

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

On this the 9th day of November, 2010, the City Council of the City of Burnet convened in Regular Session, at 6:30 p.m., at the regular meeting place thereof with the following members present, to-wit:

Mayor                                 Alan Smith  
Council Members                 Milton Phair, Gary Wideman, Pat Riddell, Christy Fath, Paul Shell  
Absent                                 Michael Steele, William DeLeon  
Assistant City Manager         David Vaughn  
City Secretary                     Kelly Dix

Guests: Crista Bromley, Jo Karr Tedder, Connie Maxwell, Joyce Laudenschlager, Danny Lester, Bob Thonhoff, Stephen Bell, Patrick McElroy, Jo Foulds, Mary Ann Stubbs, Bernice Hullum, Thomas Hullum, Lonnie Moore, David Steed, Clinton Rhodes, Nita Maugham, Dan Roark, Floyd Casey, Kay Kroeger Roberts, Ken Graham, Henry Romo, Jr., Bill Earnest, Fannie Sheppard

CALL TO ORDER: The meeting was called to order by Mayor Alan Smith, at 6:30 p.m.

INVOCATION: Mayor Alan Smith

PLEDGE OF ALLEGIANCE: Council Member Gary Wideman

PUBLIC HEARING:

Public Hearing: On the City of Burnet, Texas proposed wastewater project to discuss the potential impacts of the project and alternatives to it: C. Bromley/D. Vaughn: Mayor Alan Smith opened the public hearing and presented the item to the audience. Lonnie Moore representing the Protect Lake Travis Association spoke and re-iterated his groups concern with projected discharge levels. Jo Foulds, citizen of Burnet, spoke against the increased fees for wastewater, but was glad that the sewer line in Hamilton Creek near her property would be replaced. Floyd Casey, representing the Hamilton Creek Association, spoke pertaining to concerns with quality of water. Dan Roark, representing Protect Lake Travis Association, spoke about concerns for chemical discharge into Hamilton Creek that would eventually impact Lake Travis, William Earnest, representing Windermere Oaks Utility Service Corporation, spoke of concerns of pharmaceutical discharge in Hamilton Creek and possible effects on livestock. David Steed read a letter (attachment A) to the Council pertaining to concerns of the increased capacity of the proposed wastewater plant and the proposed disposition of the expanded wastewater production by land application. There being no further comments, Mayor Smith closed the public hearing.

Public Hearing: Rezoning the property located at 608 Buchanan Street, from its current zoning designation of "R-1" Single Family Residential to "C-1" Light Commercial: R. Fyffe: Mayor Alan Smith opened the public hearing and presented the item to the audience. There being no further comments, Mayor Smith closed the public hearing.

Public Hearing: Rezoning the City shops parcel located at U.S. Highway 281 from its current zoning designation of "R-1" Single Family Residential and "M-1" Light Industrial to a zoning of "G" Government and Institutional. The request encompasses all of the airport property: R. Fyffe: Mayor Alan Smith opened the public hearing and presented the item to the audience. There being no further comments, Mayor Smith closed the public hearing.

CONSENT AGENDA:

Approval of the October 12, 2010 regular Council Meeting minutes: Council Member Paul Shell made a motion to approve the consent agenda as presented. Council Member Christy Fath seconded, the motion carried unanimously.

ACTION ITEMS:

Discuss and consider action: Request for utility assistance for the Department of Public Safety Office: Council Member Paul Shell made a motion to approve the request for a \$2,000.00 per year utility assistance for the Department of Public Safety office to be located at the Dahopa Building on West Highway 29. Council Member Christy Fath seconded, the motion carried unanimously.

Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING THE ZONING ORDINANCE, #2008-14, REZONING PROPERTY FROM “R-1” SINGLE FAMILY RESIDENTIAL TO “C-1” LIGHT COMMERCIAL; AND PROVIDING FOR RELATED MATTERS (608 Buchanan): R. Fyffe: Council Member Paul Shell made a motion to approve and adopt the ordinance as presented. Council Member Gary Wideman seconded, the motion carried unanimously.

Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING THE ZONING ORDINANCE, #2008-14, REZONING PROPERTY FROM “R-1” SINGLE FAMILY RESIDENTIAL AND “M-1” LIGHT MANUFACTURING TO “G” GOVERNMENT AND INSTITUTIONAL; AND PROVIDING FOR RELATED MATTERS (Kate Craddock Municipal Airport and the Old City Shops): R. Fyffe: Council Member Paul Shell made a motion to approve and adopt the ordinance as presented. Council Member Milton Phair seconded, the motion carried unanimously.

Discuss and consider action: Approval to move forward with construction of the amphitheatre at Haley Nelson Park: C. Bromley: Council Member Paul Shell made a motion of approval to move forward with construction of the Haley Nelson Park Ampitheatre. Council Member Christy Fath seconded, the motion carried unanimously.

Discuss and consider action: Award of structural engineering for the amphitheatre at Haley Nelson Park to Kimley Horn and Associates, Inc.: C. Bromley: Council Member Christy Fath made a motion to approve the structural engineering contract with Kimley Horn and Associates, Inc. as presented. Council Member Pat Riddell seconded, the motion carried unanimously.

Discuss and consider action: Award of site engineering for the amphitheatre at Haley Nelson Park to K.C. Engineering: C. Bromley: Council Member Milton Phair made a motion to award the site engineering for the amphitheatre at Haley Nelson Park to K.C. Engineering. Council Member Paul Shell seconded, the motion carried unanimously.

Discuss and consider action: Award of an engineering contract for the electrical engineering on the Haley Nelson Park amphitheatre to Aries Engineered Solutions, Inc.: C. Bromley: Council Member Paul Shell made a motion to award the contract for electrical engineering at the Haley Nelson Park amphitheatre to Aries Engineered Solution, Inc. Council Member Milton Phair seconded, the motion carried unanimously.

Discuss and consider action: Award of inspection services contract for the second tank at Inks Lake to Certified Inspection Services: C. Bromley: Council Member Paul Shell made a motion to award the inspection services contract for the second tank at Inks Lake to Certified Inspection Services. Council Member Christy Fath seconded, the motion carried unanimously.

Discuss and consider action: Approval of TxDot Aviation Routine Airport Maintenance Program (RAMP) grant and designation of authorized representative: C. Bromley: Council Member Christy Fath made a motion to approve the TxDot Aviation Routine Airport

Maintenance Program and appoint Crista Bromley as the authorized representative. Council member Pat Riddell seconded, the motion carried unanimously.

Discuss and consider action: Termination of “wind down” period with Intermedix: C. Maxwell: Council Member Paul Shell made a motion to approve notification to Intermedix of the termination of the “wind-down” period for emergency medical services billing. Council Member Christy Fath seconded, the motion carried unanimously.

Discuss and consider action: 2009-10 year end budget review and amendment: J. Laudenschlager: Joyce Laudenschlager, Director of Financial Services reviewed the proposed year end budget. The auditors recommended that the budget be amended to actual expenditures. Council Member Paul Shell made a motion to amend the budget to actual expenditures as recommended by the City’s auditors. Council Member Gary Wideman seconded, the motion carried unanimously.

REPORTS:

October 2010 Financial Report: J. Laudenschlager: Director of Finance, Joyce Laudenschlager briefed the Council on the October 2010 financial report to include a review of revenues and expenditures for the individual funds.

EXECUTIVE SESSION: Pursuant to Government Code 551.071, the City Council will convene in executive session to consult with its attorney on matters in which the duty of the attorney to the City under the Texas Disciplinary Rules of Professional Conduct clearly conflicts with Chapter 551, and to discuss the following threatened/pending litigation and possible settlement thereof: *The City of Burnet’s pending TCEQ, TPDES wastewater discharge permit application, which is being contested by the City of Austin and the Lower Colorado River Authority.* The City Council may take action on any of the matters considered in executive session once the City Council reconvenes in open session: A motion to convene to Executive Session was made by Council Member Christy Fath. The motion was seconded by Council Member Gary Wideman, the motion carried unanimously at 7:57 p.m.

RECONVENE TO REGULAR SESSION FOR POSSIBLE ACTION:

A motion to reconvene to open session was made by Council Member Paul Shell at 8:31 p.m. Council Member Christy Fath seconded, the motion carried unanimously.

Discuss and consider action: Pending litigation and possible settlement of the City of Burnet’s pending TCEQ TPDES wastewater discharge permit application, which is being contested by the City of Austin and the Lower Colorado River Authority: D. Vaughn: No action was taken.

REQUESTS FROM COUNCIL FOR FUTURE REPORTS:

Council Member Milton Phair requested that staff address the letter that was presented by Mr. David Steed during the Public Hearing and clarify the facts pertaining to the wastewater project for Mr. Steed.

ADJOURN:

There being no further business a motion to adjourn was made by Council Member Pat Riddell at 8:40 p.m., seconded by Council Member Christy Fath, the motion carried unanimously.

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Alan Smith, Mayor

ATTEST:

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Kelly Dix, City Secretary