**April 10, 2012**

The Bastrop City Council met in regular session on April 10, 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, Julie Hart and Kay Garcia McAnally.

ANNOUNCEMENTS

1. CALL TO ORDER

At 6:15 p.m. Mayor Terry Orr called the meeting to order with all members present.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

City Attorney, J. C. Brown led the pledges of allegiance to the U.S. and Texas flags. Reverend Bob Long led the invocation.

3. PRESENTATIONS

A. CHARACTER EDUCATION – BASTROP STUDENT

Kaeden Chapman a Third Grade student at Red Rock Elementary School presented the Character Education character trait "Self Discipline" for the month of April.

4. PROCLAMATIONS

There were no proclamations.

5. ANNOUNCEMENTS

Mayor Orr reminded everyone that this weekend is the Bastrop Home Product Show at the Convention Center.

City Manager, Mike Talbot stated that the City's front desk Receptionist Kay Revetta works 9 a.m. to 3 p.m. each day and takes it upon herself to take her own time to attend City Council Meetings and understand how we operate and so she can better help citizens. Mr. Talbot stated he appreciated Ms. Revetta's commitment. Mr. Talbot stated that Ms. Revetta always greets you with a smiling face.

Dock Jackson stated that April is Child Abuse Awareness Month. Mr. Jackson distributed blue ribbons and a handout telling the "Story of the Blue Ribbon".

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

A. MEETINGS AND EVENTS ATTENDED:

1. MARCH 28, 2012 MEETING OF THE HOTEL OCCUPANCY TAX REVENUE GRANT RECIPIENTS.

2. LOST PINES GROUNDWATER CONSERVATION DISTRICT RULES COMMITTEE MEETING ON MARCH 29, 2012.
3. PLANNING AND ZONING COMMISSION MONTHLY MEETING ON MARCH 19, 2012.
4. MARCH 28, 2012 MEETING OF THE COMMUNITY SERVICES GRANT RECIPIENTS.
5. BASTROP MAIN STREET ADVISORY BOARD MEETING ON MARCH 21, 2012.

B. UPDATE ON CITY PROJECTS:
1. CONSTRUCTION OF THE NEW SIDEWALK BEHIND THE LIBRARY.
2. PLANNING RETREAT OF MARCH 20, 2012.
3. SPLASH PAD PROJECT.
4. NEW SEWER LINE FOR FISHERMAN'S PARK.
5. REVIEW AND DISCUSSION REGARDING THE HOTEL OCCUPANCY TAX (HOT) REVENUE GRANT FUNDING CALENDAR OF EVENTS AND RELATED ISSUES.
6. REVIEW AND DISCUSSION REGARDING THE COMMUNITY SERVICES GRANT CALENDAR OF EVENTS AND RELATED ISSUES.
7. CITY OF BASTROP BOARDS AND COMMISSIONS: BOARD APPOINTMENTS, PROCESSES AND FUNCTIONS.
8. FARM STREET "GRAND OPENING" – APRIL 23, 2012 AT 10:00 A.M.

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 stated that Council Member Kesselus will give an overview regarding Item B.5.

Ken Kesselus stated that the Mayor had asked him to work with Mr. Talbot, Ms. Stovall and Ms. Repka on the process used for Hotel Occupancy Tax (HOT) Revenue grant funding requests. Mr. Kesselus stated they believed the process which was used last year was very good but needed a little tweaking in the accountability portion regarding "heads-in-beds". Mr. Kesselus stated the primary thing discussed was because some organizations don't have year-long organizations they get the funding from the City after their event. Mr. Kesselus stated the possibility of organizations receiving funding in advance of their event was discussed.
Mr. Kesselus stated organizations would have to provide accountability for their event(s) or the money would have to be returned. Mr. Kesselus stated the Council will be reviewing this proposal under Agenda Item D.2.

Mr. Talbot stated that Council Member Kesselus will give an overview regarding Item B.6.

Ken Kesselus stated the committee working on the Community Support funding liked the process that had been utilized last year. Mr. Kesselus stated the committee had met with organizations which had received Community Support funding previously. Mr. Kesselus stated that the interesting conservation focused on the fact that the City's process seemed to be a competitive process. Mr. Kesselus stated it was a competitive process and he had asked that the organizations allow the Council to do the best they can with limited funds.

Mr. Talbot stated Council Member Kesselus would like to discuss Item B.7 with the Council. Mr. Talbot stated Council Member Kesselus would like to discuss the following issues with the Council as it relates to proposed amendments to the Boards and Commissions of the City: 1) In accord with Council Member Kesselus' suggestions at the last Council meeting, regarding certain amendments to the details related to appointments and/or service on City Boards, Commissions, and Committees, the staff has compiled information on each board/commission (of which there are 18), including the rules and regulations controlling the appointment process, terms, attendance and general governance of each. Mr. Talbot stated that however, while staff believes the Council generally agreed, in principal, that the amendments suggested by Mr. Kesselus would be advantageous to the City prior to preparing an initial draft of what is expected to be a critical and rather complicated ordinance, staff believes it would be beneficial to confirm the Council's expected revisions in more detail. Mr. Talbot stated this will help ensure that the draft ordinance that is provided to Council for its first reading will accurately reflect the Council's views on this important topic. Mr. Talbot stated included in his City Manager's Report is a list of the key issues to be addressed in the draft ordinance.

Ken Kesselus stated that he had gone through the various board and commissions and analyzed them and then tried to provide some consistency. Mr. Kesselus stated he hopes Council Members will let Mr. Talbot know what is on their minds regarding his suggestions to help clean up the inconsistencies in the boards and commissions.

Mr. Talbot stated on Friday, April 13, 2012 there will be a "Ribbon Cutting" for the first home rebuilt in the burned area of Tahitian Village which is in the City limits. Mr. Talbot stated the address is 169 Mauna Kea.

Mayor Orr reminded everyone of the Farm Street "Grand Opening" listed under Item B.8.

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 MARCH 27, 2012.

A.2 APPROVAL OF WAIVER OF PERMIT FEE PER REQUEST FROM BOY SCOUT SETH KING FOR HIS EAGLE SCOUT PROJECT.

A.3 APPROVAL OF SPECIAL EVENT PERMIT APPLICATION SUBMITTED BY BASTROP COUNTY CITIZENS SHERIFF'S ACADEMY ALUMNI ASSOCIATION TO HOST "BASTROP COUNTY SAFETY FAIR" ON SATURDAY, MAY 19, 2012 IN MAYFEST PARK.

A.4 APPROVAL OF SPECIAL EVENT PERMIT APPLICATION SUBMITTED BY THE AMERICAN CANCER SOCIETY RELAY FOR LIFE TO HOST "RELAY FOR LIFE" ON MAY 18-19, 2012, IN MAYFEST PARK AND SHOW BARN IN THE EVENT OF RAIN.

A.5 APPROVAL OF BASTROP MARKETING CORPORATION'S REQUEST FOR REIMBURSEMENT OF EXPENSES.

A.6 ADOPTION OF A RESOLUTION AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE CAPITAL AREA COUNCIL OF GOVERNMENTS FOR A REGIONAL SOLID WASTE PROGRAM GRANT; AUTHORIZING MIKE TALBOT, CITY MANAGER TO ACT ON BEHALF OF THE CITY OF BASTROP IN PARTNERSHIP WITH BASTROP COUNTY AND CITIES OF ELGIN AND SMITHVILLE IN ALL MATTERS RELATED TO THE APPLICATION AND PLEDGING THAT IF A GRANT IS RECEIVED THE CITY OF BASTROP WILL COMPLY WITH THE GRANT REQUIREMENTS OF THE CAPITAL AREA COUNCIL OF GOVERNMENTS, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND THE STATE OF TEXAS.

A.7 APPROVAL OF THE STATUTORY DENIAL, FOR A PERIOD OF 180 DAYS FROM THE DATE OF COUNCIL ACTION ON THIS REQUEST, FOR EL CAMINO REAL ESTATE, LOTS 29 AND 30 AMENDED PLAT SUBDIVISION CREATING TWO RESIDENTIAL LOTS WITHIN THE EXTRA TERRITORIAL JURISDICTION (ETJ) OF BASTROP, TEXAS.

A.8 APPROVAL OF SPECIAL EVENT PERMIT APPLICATION SUBMITTED BY DONALD BARRON TO HOST A CAR SHOW EVENT IN PARTNERSHIP WITH THE BAY AREA CRUISERS IN THE CITY HALL PARKING LOT ON SATURDAY, APRIL 14, 2012.

Dock Jackson stated he had noted a correction in the Minutes and given it to the City Secretary who has corrected the Minutes.

Mayor Orr stated Consent Agenda Item A.8 will be pulled for separate discussion.

Joe Beal moved to approve the Consent Agenda Items A.1 through A.8. Seconded by Kay Garcia McAnally and carried unanimously.

City Manager, Mike Talbot asked that Donald Barron give an overview of the Item A.8 special event.

Donald Barron stated he has been in Bastrop for 44 years and he wanted to give back to the community so he planned the Bastrop Home Product Show to be held at the Convention Center on April 13-15, 2012. Mr. Barron stated Convention Center Director Kathy Danielson helped him put this event together. Mr. Barron stated there will be over 65 vendors and it is a "green" show. Mr. Barron gave an overview of the event. Mr. Barron stated he had been approached about bringing in a car display and the local car clubs wanted to help. Mr. Barron stated there will be no competition, no cars starting, just people looking at them. Mr. Barron stated he would appreciate it if the Council approved the special event application for the car show event in the City Hall parking lot.

Mr. Talbot stated it was evident that Mr. Barron had put a lot of work into the event and the car show event triggered the Special Events Application per City Ordinance. Mr. Talbot stated that normally under the Special Events Application process a private business is charged a $300 processing fee and $100 is charged to non-profits. Mr. Talbot stated Mr. Barron is doing this event for the community so he is inclined to allow the $100 processing fee but that is a Council decision. Mr. Talbot stated that the security deposit is to be in the form of a cashier's check or money order issued by US Post Office and Mr. Barron had given the City a personal check. Mr. Talbot stated he had no problem with that. Mr. Talbot stated that the caption on the Agenda item listed the car club as the Bay Area Cruisers and in fact it should be the Bastrop Area Cruisers and the Blue Flame Cruisers. Mr. Talbot stated he did not think there would be a need for City staff or trash receptacles. Mr. Talbot stated there might be a need for an extra patrol unit for traffic crossing Chestnut Street to get to the car show at City Hall. Mr. Talbot stated he recommended approval of the event with the $100 processing fee, the acceptance of the personal check for the security fee, and let him handle traffic control with Mr. Barron.

Julie Hart asked if there is a separate pot of money for the car show.

Mr. Barron stated there was only going to be $50 given to the car owner who received the most votes.

Ken Kesselus moved to approve Consent Agenda Item A.8 with the recommendation given by the City Manager. Seconded by Kay Garcia McAnally and carried unanimously.

B. PUBLIC HEARINGS:

B.1 PUBLIC HEARING: TO RECEIVE PUBLIC INPUT/COMMENTS REGARDING REQUEST FOR A REPLAT/RESUBDIVISION OF SURBURBIA ESTATES LOT 22 BEING APPROXIMATELY 3.496 ACRES OF LAND, LOCATED AT 971 HIGHWAY 71 W WITHIN THE EXTRA TERRITORIAL JURISDICTION (ETJ) OF BASTROP, TEXAS.

Melissa McCollum, Planning and Development Director, addressed the Council. Ms. McCollum stated this is a request for approval of a replat/resubdivision of Surburbia Estates Lot 22 being approximately 3.499 acres of land located at 971 Highway 71 W within the Extra Territorial Jurisdiction of Bastrop, Texas. Ms. McCollum stated at the December 13, 2011 City Council Meeting the applicant received variances from the Subdivision Ordinance for lot width/frontage, lot arrangements, depth, lot width to depth ratio and lot size requirements. Ms. McCollum stated this plat also meets the City Council recommendation that the joint use drainage and access easement are included in the plat application and all other remaining subdivision requirements are adhered to. Ms. McCollum stated staff recommends approval of the replat of Surburbia

Estates Lot 22. Ms. McCollum stated the Planning and Zoning Commission conducted a public hearing on March 22, 2012 and voted 6-0 to recommend approval of the replat.

There were no public comments.

B.2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE REPLAT/RESUBDIVISION OF SURBURBIA ESTATES LOT 22 BEING APPROXIMATELY 3.496 ACRES OF LAND, LOCATED AT 971 HIGHWAY 71 W WITHIN THE EXTRA TERRITORIAL JURISDICTION (ETJ) OF BASTROP, TEXAS.

Joe Beal moved to approve the replat/resubdivision. Seconded by Kay Garcia McAnally and carried unanimously.

B.3 PUBLIC HEARING: TO RECEIVE PUBLIC INPUT/COMMENTS ON A REQUEST FOR A ZONE 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.

Melissa McCollum, Planning and Development Director, addressed the Council. Ms. McCollum stated this is a request for a zone change from AOS, Agriculture Open Space to MF-2, Multi-Family Dwelling-2 for +/-11.20 acres. Ms. McCollum stated the property is located adjacent to residentially zoned property. Ms. McCollum stated the Pecan Park Final Plat was approved by City Council in November 2005, but has never been recorded. Ms. McCollum stated the 2005 plat designates this property as part of a "reserve tract" which could be re-subdivided in the future once the plat is recorded. Ms. McCollum stated the property owner is currently working with staff to either record his "approved but not recorded" Final Plat or replat the entire property. Ms. McCollum stated staff supports the zoning change, because it works with similar and surround uses, being that the proposed location does not diminish the value of existing neighborhoods and future neighborhoods, and the future residents of the apartments would be close to the retail and services they need. Ms. McCollum stated the property is vacant, and is proposed for multi-family development and MF-2 is appropriate at this midpoint between the commercially zoned properties to the north and future residential to the south. Ms. McCollum stated this will also be appropriate when the thoroughfare of Childers is constructed.
Ms. McCollum stated The Future Land Use Plan will need to be updated, prior to a change in the zoning district. Ms. McCollum stated staff recommends approval of the requested zoning change provided the Land Use Plan is updated during the amendment process in the future to reflect the proposed use/zoning. Ms. McCollum stated the Planning and Zoning Commission conducted a public hearing on March 29, 2012 and voted 6-0 to recommend approval of the zone change.

Mayor Orr asked if there will be greater detail of what Multi-Family allows.

Ms. McCollum stated "Yes" this will be done when the developer goes through the subdivision process and plat approval.

There were no public comments.

B.4 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE FIRST READING OF A PROPOSED ORDINANCE GRANTING A ZONING DISTRICT CHANGE FROM AOS, AGRICULTURE OPEN SPACE, TO MF-2, MULTI-FAMILY DWELLING-2 FORM +/-11.20 ACRES WITHIN THE MOZEA ROUSSEAU SURVEY, A-56, LOCATED SOUTH OF CHILDERS DRIVE WITHIN THE CITY LIMITS OF BASTROP, TEXAS; SETTING OUT CONDITIONS; AND PROVIDING AN EFFECTIVE DATE.

Mayor Orr read the caption of the Ordinance.

Joe Beal moved to approve the Ordinance and place it on the Consent Agenda for the Second Reading at the next regular City Council Meeting. Seconded by Dock Jackson and carried unanimously.

B.5 CITIZEN COMMENTS.

Beverly Hoskins addressed the Council. Ms. Hoskins stated she and her husband own 1308, 1310 and 1310 ½ Farm Street and she was not present for the Resolution recently adopted by Council regarding the Chicken Sanctuary on Farm Street. Ms. Hoskins stated their property is the primary roost location for the chickens. Ms. Hoskins stated she was asking for reconsideration of some type, to protect these chickens, to satisfy neighbors, renters, because not only are these chickens running loose on other people's property, there are other animals and wild animals such as rabid skunks that can cause health issues. Ms. Hoskins suggested something other than free roaming be presented such as caging them. Ms. Hoskins stated another concern is the chicken "waste" – it is present on equipment is the area and chickens carry disease. Ms. Hoskins stated there has to be another way – this is in the area of the High School, a brand new Performing Arts Center and a new Convention Center. Ms. Hoskins stated this involves health issues. Ms. Hoskins stated she does not know what can be done but there has to be another way.

Mayor Orr stated that since this is not posted as an Agenda item the Council cannot address the issue. Mayor Orr asked that Ms. Hoskins meet with the City Manager and put her concerns in writing for the City Council.

Ms. Hoskins stated this is a small area issue with the chickens and if it is a "sanctuary" then the eggs should be protected. Ms. Hoskins stated there should be care taken so there is not over population of these chickens or before long there will be chickens downtown and the general area will be full of chickens.

Mayor Orr stated that the Council will look into this and he asked Council Member Kay Garcia McAnally to be a part of the meeting between the City Manager and Ms. Hoskins.

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 AWARDING THE BID FOR PECAN STREET WASTEWATER IMPROVEMENTS PROJECT.

City Manager, Mike Talbot stated the City opened bids for the Pecan Street Wastewater Improvements Project on March 26, 2012. Mr. Talbot stated the low bidder was KIVA, Inc. from Buda, Texas. Mr. Talbot stated there is a letter from BEFCO Engineering included in the Agenda packet recommending awarding the bid to KIVA.

Gene Kruppa, Engineer with BEFCO, addressed the Council. Mr. Kruppa stated the City was priviledged to have received eight (8) bids. Mr. Kruppa stated the project had been estimated at $140,000 and the low bid can in at $115,683.

Dock Jackson moved to award the bid to KIVA, Inc. in the amount of $115,683. Seconded by Julie Hart and carried unanimously.

D.2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION CONCERNING ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, REGARDING FUNDING AND REPORTING REQUIREMENTS FOR HOTEL/MOTEL TAX REVENUE GRANTS BY THE CITY FOR REMAINING FISCAL YEAR 2011-2012 PUBLICITY AND TOURISM GRANTS AND SUGGESTING PROCESSES FOR THE FISCAL YEAR 2012-2013 GRANT CYCLE.

City Manager, Mike Talbot stated he is deferring this item to Council Member Ken Kesselus to discuss with the Council. Mr. Talbot stated on Page 98 of the Agenda packet there is a summary provided by Mr. Kesselus and included in the Agenda packet is a proposed Resolution which would implement prefunding. Mr. Talbot stated there are two blanks in the Resolution which need to be filled in with a number.

Council Member Kesselus stated that his explanation given under the City Manager's Report pretty well summarized his recommendations and suggestions.

Discussion was held among Council.

Mayor Orr stated that the Resolution contained a non-binding proposal for next year. Mayor Orr stated that he has a little bit of heartburn regarding the prefunding part of this. Mayor Orr stated that when the Council get to the 2012-2013 funding cycle they may want to consider 50% to be sure that reports are received and make sure things are clicking before the rest of the funding is released.

Mr. Kesselus stated the Committee talked about this and history has shown that there has been a repetition of organizations that receive funding and that could almost guarantee they comply this year to get money next year. Mr. Kesselus stated if they fail to submit reports they will be required to return the money.

Ken Kesselus moved to adopt the Resolution with "10 working" being filled in the two blanks. Seconded by Kay Garcia McAnally. Motion carried 4:0:1.

FOR MOTION: Ken Kesselus, Kay Garcia McAnally, Julie Hart and Joe Beal.
AGAINST MOTION:
ABSTAIN: Dock Jackson.

D.3 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON ACCEPTANCE OF MONTHLY FINANCIAL REPORTS FOR THE PERIOD ENDING OF FEBRUARY 29, 2012.

Finance Director, Karla Stovall presented the monthly Financial Reports for THE period ending February 29, 2012. Ms. Stovall reviewed the report.

Brief discussion was held among Council and Ms. Stovall.

Joe Beal moved to accept the monthly Financial Report. Seconded by Kay Garcia McAnally 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.

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.

No Executive Session was held.

F. ADJOURNMENT

At 7:30 p.m., Dock Jackson moved to adjourn. Seconded by Kay Garcia McAnally and carried unanimously.

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