June 26, 2012

The Bastrop City Council met in regular session on June 26, 2012 at 6:00 p.m. at the Council Chambers of City Hall, 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Terry Orr and Council Members Ken Kesselus, Kay Garcia McAnally, Willie DeLaRosa, Dock Jackson and Joe Beal.

ANNOUNCEMENTS

1. CALL TO ORDER

At 6:00 p.m. Mayor Terry Orr called the meeting to order with all members present.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

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

3. PRESENTATIONS

There were no presentations.

4. PROCLAMATIONS

There were no proclamations.

5. ANNOUNCEMENTS

Council Member Joe Beal announced the ribbon cutting for the Splash Pad will be held at Fisherman's Park at 10:00 a.m. on Saturday, June 30, 2010.

Council Member Kay Garcia McAnally stated the Film Commission has been very busy showing film producers around town.

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 MAY 16, 2012.
  2. GRAND OPENING OF LOST PINES TOYOTA.
- B. UPDATE ON CITY PROJECTS:
  1. STRATEGIC DIRECTIONS REPORT/NEXT QUARTERLY MEETING.
  2. SPLASH PAD PROJECT.
  3. PECAN STREET SEWER LINE PROJECT.
  4. PUBLIC WORKS DIRECTOR AND IT DIRECTOR POSITIONS.
  5. WATER WELL OPERATIONS IN FISHERMAN'S PARK.
  6. POWER OUTAGE OF JUNE 12, 2012.

7. PLANNING AND ZONING COMMISSION MEETING OF JUNE 28, 2012.
8. UPDATE ON WORK REGARDING PINE FOREST UNIT #6.

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's Report had been given to Council.

Mr. Talbot stated the first City Council Budget Workshop is scheduled for July 17, 2012.

Mr. Talbot gave an update on Item B.5. Mr. Talbot stated the Splash Pad will be opening this Saturday. Mr. Talbot stated Well "C" pump is installed and will be in operation by Friday. Mr. Talbot stated that will dictate the hours of operations of the Splash Pad.

Mr. Talbot gave an update on Item B.4. Mr. Talbot stated a Public Works Director has been hired, Mr. William (Trey) Job, III, and he will begin work on July 16, 2012. Mr. Talbot stated an Information Technology (IT) Director has been hired. Mr. Talbot stated Andreas Rosales, has been working for the City as a Police Officer and also serving as the Interim IT Director. Mr. Talbot stated Mr. Rosales was selected to fill the position of IT Director for the City of Bastrop.

Mr. Talbot gave an update on Item B.7. Mr. Talbot stated the Planning and Zoning Commission will be discussing the red granite driveways issue that Council asked them to review.

Mayor Orr acknowledged Council Member Kay Garcia McAnally's presence at the meeting tonight because her husband had a very unfortunate medical issue and has had major orthopedic surgery and he is back in town today. Mayor Orr wished Conner McAnally all the best.

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 JUNE 12, 2012.

A.2 ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR THE CONSTRUCTION OF A STRUCTURE TO BE THREE (3) STORIES, 42 FEET, WHERE 35 FEET IS ALLOWED, FOR SENIOR HOUSING, PHASE 1 AND PASE 2

TO BE LOCATED ON +/-2.99 ACRES, WITHIN BASTROP WEST COMMERCIAL, BLOCK A, LOT 7A-1C-A AND LOT 7A-1B-A, AN AREA ZONED MF2, MULTI FAMILY-2 LOCATED WITHIN THE CITY LIMITS OF THE CITY OF BASTROP, TEXAS; SETTING OUT CONDITIONS; AND PROVIDING AN EFFECTIVE DATE.

A.3 ADOPTION OF AN ORDINANCE AMENDING THE BUDGET FOR THE FISCAL YEAR 2012 IN ACCORDANCE WITH EXISTING STATUTORY REQUIREMENTS; APPROPRIATING THE VARIOUS AMOUNTS HEREIN; REPEALING ALL PRIOR ORDINANCES AND ACTIONS IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECIVE DATE.

A.4 ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF BASTROP, TEXAS UNIFYING PROVISIONS IN EXISTING ORDINANCES RELATED TO THE MEMBERSHIP, TERMS AND FILLING OF VACANCIES ON VARIOUS CITY BOARDS AND COMMISSIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

A.5 APPROVAL OF A STATUTORY DENIAL, FOR A PERIOD OF 180 DAYS FROM THE DATE OF CITY COUNCIL ACTION ON THE XS RANCH PHASE 1-1 PRELIMINARY PLAT WITHIN THE CITY OF BASTROP, TEXAS EXTRA TERRITORIAL JURISDICITON (ETJ).

A.6 APPROVAL OF AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO AGREEMENT, DATED APRIL 21, 2000 BETWEEN THE CITY OF BASTROP, TEXAS AND THE LOWER COLORADO RIVER AUTHORITY (LCRA) CONCERNING THE TREATMENT OF WASTEWATER IN LCRA'S TAHITIAN VILLAGE WASTEWATER SYSTEM.

A.7 APPROVAL OF AN AMENDMENT TO CHAPTER 2 SECTION 8 OF THE CITY OF BASTROP PERSONNEL POLICIES MANUAL.

Mayor Orr stated that Item A.4 will be pulled from the Agenda for separate discussion.

Council Member Willie DeLaRosa asked that Item A.6 be pulled for separate discussion.

Mayor Orr read the captions of the Ordinances listed as Consent Agenda Items A.2 and A.3.

Willie DeLaRosa moved to approve the Consent Agenda minus Items A.4 and A.6. Seconded by Kay Garcia McAnally and carried unanimously.

Mayor Orr read the caption of the Ordinance for Item A.4.

City Secretary, Teresa Valdez stated that in the proposed Ordinance under Consent Agenda Item A.4 on page 48 of the Agenda packet there is a correction. Ms. Valdez stated that according to the Texas Local Government Code the commissioners of a Municipal Housing Authority can only serve terms of two (2) years so Section G(2) could be deleted from the proposed Ordinance.

Ms. Valdez stated that in Section G(3) of the proposed Ordinance, the Council needs to select a number to fill in the two (2) blanks. Ms. Valdez stated that Section G(4) should be corrected to reflect terms of two (2) years. Ms. Valdez read the corrected language for Section G(4).

Discussion was held among Council.

Ken Kesselus moved to approve Consent Agenda Item A.4 on the second reading, with the wording to be determined by the City Attorney and City Manager to clarify the fact that the Housing Authority Commissioners are to serve two (2) year terms with the corrections as stated by Ms. Valdez making it clear that one (1) Housing Authority Commissioner is to be a resident of the City and a resident of the public housing project, three (3) other Commissioners to be residents of the City and one (1) Commissioner being a resident of the City's ETJ. Seconded by Kay Garcia McAnally and carried unanimously.

Council Member Willie DeLaRosa asked Mr. Talbot in Item A.6 what reserve capacity is it that the City is giving LCRA, and what capacity of that is the City's.

Mr. Talbot explained that was in the original Agreement and it is about 20% and that has not changed.

Joe Beal moved to approve Consent Agenda Item A.6. Seconded by Dock Jackson and carried unanimously.

B. PUBLIC HEARINGS:

B.1 PUBLIC HEARING: REQUESTS FROM CIVIC ORGANIZATIONS FOR FUNDING FOR SERVICES NOT CURRENTLY PROVIDED BY CITY STAFF.

Karla Stovall, Chief Financial Officer, addressed the Council. Ms. Stovall stated in accordance with the Community Services Funding Calendar the civic organizations will present their requests for funding tonight.

Mayor Orr stated this was a Public Hearing and asked that each presenter limit their presentation to three (3) minutes.

1. BASTROP COUNTY CHILD PROTECTIVE SERVICE WELFARE BOARD

Tamara Brown, Vice Chairperson of the Bastrop County CPS Welfare Board gave a brief presentation and requested $2,500 Community Support funding.

2. BASTROP COUNTY EMERGENCY FOOD PANTRY & SUPPORT CENTER, INC.

Tresha Silva, Executive Director of Bastrop County Emergency Food Pantry & Support Center, Inc., gave a brief presentation and requested $18,100 Community Support funding.

3. BASTROP COUNTY WOMEN'S SHELTER, INC – FAMILY CRISIS CENTER

Laurin Jones, Grants Manager of Bastrop County Women's Shelter, Inc. – Family Crisis Center, gave a brief presentation and requested $11,000 Community Support funding.

4. BASTROP YOUTH SOCCER ORGANIZATION

Mayor Orr stated that Camilo (Cam) Chavez) had emailed a letter to the Council stating a Bastrop Youth Soccer Organization representative could not attend the Council meeting tonight due to prior commitments.

Per the information included in the Agenda packet the Bastrop Youth Soccer Organization is requesting $15,000 Community Support funding

5. BOYS & GIRLS CLUB OF BASTROP COUNTY

Anthony Robles, Executive Director of the Boys and Girls Club of Bastrop County, gave a brief presentation and requested $15,000 Community Support funding.

6. CAPITAL AREA RURAL TRANSPORTATION (CARTS)

Lyle Nelson, Chief Operation Coordinator for Capital Area Rural Transportation (CARTS) gave a brief presentation and requested $8,000 Community Support funding.

7. CHILDREN'S ADVOCACY CENTER OF BASTROP COUNTY

Coreen Schmidt, Executive Director of Children's Advocacy Center of Bastrop County, gave a brief presentation and requested $8,000 Community Support funding.

8. COMBINED COMMUNITY ACTION, INC.

Kelly Franke, Executive Director of Combined Community Action, gave a brief presentation and requested $8,000 Community Support funding.

9. COURT APPOINTED SPECIAL ADVOCATES OF BASTROP COUNTY (CASA)

Julie Dunn, Program Director and Volunteer Coordinator for Appointed Special Advocates of Bastrop County (CASA), gave a brief presentation and requested $5,400 Community Support funding.

10. LITERACY VOLUNTEERS OF AMERICA – BASTROP

Tracy Carver, Program Coordinator of Literacy Volunteers of America – Bastrop, gave a brief presentation and requested $7,200 Community Support funding.

11. MINORITIES FOR EQUALITY IN EMPLOYMENT, EDUCATION AND JUSTICE, INC.

Latreese Cooke, Executive Director of Minorities for Equality in Employment, Education and Justice, Inc., gave a brief presentation and requested $18,000 Community Support funding.

Mayor Orr declared the Public Hearing closed.

Council Member Ken Kesselus requested the Council move to Item D.1 on the Agenda.

Mayor Orr stated the Council will consider Item B.2 and then move to Item D.1.

B.2 PUBLIC HEARING: REQUESTING VARIANCES TO SUBDIVISION REGULATIONS SECTION 1.30.6 A AND SECTION 1.30.6 C MINIMUM ROAD STANDARDS TO NOT REQUIRE THE EXTENSION OF INDUSTRY LANE TO BE BUILT TO THE END OF TAHITIAN VILLAGE, UNIT 1, BLOCK 22, LOT 1-1667 AND LOT 1-1668, BEING APPROXIMATELY 0.503 ACRES OF LAND WITHIN THE CITY LIMITS OF BASTROP, TEXAS.

Planning and Development Director, Melissa McCollum addressed the Council. Ms. McCollum stated the property is located between undeveloped Industry Lane and Commercial Drive within the city limits of Bastrop, Texas. Ms. McCollum stated the applicant is requesting a variance to not extend Industry Lane located to the rear of the platted Lot 1-1667 and the lots to be developed have frontage on Commercial Drive. Ms. McCollum stated CAPPS Medical is requesting a variance from 1.30.6A and 1.30.6 C Minimum Road Standards and Sierra Classic, the lot north of Industry Lane had requested and received a variance to this requirement at the May 22, 2012 City Council Meeting. Ms. McCollum stated staff recommends approval of the requested variances.

Discussion was held among Council.

There were no public comments.

D. NEW BUSINESS

ORDINANCES FOR FIRST READING:

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

D.1 PRESENTATION BY ORGANIZATIONS SEEKING FUNDING FROM HOTEL OCCUPANCY TAX FOR THE 2012 FISCAL YEAR:

Karla Stovall, Chief Financial Officer, addressed the Council. Ms. Stovall stated in accordance with the Hotel Occupancy Tax Funding Calendar the organizations will present their requests for funding tonight.

1. BASTROP ASSOCIATION FOR THE ARTS.

Sherry Gilmore, Treasurer of Bastrop Association for the Arts, gave a brief presentation and requested $13,000.00 funding from Hotel Occupancy Tax for the 2012-2013 Fiscal Year.

2. BASTROP CHAMBER OF COMMERCE

Susan Wendel, Executive Director and Chief Executive Officer of Bastrop Chamber of Commerce, gave a brief presentation and requested $75,800.00 funding from Hotel Occupancy Tax for the 2012-2012 Fiscal Year.

3. BASTROP DOWNTOWN BUSINESS ALLIANCE

Druscilla Rogers, President of the Bastrop Downtown Business Alliance, gave a brief presentation and requested $57,100.00 funding from Hotel Occupancy Tax for the 2012-2013 Fiscal Year.

4. BASTROP FINE ARTS GUILD

Jeanette Condray, President of Bastrop Fine Arts Guild, gave a brief presentation and requested $10,000.00 funding from Hotel Occupancy Tax for the 2012-2013 Fiscal Year.

5. BASTROP COUNTY HISTORICAL SOCIETY

Robbie Sanders, President of Bastrop County Historical Society, gave a brief presentation and requested $ 25,500.00 funding from Hotel Occupancy Tax for the 2012-2013 Fiscal Year.

Council Member Kay Garcia McAnally noted that the annual Holiday Homes Tour will not be in Bastrop this year.

6. BASTROP HOMECOMING COMMITTEE

Jane Sanders representing the Bastrop Homecoming Committee, gave a brief presentation and requested $30,000.00 funding from Hotel Occupancy Tax for the 2012-2013 Fiscal Year.

7. BASTROP JUNETEENTH COMMITTEE

Tammy Bell Johnson, a member of the Bastrop Juneteenth Committee, gave a brief presentation and requested $5,000 funding from Hotel Occupancy Tax for the 2012-2013 Fiscal Year.

8. BASTROP OLD TOWN VISITOR'S CENTER

Cindy Wolford, Director of Bastrop Old Town Visitor's Center, gave a brief presentation and requested $78,820.00 funding from Hotel Occupancy Tax for the 2012-2013 Fiscal Year.

9. BASTROP OPERA HOUSE

Chester Eitze, Executive Director of the Bastrop Opera House, gave a brief presentation and requested $65,000.00 funding from Hotel Occupancy Tax for the 2012-2013 Fiscal Year.

10. BOYS & GIRLS CLUB OF BASTROP COUNTY

Anthony Robles, Executive Director of the Boys & Girls Club of Bastrop County, gave a brief presentation and requested $5,000 funding from Hotel Occupancy Tax for the 2012-2013 Fiscal Year.

11. FAMILY CRISIS CENTER

Charlotte Pietsch, Fundraising Manager of the Family Crisis Center gave a brief presentation and requested $1,500.00 funding from Hotel Occupancy Tax for the 2012-2013 Fiscal Year.

12. KEEP BASTROP COUNTY BEAUTIFUL

Dorothy Skarnulis of Keep Bastrop County Beautiful, gave a brief presentation and requested $10,000.00 funding from Hotel Occupancy Tax for the 2012-2013 Fiscal Year.

13. LONE STAR RELAYS, LLC

Jay Hilscher, Executive Director of Lone Star Relays, LLC, gave a brief presentation and requested $15,000 funding from Hotel Occupancy Tax for the 2012-2013 Fiscal Year.

Council Member Joe Beal stated on the check list included in the Agenda packet, City staff indicates that not all documentation (Financial Statement, 501(c) Letter, Articles of Incorporation and the List of Board Members) had not been received with the Funding Application. Mr. Beal stated that Mr. Hilscher should probably get that documentation to staff.

Mr. Hilscher stated Lone Star Relays, LLC is not a 501(c) organization.

14. UPSTART, INC.

Carolyn Banks, Executive Director of Upstart, Inc., gave a brief presentation and requested $34,400.00 funding from Hotel Occupancy Tax for the 2012-2013 Fiscal Year.

15. YMCA OF AUSTIN

Terry Moore, Recreation Specialist of YMCA - Austin, gave a brief presentation and requested $20,000.00 funding from Hotel Occupancy Tax for the 2012-2013 Fiscal Year to run the swimming pool in Bastrop State Park.

Council addressed questions to some of the organizations as they gave their presentations.

B.3 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON A REQUEST FOR VARIANCES TO SUBDIVISION REGULATIONS SECTION 1.30.6 A AND SECTION 1.30.6 C MINIMUM ROAD STANDARDS TO NOT REQUIRE THE EXTENSION OF INDUSTRY LANE TO BE BUILT TO THE END OF TAHITIAN VILLAGE, UNIT 1, BLOCK 22, LOT 1-1667 AND LOT 1-1668, BEING APPROXIMATELY 0.503 ACRES OF LAND WITHIN THE CITY LIMITS OF BASTROP, TEXAS.

Planning and Development Director, Melissa McCollum stated this was the action item from previous Agenda Item B.2.

Joe Beal moved to grant the variances. Seconded by Willie DeLaRosa and carried unanimously.

B.4 CITIZEN COMMENTS.

Carolyn Banks addressed the Council and voiced comments on the following: 1) Hotel Occupancy Tax Funding is marketing and she thinks all of the organizations should sit down and do cooperative marketing, and 2) Bastrop Springs – what does a citizen have to do to get heard – she had sent an email in July 2011 to City staff regarding the Bastrop Springs, and why is it so hard to get a sign placed at the Springs.

C. OLD BUSINESS

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.

At 7:45 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 8:55 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 8:56 p.m., Willie DeLaRosa moved to adjourn. Seconded by Joe Beal and carried unanimously.

APPROVED:

Terry Orr, Mayor

ATTEST:

Teresa Valdez, City Secretary