May 8, 2012

The Bastrop City Council met in regular session on May 8, 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, Julie Hart, 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, with the exception of Kay Garcia McAnally who was absent.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

Danielle Jurney, Sophia Castellow, Brylee Johnson, Kascee Johnson, Celine Taylor and Antonio Robertson, Emile Elementary School Fourth Grade students, led the pledges of allegiance to the U.S. and Texas flags. Reverend Mike Vega led the invocation.

3. PRESENTATIONS

A. CHARACTER EDUCATION – BASTROP STUDENT

Celine Donyell Taylor a Fourth Grade student at Emile Elementary School presented the Character Education character trait “Integrity” for the month of May.

Evelyn Weilert addressed the Council. Ms. Weilert stated in August of 2007 the City of Bastrop was declared a “City of Character”. Ms. Weilert stated in July 2011 Bastrop County was declared a “County of Character”. Ms. Weilert presented a Certificate to Mayor Orr stating the following: character first recognized the City officials, community leaders, and local residents of the City of Bastrop for demonstrating Initiative, Discernment and Boldness in passing a resolution on August 28, 2007 in their effort to promote good character in all sectors of the community. The Certificate was signed by Beau Bailey, Character First Regional Director.

4. PROCLAMATIONS

A. PRESERVATION MONTH

Mayor Orr proclaimed May 2012 as National Preservation Month in the City of Bastrop.

Main Street Manager Nancy Woods encouraged everyone to discover Bastrop’s hidden gems and encouraged everyone to pick up three brochures at the Visitor’s Center.

B. RELAY FOR LIFE

Mayor Orr stated they he and Smithville Mayor Mark Bunte will be presenting a proclamation on May 19, 2012 proclaiming May 19, 2012 as Relay For Life Day in the Cities of Smithville and Bastrop.

5. ANNOUNCEMENTS

Mayor Orr stated Council Member Kay Garcia McAnally was absent tonight due to family requirements.

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

A. MEETINGS AND EVENTS ATTENDED:
   1. CEMETERY BOARD MEETING ON APRIL 26, 2012.
   2. PLANNING & ZONING COMMISSION MEETING ON MARCH 28, 2012.
   3. PARKS BOARD MEETING ON MAY 3, 2012.
   4. CITY COUNCIL RETREAT ON MAY 5, 2012.
   5. ENVIRONMENTAL STEWARDSHIP – TEXAS WATER DEVELOPMENT BOARD PETITION HEARING IN MILANO ON MARCH 7, 2012.
   6. ASSOCIATION OF WHOLESALE CUSTOMERS OF LCRA MEETING IN JOHNSON CITY ON MARCH 8, 2012.
B. UPDATE ON CITY PROJECTS:
   1. STATUS OF NEW SIDEWALK BEHING THE LIBRARY.
   2. POSSIBLE DISCUSSION OF THE PLANNING RETREAT ON MAY 5, 2012.
   3. SPLASH PAD PROJECT.
   4. NEW SEWER LINE FOR FISHERMAN'S PARK.
   5. OPENING OF BIDS FOR PHASE II CHESTNUT STREET SIDEWALK IMPROVEMENTS PROJECT.
   6. REVISIONS TO THE CITY OF BASTROP'S PARK ORDINANCE.
   7. PECAN STREET WASTEWATER IMPROVEMENTS PROJECT.
   8. MOWING OF CITY RIGHTS-OF-WAYS AND PARKS.
   9. REVIEW OF PROPOSED BENCHES ON MAIN STREET.
   10. APPROVAL OF FINAL PROCESS FOR REQUESTING HOTEL OCCUPANCY TAX (HOT) FUNDS.
   11. APPROVAL OF FINAL PROCESS FOR REQUESTING COMMUNITY SERVICES FUNDS.
   12. WATER WELL OPERATIONS IN FISHERMAN'S PARK.
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 was given to Council on Monday.

Mr. Talbot discussed Item B.2. Mr. Talbot thanked the Council for taking time to attend the Planning Retreat. Mr. Talbot asked if there were any Council comments regarding the Retreat.

Mayor Orr stated that recreational facilities needed to be put into the Comprehensive Plan.

Mr. Talbot discussed Item B.5. Mr. Talbot stated the project came in over budget. Mr. Talbot stated he had met with Mayor Orr yesterday and the Mayor had concerns about the overrun because a big portion was on the north side of Chestnut Street – bridge, and he also had concerns about the sidewalk going nowhere. Mr. Talbot called the Council's attention to an overhead projection showing the picture of the project which had been submitted as part of the grant application to the Texas Parks and Wildlife Department. Mr. Talbot stated there are three options: 1) Do away with that portion which represents 44% of the project – the project would have to be rebid; 2) Bring the sidewalk to the front of the businesses and stop there which would reduce the project approximately $25,000 and would not have to rebid the project; and 3) Leave as originally submitted and go to the Bastrop Economic Development Corporation (BEDC) for additional funding. Mr. Talbot stated he was requesting direction from the Council.

Council Member Ken Kesselus asked Mr. Talbot what his recommendation was.

Mr. Talbot stated he agrees with the Mayor that the sidewalk does appear to go nowhere, but there are two businesses that would benefit from the enhancement.

Mayor Orr stated he is in full concurrence of doing the bridge, sidewalk from MLK to Gills Branch, he just cannot see going to the BEDC for $50,000 and justify the value received for money spent since the business is a tire/vehicular business and not pedestrian travel.

Discussion was held among Council and Mr. Talbot.

Ken Kesselus moved to follow the City Manager's recommendation to remove/eliminate a portion of the sidewalk and construct the sidewalk up to the two businesses located along Chestnut Street with the possibility of future expansion and ask Bastrop Economic Development Corporation to help funding. Seconded by Joe Beal and carried unanimously.

Mr. Talbot stated Council Member Kesselus would like to discuss an additional item related to Items B.10 and B.11.

Council Member Ken Kesselus stated the Mayor had asked Mr. Talbot, Council Member Kay Garcia McAnally and himself to meet with the Bastrop State Park representatives and see if it is viable for the golf course to stay open. After having discussions with the State Park Superintendent Ms. Garcia McAnally and I are prepared to offer to Council the following proposal: Take $25,000 off of the top of the total amount of funding designated for Hotel Occupancy Tax grants and have a pre-empted grant to offer vouchers for golf. Mr. Kesselus stated that the Bastrop State Park Superintendent stated this would be a very big help. Mr. Kesselus stated he would like to find the right opportunity to persuade Council to do that.

Discussion was held among Council.

Julie Hart stated she would have concerns of taking the $25,000 off the top without them going through the grant process like everyone else had to do. Ms. Hart stated she did not like the Council just arbitrarily selecting that. Ms. Hart stated that whoever receives these funds needs to be responsible for them. Ms. Hart stated the State Park Golf Course works with a non-profit and they can make the application for funding.

Mayor Orr stated it was the concurrence of Council to put this on a future agenda for discussion.

City Manager, Mike Talbot stated the HOT funding and the Community Services funding letter to applicants and the Fiscal Year 2013 Application form will be mailed within the next week or so.

Mr. Talbot addressed Item B.12. Mr. Talbot stated on Thursday the City started experiencing problems with water wells "D" & "E". Mr. Talbot stated Mr. Bene has been analyzing the 12 month flow from the Colorado River, pump testing and other operational or chemical items. Mr. Talbot stated he is recommending the Utility Committee meet on Thursday.

It was determined that the Utility Committee have a meeting on Thursday with the time to be determined by Mr. Talbot after the Utility Committee members have been contacted.

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 APRIL 24, 2012.

A.2 APPROVAL OF BASTROP MARKETING CORPORATION'S REQUEST FOR REIMBURSEMENT OF EXPENSES.

A.3 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.4 ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF BASTROP APPROVING A PROJECT (A RAIL MARKET SURVEY IN THE AMOUNT OF $15,750), USING FUNDS PROVIDED BY THE BASTROP ECONOMIC DEVELOPMENT CORPORATION, IN AN AMOUNT EXCEEDING $10,000.

A.5 ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS AMENDING THE BYLAWS OF THE HUNTERS CROSSING LOCAL GOVERNMENT CORPORATION, PROVIDING A SEVERABILITY CLAUSE, REPEALING CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

A.6 APPROVAL OF WAIVER OF FEE FOR HANGING BANNER PER REQUEST FROM KEEP BASTROP COUNTY BEAUTIFUL.

Mayor Orr read the caption of the Ordinance listed as Consent Agenda Item A.5.

Joe Beal moved to approve the Consent Agenda. Seconded by Julie Hart and carried unanimously.

B. PUBLIC HEARINGS:

B.1 PUBLIC HEARING: TO RECEIVE PUBLIC INPUT/COMMENTS REGARDING A REQUEST TO VACATE HUNTERS CROSSING, SECTION 8A. THE PLAT TO BE VACATED CONSISTS OF APPROXIMATELY 12.455 ACRES ON THE HUNTERS CROSSING SUBDIVISION LOCATED WEST OF HIGHWAY 304 AND SOUTH OF HOME DEPOT WAY, IN THE CITY LIMITS OF BASTROP, TEXAS.

Melissa McCollum, Planning and Development Director, addressed the Council. Ms. McCollum stated the owner, Forestar Real Estate Group, Inc. is requesting that Section 8A be vacated. Ms. McCollum stated Section 8A is currently vacant and staff supports the vacation request because it complies with the Texas Local Government Code, and the property has not been developed. Ms. McCollum stated the Planning and Zoning Commission conducted a public hearing on April 26, 2012 and voted 7-0 to recommend approval of vacating the plat for Hunters Crossing, Section 8A.

Brief discussion was held among Council and Ms. McCollum.

There were no public comments.

B.2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION TO VACATE HUNTERS CROSSING, SECTION 8A. THE PLAT TO BE VACATED CONSISTS OF APPROXIMATELY 12.455 ACRES IN THE HUNTERS CROSSING SUBDIVISION LOCATED WEST OF HIGHWAY 304 AND SOUTH OF HOME DEPORT WAY, IN THE CITY LIMITS OF BASTROP, TEXAS.

Joe Beal moved to vacate the Plat. Seconded by Julie Hart and carried unanimously.

B.3 CITIZEN COMMENTS.

There were no citizen comments.

C. OLD BUSINESS

D. NEW BUSINESS

ORDINANCES FOR FIRST READING:

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

D.1 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON ADJUSTING THE SPEED LIMIT ON FARM STREET.

Mayor Terry Orr stated this item has been pulled from the Agenda and will be put on the next Council Agenda.

D.2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON AWARDING THE BID FOR THE BASTROP POWER & LIGHT TRAINING BUILDING.

City Manager, Mike Talbot called the Council's attention to the bid tabulation sheet for the proposed Bastrop Power & Light Training Building. Mr. Talbot stated that based on the calls he has received regarding this the building would be better called the "Administrative Training Building". Mr. Talbot stated the construction of this "Training Building" was approved in FY-12 budget. Mr. Talbot stated Fazzone Construction was low bidder in the amount of $247,800.00 and this bid was considerably higher than amount approved in the Fiscal Year 2012 budget. Mr. Talbot called the Council's attention to the "Training Building Reconciliation Sheet", included in the Agenda packet, which illustrates the budget shortfall. Mr. Talbot stated it is being proposed to cover the budget shortfall by: 1) The City staff and I have worked with the architect and contractor and are proposing to make a reduction of $20,853.60 in construction elements if the contract is awarded to Fazzone; 2) The City will be receiving funds back from the LCRA ESA account in the amount of $95,492.56. The ESA account is the amount the City has paid in over the years for marketing activities done by LCRA for the City. Since LCRA will no longer be providing this service for the City the fund balance is being returned to the City and 3) This still leaves a budget shortfall of $14,909.93 plus a 2% or $4,500.00 for public art in public places for a total shortfall of $19,409.93. Mr. Talbot stated he has reviewed this shortfall with the City's Chief Financial Officer and has been advised that the electric fund operating budget is in a very good position at this time and can cover the additional amount of $19,409.93. Mr. Talbot stated Bastrop Power and Light has been trying to build this training facility for several years and it is greatly needed by the department. Mr. Talbot stated this training facility will be set up so that it can be used by Street Department, Parks Department, and Water & Wastewater Department or really by any department in the City.

Council Member Ken Kesselus asked how urgent this was and did Mr. Talbot think waiting two weeks so that the Utility Committee could meet and review this and make a recommendation to the Council would impede anything.

Mr. Talbot stated waiting two weeks could have an effect and he will stand by his recommendation because the staff has worked in less than acceptable conditions for quite some time.

Council Member Julie Hart asked Mr. Talbot if he thought the low bid may not be held for six weeks and withdrawn.

Mr. Talbot stated there is a possibility that they could happen.

Ms. Hart stated she did not know if that is a gamble the Council wanted to take. Ms. Hart stated that the City Council is the governing body and did not know why they would refer this to the Utility Committee.

Mayor Orr stated that what the City is seeing in recent bids received is the moving away from the low bids previously received by the City. Mayor Orr urged the Council to move forward with this and take action in a positive manner.

Dock Jackson moved to award the bid for the Bastrop Power & Light Training Building to Fazzone Construction in the amount of $24,800 and the budget shortfall be provided as the City Manager had proposed, and do change order for the shower to be unisex. Motion was seconded by Julie Hart.

FOR MOTION: Dock Jackson, Julie Hart and Ken Kesselus.
AGAINST MOTION: Joe Beal

Motion carried 3:1.

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 551.072 – DELIBERATION ABOUT REAL PROPERTY: ACQUISITION, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY FOR PUBLIC PURPOSES.

At 7:10 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: (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 551.072 – Deliberation About Real Property: Acquisition, exchange, lease or value of real property for public purposes.

At 7:20 p.m., Council Member Dock Jackson left the Executive Session due to a conflict of interest.

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 7:30 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.

Ken Kesselus moved to authorize the City Manager to negotiate and/or purchase real property for the public benefit and use of Bastrop Power & Light. Motion was seconded by Julie Hart.

Motion carried 3:0.

FOR MOTION: Ken Kesselus, Julie Hart and Joe Beal.
ABSTAIN: Dock Jackson

F. ADJOURNMENT

At 7:32 p.m., Joe Beal moved to adjourn. Seconded by Julie Hart and carried unanimously.

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