



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

Notice is hereby given that a **Special Council Meeting** will be held by the governing body of the above named City on the **22nd day of February, 2017** at **5:30 p.m.** in the Council Chambers, Burnet Municipal Airport, 2402 S. Water, Burnet, at which time the following subjects will be discussed, to-wit:

This notice is posted pursuant to the Texas Government Code, Chapter §551-Open Meetings.

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE:

PLEDGE TO TEXAS FLAG:

1. PUBLIC RECOGNITION/SPECIAL REPORTS: None.

2. 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.)

2.1) Approval of the February 14, 2017 Regular Council Meeting minutes

3. PUBLIC HEARING: None.

4. ACTION ITEMS:

4.1) Discuss and consider action: Declaring council seat vacant: K: Dix

4.2) Discuss and consider action: A RESOLUTION ORDERING A SPECIAL ELECTION TO ELECT ONE COUNCIL MEMBER TO FILL AN UNEXPIRED TERM FOR THE CITY COUNCIL, CITY OF BURNET, TEXAS, ON May 6, 2017: K. Dix

5. REPORTS: None.

5.1) Addendum to the City Council Agenda: Department and Committee

Reports/Briefings: The City Council may or may not receive a briefing dependent upon activity or change in status regarding the matter. The listing is provided to give notice to the public that a briefing to the Council on any or all subjects may occur.

6. REQUESTS FROM COUNCIL FOR FUTURE REPORTS:

7. ADJOURN:

Dated this 17th, day, of February, 2017

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 February 10, 2017, at or before 5 o'clock p.m. and remained posted continuously for at least 72 hours preceding the scheduled time of said Meeting.



Kelly Dix, City Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS:

The City Council Chamber 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 faxed to the City Secretary at 512.756.8560.

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 Secretary

ITEM 4.1

Kelly Dix
City Secretary
(512)-756-6093 ext. 209
kdix@cityofburnet.com

Agenda Item Brief

Meeting Date: February 22, 2017

Agenda Item: Discuss and consider action: Declaring council seat vacant:
K. Dix

Background: On Wednesday, February 15, 2017, Council Member Philip Thurman officially filed his candidate packet to run for the Mayor's position on the May 6, 2017 General Election ballot with the City Secretary.

Per Article III, Chapter 3.07, Section B, **Forfeiture of Office.**

5. If the Mayor or any City Council Member has more than one year remaining on their term and files to run for another elected position within the city government. The City Council shall, at its next regular meeting, declare the office to be vacant and shall fill such vacancy as set forth below:

Information: Article III, Chapter 3.07 of the City of Burnet City Charter provides direction for the process of filling an unexpired term in Chapter 3.07, Section C Filling of Vacancies as follows:

C. Filling of Vacancies.

1. When a single or double vacancy occurs in the City Council, the remaining members of the City Council may:

a. Appoint a qualified person to fill the unexpired term(s). An appointment must be approved by an affirmative vote of at least five (5) members of the City Council members; or

b. Order an election to fill the unexpired term(s) at the next regular general election.

2. Should three (3) vacancies exist on City Council at the same time then City Council shall order an election to fill the vacancies on the next available uniform election date as provided by law.

3. All appointments to City Council shall serve until the next regular election.

4. All appointments to City Council shall be qualified to serve pursuant to [Section 3.03](#) of this Charter and shall take office immediately upon appointment.

Fiscal Impact: None.

Recommendation: Staff recommends a motion declaring the City Council position formerly held by Council Member Philip Thurman vacated.

ITEM 2.1

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

On this the 14th day of February 2017, the City Council of the City of Burnet convened in Regular Session, at 6:00 p.m., at the regular meeting place thereof with the following members present, to-wit:

Mayor Gary Wideman
Council Members Danny Lester, Philip Thurman, Joyce Laudenschlager
 Paul Farmer, Tres Clinton, Mary Jane Shanes

City Manager David Vaughn

Deputy City Secretary Kelly Dix

Guests: Mark Lewis, Gene Courtney, Evan Milliorn, Leslie Baugh, Craig Lindholm, Ed Hollicky, Alan Burdell, Patricia Langford, James B. Wilson, Doug Fipps, Harold Smith, Bettye Foulds, Melody Pauling, Crista Bromley, Mark Ingram, Mark Lewis, Paul Nelson, Paul Shell

CALL TO ORDER: The meeting was called to order by Mayor Wideman, at 6:00 p.m.

INVOCATION: Mayor Gary Wideman

PLEDGE OF ALLEGIANCE: Council Member Philip Thurman

PLEDGE TO TEXAS FLAG: Council Member Philip Thurman

PUBLIC RECOGNITION/SPECIAL REPORTS: None.

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.)

Approval of the January 24, 2017 Regular Council Meeting minutes

Council Member Philip Thurman moved to approve the consent agenda as presented. Council Member Danny Lester seconded, and the motion carried unanimously.

ACTION ITEMS:

Discuss and consider action: Approve and authorize City Manager to sign a Wholesale Metering agreement between LCRA and the City of Burnet: G. Courtney: Council Member Danny Lester made a motion to approve and authorize the City Manager to execute the Wholesale Metering Agreement between LCRA and the City of Burnet as presented. Council Member Tres Clinton seconded, the motion carried unanimously.

Discuss and consider action: Appointments to the City of Burnet Historic Board: M. Lewis: Council Member Danny Lester made a motion to re-appoint Renee Riddell and appoint Carole Goble and Jeff Townsend as the members at Large, appoint Mark Lewis Director of Development Services as the Staff Representative and City Secretary, Kelly Dix as the Council Representative to the Burnet Historic Board. Council Member Joyce Laudenschlager seconded, the motion carried unanimously.

Discuss and consider action: Authorize staff to enter into a vendor agreement with Opportunities for Williamson and Burnet County for the purpose of a Comprehensive Energy Assistance Program: P. Langford: Council Member Philip Thurman made a motion to approve the vendor agreement with Opportunities for Williamson and Burnet County for the purpose of a Comprehensive Energy Assistance Program. Council Member Joyce Laudenschlager seconded, the motion carried unanimously.

Discuss and consider action: FIRST READING OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BURNET, TEXAS CHAPTER 98, SUBDIVISIONS BY

ADOPTING ARTICLE VIII, NON-POINT SOURCE POLLUTION; ADOPTING NPS TECHNICAL MANUAL; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FINDING PROPER NOTICE OF MEETING: M. Lewis: Council Member Philip Thurman made a motion to approve the first reading of Ordinance 2017-02 as presented. Council Member Mary Jane Shanes seconded, the motion carried unanimously.

Discuss and consider action: An inter-local agreement between the City of Burnet and the Lower Colorado River Authority granting the City of Burnet authority to administer Nonpoint Source Pollution regulations within that portion of the City located within the Lake Travis Watershed: M. Lewis: Council member Mary Jane Shanes made a motion to approve and authorize the City Manager to execute an inter-local agreement between the City of Burnet and the Lower Colorado River Authority granting the City of Burnet authority to administer Nonpoint Source Pollution regulations within that portion of the City located within the Lake Travis Watershed. Council Member Joyce Laudenschlager seconded, the motion carried unanimously.

REPORTS: Addendum to the City Council Agenda: Department and Committee Reports/Briefings: The City Council may or may not receive a briefing dependent upon activity or change in status regarding the matter. The listing is provided to give notice to the public that a briefing to the Council on any or all subjects may occur.

Quarterly School Resource Officer Report: P. Nelson: Chief Nelson reviewed the quarterly statistics reported by the School Resource Officer.

Annual Racial Profiling Report: P. Nelson: Chief Nelson reviewed the annual Racial Profiling Report with Council.

REQUESTS FROM COUNCIL FOR FUTURE REPORTS: None.

ADJOURN: There being no further business a motion to adjourn was made by Council Member Mary Jane Shanes at 6:30 p.m., seconded by Council Member Joyce Laudenschlager. The motion carried unanimously.

Gary Wideman, Mayor

ATTEST:

Kelly Dix, City Secretary



City Secretary

ITEM 4.2

Kelly Dix
City Secretary
(512)-756-6093 ext. 209
kdix@cityofburnet.com

Agenda Item Brief

Meeting Date: February 22, 2017

Agenda Item: Discuss and consider action: A RESOLUTION ORDERING A SPECIAL ELECTION TO ELECT ONE COUNCIL MEMBER TO FILL AN UNEXPIRED TERM FOR THE CITY COUNCIL, CITY OF BURNET, TEXAS, ON MAY 6, 2017: K. Dix

Background: The order of a Special Election to fill one council member position is necessary due to Article III, Section 3.07 (B) of the City Charter which states, *"Forfeiture of Office. If the Mayor or any Council Member....has more than one year remaining on their term and files to run for another elected position within the city government....the City Council shall, at its next regular meeting, declare the office to be vacant and shall fill such vacancy as set forth below."*

Information: Article III, Section 3.07 (C) of the City of Burnet City Charter provides direction for the process of filling an unexpired term:

C. Filling of Vacancies.

1. *When a single or double vacancy occurs in the City Council, the remaining members of the City Council may:*

a. Appoint a qualified person to fill the unexpired term(s). An appointment must be approved by an affirmative vote of at least five (5) members of the City Council members; or

b. Order an election to fill the unexpired term(s) at the next regular general election.

2. *Should three (3) vacancies exist on City Council at the same time then City Council shall order an election to fill the vacancies on the next available uniform election date as provided by law.*

3. *All appointments to City Council shall serve until the next regular election.*

4. *All appointments to City Council shall be qualified to serve pursuant to [Section 3.03](#) of this Charter and shall take office immediately upon appointment.*

In accordance with Article III, Section 3.07 (C1), the Council may appoint a qualified person to fill the remainder of the unexpired term or call an election. In this case, if the Council chose to appoint a replacement, that appointment can only serve until May 2017 due to Section 3.07 (C3) which states, *"All appointments to the City Council shall serve until the next regular election"*.

Fiscal Impact:

None.

Recommendation:

Due to the regular scheduled May election, the Charter dictates that an election must be called to fill the remainder of the unexpired term, irrespective of Council's decision to fill the vacant position between now and the election in May.

Staff recommends approval of Resolution R2017-04 ordering a Special Election to be held on May 6, 2017 to fill the unexpired term of one Council Member position.

RESOLUTION NO. R2017-04

A RESOLUTION ORDERING A SPECIAL ELECTION TO ELECT ONE COUNCIL MEMBER TO FILL AN UNEXPIRED TERM FOR THE CITY COUNCIL, CITY OF BURNET, TEXAS, ON MAY 6, 2017:

WHEREAS; the City Charter of the City of Burnet, Texas, Article III, Section 3.07, (A) states: The office of a City Council Member or the Mayor shall become vacant upon the death, incapacity, resignation, or removal from office in any manner authorized by law, or forfeiture of office by the office holder, and

WHEREAS; the City Charter of the City of Burnet, Texas, Article III, Section 3.07 (B) **Forfeiture of Office.** If the Mayor or any City Council Member (5) has more than one year remaining on their term and files to run for another elected position within the city government the City Council shall, at its next regular meeting, declare the office to be vacant and shall fill such vacancy, and

WHEREAS; in the event a forfeiture of office occurs, pursuant to the City Charter of the City of Burnet, Texas, Article III, Section 3.07, **C. Filling of Vacancies:**

1. When a single or double vacancy occurs in the City Council, the remaining members of the City Council may:

a. Appoint a qualified person to fill the unexpired term(s). An appointment must be approved by an affirmative vote of at least five (5) members of the City Council members; or

b. Order an election to fill the unexpired term(s) at the next regular general election.

2. Should three (3) vacancies exist on City Council at the same time then City Council shall order an election to fill the vacancies on the next available uniform election date as provided by law, and

WHEREAS; the Texas Election Code is applicable to said election and this resolution establishes procedures consistent with the Code, and designates the voting place for the election; and

WHEREAS, the City of Burnet, Texas (hereinafter the "City") has made provision to contract with Burnet County to conduct the City's special election, pursuant to *Chapter 31, Tex. Elec. Code, and Chapter 791, Tex. Gov't Code* (the "Election Agreement" or "contract"), jointly with Burnet Independent School District and any other political

subdivisions that hold elections on the same day in all or part of the same territory of the City, as authorized in *Chapter 271, Tex. Elec. Code*;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS:

SECTION 1. Special Election. The Special Election of the City shall be held on Saturday, May 6, 2017, to elect a Council Member, to fill the position of an unexpired term of one (1) year. Candidates at the election for the above offices shall file their application to become candidates with the City Secretary of the City of Burnet, at City Hall, 1001 W. Buchanan, Ste. 4, Burnet, Texas 78611, between 8:00 a.m. on February 23, 2017 and 5:00 p.m. on March 6, 2017. All applications for candidacy shall be on a form as prescribed by the *Tex. Elec. Code*. The order in which the names of the candidates for office are to be printed on the ballot shall be determined by a drawing conducted by the City Secretary.

SECTION 2. Notice of the election shall be given and the election shall be held in compliance with the provisions of the *Tex. Elec. Code* in all respects. The ballots for the election shall comply with the *Tex. Elec. Code* and be in the form provided by the City to the Burnet County Election Administrator for use on the voting devices and ballots used by Burnet County.

SECTION 3. The Burnet County Election Administrator and his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election in the manner provided by contract with the City and the law governing the holding of general elections by home rule cities of the State of Texas; and the official ballots, together with such other election materials as are required by the *Tex. Elec. Code*, shall be prepared in both the English and Spanish languages and shall contain such provisions, markings and language as is required by law.

SECTION 4. Early voting, both by personal appearance and by mail, will be conducted by the Burnet County Election Administrator, who is designated and appointed as the Early Voting Clerk, in accordance with the *Texas Election Code*. Early voting by personal appearance shall be conducted at the times, places, and locations authorized by state law and the Burnet County Election Administrator. Early voting shall commence on Monday, April 24, 2017, and continue through Tuesday, May 2, 2017. Early voting shall also be held at any time and location authorized by the Burnet County Election Administrator.

SECTION 5. The election precincts for the election shall be the election precincts established by Burnet County, provided that each shall contain and include geographic area that is within the City. The polling place for each such election precinct shall be the polling place established by Burnet County for such election precincts in Burnet County and voting by residents of the City. The polls shall remain open on the day of the election from 7:00 a.m. to 7:00 p.m. The returns for precincts in Burnet County will be provided by

precinct and the Burnet County Election Administrator shall tabulate and provide the election returns for the election.

SECTION 6. The City Secretary, or designee, is instructed to assist the Burnet County Election Administrator in the acquisition and furnishing of all election supplies and materials necessary to conduct the election as provided by the Election Agreement. The City Secretary is further authorized to give or cause to be given notices required for the election, and to take such other and further action as is required to conduct the election in compliance with the *Tex. Elec. Code* and *City Charter*; provided that, pursuant to the Election Agreement between Burnet County and the City, the Burnet County Election Administrator shall have the duty and be responsible for organizing and conducting the election in compliance with the *Tex. Elec. Code*; and for providing all services specified to be provided in the Election Agreement. The Burnet County Election Administrator shall give the notices required by the *Tex. Elec. Code* to be given for the election not required to be given by the City under the Election Agreement.

SECTION 7. The presiding judges, alternate presiding judges and clerks for the election shall be selected and appointed by Burnet County Election Administrator and its appointees in compliance with the requirements of state law, and such judges and clerks so selected by Burnet County and its appointees are hereby designated and appointed by the city council as the election officers, judges and clerks, respectively, for the holding of said general election. The presiding judges, alternate presiding judges and clerks shall perform the functions and duties of their respective positions that are provided by state law. The city council will further confirm and appoint the election judges and alternate election judges that are appointed by Burnet County for the election.

SECTION 8. Notice of the election shall be given by posting a notice containing a substantial copy of this resolution on the bulletin board used for posting notice of meetings of the governing body at the City Hall and at the aforesaid election day polling places not later than the twenty-first (21st) day before the election, and by publishing said Notice of Election at least one time, not earlier than thirty (30) days nor later than ten (10) days prior to said election, in a newspaper of general circulation in the City. The notice that is posted, and the notice that is published in a newspaper of general circulation within the city, will be written in both English and Spanish.

SECTION 9. The election shall be held and conducted by the Burnet County Election Administrator in compliance with state law and the Election Agreement. And, this Resolution shall be in force and effect from and after its passage on the date shown below.

SECTION 10. It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, *Chapter 551, Texas Government Code*.

AND, IT IS SO RESOLVED, PASSED AND APPROVED this 22nd day of February, 2017.

CITY OF BURNET, TEXAS

Gary Wideman, Mayor

ATTEST:

Kelly Dix, City Secretary