February 28, 2012

The Bastrop City Council met in regular session on February 28, 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, 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 with the exception of Joe Beal who was absent.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

City Manager, Mike Talbot led the pledges of allegiance to the U.S. and Texas flags. Reverend Jimmy Cottle led the invocation.

3. PRESENTATIONS

A. CHARACTER EDUCATION – BASTROP STUDENT

Brandon Munoz a Seventh Grade student at Bastrop Middle School presented the Character Education character trait "Justice" for the month of February.

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 Parks Board: Norrise Bryant - 10 year pin (was not present to accept service pin); Nancy Rabensburg - 5 year pin; Barbara Wolanski - 5 year pin (should have received a 10 year pin – pins were swapped after the meeting); Butch

Smith – 5 year pin (was not present to accept service pin) and Sandra Chipley-Kellogg – 5 year pin (was not present to accept service pin) (should have received a 10 year pin – pins were swapped after the meeting).

Council Member Kay Garcia McAnally and the Mayor and Council presented pins to the following recipients who have served on the Construction Standards Board: Bruce Kana – 10 year pin (was not present to accept service pin); Rick Welch – 10 year pin (was not present to accept service pin) and Chris Kana - 5 year pin (was not present to accept service pin).

Council Member Kay Garcia McAnally and the Mayor and Council presented pins to the following recipients who have served on the Housing Authority: Gerald Francis - 15 year pin; Annette Hyder - 5 year pin; Reverend Philip Woods – 5 year pin and Doris Nance – 5 year pin (was not present to accept service pin).

C. TEXAS SENATE BILL 1074 ANNUAL REPORT – POLICE CHIEF MICHAEL BLAKE

Police Chief Michael Blake gave a brief presentation on the annual report of police department activities regarding patrol officer vehicle stops, arrests, citations, and/or search of individuals. Police Chief Blake stated Senate Bill 1074 requires police agencies to generate an annual report involving detailed data capture and analysis of the referenced data points involving vehicle stops, as well as periodic supervisory reviews of audio-video files secured from audio-video equipment in the patrol fleet during the course of police field contacts.

Discussion was held among Council and Police Chief Michael Blake.

4. PROCLAMATIONS

There were no proclamations.

5. ANNOUNCEMENTS

Mayor Orr announced that Council Member Joe Beal was out of town and could not attend the meeting tonight.

Council Member Bill Peterson stated this was his last Council meeting and he wanted to thank the City Manager and staff for being there when he needed them. Mr. Peterson thanked the Mayor and City Council for being caring and having a good team. Mr. Peterson thanked the citizens of Bastrop for allowing him to serve. Mr. Peterson stated he is not going anywhere, he will still be involved.

Council Member Kay Garcia McAnally showed a sample of the art work that will be used for the Historic Chicken Sanctuary banners.

Council Member Bill Peterson announced that at 3:45 p.m. today he became the proud Uncle of a 7 pound baby girl.

CITY MANAGER INFORMATIONAL UPDATE REPORT: ITEMS FOR UPDATE,

DISCUSSION AND POSSIBLE ACTION:

A. MEETINGS AND EVENTS ATTENDED:
   1. LOST PINES GROUNDWATER CONSERVATION DISTRICT MONTHLY BOARD OF DIRECTOR'S MEETING ON FEBRUARY 15, 2012.
   2. CHAMBER OF COMMERCE MONTHLY BOARD MEETING ON FEBRUARY 15, 2012.
   3. POLICE DEPARTMENT PERSONNEL PLANNING RETREAT ON FEBRUARY 20, 2012.

B. UPDATE ON CITY PROJECTS:
   1. CONSTRUCTION OF THE NEW SIDEWALK BEHIND THE LIBRARY.
   2. FARM STREET PROJECT.
   3. SPLASH PAD PROJECT.
   4. NEW SEWER LINE FOR FISHERMAN'S PARK.
   5. QUARTERLY MEETING WITH THE CITY COUNCIL.
   6. ZONING ISSUES – RED GRANITE DRIVEWAY.
   7. GILLS BRANCH DRAINAGE PROJECT.
   8. CONSTRUCTION OF WATER WELL I.
   9. BASTROP ECONOMIC DEVELOPMENT CORPORATION (BEDC) MAIN STREET PROJECT.
   10. BASTROP ECONOMIC DEVELOPMENT CORPORATION (BEDC)/CITY – CHESTNUT STREET SIDEWALK PROJECT.
   11. SAFE ROUTES TO SCHOOL GRANT PROGRAM.
   12. HOURS OF OPERATION ON SATURDAYS FOR THE TRANSFER STATION.
   13. TEXAS INDEPENDENCE RELAY RACE.
   14. TELEVISING OF PORTIONS OF THE CITY'S WATER DISTRIBUTION SYSTEM.

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 stated he will be out of the office tomorrow because he will be attending a groundwater meeting in Milano.

Mr. Talbot gave an informational update on Item B.1. Mr. Talbot stated the sidewalk will require some handrail/bars in certain areas and the handrails/bars could be left galvanized or painted black or green.

Brief discussion was held among Council.

It was the consensus of Council to have the handrails/bars painted green.

Mr. Talbot stated a color for the sidewalk also had to be decided upon. Mr. Talbot stated that since this was a project suggested by Ms. Garcia McAnally he would like Ms. Garcia McAnally to meet with him and decide upon the color.

Council Member Bill Peterson stated there are a lot of turn-backs on this sidewalk and asked if there will be lighting down there.

Mr. Talbot stated that was a good idea and that can be taken care of by placing conduit now.

Mayor Orr stated that after the sidewalk project is completed the City may have to take a look at general area lighting.

Mr. Talbot gave an informational update on Item B.5. Mr. Talbot stated he would like to suggest that at each quarter of the year the Council set up a Special Meeting to discuss any City issues that they are concerned about or pending. Mr. Talbot stated he thought this would be a very effective communication tool and he did not see these meetings lasting longer than two hours. Mr. Talbot stated one of the first items he would suggest to be discussed is the Council Retreat report since Council has not discussed it.

Discussion was held among Council and Mr. Talbot. It was the consensus of Council that the first quarterly meeting be held on March 20, 2013 at 6:00 p.m. here at the Council Chambers and the Council can discuss a Retreat and other meeting dates at that time.

Mr. Talbot asked that each Council Member email him a list of items they would like to discuss at the March 20, 2012 Special Meeting.

Mr. Talbot gave an informational update on Item B.11. Mr. Talbot stated that seven members are required for the Safe Routes to School Grant Program Committee. Mr. Talbot stated Council Member Bill Peterson, Police Chief Michael Blake, Bastrop Independent School District Chief Operations Officer Henry Gideon, Bastrop Independent School District – another representative, and himself – Mike Talbot had agreed to serve on this Committee. Mr. Talbot stated two other members were required.

Mayor Orr stated that since Council Member Kay Garcia McAnally is the Council Member responsible for working with the schools he would like her to serve on this Committee.

Council Member Kay Garcia McAnally agreed to serve on the Committee.

Mr. Talbot gave an informational update on Item B.14.

Mayor Orr stated he had received a "Request To Speak Form" from a citizen on Item B.7.

Mr. Talbot stated he had included in his written City Manager's Report the Minutes from the January 26, 2012 Planning and Zoning Commission Meeting concerning red granite driveways. Mr. Talbot stated the Planning and Zoning Commission did not meet in February and he does not believe that the Minutes addressed all of Council's concerns. Mr. Talbot stated this will be placed back on a Planning and Zoning Commission Agenda and a report will be given to Council.

Bob Rogers addressed the Council. Mr. Rogers voiced his concerns against red granite driveways. Mr. Rogers asked why the Council would lower their building standards, when the City has good standards.

Discussion was held among Council and Mr. Talbot.

Kay Garcia McAnally requested that the report on the red granite driveways be two-sided.

Kay Garcia McAnally stated she understood that there was Federal grant money available for emergency radio equipment and she would like the City Manager and Chief of Police to find out more information about this.

Mayor Orr stated he understood that the City is having a historic plaque made for Farm Street and he would like to have an "opening" for this street due to all the improvements.

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 14, 2012.

A.2 ADOPTION OF AN ORDINANCE DECLARING UNOPPOSED CANDIDATE IN THE MARCH 3, 2012 SPECIAL CITY ELECTION ELECTED TO OFFICE, CANCELLING THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

A.3 ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS AMENDING THE BUDGET FOR THE FISCAL YEAR 2012 IN ACORDANCE WITH EXISTING STATUTORY REQUIREMENTS; APPROPRIATING THE VARIOUS AMOUNTS HEREIN; REPEALING ALL PRIOR ORDINANCES AND ACTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

A.4 APPROVAL OF RETRO-ACTIVE WAIVER OF FEE FOR HANGING BANNER PER REQUEST FROM BASTROP COUNTY EMERGENCY FOOD PANTRY AND SUPPORT CENTER, INC. FOR EMPTY BOWL PROJECT EVENT ON FEBRUARY 25, 2012.

A.5 APPROVAL OF WAIVER OF FEE FOR HANGING A SIGN PER REQUEST FROM BASTROP AREA LIVESOCK SHOW AND FAIR ASSOCIATION FOR THIS YEAR'S LIVESTOCK SHOW ON MARCH 2-3, 2012.

A.6 ACKNOWLEDGMENT OF RECEIPT OF BASTROP HOUSING AUTHORITY PUBLIC HOUSING ASSESSMENT SCORE, PHYSICAL INSPECTION SCORE AND REPORT ON FINANCIAL STATEMENT FOR THE YEAR ENDED SEPTEMBER 30, 2010.

Mayor Orr read the captions of the Ordinances listed as Consent Agenda Items A.2 and A.3.

Bill Peterson moved to approve the Consent Agenda. Seconded by Julie Hart and carried unanimously.

B. PUBLIC HEARINGS:

B.1 PUBLIC HEARING: WEST OF THE COLORADO SITE DEVELOPMENT PLANS LOCATED ON SOUTHWEST CORNER OF HASLER BOULEVARD AND AGNES STREET, IN ACCORDANCE WITH CITY COUNCIL ACTION ON DECEMBER 8, 2009.

Planning and Development Director, Melissa McCollum addressed the Council. Ms. McCollum stated on December 8, 2009 the property owner requested that the City of Bastrop approve "off site" detention for the West of the Colorado property. Ms. McCollum stated the City Council approved this waiver request at the December 8, 2009 meeting, with the requirement that the final design encompasses a drainage solution in conformance with State Law and that a public hearing be held prior to amendment of the plat or approval of the site development plans. Ms. McCollum stated this City Council Agenda Item will comprise the required public hearing. Ms. McCollum stated the engineer of record has satisfied the City Council requirement to be in compliance with State Law by providing a drainage report which states that "The results of this drainage study indicate that 100-year flows will be contained within drainage easements and right-of-way. There will be no adverse impact to any adjacent or abutting properties." Ms. McCollum stated this means that the property conveys developed runoff from the project site to the offsite detention pond located at Wal-Mart, within channels and culverts which contain the 100-year developed flows within easements and right-of-way. Ms. McCollum stated the new shopping center meets all requirements as outlined in the City's Site Development application, and would have administratively been approved except for the City Council requirement for the public hearing.

Brief discussion was held among Council and Ms. McCollum

There were no public comments.

B.2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION TO APPROVE THE WEST OF THE COLORADO SITE DEVELOPMENT PLANS LOCATED ON THE SOUTHWEST CORNER OF HASLER BOULEVARD AND AGNES STREET, IN ACCORDANCE WITH CITY COUNCIL ACTION ON DECEMBER 8, 2009.

Planning and Development Director, Melissa McCollum stated staff supports this Site Development Application.

Ken Kesselus moved to approve the Site Development Plans. Seconded by Kay Garcia McAnally and carried unanimously.

B.3 CITIZEN COMMENTS.

Council Member Kay Garcia McAnally asked if the City was still going to look at speed limits on Farm Street.

City Manager, Mike Talbot stated staff is working on it.

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 ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF CITY OF BASTROP, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2012; PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID CERTIFICATES; PRESCRIBING THE FORM OF SAID CERTIFICATES; AWARDING THE SALE THEREOF; APPROVING THE PAYING AGENT/REGISTRAR AGREEMENT, AND THE OFFICIAL STATEMENTS; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT.

Mayor Orr read the caption of the Ordinance.

City Manager, Mike Talbot stated Dan Wegmiller, Karla Stovall and Carol Polumbo have been working on this and been alert as to when was the best time to refinance.

City Manager, Mike Talbot stated Agenda Items D.1 and D.2 will be discussed together but should be voted upon separately.

Dan Wegmiller, Managing Director of Specialized Public Finance, Inc. addressed the Council. Mr. Wegmiller stated the amount of the Combination Tax and Revenue Certificates of Obligation, Series 2012 is $4,300,000 and the interest rate is 2.58%.

Mr. Wegmiller stated the amount of the General Obligation Refunding and Improvement Bonds, Series 2012 is $2,015,000 and the interest rate is 1.9%.

Julie Hart moved to adopt the Ordinance. Seconded by Kay Garcia McAnally and carried unanimously.

D.2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS,

AUTHORIZING THE ISSUANCE AND SALE OF CITY OF BASTROP, TEXAS, GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 2012; PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SIAD BONDS; PRESCRIBING THE FORM OF SAID BONDS; APPROVING THE OFFICIAL STATEMENT, BOND PURCHASE AGREEMENT; PAYMENT AGENT/REGISTRAR AGREEMENTA ND EXCROW AGREEMENT; AND ENACTING OTHER PROVISIONS RELATING TO THE SUBJECT.

Mayor Orr read the caption of the Ordinance.

(See discussion of Item D.1 above.)

Bill Peterson moved to adopt the Ordinance. Seconded by Julie Hart and carried unanimously.

D.3 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION CONCERNING A REQUEST FROM MS. MINDY GRABER REGARDING CONSTRUCTION OF A MOSAIC "WALL OF HOPE" ON THE SIDE OF THE FIRE STATION ON CHESTNUT STREET.

City Manager, Mike Talbot called the Council's attention to a letter included in the Agenda packet from Ms. Mindy Graber requesting that she be allowed to construct a mosaic "Wall of Hope" on the Fire Station on Chestnut Street. Mr. Talbot stated the purpose of the mosaic is to honor the fire victims of the September 2011 fire. Mr. Talbot stated he advised Ms. Graber that the did not have the authority to approve her request. Mr. Talbot stated he spoke to Fire Chief Henry Perry regarding her request and Chief Perry stated that he would like to see what the mosaic would look like prior to construction of the mosaic on the Fire Station. Mr. Talbot stated his recommendation is to refer this matter to the "Art in Public Places Task Force" for their review and recommendation to the City Council.

Mayor Orr stated he would like to make sure the Fire Department is in accordance with this before it goes to the Art in Public Places Task Force.

Discussion was held among Council.

Mr. Talbot stated he had asked Ms. Graber to be in attendance tonight so she could answer Council questions and he apologized to Council that she was not in attendance to answer Council questions.

Kay Garcia McAnally moved for the City Manager to work with her on coordinating a meeting between the Fire Chief and the Art in Public Places Task Force regarding this matter. Seconded by Julie Hart 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 551.071(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. CONSULTATIONS WITH ATTORNEY: (1) THREATENED AND/OR CONTEMPLATED LITIGATION REGARDING DRAINAGE ISSUES; AND (2) MATTERS UPON WHICH THE ATTORNEY HAS A DUTY AND/OR RESPONSIBILITY TO REPORT TO THE GOVERNMENTAL BODY:
2. DELIBERATIONS ABOUT REAL PROPERTY: ACQUISITION, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY FOR PUBLIC PURPOSES.
3. DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS: PROJECT HOLLYWOOD.

At 7:30 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); Section 551.072 (Deliberations about Real Property) and Section 551.087 (Deliberation Regarding Economic Development Negotiations) to discuss the following:

1. Consultations with Attorney: (1) threatened and/or contemplated litigation regarding drainage issues; and (2) matters upon which the attorney has a duty and/or responsibility to report to the governmental body:
2. Deliberations about Real Property: Acquisition, exchange, lease or value of real Property for public purposes.
3. Deliberation Regarding Economic Development Negotiations: Project Hollywood.

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 8:05 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.

Julie Hart moved to authorize the City Manager to execute a Letter of Understanding with the developer of Project Hollywood. Seconded by Kay Garcia McAnally and carried unanimously.

F. ADJOURNMENT

At 8:06 p.m., Bill Peterson moved to adjourn. Seconded by Kay Garcia McAnally and carried unanimously.

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