STATE OF TEXAS {}

COUNTY OF BURNET {}

CITY OF BURNET {}

On this the 14th day of February, 2012, 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 Gary Wideman

Council Members Buddy Coker, William DeLeon, Kenneth Graham Milton Phair, Kevin Davis

Absent Pat Riddell

City Manager David Vaughn

City Secretary Kelly Dix

Guests: Roy Fyffe, Paul Nelson, Crista Bromley, Mark Ingram, Joyce Laudenschlager, Danny Lester, James Walker, Doug Fipps, Cathy Ryden, Allen Burdell, Randy Harford, Samantha Melvin, Caryn Juan, Linda Turner, Nancy Keck, Joyce T. Snodgrass, Bill Rotrowski, Jason Davis, George Banks

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

INVOCATION: Council Member Ken Graham

PLEDGE OF ALLEGIANCE: Council Member Buddy Coker

PUBLIC RECOGNITION/SPECIAL REPORTS:

Proclamation: Spay Day: Barbara Kemp: Mayor Gary Wideman: Mayor Wideman presented a proclamation declaring February 18, 2012, Spay Day 2012, urging all citizens to observe the day by having their own cats or dogs spayed or neutered or by sponsoring the spaying or neutering of another person’s cat or dog.

Proclamation: VA Hospital: Nancy Keck: Mayor Gary Wideman: Mayor Wideman presented Nancy Keck, from the VFW Post 6974 Ladies Auxiliary with a proclamation declaring February 14, 2012 be observed as “Salute to Hospitalized Veterans Day”, urging all citizens to recognize the valor and sacrifices of our veterans with expressions of gratitude to those who have served our country.

Proclamation: Youth Art Month: Samantha Melvin: Mayor Gary Wideman: Mayor Wideman presented the proclamation declaring March 2012, Youth Art Month, to Samantha Melvin, Burnet Independent School District. Ms. Melvin thanked the Council for their continued support and informed all present that there will be an exhibit of the student’s art at Galloway Hammond Recreation Center and the Post Office for all to enjoy throughout the month of March. Ms. Melvin informed all present that one of the local High School student’s artwork has been chosen by the Governor’s Office to be displayed at the State Capitol.

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 February 1st, 2011 Regular Council Workshop Meeting minutes.

Approval of the February 7th, 2012 Special Council Meeting minutes

Council Member William DeLeon made a motion to approve the consent agenda as presented. Council Member Ken Graham seconded, the motion carried unanimously.

PUBLIC HEARINGS:

Public Hearing: City of Burnet Minor Curfew Ordinance: P. Nelson: Mayor Gary Wideman opened the public hearing and presented the item to the audience for comment. One comment was made by George Banks, 1100 E. Pecan. Mr. Banks stated that he has noticed young juveniles in his neighborhood after the curfew hours. There being no further comments, Mayor Wideman closed the public hearing.

Public Hearing: Rezone 2501 S. Water St. From C-1 and RM-3 to C-3 Heavy Commercial: R. Fyffe: Mayor Gary Wideman opened the public hearing and presented the item to the audience for comment. There being no comments, Mayor Wideman closed the public hearing.

ACTION ITEMS: The following items were moved up on the agenda to accommodate representatives present.

Discuss and consider action: A RESOLUTION SUSPENDING THE PROPOSED EFFECTIVE DATE OF THE PROPOSED RATE SCHEDULES OF THE MID-TEX DIVISION OF ATMOS ENERGY CORPORATION (“COMPANY”), PROVIDING THAT THE RATE SCHEDULES OF SAID COMPANY SHALL REMAIN UNCHANGED DURING THE PERIOD OF SUSPENSION, PROVIDING FOR NOTICE HEREOF TO SAID COMPANY, AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW: D. Vaughn: Randy Hartford, Atmos Energy, Mid-Tex Division, Manager of Public Affairs, advised the Council that the resolution to suspend the proposed effective date of the proposed rate schedule was to allow more time for negotiations between Atmos Energy and the Cities involved. Council Member Ken Graham made a motion to approve the resolution as presented. Council Member Milton Phair seconded, the motion carried unanimously.

Discuss and consider action: AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING THE ZONING ORDINANCE, #2008-14, REZONING PROPERTY FROM “C-1” LIGHT COMMERCIAL AND “RM-3” RV PARK TO A ZONING DESIGNATION OF “C-3” HEAVY COMMERCIAL; AND PROVIDING FOR RELATED MATTERS.: R. Fyffe: Council Member William DeLeon made a motion to approve the first reading of the ordinance as presented. Council Member Buddy Coker seconded. The motion carried unanimously.

EXECUTIVE SESSION:

Council Member Kevin Davis made a motion to convene to executive session at 6:47 p.m. Council Member Buddy Coker seconded, the motion carried unanimously.

Executive Session: In accordance with the provisions of the Open Meetings Law, Government Code, Vernon’s Texas Codes Annotated and accordance with the authority contained in Chapter 551 Sub-Section § 551.071 – Private consultation with the attorney, for the City of Burnet; the City Council will meet in Executive Session regarding legal discussions and negotiations relating to the contract between the City of Burnet and Thonhoff Engineering: D. Vaughn

Executive Session: In accordance with the provisions of the Open Meetings Law, Government Code, Vernon’s Texas Codes Annotated and accordance with the authority contained in Chapter 551 Sub-Section § 551.071 – Private consultation with the attorney, for the City of Burnet; the City Council will meet in Executive Session to seek legal advice with respect to making a final offer to purchase a 0.124 permanent utility easement and a 0.085 acre temporary construction easement and potential eminent domain litigation involving the owner of said property, James Wukasch: D. Vaughn

Executive Session: In accordance with the provisions of the Open Meetings Law, Government Code, Vernon’s Texas Codes Annotated and accordance with the authority contained in Chapter 551 Sub-Section § 551.071 – Private consultation with the attorney, for the City of Burnet; the City Council will meet in Executive Session regarding the purchase of real property owned by James Wukasch in connection with completion of the City’s “Hamilton Creek Interceptor Project”: D. Vaughn:

RECONVENE TO REGULAR SESSION FOR POSSIBLE ACTION:

Council Member Ken Graham made a motion to reconvene to regular session at 7:23 p.m. Council Member Milton Phair seconded, the motion carried unanimously.

ACTION ITEMS:

Discuss and consider action: Possible action relating to the contract between the City of Burnet and Thonhoff Engineering, Inc.: D. Vaughn: No action was taken.

Discuss and consider action: SECOND AND FINAL READING OF THE CITY OF BURNET, TEXAS (CITY), AMENDING CHAPTER 70 OF THE CODE OF ORDINANCES TO PROVIDE FOR ARTICLE IX, SECTION 70-131: REGULATION OF SEX OFFENDERS RESIDENCY; MAKING IT UNLAWFUL FOR CERTAIN SEXUAL OFFENDERS TO RESIDE WITHIN 1,000 FEET OF PLACES WHERE CHILDREN GATHER; PROVIDING EXCEPTIONS TO THE ORDINANCE; PROHIBITING PROPERTY OWNERS FROM RENTING REAL PROPERTY TO CERTAIN SEXUAL OFFENDERS; PROVIDING PENALTIES FOR VIOLATIONS OF THE ORDINANCE; AND PROVIDING OPEN MEETINGS, SEVERABILITY AND RELATED CLAUSES: R. Fyffe: Council Member William DeLeon made a motion to approve and adopt the ordinance as presented. Council Member Kevin Davis seconded, the motion carried unanimously.

Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING THE CITY OF BURNET GALLOWAY-HAMMOND RECREATIONAL PARK USAGE ORDINANCE BY MODIFYING THE RECREATION USE RATES FOR THE GALLOWAY-HAMMOND RECREATIONAL PARK: D. Vaughn: Council Member Ken Graham made a motion to approve and adopt the ordinance as presented. Council Member Buddy Coker seconded, the motion carried unanimously.

Discuss and consider action: A RESOLUTION ADOPTING A CITY OF BURNET, TX, INVESTMENT POLICY AND NAMING THE DIRECTOR OF FINANCE AS THE INVESTMENT OFFICER: J. Laudenschlager: Council Member Ken Graham made a motion to adopt the resolution and City of Burnet Investment Policy and name Joyce Laudenschlager, Director of Finance as the Investment Officer. Council Member William DeLeon seconded, the motion carried unanimously.

Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2011-11; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011, AND ENDING SEPTEMBER 30, 2012 FOR THE CITY OF BURNET, TEXAS, FUNDING ACCOUNTS IN BUDGET DUE TO UNFORESEEN SITUATIONS; CONTAINING FINDINGS PROVIDING FOR SAVINGS AND SEVERABILITY: D. Vaughn: Council Member William DeLeon made a motion to approve the first reading of the ordinance as presented. Council Member Kevin Davis seconded. The motion carried unanimously.

Discuss and consider action: A RESOLUTION OF THE CITY OF BURNET RATIFYING THE CITY MANAGER’S DECISION TO PAY AMOUNTS OWED TO WATER BOARD ON FEBRUARY 1, 2012: D. Vaughn: Council Member Ken Graham made a motion to approve the resolution as presented. Council Member Milton Phair seconded, the motion carried unanimously.

Discuss and consider action: AN ORDINANCE OF THE CITY OF BURNET, TEXAS, REPLACING CHAPTER 50 (FLOODS) OF THE BURNET CODE OF ORDINANCES AND ADOPTING A NEW CHAPTER 50 ENTITLED FLOOD DAMAGE PREVENTION, PROVIDING FOR THE REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING SEVERABILITY, OPEN MEETINGS AND EFFECTIVE DATE CLAUSES; PROVIDING PENALTIES; AND PROVIDING FOR RELATED MATTERS.: R. Fyffe: Council Member Milton Phair made a motion to approve the first reading of the ordinance as presented. Council Member Buddy Coker seconded. The motion carried unanimously.

Discuss and consider action: A contract with IESI for recycling services for the City of Burnet: D. Vaughn: No action was taken.

Discuss and consider action: FIRST READING OF AN ORDINANCE ESTABLISHING CURFEWS FOR MINORS; PROVIDING DEFINITIONS; PROVIDING DEFENSES AND EXCEPTIONS; PROVIDING PENALTIES; AND PROVIDING OPEN MEETINGS, SEVERABILITY AND RELATED CLAUSES: P. Nelson: Council Member Ken Graham made a motion to approve the first reading of the ordinance as presented. Council Member William DeLeon seconded. The motion carried unanimously.

Discuss and consider action: Hours of operation for Galloway-Hammond Recreation Center: D. Vaughn: Council Member Ken Graham made a motion to authorize the City Manager to create a plan for extended hours of operation at Galloway Hammond to be presented at a future City Council Workshop for review and discussion by the City Council. Council Member Kevin Davis seconded, the motion carried unanimously.

Discuss and consider action: Request for approval of the proposed future land use map: R. Fyffe: Chief Building Official, Roy Fyffe, presented the Council with the future land use map and encouraged all to review for future action. No action was taken.

Discuss and consider action: Request for approval of Conditional Use Permits for airport properties: R. Fyffe: Council Member Buddy Coker made a motion to approve the conditional use permits for airport properties owned by Sondra L. Mobley, Nicky and Vicki L. Summitt, and GMSM, LTD, as presented. Council Member William DeLeon seconded, the motion carried unanimously.

Discuss and consider action: Request for approval of zoning ordinance amendments: R. Fyffe: Council Member William DeLeon made a motion to approve the first reading of the zoning ordinance amendment as presented. Council Member Ken Graham seconded, the motion carried unanimously.

Discuss and consider action: Approval of the Wukasch Settlement Agreement: D. Vaughn: Council Member Ken Graham made a motion to approve and execute the settlement agreement between Mr. Wukasch and the City of Burnet. Council Member Kevin Davis seconded, the motion carried unanimously.

Discuss and consider action: Consideration of the use of Eminent Domain to condemn property. A Resolution making findings and establishing a public necessity for the acquisition of 0.124 acres (5,401 square feet) and 0.085 acres (3,710 square feet) or up to fee simple title of property located at 305 West Post Oak Street, owned by James C. Wukasch through eminent domain for public use relating to the completion of the Hamilton Creek Interceptor Waste Water and Sewer Line Project: D. Vaughn: No action taken.

Discuss and consider action: A quitclaim deed, per Item 2 of the Terms and Conditions of the City’s agreement with Jim Wukasch: D. Vaughn: Council Member Buddy Coker made a motion to approve and execute the quitclaim deed, per Item 2 of the Terms and Conditions of the City’s agreement with Jim Wukasch. Council Member Ken Graham seconded, the motion carried unanimously.

Discuss and consider action: Quitclaim and abatement of easement pertaining to the reserved easements in the abandoned portion of Watts Street: D. Vaughn: Council member Ken Graham made a motion to approve and execute a quitclaim and abatement of easement pertaining to the reserved easements in the abandoned portion of Watts Street. Council Member William DeLeon 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:

Project Update Report: C. Bromley: Economic Development Director, Crista Bromley reviewed the project summary report. Thonhoff engineering is moving forward as agreed on the engineering. Submission of the Sewer Plant Interceptor Line Project schedules were sent to Texas Water Development Board and the City is awaiting reply. The Haley Nelson Park Project is nearing completion, minor electrical, grading, flatwork and the canopy are to be completed, weather permitting.

Racial Profiling Report: P. Nelson: Police Chief, Paul Nelson, reviewed the 2011 Racial Profiling Report for the Council.

Water Well Reports: A. Burdell: Water Department Supervisor, Alan Burdell presented a report on the water wells located in the City, to include the current water productions, level of use and condition of each well.

REQUESTS FROM COUNCIL FOR FUTURE REPORTS: Council Member Buddy Coker reminded Council and Staff that it was discussed at an earlier meeting that the Council would provide the City Manager with the Council’s lists of goals. Council Member Ken Graham requested an update on the status of the Vehicle Take Home Policy. City Manager, David Vaughn informed Council that the City Attorney was working on a draft of the policy and he would be reporting to Council at a future meeting.

ADJOURN:

There being no further business a motion to adjourn was made by Council Member William DeLeon at 8:27 p.m., seconded by Council Member Ken Graham, the motion carried unanimously.

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 Gary Wideman, Mayor

ATTEST:

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Kelly Dix, City Secretary