

January 10, 2012

The Bastrop City Council met in regular session on January 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 Joe Beal, Bill Peterson 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 Ken Kesselus and Julie Hart who were absent.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

Council Member Kay Garcia McAnally led the pledges of allegiance to the U.S. and Texas flags. Reverend Richard Shahan led the invocation.

3. PRESENTATIONS

A. CHARACTER EDUCATION – BASTROP STUDENT

Nadia Pettit a Junior at Bastrop High School presented the Character Education character trait “Loyalty” for the month of January.

B. YMCA UPDATE – MARTHA HARRIS AND JAMES FINK, CEO YMCA

Martha Harris introduced Mr. James Fink, Chief Executive Officer of the Austin YMCA.

Mr. Fink stated that due to the hard times the YMCA is forced to look at how they can do things differently, be more creative – Bastrop is that kind of City. Mr. James Fink provided information on how YMCA partnered with the City of Austin and the cost savings.

C. PICTURE/PHOTO GIVEN TO CONVENTION CENTER – KATHY DANIELSON

Kathy Danielson, Convention Center Director stated the City had received a picture/photo from Tony & Rebecca Hanson to be displayed at the Convention Center. Ms. Danielson showed the picture/photo and stated the Art in Public Places Task Force will be asked to help decide where to place the picture in the Convention Center.

4. PROCLAMATIONS

There were no proclamations.

5. ANNOUNCEMENTS

Mayor Orr stated that Ms. Hart and Mr. Kesselus had other events that precluded them from attending the Council meeting tonight.

Mayor Orr stated the Council will continue on with the Agenda as follows: City Manager's Report, the Consent Agenda and Citizen Comments and then Council will convene into Executive Session.

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

- A. MEETINGS AND EVENTS ATTENDED:
 - 1. LOST PINE GROUNDWATER CONSERVATION DISTRICT MONTHLY MEETING – DECEMBER 14, 2011.
 - 2. PARKS BOARD MONTHLY MEETING – JANUARY 5, 2012.
- B. UPDATE ON CITY PROJECTS:
 - 1. CHRISTMAS LIGHTING IN FISHERMAN'S PARK.
 - 2. FARM STREET PROJECT.
 - 3. SPLASH PAD PROJECT.
 - 4. NEW SEWER LINE FOR FISHERMAN'S PARK.
 - 5. BASTROP STATE PARK SWIMMING POOL.
 - 6. PINE FOREST UNIT #6.
 - 7. ZONING PUBLIC HEARING TO BE HELD ON JANUARY 24, 2012 REGARDING A REQUEST TO ERECT A CELL TOWER.
 - 8. CONSTRUCTION OF WATER WELL I.
 - 9. REGIONAL WATER PLAN.
 - 10. BOND REVIEW PROCESS FOR THE ISSUANCE OF WATER AND WASTEWATER REVENUE BONDS.
 - 11. BUC-EE'S PROJECT.
 - 12. BRUSH PICKUP IN THE CITY.
- 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 gave an informational update on the listed items except for Item #6.

Mr. Talbot stated the Parks Board has scheduled a Planning Retreat for January 29, 2012.

Ms. Garcia McAnally asked Mr. Talbot where the City was on the bridge project.

Mr. Talbot stated the Council had decided not to proceed with the bridge inspection because of cost.

Mayor Orr stated the Council will be looking at the bridge inspection again in the future.

Mayor Orr invited Dock Jackson to inform every one of the scheduled MLK events.

Dock Jackson addressed the Council and stated this is the 25th year of doing MLK scholarships and that program is scheduled for Sunday, January 15, 2012 at 3:00 p.m. at Mt. Rose Baptist Church. Mr. Jackson stated the 23rd MLK walk is in Smithville this year and is scheduled for Monday, January 16, 2012 beginning at 10:00 a.m.

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 DECEMBER 13, 2011.

A.2 APPROVAL OF BASTROP MARKETING CORPORATION'S REQUEST FOR REIMBURSEMENT OF EXPENSES.

A.3 RATIFICATION OF CITY COUNCIL MEETING SCHEDULE.

A.4 APPROVAL OF SPECIAL EVENT PERMIT APPLICATION SUBMITTED BY THE TEXAS STAR TRAIL RIDE, INC. TO HOST "THE TEXAS STAR TRAIL RIDE" ON WEDNESDAY, MARCH 7, 2012 AND THURSDAY, MARCH 8, 2012.

A.5 ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS AMENDING CHAPTER 1, ADDING NEW ARTICLE 1.15, ESTABLISHING A CODE OF ETHICS, PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

A.6 APPOINTMENT BY MAYOR AND CONFIRMATION BY COUNCIL OF MEMBER TO BASTROP PLANNING AND ZONING COMMISSION.

A.7 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS AUTHORIZING PROCEEDING WITH THE ISSUANCE OF CITY OF BASTROP, TEXAS CERTIFICATES OF OBLIGATION; DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION; AND OTHER RELATED MATTERS.

City Manager Mike Talbot stated the dollar amount to be inserted into the Resolution listed under Consent Agenda Item A.7 should be \$5,250,000.00.

Mayor Orr read the caption of the Ordinance listed as Consent Agenda A.4.

Mayor Orr stated the Resolution in the Agenda Packed included a "Notice of Intention to Issue Certificates of Obligation" (page 84) in which there is a blank (which Mr. Talbot was referring to) and the dollar amount to be inserted into that blank is \$5,250,000.00.

Bill Peterson moved to approve the Consent Agenda. Seconded by Joe Beal and carried unanimously.

B. PUBLIC HEARINGS:

B.1 CITIZEN COMMENTS.

There were no citizen comments.

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 551.072 (DELIBERATIONS ABOUT REAL PROPERTY) TO DISCUSS THE FOLLOWING:

2. DELIBERATIONS ABOUT REAL PROPERTY: ACQUISITION, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY:

- a. CONSULTATION WITH TAX ATTORNEY MCCREARY/VESELKA – PINE FOREST UNIT #6.

At 6:55 p.m., Mayor Orr convened the Bastrop City Council into a closed/executive session pursuant to the Texas Government Code, Chapter 551, Section 551.072 (Deliberations about Real Property) to discuss the following:

2. Deliberations about Real Property: Acquisition, exchange, lease or value of real property:
a. Consultation with tax attorney McCreary/Veselka – Pine Forest Unit #6.

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 7:40 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.

City Manager, Mike Talbot recommended Council accept the Real Estate Contract presented to the City Council by the tax attorneys McCreary & Veselka; direct the City Manager to send a letter to the proposed developer and state that the developer is to comply with the checklist previously mailed to him, comply with other City Subdivision regulations and comply with the City Professional Fee Ordinance; and authorize the Mayor to sign the Real Estate Contract.

Joe Beal moved that the Council: 1) Accept the Real Estate Contract presented to the City Council by the tax attorneys McCreary & Veselka; 2) Direct the City Manager to send a letter to the proposed developer and state that the developer is to comply with the checklist previously mailed to him, comply with other City Subdivision regulations and comply with the City

Professional Fee Ordinance; and 3) Authorize the Mayor to sign the Real Estate Contract. Seconded by Kay Garcia McAnally and carried unanimously.

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 FINAL WAY-FINDING PROJECT DESIGN AND IMPLEMENTATION STRATEGY.

Main Street Program Manager, Nancy Wood stated the Way-finding Project has progressed to final design recommendations from the Bastrop Main Street Program Advisory Board and the group is asking that this strategy be approved for implementation. Ms. Wood stated Curtis Roberts with fd2s, is present tonight to give a presentation on the Design Development and implementation strategy.

Curtis Roberts addressed the Council. Mr. Roberts gave a PowerPoint presentation on the process that was used to get to this point in the Way-finding project design. Mr. Roberts showed examples of the existing signs and proposed signage. Mr. Roberts stated the next phase is the implementation strategy.

Joe Beal stated he was extremely impressed with the presentation tonight and the process that was established and followed.

Mayor Orr thanked Nancy Wood for her leadership and her ability to garner volunteer work.

Kay Garcia McAnally thanked everyone who worked on this project.

Kay Garcia McAnally moved to approve the strategy for implementation of the Way-finding project as presented and direct the Main Street Program to move forward with the project. Seconded by Bill Peterson and carried unanimously.

Mayor Orr stated Mr. Robert Leffingwell had requested he be allowed to address the action taken by Council after the Executive Session.

Robert Leffingwell addressed the Council and stated he was not clear about the Council decision regarding Pine Forest Unit #6. Mr. Leffingwell stated the letter he had previously received from Mr. Talbot addressed a "new subdivision" and Pine Forest Unit #6 is a subdivision that was platted and recorded years ago. Mr. Leffingwell stated he does not feel the City's Subdivision Ordinance applies to him as the developer of Pine Forest Unit #6.

Mayor Orr stated the Council is trying to move forward with Pine Forest Unit #6 and if there are things on the checklist that Mr. Leffingwell feels is not applicable he should write a letter to him

stating such. Mayor Orr stated the truth is that this is a “new subdivision” regardless of when it was platted.

Grady Tuck addressed the Council and stated the Council had adopted a Resolution on December 14, 2010 based on information submitted at that time and that information contained basic maps and he feels the development agreement should be done in accordance with the information submitted at that time. Mr. Tuck stated a Development Agreement was submitted to the City’s Attorney, J.C. Brown and Ms. Brown had completely rewritten the Agreement and added requirements which were not applicable to this subdivision. Mr. Tuck asked that City Staff be instructed to abide by the Resolution of December 14, 2010 and based on the maps provided with that.

Mr. Beal stated he thinks he remembers what the Council did 15 months ago and the Council had a pretty lengthy discussion regarding Pine Forest Unit #6. Mr. Beal stated he would be shocked if there is a Resolution that establishes what the Development Agreement will look like for this project. Mr. Beal stated he does know that the City Manager has provided Mr. Leffingwell with a written checklist for a development agreement. Mr. Beal stated the motion he made tonight stated the City is going to enter into a Contract and the developer(s) are going to meet certain City Ordinances and in six (6) months if a development agreement is not signed, this goes away.

Discussion was held among Council, Mr. Talbot, Mr. Leffingwell and Mr. Tuck.

Mr. Leffingwell stated he will set up a meeting with Mike and will have all the documents ready by next Friday.

D.2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON ACCEPTANCE OF MONTHLY FINANCIAL REPORTS FOR PERIODS ENDING OCTOBER 31, 2011 AND NOVEMBER 30, 2011.

Finance Director, Karla Stovall presented the monthly Financial Reports for periods ending October 31, 2011 and November 30, 2011. Ms. Stovall reviewed the report.

Brief discussion was held among Council and Ms. Stovall.

Bill Peterson moved to accept the monthly Financial Reports. Seconded by Kay Garcia McAnally and carried unanimously.

D.3 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION CONCERNING AWARDDING THE BID FOR CONSTRUCTION OF THE SIDEWALKS IMPROVEMENT PROJECT FROM THE CITY OF BASTROP LIBRARY TO FISHERMAN’S PARK.

City Manager, Mike Talbot stated the City opened bids for the “Sidewalk Improvement Project from the Library to Fisherman’s Park” on Monday, January 9, 2012. Mr. Talbot called the Council’s attention to the bid tabulation sheets and related materials which he distributed. Mr. Talbot stated Qro-Mex Construction has previously completed several projects for the City and their bid was considerably lower than the other bids. Mr. Talbot recommended awarding of the bid to Qro-Mex Construction in the amount of \$89,620.00.

Kay Garcia McAnally moved to award the bid for the construction of the “Sidewalks Improvement Project from the Library to Fisherman’s Park” to Qro-Mex Construction in the amount of \$89,620.00. Seconded by Bill Peterson and carried unanimously.

D.4 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF CONTRACT FOR ELECTION SERVICES BETWEEN BASTROP COUNTY ELECTIONS ADMINISTRATOR AND THE CITY OF BASTROP.

City Secretary Teresa Valdez stated included in the Agenda packet is the Contract for the Bastrop County Elections Administrator to conduct the City of Bastrop Special Election scheduled for March 3, 2012. Ms. Valdez stated for several years now the City has contracted with the County Elections Administrator to conduct the General and Special Elections. Ms. Valdez stated the reason for contracting with the County is: 1) To comply with state and federal laws setting the requirements for at least one ADA accessible voting system in each polling place that permit voters with physical disabilities to cast a secret ballot, and 2) To make it easier and quicker for voters to cast their ballots for all Federal, State, County and City elections at one location. Ms. Valdez stated prior to the City contracting with the County to conduct the City Elections, voters would have to go to City Hall to cast a ballot for a City election, then they would have to go to the school to cast a ballot for a school election, and then they would have to go to a County location to cast a ballot for County, State and Federal elections. Ms. Valdez stated she has reviewed the attached Contract and it ensures City compliance with state and federal laws pertaining to the requirements for an ADA accessible voting system that permit voters with physical disabilities to cast a secret ballot. Ms. Valdez stated Exhibit “C” shows the estimated cost for the election and this cost is much higher than the cost the City normally incurs during the General Election. Ms. Valdez stated the General Election is conducted in a joint election agreement with the School and County and costs are divided proportionally among the entities. Ms. Valdez stated she has visited with Nora Cano, Bastrop County Elections Administrator regarding the estimated costs for holding this Special Election and Ms. Cano stated that the County’s costs for rental and maintenance for the AutoMark voting equipment and the vote tabulator has increased. Ms. Valdez stated the costs presented by Ms. Cano to conduct the Special Election and attached as Exhibit “C” to the Contract, is the best price the County can present to the City.

Mayor Orr stated as the City is moving forward with the adopted amendments to the City Charter the City may be looking at Special Elections at a greater frequency then there has been in the past. Mayor Orr stated the City may have to develop a “Plan B” for conducting elections since the cost for conducting a Special Election is very high. Mayor Orr stated the fee for the rental of the Vote Tabulator is 46% of the total cost the County Elections Administrator presented. Mayor Orr stated he did not know how many voters the City anticipates for this Special Election but at that cost if 650 voters cast ballots the cost to the City is \$10.00 a vote. Mayor Orr stated he thinks the City needs to move forward with this for this Special Election but for future elections the City needs to develop a “Plan B”.

City Secretary, Teresa Valdez stated she agreed with the Mayor that the cost for this Special Election was very high. Ms. Valdez stated she had asked Ms. Cano if the ballots could be counted manually in order to save the City the cost of the Vote Tabulator and Ms. Cano stated she would not recommend that and she would not be willing to do that.

Joe Beal moved to approve the Contract for Election Services. Seconded by Kay Garcia McNally and carried unanimously.

D.5 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON ADOPTION OF RESOLUTION CALLING FOR AND ESTABLISHING PROCEDURE FOR A SPECIAL ELECTION, BASTROP, TEXAS.

City Secretary, Teresa Valdez stated Council Member Bill Peterson resigned from City Council at the December 13, 2011 Council Meeting. Ms. Valdez stated the laws of the State of Texas and the City of Bastrop provide that a vacancy on the City Council must be filled by majority vote of the qualified voters at a Special Election held within 120 days after such vacancy. Ms. Valdez stated because of the 120 day timeline, various other State Election Law timelines, and the County Election Administrator's ability to meet required timelines, the only available date to conduct a Special Election is March 3, 2012. Ms. Valdez stated as City Secretary, she is recommending adoption of the Resolution calling for a Special Election on March 3, 2012.

Kay Garcia McNally moved to adopt the Resolution. Seconded by Joe Beal 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); AND SECTION 551.074 (PERSONNEL 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:
 - a. COVERT SETTLEMENT AGREEMENT.
 - b. FORESTAR REINSTATED DEVELOPMENT AGREEMENT.
 - c. CITY ZONING ORDINANCE.
3. PERSONNEL MATTERS – CITY MANAGER.

At 8:43 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 551.074 (Personnel 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:
 - a. Covert Settlement Agreement.
 - b. Forestar Reinstated Development Agreement.
 - c. City Zoning Ordinance.
3. Personnel Matters – City Manager.

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.

Joe Beal moved to approve the Hunters Crossing Restated Development Agreement, authorizing the City Manager to execute same on behalf of the City, and to withdraw funds escrowed by Forestar, pursuant to that Agreement, from Bastrop Abstract. Seconded by Kay Garcia McAnally and carried unanimously.

F. ADJOURNMENT

At 9:41 p.m., Bill Peterson moved to adjourn. Seconded by Kay Garcia McAnally and carried unanimously.

APPROVED:

ATTEST:

Terry Orr, Mayor

Teresa Valdez, City Secretary