



Bastrop City Council

1311 Chestnut Street, Bastrop, Texas 78602
 Phone (512) 332-8800 Fax (512) 332.8819

PURSUANT TO THE TEXAS GOVERNMENT CODE, CHAPTER 551, THE BASTROP CITY COUNCIL WILL HOLD A **REGULAR MEETING** ON TUESDAY, **March 11, 2014** AT **6:15 PM** AT THE CITY COUNCIL CHAMBERS LOCATED AT 1311 CHESTNUT STREET, BASTROP, TEXAS TO CONSIDER THE FOLLOWING MATTERS.

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE AND INVOCATION
3. PRESENTATION - Bastrop Student Presentation on the Character Trait “Self-Reliance”
4. PROCLAMATION - Isabella Gage Carver Meshack’s 102nd Birthday on March 19, 2014.
5. CITIZEN COMMENTS
6. 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 Members so requests.

	TAB	PG	REQUESTOR
A.1 Approval of Minutes for the Regular Council Meetings held on February 25, 2014.	A.1	4	E. Lopez
A.2 Approval of Bastrop Marketing Corporation’s request for reimbursement of expenses.	A.2	9	K. Stovall

B. PUBLIC HEARINGS, ORDINANCES & OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION - **NO ITEMS.**

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, Ch.551 Government Code, Vernon’s Texas Code, Annotated, the item below will be discussed in closed session.

1. SECTION 551.071 – Consultations with Attorney related to legal matters

C. OLD BUSINESS - **NO ITEMS.**

D. NEW BUSINESS

- D.1 Approval of the Preliminary Plat for Pecan Park Commercial (8 commercial lots) being +/-67.42 acres out of a +/- 311.32 acre tract within the Nancy Blakey Survey No. 98 within the city limits of Bastrop, Texas located south of Highway 71 West. **D.1 12** M. McCollum
- D.2 Consideration, Discussion and Possible Action on the **FIRST READING** of a **D.2 17** M. Talbot Proposed Revision to an **ORDINANCE** by the City Council of Bastrop, Texas **CORRECTING a SCRIVENER’S OMISSION** in the Bastrop City Code, Chapter 14, “ZONING,” ARTICLE 14.03 *ET SEQ.*, related to **HISTORIC LANDMARK** Preservation; providing a savings clause; and establishing an effective date.

E. EXECUTIVE SESSION

- E.1 The Bastrop City Council will meet in a closed/executive session pursuant to the Texas Government Code, Chapter 551, *et seq.*, to discuss the following:
1. **SECTION 551.071(1)(A) & SECTION 551.071(2)** – Consultation with Attorney concerning: (1) potential, pending, threatened, and/or contemplated litigation or claims, including but not limited to **“Pine Forest Investments Group, LLC v The City of Bastrop, et al, cause No. 29,052, In the 21st Judicial District Court of Bastrop County, Texas,”** and/or (2) matter upon which the Attorney has a duty and/or responsibility to report to the governmental body, concerning same, and/or any other matters posted on the agenda.
 2. **SECTION 551.072** – Deliberation regarding real property: Regarding the purchase, exchange, lease, disposition, or value of real property.
- 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.

F. ADJOURNMENT

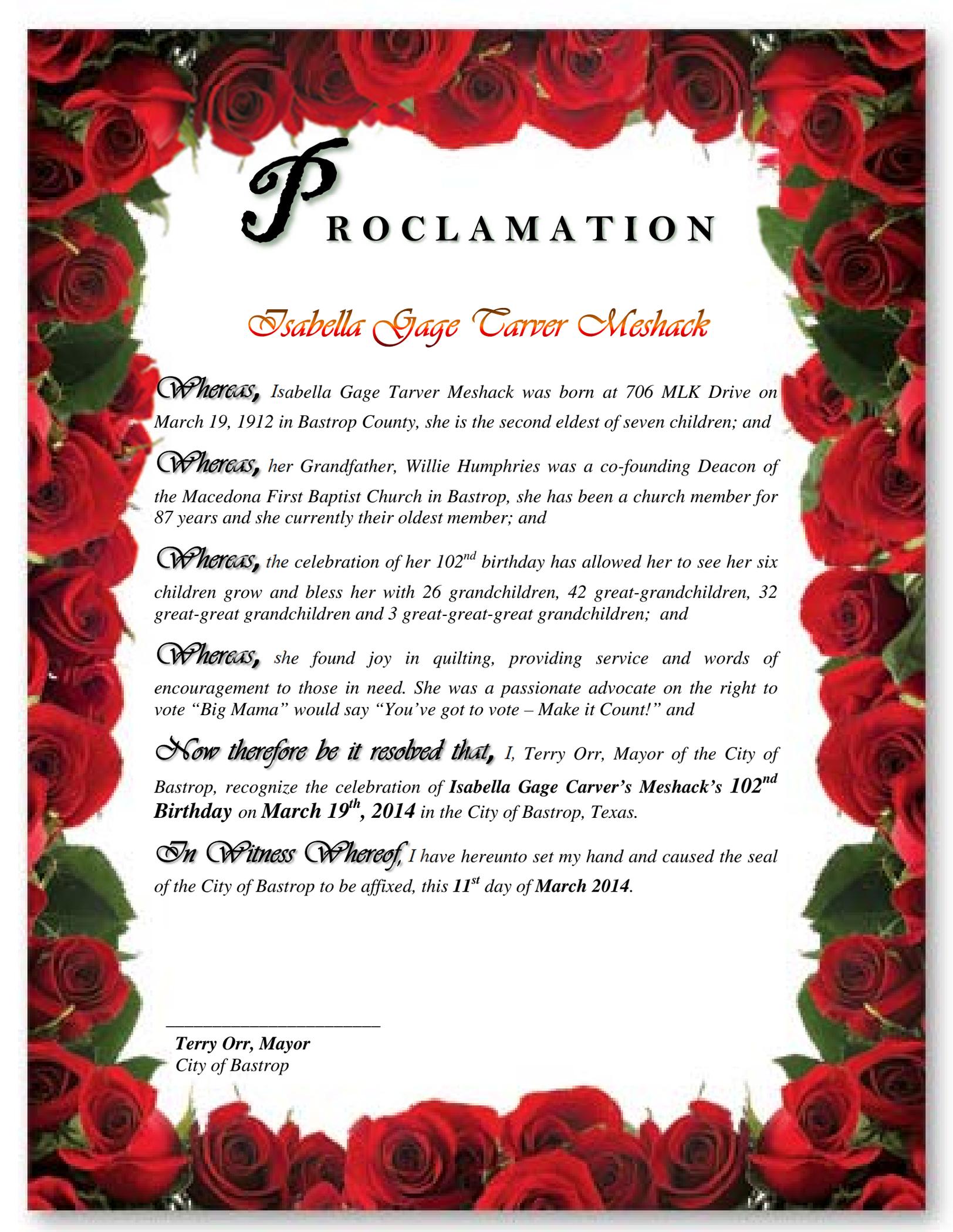
CERTIFICATION

I certify that the above notice of meeting was posted on the bulletin board at the City Hall in the Bastrop, Texas on the **7st day of March 2014 at 5:00 p.m.**


Elizabeth Lopez, City Secretary

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS THE CITY OF BASTROP IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. BASTROP CITY HALL AND COUNCIL CHAMBERS ARE WHEELCHAIR ACCESSIBLE AND SPECIAL MARKED PARKING IS AVAILABLE. PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THIS MEETING AND WHO MAY NEED ASSISTANCE ARE REQUESTED TO CONTACT THE CITY SECRETARY'S OFFICE AT 512-332-8800. PLEASE PROVIDE A FORTY-EIGHT HOURS NOTICE WHEN FEASIBLE.

Confirm time posted: KR



*P*ROCLAMATION

Isabella Gage Tarver Meshack

Whereas, Isabella Gage Tarver Meshack was born at 706 MLK Drive on March 19, 1912 in Bastrop County, she is the second eldest of seven children; and

Whereas, her Grandfather, Willie Humphries was a co-founding Deacon of the Macedona First Baptist Church in Bastrop, she has been a church member for 87 years and she currently their oldest member; and

Whereas, the celebration of her 102nd birthday has allowed her to see her six children grow and bless her with 26 grandchildren, 42 great-grandchildren, 32 great-great grandchildren and 3 great-great-great grandchildren; and

Whereas, she found joy in quilting, providing service and words of encouragement to those in need. She was a passionate advocate on the right to vote “Big Mama” would say “You’ve got to vote – Make it Count!” and

Now therefore be it resolved that, I, Terry Orr, Mayor of the City of Bastrop, recognize the celebration of **Isabella Gage Carver’s Meshack’s 102nd Birthday on March 19th, 2014** in the City of Bastrop, Texas.

In Witness Whereof, I have hereunto set my hand and caused the seal of the City of Bastrop to be affixed, this **11st day of March 2014**.

*Terry Orr, Mayor
City of Bastrop*

CITY OF BASTROP

AGENDA ITEM

A-1

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: **March 7, 2014**

MEETING DATE: **March 11, 2014**

1. Agenda Item: Approval of the meeting Minutes from the:
 - Regular City Council Meetings held on **February 25 2014.**
2. Party Making Request: **Elizabeth Lopez, City Secretary**
3. Nature of Request: (Brief Overview) Attachments: **Yes X** No _____
4. Policy Implication: _____
5. Budgeted: _____ Yes _____ No _____ N/A

Bid Amount: _____	Budgeted Amount: _____
Under Budget: _____	Over Budget: _____
	Amount Remaining: _____
6. Alternate Option/Costs: _____
7. Routing:

	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a)	_____	_____	_____	_____
b)	_____	_____	_____	_____
c)	_____	_____	_____	_____
8. Staff Recommendation: _____
9. Advisory Board: _____ Approved _____ Disapproved _____ None
10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None
11. Action Taken: _____

**BASTROP CITY COUNCIL
MINUTES OF REGULAR MEETING
February 25, 2014 at 6:15 pm**

Pursuant to the Texas Government Code, Chapter § 551, the City Council of Bastrop, Texas held a Regular Meeting on Tuesday, **February 25th, 2014 at 6:15 p.m.** at the Bastrop City Hall Council Chambers located at 1311 Chestnut Street in Bastrop, Texas to consider the following matters:

1. **CALL TO ORDER** - Mayor Terry Orr called the meeting to order at 6:15 p.m. A quorum was present: Council Members Ken Kesselus, Dock Jackson, Kay Garcia McAnally, Willie De La Rosa and Mayor Pro-Tem Joe Beal.
2. **PLEDGE OF ALLEGIANCE AND INVOCATION** – City Attorney J.C. Brown led the Pledge of Allegiance and Police Chief Steve Adcock introduced Chaplain Bill Hobby who led us in prayer.
3. **PRESENTATIONS** – Mayor Terry acknowledged Council Member Dock Jackson for his Certificate of Appreciation for his Dedication from the Capital City Argus Newspaper and a Certificate of Recognition from the Texas Municipal League for completing an educational program.
4. **PROCLAMATIONS** – None.
5. **ANNOUNCEMENTS**

CITY ELECTION – Mayor Orr acknowledged the two advertisements in the Bastrop Advertiser announcing the upcoming Election on May 10, 2014 to fill vacancies for Mayor, Place 3 and Place 5.

COUNCIL RETREAT – Mayor Orr requested that all candidates who filed for the upcoming May Election be invited to attend the City Council Retreat on Saturday, March 22, 2014 at the Hyatt Regency Lost Pines Resort.

CITY MANAGER’S REPORT - There were no citizen comments; therefore Mayor Orr introduced City Manager Mike Talbot who presented his bi-weekly City Manager’s report dated February 25, 2014, he offered additional insight on the following item(s):

#10 Update on the State of Texas Natural Resources Committee - City Manager Talbot informed the City Council that both Houses of the State Legislature have established the issues to be addressed by the “House Committee on Natural Resources” and the “Senate Natural Resources Committee.” The importance of knowing what issues the House and Senate Natural Resources will be working on prior to the 2015 Legislature is that, by doing so, we will have an insight on what items municipalities may expect to be introduced – as legislation – either jointly or separately by the Houses of Legislature.

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(s) so request.

A.1 Approval of Minutes for the Regular Council Meetings held on Tuesday, February 11, 2014.

A.2 Racial Profile Reporting

A.3 Emergency Notification System

A.4 Approval of the statutory denial, for a period of 180 days from the date of Council action on this request, for the Bastrop Business and Industrial Park, Phase 1 Administrative Plat to combine two lots being +/-3.745 acres west of Technology Drive within the city limits of Bastrop, Texas

A.5 Approval of the statutory denial, for a period of 180 days from the date of Council action on this request, for the Hoover’s FL 1 WMS Administrative Plat being +/-0.366 acres east of Wilson Street within the city limits of Bastrop, Texas.

A.6 Approval of a request for a 6 month extension for XS Ranch Phase 1-A Preliminary Plat within the City of Bastrop, Texas Extra Territorial Jurisdiction (ETJ).

Mayor Terry Orr requested a motion to approve the items on the consent agenda.

MOTION – Council Member Kay Garcia McAnally

SECONDED - Council Member Willie DeLaRosa

MOTION PASSED – Unanimous vote of 5-0

B. PUBLIC HEARINGS AND ORDINANCES AND OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION

B.1 PUBLIC HEARING - A VARIANCE REQUEST BY “TAHITIAN FOOD MART” TO THE BASTROP CODE OF ORDINANCES, ARTICLE 4.02, SALE OF ALCOHOLIC BEVERAGES, DISTANCE RESTRICTIONS REGARDING THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISE CONSUMPTION, LOCATED AT 128 TAHITIAN VILLAGE DRIVE, SUITE A, BASTROP, TEXAS. LOCATION IS WITHIN 300 FEET OF A CHURCH, PUBLIC OR PRIVATE SCHOOL, OR PUBLIC HOSPITAL, PURSUANT TO AUTHORITY GRANTED TO THE CITY BY THE TEXAS ALCOHOL BEVERAGE CODE, TITLE 4, CHAPTER 109, SECTION 109.33.

At 6:40 pm, Mayor Terry Orr opened the public hearing and invited citizen comments; with no response, Mayor Orr closed the Public Hearing at 6:41 pm.

B.2 DISCUSSION AND POSSIBLE ACTION CONCERNING A VARIANCE REQUEST BY “TAHITIAN FOOD MART” TO THE BASTROP CODE OF ORDINANCES, ARTICLE 4.02, SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISE CONSUMPTION, LOCATED AT 128 TAHITIAN VILLAGE DRIVE, SUITE A, BASTROP, TEXAS. LOCATION IS WITHIN 300 FEET OF A CHURCH, PUBLIC OR PRIVATE SCHOOL, OR PUBLIC HOSPITAL, PURSUANT TO AUTHORITY GRANTED TO THE CITY BY THE TEXAS ALCOHOL BEVERAGE CODE, TITLE 4, CHAPTER 109, SECTION 109.33.

Mayor Terry Orr requested a motion to approve the above captioned agenda item.

MOTION – Council Member Willie DeLaRosa

SECONDED - Council Member Dock Jackson

MOTION PASSED – Unanimous vote of 5-0

C. **OLD BUSINESS** – No items for consideration.

D. **NEW BUSINESS - Mayor Orr granted Council Member McAnally’s request to discuss Item D.5.**

D.5 CONNECTION BASTROP: INTERIM REPORT AND KEY INITIATIVES

Council Member Kay Garcia McAnally gave an insightful report regarding the “Connecting Bastrop” Key Initiatives of the Visioning Task Force. As a member of the Task Force, Council Member McAnally acknowledged the other members as City Manager Mike Talbot, Bastrop EDC Director Dave Quinn, Bastrop Main Street Program Director Nancy Wood, Bastrop citizen’s Martha Harris, Carlos Liriano and Dick Smith. Consultant Katherine Ray assisted in facilitating the effort.

The Task Force adopted the mission of the City to guide it in conceptualizing pathways for meeting the challenges of safeguarding Bastrop’s unique character and honoring its distinguished history, nurturing a vibrant business climate and enhancing the quality of life for its citizens. She outlined the five key initiatives:

Initiative 1 – Articulating a visionary master plan – Collaborative planning amongst Bastrop’s organizations and governmental entities to achieve a common vision and to advance coherent, synergistic and cooperative implementation of that vision, optimizing available resources.

The Task Force recommends that the City retain the services of an experienced community planning professional or organization that would: Assist City Departments in combing through the 2001 Comprehensive Plan to distill tasks and challenges not yet fulfilled and viewed as still relevant. These become the springboard for an updated and enhanced comprehensive plan. Gather and examine the plans of other organizations and entities to identify common priorities in which the City may play a role. Design and facilitate a process by which the City’s Comprehensive Plan is effectively “cross-pollinated” with the plans, activities and resources of other organizations and entities and a framework for cooperative implementation and accountability is established.

Initiative 2 – Enhancing Community Recreation – Multi-use facilities and programs across the City that serve the recreational needs and interests of citizens of all ages, that build upon current offerings and relationships and that open the door to revenue producing invitational meetings and events. Partners include the YMCA, BISD, Bastrop Homecoming/Rodeo Committee, the Senior Center, Youth Sports Organizations and Citizen Committees. The effort would contemplate activities such as developing a “Friends of the Parks” organization to solicit funding from the public and private sources for park improvements.

Initiative 3 – Enhancing the power of Bastrop Marketing Efforts – The Establishment of an ongoing and effective Bastrop-Centered marketing program that builds on what the Bastrop Marketing Corporation has accomplished for Bastrop and the Lost Pines area and brings professional marketing expertise to the City of Bastrop and to organizations receiving Hotel Occupancy Tax Revenues. Recommended HOT funding within the process established by the City; each HOT recipient would remain accountable for appropriating funds for its own

marketing plan. The City Liaison and the Corporation would jointly provide training, development plans and evaluating the outcomes.

Initiative 4 – Strengthening the Educational Underpinnings of the Community – Enhances educational opportunities for career preparation, job training/retraining, post-secondary experiences and continuing community education. Partners include the Bastrop Independent School District professionals, Chamber, EDC, Local Representatives, major employers and various service/community organizations wishing to engage in life-enriching instruction.

Initiative 5 – Nurturing a Broad-based Culture and Arts Movement in the Community – Establishing a framework for fostering the enhancement of culture and the Arts Community in Bastrop. The City Council would function as a unified voice for the arts community and a vehicle for heightening the visibility of the arts in this community, and work to establish Bastrop as an Art destination for tourists and other artists.

Mayor Orr thanked the Task Force Members for their efforts and stated this is an example that the City of Bastrop is driven by ideas.

Council Member Dock Jackson also extended his appreciation for the Task Force Members and expressed his support to help move their initiatives forward.

Council Member Ken Kesselus stated their efforts were extraordinary and suggested that this item be discussed at the upcoming Council Retreat.

Council Member Kay Garcia McAnally requested the Council and the community's support on this collaborative effort.

Mayor Pro-Tem Joe Beal stated he believed this was a good piece of work, but clarified that we may be seeking the Council's direction and request the citizen's approval. Mayor Orr and the Council Members expressed support for this process and agreed to discuss it further at the City Council's Retreat on March 22, 2014.

MAYOR ORR THEN MOVED TO ITEM D.3

D.3 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION REGARDING A PRESENTATION BY THE BASTROP ART IN PUBLIC PLACES TASK FORCE REQUESTING CITY COUNCIL APPROVAL OF THEIR "ARTS IN PUBLIC PLACE'S TRANSFORMER CABINET MURAL PROJECT .

The Arts in Public Places had received sixteen entries and presented the five finalists as their recommended murals for the Bastrop Transformer Cabinet Mural Project. The selected designs were presented for the City Council's review and approval. Ginger Baldwin's "Boot, Boots, Boots", Susan Mitchuka's "Roses on Fence", Jerri Moore's "Riverwalk" and "Austin's Farmer's Market", Elizabeth Sullivan's "Bastrop Chickens" and "Those who came Before". Upon the Council's review and approval the Arts in Public Places Task Force expect to send out the letters announcing the winners no later than February 15, 2014. After a brief discussion by the City Council Members, Mayor Orr requested a motion to approve the above captioned item.

MOTION – Council Member Ken Kesselus made the motion.

SECONDED – Council Member Kay Garcia McAnally seconded the motion.

MOTION PASSED – Unanimous vote of 5-0

D.1 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE PRESENTATION AND ACCEPTATNCE OF THE CITY OF BASTROP, TEXAS COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE YEAR ENDED SEPTEMBER 30, 2013.

Singleton, Clark and Company of Certified Public Accountants submitted their independent auditors' report that reflected the City of Bastrop financial report and acknowledged the City's fund balance represents five months of operating expenditures which is reflected as a healthy and sound fund balance. The representative noted that the City is pending the achievement award from the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting for its Comprehensive Annual Financial Report for the Fiscal Year Ended September 30, 2013.

Mayor Pro-Tem Joe Beal joined City Manager Talbot in expressing a job well done to Chief Financial Officer Karla Stovall and Assistant Chief Financial Officer Tracy Waldron for their efforts.

MOTION – Mayor Pro-Tem Joe Beal made the motion.

SECONDED – Council Member Kay Garcia McAnally seconded the motion.

MOTION PASSED – Unanimous vote of 5-0

D.2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON ACCEPTANCE OF THE UNAUDITED MONTHLY FINANCIAL REPORT FOR THE PERIOD ENDING OF JANUARY 31, 2014.

Upon review by the Chief Financial Officer Karla Stovall on the above caption item, the Council Members and the City Manager acknowledged a job well done. Council Member Kay Garcia McAnally took a moment to thank CFO Karla Stovall and stated “we appreciate you very much.” Mayor Orr requested a motion.

MOTION – Mayor Pro-Tem Joe Beal made the motion.

SECONDED – Council Member Kay Garcia McAnally seconded the motion.

MOTION PASSED – Unanimous vote of 5-0

D.4 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION REGARDING DIRECTING THE CITY MANAGER OR CREATING A CHARTER REVISION COMMITTEE TO MAKE CERTAIN REVISIONS TO THE CITY CHARTER.

The Council Members held an insightful discussion the recent resolution with regard to the sale of City property and they each expressed their personal insights. However, Mayor Pro-Tem Joe Beal summed the discussion in that the Council will not sale City Property without the voters’ approval. In a few years the City Manager is to review the Charter and recommended that the Council wait to do a Charter revision as the Council Members may change with the upcoming May election.

The Council Members were in agreement with Mayor Pro-Tem Beal and acknowledged the time would allow a committee to review the City’s Charter and could be placed for a vote in the May 2015 election. Mayor Orr expressed the City Managers comments and the staff’s efforts.

No action was taken; this agenda item is to be postponed for further discussion and action on a later date.

E. EXECUTIVE SESSION

E.1 THE BASTROP CITY COUNCIL MET IN A CLOSED/EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, CHAPTER 551, *ET SEQ*, TO DISCUSS THE FOLLOWING:

1. SECTION 551.071(1) (A) and SECTION 551.071(2) – Consultation with Attorney concerning: (1) potential, pending, threatened, and/or contemplated litigation or claims, including but not limited to **“Pine Forest Investments Group, LLC v The City of Bastrop, et al, cause No. 29,052, In the 21st Judicial District Court of Bastrop County, Texas.”** and/or (2) matter upon which the Attorney has a duty and/or responsibility to report to the governmental body, concerning same, and/or any other matters posted on the agenda.
2. SECTION 551.072– Deliberation regarding real property: Regarding the purchase, exchange, lease, disposition, or value of real property.

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 7:45pm, Mayor Orr convened the Bastrop City Council into Executive Session. Mayor Orr reconvened the Bastrop City Council into open session to discuss, consider and/or take action(s) necessary related to the Executive Session noted herein at 8:50 pm.

City Manager Talbot informed the Council Members that he would be working with staff on several changes to the Convention Center’s Policies, related to security, indemnity provisions and police patrol at some future event. No Action Taken.

F. ADJOURN

At 8:52 pm, Council Member Kay Garcia McAnally made the motion to adjourn the meeting. Seconded by Council Member Dock Jackson and motion was carried with a vote of 4-0. Council Member Willie DeLaRosa was not present.

APPROVED:

ATTEST:

Terry Orr, Mayor

Elizabeth Minerva Lopez, City Secretary

CITY OF BASTROP

AGENDA ITEM **A-2**

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: **March. 4, 2014**

MEETING DATE: **March. 11, 2014**

1. Agenda Item: **Approval of Bastrop Marketing Corporation's request for reimbursement of expenses.**

2. Party Making Request: **Karla Stovall, Chief Financial Officer**

3. Nature of Request: (Brief Overview) Attachments: Yes No

4. Policy Implication: _____

5. Budgeted: Yes No N/A
Bid Amount: _____ Budgeted Amount: _____
Under Budget: _____ Over Budget: _____
Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing:

	<u>NAME/TITLE</u>	<u>INITIAL</u>	<u>DATE</u>	<u>CONCURRENCE</u>
a)	_____			
b)	_____			
c)	_____			

8. Staff Recommendation: _____

9. Advisory Board: Approved Disapproved None

10. Manager's Recommendation: Approved Disapproved None

11. Action Taken: _____

**CITY OF BASTROP
FINANCE
DEPARTMENT**

Memo

To: Mayor, City Council and City Manager
From: Karla Stovall, Chief Financial Officer
Date: March 4, 2014
Re: Reimbursement of Accrued Bastrop Marketing Corporation Expenses

Attached is the request from Bastrop Marketing Corporation (BMC) for payment of funds in accordance with the Tourism Marketing Agreement that was signed with the City of Bastrop in November 2003.

This request is for the time period for Jan. 2014. There is a month lag in the receipt of the hotel occupancy tax monies.

It is recommended that Council approve the reimbursement of funds in the amount of \$34,867.66 for Jan. 2014 to BMC in accordance with our agreement to be spent on advertising and marketing the City of Bastrop area. This amount represents 43% of the tax collections.

If you have any questions regarding this agreement please contact me at 512-332-8820.

CITY OF BASTROP

AGENDA ITEM **D-1**

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: March 5, 2014

MEETING DATE: March 11, 2014

1. Agenda Item: **Approval of the Preliminary Plat for Pecan Park Commercial (8 commercial lots) being +/-67.42 acres out of a +/- 311.32 acre tract within the Nancy Blakey Survey No. 98 within the city limits of Bastrop, Texas located south of Highway 71 West.**

2. Party Making Request: **Melissa McCollum, Director of Planning and Development**

3. Nature of Request: (Brief Overview) Attachments: Yes X No

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No _____ N/A
 Bid Amount: _____ Budgeted Amount: _____
 Under Budget: _____ Over Budget: _____
 Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE

8. Staff Recommendation:

Staff recommends approval of the requested Preliminary Plat for Pecan Park Commercial (8 commercial lots) being +/-67.42 acres out of a +/- 311.32 acre tract within the Nancy Blakey Survey No. 98 within the city limits of Bastrop, Texas located south of Highway 71 West.

9. Advisory Board: XXX Recommended Approval Disapproved None

The Planning and Zoning Commission held their regular meeting February 27, 2014 and voted unanimously 6-0 to recommend approval of the Preliminary Plat for Pecan Park Commercial.

10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None

11. Action Taken: _____

City of Bastrop

Agenda Information Sheet:



City Council Meeting Date:

March 11, 2014

Project Description:

Discussion, consideration and possible action to approve the Preliminary Plat for Pecan Park Commercial (8 commercial lots) being +/-67.42 acres out of a +/- 311.32 acre tract within the Nancy Blakey Survey No. 98 within the city limits of Bastrop, Texas located south of Highway 71 West.

Item Summary:

Owner: Duke McDowell, DM Pecan Park Associates, LTD
Applicant/Agent: Lynn Alderson, PE, Alderson Group, Inc.
Location: Located south of Highway 71 West in the city limits
Utilities: Bluebonnet electric, City of Bastrop water and sewer

Background:

Pecan Park Commercial Preliminary Plat consists of 8 commercial tracts. This property is part of a development agreement between DM Pecan Park and the City of Bastrop approved by City Council in November, 2013. This plat of +/- 67 acres represents the entire commercial portion of the +/- 311 acre tract to be known as Pecan Park. The remaining portions of Pecan Park will be residential.

Basis of Support:

Staff supports the Preliminary Plat for Pecan Park Commercial Preliminary Plat. The plat meets all other subdivision and development agreement requirements.

Special Considerations: None.

Comments: Adjacent property owner notifications were mailed February 18, 2014. No comments have been received.

Staff Recommendation:

Staff recommends approval of the requested Preliminary Plat for Pecan Park Commercial (8 commercial lots) being +/-67.42 acres out of a +/- 311.32 acre tract within the Nancy Blakey Survey No. 98 within the city limits of Bastrop, Texas located south of Highway 71 West.

Planning and Zoning Commission Recommendation:

The Planning and Zoning Commission held their regular meeting February 27, 2014 and voted unanimously 6-0 to recommend approval of the Preliminary Plat for Pecan Park Commercial.

Attachments:

Location map and plat layout

City Contact:

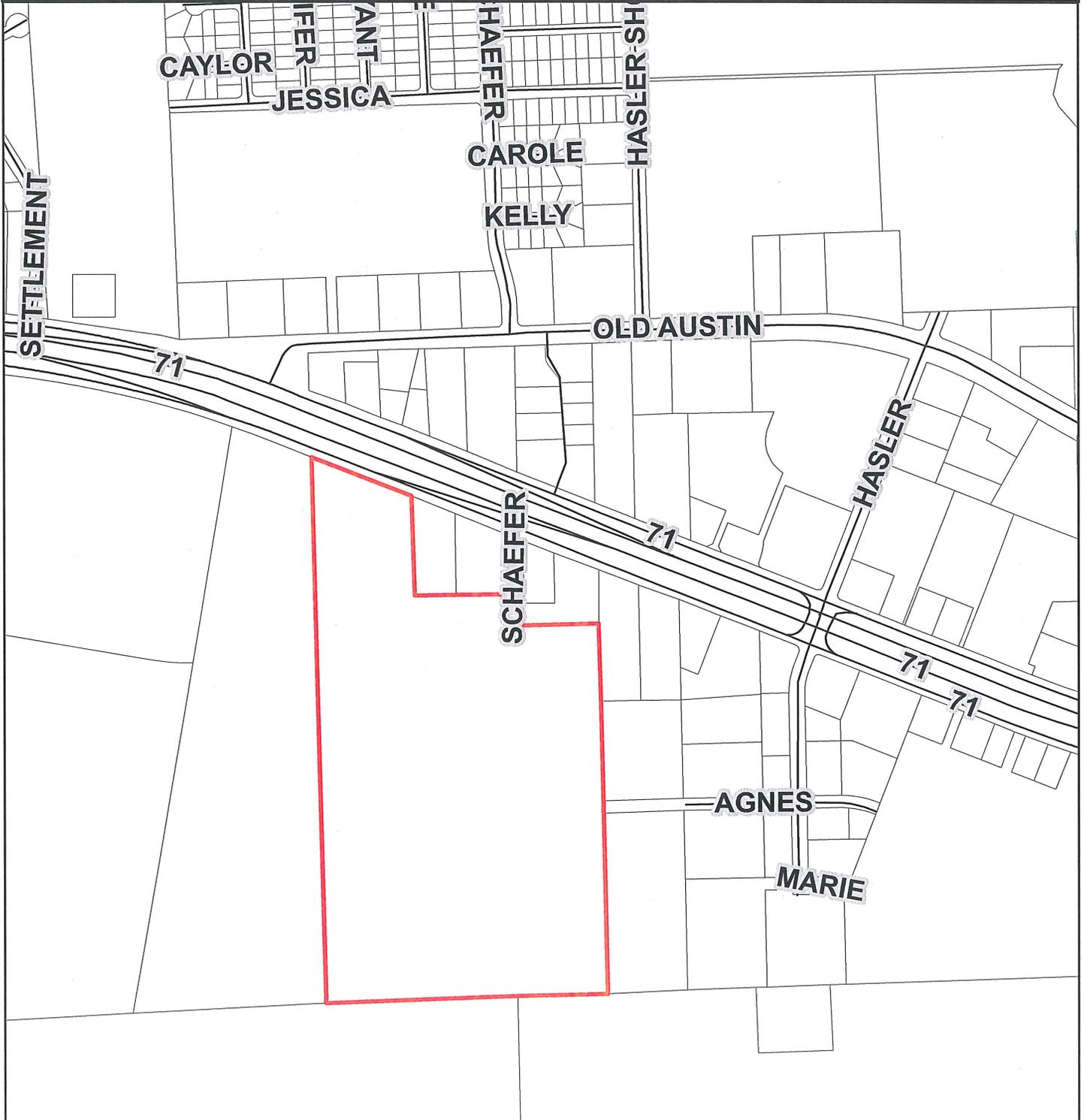
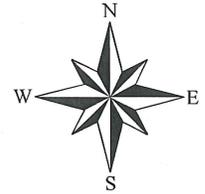
Melissa M. McCollum, AICP, LEED AP, Director
Planning and Development Department



Property Location Map for Pecan Park Commercial Preliminary Plat

Legend

 Pecan Park Commercial





OWNER: DM PECAN PARK ASSOCIATES, LTD
 1310 RR 620 Site B200
 AUSTIN, TEXAS 78746
 DUKE McDOWELL
 (512) 263-2214
 duke@staringthomas.com

ENGINEER: ALDERSON GROUP, INC.
 2525 WALLINGWOOD DR.
 AUSTIN, TEXAS 78746
 LYNN ALDERSON, P.E.
 lalderson@aldersongroup.com

SURVEYOR: STAUDI SURVEYING, INC.
 P.O. Box 3984
 Dripping Springs, Texas 78620
 (512) 858-2235
 thomas.staudt@staudtinc.com

DATE: 3/4/2014
REVISION: #

PECAN PARK COMMERCIAL PRELIMINARY PLAT

PARCEL LINE TABLE

LINE	LENGTH	DIRECTION
L1	48.49'	S128°04'E
L2	86.89'	N89°24'31"E
L3	103.51'	N121°53'57"E
L4	18.04'	N73°38'33"E

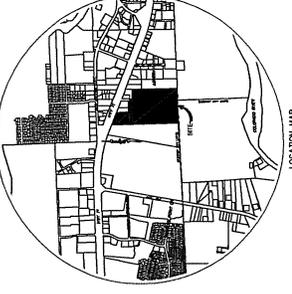
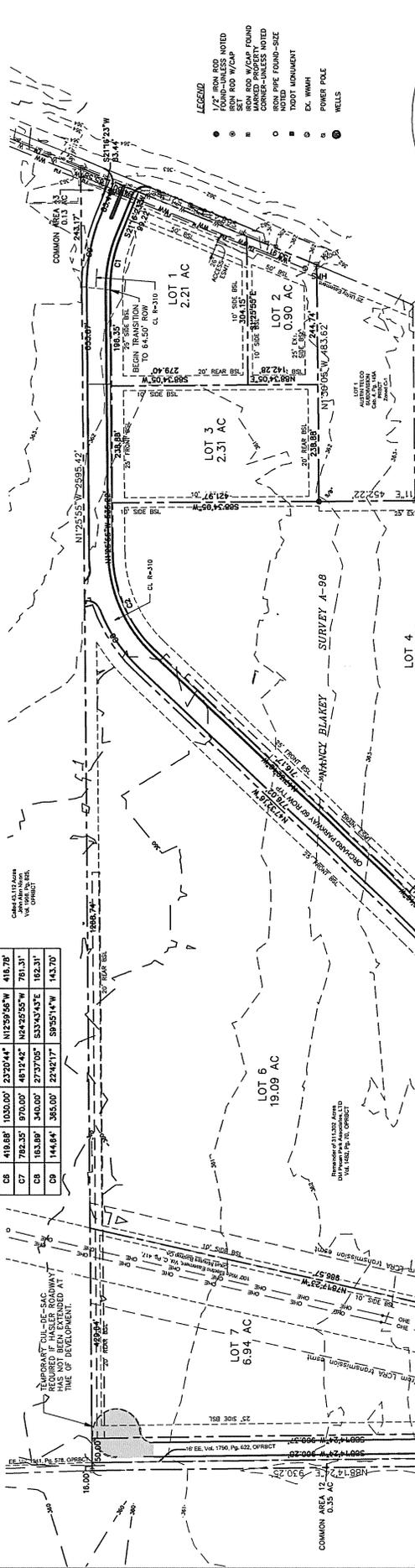
CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	110.88'	280.00'	22°42'18"	50°25'14"W	110.23'
C2	226.32'	280.00'	48°30'21"	82°42'05"E	218.29'
C3	351.05'	1030.00'	19°31'41"	N37°46'25"W	349.35'
C4	205.19'	470.00'	25°30'49"	N78°09'58"E	203.55'
C5	231.38'	530.00'	25°30'49"	N78°09'58"E	228.55'
C6	418.88'	1030.00'	23°30'44"	N12°35'56"W	418.79'
C7	782.35'	970.00'	48°12'42"	N42°25'35"W	781.31'
C8	163.89'	340.00'	27°37'05"	S33°45'43"E	162.31'
C9	144.84'	365.00'	22°42'17"	S9°55'14"W	143.70'

FLOODPLAIN INFORMATION:
 NO PORTION OF THIS TRACT IS WITHIN THE BOUNDARIES OF THE 100 YEAR FLOODPLAIN PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP 48021G0355E, DATED JANUARY 18, 2006.

LEGAL DESCRIPTION:
 BEING A 67.42 ACRE TRACT OF LAND OF AND OUT OF AND A PART OF RECORDS 1482 PAGE 76 OF THE BASTROP COUNTY OFFICIAL RECORDS.

UTILITIES:
 CITY OF BASTROP
 CITY OF BASTROP
 BLUEBONNET ELECTRIC
 NAME: TIME WARNER CABLE
 TELEPHONE



STAUDI SURVEYING, INC.
 Thomas C. Staudt
 PLS # 3984
 10000 Highway 71, Suite 7820
 Dripping Springs, Texas 78620

STATE OF TEXAS
 COUNTY OF HAYS

The undersigned does hereby certify that this survey was this day made on the ground of the property legally described herein and that to the best of my knowledge and belief the same is true and correct. I am a duly licensed Professional Surveyor in the State of Texas, and I am duly sworn. My commission expires on 03/31/2014.

In testimony whereof, I have hereunto set my hand and seal of office at Dripping Springs, Texas, this 4th day of March, 2014.

Professional Surveyor License No. 3984

NOTE:
 LOTS 1, 7 AND 8 SHALL ONLY HAVE ACCESS FROM EASTWARD PARKWAY.
 NO DIRECT ACCESS TO HWY 71 OR SHAEFER WEST WILL BE PERMITTED.

LOT 5: 10.42 AC
 Temporary Oil-DE-SAC Required if Access Roadway Required at Time of Development

LOT 6: 19.09 AC
 Temporary Oil-DE-SAC Required if Hasler Roadway Required at Time of Development

LOT 7: 6.94 AC
 Temporary Oil-DE-SAC Required if Hasler Roadway Required at Time of Development

LOT 8: 4.28 AC
 Temporary Oil-DE-SAC Required if Hasler Roadway Required at Time of Development

LOT 9: 2.58 AC
 Temporary Oil-DE-SAC Required if Hasler Roadway Required at Time of Development

CITY OF BASTROP

AGENDA ITEM

D-2

STANDARDIZED AGENDA RECOMMENDATION FORM

CITY COUNCIL

DATE SUBMITTED: **March 7, 2014**

MEETING DATE: **March 11, 2014**

1. Agenda Item: Consideration, Discussion and Possible Action on the **FIRST READING** of a Proposed Revision to an **ORDINANCE** by the City Council of Bastrop, Texas **CORRECTING a SCRIVENER'S OMISSION** in the Bastrop City Code, Chapter 14, "ZONING," ARTICLE 14.03 *ET SEQ.*, related to **HISTORIC LANDMARK** Preservation; providing a savings clause; and establishing an effective date..

2. Party Making Request: **Mike Talbot, City Manager**

3. Nature of Request: (Brief Overview) Attachments: **Yes X** No _____

4. Policy Implication: _____

5. Budgeted: _____ Yes _____ No _____ N/A
Bid Amount: _____ Budgeted Amount: _____
Under Budget: _____ Over Budget: _____
Amount Remaining: _____

6. Alternate Option/Costs: _____

7. Routing: NAME/TITLE INITIAL DATE CONCURRENCE
a) _____
b) _____
c) _____

8. Staff Recommendation: _____

9. Advisory Board: _____ Approved _____ Disapproved _____ None

10. Manager's Recommendation: _____ Approved _____ Disapproved _____ None

11. Action Taken: _____

ORDINANCE No. 2014- _____

AN ORDINANCE CORRECTING A SCRIVENER'S OMISSION IN THE BASTROP CITY CODE, CHAPTER 14, "ZONING," ARTICLE 14.03 ET SEQ., RELATED TO HISTORIC LANDMARK PRESERVATION; PROVIDING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on or about October 13, 1998, the City Council of the City of Bastrop, acting under its authority granted to it by the State of Texas, as a general law municipality, adopted Ordinance No. 1998-42 which established the City's Historical Landmark Commission and subsequently amended said Ordinance No. 2003-12 on or about May 27, 2003, and Ordinance No. 2007-30 on or about July 24, 2007; and

WHEREAS, on or about July 24, 2007, the City Council of the City of Bstrop, acting under its authority granted to it by the State of Texas, as a general law municipality, adopted Ordinance No. 2007-30, which established the City's Historical Landmark Commission; and

WHEREAS, subsequently, the City amended its Code of Ordinances, on or about June 26, 2012, to make its Code more uniform, as it related to the appointment and service of various boards, commissions and task forces, including the Historical Landmark Commission, and

WHEREAS, it has come to light that a portion of the Code pertaining to the work and authority of the Historic Landmark Commission to oversee Historic Landmark Preservation was inadvertently omitted from the City's published Codes, as a result of a scrivener's error, and consequently, the City desires to correct that error.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP TEXAS:

PART 1: Chapter 14, Article 14.03, entitled "Historic Landmark Preservation," Section 14.03.001, General, Subsections (c) and (d), shall be corrected to read as follows:

Section 14.03.001 "General"

(a) and (b) remain unchanged.

(c) Historic landmark commission created. There is hereby created a commission to be known as the city historic landmark commission.

(1) The commission shall consist of seven members, residents of the city, to be appointed by the mayor with approval by the city council as follows:

- (A) One shall be an architect, planner, or representative of a design profession;
 - (B) One shall be a representative elected by the county historical society;
 - (C) One shall be a licensed real estate professional;
 - (D) One shall be an owner of an historic commercial structure or property;
 - (E) One shall be an owner of an historic residential structure or property;
 - (F) One shall be a member from the city's planning and zoning commission;
 - (G) One shall be a general resident of the city.
- (2) All commission members, regardless of background, shall have a known and demonstrated interest, competence, or knowledge in historic preservation within the city.
- (3) Commission members shall serve for a term of three (3) years, with the exception of the member who is serving on the commission as the planning and zoning commission representative, and that member shall serve for a term that is concurrent with that member's planning and zoning commission term.
- (4) Each seat on the commission will be assigned a "place." Commission members' terms of service shall be "staggered," so that the entire membership of the commission will not be subject to replacement at any single point in time. To the extent possible, staggering shall be done so that the commission membership is divided into thirds. Initial staggering of the membership will be accomplished by having all appointees/members who are serving as of the first annual meeting following approval and passage of this section (held in July), "draw lots" to determine which "place" will have what number of service in the transition period (e.g., 1/3 of the places will draw for one-year terms, 1/3 of the places will draw for two-year terms, and the remaining 1/3 of the places will draw for three-year terms.) After the first July meeting, staggering of membership, by place, will begin.
- (5) In the event of a vacancy on the commission, an individual appointed to fill the vacancy will serve only the remaining term of the individual who is being replaced by the appointee, so that the staggering of terms shall remain intact.
- (6) Attendance requirements for the commission members are set forth in this code, section 1.02.002(b), et seq.
- (7) The commission shall be empowered to:

- (A) Prepare rules and procedures as necessary to carry out the business of the commission, which shall be ratified by the city council.
- (B) Adopt criteria for the designation of historic, architectural, and cultural landmarks, which shall be ratified by the city council.
- (C) Conduct surveys and maintain an inventory of significant historic, architectural, and cultural landmarks.
- (D) Recommend the designation of resources as significant landmarks and/or historic landmarks.
- (E) Create committees from among its membership and delegate to these committees responsibilities to carry out the purpose of this article.
- (F) Elect a secretary of the commission who shall maintain written minutes which record all actions taken by the commission and the reasons for taking such actions, and file a copy of said minutes with the city secretary.
- (G) Recommend conferral of recognition upon the owners of landmarks by means of certificates, plaques, or markers.
- (H) Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.
- (I) Make recommendations to the city government concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and historic districts within the city.
- (J) Approve or disapprove applications for certificates of appropriateness, demolition or removal, and economic hardship pursuant to this article.
- (K) Hold hearings on demolition by neglect pursuant to this article.
- (L) Prepare and submit annually to the city council a report summarizing the work completed during the previous year.
- (M) Propose tax abatements and other incentive programs for landmarks.
- (N) Make recommendations for employment of staff and professional consultants as necessary to carry out the duties of the commission.

(O) Prepare and adopt design guidelines for the exteriors of historic landmarks, to address architectural and general design elements of structures, including acceptable materials for construction; appropriate architectural character, scale, and detail; acceptable appurtenances or additions to new or existing structures; and acceptable textures and ornamentation.

(8) The commission shall meet at least monthly, if business is at hand. Special meetings may be called at any time by the chairman, or on the written request of any two commission members. All meetings shall be held in conformance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

(d) Appointment of historic preservation officer. The chairman of the commission shall serve as historic preservation officer. This officer, working in coordination with the city planner, shall administer this article and advise the commission on matters submitted to it. In addition to serving as representative of the commission, the officer is responsible for coordinating the city's preservation activities with those of state and federal agencies and with local, state, and national nonprofit preservation organizations.

[All provisions of Section 14.03.001, et seq not specifically amended herein remain as stated in the City Code of Ordinances.]

PART 2: Severability: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this order.

PART 3: Effective Date: The provisions of this Ordinance shall take effect immediately after passage and in accordance with applicable law.

READ and Approved on **FIRST READING** on the 11 day of March, 2014.

READ and Adopted on **SECOND READING** on the ____ day of _____, **2014**.

APPROVED:

ATTEST:

Terry Orr, Mayor

Elizabeth Lopez, City Secretary