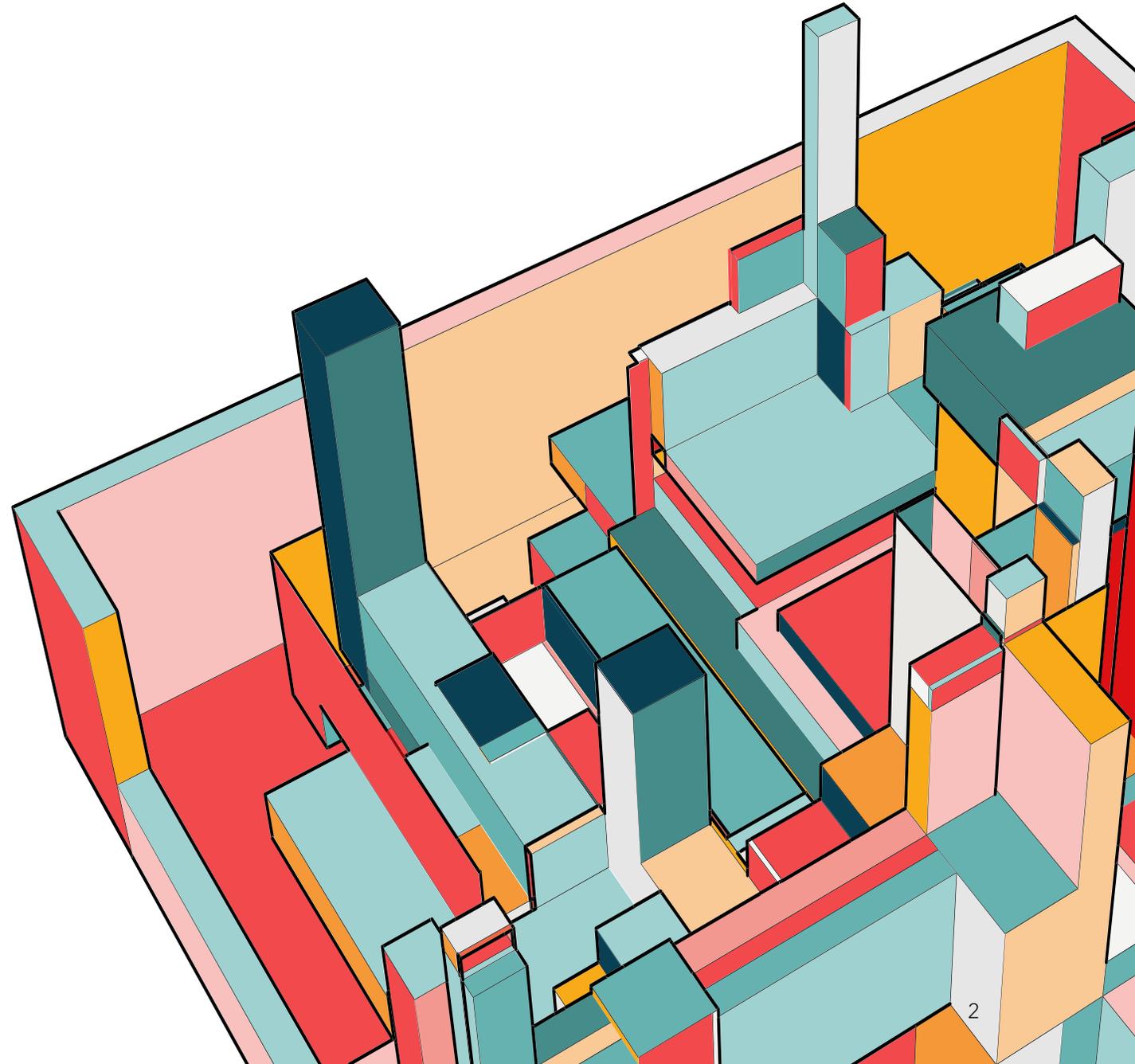
The background features a collection of 3D rectangular blocks of various heights and colors, including teal, red, orange, and pink. These blocks are arranged in a way that creates a sense of depth and perspective, with some blocks appearing to be stacked or connected. The overall aesthetic is modern and geometric.

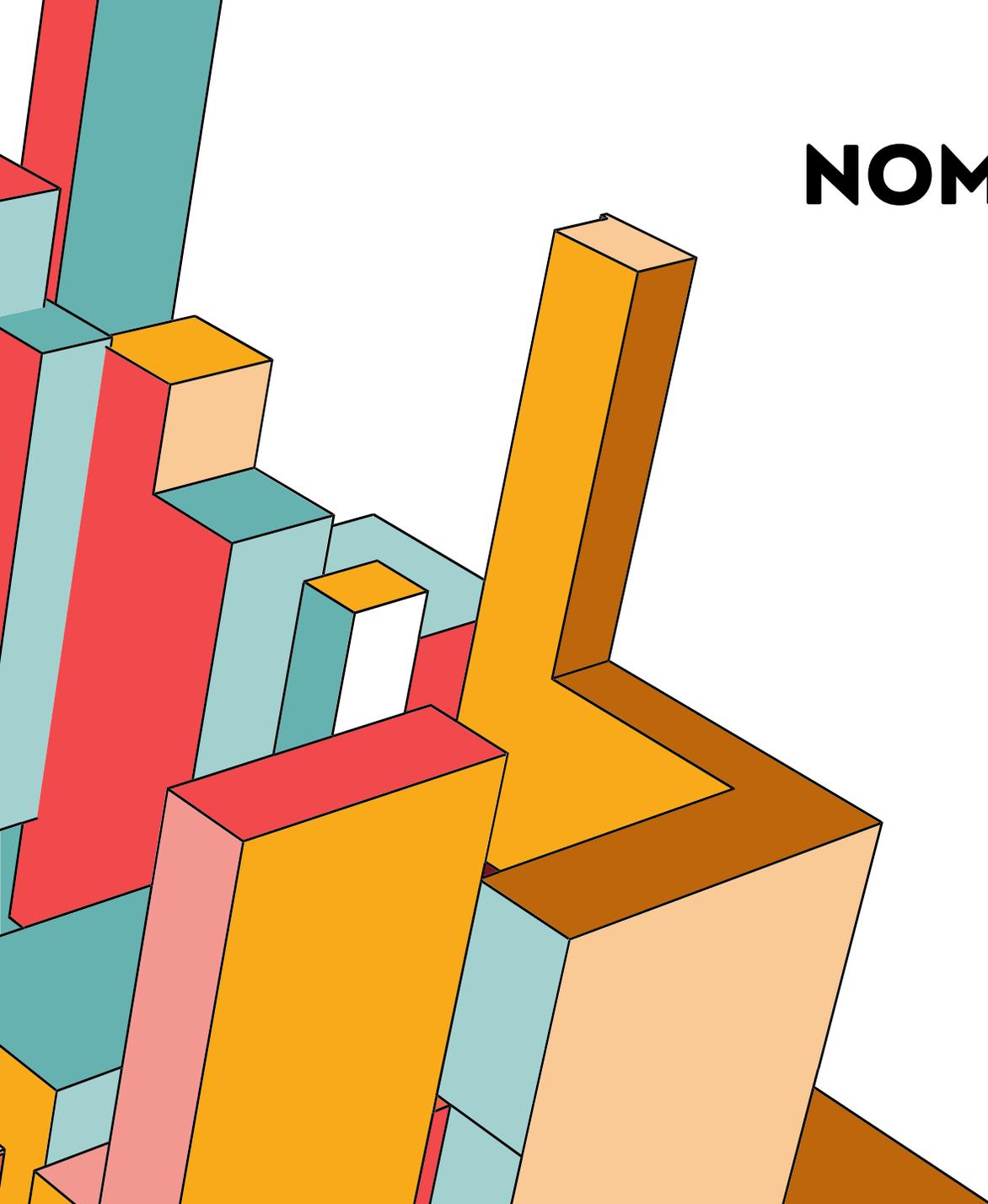
NOMINATING ENTEGRIS INC. AS AN ENTERPRISE ZONE PARTICIPANT

City Council Regular Session
May 9, 2023

CHAPTER 2303 TEXAS GOVERNMENT

- establishes a process that clearly identifies severely distressed areas of the state
- provides incentives by state and local government to induce private investment in those areas by removing unnecessary governmental regulatory barriers to economic growth; and
- provides tax incentives and economic development program benefits





NOMINATING ORDINANCE

This ordinance:

- nominates ENTEGRIS, INC., as a qualified business for designation as an enterprise project; and
- summarizes the local incentives, including tax incentives, that, at the election of the governing body, are or will be made available to the nominated project or activity.

INCENTIVE MENU

- Incentives Council may elect to provide include:
 - sales tax refunds and tax abatement on property improvements and qualified personal property;
 - tax increment financing, freeport exemptions, Ch 380 incentives, as well as Economic Development Sales Tax (4B) Contributions or other tax incentives;
 - regulatory relief;
 - enhanced municipal services;
 - improvements to housing;
 - business and industrial development services; and
 - job training

THANK YOU

Next step: Open public hearing.



Development Services

ITEM 3.1C

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

Public Hearing & Action

Meeting Date: May 9, 2023

Agenda Item: Public hearing and 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 7-D OF THE EAST SIDE COMMERCIAL PARK SUBDIVISION WITH LIGHT COMMERCIAL – DISTRICT “C-1” CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE: L. Kimbler

Background: The property is currently an undeveloped property located just north of the Baylor Scott and White Clinic and is currently zoned Heavy Commercial – “District C-3”. The subject property is owned by the Burnet Economic Development Corporation. The Burnet EDC is requesting the rezone of the property to encourage the right buyers for the property; as well as, protect the surrounding development.

Information: The requested Light Commercial – District “C-1” is governed by code of ordinances, Sec. 118-45, and allows for a mix of light commercial uses including retail and office space. This use also allows uses permitted in the “NC” Neighborhood Commercial district (except for residential buildings and uses).

An example of some allowable uses would be:

- Banks
- Doctor or Dental Offices
- Lawyer’s Offices
- Personal Services uses including barber shops, beauty parlors, etc.
- Restaurant or other drive-in eating establishment
- Retail sale of goods and products

Staff Analysis: The Future Land Use Map (Exhibit B) designation for the area is commercial; therefore, the requested Light Commercial zoning is appropriate.

Properties adjacent to the subject property are zoned as follows:

	North	South	East	West
Zoning	"PUD"	"C-3"	"C-3"	"C-3"
FLUM	Commercial	Commercial	Commercial	Commercial
Land Use	Warehouse/Office	Medical Clinic	Vacant	Vacant

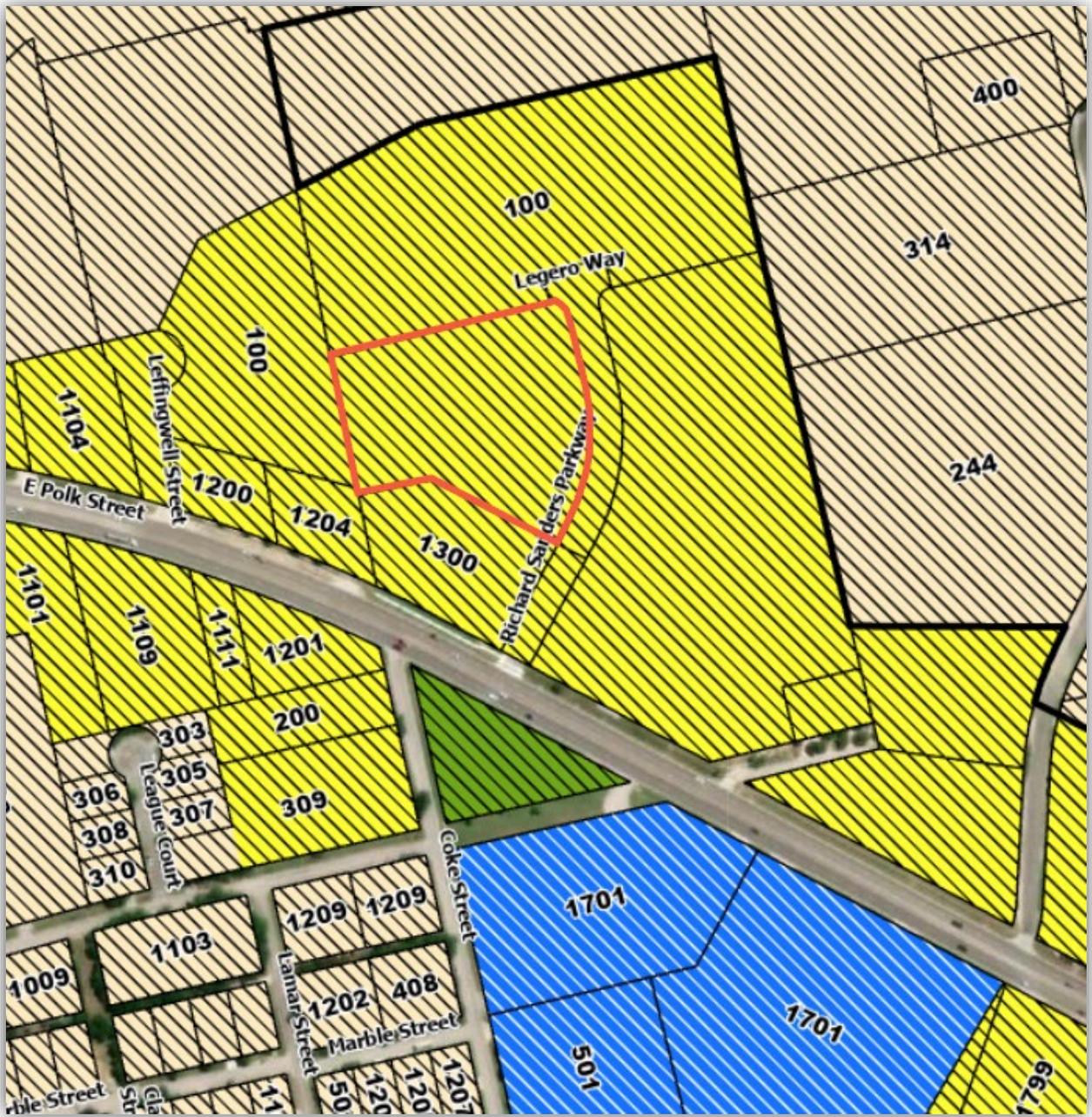
Section 118-20, Chart 1, states properties zoned "C-1" must be a minimum of 10,000 square feet with a minimum lot width of 50 feet. The subject property does exceed both requirements.

Public Notification: A Notice of Public Hearing was published in the Burnet Bulletin on April 19, 2023, and written notices were mailed to six (6) surrounding property owners within 200 feet of the subject property. There have been zero responses in favor and zero responses in opposition.

P&Z Report: Planning and Zoning met at their regular meeting on Monday, May 1st and did recommend approval of the requested rezone and Ordinance 2023-16 as presented.

Recommendation: Open Public Hearing
Pass and approve the first reading of Ordinance 2023-16 as presented.

Exhibit "B"
Future Land Use Map



-  Government
-  Commercial
-  Residential
-  Open Space

ORDINANCE NO. 2023-16

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 7-D OF THE EAST SIDE COMMERCIAL PARK SUBDIVISION WITH LIGHT COMMERCIAL – DISTRICT “C-1” CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

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

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

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

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

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

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

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

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

Section two. Property. The Property that is the subject to this Zoning District Reclassification is located at PROPERTY LEGALLY DESCRIBED AS: LOT 7-D OF THE EAST SIDE COMMERCIAL PARK SUBDIVISION as shown on **Exhibit “A”** hereto.

Section three Zoning District Reclassification. Light Commercial - District “C-1” Zoning District Classification is hereby assigned to the Property described in section two.

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

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

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

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

PASSED on first reading the 9th day of May 2023

PASSED AND APPROVED on this the 23rd day of May 2023.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

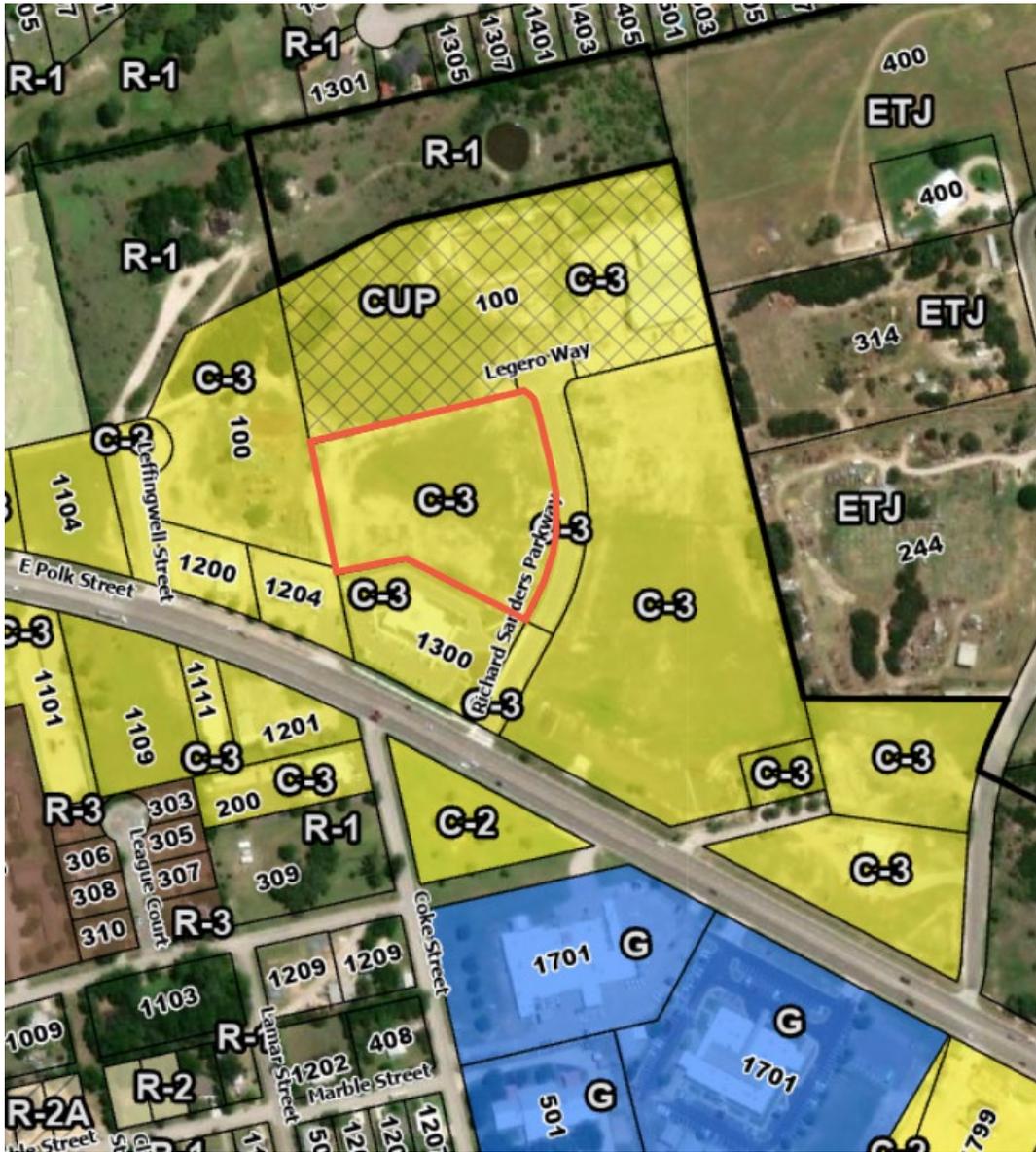
Kelly Dix, City Secretary

Exhibit A
SUBJECT PROPERTY



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 7-D OF THE EAST SIDE COMMERCIAL PARK SUBDIVISION WITH LIGHT COMMERCIAL – DISTRICT “C-1” CLASSIFICATION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE





Information

- Current Zoning:
 - Heavy Commercial – District “C-3”
 - Property is undeveloped
- Requested Zoning:
 - Light commercial- “C-1”
 - Owned by Burnet Economic Development Corporation



Sec. 118-45 Allowable Uses:

- Banks
- Doctor or Dental Offices
- Lawyer's Offices
- Personal Services uses including barber shops, beauty parlors, etc.
- Restaurant or other drive-in eating establishment
- Retail sale of goods and products



Government



Commercial



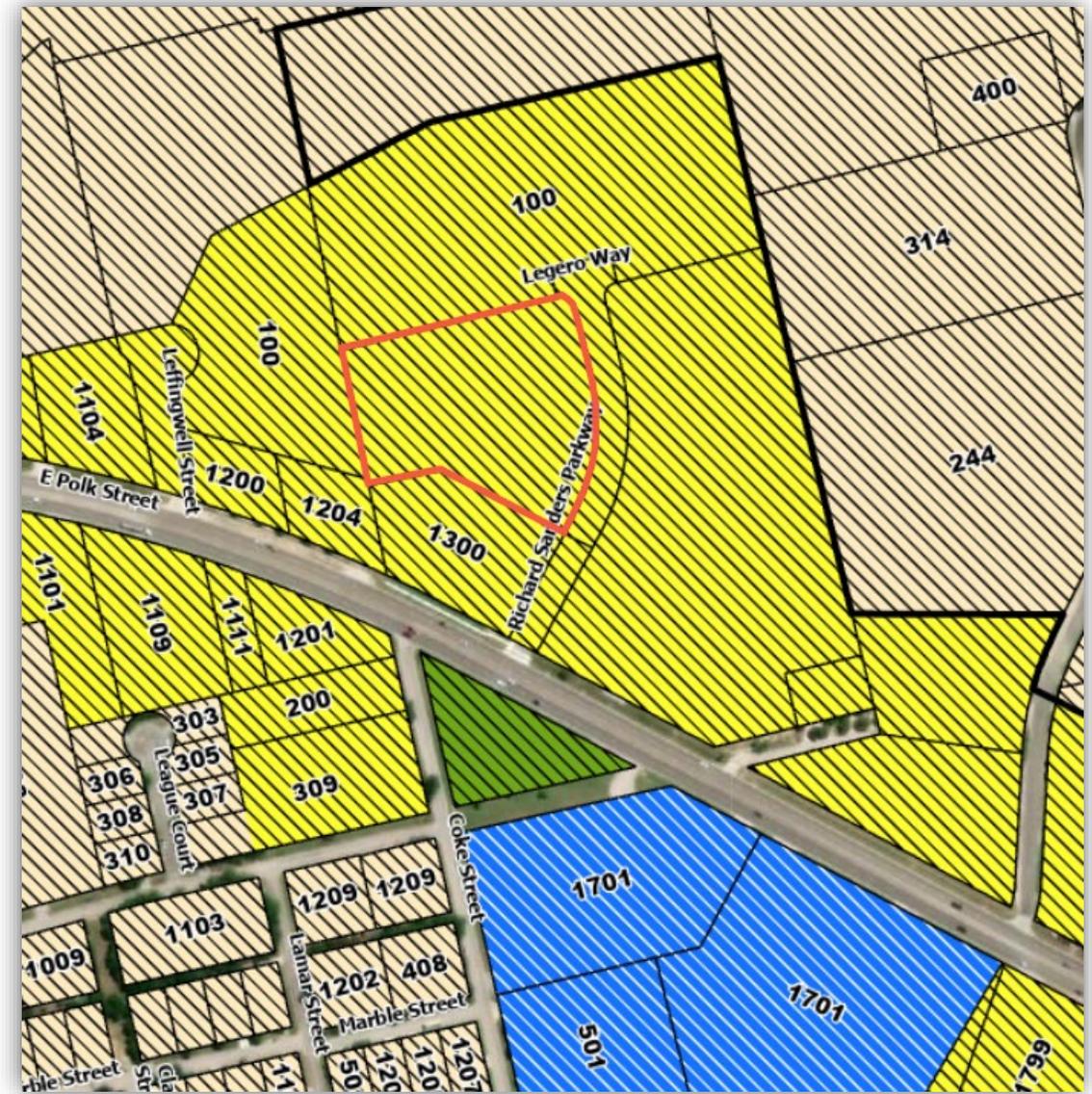
Residential



Open Space

	North	South	East	West
Zoning	"PUD"	"C-3"	"C-3"	"C-3"
FLUM	Commercial	Commercial	Commercial	Commercial
Land Use	Warehouse/Office	Medical Clinic	Vacant	Vacant

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

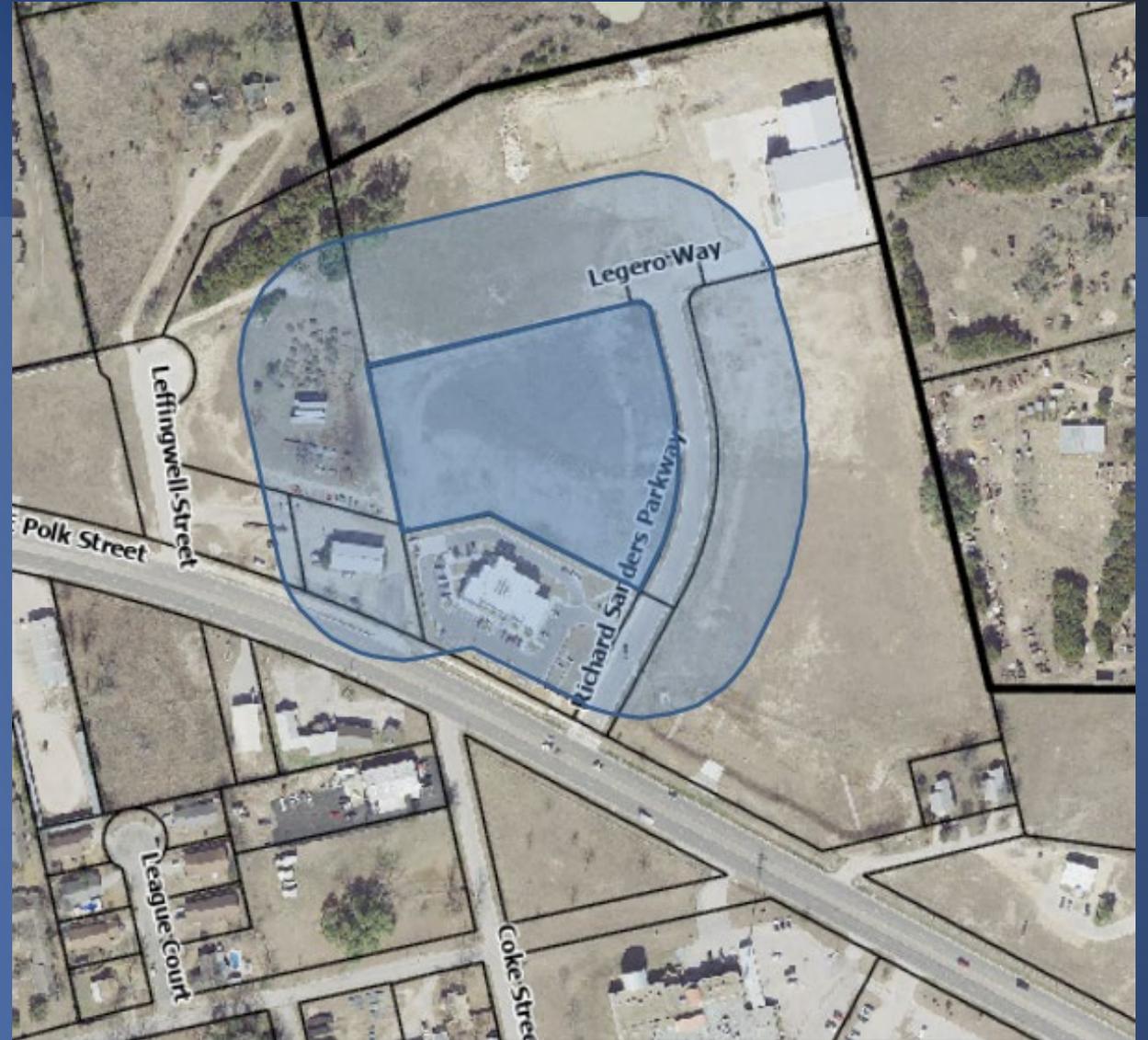


Public Notification:

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

P&Z Report:

Planning and Zoning met at their regular meeting on Monday, May 1st and did recommend approval of the requested rezone and Ordinance 2023-16 as presented.



Open public hearing

Discuss and consider the first reading of Ordinance 2023-16





Administration

ITEM 3.1D

Habib Erkan, Jr.
Assistant City Manager
512-715-3200
herkan@cityofburnet.com

Public Hearing & Action

Meeting Date: May 9, 2023

Agenda Item: Public hearing and action: FIRST READING OF A RESOLUTION BY THE CITY COUNCIL AUTHORIZING THE DEVELOPMENT OF A NATIONAL FRANCHISE HOTEL AT THE CROSSING AT 281 SUBDIVISION AS A PROJECT THE BURNET ECONOMIC DEVELOPMENT CORPORATION MAY INCENTIVIZE THROUGH A PERFORMANCE AGREEMENT WITH THE NATIONAL FRANCHISE HOTEL DEVELOPER: H. Erkan, Jr.

Background: The Burnet Economic Development Corporation's Board of Directors desires to sell land located within the Crossing at 281 Subdivision to a National Franchise Hotel developer. In order to ensure the development of a quality hotel with enhanced amenities the Board of Directors is seeking to declare this endeavor as a Project pursuant to Section 505.158 Texas Local Government Code. Upon the Project declaration the Board of Directors shall direct the City Manager to negotiate a Performance Agreement with the National Franchise Hotel developer. In accordance with Section 501.158 Texas Local Government Code such agreement may include an offer of incentives, performance objectives, and incentive claw backs should the developer fail to meet the performance objectives.

Information: As the incentive in this instance are likely to exceeds \$10,000.00, Section 505.158(a) Texas Local Government Code, requires the project be approved by City Council resolution. The statute further requires the resolution to receive two readings.

Fiscal Impact: The project will have an indirect positive fiscal impact on the City's budget through the collection of ad valorem, personal property, hotel occupancy, and sales and use taxes.

Recommendation: Pass the first reading of Resolution R2023-33 as presented.

RESOLUTION NO. R2023-33

A RESOLUTION BY THE CITY COUNCIL AUTHORIZING THE DEVELOPMENT OF A NATIONAL FRANCHISE HOTEL AT THE CROSSING AT 281 SUBDIVISION AS A PROJECT THE BURNET ECONOMIC DEVELOPMENT CORPORATION MAY INCENTIVIZE THROUGH A PERFORMANCE AGREEMENT WITH THE NATIONAL FRANCHISE HOTEL DEVELOPER:

WHEREAS, the Section 505.158(a) Texas Local Government Code, authorizes a Corporation created by a municipality of 20,000 or less to fund a project that includes the land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements found by the Corporation's Board of Directors to promote new or expanded business development; and

WHEREAS, the Burnet Economic Development Corporation is the owner of the Crossing at 281 Subdivision (the "Land") lying within the corporate limits of the City of Burnet, Burnet County Subdivision recorded as Document No. 202212419 on August 22, 2022, in the Public Records of Burnet County ; and

WHEREAS, the Corporation's Board of Directors desire to negotiate the sale of portion of the Land to the developer of a national franchise hotel project; and

WHEREAS, the Corporation's Board of Directors desire to designate this endeavor as a "Project" pursuant to Section 505.158(a) Texas Local Government Code in order to offer incentives to entice the development of a quality national franchise hotel with preferable amenities; and

WHEREAS, City Council finds and determines that Project is necessary and suitable to promote or develop new or expanded business enterprises within the City of Burnet, and further, that the proposed Project is an authorized project pursuant to Section 505.158 Texas Local Government Code; and

WHEREAS, City Council finds and determines the notice of the time, place, and subject matter of the first and second readings of this resolution fully complied with the notice requirements of the Texas Open Meetings Act, and that the meeting where the readings were heard was open to public comment as required by said Act.

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

Section one. Findings. The recitals to this Resolution are deemed to be the true and correct findings of city council and are incorporated herein for all purposes.

Section two. Project Approval. The Project describe in the recitals is hereby authorized.

Resolution: Xing@281 National Franchise Hotel

Section three. Effective Date. That this resolution shall take effect immediately upon its passage, and approval on second reading.

PASSED on first reading this the 9th day of May, 2023.

PASSED AND APPROVED on second reading this the 16th day of May, 2023.

CITY OF BURNET, TEXAS

Crista Goble Bromley, Mayor

ATTEST:

Kelly Dix, City Secretary

**RESOLUTION TO
APPROVE A RETAIL
STORE AS AN ECONOMIC
DEVELOPMENT PROJECT**

City Council Regular
Session May 9, 2023

STATUTORY AUTHORITY

- **Sec. 505.158 TLGC Municipalities with pop >20K**
 - **Project include land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements found by the corporation's board of directors to promote new or expanded business development”**
 - **Projects with expenditures more than \$10K require City Council approval.**

THE PROJECT

- **The land: approximately nine acres**
- **The location: Crossing at 281 Subdivision**
- **The Project: National Franchise Hotel**

The incentive

- **The developer has requested a financial incentive to make this project feasible**
- **To insure project completion:**
 - **The real estate contract shall reflect a price equivalent to full market value**
 - **The performance agreement shall authorize the refund of a portion of the purchase price paid upon issuance of a Certificate of Occupancy for the Hotel**

THANK YOU

Recommend passing the first
reading of the resolution
approving the proposed
project



Public Works

ITEM 4.1

Carly Pearson
Director of Public Works and
Development Services
512-715-3515
cpearson@cityofburnet.com

Action

Meeting Date: May 9, 2023

Agenda Item: Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AUTHORIZING THE PURCHASE OF CHRISTMAS DECORATIONS FOR THE HISTORIC DOWNTOWN DISTRICT AND SURROUNDING AREAS:
C. Pearson

Background: Each year the City of Burnet participates in the decorating of the Historic Downtown District during the Christmas season. Just last year, the City of Burnet expanded the decorations by adding additional static displays to the corners around the courthouse which helped increase the appeal of the current decorations and added great photo opportunities.

Information: In an effort to increase tourism in the City of Burnet, staff would like to purchase additional Christmas decorations to continue to entice visitors to the community during the Christmas season. Staff is requesting \$30,000.00 to help accomplish this goal.

Fiscal Impact If approved, it will allow for up to \$30,000 to be spent out of the HOT fund for the purchase of Christmas decorations.

Recommendation: Staff recommends approval of Resolution R2023-31 as presented.

RESOLUTION NO. R2023-31

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET,
TEXAS AUTHROIZING THE PURCHASE OF CHRISTMAS DIRECTIONS
FOR THE HISTORIC DOWNTOWN DISTRICT AND SURROUNDING
AREAS**

Whereas; each year the City of Burnet participates in the decorating of the Historic Downtown District during the Christmas season; and

Whereas; in an effort to increase tourism in the City of Burnet, staff would like to purchase additional Christmas decorations to continue to entice visitors to the community during the Christmas season; and

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

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

Section two. Proceedings. The City Council does hereby approve the expenditure of \$30,000.00 for the additional Christmas decorations.

Section three. Authorization. The City Council does hereby authorize the City Manager to take such actions reasonably necessary to facilitate the purpose of this Resolution.

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

Section four. Effective date. This resolution shall take effect immediately upon its passage, and approval as prescribed by law.

PASSED AND APPROVED this the 9th day of May 2023.

CITY OF BURNET, TEXAS

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary



A BEAUTIFUL BURNET CHRISTMAS

MAY 9, 2023

SANTA'S STEAM TRAIN!



You can't spell Choo Choo Choo
Without Ho Ho Ho!

SANTA CLAUS IS COMING TO TOWN!

(IN A STEAM TRAIN, OF
COURSE)



NEW LIFE FOR THE LIGHT POLES





THANK YOU!

MAY 9, 2023



Police Department

ITEM 4.2

Brian Lee
Police Chief
512-715-3483
blee@cityofburnet.com

Action

Meeting Date: May 9, 2023

Agenda Item: Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, RETIRING POLICE CANINE KUSO AND TRANSFERRING OWNERSHIP TO KUSO'S HANDLER: B. Lee

Background: Canine Kuso has been with the police department and has served the citizens of the city for many years. During Kuso's years of service Lieutenant Jeremy Stewart has been his handler. Following numerous years of dedicated service, the department, in conjunction with consultation of Kuso's handler, have made the determination that Kuso is surplus to the department's needs. Therefore, the department recommends the retirement of Kuso from service as a law enforcement canine. Kuso's handler desires to assume ownership and take possession of Kuso and maintain ownership of Kuso.

Information: This resolution approves an agreement transferring Kuso's ownership from the City of Burnet Police Department to Kuso's handler; resulting in the City no longer exposed to vicariously or directly liability for Kuso. The resolution does include a provision obligating the City to cover Kuso's routine veterinary visit costs; and allowing, but not requiring, the city to pay for veterinary and related expenses should Kuso incur a catastrophic illness or injury.

Fiscal Impact Passage of this resolution will have a positive fiscal impact as the City will no longer be responsible for the care and feeding of Kuso as of June 1, 2023.

Recommendation: Approve Resolution No. R2023-32 as presented.

RESOLUTION NO. R2023-32

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET,
TEXAS RETIRING POLICE CANINE KUSO AND TRANSFERRING
OWNERSHIP TO KUSO'S HANDLER**

Whereas, Canine Kuso has been with the police department, and has served the citizens of the city for many years and

Whereas, During Kuso's years of service Lieutenant Jeremy Stewart has been his handler; and

Whereas, following numerous years of dedicated service, the department, in conjunction with consultation of Kuso's handler, have made the determination that Kuso is surplus to the department's needs; and

Whereas, the department recommends the retirement of Kuso from service as a law enforcement canine; and

Whereas, Kuso's handler desires to assume ownership and take possession of Kuso and formerly and maintain ownership of Kuso effective June 1, 2023; and

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

Section one. Approval. The agreement attached hereto is hereby approved.

Section two. Authorization. The city manager is hereby authorized to execute an agreement in substantial form as the attachment hereto and take such further action, and execute such ancillary documents, 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 9th day of May 2023.

CITY OF BURNET, TEXAS

ATTEST:

Crista Goble Bromley, Mayor

Kelly Dix, City Secretary

CITY OF BURNET CANINE OWNERSHIP TRANSFER AGREEMENT

THIS AGREEMENT is made and entered into this 9th day of May, 2023, by and between the CITY OF BURNET (the "City"), acting on behalf of the BURNET POLICE DEPARTMENT ("BPD") (collectively "City) and Jeremy Stewart, a Lieutenant and canine handler for the BPD (hereinafter "Handler").

RECITALS

- A. Canine Kuso has been with the BPD since 2015. Kuso has served the citizens of the city of BURNET for Seven (7) years.
- B. Following numerous years of dedicated service, the BPD, in conjunction with consultation of Kuso's handler, have made the determination that Kuso is surplus to the needs of BPD and to retire Kuso from service as a law enforcement canine due to his age.
- C. Handler desires to assume ownership and take possession of Kuso and formerly served as the handler for Kuso.
- D. Handler wishes to maintain ownership of Kuso and the City wishes to divest itself of both ownership and vicarious or direct liability for Kuso.

COVENANTS AND AGREEMENTS

NOW THEREFORE, in consideration of the foregoing recitals and the mutual terms, promises and undertakings set forth herein, the signatories to this Agreement voluntarily agree as follows:

- 1. The city does hereby agree to relinquish all right, title and ownership interest in BPD canine Kuso whatsoever, effective upon Handler's execution and return of this Agreement to the City.
- 2. Handler does hereby agree to assume ownership of Kuso "as is", and to assume any and all risks, including but not limited to, risk of injury or death to third persons, and to hold the City and its elected officials, employees, agents or volunteers harmless from any and all liability, claims, administrative proceedings or other responsibility whatsoever arising from any injuries or damages that may occur on or after the date ownership of Kuso is transferred pursuant to this Agreement. That date is hereby fixed by agreement by and among the parties hereto as being June 1st, 2023.
- 3. Handler further agrees to assume all liability for risks and dangers relating to his ownership of Kuso on or after the aforementioned date, and to indemnify and hold the City harmless in the event that any legal or administrative action, whether by

claim, demand or otherwise, is made by any person or entity as a consequence of or arising out of any event, act or disturbance involving the actions or conduct of the subject police dog on or after the date ownership is transferred. These hold harmless provisions shall extend to any direct or vicarious liability arising from any and all losses, liabilities, charges (including reasonable attorney fees and court costs), and any other expenses whatsoever which may arise in any manner after the new owner's assumption of ownership on the date identified herein.

4. Handler agrees to humanely care for Kuso, including providing food, shelter, and regular and appropriate veterinary care, including medication, to properly provide for Kuso's health. The City shall continue to cover the costs of Kuso's annual veterinary examinations, vaccines and related routine medical care costs. Moreover, in the event Kuso ever suffers a cataphoric illness or injury, as determined by the City Manager, the City may, but shall not be obliged to, pay all or a portion of the veterinarian, and related, costs necessary to treat such cataphoric illness or injury.
5. Handler agrees to comply with all state and local laws applicable to keeping domestic animals.
6. Handler agrees to notify the City in the event Handler is no longer able to humanely care for Kuso. Upon receipt of notice or a finding that Handler is no longer able to humanely care for Kuso, Kuso shall revert to the possession of the City.
7. Handler acknowledges that he has read and understood the foregoing Agreement and understands that it is contractual in nature and understands and agrees to each of its provisions. Bureau

In consideration for the mutual promises and covenants set forth above the Parties make this Agreement effective as of the date first set forth above.

NEW OWNER

Lieutenant Jeremy Stewart

CITY OF BURNET

David Vaughn, City Manager



Police Department

ITEM 4.3

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

Action

Meeting Date: May 9th, 2023

Agenda Item: Discuss and consider action: Authorization and approval to purchase a 2023 FORD RESPONDER 4WD for the PD Lieutenants position and a 2023 SILVERADO 4WD CREW CAB truck for the electric department supervisor: B. Lee

Background: The creation of a Lieutenant position created the need for another vehicle that would operate in an administrative role outside of the normal marked patrol vehicles. The electric department does not have a vehicle available for the new supervisor in the electric department. The cost to purchase the vehicles is \$113,680.00. An additional \$15,000 will be needed to equip the police vehicle with lights and equipment.

Information: The police vehicle is in stock and the electric department vehicle is scheduled to be delivered next month. The vehicles are both being purchased using the TIPS purchasing cooperative.

Fiscal Impact: The total cost for the vehicles will be \$113,680.00. This includes \$15,000 for upfitting on the police vehicle. The vehicles will be paid for out of the self-funded account and included in next year's operating budget.

Recommendation: Staff recommends approval of the purchase of the vehicles for the police department and electric department.



PRODUCT PRICING SUMMARY

TIPS USA 210907 Automobiles

VENDOR- Silsbee Ford, 1211 Hwy 96 N., Silsbee TX 77656

End User: BURNET PD

Prepared by: SETH GAMBLIN

Contact: _____

Phone: 512.436.1313

Email: _____

Email: SGAMBLIN.SILSBEEFLEET@GMAIL.COM

Product Description: FORD F150 RESPONDER

Date: April 26, 2023

A. Bid Item: _____

A. Base Price: \$ **45,799.00**

B. Factory Options

Code	Description	Bid Price	Code	Description	Bid Price
W1P	FORD 2023 RESPONDER 4X4 SHORT BED	\$ 1,195.00	18B	BLACK PLATFORM RUNNING BOARDS	\$ 250.00
998	3.5L V6 ECOBOOST	\$ -			
44G	10 SPEED TRANS AUTO		85H	BACKUP ALARM SYSTEM	\$ 145.00
			55B	BOX LINK	\$ 80.00
53A	TRAILER TOW PACKAGE	\$ 995.00			
168	COLOR COORDINATED CARPET	\$ 145.00			
67P	REMOTE KEYLESS	\$ 340.00	47R	TRAY STYLE FLOOR LINER	\$ 200.00
47P	POLICE ENGINE IDLE	\$ 260.00			
Total of B. Published Options:					\$ 3,610.00

Published Option Discount (5%): \$ **(120.75)**

C. Unpublished Options [not to exceed 25%]

\$= 3.4 %

Description	Bid Price	Options	Bid Price
63T- TAILGATE STEP	\$ 430.00	EXTERIOR- CARBONIZED GRAY METALLIC	
96W-SPRAY IN BED LINER	\$ 595.00	INTERIOR- X HD POLICE CLOTH 40/BLANK/40	
		150A- EQUIPMENT GROUP	
94R- R/B STROBE COLOR LED WARNING BEACONS	\$ 650.00		
		UNIT ON THE GROUND NOW **	
		128277	
Total of C. Unpublished Options:			\$ 1,675.00

D. Floor Plan Interest (for in-stock and/or equipped vehicles):

\$ -

E. Lot Insurance (for in-stock and/or equipped vehicles):

\$ 350.00

F. Contract Price Adjustment: _____

G. Additional Delivery Charge: 250

\$ 437.50

H. Subtotal:

\$ 51,750.75

I. Quantity Ordered 1 **x H =**

\$ 51,750.75

J. Trade in: _____

\$ -

K.

L. Total Purchase Price

\$ 51,750.75