

August 28, 2012

The Bastrop City Council met in regular session on August 28, 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.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

Mayor Terry Orr led the pledges of allegiance to the U.S. and Texas flags. Reverend Bob Long led the invocation.

3. PRESENTATIONS

There were no presentations.

4. PROCLAMATIONS

A. TEXTING & DRIVING – IT CAN WAIT DAY

Mayor Orr stated Council Member Kay Garcia McAnally would be reading the Proclamation.

Council Member Kay Garcia McAnally stated this is an AT&T initiative. Ms. Garcia McAnally stated that Martha Harris could not be present tonight to accept the Proclamation. Ms. Garcia McAnally read the Proclamation which proclaimed September 19, 2012 as “Texting & Driving – It Can Wait Day” in the City of Bastrop.

5. ANNOUNCEMENTS

Mayor Orr invited the City Council and members of the audience in wishing his wife, Patricia Orr a Happy Birthday. Happy Birthday was sung to Mrs. Orr.

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

A. MEETINGS AND EVENTS ATTENDED:

- 1. LOST PINES GROUNDWATER CONSERVATION DISTRICT MEETING OF AUGUST 15, 2012.**
- 2. BASTROP ECONOMIC DEVELOPMENT CORPORATION MEETING OF AUGUST 20, 2012.**
- 3. CITY COUNCIL SPECIAL WORKSHOP MEETING OF AUGUST 21, 2012.**

B. UPDATE ON CITY PROJECTS:

1. PECAN STREET SEWER LINE REPLACEMENT PROJECT.
 2. CHESTNUT STREET SIDEWALK PROJECT.
 3. WATER WELL OPERATIONS IN FISHERMAN'S PARK.
 4. BASTROP POWER & LIGHT ADMINISTRATIVE/TRAINING BUILDING.
 5. BOB BRYANT PARK WATER FACILITIES IMPROVEMENTS PROJECT.
 6. PROPOSED BASTROP ART IN PUBLIC PLACES: HANDBOOK.
 7. SPECIAL EVENTS ON MAIN STREET DURING THE WEEK.
 8. HOTEL/MOTEL FUNDING – VARIANCE REQUEST FROM THE BASTROP COUNTY HISTORICAL SOCIETY.
 9. PROPOSED REVISED PARK ORDINANCE AND FEES AS DEVELOPED BY THE BASTROP PARKS BOARD.
 10. SET DATE FOR NEXT CITY COUNCIL QUARTERLY MEETING.
 11. UPDATE ON TEST DRILLING AND AQUIFER TEST PROGRAM BEING UNDER TAKEN BY R. W. HARDIN & ASSOCIATES.
 12. CREATION OF A CULTURAL DISTRICT.
 13. SPLASH PAD OPERATIONS.
 14. PINE FOREST UNIT #6 DEVELOPMENT AGREEMENT.
 15. SCHEDULED TRAINING FOR CITY BOARDS/COMMISSIONS.
- 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. 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 the Bastrop Art in Public Places Task Force would like to get the Handbook approved as soon as possible. Mr. Talbot stated he will put the Handbook in his City Manager's Report for the next Council Meeting and if Council has any questions he can take them to the Bastrop Art in Public Places Task Force.

Mr. Talbot addressed Item B.8. Mr. Talbot stated he had heard no objections to the resolution he had worked out with the Bastrop County Historical Society so he would assume that the Council is in agreement with what he had worked out.

Council Member Ken Kesselus stated he liked Mr. Talbot's solution and suggestion.

Mr. Talbot addressed Item B.10. Mr. Talbot stated in order for the Council to stay on track with their quarterly workshop meetings he would ask the City Secretary to contact each Council Member regarding possible dates for the next quarterly meeting.

Council Member Ken Kesselus stated he wanted to remind Mr. Talbot and Council that there were a number of other items, beside the long-term priority list, that Council had wished to

discuss also.

Mr. Talbot stated the long-term priority list items and the other items will be on the Agendas of the Quarterly Workshops until the Council has addressed them or until Council says that is enough. Mr. Talbot requested that each Council Member send the items they would like discussed at the next quarterly workshop meeting to the Mayor.

Council Member Willie DeLaRosa addressed Item B.11. Mr. DeLaRosa stated it seemed like for quite some time everyone was concerned with water issues. Mr. DeLaRosa stated he did not want the Council to lose focus on finding new water resources.

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 14 & AUGUST 21, 2012.

A.2 RE-APPOINTMENT BY MAYOR AND CONFIRMATION BY COUNCIL MEMBERS TO THE BASTROP HISTORIC LANDMARK COMMISSION.

A.3 ADOPTION OF AN ORDINANCE GRANTING A ZONING DISTRICT CHANGE FROM SF7, SINGLE FAMILY RESIDENTIAL TO AOS, AGRICULTURE OPEN SPACE FOR +/- 7.38 ACRES WITHIN THE MOZEA ROUSSEAU SURVEY, A-56, LOCATED SOUTH OF CHILDERS DRIVE IN THE CITY LIMITS OF BASTROP, TEXAS AND ESTABLISHING AN EFFECTIVE DATE.

A.4 ADOPTION OF AN ORDINANCE AMENDING THE FAIRVIEW CEMETERY ORDINANCE NO. 2010-27 AND PROVIDING AN EFFECTIVE DATE.

A.5 APPROVAL OF SPECIAL EVENT PERMIT APPLICATION SUBMITTED BY THE BASTROP HIGH SCHOOL STUDENT COUNCIL TO HOST "BHS FOOTBALL HOMECOMING PARADE" ON THURSDAY, SEPTEMBER 27, 2012, IN DOWNTOWN BASTROP FROM COLLEGE STREET TO ERHARD FIELD.

A.6 APPROVAL OF SPECIAL EVENT PERMIT APPLICATION SUBMITTED BY BASTROP INDEPENDENT SCHOOL DISTRICT (BISD) INTERMEDIATE SCHOOL PARENT-TEACHER ASSOCIATION (PTA) TO HOST "MONSTER DASH FOR EDUCATION" ON SATURDAY, OCTOBER 27, 2012, IN FISHERMAN'S PARK AND THROUGHOUT DOWNTOWN.

A.7 APPROVAL OF SPECIAL EVENT PERMIT APPLICATION SUBMITTED BY THE HYATT REGENCY LOST PINES RESORT & SPA TO HOST "HYATT MAIN STREET EVENT – TEXAS TRAVEL INDUSTRY ASSOCIATION" ON TUESDAY, SEPTEMBER 25, 2012 ON NORTH MAIN STREET AND SPRING STREET BETWEEN MAIN STREET AND WATER STREET.

Council Member Willie DeLaRosa asked if Consent Agenda Item A.7 was part of the City Manager's Report Item B.7.

Mayor Orr stated that Consent Agenda Item A.7 and the City Manager's Report Item B.7 were two different subjects. Mayor Orr stated the Council has not really discussed an outline for these types of events and Council will be discussing that at a workshop.

Mayor Orr read the captions of the Ordinances listed as Consent Agenda Item A.3 and A.4.

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

B. PUBLIC HEARINGS:

B.1 CITIZEN COMMENTS.

Steve Dewire addressed the Council and provided information on the Hyatt Main Street event – Texas Travel Industry Association. Mr. Dewire stated he would like to be included when the Council discusses special events on Main Street during the week.

Mayor Orr stated the Council will move to Agenda Item D.4 but convene into Executive Session before addressing Item D.4.

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 551.074 – PERSONNEL MATTERS: CITY MANAGER.

At 6:44 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 551.074 – Personnel Matters: City Manager.

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 7:35 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.

D.4 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON A REVISION TO THE MASTER DRAINAGE STUDY OF THE HUNTERS CROSSING MASTER PLAN.

City Manager, Mike Talbot stated Covert Chevrolet plans to expand their dealership which necessitated revisions to the Hunters Crossing Drainage Master Plan. Mr. Talbot stated the City Engineer and Forestar's Engineer have been working together on this revision.

Charlotte Gilpin, City Engineer, addressed the Council. Ms. Gilpin gave an explanation of the step by step process that the City uses to review a drainage plan. Ms. Gilpin stated Longaro & Clark Consulting Engineers for Forestar prepared the revision to the Master Drainage Study of the Hunters Crossing Master Plan. Ms. Gilpin stated she recommended acceptance of the report as presented.

Alex Clark, Engineer for Forestar, addressed the Council. Mr. Clark stated a couple of years ago Forestar hired Longaro & Clark Consulting Engineers to look at drainage there to determine if there were any deficiencies in the drainage system. Mr. Clark stated there were a couple of minor deficiencies. Mr. Clark stated they worked with Covert on the solutions: 1) Raise Covert site up by 8" and regraded to minimize the depth of area ponding on Covert site; and 2) provide concrete pipe channels to improve conveyance of water off the site. Mr. Clark stated all minor deficiencies have been fixed. Mr. Clark stated this was acceptable to Rox Covert.

City Manager, Mike Talbot stated that based upon the presentations given by Ms. Gilpin and Mr. Clark he recommends Council accept the Revised Master Drainage Study of the Hunters Crossing Master Plan as submitted to Mr. Covert.

Kay Garcia McAnally moved to approve the revision to the Master Drainage Study of the Hunters Crossing Master Plan. Motion was seconded by Willie DeLaRosa and carried unanimously.

C. OLD BUSINESS

D. NEW BUSINESS

ORDINANCES FOR FIRST READING:

D.1 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF 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 AMOUNT 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 stated these budget amendments increase the budget appropriations for Fiscal Year 2012. Ms. Stovall stated the funds included in the amendments are: General Fund, Designated Fund, Water Wastewater Fund, Acceleration Fee Recovery Fund, General Obligation Bond Fund #712 and Certificates of Obligation Fund #721.

Dock Jackson moved to approve the Ordinance and place it on the Consent Agenda for the second reading at the next regularly scheduled Council Meeting. 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 ACCEPTANCE OF PROPOSED BASTROP ECONOMIC DEVELOPMENT CORPORATION BUDGET FOR FISCAL YEAR 2012-2013.

Bastrop Economic Development Corporation Executive Director, Dave Quinn addressed the Council. Mr. Quinn gave a PowerPoint presentation on the proposed Bastrop Economic Development Corporation Budget for Fiscal Year 2012-2013. Mr. Quinn stated the ending operating balance as of September 30, 2012 is anticipated to be \$1,517,504. Mr. Quinn stated the proposed revenues for Fiscal Year 2012-2013 are \$1,486,700 and the proposed expenditures are \$1,486,700 leaving an ending operating balance as of September 30, 2013 of \$1,517,504.

Discussion was held among Council and Mr. Quinn.

Joe Beal moved to accept the proposed Bastrop Economic Development Corporation Budget for Fiscal Year 2012-2013. Seconded by Kay Garcia McAnally and carried unanimously.

D.3 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM THE BASTROP COUNTY HISTORICAL SOCIETY REGARDING PERMISSION TO SERVE ALCOHOLIC BEVERAGES AT AN EVENT TENTATIVELY SCHEDULED FOR MONDAY, SEPTEMBER 24, 2012 AT THE BASTROP COUNTY HISTORICAL SOCIETY MUSEUM AND VISITOR CENTER LOCATED AT 904 MAIN STREET.

City Manager, Mike Talbot stated the City received a letter from the Bastrop County Historical Society (BCHS) requesting they be allowed to serve alcoholic beverages at a "hard hat tour" event that is tentatively scheduled for Monday, September 25, 2012. Mr. Talbot stated on Page 8 of the BCHS Lease between the City and the BCHS, Section 4.15 states that sale, service or availability of alcoholic beverages on the Leased Premises shall be in compliance with the "then existing City policies (in concurrence with other similarly situated City owned properties), procedures and applicable Texas Alcohol Beverage Commission (TABC) permitting/licensing regulations and laws. Mr. Talbot stated it has always been the City Councils' general policy that alcohol beverages are not allowed to be served or consumed at City facilities, because allowing the service and consumption of alcoholic beverages at City facilities presents a potential liability

issue for the City. Mr. Talbot stated the single exception is related to such activity at the City owned and operated Convention Center, which was formally approved by the Council. Mr. Talbot stated to address the potential liability issues involved, the Convention Center implemented special insurance and liability coverage policies for such service, which was approved by the Council. Mr. Talbot stated in addition, the sale and consumption of beer, wine and mixed beverages is restricted by the City's Code, Chapter 4, and may only occur at specified, approved locations in town, one of which is the Convention Center.

Robbie Sanders, President of the Bastrop County Historical Society (BCHS) addressed the Council. Ms. Sanders stated they are hoping to host a "hard hat" dinner party inviting major donors and the City Council, and be allowed to serve beer and wine at the event. Ms. Sanders stated their liability insurance policy with American General allows for serving of beer and wine but not sale of beer and wine. Ms. Sanders stated the servers will be Texas Alcohol Beverage Commission licensed servers.

Discussion was held among Council.

Joe Beal moved to grant permission to the Bastrop County Historical Society to serve alcoholic beverages at the event tentatively scheduled for Monday, September 24, 2012 at the Bastrop County Historical Society Museum and Visitor Center located at 904 Main Street. Motion was seconded by Kay Garcia McAnally and carried unanimously.

D.5 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE CITY COUNCIL CASTING AN OFFICIAL BALLOT FOR THE TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL BOARD OF TRUSTEES ELECTION.

City Secretary, Teresa Valdez stated the City has received the Official Ballot for the Texas Municipal League Intergovernmental Risk Pool Board of Trustees Election. Ms. Valdez stated the Council is asked to cast votes for one Candidate in each of the four (4) Places. Ms. Valdez stated each elected Trustee will serve a six-year term.

Council Member Dock Jackson stated he had researched the candidates and recommended the following: Place 11 – Greg Ingham; Place 12 – Larry Gilley; Place 13 – Byron Black and Place 14 – Pat Norris.

Dock Jackson moved the City cast votes for Greg Ingham for Place 11, Larry Gilley for Place 12, Byron Black for Place 13 and Pat Norris for Place 14.. Motion was seconded by Ken Kesselus and carried unanimously.

D.6 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON ACCEPTANCE OF MONTHLY FINANCIAL REPORTS FOR THE PERIOD ENDING OF JULY 31, 2012.

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

Brief discussion was held among Council and Ms. Stovall.

Joe Beal moved to accept the monthly Financial Reports for the period ending July 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 551.074 – PERSONNEL MATTERS: CITY MANAGER.

At 8:27 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 551.074 – Personnel Matters: City Manager.

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 9:40 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 9:41 p.m., Joe Beal moved to adjourn. Seconded by Kay Garcia McAnally and carried unanimously.

APPROVED:

ATTEST:

Terry Orr, Mayor

Teresa Valdez, City Secretary