

**July 27, 2010**

The Bastrop City Council met in regular session on July 27, 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 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, with the exception of W.L. "Bill" Peterson who was absent because his wife had knee surgery.

### 2. PLEDGE OF ALLEGIANCE AND INVOCATION

Julie Hart led the pledges of allegiance to the U.S. & Texas Flags. Reverend Grady Chandler led the invocation.

### 3. PRESENTATIONS

There were no presentations.

### 4. PROCLAMATIONS

There were no proclamations.

### 5. ANNOUNCEMENTS

#### A. INTRODUCTION OF CONVENTION CENTER DIRECTOR – MIKE TALBOT

City Manager, Mike Talbot introduced Kathy Danielson as the newly hired Convention Center Executive Director.

Kay Garcia McAnally stated that she had reviewed the Bastrop's Visitor Center's grant application to Housing of Urban Development (HUD) and the grant states that the City is the responsible party. Ms. Garcia McAnally stated she would like the Council to have a discussion on this and requests that the grant application be placed on the next Council Agenda for discussion.

#### 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 12, 13 AND 19, 2010.

A.2 APPROVAL OF REQUEST BY BASTROP CHAMBER OF COMMERCE 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.3 APPROVAL OF REQUEST BY BASTROP HOMECOMING COMMITTEE TO HOST SPECIAL EVENT "HOMECOMING PARADE & RODEO" ON AUGUST 4, 5, 6 AND 7, 2010.

A.4 APPROVAL OF HISTORIC LANDMARK DESIGNATION FOR 1002 BUTTON WOOD STREET, THE HOUSE AND ATTACHED GARAGE/APARTMENT.

A.5 APPROVAL OF HISTORIC LANDMARK DESIGNATION FOR 402 CEDAR STREET (THE HOUSE ONLY), ALSO KNOWN AS THE W.F. TRIBBLE HOUSE.

A.6 APPROVAL OF HISTORIC LANDMARK DESIGNATION FOR 1307 PECAN STREET, THE HOUSE ONLY.

A.7 APPROVAL OF EXTENSION TO STATUTORY DENIAL, FOR A PERIOD OF 180 DAYS COMMENCING ON JULY 28, 2010, ON THE REQUEST FOR THE SMITH ROAD COMMONS PRELIMINARY PLAT LOCATED IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF BASTROP, TEXAS.

A.8 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 (ETJ) OF BASTROP, TEXAS.

Mayor Orr stated that Consent Agenda Item A.2 will be pulled from the Agenda.

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

## B. PUBLIC HEARINGS:

B.1 PUBLIC HEARING: TO SOLICIT AND RECEIVE PUBLIC INPUT, SUGGESTIONS AND RECOMMENDATIONS FROM THE CITIZENS OF BASTROP, RELATED TO THE CITY'S POTENTIAL FUTURE USE OF A PORTION (FRONT OF THE LOT WHICH ENCOMPASSES THE AREA BETWEEN THE EASTERN CURB OF MAIN STREET AND THE OLD WALL LOCATED ON THE LOT, WHICH IS A DISTANCE OF APPROXIMATELY 120 FEET FROM CURB LINE TO WALL) OF THE NOW VACANT LOT THAT IS LOCATED AT 921 MAIN STREET, BASTROP, TEXAS.

Mayor Orr stated that this was a Public Hearing only and the Council would not be taking any action on this item.

City Manager, Mike Talbot stated that in 2003 the citizens of Bastrop passed a bond proposition to make improvements to parking in Alley D. Mr. Talbot called the Council's attention to a map of the area and the vacant lot at 921 Main Street. Mr. Talbot stated the Council has been discussing what to do with the vacant lot at 921 Main Street. Mr. Talbot stated this public hearing is to hear citizen input.

Nancy Wood, Main Street Program Manager, addressed the Council. Ms. Wood stated three members of the Main Street Program will be giving a presentation on a Central Plaza Concept.

Main Street Program members Steve Dewire, Debbie Moore and Martha Granter gave a presentation on a proposal for a Central Plaza to be developed at 921 Main Street.

Discussion was held among Council and the Main Street Program members.

Bastrop Economic Development Corporation (BEDC) Executive Director, Joe Newman addressed the Council. Mr. Newman stated the BEDC Board met on Monday night and discussed the development of 921 Main Street. Mr. Newman read the following Resolution adopted by the BEDC Board:

#### **RESOLUTION NO. R-07272010**

#### **A RESOLUTION OF THE BASTROP ECONOMIC DEVELOPMENT CORPORATION OF BASTROP, TEXAS, RECOMMENDING DISPOSITION OF THE CITY-OWNED LOT AT 921 MAIN STREET.**

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**WHEREAS**, the Board of the Bastrop Economic Development Corporation ("BEDC") met on July 26, 2010 and at that time took formal action to attend the public hearing July 27 and read into the record; and

**WHEREAS**, the entire BEDC board concurred that the vacant lot at 921 Main St. would best be used as a tax-paying, commercial enterprise; and

**WHEREAS**, the City has many other options that could provide the citizens and tourists a much-needed place to visit, rest and use public restrooms; and

**WHEREAS**, the BEDC owns a 10-foot wide sidewalk between the Prokop and Baxter's Restaurant Building that would be suitable for park benches; and

**WHEREAS**, the City has graciously provided the old city hall site for the Bastrop Museum and Visitors Center that will have restrooms available almost every day of the year to visitors;

**NOW, THEREFORE, BE IT RESOLVED BY THE BEDC BOARD OF DIRECTORS, THAT:**

- (1) The City Council consider either selling the concrete slab at 921 Main to a developer or
- (2) To sell the lot to the BEDC for re-development and marketing thus creating new ad valorem tax base and also providing jobs and sales taxes for the community, or
- (3) BEDC will offer to help the city market the property for sale

**APPROVED:** Steve Mills, BEDC Chairman

**ATTEST:** Joe Newman, President/CEO

Pat Crawford, BEDC Board Member stated the BEDC Board does not see the need for restrooms downtown as much of a critical need as a taxpaying entity.

Grace Garne, 510 Cedar Street, addressed the Council. Ms. Garne voiced support of the Central Plaza Concept.

Jane Hunt, 120 Lincoln, addressed the Council. Ms. Hunt stated she owns a small business across the street from 921 Main Street and many people come into her business looking for restrooms.

Discussion was held among Council and Mr. Newman.

Mayor Orr closed the public hearing.

## B.2 CITIZEN COMMENTS

Ann Beck addressed the Council and stated she had two items of concern: 1) Choosing different people for a set time to serve on committees and boards; and 2) Single Member Districts and what they would mean to Bastrop. Ms. Beck stated the Council had a lengthy Agenda tonight so she will wait until a future meeting to discuss this with the Council.

## 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 GRANTING A ZONING DISTRICT CHANGE FROM SF7, SINGLE FAMILY RESIDENTIAL TO \_\_\_\_ [C-1, COMMERCIAL-1 (LIGHT) OR GR, GENERAL RETAIL] FOR APPROXIMATELY 97.575 ACRES OUT OF THE NANCY BLAKEY SURVEY NO. 98 LOCATED EAST OF FM HIGHWAY 304 APPROXIMATELY 1100 FEET SOUTH OF THE INTERSECTION OF HIGHWAY 71 WEST AND FM HIGHWAY 304 IN THE CITY LIMITS OF BASTROP, TEXAS; AND ESTABLISHING AN EFFECTIVE DATE. (FIRST READING).

Mayor Orr read the caption of the Ordinance.

City Attorney, J.C. Brown called the Council's attention to an alternate version of the Ordinance Caption.

Mayor Orr read the revised version of the Ordinance caption.

Planning Consultant, Tom Yantis addressed the Council. Mr. Yantis stated the Planning and Zoning Commission had recommended a zoning change from SF7, Single Family Residential to GR, General Retail. Mr. Yantis stated at the last Council meeting the developer, Bastrop Grove Partners, Ltd. had voiced concerns in regard to the types of development that were allowable in a GR, General Retail zoning. Mr. Yantis stated the City's Zoning Ordinance established a list of uses within the use chart in Section 36. Mr. Yantis stated each use is either permitted, prohibited or allowed by Conditional Use Permit within the established zoning districts of the City. Mr. Yantis stated the proposed use of the Bastrop Grove property is a community college campus. Mr. Yantis stated that the site is under contract for development of Austin Community College. Mr. Yantis stated that Section 36 identifies College or University as a defined use and the definitions section of the Zoning Ordinance defines this use as "An academic institution of higher learning, accredited or recognized by the State and covering a program or series of programs of academic study." This definition is the only one in the Zoning Ordinance related to a college or university and only limits the use by the requirement that the institution must be accredited to recognized by the State. Mr. Yantis stated all "programs of academic study" associated with a college or university would be allowed as a part of this use as well as all other common activities associated with an institution of higher learning, such as administrative offices, dormitories, recreational facilities, food service, etc. Mr. Yantis stated just as in the case with a secondary school, the Zoning Ordinance does not require that each ancillary use (i.e. offices, cafeteria, etc.) be specifically identified as allowed within the zoning district, because the allowance of the primary use assumes that the ancillary uses are also allowed. Mr. Yantis stated the College or University use is permitted by right in the GR zoning district. Mr. Yantis stated that the developers concerns have been addressed. Mr. Yantis stated the staff is in favor of the GR, General Retail zoning with the stipulation that no Multiple Family Dwelling units shall be allowed on the property.

Discussion was held among Council and Mr. Yantis.

Joe Beal moved to adopt the Ordinance granting a zoning district change from SF7, Single Family Residential to GR, General Retail with the condition that no Multiple Family Dwelling

units shall be allowed on the Property. Seconded by Kay Garcia McAnally and carried unanimously.

**D.2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION CONCERNING A REQUEST FROM BUC-EE'S LTD. TO MAKE A PRESENTATION REGARDING THEIR PROPOSED PROJECT FOR THE CITY OF BASTROP AND TO REQUEST CONSIDERATION BY THE BASTROP CITY COUNCIL FOR ECONOMIC DEVELOPMENT INCENTIVES RELATED TO THE PROPOSED PROJECT.**

Mr. Talbot stated the City had received a letter from Buc-ee's Ltd. requesting an opportunity to appear before the City Council to review their proposed project being considered by the City and asking the Council to consider some type of economic development incentives. Mr. Talbot stated he included in the Agenda packet the Economic Impact Analysis that was undertaken on behalf of the Bastrop Economic Development Corporation (BEDC) for this project. Mr. Talbot stated also included in the packet was an article from The Bastrop Advertiser dated May 21, 2010 regarding Buc-ee's.

Beaver Aplin, owner of Buc-ee's addressed the Council. Mr. Aplin called the Council's attention to a rendering of the proposed Buc-ee's development at the intersection of Highway 71 and Highway 95. Mr. Aplin gave a presentation on the proposed development. Mr. Aplin handed the Council a copy of the Probable Construction Costs (public infrastructure) for this project. Mr. Aplin stated his request was for a sales tax rebate from the City and BEDC in the amount of 1.5 cents for ten (10) years.

Discussion was held among Council and Mr. Beaver.

Mr. Talbot stated that this had been a good dialogue between the Council and Mr. Beaver, but he would request that Mr. Aplin make his request more formal and put it in writing to the Council and Mayor.

Mayor Orr asked that Mr. Aplin address the questions he received from the Council Members in that letter as well.

**D.3 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON REPORT FROM BASTROP INDEPENDENT SCHOOL DISTRICT COMMUNITY EDUCATION PROGRAM.**

Allison Murray, Bastrop Independent School District (BISD) Community Education Program, addressed the Council. Ms. Murray presented the report on the BISD Community Education Program.

**D.4 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION WITH RESPECT TO A REPORT FROM THE CHARTER REVIEW COMMITTEE CONCERNING RECOMMENDED AMENDMENT TO THE FOLLOWING SECTIONS OF THE CITY OF BASTROP CHARTER: 1) ARTICLE III, SECTION 3.02(a); 2) ARTICLE III, SECTION 3.02(c); 3) ARTICLE III, SECTION 3.08; AND 4) ARTICLE XII, SECTION 12.01, AND A**

RECOMMENDED ADDITION TO THE CHARTER RELATED TO ONE RESIGN TO RUN PROVISIONS, INCLUDING ELECTION AND IMPLEMENTATION MATTERS.

Mr. Kesselus stated the Council had reviewed the Charter Review Committee recommendations at their Special Meeting last night. Mr. Kesselus stated the City Attorney, J.C. Brown had prepared a draft of ballot propositions on the items Council had agreed upon last night.

Ms. Brown called the Council's attention to a Memorandum that contained drafts of the various Bastrop Charter Amendment Ballot Propositions. Ms. Brown stated that in addition, the Council will recognize that she had included additional propositions for the Council's consideration that she believed are helpful and/or necessary to make the Charter internally consistent, assuming the "primary amendments" are approved by the Council and, then, approved by the voters at the upcoming election. Ms. Brown stated she grouped these propositions into five (5) separate ballots, attempting to keep those that are interrelated together to avoid "internal Charter incontinency" if a proposition fails, etc. Ms. Brown then reviewed each of the five separate Ballot Propositions as follows:

**Ballot Proposition A – Issues Pertaining to 3-Year Terms**

**PART 1:**

Shall Section 3.02 of Article 3 of the Home Rule Charter of the City of Bastrop be amended to read as follows:

**Section 3.02            Number, Selection and Terms of Office.**

**(b)    Selection.** The Mayor shall be elected to office from the City at large. The other members of the council shall be elected to office at large, but by specific place which shall be designated as Places One (1), Two (2), Three (3), Four (4), and Five (5). Each year two (2) Council places, including the Mayor's place, shall be elected for their respective terms, except as set forth in the Transitional Provisions hereinafter set forth.

**(c)    Term.** The Mayor and each Council Member shall serve a term of three (3) years and shall serve until his/her successor is elected and qualified; provided, however, that no person shall be elected to the Council for terms of office which would cause such person to serve a term beginning after they shall have completed six (6) consecutive years on the Council, until such person has been out of municipal office for a period of not less than eleven (11) months.

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**PART 2:**

Shall Section 3.06 of Article 3 of the Home Rule Charter of the City of Bastrop be amended to read as follows:

**Section 3.06 Vacancies, Forfeiture of Office and Filling of Vacancies.**

The office of a Council Member shall become vacant upon the member's death, resignation, removal from or forfeiture of that office.

A Council Member shall forfeit that office if the Council Member:

- (1) lacks at any time during the term of office for which elected any qualification for the office prescribed by this Charter or by state law;
- (2) fails to maintain residence within the City;
- (3) intentionally violates any express prohibition of this Charter;
- (4) is convicted of a felony criminal offense or a crime of moral turpitude;
- (5) fails to attend three consecutive regular meetings without being excused by the Council.
- (6) announces their candidacy, or shall in fact become a candidate, in any General, Special or Primary Election, for any office or profit or trust under the laws of the State of Texas or the United States other than the office then held, at any time when the unexpired term of the Council Member then held shall exceed one (1) year, such announcement or such candidacy shall constitute an automatic resignation of the Council position then held, as set forth in Article XVI, Sec. 65 (b) of the Texas Constitution.

A vacancy in the City Council shall not be filled by appointment, but shall be filled by majority vote of the qualified voters at a special election called by the City for such purpose within one hundred and twenty (120) days after such vacancy or vacancies or as otherwise provided by State law, in compliance with Article XI, Section 11 of the Texas Constitution and other applicable State laws.

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**PART 3:**

Shall Section 5.02 of Article 5 of the Home Rule Charter of the City of Bastrop be amended to read as follows:

**Section 5.02 Judge of the Municipal Court**

The Municipal Court shall be presided over by a Judge(s). The Judge(s) shall be nominated by the Mayor and appointed by the Council for a term of three (3) years to run concurrently with the term of the office of the Mayor, or for the portion of such unexpired term as may remain at the time of the appointment. The Judge(s) shall receive such salary as shall be fixed by ordinance. In the absence or disability of the Judge(s), the Council shall appoint one or more qualified persons to serve in an interim capacity. Such interim appointees shall have all powers and duties of the office and shall be entitled to compensation as set by the Council.

The Municipal Court Judge(s) may be removed from office in accordance with state law.

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#### **PART 4:**

Shall Section 9.07 of Article 9 of the Home Rule Charter of the City of Bastrop be amended to read as follows:

#### **Section 9.07 Election by Majority**

At any election for the Council, including the Mayor, the candidate for each place or position who shall receive the majority of votes cast shall be declared elected.

Where in an election for any office no candidate receives a majority of all the votes cast for such office at such election, the Council shall immediately upon declaring the official results of the election, issue a call for a runoff election for every office to which no one was elected by a majority vote. Such runoff election shall be held on a date set by the Council not earlier than the twentieth day or later than the thirtieth day after the date of the final canvass of the main election is completed, or in accordance with State law. In such runoff election the two candidates who received in the preceding election the highest number of votes for each office to which no one was elected shall be voted on again, and the candidate who receives the majority of the votes cast for each such office in the runoff election shall be elected to such office.

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Ken Kesselus moved that the Council vote to propose a three year term for six Council Members, and if the Council approves that, then discuss and approve the language for that proposition and proceed with Parts 1, 2, 3, 4 & 5 of the Ballot Proposition A. Kay Garcia McAnally seconded the motion.

Dock Jackson addressed the Council and stated he concurred with the motion.

Mr. Beal stated he had mixed emotions about this but will vote yes, but he also believed that the way we have it today is working, but he can understand how it could be better with staggered terms. Mr. Beal stated he respects the process the Council went through with the Charter Review Committee and he accepts their recommendation even though he has trepidation about the costs to the City because of additional elections which will be necessary because of majority vote.

Motion carried 3:1.

FOR MOTION: Ken Kesselus, Kay Garcia McAnally and Joe Beal.

AGAINST MOTION: Julie Hart

Ms. Hart stated she voted against this because her perception at the public hearing was that there was not enough support for this. Ms. Hart stated she certainly appreciated the work of the Charter Review Committee.

Ken Kesselus moved that a Charter Amendment be presented to the citizens as Ms. Brown had written in her Memorandum as “Ballot Proposition A – Issues Pertaining to 3-Year Terms” Parts 1, 2, 3 and 4.

City Attorney, J.C. Brown stated in Part 3, the Council needed to decide a term for the Judge of the Municipal Court.

Motion died for lack of second.

Joe Beal moved that a Charter Amendment be presented to the citizens as Ms. Brown had written in her Memorandum as “Ballot Proposition A – Issues Pertaining to 3-Year Terms” Parts 1, 2, 3 and 4 and that the term in Part 3 be three (3) years. Seconded by Ken Kesselus and carried unanimously.

## **PART 5:**

### **Section 14.04 Transitional Elections**

- A. In order to provide for a smooth transition from the former two- year terms for all Council Members to the three-year terms set forth in Section 3.02, the following transitional rules shall be applied.
- B. Staggering Terms. At the first Council meeting following the adoption of the Amended Charter, then sitting Council Members, including the Mayor, shall draw lots to determine which Council places and/or Mayoral position shall be subject to a transitional term length of \_\_[e.g. 1\_ year duration] , in order to provide for staggering of terms, the objective being that as stated in Section 3.02, that each year, two (2) Council Places, including the Mayoral position, shall be elected for their respective 3-year terms.

***Or, another alternative is as follows:***

B. Staggering of Terms Accomplished as Follows:

Election Year 2011 – Places \_\_\_\_ and \_\_\_\_ shall be elected for three year terms. Places \_\_\_\_ and \_\_\_\_ shall be elected for \_\_\_\_ year terms.

Election Year 2012 - Mayor and Place \_\_\_\_ shall be elected for three year terms and Place \_\_\_\_ shall be elected for \_\_\_\_ year terms.

Election Year 2013- Places \_\_\_\_ and \_\_\_\_ shall be elected for \_\_\_\_ year terms.

Joe Beal moved to approve the first Alternative “B” as presented by Ms. Brown. Seconded by Kay Garcia McAnally.

Discussion was held among Council and Ms. Brown.

It was the consensus of Council to delete the language regarding the length of duration, in the first Alternative “B”.

Joe Beal moved to amend his motion to adopt the first “Alternative B” as presented by Ms. Brown, staggering terms and that the Council instruct the City Attorney to develop language to that alternative to be the objective of the Council, that upon approval by the citizens there would be staggered the (2) year terms. Seconded by Kay Garcia McAnally and carried unanimously.

**Ballot Proposition B – Issue Pertaining to Mayor’s Official Title**

**PART 1:**

Shall Section 3.08 of Article 3 of the Home Rule Charter of the City of Bastrop be amended to read as follows:

**Section 3.08 Mayor and Mayor Pro Tem**

The Mayor shall preside over the meetings of the Council and perform such other duties consistent with the office as may be imposed on the Mayor by this Charter and all ordinances and resolutions passed in pursuance thereof. The Mayor may not vote, except in elections, to break a tie and as otherwise provided in this Charter. The Mayor shall have no veto power. The Mayor shall appoint members to all City boards and commissions, subject to confirmation by the Council. The Mayor shall be recognized as the chief presiding officer of the City. The Mayor shall also be recognized as the head of the City by all courts for the purpose of serving civil process, by the Governor for the purpose of enforcing military law and for all ceremonial purposes.

At the first meeting of the Council following the City's general election, the Council shall elect one of its members to serve a one-year term as Mayor Pro Tem of the City. In the absence or disability of the Mayor to perform the duties of that office, the Mayor Pro Tem shall perform all such duties, and while acting as Mayor Pro Tem may not vote, except in elections and to break a tie.

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Ken Kesselus moved that a Charter Amendment be presented to the citizens as Ms. Brown had written in her Memorandum as "Ballot Proposition B – Issue Pertaining to Mayor's Official Title" Part 1. Seconded by Joe Beal and carried unanimously.

**Ballot Proposition C – Issues Pertaining to 'Chair' Versus 'Chairman'**

**PART 1:**

Shall Section 12.01 of Article 12 of the Home Rule Charter of the City of Bastrop be amended to read as follows:

**Section 12.01      Planning and Zoning Commission**

There shall be established a Planning and Zoning Commission which shall consist of nine (9) residents, serving staggered three-year terms. Any vacancy on the Commission shall be filled by the Council for the remainder of the unexpired term in question. Members of the Commission shall serve without compensation and may be removed by the Council at its sole discretion.

The Commission shall annually elect a Chair and a Vice Chair from among its membership. A majority of members shall constitute a quorum. The Commission shall keep minutes of its proceedings and such minutes shall be of public record.

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Kay Garcia McAnally moved that a Charter Amendment be presented to the citizens as Ms. Brown had written in her Memorandum as "Ballot Proposition C – Issues Pertaining to 'Chair' Versus 'Chairman'" Part 1. Seconded by Julie Hart and carried unanimously.

**Ballot Proposition D – Resignation Prior to Incumbent Council Member Seeking Office of the Mayor and/or Council**

**PART 1:**

Shall Section 3.02 of Article 3 of the Home Rule Charter of the City of Bastrop be amended to read as follows:

**Section 3.02      Number, Selection and Terms of Office**

(d) **Resignation of Sitting Council Member Required Prior to Council Member Seeking Office of the Mayor and/or Prior to Mayor Seeking Office of Regular Council Member.** In addition to any State statutory or Texas Constitutional requirement that an incumbent Council Member resign to run for another public office, any currently serving Council Member, which includes the Mayor, shall be required to resign his/her Council position at the time such Council Member announces his/her candidacy for another Place or position on the Council, as follows:

1. The resignation of a sitting Council Member shall be effective immediately upon announcing candidacy for another Place or position on the Council; provided however, that the announcing, resigning incumbent Council Member shall continue to serve in the then held Council position until either the resigned Place is filled by election, or the incumbent candidate is elected and qualified to fill the newly sought Council position.
2. No person, including any sitting Council Member, shall be allowed to file concurrently for candidacy for more than one Council Place and/or the position of Mayor.

Joe Beal moved that a Charter Amendment be presented to the citizens as Ms. Brown had written in her Memorandum as “Ballot Proposition D – Resignation Prior to Incumbent Council Member Seeking Office of the Mayor and/or Council” Part 1. Seconded by Kay Garcia McAnally and carried unanimously.

### **Ballot E – Transitional Provisions and Implementation Matters**

#### **PART 1:**

#### **ARTICLE XIV – CHARTER AMENDMENT / TRANSITIONAL PROVISIONS**

Shall Section 14.01 of Article 14 of the Home Rule Charter of the City of Bastrop be amended to read as follows:

#### **Section 14.01      Effect of Charter Amendments on Existing Officers and Employees**

Nothing in this Charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are City officers or employees at the time of its amendment.

From and after the date of adoption of the Charter amendment, the persons then filling elective offices that are retained under this Charter will continue to fill those offices for the terms to which they were elected.

Persons, who on the date the Charter amendment is adopted are filling appointive positions with the City, which are retained under this Charter, shall continue to fill these positions for the term for which they were appointed, unless removed by the Council or by other means provided for in this Charter.

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**PART 2:**

Shall Section 14.03 of Article 14 of the Home Rule Charter of the City of Bastrop be amended to read as follows:

**Section 14.03      Submission of Charter Amendment to Election**

The City Council, in preparing these Charter Amendments, finds and declares that it is impracticable to segregate each subject so that the voter may vote “yes” or “no” on the same, for the reason that the Charter is so constructed that in order to enable it to properly function it is necessary that it should be amended as set forth on the ballots presented. For this reason, the City Council directs that the ballot provisions related to these Charter Amendments be voted upon as set forth on the ballots, and that these amendments shall be submitted to the qualified voters of the City at an election to be held on the 2nd day of November, 2010. The Charter Amendments approved by a majority of the qualified voters, voting at this election, shall become the Amended Charter of the City of Bastrop on the date the Council enters an order in the records of the City declaring that the Charter Amendments are adopted and the Home Rule Charter is thus, Amended to include the approved ballot changes.

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Ken Kesselus moved that a Charter Amendment be presented to the citizens as Ms. Brown had written in her Memorandum as “Ballot Proposition E – Transitional Provisions and Implementation Matters” Part 1. Seconded by Joe Beal and carried unanimously.

City Manager, Mike Talbot suggested the following amendments.

**Potential Additional Amendment For Council Consideration**

**Council Members Qualification**

Shall Section 3.03 of Article 3 of the Home Rule Charter of the City of Bastrop be amended to read as follows:

**Section 3.03      Qualifications.**

Each of six Council Members, at the time of filing of his/her application for a place upon the ballot, shall be a registered voter in the State of Texas; shall be of sound mind and possess mental capacity sufficient to perform the duties of a Council Member; shall be a resident of the City and shall have resided within the corporate limits of the City for at least one year preceding the election at which he/she is a candidate; shall not have been convicted of a felony criminal offense or a crime involving moral turpitude, and shall not be in violation of any other provision in the Charter.

Ken Kesselus moved that a Charter Amendment be presented to the citizens as Ms. Brown had written in her Memorandum as “Potential Additional Amendment for Council Consideration” Council Member Qualification – Section 3.03. Seconded by Kay Garcia McAnally and carried unanimously.

Shall Section 9.01 of Article 9 of the Home Rule Charter of the City of Bastrop be amended to read as follows:

### **Section 9.01 Regular and Special Elections**

Regular City elections shall be held in accord with state law or as otherwise required by the Texas election code, at which time members of the Council, including the Mayor, shall be elected to fill those positions which become vacant that year. The Council may, by resolution, order special elections. The Council shall fix the hours, place and procedures for holding regular and special elections. Elections shall be held in compliance with applicable state law.

Kay Garcia McAnally moved that a Charter Amendment be presented to the citizens as Ms. Brown had written in her Memorandum as “Potential Additional Amendment for Council Consideration” Regular & Special Elections Section 9.01. Seconded by Julie Hart and carried unanimously.

### **D.5 APPOINTMENT BY MAYOR AND CONFIRMATION BY COUNCIL OF MEMBERS TO PARKS BOARD AND PLANNING AND ZONING COMMISSION.**

Mayor Orr appointed Brandi Smith to the Bastrop Parks Board.

City Secretary, Teresa Valdez called roll of the Council for confirmation of the Mayor’s appointment.

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

*Julie Hart had left the room and did not vote on this item.*

Brandi Smith was appointed to the Bastrop Parks Board.

Mayor Orr appointed Tish Winston to the Bastrop Planning and Zoning Commission.

City Secretary, Teresa Valdez called roll of the Council for confirmation of the Mayor's appointment.

FOR APPOINTMENT: Joe Beal, Kay Garcia McAnally, Ken Kesselus and Julie Hart.

Tish Winston was appointed to the Bastrop Planning and Zoning Commission.

#### D.6 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON ACCEPTANCE OF MONTHLY FINANCIAL REPORTS.

Finance Director, Karla Stovall addressed the Council and presented the Financial Reports for the month of June 2010.

Mr. Beal asked if there was anything that gave Ms. Stovall or Mr. Talbot concern.

Mr. Talbot stated the Water and Wastewater Department is still falling behind in revenues and that is because of two factors: 1) Wet season and 2) Rates.

Joe Beal moved to accept the monthly financial reports. Seconded by Kay Garcia McAnally and carried unanimously.

#### D.7 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION CONCERNING APROVAL OF RESOLUTION EXPRESSING OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES OF THE CITY OF BASTROP, TEXAS.

Mr. Talbot stated the Council discussed the emergency repairs/replaces to the Loop 150 water main at their special meeting on July 19, 2010. Mr. Talbot stated this is a reimbursement Resolution should the Council decide to issue revenue bonds associated with the cost of the emergency repairs/replacement to the Loop 150 water main project. Mr. Talbot stated this Resolution is good for 18 months.

Joe Beal moved to adopt the Resolution. Seconded by Ken Kesselus and carried unanimously.

Items D.8 and D.9 were addressed together.

#### D.8 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION CONCERNING AWARDING THE CONTRACT TO CABLECOM FOR INSTALLING THE CABLE INFRASTRUCTURE FOR THE NEW CITY OF BASTROP'S CONVENTION CENTER.

#### D.9 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION CONCERNING AWARDING THE CONTRACT TO CABLECOM FOR INSTALLING THE CABLE INFRASTRUCTURE FOR THE NEW CITY HALL.

Mr. Talbot called the Council's attention to a recommendation email in the Agenda packet from Mr. Doug Shehan of Guide North, the City's IT Consultant for the City Hall and Convention

Center Project. Mr. Talbot stated Mr. Shehan is recommending award of the bids to CableCom to install the cabling infrastructure at the new Convention Center and the new City Hall.

Joe Beal moved to award the Contracts to Cablecom. Seconded by Kay Garcia McAnally and carried unanimously.

**D.10 CITY MANAGER INFORMATIONAL UPDATE REPORT: ITEMS FOR UPDATE, DISCUSSION AND POSSIBLE ACTION:**

**I. MEETINGS AND EVENTS ATTENDED:**

- A. BASTROP CHAMBER OF COMMERCE MONTHLY MEETING OF JULY 21, 2010.
- B. LOST PINES GROUNDWATER CONSERVATION DISTRICT MONTHLY MEETING OF JULY 21, 2010.
- C. HUNTER'S CROSSING LOCAL GOVERNMENT CORPORATION MEETING OF JULY 19, 2010.
- D. HISTORIC LANDMARK COMMISSION MONTHLY MEETING OF JULY 14, 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. BURLESON CROSSING PROJECT.
- B. DISTRIBUTION OF SAMPLES OF VARIOUS CITIES "CODE OF ETHICS ORDINANCE".
- C. CVS PROJECT.
- D. FISCAL YEAR 2011 ANNUAL OPERATION BUDGET.
- E. DIRECTOR OF PLANNING POSITION.
- F. IT DIRECTOR POSITION.
- G. DISCUSSION AND COMMENTS REGARDING THE "INTERSECTION TRAFFIC SAFETY CAMERA PROGRAM" PRESENTED AT THE COUNCIL AT THE JUNE 22, 2010 MEETING.
- H. PRESENTATION AND DISCUSSION ON A PROPOSED ORDINANCE PROHIBITING UNLAWFUL RIDING ON A VEHICLE.
- I. JACK IN THE BOX PROJECT TO BE LOCATED AT JACKSON SQUARE.

**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.

Assistant Chief Matt Wagner called the Council's attention to a handout of the ViMS Intersection Analysis Report. Assistant Chief Wagner stated the recommendation is to place two (2) cameras.

Discussion was held among Council and Assistant Chief Wagner.

Joe Beal moved to instruct the Chief of Police to proceed with the next steps for installation of two (2) intersection safety cameras. Seconded by Kay Garcia McAnally and carried unanimously.

Julie Hart stated she would like to make the Ethics Ordinance a priority and get it on an Agenda for discussion and possible action.

## 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; 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.
3. DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS: BUC-EE'S.

At 9:55 p.m., Mayor Orr convened the Bastrop City Council into a closed/executive session pursuant to the Texas Government Code, Chapter 551, Section 551.071(1)(A) and Section 551.071(2) (Consultation with Attorney); Section 551.072 (Deliberations about Real Property) and Section 551.087 (Deliberation Regarding Economic Development Negotiations) 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.
3. Deliberation regarding economic development negotiation: Buc-ee's.

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 11:00 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 11:02 p.m., Kay Garcia McAnally moved to adjourn. Seconded by Joe Beal and carried unanimously.

APPROVED:

ATTEST:

\_\_\_\_\_  
Terry Orr, Mayor

\_\_\_\_\_  
Teresa Valdez, City Secretary