April 24, 2012

The Bastrop City Council met in regular session on April 24, 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, Dock Jackson, Joe Beal and Kay Garcia McAnally.

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 Julie Hart who was ill.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

Assistant Police Chief Matt Wagner led the pledges of allegiance to the U.S. and Texas flags. Reverend Grady Chandler led the invocation.

3. PRESENTATIONS

A. BASTROP YMCA UPDATE – TERRY MOORE

Terry Moore, Bastrop YMCA Director, addressed the Council. Ms. Moore showed a short video and gave an update on activities of the Bastrop YMCA.

4. PROCLAMATIONS

A. MOTORCYCLE SAFETY & AWARENESS MONTH

Mayor Orr proclaimed May 2012 as Motorcycle Safety & Awareness Month in the City of Bastrop.

B. MUNICIPAL CLERKS WEEK

Mayor Orr proclaimed April 29 through May 5, 2012 as Municipal Clerks Week in the City of Bastrop.

5. ANNOUNCEMENTS

Mayor Orr stated that the sales tax in the City for April was 36% above where it was last year in April.

Kay Garcia McAnally stated she had attended a water seminar this morning led by Senator Kirk Watson. Ms. Garcia McAnally stated the drought is not going away. Ms. Garcia McAnally stated the Water & Wastewater Department had printed some water conservation bumper stickers which she had available for distribution.

Dock Jackson stated the Bastrop Juneteenth Committee is hosting a Heritage Jubilee on June 1, 2012 at 6:30 p.m. at the Convention Center. Mr. Jackson stated the event is limited to 200 people, 100 tickets have been sold and contact him for tickets.

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

A. MEETINGS AND EVENTS ATTENDED:

B. UPDATE ON CITY PROJECTS:

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 he appreciated the opportunity to attend the Transforming Local Government Conference in Kansas City, Missouri last week.

Mr. Talbot stated the City is working very closely with the owners of the movie theater and the first movie to be shown is scheduled for May 4, 2012.

Joe Beal stated he was absolutely in favor of the MS 150 Bike Race which came through Bastrop this weekend but he was very concerned about traffic control and safety. Mr. Beal stated that before next year’s race there is going to have to be some planning on having some traffic corridors to let people get across Highway 71 and into town. Mr. Beal stated that all the signage is still displayed and needs to be removed.

Joe Beal stated that he noticed on Saturday night during the Cowboys & Caviar event the back gate entrance into the Convention Center was not open on Farm Street. Mr. Beal stated when there is a large event at the Convention Center that gate should be open.

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 10, 2012.

A.2 APPROVAL OF CITY OF BASTROP FINANCIAL MANAGEMENT POLICY, INVESTMENT POLICY AND COMPREHENSIVE FUND BALANCE POLICY FOR FISCAL YEAR 2012-2013, ESTABLISHMENT OF STABILIZATION FUND, AND ALLOCATION OF COMMITTED FUND BALANCE FOR STABILIZATION OF TWO (2) MONTHS OF OPERATING UP TO $1,411,400 AND ALLOCATION OF

FUNDS FOR UNRESTRICTED FUND BALANCE OF ONE (1) MONTH OF OPERATING AND UP TO $705,700.

A.3 ADOPTION OF AN ORDINANCE GRANTING A ZONING DISTRICT CHANGE FROM AOS, AGRICULTURE OPEN SPACE, TO MF-2, MULTI FAMILY DWELLING-2 FOR +/-11.20 ACRES WITHIN THE MOZEA ROUSSEAU SURVEY, A-56, LOCATED SOUTH OF CHILDERS DRIVE WITHIN THE CITY LIMITS OF BASTROP, TEXAS; AND PROVIDING AN EFFECTIVE DATE.

A.4 APPROVAL OF THE STATUTORY DENIAL, FOR A PERIOD OF 180 DAYS FROM THE DATE OF COUNCIL ACTION ON THIS REQUEST FOR THE TIGER TOTE PLAT CREATING ONE COMMERCIAL LOT WITHIN THE CITY LIMITS OF BASTROP, TEXAS.

A.5 APPROVAL OF THE STATUTORY DENIAL, FOR A PERIOD OF 180 DAYS FROM THE DATE OF COUNCIL ACTION ON THIS REQUEST FOR THE PRELIMINARY PLAT AND FINAL PLAT FOR HUNTERS CROSING, SECTION 9C CREATING ONE COMMERCIAL LOT WITHIN THE CITY LIMITS OF BASTROP, TEXAS.

A.6 APPROVAL OF THE STATUTORY DENIAL, FOR A PERIOD OF 180 DAYS FORM THE DATE OF COUNCIL ACTION ON THIS REQUEST FOR THE AMENDED PLAT OF LOT 10 AND PORTIONS OF LOTS 9 AND 11, BLOCK 3, RIVERVIEW HEIGHTS SUBDIVISION CREATING TWO RESIDENTIAL LOTS WITHIN THE CITY LIMITS OF BASTROP, TEXAS.

A.7 APPROVAL OF THE STATUTORY DENIAL, FOR A PERIOD OF 180 DAYS FROM THE DATE OF COUNCIL ACTION ON THIS REQUEST FOR THE AMENDED PLAT OF LOTS 1-1667 AND 1-1688, BLOCK 22 TAHITIAN VILLAGE SUBDIVISION, COMBING TWO LOTS TO CREATE ONE COMMERCIAL LOT WITHIN THE CITY LIMITS OF BASTROP, TEXAS.

A.8 APPROVAL OF AN EXTENSION TO THE STATUTORY DENIAL, FOR A PERIOD OF 180 DAYS COMMENCING ON APRIL 29, 2012, FOR THE AMENDED PLAT OF LOTS 2, 3, 12, 13, 14, 15 AND 16, BLOCK 3 AND LOTS 31 AND 32, BLOCK 2, PINE FOREST, PHASE III, UNIT 9 TO CREATE TWO RESIDENTIAL LOTS WITHIN THE CITY OF BASTROP, TEXAS, EXTRA TERRITORIAL JURISDICTION (ETJ).

A.9 APPROVAL OF AN EXTENSION TO THE STATUTORY DENIAL, FOR A PERIOD OF 180 DAYS COMMENCING ON APRIL 29, 2012, FOR THE POWELL-KRESGE SUBDIVISION TO CREATE TWO RESIDENTIAL LOTS WEST OF MAIN STREET AND EAST OF CHURCH STREET WITHIN THE CITY LIMITS OF BASTROP, TEXAS.

A.10 APPROVAL OF THE BASTROP POWER & LIGHT COMMUNITY SUPPORT FUNDING PROCESS FOR THE FISCAL YEAR 2013 BUDGET.

A.11 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.12 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 CORPORAITON, IN AN AMOUNT EXCEEDING $10,000.

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

Ken Kesselus asked that Consent Agenda Item A.10 be pulled for separate discussion.

Joe Beal moved to approve the Consent Agenda minus Item A.10. Seconded by Kay Garcia McAnally and carried unanimously.

Ken Kesselus stated he and the Committee have been working with this and the Hotel Occupancy Tax revenue process. Mr. Kesselus stated the Committee decided there was no need to change the process for the Community Support funding. Mr. Kesselus stated the Committee had met with organizations that receive Community Support funding and they are happy with the current process.

Ken Kesselus moved to adopt Consent Agenda Item A.10 with the exception that the Public Hearing on April 24, 2012 shown on the Community Support Funding Calendar be removed from the schedule. Seconded by Dock Jackson and carried unanimously.

Ken Kesselus stated he believed it was a mistake to call this the Bastrop Power & Light Community Support funding because there are citizens of Bastrop who have Bluebonnet Electric service and are not contributing to the funding.

Mayor Orr stated that topic may be an item for discussion at a Council workshop.

Joe Beal stated he agreed with Mr. Kesselus.

B. PUBLIC HEARINGS:

B.1 PUBLIC HEARING: CONDUCT A PUBLIC HEARING SEEKING INPUT FROM THE PUBLIC ON THE HOTEL OCCUPANCY TAX (HOT) FUNDING PROCESS FOR THE FISCAL YEAR 2013 BUDGET.

Ken Kesselus stated the Committee had met with most of the organizations who had previously received HOT monies and received support of the changes made in the process. Mr. Kesselus stated that meeting was not as publicized as this Council Meeting and this public hearing was an opportunity to give everyone a chance to comment on the process.

There were no public comments.

B.2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF THE HOTEL OCCUPANCY TAX (HOT) FUNDING PROCESS FOR THE FISCAL YEAR 2013 BUDGET AND DIRECT STAFF TO MODIFY PROCESS AS DETERMINED.

Ken Kesselus stated he thought the Council was sufficiently informed of the changes and recommended the Council adopt this as proposed.

Dock Jackson asked that since he is a member of an organization receiving HOT funding and this agenda item was regarding the process would that be a conflict of interest for him to vote on this.

City Attorney J.C. Brown stated it was not a conflict of interest since the Council was voting on the process.

Ken Kesselus moved to approve the Hotel Occupancy Tax (HOT) funding process for the Fiscal Year 2013. Seconded by Kay Garcia McAnally and carried unanimously.

B.3 CITIZEN COMMENTS.

There were no citizen comments.

C. OLD BUSINESS

D. NEW BUSINESS

ORDINANCES FOR FIRST READING:

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

Mayor Orr read the caption of the Ordinance.

City Manager, Mike Talbot stated the Hunters Crossing Local Government Corporation Board met on April 16, 2012 and discussed Bylaws and having good representation on the Board. Mr. Talbot stated the Board voted to recommend to the City Council that the First Amended ByLaws of the Hunters Crossing Local Government be amended to stipulate that the Board of Directors include a designated position for a City Council Member. Mr. Talbot stated the Board also asked me to convey to the Council that two additional amendments include provisions that: 1) one Board member be designated by the Council to be a Resident of Hunters Crossing Subdivision, and 2) one Board member be designated by the Council to be a Representative of Commercial Entity located in the Hunters Crossing Subdivision Public Improvement District.

Ken Kesselus moved to approve the Ordinance on First Reading and place on the Consent Agenda of the next Council Meeting for its Second Reading. Seconded by Joe Beal and carried unanimously.

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

D.2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON ADOPTION OF A RESOLUTION BY THE CITY OF BASTROP, TEXAS, ("CITY") RESPONDING TO THE APPLICATION OF CENTERPOINT ENERGY ENTEX, SOUTH TEXAS DIVISION TO INCREASE RATES UNDER THE GAS RELIABILITY INFRASTRUCTURE PROGRAM; SUSPENDING THE EFFECTIVE DATE OF THIS RATE APPLICATION FOR FORTY-FIVE DAYS; AUTHORIZING THE CITY TO CONTINUE TO PARTICIPATE IN A COALITION OF CITIES KNOWN AS THE "ALLIANCE OF CENTERPOINT MUNICIPALITIES"; REQUIRING THE REIMBURSEMENT OF COSTS; DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

City Manager, Mike Talbot stated the City has received notice that Centerpoint Gas has, once again, applied to the State for permission to raise its gas rates. Mr. Talbot stated the proposed raise would elevate the "monthly customer charge" from its current amount of $13.95 up to a new rate of $15.28. Mr. Talbot stated if not challenged, this rate increase will automatically go into effect on May 29, 2012. Mr. Talbot stated Mr. Jim Boyle, is a rate lawyer who has worked for municipal consortiums in years past to evaluate and, when appropriate, fight to have rate increases kept to a justifiable amount. Mr. Talbot stated as the Council may recall Mr. Boyle represented the City in this manner a few months ago, and as a result of his work the gas customers in Bastrop had a smaller rate increase than was proposed. Mr. Talbot stated Mr. Boyle is once again mounting a challenge to the new rate increase, representing various central Texas cities, and he has invited Bastrop to again join in the effort to evaluate and keep the gas rates to a level that is fair and justifiable. Mr. Talbot stated the City is not responsible for payment of Mr. Boyle's fees. Mr. Talbot stated that if the Council agrees that it would benefit the citizens to have Mr. Boyle evaluate the proposed rate, the Council should adopt the proposed Resolution, which will delay the automatic rate increase proposed by Centerpoint for 45 days, so that Boyle's group may do the necessary work to evaluate the proposed rate, and if appropriate, file a protest with the State. Mr. Talbot stated he recommends adoption of the Resolution.

Brief discussion was held among Council.

Kay Garcia McAnally moved to adopt the Resolution. Seconded by Dock Jackson and carried unanimously.

D.3 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON ACCEPTANCE OF MONTHLY FINANCIAL REPORTS AND QUARTERLY INVESTMENT REPORT FOR THE PERIOD ENDING OF MARCH 31, 2012.

Finance Director, Karla Stovall presented the monthly Financial Reports and Quarterly Investment Report for the period ending March 31, 2012. Ms. Stovall reviewed the report.

Brief discussion was held among Council and Ms. Stovall.

Joe Beal moved to accept the reports. Seconded by Dock Jackson 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 551.087 – DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS: SCHULMAN THEATER PROJECT.
3. SECTION 551.072 – DELIBERATION ABOUT REAL PROPERTY: ACQUISITION, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY FOR PUBLIC PURPOSES.

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, and (2) Matters upon which the attorney has a duty and/or responsibility to report to the governmental body.
2. Section 551.087 – Deliberation Regarding Economic Development Negotiations: Schulman Theater Project.
3. Section 551.072 – Deliberation About Real Property: Acquisition, exchange, lease or value of real property for public purposes.

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 7:50 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, Mike Talbot to execute the City's 380 Economic Development Agreement between the City, the Bastrop Economic Development Corporation and the Schulman Partnership, reflecting the terms and provisions previously approved by the City and reflected in the prior Letter of Understanding, concerning the Chestnut Street Theater Project, on behalf of the City. Seconded by Kay Garcia McAnally and carried unanimously.

F. ADJOURNMENT

At 7:52 p.m., Dock Jackson moved to adjourn. Seconded by Ken Kesselus and carried unanimously.

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