



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, June 10, 2025 at 5:30 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, June 10, 2025** at 5:30 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. YMCA Semi-Annual Report: G. Grumoli

2. Police Quarterly Report: B. Lee

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 May 27, 2025 Council Workshop Minutes

Approval of the May 27, 2025 Regular City Council Meeting Minutes

2. Discuss and consider action: Approval and authorization to enter into a contract with the Burnet County Elections Administration for the 2025-2026 election year: M. Gonzales

7. PUBLIC HEARINGS/ACTION:

1. Public hearing and action: Ordinance No. 2025-25: L. Kimbler

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR "GASOLINE AND/OR ALCOHOL SALES" IN A LIGHT COMMERCIAL – DISTRICT "C-1" ZONING DISTRICT FOR PROPERTY LOCATED AT 1003 N WATER STREET; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

Staff Presentation

Public Hearing

Discuss and consider action

2. Public hearing and action: Ordinance No. 2025-22: L. Kimbler

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY REZONING PROPERTY LOCATED AT THE NORTH CORNER OF COUNTY ROAD 108 AND NORTH WATER STREET FROM ITS CURRENT DESIGNATION OF AGRICULTURE – DISTRICT "A" TO A DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT "C-2" WITH A CONDITIONAL USE PERMIT TO ALLOW FOR "TRUCK STOP, WITH NO REPAIR OR WASH SERVICE"; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

Staff Presentation

Public Hearing

Discuss and consider action

3. Public hearing and action: Ordinance No. 2025-23: L. Kimbler

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") BY AMENDING ARTICLE IV (ENTITLED "ADMINISTRATION"); PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PENALTY NOT TO EXCEED \$2000.00; AND PROVIDING AN EFFECTIVE DATE

Staff Presentation

Public Hearing

Discuss and consider action

4. Public hearing and action: Ordinance No. 2025-24: L. Kimbler

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") BY AMENDING SECTION 118-62 (ENTITLED "LANDSCAPING AND SCREENING REQUIREMENTS"); PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING EFFECTIVE DATE

Staff Presentation

Public Hearing

Discuss and consider action

8. ACTION ITEMS:

1. Discuss and consider action: Direction to staff regarding the start time for regular City Council meetings: D. Vaughn

2. Discuss and consider action: Resolution No. R2025-43: D. Vaughn

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AUTHORIZING THE USE OF PROPORTIONATE COST FUNDS FOR CREEKFALL OFFSITE IMPROVEMENTS; AND AUTHORIZING THE USE OF FUTURE PROPORTIONATE COST PAYMENTS FROM DEVELOPERS FOR ADDITIONAL PHASES OF THE CREEKFALL DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE

3. Discuss and consider action: Resolution No. R2025-45: K. McBurnett

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, SELECTING FOURTH STREET AS THE DESIGNATED LOCATION FOR THE PROPOSED PEDESTRIAN BRIDGE OVER NORTH U.S. HIGHWAY 281 IN CONNECTION WITH THE COMMUNITY PROJECT FUNDING (CPF) GRANT AWARDED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD); AND PROVIDING AN EFFECTIVE DATE

4. Discuss and consider action: Resolution No. R2025-44: J. Forsyth

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AUTHORIZING THE PURCHASE OF WATER METERS, ENDPOINTS, AND JUMPER HARNESES FROM BADGER METER, INC. AS A SOLE SOURCE PROVIDER; AND PROVIDING AN EFFECTIVE DATE

5. Discuss and consider action: Resolution No. R2025-47: E. Belaj

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ACCEPTING THE PROPOSAL SUBMITTED IN RESPONSE TO REQUEST FOR PROPOSAL (RFP) 2025-005 FOR HAY FIELD MAINTENANCE SERVICES, AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT FOLLOWING REVIEW AND APPROVAL BY LEGAL COUNSEL

6. Discuss and consider action: Resolution No. R2025-46: P. Langford

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, RESTRICTING CERTAIN FUNDS FOR STREET PROJECTS AND DEPOSITING THOSE FUNDS IN ACCORDANCE WITH THE CITY'S INVESTMENT POLICY AND AUTHORIZING THE USE OF COUNCIL RESTRICTED FUNDS FOR STREET PROJECTS

7. Discuss and consider action: Ordinance No. 2025-26: P. Langford

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2024-35; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2024, AND ENDING SEPTEMBER 30, 2025, FOR THE CITY OF BURNET, TEXAS, FUNDING ACCOUNTS IN BUDGET DUE TO UNFORESEEN SITUATIONS; CONTAINING FINDINGS; PROVIDING FOR SAVINGS AND SEVERABILITY

9. EXECUTIVE SESSION:

10. RECONVENE TO REGULAR SESSION FOR POSSIBLE ACTION:

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 6th day of June 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 June 6, 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).

Burnet Police Department



Quarterly Report



Updates

Range project

- Construction has been slowed by the weather
- Completed the concrete covering the remainder of the range
- Anticipated to have the exterior completed by the end of June
- Completion of the project should be end of July



Patrol



Fully Staffed



Calls for Service

3003



Traffic Stops

1577



Accidents

82



ITEM 5-2.

K-9

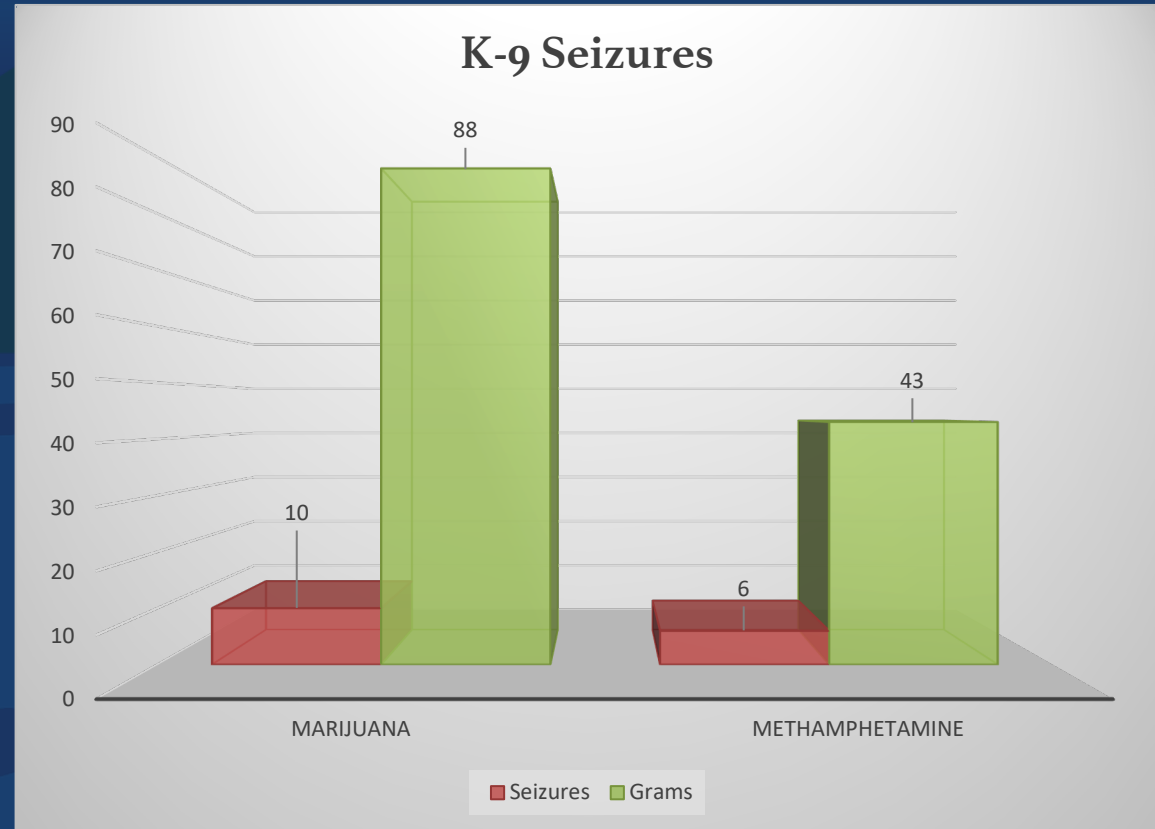


K-9

Deployments - 40

Seizure Incidents – 16

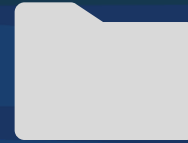
Arrests - 9



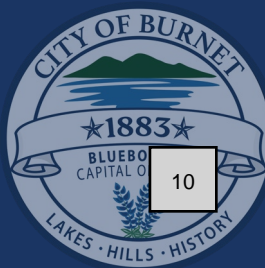
Investigations



7



13



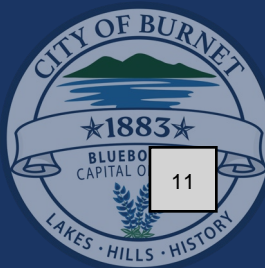
Code Enforcement

Total Cases: 63

- Open: 9
- Closed: 47
- Sent to court: 7

Case Number per Violation

- Tall weeds and grass: 9
- Multiple Violations: 13
- Debris: 25
- Abandoned Vehicle: 1
- Unsafe Structure: 1
- Junked Vehicle: 1
- Other: 13



Questions



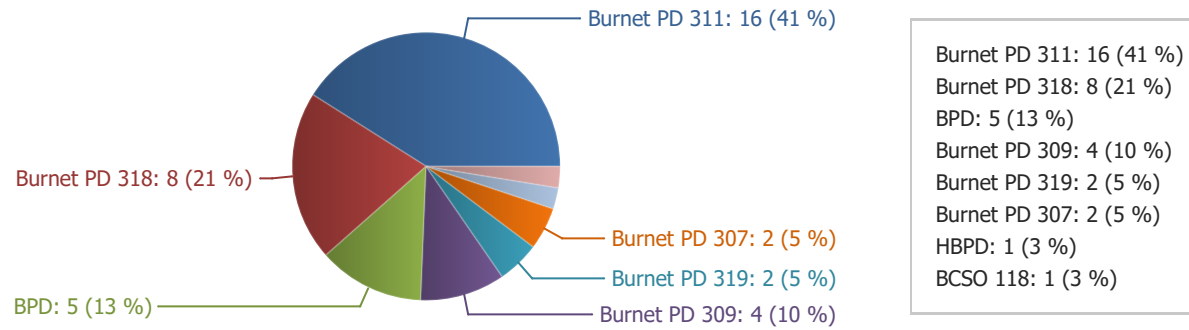
Deployment Summary

Group Report for 2 Handlers

Using all 40 Records from January 1, 2025 to June 5, 2025



Top 25 Requesting Agencies



Deployment Summary

Group Report for 2 Handlers

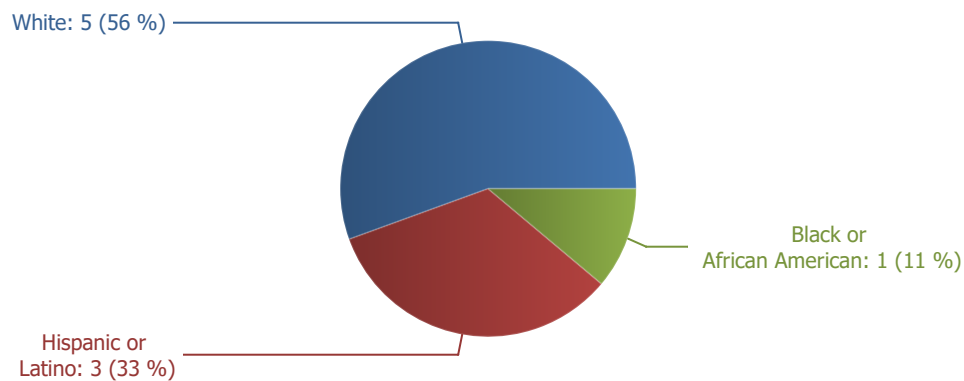
Using all 40 Records from January 1, 2025 to June 5, 2025



Demographic Data: Arrests

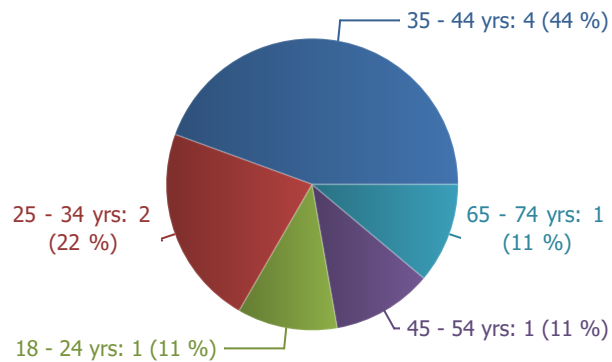
Arrests by Race/Ethnicity

Total Arrests: 9



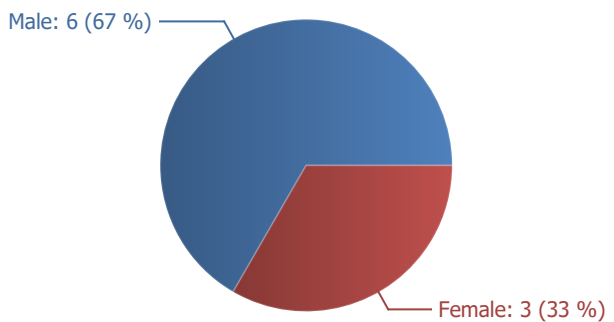
Arrests by Age

Total Arrests: 9



Arrests by Sex At Birth

Total Arrests: 9



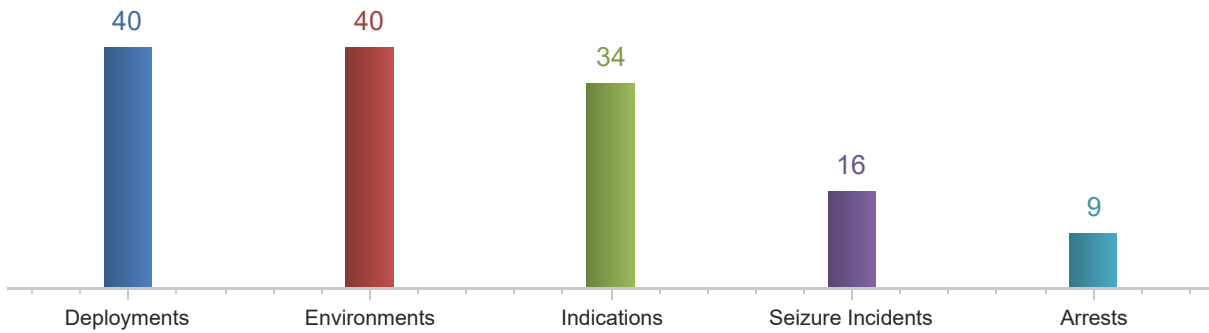
Deployment Summary

Group Report for 2 Handlers

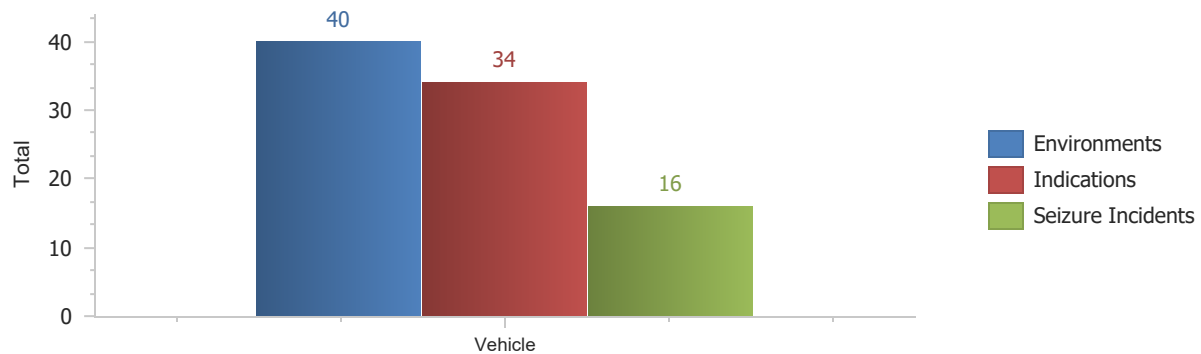
Using all 40 Records from January 1, 2025 to June 5, 2025



Detection Statistics



Detection Environments



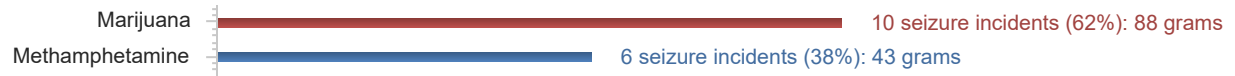
Deployment Summary

Group Report for 2 Handlers

Using all 40 Records from January 1, 2025 to June 5, 2025



Drug Indications



Packaging Around Drugs

Plastic: 7 (43%) Glass: 5 (31%) Metal: 4 (25%)

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

On this the 27th day of May 2025, the City Council of the City of Burnet convened in a Workshop Session, at 5:00 p.m. in the City Council Chambers, located at 2402 S. Water, Burnet, TX thereof with the following members present, to-wit:

Mayor Pro-tem	Philip Thurman
Council Members	Tres Clinton, Tommy Gaut, and Ricky Langley
Absent	Mayor Gary Wideman, Cindia Talamantez, and Joyce Laudenschlager
City Manager	David Vaughn
City Secretary	Maria Gonzales

Guests: Jill Disler, Adrienne Feild, Leslie Kimbler, Patricia Langford, Keith McBurnett, Tony Nash, Jill Wittikiend, Debbie Itschner, Kim Newton, Pam Jaeger, Robin Crouch, Mindy Moore, Mary Jane Shanes

CONSIDERATION ITEMS:

2.1) Discuss and Consider Action: Direction to staff regarding the possible construction of pickleball courts.

City Manager David Vaughn opened the workshop and stated that City staff is seeking direction from the Council regarding the construction of pickleball courts. Mr. Vaughn presented various options for Council consideration, including the number of courts, indoor versus outdoor facilities, and potential locations. He noted that fully enclosed courts would involve significantly higher costs and would require staffing, while outdoor courts would be more economical.

After discussion, the Council determined that Haley Nelson Park is the most suitable location for the pickleball courts. Council expressed a preference for a covered court option, rather than a fully enclosed facility, due to cost and staffing considerations.

Per Council's direction, Mr. Vaughn will obtain firm cost estimates and present two size options for the metal building at a future Council meeting for consideration.

EXECUTIVE SESSION: None.

RECONVENE TO REGULAR SESSION FOR POSSIBLE ACTION: None.

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: The meeting was adjourned at 5:40 p.m.

Gary Wideman, Mayor

ATTEST:

Maria Gonzales, City Secretary

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

On this, the 27th day of May 2025, the City Council of the City of Burnet convened in a Regular Session, at 6:00 p.m. in the City Council Chambers, located at 2402 S. Water, Burnet, TX thereof with the following members present, to-wit:

Mayor Pro-tem	Philip Thurman
Council Members	Tres Clinton, Tommy Gaut, and Ricky Langley
Absent	Mayor Gary Wideman, Cindia Talamantez, Joyce Laudenschlager
City Manager	David Vaughn
City Secretary	Maria Gonzales

Guests: Haley Archer, Jessi Carpenter, Adrienne Feild, Jonathan Forsyth, Brian Lee, Keith McBurnett, Thad Mercer, Patricia Langford, Andrew Scott, Vicki Talley, Mary Brown, Janie Howell, Cindy Compton, Lottie McCorkle, Mary Jane Shanes, Rodney Wing, Brandon Krause, Lois Carmona

SPECIAL REPORTS/RECOGNITION:

5.1) LACare Food Pantry 40th Celebration: G. Wideman

Mayor Pro-Tem, Philip Thurman, presented a proclamation in honor of the 40th anniversary of the LACare Food Pantry, a local organization dedicated to serving the community with essential food and basic necessities. The proclamation commemorates and officially recognizes June 21, 2025, as the anniversary of the establishment of LACare Food Pantry.

Mayor Pro-Tem Thurman read the proclamation aloud during the meeting. A group of representatives from LACare Food Pantry was present to receive the proclamation and were acknowledged for their ongoing service and commitment to the community.

5.2) Report regarding resident access to 308 South Pierce: C. Talamantez

Ms. Vicki Talley, a resident of Burnet residing at 308 South Pierce, addressed Council regarding concerns over access to an alleyway adjacent to her property. Ms. Talley initially believed the alleyway to be public but has since learned that it is privately owned and shared by business owners on Jackson Street.

She informed Council that one of the business owners is considering constructing additional parking within their portion of the alleyway, which would block access to her carport and eliminate her ability to park on her property.

Ms. Talley respectfully requested that the City review the situation and consider communicating with the involved property owners to explore a possible resolution.

5.3) Monthly Financial Report: P. Langford

Finance Director Patricia Langford presented a report on the City's current financial status. Mrs.

Langford stated that the primary revenue sources are performing as expected, with a notable increase in sales tax revenue. She reviewed the General Fund, reporting that it is in strong financial condition, and provided a breakdown of financial performance by department.

Key highlights included:

- The Golf Fund reported a profit of \$352,999 as of April.
- The Electric and Wastewater Departments are both operating at a profit.
- The Airport, despite being closed for most of April, still reported a profit of \$73,890 as of April.
- The City's cash reserves reported \$3,247,827 above the 90-day required reserve amount.

Mrs. Langford's report reflected a positive overall financial outlook for the City.

CONSENT AGENDA ITEMS

- 6.1) Approval of the May 13, 2025 Workshop Meeting Minutes
- Approval of the May 13, 2025 Regular City Council Meeting Minutes
- Approval of the May 19, 2025 Workshop Meeting Minutes

Council Member Ricky Langley made a motion to approve the consent agenda as presented. Council Member Tres Clinton seconded the motion. The motion passed unanimously.

PUBLIC HEARINGS/ACTION:

None.

ACTION ITEMS:

8.1) Discuss and consider action: Proposal to construct a fence at Field #7 at the YMCA baseball complex: T. Mercer

Council Member Tommy Gaut made a motion to approve the purchase and construction of a fence at Field #7 at the YMCA baseball complex. Council Member Tres Clinton seconded the motion. The motion passed unanimously.

8.2) Discuss and consider action: Adjustments to the Delaware Springs Golf Course staffing plan: T. Nash

Council Member Ricky Langley made a motion to approve adjustments to the Delaware Springs Golf Course staffing plan. Council Member Tommy Gaut seconded the motion. The motion passed unanimously.

8.3) Discuss and consider action: Resolution No. R2025-39: K. McBurnett

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ACCEPTING A PUBLIC RIGHTS-OF-WAY EASEMENT DEDICATION FROM THE BURNET CONSOLIDATED INDEPENDENT SCHOOL DISTRICT AND AUTHORIZING THE MAYOR TO ACCEPT THE DEDICATION ON BEHALF OF THE CITY

Council Member Tres Clinton made a motion to approve Resolution No. R2025-39 as presented. Council Member Tommy Gaut seconded the motion. The motion passed unanimously.

8.4) Discuss and consider action: Resolution No. R2025-41: J. Forsyth

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH BADGER METER, INC. FOR BEACON ADVANCED METERING ANALYTICS (AMA) SERVICES, INCLUDING ENGAGEMENT AND INTEGRATION FEES; AND PROVIDING AN EFFECTIVE DATE

Council Member Ricky Langley made a motion to approve Resolution No. R2025-41 as presented. Council Member Tres Clinton seconded the motion. The motion passed unanimously.

8.5) Discuss and consider action: Resolution No. R2025-42: P. Langford

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, RESTRICTING CERTAIN FUNDS FOR FUTURE ARBITRAGE REBATE AND YIELD REDUCTION PAYMENT LIABILITIES AND DEPOSITING THE FUNDS IN ACCORDANCE WITH THE CITY'S INVESTMENT POLICY

Council Member Tommy Gaut made a motion to approve Resolution No. R2025-42 as presented. Council Member Tres Clinton seconded the motion. The motion passed unanimously.

8.6) Discuss and consider action: Resolution No. R2025-40: D. Vaughn

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE GOODMAN CORPORATION FOR THE DEVELOPMENT OF A TRANSPORTATION MASTER PLAN

Council Member Ricky Langley made a motion to approve Resolution No. R2025-40 as presented. Council Member Tommy Gaut seconded the motion. The motion passed unanimously.

8.7) Discuss and consider action: Ordinance No. 2025-21: D. Vaughn

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 110 (ENTITLED "UTILITIES") BY ADJUSTING THE VOLUMETRIC WATER RATE; MINIMUM WATER RATE CHARGE; AND SEWER CHARGES; MOVING WATER AND SEWER CHARGES FROM CHAPTER 110 TO APPENDIX B (ENTITLED "FEE SCHEDULE"); PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE

Council Member Ricky Langley made a motion to approve Ordinance No. 2025-21 as presented. Council Member Tres Clinton seconded the motion. The motion passed unanimously.

8.8) Discuss and consider action: Purchase of office furniture for the new City Hall facility: A. Feild

Council Member Tres Clinton made a motion to approve the purchase of new City Hall office furniture from Perry Contract Furniture through Omnia Partners purchasing contract for an approximate amount of \$200,000. Council Member Tommy Gaut seconded the motion. The motion passed unanimously.

EXECUTIVE SESSION: None.

RECONVENE TO REGULAR SESSION FOR POSSIBLE ACTION: None.

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 Ricky Langley at 6:56 p.m. and seconded by Council Member Tommy Gaut. The motion passed unanimously.

Gary Wideman, Mayor

ATTEST:

Maria Gonzales, City Secretary



Item Brief

Meeting Date

June 10, 2025

Agenda Item

Discuss and consider action: Approval and authorization to enter into a contract with the Burnet County Elections Administration for the 2025-2026 election year: M. Gonzales

Information

Each year, local political subdivisions enter into an election agreement with Burnet County to coordinate the administration of elections. This agreement facilitates the sharing of election equipment, the services of election officials, and the use of common precinct polling locations and election ballots where applicable.

The purpose of this agreement is to promote consistency, efficiency, and accessibility in voting practices, polling locations, and election procedures, thereby ensuring the best possible service to voters within Burnet County.

The Burnet County Elections Administrator shall serve as the Contracting Officer and will be responsible for coordinating, supervising, and conducting all aspects of the election process in accordance with all applicable laws and regulations.

This agreement shall commence in August 2025 and remain in effect through July 2026.

Fiscal Impact

Fees and charges assessed by the Burnet County Elections Administration Office are determined based on the level of participation by all local political subdivisions involved in a given election.

Actual costs may vary depending on the number of participating entities, the size and complexity of the election, and the specific services required; however, total expenses should not exceed \$1,000.00.

Recommendation

Staff recommends approval of the Contract for Election Services with Burnet County Elections Administration for the 2025/2026 fiscal year.

JOINT ELECTION AGREEMENT 2025-2026

FOR BURNET COUNTY LOCAL POLITICAL SUBDIVISIONS

Whereas, the undersigned local political subdivisions, collectively referred to hereafter as the “LPSs”, each anticipate holding election(s) from August 2025 to July 2026; and

Whereas, each of the LPSs is located partially or entirely within Burnet County, Texas (the “County”); and

Whereas, the County has contracted or is contracting with each LPS to conduct and provide election services for such LPS’s election(s) from August 2025 to July 2026; and

Whereas, the LPSs all desire to enter into a joint election agreement for the purpose of sharing election equipment, costs, services of election officials, and sharing precinct polling locations and election ballots where appropriate.

NOW THEREFORE, the LPSs agree as follows:

- I. **Scope of Joint Election Agreement.** The LPSs enter this Joint Election Agreement (“Agreement”) for the conduct of the elections to be held from August 2025 through July 2026.
- II. **Appoint Election Officer.** The LPSs appoint the Burnet County Elections Administrator to serve as the Election Officer for each LPS in order to perform and supervise the duties and responsibilities of the Election Officer for any election from August 2025 through July 2026.
- III. **Early Voting Polling Locations.** The Early Voting locations for most elections will be at the AgriLife Auditorium, 607 N. Vandever St., Burnet, TX 78611 and Texas Tech in Marble Falls, 806 Steve Hawkins Pkwy., Marble Falls, TX 78654. In November of even years, the county will also use Granite Shoals Community Center, 1208 North Phillips Ranch Rd, Granite Shoals, TX 78654, and Bertram Community Center, 340 South Gabriel St., Bertram, TX 78605.
- IV. **Election Day Polling Locations.** Election Day voting shall be held in common precincts where appropriate at the dates, times, and locations recommended by the Election Officer and authorized and ordered by the governing body of each LPS. Those will be decided within one week after the last day to order an election.
- V. **Cost Sharing.** The LPSs agree to the cost sharing provisions below. This includes Burnet County, the school districts of the county, the cities of the county, and the Central Texas Groundwater Conservation District. Other entities pay a lump sum of \$1,000 for their election.
- VI. **Effective Date.** This Agreement becomes effective upon execution by the participating LPSs.
- VII. **Amendments.** This Agreement may not be amended or modified except in writing and executed by each LPS.

COST SHARING – NOVEMBER UNIFORM ELECTION DATE

- I. The following expenses will be shared equally by all LPSs holding an election including Burnet County: the newspaper notice for the Logic and Accuracy Test of the ballots, consumable election supplies, and ballot programming.
- II. The user fees for the voting equipment, election worker payroll, and mileage payments to poll workers will follow these cost sharing arrangements:

- a. The county will bear at least 70% of these election costs at each voting location. The remaining 30% will be shared so that 20% is paid by the Independent School District (ISD) or CTGCD associated with the polling place and the remaining 10% is paid by any/all cities equally sharing the costs. If both the ISD and CTGCD are holding elections, they each pay 10%, with any/all cities equally sharing the remaining 10%.
 - b. If there is no city election, the ISD or CTGCD associated with the polling place pays 20% or 10% each and the county the remaining 80%. Subsequently, if there is no ISD or CTGCD election, any/all cities pay 10% of the costs associated with the polling place and the county pays 90%.
 - c. If there is no city, no ISD and no CTGCD election, the county pays 100% of the costs.
- III. It is acknowledged that cost sharing expenses will fluctuate depending upon the number of required polling locations and poll workers required as General Elections, held on even-numbered years, typically require more resources than Constitutional Amendment elections, held on odd-numbered years.

COST SHARING – MAY UNIFORM ELECTION DATE

- I. The following expenses will be shared equally by all LPSs holding an election including Burnet County: the newspaper notice for the Logic and Accuracy Test of the ballots, consumable election supplies, and ballot programming.
- II. The user fees for the voting equipment, election worker payroll, and mileage payments to poll workers will follow these cost sharing arrangements:
 - a. For polling locations conducting elections of the county: the county will bear 50% of the election costs at each voting location. The remaining 50% will be shared so that 40% is paid by the Independent School District (ISD) associated with the polling place and the remaining 10% is paid by any/all cities equally sharing the costs.
 - b. If there is no city election, the ISD associated with the polling place pays 50%. Subsequently, if there is no ISD election, any/all cities pay 50% of the costs equally.
 - c. If there is no city or ISD election the county pays 100%.
 - d. For polling locations NOT conducting elections of the county: the ISD pays 80% and any/all cities pay 20% equally.
 - e. If there is no city election, the ISD pays 100%.
 - f. If there is no ISD election, any/all cities pay 100% equally.

A cost estimate for the LPS election will be submitted upon request.

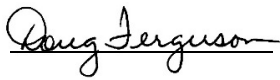
APPROVED BY THE GOVERNING BODY OF _____ in its meeting held the
_____ day of _____, 202_, and executed by its authorized representative.

By: _____

Name: _____

Title: _____

ACKNOWLEDGED BY:



Doug Ferguson
Elections Administrator, Burnet County, Texas

Date: June 7, 2025

CONTRACT FOR ELECTION SERVICES

THIS CONTRACT FOR ELECTION SERVICES (this "Contract") is made and entered into by and between the ELECTIONS ADMINISTRATOR OF BURNET COUNTY, TEXAS ("Contracting Officer") and the Local Political Subdivision set forth on the signature page of this Contract (the "LPS") pursuant to the authority under Section 31.092(a) of the Texas Election Code.

RECITALS

WHEREAS, the LPS expects to order an election during the term of this Contract and during any renewal term of this Contract (the "Election");

WHEREAS, the LPS desires that certain election services for the Election be provided by the Contracting Officer pursuant to Chapter 31, Subchapter D of the Texas Election Code and;

WHEREAS, the Contracting Officer and the LPS desire to enter into a contract setting out the respective responsibilities of the parties;

NOW, THEREFORE, the parties to this Contract agree as follows with respect to the coordination, supervision, and conduct of the Election.

I. GENERAL PROVISIONS.

- A. The purpose of this Contract is to maintain consistency and accessibility in voting practices, polling places, and election procedures to best assist the voters of the LPS. For purposes of this Contract the term "Election" will include any resulting recount or election contest. It will also apply to any election to resolve a tie.
- B. The Contracting Officer is hereby appointed to serve as the LPS's Election Officer and Early Voting Clerk to conduct the Election for those areas of the LPS located in Burnet County. As Election Officer and Early Voting Clerk, the Contracting Officer will coordinate, supervise and conduct all aspects of administering voting in connection with the Election in compliance with all applicable law except as otherwise provided in this Contract.
- C. The LPS agrees to commit the funds necessary to pay for election-related expenses for the LPS's election.
- D. The Contracting Officer has the right to enter into agreements with other entities at any time and may require that authorities of LPSs holding elections on the same day in all or part of the same territory to enter into a joint election agreement as authorized in Chapter 271 of the Texas Election Code. The LPS agrees to enter into a joint election agreement required by Burnet County.

II. RESPONSIBILITIES OF CONTRACTING OFFICER. The Contracting Officer shall be responsible for performing the following services and furnishing the following materials and equipment in connection with the election:

- A. ***Nomination of Presiding Judges and Alternate Judges.*** The Contracting Officer shall recruit and appoint Election Day presiding and alternate judges, central accumulation station judges,

and the Early Voting Ballot Board (EVBB) presiding judge, all of which shall meet the eligibility requirements in Subchapter C of Chapter 32 of the Texas Election Code.

B. *Notification to LPS.* The Contracting Officer shall provide the LPS with the most up-to-date list of presiding and alternate judges three weeks before the statutory deadline to order the election and again three weeks before Election Day. LPS acknowledges that the information provided may not be final or complete.

C. *Notification to Presiding and Alternate Judges; Appointment of Clerks.*

1. The Contracting Officer shall notify each presiding and alternate judge of his or her appointment. The notification will also include the assigned polling location, the date of the election training(s), the date and time of the election, the rate of compensation, the number of clerks the judge may appoint, the eligibility requirements for election workers, and the name of the presiding or alternate judge as appropriate.
2. The election judge will make the clerk appointments in consultation with the Contracting Officer. If a presiding judge or the alternate judge does not speak both English and Spanish, and the election precinct is one subject to Sections 272.002 and 272.009 of the Texas Election Code, the Contracting Officer shall ensure that a bilingual election clerk is appointed. The Contracting Officer shall notify the clerks of the same information that the judges receive under this section.

D. *Election Training.* The Contracting Officer shall be responsible for conducting election training for the presiding judges, alternate judges, clerks, and Early Voting deputies in the operation and troubleshooting of the Hart Verity Ballot on Demand voting system and the conduct of elections, including qualifying voters, issuing ballots, maintaining order at the polling location, conducting provisional voting and counting votes.

E. *Logic and Accuracy Testing.* In advance of Early Voting (including the sending out of any mail ballots), the Contracting Officer, the tabulation supervisor, and other members the Contracting Officer designates for the testing board shall conduct all logic and accuracy testing in accordance with the procedures set forth by the Texas Election Code and under guidelines provided by the Secretary of State's office. The Contracting Officer shall also be responsible for the publication of the required notice of such testing.

F. *Election Supplies.* The Contracting Officer shall procure, prepare, and distribute to the presiding judges for use at the polling locations on Election Day (and to the Early Voting clerks during Early Voting) the following election supplies: election and early voting kits (including the appropriate envelopes, lists, forms, name tags, posters, and signage described in Chapters 51, 61, and 62, and Subchapter B of Chapter 66 of the Texas Election Code) seals, sample ballots, thermal paper rolls for use in electronic poll books and Verity Prints and Verity Touch Writers, and all consumable-type office supplies necessary to hold an election.

G. *Registered Voter List.* The Contracting Officer shall provide lists of registered voters required by law for use on Election Day and for the Early Voting period.

H. *Notice at Previous Polling Place.* The Contracting Officer shall post notices of a change in a polling place at the entrance to the previous polling location. Section 43.062 of the Texas

Election Code provides that the notice shall state the location has changed and give the location of the new polling place.

I. Election Equipment. The Contracting Officer shall prepare and distribute the Verity Ballot on Demand voting system components from Hart InterCivic, Inc. ("Hart") for the election. This voting system includes the equipment referred to as Verity Prints, Verity Touch Writers and Verity Scans. Each polling location will have at least one voting machine that is accessible to disabled voters and provides a practical and effective means for voters with disabilities to cast a secret ballot.

J. Ballots. The Contracting Officer or designee shall be responsible for the preparation, printing, programming and distribution of English and Spanish ballots and sample ballots, including the mail ballots, based on the information provided by the LPS, including names of the candidates, names of the offices sought, order of names on the ballot, propositions on the ballot, and the Spanish translation of the offices and any propositions. The ballot will be prepared in these formats: paper and auditory.

K. Early Voting. In accordance with Sections 31.096 and 32.097(b) of the Texas Election Code, the Contracting Officer shall serve as Early Voting Clerk for the election.

1. The Contracting Officer shall supervise and conduct early voting by mail and by personal appearance and shall secure personnel to serve as Early Voting Deputies.
2. Early Voting by personal appearance for the election shall be conducted during the hours and time period and at the locations as determined by the Contracting Officer.
3. The Contracting Officer shall receive mail ballot applications on behalf of the LPS. All applications for mail ballots shall be processed in accordance with Title 7 of the Texas Election Code by the Contracting Officer or deputies at the Elections Office, located at 106 W. Washington St., Burnet, TX. Applications for mail ballots erroneously sent to the LPS shall be faxed promptly to the Contracting Officer for timely processing then the original application shall be forwarded to the Contracting Officer for proper retention.
4. Early voting ballots shall be secured and maintained at the Elections Office, located at 106 W. Washington St., Burnet, TX and in accordance with Chapter 87 of the Texas Election Code. The Early Voting Ballot Board shall meet at the same location unless posted differently.

L. Election Day Polling Locations. The Election Day polling locations are determined by the Contracting Officer in consultation with the LPS and in accordance with the Texas Election Code. The Contracting Officer shall arrange for the use of all Election Day polling places and shall arrange for the setting up of the polling location including tables, chairs and voting booths.

M. Election Day Activities.

1. The Contracting Officer and staff shall be available from 6:00 am until the completion of vote counting on Election Day to render technical support and assistance to voters and election workers.

2. The Contracting Officer and staff shall prepare and conduct Election Night intake of election equipment, supplies and records.
3. The Contracting Officer and designee shall serve as central counting station manager and tabulation supervisor, counting the votes in conjunction with the Early Voting Ballot Board and the Central Counting Station judges.

N. *Election Night Reports.* The Contracting Officer shall prepare the unofficial and official tabulation of precinct results under Section 66.056(a) of the Texas Election Code. The unofficial tabulation of Early Voting precinct results and Election Day precinct results shall be made available to the LPS via e-mail as soon as they are prepared and may be released under law, but no earlier than 7:05 pm on Election Day. The tabulation reports may also be provided to other counties as necessary for the election.

O. *Provisional Votes/Determination of Mail Ballots Timely Received under Section 86.007(d) of the Texas Election Code.* The Contracting Officer, serving as voter registrar, shall retain the provisional voting affidavits and shall provide factual information on each of the provisional voters' status. The Contracting Officer shall reconvene the EVBB after the election within the time set forth in Section 65.051 of the Texas Election Code for the purpose of determining the disposition of the provisional votes. At the same time, the EVBB will review mail ballots timely received under Section 86.007(d) of the Texas Election Code to determine whether such will be counted and to resolve any issues with such ballots.

P. *Canvass Material Preparation.* Promptly after determination of the provisional votes and resolution of any mail ballots, the Contracting Officer shall work with the EVBB to tally the accepted provisional votes and resolved mail ballots, amend the unofficial tabulations, and submit new unofficial tabulations to the LPS. The reports will serve as the canvass materials for the LPS.

Q. *Custodian of Election Records.* The election records will be submitted to the LPS except for those records that must be maintained by the Contracting Officer as Voter Registrar in accordance with Section 66.051 of the Texas Election Code. The Contracting Officer is hereby appointed the custodian of voted ballots and shall preserve them in accordance with Chapter 66 of the Texas Election Code and other applicable law. The Contracting Officer shall also maintain custody of the records pertaining to the operation of the Verity Prints, Verity Touch Writers and Verity Scans.

R. *Recount.*

1. If required by law, the Contracting Officer shall perform a partial manual count of electronic voting system ballots in accordance with section 127.201 of the Texas Election Code. A recount may also be requested in accordance with Chapter 212 of the Texas Election Code.
2. The LPS shall advise the Contracting Officer if a recount is required by law or requested and the Contracting Officer and the LPS shall discuss how such recount is to be conducted. The LPS shall reimburse the Contracting Officer for the cost of such count which is not included in the original invoice.

S. *Schedule for Performance of Services.* The Contracting Officer shall perform all election services in accordance and compliance with the time requirements set out in the Texas Election Code.

T. *Contracting with Third Parties.* In accordance with Section 31.098 of the Texas Election Code, the Contracting Officer is authorized to contract with third parties for election services and supplies. The cost of such third-party services and supplies will be paid by the Contracting Officer and reimbursed by the LPS.

U. *Department of Justice Preclearance for General Elections.* If required by law, any changes to the general conduct of voting in Burnet County will be pre-cleared through the United States Department of Justice by the Contracting Officer with copies of the submission and response e-mailed to the LPS.

III. RESPONSIBILITIES OF THE LPS. The LPS shall perform the following responsibilities:

A. *Applications for Mail Ballots.* The LPS shall date stamp and then as promptly as possible fax to the Contracting Officer all applications for mail ballots that it receives. Promptly thereafter, the LPS shall deliver or send by mail the original mail ballot applications to the Contracting Officer.

B. *Election Orders, Election Notices, and Canvass.* The LPS shall be responsible for preparing, adopting, publishing, and posting all required election orders, resolutions, notices and other documents, including bilingual materials, evidencing action by the governing authority of the LPS necessary to the conduct of the election. The LPS shall be responsible for conducting the official canvass of the election.

C. *Map/ Annexations.* The LPS shall provide the Contracting Officer with an updated map and street index of its jurisdiction in an electronic or printed format and shall advise the Contracting Officer of any annexations or de-annexations.

D. *Department of Justice Preclearance for Special Elections.* If required by law, the LPS shall be individually responsible for obtaining appropriate preclearance from the United States Department of Justice for any special elections.

E. *Ballot Information.* The LPS shall prepare the text for the LPS's official ballot in English and Spanish and provide to the Contracting Officer as soon as possible at the end of the period for ordering the election or filing for candidacy. The ballot information shall include a list of propositions showing the order and the exact manner in which the candidates' names and the propositions are to appear on the ballot. The LPS shall promptly review for correctness the ballot when requested by the Contracting Officer to do so prior to finalization and shall approve by e-mail or by signature in person.

F. *Precinct Reports to the Texas Secretary of State.* Based on information provided by the Contracting Officer, the LPS shall prepare and file all required precinct reports with the Texas Secretary of State.

G. *Annual Voting Report.* The LPS shall be responsible for filing its annual voting system report to the Texas Secretary of State as required under Chapter 123 *et seq.* of the Texas Election Code.

IV. SPECIAL PROVISIONS RELATING TO ELECTION WORKERS

A. *Number of Election Workers at Election Day Polling Locations.* It is agreed by the Contracting Officer and the LPS that there will be at least three election workers at each Election Day polling location: the presiding judge, an alternate judge, and at least one election clerk appointed by the presiding judge. The number of necessary clerks is derived from the number of elections at the poll and the number of registered voters for that poll.

B. *Compensation for Election Workers.* The Contracting Officer shall compensate all election workers in accordance with the Contracting Officer's established compensation policies, in accordance with the Texas Election Code and using the rates set by Burnet County Commissioners Court for county elections. The Contracting Officer shall pay the workers and be reimbursed by the entities sharing the polling location unless a polling place is open for only one LPS holding an election. In this case, the LPS shall pay the election workers directly.

V. PAYMENT

A. *Charges and Distribution of Costs.* In consideration of the joint election services provided by the Contracting Officer, the LPS will be charged a share of election costs and an administrative fee. The costs distribution is set forth in the Joint Election Agreement. A cost estimate shall be provided upon request only after all entities participating in the election are identified.

B. *Administrative Fee.* The Contracting Officer shall charge a fee equal to 10% of the LPS's share of the cost of the election or a minimum of \$75.00.

C. *Equipment Rental Fee.* Per Section 123.032(d) of the Texas Election Code, the Burnet County Commissioners Court has set the equipment rental fee at \$150 per Verity Print, Verity Touch Writer and Verity Scan. There is no charge for Early Voting rental of equipment. If the County acquires additional equipment, different voting equipment, or upgrades existing equipment during the term of this Contract, the charge for the use of the equipment may be reset by the Burnet County Commissioners Court.

D. *Fixed Lump Sum Price for Districts other than Cities, School Districts and Central Texas Groundwater Conservation District.* A LPS that is not a city, school district or the Central Texas Groundwater Conservation District shall pay the Contracting Officer a fixed lump sum price to administer its election. The only item not included in the lump sum price is the cost of any recount.

E. *Payment.* The Contracting Officer's invoice shall be due and payable to the address set forth in the invoice within 30 days from the date of receipt by the LPS.

VI. TERM AND TERMINATION

A. *Initial Term.* The initial term of this Contract shall commence upon the last party's execution hereof and shall continue thereafter in full force and effect for one year, subject to the termination rights set forth herein.

B. *Renewal.* Subject to the termination rights set forth herein, this Contract shall automatically

renew for a one-year term.

- C. *Termination.*** If either party wishes to terminate this Contract for convenience or for cause the party must provide thirty (30) business days' written notice to the other party and allow for discussion of the desired outcome and options to reach the desired outcome. In the event of termination, it is understood and agreed that only the amounts due to the Contracting Officer for services provided and expenses incurred will be due and payable.

VII. MISCELLANEOUS PROVISIONS

- A. *Nontransferable Functions.*** In accordance with Section 31.096 of the Texas Election Code, nothing in this Contract shall authorize or permit a change in:

1. The authority with whom or the place at which any document or record relating to the election is to be filed;
2. The officers who conduct the official canvass of the election returns;
3. The authority to serve as custodian of voted ballots or other election records; or
4. Any other nontransferable function specified under Section 31.096 or other provisions of Texas law.

- B. *Cancellation of Election.*** If the LPS cancels its election pursuant to Section 2.053 of the Texas Election Code, the Contracting Officer shall be entitled to receive an administrative fee of \$75. The Contracting Officer shall submit an invoice for the administrative fee as soon as reasonably possible after the cancellation, and the LPS shall make payment therefore in a manner similar to that set forth in **V. PAYMENT** above.

- C. *Contract Copies to Treasurer and Auditor.*** In accordance with Section 31.099 of the Texas Election Code, the Contracting Officer agrees to file copies of this Contract with the County Treasurer and the County Auditor of Burnet County, Texas.

- D. *Election to Resolve a Tie.*** In the event that an election is necessary to resolve a tie vote, the terms of this Contract shall extend to the second election, except:

1. The LPS and the Contracting Officer will agree upon the date of the election and the early voting schedule subject to provisions of the Election Code and with regard to other elections conducted by the Contracting Officer.
2. The LPS will be responsible for any Department of Justice preclearance submission under Section 5 of the Federal Voting Rights Act.
3. An attempt will be made to use election workers that worked in the first election; those poll workers will not have additional training provided by the Contracting Officer.
4. The cost of the election will be borne by the LPS; the Contracting Officer will work with the LPS on cost management.

E. Amendment/ Modification. Except as otherwise provided, this Contract may not be amended, modified, or changed in any respect except in writing, duly executed by the parties hereto. Both the Contracting Officer and the LPS may propose necessary amendments or modifications to this Contract in writing in order to conduct the election smoothly and efficiently, except that any such proposals must be approved by the Contracting Officer and the governing body of the LPS or its authorized agent, respectively.

F. Severability. If any provision of this Contract is found to be invalid, illegal, or unenforceable a court of competent jurisdiction, such invalidity, illegality, or unenforceability shall not affect the remaining provisions of this Contract and parties to this Contract shall perform their obligations under this Contract in accordance with the intent of the parties to this Contract as expressed in the terms and provisions.

G. Representatives. For purposes of implementing this Contract and coordinating activities, the Contracting Officer and the LPS designate the following individuals for submission of information, documents and notice:

For the Contracting Officer:

Doug Ferguson
 Elections Administrator, Burnet County
 220 S. Pierce
 Burnet, TX 78611
 Tel: (512) 715-5288
 Fax: (512) 715-5287
 Email: electadmin@burnetcountytexas.org

For the LPS:

* * *

WITNESS BY MY HAND THIS THE 2nd DAY OF JUNE, 2025.

CONTRACTING OFFICER:

Doug Ferguson

Doug Ferguson, Elections Administrator
Burnet County, Texas

WITNESS BY MY HAND THIS THE _____ DAY OF _____, 20____.

THE LOCAL POLITICAL SUBDIVISION:

Name of Entity: _____

By: _____

Printed Name: _____

Official Capacity: _____

ATTEST: _____



Item Brief

Meeting Date

June 10, 2025

Agenda Item

Public hearing and action: Ordinance No. 2025-25: L. Kimbler

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR "GASOLINE AND/OR ALCOHOL SALES" IN A LIGHT COMMERCIAL – DISTRICT "C-1" ZONING DISTRICT FOR PROPERTY LOCATED AT 1003 N WATER STREET; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

1. Staff Presentation
2. Public Hearing
3. Discuss and consider action

Information

Located at the intersection of East Graves Street (FM 963) and North Water Street (Exhibit A – location), the subject property consists of two undeveloped tracts that equal 0.892 acres. The applicant is requesting a Conditional Use Permit to allow for the development of a convenience store with gasoline and alcohol sales (Exhibit B – application & intent letter). The submitted concept plan (Exhibit C – concept plan) shows a 3,975 square foot convenience store with three (3) fueling stations and 20 parking spots.

All city utilities will service this tract; electrical infrastructure is located at the site and wastewater runs the length of the rear of the property. Water will need to be extended to bring adequate service to the property. Due to the subject property being two separate tracts, the developer will be responsible for submitting a replat to combine the lots and provide adequate easements for the utilities.

The property has two entrances: one entrance along North Water Street and the other on East Graves Street. The applicant will be required to work with Texas Department of Transportation (TxDOT) to secure driveway permits for both entrances. At this time, there is no guarantee the entrance on East Graves Street will be allowed due to the proximity of the traffic signal.

Properties adjacent to the subject property are zoned as follows:

	North	South	East	West
Zoning	"R-1"	"C-1"	"R-1"	"C-1"
FLUM	Commercial	Commercial	Commercial	Commercial
Land Use	Residential	Vacant Commercial Bldg	Residential	Commercial Retail

This property does directly abut several residential properties. Commercial businesses are located across East Graves Street and across North Water Street.

Code of Ordinances, Section 118-45(4) lists "Convenience Store" as an allowable use in district "C-1"; however, gasoline and/or alcohol sales are only allowed with the approval of a Conditional Use Permit.

The Conditional Use Permit approval process is established by Code of Ordinances Sec. 118-64; Subsection (e). Per the section cited in making its recommendation the Commission and City Council should consider the following:

- **Appearance, size, density and operating characteristics are compatible with surrounding neighborhood and uses;**
- **Proposed use will not adversely affect value of surrounding properties nor impede their proper development;**
- **Proposed use will not create a nuisance factor nor otherwise interfere with a neighbor's enjoyment of property or operation of business;**
- **Traffic generated on existing streets will not create nor add significantly to congestion, safety hazards, or parking problems, and will not disturb peace and quiet of neighborhood;**
- **Comply with other applicable ordinances and regulations.**

Staff analysis

Staff has reviewed the criteria in Sec. 118-64(e) and have made the following observations:

- While the subject property is located at the intersection of two TxDOT highways, making it generally appropriate for commercial development, it directly abuts established single-family homes. This close proximity raises compatibility concerns, especially given the nature and intensity of the proposed use. Unlike nearby commercial properties, which are either vacant or operate primarily during regular daytime business hours, a convenience store with fuel sales typically operates early in the morning and late into the evening. This extended operation schedule introduces ongoing activity, lighting, and noise. These impacts are not typical of the existing commercial or residential uses in the area.
- Commercial development has different effects on the value and development of surrounding properties. For some properties, this may have a positive effect by encouraging more development in the area; therefore, raising the commercial value of the property. For other properties, it may have an adverse effect. The noise, lighting, and traffic generated by the proposed use may have negative impacts on the desirability of the residential properties and discourage further residential development.
- The proposed development site is relatively narrow, and while the concept plan includes a 25-foot setback from the rear property line, this offers only a limited buffer between the commercial use and the adjacent residential properties. Additionally, the concept plan places the fueling stations on the northern portion of the property—closest to the residential lots. This layout encourages vehicle circulation near shared property lines, increasing the likelihood of noise, fumes, and light pollution directly impacting nearby homes. Over time, these factors could diminish the neighbors' ability to enjoy the peace and privacy of their properties, particularly during nighttime hours.
- This intersection already experiences significant congestion during the morning and afternoon hours due to the nearby schools. The addition of a convenience store with fuel sales is expected to increase traffic volume, particularly during peak times. As a result, there are legitimate safety concerns about vehicles entering and exiting the site, especially considering the limited spacing between the existing traffic signal and the entrance to East Graves Street. The applicant will be required to obtain driveway permits from TxDOT for each proposed access point to the property. Importantly, due to the close proximity to the traffic signal and the East Graves Street intersection, approval for a driveway on East Graves Street is not guaranteed. If the applicant is unable to secure this second point of access, it could lead to further issues on-site, including restricted traffic circulation and limited options for emergency vehicle access and egress. This would raise additional safety concerns for both daily operations and emergency response situations.

Public Notification

Written notices were mailed to 21 surrounding property owners within 200 feet of the subject property. There have been two emailed responses in opposition to this request which have been included as an attachment to this item brief.

P&Z Report

Planning and Zoning is met on Monday, June 2nd, and recommended denial of the requested Conditional Use Permit.

All five commissioners unanimously agreed that, due to safety concerns, the traffic congestion, the concerns regarding the ingress and egress, the negative impacts on the surrounding residential neighbors, and the school districts opposition, the request for the development of a convenience store with gasoline and/or alcohol sales was not an appropriate fit for this location.

Recommendation

Open the public hearing.

Discuss and consider Ordinance 2025-25.

Exhibit A – Location and Current Zoning



Exhibit A – Location (cont.)



Exhibit B – Application & Letter of Intent



City of Burnet Zoning Change Application

City of Burnet - Development Services Department - (512) 715-3206
1001 Buchanan Drive - Suite 4 - Burnet, Texas - 78611

☒ Zoning Change Request - \$250

☒ Conditional Use Permit - \$250

Name of Applicant: Prabin KC
 Current Address: 1300 White
 City: Arlington State: TX Zip Code: 76005
 Primary Phone: (409) 225 - 7515 Cell Phone: (409) 225 - 7515
 Email: pkc@idcengg.com

Name(s) of Property Owner(s): Debendra Parajuli
 Current Address: 209 Jasmine Lane
 City: Marble Falls State: TX Zip Code: 78654
 Primary Phone: (512) 560 - 0778 Cell Phone: (512) 560 - 0778
 Email: parajuli.debendra@gmail.com

Address of Property to be Rezoned: 1003 N Water St, Burnet TX 78611
 Legal Description: ABS A0405 JOHN HAMILTON, .892 ACRES
 Total Acreage: 0.892 Number of Lots: 1
 Present Zoning: Light Commercial C1 Present Use: Empty Lot
 Proposed Zoning: Light Commercial C1 Proposed Use: Empty Lot
 Conditional Use Permit for: To have a gas canopy

Applicant Signature: _____ Date: 05 / 14 / 2025

Printed Name: Prabin KC

Property Owner Signature: _____ Date: 05 / 14 / 2025

Printed Name: Debendra Parajuli

Intake Date: ____ / ____ / ____	Received by: _____	Receipt #: _____
Amount Paid: \$ _____	Cash/Check \$: _____	
Case #: _____	MPN #: _____	P&Z Date: ____ / ____ / ____ CC Date: ____ / ____ / ____

Exhibit B – Application & Letter of Intent (cont.)

To Development Services
1001 Buchanan Dr.
Burnet, TX 78611

Dear Planning & Zoning Officer,

I am writing this letter of intent for property new buyer of 1003 N Water St, Burnet, TX 78611. We would like to request for a use of convenience store with the Gas sales of the detached facility. Currently the property is zoned as Commercial Zone. Please find the attached conceptual site plan 3D renderings. The proposed location is well-suited for a business of this nature, and we are confident that it will positively contribute to the local economy while complying with all relevant regulations.

Business Justification:

1. **Market Demand:** The area surrounding the proposed location has a significant demand for a well-managed Convenience store with gas store. Currently, there are limited options for residents and visitors, which creates an opportunity for a new establishment to serve the community responsibly.
2. **Compliance with Local Regulations:** I am fully aware of the stringent requirements for operating a gas store and we are committed to adhering to all local, state, and federal regulations. I have carefully reviewed the zoning laws and other applicable rules, ensuring that the proposed location meets all criteria for a gas station.
3. **Community Engagement:** I understand the importance of being a responsible business owner and intend to engage with the community to ensure that the shop operates in a manner that aligns with the city's values. I am open to feedback and will work closely with local law enforcement and community organizations to maintain a safe and responsible environment.
4. **Economic Contribution:** The establishment of this gas station and convenience shop will create several new jobs, from retail positions to management roles, thereby contributing to the local economy. Additionally, the shop will support local events and businesses by providing a convenient source for gas purchases.

Commitment to Responsibility:

I am writing to formally request approval for the addition of a gas station to my establishment. As the proprietor, I am deeply committed to ensuring safe and responsible operations while adhering to all local and state regulations.

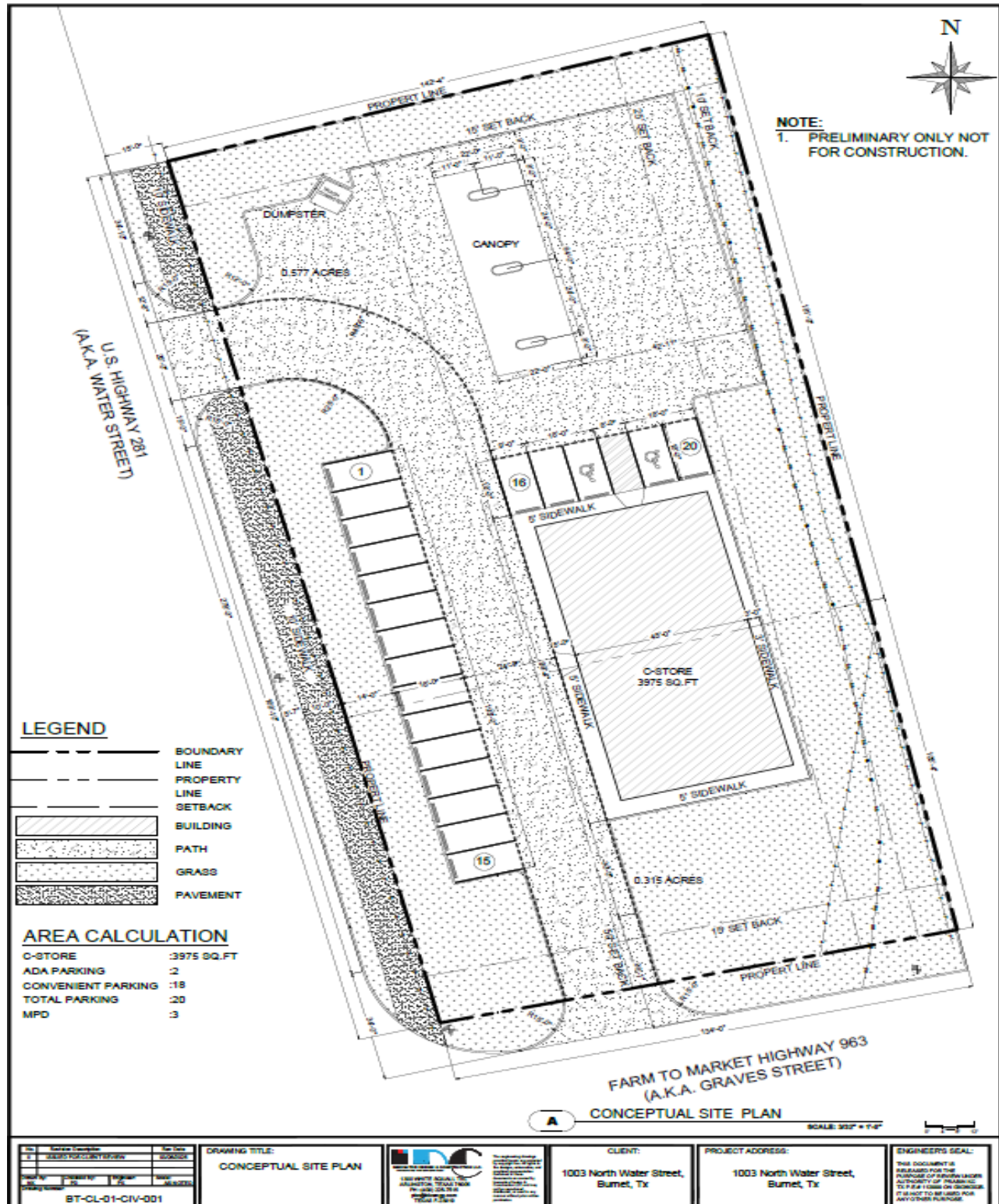
To uphold this commitment, I plan to implement comprehensive training programs for all employees, emphasizing safety protocols, environmental regulations, and excellent customer service. Additionally, I am eager to collaborate with the city to meet all necessary conditions and operate in a manner that positively contributes to the community.

I appreciate your time and consideration of my application and look forward to the opportunity to discuss this further. Please let me know if any additional information is required.

Yours sincerely,


Debendra Parajuli, 209 Jasmine Lane, Marble Falls, Ph 512-560-0778

Exhibit C – Concept Plan



ORDINANCE NO. 2025-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR “GASOLINE AND/OR ALCOHOL SALES” IN A LIGHT COMMERCIAL – DISTRICT “C-1” ZONING DISTRICT FOR PROPERTY LOCATED AT 1003 N WATER STREET; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

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

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

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

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

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

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

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

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

Section Two. Property. The Property that is subject to this Zoning District Reclassification is property known as 1003 N WATER STREET (LEGALLY DESCRIBED AS: ABS A0405 JOHN HAMILTON, 0.892 ACRES) as shown on **Exhibit “A”** hereto.

Section Three. Zoning District Reclassification. Conditional Use Permit to allow the use of “Gasoline and/or alcohol sales” in a Light Commercial – District “C-1” Zoning District Classification is hereby assigned to the Property in Section Two.

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

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

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

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

PASSED AND APPROVED on this the 10th day of June 2025.

CITY OF BURNET, TEXAS

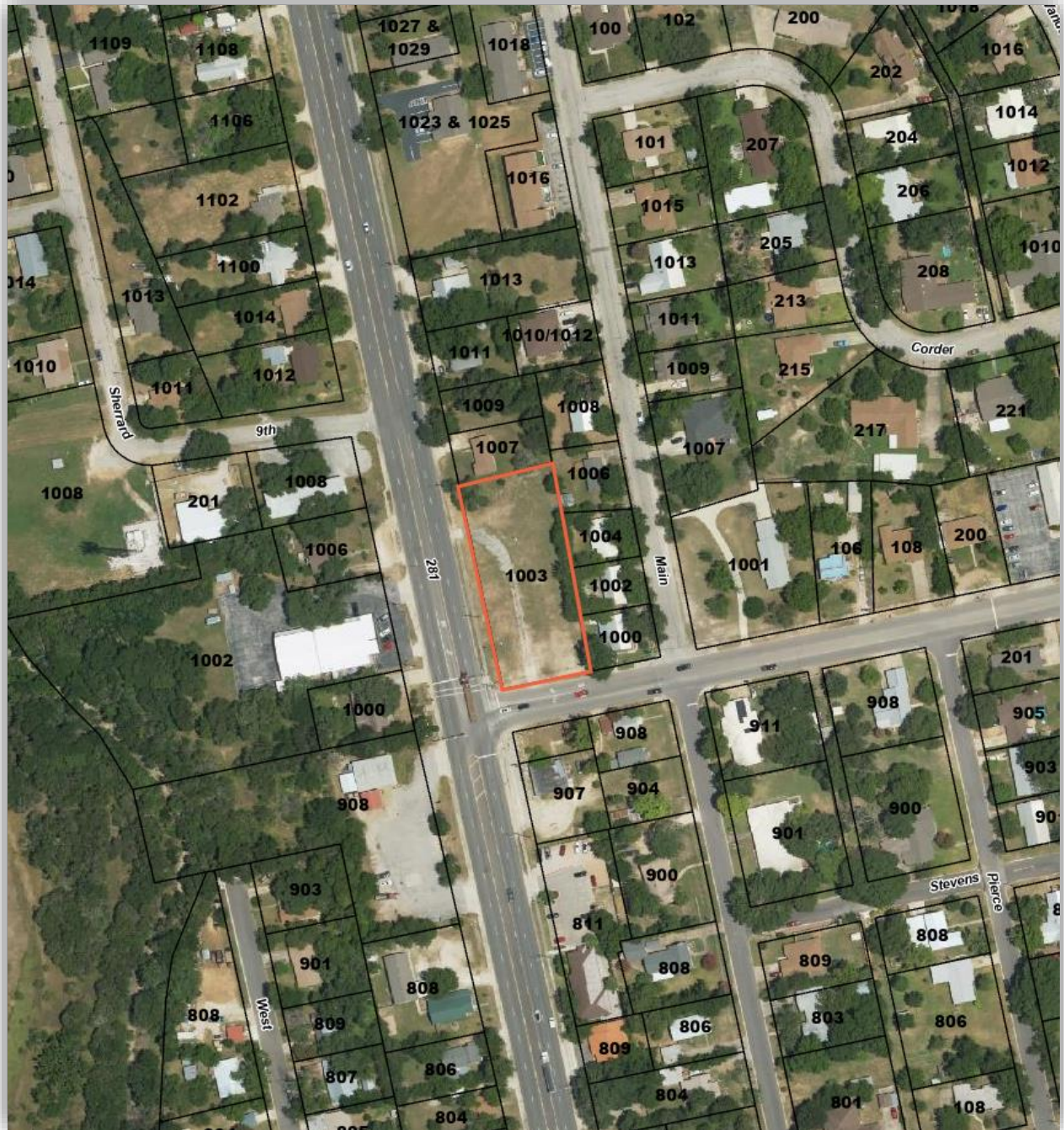
Gary Wideman, Mayor

ATTEST:

Maria Gonzales, City Secretary

Exhibit "A"

Subject Property



From: [Mary Shanes](#)
To: [Development Services Dept.](#)
Subject: Conditional Use Permit for 1003 N Water St
Date: Tuesday, May 27, 2025 1:17:27 PM

Caution: External Email

I am strongly opposed to approving a conditional use permit to allow gas and alcohol sales at 1003 N Water St.

My main concern is safety. This location is at the corner of 963 and 281. Traffic is always backed up at the light at 963. Especially when school is in session. It is difficult to turn from Main Street. We are talking school buses, parents and teens driving to and from school on Main Street and 963. Not to mention, the numerous times I have witnessed someone running the red light on 281.

City Council recently approved a conditional use permit for the 400 block of N Water St. for the sale of gas and alcohol. From 29 driving north on 281 we have a gas station in the 100 block, 300 block, 400 block (recently approved) and now this proposal for another gas station at the 1000 block. Do we really need another gas station?

when talking to my neighbors and friends, they always say "We don't need another gas station".

Thank you for your time as a volunteer for this very important position. You get to decide how the future of Burnet will look.

Sincerely,
Mary Jane Shanes
806-292-6912

From: [Clay Goehring](#)
To: [Leslie Kimbler](#)
Cc: [Aaron Peña](#); [Jennifer Stevens](#); [Stacy Rush](#)
Subject: Opposition to Conditional Use Permit for Gasoline/Alcohol Sales at Hwy 281 & FM 963
Date: Friday, May 30, 2025 1:51:20 PM

Caution: External Email

Dear Ms. Kimbler,

Thank you for your continued work to make Burnet, Texas great! I am writing on behalf of the Burnet Consolidated Independent School District to express our serious concern regarding the proposed Conditional Use Permit for “Gasoline and/or Alcohol Sales” at the intersection of Highway 281 and FM 963.

This location is a critical corridor for our district’s daily transportation operations. The intersection experiences substantial school-related traffic, including buses traveling between campuses and parents traveling to and from student drop-off and pick-up. Introducing a convenience store that sells gasoline and/or alcohol at this already busy intersection poses a significant risk to student safety and traffic flow.

We understand the importance of economic development, but the proximity of this type of establishment to school traffic routes raises considerable concerns about increased congestion and the potential for accidents involving students and school transportation.

For these reasons, Burnet CISD respectfully opposes the granting of this Conditional Use Permit and urges the City of Burnet to carefully consider the implications for student safety and traffic management.

Thank you for your time and attention to this matter. We are happy to provide additional context or discuss alternative solutions that prioritize the safety and well-being of our students.

--



City Council Regular Meeting

June 10, 2025

Discuss and consider action: Ordinance No. 2025-25: L. Kimbler

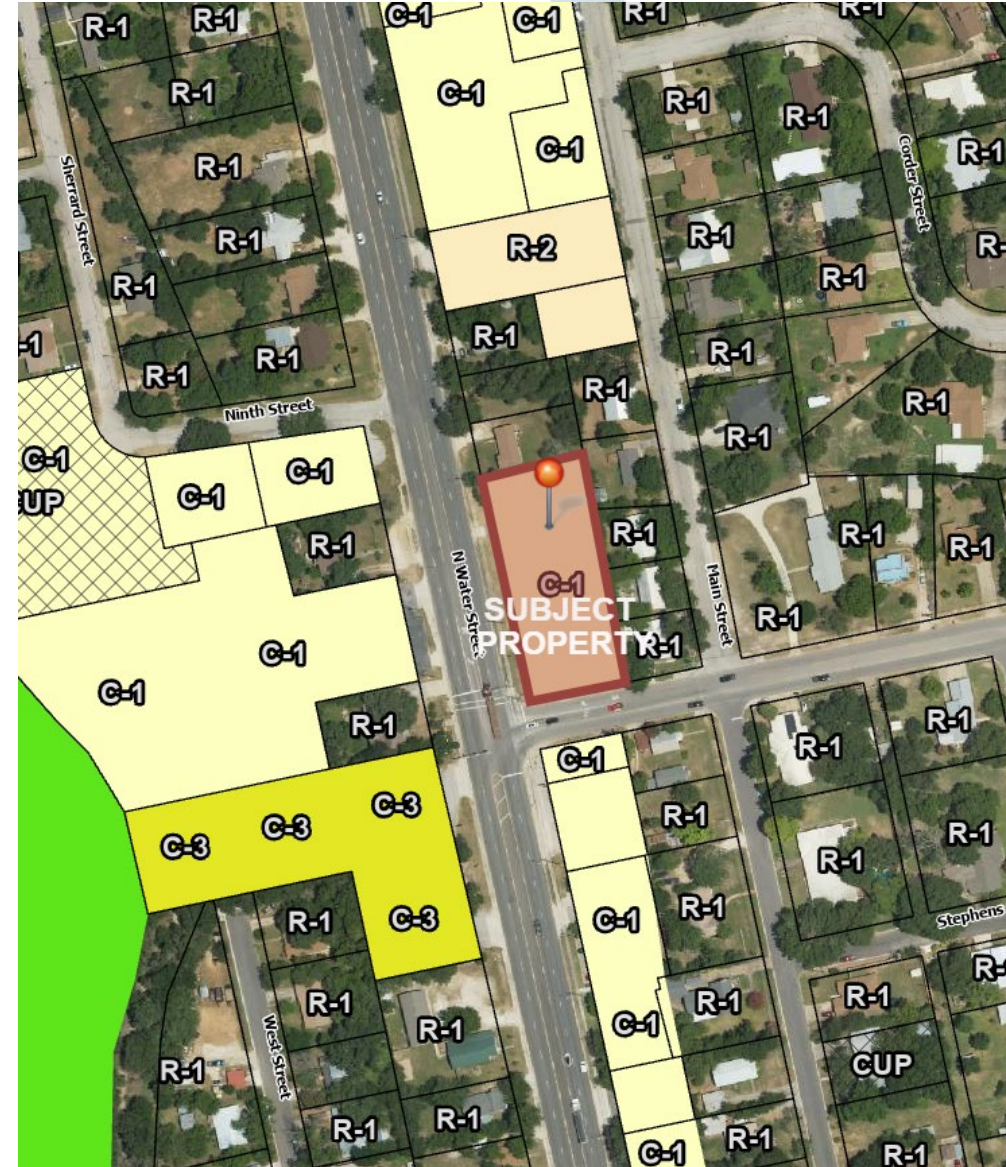
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR “GASOLINE AND/OR ALCOHOL SALES” IN A LIGHT COMMERCIAL – DISTRICT “C-1” ZONING DISTRICT FOR PROPERTY LOCATED AT 1003 N WATER STREET; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE



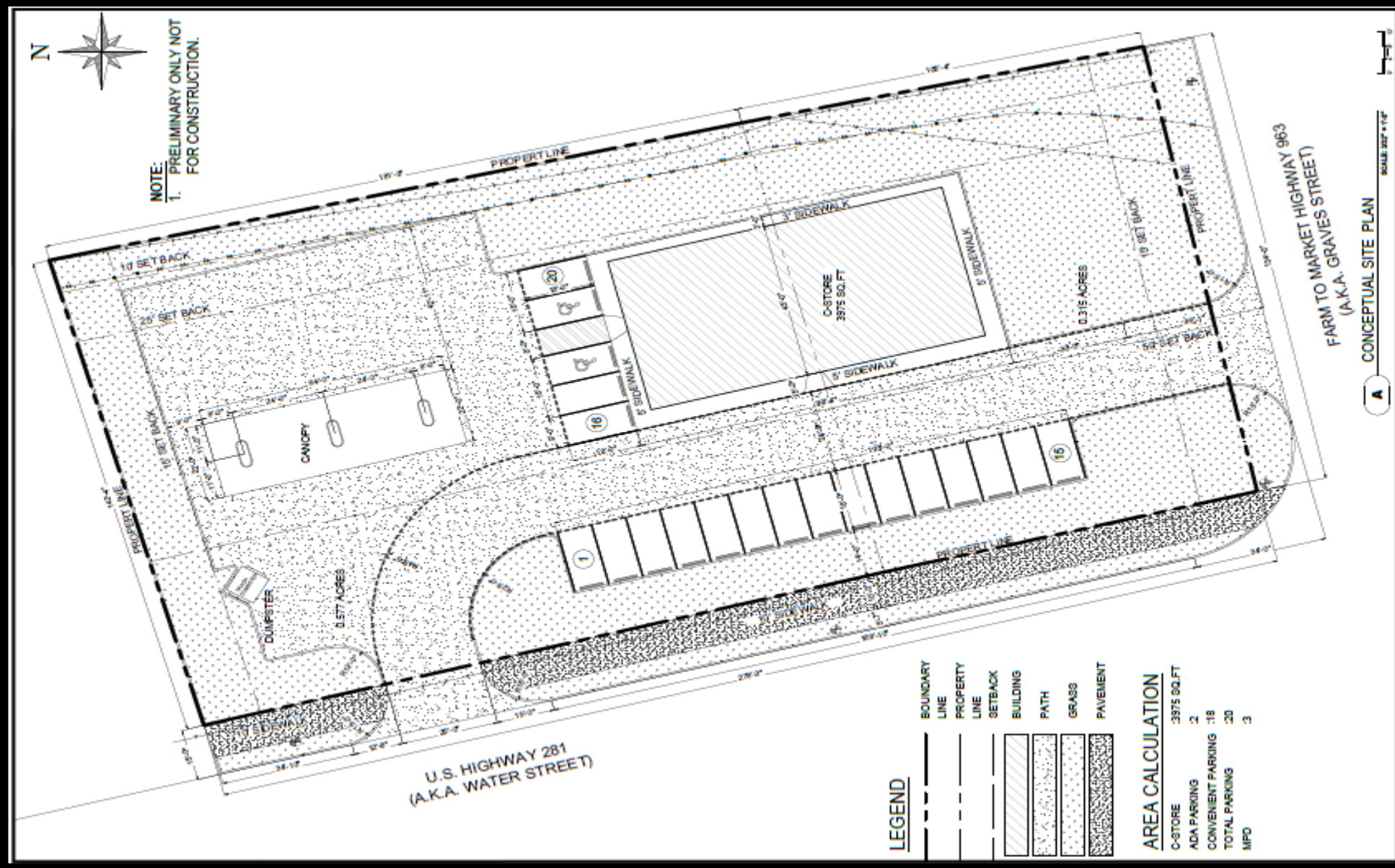
BACKGROUND & INFORMATION

ITEM 7-1.

- Located at East Graves Street and North Water Street
- Consists of two undeveloped tracts
- Requesting a Conditional Use Permit to allow for a convenience store with gasoline and alcohol sales with three (3) fueling stations and 20 parking spots
- City utilities will service the tract
- Two entrances: North Water Street and East Graves Street. Applicant required to work with TxDOT for driveway permits. At this time, there is no guarantee the entrance on East Graves Street will be allowed due to the proximity of the red light.



ITEM 7-1.



ENGINEER'S SEAL THIS DOCUMENT IS THE PROPERTY OF THE ENGINEER AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT HIS WRITTEN PERMISSION.	PROJECT ADDRESS: 1003 North Water Street, Burnet, Tx	CLIENT: 1003 North Water Street, Burnet, Tx	CONTRACTING TITLE: CONCEPTUAL SITE PLAN	PROJECT NUMBER: BT-CL-01-CIV-001
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CITY OF BURNET

BACKGROUND & INFORMATION

ITEM 7-1.

Properties adjacent to the subject property are zoned as follows:

	North	South	East	West
Zoning	"R-1"	"C-1"	"R-1"	"C-1"
FLUM	Commercial	Commercial	Commercial	Commercial
Land Use	Residential	Vacant Commercial Bldg	Residential	Commercial Retail

This property does directly abut several residential properties. Commercial businesses are located across East Graves Street and across North Water Street.



Bluebonnet Capital of Texas

CONDITIONAL USE PERMIT CRITERIA:

Code of Ordinances, Section 118-45(4) lists “Convenience Store” as an allowable use in district “C-1”; however, gasoline and/or alcohol sales are only allowed with the approval of a Conditional Use Permit.

The Conditional Use Permit approval process is established by Code of Ordinances Sec. 118-64; Subsection (e). Per the cited section in making its recommendation the Commission should consider the following:

- **Appearance, size, density and operating characteristics are compatible with surrounding neighborhood and uses;**
- **Proposed use will not adversely affect value of surrounding properties nor impede their proper development;**
- **Proposed use will not create a nuisance factor nor otherwise interfere with a neighbor’s enjoyment of property or operation of business;**
- **Traffic generated on existing streets will not create nor add significantly to congestion, safety hazards, or parking problems, and will not disturb peace and quiet of neighborhood;**
- **Comply with other applicable ordinances and regulations.**



STAFF ANALYSIS:

Staff have reviewed the criteria in Sec. 118-64(e) and have made the following observations:

- 1. Directly abuts single-family homes; convenience store with fuel sales typically operates early in the morning and late into the evening. This extended operation schedule introduces ongoing activity, lighting, and noise. These impacts are not typical of the existing commercial or residential uses in the area.**
- 2. Commercial development has different effects on the value and development of surrounding properties. The noise, lighting, and traffic generated by the proposed use may have negative impacts on the desirability of the residential properties and discourage further residential development.**
- 3. The site is narrow with fueling stations on the northern portion of the property closest to the residential properties. This layout encourages vehicle circulation near shared property lines, increasing the likelihood of noise, fumes, and light pollution directly impacting nearby homes.**
- 4. Intersection already experiences significant congestion during the morning and afternoon hours due to nearby schools and a convenience store will increase traffic. There are safety concerns considering the space between existing traffic signals. If driveway permit for Graves Street not secured, this will create on-site issues with circulation and emergency vehicle access. There are significant concerns for both daily operations and emergency response situations.**



ITEM 7-1.

Public Notification:

Notices were mailed to 21 surrounding property owners.

Two response in opposition has been submitted.

Planning and Zoning:

P&Z met on June 2nd and recommended denial.

All five commissioners unanimously agreed:

- Safety concerns on highway
- Increased traffic congestion
- Concerns around the ingress and egress
- Negative impacts on the surrounding residential neighbors
- The school districts opposition

The request for the development of a convenience store with gasoline and/or alcohol sales was not an appropriate fit for this location.



Public Hearing

- **Public Hearing**
 - Limit 3 minutes per speaker
- **Discussion**
 - Discuss and consider proposed Ordinance 2025-25





Item Brief

Meeting Date

June 10, 2025

Agenda Item

Public hearing and action: Ordinance No. 2025-22: L. Kimbler

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY REZONING PROPERTY LOCATED AT THE NORTH CORNER OF COUNTY ROAD 108 AND NORTH WATER STREET FROM ITS CURRENT DESIGNATION OF AGRICULTURE – DISTRICT “A” TO A DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2” WITH A CONDITIONAL USE PERMIT TO ALLOW FOR “TRUCK STOP, WITH NO REPAIR OR WASH SERVICE”; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

1. Staff Presentation
2. Public Hearing
3. Discuss and consider action

Information

The subject property is an undeveloped 5.8 acres tract located at the intersection of County Road 108 and North Water Street (Exhibit A – location). The applicant is requesting to rezone the property to Medium Commercial – District “C-2” with a Conditional Use Permit to allow for the development of a truck stop (Exhibit B – application & intent letter). The submitted concept plan (Exhibit C – concept plan) shows a 9000 square foot building with five (5) fueling stations and three (3) diesel pumps, with 20 parking spots for the store and 19 proposed semi-truck parking spaces.

The property has access to water service; however, the applicant’s engineer must coordinate with the City Engineer to ensure proper wastewater is accommodated. Electrical services will be provided by PEC.

The site plan proposes three access points: one along North US Highway 281 and two others along County Road 108. A driveway permit from Texas Department of Transportation (TxDOT) will be required for the Highway 281 access.

In a previous attempt to rezone the property to Light Commercial – District “C-1,” along with a Conditional Use Permit to allow for the development of a convenience store including the sale of gasoline and/or alcohol, the request was denied. The denial was primarily due to concerns about the current condition of County Road 108 and the potential negative impacts the proposed development could have on that roadway. Upon submittal of the new rezone application, staff has conducted due diligence and confirmed that, at time of construction plan submittal, the applicant will be required to reconstruct the portion of County Road 108 impacted by the development. This reconstruction must meet all current city design and construction standards.

Properties adjacent to the subject property are zoned as follows:

	North	South	East	West
Zoning	ETJ	“A”	“C-1”	“A”
FLUM	Commercial	Commercial	Commercial	Residential
Land Use	Undeveloped	Undeveloped	Undeveloped	Undeveloped

Code of Ordinances, Section 118-45(4) lists “Convenience Store (including the sale of gasoline)” as an allowable use in district “C-2”; however, truck stops are only allowed in the Heavy Commercial – District “C-3” district. Section 118-64 – Conditional Use Permits, allows a use authorized in a Heavy Commercial – District “C-3” to be authorized in a Medium Commercial – District “C-2” with a conditional use permit.

The Conditional Use Permit approval process is established by Code of Ordinances Sec. 118-64; Subsection (e). Per the section cited in making its recommendation the Commission and City Council should consider the following:

- **Appearance, size, density and operating characteristics are compatible with surrounding neighborhood and uses;**
- **Proposed use will not adversely affect value of surrounding properties nor impede their proper development;**
- **Proposed use will not create a nuisance factor nor otherwise interfere with a neighbor's enjoyment of property or operation of business;**
- **Traffic generated on existing streets will not create nor add significantly to congestion, safety hazards, or parking problems, and will not disturb peace and quiet of neighborhood;**
- **Comply with other applicable ordinances and regulations.**

Staff analysis

Staff have reviewed the criteria in Sec. 118-64(e) and have made the following observations:

- The only developed property within the surrounding area is a structure being remodeled into an assisted living facility. There is a residential subdivision across the highway from the subject property; however, the undeveloped property in front of the subdivision is zoned commercial and will likely develop with commercial use in the future. The commercial use of this property would be compatible with the future development of surrounding properties.
- Commercial development can raise the property value of nearby commercial properties due to upgrades in roads and utilities and encourage further commercial development. However, higher traffic volumes and noise may impede future residential development. Since this property abuts properties that are undeveloped and have a future land use of commercial, or public rights-of-way, the proposed use should not have a negative impact on abutting properties.
- As previously mentioned, most of the properties directly surrounding the subject property are currently undeveloped; therefore, it should not interfere with those neighboring properties enjoyment or operation of business.
- Any commercial development in this area is going to increase traffic; however, this property is located at an intersection with a stop light. This would be the ideal location for commercial property that may increase traffic. The stop light will help with traffic control as well as provide a safer route for patrons and large trucks to enter and exit the highway. Additionally, the applicant will be required to develop portions of County Road 108 impacted by the development to city standards making this an improvement of the existing right-of-way.

Public Notification

Written notices were mailed to six (6) surrounding property owners within 200 feet of the subject property. There have been zero responses in favor and zero responses in opposition to the request.

P&Z Report

Planning and Zoning is met on Monday, June 2nd, and recommended approval of the requested Conditional Use Permit with a vote of 4-1.

One Commissioner who did vote for denial had safety concerns regarding the semi-trucks entering and exiting the highway and was uncertain how the additional “truck stop”

benefited the City. The remaining four Commissioners had not major concerns about the location and felt the improvements to County Road 108 would be a benefit.

Recommendation

Open the public hearing.

Discuss and consider Ordinance 2025-22.

Exhibit A – Location and Current Zoning



ITEM 7-2.

Exhibit A – Location (cont.)



ITEM 7-2.

City of Burnet
Zoning Change Application

City of Burnet · Development Services Department · (512) 715-3206
1001 Buchanan Drive · Suite 4 · Burnet, Texas · 78611

☒ Conditional Use Permit - \$250

Email: stacy@williamhengineering.com

Email: smomin942@gmail.com

Conditional Use Permit for: Alcohol Sales

Printed Name: Marcus W. Horner

Printed Name: Saif Momin

Case #: _____ MPN #: _____ P&Z Date: ____ / ____ / ____ CC Date: ____ / ____ / ____

Exhibit B – Application & Letter of Intent (cont.)

City of Burnet Development Services Department
1001 Buchanan Drive, Suite 4
Burnet, TX 78611

Subject: Request for Zoning Change – Old San Saba Rd & N US 281

Dear Development Services Department,

I am submitting this letter in support of our zoning change application for a 5.84-acre tract located at Old San Saba Rd & N US 281, currently zoned as Agricultural. We are requesting a zoning change to Medium Commercial – District “C-2”, along with a Conditional Use Permit to allow for the proposed development.

Reason for Request

The existing Agricultural zoning does not reflect the most appropriate or productive use of this tract given its visibility and access along a major highway corridor. Rezoning the property to C-2 with a Conditional Use Permit would allow for commercial activity better aligned with the area's growth and service needs.

Proposed Use of the Property

We intend to develop a convenience store and truck fueling station that will serve both the local community and regional travelers. The project may also include retail offerings and services typical of modern travel stops. We are additionally requesting a Conditional Use Permit to allow for the sale of alcohol, in accordance with local regulations.

Impact on Surrounding Properties

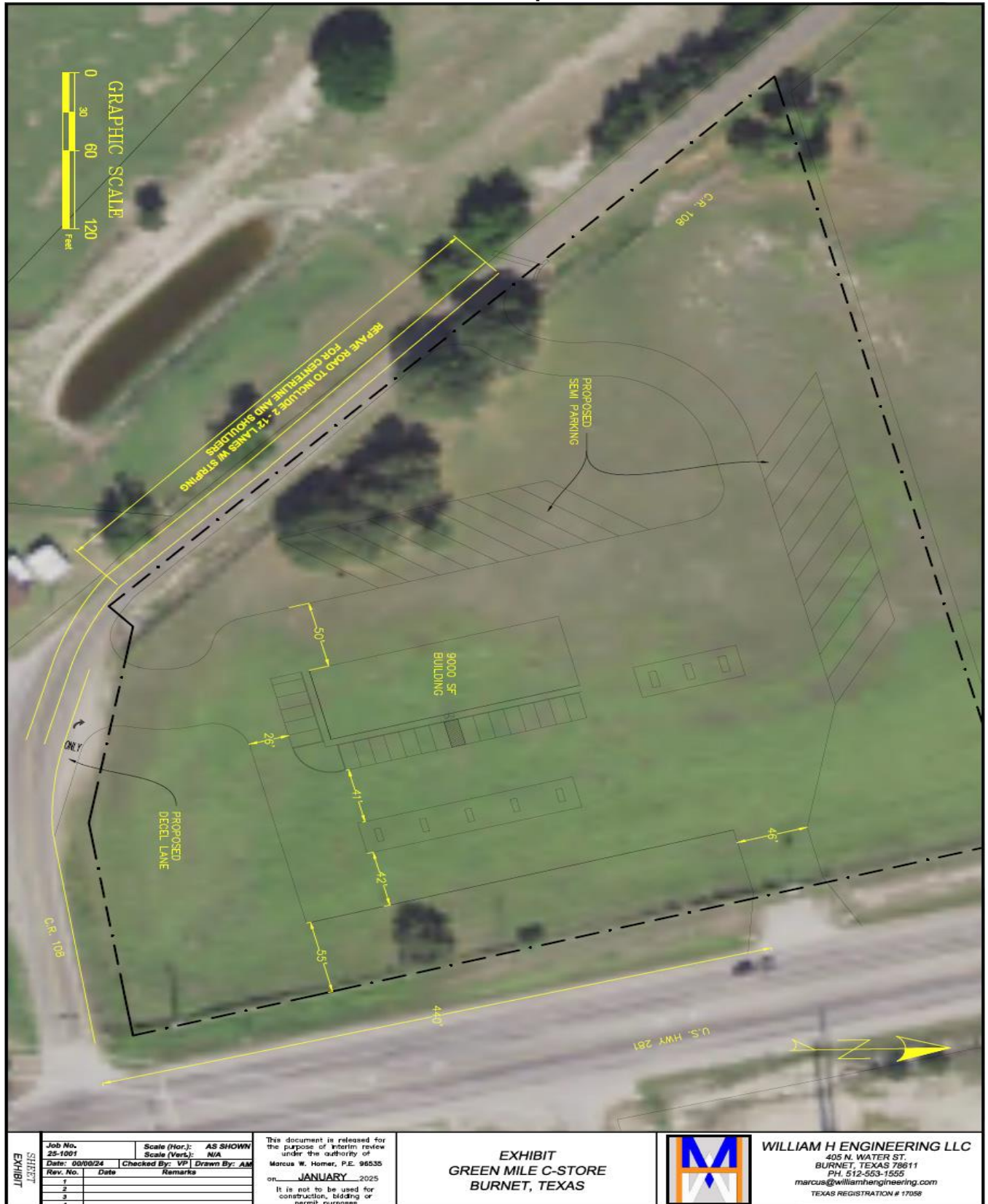
- **Economic Growth:** The project will generate jobs, sales tax revenue, and help attract complementary businesses to the corridor.
- **Infrastructure Benefits:** Improvements to access, utilities, and site development will benefit not only our property but the broader area.
- **Appropriate Location:** The highway frontage and current lack of nearby services make this site a logical and compatible fit for this type of commercial development. We will work closely with the City to ensure that any concerns from surrounding property owners are addressed appropriately.

Thank you for your consideration of this request. Please feel free to reach out with any questions or if additional information is needed.

Sincerely,

Saif Momin
Manager
HWY 281 Longhorn LLC

Exhibit C – Concept Plan



ORDINANCE NO. 2025-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY REZONING PROPERTY LOCATED AT THE NORTH CORNER OF COUNTY ROAD 108 AND NORTH WATER STREET FROM ITS CURRENT DESIGNATION OF AGRICULTURE – DISTRICT “A” TO A DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2” WITH A CONDITIONAL USE PERMIT TO ALLOW FOR “TRUCK STOP, WITH NO REPAIR OR WASH SERVICE”; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

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

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

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

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

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

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

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

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

Section Two. Property. The Property that is subject to this Zoning District Reclassification is property ID 125129, legally described as: ABS A0035 THOMAS ALLEY, 5.84 ACRES as shown on **Exhibit “A”** hereto.

Section Three. Zoning District Reclassification. Medium Commercial – District “C-2” Zoning District Classification” is hereby assigned to the Property described in section two.

Section Four. Conditional Use Permit. A Conditional Use Permit to allow the use “Truck Stop, with no repair or wash service” is hereby assigned to the Property described in section two.

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

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

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

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

PASSED AND APPROVED on this the 10th day of June 2025.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

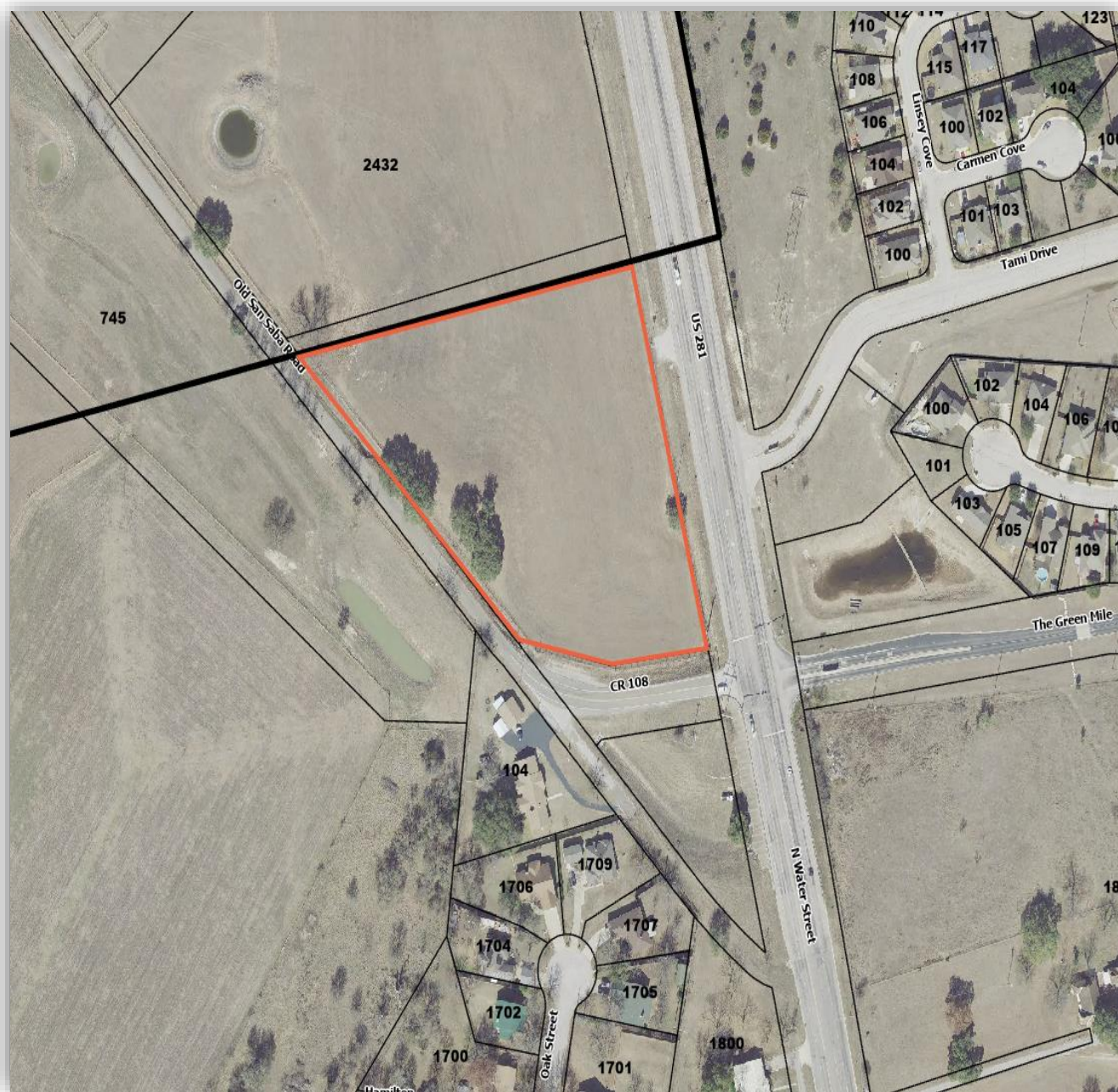
ATTEST:

Maria Gonzales, City Secretary

Exhibit “A”

Subject Property

Subject Property



ITEM 7-2.

Kristen Jones
105 Gregory Ln
Burnet, TX 78611
830-265-0558

6/4/2025

City of Burnet City Council
1001 Buchanan Drive, Suite 4
P.O. Box 1369
Burnet, TX 78611

Re: Opposition to Conditional Use Permit for Proposed Truck Stop near 104 County Road 108

Dear Mayor and Council Members,

I am writing to express my strong opposition to the proposed conditional use permit for a truck stop on the north corner of County Road 108 in Burnet, Texas. As a concerned resident, I believe that the proposed development does not meet the criteria outlined in **Section 118-64(e)** of the City of Burnet's Code of Ordinances governing conditional use permits and that it poses a serious threat to public health and the surrounding environment.

According to **Section 118-64(e) - General Criteria applicable to all conditional use permits**, a proposed use must not:

1. **Adversely affect the health or safety of persons residing or working in the vicinity of the proposed use.**
2. **Be detrimental to the public welfare or injurious to property or improvements in the neighborhood.**
3. **Be inconsistent with the goals, objectives, and policies of the comprehensive plan or applicable area plans.**

The proposed truck stop fails to meet these standards, particularly in light of the nearby **assisted retirement living facility currently under construction at 104 County Road 108**, located within 300 feet of the proposed site. This facility will house one of the most vulnerable segments of our population—older adults—who are especially susceptible to airborne toxins such as **benzene**, a known carcinogen emitted from gas station operations.

Health Concerns:

Research indicates that **benzene and other harmful pollutants** are emitted from underground fuel storage tank vents and during vehicle refueling. While some states require protective vapor recovery systems, **Texas does not mandate such protections**, thereby increasing the exposure risk to nearby residents and vulnerable populations. Scientific studies have detected benzene emissions at distances of **up to 524 feet** from gas stations ([PMC7020915](#)), and the U.S. EPA

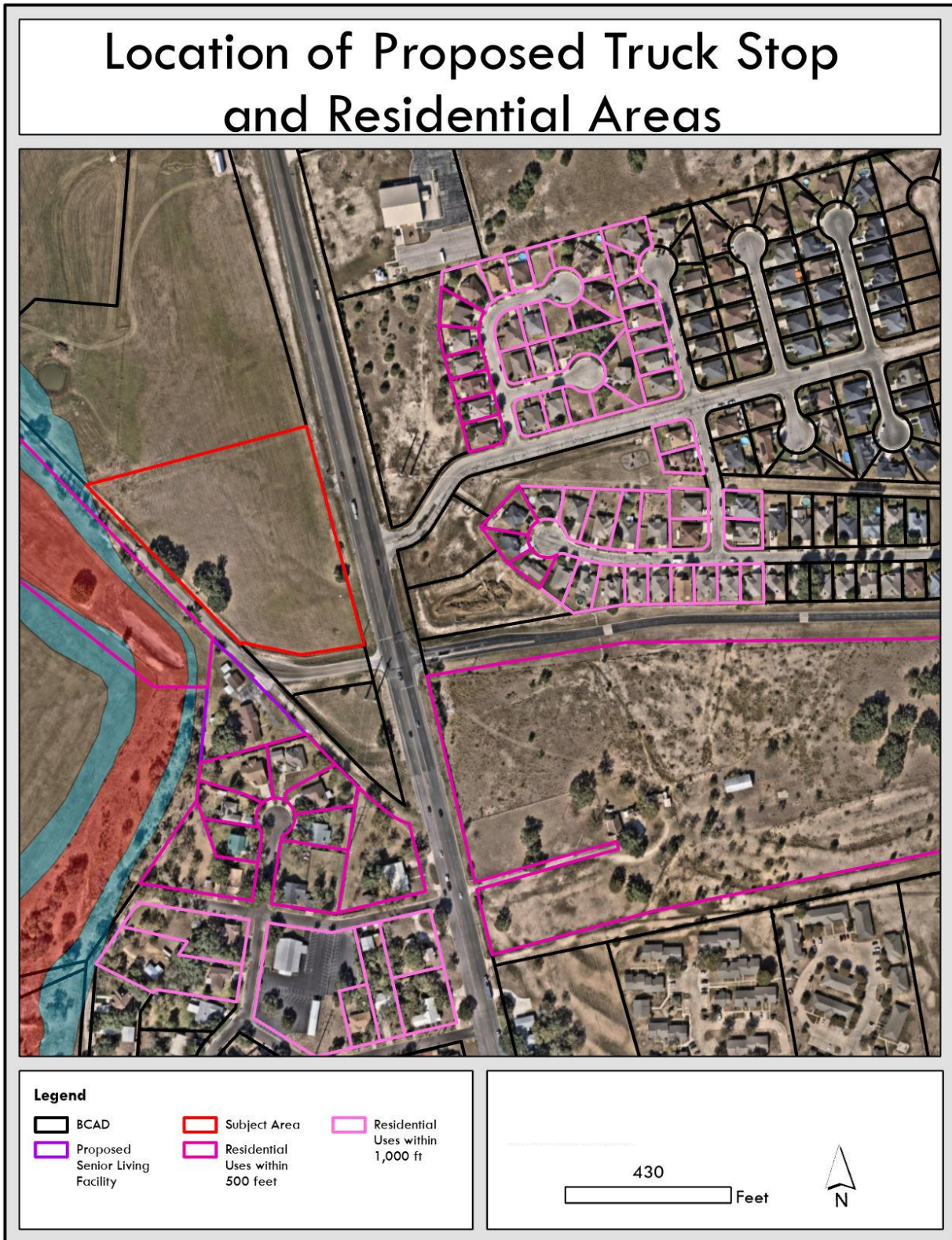
advises caution when siting schools within 1,000 feet of gas stations, a precaution that should extend to senior housing and other residential areas.

Additionally, a **2021 study** titled *Benzene emissions from gas station clusters: a new framework for estimating lifetime cancer risk* ([PubMed ID: 34150235](#)) shows increased cancer risks in communities with multiple nearby gas stations. This same study reinforces the need for a **minimum 500-foot buffer** between gas stations and places where people spend extended periods of time, such as their residence.

Furthermore, a **2020 study by Dr. Markus Hilpert** demonstrated that 88% of vehicles still release gasoline vapors during refueling, even with Onboard Refueling Vapor Recovery systems. This suggests that current technologies are not sufficient to fully protect the public from harmful emissions.

Visual Evidence:

To illustrate the proximity of the proposed truck stop to sensitive areas, please refer to the following map:



Note: This map is for illustrative purposes. For detailed property boundaries and measurements, please consult the Burnet Central Appraisal District Interactive Map.

Traffic Impact and Infrastructure Concerns:

The proposed use will significantly increase **truck and vehicular traffic** on **County Road 108**, which is a narrow, rural road not designed for heavy truck volumes or high-capacity ingress/egress. This raises several serious concerns:

- A **Traffic Impact Analysis (TIA)** should be required prior to any approval to evaluate the increased strain on CR 108 and the surrounding intersections.
- The road's current condition is **not adequate** to support commercial truck stop activity without **substantial upgrades**, including widening, turn lanes, and traffic controls.
- Increased traffic would **impede access for emergency vehicles** and residents, and **create safety hazards** for nearby residential neighborhoods and the senior living facility.

Impact on Public Welfare and Property Values:

Allowing a truck stop in close proximity to residential areas and senior housing will introduce:

- **24-hour diesel traffic**, noise, light pollution, and potential groundwater risks.
- **Decreased property values** due to perceived pollution and safety concerns.
- A general **decline in the character and livability** of the neighborhood.

Conclusion:

In summary, this proposal violates both the letter and intent of the City's zoning ordinance. It poses a **clear risk to public health, diminishes the quality of life for current and future residents, lacks critical infrastructure support, is incompatible with adjacent land uses, and could reduce surrounding property values** due to noise, traffic, and toxic air emissions. For these reasons, I respectfully urge the City Council to deny the conditional use permit.

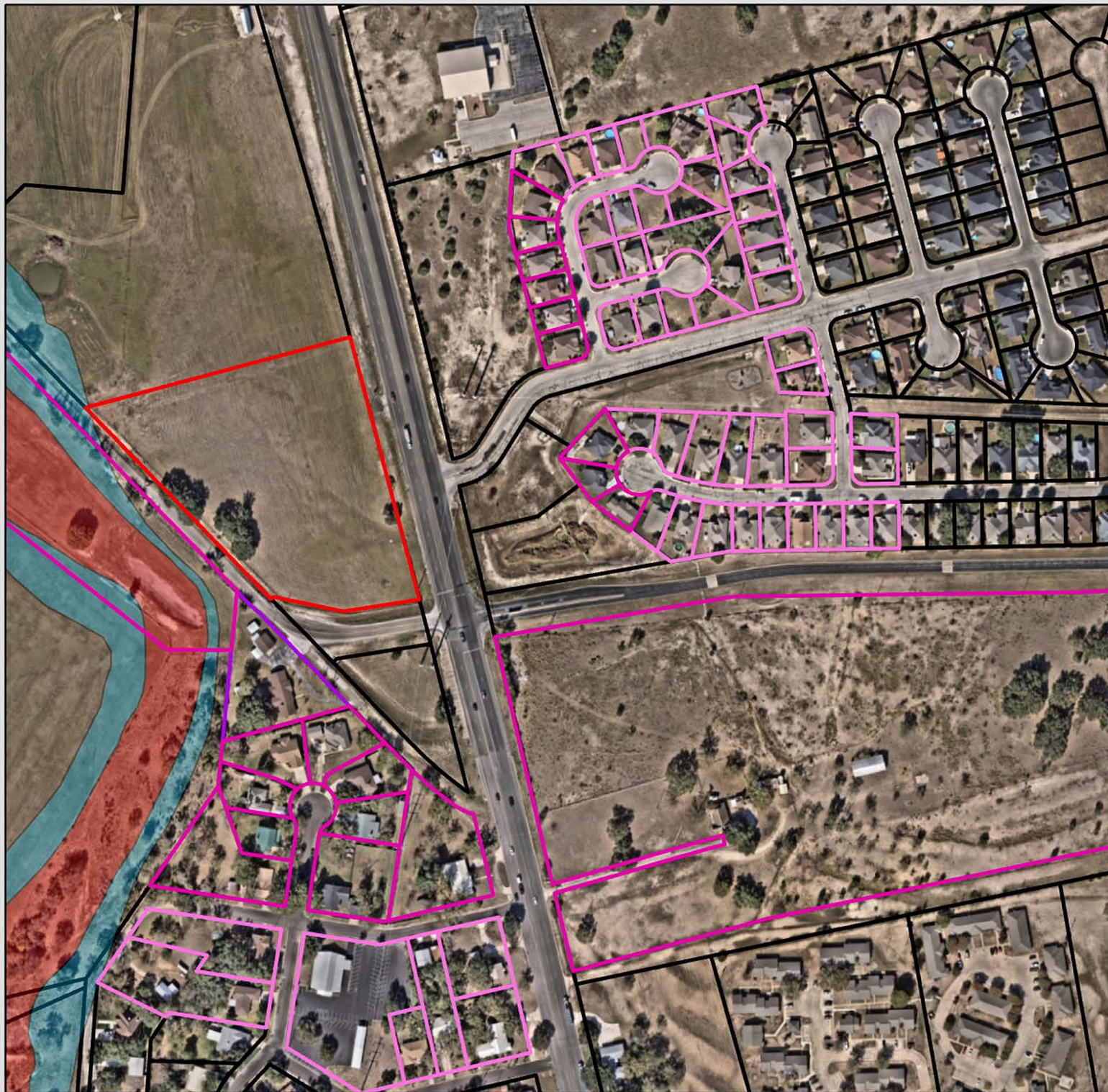
Thank you for your consideration and for your commitment to preserving the health and quality of life in Burnet.

Sincerely,
Kristen Jones






Attachments:

1. Map illustrating the proximity of the proposed truck stop to the senior living facility and surrounding residential areas.
2. Copies of the referenced studies on benzene emissions and health risks.

Location of Proposed Truck Stop and Residential Areas



Legend

- | | | |
|--|--|--|
|  BCAD |  Subject Area |  Residential Uses within 1,000 ft |
|  Proposed Senior Living Facility |  Residential Uses within 500 feet | |

Note: This map is for illustrative purposes. For detailed property boundaries and measurements, please consult the Burnet Central Appraisal District Interactive Map.

430

 Feet

2015 Study
Hydrocarbon Release During Fuel Storage and Transfer at Gas
Stations: Environmental and Health Effects

Hydrocarbon Release During Fuel Storage and Transfer at Gas Stations: Environmental and Health Effects

Markus Hilpert¹ · Bernat Adria Mora¹ · Jian Ni² · Ana M. Rule¹ · Keeve E. Nachman¹

Published online: 5 October 2015
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Abstract At gas stations, fuel is stored and transferred between tanker trucks, storage tanks, and vehicle tanks. During both storage and transfer, a small fraction of unburned fuel is typically released to the environment unless pollution prevention technology is used. While the fraction may be small, the cumulative release can be substantial because of the large quantities of fuel sold. The cumulative release of unburned fuel is a public health concern because gas stations are widely distributed in residential areas and because fuel contains toxic and carcinogenic chemicals. We review the pathways through which gasoline is chronically released to atmospheric, aqueous, and subsurface environments, and how these releases may adversely affect human health. Adoption of suitable pollution prevention technology should not only be based on equipment and maintenance cost but also on energy- and health care-saving benefits.

Keywords Gas stations · Vapor emissions · Fuel spills · Adverse health effects · Pollution prevention

Introduction

The primary function of gas stations is to provide gasoline and diesel fuel to customers, who refill vehicle tanks and canisters.

This article is part of the Topical Collection on *Air Pollution and Health*

✉ Markus Hilpert
markus_hilpert@jhu.edu

¹ Department of Environmental Health Sciences, Bloomberg School of Public Health, Johns Hopkins University, Baltimore, MD, USA

² Carey School of Business, Johns Hopkins University, Baltimore, MD, USA

Operating a gas station requires receiving and storing a sufficient amount of fuel in storage tanks and then dispensing the fuel to customers. During delivery, storage, and dispensing of fuel at gas stations, unburned fuel can be released to the environment in either liquid or vapor form. Fuel is a complex mixture of chemicals, several of them toxic and carcinogenic [1]. Of these chemicals, the health consequences of chronic benzene exposure are best understood. Occupational studies have linked benzene exposures to numerous blood cancers, including acute myeloid leukemia and acute non-lymphocytic leukemia [2]. Concerns have been raised that gasoline vapor exposures incurred by gas station attendants [3] and tanker truck drivers [4] may result in health risks.

The potential for fuel released to the environment at gas stations, in the form of liquid spills or vapor losses, to elicit adverse health outcomes could be substantial due to the widespread distribution of gas stations across communities and the intensive usage of vehicle fuel in industrialized nations. For example, the USA consumed about 137 billion gallons of gasoline, or about 430 gallons per US citizen, in 2014 [5]. If only a small fraction of this gasoline was to be released to the environment in the form of unburned fuel, for instance 0.1 %, then about 1.6 L of gasoline would be released per capita per year in the USA. In Canada, a study estimated that evaporative losses at gas stations in 2009 amounted to 58,300,000 L [6]. With a population of about 34 million, we estimated that about 1.7 L of gasoline was released per capita per year in Canada from evaporative losses, without counting the liquid spills. While personal intake of this quantity of gasoline would result in serious adverse health effects, environmental dilution can decrease personal exposure. An overarching question is under which conditions dilution in the aqueous and atmospheric environments can limit personal exposures to acceptable levels. For example, cumulative adverse health effects could be more pronounced in metropolitan areas where more people

are exposed and where the density of gas stations is larger than in rural areas.

Engineers and regulators have paid a lot of attention to leaking underground storage tanks (LUSTs) and leaky piping between storage tanks and gasoline-dispensing stations, which can result in catastrophic fuel release to the subsurface [7]. For instance, double-walled tanks have become standard in order to minimize accidental release of liquid hydrocarbon. Technologies that prevent pollution due to non-catastrophic and unreported releases of hydrocarbon that occur during fuel storage and transfer (hereafter referred to as “chronic releases”), however, have not been uniformly implemented within the developed world. The state of California in the USA has the strictest policies to minimize chronic releases, either in liquid or in vapor form. Other US states and industrialized nations, however, have not uniformly adopted California’s standards, potentially because comprehensive economic and public health analyses to inform policy making are not available. This paper focuses on chronic hydrocarbon releases at gas stations (including both liquid spills and vapor losses), their contributions to human exposures and potential health risks, and factors that influence the adoption of suitable pollution prevention technology.

Chemical Composition of Fuel

Fuels have historically contained significant fractions of harmful chemicals, some of which have been documented as contributing to morbidity and mortality in exposed persons. Crude oil, from which fuels have historically been refined, already contains toxic chemicals such as benzene [8]. Fuel additives including anti-knocking agents and oxygenates have historically also been a health concern [9]. Fuel composition has changed over time, primarily due to environmental and health concerns [9]. Fuel composition also depends on geographic location and fuel type (e.g., conventional versus reformulated gasoline) [10]. In the 1920s, lead was added to gasoline as an anti-knocking agent to replace added benzene because of its carcinogenicity [11]. Due to the massive release of lead to the environment and its neurotoxicity [12], lead was replaced in the 1970s by less toxic anti-knocking agents including methyl tert-butyl ether (MTBE) [13]. To reduce formation of ground-level ozone and associated adverse respiratory health effects [14], cleaner burning of fuel was sought in the 1990s by adding oxygenates to gasoline. This was accomplished by increasing the concentrations of MTBE, which acts

as an oxygenate [9]. However, MTBE accidentally released to the subsurface [15] contaminated downstream drinking water wells relatively quickly, moving almost with the speed of groundwater, because MTBE is hydrophilic and poorly biodegradable [16]. MTBE was later on identified as a potential human carcinogen [16]. In the USA, MTBE was therefore phased out in the 1990s; at the same time, refineries began supplementing fuel with ethanol as an oxygenate [17].

In current gasoline formulations, benzene, toluene, ethylbenzene, and xylene (BTEX) and particularly benzene are the most studied chemicals and are currently believed to be of greatest health concern [18]. Table 1 shows that fuels have historically contained large fractions of toxic and carcinogenic chemicals. In many countries, lead and MTBE are no longer used. Benzene levels in gasoline are currently much lower in most countries (e.g., on average 0.62 % by volume in the USA), though the chronic health effects of benzene and other BTEX chemicals at relevant exposure levels are not well understood.

Chronic Release and Environmental Transport of Contaminants from Fuel

At gas stations, fuel can be released in both liquid and vapor phases during delivery, storage, and dispensing. Direct vapor release is usually associated with atmospheric pollution, while liquid spillage is commonly associated with soil and groundwater contamination. However, spilled liquid fuel also evaporates into the atmosphere. Hypothetically, hydrocarbon vapors can also condense back into liquid form; however, this appears to be unlikely due to quick dilution in a typically turbulent atmosphere. Figure 1 depicts how releases of unburned fuel contaminate the atmospheric, subsurface, and surface water environments (omitting LUST and leaky piping as well as marine gas stations which may release fuel directly to surface water).

Liquid Fuel Spills

Liquid fuel spills at the nozzle have received less attention than liquid releases due to LUSTs. These fuel spills occur when the dispensing nozzle is moved from the dispensing station to the vehicle tank and vice versa, when the automatic shutoff valve fails, due to spitback from the vehicle tank after the shutoff has been activated, and when the customer tops off the tank.

Table 1 Historical content of non-negligible amounts of toxic and carcinogenic chemicals in fuel

Chemical of concern	Fraction	Health effects
Benzene	Up to 5 % [75]	Carcinogenic [2]
Lead	Up to 2 g per gallon [76]	Central nervous system [12]
MTBE	Up to 15 % [77]	Potential human carcinogen [78]

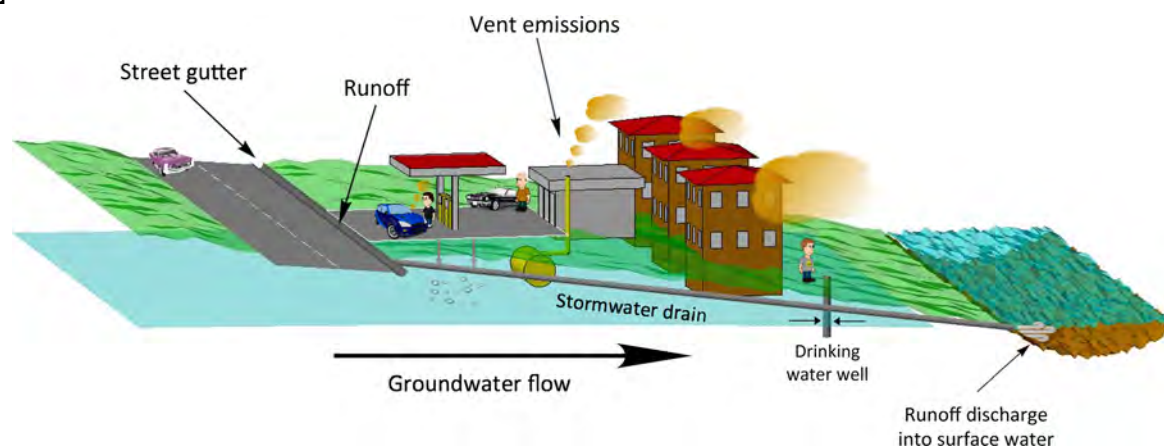


Fig. 1 Gas stations are embedded into the natural environment and can consequently release pollutants to the atmosphere, the subsurface including soil and groundwater, and surface water

In a study quantifying fuel spill frequencies and amounts at gas stations in California, about 6 L of gasoline was spilled per 16,200 gallons of gasoline dispensed at gas stations without stage II vapor recovery compared to 3.6 L at gas stations per 14,043 gallons of gasoline dispensed at gas stations with stage II vapor recovery (at the nozzle) [19]. This would mean that about 0.007 and 0.01 % of dispensed gasoline are spilled in liquid form during vehicle refueling at gas station with and without stage II recovery (numbers calculated using the assumed fuel density of 6.2 pounds/gallon). On the other hand, a study sponsored by the American Petroleum Institute found that more spills occurred at gas stations with stage II recovery [20].

We have recently performed laboratory experiments to examine the fate of liquid spill droplets. Following our previous protocol [21•], we spilled fuel droplets onto small concrete samples and measured the mass added to the concrete as a function of time. This added mass is the sum of the masses of the sessile fuel droplet and the infiltrated fuel. Figure 2 shows results for diesel and gasoline. After a certain period of time, the sessile droplet vanishes and the measured mass levels off. The remaining mass represents the infiltrated portion. The evaporated mass can be obtained by subtracting the infiltrated mass from the initial droplet mass m_0 . Evaporation is greater for gasoline, while infiltration is greater for diesel spills. This is because gasoline is more volatile than diesel. Diesel has therefore a higher potential for soil contamination because of the higher infiltrated mass.

Spilled fuel may move downward in liquid or vapor phase and potentially reach the groundwater table. The physical mechanisms that govern subsurface movement of spilled fuel are the same as for fuel released due to LUST, except that spilled fuel must first penetrate relatively impermeable pavement underneath fuel-dispensing stations. Gasoline and diesel will not penetrate the groundwater table as a liquid, because

they have densities lower than that of water. Released fuel may also evaporate within the sediment, and a portion of it will move downward as a vapor and potentially reach the groundwater table [22]. Whether the fuel reaches groundwater in liquid or vapor form, the fuel will then partition into groundwater and become a dissolved chemical that is carried away by molecular diffusion and groundwater flow and associated hydrodynamic dispersion [23]. Therefore, the spills can contaminate downstream drinking water wells [24]. Biodegradation can decrease contaminant concentrations significantly; however, its efficiency depends on many factors including the chemical composition of the fuel and the presence of suitable microbial species that can metabolize a given contaminant, bioavailability, and electron acceptor availability [25]. Partitioning of the contaminant into other phases will cause

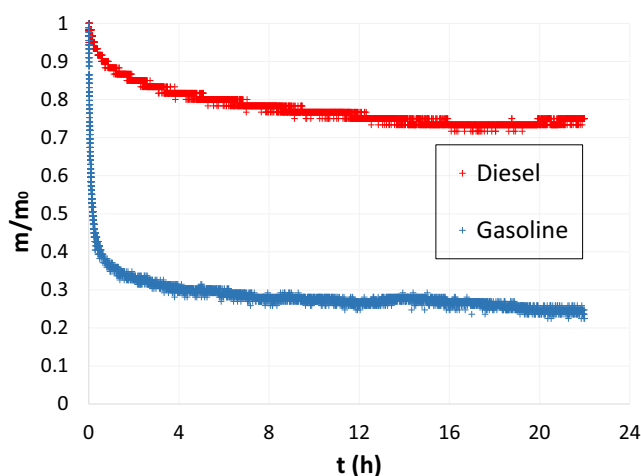


Fig. 2 Results from laboratory experiments, in which we spilled a mass $m_0=1$ g of diesel or gasoline onto concrete samples. The measured mass m represents the masses of the sessile droplet and infiltrated liquid

retarded transport of the contaminant within groundwater. For instance, hydrophobic contaminants such as benzene tend to sorb to the sediment. For this reason, large-scale contamination of aquifers and associated adverse health effects due to the ingestion of contaminated drinking water from these aquifers are often considered a lesser concern for hydrophobic contaminants [16].

Stocking et al. [26] evaluated the potential of groundwater contamination due to small one-time releases of liquid gasoline. In a case study, they assumed a spill volume much bigger than the ones typically measured by the study of gas stations in California [19], i.e., 0.5 L, and they concluded the risk to groundwater to be small. This analysis, however, did not include consideration of a key mechanism for fuel spillage; namely, that much smaller droplets are typically released during vehicle refueling [19]. To address this question, Hilpert and Breyse [21•] calculated cumulative spill volumes due to repeated small spillages that occur at gasoline-dispensing facilities and estimated that a gas station selling about 400,000 L of gasoline per month would spill at least 150 L each year. They also developed a model that shows that the fraction of spilled gasoline that infiltrates into the pavement increases as the droplet size decreases. Therefore, repeated small spills could be of greater concern for groundwater contamination than an instantaneous release of the cumulative spill volume; thus, a risk to groundwater may not be as small as previously estimated.

Laboratory experiments and modeling have shown that gasoline from small-volume spills can infiltrate into the concrete that usually covers the ground underneath gasoline-dispensing stations—despite the low permeability of concrete and the high vapor pressure of gasoline [21•]. It is unlikely that liquid fuel fully penetrates a concrete slab to contaminate the underlying natural subsurface due to the low permeability of concrete [27], although preferential pathways for fluid flow such as cracks and faulty joints between concrete slabs can allow for such liquid penetration. It has been hypothesized that evaporation of infiltrated gasoline and subsequent downward migration of the vapor through the concrete may lead to contamination of underlying sediment and groundwater [21•]. Consistent with these two proposed pathways of subsurface contamination, soil/sediment underneath concrete pads of a gas station in Maryland was contaminated by diesel oil and gasoline (leaky piping could have also contributed to the contamination) [28].

Runoff water that flows over pavement can also get contaminated with hydrocarbons spilled onto the pavement [29–31], and such contamination has specifically been linked to gas stations [32–34]. If a spill occurs while runoff occurs, the hydrocarbon can be expected to float on top of the water sheet, because gasoline, diesel oil, and lubricants are typically less dense than water (light non-aqueous phase liquids or LNAPLs). While runoff water is not directly ingested, it is

funneled into the stormwater drainage system, and may be released to natural water bodies, often without treatment. Whereas volatilization decreases contaminant levels in the stormwater within hours depending on the exact environmental conditions [35], and biodegradation will further decrease levels, significantly contaminated stormwater might be released to natural water bodies if they are close by. Finally, fuel spilled at marine gas stations may directly enter natural water bodies.

Vapor Fuel Releases

Fuel evaporative losses have received more attention than liquid fuel spills (even though they are related) [6, 36]. These losses are related to the fact that the headspace above liquid fuel in vehicle and storage tanks tends to approach thermodynamic equilibrium with the liquid. Consequently, almost saturated gasoline vapors can be released to the atmosphere when tanks are refueled, unless a suitable vapor recovery system is in place. Since saturated gasoline vapors have a density that is three to four times larger than the one of air, i.e., 4 kg/m³, and the density of liquid gasoline is about 720 kg/m³ [37], about 0.5 % of liquid gasoline dispensed to a tank is released to the atmosphere if the entire headspace is in equilibrium with the liquid fuel. This is true for any type of tank, whether it is a vehicle tank, a canister, an underground storage tank (UST), or an above-storage tank. The percentage loss is less if a tank received clean air relatively recently, e.g., when the fuel level in a storage tank drops because of gasoline-fuel dispensing.

It is important to note that vapor recovery at the nozzle can cause vapor releases at the storage tank, because vapors recovered at the nozzle are typically directed into the storage tank. The storage tank, in turn, can “breathe” and potentially release recovered vapors immediately or at a later time. A tank sucks in relatively uncontaminated air as the liquid fuel level drops in the tank due to vehicle refueling, and it releases vapors through the vent pipe into the atmosphere if the gas pressure increases and exceeds the cracking pressure of the pressure/vacuum valve, when fuel evaporates into unequilibrated gas in the headspace.

As discussed in the “Liquid Fuel Spills” section above, we note that liquid spills also contribute to air pollution because spilled droplets form sessile droplets on pavement that can then evaporate into the atmosphere. On concrete, most of spilled gasoline droplets evaporate into the atmosphere (Fig. 2). This, however, does not mean that the small fraction that infiltrates into the concrete is not of concern.

Exposure and Risks to Human Populations

Gas stations exist as part of the built environment and are widely distributed across communities. As a result, they may be surrounded by residential dwellings, businesses, and other

buildings such as schools. Operation of gas stations may thus create opportunities for a variety of human populations to be exposed to vapors during station tank filling and vehicle refueling. These human populations can be broadly grouped into three groups: populations exposed occupationally as a result of employment in various capacities at the service station; those exposed as customers engaging in vehicle refueling; and those passively exposed either by residing, attending school, or working near the refueling station. The exposures to benzene and other components of refueling vapors and spills experienced by these populations vary based on a number of factors, including the size and capacity of the refueling station, spatial variation in pollutant concentrations in ambient air, climate, meteorological conditions, time spent at varying locations of the service station, changing on-site activity patterns, physiological characteristics, and the use of vapor recovery and other pollution prevention technologies.

Employees at service stations (such as pump attendants, on-site mechanics, and garage workers) are among those with greatest exposure to benzene originating from gas stations [3]. These receptors spend the most time on site (potentially reflecting approximately 40 h per week, for decades) and intermittently spend time where vapors from the pump are at their highest concentrations, with benzene concentrations measuring between 30 and 230 ppb in the breathing zone [38–40]. Gas station patrons can also be exposed to vapors when refueling. Compared to station employees, their exposures are brief and transient. A Finnish study reported a median time spent refueling of approximately 1 min, whereas 3 min was the median duration in the USA [41, 42]. The same US study reported an average benzene personal exposure concentration at the pump of 910 ppb, with the strongest predictors of benzene levels being fuel octane grade, duration of exposure, and season [42].

Those occupying residences, businesses, and other structures neighboring gas stations can also be exposed to fuel vapors originating in the gas station, though typically at lower concentrations than those measured at the pump. While vapor concentrations will drop as the distance from the service station increases, exhaust fumes from waiting customers and fuel delivery trucks can also contribute to vapors in proximity to gas stations. A small number of studies have examined benzene concentrations at the fenceline of the service station and beyond. A study published by the Canadian petroleum industry found average benzene concentrations of 146 and 461 ppb at the gas station property boundary in summer and winter, respectively [43]. A South Korean study examined outdoor and indoor benzene concentrations at numerous residences within 30 m and between 60 and 100 m of gas stations and found median outdoor benzene concentrations of 9.9 and 6.0 $\mu\text{g}/\text{m}^3$ (about 3.1 and 1.9 ppb), respectively. Median indoor concentrations at these locations were higher, reaching 13.1 and 16.5 $\mu\text{g}/\text{m}^3$ (about 4.1 and 5.2 ppb), respectively

[44]. Another study found median ambient benzene levels of 1.9 ppb in houses both <50 and >100 m from a service station [45]. Yet, another study [46] found that benzene and other gasoline vapor releases from service stations can be discerned from traffic emissions as far as 75 m from service stations and that the contribution of service stations to ambient benzene is less important in areas of high traffic density. This is because vehicle exhaust is usually the most abundant volatile organic compound (VOC) in urban areas, often followed by gasoline vapor emissions from fuel handling and vehicle operation [47].

Beyond contact with surface-level gasoline vapors, fuel releases may result in other exposure pathways. Soil and groundwater contamination is common at gas stations. Drinking water wells proximate to gas stations, which in rural areas are often the only drinking water source, can become contaminated, potentially exposing well users to benzene and other chemicals [48, 49]. In addition, runoff from rain and other weather events can carry spilled hydrocarbons, which can contaminate surface waters; those using surface waters, either recreationally or for other purposes, may be exposed to these contaminants through dermal contact or incidental ingestion.

In the USA, the Environmental Protection Agency (EPA) regulates releases of benzene under the Clean Air Act as a hazardous air pollutant, and benzene is listed as number 6 on the 2005 priority list of hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act and any release greater than 10 pounds triggers a reporting requirement. Different quantitative toxicity metrics exist for benzene inhalation. The EPA Integrated Risk Information System (IRIS) has published a reference concentration of 0.03 mg/m^3 (about 9.4 ppb), corresponding to decreased lymphocyte counts [50], whereas the NIOSH recommended exposure limit (REL) is a time-weighted average concentration (for up to a 10-hour workday during a 40-hour workweek) of 0.319 mg/m^3 (about 100 ppb) [51].

While research attention has been paid to measurement of gasoline vapor constituent concentrations in air at and near service stations, less is known about the health consequences faced by those that are exposed to gasoline vapors. Of the limited literature examining these exposures, service station workers have received the greatest attention, and exposure is often assessed as a function of job title, rather than specific measurements of vapor constituent concentrations. An older study looking broadly at leukemia incidence in Portland, Oregon, found that gas station workers were at significantly increased risk for lymphocytic leukemia [52]. A proportionate mortality ratio analysis of all deaths recorded in New Hampshire among white men from 1975 to 1985 found elevated leukemia mortality in service station workers and auto mechanics [53]. The type of leukemia was not specified. An Italian occupational cohort study of refilling attendants that examined risks among workers at smaller gas stations reported

non-significant increases in mortality for non-Hodgkin's lymphoma and significantly elevated mortality for esophageal cancer in men, as well as increased brain cancer mortality in both sexes [54]. A different cohort of 19,000 service station workers in Denmark, Norway, Sweden, and Finland examined an array of cancer end points and found increased incidence for multiple sites (nasal, kidney, pharyngeal, laryngeal, and lung) among workers estimated to be occupationally exposed to benzene in the range of $0.5\text{--}1\text{ }\mu\text{g}/\text{m}^3$ ($0.16\text{--}0.31\text{ ppb}$). Non-significant increased incidence was found for acute myeloid leukemia in men and for leukemia different from acute myeloid leukemia and chronic lymphocytic leukemia in women [55]. A case-control study of multiple occupations including subjects from the USA and Canada found significant increases in rates of total leukemia and acute myeloid leukemia but not acute lymphocytic leukemia in gas station attendants [56]. A 2015 review of studies examining potential relationships between benzene exposures and hematopoietic and lymphatic cancers among vehicle mechanics yielded inconclusive results, although it suggested that if an effect was to exist, it would be small and difficult to rigorously ascertain with existing epidemiologic methods [57].

The health consequences of nearby residents of gas stations have not been studied. However, it is known that contaminated groundwater can affect large numbers of people if the groundwater is used as drinking water, as was the case in Camp Lejeune (North Carolina, USA) where thousands were

exposed to a range of chemicals including gasoline released from LUSTs [58]. A study of Pennsylvania residents residing in close proximity to a large gasoline spill from a LUST found evidence of increased leukemia risks [49, 59••]. The health consequences of chronic fuel releases at gas stations that can, for example, occur due to ingestion of contaminated groundwater, fuel vapor intrusion from contaminated soil and groundwater into dwellings [60], and atmospheric vapor releases during fuel transfer and storage have not been studied. While limited measurements of ambient concentrations of vapor constituents in communities were identified, literature searches did not identify studies of the health consequences of inhalation exposures to gasoline vapors among community residents [61].

Pollution Prevention

Pollution prevention technologies have been developed that can efficiently reduce the releases of unburned fuel to the environment that routinely occur during fuel storage and transfer (see Fig. 3):

1. Stage I vapor recovery collects vapors that would be expelled from USTs during fuel delivery [62]. Without stage I vapor recovery, about 80 kg of gasoline vapor would be released from a 40 m^3 UST if one assumes a saturated vapor density of $4\text{ kg}/\text{m}^3$ [37] and vapors in the headspace

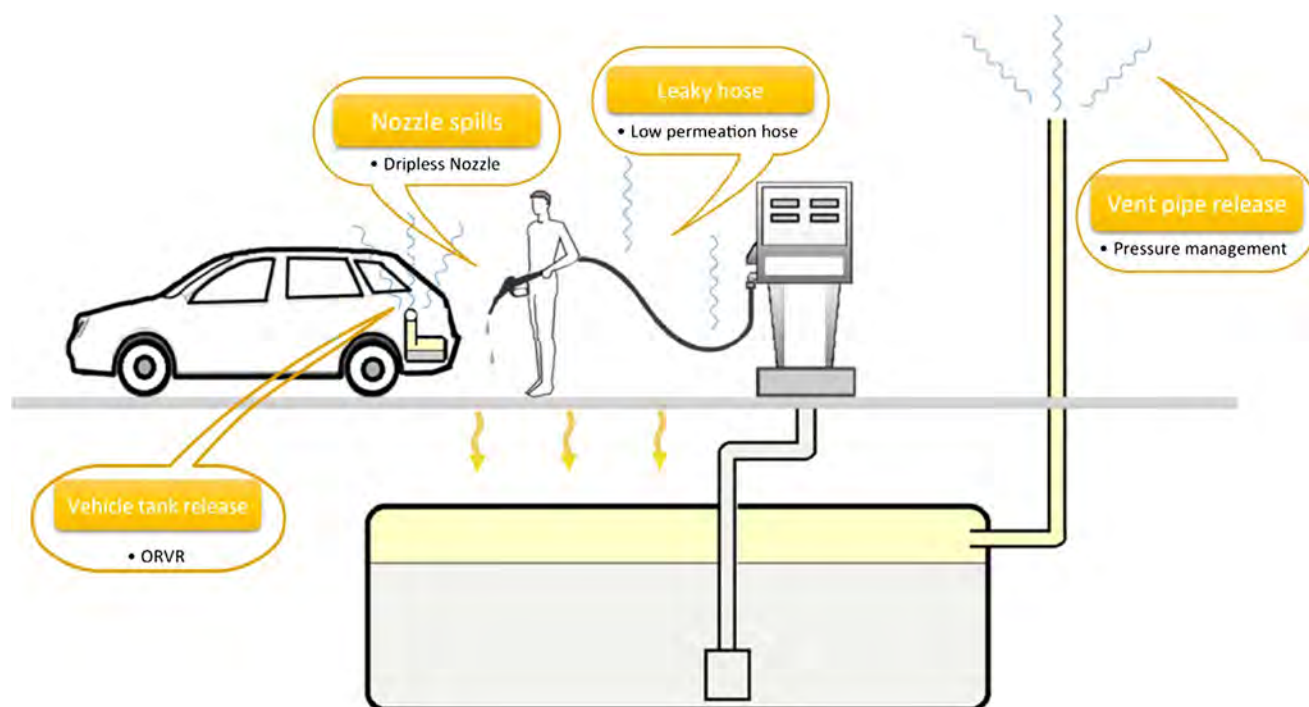


Fig. 3 There are several sources of chronic release of unburned fuel at gas stations that occur due to fuel storage and dispensing: vapor release through the vent pipe of the storage tank, vapor release from the vehicle tank during refueling, leaky dispensing hoses, liquid spills during vehicle

refueling, and vapor emissions through evaporation of this spilled fuel. As indicated, suitable pollution prevention technology can minimize the releases. Onboard refueling vapor recovery (ORVR)

to be at half saturation. Stage I vapor recovery can thus prevent substantial fuel vapor releases that would occur within a short period of time. Such releases might expose tanker truck drivers and persons in the proximity of a gas station to significant doses of fuel vapors. Stage I vapor recovery is accomplished by establishing a closed loop between the UST and the tanker truck. Through a fuel delivery hose, liquid fuel is pumped into the UST, while a vapor recovery hose directs vapors displaced from the UST into the headspace of the tanker truck. Stage I vapor recovery is currently required for high-throughput gas stations in all states in the USA and in most countries.

2. Stage II vapor recovery technology can efficiently collect vapors expelled from vehicle tanks during refueling, thereby minimizing personal exposure of customers and workers to fuel vapors during dispensing of gas [63]. Recovered vapors are directed into the UST. Two technologies for stage II vapor recovery have been developed, the vacuum-assist method and the balance method. In the vacuum-assist method, contaminant-laden air is actively removed/pumped from the nozzle into the UST. In the balance method, displaced vapors are passively withdrawn by connecting the vapor recovery hose to the inlet of the vehicle tank via an airtight seal. The pressure increase in the headspace of the vehicle tank provides a driving force that seeks to push the vapors into the storage tank. Stage II vapor recovery has been required in many states of the USA and in other countries, although there is currently an effort to decommission stage II vapor recovery (see below).
3. Technology development at the hose and nozzle level can also contribute to reduced fuel releases. Low-permeation hoses, for instance, limit the release of gasoline vapors through the wall of the refueling hoses [64]. Dripless nozzles have been developed to minimize liquid spills that occur when the nozzle is moved between the fill pipe and the dispensing unit.
4. Passenger vehicles and trucks can be equipped with on-board refueling vapor recovery (ORVR) systems which direct vapors that, during vehicle refueling, would be released to the atmosphere into an activated carbon-filled canister in the vehicle [65, 66]. Collected vapors are later reintroduced into the vehicle's fuel system. However, canisters, motorcycles, and boats are not equipped with ORVR.
5. Impermeable liners underneath the concrete pads can reduce the risk of soil and groundwater contamination once environmental fuel releases, in liquid or vapor phase, have occurred. However, this technology might eventually result in air pollution, because liquid fuel that is hindered from moving downward in the concrete pad will tend to saturate the pavement and eventually evaporate into the atmosphere.
6. Finally, unburned fuel vapor can be released from an UST when the tank pressure exceeds the cracking pressure of

the pressure/vacuum valve and it can be prevented by two pressure management techniques, burning or separation of air and fuel vapors. Released air/fuel vapors can be burned, however, which results in the release of combustion-related pollutants into the atmosphere. Alternatively, a semi-permeable membrane can be used to separate the air from the fuel vapors. Depressurization of the tank is then achieved by releasing the relatively clean air through the pressure/vacuum valve to the atmosphere.

When it comes to evaluating the efficiency of vapor recovery during liquid transfer between tanks, it is of utmost importance to consider potential releases from all tanks; they form a system. Otherwise, the overall efficiency of stage II vapor recovery cannot be understood. For instance, stage II vapor recovery based on the vacuum-assist method can negatively interfere with ORVR. In that case, no vapors are released from the vehicle tank and the stage II pump draws relatively clean air from the atmosphere into the storage tank. In the UST, this air will become saturated with fuel vapors that evaporate from the stored fuel. This results in pressurization of the UST and release of contaminant-laden air if the tank pressure exceeds the cracking pressure of the pressure/vacuum valve of the UST. This might occur immediately or at a later point in time. However, there are stage II systems that do not negatively interfere with ORVR including the balance method.

Estimates for the efficiency of pollution technologies are usually provided by the manufacturers. However, adoption of these technologies by gas station owners usually relies on the certification and quantification of efficiencies by independent parties. In the USA, the California Air Resources Board and EPA typically assume this role [36]. Consultants and environmental agencies have used these estimates to determine current releases of unburned fuel to the environment and to evaluate the effects of pollution prevention technology [67].

While many studies have found health benefits from pollution prevention technology intended to minimize chronic gasoline spills, these studies typically do not quantify overall financial benefits and costs. Instead, only equipment and maintenance cost are typically considered [68]. Adopting the new equipment can reduce fuel losses and reduce environmental cost and health risks. However, this new equipment comes with non-trivial upfront costs. It is therefore a concern that the related policy-making process of chronic fuel spills relies only on non-comprehensive cost estimates. Studies are needed that account for health care cost due to released pollutants and energy-saving benefits due to pollution prevention. Such econometric studies have, for example, been performed in the context of pollutant emissions from coal-fired power plant and commercial real estate development [69•, 70]. At times, there is also the perception that pollution prevention

costs are only carried by the specific industry [71]. Adoption of the environmentally friendly technology could be slow when the firms have long equipment replacement cycles or when the firms do not have sufficient information to evaluate whether or not a switch to an environmentally friendly technology is in their private interests. It is, however, not clear that this apparent investment, in the form of prevention cost, might also be partly shouldered by customers and that this apparent cost might actually (at least in the long run) be beneficial to customers, gas station workers, nearby residents, and other populations that spend significant amounts of times in the proximity of gas stations (e.g., school children in nearby schools). Policy intervention is often expected to expedite the adoption of such environmental friendly technologies, in order to reduce the difference in the private and social values of adoption.

Efforts are currently underway that could potentially allow decommissioning stage II vapor recovery in the USA due to the widespread use of ORVR in the motor vehicle fleet [68]. However, the remaining legacy fleet without ORVR and all motorcycles and boats (lacking ORVR) can produce significant emissions during vehicle refueling, emissions that could be avoided by stage II vapor recovery. For the State of Maryland, it has been estimated that fuel consumption of non-ORVR-equipped vehicles was about 10 % in 2015 (Table 4 in [67]). These emissions can result in direct hydrocarbon exposures among vehicle owners during vehicle refueling as well as in passive exposure of other populations. A comprehensive cost analysis of the decommissioning of stage II recovery represents an opportunity to inform policy makers on their recommendation with regards to stage II recovery.

Conclusions

Even if only a small fraction of unburned fuel is lost during vehicle refueling and fuel storage, the cumulative release of fuel to the environment can be large if large total amounts of fuel are dispensed at gas stations. For instance, about 0.01 % of fuel can be spilled during the refueling process and up to about 0.5 % can be lost in vapor form if equilibrated gasoline vapors are released from a tank to the atmosphere during refueling (worst-case scenario). For a medium-size gas station, which sells 400,000 L of gasoline per month, this results in 480 L of spilled gasoline and in 24,000 L of liquid gasoline that is annually released in vapor form to the environment. Even though dilution can reduce concentrations of released contamination, research is needed to assess whether such releases represent an environmental health concern.

The potential for pollution prevention, moreover, is substantial. Technology has already been developed and partially employed that can efficiently decrease vapor losses and liquid spills. Particularly, when it comes to vapor losses, it is crucial to consider not only vapor recovery at the vehicle tank/nozzle

but also at the storage tank, since vapors recovered at the nozzle are directed into the storage tank, from which they might be potentially released. While California has implemented the strictest regulations when it comes to preventing chronic hydrocarbon releases at gas stations, other highly industrialized states and nations do not employ the same standards for different reasons. For instance, pressure/vacuum valves on vent pipes of fuel storage tanks are not common in Canada, because they might freeze in the wintertime, potentially causing a tank implosion [6].

Relatively little research has been done on potential soil and groundwater contamination due to chronic releases of liquid fuel during vehicle refueling. Unlike catastrophic releases, such as LUST, chronic spills are not reported. Limited field investigations suggest that spilled fuel may penetrate concrete underneath dispensing pads to contaminate underlying sediment. However, it is possible that such soil contamination occurs routinely over the life span of a gas station and that this contamination pathway is masked or erroneously explained by leaks in the piping from the USTs to the dispensers. Overall, large-scale soil and groundwater contamination by fuel appears to be a lesser problem, because many of the toxic compounds in fuel are hydrophobic (including BTEX) and can therefore be expected not to travel too far in groundwater. However, customers, gas station workers, and nearby residents may get exposed to the hydrocarbons if groundwater is used as a drinking water supply or if fuel vapor intrusion in dwellings occurs.

Health effects of living near gas stations are not well understood. Adverse health impacts may be expected to be higher in metropolitan areas that are densely populated. Particularly affected are residents nearby gas stations who spend significant amounts of time at home as compared to those who leave their home for work because of the longer period of exposure. Similarly affected are individuals who spend time close to a gas station, e.g., in close by businesses or in the gas station itself. Of particular concern are children who, for example, live nearby, play nearby, or attend nearby schools, because children are more vulnerable to hydrocarbon exposure [72].

Potential future changes in fuel composition might pose new environmental health challenges as there is a history of adding even large amounts of toxic substances to fuel (Table 1). Changes in fuel composition could occur due to an increasing usage of biofuels, or to comply with air quality standards, which might also change over time. Chemicals newly added to fuel or changes in chemical concentrations can have unforeseen ramifications. One could argue that future fuel composition changes will be performed with more care; however, it was only in the 1990s, decades after the Safe Drinking Water Act (SDWA) was passed in 1974, that MTBE was added to gasoline without critically evaluating its transport behavior in groundwater and toxicity, a mistake which

nowadays is considered avoidable [73]. Interestingly, ethanol, which has largely replaced MTBE, can inhibit biodegradation of BTEX, which is not the case for MTBE [74]. Given the complexities of chemical fate and transport in the environment and the potential for insufficient toxicity testing, using appropriate pollution prevention technology that minimizes release of unburned chemicals with known and unknown adverse health effects during fuel storage and transfer seems a wise, long-term, and cost effective idea given ever-changing fuel compositions.

Finally, employing efficient pollution prevention technology might be economically advantageous. The evaluation of economic benefits of pollution prevention technology needs to account not only for the cost of implementation and maintenance of such technology but also for public health burdens due to released pollutants and energy-saving benefits due to valuable hydrocarbons not wastefully released to the environment.

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Compliance with Ethics Guidelines

Conflict of Interest Markus Hilpert, Bernat Adria Mora, Jian Ni, Ana Rule, and Keeve Nachman declare that they have no conflict of interest.

Human and Animal Rights and Informed Consent This article does not contain any studies with human or animal subjects performed by any of the authors.

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- Of importance
- Of major importance

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2019 Study
Vent pipe emissions from storage tanks at gas stations:
Implications for setback distances



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Vent pipe emissions from storage tanks at gas stations: Implications for setback distances

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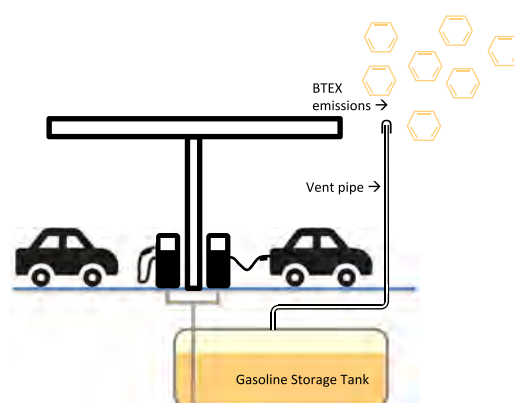
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HIGHLIGHTS

- At gas stations, fuel vapors are released from storage tanks through vent pipes.
- We measured vent pipe flow rates and tank pressure at high temporal resolution.
- Vent emission factors were >10 times higher than previous estimates.
- Modeling was used to examine exceedance of benzene short-term exposure limits.

GRAPHICAL ABSTRACT



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ABSTRACT

At gas stations, fuel vapors are released into the atmosphere from storage tanks through vent pipes. Little is known about when releases occur, their magnitude, and their potential health consequences. Our goals were to quantify vent pipe releases and examine exceedance of short-term exposure limits to benzene around gas stations. At two US gas stations, we measured volumetric vent pipe flow rates and pressure in the storage tank headspace at high temporal resolution for approximately three weeks. Based on the measured vent emission and meteorological data, we performed air dispersion modeling to obtain hourly atmospheric benzene levels. For the two gas stations, average vent emission factors were 0.17 and 0.21 kg of gasoline per 1000 L dispensed. Modeling suggests that at one gas station, a 1-hour Reference Exposure Level (REL) for benzene for the general population (8 ppb) was exceeded only closer than 50 m from the station's center. At the other gas station, the REL was exceeded on two different days and up to 160 m from the center, likely due to non-compliant bulk fuel deliveries. A minimum risk level for intermediate duration (>14–364 days) benzene exposure (6 ppb) was exceeded at the elevation of the vent pipe opening up to 7 and 8 m from the two gas stations. Recorded vent emission factors were >10 times higher than estimates used to derive setback distances for gas stations. Setback distances should be revisited to address temporal variability and pollution controls in vent emissions.

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1. Introduction

In the US, approximately 143 billion gal (541 billion L) of gasoline were dispensed in 2016 at gas stations (EIA, 2017) resulting in release of unburned fuel to the environment in the form of vapor or liquid (Hilpert et al., 2015). This is a public health concern, as unburned fuel chemicals such as benzene, toluene, ethyl-benzene, and xylenes (BTEX) are harmful to humans (ATSDR, 2004). Benzene is of special concern because it is causally associated with different types of cancer (IARC, 2012). Truck drivers delivering gasoline and workers dispensing fuel have among the highest exposures to fuel releases (IARC, 2012). However, people living near or working in retail at gas stations, and children in schools and on playgrounds can also be exposed, with distance to the gas stations significantly affecting exposure levels (Terres et al., 2010; Jo & Oh, 2001; Jo & Moon, 1999; Hajizadeh et al., 2018). A meta-analysis (Infante, 2017) of three case-control studies (Steffen et al., 2004; Brosselin et al., 2009; Harrison et al., 1999) suggests that childhood leukemia is associated with residential proximity to gas stations.

Sources of unburned fuel releases at gas stations include leaks from storage tanks, accidental spills from the nozzles of gas dispensers (Hilpert & Breysse, 2014; Adria-Mora & Hilpert, 2017; Morgester et al., 1992), fugitive vapor emissions through leaky pipes and fittings, vehicle tank vapor releases when refueling, and leaky hoses, all of which can contribute to subsurface and air pollution (Hilpert et al., 2015). Routine fuel releases also occur through vent pipes of fuel storage tanks but are less noticeable because the pipes are typically tall, e.g., 4 m. These vent pipes are put in place to equilibrate pressures in the tanks and can be located as close as a few meters from residential buildings in dense urban settings (Fig. 1).

Unburned fuel can be released from storage tanks into the environment through “working” and “breathing” losses (Yerushalmi & Rastan, 2014). A working loss occurs when liquid is pumped into or out of a tank. For a storage tank, this can happen when it is refilled from a tanker truck or when fuel is dispensed to refuel vehicles (Statistics Canada, 2009) if the pressure in the storage tank exceeds the relief pressure of the pressure/vacuum (P/V) valve (EPA, 2008). P/V valve threshold pressures are typically set to around +3 and −8 in. of water column (iwc) (7.5 and −20 hPa). However, P/V valves are not always used, particularly in cold climates, as valves may fail under cold weather conditions (Statistics Canada, 2009).

Breathing losses occur when no liquid is pumped into or out of a tank because of vapor expansion and contraction due to temperature and barometric pressure changes or because pressure in the storage

tank may increase when fuel in the tank evaporates (Yerushalmi & Rastan, 2014; EPA, 2008). Although delayed or redirected by the P/V valve, breathing emissions can be significant and represent an environmental and health concern (Yerushalmi & Rastan, 2014).

Stage I vapor recovery systems, put in place to prevent working losses while delivering fuel to a station, collect the vapors displaced while loading a storage tank, redirecting them into the delivery truck. Stage II vapor recovery systems minimize working losses while delivering gas from the storage tank to the customer's car. During Stage II vapor recovery, gasoline vapors can be released through the vent pipe, if the sum of the flow rates of the returned volume and of the fuel evaporating within the storage tank is greater than the volume of liquid gasoline dispensed (Statistics Canada, 2009). We refer to this scenario as pressure while dispensing (PWD). In theory, a properly designed Stage II vapor recovery system should not have working losses, although in practice this is not typically the case (McEntire, 2000).

Regulations on setback distances for gas stations are based on lifetime cancer risk estimates. Several studies have assessed benzene cancer risk near gas stations (Atabi & Mirzahosseini, 2013; Correa et al., 2012; Cruz et al., 2007; Edokpolo et al., 2015; Edokpolo et al., 2014; Karakitsios et al., 2007). Based on cancer risk estimations, the California Air Resources Board (CARB) recommended that schools, day cares, and other sensitive land uses should not be located within 300 ft. (91 m) of a large gas station (defined as a facility with an annual sales volume of 3.6 million gal = 13.6 million L or greater) (CalEPA/CARB, 2005). This CARB recommendation has not been adopted by all US states, and within states setback distances can depend on local government. Notably, CARB regulations do not account for short term exposure limits and health effects. An important limitation of existing regulations is the use of average gasoline emission rates estimated in the 90s that do not consider excursions (CAPCOA, 1997).

The main objective of this study is to evaluate fuel vapor releases through vent pipes of storage tanks at gas stations based on vent emission measurements conducted at two gas stations in the US in 2009 and 2015, including the characterization of excursions at a high temporal resolution (~minutes) and meteorological conditions at an hourly temporal resolution. In addition, we performed hourly simulations of atmospheric transport of emitted fuel vapors to inform regulations on setback distances between gas stations and adjacent sensitive land uses by comparing modeled benzene concentrations to four 60-min benzene exposure limits: an acute Reference Exposure Level (REL) for infrequent (once per month or less) exposure (WHO, 2010) and Emergency Response Planning Guidelines ERPG-1, ERPG-2 and ERPG-3 (AIHA, 2016). Finally we compared simulated benzene levels to a Minimal Risk Level (MRL) for benzene for intermediate exposure duration (14 to 364 days) (ATSDR, 2018) because that duration window includes our duration of data collection. See Table 1 for the various benzene exposure limits and issuing agencies.

2. Methods

Although we provide SI unit conversions, we report some measures in English engineering units (ft, gal, and lb) as regulatory agencies such as CARB use these units.

2.1. Sites

Data for this study were obtained from vent release measurements conducted at two gas stations as part of technical assistance to the gas stations to quantify fuel vapor losses through the vent pipes of their storage tanks. A motivation for conducting the measurements was to perform a cost-benefit analysis to compare the economic losses due to the lost fuel versus the cost of technologies that reduce the emissions. The exact location of the two gas stations is not revealed for confidentiality reasons. The gas station managers and staff who authorized the



Fig. 1. The three vent pipes (enclosed by the red ellipse) on the right side of the convenience store of a gas station are <10 m away from the residential building. (For interpretation of the references to color in this figure legend, the reader is referred to the web version of this article.)

Table 1

Benzene exposure limits, to which we compared simulation results. For unit conversion, we assumed a temperature of 25 °C, i.e., 1 ppm = 3194 µg/m³ (CAPCOA, 1997).

Agency	Name	Value (ppb)	Value (µg/m ³)	Exposure duration
California Office of Environmental Health Hazard Assessment (OEHHA)	REL	8	26	1 h
American Industrial Hygiene Association (AIHA)	ERPG-1	50	159,700	1 h
AIHA	ERPG-2	150	479,100	1 h
AIHA	ERPG-3	1000	3,194,000	1 h
Agency for Toxic Substances and Disease Registry (ATSDR)	MRL	6	19	14 to 364 days

ERPG = Emergency Response Planning Guidelines. The primary focus of ERPGs is to provide guidelines for short-term exposures to airborne concentrations of acutely toxic, high-priority chemicals.

collection and analysis of these data have not been involved in the current manuscript.

The first gas station, “GS-MW,” was located in the US Midwest and is a 24-hour operation. The study was conducted from December 2014 to January 2015 for 20 full days, and fuel sales \dot{V}_{sales} were about 450,000 gal (1.7 million L) per month. Fuel deliveries to the gas station usually took place during the nighttime. The second gas station, “GS-NW,” was located on the US Northwest coast and closed at night. Hours of operation were between 6:00 am and 9:30 pm on weekdays and between 7 am and 7 pm on weekends. That study was conducted in October 2009 for 18 full days, and fuel sales were $\dot{V}_{sales} \sim 700,000$ gal (2.6 million L) per month.

Both gas stations are considered to be high-volume, because they dispense >3.6 million gal of gasoline (both regular and premium) per year (CalEPA/CARB, 2005), and fuel was stored in underground storage tanks (USTs), which is typical in the US. Both gas stations had Stage II vapor recovery installed using the vacuum-assist method. In that method, gasoline vapors, which would be ejected into the atmosphere as a working loss during refueling of customer vehicle tanks, are collected at the vehicle/nozzle interface by a vacuum pump. The recovered vapors are then directed via a coaxial hose back into the combined storage tank ullage (head space) of the gas station. Stage I vapor recovery was also used at both gas stations during fuel deliveries. Both sites had a 3-inch diameter (7.5 cm) single above-grade vent pipe with below-grade manifold that connected the vent lines from several USTs; the cracking pressures of the P/V valves were set to +3 and −8 iwc (+7.5 and −20 hPa).

2.2. Vent emission measurements

To quantify evaporative fuel releases through the vent pipe of a storage tank, the volumetric flow of the mixture of gasoline vapor and air was measured in the vent pipe. A dry gas diaphragm flow meter (American Meter Company, Model AC-250) was used. For each cubic foot (28 L) of gas flowing through the meter, a digital pulse was generated. Every minute, the number of pulses was read out and stored together with date and time on a data logger. Gas flow meters were obtained from a distributor calibrated and equipped with temperature compensation and a pulse meter.

To determine the time-dependent volumetric flow rate $Q(t)$ of the gasoline vapor/air mixture through the vent pipe, the time series of measured flow volumes were integrated over an averaging period (15 or 60 min) and divided by the duration of that period. I.e., $Q(t)$ is given by the number of pulses registered by the gas flow meter in a time window multiplied by 1 cubic foot and divided by the averaging time. The 15-minute averaging time was chosen to visualize time-dependent data, while the 60-minute averaging time was chosen because air pollution simulations were performed at that resolution.

Gas pressure p in the ullage of the storage tank was measured to assess vent emission patterns. For instance, releases can occur when the pressure exceeds the cracking pressure of the P/V valve in the vent pipe (the dry gas flow meter was fitted with a P/V valve on the outlet). Pressure was measured with a differential pressure sensor (Cerabar PMC 41, Endress + Hauser) every 4 s, and 2-minute average values

were stored. The sensor range was scaled from −15 to +15 iwc (−37 to +37 hPa), with a full scale accuracy of 0.20%. We also obtained 15- and 60-minute averaged tank pressure data $p(t)$ where averages represent the means of the 2-minute average pressure measurements taken during each time window.

2.3. Descriptive analysis

For the 60-minute flow rate, we calculated medians and inter quartile ranges (IQRs). To illustrate diurnal fluctuations in vapor emissions, we created box plots for the 60-minute flow rate distribution that occurred during each hour of the day. Spearman correlation coefficients between the time series for pressure and flow rate were calculated to evaluate whether pressure can be used to infer vent emissions.

To estimate the mass flow rate of gasoline \dot{m}_{gas} that is released through the vent pipe in the form of a mixture of gasoline vapors and fresh air, we assumed, following the protocol of a study by the California Air Pollution Control Officers Association (CAPCOA) that assessed risks from fuel emissions from gas station (Appendix D-2 (CAPCOA, 1997)), that the density of gasoline vapors in this mixture is given by $\rho_{gas}^{(v)} = 0.3 \times 65 \text{ lb} / 379 \text{ ft}^3 = 0.824 \text{ kg/m}^3$, i.e., the molar percentages of gasoline and air were 30% and 70%, respectively. Then the volumetric flow rate Q can be converted into a mass flow rate of the vaporized gasoline:

$$\dot{m}_{gas} = \rho_{gas}^{(v)} Q \quad (1)$$

To arrive at vent emission factors, we first calculated the mean volumetric flow rate \bar{Q} , and then the mean mass flow rate $\bar{\dot{m}}_{gas} = \rho_{gas}^{(v)} \bar{Q}$. From the latter, one can calculate the vent emission factor

$$EF_{vent} = \bar{\dot{m}}_{gas} / \dot{V}_{sales} \quad (2)$$

For EF_{vent} , CARB uses units of pounds of emitted gasoline vapors (also called total organic gases (TOG)) per 1000 gal dispensed, or more briefly lb/kgal where kgal stands for kilogallons.

As we were not able to measure benzene levels in the tank ullage, we assumed like the CAPCOA study (Section C) that the density of the mixture of gasoline vapors and fresh air was $\rho_{mix}^{(v)} = 1.05 \text{ lb/ft}^3 = 1.682 \text{ kg/m}^3$ and that the emitted gasoline vapor/air mixture contained 0.3% of benzene by weight (CAPCOA, 1997). Therefore, the mass flow rate of benzene through the vent pipe was estimated as follows:

$$\dot{m}_{benz} = 0.003 \rho_{mix}^{(v)} Q \quad (3)$$

2.4. Air pollution modeling

We used the AERMOD Modeling System developed by the US Environmental Protection Agency (EPA) to model the dispersion of benzene vapors released into the environment through vent pipes of fuel storage tanks and from other sources (Cimorelli et al., 2005). AERMOD simulates atmospheric pollutant transport at a 1-hour temporal resolution. 3D polar grids were created with the gas station in the origin and potential receptors at different radial distances (up to 170 m) and angles (10°

increments). The grids were placed at the ground level ($z = 0$ m), in the breathing zone ($z = 2$ m), and at the 2nd floor level ($z = 4$ m) where the vent pipe emissions were assumed to occur. The topography was simplified for modeling purposes consistent with the CAPCOA study (CAPCOA, 1997), i.e., the terrain was assumed to be flat with no buildings present. Vent pipe emissions were modeled as a capped point source. Chemical reactions of benzene were not modeled, as residence times of atmospheric benzene are on the order of hours or even days (ATSDR, 2007), i.e. much longer than the travel time of benzene vapors across the 340-m diameter model domain.

For the period of time when vent emission measurements were made, we obtained meteorological data at a 1-hour temporal resolution that are representative for the geographic locations of the two gas stations. Table SI-1 provides descriptive statistics of that data. The time series were used in AERMOD to model the transport of benzene in the temporally varying turbulent atmosphere. We also used the 1-hour average time series of benzene emission rates (Eq. (3)) as an input into AERMOD.

To evaluate at each grid point whether OEHHA's acute REL or AIHA's ERPG levels were exceeded at least once, we determined maximum 1-hour average benzene concentrations that were simulated for about three weeks. To evaluate how often the OEHHA REL was exceeded at each grid point in the breathing zone, we created plots indicating the number of exceedances and the day when the maximum benzene level was observed.

To facilitate comparison to published benzene measurements around gas stations, we determined for each simulated radial distance from a gas station the mean of the average concentrations simulated for each ten degree increment on the radius around the gas station.

3. Results: vent releases

3.1. Time series of tank pressure and flow rate

Fig. 2 shows the time-series data for the volumetric flow rate Q of the gasoline vapor/air mixture through the vent pipe and tank pressure p that we collected at the two gas stations. At GS-MW, little vapor was typically released in the late night and in the very early morning, while releases were generally much higher during the daytime and evenings, presumably when more fuel was dispensed (Fig. 2a). Occasionally, no vapor releases occurred for several hours. While we do not have access to time of fuel delivery records, field visits indicate that time periods with no releases coincide with fuel deliveries. For instance, fuel delivery likely occurred on January 6 at 7 pm (see Fig. 3a; an amplification of data shown in Fig. 2a). As a result, the UST pressure dropped by about 10 hPa, far below the cracking pressure of the P/V valve. The decreased gas pressure in the ullage increased until the cracking pressure of the P/V valve was reached. A very small vapor release (~ 2 L/min) was observed briefly on the next day at 2 am. The vapor flow rate becomes relatively large again, ~ 12 L/min, only after 6 am, i.e., 11 h after fuel delivery.

Fig. 3b amplifies a major vapor release at GS-MW. The UST pressure significantly exceeded the cracking pressure of the P/V valve and rose rapidly up to 37 hPa, which coincides with vapors being released at a high flow rate (15-min average) of about 470 L/min.

At GS-NW, vapor releases followed a quite different pattern (Fig. 2b). Contrary to GS-MW, vapor releases occurred in a cyclical pattern, and tended to be higher in the late night and in the very early morning when the gas station was closed.

3.2. Statistics of vapor emissions

The average volumetric flow rate \bar{Q} through the vent pipe for the entire period of time during which measurements were taken was $\bar{Q} = 7.9$ L/min for GS-MW and $\bar{Q} = 15.4$ L/min for GS-NW, which is

consistent with the higher sales volume \dot{V}_{sales} of GS-NW. These emissions consist of a mixture of gasoline vapors and air. Using Eq. (1), the volumetric flow rates were converted into average mass flow rates of gasoline: $\bar{m}_{\text{gas}} = 0.39$ kg/h for GS-MW and $\bar{m}_{\text{gas}} = 0.76$ kg/h for GS-NW. Using Eq. (2), we determined a vent emission factor $\text{EF}_{\text{vent}} = 0.17$ kg per 1000 L = 1.4 lb/kgal for GS-MW and $\text{EF}_{\text{vent}} = 0.21$ kg per 1000 L = 1.7 lb/kgal for GS-NW.

The medians (IQRs) for the 60-minute averaged flow rate Q (L/min) were 6.1 (1.9, 10.9) for GS-MW and 16.0 (12.7, 18.4) for GS-NW. For GS-MW, the mean is larger than the median, indicating a more skewed distribution of flow rates when compared to GS-NW. Also the first quartile is much lower than the median for GS-MW, indicating that there are periods of time during which little emissions occurred. Conversely, GS-NW was releasing emissions more consistently.

Fig. 4a shows boxplots illustrating the distribution of flow rate Q for each hour of the day at GS-MW. Less vapor was released between 10 pm and 4 am, even though the gas station was in operation, albeit at lower activity levels. The flow rate Q at GS-NW (Fig. 4b) had fewer outliers, and the highest outlier was an order of magnitude lower than the highest one at GS-MW. Emissions were highest between 1 and 3 am, when the gas station was closed.

The Spearman correlation coefficients between tank pressure p and vent flow rate Q were $r = 0.58$ for GS-MW and $r = 0.85$ for GS-NW. Thus, vent releases are moderately and strongly correlated with tank pressure, respectively. Table 2 summarizes statistical properties of vent emissions at the two gas stations.

4. Results: air pollution modeling

4.1. Emission sources and rates

Vent pipe emissions of benzene were modeled at a 1-hour temporal resolution as described in Section 2.4. However, they are not the sole source of gasoline emissions at gas stations. Accidental spills from nozzles regularly occur near the dispensers, "refueling losses" can occur when gasoline vapors are released from the vehicle tank during refueling due to the rising liquid levels in the tanks, fuel vapors are released from permeable dispensing hoses, and "fugitive" or leakage emissions occur with driving force derived from storage tank pressure. In Section A of Supporting material, we detail how these other emission sources were modeled. Table 3 summarizes estimated mean emission rates. Note that the vent pipe losses are much greater than other losses.

4.2. Predicted benzene levels

Fig. 5 shows for both gas stations and at each grid point the maximum 1-hour average benzene concentration observed during the simulated periods in time. Benzene levels depend significantly on elevation within a 50-meter radius around the centers of the gas stations. Close to the centers of the gas stations, benzene levels are higher at the 4-m elevation and at ground level due to vent pipe emissions, which represent the largest emission source (Table 3). Further than 50 m away from the center, the vertical concentration differences become less obvious due to dispersion causing vertical mixing of benzene vapors.

At GS-MW, the 1-hour acute REL of $26 \mu\text{g}/\text{m}^3$ was exceeded 160 m away from the center of the gas station, at the location ($x = 158$ m, $y = 28$ m) both at ground level and in the breathing zone. At grid points with a distance > 50 m from the center of the gas station, the REL was exceeded at most once (Fig. SI-1a). However, the exceedance at different grid points did not occur on the same day (Fig. SI-1b). Within the 20 days during the measurement campaign, exceedances occurred on the 4th and 13th of January.

At GS-NW, the furthest REL exceedance occurred at 50 m from the center of the gas station at the grid point ($x = -38$ m, $y = 32$ m) as

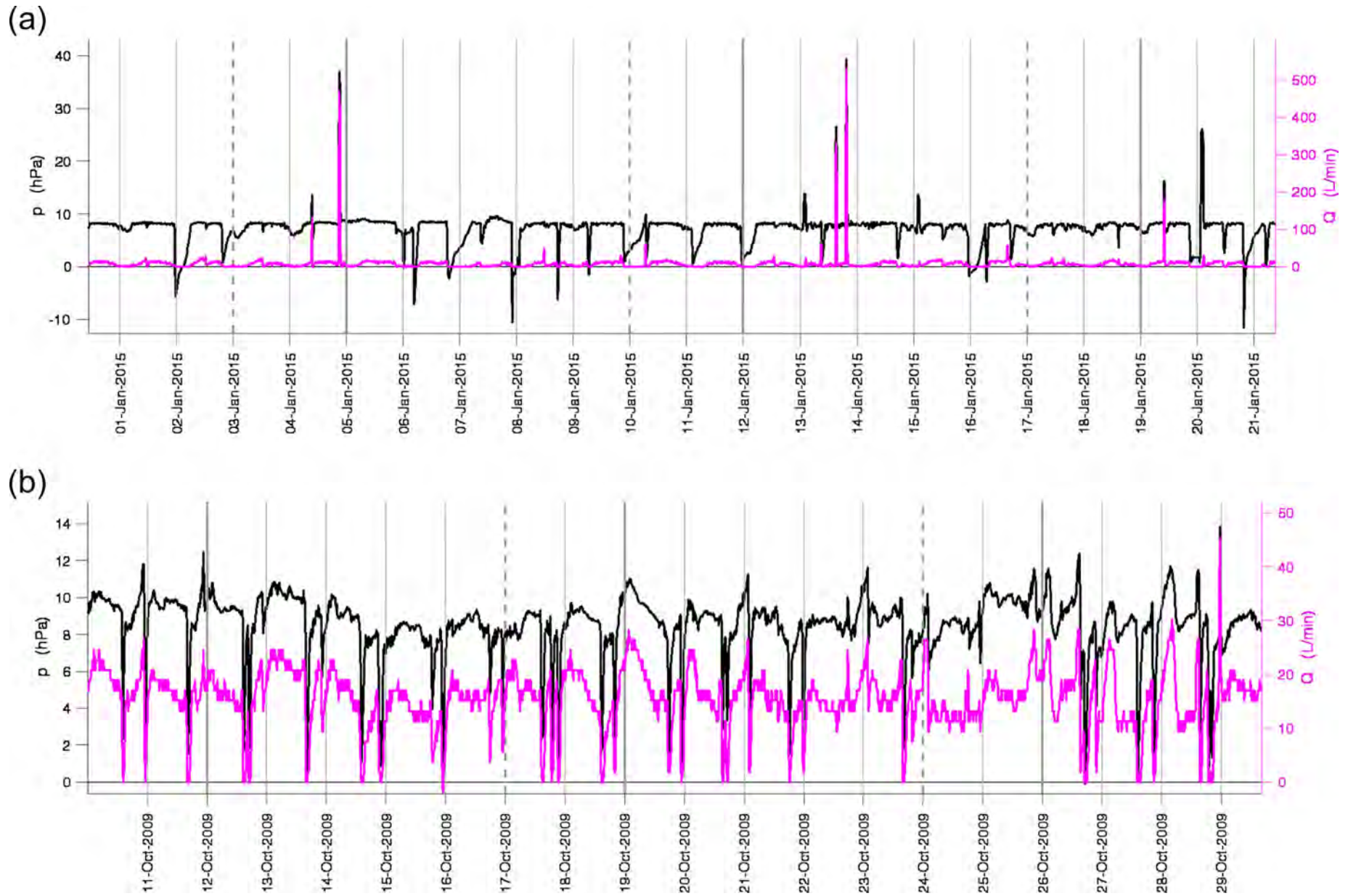


Fig. 2. Time series of ullage pressure p (left ordinate) and volumetric flow rate Q (right ordinate) for (a) GS-MW and (b) GS-NW. Horizontal tick marks indicate midnights. The vertical dashed and thick solid gray lines enclose weekends.

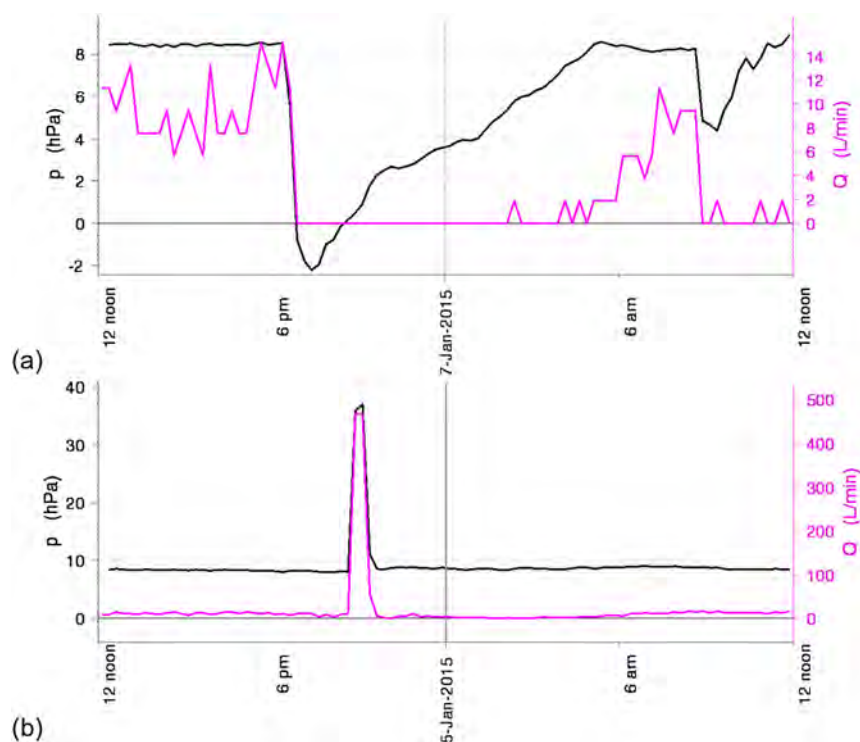


Fig. 3. Amplifications of time series data (15-minute averages) for GS-MW. (a) Tank pressure p became negative after fuel delivery. As a result, vent emission ceased for several hours. (b) A major vapor release (burst) likely occurred when the cracking pressure of the P/V valve was significantly exceeded at around 9 pm during a non-compliant bulk fuel delivery.

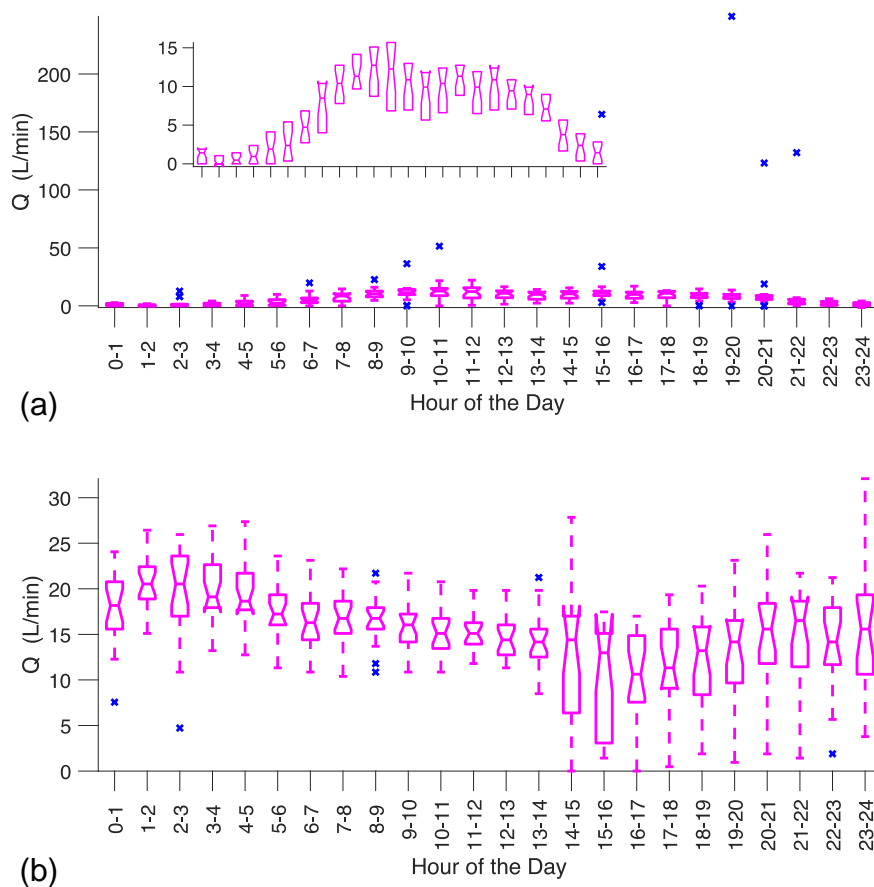


Fig. 4. Distribution of vent emissions Q observed for each hour of the day at (a) GS-MW [insert shows the IQRs of Q] and (b) GS-NW gas stations. In (a), outliers make it difficult to recognize variations in median hourly emissions. We therefore plotted in the inset only the IQRs. Boxes indicate median and IQR, whiskers values within 1.5 the IQR, and asterisks outliers.

Table 2
Summary of gas station characteristics and vent emissions.

	GS-MW	GS-NW	Units
Sales volume \dot{V}_{sales}	450,000	700,000	gal/month
Volumetric flow rates (of gasoline vapor/air mixture)			
Mean \bar{Q}	7.9	15.4	L/min
Median (IQR) of 60-min average	6.1 (1.9, 10.9)	16.0 (12.7, 18.4)	L/min
Maximum of 60-min average	250	32.1	L/min
Vent emission factor EF_{vent}	1.4	1.7	lb/kgal
Mass flow rates of gasoline (w/o air)			
Mean \bar{m}_{gas}	0.39	0.76	kg/h
Maximum of 60-min average	12.3	1.6	kg/h
Correlation coefficient Between Q and p	0.58	0.85	–

shown in Fig. SI-2a. At a distance of 40 m, the REL was exceeded three times at one grid point (260° angle), and at 35 m four times at two grid points (250° and 260° angles) (Fig. SI-2b). At a distance of 20 m, the REL was exceeded at 30 (out of 36) grid points, and on nine different days.

Average benzene levels are shown in Fig. 6 for both gas stations. The MRL is exceeded at the elevation of the vent pipe opening, $z = 4$ m, up to 7 m away from for GS-MW and up to 8 m from GS-NW. Fig. 7 shows the average benzene concentration as a function of distance at an elevation of 2 m. Close to the center, benzene levels first increase and then decrease.

5. Discussion

5.1. Vent emission factors

We present unique data on vent emissions from USTs at two gas stations. Emissions can be compared to vent losses assumed by CAPCOA (CAPCOA, 1997). For a gas station with Stage I and II vapor recovery technology and a P/V valve on the vent pipe of the UST (Scenario 6B), the CAPCOA study assumed loading losses of 0.084 and breathing losses of 0.025 lb/kgal dispensed. The total loss of gasoline through the vent pipe is the sum of the two and amounts to a vent emission factor $EF_{vent} = 0.109$ lb/kgal. Based on actual measurements in two fully functioning US gas stations, we obtained EF_{vent} values of 1.4 lb/kgal for GS-MW and 1.7 lb/kgal for GS-NW, more than one order of magnitude higher than the CAPCOA estimate. While the difference between our measurements and the CAPCOA estimates may appear surprising, it is important to consider that the CAPCOA estimates are based on relatively few measurements and some unsupported assumptions (Aerovironment, 1994), particularly with regard to uncontrolled emissions due to equipment failures or defects (Appendix A-5 (CAPCOA, 1997)).

5.2. Pressure measurements

Tank ullage pressure p was moderately to strongly positively correlated with vent flow rate Q , likely because exceedance of the cracking pressure of the P/V valve causes a vent release. Thus pressure

Table 3
Mean benzene emission rates \bar{m}_{benz} for the two gas stations.

Emission source	Benzene emissions (mg/s)	
Gas station	GS-MW	GS-NW
Vent pipe	0.80	1.55
Spillage	0.39	0.65
Refueling	0.41	0.69
Hose permeation	0.06	0.10
Total	1.67	2.90

measurements can be used to infer vent releases. Real-time detection of equipment failures and leaks via so-called in-station diagnostics systems is based on our observed correlations between p and Q .

5.3. Diurnal fluctuations in vent emissions

Diurnal vent emissions were quite different at the two gas stations. At GS-MW, a 24-hour operation, vent emissions were high during the daytime, presumably due to PWD. Emissions ceased at night, likely because less gasoline was dispensed and fuel deliveries with relatively cool product were frequent. Evaporative losses could also have been lower at night because the cooler delivered fuel would cause slight contraction of the liquid phase with corresponding growth in the ullage volume while at the same time lowering the vapor pressure of gasoline in the UST.

At GS-NW, vent pipe releases occurred most of the time, during the daytime when fuel was dispensed (PWD) and at night when the gas station was closed. Vent releases were higher when the gas station was closed, suggesting that during the day-time Stage II vapor recovery resulted in the injection of vapors into the storage tank that were not completely equilibrated with the liquid gasoline. During night-time, the gradual equilibration of unsaturated air in the ullage of the UST with gasoline vapors could then have caused exceedance of the cracking pressure of the P/V valve and consequently vapor release. It seems counterintuitive that less nighttime emissions occurred at the gas station where fuel was dispensed. However, while fuel is being dispensed, the outgoing liquid creates additional ullage volume, and depending on excess air ingestion rate, a negative pressure could result that lowers vent pipe emissions.

Dispensing fuel to customer vehicles and the associated Stage II vapor recovery system interact with vent emissions and can even cause vent emission during PWD, because the vacuum-assist method can negatively interfere with Onboard Refueling Vapor Recovery (ORVR) installed in customer vehicles (EPA, 2004). However, Stage II vapor recovery is not obsolete. It can be used in conjunction with ORVR to minimize exposure of gas station customers and workers to benzene due to working losses (Cruz-Nunez et al., 2003), particularly when customer vehicles are not equipped with ORVR (e.g., older vehicles, boats, motorcycles) or small volume gasoline containers are refueled. Enhanced Stage II vapor recovery technology can significantly reduce vapor emissions both at the nozzle and from UST vent pipes (CARB, 2013).

5.4. Fuel deliveries and accidental vent releases

Based on observations and interpretation of time series of the tank pressure data, it is likely that the peak vent emissions (e.g., Fig. 3b) were partly due to non-compliant bulk fuel drops where the Stage I vapor recovery system either was not correctly hooked up by the delivery driver or to hardware problems with piping and/or valves. This

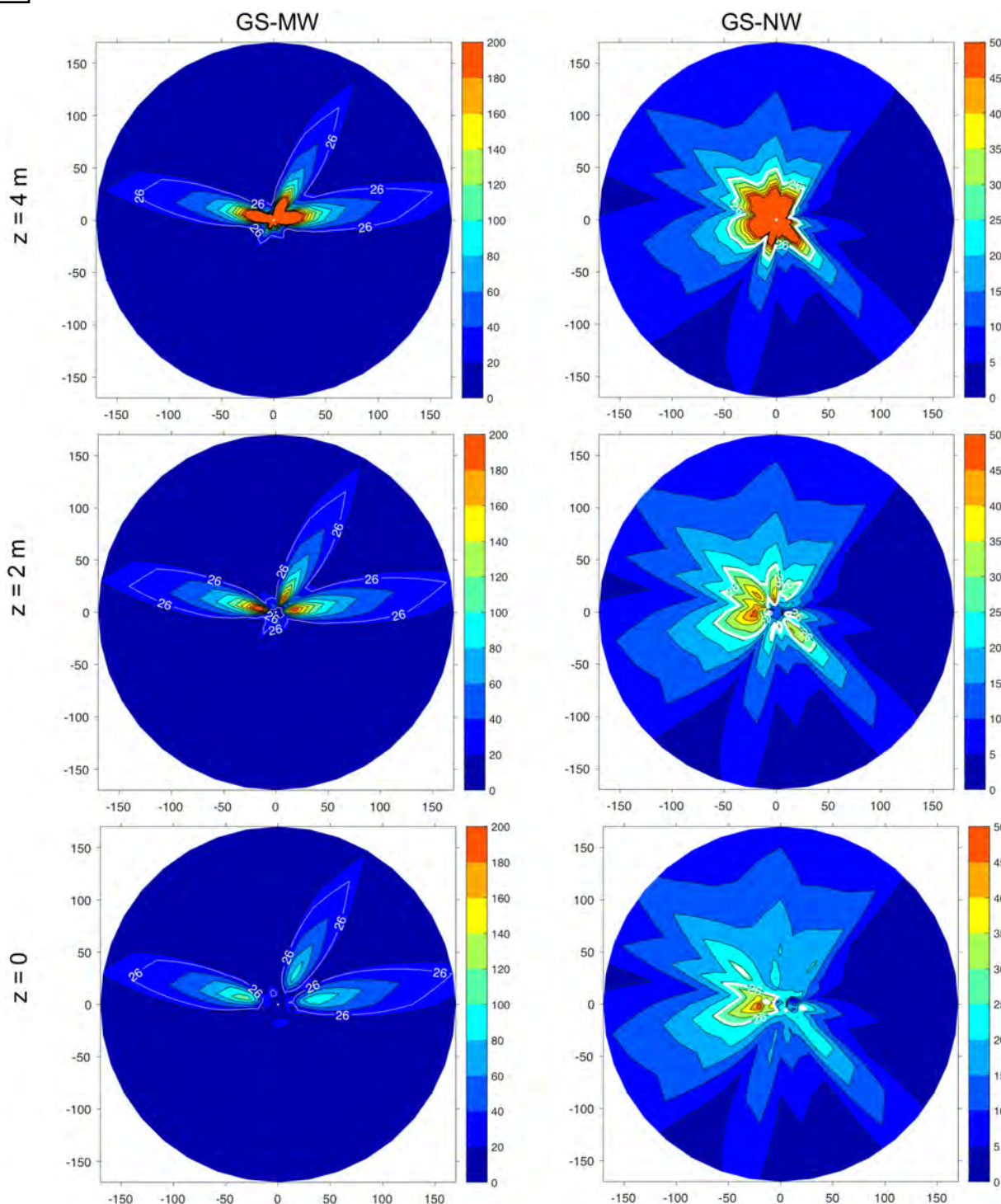


Fig. 5. Modeled maximum benzene concentrations for GS-MW and GS-NW at three different elevations z . The x - and y -axes indicate horizontal coordinates in meters. The color indicates benzene levels in units of $\mu\text{g}/\text{m}^3$. Left column: time series of benzene emission rates were used. Right column: average benzene emission rate was used in the modeling. The white isoline indicates OEHHHA's acute REL of $26 \mu\text{g}/\text{m}^3 = 8 \text{ ppb}$.

conjecture is consistent with typical US storage tank volumes (~10,000 to 30,000 gal). Assuming that Phase I vapor recovery did not work at all and that 10,000 gal (~38,000 L) of fuel were delivered, the working loss (volume of gasoline vapor/air mixture released to the atmosphere through the vent pipe) is 38,000 L. It is also reasonable to assume that delivery lasted less than 1 h. According to Table 2, the maximum hourly flow rate through the vent pipe was 250 L/min at GS-MW, which would result in a maximum cumulative vapor release of 15,000 L within this hour. The measured maximum cumulative release underestimates the

assumed working loss of 38,000 L. This could be due to a fuel delivery, which involved dropping fuel from multiple compartments of a tanker truck, with the vapor return hose not being correctly hooked up for only some of the emptied compartments.

At GS-MW, UST pressure decreased after fuel delivery (causing vent emissions to cease for several hours) during the climatic conditions prevalent during the observation period, behavior not observed at GS-NW. In practice, it is possible to observe both positive and negative pressure excursions, even during the same fuel delivery (when multiple fuel

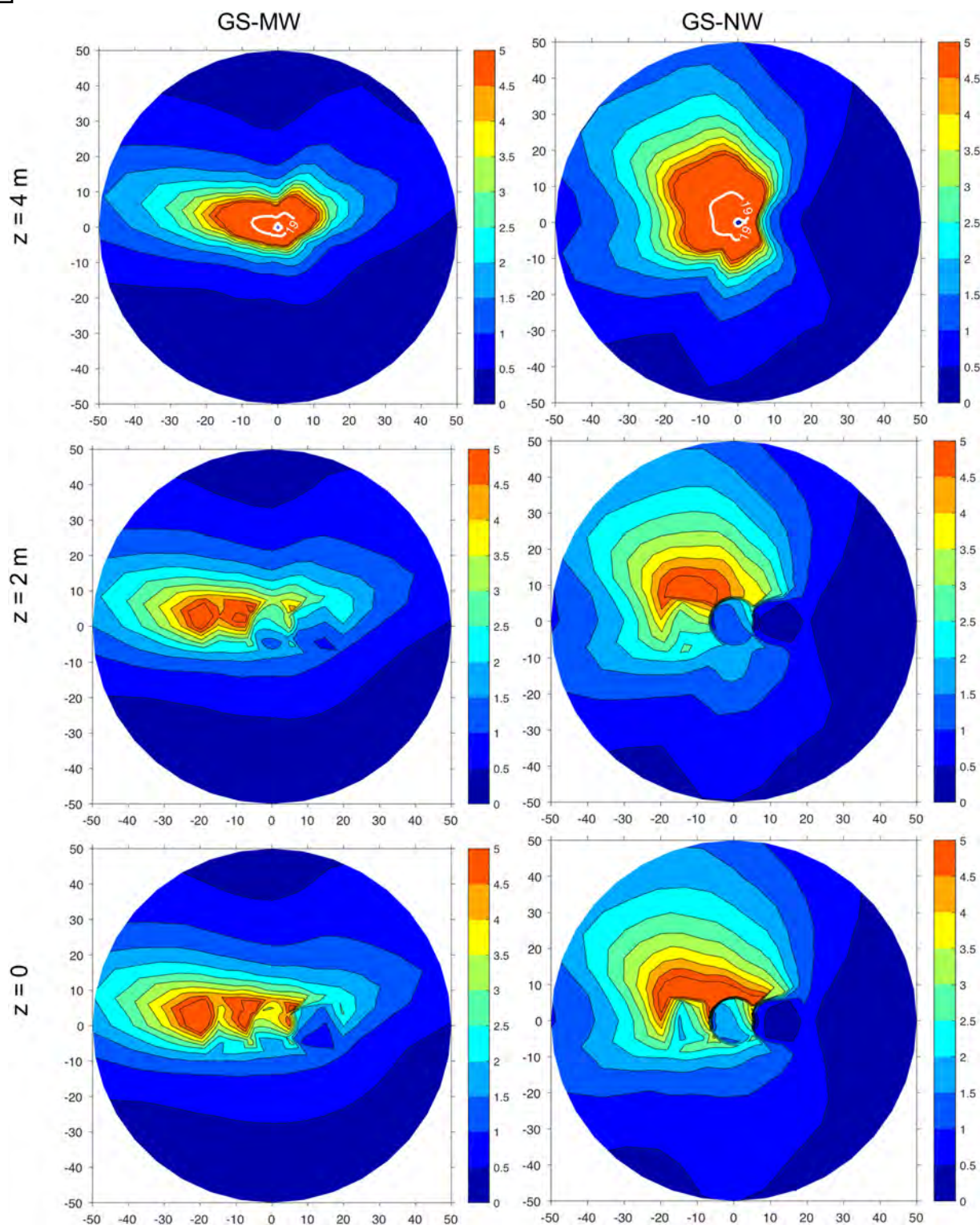


Fig. 6. Modeled average benzene concentrations for GS-MW and GS-NW at three different elevations z . The x - and y -axes indicate horizontal coordinates in meters. The color indicates benzene levels in $\mu\text{g}/\text{m}^3$ and the white isoline the MRL of $19 \mu\text{g}/\text{m}^3 = 6 \text{ ppb}$.

compartments of tanker trucks are unloaded), when Stage I vapor recovery is in place (personal observation by TT).

5.5. Exceedance of 1-hour exposure limits

AERMOD air pollution modeling suggests that at GS-MW the 1-hour acute REL was exceeded at one grid point 160 m (525 ft) from the center of the gas station once in 20 days (Fig. 5). This distance

is larger than the 300-ft (91 m) setback distance recommended by CARB for a large gasoline dispensing facility (CalEPA/CARB, 2005). Assuming the gas station's fence line is <225 ft. (69 m) from its center (where the vent pipe was assumed to be located), our study shows that sensitive land uses at a distance further than 300 ft from the fence line of the gas station would represent a health concern despite compliance with the CARB guidelines because of non-compliance with the acute REL.

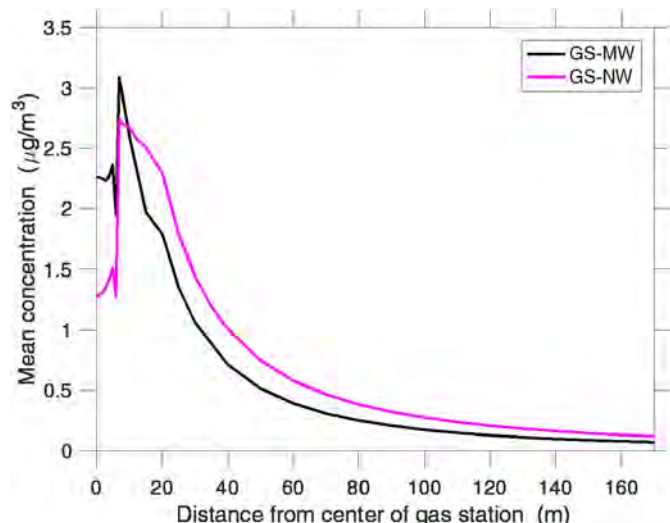


Fig. 7. Mean benzene concentrations as a function of distance from the center of the gas stations.

At any location further than 50 m from the gas station's center, the REL was exceeded at most once during the 20-day measurement campaign (Fig. SI-1a). However, exceedance occurred at several locations, and on two different days (Fig. SI-1b). E.g., at a distance of 120 m from the center, the REL was exceeded at three grid points, and the number of grid points increased with closer proximity to the gas station. This suggests that it was not just a single worst-case scenario or a single accidental vapor release that led to REL exceedance; rather exceedance may occur more frequently than is anticipated. Prevalent wind directions during the measurement campaign explained the directional patterns of exceedances (see the wind rose in Fig. SI-3a).

At GS-NW, despite its higher sales volume, the REL was exceeded only closer than 50 m from the gas station's center. However, exceedance occurred much more frequently (Fig. SI-2), likely because of the higher sales volume of GS-NW. Again, the wind rose for GS-NW (Fig. SI-3b) explains spatial patterns of REL exceedance.

None of AIHA's three ERPG levels were exceeded, meaning that individuals, except perhaps sensitive members of the public, would not have experienced more than mild, transient adverse health effects.

5.6. Average benzene levels

The initial increase in average benzene levels when moving away from the gas stations' centers (Fig. 7) is likely due to the vent emissions (at 4 m) which represent the largest benzene source, and which require a certain transport distance until they reach the 2-m level through dispersion. Further away from the gas station, benzene levels are higher for GS-NW than for GS-MW likely because of the higher sales volume of GS-NW. However, close to the center, benzene levels are higher at GS-MW. This can be attributed to the higher wind speeds at GS-NW (Table SI-1), which result in greater initial dilution of emitted pollutants in the incoming airstream and also in greater subsequent pollutant dispersion.

Modeled average benzene concentrations are generally lower ($\sim 10 \mu\text{g}/\text{m}^3$ or less) than those measured in the surroundings of gas stations, likely because our simulations do not account for traffic-related air pollution (TRAP). For instance, a study published by the Canadian petroleum industry found average benzene concentrations of 146 and 461 ppb (466 and $1473 \mu\text{g}/\text{m}^3$) at the gas station property boundary in summer and winter, respectively (Akland, 1993), values orders of magnitudes higher than ours. A South Korean study examined outdoor and indoor benzene concentrations at numerous residences within 30 m and between 60 and 100 m of gas stations and found median outdoor benzene concentrations of 9.9 and $6.0 \mu\text{g}/\text{m}^3$, respectively (Jo &

Moon, 1999), while we simulated benzene levels on the order of $1 \mu\text{g}/\text{m}^3$ (Fig. 7). In a study on atmospheric BTEX levels in an urban area in Iran, the three highest BTEX levels were measured near gas stations (~ 150 m away); the measured benzene levels (64 ± 36 , 31 ± 28 , $52 \pm 26 \mu\text{g}/\text{m}^3$) were again much higher than ours simulated at that distance, likely due to TRAP. Our modeled average benzene levels at a distance of about 50 m are on the same order as background benzene levels of $1.0 \mu\text{g}/\text{m}^3$ that were measured in 2010 in the National Air Toxics Trend Sites (NATTS) network of 27 stations located in most major urban areas in the US (Strum & Scheffe, 2016). However, our modeled levels at a distance of 170 m were 0.07 at GS-MW and 0.12 at GS-NW, a non-negligible addition to urban background levels.

At both gas stations, the MRL was exceeded at the level of the vent pipe opening in the vicinity of the gas stations, up to 7 m away from the vent pipe at GS-MW and 8 m at GS-NW. Therefore there might be an appreciable risk of adverse noncancer health effects for individuals living at the 2nd-floor level relatively close to high-volume gas stations such as GS-MW and GS-NW.

5.7. Limitations

A limitation of our study is that data were collected only in fall and winter. Results cannot be easily extrapolated to other seasons, because vent pipe emissions are seasonally dependent, e.g., due to seasonally dependent gasoline formulations and meteorological conditions. However, modeled exceedance of the OEHHA acute REL in the winter season is already of concern, because that REL was developed for once per month or less exposures.

Another limitation is that we did not directly measure benzene levels in the vent pipe, and instead made assumptions about vapor composition that were also made in the CAPCOA study (CAPCOA, 1997) of gas station emissions. In practice it may be difficult to obtain permission from gas station owners to measure benzene levels directly.

In part because we did not want to reveal the locations of the gas stations, we did not use site-specific topography information in the air dispersion modeling and instead assumed flat terrain. While this simplification results in less accurate air pollution predictions for the two sites, using a "generic" gas station is perhaps more representative of other gas station sites, and is consistent with an approach used in a previous study (CAPCOA, 1997).

Finally, our study did not predict benzene levels in indoor environments. Even though indoor air pollution levels may substantially differ from outdoor levels due to indoor sources (e.g., smoking, photocopying) (El-Hashemy & Ali, 2018), our study can still inform exposure levels in indoor environments as outdoor sources may be the main contributors to indoor air pollution, e.g., in buildings situated in urban areas and close to industrial zones or streets with heavy traffic (Jones, 1999). This is relevant to workers and customers in C-stores or other fast-food/gasoline station combination facilities.

6. Conclusions

Our study is to the best of our knowledge the first one to (1) report hourly vent emission data for gasoline storage tanks in the peer-reviewed literature and (2) use these data in hourly simulations of atmospheric benzene vapor transport. This allowed us to examine potential exceedance of short-term exposure limits for benzene. Prior studies including CAPCOA's (CAPCOA, 1997) could not do so as average emission rates were used (only meteorological data was used at an hourly resolution).

Our findings support the need to revisit setback distances for gas stations, which are based on >2-decade old estimates of vent emissions (Aerovironment, 1994). Also, CARB setback distances are based on a binary decision, related to whether the gasoline sales volume \dot{V}_{sales} is >3.6 million gal per year. Our data support, however, that setback

distances should be a continuous function of sales volume \dot{V}_{sales} and also include the type of controls installed at the facility. Setback distances should also address health outcomes other than cancer. OEHHHA's acute REL for benzene could be used to inform setback distances as it accounts for non-cancer adverse health effects of benzene and its metabolites (Budroe, 2014). ATSDR's MRL could also be considered since it is a health-based limit.

We note that CARB recommended their setback distances in 2005, presumably assuming pollution prevention technology yielding a 90% reduction in benzene emissions (CalEPA/CARB, 2005). Since then, CARB further promoted use of second-generation vapor recovery technology (Enhanced Vapor Recovery, EVR) to reduce emissions further. EVR includes technology that is supposed to prevent fuel vapors in overpressurized tanks from being expelled into the atmosphere (CARB, 2017). To that end, “bladder tanks” have been proposed, into which the gasoline vapor/air mixture is directed as the pressure in the combined ullage space of the storage tank increases, and from which the mixture is redirected into the fuel storage tanks if the ullage pressure becomes negative (when fuel is dispensed). The challenge with such a system is to ensure that the bladder tank capacity is not exceeded by the fuel evaporation rate. Alternatively, fuel vapor release can be reduced by processing the fuel/air mixture through either a semi-permeable membrane which selectively exhausts clean air and returns enriched fuel vapor (Semenova, 2004) or an activated carbon filter which adsorbs hydrocarbons (and water vapor) and exhausts air into the atmosphere, or by combusting the fuel/air mixture which would otherwise be released through the P/V valve. Therefore, current CARB setback distances might be adequate for gas stations in California but less so for the other 49 US states, and other countries—depending on pollution prevention technology requirements.

The larger areal extent of modeled REL exceedance at GS-MW is due to “accidental” releases of gasoline vapors. Even though regulations appear generally not to be driven by accidental releases, at GS-NW such releases likely led on two different days to REL exceedances at distances beyond CARB's recommended setback distances. Policies should address accidental fuel vapor releases that depending on pollution prevention technology (here Stage I vapor recovery) and its proper functioning can occur on a frequent basis (twice at GS-MW within about three weeks).

In future work, potential exceedance of other shorter-term exposure limits should be examined, e.g., the 15-minute short-term exposure limits (STELs) and the 8-hour time-weighted averages (TWAs) used for occupational exposures.

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Competing financial interest declaration

TT directs a company (ARID), which develops technologies for reducing fuel emissions from gasoline-handling operations. AMR, BAM and MH have no conflicts of interests to declare.

Appendix A. Supplementary data

Supplementary data to this article can be found online at <https://doi.org/10.1016/j.scitotenv.2018.09.303>.

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2020 Study

**Gasoline Vapor Emissions During Vehicle Refueling Events in a
Vehicle Fleet Saturated With Onboard Refueling Vapor Recovery
Systems - Need for an Exposure Assessment**



Gasoline Vapor Emissions During Vehicle Refueling Events in a Vehicle Fleet Saturated With Onboard Refueling Vapor Recovery Systems: Need for an Exposure Assessment

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Background: Gasoline contains large proportions of harmful chemicals, which can be released during vehicle refueling. Onboard Refueling Vapor Recovery (ORVR) can reduce these emissions, but there is limited research on the system's efficacy over time in an actual vehicle fleet. The aims of this study are: (1) determine the feasibility of using an infrared camera to view vapor emissions from refueling; (2) examine the magnitude of refueling-related emissions in an ORVR-saturated fleet, to determine need for an exposure-assessment.

Methods: Using an infrared camera optimized for optical gas imaging of volatile organic chemicals, refueling was recorded for 16 vehicles at six gas stations. Pumps were inspected for damage, refueling shut-off valve functioning, and presence of Stage II Vapor Recovery. Vehicle make/model and age were recorded or estimated.

Results: Vapor emissions were observed for 14 of 16 vehicles at each station, with severity varying substantially by vehicle make/model and age. Use of an infrared camera allowed for identification of vapor sources and timing of release, and for visualizing vapor trajectories.

Discussion: Notably emissions occurred not only at the beginning and end of refueling but also throughout, in contrast to a prior study which did not detect increases in atmospheric hydrocarbon levels mid-refueling. Future studies are vitally needed to determine the risk to individuals during typical refueling in an ORVR saturated vehicle fleet. We recommend comprehensive exposure-assessment including real-time monitoring of emitted volatile organic compounds paired with infrared gas-imaging and measurement of internal dose and health effects of gas station customers.

Keywords: gasoline, environmental exposure, vehicle refueling, volatile organic compounds, gas station

INTRODUCTION

Gasoline is a complex mixture of many chemicals, several of which are known to adversely affect human health. Of particular concern are volatile aromatic hydrocarbons, including benzene, toluene, ethylbenzene, and xylene (BTEX group), which may be released during vehicle refueling (1, 2). For example, benzene is a known human carcinogen and is associated with multiple health problems, including respiratory, nervous system, and immunological conditions (3). In addition, studies evaluating non-cancer outcomes have found decreased red blood cell counts, hemoglobin, and hematocrit levels in gas station attendants (4). While some studies have evaluated exposures to gasoline from vehicle refueling specifically (5–7), to our knowledge, few have been completed in the past decade. It is essential that such studies are repeated frequently and in varied geographic locations, as fuel composition, weather, climate, and pollution control strategies all impact individual exposures and can change over time.

In the United States (US), changes in regulations outlining gasoline vapor recovery during vehicle refueling have made this an especially pressing question. During refueling, gasoline vapor in a vehicle's tank is pushed into the atmosphere by the rising liquid gasoline level in the tank—unless a vapor recovery system is in place. From 1998 to 2006, the US Environmental Protection Agency (EPA) rolled out a requirement that nearly all newly manufactured vehicles be equipped with **onboard refueling vapor recovery (ORVR)** systems (8), which function by directing vaporized gasoline into a canister on the vehicle, thereby substantially reducing escape of vapors into the atmosphere. Briefly, this requirement was rolled out in stages, first for light duty vehicles (1998: 40% of new vehicles, 1999: 80%, 2000: 100%), then for light duty trucks and vans (2001: 40%, 2002: 80%, 2003: 100%), and finally for heavier light duty trucks (2004: 40%, 2005: 80%, 2006: 100%) and trucks with a >10,000 pounds gross vehicle weight rating (100% by 2006). By 2006, nearly all new gas-powered vehicles with <14,000 pound gross vehicle weight rating were required to have ORVR systems (8). **In contrast, Stage II vapor recovery systems, which are used on gasoline pumps themselves, direct vaporized gasoline into gas station underground storage tanks through systems on the pumps.** In 2012, the EPA determined that the US vehicle fleet was sufficiently saturated with ORVR that states could allow the removal of Stage II systems (8), thus making vapor recovery during refueling primarily dependent on ORVR systems.

Despite this change in regulations, limited information on the efficiency of ORVR systems is available, although the US EPA suggests they are 98% efficient and require minimal maintenance (8). A German study found no measurable increases in atmospheric hydrocarbon concentrations in a Sealed Housing for Emissions Determination (SHED) in which an ORVR-equipped vehicle was placed during refueling, although increases were detected at the beginning and end of refueling (9). Even though a study of presumably non-ORVR equipped vehicles in Mexico found older vehicles to have more evaporative emissions than newer ones (10), to the best of our knowledge,

no assessment of the continuous functioning of ORVR systems to reduce emissions during vehicle refueling over the course of a vehicle's lifetime, within the conditions of an actual vehicle fleet, has been completed. It is possible that as vehicles age, hoses, seals, and other parts of the gas tank and ORVR system degrade, resulting in increased vapor emissions during refueling. Additionally, while some studies (6, 7) evaluated exposure to gasoline vapors during vehicle refueling in the US, finding evidence of benzene in blood and exhaled breath samples, those studies were completed before saturation of the US vehicle fleet with ORVR systems, and are thus likely over-estimates of exposures that may occur with ORVR systems. It is not currently known whether the amount of vapors today's population is exposed to would have similar, if any, effects.

Past studies assessing exposure from vehicle refueling used aluminum tubes as passive samplers (7) and sorbent tubes attached to pumps (6) to quantify exposure to gasoline vapors, positioned in the breathing zone of participants. However, such methods may not be able to detect the lower levels of exposure anticipated from a vehicle fleet with a 98% efficient ORVR system. Additionally, while these methods quantify environmental exposure to vapors during refueling, they are not easily used for source identification or to capture the dispersion and movement of vapors at the station. It is also not possible to use these devices to determine when during a refueling event vapors are more likely to be released (i.e., at the end vs. throughout), information which can help determine the cause of vapor release. Use of other technologies, such as an infrared camera optimized for visualizing compounds present in petroleum products, is needed to determine the sources of vapors during refueling (i.e., from exhaust, the vehicle tank, or the pump nozzle) and how they move through space. Such cameras are also fine-tuned to detect very small amounts of vapors, and thus may be invaluable in determining if exposure to gasoline vapors is occurring from ORVR equipped vehicles, warranting a more involved exposure-assessment.

Research on the functioning of ORVR in the actual US vehicle fleet over time, and thus an understanding of the quantity of vapors individuals may still be exposed to, is limited. Additionally, the tools traditionally used to assess exposure to vapors during vehicle refueling do not give a complete picture, as they lack the ability to determine vapor sources and movement. With this pilot study, we aim to determine the plausibility and usefulness of conducting a full exposure-assessment for exposures to gasoline vapors during vehicle refueling, in a vehicle fleet dependent on ORVR for vapor recovery. The objectives of this pilot study are to (1) determine the feasibility of qualitatively capturing fuel vapor emissions from vehicle refueling events in New York City (NYC) using a FLIR infrared camera designed specifically to detect volatile organic compounds present in petroleum products, and to (2) examine the magnitude of fuel vapor emissions over a range of different vehicle/ORVR system ages as a precursor to assessing the continuous functioning of ORVR systems over the lifetime of a vehicle in the actual US vehicle fleet.

MATERIALS AND METHODS

Study Overview

A convenience sample of gas stations in Northern Manhattan, NYC, was selected for vapor release monitoring. At each gas station, a study member approached individuals just before they began refueling their vehicles and asked for verbal permission to record their vehicle tanks as the vehicle was refueled. This study is not human subjects research, as no information about individuals was obtained, and is thus not subject to IRB oversight.

A total of six gas stations were visited over the course of a single winter day. Three vehicle refueling events were recorded at each station, with the exception of one station where an attendant was present. For this station, only one vehicle refueling event was recorded. In total, $n = 16$ refueling events were recorded.

Data Collection

An infrared camera optimized for optical gas imaging of volatile organic chemicals (FLIR model GF320; described below) and frequently used to detect leaks in petroleum refining operations, was used to record the fuel pump nozzle and external vehicle fuel tank filler pipe during each refueling session. In addition, researchers visually inspected gasoline pumps for hose damage, refueling shut-off valve functioning, and presence of Stage II Vapor Recovery systems. Researchers recorded the make and model of the vehicle when it was visible on the outside of the automobile, while year was estimated using photographs of the vehicle. Year was estimated by searching for images of the vehicle make and model, and comparing different years, especially the front and rear bumpers and headlight shape, to those shown in the photographs. When researchers could not definitively determine the year of the vehicle, the midpoint of the plausible year range was used. Vehicles were assigned a type based on the EPA Vehicle Classification system.

Overview of FLIR Infrared Camera

The FLIR model GF320 infrared camera can detect 20 gases, including: 1-pentene, benzene, butane, ethane, ethanol, ethylbenzene, ethylene, heptane, hexane, isoprene, m-xylene, methane, methanol, methyl ethyl ketone, MIBK, octane, pentane, propane, propylene, and toluene (FLIR Systems Inc., 2017). The camera is tuned to detect very small spectral ranges, so that it can selectively visualize specific compounds that absorb or emit electromagnetic energy at that spectral range. A narrow bandpass filter is used to ensure that only gases with a strong signal in the specified infrared range are detected, and other components of the camera are built to emit very little energy, to reduce the signal-to-noise ratio. The manufacturer does not provide estimates of limits of detection of their camera, but we found that the GF320 can detect quite small vapor leakage rates, e.g., gas emissions from an unignited pocket lighter in outdoor atmospheric environments imaged from a distance of at least 2 m.

Qualitative and Statistical Analysis

To determine how representative our convenience sample is of New York State and New York City vehicle fleet ORVR saturation, we used New York State's publicly available Vehicle, Snowmobile, and Boat Registrations database to calculate the

proportion of registered vehicles in both the state and city that were gasoline powered and manufactured in 2006 or later (out of all gasoline powered vehicles), the year the EPA suggests that "essentially all" new gas-powered vehicles <14,000 pounds were manufactured with ORVR systems (8). We compared this to the proportion of ORVR equipped vehicles in our sample. In addition, we compared the median vehicle manufacturing age in our sample to that of registered vehicles in New York State and City.

Each infrared video was reviewed to identify the presence and magnitude of vaporized gasoline emitted during a refueling session. An overall qualitative description of each video was created, and patterns of vapor emission were identified and assigned to each session. Vapor origin (i.e., ambient vapors vs. vapors from the vehicle fuel tank) and the timing of vapor release was reviewed in all sessions. Representative video frames of "typical" emissions for each vehicle were extracted from the middle and end of each refueling session. The vapor plume was delineated using the brush feature in Microsoft Paint based on repeated observations of the videos, and not just a single frame, as it is difficult to identify the plume from a static image.

Exploratory statistical analysis was conducted in R version 3.5.1 (11). A logistic model was fit to obtain an association between estimated vehicle age and presence of vapor release during the middle of vehicle refueling, operationalized as a binary variable. Due to the small sample size no covariates were included in the model.

Figures were created with the tidyverse package in R (12), as well as with Inkscape (www.inkscape.org) and MATLAB (The MathWorks Inc., 2010).

RESULTS

A total of 16 refueling events at six gas stations were recorded. Our convenience sample was fairly representative of the estimated ORVR penetration proportion in New York State and City vehicles: according to EPA regulations 94% of our sample should have been equipped with ORVR, while for both New York State and City, we estimate that at least 81% of registered vehicles should have been equipped with ORVR. The median manufacturing year of our sample was 2013, the same as that for New York State and City.

Table 1 provides details about gas stations and vehicles. Of the six stations, only one had a Stage II vapor recovery system, and four had liquid gasoline leaking around the hose joints. Estimated vehicle age ranged from 1 to 32 years (manufacturing years 1987–2018), and several vehicle types (e.g., SUV, mid-size car) were represented in the sample. For 15 out of 16 vehicles, vehicle age and type combination indicated they were required to contain ORVR systems. The average refueling length was 86 s. Ambient temperature ranged from 33 to 41°F (0.5–5°C).

The infrared camera was able to detect gasoline vapors during vehicle refueling. In addition, evaluation of the video files allowed researchers to identify vapor sources, pinpoint the time of vapor release during each video, and to see how the vapors moved after being emitted.

TABLE 1 | Characteristics of gas stations and vehicle refueling events.

Gas station ID	Stage II vapor recovery system	Hose joints	Vehicle ID	EPA vehicle size classification	Estimated model year	ORVR mandate*	Length of refueling (s)
2	None	No leakage	29	Minicompact car	2014	Yes	66
			30	Midsize car	2005	Yes	88
			32	Standard sport utility vehicle	2013	Yes	88
3	None	Leakage	33	Midsize car	2006	Yes	76
			34	Mid-size car	2018	Yes	78
			35	Small sport utility vehicle	2013	Yes	84
4	None	Leakage	36	Mid-size car	2008	Yes	131
			37	Standard sport utility vehicle	2018	Yes	133
			38	Standard sport utility vehicle	2015	Yes	71
8	Vacuum assist	Leakage	41	Compact car	2005	Yes	72
			42	Midsize car	2016	Yes	122
			43	Midsize car	2008	Yes	66
9	None	Leakage	44	Standard sport utility vehicle	2004	Yes	56
			45	Large car	1987	No	110
			46	Midsize car	2015	Yes	106
7	None	No leakage	47	Minivan	2013	Yes	32

*Indicates whether 100% of new vehicles were required to have included ORVR systems for the specific manufacturing year and vehicle type (i.e., light duty vehicle, light duty truck, and van, heavier light duty trucks, etc.).

Fuel vapor emissions were observed for 14 out of 16 vehicles and at every gas station. The single vehicle older than ORVR manufacturing mandates in the US clearly had much larger refueling vapor emissions than the newer vehicles. However, the majority of newer vehicles also had substantial fuel vapor emissions, particularly at the end of refueling. Qualitative descriptions of each refueling event are provided in Table 2. Six overall patterns of vapor emission were identified: no vapor release (one vehicle), ambient vapors only (one vehicle), release toward the end of refueling (two vehicles), release when nozzle was withdrawn (three vehicles), release toward the end of refueling and after nozzle was withdrawn (six vehicles), and near continuous vapor release (three vehicles). Figure 1 shows the number of vehicles in each category, and the years of the vehicles' manufacture. The three vehicles with near continuous vapor release were estimated to be 5, 11, and 32 years old. Of note, all vehicles that emitted vapors at any point during the refueling session also did so at the end of the refueling session.

Representative video frames from the middle and end of each refueling session are available in the Supplementary Material (two frames per vehicle). In Figure 2, examples from each of the six vapor emission patterns are shown, with gasoline vapor plumes delineated in blue in each frame, and vehicle IDs in the top right corner. For example, for the "release when nozzle withdrawn" category, the representative screenshot during the middle of the refueling session does not show any vapors, however, at the end of the session, vapors can be seen spilling out around the pump nozzle and the vehicle fuel tank opening. The range of emission magnitude can be seen from the various sample frames. Full video recordings for each refueling event are available at the following link: https://github.com/jenni-shearston/Vehicle_Refueling_Videos.

Results from the exploratory logistic regression were not significant, as there were not enough observations to detect an association ($n = 16$; yes release [$n = 3$]/no release [$n = 13$]). The model suggested that a 1 year increase in estimated vehicle age was associated with a 1.15 increase in likelihood of emitting vapors during the middle of refueling (95% CI = 0.97, 1.51), but this result is likely driven by the results for the 32 years old vehicle, which was much older than the rest of the vehicle population.

DISCUSSION

This work highlights the value of using an infrared camera to compliment more traditional methods of exposure measurement for determining potential health risks from vehicle refueling, and visually highlights the sometimes large amounts of fuel vapor emissions that occur even within an ORVR saturated vehicle fleet.

A FLIR camera allowed us to identify the source of the vapors; for example, in one video (Vehicle ID 44) vapors can be seen, but they do not originate from the pump nozzle or the vehicle tank. Of note, we observed leaking gasoline around the hose joints at this station (Station 9). For all other videos, vapors are clearly seen coming out of the pump nozzle, vehicle tank, or both. This allows for the differentiation of sources of vapor exposure, crucial information needed to intervene on exposures at gas stations generally, or to determine how effective ORVR is at minimizing vapor outflow. In addition, use of the infrared camera allowed us to confirm that vapors were emitted in a location where an individual filling up their gas tank might breathe them in (the "breathing zone"), and to visualize the dispersion and movement of the vapors. The infrared camera also made it possible to pinpoint when during a refueling session

TABLE 2 | Qualitative description and overall patterns of vehicle refueling events.

Vehicle ID	Qualitative description	Overall pattern
29	Some gasoline vapor can be seen escaping into the atmosphere from the beginning of the refueling event, continuing throughout the duration of refueling. At around 0:00:41, a larger amount of vapor is seen escaping from the vehicle tank, generally increasing in amount until the end of the refueling session	Near continuous vapor release
30	No vapors are seen escaping into the atmosphere until more than a minute of refueling has passed (0:01:13), after which a large amount of vapor escapes as the vehicle tank presumably reaches full	Release toward end of refueling
32	Minimal vapor was released into the atmosphere throughout the duration of the refueling event. At the very end of refueling, as the pump is removed from the tank, a small amount of vapor can be seen escaping	Release toward end of refueling and after nozzle withdrawn
33	No vapors are seen escaping from the vehicle tank until the end of refueling, around 0:01:13, after which a large amount of vapor escapes, presumably as the tank reaches full. After the pump is withdrawn from the tank, fuel vapor continues to escape into the atmosphere in substantial quantities	Release toward end of refueling and after nozzle withdrawn
34	No vapor is seen escaping until the end of the refueling session, around 0:01:11, after which a substantial amount of fuel escapes into the atmosphere, continuing to escape even after the pump is withdrawn from the vehicle	Release toward end of refueling and after nozzle withdrawn
35	No vapor is seen escaping from the vehicle tank until the end of refueling. Vapors escape when the pump handle is partially withdrawn (0:01:12) and the tank is presumably topped off, and continue to escape even after the pump is fully withdrawn	Release toward end of refueling and after nozzle withdrawn
36	Although the pump is inserted into the vehicle from the beginning of the video, it appears that fuel is not dispensed until around 0:00:43 when the individual's hand squeezes the pump handle. As dispensing begins, large amounts of vapors can be seen escaping from the tank. Of note, the individual refueling does not fully insert the pump into the tank. Vapors escape nearly continuously throughout refueling, sometimes in large amounts. Toward the end of the session another large amount of vapor escapes, as the pump is pulled further out of the vehicle (0:01:55). Substantial amounts of vapor continue to escape until the end of refueling, including after the pump is fully withdrawn (0:02:49)	Near continuous vapor release
37	No vapor release observed	No vapor release
38	No vapor is observed until around 0:00:51, after which vapor is released nearly continuously. Vapor is observed escaping from the tank after the pump is withdrawn	Release toward end of refueling and after nozzle withdrawn
41	Some vapor is released at the beginning of the refueling session (0:00:14), but no more is observed until toward the end of refueling around (0:01:08). After this time, vapor is observed in substantial quantities until the pump is withdrawn (0:01:21), after which only minimal vapors are observed escaping	Release toward end of refueling
42	No vapors are observed until the very end of refueling, when the pump is withdrawn (0:01:59). Vapor continues to be released from the tank until it is capped	Release when nozzle withdrawn
43	No vapor release observed during refueling; a small amount of vapor may be released after pump is withdrawn (0:01:08)	Release when nozzle withdrawn
44	Poor video focus makes vapor observation difficult; however, ambient vapors appear to be present (upper right, 0:00:35, 0:00:40, 0:00:54)	Ambient vapors only
45	Substantial vapor release observed as cap is removed from tank, and continuously throughout refueling	Near continuous vapor release
46	No vapor release observed during refueling; a slight amount of release from pump observed as it was removed from tank (0:01:57)	Release when nozzle withdrawn
47	Slight amount of vapor release observed at start of refueling (0:00:03), and then again at end of refueling (0:00:24). Vapor continues to be released after pump removed	Release toward end of refueling and after nozzle withdrawn

vapors were released. Sorbent tubes attached to pumps, passive samplers, and real-time monitors are not able to do this because the amount of vapor measured is averaged over a time period, so it is challenging to determine when the vapor is released, or if it is released continuously.

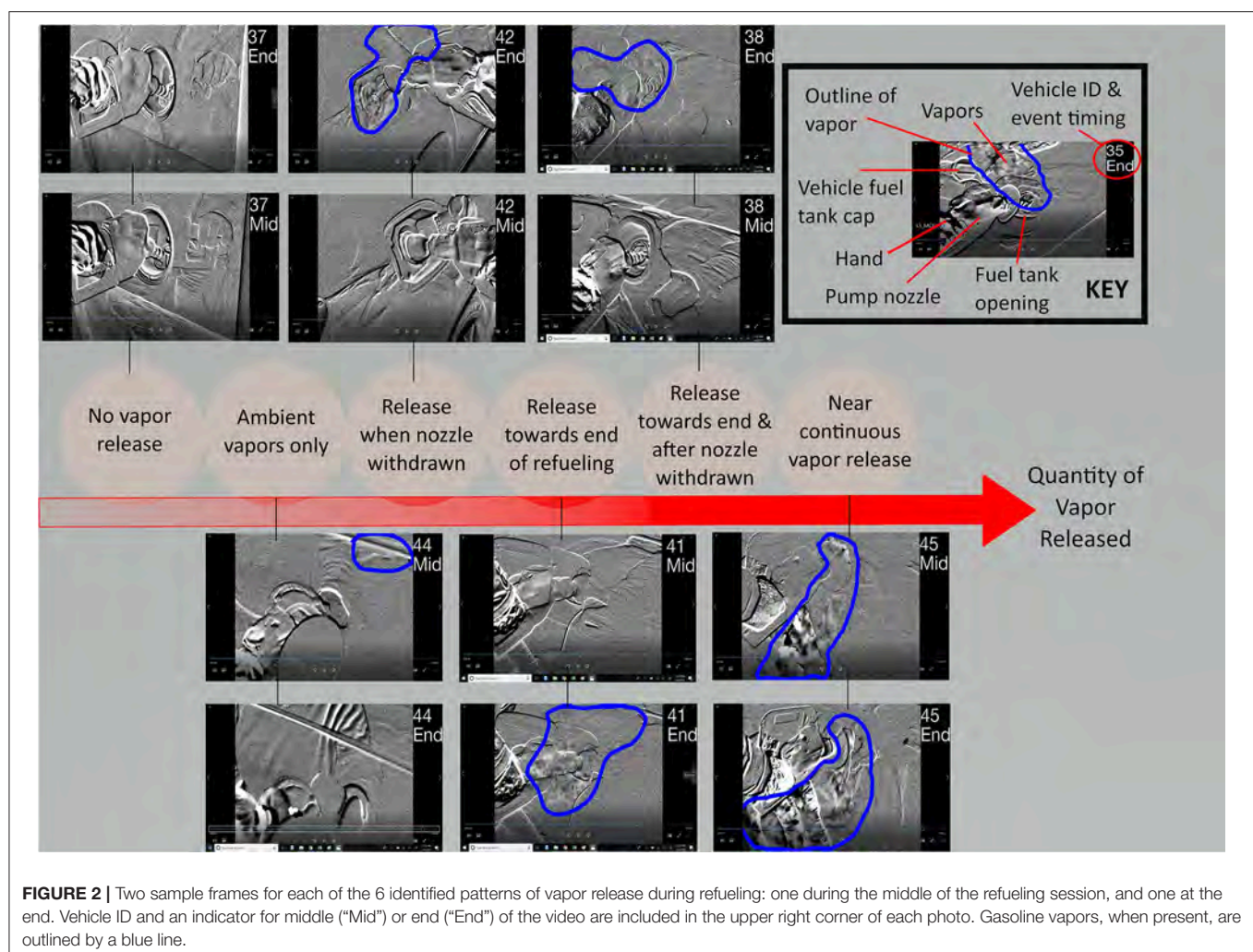
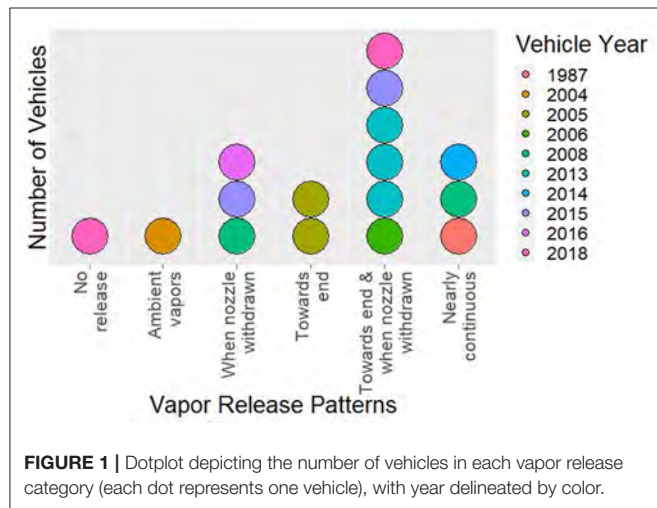
Information about the timing of vapor releases is particularly useful because it can help researchers determine why vapors are being released. For example, ORVR systems with “liquid seals” are known to release some vapors at the end of refueling (13), because as the flow of gasoline into the vehicle tank decreases, the air gradient into the tank created by the moving gasoline decreases, allowing vapors to flow both into the tank and out of it (and thus into the atmosphere) (9). Release at the

end of vehicle refueling was indeed one of our most common observations. **However, vapor releases occurring in the middle of the refueling session, or throughout the session, both of which we observed in multiple refueling events, may suggest a breakdown in functioning of the ORVR system.** These findings appear to be inconsistent with the ones by Tumbrink who did not observe measurable emissions during refueling (9). Ren and Hao in China did find measurable emissions throughout refueling, but at low levels, with vapor concentration increasing over time and ranging from 0 to 4.5 mg/m³ (13). Emissions could be the result of a leak in part of the vehicle's fuel system, aging of the activation sites or oversaturation of the charcoal filter used in the ORVR, or a malfunctioning mechanical seal. It is also possible that that

the pump nozzle itself is damaged, resulting in vapor release. In addition, Ren and Hao found that ambient temperature, fuel temperature, filling flow, and filling pipe diameter all have

an impact on the time to liquid seal formation and on vapor emissions (13). Emissions were increased when either ambient or fuel temperature was higher (13). As our study was conducted at cold ambient temperatures (0.5–5°C), we expect that emissions during Spring, Summer, and Fall would be greater than what we observed.

Our study found an average refueling time of 86 s (1.43 min), similar to the 1.13 min found by Vainiotalo et al. (5) in Finland and less than that found by Egeghy et al. (7) in North Carolina (median of 3 min). These studies, and others, included various biomarkers and measures of exposure: internal dose (blood) (6), exhaled breath (7), and breathing zone air (5–7), all of which suggested individuals were exposed to benzene, a known human carcinogen, during refueling. As all studies were conducted before widespread adoption of ORVR and only at gas stations without Stage II vapor recovery, their results are likely not representative of the typical exposure today. Somewhat concerning, however, our study suggests that despite extensive use of ORVR, individual exposures at similar magnitudes to those experienced before ORVR requirements were implemented may still occur—two of the three refueling



events categorized as “near continuous vapor release” happened in vehicles manufactured after the rollout of ORVR. Without Stage II vapor recovery, the population is not protected from emissions arising from the so-called legacy fleet without ORVR, vehicles with deteriorating ORVR, or motorcycles and boats, both of which do not have ORVR.

Of particular importance for public health and policy is the ability of ORVR systems to (1) reduce exposure to gasoline vapors during refueling to a safe level, and (2) continue to function at a high level over the lifetime of a vehicle. This is important for two reasons. First, volatile organic compounds (VOCs) released during refueling can chemically react in the atmosphere, contributing to ozone and other secondary pollutant formation, which can harm human health directly through cardiovascular pathways (14). ORVR systems are intended to reduce this potential, by preventing VOCs from escaping into the atmosphere where they can react with other species. Second, as previously discussed, exposure to primary VOCs, such as those in gasoline can also negatively impact health directly, from exposure during vehicle refueling. However, limited work has been conducted to test the assumption that ORVR reduces exposure to a “safe” level during vehicle refueling. In fact, it is unclear what a “safe” level of exposure to gasoline vapors is, particularly as there is not a standardized formula for gasoline.

Numerous studies have been conducted (15, 16) to characterize the potential harms of gasoline with specific formulas or additives, but these reports typically compare different formulas of gasoline rather than comparing exposure to no exposure. Evidence suggests that while exposure during refueling is likely, health effects from gasoline at infrequent low-levels may be small, although individual components are carcinogenic (15, 16). Conversely, evidence from occupational studies has shown that individuals chronically exposed to lower levels of gasoline vapors, for example gas station attendants, are at higher risk for certain cancers (17, 18). Despite this evidence, we do not fully understand what risk gasoline vapors pose to the general public during typical vehicle refueling, or the cumulative impact of such exposure over an individual's lifetime, particularly in today's regulatory environment. Our findings highlight, in a visually compelling manner, that individuals can be exposed to substantial amounts of gasoline vapors during refueling, even in a vehicle fleet saturated with ORVR.

Future studies are vitally needed to determine the risk to individuals during typical refueling sessions in a vehicle fleet saturated with ORVR, especially because exposure to gasoline is ubiquitous and occurs throughout the lifetime. We recommend comprehensive exposure assessments that estimate exposure, internal dose, and health effects, as well as real-time monitoring of volatile organic compounds, potentially using a portable SHED (19) deployed at a gas station and paired with an infrared camera optimized for gas imaging. In addition, we recommend future work to develop an algorithm for estimating the amount or concentration of vapors shown in video from an infrared camera, to provide a better understanding of the concentration of vapors dispersing around a station.

This pilot study has several limitations. First, a convenience sample of stations and vehicles were used, and thus may not be representative of the true vehicle fleet in NYC. However, ORVR

saturation in our sample was fairly close to an estimate for all registered vehicles in New York State and City (94 vs. 81%). It is additionally reassuring that both these estimates are above the EPA estimate of 71% for ORVR saturation in the older 2012 US fleet (8) and that the saturation in our convenience sample is above New York State's modeled estimate of 85% or greater for the older 2013 fleet (20). The median manufacturing year of our sample was consistent with that for New York State and City's registered vehicles (median = 2013). Second, the small sample size does not provide ample power for statistical tests. Third, vehicle make, model, and age were estimated by researchers and therefore there is potential for misclassification. Finally, real-time estimates of VOC concentrations were not obtained.

CONCLUSIONS

In an ORVR saturated vehicle fleet, use of an infrared camera optimized for VOC imaging allowed for the identification of vapor sources, viewing vapor trajectory and dispersion, and identifying the timing of vapor release during refueling. In this pilot study, 14 out of 16 observed refueling events resulted in vapor emissions, with severity varying substantially by vehicle make/model and age. A full exposure-assessment incorporating infrared cameras, quantitative monitors, and biologic samples is needed to understand exposure to and health effects of fuel vapor at gas stations, in an ORVR saturated vehicle fleet.

DATA AVAILABILITY STATEMENT

All datasets generated for this study are included in the article/Supplementary Material.

AUTHOR CONTRIBUTIONS

MH and JS conceptualized the study and completed data collection. JS wrote the first manuscript draft and completed initial data analysis. MH supervised and reviewed all the data analysis and edited the manuscript. All authors agree to be accountable for the content of this work.

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SUPPLEMENTARY MATERIAL

The Supplementary Material for this article can be found online at: <https://www.frontiersin.org/articles/10.3389/fpubh.2020.00018/full#supplementary-material>

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Conflict of Interest: The authors declare that the research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

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2021 Study
**Benzene emissions from gas station clusters: a new framework
for estimating lifetime cancer risk**



Benzene emissions from gas station clusters: a new framework for estimating lifetime cancer risk

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Abstract

Purpose During gas station operation, unburned fuel can be released to the environment through distribution, delivery, and storage. Due to the toxicity of fuel compounds, setback distances have been implemented to protect the general population. However, these distances treat gasoline sales volume as a categorical variable and only account for the presence of a single gas station and not clusters, which frequently occur. This paper introduces a framework for recommending setback distances for gas station clusters based on estimated lifetime cancer risk from benzene exposure.

Methods Using the air quality dispersion model AERMOD, we simulated levels of benzene released to the atmosphere from single and clusters of generic gas stations and the associated lifetime cancer risk under meteorological conditions representative of Albany, New York.

Results Cancer risk as a function of distance from gas station(s) and as a continuous function of total sales volume can be estimated from an equation we developed. We found that clusters of gas stations have increased cancer risk compared to a single station because of cumulative emissions from the individual gas stations. For instance, the cancer risk at 40 m for four gas stations each dispensing 1 million gal/year is 9.84×10^{-6} compared to 2.45×10^{-6} for one gas station.

Conclusion The framework we developed for estimating cancer risk from gas station(s) could be adopted by regulatory agencies to make setback distances a function of sales volume and the number of gas stations in a cluster, rather than on a sales volume category.

Keywords Gas station clusters · Cancer risk · Benzene · VOC emissions · Air pollution modeling

Introduction

In 2016, about 143 billion gallons of gasoline were dispensed at United States (US) gas stations [1]. This is equivalent to an average consumption of 442 gal of gasoline per person [2]. During the operation of a gas station, unburned fuel is released from multiple sources, including spills, leaky pipes, leaky dispenser hoses, leaks in underground storage tanks, and underground storage tank venting [3–6]. All of these sources of exposures can contribute to negative health effects due to the toxicity of chemicals in unburned fuel.

Gasoline contains the BTEX group, consisting of benzene, toluene, ethylbenzene and xylenes, all of which are toxic [7–9]. Within the BTEX group, benzene is the sole chemical classified as a human carcinogen [10]; it is a causal agent of leukemia and is associated with non-Hodgkin's lymphoma and multiple myeloma [7, 11]. While the general population experiences low exposure to benzene at gas stations when dispensing gasoline, at-risk populations include those who are occupationally exposed, people that live near gas stations, and children in schools near stations [12–16]. People living near gas stations can be exposed to chemicals from the stations even inside their homes, as modeled by Hicklin et al. [17] in Malta and measured by Barros et al. [18] in Portugal. Additionally, studies suggest that there may be a risk of childhood leukemia associated with living close to gas stations [19–22]. Yet another study concluded that the lifetime cancer risk at and around selected gas stations in Iran exceeded values proposed by the US Environmental Protection Agency (EPA) [23].

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As cancer risk due to toxic evaporative emissions from a gas station is a function of distance from the gas station [24, 25], regulations in the form of setback distances have been put in place to protect people. In the US, different states have different guidelines for setback distances, and even within states different counties may set their own guidelines. Based on estimations of lifetime cancer risk, the California Air Resources Board (CARB) recommends that new sensitive land uses (such as schools and daycares) should not be sited within 300 ft (91 m) of a large gasoline dispensing facility, where large is defined as having a sales volume of at least 3.6 million gallons per year [26, 27]. On the other hand, a county council in the US state of Maryland approved a zoning amendment that requires gas stations that pump more than 3.6 million gallons of gas per year to be 500 ft. from public and private schools, parks, playgrounds, recreational areas, homes, and environmentally sensitive areas [28]. In these examples, sales volume is treated as a categorical value, which results in a loss of precision and assumes the relationship between exposure and cancer risk is the same for all sales volumes in a given category. Moreover, we are unaware of any setback distances that account for the presence of gas station clusters. To improve regulations around setback distances for gas stations, the effects of sales volume and number of gas stations in a cluster on cancer risk due to fuel spills and evaporative fuel losses should be examined.

To inform recommendations for setback distances from gas stations, we performed air dispersion modeling to obtain the spatial distribution of lifetime cancer risk due to benzene emissions from single gas stations and clusters, making assumptions about evaporative emission rates from gas stations and meteorological conditions that are representative of Albany, New York. The main objectives of this paper are to (1) examine how lifetime cancer risk due to evaporative benzene releases depends on sales volume and the number of gas stations in a cluster and (2) to introduce a framework for recommending setback distances between gas stations and adjacent sensitive land uses based on estimated lifetime cancer risk from benzene exposure. Unlike previous work [24, 26], this framework treats sales volume as a continuous variable, accounts for cumulative emissions from gas station clusters, and allows calculating cancer risk by evaluating an equation instead of reading it from a plot.

Methods

Meteorological data

We used three years of hourly meteorological data (2015–2017) for Albany, New York in the US. A location in the state of New York was chosen, because we wanted our work to be relevant to a local community. We chose Albany over New

York City, however, because New York City has generally much taller buildings, which would need to be accounted for in pollutant dispersion simulations, something that is typically avoided when modeling health effects from generic gas stations [24, 29]. The surface air data were obtained from the National Climatic Data Center for the Albany International Airport, and the upper air data were obtained from the NOAA/ESRL Radiosonde Database for Albany, NY [30]. Descriptive statistics of the meteorological data were obtained with the ‘openair’ package in R 3.5.1 and are shown in Supplementary Table 1, and the wind rose is shown in Supplementary Fig. 1.

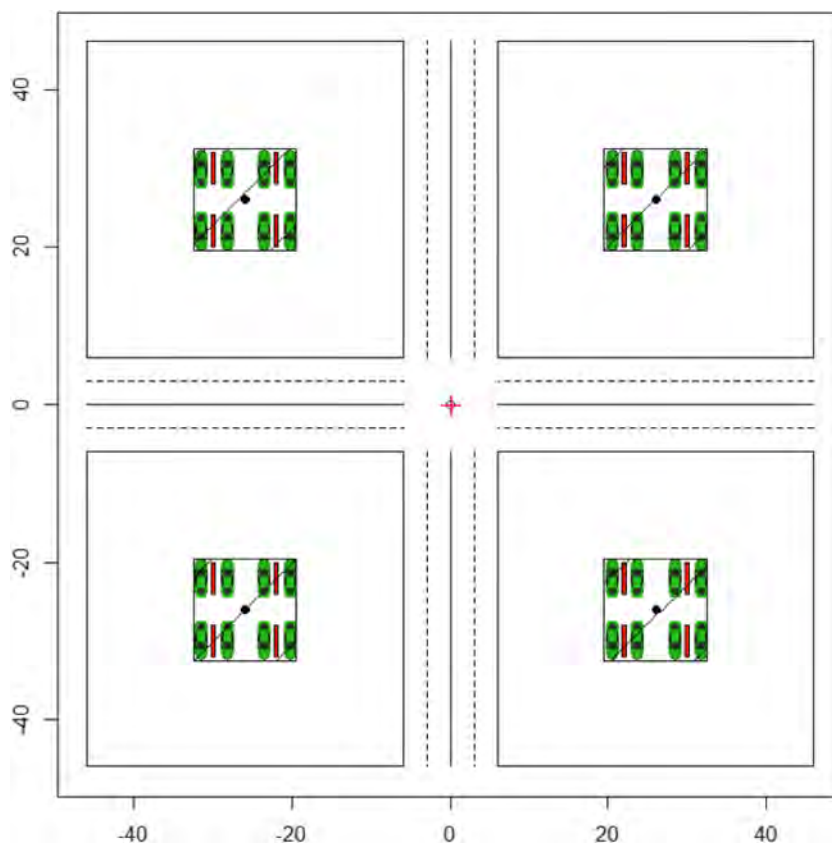
Generic gas station modeling

We assumed that gas station clusters consist of up to $N_{st} = 4$ gas stations located on the four corners of an intersection (even though other configurations are possible). Figure 1 depicts the four-gas station configuration. Each of the four gas stations is assumed to have four pump islands, from which fuel can be dispensed from both sides. At each gas station, the underground storage tank vent pipe is assumed to be in the center of the gas station, even though they are often located at the fence line or on the walls of convenience stores or auto repair shops, which are often part of a gas station. For configurations with more than one gas station, the origin of the modeling domain is the center of the intersection. For a single gas station configuration, the origin is the center of that gas station. This assumption was made for better comparability between the cancer-distance relationships for single and clusters of gas stations. Figure 2 depicts three-, two-, and one-gas station configurations. In Figs. 1 and 2, the origin is indicated by a red plus sign.

Air dispersion modeling

To model the dispersion of benzene vapors released into the atmospheric environment through evaporative losses from gas station clusters, we used AERMOD and AERMET, regulatory software developed by the US EPA [31, 32]. The AERMOD software models hourly levels of air pollutants in gas or particulate phase in the atmospheric boundary layer based on a steady-state plume approach that accounts for meteorological, topographic, surface roughness and emission source information [33]. AERMOD was compared to 16 tracer release field studies, and with few exceptions was found to have superior model performance when compared to other models tested [34]. The AERMET software was used to pre-process meteorological data for input into AERMOD. Benzene levels for subsequent cancer risk estimations were modeled on two-dimensional polar grids at different radial distances r_j (from 0 to 200 m in 20-m steps) and different angles φ_i (from 10° to 360° in 10° steps). Benzene levels were simulated at a 1-h temporal resolution at three elevations, $z = 0, 2$ and 4 m,

Fig. 1 Generic gas station cluster with one gas station on each corner of an intersection (drawn to scale except for enlarged vent pipes). Each gas station can accommodate two vehicles (green) per pump island (red) and has one vent pipe in the center (black dot). Diagonal lines indicate gas station canopies. Axes labels indicate distance in meters. The red “+” represents the origin of the modeling domain



representative of the ground-level, the breathing zone, and a second-floor level residence, respectively. We configured AERMOD to calculate the 3-year temporal averages of the hourly time series of the simulated concentration fields. For visualizing the simulated 3-year average benzene levels, much finer numerical grids that were particularly well resolved around the benzene sources were used to create contour plots of benzene levels using Matlab™ R2017b version.

Emission modeling

Emissions of unburned gasoline from gas stations depend on installed pollution prevention technologies. We assumed

presence of pollution technology that is representative or will become representative for most US states (with the notable exception of California). Based on these assumptions, we simulated California Air Pollution Control Officers Association's (CAPCOA) Scenario 5B ("Phase I" with vent valves, underground storage tank) [24].

Specifically, we assumed presence of Stage I vapor recovery, which reduces the amount of fuel vapors that would be pushed into the atmosphere during the refueling of underground storage tanks by the rising fuel levels in the tanks by directing these vapors into tanks on the delivering tanker truck. We assumed the absence of Stage II vapor recovery, because EPA has recently allowed states not to require Stage

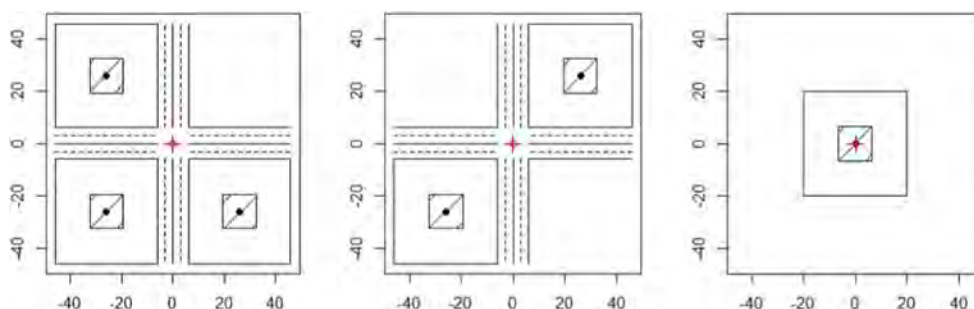


Fig. 2 Simplified depictions of generic gas station clusters consisting of three, two and one gas stations (drawn to scale except for enlarged vent pipes). Each station has one vent pipe in the center (black dot). Diagonal

lines indicate gas station canopies. The red “+” represents the origin of the modeling domain. Axes labels indicate distance in meters

II systems if widespread use of Onboard Refueling Vapor Recovery (ORVR) is given [35].

The refueling emission factor we used accounts for the fact that not all vehicles (e.g., legacy fleet, motorcycles) are equipped with ORVR. We assumed an ORVR penetration rate (PR) of 93.2% which represents the percentage of gasoline dispensed to ORVR-equipped vehicles that has been estimated for the US for the year of 2019 [35]. We assumed 95% for the efficiency of ORVR [35], i.e., refueling losses from ORVR-equipped vehicles are 5% of the losses from non-ORVR equipped vehicles, which is 8.4 lbs./kgal. Thus the refueling loss is given by: $[(1 - \text{PR}) + 0.05 \times \text{PR}] \times 8.4 \text{ lbs./kgal} = 0.96 \text{ lbs./kgal}$. Table 1 summarizes the emission losses we assumed.

To convert gasoline losses into benzene emission rates, we made assumptions about fuel composition. We assumed that current US liquid gasoline (except in California) contains about 1% of benzene by volume [36]. Like CAPCOA [24] and Hilpert et al. [29], we assumed a mass fraction of benzene in the ullage/headspace of the underground storage tank of 0.003 (by weight benzene in vapors) [29].

Emission factor values were used to calculate the parameter values for the AERMOD input file. For a 1-gas station configuration, we defined a total of nine sources: one vent pipe, four refueling and hose permeation loss sources (combined for each pump island), and four spillage loss sources (one for each pump island). We think of a gas station as having point and volume sources. Refueling, hose permeation and spillage losses were modeled as volume sources because they do not occur at fixed locations since the locations of different customer vehicles vary even if the same pump is used for refueling. For all volume sources, we assumed an initial lateral dimension of 3.02 m (stated as SYINIT in Table 2) and initial vertical dimension of 1.86 m (stated as SZINIT in Table 2), which are based on previous modeling assumptions for gas stations. The release height (stated as HS in Table 2) of the spillage losses was assumed to be at the ground-level

elevation, because spilled droplets fall to the ground, where most of the evaporation takes place, while the release height for refueling and hose permeation was assumed to be 1 m. Vent pipe losses were modeled as point sources because underground storage tank vent pipes extend up above the surface of the pavement behaving more like a chimney emission rather than a volume emission. For vent pipe sources, the altitude from the ground was assumed to be 4 m (stated as HS in Table 2). For each gas station, all emission sources were assumed to be located at its center. Table 1 describes the source parameters.

Table 2 shows selected input parameters for AERMOD simulations. Note that the SYINIT (initial lateral dimension of the volume source [SYINIT]) of 3.02 m was obtained by dividing the canopy width (13 m) by 4.3, a constant, which is based on previously developed modeling assumptions for gas stations [24]. The vent pipe exit velocity was calculated from the sales volume SV_{single} , the assumed inside diameter of the vent pipe (2 in = 5.1 cm), and the loading and breathing emission factors from Table 1.

Our single generic gas station was assumed to have a sales volume $SV_{\text{single}} = 1,000,000 \text{ gal/yr}$. Even though the dependence of stack exit velocity on sales volume causes simulated benzene concentration fields to depend non-linearly on sales volume, this non-linearity is negligible. A comparison between the concentration field simulated for the actual stack exit velocity and the field for a hypothetical stack exit velocity of zero showed that concentrations differed by no more than 0.3% on the numerical grid points. Therefore, concentration fields for other sales volumes can be estimated from the simulations for $SV_{\text{single}} = 1,000,000 \text{ gal/yr}$ by assuming a linear scaling law between the benzene concentration field for $SV_{\text{single}} = 1,000,000 \text{ gal/yr}$ and the actual sales volume. Finally we assumed no buildings to be present and flat terrain.

Cancer risk modeling

Cancer risk (CR) from inhalation exposure to benzene was modeled using the concept of Inhalation Unit Risk (IUR), which is an estimate of the increased cancer risk from inhalation exposure to a concentration of $1 \mu\text{g}/\text{m}^3$ for a lifetime [37]. EPA estimates IUR to be between 2.2×10^{-6} per $\mu\text{g}/\text{m}^3$ and 7.8×10^{-6} per $\mu\text{g}/\text{m}^3$ [37]. Lifetime cancer risk from benzene was calculated according to EPA guidelines for inhalation risk assessment [37]. Thus, cancer risk at each point of the numerical grid can be calculated as follows:

$$CR = IUR \times EC \quad (1)$$

where $EC (\mu\text{g}/\text{m}^3)$ is the spatially variable exposure concentration or intake. The intake is calculated from $EC = (\text{CA} \times \text{ET} \times \text{EF} \times \text{ED}) / \text{AT}$ where $\text{CA} (\mu\text{g}/\text{m}^3)$ is the benzene concentration modeled at each grid point and averaged over the entire

Table 1 Emission factors

Type	Loss (lbs/kgal)*
Loading	0.084
Breathing	0.21
Refueling for 0% ORVR penetration	8.4
Refueling for assumed 93.2% ORVR penetration	0.96
Spillage	0.61
Hose permeation	0.062

*In the US, regulatory agencies typically express emission losses in units of lbs./kgal, i.e., pounds of gasoline emitted/lost per 1000 gal of gasoline dispensed

Note that 1 lbs./kgal = $0.1198 \text{ kg}/\text{m}^3$ *

Table 2 Selected input parameters for AERMOD simulations

Description	Emission rate QS (g/s)	Release height HS (m)	Stack exit temperature TS (Kelvin)	Exit velocity VS (m/s)	Stack diameter DS (cm)	Initial lateral dimension of volume SYINIT (m)	Initial vertical dimension of volume SZINIT (m)
Hose permeation losses and refueling losses combined	0.0001567	1.0	N/A	N/A	N/A	3.02	1.86
Spillage losses	0.0003159	0.0	N/A	N/A	N/A	3.02	1.86
Vent pipe loading and breathing losses combined	0.0001522	4.0	290	0.001236	5.1	N/A	N/A

Abbreviations: N/A not applicable

simulation period (3 years), ET (hours per day) is the exposure time, EF (days per year) is the exposure frequency, ED (years) is the exposure duration, and AT (hours) is the average time per exposure period. We chose EPA's upper bound for IUR which would be appropriate for a sensitive land use and exposure parameters indicative of constant presence e.g. children in a boarding school or residents in a nursing home: ET = 24 h/day, EF = 350 days/year (7 days/week \times 52 weeks/year), ED = 70 years (lifetime cancer risk), and AT = 613,200 h (70 years \times 365 days/year \times 24 h/day) [37]. We therefore calculated the lifetime cancer risk as follows: $CR = 7.8 \times 10^{-6} (\mu\text{g}/\text{m}^3)^{-1} \times \text{EC}$.

To facilitate estimation of cancer risk of the various gas station clusters as a function of distance r from the gas station and the total sales volume $SV_{tot} = N_{st} SV_{single}$ where N_{st} represents the number of gas stations, we fitted a simple mathematical model to the spatial distribution of modeled cancer risk. This model condenses the concentrations simulated on the two-dimensional polar grid onto a one-dimensional grid where concentration is expressed as a function of distance r from the origin of the model domain: $\langle CR \rangle (r_j) = \frac{1}{N} \sum_{i=1}^N CR(r_j, \varphi_i)$ where $N = 36$ is the number of discrete angles used in the numerical grid. We assumed that the dependence of cancer risk $\langle CR \rangle$ on distance r is described by an exponentially decaying function according to the following equation:

$$\log_{10} \left((CR) \frac{10^6 \text{ gal/yr}}{N_{st} SV_{single}} \right) = a + br \quad (2)$$

As shown in Section A in [Supplementary Material](#), Eq. (2) is consistent with empirical Gaussian plume models [38].

Also note that the cancer risk scales linearly with sales volume SV_{single} , consistent with the AERMOD simulations, which yields concentration fields that scale linearly with benzene source terms. Therefore, regressions coefficients a and b do not depend on which value of SV_{single} is chosen in the simulations. We also assumed cancer risk to depend linearly on N_{st} ; however, a and b can be expected to show some dependence on N_{st} because benzene levels at any grid point do not scale exactly linearly with N_{st} as the gas stations in the

cluster have typically different distances to a grid point. We therefore did not only determine a and b by fitting simultaneously the modeled spatial distributions of cancer risk for all gas station configurations to Eq. (2), but we also determined for each gas station configuration alone a and b and then used one-way ANOVA to examine potential differences between regression coefficients among the four gas station configurations (significance level of 0.05). The goodness of fit was evaluated with the R^2 value. In the regressions, we excluded the first two data points for distances 0 and 20 m from the regressions, because inclusion would have increased the variance of the regression too much since for these distances normalized cancer risks were too different across the four cluster types.

Cancer risk modeling and analyses were completed using R 3.5.1 (R Foundation for Statistical Computing, Vienna, Austria).

Results

Air pollution modeling

Figure 3 shows simulated atmospheric benzene levels arising from the gas station cluster, which contains four gas stations, for three different elevations. Generally, benzene levels decrease with distance from each gas station until the influence of one of the other three gas stations is felt; then levels may increase again. Further away from the intersection and the entire gas station cluster, benzene levels generally decrease. Benzene level fields do not exhibit any symmetry, and levels are not constant along circles of radius r around the center of the modeling domain.

Close to the intersection (< 60 m), benzene levels depend substantially on elevation. At the 4-m elevation around the vent pipes, the only modeled point sources of benzene, concentrations tend to be highest. Further away from the intersection (> 80 m), benzene levels do not depend much on elevation.

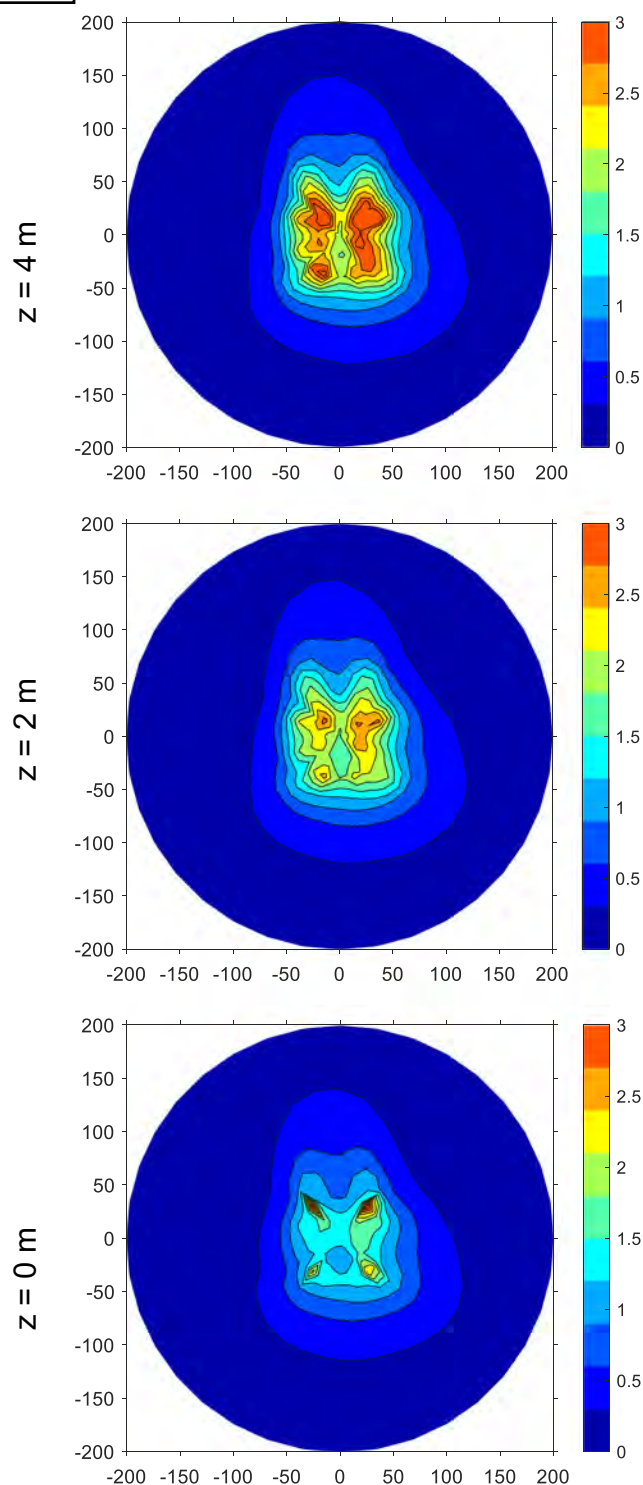


Fig. 3 Modeled atmospheric benzene levels (3-year average) due to emissions from four-gas station configuration shown at 3 elevations: 0 (bottom panel), 2 (middle panel), and 4 m (top panel). Abscissa and ordinate labels indicate distance in meters. Color bar indicates benzene concentration in $\mu\text{g}/\text{m}^3$

Figure 4 shows simulated atmospheric benzene levels in the breathing zone that arise from the four different gas stations clusters. Benzene levels clearly depend substantially on

the number of gas stations present. Moreover, the spatially dependent concentration fields for more than one gas station cannot simply be obtained by multiplying the concentration field for one gas station by the number of gas stations in the cluster.

Cancer risk modeling

Figure 5 shows boxplots of the log-transformed cancer risk normalized by total sales volume (left-hand-side of Eq. (2)) as a function of distance from the origin of the modeling domain. For distances ≥ 40 m, median normalized cancer risks are roughly the same for the four configurations. For distances < 40 m (0 and 20 m), however, these risks differ substantially between configurations. Specifically, the single gas station exhibits different patterns, with cancer risk monotonically decreasing with distance; whereas for the configurations with more than one gas station cancer risk is greatest at a distance of 20 m. The heights of the box plots (interquartile range) in Fig. 5 also illustrate that cancer risk for a given distance and gas station configuration can vary by more than a factor of 10 depending on the angle φ_i .

Figure 6 shows the linear regressions for the log-transformed cancer risk medians, normalized by total sales volume, for the four different gas station configurations. Results from the regression analyses are summarized in Table 3. For all regressions, R^2 values are > 0.96 , and the F statistics are statistically significant ($p < 0.05$). In addition, all intercept and regression coefficients are statistically significant ($p < 0.05$), meaning distance and lifetime cancer risk are significantly associated. One-way ANOVA showed that regression coefficients a and b are not different across the four gas station configurations. At the same time, confidence intervals (CIs) between coefficients across gas station configurations overlapped. CIs of the regression coefficients that account for the data of all gas station configurations together overlap with the CIs from the four individual regressions.

Summary and discussion

Spatial dependence of benzene levels

We for the first time presented simulations for the cumulative effects of several gas stations on atmospheric benzene levels. As previously established, benzene levels depend substantially on distance from gas station [12–15, 25]; however, similar to Hilpert et al. [29], we also found that elevation is a determining factor [29]. Benzene levels on the ground surface (0-m elevation) and in the breathing zone (2-m elevation) are similar to each other (Fig. 3), because at lower elevations benzene levels arise from volume and surface forces and are not affected much by vent pipe emissions. Close to a gas station ($<$

Fig. 4 Modeled atmospheric benzene levels (3-year average) due to emissions from 4, 3, 2, and 1 gas station configuration at an elevation of 2 m. Abscissa and ordinate labels indicate distance in meters. Color bar indicates benzene concentration in $\mu\text{g}/\text{m}^3$

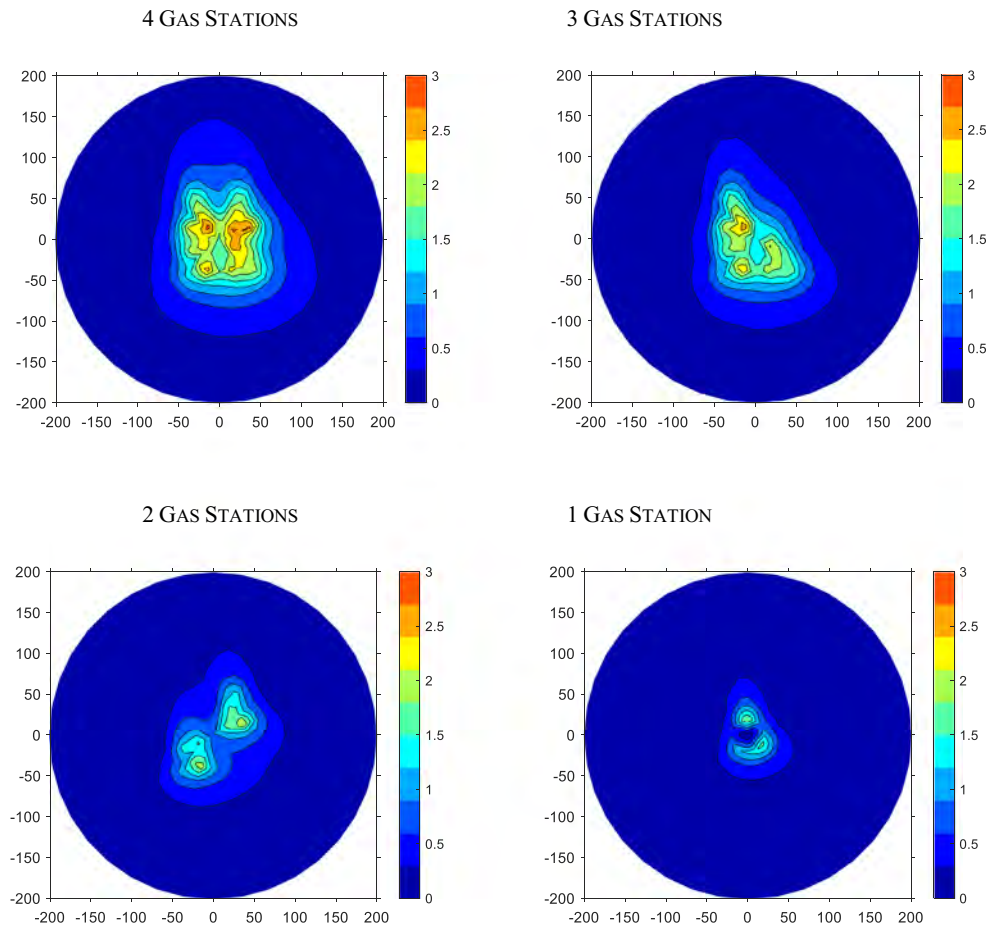


Fig. 5 Lifetime cancer risk $\langle CR \rangle$ normalized by total sales volume and then log-transformed for four different gas station clusters consisting of 1, 2, 3 and 4 gas stations by distance r from the origin of the model domain. Box plots indicate the variation of cancer risk at distance r due to its dependence on the angle φ_i at the $z = 4$ m elevation

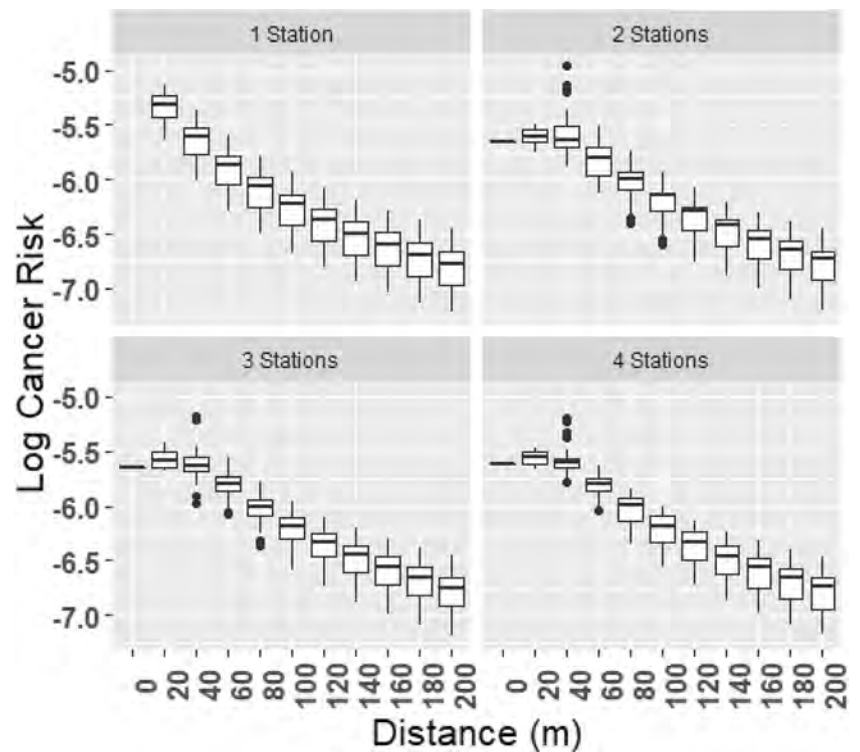


Table 3 Summary of linear regression for medians of lifetime cancer risk according to Eq. (2)

# Gas Stations	All	4	3	2	1
Intercept a	-5.50	-5.40	-5.42	-5.41	-5.45
[95% CI]	[-5.55, -5.45]	[-5.53, -5.28]	[-5.53, -5.30]	[-5.51, -5.32]	[-5.61, -5.30]
Distance coefficient b (1/km)* [95% CI]	-6.49	-7.12	-7.04	-6.92	-7.03
	[-6.91, -6.07]	[-8.10, -6.15]	[-7.92, -6.15]	[-7.62, -6.22]	[-8.19, -5.87]
R-squared	0.96	0.98	0.98	0.99	0.97
Cancer Risk at 40 m	N/A	9.84×10^{-6}	6.94×10^{-6}	4.66×10^{-6}	2.45×10^{-6}

*All intercepts and distance coefficients are statistically significant ($p < 0.05$)

40 m), benzene hot spots are present at a 4-m elevation where the vent pipes of the fuel storage tanks were assumed to release fuel vapors to the atmospheric environment, potentially putting residents at the 2nd floor level at risk. Further away from the center of the modeling domain (about >80 m), concentration fields do not depend much on elevation, as evidenced by the almost identical contour lines for benzene levels. This is because of vertical mixing of the benzene vapors due to atmospheric dispersion. Additionally, for quality assurance, we conducted a simulation for a single gas station where stack velocity is zero and compared the benzene concentration levels to our results (which use a stack velocity of 0.0012). We found that the percent difference for benzene concentration between the two simulations was close to zero.

Cancer risk as a function of sales volume and number of gas stations

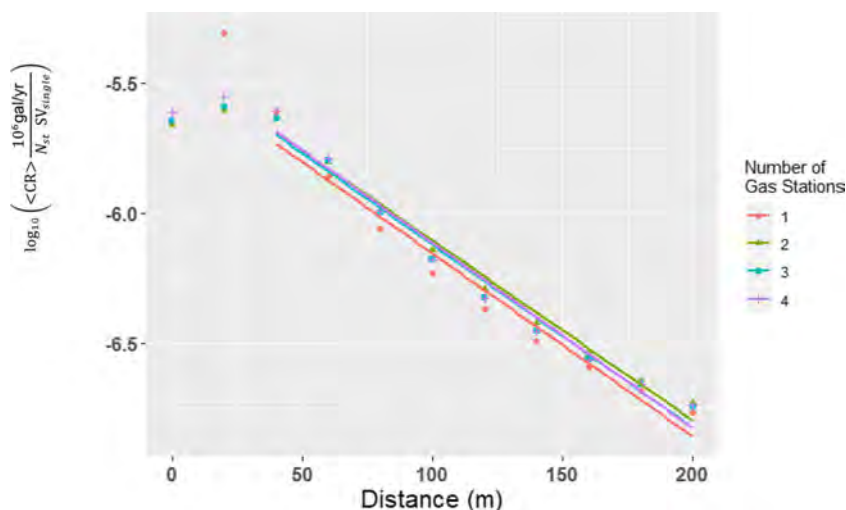
We performed for the first time analyses that not only allow estimating cancer risk of a single gas station as a function of sales volume but also the risk from multiple gas stations in a cluster. In contrast, previous reports presented examples of

cancer risk as a function of distance r only from a single gas station in the form of plots for a given sales volume SV , with no guidance about how to estimate cancer risk for a different sales volume. See, for example, Appendix E in CAPCOA [24] which presents cancer risks for gas stations dispensing 1 million gal/yr or Figs. 1, 2, 3, 4, 5 and 6 in CalEPA/CARB [26] for a gas station dispensing 3.6 million gal/yr [24, 26]. Our plots and Eq. (2), both of which normalize cancer risk by sales volume, respond to this need. For instance, one can now easily answer the question: what is the lifetime cancer risk $\langle CR \rangle$ of a single gas station dispensing 10 million gal/yr at a distance $r = 150$ m? We can read from the red line in Fig. 6, that $\log_{10}(\dots) \sim -6.5$ and therefore $10^{-6.5} = (\langle CR \rangle) \frac{10^6 \text{ gal/yr}}{N_{st} \text{ SV}_{single}}$. Since $N_{st} = 1$ and $SV_{single} = 10^7$ gal/yr, the cancer risk is $\langle CR \rangle = 10^{-5.5}$ which is 3 in a million.

Directional dependence of cancer risk

At a single location (specified by distance r and angle φ_i), substantial differences between the cancer risk inferred from Eq. (2) and the risk calculated from Eq. (1) using the AERMOD benzene concentration at that location may occur.

Fig. 6 Linear regression of the medians of lifetime cancer risk $\langle CR \rangle$ normalized by sales volume and then log-transformed for 1, 2, 3 and 4 gas stations. The regression excludes the first two distances (0 and 20 m)



This is because Eq. (2) represents a cancer risk averaged over all angles φ_i and because cancer risk may vary by more than an order of magnitude depending on φ_i for a given r (Fig. 5). Local meteorology and in particular variability in wind direction partially explain the spatial patterns and the directional dependence of modeled benzene concentrations, as a comparison between the wind rose (Supplemental Fig. 1) and the benzene concentrations fields (Figs. 3 and 4) shows. Therefore while Eq. (2) provides insights about how cancer risk depends on distance from gas station(s), detailed air dispersion simulations may be required to evaluate cancer risk for given receptor locations.

Equation for calculating cancer risk from gas station clusters

We proposed a simple equation, Eq. (2), which is based on an exponentially decaying function for estimating cancer risk as a function of distance from a gas station or a cluster of gas stations. Our statistical analysis (p -values and R^2) showed that cancer risk is a function of distance from gas station(s). Based on a theoretical premise, modeled cancer risk could be expected to scale linearly with sales volume SV_{single} but it was not clear whether it would also scale linearly with the number of gas stations N_{st} . One-way ANOVA, however, supports the hypothesis that cancer risk (averaged over all angles φ_i) scales linearly with total sales volume $SV_{single} N_{st}$ for distances ≥ 40 m as evidenced by the similarity of the normalized cancer risk plots for the four different gas station configurations (Fig. 5) and the regression analyses for Eq. (2). However, Eq. (2) should not be used outside the range of distances r used to inform the regression (40 to 200 m).

As an example for an application of Eq. (2), we use it to calculate cancer risk at a distance $r = 150$ m from the aforementioned gas station dispensing 10 million gal/yr. With $a = -5.5$ and $b = -6.5 \text{ km}^{-1}$, $\log_{10}(\dots) = a + b r = -5.5 - 6.5 \times 0.15 = -6.5$, the same value determined from Fig. 6, thus also resulting in a cancer risk of 3 in a million.

Setback distances

Our Eq. (2), or variations thereof that account for actual emission rates and local meteorological conditions, provides a framework for formulating setback policies. E.g., if policy makers assume $CR = 5 \times 10^{-6}$ is an acceptable cancer risk, one can solve Eq. (2) for r to calculate the distance at which this cancer risk is obtained, e.g., for a cluster of $N_{st} = 4$ gas stations having each a sales volume $SV_{single} = 3.6$ million gal/year (or a single gas station dispensing 14.4 million gal/year): $r = \left[\log_{10} \left((CR) \frac{10^6 \text{ gal/yr}}{N_{st} SV_{single}} \right) - a \right] / b = 145$ m. This distance can be interpreted as a setback distance, keeping in mind that cancer risk varies due to its directional dependence. This

setback distance is much greater than the setback distance of 91 m recommended by CARB for California gas stations (with much lower emission factors) dispensing more than 3.6 million gal/year [26]. Thus, CARB guidelines should be used with caution if vapor emission control technology is below their standards.

Policy recommendations

While it is not surprising that cancer risks are higher for gas station clusters than for a single gas station, some policies on setback distances for gas stations account only for emissions from a single gas station [26], thereby neglecting the cumulative cancer risk arising from a cluster. We propose that policies should acknowledge the additional cancer risks arising from gas station clusters. This issue is of concern when a new gas station is built in an area where none is initially present and additional gas station(s) might be proposed thereafter or when a new gas station is built close to an existing one. Furthermore, our findings could provide a basis for improved standardization of policy at both the county and state level. Finally, we recommend that setback distances account for actual sales volume.

Limitations

Our study has some limitations. While we have devised an approach for estimating cancer risks from a gas station cluster, our study is not representative of any specific gas station development, because we only accounted for one set of meteorological conditions, assumed flat terrain, and made assumptions about fuel composition (benzene content) and emission prevention technology that are only representative of the US (except California). Indeed, according to an article published by the International Fuel Quality Center in 2009 benzene levels in gasoline can reach up to 7% in regions where these levels are regulated [39]; and levels can perhaps be even higher where not regulated. Moreover, benzene level may vary seasonally due to changes in fuel composition (winter versus summer fuel) [40–42]. However, because EPA [36] estimates of national gasoline benzene content ($\sim 1\%$ by volume in 2016) and prior studies inform our assumptions, we feel they are a reasonable proxy. We also used emissions factors, which potentially underestimate actual emissions, as shown in a recent study that measured vent emissions at two fully functional US gas stations, finding that emissions greatly exceeded the emission factors listed in the CAPCOA (1997) study [24, 29].

Conclusions

We have developed a model to estimate cancer risk from gas station clusters, accounting for the increasing risk with

additional gas stations and allowing for continuous rather than categorical sales volume inputs. Overall, we found that clusters of gas stations result in increased cancer risk compared to a single station. For instance, the cancer risk at 40 m for four gas stations each dispensing 1 million gal/year is 9.84×10^{-6} compared to 2.45×10^{-6} for one gas station. This framework can be utilized in real-life scenarios as a basis to estimate cancer risk by distance for gas station clusters in the US. Future work should consider developing a more general and widely applicable equation for cancer risk that also accounts for site-specific information such as emission factors, benzene content of the liquid gasoline and the gas phase in the ullage of the storage tank, and summary statistics of meteorological conditions. Future policies around setback distances should be reassessed to account for heightened risk from clusters.

Supplementary Information The online version contains supplementary material available at <https://doi.org/10.1007/s40201-020-00601-w>.

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Data availability All data and material are publicly available.

Compliance with ethical standards

Conflicts of interest/Competing interests The authors declare they have no conflict of interest.

Code availability Code available upon request.

Ethics approval This study does not involve human subjects.

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From: [Judy Humphreys](#)
To: [Leslie Kimbler](#)
Subject: Gas station
Date: Friday, June 6, 2025 5:06:37 PM

[You don't often get email from judygirlh@yahoo.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Caution: External Email

Sent from my iPad. Hello, I'm Judy Humphreys and I live in Highland Oaks, across the highway from the proposed gas station. I can't make this meeting, first one I will miss. I've had major back surgery. I am completely against this for several reasons. There already is a good bit of traffic now. Doesn't matter what the speed limit says coming into Burnet from the North, they are driving very fast and lots of trucks as well. We have a school bus that drops lots of students at the entrance as well. We only have one way in and out of this subdivision, that also presents a problem for us. I think it will devalue our homes. We've worked for our homes and want to see the values to hopefully increase, not decrease. We probably won't even be able to get on the highway. I hope you will be able to take the time to read my response at the meeting. I appreciate your time and thank you very much.

Shey Lynn Molina-Lopez
02 S Tanner Ct
Burnet, TX 78681
(830)613-2038
sheylennlopez@gmail.com

To whom it may concern:

It has come to my attention that there is a plan to build a truck stop near my home at the Highland Oaks Subdivision. I am emailing you regarding my concerns and opposition to the proposed truck stop. As a healthcare provider who also works in the area, the location of the truck stop poses many dangers to the community. First and foremost, not only will outside visitors be stopping at the truck stop, but also young adult drivers as the high school is located near the entry of the proposed truck stop. In 2024, the Centers for Disease Control and Prevention (CDC) reported that the risk of motor vehicle crashes is higher among teens between the ages of 16 to 19 years old (CDC, 2024). Between visitors who do not know the area and teens, this truck stop has the potential to cause many traffic and pedestrian accidents. Highway 281 is a busy highway in which the speed is suddenly reduced from 70mph to 50mph. The truck stop also poses a very dangerous walk to many high school students walking from the high school to the truck stop. In order to avoid injuries and fatalities, I implore you to stop the proposed development of a truck stop in the area.

In addition, the truck stop has many detrimental health effects on the community. The community living around the truck stop is at increased risk for respiratory diseases such as asthma due to the high ozone levels and gasoline vapors. Likewise, these air pollutants can further worsen respiratory diseases such as chronic obstructive pulmonary disease. Even more frightening is the risk of leukemia associated with the levels of benzene. Consistent exposure to benzene results in damage to the bone marrow, which decreases the number of circulating blood cells (Synder, 2007). The National Institute of Health (NIH) has also created a study in which residential proximity to petrol stations contribute to the increased risk of childhood leukemia. The NIH reported that the closer the proximity of a petrol station increased the risk of childhood leukemia (Epideiol, 2023). As a newlywed with the hopes of starting a family in the next year, the last thing I would want is to expose my newborn to the hazardous chemicals emitted from the truck stop meters away from my home.

I understand the need to expand businesses in the community. However, I am in opposition of a business that will create more harm than good. The location of the proposed truck stop will pose many dangers to the community, especially to homes in the area and high school. Therefore, I stress the importance of putting a stop to the proposed truck stop on Highway 281.

Thank you for your consideration, and I hope to hear from you soon.

Best regards,

Shey Molina-Lopez

Shey Lynn Molina-Lopez
02 S Tanner Ct
Burnet, TX 78681
(830)613-2038
sheyllynlopez@gmail.com

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ITEM 7-2.

From: [Mike Ficker](#)
To: [Development Services Dept.](#)
Subject: Proposed Truck stop on 281
Date: Monday, June 9, 2025 6:51:10 PM

You don't often get email from wwjdifme@hotmail.com. [Learn why this is important](#)

Caution: External Email

My name is Charles Ficker and my wife is Pamela Ficker, we live in Highland Oaks subdivision right across from where proposed truck stop would be built. Me and my wife oppose this idea due to heavy traffic, noise, pollution and lower house values . I worked in truck stop on weekends and summers during my high school years and can tell you they are nasty places, besides all the noise and pollution there are truckers looking for drugs and people hanging around to sell to them along with prostitutes looking to get in trucks and some prostitutes crawling out of trucks coming in and jumping into another truck. The truck stops are dirty places that would definitely lower anyone wanting to live near them and this is not fair for us that have put our money into investing in a house that would most certainly drop in value! This is not a good idea to have close to our school or residents! Please do not approve this and make them build outside of residential areas! We vote two No!

Sent from my Verizon, Samsung Galaxy smartphone

Get [Outlook for Android](#)

City Council Regular Meeting

June 10, 2025

Discuss and consider action: Ordinance No. 2025-22: L. Kimbler

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY REZONING PROPERTY LOCATED AT THE NORTH CORNER OF COUNTY ROAD 108 AND NORTH WATER STREET FROM ITS CURRENT DESIGNATION OF AGRICULTURE – DISTRICT “A” TO A DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2” WITH A CONDITIONAL USE PERMIT TO ALLOW FOR “TRUCK STOP, WITH NO REPAIR OR WASH SERVICE”; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE



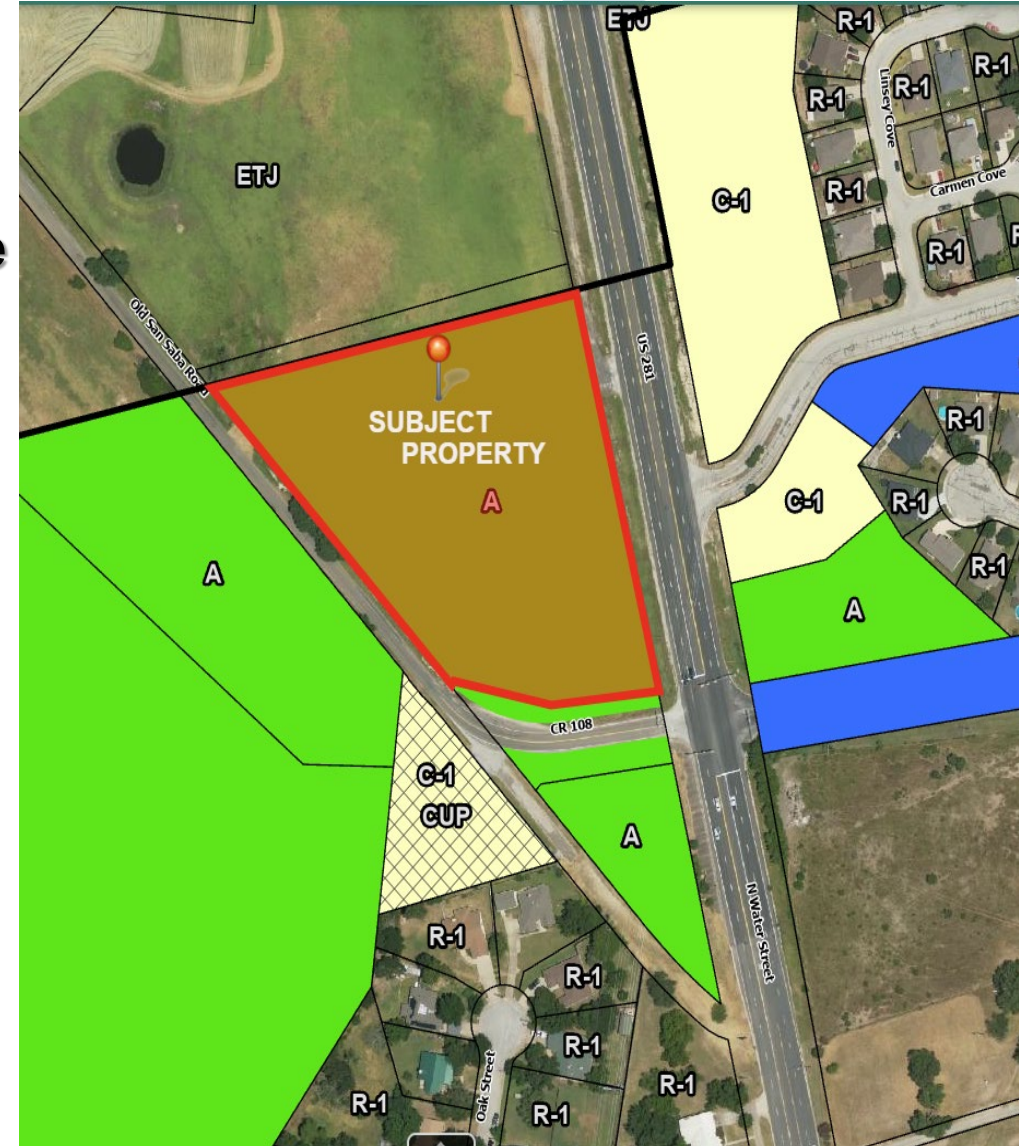
CITY OF BURNET

BACKGROUND & INFORMATION

ITEM 7-2.

- Undeveloped 5.8 acres – intersection of CR 108 & North Water Street
- Requesting to rezone to “C-2” with a Conditional Use Permit to allow for “Truck Stop”.
- 9000 sf building; 5 fueling stations; 3 diesel pumps; 20 parking spaces for store; 19 semi-truck parking
- Water at site; must ensure property wastewater; PEC electric

One entrance on North US Hwy 281; Two entrances on CR 108



Bluebonnet Capital of Texas

CITY OF BURNET

ITEM 7-2.



WILLIAM H ENGINEERING LLC
405 N. WATER ST.
BURNET, TEXAS 78611
PH: 512-834-1555
marcus@whengineering.com
TEXAS REGISTRATION # 17088



EXHIBIT
GREEN MILE C-STORE
BURNET, TEXAS

This document is released for the purpose of information review only. It is not to be used for construction, bidding or permit purposes.
JANUARY 2020
Markus H. Turner, P.E. 84835

Scale (Feet):	AS SHOWN
Drawn By:	AS SHOWN
Checked By:	VP/Owner Rep. JAM
Rev. No.	DATE
1	
2	
3	
4	

SHEET
EXHIBIT

Bluebonnet Capital of Texas



BACKGROUND & INFORMATION

ITEM 7-2.

Previous request to rezone the property to Light Commercial – District “C-1,” along with CUP for the development of a c-store including the sale of gasoline and/or alcohol, the request was denied. The denial was due to concerns about the current condition of CR 108 and the potential negative impacts the development could have on that roadway. Staff has conducted due diligence and confirmed that, at time of construction plan submittal, the applicant will be required to reconstruct the portion of CR108 impacted by the development. This reconstruction must meet all current city design and construction standards.

Properties adjacent to the subject property are zoned as follows:

	North	South	East	West
Zoning	ETJ	“A”	“C-1”	“A”
FLUM	Commercial	Commercial	Commercial	Residential
Land Use	Undeveloped	Undeveloped	Undeveloped	Undeveloped



CONDITIONAL USE PERMIT CRITERIA:

Code of Ordinances, Section 118-45(4) lists “Convenience Store (including the sale of gasoline)” as an allowable use in district “C-2”; however, truck stops are only allowed in the Heavy Commercial – District “C-3” district. Section 118-64 – Conditional Use Permits, allows a use authorized in a Heavy Commercial – District “C-3” to be authorized in a Medium Commercial – District “C-2” with a conditional use permit.

The Conditional Use Permit approval process is established by Code of Ordinances Sec. 118-64; Subsection (e). Per the cited section in making its recommendation the Commission should consider the following:

- Appearance, size, density and operating characteristics are compatible with surrounding neighborhood and uses;**
- Proposed use will not adversely affect value of surrounding properties nor impede their proper development;**
- Proposed use will not create a nuisance factor nor otherwise interfere with a neighbor’s enjoyment of property or operation of business;**
- Traffic generated on existing streets will not create nor add significantly to congestion, safety hazards, or parking problems, and will not disturb peace and quiet of neighborhood;**
- Comply with other applicable ordinances and regulations.**



CITY OF BURNET

STAFF ANALYSIS:

Staff have reviewed the criteria in Sec. 118-64(e) and have made the following observations:

- 1. The only developed property within the surrounding area is a structure being remodeled into an assisted living facility. There is a residential subdivision across the highway from the subject property; however, the undeveloped property in front of the subdivision is zoned commercial and will likely develop with commercial use in the future.**
- 2. Commercial development can raise the property value of nearby commercial properties due to upgrades in roads and utilities and encourage further commercial development. Since this property abuts properties that are undeveloped and have a future land use of commercial, or public rights-of-way, the proposed use should not have a negative impact on abutting properties.**
- 3. As previously mentioned, most of the properties directly surrounding the subject property are currently undeveloped; therefore, it should not interfere with those neighboring properties enjoyment or operation of business.**
- 4. This property is located at an intersection with a stop light which is ideal for commercial development that may increase traffic. The stop light will help with traffic control as well as provide a safer route for patrons and large trucks to enter & exit the highway.**



ITEM 7-2.

Public Notification:

Notices were mailed to 6 surrounding property owners.

One response in opposition has been submitted.

Planning and Zoning:

P&Z met on June 2nd and recommended approval; vote 4-1.

One Commissioner who did vote for denial had safety concerns regarding the semi-trucks entering and exiting the highway and was uncertain how the additional “truck stop” benefited the City. The remaining four Commissioners had not major concerns about the location and felt the improvements to County Road 108 would be a benefit.



Public Hearing

- **Public Hearing**
 - Limit 3 minutes per speaker
- **Discussion**
 - Discuss and consider proposed Ordinance 2025-22





Item Brief

Meeting Date

June 10, 2025

Agenda Item

Public hearing and action: Ordinance No. 2025-23: L. Kimbler

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") BY AMENDING ARTICLE IV (ENTITLED "ADMINISTRATION"); PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PENALTY NOT TO EXCEED \$2000.00; AND PROVIDING AN EFFECTIVE DATE

1. Staff Presentation
2. Public Hearing
3. Discuss and consider action

Information

Chapter 118 of the Code of Ordinances sets forth the zoning regulations for property located within the city limits. Article IV, of Chapter 118, sets forth the administration of the zoning districts and regulations. Within this article, the code gives certain authority to the "Zoning Administrator", who is designated by the City Manager, to administer the zoning code and ensure compliance.

The proposed ordinance would amend Article IV of Chapter 118 to add a new section titled "Administrative Interpretations." This addition is intended to clarify the process for interpreting provisions of the zoning code when there is uncertainty about their meaning or intent.

Currently, the zoning regulations require that any unlisted use be reviewed and determined by the Planning and Zoning Commission and the City Council, based on whether it is closely related and similar to permitted uses. Under the proposed amendment, the zoning administrator would be granted the authority to determine whether an unlisted use is sufficiently similar to a permitted use within the commercial and industrial zoning districts only. This interpretation would guide how the provision is administered.

To ensure oversight and transparency:

- The zoning administrator must submit a written interpretation to the city manager for review and approval.
- If approved, the interpretation will be posted publicly on the City's website.
- If the city manager does not concur, the matter will be referred to the Planning and Zoning Commission for a recommendation and then to the City Council for final action.

This process aims to streamline zoning decisions while maintaining proper checks and balances.

The proposed ordinance also clarifies that any zoning application submitted must be thoroughly reviewed by all pertinent departments before being forwarded to the Planning and Zoning Commission for its recommendations.

Fiscal Impact

None.

P&Z Report

Planning and Zoning Commission met on Monday, June 2nd, and did recommend approval of the proposed amendments as presented.

Recommendation

Open the public hearing. At the conclusion of the public hearing, discuss and consider the draft ordinance.

ORDINANCE NO. 2025-23

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED “ZONING”) BY AMENDING ARTICLE II (ENTITLED “ZONING DISTRICTS AND REGULATIONS”) AND ARTICLE IV (ENTITLED “ADMINISTRATION”); PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PENALTY NOT TO EXCEED \$2000.00; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, pursuant to the authority provided by Texas Local Government Code Chapter 211, City Council has adopted zoning districts and regulations within Chapter 118 of the City Code; and

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

WHEREAS, Article IV, of Chapter 118, sets forth the administration of the zoning districts and regulations for each and every property located within the city, and

WHEREAS, City Council determines it appropriate to amend Chapter 118, Article IV, to allow the Zoning Administrator and City Manager to provide administrative interpretations where questions may arise concerning the meaning or intent of the chapter, or a use not contemplated in the lists of authorized uses; 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. Section 118-72 (entitled “*General*”) of the Code of Ordinances of the City of Burnet is hereby amended by replacing the existing text in its entirety with the following:

Sec. 118-72. General.

The city manager shall appoint the zoning administrator to administer the provisions of this chapter and in furtherance of such authority, the zoning administrator’s duties and authority shall be as follows:

- (a) *Records.* Maintain permanent and current records with respect to this chapter, including amendments thereto in accordance with the charter of the city and applicable state law.

- (b) *Applications.* Receive, file, and review all zoning applications to determine whether such application complies with this chapter.
- (c) *Commission.* Forward zoning applications to the commission as required by this chapter, together with its recommendations thereon. Nothing in this section shall be interpreted to require an application to be presented to the Commission prior to a thorough review by the city departments, including but not limited to planning, police, fire, and public works.
- (d) *Council.* Forward zoning applications to the council, together with the recommendations of the commission and the city staff.
- (e) *Implementation.* Make such other determinations and decisions as may be required of the city by this chapter, the commission or the council; and enforce and implement this chapter and the final decisions by the commission and city council.

Section Two. Code Amendment. Section 118-73 (entitled “*Ordinance interpretation*”) of the Code of Ordinances of the City of Burnet is hereby amended by replacing the existing text in its entirety with the following:

Sec. 118-73. Ordinance interpretation.

- (a) *Standards.* In the interpretation and application of the terms and provisions of this chapter, standards to be employed are as follows:
 - (1) *Liberally construed.* In the city's interpretation and application, the provisions of this chapter shall be regarded as minimum requirements for the protection of the public health, safety, comfort, convenience, prosperity, morals and welfare. This chapter shall be regarded as remedial and shall be liberally construed to further its underlying purposes.
 - (2) *Highest standards govern.* Whenever a provision of this chapter and any other provision of this chapter, or any provision in any other law, ordinance, resolution, rule or regulation of any kind contains any restrictions covering the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern.
 - (3) *State law.* The terms, provisions and conditions of this chapter shall be interpreted and applied in a manner consistent with state law.
 - (4) *Comprehensive Plan.* All zoning applications shall conform to the Comprehensive Plan for the community and be consistent with all of the elements thereof.
 - (A) The proposed zoning application must be consistent with the Comprehensive Plan.
 - (B) Where the proposed zoning application for a zoning district or category that is inconsistent with the Comprehensive Plan, the applicant shall propose an amendment to the Comprehensive Plan and provide information and documentation in support of such amendment.

- (5) Consistency with the subdivision ordinance. All development projects within the corporate limits of the city shall be in conformance with the city's subdivision ordinance. Where the proposed development requires a zoning classification or approval other than that currently applying to the property to be developed, the developer shall make appropriate application to secure the necessary zoning classification or approval required for the proposed development to comply with this chapter.
- (b) *Administrative interpretations.*
 - (1) Generally. Where there arises a question concerning the meaning or intent of a provision of this chapter, the zoning administrator may provide an interpretation setting forth the manner in which said provision shall be interpreted and administered.
 - (2) Zoning classification. The zoning administrator is authorized to make an interpretation that a use, not contemplated in the lists of authorized uses, is sufficiently closely related to a listed authorized use to be allowed in the same zoning district as the closely related use. Such determinations are subject to the following:
 - (A) This authority is limited to questions arising regarding Commercial and Industrial Zones, including but not limited to: NC, C-1, C-2, C-3, I-1, and I-2 zoning districts; and
 - (B) In making an affirmative interpretation the zoning administrator must find the proposed use is not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences than the minimum amount normally resulting from listed uses permitted.
 - (3) Process. Interpretations made under this section shall be in writing and shall be subject to the following:
 - (A) All interpretations made under this section shall be in writing.
 - (B) Prior public release of any written interpretation under this section the zoning administrator shall submit the proposed written interpretation to the city manager for approval. Should the city manager not concur with the proposed written interpretation, the city manager may submit the issue to the commission for recommendation and the city council for final determination.
 - (C) Upon the city manager's concurrence, the zoning administrator shall stamp the written interpretation "*Approved For Public Release*" and: (i) publish the written interpretation on the city's web site; and (ii) if applicable, provide a copy to the requestor.
 - (D) *Written decisions binding.* Any final written decision made as provided in subsection (c) above shall govern interpretation of this chapter until such time as an amendment of this chapter shall nullify such decision, or the decision is over-ruled by

subsequent administrative interpretations; or overruled or rescinded by the city council.

- (E) *Appeal.* An appeal of a written interpretation may be made to the board of adjustment pursuant to Section 211.010 of the Texas Local Government Code. For the purposes of such appeal, “*the date the decision is made*” is the date of publication. See, Sec. 118-73(b)(3)(C).

Section Three. Code Amendment. Section 118-44 (entitled “*Neighborhood commercial – District “NC”*”) of the Code of Ordinances of the City of Burnet, is hereby amended by deleting the language that is stricken (~~stricken~~) from Sec. 118-44(a) as follows:

~~(21) Uses as determined by the commission and the council which are closely related and similar to those listed and that are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences than the minimum amount normally resulting from listed uses permitted.~~

Note to Publisher: Existing Sec. 118-44(a) shall be recodified so that the remaining subsections are numbered consecutively. This note shall not be included in the code publication.

Section Four. Code Amendment. Section 118-45 (entitled “*Light commercial – District “C-1”*”) of the Code of Ordinances of the City of Burnet, is hereby amended by deleting the language that is stricken (~~stricken~~) from Sec. 118-45(a) as follows:

~~(12) Uses as determined by the commission and the council which are closely related and similar to those listed and that are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences than the minimum amount normally resulting from listed uses permitted.~~

Note to Publisher: Existing Sec. 118-45(a) shall be recodified so that the remaining subsections are numbered consecutively. This note shall not be included in the code publication.

Section Five. Code Amendment. Section 118-46 (entitled “*Medium commercial – District “C-2”*”) of the Code of Ordinances of the City of Burnet, is hereby amended by deleting the language that is stricken (~~stricken~~) from Sec. 118-46(a) as follows:

~~(34) Uses as determined by the commission and the council which are closely related and similar to those listed and that are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences than the minimum amount normally resulting from listed uses permitted, such permitted uses being generally retail trade, service industries that store and distribute goods and materials, and are in general dependent on raw materials refined elsewhere~~

Note to Publisher: Existing Sec. 118-46(a) shall be recodified so that the remaining subsections are numbered consecutively. This note shall not be included in the code publication.

Section Six. Code Amendment. Section 118-47 (entitled “*Heavy commercial – District “C-3”*”) of the Code of Ordinances of the City of Burnet, is hereby amended by deleting the language that is stricken (~~stricken~~) from Sec. 118-47(a) as follows:

~~(19) Uses as determined by the commission and the council which are closely related and similar to those listed and that are not likely to create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences than the minimum amount normally resulting from listed uses permitted, such permitted uses being generally retail trade, service industries that sale, store, distribute and/or repair goods, vehicles, equipment and materials, and are in general dependent on products and materials produced elsewhere.~~

Note to Publisher: Existing Sec. 118-47(a) shall be recodified so that the remaining subsections are numbered consecutively. This note shall not be included in the code publication.

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

Section Nine. 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 Ten. 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 Eleven. 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 Twelve. 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 Thirteen. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof.

PASSED, APPROVED, AND ADOPTED on this 10th day of June 2025.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

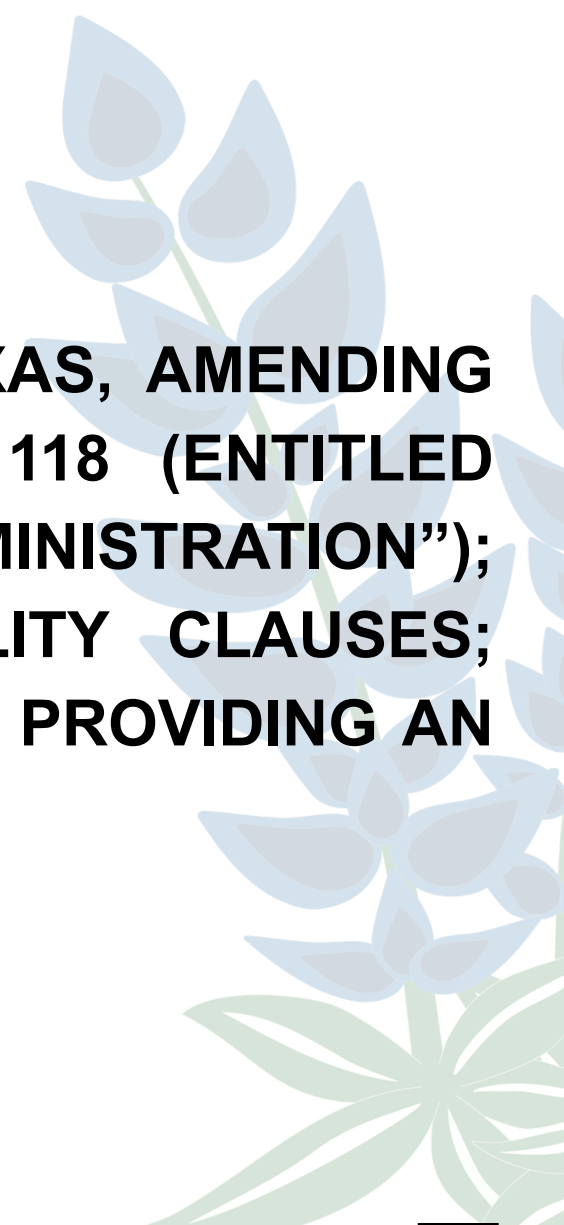
ATTEST:

Maria Gonzales, City Secretary

City Council Regular Meeting June 10, 2025

Discuss and consider action: Ordinance No. 2025-23: L. Kimbler

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED “ZONING”) BY AMENDING ARTICLE IV (ENTITLED “ADMINISTRATION”); PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PENALTY NOT TO EXCEED \$2000.00; AND PROVIDING AN EFFECTIVE DATE



CITY OF BURNET

BACKGROUND & INFORMATION

ITEM 7-3.

- Chapter 118 sets for zoning regulations
- Article IV sets forth the administration of the zoning districts and regulations
- Proposed amendment adds new section “Administrative Interpretations”
 - Intent is to clarify the process for interpreting the zoning code when there is uncertainty about meaning or intent



Bluebonnet Capital of Texas

CITY OF BURNET

PROPOSED ORDINANCE

ITEM 7-3.

Current code

- **Determination made by P&Z and City Council**
- **Must be closely related and similar to permitted uses**

Proposed ordinance

- **Gives authority to Zoning Administrator**
 - **Still must be closely related and similar to permitted uses**
- **Commercial and Industrial districts only**
- **Zoning Administrator must submit written interpretation to City Manager**
 - **If approved, must be posted publicly on City's website**
 - **Not approved, will be referred to P&Z and City Council for determination**
- **Clarifies that rezone applications be thoroughly reviewed by all departments**

Purpose is to streamline zoning decisions



Bluebonnet Capital of Texas

Public Hearing

- **Public Hearing**
 - Limit 3 minutes per speaker
- **Discussion**
 - Discuss and consider proposed Ordinance 2025-23





Item Brief

Meeting Date

June 10, 2025

Agenda Item

Public hearing and action: Ordinance No. 2025-24: L. Kimbler

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") BY AMENDING SECTION 118-62 (ENTITLED "LANDSCAPING AND SCREENING REQUIREMENTS"); PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING EFFECTIVE DATE

1. Staff Presentation
2. Public Hearing
3. Discuss and consider action

Information

As development continues throughout the community, there are fewer large, flat and unencumbered sites available for development. Most remaining properties present development challenges, including topography, floodplain, rock, and utility easements which limit space for buildings, parking, detention, and landscaping. Additionally, ongoing drought conditions have further complicated compliance with existing landscaping standards.

These constraints have led many developers to seek exceptions from the City Council to reduce landscaping requirements and maintain project feasibility. In response, City staff have reviewed recent development challenges and explored ways to support the City Council's strategic priorities while ensuring standards are practical and achievable. As a result, staff are proposing amendments to the City's landscaping and screening requirements.

The proposed ordinance update provides clearer guidance on where landscaping must be installed for all new developments or construction projects on vacant or previously developed land that requires site plan approval. It also introduces a system for awarding credits for the preservation of existing trees and outlines a process for granting

exceptions. These exceptions may be approved by the City Manager when unusual site constraints exist or when a project presents a creative or alternative landscaping solution that meets the intent of the ordinance.

Fiscal Impact

None.

P&Z Report

Planning and Zoning Commission met on Monday, June 2nd, and did recommend approval of the proposed amendments as presented.

Recommendation

Open the public hearing. At the conclusion of the public hearing, discuss and consider the draft ordinance.

ORDINANCE NO. 2025-24

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED "ZONING") BY AMENDING SECTION 118-62 (ENTITLED "LANDSCAPING AND SCREENING REQUIREMENTS"); PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Chapter 118 of the City Code provides zoning regulations for physical development including landscaping requirements for multifamily, commercial and industrial development; and

WHEREAS, the City Council seeks to provide for the orderly development of property within the city and maintain aesthetically pleasing development and improve property value; and

WHEREAS, on June 2, 2025, the Planning and Zoning Commission conducted a public hearing for the purpose of taking public comment regarding the proposed amendments; and

WHEREAS, at the conclusion of the public hearing, the Planning and Zoning Commission made a recommendation to City Council as to the merits of the proposed amendments; and

WHEREAS, on June 10, 2025, the City Council conducted a public hearing for the purpose of taking public comment regarding the proposed amendments; and

WHEREAS, the City Council, based on due consideration of the Planning and Zoning Commission recommendation and citizen testimony, as well as its own deliberations, determine that enacting said Code of Ordinance amendments will serve to promote the public health, safety, morals, and the general welfare of the city and its present and future residents; 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. Section 118-62 (entitled "Landscaping and screen requirements") of the Code of Ordinances of the City of Burnet is hereby amended by replacing the existing text in its entirety with the following:

Sec. 118-62. Landscaping and screening requirements.

Purpose. The purpose of this section is, in conjunction with the other requirements of this chapter, to promote and support the orderly, safe, attractive and healthful development of land located within the community, and to promote the general welfare of the community by preserving and enhancing ecological, environmental and aesthetic qualities, through established requirements for the installation and maintenance of landscaping elements and other means of site improvements in developed properties. Landscape plans will not be required for existing lots or short form subdivisions that have adequate utilities and public access as determined by the city engineer. This section shall apply to all new development or construction on vacant or previously developed land, that requires site plan approval; any change of land use that results in redevelopment of a residential use to a nonresidential use; any change, conversion, or addition of commercial land uses that result in the requirement for additional parking to be constructed. In this case, the landscape requirements shall apply to only the newly proposed parking area and other areas of the site being modified by development activities; and detention ponds and water quality ponds that are part of any development including residential subdivisions.

The following are additional factors considered in establishing the requirements of this section:

- (1) Paved surfaces, automobiles, buildings and other improvements produce increases in air temperatures, a problem especially noticeable in this southern region, whereas plants have the opposite effect through transpiration and the creation of shade. Likewise, impervious surfaces created by development generate greater water runoff causing problems from contamination, erosion and flooding. Preserving and improving the natural environment and maintaining a working ecological balance are of increasing concern. The fact that the use of landscape elements can contribute to the processes of air purification, oxygen regeneration, water absorption, water purification, and noise, glare and heat abatement as well as the preservation of the community's aesthetic qualities indicates that the use of landscape elements is of benefit to the health, welfare and general well being of the community and, therefore, it is proper that the use of such elements be required.
- (2) The city experiences frequent droughts and periodic shortages of adequate water supply; therefore, it is the purpose of this section to encourage the use of drought resistant vegetation that does not consume large quantities of water.

- (b) *Installation and plan.* All landscape materials shall be installed according to American Association of Nurserymen (AAN) standards. An approved landscape plan shall be required for any new development in any zoning district, save and except for A, OS, and single-family zoning districts. No landscaping shall be within ten feet (10') of any fire hydrant, transformer, sectionalizer cabinets, or any primary electric infrastructure. No landscaping shall be within five feet (5') of any electric or water meter, sewer cleanout, or other public utility.
- (c) *Maintenance.* The owner of the landscaped property shall be responsible for the maintenance of all landscape areas. Said areas shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free of refuse and debris. All planted areas shall be provided with a readily available water supply and watered as necessary to ensure continuous healthy growth and development. The tree canopy of any trees, planted and existing, shall not be lower than 14 feet (14') above all fire lanes and at no point shall it be allowed to encroach on a fire hydrant or fire lane clear space. Maintenance shall include the replacement of all dead plant material if that material was used to meet the requirements of this section.
- (d) *Planting criteria.*
 - (1) *Trees.* Trees shall be a minimum of two inches in caliper measured three feet above finished grade immediately after planting. A list of recommended landscape trees may be obtained from the city. If the developer chooses to substitute trees not included on the recommended list, those trees shall have an average mature crown greater than 15 feet in diameter to meet the requirements of this section. Trees having an average mature crown less than 15 feet in diameter may be substituted by grouping trees so as to create at maturity the equivalent of a 15-foot diameter crown if the drip line area is maintained. A minimum area three feet in radius is required around the trunks of all existing and proposed trees. The planting of trees will not be required prior to final approval or acceptance of the final subdivision plat. No more than fifty percent (50%) of the required trees shall be of the same species.
 - (2) *Shrubs and ground cover.* Shrubs, vines and ground cover planted pursuant to this section shall be good, healthy nursery stock. Shrubs must be, at a minimum, a one-gallon container size.
 - (3) *Lawn grass.* It is recommended that grass areas be planted with drought resistant species normally grown as permanent lawns, such as Bermuda, Zoysia, or Buffalo. Grass areas may be sodded, plugged, sprigged or seeded except that solid sod shall be used in areas subject to erosion. With the exception of lawns being sodded, each lawn area shall have sediment fencing installed on the down slope side to prevent erosion. Where seed is utilized, it shall be raked in and watered at sufficient intervals to ensure that it takes root and begins growing. Thinned areas shall be reseeded to ensure complete coverage of the lawn.

- (4) *Synthetic plants.* Synthetic or artificial lawns or plants shall not be used in lieu of plant requirements in this section.
 - (5) *Architectural planters.* The use of architectural planters may be permitted in fulfillment of landscape requirements.
 - (6) *Other.* Any approved decorative aggregate or pervious brick pavers shall qualify for landscaping credit if contained in planting areas, but no credit shall be given for concrete or other impervious surfaces. Alternative types of landscaping, such as xeriscape or other types of landscaping designed to conserve water shall be reviewed by the planning and development service staff for design and compatibility with the area immediately surrounding the subject property.
- (e) *Landscaping requirements.* A minimum percentage of the total lot area shall be devoted to landscape development in accordance with the following schedule. For lots over two acres, the minimum percentage shall be calculated based on the portions of the lot that are being disturbed or developed (limits of construction).

Zoning or Use	Percentage
(1) Multifamily, Open Space	20%
(2) Residential	*Note
(3) Commercial uses	20%
(4) Industrial—Light and Heavy	20%
(5) Agricultural	None

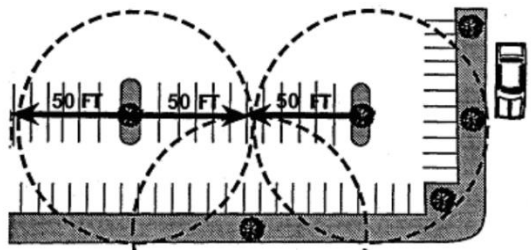
*Note. Minimum landscape requirements for each lot on which a single-family, dwelling, or a manufactured home, is constructed or installed after the date of this chapter shall be a minimum of two, two-inch trees and lawn grass from the front property line to the front two corners of the structure. Residential structures on reverse frontage lots shall also be required to screen the rear of the structure from the abutting highway, access road, or other public right-of-ways.

- (f) *Exceptions.* In cases where a particular site opportunity exists; a creative design has been proposed; or where there is an unusual site encumbrance, an application for an alternative landscape plan which does not strictly comply with the standards of this section may, be submitted for approval to the City Manager or designee. If the City Manager or designee denies the application for the alternative plan, the applicant may, within fifteen (15) business days after receipt of notice of such denial, appeal the decision to the Board of Adjustment (BOA).

An application for alternate compliance must include a letter stating how the plan meets the purpose and intent of the Code and the details of the methods used to meet such intent. In addition, a comparison detailing the landscape elements required to satisfy strict compliance versus the alternative plan must be provided.

In rendering a decision on an alternate compliance plan, the City Manager or designee shall consider appropriate circumstances including, but not limited to:

1. Does the plan result in a creative arrangement of new large trees?
 2. Does the plan maximize water conservation?
 3. Does the plan minimize the removal of existing trees or alteration of other significant natural features, such as rock outcroppings, floodplain or waterways? and
 4. Is the site encumbered by easements that prohibit placement of landscaping as required by this section?
- (g) *Placement.* Landscaping shall be placed upon that portion of a tract or lot that is being developed. Fifty percent of the required landscaped area and required plantings shall be installed between the front property lines and the building being constructed. Landscaping placed within public right-of-ways shall not be credited to the minimum landscape requirements by this section. Trees shall not be planted within utility easements where overhead utilities are located.
- (h) *Credit.* The preservation of existing oak trees may be used as credit towards the landscaping required by this section. Each preserved healthy oak tree with a diameter of at least four (4) inches but less than eight (8) inches will be counted as a credit towards one required tree or parking lot tree. Each preserved healthy oak tree with a diameter of eight (8) inches to 20 inches preserved will be counted as a credit towards two (2) required trees or parking lot trees. 3. Each healthy protected oak tree with a diameter of more than twenty (20) inches preserved will be counted as a credit towards three (3) required trees or parking lot trees.
- (i) *Additional required plantings.* For every 600 square feet of landscape area required by this section, two trees and four shrubs shall be planted. To reduce the thermal impact of unshaded parking lots, additional trees shall be planted, if necessary, so that no parking space is more than 50 feet away from the trunk of a tree, unless otherwise approved by the commission. This subsection shall not apply to property in District "A", District "OS", and any of the single-family zoning categories. Those portions of the tract or lot used for a detention and/or water quality pond and/or where utility easements are located with overhead utilities, shall not be included in the calculation used to determine the number of trees and shrubs to be planted.



- (j) *Replacement of required trees.* Upon the death or removal of a tree planted pursuant to the terms of this section, a replacement tree of equal size and type shall be required to be planted. A smaller tree that will have a mature crown similar to the tree removed may be substituted if the planting area or pervious cover provided for the larger tree in this section is retained.
- (k) *Screening.* The following requirements shall be in addition to the foregoing landscaping and planting requirements.
 - (1) All off-street parking, loading spaces and docks, outside storage areas, satellite dishes larger than 18 inches in diameter, antennas, mechanical equipment, and the rear of structures on reverse frontage lots, must be screened from view from the street or public right-of-ways.
 - (2) Approved screening techniques include privacy fences, evergreen vegetative screens, landscape berms, existing vegetation or any combination thereof.
 - (3) Privacy fences.
 - a. All fences required by this subsection and along a common property boundary shall be six feet in height.
 - b. Fences over six feet in height shall be allowed for impeding access to hazardous facilities, including, but not limited to, electrical substations, swimming pools and chemical or equipment storage yards, where the slope of a line drawn perpendicular to the fence line averages 20 percent or more on either side of the fence over a distance no less than 15 feet, or where the fence forms a continuous perimeter around a subdivision and the design of said perimeter fence is approved by the commission.
 - c. Fences less than or equal to three feet in height shall be allowed in front yards.
 - d. No fence or other structure more than 30 percent solid or more than three feet high shall be located within 25 feet of the intersection of any rights-of-way.
 - e. All fences shall be constructed to maintain structural integrity against natural forces such as wind, rain and temperature variations. The fence shall be constructed of stone, masonry or wood products or an approved alternate material (such as composite decking material). Fence materials shall be approved by the planning and development services staff.
 - f. The finished side of all fences built to comply with these regulations shall face away from the screened object.
 - (4) *Screening of incompatible uses:* Screening is intended to minimize or eliminate conflicts between potentially incompatible but otherwise permitted land uses on adjoining lots. Screening shall consist of a six-foot opaque privacy fence constructed of wood, masonry, or a combination thereof. As an alternative, screening may also be provided in the form of evergreen vegetative screens installed in accordance with subparagraph (5) below. Screening shall be provided in accordance with the chart below. A box containing the letter "R"

indicates that screening is required. A box with "-" indicates that screening is not required between those development types.

		Adjacent District															
		A	OS	R-1E	R-1	R-2	R-2A	R-3	M-1	M-2	NC	C-1	C-2	C-3	G	I-1	I-2
Development Providing Buffer Yard	A	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	OS	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	R-1E	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	R-1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	R-2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	R-2A	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	R-3	-	-	R	R	R	R	-	-	-	-	-	-	-	-	-	-
	M-1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	M-2	-	-	R	R	R	R	R	-	-	-	-	-	-	-	-	-
	NC	-	-	R	R	R	R	R	R	-	-	-	-	-	-	-	-
	C-1	R	R	R	R	R	R	R	R	R	-	-	-	-	-	-	-
	C-2	R	R	R	R	R	R	R	R	R	-	-	-	-	-	-	-
	C-3	R	R	R	R	R	R	R	R	R	R	-	-	-	-	-	-
	G	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	I-1	R	R	R	R	R	R	R	R	R	R	R	R	R	R	-	-
	I-2	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R	-

(5) *Landscape berms.* Landscape berms may be used in combination with shrubs and trees to fulfill the screening requirements of this section if the berm is at least three feet in height and has a maximum side slope of four feet of horizontal run for every one foot in vertical rise.

(6) *Native vegetation.* Existing vegetation, demonstrating significant visual screening capabilities and as approved by the commission may fulfill the requirements of this section.

(l) The landscape requirements must be met prior to new development receiving a certificate of occupancy.

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

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

Section Four. Cumulative. This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event Section 5, (entitled “Repealer”) shall be controlling.

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

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

Section Seven. Publication. The publishers of the City Code are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

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

PASSED, APPROVED, AND ADOPTED on this 10th day of June 2025.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

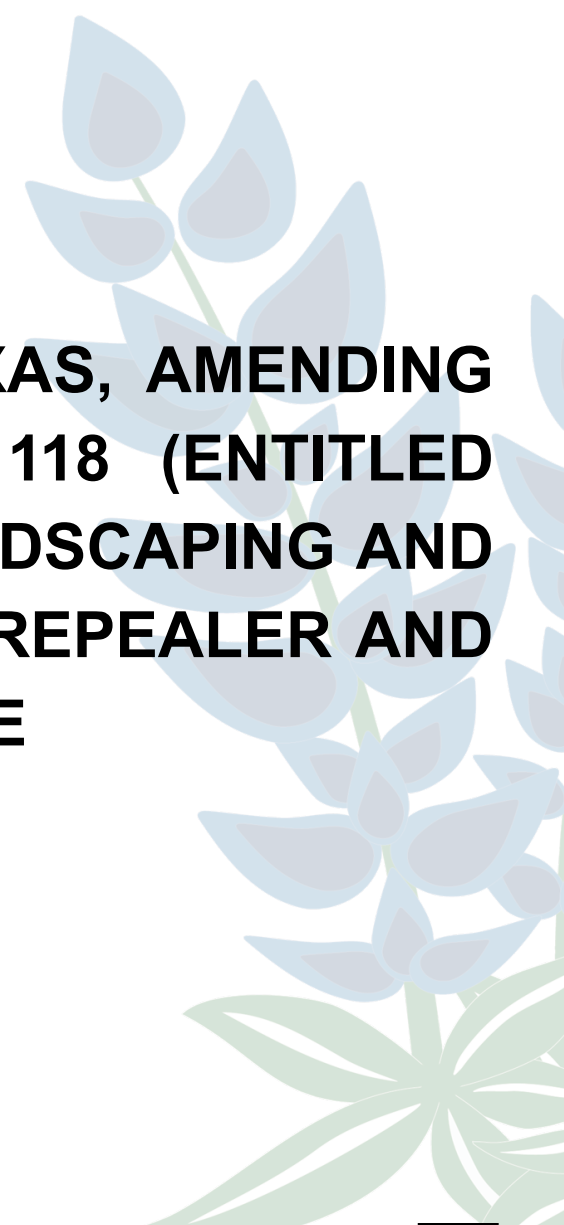
ATTEST:

Maria Gonzales, City Secretary

City Council Regular Meeting June 10, 2025

Discuss and consider action: Ordinance No. 2025-24: L. Kimbler

AN ORDINANCE OF THE CITY COUNCIL FO BURNET, TEXAS, AMENDING CITY OF BURNET CODE OF ORDINANCES, CHAPTER 118 (ENTITLED “ZONING”) BY AMENDING SECTION 118-62 (ENTITLED “LANDSCAPING AND SCREENING REQUIREMENTS”); PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING EFFECTIVE DATE



CITY OF BURNET

BACKGROUND & INFORMATION

ITEM 7-4.

Development challenges:

- Topography
- Floodplain
- Rock
- Utility easements

Fewer large, flat, and unencumbered sites available

More developers asking for exceptions to reduce landscaping requirements



Bluebonnet Capital of Texas

CITY OF BURNET

PROPOSED ORDINANCE

ITEM 7-4.

- **Clearer guidelines for where landscaping must be installed**
- **Introduces system for awarding credits for preservation of existing trees**
- **Outlines process for granting exceptions**



Bluebonnet Capital of Texas

Public Hearing

- **Public Hearing**
 - Limit 3 minutes per speaker
- **Discussion**
 - Discuss and consider proposed Ordinance 2025-24





Item Brief

Meeting Date

June 10, 2025

Agenda Item

Discuss and consider action: Direction to staff regarding the start time for regular City Council meetings: D. Vaughn

Information

Chapter 2, Article II, Division 2, Sec. 2-24. of the Code of Ordinances states:

“City council shall hold regular meetings on the second and fourth Tuesdays of each calendar month at 6:00 p.m., at the city council chambers, subject to the following: (1) Change of meeting date. City council by ordinance, resolution, or order may change the date or time for a future regular meeting or meetings.”

Council meetings have traditionally started at 6:00 p.m., presumably to allow members of the public to attend after work. However, this often results in staff already having worked a 9- to 10-hour day prior to the start of the meeting, which may then extend until 8:30 or 9:00 p.m.

To help ensure that meetings conclude at a reasonable hour, while still ensuring the public has ample opportunity to attend, staff would like to propose starting the meetings at either 5:00 or 5:30 p.m. This approach is consistent with other similarly sized Texas cities, including Rockdale, Liberty Hill, Jefferson, Longview, and Grand Prairie.

Staff is seeking direction from Council regarding this possible change. If Council wishes to proceed, staff will bring the item back at a future meeting to approve the necessary changes to the ordinance.

Fiscal Impact

None

Recommendation

Provide staff direction regarding a possible change to the regular City Council meeting start time.



City Council Regular Meeting

June 10, 2025

Council Meeting Start Time

Discuss and consider action: Direction to staff regarding the start time for regular City Council meetings: D. Vaughn





Council Meeting Start Time

- Council meetings have traditionally started at 6:00 p.m., presumably to allow members of the public to attend after work.
- However, this often results in staff already having worked a 9- to 10-hour day prior to the start of the meeting, which may then extend until 8:30 or 9:00 p.m.





Council Meeting Start Time

- To help ensure that meetings conclude at a reasonable hour, while still ensuring the public has ample opportunity to attend, staff would like to propose starting the meetings at either 5:00 or 5:30 p.m.
- This approach is consistent with other similarly sized Texas cities, including Rockdale, Liberty Hill, Jefferson, Longview, and Grand Prairie.





Questions?

Recommendation

- Provide staff direction regarding a possible change to the regular City Council meeting start time.
 - If Council wishes to proceed, staff will bring the item back at a future meeting to approve the necessary changes to the ordinance.





Item Brief

Meeting Date

June 10, 2025

Agenda Item

Discuss and consider action: Resolution No. R2025-43: D. Vaughn

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AUTHORIZING THE USE OF PROPORTIONATE COST FUNDS FOR CREEKFALL OFFSITE IMPROVEMENTS; AND AUTHORIZING THE USE OF FUTURE PROPORTIONATE COST PAYMENTS FROM DEVELOPERS FOR ADDITIONAL PHASES OF THE CREEKFALL DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE

Information

Resolution No. R2025-43 authorizes the use of proportionate cost funds previously collected, and those anticipated, for the construction of offsite infrastructure improvements needed to support development in Creekfall Phases 3, 4, 5, and 6.

Pursuant to Ordinance No. 2025-04 approved in January 2025, Meritage Homes has submitted a proportionate cost payment in the amount of \$136,953.43 to the City in connection with Phase 3. Additional payments are expected from future developers as remaining phases are platted and developed.

To ensure timely progress on these improvements and provide adequate utility infrastructure, the City must begin installation work as staffing availability allows. This resolution authorizes the use of the existing and future funds, including interest earned, to carry out the offsite improvements identified in the original proportionate cost agreement.

Fiscal Impact

The City has received \$136,953.43 in proportionate cost funds for Phase 3, with additional payments anticipated for Phases 4, 5, and 6, which will be used to fund offsite utility improvements.

Recommendation

Staff recommends approval of Resolution No. R2025-43 as presented.

RESOLUTION NO. R2025-43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AUTHORIZING THE USE OF PROPORTIONATE COST FUNDS FOR CREEKFALL OFFSITE IMPROVEMENTS; AND AUTHORIZING THE USE OF FUTURE PROPORTIONATE COST PAYMENTS FROM DEVELOPERS FOR ADDITIONAL PHASES OF THE CREEKFALL DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council previously approved Ordinance No. 2025-04 establishing the proportionate cost sharing of offsite infrastructure costs related to Creekfall Phases 3, 4, 5, and 6; and

WHEREAS, Meritage Homes has submitted proportionate cost payments to the City of Burnet in the amount of One Hundred Thirty-Six Thousand Nine Hundred Fifty-Three and 43/100 Dollars (\$136,953.43) to support offsite infrastructure improvements associated with Creekfall Phase 3; and

WHEREAS, additional proportionate cost payments will be provided to the City by developers for Creekfall Phases 4, 5, and 6, and the City desires to authorize the future use of those funds for continuation of related offsite infrastructure improvements necessary to support those phases of development; and

WHEREAS, due to the development of Creekfall Phases 3 and 4 it is necessary to begin installation of the offsite improvements as staffing time allows.

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 City Council hereby authorizes the use of the funding received from Meritage Homes and future funding received from Creekfall Phases 4, 5 and 6, including associated interest income, to install offsite improvements as contemplated in Ordinance No. 2025-04.

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 10th day of June 2025.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Maria Gonzales, City Secretary



**City Council
Regular Meeting**

June 10, 2025

Use of Proportionate Cost Funds: Creekfall Offsite Improvements

Discuss and consider action: Resolution No. R2025-43: D.
Vaughn

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AUTHORIZING THE USE OF PROPORTIONATE COST FUNDS FOR CREEKFALL OFFSITE IMPROVEMENTS; AND AUTHORIZING THE USE OF FUTURE PROPORTIONATE COST PAYMENTS FROM DEVELOPERS FOR ADDITIONAL PHASES OF THE CREEKFALL DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE





Use of Proportionate Cost Funds: Creekfall Offsite Improvements

- Approved in January 2025, Ordinance No. 2025-04 established cost-sharing for Creekfall infrastructure

	Lot Count Basis	Acres	Lots/Units	Lots/Units per Acre	KW per Unit	Total KW	% of Total	Benefitting Tracts		Total Proportionate Costs
								Remaining Development	Creekfall 4, 5&6	
Creekfall 3	(actual)	37.72	115	3.048780488	5	575	24.63%	\$ 238.18	\$ -	\$ 136,953.43
Creekfall 4	(actual)	18.05	52	2.880886427	5	260	11.13%	\$ 238.18	\$ 27.21	\$ 69,000.35
Creekfall 5 (SF)	(assumed)	21	66	3.16	5	330	14.13%	\$ 238.18	\$ 27.21	\$ 87,577.37
Creekfall 6 (MF)	(assumed)	19.5	390	20	3	1170	50.11%	\$ 238.18	\$ 27.21	\$ 310,501.59
Totals		96.27	623	29.08585396		2335	100.00%			\$ 604,032.74

- This resolution authorizes the use of existing and future proportionate cost funds, including interest earned, for Creekfall Phases 3–6





Use of Proportionate Cost Funds: Creekfall Offsite Improvements

- Meritage Homes submitted \$136,953.43 for Phase 3
- Additional payments expected for Phases 4, 5, and 6
- These payments will support construction of offsite utility infrastructure in these phases





Questions?

Recommendation

- Staff recommends approval of Resolution No. R2025-43 as presented.





Item Brief

Meeting Date

June 10, 2025

Agenda Item

Discuss and consider action: Resolution No. R2025-45: K. McBurnett

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, SELECTING FOURTH STREET AS THE DESIGNATED LOCATION FOR THE PROPOSED PEDESTRIAN BRIDGE OVER NORTH U.S. HIGHWAY 281 IN CONNECTION WITH THE COMMUNITY PROJECT FUNDING (CPF) GRANT AWARDED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD); AND PROVIDING AN EFFECTIVE DATE

Information

As part of the HUD-administered Community Project Funding (CPF) grant awarded in 2024, the City of Burnet is preparing for the construction of a pedestrian bridge to improve safety for students and community members crossing North U.S. Highway 281. The \$5,035,425 grant requires the City to finalize the project location prior to submitting the grant agreement and beginning environmental review and design activities.

To determine the most suitable location for the bridge, the City held a public meeting on May 29, 2025, to gather feedback on preferred crossing sites. Input was also solicited from Burnet CISD, and City staff conducted a thorough evaluation of each street between Third Street and Seventh Street. Based on this input and analysis, Fourth Street emerged as the most viable option due to its alignment with school access, fewer land use conflicts, and strong community and school district support.

Fiscal Impact

All expenses related to the design and construction of the pedestrian bridge are anticipated to be covered by the \$5,035,425 CPF grant.

Recommendation

Staff recommends approval of Resolution R2025-45 as presented.

RESOLUTION NO. R2025-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, SELECTING FOURTH STREET AS THE DESIGNATED LOCATION FOR THE PROPOSED PEDESTRIAN BRIDGE OVER NORTH U.S. HIGHWAY 281 IN CONNECTION WITH THE COMMUNITY PROJECT FUNDING (CPF) GRANT AWARDED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD); AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Burnet has been awarded a \$5,035,425 Community Project Funding (CPF) grant administered by the U.S. Department of Housing and Urban Development (HUD) for the construction of a pedestrian bridge across North U.S. Highway 281; and

WHEREAS, the purpose of the pedestrian bridge is to enhance safety and accessibility for students and community members crossing the highway; and

WHEREAS, HUD requires the City to finalize the location of the pedestrian bridge prior to the submission of the grant agreement and the commencement of environmental review and design activities; and

WHEREAS, the City held a public meeting on May 29, 2025, to solicit community input on potential crossing locations, and also received feedback from Burnet Consolidated Independent School District (Burnet CISD); and

WHEREAS, City staff conducted an evaluation of crossing options from Third Street through Seventh Street, assessing land use compatibility, proximity to school facilities, and overall feasibility; and

WHEREAS, based on community input, school district feedback, and staff analysis, Fourth Street has been identified as the most viable and appropriate location for the proposed pedestrian bridge due to its alignment with school access points, minimal land use conflicts, and strong support from stakeholders.

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 City Council hereby selects Fourth Street as the official location for the construction of the pedestrian bridge over North U.S. Highway 281 in connection with the 2024 HUD CPF grant.

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 10th day of June 2025.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Maria Gonzales, City Secretary

CITY OF BURNET

Pedestrian Bridge Location

Regular Council Meeting

June 10, 2025

Discuss and consider action: Resolution No. R2025-45: K. McBurnett

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, SELECTING FOURTH STREET AS THE DESIGNATED LOCATION FOR THE PROPOSED PEDESTRIAN BRIDGE OVER NORTH U.S. HIGHWAY 281 IN CONNECTION WITH THE COMMUNITY PROJECT FUNDING (CPF) GRANT AWARDED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD); AND PROVIDING AN EFFECTIVE DATE

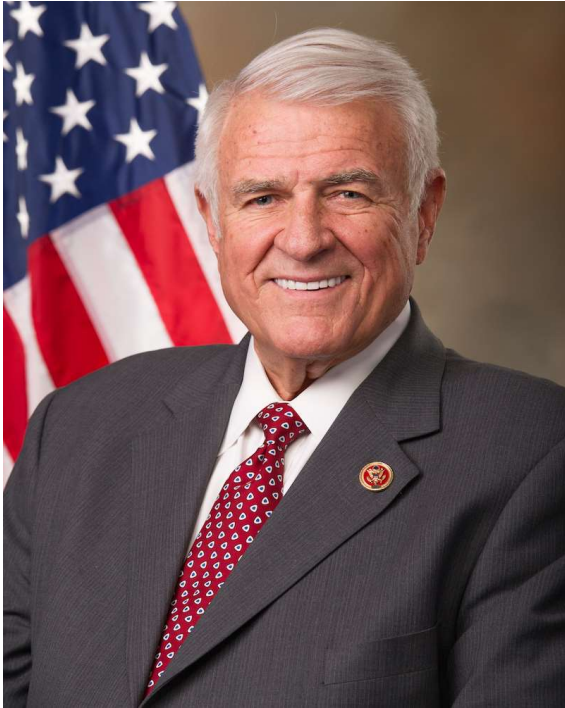


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CITY OF BURNET

Pedestrian Bridge Project



- In 2023, the City was asked to submit several infrastructure project ideas to Congressman Carter's office
- The pedestrian bridge was selected for funding by Congressman Carter's office
- The decision was based on safety concerns- multiple near misses and pedestrian accidents have occurred near Burnet Middle and High Schools along Hwy 281



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CITY OF BURNET

Pedestrian Bridge Project

- On August 28, 2024, the City was notified that the pedestrian bridge project had been selected for a Community Project Funding (CPF) grant
- This CPF grant is administered by the U.S. Department of Housing and Urban Development (HUD)
- Total Award- \$5,035,425



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CITY OF BURNET

Grant Preparation Progress

- The next contact with CPF staff was February 20, 2025 (6 months after the award)
- City staff completed a two-month training series for CPF grant procedures and compliance
- Preparing for required environmental review-RFQ June 12, 2025
- Finalizing the grant agreement for HUD approval and funding release- June 13, 2025



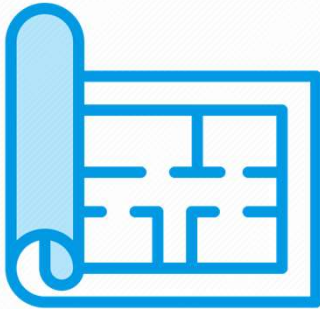
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Design Inspiration

- Design has not begun on the pedestrian bridge, but we have a conceptual vision of the type of pedestrian bridge we would like to see
- The example from Foley, Alabama is an inspiration for this project



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CITY OF BURNET

Design Inspiration



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CITY OF BURNET

Design Inspiration



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CITY OF BURNET

Design Inspiration



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CITY OF BURNET

Design Inspiration

- This is NOT what we want to construct

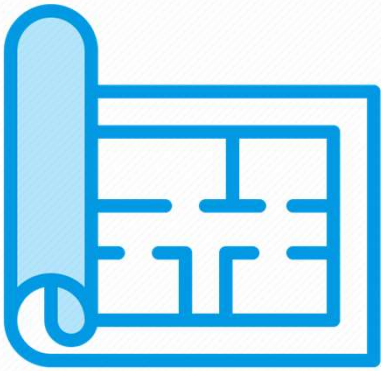


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CITY OF BURNET

Important Design Elements



- Accessible with stairs, elevators, and ramps
- Full enclosure of the walkway span
- Aesthetically thoughtful and pleasing
- Durable and low-maintenance
- Well-lit and secure



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CITY OF BURNET

Location

- Before we can begin the environmental review and design, we need to decide exactly where the bridge will go

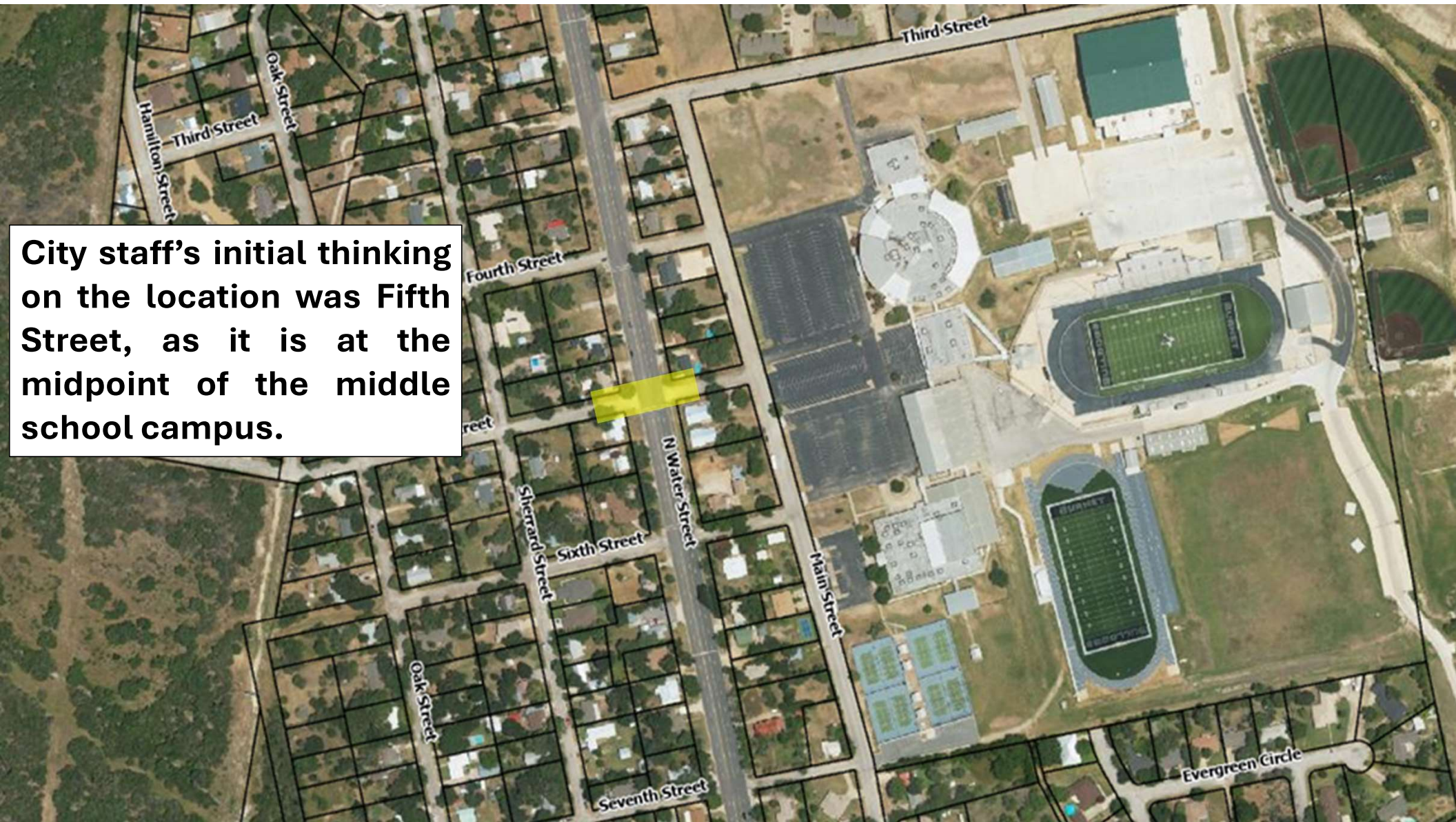


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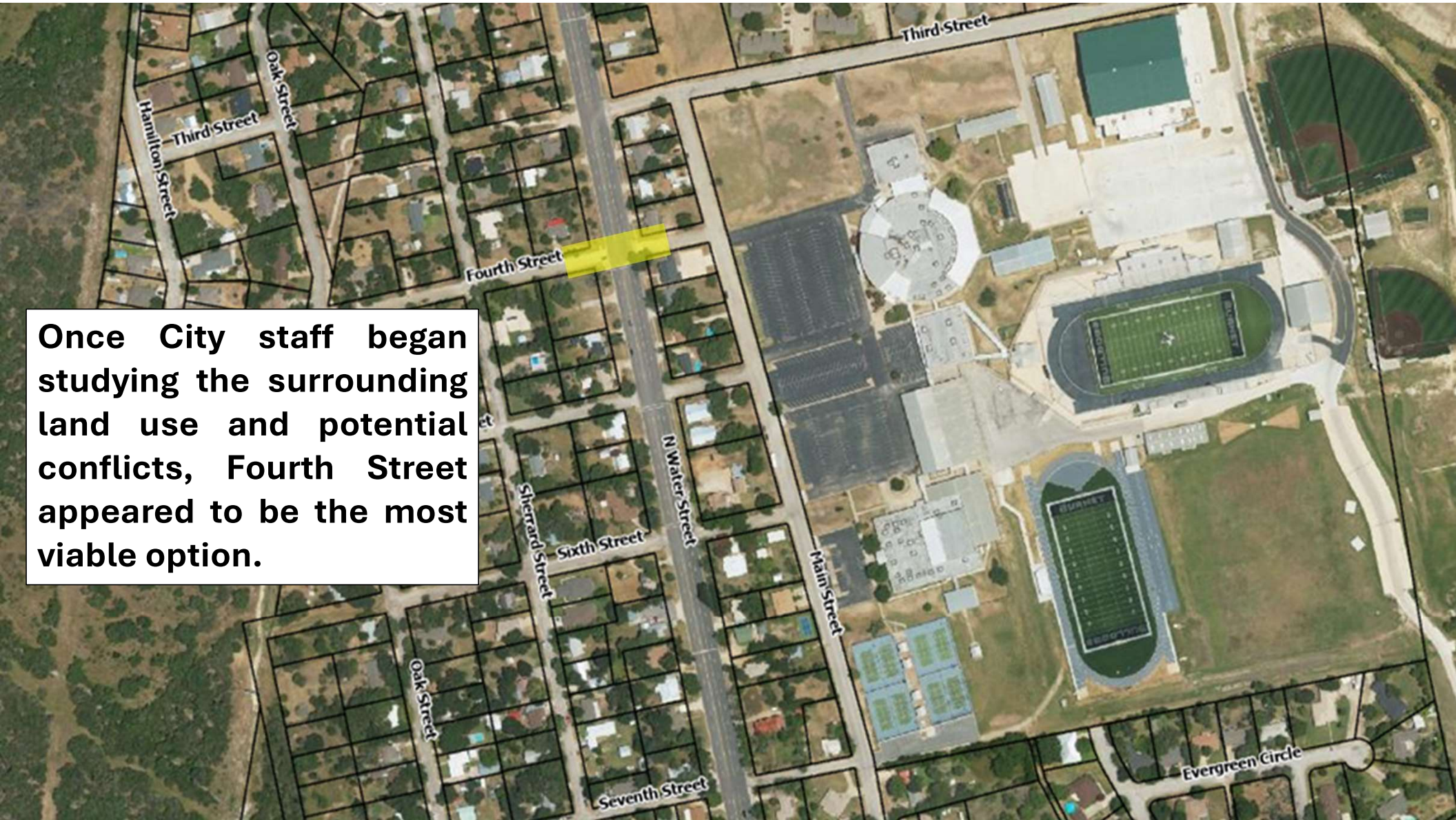
To best support safe crossings for students, the pedestrian bridge should be located between Third Street and Seventh Street.

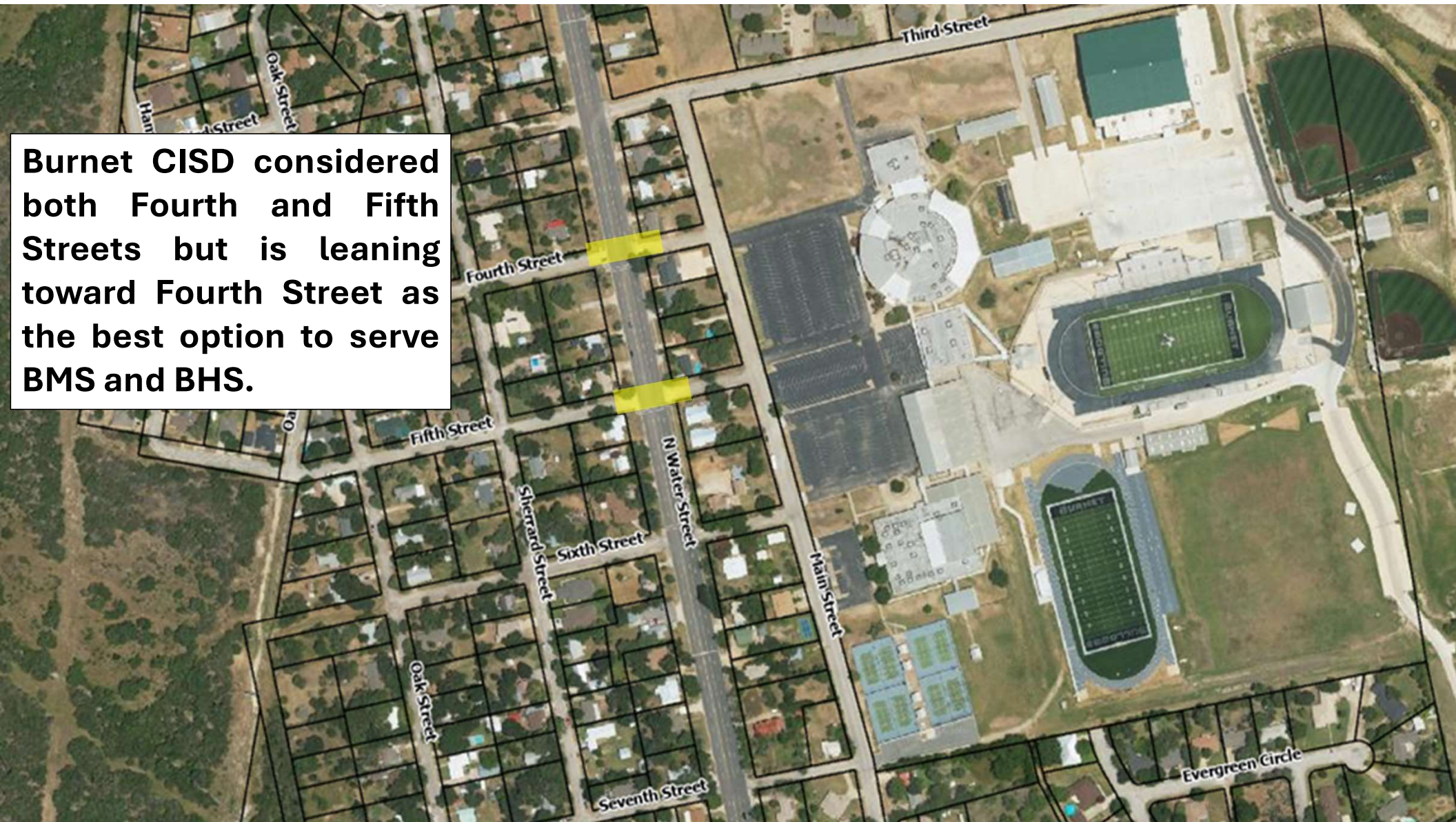




City staff's initial thinking on the location was Fifth Street, as it is at the midpoint of the middle school campus.

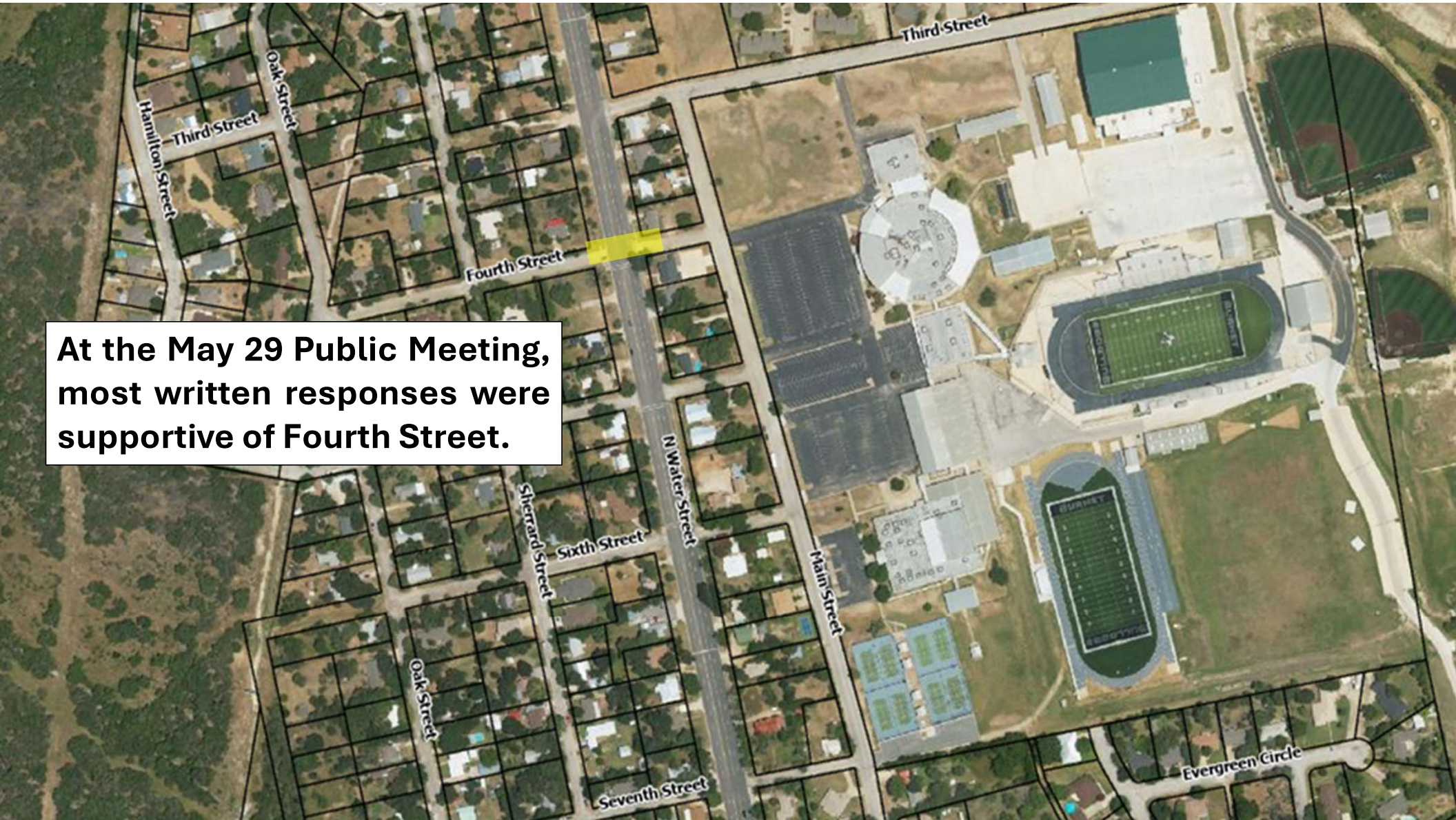
Once City staff began studying the surrounding land use and potential conflicts, Fourth Street appeared to be the most viable option.





Burnet CISD considered both Fourth and Fifth Streets but is leaning toward Fourth Street as the best option to serve BMS and BHS.

At the May 29 Public Meeting, most written responses were supportive of Fourth Street.



CITY OF BURNET

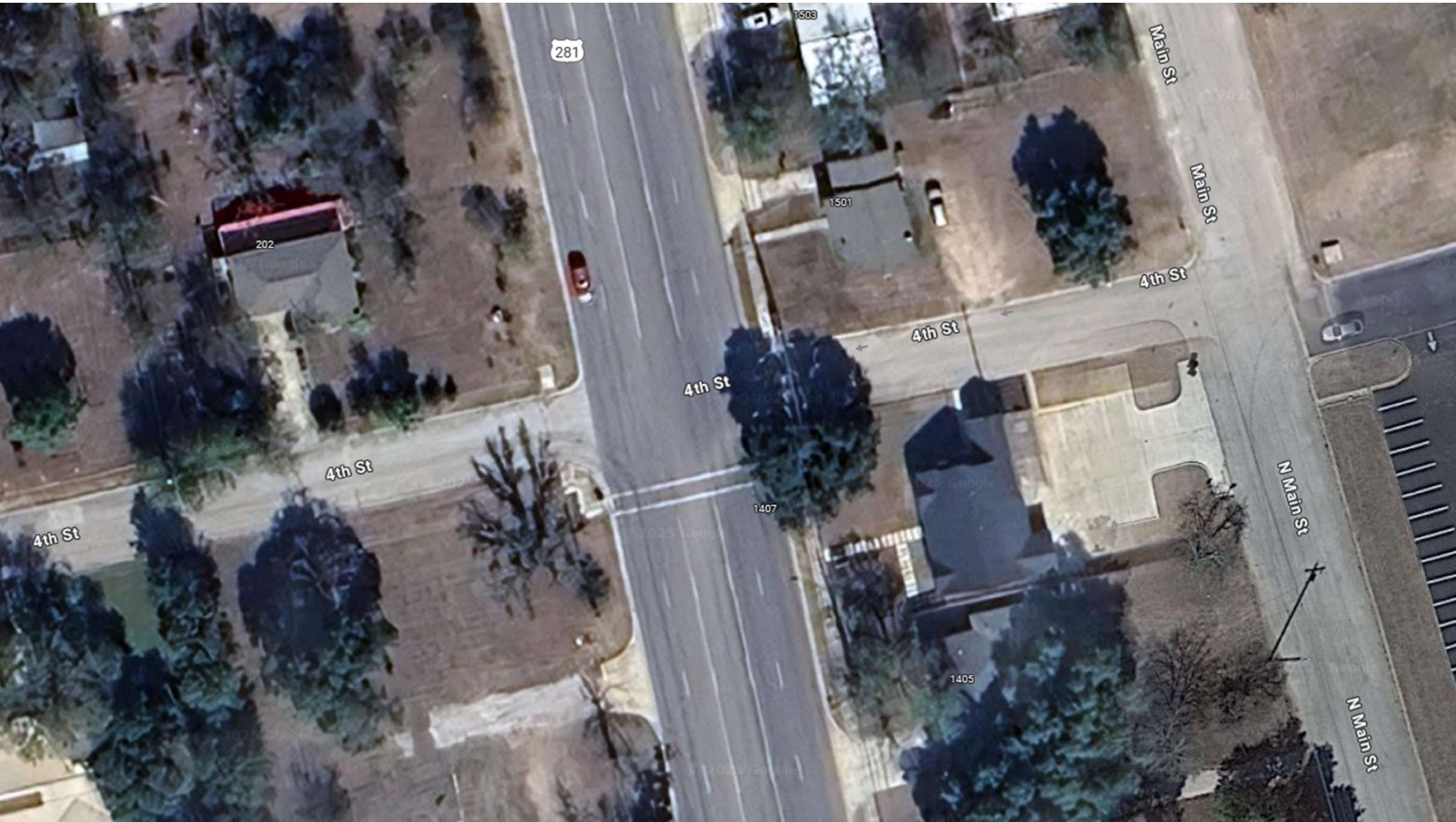
Pedestrian Bridge Project

- Where do you believe the pedestrian bridge should be located?
- What makes that location the best option, in your opinion?
- Are there crossing locations you think would NOT work well? If so, why?
- Is there anything else about the pedestrian bridge that you think is important for us to know or consider?



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CITY OF BURNET

Looking East Toward BMS



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CITY OF BURNET

Looking West

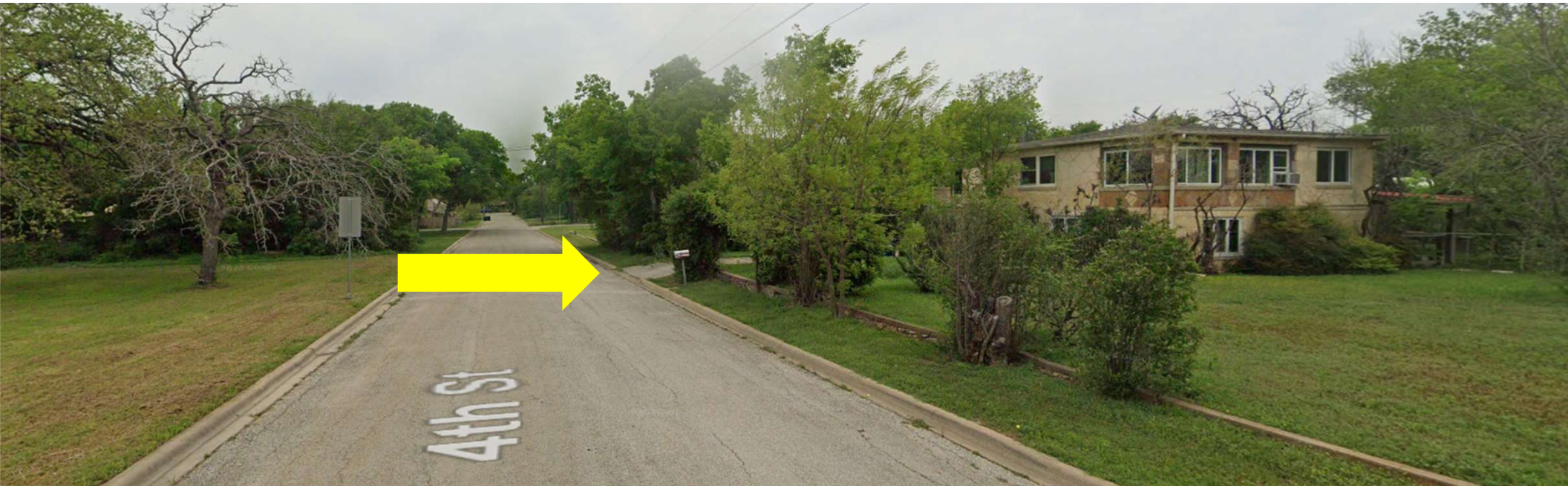


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CITY OF BURNET

One Driveway Conflict (West 4th St.)



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CITY OF BURNET

Finalizing Grant Agreement

- Scope
- Description Including Location
- Narrative
- Timelines
- Funding Description

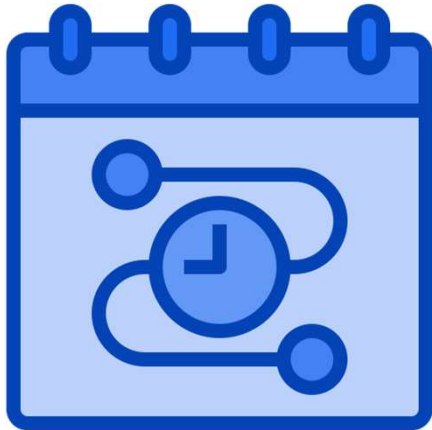


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CITY OF BURNET

Grant Agreement Proposed Timeline



- Environmental Review Begins: July 2025
- Environmental Review Completed (Estimated): December 2025
- Preliminary Design & Engineering: January 2026 – March 2026
- Final Design & Engineering: April 2026 – August 2026
- Permitting & Approvals: May 2026 – November 2026
- Procurement & Contractor Selection: December 2026 – March 2027
- Construction Start: April 2027
- Project Completion: Mid-2028 (Q2 or Q3)



Bluebonnet Capital of Texas



CITY OF BURNET

Questions?

Recommendation:

- Staff recommends approval of Resolution No. R2025-45 as presented.



Bluebonnet Capital of Texas





Item Brief

Meeting Date

June 10, 2025

Agenda Item

Discuss and consider action: Resolution No. R2025-44: J. Forsyth

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AUTHORIZING THE PURCHASE OF WATER METERS, ENDPOINTS, AND JUMPER HARNESSSES FROM BADGER METER, INC. AS A SOLE SOURCE PROVIDER; AND PROVIDING AN EFFECTIVE DATE

Information

This resolution authorizes the purchase of water meters, endpoints, and jumper harnesses from Badger Meter, Inc. in the amount of \$154,399.67. The purchase includes:

- 238 Badger 5/8" x 3/4" E-Series G2 Bronze Meters
- 585 Orion LTE-MS Endpoints
- 340 Jumper Harnesses

The majority of the new meters will be used to replace existing meters that have reached the end of their service life. The remaining equipment will be allocated to support new connections and future system needs.

On March 25, 2025, the City Council determined that Badger Meter, Inc. is a sole source provider for metering equipment due to the exclusive compatibility of its BEACON AMA platform with the City's current infrastructure. On May 27, 2025, Council also approved the agreement with BEACON AMA advanced metering services. This equipment purchase supports that platform and the City's long-term strategy to modernize and expand its water metering capabilities.

Fiscal Impact

The total cost for this purchase is One Hundred Fifty-Four Thousand Three Hundred Ninety-Nine Dollars and 67/100 (\$154,399.67) and will be funded from the from the Water & Wastewater Capital Project Fund and an LCRA Cost Share Grant.

Recommendation

Staff recommends approval of Resolution No. R2025-44 as presented.

RESOLUTION NO. R2025-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AUTHORIZING THE PURCHASE OF WATER METERS, ENDPOINTS, AND JUMPER HARNESES FROM BADGER METER, INC. AS A SOLE SOURCE PROVIDER; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Burnet utilizes Badger Meter products to support its metering and utility infrastructure; and

WHEREAS, on March 25, 2025, the City Council determined that Badger Meter, Inc. and its BEACON AMA platform constitute a sole source provider due to their unique compatibility with the City's existing metering infrastructure and systems; and

WHEREAS, on May 27, 2025, the City Council approved an agreement with Badger Meter, Inc. for BEACON AMA services; and

WHEREAS, the City has received a quote from Badger Meter, Inc. dated May 29, 2025, for the purchase of the following equipment:

- 238 Badger 5/8" x 3/4" E-Series G2 Bronze Meters with LCD USG Encoder and 5' Twist Tight Connector
- 585 Orion LTE-MS Endpoints with Twist Tight Connectors and Thru-Lid Mounting Kits
- 340 Jumper Harnesses (Twist Tight to NICOR)

with a total quote amount of One Hundred Fifty-Four Thousand Three Hundred Ninety-Nine Dollars and 67/100 (\$154,399.67); and

WHEREAS, the purchase of this equipment is necessary to maintain and expand the City's metering capabilities in alignment with the City's long-term water system strategy.

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 City Council authorizes the purchase of meters, endpoints, and jumper harnesses from Badger Meter, Inc. as described in the May 29, 2025, quote (See Exhibit A) in the amount of One Hundred Fifty-Four Thousand Three Hundred Ninety-Nine Dollars and 67/100 (\$154,399.67).

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 10th day of June 2025.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Maria Gonzales, City Secretary

**ATLAS UTILITY SUPPLY COMPANY**

2301 CARSON STREET
FORT WORTH, TEXAS 76117-5212
817.831.4275 FAX 817.831.1014
EMAIL: SALES@ATLASUTILITY.COM

PRICE QUOTE**Exhibit A****Page 1**

Printed 05/29/25 HJ

Quoted
CITY OF BURNET 1001 BUCHANAN DRIVE SUITE 4 BURNET TX 78611 Buyer: JON FORSYTH Tel:512-756-6093 Fax:512-756-8560

Ship To
CITY OF BURNET 1001 BUCHANAN DRIVE SUITE 4 BURNET TX 78611

Quote #	Quote Date	Exp Date	Customer #	Customer P/O #	Ship Via	Writer
Q009165	05/29/2025	06/28/2025	0001250		BEST WAY	HJ
Job ID	Customer Terms			Salesman		
	NET 30 DAYS Std			TREVOR WILLIAMS		

Product	Description	UM	Quant	Unit Price	Extension
BMM25 E SERIES T	BADGER 5/8" X 3/4" BRONZE G2 METER WITH HR-E LCD USG ENCODER AND 5' TWIST TIGHT CONNECTOR -5/8" x 3/4" E SERIES - G2 BRONZE - USG - TWIST TIGHT 5' -----	EA	238	225.00	53550.00
BMO LTE-MS CELL	BADGER CELLULAR **LTE-MS** / HLD ENDPOINT WITH TWIST TIGHT CONNECTOR -ORION LTE-MS (ALT CARRIER EP) -TWIST TIGHT CONNECTOR -THRU-LID MOUNTING KIT	EA	585	155.00	90675.00
BMP# 68825-001	JUMPER HARNESS, TWIST TIGHT (ENDPOINT SIDE) / NICOR (METER SIDE) BMP# 68825-001	EA	340	29.9255	10174.67

X: _____ (Accepted by)			Sub Total	\$154,399.67	T o t a l 154,399.67
			Freight	\$0.00	
			Misc Charges	\$0.00	
			Tax Amount	\$0.00	

MESSAGE	TERMS



**City Council
Regular Meeting**

June 10, 2025

Badger Meter Purchase

Discuss and consider action: Resolution No.
R2025-44: J. Forsyth

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH BADGER METER, INC. FOR BEACON ADVANCED METERING ANALYTICS (AMA) SERVICES, INCLUDING ENGAGEMENT AND INTEGRATION FEES; AND PROVIDING AN EFFECTIVE DATE





Badger Meter Purchase

- Items to be Purchased:
 - 238 Badger 5/8" x 3/4" E-Series G2 Bronze Meters
 - 585 Orion LTE-MS Endpoints
 - 340 Jumper Harnesses
- Purpose:
 - Replace aging, end-of-life meters
 - Support new connections and future expansion





Badger Meter Purchase

Sole Source Designation

- On March 25, 2025 Council designated Badger Meter, Inc. and the BEACON AMA platform as sole source providers
- Total Cost:\$154,399.67
- Funding Source: Water & Wastewater Capital Project Fund and LCRA Cost Share Grant





Questions?

Recommendation

- Staff recommends approval of Resolution No. R2025-44 as presented.





Item Brief

Meeting Date

June 10, 2025

Agenda Item

Discuss and consider action: Resolution No. R2025-47: E. Belaj

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ACCEPTING THE PROPOSAL SUBMITTED IN RESPONSE TO REQUEST FOR PROPOSAL (RFP) 2025-005 FOR HAY FIELD MAINTENANCE SERVICES, AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT FOLLOWING REVIEW AND APPROVAL BY LEGAL COUNSEL

Information

The Texas Commission on Environmental Quality (TCEQ) requires the City of Burnet to manage hay field operations on City-owned land in support of treated effluent disposal at the Wastewater Treatment Plant. These operations are a critical part of the City's wastewater management strategy and regulatory compliance.

To continue meeting these requirements, the City issued Request for Proposal (RFP) 2025-005 on May 14, 2025, seeking qualified agricultural service providers to perform hay field maintenance and management services on approximately 223.5 acres. The scope of work includes custom hay cutting and baling, fertilizer and chemical applications, no-till planting, and coordination with City operations.

One proposal was received by the submission deadline of May 29, 2025, from Patrick McElroy. City staff reviewed the proposal and found it to be fully responsive and compliant with the requirements of the RFP. Based on his qualifications, experience, and familiarity with the type of work required, Patrick McElroy was determined to be capable of fulfilling the full scope of services in accordance with City and TCEQ expectations.

The proposal was evaluated based on cost, experience, and ability to deliver best value to the City. The total estimated cost of services annually is \$126,408.00, broken down as follows:

ITEM	UNIT PRICE \$/Unit	ESTIMATED QUANTITIES	EXTENDED PRICE
Custom Cut & Bales 4'x5' Round Bale	\$38 per bale	3,000 bales	*\$114,000.00
Fertilizer Application 2x Year	\$12.00 per acre	223.5 Acres	\$5,364.00
Herbicide Application 1x Year	\$12.00 per acre	223.5 Acres	\$2,682.00
Pesticide Application 1x Year	\$12.00 per acre	223.5 Acres	\$2,682.00
No Till Planting	\$42.00 per acre	40 Acres	\$1,680.00
		TOTAL PRICE	\$126,408.00

*This is an estimate based on the number of bales produced which can be impacted by several factors.

Fiscal Impact

The estimated annual cost is \$126,408.00. The City will receive revenue from the sale of hay bales.

Recommendation

Staff recommends approval of Resolution No. R2025-47 as presented.

RESOLUTION NO. R2025-47

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ACCEPTING THE PROPOSAL SUBMITTED IN RESPONSE TO REQUEST FOR PROPOSAL (RFP) 2025-005 FOR HAY FIELD MAINTENANCE SERVICES, AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT FOLLOWING REVIEW AND APPROVAL BY LEGAL COUNSEL

WHEREAS, the City of Burnet is required by the Texas Commission on Environmental Quality (TCEQ) to manage hay field operations in support of wastewater effluent disposal at the City's Wastewater Treatment Plant; and

WHEREAS, the City issued Request for Proposal (RFP) 2025-005 on May 14, 2025, with responses due by May 29, 2025, soliciting qualified agricultural service providers to perform hay field maintenance and management services on approximately 223.5 acres of City-owned land; and

WHEREAS, the scope of work includes custom hay cutting and baling, fertilizer, herbicide, and pesticide applications, no-till planting, and coordination with City operations to meet TCEQ regulatory requirements; and

WHEREAS, the City received one proposal in response to RFP 2025-005, submitted by Patrick McElroy; and

WHEREAS, City staff reviewed the proposal and found it to be responsive and in full compliance with the requirements of RFP 2025-005; and Patrick McElroy was determined to be a qualified and experienced agricultural service provider capable of fulfilling the scope of work; and

WHEREAS, the proposed annual pricing submitted by Patrick McElroy includes the following:

ITEM	UNIT PRICE \$/Unit	ESTIMATED QUANTITIES	EXTENDED PRICE
Custom Cut & Bales 4'x5' Round Bale	\$38 per bale	3,000 bales	\$114,000.00
Fertilizer Application 2x Year	\$12.00 per acre	223.5 Acres	\$5,364.00
Herbicide Application 1x Year	\$12.00 per acre	223.5 Acres	\$2,682.00
Pesticide Application 1x Year	\$12.00 per acre	223.5 Acres	\$2,682.00
No Till Planting	\$42.00 per acre	40 Acres	\$1,680.00
		TOTAL PRICE	\$126,408.00

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. Acceptance. The City Council hereby accepts the proposal submitted by Patrick McElroy in response to RFP 2025-005 for hay field maintenance services.

Section Three. Authorization. The City Manager is authorized to negotiate and execute a contract with Patrick McElroy, subject to review and approval by the City's legal counsel.

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 10th day of June 2025.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Maria Gonzales, City Secretary



**City Council
Regular Meeting
June 10, 2025**

Hay Field Maintenance RFP

Discuss and consider action: Resolution No. R2025-47

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, ACCEPTING THE PROPOSAL SUBMITTED IN RESPONSE TO REQUEST FOR PROPOSAL (RFP) 2025-005 FOR HAY FIELD MAINTENANCE SERVICES, AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT FOLLOWING REVIEW AND APPROVAL BY LEGAL COUNSEL: E. Belaj



Hay Field Maintenance RFP

- **RFP 2025-005 issued:** May 14, 2025
- **Responses due:** May 29, 2025
- **Scope included:** Hay cutting and baling; Fertilizer, herbicide, and pesticide applications; and No-till planting
- **One Proposal Received:** Patrick McElroy
- **Proposal:** The proposal was evaluated based on cost, experience, and ability to deliver best value to the City



Annual Fiscal Impact

- Estimated Annual Cost: \$126,408.00

ITEM	UNIT PRICE \$/Unit	ESTIMATED QUANTITIES	EXTENDED PRICE
Custom Cut & Bales 4'x5' Round Bale	\$38 per bale	3,000 bales	*\$114,000.00
Fertilizer Application 2x Year	\$12.00 per acre	223.5 Acres	\$5,364.00
Herbicide Application 1x Year	\$12.00 per acre	223.5 Acres	\$2,682.00
Pesticide Application 1x Year	\$12.00 per acre	223.5 Acres	\$2,682.00
No Till Planting	\$42.00 per acre	40 Acres	\$1,680.00
		TOTAL PRICE	\$126,408.00

- *This is an estimate based on the number of bales produced which can be impacted by several factors.
- The City will receive revenue from the sale of hay bales.



Resolution No. R2025-47

- Accepts the proposal submitted by Patrick McElroy in response to RFP 2025-005 for hay field maintenance services
- Authorizes the City Manager to negotiate and execute a contract with Patrick McElroy, subject to review and approval by the City's legal counsel



Questions?

Recommendation

- Staff recommends approval of Resolution No. R2025-47 as presented.



Item Brief

Meeting Date

June 10, 2025

Agenda Item

Discuss and consider action: Resolution No. R2025-46: P. Langford

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, RESTRICTING CERTAIN FUNDS FOR STREET PROJECTS AND DEPOSITING THOSE FUNDS IN ACCORDANCE WITH THE CITY'S INVESTMENT POLICY AND AUTHORIZING THE USE OF COUNCIL RESTRICTED FUNDS FOR STREET PROJECTS

Information

During the 2024-2025 budget process, Council identified street improvements as a priority and the City Manager recommended restricting general fund operating reserves in the amount of \$400,000 for street improvement projects.

Fiscal Impact

The fiscal impact of this resolution will be to move \$400,000 from unrestricted general fund reserves and deposit those funds into the Restricted by Council fund *Texpool/ account 2711100020 Street Rehab/Replacement Reserve* and authorize use of the funds for street improvement projects as budgeted.

Recommendation

Staff recommends approval of Resolution No. R2025-46 as presented.

RESOLUTION NO. R2025-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS RESTRICTING CERTAIN FUNDS FOR STREET PROJECTS AND DEPOSITING THOSE FUNDS IN ACCORDANCE WITH THE CITY'S INVESTMENT POLICY AND AUTHORIZING THE USE OF COUNCIL RESTRICTED FUNDS FOR STREET PROJECTS

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 withdraw and deposit restricted fund assets for the purpose of investment as provided for herein; and

WHEREAS, during the 2024-2025 budget process, the Council identified street improvements as a priority and the City Manager recommended restricting general fund operating reserves in the amount of four hundred thousand and 00/100 dollars (\$400,000.00) for street improvement projects.

NOW, THEREFORE, BE IT RESOLVED BY 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 restricting general fund operating funds in the amount of four hundred thousand and 00/100 dollars (\$400,000.00) for street improvement projects

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 and be deposited into Texpool investment account 2711100020 *Street Rehab/Replacement Reserve account*.

Section Five. Withdrawal. The Council does hereby direct that funds may be withdrawn from Texpool investment account 2711100020 *Street Rehab/Replacement Reserve* account for street projects as budgeted.

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 10th day of June 2025.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Maria Gonzales, City Secretary

CITY OF BURNET

Council Restricted Funds

Street Improvement Projects

City Council Regular Meeting
June 10, 2025

Discuss and consider action: Resolution No. R2025-46: P. Langford

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, RESTRICTING CERTAIN FUNDS FOR STREET PROJECTS AND DEPOSITING THOSE FUNDS IN ACCORDANCE WITH THE CITY'S INVESTMENT POLICY AND AUTHORIZING THE USE OF COUNCIL RESTRICTED FUNDS FOR STREET PROJECTS



Bluebonnet Capital of Texas

CITY OF BURNET

Council Restricted Funds

Street Improvement Projects

Resolution R2025-46:

- Approve the transfer of \$400,000 from unrestricted general fund reserves into the Restricted by Council fund for street improvements as budgeted in the Capital Project Plan for 2024-2025.
- Authorize the use of funds in the Restricted by Council Texpool Street Rehab/Reserve account for street improvements as budgeted.



Bluebonnet Capital of Texas

CITY OF BURNET

Council Restricted Funds

Street Improvement Projects

Recommendation

- Staff recommends approval of Resolution No. R2025-46 as presented.

Any Questions?



Bluebonnet Capital of Texas



Item Brief

Meeting Date

June 10, 2025

Agenda Item

Discuss and consider action: Ordinance No. 2025-26: P. Langford

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2024-35; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2024, AND ENDING SEPTEMBER 30, 2025, FOR THE CITY OF BURNET, TEXAS, FUNDING ACCOUNTS IN BUDGET DUE TO UNFORESEEN SITUATIONS; CONTAINING FINDINGS; PROVIDING FOR SAVINGS AND SEVERABILITY

Information

This ordinance provides for the fiscal year 2024-2025 budget amendments as listed on Attachment "A" of the ordinance. Items 1 – 7 on Attachment "A" were previously presented to and approved by Council.

Item 8 on Attachment "A" is a new request to increase General Fund Capital Project expenses for the Fire Department by \$6,720.18 to cover the cost of consultant services used to submit the Texas Ambulance Services Supplemental Payment Program (TASSPP) cost report. Costs will be covered by funding awarded from the TASSPP program in the amount of \$56,001.

Fiscal Impact

As noted on Attachment "A".

Recommendation

Staff recommends approval of Ordinance No. 2025-26 as presented.

ORDINANCE NO. 2025-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2024-35; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2024, AND ENDING SEPTEMBER 30, 2025, FOR THE CITY OF BURNET, TEXAS, FUNDING ACCOUNTS IN BUDGET DUE TO UNFORESEEN SITUATIONS; CONTAINING FINDINGS; PROVIDING FOR SAVINGS AND SEVERABILITY

WHEREAS, the City of Burnet, Texas Fiscal Year 2024-2025 Budget was adopted by Ordinance 2024-35 within the time and in the manner required by State Law; and

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

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

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

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

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

WHEREAS, the Local Government Code Section 102.010 allows for changes in the budget for municipal purposes.

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

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

Section 2. Purpose. The City of Burnet, Texas, Fiscal Year 2024-2025 Budget is hereby amended to reflect the effect of unforeseen circumstances, as reflected in attachment "A".

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

the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

Section 4. Severability. It is hereby declared to be the intention of the City Council that if any of the sections, paragraphs, sentences, clauses, and phrases of the Ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of unconstitutional or invalid phrases, clauses, sentences, paragraphs, or sections.

PASSED, APPROVED, AND ADOPTED on this the 10th day of June 2025.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Maria Gonzalez, City Secretary

Attachment A

1. \$24,880.00 increase in General Fund Capital Project expenses to construct a new fence for Field #7 at the YMCA baseball complex. Cost will be covered by general fund reserves. (Presented to and approved by the Council on May 27, 2025).
2. \$29,035.00 increase in Golf Fund salary and benefit costs to cover staffing changes for the remainder of the fiscal year. Staffing changes include the addition of one full-time Golf Course Maintenance Worker I position and one full-time Pro Shop Assistant position after eliminating two part-time Pro Shop Assistant positions. Costs will be covered by Golf Fund operations. (Presented to and approved by the Council on May 27, 2025).
3. \$75,000.00 increase in General Fund Capital Project expenses for a Transportation Master Plan. Cost will be covered by general fund reserves. (Presented to and approved by the Council on May 27, 2025).
4. \$70,000.00 increase in Water and Wastewater Capital Project expenses for increase in the Wofford Street Waterline Project. Cost will be covered by water and wastewater fund reserves. (Presented to and approved by Council on May 13, 2025).
5. \$8,500.00 increase in Water and Wastewater Capital Project expenses to cover the cost of upsizing the 8" water line to be provided by Commercial National Bank to a 12" water line to benefit the City for future development. Cost will be covered by water and wastewater fund reserves. (Presented to and approved by Council on May 13, 2025).
6. \$137,430.00 increase in Electric Fund Capital Project expenses for Creekfall Subdivision Offsite improvements. Costs will be covered by the developers. Ordinance 2025-04 authorized the expenditure for the installation of electric infrastructure for the Creekfall Subdivision and the recouping of the proportionate share of such expenditures from the developers of the Creekfall Subdivision. (Ordinance 2025-04 was presented to and approved by the Council on January 27, 2025).

Attachment A (Continued)

7. \$28,400 increase in Water and Wastewater Capital Project expenses to increase the current budget from \$140,000 to \$168,400 to purchase new water meters and implement the Beacon Advanced Metering Analytics platform for water metering analytics. Cost will be covered by water and wastewater fund reserves and/or LCRA Cost Share grant. (Beacon platform presented to Council on May 27, 2025, and request for additional meters presented to the Council on June 10, 2025).
8. \$6,720.18 increase in General Fund Capital Project expenses for the fire department to cover consultant fees to submit the Texas Ambulance Services Supplemental Payment Program (TASSPP) cost report. Costs will be covered by funding awarded from the TASSPP program in the amount of \$56,001.

CITY OF BURNET

Fiscal Year 2024-2025 Budget Amendments

**City Council Regular Meeting
June 10, 2025**

Discuss and consider action: Ordinance No. 2025-26

An Ordinance of the City Council of the City of Burnet, Texas, amending Ordinance 2024-35; The original budget ordinance for the fiscal year beginning October 1, 2024, and ending September 30, 2025, for the City of Burnet, Texas, funding accounts in budget due to unforeseen situations; containing findings; providing for savings and severability: P. Langford



Bluebonnet Capital of Texas



CITY OF BURNET

Fiscal Year 2024-2025 Budget Amendments

1. \$24,880 increase for new fence at YMCA baseball complex. Costs to be covered by general fund reserves.
2. \$29,035 increase in Golf Fund personnel costs to cover staffing changes. Costs to be covered by Golf Fund operations.
3. \$75,000 increase for new Transportation Master Plan. Costs to be covered by general fund reserves.



Bluebonnet Capital of Texas



CITY OF BURNET

Fiscal Year 2024-2025 Budget Amendments

4. \$70,000 increase in Wofford Street Waterline Project. Costs to be covered by water and wastewater fund reserves.
5. \$8,500 increase to upsize the water line being provided by Commercial National Bank to benefit the City for future development. Costs to be covered by water and wastewater fund reserves.
6. \$137,430 increase for Creekfall Subdivision offsite improvements. Costs to be covered by developer.



Bluebonnet Capital of Texas



CITY OF BURNET

Fiscal Year 2024-2025 Budget Amendments

7. \$28,400 increase in current budget to purchase water meters and implement the Beacon Advanced Metering Analytics platform. Costs to be covered by water and wastewater fund reserves and or LCRA Cost Share grant.
8. \$6,720.18 increase to cover cost of consultant fees used to submit the TASSPP program cost report. Costs to be covered by funding awarded from the program.



Bluebonnet Capital of Texas



CITY OF BURNET

Recommendation

- Staff recommends approval of Ordinance No. 2025-26 as presented.

Questions?



Bluebonnet Capital of Texas

