

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

On this the 28th day of April, 2015, 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, Joyce Laudenschlager, Derek Fortin, Mary Jane Shanes
Absent Philip Thurman
City Manager David Vaughn
City Secretary Kelly Dix

Guests: Doug Fipps, Paul Nelson, Jonny Simmons, Crista Bromley, Greg Waldron, Craig Lindholm, Alan Burdell, Randy Longoria, Bettye Foulds, Gene Courtney, Luz Figueroa, Mark Lewis, Crista Bromley, Jonny Simons, David Millegen, Jema Hough, Kameron Aidermann, Milton Phair, Tina Hernandez, Tres Clinton, Connie Maxwell, Patricia Langford, James Walker

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

INVOCATION: Council Member Mary Jane Shanes

PLEDGE OF ALLEGIANCE: Council Member Derek Fortin

PLEDGE TO TEXAS FLAG: Council Member Paul Shell

PUBLIC RECOGNITION/SPECIAL REPORTS:

Chamber of Commerce Report: 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 March 24, 2015 Regular Council Meeting minutes

Council Member Paul Shell made a motion to approve the consent agenda as presented. Council Member Mary Jane Shanes seconded, the motion carried unanimously.

PUBLIC HEARINGS:

Public Hearing: The City Council of the City of Burnet, in accordance with Code of Ordinances Chapter 22, Article IV, sections 22-81 and 22-82 will convene as the Board of Appeals for the purpose of conducting a public hearing and hearing testimony from city staff and any persons with interest in the property located at 508 South Westfall street for the purpose of determining whether said structure is dangerous, establishing any action required to achieve compliance with Chapter 22, Article IV; and following the public hearing, issuing any order necessary to achieve said compliance: M. Lewis: Mayor Gary Wideman opened the Public Hearing. Mark Lewis, Director of Community Development reviewed the department findings on the inspection of 508 South Westfall Street. Mayor Wideman invited anyone wishing to speak to approach the podium. No one spoke for or against the item. Mayor Wideman closed the Public Hearing.

Public Hearing: The City Council of the City of Burnet, in accordance with Code of Ordinances Chapter 22, Article IV, sections 22-81 and 22-82 will convene as the Board of Appeals for the purpose of conducting a public hearing and hearing testimony from city staff and any persons with interest in the property located at 808 South Pierce Street for the purpose of determining

whether said structure is dangerous, establishing any action required to achieve compliance with Chapter 22, Article IV; and following the public hearing, issuing any order necessary to achieve said compliance: M. Lewis: Mayor Gary Wideman opened the Public Hearing. Mark Lewis, Director of Community Development reviewed the department findings on the inspection of 808 South Pierce Street. Mayor Wideman invited anyone wishing to speak to approach the podium. No one spoke for or against the item. Mayor Wideman closed the Public Hearing.

Public Hearing: The City Council of the City of Burnet, in accordance with Code of Ordinances chapter 22, Article IV, sections 22-81 and 22-82 will convene as the board of appeals for the purpose of conducting a public hearing and hearing testimony from city staff and any persons with interest in the property located at 1108 South Pierce Street for the purpose of determining whether said structure is dangerous, establishing any action required to achieve compliance with Chapter 22, Article IV; and following the public hearing, issuing any order necessary to achieve said compliance: M. Lewis: Pass. No action taken.

Public Hearing: The City Council of the City of Burnet, in accordance with Code of Ordinances Chapter 22, Article IV, sections 22-81 and 22-82 will convene as the board of appeals for the purpose of conducting a public hearing and hearing testimony from city staff and any persons with interest in the property located at 1005 South Main Street for the purpose of determining whether said structure is dangerous, establishing any action required to achieve compliance with Chapter 22, Article IV; and following the public hearing, issuing any order necessary to achieve said compliance: M. Lewis: Mayor Gary Wideman opened the Public Hearing. Mark Lewis, Director of Community Development reviewed the department findings on the inspection of 1005 South Main Street. Mayor Wideman invited anyone wishing to speak to approach the podium. No one spoke for or against the item. Mayor Wideman closed the Public Hearing.

Discuss and consider action: The City Council of the City of Burnet, in accordance with Code of Ordinances Chapter 22, Article IV, sections 22-81 and 22-82 will convene as the board of appeals for the purpose of considering an order declaring the structure located at 508 South Westfall Street to be a dangerous, and unsafe structure and therefore a public nuisance that further ordering the repair or removal of said structure: M. Lewis: Council Member Joyce Laudenschlager made a motion to issue an order to abate all violations through permitted repair or demolition for the property located at 508 South Westfall Street by May 28, 2015. Council Member Paul Shell seconded. The motion carried unanimously.

Discuss and consider action: The City Council of the City of Burnet, in accordance with Code of Ordinances Chapter 22, Article IV, sections 22-81 and 22-82 will convene as the Board of Appeals for the purpose of considering an order declaring the structure located at 808 South Pierce Street to be a dangerous, and unsafe structure and therefore a public nuisance that further ordering the repair or removal of said structure: M. Lewis: Mayor Wideman granted permission to Jaime Cortez owner of the property, to explain the obstacles that have impeded progress on the planned reconstruction of the property. Council Member Joyce Laudenschlager made a motion to issue an order to abate all violations through permitted repair or demolition for the property located at 808 South Pierce Street by May 28, 2015. Council Member Paul Shell seconded. The motion carried unanimously.

Discuss and consider action: The City Council of the City of Burnet, in accordance with Code of Ordinances Chapter 22, Article IV, sections 22-81 and 22-82 will convene as the Board of Appeals for the purpose of considering an order declaring the structure located at 1108 South Pierce Street to be a dangerous, and unsafe structure and therefore a public nuisance that further ordering the repair or removal of said structure: M. Lewis: Pass. No action taken.

Discuss and consider action: The City Council of the City of Burnet, in accordance with Code of Ordinances Chapter 22, Article IV, sections 22-81 and 22-82 will convene as the Board of Appeals for the purpose of considering an order declaring the structure located at 1005 South Main Street to be a dangerous, and unsafe structure and therefore a public nuisance that further ordering the repair or removal of said structure: M. Lewis: Council Member Joyce Laudenschlager made a motion to issue an order to abate all violations through permitted repair or demolition of the property located at 1005 South Main Street by May 28, 2015. Council Member Paul Shell seconded. The motion carried unanimously.

Discuss and consider action: Appointment to the Planning and Zoning Commission: M. Lewis: Council Member Mary Jane Shanes made a motion to appoint Gregory B. Waldron to the Burnet Planning and Zoning Commission. Council Member Joyce Laudenschlager seconded the motion carried unanimously.

Discuss and consider action: Approval of Presiding Election Judge and Alternate Election Judge for the May 9, 2015, City of Burnet General Election and Special Election: K. Dix: Council Member Paul Shell made a motion to approve the appointment of Irma Lerma as the Election Judge for the May 9, 2015 General and Special Election and Charlotte Broadway as the Alternate Judge. Council Member Joyce Laudenschlager seconded, the motion carried unanimously.

Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING ARTICLE IV, SECTION 110-147 OF THE BURNET CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; OPEN MEETINGS; AN EFFECTIVE DATE; AND PROVIDING FOR OTHER RELATED MATTERS: G. Courtney: Council Member Paul Shell made a motion to approve the first reading of the ordinance as presented. Council Member Mary Jane Shanes seconded, the motion carried unanimously.

Discuss and consider action: FIRST READING OF AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING ARTICLE IV, SECTION 110-137, RESPONSIBILITY FOR CONNECTION OF ELECTRICAL SERVICE, OF THE BURNET CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; OPEN MEETINGS; AN EFFECTIVE DATE; AND PROVIDING FOR OTHER RELATED MATTERS: G. Courtney: Council Member Paul Shell made a motion to approve the first reading of the ordinance as presented. Council Member Mary Jane Shanes 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: L. Figueroa: Contract Manager, Luz Figueroa, reviewed the current project update report with Council. The Water/Wastewater Treatment Plant is 98.75% completed with five crew members on site at this time. They are currently working on the digester adjustments and the sand filters. The Sherrard Street Project has begun with the locating of gas, electric and wastewater lines.

Financial Update Report: C. Maxwell: Budget Director, Connie Maxwell reviewed the March Financial Statements to include fund balances, and the cash report. The current financial forecast is on target for this period of the budget cycle. Sales Tax revenue is slightly down from last year. Fire and EMS are \$80,000 above last year's revenue at this time. The Golf Course transfer is down \$40,000 from this time last year.

EXECUTIVE SESSION: The order of the Executive Session and corresponding Action Items

was changed by the Mayor to accommodate the attendance of representatives of Honey Rock Ranch, LP.

Council Member Mary Jane Shanes made a motion to enter into Executive Session at 7:14 p.m. Council Member Joyce Laudenschlager seconded, the motion carried unanimously.

RECONVENE TO REGULAR SESSION FOR POSSIBLE ACTION:

Council Member Mary Jane Shanes made a motion to reconvene to regular session at 8:10 p.m. Council Member Joyce Laudenschlager seconded, the motion carried unanimously.

Discuss and consider action: Development and annexation agreement between the City of Burnet and Honey Rock Ranch, LP: D. Vaughn: Council Member Joyce Laudenschlager made a motion to approve the development and annexation agreement between the City of Burnet and Honey Rock Ranch, LP as presented. Council Member Paul Shell seconded the motion carried unanimously.

EXECUTIVE SESSION:

Council Member Mary Jane Shanes made a motion to enter into Executive Session at 8:13 p.m. Council Member Joyce Laudenschlager seconded, the motion carried unanimously.

Executive Session: The Council reserves the right to enter into closed session in accordance with the provision of the Open Meetings Act, Texas Government Code, Chapter 551, § 551.072 – Discussing purchase, exchange, lease or value of real property pertaining to the property located at 408 South Rhomberg: M. Lewis

Executive Session: Pursuant to Texas Government Code Section 551.087 (entitled DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS”) the City Council shall convene in executive session to deliberate the offer of financial or other incentives to Honey Rock Ranch, LP: D. Vaughn:

RECONVENE TO REGULAR SESSION FOR POSSIBLE ACTION:

Council Member Mary Jane Shanes made a motion to reconvene to regular session at 8:47 p.m. Council Member Joyce Laudenschlager seconded, the motion carried unanimously.

Discuss and consider action: Direction to proceed on the Calhoun litigation: M. Lewis:

Council Member Joyce Laudenschlager made a motion authorizing staff to proceed with legal proceedings based on the City Attorney’s recommendation and proposed litigation. Council Member Paul Shell seconded, the motion carried unanimously.

Discuss and consider action: Regarding the property located at 408 Rhomberg Street: M. Lewis:

Council Member Joyce Laudenschlager made a motion to authorize the purchase of 408 Rhomberg Street for \$4,050.00 plus closing costs by the City. Council Member Mary Jane Shanes 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 Mary Jane Shanes at 8:48 p.m., seconded by Council Member Joyce Laudenschlager, the motion carried unanimously.

Gary Wideman, Mayor

ATTEST:

Kelly Dix, City Secretary