March 13, 2012

The Bastrop City Council met in regular session on March 13, 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, Bill Peterson, 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 absent.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

City Secretary, Teresa Valdez led the pledges of allegiance to the U.S. and Texas flags. Mayor Terry Orr led the invocation.

3. PRESENTATIONS

A. CHARACTER EDUCATION – BASTROP STUDENT

No student was in attendance to present the Character Education character trait “Self-Reliance” for the month of March.

B. 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 Bastrop Planning and Zoning Commission: Glenn Peterson, Sr. - 5 year pin (was not present to accept service pin); Lee Bryan Whitten - 5 year pin (was not present to accept service pin); Dawn Kana - 5 year pin (was not present to accept service pin); Joe Beal – 5 year pin; Celeste Rose – 5 year pin and Christy Kosser – 5 year pin.

Council Member Kay Garcia McAnally and the Mayor and Council presented pins to the following recipients who have served on the Bastrop Economic Development Corporation Board: Pat Crawford – 10 year pin; Gary Schiff – 10 year pin; Steve Mills – 10 year pin; Tom Scott – 10 year pin (was not present to accept service pin); Tommy Hoover - 5 year pin (was not present to accept service pin); Neil Gurwitz – 15 year pin and Shawn Pletsch – 15 year pin.

Council Member Kay Garcia McAnally and the Mayor and Council presented a 5 year pin to Pinky Smith for her service on the Historic Landmark Commission.

4. PROCLAMATIONS

There were no proclamations.

5. ANNOUNCEMENTS

Mayor Orr stated that the City's sales tax was 33.8% above where it was last year this time.

Kay Garcia McAnally stated the Film Commission is still hard at work. Ms. Garcia McAnally read a thank you letter from the company that did a Kitchen Aide commercial in Bastrop.

Mayor Orr stated he had met with a Film crew on Saturday who will be doing a film in Bastrop State Park.

Mayor Orr acknowledged the work of Council Member Kay Garcia McAnally in getting the Mayors' pictures placed in the Council Chambers.

Kay Garcia McAnally stated the Art in Public Places Task Force was responsible for having the Mayors' pictures scanned, reprinted and framed in three styles of frames. Ms. Garcia McAnally stated three styles of frames were used because certain frames may not be available in the future and this would make it easier to match in the future. Ms. Garcia McAnally stated the frames are not exactly in line because of the different styles of frames.

C. APPRECIATION OF SERVICE AWARD TO COUNCIL MEMBER BILL PETERSON – MAYOR ORR

Mayor Orr presented a crystal "3 Years of Service" award to Council Member Bill Peterson for his service and dedication to the citizens of Bastrop as a Member of the Bastrop City Council.

Council Member Bill Peterson received a standing ovation.

Council Member Peterson thanked the City Council and stated they were a great team. Mr. Peterson thanked the citizens for allowing him to serve and stated it was a pleasure to serve as a City Council member.

OATH OF OFFICE – ADMINISTERED BY ROSE PIETSCH, BASTROP COUNTY CLERK TO ELECTED COUNCIL MEMBER DOCK JACKSON.

Bastrop County Clerk Rose Pietsch administered the Oath of Office to newly elected Place 1 Council Member Dock Jackson.

Council Member Jackson thanked family and friends who were in attendance tonight. Mr. Jackson stated he enjoys being back on the City Council.

Mayor Orr announced that Council Member Jackson has agreed to serve as the City's representative for Envision Central Texas.

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

A. MEETINGS AND EVENTS ATTENDED:
   1. TEXAS WATER DEVELOPMENT BOARD PETITION HEARING IN MILANO ON FEBRUARY 29, 2012.
   2. PARKS BOARD MONTHLY MEETING ON MARCH 1, 2012.
   3. BASTROP ECONOMIC DEVELOPMENT CORPORATION – RETAIL COACH PRESENTATION ON MARCH 1, 2012.
   4. PRESENTATION REGARDING "LOCAL GOVERNMENT" TO THE THIRD GRADE CLASSES AT LOST PINES ELEMENTARY SCHOOL ON MARCH 2, 2012.
   5. LIBRARY BOARD MONTHLY MEETING ON MARCH 5, 2012.
   6. MAIN STREET ADVISORY BOARD MONTHLY MEETING ON MARCH 5, 2012.
   7. ENVIRONMENTAL STEWARDSHIP – TEXAS WATER DEVELOPMENT BOARD PETITION HEARING IN MILANO ON MARCH 7, 2012.
   8. ASSOCIATION OF WHOLESALE CUSTOMERS OF LOWER COLORADO RIVER AUTHORITY IN JOHNSON CITY ON MARCH 8, 2012.

B. UPDATE ON CITY PROJECTS:
   1. BASTROP ECONOMIC DEVELOPMENT CORPORATION (BEDC) – SIX (6) MONTH UPDATE BY BEDC EXECUTIVE DIRECTOR DAVE QUINN.
   2. STATUS OF THE CONSTRUCTION OF THE NEW SIDEWALK BEHIND THE LIBRARY.
   3. PLANNING RETREAT OF MARCH 20, 2012 AND REVIEW CALENDAR OF FUTURE EVENTS.
   4. SPLASH PAD PROJECT.
   5. NEW SEWER LINE FOR FISHERMAN'S PARK.
   6. REVIEW REQUEST BY THE PARKS BOARD TO AMEND ORDINANCE REGARDING PUBLIC TREE ADVISORY BOARD.
   7. OPENING OF BIDS FOR THE PECAN STREET SEWER PROJECT ON MARCH 26, 2012.
   8. CITY OF BASTROP GRANT APPLICATION FOR THE HAZARDOUS MITIGATION GRANT PROGRAM AND OTHER GRANT PROGRAMS.
   9. CONSTRUCTION OF WATER WELL I.
   10. REVIEW OF PROPOSED BENCHES ON MAIN STREET.
   11. SETTING DATE FOR FARM STREET "GRANT OPENING".
   12. STATUS OF TEXAS DEPARTMENT OF TRANSPORTATION "SURPLUS PROPERTY" ON STATE HIGHWAY 20.

13. REPLACEMENT OF THE WATER LINE ON AUSTIN STREET FROM HAYSEL STREET TO HILL STREET.
14. BIDS RECEIVED ON MARCH 1, 2012 FOR THE BASTROP POWER & LIGHT TRAINING/CONFERENCE ROOM.
15. CALENDAR REGARDING HOTEL/MOTEL OCCUPANCY TAX ORGANIZATIONS FUNDING REQUESTS.

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 Dave Quinn, Executive Director of the Bastrop Economic Development Corporation will give an update as listed under Item B.1.

Dave Quinn addressed the Council. Dave Quinn gave a PowerPoint presentation on his first six (6) months as Executive Director of the Bastrop Economic Development Corporation.

Council Member Joe Beal stated he was really impressed how Mr. Quinn has incorporated social media.

Council Member Dock Jackson stated he was very impressed with the use of social media and also impressed with Mr. Quinn's involvement in the total community.

Mayor Orr stated that one of the better things that had happened recently is the movie theater. Mayor Orr asked that Mr. Talbot give a brief synopsis of this.

Mr. Talbot stated that 30-40 days ago the sale of the Chestnut Entertainment Center – the movie theater, had fallen through and that was a big disappointment. Mr. Talbot stated they came back with a 30 day option to purchase and last week a Letter of Understanding was put together. Mr. Talbot stated it was delivered on Friday and the sale closed on Monday.

Mayor Orr applauded the City Manager for his timeliness on this matter. Mayor Orr stated this really needed to happen for the City.

Mr. Talbot stated they plan to open the last week of April or first week in May. Mr. Talbot stated they are going to make a 2.5 million dollar expansion to a 2.4 million dollar facility. Mr. Talbot stated this is a very positive move for the City.

Mr. Talbot called the Council's attention to Item B.3. Mr. Talbot stated different suggestions were received on when the Council should meet for planning sessions. Mr. Talbot called the Council's attention to a handout of monthly calendars from March-December showing existing scheduled Council meetings. Mr. Talbot asked that the Council Members study what meetings are coming up and an agenda item will be placed on the March 20, 2012 Special Workshop Council Meeting to discuss this.

Mayor Orr asked that each Council Member provide to the City Secretary by Wednesday, March 14, 2012, a list of items they would like to see discussed in a public format and prioritize the items. Mayor Orr stated from that point he will pick a few items for discussion for the March 20, 2012 meeting and then he anticipates starting to take the listed items in sequence for the other meeting. Mayor Orr also asked that the Council be thinking in terms of "Should we be having a Retreat once or twice a year?"

Council Member Ken Kesselus asked if the City Manager wanted the Council to approve the item listed as B.15. Mr. Kesselus stated the Calendar shows that on March 28, 2012 a "Committee" is to meet with organizations requesting Hotel Occupancy Tax funding.
Mr. Kesselus asked if there was a "Committee".

Mr. Talbot stated he would recommend the Council approve the Calendar so as to keep on schedule. Mr. Talbot stated the "Committee" that was formed last year could be used again.

Mr. Kesselus stated he would like to have an opportunity to talk about the money that is going to be in the Hotel Occupancy Tax fund and also, he would like to have an opportunity to suggest something else, perhaps in May.

Ken Kesselus moved to approve the HOT Funding Calendar for Fiscal Year 2013, with the understanding that he will have an opportunity to present and Council discuss his suggestion in May and that he agree to serve as Chairman of the Committee. Seconded by Kay Garcia McAnally and carried unanimously.

Council Member Ken Kesselus called the Council's attention to Item B.6. Mr. Kesselus stated he would be happy to support a small Tree Advisory Board with maybe five (5 members and maybe designate a couple as ex-officio members.

Mayor Orr stated this is an excellent topic for conservation at one of the Council's planning workshops. Mayor Orr stated the City has a variety of committees, maybe far too many and voiced concern about the continued splintering and more splintering of these committees.

Council Member Kay Garcia McAnally asked if there was a way a Historic Designation sign could be placed at the "springs" along the Riverwalk.

City Manager Mike Talbot stated he would research her request.

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 FEBRUARY 28, 2012.

A.2 APPROVAL OF WAIVER OF FEE FOR HANGING A BANNER ON THE OLD IRON BRIDGE PER REQUEST FROM THE EVENT COORDINATOR FOR THE 2012 BASTROP HOME PRODUCT SHOW SCHEDULED FOR APRIL 13-15, 2012.

A.3 APROVAL OF AN EXTENSION, FOR A PERIOD OF 180 DAYS COMMENCING ON MARCH 18, 2012 ON THE REQUEST FOR A FINAL PLAT FOR HUNTERS CROSSING, SECTION 7B LOCATED SOUTH OF STATE HIGHWAY 71 AND WEST OF HU;NTERS CROSSING BOULEVARD WITHIN THE CITY LIMITS OF BASTROP, TEXAS.

A.4 APPROVAL OF THE STATUTORY DENIAL, FOR A PERIOD OF 180 DAYS FROM THE DATE OF COUNCIL ACTION ON THIS REQUEST, FOR THE PRELIMINARY PLAT OF PINE VISTA COMMERCIAL SUBDIVISION CREATING TWO COMMERCIAL LOTS AT 2401 LOOP 150 WITHIN THE CITY LIMITS OF BASTROP, TEXAS.

A.5 APPROVAL OF SPECIAL EVENT PERMIT APPLICATION SUBMITTED BY BASTROP HOMECOMING COMMITTEE, INC. TO HOST "MAYFEST SCHOLARSHIP RODEO" ON FRIDAY, MAY 11, 2012 AND SATURDAY, MAY 12, 2012 IN MAYFEST PARK.

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

Council Member Kay Garcia McAnally requested Consent Agenda Item A.2 be pulled for separate discussion.

Joe Beal moved to approve the Consent Agenda minus Item A.2. Seconded by Dock Jackson and carried unanimously.

Ms. Garcia McAnally stated it seemed to her that the Council had been approving a lot of requests for waiver of fees for hanging banners on the old iron bridge. Ms. Garcia McAnally stated she thought the Council had approved an alternate location for these banners.

City Manager Mike Talbot stated the Council had approved an alternate location and design, but staff was having a hard time trying to find cedar posts that were 20 feet in height to hold a maximum of three (3) banners. Mr. Talbot stated staff is going to have to utilize other poles to get the project completed.

Kay Garcia McAnally moved to approve Consent Agenda Item A.2. Seconded by Joe Beal 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 ON PRESENTATION AND ACCEPTANCE OF CITY OF BASTROP, TEXAS COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE YEAR ENDED SEPTEMBER 30, 2011.

Chief Financial Officer Karla Stovall addressed the Council. Ms. Stovall stated that the Finance Department respectfully submits the Comprehensive Annual Financial Report for the year ended September 30, 2011. Ms. Stovall stated Jack Clark with Singleton, Clark & Company was in attendance tonight to present the audit to Council. Ms. Stovall distributed the FY2011 Audit Reporting Package to Council.

Jack Clark presented the FY2011 Audit to the Council. Mr. Clark reviewed various aspects of the Audit. Mr. Clark called the Council's attention to pages 47 and 48 of the Audit. Mr. Clark stated he was only calling attention to this because of the potential impact on the City's liabilities. Mr. Clark stated the City did receive a clean audit. Mr. Clark stated the City is in very good financial condition – fixed assets, good staff, good management and very professional people that he deals with. Mr. Clark stated he personally thinks there needs to be another staff person in the Finance Department to handle the fixed assets.

Discussion was held among Council and Mr. Clark regarding the Audit.

Joe Beal moved to accept the Comprehensive Annual Financial Report. Seconded by Kay Garcia McAnally and carried unanimously.

D.2 APPOINTMENT BY MAYOR AND CONFIRMATION BY COUNCIL OF MEMEBRS TO THE BASTROP ETHICS COMMISSIONS.

Mayor Orr appointed Honorable Judge Chris Duggan, Reverend Lisa Hines and Corporal Wuthipong Tantaksinanukij to the Bastrop Ethics Commission.

City Secretary Teresa Valdez called the roll for the appointments:

FOR APPOINTMENT: Ken Kesselus, Kay Garcia McAnally, Joe Beal and Dock Jackson.

Judge Chris Duggan, Reverend Lisa Hines and Corporal Wuthipong Tantaksinanukij were appointed to the Bastrop Ethics Commission.

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

Chief Financial Officer Karla Stovall addressed the Council. Ms. Stovall gave a report on the monthly financials for the period ending January 31, 2012.

Brief discussion was held among Council, Ms. Stovall and Mr. Talbot.

Kay Garcia McAnally moved to accept the report. 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, SECTION 551.086 (CERTAIN PUBLIC POWER UTILITIES: COMPETITIVE MATTERS); (SECTION 551.071(1)(A) AND SECTION 551.071(2) (CONSULTATIONS WITH ATTORNEY); SECTION 551.072 (DELIBERATIONS ABOUT REAL PROPERTY); AND SECTION 551.087 (DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS)TO DISCUSS THE FOLLOWING:

1. CERTAIN PUBLIC POWER UTILITIES: COMPETITIVE MATTERS.
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. DELIBERATIONS ABOUT REAL PROPERTY: ACQUISITION, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY FOR PUBLIC PURPOSES.
4. DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS: PROJECT HOLLYWOOD.

At 7:45 p.m., Mayor Orr convened the Bastrop City Council into a closed/executive session pursuant to the Texas Government Code, Chapter 551, Section 551.071(1)(A) and Section 551.071(2) (Consultations with Attorney) and Section 551.072 (Deliberations about Real Property) and to discuss the following:

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. Deliberations 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 9:26 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.

Joe Beal moved to authorize the City Manager to negotiate and enter into a binding Contractual Letter Agreement with the Developers of Pine Forest Unit #6, concerning costs to be borne by Developer, to facilitate progress on the future development of this subdivision. Seconded by Ken Kesselus and carried unanimously.

F. ADJOURNMENT

At 9:27 p.m., Joe Beal moved to adjourn. Seconded by Kay Garcia McAnally and carried unanimously.

APPROVED: ATTEST:

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Terry Orr, Mayor Teresa Valdez, City Secretary