STATE OF TEXAS {}

COUNTY OF BURNET {}

CITY OF BURNET {}

On this the 11th day of December, 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 Milton Phair, Paul Shell, Philip Thurman, Kenneth Graham, Buddy Coker, Pat Riddell

City Manager David Vaughn

City Secretary Kelly Dix

Guests: Crista Bromley, Connie Maxwell, Mark Ingram, Doug Fipps, Danny Lester, James Walker, Paul Nelson, John Goble, Lisa Atkinson, Clayton Patterson, Davis Keele, Alice Gregg, Keva Wier, Alan Burdell, J.R. Romero, Amy Jo Hallmark, Zach DeLeon, Katherine Daniels, Aaron James, Karl Piehl

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

INVOCATION: Council Member Pat Riddell

PLEDGE OF ALLEGIANCE: Council Member Buddy Coker

CITIZEN COMMENT:

Aaron James: Burnet Little League: Field Usage Fees.

Alice Gregg: Burnet Youth Football League: The installation of usage fees for the Jim Sandell Football Field and other Galloway Hammond field facilities and the cost associated for youth organizations in Burnet County.

Both individuals requested dialog with the Council during the discussion portion of the action item.

PUBLIC HEARINGS:

Public Hearing: Notice is hereby given that public hearing will be held on Tuesday, December 11, 2012 at 6:30 p.m. at the Burnet City Council Chambers, 2402 S. Water Street, Burnet, Texas to hear public comments on projects under consideration by the Burnet Economic Development Corporation as follows:

Economic incentives and/or property development on State Highway 29 East, which the Board feels will promote or expand business activities in the City of Burnet in an amount of not more than $1,000,000. 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.

Public Hearing: Request to rezone the 1100 Block of S. Water Street from its current zoning designation of R-1 Single Family Residential and C-1 Light Commercial to a zoning district of C-3

Heavy Commercial: J. Goble: 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.

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 November 8, 2012 Regular Council Meeting minutes. Council Member Paul Shell made a motion to approve the consent agenda as presented. Council Member Buddy Coker seconded, the motion carried unanimously.

Discuss and consider action: A RESOLUTION OF THE CITY OF BURNET FINDING PUBLIC NECESSITY TO USE COLLECTED IMPACT FEES TO INSTALL VARIABLE FREQUENCY DRIVES ON TWO NEW PUMPS AT THE CITY’S WAter TREATMENT PLANT: A. Burdell: Council Member Buddy Coker made a motion to approve the resolution as presented. Council Member Ken Graham seconded, the motion carried unanimously.

Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING CHAPTER 74 OF THE BURNET CODE OF ORDINANCES, BY PROVIDING FOR THE RENTING OF WALLACE RIDDELL PARK PAVILION AND ESTABLISHING A FEES; PROVIDING FOR THE RENTING OF SPORTS FIELDS AND ESTABLISHING A FEES; PROVIDING FOR RENTING OTHER CITY FACILITIES; PROVIDING SEVERABILITY, OPEN MEETINGS AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR RELATED MATTERS: D. Vaughn: Aaron James and Alice Gregg were given an opportunity to voice their concerns pertaining to cost increases to youth sports memberships if the field fees ordinance is approved and the fees established. Both individuals requested continued negotiations between City Staff and the Youth Athletics organizations to resolve the issues and create a more affordable plan that benefits all. City Council passed on this item. No action was taken.

Discuss and consider action: Discuss and consider action: Appointment of Board Member to the City of Planning and Zoning Commission: J. Laudenschlager: City Council passed on this item. No action was taken.

Discuss and consider action: Invitation to apply for Texas Water Development Board Funds: C. Bromley: Council Member Ken Graham made a motion to decline the invitation to apply for Texas Water Development Board Funds. Council Member Milton Phair seconded, the motion carried unanimously.

Discuss and consider action: Lower Colorado River Authority Cost Share grant and associated agreement: C. Bromley: Council Member Buddy Coker made a motion to approve the LCRA Cost share grant and associated agreement that will provide 50/50 funding for the proposed reuse line at Galloway Hammond Recreation Center. Council Member Paul Shell seconded, the motion carried unanimously.

Discuss and consider action: Appointment of Council Members to serve on hiring committee for floodplain engineering study: D. Vaughn: Mayor Gary Wideman made a motion to appoint Council Members Coker, Thurman and Graham to serve on the hiring committee for the floodplain engineering study. Council Member Pat Riddell seconded, the motion carried unanimously.

Discuss and consider action: RFQ’s for Auditing and Attorney services and related hiring committee: D. Vaughn: City Council Member Mickey Phair made a motion to authorize staff to proceed with RFQ’s for the City Auditing services, but not the City Attorney services. It was agreed by Council that the entire council would participate in the hiring for City Auditing services. Council Member Buddy Coker seconded, the motion carried unanimously.

Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING CHAPTER 74, SECTION 74-1 IN ITS ENTIRETY; SETTING MEMBERSHIP FEES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE AND AN OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS: D. Vaughn: Council Member Milton Phair made a motion to approve the first reading of the ordinance as presented. Council Member Paul Shell seconded, the motion carried unanimously.

Discuss and consider action: FIRST 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-3” HEAVY COMMERCIAL; AND PROVIDING FOR RELATED MATTERS: J. Goble : Council Member Paul Shell made a motion to approve the first reading of the ordinance as presented. Council Member Ken Graham seconded, the motion carried unanimously.

Discuss and consider action: Authorizing the City Manager to hire a water lawyer to represent the City in issues associated with LCRA’s pending application for an emergency order to deviate from the Water Management Plan: D. Vaughn: City Manager, David Vaughn informed Council that a number of Firm customers will be working together to acquire legal representation and share the cost of a contested case hearing should it be necessary. Council Member Philip Thurman made a motion to authorize the City Manager to hire a water lawyer to represent the City, should it be necessary, in an amount not to exceed $20,000. Council Member Milton Phair 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. None.

EXECUTIVE SESSION:

Executive Session: In accordance to the provisions of the Open Meetings Act, Texas Government Code;  Chapter 551, Subsection 551.087 Deliberation Regarding Economic Development Negotiations: C. Bromley: Council Member Philip Thurman made a motion to move to Executive Session at 8:58 p.m. Council Member Buddy Coker seconded, the motion carried unanimously. Mayor Gary Wideman advised all present that two separate Economic Development issues would be discussed and that City Manager David Vaughn had filed a Conflict of Interest Affidavit with the City Secretary and would not be included in the discussion on the second Economic Development issue.

Executive Session: In accordance to the provisions of the Open Meetings Act, Texas Government Code;  Chapter 551, Subsection 551.087 Deliberation Regarding Economic Development Negotiations: C. Bromley:

The City Council may take action on any of the matters considered in executive session once the City Council reconvenes in open session.

RECONVENE TO REGULAR SESSION FOR POSSIBLE ACTION: Council Member Milton Phair made a motion to reconvene to regular session at 9:17 p.m. Council Member Buddy Coker seconded, the motion carried unanimously.

Discuss and consider action: Economic development incentive negotiations: C. Bromley:

Council Member Ken Graham made a motion to authorize staff to continue with incentive negotiations with the Highway 29 East development. Council Member Paul Shell seconded, the motion carried unanimously.

Discuss and consider action: THE FIRST READING OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET AUTHORIZING EXPENDITURES BY THE CITY OF BURNET ECONOMIC DEVELOPMENT CORPORATION FOR THE PURPOSE OF VARIOUS ECONOMIC DEVELOPMENT PROJECTS; AND OTHER RELATED MATTERS: C. Bromley:

Council Member Buddy Coker made a motion to approve the first reading of the resolution as presented. Council Member Ken Graham seconded, the motion carried unanimously.

REQUESTS FROM COUNCIL FOR FUTURE REPORTS: Council Member Kenneth Graham requested a comprehensive report pertaining to EMS transfers for 2011/2012 and the first quarter of 2012/2013. Council Member Philip Thurman requested a report on the status of the Employee Handbook, Personnel Manual and the By-laws and ordinances associated with the completion of the Charter review.

ADJOURN:

There being no further business a motion to adjourn was made by Council Member Buddy Coker at 9:24 p.m., seconded by Council Member Milton Phair, the motion carried unanimously.

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Gary Wideman, Mayor

ATTEST:

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Kelly Dix, City Secretary