November 13, 2012

The Bastrop City Council met in regular session on November 13, 2012 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 and Willie DeLaRosa.

ANNOUNCEMENTS

1. CALL TO ORDER

At 6:15 p.m. Mayor Terry Orr called the meeting to order with all members present, with the exception of Joe Beal who was out of town and Dock Jackson who was attending the annual Texas Municipal League Conference.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

City Attorney, J.C. Brown led the pledges of allegiance to the U.S. and Texas flags. Mayor Terry Orr led the invocation.

3. PRESENTATIONS

A. TEXAS DOWNTOWN ASSOCIATION AWARDS

City Manager, Mike Talbot asked Main Street Manager Nancy Wood and Convention Center Director Kathy Danielson to join him at the podium. Mr. Talbot stated the City of Bastrop Convention Center recently received the Best New Construction 2012 award from the Texas Downtown Association.

B. CHARACTER EDUCATION – BASTROP STUDENT

Avery Baker a Sixth Grade student at Cedar Creek Intermediate School presented the Character Education character trait “Compassion” for the month of November.

4. PROCLAMATIONS

There were no proclamations.

5. ANNOUNCEMENTS

Mayor Orr stated the sales tax for the City of Bastrop is 7% above what it was last year this time.

Mayor Orr shared a story in which Council Member Kay Garcia McAnally displayed the Character Education trait “Compassion”.

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

A. MEETINGS AND EVENTS ATTENDED:
   1. PARKS BOARD MONTHLY MEETING ON NOVEMBER 1, 2012.
   2. BOARD OF ADJUSTMETN MONTHLY MEETING ON OCTOBER 18, 2012.

B. UPDATE ON CITY PROJECTS:
   1. CHESTNUT STREET SIDEWALK PROJECT.
   2. BASTROP POWER & LIGHT ADMINISTRATIVE TRAINING BUILDING.
   3. BOB BRYANT PARK WATER FACILITIES IMPROVEMENTS PROJECT.
   4. STATE HIGHWAY 71 WASTEWATER PROJECT.
   5. REVIEW OF REVISED PARK ORDINANCE.
   6. FAYETTE STREET WASTEWATER IMPROVEMENTS PROJECT.
   7. UPDATE ON PROVIDING SHUTTLE SERVICE FOR THE FORMULA 1 RACE.
   8. FALL CLEAN-UP PROGRAM NOVEMBER 2-9, 2012.
   9. BUC-EE'S GRAND OPENING.
   10. PINE FOREST UNIT #6.
   11. PARKS BOARD REQUEST TO HOST THE STATEWIDE ARBOR DAY EVENT IN BASTROP DURING THE MONTH OF APRIL 2013.
   12. ANNUAL CITY HALL OPEN HOUSE ON DECEMBER 6, 2012.
   13. REPORT CARD FEEDBACK TO CITY HALL.
   14. CITY MANAGER EVALUATION – COUNCIL COMMENTS.
   15. YMCA INVITATION TO CITY COUNCIL TO TOUR NEW NORTH AUSTIN YMCA ON DECEMBER 6, 2012 BETWEEN 10:30 A.M. AND NOON.

C. UPDATE ON CITY BUSINESS:
   1. CONVENTION CENTER ACTITIVITES.
   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 this morning.

Mr. Talbot addressed Item B.8. Mr. Talbot stated the Fall clean-up went well and approximately five (5) roll-off trash bins were filled.

Mr. Talbot addressed Item B.9. Mr. Talbot stated Buc-ee's is scheduled to open tomorrow, November 14, 2012.

Mr. Talbot addressed Item B.11. Mr. Talbot stated Parks Board Member Todd McClanahan advised that the State of Texas is considering recommending and approving the City to hold the annual statewide Arbor Day event in the City of Bastrop. Mr. Talbot stated the Parks Board is requesting the City Council's blessing to pursue this wonderful opportunity. Mr. Talbot stated he will be confirming that there is little cost to the City for this event.

Mr. Talbot addressed Item B.13. Mr. Talbot distributed to the Council a handout showing the City's new web-site and the page for "City of Bastrop Service Feedback". Mr. Talbot stated this is just one step of many to get feedback from citizens. Mr. Talbot stated he will be creating a focus group also. Mr. Talbot stated he has received three (3) report cards in the last couple of weeks.

Mr. Talbot addressed Item B.14. Mr. Talbot stated he had provided each Council Member with a draft of an evaluation process for the City Manager. Mr. Talbot stated he needs the Council Members comments back to him by next week in order to stay on track with the timeline for the evaluation process to become effective January 1, 2013.

Ken Kesselus asked for an update on the Skate Park.

Mr. Talbot stated he had a conversation with Henry Gideon of Bastrop Independent School District and the school may have a potential site, but that has not yet been confirmed.

Ken Kesselus asked how the City was doing on Board and Commission vacancies.

Mr. Talbot stated the City is doing well and only has a couple of vacancies on the Boards and Commissions.

Ken Kesselus stated he had a neighbor ask him about street closures during a recent "run". Mr. Kesselus asked if we notify citizens when we close streets. Mr. Kesselus asked if it was possible to only block off half of the street.

Mr. Talbot stated on the recurring events the City does try to get everyone notified of street closures. Mr. Talbot stated there was a particular instance that was the result of a film being filmed this week. Mr. Talbot stated the problem that is being encountered is that the Film Applications are very vague on time and dates for street closures and City staff has to work around that. Mr. Talbot stated when "run" events are reviewed by City staff they will make sure and cover the issue of street closures.

Mayor Orr stated one of the Board vacancies is on the Planning and Zoning Commission, the place for the Impact Fee Committee Member. Mayor Orr stated this Member must reside in the City's Extra Territorial Jurisdiction.

Mayor Orr stated that if any Council Member knows of someone they think would be good to serve on a Board to please call the City Secretary and she can tell you where there are vacancies.

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 OCTOBER 23, 2012.

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

A.3 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 WOEHL SUBDIVISION AT HILL STREET AND WALNUT STREET WITHIN THE CITY LIMITS OF THE CITY OF ABSTROP, TEXAS.

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 DARNELL ACRES BEING +/-2.676 ACRES WITHIN THE NANCY BLAKEY SURVEY, ABSTRACT NO. 98, LOCATED WIHTIN THE CITY OF BASTROP, TEXAS EXTRATERRITORIAL JURISDICTION (ETJ).

A.5 APPROVAL OF THE STATUTORY DENIAL, FOR A PERIOD OF 180 DAYS FROM THE DATE OF COUNCIL ACTION ON THIS REQUEST, FOR THE TAHITIAN VILLAGE UNIT 2, AMENDED PLAT OF LOTS 2-763, 2-764 AND 2-765, BLOCK 8 LOCATED WITHIN THE CITY OF BASTROP, TEXAS EXTRATERRITORIAL JURISDICTION (ETJ).

A.6 APPROVAL OF A RESOLUTION OF THE CITY COUNCIL OF BASTROP, TEXAS, APPROVING A PROJECT (GRANT TO THE BASTROP COUNTY HISTORICAL SOCIETY IN THE AMOUNT OF $25,000 FOR THE BUILDING AT 904 MAIN STREET), USING FUNDS PROVIDED BY THE BASTROP ECONOMIC DEVELOPMENT CORPORATION, IN AN AMOUNT EXCEEDING $10,000.

A.7 ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF BASTROP RATIFYING THE TERMS OF TWO PRIOR RESOLUTIONS, AND OTHER RELATED FORMAL ACTIONS, ADOPTED BY THE CITY WITH THE INTENT TO ABANDON, VACATE AND CONVEY PORTIONS OF LINCOLN DRIVE TO ADJACENT PROPERTY OWNERS IN THE CITY OF BATROP, TEXAS; AND PROVIDING AN EFFECTIVE DATE.

A.8 ADOPTION OF A RESOLUTION CONCERNING HIGH STAKES, STANDARDIZED TESTING OF TEXAS PUBLIC SCHOOL STUDENTS.

A.9 ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, CERTIFYING LOCAL SUPPORT AND ASSOCIATED FUNDING BY THE CITY FOR A TWO-PHASE SIDEWALK ENHANCEMENT PROJECT, AS A PART OF THE STATEWIDE TRANSPORTATION ENHANCEMENT PROGRAM, AND IN PREPARATION FOR COMPETING FOR FUNDING DURING THE TEXAS DEPARTMENT OF TRANSPORTATION'S 2012 "CALL FOR NOMINATIONS" FOR POTENTIAL PROJECTS.

Mayor Orr stated staff is recommending that Item A.7 be pulled from the Consent Agenda and placed on the table until the survey has been received by the City. Mayor Orr stated after the vote on the Consent Agenda he will entertain a motion from Council to Place Consent Agenda Item A.7 on the table until the survey has been received by the City.

Willie DeLaRosa moved to approve the Consent Agenda minus Item A.7. Motion was seconded by Kay Garcia McAnally and carried unanimously.

City Manager, Mike Talbot addressed Agenda Item A.7. Mr. Talbot stated the problem is over 60 years old and a lot of documents are being reviewed in order to correct the problem.

Brief discussion was held among Council, Mr. Talbot and City Attorney, J.C. Brown.

Ken Kesselus moved to place Consent Agenda Item A.7 on the next City Council Meeting Agenda which would be November 27, 2012. Motion was seconded by Willie DeLaRosa and carried unanimously.

B. PUBLIC HEARINGS:

B.1 PUBLIC HEARING: TO RECEIVE PUBLIC INPUT/COMMENTS ON A REQUEST FOR A RE-SUBDIVISION OF LOTS 7 AND 8, BLOCK A, BURLESON CROSSING FINAL PLAT AND LOT 11-A, BLOCK A, AMENDED PLAT OF LOTS 11 AND 12, BLOCK A, BURLESON CROSSING FINAL PLAT.

City Planning and Development Director, Melissa McCollum addressed the Council. Ms. McCollum stated Danny Miller LJA Engineering, representing the property owner, Bastrop Retail Partners, is requesting approval of a re-subdivision of two portions of Burleson Crossing Final Plats being Lots 7 and 8 and the Amended Plat of Lot 11-A to create room for a Chick-Fil-A restaurant. Ms. McCollum stated the Planning and Zoning Commission conducted a public hearing on October 25, 2012 and voted unanimously 5-0 to recommend approval of the re-subdivision.

Dan Miller, LJA Engineering, addressed the Council. Mr. Miller stated the request is to reconfigure lots to accommodate the Chick-Fil-A.

Ken Kesselus addressed questions to Mr. Miller regarding the memorial area and plaque which has not been completed.

Brief discussion was held among Mr. Kesselus and Mr. Miller regarding the memorial area and plaque.

There were no other public comments.

B.2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON A REQUEST FOR RE-SUBDIVISION OF LOTS 7 AND 8, BLOCK A, BURLESON CROSSING FINAL PLAT AND LOT 11-A, BLOCK A, AMENDED PLAT OF LOTS 11 AND 12, BLOCK A, BURLESON CROSSING FINAL PLAT.

Willie DeLaRosa moved to approve the re-subdivision of Lots 7 and 8, Block A, Burleson Crossing Final Plat and Lot 11-A, Block A, Amended Plat of Lots 11 and 12, Block A, Burleson Crossing Final Plat. Motion was seconded by Kay Garcia McAnally and carried unanimously.

B.3 PUBLIC HEARING: TO RECEIVE PUBLIC INPUT/COMMENTS ON A REQUEST FOR A ZONE CHANGE FROM GR, GENERAL RETAIL TO C-2, COMMERCIAL-2 (HEAVY), FOR A +/-1.646 ACRES OUT OF THE WALNUT STREET SUBDIVISION, BEING BLOCK A, LOT 1 (AMENDED PLAT OF LOTS 1 AND 2, BLOCK A, WALBUT STREET SUBDIVISON PHASE 1) WITHIN THE CITY LIMITS OF BASTROP, TEXAS.

Planning and Development Director, Melissa McCollum addressed the Council. Ms. McCollum stated the 1.64 acres is currently under construction for a restaurant, meat market and taqueria. Ms. McCollum stated the applicant would like a zoning change to support the proposed use to sell beer and wine for off-site consumption. Ms. McCollum stated the applicant would also need to apply for a variance for distance requirements from a school which they have previously received for the proposed restaurant. Ms. McCollum stated the owner/applicant is requesting a zoning change to C-2, Commercial-2 (heavy) because the property is located between C-2 zoning districts. Ms. McCollum stated the Planning and Zoning Commission conducted a public hearing on October 25, 2012 and voted unanimously 5-0, to recommend approval of C-2, Commercial-2 (heavy) zoning for the 1.64 acres.

Discussion was held among Council, Ms. McCollum and Mr. Talbot regarding the difference between C-2 zoning and C-1 zoning and how it could be applied to this property.

There were no public comments.

B.4 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 GR, GENERAL RETAIL TO C-2 COMMERCIAL-2(HEAVY), FOR A +/-1.646 ACRES OUT OF THE WALNUT STREET SUBDIVISION, BEIGN BLOCK A, LOT 1 (AMENDE PLAT OF LOTS 1 AND 2, BLOCK A, WALNUT STREET SUBDIVISION PHASE 1) WITHIN THE CITY LIMITS OF BASTROP, TEXAS; SETTING OUT CONDITIONS; AND PROVIDING AN EFFECTIVE DATE.

Mayor Orr read the caption of the Ordinance.

Ken Kesselus moved to approve the Ordinance and place it on the Consent Agenda of the next regular Council meetings for the second reading and adoption. Motion was seconded by Kay Garcia McAnally and carried unanimously.

B.5 CITIZEN COMMENTS.

Kay Garcia McAnally stated the three (3) report cards which were received all stated “excellent” service. The excellent service report cards were received regarding Yvonne Pritchard, Marie Murman and Melissa McCollum in the Planning Department and Tracey Moffett in the Utility Department.

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 2012 IN ACCORDANCE WITH EXISTING STATUTORY REQUIREMENTS, APPROPRIATING THE VARIOUS AMOUNTS HEREIN; REPEALING ALL PRIOR ORDINANCES AND ACTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Orr read the caption of the Ordinance.

Chief Financial Officer, Karla Stovall addressed the Council. Ms. Stovall reviewed her Memorandum regarding the amendments.

Brief discussion was held between Mayor Orr and Ms. Stovall.

Willie DeLaRosa moved to approve the Ordinance and place it on the Consent Agenda of the next regular meeting for the second reading and adoption. Motion was seconded by Kay Garcia McAnally and carried unanimously.

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

D.2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON PRESENTATION AND UPDATE FROM BASTROP ART IN PUBLIC PLACES TASK FORCE.

City Manager, Mike Talbot stated Ms. Karol Rice had contacted his office and requested to be placed on the October 23, 2012 Council Agenda, but she had been ill and could not attend the October 23, 2012 Council meeting, so she had asked to be placed on the November 13, 2012 City Council Meeting Agenda. Mr. Talbot stated the nature of Ms. Rice's request is that on behalf of Art in Public Places Task Force, she would like to present to the Council a brief presentation.

Ms. Karol Rice addressed the Council. Ms. Rice stated the Art in Public Places Task Force has been reviewing several projects and they would like to present a couple of these proposed projects for consideration by the Council. Ms. Rice distributed a hand-out to Council listing recommended projects for 2013. Ms. Rice gave a PowerPoint presentation on the projects. Ms. Rice stated this is just a preliminary presentation and the Art in Public Places Task Force is not seeking final approval at this time. Ms. Rice stated they just want some feedback from the Council on these proposed projects. Ms. Rice stated once the issues have been flushed out a final budget will be developed and the proposed projects will be re-presented back to the Council.

Discussion was held among Council and Ms. Rice regarding the presentation and projects.

Mayor Orr challenged the Council to give serious consideration to setting aside $50,000 funding to be released in conjunction with the project recommendations.

Willie DeLaRosa requested the City Manager to bring back to Council a report on where the $50,000 funding could come from.

D.3 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON ACCEPTANCE OF THE UNAUDITED MONTHLY FINANCIAL REPORTS AND QUARTERLY INVESTMENT REPORT FOR THE PERIOD ENDING OF SEPTEMBER 30, 2012.

Finance Director, Karla Stovall presented the unaudited monthly Financial Reports and Quarterly Investment Report for the period ending September 30, 2012. Ms. Stovall reviewed the report.

City Manager, Mike Talbot stated when Ms. Stovall gave the last monthly financial report Council had expressed concerns regarding revenues in the Bastrop Power & Light fund. Mr. Talbot stated the Bastrop Power & Light budget has exceeded proposed revenues for 2012.

Ken Kesselus moved to accept the unaudited monthly Financial Reports and Quarterly Investment Report for the period ending September 30, 2012. Motion was seconded by Willie DeLaRosa and carried unanimously.

D.4 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION REGARDING AWARDING THE BID FOR THE STATE HIGHWAY 71 WASTEWATER IMPROVEMENTS.

City Manager, Mike Talbot stated in February 2012 the City Council authorized issuing bonds in the amount of $852,000.00 for this project. Mr. Talbot stated the bids were opened by the City on October 19, 2012. Mr. Talbot stated the City received five (5) bids for this project and the bid tabulation sheet was included in the Agenda packet. Mr. Talbot stated the base bid included pipe bursting and installing a 16” wastewater line from Taco Bell to Covert at Farm to Market Road 304. Mr. Talbot stated in addition, the base bid included an alternate bid calling for a larger manhole at the end near Covert. Mr. Talbot stated the low bidder on the project including the alternate bid is Horseshoe Construction out of La Porte, Texas. Mr. Talbot stated he is in agreement with the City’s consulting engineer that the bid should be awarded to Horseshoe Construction. Mr. Talbot stated the bid received is a little over $300,000.00 under budget and the remaining bond money can be diverted to another project.

Willie DeLaRosa moved to award the bid to Horseshoe Construction of La Porte, Texas, in the amount of $517,088.00 for the State Highway Wastewater Improvements Project. Motion was seconded by Ken Kesselus 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: WILEY

CLAIM.
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 – PROJECT ZEBRA I.

At 8:15 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: Wiley Claim.
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 – Project Zebra I.

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 9:43 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.

Kay Garcia McAnally moved for the City to enter into a License Agreement with the Bastrop County Historical Society to license their building's encroachment into Austin and Main Streets for a term of 50 years, and indicate in the license that the owner may make repairs and future improvements to the encroaching structures with the prior permission of the City, in exchange for written documentation, in the form of a recorded easement, demonstrating City rights to the public river trail that crosses the Bastrop County Historical Society property. Motion was seconded by Willie DeLaRosa and carried unanimously.

Willie DeLaRosa moved to deny the Wiley's claim against the City for damages to their property. Motion was seconded by Ken Kesselus and carried unanimously.

F. ADJOURNMENT

At 9:45 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