



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

301 E. Jackson Street, Burnet, TX

Tuesday, March 10, 2026 at 5:00 PM

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Notice is hereby given that a **Regular City Council Meeting** will be held by the governing body of the City of Burnet on **Tuesday, March 10, 2026** at 5:00 PM in the City of Burnet Council Chambers located at 301 E. Jackson Street, 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. Engineering and Public Works Quarterly Report: E. Belaj

**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 February 24, 2026 Regular Meeting Minutes

**7. PUBLIC HEARINGS/ACTION:**

1. Public hearing and action: Ordinance No. 2026-06: 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 (PROPERTY ID: 125129) FROM ITS PRESENT DESIGNATION OF AGRICULTURE – DISTRICT “A” TO A DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2”; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

Staff Presentation

Public Hearing

Discuss and consider action

## 8. ACTION ITEMS:

1. Discuss and consider action: Appointment of one Commissioner to the Housing Authority of the City of Burnet: M. Gonzales

2. Discuss and consider action: Resolution No. R2026-13: K. McBurnett

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, DESIGNATING A DOWNTOWN DISTRICT; DEFINING ITS BOUNDARIES; PROVIDING FOR INCORPORATION OF AN EXHIBIT MAP; AND PROVIDING AN EFFECTIVE DATE

3. Discuss and consider action: Resolution No. R2026-14: D. Vaughn

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, REPUDIATING AN UNRECORDED SPECIAL WARRANTY DEED RECEIVED FROM THE BURNET FOUNDATION INDUSTRIAL COMPANY FOR THE CONVEYANCE OF A TOTAL OF 3.45 ACRES AND DATED OCTOBER 17, 2008

4. Discuss and consider action: Ordinance No. 2026-07: D. Vaughn

AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING CHAPTER 110, ARTICLE IV., SECTION 110-144 (ENTITLED “PURCHASED POWER COST ADJUSTMENT CLAUSE”) OF THE CODE OF ORDINANCES AND AUTHORIZING RECOVERY OF CURRENT YEAR FISCAL LOSSES FROM RATE PAYERS DUE TO ERCOT ADJUSTMENTS; PROVIDING SEVERABILITY AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR OTHER RELATED MATTERS

5. Discuss and consider action: City of Burnet July 2025 flood response, including but not limited to FEMA and TDEM Public Assistance Recovery Process; floodplain development regulations; repair and reconstruction of City facilities; community assistance programs; debris management; participation in the NRCS Emergency Watershed Protection (EWP) Buyout Program, including property eligibility criteria, project area identification, projected costs, and survey and appraisal requirements; direction to staff; and other related flood issues: D. Vaughn

6. Discuss and consider action: Ordinance No. 2026-08: P. Langford

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2025-39; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2025, AND ENDING SEPTEMBER 30, 2026, 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 4<sup>th</sup> day of March 2026

**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 March 4, 2026 at or before 5 o'clock p.m. and remained posted continuously for at least three full business days prior to the meeting date.



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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](mailto:citysecretary@cityofburnet.com).*

**RIGHT TO ENTER INTO EXECUTIVE SESSION:**

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



City Council  
Regular Meeting  
March 10, 2026



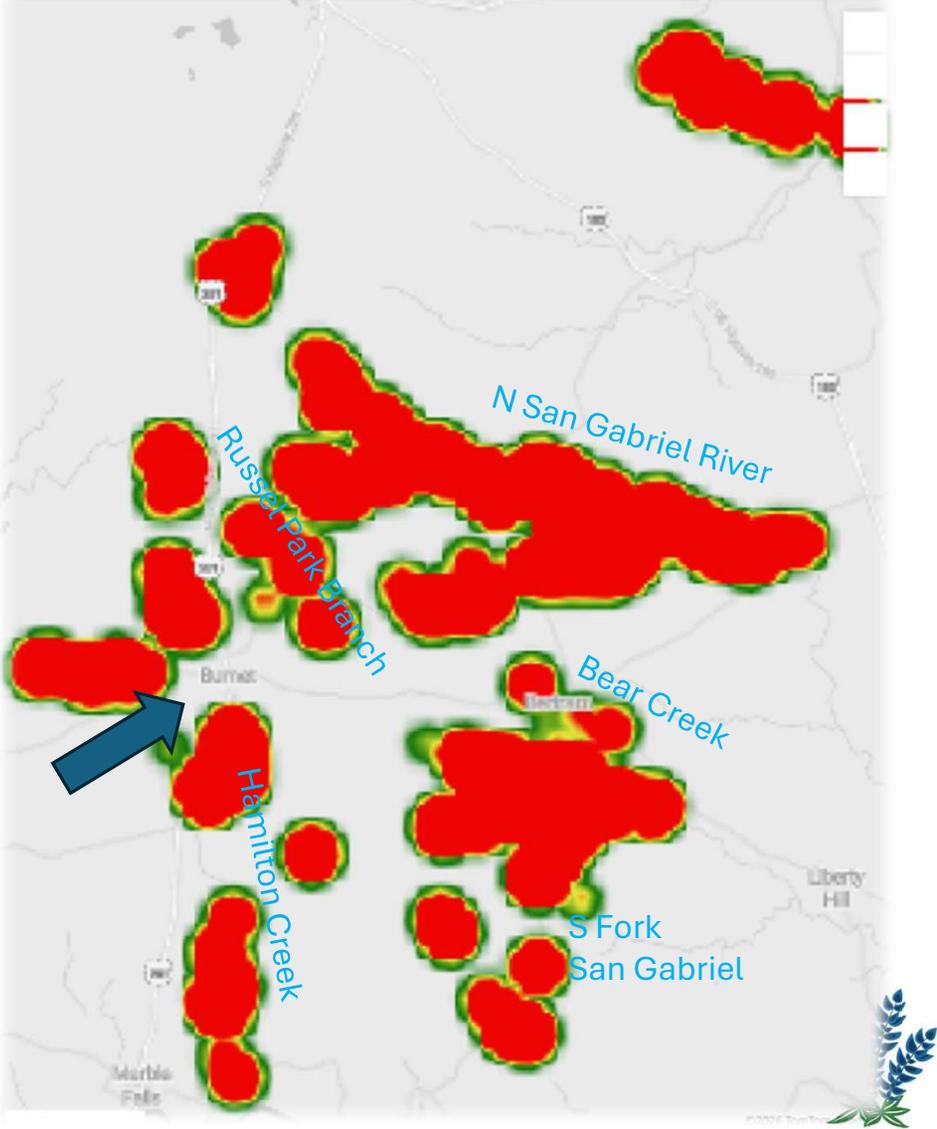


# TDEM Creek Clearings

Large Trucks and  
Equipment in  
Creeks Ongoing

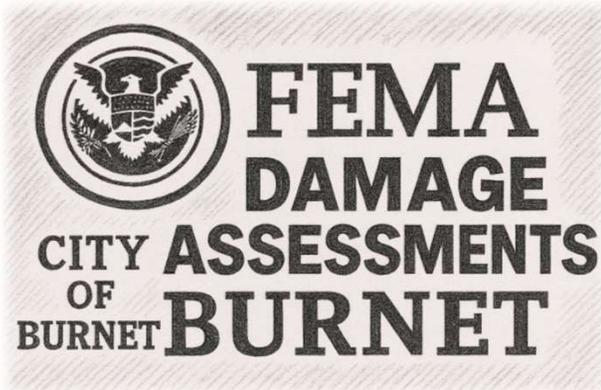


Debris Collected By Location





# Development and Other Work



Since Fall

| Newly Funded Project                 | Amount       |
|--------------------------------------|--------------|
| WT/WW/ELECT. and Lift Sta' Utilities | \$81,748.62  |
| Hamilton Creek Park (no elec.)       | \$80,469.31  |
| Hamilton Creek Park Electrical       | \$670,250.71 |
| Hayley Nelson Park                   | \$298,886.82 |
| Waste Water Treatment Plant          | \$220,214.70 |
| City Wide Streets                    | \$269,958.55 |
| Galloway Sports Complex              | \$747,131.25 |





# Casing Removal

# VALLEY STREET WELL





# Street Dept.



**Beaver Construction:**  
A construction company run by beavers





# Street Dept.

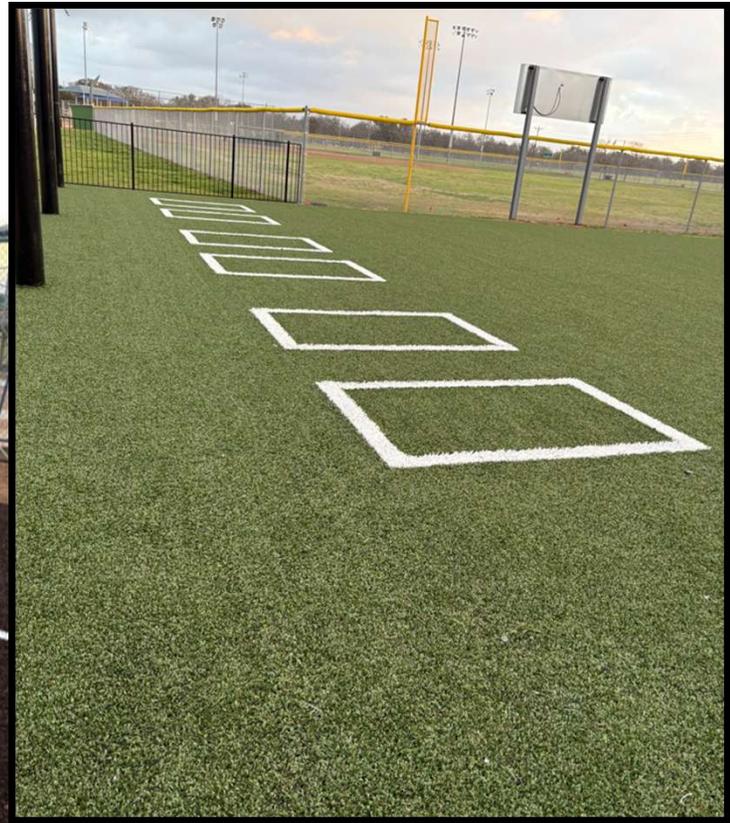


Hamilton Creek  
Park  
Already has its first user





# Street Dept. & Parks

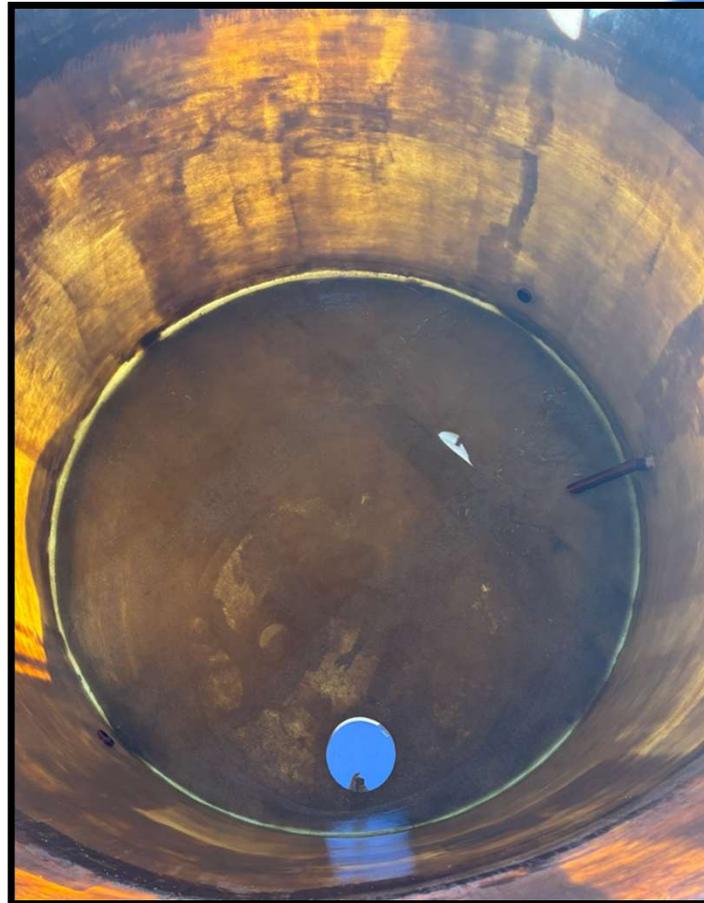


**Quadplex**  
Baseball Fields  
& Batting Cages





# Treatment Plant

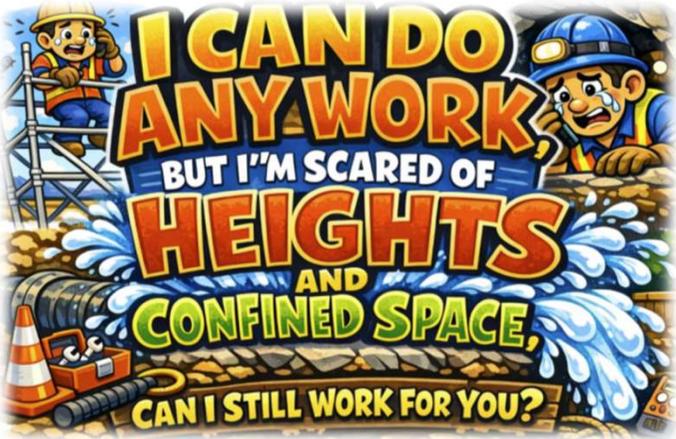


**Tank Maintenance**  
Keeps the city from  
buying a new one





# Water/WW Dept.



Lift Station Year  
40 Lift Station  
Maintenance WO





# Water/WW Dept.



In front of Hoffy's



**Water Leak**  
Small leak turned into a big one



# Work Orders

## Water/WW Dept.





# Electric Dept.

Elec. Dept appreciative of the new equipment. New winch Equipment arrived on time.

It started getting used right away.



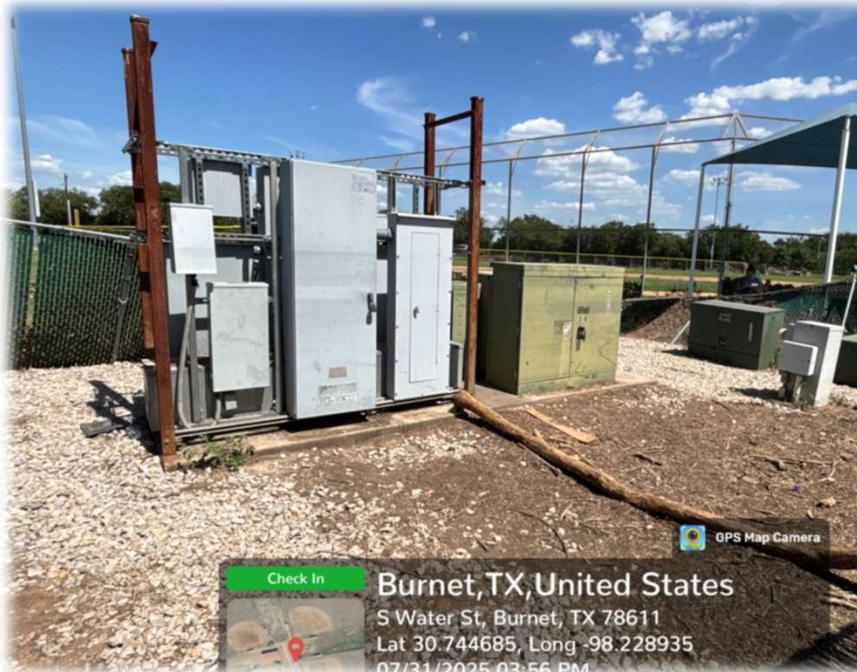
Thank you  
Council  
Thumbs Up!





# Electric Dept.

Replaced flooded electrical control cabinets



Ballfield Lighting





## Electric Dept.

After replacing the damaged electrical controls, the field lights needed replacing also



Ballfield Lighting



McNeil  
Reconductor

## Electric Dept.



Over 2,200 feet of electric line replacement with 336 size from Rhomberg to Creekfall





# Our Mechanic

**City Mechanic:** The real heroes who really keep the city running are guys like Bruce.

- 🍏 **Former Teacher** from the Houston area
- 🔪 **Skilled Woodworker** with an eye for craftsmanship
- 🚗 **Classic Car Restorer** who brings old engines back to life
- 🌮 **Tex-Mex Enthusiast** (never says no to good queso)

## What about him stands out?

- 📅 **Dependable** — always comes through when the city needs him
- 🔍 **Detail-Oriented** — meticulous with every repair
- 👉 **Trustworthy** — one of the most reliable people you'll ever meet

Big shoutout to Bruce, we appreciate you more than you know!

## Meet Bruce



He love's the new vehicle lift.





# Questions?



STATE OF TEXAS {}

COUNTY OF BURNET {}

CITY OF BURNET {}

On this, the 24<sup>th</sup> day of February 2026, the City Council of the City of Burnet convened in a Regular Session, at 5:00 p.m. in the City Council Chambers, located at 301 E. Jackson, Burnet, TX thereof with the following members present, to-wit:

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

Guests: Keith McBurnett, Eric Belaj, Adrienne Feild, Tony Hefferin, Leslie Kimbler, Thad Mercer, Tony Nash, Andrew Scott, Jacob Thomas, Raymond Whelan, Caden Senn, Lee Carney, Alan Trevino, Damon Beierle, Sara Mack, Jim Umbarger

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

INVOCATION: Led by Mayor Gary Wideman

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

SPECIAL REPORTS/RECOGNITION:

5.1) January Financial Report: P. Langford

Finance Director Patricia Langford reported that the City’s budget remains in a strong financial position. The primary sources of revenue for the City continue to be property tax, sales tax, utility transfers, and EMS transfers.

Mrs. Langford noted that the Golf Fund is outperforming budget projections, driven by strong green fee revenues and member collections. The Electric Fund is performing well, along with the Water and Wastewater Fund.

As of January 31, 2026, cash reserves are as follows:

- Unrestricted Cash Reserve Balance: \$6,156,023
- 90-Day Reserve Requirement: \$5,007,000
- Unrestricted Cash Balance Over 90-Day Requirement: \$1,149,023
- “Restricted by Council” Cash Balance: \$3,829,604

Overall, the City remains financially stable and is exceeding its required reserve threshold.

5.2) Present and Discuss the Police Departments Annual Traffic Stop Data Report: T. Hefferin

Chief Tony Hefferin presented the results of the annual traffic stop data report. He reported that in 2025, officers conducted 6,240 traffic stops, representing a substantial increase from the previous year.

Chief Hefferin reviewed demographic information for the City of Burnet, noting that the community is predominantly white. This demographic composition is reflected in the traffic stop data, with 83.51% of all traffic stops involving white motorists.

He also addressed statistical errors encountered during the data retrieval process. The department is actively working with other departments to correct these issues ahead of next year’s reporting cycle. In addition, internal staff training efforts are underway to improve data accuracy and reporting procedures moving forward.

CONSENT AGENDA ITEMS:

- 6.1) Approval of the February 10, 2026 Regular Meeting Minutes
- Approval of the February 11, 2026 Special Meeting Minutes

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

PUBLIC HEARINGS/ACTION:

- 7.1) Final Public Hearing to encourage citizen participation, discuss, and answer any questions regarding Texas Community Development Block Grant (TxCDBG) Contract No. CDV23-0311: V. Hernandez

City Engineer Veronica Hernandez provided the final details regarding the Tx DB Grant, which was administered on behalf of the City by GrantWorks.

The project addressed Wofford infrastructure improvements and included the installation of 2,400 linear feet of water transmission pipe. The East Tank was connected to the main transmission line from Post Mountain Tank, and the roadway was repaved as part of the project scope.

All construction associated with the grant project has been completed.

Mayor Gary Wideman opened the public hearing at 5:12 p.m., and there being no one further wishing to speak, the public hearing was closed at 5:12 p.m.

ACTION ITEMS:

- 8.1) Discuss and consider action: Resolution No. R2026-09: E. Belaj

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AUTHORIZING THE SUBMISSION OF A WATER CONSERVATION GRANT APPLICATION TO LCRA AND EXECUTION OF A GRANT AGREEMENT

Council Member Philip Thurman made a motion to approve Resolution R2026-09 as presented. Council Member Tommy Gaut seconded the motion. The motion passed unanimously.

8.2) Discuss and consider action: Ordinance No. 2026-05: T. Nash

AN ORDINANCE OF THE CITY COUNCIL OF BURNET, TEXAS, AMENDING THE CITY CODE OF ORDINANCES SECTIONS 74-37, ENTITLED “DEFINITIONS,” AND 74-38, ENTITLED “GOLF COURSE RATES”; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

Council Member Ricky Langley made a motion to approve Ordinance No. 2026-05 as presented. Council Member Philip Thurman seconded the motion. The motion passed unanimously.

8.3) Discuss and consider action: Resolution No. R2026-10: K. McBurnett

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE DOWNTOWN REVITALIZATION PROGRAM

Council Member Philip Thurman made a motion to approve Resolution No. R2026-10 as presented. Council Member Cindia Talamantez seconded the motion. The motion passed unanimously.

8.4) Discuss and consider action: Direction to staff regarding proposed amendments to Section 118 - “Zoning” for the Multi-Family Residential – District “R-3” regulations: L. Kimbler

Mayor Gary Wideman made a motion directing staff to proceed with drafting the amendments as presented. Council Member Tommy Gaut seconded the motion. The motion passed unanimously.

8.5) Discuss and consider action: Resolution No. R2026-12: D. Vaughn

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, APPROVING THE PURCHASE OF PROPERTY LEGALLY DESCRIBED AS BEING 16.610 ACRES OF LAND, MORE OR LESS, OUT OF THE EUGENIO PEREZ SURVEY NO. 41, ABSTRACT 672, IN THE CITY AND COUNTY OF BURNET, TEXAS, AND BEING THAT SAME 16.610 ACRES DESCRIBED AS TRACT II IN THAT CERTAIN WARRANTY DEED WITH VENDOR’S LIEN RECORDED AS DOCUMENT NO. 202209940 IN THE OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, AND AUTHORIZING THE MAYOR TO EXECUTE THE PROPERTY CONTRACT

Council Member Philip Thurman made a motion to approve Resolution No. R2026-12 as presented. Council Member Joyce Laudenschlager seconded the motion. The motion passed unanimously.

8.6) Discuss and consider action: Resolution No. R2026-11: D. Vaughn

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AUTHORIZING AND APPROVING THE CREATION OF AND JOINING THE “BURNET

COUNTY HIGHLAND LAKES SUB-REGIONAL PLANNING COMMISSION” (BCHL-SRPC); AND AUTHORIZING COORDINATION WITH OTHER COUNTIES, MUNICIPALITIES, AND OTHER GOVERNMENTAL UNITS

Council Member Tommy Gaut made a motion to approve Resolution No. R2026-11 as presented. Council Member Cindia Talamantez seconded the motion. The motion passed unanimously.

8.7) Discuss and consider action: Appoint two members to serve on the Burnet County Highland Lakes Council of Governments Sub-Regional Planning Commission, with one member serving a term expiring December 31, 2027, and one member serving a term expiring December 31, 2028: D. Vaughn

Mayor Gary Wideman made a motion to appoint Gary Wideman and Joyce Laudenschlager to serve on the Burnet County Highland Lakes Council of Government Sub-Regional Planning Commission, with Mayor Gary Wideman serving a term expiring December 31, 2027, and Council Member Joyce Laudenschlager serving a term expiring December 31, 2028.

8.8) Discuss and consider action: City of Burnet July 2025 flood response, including but not limited to floodplain development regulations; repair and reconstruction of City facilities; community assistance programs; debris management; participation in the NRCS Emergency Watershed Protection (EWP) Buyout Program, including property eligibility criteria, project area identification, projected costs, and survey and appraisal requirements; direction to staff; and other related flood issues: D. Vaughn

City Manager David Vaughn stated that a special meeting regarding the July 2025 Flood will need to be scheduled in the coming weeks. He noted that the government shutdown has resulted in an additional delay in progress related to flood matters.

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 Mayor Gary Wideman at 6:03 p.m. Council Member Philip Thurman seconded the motion. The motion passed unanimously.

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

**ATTEST:**

\_\_\_\_\_  
Maria Gonzales, City Secretary



## Item Brief

### Meeting Date

March 10, 2026

### Agenda Item

Public hearing and action: Ordinance No. 2026-06: 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 (PROPERTY ID: 125129) FROM ITS PRESENT DESIGNATION OF AGRICULTURE – DISTRICT “A” TO A DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2”; 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 acre tract located at the intersection of County Road 108 and North Water Street (Exhibit A – location). It is currently zoned as Agriculture – District “A”.

The applicant is requesting to rezone the property to Medium Commercial – District “C-2” to allow for the development of a convenience store, to include the sale of gasoline, and associated retail development (Exhibit B – application and letter of intent).

### Surrounding Zoning and Future Land Use

|                 | <b>North</b> | <b>South</b> | <b>East</b> | <b>West</b> |
|-----------------|--------------|--------------|-------------|-------------|
| <b>Zoning</b>   | ETJ          | “A”          | “C-1”       | “A”         |
| <b>FLUM</b>     | Commercial   | Commercial   | Commercial  | Residential |
| <b>Land Use</b> | Undeveloped  | Undeveloped  | Undeveloped | Undeveloped |

The surrounding properties are largely undeveloped with one property across County Road 108 zoned as District C-1 with a Conditional Use permit to allow for the development of an assisted living facility, which is in the planning stages.

The Future Land Use Map designates the subject property as Commercial. The requested Medium Commercial – District “C-2” zoning is consistent with this designation.

### Zoning District Overview

Medium Commercial – District “C-2” allows all permitted uses in District “C-1” and commercial land uses in facilities under 20,000 square feet. Allowable uses include, but are not limited to:

- Automobile service station, gasoline station (full and limited), filling or retail service station
- Car washes
- Child care center (small, intermediate and large) and child development facilities
- Greenhouses and plant nurseries
- Hotels and motels
- Milk and bread distributing stations
- Parking lots and commercial garage
- Recycling collection use
- Heliport

While the requested use is allowable in the requested zoning district, approval of this rezoning would allow any use permitted in the C-2 district, subject to site development regulations.

Properties zoned District “C-2” are subject to the following conditions and limitations:

- Uses must be conducted primarily within an enclosed building or a screened area
- The use must not be objectionable due to odor, light, smoke, dust, noise, or vibration
- Any such impact on the property may not exceed the levels permitted by ordinance.
- Must comply with applicable site development regulations, including the provision of paved sidewalks, driveways, and parking areas
- Screening of loading and storage areas is also required

### Utilities

The property has access to adequate water service. Coordination with the City Engineer will be required to ensure wastewater is extended to properly accommodate the proposed project. Electrical services will be provided by Pedernales Electric Cooperative (PEC).

### Previous Zoning Requests

There have been two previous attempts to rezone this property.

In the first attempt, the application requested to rezone the property to Light Commercial – District “C-1,” with a Conditional Use Permit to allow for the development of a convenience store including the sale of gasoline. This 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.

In the second attempt, the applicant requested to rezone the property to Medium Commercial – District “C-2” with a Conditional Use Permit to allow for the development of a Truck Stop. This second attempt was also denied. The denial was due to safety concerns regarding large commercial trucks entering and exiting the site as well as potential traffic impacts and compatibility concerns with surrounding properties.

The current request has removed any request for a Conditional Use Permit for the truck stop operation and is only seeking District “C-2” to allow for the convenience store with the sale of gasoline.

Prior to any development of the property, civil engineered site plans, including drainage, traffic circulation, lighting, parking, landscaping and buffering, will be required to be submitted for review to ensure compliance with all City of Burnet regulations.

### Public Notification

Written notices were mailed to six (6) surrounding property owners within 200 feet of the subject property. There has been one response in opposition (attached) and no further responses.

### P&Z Report

The Planning and Zoning Commission met on Monday, March 2nd and voted to recommend denial of the request to rezone the property to Medium Commercial – District “C-2.” Following discussion and deliberation, the Commission unanimously determined that the C-2 district permits a range of uses that may not be compatible with the surrounding properties. However, the Commission did recommend that City Council consider alternative zoning options, including Light Commercial – District “C-1” with a Conditional Use Permit to allow gasoline sales, or a Planned Unit Development (PUD) zoning designation that would clearly define and limit the permitted uses. The Commission expressed support for commercial zoning of the property, consistent with the Future Land Use Map.

### Recommendation

Open the public hearing.

ITEM 7-1.

Discuss and consider Ordinance 2026-06.







# H D | B R O W N

Leslie Kimbler  
Planning Manager  
City of Burnet  
1001 Buchanan Dr  
Burnet, TX 78611

Via Electronic Submittal

RE: Rezoning request for a 5.84 acre tract in the John Hamilton Survey No.1, ABS No. 405 in Burnet, Texas 78611; BCAD Parcel 125129 (the "Property")

Dear Ms. Kimbler,

We respectfully submit the attached request to rezone the Property. The Property is located at NW corner of Hwy 281 and CR 108 and is currently undeveloped. The proposed request is from Agriculture (A) to Medium Commercial District (C-2). The purpose of the zoning change application is to allow for the development of a Convenience Store that includes the sale of gasoline. The Property is designated as "Commercial" in the Future Land Use Map, which aligns with the proposed zoning and use.

The Property is suited for the proposed use for several reasons. It is situated along Hwy 281, which is a major 5-lane highway and County Road 108, which provides an appropriate transportation network to accommodate this use. Additionally, the use will provide a much needed commercial amenity to north Burnet, where currently very little exists. Finally, the Property is within the full purpose City limits and will generate significant sales and property tax revenues for the City.

An application for the Property was previously submitted for rezoning of C-2 with an associated Conditional Use Permit (CUP) to allow for a Truck Stop (draft ordinance # 2025-22). After receiving feedback from the community and City Council, we have removed the request to provide a Truck Stop.

Should you have any questions regarding this application, please do not hesitate to contact me. Thank you for your consideration.

Sincerely,



Amanda Couch Brown, Manager  
HD Brown Consulting, LLC

## Letter of Opposition

### Resident Concerns with Applicant Zoning Change Request Ordinance No 2026-06, Parcel of land located at the north corner of County Road 108 and North Water Street

Planning and Zoning Commissioners:

My husband and I are residents of County Road 108 and we, along with other residents, have numerous concerns regarding applicant's request for zoning change at this site to C-2 Commercial.

This is the third rezoning attempt from these applicants (Agriculture to C-2) at CR-108 & N. Water, directly across from the high school.

Prior denials were based on road condition, traffic safety, and compatibility. The key question for decision-makers is what has materially changed since the prior denials.

The concerns raised here are very site-specific to this location, including:

- Underlying issues of site location and related significant traffic impacts, safety and congestion for ingress/egress onto County Road 108; ingress from 281 northbound onto County Road 108. CR 108 already functions as a constrained roadway and emergency access route during flood events.
- The applicant's proposed inclusion of diesel fueling stations specifically sited and sized for tractor trucks and other semi-trucks and large, heavy trucks on the portion of their location that faces County Road 108 will incentivize and intentionally attract those large heavy trucks to either traverse or attempt ingress/egress County Road 108.
- Very close proximity to high school and middle school that applicant proposes to include sales of alcohol, vape products and other paraphernalia.
- Neighborhood compatibility concerns regarding noise, light, and odor also remain unaddressed.
- The entire 5.8 acre lot is on a significant slope, which even with zero pervious cover, contributed to catastrophic flooding in July 2025 of nearby neighborhood homes, agricultural lands and livestock pastures, and large sections of County Road 108 were washed out. Current retention pond/engineering plans from applicant do not address this updated flooding capacity, even by their own acknowledgement.
- Groundwater safety concerns of proposed development since all runoff from property asphalt including industrial chemicals, gasoline and other waste substances would flow into Hamilton Creek, which runs right behind the property across County Road 108.

- The applicant’s current proposal is framed as a convenience store with gas and an additional 14,000 sq ft of retail, but approval would grant permanent C-2 commercial entitlement allowing many broader uses.

Given that none of these issues had been addressed or resolved by applicant, the basis for denial still exists.

We have attempted to discuss these concerns in good faith with the applicant and their Austin-based consultant, and attended a community meeting and presentation the aforementioned held on December 2<sup>nd</sup>, 2025. At that meeting, we were told clearly that the intent of the meeting was to disseminate information to the community regarding their development plans, but *not to take into consideration any community concerns to make potential changes or adjustments.*

The site plan shown to the community in the December 2<sup>nd</sup> meeting indicates a large fueling area, multiple structures, and significant paved circulation, suggesting a higher-intensity commercial use than described. (Image of that site plan provided by applicant to community attendees attached to this letter.)

The developer also acknowledged that truck traffic cannot be controlled and that diesel pumps will attract heavy vehicles.

### **Key Admissions from the Developer at the December 2<sup>nd</sup>, 2025 Meeting:**

During the meeting on December 2<sup>nd</sup> the applicant explicitly acknowledged in their own statements that there are a number of foreseeable risks, but that their proposed plans in no way address those risks. Their statements include the following:

- “This plan does not take into account the flooding from July of this year.”
- “We can’t control whether truckers will come.” [Note: As mentioned above and also visible in the attached site plan, diesel pumps specifically sited and sized for heavy trucks are included in their proposal].
- “Alcohol is about 30 percent of our business, vaping products are about another 5 percent.” [Note: Alcohol sales are economically central to the project, despite very close proximity to both middle and high schools and the community’s youth].
- “This is conceptual for zoning; engineering comes later.” [Note: Traffic, engineering, flooding, groundwater studies have not been conducted].
- “We are not willing to give up the gas station. Retail alone is not economically viable for us”.

More specifics provided by applicant at this meeting include the following detail:

#### A. Floodplain and Drainage

- The floodplain mapping relied upon is from approximately 2019.
- The July 2025 flooding event is not reflected in the current plan.
- Detention facilities are proposed to release runoff at “no more than current conditions,” using an outdated baseline.
- The project does not propose to improve existing flooding conditions.

#### B. Traffic and Truck Impacts

- Diesel pumps are included in the design.
- The developer acknowledged that truck and semi-truck usage cannot be controlled.
- CR 108 may function as a shortcut route for trucks avoiding US-281 turn movements.
- Final ingress/egress design is subject to TxDOT review and is not fixed.

#### C. Use Intensity and Economics

- The project is economically dependent on fuel and alcohol sales.
- Retail-only development was expressly rejected as infeasible.
- Prior gas station proposals at this site were denied, and the current proposal represents a renewed attempt.

#### E. End-of-Life Risk

- Residents raised concerns about abandoned gas stations (there are already 2 such abandoned stations within ½ mile on Hwy 281). Abandoned gas stations are notoriously expensive and difficult sites to redevelop, making them unattractive to future developers.
- The developer acknowledged tank removal obligations (as required by state law) but did not commit to financial assurance or bonding, so end of life remediation obligations are undefined and insufficient.

### III. Why These Admissions Matter

- Flood risk is foreseeable and acknowledged but not fully studied.
- Truck traffic impacts are predictable and unmitigated at this stage.
- The proposal depends on uses that introduce additional environmental and public-health risk.
- Zoning approval would precede the technical analysis needed to evaluate actual impacts.
- Long-term abandonment and remediation risks remain unaddressed.
- Two apparent access points, including one onto CR-108, increase turning and congestion risks.
- Large fueling apron and internal circulation may cause queue spillback and driveway blockage.
- Potential cut-through traffic and continued attraction of oversized vehicles even without truck stop labeling.

#### IV. Requested Relief

None of these conditions have been addressed by applicant between their previous zoning applications and this one.

We believe a zoning change denial is entirely warranted.

In the alternative, the imposition of enforceable conditional use requirements could include the following:

1. Removal of diesel fueling station pumps designed for heavy trucks and tractor trailers. Only allow simple gas/diesel refueling at car/light truck gas pumps.
2. Require A Traffic Impact Analysis and approved engineering plan that includes a model for school peak-hour conditions, driveway spillback prevention onto County Road 108.
3. Prohibit heavy trucks from using the site's County Road 108 ingress/egress to travel northbound on CR 108. Instead, require them to turn left, go to the light at Hwy 281 and use that intersection to turn left or right.
4. The site sits directly across from a high school, raising heightened safety and compatibility concerns. Restrict operating hours to reduce late- night activity near the school and restrict sales of alcohol and vape products.
5. Given the site's location immediately adjacent to Hamilton Creek, a hydrology and drainage modeling and approved engineering plan should be required to assess groundwater vulnerability, including an analysis of whether any known domestic or public supply wells downgradient of this site that could be affected by fuel spills, chronic leakage, or contaminated stormwater.
6. Impose dark-sky compliant lighting, buffering, and noise limits for compatibility.

We thank you very much for your attention to this matter and appreciate your time. If you have any questions for us, we may be reached at [nikki@castleclan.com](mailto:nikki@castleclan.com)  
[chris@castleclan.com](mailto:chris@castleclan.com).

Sincerely,  
Nikki and Chris Castle

**ORDINANCE NO. 2026-06**

**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 WATR STREET (PROPERTY ID: 125129) FROM ITS PRESENT DESIGNATION OF AGRICULTURE – DISTRICT “A” TO A DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2”; 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. 2021-01, 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**, 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. 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 10<sup>th</sup> day of March 2026.

**CITY OF BURNET, TEXAS**

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

**ATTEST:**

\_\_\_\_\_  
Maria Gonzales, City Secretary

Exhibit "A"

Location Map



Burnet City Council  
301 E. Jackson Street  
Burnet, Texas 78611  
March 5, 2026

**Re: Rezoning Request – Hwy 281 & The Green Mile / County Road 108/Burnet City Council Meeting 3/12/26 Item 7 Public Hearings/Action**

Dear Mayor Wideman and Members of the City Council:

We write as residents of County Road 108 to respectfully request that the City Council DENY ANY REZONING THAT WOULD PERMIT FUEL SALES at the northwest corner of Highway 281 and The Green Mile.

At the March 2, 2026 meeting, the Planning and Zoning Commission recommended that the property be rezoned to C-1 commercial with a Conditional Use Permit (CUP) or Planned Unit Development (PUD) that could allow fuel sales. While the Commission rejected the broader C-2 zoning request, the remaining proposal still raises significant concerns in the neighborhood regarding traffic safety, traffic congestion, increased heavy truck traffic, school proximity, youth safety, and flood risk.

Note that this applicant has been denied rezoning twice before. The underlying conditions and infrastructure concerns still remain unaddressed.

Although the City’s Future Land Use Map designates this parcel as “Commercial,” that designation does not *require* approval of fuel sales at this location. The FLUM is a policy guide, not a zoning entitlement, and “Commercial” encompasses a wide range of uses and intensities.

The relevant question is whether a highway-oriented fuel station – including fast flow diesel pumps - is appropriate for this specific site, given its role as the gateway to Burnet High School through The Green Mile, the limited capacity of County Road 108, flooding concerns, the absence of completed engineering studies or architectural plans, and the well-documented increases in violent crime associated with highway gas stations.

Approving fuel sales *now* would grant a broad entitlement that cannot easily be reversed even if later studies reveal traffic, drainage, or safety problems. The data supports that a more prudent approach would be C-1 zoning with a Planned Unit Development that prohibits fuel sales and requires detailed site-specific plans and mitigation before development rights are exercised.

**Burnet ISD Has Not Been Consulted**

In a recent meeting with Dr. Peña, Superintendent of Burnet ISD, we confirmed that the district has not been consulted regarding this rezoning proposal, despite the direct impact on The Green Mile serving Burnet High School. We have also confirmed that BCISD Trustees have not been consulted or contacted about this proposed development.

**Requested Action from City Council:**

We have provided greater detail on major items of concern in the sections below. However for the sake of brevity, we will state here that we respectfully request that the City Council:

1. Deny any rezoning that would permit fuel sales or a gas station at this location.

Commercial development is ultimately considered, require C-1 zoning with a Planned Unit Development (PUD) that provides enforceable development conditions, including:

- Prohibition on fuel sales
- Control over types of retail uses permitted
- Site plan and design approval prior to construction
- Consideration of restrictions on alcohol and vape sales due to proximity to the school corridor
- Updated hydrology and drainage studies reflecting the July 2025 flooding event

These conditions would run with the land and provide long-term protection for the surrounding community.

### **DETAILED EXPLANATION FOR DENIAL OF GAS STATION, FUEL PUMPS AND HEAVY TRUCKS:**

#### **1. Gateway to the Burnet High School Campus**

The proposed site sits directly along The Green Mile / County Road 108, the primary roadway serving Burnet High School. Students, school buses, parents, and faculty travel this road daily. In practical terms, the intersection of Highway 281 and The Green Mile functions as an entrance to The Green Mile which is a gateway corridor to the Burnet High School campus. There is also a school bus route down the length of County Road 108 every school day.

The proposed development would place a gas station selling alcohol, tobacco, and vape products at the entrance to that corridor, introducing high-volume transient traffic from Highway 281 directly into the school access route and gateway corridor.

The owners/applicants requesting the gas station zoning have stated in public meetings that alcohol sales are 30% of their profit and vape products another 5-10%.

Additionally, a dramatic increase to area traffic congestion, particularly during school drop-off/pick-up is a serious concern that remains entirely unaddressed by owner/applicant. With the removal of the possibility of a gas station and with the implementation of a PUD on the site, the Council could retain control over making sure these issues are appropriately addressed by owner/applicant.

#### **2. Scale and Lack of Oversight of the Proposed Development**

The project described to Planning and Zoning includes:

- A gas station with gasoline pumps
- High-flow diesel pumps designed for semi-truck fueling
- Approximately 19,000 square feet of retail space in addition to the large gas station with no description of proposed tenants or architectural plans. That scale is comparable to developments such as Dollar General or Tractor Supply and is substantially larger than what is commonly thought of as neighborhood retail.
- The owner/applicants are also the owners of Miller's Meat Market on Hwy 29. Many people have concerns that the proposed development may be undercapitalized, unsightly, and not represent our community with the kind of development that would bring pride to its citizens. Because no architectural plans have been

submitted, the Council has no way of knowing - or controlling - if this will be a 19,000 sq ft Miller's Market.

### **3. Increased Crime: Youth Safety and Community Impacts**

Convenience stores associated with fuel stations are frequently associated with alcohol sales, tobacco and vape product sales, and transient highway traffic.

- A national county-level study found that greater convenience store availability (which under NAICS classification includes gas stations) was associated with higher violent crime rates.
- This project would place alcohol, vape, and tobacco sales at the gateway to the high school campus, the first commercial location students encounter traveling to and from school.
- Texas Alcoholic Beverage Commission data shows convenience stores are the most common source of illegal alcohol sales to minors.
- Research consistently shows that off-premise alcohol outlets such as convenience stores and gas stations are more strongly correlated with violent crime than on-premise establishments such as bars and restaurants. Studies have found that every ten percent increase in access to off-premise outlets is associated with a thirty-seven percent greater increase in violent crime compared to on-premise outlets.
- A comprehensive study of Dallas County, Texas linked trauma patient data with crime data from twenty local police departments and the Texas Alcoholic Beverage Commission alcohol outlet dataset. The study found that the associations between alcohol retail outlet density and pedestrian injury collisions, car crashes and related injuries, and assaults (including intimate partner violence) have all been well documented.
- The Texas Department of Public Safety and the Texas Attorney General's Human Trafficking Prevention Task Force identify highway fuel locations as environments frequently encountered in trafficking investigations.

TABC underage compliance operations consistently find that off-premise retailers (including convenience stores) account for the majority of sales-to-minors violations. See <https://www.tabc.texas.gov/news/news-releases/tabc-announces-back-to-school-undercover-operations-2017/>

Human-trafficking prevention guidance for the transportation sector recognizes that potential indicators may be encountered at truck stops and while stopping for gas, **one reason communities often scrutinize highway-oriented fuel and truck-service uses near school corridors**. See <https://www.transportation.gov/stop-human-trafficking/trucking>

### **4. The Shortcut Problem**

Residents at the P&Z meeting noted that trucks leaving the development could quickly discover a nine-mile shortcut connecting County Road 108 to County Road 109, allowing drivers to bypass the Highway 281 traffic signal. This creates a strong incentive for trucks to use The Green Mile / County Road 108 as a through route, placing heavy truck traffic directly along the school gateway corridor.

The applicant acknowledged semi-truck traffic cannot be controlled, and the site plan they submitted includes fast-flow diesel pumps designed for truck fueling.

## **Flooding and Environmental Considerations**

The site lies near Hamilton Creek, raising potential concerns regarding runoff and groundwater contamination associated with underground fuel tanks. The area also experienced severe flooding in July 2025 that damaged portions of County Road 108. Updated hydrology studies should be required before **any development approval** affecting drainage and stormwater management in this area.

### **6. Retaining City Control Over Detailed Site Plans**

The City has suggested that traffic studies, drainage studies, and other engineering analysis will occur after the zoning decision. That raises a simple question: if those studies later show that the development creates unacceptable impacts—traffic hazards, flooding risks, or safety problems along the school corridor—and the developer fails to bring the property into compliance, **will the City revoke the zoning that allows fuel sales at this site?**

**Under Texas law, the practical answer is no. Once zoning is granted, it creates a land-use entitlement that runs with the property. Later engineering review may address site-design details, but it cannot undo the underlying land use the Council has already approved.**

This creates a second concern. If the likely studies reveal costly mitigation requirements—road widening, drainage improvements, flood control, or environmental protections—the City is assuming that the developer has both the financial capacity and the willingness to complete those improvements. If the developer lacks the capital to do so or chooses not to commit the resources, the City is left with an entitled property that may never be brought fully into compliance.

**For that reason, municipalities typically evaluate the feasibility and impacts of high-intensity uses before granting the zoning entitlement, not after.**

### **7. Spot Zoning**

When a zoning change singles out a particular tract for a more intensive commercial entitlement whose impacts fall primarily on surrounding properties, the change may not represent a defensible land-use decision unless the record demonstrates that the use is compatible with surrounding conditions and consistent with the City's obligations to protect public health, safety, and welfare. See Texas Local Government Code §211.004(a)(7); *City of Brookside Village v. Comeau*, 633 S.W.2d 790 (Tex. 1982); *City of Pharr v. Tippitt*, 616 S.W.2d 173 (Tex. 1981). Without completed traffic analysis, drainage studies, architectural plans, or a clear demonstration of compatibility with the school corridor and surrounding neighborhood, the Council currently lacks sufficient information to make that determination.

A Planned Unit Development (PUD) would provide a reasonable and defensible framework for addressing these concerns by requiring submission and approval of architectural plans, site layout, traffic circulation, drainage mitigation, and permitted uses before development rights are granted. Such conditions would run with the land and ensure that any commercial development at this location is evaluated based on the *actual* project and its impacts, rather than an undefined entitlement.

Respectfully submitted,

Nikki and Chris Castle  
4610 County Road 108  
Burnet, Texas 78611

From: Richard McMahon <rhcmcmahon@gmail.com>

Sent: Monday, March 9, 2026 2:24:25 PM

To: Development Services Dept. <developmentsservices@cityofburnet.com>

Subject: Proposed zoning changes and development of land at Hwy 281 and County Road 108

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

Caution: External Email

March 2026

Richard & Vici McMahon  
2700 County Road 108  
Burnet, Texas 78611

City of Burnet Development Services  
101 N.E 3rd Street  
Burnet, Texas 78611

Dear City of Burnet Development Services

It has come to my and my wife's attention that there is proposed development at the intersection of County Road 108 and Highway 281. We were informed that part of the pasture land had been sold and a proposed truck stop put in with all the facilities. I understand the City Council did not approve that request. If I'm correct an approval for retail development has been granted with the provision that fuel and alcohol

sales will be permitted. I have several concerns about fuel sales with respect to water runoff that goes from this property into Hamilton Creek. Has there been an EPA study on the impact of this next to the area where County Road 108 floods in periods of high rainfall and its become impassible several times? We are acutely aware of the runoff. Also from a Civil Engineering aspect has a firm been employed to access water flow?

Alcohol sales should be prohibited right across from the green mile. We don't need a store that sells booze right across from our high school. Fuel sales should also be prohibited

because of runoff and the possibility of accidental spills and oil and gas runoff from cars that pull in to get gas or trucks for diesel. My wife and I have lived off of this road for many years as our son went all the way from elementary school through high school in Burnet. We are both are native Texans and I am retired military. We moved to Burnet so our son could go to a good school vice a big city school such as Austin. Also there many rewards for living next to a town such as Burnet both for us and our sons development. I also like the dark skies we have and routinely do Astronomy at my home. So as you see a big gas station would not be a welcome aspect from that point of view with all its lighting. I understand growth is part of any city otherwise we would still have a courthouse with hitching posts for horses. We are asking for responsible growth of Burnet. If development goes In I'm asking that access to County Road 108 be restricted to people living off of this road. The road is not built to handle large volumes of traffic. I know where the City and the County of Burnet meet and part of the road falls under the city's jurisdiction and the other the county. I'm also asking for a study of the water runoff be done by the EPA before approval is granted for development and if regular retail stores get put in that full cutoff lighting be used. Full cutoff lighting Its cheaper for the City or retailer and it puts the lights where it needs to be vice lighting up the sky.

Thank you for your time and consideration

Sincerely

Richard McMahan

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# City Council Regular Meeting

## March 10, 2026

Discuss and consider action: Ordinance No. 2026-06: L. Kimbler

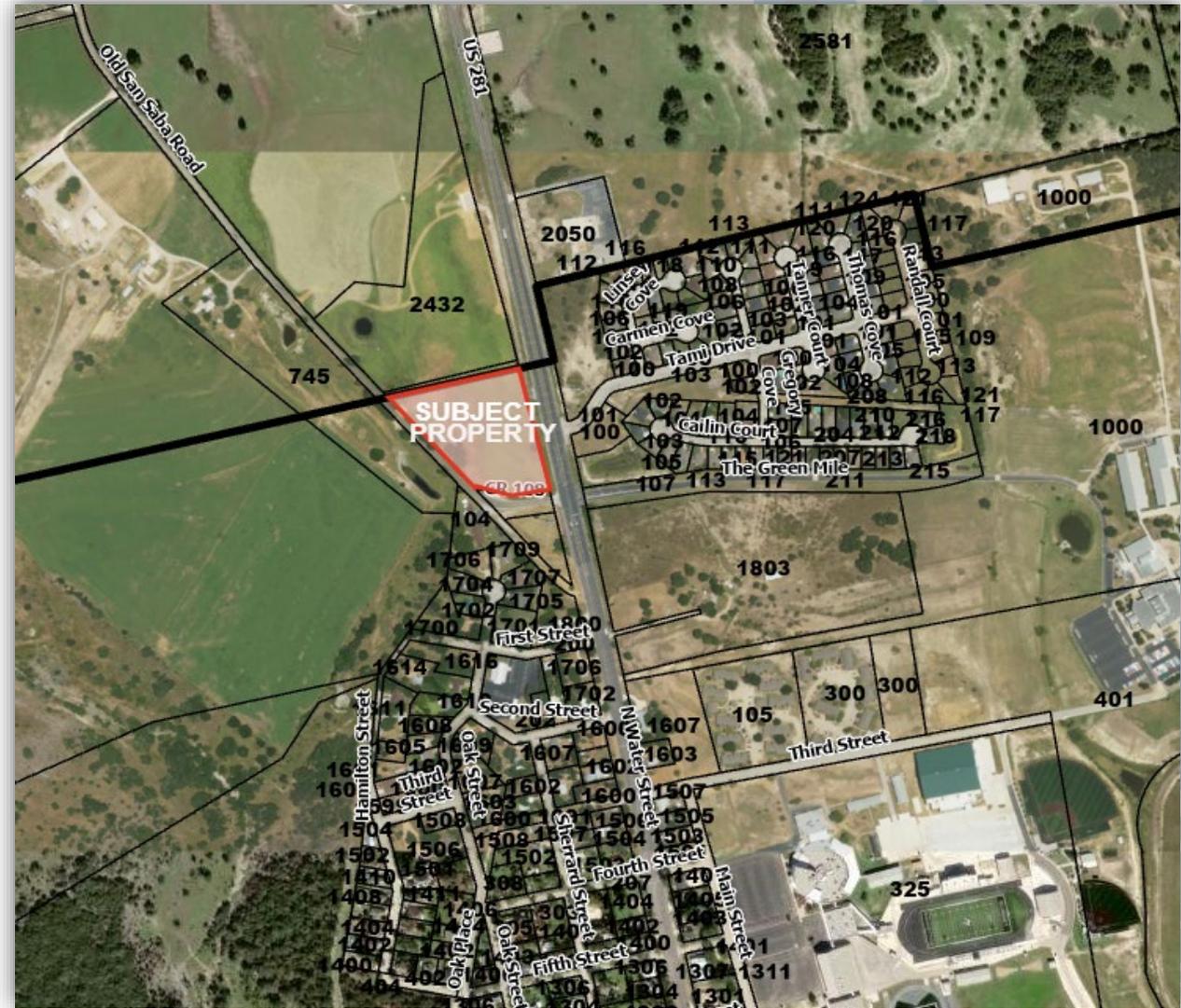
**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE NO. 2021-01 AND THE OFFICIAL ZONING MAP OF THE CITY BY REZONING PROPERTY LOCATED AT THE NORTH CORNER OF COUNTY ROAD 108 AND NORTH WATER STREET (PROPERTY ID: 125129) FROM ITS PRESENT DESIGNATION OF AGRICULTURE – DISTRICT “A” TO A DESIGNATION OF MEDIUM COMMERCIAL – DISTRICT “C-2”; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**



**5.8 acres**  
**County Road 108 and North Water Street**

**Current Zoning**  
**Agriculture— District “A”**

**Proposed Zoning**  
**Medium Commercial – District “C-2”**



## BACKGROUND & INFORMATION:

ITEM 7-1.

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 |

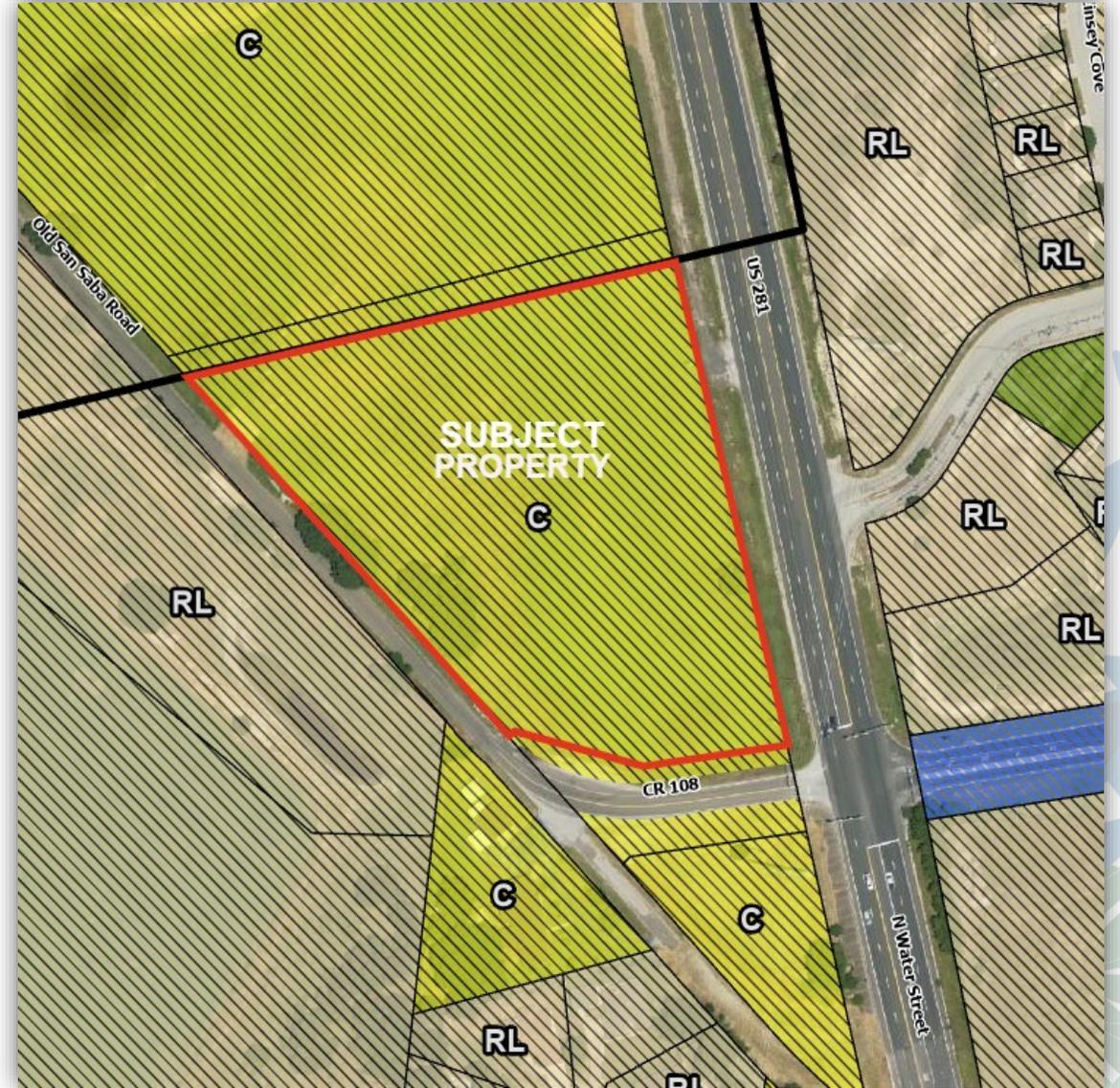
- ▶ Surrounding properties largely undeveloped
- ▶ One property zoned as District C-1 with a Conditional Use permit
- ▶ Future Land Use Map designates property as Commercial.
- ▶ Medium Commercial – District “C-2” zoning is consistent with this designation.



## Zoning

## FLUM

ITEM 7-1.



ITEM 7-1.

## Zoning District Overview

District “C-2” allows all permitted uses in District “C-1”

Allowable uses include, but are not limited to:

- Automobile, gas, filling or retail service
- Car washes
- Childcare centers
- Greenhouses and plant nurseries
- Hotels and motels
- Milk and bread stations
- Parking lots /commercial garage
- Recycling use
- Heliport

While the requested use is allowable in the requested zoning district, approval of this rezoning would allow any use permitted in the C-2 district, subject to site development regulations.



ITEM 7-1.

## Utilities:

**Site has access to water**

**Applicant to coordinate with City Engineer to ensure wastewater is extended for the project**

**Electrical services provided by PEC**



There have been two previous attempts to rezone this property.

► First attempt:

**Light Commercial – District “C-1,” with a Conditional Use Permit to allow a convenience store with gasoline sales**

*\* Denied due to concerns about condition & negative impacts of County Road 108*

► Second attempt:

**Medium Commercial – District “C-2” with a Conditional Use Permit to allow a Truck Stop**

*\* Denied due to concerns regarding large commercial trucks, potential traffic impacts and compatibility concerns*

► Current request:

**Medium Commercial - District “C-2” to allow for a convenience store with the sale of gasoline**

Prior to development, site plans including drainage, traffic circulation, lighting, parking, landscaping and buffering, will be required



ITEM 7-1.



## Public Notification:

**Notices were mailed to six (6) surrounding property owners.**

**One response in opposition were received and no responses in favor.**



## Planning and Zoning Report:

- **Recommended denial of the C-2 request**
  - **Unanimously determined C-2 permits uses not compatible**
- **Does recommend City Council consider:**
  - **C-1 with CUP to allow gasoline sales**
  - **PUD to clearly define allowable uses**

**P&Z does support commercial zoning as designated on the FLUM**



# Public Hearing

- **Public Hearing**
  - Allow applicant to speak
  - Limit 3 minutes per speaker
- **Discussion**
  - Discuss and consider proposed Ordinance 2026-06



H D BROWN  
CONSULTING

# Rezoning Request

Hwy 281 & CR 108



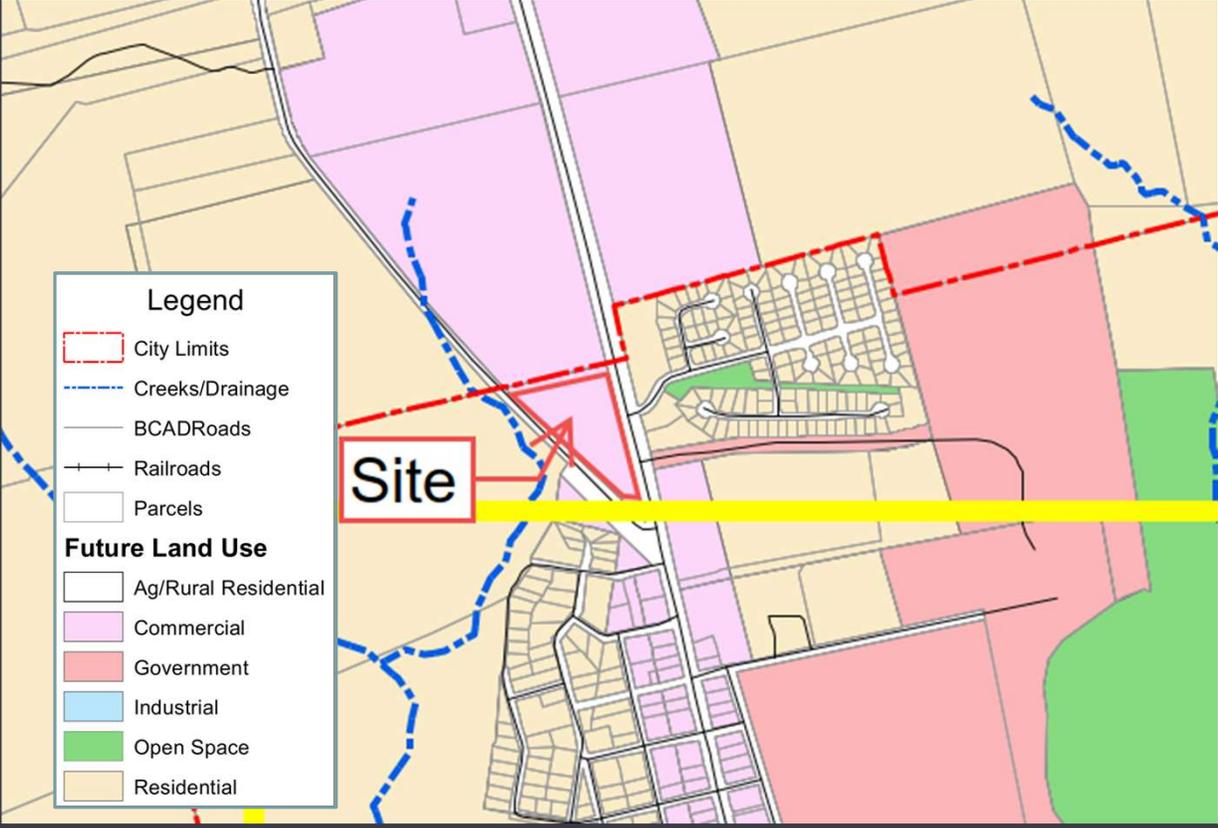
# Existing Zoning | Agriculture

**LEGEND**

- Creek/Stream
- City Limit
- BCAD Parcel
- Zoning Classification**
- Conditional Use Permit
- A - Agriculture
- C-1 - Light Commercial
- C-1/MX - Light Commercial w/ Mixed Use
- C-2 - Medium Commercial
- C-3 - Heavy Commercial
- G - Government/Public



# Future Land Use Map | Commercial



# Location | Hwy 281 & CR 108

**LOCATED** at the intersection of a major highway & arterial county road

**EXISTING** traffic light at the intersection

**NEAREST** c-store is 1.32 miles away

**ONLY** c-store on the north side of town



# 2025 Plan

## Medium Commercial (C-2) w/ CUP for a Truck Stop

THREE driveways proposed

CONDITIONAL Use Permit for a truck stop

OVERNIGHT facilities

NO additional retail amenities

**Community & Council Feedback:**

- Concern with truck stops
- Too many driveways
- Lack of retail



# 2026 Plan

## Medium Commercial (C-2)

**REMOVED** request for a truck stop, including:

- Semi-truck parking
- No overnight parking permitted
- No lounge or shower facilities

**REDUCTION** in driveways from 3 to 2

**DECREASE** c-store from 9,000 SF to 5,000 SF

**INCREASE** in retail SF

- 19,000 SF
- Fast-casual restaurants, retail, personal services use

**Commission Feedback:**

- Prefer light commercial to medium commercial development



## Commission Feedback

## Light Commercial Zoning Options

**LIGHT COMMERCIAL (C-1)** with Conditional Use Permit (CUP)

OR

**PLANNED UNIT DEVELOPMENT (PUD)** with base zoning C-1

YD1

**PERMITTED LAND USES** to include neighborhood-serving retail (e.g. child care center, veterinary services, clinic)

**INCLUDE** vegetative buffer to 25' on 108

**INCREASE** building setback to 50'

**LIMIT** signage to one (1) monumental sign in lieu of pole sign

- Reduced height – 25'
- Reduced size – 150 SF
- Increased setback from roadway – 20'

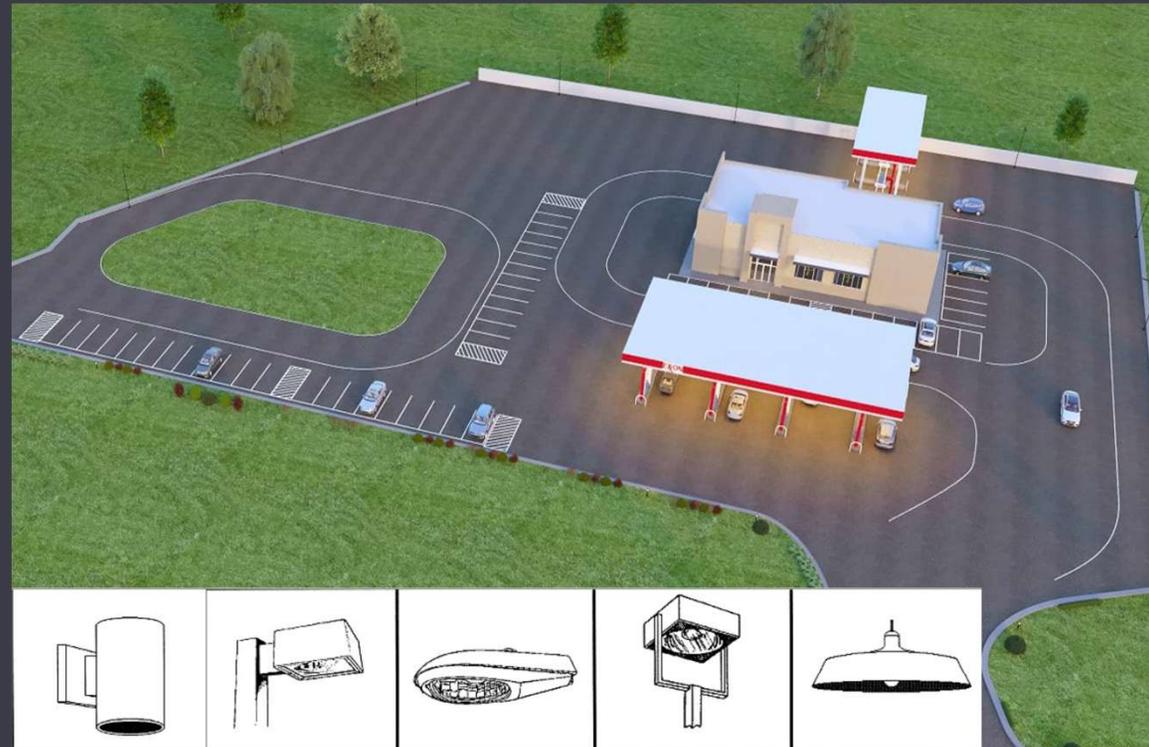
Thank you!

CONTACT:  
AMANDA BROWN  
HD Brown Consulting, LLC  
214-695-9219  
amanda.brown@hdbrownconsulting.com

## Outdoor Lighting | §118-20(i)

**PROHIBITION** on light being directed on adjacent property or public streets.

**PHOTOMETRICS** plan required with site plan.



# Architecture | Previous projects



# Landscaping & Screening | §118.62 & §90.28

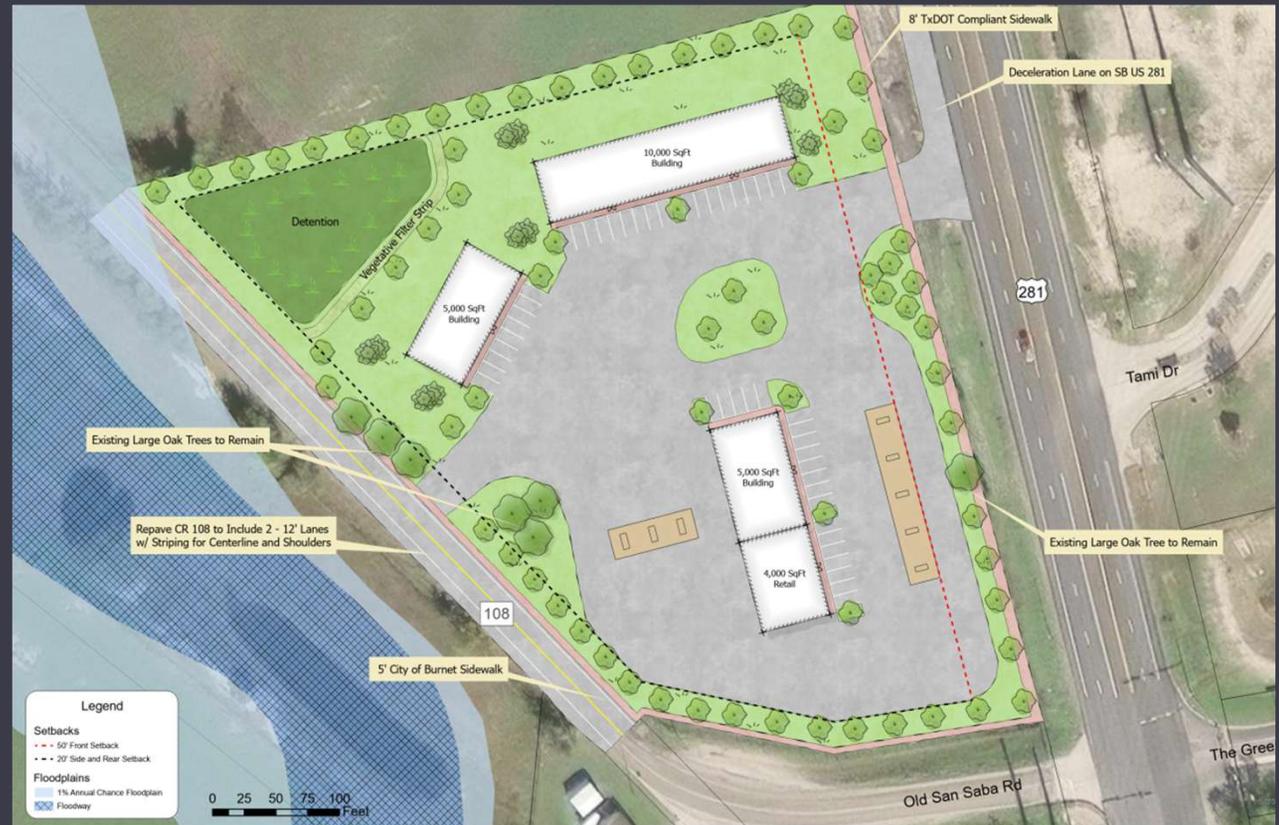
**REQUIRED** to be screened from a public street:

- Parking
- Loading spaces
- Storage areas
- Mechanical equipment
- Rear of structures

**PRESERVATION** of existing tree groves.

**DUMPSTER** screening required:

- Opaque fencing
- 6' in height
- High-quality, all-weather foundation



# Permitted Uses | C-1 vs C-2 vs PUD

| Uses   | C-1                       | C-2 | PUD | Notes & Citations   |
|--|---------------------------|-----|-----|---|
| 1. Air conditioning & heating sales/services           | No                        | Yes | Yes |   |
| 2. Indoor amusement                                    | No                        | Yes | Yes |   |
| 3. Automobile service/gas station                      | With CUP                  | Yes | Yes | C-1: gas with convenience is CUP; C-2: automobile retail service station & garage permitted by 2019-17.   |
| 4. Bakery with drive-thru                              | No                        | Yes | Yes | C-1 allows bakeries without drive-thru  |
| 5. Carwash   | With CUP                  | Yes | Yes | Allowed in C-1 with CUP   |
| 6. Child care center                                   | No                        | Yes | Yes |   |
| 7. Self-service laundry / cleaning shop                | Interpreted Yes           | Yes | Yes | C-1 personal services include dry cleaning/pressing substations.  |
| 8. Clinic & safety services                            | No                        | Yes | Yes | C-1 professional = architecture/legal, not medical clinics. C-2 explicitly permits clinic and safety services   |
| 9. Convenience/grocery/supermarket (gasoline possible) | Yes (gas/alcohol via CUP) | Yes | Yes | C-1 convenience allowed; gas/alcohol need CUP. C-2 list includes convenience/grocery;   |
| 10. Cultural services & community center               | No                        | Yes | Yes |   |
| 11. Dance & music academies                            | No                        | Yes | Yes |   |
| 12. Farm implement display & sales                     | No                        | Yes | Yes |   |
| 13. Florist/greenhouse/nursery (with outdoor)          | No                        | Yes | Yes |   |
| 14. Hotels/motels/tourist homes                        | No                        | Yes | Yes |   |
| 15. Sale of new automobile parts                       | No                        | Yes | Yes |   |
| 16. Shopping center                                    | Interpreted No            | Yes | Yes | C-1 allows convenience store, retail food store, grocery stores and supermarkets; C-2 supports larger centers.  |
| 17. Small animal clinic / vet services                 | No                        | Yes | Yes |   |
| 18. Upholstery shop                                    | Interpreted No            | Yes | Yes | C-1 allows personal service uses to include dressmaking, tailoring, shoe repairing, repairing of household appliances. C-2 explicitly states upholstery shops |

YD1

# CITY OF BURNET



## Is Council OK with a gas station at this location?

**NO**

**YES**



**Deny the request and consider rezoning to Light Commercial – C-1**

**Consider all the options for successful development**



*Bluebonnet Capital of Texas*

## CITY OF BURNET

### OPTION 1

#### APPROVE THE REQUESTED C-2 ZONING

- Allows all uses in C-2
- Cannot control fuel pumps
- Cannot control semi-truck parking

### OPTION 2

#### APPROVE C-1 with CUP to allow gas sales

- Cannot control fuel pumps
- Cannot control semi-truck parking

### OPTION 3

#### APPROVE PUD

- More controls on entire development
- Mitigates impact on surrounding properties
- Site plan helps control use as “truck stop”

Drainage, water quality, and other development related matters are addressed during construction plan review

*Bluebonnet Capital of Texas*

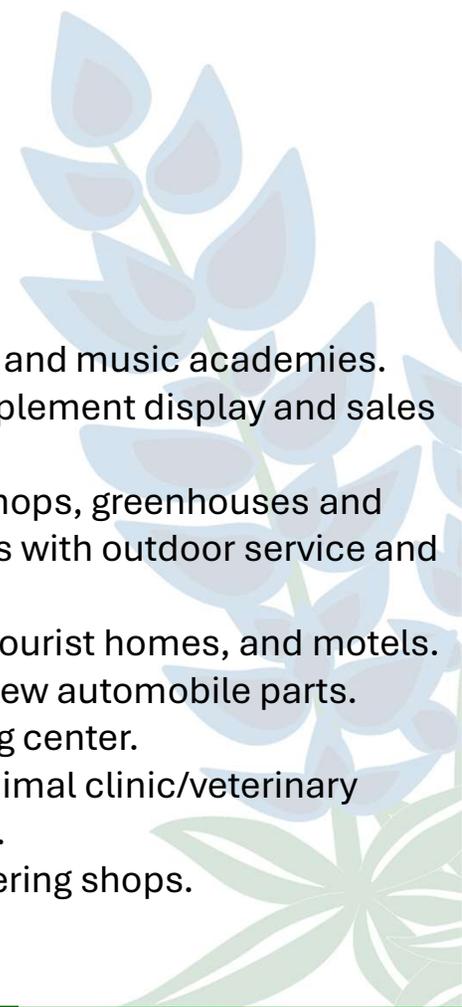


## CITY OF BURNET

# PLANNED UNIT DEVELOPMENT “PUD”

### Allowable Uses: All uses allowed in C-1 PLUS select uses allowed in C-2

- Air conditioning and heating sales and services.
- Amusement (indoor).
- Automobile service station, gasoline station (full and limited), filling or retail service station.
- Bakeries with goods primarily prepared for in-store retail sales on site with drive-thru service.
- Carwash.
- Child care center (small, intermediate and large) and child development facilities.
- Cleaning or laundry self-service shop and cleaning shop or laundry (small).
- Clinic and safety services.
- Convenience stores, grocery stores and supermarkets (including the sale of gasoline).
- Cultural services and community center (public and private).
- Dancing and music academies.
- Farm implement display and sales room.
- Florist shops, greenhouses and nurseries with outdoor service and display.
- Hotels, tourist homes, and motels.
- Sale of new automobile parts.
- Shopping center.
- Small animal clinic/veterinary services.
- Upholstering shops.



*Bluebonnet Capital of Texas*

## CITY OF BURNET

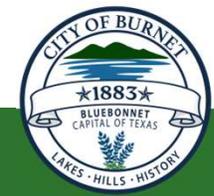
### PLANNED UNIT DEVELOPMENT “PUD”

#### SETBACKS:

**50-foot front on US Hwy 281 North**  
**50-foot along County Road 108**  
**25-foot northern property line**

**Canopy may encroach into 50-foot front**  
**as long as support columns are 50-feet**  
**from the US Hwy 281 property line**

**25-foot vegetative buffer along County**  
**Road 108**



*Bluebonnet Capital of Texas*

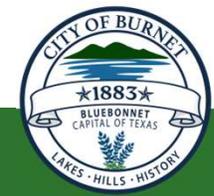
## CITY OF BURNET

# PLANNED UNIT DEVELOPMENT “PUD”

## SIGN STANDARDS:

**Only one (1) sign allowed on land along  
US Hwy 281 North**

**Multi-tenant monument sign not to  
exceed 150 square feet and no more than  
25-feet above grade**



*Bluebonnet Capital of Texas*

**CITY OF BURNET**

**PLANNED UNIT DEVELOPMENT**

**ADDITIONAL STANDARDS: “PUD”**

**All lights downward facing or shielded**

**Trash containers screened with solid masonry enclosure**

**Dedication of right-of-way and reconstruction of County Road 108 to City Collector Street standards**

**Parking must be in compliance with City ordinances**



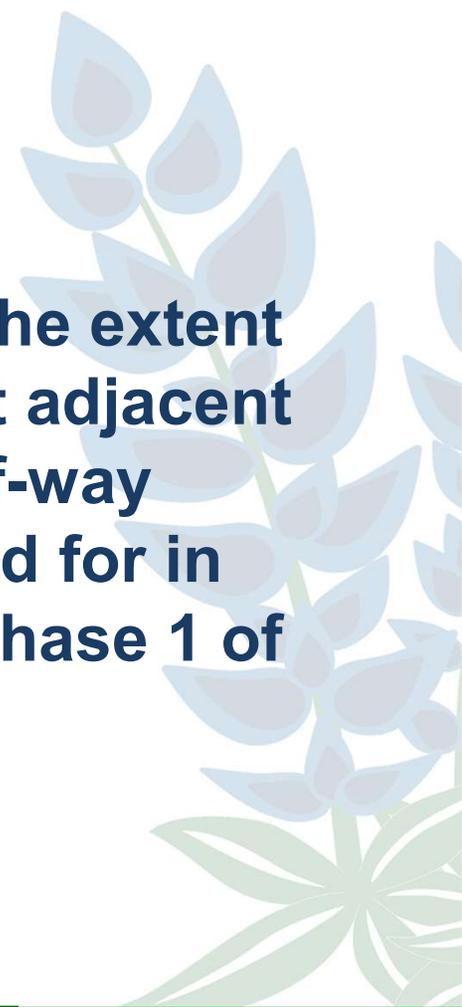
*Bluebonnet Capital of Texas*

## CITY OF BURNET

# PLANNED UNIT DEVELOPMENT “PUD”

### PHASING:

**The project may be developed in phases, to the extent that such phasing does not negatively impact adjacent properties and/or roadways. The right-of-way dedication and road improvements provided for in Section V(c) herein must be provided for in Phase 1 of the project.**



*Bluebonnet Capital of Texas*



## Item Brief

**Meeting Date**

March 10, 2026

**Agenda Item**

Discuss and consider action: Appointment of one Commissioner to the Housing Authority of the City of Burnet: M. Gonzales

**Information**

Per U.S. Department of Housing and Urban Development (HUD) requirements, housing authority boards must include at least one tenant board member. The previously appointed tenant representative to the Burnet Housing Authority Board did not return following the July 2025 flood, resulting in a vacancy in the required tenant position.

Billie Shelburn, Executive Director of the Burnet Housing Authority, has submitted a request to appoint Patsy Thomas to serve as the tenant Commissioner on the Housing Authority Board of the City of Burnet.

**Fiscal Impact**

None.

**Recommendation**

Staff recommends the appointment of Patsy Thomas as the tenant Commissioner to fulfill HUD requirements and maintain compliance with board standards.

*Housing Authority of the City of Burnet*

P.O. Box 56  
805 South Water Street  
Burnet, TX 78611  
Phone: (512) 756-4745  
Director: Billie Shelburn

February 24, 2026

Mayor Gary Wideman  
City of Burnet  
P.O. Box 1369  
Burnet, Texas 78611

Dear Mayor Widman:

I am writing today to get a commissioner appointed to the Burnet Housing Authority's Board. My Tenant commissioner, which HUD requested we have, did not move back after the flood. I have spoken with Patsy Thomas she will accept the appointment. Patsy has lived with the Housing Authority for several years and did move back after the flood. Patsy will make a wonderful member of our Board.

Thank you so much for all your help in this matter. Also, again I want to thank the city for all their help, you are awesome.

Yours truly,



Billie Shelburn  
Executive Director  
Burnet Housing Authority  
P.O. Box 56  
Burnet, Texas 78611  
(512)756-4745



## Item Brief

### **Meeting Date**

March 10, 2026

### **Agenda Item**

Discuss and consider action: Resolution No. R2026-13: K. McBurnett

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, DESIGNATING A DOWNTOWN DISTRICT; DEFINING ITS BOUNDARIES; PROVIDING FOR INCORPORATION OF AN EXHIBIT MAP; AND PROVIDING AN EFFECTIVE DATE

### **Information**

This resolution formally designates a Downtown District within the City of Burnet and establishes its official boundaries as depicted in Exhibit "A." The designated area generally encompasses the historic Downtown Square and surrounding commercial district bounded by East Polk Street, East League Street, South Vanderveer Street, and South Water Street.

The purpose of this designation is to create a clearly defined geographic area to support coordinated planning efforts, revitalization initiatives, infrastructure investment, economic development programs, and potential grant opportunities focused on the downtown core.

Formal designation of the Downtown District provides clarity for future municipal initiatives and strengthens the City's ability to pursue funding and strategic improvements within this defined area.

### **Fiscal Impact**

No direct fiscal impact is associated with the adoption of this resolution.

### **Recommendation**

Staff recommends approval of Resolution No. R2026-13 as presented.

**RESOLUTION NO. R2026-13**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, DESIGNATING A DOWNTOWN DISTRICT; DEFINING ITS BOUNDARIES; PROVIDING FOR INCORPORATION OF AN EXHIBIT MAP; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Council of the City of Burnet, Texas, finds that the designation of a defined Downtown District will promote coordinated planning, revitalization, infrastructure investment, and economic development within the historic core of the community; and

**WHEREAS**, the City Council desires to formally designate the area commonly recognized as the Downtown Square and surrounding commercial district as the City of Burnet Downtown District; and

**WHEREAS**, the boundaries of such district are depicted on the attached map labeled **Exhibit “A”**, which is incorporated herein for all purposes.

**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. Designation of Downtown District.** The City Council hereby designates the area described below and depicted on Exhibit “A” as the City of Burnet Downtown District.

**Section Three. Boundary Description.** The Downtown District shall include all properties, public rights-of-way, and improvements located within the area generally bounded as follows:

Beginning at the southeast corner of the intersection of West Polk Street and South Water, that being the point which is 15 feet west and 15 feet north of the northwest corner of the property known as S7150 Peter Kerr Portion Lot 140' X 69.45' Of 3 & 4 (Tr 'A') Blk 11;

Thence, 15 feet north and eastward along the southern rights of way line of Polk Street southeast corner of South Vanderveer Street and Polk Street, that point being the point of intersection 15' north of the northwest corner of the property known as S7150 Peter Kerr Portion Lot 4, W Pt 1, N Pt 3 Blk 14 & All Lot 1 Blk 13;

Thence southward along the eastern rights of way line of South Vanderveer Street to the southeast intersection of South Vanderveer Street and East League Street, that point being the northwest corner of the property known as S8450 Vanderveer/ Alexander Lot Pt of 1, 3 & 4 Blk 14 .53;

Thence westward along the southern rights of way line of East League Street to the southeast corner of the intersection of East League Street and South Water Street, that being 15 feet west of the northwest corner of the property known as S8450 Vanderveer/Alexander Lot Pt of 3 & 4 Blk 1;

Thence, 15 feet offset west from the eastern rights of way line of South Water Street northward to the point of beginning.

The official boundary of the Downtown District is more particularly depicted on the map attached hereto as Exhibit "A", which is incorporated herein by reference as if fully set forth.

**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 March 2026.

**CITY OF BURNET, TEXAS**

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

**ATTEST:**

\_\_\_\_\_  
Maria Gonzales, City Secretary

Exhibit A





City Council  
Regular Meeting

March 10, 2026

# Designation of Downtown District

Discuss and consider action: Resolution No. R2026-13: K. McBurnett

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, DESIGNATING A DOWNTOWN DISTRICT; DEFINING ITS BOUNDARIES; PROVIDING FOR INCORPORATION OF AN EXHIBIT MAP; AND PROVIDING AN EFFECTIVE DATE





# Designation of Downtown District

- The resolution designates an official Downtown District



Bounded by:

- **North-** E. Polk Street
- **South-** E. League Street
- **East-** S. Vanderveer Street
- **West-** S. Water Street





# Designation of Downtown District

## Benefits

- Creates a clearly defined downtown geographic area
- Guides infrastructure investment
- Provides clarity for future municipal initiatives
- Establishes defined area for strategic improvements
- Strengthens ability to pursue funding such as the Downtown Revitalization Grant





# Questions?

## Recommendation

- Staff recommends approval of Resolution No. R2026-13 as presented.





## Item Brief

**Meeting Date**

March 10, 2026

**Agenda Item**

Discuss and consider action: Resolution No. R2026-14: D. Vaughn

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, REPUDIATING AN UNRECORDED SPECIAL WARRANTY DEED RECEIVED FROM THE BURNET FOUNDATION INDUSTRIAL COMPANY FOR THE CONVEYANCE OF A TOTAL OF 3.45 ACRES AND DATED OCTOBER 17, 2008

**Information**

Resolution No. R2026-14 addresses an unrecorded Special Warranty Deed dated October 17, 2008, from the Burnet Foundation Industrial Company conveying approximately 3.45 acres to the City of Burnet.

The deed was recently discovered in City records; however, the deed was intentionally never accepted by the City. A review of Council minutes from the relevant time period confirms that no action was taken to deliberate or accept the conveyance.

Additionally, the Burnet Foundation Industrial Company is no longer a viable corporate entity, and it is understood that, prior to dissolution, all or part of the land described in the deed was conveyed to other entities.

The proposed resolution formally repudiates the unrecorded deed and authorizes the City Manager to memorialize the resolution in the Official Public Records of Burnet County.

**Fiscal Impact**

There is no direct fiscal impact associated with this action.

**Recommendation**

Staff recommends approval of Resolution No. R2026-14 as presented.

**RESOLUTION NO. R2026-14**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, REPUDIATING AN UNRECORDED SPECIAL WARRANTY DEED RECEIVED FROM THE BURNET FOUNDATION INDUSTRIAL COMPANY FOR THE CONVEYANCE OF A TOTAL OF 3.45 ACRES AND DATED OCTOBER 17, 2008**

**WHEREAS**, an unrecorded Special Warranty Deed from the Burnet Foundation Industrial Company, a copy of which, without attachments, is attached hereto as Exhibit "A," was discovered in the records of the City; and

**WHEREAS**, upon examination of the Special Warranty Deed it has been determined that it had never been expressly accepted by the City; and

**WHEREAS**, upon review of the minutes of City Council around the time the Special Warranty Deed is dated it has been determined that City Council did not deliberate, or take action, on acceptance of the Special Warranty Deed; and

**WHEREAS**, the Burnet Foundation Industrial Company has not been dissolved and is no longer a viable corporate entity; and

**WHEREAS**, City Council understands before its dissolution, the Burnet Foundation Industrial Company conveyed all or part of the land described in the Special Warranty Deed to other entities; and

**WHEREAS**, City Council finds, determines, and declares that the acceptance and recordation of the Special Warranty Deed some 17 years after it was tendered may cause unintended consequences including the placement of a cloud on the title to the land that is the subject of the Special Warranty Deed; and

**WHEREAS**, City Council finds, determines, and declares the acceptance of the land described in the Special Warranty Deed would be of de minimis public benefit; and

**WHEREAS**, City Council finds, determines, and declares that any benefit that may be achieved by accepting and recording the Special Warranty Deed now is outweighed by the detrimental effect on the current status of title to the land described therein.

**NOW, THEREFORE BE IT RESOLVED 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 by the City Council and made a part hereof for all purposes as findings of fact.

**Section Two. Repudiation.** The deed referenced in the above recitals is hereby repudiated for all purposes.

**Section Three. Public Records.** The City Manager is hereby authorized and directed to memorialize this resolution in the Official Public Records of Burnet County, Texas; and may take such actions as may be reasonably necessary to accomplish this task.

ITEM 8-3.

**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 as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551, Tex. Gov't Code*.

**Section Five. Effective Date.** This resolution shall take immediate effect after approved on second reading.

**PASSED, APPROVED AND ADOPTED** this the 10<sup>th</sup> day of March 2026.

**CITY OF BURNET**

---

Gary Wideman, Mayor

**ATTEST:**

---

Maria Gonzales, City Secretary

Exhibit A

“NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER’S LICENSE NUMBER.”

**SPECIAL Warranty Deed**

Date: OCTOBER 17, 2008

Grantor: **BURNET FOUNDATION INDUSTRIAL COMPANY, a Texas Corporation**  
Grantor's Mailing Address: P. O. Drawer 10, Burnet, Texas 78611

Grantee: THE CITY OF BURNET, TEXAS, a Texas municipal corporation  
Grantee's Mailing Address: 100 W. Buchanan #4, Burnet, Texas 78611

Consideration: TEN AND NO/100 (\$10.00) DOLLARS and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and for which no lien, express or implied, is retained or shall exist

Property (including any improvements):

Being two tracts of land out of the Lemuel Taylor Survey No. 8, Abstract No. 880 in Burnet County, Texas, more particularly described as follows:

**2.05 acres of land** out of the Lemuel Taylor Survey No. 8, Abstract No. 880 in Burnet County, Texas, more particularly described by metes and bounds in Exhibit "A" attached hereto and incorporated herein for all purposes; and

**1.40 acres of land** out of the Lemuel Taylor Survey No. 8, Abstract No. 880 in Burnet County, Texas, more particularly described by metes and bounds in Exhibit "B" attached hereto and incorporated herein for all purposes.

Reservations from Conveyance and Exceptions to Conveyance and Warranty:

Subject to any and all easements, restrictions, reservations, conditions, and covenants, if any, relating to the above described property, to the extent, and only to the extent, that the same may still be in force and effect, shown of record in the office of the County Clerk of Burnet County, Texas; including the following:

- 1) Subject to any visible and apparent roadways or easements over or across the subject property, the existence of which does not appear of record.
- 2) Subject to the upper Highland Lakes Nonpoint Source Pollution Control Ordinance as approved and adopted by the Board of Directors of the Lower Colorado River Authority, dated March 19, 1992.
- 3) Subject to the ordinances and restrictions of the City of Burnet, Texas.
- 4) Subject to that certain Order of January 28, 2002, adopting Burnet County Subdivision and Development Regulations recorded in Volume 1043, page 85, and amended in Volume 1377, Page 722,

Official Public Records of Burnet County, Texas.

- 5) Subject to the 30-foot wide utility easement filed for record in Volume 381, Page 386, Real Property Records of Burnet County, Texas.
- 6) Subject to the 20-foot wide utility easement filed for record in Volume 710, Page 86, Real Property Records of Burnet County, Texas.
- 7) Subject to the 20-foot wide utility easement filed for record in Volume 381, Page 386, Real Property Records of Burnet County, Texas.
- 8) Subject to the 10-foot wide utility easement filed for record in Volume 225, Page 316, Deed Records of Burnet County, Texas.
- 9) Subject to the 15-foot wide utility easement filed for record in Volume 253, Page 511, Real Property Records of Burnet County, Texas.
- 10) Subject to 3' encroachment of overhang as shown on plat dated September 17, 2008, prepared by Charles Calhoun, RPLS #4452.
- 11) Subject to 8.7' encroachment of concrete drain as shown on plat dated September 17, 2008, prepared by Charles Calhoun, RPLS #4452.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and to hold it to Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's successors to warrant and forever defend all and singular the Property to Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, by, through or under the Grantors, but not otherwise.

When the context requires, singular nouns and pronouns include the plural.

**BURNET FOUNDATION INDUSTRIAL COMPANY**

BY: John W. Hoover  
**JOHN W. HOOVER - President**

ATTEST:  
Roy H. Oakley  
**ROY H. OAKLEY - Secretary**

*By acceptance of this deed, Grantee acknowledges that the title to the above described property has not been examined by the attorney preparing it, nor has Grantee paid said attorney a fee to examine the title to said property or to obtain a tax search.*

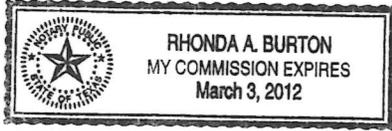
ACCEPTED BY: CITY OF BURNET, TEXAS

BY: \_\_\_\_\_  
\_\_\_\_\_

THE STATE OF TEXAS  
COUNTY OF BURNET

This instrument was acknowledged before me this 2<sup>nd</sup> day of December, 2008, by JOHN W. HOOVER, President of BURNET FOUNDATION INDUSTRIAL COMPANY, a Texas corporation, on behalf of said corporation.

  
\_\_\_\_\_  
Notary Public - State of Texas



AFFIDAVIT AND NOTICE OF REPUDIATION OF DEED FROM BURNET FOUNDATION INDUSTRIAL COMPANY

Before me, the undersigned authority, on this day personally appeared David Vaughn, who is personally known by me, and first being duly sworn, on oath deposed as follows:

My name is David Vaughn. I am over 17 years of age, of sound mind, and capable of making this affidavit. I have personal knowledge of the matters set forth in this affidavit. I am currently employed as City Manager for the City of Burnet, Texas, (hereinafter the "City"); and am authorized to make representations on behalf of the City as follows:

- (1) On MONTH DAY, the Burnet City Council adopted Resolution No. INSERT NUMBER, hereinafter the "Resolution"
(2) The purpose of the Resolution was to repudiate an unrecorded Special Warranty Deed from the Burnet Foundation Industrial Company to the City.
(3) The unrecorded Special Warranty Deed was dated October 17, 2008, and has never been expressly accepted by the City.
(4) A true and correct copy of Resolution No. INSERT NUMBER, and the unrecorded Special Warranty Deed are attached hereto as Exhibits "A" and "B", respectively.

Affiant

David Vaughn, City Manager City of Burnet

STATE OF TEXAS §

COUNTY OF BURNET §

SWORN TO AND SUBSCRIBED before me on this \_\_\_ day of \_\_\_, 2026.

\_\_\_\_\_

Notary Public, State of Texas



**City Council  
Regular Meeting  
March 10, 2026**

# Repudiation of Unrecorded Special Warranty Deed

Discuss and consider action: Resolution No. R2026-14: D.  
Vaughn

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
BURNET, TEXAS, REPUDIATING AN UNRECORDED SPECIAL  
WARRANTY DEED RECEIVED FROM THE BURNET  
FOUNDATION INDUSTRIAL COMPANY FOR THE  
CONVEYANCE OF A TOTAL OF 3.45 ACRES AND DATED  
OCTOBER 17, 2008





## Repudiation of Unrecorded Special Warranty Deed

- Unrecorded Special Warranty Deed dated October 17, 2008 conveyed approximately 3.45 acres
- Recently discovered in City records
- Deed was never formally accepted by City Council
- Foundation Industrial Company no longer a viable entity





# Repudiation of Unrecorded Special Warranty Deed





# Repudiation of Unrecorded Special Warranty Deed

## Proposed Action

- Formally repudiate the unrecorded deed
- Authorize City Manager to:
  - Record the resolution in Official Public Records
  - Take necessary administrative actions





# Questions?

## Recommendation

- Staff recommends approval of Resolution No. R2026-14 as presented.





## Item Brief

**Meeting Date**

March 10, 2026

**Agenda Item**

Discuss and consider action: Ordinance No. 2026-07: D. Vaughn

AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING CHAPTER 110, ARTICLE IV., SECTION 110-144 (ENTITLED “PURCHASED POWER COST ADJUSTMENT CLAUSE”) OF THE CODE OF ORDINANCES AND AUTHORIZING RECOVERY OF CURRENT YEAR FISCAL LOSSES FROM RATE PAYERS DUE TO ERCOT ADJUSTMENTS; PROVIDING SEVERABILITY AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR OTHER RELATED MATTERS

**Information**

This ordinance amends Section 110-144 of the City Code relating to the Purchased Power Cost Adjustment (PPCA) in order to pass through a 1% increase from ERCOT in transmission line loss, which went into effect in July of 2025.

The current ordinance calculates the PPCA by dividing total wholesale power costs by 93.75% of the total kilowatt-hours (kWh) purchased, which represents an assumed 6.25% system line loss.

The proposed amendment revises the calculation of Adjusted kWh from 93.75% of total kWh purchased to 92.75% of the Adjusted Metered Load (AML) purchased, as reflected on the City’s wholesale power provider’s monthly statement. The revised 92.75% factor reflects an assumed 7.25% system line loss, which more accurately aligns with current system performance and wholesale billing methodology.

The ordinance also authorizes the City Manager to apply a temporary monthly billing adjustment of \$3,717 from March through September 2026 to recover lost revenue resulting from the 1% increase in the ERCOT transmission loss factor that took effect in July 2025. This adjustment will be added to the City’s wholesale power cost prior to calculating the Adjusted kWh Billed in accordance with Section 110-144 of the City of Burnet Code of Ordinances.

**Fiscal Impact**

The ordinance is designed to ensure that the City's power-related costs, including power loss, are fully accounted for, thereby keeping revenues and expenses balanced. As a result, any increase in the City's expenses to purchase power will be offset by corresponding adjustments in charges to customers.

**Recommendation**

Staff recommends approval of Ordinance No. 2026-07 as presented.

**ORDINANCE NO. 2026-07**

**AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING CHAPTER 110, ARTICLE IV., SECTION 110-144 (ENTITLED “PURCHASED POWER COST ADJUSTMENT CLAUSE”) OF THE CODE OF ORDINANCES AND AUTHORIZING RECOVERY OF CURRENT YEAR FISCAL LOSSES FROM RATE PAYERS DUE TO ERCOT ADJUSTMENTS; PROVIDING SEVERABILITY AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR OTHER RELATED MATTERS**

**WHEREAS**, the City provides, or causes to be provided electrical services to all residences and businesses within the City; and

**WHEREAS**, in July of 2025, ERCOT increased the transmission loss factor by 1%, which resulted in an revenue loss to the City of approximately \$26,019.00; and

**WHEREAS**, it is necessary to amend Section 110-144 of the Code of Ordinances to allow for adjustments in the energy charges based on the actual power costs incurred by the City, including accounting for power loss.

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

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

**Section Two. Amendment.** Section 110-144 of the Code of Ordinances of the City of Burnet shall be amended and replaced in its entirety as follows:

**ARTICLE IV. SECTION 110-144 PURCHASED POWER COST ADJUSTMENT CLAUSE:**

**Sec. 110-144. Purchased power cost adjustment clause.**

- (a) *Purchased power cost adjustment:* The energy charge per kilowatt-hour (kWh) shall be adjusted upward or downward each month in accordance with the provisions set forth below:
  - (1) The City Manager, and/or his/her designee, shall have the authority to adjust the Purchased Power Cost Adjustment (PPCA) as needed to reflect changes in the electricity supplier's generation, transmission, ERCOT, line losses and other related expenses charged by the City's wholesale provider(s), hereafter referred to as "power costs", and may not change the City's revenues other than the amount necessary to pay the City's power costs from wholesale provider(s). Prior to each billing cycle, the City Manager, or designee, shall determine the PPCA to be billed for that cycle by combining all power costs from wholesale provider(s) and divide said amount by the Adjusted kWh Billed during said billing cycle. In order to account for lost power, the Adjusted kWh Billed shall be equal to 92.75% of the total Adjusted Metered Load (AML), purchased during said billing cycle, as indicated on the wholesale provider's monthly statement.

- (2) In the event the City is unable to calculate the exact PPCA for a specific billing cycle, the City staff shall prepare an estimate of the PPCA per kWh for said cycle to be billed and shall adjust the next billing cycle to reflect any over/under collections from the estimated PPCA. The adjustment to the estimate will reflect variances in the estimated and actual power costs billed by the City's wholesale supplier(s) by the City.

**Section Three. Recovery of Prior Months Power Loss.** The City Manager is hereby authorized to add a monthly billing adjust in the aggregate amount of \$3,717 per month to the months of March, April, May, June, July, August and September of 2026 to adjust for lost revenue due to the 1% increase in the ERCOT transmission loss factor, which directly impacts the Adjusted Meter Load listed on the City's wholesale provider bill that went into effect in July of 2025. Said adjustment shall be added to the monthly power cost from the City's wholesale provider prior to calculating the Adjusted kWh Billed as provided for in Section 110-44 of the City of Burnet Code of Ordinances.

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

**Section Five. Open Meeting.** 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.

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

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

**PASSED, APPROVED, AND ADOPTED** on this 10th day of March 2026.

**CITY OF BURNET, TEXAS**

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

**ATTEST:**

\_\_\_\_\_  
Maria Gonzales, City Secretary

ITEM 8-4.

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Maria Gonzales, City Secretary



**City Council  
Regular Meeting  
March 10, 2026**

# Purchased Power Cost Adjustment

Discuss and consider action: Ordinance No. 2026-07: D. Vaughn

AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING CHAPTER 110, ARTICLE IV., SECTION 110-144 (ENTITLED “PURCHASED POWER COST ADJUSTMENT CLAUSE”) OF THE CODE OF ORDINANCES AND AUTHORIZING RECOVERY OF CURRENT YEAR FISCAL LOSSES FROM RATE PAYERS DUE TO ERCOT ADJUSTMENTS; PROVIDING SEVERABILITY AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR OTHER RELATED MATTERS





# Purchased Power Cost Adjustment

## Current Calculation

- $PPCA = \text{Total wholesale power costs} \div 93.75\%$  of total kWh purchased, which assumes 6.25% system line loss

## Proposed Change

- Due to an increase from ERCOT, the adjusted kWh is proposed to change from 93.75% to 92.75%, based on Adjusted Metered Load (AML) in wholesale provider's monthly statement
- Reflects 7.25% system line loss; Better aligns with current system performance





# Purchased Power Cost Adjustment

## Recovery of Prior Months Power Loss

- A 1% ERCOT transmission loss factor increase took effect July 2025
- Ordinance authorizes a temporary (March – September 2026) monthly billing adjustment of \$3,717
- The adjustment will be added to the City's wholesale power cost and applied before calculating Adjusted kWh Billed





# Questions?

## Recommendation

- Staff recommends approval of Ordinance No. 2026-07 as presented.





## Item Brief

**Meeting Date**

March 10, 2026

**Agenda Item**

Discuss and consider action: Ordinance No. 2026-08: P. Langford

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2025-39; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2025, AND ENDING SEPTEMBER 30, 2026, 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 2025-2026 budget amendments as listed on Attachment “A” of the ordinance.

**Fiscal Impact**

As noted on Attachment “A”.

**Recommendation**

Staff recommend approval of Ordinance No. 2026-08 as presented.

**ORDINANCE NO. 2026-08**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2025-39; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2025, AND ENDING SEPTEMBER 30, 2026, 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 2025-2026 Budget was adopted by Ordinance 2025-39 within the time and in the manner required by State Law; and

**WHEREAS**, the City of Burnet, Texas has reviewed the Budget; and

**WHEREAS**, the City Council of the City of Burnet, Texas has considered the status of the Capital Improvement Projects for the rest of the fiscal year; and

**WHEREAS**, the City Council of the City of Burnet, Texas hereby finds and determines that it is prudent to amend the line items due to unforeseen situations that have occurred in the City; and

**WHEREAS**, the City Council of the City of Burnet, Texas further finds that these amendments will serve in the public interest; and

**WHEREAS**, the City Council of the City of Burnet, Texas finds and determines that the change in the Budget for the stated municipal purpose is warranted and necessary, and that the amendment of the Budget to fund these line items is due to unforeseen situations and a matter of public necessity warranting action at this time, and

**WHEREAS**, the Texas 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 One. Findings.** The facts and matters set out above are found to be true and correct.

**Section Two. Purpose.** The City of Burnet, Texas, Fiscal Year 2025-2026 Budget is hereby amended to reflect the effect of unforeseen circumstances, as reflected in Attachment "A".

**Section Three. 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 Four. 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 March 2026.

**CITY OF BURNET, TEXAS**

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

**ATTEST:**

\_\_\_\_\_  
Maria Gonzalez, City Secretary

**Attachment A**

1. **\$50,000 increase in the Water and Wastewater Capital Project Fund** expenses is requested, raising the current allocation for “Plant Maintenance, Groundwater, Inks Lake Water Plant, and Sewer Plant” project from \$100,000 to \$150,000. This increase will allow for the inclusion of necessary lift station repairs within the project scope. To ensure full transparency, staff also recommend formally revising the existing budget description to explicitly include lift station repairs. The additional cost will be funded through Water and Wastewater Fund reserves.
2. **\$26,429 increase in the Electric Operating Fund** expenses is requested to correct inventory audit adjustments identified during the 2023–2024 audit. Due to staff turnover, several Valmont power line poles were incorrectly recorded in inventory, including consignment items and previously used poles stored for potential future use. As part of the audit process, these items were added to inventory, which increased inventory balances and reduced expenses in that fiscal year. In the current year, the poles are being properly expensed to correct inventory balances. The cost will be offset by Electric Fund reserves and has no cash impact.
3. **\$30,950 increase in the Water and Wastewater Capital Project Fund** expenses is requested to correct a budget discrepancy related to the sewer and water line oversizing project at Creekfall III. The project’s current approved budget is \$125,000; however, the total cost identified in the Developer Participation Agreement is \$155,950, resulting in a shortfall of \$30,950. This additional cost will be covered by Water and Wastewater Fund reserves.
4. **\$10,600 increase in Hotel/Motel Fund** expenses is requested to purchase barricades that will support tourism-related events and activities, including festivals and special events that attract visitors to the City. These costs will be covered by Hotel/Motel Fund reserves. *(Previously presented to and approved by Council February 10, 2026).*
5. **\$550,000 increase in Golf Capital Project Fund** expenses is requested for the purchase of Tract 27, consisting of 16.610 acres, for the Golf Course. The purchase will be financed with General Fund reserves and repaid by the Golf Course, with interest. *(Previously presented to and approved by Council on February 24, 2026).*

**CITY OF BURNET**

**Fiscal Year 2025-2026  
Budget Amendments**

**City Council Regular Meeting  
March 10, 2026**

Discuss and consider action: Ordinance No. 2026-08

An Ordinance of the City Council of the City of Burnet, Texas, amending Ordinance 2025-39; The original budget ordinance for the fiscal year beginning October 1, 2025, and ending September 30, 2026, 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 2025-2026 Budget Amendments (Attachment A)

1. **Water and Wastewater Capital Project Fund increase of \$50,000** – Increase and amend description of \$100,000 project for **“Plant Maintenance, Groundwater, Inks Lake Water Plant, and Sewer Plant”** to include **lift station** maintenance.
2. **Electric Operating Fund increase of \$26,429** – Correct 2023-2024 inventory audit adjustments for misclassified power poles; cost will be offset by Electric Fund reserves and has no cash impact.



*Bluebonnet Capital of Texas*



## CITY OF BURNET

# Fiscal Year 2025-2026

## Budget Amendments (Attachment A)

3. **Water and Wastewater Capital Project Fund increase of \$30,950** – Cover the budget discrepancy in the sewer/water line oversizing budget for Creekfall III; funded from Water and Wastewater reserves.
4. **Hotel/Motel Fund increase of \$10,600** – Purchase barricades for tourism events; funded from Hotel/Motel reserves (approved by Council on Feb. 10, 2026).
5. **Golf Capital Project Fund increase of \$550,000** – Purchase 16.61 acres of land for the Golf Course; financed by General Fund reserves and repaid by Golf Course, with interest (approved by Council on Feb. 24, 2026).



*Bluebonnet Capital of Texas*



## CITY OF BURNET

### Recommendation

- Staff recommends approval of Ordinance No. 2026-08 as presented.

# Questions?



*Bluebonnet Capital of Texas*

