

March 12, 2013

The Bastrop City Council met in regular session on March 12, 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

Bastrop Economic Development Corporation Board Chairman, Steve Mills led the pledges of allegiance to the U.S. and Texas flags. Reverend R.D. Smith led the invocation.

3. PRESENTATIONS:

A. CHARACTER EDUCATION – BASTROP STUDENT

Javier Howell a Fourth Grade student at Emile Elementary School presented the Character Education character trait “Self Reliance” for the month of March.

4. PROCLAMATIONS

There were no proclamations.

5. ANNOUNCEMENTS

Mayor Terry Orr welcomed former City Council Member Julie Hart, former Mayor David Lock, former City Council Member Dr. Neil Gurwitz, former Mayor Tom Scott and former City Council Member Terry Sanders to the meeting.

Mayor Terry Orr stated that the City’s sales tax is 4.7% below where it was last year this time. Mayor Orr stated this is the largest drop he has seen in a very long time, but the City’s total sales tax for this year is 5% above where it was in 2011.

Delores Moore, Principle of Emile Elementary thanked the Council for giving Javier Howell a chance to address the Council.

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

A. MEETINGS AND EVENTS ATTENDED:

1. PLANNING AND ZONING COMMISSION MONTHLY MEETING ON FEBRUARY 28, 2013.

2. PARKS BOARD MONTHLY MEETING ON MARCH 7, 2013.
- B. UPDATE ON CITY PROJECTS:
 1. BOB BRYANT PARK WATER FACILITIES IMPROVEMENTS PROJECT.
 2. STATE HIGHWAY 71 WASTEWATER PIPE BURSTING PROJECT.
 3. FAYETTE STREET WASTEWATER IMPROVEMENTS PROJECT.
 4. CONSTRUCTION OF SIDEWALKS ACROSS THE RAILROAD TRACKS ON CHESTNUT STREET.
 5. AUTHORIZATION FOR THE CITY MANAGER TO MAKE REVISIONS TO CONSTRUCTION NOTIFICATION SIGN AREA OF STATE HIGHWAY 71.
 6. PROPOSED MEETING WITH THE LOCAL HOTEL/MOTEL OWNERS.
 7. PLANNING RETREAT HELD ON MARCH 9, 2013.
 8. ALLEY A SCHOOL ZONE IMPROVEMENTS.
 9. CITY WIDE SCHOOL ZONE IMPROVEMENTS.
 10. PROPOSED INFRASTRUCTURE IMPROVEMENTS AT THE BASTROP ECONOMIC DEVELOPMENT CORPORATION'S BUSINESS PARK.
 11. MEETING WITH CARTS.
 12. DISCUSSION AND REVIEW WITH CITY MANAGER THE HOTEL OCCUPANCY TAX (HOT) REVENUE FUNDING AND COMMUNITY SUPPORT FUNDING CALENDAR AND POSSIBLE APPROVAL BY COUNCIL AFTER REVIEW.
- 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.

Mr. Talbot addressed Item B.5. Mr. Talbot asked if the Council had any questions regarding this item. There were no questions.

City Manager, Mike Talbot addressed Item B.6. Mr. Talbot stated the Council Planning Retreat had been good and asked if the Council had any questions regarding the Retreat.

Council Member Kay Garcia McAnally stated it was the best Retreat she had been to.

E. EXECUTIVE SESSION:

E.1 THE BASTROP CITY COUNCIL WILL MEET IN A CLOSED/EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, CHAPTER 551, TO DISCUSS THE FOLLOWING:

4. SECTION 551.084 – PERSONNEL MATTERS: CITY MANAGER.

At 6:30 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:

4. Section 551.084 – Personnel Matters: City Manager.

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 7:05 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.

No action was taken.

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 FEBRUARY 26, 2013.

A.2 APPROVAL OF BASTROP MARKETING CORPORATION'S REQUEST FOR REIMBURSEMENT OF EXPENSES.

A.3 APPOINTMENT BY MAYOR AND CONFIRMATION BY COUNCIL OF COUNCIL MEMBER TO SERVE AS THE CITY COUNCIL'S REPRESENTATIVE/EX-OFFICIO MEMBER ON THE BASTROP MAIN STREET ADVISORY BOARD.

A.4 APPROVAL OF THE STATUTORY DENIAL, FOR A PERIOD OF 180 DAYS FROM THE DATE OF COUNCIL ACTION ON THIS REQUEST, FOR THE AMENDED PLAT OF LOTS 1 AND 2 OF RUBIO ESTATES LOCATED WITHIN THE CITY OF BASTROP, TEXAS.

A.5 APPROVAL OF THE STATUTORY DENIAL, FOR A PERIOD OF 180 DAYS FROM THE DATE OF COUNCIL ACTION ON THIS REQUEST, FOR THE AMENDED PLAT OF BUILDING BLOCKS 100 AND 101 EAST OF JACKSON STREET, SOUTH OF JASPER STREET AND NORTH OF SOUTH STREET FOR THE FUTURE BASTROP COUNTY DEVELOPMENT OFFICES LOCATED WITHIN THE CITY OF BASTROP, TEXAS.

A.6 APPROVAL OF THE FIRST READING OF A RESOLUTION OF THE CITY

COUNCIL OF BASTROP APPROVING A PROJECT (SMALL BUSINESS FORUM IN CONJUNCTION WITH THE TEXAS GOVERNOR'S OFFICE AND TEXAS WORKFORCE COMMISSION IN AN AMOUNT NOT TO EXCEED \$25,000), USING FUNDS PROVIDED BY THE BASTROP ECONOMIC DEVELOPMENT CORPORATION, IN AN AMOUNT EXCEEDING \$10,000.

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

B. PUBLIC HEARINGS:

B.1 PUBLIC HEARING: ON A REQUEST FOR A ZONE CHANGE FROM "PARKLAND" TO "OFFICE" FOR +/-0.703 ACRE, WITHIN BUILDING BLOCK 17 WEST OF WATER STREET INCLUDING A PORTION OF THE ORIGINAL RIGHT-OF-WAY OF WALNUT STREET (ACCORDING TO THE IREDELL MAP), THE PROPERTY TO BE REZONED IS ALSO LOCALLY KNOWN AS "702 MAIN STREET", WITHIN THE CITY LIMITS OF BASTROP, TEXAS.

Planning and Development Director, Melissa McCollum addressed the Council. Ms. McCollum called the Council's attention to the projection screen displaying the City's zoning map and future land use map. Ms. McCollum stated the Planning and Zoning Commission considered this zone change request on two separate occasions, January 31, 2013 and February 28, 2013. Ms. McCollum stated after the first Planning and Zoning Commission meeting, it came to the City's attention that some of the information presented to the Planning and Zoning Commission, at its first public hearing on this matter, was not accurate. Ms. McCollum stated it is the City's policy that when staff learns that there have been significant errors in the materials/information presented to the Commission, during its decision making process, the Commission should have an opportunity to be presented with the correct information and to reconsider the previously stated advisory recommendation to the City Council. In this case, the staff learned that the Commission received inaccurate information concerning: 1) the actual zoning designation of the property to be rezoned, and 2) the zoning classification of some of the adjacent and near-by tracts. Ms. McCollum stated that in addition, some statements from the floor, during the public hearing were inaccurate. Ms. McCollum stated the 0.703 acres is currently used as the museum location for the Bastrop County Historical Society which is in the process of relocating to 904 Main Street. Ms. McCollum stated this is a City initiated rezoning, in part because the existing property is designated as Parkland, and in part, because a portion of land that will potentially be added to this tract is currently owned by the City and is also un-zoned. Ms. McCollum stated accordingly, it seemed to make sense that the City could more effectively coordinate this process by becoming the applicant on the rezoning, with the consent and cooperation of the property owner, the Bastrop County Historical Society. Ms. McCollum stated the City is initiating a zoning change to O, Office so that a zoning designation with regulatory uses that are set forth in the City Code will be applied to the future use and operations on the property. Ms. McCollum stated currently Parkland is a placeholder on the zoning map and no requirements or regulations are application to a Parkland designation. Ms. McCollum stated this status leaves the owners and the City staff without guidance as to how to address development and use issues related to this particular tract. Ms. McCollum stated staff recommends approval of the requested zoning change from Parkland and Office to O, Office. Ms. McCollum stated the Planning and Zoning

Commission conducted their regular meeting February 28, 2013 and voted 5-2 to recommend approval of the requested zone change from Parkland and Office to O, Office.

Council Member Joe Beal asked if the rezoning request is approved and someone comes in and builds compatible use, will they have to meet all the City Code requirements.

Ms. McCollum stated “yes, if it is a new structure.

Connie Schroeder, 238 Laura Lane, addressed the Council. Ms. Schroeder stated she currently serves on the Planning and Zoning Commission and is opposed to the zoning request. Ms. Schroeder stated the property north of this has never been used as Office, but residential, SF7 zoning. Ms. Schroeder stated the building on this property holds a historical designation from the National Registry of Historical Places and is also designated by the City of Bastrop as both a significant and historic structure. Ms. Schroeder stated that once the property is zoned Office the fate of the historical building is in jeopardy. Ms. Schroeder asked that the City Council consider placing a covenant on the building prior to the selling of the property.

Charlie Schroeder, 238 Laura Lane, addressed the Council. Mr. Schroeder stated the rezoning change would accomplish two things: 1) clean-up the present zoning and 2) help the Bastrop County Historical Society get the highest price for the property. Mr. Schroeder stated he had no problem with the Bastrop County Historical Society selling the property, but he would like the City to do anything they can to save the old building.

Julie Hart, 703 Main Street, addressed the Council. Ms. Hart stated her and Paula Pate as owners of 703 Main Street and neighborhood residents are concerned about what the approved uses would be if the property is rezoned to Office. Ms. Hart stated they want the Bastrop County Historical Society to be able to sell the property, but they are concerned about someone purchasing the property, coming in and tearing the current structure down and putting in an apartment complex, daycare or other allowed use. Ms. Hart stated fear of the unknown has made her uneasy. Ms. Hart asked that the Council to find something that works for everybody.

Robbie Sanders, 1402 Main Street, addressed the Council. Ms. Sanders thanked the Council for their efforts surrounding the zoning. Ms. Sanders stated she hoped the Council will move forward without any additional delays.

David Lock, 801 Main Street, addressed the Council. Mr. Lock stated he lives in the Central Business District surrounded by offices and he has no problem with that. Mr. Lock stated it is the quietest neighborhood he has ever lived in. Mr. Lock stated by six o'clock in the evening all the offices in the area close and everyone goes home. Mr. Lock stated he is worried that if the zoning is not changed for this property, it will not sell, and if it doesn't sell then it will probably sit empty and deteriorate and then it will be a target for vandalism. Mr. Lock stated he would like to see it utilized as a nice office. Mr. Lock urged the Council to approve the rezoning request.

Sandra Chipley, 402 Cedar Street, addressed the Council. Ms. Chipley stated she is the Vice President of the Bastrop County Historical Society and is representing them tonight since the President, Libby Sartain could not be in attendance tonight. Ms. Chipley called the Council's attention to the letter distributed, to the Council tonight, from the Bastrop County Historical

Society. Ms. Chipley stated bullet point two in the letter which states that the Bastrop County Historical Society has owned the property at 702 Main Street since 1952 and has been operating a public building, a museum, at that location for more than 60 years. Ms. Chipley stated the Bastrop County Historical Society does not plan to continue to operate it as a museum since they have renovated the old City Hall for that purpose. Ms. Chipley stated current zoning does not allow any usage for the property other than its “grandfathered” use. Ms. Chipley stated it is highly unlikely that anyone would want to purchase the building to operate a museum. Ms. Chipley called the Council’s attention to the last bullet point in the letter. Ms. Chipley stated it is not the intent of the Bastrop County Historical Society or any buyer to tear down our historic building. Ms. Chipley stated since the lot drops off to the river, there is very little space for any additions to the property. Ms. Chipley stated the Bastrop County Historical Society has had full price offers for the property since last summer, but have not been able to move forward with a sale due to survey, zoning and encroachment issues. Ms. Chipley stated because of this they have had to cover the costs of maintaining two properties for many months due to the delays in resolving these issues. Ms. Chipley stated as a non-profit supported by private donations and Hotel Occupancy Tax Revenue funds, they operate on a very lean budget, and this has caused them unforeseen hardships, which impede them from fulfilling their mission.

Discussion was held among Council and City Manager, Mike Talbot regarding the allowed uses of the property if the property is rezoned to O, Office.

Discussion was held among Council, Mr. Talbot, Ms. Connie Schroeder regarding the historical designations and how they apply to a structure.

Kay Wesson, Chairperson of the Bastrop County Historical Commission, addressed the Council. Ms. Wesson stated she works directly with the Texas Historical Commission. Ms. Wesson stated that any change to the exterior of the building that is visible from the street must be approved by the Texas Historical Commission, similar to the City’s Historical Designation Ordinance. Ms. Wesson stated the City does have the right to enforce with penalties and fines and the Texas Historical Commission has the right to remove the designation.

Robbie Sanders addressed the Council. Ms. Sanders stated there are 133 homes in Bastrop with National Historical Registration and 50 homes with State Historical markers. Ms. Sanders stated these homes are bought and sold all day long. Ms. Sanders stated the Bastrop County Historical Society property and building is private property and she hopes the Council is not trying to make an exception to their property and not singling them out.

B.2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE FIRST READING OF A PROPOSED ORDINANCE OF THE CITY OF BASTROP, TEXAS GRANTING A ZONING DISTRICT CHANGE FROM “PARKLAND” TO “OFFICE” FOR APPROXIMATELY 0.703 ACRE, COMMONLY KNOWN AS “702 MAIN STREET” IN THE CITY LIMITS OF BASTROP, TEXAS; AND ESTABLISHING AN EFFECTIVE DATE.

Mayor Orr read the caption of the Ordinance.

Planning and Development Director, Melissa McCollum addressed the Council. Ms. McCollum stated this is the action item for Council which would change the zoning to O, Office. Ms. McCollum stated this is the first reading of the proposed Ordinance.

Joe Beal stated the discussion about historic designation, about what can be done and how that relates to zoning, is not a new topic. Mr. Beal stated that the Council can see in the Agenda packet that the Planning and Zoning Commission had the same discussion and made a decision to recommend approval of the rezoning request. Mr. Beal stated the point made at the Planning and Zoning Commission meeting was that their job was to deal with zoning and not historic issues, which we have been talking about for 20-30 minutes. Mr. Beal stated this is a zoning issue, process is extremely important; a zoning change is being pursued by the City since it was discovered incorrect, and that is how we got to where we are right now. Mr. Beal stated the City set out to clean-up the incorrect zoning of Parkland, and the common sense solution was to pursue a zoning change. Mr. Beal stated the discussion has morphed into a whole lot more than zoning. Mr. Beal encouraged Council to think about the zoning process and Ms. Sanders is right on point, the City cannot hold a particular piece of property to different standards than other pieces of property.

Mayor Orr stated he had served on the first Historic Landmark Task Force when the Historic Landmark Ordinance was written and adopted. Mayor Orr stated in his reading and knowledge of a Texas Historical Commission Designation, he is convinced there is no dead-lock Ordinance or law that says he cannot tear his house down because it has a historical designation. Mayor Orr stated there are limits to what the Council can control in the future. Mayor Orr stated this is a zoning request and it is incumbent upon Council to take some type of action.

Julie Hart stated she agreed that this was a zoning request, but that is what she is concerned about. Ms. Hart stated O, Office zoning would allow apartments, day care or even a hospital to be built on the property. Ms. Hart asked that the Council find a solution that works for everyone. Ms. Hart stated this is a residential neighborhood.

Frank Huffman, Trustee of the Bastrop County Historical Society, addressed the Council. Mr. Huffman stated he wanted to make a point. Mr. Huffman stated the reason the Museum moved is because the property is un-useable for what the Bastrop County Historical Society wanted to do. Mr. Huffman stated it would be very difficult to make this property workable for a large construction project such as an apartment building or hospital. Mr. Huffman stated this property is very shallow and wedged along Main Street.

Joe Beal moved to approve the Ordinance. The motion was seconded by Ken Kesselus.

City Secretary, Teresa Valdez called roll for vote on the motion.

FOR MOTION: Joe Beal, Ken Kesselus, Dock Jackson, Kay Garcia McAnally and Willie DeLaRosa.

Motion passed unanimously.

B.3 PUBLIC HEARING: ON A REQUEST TO VACATE AND ABANDON A 0.213 ACRE PORTION OF UNOPENED AUSTIN STREET LOCATED WEST OF MAIN STREET WITHIN THE CITY LIMITS OF BASTROP, TEXAS.

Planning and Development Director, Melissa McCollum addressed the Council. Ms. McCollum called the Council's attention to the projection screen showing the Austin Street right-of-way. Ms. McCollum displayed on the projection screen a map showing the entire right-of-way portion of Austin Street to be vacated, being 0.213 acre or 9,273 square feet. Ms. McCollum then displayed a map showing the portion of right-of-way of Austin Street to be sold to Bastrop County Historical Society, being 0.064 acres, or 2,784 square feet. Ms. McCollum stated the City is requesting the right-of-way vacation. Ms. McCollum stated a portion of the right-of-way to be vacated is proposed to be sold to the neighboring Bastrop County Historical Society (702 Main Street) as a portion of the building currently encroaches into this Austin Street right-of-way. Ms. McCollum stated the other portion of the right-of-way being 6,489 square feet (0.15 acre) will remain under the City of Bastrop ownership and will not be sold. Ms. McCollum stated the appraised value, as determined in the appraisal prepared by Paul Hornsby & Company Appraisers and Consultants, dated January 14, 2013 is \$5,600.00. Ms. McCollum stated the portion of Austin Street right-of-way proposed for vacation is not needed for street/thoroughfare connectivity purposes and is not included in the City of Bastrop's Thoroughfare Plan. Ms. McCollum stated staff can foresee no current or future City use for Austin Street right-of-way property; therefore recommends that the portion of vacation may be approved and sold to the Bastrop County Historical Society for \$5,600.00 as identified in the appraisal report.

Connie Schroeder, 238 Laura Lane, addressed the Council. Ms. Schroeder stated she had a question. Ms. Schroeder stated when this was presented to the Planning and Zoning Commission the City Manager had stated this property could not be given away. Ms. Schroeder stated in the staff report it states that the property will be quitclaimed to the Bastrop County Historical Society. Ms. Schroeder stated her understanding of quitclaimed meant that it is done without exchange of money.

City Attorney, J.C. Brown stated that was not correct and in this case it had nothing to do with getting fair market value for the property.

Ms. Schroeder stated that in all the time she has served on the Planning and Zoning Commission this is the first time they had a zoning request with no plans for buildings. Ms. Schroeder stated if the Planning and Zoning Commission had seen a plan that could have alleviated a lot of fears.

Council Member Joe Beal stated the Council had approved the rezoning request and this Agenda item addressed vacation of a portion Austin Street right-of-way.

Sandra Chipley, Vice President of the Bastrop County Historical Society, stated they are in favor of this vacation and making arrangements to purchase the part which encroaches onto City right-of-way, and they are agreeable to the appraisal.

Julie Hart, 703 Main Street, addressed the Council. Ms. Hart stated she had been in favor of this vacation, but since there was no compromise on the rezoning request, she is now opposed to this vacation.

B.4 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE FIRST READING OF A PROPOSED ORDINANCE AUTHORIZING THE VACATION AND ABANDONMENT OF 0.213 ACRE PORTION OF UNOPENED AUSTIN STREET – WEST OF MAIN STREET, PLATTED CITY OF BASTROP OWNERSHIP; PROVIDING FOR THE

TERMS AND CONDITIONS OF SUCH VACATION AND ABANDONMENT, AUTHORIZING THE CITY MANAGER TO EXECUTE A QUITCLAIM DEED FOR A 2,784 SQUARE FEET PORTION OF THE 0.213 ACRES TO BE VACATED AND ABANDONED; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Orr read the caption of the Ordinance.

Planning and Development Director, Melissa McCollum stated this is the action item for Council, being the first reading of the Ordinance which would authorize the vacation and abandonment of 0.213 portion of unopened Austin Street and authorize the City Manager to execute a Quitclaim Deed for the portion vacated.

Mayor Orr asked what will happen to the portion that remains owned by the City.

City Manager, Mike Talbot stated it will be re-platted as Parkland & Commons. Mr. Talbot stated the City will retain ownership.

Dock Jackson moved to approve the Ordinance and place it on the Consent Agenda of the next City Council Meeting for the second reading and adoption. Motion was seconded by Kay Garcia McAnally and carried unanimously.

B.5 PUBLIC HEARING: ON A REQUEST FOR A ZONING DISTRICT CHANGE FROM PUBLIC STREET RIGHT-OF-WAY TO O, OFFICE FOR +/-2.784 SQUARE FEET OF VACATED AND ABANDONED AUSTIN STREET, ADJACENT TO THE SOUTH LINE OF BUILDING BLOCK 17 WEST OF WATER STREET AND WEST OF MAIN STREET AND BEING ACROSS AN UN-PLATTED PORTION OF THE CITY OF BASTROP REFERRED TO AS "BASTROP COMMONS", WITHIN THE CITY LIMITS OF THE CITY OF BASTROP, TEXAS.

Planning and Development Director, Melissa McCollum addressed the Council. Ms. McCollum this is a request for a zoning designation of O, Office for the portion of Austin Street right-of-way that the Council just approved to vacate and quitclaim to the Bastrop County Historical Society. Ms. McCollum stated the Planning and Zoning Commission conducted a public hearing on February 28, 2013 and voted 5-2 to recommend approval of the requested zoning district change.

Julie Hart, 703 Main Street, addressed the Council. Ms. Hart stated she still in opposition because the city is not following the future land use plan and she has concerns.

Sandra Chipley, Vice President of the Bastrop County Historical Society, addressed the Council. Ms. Chipley stated the Bastrop County Historical Society is in favor of the zoning district change.

B.6 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 DISTRICT CHANGE FROM PUBLIC STREET RIGHT-OF-WAY TO "OFFICE" FOR APPROXIMATELY 2,784 SQUARE FEET OF A VACATED AND ABANDONED PORTION OF AUSTIN STREET WEST OF MAIN

STREET IN THE CITY LIMITS OF THE CITY OF BASTROP, TEXAS; ESTABLISHING AN EFFECTIVE DATE.

Mayor Orr read the caption of the Ordinance.

Planning and Development Director, Melissa McCollum stated this is the action item for Council and is the first reading of the proposed Ordinance granting a zoning change to O, Office. Ms. McCollum stated the Ordinance number will be inserted into the blank on Page 2 of the Ordinance after the vacation Ordinance is finalized.

Sandra Chipley, Vice President of the Bastrop County Historical Society, addressed the Council. Ms. Chipley stated the Bastrop County Historical Society is in favor of the zoning district change.

Mayor Orr stated this is a zoning essentially the same as Agenda Item B.2 and if there is action to be taken by Council, he would hope that the second reading of this Ordinance be treated in the same manner as Agenda Item B.2.

Willie DeLaRosa moved to approve the Ordinance. The motion was seconded by Joe Beal.

City Secretary, Teresa Valdez called the roll for vote on the motion:

FOR MOTION: Willie DeLaRosa, Joe Beal, Dock Jackson, Ken Kesselus and
Kay Garcia McAnally.

Motion carried unanimously.

B.7 PUBLIC HEARING: ON A REQUEST FOR A ZONING DISTRICT CHANGE FROM AOS, 'AGRICULTURAL OPEN SPACE' TO PD, 'PLANNED DEVELOPMENT' FOR +/- 26.25 ACRES, OUT OF THE MOZEA ROUSSEAU SURVEY, ABSTRACT NO. 56, LOCATED SOUTH OF CHILDERS DRIVE WITHIN THE CORPORATE LIMITS OF BASTROP, TEXAS TO BE KNOWN AS SECTION 5 OF PECAN PARK SUBDIVISION.

Planning and Development Director, Melissa McCollum addressed the Council. Ms. McCollum stated the owner/applicant is requesting a zoning change to PD, Planned Development District. Ms. McCollum stated with the proposed modified SF-7 district regulations, the owner has proposed to reduce/stagger some of the front setbacks for some lots to be 20 feet and others to be 25 feet and reduce the side yard setbacks to 7.5 feet instead of the 10 feet. Ms. McCollum stated the applicant provided photo examples of 50 foot product that allows lessor side yard setbacks. Ms. McCollum stated she had talked to Fire Chief Henry Perry and he does not have any problems with the 15 feet (7.5 feet of side-yard setback) between structures. Ms. McCollum stated neighbors do have some concerns about the possible connection of an interior street to connect to Perkins Street. Ms. McCollum stated connection of streets will be discussed and analyzed during the platting process. Ms. McCollum stated the Planning and Zoning Commission conducted their regular meeting February 28, 2013 and voted unanimously 8-0 to recommend approval of the request zoning change.

Willie DeLaRosa stated that the Council can see, strictly by the Hunters Crossing Subdivision, all the complaints about smaller lots. Mr. DeLaRosa stated he thought the City wanted to get

away from that. Mr. DeLaRosa stated that when the Hunters Crossing Subdivision development came before Council the Fire Department did not want the reduced setbacks, now we are back flip-flopping. Mr. DeLaRosa stated there is an issue of Perkins Street and leaving it the size it is and it have more traffic because of the subdivision. Mr. DeLaRosa stated he is not in favor of the City making improvements to the street for the additional homes in the new development.

Ms. McCollum stated the applicant is not asking for reduction in lot size, these lots are larger than the lots in Hunters Crossing.

Joe Beal stated these lots are bigger, but they want a reduction in setbacks in order to build bigger houses.

City Manager, Mike Talbot stated the street issue will be dealt with during the Subdivision process and will have to have a traffic impact analysis.

Mr. DeLaRosa stated he just wanted to make sure who was going to pay for the improvements to the street; is the City going to help the developer?

Mr. Talbot stated in the Subdivision Ordinance the Council has the right to place on the developer certain improvements as deemed necessary for health and safety.

Mr. Beal stated that Mr. DeLaRosa has signaled to the developer his concerns, but tonight this is a Planned Development District zoning request which alters setbacks to build better product.

Discussion was held among Council and Ms. McCollum.

Lynn Alderson, developer's agent on this project, addressed the Council. Mr. Alderson stated they have met with the neighborhood concerning this development and listened to their concerns. Mr. Alderson stated that first the developer had proposed 128 fifty foot lots and not come back with 91 bigger units.

B.8 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 DISTRICT CHANGE FROM AOS, 'AGRICULTURAL OPEN SPACE' TO PD, 'PLANNED DEVELOPMENT' FOR +/-26.25 ACRES, OUT OF THE MOZEA ROUSSEAU SURVEY, ABSTRACT NO. 56, LOCATED SOUTH OF CHILDERS DRIVE WITHIN THE CORPORATE LIMITS OF BASTROP, TEXAS TO BE KNOWN AS SECTION 5 OF PECAN PARK SUBDIVISION, ESTABLISHING AN EFFECTIVE DATE.

Mayor Orr read the caption of the Ordinance.

Planning and Development Director, Melissa McCollum addressed the Council. Ms. McCollum stated this is the first reading of approval of the proposed Ordinance granting a zoning district change.

Joe Beal moved to approve the Ordinance. The motion was seconded by Kay Garcia McAnally and carried unanimously.

B.9 CITIZEN COMMENTS.

There were no citizen comments.

Council took a brief recess from 9:07 until 9:13.

C. OLD BUSINESS

D. NEW BUSINESS

ORDINANCES FOR FIRST READING:

D.1 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 CONFLICTS HEREWTH; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Orr read the caption of the Ordinance.

Karla Stovall, Chief Financial Officer, addressed the Council. Ms. Stovall stated these budget amendments increase the budget appropriations for the Fiscal Year 2013. Ms. Stovall reviewed the amendments.

Joe Beal moved to approve the Ordinance and place it on the Consent Agenda of the next City Council Meeting for the second reading and adoption. Motion was seconded by Dock Jackson and carried unanimously.

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

D.2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON ACCEPTANCE OF THE UNAUDITED MONTHLY FINANCIAL REPORTS FOR THE PERIOD ENDING OF JANUARY 31, 2013.

Finance Director, Karla Stovall presented the unaudited monthly Financial Reports for the period ending January 31, 2013. Ms. Stovall reviewed the report.

Willie DeLaRosa moved to accept the unaudited monthly Financial Reports for the period ending January 31, 2013. Motion was seconded by Dock Jackson and carried unanimously.

D.3 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON A PRESENTATION BY THE BASTROP POLICE DEPARTMENT TO IMPLEMENT THE MILITARY SERVICE FLAG PROGRAM FOR THE CITY OF BASTROP TO HONOR ACTIVE-DUTY MEMBERS AND THEIR FAMILIES.

Police Chief Michael Blake addressed the Council. Chief Blake stated he has seen this program in other communities and he has seen how this community supports service men and women. Chief Blake stated the Service Flag is an official banner authorized by the Department of Defense for display by immediate family members of Armed Forces personnel serving on active-duty during any period of war, hostilities or peacemaking missions on behalf of the United States. Chief Blake stated a Blue Star Service Flag is displayed in the front window of a home as an American tradition. Chief Blake stated the Flag signifies that someone in this home is serving in the U.S. Armed Forces and was actually showcased during a scene in the Steven Spielberg hit movie "Saving Private Ryan." Chief Blake stated today's service men and women protect us in a very complicated and uncertain world and unlike past wars that had clear beginnings and clear endings, today's "War on Terrorism" continues on from the shadows to the forefront on a daily basis. Chief Blake stated for the City of Bastrop, continuing the tradition of Blue Star Service Banner reminds us of this ongoing war and the daily sacrifices made by our Armed Services in personnel in keeping America safe. Chief Blake gave a brief history of the Service Banner. Chief Blake stated a gold star flag is also available for those families whose service men or women died in service. Chief Blake stated there is a felt flag or a nylon flag and the City would have to decide which one to use.

Council Member Kay Garcia McAnally asked Chief Blake how much this Program would cost.

Chief Blake stated it would cost about \$500 a year and the kits are \$25.00 each.

Joe Beal stated the cost would be a function of how many sign up for the Program and also the geographic area – City limits, School District area or Extra Territorial Jurisdiction area. Mr. Beal suggested the City start out with the area within the City limits and do on a quarterly basis. Mr. Beal stated people will be finding out what this Program is and what it does and then maybe the Council can tailor an agenda item at the beginning of a Council Meeting to present the Service Flag to families. Mr. Beal stated he thought the felt flag would frame nicer than a nylon one.

Discussion was held among Council, City Manager and Chief Blake.

Mayor Orr stated of everything that comes before this Council, if he could vote, he would vote for this. Mayor Orr stated as much as we try to identify Bastrop, the people who live in our Extra Territorial Jurisdiction follow our rules and regulations, use our Library and pay sales tax so he would urge the Council to include the Extra Territorial Jurisdiction area.

Ken Kesselus moved approval of the Bastrop Police Department implementing the Military Service Flag Program for the City of Bastrop starting within the City limits and see how it goes, look at the feasibility of expanding into the Extra Territorial Jurisdiction area and use the nylon flags. Motion was seconded by Willie DeLaRosa and carried unanimously.

City Attorney, J.C. Brown stated for clarification that the Council would like whoever administers this Program to look at the gold star flags also.

D.4 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON SPEED LIMIT ON BLAKEY LANE, STREET EXTENDING FROM EDWARD BURLESON LANE TO FARM TO MARKET ROAD 969.

Council Member Willie DeLaRosa stated a number of residents brought to his attention concerns of the speed limit on Blakey Lane, mainly when Farm to Market Road 969 was closed. Mr. DeLaRosa asked if this had been looked at before.

City Manager, Mike Talbot stated the 30 miles per hour speed limit is recommended by the traffic study completed during the development process. Mr. Talbot stated stop signs had been put up at some locations.

Mr. DeLaRosa stated that 30 miles per hour seemed slow.

Mr. Talbot stated the City can run a traffic study for two weeks and bring back that information to Council.

D.5 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON ADOPTION OF A RESOLUTION NOMINATING AN INDIVIDUAL AS MEMBER OF THE BASTROP CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS.

City Secretary, Teresa Valdez stated the City received a letter from the Bastrop Central Appraisal District notifying the City of a vacancy on the Bastrop Central Appraisal District Board of Directors. Ms. Valdez stated the vacancy is due to the resignation of Mr. Gene Sampson of Smithville. Ms. Valdez stated in Mr. Sampson's letter of resignation he recommends Roderick Emanuel to complete his current term on the Board. Ms. Valdez stated the nominations are submitted by Resolution.

Ken Kesselus moved to adopt the Resolution nominating Roderick Emanuel. Motion was seconded by Willie DeLaRosa and carried unanimously.

E. EXECUTIVE SESSION:

E.1 THE BASTROP CITY COUNCIL WILL MEET IN 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, OR VALUE OF REAL PROPERTY.
3. SECTION 551.087 – DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS – JAMCo PROJECT.

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.

No Executive Session was held.

F. ADJOURNMENT

At 9:40 p.m., Willie DeLaRosa moved to adjourn. Motion was seconded by Ken Kesselus and carried unanimously.

APPROVED:

ATTEST:

Terry Orr, Mayor

Teresa Valdez, City Secretary