



## **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 **9<sup>th</sup> day of January, 2024**, at **6:00 p.m.**, in the City of Burnet Council Chambers located at 2402 S. Water Street (Hwy. 281 South, Burnet Municipal Airport) Burnet, TX.

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) Delaware Springs Quarterly Report: T. Nash

**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 December 12<sup>th</sup>, 2023 City Council Workshop Meeting Minutes

2.2) Approval of the December 12<sup>th</sup>, 2023 City Council Regular Meeting Minutes

**3. PUBLIC HEARINGS/ACTION:**

3.1) Public hearing and consideration of the following items:

A) FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING"), SEC.118-5 & 118-68 PROVIDING FOR DEFINITIONS AND REGULATIONS 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

Proceedings shall be conducted as follows:

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

B) 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 506 E LEAGUE ST. AND 410 S SILVER ST. FROM ITS PRESENT DESIGNATION OF LIGHT INDUSTRIAL – "I-1" TO A DESIGNATION OF NEIGHBORHOOD COMMERCIAL – "NC"; PROPERTY KNOWN AS 801 NORTHINGTON FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – "C-1" TO A DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – "R-1"; PROPERTY KNOWN AS 303 S BOUNDARY FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – "C-1" TO A DESIGNATION OF GOVERNMENT – "G"; PROPERTY KNOWN AS 208 S VANDEVEER ST. FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – "C-1" TO A DESIGNATION OF GOVERNMENT – "G"; PROPERTY KNOWN AS 403 S SILVER ST FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – "C-1" TO A DESIGNATION OF NEIGHBORHOOD COMMERCIAL – "NC"; PROPERTY KNOWN AS THE

RANDY LONGORIA PARK FROM ITS PRESENT DESIGNATION OF AGRICULTURE – “A” TO A DESIGNATION OF GOVERNMENT – “G”; PROPERTY KNOWN AS 800 AND 802 S VANDEVEER ST FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF DUPLEX – “R-2”; AND PROPERTY KNOWN AS 808 S BOUNDARY ST FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – “R-1”: L. Kimbler

Proceedings shall be conducted as follows:

- (1) Staff Presentation
- (2) Public Hearing
- (3) Consideration and action

C) 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 611 S WATER STREET FROM SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO LIGHT COMMERCIAL – DISTRICT “C-1”: L. Kimbler

Proceedings shall be conducted as follows:

- (1) Staff Presentation
- (2) Public Hearing
- (3) Consideration and action

3.2) The City Council shall conduct a public hearing to receive public testimony and comments on the merits of a proposed “Preliminary Plat” for approximately 25.88 acres out of Abstract A0398 Susano Hernandez Tract and Abstract 1018 & 29. The proposed “Preliminary Plat” will establish The Ranch at Delaware Creek, Phase 5, consisting of 52 residential lots: L. Kimbler

Proceedings shall be conducted as follows:

- (1) Staff Presentation
- (2) Public Hearing

3.3) CITY COUNCIL SHALL CONVENE AS THE DANGEROUS BUILDINGS BOARD OF APPEALS TO CONDUCT A PUBLIC HEARING TO DELIBERATE AND TAKE ACTION ON A PROPOSED ORDER FINDING THE STRUCTURE LOCATED AT 300 N. WATER STREET TO BE A DANGEROUS STRUCTURE AND ORDERING THE DEMOLITION OF SAID STRUCTURE. B. Lee

Proceedings shall be conducted as follows:

- (1) Council will convene as Dangerous Buildings Board of Appeals
- (2) Staff Presentation
- (3) Public Hearing
- (4) Consideration and action
- (5) Reconvene to Regular Council Meeting

#### **4. ACTION ITEMS:**

4.1) Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 2 (ENTITLED "ADMINISTRATION") BY AMENDING SECTION 2-100 EMERGENCY MEDICAL SERVICE FEES: M. Ingram

4.2) Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AUTHORIZING THE ACCEPTANCE OF THE DONATION OF 18 BALLISTIC HELMETS, FOUR IFAK KITS, AND 24 TOURNIQUETS FROM MARILIE WALKER: B. Lee

4.3) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING VARIANCES TO THE CODE OF ORDINANCES, SECTION 98-48 – BLOCKS FOR THE PROPOSED PRELIMINARY PLAT OF THE RANCH AT DELAWARE CREEK, PHASE 5 SUBDIVISION: L. Kimbler

4.4) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING THE PRELIMINARY PLAT OF THE RANCH AT DELAWARE CREEK, PHASE 5 SUBDIVISION, A PROPOSED 52-LOT RESIDENTIAL SUBDIVISION CONSISTING OF APPROXIMATELY 25.88 ACRES: L. Kimbler

4.5) Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING THE PURCHASE OF A NEW SST15-832 VON UNIT FOR THE BURNET ELECTRIC DEPARTMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE PURCHASE AGREEMENT ON BEHALF OF THE CITY: C. Pearson

4.6) Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2023-36; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30, 2024, FOR THE CITY OF BURNET, TEXAS, FUNDING ACCOUNTS IN BUDGET DUE TO UNFORESEEN SITUATIONS; CONTAINING FINDINGS; PROVIDING FOR SAVINGS AND SEVERABILITY: P. Langford

4.7) Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS SELECTING THE PROPOSAL OF DON JACKSON CONSTRUCTION UNDER REQUEST FOR PROPOSAL 2023-007 AIRPORT BOX HANGAR PROJECT; AWARDING A CONTRACT TO SAID CONTRACTOR IN THE AMOUNT OF \$1,782,970.00; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY ON OR AFTER JANUARY 25, 2024: E. Belaj

4.8) Discuss and consider action: Golf Course Advisory Committee Appointments: D. Vaughn

4.9) Discuss and consider action: Acceptance of proposed Charter Commission Report for the May 2024 Election Ballot: D. Vaughn

**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 5<sup>th</sup> day of January, 2024

**City of Burnet**

**Mayor Gary Wideman**

I, the undersigned authority, do hereby certify that the above NOTICE OF MEETING of the governing body of the above named City, BURNET, is a true and correct copy of said NOTICE and that I posted a true and correct copy of said NOTICE on the bulletin board, in the City Hall of said City, BURNET, TEXAS, a place convenient and readily accessible to the general public at all times, and said NOTICE was posted on January 5th, 2024 at or before 6 o'clock p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of said meeting.

*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).*



# DELAWARE SPRINGS QUARTERLY REPORT

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Cut down trees and raise canopy.



# Drainage and Cart Path Repair





# Cart Path Repair



# Replacing Fence



# Erosion



# Promo with Pitch

	Rounds	Revenue	Investment
January	48	\$1,211.00	\$199.99
February	84	\$2,793.00	\$199.99
March	57	\$1,296.00	\$199.99
April	72	\$2,080.00	\$199.99
May	98	\$3,547.00	\$199.99
June	94	\$3,263.00	\$199.99
July	76	\$2,419.00	\$199.99
August	81	\$2,334.00	\$199.99
September	90	\$3,236.00	\$199.99
October	94	\$3,379.00	\$199.99
November	76	\$2,838.00	\$199.99
December	109	\$3,953.00	\$199.99
	979	\$32,349.00	\$2,399.88

**QUESTIONS ???**

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

On this the 12<sup>th</sup> day of December, 2023, the City Council of the City of Burnet convened in Workshop Session, at 5:00 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, Mary Jane Shanes, Philip Thurman, Tres Clinton, Joyce Laudenschlager
Absent	Ricky Langley
City Manager	David Vaughn
City Secretary	Kelly Dix

Guests: Leslie Kimbler, Carly Pearson, Adrienne Field, Brian Lee, Mark Ingram, Habib Erkan, Maria Gonzalez, Logan Hutto, Chris Munce

Call to Order: Mayor Wideman called the meeting to order at 5:00 p.m.

CONSIDERATION ITEMS:

Discuss and consider: Burnet Municipal Airport Layout Plan Review: Mr. Logan Hutto and Mr. Chris Munce with KSA Engineering presented the Burnet Municipal Airport Layout Plan to all present. The Plan included the master plan for the airport, forecast reports, summary of operations and final approval from the FAA and TxDot Aviation.

ADJOURN: There being no further business, Mayor Wideman adjourned the City Council Workshop meeting at 5:44 p.m.

\_\_\_\_\_  
Gary Wideman, Mayor

**ATTEST:**

\_\_\_\_\_  
Kelly Dix, City Secretary

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

On this the 12<sup>th</sup> day of December, 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, Philip Thurman, Philip Thurman, Mary Jane Shanes, Joyce  
  Laudenschlager, Tres Clinton  
Absent                           Ricky Langley  
City Manager                  David Vaughn  
City Secretary                 Kelly Dix

Guests: Eric Belaj, Maria Gonzales, Carly Pearson, Mark Ingram, Tony Nash, Adrienne Feild, Brian Lee, Habib Erkan, Jr., Haley Archer, Mitch and Teresa Pearson, Florence Reeves, Ed Holley

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:

City Manager Presentation: City Manager David Vaughn presented the City Manager’s Award for Excellence to Patricia Langford, Director of Finance. Mr. Vaughn shared the many attributes that Ms. Langford displays as well as awards and accolades that the City has received due to Ms. Langford’s dedicated service to the City as the Chief Financial Officer.

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 November 14<sup>th</sup>, 2023 City Council Regular Meeting Minutes:

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

PUBLIC HEARINGS/ACTION:

FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 2 (ENTITLED “ADMINISTRATION”) BY AMENDING SECTION 2-100 EMERGENCY MEDICAL SERVICE FEES: M. Ingram: Fire Chief Mark Ingram presented the item explain to Council that this Ordinance is to update and align the Code with current practices of the Fire Department.

Public Hearing: Mayor Gary Wideman opened the public hearing at 6:09 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 6:10 p.m.

Consideration and action: Council Member Joyce Laudenschlager moved to approve the first reading of Ordinance No. 2023-49 as presented. Council Member Tres Clinton seconded. The motion carried unanimously.

ACTION ITEMS:

Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY ASSIGNING PROPERTY KNOWN AS 111 SHADY GROVE RD., SHADY GROVE ELEMENTARY SCHOOL, FROM ITS PRESENT DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”;  
PROPERTY KNOWN AS 500 E GRAVES STREET, RJ RICHEY ELEMENTARY SCHOOL, FROM ITS PRESENT DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”;  
PROPERTY KNOWN AS 1401 N. MAIN STREET, BURNET MIDDLE SCHOOL, FROM ITS PRESENT DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”;  
PROPERTY KNOWN AS 1000 GREEN MILE,

BURNET HIGH SCHOOL, FROM ITS PRESENT DESIGNATION OF AGRICULTURE – DISTRICT “A” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; PROPERTY KNOWN AS 607 N VANDERVEER, BURNET ELEMENTARY SCHOOL, FROM ITS PRESENT DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; PROPERTY KNOWN AS 801 N WOOD STREET, BCISD BUS BARN, FROM ITS PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; PROPERTY KNOWN AS 208 E BRIER STREET, BCISD ADMINISTRATION OFFICES, FROM ITS PRESENT DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”; AND PROPERTY KNOWN AS 401 E THIRD STREET, BCISD ATHLETICS COMPLEX, FROM ITS PRESENT DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”: L. Kimbler: Council Member Joyce Laudenschlager moved to approve and adopt Ordinance 2023-47 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 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 600 DELAWARE SPRINGS BLVD., DELAWARE SPRINGS GOLF COURSE, FROM ITS PRESENT DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” AND MEDIUM COMMERCIAL – DISTRICT “C-2” TO A DESIGNATION OF GOVERNMENT – DISTRICT “G”: L. Kimbler: Council Member Philip Thurman moved to approve and adopt Ordinance 2023-48 as presented. Council Member Tres Clinton 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 2022-38; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023 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 Mary Jane Shanes moved to approve and adopt Ordinance 2023-46 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 THE EXTENSION OF THE PAYMENT DATE FOR THE PROMISSORY NOTE FOR THE SALE OF THE BEALLS PROPERTY TO THE BURNET ECONOMIC DEVELOPMENT CORPORATION: H. Erkan, Jr.: Council Member Philip Thurman moved to approve and adopt Resolution No. R2023-82 as presented. Council Member Tres Clinton seconded. The motion carried unanimously.

Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TX, APPROVING A SECOND AMENDMENT TO THE COMMERCIAL LEASE AGREEMENT BETWEEN THE CITY OF BURNET AND DANFORTH HOLDINGS, LTD., A TEXAS LIMITED PARTNERSHIP FOR THE PROPERTY KNOWN AS BURNET CITY HALL LOCATED AT 1001 BUCHANAN DRIVE, BURNET, TX: D. Vaughn: Council Member Joyce Laudenschlager moved to approve and adopt Resolution No. R2023-83 as presented. Council Member Philip Thurman seconded. The motion carried unanimously.

Discuss and consider action: Award Contract for Request for Proposal (RFP) 2023-011 YMCA Building Remodeling Project bid and authorize the City Manager to execute the contract: E. Belaj: Council Member Tres Clinton moved to award the contract for RFP2023-011 YMCA Building Remodeling Project bid to Calvary Contracting, Inc. as presented. Council Member Mary Jane Shanes seconded. The motion carried unanimously.

Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS APPROVING AMENDMENTS TO THE CONFERENCE CENTER HOT FUNDING AGREEMENT BETWEEN THE CITY OF BURNET AND TEKMAK BURNET QOZB HOTEL, LP; AND AUTHORIZING THE MAYOR TO EXECUTE NECESSARY INSTRUMENTS: D. Vaughn: Council Member Philip Thurman moved to approve and adopt Resolution No. R2023-84 as presented. Council Member Tres Clinton seconded. The motion carried unanimously.

Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING THE PURCHASE OF A 2025 FREIGHTLINER M2106 DUMP TRUCK FOR THE BURNET WATER/WASTEWATER DEPARTMENT AND AUTHORIZING THE CITY MANAGER TO



EXECUTE THE PURCHASE AGREEMENT ON BEHALF OF THE CITY: C. Pearson: Council Member Philip Thurman moved to approve and adopt Resolution No. R2023-85 as presented. Council Member Dennis Langley seconded. The motion carried unanimously.

Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING THE EXPENDITURE OF \$30,000 IN ADDITIONAL SPONSOR SHARE AND DIRECTING THE CITY MANAGER TO SIGN APPROPRIATE PAPERWORK, WITH THE STATE OF TEXAS, REPRESENTED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, FOR THE AIRPORT PAVING PROJECT CSJ-2314BRNET: A. Field: Council Member Tres Clinton moved to approve and adopt Resolution No. R2023-86 as presented. Council Member Philip Thurman seconded. The motion carried unanimously.

Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS APPROVING AN AIRPORT HANGAR FACILITY USE AGREEMENT WITH THE HIGHLAND LAKES SQUADRON OF THE COMMEMORATIVE AIR FORCE, INC.(CAF): A. Field: Council Member Tres Clinton moved to approve and adopt Resolution No. R2023-88 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 AUTHORIZING HOTEL OCCUPANCY TAX FUNDS TO BE EXPENDED FOR THE HIGHLAND LAKES SQUADRON OF THE COMMEMORATIVE AIR FORCE, INC.(CAF) PROGRAM OPERATION: A. Field: Council Member Philip Thurman moved to approve and adopt Resolution No. R2023-87 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 ADOPTING THE BURNET MUNICIPAL AIRPORT LAYOUT PLAN WITH NARRATIVE: A. FIELD: Council Member Mary Jane Shanes moved to approve and adopt Resolution No. R2023-89 as presented. Council Member Dennis Langley seconded. The motion carried unanimously.

EXECUTIVE SESSION: Council Member Mary Jane Shanes moved to convene to Executive Session at 6:55 p.m. Council Member Joyce Laudenschlager seconded. The motion carried unanimously.

Executive Session: Pursuant to Government Code 551.071, the City Council will convene is executive session to consult with its attorney on matters in which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct clearly conflicts with Chapter 551, and to discuss the following threatened/pending litigation and possible settlement thereof: Cause Number 56179, styled Kenneth Reagor v. The City Council of the City of Burnet and filed in the 424th District Court, Burnet County: Scott Tschirhart, Assistant City Attorney  
RECONVENE TO REGULAR SESSION: Council Member Mary Jane Shanes moved to reconvene to Regular Session at 7:17 p.m. Council Member Joyce Laudenschlager seconded. The motion carried unanimously.

Discuss and consider action: Pending litigation and possible settlement pertaining to Cause Number 56179, styled Kenneth Reagor v. The City Council of the City of Burnet; filed in the 424<sup>th</sup> District Court, Burnet County:  
No action taken.

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 7:18 p.m. seconded by Council Member Joyce Laudenschlager. The motion carried unanimously.

**ATTEST:**

\_\_\_\_\_  
Gary Wideman, Mayor

\_\_\_\_\_  
Kelly Dix, City Secretary



## Development Services

## ITEM 3.1 A

Carly Kehoe Pearson  
Director Public Works &  
Development Services  
(512)756-2402 Ext 3515  
ckehoe@cityofburnet.com

### Public Hearing and Action

**Meeting Date:** January 9, 2024

**Agenda Item:** Public Hearing and action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING"), SEC.118-5 & 118-68 PROVIDING FOR DEFINITIONS AND REGULATIONS 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

**Background:** The City of Burnet has received numerous and increasing inquiries for short term rental units from companies and agents that specialize in utilizing existing housing stock and building new units to be utilized as commercial hotel alternative businesses. The City of Burnet has identified that the Code does not currently address short term rentals. The proposed amendment would update the current Code to address short term rental units within the jurisdiction of the City of Burnet in order to promote the viability of the community and its housing market while encouraging tourism in a balanced way that allows such uses in the same manner that other bed-and-breakfast/hotel accommodations are required to operate.

**Information:** Requesting Council to approve amending Chapter 118, Sections 118-5 and 118-68, adding industry standard definition of Short Term Rental and providing a process for Council approval for such uses.

**Fiscal Impact:** This ordinance has a no fiscal impact.

**Recommendation:** Open the public hearing.  
Discuss and consider the first reading of Ordinance 2024-01.

**ORDINANCE NO. 2024-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING"), SECS. 118-5 & 118-68 PROVIDING REGULATIONS FOR SHORT TERM RENTAL USES; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; 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 Code of Ordinances Ch. 118 (entitled "Zoning") by adding provision for Short Term Rental uses within zoning districts within the jurisdiction of the City of Burnet; and

**WHEREAS**, the Planning and Zoning Commission, after conducting a public hearing on the matter, deliberated the merits of the proposed amendment of Ch. 118 (entitled "Zoning") and has made a report and recommendation to City Council; and

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

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

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

**Section one. Findings.** The City Council finds all matters stated hereinabove are true and correct and are incorporated herein by reference as if copied in their entirety.

**Section two. Amendment.** The Code of Ordinances, Chapter 118 (entitled "Zoning") Section 118-5 (entitled "Definitions"), is hereby amended by deleting the struck-out language below and adding the underlined language below that follows:

*Bed and breakfast means an establishment engaged in providing rooms or groups of rooms in a dwelling unit for temporary lodging for overnight transient guests on a paying*

*basis. Or means a historic or otherwise architecturally unique building where lodging for overnight transient guests is provided by prearrangement for definite periods, for compensation, for not more than seven rooms to let and where breakfast is included in the rates charged to guests. Lodging of transient guest is generally for periods of less than 30 days.*

~~*Boarding House* means a building other than a hotel, occupied as a single housekeeping unit where lodging or meals are provided for three or more persons for compensation, pursuant to previous arrangements for definite periods, but not to the general public or transients.~~

*Hotel* means a building in which lodging is provided and offered to individual transient guests, but not excluding permanent guests, and may include a cafe, drugstore, clothes, pressing shop, barber shop or other service facilities for guests for compensation, and in which ingress and egress to and from all rooms is made through and inside a lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradiction to a boarding house, a lodging house, or an apartment. To be classified as a hotel an establishment shall contain a minimum of six individual guest rooms or units and shall furnish customary hotel services such as linen, maid service, telephone, and the use and upkeep of furniture. The term includes a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house, or bed and breakfast. The term does not include a hospital, sanitarium, nursing home, or a dormitory as defined in V.T.C.A., Tax Code § 156.001.

~~*Motel* means a building or group of detached, semi-detached or attached buildings containing guest rooms or apartments with automobile storage space provided in connection therewith, which building or group is designed, intended or used primarily for the accommodation of automobile travelers, including groups designated as auto cabins, motor courts, motels and similar designations.~~

*Bed and Breakfast* means an establishment used by the record owner of the property and who is also a resident of the property, with not more than 7 rooms for let, engaged in providing rooms or groups of rooms, for compensation, for temporary lodging for overnight transient or prearranged guests for definite periods. Where hot meals are provided and served on-site per day and included in the lodging rate charged. Where lodging of guests is for periods of less than 30 days. Bed and Breakfasts shall be classified as a Lodging Facility. Bed and Breakfasts shall not be classified as a home-based business.

*Hotel or Motel* means a building in which lodging is provided and offered to individual transient guests, and may include a cafe, drugstore, clothes, pressing shop, barber shop or other service facilities for guests for compensation, and in which ingress and egress to and from all rooms is made through a lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradiction to a boarding house or bed and breakfast, a short-term rental unit such as a residential structure or apartment, or a long-term rental unit such as a residential structure or an apartment. To be classified as a hotel

an establishment shall contain a minimum of six individual guest rooms or units and shall furnish customary hotel services such as linen, maid service, telephone, and the use and upkeep of furniture. The term includes a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house, or bed and breakfast. The term does not include a hospital, sanitarium, nursing home, or a dormitory as defined in V.T.C.A., Tax Code § 156.001. Hotels and motels shall be classified as a Lodging Facility.

Lodging Facilities means for-profit facilities where lodging is provided to transient or prearranged visitors and guests for a defined period of time shorter than 30 days for compensation.

Short-term rental (STR) means the rental for compensation of dwellings or accessory dwelling units or portions thereof for the purpose of overnight lodging for a period of not less than one night and not more than 29 consecutive days, other than ongoing month-to-month tenancy granted to the same renter for the same unit as their primary residence. This is not applicable to rentals made for less than thirty days upon the sale of a dwelling when the tenancy is by the former owner. Short-term rentals shall be classified as a Lodging Facility. Short-term rentals shall not be classified as a home-based business. (See STR Overlay, Sec.118-68)

**Section three. Amendment.** The Code of Ordinances, Chapter 118 (entitled “Zoning”) Section 118-68 (entitled “Overlays”), is hereby replaced in its entirety with the language that follows:

The city hereby establishes the following overlay districts which shall be governed by all of the uniform use and area requirements of this chapter. Within these overlay districts, additional requirements are imposed on certain properties within one or more underlying general or conditional zoning districts. The overlay districts established by this chapter, including the symbol for each type of district is as follows:

- IR- Infill redevelopment overlay
- H- Historical overlay
- MX- Multi-story mixed use overlay
- AH- Airport hazard zoning overlay
- STR- Short Term Rental overlay

- (a) *IR infill redevelopment overlay.* Where there is an existing lot that otherwise conforms to the restrictions of R-1 zoning located in the geographic area if the IR overlay as defined in the city infill ordinance, the city may grant a building permit for a lot that that has less than a 20 feet front setback, 15 feet rear setback or is less than 7,600 square feet. The living area may be less than 1,100 square feet upon submission of a house plan and approval from the planning and zoning commission and the city council. The city will grant the building permit only for those lots that are not adjacent to any collector or arterial streets.
- (b) *H-Historical overlay.* In addition to the requirements of this chapter. The area located in the geographic location of the H overlay will be subject to the city historical district ordinance.

- (c) *MX-Multi-story* mixed use. Those areas zoned commercial that are located in the MX overlay and have more than one story may allow for residential use except in the story or basement abutting street grade.
- (d) STR – Short-term rental overlay. Unless authorized by STR Overlay, short-term rentals are prohibited in all zoning districts. Those properties with the STR Overlay may allow for short-term rental use in accordance with the City of Burnet short-term rental ordinance.

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

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

**Section six. Cumulative.** This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event Section 7, (entitled “*Repealer*”) shall be controlling.

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

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

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

**Passed** on first reading on the 9<sup>th</sup> day of January 2024.

**Passed, Approved and Adopted** on the 23<sup>rd</sup> day of January 2024.

**CITY OF BURNET**

\_\_\_\_\_  
Gary Wideman, Mayor

**ATTEST:**

\_\_\_\_\_  
Kelly Dix, City Secretary

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING"), SEC.118-5 & 118-68 PROVIDING FOR DEFINITIONS AND REGULATIONS FOR SHORT TERM RENTAL USES; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE



The City of Burnet has received numerous and increasing inquiries for short term rental units from companies and agents that specialize in utilizing existing housing stock and building new units to be utilized as commercial hotel alternative businesses.

The City of Burnet has identified that the Code does not currently address short term rentals.

The proposed amendment would update the current Code to address short term rental units within the jurisdiction of the City of Burnet in order to promote the viability of the community and its housing market while encouraging tourism in a balanced way that allows such uses in the same manner that other bed-and-breakfast/hotel accommodations are required to operate.

Requesting Council to approve amending Chapter 118, Sections 118-5 and 118-68, adding industry standard definition of Short Term Rental and providing a process for Council approval for such uses.





# Public Hearing

- ▶ Public hearing opened by Chair
- ▶ Limit 3 minutes per speaker

## Discussion

- ▶ Discuss and consider the first reading of Ordinance **2024-XX**



## Development Services

## ITEM 3.1 B

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

### Public Hearing and Action Item

**Meeting Date:** January 9, 2024

**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 PROPERTY KNOWN 506 E LEAGUE ST. AND 410 S SILVER ST. FROM ITS PRESENT DESIGNATION OF LIGHT INDUSTRIAL – “I-1” TO A DESIGNATION OF NEIGHBORHOOD COMMERCIAL – “NC”; PROPERTY KNOWN AS 801 NORTHINGTON FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – “R-1”; PROPERTY KNOWN AS 303 S BOUNDARY FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF GOVERNMENT – “G”; PROPERTY KNOWN AS 208 S VANDEVEER ST. FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF GOVERNMENT – “G”; PROPERTY KNOWN AS 403 S SILVER ST FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF NEIGHBORHOOD COMMERCIAL – “NC”; PROPERTY KNOWN AS THE RANDY LONGORIA PARK FROM ITS PRESENT DESIGNATION OF AGRICULTURE – “A” TO A DESIGNATION OF GOVERNMENT – “G”; PROPERTY KNOWN AS 800 AND 802 S VANDEVEER ST FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF DUPLEX – “R-2”; AND PROPERTY KNOWN AS 808 S BOUNDARY ST FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – “R-1”: L. Kimbler

**Background:** This request is a city-initiated request to bring the property into compliance with the current zoning code.

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

**Public Notification:** Written notices were mailed to 120 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 is meeting on Monday, January 8<sup>th</sup>; staff will present P&Z's recommendation at the City Council meeting.

**Recommendation:** Open the public hearing.  
Discuss and consider the first reading of Ordinance 2024-02.



Exhibit A – Location and Current Zoning (cont.)  
801 NORTHINGTON ST



Exhibit A – Location and Current Zoning (cont.)  
RANDY LONGORIA PARK

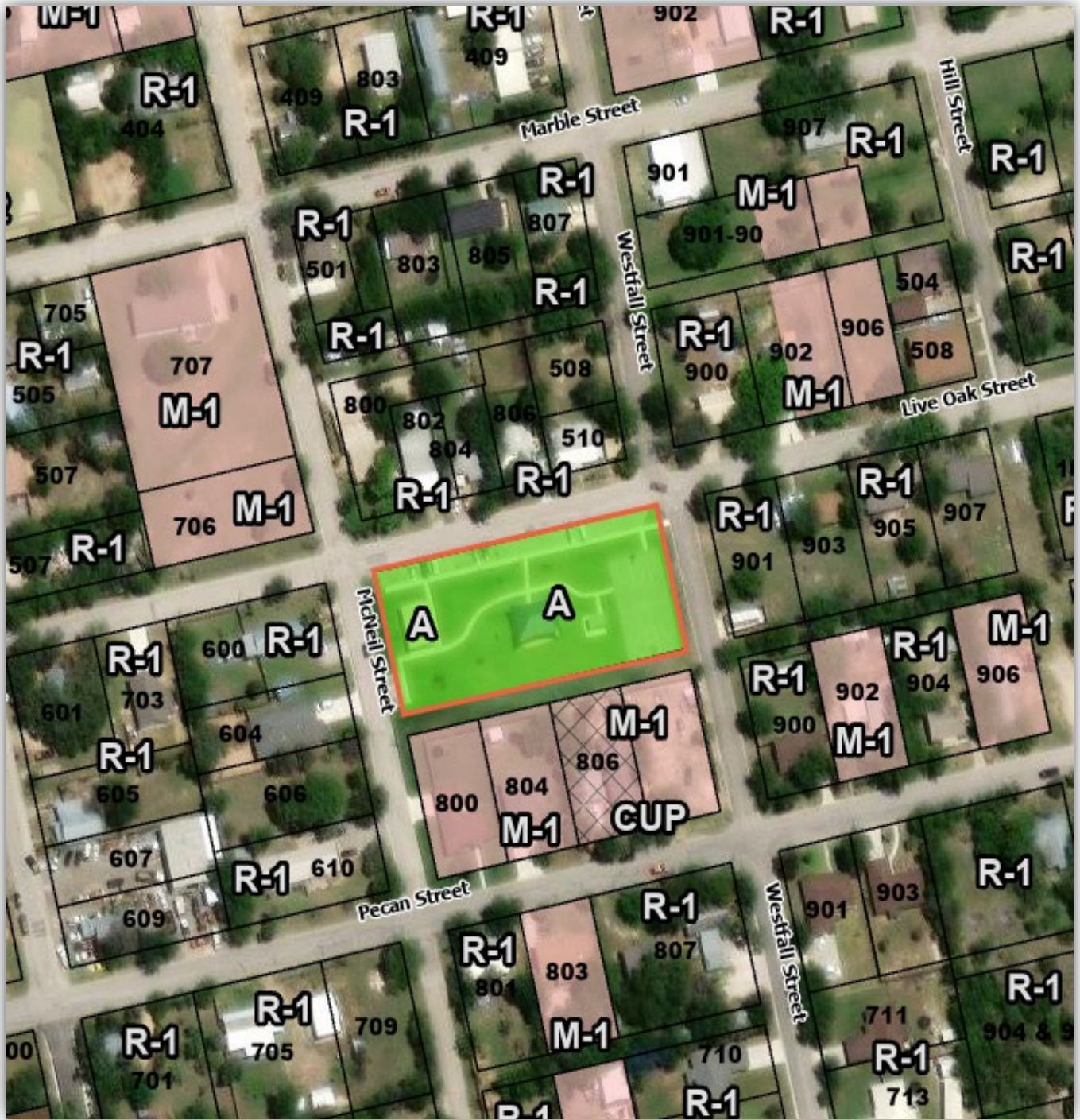


Exhibit A – Location and Current Zoning (cont.)  
800 AND 802 S VANDEVEER ST  
808 S BOUNDARY ST



**ORDINANCE NO. 2024-02**

**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 506 E LEAGUE ST. AND 410 S SILVER ST. FROM ITS PRESENT DESIGNATION OF LIGHT INDUSTRIAL – “I-1” TO A DESIGNATION OF NEIGHBORHOOD COMMERCIAL – “NC”; PROPERTY KNOWN AS 801 NORTHINGTON FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – “R-1”; PROPERTY KNOWN AS 303 S BOUNDARY FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF GOVERNMENT – “G”; PROPERTY KNOWN AS 208 S VANDEVEER ST. FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF GOVERNMENT – “G”; PROPERTY KNOWN AS 403 S SILVER ST FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF NEIGHBORHOOD COMMERCIAL – “NC”; PROPERTY KNOWN AS THE RANDY LONGORIA PARK FROM ITS PRESENT DESIGNATION OF AGRICULTURE – “A” TO A DESIGNATION OF GOVERNMENT – “G”; PROPERTY KNOWN AS 800 AND 802 S VANDEVEER ST FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF DUPLEX – “R-2”; AND PROPERTY KNOWN AS 808 S BOUNDARY ST FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – “R-1”**

**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 known as: 506 E LEAGUE ST (LEGALLY DESCRIBED AS: LOTS 1, 3 AND 4, VANDEVEER/ALEXANDER ADDITION) as shown on **Exhibit “A”** hereto.

**Section three. Zoning District Reclassification.** NEIGHBORHOOD COMMERCIAL – DISTRICT “NC” Zoning District Classification is hereby assigned to the Property described in section two.

**Section four. Property.** The Property that is the subject to this Zoning District Reclassification is known as: 410 S SILVER ST (LEGALLY DESCRIBED AS: LOT 2 VANDEVEER/ALEXANDER ADDITION) as shown on **Exhibit “B”** hereto.

**Section five. Zoning District Reclassification.** NEIGHBORHOOD COMMERCIAL – DISTRICT “NC” Zoning District Classification is hereby assigned to the Property described in section four.

**Section six. Property.** The Property that is the subject to this Zoning District Reclassification is known as 403 S SILVER ST, (LEGALLY DESCRIBED AS: BEING ALL OF LOT THREE AND PART OF LOT FOUR, BLOCK 41, ALEXANDER ADDITION) as shown on **Exhibit “C”** hereto.

**Section seven. Zoning District Reclassification.** NEIGHBORHOOD COMMERCIAL – DISTRICT “NC” Zoning District Classification is hereby assigned to the Property described in section six.

**Section eight. Property.** The Property that is the subject to this Zoning District Reclassification is known as: 303 S BOUNDARY ST (LEGALLY DESCRIBED AS: BEING 0.285 ACRES OF LAND, OUT OF JOHN HAMILTON SURVEY NO. 1, ABS. NO. 405, AND BEING A PORTION OF LOT NOS. ONE, TWO, THREE AND FOUR, BLOCK NO. ONE, PETER KERR DONATION) as shown on **Exhibit “D”** hereto.

**Section nine. Zoning District Reclassification.** GOVERNMENT – DISTRICT “G” Zoning District Classification is hereby assigned to the Property described in section eight.

**Section ten. Property.** The Property that is the subject to this Zoning District Reclassification is known as: 208 S VANDEVEER ST, (LEGALLY DESCRIBED AS: PART OF LOT NO. 2, BLK. 4, KERR PORTION) as shown on **Exhibit “E”** hereto.

**Section eleven. Zoning District Reclassification.** GOVERNMENT – DISTRICT “G” Zoning District Classification is hereby assigned to the Property described in section ten.

**Section twelve. Property.** The Property that is the subject to this Zoning District Reclassification known as: 801 NORTHINGTON ST, (LEGALLY DESCRIBED AS: BEING 1 ACRE TAKEN FROM THE NORTHWEST CORNER OF FIVE-ACRES BLOCK NO. EIGHT, PETER KERR DONATION) as shown on **Exhibit “F”** hereto.

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

**Section fourteen. Property.** The Property that is the subject to this Zoning District Reclassification is known as: RANDY LONGORIA PARK (LEGALLY DESCRIBED AS: LOT 1A, BLK 3, JOHNSON ADDITION) as shown on **Exhibit “G”** hereto.

**Section fifteen. Zoning District Reclassification.** GOVERNMENT – DISTRICT “G” Zoning District Classification is hereby assigned to the Property described in section fourteen.

**Section sixteen. Property.** The Property that is the subject to this Zoning District Reclassification is known as: 800 AND 802 S VANDEVEER ST (LEGALLY DESCRIBED AS: NORTHEAST CORNER OF LOT NO. ONE, BLK. NO. 29, ALEXANDER ADDITION) as shown on **Exhibit “H”** hereto.

**Section seventeen. Zoning District Reclassification.** DUPLEX – DISTRICT “R-2” Zoning District Classification is hereby assigned to the Property described in section fifteen.

**Section eighteen. Property.** The Property that is the subject to this Zoning District Reclassification is known as: 808 S BOUNDARY ST (LEGALLY DESCRIBED AS: LOT 2, BLK 26, ALEXANDER ADDITION) as shown on **Exhibit “I”** hereto.

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

**Section twenty. 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 twenty-one. Repealer.** Other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent of such conflict.

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

**Section twenty-three. Effective Date.** This ordinance is effective upon final passage and approval.

**PASSED** on First Reading the 9<sup>th</sup> day of January 2024.

**PASSED AND APPROVED** on this the 23<sup>rd</sup> day of January 2024.

**CITY OF BURNET, TEXAS**

\_\_\_\_\_  
Gary Wideman, Mayor

**ATTEST:**

\_\_\_\_\_  
Kelly Dix, City Secretary

**Exhibit "A"**

506 E LEAGUE ST (LEGALLY DESCRIBED AS: LOTS 1, 3 AND 4,  
VANDEVEER/ALEXANDER ADDITION)



Exhibit "B"

410 S SILVER ST (LEGALLY DESCRIBED AS: LOT2 VANDEVEER/ALEXANDER ADDITION)



Exhibit "C"

403 S SILVER ST, (LEGALLY DESCRIBED AS: BEING ALL OF LOT THREE AND PART OF LOT FOUR, BLOCK 41, ALEXANDER ADDITION)



Exhibit "D"

303 S BOUNDARY ST (LEGALLY DESCRIBED AS: BEING 0.285 ACRES OF LAND, OUT OF JOHN HAMILTON SURVEY NO. 1, ABS. NO. 405, AND BEING A PORTION OF LOT NOS. ONE, TWO, THREE AND FOUR, BLOCK NO. ONE, PETER KERR DONTATION)





**Exhibit "E"**  
208 S VANDEVEER ST, (LEGALLY DESCRIBED AS: PART OF LOT NO. 2, BLK. 4,  
KERR PORTION)

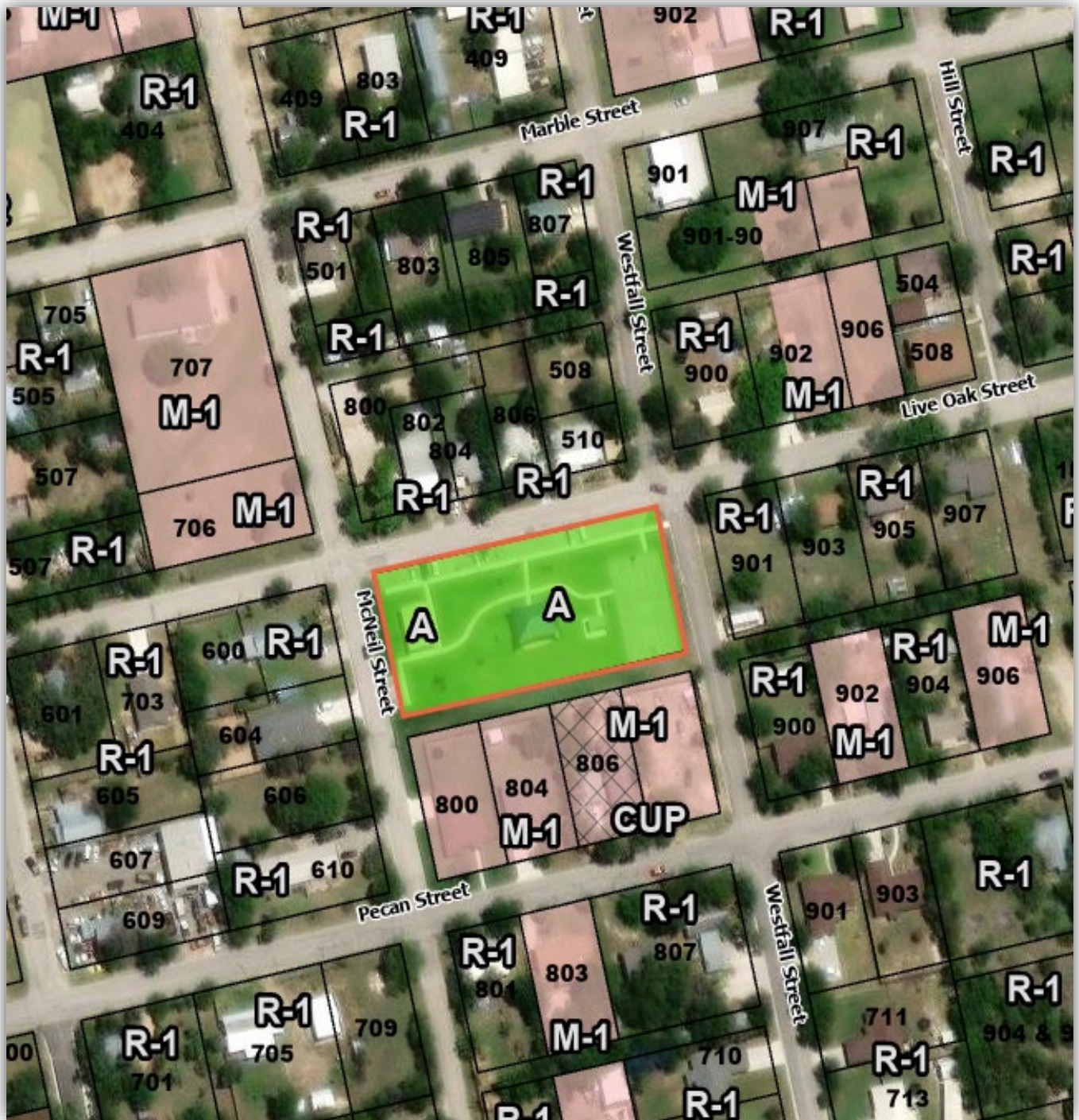


**Exhibit "F"**

801 NORTHINGTON ST, (LEGALLY DESCRIBED AS: BEING 1 ACRE TAKEN FROM THE NORTHWEST CORNER OF FIVE-ACRES BLOCK NO. EIGHT, PETER KERR DONATION)



**Exhibit "G"**  
RANDY LONGORIA PARK (LEGALLY DESCRIBED AS: LOT 1A, BLK 3, JOHNSON  
ADDITION)



**Exhibit "H"**

800 AND 802 S VANDEVEER ST (LEGALLY DESCRIBED AS: NORTHEAST CORNER OF LOT NO. ONE, BLK. NO. 29, ALEXANDER ADDITION)

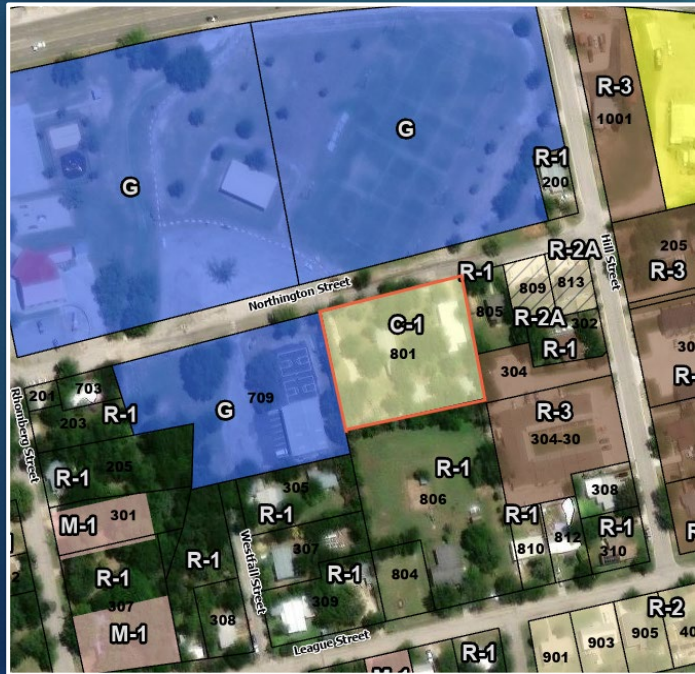
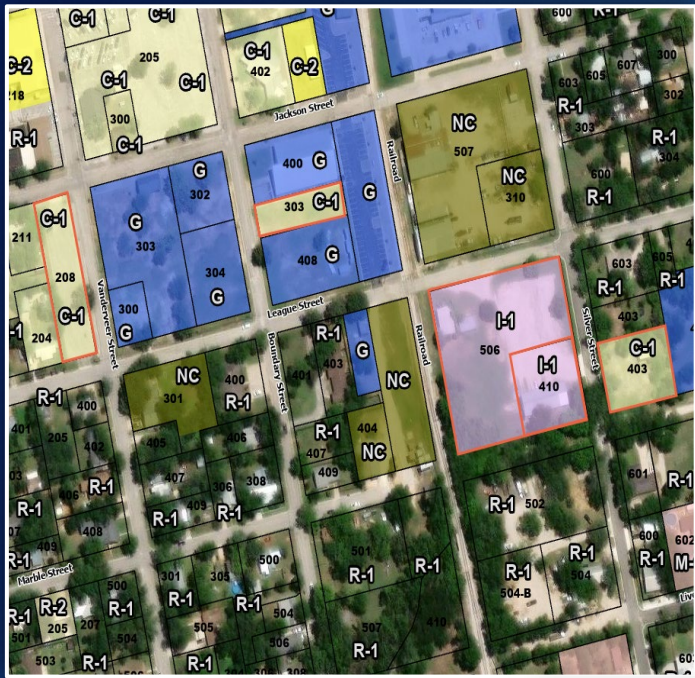


**Exhibit "I"**  
808 S BOUNDARY ST (LEGALLY DESCRIBED AS: LOT 2, BLK 26, ALEXANDER ADDITION)



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 506 E LEAGUE ST. AND 410 S SILVER ST. FROM ITS PRESENT DESIGNATION OF LIGHT INDUSTRIAL – “I-1” TO A DESIGNATION OF NEIGHBORHOOD COMMERCIAL – “NC”; PROPERTY KNOWN AS 801 NORTHINGTON FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – “R-1”; PROPERTY KNOWN AS 303 S BOUNDARY FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF GOVERNMENT – “G”; PROPERTY KNOWN AS 208 S VANDEVEER ST. FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF GOVERNMENT – “G”; PROPERTY KNOWN AS 403 S SILVER ST FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF NEIGHBORHOOD COMMERCIAL – “NC”; PROPERTY KNOWN AS THE RANDY LONGORIA PARK FROM ITS PRESENT DESIGNATION OF AGRICULTURE – “A” TO A DESIGNATION OF GOVERNMENT – “G”; PROPERTY KNOWN AS 800 AND 802 S VANDEVEER ST FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF DUPLEX – “R-2”; AND PROPERTY KNOWN AS 808 S BOUNDARY ST FROM ITS PRESENT DESIGNATION OF LIGHT COMMERCIAL – “C-1” TO A DESIGNATION OF SINGLE-FAMILY RESIDENTIAL – “R-1”.







## City Initiated Request

Continued Effort to clean up the zoning map to ensure each property is zoned appropriately for the use as well as the surrounding area



## Public Notification

Notices were mailed to 120 surrounding property owners. Zero responses have been received in favor or opposition



## P&Z Report

Planning and Zoning is meeting on Monday, January 8<sup>th</sup>; staff will present P&Z recommendation at the City Council meeting



# Public Hearing

- ▶ Public hearing opened by Chair
- ▶ Limit 3 minutes per speaker

## Discussion

- ▶ Discuss and consider the first reading of Ordinance 2024-XX





## Development Services

## ITEM 3.1 C

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

### Public Hearing and Action

**Meeting Date:** January 9, 2024

**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 KNOWN AS 611 S WATER STREET FROM SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO LIGHT COMMERCIAL – DISTRICT “C-1”: L. Kimbler

**Background:** Located along south Highway 281, also known as Water Street, the subject property is currently zoned R-1. The property has previously been pre-existing non-conforming as a commercial business but has been unoccupied since 2019. Recently, the owner applied for utilities to utilize the building for commercial purposes again, when staff noticed it was inappropriately zoned for such use. Although the property had previously been utilized as a non-conforming use, Sec. 118-66 does state that any nonconforming use that is discontinued or abandoned or ceases for a period of 90 days shall terminate.

**Information:** The applicant is requesting to change the zoning district to Light Commercial – District “C-1” to allow the building to be utilized as a small office space.

**Staff Analysis:** Light Commercial – District “C-1” is governed by code of ordinances, Sect. 118-45, and allows for a mix of commercial uses including small retail, offices, and similar uses excluding residential and multifamily. Some examples of these types of uses include banks, convenience stores, barber shops & beauty parlors, legal services, and restaurants.

Uses in this zoning district must have paved sidewalks, driveways, and parking areas to which this property does already have.

**Public Notification:** Written notices were mailed to 15 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 is meeting on Monday, January 8<sup>th</sup>; staff will present P&Z's recommendation at the City Council meeting.

**Recommendation:** Open the public hearing.  
Discuss and consider the first reading of Ordinance 2024-03.

Exhibit A – Location and Current Zoning



**ORDINANCE NO. 2024-03**

**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 611 S WATER STREET FROM SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO LIGHT COMMERCIAL – DISTRICT “C-1”; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

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

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

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

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

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

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

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

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

**Section two. Property.** The Property that is the subject to this Zoning District Reclassification is property known as: 611 S WATER ST (LEGALLY DESCRIBED AS: S8450 VANDEVEER/ALEXANDER LOT SOUTH PART OF 3, BLK. 3) 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 9<sup>th</sup> day of January 2024.

**PASSED AND APPROVED** on this the 23<sup>rd</sup> day of January 2024.

**CITY OF BURNET, TEXAS**

\_\_\_\_\_  
Gary Wideman, Mayor

**ATTEST:**

\_\_\_\_\_  
Kelly Dix, City Secretary

**Exhibit "A"**  
Subject Property



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 611 S WATER STREET FROM SINGLE-FAMILY RESIDENTIAL – DISTRICT “R-1” TO LIGHT COMMERCIAL – DISTRICT “C-1”.







### Current Zoning:

Single-family Residential – District “R-1”

Located along south Highway 281, at corner of east Pecan St.



### Requested Zoning:

Light Commercial – District “C-1”

Allow the existing building to be utilized as a small office space

## Sec. 118-45 -

“C-1” allows for a mix of commercial uses including small retail, offices, and similar uses excluding residential and multifamily.

Uses in this zoning district must have paved driveways, and parking areas to which this property does already have.

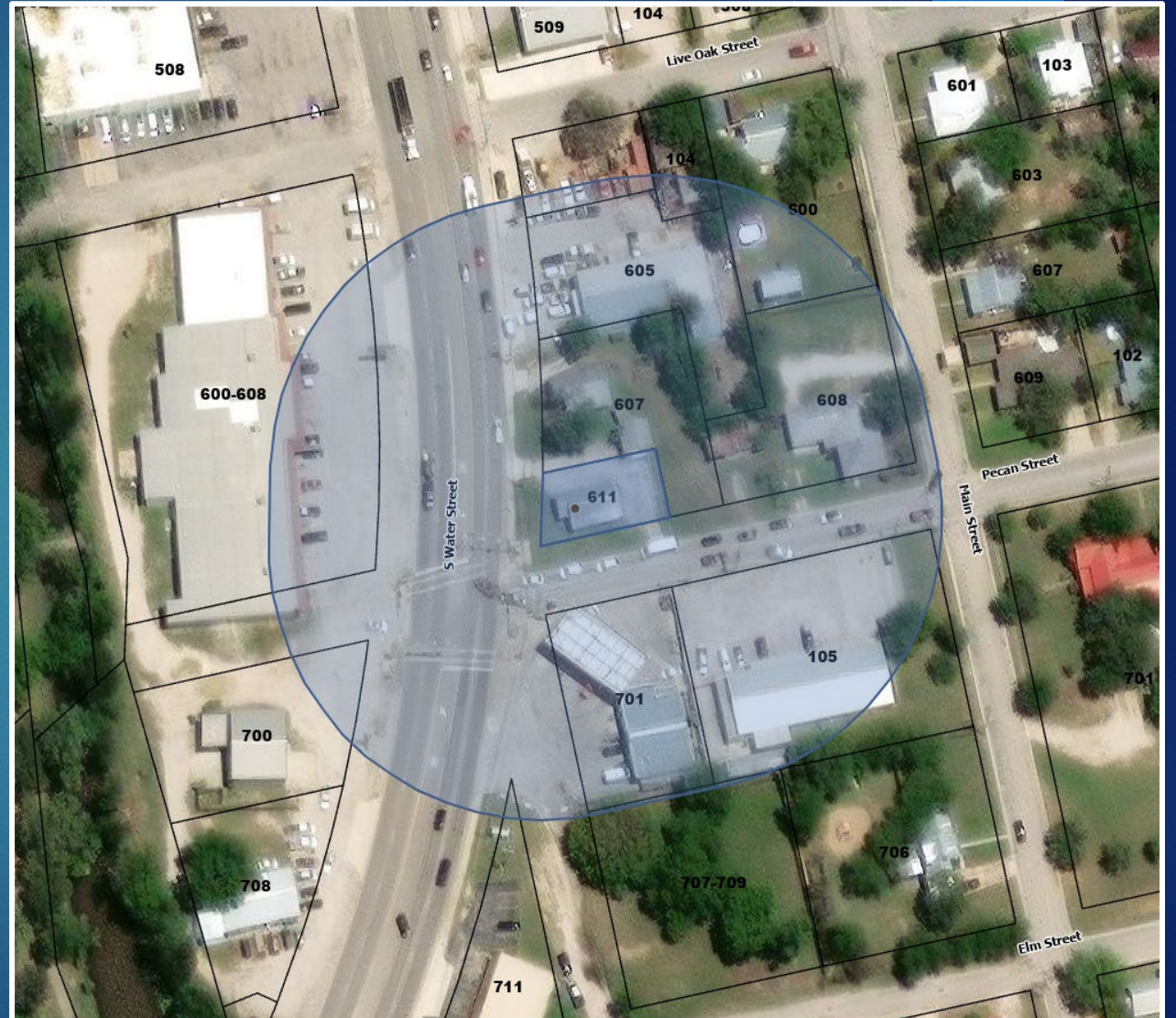


# Public Notification:

Notices were mailed to 15 surrounding property owners. Zero responses have been received in favor or opposition

## P&Z report:

Planning and Zoning will meet on Monday, January 8<sup>th</sup>; staff will present P&Z recommendation at the City Council meeting



# Public Hearing

- ▶ Public hearing opened by Chair
- ▶ Limit 3 minutes per speaker

## Discussion

- ▶ Discuss and consider the first reading of Ordinance 2024-XX





## Development Services

## ITEM 3.2

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

### Public Hearing

**Meeting Date:** January 9, 2024

**Public Hearing:** The City Council shall conduct a public hearing to receive public testimony and comments on the merits of a proposed "Preliminary Plat" for approximately 25.88 acres out of Abstract A0398 Susano Hernandez Tract and Abstract 1018 & 29. The proposed "Preliminary Plat" will establish The Ranch at Delaware Creek, Phase 5, consisting of 52 residential lots: L. Kimbler

**Information:** The proposed gated subdivision, zoned R-2, is located on the west side of HWY 281 north of Ramsey's Way, between Sunday Drive and South Hwy 281 Delaware Commercial property (Exhibit A). The applicant is proposing to subdivide the tract to create 52 residential lots, to be developed with duplexes, with four detention ponds, two open space areas and a private road (Exhibit B).

One new road will be created within the subdivision to be named Bucking Horse Circle which will be a private road to be maintained by the subdivision's POA. The subdivision will gain access off Highway 281 along Trailside Drive; secondary ingress will be provided along Ramsey's Way. Bucking Horse Circle does exceed the allowable length in the City of Burnet's code of ordinances, Sec. 98-42, and therefore will require approval of a subdivision variance.

All lots will be provided with City of Burnet electric, water, and sewer.

**Staff Analysis:** City staff and city engineer have reviewed the plat in accordance with Sec. 98-22 (entitled "Preliminary Plats") and have found the plat does generally meet the requirements as outlined in the code.

**Recommendation:** Open the public hearing.

Exhibit "A"  
Tract



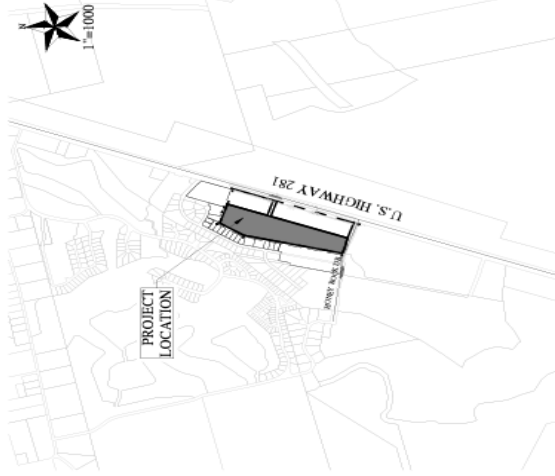
# Exhibit "B" Plat Page 1



## Sheet List Table

Sheet Number	Sheet Title
1	COVER
2	PRELIMINARY PLAT (1 OF 2)
3	PRELIMINARY PLAT (2 OF 2)
4	EXISTING DRAINAGE AREA MAP
5	PROPOSED DRAINAGE AREA MAP
6	DEFENTION & WATER QUALITY PLAN
7	OVERALL WATER PLAN
8	OVERALL WASTEWATER PLAN
9	OVERALL STREET PLAN
10	PAVING PLAN
11	EROSION & SEDIMENTATION CONTROL PLAN
12	TREE PRESERVATION PLAN (1 OF 2)
13	TREE PRESERVATION PLAN (2 OF 2)

# THE RANCH AT DELAWARE CREEK PHASE 5 BURNET COUNTY, TX NOVEMBER 2023



LOCAL GOVERNMENT PERMITS	
TOTAL NUMBER OF PERMITS	00
TOTAL FEE AMOUNT	\$0.00

This plat is submitted for record in accordance with the provisions of the Texas Constitution, Article XVI, Section 50, and the Texas Property Code, Chapter 121, Subchapter C, and the Texas Health and Safety Code, Chapter 121, Subchapter C.

City of Burnet

### CIVIL ENGINEER / AGENT LANDSCAPE DESIGN

GOODE FAITH ENGINEERS, INC.  
1818 LA JARA AVE. SUITE 300  
BURNET, TEXAS 78611  
CONTACT: ANTHONY H. GOODE, P.E.  
E: ANTHONY@GOODEFAITHENGINEERS.COM

OWNER:  
BURNET COUNTY  
101 WEST 7TH ST.  
BURNET, TEXAS 78611  
CONTACT: JEFFREY L. GIBBINS  
101 WEST 7TH ST.  
BURNET, TEXAS 78611

REVISOR:  
CENTURK TRAVELERS LLC  
101 WEST 7TH ST.  
BURNET, TEXAS 78611  
CONTACT:  
COURTNEY L. GIBBINS  
101 WEST 7TH ST.  
BURNET, TEXAS 78611

PRELIMINARY PLAT  
THE RANCH AT DELAWARE CREEK  
PHASE 5  
COVER

1 of 13

REVISIONS

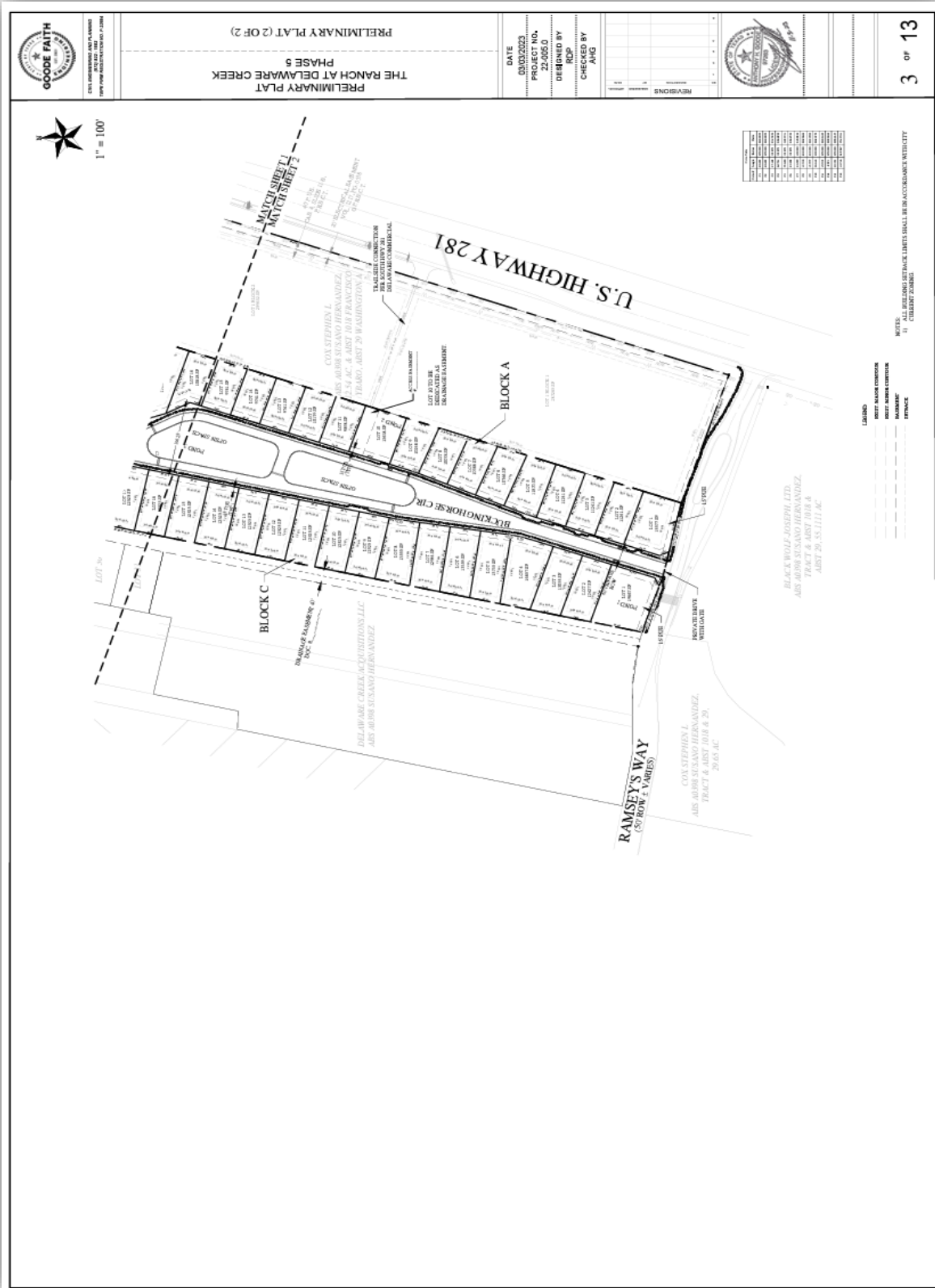
DATE: 11/03/2023  
RDP  
AUG  
22.005.0



REVISIONS



# Plat Page 3





## PUBLIC HEARING

The City Council shall conduct a public hearing to receive public testimony and comments on the merits of a proposed “Preliminary Plat” for approximately 25.88 acres out of Abstract A0398 Susano Hernandez Tract and Abstract 1018 & 29. The proposed “Preliminary Plat” will establish The Ranch at Delaware Creek, Phase 5, consisting of 52 residential lots



RAMSEY'S WAY  
(50' ROW ± VARIES)



U.S. HIGHWAY 281  
(130' ROW ± MAY VARY)

40' SIDE  
DRAINAGE DITCH  
40' SIDE  
DRAINAGE DITCH  
40' SIDE  
DRAINAGE DITCH  
40' SIDE  
DRAINAGE DITCH

# The Ranch at Delaware Creek, Phase 5

## Project Details

- Zoned R-1
- 25.88 acres
- Located on the west side of Hwy 281 north of Ramsey's Way, between Sunday Drive and South Hwy 281 Delaware Commercial property
- 52 residential lots, to be developed with duplexes
- One new PRIVATE street – Bucking Horse Circle
- Gated Subdivision will gain access off highway 281 and Ramsey's Way
- Bucking Horse Circle does exceed allowable block length and require variance.

**City staff and city engineer have reviewed the plat in accordance with Sec. 98-22 and have found the plat does meet the requirements as outlined in the code.**



# Public Hearing

- ▶ Public hearing opened by Chair
- ▶ Limit 3 minutes per speaker





## Police Department

## ITEM 3.3

Brian Lee  
Chief of Police  
512-756-6404  
blee@cityofburnet.com

### Public Hearing and Action

**Meeting Date:** January 9, 2024

**Agenda Item:** Public Hearing and action: CITY COUNCIL SHALL CONVENE AS THE DANGEROUS BUILDINGS BOARD OF APPEALS TO CONDUCT A PUBLIC HEARING TO DELIBERATE AND TAKE ACTION ON A PROPOSED ORDER FINDING THE STRUCTURE LOCATED AT 300 N. WATER STREET TO BE A DANGEROUS STRUCTURE AND ORDERING THE DEMOLITION OF SAID STRUCTURE. B. Lee

**Background:** On December 5, 2022, the building operated as Reagor Air Conditioning located at 300 N. Water Street was destroyed by a catastrophic fire. The city secured the premises from public access due to fire damage causing the structure on the property to be unsafe. The timeline for further actions is as follows:

- 5/11/23 the city caused an inspection of the property due to the unsafe condition that was conducted by ATS engineers.
- Subsequently, Dondi Atwell of ATS inspected the property and issued a report finding the property unsafe and should be barricaded from entry immediately until it is made safe. See ATS Report dated May 11, 2023 attached hereto as **Exhibit "A"**.
- On June 27 of this year, City Council conducted a public hearing and at the conclusion of the public hearing ordered the structure demolished.
- After the public hearing the owner occupant contacted City Staff and alleged, he did not receive notice.
- On October 24, 2023, City Council conducted a second public hearing and at the conclusion of the public hearing ordered the structure demolished.
- Subsequently, the owner hired an attorney and obtained a Temporary Restraining Order preventing the demolition from proceeding.

- On December 14, 2023 the City Attorney appeared at a hearing on the Temporary restraining order and entered into an agreed order that City Council would conduct a third public hearing on the dangerous structure. Notice of the public hearing was delivered to the owner through his attorney and it was agreed on the record that City Council's decision at this public hearing would be final.

The structure has multiple issues that make it an unsafe structure that need to be addressed. To this date no efforts have been made by the owners to mitigate the damage to the building.

**Information:** Dangerous structures fall under the purview of City Code Sec. 22-77. Pursuant to the section, City Council, after notice and public hearing can adjudicate a structure to be dangerous, order its repair; and if not repaired in thirty days (or up to ninety days at Council's discretion) order its demolition. In this case it is staff's opinion the ATS report supports a finding that the structure is in such a state of disrepair demolition is warranted.

**Fiscal Impact** Should demolition be ordered, and the owner fail to undertake the demolition within 30 days the City will do so. As the costs can be significant the City can seek to recoup those costs from the property owners. And if payment is not made the City can lien the property.

**Recommendation:** Open the Public Hearing and at the conclusion of the Public Hearing approve Demolition Order No. Order No. 2024-01-09-001.

**Order No. 2024-01-09-001**

**STATE OF TEXAS       §  
                                  §  
COUNTY OF BURNET   §**

**KNOW ALL PERSONS BY THESE PRESENTS:**

**ORDER OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS**

On this the ninth day of January 2024, the City Council of the City of Burnet, Texas sitting as the Dangerous Buildings Board of Appeals pursuant to City of Burnet Code of Ordinances Chapter 22, Article IV, conducted a public hearing pursuant to a notice duly published in accordance with the Texas Public Meetings Act, where the Council received sworn testimony and evidence on the matter described herein. At the conclusion of the public hearing the Council deliberated on the testimony and evidence received makes its findings as follows:

- (1) Identification of the building and the property. The building is the primary residential structure located on the property located at 300 N. Water, Burnet, Burnet County, Texas. Burnet County Appraisal District legal description S7150 PETER KERR PORTION LOT S 92 FT OF 2 BLK 29; and Property ID of 35535.
- (2) Finding of violations of minimum standards. It is found that the building and property violate the minimum standards of the City’s Code of Ordinances as described in Exhibit “A” of the City of Burnet Staff Brief. Said exhibit contains a copy of the building inspector’s report on the condition of the property and is made part of this order by reference as if fully transcribed herein.
- (3) Requirement of Owners. The owner, or persons having an interest in the building or property are hereby ordered to demolish and remove the building thereon in such manner that complies with the ordinances of this municipality and the statutes of this state. Such demolition and removal to be completed within 30 days of the date of issuance of this Order. The owner shall not be required to post bond.
- (4) Direction to the City Manager. Should the owner, or persons having an interest in the building or property fail to timely comply with the requirements of section (3) of this Order the City Manager is hereby authorized to vacate, demolish, and remove the building from the property.
- (5) Appeal. In the event the owner, or persons having an interest in the building or property, perfects an appeal in a court of competent jurisdiction, on or before the thirtieth day after this order is issued, this order shall be stayed until final disposition of such appeal; and should on such final disposition this order be affirmed, the City Manager shall proceed as directed in section (4) without need for further authorization by this Council.
- (6) Assessments of Costs. It being found that the property is not a homestead, all costs incurred by the City to enforce this order, including the vacating, demolition, and removal the building from the property, shall be assessed

against the owner and persons having an interest in the building or property; and a lien shall be placed on the property to secure reimbursement of such costs.

- (7) Notice. The City Secretary is directed to issue notice of this Ordinance in the manner prescribed in Code of City Ordinances Section 22-82(13).
- (8) Securing the property. The owner, or persons having an interest in the building or property, shall secure the property so no one trespasses thereon or attempts to occupy the building until the demolition is complete.

Issued this 9<sup>th</sup> day of January 2024, by majority vote of the City Council of the City of Burnet, Texas.

**CITY OF BURNET**

\_\_\_\_\_  
Gary Wideman, Mayor

**ATTEST:**

\_\_\_\_\_  
Kelly Dix, City Secretary





TBPE FIRM REG. #2487  
TBPLS FIRM REG. #10126000

4910 West Hwy 290  
Suite 300  
Austin, Texas 78735  
512.328.6995  
512.328.6996. Fax

Commercial and  
Residential Engineering

- Structural
- Civil
- Mechanical
- Electrical
- Plumbing

Rehabilitation Designs

Property Condition  
Inspections

Land Surveying

Texas Accessibility  
Standards (ADA)  
Compliance Reviews  
& Inspections

Certified Code  
Compliance Inspectors  
& Plan Reviewers

Energy Code Consulting  
& Inspections  
Green Building Consulting  
& Certification

Construction Consulting

To: City of Burnet  
Attn: Leslie Kimbler  
Re: Structure Fire  
300 N. Water Street  
Burnet, TX 78611

May 11, 2023

I Dondi Atwell, inspection department manager with ATS Engineers, Inspectors and Surveyors, performed a site inspection at 300 N. Water Street Burnet, TX 78611 on May 11, 2023.

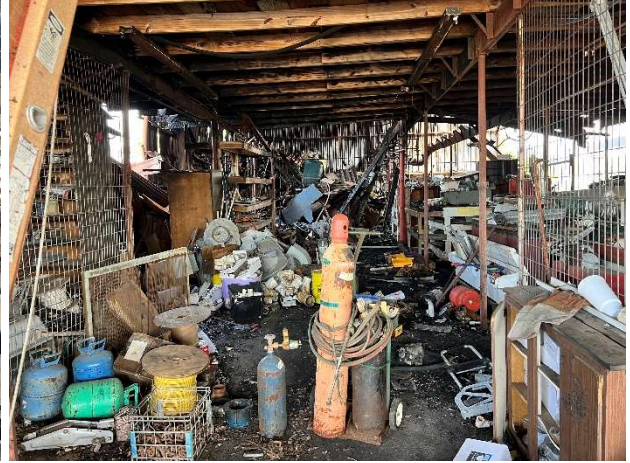
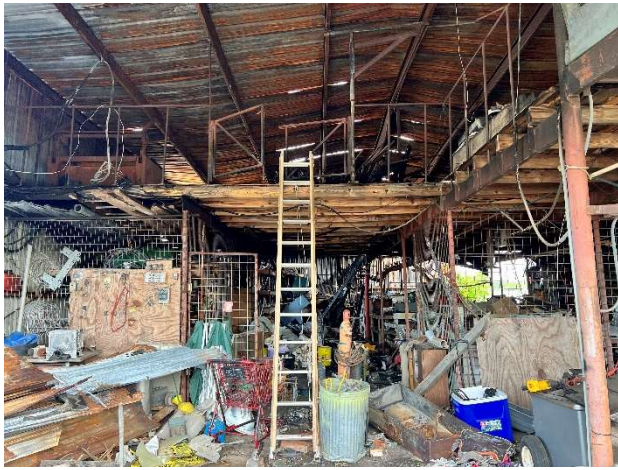
The scope of this inspection was to determine life/safety and the general condition of the structure due to a recent fire.

This structure has suffered severe fire damage. Support columns, steel beams and purlins have melted with severe deflection, and some collapsed. Numerous wooded structural roof, ceiling, floor, and wall sections are severely damaged and or collapsed.

This structure is not safe. ATS recommends that this structure be barricaded from entry immediately until it is made safe.

Sincerely,

Dondi Atwell  
Inspection Department Manager  
Mobile 512-748-4986





## **ARTICLE IV. DANGEROUS BUILDING ABATEMENT CODE<sup>1</sup>**

### **Sec. 22-76. Definitions.**

As used in this article the following terms shall have the meanings given below:

*Alterations* means any change, addition, or modification in construction; any change in the structural members of a building, such as walls or partitions, columns, beams or girders; and may be referred to as "altered" or "reconstructed."

*Approved* means having the approval of the building inspector as the result of an investigation and tests that the officer conducted or by reason of accepted principles or tests by national authorities, technical, or scientific organizations; or having the approval of the appropriate enforcement official of the city as being represented by the applicant in compliance with the standards and requirements of this code or ordinance of the city that applies specifically to the item in question; or other customary approvals reserved to the city by state law or city ordinance.

*Board of appeals* means the city council of the City of Burnet, Texas.

*Building* means any structure, either temporary or permanent, having a roof or other covering, that is designed or used for the shelter or enclosure of any person, animal, or property of any kind, including tents, awnings, or vehicles situated on private property and used for purposes of a building.

*Building official* shall refer to the building official, or the building inspector designated to issue permits and inspect buildings or construction including permits and inspections related to the enforcement of this chapter.

*City* means the City of Burnet.

*Code official* means the official who is charged with the administration and enforcement of this code, or any duly authorized representative.

*Code* means the edition of the International Property Maintenance Code published by the International Code Council and currently adopted by the city.

*Commercial building* means any building or structure that is used or designed to be used, in whole or in part, for retail or wholesale business, industrial, manufacturing, storage, religious, educational, amusement, entertainment, health, professional, scientific, office, or other business purposes. "Commercial buildings" are a type of nonresidential building.

*Construction* means any clearing of land, excavation, or other action that would adversely affect the natural environment of the site. This definition does not include uses in securing survey or geological data such as necessary borings to ascertain subsurface conditions.

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<sup>1</sup>Ord. No. 2015-04, § 2, adopted March 8, 2015, amended art. IV, §§ 22-76—22-84, in its entirety. Former art. IV pertained to similar subject matter, and was derived from Ord. No. 97-6, §§ 2(1)—(9), adopted September 23, 1997; Ord. No. 98-16, § 2, adopted November 12, 1998 and Ord. No. 2002-15, §§ 1—5, adopted August 20, 2002.

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*Dangerous building, Unsafe building, and unfit dwelling* means any structure or building located within the incorporated limits of the City that fails to comply with the general requirements for exterior structures, interior structures, or component serviceability as established by the currently adopted edition of the code.

*Dwelling* means the entirety or any portion of any building that is not an "apartment house," or "lodging house," and that contains one or more "dwelling units" or "guest rooms" that are used, intended, or designed to be built, used, rented, leased, let, or hired out to be occupied, or which are occupied for living purposes.

*Dwelling unit* means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

*Erected* means built, constructed, altered, reconstructed, poured, laid, moved upon, excavated, site cleared, land filled, or any physical operations on the premises that are required for construction.

*Nuisance* means any of the following conditions:

- (1) Any condition of real property, building or other structure that fails to meet the minimum standards set forth in the International Property Maintenance Code as adopted by the city and local amendments made thereto.
- (2) Any attractive nuisance that may prove detrimental to children whether in a building; or attached to or grounded from the premises of a building; or upon, attached to or grounded from an unoccupied lot. This includes, but is not limited to, any abandoned wells, shafts, cellars, basements, excavations, abandoned refrigerators, abandoned, junked or inoperative boats, houseboats, motor vehicles or motor vehicle parts, broken down or dilapidated docks, or lumber, trash, fences, debris or vegetation that may prove a hazard for inquisitive minors.
- (3) Whatever condition is dangerous to human life or is detrimental to health or property.
- (4) Overcrowding or occupancy in violation of this chapter.
- (5) Insufficient ventilation or illumination.
- (6) Inadequate or unsanitary sewerage or plumbing facilities.
- (7) Uncleanliness.
- (8) Whatever renders air, food, or drink unwholesome or detrimental to the health of human beings or animals.
- (9) Divergence of run-off to other private or public property.

*Occupant* means any person who rents, leases or appears to reside, rent or lease a building, structure or property through custody of the premises or who has the legal right to possession of such premises.

*Owner* means any person who holds any interest in the legal title of a building, structure or property or who has the legal right of possession thereof.

*Permit* means a written document or certification issued by the building official permitting the specific construction, alteration, or extension requiring a permit under the provisions of this chapter, the technical codes and regulations stated herein.

*Person* shall mean and include an individual human, partnership, co-partnership firm, company, limited liability partnership or other partnership or other such company, joint venture, joint stock company, trust, estate, governmental entity, association or corporation or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

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*Repair* means the reconstruction, renovation, or renewal of any part of an existing building for the purpose of its maintenance. This term shall not apply to any change or construction, alteration, or additions to a building other than for the purpose of reconstruction, renovation, or renewal.

*Responsible parties* or responsible party means the owner or occupant, including the person in custody of the building, property or structure and any mortgagee or lien holder.

*Shall* is a mandatory term.

( Ord. No. 2015-04, § 2, 3-8-15 )

### **Sec. 22-77. Dangerous buildings, unsafe structures and unfit dwellings.**

- (a) The requirements established by the most recent edition of the International Property Maintenance Code currently adopted and locally amended by the city are hereby declared to the minimum standards for the continued use and occupancy of all buildings located within the corporate limits of the city regardless of the date of their construction.
- (b) A building or structure shall be deemed to be dangerous, unsafe and/or unfit for human habitation if:
  - (1) Said building or structure fails to comply with any one or more of the requirements established by the International Property Maintenance Code or the local amendments made thereto.
  - (2) Said building or structure, regardless of its structural condition, is unoccupied by its owners, lessees, or other invitees and is:
    - 1. Unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or
    - 2. Boarded up; fenced, or otherwise secured in any manner if:
      - a. The building or structure constitutes a danger to the public even though secured from entry; or
      - b. The means used to secure the building or structure are inadequate to prevent unauthorized entry or use of the building.

( Ord. No. 2015-04, § 2, 3-8-15 )

### **Sec. 22-78. Public nuisances declared.**

- (a) A building or structure deemed to be a dangerous building, an unsafe structure, and/or an unfit dwelling under the terms of this chapter is hereby declared to be a public nuisance and is unlawful.
- (b) It shall be the responsibility of the owner[s] or occupants of any unsafe building, unfit dwelling or dangerous building to abate public nuisances associated with said building by means of repair, rehabilitation, demolition, or removal in accordance with the procedures provided in this chapter.

( Ord. No. 2015-04, § 2, 3-8-15 )

### **Sec. 22-79. Duties of the code official.**

The code official shall report to the building official of the city and is authorized to inspect, or cause to be inspected, every building, or portion thereof, reported to be unsafe. If such building, or any portion thereof, is

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determined to be unsafe, the code official shall give the responsible parties notice in accordance with the requirements set forth in this article. The code official shall further:

- (1) Inspect or cause to be inspected, when necessary, any building or structure within the incorporated limits of the city, including public buildings, schools, halls, churches, theaters, hotels, tenements, or apartments, multifamily residences, single-family residences, garages, warehouses, and other commercial and industrial structures of any nature whatsoever for the purpose of determining whether any conditions exist which render such places a "dangerous building" as defined herein.
- (2) Inspect any building, wall or structure about which complaints have been filed by any person to the effect that a building, wall or structure is or may be existing in violation of this article.
- (3) Report to the board of appeals, any noncompliance with the minimum standards set forth in this article. The code official shall obtain from the secretary of the board of appeals a hearing date for a public hearing by the board of appeals on any building or structure believed to be a dangerous building and shall provide the secretary of the board of appeals with copies of the written notice to persons with interests in the property.
- (4) Appear at all hearings conducted by the board of appeals and testify as to the conditions of dangerous buildings within the city.
- (5) Place a notice on any dangerous building found to be out of compliance with the general requirements of the International Property Maintenance Code.
- (6) Make an effort to identify each owner, mortgagee or lienholder, and their respective addresses, by searching the following: the real property records of the county; the tax appraisal district records; the records of the secretary of state; the assumed name records of the county; the tax records of the city; and the utility records of the city.
- (7) Perform the other requirements with respect to notification of public hearings as are set forth more specifically in this article.

( Ord. No. 2015-04, § 2, 3-8-15 )

### **Sec. 22-80. Notice to repair.**

- (a) Should the code official determine that any building or structure within the incorporated limits of the city is a dangerous building, unsafe building, or unfit dwelling, the official shall cause written notification to be sent, by certified mail, to each owner, mortgagee, and lienholder identified through an effort to discover such owner, mortgagee, and lienholder. Such notice shall:
  - (1) Contain a description of the building or structure deemed unsafe and its location;
  - (2) Contain a statement of the specific conditions which make the building or structure a dangerous building, unsafe structure or unfit dwelling;
  - (3) Contain a statement that it shall be illegal to occupy or utilize said building for any purpose until such time as the premises have been brought into compliance with the applicable provisions of the International Property Maintenance Code.
  - (4) Include notice of the date and time of a public hearing before the board of appeals to determine whether the building complies with the standards set out in this article;
  - (5) Include a statement that the owner, lienholder, mortgagee, or persons with a legal interest in the building will be required to submit at the hearing, proof of the scope of any work that may be required to comply with this article and the amount of time it will take to reasonably perform the work: and

- 
- (6) Be served upon the responsible parties as set out in this article.
- (b) Sufficiency of notice. Notwithstanding any other term or provision of this article or the code, notice given pursuant to this article shall be sufficient and deemed properly served upon the responsible parties if a copy thereof is:
- (1) Served upon him/her personally; or
  - (2) Sent by registered or certified mail, return receipt requested, to the last known address of such person as shown on the records of the city and the tax appraisal district; and posted in a conspicuous place in or about the building affected by the notice.
- (c) Compliance with notice. The parties responsible for the dangerous building, shall have ten days from the date of service of the notice to bring the dangerous building, unsafe structure, or unfit dwelling into compliance with the provisions of this article.
- (d) Further occupancy prohibited. once a building is determined to be dangerous, the code official shall affix a placard on or near the front door of said building. The placard shall note the date of posting, provide the name and signature of the city official who determined the building to be dangerous, provide an identification, that is not required to be a legal description, of the building and the property on which it is located, and shall state following:
- THIS BUILDING HAS BEEN FOUND TO BE A DANGEROUS BUILDING UNDER THE TERMS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE. OCCUPANCY OR USE OF THIS BUILDING BY ANY PERSON OR FOR ANY PURPOSE IS HEREBY PROHIBITED UNTIL SUCH TIME AS THE PREMISES HAVE BEEN BROUGHT INTO COMPLIANCE WITH THE APPLICABLE PROVISIONS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND THIS PLACARD REMOVED BY THE CODE OFFICIAL. REMOVAL OF THIS PLACARD BY ANY PERSON OTHER THAN THE UNDERSIGNED OFFICER OF THE CITY SHALL BE UNLAWFUL.
- (e) Refused or unclaimed mail. All mailed notices shall be deemed sufficient and delivered if returned "refused" or "unclaimed."
- (f) Notices sent pursuant to this article shall be sent to the address of the owner, lienholder, mortgagee or persons with legal interests in the building as determined by a reasonable search of records to include:
- (1) County real property records;
  - (2) Appraisal district records;
  - (3) Records of the Secretary of State, if the property owner or lienholder is a corporation, partnership, or other business association;
  - (4) Assumed name records;
  - (5) Tax records, and utility records of the city.

( Ord. No. 2015-04, § 2, 3-8-15 )

### **Sec. 22-81. City council to serve as board of appeals.**

In order to conduct public hearings and to hear and decide appeals of orders, decisions or determinations made by the code official or building official relative to the application and interpretation of this article, the city council shall serve as the board of appeals to pass upon matters pertaining to building standards. The board of appeals may adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the property owner and lien holders, with a duplicate copy to the code official. Appeals to the board shall be processed in accordance with the provisions established by this article.

( Ord. No. 2015-04, § 2, 3-8-15 )



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## Sec. 22-82. Duties of the board of appeals.

The board of appeals shall:

- (1) Schedule and hold a public hearing and hear testimony from the code official, the owner and other persons having an interest in the dangerous building, and any person desiring to present factual evidence relevant to the unsafe building. Such testimony shall relate to the determination of the question of whether the building or structure in question is a dangerous building and the scope of any work that may be required to comply with this article and the amount of time it will take to reasonably perform the work. The owner or a person having an interest in the dangerous building shall have the burden of proof to demonstrate the scope of any work that may be required to comply with this article and the time it will take to reasonably perform the work.
- (2) Upon conclusion of the hearing, the board of appeals shall determine by majority vote whether the building or structure in question is a dangerous or unsafe building. Upon a determination that the building or structure in question constitutes a dangerous or unsafe building, the board of appeals shall issue an order:
  - a. Containing an identification of the building and the property on which it is located;
  - b. Making written findings of the violations of the minimum standards that are present at the building;
  - c. Requiring the owner and persons having an interest in the building to repair, vacate, or demolish the building within 30 days from the issuance of such order, unless the owner or a person with an interest in the building establishes at the hearing that the work cannot reasonably be performed within 30 days, in which instance the board of appeals shall specify a reasonable time for the completion of the work;
  - d. Containing a statement that the city will vacate, secure, remove or demolish the dangerous building and relocate the occupants of the building if the ordered action is not taken within the time specified by the board of appeals; and
- (3) The code official or city secretary shall deliver a copy of said order by hand delivery or certified mail to the owner and all persons having an interest in the property, as such persons appear in the official records described herein, including all identifiable mortgagees and lienholders, as soon as is practicable after the hearing, which order shall include an identification and address of the building and the property on which it is located; a description of the violation of this article that are found to be present at the building; and a statement that the municipality will vacate, secure, remove, repair, or demolish the building or relocate the occupants of the building if the ordered action is not taken within a reasonable time.
- (4) If the board of appeals allows the owner or a person with an interest in the dangerous building more than 30 days to repair, remove, or demolish the building, the board of appeals in its written order shall establish specific time schedules for the commencement and performance of the work and shall require the owner or person to secure the property in a reasonable manner from unauthorized entry while the work is being performed. The securing of the property shall be in a manner found to be acceptable by the building official.
- (5) The board of appeals shall not allow the owner or person with an interest in the dangerous building more than 90 days to repair, remove, or demolish the building or fully perform all work required to comply with the written order unless the owner or person:
  - a. Submits a detailed plan and time schedule for the work at the hearing; and

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- b. Establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.
- (6) If the value of a property subject to a board of appeals order exceeds \$100,000.00, the board, at its election, may require the owner, lienholder, or mortgagee to post a cash or surety bond in an amount adequate to cover the cost of repairing, removing, or demolishing a building. In lieu of a bond, the board may require the owner, lienholder, or mortgagee to provide a letter of credit from a financial institution or a guaranty from a third party approved by the city. If required by the board, the bond must be posted, or the letter of credit or third party guaranty provided not later than the 30th day after the date the board of appeals issues its order.
- (7) If the board of appeals allows the owner or person with an interest in the dangerous building more than 90 days to complete any part of the work required to repair, remove, or demolish the building, the board of appeals shall require the owner or person to regularly submit progress reports to board of appeals to demonstrate that the owner or person has complied with the time schedules established for commencement and performance of the work. The written order may require that the owner or person with an interest in the building appear before the city code official to demonstrate compliance with the time schedules.
- (8) Appeals. In the event the owner fails to appeal an order issued by the board of appeals under this article within 30 days of the date said order was personally delivered to them, mailed to them by first class mail with certified return receipt requested, or delivered to them by United States Postal Service using signature confirmation service, the order shall become final and unappealable. In the event an owner fails to comply with the order within the time frame specified therein, following the expiration of 30 days from the date the order was personally delivered to them, mailed to them by first class mail with certified return receipt requested, or delivered to them by United States Postal Service using signature confirmation service, the city will be authorized to take action to abate the public nuisance and affix a lien against the property.
- (9) After the public hearing, if a building is found in violation of the minimum requirements of this article, the board of appeals may order that the occupants be relocated within a reasonable time.
- (10) In addition to the authority granted to the board of appeals under this chapter, the city may also pursue any and all other remedies provided by state law including filing suit in the appropriate court of competent jurisdiction to enforce this article.
- (11) If the building is not vacated, secured, repaired, removed, or demolished, or the occupants are not relocated within the allotted time, the city may vacate, secure, remove, repair or demolish the building or relocate the occupants at its own expense after the timeframe for appealing the board's order pursuant to subsection (8) has expired.
- (12) If the city incurs expenses as result of enforcing the provisions of this article, said expenses may be assessed against the property and the city has a lien against the property, unless it is a homestead as protected by the Texas Constitution. The lien is extinguished if the property owner or another person having an interest in the legal title to the property reimburses the city for the expenses. The lien arises and attaches to the property at the time of the notice of the lien is recorded and indexed in the office of the county clerk. The notice must contain in the name and address of the owner if that information can be determined by a reasonable effort, a legal description of the real property on which the building was located, the amount of expenses incurred by the city, and the balance due. A lien filed in accordance with the terms of this article is a privileged lien subordinate only to tax liens and all previously recorded bona fide mortgage liens attached to the real property to which the city's lien attaches.
- (13) Notice. If repair or demolition is ordered, the board of appeals shall send a copy of the order by certified mail to the owner and all persons having an interest in the property, including all identifiable

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mortgagees and lienholders within ten days after the hearing. Within ten days after the date that the order is issued, the city shall:

- a. File a copy of the order in the office of the municipal secretary or clerk; and
  - b. Publish in a newspaper of general circulation in the municipality in which the building is located a notice containing:
    1. The street address or legal description of the property;
    2. The date of the hearing;
    3. A brief statement indicating the results of the order (may be a copy of the order); and
    4. If not provided in the notice, instructions stating where a complete copy of the order may be obtained.
  - c. If repair or demolition is ordered and notice of public hearing was not filed in the official public records of real property of the county, the city may file and record a copy of the order in such records of the county.
- (14) Secure property. If the board of appeals allows the owner or a person with an interest in the dangerous building more than 30 days to repair, remove, or demolish the building, the board of appeals in its written order shall establish specific time schedules for the commencement and performance of the work and shall require the owner or person to secure the property in a reasonable manner from unauthorized entry while the work is being performed. The securing of the property shall be in a manner found to be acceptable by the city building inspector.

( Ord. No. 2015-04, § 2, 3-8-15 )

### **Sec. 22-83. Assessment of expenses and penalties.**

- (a) If the board of appeals has held a hearing in accordance with the terms of this article, and the time allotted for the repair, removal or demolition of a building has expired, then the board of appeals may, in addition to the authority granted under V.T.C.A., Local Government Code ch. 214 and this article:
  - (1) Order the repair of the building at the city's expense and assess the expenses on the land on which the building stands or to which it is attached, or
  - (2) Assess a civil penalty against the responsible party for failure to repair, remove, or demolish the building.
- (b) The city, at its election, may use city resources or contract with appropriate service providers to demolish a building that is subject to a board of appeals demolition order. Should the city choose to retain an outside demolition contractor, the code official shall invite at least two or more building contractors to make estimates pertaining to the needed repair, removal or demolition of a building. The code official shall cause to be made an assessment of expenses or civil penalty based on such estimates. The code official shall endeavor to minimize the expenses of any building repairs, removal or demolitions order pursuant to this subchapter.
- (c) The city may repair a building subject to a board of appeals order only to the extent necessary to bring the building into compliance with the general requirements of the International Property Maintenance Code and only if the building is a residential building with ten or fewer dwelling units. The repairs may not improve the building to the extent that the building exceeds minimum standards prescribed by the code.
- (d) The city's lien to secure the payment of a civil penalty or the costs of repairs, removal, or demolition is inferior to any previously recorded bona fide mortgage lien attached to the real property to which the city's

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lien attaches if the mortgage lien was filed for record in the office of the county clerk before the date the civil penalty is assessed or the repair, removal, or demolition is begun by the city. The city's lien is superior to all other previously recorded judgment liens.

- (e) Any civil penalty or other assessment imposed under this section accrues interest at the rate of ten percent a year from the date of assessment until paid in full.
- (f) A lien acquired under this section by the city for repair expenses may not be foreclosed if the property on which the repairs were made is occupied as a residential homestead by a person 65 years of age or older.

( Ord. No. 2015-04, § 2, 3-8-15 )

### **Sec. 22-84. Violations.**

- (a) The owner of any unsafe building or dangerous building who shall fail to comply with any notice or order to repair, vacate or demolish said building or structure, such notice or order given by the authority of the board of appeals, or the city council, shall be guilty of a misdemeanor.
- (b) An occupant, or lessee in possession of any unsafe building or dangerous building who fails to comply with any notice or order to vacate such building and fails to repair such building in accordance with an order given by the board of appeals shall be guilty of a misdemeanor.
- (c) Any person removing the notice of a dangerous building as provided for by this article, shall be guilty of a misdemeanor.
- (d) The violation of any provision of this article shall be unlawful and a misdemeanor offense punishable by a fine not exceeding \$500.00. Each day a violation of this article continues shall constitute a separate offense.
- (e) In any prosecution charging a violation of this article governing the failure to comply with any notice or order to repair, vacate, remove, or demolish any building or structure, proof that the particular property described in the complaint was substandard in violation of this article, together with proof that the defendant named in the complaint was, at the time of such notice or order, the registered owner of such property, shall constitute in evidence a prima facie presumption that the registered owner of such property was the person who failed to comply with the notice or order to repair, vacate, remove, or demolish, and for the time during which, such violation occurred.

( Ord. No. 2015-04, § 2, 3-8-15 )

### **Secs. 22-85—22-100. Reserved.**



**REAGOR**  
AIR CONDITIONING  
PLUMBING  
ELECTRIC  
HEATING

300 N. Water  
Dangerous  
Structure

# Timeline

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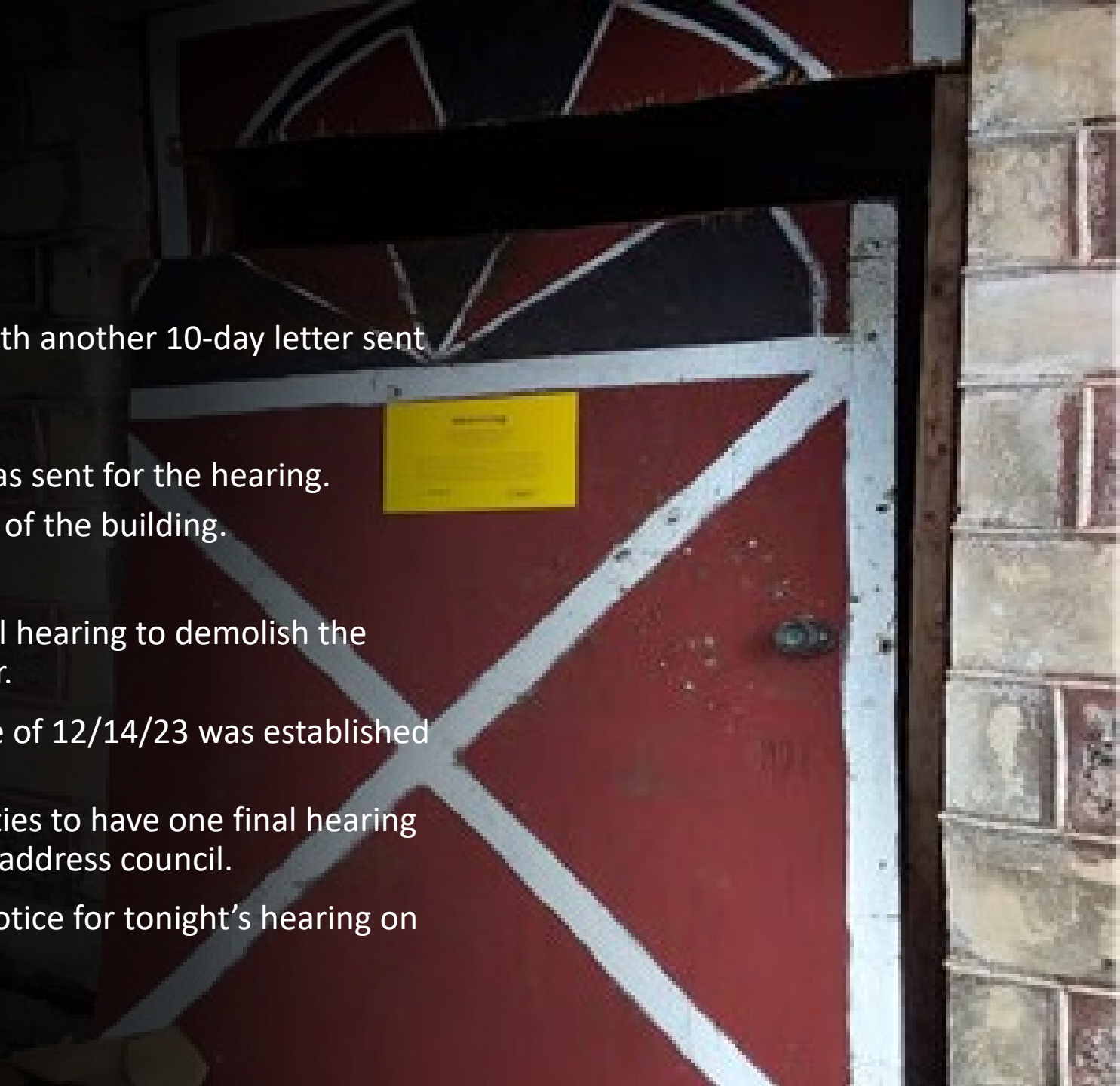
- December 5, 2022
  - Catastrophic fire took place at 300 n. Water
  - An investigation followed that took approximately one month.
  - The building was turned back to the owners on February 1, 2022.
- Code notifications
  - Code enforcement began sending notices to the Reagors on February 9, 2023.
  - February 17<sup>th</sup>, 2023
  - May 12<sup>th</sup>, 2023
  - May 31<sup>st</sup>, 2023
  - June 9<sup>th</sup>, 2023
- May 11, 2023, ATS survey deemed structure unsafe
  - I had verbal conversations with Mr. Reagor about the property, vehicles, and the restrictions on entering the property.
  - Have met numerous times with Ken Reagor in reference to the future of the building.
  - Possibly has a buyer who may want to demolish the building.
  - Continued to have conversations about several options with the building but no resolution
  - Learned about the identity of other possible owners
  - Began the process again to ensure proper notice was given



## Timeline

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- Continued code notifications
  - September 27<sup>th</sup>, began the process over with another 10-day letter sent to all owners with provided addresses.
  - No response
  - 10/6/23, notification of council meeting was sent for the hearing.
  - No further communication as to the status of the building.
  - Owners did not appear at the hearing.
- Order was signed by the Mayor after the council hearing to demolish the building and served on the owners in November.
- In December, a TRO was issued and a court date of 12/14/23 was established to hear arguments about the restraining order.
  - An agreement was made between the parties to have one final hearing in front of council where Mr. Reagor could address council.
- Mr. Reagor's attorney accepted service of the notice for tonight's hearing on behalf of Mr. Reagor on 12/14/23.



# ATS Inspection

- On 5/11/23 a structural inspection was conducted at 300 N. Water St. Burnet, TX.
  - The scope was to determine life/safety and general condition.
  - Defects noted included severe fire damage, support columns, steel beams, and purlins have melted with severe deflection with some collapse.
  - Numerous wooded structural roof, ceiling, floor, and wall sections are severely damaged and or collapsed.
- Conclusion
  - This structure is not safe. ATS recommends that this structure be barricaded from entry immediately until it is made safe.









# Mitigation

- There has been no mitigation of the hazards involving the building.
- Vehicles that had been left were moved off the lot.
- Building was labeled to keep anybody from entering.
- Mr. Reagor was allowed by way of waiver to enter the building and remove items he felt had value.
- Mr. Reagor has confirmed all items of value have been removed with the exception of two I-beams located on the exterior of the building that he was going to remove.

Questions





## Fire Department

## ITEM 4.1

Mark Ingram  
Fire Chief  
512-756-6093  
mingram@cityofburnet.com

### Action

**Meeting Date:** January 9, 2023

**Agenda Item:** Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 2 (ENTITLED "ADMINISTRATION") BY AMENDING SECTION 2-100 EMERGENCY MEDICAL SERVICE FEES: M. Ingram

**Background:** The Burnet Fire Department provides emergency medical services to city and county residents. City Council has established service fees to recover some of the costs associated with providing emergency medical services; and the emergency services fee schedule has not been amended since 2005. During that period the rate of inflation is almost 58%. Additionally, the Fire Department provides services that were not contemplated in 2005.

**Information:** This ordinance amends the emergency services fee schedule to catch up to the rate of inflation and capture fees for services not addressed in the 2005 version of the fee schedule.

There have been no changes to Ordinance 2023-49 since the first reading on December 12, 2023.

**Fiscal Impact** This ordinance is consistent with City policy to set service fees at a rate that substantially covers the costs of the services provided. Therefore, this ordinance should have a neutral fiscal impact.

**Recommendation:** Approve first reading of Ordinance No. 2023-49 as presented.

**ORDINANCE NO. 2023-49**

**AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS,  
AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 2  
(ENTITLED "ADMINISTRATION") BY AMENDING SECTION 2-100  
EMERGENCY MEDICAL SERVICE FEES**

**WHEREAS**, the Burnet Fire Department provides emergency medical services to city and county residents; and

**WHEREAS**, City Council has established service fees to recover some of the costs associated with providing emergency medical services; and

**WHEREAS**, the emergency services fee schedule has not been amended since 2005; and

**WHEREAS**, during that period the rate of inflation is almost 58%; and

**WHEREAS**, the Burnet Fire Department provides additional emergency medical services, not contemplated in 2005; and for which fees need to be established.

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

**Section one. Amendment.** The Code of Ordinances, Chapter 2 (entitled "*Admiration*"); Article IV (entitled "*Officers and Departments*"); Division 5 (Entitled "*Burnet Emergency Medical Services Department*") is hereby amended by replacing the entire text in Section 2-100 (entitled "*Service Fees*") with the text set out below:

**Sec. 2-100. Service fees.**

- (a) Any person who utilizes the services of the emergency medical services department, whether such person requested same or not by reason of emergencies then existing, shall pay the following fees for such services:

Base rate for basic life support service (BLS/NON) \$1,132.00.

Base rate for basic life support service (BLS/EMRG) \$1,342.00.

Base rate for advanced life support service (ALS/NON) \$1,207.00.

Base rate for advanced life support service (ALS1/EMRG) \$1,742.00.

Base rate for advanced life support service (ALS2/SCT) \$2,042.00.

Extra Attendant \$164.00.

Burnet County \$500.00

Treatment No Transport \$150.00.

ALS ambulance stand-by services private events \$150.00 per hour.

ALS/BLS Routine/Disposable Supplies \$52.52

Infection Control \$10.00.

Oxygen/supplies \$135.00

Mileage rate \$21.00 (to be modified periodically to reflect changes in fuel rates.)

Equipment rate—Shall be established for equipment on the ambulance at a rate based on the depreciation of such equipment.

Rates for emergency medical supplies shall be the actual cost of the supply multiplied by 280 percent.

- (b) The city will accept insurance assignments as a method of payment for Medicare and Medicaid and will file or cause to be filed Medicare and Medicaid claims as appropriate.
- (c) The city council from time to time contracts to provide services with other entities at rates established in such contract. Rates as established in approved contracts shall control over this section where there is a conflict between the rates established in such contract and this section.
- (d) The city manager is authorized to make reasonable adjustments from time to time to the mileage and equipment fees for emergency medical services in accordance with subsection (a).

**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 12<sup>th</sup> day of December 2023

Passed, Approved and Adopted on the 9<sup>th</sup> day of January 2024

**CITY OF BURNET**

\_\_\_\_\_  
Gary Wideman, Mayor

ATTEST:

\_\_\_\_\_  
Kelly Dix, City Secretary



## Police Department

## ITEM 4.2

Brian Lee  
Chief of Police  
512.756-6404  
[blee@cityofburnet.com](mailto:blee@cityofburnet.com)

### Action

- Meeting Date:** January 9, 2024
- Agenda Item:** Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AUTHORIZING THE ACCEPTANCE OF THE DONATION OF 18 BALLISTIC HELMETS, FOUR IFAK KITS, AND 24 TOURNIQUETS FROM MARILIE WALKER: B. Lee
- Background:** Ms. Walker has approached the Burnet Police Department wishing to donate ballistic protection in the form of helmets in March of 2021. Council approved receiving the donation however due to COVID Ms. Walker did not make the purchase and donation. She has approached us again and wishes to donate 18 ballistic helmets. 4 IFAK kits for SRO officers and 24 additional tourniquets for all officers to carry. The donation would be large enough to equip all patrol officers with a ballistic helmet affording them more protection in high-risk situations. The additional items will provide lifesaving devices officers can utilize when rendering aid to victims.
- Information:** The use of ballistic helmets is common when officers are faced with known threats. The helmets offer a significant amount of protection in addition to other body armor officers already wear. The implementation of this program would be possible through the donation to the police department and would equip all uniformed patrol personnel.
- Fiscal Impact** The total purchase price for the Ballistic helmets will be \$6,779.00.
- Recommendation:** Approve and adopt Resolution R2024-01 as presented.



**RESOLUTION NO. 2024-01**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS AUTHORIZING THE ACCEPTANCE OF A DONATION OF EIGHTEEN BALLISTIC HELMETS, FOUR IFAK KITS, AND 24 TOURNIQUETS FROM MARILIE WALKER TO THE BURNET POLICE DEPARTMENT.**

**Whereas**, Marilie Walker has generously offered to donate eighteen Ballistic Helmets, four IFAK kits, and 24 tourniquets for the officers of the Burnet Police Department; and

**Whereas**, Ballistic helmets and shields provide a significant amount of protection in addition to other body armor officers already wear in the line of duty for the City of Burnet Police Department; and

**Whereas**, City Council gratefully wishes to accept this donation.

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

**Section one.** Acceptance. The offer by Marilie Walker to donate eighteen ballistic helmets, four IFAK kits, and twenty-four tourniquets for the additional protection of the Burnet Police Department Police Officers while serving in the line of duty, is hereby accepted.

**Section two.** Instrumentalities of conveyance. The Mayor is authorized to coordinate with the City Manager to finalize such donation agreements, such as valuation of gift, certification and other instruments and documents necessary to finalize and record the acceptance of this donation.

**Section three.** Findings. The findings of this resolution are deemed to be true, correct, and incorporated herein for all purposes.

**Section four.** Open Meetings. That 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.

**PASSED AND APPROVED** to be effective this the 9<sup>th</sup> day of January 2024.

**CITY OF BURNET**

\_\_\_\_\_  
Gary Wideman, Mayor

**ATTEST:**

\_\_\_\_\_  
Kelly Dix, City Secretary



**Worldwide Tactical LLC**

**925 41ST Suite 106  
Miami Beach, FL 33140  
PH: 305-534-0777  
FAX: 305-534-1297**

# Invoice

Date	Invoice #
12/28/2023	4442

Bill To
Marilie Walker 1112 Canyon Overlook Georgetown, Tx 78633

Ship To
SAME

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
MARILIE	pre-payment		12/26/2023	best way		

Quantity	Item Code	Description	Price Each	Amount
18	MISC	MICH helmet - High cut - BLACK - L	299.00	5,382.00T
4	MISC	IFAK kits - includes (2) Quick clot advanced clotting sponges & (1) NA RESCUE CAT tourniquet	110.00	440.00T
24	MISC	NA RESCUE CAT tourniquet	29.00	696.00T
1	MISC	CC CONV FEE	261.00	261.00T
		SHIPPING INCLUDED		
		THIS ORDER IS FOR BURNET Out-of-state sale, exempt from sales tax	0.00%	0.00

Thank you for your business.	<b>Total</b>	\$6,779.00
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PD Donation



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# Donation

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Ms. Marilie Walker has been donating to local agencies for the last 8 years.



Bertram PD recently received a donation from Ms. Walker as well.



Donations have included

Ballistic Helmets  
IFAKS  
Ballistic Plates  
Ballistic Shields  
Miscellaneous equipment



# IFAK

- Four individual first aid kits are being donated.
- IFAKs are trauma kits containing essential life-saving materials, bleeding control and major wound treatments.



- 
- 18 ballistic helmets are being donated
  - Level IIIA protection
  - Same as our vests
  - Utilized when we have a known threat
  - Barricaded armed subjects
  - Active shooter response
-

# Tourniquets

- 24 tourniquets are being donated
- Tourniquets are critical to self care and victim care
- Reduce blood loss by restricting the flow of blood
- Can be administered individually
- Multiple tourniquets will enhance our ability to treat several victims if necessary





## Conclusion

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- Ms. Marilie Walker is wanting to donate safety equipment to the police department that will enhance our safety when responding to known threats like active shooter.
  - The value of the donation is approximately \$6,700.
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## Development Services

## ITEM 4.3

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

### Action

**Meeting Date:** January 9, 2024

**Action Item:** Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING VARIANCES TO THE CODE OF ORDINANCES, SECTION 98-48 – BLOCKS FOR THE PROPOSED PRELIMINARY PLAT OF THE RANCH AT DELAWARE CREEK, PHASE 5 SUBDIVISION: L. Kimbler

**Background:** The proposed Preliminary Plat of The Ranches at Delaware Creek, Phase 5 Subdivision (Exhibit A) is a residential subdivision on approximately 25 acres. The proposed subdivision will create 52 residential lots which are zoned District R-2. This district allows duplexes, three- and four-unit residences with a minimum of 900 square feet per unit of living area. The proposed subdivision will be a gated subdivision.

One new road will be created within the subdivision to be named Bucking Horse Circle which will be a private road to be maintained by the subdivision's POA. The subdivision will gain access off Highway 281 along Trailside Drive; secondary ingress will be provided along Ramsey's Way. Bucking Horse Circle does exceed the allowable length in the City of Burnet's code of ordinances, Sec. 98-42, which necessitates this requested variance.

The applicant has met the fire code by providing breaks in the development to allow for the fire truck to turn around. This also provides for common spaces that provide areas for traffic calming.

**Information:** The requested variance (Exhibit B) pertains to the requirements outlined in Code of Ordinances Sec. 98-48(1)(b) which states: "Residential blocks shall not exceed 600 feet nor be less than 300 feet in length." The proposed blocks A and C, along Bucking Horse Circle, do exceed the allowable block length in the City of Burnet's code of ordinances, Sec. 98-42, and therefore will require approval of a subdivision variance.

The City of Burnet Code of Ordinances Sec. 98-82 states the following regarding variances to the subdivision standards:

“In granting approval of a request for variance, the Commission and Council shall conclude that the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the variance observes the spirit of this chapter and concludes that substantial justice is done. The Commission and Council shall meet these requirements by making findings that:

- a. The public convenience and welfare will be substantially served;
- b. The appropriate use of surrounding property will not be substantially or permanently impaired or diminished;
- c. The applicant has not created the hardship from which relief is sought;
- d. The variance will not confer upon the applicant a special right or privilege not commonly shared or available to the owners of similar and surrounding property;
- e. The hardship from which relief is sought is not solely of an economic nature;
- f. The variance is not contrary to the public interest;
- g. Due to special conditions, the literal enforcement of this chapter would result in an unnecessary hardship; and
- h. In granting the variance the spirit of the ordinance is observed and substantial justice is done.

**Staff Analysis:** Staff has evaluated the variance request and has determined that, due to the long linear configuration of the property, the limited access due to existing developments and lack of inner-connectivity, and the drainage channel located to the west of the property, the requested variance would meet the criterion of the code.

**Recommendation:** Staff recommends approval of the applicant’s request for the variance to the Code of Ordinances, Section 98-48 – Blocks and Lots for the proposed Preliminary Plat of The Ranch at Delaware Creek, Phase 5 Subdivision.

## RESOLUTION NO. R2024-02

### A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING VARIANCES TO THE CODE OF ORDINANCES, SECTION 98-48 – BLOCKS FOR THE PROPOSED PRELIMINARY PLAT OF THE RANCH AT DELAWARE CREEK, PHASE 5 SUBDIVISION

**Whereas**, Code of Ordinances, Section 98-48, imposes lengths for residential blocks within the Subdivision; and

**Whereas**, the applicant has petitioned for a variance to the Code of Ordinances; and

**Whereas**, the Planning and Zoning Commission has recommended the variance be granted:

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

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

**Section two. Findings.** As required by City Code Sec. 98-82 City Council finds:

- Granting the variance is not contrary to the public interest: **approving the variance allows the property to be developed in the most advantageous way to the existing surrounding developments and is not contrary to the public interest.**
- The literal enforcement of this chapter would result in unnecessary hardship: **due to the existing surrounding developments and the long configuration of the property, the literal enforcement would result in unnecessary hardship.**
- The variance observes the spirit of the ordinance and concludes that substantial justice is done: **staff has determined that all other requirements of the code are adhered to and therefore, the spirit of the ordinance is observed and substantial justice is done.**

**Section three. Approval.** The variance request is hereby approved and granted.

**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 9<sup>th</sup> day of January 2024.

**CITY OF BURNET, TEXAS**

**ATTEST:**

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Gary Wideman, Mayor

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Kelly Dix, City Secretary

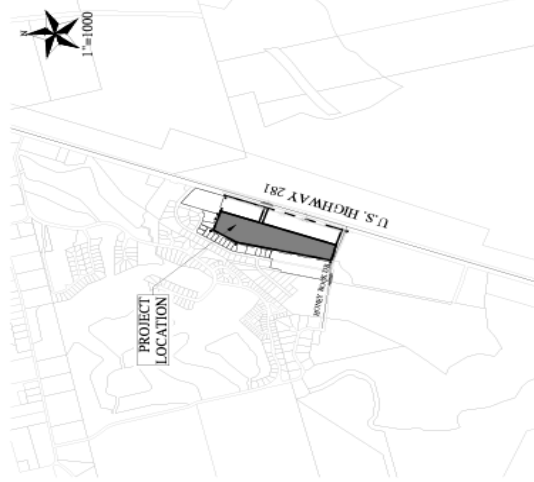
# Exhibit "A" Plat Page 1

## THE RANCH AT DELAWARE CREEK PHASE 5 BURNET COUNTY, TX NOVEMBER 2023



Sheet List Table

Sheet Number	Sheet Title
1	COVER
2	PRELIMINARY PLAT (1 OF 2)
3	PRELIMINARY PLAT (2 OF 2)
4	EXISTING DRAINAGE AREA MAP
5	PROPOSED DRAINAGE AREA MAP
6	DEFENTION & WATER QUALITY PLAN
7	OVERALL WATER PLAN
8	OVERALL WASTEWATER PLAN
9	OVERALL STREET PLAN
10	PAVING PLAN
11	EROSION & SEDIMENTATION CONTROL PLAN
12	TREE PRESERVATION PLAN (1 OF 2)
13	TREE PRESERVATION PLAN (2 OF 2)



TOTAL NUMBER OF SHEETS	13
TOTAL NUMBER OF PAGES	22

The undersigned hereby certifies that the above information is true and correct to the best of his knowledge and belief, and that he is duly licensed to practice as a Professional Engineer in the State of Texas.

Signature of Engineer and Date

**CIVIL ENGINEER / CERTIFICATE NUMBER 20230**  
 JOHN L. CARROLL, P.E.  
 JOHN L. CARROLL ENGINEERING, LLC  
 1000 WEST 10TH STREET, SUITE 100  
 CHANDLER, TEXAS 75008-1000  
 P: 972.833.4444  
 F: 972.833.4444  
 WWW.JLCE.COM

**REGISTERED PROFESSIONAL ENGINEER**  
 JOHN L. CARROLL, P.E.  
 JOHN L. CARROLL ENGINEERING, LLC  
 1000 WEST 10TH STREET, SUITE 100  
 CHANDLER, TEXAS 75008-1000  
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REVISIONS

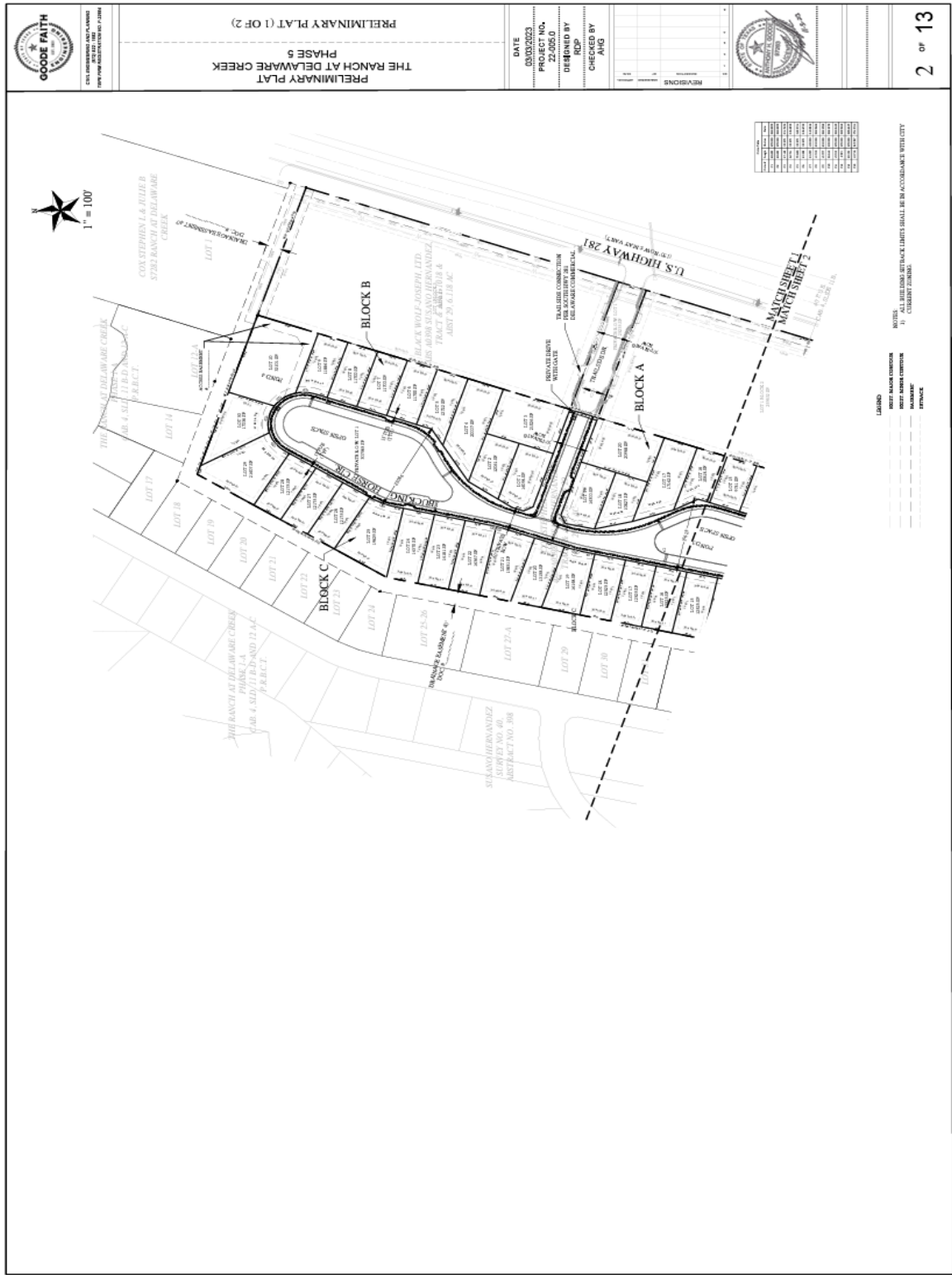
NO.	DATE	DESCRIPTION

PRELIMINARY PLAT  
THE RANCH AT DELAWARE CREEK  
PHASE 5  
COVER

STATE OF TEXAS  
BURNET COUNTY  
NOVEMBER 2023



# Plat Page 2





## Exhibit "B" – Requested Variance



November 29, 2023

Leslie Kimbler  
City of Burnet  
1001 Buchanan Drive, Suite 4  
Burnet, TX 78611

Permit Number 2023-PZ-245  
Job Address: 4800 S US 281, Burnet 78611

Dear Leslie Kimbler,

We are writing to request a variance for residential block lengths within Sec. 98-48.(1)(b).-Blocks: *Residential blocks shall not exceed 600 feet nor be less than 300 feet in length, except as otherwise provided for herein.*

We believe there is a hardship due to the development to the west not stubbing roads, a drainage channel to the west, the zoning of the 30 acres +/- in a long linear configuration and the commercial zoning to the east. All of these factors make intermediate blocks very inefficient providing no common benefits of typical blocks.

We have provided a layout with internal "blocks" calming traffic, providing common open spaces, and visual breaks. We are also providing breaks on the east side due to pond locations and utility easements to help with the formation of "blocks".

Please consider this request for unique "blocks" and extending allowable block length to allow for the submitted preliminary plat configuration.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony Goode".

Anthony Goode, PE



Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING VARIANCES TO THE CODE OF ORDINANCES, SECTION 98-48 – BLOCKS FOR THE PROPOSED PRELIMINARY PLAT OF THE RANCH AT DELAWARE CREEK, PHASE 5 SUBDIVISION



# Variance Requests

The requested variance pertains to the requirements outlined in Code of Ordinances Sec. 98-48(1)(b) which states: “Residential blocks shall not exceed 600 feet nor be less than 300 feet in length.”

The City of Burnet Code of Ordinances Sec. 98-82 states the following regarding variances to the subdivision standards:

*“In granting approval of a request for variance, the Commission and Council shall conclude that the variance is not contrary to the public interest and due to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the variance observes the spirit of this chapter and concludes that substantial justice is done.”*



November 29, 2023

Leslie Kimbler  
City of Burnet  
1001 Buchanan Drive, Suite 4  
Burnet, TX 78611

Permit Number 2023-PZ-245  
Job Address: 4800 S US 281, Burnet 78611

Dear Leslie Kimbler,

We are writing to request a variance for residential block lengths within Sec. 98-48.(1)(b).-Blocks: *Residential blocks shall not exceed 600 feet nor be less than 300 feet in length, except as otherwise provided for herein.*

We believe there is a hardship due to the development to the west not stubbing roads, a drainage channel to the west, the zoning of the 30 acres +/- in a long linear configuration and the commercial zoning to the east. All of these factors make intermediate blocks very inefficient providing no common benefits of typical blocks.

We have provided a layout with internal "blocks" calming traffic, providing common open spaces, and visual breaks. We are also providing breaks on the east side due to pond locations and utility easements to help with the formation of "blocks".

Please consider this request for unique "blocks" and extending allowable block length to allow for the submitted preliminary plat configuration.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony Goode".

Anthony Goode, PE

# Staff Analysis

Staff has reviewed the criteria and does believe the requested variance would meet the criterion of the code.

**Planning and Zoning will meet on Monday, January 8<sup>th</sup>; staff will present P&Z recommendation at the City Council Meeting**

**Staff recommends approval of the requested variance and Resolution R2024-XX as presented.**



## Development Services

## ITEM 4.4

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

### Action

**Meeting Date:** January 9, 2024

**Agenda Item:** Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING THE PRELIMINARY PLAT OF THE RANCH AT DELAWARE CREEK, PHASE 5 SUBDIVISION, A PROPOSED 52-LOT RESIDENTIAL SUBDIVISION CONSISTING OF APPROXIMATELY 25.88 ACRES: L. Kimbler

**Information:** The proposed gated subdivision, zoned R-2, is located on the west side of Hwy 281 north of Ramsey's Way, between Sunday Drive and South Hwy 281 Delaware Commercial property (Exhibit A). The applicant is proposing to subdivide the tract to create 52 residential lots, to be developed with duplexes, with four detention ponds, two open space areas and a private road (Exhibit B).

One new road will be created within the subdivision to be named Bucking Horse Circle which will be a private road to be maintained by the subdivision's POA. The subdivision will gain access off Highway 281 along Trailside Drive; secondary ingress will be provided along Ramsey's Way. Bucking Horse Circle does exceed the allowable length in the City of Burnet's code of ordinances, Sec. 98-42, and therefore will require approval of a subdivision variance.

All lots will be provided with City of Burnet electric, water, and sewer.

**Staff Analysis:** City staff and city engineer have reviewed the plat in accordance with Sec. 98-22 (entitled "Preliminary Plats") and have found the plat does generally meet the requirements as outlined in the code.

**Recommendation:** Staff recommend approval of the Preliminary Plat of The Ranch at Delaware Creek, Phase 5 and Resolution R2024-03.

**RESOLUTION NO. R2024-03**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING THE PRELIMINARY PLAT OF THE RANCH AT DELAWARE CREEK, PHASE 5 SUBDIVISION, A PROPOSED 52-LOT RESIDENTIAL SUBDIVISION CONSISTING OF APPROXIMATELY 25.88 ACRES**

**Whereas**, the Planning and Zoning Commission conducted a public hearing on this application on January 8, 2024; and

**Whereas**, the Planning and Zoning Commission recommended approval of the application on January 8, 2024; and

**Whereas**, City Council conducted a public hearing on this application on January 9, 2024

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

**Section 1. Findings.** That the recitals to this Resolution are incorporated herein for all purposes.

**Section 2. Approval.** The preliminary plat of the The Ranch at Delaware Creek, Phase 5 Subdivision is hereby approved.

**Section 3. 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 4. Effective Date.** That this resolution shall take effect immediately upon its passage, and approval as prescribed by law.

**PASSED AND APPROVED** this the 9<sup>th</sup> day of January 2024.

**CITY OF BURNET, TEXAS**

**ATTEST:**

\_\_\_\_\_  
Gary Wideman, Mayor

\_\_\_\_\_  
Kelly Dix, City Secretary

Exhibit "A"  
Tract



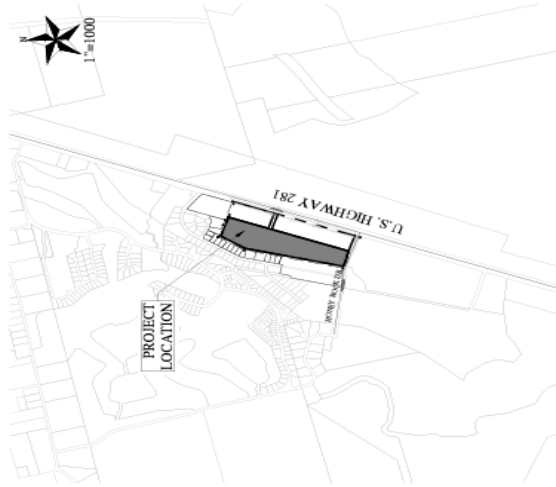
# Exhibit "B" Plat Page 1

## THE RANCH AT DELAWARE CREEK PHASE 5 BURNET COUNTY, TX NOVEMBER 2023



Sheet List Table

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COUNTY OF BURNET, TEXAS	
SECTION	10
RANGE	10
TOWNSHIP	10N

This plat is a preliminary plat and is subject to the approval of the City Council of the City of Burnet, Texas, and the Board of County Commissioners of Burnet County, Texas. This preliminary plat shall not be used for construction purposes.

City of Burnet

**CIVIL ENGINEER - LICENSED LANDSCAPE DESIGNER**  
 GOODE FAITH ENGINEERS, INC.  
 1501 LA SALLE DRIVE, SUITE 100  
 BURNET, TEXAS 78611  
 P: 817.251.1100  
 F: 817.251.1101  
 E: INFO@GOODEFAITHENGINEERS.COM

**OWNER**  
 SUTHER COOK  
 1000 W. 10TH STREET  
 AUSTIN, TX 78703  
 P: 512.452.1100

**ENGINEER**  
 CENTRUM ENGINEERS, LLC  
 1000 W. 10TH STREET, SUITE 100  
 AUSTIN, TX 78703  
 P: 512.452.1100

**CONTRACTOR**  
 SUTHER COOK  
 1000 W. 10TH STREET, SUITE 100  
 AUSTIN, TX 78703

PRELIMINARY PLAT  
 THE RANCH AT DELAWARE CREEK  
 PHASE 5  
 COVER

DATE	11/03/2023
BY	
APPROVED	
DATE	22.03.0
BY	
APPROVED	

REVISIONS

NO.	DATE	DESCRIPTION



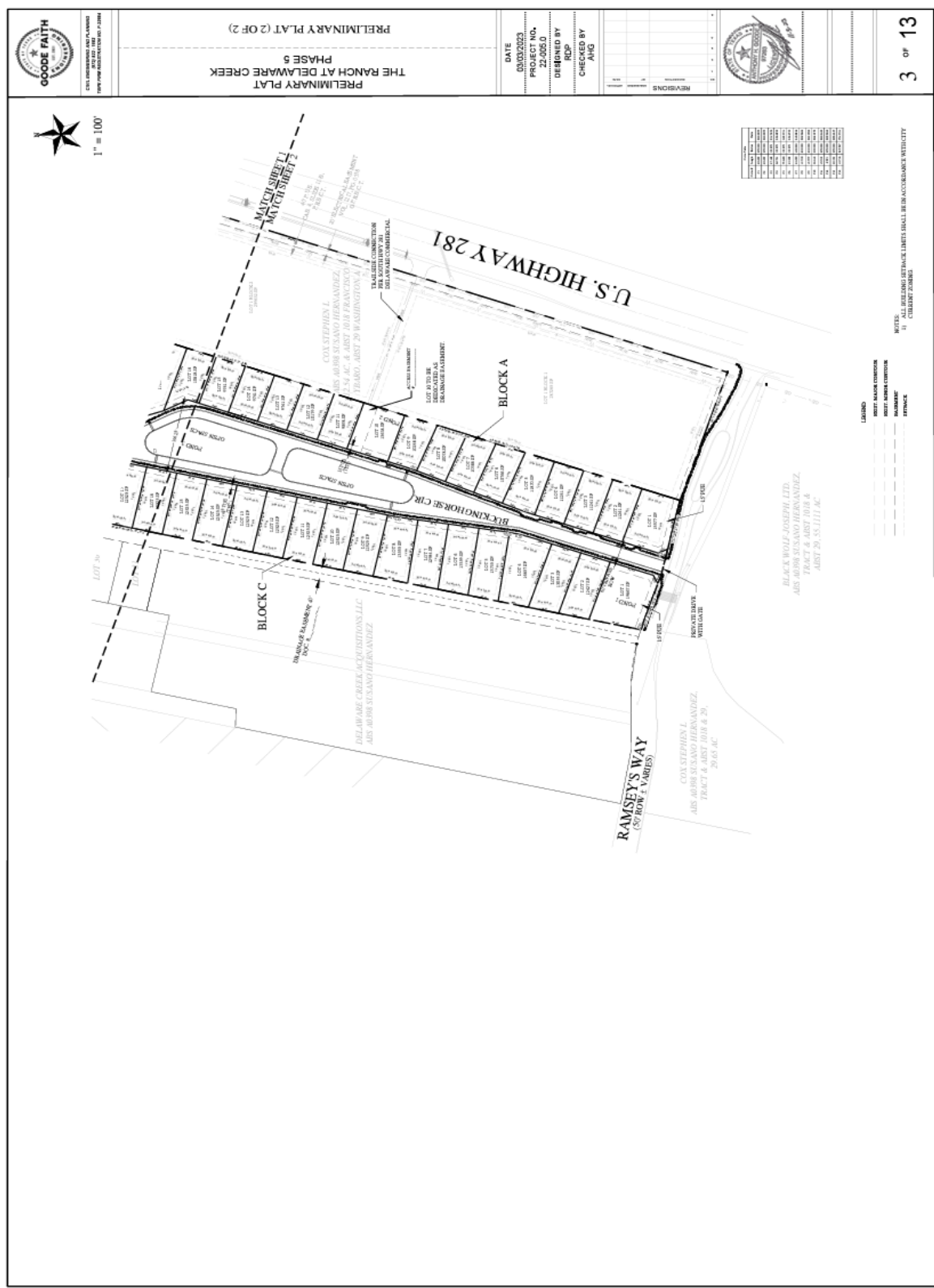
ANTHONY H. GOODE  
 11732  
 STATE OF TEXAS  
 LICENSE NO. 11732  
 EXPIRES 12/31/2024

STATE OF TEXAS  
 COUNTY OF BURNET  
 I, ANTHONY H. GOODE, a duly Licensed Professional Engineer in the State of Texas, do hereby certify that the above is a true and correct copy of the original as filed in my office.





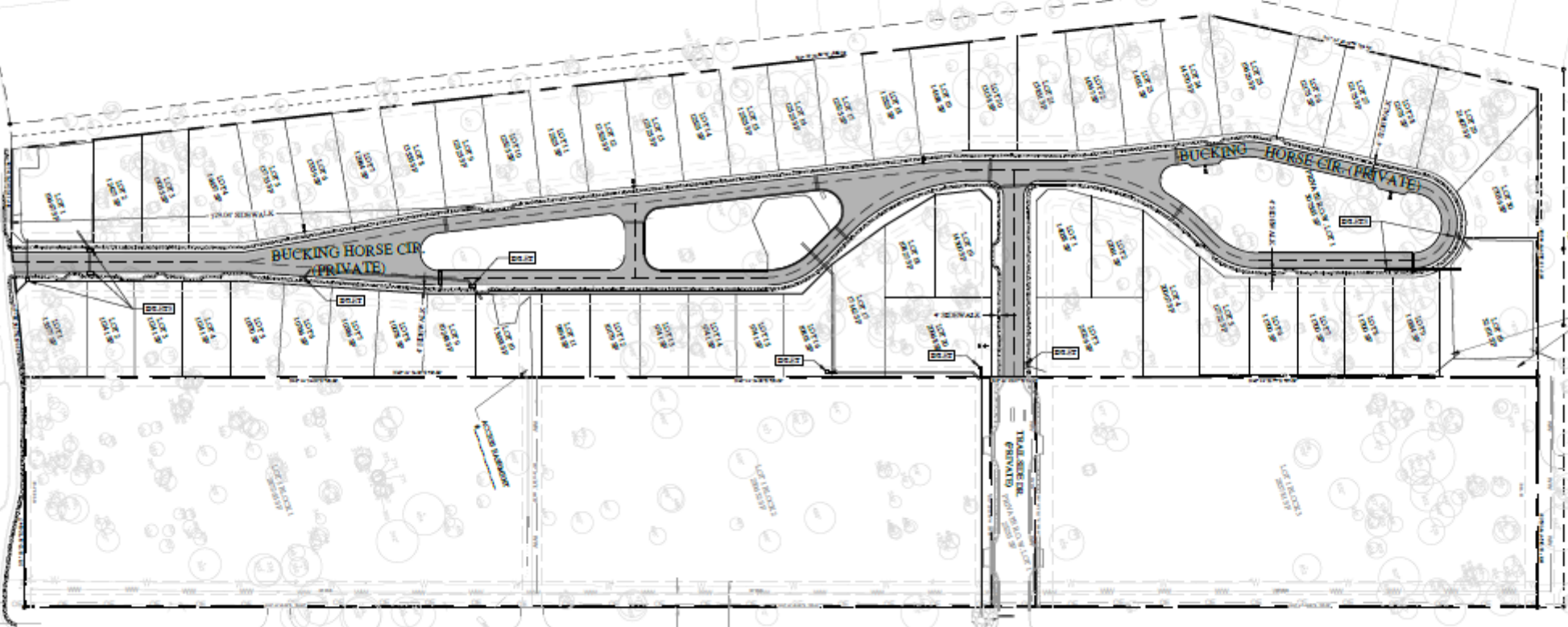
# Plat Page 3



Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING THE PRELIMINARY PLAT OF THE RANCH AT DELAWARE CREEK, PHASE 5 SUBDIVISION, A PROPOSED 52-LOT RESIDENTIAL SUBDIVISION CONSISTING OF APPROXIMATELY 25.88 ACRES: L. Kimbler



**RAMSEY'S WAY**  
(50' ROW ± VARIES)



**U.S. HIGHWAY 281**  
(130' ROW ± MAY VARY)

40' SIDE  
CUT & SIDE 11.0'  
PARK CT.  
30' SIDEWALK EAST  
WAY, 1217' IN USE  
OBJECT CT.

Recommendation:

**Staff recommends approval of the Preliminary Plat establishing The Ranch at Delaware Creek, Phase 5 Subdivision and Resolution R2024-XX as presented.**



## Electric Department

## ITEM 4.5

Carly Pearson  
Director of Public Works &  
Development Services  
512-715-3201  
cpearson@cityofburnet.com

### Action

**Meeting Date:** January 9, 2024

**Agenda Item:** Discuss and consider action: A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING THE PURCHASE OF A NEW SST15-832 VON UNIT FOR THE BURNET ELECTRIC DEPARTMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE PURCHASE AGREEMENT ON BEHALF OF THE CITY: C. Pearson

**Background:** The VON Unit would be utilized to locate underground faults and minimize outage times for all residential customers with underground electric service. It uses a radar system to locate a fault in underground primary and/or transformers.

**Information:** The Electric Department is seeking authorization to purchase a new VON SST15-832 in the amount of \$17,589 from Techline Tools.

**Fiscal Impact:** This is a non-budgeted expense in the 2023-24 Fiscal Year budget in amount of \$17,589.00.

**Recommendation:** Approve Resolution No. R2024-04 as presented.

**RESOLUTION NO. R2024-04**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING THE PURCHASE OF A NEW VON SST15-832 UNDERGROUND FAULT LOCATING TOOL FOR THE BURNET ELECTRIC DEPARTMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE PURCHASE AGREEMENT ON BEHALF OF THE CITY**

**Whereas**, the City of Burnet Electric Department does not have a underground fault locating tool; and

**Whereas**, The City of Burnet Electric Department has received a quote from Techline Tools for the purchase of a new VON SST15-832 Fault Locating Tool in the amount of \$17,589.00; and

**Whereas**, this is a capital equipment purchase non-budgeted for the current 2023-2024 fiscal year in the amount of \$17,589.00; and

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

**Section 1. Findings**. The foregoing recitals are hereby found to be true and correct and are hereby resolved by the City Council of the City of Burnet, Texas (the "City Council") and made a part hereof for all purposes as findings of fact.

**Section 2. Proceedings**. The City Council does hereby approve the purchase of the New VON SST15-832 Fault Locating Tool, to be funded as a capital equipment expenditure for the City of Burnet Electric Department in the 2023-2024 Fiscal Year Budget, in an amount not to exceed \$17,589.00.

**Section 3. Authorization**. The City Council does hereby authorize the City Manager and the Finance Director to take such actions reasonably necessary to facilitate the purpose of this Resolution.

**Section 4. Open Meetings**. It is hereby officially found and determined that the meeting at which this resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

**PASSED AND APPROVED** this the 9<sup>th</sup> day of January, 2024.

**ATTEST:**

**CITY OF BURNET, TEXAS**

\_\_\_\_\_  
Kelly Dix, City Secretary

\_\_\_\_\_  
Gary Wideman, Mayor



**CITY COUNCIL  
MEETING**

**JANUARY 9, 2024**



# ITEM

▶ Consideration and action on A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS APPROVING THE PURCHASE OF A NEW VON UNIT SST15-832 FOR THE ELECTRIC DEPARTMENT FOR THE COST OF \$17,589.00 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE PURCHASE AGREEMENT ON BEHALF OF THE CITY.

▶ THIS TOOL HELPS LOCATE URD FAULTS IN PRIMARY WIRE AND TRANSFORMERS IN A SUBSTANTIALLY SHORTER TIME. THIS WILL ALLOW THE ELECTRIC CREW TO RETORE POWER AND MINIMIZE OUTAGES MUCH FASTER.





# Discussion

- ▶ Discuss and approve Resolution R2024 as presented



## Finance

## ITEM 4.6

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

### Action

**Meeting Date:** January 9, 2024

**Agenda Item:** Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2023-36; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30, 2024, 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 2023-2024 budget amendments as listed on Attachment "A".

**Fiscal Impact:** As noted on Attachment "A".

**Recommendation:** Approve the first reading of Ordinance 2024-04 as presented.

## ORDINANCE NO. 2024-04

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2023-36; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30, 2024, 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 2023-2024 Budget was adopted by Ordinance 2023-36 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 is 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 2023-2024 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 9<sup>th</sup> day of January 2024.

**FINALLY PASSED AND APPROVED** on this the 23<sup>rd</sup> day of January 2024.

\_\_\_\_\_  
Gary Wideman, Mayor

**ATTEST:**

\_\_\_\_\_  
Kelly Dix, City Secretary

## Attachment A

1. **\$68,000 increase in Self-funded budget to carryover the purchase of a replacement truck (\$38K), mower (\$15K), and toro cart (\$15K) for the Parks Department that was approved in the 2022-2023 budget.** The cost will be covered by budgeted transfers from the Parks department to the self-funded account.
2. **\$45,000 increase in Self-funded budget to carryover the purchase of a replacement flatbed truck for the Street department that was approved in the 2022-2023 budget.** The cost will be covered by budgeted transfers from the Street department to the self-funded account.
3. **\$32,000 increase in General Fund Capital Project budget for the purchase of a wild land utility task vehicle for the Fire Department.** The cost will be covered by general fund reserves. (Presented to council on October 24, 2023).
4. **\$9,000 increase in the General Fund Capital Project budget for the increase in the Fire Station Roof Replacement Project bid over budget.** The cost will be covered by insurance proceeds and general fund reserves. (Presented to council on 11/14/2023).
5. **\$305,000 increase in the General Fund Capital Project budget to purchase the 6-acre tract on N. West Street from the BEDC as an addition to the City's park system.** The cost will be covered by general fund reserves. (Presented to council on November 14, 2023).
6. **\$18,000 in the Electric Capital Project budget to purchase equipment to minimize underground outage times (Arc reflection system with thumper).** The cost will be covered by electric fund reserves. (Presented to council on January 9, 2023).

**CITY OF BURNET**  
**FIRST QUARTER FISCAL YEAR 2024**  
**BUDGET AMENDMENTS**

---

1<sup>st</sup> reading January 9, 2024

## ATTACHMENT A

1. \$68,000 increase in Self-Funded Budget for carryover of Parks equipment approved in the FY2023 Budget.
2. \$45,000 increase in Self-Funded Budget for carryover of Streets equipment approved in the FY 2023 Budget.
3. \$32,000 increase in General Fund Capital Project Budget for purchase of a UTV for Fire Department.



## ATTACHMENT A (CONTINUED)

4. \$9,000 increase in General Fund Capital Budget for the increase in the Fire Station Roof Replacement Project bid over budget.
5. \$305,000 increase in General Fund Capital Budget to purchase 6-acre Park property from the BEDC.
6. \$18,000 increase in Electric Capital Budget for purchase of Arc reflection system with thumper.

# STAFF RECOMMENDATION

- Approve the first reading of Ordinance 2024-04 as presented.

# QUESTIONS

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## Engineering

## ITEM 4.7

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

### Agenda Item Brief

**Meeting Date:** January 9, 2024

**Agenda Item:** Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS SELECTING THE PROPOSAL OF DON JACKSON CONSTRUCTION UNDER REQUEST FOR PROPOSAL 2023-007 AIRPORT BOX HANGAR PROJECT; AWARDING A CONTRACT TO SAID CONTRACTOR IN THE AMOUNT OF \$1,782,970.00; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY ON OR AFTER JANUARY 25, 2024. E. Belaj

**Background:** The City previously issued bonds to construct a new Box Hangar at the Airport. The improvements up for bid consist of a metal frame 100'x120' box hangar, with slide door, paved apron, and drainage improvements.

**Information:** The City recently had bid opening for this project. The bid opening was on November 2, 2023, at 11 A.M. where there were received eight bids. Subsequently, Council selected a contractor and perform Value Engineering to reduce cost. Staff held several meetings with contractor and design engineer and found some ground to cut cost. Some of the potential cost savings are:

1. Util relocation \$20K
2. Earthwork Haul Off \$35K
3. Galvalume Roof \$10K
4. Deductions for Foundation, earthwork, and Detention pond \$ TBD.

**Bids:** **Don Jackson Construction** Offered the City the best value for this project although this bid was the third lowest at **\$1,782,970.00**. The bid DOES NOT include an added alternate. The project was estimated to cost under \$1.5MM. This contractor has until 11 months to complete the work. See attached tabulated bids.

Qualification: City staff determined that this construction company has constructed many similar projects around the Texas area. Moreover, the staff reviewed the qualifications of all the bids, including the two lower bids, and found their qualifications either lacking or unverifiable from the information submitted. Council may elect to take staff's recommendation below, reject all bids, or proceed with further evaluation.

**Fiscal Impact:** City has bond proceeds in the amount of \$1,058,449.71. The City anticipates possible TxDOT grant reimbursement in the amount of \$594 totaling \$1.65MM. The City also has Airport Reserve funds in the amount of \$897,726.75.

**Recommendation:** Approve Resolution No.R2023-05 as presented.

## RESOLUTION NO. 2024-05

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS SELECTING THE PROPOSAL OF DON JACKSON CONSTRUCTION UNDER REQUEST FOR PROPOSAL 2023-007 AIRPORT BOX HANGAR PROJECT; AWARDING A CONTRACT TO SAID CONTRACTOR IN THE AMOUNT OF \$1,782,970.00; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY ON OR AFTER JANUARY 25, 2024.**

**Whereas**, City Council authorized a solicitation for proposals for construction of a metal frame 100'x120' box hangar, with slide door, paved apron, and drainage improvements at the Airport; and

**Whereas**, City Council directed city staff to evaluate the submitted proposals; and

**Whereas**, city staff recommends the proposal submitted by Don Jackson Construction be awarded the contract; and

**Whereas**, after considering city staff's recommendation, public testimony presented at the public meeting where this resolution was read, and the submitted proposals, City Council deems the proposal submitted by Don Jackson Construction to provide best value to the City.

**NOW THEREFORE, BE IT RESOLVED BY THE 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 the board of directors and are incorporated herein for all purposes.

**Section two. Selection and Award.** City Council finds and determines the following:

- the proposal submitted by Don Jackson Construction in response to Request for Proposal 2023-007 is hereby selected proposal for the Airport Box Hangar Project; and
- the Construction Contract attached hereto is hereby approved, with those general conditions, special conditions and related matters made part of Request for Proposal 2023-007, incorporated therein by reference; and
- the aforementioned Construction Contract is awarded to Don Jackson Construction; subject to the provisions set out in Section Three below.

**Section three. Authorization.** The city manager is hereby authorized and directed to execute an instrument substantially similar to the Construction Contract approved in Section Two, above, for a contract amount of \$1,782,970.00; and, shall take such further action and execute such ancillary documents as may be reasonably necessary to facilitate the purpose of this resolution. Notwithstanding the forgoing, the city manager authorization under this Section Three shall not become effective until January 25, 2024;

and the city manager shall not execute any contract with Don Jackson Construction until such date.

**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; provided that the city manager shall comply with the time restriction stated in Section Three.

**PASSED AND APPROVED** this the 9<sup>th</sup> day of January 2024.

**CITY OF BURNET, TEXAS**

\_\_\_\_\_  
Gary Wideman, Mayor

**ATTEST:**

\_\_\_\_\_  
Kelly Dix, City Secretary

BURNET MUNICIPAL AIRPORT BOX HANGAR AND ASSOCIATED IMPROVEMENTS

BID NO.	DESCRIPTION (with unit price in words)	UNIT	QTY	Lupe Rubio Construction Co. PO Box 1838 Kingsland, TX 78639 325-388-8500 (None)		Central Texas Site Prep 14701 S. IH-35 Buda, TX 78610 830-220-4917 (None)		Beacon Construction 13301 Hero Way W. Leander, TX 78641 512-843-7222 512-318-2477		Don Jackson Construction PO Box 39 Riesel, TX 76682 254-896-3005 (None)		EAS Development 4234 Boonville Rd Ste. 100 Bryan, TX 77802 979-595-4646 979-314-7591		Century Construction Group 1617 West 6th St., Suite A Austin, TX 78703 662-844-3331 662-842-7052		RKJ Construction 604 West Ave C Lampasas, TX 76550 512-556-3684 512-556-5774	
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
<b>Bid Schedule 1 Base Bid Item 1: Mobilization, Airport Safety &amp; Erosion Control</b>																	
S1-1.01	Mobilization, etc.	1	LS	\$ 115,000.00	\$ 115,000.00	\$ 85,000.00	\$ 85,000.00	\$ 11,000.00	\$ 11,000.00	\$ 119,000.00	\$ 119,000.00	\$ 156,031.00	\$ 156,031.00	\$ 15,669.00	\$ 15,669.00	\$ 11,000.00	\$ 11,000.00
S1-1.02	Barricades and Markings for Pavement	1	LS	\$ 17,250.00	\$ 17,250.00	\$ 5,750.00	\$ 5,750.00	\$ 5,500.00	\$ 5,500.00	\$ 1,200.00	\$ 1,200.00	\$ 5,750.00	\$ 5,750.00	\$ 22,400.00	\$ 22,400.00	\$ 22,000.00	\$ 22,000.00
S1-1.03	Safety Plan Compliance Document (SPCD)	1	LS	\$ 11,500.00	\$ 11,500.00	\$ 7,475.00	\$ 7,475.00	\$ 3,300.00	\$ 3,300.00	\$ 1,200.00	\$ 1,200.00	\$ 7,475.00	\$ 7,475.00	\$ 2,035.00	\$ 2,035.00	\$ 2,200.00	\$ 2,200.00
S1-1.04	Preparing Right of Way (Clearing and Grubbing)	2	AC	\$ 11,500.00	\$ 23,000.00	\$ 7,260.00	\$ 14,520.00	\$ 5,500.00	\$ 11,000.00	\$ 2,400.00	\$ 4,800.00	\$ 5,000.00	\$ 10,000.00	\$ 6,100.00	\$ 12,200.00	\$ 3,300.00	\$ 6,600.00
S1-1.05	Furnishing and Placing Topsoil (4 IN)	245	CY	\$ 34.50	\$ 8,452.50	\$ 42.50	\$ 10,412.50	\$ 27.50	\$ 6,737.50	\$ 5.00	\$ 1,225.00	\$ 73.00	\$ 17,885.00	\$ 61.00	\$ 14,945.00	\$ 42.00	\$ 10,290.00
S1-1.06	Block Sodding (Watering)	2,201	SY	\$ 10.35	\$ 22,780.35	\$ 5.75	\$ 12,655.75	\$ 4.40	\$ 9,684.40	\$ 12.00	\$ 26,412.00	\$ 12.85	\$ 28,282.85	\$ 15.60	\$ 34,335.60	\$ 6.00	\$ 13,206.00
S1-1.07	Stab Construction Exit (Install)	1	EA	\$ 2,070.00	\$ 2,070.00	\$ 2,875.00	\$ 2,875.00	\$ 1,925.00	\$ 1,925.00	\$ 2,400.00	\$ 2,400.00	\$ 2,500.00	\$ 2,500.00	\$ 4,420.00	\$ 4,420.00	\$ 11,000.00	\$ 11,000.00
S1-1.08	Stab Construction Exit (Remove)	1	EA	\$ 460.00	\$ 460.00	\$ 1,150.00	\$ 1,150.00	\$ 715.00	\$ 715.00	\$ 1,200.00	\$ 1,200.00	\$ 1,450.00	\$ 1,450.00	\$ 1,600.00	\$ 1,600.00	\$ 5,500.00	\$ 5,500.00
S1-1.09	Temp Sedmt Cont Fence (Install)	650	LF	\$ 3.45	\$ 2,242.50	\$ 6.35	\$ 4,127.50	\$ 3.30	\$ 2,145.00	\$ 3.00	\$ 1,950.00	\$ 5.00	\$ 3,250.00	\$ 9.50	\$ 6,175.00	\$ 7.00	\$ 4,550.00
S1-1.10	Temp Sedmt Cont Fence (Remove)	650	LF	\$ 0.58	\$ 377.00	\$ 1.75	\$ 1,137.50	\$ 1.10	\$ 715.00	\$ 2.00	\$ 1,300.00	\$ 3.00	\$ 1,950.00	\$ 5.50	\$ 3,575.00	\$ 2.00	\$ 1,300.00
S1-1.11	Temp Grate Inlet Protection	1	LS	\$ 575.00	\$ 575.00	\$ 175.00	\$ 175.00	\$ 110.00	\$ 110.00	\$ 600.00	\$ 600.00	\$ 450.00	\$ 450.00	\$ 670.00	\$ 670.00	\$ 330.00	\$ 330.00
<b>Bid Schedule 1 Base Bid Item 1 Subtotal:</b>					<b>\$ 203,707.35</b>		<b>\$ 145,278.25</b>		<b>\$ 52,831.90</b>		<b>\$ 161,287.00</b>		<b>\$ 235,023.85</b>		<b>\$ 118,024.60</b>		<b>\$ 87,976.00</b>
<b>Bid Schedule 1 Base Bid Item 2: Apron Pavement and Drainage Improvements</b>																	
S1-2.01	Removing Treated & Untreated Base & Asphalt Pavement (6")	60	SY	\$ 9.20	\$ 552.00	\$ 43.25	\$ 2,595.00	\$ 9.90	\$ 594.00	\$ 50.00	\$ 3,000.00	\$ 120.00	\$ 7,200.00	\$ 27.20	\$ 1,632.00	\$ 882.00	\$ 52,920.00
S1-2.02	Excavation (Unclassified)	1,208	CY	\$ 34.50	\$ 41,676.00	\$ 12.90	\$ 15,583.20	\$ 16.50	\$ 19,932.00	\$ 19.00	\$ 22,952.00	\$ 47.25	\$ 57,078.00	\$ 69.00	\$ 83,352.00	\$ 131.00	\$ 158,248.00
S1-2.03	FL BS (CMP in PLC) (TY A GR 1-2) (14 In)	1,616	SY	\$ 25.30	\$ 40,884.80	\$ 32.65	\$ 52,762.40	\$ 33.00	\$ 53,328.00	\$ 25.00	\$ 40,400.00	\$ 49.00	\$ 79,184.00	\$ 31.50	\$ 50,904.00	\$ 316.00	\$ 510,656.00
S1-2.04	Lime (Hydrated) (Slurry) (7%)	48	TON	\$ 258.75	\$ 12,420.00	\$ 345.00	\$ 16,560.00	\$ 385.00	\$ 18,480.00	\$ 231.00	\$ 11,088.00	\$ 50.00	\$ 2,400.00	\$ 476.00	\$ 22,848.00	\$ 252.00	\$ 12,096.00
S1-2.05	Lime TRT (Subgrade) (8 in)	1,985	SY	\$ 16.10	\$ 31,958.50	\$ 17.40	\$ 34,539.00	\$ 7.70	\$ 15,284.50	\$ 10.00	\$ 19,850.00	\$ 26.19	\$ 51,987.15	\$ 31.00	\$ 61,535.00	\$ 4.00	\$ 7,940.00
S1-2.06	Prime Coat (MC-30 or AE-P)	485	GAL	\$ 11.50	\$ 5,577.50	\$ 6.90	\$ 3,346.50	\$ 13.20	\$ 6,402.00	\$ 6.00	\$ 2,910.00	\$ 7.00	\$ 3,395.00	\$ 31.00	\$ 15,035.00	\$ 9.00	\$ 4,365.00
S1-2.07	D - GR HMA TY-D PG70-22 (4 in)	393	TON	\$ 161.00	\$ 63,273.00	\$ 202.50	\$ 79,582.50	\$ 220.00	\$ 86,460.00	\$ 209.00	\$ 82,137.00	\$ 202.00	\$ 79,386.00	\$ 170.00	\$ 66,810.00	\$ 244.00	\$ 95,892.00
S1-2.08	CL P Conc (4,000 PSI) (Pilot Channel) (6 In)	89	SY	\$ 207.00	\$ 18,423.00	\$ 120.75	\$ 10,746.75	\$ 74.80	\$ 6,657.20	\$ 106.00	\$ 9,434.00	\$ 121.00	\$ 10,769.00	\$ 130.00	\$ 11,570.00	\$ 71.00	\$ 6,319.00
S1-2.09	CL P Conc (4,000 PSI) (Parking) (6 In)	54	SY	\$ 207.00	\$ 11,178.00	\$ 120.75	\$ 6,520.50	\$ 79.20	\$ 4,276.80	\$ 106.00	\$ 5,724.00	\$ 121.00	\$ 6,534.00	\$ 164.00	\$ 8,856.00	\$ 70.00	\$ 3,780.00
S1-2.10	CL P Conc (4,000 PSI) (Pads) (7 In)	23	SY	\$ 230.00	\$ 5,290.00	\$ 120.75	\$ 2,777.25	\$ 89.10	\$ 2,049.30	\$ 103.00	\$ 2,369.00	\$ 125.00	\$ 1,562.50	\$ 177.00	\$ 4,071.00	\$ 82.00	\$ 1,886.00
S1-2.11	CL C Conc (3,600 PSI) (Ret Wall w/Footer) (Ht Var)	458	LF	\$ 115.00	\$ 52,670.00	\$ 115.00	\$ 52,670.00	\$ 192.50	\$ 88,165.00	\$ 186.00	\$ 85,188.00	\$ 115.00	\$ 52,670.00	\$ 300.00	\$ 137,400.00	\$ 253.00	\$ 115,874.00
S1-2.12	Riprap (Stone Type R) (Grouted) (12 In)	15	CY	\$ 316.25	\$ 4,743.75	\$ 420.00	\$ 6,300.00	\$ 165.00	\$ 2,475.00	\$ 118.00	\$ 1,770.00	\$ 420.00	\$ 6,300.00	\$ 1,155.00	\$ 17,325.00	\$ 168.00	\$ 2,520.00
S1-2.13	18" CMP with Slot Drain (w/Concrete Encasement)	144	LF	\$ 272.97	\$ 39,307.68	\$ 284.00	\$ 40,896.00	\$ 148.50	\$ 21,384.00	\$ 320.00	\$ 46,080.00	\$ 257.00	\$ 37,008.00	\$ 805.00	\$ 115,920.00	\$ 786.00	\$ 113,184.00
S1-2.14	18" CMP	68	LF	\$ 84.52	\$ 5,747.36	\$ 203.00	\$ 13,804.00	\$ 83.60	\$ 5,684.80	\$ 118.00	\$ 8,024.00	\$ 203.00	\$ 13,804.00	\$ 170.00	\$ 11,560.00	\$ 202.00	\$ 13,736.00
S1-2.15	Demo Existing Great Inlet to Plan Elevation	1	LS	\$ 1,725.00	\$ 1,725.00	\$ 1,380.00	\$ 1,380.00	\$ 825.00	\$ 825.00	\$ 1,200.00	\$ 1,200.00	\$ 7,500.00	\$ 7,500.00	\$ 4,750.00	\$ 4,750.00	\$ 8,820.00	\$ 8,820.00
S1-2.16	Concrete Headwall (Dia = 12IN)	1	LS	\$ 6,313.50	\$ 6,313.50	\$ 1,450.00	\$ 1,450.00	\$ 5,610.00	\$ 5,610.00	\$ 1,800.00	\$ 1,800.00	\$ 5,000.00	\$ 5,000.00	\$ 3,400.00	\$ 3,400.00	\$ 2,520.00	\$ 2,520.00
S1-2.17	Sloped End Treatment (6:1) (18 in)	2	EA	\$ 4,600.00	\$ 9,200.00	\$ 1,450.00	\$ 2,900.00	\$ 3,740.00	\$ 7,480.00	\$ 1,800.00	\$ 3,600.00	\$ 4,500.00	\$ 9,000.00	\$ 5,400.00	\$ 10,800.00	\$ 2,268.00	\$ 4,536.00
S1-2.18	Precast Conc Wheel Stop (Furn & Instl)	1	EA	\$ 345.00	\$ 345.00	\$ 230.00	\$ 230.00	\$ 137.50	\$ 137.50	\$ 400.00	\$ 400.00	\$ 500.00	\$ 500.00	\$ 275.00	\$ 275.00	\$ 252.00	\$ 252.00
S1-2.19	CL A Conc (3,000 PSI) (Sidewalk) (4 in)	20	SY	\$ 109.25	\$ 2,185.00	\$ 115.00	\$ 2,300.00	\$ 61.60	\$ 1,232.00	\$ 110.00	\$ 2,200.00	\$ 115.00	\$ 2,300.00	\$ 170.00	\$ 3,400.00	\$ 113.00	\$ 2,260.00
S1-2.20	Handicap Accessible Sign	1	SF	\$ 460.00	\$ 460.00	\$ 750.00	\$ 750.00	\$ 385.00	\$ 385.00	\$ 600.00	\$ 600.00	\$ 1,000.00	\$ 1,000.00	\$ 2,750.00	\$ 2,750.00	\$ 3,150.00	\$ 3,150.00
S1-2.21	Refl Pav Mark TY II (W) (SLD) 6 IN	124	LF	\$ 23.00	\$ 2,852.00	\$ 3.00	\$ 372.00	\$ 13.20	\$ 1,636.80	\$ 3.00	\$ 372.00	\$ 4.00	\$ 496.00	\$ 10.50	\$ 1,302.00	\$ 4.00	\$ 496.00
S1-2.22	Prefab Pav Mrk TY C (W) (Symbol) (Handicap)	1	EA	\$ 460.00	\$ 460.00	\$ 500.00	\$ 500.00	\$ 522.50	\$ 522.50	\$ 300.00	\$ 300.00	\$ 750.00	\$ 750.00	\$ 275.00	\$ 275.00	\$ 630.00	\$ 630.00
S1-2.23	Preparing Right of Way (Pavement Marking)	1,095	SF	\$ 4.60	\$ 5,037.00	\$ 3.00	\$ 3,285.00	\$ 4.40	\$ 4,818.00	\$ 3.00	\$ 3,285.00	\$ 5.00	\$ 5,475.00	\$ 7.00	\$ 7,665.00	\$ 6.00	\$ 6,570.00
S1-2.24	Adjust Fire Hydrant	1	EA	\$ 5,175.00	\$ 5,175.00	\$ 500.00	\$ 500.00	\$ 2,860.00	\$ 2,860.00	\$ 20,000.00	\$ 20,000.00	\$ 4,500.00	\$ 4,500.00	\$ 11,600.00	\$ 11,600.00	\$ 11,844.00	\$ 11,844.00
S1-2.25	ALLOWANCE for Septic Tank Removal	1	LS	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
S1-2.26	ALLOWANCE for General Utility Removal or	1	LS	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00
<b>Bid Schedule 1 Base Bid Item 2 Subtotal:</b>					<b>\$ 387,454.09</b>		<b>\$ 372,350.10</b>		<b>\$ 376,679.40</b>		<b>\$ 394,683.00</b>		<b>\$ 467,111.15</b>		<b>\$ 675,035.00</b>		<b>\$ 1,160,494.00</b>
<b>Bid Schedule 2 Base Bid Item 1: New Hangar, Foundation, and Electrical Service</b>																	
S2-1.01	Provide and Connect Electrical Service	1	LS	\$ 6,235.00	\$ 6,235.00	\$ 113,500.00	\$ 113,500.00	\$ 12,326.90	\$ 12,326.90	\$ 3,000.00	\$ 3,000.00	\$ 6,500.00	\$ 6,500.00	\$ 7,000.00	\$ 7,000.00	\$ 8,190.00	\$ 8,190.00
S2-1.02	Box Hangar Building System, Lighting, Reinforced Concrete Foundation and Building Pad Per	1	LS	\$ 1,095,892.50	\$ 1,095,892.50	\$ 1,137,340.00	\$ 1,137,340.00	\$ 1,338,811.00	\$ 1,338,811.00	\$ 1,224,000.00	\$ 1,224,000.00	\$ 1,247,761.24	\$ 1,247,761.24	\$ 1,521,200.00	\$ 1,521,200.00	\$ 1,174,727.00	\$ 1,174,727.00
<b>Bid Schedule 2 Base Bid Item 1 Subtotal:</b>					<b>\$ 1,102,217.50</b>		<b>\$ 1,250,840.00</b>		<b>\$ 1,351,137.90</b>		<b>\$ 1,227,000.00</b>		<b>\$ 1,254,261.24</b>		<b>\$ 1,528,200.00</b>		<b>\$ 1,182,917.00</b>
<i>*Denotes correction by Engineer</i>																	

**SUMMARY OF BIDS**

<b>BID SCHEDULE 1 TOTAL:</b>	<b>\$ 591,161.44</b>	<b>\$ 517,628.35</b>	<b>\$ 429,511.30</b>	<b>\$ 555,970.00</b>	<b>\$ 702,135.00</b>	<b>\$ 793,059.60</b>	<b>\$ 1,248,470.00</b>
<b>BID SCHEDULE 2 TOTAL:</b>	<b>\$ 1,102,217.50</b>	<b>\$ 1,250,840.00</b>	<b>\$ 1,351,137.90</b>	<b>\$ 1,227,000.00</b>	<b>\$ 1,254,261.24</b>	<b>\$ 1,528,200.00</b>	<b>\$ 1,182,917.00</b>
<b>BID SCHEDULE 1 + BID SCHEDULE 2 TOTAL:</b>	<b>\$ 1,693,378.94</b>	<b>\$ 1,768,468.35</b>	<b>\$ 1,780,649.20</b>	<b>\$ 1,782,970.00</b>	<b>\$ 1,956,396.24</b>	<b>\$ 2,321,259.60</b>	<b>\$ 2,431,387.00</b>



BURNET MUNICIPAL AIRPORT BOX HANGAR AND ASSOCIATED IMPROVEMENTS

<b>Northstar Elite Const</b> <b>8603 US HWY 281 N. Unit 200</b> <b>Spring Branch, TX 78070</b> <b>830-855-6833</b> <b>(None)</b>	
UNIT PRICE	TOTAL PRICE

\$ 475,408.00	\$ 475,408.00
\$ 4,500.00	\$ 4,500.00
\$ 4,500.00	\$ 4,500.00
\$ 20,079.00	\$ 40,158.00
\$ 36.00	\$ 8,820.00
\$ 12.00	\$ 26,412.00
\$ 1,000.00	\$ 1,000.00
\$ 1,000.00	\$ 1,000.00
\$ 2.00	\$ 1,300.00
\$ 2.00	\$ 1,300.00
\$ 751.00	\$ 751.00
	<b>\$ 565,149.00</b>

\$ 100.00	\$ 6,000.00
\$ 32.00	\$ 38,656.00
\$ 70.00	\$ 113,120.00
\$ 1,500.00	\$ 72,000.00
\$ 32.00	\$ 63,520.00
\$ 3.00	\$ 1,455.00
\$ 177.00	\$ 69,561.00
\$ 86.00	\$ 7,654.00
\$ 99.00	\$ 5,346.00
\$ 100.00	\$ 2,300.00
\$ 489.00	\$ 223,962.00
\$ 75.00	\$ 1,125.00
\$ 135.00	\$ 19,440.00
\$ 90.00	\$ 6,120.00
\$ 860.00	\$ 860.00
\$ 2,500.00	\$ 2,500.00
\$ 3,000.00	\$ 6,000.00
\$ 250.00	\$ 250.00
\$ 63.00	\$ 1,260.00
\$ 992.00	\$ 992.00
\$ 8.00	\$ 992.00
\$ 650.00	\$ 650.00
\$ 4.00	\$ 4,380.00
\$ 3,500.00	\$ 3,500.00
\$ 10,000.00	\$ 10,000.00
\$ 10,000.00	\$ 10,000.00
	<b>\$ 671,643.00</b>

\$ 220,000.00	\$ 220,000.00
\$ 1,125,707.00	\$ 1,125,707.00
	<b>\$ 1,345,707.00</b>

\$	<b>1,236,792.00</b>
\$	<b>1,345,707.00</b>
\$	<b>2,582,499.00</b>

# DON JACKSON CONSTRUCTION, INC.

210 SOUTH MAIN STREET  
RIESEL, TX 76682

Phone: 254-896-3005 Fax: 254-896-3007

Date: December 4, 2023

1. Earthwork:

Change from 6'6" of removal and replacement to 4' removal and replacement. This will allow for a PVR of 1"-1.5".

Savings to Project: \$50,000.00

2. Paving:

Change from 120' wide apron to 80' wide apron. Savings in asphalt, base, LTB. Please see attachment.

Savings to Project: \$39,000.00

3. Concrete Foundation:

Standard waffle foundation in lieu of strap-beam foundation. This assumes hangar door will be hydraulic. Overall cost savings for foundation would be \$24,000 if sliding door is utilized.

Savings to Project: \$36,000.00

4. Overhead Doors:

Standard overhead doors in lieu of all aluminum insulated doors.

Savings to Project: \$15,000.00

5. Hangar Door Change:

90' x 28', 86'x 28', 80' x 28' hydraulic door in lieu of 95' x 28' rolling door.

Savings to Project:	(90')	\$5,000.00
	(86')	\$13,000.00
	(80')	\$35,000.00

6. Trucking:

Waste fill at northside location.

Savings to Project: \$35,000.00

7. Galvalume and pre-formed ridge

Savings to Project: \$10,000.00

# DON JACKSON CONSTRUCTION, INC.

210 SOUTH MAIN STREET

RIESEL, TX 76682

Phone: 254-896-3005 Fax: 254-896-3007

Date: December 4, 2023

8. R-19 to R-13 Insulation:	Savings to Project:	\$7,500.00
R-13 Roof Only:	Savings to Project:	\$15,000.00
Remove Insulation Completely:	Savings to Project:	\$35,500.00

9. Remove fire hydrant relocation from scope.

Savings to Project:	\$20,000.00
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10. In the event the apron width can be decreased we believe there will also be significant savings at the pond area. Please see attachment for our proposed reduction of apron area.

## CONTRACTOR RATING SHEET

Date: November 7, 2023

Project: Airport Box Hangar Project

Evaluator's:	Lupe Rubio Const.	Central Tx Site Prep	Don Jackson Const	Beacon Construction	EAS Development	North Star Elite Const	Centry Const	RKJ Construction		
Eval 1	24	16	40	14	20	16	20	16		
Eval 2	30	30	60	36	33	36	45	30		
Eval 3	15	15	60	28	30	34	45	33		
Eval 4	10	10	60	10	11	12	15	8		
<i>Avg Experience Ranking:</i>	19.8	17.8	55.0	22.0	23.5	24.5	31.3	21.8		
<i>40% Project Cost</i>	40	37	35	29	26	8	6	0		
<b>TOTAL SCORE</b>	<b>59.8</b>	<b>54.8</b>	<b>90.0</b>	<b>51.0</b>	<b>49.5</b>	<b>32.5</b>	<b>37.3</b>	<b>21.8</b>		

\*Total rating is based on a scale of 1-100.

Apparent Ranking of Submitters:

1. Don Jackson Const
2. Lupe Rubio Const.
3. Central Tx Site Prep



# BOX HANGAR BID AWARD

*BACKGROUND*

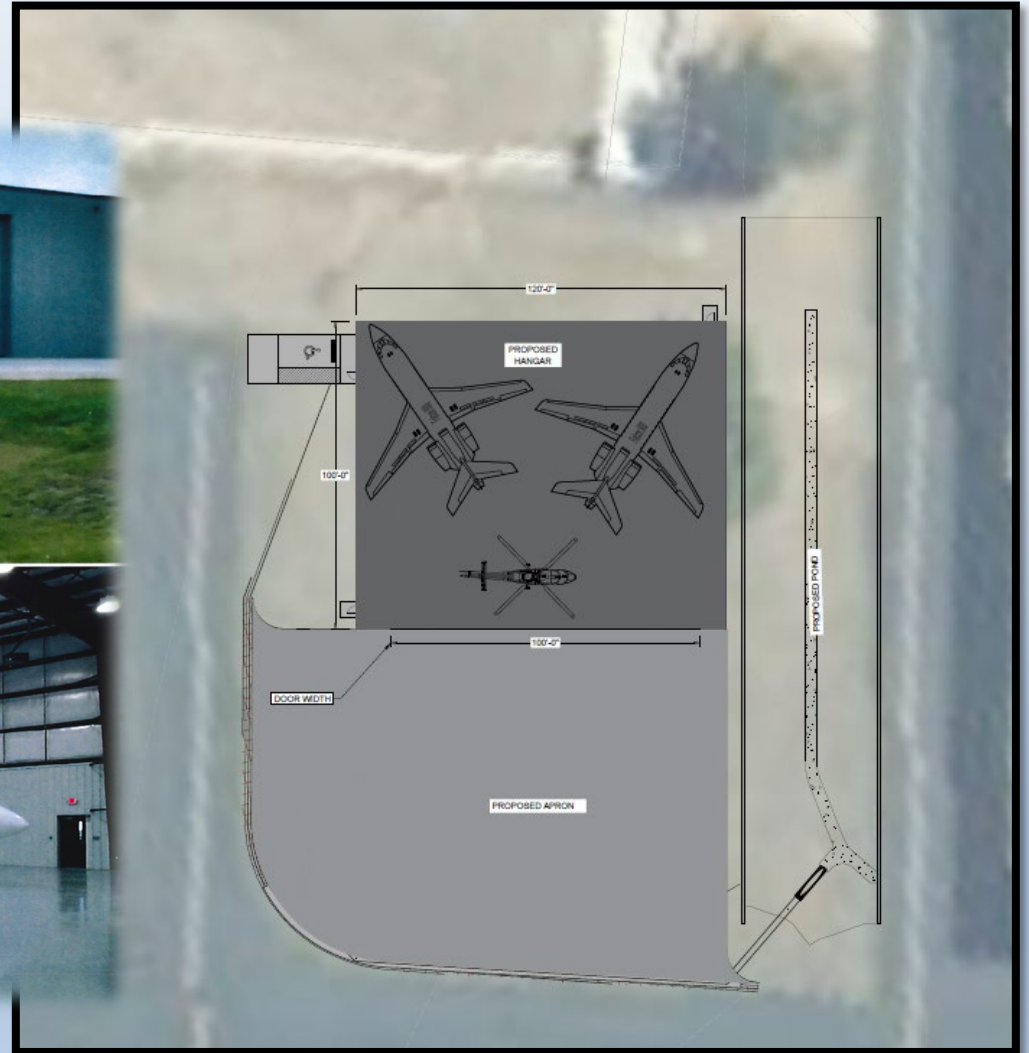
## PROJECT INFORMATION

- 120'x100' Airport Box Hangar
- Paved Apron
- Drainage
- Utilities
- Received 8 Bids



# BOX HANGAR BID AWARD

*BACKGROUND*



# BOX HANGAR BID AWARD

BIDS

## Review BIDs

- Bid Tab attached
- Ranging from \$1.69MM to \$2.43MM.
- Ranked all the bids based on:
  - 40% Cost
  - 40% Experience
  - 20% Other Factors

CITY OF BURNET  
Burnet Municipal Airport Box Hangar and Associated Improvements  
Proposal Opening  
Thursday, November 2, 2023  
Burnet City Hall

Contractor	Mandatory Pre-Bid Attendance	Bid Security	Addenda Acknowledged	Qualifications Submitted	Proposal Signed	Total Bid Schedule
North Star Elite Const + Cons.	Not Required via Addendum	✓	✓	✓	✓	\$ 2,274,437.00
EAS Development	Not Required via Addendum	✓	✓	✓	✓	\$ 1,956,396.24
Lupe Rubio Const. Co.	Not Required via Addendum	✓	✓	✓	✓	\$ 1,693,378.94
RKJ Construction	Not Required via Addendum	✓	✓	✓	✓	\$ 2,430,709.00
Beacon Const. Co.	Not Required via Addendum	✓	✓	✓	✓	\$ 1,895,909.20
Central Tx. Site Prep	Not Required via Addendum	✓	✓	✓	✓	\$ 1,748,986.25
Don Jackson Const.	Not Required via Addendum	✓	✓	✓	✓	\$ 1,782,970.00
Century Const.	Not Required via Addendum	✓	✓	✓	✓	\$ 2,321,259.00
	Not Required via Addendum					\$
	Not Required via Addendum					\$
	Not Required via Addendum					\$
	Not Required via Addendum					\$
	Not Required via Addendum					\$

Lupe Rubio Const.	Central Tx Site Prep	Don Jackson Const.	Beacon Construction	EAS Development	North Star Elite Const	Centry Const	RKJ Construction
\$ 1,693,378.94	\$ 1,748,986.25	\$ 1,782,970.00	\$ 1,895,909.20	\$ 1,956,396.24	\$ 2,274,437.00	\$ 2,321,259.00	\$ 2,430,709.00



# FD ROOF BID AWARD

*BIDS*

## Review BIDs Found that

Key: Law does not allow us to ask for additional information after bids are opened.

Some provided no experience.

Some can't verify experience.

The only bidder with relevant experience was the third lowest.

Some with no relevant Experience.





# BOX HANGAR BID AWARD

*AWARD*

## SOME COST CUTS IDENTIFIED

- 1. Util relocation \$20K
- 2. Earthwork Haul Off \$35K
- 3. Galvalume Roof \$10K
- 4. Deductions for Foundation, earthwork, and Detention pond \$ TBD.

See attached all cost cuts identified.









**STANDARD FORM OF AGREEMENT**

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**AGREEMENT  
BETWEEN OWNER AND CONTRACTOR  
FOR CONSTRUCTION CONTRACT (STIPULATED PRICE)**

THIS AGREEMENT is by and between City of Burnet, Texas (“Owner”) and  
\_\_\_\_\_ (“Contractor”).

Owner and Contractor hereby agree as follows:

**ARTICLE 1 – WORK**

1.01 Contractor shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows: Construction of an aircraft box hangar and associated grading, drainage, pavement , and foundation improvements.

**ARTICLE 2 – THE PROJECT**

2.01 The Project, of which the Work under the Contract Documents is a part, is generally described as follows: Burnet Municipal Airport Box Hangar and Associated Improvements

**ARTICLE 3 – ENGINEER**

3.01 The Project has been designed by KSA Engineers Inc., 4833 Spicewood Springs Rd Ste. 204, Austin TX 78759

3.02 The Owner has retained KSA Engineers, Inc. (“Engineer”) to act as Owner’s representative, assume all duties and responsibilities, and have the rights and authority assigned to Engineer in the Contract Documents in connection with the completion of the Work in accordance with the Contract Documents.

**ARTICLE 4 – CONTRACT TIMES**

4.01 *Time of the Essence*

A. All time limits for Milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

4.02 *Contract Times: Days*

A. The Work will be substantially completed within 330 calendar days after the date when the Contract Times commence to run as provided in Paragraph 4.01 of the General Conditions, and completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions within 60 days after the date when the Contract Times commence to run.

4.03 *Liquidated Damages*

A. Contractor and Owner recognize that time is of the essence as stated in Paragraph 4.01 above and that Owner will suffer financial and other losses if the Work is not completed and Milestones not achieved within the times specified in Paragraph 4.02 above, plus any

extensions thereof allowed in accordance with the Contract. The parties also recognize the delays, expense, and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by Owner if the Work is not completed on time. Accordingly, instead of requiring any such proof, Owner and Contractor agree that as liquidated damages for delay (but not as a penalty):

1. Substantial Completion: Contractor shall pay Owner \$ 1,000 for each day that expires after the time (as duly adjusted pursuant to the Contract) specified in Paragraph 4.02.A above for Substantial Completion until the Work is substantially complete.
2. Completion of Remaining Work: After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the Contract Time (as duly adjusted pursuant to the Contract) for completion and readiness for final payment, Contractor shall pay Owner \$ 1,000 for each day that expires after such time until the Work is completed and ready for final payment.
3. Liquidated damages for failing to timely attain Substantial Completion and final completion are not additive and will not be imposed concurrently.

---

## ARTICLE 5 – CONTRACT PRICE

5.01 Owner shall pay Contractor for completion of the Work in accordance with the Contract Documents the amounts that follow, subject to adjustment under the Contract:

- A. For all Work, at the prices stated in Contractor's Bid, attached hereto as an exhibit.
- B. All specific cash allowances in accordance with Paragraph 13.02 of the General Conditions.
- C. For all Unit Price Work, an amount equal to the sum of the extended prices (established for each separately identified item of Unit Price Work by multiplying the unit price times the actual quantity of that item):

The extended prices for Unit Price Work set forth as of the Effective Date of the Contract are based on estimated quantities. As provided in Paragraph 13.03 of the General Conditions, estimated quantities are not guaranteed, and determinations of actual quantities and classifications are to be made by Engineer.

## ARTICLE 6 – PAYMENT PROCEDURES

6.01 *Submittal and Processing of Payments*

- A. Contractor shall submit Applications for Payment in accordance with Article 15 of the General Conditions. Applications for Payment will be processed by Engineer as provided in the General Conditions.

6.02 *Progress Payments; Retainage*

- A. Owner shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment on or about the 30th day of each month during performance of the Work as provided in Paragraph 6.02.A.1 below, provided that such Applications for Payment have been submitted in a timely manner and otherwise meet the requirements of the Contract. All such payments will be measured by the Schedule of

Values established as provided in the General Conditions (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no Schedule of Values, as provided elsewhere in the Contract.

1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below but, in each case, less the aggregate of payments previously made and less such amounts as Owner may withhold, including but not limited to liquidated damages, in accordance with the Contract
  - a. 95% percent of Work completed (with the balance being retainage). If the Work has been 50 percent completed as determined by Engineer, and if the character and progress of the Work have been satisfactory to Owner and Engineer, then as long as the character and progress of the Work remain satisfactory to Owner and Engineer, there will be no additional retainage; and
  - b. 95% percent of cost of materials and equipment not incorporated in the Work (with the balance being retainage).
- B. Upon Substantial Completion, Owner shall pay an amount sufficient to increase total payments to Contractor to 100 percent of the Work completed, less such amounts set off by Owner pursuant to Paragraph 15.01.E of the General Conditions, and less 150 percent of Engineer's estimate of the value of Work to be completed or corrected as shown on the punch list of items to be completed or corrected prior to final payment.

#### 6.03 *Final Payment*

- A. Upon final completion and acceptance of the Work in accordance with Paragraph 15.06 of the General Conditions, Owner shall pay the remainder of the Contract Price as recommended by Engineer as provided in said Paragraph 15.06.

### **ARTICLE 7 – INTEREST - NOT USED**

### **ARTICLE 8 – CONTRACTOR'S REPRESENTATIONS**

- 8.01 In order to induce Owner to enter into this Contract, Contractor makes the following representations:
  - A. Contractor has examined and carefully studied the Contract Documents, and any data and reference items identified in the Contract Documents.
  - B. Contractor has visited the Site, conducted a thorough, alert visual examination of the Site and adjacent areas, and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
  - C. Contractor is familiar with and is satisfied as to all Laws and Regulations that may affect cost, progress, and performance of the Work.
  - D. Contractor has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or adjacent to the Site and all drawings of physical conditions relating to existing surface or subsurface structures at the Site that have been identified in the Supplementary Conditions, especially with respect to Technical Data in such reports and drawings, and (2) reports and drawings relating to Hazardous Environmental Conditions, if any, at or adjacent to the Site that have been identified in the Supplementary Conditions, especially with respect to Technical Data in such reports and drawings.

- E. Contractor has considered the information known to Contractor itself; information commonly known to contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Contract Documents; and the Site-related reports and drawings identified in the Contract Documents, with respect to the effect of such information, observations, and documents on (1) the cost, progress, and performance of the Work; (2) the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor; and (3) Contractor's safety precautions and programs.
- F. Based on the information and observations referred to in the preceding paragraph, Contractor agrees that no further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract.
- G. Contractor is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Contract Documents.
- H. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents, and the written resolution thereof by Engineer is acceptable to Contractor.
- I. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.
- J. Contractor's entry into this Contract constitutes an incontrovertible representation by Contractor that without exception all prices in the Agreement are premised upon performing and furnishing the Work required by the Contract Documents.

## ARTICLE 9 – CONTRACT DOCUMENTS

### 9.01 *Contents*

- A. The Contract Documents consist of the following:
  - 1. This Agreement (pages 1 to 7, inclusive).
  - 2. Performance bond (pages 1 to 3, inclusive).
  - 3. Payment bond (pages 1 to 4, inclusive).
  - 4. Maintenance bond (pages 1 to 2, inclusive).
  - 5. General Conditions (pages 1 to 66, inclusive).
  - 6. Supplementary Conditions (pages 1 to 10, inclusive).
  - 7. **General Contract Provisions**
  - 8. Specifications as listed in the table of contents of the Project Manual.
  - 9. Drawings (not attached but incorporated by reference) consisting of 21 sheets with each sheet bearing the following general title: Burnet Municipal Airport Box Hangar and Associated Improvements.
  - 10. Addenda (numbers N/A to N/A, inclusive).
  - 11. Exhibits to this Agreement (enumerated as follows):
    - a. Contractor's Bid (pages 1 to 17, inclusive).

12. The following which may be delivered or issued on or after the Effective Date of the Contract and are not attached hereto:
  - a. Notice to Proceed.
  - b. Work Change Directives.
  - c. Change Orders.
  - d. Field Orders.
- B. The documents listed in Paragraph 9.01.A are attached to this Agreement (except as expressly noted otherwise above).
- C. There are no Contract Documents other than those listed above in this Article 9.
- D. The Contract Documents may only be amended, modified, or supplemented as provided in the General Conditions.

## **ARTICLE 10 – MISCELLANEOUS**

### **10.01 *Terms***

- A. Terms used in this Agreement will have the meanings stated in the General Conditions and the Supplementary Conditions.

### **10.02 *Assignment of Contract***

- A. Unless expressly agreed to elsewhere in the Contract, no assignment by a party hereto of any rights under or interests in the Contract will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, money that may become due and money that is due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

### **10.03 *Successors and Assigns***

- A. Owner and Contractor each binds itself, its successors, assigns, and legal representatives to the other party hereto, its successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

### **10.04 *Severability***

- A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon Owner and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

### **10.05 *Contractor's Certifications***

- A. Contractor certifies that it has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for or in executing the Contract. For the purposes of this Paragraph 10.05:

1. “corrupt practice” means the offering, giving, receiving, or soliciting of any thing of value likely to influence the action of a public official in the bidding process or in the Contract execution;
2. “fraudulent practice” means an intentional misrepresentation of facts made (a) to influence the bidding process or the execution of the Contract to the detriment of Owner, (b) to establish Bid or Contract prices at artificial non-competitive levels, or (c) to deprive Owner of the benefits of free and open competition;
3. “collusive practice” means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish Bid prices at artificial, non-competitive levels; and
4. “coercive practice” means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

IN WITNESS WHEREOF, Owner and Contractor have signed this Agreement.

This Agreement will be effective on \_\_\_\_\_ (which is the Effective Date of the Contract).

OWNER: City of Burnet

CONTRACTOR:

\_\_\_\_\_

\_\_\_\_\_

By: David Vaughn

By: \_\_\_\_\_

Title: City Manager

Title: \_\_\_\_\_

*(If Contractor is a corporation, a partnership, or a joint venture, attach evidence of authority to sign.)*

Attest: \_\_\_\_\_

Attest: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Address for giving notices:

Address for giving notices:

1001 Buchanan Dr #4

\_\_\_\_\_

Burnet, TX 78611

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

License No.: \_\_\_\_\_  
*(where applicable)*

*(If Owner is a corporation, attach evidence of authority to sign. If Owner is a public body, attach evidence of authority to sign and resolution or other documents authorizing execution of this Agreement.)*



## Administration

## ITEM 4.8

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

### Action

**Meeting Date:** January 9, 2024

**Agenda Item:** Discuss and consider action: Golf Course Advisory Committee Appointments: D. Vaughn

**Background:** City Council passed Ordinance 2023-33 forming a Golf Course Advisory Committee to serve in an advisory capacity to the General Manager on matters related to the Golf Course. Upon passage of the Ordinance, the application process was opened to citizens interested in serving on the committee. There were eleven applications received. On October 24, 2023 City Council appointed Mayor Gary Wideman and Council Member Dennis Langley to serve on the application review committee with City Manager David Vaughn and Delaware Spring General Manager Tony Nash. Interviews were conducted with each applicant and reviewed by the Committee.

**Information:** The Golf Course Advisory Board Application Review Committee recommends the following individuals for appointment to the City of Burnet Golf Course Advisory Committee for a two year term. All Boards and Commissions for the City of Burnet have a unified term end date with staggering positions. Three positions will have a term end date of June 30, 2025 and two positions will have a term end date of June 30, 2026

- Martha Underwood
- Joe Cava
- Lance Gunn
- Robert Musselman
- Matt Kelley

**Fiscal Impact:** N/A

**Recommendation:** To be determined by Council





**DELEWARE SPRING GOLF COURSE ADVISORY COMMITTEE**  
(As of: January 09, 2024)

<b><u>POSITION</u></b>	<b><u>NAME</u></b>	<b><u>ADDRESS</u></b>	<b><u>EMAIL</u></b>	<b><u>PHONE</u></b>	<b><u>APPOINTED</u></b>	<b><u>EXPIRES</u></b>
1.	<b>Martha Underwood</b>	105 Avery Spur Burnet, TX 78611	<a href="mailto:littlekatu@gmail.com">littlekatu@gmail.com</a>	(512)718-9143 Home	1/9/2024	6/30/2025
2.	<b>Joe Cava</b>	2 Patton Trail Burnet, TX 78642	<a href="mailto:joe.cava@jedunn.com">joe.cava@jedunn.com</a>	(512) 289-1232 Home	1/9/2024	6/30/2025
3.	<b>Lance Gunn</b>	718 Oak Vista Drive Burnet, TX 78611	<a href="mailto:gunn.lance@gmail.com">gunn.lance@gmail.com</a>	(512) 906-9281 Home	1/9/2024	6/30/2025
4.	<b>Robert Musselman</b>	107 Denny Fox Dr. Burnet, TX 78611	<a href="mailto:golferbob107@gmail.com">golferbob107@gmail.com</a>	(512) 715-8609 Home	1/9/2024	6/30/2026
5.	<b>Matt Kelley</b>	1220 CR 137 Burnet, TX 78611	<a href="mailto:mkelley@FSBburnet.com">mkelley@FSBburnet.com</a>	(512)-755-6578 Home (512) 756-2191 Work	1/9/2024	6/30/2026
<b>Staff:</b>	Tony Nash	<a href="mailto:tnash@cityofburnet.com">tnash@cityofburnet.com</a>		830-428-3320		



## Administration

## ITEM 4.9

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

### Action

- Meeting Date:** January 9, 2024
- Agenda Item:** Discuss and consider action: Acceptance of proposed Charter Commission Report for the May 2024 Election Ballot: D. Vaughn
- Background:** On August 2<sup>nd</sup>, 2023 City Council appointed the 2023-2024 Charter Review Committee and authorized the review of the Charter.
- Information:** The Committee met throughout September and October and is recommending that the following propositions be considered for a Special Election to be held on May 4, 2024:
- **Proposition A:** Shall the City Charter of the City of Burnet be amended to clarify the Mayor's authority to delay a vote on a matter?
  - **Proposition B:** Shall the City Charter of the City of Burnet be amended to require a two-thirds vote of remaining City Council members to declare a vacancy on City Council?
  - **Proposition C:** Shall the City Charter of the City of Burnet be amended to authorize the adoption and publication of ordinances consistent with state law and City Council policy?
  - **Proposition D:** Shall the City Charter of the City of Burnet be amended to clarify that the Mayor is a member of City Council?
  - **Proposition E:** Shall the City Charter of the City of Burnet be amended to provide that the municipal court presiding judge serves at the pleasure of the City Council and may be removed by a majority vote of the City Council?
  - **Proposition F:** Shall the City Charter of the City of Burnet be amended to provide that elections shall be held consistent with state law?
  - **Proposition G:** Shall the City Charter of the City of Burnet be amended to delete and amend those sections which are repetitive of or inconsistent with State law?
  - **Proposition H:** Shall the City Charter of the City of Burnet be amended to require the City Council's goals and objectives be included in the budget?
  - **Proposition I:** Shall the City Charter of the City of Burnet be amended to delete or revise inconsistent and obsolete provisions?

- **Proposition J:** Shall the City Charter of the City of Burnet be amended to provide that the City Secretary and Assistant City Secretaries are hired by the City Manager without the need for consent of the City Council?

**Fiscal Impact:** The estimated cost to hold the Special Election which includes required publications that serve as notification to the Citizens is approximately \$8,500.00. This is not a budgeted expenditure.

**Recommendation:** To be determined by Council



**2024**

**Report of the**

**Charter Review Commission**

**January 9, 2024**

**City of Burnet, Texas**

January 9, 2024

City of Burnet City Council  
1001 Buchanan Drive, Suite #4  
Burnet, Texas 78611

Dear Mayor and Council:

On behalf of the City of Burnet Charter Review Commission, I am pleased to submit the 2024 Report of the Commission. The Charter Review Commission recommends the following amendments to the City Charter. The full text of each measure is set out within the body of the report. For your reference, a list of the Propositions proposed to appear on the ballot is set out below:

**Proposition A:** Shall the City Charter of the City of Burnet be amended to clarify the Mayor's authority to delay a vote on a matter?

**Proposition B:** Shall the City Charter of the City of Burnet be amended to require a two-thirds vote of remaining City Council members to declare a vacancy on City Council?

**Proposition C:** Shall the City Charter of the City of Burnet be amended to authorize the adoption and publication of ordinances consistent with state law and City Council policy?

**Proposition D:** Shall the City Charter of the City of Burnet be amended to clarify that the Mayor is a member of City Council?

**Proposition E:** Shall the City Charter of the City of Burnet be amended to provide that the municipal court presiding judge serves at the pleasure of the City Council and may be removed by a majority vote of the City Council?

**Proposition F:** Shall the City Charter of the City of Burnet be amended to provide that elections shall be held consistent with state law?

**Proposition G:** Shall the City Charter of the City of Burnet be amended to delete and amend those sections which are repetitive of or inconsistent with State law?

**Proposition H:** Shall the City Charter of the City of Burnet be amended to require the City Council's goals and objectives be included in the budget?

**Proposition I:** Shall the City Charter of the City of Burnet be amended to delete or revise inconsistent and obsolete provisions?

**Proposition J:** Shall the City Charter of the City of Burnet be amended to provide that the City Secretary and Assistant City Secretaries are hired by the City Manager without the need for consent of the City Council?

In closing, I wish to acknowledge the entire Commission for their commitment to this process, including staff and the City Attorney that have contributed countless hours to ensuring a timely and accurate submittal of the Commission's recommendations.

Respectfully submitted,

Philip Thurman,  
Chairman and Mayor Pro-Tem

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**CITY OF BURNET  
CHARTER REVIEW COMMISSION  
2024 REPORT OF FINDINGS AND RECOMMENDATIONS**

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**TO:** THE MAYOR AND CITY COUNCIL OF THE CITY OF BURNET  
**CC:** KELLY DIX, CITY SECRETARY  
**FROM:** CITY OF BURNET CHARTER REVIEW COMMISSION  
**REFERENCE:** REPORT OF FINDINGS AND RECOMMENDATIONS  
**DATE:** JANUARY 9, 2024

**Introduction:** Texas Constitution Article XI Section 5, empowers residents of Texas municipalities with a population over 5,000 by majority vote to adopt home rule charter establishing local government. City charters are, in effect, constitutions for city governments forming a social contract between municipal government and citizens by establishing the duties and responsibilities for the different branches of government. The voters of the City of Burnet adopted a charter form of government in May of 2000. In subsequent general elections, voters adopted several amendments to the original Charter in 2006, 2013, 2015 and 2018. In August of 2023, the City Council appointed a Charter Review Commission (the “Commission”) to study the Charter and make recommendations on potential Charter amendments.

**The Commission:** The members of the Charter Review Commission are as follows:

**Philip Thurman, Chairman and Mayor Pro-tem  
Gary Wideman, Mayor  
Calib Williams  
Kenneth Graham  
Paul Farmer  
Stan Hemphill**

**Staff:** The support staff to the Commission included:

**David Vaughn, City Manager  
Habib Erkan, Assistant City Manager  
Kelly Dix, City Secretary  
Charles Zech, City Attorney**

**Authority:** The authority for City Council to call an election to amend the City Charter is found in the Texas Constitution and Chapter 9 of the Texas Local Government Code.

**The Commission’s Charge:** At a regularly called meeting, held on August 22, 2023, City Council appointed members to the 2023-24 Charter Review Commission and charged the Commission to

(1) Inquire into the operations of city government and review the city charter to determine whether it requires revision; (2) Propose any charter amendments it deems desirable to improve the effective application of the Charter to current conditions; and (3) Make a written report of its findings and recommendations to the city council.

**Findings and Recommendations:** The Commission hereby finds that the proposed recommended Charter amendments are deemed desirable to improve the effective application of the Charter to current conditions. Specifically, the Commission hereby submits the attached proposed amendments for consideration by the citizens of the City of Burnet which are stated as propositions and measures as follows:



**Proposition A**

Shall the City Charter of the City of Burnet be amended to clarify the Mayor's authority to delay a vote on a matter?

**Measure A**

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

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

## **Proposition B**

Shall the City Charter of the City of Burnet be amended to require a two-thirds vote of remaining City Council members to declare a vacancy on City Council?

## **Measure B**

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

**B. Forfeiture of Office.** If the Mayor or any City Council Member:

2. has been found by at least ~~five (5) affirmative~~ a two-thirds (2/3) votes of the remaining Members of City Council to have violated any express prohibition of this Charter; or

### **Section 3.16. Council Investigative Body; Hearings; Process.**

**B. Hearing Process for Forfeiture of Office and Prohibitions.**

10. In the case of a violation of Section 3.06 of this Charter, City Council shall vote on the forfeiture and on the affirmative vote of two-thirds (2/3) of the remaining Members of City Council to declare the office of said office holder to be forfeited and vacant.

## Proposition C

Shall the City Charter of the City of Burnet be amended to authorize the adoption and publication of ordinances consistent with state law and City Council policy?

### Measure C

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

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

~~Any reference to the reading of an ordinance made in this Charter shall be understood to mean the reading of the caption of the ordinance only unless a specific request is made by any Council Member for the ordinance to be read in part or in full. Any ordinance that levies a fine or penalty or deals with the budget, taxes, franchises or public utilities or the setting of their rates shall be read at two (2) meetings. Such Ordinances shall be published in full or by caption with a summary in two (2) successive issues of a newspaper of general circulation in the City of Burnet and as files available for download via the Internet with the first publication at least fourteen (14) days before the final reading and passage of the Ordinance.~~

~~No ordinance that is not an emergency ordinance shall be finally passed until it has been read on two (2) separate days not less than twenty four (24) hours apart.~~

~~**Section 3.15. Emergency Ordinances.** In order to meet a public emergency affecting life, health, property, the public peace, or to prevent a material financial loss to the City, the City Council may adopt emergency ordinances. Such ordinances shall not levy taxes, grant or renew or extend a franchise, or regulate the rate charged by any public utility for its services. The City Council shall not by Emergency Ordinance authorize the borrowing of money, except as provided in Section 7.07, B titled, “Emergency Appropriations.” An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that it shall be plainly designated in the title as an “Emergency Ordinance” and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms. Such emergency clause shall require the affirmative vote of at least five (5) members of the City Council. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced. After adoption, the ordinance~~

~~shall be published in two (2) successive issues of a newspaper of general circulation in the City, and as files available for download via the Internet.~~

~~Every emergency ordinance so adopted, except one authorizing the borrowing of money for emergency appropriations, shall automatically be repealed after sixty (60) days following the day on which it became effective. The ordinance may be reenacted.~~

## Proposition D

Shall the City Charter of the City of Burnet be amended to clarify that the Mayor is a member of City Council?

## Measure D

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

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

#### **D. Filling of Vacancies.**

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

### **Section 3.09. Prohibitions.**

- A. Holding Other Office.** Except as authorized by law, no Mayor or Council Member shall hold any other City office or City employment during a term as Mayor or Council Member. No former Mayor or Council Member shall hold any compensated appointive City office or City employment until one year after the expiration of term as Mayor or Council Member except as provided in Section 3.01 of this Charter.
- B. Appointments and Removals.** Neither the Mayor, nor any ~~member of the~~ City Council ~~Member~~ shall in any manner dictate the appointment or removal of any City administrative officers or employees whom the City Manager or the Manager’s subordinates are empowered to appoint. However, the City Council may express its views and fully and

freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

- C. Interference with Administration.** Except for the purpose of inquiries or investigations under Section 3.16, ~~neither~~ the Mayor, City Council Members, ~~nor~~ the City Council ~~or its members~~ shall ~~not~~ direct City officers or employees who are subject to the direction and supervision of the City Manager, except through the City Manager. ~~The Mayor, Neither the City Council nor~~ any of the Members of City Council ~~members~~ shall give orders to any officer or employee supervised by the City Manager, either publicly or privately, except as otherwise provided in this Charter.

**Section 3.10. Meetings of the Council.**

- A. Monthly Council Meeting.** The City Council shall hold at least one (1) regular meeting each month at a time and place the City Council shall designate.
- B. Regular Meetings.** Regular meetings are council meetings required to be held at least monthly and designated as regular.
- C. Special Meetings.** Special meetings may be called by the City Secretary at the request of the Mayor, the City Manager or two (2) ~~members of the~~ City Council Members. The City Manager and each ~~member of the~~ City Council Member shall be notified of all special meetings.
- D. Public Meetings.** All meetings shall be open to the public except as authorized by law and shall be held at the City Council Chambers of the City, or other places within or outside of the City that will permit the attendance of the general public.

**Section 3.11. Quorum.** Four (4) ~~Council~~ Members of City Council, ~~whether or not inclusive of the Mayor or Mayor Pro-tem,~~ shall constitute a quorum for the purpose of transacting business. Any action of the City Council, except as provided in this Charter, shall be valid or binding when adopted by majority vote of the ~~Council~~ Members of City Council in attendance. A Member of City Council ~~Member~~ that is present but not voting shall be in attendance for purposes of the quorum.

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

**[IF PROPOSITION C PASSES THIS SECTION SHALL NOT GO INTO EFFECT IF IT ALSO PASSES] Section 3.15. Emergency Ordinances.** In order to meet a public emergency affecting life, health, property, the public peace, or to prevent a material financial loss to the City, the City Council may adopt emergency ordinances. Such ordinances shall not levy taxes, grant or

renew or extend a franchise, or regulate the rate charged by any public utility for its services. The City Council shall not by Emergency Ordinance authorize the borrowing of money, except as provided in Section 7.07, B titled, "Emergency Appropriations." An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that it shall be plainly designated in the title as an "Emergency Ordinance" and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms. Such emergency clause shall require the affirmative vote of at least five (5) ~~m~~Members of ~~the~~ City Council. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced. After adoption, the ordinance shall be published in two (2) successive issues of a newspaper of general circulation in the City, and as files available for download via the Internet.

Every emergency ordinance so adopted, except one authorizing the borrowing of money for emergency appropriations, shall automatically be repealed after sixty (60) days following the day on which it became effective. The ordinance may be reenacted.

#### **Section 4.01. City Manager.**

- A. Appointment and Qualifications.** The City Manager shall be appointed by an affirmative vote of five (5) or more ~~Members of~~ City Council ~~Members~~. The method of selection shall be left to the discretion of the City Council. The City Manager shall reside within the City of Burnet within forty-five (45) days of assuming his/her duties. The City Manager shall be bonded at City expense in an amount consistent with current need as established by the City Council.
- B. Compensation.** The City Manager shall receive compensation as fixed by the City Council. The compensation shall be agreed upon before appointment. The City Council may increase but not reduce the compensation of the City Manager at their discretion.
- C. Term and Removal.** The City Manager shall be appointed for an indefinite term. An affirmative vote of five (5) or more ~~Members of~~ City Council ~~Members~~ may remove the City Manager. The action of the City Council in suspending or removing the City Manager shall be final. It is the intention of this Charter to vest all authority and fix all responsibilities of such suspension or removal in the City Council.

#### **Section 4.03. Municipal Court.**

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

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

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



## Proposition E

Shall the City Charter of the City of Burnet be amended to provide that the municipal court presiding judge serves at the pleasure of the City Council and may be removed by a majority vote of the City Council?

## Measure E

### Section 4.03. Municipal Court.

- F. Removal of Presiding Judge. The Presiding Judge shall serve at the will and pleasure of the City Council and may be relieved from office by a majority vote of the City Council. The Presiding Judge may, subject to the other provisions of this subsection, be removed from office for willful or persistent violations of rules promulgated by the Supreme Court of Texas, incompetence in performing the duties of the office, willful violation of the code of Judicial Conduct, or willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or administration of justice. Any person holding such office may be disciplined or censured, in lieu of removal from office, as provided by this section. Any person holding an office specified in this subsection may be suspended from office with or without pay by the City Council immediately on being indicted by a state or federal grand jury for a felony offense or charged with a misdemeanor involving official misconduct. Upon the motion of the City Council or on the filing of a sworn complaint charging a person holding such office with willful or persistent violation of rules promulgated by the Supreme Court of Texas, incompetence in performing the duties of the office, willful violation of the Code of Judicial Conduct, or willful and persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit on the judiciary or on the administration of justice, the City Council, after giving the person notice and an opportunity to appear and be heard before the City Council may, after considering the record of such appearance may, suspend with or without pay, censure, or otherwise discipline the Judge; or remove the Judge from office.

## Proposition F

Shall the City Charter of the City of Burnet be amended to provide that elections shall be held consistent with state law?

## Measure F

### Article V. Elections

#### Section 5.01. Election of Mayor and City Council Members.

The regular City election shall be held annually on the uniform election date in May, or at such other times as may be specified by state law. All elections shall be held as required by law.

At the regular election held in odd numbered years a Mayor shall be elected, and three (3) City Council Members shall be elected to serve in the City Council positions for which the term of office expires in that year. At the regular election in even numbered years, three (3) City Council Members shall be elected to serve in the three (3) City Council positions for which the term of office expires in that year. The term of each office shall be two (2) years and the office holders shall serve until their successors are elected and take office.

Each qualified voter of the City may vote for one (1) Mayoral candidate and three (3) City Council candidates in odd numbered years, and for three (3) City Council candidates in even numbered years. The candidate for Mayor that receives the highest number of votes cast shall be elected, and in each election the three (3) candidates for City Council Members that individually receive the highest number of votes shall be elected. ~~The election shall be ordered by the City Council. The City Secretary shall give notice of the election in the manner required by the laws of the State of Texas.~~

#### ~~Section 5.02. Notice and Order for Elections.~~

~~**A. Date.** The regular City election shall be held annually on the uniform election date in May, or at such other times as may be specified by state law, at which time officers will be elected to fill those offices which become vacant that year.~~

~~**B. Place.** The City Council shall fix the place for holding such election.~~

~~**C. Special Elections.** The City Council may, by ordinance or resolution, order a special election, fix the date and place for holding same, and provide all means for holding such special election.~~

~~**D. Notice.** Notice of elections shall be published in a newspaper of general circulation of the City of Burnet, such publication to follow the requirements of the Election Code and any applicable law.~~

~~**E. Early Voting.** Early voting shall be governed by the general election laws of the State of Texas.~~

**Section 5.03. Regulation of Elections.**

~~A. **Compliance.** All elections shall be held in accordance with the laws of the State of Texas regulating the holding of municipal elections and in accordance with the ordinances adopted by the City Council for the conduct of elections.~~

~~B. **Election Judges.** The City Council shall appoint the election judges and other election officials.~~

~~Section 5.04. **Special Elections.** The City Council may call special elections as required or authorized by the laws of the State of Texas or this Charter, fix the time and place of holding these elections, and provide all means for holding such special elections, provided that every special election shall be held on a Saturday, or a uniform election date, unless otherwise provided by law or this Charter. Except as required by this Charter or state law, every special election shall be called and held as nearly as practicable according to the provisions governing regular elections.~~

**Section 5.025. Filing for Office.**

**A. Applications.** Any person having the qualifications set forth under Section 3.02 of this Charter shall have the right to file an application to have their name placed on the official ballot as a candidate for any elective office.

1. Any such application shall be in writing, signed by such candidate, and filed with the City Secretary in accordance with the Texas Election Code and this Charter.
2. An application filed in accordance herewith shall entitle such applicant to a place on the official ballot.

**B. Place or Position.** A candidate of City Council shall specify the place number or position the candidate is seeking.

**Section 5.036. Taking of Office.**

Each newly elected person to the City Council shall be inducted into office at the City Council meeting canvassing the votes.

~~Section 5.07. **Votes Required and Canvassing of Returns.** At the regular City election in odd-numbered years, the candidate for Mayor who receives the highest number of votes shall be declared elected. In each regular City election, the three (3) candidates for Council Member who individually receive the highest number of votes shall be declared elected. At a special election to fill more than one Council Member office, if two Council Member positions are to be filled, the two candidates that receive the highest number of votes cast for individual candidates shall be declared elected. If three such offices are to be filled, the three candidates that receive the highest number of votes cast for individual candidates shall be declared elected, etc. The returns of every municipal election shall be recorded in the minutes of the City Council, by totals for each candidate, or for and against each issue submitted. City Council shall canvass the returns of all elections pursuant to state law.~~

### **Section 5.08. Run-Off Elections.**

~~Run-off elections shall be conducted pursuant to state law.~~

~~The candidate(s) receiving the highest number of votes cast for the office being filled in the run-off election shall be declared elected, and if the run-off results in a tie vote, the tie shall be broken in a manner authorized by the Texas Election Code, or by lot or chance as agreed by and between the candidates. The following circumstances require a run-off election that shall be conducted as prescribed by state election laws:~~

- ~~A. **Tie Vote for Mayor.** If two (2) or more candidates for Mayor tie with the highest number of votes cast, a run-off election shall be ordered for the office of Mayor. Only the candidates who tied for the highest number of votes shall have their names on the ballot to determine the winner of the Mayoral election.~~
  
- ~~B. **Tie Vote for Council Member.** If in a regular election one (1) or more ties between two (2) or more candidates for Council Member make it impossible to determine the three candidates that received the highest number of votes cast for Council Member, each candidate that received a higher number of votes than the candidates that are tied shall be declared elected, and a run-off election shall be held between the candidates that are tied. If one candidate receives a higher number of votes than all the other candidates, a run-off election shall be held between the candidates tied for the second highest vote. If no candidate receives a higher number of votes than any other candidate, a run-off election shall be held between the candidates tied for the highest number of votes. If a special election is held to fill one Council Member office, and two or more candidates tie for the highest vote, a run-off election shall be held between the tied candidates. If more than one Council Member office is to be filled in the special election and one or more tie votes make it impossible to determine the candidates that received the highest number of votes, then run-off elections shall be held as provided for regular elections to fill the vacant positions.~~

## Proposition G

Shall the City Charter of the City of Burnet be amended to delete and amend those sections which are repetitive of or inconsistent with State law?

## Measure G

~~**Section 6.16. Failure of City Council to Order Election.** When all the requirements of this Charter shall have been met and the City Council shall fail or refuse to receive a Recall, Initiative or Referendum petition, or order such Recall, Initiative or Referendum election, or discharge other duties imposed upon the City Council by the provisions of this Charter with reference to such Recall, Initiative or Referendum, then any voter registered to vote in City elections shall be entitled to petition the District Court of Burnet County Texas for a Declaratory Judgment, Mandatory Injunction or other relief to order the City Council to call the election and to enforce the carrying into effect the provisions of this Article.~~

**Section 7.05. City Council Action on Budget.** The City Council shall comply with state law in the adoption of the budget and, unless otherwise in conflict with state law, shall adopt the budget on or before the last day of the last month of the current fiscal year. ~~If the City Council fails to adopt the budget by this date, the budget proposed by the City Manager shall go into effect.~~

~~**Section 7.08. Lapse of Appropriations.** Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until expended, revised or repealed. The purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.~~

**Section 10.01. Publicity of Records.**

~~**A. Inspection.** All records and accounts of every office, department or agency of the City shall be open to inspection by any citizen or by any representative of the press pursuant to the Texas Public Information Act.~~

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

~~**C. Newspaper.** The City Council shall not designate an official newspaper, but it shall cause notices of all information as required by this Charter, existing ordinances, or by the~~

~~Constitution and laws of the State of Texas to be published in a local newspaper of general circulation in the City.~~

~~**Section 10.05. Power to Settle Claims.** The City Council shall have the authority to compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the City except suits by the City to recover delinquent taxes.~~

## Proposition H

Shall the City Charter of the City of Burnet be amended to require the City Council's goals and objectives be included in the budget?

## Measure H

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

- A. Goals and Objectives.** The City Council's goals and objectives as provided for in Section 3.08 and any associated~~proposed goals, objectives~~ expenditures for current operations during the ensuing fiscal year, detailed for each fund by organization unit and program, purpose or activity, and the method of financing such expenditures; and
- B. Capital Budget.** Proposed capital expenditures during the ensuing fiscal year, detailed for each fund by organization unit when practicable, and the proposed method of financing each capital expenditure; and
- C. Enterprise Funds.** The anticipated income and expense and profit and loss for the ensuing year for each public utility or other proprietary enterprise fund, as defined in Section 8.01 of this Charter, operated by the City. For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus any fund balance carried forward, exclusive of reserves.

## Proposition I

Shall the City Charter of the City of Burnet be amended to delete or revise inconsistent and obsolete provisions?

### Measure I

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

- A. Goals and Objectives.** The proposed goals, objectives and expenditures for current operations during the ensuing fiscal year, detailed for each fund by organization unit and program, purpose or activity, and the method of financing such expenditures;
- B. Capital Budget.** Proposed capital expenditures during the ensuing fiscal year, detailed for each fund by organization unit when practicable, and the proposed method of financing each capital expenditure; and
- C. Enterprise Funds.** The anticipated income and expense and profit and loss for the ensuing year for each public utility or other proprietary enterprise fund, ~~as defined in Section 8.01 of this Charter,~~ operated by the City. For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus any fund balance carried forward, exclusive of reserves.

~~**Section 10.06. Continuance of Contracts and Preservation of Rights.** All laws previously enforced governing suits, taxes, penalties, fines, forfeitures, and all other rights, claims and demands of every kind and character which have accrued in favor of the City shall belong to and vest in the City and shall not end by reason of the adoption of this Charter. The laws under which they shall have accrued shall be deemed to be in full force and effect. The budget and all ordinances, rules and regulations of the City shall be and remain in effect, subject to the terms of this Charter and the future discretion and vote of the City Council. All present commissions, boards and officers of the City shall continue in office subject to the provisions of this Charter including but not limited to the provisions governing election, removal and the City Council's exercise of authority conferred by this Charter.~~

~~**Section 10.11. Effective Date.** This Charter shall take effect immediately following approval by the qualified voters of the City of Burnet. However, in no case shall the Charter be in effect until the City Council records with the City Secretary an order declaring that the Charter is adopted. The order declaring adoption shall be entered into City record as soon as is practicable following the election.~~



## Proposition J

Shall the City Charter of the City of Burnet be amended to provide that the City Secretary and Assistant City Secretaries are hired by the City Manager without the need for consent of the City Council?

## Measure J

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

~~**Gives Public Notice.** Gives notice of City Council meetings, the meetings of all other City boards and commissions and public hearings.~~

~~**Keeps Minutes and Records.** Keeps the minutes and records of the proceedings of such meetings.~~

~~**Maintains Documents and Records.** Authenticates by signature and record in full in a book kept and indexed for the purpose, all ordinances and resolutions, and~~

~~**Performs Additional Duties.** Performs such other duties as the City Manager shall assign and those elsewhere provided for in this Charter or by ordinance.~~