

February 12, 2013

The Bastrop City Council met in regular session on February 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

Planning and Development Director, Melissa McCollum led the pledges of allegiance to the U.S. and Texas flags. Reverend Robert Oliver led the invocation.

3. PRESENTATIONS:

A. CHARACTER EDUCATION – BASTROP STUDENT

Kaylee Bowen a Fourth Grade student at Lost Pines Elementary School presented the Character Education character trait “Justice” for the month of February.

B. GOVERNMENT FINANCE OFFICERS ASSOCIATION OF THE UNITED STATES & CANADA CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING – MIKE TALBOT

City Manager, Mike Talbot recognized Karla Stovall, Tracy Waldron, Margaret Silbernagel, France Repka and Zana Jones as the City’s Finance Department and stated that the Certificate of Excellence received is a reflection of the work they have done for the City. Mr. Talbot stated the City has been awarded the Government Finance Officers Association of the United States & Canada Certificate of Achievement for Excellence in Financial Reporting. Mr. Talbot read the language on the award: “A Certificate of Achievement for Excellence I Financial Reporting is presented by the Government Finance Officers Association of the United States and Canada to government units and public employee retirement systems whose comprehensive annual financial reports (CAFSs) achieve the highest standards in government accounting and financial reporting.” Mr. Talbot stated he commended the Finance Department for their work and making the City of Bastrop stand out.

C. RECOGNITION OF CITY EMPLOYEES: DARREN GILBERT AND DANIEL RAMOS

City Manager, Mike Talbot stated a few weeks ago he had received an email from a Bastrop citizen who stated she had been to the bank and picked up her checks and lost them before she arrived home. Mr. Talbot stated the citizen stated that two City employees had found the checks and returned them to the bank who then returned them to her. Mr. Talbot stated Darren Gilbert

and Daniel Ramos were the two City employees who had shown outstanding character in returning the checks. Mr. Talbot stated these two employees displayed the kind of personnel the City wants for our organization. Mr. Talbot presented Darren Gilbert and Daniel Ramos each a small gift, a Certificate of Excellence and a Day Off With Pay Certificate.

D. TEXAS STATE LIBRARY & ARCHIVES COMMISSION CERTIFICATE OF COURSE COMPLETION BY MELISSA BULLARA & LINDA JENKINS – MIKE TALBOT

City Manager, Mike Talbot recognized Linda Jenkins and Melissa Bullara. Mr. Talbot stated Linda has been a Library Associate for three years and Melissa has been a Library Assistant for 2 years. Mr. Talbot stated these two ladies have worked on improving themselves by completing a course with the Texas State Library & Archives Commission. Mr. Talbot presented Linda Jenkins and Melissa Bullara each a Texas State Library and Archives Commission Certificate of Course Completion for completing the course “Small Library Management Collection Development” and a Day Off With Pay Certificate.

4. PROCLAMATION:

There were no proclamations.

5. ANNOUNCEMENTS

Mayor Orr announced that last month the City’s sales tax dipped 2.5% and this is the first time he has seen a minus in many, many months.

Mayor Orr stated that at the Council Special Meeting several weeks ago he announced activities that Council Members have agreed to take on. Mayor Orr stated Council Member Kay Garcia McAnally had taken it upon herself to be informed of issues which the Utility Committee was discussing. Mayor Orr stated he has asked Council Member McAnally and she has agreed to keep the Council informed of water matters which will be going before the Texas Legislature. Mayor Orr stated he has asked Council Member DeLaRosa and he has agreed to keep the Council informed of Bastrop Economic Development Corporation matters.

Mayor Orr stated that on Saturday, February 16, 2013 there is a big effort at the State Park for major tree planning. Mayor Orr stated there will be approximately 500-700 Texas A&M students planting trees in the State Park. Mayor Orr stated there will be a press conference with John Sharp, Chancellor of Texas A&M; Senator Kirk Watson; Representative Tim Kleinschmidt; and the Texas Forest Service at 9:30 a.m. that morning. Mayor Orr stated that it is important that the City gain support for the Bastrop State Park because it is a viable asset for the City. Mayor Orr invited and encouraged the Council and the general public to attend the event.

Council Member Kay Garcia McAnally stated she had attended a Texas Municipal League Conference in Austin and one of the subjects was “How to make people fall in love with your community”. Ms. McAnally stated she was pleased to announce that the examples which were given in the session were from the City of Bastrop. Ms. McAnally stated the presenters showing the slides commended the City of Bastrop’s Main Street Program.

Council Member Dock Jackson stated that February is “Love Your County Courthouse Month”. Mr. Jackson asked that everyone embrace the courthouse restoration program through the Texas Historical Commission and support the preservation of the courthouses in Texas.

Council Member Dock Jackson stated February is also “Black History Month” and this year’s theme is “At the Cross Roads of Freedom and Equality; Emancipation Proclamation and the March on Washington”. Mr. Jackson stated he will try and get the Proclamation on the next Council Agenda.

Council Member Ken Kesselus stated that after the Council had discussed the loan of the aerial photo at the last Council Meeting he talked to former Mayor Tom Scott and had been informed that the City had paid for the reproduction picture which was displayed in County Commissioner Pina’s office. Mr. Kesselus stated Mr. Pina was asked if the City could get that picture back and Mr. Pina agreed so he and Mayor Scott went and got the picture. Mr. Kesselus showed everyone the picture and stated he has given it to the City Manager who is going to work on getting it displayed. Mr. Kesselus stated he and Mayor Scott are working on getting funding to pay for another copy to be made and given back to the Commissioner. Mr. Kesselus stated he hoped this will satisfy some of the concerns voiced at the last Council meeting.

Council Member Kay Garcia McAnally stated that the original artifact still remains property of the City.

Council Member Dock Jackson stated somehow the Bastrop County Clerk’s office has been left out of this and they are hoping that they would have a copy of this aerial photo in their records.

Council Member Joe Beal stated the Council spent so much time on this and for that reason he would love to see the photo displayed so he can remember that every time he comes into the Council Chambers.

Council Member Joe Beal stated that the Bastrop Economic Development Corporation was recognized yesterday as a sponsor for the Colorado River Foundation Barstow Speakers Series. Mr. Beal stated the Barstow Speaker Series brings people together to educate them about the necessity to watch out for the river. Mr. Beal stated Dave Quinn, Steve Mills and Kay Garcia McAnally attended and the City did participate in a meaningful way.

Carolyn Banks announced that the Cultural Arts District maps are now printed and quite wonderful. Ms. Banks stated the maps were financed by the Bastrop Economic Development Corporation (BEDC). Ms. Banks stated Cindy Wolford did a wonderful job in developing the map. Ms. Banks stated the map is going to be put online and distributed throughout various locations in the City. Ms. Banks stated she is sending it to the 12 travel centers in Texas as well as to the 18 Cultural Arts Districts in Texas. Ms. Banks thanked the BEDC for their funding.

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

A. MEETINGS AND EVENTS ATTENDED:

1. BASTROP MAIN STREET ADVISORY BOARD PLANNING RETREAT OF JANUARY 26, 2013.

2. BASTROP PLANNING AND ZONING COMMISSION MEETING OF JANUARY 31, 2013.
 3. BASTROP BOARD OF ADJUSTMENT MEETING OF FEBRUARY 6, 2013.
 4. BASTROP PARKS BOARD MEETING OF FEBRUARY 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. PARKS BOARD'S WORK ON THE PROPOSED SKATE PARK.
 5. WELL DRILLING PROJECT FOR ADDITIONAL WATER SUPPLY IN MAYFEST PARK.
 6. REVIEW OF PROPOSED IMPROVEMENTS ON THE OUTSIDE AREA WEST OF THE CONVENTION CENTER FACILITY.
 7. CITY OF BASTROP HOSTING THE STATE OF TEXAS ARBOR DAY IN THE CITY ON APRIL 26, 2013.
 8. BASTROP MARKETING CORPORATION QUARTERLY REPORT.
 9. TML REGION 10 MEETING ON MARCH 21, 2013.
 10. PROPOSED CALENDAR FOR COMMUNITY SUPPORT FUNDING AND HOTEL OCCUPANCY TAX (HOT) REVENUE FUNDING.
 11. WATER MAIN LEAK AT LOOP 150 AND ALLEY B.
 12. PROPOSED "RIVER TERRACE PROJECT" AT HUNTERS CROSSING PLANNED DEVELOPMENT LOT 9 BY THE JHS HOLDINGS GROUP OF COLUMBIA, MISSOURI.
 13. BASTROP MAIN STREET ADVISORY BOARD PLANNING RETREAT OF JANUARY 26, 2013.
 14. BASTROP PARKS BOARD PLANNING RETREAT SCHEDULED FOR FEBRUARY 16, 2013.
 15. DRAFTING AN AGREEMENT FOR LOAN OF AERIAL PHOTO DONATED TO THE CITY BY JUDGE R.L. BATTS.
- 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.6. Mr. Talbot stated that at the Council seats tonight he had placed copies of a feature article which was in the Austin Wedding Day Style magazine that gave the Bastrop Convention Center a lot of free exposure. Mr. Talbot stated that article would assist him in discussing Item B.6. Mr. Talbot stated the Convention Center is getting more and more requests for outside weddings and the noise from the streets distracts from the wedding.

Mr. Talbot stated Ms. Danielson met with a landscape contractor and attached to his City Manager's Report are several drawings illustrating potential construction of items that would act as a barrier to Chestnut Street traffic and noise. Mr. Talbot there is just enough funds left in the Convention Center Bond Fund to undertake this work. Mr. Talbot stated that if the Council had no objection he will instruct Ms. Danielson to move ahead with this improvement to the Convention Center.

Willie DeLaRosa moved to approve the proposed improvements on the outside area west of the Convention Center as presented in Mr. Talbot's City Manager's Report. Motion was seconded by Kay Garcia McAnally and carried unanimously.

Mr. Talbot addressed Item B.10. Mr. Talbot stated that per last year's Council discussion on this, the earlier they could get the calendars the better it was. Mr. Talbot called the Council's attention to the Community Support Funding and Hotel Occupancy Tax (HOT) Revenue Funding calendars attached to his City Manager's Report. Mr. Talbot stated he will place this on the next Council agenda for formal approval.

Ken Kesselus stated that if the Council had any tweaks or suggestions to make regarding these calendars, he and staff would rather hear them now before the calendars are distributed to the various organizations.

Mr. Talbot addressed Item B.13. Mr. Talbot stated that over 50 people attended the Main Street Advisory Board Planning Retreat of January 26, 2013. Mr. Talbot called the Council's attention to Exhibit "I" of his City Manager's Report. Mr. Talbot stated these are items noted from the Retreat to be considered by the Main Street Board and the various sub-committees. Mr. Talbot stated he wanted to give Council an idea of what the Main Street Board is looking at.

Joe Beal stated the list from the Retreat was very good and would be useful to Council.

Mayor Orr stated that Nancy Wood was to be commended for the spark she has started with Main Street activities.

Willie DeLaRosa stated he would like to discuss Item B.4. Mr. DeLaRosa stated he had spoken with a Parks Board Member regarding the location for a skate park. Mr. DeLaRosa stated he agreed that the Parks Board would continue to look at locations other than the one proposed in Riverside Grove Subdivision, but he did not agree with continuing to leave the Riverside Grove Subdivision residents with the impression that the Parks Board may come back and consider that location again. Mr. DeLaRosa stated the residents of that subdivision feel we did not listen to them five (5) years ago when it was first suggested and now again when it was suggested and the residents did not support it. Mr. DeLaRosa stated he would like for the Council to vote on that and reassure the Riverside Grove Subdivision residents that a skate park will not be constructed in their subdivision.

Kay Garcia McAnally stated she also had several citizens call her about this and she agree with Mr. DeLaRosa. Ms. McAnally stated that the Council should get that site off of the radar and give the citizens some piece of mind.

Dock Jackson stated he also has heard from citizens regarding this. Mr. Jackson stated he agreed

that the Council should let the citizens know that Council has heard them and remove that area as a place for a skate park.

City Manager, Mike Talbot recommended that the Council advise him to tell the Parks Board that the location at Riverside Grove will not be considered by the Council.

Mayor Orr stated that the Council appointed the Parks Board to examine sites and that is what they are doing. Mayor Orr stated he would propose that the Council let the Parks Board fulfill the mission the Council has given them. Mayor Orr stated he does not want the Council to jump in and short-change the Parks Board on a mission the Council has given them. Mayor Orr stated it would not be inappropriate for the City Manager to contact the Chair of the Parks Board, and if it is the recommendation of the Parks Board to eliminate that site, they let that be known to the Council.

Mr. DeLaRosa stated that was done five years ago, the same proposal. Mr. DeLaRosa stated he wanted to go on record and say that he was against the location for a skate park being in the Riverside Grove Subdivision, that Ms. McAnally and Mr. Jackson are also against that location, and it is not inappropriate to ease the resident's minds regarding this.

Willie DeLaRosa moved that the site of Jessica Street and Schaefer Street be removed as a location site for a skate park and the Parks Board keep the process of examining other sites moving forward. Motion was seconded by Kay Garcia McAnally.

Dock Jackson stated he would propose that the motion state all the Riverside Grove Subdivision area.

Joe Beal stated that when the Council votes, for the record he agrees with what Mr. DeLaRosa, Mr. Jackson and Ms. McAnally have stated, but the process should be followed, so he will vote "no" for respect of the process.

City Secretary, Teresa Valdez called the roll for the vote on the motion made by Mr. DeLaRosa and seconded by Ms. McAnally.

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

AGAINST MOTION: Joe Beal.

Motion carried 4:1.

Mayor Orr asked if there any Council Member had any other questions related to the City Manager's Report.

Kay Garcia McAnally asked Mr. Talbot how the water well drilling in Mayfest Park was going. Mr. McAnally asked Mr. Talbot how long this was going to take.

City Manager, Mike Talbot stated that as of today, they have drilled 600 feet and not hit water. Mr. Talbot stated they are expecting to drill to 1500 feet and hopefully that will be done by next week this time.

Mayor Orr then addressed Item E. of the City Manager's Report. Mayor Orr invited input from the Council.

Kay Garcia McAnally stated she was very concerned about the City's Ordinance that does not allow people to have home offices without paying a fee.

City Manager, Mike Talbot stated that Ordinance is under 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 JANUARY 8th, 15th & 29th, 2013.

A.2 APPROVAL OF THE SPECIAL EVENT PERMIT SUBMITTED IN THE APPLICATION RECEIVED FROM THE NATIONAL MS SOCIETY TO HOST "BP MS 150 BIKE TOUR" ON SUNDAY, APRIL 21, 2013, TRAVELING DOWN CHESTNUT STREET TO THE BASTROP INTERMEDIATE SCHOOL GROUNDS ON OLD AUSTIN HIGHWAY AND FROM THERE TO HIGHWAY 71 WESTWARD TO AUSTIN.

A.3 APPROVAL OF CONTRACT FOR ELECTION SERVICES BETWEEN BASTROP COUNTY ELECTIONS ADMINISTRATOR AND THE CITY OF BASTROP.

A.4 APPROVAL OF AGREEMENT TO CONDUCT JOINT ELECTION BETWEEN THE CITY OF BASTROP AND BASTROP INDEPENDENT SCHOOL DISTRICT FOR THE MAY 11, 2013 ELECTION.

A.5 APPROVAL OF A RESOLUTION CALLING FOR AND ESTABLISHING PROCEDURE FOR A GENERAL ELECTION, BASTROP, TEXAS.

A.6 APPROVAL OF REVISION OF BASTROP LIBRARY COLLECTION DEVELOPMENT POLICY.

A.7 APPROVAL OF REVISED BASTROP LIBRARY PATROL BEHAVIOR POLICY.

A.8 APPROVAL OF WAIVER OF FEE FOR HANGING BANNER PER REQUEST FROM BASTROP AREA LIVESTOCK SHOW & FAIR ASSOCIATION.

A.9 APPROVAL OF THE SPECIAL EVENT PERMIT SUBMITTED IN THE APPLICATION RECEIVED FROM THE OFFICIAL TEXAS STAR TRAIL RIDE, INC., TO HOST "TEXAS STAR TRAIL RIDE" ON WEDNESDAY, MARCH 6, 2013 AND THURSDAY, MARCH 7, 2013. (RIDERS WILL CAMP INSIDE MAYFEST

PARK WITH THE TRAIL RIDE LEAVING BASTROP TRAVELING THROUGH TOWN ON CHESTNUT STREET TO OUTSIDE THE CITY LIMITS VIA NORTH MAIN.)

A.10 APPROVAL OF THE SPECIAL EVENT PERMIT SUBMITTED IN THE APPLICATION RECEIVED FROM THE BASTROP BUSINESS WOMEN'S CLUB TO HOST "PINE STREET MARKET DAYS" ON THE SECOND SATURDAY OF EVERY MONTH FROM APRIL THROUGH DECEMBER 2013, TO INCLUDE THE SATURDAYS OF YESTERFEST, VETERAN'S DAY, AND CHRISTMAS PARADE IF THEY FALL OTHER THAN ON A SECOND SATURDAY, AND ALSO REQUESTING PERMISSION TO EXTEND VENDOR SLOTS ONTO WATER STREET BETWEEN PINE STREET AND WALNUT STREET ON THESE THREE SATURDAYS.

A.11 APPROVAL OF THE XS RANCH PHASE 1-A PRELIMINARY PLAT WITHIN THE CITY OF BASTROP, TEXAS EXTRA TERRITORIAL JURISDICTION (ETJ).

Ken Kesselus requested that Consent Agenda Item A.2 be pulled for separate discussion. Mr. Kesselus stated he had some questions regarding this item.

Dock Jackson moved to approve the Consent Agenda minus Item A.2. Motion was seconded by Willie DeLaRosa and carried unanimously.

Ken Kesselus stated he and Council Member McAnally had a conversation with the City Manager regarding this item. Mr. Kesselus stated that he is very supportive of this event, but when they come through town it is can be disruptive. Mr. Kesselus stated he is concerned that it is hard for people to cross the streets that the bicyclists are travelling on.

City Manager, Mike Talbot stated first of all the Texas Department of Transportation (TxDOT) has control of Loop 150. Mr. Talbot stated the organization hosting this event has applied for a permit to TxDOT and once that permit is received it will be forwarded to Trey Job, Public Works and Parks Director. Mr. Talbot stated the organization hosting this event hires a company that specializes in laying out the route for the utmost safety of the bicyclists.

Discussion was held among the Council, Mr. Talbot and Mr. Job.

Mayor Orr suggested that the City Manager relay to the event host, security coordinator and police officers that there me a maximum time of five (5) minutes for vehicles waiting to cross where the bicyclists are riding.

Mr. Talbot stated that when Mr. Job received the permit he will make recommendations to him.

Willie DeLaRosa moved to approve Consent Agenda Item A.2. Motion was seconded by Joe Beal and carried unanimously.

B. PUBLIC HEARINGS:

B.1 PUBLIC HEARING: ON A REQUEST FOR A ZONE CHANGE FROM SF7, SINGLE FAMILY RESIDENTIAL TO C1-, COMMERCIAL, OR MORE RESTRICTIVE DISTRICT, FOR +/- .2802 ACRE, BEING A PORTION OF BLOCK 7, WITHIN THE YOUNG SUBDIVISION, ALSO KNOWN AS 1702 STATE HIGHWAY 95, WITHIN THE CITY LIMITS OF BASTROP, TEXAS.

Council Member Willie DeLaRosa asked if the Council denies this request tonight, what is the time period before the applicant can come back with another request.

Planning and Development Director, Melissa McCollum stated if the request is for C1, Commercial it would be one year.

City Attorney, J.C. Brown stated if the request is not for commercial they could do that immediately.

Ms. McCollum stated this .2802 acre is currently used for residential property. Ms. McCollum stated the house fronts on Highway 95 and the lot is considered a through lot, having access to both Highway 95 and Linda Street. Mr. McCollum stated it is also a corner lot with access to Cypress Street. Ms. McCollum stated the property owner would like to convert this home into a dental office. Ms. McCollum stated staff recommends denial of the requested zoning change. Ms. McCollum stated the Planning and Zoning Commission conducted a public hearing on January 31, 2013 and voted 5-3 to recommend denial of the requested zoning change. Ms. McCollum stated that in accordance with Section 10.8.E of the Zoning Ordinance, for the City Council to approve the applicant's request of C-1 or more restrictive district, the City Council must have $\frac{3}{4}$ majority vote from the Council.

Discussion was held among all Council Members and Ms. McCollum.

There were no public comments.

B.2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE FIRST READING OF A PROPOSED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS TO GRANT A ZONE CHANGE FROM SF7, SINGLE FAMILY RESIDENTIAL TO C1, COMMERCIAL, OR MORE RESTRICTIVE DISTRICT, FOR +/- .2802 ACRE, BEING A PORTION OF BLOCK 7, WITHIN THE YOUNG SUBDIVISION, ALSO KNOWN AS 1702 STATE HIGHWAY 95, LOCATED WITHIN THE CITY LIMITS OF THE CITY OF BASTROP, TEXAS; SETTING OUT CONDITIONS; AND PROVIDING AN EFFECTIVE DATE.

Planning and Development Director, Melissa McCollum stated if the Council concurs with the Planning and Zoning Commission's recommendation to deny the request for zoning change from SF7 to C1, Commercial or more restrictive district, the Council could reject the First Reading of the Ordinance.

City Attorney, J.C. Brown stated that the Council could also just pass on the item and do nothing which would affirm the Planning and Zoning Commission's recommendation to deny the request for zoning change.

Council Member Willie DeLaRosa stated he will recuse himself from voting on this item because he has a cousin that lives next door to this property.\

Joe Beal moved to deny the request for a zone change from SF7, Single Family Residential to C1, Commercial, or more restrictive district. Motion was seconded by Dock Jackson. Motion carried 4:0.

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

ABSTAIN: Willie DeLaRosa.

B.3 CITIZEN COMMENTS.

There were no citizen comments.

C. OLD BUSINESS

D. NEW BUSINESS

ORDINANCES FOR FIRST READING:

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

D.1 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION REGARDING AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH HORSESHOE CONSTRUCTION FOR THE REPLACEMENT OF THE WASTEWATER LINE ON EMILE STREET FROM STATE HIGHWAY 95 TO MLK STREET.

City Manager, Mike Talbot called the Council's attention to a handout labeled Item D.1, page 128. Mr. Talbot stated the incorrect Memo was placed in the Agenda Packet and the handout was the replacement Memo which applied to this Agenda item. Mr. Talbot stated there had been \$360,000 remaining from the Highway 71 Pipe Bursting Project which is part of the 2012 Certificate of Obligation Bonds. Mr. Talbot stated the Council had previously approved Change Orders totaling \$130,000 and also approved a Change Order to Mercer in the amount of \$85,230, so there is a balance of \$145,000 left in the Certificate of Obligation Bonds. Mr. Talbot stated there is money available for this Change Order. Mr. Talbot stated the cost of replacing this section of wastewater line is approximately \$50,000.

Mayor Orr left the dais at 7:35 p.m.

Mayor Pro-Tem Joe Beal asked if the Council had any questions.

Discussion was held among Council and Mr. Talbot.

Ken Kesselus moved to authorize the City Manager to execute a Change Order with Horseshoe Construction for the replacement of the Wastewater line on Emile Street from State Highway 95 to MLK Street in the amount of \$49,428.00. Motion was seconded by Kay Garcia McAnally and carried unanimously.

Mayor Orr returned to the dais at 7:40 p.m.

D.2 INFORMATIONAL UPDATE: AN INFORMATIONAL UPDATE AND THE RECEIVING OF PUBLIC COMMENTS AT THE DISCRETION OF THE CITY COUNCIL REGARDING PROVIDING THE CITIZENS OF BASTROP THE STEPS BEING CONTEMPLATED BY THE CITY COUNCIL TO EXPAND PUBLIC PARKING IN THE CENTRAL BUSINESS DISTRICT.

Council Member Ken Kesselus left the dais at 7:40 p.m. and returned at 7:43 p.m.

City Manager, Mike Talbot stated at the December 11, 2012 Council meeting the City Council instructed him to submit a proposal to Cox Media regarding the purchase of the Bastrop Advertiser building on Water Street. Mr. Talbot stated currently Cox Media has the City proposal under consideration. Mr. Talbot stated in the interim while Cox Media evaluates the City's proposal the Council had also requested that in January 2013 an informational update on the City's proposed plans to provide additional parking in the downtown area be given. Mr. Talbot stated this informational update was not intended to address the promenade project and no comments would be given on that. Mr. Talbot called the Council's attention to a map showing the location of the property and the surrounding area. Mr. Talbot stated the alley is an easement owned by the City. Mr. Talbot stated the City currently owns three (3) properties and this could be made into one large parking lot. Mr. Talbot stated it would be completely reconfigured because property owners cannot be denied rear access to their property. Mr. Talbot stated part of what brought the Council to this update tonight is the parking along the east and west sides of Chestnut Street. Mr. Talbot stated there are approximately 32-34 parking spaces along Chestnut. Mr. Talbot stated that in discussions with the Texas Department of Transportation (TxDOT), at some point in the future, TxDOT does have the right to prohibit parking along Chestnut Street in the area outlined on the map in yellow. Mr. Talbot stated one of the factors that would cause parking to cease would be installation of a left turn lane. Mr. Talbot stated from his prospective the City is taking a pro-active approach by being prepared for when TxDOT puts in a turn lane and the parking spaces would disappear. Mr. Talbot stated the City's purchase of the Bastrop Advertiser building would provide for more parking.

There were no public comments.

Council Member Joe Beal left the dais at 7:50 p.m. and returned at 7:52 p.m.

Mayor Orr stated that hearing no comments the Council is instructing the City Manager to go forward.

D.3 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION REGARDING UPDATING THE SYMBOLIC SEAL OF THE CITY OF BASTROP.

Council Member Ken Kesselus asked that the Council not think too much about the information included in the Agenda packet. Mr. Kesselus gave a history of the symbolic seal of the City of Bastrop. Mr. Kesselus stated his proposal is that the City make the official symbolic seal show "1832" instead of "1837". Mr. Kesselus stated he had discussed with the Deep in the Heart Foundry how the City could change this on the large seal in the Council Chambers and at the Convention Center. Mr. Kesselus stated the Foundry could place "raised" numbers over the

present numbers on the seal. Mr. Kesselus stated the City would continue to utilize everything they currently have which shows the seal with 1837 and then when items are depleted move forward and use the 1832 on everything.

Discussion was held among Council.

Joe Beal moved that the City alter the adopted official seal to change 1837 to 1832 and leave it on the area around the star as it is on the official seal and thank Council Member Kesselus for his attention to history. Motion was seconded by Kay Garcia McAnally and carried unanimously.

D.4 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON REPORT ON FARM STREET.

Public Works and Parks Director, Trey Job addressed the Council. Mr. Job stated the Public Works Department conducted a speed analysis of Farm Street. Mr. Job stated the speed/traffic counters were deployed from Pitt Street to Highway 95, Highway 95 to Fayette Street, Fayette Street to Pecan Street, Pecan Street to Main Street and Main Street to Church Street. Mr. Job stated the test was performed over a seven week period. Mr. Job called the Council's attention to a map showing Farm Street and the average speed limits at various spots on Farm Street. Mr. Job stated there were a total of 23,515 vehicles that traveled Farm Street in a seven week period and that is an average weekly amount of 3,359 per week. Mr. Job stated there were a total of 547 vehicles that traveled at speeds greater than five (5) miles per hour over the posted speed limit. Mr. Job called the Council's attention to staff's recommendation to place stop signs at different locations along Farm Street.

Discussion was held among Council and Mr. Job.

Kay Garcia McAnally moved that the City Manager prepare an Ordinance which would place one (1) stop sign at Fayette Street and two (2) stop signs at Chambers Street. Motion was seconded by Willie DeLaRosa and carried unanimously.

D.5 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON ACCEPTANCE OF THE UNAUDITED MONTHLY FINANCIAL REPORTS FOR THE PERIOD ENDING OF NOVEMBER 30, 2012.

Finance Director, Karla Stovall presented the unaudited monthly Financial Reports for the period ending November 30, 2012. Ms. Stovall reviewed the report.

Willie DeLaRosa moved to accept the unaudited monthly Financial Reports for the period ending November 30, 2012. Motion was seconded by Kay Garcia McAnally and carried unanimously.

D.6 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON ACCEPTANCE OF THE UNAUDITED MONTHLY FINANCIAL REPORTS AND QUARTERLY INVESTMENT REPORT FOR THE PERIOD ENDING DECEMBER 31, 2012.

Finance Director, Karla Stovall presented the unaudited monthly Financial Reports and quarterly Investment Report for the period ending December 31, 2012. Ms. Stovall reviewed the reports.

Joe Beal asked Ms. Stovall a question regarding the sales tax shown on Page 184, line 6 of the report. Mr. Beal stated the Mayor had previously announced that the sales tax for the City had been down for December and this report was showing a 16% increase.

Ms. Stovall stated there is a two (2) month lag on revenue receipts. Ms. Stovall stated for October sales tax is actually earned in August.

Mr. Beal stated this is reported sales tax, not earned sales tax.

Joe Beal moved to accept the unaudited monthly Financial Reports and quarterly Investment Report for the period ending December 31, 2012. 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 551.086 – CERTAIN PUBLIC POWER UTILITIES: COMPETITIVE MATTERS.

At 8:41 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, or value of real property.
3. Section 551.086 – Certain Public Power Utilities: Competitive Matters.

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 10:10 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.

F. ADJOURNMENT

At 10:11 p.m., Willie DeLaRosa moved to adjourn. Motion was seconded by Joe Beal and carried unanimously.

APPROVED:

Terry Orr, Mayor

ATTEST:

Teresa Valdez, City Secretary