July 24, 2012

The Bastrop City Council met in regular session on July 10, 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, 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 Ken Kesselus who was out of town and Kay Garcia McAnally who was ill.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

Council Member Willie DeLaRosa led the pledges of allegiance to the U.S. and Texas flags. Reverend Grady Chandler led the invocation.

3. PRESENTATIONS

Mayor Orr stated the City of Bastrop has earned a 2012 Gold Leadership Circle Award from the Texas Comptroller. Mayor Orr stated the City's application scored 17 points of 20 possible on the ratings criteria to earn this award. The City's listing on the State of Texas Comptroller's "Texas Transparency" website now displays the Gold seal to indicate that the City has received this award. Mayor Orr presented the Certificate to City Manager Mike Talbot.

City Manager Mike Talbot accepted the Certificate on behalf of all City staff.

4. PROCLAMATIONS

There were no proclamations.

5. ANNOUNCEMENTS

There were no announcements.

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

A. MEETINGS AND EVENTS ATTENDED:
   1. LOST PINES GROUNDWATER CONSERVATION DISTRICT MONTHLY BOARD MEETING ON JULY 18, 2012.
   2. PARKS BOARD MONTHLY MEETING ON JULY 12, 2012.
B. UPDATE ON CITY PROJECTS:
   1. SPLASH PAD.
   2. PECAN STREET SEWER PROJECT.
   3. CHESTNUT STREET SIDEWALK PROJECT.
   4. WATER WELL OPERATIONS IN FISHERMAN'S PARK.

5. BASTROP POWER & LIGHT (BP & L) ADMINISTRATIVE/TRAINING BUILDING.
6. BOB BRYANT WATER FACILITIES IMPROVEMENTS PROJECT.
7. FISCAL YEAR 2013 BUDGET.
8. UPDATE ON WORK REGARDING PINE FOREST UNIT #6.

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. 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.

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 JULY 10 AND 17, 2012.

A.2 APPROVAL OF SPECIAL EVENT APPLICATION SUBMITTED BY CODY CRUISE AND BRITTANY PEAVY TO HOST THEIR WEDDING REHEARSAL DINNER AND NUPTIALS ON OCTOBER 12 AND 13, 2012 IN FISHERMAN'S PARK.

A.3 APPROVAL OF SPECIAL EVENT APPLICATION SUBMITTED BY THE BASTROP HOMECOMING COMMITTEE, INC. TO HOST "HOMECOMING PARADE & RODEO" ON AUGUST 4-8, 2012 IN MAYFEST PARK AND DOWNTOWN.

A.4 APPROVAL OF SPECIAL EVENT PERMIT APPLICATION SUBMITTED BY ADVANCED HOME HEALTH SERVICES AND CHILDREN'S ADVOCACY CENTER TO HOST MEDICAL OLYMPICS IN FISHERMAN'S PARK ON SATURDAY, OCTOBER 20, 2012.

A.5 APPROVAL OF SPECIAL EVENT PERMIT APPLICATION SUBMITTED BY THE HYATT, CHRISTUS HEALTH AND KENNEDY CREATIVE TO HOST "HYATT MAIN STREET EVENT – CHRISTUS HEALTH" ON TUESDAY, JULY 31, 2012 ON MAIN STREET AND PINE STREET BETWEEN MAIN STREET AND WATER STREET.

A.6 APPROVAL OF SPECIAL EVENT PERMIT APPLICATION SUBMITTED BY TERRY MOORE WITH YMCA TO HOST “BURNING PINE RUN” ON SUNDAY, SEPTEMBER 2, 2012 IN MAYFEST PARK (AND BASTROP STATE PARK).

A.7 RE-APPOINTMENT BY MAYOR AND CONFIRMATION BY COUNCIL OF MEMBERS TO THE BASTROP ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS.

A.8 APPOINTMENT BY MAYOR AND CONFIRMATION BY COUNCIL OF ALTERNATE MEMBER #2 TO THE BASTROP ZONING BOARD OF ADJUSTMENT.

A.9 APPOINTMENT BY MAYOR AND CONFIRMATION BY COUNCIL OF MEMBER TO THE BASTROP PARKS BOARD.

A.10 ADOPTION OF A RESOLUTION BY THE CIY OF BASTROP SUSPENDING THE EFFECTIVE DATE FOR NINETY DAYS IN CONNECTION WITH THE RATE INCREASE FILING OF CENTERPOINT ENERGY – BEAUMONTH/EAST TEXAS DIVISION MADE ON OR ABOUT JULY 2, 2012; REQUIRING THE REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES, AUTHORIZING PARTICIPATION IN A COALITION OF SIMILARLY SITUATED CITIES; AUTHORIZING PARTICIPATION IN RELATED RATE PROCEEDINGS; AUTHORIZING THE RETENTION OF SPECIAL COUNSEL; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

A.11 AWARD OF BID FOR WAYFINDING PROJECT FABRICATION AND INSTALLATION.

Mayor Orr stated that Consent Agenda Item A.5 will be pulled for separate discussed because Dr. Rick Taylor had called him and voiced concern that the City was not following the timing requirements listed in the Special Events Ordinance and Dr. Taylor will have to close his business on Tuesday due to lack of parking for his patients.

Mayor Orr stated that Consent Agenda Item A.10 needed to be pulled for separate discussion because there were amendments/corrections which were to be made to the Resolution. Mayor Orr read the caption of the Resolution.

Joe Beal moved to approve the Consent Agenda minus Item A.5 and Item A.10. Motion was seconded by Willie DeLaRosa and carried unanimously.

City Manager, Mike Talbot stated that the Special Event listed in Item A.5 as a fast-tracked Special Event Permit and when it was brought to him he was under the impression that all business had been contacted regarding the closing of the street. Mr. Talbot stated that the City has previously made other arrangements for parking for Dr. Taylor’s business.

Main Street Manager, Nancy Wood addressed the Council and stated she spoke with Dr. Taylor yesterday and she was under the impression that he was okay with the closing of the street. Ms. Wood stated all other businesses affected by the street closure were okay with the event.

Mayor Orr stated that Dr. Taylor's concern was that the Council not just ignore the fact that the guidelines listed in the Ordinance were followed and pass this on the Consent Agenda.

Dr. Rick Taylor addressed the Council and stated his concern was that it was discussed and not simply passed because this could set a precedent that process is not followed. Dr. Taylor stated he is going to close his practice at noon and Tuesday.

Dock Jackson moved to approve Consent Agenda Item A.5. Motion was seconded by Joe Beal and carried unanimously.

City Secretary, Teresa Valdez stated there was an amendment to the Resolution. Ms. Valdez called the Council's attention to the amended Resolution distributed to the Council. Ms. Valdez stated that on Page 3 of the Resolution in Section 4 the verbiage "and participation in the Alliance of CenterPoint Municipalities" was to be added.

Mayor Orr stated on Page 1 of the Resolution it shows a negative 34.4% for General Service – Large Volume Decrease and then on Page 2 it stated an increase for General Service – Large Volume.

City Attorney J.C. Brown stated she can get clarification on this and bring back to Council but there is a deadline of August 5, 2012 for this Resolution and the Council does not have another Council meeting until August 14th.

Willie DeLaRosa moved to approve Consent Agenda Item A.10 contingent upon the Mayor approving the final document after the information has been clarified by the City Attorney. Motion was seconded by Dock Jackson and carried unanimously.

Mayor Orr requested the Council moved to Agenda Item D.1.

D.1 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON REQUEST BY PARKS BOARD TO ESTABLISH A SKATEBOARD PARK AT CITY OWNED PROPERTY LOCATED AT 1206 EMILE STREET.

City Manager Mike Talbot stated the Parks Board met on July 12, 2012 and they have been discussing over the last few months development of a skate park. Mr. Talbot stated they had formed a sub-committee and the committee had looked at different locations for a skateboard park. Mr. Talbot stated the Parks Board is committed to going forth with a skateboard park and are requesting Council approve the location of 1206 Emile Street as the location for a skateboard park.

Betty Rucker, William Dildine, Dillon Justice, Nancy Rabensburg and Brandi Smith, members of the Bastrop Parks Board addressed the Council.

Betty Rucker stated this has been a two year project and stated the Parks Board has been looking at various properties. Ms. Rucker stated the City owns this property.

Willie DeLaRosa stated a Public Hearing should be held in order to allow residents in the area of 1206 Emile Street to comment.

Discussion was held among Council.

It was the consensus of Council that the Parks Board work with the City Manager on a presentation on development of a skateboard park in Bastrop so there would be something to present at a Public Hearing.

B. PUBLIC HEARINGS:

B.1 PUBLIC HEARING: REGARDING THE SUBMISSION OF AN APPLICATION TO THE DEPARTMENT OF AGRICULTURE OFFICE OF RURAL AFFAIRS FOR A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM GRANT TO PROVIDE SEWER IMPROVEMENTS.

Robyn Sisco with Langford Community Management Services addressed the Council. Ms. Sisco stated the City will be submitting an application to the Department of Agriculture Office of Rural Affairs for a Texas Community Development Block Grant Program grant to provide sewer improvements. Ms. Sisco stated the application will be for $275,000. Ms. Sisco stated the purpose of the public hearing is to allow citizens an opportunity to discuss the citizen participation plan, the development of local housing and community development funds, the amount of Texas Community Development Block Grant funds available, all eligible Texas Community Development Block Grant activities and the use of past Texas Community Development Block Grant funds.

There were no public comments.

B.2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF BASTROP, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE OFFICE OF RURAL AFFAIRS FOR THE COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING THE CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

City Manager Mike Talbot recommended Council approve with the condition that once the City receives the final program parameters that it is brought back to Council for final approval.

Dock Jackson moved to adopt the Resolution with the condition that once the City received the final program parameters it is brought back to Council for final approval. Motion was seconded by Joe Beal and carried unanimously.

B.3 CITIZEN COMMENTS.

Rick Perkins, a volunteer Board Member of the Clean Air Force addressed the Council. Mr. Perkins requested the City continue financial support of the Clean Air Force.

C. OLD BUSINESS

D. NEW BUSINESS

ORDINANCES FOR FIRST READING:

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

D.2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION CONCERNING AWARD OF THE BID FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT FAYETTE STREET WASTEWATER IMPROVEMENT PROJECT.

City Manager Mike Talbot stated a couple of years ago the City was awarded a grant for the Fayette Street Wastewater Improvements Project through the Capital Area Council of Governments (CAPCOG). Mr. Talbot stated the grant application was for the replacement of the wastewater main from Highway 71 to Chestnut Street. Mr. Talbot stated the City was awarded funding for this project in Cycle II of the Community Development Block Grant funding cycle which meant the City would not receive funding for this project until 2012. Mr. Talbot stated a few months ago the City was notified that funding had been approved and released for this project. Mr. Talbot stated the City commenced the engineering and design work and then went out for bids. Mr. Talbot stated the bid tabulation sheet is included in the Agenda packet. Mr. Talbot stated the project was bid in two Phases. Mr. Talbot stated Phase I or the Base Bid was from Highway 71 to Farm Street (larger in scope than the original project) and Phase II was from Farm Street to Cedar Street. Mr. Talbot called the Council's attention to the Fiscal Year 2012 Wastewater Bond Fund Summary included in the Agenda packet. Mr. Talbot stated based upon the funds available it is being recommended that the City only undertake and approve the base bid. Mr. Talbot pointed out the following: 1) The scope of work that is being undertaken in the base bid is more work than what was included in the grant application; and 2) The grant application only required the City contribute $55,000 toward this Project and the City is contributing considerable more to this project and the City is making a significant improvement to a major wastewater main that needed to be replaced many years ago. Mr. Talbot recommended award of the base bid only to Mercer Construction in the amount of $340,917.75.

Joe Beal moved to award the bid for the Community Development Block Grant Fayette Street Wastewater Improvement Project to in the amount of $340,917.75 (base bid only) to Mercer Construction. Motion was seconded by Willie DeLaRosa and carried unanimously.

City Manager Mike Talbot introduced newly hired Public Works Director Trey Job.

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 7:20 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.

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 7:55 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 7:56 p.m., Willie DeLaRosa moved to adjourn. Seconded by Dock Jackson and carried unanimously.

APPROVED:	ATTEST:
______________________	______________________
Terry Orr, Mayor	Teresa Valdez, City Secretary