MINUTES OF REGULAR MEETING
BASTROP CITY COUNCIL
June11, 2013 6:15 P.M.

Pursuant to the Texas Government Code, Chapter 551, the City Council of Bastrop, Texas will hold a regular meeting on June 11, 2013 at 6:15 p.m. at Council Chambers of City Hall, 1311 Chestnut Street, Bastrop, Texas and will consider the following matters to wit:

ANNOUNCEMENTS

1. Call to Order

At 6:17 PM Mayor Terry Orr called the meeting to order with all members being present except Kay Garcia-McAnally. Mayor Orr gave tribute to the recently deceased Reverend R.D. Smith. Mayor Orr introduced Mr. Bill Owens and asked that he introduce The Honor Choir. Mr. Owens gave a brief overview of the Choir and then they performed the Star Spangle Banner.

2. Pledge of Allegiance and Invocation

Jaycee Stearman, an Honor Choir member led the pledges of allegiance to the U.S. and Texas Flags. Deacon Bill Hobby of Ascension Catholic Church led the invocation.

3. Presentations
   A) Character Education – Miss Katie Bishop a student at Bastrop Middle School gave a presentation on the trait of the month - Honor

   B) Certificates to Public Works Employee Greg Fairlie:
      1) Backflow Prevention Assembly Tester
      2) Licensed Irrigator

City Manager presented Mr. Fairlie with framed certificates and a paid day off.

4. Proclamations

   A) Juneteenth Celebration

Mayor Orr read the Proclamation and stated that Mr. Dock Jackson authored the Proclamation.

5. Announcements

Mayor Orr welcomed back Mr. Beal and stated that Mr. Talbot is continuing to recover.

CITY MANAGER INFORMATIONAL UPDATE REPORT: Items for update, discussion and possible action:

A. Meetings and Events Attended:
   1. Attended the Monthly Meeting of the Planning and Zoning Commission on May 30, 2012
   2. Conducted the Semi-Annual Board Training on May 29, 2013 & June 4, 2013.
   3. Attended the Monthly Meeting of the Main Street Advisory Board.

B. Update on City Projects:
    1. Bob Bryant Park Water Facilities Improvements Project
    2. Update on the City of Bastrop Long Term Water Supply Study
    3. Update on the Commission/Board Appointments to the Form Based Code Task Force.
    4. Update regarding "Request for Qualifications (RFQ) for Consulting and Brokerage Services For Employee Benefits.
    5. Water usage for the Period May 1, 2013 through June 6, 2013.
    6. Update on the FY-14 Budget Process.
    7. Update on the State Park Voucher Project.
    8. Update on Splash Pad Activities.
    9. Update of the Top 10 Strategic Priorities for 2013-2016
    10. Reschedule Utility Committee Meeting.

C. Update on City Business:
    1. Convention Center Activities
    2. Main Street Program Activities
    3. Commercial/Residential Construction Projects in the City
    4. YMCA Activities

D. Department and Board Reports.

E. Inviting input from Council related to issues for possible inclusion on future agendas, related to issues such as (but not limited to) municipal projects, personnel, public property, development and other City/public business.

Mr. Talbot addressed the Council regarding item B-3 on his city manager's report. We have stayed on point and have appointed all the members to the Form Based Code Task Force. Lisa Patterson from the P&Z Commission, Herb Goldsmith from the Board of Adjustments, Dan Hayes-Clark from the Historic Landmark Commission, Steve Dewire from the Main Street Board. Mayor Orr appointed Council Member McAnally to the Task Force. The Mayor also appointed Mr. Bill Peterson as member at large to the Task Force. Mayor Orr stated that he would appoint an additional at large member at a later date. Mayor Orr asked for confirmation from the Council. Mr. Jackson made a motion to accept the nominated individuals from the boards to be appointed to the task force. Mr. Beal seconded the motion. Motion passed unanimously.

A. CONSENT AGENDA

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 Members so requests.

A.1 Approval of meeting minutes of May 28, 2013 Regular Council Meeting.

A.2 Approval of the statutory denial, for a period of 180 days from the date of Council action on this request, for the Administrative Plat of Lots 41, 42, 43, 44, 45 and 46, Block 3, Pine Forest, Phase II, Unit 6 located within the Bastrop County, Texas ExtraTerritorial Jurisdiction (ETJ).

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A.3 Re- Appointment by Mayor and confirmation by Council of members to various City boards/commissions/task force bodies:

A. Cemetery Advisory Board
   1) Mr. Jerry Woehl

B. Bastrop Economic Development Board
   1) Ms. Pat Crawford

2) Mr. Steve Mills
3) Dr. Neil Gurwitz

C. Zoning Board of Adjustment
1) Mr. Clifford Wright, Sr.
2) Mr. Herb Goldsmith
3) Mr. Blas Coy, Jr.

D. Planning and Zoning Commission
1) Ms. Lisa Patterson
2) Ms. Christy Kosser
3) Mr. Lee Bryan Whitten, Jr.

A.4 SECOND READING: Adoption of an Ordinance of the City Council of the City of Bastrop, Texas amending Chapter 4 "Bastrop Regulations"; Article 4.10 "Vehicle Towing" of the Bastrop code of ordinances to clarify criteria for towing companies inclusion on the tow rotation list; providing for a tow study if requested by towing companies; providing for penalties; and establishing an effective date.

A.5 SECOND READING: Adoption of an Ordinance of the City Council of the City of Bastrop, Texas amending City Code Appendix A: Fee Schedule; Article A4.10 Vehicle Towing, and establishing an effective date.

A.6 Approval of Bastrop Marketing Corporation's requestfor reimbursement of expenses.

Mayor Orr read the captions for Item A.4 and Item A.5. Mr. DeLaRosa made the motion to approve the consent agenda. Mr. Beal seconded the motion. Motion carried unanimously.

B. PUBLIC HEARINGS AND ORDINANCES AND OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION:

B.1 PUBLIC HEARING: On a request for a zone change from MH, Manufactured Housing to C-1, Commercial District (Light) for +/-3.973 acres, being a portion of Bastrop Town Tract A-11 also generally known as 2801 E. Highway Loop 150 within the City limits of the City of Bastrop, Texas.

Ms. Melissa McCollum addressed the Council and gave an overview of the request. Ms. McCollum stated that the Planning and Zoning Commission recommends approval. There were no public comments or questions. Mayor Orr closed the hearing.

B.2 Consideration, discussion and possible action on the FIRST READING of a proposed Ordinance of the City Council of the City of Bastrop, Texas granting a zoning change from MH, Manufactured Housing to Commercial District (Light) for +/-3.973 acres, being "A portion of Bastrop Town Tract, A-11 also generally known as 2801 E. Highway Loop 150 within the City limits of the City of Bastrop, Texas"; and establishing an effective date.

Mayor Orr read the caption. Ms. McCollum gave overview of the Ordinance. Mr. Kesselus made motion to approve First Reading and place item on the next Consent Agenda. Motion was seconded by Mr. DeLaRosa and
he asked if the property behind the location had an easement for entry and Mr. Talbot stated that was not an issue with the City. The motion carried unanimously.

B.3 Citizen Comments

Mr. Bill Peterson addressed the Council. Thanked the Council and Mr. Talbot and the City Staff for all the support for all the Juneteenth activities. He also spoke briefly about the death of Rev. R.D. Smith.

Mr. DeLaRosa asked Joe Beal about what the City could do with respect to the river. Mr. Beal stated the LCRA is discussing whether or not to release water to the rice farmers. He gave an overview of flows required and sustaining fish. Mr. Beal stated that he feels we will see the river decline over the summer unless we get significant rain fall. Beal stated what you are seeing out there right is used water from treatment plants with no fresh water to move it down stream. Mr. Beal said that at some point in time the Council may want to have a conversation with LCRA about the impact from the policy changes made by LCRA. The Mayor stated this is an appropriate topic for Council to discuss as our agenda does not always cover everything.

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Executive Session: The Council reserves the right to convene into Executive Session at any time during the meeting regarding any agenda item. In compliance with the Open Meetings Act, Chapter 551 Government Code, Vernon's Texas Code, Annotated, the item below will be discussed in closed session.

1. Section 551.071 – Consultations with Attorney related to legal matters

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C. OLD BUSINESS

C.1 Discussion, consideration and possible action on Variance to Subdivision Regulations Section 5.70A on a request to reduce a 50' setback from a state highways to allow a 25' setback – for property located in the Mayfair Park Subdivision which is located north of Highway 71 East and west of Industrial Road and which is within the city limits of Bastrop, Texas.

Ms. Melissa McCollum addressed the Council and stated this item was on the May 28, 2013 agenda. She gave overview of Variance Request and stated that the property owner is no longer seeking the setback change with regard to the gas pipe line but the remainder variance request is the same. Staff supports the approval of the variance request. McCollum stated that there had been communications with TxDOT and they feel they (TxDOT) has enough right-of-way at the property. Discussion was held between Ms. McCollum and Council. The Mayor asked for clarification to the setbacks. Ms. McCollum explained that the setback pertains to buildings/structures. They could put landscaping and some parking in the setback area per code. The Mayor voiced some concern for safety with regards to vehicle types and speeds on the highway versus a city street. Mr. Kesselus stated that he feels that TxDOT knows what it is doing. If it makes sense to them than it should make sense to us. Discussion continues. Mr. Kesselus suggested that City staff should talk to DPS about traffic and safety concerns.

Ms. Barbara Humble requested to speak to Council. She thanked the Council, City Manager and City Staff for their hard work on this Variance Request. She felt they have done an exemplary job on research and providing information and we are hoping to bring a beneficial project to the City of Bastrop.

Mr. Gary Whited requested to speak to Council. He thanked all for their hard work on this Variance. He stated that he does believe they do have in writing from TxDOT stating that they will not need additional right-of-way on this property. He feels that there is an excellent buffer in place. He stated that they would not put anything in the 25 foot setback. Mr. Kesselus asked if the 25 foot setback could be used for parking. Mr. Whited stated that yes it could be that is not our plan. Discussion continues. Mr. Whited stated that if the Variance is not approved then a portion of one building would be in that 50 foot setback. That is the purpose of seeking the 25 foot Variance. Mr. Beal stated that TxDOT usually plans ahead to obtain enough right-of-way for future plans and safety. If they (TxDOT) have indicated that they do not need additional right-of-way then I feel if staff and P & Z is recommending approval than the request is one that should be approved by Council. Ms. McCollum indicated that the Planning and Zoning Commission has not seen this particular request at this time. Mr. Jackson stated that looking at the layout on the overhead that he is in agreement with the staff recommendation.

Discussion continues. Mayor Orr feels one day there will b additional roads from Tahitian to Hwy 95. Mr. DeLaRosa agrees with the Mayor and does not feel this should be approved without written confirmation from TxDOT that they will not need additional right-of-way. Mr. Whited stated he also agreed with that. Mr. Beal asked Mike and Ms. Brown if it was possible to approve this conditionally. They both responded yes. Mr. Beal made the motion to approve conditioned upon a written statement from TxDOT that they do not need any additional right-of-way. Mr. Jackson seconded the motion. Discussion insued and Mr. Beal amended his motion to be approved conditioned on TxDOT providing a letter to the City to be received within the next 60 days. Mr. Jackson agreed with the amendment. Motion passed unanimously.

C.2 Consideration, discussion and possible action on a Final Plat for Lots 2 and 3, Block "A" Mayfair Park Subdivision located north of Highway 71 East and west of Industrial Road which is within the city limits of Bastrop, Texas.

The Mayor read the caption. Ms. McCollum explained that this is the actual plat that goes with Item C.1. She explained that Council could approve plat based on the conditional requirements of Item C.1. Mr. Beal moved to approve the plat conditional upon a favorable response from TxDOT. Mr. DeLaRosa seconded the motion. Motion carried unanimously.

D. NEW BUSINESS

D.1 Consideration, discussion and possible action regarding the acceptance and approval by the Council of the "City of Bastrop Long Term Water Supply Planning Study" as prepared and presented to the City Council by K Friese & Associates.

Mr. Talbot explained that this is the final version of the Long Term Water Study as prepared by K Friese and Associates and that this is really just a formality. Based on the considerable discussion at the workshop held on May 7, 2013 the Council indicated its desire to accept the report. Discussion follows. Mayor Orr stated that this is not a limited motion but is to accept this report and moving forward. It does not say that the City will not continue to look at other avenues not listed in the report. Mr. Beal moved that Council accept this plan by K Friese and move forward. Mr. Jacked made the motion to accept the Long Term Water Supply Study as prepared by K Friese. Mr. Kesselus seconded the motion. Motion passed unanimously.

D.2 Consideration, discussion and Possible Action regarding Approval of the First Amendment to the revised agreement for "Dispatching Services Between Bastrop County and the City of Bastrop".

Mayor Orr declared that Mr. Talbot has worked very hard on this agreement. He has strengthened the relationship between the City and the County as per the directive of the Council. Mr. Talbot thanked the Mayor for his kinds words. Mr. Talbot gave overview of dispatching agreement. The County has agreed to not increase the price of the contact for three years while the City has agreed to forgive certain development fees that would normally be due to the City. The Mayor also acknowledged Mr. DeLaRosa for his help and for taking the initiative assistance to the project. Mayor asked for any action. Mr. Beal moved to approve the item. Mr. DeLaRose seconded the motion. Motion passed unanimously.

D.3 Consideration, discussion and possible action on the on acceptance of the unaudited Monthly Financial Reports, for the period ending April 30, 2013.

Karla Stovall, Chief Financial Officer, gave a summary of financial statements through the period of April 30, 2013 and overview of revenue vs. expenses. Mayor asked questions regarding the increase in water rates as to where is the 10% of the revenue was to go into the repairs and maintenance fund. Ms. Stovall explained that it is in the revenue and then monthly, Finance makes a journal entry to move the revenue amount into the Maintenance Fund. Discussion ensued. Mr. DeLaRosa moved to accept the financial statements and Mr. Jackson seconded the motion. Motion passed unanimously.

D.4 Consideration, discussion and possible action on the FIRST READING of a proposed Ordinance of the City Council of the City of Bastrop, Texas, amending the budget for the Fiscal year 2013, in accordance with existing statutory requirements; Appropriating the various amounts herein; repealing all prior Ordinances and actions in conflict herewith; and providing for an effective date.

Ms. Stovall discussed proposed Ordinance. Mr. Beal moved to pass First Reading of Ordinance and place on next Consent Agenda. Mr. DeLaRosa seconded the motion. Motions carried unanimously.

F. ADJOURNMENT

At7:45 PM Mayor Orr convened the Bastrop the Bastrop City Council into a closed/executive session pursuant to the Texas Government Code, Chapter 551, to discuss the following:

E. EXECUTIVE SESSION

E.1 The Bastrop City Council will meet in a closed/executive session pursuant to the Texas Government Code, Chapter 551, *et seq,* to discuss the following:

1. Section 551.071(1) (A) and Section 551.071(2) – Consultations with Attorney: (1) threatened and/or contemplated litigation, and (2) matters upon which the Attorney has a duty and/or responsibility to report to the governmental body.
2. Section 551.072 – Deliberation regarding real property: Regarding the purchase, exchange, lease, disposition, or value of real property.
3. Section 551.086 - Certain Public Power Utilities: Competitive Matters.
4. Section 551.087 - Deliberation Regarding Economic Development Negotiations – Project Zebra.
5. Section 551.0-74 – Personnel Matters: City Manager.

Item 3 was removed from Agenda.

E.2 At 9:15 PM The Bastrop City Council will reconvene into open session to discuss, consider and/or take any actions necessary related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.

Mr. DeLaRosa motioned to "Authorize the City Manager to negotiate the acquisition of real property for purchase by the City." Mr. Beal seconded the motion. Motion carried unanimously.

F. ADJOURNMENT

At 9:15 PM Mr. DeLarosa made the motion to adjourn the meeting. Mr. Beal seconded the motion. Motion carried unanimously.

Approved:

Terry Orr

Terry Orr, Mayor

Attest:

Traci Chavez

Traci Chavez, Interim City Secretary