

October 23, 2012

The Bastrop City Council met in regular session on October 23, 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 Joe Beal, Ken Kesselus, 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, with the exception of Kay Garcia McAnally who was absent.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

City Secretary, Teresa Valdez led the pledges of allegiance to the U.S. and Texas flags. Deacon Bill Hobby led the invocation.

3. PRESENTATIONS

A. INTERNATIONAL SOCIETY OF ARBORICULTURE CERTIFIED ARBORIST – JASON ALFARO

Mayor Orr stated this presentation will be done at the next Council meeting.

4. PROCLAMATIONS

A. 50 YEARS OF MINISTRY – REVEREND LAWRENCE JAMES THORNE

Mayor Orr and the City Council Members proclaimed recognition of Reverend Lawrence James Thorne's retirement as Pastor of Mt. Olive Missionary Baptist Church and the celebration of his 50 years in the ministry.

5. ANNOUNCEMENTS

There were no announcements.

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

A. MEETINGS AND EVENTS ATTENDED:

- 1. RULES COMMITTEE OF THE LOST PINES GROUNDWATER CONSERVATION DISTRICT ON OCTOBER 11, 2012.**
- 2. BASTROP ECONOMIC DEVELOPMENT CORPORATION MONTHLY MEETING ON OCTOBER 15, 2012.**
- 3. CITY COUNCIL SPECIAL WORKSHOP MEETING ON OCTOBER 16, 2012.**
- 4. LOST PINES GROUNDWATER CONSERVATION DISTRICT SPECIAL AND MONTHLY MEETING ON OCTOBER 17, 2012.**

5. ZONING BOARD OF ADJUSTMENT 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. FILLING THE POSITION OF CITY ENGINEER.
 5. FEEDBACK FROM THE MAYOR AND CITY COUNCIL REGARDING THE SPECIAL WORKSHOP MEETING OF OCTOBER 16, 2012.
 6. FAYETTE STREET WASTEWATER IMPROVEMENTS PROJECT.
 7. PROPOSED REVISED RULES OF THE LOST PINES GROUNDWATER CONSERVATION DISTRICT.
 8. REQUEST TO PROVIDE HOTEL OCCUPANCY TAX (HOT) REVENUE FUNDING FOR SHUTTLE SERVICE FROM THE HOTEL IN BASTROP TO THE CENTRAL BUSINESS DISTRICT DURING THE WEEKEND OF THE FORMULA ONE RACE NOVEMBER 16-18, 2012.
 9. FALL CLEAN-UP PROGRAM NOVEMBER 2-9, 2012.
 10. APPLICATION BY THE CITY OF BASTROP TO THE TEXAS DEPARTMENT OF TRANSPORTATION REGARDING THE TRANSPORTATION ENHANCEMENT PROGRAM.
 11. SPLASH PAD.
- C. UPDATE ON CITY BUSINESS:
 1. CONVENTION CENTER ACTIVITIES.
 2. MAIN STREET PROGRAM ACTIVITIES.
 3. COMMERCIAL/RESIDENTIAL CONSTRUCTION PROJECTS IN THE CITY.
 4. YMCA ACTIVITIES.
- D. DEPARTMENT AND BOARD REPORTS.
- E. INVITING INPUT FROM COUNCIL RELATED TO ISSUES FOR POSSIBLE INCLUSION ON FUTURE AGENDAS, RELATED TO ISSUES SUCH AS (BUT NOT LIMITED TO) MUNICIPAL PROJECTS, PERSONNEL, PUBLIC PROPERTY, DEVELOPMENT AND OTHER CITY/PUBLIC BUSINESS.

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

Mr. Talbot addressed Item B.5. Mr. Talbot asked the Council if there were any additional comments or input from the Special Workshop which was held on October 16, 2012.

Council Member Joe Beal stated he thought the Special Workshop was an extremely good planning session and the Council got a lot accomplished.

Mr. Talbot stated Item B.8 did not need any discussion because per the Mayor the Bastrop Economic Development Corporation had taken care of this.

Mr. Talbot addressed Item B.10. Mr. Talbot stated 5-10 days ago the City received word that the Texas Department of Transportation is going to be receiving funding applications for transportation enhancement projects. Mr. Talbot called the Council's attention to Item B.10 in his City Manager's written report. Mr. Talbot stated he and staff are proposing a program which

would consist of construction additional sidewalks in the areas listed in his report. Mr. Talbot stated the total cost for the construction of the sidewalks is \$415,000.00 and the City will begin preparing the necessary grant applications.

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 9 & 16, 2012.

A.2 ADOPTION OF A RESOLUTION BY THE CITY OF BASTROP, TEXAS DENYING A PROPOSED RATE INCREASE REQUESTED BY CENTERPOINT ENERGY-BEAUMONT/EAST TEXAS DIVISION SUBMITTED ON OR ABOUT JULY 2, 2012; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; AND MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

A.3 ADOPTION OF A RESOLUTION AUTHORIZING THE TAX RESALE OF PROPERTY (MOBILE HOME) LOCATED AT 811 JASPER STREET.

A.4 APPROVAL OF THE SPECIAL EVENT PERMIT SUBMITTED BY APPLICATION RECEIVED FROM THE DOWNTOWN BUSINESS ALLIANCE (DBA) TO HOST "VETERAN'S DAY CAR SHOW" ON FRIDAY (MOVIE IN FISHERMAN'S PARK), NOVEMBER 9, 2012 AND SATURDAY (CAR SHOW AND SALEBRATIONS), NOVEMBER 10, 2012.

A.5 APPROVAL OF WAIVER OF FEE FOR HANGING A BANNER PER REQUEST RECEIVED FROM THE FAMILY CRISIS CENTER FOR FESTIVAL OF TREES EVENT.

A.6 APPROVAL OF REQUEST TO ACCEPT THE PUBLIC IMPROVEMENTS WITHIN HUNTERS CROSSING, SECTION 7B SUBDIVISION.

A.7 APPOINTMENT BY MAYOR AND CONFIRMATION BY COUNCIL OF MEMBER TO BASTROP PARKS BOARD PLACE 7.

A.8 APPOINTMENT BY MAYOR AND CONFIRMATION BY COUNCIL OF MEMBER TO BASTROP HISTORIC LANDMARK COMMISSION PLACE 2.

A.9 APPROVAL OF THE FIRST READING 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.

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

B. PUBLIC HEARINGS:

B.1 CITIZEN COMMENTS.

There were no citizen comments.

C. OLD BUSINESS

D. NEW BUSINESS

ORDINANCES FOR FIRST READING:

D.1 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF THE FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS 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 BASTROP, TEXAS; AND PROVIDING AN EFFECTIVE DATE.

Mayor Orr read the caption of the Ordinance.

Melissa McCollum, Planning and Development Director, addressed the Council. Ms. McCollum stated on September 15, 1952, October 15, 1952 and May 10, 1954 the City adopted resolution, and took other formal Council actions, with the intent to vacate, abandon, and convey to the adjacent property owners portions of Lincoln Drive between Lincoln Street and Allbright Street. Ms. McCollum stated the proposed Ordinance will tie-up loose ends on the abandonment of a portion of Lincoln Street, because some of the paperwork was never completed after the 1952 and 1954 Council actions.

Discussion was held among Council and Ms. McCollum.

Mayor Orr requested that Ms. McCollum research the dedication of Lincoln Street and provide that information in the Council Agenda packet for the second reading of the Ordinance.

Ken Kesselus moved to approve the first reading of the Ordinance and place it on the Consent Agenda for second reading at the next regularly scheduled Council meeting, including the information requested by the Mayor. Motion was seconded by Dock Jackson and carried unanimously.

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

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

Mayor Orr stated this item had been pulled from the Agenda because Ms. Karol Rice was ill and not able to attend the Council meeting to do the presentation.

D.3 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CALVARY EPISCOPAL CHURCH AND SCHOOL FOR THE CITY OF BASTROP TO PARTICIPATE IN THE COST OF A RAISED PEDESTRIAN CROSSWALK WITH IN-PAVEMENT LED LIGHTING AND ASSOCIATED ELEMENTS IN ALLEY "A".

Council Member Ken Kesselus stated he did not complete an official Conflict of Interest Affidavit because he does not have a substantial financial interest in the Church, but he does hold an official position in the Church and he is going to leave the dais for discussion and action on this item.

Council Member Joe Beal stated he is a member of the vestry of the Church and therefore he will also leave the dais.

Mayor Orr asked Mr. Beal to remain at the dais in the capacity as Mayor Pro-Tem in order to maintain a quorum at the dais.

Mr. Beal stated in order to facilitate the process and constitute a quorum he will remain at the dais but he will not participate in discussion or action on this item.

City Manager, Mike Talbot stated that at the September 25, 2012 City Council meeting, representatives of the Calvary Episcopal Church made a presentation to the City Council regarding proposed construction of a raised pedestrian cross walk traversing Alley A between the Church's various buildings. Mr. Talbot stated many issues were raised. Mr. Talbot called the Council attention to page 72 of the Agenda packet. Mr. Talbot this is the preliminary cost estimate. Mr. Talbot stated that Council suggested that some of the work be provided by the City as in-kind and some of the work would be contracted out. Mr. Talbot stated the total cost to the City is estimated at \$34,525.00 and the cost to the Church is estimated at \$12,700.00. Mr. Talbot called the Council's attention to page 73 of the Agenda packet. Mr. Talbot stated he had advised Council about 7-10 months ago that the City was doing an inventory of every school zone in the City to determine compliance with new Texas Department of Transportation rules. Mr. Talbot stated page 73 shows the City's plan to come into compliance with the new rules. Mr. Talbot stated he did feel the City should also look at what is happening in that area from a traffic standpoint so a traffic count was conducted for two days. There were a total of 10,117 cars that went through the intersection. Mr. Talbot gave statistics on the rates of speed. Mr. Talbot stated other things were observed: speed bumps could have been placed differently and should have been placed the entire length of the alley and cars are pulling around the speed bumps. Mr. Talbot stated in talking with the Chief of Police, putting in a series of speed bumps with proper signage would be an alternative and would come close to addressing the concerns of the Church. Mr. Talbot stated the City does want to be a good neighbor to the Church, but wanted the Council to know there are some alternatives/options.

Discussion was held among Council and Mr. Talbot.

Mr. Talbot stated he believed there was enough money in the red light camera fund to do signage now and remainder to come out of the Water & Wastewater fund. Mr. Talbot stated he believed the way the City issued bonds in February of this year the \$12,000 could come out of there and the rest come out of the operational budget.

Willie DeLaRosa stated that out of the total cost to the City of \$34,525 the City was planning to do some of the work listed in the future (electrical work, replacement of water and sewer mains, repair on the alley), so the amount of cost to the City in assisting the Church with the cross-walk is actually around \$8,000 to \$12,000.

Willie DeLaRosa moved that the City work with the Church and authorize the City Manager to work with the various funds to pay for the City's portion of construction of a raised pedestrian crosswalk with in-pavement LED lighting and associated elements in Alley "A". Motion was seconded by Dock Jackson and carried unanimously.

D.4 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION TO APPROVE THE FINAL PLAT FOR PINE VISTA, BEING APPROXIMATELY 8.858 ACRES OF LAND, BEING PART OF THE BASTROP TOWN TRACT, ABSTRACT 1.--, LOCATED EAST OF HIGHWAY 95 AND SOUTH OF LOOP 150/CHESTNUT STREET IN THE CITY LIMITS OF BASTROP, TEXAS.

Melissa McCollum, Planning and Development Director, addressed the Council. Ms. McCollum stated this is the Final Plat for Pine Vista Subdivision, being approximately 8.858 acres. Ms. McCollum stated staff recommends approval of the requested Final Plat.

Dock Jackson moved to approve the Final Plat for Pine Vista. Motion was seconded by Willie DeLaRosa and carried unanimously.

E. EXECUTIVE SESSION:

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

- 1. SECTION 551.071(1)(A) AND SECTION 551.071(2) - CONSULTATIONS WITH ATTORNEY: (1) THREATENED AND/OR CONTEMPLATED LITIGATION, AND (2) MATTERS UPON WHICH THE ATTORNEY HAS A DUTY AND/OR RESPONSIBILITY TO REPORT TO THE GOVERNMENTAL BODY.**
- 2. SECTION 551.072 – DELIBERATION REGARDING REAL PROPERTY: REGARDING THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY.**
- 3. SECTION 551.087 – DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS – PROJECT ZEBRA I.**

At 7:20 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 551.087 – 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 8:10 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 8:11 p.m., Willie DeLaRosa moved to adjourn. Motion was seconded by Dock Jackson and carried unanimously.

APPROVED:

ATTEST:

Terry Orr, Mayor

Teresa Valdez, City Secretary