

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

On this the 22nd day of October, 2013, 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 Paul Shell, Philip Thurman, Ken Graham, Derek Fortin, Milton Phair, Mary Jane Shanes
City Manager David Vaughn
City Secretary Kelly Dix

Guests: Crista Bromley, Doug Fipps, Jason Davis, Danny Lester, John Goble, Joyce Laudenschlager, Connie Maxwell, Patricia Langford, Tommye Potts, John Potts, Bettye Foulds, Dorothy James, George Russell, Bill Rives, Rob O'Conner, Kerri O'Conner, Joe Sosa, Mary Avery, Tommy Gaut, Alan Burdell, Deborah Kelly, Mike Kelley, Sonny Wilson, Carrie Wilson, Karl Piehl, Jamie McAfee, James Bradshaw, Greg Lopez

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

INVOCATION: Council Member Mary Jane Shanes

PLEDGE OF ALLEGIANCE: Council Member Derek Fortin

CITIZEN COMMENT:

Joe Sosa: Police Investigation: Pass.

PUBLIC RECOGNITION/SPECIAL REPORTS: Pass

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 October 8th, 2013 Regular City 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: Public Hearing: Request to rezone 404 East Marble from "R-1" Single Family Residential to "C-1" Light Commercial with a conditional use permit for a two year period:

J. Goble: James Bradshaw spoke against rezoning the property located at 404 E. Marble Street to "C-1" Light Commercial due to the noise and increased traffic he has experienced since Mad Dog fitness has occupied the facility. Jamie McAfee spoke against the rezone as well and stated her concerns for the elderly in the neighborhood and the increased foot and vehicle traffic and the noise that impedes home owners from enjoying their property. Greg Lopez, co-owner of Mad Dog Fitness spoke in favor of the rezone for the facility and clarified the hours of operation, and the willingness to work with the neighborhood to work towards eliminating the negative feelings of the home owners. Sonny Wilson, co-owner of Mad Dog Fitness spoke in favor of the rezone and re-emphasized the willingness to accommodate the surrounding neighbors' complaints by reducing the noise factors previously stated. Deborah Kelley, owner of the building gave a brief history of the buildings uses since 1958 and requested Council's support in re-zoning the building to a designation of "C-1" Light commercial. There being no further comments, Mayor Wideman closed the public hearing.

ACTION ITEMS:

Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS AMENDING ORDINANCE 2012-27 CITY OF BURNET HISTORICAL BOARD; PROVIDING FOR THE ADMINISTRATION OF A HISTORIC PRESERVATION PROGRAM; PROVIDING FOR THE DESIGNATION OF HISTORIC DISTRICTS AND LANDMARKS; AND PROVIDING FOR CERTAIN RELATED MATTERS: J. Potts:

John Potts, President of the City of Burnet Historical Board addressed the Council and explained that the board was requesting the change to the Ordinance and By-laws based on the adopted changes to the charter that eliminates the requirement for the board members to reside in the city limits of Burnet. Council Member Milton Phair made a motion to approve the first reading of the ordinance as presented. Council Member Kenneth Graham seconded, the motion carried unanimously.

Discuss and consider action: Amending the Burnet Historical Board By-laws: J. Potts: Council Member Kenneth Graham made a motion to approve the amended By-laws of the Burnet Historical Board. Council Member Mary Jane Shanes seconded, the motion carried unanimously.

Discuss and consider action: Appointment of persons to fill the Burnet Economic Development Corporation Board of Directors: C. Bromley: Applicants for the open positions on the Burnet Economic Development Board of Directors were: Wayne Brown, Ina Cooper, Ben Farmer, Tommy Gaut, Cary Johnson, Karl Piehl, Renee Riddell, Joyce Laudenschlager, David Vaughn, and Milton Phair. The Council appointed Milton Phair to serve a two year term and City Manager David Vaughn and Joyce Laudenschlager to fill the two designated city-related seats. Ms. Laudenschlagers position will be for a one year term which will balance the overall board terms. A ballot vote was conducted to fill the remaining three positions with the following results:

- Council Member Paul Shell voted for Wayne Brown, Ben Farmer and Cary Johnson;
- Council Member Philip Thurman voted for Wayne Brown, Ben Farmer and Cary Johnson: Council Member Kenneth Graham voted for Wayne Brown, Ben Farmer, and Cary Johnson; Mayor Gary Wideman voted for Wayne Brown, Ben Farmer, and Tommy Gaut;
- Council Member Derek Fortin voted for Wayne Brown, Tommy Gaut and Karl Piehl;
- Council Member Milton Phair voted for Ben Farmer, Tommy Gaut and Cary Johnson;
- Council Member Mary Jane Shanes voted for Wayne Brown, Tommy Gaut and Cary Johnson.

Wayne Brown, Ben Farmer and Cary Johnson were appointed to the Burnet Economic Development Corporation Board of Directors. A second drawing was held to appoint one of the newly elected to the one-year unexpired term. Wayne Brown will serve for a one year term, Ben Farmer and Cary Johnson will serve two year terms.

Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING THE CITY OF BURNET FUTURE LAND USE MAP; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW: J. Goble: Council Member Milton Phair made a motion to approve the first reading of the ordinance with section 2. Being amended to read as follows:

Section 2: Amendment. *The Future Land Use Map is hereby amended to change the property located at 404 East Marble, Burnet, Burnet County, Texas as more particularly described in Exhibit "A": (the "Property") from the current zoning of Residential to commercial zoning*

designation.

Council Member Kenneth Graham seconded. The City Secretary called a roll vote with Council Members Thurman, Graham, Fortin, Phair, Shanes and Mayor Wideman in favor. Council Member Paul Shell abstained and filed a Conflict of Interest Affidavit with the City Secretary. The motion carried with six in favor and one abstention.

Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING THE ZONING ORDINANCE, #2012-06, REZONING PROPERTY FROM "R-1" SINGLE FAMILY RESIDENTIAL TO "C-1" LIGHT COMMERCIAL WITH A CONDITIONAL USE PERMIT FOR A TWO YEAR PERIOD; AND PROVIDING FOR RELATED MATTERS: (404 E. Marble Street): J. Goble: Council Member Milton Phair made a motion to approve the first reading of the ordinance with an amendment eliminating the conditional use permit and zoning the property from residential to Neighborhood Commercial. Council Member Mary Jane Shanes seconded. The City Secretary called a roll vote with Council Members Thurman, Graham, Phair, Shanes and Mayor Wideman in favor. Council Member Fortin opposed. Council Member Paul Shell abstained and filed a Conflict of Interest Affidavit with the City Secretary. The motion carried with five in favor, one opposed and one abstention.

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.

September 2013 Financial Report: D. Vaughn:

City Manager David Vaughn reviewed the September 2013 Financial Report to include revenues, expenditures, fund balances and budget amendments.

REQUESTS FROM COUNCIL FOR FUTURE REPORTS: Council Member Philip Thurman requested project reports for all City related projects. Mayor Gary Wideman requested the noise ordinance be updated.

ADJOURN: There being no further business a motion to adjourn was made by Council Member Philip Thurman at 8:27 p.m., seconded by Council Member Mary Jane Shanes, the motion carried unanimously.

Gary Wideman, Mayor

ATTEST:

Kelly Dix, City Secretary