

October 9, 2012

The Bastrop City Council met in regular session on October 9, 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 because she was ill.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

City Manager Mike Talbot led the pledges of allegiance to the U.S. and Texas flags. Reverend Jimmy Cottle led the invocation.

3. PRESENTATIONS

A. CHARACTER EDUCATION – BASTROP STUDENT

Danielle Vinklerek a Seventh Grade student at Bastrop Middle School presented the Character Education character trait “Responsibility” for the month of October.

B. TEXAS COMMISSION ON THE ARTS – CULTURAL ARTS DISTRICT

Mayor Orr stated the City of Bastrop had been designated as having a Cultural Arts District and a representative from the Texas Commission on the Arts was in attendance tonight to make a presentation.

Carolyn Banks with Upstart introduced Jim Bob McMillan, Deputy Director of the Texas Commission on the Arts.

Jim Bob McMillan stated the City of Bastrop had been selected as one of 19 cities in the State of Texas to receive official Cultural District Designation from the State of Texas. Mr. McMillan read a Proclamation from the Texas Commission on the Arts celebrating the Cultural District Designation in the Bastrop Cultural Arts District.

4. PROCLAMATIONS

A. COMMUNITY PLANNING MONTH

Mayor Orr proclaimed October 2012 as Community Planning Month in the City of Bastrop, Texas.

The Planning and Zoning Commission Chair, Lisa Patterson was present to accept the Proclamation.

Willie DeLaRosa asked Ms. Patterson to pass on to the other Planning and Zoning Commission Members a thank you and appreciation from the Council for the work they do.

B. NATIONAL BULLYING PREVENTION WEEK – OCTOBER 4-10, 2012.

Mayor Orr proclaimed the month of October 2012 as National Bullying Prevention Month in the City of Bastrop, Texas.

5. ANNOUNCEMENTS

Mayor Orr stated that the alley behind the Post Office looked very good. Mayor Orr thanked the City Manager and the Public Works Director and staff.

Willie DeLaRosa noted that October is Fire Prevention Month.

Dock Jackson noted that October is also Breast Cancer Awareness Month.

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

A. MEETINGS AND EVENTS ATTENDED:

1. PLANNING AND ZONING COMMISSION MONTHLY MEETING ON SEPTEMBER 27, 1012.
2. CITY BOARD, COMMISSION, TASK FORCE AND COMMITTEE TRAINING ON OCTOBER 2, 2012.
3. PARKS BOARD MONTHLY MEETING ON OCTOBER 4, 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. FAYETTE STREET WASTEWATER IMPROVEMENTS PROJECT.
5. APPLICATIONS SUBMITTED TO THE TEXAS DEPARTMENT OF PUBLIC SAFETY/TEXAS DIVISION OF EMERGENCY MANAGEMENT FOR HAZARDOUS MITIGATION GRANTS.
6. ALLIED WASTE PILOT PROGRAM FOR BRUSH PICK-UP.
7. TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS "HOME RESERVATION PROGRAM".
8. FALL CLEAN-UP PROGRAM.
9. WASTEWATER PIPE BURSTING PROJECT ALONG THE SOUTH SIDE OF STATE HIGHWAY 71.

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 on Monday.

Mr. Talbot addressed Item A.2. Mr. Talbot stated this was the second round of board training and there had been a very good turnout. Mr. Talbot thanked City Attorney, J.C. Brown for providing the training. Mr. Talbot stated he had received a lot of positive feedback from board members. Mr. Talbot stated there will be another training held in the Spring.

Mr. Talbot addressed Item B.7. Mr. Talbot thanked Mayor Orr for encouraging him to look into potential programs for the elderly who need homes. Mr. Talbot stated the City has been awarded a Home grant and the City should know the amount of funding in the next 60 days or so.

Ken Kesselus stated the Council needed a schedule on evaluating the City Manager. Mr. Kesselus stated if there was something solid then future councils could follow.

Joe Beal stated it had been almost 18 months since the last evaluation of the City Manager and he agreed with Mr. Kesselus. Mr. Beal stated this is important that this evaluation gets done every year because it is extremely important to Council and the citizens of Bastrop.

City Manager, Mike Talbot stated he would have a draft policy regarding this for the Council to review at the October 16, 2012 Special Workshop Meeting.

Willie DeLaRosa asked that discussion on water resources be placed on the October 16th agenda.

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 SEPTEMBER 25, 2012.

A.2 ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS AMENDING CHAPTER 1, ARTICLE 1.04.001 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "BOARDS, COMMITTEES AND COMMISSIONS," RELATED TO MULTIPLE APPOINTMENTS OF MEMBERS TO CITY BOARDS, COMMITTEES, COMMISSIONS, TASK FORCES AND ALL OTHER ADVISORY BODIES OF THE CITY OF BASTROP; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

A.3 ADOPTION OF A RESOLUTION APPROVING THE TERMS AND CONDITIONS OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE TEXAS DEPARTMENT OF MOTOR VEHICLES FOR PARTICIPATION IN

THE SCOFFLAW PROGRAM IN ACCORDANCE WITH SECTION 707.017 OF THE TEXAS TRANSPORTATION CODE TO PROVIDE FOR THE COLLECTION OF DELINQUENT PAYMENTS OF CIVIL PENALTIES IMPOSED UNDER CHAPTER 707 OF THE TEXAS TRANSPORTATION CODE BY PUTTING A “HOLD” ON MOTOR VEHICLE REGISTRATION; AND AUTHORIZING ITS EXECUTION BY THE CITY MANAGER.

A.4 APPROVAL OF SPECIAL EVENT PERMIT AS SUBMITTED BY APPLICATION RECEIVED FROM DOWNTOWN BUSINESS ALLIANCE “DBA” TO HOST “HALLOWEEN FEST” ON WEDNESDAY, OCTOBER 31, 2012, IN DOWNTOWN BUSINESS.

A.5 APPROVAL OF THE STATUTORY DENIAL, FOR A PERIOD OF 180 DAYS FROM THE DATE OF COUNCIL ACTION ON THIS REQUEST, FOR THE AMENDING PLAT OF LOTS 7A-1b-A AND 7A-1c, BLOCK A, BASTROP WEST COMMERCIAL, SECTION ONE LOCATED ON OLD AUSTIN HIGHWAY WITHIN THE CITY LIMITS OF THE CITY OF BASTROP, TEXAS.

A.6 APPROVAL OF BASTROP MARKETING CORPORATION’S REQUEST FOR REIMBURSEMENT OF EXPENSES.

Mayor Orr read the caption of the Ordinance listed as Consent Agenda Item A.2, in compliance with the City’s Home Rule Charter.

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

B. PUBLIC HEARINGS:

B.1 CITIZEN COMMENTS.

Debbie Moore stated she just wanted to let the Council know that the Bastrop Film Commission was working with film producers on two lifetime films.

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 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”.

Mayor Orr stated this item had been pulled from the Agenda.

City Manager, Mike Talbot stated this item will be posted on the October 23, 2012 City Council agenda.

D.2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON ADOPTION OF A RESOLUTION NOMINATING AN INDIVIDUAL AS MEMBER OF THE BASTROP CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS.

Mayor Orr stated the Minutes from the last meeting called for the Mayor to bring back a recommendation to the Council on this item. Mayor Orr stated Council Member Dock Jackson has done research on this and he will be making a recommendation to Council.

Dock Jackson stated he did talk to the Bastrop Central Appraisal District and the other taxing entities. Mr. Jackson stated the City of Elgin is recommending Bryan Bracewell. Mr. Jackson stated Mr. Bracewell lives in Bastrop and works in Elgin. Mr. Jackson recommended nominating Bryan Bracewell as a member of the Bastrop Central Appraisal District Board of Directors.

Dock Jackson moved to adopt the Resolution nominating Bryan Bracewell as a Member of the Bastrop Central Appraisal District Board of Directors. Motion was seconded by Ken Kesselus and carried unanimously.

D.3 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE FINAL FUNDING LEVEL ALLOCATION TO ENTITIES REQUESTING HOTEL OCCUPANCY TAX REVENUE FUNDING FOR FISCAL YEAR 2012-2013 AFTER REVIEW OF THE ENTITIES YEAR-END SUMMARY REPORTS.

Chief Financial Officer, Karla Stovall addressed the Council. Ms. Stovall stated the calendar developed and approved by the City Council for the Hotel Occupancy Tax revenue funding distribution identified October 9, 2012 as the date the Council was to approve the final funding levels for organizations. Ms. Stovall stated the total amount to be distributed is \$283,500. Ms. Stovall stated Resolution No. R-2012-10 adopted by the Council changed the final date of appropriation for the Hotel Occupancy Tax revenue funding for the Fiscal Year 2012-2013 budget to the first meeting in October to provide the year-end reports for City Council review. Ms. Stovall stated all entities have provided their year-end summary report as requested. Ms. Stovall called the Council's attention to the chart showing the preliminary allocations determined by Council. (attached)

(This part of page left blank intentionally)

CITY OF BASTROP
FY 2013 HOT FUNDING REQUEST FORM

Organization	FY 2011-2012 FUNDING APPROVED	FY 2012-2013			
		FUNDING REQUEST	CITY COUNCIL AVERAGE	PRELIMINARY APPROVED FUNDING	FINAL FUNDING
Bastrop Association for the Arts	\$ 8,700	\$ 13,000	\$ 8,200	\$ 8,200	\$ 8,200
Bastrop Chamber of Commerce	\$ 52,000	\$ 75,800	\$ 54,100	\$ 54,100	\$ 54,100
Bastrop Downtown Business Alliance	\$ 54,000	\$ 57,100	\$ 52,400	\$ 52,400	\$ 52,400
Bastrop Fine Arts Guild	\$ 7,600	\$ 10,000	\$ 7,800	\$ 7,800	\$ 7,800
Bastrop Historical Society	\$ 13,200	\$ 25,500	\$ 16,000	\$ 16,000	\$ 16,000
Bastrop Homecoming Committee	\$ 15,500	\$ 30,000	\$ 17,000	\$ 17,000	\$ 17,000
Bastrop Juneteenth Committee	\$ 3,800	\$ 5,000	\$ 4,400	\$ 4,400	\$ 4,400
Bastrop Old Town Visitor's Center	\$ 54,500	\$ 78,820	\$ 55,000	\$ 55,000	\$ 55,000
Bastrop Opera House	\$ 50,500	\$ 65,000	\$ 50,000	\$ 50,000	\$ 50,000
Boys & Girls Club of Bastrop County	\$ -	\$ 5,000	\$ 1,900	\$ 1,900	\$ 1,900
Family Crisis Center	\$ 1,300	\$ 1,500	\$ 1,300	\$ 1,300	\$ 1,300
Keep Bastrop County Beautiful	\$ 3,800	\$ 10,000	\$ 4,700	\$ 4,700	\$ 4,700
Lone Star Relays, LLC	\$ -	\$ 15,000	\$ -	\$ -	\$ -
Upstart, Inc.	\$ 12,200	\$ 34,400	\$ 10,700	\$ 10,700	\$ 10,700
YMCA of Austin	\$ -	\$ 20,000	\$ -	\$ -	\$ -
Other-Organizations not requesting funding for 2010	\$ 6,400	\$ -	\$ -	\$ -	\$ -
Total	\$ 283,500	\$ 446,120	\$ 283,500	\$ 283,500	\$ 283,500

Dock Jackson stated he has filed a Conflict Disclosure Statement with the City Secretary so he will not be participating in discussion nor voting on this agenda item.

Ken Kesselus moved to allocate to the entities requesting Hotel Occupancy Tax Revenue Funding for Fiscal Year 2012-2013 the amounts placed in the Council Average column of the table which were the preliminary amounts approved by Council. Motion was seconded by Joe Beal. Motion carried 3:0.

FOR MOTION: Ken Kesselus, Joe Beal and Willie DeLaRosa.

ABSTAIN: Dock Jackson.

D.4 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON ACCEPTANCE OF MONTHLY FINANCIAL REPORTS FOR THE PERIOD ENDING OF AUGUST 31, 2012.

Finance Director, Karla Stovall presented the monthly Financial Reports for the period ending August 31, 2012. Ms. Stovall reviewed the report.

Willie DeLaRosa moved to accept the monthly Financial Reports for the period ending August 31, 2012. Motion was seconded by Dock Jackson 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:
 - a. WILEY CLAIM
 - b. CENTER POINT ENERGY RATE CASE
 - c. 1914 MAIN STREET
 - d. CITY COUNCIL – BOARDS/COMMISSIONS/COMMITTEES
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 6:50 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:
 - a. Wiley claim
 - b. Center Point Energy Rate Case
 - c. 1914 Main Street
 - d. City Council – Boards/Commissions/Committees
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 8:20 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.

Willie DeLaRosa moved to support the settlement recommendation of the attorney representing the City in the CenterPoint rate case. Motion was seconded by Joe Beal and carried unanimously.

F. ADJOURNMENT

At 8:21 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