



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

2402 S. Water Street (Hwy 281 South, Burnet Municipal Airport) Burnet, TX

Tuesday, January 14, 2025 at 6:00 PM

Notice is hereby given that a **Regular City Council Meeting** will be held by the governing body of the City of Burnet on **Tuesday, January 14, 2025** at 6:00 PM in the City of Burnet Council Chambers located at 2402 S. Water Street (Hwy 281 South, Burnet Municipal Airport) Burnet, TX.

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

The following subjects will be discussed, to wit:

Attendance By Other Elected or Appointed Officials: It is anticipated that the Burnet Economic Development Corporation Board, Planning & Zoning Commission, Historic Board, Zoning Board of Adjustment, Airport Advisory Board, Burnet Municipal Golf Course Advisory Committee, and Police Department Citizen Advisory Board members may attend the City Council Meeting at the date and time above in numbers that may constitute a quorum. Notice is hereby given that at the City Council Meeting at the date and time above, no Board or Commission action will be taken by such in attendance unless such item and action are specifically provided on a separate agenda posted subject to the Texas Open Meeting Act. This is not an agenda of an official meeting of the City Boards and Commissions, and minutes will not be taken.

1. CALL TO ORDER:

2. ROLL CALL:

3. INVOCATION:

4. PLEDGES (US & TEXAS):

5. SPECIAL REPORTS/RECOGNITION:

1. Pickleball Courts: D. Vaughn

2. FlashVote Report: K. McBurnett

3. City Hall Update: B. Farmer

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

1. Approval of the December 10, 2024 RM Minutes

2. Discuss and consider action: Resolution No. R2025-03: P. Langford

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ADOPTING THE INVESTMENT POLICY AND INVESTMENT STRATEGIES AND APPROVING SAID POLICY AS FULFILLMENT OF CHAPTERS 2256.005 AND 2256.025, GOVERNMENT CODE, THE PUBLIC FUNDS INVESTMENT ACT; AND PROVIDING AN EFFECTIVE DATE

7. PUBLIC HEARINGS/ACTION:

1. Public Hearing on adoption of water and wastewater impact fees: E. Belaj

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING THE CITY CODE OF ORDINANCES DIVISION 2. ENTITLED “COMMUNITY IMPACT FEE ESTABLISHED” AND SECTION 2-292 ENTITLED “AMOUNT” AND DIVISION 3. ENTITLED “APPLICABILITY OF COMMUNITY IMPACT FEES” AND SECTION 3-372 ENTITLED “IMPACT FEE CALCULATIONS”; PROVIDING CUMULATIVE, REPEALER, AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

1. Staff Introduction
2. Consultant Presentation
3. Public Hearing

8. ACTION ITEMS:

1. Discuss and consider action: Ordinance 2025-03: E. Belaj

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING THE CITY CODE OF ORDINANCES DIVISION 2. ENTITLED “COMMUNITY IMPACT FEE ESTABLISHED” AND SECTION 2-292 ENTITLED “AMOUNT” AND DIVISION 3. ENTITLED “APPLICABILITY OF COMMUNITY IMPACT FEES” AND SECTION 3-372 ENTITLED “IMPACT FEE CALCULATIONS”; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

2. Discuss and consider action: Resolution No. 2025-02: M. Gonzales

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON MAY 3, 2025, TO ELECT ONE MAYOR AND THREE CITY COUNCIL MEMBERS; ESTABLISHING THE ELECTION PROCEDURE; AND PROVIDING FOR RELATED MATTERS

3. Discuss and consider action: Providing direction to the City Manager pertaining to the acquisition of an Aircraft Rescue and Firefighting (ARFF) truck: M. Ingram

4. Discuss and consider action: Resolution No. R2025-01: K. McBurnett

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ESTABLISHING A LEGISLATIVE PLATFORM AND PRIORITIES FOR THE 89TH LEGISLATIVE SESSION IN TEXAS

5. Discuss and consider action: Resolution No. R2025-04: E. Belaj

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, SELECTING A PROPOSAL UNDER REQUEST FOR PROPOSAL 2024-007; AWARDING A CONTRACT TO SAID PROPOSER AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

6. Discuss and consider action: Ordinance No. 2025-01: K. McBurnett

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING THE CITY CODE OF ORDINANCES SECTION 94-28(2)(H) ENTITLED "POLE ATTACHMENT RATE"; PROVIDING CUMULATIVE, REPEALER, AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

7. Discuss and consider action: Resolution No. R2025-05: P. Langford

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, RESTRICTING CERTAIN FUNDS FOR FUTURE GENERAL FUND CAPITAL NEEDS AND FUTURE GOLF COURSE NEEDS, AND DEPOSITING THOSE FUNDS IN ACCORDANCE WITH THE CITY'S INVESTMENT POLICY

8. Discuss and consider action: Ordinance No. 2025-02: H. Archer

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING POLICIES 4.01 CATEGORIES, POLICY 7.03 RETIREMENT, SECTION 13.00 DISCIPLINE AND SECTION 15.00 GRIEVANCES OF THE CITY'S PERSONNEL POLICY BY UPDATING AND CLARIFYING REQUIREMENTS

9. Discuss and consider action: Resolution No. R2025-06: D. Vaughn

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING THE PURCHASE OF 2 ACRES OF LAND LOCATED AT 107 BIG SKY, LEGALLY DESCRIBED AS S4231 EAGLE'S NEST LOT 78, SEC 2, A SUBDIVISION IN BURNET COUNTY, TEXAS, AND AUTHORIZING THE MAYOR TO EXECUTE THE PROPERTY CONTRACT

9. EXECUTIVE SESSION:

1. Pursuant to Section 551.072 Texas Government Code to deliberate the purchase of 107 Big Sky, Burnet, Texas: D. Vaughn

10. RECONVENE TO REGULAR SESSION FOR POSSIBLE ACTION:

1. Discuss and consider action: Regarding deliberations of the purchase of 107 Big Sky, Burnet, Texas: D. Vaughn

11. 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.

12. ADJOURN:

Dated this 10th day of January 2025

CITY OF BURNET

GARY WIDEMAN, MAYOR

I, the undersigned authority, do hereby certify that the above NOTICE OF MEETING of the governing body of the above named City, BURNET, is a true and correct copy of said NOTICE and that I posted a true and correct copy of said NOTICE on the bulletin board, in the City Hall of said City, BURNET, TEXAS, a place convenient and readily accessible to the general public at all times, and said NOTICE was posted on January 10, 2025 at or before 6 o'clock p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

Maria Gonzales, City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS:

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

RIGHT TO ENTER INTO EXECUTIVE SESSION:

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

CITY OF BURNET



FlashVote
Communications Survey

City Council Regular Meeting
January 14, 2025



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- Survey conducted November 19-21
- 5 Questions
- 439 participants invited to take the survey
- 201 or 46% participated in the survey
 - 102 were within the City Limits
- Margin of error: +/- 7%
 - This will improve as the panel and respondents grow

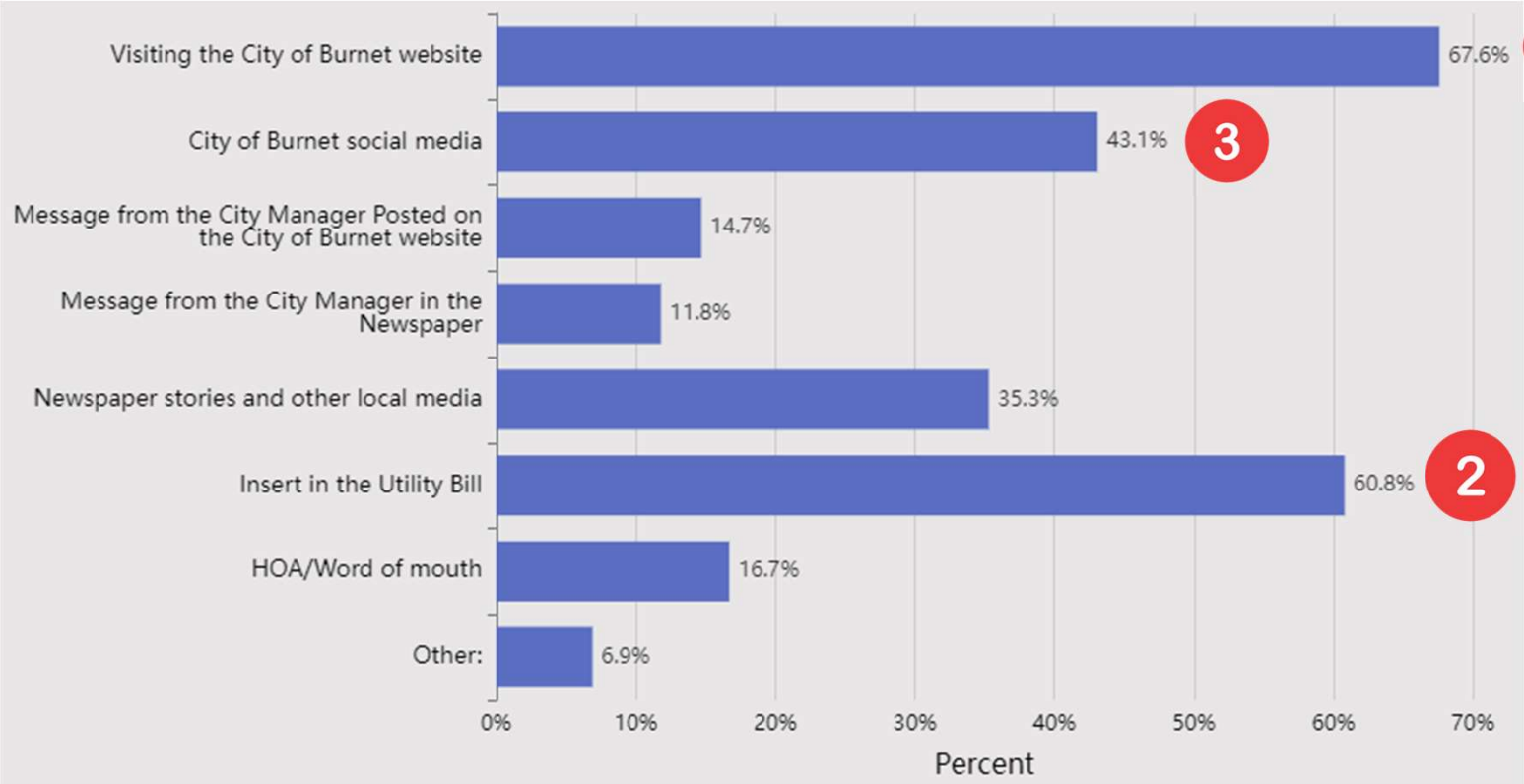


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1. In the last 12 months, which of the following, if any, have you used to get information about the City of Burnet? (Choose all that apply, if any)

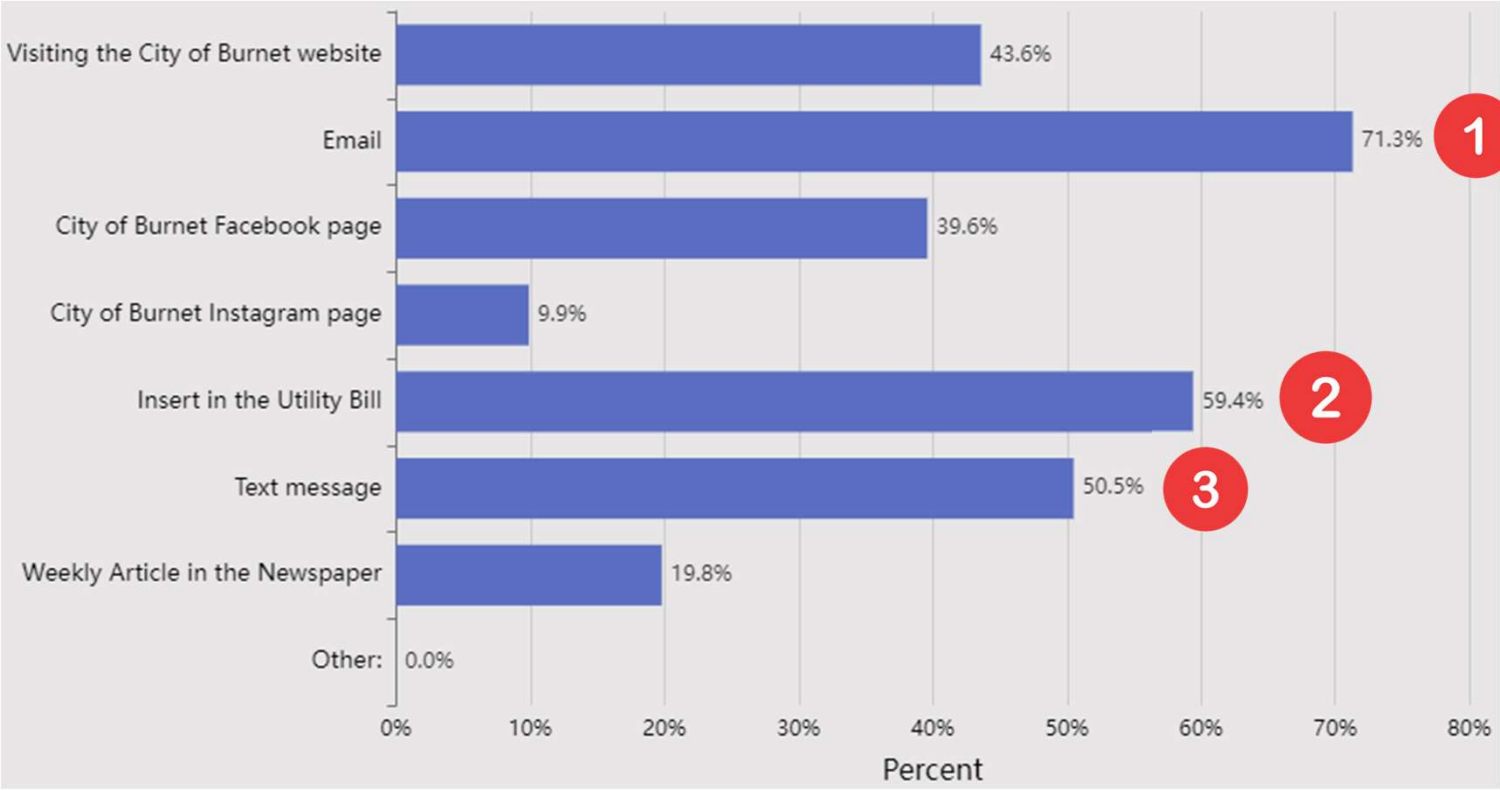


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2. How would you most like to receive information from the City of Burnet? (You can choose up to FOUR, if any)

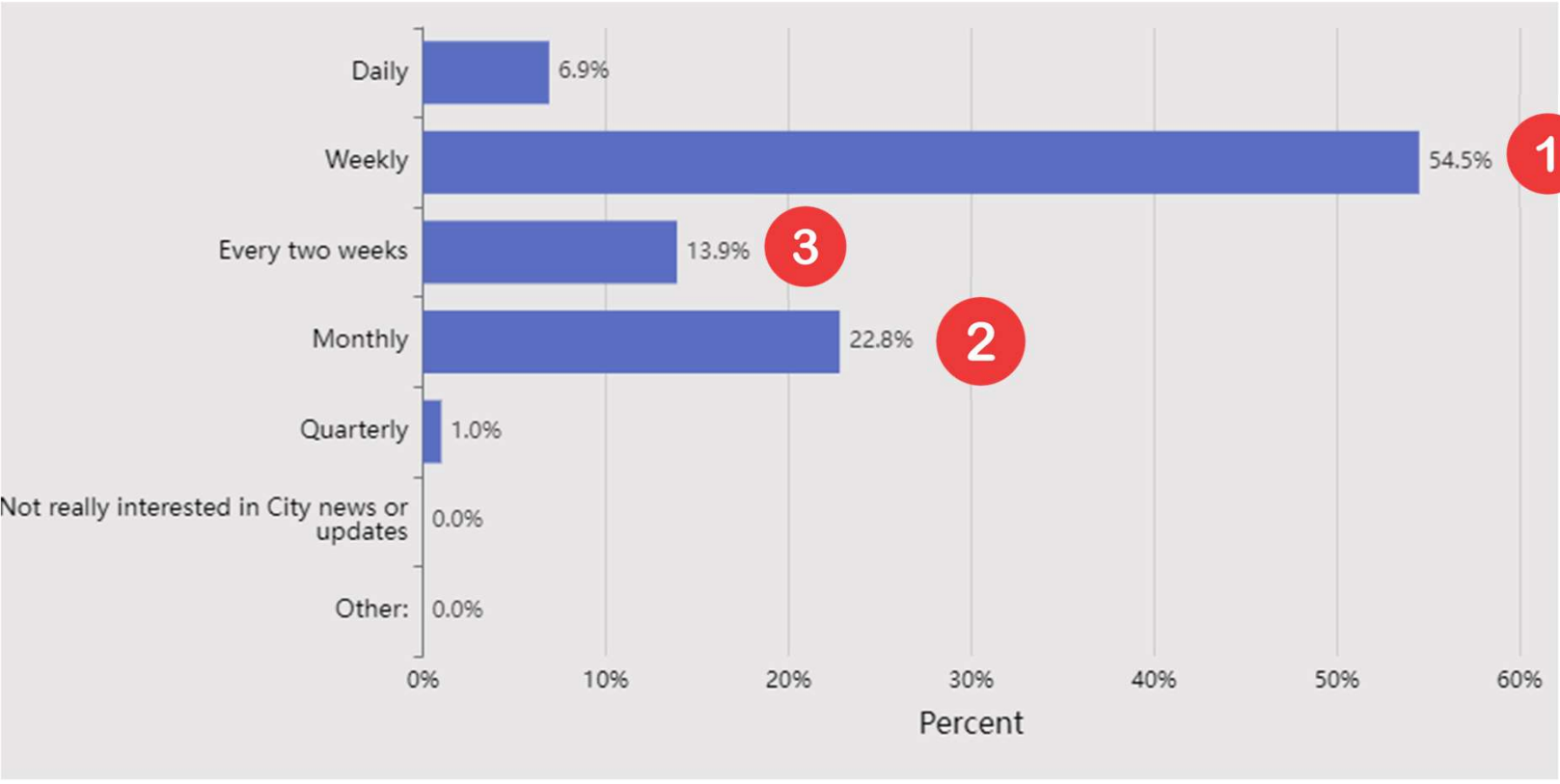


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3. How often would you like to get City news or updates? (Choose ONE)

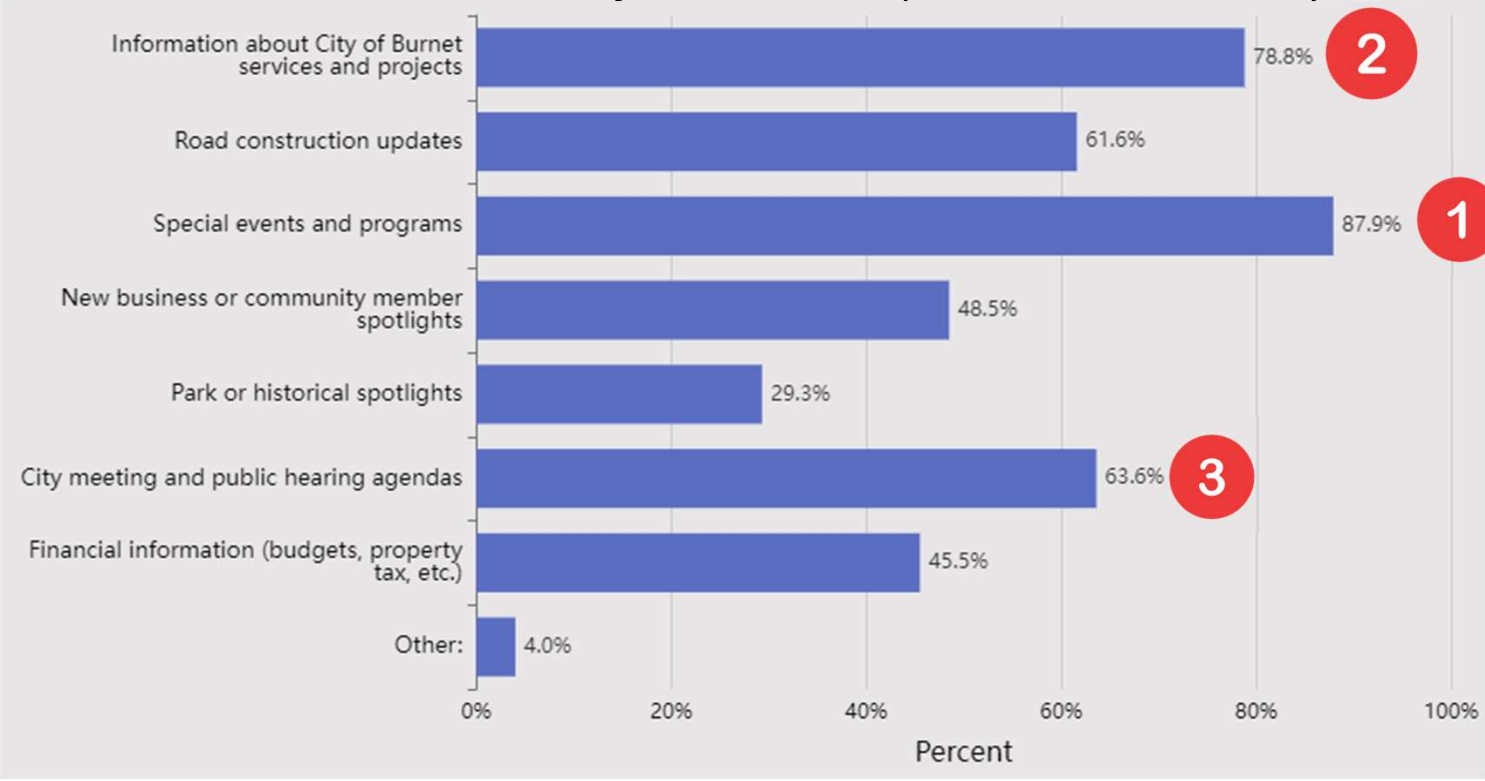


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4. Which of the following topics, if any, are you most interested in receiving information about from the City of Burnet? (You can choose up to FIVE, if any)



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5. Any other comments or suggestions about what the City of Burnet could do differently to do a better job of giving you the information you want and need?)

Communication Related Comments

- A **bi-weekly update** of general city information on the **website**.
- I never seem to get the information about events and stuff ahead of time. I would like a **weekly email** about upcoming events for this week. Meetings, and special events and such.
- Creating a **constant contact newsletter** would be a good start.
- Send information that requires dissemination in **emails and or texts** as needed. Update community **Monthly** with **Newsletter (electronic)** always referencing the city website for more in depth information.
- Community / neighborhood **public information meetings**
- What is the City of Burnet's vision for the future and what processes are in place to view these goals and progress towards them. **Digital Communication** is the present and future so figuring out how to best communicate with the community via these means is essential.
- Give **more options** for residents who are **not on social media**.
- Communicating to us where the **best place** to is to look for the **information**. I am not on facebook so my news comes from the Burnet Bulletin, Highlander, and DailyTrib. **Emergencies** best communicated by **text message**.



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5. Any other comments or suggestions about what the City of Burnet could do differently to do a better job of giving you the information you want and need?)

Information Requested

- More reporting on Police reports and traffic issues.
- I would like to have a concise list of contacts for various city departments, names, #'s, emails, locations.
- More information on city council meetings
- Publish school board information
- Where the 2025 Bluebonnet Festival will be located? since the new building for City Hall is located in the previous spot for the fair.



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5. Any other comments or suggestions about what the City of Burnet could do differently to do a better job of giving you the information you want and need?)

Other Requests

- Many years ago, the downtown office had a "drive-up" and drop box for utility bills. Was great for mobility concerns. BRING IT BACK!
- Improve our parks
- Can we please have a FREE way to pay our utilities online?; Make paying the utility bill easier and cheaper to pay online
- Fix - redo Bluebonnet St. next to Storms. Keep us informed about our drinking water supply ? Do we have ANY idea who is flying in and out of Burnet airport. There are a LOT of planes for a small town ?
- Have more events throughout the year
- New businesses, services, restaurants entertainment. For the county seat I don't believe enough emphasis is to make Burnet shine. Marble Falls and even Llano has better community support in place and infrastructure.

Other Comments

- Doing pretty good so far; I think the city is doing a good job getting information out.
- Main thing would be to not approve the rock crusher plant; No Rock Quarry please 🙏
- None; None at this time
- Really enjoy living here.



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Next Steps

- Continue weekly Message from the City Manager (Social Media, Web, Newspaper)
 - Include topics identified in the survey
- The new web platform will allow residents to sign up for text or email notifications on topics they select
- Ensure social media posts at a minimum of 4-days a week
- Continue to leverage the utility bill insert
- Investigating a mass communication tool through incode- “Notify”
- Utilize feedback to inform the web development project
- Launch a survey on Community Priorities in January



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Questions?



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

On this the 10th day of December 2024, the City Council of the City of Burnet convened in Regular Session, at 5:00 p.m. in the City of Burnet Council Chambers, located at 2402 S. Water, Burnet, TX thereof with the following members present, to-wit:

Mayor Pro Tem Philip Thurman
Council Members Cindia Talamantez, Tommy Gaut, Tres Clinton, Joyce
Laudenschlager, Ricky Langley
City Manager David Vaughn
City Secretary Maria Gonzales

Absent: Mayor Gary Wideman

Guests: Haley Archer, Eric Belaj, Jessi Carpenter, Jill Disler, Adrienne Feild, Mark Ingram, Leslie Kimbler, Patricia Langford, Keith McBurnett, Thad Mercer, Andrew Scott, Elizabeth De Los Santos, Dr. Dan McBride, Alan Snider, Paighton Corley

Call to Order: Mayor Pro Tem Philip Thurman called the meeting to order at 5:00 p.m.

INVOCATION: Led by Keith McBurnett

PLEDGES (US & TEXAS): Led by Council Member Cindia Talamantez

Special Reports/Recognition
None.

CONSENT AGENDA:

- 6.1) Approval of the October 24, 2024 Special Meeting Minutes
- Approval of the November 12, 2024 Workshop Minutes
- Approval of the November 12, 2024 Regular Meeting Minutes

Council Member Joyce Laudenschlager moved to approve the consent agenda as presented. Council Member Tres Clinton seconded. The motion carried unanimously.

PUBLIC HEARINGS/ACTION:

7.1) Public hearing and action: Ordinance No. 2024-50: L. Kimbler

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET ZONING MAP BY RECLASSIFYING THE ENTIRE BLOCK OF LAND LOCATED AT 402 AND 404 NORTH WATER STREET, BURNET, TEXAS, LEGALLY DESCRIBED AS LOTS 1, 2, 3, & 4 OF BLOCK 30 OF THE PETER KERR ADDITION, AS A PLANNED UNIT DEVELOPMENT DISTRICT NO. 2024-01 WITH A BASE ZONING CLASSIFICATION OF LIGHT COMMERCIAL C-1 CUP TO ALLOW CONVENIENCE STORE WITH GASOLINE AND ALCOHOL SALES AS A PERMITTED USE; PROVIDING CUMULATIVE, REPEALER, AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: Leslie Kimbler, City Planner, presented the item to Council to conduct the public hearing, discuss, and take action on Ordinance 2024-50.

Public Hearing: Mayor Pro Tem Thurman opened the public hearing at 6:25 p.m. and asked if anyone was interested in speaking to approach the podium. There being no one wishing to speak, Mayor Pro Tem Thurman closed the public hearing at 6:25 p.m.

Consideration and action: Council Member Ricky Langley made a motion to approve Ordinance No. 2024-50 as presented. Council Member Joyce Laudenschlager seconded. The motion carried unanimously.

7.2) Public hearing and action: Ordinance No. 2024-51: L. Kimbler
AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED “ZONING”) BY AMENDING THE HEIGHT LIMITATIONS IN CHART 1; PROVIDING CUMULATIVE, REPEALER, AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE: Leslie Kimbler, City Planner, presented the item to Council to conduct the public hearing, discuss, and take action on Ordinance 2024-51.

Public Hearing: Mayor Pro Tem Thurman opened the public hearing at 6:29 p.m. and asked if anyone was interested in speaking to approach the podium. There being no one wishing to speak, Mayor Pro Tem Thurman closed the public hearing at 6:29 p.m.

Consideration and action: Council Member Ricky Langley made a motion to approve Ordinance No. 2024-51 amending the height limitations for zoning districts defined as C1, C2, and C3. Council Member Tommy Gaut seconded. The motion carried unanimously.

7.3) Public hearing and action: Ordinance No. 2024-52: L. Kimbler
AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED “ZONING”) BY ADDING NEW SECTION 50 (ENTITLED “SALE OF ALCOHOLIC BEVERAGES”) AND CREATING A TABLE OF USE FOR ALCOHOL SALES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE: Leslie Kimbler, City Planner, presented the item to Council to conduct the public hearing, discuss, and take action on Ordinance 2024-52.

Public Hearing: Mayor Pro Tem Thurman opened the public hearing at 6:33 p.m. and asked if anyone was interested in speaking to approach the podium. There being no one wishing to speak, Mayor Pro Tem Thurman closed the public hearing at 6:33 p.m.

Consideration and action: Council Member Cindia Talamantez made a motion to approve Ordinance No. 2024-52 as presented. Council Member Joyce Laudenschlager seconded the motion. The motion carried unanimously.

7.4) Public hearing and action: Resolution No. R2024-86: L. Kimbler
A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING VARIANCES TO THE CODE OF ORDINANCES, SECTION 98-42 – TRANSPORTATION IMPROVEMENTS AND SECTION 98-48 – BLOCKS AND LOTS FOR THE PROPOSED PRELIMINARY PLAT OF THE RESERVE AT BURNET SUBDIVISION: Leslie Kimbler, City Planner, presented the item to Council to conduct the public hearing, discuss,

and take action on Resolution R2024-86.

Public Hearing: Mayor Pro Tem Thurman opened the public hearing at 5:04 p.m. and asked if anyone was interested in speaking to approach the podium. There being no one wishing to speak, Mayor Pro Tem Thurman closed the public hearing at 5:04 p.m.

Consideration and action: Council Member Tommy Gaut made a motion to approve Resolution R2024-86 as presented. Council Member Tres Clinton seconded the motion. The motion carried unanimously.

7.5) Public hearing and action: Resolution No. R2024-87: L. Kimbler

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, CONDITIONALLY APPROVING THE PRELIMINARY PLAT OF THE RESERVE AT BURNET SUBDIVISION, A PROPOSED 85-LOT RESIDENTIAL SUBDIVISION CONSISTING OF APPROXIMATELY 168.09 ACRES: Leslie Kimbler, City Planner, presented the item to Council to conduct the public hearing, discuss, and take action on Resolution R2024-87.

Public Hearing: Mayor Pro Tem Thurman opened the public hearing at 5:06 p.m. and asked if anyone was interested in speaking to approach the podium. There being no one wishing to speak, Mayor Pro Tem Thurman closed the public hearing at 5:06 p.m.

Consideration and action: Council Member Joyce Laudenschlager made a motion to approve Resolution R2024-87 as presented. Council Member Tommy Gaut seconded the motion. The motion carried unanimously.

ACTION ITEMS:

8.1) Discuss and consider action: Approval and authorization to purchase a reel trailer for the Electric Department: A. Scott: Council Member Cindia Talamantez made a motion to approve and authorize the purchase of a reel trailer as presented. Council Member Joyce Laudenschlager seconded the motion. The motion passed unanimously.

8.2) Discuss and consider action: Resolution No. R2024-90: A. Feild

A RESOLUTION FROM THE CITY COUNCIL OF BURNET, TEXAS, APPROVING AN AMENDMENT TO THE AIRPORT GROUND LEASE WITH CAREFLITE, EXTENDING THE DEADLINE FOR SUBMITTING THE SITE AND DESIGN PLAN: Council Member Tres Clinton made a motion to approve R2024-90 as presented. Council Member Tommy Gaut seconded. The motion carried unanimously.

8.3) Discuss and consider action: Request for financial assistance from the Hill Country Humane Society for septic system replacement: D. Vaughn: Dr. Dan McBride and Executive Director for the Humane Society, Paighton Corley, presented operational statistics and the current needs of the shelter to Council. Council Member Ricky Langley made a motion to approve and authorize financial assistance of up to \$95,000 for the replacement of the septic system for the Hill Country Humane Society shelter. Council Member Cindia Talamantez seconded the motion. The motion carried unanimously.

8.4) Discuss and consider action: Resolution No. R2024-89: M. Ingram

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AUTHORIZING THE CITY MANAGER TO APPLY FOR THE STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT: Council Member Joyce Laudenschlager made a motion to approve R2024-89 as presented. Council Member Tres Clinton seconded the motion. The motion passed unanimously.

8.5) Discuss and consider action: Resolution No. R2024-88: K. McBurnett

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ADOPTING THE 2024 WATER CONSERVATION PLAN; PROVIDING FOR AN EFFECTIVE DATE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW: Council Member Joyce Laudenschlager made a motion to approve R2024-88 as presented. Council Member Cindia Talamantez seconded the motion. The motion carried unanimously.

8.6) Discuss and consider action: Appointments of members to the City of Burnet Planning and Zoning Commission: L. Kimbler: Council Member Ricky Langley made a motion to approve the appointments of: Calib Williams, Glen Gates, and Lee Carney to the City of Burnet Planning and Zoning Commission as presented. Council Member Joyce Laudenschlager seconded the motion. The motion carried unanimously.

EXECUTIVE SESSION:

9.1) Pursuant to Section 551.072 Texas Government Code to deliberate the purchase, exchange, lease, or value of real property in order to minimize the detrimental effect of such discussion in open session on the position of the Council in negotiations with third parties for property located in the City limits of Burnet, Texas: D. Vaughn: At 5:57 p.m. Council Member Joyce Laudenschlager made a motion to convene into Executive Session. Council Member Cindia Talamantez seconded. The motion carried unanimously.

RECONVENE TO REGULAR SESSION FOR POSSIBLE ACTION:

10.1) Discuss and consider action: Regarding deliberations of the purchase, exchange, lease, or value of real property located in the City limits of Burnet, Texas: D. Vaughn: Council Member Cindia Talamantez made a motion to reconvene to regular session at 6:22 p.m. Council Member Joyce Laudenschlager seconded. The motion carried unanimously.

Discuss and consider action: Regarding deliberations of the purchase, exchange, lease, or value of real property located in the City limits of Burnet, Texas: D. Vaughn: Council Member Tommy Gaut made a motion authorizing the City Manager to proceed as discussed in Executive Session. Council Member Joyce Laudenschlager seconded the motion. The motion carried unanimously.

REQUESTS FROM COUNCIL FOR FUTURE REPORTS: In accordance with Resolution R2020-28 councilmembers may request the City Manager to prepare and present future reports on matters of public interest: None.

ADJOURN: There being no further business, a motion to adjourn was made by Council Member Joyce Laudenschlager at 6:34 p.m. Council Member Cindia Talamantez seconded. The motion was unanimous.

Gary Wideman, Mayor

ATTEST:

Maria Gonzales, City Secretary



Item Brief

Meeting Date

January 14, 2025

Agenda Item

Discuss and consider action: Resolution No. R2025-03: P. Langford

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ADOPTING THE INVESTMENT POLICY AND INVESTMENT STRATEGIES AND APPROVING SAID POLICY AS FULFILLMENT OF CHAPTERS 2256.005 AND 2256.025, GOVERNMENT CODE, THE PUBLIC FUNDS INVESTMENT ACT; AND PROVIDING AN EFFECTIVE DATE

Information

The Public Funds Investment Act (PFIA) governs the investment of public funds in Texas. Under this law, specific parameters are set for Texas cities, requiring them to adopt an investment policy and designate an investment officer who is required to attend training. Staff has reviewed the current policy (See Exhibit A) and determined that it complies with the provisions of the PFIA. Therefore, no significant changes have been made to the current policy. Current investment officers include Patricia Langford, Finance Director, and Stefani Wright, Senior Accountant, both of whom are in compliance with the PFIA training requirements.

Fiscal Impact

None.

Recommendation

Staff recommends approval of Resolution No. R2025-03 adopting the Investment Policy for the City of Burnet as presented.

RESOLUTION NO. R2025-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ADOPTING THE INVESTMENT POLICY AND INVESTMENT STRATEGIES AND APPROVING SAID POLICY AS FULFILLMENT OF CHAPTERS 2256.005 AND 2256.025, GOVERNMENT CODE, THE PUBLIC FUNDS INVESTMENT ACT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Chapter 2256 of the Government Code, commonly known as the “Public Funds Investment Act, “requires that the governing body of an investment entity shall adopt by rule, order, ordinance, or resolution, as appropriate, a written Investment Policy regarding the investment of its funds and funds under its control, and,

WHEREAS, the Public Funds Investment Act requires that the Investment Policy, including a list of authorized investments and investment strategies, must be approved annually, and,

WHEREAS, the attached Investment Policy complies with the provisions of the Public Funds Investment Act.

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

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

Section Two. Approval. That the City of Burnet has complied with the requirements of the Public Funds Investment Act, and the Investment Policy, attached hereto as “Exhibit A,” is hereby officially reviewed and adopted as the investment policy of the City.

Section Three. Authorization. The City Manager is authorized and directed to take those actions that are reasonably necessary to facilitate the purpose of this Resolution.

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

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

PASSED AND APPROVED on this the 14th day of January 2025.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Maria Gonzales, City Secretary

“Exhibit A”
CITY OF BURNET
INVESTMENT POLICY

The investment policy of the City of Burnet (the City) is to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the City and conforming with all state and local statutes governing the investment of public funds.

I. GOVERNING AUTHORITY

The investment program shall be operated in conformance with Chapter 2256 of the State of Texas Government Code, known as the “Public Funds Investment Act” (PFIA) and any other governing legislation or legal requirements.

II. SCOPE

The investment policy applies to investment activities of all funds of the City and all funds under the control of the City, excluding the investment of employees’ retirement funds.

- (a) **Pooling of Funds.** Except for cash in certain restricted and special funds, the City will consolidate cash and reserve balances from all funds to maximize investment earnings and to increase efficiencies regarding investment pricing, safekeeping, and administration. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.

III. OBJECTIVES

The primary objectives, in priority order, of investment activities shall be safety, liquidity, and return:

- (a) **Safety.** The foremost and primary objective of the City’s investment program is the preservation and safety of principal in the overall portfolio. Each investment transaction will seek first to ensure that capital losses are avoided, whether the loss occurs from the default of a security or from erosion of market value. The objectives will be to mitigate credit risk and interest rate risk.

- (1) Credit Risk: The City will minimize credit risk, which is the risk of loss of all or part of the investment due to the failure of the security issuer or backer, by:
 - (A) Limiting investments to the safest types of securities authorized under this investment policy.
 - (B) Pre-qualifying and conducting ongoing due diligence of financial

institutions, brokers/dealers, intermediaries, and advisers with which the City will do business.

- (C) Diversifying the investment portfolio so that the impact of potential losses from any one type of security or from any one individual issuer will be minimized.

(2) **Interest Rate Risk:** The City will minimize interest rate risk, which is the risk that the market value of securities in the portfolio will fall due to changes in market interest rates, by:

- (A) Structuring the investment portfolio so that security maturities match cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity.
- (B) Investing operating funds primarily in shorter-term securities, money market mutual funds, or similar investment pools and limiting individual security maturity as well as the average maturity of the portfolio in accordance with this policy.

(b) **Liquidity.** The City's investment portfolio shall remain sufficiently liquid to enable the City to meet all operating requirements, which might be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands (static liquidity). Furthermore, since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets (dynamic liquidity). Alternatively, a portion of the portfolio may be placed in money market mutual funds or local government investment pools which offer same-day liquidity for short-term funds.

(c) **Return on investment.** The City's investment portfolio will be designed with the objective of attaining a rate of return commensurate with the City's investment risk restraints and the cash flow operating requirements. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. The core investments are limited to relatively minimal risk securities in anticipation of earning a fair return relative to the risk being assumed.

IV. STANDARDS OF CARE

(a) **Prudence.** The standard of prudence to be used by investment officers shall be the "uniform prudent investor act" standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of securities are conducted in accordance with the terms of this policy.

- (b) **Ethics and Conflicts of Interest.** Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions with which they conduct business, in accordance with applicable laws. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City.
- (c) **Delegation of Authority.** Authority to manage the City's investment program is granted to the Finance Director and the Senior Accountant (hereinafter referred to as the investment officers) and is derived from state statutes and City resolutions. Responsibility for the operation of the investment program is hereby delegated to the investment officers, who shall act in accordance with established written procedures and internal controls for the operation of the investment program consistent with this investment policy. At a minimum, procedures should include references to the following: safekeeping, delivery vs. payment, investment accounting, repurchase agreements, wire transfer agreements, and collateral/depository agreements. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the investment officers. The investment officers shall be responsible for all transactions undertaken and must attend training relating to investment responsibilities as required by Section 2256.008 of the Public Funds Investment Act and approved by this policy in appendix A.

V. AUTHORIZED FINANCIAL INSTITUTIONS, DEPOSITORIES, AND BROKER/DEALERS

- (a) A list will be maintained of financial institutions and depositories authorized to provide investment services. In addition, if applicable, a list will be maintained of approved security broker/dealers selected by creditworthiness and other factors.
- (b) Depositories should be selected through the City's banking services procurement process, which shall include a formal request for proposal (RFP) issued not less than every five years. No public deposit shall be made except in a qualified depository as established by state depository laws. The depository bank bid should not include bids for investment rates on certificates of deposits. Certificate of deposit rates will be bid competitively between financial institutions in accordance with the way all other types of securities are purchased.
- (c) All financial institutions and broker/dealers who desire to become qualified for investment transactions must supply the following as appropriate:
- (1) Audited financial statements demonstrating compliance with state and federal

capital adequacy guidelines.

- (2) Proof of Financial Industry Regulatory Authority (FINRA) certification (not applicable to Certificate of Deposit counterparties).
- (3) Proof of state registration.
- (4) Completed broker/dealer questionnaire (not applicable to Certificate of Deposit counterparties).
- (5) Certification of having read and understood and agreeing to comply with the City's investment policy.
- (6) Evidence of adequate insurance coverage.

An annual review of the financial condition and registration of all qualified financial institutions and broker/dealers will be conducted by the investment officers.

VI. SAFEKEEPING AND CUSTODY

- (a) **Delivery vs. Payment.** All trades of marketable securities will be executed by delivery vs. payment (DVP) to ensure that securities are deposited in an eligible custody account prior to the release of funds.
- (b) **Safekeeping.** Securities will be held by an independent third-party custodian approved by the City and evidenced by safekeeping receipts. A safekeeping agreement must be in place which clearly defines the responsibilities of the safekeeping bank.
- (c) **Collateral.** All funds must be insured by the FDIC or FSLIC or by collateral pledged to the extent of the fair market value of any amount not insured. To the extent not insured by the FDIC or FSLIC, City funds must be secured by direct obligations of the United States backed by the full faith and credit of the government or by governmental securities or obligations issued by the State of Texas, its agencies, or political subdivisions. Collateral will be held by an independent third party, and a safekeeping receipt will be supplied to the City. The City's bank depository will provide the City with a report on the collateral pledged, and a City representative will have the right to inspect the pledged collateral at any time. Collateral may be substituted; however, the City must approve any substitution of collateral in writing.
- (d) **Internal Controls.** The investment officers are responsible for establishing and maintaining an internal control structure designed to protect the assets of the City of Burnet. The controls shall be designated to prevent the loss of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by employees of the City.

Controls and managerial emphasis deemed most important that shall be employed where practical are:

- (1) Control of collusion.
- (2) Separation of duties.
- (3) Separation of transaction authority from accounting and record keeping.
- (4) Custodian safekeeping receipts and records management.
- (5) Dual authorization of wire transfers.
- (6) Avoidance of physical delivery securities.
- (7) Documentation of investment bidding.
- (8) Written confirmation from broker/dealers and financial institutions.
- (9) Reconciliations of security receipts with the investment subsidiary records.
- (10) Compliance with investment policies.
- (11) Accurate and timely investment reports.
- (12) Adequate training and development of investment officers.
- (13) Verification of all investment income and security purchases and sell computations.
- (14) Review of financial condition of all broker/dealers and depository institutions.

The above internal controls represent only a partial list of a system of internal control. An annual process of independent review by an external auditor shall be established. This review will provide internal control by assuring compliance with laws, policies, and procedures. This annual compliance audit is required by Section 2256.005(m) of the PFIA.

VII. SUITABLE AND AUTHORIZED INVESTMENTS

Investment type funds of the City may be invested in the following investments, consistent with the PFIA and as authorized by this investment policy. Investments not specifically listed below will not be permitted by this policy.

- (a) **Financial Institution Deposits.** Certificates of Deposits and other evidence of deposit at a financial institution that:
 - (1) has its main office or a branch office in Texas and is guaranteed or insured by the Federal Deposit Insurance Corporation (FDIC) or its successor,
 - (2) is secured by obligations or in any other manner and amount provided by law for deposits of the City, or
 - (3) is executed through a depository institution or approved broker that has its main office or a branch office in Texas that meets the requirements of the PFIA. All financial institution deposits in excess of the FDIC insured amount must be collateralized as described in the policy under Section VI (c)"Collateral."
- (b) **U.S. Treasuries and Agencies.** Obligations of the United States of America, its agencies, and instrumentalities, including other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of the United States or its agencies and instrumentalities including obligations that are fully guaranteed or insured by the FDIC or by the explicit full faith and credit of the United States. Such obligations include letters of

credit of the United States or its agencies and instrumentalities, including the Federal Home Loan Banks.

(c) **Investment Pools.** The City may invest its funds through an eligible investment pool if the Burnet City Council by resolution authorizes investment in the pool. Eligible investment pools must:

- (1) Provide an offering circular or other similar disclosure instruments and provide monthly and transaction reporting as required by Section 2256.016 of the PFIA.
- (2) Be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service.

(d) **Money Market Mutual Funds.** No-load government money market mutual funds are eligible investments if the fund:

- (1) Is compliant with the PFIA.
- (2) Is registered with and regulated by the Securities and Exchange Commission.
- (3) Has an average weighted maturity of less than 180 days and meets the liquidity requirements of the City.

(e) **Repurchase Agreements.** Fully collateralized repurchase agreements that:

- (1) Have a defined termination date.
- (2) Are secured by cash or obligations as allowed by the PFIA and this Policy.
- (3) Require independent third-party safekeeping of all securities prior to the release of any funds.
- (4) Are placed through a primary dealer or financial institution doing business in Texas.
- (5) Do not create a reverse repurchase agreement by the City.

(f) **Municipal Issuers.** Obligations of:

- (1) The State of Texas or its agencies and instrumentalities; and
- (2) Counties, cities, and other political subdivisions of the State of Texas rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent.

(g) **Commercial Paper.** Commercial Paper with a stated maturity of 180 days or fewer from the date of its issuance, rated not less than A-1 or P-1, or an equivalent rating by at least two nationally recognized credit rating agencies, or by one nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state. No more than 20% of any one portfolio should be invested in commercial paper and no more than 5% should be invested in the securities of a single paper issuer.

- (h) **Securities Lending Program.** A securities lending program is an authorized investment under this policy if it meets the conditions provided in PFIA Sec. 2256.0115.
- (i) **Banker's Acceptances.** A bankers' acceptance is an authorized investment under this policy if it meets the conditions provided in PFIA Sec. 2256.0012. No more than 20% of any one portfolio should be invested in banker's acceptances and no more than 5% should be invested in the securities of a single banker's acceptances issuer.
- (j) **Guaranteed Investment Contracts.** A guaranteed investment contract is an authorized investment for bond proceeds under this policy if it meets the conditions provided in PFIA Sec. 2256.0015.

The following investments are specifically **not** authorized under the PFIA:

- (a) Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principle.
- (b) Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest.
- (c) Collateralized mortgage obligations that have a stated final maturity date of greater than 10 years.
- (d) Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

An investment that requires a minimum rating under the PFIA does not qualify as an authorized investment during the period the investment does not have the minimum rating. The City shall at least quarterly obtain from a reliable source the current credit rating for each held investment that has a PFIA required minimum rating and shall take all prudent measures to liquidate an investment that does not have the minimum rating.

VIII. INVESTMENT PARAMETERS

- (a) **Bidding Process for Investments.** Investment officers for the City may accept bids for certificates of deposit and for all marketable securities either orally, in writing, electronically, or in any combination of these methods. The investment officers will strive to receive three price quotes on marketable securities being sold but may allow one broker/dealer to sell at a predetermined price under certain market conditions. Investments purchased shall be shopped competitively between approved financial institutions and broker/dealers.
- (b) **Diversification.** The City recognizes that investment risks can result from issuer defaults and market price changes. Risk is partly controlled through portfolio diversification that shall be achieved by the following general guidelines:

- (1) Limiting investment to avoid overconcentration in investments from a specific issuer or business sector (excluding U.S. Treasury securities and certificates of deposit that are fully insured and collateralized in accordance with state and federal law).
- (2) Limiting investment in investments that have higher credit risks (example: commercial paper).
- (3) Investing in investments with varying maturities.
- (4) Continuously investing a portion of the portfolio in readily available funds such as local government investment pools to ensure that appropriate liquidity is maintained in order to meet ongoing obligations.

(c) **Maximum Maturities.** To the extent possible, the City shall attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the City will not directly invest in securities maturing more than 365 days from the date of purchase. The City shall adopt weighted average maturity limitations consistent with the investment objectives.

IX. INVESTMENT STRATEGY

The portfolio will be structured to benefit from anticipated market conditions and to achieve a reasonable return. Relative value between asset groups shall be analyzed and pursued as part of the active investment program within the restrictions set forth by this policy. Asset types with higher credit risk shall be limited to no more than 20% of each portfolio. In addition, commercial paper and bankers' acceptances shall be limited to no more than 5% of each portfolio held in any individual issuer name to limit credit risk.

Specific strategies for each type of fund group of the city are as follows.

- (a) **Operating Funds.** Operating funds are defined as cash and investments used for day-to-day operations. Operating funds are to be invested in a manner suitable to provide adequate liquidity for the anticipated operating needs of the City. Investments of the Operating Funds shall be limited to a weighted average maturity of no greater than 180 days. All investment instruments must meet credit and safety criteria as required by the PFIA and this policy. All investments shall be of high quality with no perceived default risk. Operating funds will remain sufficiently liquid to enable the City to meet operating requirements that may be reasonably anticipated. Operating funds' maturities will be staggered based on the City's anticipated operating needs, and the investments may include financial institution deposits, U.S. treasuries and agencies, state and municipal debt instruments, investment pools, and money market mutual funds. Investment of Operating funds will be structured to attain the optimal yield given the liquidity and safety requirements.

- (b) **Capital Project Funds and Special Purpose Funds.** Capital project funds and special purpose funds shall have as their primary objective to assure that anticipated cash outflows are matched with adequate investment liquidity. These portfolios should have liquid securities to allow for unanticipated project expenditures or accelerated project outlays due to a better than expected or changed construction schedule. The portfolios shall be invested based on cash flow estimates to be supplied by the capital projects managers and finance estimates. The dollar-weighted average life of the portfolio should be matched to that of the duration of the liabilities. A secondary objective of these funds is to achieve a yield equal or greater than the arbitrage yield of the applicable bond.
- (c) **Debt Service Funds.** Debt service funds shall have as the primary objective, the assurance of investment liquidity adequate to cover the debt service obligation on the required payment dates. Securities purchased shall not have a stated final maturity date which exceeds the debt service payment date.

X. REPORTING

- (a) **Quarterly Reporting.** No less than quarterly, the investment officers shall prepare and submit to the City Council a written investment report. The report must describe in detail the investment position of the City on the date of the report, state the book value and fair market value of each separately invested asset at the beginning and end of the reporting period by the type of asset and fund type invested. State the maturity date of each separately invested asset at the beginning and end of the reporting period by the type of asset and fund type invested. State the compliance of the investment portfolio of the City as it relates to the investment policies and investment strategies expressed in the City's Investment Policy and the PFIA.
- (b) **Performance Standards.** The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a market average rate of return during a market/economic environment of stable interest rates. A series of treasury benchmarks whose final maturity most closely matches the weighted average maturity (WAM) of the portfolio shall be established against which portfolio performance shall be compared on a regular basis.
- (c) **Marking to Market.** The market value of the portfolio shall be calculated at least monthly and a statement of the market value of the portfolio shall be issued at least quarterly. This will ensure that review of the investment portfolio, in terms of value and price volatility, has been performed.

XI. INVESTMENT POLICY CONSIDERATIONS

- (a) **Amendments.** This policy shall be reviewed on an annual basis. Any changes

must be approved by the investment officers, City Manager and City Council. The City Council should adopt a written instrument, not less than annually, stating the City Council has reviewed and authorized the investment strategies and the amendments, to this Investment Policy.

APPENDIX A

AUTHORIZED BROKER/DEALERS, FINANCIAL INSTITUTIONS,
GOVERNMENT POOLS, AND APPROVED PROVIDERS OF PFIA
TRAINING

**BROKER/DEALERS AND FINANCIAL INSTITUTIONS AUTHORIZED TO
DO BUSINESS WITH THE CITY OF BURNET**

First State Bank of Burnet

**GOVERNMENT POOLS AUTHORIZED BY CITY COUNCIL
RESOLUTION**

(TEXPOOL) Texpool Local Government Investment Pool

Texas Class Local Government Investment Pool

APPROVED PROVIDERS OF PFIA TRAINING

University of North Texas

Government Finance Officers Association

Government Finance Officers Association of Texas

Government Treasurer's Organization of Texas

Texas Municipal League



Item Brief

Meeting Date

January 14, 2025

Agenda Item

Public Hearing on adoption of water and wastewater impact fees: E. Belaj

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING THE CITY CODE OF ORDINANCES DIVISION 2. ENTITLED “COMMUNITY IMPACT FEE ESTABLISHED” AND SECTION 2-292 ENTITLED “AMOUNT” AND DIVISION 3. ENTITLED “APPLICABILITY OF COMMUNITY IMPACT FEES” AND SECTION 3-372 ENTITLED “IMPACT FEE CALCULATIONS”; PROVIDING CUMULATIVE, REPEALER, AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

1. Staff Introduction
2. Consultant Presentation
3. Public Hearing

Information

The impact fee is a cost recovery tool that the State of Texas allows cities to use to recover some of the water and wastewater costs for upsizing. The process typically entails hiring a consultant to calculate the impact of project upsizing on the system and deriving the appropriate maximum cost that a city can legally collect from future construction.

The City’s impact fee needs to be reviewed every five years, as required by Texas Local Government Code Chapter 395. The last update was completed in 2019. Additionally, the City has projects that need to be included in the impact fee. The impact fee can only be used for projects specifically listed in the impact fee calculation process.

The current impact fee charged by the City was initially implemented in 2004, and it has been readopted without significant changes since.

Fiscal Impact

None

Recommendation

N/A



January 14, 2024

CITY OF BURNET, TEXAS WATER AND WASTEWATER IMPACT FEE UPDATE



IMPACT FEES

What are they?

- Mechanism that allows municipalities the ability to recover infrastructure costs associated with future development
 - New construction or facility expansion to serve future development during the next ten (10) years
- Governed by Chapter 395 of the Texas Local Government Code
 - *“Impact Fee means a charge or assessment imposed by a political subdivision against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to the new development”*

Texas Local Government Code §395.001

IMPACT FEES

What costs are
recoverable?

- Construction
- Surveying and engineering
- Land acquisition and associated costs
- Financing costs
- Engineering costs associated with Land Use/Capital Improvements Planning and/or financial consulting associated with developing Impact Fees (Not employed by the City)

IMPACT FEES

What costs are not
recoverable?

- Capital Improvement Projects NOT identified in the Impact Fee CIP
- Operations and Maintenance costs
- Improvements associated with existing deficiencies
- Administrative and Operational Costs of the City
- Non-Impact Fee CIP Debt Service

IMPACT FEES

How are they
calculated?

- Land Use and Population Projections
- Capital Improvements Plan (Master Plan)
 - Description of existing facilities and the costs to meet existing needs and deficiencies
 - Analysis of existing capacity and commitments
 - Description of capital improvements and associated costs attributable to new development based on the approved Land Use Assumptions
 - Projected new service units based on approved Land Use Assumptions
 - Develop 10-year Impact Fee CIP and costs

IMPACT FEES

How are they
calculated?
(continued)

- Financing Costs
- Revenue Credit Calculation or 50% Credit
 - Revenue Credit Calculation – a credit for the portion of ad valorem tax and/or utility service revenues generated by new service units during the program period (10-years) that is used for payment of projects included in the Impact Fee CIP
- Maximum Assessable Impact Fee

$$\text{Impact Fee} = \frac{\text{Cost of Impact Fee CIP} - \text{Credit}}{\text{New Service Units}}$$

IMPACT FEES

Administration

- **Assessment vs. Collection**
 - Assess at the time of final plat recordation
 - Collect at the time of building permit
- **Accounting**
 - Separate interest-bearing account for each impact fee category and service area
 - Interest earnings held to same restrictions as Impact Fees
- **Refunds**
 - If service not available, may collect fee, but water and sewer improvements must start within 2 years and be completed within 5 years
 - Impact Fees refunded, including interest, if not spent within 10 years after collection
 - Refunded to property owner at time of refund
- **Update at least every five years**
 - Period begins on the day the Impact Fee CIP is adopted
 - CIAC to provide comments to Council for any updates

IMPACT FEES

“CIAC” – Capital
Improvements
Advisory Committee

- At least five members appointed by the City Council
 - Code allows for Planning and Zoning Committee to act as CIAC
- Roles:
 - Advise, review, and monitor Land Use Assumptions, Impact Fee CIP, and Impact Fees
 - File reports/comments to City Council

IMPACT FEES

History In Burnet

2019	Decision for no update
2014	Decision for no update
2008	Full impact fee analysis completed
2004	Impact fee established in Ordinance 2004-22 <ul style="list-style-type: none">• Water = \$1,084.50• Wastewater = \$1,173.00

IMPACT FEES

Wastewater Recommendations

- After discussions with City staff regarding current planning and projected capital uses, as well as reviewing available information, the Project Team recommends that no update to the wastewater Land Use Assumption, Capital Improvements, or Impact Fee is called for at this time
- We recommend that if expected growth patterns or required capital needs change, then Land Use Assumptions, Capital Improvements Plan, or the Impact Fees should again be evaluated for amendment specific to wastewater at that time

IMPACT FEES

Water Recommendations

- The City is constructing a water well project that will add critical water supply capacity to support new growth
- Recommendations
 - The City consider an update to its water-related Impact Fee CIP to include recovery of this project in water Impact Fees
 - No change to the water Impact Fee at this time

IMPACT FEES

KEY ASSUMPTIONS

- Within next ten years:
 - 489 new water connections
- New well project anticipated to support 1,667 new connections
 - 29.3% of the project will be utilized in the 10-year Impact Fee window



WATER IMPACT FEE CIP

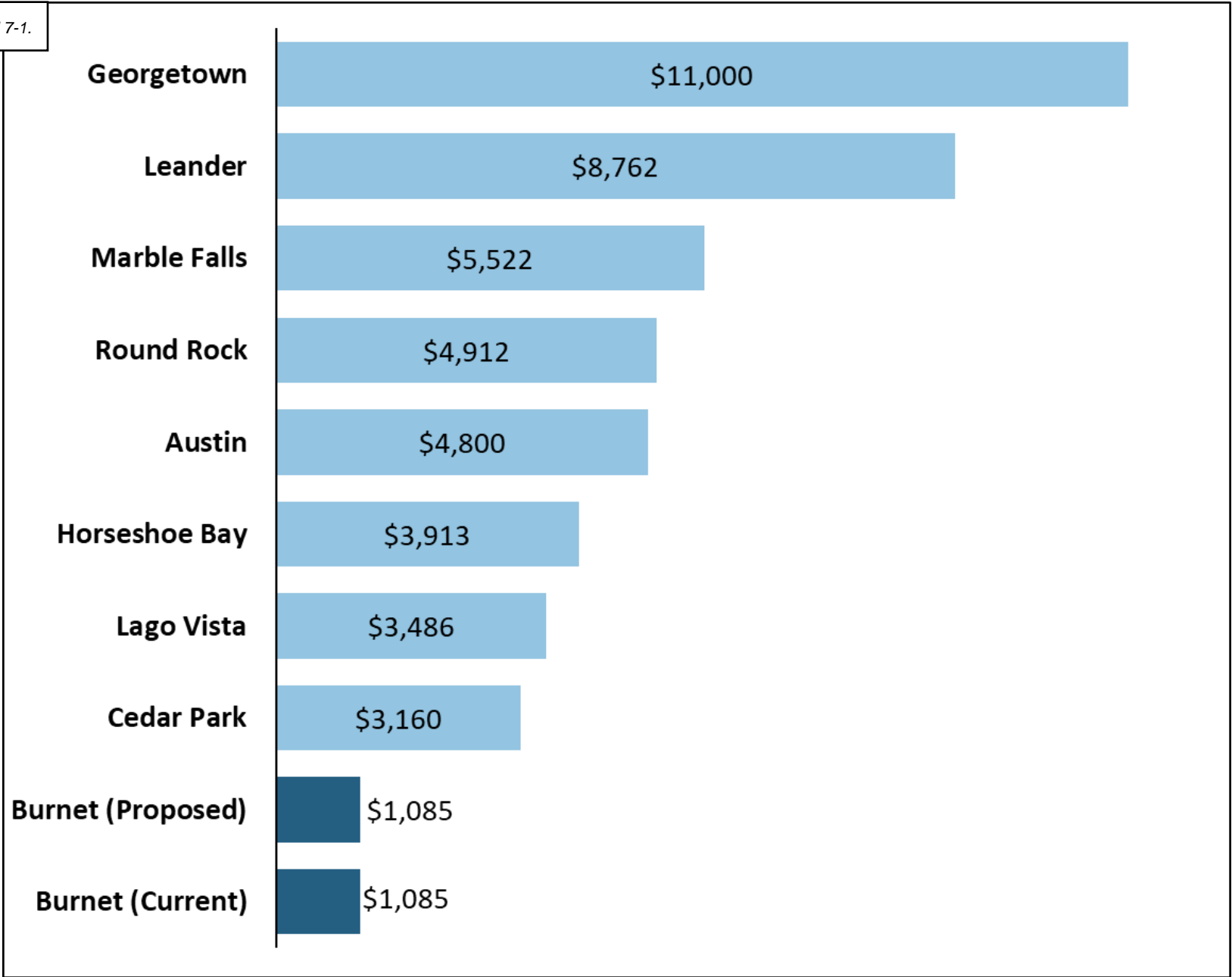
	Amounts
Existing Impact Fee Eligible Projects	
1.0 MGD Water Treatment Plant	\$ 2,429,099
New Impact Fee Eligible Projects	
New Water Well Project	\$ 3,135,000
% Impact Fee Eligible	29.3%
Impact Fee CIP Cost for Calculation	\$ 919,344

WATER IMPACT FEE CALCULATIONS

Line	Description	Calculation
1	Recoverable Cost for Impact Fee Planning Period*	\$ 919,344
2	Add: Financing Costs	556,067
3	Less: Existing Fund Balance	(388,967)
4	Recoverable Cost of Water Impact Fee and Financing Costs Less Balance	\$ 1,086,444
5	Less: 50% Credit	(543,222)
6	Recoverable Water Impact Fee Eligible Cost	\$ 543,222
7	Divide: Additional Service Units Added During Planning Period	489
8	Maximum Assessable Fee	\$ 1,111
9	Current Water Impact Fee	\$ 1,085
10	<i>Variance</i>	\$ 27

*Both projects on previous slide are included in the impact fee CIP

ITEM 7-1.



WATER REGIONAL COMPARISON

Impact Fees
(3/4-inch meter)

SUGGEST COUNCIL MOTION

- In accordance with the requirements of Local Government Code Chapter 395.052 and 395.057, I move that we approve the proposed amendments to the Water Impact Fee Capital Improvement Plan as outlined in the report and presentation received from NewGen Strategies and Solutions and maintain the existing Water Impact Fee of \$1,084.50 per living unit equivalent as originally approved in City Ordinance No. 2004-22.

ITEM 7-1.



QUESTIONS AND DISCUSSION

NEWGEN STRATEGIES AND SOLUTIONS
275 W. CAMPBELL ROAD, SUITE 440
RICHARDSON, TEXAS 75080

CHRIS EKRU, DIRECTOR
972-232-2234
CEKRUT@NEWGENSTRATEGIES.NET



Item Brief

Meeting Date

January 14, 2025

Agenda Item

Discuss and consider action: Ordinance 2025-03: E. Belaj

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING THE CITY CODE OF ORDINANCES DIVISION 2. ENTITLED “COMMUNITY IMPACT FEE ESTABLISHED” AND SECTION 2-292 ENTITLED “AMOUNT” AND DIVISION 3. ENTITLED “APPLICABILITY OF COMMUNITY IMPACT FEES” AND SECTION 3-372 ENTITLED “IMPACT FEE CALCULATIONS”; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

Information

The impact fee is a cost recovery tool that the State of Texas allows cities to use to recover some of the water and wastewater costs for upsizing. The process typically entails hiring a consultant to calculate the impact of project upsizing on the system and deriving the appropriate maximum cost that a city can legally collect from future construction.

The City’s impact fee needs to be reviewed every five years, as required by Texas Local Government Code Chapter 395. The last update was completed in 2019. Additionally, the City has projects that need to be included in the impact fee. The impact fee can only be used for projects specifically listed in the impact fee calculation process.

The City’s Consultant, NewGen Strategies, has presented the City the calculation methodology and findings in an Impact Fee Memorandum attached hereto (See Exhibit A).

The current impact fee charged by the City was initially implemented in 2004, and it has been readopted without significant changes since. This ordinance readopts the existing impact fees under SECTION 2-292 where the impact fee will be \$1,084.50 for water service and \$1,173.00 for wastewater service. The ordinance also removes an old methodology established in 2004 under SECTION 3-372. It is uncommon to have calculations of theoretical maximum fees could be in a code of ordinances.

Fiscal Impact

None

Recommendation

Staff recommends specific language approval of Ordinance No. 2025-03 as written below:

In accordance with the requirements of Local Government Code Chapter 395.052 and 395.057, I move that we approve Ordinance No. 2025-03 with the presented code amendments and the proposed amendments to the Water Impact Fee Capital Improvement Plan as outlined in the report and presentation received from NewGen Strategies and Solutions and maintain the existing Water Impact Fee of \$1,084.50 and the existing Wastewater Impact Fee of \$1,173.00 per living unit equivalent as originally approved in City Ordinance No. 2004-22.

ORDINANCE NO. 2025-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING THE CITY CODE OF ORDINANCES DIVISION 2. ENTITLED “COMMUNITY IMPACT FEE ESTABLISHED” AND SECTION 2-292 ENTITLED “AMOUNT” AND DIVISION 3. ENTITLED “APPLICABILITY OF COMMUNITY IMPACT FEES” AND SECTION 3-372 ENTITLED “IMPACT FEE CALCULATIONS”; PROVIDING CUMULATIVE, REPEALER, AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Chapter 395 of the Texas Local Government Code requires impact fees to be reviewed every five years; and

WHEREAS, the last amendment to the impact fees was made in 2019, five years ago; and

WHEREAS, the City Council, with the assistance of the consultant NewGen Strategies, has performed the required calculations for the development and/or establishment of the impact fees; and

WHEREAS, the City Council finds, determines, and declares that the re adoption of the Community Impact Fee will be \$1,084.50 for water service and \$1,173.00 for wastewater service, as indicated in Division 2, entitled “Community Impact Fee Established,” and Section 2-292, entitled “Amount,” as originally approved in City Ordinance No. 2004-22; and

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

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

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

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

Section One. Code Amendment. The Code of Ordinances Division 3. Entitled “Applicability of Community Impact Fees” and Section 2-292 Entitled “Amount” and Section 3-372 Entitled “Impact Fee Calculations” is hereby amended by adding language that is underlined (underlined) and deleting the language that is stricken (~~stricken~~) as follows:

Sec. 2-372. - Impact fee calculations.

Reference Impact Fee Memorandum associated with the Impact Fee Ordinance Approval and/or amendment as updated from time to time.

~~Impact fee calculations using J. Limon projections~~

~~2004 Population:6,140~~

~~2014 Population:12,603~~

~~10-Year Population Growth:6,463~~

~~Projected Factor: 3.1 Persons Per Connection~~

~~10 Year Total Standard Development Units (SDU): 6463/3.1 = 2,085~~

~~CIP Water Projects over next 10 Years:Cost~~

~~12" Line on 281 S\$420,000~~

~~16" NW Transmission Line714,301~~

~~Water Treatment Facility1,500,000~~

~~Elevated Storage Tank300,000~~

~~12" Line on Hwy 29 W60,000~~

~~12" Line of Hwy 29 E1,530,000~~

~~4,524,301~~

~~Water Impact Fee:~~

~~4,524,301/2085 = 2,169~~

~~CIP Wastewater Projects over next 10 years:~~

~~8" effluent irrigation603,461~~

~~15" relief interceptor528,329~~

~~Lift Station/ 8" line190,000~~

~~Wastewater Treatment Plant3,500,000~~

~~12" interceptor69,701~~

~~4,891,461~~

~~Wastewater Impact Fee:~~

~~\$4,891,461/2085 = \$2,346~~

~~\$2,169 + \$2,346 = \$4,515~~

~~*A municipality may either calculate the revenue and grant stream and subtract those totals from the fee or simply remove 50 percent from the cost of the projects to compensate.~~

~~\$4,515 × 50% = \$2,257.50 Formal Recommendation~~

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

PASSED, APPROVED, AND ADOPTED on this 14th day of January 2025.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Maria Gonzales, City Secretary

Exhibit A



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

Memorandum

To: David Vaughn, City Manager, City of Burnet
From: Chris Ekrut, Chief Financial Officer, NewGen Strategies and Solutions, LLC
Date: September 13, 2024
Re: 2024 Water and Wastewater Impact Fee Update

In July 2024, NewGen Strategies and Solutions, LLC (NewGen) was retained by the City of Burnet, Texas (City) to conduct a Water and Wastewater Impact Fee Update. The goal of this engagement was to prepare an update of water and wastewater impact fees for the City based on a methodology that satisfies the requirements of the Texas Local Government Code (LGC) Chapter § 395.052 or, in the alternative, determine that no update is needed in accordance with LGC § 395.0575.

The City has not changed its impact fees since 2004 but has performed period updates, as required, in accordance with LGC requirements. Due to lower than anticipated population growth, and the City’s continued evaluation of alternative water and wastewater projects, each of the past required updates have followed the requirements of LGC § 395.0575 amidst a determination that no update was needed. Based on NewGen’s review of the City’s current Land Use Assumptions and Capital Improvements Plan (CIP) for wastewater, no update to wastewater impact fees is found necessary or recommended at this time.

Specific to water, the City is constructing a water well project that will add critical water supply capacity to support new growth. Based on our understanding of this Project, the NewGen Project Team recommends that the City consider an update to its water related Impact Fee CIP, as discussed below, to include recovery of this project in water impact fees.

Based on information provided by the City, the new well project is anticipated to cost \$3,135,000. Assuming capacity of 1,000 gallons per minute (gpm), the project is expected to support 1,667 new connections in total, based on TCEQ requirements. The growth in the 10-year period for the impact fees is estimated to be 489 new connections based on population growth estimates obtained from the Texas Water Development Board (TWDB). Based on these growth assumptions, capacity from the new water well project is estimated to be 29.3% utilized in the 10-year period, which results in impact fee eligible costs for this project to be \$919,344.

In accordance with the requirements of LGC § 395.012, the Project Team has calculated the water impact fee to include not only the cost of construction, but also the cost of financing of the project. The project is assumed to be funded fully through debt proceeds with an interest rate of 5.0% and 20-year term. Also, as part of calculating the fee, the Project Team has provided an offset to reflect available existing monies the City currently maintains in its water impact fee fund. Our Team has also reflected a 50% credit, as required in LGC § 395.014(7)(b), within the calculations.

Memorandum

Mr. David Vaughn
September 13, 2024
Page 2

Table 1 below illustrates the calculation of the updated water impact fee. The resulting maximum assessable fee is \$1,111, which is only \$27 more than the current fee of \$1,085. Based on this result, NewGen recommends a change to the Water CIP to include the well project but does not recommend any change to the water impact fee at this time.

Table 1. Water Impact Fee Calculations

Description	Calculation
Water Impact Fee Eligible Cost	\$ 919,344
Add: Financing Costs	556,067
Less: Available Fund Balance	(388,967)
Pre-Credit Recoverable Water Impact Fee Eligible Cost	\$ 1,086,444
Less: 50% Credit	(543,222)
Recoverable Water Impact Fee Eligible Cost	\$ 543,222
Divide: Additional Service Units Added During Planning Period	489
Maximum Assessable Fee	\$ 1,111
Current Water Impact Fee	\$ 1,085
Variance	\$ 27

Memorandum

Mr. David Vaughn
September 13, 2024
Page 3

As part of NewGen’s analysis, a comparison of water impact fees was also prepared with surrounding municipalities which service similar areas. The results of the comparison are provided in Figure 1 below. As shown, the City’s water impact fee is extremely competitive when compared with other surrounding providers.

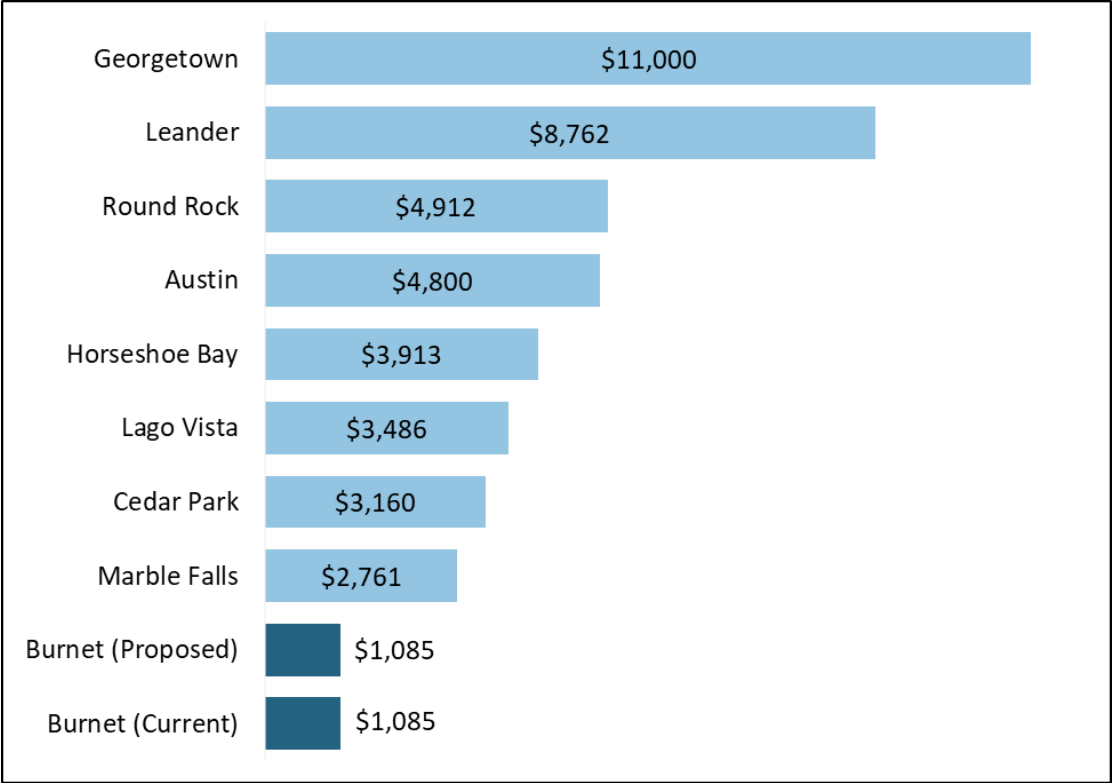


Figure 1. Regional Comparison – Impact Fees (3/4” meter)

We appreciate the opportunity to assist the City with this important update and look forward to working with the City to implement the recommendations discussed above in accordance with the requirements of LGC § 395. On review of this memorandum, should you have any questions regarding the information detailed here-in, please feel free to contact me at (972) 232-2234 or cekrut@newgenstrategies.net.

Sincerely,
NewGen Strategies and Solutions, LLC

Chris D. Ekrut
Partner, Chief Financial Officer



Item Brief

Meeting Date

January 14, 2025

Agenda Item

Discuss and consider action: Resolution No. 2025-02: M. Gonzales

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON MAY 3, 2025, TO ELECT ONE MAYOR AND THREE CITY COUNCIL MEMBERS; ESTABLISHING THE ELECTION PROCEDURE; AND PROVIDING FOR RELATED MATTERS

Information

Mayor Gary Wideman is completing his first term and is eligible for re-election. Council Member Ricky Langley is completing his second term on Council and is eligible for re-election. Council Member Joyce Laudenschlager is completing her second term and is eligible for re-election. Council Member Tres Clinton is completing his first term and is eligible for re-election.

The window for candidates to file for a place on the general election ballot is January 15 – February 14 at 5:00 p.m.

A General Election will be held on May 3, 2025 to fill the vacancies. This election will be held in compliance with the laws established by the Texas Election Code and the State of Texas.

Fiscal Impact

The total estimated election expenses are not expected to exceed \$2,000.00.

Recommendation

Staff recommends approval of R2025-02 as presented.

RESOLUTION R2025-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON MAY 3, 2025, TO ELECT ONE MAYOR AND THREE CITY COUNCIL MEMBERS; ESTABLISHING THE ELECTION PROCEDURE; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, on May 3, 2025 there shall be elected the following officials for this City: one Mayor and three City Council Members;

WHEREAS, the Texas Election Code is applicable to said election and this resolution establishes procedures consistent with the Code and designates the voting place for the election; and

WHEREAS, the City of Burnet, Texas (hereinafter the "City") has made provision to contract with Burnet County to conduct the City's general election, pursuant to *Chapter 31, Tex. Elec. Code, and Chapter 791, Tex. Gov't Code* (the "Election Agreement" or "contract"), jointly with Burnet Independent School District and any other political subdivisions that hold elections on the same day in all or part of the same territory of the City, as authorized in *Chapter 271, Tex. Elec. Code*;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS

SECTION 1. General Election. The General Election of the City shall be held on Saturday, May 3, 2025, to elect one Mayor and three City Council Members, to serve a term of two (2) years each. Candidates at the election for the above offices shall file their application to become candidates with the City Secretary of the City of Burnet, at City Hall, 1001 W. Buchanan, Ste. 4, Burnet, Texas 78611, between 8:00 a.m. on January 15, 2025 and 5:00 p.m. on February 14, 2025. All applications for candidacy shall be on a form as prescribed by the *Tex. Elec. Code*. The order in which the names of the candidates for each office are to be printed on the ballot shall be determined by a drawing conducted by the City Secretary.

SECTION 2. Notice of the election shall be given and the election shall be held in compliance with the provisions of the *Tex. Elec. Code* in all respects. The ballots for the election shall comply with the *Tex. Elec. Code* and be in the form provided by the City to the Burnet County Clerk for use on the voting devices and ballots used by Burnet County.

SECTION 3. The Burnet County Clerk and his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election in the manner provided by contract with the City and the law governing the holding of general elections by home rule cities of the State of Texas; and the official ballots, together with such other election materials as are required by the *Tex. Elec. Code*, shall be prepared in both the English and Spanish languages and shall contain such provisions, markings and language as is required by law.

SECTION 4. Early voting, both by personal appearance and by mail, will be conducted by the Burnet County Clerk, who is designated and appointed as the Early Voting Clerk, in accordance with the *Texas Election Code*. Early voting by personal appearance shall be conducted at the times, places, and locations authorized by state law and the Burnet County Clerk. Early voting shall commence on Tuesday, April 22, 2025 and continue through Tuesday, April 29, 2025. Early voting shall also be held at any time and location authorized by the Burnet County Clerk.

SECTION 5. The polling place for each such election precinct shall be the polling place established by Burnet County for such election precincts in Burnet County and voting by residents of the City. The polls shall remain open on the day of the election from 7:00 a.m. to 7:00 p.m. The returns for precincts in Burnet County will be provided by precinct and the Burnet County Clerk shall tabulate and provide the election returns for the election.

SECTION 6. The City Secretary, or designee, is instructed to aid the Burnet County Clerk in the acquisition and furnishing of all election supplies and materials necessary to conduct the election as provided by the Election Agreement. The City Secretary is further authorized to give or cause to be given notices required for the election, and to take such other and further action as is required to conduct the election in compliance with the *Tex. Elec. Code* and *City Charter*; provided that, pursuant to the Election Agreement between Burnet County and the City, the Burnet County Clerk shall have the duty and be responsible for organizing and conducting the election in compliance with the *Tex. Elec. Code*; and for providing all services specified to be provided in the Election Agreement. The Burnet County Clerk shall give the notices required by the *Tex. Elec. Code* to be given for the election not required to be given by the City under the Election Agreement.

SECTION 7. The presiding judges, alternate presiding judges and clerks for the election shall be selected and appointed by Burnet County and its appointees in compliance with the requirements of state law, and such judges and clerks so selected by Burnet County and its appointees are hereby designated and appointed by the city council as the election officers, judges and clerks, respectively, for the holding of said general election. The presiding judges, alternate presiding judges and clerks shall perform the functions and duties of their respective positions that are provided by state law. The city council will further confirm and appoint the election judges and alternate election judges that are appointed by Burnet County for the election.

SECTION 8. Notice of the election shall be given by posting a notice containing a substantial copy of this resolution on the bulletin board used for posting notice of meetings of the governing body at the City Hall and at the aforesaid election day polling places not later than the twenty-first (21st) day before the election, and by publishing said Notice of Election at least one time, not earlier than thirty (30) days no later than ten (10) days prior to said election, in a newspaper of general circulation in the City. The notice that is posted, and the notice that is published in a newspaper of general circulation within the city, will be written in both English and Spanish.

SECTION 9. The election shall be held and conducted by the Burnet County Clerk in compliance with state law and the Election Agreement. This resolution shall be in force and effect from and after its passage on the date shown below.

SECTION 10. It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, *Chapter 551, Texas Government Code*.

PASSED, APPROVED, AND ADOPTED this 14th day of January 2025.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Maria Gonzales, City Secretary

ORDER OF ELECTION FOR MUNICIPALITIES

An election is hereby ordered to be held on **May 3, 2025** for the purpose of:
A General Election to elect one Mayor and three Council Members.

Early voting by personal appearance will be conducted each weekday at:
AgriLife Auditorium, located at 607 N. Vandeveer Street, #100, Burnet, Texas and the Marble Falls Courthouse S. Annex, located at 810 Steve Pkwy., Marble Falls, TX 78654.

April 22, 2025	8am-5pm
April 23, 2025	8am-5pm
April 24, 2025	7am-7pm
April 25, 2025	8am-5pm
April 28, 2025	7am-7pm
April 29, 2025	8am-5pm

Applications for ballot by mail shall be mailed to:

**Douglas Ferguson
Elections Administrator, Burnet County
220 South Pierce Street
Burnet, TX 78611**

*Applications for ballots by mail and federal Post Card Applications must be received no later than the close of business on: **April 22, 2025.***

Issued this the 14th day of January 2025.

Gary Wideman, Mayor

Cindia Talamantez, Council Member

Tommy Gaut, Council Member

Philip Thurman, Council Member

Tres Clinton, Council Member

Joyce Laudenschlager, Council Member

Ricky Langley, Council Member

Instruction Note: A copy of this election order must be delivered to the County Clerk/Elections Administrator and Voter Registrar not later than 60 days before election day.

RESOLUCIÓN R2025-02

UNA RESOLUCIÓN DE LA CIUDAD DE BURNET, TEXAS, QUE ORDENA LA CELEBRACIÓN DE ELECCIONES GENERALES EL 3 DE MAYO DE 2025 PARA ELEGIR UN ALCALDE Y TRES MIEMBROS DEL CONCEJO MUNICIPAL; ESTABLECER EL PROCEDIMIENTO DE ELECCIÓN; Y LA PROVISIÓN DE ASUNTOS CONEXOS.

CONSIDERANDO QUE, el 3 de mayo de 2025 se elegirán los siguientes funcionarios para esta Ciudad: un Alcalde y tres Miembros del Concejo Municipal;

POR CUANTO, el Código Electoral de Texas aplica para dicha elección, y esta resolución establece los procedimientos conformes con el Código, y designa el lugar de votación para la elección; y

POR CUANTO, la Ciudad de Burnet, Texas (más adelante identificado como la “Ciudad”), ha provisto contratar con el Condado de Burnet para conducir la elección general, según el *Capítulo 31, Código Electoral de Texas*, y el *Capítulo 791, Código Gubernamental de Texas* (el “Contrato de Elección” o “contrato”), conjuntamente con el Distrito Escolar Independiente de Burnet y cualquier otras subdivisiones políticas que celebran elecciones el mismo día en todo o en parte del mismo territorio de la Ciudad, según lo autoriza el *Capítulo 271, Código Electoral de Texas*;

AHORA, POR LO TANTO, QUEDE RESUELTO Y ORDENADO POR EL CONSEJO DE LA CIUDAD DE BURNET, TEXAS:

SECCIÓN 1. Elecciones generales. La Elección General de la Ciudad se llevará a cabo el sábado 3 de mayo de 2025, para elegir un Alcalde y tres Miembros del Concejo Municipal, para servir un término de dos (2) años cada uno. Los candidatos en la elección para los cargos anteriores deberán presentar su solicitud para convertirse en candidatos ante el Secretario de la Ciudad de Burnet, en el Ayuntamiento, 1001 W. Buchanan, Ste. 4, entre las 8:00 a.m. del 15 de enero de 2025 Burnet, Texas 78611 y las 5:00 p.m. del 14 de febrero de 2025. Todas las solicitudes de candidatura deberán estar en un formulario según lo prescrito por el *Código Elec.* El orden en que los nombres de los candidatos para cada cargo deben imprimirse en la boleta se determinará mediante un sorteo realizado por el Secretario de la Ciudad.

SECCIÓN 2. El aviso de la elección será dado y la elección será celebrada conforme a las provisiones del *Código Electoral de Texas* en todos los aspectos. Las boletas para la elección serán conformes al *Código Electoral de Texas* y deberán ser en la forma provista por la Ciudad al Secretario del Condado de Burnet para ser usadas en los equipos de votación y las boletas usadas por el Condado de Burnet.

SECCIÓN 3. El Secretario del Condado de Burnet y sus empleados y nombrados asistentes, y los jueces electorales, jueces alternos, y escribientes debidamente nombrados para la elección, celebrarán y conducirán la elección de la manera provista por

el contrato con la Ciudad y por la ley que gobierna el conducir elecciones por ciudades autónomas del Estado de Texas; y las boletas oficiales, junto con todos materiales electorales requeridos por el *Código Electoral de Texas*, serán preparados en ambos inglés y español y deberán tener tales provisiones, marcas, y lenguaje según lo requiere la ley.

SECCIÓN 4. La votación adelantada/temprana, en persona y por correo, se conducirá por el Secretario del Condado de Burnet, quien es designado y nombrado como el Escribiente de la Votación Adelantada/temprana, de acuerdo con el *Código Electoral de Texas*. La votación adelantada/temprana en persona se conducirá durante las horas, los lugares, y locales autorizados por la ley estatal y por el Secretario del Condado de Burnet. La votación adelantada/temprana comenzará el lunes, 21 de abril de 2025, y continuará hasta el martes, 29 de abril de 2025.

SECCIÓN 5. Los recintos electorales para la elección serán los recintos electorales establecidos por el Condado de Burnet, proveyendo de que cada uno tenga e incluya el area geográfica que está dentro de la ciudad. El lugar de votación para dicho recinto electoral será el lugar de votación establecido por el Condado de Burnet para dichos recintos electorales en el Condado de Burnet y para votar por residentes de la Ciudad. Los lugares de votación se mantendrán abiertos el día de la elección desde las 7:00 a.m. hasta las 7:00 p.m. Los resultados por recintos en el Condado de Burnet serán provistos por recinto, y el Secretario del Condado de Burnet deberá tabular y proveer los resultados electorales para la elección.

SECCIÓN 6. La Secretaria de la Ciudad, o su designado, queda por este medio instruída a proveer ayuda al Secretario del Condado de Burnet en la adquisición y provisión de todos los materiales y provisiones necesarios para conducir la elección, según lo provee el Contrato de Elección. La Secretaria de la Ciudad está además autorizada a dar o a causar que se den los avisos requeridos para la elección, y a tomar cualquier otra acción adicional según se requiera para conducir la elección conforme con el *Código Electoral de Texas* y la *Carta Constitucional*, proveyendo que, de acuerdo con el Contrato de Elección entre el Condado de Burnet y la Ciudad, el Secretario del Condado de Burnet tendrá la obligación y será responsable de organizar y conducir la elección cumpliendo con el *Código Electoral de Texas*; y de proveer todos los servicios especificados a ser provistos en el Contrato de Elección. El Secretario del Condado de Burnet dará los avisos requeridos por el *Código Electoral de Texas* a ser dados para la elección que no seab requeridos a darse por la Ciudad bajo el Contrato de Elección.

SECCIÓN 7. Los jueces presidentes, jueces presidentes alternos, y escribientes para la elección serán seleccionados y nombrados por el Condado de Burnet y sus funcionarios de acuerdo con los requisitos de la ley estatal, y dichos jueces y escribientes seleccionados por el Condado de Burnet y sus funcionarios quedan por este medio designados y nombrados por el consejo de la ciudad como los oficiales electorales, jueces y escribientes, respectivamente, para llevar a cabo dicha elección general. Los jueces presidentes, jueces presidentes alternos, y escribientes deberán desempeñar las funciones y deberes de sus respectivas posiciones según lo provee la ley estatal. El consejo de la ciudad confirmará

y nombrará los jueces electorales y jueces electorales alternos que sean nombrados por el Condado de Burnet para la elección.

SECCIÓN 8. El aviso de la elección se dará fijando un aviso que contenga una copia substancial de esta resolución en el tablón de edictos que se usa para dar aviso de reuniones del cuerpo gubernamental en la Casa Municipal (Alcaldía) y en los antedichos lugares de votación el día de la elección no más tarde del vigésimo-primer (21) día antes de la elección, y publicando dicho Aviso de la Elección por lo menos una vez, no antes de treinta (30) días ni más tarde de diez (10) días antes de dicha elección, en un periódico de circulación general en la Ciudad. El aviso que se fije, y el aviso que se publique en el periódico de circulación general en la ciudad, será escrito en ambos inglés y español.

SECCIÓN 9. La elección se llevará a cabo y se conducirá por el Secretario del Condado de Burnet de acuerdo con la ley estatal y el Contrato de Elección. Y, esta Resolución estará vigente y tomará efecto desde y luego de haberse pasado en la fecha mostrada abajo.

SECCIÓN 10. Queda por este medio establecido y determinado oficialmente que esta reunión se condujo abierta al público, y que se dio aviso público de la hora, el lugar, y el propósito de dicha reunión, todo como lo requiere la Ley de Reuniones Abiertas (Open Meetings Act), *Capítulo 551 del Código Gubernamental de Texas*.

Y ASI SE HA RESUELTO.

PASADO Y APROBADO este día 14 de Enero 2025.

CIUDAD DE BURNET, TEXAS

Gary Wideman, Alcalde

ATESTIGUAR:

Maria Gonzales, Secretaria de la Ciudad

ORDEN DE ELECCIÓN DE LOS MUNICIPIOS

Por la presente, se ordena la celebración de elecciones **el 3 de mayo de 2025** con el propósito de:

Una Elección General para elegir un Alcalde y tres Miembros del Concejo.

La votación anticipada por comparecencia personal se llevará a cabo todos los días de la semana en: **AgriLife Auditorium, ubicado en 607 N. Vandever Street, #100, Burnet, Texas y el Palacio de Justicia de Marble Falls S. Annex, ubicado en 810 Steve Pkwy., Marble Falls, TX 78654.**

22 de abril de 2025	8 a.m. a 5 p.m.
23 de abril de 2025	8 a.m. a 5 p.m.
24 de abril de 2025	7 a.m. a 7 p.m.
25 de abril de 2025	8 a.m. a 5 p.m.
28 de abril de 2025	7 a.m. a 7 p.m.
29 de abril de 2025	8 a.m. a 5 p.m.

Las solicitudes de votación por correo se enviarán a:

**Douglas Ferguson
Administrador de Elecciones, Condado de Burnet
220 Calle Pierce Sur
Burnet, TX 78611**

Las solicitudes para boletas por correo y tarjetas postales federales deben recibirse a más tardar al cierre de operaciones el: **22 de abril de 2025.**

Emitido el 14 de enero de 2025.

Gary Wideman, Alcadesa

Cindia Talamantez, Concejal

Tommy Gaut, Concejal

Philip Thurman, Concejal

Tres Clinton, Concejal

Joyce Laudenschlager, Concejal

Ricky Langle, Concejal

Nota de instrucción: Una copia de esta orden electoral debe ser entregada al Secretario del Condado/Administrador de Elecciones y al Registrador de Votantes a más tardar 60 días antes del día de las elecciones.



Item Brief

Meeting Date

January 14, 2025

Agenda Item

Discuss and consider action: Providing direction to the City Manager pertaining to the acquisition of an Aircraft Rescue and Firefighting (ARFF) truck: M. Ingram

Information

During the development of the new hangar currently under construction at the Burnet Municipal Airport, it was determined that a sprinkler system, estimated to cost approximately \$200,000-\$250,000, would be required due to the nature of the usage of the hangar as a maintenance facility. However, in the aviation industry, sprinkler systems in hangars are often seen as detrimental to aircraft, particularly in cases of accidental activation. Recognizing this concern, the Fire Marshal and City staff, under the fire code, identified an alternative solution to meet fire safety requirements: the acquisition of an Aircraft Rescue and Firefighting (ARFF) truck.

The ARFF truck offers a highly effective and versatile solution for fire safety at the airport. These specialized vehicles are designed to handle the unique challenges of aviation emergencies, such as flammable jet fuel fires, passenger evacuations, and the need for off-road maneuverability on and around the airfield. Unlike a sprinkler system, an ARFF truck provides broader coverage and long-term utility. In addition to servicing the new hangar, the ARFF truck will also be available to respond to emergencies at the CAF Hangar and Crosby Maintenance Hangar, both of which lack sprinkler systems. Furthermore, the truck would support future expansion, including the 8 additional hangars planned as part of the airport's future use plan.

The ARFF truck under consideration is the Attackmaster QRV from Global ARFF Services, a compact yet powerful vehicle built on a Ford F-550 crew cab 4x4 platform. It is equipped with advanced firefighting capabilities, including a 300-gallon water tank, a 40-gallon foam tank, and a 450-pound dry chemical system designed for flammable liquid, gas, or electrical fires. The truck also features dual-agent capability, allowing foam and dry chemical agents to be deployed simultaneously. Additional features include a 300-foot hose reel, a front bumper remote-control nozzle with a 60-foot reach, and an off-road package with skid plates, reinforced bumpers, and ample storage for tools and equipment. This vehicle is FAA-compliant, purpose-built for airport emergencies, and offers off-road versatility for other potential city needs.

The proposed ARFF truck has a notably long lead time; however, this specific vehicle is already in production and could be delivered in approximately 9-12 months if the City commits to the purchase. Staff have determined that the ARFF truck is an economical and versatile alternative to a sprinkler system in the new hangar, and purchasing this particular truck would reduce the usual lead time by half. Nonetheless, additional considerations are being investigated, including training requirements, specialized gear, and ensuring an appropriate storage facility for the vehicle.

The purpose of this agenda item is to provide information about the ARFF truck and associated expenses while seeking direction from the City Council regarding the next steps for this purchase and its implementation.

Fiscal Impact

The cost of the ARFF truck is \$353,000. The cost of outfitting the truck is \$34,000. The cost of one set of proximity gear is \$2,500. The cost of one person attending training for the ARFF truck at TEEX is \$1,500 plus room and meals. The additional consideration of appropriate storage has not been fully developed or priced.

Recommendation

Staff requests direction for the City Manager regarding the ARFF truck.

Aircraft Rescue and Firefighting (ARFF) Truck

Attackmaster QRV(Quick Response Vehicle)

Regular Meeting of the Burnet City Council
January 14, 2025

Hangar Suppression System Options

- **High Expansion Foam System**-This foam is now free of PFAS and PFOS (polyfluroalkyl substance and perflurooctanoic acid), which are harmful to humans and the environment. However, the new foam used is detergent based and is corrosive to aircraft which can cause extensive damage of up to a 1 million dollars insurance claim. This system must undergo periodic testing as well.

Hangar Suppression System Options

- In 2022, an update to NFPA 409 provided alternatives to the requirement for foam fire suppression systems for all groups of hangars. Included in this edition is the option of an ignitable liquid floor drainage assembly, as well as a risk-based and performance –based approach to fire suppression decisions.



Attackmaster QRV

Cost- \$353,000

Outfitting Cost- \$34,000

- Ford 4x4 F-550 Chasis with off-road skid plates
- 300 Gallon water tank with 40-gallon foam tank
- 300ft hose reel and remote-control bumper nozzle
- Dry chemical system holds 450lb of Purple K agent
- Thermal Imaging Camera visible from the cab
- FAA Compliant

ARFF Certification

- 80-hour course at Brayton Fire Training Field in College Station, TX
- Cost for one person- \$1,500

Proximity Gear

Cost for one set of proximity gear- \$2,500



Storage Options



- None available at Station 1
- Options
 - Additional Bays added to Station 1
 - Building on airport property

ARFF Truck

Recommendation

Staff requests direction for the City Manager regarding the ARFF truck.

Questions?



Item Brief

Meeting Date

January 14, 2025

Agenda Item

Discuss and consider action: Resolution No. R2025-01: K. McBurnett

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ESTABLISHING A LEGISLATIVE PLATFORM AND PRIORITIES FOR THE 89TH LEGISLATIVE SESSION IN TEXAS

Information

The 89th Legislative Session of the Texas Legislature will convene on January 14, 2025. By establishing legislative priorities, the City of Burnet can focus its communication and advocacy efforts with area legislators.

The attached resolution outlines broad areas of focus for the session. Approving this resolution does not, in any way, limit the City's ability to advocate during the legislative session. The City retains the flexibility to support or oppose bills as they are introduced, regardless of whether they are mentioned in this resolution. This document serves as a guide and communication tool for working with legislators.

Fiscal Impact

None

Recommendation

Staff recommends approval Resolution No. R2025-01.

RESOLUTION NO R2025-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ESTABLISHING A LEGISLATIVE PLATFORM AND PRIORITIES FOR THE 89TH LEGISLATIVE SESSION IN TEXAS

WHEREAS, the City of Burnet is a home rule municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, Texas municipalities and counties have been empowered by the Texas Constitution and the Texas Legislature to promote public health, safety, and general welfare through the adoption of reasonable regulations; and

WHEREAS, the highest priority of the City of Burnet City Council is to preserve its ability to govern effectively and efficiently in a manner responsive to its unique citizens, local businesses, and visitors; and

WHEREAS, the City Council finds legislative involvement to be a legitimate exercise of its elected duties as the governing body serving those who live, work, visit, and own property in the city limits and the extraterritorial jurisdiction; and

WHEREAS, the City Council of the City of Burnet ("City Council") finds it to be in the public interest, and necessary for the public health, safety and welfare, that the city take positions on certain issues that may come before the 89th Texas Legislature in 2025; and

WHEREAS, the City Council has identified the following issues as being worthy of voicing a position on behalf of the people of Burnet.

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

A. The City of Burnet Council Supports -

1. Population Brackets: The City Council hereby supports the inclusion of population brackets for every bill considered by the Legislature.
2. Local Control: The City Council hereby supports legislation that upholds the principle of local government and reinforces the lawful statutory authority of the elected leaders of Burnet to respect the priorities of their citizenry and respond to local challenges and opportunities.
3. Protection of Municipal Rights of Way: The City Council supports legislation that protects the city's authority to manage public rights-of-way including requiring compensation for use of public rights-of-way for broadband/fiber optic services.

4. **Revocation of HB 2439:** The City Council supports the revocation of House Bill 2439, which prohibits municipalities from enforcing ordinances, rules, or policies that require specific building materials for construction, renovation, or maintenance if those materials are permitted under the 2012 International Building Code (IBC) or the 2012 International Residential Code (IRC). Because of this legislation, cities can no longer require a certain percentage of masonry (brick, stone, stucco, etc.) on the exterior of homes or other buildings unless explicitly allowed by state or federal law. This bill was passed during the 86th legislative session.
5. **Revocation of HB 2127 and SB 2038:** The City Council supports the revocation of House Bill 2127, which restricts a city's ability to adopt and enforce ordinances addressed in several State Codes, and Senate Bill 2038, which permits petitions for release from a city's ETJ. Both bills were passed during the 88th legislative session.
6. **Growth and Development Control:** The City Council hereby supports legislation that provides additional tools for cities to responsibly manage growth and development through alternative moratorium triggers due to resource limitations, drought conditions, permitting, and others.
7. **Water Conservation:** The City Council hereby supports legislation that provides additional tools for managing water conservation including storm water harvesting, water sourcing, automatic meter reading software, and regulatory authority to manage water use during drought conditions. The City Council also supports legislation that creates additional funding for native planting incentive programs, smart water uses, and potential partnerships with Texas A&M University to develop native planting programs state-wide.
8. **Signs:** The City Council hereby supports legislation that would affirm State and City authority over off-premise and other commercial signs. The City Council supports legislation that supports Scenic Highways in the Hill Country. The City Council supports legislation that would provide for the ability to regulate political signage.
9. **Lighting:** The City Council hereby supports legislation that would expand the City's authority to regulate lighting and Dark Sky requirements.
10. **Transportation:** The City Council supports legislation that would provide tools for increased collaboration with the Texas Department of Transportation related to projects within the city limits and ETJ of the City of Burnet, including legislation that would allow for additional tools for transportation funding.
11. **Property Tax:** The City Council supports legislation that would increase transparency in the ad valorem (property) tax and budget adoption by coordinating state, county, and city timelines for review, notice, and approval of ad valorem tax.

The City Council supports legislation that would increase the accuracy of appraisals of all types of property.

12. Competitive Bidding and Proposals: The City Council supports legislation that would increase the competitive bidding threshold to a minimum of \$125,000.
13. Payment Bonds: The City Council supports legislation to increase the performance bond and payment bond requirements to a minimum of \$125,000.

B. The City of Burnet City Council Opposes -

1. Preemption of Local Control: The City Council hereby opposes legislation that erodes local control or weakens the ability of locally elected leaders to respond to challenges or opportunities unique to the Burnet community or Texas Hill Country region.
2. Local Support and Advocacy: The City Council opposes any legislation seeking to remove the ability of the Texas Municipal League or any organization whose purpose is to advocate on behalf of local government in Texas in any capacity.
3. ETJ Regulation: The City Council hereby opposes any legislation that seeks to erode the city's ability to regulate its ETJ, including boundary changes, annexations and disannexations. The City Council supports the revocation of Senate Bill 2038 passed during the 88th legislative session.
4. Property Taxes: The City Council hereby opposes legislation that eliminates any source of municipal revenue, specifically property taxes, without thorough impact studies or alternative funding avenues. The City Council hereby opposes legislation that expands appraisal caps or imposes revenue caps on ad valorem (property) taxes without thorough impact studies or alternative funding avenues.
5. Trees: The City Council hereby opposes legislation that restricts the ability of municipalities to preserve their scenic landscapes and protect trees.
6. Stormwater Controls and Watersheds: The City Council hereby opposes legislation that limits the authority of municipalities to provide for water quality protection and pollution prevention by regulating impervious cover, lot sizes, drainage infrastructure, and other aspects of development that impact stormwater controls and watersheds.
7. Signs: The City Council hereby opposes legislation that lessens municipal authority to regulate signs or preempts municipal sign regulations in either the city limits or ETJ.
8. Land Use/Zoning: The City Council hereby opposes legislation that lessens municipal authority to regulate land use, including short-term rentals. The City

Council opposes legislation that limits the authority or the amount of time the City has to adequately review site plans and plats. The City Council opposes any bill that would preempt local regulation over activities impacting density, zoning, permitting, and inspections.

9. Municipal Courts: The City Council hereby opposes legislation that curtails the authority of a municipal court to enforce its judgments.

10. Elections: The City Council opposes legislation that would require partisan elections for elected officers or otherwise limit municipal elections.

C. Administration-

1. Legislators: The City Council directs City staff to provide a copy of this Resolution to the State Senator for District 24, and State Representative for Districts 19.

2. Legislators: The City Council directs City staff to provide a copy of this Resolution to the Texas Municipal League.

3. Advocacy: City officials are hereby authorized to advocate and otherwise convey positions expressed herein in accordance with the city's Charter, Code, and state and federal law.

The meeting at which this Resolution was passed was open to the public, and public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED AND APPROVED on this the 14th day of January 2025.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Maria Gonzales, City Secretary

CITY OF BURNET

Legislative Priorities

City Council Regular Meeting January 14, 2025

Discuss and consider action: Resolution No. R2025-01: K.
McBurnett

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET,
TEXAS, ESTABLISHING A LEGISLATIVE PLATFORM AND PRIORITIES
FOR THE 89TH LEGISLATIVE SESSION IN TEXAS



Bluebonnet Capital of Texas

CITY OF BURNET

Legislative Priorities

- The 89th Legislative Session of the Texas Legislature will convene on January 14, 2025.
- By establishing legislative priorities, the City of Burnet can focus its communication and advocacy efforts with area legislators.
- Adopted priorities do not, in any way, limit the City's ability to advocate during the legislative session regarding specific issues or bills.



Bluebonnet Capital of Texas

CITY OF BURNET

City of Burnet Council SUPPORTS

- **Population Brackets:**
 - Inclusion of population brackets for every bill considered by the Legislature.
- **Local Control:**
 - Upholds the principle of local government.
 - Reinforces the statutory authority of Burnet's elected leaders to address local priorities and challenges.
- **Protection of Municipal Rights of Way:**
 - Protects the city's authority to manage public rights-of-way.
 - Requires compensation for the use of public rights-of-way for broadband and fiber optic services.



Bluebonnet Capital of Texas

CITY OF BURNET

City of Burnet Council SUPPORTS

- **Revocation of HB 2439:**
 - Revoking House Bill 2439, which prevents cities from mandating a certain percentage of masonry (brick, stone, stucco, etc.) on the exterior of homes or other buildings unless explicitly allowed by state or federal law. (This legislation was passed during the 86th legislative session.)
- **Revocation of HB 2127 and SB 2038:**
 - Revoking House Bill 2127, which limits a city's ability to adopt and enforce ordinances in certain State Codes.
 - Revoking Senate Bill 2038, which permits petitions for release from a city's ETJ. (Both bills were passed during the 88th legislative session.)



Bluebonnet Capital of Texas

CITY OF BURNET

City of Burnet Council SUPPORTS

- **Growth and Development Control:**
 - Provides additional tools for managing growth and development.
 - Includes alternative moratorium triggers due to resource limitations, drought, permitting, and more.
- **Water Conservation:**
 - Offers tools for water management, such as stormwater harvesting, water sourcing, automatic meter reading, and drought-use regulation.
 - Creates funding for native planting incentives and smart water use programs.
 - Encourages partnerships with Texas A&M University for statewide native planting initiatives.



Bluebonnet Capital of Texas

CITY OF BURNET

City of Burnet Council SUPPORTS

- **Signs:**

- Affirms State and City authority over off-premise and other commercial signs.
- Promotes Scenic Highways in the Hill Country.
- Allows regulation of political signage.

- **Lighting:**

- Expands the City's authority to regulate lighting and enforce Dark Sky requirements.



Bluebonnet Capital of Texas

CITY OF BURNET

City of Burnet Council SUPPORTS

- **Transportation:**
 - Facilitates collaboration with the Texas Department of Transportation for projects within the city limits and ETJ.
 - Provides additional tools for transportation funding.
- **Property Tax:**
 - Increases transparency in property tax and budget adoption by coordinating state, county, and city timelines.
 - Improves the accuracy of property appraisals.



Bluebonnet Capital of Texas

CITY OF BURNET

City of Burnet Council SUPPORTS

- **Competitive Bidding and Proposals:**
 - Increase the competitive bidding threshold to a minimum of \$125,000.
- **Payment Bonds:**
 - Increase the performance bond and payment bond requirements to a minimum of \$125,000.



Bluebonnet Capital of Texas

CITY OF BURNET

City of Burnet Council **OPPOSES**

- Preemption of Local Control:
 - Erodes local control.
 - Weakens the ability of locally elected leaders to address challenges or opportunities unique to Burnet or the Texas Hill Country region.
- Local Support and Advocacy:
 - Remove the ability of the Texas Municipal League or any similar organization to advocate on behalf of local governments in Texas.



Bluebonnet Capital of Texas

CITY OF BURNET

City of Burnet Council **OPPOSES**

• ETJ Regulation:

- Erodes the city's ability to regulate its ETJ, including boundary changes, annexations, and disannexations.
- (Supports the revocation of Senate Bill 2038 passed during the 88th legislative session.)

• Property Tax:

- Eliminates any source of municipal revenue, particularly property taxes, without thorough impact studies or alternative funding mechanisms.
- Expands appraisal caps or imposes revenue caps on property taxes without adequate evaluation or alternatives.



Bluebonnet Capital of Texas

CITY OF BURNET

City of Burnet Council **OPPOSES**

- Trees:
 - Restricts the ability of municipalities to preserve scenic landscapes and protect trees.
- Stormwater Controls and Watersheds:
 - Limits municipal authority to regulate water quality, prevent pollution, and manage aspects of development like impervious cover, lot sizes, and drainage infrastructure.



Bluebonnet Capital of Texas

CITY OF BURNET

City of Burnet Council **OPPOSES**

- Signs:
 - Reduces municipal authority to regulate signs.
 - Preempts municipal sign regulations within city limits or ETJ.
- Land Use/Zoning:
 - Reduces municipal authority to regulate land use, including short-term rentals.
 - Limits the City's ability to adequately review site plans and plats.
 - Preempts local regulation of activities affecting density, zoning, permitting, and inspections.



Bluebonnet Capital of Texas

CITY OF BURNET

City of Burnet Council **OPPOSES**

- Municipal Courts:
 - Curtails the authority of municipal courts to enforce their judgments.
- Elections:
 - Requires partisan elections for municipal officers.
 - Limits the conduct of municipal elections.



Bluebonnet Capital of Texas

CITY OF BURNET

Legislative Priorities Next Steps

Once approved-

- A copy of the Resolution will be sent to Representative Troxclair and Senator Flores
- A copy of the Resolution will be provided to the Texas Municipal League
- The Resolution will be used to support advocacy efforts



Bluebonnet Capital of Texas

Questions?

Recommendation

- Staff recommends approval of Resolution No. R2025-01 as presented.



Bluebonnet Capital of Texas



Item Brief

Meeting Date

January 14, 2025

Agenda Item

Discuss and consider action: Resolution No. R2025-04: E. Belaj

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, SELECTING A PROPOSAL UNDER REQUEST FOR PROPOSAL 2024-007; AWARDING A CONTRACT TO SAID PROPOSER AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

Information

The City Council had previously budgeted adequate funds to replace or rehabilitate the pumps and motors of the City’s groundwater well. The well system is currently operational; the project entails installing a new pump and rehabilitating the existing pumps and motors.

Additionally, the bid included an item to evaluate the rehabilitation or replacement of the pumps and motor at the Main Street Water Plant.

The City recently held a bid opening for this project on December 5, 2024 at 11:00 A.M., where three bids were received.

Bids:

Jurgensen Pumps offered the best value to the City with a bid of **\$76,770**. The project was estimated to cost under \$100,000, and the contractor is expected to complete all work by late spring 2025. The bids received were as follows:

1. Global Total Services: \$213,890
2. Smith Pumps: \$221,670
3. Jurgensen Pump: \$76,770

(See Exhibit A for tabulated bids).

There is a line-item bid of \$5,000 to rehabilitate the existing pump and motors at these locations. This amount may change somewhat depending on the condition of the equipment upon inspected. If the City moves forward with the repairs, any excess costs will be managed through a change order. City staff recommends awarding the project at the bid price and including contingencies, ensuring that the total cost does not exceed \$85,000.

Qualification:

City staff have determined that this company has successfully completed similar projects in Central Texas. The Council may accept staff's recommendation, reject all bids, or proceed with further evaluation.

Fiscal Impact

The total cost of this project will not exceed Eight-five thousand dollars (\$85,000). The City has budgeted \$250,000 for replacing various pumps and motors, most of which remains unused.

Recommendation

Staff recommends the approval of Resolution No. R2025-04 to award the contract to the recommended contractor, including any added bid alternates, in the amount presented.

RESOLUTION NO. R2025-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, SELECTING A PROPOSAL UNDER REQUEST FOR PROPOSAL 2024-007; AWARDING A CONTRACT TO SAID PROPOSER AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

WHEREAS, the City Council authorized City staff to implement a pump maintenance program and budgeted adequate funds for this purpose; and

WHEREAS, the City Council authorized the City Manager or designee to evaluate the submitted proposals; and

WHEREAS, bids for the Cheatham Well and Main Street Water Plant Pumps have been received, evaluated, and prepared by City staff for award; and

WHEREAS, after considering City staff's recommendation, public testimony presented at the public meeting where this resolution was read, and the submitted proposal(s), the City Council deems the proposal recommended by City staff to provide best value to the City.

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

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

Section Two. Approval. Selection and Award. The City Council finds and determines the following:

- The proposal from Jurgensen Pumps, LLC submitted in response to the noted Request for Proposal **2024-007** is hereby selected as the best value proposal for the **2024 Pump Maintenance & Replacement**; and
- The Construction Contract attached hereto is hereby approved, with those general conditions, special conditions and related matters made part of Request for Proposal, incorporated therein by reference; and
- The Construction Contract is awarded to Jurgensen Pumps, LLC in the amount of \$76,770; 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 as noted above but not to exceed Eighty-five thousand dollars (\$85,000) to account for any unknown contingencies and shall take such further action and execute such ancillary documents as may be reasonably necessary to facilitate the purpose of this resolution.

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

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

PASSED AND APPROVED on this the 14th day of January 2025.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Maria Gonzales, City Secretary

Exhibit A

ITEM 8-5.



CITY OF BURNET, TEXAS
1001 Buchanan Dr.
Burnet, Tx 78611

Bid Date: December 5 @ 11:00 a.m.

Calendar Days:

BID SUMMARY
FY 2024-2025 Pumps and Motors
RFP: 2024-007

Bid Set Deposit - \$FREE
Project ID: RFP 2024-007
If handwritten, please write legibly

#	Name of Bidder / Company	Bid Bond Enclosed	Acknowledge Addenda No. 1	Acknowledge Addenda No. 2	Base Bid Amount	Alt. 1 Amount	Alt. 2 Amount	Alt. 3 Amount	Alt. 4 Amount	Total Bid (Alt Incl)
1	Global Total Services	-	✓		\$213,890					
2	Smith Pump	-	✓		\$221,670					
3	Jurgensen Pump, LLC	-	✓		\$76,770					
4										
5										
6										
7										



CITY OF BURNET, TEXAS
1001 Buchanan Dr.
Burnet, Tx 78611

Bid Date: December 5 @ 11:00 a.m.

Calendar Days:

BID SUMMARY
FY 2024-2025 Pumps and Motors
RFP: 2024-007

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#	Name of Bidder / Company	Bid Bond Enclosed	Aknowledge Addenda No. 1	Aknowledge Addenda No. 2	Base Bid Amount	Alt. 1 Amount	Alt. 2 Amount	Alt. 3 Amount	Alt. 4 Amount	Total Bid (Alt Incl)
1	Global Total Services		✓		\$213,890					\$213,890
2	Smith Pump		✓		\$221,670					\$221,670
3	Jurgensen Pump		✓		\$76,770					\$76,770
4										
5										
6										
7										



CITY OF BURNET, TEXAS
1001 Buchanan Dr.
Burnet, Tx 78611

Bid Date: December 5 @ 11:00 a.m.

Calendar Days:

BID SUMMARY
FY 2024-2025 Pumps and Motors
RFP: 2024-007

Bid Set Deposit - \$FREE
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1	Global Total Services	N/A	✓		213,890					213,890
2	Smith Pump Co	N/A	✓		221,670					221,670
3	Jurgensen Pump Co	N/A	✓		499,70 26770 <u>76740</u>					76770
4										
5										
6										
7										

WATER WELL BID AWARD



Discuss and consider action: Resolution No. R2025-04: E. Belaj

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS,
SELECTING A PROPOSAL UNDER REQUEST FOR PROPOSAL 2024-007;
AWARDING A CONTRACT TO SAID PROPOSER AND AUTHORIZING THE
CITY MANAGER TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY

WATER WELL BID AWARD

BACKGROUND

PROJECT INFORMATION

- Cheatham Well Pump and Motor
 - Replace one Pump and Motor
 - Rehab the existing Pumps and Motor
- Main Street Water Plant Pumps
 - Replace one of the three pumps




WATER WELL BID AWARD

FUNDING

FUNDING APPROPRIATION

- FY 24/25 BUDGETED \$250K for Pump and Motor repair/replacement for water and wastewater system
- Bids:
 - Global Total Services: \$213,890
 - Smith Pumps: \$221,670
 - Jurgensen Pump: \$76,770



JURGENSEN PUMP, LLC
PO Box 710
Valley Mills, TX 76689

Phone # 254-932-6251 Fax # 254-932-6770

Date	Estimate #
6/27/2023	6172

REGULATED BY THE TEXAS DEPARTMENT OF LICENSING & REGULATIONS PO BOX 12157 AUSTIN, TX 78711 LICENSE #54576

WARRANTY: New well equipment is covered by Manufacturer's Warranties and these warranties are the responsibility of the Manufacturers. LABOR WARRANTY: Is 30-days from installation of new well equipment

Name / Address		Project
City of Burnet P.O. Box 1369 Burnet, TX 76611		

Description	Qty	Cost	Total
Cheatam Well 1 - 40HP Product Lube VTP SWL = 26 FT TPL = 99 FT Total Well Depth = 483 FT (Open Hole) 750 GPM @ 140 FT TDH			
BASE BID:			
40HP Motor Repair	1	2,500.00	2,500.00
Labor- VTP T/D & Inspection	1	2,500.00	2,500.00
Pump Repair - Replace bearings, shafts, assemble	1	7,500.00	7,500.00
BID ALT1:			
Labor Crew and 60Ton Crane to Pull Well Pump	1	4,100.00	4,100.00
40HP Motor Repair	1	2,500.00	2,500.00
New Well Pump - Product Lube VTP	1	22,000.00	22,000.00
- Simflo SM10H-3 Stage Bowl Assembly			
- Cone Strainer			
- (9) 6" x 10' Column Pipe T&C			
- (1) 6" x 5' Column Pipe T&C			
- 1-1/4" 416SS Shafting T&C			
- 304SS drop-in spiders with rubber bearings			
- 6" Ductile Iron Discharge Head with stuffing box assembly			
- Install City's stored Motor			
6" x 119-1/4" column pipe straight thread	3	460.00	1,380.00
1-1/4" x 120" 416SS Shaft T&C	3	290.00	870.00
1-1/4" x 6" drop in spider with rubber bearing	3	130.00	390.00
Labor Crew and 60Ton Crane to Install Well Pump	1	4,500.00	4,500.00
- Includes Start-Up Services			
Quote valid for 30 days!			
Subtotal			\$48,240.00
Sales Tax (0.00)			\$0.00
Total			\$48,240.00

ITEM 8-5.


WATER WELL BID AWARD

BID COSTS

There is a line item bid to rehabilitate the existing pump and motors for these locations set at \$5000.

Condition unknown: Price may change

Resolution Awards bid not to exceed \$85K (8.5K more)



JURGENSEN PUMP, LLC
PO Box 710
Valley Mills, TX 76689

Phone # 254-932-6251 Fax # 254-932-6770

Date	Estimate #
6/27/2023	6172

REGULATED BY THE TEXAS DEPARTMENT OF LICENSING & REGULATIONS PO BOX 12157 AUSTIN, TX 78711 LICENSE #54576

Name / Address

City of Burnet
P.O. Box 1369
Burnet, TX 76611

WARRANTY: New well equipment is covered by Manufacturer's Warranties and these warranties are the responsibility of the Manufacturers. LABOR WARRANTY: Is 30-days from installation of new well equipment

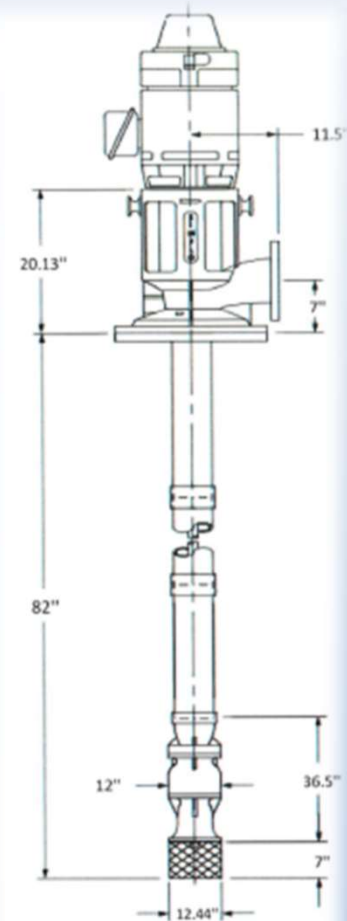
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New Well Pump - Product Lube VTP	1	22,000.00	22,000.00
- Simflo SM10H-3 Stage Bowl Assembly			
- Cone Strainer			
- (9) 6" x 10' Column Pipe T&C			
- (1) 6" x 5' Column Pipe T&C			
- 1-1/4" 416SS Shafting T&C			
- 304SS drop-in spiders with rubber bearings			
- 6" Ductile Iron Discharge Head with stuffing box assembly			
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Labor Crew and 60Ton Crane to Install Well Pump	1	4,500.00	4,500.00
- Includes Start-Up Services			
Quote valid for 30 days!			
Subtotal			\$48,240.00
Sales Tax (0.00)			\$0.00
Total			\$48,240.00

WATER WELL BID AWARD

TIMELINE

Once Awarded:

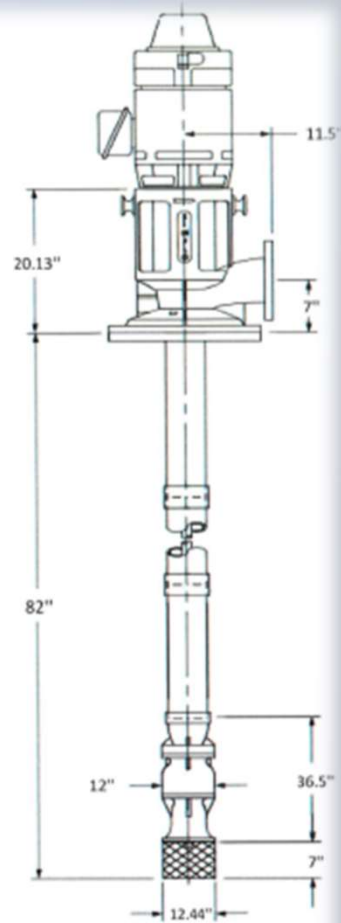
- 2-months lead time
- 2-months rehab
- Cheatham well will always have two operating pumps.
- Main St Water Plant will be operating with two instead of 3 pumps.
- Will coordinate with contractor to schedule to start the work in March-April.



WATER WELL BID AWARD

AWARD

Award Option:



Recommendation

Staff recommends the approval of Resolution No. R2024-04

Questions?



Item Brief

Meeting Date

January 14, 2025

Agenda Item

Discuss and consider action: Ordinance No. 2025-01: K. McBurnett

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING THE CITY CODE OF ORDINANCES SECTION 94-28(2)(H) ENTITLED "POLE ATTACHMENT RATE"; PROVIDING CUMULATIVE, REPEALER, AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

Information

A pole attachment fee is a charge imposed by the City (as owner of utility poles) to allow a third party, such as a communications or cable company, to attach their equipment (e.g., wires, cables, antennas) to those poles. The fee is intended to compensate the City for the costs associated with maintaining, inspecting, and managing the pole infrastructure while ensuring fair access for all parties.

In 2013, the Federal Communications Commission (FCC) adopted changes to the pole rental calculation used to compute the maximum fee allowable under the law. Based on this calculation, the City Council approved adjusting the pole attachment rate from \$14.00 to \$9.73 per pole per year. However, while the rate of \$9.73 has been used since 2013, it was never officially codified in the Code of Ordinances. Ordinance No. 2025-01 revises Section 94-28(2)(h) of the Code of Ordinances to formally reflect the \$9.73 rate.

Fiscal Impact

None

Recommendation

Staff recommends approval of Ordinance No. 2025-01.

ORDINANCE NO. 2025-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING THE CITY CODE OF ORDINANCES SECTION 94-28(2)(H) ENTITLED "POLE ATTACHMENT RATE"; PROVIDING CUMULATIVE, REPEALER, AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Burnet seeks to ensure equitable and reasonable rates for the use of City-owned utility poles by communications providers; and

WHEREAS, in 2013, the Federal Communications Commission adopted changes to the pole rental calculation used to compute the maximum fee allowable under the law; and

WHEREAS, the City Council determined in 2013 that the pole attachment rate should be adjusted from \$14.00 to \$9.73 per pole per year to reflect the new calculation based on current conditions and operational needs; and

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

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

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

Section One. Code Amendment. Chapter 94 (entitled "Streets, Sidewalks and Other Public Places") Section 94-28 (entitled "Permits and/or approvals") Subsection (2)(h) (entitled "Pole Attachment Rate") of the Code of Ordinances of the City of Burnet shall be amended and replaced in its entirety as follow:

Sec. 94-28. Permits and/or approvals.

- (2)h. Pole attachment rate. The pole attachment rate for each pole to be utilized for pole attachment(s) by the same communications provider is \$9.73 per year. Such fee shall be due no later than March 31 of each year, and shall be valid from April 1 of that year to March 31 of the following year, hereafter referred to as the "permitting year". The fee shall be paid for each pole used by a communications provider for pole attachments for the permitting year. Applications for new permits/attachments made during the permitting year shall include a pro-rated payment based on the number of months remaining before the end of the current permitting year.

Such fee shall be amended from time to time, based on the results of an audit of the number of poles in use by a particular permit holder to be conducted by the director or building inspector once every two years. For all nonpermitted contacts, permittee shall be billed in an amount equal to the previous two years pole attachment rates, and payment shall be collected, prior to the renewal of existing permits and/or the issuance of additional permits. The city may, at its option, require all nonpermitted contacts to be immediately removed. Failure to pay for nonpermitted contacts or permittees failure to remove nonpermitted contacts may be deemed a violation by the city council and subject to penalties as established by ordinance. The results of the audit shall be sent to the permit holder with notice of the pole rate attachment fees due. If a permit holder disputes the results of the audit, the permit holder may appeal the results of the audit to the city council by submitting a written request for an appeal within ten days of receiving notice of the results of the audit. The finding of the city council shall be final. Notwithstanding any other provision contained in this article to the contrary, communications providers shall be required to pay the pole attachment rate for each pole with attachment(s), regardless of whether such communications provider holds a franchise with the city.

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

PASSED, APPROVED, AND ADOPTED on this 14th day of January 2025.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Maria Gonzales, City Secretary

Pole Attachment Fee

DISCUSS AND CONSIDER ACTION:
ORDINANCE NO. 2025-01: K. MCBURNETT
AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF BURNET, TEXAS, AMENDING
THE CITY CODE OF ORDINANCES SECTION
94-28(2)(H) ENTITLED “POLE ATTACHMENT
RATE”; PROVIDING CUMULATIVE,
REPEALER, AND SEVERABILITY CLAUSES;
PROVIDING FOR PUBLICATION; AND
PROVIDING AN EFFECTIVE DATE



**City Council
Regular Meeting
January 14, 2025**

Pole Attachment Fee

- A pole attachment fee is a charge imposed by the City to allow a third party, such as a communications or cable company, to attach their equipment (e.g., wires, cables, antennas) to City poles
- Current providers/payors: Frontier, VYVE Broadband, Burnet County, Burnet CISD, and Spectrum



Pole Attachment Fee

- In 2013, the FCC adopted changes to the pole rental calculation used to compute the maximum fee allowable under the law.
- Based on this calculation, in 2013 the City Council approved adjusting the pole attachment rate from \$14.00 to \$9.73 per pole per year.



Pole Attachment Fee

- While the rate of \$9.73 has been used since 2013, it was never officially codified in the Code of Ordinances.
- Ordinance No. 2025-01 revises Section 94-28(2)(h) of the Code of Ordinances to formally reflect the \$9.73 rate.

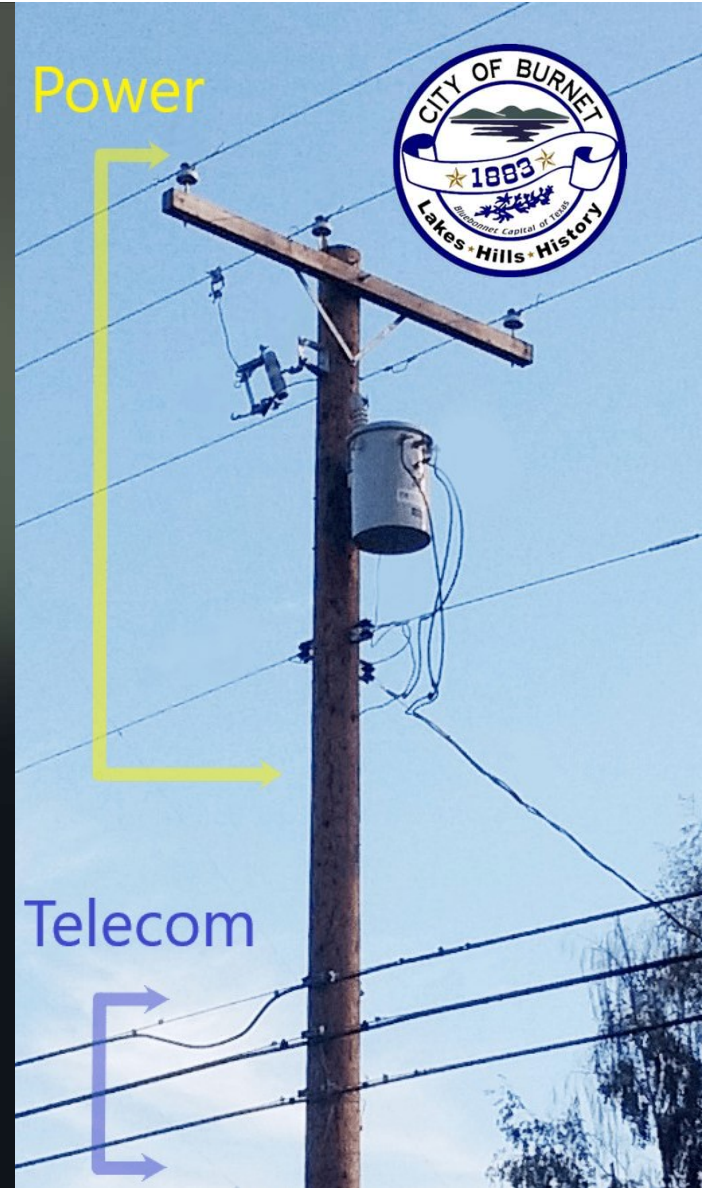


Pole Attachment Fee

Recommendation

Staff recommends approval of Ordinance No. 2025-01.

Questions?





Item Brief

Meeting Date

January 14, 2024

Agenda Item

Discuss and consider action: Resolution No. R2025-05: P. Langford

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, RESTRICTING CERTAIN FUNDS FOR FUTURE GENERAL FUND CAPITAL NEEDS AND FUTURE GOLF COURSE NEEDS, AND DEPOSITING THOSE FUNDS IN ACCORDANCE WITH THE CITY’S INVESTMENT POLICY

Information

The purpose of this resolution is to ask for Council’s approval and authorization to restrict certain funds for future purposes.

Fiscal Impact

- \$47,160 in net Texas Ambulance Services Supplemental Payment Program (TASSPP) funds (Gross reimbursement of \$56,001 less estimated consultant fees of \$7,841 and \$1,000 in commission to AR Management) will be transferred from pooled cash into the following “Restricted by Council” account:
 - Texpool *0011 Capital Equipment Reserve
- \$568,228.36 in Delaware Springs’ claim on pooled cash as of 9/30/2024 will be transferred as follows into the following “Restricted by Council” accounts:
 - \$200,000 into Texpool Golf Course Operating Reserve Account *0018
 - \$368,228.36 into Texpool Golf Course Capital Improvement Reserve *0019

Recommendation

Staff recommends the approval of Resolution No. R2025-05 restricting certain funds as presented.

RESOLUTION NO. R2025-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS RESTRICTING CERTAIN FUNDS FOR FUTURE GENERAL FUND CAPITAL NEEDS AND FUTURE GOLF COURSE NEEDS, AND DEPOSITING THOSE FUNDS IN ACCORDANCE WITH THE CITY'S INVESTMENT POLICY

WHEREAS, the City Council of the City of Burnet, Texas (the "Council") has formally approved a separate Investment Policy for the City of Burnet (the "City") that meets the requirements of the Public Funds Investment Act (PFIA), Section 2256 of the Texas Local Government Code; and

WHEREAS, the Investment Policy is reviewed and adopted annually by the Council, complies with the PFIA, and authorizes the investment of City funds in safe and prudent investments; and

WHEREAS, it is advantageous for the City to deposit restricted fund assets for the purpose of investment as provided for herein; and

WHEREAS, the City established a Restricted by Council - Capital Equipment Reserve account to fund the future equipment or capital needs for the City; and

WHEREAS, the City established a Restricted by Council – Golf Course Operating Reserve account and a Restricted by Council – Golf Course Capital Improvement Reserve account for future operating and capital needs of the golf course.

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

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

Section Two. Approval. The Council does hereby approve depositing the net proceeds received from Texas Ambulance Services Supplemental Payment Program in the amount of forty-seven thousand one hundred sixty and 00/100 dollars (\$47,160.00) into the Texpool Capital Equipment Reserve account and restricting the use of those funds for future general fund equipment or capital needs. Any future funds received from the Texas Ambulance Services Supplemental Payment Program shall be deposited into Texpool Capital Equipment Reserve account or General Fund Capital Equipment Reserve Account.

The Council does hereby approve depositing two hundred thousand and 00/100 dollars (\$200,000.00) of Delaware Spring's claim on pooled cash as of 9/30/2024 into the Texpool Golf Course Operating Reserve account and restricting the use of those funds for future golf course operating needs.

The Council does hereby approve depositing three hundred sixty-eight thousand two hundred twenty-eight and 36/100 dollars (\$368,228.36) of Delaware Spring’s claim on pooled cash as of 9/30/2024 into the Texpool Golf Course Capital Improvement Reserve account and restricting the use of those funds for future golf course capital needs.

Section Three. Authorization. The City Manager and the Finance Director are authorized and directed to take those actions that are reasonably necessary to facilitate the purpose of this Resolution.

Section Four. Deposit. The Council does hereby direct that the funds be invested in accordance with the City’s Investment Policy as a “Restricted by Council Action” account.

Section Five. Withdrawal. The Council does hereby direct that the funds shall not be withdrawn from the deposited investment account without action by Council expressly directing such withdrawal to satisfy an authorized expenditure.

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

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

PASSED AND APPROVED on this the 14th day of January 2025.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Maria Gonzales, City Secretary

CITY OF BURNET

Council Restricted Funds

City Council Regular Meeting

January 14, 2025

Discuss and consider action: A resolution of the City Council of the City of Burnet, Texas, restricting certain funds for future general fund capital needs and future golf course needs, and depositing those funds in accordance with the City's investment policy. P. Langford



Bluebonnet Capital of Texas

CITY OF BURNET

Council Restricted Funds

- 1) Restrict \$47,160 in net Texas Ambulance Services Supplemental Program (TASSPP) funds and deposit those funds into the Texpool Capital Equipment Reserve account
 - TASSPP program is designed to help EMS providers recover lost revenues for EMS services delivered to individuals not covered by Medicare, Medicaid, or commercial insurance.
 - Current and future TASSPP fund deposits are to be restricted by Council for future general fund equipment or capital needs



Bluebonnet Capital of Texas

CITY OF BURNET

Council Restricted Funds

- 2) Restrict \$568,228.36 in claim on pooled cash for Delaware Springs golf course (Balance as of 9/30/2024)
- \$200,000 to be deposited into the Texpool Golf Course Operating Reserve account and restricted by Council for future operating needs of the golf course
 - \$368,228.36 to be deposited into the Texpool Golf Course Capital Improvement Reserve account and restricted by Council for future capital needs of the golf course
 - Complies with City's financial goal to treat the golf course as an Enterprise Fund (no longer subsidized by the General Fund) with its own operating reserve, capital account, and self-funded equipment account.



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CITY OF BURNET

Council Restricted Funds

- Council Restricted Funds shall not be withdrawn from the deposited investment account without action by Council expressly directing such withdrawal to satisfy an authorized expenditure.



Bluebonnet Capital of Texas

Council Restricted Funds

Any Questions?

Recommendation

- Staff recommends approval of Resolution R2025-05 as presented.



Bluebonnet Capital of Texas



Item Brief

Meeting Date

January 14, 2025

Agenda Item

Discuss and consider action: Ordinance No. 2025-02: H. Archer

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING POLICIES 4.01 CATEGORIES, POLICY 7.03 RETIREMENT, SECTION 13.00 DISCIPLINE AND SECTION 15.00 GRIEVANCES OF THE CITY'S PERSONNEL POLICY BY UPDATING AND CLARIFYING REQUIREMENTS

Information

The City of Burnet Personnel Policies require regular review and necessary updates to be consistent with laws, regulations, industry standards and best practices.

In recent review, we have identified policies that require clarification of the requirements as described in the current policy version last amended February 2022, to include amendments to policy 4.01 Categories, policy 7.03 Retirement, and Sections 13.00 Discipline and 15.00 Grievances.

- Policy 4.01 clarifies the definition of benefit eligibility for part-time employees.
- Policy 7.03 explains the retirement benefits for the City and positions eligible.
- Section 13.00 clarifies the authority in disciplinary action determinations to allow for the City Manager's designee to be granted decision-making authority at the discretion of the City Manager.
- Section 15.00 clarifies the appeal process to allow the inclusion of the City Manager's designee into appeal determinations.

Fiscal Impact

Approval of policy 4.01 and 7.03 may have budget implications in the future should new or additional benefit options be approved for eligible part-time employees.

There is no fiscal impact corresponding to the proposed amendments in Section 13.00 and Section 15.00 of the Personnel Policies manual.

Recommendation

Staff recommends the approval and adoption of Ordinance 2025-02 as presented.

ORDINANCE NO. 2025-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING POLICIES 4.01 CATEGORIES, POLICY 7.03 RETIREMENT, SECTION 13.00 DISCIPLINE AND SECTION 15.00 GRIEVANCES OF THE CITY’S PERSONNEL POLICY BY UPDATING AND CLARIFYING REQUIREMENTS

WHEREAS, the City Council believes that its personnel policies should reflect the needs of the City and its employees, and meet all applicable state and federal labor laws; and

WHEREAS, it is necessary to update, revise, and clarify language in the City of Burnet Personnel Policies consistent with laws, regulations, and consideration to industry standard and best practices; and

WHEREAS, the City of Burnet Personnel Policy Manual was last revised on February 22, 2022; and

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

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

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

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

Section Two. 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 Three. Adoption of Amended Personnel Policy. The Categories Policy is approved and adopted with Exhibit “A” and is attached herewith. The Retirement Policy is approved and adopted with Exhibit “B” and is attached herewith. Section 13.00 Discipline is approved and adopted with Exhibit “C” and is attached herewith. Section 15.00 Grievances is approved and adopted with Exhibit “D” and is attached herewith.

Section Four. 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 Five. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance 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, Chapter 551, Loc. Gov't. Code.

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

PASSED, APPROVED, AND ADOPTED on this 14th day of January 2025.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Maria Gonzales, City Secretary

EXHIBIT A
Policy 4.01 Categories Amendments

Note – Updated text is in red and underlined.

4.01 Categories

Regular: A regular employee is one that has completed his/her training and evaluation period of 90 to 180 days and who works, on average, at least forty (40) hours per week. Only regular employees accrue benefits as described in these policies. A regular employee is employed in an authorized position that involves, on the average, at least forty (40) hours per week.

Part-time: A part-time employee is employed in an authorized position that involves, on the average, fewer than forty (40) work hours per week. All part-time employees will be covered by workman's compensation insurance but accrue no other benefits **except as otherwise provided for herein.**

Temporary: A temporary employee is an employee hired specifically to work on –

- (1) specific project, at the end of which his/her employment will cease.
- (2) work for only parts of the year when extra help is needed, or to provide services available at limited times of the year.
- (3) temporary workers will be covered by workman's compensation insurance but shall not be due nor shall accrue benefits.

Contract: A Contract worker is a persons or company retained to provide services to the City under an hourly contract or flat fee shall not receive additional compensation above and beyond the compensation negotiated in the agreement for services. A contract worker shall not be considered an "employee" of the City.

EXHIBIT B
Policy 7.03 Retirement Amendments

Note – Updated text is in red and underlined.

The City of Burnet is a member of the Texas Municipal Retirement System (TMRS). Membership in the retirement system is mandatory for all regular employees **and may be assigned to other part-time positions that qualify under TMRS regulations.** Both the employee and the City contribute to the employee's retirement account. Employees must be vested under TMRS to be eligible to receive the City's matching portion. Employees who leave City employment prior to retirement will, upon request to the TMRS, be refunded their portion of the retirement account plus interest earned on their portion in accordance with TMRS policies.

EXHIBIT C

Section 13.00 Discipline Amendments

Note – Updated text is in red and underlined. Deleted text is strikethrough.

13.02 Progressive Discipline

The City of Burnet intends to have a progressive discipline system but reserves the right to skip any level of discipline depending on the severity of the employee's actions. The Department Directors and Human Resources Director may follow the following system when utilizing progressive discipline:

- **Level I** - Verbal reminders, informal conference - The first step in the disciplinary procedure is for the immediate supervisor or Department Director to attempt to resolve problems by verbal reminders or an informal conference with the employee. The supervisor will make a written notation of reminders and informal conferences.
- **Level II** - Written reprimands – In the event verbal reminders and the informal conference does not resolve issues, the supervisor shall issue a written reprimand. A copy of the written reprimand will be provided to the employee, the Department Director and the Human Resources Director for inclusion in the employee's personnel file.

The following levels of the progressive discipline steps require the approval from both the Department Director and the City Manager or the City Manager's designee.

- **Level III** - Probation – ~~The Department Director, with the approval of the City Manager, shall place the employee on~~ **An employee may be placed on** probation for a period of time applicable to type of infraction incurred. During that time, the employee may be subject to a reduction in pay or position.
- **Level IV** - Suspension from duty without pay – ~~The Department Director with the approval of the City Manager may relieve the employee~~ **An employee may be relieved** from active duty without pay until such time as the employee is deemed able to perform the duties of the position without the previous difficulties, but in no case longer than thirty (30) days.
- **Level V** – Demotion – An employee can be demoted because of unsatisfactory performance in a higher position, for failure to maintain a required certification or license, as a result of a reclassification or restructuring of the employee's position, for a necessary restructuring of the department where the employee works, or other reasons. A demotion includes an adjustment in pay to the pay scale of the lesser position.
- **Level VI** - Separation by involuntary dismissal. In the case where an employee is unwilling or unable to correct the undesirable action that caused the problem or where the action is of a serious nature or where the employee's actions could result in injury or death to the employee or as further directed in this Employee Manual, the employee may be terminated.

Actions other than verbal reminders or written reprimands require the approval of the City Manager or the City Manager's designee except in the case of Fire/EMS personnel where the Medical Officer also has the authority to restrict the employee from operating under the licensure of the Medical Officer.

The City Manager has the right to override any disciplinary action decision that may result in an adverse action against any employee.

Where disciplinary action is accomplished by written notice to the employee involved, notice shall include a description of the reason for the action and, except in the case of dismissal, state the likely consequences of further unsatisfactory performance or conduct. Written notice of disciplinary action is recorded in the employee's personnel file.

The City may use the progressive discipline system cited. However, the severity of the discipline depends upon the nature of the infraction and one or more steps may be skipped if warranted. Employees whose actions pose an immediate threat or endangerment to himself/herself or others are subject to immediate suspension or dismissal.

Disciplinary action does not automatically or permanently disqualify an employee from consideration for future promotion, pay increases, commendations, or other beneficial personnel action.

Should any other section of the City of Burnet personnel manual conflict with disciplinary action procedures in any part of this policy, policy 13.02 shall supersede other policies herein.

Employees may use the Grievance Process to request relief from disciplinary actions. (See Section 15.00 of this manual)

13.03 SUSPENSION FOLLOWING INDICTMENT —

~~If the City Manager determines that suspension is in the best interests of the City and the public, the City Manager may suspend with or without pay, an employee indicted for a Class A or B Misdemeanor or a felony, or an employee accused of official misconduct or oppression, until the indictment or information is dismissed or tried and, if tried, until the trial and appeal (if any) are completed. In the case of dismissal, acquittal, reversal on appeal or governor pardon, the City Council may exercise its power of investigative body (Home Rule Charter Section 3.16) to determine the suitability of the employee's reinstatement.~~

~~A suspended employee is entitled to reinstatement to the position held before suspension, without loss of benefits, if the indictment or information is dismissed, the employee acquitted, or the conviction reversed on appeal and, the City Manager and City Council decline an investigation. The suspension of an employee reinstated under this subsection is not a disciplinary action. An employee found unsuitable for reinstatement, regardless of the outcome of the indictment, shall be terminated.~~

EXHIBIT D

Section 15.00 Grievance Amendments

Note – Updated text is in red and underlined.

Section 15.00 GRIEVANCES (Revised 12-8-2020 Resolution 2020-58)

15.01 POLICY

It is the policy of the City of Burnet insofar as possible to prevent the occurrence of grievances and to deal promptly with those that occur. In order to achieve this objective, it is imperative that employees report grievances in a timely manner. No adverse action will be taken against an employee for reason of his/her exercise of the grievance right. Definition of Grievance. Employee complaints of inconsistent and/or unlawful treatment, interpretation, application or violation of City or departmental policies, procedures, or practices; and retaliation.

15.02 PROCEDURE

Employees are encouraged to attempt to resolve a grievance by informal conference with his/her immediate supervisor. If the informal conference with the supervisor does not result in a resolution of the problem(s), that is satisfactory to the employee, (s)he may file a formal grievance. Formal grievances must be in writing, signed by the employee, and presented to the Director of Human Resources. A grievance should include:

- The nature of the grievance.
- Detailed information including evidence of the issue, witnesses, alleged policy violations (if applicable), etc.
- The remedy or outcome desired.

After being presented with a written, signed grievance, the Director of Human Resources shall forward to the appropriate supervisor, Department Director, the City Manager **or the City Manager's designee**. The supervisor's, Department Director's, City Manager's **or designee's** response may include a denial, or grant the appeal, a modification of the discipline, or schedule further review or action.

An employee who is not satisfied with the proposed resolution, may within the next ten (10) working days appeal in writing to the next person in the chain of command. The decision of a supervisor may be appealed to the Department Director and the decision of the Department Director may be appealed to the City Manager **or City Manager's designee**. The City Manager's decision shall be final.

Failure to meet established time limits (i.e. grievance not timely filed or appealed) will not affect the validity of a grievance upon showing good cause or extenuating circumstances for the delay, or when the City Manager deems it to be in the best interest of the City.

CITY OF BURNET

Personnel Policies Amendments

City Council Regular Meeting January 9, 2025

Discuss and consider action: Ordinance No. 2025-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING POLICIES 4.01 CATEGORIES, SECTION 13.00 DISCIPLINE AND SECTION 15.00 GRIEVANCES OF THE CITY'S PERSONNEL POLICY BY UPDATING AND CLARIFYING REQUIREMENTS: H. Archer



Bluebonnet Capital of Texas

CITY OF BURNET

Policy 4.01 - Categories

- Clarifies the definitions of employee groups which includes a statement on benefit eligibility for part-time employees.
- Currently states they are eligible for only Workers Compensation and will accrue no other benefits.
- Amendment to add, “unless otherwise approved by the City Manager”
- Approval of amendment allows for benefits like the Virtual Healthcare membership to align with policy description.



Bluebonnet Capital of Texas

CITY OF BURNET

Policy 7.03 - Retirement

- Provides outline of retirement benefits, including TMRS, and positions eligible for retirement benefits.
- Currently states only “regular” employees are eligible for TMRS.
- TMRS regulations provide eligibility for positions certified by the City to regularly require more than 1000 hours of work per year. Equivalent to approximately 19 hours weekly.
- Amendment to add, “may be assigned to other part-time positions that qualify under TMRS regulations”



Bluebonnet Capital of Texas

CITY OF BURNET

Section 13.00 - Discipline

- Section covers progressive discipline steps and decision-making authority for those actions.
- Amendments allow for authority to be assigned to the City Manager's designee.
- Current policy states Department Directors and City Manager have decision-making authority for steps III-IV, anything above a written reprimand including probation, suspension, demotion and separation.
- Current policy states City Manager is also the final decision maker in appeals of those disciplinary actions, resulting in decision-making overlap.
- Amending for a designee provides a decision maker that alleviates the overlap for City Manager should an appeal take place.



Bluebonnet Capital of Texas

CITY OF BURNET

Section 15.00 - Grievances

- Section covers the appeal process for an action taken against an employee.
- Current policy states depending on the level of employee they may have to appeal to either supervisor, Department Director, or City Manager.
- Current policy states if result is not agreeable, actions can be ultimately appealed to the City Manager.
- Amending for a designee provides the alleviation of an overlap as stated for Discipline policy and provides decision-making power in the appeal process to the designee at City Manager's discretion.
- City Manager can review appeal and makes final determination.



Bluebonnet Capital of Texas

CITY OF BURNET

Questions?

Recommendation

Staff recommends approval of Ordinance No. 2025-02 as presented.



Bluebonnet Capital of Texas



Item Brief

Meeting Date

January 14, 2025

Agenda Item

Discuss and consider action: Resolution No. R2025-06: D. Vaughn

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING THE PURCHASE OF 2 ACRES OF LAND LOCATED AT 107 BIG SKY, LEGALLY DESCRIBED AS S4231 EAGLE'S NEST LOT 78, SEC 2, A SUBDIVISION IN BURNET COUNTY, TEXAS, AND AUTHORIZING THE MAYOR TO EXECUTE THE PROPERTY CONTRACT

Information

Staff is in the process of working with the design engineer for additional storage tanks to be installed at the Eagles Nest Pump Station. It would be beneficial to this project and future maintenance/expansion projects to be able to acquire a portion, or all, of a 2-acre property located at 107 Big Sky, legally described as S4231 Eagle's Nest Lot 78, Sec 2, a subdivision in Burnet County, Texas.

The proposed resolution authorizes the purchase of the property and empowers the Mayor to execute the property contract on behalf of the City and take all necessary steps to finalize the purchase, including due diligence, payment, and documentation.

Fiscal Impact

To be determined by Council.

Recommendation

To be determined.

RESOLUTION NO. R2025-06**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING THE PURCHASE OF 2 ACRES OF LAND LOCATED AT 107 BIG SKY, LEGALLY DESCRIBED AS S4231 EAGLE'S NEST LOT 78, SEC 2, A SUBDIVISION IN BURNET COUNTY, TEXAS, AND AUTHORIZING THE MAYOR TO EXECUTE THE PROPERTY CONTRACT**

WHEREAS, the City of Burnet, Texas, ("Buyer") has determined the need to acquire additional property to further its interests in public development, infrastructure, and other municipal purposes; and

WHEREAS, the City of Burnet desires to purchase a 2-acre property located 107 Big Sky, legally described as S4231 Eagle's Nest Lot 78, Sec 2, a subdivision in Burnet County, Texas, more particularly described in the Warranty Deed recorded as Instrument No. 202301250 in the Public Records of Burnet County, Texas, from Johnny Carbone ("Seller"); and

WHEREAS, the Seller has agreed to sell and convey the aforementioned property to the City of Burnet for a total purchase price of One Hundred One Thousand and 00/100 Dollars (\$101,000.00); and

WHEREAS, the City of Burnet will deposit Earnest Money in the amount of Three Thousand Nine Hundred and 00/100 Dollars (\$3,900.00) and an Option Fee in the amount of One Thousand Ninety and 00/100 Dollars (\$1,090.00), both with Attorney's Abstract Title Company, 117 E. Jackson Street, Burnet, TX 78611, within three days of the Seller's delivery of the Contract; and

WHEREAS, it is necessary to authorize the Mayor, Gary Wideman, to execute all documents and take all actions necessary to complete the purchase of this property on behalf of the City of Burnet.

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

Section One. Findings. The recitals stated above are hereby found to be true and correct and are incorporated into the body of this Resolution as if fully set forth herein.

Section Two. Approval. The City Council of the City of Burnet hereby approves the purchase of the 2-acre property located at 107 Big Sky, legally described as S4231 Eagle's Nest Lot 78, Sec 2, a subdivision in Burnet County, Texas for the total purchase price of One Hundred One Thousand and 00/100 Dollars (\$101,000.00), subject to the terms and conditions set forth in the Property Contract attached hereto as Exhibit "A".

Section Three. Authorization. The Mayor is hereby authorized and directed to execute the Property Contract between Johnny Carbone, as Seller, and the City of Burnet, as

Buyer, and to take all other actions necessary to complete the acquisition of the property described herein, including but not limited to the payment of earnest money, conducting due diligence, and executing any other related documents required to effectuate this transaction.

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

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

PASSED AND APPROVED on this the 14th day of January 2025.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Maria Gonzales, City Secretary

ITEM 8-9.



PROMULGATED BY THE TEXAS REAL ESTATE COMMISSION (TREC)

11-04-2024

UNIMPROVED PROPERTY CONTRACT
NOTICE: Not For Use For Condominium Transactions



1. **PARTIES:** The parties to this contract are Johnny Carbone (Seller) and _____ (Buyer). Seller agrees to sell and convey to Buyer and Buyer agrees to buy from Seller the Property defined below.

2. **PROPERTY:** Lot S4231 EAGLES NEST LOT 78, Block _____, Addition, _____, City of Burnet, County of Burnet, Texas, known as 107 Big Sky 78611 (address/zip code), or as described on attached exhibit together with all rights, privileges and appurtenances pertaining thereto (Property).

RESERVATIONS: Any reservation for oil, gas, or other minerals, water, timber, or other interests is made in accordance with an attached addendum.

3. **SALES PRICE:**

A. Cash portion of Sales Price payable by Buyer at closing. \$ 101,000.00

The term "Cash portion of the Sales Price" does not include proceeds from borrowing of any kind or selling other real property except as disclosed in this contract.

B. Sum of all financing described in the attached: Third Party Financing Addendum, Loan Assumption Addendum, Seller Financing Addendum. \$ _____

C. Sales Price (Sum of A and B) \$ 101,000.00

D. The Sales Price will will not be adjusted based on the survey required by Paragraph 6C. If the Sales Price is adjusted, the Sales Price will be adjusted based on the difference between _____ acres and the acreage set forth in the survey required by Paragraph 6C. The difference in acreage (either increased or decreased) shall be multiplied by the sum of \$ _____ per acre and either added to or subtracted from the Sales Price stated in Paragraph 3C. If the Sales Price is adjusted by more than 10%, either party may terminate this contract by providing written notice to the other party within _____ days after the terminating party receives the survey. If neither party terminates this contract or if the variance is 10% or less, the adjustment will be made to the amount in 3A 3B proportionately to 3A and 3B.

4. **LEASES:**

A. Except as disclosed in this contract, Seller is not aware of any leases affecting the Property. After the Effective Date, Seller may not, without Buyer's written consent, create a new lease, amend any existing lease, or convey any interest in the Property.

B. **NATURAL RESOURCE LEASES:** "Natural Resource Lease" means an existing oil and gas, mineral, geothermal, water, wind, or other natural resource lease affecting the Property to which Seller is a party. Seller is is not a party to a Natural Resource Lease. If Seller is a party to a Natural Resource Lease, check one of the following:

- (1) Seller has delivered to Buyer a copy of all the Natural Resource Leases.
- (2) Seller has not delivered to Buyer a copy of all the Natural Resource Leases. Seller shall provide to Buyer a copy of all the Natural Resource Leases within 3 days after the Effective Date. Buyer may terminate the contract within _____ days after the date the Buyer receives all the Natural Resource Leases and the earnest money shall be refunded to Buyer.

5. **EARNEST MONEY AND TERMINATION OPTION:**

A. **DELIVERY OF EARNEST MONEY AND OPTION FEE:** Within 3 days after the Effective Date, Buyer must deliver to Attorney's Abstract & Title Co. (Escrow Agent) at 117 E. Jackson St., Burnet, TX 78611 (address): \$ 3,900.00 as earnest money and \$ 1,090.00 as the Option Fee. The earnest money and Option Fee shall be made payable to Escrow Agent and may be paid separately or combined in a single payment.

- (1) Buyer shall deliver additional earnest money of \$ _____ to Escrow Agent within _____ days after the Effective Date of this contract.
- (2) If the last day to deliver the earnest money, Option Fee, or the additional earnest money falls on a Saturday, Sunday, or legal holiday, the time to deliver the earnest money, Option Fee, or the additional earnest money, as applicable, is extended until the end of the next day that is not a Saturday, Sunday, or legal holiday.
- (3) The amount(s) Escrow Agent receives under this paragraph shall be applied first to the Option Fee, then to the earnest money, and then to the additional earnest money.
- (4) Buyer authorizes Escrow Agent to release and deliver the Option Fee to Seller at any time without further notice to or consent from Buyer, and releases Escrow Agent from liability for delivery of the Option Fee to Seller. The Option Fee will be credited to the Sales Price at closing.

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- B. TERMINATION OPTION: For nominal consideration, the receipt of which Seller acknowledges, and Buyer's agreement to pay the Option Fee within the time required, Seller grants Buyer the unrestricted right to terminate this contract by giving notice of termination to Seller within 30 days after the Effective Date of this contract (Option Period). Notices under this paragraph must be given by 5:00 p.m. (local time where the Property is located) by the date specified. If Buyer gives notice of termination within the time prescribed: (i) the Option Fee will not be refunded and Escrow Agent shall release any Option Fee remaining with Escrow Agent to Seller; and (ii) any earnest money will be refunded to Buyer.
- C. FAILURE TO TIMELY DELIVER EARNEST MONEY: If Buyer fails to deliver the earnest money within the time required, Seller may terminate this contract or exercise Seller's remedies under Paragraph 15, or both, by providing notice to Buyer before Buyer delivers the earnest money.
- D. FAILURE TO TIMELY DELIVER OPTION FEE: If no dollar amount is stated as the Option Fee or if Buyer fails to deliver the Option Fee within the time required, Buyer shall not have the unrestricted right to terminate this contract under this Paragraph 5.
- E. TIME: **Time is of the essence for this paragraph and strict compliance with the time for performance is required.**

6. TITLE POLICY AND SURVEY:

- A. TITLE POLICY: Seller shall furnish to Buyer at Seller's Buyer's expense an owner's policy of title insurance (Title Policy) issued by Attorney's Abstract & Title Co. (Title Company) in the amount of the Sales Price, dated at or after closing, insuring Buyer against loss under the provisions of the Title Policy, subject to the promulgated exclusions (including existing building and zoning ordinances) and the following exceptions:
 - (1) Restrictive covenants common to the platted subdivision in which the Property is located.
 - (2) The standard printed exception for standby fees, taxes and assessments.
 - (3) Liens created as part of the financing described in Paragraph 3.
 - (4) Utility easements created by the dedication deed or plat of the subdivision in which the Property is located.
 - (5) Reservations or exceptions otherwise permitted by this contract or as may be approved by Buyer in writing.
 - (6) The standard printed exception as to marital rights.
 - (7) The standard printed exception as to waters, tidelands, beaches, streams, and related matters.
 - (8) The standard printed exception as to discrepancies, conflicts, shortages in area or boundary lines, encroachments or protrusions, or overlapping improvements:
 - (i) will not be amended or deleted from the title policy; or
 - (ii) will be amended to read, "shortages in area" at the expense of Buyer Seller.
 - (9) The exception or exclusion regarding minerals approved by the Texas Department of Insurance.
- B. COMMITMENT: Within 20 days after the Title Company receives a copy of this contract, Seller shall furnish to Buyer a commitment for title insurance (Commitment) and, at Buyer's expense, legible copies of restrictive covenants and documents evidencing exceptions in the Commitment (Exception Documents) other than the standard printed exceptions. Seller authorizes the Title Company to deliver the Commitment and Exception Documents to Buyer at Buyer's address shown in Paragraph 21. If the Commitment and Exception Documents are not delivered to Buyer within the specified time, the time for delivery will be automatically extended up to 15 days or 3 days before the Closing Date, whichever is earlier. If the Commitment and Exception Documents are not delivered within the time required, Buyer may terminate this contract and the earnest money will be refunded to Buyer.
- C. SURVEY: The survey must be made by a registered professional land surveyor acceptable to the Title Company and Buyer's lender(s). (Check one box only)
 - (1) Within _____ days after the Effective Date of this contract, Seller shall furnish to Buyer and Title Company Seller's existing survey of the Property and a Residential Real Property Affidavit or Declaration promulgated by the Texas Department of Insurance (T-47 Affidavit or T-47.1 Declaration). Buyer shall obtain a new survey at Seller's expense no later than 3 days prior to Closing Date if Seller fails to furnish within the time prescribed both the: (i) existing survey; and (ii) affidavit or declaration. If the Title Company or Buyer's lender does not accept the existing survey, or the affidavit or declaration, Buyer shall obtain a new survey at Seller's Buyer's expense no later than 3 days prior to Closing Date.
 - (2) Within 30 days after the Effective Date of this contract, Buyer may obtain a new survey at Buyer's expense. Buyer is deemed to receive the survey on the date of actual receipt or the date specified in this paragraph, whichever is earlier. If Buyer fails to obtain the survey, Buyer may not terminate the contract under Paragraph 2B of the Third Party Financing Addendum because the survey was not obtained.
 - (3) Within _____ days after the Effective Date of this contract, Seller, at Seller's expense shall furnish a new survey to Buyer.
- D. OBJECTIONS: Buyer may object in writing to (i) defects, exceptions, or encumbrances to title: disclosed on the survey other than items 6A(1) through (7) above; or disclosed in the Commitment other than items 6A(1) through (9) above; (ii) any portion of the Property lying in a special flood hazard area (Zone V or A) as shown on the current Federal Emergency Management Agency map; or (iii) any exceptions, which prohibit the following use or activity:

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Buyer must object the earlier of (i) the Closing Date or (ii) 7 days after Buyer receives the Commitment, Exception Documents, and the survey. Buyer's failure to object within the time allowed will constitute a waiver of Buyer's right to object; except that the requirements in Schedule C of the Commitment are not waived. Provided Seller is not obligated to incur any expense, Seller shall cure any timely objections of Buyer or any third party lender within 15 days after Seller receives the objections (Cure Period) and the Closing Date will be extended as necessary. If objections are not cured within the Cure Period, Buyer may, by delivering notice to Seller within 5 days after the end of the Cure Period: (i) terminate this contract and the earnest money will be refunded to Buyer; or (ii) waive the objections. If Buyer does not terminate within the time required, Buyer shall be deemed to have waived the objections. If the Commitment or survey is revised or any new Exception Document(s) is delivered, Buyer may object to any new matter revealed in the revised Commitment or survey or new Exception Document(s) within the same time stated in this paragraph to make objections beginning when the revised Commitment, survey, or Exception Document(s) is delivered to Buyer.

E. TITLE NOTICES:

- (1) ABSTRACT OR TITLE POLICY: Broker advises Buyer to have an abstract of title covering the Property examined by an attorney of Buyer's selection, or Buyer should be furnished with or obtain a Title Policy. If a Title Policy is furnished, the Commitment should be promptly reviewed by an attorney of Buyer's choice due to the time limitations on Buyer's right to object.
- (2) MEMBERSHIP IN PROPERTY OWNERS ASSOCIATION(S): The Property is is not subject to mandatory membership in a property owners association(s). If the Property is subject to mandatory membership in a property owners association(s), Seller notifies Buyer under §5.012, Texas Property Code, that, as a purchaser of property in the residential community identified in Paragraph 2 in which the Property is located, you are obligated to be a member of the property owners association(s). Restrictive covenants governing the use and occupancy of the Property and all dedicatory instruments governing the establishment, maintenance, and operation of this residential community have been or will be recorded in the Real Property Records of the county in which the Property is located. Copies of the restrictive covenants and dedicatory instruments may be obtained from the county clerk. You are obligated to pay assessments to the property owners association(s). The amount of the assessments is subject to change. Your failure to pay the assessments could result in enforcement of the association's lien on and the foreclosure of the Property.
Section 207.003, Property Code, entitles an owner to receive copies of any document that governs the establishment, maintenance, or operation of a subdivision, including, but not limited to, restrictions, bylaws, rules and regulations, and a resale certificate from a property owners' association. A resale certificate contains information including, but not limited to, statements specifying the amount and frequency of regular assessments and the style and cause number of lawsuits to which the property owners' association is a party, other than lawsuits relating to unpaid ad valorem taxes of an individual member of the association. These documents must be made available to you by the property owners' association or the association's agent on your request.
If Buyer is concerned about these matters, the TREC promulgated Addendum for Property Subject to Mandatory Membership in a Property Owners Association should be used.
- (3) STATUTORY TAX DISTRICTS: If the Property is situated in a utility or other statutorily created district providing water, sewer, drainage, or flood control facilities and services, Chapter 49, Texas Water Code, requires Seller to deliver and Buyer to sign the statutory notice relating to the tax rate, bonded indebtedness, or standby fee of the district prior to final execution of this contract.
- (4) TIDE WATERS: If the Property abuts the tidally influenced waters of the state, §33.135, Texas Natural Resources Code, requires a notice regarding coastal area property to be included in the contract. An addendum containing the notice promulgated by TREC or required by the parties must be used.
- (5) ANNEXATION: If the Property is located outside the limits of a municipality, Seller notifies Buyer under §5.011, Texas Property Code, that the Property may now or later be included in the extraterritorial jurisdiction of a municipality and may now or later be subject to annexation by the municipality. Each municipality maintains a map that depicts its boundaries and extraterritorial jurisdiction. To determine if the Property is located within a municipality's extraterritorial jurisdiction or is likely to be located within a municipality's extraterritorial jurisdiction, contact all municipalities located in the general proximity of the Property for further information.
- (6) PROPERTY LOCATED IN A CERTIFICATED SERVICE AREA OF A UTILITY SERVICE PROVIDER: Notice required by §13.257, Water Code: The real property, described in Paragraph 2, that you are about to purchase may be located in a certificated water or sewer service area, which is authorized by law to provide water or sewer service to the properties in the certificated area. If your property is located in a certificated area there may be special costs or charges that you will be required to pay before you can receive water or sewer service. There may be a period required to construct lines or other facilities necessary to provide water or sewer service to your property. You are advised to determine if the property is in a certificated area and contact the utility service provider to determine the cost that you will be

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(Address of Property)

- required to pay and the period, if any, that is required to provide water or sewer service to your property. The undersigned Buyer hereby acknowledges receipt of the foregoing notice at or before the execution of a binding contract for the purchase of the real property described in Paragraph 2 or at closing of purchase of the real property.
- (7) PUBLIC IMPROVEMENT DISTRICTS: If the Property is in a public improvement district, Seller must give Buyer written notice as required by §5.014, Property Code. An addendum containing the required notice shall be attached to this contract.
- (8) TEXAS AGRICULTURAL DEVELOPMENT DISTRICT: The Property is is not located in a Texas Agricultural Development District. For additional information, contact the Texas Department of Agriculture.
- (9) TRANSFER FEES: If the Property is subject to a private transfer fee obligation, §5.205, Property Code requires Seller to notify Buyer as follows: The private transfer fee obligation may be governed by Chapter 5, Subchapter G of the Texas Property Code.
- (10) PROPANE GAS SYSTEM SERVICE AREA: If the Property is located in a propane gas system service area owned by a distribution system retailer, Seller must give Buyer written notice as required by §141.010, Texas Utilities Code. An addendum containing the notice approved by TREC or required by the parties should be used.
- (11) NOTICE OF WATER LEVEL FLUCTUATIONS: If the Property adjoins an impoundment of water, including a reservoir or lake, constructed and maintained under Chapter 11, Water Code, that has a storage capacity of at least 5,000 acre-feet at the impoundment's normal operating level, Seller hereby notifies Buyer: "The water level of the impoundment of water adjoining the Property fluctuates for various reasons, including as a result of: (1) an entity lawfully exercising its right to use the water stored in the impoundment; or (2) drought or flood conditions."
- (12) REQUIRED NOTICES: The following notices have been given or are attached to this contract (for example, utility, water, drainage, and public improvement districts): Mandatory Eagles Nest Homeowners Association. Property needs septic.

Seller's failure to provide applicable statutory notices may provide Buyer with remedies or rights to terminate the contract.

7. PROPERTY CONDITION:

A. ACCESS, INSPECTIONS AND UTILITIES: Seller shall permit Buyer and Buyer's agents access to the Property at reasonable times. Buyer may have the Property inspected by inspectors selected by Buyer and licensed by TREC or otherwise permitted by law to make inspections. Seller at Seller's expense shall immediately cause existing utilities to be turned on and shall keep the utilities on during the time this contract is in effect.

NOTICE: Buyer should determine the availability of utilities to the Property suitable to satisfy Buyer's needs.

B. ACCEPTANCE OF PROPERTY CONDITION: "As Is" means the present condition of the Property with any and all defects and without warranty except for the warranties of title and the warranties in this contract. Buyer's agreement to accept the Property As Is under Paragraph 7B (1) or (2) does not preclude Buyer from inspecting the Property under Paragraph 7A, from negotiating repairs or treatments in a subsequent amendment, or from terminating this contract during the Option Period, if any.

(Check one box only)

- (1) Buyer accepts the Property As Is.
- (2) Buyer accepts the Property As Is provided Seller, at Seller's expense, shall complete the following specific repairs and treatments: _____


(Do not insert general phrases, such as "subject to inspections" that do not identify specific repairs and treatments.)

C. COMPLETION OF REPAIRS AND TREATMENTS: Unless otherwise agreed in writing, Seller shall complete all agreed repairs and treatments prior to the Closing Date and obtain any required permits. The repairs and treatments must be performed by persons who are licensed to provide such repairs or treatments or, if no license is required by law, are commercially engaged in the trade of providing such repairs or treatments. Seller shall: (i) provide Buyer with copies of documentation from the repair person(s) showing the scope of work and payment for the work completed; and (ii) at Seller's expense, arrange for the transfer of any transferable warranties with respect to the repairs and treatments to Buyer at closing. If Seller fails to complete any agreed repairs and treatments prior to the Closing Date, Buyer may exercise remedies under Paragraph 15 or extend the Closing Date up to 5 days, if necessary, for Seller to complete repairs and treatments.

D. ENVIRONMENTAL MATTERS: Buyer is advised that the presence of wetlands, toxic substances, including asbestos and wastes or other environmental hazards, or the presence of a threatened or endangered species or its habitat may affect Buyer's intended use of the Property. If Buyer is concerned about these matters, an addendum promulgated by TREC or required by the parties should be used.

E. SELLER'S DISCLOSURE:

- (1) Seller is is not aware of any flooding of the Property which has had a material adverse effect on the use of the Property.
- (2) Seller is is not aware of any pending or threatened litigation, condemnation, or special assessment affecting the Property.
- (3) Seller is is not aware of any environmental hazards that materially and adversely affect the Property.

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- (4) Seller is is not aware of any dumpsite, landfill, or underground tanks or containers now or previously located on the Property.
- (5) Seller is is not aware of any wetlands, as defined by federal or state law or regulation, affecting the Property.
- (6) Seller is is not aware of any threatened or endangered species or their habitat affecting the Property.
- (7) Seller is is not aware that the Property is located wholly partly in a floodplain.
- (8) Seller is is not aware that a tree or trees located on the Property has oak wilt. If Seller is aware of any of the items above, explain (attach additional sheets if necessary): N/A

8. BROKERS AND SALES AGENTS:

- A. **BROKER OR SALES AGENT DISCLOSURE:** Texas law requires a real estate broker or sales agent who is a party to a transaction or acting on behalf of a spouse, parent, child, business entity in which the broker or sales agent owns more than 10%, or a trust for which the broker or sales agent acts as a trustee or of which the broker or sales agent or the broker or sales agent's spouse, parent or child is a beneficiary, to notify the other party in writing before entering into a contract of sale. Disclose if applicable: N/A
- B. **BROKERS' FEES:** All obligations of the parties for payment of brokers' fees are contained in separate written agreements.

9. CLOSING:

- A. The closing of the sale will be on or before Initial February 26 ~~March 5~~, 2025, or within 7 days after objections made under Paragraph 6D have been cured or waived, whichever date is later (Closing Date). If either party fails to close the sale by the Closing Date, the non-defaulting party may exercise the remedies contained in Paragraph 15.
- B. At closing:
 - (1) Seller shall execute and deliver a general warranty deed conveying title to the Property to Buyer and showing no additional exceptions to those permitted in Paragraph 6 and furnish tax statements or certificates showing no delinquent taxes on the Property.
 - (2) Buyer shall pay the Sales Price in good funds acceptable to the Escrow Agent.
 - (3) Seller and Buyer shall execute and deliver any notices, statements, certificates, affidavits, releases, loan documents, transfer of any warranties, and other documents reasonably required for the closing of the sale and the issuance of the Title Policy.
 - (4) There will be no liens, assessments, or security interests against the Property which will not be satisfied out of the sales proceeds unless securing the payment of any loans assumed by Buyer and assumed loans will not be in default.
 - (5) Private transfer fees (as defined by Chapter 5, Subchapter G of the Texas Property Code) will be the obligation of Seller unless provided otherwise in this contract. Transfer fees assessed by a property owners' association are governed by the Addendum for Property Subject to Mandatory Membership in a Property Owners Association.

10. POSSESSION: Seller shall deliver to Buyer possession of the Property in its present or required condition upon closing and funding.

11. SPECIAL PROVISIONS: (This paragraph is intended to be used only for additional informational items. An informational item is a statement that completes a blank in a contract form, discloses factual information, or provides instructions. Real estate brokers and sales agents are prohibited from practicing law and shall not add to, delete, or modify any provision of this contract unless drafted by a party to this contract or a party's attorney.) Buyer to pay all HOA transfer fees and HOA resale certificate fees. Seller will only pay seller's broker commissions not buyer's broker commission fees.

12. SETTLEMENT AND OTHER EXPENSES:

- A. The following expenses must be paid at or prior to closing:
 - (1) Seller shall pay the following expenses (Seller's Expenses):
 - (a) releases of existing liens, including prepayment penalties and recording fees; release of Seller's loan liability; tax statements or certificates; preparation of deed; one-half of escrow fee; brokerage fees that Seller has agreed to pay; and other expenses payable by Seller under this contract;
 - (b) the following amount to be applied to brokerage fees that Buyer has agreed to pay: \$ _____ or _____ % of the Sales Price (check one box only); and
 - (c) an amount not to exceed \$ _____ to be applied to other Buyer's Expenses.
 - (2) Buyer shall pay the following expenses (Buyer's Expenses): Appraisal fees; loan application fees; origination charges; credit reports; preparation of loan documents; interest on the notes from date of disbursement to one month prior to dates of first monthly payments; recording fees; copies of easements and restrictions; loan title policy with endorsements required by lender; loan-related inspection fees; photos; amortization schedules; one-half of escrow fee; all prepaid items, including required premiums for flood and hazard insurance, reserve deposits for insurance, ad valorem taxes and special governmental assessments; final compliance inspection; courier fee; repair inspection; underwriting fee; wire transfer fee; expenses incident to any loan; Private Mortgage Insurance Premium (PMI), VA Loan Funding Fee, or FHA Mortgage Insurance Premium (MIP) as required by the lender; brokerage fees that Buyer has agreed to pay; and other expenses payable by Buyer under this contract.

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B. If any expense exceeds an amount expressly stated in this contract for such expense to be paid by a party, that party may terminate this contract unless the other party agrees to pay such excess. Buyer may not pay charges and fees expressly prohibited by FHA, VA, Texas Veterans Land Board or other governmental loan program regulations.

13. PRORATIONS AND ROLLBACK TAXES:

A. PRORATIONS: Taxes for the current year, interest, rents, and regular periodic maintenance fees, assessments, and dues (including prepaid items) will be prorated through the Closing Date. The tax proration may be calculated taking into consideration any change in exemptions that will affect the current year's taxes. If taxes for the current year vary from the amount prorated at closing, the parties shall adjust the prorations when tax statements for the current year are available. If taxes are not paid at or prior to closing, Buyer shall pay taxes for the current year.
B. ROLLBACK TAXES: If this sale or Buyer's use of the Property after closing results in the assessment of additional taxes, penalties or interest (Assessments) for periods prior to closing, the Assessments will be the obligation of Buyer. If Assessments are imposed because of Seller's use or change in use of the Property prior to closing, the Assessments will be the obligation of Seller. Obligations imposed by this paragraph will survive closing.

14. CASUALTY LOSS: If any part of the Property is damaged or destroyed by fire or other casualty after the Effective Date of this contract, Seller shall restore the Property to its previous condition as soon as reasonably possible, but in any event by the Closing Date. If Seller fails to do so due to factors beyond Seller's control, Buyer may (a) terminate this contract and the earnest money will be refunded to Buyer (b) extend the time for performance up to 15 days and the Closing Date will be extended as necessary or (c) accept the Property in its damaged condition with an assignment of insurance proceeds, if permitted by Seller's insurance carrier, and receive credit from Seller at closing in the amount of the deductible under the insurance policy. Seller's obligations under this paragraph are independent of any other obligations of Seller under this

^{Initial}
15. DEFAULT: If Buyer fails to comply with this contract, Buyer will be in default, and Seller may ~~(a) enforce specific performance, seek such other relief as may be provided by law, or both, or (b) terminate this contract and receive the earnest money as liquidated damages, thereby releasing both parties from this contract.~~ If Seller fails to comply with this contract, Seller will be in default and Buyer may ~~(a) enforce specific performance, seek such other relief as may be provided by law, or both, or (b) terminate this contract and receive the earnest money, thereby releasing both parties from this contract.~~

16. MEDIATION: It is the policy of the State of Texas to encourage resolution of disputes through alternative dispute resolution procedures such as mediation. Any dispute between Seller and Buyer related to this contract which is not resolved through informal discussion will be submitted to a mutually acceptable mediation service or provider. The parties to the mediation shall bear the mediation costs equally. This paragraph does not preclude a party from seeking equitable relief from a court of competent jurisdiction.

17. ATTORNEY'S FEES: A Buyer, Seller, Listing Broker, Other Broker, or Escrow Agent who prevails in any legal proceeding related to this contract is entitled to recover reasonable attorney's fees and all costs of such proceeding.

18. ESCROW:
A. ESCROW: The Escrow Agent is not (i) a party to this contract and does not have liability for the performance or nonperformance of any party to this contract, (ii) liable for interest on the earnest money and (iii) liable for the loss of any earnest money caused by the failure of any financial institution in which the earnest money has been deposited unless the financial institution is acting as Escrow Agent. Escrow Agent may require any disbursement made in connection with this contract to be conditioned on Escrow Agent's collection of good funds acceptable to Escrow Agent.
B. EXPENSES: At closing, the earnest money must be applied first to any cash down payment, then to Buyer's Expenses and any excess refunded to Buyer. If no closing occurs, Escrow Agent may: (i) require a written release of liability of the Escrow Agent from all parties before releasing any earnest money; and (ii) require payment of unpaid expenses incurred on behalf of a party. Escrow Agent may deduct authorized expenses from the earnest money payable to a party. "Authorized expenses" means expenses incurred by Escrow Agent on behalf of the party entitled to the earnest money that were authorized by this contract or that party.
C. DEMAND: Upon termination of this contract, either party or the Escrow Agent may send a release of earnest money to each party and the parties shall execute counterparts of the release and deliver same to the Escrow Agent. If either party fails to execute the release, either party may make a written demand to the Escrow Agent for the earnest money. If only one party makes written demand for the earnest money, Escrow Agent shall promptly provide a copy of the demand to the other party. If Escrow Agent does not receive written objection to the demand from the other party within 15 days, Escrow Agent may disburse the earnest money to the party making demand reduced by the amount of unpaid expenses incurred on behalf of the party receiving the earnest money and Escrow Agent may pay the same to the creditors. If Escrow Agent complies with the provisions of this paragraph, each party hereby releases Escrow Agent from all adverse claims related to the disbursement of the earnest money.
D. DAMAGES: Any party who wrongfully fails or refuses to sign a release acceptable to the Escrow Agent within 7 days of receipt of the request will be liable to the other party for (i) damages; (ii) the earnest money; (iii) reasonable attorney's fees; and (iv) all costs of suit.
E. NOTICES: Escrow Agent's notices will be effective ^{Initial} when sent in compliance with Paragraph 21. Notice of objection to the demand will be deemed effective upon receipt by Escrow Agent.

Initialed for identification by Buyer _____ and Seller _____

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ITEM 8-9.

- 19. **REPRESENTATIONS:** All covenants, representations and warranties in this contract survive closing. If any representation of Seller in this contract is untrue on the Closing Date, Seller will be in default. Unless expressly prohibited by written agreement, Seller may continue to show the Property and receive, negotiate and accept back up offers.
- 20. **FEDERAL REQUIREMENTS:** If Seller is a "foreign person," as defined by Internal Revenue Code and its regulations, or if Seller fails to deliver an affidavit or a certificate of non- foreign status to Buyer that Seller is not a "foreign person," then Buyer shall withhold from the sales proceeds an amount sufficient to comply with applicable tax law and deliver the same to the Internal Revenue Service together with appropriate tax forms. Internal Revenue Service regulations require filing written reports if currency in excess of specified amounts is received in the transaction.
- 21. **NOTICES:** All notices from one party to the other must be in writing and are effective when mailed to, hand-delivered at, or transmitted by fax or electronic transmission as follows:

<p>To Buyer at: _____</p> <p>_____</p> <p>Phone: _____</p> <p>E-mail/Fax: _____</p> <p>E-mail/Fax: _____</p> <p>With a copy to Buyer's agent at:</p> <p>_____</p>	<p>To Seller at: 107 Big Sky</p> <p>Mailing Address: 3005 S Burnet, TX 78611 Lamar Blvd, Ste D-109 #95, Austin, TX 78704</p> <p>Phone: 737-296-0174 cell _____</p> <p>E-mail/Fax: jcarbone1017@gmail.com _____</p> <p>E-mail/Fax: _____</p> <p>With a copy to Seller's agent at: byler@crotx.com _____</p>
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22. **AGREEMENT OF PARTIES:** This contract contains the entire agreement of the parties and cannot be changed except by their written agreement. Addenda which are a part of this contract are (check all applicable boxes):

- | | |
|--|---|
| <input type="checkbox"/> Third Party Financing Addendum | <input type="checkbox"/> Addendum for Coastal Area Property |
| <input type="checkbox"/> Seller Financing Addendum | <input type="checkbox"/> Environmental Assessment, Threatened or Endangered Species and Wetlands Addendum |
| <input checked="" type="checkbox"/> Addendum for Property Subject to Mandatory Membership in a Property Owners Association | <input type="checkbox"/> Addendum for Property Located Seaward of the Gulf Intracoastal Waterway |
| <input type="checkbox"/> Buyer's Temporary Residential Lease | <input type="checkbox"/> Addendum for Sale of Other Property by Buyer |
| <input type="checkbox"/> Seller's Temporary Residential Lease | <input type="checkbox"/> Addendum for Property in a Propane Gas System Service Area |
| <input type="checkbox"/> Addendum for Reservation of Oil, Gas and Other Minerals | <input type="checkbox"/> Addendum for Section 1031 Exchange |
| <input type="checkbox"/> Addendum for "Back-Up" Contract | <input type="checkbox"/> Other (list): _____ |
| <input type="checkbox"/> Addendum Concerning Right to Terminate Due to Lender's Appraisal | _____ |
| <input type="checkbox"/> Addendum containing Notice of Obligation to Pay Improvement District Assessment | _____ |

23. **CONSULT AN ATTORNEY BEFORE SIGNING:** TREC rules prohibit real estate brokers and sales agents from giving legal advice. READ THIS CONTRACT CAREFULLY.

Buyer's Attorney is: _____	Seller's Attorney is: _____
_____	_____
Phone: _____	Phone: _____
Fax: _____	Fax: _____
E-mail: _____	E-mail: _____

Initialed for identification by Buyer _____ and Seller TREC NO. 9-17 TXR 1607

ITEM 8-9.

Contract Concerning 107 Big Sky, Burnet, TX 78611 Page 8 of 10 11-04-2024
(Address of Property)

EXECUTED the _____ day of _____, 20____ (Effective Date).
(BROKER: FILL IN THE DATE OF FINAL ACCEPTANCE.)


Buyer _____

Signed by:

SELLER
HE680E65052A14FB...
Johnny Carbone

Buyer _____

Seller _____

 The form of this contract has been approved by the Texas Real Estate Commission. TREC forms are intended for use only by trained real estate license holders. No representation is made as to the legal validity or adequacy of any provision in any specific transactions. It is not intended for complex transactions. Texas Real Estate Commission, P.O. Box 12188, Austin, TX 78711-2188, (512) 936-3000 (<http://www.trec.texas.gov>) TREC NO. 9-17. This form replaces TREC NO. 9-16.

TREC NO. 9-17
TXR 1607

ITEM 8-9.

BROKER INFORMATION
(Print name(s) only. Do not sign)

Other Broker Firm _____	License No. _____	Classic Realty of Texas	Listing Broker Firm _____	License No. _____
represents <input type="checkbox"/> Buyer only as Buyer's agent			represents <input type="checkbox"/> Seller and Buyer as an intermediary	
<input type="checkbox"/> Seller as Listing Broker's subagent			<input checked="" type="checkbox"/> Seller only as Seller's agent	

Associate's Name _____	License No. _____	Shawna Byler	768224
Listing Associate's Name _____	License No. _____		

Team Name _____	Team Name _____
-----------------	-----------------

Associate's Email Address _____	Phone _____	byler@crotx.com	(512)468-1235
Listing Associate's Email Address _____	Phone _____		

Licensed Supervisor of Associate _____	License No. _____	Classic Realty of Texas	9003835
Licensed Supervisor of Listing Associate _____	License No. _____		

Other Broker's Address _____	Phone _____	2800 E Whitestone Blvd., Ste 120-52	(512)468-1235
Listing Broker's Office Address _____	Phone _____		

City _____	State _____	Zip _____	Cedar Park	TX	78613
City _____	State _____	Zip _____			

N/A
Selling Associate's Name _____ License No. _____

N/A
Team Name _____

N/A
Selling Associate's Email Address _____ Phone _____

N/A
Licensed Supervisor of Selling Associate _____ License No. _____

N/A
Selling Associate's Office Address _____

N/A
City _____ State _____ Zip _____

Disclosure: Pursuant to a previous, separate agreement, Listing Broker has agreed to pay Other Broker a fee (\$ 0 or 0 % of the Sales Price). This disclosure is for informational purposes and does not change the previous agreement between brokers to pay or share a commission.

OPTION FEE RECEIPT

Receipt of \$ _____ (Option Fee) in the form of _____
is acknowledged.

Escrow Agent **Attorney's Abstract & Title Co.** _____ Date _____

EARNEST MONEY RECEIPT

Receipt of \$ _____ Earnest Money in the form of _____
is acknowledged.

Escrow Agent **Attorney's Abstract & Title Co.** Received by _____ Email Address _____ Date/Time _____

Address _____ Phone _____

City _____ State _____ Zip _____ Fax _____

CONTRACT RECEIPT

Receipt of the Contract is acknowledged.

Escrow Agent _____ Received by _____ Email Address _____ Date _____

Address _____ Phone _____

City _____ State _____ Zip _____ Fax _____

ADDITIONAL EARNEST MONEY RECEIPT

Receipt of \$ _____ additional Earnest Money in the form of _____
is acknowledged.

Escrow Agent _____ Received by _____ Email Address _____ Date/Time _____

Address _____ Phone _____

City _____ State _____ Zip _____ Fax _____