

February 26, 2013

The Bastrop City Council met in regular session on February 26, 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

Former Mayor Tom Scott led the pledges of allegiance to the U.S. and Texas flags. Reverend Bill Hobby led the invocation.

3. PRESENTATIONS:

A. BASTROP POLICE DEPARTMENT POLICE CONTACTS ANNUAL REPORT 2012 – POLICE CHIEF MICHAEL BLAKE.

Police Chief Michael Blake called the Council's attention to a PowerPoint presentation displaying graphics in his Memorandum included in the Council Agenda packet. Chief Blake reviewed the various graphs showing: 1) City of Bastrop Census Data – 2010; 2) Bastrop County Census Data – 2010; 3) Consent & Probable Cause Searches Percentages – 2012; 4) Bastrop Police Department Contact Totals & Percentages by Race January – December 2012 and 5) Bastrop Police Department Traffic Stop Custody Arrests January – December 2012. Chief Blake stated that pursuant to compliance mandates associated with Senate Bill 1074 and the Texas Code of Criminal Procedures, he submitted the attached annual report of police department activities regarding patrol officer vehicle stops, arrests, citations, and/or search of individuals conducted by Bastrop police officers. Chief Blake stated as a historical reference, Senate Bill 1074 was crafted in the 72nd Texas Legislative Session as a result of national interest and debate involving allegations of biased-based racial profiling practices involving law enforcement. Chief Blake stated the Annual Report shows that the City of Bastrop Police Department does not practice biased-based racial profiling.

Brief discussion was held among Council and Chief Blake.

Mayor Orr stated this annual report shows fair treatment and administration of laws of the City of Bastrop.

4. PROCLAMATIONS:

Mayor Terry Orr proclaimed February as African American History Month in the City of Bastrop, Texas.

5. ANNOUNCEMENTS

Mayor Orr recognized former Mayor David Lock and former Council Member Martha Harris.

Mayor Orr announced that the annual Mayor's Prayer Breakfast will be held Thursday, February 28, 2013 at 6:45 p.m. at the First Methodist Church and is sponsored by the Bastrop Christian Ministerial Alliance. Mayor Orr stated the guest speaker is Grant Teaff, former Baylor Football Coach.

Council Member Dock Jackson announced that the MLK Scholarship Committee is hosting a catfish dinner fund raiser at Maxine's on Main on March 11, 2013 from 5:00 p.m. to 8:00 p.m.

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

A. MEETINGS AND EVENTS ATTENDED:

1. GUEST SPEAKER AT THE CITIZENS ON PATROL ACADEMY ON FEBRUARY 14, 2013.
2. BASTROP PARKS BOARD PLANNING RETREAT ON FEBRUARY 16, 2013.
3. BASTROP ECONOMIC DEVELOPMENT CORPORATION MONTHLY BOARD MEETING ON FEBRUARY 18, 2013.
4. LOST PINES GROUNDWATER CONSERVATION DISTRICT MONTHLY BOARD MEETING ON FEBRUARY 20, 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. PROPOSED MEMORIAL SECTION OF THE FAIRVIEW CEMETERY.
5. REQUIRED REPAIRS AT WASTEWATER TREATMENT PLANT #1.
6. AUTHORIZATION FOR THE CITY MANAGER TO APPROVE CONSTRUCTION NOTIFICATION SIGN.
7. LONG TERM WATER SUPPLY STUDY BEING UNDERTAKEN BY K. FRIESE & ASSOCIATES.
8. PROPOSED MEETING WITH THE LOCAL HOTEL/MOTEL OWNERS.
9. PROPOSED IMPROVEMENTS AT THE BASTROP ECONOMIC DEVELOPMENT CORPORATION'S BUSINESS PARK.
10. REVIEW OF THE PROPOSED LETTER OF AGREEMENT REGARDING THE LOAN OF THE 1931 AERIAL PHOTO OF THE CITY OF BASTROP DONATED TO THE CITY OF BASTROP BY JUDGE R.L. BATTS ON JANUARY 5, 1931.
11. PROPOSED "RIVER TERRACE PROJECT" AT HUNTERS CROSSING PLANNED DEVELOPMENT LOT 9 BY THE JHS HOLDINGS GROUP OF COLUMBIA, MISSOURI.

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 that tonight there are three Mayors present who he has worked for: former Mayor Lock, former Mayor Scott and Mayor Orr. Mr. Talbot stated he is honored to have worked for all three of them.

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

Mr. Talbot addressed Item B.4. Mr. Talbot stated he wanted to see if the Council is in agreement with the proposed Memorial Section at the Fairview Cemetery, so that work can begin on developing the proposed policies and procedures that would apply to it.

Ken Kesselus moved to approve the Cemetery Board's request for creation of a Memorial Section at the Fairview Cemetery, authorize the Cemetery Board to begin developing the proposed policies and procedures that would apply to the Memorial Section at the Fairview Cemetery and thank the Cemetery Board for their service. Motion was seconded by Kay Garcia McAnally and carried unanimously.

City Manager, Mike Talbot addressed Item B.6. Mr. Talbot stated he had a meeting with the owner of the Toyota dealership last week regarding the current construction being undertaken by the Texas Department of Transportation (TxDOT) for an overpass at the intersection of State Highway 71 and State Highway 20. Mr. Talbot stated the dealership owner has advised him that once construction got into full swing business activity at the Toyota dealership dropped off by more than 30%. Mr. Talbot stated additional information on this item was included in his City Manager's Report. Mr. Talbot stated he did not want to be perceived as advocating that the City's Ordinances be ignored, but in this case, he believes we need to find an equitable and timely solution. Mr. Talbot stated he is requesting the City Council grant him the authority to work out a suitable, temporary arrangement with the owner of the Toyota dealership to allow the use of the LED sign, as a traffic diversion and information tool during the TxDOT construction period.

Willie DeLaRosa moved to authorize the City Manager to work out a suitable, temporary arrangement with the owner of the Toyota dealership to allow the use of the LED sign, as a traffic diversion and information tool during the TxDOT construction period. Motion was seconded by Dock Jackson and carried unanimously.

City Manager, Mike Talbot addressed Item B.10. Mr. Talbot stated pursuant to the Council's direction he has drafted a Letter Agreement regarding the loan of the aerial photo. Mr. Talbot called the Council's attention to the draft Letter Agreement he had distributed to Council tonight. Mr. Talbot stated he had reviewed the Minutes from the Council meeting when this was discussed and everything Council discussed has been included in the Letter Agreement except for Number 5, which the Council had not discussed. Mr. Talbot stated if the Council has no problems with the Letter Agreement he will issue it to the Bastrop County Historical Society for

their review.

It was the consensus of Council for the City Manager to issue the Letter Agreement to the Bastrop County Historical Society for their review.

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 12, 2013.

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

A.3 APPROVAL OF THE SPECIAL EVENT PERMIT SUBMITTED IN THE APPLICATION RECEIVED FROM THE DOWNTOWN BUSINESS ALLIANCE TO HOST "YESTERFEST" ON FRIDAY, APRIL 28, 2013, ON MAIN STREET, ON SATURDAY, APRIL 27, 2013, ON MAIN STREET AND IN ALLEY B (CULINARY CULTURAL ARTS); AND ON SUNDAY, APRIL 28, 2013, ON THE VACANT LOT AT 921 MAIN STREET (COWBOY BREAKFAST).

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

B. PUBLIC HEARINGS:

B.1 CITIZEN COMMENTS.

Herb Goldsmith addressed the Council. Mr. Goldsmith stated he wanted to speak to the Council regarding strategic planning. Mr. Goldsmith read the following: "I believe the City Council, Mayor and City Manager are doing the best they can under stressful times however it may be time to re-evaluate the current demands placed upon you. As a result of participating on the Bastrop Economic Strategy Steering Committee, careful review of various comprehensive plans, analysis of various City Board Agenda packets and observation of various boards and public meetings, I believe it is time for the City to examine its organizations Chart and operations. At a minimum I believe there is a need to consider City wide strategic planning that integrates the various entities governed by the City. This function would include being a part of all the various boards and planning efforts that impact the City, including county and regional efforts. It would examine policy impacts, complete data analysis, provide project management, and prepare white papers for the City Council, Boards and Commissions as well as department heads. It would synthesize the various consulting reports and tract strategic plan outcomes and performance, including the recently developed Bastrop Economic Development Strategic Plan. Furthermore, I believe the City Council would benefit from improved decision making due to enhanced project/issue management, including the capacity for formative and summative assessment on priority issues. I believe that the City Manager is spread too thin. I believe there may also be an

over reliance on expensive consultants. The City Manager currently requires management of numerous projects, complex issues, some with high levels of contention. It is clear he is attempting to serve this function as best he can with current resources. The position I propose will require a high level post that reports directly to the City Manager and City Council. I believe it will pay for itself and save taxpayers money due to enhanced project management, increased efficiency, increased collaboration, and help the City remain true to its existing plans while providing consistency for future strategic plans. It will also unify the various efforts of the Bastrop Community as we move forward at a rapid pace and facilitate cohesive cogent reporting to the citizens of Bastrop.”

C. OLD BUSINESS

D. NEW BUSINESS

Council Member Joe Beal recommended the Council move to Agenda Item D.3 since Mr. Bené is a paid by hour consultant for the City. Mr. Beal stated this would be advantageous to the City.

D.3 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION REGARDING A PRESENTATION BY MR. JAMES BENÉ OF R.W. HARDEN & ASSOCIATES REGARDING THE TEST DRILLING AND AQUIFER TESTING PROGRAM AT MAYFEST PARK.

Mayor Orr left the dais at 6:43 p.m. and returned at 6:45 p.m.

Mr. James Bené gave a PowerPoint presentation on the Test Drilling and Aquifer and Testing Program. Mr. Bené reviewed the following: 1) Goals of aquifer testing program; 2) Methods used during testing; 3) Mayfest Park test drilling and 4) Action Items: Further work at Mayfest Park: temporary well and/or Continue testing at additional sites. Mr. Bené stated the previously constructed water system infrastructure at Mayfest Park is still in place (and in use) and the re-development of groundwater at the site presents a convenient, lower-cost opportunity for augmenting supplies. Mr. Bené stated the Mayfest Park Test Hole was drilled through the entire Wilcox to a depth of 1600 feet. Mr. Bené stated there was clay and mixed sediments in the upper and lowermost portions of the Wilcox. Mr. Bené stated there where three sand-rich aquifer zones found between 800 feet and 1200 feet depths. Mr. Bené stated the upper mixed zone had low to moderate productivity, fresh water and a probability of high dissolved iron. Mr. Bené stated the sand-rich zones had moderate to high productivity and probably brackish water. Mr. Bené stated if blending water at Mayfest is a desirable option he recommended the following: 1) Constructing and sampling temporary well in Mayfest test hole to document water quality for blending analysis and document hydraulic characteristics of aquifer and 2) Screen depth of 950 to 1050 feet. Mr. Bené stated the approximate cost for this would be \$65,000. Mr. Bené stated the other action item would be for Council authorization to continue test drilling program: 1) Original objective not yet achieved; extent of poorer quality Wilcox still unknown; 2) Recommend drilling testing at additional site(s) to the north of the City; and 3) Additional test hole cost approximately \$41,000 per hole.

City Manager, Mike Talbot stated his concern is that if blending is necessary for the test well that only produces 400 gallons per minute at Mayfest Park that would be a very expensive for a small amount of production.

Mayor Orr stated he would like to have a little time to digest the information provided by Mr. Bené tonight. Mayor Orr stated the Council has scheduled a Utility Workshop on March 19, 2013 and they could discuss this further at that meeting.

Discussion was held among Council and Mr. Talbot.

Willie DeLaRosa stated if the Council discusses this again on March 19th or March 9th he would ask that the City Manager provide the Council with a dollar amount of all the money spent up to this date and how much money it would cost to continue.

Joe Beal stated the Council has a Retreat scheduled for March 9, 2013 and could discuss this at the Retreat also.

Mr. Bené stated that when it comes to blending, the 400 gallons per minute shown in his PowerPoint Presentation was just used for informational purposes. Mr. Bené stated it makes a whole lot more sense to put something at Mayfest since the infrastructure is already there. Mr. Bené suggested that the City does not discount blending until they have a chance to run some of the numbers in regard to blending.

No action was taken.

D.1 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON PRESENTATION AND ACCEPTANCE OF CITY OF BASTROP, TEXAS COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE YEAR ENDED SEPTEMBER 30, 2012.

Karla Stovall, Chief Financial Officer, addressed the Council. Ms. Stovall stated the Finance Department respectfully submits the Comprehensive Annual Financial Report for the fiscal year ended September 30, 2012. Ms. Stovall stated included in the Report is a set of financial statements in conformity with generally accepted accounting principles and audited by Singleton, Clark & Company, PC. Certified Public Accountants. Ms. Stovall stated the Governmental Finance Officers Association awarded a Certificate of Achievement for Excellence in Financial Reporting to the City for its comprehensive annual financial report for the fiscal year ended September 30, 2011. Ms. Stovall stated a certificate of achievement is valid for a period of one year only. Ms. Stovall stated City staff believes the Report presented to you this evening continues to conform to the Certificate of Achievement program requirements and they are submitting it to the Government Finance Officers Association to determine its eligibility for another certificate. Ms. Stovall stated Preston Singleton with Singleton, Clark and Company, PC will be presenting this year's audited report. Ms. Stovall stated she is available for any questions and she turned the podium over to Mr. Singleton.

Mr. Preston Singleton addressed the Council. Mr. Singleton stated there are three pieces of information, which he calls the "Big Three", that the City Council should understand regarding the Report. Mr. Singleton stated the "Big Three" items are: 1) Fund Balance; 2) Type of Report and 3) Any report of non-compliance issues or deficiencies with internal control. Mr. Singleton stated the City of Bastrop Fund Balance in the General Fund for the year ended September 30, 2012 increased from the previous year by \$1.2 million. Mr. Singleton stated the Fund Balance for the year ended September 30, 2012 is \$3.3 million and this represents about 4.8 months of

expenditures for this City. Mr. Singleton stated that is a very good fund balance. Mr. Singleton stated the type of report given to the City is an Independent Auditor's Report. Mr. Singleton stated there were no non-compliance issues or deficiencies with internal control to report. Mr. Singleton stated this was a great audit report and he recommended acceptance.

Council Member Joe Beal commented that this was one of the better audit reports he has heard. Mr. Beal stated the bottom line is that the City is financially strong.

Joe Beal moved acceptance of the City of Bastrop, Texas Comprehensive Annual Financial Report for the Year ended September 30, 2012. Motion was seconded by Kay Garcia McAnally and carried unanimously.

D.2 PRESENTATION BY MS. JAMIE HOWARD REGARDING THE PROPOSED MAIN STREET PROMENADE INITIATIVE.

Mayor Orr stated this is a private initiative, not a governmental one, and this item is not posted for action this evening. Mayor Orr stated that if there is any further disposition of this, he will be taking direction from the City Council. Mayor Orr stated this is not a public hearing but he will allow the public to speak after the presentation. Mayor Orr asked that the public address their comments to the City Council and if there are questions, please direct them to the presenter outside of these Council Chambers. Mayor Orr stated he has purposely not attended any presentations previously made by this group. Mayor Orr stated he has observed that Main Street has been closed several times a year for events and at the last Council meeting the Council approved closure of Main Street for an event.

Council Member Dock Jackson, who serves as the Council Parliamentarian, stated he wanted to reiterate what the Mayor had said. Mr. Jackson stated this is a presentation and there will be no formal action taken by the Council. Mr. Jackson stated the Council has adopted Robert's Rules of Order and will be following those. Mr. Jackson asked that the public wait to be recognized before approaching the podium to speak, that they state their name clearly, into the microphone, for the record. Mr. Jackson stated that only one person should speak at a time.

Mayor Orr welcomed Ms. Jamie Howard.

Ms. Jamie Howard thanked the Council for the forum and stated this initially started out as a discussion. Ms. Howard stated it is a privilege to embrace this discussion and she hoped they could find some common ground. Ms. Howard then gave a PowerPoint presentation on "Main Street Promenade Initiative". Ms. Howard's presentation included the following:

A. Just to clarify:

- 1) This is not the vision for this project (not a Las Vegas strip). This is more like it (authentic, beautiful, unique, fun, vibrant);
- 2) We are not proposing any changes to the North block of Main Street (i.e., from Bastrop Copier Northward);
- 3) We are not proposing to completely and permanently close traffic to vehicles on the South side of Main Street - We are proposing to create an aesthetically pleasing way to close the street, and to close it only when it is economically advantageous to do so;
- 4) We are not proposing an expensive new capital project – By pairing up with an

existing improvement plan that has established budgets and funding options, this proposal will not require a tremendous amount of additional expenditures from the City or taxpayers; and

- 5) Texas is hot – but that doesn't mean people won't walk a block to shop, eat, and play downtown. Places like Fredericksburg, Wimberley, Salado and Gruene thrive because walking, wandering, and exploring the town is a valued part of experiencing the town.

B. Why something has to change:

- 1) In order for our Main Street to thrive, we cannot rely on local dollars alone. Tourism revenue is an essential part of our recipe for success. It is time we create an environment in which unique specialty shops, restaurants, and entertainment venues can really succeed, and where Bastropians can gather together and celebrate being a part of this great community.

C. As supported by the Sustainable Design Assessment Teams (SDAT) Report:

- 1) A study by the American Institute of Architects done for Bastrop, Texas November 14-16, 2011.
- 2) The SDAT Team believes the City is facing a critical juncture in its future development, and needs to take control of its growth. Glenn Kellogg captures Bastrop's growing reality: "For better or worse, Bastrop is going to continue to grow...Bastrop may double in size over the next twenty years. This change could overwhelm the town by continuing the recent development trends and patterns. However, if planned for, this growth could be an opportunity to enable the aspirations of downtown. The City must get ahead of the growth by planning for the desired change, and use this momentum to improve downtown rather than disturb it."
- 3) About Removing Parking (Pages 43 & 44 of the SDAT Report) – "The City should not allow surface parking between buildings and the street. Allowing this type of suburban style development obviates the central distinguishing asset of the downtown. The undisturbed pedestrian block structure of downtown is an enviable asset & one of the greatest strengths of the city. Allowing this type of parking fails to differentiate the downtown from the suburbs & wastes the existing pedestrian block scale, charm & walkable environment that gives the downtown its competitive advantage & makes downtown a desirable location. When it comes to the ability to provide a walkable environment; don't waste it by building like every other suburban place in America."

D. How do we do it?

- 1) First....The Parking Solution (what people think and what is possible).
- 2) Then...Main Street Improvements – Only after we have established the long-term parking solutions for downtown, and ideally in conjunction with the Main Street Improvement Project: Improvements may include things such as stamped concrete or brick sidewalks and streets, existing black iron benches, light poles, black trash cans, potted plants, and removable iron barricades (bollards).

E. Imagine....

- 1) Our restaurants and shops spilling out on the sidewalks with outdoor dining, music and fun events.
- 2) Uniquely Bastrop events, demonstrations, street parties and so much more!

- 3) Imagine if we could make downtown the lifeblood of our community, just as it was 100 years ago.
- 4) But...we don't have to reinvent the wheel – The population, geographic location in relation to major cities and resources and other demographics of Bastrop in 2013 are extremely similar to the statistics on Fort Collins, Colorado, in the early 1980s, when they began their pedestrian project. It is not the “life-blood of their community.”

Ms. Howard stated store owners have taken this very seriously and have come together to found a team. Ms. Howard stated store owners have agreed to bring the team of people to Bastrop and the proposal is that this team come to Bastrop for three (3) days and see if they can come up with a plan. Ms. Howard stated she was asking Council to meet with this team and see if there is a workable solution to move forward with downtown.

Council Member Kay Garcia McAnally stated that Ms. Howard said shop owners have come together. Ms. McAnally asked Ms. Howard if this was all shop owners.

Ms. Howard stated that it was not all shop owners, it was three (3) shop owners because she had only asked three owners.

Council Member Joe Beal stated he had read Ms. Howard's presentation and studied it and it seem to say that the idea is not to propose great changes, the idea is to close off Main Street for special events, but when I look at the graphics, they show that the parking is done away with and sidewalks extended. Mr. Beal stated it appears to him that the street does get closed, does away with parking and the idea is to actually transform the south part of Main Street to a pedestrian setting.

Ms. Howard stated the answer to Mr. Beal is “Yes” and “No”. Ms. Howard stated the initial plan does allow traffic and yes it does include removing parking to generate space to do what we need to do. Ms. Howard stated that is why she suggested bringing in professionals to see what they suggest. Ms. Howard stated the only way to get more space is to take away parking.

Mr. Beal commented that he thought what the Council was going to do tonight was show courteousness to Ms. Howard and allow her to do her presentation. Mr. Beal stated now he counts 115-120 people in the Council Chambers and it appears to him that where we are is in a public hearing about an idea. Mr. Beal stated he for one, as a Council Member did not assume the Council was going to have a public hearing.

Mayor Orr stated it has been a policy of this Council to allow the public to speak on any agenda item. Mayor Orr stated there is nothing different about this item than any other item that has been on a Council agenda.

Mr. Beal stated he respectfully disagreed with the Mayor. Mr. Beal stated he was willing to hear and study the idea, and if it would have been posed for action, which it is not, and action might have been to direct the City Manager to do something and could have included a public hearing. Mr. Beal stated it is the responsibility of Council if action is to be taken to dramatically change the street. Mr. Beal stated if the Council were to vote to do that tonight, he would vote against it and he would not agree to remove parking. Mr. Beal stated he does think it is a good idea to

make the improvements which the City is going to do and he does think it is good to close down streets for events which benefit the City. Mr. Beal stated he is not in favor of continuing this dialogue on closing the street.

Council Member Kay Garcia McAnally stated she thought this was a beautiful idea, but not for Bastrop, not at this time and maybe never. Ms. McAnally stated that when Ms. Howard used the verbiage “shop owners” that was a misrepresentation because there were only three shop owners according to Ms. Howard. Ms. McAnally stated parking should not be taken away. Ms. McAnally thanked Ms. Howard for the time and energy put into the initiative but she would not vote for it.

Council Member Willie DeLaRosa asked how far the Council is planning on going tonight as to listening to this. Mr. DeLaRosa stated that he thinks if the Council would have been asked, this could have been posted as a public hearing and posted for Council to take a vote on it. Mr. DeLaRosa stated he thinks the question that needs to be asked is: “Do we want to move forward before we sit here for two hours and listen to everyone.”

Mayor Orr stated he hoped that the Council would consider deliberation, and as Mayor, he intends to take direction from the Council, which could be no action, negative action or positive action. Mayor Orr stated he did think it was important for the Council to deliberate.

Council Member Ken Kesselus stated he did not see any energy from the Council to do anything about this. Mr. Kesselus stated what he was hearing is that if the Council wants to post this to move ahead then it would be posted as such. Mr. Kesselus stated he has not heard anything.

Mayor Orr stated it was not his intent to de-energize or energize any of the Council. Mayor Orr stated he allowed the presentation, and would allow comments and then the Council could consider that.

Council Member Dock Jackson stated this is no different from any Council meeting, it is a non-action item and the Council’s tradition is to allow people to speak. Mr. Jackson stated he is not opposed to listening if the speakers are concise and brief. Mr. Jackson stated it is only fair to let them speak.

Mr. Beal stated he was not suggesting the public be denied the opportunity to speak, he said it was posted as a presentation from an individual to Council. Mr. Beal stated if the Council wants to have 115 people speak, that is fine, but it sounded to him that the Council does not want to proceed.

Ms. McAnally stated she agreed with Mr. Beal but there are a lot of people gathered here tonight and she would like to hear them.

Mayor Orr stated he would start the process and allow people to speak but they were to limited to three (3) minutes.

Ann Beck addressed the Council. Ms. Beck mentioned four items of concern to her: 1) thanked the permanent store owners along Main Street in Bastrop; 2) requested that Council vote on this situation because it has been being discussed since July and it has torn the town apart; 3) Council

should consider implementing a vacancy tax for businesses whose doors are not open for six months; and 4) wonderful businesses in Bastrop – Please Buy Bastrop.

David Lock addressed the Council. Mr. Lock stated he owns Lock Drug on Main Street and has been in business for 42 years. Mr. Lock stated he opposed this idea and it will affect the north side of Main Street. Mr. Lock stated his business does not rely on tourism and if this initiative were to happen it would kill his business.

Cynthia Sanders Meyer addressed the Council. Ms. Meyer voiced opposition to the initiative. Ms. Meyer stated she has researched the long-term studies of pedestrian malls and it showed that the streets were re-opened. Ms. Meyer stated of 200 streets converted to pedestrian malls only 30 streets remain pedestrian malls. Ms. Meyer asked the Council to consider any devastating effect this could have on Bastrop.

Deborah Johnson addressed the Council. Ms. Johnson stated she is a small business owner in downtown, opened in September 2010. Ms. Johnson stated when the fire devastated Bastrop, the community pulled together and supported one another. Ms. Johnson stated in the last couple of months she has seen division in the community. Ms. Johnson stated it is important to respect new ideas, and respect those who have worked and sweated to establish their businesses and Bastrop. Ms. Johnson addressed the audience and stated: “Please stop the campaigning, take down the signs, put away the petitions and stop the tyrants in the newspapers. Look at what you can do personally to better Bastrop. Ms. Johnson stated she was asking Council to do their job.

David Bragg addressed the Council. Mr. Bragg stated the statistic previously mentioned that said 85% of pedestrian malls built fail needed to be repeated. Mr. Bragg stated he was in Waco when they did this and he watched downtown Waco die. Mr. Bragg stated four cities were mentioned in the presentation and none of those four cities have closed streets. Mr. Bragg stated in order for a pedestrian mall to be successful a City has to have a large existing supply of pedestrian. Mr. Bragg stated he is against this initiative.

Pat Crawford addressed the Council. Ms. Crawford stated it was hard for her to understand such an effort. Ms. Crawford stated closing Main Street would be costly. Ms. Crawford stated she had just returned from Raleigh, North Carolina, a city that had just recovered from this. Ms. Crawford stated businesses do not support the closing of Main Street nor is there any logic to eliminate parking. Ms. Crawford stated some of her concerns on Main Street are the high rents and the buildings which are empty and unmaintained. Ms. Crawford stated she does support some type of vacancy tax.

Doug Kelsay addressed the Council. Mr. Kelsay stated he is not a resident of Bastrop, but one of the things he has observed is that Main Street is full of local businesses that have customer service and the City should be reducing impediments for doing business. Mr. Kelsay stated he did not see how reducing parking would be reducing an impediment. Mr. Kelsay stated there is a large building at the entrance to The Colony Subdivision, and he suggested the supporters of the proposed initiative take over that building and make it into the kind of place they want it to be.

Dan Hepker addressed the Council. Mr. Hepker stated he has been in business in downtown Bastrop for 29 years. Mr. Hepker stated he called other cities about the same size as Bastrop and asked them how many businesses they have had close in the last three years. Mr. Hepker stated

that the cities he talked to stated they were jealous of Bastrop because of our successful working downtown, nothing needed to be fixed, except for an extension of parking as long as it was not paid for by citizens. Mr. Hepker stated he has over 2000 signatures, of which some are visitors, opposing this initiative. Mr. Hepker stated he has lost a lot of sleep on how a bad idea could put him out of business, but he realized who the citizens have on the City Council and none of you would vote for a negative effect.

Jo Ann Bertrand addressed the Council. Ms. Bertrand stated she used to own a business in town. Ms. Bertrand stated the reason her family fell in love with downtown Bastrop is because you could walk into Lock Drug and they would greet you and call you by name. Ms. Bertrand stated there are a lot of people in her church that are handicapped and if Main Street was closed, those people cannot walk to get their medications. Ms. Bertrand stated Main Street should be kept like it is currently, that is the beauty of it.

Diana McNabb addressed the Council. Ms. McNabb stated she is a resident of Bastrop and she has a few physical issues. Ms. McNabb stated she like other people would not be able to walk to shop and to the drug store. Ms. McNabb stated she is on a fixed income and she cannot afford an increase in taxes for a large parking garage and the upkeep and maintenance of one.

Chris Parachini addressed the Council. Mr. Parachini thanked the troops for fighting for democracy for things like this. Mr. Parachini stated he had a business in a country without democracy and their dialogue did not happen. Mr. Parachini stated he has a new business on Main Street and he feels blessed by God that he has been welcomed to the community. Mr. Parachini stated before he did jewelry, his family mined and flew all over the world. Mr. Parachini stated Ft. Collins did not close Main Street and in California, an initiative like this did kill downtown. Mr. Parachini stated people drive by his business and see it and pull in and stop and support his. Mr. Parachini stated that removing the parking and traffic would remove the visibility to his business.

Michel Llauger addressed the Council. Ms. Llauger stated she moved here seven years ago and the first thing she saw was that the town closed at 7:00 p.m. Ms. Llauger stated you do not know a good thing until you lose it. Ms. Llauger stated if there was a pedestrian mall you will get the same genetic junk sales that all pedestrian malls have. Ms. Llauger stated Bastrop has great old buildings and history and that should not be thrown away for tacky iron horses on sidewalks, that is not aesthetics. Ms. Llauger stated pedestrian malls die because they are genetic.

Dee Dee Peddy addressed the Council. Ms. Peddy stated she is one of the business owners who want someone to come in and review Main Street. Ms. Peddy stated we do have a parking problem. Ms. Peddy stated it is in City plans for the water lines to be dug up on Main Street and if there are not some plans in regard to this those buildings will close. Ms. Peddy stated employees park downtown, meetings are held downtown and those people park there all day long. Ms. Peddy stated people find parking where ever it is. Ms. Peddy stated lets first look at getting additional parking before we close down businesses.

Pam Davenport addressed the Council. Ms. Davenport stated she is a business owner, but not on Main Street, she cannot afford to be on Main Street. Ms. Davenport stated this initiative is talking about one block of downtown, the parking has to go somewhere. Ms. Davenport stated

she drives a big truck and nine times out of ten she has to sit and wait to go down Main Street because the parking spaces are not big enough and wide enough for a large vehicle to go down. Ms. Davenport stated Bastrop has a beautiful river, if people can build more businesses along the river, then more empty businesses will be along Main Street. Ms. Davenport stated she agreed with Ms. Peddy that the main problem is parking.

Kazem Khonsari addressed the Council. Mr. Khonsari stated it was nice to be open-minded. Mr. Khonsari stated it did not matter whose idea it is. Mr. Khonsair urged the Council to just walk through Main Street, think about what can be done, what kind of improvements. Mr. Khonsair stated the street is not wide enough for parking. Mr. Khonsari stated the Council should listen to people who are owners and be open-minded. Mr. Khonsari stated it is nice to get out of the box and look outside the box.

Tammy Schneider addressed the Council. Ms. Schneider stated everyone's ideas are important and she was not here to complain or make a fuss. Ms. Schneider stated she was here to say how proud she was of Bastrop. Ms. Schneider stated her Grandmother, Grandpa, Mother and Dad would be so amazed and just maybe a little scared of the great changes made for the better in Bastrop. Ms. Schneider spoke of sweet memories made in downtown Bastrop with her Grandmother and how they will last her a lifetime. Ms. Schneider stated and yet today when she walks historical downtown she has that special feeling and how important it is not to mess with Main Street. Ms. Schneider stated there is a time to speak, a time to listen, a time to work, a time to play and a time to pray. Ms. Schneider stated changes are good but not in this case. Ms. Schneider stated that before people leave tonight they should look at the pictures displayed in City Hall, these are pictures of beautiful and historical Main Street. Ms. Schneider stated some things do not need to change and Main Street should be kept open.

Charlynn Farris addressed the Council. Ms. Farris stated she moved her six years ago and has since moved away, but her family still comes to Bastrop to shop regularly and enjoy downtown. Ms. Farris stated she agreed that Bastrop needs parking, but taking away parking is not the answer. Ms. Farris stated there is not enough parking downtown for the handicapped and if the street is closed, she will not be coming downtown.

Amanda Rachui addressed the Council. Ms. Rachui stated she lives in Bastrop County and when her family first moved here the downtown area was not thriving. Ms. Rachui stated there is now a lot of things to do, places to shop and eat in Bastrop. Ms. Rachui stated she really feels parking is an issue and when she cannot find a parking space she goes home. Ms. Rachui stated the Council should look at something different for downtown and then move on to the promenade.

Mayor Orr stated he appreciated Ms. Howard's presentation and the Council and citizen input. Mayor Orr stated he hoped the Council would deliberate the matter and the Council has more data to consider than when they started.

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 551.084 – PERSONNEL MATTERS: CITY MANAGER.

At 8:46 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:

2. Section 551.072 – Deliberation regarding real property: Regarding the purchase, exchange, lease, or value of real property.

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 9:15 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.

Joe Beal moved to authorize the City Manager to initiate the process necessary to vacate and sell a portion of Mill Street to Bastrop County, based upon the County's acceptance of the City's Appraisal of the fair market value of the property and the City Manger's discussion of same with the County. Motion was seconded by Ken Kesselus and carried unanimously.

F. ADJOURNMENT

At 9:16 p.m., Willie DeLaRosa moved to adjourn. Motion was seconded by Kay Garcia McAnally and carried unanimously.

APPROVED:

ATTEST:

Terry Orr, Mayor

Teresa Valdez, City Secretary