

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

On this the 28th day of May, 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, Ken Graham, Derek Fortin, Milton Phair, Mary Jane Shanes
City Manager David Vaughn
City Secretary Kelly Dix
City Attorney Jameene Banks

Guests: Connie Maxwell, Patricia Langford, Luz Figueroa Mark Ingram, Doug Fipps, Paul Nelson, John Goble, Danny Lester, Bettye Foulds, Jarrod Fields, James Walker, Craig Lindholm, Peg Moore, John Erskine, Crista Bromley, Michael Davis, Mary Davis, Alan Snider, Pat McAleer, Bob Thonhoff, Steve Young

CALL TO ORDER: The meeting was called to order by Mayor Gary Wideman, at 6:31 p.m.

INVOCATION: Council Member Derek Fortin

PLEDGE OF ALLEGIANCE: Council Member Ken Graham

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 May 21, 2013 Special Council Meeting Minutes. Council Member Paul Shell made a motion to approve the consent agenda as presented. Council Member Philip Thurman seconded, the motion carried unanimously.

PUBLIC HEARING:

The City Council of the City of Burnet, sitting as the Board of Appeals as authorized by and in accordance with Article IV, sections 22-76 and 22-82 of the Burnet Code of Ordinances, will hold a Public Hearing to hear testimony from the City's Building Official, Fire Marshal, owner and other persons having an interest in the property located at 501 Buchanan; also addressed as 100 Hamilton Creek Drive, 102 Hamilton Creek Drive and 104 Hamilton Creek Drive, Burnet, Texas to determine whether the buildings and/or structures on the property are dangerous buildings, the scope of any work that may be required to comply with the City's Code of Ordinances and any necessary orders resulting there-from: J. Goble: Mayor Wideman opened the Public Hearing and called on the City Manager to present the item. City Manager David Vaughn, introduced City Attorney Jameene Banks that was in attendance to guide the Council through the public hearing proceedings concerning 501 Buchanan Street, commonly known as Sheppard Hospital owned by Alive, Inc. Ms. Banks informed the Board of Appeals (City Council serves as the Board of Appeals for the City of Burnet) the State Statute that pertained to the public hearing and outlined the process of the hearing. Fire Marshall John Erskine presented a power point report for the Board (included as Exhibit A) summarizing the findings of the inspection conducted on the structure at 501 Buchanan (included as Exhibit B). The Fire Marshall finds the structure to be structurally impaired and unsafe for interior firefighting efforts and firefighters will only enter the structure when lives are immediately in danger. Building

Official, John Goble presented his findings pertaining to the inspection of the structure (included as Exhibit G) to the Board as well, stating that the structure is dilapidated, substandard and decayed and poses a threat to persons entering the facility and that significant repairs would need to be done to meet the required 2009 Building Codes adopted by the City of Burnet. Dr. Michael Davis, Director of Alive, Inc., owners of the property addressed the Board of Appeals along with his real estate agent Alan Snider. Mr. Davis and Mr. Snider gave a brief background of the acquisition of the property, recent marketing strategies for selling the property and acknowledged the diminished state the facility is in. They expressed their intent to work with the City of Burnet to rectify the problem through demolition if a timeline could be created that was agreeable to both parties. City Attorney, Jameene Banks advised the Board on the options available by state law to negotiate the issue and entered the following exhibits to the record:

- **Exhibit A**-Fire Marshal Power Point Presentation of Inspection finding on 501 Buchanan Street, Property ID numbers 65491, 65942, and 66400, owned by Alive, Inc.
- **Exhibit B**-Burnet Fire Department Technical Report on Property ID numbers 65491, 65942, and 66400
- **Exhibit C**-City of Burnet, Building Official request to enter Structures at 501 Buchanan, 100, 102 and 104 S. Hamilton Street
- **Exhibit D**-Notice to Repair, sent to Michael Davis, Alive, Inc. on February 15, 2013
- **Exhibit E**-USPS.com Track and confirm status on delivery of certified mail to Michael Davis, Alive, Inc.
- **Exhibit F**-Notification of Public Hearing to Michael Davis, Alive, Inc. from the City Attorney, Denton, Navarro, Rocha & Benal, Attorney Jameene Banks.
- **Exhibit G**-Report of Inspection to the Board of Appeals from the City of Burnet, Building Official.

There being no further comments. Mayor Wideman closed the public hearing at 7:49 p.m. To accommodate scheduled speakers the Project Update Report was presented before the Action Items.

REPORTS:

Project Update Report: C. Bromley: Luz Figueroa, Contract Manager introduced Steven Young, Project Manager for the wastewater treatment plant. Mr. Young addressed the Council pertaining to the cracks in the tanks and the procedures being used to seal the cracks. Bob Thonhoff, of Thonhoff Engineering, also agreed with the procedures being used to eliminate the cracks. According to both engineers these hairline cracks are normal and are not a cause for concern. Ms. Figueroa confirmed the project was on schedule.

ACTION ITEMS:

Discuss and consider action: Direction to staff pertaining to the property located at 501 Buchanan; also addressed as 100 Hamilton Creek Drive, 102 Hamilton Creek Drive and 104 Hamilton Creek Drive, Burnet, Texas: J. Goble: The City Manager and City Attorney worked

with the owners of the facility to execute an Order of Abatement of a Public Nuisance and establishing a schedule for compliance. A suitable compliance schedule was agreed upon pertaining to the Abatement Order for 501 Buchanan (property ID numbers 65491, 65942, and 66400) owned by Alive, Inc. Council Member Ken Graham made a motion to accept the proposal as outlined by the City Manager based on the agreement negotiated and agreed to by the property owner's representative, Dr. Michael Davis. Dr. Davis stated in the record that he agreed with the detailed plan and time schedules presented to the Board. The Board then ordered abatement of the public nuisance by giving Alive Inc. the following detailed plan for remediation: within thirty (30) days owner shall submit to the City an executed contract with a registered professional engineer for an appropriate environmental assessment; within one hundred and twenty (120) days the owner shall submit to the City the completed environmental report and a plan for demolition; and within two hundred and forty days (240) days the owner shall complete the actual demolition of the structures on the property. The property owner is also required to submit monthly progress/update reports to the Building Official which will then be provided by city staff to the Board of Appeals no later than the last day of each month from now until January 31, 2014. Council Member Philip Thurman seconded, the motion carried unanimously

Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE RENEWING THE DESIGNATION OF, AND RE-DESIGNATING, A CERTAIN AREA OF THE CITY OF BURNET AS REINVESTMENT ZONE NO. 1, CITY OF BURNET, TEXAS; PROVIDING SEVERABILITY, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS: C. Bromley: Council Member Milton Phair made a motion to approve and adopt the ordinance as presented. Council Member Mary Jane Shanes seconded, the motion carried unanimously.

Discuss and consider action: SECOND AND FINAL READING OF AN ORDINANCE RENEWING THE DESIGNATION OF, AND RE-DESIGNATING, A CERTAIN AREA OF THE CITY OF BURNET AS REINVESTMENT ZONE NO. 3, CITY OF BURNET, TEXAS; PROVIDING SEVERABILITY, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS: C. Bromley: Council Member Milton Phair made a motion to approve and adopt the ordinance as presented. Council Member Mary Jane Shanes seconded, the motion carried unanimously.

Discuss and consider action: Approve and Authorize the Mayor to execute the Texas Emergency Medical Task Force Resource Memorandum of Agreement: M. Ingram: Council Member Ken Graham made a motion to approve and authorize the Mayor to execute the Texas Emergency Medical Task Force Resource Memorandum of Agreement. Council Member Paul Shell seconded the motion carried unanimously.

Discuss and consider action: Appoint Mayor Pro Tem: K. Dix: Mayor Gary Wideman opened the floor to nominations for Mayor Pro Tem. Mayor Wideman nominated Council Member Philip Thurman, Council Member Ken Graham seconded. Council Member Mary Jane Shanes nominated Council Member Milton Phair. Mayor Wideman closed the nominations. A roll vote was called by the City Secretary, Council Members Shell, Graham and Mayor Wideman voted in favor of Council Member Thurman. Council Members Fortin, Phair and Shanes voted in favor of Council Member Phair. Council Member Thurman abstained. Council Member Phair thanked Council Member Shanes for the support and the nomination and withdrew his nomination in favor of the Mayor's motion. The motion carried. Council Member Philip Thurman will serve as Mayor Pro Tem.

Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING ORDINANCE 2009-29 THE 2009 EDITION OF THE INTERNATIONAL PLUMBING CODE, REGULATING AND GOVERNING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF PLUMBING SYSTEMS AS PROVIDED HEREIN; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; REPEALING PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING SEVERABILITY AND OPEN MEETING CLAUSES; AND PROVIDING FOR RELATED MATTERS: J. Goble:
Council Member Ken Graham made a motion to approve the first reading of the ordinance as presented, 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.

April Financial Report: D. Vaughn: City Manager David Vaughn reviewed the April 2013 Financial Report with Council, to include revenues expenditures and fund balances to date.

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 8:31 p.m., seconded by Council Member Ken Graham, the motion carried unanimously.

Gary Wideman, Mayor

ATTEST:

Kelly Dix, City Secretary