

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

On this the 25th day of September, 2007, the City Council of the City of Burnet convened in Regular Session, 6:30 p.m., at the regular meeting place thereof with the following members present, to-wit:

Mayor	Alan Smith
Council Members	Paul Shell, Linda Turner, James Ritter, William DeLeon, Bill Flynn, Ken Graham
City Manager	Michael Steele
City Secretary	Christy Fath

Workshop Guests: Sheila Limon, David Vaughn, Joyce Laudenschlager, Danny Lester, Mark Ingram, Doug Fipps.

WORKSHOP: The workshop was called to order by Mayor Smith at 5:00 p.m.

Discuss & Review: Discussion and overview of the Open Meetings Act and Ethics: Mayor Smith introduced Sheila Limon of Knight and Associates and stated that she would be providing a training session on the Open Meetings Act and Ethics. Sheila Limon introduced Jeff Ullman, a partner. Ms. Limon gave a handout to council. She discussed the Government Code 551, Open Meetings Act and its definitions. She then discussed the Ethics Act. Mayor Smith declared the workshop closed at 5:52 p.m.

Guests: David Vaughn, Roy Fyffe, Chris Porter, Mark Ingram, Danny Lester, Doug Fipps, Paul Nelson, JJ Wells, Bob Clifton, Teresa Smith, Jim Robinson, Bettye Foulds, Dorothy James, Ann Wise, Jo Foulds, Mary Ann Stubbs, A.B. Daugherty, Conny Steele, Tammy and Darrell Hall, Tammy and Larry Stephens, Patti Alford, Eric Cedarstrom, Jason Westerman, Ina Cooper, Phil Worley, Bonnie Terrell, Cathy Hosman, Bill E. Foulds, Wendi Reeves, Rick Espitia, Mark Shaffer, John Bell.

Call to Order: The meeting was called to order by Mayor Smith, at 6:30 p.m.

Invocation: Mayor Smith.

Pledge of Allegiance: (All) Led by Councilman Ritter.

Interim Police Chief Paul Nelson introduced two new officers, Mark Shaffer and John Bell.

CONSENT AGENDA ITEMS: Consider Action Re:

Approval of the Minutes from the September 11, 2007 Regular Meeting:

Appointment of Tina Peden as Municipal Court Clerk:

END OF CONSENT AGENDA: Councilman Shell moved to approve the consent agenda, Councilwoman Turner seconded, motion carried unanimously.

Discuss & Consider Action Re: Items removed from the consent agenda, if any: No action taken.

Chamber Report: Wendi Reeves spoke on behalf of the Chamber. She thanked the City for the funding from the new budget. She stated that the Annual Chamber Meeting will be on October 15th at the Maxican Restaurant at 5:30 p.m. and the Market Days and Ft. Croghan Day will be October 20th.

Executive Session: The City Council will convene into Executive Session pursuant to 551.074, Tex. Gov't. Code, to deliberate the evaluation, duties, discipline, or dismissal of the City Manager: Councilman Shell moved to enter into executive session at 6:37 p.m., Councilman Flynn seconded, motion carried unanimously. Councilman Shell moved to reconvene into regular session at 7:52 p.m., Councilman DeLeon seconded, motion carried unanimously.

Discuss & Consider Action Re: Reconvene into open session for the deliberation of the evaluation, duties, discipline, or dismissal of the City Manager: Mayor Smith moved to give full support to City Manager Michael Steele, Councilman DeLeon seconded, motion carried unanimously.

Discuss & Review: Mayor's report regarding Open Meetings Act and Ethics Issues: A. Smith: Mayor Smith read a report he prepared to the council concerning the events and issues that previously took place. He stated that he requested that Councilman Ritter, Councilman Graham, and Councilman Flynn all resign by October 10th. He stated that if he did not receive their resignations by the date requested, that an item would be placed on the agenda for the next council meeting which would ask for a recommendation by vote of their peers, the council, that they resign.

Discuss & Review: Report on Personnel Improvement Program and Related Topics: M. Steele: City Manager Michael Steele reported that he was going to stop holding the Personnel Inventory

Management meeting with each council member and have quarterly workshops where the council will decide on a list of problems or concerns in the city. The council would then come up with measurable goals for the problems or concerns and the results would be discussed in the next quarterly workshop.

Discuss & Consider Action Re: Planning and Zoning Recommendations:

FIRST READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING THE ZONING ORDINANCE, #2006-10, REZONING PROPERTY FROM R-3 MULTI-FAMILY TO C-1 LIGHT COMMERCIAL; AND PROVIDING FOR RELATED MATTERS: (1109 E. Polk): R. Fyffe: Roy Fyffe discussed the request. He stated that P&Z recommends approval. Councilman Shell moved to approve the first reading of the ordinance, Councilman Graham seconded, motion carried unanimously.

FIRST READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING THE ZONING ORDINANCE, #2006-10, REZONING PROPERTY FROM “R-1” SINGLE FAMILY RESIDENTIAL TO “R-2” SINGLE FAMILY RESIDENTIAL 2; AND PROVIDING FOR RELATED MATTERS: (1214 N. Water): R. Fyffe: Roy Fyffe discussed the request. He stated that P&Z recommends approval. Councilman Shell moved to approve the first reading of the ordinance, Councilwoman Turner seconded, motion carried unanimously.

FIRST READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING THE ZONING ORDINANCE, #2006-10, REZONING PROPERTY FROM “C-1” LIGHT COMMERCIAL TO “C-1” LIGHT COMMERCIAL W/MIXED USE OVERLAY; AND PROVIDING FOR RELATED MATTERS: (106 N. Main): R. Fyffe: Roy Fyffe discussed the request. He stated that P&Z recommends approval. Councilman Shell moved to approve the first reading of the ordinance, Councilman DeLeon seconded, motion carried unanimously.

FIRST READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING THE ZONING ORDINANCE, #2006-10, REZONING PROPERTY FROM “R-1” SINGLE FAMILY RESIDENTIAL TO “R-2” SINGLE FAMILY RESIDENTIAL 2; AND PROVIDING FOR RELATED MATTERS: (700 Mildred Ave.): R. Fyffe: Roy Fyffe discussed the request. He stated that P&Z recommends approval. Councilman Shell moved to approve the first reading of the ordinance, Councilwoman Turner seconded, motion carried unanimously.

A request by the property owner of 1207 N. Water Street to rezone the property from its current zoning of “R-1” Single Family Residential to “R-2” Single Family Residential 2. This property is legally described as Lot 4, Block 1 of the Oaks Addition, Burnet, Burnet County, Texas. Roy gave a brief overview of the application to the Commission. A total of twelve notices had been mailed to property owners located within 200 feet of this property with 4 letters of protest being received. This constitutes a 20% protest to the requested rezoning and would require a super-majority vote of the City Council to approve. Mr. Mark Schmidt, a neighbor of the subject property, addressed the Commission with his concerns about this rezoning request. David Vaughn recommended denial of this request in light of the City’s intent to recommend the highway frontage properties be commercial in nature and this rezoning would not promote that use. A motion was made by Jim Roberts to deny this request for rezoning; motion seconded by J.R. Romero. A vote of the Commission resulted in unanimous denial of the request for rezoning (0 – For Approval; 6 – For Denial). Roy Fyffe discussed the request. He stated that P&Z recommends denial of the request. Councilman Shell moved to approve the P&Z recommendation of denial of the request, Councilman DeLeon seconded, motion carried unanimously.

FIRST READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING THE ZONING ORDINANCE, #2006-10, REZONING PROPERTY FROM “R-1” SINGLE FAMILY RESIDENTIAL TO “C-3” HEAVY COMMERCIAL AND “R-2” SINGLE FAMILY RESIDENTIAL 2, AS SHOWN ON EXHIBIT “A”; AND PROVIDING FOR RELATED MATTERS: (The Ranch @ Delaware Creek Subd.): R. Fyffe: Roy Fyffe discussed the request. He stated that P&Z recommends approval. Councilman Graham moved to approve the first reading of the ordinance, Councilwoman Turner seconded, motion carried unanimously.

Discuss & Consider Action Re: Appointments to Burnet Tourism Alliance board: C. Bromley: Michael Steele spoke on behalf of Crista Bromley. He stated that Maya Patel has agreed to serve another term and that John Robertson declined reappointment. He stated that Kiri Um has agreed to serve in the position vacated by John Robertson if appointed by the Council. Councilwoman Turner moved to

reappoint Maya Patel and to appoint Kiri Um to the Burnet Tourism Alliance board, Councilman Shell seconded, motion carried unanimously.

Discuss & Consider Action Re: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING SECTIONS OF CHAPTER 102, BURNET CODE OF ORDINANCES, LEVYING AN OCCUPANCY TAX FOR THE USE AND OCCUPANCY OF CERTAIN ROOMS IN HOTELS; PROVIDING DEFINITIONS; PROVIDING FOR REPORTING OF RECEIPTS AND PAYING OF TAXES; PROVIDING FOR INTEREST; PROVIDING FOR COLLECTION, ATTORNEY FEES AND COSTS; PROVIDING PENALTIES; AND PROVIDING FOR OTHER RELATED MATTERS: C. Bromley: Michael Steele spoke on behalf of Crista Bromley. He discussed the ordinance. Councilman Flynn moved to adopt the second and final reading of the ordinance, Councilwoman Turner seconded, motion carried unanimously.

Discuss & Consider Action Re: Letter of Interest for Airport runway overlay grant: C. Bromley: Michael Steele spoke on behalf of Crista Bromley. He stated that this was a 90/10 match grant and the funds would come from the Airport Enterprise Fund. Councilman Shell moved to approve the letter of interest, Councilwoman Turner seconded, motion carried unanimously.

Discuss & Consider Action Re: FIRST READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, ADDING SECTION 74-3, TO CHAPTER 74 OF THE CITY OF BURNET CODE OF ORDINANCES, SETTING GALLOWAY-HAMMOND RECREATIONAL VEHICLE PARK FEES; PROVIDING FOR PENALTIES FOR LATE PAYMENT; PROVIDING FOR CERTAIN RESTRICTIONS; PROVIDING AN EFFECTIVE DATE AND AN OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS: D. Vaughn: David Vaughn discussed the ordinance for the new rates for the Galloway Hammond RV Park. Councilman Shell moved to approve the first reading of the ordinance, Councilman Flynn seconded, motion carried with a six to zero vote with Councilwoman Turner abstaining.

Discuss & Consider Action Re: Appointments to Ethics Board: C. Fath: City Secretary Christy Fath stated that the terms for two members of the board had expired and one member's term would expire at the end of September. She stated that James Scott has agreed to serve another three year term and the Council would need to nominate one person to serve a one year term and one person to serve a two year term. Councilman Graham stated that James Kenyon agreed to serve another two year term. Councilman DeLeon nominated A.B. Daugherty for the one year term. Councilman Shell moved to reappoint James Scott to the three year term and to appoint James Kenyon for two years and A.B. Daugherty for one year, Councilman DeLeon seconded, motion carried unanimously.

Requests from Council for Future Reports: Councilman DeLeon inquired about impact fees. David Vaughn discussed the impact fees with Councilman DeLeon.

Adjourn: There being no further business, Councilman Ritter moved to adjourn at 8:18 p.m., Councilwoman Turner seconded, motion carried unanimously.

Alan Smith, Mayor

ATTEST:

Christy Fath, City Secretary