

September 11, 2012

The Bastrop City Council met in regular session on September 11, 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, Kay Garcia McAnally, 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.

Mayor Orr asked that everyone take a silent moment to reflect on today, the 11th Anniversary of the 9/11 tragedy that we as a Country experienced and also on the 1 year anniversary of the first Council meeting following the Bastrop County Complex Wildfire. Mayor Orr asked that everyone reflect on what those two events meant to our lives and community.

Council Member Willie DeLaRosa stated as we reflect on the tragedy of 11 years ago, as we look at the Flag and say the Pledge of Allegiance, remember our service men, police department and fire department who protect us.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

Council Member Joe Beal led the pledges of allegiance to the U.S. and Texas flags. Reverend Richard Shahan led the invocation.

3. PRESENTATIONS

A. CHARACTER EDUCATION – BASTROP STUDENT

Cheyenne Heathman a Senior at Bastrop High School presented the Character Education character trait “Honesty” for the month of September.

4. PROCLAMATIONS

A. CONSTITUTION WEEK

Mayor Orr proclaimed the week of September 17 through 23, 2012 as “Constitution Week” in the City of Bastrop.

5. ANNOUNCEMENTS

Mayor Orr stated that through the efforts of Ms. Carolyn Banks, the City has been designated as a Cultural Arts District by the State of Texas.

Council Member Willie DeLaRosa recognized former Council Member John Creamer who was in the audience tonight.

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

- A. MEETINGS AND EVENTS ATTENDED:
 - 1. ATTENDED THE NIGHT OF HOPE EVENT ON SEPTEMBER 4, 2012.
 - 2. THE MONTHLY MEETING OF THE PLANNING AND ZONING COMMISSION AUGUST 30, 2012.
 - 3. UTILITY COMMITTEE MEETING ON SEPTEMBER 5, 2012.
 - 4. THE MONTHLY MEETING OF THE PARKS BOARD MEETING OF SEPTEMBER 6, 2012.
- B. UPDATE ON CITY PROJECTS:
 - 1. CHESTNUT STREET SIDEWALK PROJECT.
 - 2. WATER WELL OPERATIONS.
 - 3. BASTROP POWER & LIGHT ADMINISTRATIVE TRAINING BUILDING.
 - 4. BOB BRYANT WATER FACILITIES IMPROVEMENTS PROJECT.
 - 5. PROPOSED BASTROP ART IN PUBLIC PLACES: HANDBOOK.
 - 6. PROPOSED REVISED PARK ORDINANCE/FEE AS DEVELOPED BY THE CITY OF BASTROP PARKS BOARD.
 - 7. SET DATE FOR NEXT QUARTERLY MEETING.
 - 8. UPDATE ON SPLASH PAD OPERATIONS.
 - 9. FAYETTE STREET WASTEWATER IMPROVEMENTS PROJECT.
 - 10. CITIZEN CORRESPONDENCE REGARDING PINEY CREEK SUBDIVISION.
- 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 commented on Item B.2. Mr. Talbot stated the average water usage today is below what the City was experiencing last year this time.

Mr. Talbot commented on Item B.5. Mr. Talbot stated he had distributed the proposed Bastrop Art in Public Places Handbook at the August 28, 2012 Council Meeting. Mr. Talbot stated he has not received any comments from the Council so he will be placing the Handbook on the September 25, 2012 Council Agenda for approval.

Mr. Talbot commented on Item B.7. Mr. Talbot stated the best date for the quarterly Council Workshop is October 16, 2012. Mr. Talbot reminded the Council if they have any items they wish discussed they are to email them to the City Secretary who will give them to the Mayor and he will decide what to place on the Workshop Agenda for discussion.

Council Member Ken Kesselus stated the Utility Committee appreciates the cooperation between the staff and the City Manager in moving the Utility Committee along in a great direction.

Council Member Joe Beal stated the Utility Committee had recently held a productive meeting and did learn a lot of details. Mr. Beal stated the Utility Committee got a better understanding of how the Bastrop Power & Light system works and operates and that the City staff does a great job of operation.

Council Member Kay Garcia McAnally stated the business analysis person that attended the Utility Committee Meeting gave special recognition to Bastrop Power & Light Director, Curtis Ervin and City Manager, Mike Talbot on the way the Bastrop Power & Light is run.

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 AUGUST 28, 2012.

A.2 ADOPTION OF AN ORDINANCE AMENDING THE BUDGET FOR THE FISCAL YEAR 2012 IN ACCORDANCE WITH EXISTING STATUTORY REQUIREMENTS; APPROPRIATING THE VARIOUS AMOUNT HEREIN; REPEALING ALL PRIOR ORDINANCES AND ACTIONS IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

A.3 APPROVAL OF BASTROP MARKETING CORPORATION'S REQUEST FOR REIMBURSEMENT OF EXPENSES.

A.4 APPROVAL OF THE STATUTORY DENIAL, FOR A PERIOD OF 180 DAYS FROM THE DATE OF COUNCIL ACTION ON THIS REQUEST, FOR THE RESUBDIVISION 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 LOCATED ON HIGHWAY 71 WEST WITHIN THE CITY LIMITS OF THE CITY OF BASTROP, TEXAS.

A.5 APPROVAL OF THE STATUTORY DENIAL, FOR A PERIOD OF 180 DAYS FROM THE DATE OF COUNCIL ACTION ON THIS REQUEST, FOR THE REPLAT OF LOT 4, BLOCK 2, BLUEBONNET ACRES, CORRECTED PLAT OF SECTION 1 WITHIN AREA A OF THE EXTRA TERRITORIAL JURISDICTION (ETJ) OF THE CITY OF BASTROP, TEXAS.

A.6 APPROVAL OF SPECIAL EVENT NOTICE OF ACTIVITY SUBMITTED BY THE FIRST BAPTIST CHURCH TO HOST "ANNUAL FAMILY FEST" ON WEDNESDAY, OCTOBER 31, 2012, ON FARM STREET BETWEEN WATER AND PECAN STREETS.

A.7 APPROVAL OF THE PURCHASE OF A PULL-BEHIND CHIPER, WITH A 6-INCH DIAMETER CAPACITY BY THE PUBLIC WORKS, PARKS & RECREATION DEPARTMENTS. THE DEPARTMENT WAS AWARDED GRANT FOR SAID PURCHASE THROUGH THE CAPITAL AREA COUNCIL OF GOVERNMENTS IN THE AMOUNT OF \$32,500. THIS CHIPPER WILL REDUCE THE AMOUNT OF "GREEN WASTE" HAULED TO THE LANDFILLS.

Mayor Orr read the caption of the Ordinance listed as Consent Agenda Item A.2.

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

B. PUBLIC HEARINGS:

B.1 PUBLIC HEARING: ON CITY OF BASTROP FISCAL YEAR 2012-2013 BUDGET FOR TAXPAYERS TO HAVE AN OPPORTUNITY TO EXPRESS THEIR VIEWS ON THE BUDGET; THE CITY OF BASTROP WILL ADOPT THE BUDGET AND TAX RATE FOR FISCAL YEAR 2012-2013 ON SEPTEMBER 25, 2012 AT 6:15 P.M. AT CITY HALL LOCATED AT 1311 CHESTNUT STREET, BASTROP, TEXAS 78602.

City Manager, Mike Talbot gave a PowerPoint presentation on the proposed City of Bastrop Fiscal Year 2012-2013 Budget. Mr. Talbot stated he felt it important to develop a theme which is "Mapping the Path". Mr. Talbot stated the theme is intended to reflect the variety of community issues, planning initiatives, economic development opportunities, projects and assessment efforts that are either currently underway or that are planned for this year. Mr. Talbot stated all of which will provide a profound direction for the City of Bastrop's future, during Fiscal Year 2013 and well beyond. Mr. Talbot stated that among the factors that commerce "mapping the path" for Fiscal Year 2013 are: 1) The development of seven priority issues by the City Council at the May 2012 City Council Retreat; 2) The continued strong partnership between the City and the Bastrop Economic Development Corporation; 3) The City's and the surrounding area's continued recovery from the tragic wildfires of September 2011; and 4) The City's ongoing work in planning for growth. Mr. Talbot stated key operational reviews and activities underway include: 1) Long-term water supply study; 2) National health care policy provisions; 3) The rate of recovery of both the global & national economy; 4) Municipal Capital Projects now underway or planned; and 4) The development of a "Future Bond – Capital Improvements Program". Mr. Talbot reviewed budget objectives for Fiscal Year 2013 for City Departments. Mr. Talbot stated the Truth-in-Taxation laws of the State of Texas require notices to be published and hold two public hearings if an entity's proposed tax rate exceeds the effective or rollback tax rate. Mr. Talbot stated the City's proposed tax rate does not exceed the effective or rollback tax rate. Mr. Talbot stated for the Fiscal Year 2012-2013, the City of Bastrop 2012 Property Tax Rates are identified as follows: Proposed Tax Rate – 0.584/\$100; Effective Tax Rate – 0.597/\$100; and Rollback Tax Rate: 0.587/\$100. Mr. Talbot reviewed the summary of revenues, expenditures and changes in Fund Balance of all operating and capital funds for Fiscal Year 2013-2013 Budget.

Mayor Orr stated he was very pleased that a lot of what he is seeing in this budget has to do with the safety of City employees. Mayor Orr commended Department Directors for looking out for

the safety of employees and stated that is a high scoring criteria in his mind for good management. Mayor Orr thanked the Council and stated this was the best coming together of ideas and cooperation in development of this budget, the best budget process yet for him serving as Mayor. Mayor Orr commended the City Manager for both the IT employees hired. Mayor Orr recognized Council Member Joe Beal for convincing the Council that the City needed an IT staff person and not as a consultant.

Council Member Joe Beal stated he wanted to re-emphasize that the decorum that the City Council showed during this budget process was refreshing, fun and good for the City. Mr. Beal thanked the Mayor for his leadership. Mr. Beal stated this is a good budget.

There were no public comments.

B.2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF THE FIRST READING OF AN ORDINANCE OF THE CITY OF BASTROP, TEXAS, ADOPTING A BUDGET AND APPROPRIATING RESOURCES FOR FISCAL YEAR 2012-2013; BEGINNING OCTOBER 1, 2012 ENDING SEPTEMBER 30, 2013; IN ACCORDANCE WITH EXISTING STATUTORY REQUIREMENTS; REPEALING ALL CONFLICTING ORDINANCES; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE; WITH THE SECOND READING AND FINAL ADOPTION OF THE CITY OF BASTROP BUDGET FOR FISCAL YEAR 2012-2013 TO BE HELD ON SEPTEMBER 25, 2012.

Mayor Orr read the caption of the ordinance.

City Manager, Mike Talbot stated he looked forward enthusiastically in “Mapping the Path” with the Council and staff.

Ken Kesselus moved to approve the first reading of the Ordinance and place on the Consent Agenda of the September 25, 2012 City Council meeting for the second reading and final adoption. Motion was seconded by Kay Garcia McAnally and carried unanimously.

B.3 PUBLIC HEARING: CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON A REQUEST FOR A CONDITIONAL USE PERMIT (CUP) TO ALLOW A HOME OCCUPATION AT 1107 HILL STREET BEING +/-0.348 OF AN ACRE OUT OF BUILDING BLOCK 31, EAST OF WATER STREET AN AREA ZONED SF-7, SINGLE FAMILY RESIDENTIAL LOCATED WITHIN THE CITY LIMITS OF THE CITY OF BASTROP, TEXAS.

Planning and Development Director, Melissa McCollum addressed the Council. Ms. McCollum stated the applicant Ronald L. Holan is requesting a Conditional Use Permit for a home occupation. Ms. McCollum stated the owner proposes to use one room as a “home office” for his construction company, Holan Construction. Ms. McCollum stated the Planning and Zoning Commission conducted a public hearing on August 30, 2012 and voted unanimously 6-0 to recommend approval of the Conditional Use Permit with the following stipulation: No heavy equipment or materials associated with the home occupations are allowed to be stored on site. Ms. McCollum stated staff recommends approval of the Conditional Use Permit with the stipulation recommended by the Planning and Zoning Commission.

Brief discussion was held among Ms. McCollum, Council and Mr. Holan.

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 CONDITIONAL USE PERMIT TO ALLOW A HOME OCCUPATION AT 1107 HILL STREET BEING +/- 0.348 OF AN ACRE TRACT OUT OF BUILDING BLOCK 31, EAST OF WATER STREET AN AREA ZONED SF-7, SINGLE FAMILY RESIDENTIAL LOCATED WITHIN THE CITY LIMITS OF THE CITY OF BASTROP, TEXAS; SETTING OUT CONDITIONS; AND PROVIDING AN EFFECTIVE DATE.

Mayor Orr read the caption of the Ordinance.

Willie DeLaRosa moved to approve the first reading of the Ordinance containing the stipulation recommended by the Planning and Zoning Council, and place on the September 25, 2012 City Council Consent Agenda, for the second reading and final adoption. Motion was seconded by Ken Kesselus and carried unanimously.

B.5 CITIZEN COMMENTS.

John Creamer addressed the Council. Mr. Creamer thanked everyone for the help during the fire last year, specifically the emergency hook-up of water in Tahitian Village. Mr. Creamer stated 286 homes were lost to the fire in Tahitian Village and there are about 80 homes being rebuilt, and about 44 brand new homes since the fire. Mr. Creamer stated that with the signing of the Pine Forest Unit #6 Development Agreement there can be more homes built and that benefits the City, Bastrop County Water Control Improvement District #2, Bastrop County and Bastrop Independent School District.

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 FIXING THE TAX RATE AND LEVY FOR THE CITY OF BASTROP, TEXAS, FOR THE PURPOSE OF PAYING THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2013, AND FOR THE FURTHER PURPOSE OF CREATING A SINKING FUND TO RETIRE THE PRINCIPAL AND INTERST OF THE BOND INDEBTEDNESS OF THE CITY; PROVIDING FOR A LIEN ON ALL REAL AND PERSONAL PROPERTY TO SECURE PAYMENT OF TAXES DUE THEREON; CONTAINING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES AND PARTS THEREOF IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Orr read the caption of the Ordinance.

City Manager, Mike Talbot read the following portion of the proposed Ordinance:

“Section 1: There is hereby levied for the FY 2012-2013 upon all real property situated within the corporate limits of the City of Bastrop, Texas, and upon all personal property which was owned within the corporate limits of the City of Bastrop, Texas, on January 1, 2012, except so much thereof as may be exempt by the Constitution or laws of the State of Texas, a total tax of \$0.5840 on each \$100 of assessed valuation on all taxable property, which total tax herein so levied shall consist and be comprised of the following components:

a) An *ad valorem* tax rate of \$0.3504 on each \$100 of assessed valuation of all taxable property is hereby levied for general City purposes and to pay the current operating expenses of the City of Bastrop, Texas, for the fiscal year ending September 30, 2013, which tax, when collected shall be appropriated to and for the credit of the General Fund of the City of Bastrop, Texas.

b) An *ad valorem* tax rate of \$0.2336 on each \$100 of assessed valuation of taxable property is hereby levied for the purpose of creating an Interest and Sinking Fund with which to pay the interest and principal of the valid bonded indebtedness, and related fees of the City of Bastrop, now outstanding and such tax, when collected, shall be appropriated and deposited in and to the credit of the General Debt Service Fund of the City of Bastrop, Texas, for the fiscal year ending September 30, 2013.”

Mr. Talbot recommended approval of the Ordinance.

Kay Garcia McAnally moved to approve the first reading of the Ordinance and place on the September 25, 2012 City Council Consent Agenda, for the second reading and final adoption. Motion was seconded by Joe Beal and carried unanimously.

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

There were no ordinances and other items eligible for consideration and/or action.

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 551.086 – CERTAIN PUBLIC POWER UTILITIES: COMPETITIVE MATTERS.

At 7:25 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.

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 8:25 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 8:26 p.m., Dock Jackson moved to adjourn. Motion was seconded by Kay Garcia McAnally and carried unanimously.

APPROVED:

ATTEST:

Terry Orr, Mayor

Teresa Valdez, City Secretary