

January 26, 2010

The Bastrop City Council met in regular session on January 26, 2010 at 6:00 p.m. at the Council Chambers of City Hall, 904 Main Street, Bastrop, Texas. Members present were Mayor Terry Orr and Council Members Julie Hart, Ken Kesselus, Kay Garcia McAnally, Joe Beal and W.L. "Bill" Peterson.

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

City Secretary Teresa Valdez led the pledges of allegiance to the U.S. and Texas flags. Reverend Richard Shahan led the invocation.

3. PRESENTATIONS

A. CITY MANAGER RECOGNITION & PRESENTATION TO GREG FAIRLIE

City Manager, Mike Talbot recognized Greg Fairlie for receiving his Texas Department of Agriculture Structural Pest Control Service Noncommercial Certified Applicator License. Mr. Talbot presented Mr. Fairlie with a "Day Off With Pay Certificate" and a gift for his outstanding service to the City of Bastrop.

4. PROCLAMATIONS

There were no proclamations.

5. ANNOUNCEMENTS

There were no announcements.

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 JANUARY 11 & 12, 2010.

A.2 ADOPTION OF A RESOLUTION APPROVING A PROJECT USING FUNDS

PROVIDED BY THE BASTROP ECONOMIC DEVELOPMENT CORPORATION (BEDC), IN AN AMOUNT EXCEEDING \$10,000 FOR THE BEDC INCENTIVE GRANT TO DEEP IN THE HEART ART FOUNDRY.

A.3 ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF BASTROP, TEXAS, ANNEXING PROPERTY INTO THE CITY OF BASTROP EXTRATERRITORIAL JURISDICTION.

A.4 APPROVAL OF THE STATUTORY DENIAL, FOR A PERIOD OF 180 DAYS FROM THE DATE OF COUNCIL ACTION ON THIS REQUEST, FOR THE FINAL PLAT OF B & B SUBDIVISION (SAC N PAC) LOCATED ON THE SOUTHEAST CORNER OF STATE HIGHWAY 95 AND LOOP 150 (CHESTNUT STREET) IN THE CITY LIMITS OF BASTROP, TEXAS.

A.5 APPROVAL OF EXTENSION TO STATUTORY DENIAL, FOR A PERIOD OF 180 DAYS COMMENCING ON JANUARY 29, 2010, ON THE REQUEST FOR THE SMITH ROAD COMMONS PRELIMINARY PLAT, LOCATED IN THE EXTRATERRITORIAL JURISDICTION OF BASTROP, TEXAS.

A.6 APPROVAL OF A VARIANCE TO SECTION 4.10.6, EXPIRATION OF PRELIMINARY PLAT APPROVAL, CITY OF BASTROP SUBDIVISION ORDINANCE TO EXTEND THE PRELIMINARY PLAT FOR THE COLONY MUNICIPAL UTILITY DISTRICT (MUD) 1E SECTION 2 AND MUD 1F SECTION 1 LOCATED IN THE EXTRATERRITORIAL JURISDICTION OF BASTROP, TEXAS.

A.7 ADOPTION OF A RESOLUTION OF THE CITY OF BASTROP, TEXAS, RESOLVING TO PREVENT MINING AND DRILLING ON CITY PROPERTY BEING UTILIZED FOR A TEXAS PARKS AND WILDLIFE PARK DEVELOPMENT PROJECT.

Mayor Orr requested that Item A.2 be pulled from the Consent Agenda to be discussed separately.

Julie Hart moved to approve the Consent Agenda minus Item A.2. Seconded by Kay Garcia McAnally and carried unanimously.

Mayor Orr stated Item A.2 involves a large sum of money \$100,000 to the Deep in the Heart Art Foundry. Mayor Orr stated he had asked Joe Newman to explain this to Council because it had been approved by previous Council.

Joe Newman addressed the Council. Mr. Newman stated this project began in 2005 and in 2007 the Legislature changed the law to require two readings of a Resolution approving economic development expenditures over \$10,000. Mr. Newman stated public hearings had been held on this and the previous Council had approved the Contract with the Foundry that included the \$100,000 from the Bastrop Economic Development Corporation to the Deep in the Heart Art Foundry.

Mayor Orr asked if that meant that this Resolution was not necessary now.

City Attorney, J.C. Brown stated the Contract should be sufficient in approving the expenditure and this Resolution could serve as the second reading of the Resolution.

Joe Beal moved to adopt the Resolution. Seconded by Bill Peterson and carried unanimously.

B. PUBLIC HEARINGS:

B.1 PUBLIC HEARING: TO PROVIDE INFORMATION IN REGARD TO A PROPOSED SPLASH PAD PARK AREA AND THE IMPACT IT MAY HAVE ON THE FLOODPLAIN/WETLAND AREA AND THE PROPOSED SUBMISSION OF A GRANT APPLICATION TO THE TEXAS PARKS AND WILDLIFE DEPARTMENT.

Judi Hoover, Parks Board Chairperson addressed the Council. Ms. Hoover stated a public hearing is a requirement to make a grant application to the Texas Parks and Wildlife Department.

There were no public comments.

B.2 DISCUSSION AND POSSIBLE ACTION ON ADOPTION OF A RESOLUTION OF THE CITY OF BASTROP AUTHORIZING AND DIRECTING THE CITY MANAGER TO ACT AS THE OFFICIALLY DESIGNATED REPRESENTATIVE AND MAKE APPLICATION TO THE TEXAS PARKS AND WILDLIFE DEPARTMENT FOR A PARK SITE (FISHERMAN'S PARK SPLASH PAD AREA).

Judi Hoover stated Judy Langford with Langford Community Management Services had prepared the grant and given it to her yesterday. Ms. Hoover stated she had copies of the grant application if any of the Council wished to look at it. Ms. Hoover stated there were a couple of minor detail changes in the grant and they would be correcting them before submission.

Mr. Talbot stated he and Ms. Langford had talked this morning and everything is in order for the submission of the grant.

Joe Beal stated he attended the meeting yesterday in regard to the grant submission. Mr. Beal stated he is pleased with the way this project is moving along and money is being raised as well as in-kind services.

Mayor Orr echoed Mr. Beal's comments.

Kay Garcia McAnally stated a "Thank You" for the children of Bastrop.

Joe Beal moved to adopt the Resolution. 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:

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

D.1 CONSIDER AN ORDINANCE AMENDING CITY OF BASTROP CODE OF ORDINANCES “APPENDIX A: FEE SCHEDULE” TO ADD ARTICLE A.13.08 “UTILITY FEES, RATES AND DEPOSITS”; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Orr read the caption of the Ordinance.

Mr. Talbot handed out a corrected Exhibit “A” to the Ordinance.

Karla Stovall, Finance Director stated the corrected Exhibit “A” had reflected a minor change in Section 400.6. Ms. Stovall stated the customer is not charged the \$25.00 fee if the meter is found to be outside of the accuracy standards, or the City initiates the meter test.

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

D.2 CONSIDER AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS AMENDING AND CLARIFYING ARTICLE 4.09.001 OF THE CITY’S CODE OF ORDINANCES ENTITLED “DRILLING OR MINING.” PROHIBITING ANY AND ALL EXCAVATION, MINING AND DRILLING OPERATIONS, WITHIN THE MUNICIPAL LIMITS OF THE CITY OF BASTROP; PROVIDING VARIANCE PROCEDURES; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Orr read the caption of the Ordinance.

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

D.3 CONSIDER AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF BASTROP, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2010; PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID CERTIFICATES; PRESCRIBING THE FORM OF SAID CERTIFICATES; AWARDING THE SALE THEREOF; APPROVING THE PAYMING AGENT/REGISTRAR AGREEMENT,

AND THE OFFICIAL STATEMENT; AND ENACTING OTHER PROVISIONS RELATED TO THE SUBJECT.

Mr. Talbot stated at the last Council meeting the Council had awarded the bids for the construction of a new City Hall and Convention Center. Mr. Talbot stated when bonds were issued in 2008 there was a cap limitation because projects went beyond \$10,000,000.00 Mr. Talbot distributed a summary of costs remaining that are left to be issued. Mr. Talbot explained the summary of the costs.

Dan Wegmiller, Specialized Public Finance, Inc., addressed the Council. Mr. Wegmiller stated the City's bond rating of A+ had been affirmed by Standard & Poors. Mr. Wegmiller then distributed copies of the bids received for the \$7,400,000 Combination Tax and Revenue Certificates of Obligation. Mr. Wegmiller stated the lowest bid was received from First Tennessee Financial Capital Markets at the rate of 3.856062%.

Jana Edwards with McCall, Parkhurst & Horton, LLP, addressed the Council. Ms. Edwards distributed a copy of the proposed Ordinance with all final numbers inserted.

Brief discussion was held among Council.

Julie Hart moved to adopt the Ordinance authorizing the issuance and sale of Combination Tax and Revenue Certificates of Obligation up to the amount of \$7,400,000 to First Tennessee Financial Capital Markets at the rate of 3.856062%. Seconded by Bill Peterson and carried unanimously.

D.4 CITY MANAGER INFORMATIONAL UPDATE REPORT.

A. ITEMS FOR UPDATE, DISCUSSION AND POSSIBLE ACTION:

1. UPDATE ON THE CHESTNUT STREET PROJECT.
2. DISCUSSION AND UPDATE REGARDING THE TREE AT THE NORTH EAST CORNER OF MAIN AND PINE STREETS.
3. UPDATE ON THE DEVELOPMENT OF THE NEW WELL AT BOB BRYANT PARK.
4. PLANNING & ZONING MEETING OF JANUARY 28, 2010.
5. LOST PINES GROUNDWATER CONSERVATION DISTRICT MEETING OF JANUARY 20, 2010.
6. DOWNTOWN BUSINESS ALLIANCE (DBA) PLANNING RETREAT OF JANUARY 23, 2010.
7. UPDATE ON THE CVS DEVELOPMENT PROJECT.
8. DISCUSSION REGARDING THE FARMERS MARKET.
9. MAIN STREET PLANNING RETREAT – JANUARY 30, 2010.
10. CHARTER REVIEW COMMITTEE MEETING OF JANUARY 25, 2010.
11. UPDATE ON ALLEY B INFRASTRUCTURE IMPROVEMENTS.
12. UPDATE ON PINE FOREST UNIT #6.
13. 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.

Mr. Talbot gave an informational update on the listed items.

Ken Kesselus stated he had met with the representative of the two Farmers Markets and it is clear to him that they mutually agree they will not unite into one group. Mr. Kesselus stated he believes the City should give notice to the group to the east (the area where the Convention Center is to be built) that the City needs the property back for their use. Mr. Kesselus stated he believed the Council should then look at the other space being utilized as a Farmers Market and have a discussion on what is the best use of that property. Mr. Kesselus stated if the Council decides to continue the use as a Farmers Market then the City should issue Request for Proposals.

Mr. Talbot stated he had previously prepared a Request for Proposals for the Farmers Market and he could bring that to Council for their consideration.

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); SECTION 551.074 (PERSONNEL MATTERS); AND SECTION 551.086 (CERTAIN PUBLIC POWER UTILITIES: COMPETITIVE MATTERS) TO DISCUSS THE FOLLOWING:

1. 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. DELIBERATIONS ABOUT REAL PROPERTY – ACQUISITION OF PROPERTY FOR PUBLIC PURPOSES – STREET RIGHT-OF-WAY.
3. PERSONNEL MATTERS: CITY MANAGER – PERSONNEL ADMINISTRATION.
4. CERTAIN PUBLIC POWER UTILITIES: COMPETITIVE MATTERS.

At 7:02 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); Section 551.074 (Personnel Matters); and Section 551.086 (Certain Public Power Utilities: Competitive Matters) to discuss the following:

1. Consultations with Attorney: (1) threatened and/or contemplated litigation; and (2) matters upon which the attorney had a duty and/or responsibility to report to the governmental body.

2. Deliberations about Real Property – Acquisition of property for public purposes – Street right-of-way.
3. Personnel Matters: City Manager – Personnel Administration.
4. Certain Public Power Utilities: Competitive Matters.

2 THE BASTROP CITY COUNCIL WILL RECONVENE INTO OPEN SESSION TO DISCUSS, CONSIDER AND/OR TAKE ANY ACTIONS NECESSARY RELATED TO THE EXECUTIVE SESSION NOTED HEREIN, OR REGULAR AGENDA ITEMS, NOTED ABOVE, AND/OR RELATED ITEMS.

At 8:13 p.m., Mayor Orr reconvened the Bastrop City Council into open session to discuss, consider and/or take any action necessary related to the executive session noted herein, or regular agenda items, noted above, and/or related items.

Ken Kesselus moved to authorize the City Manager to amend the budget to provide an increase in pay for the Director of Finance in an amount that recognizes her abilities and contributions, and at a level that is consistent and equitable. Seconded by Joe Beal and carried unanimously.

Julie Hart moved to authorize the City Manager to implement a reorganization of personnel and positions in the City's Planning Department, following the recommended outline provided by Katherine Ray and Associates. Seconded by Kay Garcia McAnally and carried unanimously.

F. ADJOURNMENT

At 8:14 p.m., Joe Beal moved to adjourn. Seconded by Bill Peterson and carried unanimously.

APPROVED:

ATTEST:

Terry Orr, Mayor

Teresa Valdez, City Secretary