

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

On this the 23rd day of April, 2013, 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	Paul Shell, Philip Thurman, Pat Riddell, Milton Phair, Buddy Coker, Kenneth Graham
City Manager	David Vaughn
City Secretary	Kelly Dix

Guests: Joyce Laudenschlager, Crista Bromley, Connie Maxwell, Mark Ingram, Doug Fipps, Paul Nelson, John Goble, Luz Figueroa, Patricia Langford, Bettye Foulds, Dorothy James, Mary Jane Shanes, Herve Derek Fortin, James Walker, Larry Clendenon, Keith Neffendorf, Peg McEwen, Craig Lindholm, Pat McAleer

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 Paul Shell

PUBLIC RECOGNITION/SPECIAL REPORTS:

Chamber of Commerce Report: Pass.

Annual Audit Report: Keith Neffendorf reviewed the Annual Audit Report for the 2011/2012 Fiscal year for Council.

PUBLIC HEARING:

Public Hearing - The City of Burnet will hold a public hearing to discuss the construction of three segments of 12 and 15 inch PVC sanitary sewer mains to replace existing clay piping. The hearing will be held on April 23, 2013, 6:30 p.m. at the Burnet City Council Chambers, 2402 S. Water Street, Burnet, Texas. One of the purposes of this hearing is to discuss the potential environmental impacts of the project and alternatives to it. All interested persons are encouraged to attend to obtain more information on the project and ask questions: C. Bromley: Mayor Gary Wideman opened the Public Hearing. Larry Clendenon reviewed the comments of various agencies on the potential environmental impacts of the line replacement project. Several Council Members and the City Manager also commented. Verbatim minutes of this Public Hearing are attached to this document as "Exhibit A":

Public Hearing: AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2012-29; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012, AND ENDING SEPTEMBER 30, 2013 FOR THE CITY OF BURNET, TEXAS, FUNDING ACCOUNTS IN BUDGET DUE TO UNFORESEEN SITUATIONS; CONTAINING FINDINGS' PROVIDING FOR SAVINGS AND SEVERABILITY: C. Maxwell: 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 April 9, 2013 Regular Council Meeting minutes.

Approval of the April 9, 2013 Council Workshop Minutes. Council Member Paul Shell made a motion to approve the consent agenda as presented. Council Member Buddy Coker seconded, the motion carried unanimously.

ACTION ITEMS:

Discuss and consider action: Implementation of Voluntary Conservation Measures: C. Bromley: Council Member Milton Phair made a motion to approve the implementation of Voluntary Water Conservation Measures. Council Member Buddy Coker seconded, the motion carried unanimously.

Discuss and consider action: Call a Special Meeting of the City Council: K. Dix: Council member Buddy Coker made a motion to call a Special Meeting to canvass the election for Tuesday, May 21, 2013 at 5:30 p.m. Council Member Milton Phair seconded, the motion carried unanimously.

Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2012-29; THE ORIGINAL BUDGET ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2012, AND ENDING SEPTEMBER 30, 2013 FOR THE CITY OF BURNET, TEXAS, FUNDING ACCOUNTS IN BUDGET DUE TO UNFORESEEN SITUATIONS; CONTAINING FINDINGS PROVIDING FOR SAVINGS AND SEVERABILITY: C. Maxwell: Council Member Kenneth Graham made a motion to approve the first reading of the ordinance as presented. Council Member Philip Thurman 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 and power point presentation: C. Bromley: Project Contract Manager, Luz Figueroa presented the project update report to Council and discussed the failed Hydrostatic Testing for the Sludge Thickener and the Telescoping Valve Structure, both of which will be re-tested after engineer approved corrections/repairs have been implemented.

February Financial Report: D. Vaughn: City Manager David Vaughn reviewed the March 2013 Financial Report with Council, to include revenues expenditures and fund balances to date. Revenue balances were effected this month by EMS transports and the change in the membership billing for Galloway Hammond Recreation Center.

EXECUTIVE SESSION:

Council Member Philip Thurman made a motion for Council to convene in Executive Session at 7:48 p.m. Council Member Kenneth Graham seconded, the motion carried unanimously.

Executive Session: Pursuant to Government Code 551.071, the City Council will meet in closed session to seek the advice of the City Attorney about confidential legal matters relating to the City's legal rights, obligations, and options relating to its firm water supply contract, and to seek the advice of the City Attorney regarding contemplated litigation before the Texas Commission on Environmental Quality: D. Vaughn

Executive Session: The City of Burnet City Council shall meet in Executive Session in accordance to the provision of the Open Meetings Act, Texas Government Code, Chapter 551, and Sub-section 551.074(a) regarding deliberation on the appointment, employment, evaluation, reassignment, and duties as set out under the City Charter, associated with the position of the City Manager, David Vaughn: Mayor Wideman

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 Philip Thurman made a motion to reconvene to regular session at 9:29 p.m. Council Member Paul Shell seconded, the motion carried unanimously.

Discuss and consider action: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURNET SUPPORTING THE DETERMINATION OF THE STEERING COMMITTEE OF THE HIGHLAND LAKES FIRM WATER CUSTOMERS COOPERATIVE TO SEEK PARTY STATUS, AND REQUEST A CONTESTED CASE HEARING IF RECOMMENDED BY THE STEERING COMMITTEE ON THE APPLICATION OF THE LOWER COLORADO RIVER AUTHORITY TO AMEND ITS WATER MANAGEMENT PLAN; AUTHORIZING PARTICIPATION IN PROCEEDINGS RELATED TO THE LCRA WATER MANAGEMENT PLAN APPLICATION NO. 5838A CURRENTLY PENDING BEFORE TCEQ THROUGH THE HIGHLAND LAKES FIRM WATER CUSTOMERS COOPERATIVE; MAKING OTHER FINDINGS AND DETERMINATIONS RELATING THERETO; AND DECLARING AN EFFECTIVE DATE: D.

Vaughn: Council Member Kenneth Graham made a motion to approve the resolution as presented. Council Member Paul Shell seconded, the motion carried unanimously.

Discuss and consider action: Regarding the appointment, employment, evaluation, reassignment, and duties of the City Manager as set out under the City Charter associated with the position of City Manager, David Vaughn: Mayor Wideman: Mayor Gary Wideman made a motion commending City Manager David Vaughn on a job well done for the City of Burnet. Council Member Kenneth Graham seconded, the motion carried unanimously.

REQUESTS FROM COUNCIL FOR FUTURE REPORTS: None.

ADJOURN: There being no further business a motion to adjourn was made by Council Member Philip Thurman at 9:32 p.m., seconded by Council Member Pat Riddell, the motion carried unanimously.

Gary Wideman, Mayor

ATTEST:

Kelly Dix, City Secretary

CERTIFIED MINUTES

STATE OF TEXAS {}
COUNTY OF BURNET {}
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Be it remembered that on the 23rd day of April , 2013, the City Council of the City of Burnet convened in regular session, open to the public, at the regular meeting place thereof with the following members present, to-wit: Mayor Gary Wideman, Council Members – Paul Shell, Philip Thurman, Kenneth Graham, Pat Riddell, Milton Phair and Buddy Coker; City Manager David Vaughn; and City Secretary, Kelly Dix; with the following business to come before the Council for consideration, to-wit:

PUBLIC HEARING:

Public Hearing - The City of Burnet will hold a public hearing to discuss the construction of three segments of 12 and 15 inch PVC sanitary sewer mains to replace existing clay piping. The hearing will be held on April 23, 2013, 6:30 p.m. at the Burnet City Council Chambers, 2402 S. Water Street, Burnet, Texas. One of the purposes of this hearing is to discuss the potential environmental impacts of the project and alternatives to it. All interested persons are encouraged to attend to obtain more information on the project and ask questions: C. Bromley: Mayor Gary Wideman opened the public hearing as follows in these verbatim minutes:

Mayor Gary Wideman: Crista Bromley, Economic Development Director of the City of Burnet.

Crista Bromley, EDC Director: This project we refer to is the Phase II project. This project consists of the of three segments of 12 and 15 inch PVC sanitary sewer mains to replace existing clay piping that is undersized and experiencing significant infiltration and inflow. The three segment locations are: Segment A- State Highway 281 to East Graves Street, Segment B-Hamilton Creek to Tommy White Drive, Segment C- between State Highway 281 and Elm Street. The total length of sanitary sewer line to be installed is approximately 9,500 linear feet. Segment A will also include the installation of approximately 3,200 linear feet of 8 inch PVC reuse line or purple water line. The proposed project is estimated to cost approximately \$1,905,000. The existing average wastewater bill is \$35.87 per month, and the new average wastewater bill as a result of this project is expected to increase by \$1.01 per month to a total of \$36.88 per month. As the Mayor said, one of the purposes of this public hearing is to discuss the potential environmental impacts of this project, and alternatives to it. I have Larry Clendenon here from Kimley Horn who would like to address the council regarding specifics on this project and the environmental information

Larry Clendenon, Kimley Horn: Thank you, Good evening. Part of the environmental process and requirements to receive the Texas Water Development Board funding we need to look at alternatives to the solution, or to the proposed project. The graph even sewer lines or alternatives, are slightly limited and that they need to be in the low lying areas of the creeks and flood planes in order to work, so I will limit this discussion tonight on alternatives to alternative locations, capacities, and

construction staging. As I said because of the specific nature of the proposed project alternative waste water management techniques were not studied, however we did study the no action alternative, briefly, and decided that was not an acceptable alternative. Specific alternatives were studied for Segment C due to the location of the existing alignment in the bottom of Hamilton Creek. Alternatives were explored in an attempt to minimize the impacts to the social condition and environment. Replacing the line in places with traditional methods would have significantly disturbed the creek and would have caused the need to acquire additional easements and would have disrupted private property including privately owned structures along the creek. Alternatives of slip lining and pipe bursting were also studied neither of these alternatives provided for the necessary increase in capacity or dealt with the connections at the manholes in an acceptable manner. These alternatives also left the line at the bottom of Hamilton Creek and posed future issues with maintenance especially during wet weather conditions. Several alternatives to the location of Segment C were studied, and ultimately the City decided on an alternative that minimized disturbance to the streambed. Capacities for these lines were designed to be compatible with future conditions. The other segments will be placed under current alignments in an attempt to minimize impacts to the environment specifically by disturbing areas that are already disturbed and not disturbing new undisturbed areas. Construction staging would be placed in uplands with minimal permanent impacts. We distributed the environmental information document to several state and federal agencies and received comments from many of them. One in particular the Texas Parks and Wildlife Department said they would like to present their comments tonight but they were unable to be here. So I would like to summarize their comments by touching on the categories of the comments and then if that sparks further interest we can dive into their specific comments and recommendations. Texas Parks and Wildlife provided comments and recommendations on impacts to vegetation and wildlife habitats, invasive species and re-vegetation, water resources, federal laws including the Migratory Bird Treaty Act, State Laws including state listed species, and rare species. Those are the topics of their comments does anybody want further discussion?

Council Member Philip Thurman: What recommendation, or what part of the recommendation, do they recommend, or are they going to recommend?

Larry Clendenon, Kimley Horn: Not alternatives as far as the location and they didn't really recommend alternatives, they just had comments to try to minimize impacts.

Council Member Philip Thurman: Do you have a recommendation on an alternative?

Larry Clendenon, Kimley Horn: I would recommend the proposed alternatives, the ones that Mrs. Bromley described.

Council Member Philip Thurman: And we're going to get agreement with LCRA and they are going to be okay with that recommendation?

Council Member Buddy Coker: Let me clarify something. The lines are going in the same location as the existing lines that we talked about before

Larry Clendenon, Kimley Horn: On two of the lines, I believe so; I will just need to state...

Council Member Buddy Coker: So all the wildlife and everything and the plants and everything else will remain the same so no impact...that's my opinion.

Council Member Philip Thurman: Correct, but that is what I meant is Parks and Wildlife going to go along with the recommendation?

Larry Clendenon, Kimley Horn: That's my opinion, is that they will. They are just a commenting agency and wanted to provide comments for us to consider.

Council Member Milton Phair: Does Parks and Wildlife have any sway over the Water Development Boards decision?

Larry Clendenon, Kimley Horn: They do not have any regulatory authority as far as I know except for the potential taking or selling of threatened or endangered species.

Council Member Philip Thurman: So why would they be involved in the recommendation other than...

Larry Clendenon, Kimley Horn: Because of the funding source is tied to the state we have to provide our environmental document to different agencies for their review and many of the agencies chose to comment on it.

Mayor Gary Wideman: Does anyone else in the audience want to speak for or against.

Larry Clendenon, Kimley Horn: I have copies of the environmental information document here too, if anyone would like one.

Council Member Milton Phair: What if we disturb any migratory birds...the situation isn't getting any better as the days go is that correct?

Larry Clendenon, Kimley Horn: As far as the infiltration problems? Yes, that is correct.

Council Member Buddy Coker: David, the sewer plant and all...was this stuff all considered why wasn't this considered in phase one or why wasn't this considered one big project?

David Vaughn, City Manager: Well, I think to a certain extent that when we knew at the time when the sewer plant started, if you go back seven or eight years ago or longer than that now, about 2004, 2005, we knew we had an I and I problem back quite frankly did not realize to what extents and just how bad that I and I problem was. When we first put in for the grant for that first phase one sewer pump we included the Hamilton creek interceptor not even thinking that was a line that needed to be done. These others in phase two that they are designing now are Crista, correct me if I am wrong, but those were more a result of further analysis that went along a later plan and follow up with as to what else needed to be done and when we started it we went after the worst one which was the line down the middle of Hamilton creek and then we started progressing out from there. The other thing to keep in mind too is that when we did first two projects with water development board and asked for 11.4 million and 10.7 million that we had no idea that we were actually going to need that money at that

point and none of this was hinging on that. And they have also changed their policy, originally, you could go in there and get those loans so if we had excess loan money we could've used it for that and they have since changed that and you cannot do that anymore, so it is really just a progression.

Crista Bromley, EDC Director: The SSES study that we did was one of the reasons that all this came about, these are the particular segments across the city that needed to be done.

Council Member Ken Graham: That was the three of four you were talking about?

David Vaughn, City Manager: Yes sir, those that were on council might remember that the whole reason this pushed forward was because of the stimulus money that came down and we jumped out ahead of it in anticipation of another round of stimulus money and started this project where in reality we wanted to push this out much further, and so the latest SSO initiative with TCEQ actually pushes construction of this out closer to 2020, give or take a little, and alleviates the impact on the rate payers. We have already done the engineering side of this and to get reimbursed on it, this was the environmental report that we had to have done to get reimbursed since that money is already out of pocket.

Mayor Gary Wideman: This is just a step in the process to get the money, right?

David Vaughn, City Manager: We have to have the environmental has to be filed. We are still sitting \$150,000 or more, out waiting on reimbursement from this.

Council Member Buddy Coker: I guess when they are putting together is that we will be putting lines down in the creek in the future, three or four years ago there wasn't an environmental problem- what type of problem are we going to get into down the line?

David Vaughn, City Manager: For example down on the south end of town, in the Pierce and Valley street area a lot of that stuff does come out of the creek bottom and does cross the creek in a couple of places. But the alignment doesn't fall down the middle of the creek, the soccer field leg actually once it comes out of Hamilton Creek it's all out at that point and then we have the third leg which is the continuation from Billy Joe Fox's office up to 963 now most of that follows in and out at the wet weather...well I think they are all wet weather, but that area also where they run up on the side of the bank and out the bottom of the creek, so they have done that to the extent possible but you know everything flows down hill and creeks have to be where the lowest points are naturally. So, creeks are where the sewer lines are going to be.

Council Member Buddy Coker: what is the based on where the clay is how many years ago...

Council Member Ken Graham: 40 years ago...

Council Member Buddy Coker: What's the last pattern...

Larry Clendenon, Kimley Horn: I am not the design Engineer so I can't speak to that.

David Vaughn, City Manager: We were told, I would not want to promise ya'll this, but, the sizing

and everything we did was period to I believe, a hundred years ago, but I don't remember for sure. But we oversized significantly the line that is being put in the creek bottom right now over the existing because it was dollars per foot verses hundreds of dollars per foot to come in at a later date. Probably the PVC will far out last the seals that are in the PVC pipe. Again, I am not an engineer, so I don't know for sure.

Council Member Philip Thurman: Just to be clear LCRA did not comment on this one way or the other.

Larry Clendenon, Kimley Horn: The LCRA coordinated with the design engineers throughout the process is what I am aware of. They have not commented on the environmental document or been provided one.

Council Member Buddy Coker: If the LCRA signed off on it...they agreed to it...

David Vaughn, City Manager: Well, they signed off on the wastewater plant, when you do a line work like this you have to go through an on point source solution.

Council Member Buddy Coker: On Phase One, they signed off on it and agreed to this...they signed off on this.

David Vaughn, City Manager: The only thing that LCRA gets involved with in the construction phase, they're concerned about re-vegetation and putting that back. So when you go back in there you have to re-plant grass and get the erosion control in place during the construction process, and that's what they are really concerned about, and that is part of the permitting process for construction of the lines.

Council Member Kenneth Graham: David, this is a sewer pipe for all practical purposes correct, only sewer?

David Vaughn, City Manager: Only sewer.

Council Member Kenneth Graham: So we are not flowing flood water one way and its one 15" main right?

Crista Bromley, EDC Director: One of them does have a portion of the reuse line.

Council Member Ken Graham: Is that part of one of these we are discussing?

Crista Bromley, EDC Director: Yes. It is.

Council Member Ken Graham: Could you please explain that?

Crista Bromley, EDC Director: Segment A, which is the 281 to East Graves Street, that does have 3200 linear feet of 8" PVC reuse line included in what was the original project

David Vaughn, City Manager: That's where Billy Joe Fox's and R. J. Ritchey Middle School is, but keep in mind, was in the original scope of the original project when that was done, but we did not fund any of this from the sewer plant to Billy Joe's therefore if you don't do the bottom line you can't do the top line.

Crista Bromley, EDC Director: So what we had originally done was we had reuse line in the entire length of that...

Council Member Kenneth Graham: I understand, that is the reason I asked the question.

Crista Bromley, EDC Director: ...and part of that 1.9 million that was originally applied for to Texas Water Development Board included those segments.

Council Member Kenneth Graham: Is that phase I?

Crista Bromley, EDC Director: This is phase II.

Council Member Kenneth Graham: Phase II, okay.

Crista Bromley, EDC Director: Phase I, the interceptor line is being installed now.

Council Member Pat Riddell: Phase III?

Crista Bromley, EDC Director: There is no Phase III. Phase II goes essentially from... its three different lines so it will go from where the interceptor line stops to Graves Street, and it will go from 281 to Elm and from 281 to Tommy White. Where Tommy White Park used to be, there where the park is now.

Council Member Pat Riddell: the portion starting back from R.J. Ritchey...what is the completion.

David Vaughn, City Manager: It is pushed out to completion in 2020 I believe.

Crista Bromley, EDC Director: 2020, I believe.

Council Member Kenneth Graham: This takes...let me make sure I understand this, this takes all the way from the old water plant up there on Main Street basically down behind Fox Realty across Blackburn Lane that creek around behind..

David Vaughn, City Manager: well currently the line that is being installed today takes it all the way to Billy Joe Fox's office.

Crista Bromley, EDC Director: I think the route you are talking about is included in the Interceptor.

Council Member Kenneth Graham: Right, we're together, alright that fixes what I was wanting to get fixed...okay.

David Vaughn, City Manager: this is proactive in some of these issues that she has been dealing with but the line part that they are working with right now I guess, from an I & I standpoint was much more significantly warped...

Council Member Kenneth Graham: So you couldn't really go in and put any duct inside that pipe, you had to replace it.

David Vaughn, City Manager: You could, but you know that was one of those things that was looked but I think in like this Phase II, Langford, for him most of that is cheaper to do over the other because you are in the same work area.

Council Member Kenneth Graham: I understand, are these in the same ditch?

David Vaughn, City Manager: No, sir. Similar alignment but it's not the same. And it's not going to have the rock issues on that one for example of like what we are getting down here.

Council Member Kenneth Graham: Thank you.

Council Member Pat Riddell: David, connect the dots for me. Construction is proposed for maybe 2020, Phase II. This environmental study has no impact on Phase II?

David Vaughn, City Manager: No, this is the environmental for Phase II that we have to have this environmental complete and approved by the Water Development Board for us to receive reimbursement for the money that we have already spent for engineering for that project, so, we got some of the money back but not all of the money back, so this has to be approved for us to get that back. Once this is done, correct me if I am wrong Crista, once this is done we can move on to construction more or less whenever we want to, but we don't have to until approximately that 2020 time frame.

Crista Bromley, EDC Director: That is correct.

Council Member Pat Riddell: So this environmental study is good for nine years?

Crista Bromley, EDC Director: This environmental study is good for the project regardless of how long project is. Is that right?

Larry Clendenon, Kimley Horn: There may be a time limit on that.

Council Member Buddy Coker: Somebody has a time limit.

David Vaughn, City Manager: TCEQ has a time limit.

Crista Bromley, EDC Director: TCEQ has, Water Development Board...We can apply next year for funding from Water Development Board or we can apply ten years from now for funding from Water Development Board. Let's say that the board has more loan relief come up, than we can certainly apply for that, if we got the grant we could do the work immediately.

Council Member Buddy Coker: If we delay this for our advantage, if we delay this for our advantage, then when what we are gambling on there is that we do decide... will the money be available?

David Vaughn, City Manager: It's not so much that there is money is available, but if you look at the debt plan that we laid out and the cash flow for the next ten years where we will probably be in a position where we won't have to borrow the money, so from a rate standpoint we will could significantly reduce the impact on the rate payer.

Council Member Milton Phair: Mr. Mayor I think the City ought to be commended for doing all of this work, all of the engineering work, all this preliminary stuff for a project that is not going to be done for the next eight or nine years so that we can do it on a timely basis before we have a mishap and something has to be done.

Mayor Gary Wideman: Okay, anybody have anything else? Alright, very good we will call the public hearing on the construction of three segments of 12 and 15 inch PVC sanitary sewer mains to replace existing clay piping closed.

Larry Clendenon, Kimley Horn: Thank you.

A TRUE AND CERTIFIED EXTRACT COPY

Kelly Dix
City Secretary