

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

On this the 25th day of January, 2011, 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, William DeLeon,
Christy Fath, Paul Shell

Interim City Manager David Vaughn

City Secretary Kelly Dix

Guests: Crista Bromley, Joyce Laudenschlager, Paul Nelson, Roy Fyffe, James Walker, Tommy D. Potts, Betty Stevenson, Caryl Calsyn, Kristine Robinson, Sonny Spangler, Brandon Cunningham, Jamie Stevenson, Cullie Culpepper, Kim Winkler, Damon Beierle, Roseanne Hayman

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 RECOGNITION/SPECIAL REPORTS:

Chamber of Commerce Report: Chamber Board President, Damon Beierle presented Council with the Chamber Banquet agenda, previews of the new Chamber website and a copy of the cover for the new Chamber Directory. Mr. Beierle recapped the number of distributed visitor/relocation packets, chamber website hits; telephone contacts, and walk-ins for the past month.

CONSENT AGENDA:

Approval of the January 11th, 2011 regular Council Workshop minutes:

Approval of the January 11th, 2011 Regular Council Meeting minutes: Council Member Paul Shell made a motion to approve the consent agenda as presented. Council Member Gary Wideman seconded, the motion carried unanimously.

ACTION ITEMS:

Discuss and consider action: Approval of a Letter of Waiver for the A-10 show at the Commemorative Air Force Annual Bluebonnet Air Show: C. Bromley: Crista Bromley, Economic Development Director and Airport Manager, stated that the Pentagon had requested a waiver from the City releasing liability for damage to the apron at the Commemorative Air Force annual Bluebonnet Air Show. Council Member Milton Phair made a motion to approve the waiver. Council Member Paul Shell seconded, the motion carried unanimously.

Discuss and consider action: FINAL READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING THE ZONING ORDINANCE, #2008- 14, REZONING ROPERTY FROM "A-1" AGRICULTURAL TO "C-3" HEAVY COMMERCIAL; AND

PROVIDING FOR RELATED MATTERS: R. Fyffe: Council Member William DeLeon made a motion to un-table this item, Council Member Christy Fath seconded. The motion carried unanimously. The Mayor invited Roseanne Hayman, owner of the Airy Mount Bed and Breakfast, to the podium. Ms. Hayman shared her views on the rezoning of the property and provided the Council with data collected supporting her opposition to the re-zone of the property. Ms. Caryl Calsyn spoke on behalf of the Burnet chapter of the Texas Historical Commission in

opposition of the rezone due to the historical significance of Airy Mount. Sonny Spangler spoke in opposition of the rezone and in support of Ms. Hayman. Chad Calhoun, the broker for the property representing the owner of the property, spoke in favor of the re-zone. Council Member Gary Wideman made a motion to approve and adopt the ordinance as presented. Council Member Paul Shell seconded. Mayor Alan Smith, Council Members DeLeon, Fath, Riddell, Wideman and Shell voted in favor, Council Member Phair voted against. The motion carried.

Discuss and consider action: 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 "I-1" LIGHT INDUSTRIAL; AND PROVIDING FOR RELATED MATTERS: R. Fyffe: Council Member Paul Shell made a motion to un-table the item, Council Member William DeLeon seconded. The motion carried unanimously. Council Member William DeLeon made a motion to approve and adopt the ordinance as presented. Council Member Christy Fath seconded, the motion carried unanimously.

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: D. Vaughn: Council Member William DeLeon made a motion to convene to Executive Session at 7:14 p.m. Council Member Christy Fath seconded, the motion carried unanimously.

RECONVENE TO REGULAR SESSION FOR POSSIBLE ACTION:

Council Member Pat Riddell made a motion to reconvene to Regular Session at 8:05 p.m. Council Member Gary Wideman 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.

Discuss and consider action: A RESOLUTION OF THE CITY OF BURNET, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON MAY 14, 2011, TO ELECT A MAYOR AND THREE CITY COUNCILMEMBERS; ESTABLISHING THE ELECTION PROCEDURE; AND PROVIDING FOR RELATED MATTERS: K. Dix: Council Member Milton Phair made a motion to approve the resolution as presented. Council Member Paul Shell seconded, the motion carried unanimously.

Discuss and consider action: Proposed Contract with Burnet County for Election Services: K. Dix: Council Member Christy Fath made a motion to approve the contract with Burnet County for Election Services. Council Member William DeLeon seconded, the motion carried unanimously.

Discuss and consider action: Approval of Presiding Election Judge and Alternated Election Judge for the May 14, 2011 City of Burnet General Election: K. Dix: Council Member William DeLeon made a motion to approve the appointment of Mary Johnson as the Presiding Judge and Kathy Snider as the Alternate Judge for the City of Burnet General Election to be held on May 14, 2011. Council Member Christy Fath seconded, the motion carried unanimously.

Discuss and consider action: Purchasing agreement with J.P. Morgan Chase Bank, NA.: J. Laudenschlager: Council member William DeLeon made a motion to approve the purchasing

agreement with J.P. Morgan Chase Bank, NA for the City's credit card program. Council Member Christy Fath seconded, the motion carried unanimously.

REPORTS:

2010 Annual Police Department Racial Profiling Report: Police Chief, Paul Nelson, presented the 2010 Annual Police Department Racial Profiling Report to the Council.

EXECUTIVE SESSION:

In accordance to the provision of the Open Meetings Act, Texas Government Code, Chapter 551, and Sub-section 551.074(a) deliberation on the appointment, employment, evaluation, reassignment, duties, discipline, dismissal of the Interim City Manager and discussion on the positions of City Manager and Assistant City Manager including procedures and aspects of filling the positions, duties, budgeting for the positions and any other aspects associated with balancing the Interim City Manager, City Manager, and Assistant City Manager positions: P. Shell: Council Member Paul Shell made a motion to convene to executive session at 8:13 p.m., Council Member Milton Phair seconded, the motion carried unanimously

RECONVENE TO REGULAR SESSION FOR POSSIBLE ACTION:

Council Member Pat Riddell made a motion to reconvene to regular session at 8:35 p.m. Council Member Paul Shell seconded, the motion carried unanimously.

Discuss and consider action: The appointment, employment, evaluation, reassignment, duties, discipline, dismissal of the Interim City Manager and discussion on the positions of City Manager and Assistant City Manager including procedures and aspects of filling the positions, duties, budgeting for the positions and any other aspects associated with balancing the Interim City Manager, City Manager, and Assistant City Manager positions: P. Shell: Council Member Paul Shell made a motion to increase Interim City Manager, David Vaughn's pay \$500.00 per month, retroactive to his appointment date of January 3, 2011. Council Member Christy Fath seconded, the motion carried unanimously.

REQUESTS FROM COUNCIL FOR FUTURE REPORTS:

Council Member Christy Fath extended compliments to Interim City Manager, David Vaughn and Economic Development Director, Crista Bromley on behalf of the Council, for a job well done at the LCRA Water Management Plan meetings and thanking them for their professional representation of the City of Burnet. Council Member Fath noted that she had received a phone call extending the compliments to Crista and David for the professionalism presented at the meeting.

ADJOURN:

There being no further business a motion to adjourn was made by Council Member Paul Shell at 8:13 p.m., seconded by Council Member Milton Phair, the motion carried unanimously.

Alan Smith, Mayor

ATTEST:

Kelly Dix, City Secretary