

June 12, 2012

The Bastrop City Council met in regular session on June 12, 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 Ken Kesselus' grandson, Nathan Freeto, visiting from Robinson, Texas, led the pledges of allegiance to the U.S. and Texas flags. Reverend R. D. Smith led the invocation.

3. PRESENTATIONS

A. CHARACTER EDUCATION – BASTROP STUDENT

Hannah Lancaster a Sixth Grade student at Bastrop Intermediate School presented the Character Education character trait "Honor" for the month of June.

4. PROCLAMATIONS

A. SMART IRRIGATION MONTH

Mayor Orr proclaimed July 2012 as Smart Irrigation Month in the City of Bastrop. Mayor Orr presented the Proclamation to Kimberly McClain, Administrative Assistant of the Water & Wastewater Department.

B. BASTROP JUNETEENTH CELEBRATION

Mayor Orr proclaimed June 15-16, 2012 as the 25th Anniversary of the Bastrop Juneteenth Committee in Bastrop. Mayor Orr presented the Proclamation to Cladie Johnson Haywood, Vice President of the Juneteenth Committee.

5. ANNOUNCEMENTS

Mayor Orr stated that the sales tax for this month is 14% above what it was last year this month.

Mayor Orr stated that he had asked and Council Member Jackson had agreed to be the Council representative to the Clean Air Force of Central Texas.

OATH OF OFFICE

1. OATH OF OFFICE TO BE ADMINISTERED TO COUNCIL MEMBER JOSEPH BEAL.

City Secretary, Teresa Valdez administered the Oath of Office to Council Member Place 2 Joseph (Joe) Beal.

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 MAY 22 AND 29, 2012.

A.2 ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF BASTROP APPROVING A PROJECT (A GRANT TO SP BASTROP THEATRE, LP, FOR RENOVATIONS AND NEW CONSTRUCTION AT THE FORMER CHESTNUT SQUARE ENTERTAINMENT CENTER LOCATED AT 1600 CHESTNUT STREET, BASTROP, TEXAS, IN THE AMOUNT OF \$100,000), USING FUNDS PROVIDED BY THE BASTROP ECONOMIC DEVELOPMENT CORPORATION, IN AN AMOUNT EXCEEDING \$10,000.

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 EFFECTIVE DATE.

A.4 APPROVAL OF SPECIAL EVENT APPLICATION SUBMITTED BY THE BASTROP JUNETEENTH COMMITTEE IN PARTNERSHIP WITH DOWNTOWN BUSINESS ALLIANCE TO HOST "JUNETEENTH CELEBRATION" ON JUNE 15-16, 2012, IN FISHERMAN'S PARK AND KERR COMMUNITY PARK, AS WELL AS ON MAIN STREET AND IN THE CITY HALL PARKING LOT.

A.5 APPROVAL OF REVISED AND UPDATED LIBRARY LONG-RANGE PLAN.

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

A.7 ADOPTION OF A RESOLUTION TO SUPPORT THE APPLICATION TO TEXAS COMMISSION ON THE ARTS TO HAVE A PORTION OF THE CITY OF BASTROP NAMED A CULTURAL ARTS DISTRICT.

A.8 APPROVAL OF SPECIAL EVENT PERMIT APPLICATION SUBMITTED BY BASTROP CHAMBER OF COMMERCE TO HOST "PATRIOTIC FESTIVAL" TO BE HELD IN FISHERMAN'S PARK ON SATURDAY, JULY 7, 2012.

A.9 APPROVAL OF NOTICE OF ACTIVITY SUBMITTED BY THE MACEDONIA

BAPTIST CHURCH TO HOST “FAMILY AND FRIENDS FESTIVAL ON JUNE 16, 2012, ON CHURCH GROUNDS WITH PERMISSION TO CLOSE MLK STREET BETWEEN PINE STREET AND WALNUT STREET.

A.10 APPROVAL OF SPECIAL EVENT PERMIT APPLICATION SUBMITTED BY THE DOWNTOWN BUSINESS ALLIANCE TO HOST “PET AND PAL PARADE” ON JULY 7, 2012, IN DOWNTOWN BASTROP.

Mayor Orr read the caption of the Ordinance listed as Consent Agenda Item A.3.

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

City Secretary, Teresa Valdez stated she had received an email from the Downtown Business Alliance (DBA) requesting that the time shown on the Juneteenth Special Event Application for serving of beer and wine by the DBA be listed as 7:30 p.m. until 11:00 p.m. Ms. Valdez recommended approval of Consent Agenda Item A.4 with the change to the time of serving beer and wine.

Kay Garcia McAnally moved to approve Consent Agenda Item A.3 with the change to the time of serving beer and wine. Motion was seconded by Willie DeLaRosa. Motion carried 4:0.

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

ABSTAIN: Dock Jackson.

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 – MONEY FOUND IN FISHERMAN’S PARK, AND (2) MATTERS UPON WHICH THE ATTORNEY HAS A DUTY AND/OR RESPONSIBILITY TO REPORT TO THE GOVERNMENTAL BODY.

At 6:24 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 – Money found in Fisherman’s Park, 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 6:40 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.

B. PUBLIC HEARINGS:

B.1 PUBLIC HEARING: THE CITY COUNCIL WILL SOLICIT AND RECEIVE INFORMATION FROM MEMBERS OF THE PUBLIC CLAIMING TO BE THE RIGHTFUL OWNER OF THE PROPERTY, IF ANY, GENERALLY IDENTIFIED AS U.S. CURRENCY AND COLLECTOR QUALITY COINS FOUND IN FISHERMAN'S PARK, IN THE CITY OF BASTROP, TEXAS ON OR ABOUT JANUARY 18, 2012.

Mayor Orr requested City Attorney, J.C. Brown present a re-cap of the history and facts related to this matter.

City Attorney, J.C. Brown stated the following is a give a recap of the process that City Staff has gone through the last few months regarding the found money: On January 18, 2012, Mr. Timothy Yost located seventy (70) \$100 U.S. currency bills and 40 gold Krugerrand coins (which I will generally refer to this evening as the "Property") in Fisherman's Park in the City of Bastrop, near the Colorado River. The Bastrop Police Department became involved when Mr. Yost attempted to exchange some of the wet bills for dry bills, at the First National Bank, and an employee of the bank called the police department expressing concern about the "suspicious circumstances" related to Mr. Yost's activities with the property. When the police arrived at the scene and located Mr. Yost, Mr. Yost informed the police that he had found the property in Fisherman's Park, and identified to the Police the location where he found the Property. While Yost stated that – as the finder – he believed he had the right to keep the Property, due to its substantial value combined with the suspicious circumstances in which the Property was located and how it came into the possession of Mr. Yost, the Police Department took custody of the funds from Mr. Yost to determine: 1) whether the Property was contraband or the proceeds of a crime, and 2) whether the "true owner" of the Property could be located. Mr. Yost was given a receipt for the total amount of the Property and the Property was placed in the Police Department's property vault. Approximately two (2) weeks after the money was seized by the police, Mr. Yost's attorneys, Ms. Aleta Peacock and Ms. Christine Files, began requesting the return on the Property. Finally, on May 14, 2012, litigation was filed by Peacock and Files, seeking a release of the Property. After seizure of the Property by the Police Department, Bastrop Police Detective, Tamara Brown, immediately began investigating whether the Property was contraband associated with a crime. First, based on the identification of the bank in which the bills were wrapped (Wachovia/Wells Fargo) Detective Brown contacted the Federal Bureau of Investigation (FBI) to determine whether there had been any related robberies. The FBI contacted Wachovia's investigation unit. In addition, several other Police Departments in the surrounding areas were contacted by the FBI. Detective Brown was also put in contact with a Detective with the Pantego Police Department who works with Numismatic Crime Information (NCI – an agency that assists with collaboration between police and coin collectors, to determine ownership of found coins) to determine whether the coins had been stolen and to attempt to locate the true owner. After approximately six (6) weeks of investigations, a reasonable presumption was made by the Police Department that the Property was not contraband and the City, in accord with Texas Criminal Code §18.17, was then able to begin to post additional

notice in the paper in its further attempt to locate the true owner. Once it was determined that the Property was not contraband, the City relied on Texas Criminal Code Annotated §18.17 “Disposition of Abandoned or Unclaimed Property” to determine the proper process to follow for the disposition of the Property. Pursuant to the State law, because the property had a fair market value of \$500 or more and the owner of the Property was unknown, the City was required to publish in a paper of general circulation in the City a notice containing a general description of the property and a statement that if the owner did not claim the property within (90) days from the date of publication, the property would be disposed of and the proceeds, after deduction of certain expenses, would be placed in the treasury of the City. In compliance with State law, the City placed two notifications to the public in the Advertiser. The first notification to the public in a paper of general circulation was on March 1, 2012. The second notification was published on March 8, 2012. Based on the date of the first publication, the ninety (90) day time period expired on June 1, 2012. Several claims to the Property have been made over the past several months and investigated by Detective Brown. At this time, however, there are no true owner claims to present to the Council for its review.

Ms. Brown stated that this brings us to the final step in the process tonight, which is to hold a public hearing during which any person who claims to be a “rightful owner” of the Property may make that claim to the City Council, for its evaluation and consideration – prior to the Council reaching a decision as to the appropriate disposition of the property. Ms. Brown stated after the published notifications and this hearing tonight are completed, the City will have completed its requirement that it attempt to identify any rightful owner making a claim to the money. Ms. Brown stated once the Council has considered any information that is presented in this Public Hearing, by anyone claiming to be a rightful owner of the Property, the Council will be in a position to determine the disposition of the Property.

Ms. Brown thanked Police Chief Michael Blake and Detective Tamara Brown for the Police Department’s assistance with the matter. Ms. Brown stated Detective Brown has worked diligently and effectively on this matter, and has been of great assistance in the City’s legal work.

Mayor Orr opened the Public Hearing.

No one came forward to address the Council regarding the found “Property”.

Mayor Orr asked City Staff if they had anything to declare or comment.

There were no City Staff comments or declarations.

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 – MONEY FOUND IN FISHERMAN’S PARK, AND (2) MATTERS UPON WHICH THE ATTORNEY HAS A DUTY AND/OR RESPONSIBILITY TO REPORT TO

THE GOVERNMENTAL BODY.

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 – Money found in Fisherman’s Park, 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 7:08 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.

Mayor Orr thanked the Police Department and the City’s legal team for their hard work over the past months to do the investigative work necessary to get us to this point today. Mayor Orr stated he especially wanted to Thank Detective Brown for her hard work and diligence. Mayor Orr thanked anyone who participated in the Public Hearing tonight.

B.2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON DETERMINING THE DISPOSITION OF THE FOUND PROPERTY (GENERALLY IDENTIFIED AS U.S. CURRENCY AND COLLECTOR QUALITY COINS FOUND IN FISHERMAN’S PARK, IN THE CITY OF BASTROP, TEXAS ON OR ABOUT JANURY 18, 2012), IF POSSIBLE.

City Attorney, J.C. Brown stated the City has complied with the legal requirements regarding the found “Property”.

Ken Kesselus moved that there being no “true owner” claims for consideration by the Council at this time, the Council approves releasing the found “Property”, which consists of seventy (70) \$100 U.S. currency bills and forty (40) gold Krugerrand coins to Mr. Yost, as agreed to by the City, Mr. Yost and his attorneys, inasmuch as the City finds that Mr. Yost personally located it on January 18, 2012 near the Colorado River is Fisherman’s Park in the City, and further that the Property will be conveyed to Mr. Yost through his attorneys of records pursuant to a validly executed Power of Attorney, and that, at that point, the maintenance and possession of the “Property” will be under the control of Mr. Yost and his attorneys. Seconded by Kay Garcia McAnally and carried unanimously.

Mayor Orr stated as indicated by the motion just passed by the Council, after careful consideration of the investigative work, the public input and consultation with the City Attorney, the City Council determined that it is appropriate to turn the found “Property” over to Mr. Yost as “the finder.” Mayor Orr stated that the City Council, with its congratulations will be turning over to Mr. Yost through his attorneys, all of the “Property” that Mr. Yost found in Fisherman’s Park. Mayor Orr stated the City wishes Mr. Yost the best of luck with his new found wealth.

Ms. Aleta Peacock addressed the Council. Ms. Peacock stated she was representing Mr. Yost and expressed his deepest appreciation.

B.3 PUBLIC HEARING: ZONING ORDINANCE REQUIREMENT FOR A PUBLIC HEARING, AS REQUIRED IN SECTION 21.6 SPECIAL REQUIREMENTS, FOR A SITE PLAN AND FAÇADE ELEVATIONS NOT APPROVED AT THE TIME OF ZONING APPROVAL FOR SENIOR HOUSING TO BE LOCATED IN THE 400 BLOCK OF OLD AUSTIN HIGHWAY, CURRENTLY ZONED MF2, MULTI FAMILY WITHIN THE CITY LIMITS OF BASTROP, TEXAS.

Melissa McCollum, Planning and Development Director, addressed the Council. Ms. McCollum stated that under the City's Zoning Ordinance, Section 21.6, a site plan and façade elevations, not approved at the time of zoning approval, must be seen through the Public Hearing process. Ms. McCollum stated the zoning for this site was approved in February 2011 but the façade elevations were not available at that time. Ms. McCollum stated the Planning and Zoning Commission conducted a public hearing on May 31, 2012 and voted 5-0 to recommend approval.

Discussion was held among Council and Ms. McCollum.

Matthew Kriete, Consultant for the applicant, addressed the Council. Mr. Kriete stated he was present to answer any questions the Council may have.

There were no Council questions.

There were no public comments.

B.4 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF SITE PLAN AND FAÇADE ELEVATIONS NOT APPROVED AT THE TIME OF ZONING APPROVAL FOR SENIOR HOUSING TO BE LOCATED IN THE 400 BLOCK OF OLD AUSTIN HIGHWAY, CURRENTLY ZONED MF2, MULTI FAMILY WITHIN THE CITY LIMITS OF BASTROP, TEXAS.

Mayor Orr stated that it appears that the Council is being asked to approve a site plan and façade elevation and that should be done after the request for a Conditional Use Permit listed as Item B.5 and B.6.

Council Member Joe Beal stated the Council is approving elevations and façade that would be not be allowed under current zoning, then a request for a Conditional Use Permit is made.

Joe Beal moved to approve the site plan and façade elevations. Seconded by Willie DeLaRosa and carried unanimously.

B.5 PUBLIC HEARING: ON A REQUEST FOR A CONDITIONAL USE PERMIT (CUP) TO SECTION 43.4 SPECIAL HEIGHT REGULATIONS TO ALLOW FOR A STRUCTURE OF THREE (3) STORIES, 42 FEET, WHERE 35 FEET IS ALLOWED, FOR SENIOR HOUSING, PHASE 1 AND PHASE 2 TO BE LOCATED ON +/-2.99 ACRES WITHIN BASTROP WEST

COMMERCIAL, BLOCK A, LOT 7A-1B-A, AN AREA ZONED MF2, MULTI FAMILY-2 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 is applying for a Conditional Use Permit (CUP) under the exception of the Zoning Ordinance Section 43.4B Special Height Regulations which allow the maximum height of a structure to increase above the maximum height (35 feet and/or two and one-half stories) in the base zoning district provided in Section 33.2, CUP and additional factors outlined in Section 43.4.B.1. Ms. McCollum stated the Planning and Zoning Commission conducted a public hearing on May 31, 2012 and voted 5-0 to recommend approval.

Council Member Willie DeLaRosa stated that he believed the newer hotels had also requested Conditional Use Permits and he wanted to know if we have ever looked at re-doing the Ordinance regarding this.

Ms. McCollum stated she thought that was a good idea.

Discussion was held among Council and Ms. McCollum.

It was noted by the Council and Ms. McCollum that the letters from the Applicant, included in the Agenda Packet regarding Items B.3 and B.5, addressed to the Board of Adjustment should have been addressed to the Planning and Zoning Commission.

Matthew Kriete, Consultant for the Applicant, apologized for the error in the letters and stated they should have been addressed to the Planning and Zoning Commission.

There were no public comments.

B.6 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE FIRST READING OF A PROPOSED ORDINANCE OF THE CITY COUCIL OF THE CITY OF BASTROP, TEXAS TO GRANT 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 PHASE 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.

Mayor Orr read the caption of the Ordinance.

Dock Jackson moved to approve the First Reading of the Ordinance and place on the Consent Agenda for the Second Reading at the next regularly scheduled Council meeting. Seconded by Kay Garcia McAnally and carried unanimously.

B.7 CITIZEN COMMENTS.

Debbie Moore addressed the Council. Ms. Moore stated that she knows from personal experience that when you serve the public, most of the public is lax in giving thanks when things

go well. Ms. Moore thanked the Council and Staff for running the Bastrop Power & Light in such a way that they are able to give money back to their customers.

Council Member Kay Garcia McAnally stated the Film Commission is hard at work and she thanked them for bringing money into town.

Council Member Joe Beal stated St. David's will have their opening on Thursday from 5:00 p.m. 7:00 p.m. and all Council Members are invited to attend.

Mayor Orr welcomed Karla Stovall, Chief Financial Officer, to the dais tonight as she was acting as the City Manager during Mr. Talbot's vacation.

Council took a recess from 7:36 p.m. until 7:40 p.m.

C. OLD BUSINESS

D. NEW BUSINESS

ORDINANCES FOR FIRST READING:

D.1 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE FIRST READING 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 EFFECTIVE DATE.

Mayor Orr read the caption of the Ordinance.

Dave Quinn, Bastrop Economic Development Corporation (BEDC) Director, addressed the Council. Mr. Quinn stated on February 27, 2012, the BEDC Board of Directors approved a grant in the amount of \$100,000 to be awarded to SP Bastrop Theatre, LP, to be paid upon 25% completion of the renovation project of the former Chestnut Square Entertainment Center at 1600 Chestnut Street in Bastrop, Texas. Mr. Quinn stated the BEDC Board voted to approve the budget amendment on April 16, 2012. Mr. Quinn stated the Council approved the project on May 8, 2012.

Kay Garcia McAnally moved to approve the First Reading of the Ordinance and place it on the Consent Agenda for the second reading at the next regularly scheduled Council meeting. Seconded by Willie DeLaRosa and carried unanimously.

D.2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE FIRST READING 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.

Mayor Orr read the caption of the Ordinance.

City Attorney, J.C. Brown stated this is an Ordinance that we have been working on unifying provisions of City Boards and Commissions that are not otherwise controlled by State law.

Council Member Ken Kesselus stated he had reviewed this very carefully. Mr. Kesselus stated staff had done a good job in clarifying items in very important matters.

Ken Kesselus moved to approve the First Reading of the Ordinance and place it on the Consent Agenda for the second reading at the next regularly scheduled Council meeting. Motion was seconded by Joe Beal.

Mayor Orr stated the Automated Red Light Advisory Committee Ordinance says six (6) members are City Council and he has appointed a person to represent the office of Mayor and other Council members were afforded the same. Mayor Orr stated that it appears that we are not allowing any future Council Members the ability to appoint a citizen as their person and also indicates that I, since I have appointed a citizen, would be obligated to appoint another citizen in the case of a vacancy of that person. Mayor Orr stated that current and future Council Members are unable to make appointments.

Ms. Brown stated the Mayor was correct and that is because the Statutes have a deadline that has passed and there are no further opportunities to have a citizen appointed.

City Secretary, Teresa Valdez called the roll for the vote on the motion:

FOR MOTION: Ken Kesselus, Joe Beal, Kay Garcia McAnally, Dock Jackson and Willie DeLaRosa.

Motion carried.

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

D.3 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM KENNY DRYDEN FOR A VARIANCE TO BASTROP CITY CODE CHAPTER 4, SECTION 4.09.002, TO DRILL A WATER WELL WITHIN THE BASTROP CITY LIMITS.

Water and Wastewater Director, James Miller addressed the Council. Mr. Miller stated Mr. Kenny Dryden is requesting a Variance to Bastrop City Code Chapter 4, Section 4.09.002 to drill a water well at 120 Highway 21 East. Mr. Miller stated Mr. Dryden has completed the required application forms including the proof of drillers insurance, diagram of plans for well and a copy of Well Permit issued by Lost Pines Ground Water Conservation District.

Discussion was held among council and Mr. Miller

Joe Beal moved to grant the variance to drill a water well within the Bastrop city limits as indicated in the back-up documentation. Seconded by Willie DeLaRosa and carried unanimously.

D.4 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE PRELIMINARY PLAT FOR HUNTERS CROSSING, SECTION 9C BEING APPROXIMATELY 3.102 ACRES OF LAND SITUATED IN THE HUNTERS CROSSING SUBDIVISION, LOCATED ON STATE HIGHWAY 304 AND HOME DEPOT WAY IN THE CITY LIMITS OF BASTROP, TEXAS.

Planning and Development Director, Melissa McCollum addressed the Council. Ms. McCollum stated this area was previously platted as part of Hunters Crossing Section 8, but was recently vacated by City Council. Ms. McCollum stated this new plat Section 9C is a port of the previous vacated plat, located on the corner of State Highway 304 and Home Depot Way. Ms. McCollum stated this property was identified as commercial in the Hunters Crossing Master Plan. Ms. McCollum stated the Planning and Zoning Commission conducted a meeting on May 31, 2012 and voted 5-0 to recommend approval of the Preliminary Plat.

Willie DeLaRosa moved to approve the Preliminary Plat. Motion was seconded by Dock Jackson.

Willie DeLaRosa asked City Attorney, J.C. Brown if the drainage issues have been resolved.

City Attorney, J.C. Brown stated the City is continuing to work on it. Ms. Brown stated the Engineers for Covert and Forestar are working with the City Engineer. Ms. Brown stated this particular development should not affect the outcome of that.

City Secretary, Teresa Valdez called the roll for the vote on the motion.

FOR MOTION: Willie DeLaRosa, Dock Jackson, Joe Beal, Kay Garcia McAnally and Ken Kesselus.

Motion carried.

Mayor Orr asked Police Chief Blake if the City was having an extended power outage due to the weather.

Chief Blake stated 40 minutes ago a big tree caused a power outage and signal lights at Highway 71, Childress and Loop 150 were affected. Chief Blake stated Bastrop Power & Light and other City Staff are working on it and electricity should be restored in about 40 minutes.

D.5 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE PRELIMINARY PLAT FOR BEAR HUNTER DRIVE, PHASE 1, BEING APPROXIMATELY 1,069.05 FEET OF LAND SITUATED IN THE HUNTERS CROSSING SUBDIVISION, LOCATED SOUTH OF STATE HIGHWAY 71 WEST FRONTAGE ROAD IN THE CITY LIMITS OF BASTROP, TEXAS.

Melissa McCollum, Planning and Development Director, addressed the Council. Ms. McCollum stated Bear Hunter Drive is a thoroughfare planned street with 80 feet of right-of-way that is proposed to align with Farm to Market Road 969 and State Highway 71. Ms. McCollum stated the Planning and Zoning Commission conducted a meeting on May 31, 2012 and voted 5-0 to recommend approval of the Preliminary Plat.

Ken Kesselus stated he had read the citizen objection stating there has never been traffic on streets, so why add another street.

Ms. McCollum stated Bear Hunter Drive is part of the larger Thoroughfare Plan and has been part of the Hunters Crossing Master Plan. Ms. McCollum stated Bear Hunter Drive will provide for a better flow of traffic.

Joe Beal moved to approve the Preliminary Plat. Seconded by Dock Jackson and carried unanimously.

D.6 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE PRELIMINARY PLAT FOR PINE VISTA, BEING APPROXIMATELY 8.858 ACRES OF LAND BEING PART OF THE BASTROP TOWN TRACT, ABSTRACT A-11, LOCATED EAST OF HIGHWAY 95 AND SOUTH OF LOOP 150/CHESTNUT STREET IN THE CITY LIMITS OF BASTROP, TEXAS.

Melissa McCollum, Planning and Development Director, addressed the Council. Ms. McCollum stated the owner wished to divide his one large 8.858 acre tract into two tracts, Lot 1 being 1.227 acres and Lot 2 being 7.631 acres. Ms. McCollum stated Lot 1 and 2 will share access to Loop 150 and these driveway locations have been permitted by the Texas Department of Transportation. Ms. McCollum stated Lot 1 is proposed at this time for an ice vending machine kiosk, and Lot 2 is proposed for the new home of Road House hamburgers. Ms. McCollum stated the Planning and Zoning Commission conducted a meeting on May 31, 2012 and voted 5-0 to recommend approval of the Preliminary Plat.

Brief discussion was held among Council.

Willie DeLaRosa moved to approve the Preliminary Plat. Seconded by Dock Jackson and carried unanimously.

D.7 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON ACCEPTANCE OF MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING OF APRIL 30, 2012.

Finance Director, Karla Stovall presented the monthly Financial Report for the period ending April 30, 2012. Ms. Stovall reviewed the report.

Brief discussion was held among Council and Ms. Stovall.

Joe Beal moved to accept the reports. 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: (2) MATTERS UPON WHICH THE ATTORNEY HAS A DUTY
AND/OR RESPONSIBILITY TO REPORT TO THE GOVERNMENTAL BODY.

At 8:10 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:
(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., Kay Garcia McAnally moved to adjourn. Seconded by Joe Beal and carried unanimously.

APPROVED:

ATTEST:

Terry Orr, Mayor

Teresa Valdez, City Secretary