MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
OCTOBER 13, 2015

The Bastrop City Council met in a Regular Meeting on Tuesday, October 13, 2015 at 6:30 PM at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Ken Kesselus, Council Members, Kelly Gilleland, Willie DeLaRosa, Kay Garcia McAnally, and Gary Schiff. Dock Jackson was absent due to illness.

Chief Adcock gave an update on the status of the fire. The City Manager approved the use of the Bastrop arena for the city of Smithville to store livestock. Trey Job brought water in to the arena for the livestock.

CALL TO ORDER

At 6:40 p.m. Mayor Kesselus called the Meeting to order with a Quorum being present.

PLEDGE OF ALLEGIANCE

Mayor Kesselus led the Pledge of Allegiance and the Pledge to the Texas Flag.

INVOCATION

Council Member Schiff gave the Invocation.

PRESENTATIONS

A. Colin Guerra – My Bastrop Tx Mobile App

Colin demonstrated the new Bastrop app which will allow community members to submit requests for service and the requests will be visible to anyone that has the app loaded onto their phone. The citizens will be able to watch the progress of the requests. The app has the ability to push out notifications. There is the capability to put a crawler across any show for BTXN.

PROCLAMATIONS

A. Texas Chamber of Commerce Week

The proclamation was read by Mayor Kesselus. Becki Womble, President of the Bastrop Chamber of Commerce accepted the proclamation.

CITIZEN COMMENTS

Steve Bridges – Mr. Bridges asked the Council to give attention to the Farmers Market. He is concerned with farmers not being allowed to participate as vendors.

Nancy Wood – Ms. Wood is interested in an opportunity to use the Farmers Market to grow the culinary district.

Debbie Moore – Ms. Moore stated that she does not believe the vision is there to grow the Farmers Market. She would like to see Main Street, the Culinary District and the Farmer's Market come together as a group with ideas to grow the market and she wants to keep Bastrop green and bring fresh produce to downtown Bastrop and the Culinary District and would like to help with getting it going.

ANNOUNCEMENTS

A. Update on Comprehensive Plan Steering Committee - Kay Garcia McAnally and Dock Jackson

- There was a written report from Council Member Jackson. This report was posted on the City website.

B. Council Member Schiff -

- Announced on October 24, 2015 at 7:30 p.m. Doyle Dikes will perform at the Bastrop Christian Outreach Center. There is no admission charge but donations are welcome.

C. Council Member Gilleland –

- Announced the kick off of the City of Bastrop's "Team Up To Clean Up" this year rather than doing a cleanup of the roadway a recycling challenge is being done to bring more awareness to the recycling community. There are cash prizes and so far there are twelve teams signed up. The deadline to sign up is Saturday, October 17, 2015 at 9:00 a.m. There are two schools participating this year. The event kicks off on Saturday, October 17, 2015 at City Hall at which time the rules will be reviewed. Metal Recycling Week will be Monday, October 19, 2015 – Sunday, October 25, 2015; Paper Recycling Week will be Monday, October 26, 2015 – Sunday, November 1, 2015; and Plastic Recycling Week will be Monday, November 2, 2015 – Saturday, November 7, 2015.

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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 Govt. Code, Vernon's TX Code, Annotated, the item below will be discussed in closed session.* 1. SECTION 551.071 – Consultations with Attorney related to legal matters

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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 **Consideration, discussion and possible action regarding approval of minutes from Regular Council Meeting of September 22, 2015.**

A.2 **Consideration, discussion and possible action regarding the second reading of an ordinance of the City Council of The City of Bastrop, Texas, amending Sections 1.15.001 And 1.15.031; "Ethics Ordinance" in the code of ordinances of the City Of Bastrop; providing a severability clause; and providing an effective date.**

A.3 **Approval of the statutory denial, for a period of 180 days from the date of Council action on a request for the Home Place Subdivision being a +/- 5.098 acre tract, north of Lovers Lane, within the City of Bastrop's 1 mile Extra Territorial Jurisdiction (ETJ).**

A.4 **Approval of the statutory denial, for a period of 180 days from the date of Council action on a request for the Amended Plat of Lots 2-731, 2-732 and 2-733 Block 7, Tahitian Village Unit 2, within the City of Bastrop's Extra Territorial Jurisdiction (ETJ).**

A.5 **Approval of the statutory denial, for a period of 180 days from the date of Council action on a request for the Final Plat of West Bastrop Village, Section 1, Phase 1 being +/-10.970 acres out of the Nancy Blakey, Abstract No. 98 within the City of Bastrop's 1 mile Extra Territorial Jurisdiction (ETJ).**

A.6 **Approval of the statutory denial, for a period of 180 days from the date of Council action on a request for the Final Plat of West Bastrop Village, Section 1, Phase 2 being +/-7.117 acres out of the Nancy Blakey, Abstract No. 98 within the City of Bastrop's 1 mile Extra Territorial Jurisdiction (ETJ).**

A.7 **Approval of Bastrop Marketing Corporation's request for reimbursement of funds for August 2015 in accordance with the agreement to be spent on advertising and marketing the City of Bastrop area.**

Council Member Schiff made the motion to approve the Consent Agenda, seconded by Council Member Gilleland. The Consent Agenda was approved on a vote of 4-0. Council Member Jackson was absent.

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

B.1 **First reading of a proposed ordinance of the City Council of the City of Bastrop Texas, amending the budget for the Fiscal Year 2015 in accordance with existing statutory requirements; appropriating the various amounts herein; repealing all prior ordinances and actions in conflict herewith; and providing for an effective date.**
Council Member Gilleland made a motion to approve the first reading of the ordinance, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a vote of 4-0. Council Member Jackson was absent.

C. OLD BUSINESS - NONE

D. NEW BUSINESS

D.1 **Consideration, discussion and possible action regarding a request by the Bastrop Chamber Of Commerce that the City Council approve a revised HOT funding grant for the Chamber for FY-16 as submitted by the Bastrop Chamber of Commerce requesting that the funding amount approved by the City Council for FY-16: be reduced for FY-16.**
Becki Womble, President of the Bastrop Chamber of Commerce (Chamber) explained that the Chamber has set very high goals for next year and would like to focus more on activities for the Chamber. The Chamber would like to reduce the request for the coming year and basically function as a visitor's center through December 31, 2015 and asked for funding just for that quarter and make the transition from the City as well as the State. Want to make the transition to becoming a single visitor's center community and help with the proceeding of moving towards a DMO. The amount being asked for regarding the Patriotic Festival has been increased and also to help facilitate the Chambers tithing in helping to take care of the Chambers obligations to the River of Lights.

Council Member McAnally asked Ms. Womble if the Chamber was planning to do anything for the Patriotic Festival that was not done before. Ms. Womble replied no it is the same. Ms. Womble stated that she does expect the cost to go up but what she has presented to council is the approximate cost from last year. Council Member McAnally asked if the HOT funds have paid for all of the Patriotic Festival in the past. Ms. Womble answered no. Council Member McAnally asked "why are we doing this now". Ms. Womble stated "we probably will look at trying to find someone to take over the Patriotic Festival, the contract for fireworks have to be signed in the November timeframe and the Chamber does not feel like this is adequate time to find someone to take over this event but the Chamber will probably not be doing this in the future." Council Member Gilleland asked Ms. Womble if the Chamber was asking for $6,000 more than was asked for in the first round. Ms. Womble responded yes. Ms. Gilleland asked where it was going. Ms. Womble explained that last year there were sponsorships to offset the complete cost of the Patriotic Festival and this year there will need to be some sponsorship with the increase of the cost of fireworks and because their job is to advocate for the community the Chamber would not like to have to go out and solicit sponsorship for the entire cost of the event. City Manager Talbot explained that the point Ms. Womble is trying to make is that the Chamber of Commerce is vastly reducing the amount that they are receiving and returning $17,000 to the City and shifting around a few of the dollars to offset the cost of the Patriotic Festival, the City is coming out a net of $17,000 once the Council approves the funding.

Council Member Schiff made the motion to approve the revised budget as submitted, seconded by Council Member Gilleland. The motion was approved on a vote of 4-0. Council Member Jackson was absent.

D.2 **Consideration, discussion and possible action regarding approval of a resolution of the City of Bastrop nomination of an individual to serve on the Bastrop County Appraisal District's Board of Directors.**

Council Member McAnally expressed her concerns regarding the lack of information on the candidates and due to the lack of information she did not feel equipped to vote. Mayor Kesselus informed her that she had the option to vote against the nominee.

Mayor Pro Tem DeLaRosa made the motion to nominate Roderick Emanuel to serve on the Bastrop County Appraisal District's Board of Directors, seconded by Council Member Gilleland. The motion ended in a tie of a vote of 2-2. Mayor Pro Tem DeLaRosa and Council Member Gilleland voted aye. Council Members McAnally and Schiff voted nay. Mayor Kesselus voted aye to break the tie approving the motion on a vote of 3-2. Council Member Jackson was absent.

D.3 **Consideration, discussion and possible action on acceptance of the unaudited Monthly Financial Reports and Quarterly Investment Report for the period ending in August 31, 2015.**

Mayor Kesselus asked Chief Financial Officer Tracy Waldron if she found anything in the unaudited monthly financial reports and/or quarterly investment report that alarmed her. Chief Financial Officer Waldron replied no.

City Manager Talbot stated that the sales tax collection is down across the state. He is bringing this to the Council's attention because the budget is just taking off for this fiscal year and the budget is heavily dependent on the sales tax. The City Manager advised the Council to be cautious for the next few months. Mayor Pro Tem DeLaRosa asked how much the rate went down last month. The City Manager stated "about four percent to five percent." The City Manager stated that he was sharing information with Council that was passed on to him by the Economic report. The Mayor stated that the City would track this very seriously.

Council Member McAnally made the motion to approve the acceptance of the unaudited Monthly Financial Reports and Quarterly Investment Report for the period ending in August 31, 2015, seconded by Council Member Gilleland. The motion was approved on a vote of 4-0. Council Member Jackson was absent.

D.4 **Consideration, discussion and possible action on the Preliminary Plat for Pecan Park Residential Revised Section 4, being +/-11.13 acres within the Mozea Rousseau Survey A-56 located west of Childers Drive within the city limits of Bastrop, Texas.**
Mayor Pro Tem DeLaRosa made the motion to approve the preliminary plat for Pecan Park Residential, seconded by Council Member Gilleland. The motion was approved on a vote of 4-0. Council Member Jackson was absent.

D.5 **Consideration, discussion and possible action on the Preliminary Plat for West Bastrop Village, Section 1, Phase 1, being 41 residential lots on +/-10.970 acres out of the Nancy Blakey, Abstract No. 98 within the Bastrop, Texas One Mile Extra Territorial Jurisdiction (ETJ).**
Council Member Gilleland asked Melissa McCollum, Director of Planning and Development if she knew what the issue was with the individual on the Planning and Zoning Commission/Impact Fee Advisory Committee who voted nay in the 5-1 vote. Ms. McCollum stated that she did not remember. Mayor Kesselus asked if the minutes would reflect this information. Ms. McCollum stated yes.

Mayor Kesselus recessed the Council Meeting to allow the Ms. McCollum to retrieve the minutes from the previous Planning and Zoning Commission/Impact Fee Advisory Committee at 7:41 p.m.

Mayor Kesselus called the meeting back to order at 7:45 p.m.

D.5 **CONTINUED**
Ms. McCollum stated that she located the unofficial notes that were taken at the Planning and Zoning Commission/Impact Fee Advisory Committee meeting where the 5-1 vote was taken on this item. She stated that Mr. Kindred voted negative toward this item, Phase I and II, there wasn't a lot of discussion as to why he voted no. Mayor Pro Tem DeLaRosa asked if there was a lot of comment from the residents in this area. Ms. McCollum stated that there wasn't a lot of comments from residents in this area but there aren't a lot of residential homes in this area and she does not believe there were any public speakers for or against this item. Mayor Kesselus asked for more information regarding the traffic impact analysis (TIA). Ms. McCollum stated there was an original TIA when West Bastrop Village was planned a number years ago prior to the improvements of the construction and build out 20 which are now constructed. With Phase I and II it is less than 100 units, 41 and 37 residential lots total. Two exits are being proposed to FM 20 whereas the original development was only proposing one. A TIA update is not necessary at this time this is something that staff will be working with the applicant on in the future to update. Mayor Kesselus stated his confusion as to a ten year old TIA still being good in light of the extraordinary growth in the community. Ms. McCollum explained that the less than 100 units being proposed within the development at this point the TIA updated is not needed for these two plats.

Council Member Schiff made the motion to approve the preliminary plat for West Bastrop Village. The motion died for lack of a second.

Council Member McAnally made the motion to return to item D.5, seconded by Council Member Gilleland. The motion was approved on a vote of 4-0. Council Member Jackson was absent.

There was a motion made by Council Member Schiff to approve the preliminary plat for West Bastrop Village, Phase I with the following condition, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a vote of 4-0. Council Member Jackson was absent. The condition was that execution of appropriate utility agreements are obtained and also that no Final Plats are submitted to City Council until the utilities are finalized.

City Manager Talbot stated that the applicant is proceeding at her own risk due to the utility matters not being finalized.

D.6 **Consideration, discussion and possible action on the Preliminary Plat for West Bastrop Village, Section 1, Phase 2, being 37 residential lots on +/-7.117 acres out of the Nancy Blakey, Abstract No. 98 within the Bastrop, Texas One Mile Extra Territorial Jurisdiction (ETJ).**
Mayor Pro Tem DeLaRosa made the motion to approve the preliminary plot for West Bastrop Village, Phase 2 with the following condition, seconded by Council Member Schiff. The motion was approved on a vote of 4-0. Council Member Jackson was absent. The condition was that execution of appropriate utility agreements are obtained and also that no Final Plats are submitted to City Council until the utilities are finalized.

D.7 **Consideration, discussion and possible action on the acceptance of Hulu Court and the portion of Mahalua Ln within the city limits and adding it to the list of streets already under the care and maintenance of the City of Bastrop's Public Works Department.**
Mayor Pro Tem DeLaRosa asked who performed the inspection. Trey Job, Director of Public Works stated the City. Mayor Kesselus asked Mr. Job what percentage of the roads in city limit portion are remaining to be done. Mr. Job responded "maybe five."

Mayor Pro Tem DeLaRosa made the motion to approve Hulu Court and the portion of Mahalua Lane within the city limits and add to the list of streets existing under the care and maintenance of the City of Bastrop's Public Works Department, seconded by Council Member McAnally. The motion was approved on a vote of 4-0. Council Member Jackson was absent.

D.8 **Consideration, discussion and possible action on the first reading of a proposed ordinance of the City Council of the City of Bastrop, Texas annexing the hereinafter described territory being 16.21 acres situated within the town tract of Bastrop, abstract 11 to the City Of Bastrop, Bastrop County, Texas, and extending the boundary limits of said city so as to include said hereinafter described property within said city limits, and granting to all the inhabitants of said property all the rights and privileges of other citizens and binding said inhabitants by all of the acts, ordinances, resolutions and regulations of said city.**
Council Member McAnally made the motion to approve the first reading of the ordinance, seconded by Council Member Gilleland. The motion was approved on a vote of 4-0. Council Member Jackson was absent.

D.9 **Consideration, discussion and possible action regarding approval of a resolution of the City of Bastrop, Texas, providing preliminary support for the future evaluation the construction of and potential development of transportation system and roadway(s) for enhancing connectivity in the western area of the city's corporate limits.**

Shawn Kirkpatrick, Executive Director of the Bastrop Economic Development Corporation stated that the BEDC staff does not have Eminent Domain authority they are not allowed to do right of way acquisitions without the Councils consent.

Council Member McAnally asked if a resolution would be necessary each time the City Manager wanted to go look at property. The Mayor explained that the intent of the resolution is to take advantage of Council Member DeLaRosa's experience of twenty plus years and the Council has been clear lately of the fact that they do not want anyone but the City Manager to deal with anything unless the individual is named. Council Member Schiff stated that it is time to look at the western portion of town because it is known that there are a lot of issues there. Council Member McAnally agreed with Council Member Schiff but expressed that she is still confused by having to use a resolution to do so. Mayor Pro Tem DeLaRosa stated that once he and the City Manager sit down and talk it might be discovered that this project is bigger than expected and could require the assistance of the County. Before anything would be done the Mayor Pro Tem and City Manager would come back to Council and give a report and get direction from Council. Mayor Kesselus stated in his perspective if the Council sends someone out to do something there must be direction given and that is the purpose of this resolution. Council Member Gilleland questioned the specific wording of "negotiations, acquisition and potential construction of a City of Bastrop roadway" she wanted to know what it entailed. The Mayor asked the City Manager why this would be in the motion. The City Manager replied the Council will need to know what the right of way is going to cost, cost of construction of the street and in order for Mayor Pro Tem DeLaRosa and City Manager Talbot to do a total package the City Manager has to pull the costs together he also stated that he nor Mayor Pro Tem DeLaRosa has the authority to spend $10,000,000. City Manager stated that he would have to turn in a budget to Council to show what streets were being extended, why and what it is going to cost. City Manager stated the reason he feels it merits being looked at is because previous councils have allowed properties to plat out there not taking into account existing streets so that requires this Council to have the authority to require new neighborhoods to dedicate the right of way. Council Member Gilleland asked the City Manager what he envisioned this resolution giving him the permission to do. The City Manager stated he envisions looking at both the north and south end. The City Manager stated that the last three Saturdays around 2:00 p.m. he has gone down to the intersection of Hasler and 71 and it takes four ques before you can proceed through the stop light. Council Member Gilleland ask for further explanation of what this resolution allows the City Manager to do. The City Manager stated it allows him to study, ask a seller how much they want for a property, and if deemed appropriate request an appraisal in order to justify the cost of the property but it does not allow him to purchase property. Council Member McAnally stated the only stumbling block that she can see is the negotiation part, she does not feel that it is appropriate for council members to do negotiation.

Council Member Schiff made the motion to approve the resolution with the following amendment to section 2 of the resolution, seconded by Council Member Gilleland. The motion was approved on a vote of 4-0. Council Member Jackson was absent. The amendment to Section 2 of the resolution should capture the following "...to develop the cost of acquisition potential construction of a City of Bastrop roadway, that would meet the standards and improve the City system and increasing connectivity subject to City Council approval."

D.10. **Consideration, discussion and possible action on the Award of Contract to East Valley Golf, LTD. DBA Revegetation Services to complete the Gill Branch Fuel reduction Hazardous fuel mitigation project for a total amount of $208,876.50.**

Council Member Schiff made the motion to award a contract to East Valley Golf, LTD doing business as Revegetation Services, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a vote of 4-0. Council Member Jackson was absent.

D.11. **Consideration, discussion and possible action regarding approval of the first reading of an ordinance amending Chapter 5 and Chapter 9 of the City of Bastrop Code of Ordinances and re-codifying portions of Chapter 5 into Chapter 9; creating and enumerating the powers and duties of the positions of director of public safety, fire chief and assistant police chief; adding provisions concerning the administration of the Bastrop volunteer fire department; repealing provisions of Chapter 5 regarding the position of fire marshal; creating the position of fire inspector; amending provisions related to the powers and duties of City of Bastrop volunteer firefighters; providing a savings and a repeal clause; and providing an effective date.**
Council Member McAnally made the motion to approve the first reading of the ordinance, seconded by Council Member Gilleland. The motion was approved on a vote of 4-0. Council Member Jackson was absent.

D.12 **Consideration, discussion and possible action regarding approval of a Memorandum of Understanding between the City Of Bastrop and the YMCA of Austin regarding the Bastrop County Shelter Grant.**
Council Member Gilleland asked that the proposal be accelerated to the December 8, 2015 meeting in order for Council to have time to approve before the ninety day expires. (This is for the Y, the 90 days remains as 90 days for the City of Bastrop.) Council Member Gilleland requested that the City Manager be prepared to go to plan B if necessary.

Carlos Liriano advocated for recreation for the kids in Bastrop.

Council Member Gilleland made the motion to approve the Memorandum of Understanding with the previous instructions, seconded by Council Member McAnally. The motion was approved on a vote of 4-0. Council Member Jackson was absent.

Chief Adcock gave an update on the status of the fire. The fire had covered 250 acres and was at 30% containment. The Smithville Shelter was open.

E. EXECUTIVE SESSION - NONE

ADJOURNMENT

At 9:05 p.m., Council Member Schiff made the motion to adjourn, Council Member Gilleland seconded the motion which passed on a 4-0 vote.

APPROVED:

Mayor Ken Kesselus

ATTEST:

Ann Franklin

City Secretary Ann Franklin