April 23, 2013 – Regular Meeting

The Bastrop City Council met in regular session on April 23, 2013 at 6:15 p.m. at the Council Chambers of City Hall, 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Terry Orr and Council Members Ken Kesselus, Kay Garcia McAnally, Joe Beal, Willie DeLaRosa and Dock Jackson.

ANNOUNCEMENTS

1. CALL TO ORDER

At 6:15 p.m. Mayor Terry Orr called the meeting to order with all members present.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

Council Member Ken Kesselus led the pledges of allegiance to the U.S. and Texas flags. Reverend Jonah Beyer the invocation. Council Member DeLaRosa asked for a moment of silence for the community and citizens of West Texas.

3. PRESENTATIONS

A. Oath of Office to Patrol Officers

Mayor Orr administered the Oath of Office to Patrol Officer James Altgelt and SRO Marshall Neal.

4. PROCLAMATIONS

There were no proclamations.

5. ANNOUNCEMENTS

Mayor Orr provided information on Arbor Day in Bastrop for Friday April 26, 2013.
Council Member Joe Beal thanked the Police Department and everyone involved in helping to make MS 150 Bicycle Race much better organized and smoother than last year.

CITY MANAGER INFORMATIONAL UPDATE REPORT: ITEMS FOR UPDATE, DISCUSSION AND POSSIBLE ACTION:

A. Meetings and Events Attended:
   1. Bastrop Economic Development Corporation Meeting on March 15, 2013.
   2. Lost Pines Groundwater Conservation District Meetings on April 17 & 18, 2013.

B. Update on City Projects:
   1. Bob Bryant Park Water Facilities Improvements Project.
   2. Long-term Water Study.
   3. Developers Agreement between the City of Bastrop and the Bastrop Economic Development Corporation.
   4. Pecan Park Subdivision.
   5. CARTS Agreement.
   6. Short-term goals for water supply.
   7. Storm event on April 2, 2013 – Water/Wastewater Scada System.
   8. School Zone Improvements Project.
   9. Convention Center fee structure.
   10. Review of Blakey Lane Traffic Study.
   11. Agreement for funding the Bastrop Fine Arts Guild.
   12. 2013 Annexation Plan.
   13. City of West, Texas disaster.

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.

City Manager, Mike Talbot stated his written City Manager Report was sent to the Council on Monday, April 22, 2013.

Mr. Talbot addressed Item B-2 and reported that the Council had been provided with the K. Friese and Associates Long-Term Water Study Report. Mr. Kesselus suggested that a special meeting be held to discuss the report. Council Member Mr. DeLaRosa suggested that any such meeting should include all utility areas. Mr. Beal feels that this should only be about water and that we should still have the Utility meeting that is scheduled for May 21. Council agreed.

Mr. Talbot addressed Item B-9 and reported that TML is planning an event at the Convention Center and are requested we waive the fees as they will be spending several thousands of dollars in food, beverage and hotel stays. Ms. McAnally stated this is a great opportunity to show off the facility. Dock Jackson said this could be the first of many events from TML. Mr. will bring back to council a revised fee schedule.

Mr. Talbot addressed item B-13and explained that after a conversation with Ms. McAnally, who presented an idea to him, he is bringing it before the Council. Ms. McAnally would like the City to be a collection point for financial contributions to the City of West in lieu of collecting material items. The Council was very receptive to the idea and instructed the City Manager to work with Karla Stovall to make this a reality. The wish of the Council is after collecting money that contact will be made with West City officials for turning funds over to them.

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 Member so requests.

A.1 Approval of meeting minutes of April 9, 2013.

A.2 Approval of the statutory denial, for a period of 180 days from the date of Council action on this request, for the Replat of Lots 1 and 2 reserve B of the Bastrop Business and Industrial Park, Phase I located within the City limits of Bastrop, Texas.

A.3 Approval of the Final Plat for Bear Hunter Drive, Phase 1, being approximately 1,069.05 feet of land situated in the Hunters Crossing Subdivision, located south of State Highway 71 West frontage road in the City limits of Bastrop, Texas.

Willie DeLaRosa moved to approve the Consent Agenda. Motion was seconded by Kay Garcia McAnally and was carried unanimously.

B. PUBLIC HEARINGS

B.1 PUBLIC HEARING: Conduct a public hearing seeking input from the public on the Community Support funding process for the Fiscal Year 2014 budget.

Mr. Talbot explained the item. Mr. Kesselus stated that he had been meeting with staff and grant recipients and felt that the community supports the process. Mayor Orr asked if the forms were the same as the year before and Mr. Talbot stated they were.

B.2 Consideration, discussion and possible action on approval of the Community Support funding process for the Fiscal Year 2014 budget and direct staff to modify process as determined.

Mr. Talbot explained the item. Mr. Beal Commended Mr. Kesselus on his hard work. Mr. Beal moved to approve. Mr. Jackson seconded the motion. Interim City Secretary Traci Chavez called for vote on the motion. Motion carried unanimously.

B.3 PUBLIC HEARING: Conduct a public hearing seeking input from the public on the Hotel Occupancy Tax (HOT) funding process for the Fiscal Year 2014 budget.

Mr. Talbot explained the item. Mr. Kesselus stated he had met with HOT Recipients and they support this process.

B.4 Consideration, discussion and possible action on approval of the Hotel Occupancy Tax (HOT) funding process for the Fiscal Year 2014 budget and direct staff to modify process as determined.

Mr. Talbot explained the item. Mr. Kesselus asked if total amount of grants set pre-budget? Mr. Talbot answered yes. Mr. Kesselus requested to amend item B.4 by adding the following: "June 11 to June 18 Hotels, motels and Bed and Breakfasts submit to Council in writing recommendations and suggestions regarding expenditure of specific HOT grants". Mr. Jackson was not happy with the dates. Mr. Beal suggested he amend the amendment. Mr. Jackson stated to carry forward. Mr. Beal moved to approve. Mr. Kesselus seconded the motion. Interim City Secretary called for a vote on the motion. Motion carried unanimously.

B.5 Citizen Comments.

Bonnie Coffey requested to speak. Ms. Coffey addressed the Council regarding the "Entrepreneur Teen with a Dream" Business Plan Competition. This competition will be held at Performing Arts Center on May 2, 2013 at 6:30 PM. Ms. Coffey invited the Council to attend. There will be cash prizes for the winner. She stated the students were very excited about this project. They hope to expand on the project in the future. Ms. Coffey also wanted the council to know that Ms. Nancy Wood of the Main Street Program is a hard worker and tries to help in the community in any way she can. Mayor Orr thanked Ms. Coffey for letting the Council know about the project.

NEW BUSINESS

ORDINANCES FOR FIRST READING:

D.1 Consideration, discussion and possible action on the FIRST READING of an Ordinance amending Chapter 12 "Traffic and Vehicles" of the Bastrop Code of Ordinances to add new Article 12.12 to prohibit the standing and/or parking of certain types of trucks, motor vehicles, boats, construction vehicles, trailers, farm equipment and commercial vehicles in restricted areas; providing for penalties; and establishing an effective date.

Interim Police Chief Matt Wagner made a presentation to the Council and explained the ordinance and what the Police Department hopes the ordinance will accomplish. Mr. DeLaRosa asked if signage would be provided. Chief Wagner said "No, but we will do a notification to citizens". Mr. Beal read page 4 section 12 of Ordinance and asked does that mean anywhere in Bastrop that no one could park even in a drive way that would be legal? Chief Wagner explained that the Ordinance is trying to prevent yard and street parking. Mr. Kesselus asked Mr. Talbot if he thought this Ordinance explains the intent well and Mr. Talbot responded yes. Mr. Beal was glad to see the Ordinance discussion continued. Mayor Orr was concerned about Movie Making projects since they do park trucks and trailers on the street and asked if there was a provision excluding them. Mr. Talbot said they by completing the Filming Application that would let us know where and when they would be filming and we would make exception. Mr. Beal made the motion to approve. Mr. DeLaRosa seconded the motion. Interim City Secretary Traci Chavez called for a vote. Motion carried unanimously.

D.2 Consideration, discussion and possible action on the FIRST READING of an Ordinance amending Chapter 4 "Bastrop Regulations"; Article 4.20 "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.

Item pulled from agenda by City Manager Mike Talbot.

D.3 Consideration, discussion and possible action on the FIRST READING of an Ordinance amending City Code Appendix A: Fee Schedule; Article A4.10 Vehicle Towing, and providing an effective date.

Item pulled from agenda by City Manager Mike Talbot.

ORDINANCES AND OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION:

D.4 Consideration, discussion and possible action on a request from Carpitality Transportation Services for exemption from Bastrop Code of Ordinances Article 4.03.001(a).

Mr. Talbot explained Carpitality Transportation Services written request for exemption from the Ordinance and recommended approval. Mr. Kesselus asked if there would be meetings would be ongoing to see if there were complaints or issues. Mr. Talbot suggested only if we actual receive complaints or issues come up. Mr. Jackson made the motion to approve. Mrs. Garcia-McAnally seconded the motion. Interim City Secretary Traci Chavez called for vote. Motion passed unanimously.

D.5 Consideration, discussion and possible action regarding the presentation of the proposed Main Street Promenade Initiative to the City Council on February 26, 2013.

Mr. DeLaRosa stated that many citizens and business owners have made contact with him and requested that Council act on this matter since if not it will always be out there. Mrs. Garcia-McAnally agreed with Mr. DeLaRosa and stated she had been contacted as well. Mr. Kesselus did not agree to have a motion that would be to not do anything. Mrs. Garcia-McAnally stated that by voting on this issue it would make people feel better about the unknown. Mayor Orr asked if this would mean that Council was for or against the project. Mr. Talbot said that is what it would mean. Mr. DeLaRosa made the motion to direct the City Manager to correspond with the project presenter indicating that the City Council has no desire to pursue the project and will leave Main Street as is and open to traffic. Mrs. Garcia-McAnally seconded the motion. Interim City Secretary Traci Chavez called for Vote. Motion carried unanimously.

E. EXECUTIVE SESSION

At 7:58 p.m., Mayor Orr convened the Bastrop City Council into a closed/executive session pursuant to the Texas Government Code, Chapter 551, 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 551.074 – Personnel Matters – Interim City Secretary.

E.2 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.

At 9:22 p.m., Mayor Orr reconvened the Bastrop City Council 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.

1. Mrs. Garcia-McAnally made the motion to authorize the City Manager to negotiate the purchase and acquisition of real property for public purposes. Mr. DeLaRosa seconded the motion. The motion carried unanimously.

2. Mr. DeLaRosa made the motion to consent to City Manager's recommendation on the appointment of Traci Chavez to act as interim City Secretary. Mr. Beal seconded the motion. The motion carried unanimously.

F. ADJOURNMENT

At 9:25 p.m., Willie DeLaRosa moved to adjourn. Motion was seconded by Joe Beal and carried unanimously.

APPROVED:

Terry Orr

Terry Orr, Mayor

ATTEST:

Traci Chavez

Traci Chavez Interim City Secretary