March 27, 2012

The Bastrop City Council met in regular session on March 27, 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 6:00 p.m. Mayor Terry Orr called the meeting to order with all members present.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

Council Member Dock Jackson led the pledges of allegiance to the U.S. and Texas flags. Reverend Robert Oliver led the invocation.

3. PRESENTATIONS

A. SERVICE PIN AWARDS

Mayor Terry Orr stated Council Member Kay Garcia McAnally had previously agreed to be the Council's liaison for the City's Boards and Commissions. Mayor Orr stated Ms. Garcia McAnally had discussed with him the fact that there were people that had served on various City Boards and Commission for years and years.

Council Member Kay Garcia McAnally stated the Council wanted a way to thank these people and the Council adopted a Resolution on April 26, 2011 to recognize the dedicated volunteer service of individuals who have served and are still serving on the City's various boards and commissions. Ms. Garcia McAnally stated on behalf of the community, the City Council is going to show its gratitude to volunteers by awarding service pins to those who have served for five (5) years, ten (10) years, or fifteen (15) years and for "Lifetime Service." Ms. Garcia McAnally stated most of the recipients are probably somewhere in between the 5, 10 and 15 years, but for the first time of awarding these pins they will be recognized for 5, 10 or 15 years. Ms. Garcia McAnally stated the Council will present service pins as the next several Council meetings until all recipients have been recognized.

Council Member Kay Garcia McAnally and the Mayor and Council presented service pins to the following recipients who have served on the Historic Landmark Commission: Bill Ennis - 10 year pin (was not present to accept service pin); Dan Hays-Clark - 10 year pin (was not present to accept service pin); Susan Long - 10 year pin; Billy Maynard – 10 year pin (was not present to accept service pin); Jewell Hodges – 10 year pin; Lisa Patterson – 5 year pin and Marilyn Whites – 5 year pin.

Council Member Kay Garcia McAnally and the Mayor and Council presented pins to the following recipients who have served on the Board of Adjustment: Ricardo Ruiz – 10 year pin (was not present to accept service pin); Blas Coy – 5 year pin; Cynthia Pence – 5 year pin (was not present to accept service pin) and Judi Hoover – 5 year pin.

Council Member Kay Garcia McAnally read the following from an email received from Ricardo Ruiz: "Please accept and offer my apologies to all for not being able to attend the meeting this evening. Even though I had plenty of notice, I was not able to cancel my previous commitments for this evening. It was an honor to serve the City of Bastrop and I tried to do the best job I could while being a member of various boards and committees. I met some wonderful people there and it was an honor to work alongside them while we worked together to make Bastrop a better community in which to live and visit. Thanks to all for the honor of being recognized as a valuable volunteer for the City of Bastrop. May God continue to shine on the City of Bastrop and it's residents! GO BEARS!"

4. PROCLAMATIONS

A. BASTROP SAFE DIGGING MONTH – JAMES MILLER

Mayor Orr proclaimed April 2012 as Safe Digging Month in the City of Bastrop. Mayor Orr presented the Proclamation to James Miller, Director of the Bastrop Water & Wastewater Department.

5. ANNOUNCEMENTS

Mayor Orr stated he and the City Manager took a trip out to the Tahitian Village burned area. Mayor Orr stated there is a lot of activity there and a lot of clean-up has been done and there are still some things which need to be done.

City Manager Mike Talbot stated is it a positive sign to see people rebuilding in Tahitian Village.

Mayor Orr stated that at the Council's Planning Session last Tuesday, it was discussed and general consensus of the Council that the Water Committee transform to become the Utility Committee. Mayor Orr stated that Council Member Kesselus will be taking over the place on the Committee which Mr. Peterson previously held.

Council Member Kay Garcia McAnally asked Convention Center Director Kathy Danielson to update the Council on the Convention Center activities.

Convention Center Director Kathy Danielson stated the Convention Center was the location for an event this past weekend that could be used as a case study. Ms. Danielson stated the bride was from Austin, the groom from Houston and they had booked the Convention Center since it was centrally located. Ms. Danielson stated wedding guests were booked at the Hampton Inn in Bastrop and all catering was from Bastrop.

City Manager, Mike Talbot stated it saddened him to make this announcement. Mr. Talbot stated that Tracy Board, who has been employed by the City for 26 years, has decided to retire and will be leaving the City. Mr. Talbot stated he personally and sincerely appreciated everything Ms. Board has done for the City.

Ken Kesselus stated a Hotel Occupancy Tax (HOT) information session for organizations who have previously received funding will be held tomorrow night from 5:00 p.m. to 6:00 p.m.

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

A. MEETINGS AND EVENTS ATTENDED:
   1. RATES & RESOURCES COUNCIL MEETING IN SAN MARCOS ON MARCH 19, 2012.
   2. WATER COMMITTEE MEETING ON MARCH 15, 2012.
   3. BASTROP ECONOMIC DEVELOPMENT CORPORATION MONTHLY BOARD MEETING ON MARCH 19, 2012.
   4. SPECIAL CITY COUNCIL MEETING ON MARCH 20, 2012.
   5. LOST PINES GROUNDWATER CONSERVATION DISTRICT MONTHLY 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 REQUEST BY THE PARKS BOARD OF CREATING A TREE CITY BOARD.
   6. OPENING OF BIDS FOR THE PECAN STREET SEWER PROJECT ON MARCH 26, 2012.
   7. SETTING DATE FOR THE FARM STREET "GRAND OPENING".

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 his written City Manager's Report was given to Council on Monday.

Mr. Talbot addressed Item A.4 Mr. Talbot stated that at the March 20, 2012 Special Council Meeting the Council had set May 5, 2012 at the date for the Planning Retreat but he needed to know what time the Council wanted to start and end, or start and leave open-ended.

It was the consensus of Council to start the Planning Retreat at 9:00 a.m. and leave open-ended to allow the Council time to complete any discussions.

Mr. Talbot stated that the Council had also discussed City Boards and Commissions at the March 20, 2012 Special Meeting and he would like to get clarification regarding the Council's directive related to Board and Commission appointments. Mr. Talbot stated it was his understanding that the Council wants an ordinance prepared, for first reading at the April 24, 2012 Council Meeting, which will revise the member's terms or service (to three year staggered terms) and expand residency requirements to include those who reside in the Extra Territorial Jurisdiction (ETJ), for all boards and commissions that fall under the Council's control (i.e., those that are not controlled by specific laws or regulations). Mr. Talbot stated that additionally, assuming the ordinance is passed, he understood that the Council wants all appointed board, commission, and task force members to "draw straws" to achieve the staggering of terms.

Discussion was held among Council.

It was the consensus of Council that the City Manager and Mr. Kesselus meet to go over suggestions he had provided regarding this.

Mayor Orr reminded Council that the ordinance that will be prepared is a "proposed ordinance" and there will be discussion on it. Mayor Orr stated he has real concerns about the members not being City residents.

City Manager Mike Talbot then addressed Item B.5. Mr. Talbot stated there will be a Parks Board meeting on April 5, 2012 and he did not get a sense of direction from the Council on this at the Special Meeting.

Mayor Orr stated he has concerns that the City has numerous boards, commissions and task forces and before he could support another board the Council needs to take a look at what the various boards do, their needs and their original mission.

Mr. Talbot stated that he will report to the Parks Board that the Council is taking their request "under advisement".

Mr. Talbot addressed Item B.6. Mr. Talbot stated eight (8) bids were received and opened yesterday. Mr. Talbot stated the bids ranged in price from $115,863 to $343,874. Mr. Talbot stated award of the bid will be on the next City Council Agenda.

Mr. Talbot addressed Item B.7. Mr. Talbot stated City Secretary, Teresa Valdez will be sending out an email to Council regarding possible dates for the Farm Street Grand Opening.

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 13 AND 20, 2012.

A.2 APPROVAL OF WAIVER OF FEE FOR HANGING BANNER ON THE OLD IRON BRIDGE PER REQUEST FROM COURT APPOINTED SPECIAL ADVOCATES (CASA).

A.3 APPROVAL OF SPECIAL EVENT PERMIT APPLICATION SUBMITTED BY DOWNTOWN BUSINESS ALLIANCE (DBA) TO HOST "YESTERFEST" TO BE

HELD DOWNTOWN ON FRIDAY, APRIL 27, 2012 AND SATURDAY, APRIL 28, 2012.

A.4 APPROVAL OF SPECIAL EVENT PERMIT APPLICATION SUBMITTED BY BASTROP ECONOMIC DEVELOPMENT CORPORATION TO HOST “IAMC NIGHT ON MAIN STREET” ON TUESDAY, APRIL 24, 2012, IN THE 1000 BLOCK OF MAIN STREET BETWEEN CHESTNUT AND SPRING STREETS.

A.5 APPROVAL OF SPECIAL EVENT PERMIT APPLICATION SUBMITTED BY NATIONAL MULTIPLE SCLEROSIS SOCIETY FOR ITS ANNUAL “BP MS 150 BIKE TOUR” ON SUNDAY, APRIL 22, 2012.

A.6 APPROVAL OF WAIVER OF FEES (2) FOR HANGING BANNERS ON THE OLD IRON BRIDGE AND AT 1002 CHESTNUT PER REQUEST FROM THE CHILDREN’S ADVOCACY CENTER FOR THE 8^{TH} ANNUAL “COWBOYS AND CAVIAR” ON APRIL 21, 2012.

A.7 APPROVAL OF WAIVER OF FEE FOR HANGING BANNER PER REQUEST FROM THE FAMILY CRISIS CENTER.

A.8 APPOINTMENT BY MAYOR AND CONFIRMATION BY COUNCIL OF MEMBER TO THE BASTORP MAIN STREET ADIVSORY BOARD.

City Manager Mike Talbot asked that Council pull Consent Agenda Item A.6 to be discussed separately.

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

Mr. Talbot advised the Council that the poles for hanging banners had been installed. Mr. Talbot stated a memo had been sent to all agencies who have put banners on the old iron bridge in the past informing them of the size and other requirements of banners that will not be displayed on poles at the west end of the old iron bridge. Mr. Talbot stated the City will be working with these groups in the next couple of days regarding this.

Discussion was held among Council.

Ken Kesselus moved to approve Consent Agenda Item A.6. Seconded by Kay Garcia McAnally and carried unanimously.

B. PUBLIC HEARINGS:

B.1 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 CONCERNING ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS HOME INVESTMENT PARTNERSHIPS PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR PARTICIPATION IN THE HOME PROGRAM CONTRACT SYSTEM AND AUTHORIZING THE CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE HOME PROGRAM CONTRACT SYSTEM.

City Manager Mike Talbot stated this item was on the Agenda in response to previous directive that Council wanted him to pursue this. Mr. Talbot stated homeowner rehabilitation assistance program funds may be used for rehabilitation, reconstruction or new construction of single-family residences owned and occupied by low-income households. Mr. Talbot stated to be eligible to receive homeowner rehabilitation assistance, the household and the property must comply with several eligibility factors, including: Household income must be at or below 80% of HUD's Area Median Family Income (AMFI), Household must have a clear marketable title and provide evidence of ownership; Must be current on taxes, and at completion unit must meet applicable construction standards.

Dock Jackson moved to adopt the Resolution. Seconded by Kay Garcia McAnally 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, AUTHORIZING THE SUBMISSION OF AN AMY YOUNG BARRIER REMOVAL PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) HOUSING TRUST FUND (HTF) AND AUTHORIZING THE CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE AMY YOUNG BARRIER REMOVAL PROGRAM.

City Manager, Mike Talbot stated this is another component of assisting people in improving their homes. Mr. Talbot stated the Amy Young Program provides one-time grants of up to $20,000 to persons with disabilities, whose household income does not exceed 80% of the Area Median Family Income (as defined in the NOFA), for home modification necessary for accessibility and the elimination of hazardous conditions. Program beneficiaries may be tenants or homeowners and their household members with disabilities.

Mayor Orr stated that if the City received this grant he does not want it to sit on a table, and he hopes that the City takes aggressive action and works with non-profits in seeking applicants.

Joe Beal moved to adopt the Resolution. Seconded by Kay Garcia McAnally and carried unanimously.

D.3 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION CONCERNING AUTHORIZING K FRIESE & ASSOCIATES TO UNDERTAKE A LONG-TERM WATER SUPPLY STUDY FOR THE CITY OF BASTROP.

City Manager Mike Talbot stated Mayor Pro-Tem Joe Beal, Council Member McAnally, Council Member Kesselus, James Miller, Director of Water and Wastewater and himself met on March 15, 2012 with K Friese & Associates (KFA) to review and discuss KFA's proposal to undertake a long-term Water Supply Study for the City of Bastrop. Mr. Talbot stated everyone present agreed that KFA should undertake the Study on behalf of the City and it was agreed that consideration should be given to the City approaching the Bastrop Economic Development Corporation (BEDC) in asking if they would assist the City in paying for a portion of the cost of the Study.

Council Member Kay Garcia McAnally stated she had attended that meeting and she thought the new Study was going to include desalination and she did not see that included in the proposal provided in the Agenda packet.

Council Member Joe Beal stated what had been discussed at that meeting was specifically an operation that is being undertaken at Canyon Lake (reverse osmosis). Mr. Beal stated K Friese & Associates had been asked to take a look at that operation and report back to the Water Committee. Mr. Beal stated K. Friese & Associates had notified him and there would not be a cost for this, it was a separate report.

Council Member Julie Hart stated she was concerned that this had a $100,000 price tag. Ms. Hart stated she thought the study options were not cost effective for long term and was this a study to get an answer of things we already know. Ms. Hart stated she did not see this being effective for the City.

Discussion was held among Council, Charlotte Gilpin with K Friese & Associates, Mr. Talbot and James Miller, Director of Water and Wastewater Department.

Joe Beal moved to authorize K Friese & Associates to undertake a long-term Water Supply Study for the City of Bastrop and instruct the City Manager to approach the Bastrop Economic Development Corporation to see if they will participate in funding the Study. Seconded by Ken Kesselus.

Further discussion was held among Council and Mr. Talbot.

Council took a recess from 8:00 p.m. until 8:05 p.m.

Joe Beal moved to amend his motion to authorize K Friese & Associates to undertake a long-term Water Supply Study for the City of Bastrop, that the contract not be awarded to K Friese & Associates until they provide the City the information they said they would provide at the March

15, 2012 Meeting and instruct the City Manager to approach the Bastrop Economic Development Corporation to see if they will participate in funding the Study. Seconded by Ken Kesselus.

Motion carried 3:2.

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

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 551.086 - CERTAIN PUBLIC POWER UTILITIES: COMPETITIVE MATTERS.
2. 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.
3. SECTION 551.072 - DELIBERATIONS ABOUT REAL PROPERTY: ACQUISITION, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY FOR PUBLIC PURPOSES.
4. SECTION 551.074 – PERSONNEL MATTERS: APPEAL OF EMPLOYEES TERMINATION.

At 8:11 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 551.086 – Certain Public Power Utilities: Competitive Matters.
2. 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.
3. Section 551.072 - Deliberations about Real Property: Acquisition, exchange, lease or value of real property for public purposes.
4. Section 551.074 – Personnel Matters: Appeal of employees termination.

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 9:40 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.

Mayor Orr stated, on the record, that as was posted on the Agenda (Addendum), the Council was prepared to take action on the appeals of termination of employment of Mr. Rebecek and Mr. Farbo.

Mayor Orr asked if anyone in attendance desired to address the Council or otherwise present information to the Council on these appeals, for the Council's consideration and further evaluation.

No one was present and no information or statements were presented.

Julie Hart moved to uphold the City Manager's termination of Mr. Steve Farbo. Seconded by Ken Kesselus.

Mayor Orr invited discussion.

No discussion ensued.

Roll call vote was taken by City Attorney, J.C. Brown.

Motion carried unanimously.

Julie Hart moved to uphold the City Manager's termination of Mr. Jim Rebecek. Seconded by Ken Kesselus.

Mayor Orr invited discussion.

No discussion ensued.

Roll call vote was taken by City Attorney, J.C. Brown.

Motion carried unanimously.

F. ADJOURNMENT

At 9:45 p.m., Kay Garcia McAnally moved to adjourn. Seconded by Joe Beal and carried unanimously.

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