

August 10, 2010

The Bastrop City Council met in regular session on August 10, 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 Kay Garcia McAnally, Ken Kesselus, Joe Beal, W.L. "Bill" Peterson and Julie Hart.

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

Kay Garcia McAnally led the pledges of allegiance to the U.S. & Texas Flags. Reverend Bob Long led the invocation.

3. PRESENTATIONS

A. CHARACTER EDUCATION – BASTROP STUDENT

Sam Dailey, a Ninth Grade Student at Bastrop High School, presented the Character Education character trait "Respect" for the month of August.

B. REPORT AND UPDATE FROM LIBRARY – MICKEY DUVALL

Library Director, Mickey DuVall gave a PowerPoint presentation, report and update on the Library.

C. MAYOR TO ADMINISTER OATH OF OFFICE TO POLICE OFFICER BRANDON SCOTT NEWTON.

Mayor Orr administered the Oath of Office to Police Officer Brandon Scott Newton.

4. PROCLAMATIONS

There were no proclamations.

5. ANNOUNCEMENTS

Mayor Orr recognized Betty Dunkerly, Former Mayor Pro-Tem, City of Austin and Leann Callaway of Congressman Lloyd Doggett's office.

City Manager, Mike Talbot introduced newly hired Planning and Building Department Director Melissa McCollum and newly hired IT Director Kevin Unger.

Mr. Talbot introduced the YMCA Coordinator Terry Moore.

Nancy Wood announced that three of the nominations submitted to the Texas Downtown Association President's Awards for 2010 made finalist in their categories: Best Marketing Program – Meet Me On Main Street, Best Promotional Event – Yesterfest and Best Downtown Partner – Bastrop Downtown Business Alliance.

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 JULY 26, 27 AND AUGUST 3, 2010.

A.2 APPROVAL OF REQUEST BY COLORADO RIVER 100 ORGANIZATION TO HOST SPECIAL EVENT "COLORADO RIVER 100 RACE" ON FRIDAY AND SATURDAY, SEPTEMBER 3RD AND 4TH, 2010 IN FISHERMAN'S PARK.

A.3 APPROVAL OF REVISED LIBRARY COLLECTION DEVELOPMENT POLICY.

A.4 APPROVAL OF REVISED LIBRARY PATRON BEHAVIOR POLICY.

A.5 APPROVAL OF REVISED LIBRARY CIRCULATION POLICY.

A.6 APPROVAL OF REQUEST BY DOWNTOWN BUSINESS ALLIANCE TO HOST SPECIAL EVENT "VETERAN'S DAY CLASSIC CAR SHOW" ON FRIDAY, NOVEMBER 12, 2010, AND SATURDAY, NOVEMBER 13, 2010, IN FISHERMAN'S PARK AND DOWNTOWN.

A.7 APPROVAL OF BASTROP MARKETING CORPORATION'S REQUEST FOR REIMBURSEMENT OF EXPENSES.

A.8 APPROVAL OF CONTRACT FOR ELECTION SERVICES BETWEEN THE ELECTIONS ADMINISTRATOR OF BASTROP COUNTY AND THE CITY OF BASTROP FOR THE NOVEMBER 2, 2010 ELECTION.

A.9 APPROVAL OF REQUEST BY BASTROP FIRE DEPARTMENT TO USE THE INTERSECTION OF MAIN AND CHESTNUT FOR MDA "FILL THE BOOT" ON SEPTEMBER 4, 2010.

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

Mr. Talbot thanked Yvonne Pritchard for her outstanding service as the Planning and Building Department Interim Director.

B. PUBLIC HEARINGS:

B.1 PUBLIC HEARING: TO DESIGNATE 1106 PECAN STREET, ALSO KNOWN AS THE ERHARD HOSUE, AS A SIGNIFICANT LANDMARK.

Interim Planning and Building Director Yvonne Pritchard addressed the Council. Ms. Pritchard stated the home at 1106 Pecan Street is a one story simple Greek Revival board and batten residence with an attached front porch and rear ell. Ms. Pritchard stated the property was first owned by S.V.R. Eggleston in 1835 and Mr. Eggleston was the first white man in Bastrop to be killed by the Indians. Ms. Pritchard stated that the home is listed on the National Register of Historic Places. Ms. Pritchard stated on July 14, 2010 the Historic Landmark Commission conducted a public hearing and voted unanimously to designate 1106 Pecan Street as a Significant Landmark. Ms. Pritchard stated the Planning and Zoning Commission conducted a public hearing July 29, 2010 and voted unanimously to designate 1106 Pecan Street as a Significant Landmark.

There were no public comments.

B.2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION TO DESIGNATE 1106 PECAN STREET, ALSO KNOWN AS THE ERHARD HOUSE, AS A SIGNIFICANT LANDMARK.

Joe Beal moved to designate 1106 Pecan Street, also known as the Erhard House, as a Significant Landmark. Seconded by Bill Peterson 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 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON CONFIRMATION OF OFFICERS OF BASTROP FIRE DEPARTMENT.

Fire Chief Henry Perry introduced the following officers of the Bastrop Fire Department:

Fire Chief	Henry L. Perry
Assistant Chief	Rod Stradling
District Chief 1	William Laird
District Chief 2	Rick Snell
Captain	Jeremy O'Guin
Captain	Elisha Burns
Captain	Josh Gill
Secretary	Sue Snell
Treasurer	Carolyn Laird

Kay Garcia McAnally moved to confirm the Officers of the Bastrop Fire Department. Seconded by Ken Kesselus and carried unanimously.

D.3 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON REQUEST OF SUPPORT FOR *MUSIC LIBERATION*, A HUMANITIES-BASED PROGRAM

Hannibal Lokumbe addressed the Council. Mr. Lokumbe presented a proposal to Council seeking support of *Music Liberation*, a new project for inmates at the Youth Detention Center, Bastrop County Jail, and Federal Prison near Bastrop. Mr. Lokumbe stated the idea is to reconnect inmates back to society through music. Mr. Lokumbe requested \$9,400.

Discussion was held among Council.

No action was taken.

EXECUTIVE SESSION: THE COUNCIL RESERVES THE RIGHT TO CONVENE INTO EXECUTIVE SESSION AT ANY TIME DURING THE MEETING REGARDING ANY AGENDA ITEM. IN COMPLIANCE WITH THE OPEN MEETINGS ACT, CHAPTER 551 GOVERNMENT CODE, VERNON'S TEXAS CODE, ANNOTATED, THE ITEM BELOW WILL BE DISCUSSED IN CLOSED SESSION.

1. SECTON 551.071 – CONSULTATION WITH ATTORNEY

At 7:00 p.m., Mayor Orr convened the Bastrop City Council into executive session in compliance with the Open Meetings Act, Chapter 551 Government Code, Vernon's Texas Code, Annotated to discuss the following item:

1. Section 551.071 – Consultation with Attorney regarding Agenda Item D.2.

At 8:05 p.m., Mayor Orr reconvened the Bastrop City Council into open session.

D.2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION DIRECTING THE CITY MANAGER AS TO THE APPLICATION OF FUNDS FROM THE HOUSING OF URBAN DEVELOPMENT GRANT FOR THE CITY OF BASTROP.

Kay Garcia McAnally asked that City Attorney, J.C. Brown explain what the Housing of Urban Development (HUD) Grant is.

Ms. Brown gave an overview of the City's responsibility in regard to the HUD Grant.

Kay Garcia McAnally moved to proceed with submittal of the HUD Grant. Seconded by Ken Kesselus and carried unanimously.

Mayor Orr appointed Julie Hart, Ken Kesselus and Mike Talbot to a Joint Commission of the City and the Bastrop Historical Society in regard to the HUD Grant. Mayor Orr asked that the Bastrop Historical Society provide members to this Commission.

D.4 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON ART WORK FOR THE CONVENTION CENTER.

Kay Garcia McAnally read the following:

Consideration of the Creation of an Art in Public Places Panel to Guide Acquisition of Art for the New City Hall and Convention Center

Now that the new City Hall and Convention Center are facing completion, it's time to think about how we obtain and utilize art which will showcase Bastrop talent in those public places.

Many cities set up a panel of qualified people to guide them in obtaining appropriate art for their public places – most cities call this panel an Art in Public Places Panel (APP Panel). I recommend that Bastrop do the same – at this time, specifically for our Convention Center and new City Hall.

The APP Panel would be made up of, say, four or five renowned artists or people with expertise in commercial art that live and work in our community. They would be given a budget to work within, determined by the Council. The Panel would determine if art would be purchased, borrowed, permanently lent, or a combination of all. The APP Panel would suggest that displays be permanent or rotated, themed, randomly diverse, or represent some new approach to showcase Bastrop's talent.

I would like permission from the Council to find a suitable list of qualified artists, art professionals or patrons within our community who would work together to showcase Bastrop's talents at our Convention Center and new City Hall. This Panel would be put to work right away as it will take some time to plan, create and obtain art for those buildings. The names of qualified volunteers would be submitted to the Mayor from which he could make a selection for approval. The Panel could start this project as soon as they complete the approval process.

Until an Advisory Board for the Convention Center and City Hall is established, the Arts in Public Places Panel would work directly with the City Manager and City Council for this project.

Discussion was held among Council.

Mayor Orr suggested the APP Panel consist of four to six people.

Ken Kesselus moved that the APP Panel be formed. Seconded by Julie Hart and carried unanimously.

D.5 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION TO SCHEDULE PUBLIC HEARINGS FOR FISCAL YEAR 2010-2011 CITY OF BASTROP PROPOSED BUDGET.

Mr. Talbot called the Council's attention to page 134 of the Agenda Packet. Mr. Talbot reviewed the Fiscal Year 2010-2011 Budget Planning Calendar. Mr. Talbot stated the City is not required to have a public hearing since the tax rate is lower than the effective tax rate, but the City is planning to have public hearings to give citizens an opportunity to express their opinions.

Joe Beal moved to approve the Budget Planning Calendar which schedules the public hearings for August 24, 2010 and August 31, 2010. Seconded by Julie Hart and carried unanimously.

D.6 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION CONCERNING AWARDING A CONTRACT TO CUSTOMEDIA SERVICES FOR FURNISHING, INSTALLING, AND INTEGRATING AUDIO-VISUAL EQUIPMENT AND TECHNOLOGY FOR THE NEW CITY OF BASTROP'S CITY HALL.

Brief discussion was held among Council and Doug Shehan, IT Consultant for the new City Hall and Convention Center in regard to Agenda Items D.6, D.7 and D.8.

Mr. Talbot recommended awarding the contract to Customedia Services.

Ken Kesselus moved to award a contract to Customedia Services. Seconded by Kay Garcia McAnally and carried unanimously.

D.7 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION CONCERNING AWARDING A CONTRACT TO CROSS TELECOM FOR FURNISHING, INSTALLING, AND INTEGRATING PHONE EQUIPMENT AND TECHNOLOGY FOR THE CITY OF BASTROP FACILITIES.

Mr. Talbot recommended awarding the contract to Cross Telecom.

Joe Beal moved to award a contract to Cross Telecom. Seconded by Julie Hart and carried unanimously.

D.8 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION CONCERNING AWARDING A CONTRACT TO TERO TECHNOLOGIES FOR DESIGNING, FURNISHING, INSTALLING, AND TESTING AND INTEGRATING FIBER OPTIC CABLE AND COPPER NETWORK CABLE AND TECHNOLOGY FOR THE CITY OF BASTROP'S MUNICIPAL AREA NETWORK.

Mr. Talbot recommended awarding the contract to Tero Technologies.

Bill Peterson moved to award a contract to Tero Technologies. Seconded by Kay Garcia McAnally and carried unanimously.

D.9 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION CONCERNING AUTHORIZING THE CITY MANAGER TO NEGOTIATE A CONTRACT FOR TELEPHONE SERVICES FOR THE CITY OF BASTROP FACILITIES.

Mr. Talbot stated he needs to work with Mr. Shehan to negotiate a contract to bring back to Council for approval.

Julie Hart moved to authorize the City Manger to negotiate a contract for telephone services for the City of Bastrop facilities. Seconded by Kay Garcia McAnally and carried unanimously.

D10 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON ADOPTION OF AN ORDINANCE CALLING FOR AND ESTABLISING PROCEDURE FOR A CHARTER AMENDMENT ELECTION FOR BASTROP, TEXAS ON NOVEMBER 2, 2010.

Mayor Orr read the caption of the Ordinance.

City Attorney, J.C. Brown stated a date needed to be inserted in the proposed Amendment No. 3 in regard to the staggered terms. Ms. Brown suggested the date of 2015.

It was the consensus of the Council to insert "2015" in the proposed Amendment No. 3.

Ken Kesselus moved to adopt the Ordinance. Seconded by Bill Peterson and carried unanimously.

D.11 CITY MANAGER INFORMATIONAL UPDATE REPORT: ITEMS FOR UPDATE, DISCUSSION AND POSSIBLE ACTION:

I. MEETINGS AND EVENTS ATTENDED:

- A. PLANNING AND ZONING COMMISSION MEETING OF JULY 29, 2010, SIGN REVIEW TASK FORCE.
- B. LOST PINES GROUNDWATER CONSERVATION DISTRICT LEGISLATIVE COMMITTEE MEETING OF AUGUST 3, 2010.
- C. MAIN STREET ADVISORY BOARD MEETING.
- D. KEEP BASTROP COUNTY BEAUTIFUL MEETING OF AUGUST 5, 2010.

II. UPDATE ON CITY PROJECTS:

- A. CITY HALL PROJECT.
- B. CONVENTION CENTER PROJECT.
- C. FOUNDRY PROJECT.
- D. CHESTNUT STREET IMPROVEMENTS PROJECT.
- E. LOOP 150 WATER MAIN REPLACEMENT PROJECT.
- F. ALLEY B IMPROVEMENTS PROJECT.

III. UPDATE ON CITY BUSINESS:

- A. REVIEW OF THE SPECIAL CITY COUNCIL MEETING OF

AUGUST 9, 2010.

- B. DISTRIBUTION OF SAMPLES OF VARIOUS CITIES "CODE OF ETHICS ORDINANCE".
 - C. JACK-IN-BOX PROJECT AT JACKSON SQUARE.
 - D. FISCAL YEAR 2011 ANNUAL OPERATING BUDGET.
 - E. DIRECTOR OF PLANNING POSITION.
 - F. DIRECTOR OF IT POSITION.
 - G. REVIEW REGARDING THE "INTERSECTION TRAFFIC SAFETY CAMERA PROGRAM" PRESENTED TO THE COUNCIL AT THE JUNE 22, 2010 MEETING.
 - H. REVIEW OF THE PROPOSED ORDINANCE PROHIBITING UNLAWFUL RIDING ON A VEHICLE.
 - I. REVIEW OF THE BASTROP MARKETING CORPORATION REPORT.
- V. DEPARTMENTAL AND BOARD REPORTS.
- IV. 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 suggested that the City Manager Report be placed at the beginning of the Agenda after Announcements for a six month trial period.

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 551.072 (DELIBERATIONS ABOUT REAL PROPERTY) 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 AND/OR DISPOSITION OF PROPERTY.

At 9:23 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) (Consultation with Attorney) and Section 551.072 (Deliberations about Real Property) to discuss the following:

1. Consultation 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 and/or disposition of property.

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 9:53 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 session noted herein, or regular agenda items, noted above, and/or related items.

No action was taken.

F. ADJOURNMENT

At 9:55 p.m., Kay Garcia McAnally moved to adjourn. Seconded by Julie Hart and carried unanimously.

APPROVED:

ATTEST:

Terry Orr, Mayor

Teresa Valdez, City Secretary