

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

On this the 13th day of January 2009, 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, Bill Flynn, William DeLeon, Pat Riddell
City Manager	Michael Steele
City Secretary	Joyce Laudenschlager

Guests: David Vaughn, Roy Fyffe, Steve Stach, Doug Fipps, Carson Lewis, Mike Lewis, Judy Lewis, Mark Ingram, Paul Nelson, Karl Piehl, Brenda Young, Steven Lance.

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

Invocation: Councilman Flynn.

Pledge of Allegiance: Led by Carson Lewis.

PUBLIC RECOGNITION: A certificate of Outstanding Achievement was presented by Mayor Smith to Eagle Scout, Carson Lewis.

CONSENT AGENDA ITEMS: Consider Action Re:

Approval of the Minutes from the December 2, 2008 Regular Meeting:

Approval of the Minutes from the January 6, 2009 Workshop Meeting:

Council Member William DeLeon moved to approve consent agenda, Council Member Pat Riddell seconded, motion carried unanimously.

CHAMBER OF COMMERCE REPORT: An update of Chamber activities was presented by Gary Wideman.

ACTION ITEMS:

Discuss & Consider Action Re: FIRST READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING THE ZONING ORDINANCE, #2008-14, REZONING PROPERTY FROM "C-5" LIMITED HIGH TECH COMMERCIAL TO "C-3" HEZVY COMMERCIAL; AND PROVIDING FOR RELATED MATTERS (1500 and 1600 block of South Water): R. Fyffe: A motion was made by Council Member Paul Shell to accept the recommendation of the Planning and Zoning Commission to approve this request, seconded by Council Member Linda Turner, Council Member Pat Riddell abstained. Roll call was taken, motion passed with five affirmative votes and one abstention from Council Member Riddell.

Discuss and Consider Action Re: FIRST READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING THE ZONING ORDINANCE, #2008-14, REZONING PROPERTY FROM "C-1" LIGHT COMMERCIAL TO "C-2" MEDIUM COMMERCIAL WITH AN ALCOHOLIC BEVERAGE CONDITIONAL USE PERMIT; AND PROVIDING FOR RELATED MATTERS (608 E. Polk St.): R. Fyffe: Motion was made by Council Member Paul Shell to accept the recommendation of the Planning and Zoning Commission to approve this request, seconded by Council Member Bill Flynn, motion carried unanimously.

Discuss and Consider Action Re: FIRST READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING THE ZONING ORDINANCE, #2008-14, REZONING PROPERTY FROM "C-1" LIGHT COMMERCIAL TO "C-2" MEDIUM COMMERCIAL WITH AN ALCOHOLIC BEVERAGE CONDITIONAL USE PERMIT; AND PROVIDING FOR RELATED MATTERS (117 E. Jackson St.): R. Fyffe: Motion by Council Member William DeLeon to accept the recommendation of the Planning and Zoning Commission to approve this request, seconded by Council Member Pat Riddell, motion carried unanimously.

Discuss and Consider Action Re: Approval of a subdivision plat for the City property surrounding the east side water tank located off Wofford: R. Fyffe: Motion by Council Member Paul Shell to accept the recommendation of the Planning and Zoning Commission to approve this request, seconded by Council Member Linda Turner, motion carried unanimously.

Discuss and Consider Action Re: Approval of a Short Form subdivision in order to create two (2) lots out of the current one, located at Lot 46, being 2.0 acres, Windy Hills Estates, Burnet County, TX: R.

Fyffe: Motion by Council Member Bill Flynn to accept the recommendation of the Planning and Zoning Commission to approve this request, seconded by Councilman Paul Shell, motion carried unanimously.

Discuss and Consider Action Re: Approval of nationally branded signage for Walgreen's, 100 N. Water Street: R. Fyffe: Motion was made by Council Member Paul Shell to approve the signage request by Walgreen's, seconded by Council Member William DeLeon, motion carried unanimously.

Discuss and Consider Action Re: Appointment of the Planning and Zoning Commission to serve as the CIP Advisory Committee: D. Vaughn: Motion by Council Member Paul Shell to approve the Planning and Zoning Commission to serve as the CIP Advisory Committee, seconded by Councilman Bill Flynn, motion carried unanimously.

Discuss and Consider Action Re: FIRST READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS AMENDING CHAPTER 14, BURNET CODE OF ORDINANCES, BY AMENDING ARTICLE IV, REGULATING DANGEROUS ANIMALS WITHIN THE CITY; REQUIRING A PREVIOUSLY DECLARED DANGEROUS DOG THAT ATTACKS ANOTHER ANIMAL TO BE DECLARED A NONREGISTERABLE DOG, AND PROVIDING FOR OTHER RELATED MATTERS: C. Bromley: Motion by Council Member Bill Flynn to approve the first reading of the ordinance, seconded by Council Member Paul Shell, the motion carried unanimously.

Discuss and Consider Action Re: FIRST READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AND ORDINANCE OF THE CITY OF BURNET, TEXAS AMENDING CHAPTER 90, SECTION 90-56, OF THE CITY OF BURNET CODE OF ORDINANCES; ESTABLISHING ACCOUNTS; PROVIDING AN EFFECTIVE DATE; AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR OTHER RELATED MATTERS: C. Bromley:

Motion was made by Council Member Paul Shell to approve the first reading of the ordinance, seconded by Council Member Linda Turner, motion carried unanimously.

Discuss and Consider Action Re: Authorization to proceed with engineering for waterlines associated with the Highway 281 and Highway 29 TXDOT projects: D. Vaughn: Motion by Council Member Paul Shell to authorize staff to proceed with the engineering for waterlines associated with the Highway 281 and Highway 29 TXDOT projects, seconded by Council Member Bill Flynn, motion carried unanimously.

Discuss and Consider Action Re: A RESOLUTION REQUESTING FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD; AUTHORIZING THE FILING OF AN APPLICATION FOR ASSISTANCE; AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH (Waterline from Fannin to Hill Streets in cooperation with the TxDot improvements to Hwy. 29): D. Vaughn: Motion by Council Member Paul Shell to approve the resolution as read, seconded by Council Member William DeLeon, motion carried unanimously.

Discuss and Consider Action Re: A RESOLUTION REQUESTING FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD; AUTHORIZING THE FILING OF AN APPLICATION FOR ASSISTANCE; AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH (Wastewater Treatment Plant): D. Vaughn: Motion by Council Member William DeLeon to approve the resolution as read, seconded by Council Member Pat Riddell, motion carried unanimously.

Discuss and Consider Action Re: A RESOLUTION REQUESTING FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD; AUTHORIZING THE FILING OF AN APPLICATION FOR ASSISTANCE; AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH (Interceptor Line-Hamilton Creek): D. Vaughn: Motion by Council Member Pat Riddell to approve the resolution as read, seconded by Council Member William DeLeon, motion carried unanimously.

Discuss and Consider Action Re: RESOLUTION REQUESTING FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD; AUTHORIZING THE FILING OF AN APPLICATION FOR ASSISTANCE; AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH (Hwy. 29 Waterline East): D. Vaughn: Motion by Council Member William DeLeon to approve the resolution as read, seconded by Council Member Pat Riddell, motion carried unanimously.

Discuss and Consider Action Re: RESOLUTION REQUESTING FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD; AUTHORIZING THE FILING OF AN

APPLICATION FOR ASSISTANCE; AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH (Hwy. 29 Waterline West): D. Vaughn: Motion by Council Member Paul Shell to approve the resolution as read, seconded by Council Member Bill Flynn, motion carried unanimously.

Discuss and Consider Action Re: A RESOLUTION REQUESTING FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD; AUTHORIZING THE FILING OF AN APPLICATION FOR ASSISTANCE; AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH (Water Tower and 16" line): D. Vaughn: Motion by Council Member William DeLeon to approve the resolution as read, seconded by Council Member Pat Riddell, motion carried unanimously.

Discuss and Consider Action Re: A RESOLUTION REQUESTING FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD; AUTHORIZING THE FILING OF AN APPLICATION FOR ASSISTANCE; AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH (Sherrard Street Water Line): D. Vaughn: Motion by Council Member Pat Riddell to approve the resolution as read, seconded by Council member William DeLeon, motion carried unanimously.

Discuss and Consider Action Re: THE SECOND READING OF AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF BURNET, TEXAS TAX NOTE, SERIES 2008A"; AND ENACTING PROVISIONS INCIDENT AND RELATED TO THE ISSUANCE OF SAID NOTE (IN THE AGGREGATE AMOUNT NOT TO EXCEED \$900,000): D. Vaughn: Motion to approve the second reading of this ordinance by Paul Shell, seconded by Council Member Linda Turner, motion carried unanimously.

Discuss and Consider Action Re: Personal emails and the Public Information Act: D. Vaughn: Motion by Council Member Bill Flynn to join as friends of the Court with regard to the suit filed in the Fifth Judicial Court of Appeals, the City of Dallas V, The Dallas Morning News (*Personal Emails Ruled Public Information – City Officials’ Right to Privacy Attacked*). The motion was seconded by Council Member Paul Shell, motion carried unanimously.

Discuss & Consider Action Re: Establishing a termination of service date for City Attorney Sheila Limon, Barry Knight and Associates, Attorneys at Law: D. Vaughn: Motion by Council Member Pat Riddell to terminate the service of City Attorney Sheila Limon, Barney Knight and Associates, Attorneys at Law with the effective date of January 31, 2009, seconded by Council Member William DeLeon, motion carried unanimously.

Discuss and Consider Action Re: Retention letter for City Attorney Services from Denton, Navarro, Rocha & Bernal: D. Vaughn: Motion by Council Member Bill Flynn to retain the services of Denton, Navarro, Rocha & Bernal as City Attorney and naming Ryan Henry as City Attorney and Charles Zech as Assistant City Attorney, Ryan Henry as Municipal Prosecutor and Miguel Matos as the Assistant Municipal Prosecutor as presented in the retention letter with an effective date of February 1, 2009, seconded by Council Member William DeLeon, motion carried unanimously.

Discuss and Consider Action Re: Purchase of combination sewer/jetter truck: D. Vaughn: Motion by Council Member William DeLeon to purchase a combination sewer/jetter truck through H-GAC from VAC-CON, Inc. for the purchase price of \$260,429.57, seconded by Council Member Bill Flynn, motion carried unanimously.

Discuss & Consider Action Re: Termination and release of public utility easement for Heritage Valley Subdivision, Herb Stehling: D. Vaughn: Motion by Council Member Bill Flynn to terminate and release public utility easement for Heritage Valley Subdivision seconded by Council Member Linda Turner, motion carried unanimously.

STAFF REPORTS:

Financial Report: Financial report for the quarter ending December 31, 2008 was given by Director of Finance, Joyce Laudenschlager.

REQUESTS FROM COUNCIL FOR FUTURE REPORTS:

Mayor Smith requested a workshop to discuss Strategic Planning for the next meeting.

Council Member Pat Riddell requested a workshop to discuss Galloway Hammond Recreation Center for the next meeting.

ADJOURN:

There being no further business a motion to adjourn was made by Council Member William DeLeon at 7:40 p.m., seconded by Council Member Pat Riddell, motion carried unanimously.

Alan Smith, Mayor

ATTEST:

Joyce Laudenschlager, Deputy City Secretary