MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
SEPTEMBER 8, 2015

The Bastrop City Council met in a Regular Meeting on Tuesday, September 8, 2015 at 6:30 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Ken Kesselus, Mayor Pro Tem Willie DeLaRosa and Council Members Kay Garcia McAnally, Gary Schiff and Dock Jackson.

CALL TO ORDER

At 6:32 p.m. Mayor Kesselus called the Meeting to order with a Quorum being present. Council Member Gilleland was absent with the exception of the discussion of D.4. (She arrived at 7:04 p.m. and departed at 7:27 p.m.)

PLEDGE OF ALLEGIANCE

Curtis Ervin led the Pledge of Allegiance and the Pledge to the Texas Flag.

INVOCATION

Mayor Ken Kesselus gave the Invocation followed by a viewing of our first PEG Chanel video featuring the Bastrop Police Department and Officer Kenneth Mack.

PRESENTATIONS

1. **The Boys & Girls Club of Bastrop County** –
   The presentation was made by Jo Albers. The presentation was "Building Great Futures", Boys & Girls Club of Bastrop County. There was a request for a five year extension on the current deadline. Start construction of facility on donated parkland.
   - Council Member Jackson asked if there was adequate space and the response was yes there is. He suggested that the Boys and Girls Club speak to the Planning Department regarding rules and regulations for building.
   - City Manager Talbot asked how soon the Boys and Girls Club would know if they were approved for the grants. The response was there are various phases: Bluebonnet will decide in October; Impact Austin application is filed in January and winners are informed the following June; and USD Development application can be filed at the end of the year. Mike stated the grants are very competitive and he asked if there was a contingency plan if the grants did not come through. The answer was to increase the capital campaign target.

2. **Presentation of the "People's Choice Transformer Award" to Ms. Elizabeth Sullivan.**
   Deborah Johnson, Chair for Bastrop Art in Public Places presented the "People's Choice Transformer Award" to the recipient, Ms. Elizabeth Sullivan.

CITIZEN COMMENTS

Dorothy Skarnulis – Gave a presentation regarding the Fall event "Team up To Clean up'

ANNOUNCEMENTS

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

- Council Member McAnally stated that there was a great turn out for the open house event.
- City Manager Talbot stated there were approximately 100 people who attended and stayed around for a while. Part of this was attributed to the great maps that were on display.
- Council Member Jackson stated that the interaction was great and there was an opportunity to complete the survey at the open house using an IPAD.
- Council Member McAnally encouraged everyone to take the survey.

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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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D. NEW BUSINESS

D.1 Consideration, discussion, review and possible action regarding a discussion with the City Manager on controlling the length of city council meetings.

City Manager Talbot informed the Council that he found procedures for Council meetings and he is reformatting and putting them in a draft. The goal is to reach a procedural process on how to work through the agenda in order to cut down on the time of the meetings. The City Manager will present the formatted procedures at the next regular Council meeting.

Council Member McAnally thought Council Member Schiff's idea was a good one, to have the items presented by the City Manager rather than directors. The City Manager responded by saying that similar to the policies he found, once the Mayor brings an item up it is then turned over to the City Manager and it is at his discretion whether he briefs the Council or he appoints a staff member to do the briefing.

Mayor Kesselus stated his disagreement, he feels that if a Council Member raises an issue they want brought up then that Council Member should have the first opportunity at speaking on it and then allow the City Manager to respond and then Council speaks. The City Manager stated as he remembers it goes through the Council process and then turns to the City Manager, the Council might have some discussion. The City Manager stated there is ample opportunity for the Council to chime in at any time but there are procedures.

No action was taken.

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.2 **Second reading of an ordinance amending Chapter 15, Article 15.01 "Cemeteries" of the Bastrop Code of Ordinances, and Appendix a "Fee Schedule," Article A15.01 "Fairview Cemetery" to reflect an increase in fees for the purchase of cemetery plots; providing a severance clause, and providing an effective date as recommended by the Cemetery Advisory Board.**

A.3 **Consideration, discussion, review and possible action regarding the approval of the Bastrop Arts in Public Places 2016 Bastrop Transformer Cabinet Mural Project.**

Mayor Pro Tem DeLaRosa made the motion to approve the Consent Agenda, seconded by Council Member Jackson. The Consent Agenda was approved on a vote of 4-0.

DISCUSSION ITEM

A.1 **Consideration, discussion and possible action regarding approval of minutes from the City Council regular meeting of August 11, 2015, budget workshop of August 18, 2015 and regular meeting of August 25, 2015.**

Mayor Pro Tem DeLaRosa made the motion to approve the City Council regular meeting of August 11, 2015 and budget workshop of August 18, 2015, seconded by Council Member Jackson. The motion was approved on a vote of 4-0. The August 25, 2015 minutes were pulled from the agenda.

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

B.1 **Conduct a second public hearing to receive citizen input on a request to annex 16.21 acre tract situated in the Town Tract of Bastrop, Abstract 11, in Bastrop County Texas., being portions of the 90.91 Healy Tract located on the northwest corner of Carter and the Railroad Tracts.**

David Singleton, the applicant spoke in favor of the annexation.

City Manager Talbot expressed his appreciation to the applicant for his interest in Bastrop.

The public hearing was closed.

Mayor Kesselus recessed the Council Meeting at 7:07 p.m.

Mayor Kesselus called the Council Meeting back to order at 7:08 p.m.

D. NEW BUSINESS

D.4 **Consideration, discussion, review and possible action authorizing the City Manager to have discussion with the Lost Pines Hyatt and the Bastrop Marketing Corporation with regards to the idea of extending "Bastrop Corporation Marketing Agreement" with the City from June 1, 2016 through December 31, 2016 with certain adjustments beginning June 1, 2016 and stipulations to benefit the City of Bastrop.**

Council Member McAnally stated that she would like to postpone this item until after a workshop has been held in order for everyone to be on the same page when this important decision is made. She suggested having the workshop very quickly and then determine what the Council as a whole would like to do regarding the facility for the YMCA and how to get there.

Council Member Gilleland expressed her preference to have a workshop first.

Mayor Kesselus explained his reason for raising the issue as follows: he has asked the City Manager to locate an expert not only to lead in the workshop but to come to Council to conduct an interview with the applicants, this will all take a while. He feels it is important to do a number of things: 1) buy Council time to make a really good decision about what to do about either replacing or extending the Bastrop Marketing Corporation (BMC); building a new DMO or something similar; and coming up with a new plan. (Be very careful and don't want to be rushed.) One of the things causing the rush is that the contract with the Hyatt ends on May 31, 2016. Frustration has been expressed by the BMC because it is hard for them to plan for part of the year, you have to plan a full year ahead. The Mayor is suggesting a modified agreement from June 1st to December 31, 2016 with the Bastrop Marketing Corporation to get through the Christmas season, that would benefit the City in significant ways and it could be determined in a contract type of conversation with the City Attorney and City Manager, it would help build toward a future deal and solve current urgency situation. The Mayor wants to send a message that the City is going to continue this process throughout the next big business cycle.

City Manager Talbot's recommendation to the Council is to honor Council Member Gilleland's request and postpone this item until next week in order to have a workshop session. His perspective on how the Hyatt and DMO are dealt with are two separate issues.

Council Member Schiff stated that he feels that extending the existing contract makes a lot of sense, but not necessarily as it is written now. His proposal would be to extend the contract along similar lines as to what it is right now and to challenge the BMC to be the DMO for the next year. To position themselves to work with all the HOT fund organizations and prove that they can accommodate the various organizations that are in the City. When the contract is extended add language that says that they should inject themselves more into the community and HOT fund organizations and if they prove themselves it will be taken into consideration when taking the next step, it will be a proving ground for the City.

Council Member McAnally wanted to make the clarification that a DMO would not work with an organization individually.

City Manager Talbot stated that he met with the Hyatt and they are committed to participating in the DMO.

Mayor Pro Tem DeLaRosa stated that he believes if the representatives for the Hyatt sat before Council to answer questions this would move the process further along. City Manager Talbot stated that in his meeting with the Hyatt they expressed that they were more than willing to meet with Council and if there is anything specific that Council would like to have prepared in advance they are willing to accommodate.

Council Member Gilleland made a motion to authorize the City Manager and only the City Manager to discuss potential contractual terms with the Hyatt and DMCs to inform them that the City's intention is to continue to be long term partners with the Hyatt and the City has no plans to end the contract with the Hyatt in June and the Council will come back at a later date with more details. The item was seconded by Council Member McAnally. The motion was approved on a vote of 5-0.

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

B.2 **The City Council will conduct the second "Public Hearing" on the proposed property tax rate for the City of Bastrop for fiscal year 2016.**

Mayor Pro Tem DeLaRosa stated that by raising the tax rate by one cent the Council is losing the opportunity to go out and issue more money for a bond, this is restraining the Council to the maximum of a $4 million bond.

City Manager Talbot stated that he could show Council in executive session why it would be in the best interest of the City to raise the tax at this time. In the meeting scheduled for next week he will be showing Council some projections. Council has up until the second reading to change the tax rate. As part of the Utility workshop Council will have a chance to go over the electric fund financials.

The public hearing was closed and the Bastrop City Council will consider the second reading of an ordinance to adopt the Tax Rate for the City of Bastrop Fiscal Year 2016 at the September 22, 2015 City Council Meeting.

B.3 **First reading of an ordinance of the City Council of the City Of Bastrop, Texas: revising the City Code Of Ordinances, Chapter 13, "Utilities," by amending Section 13.02.006, "Reconnects Fees And Service Fees For Delinquent Accounts"; amending Sections 13.07.001, "Residential Service," 13.07.002, "Commercial Service," and 13.07.003, "Key Accounts," and adding Section 13.07.006,**

"Disconnect And Reconnect Fees For Delinquent Accounts"; amending Appendix "A," "Fee Schedules," Sections 13.02, "Water And Wastewater Rates And Charges," 13.07, "Electrical Service," and 13.09, "Utility Fees, Rates, And Deposits"; and providing an effective date.
Mayor Pro Tem DeLaRosa made the motion to approve the first reading of the ordinance, seconded by Council Member McAnally. The motion was approved on a vote of 4-0.

B.4 **First reading of an ordinance amending the Bastrop City Code of Ordinances, Appendix a fee schedule, Article A13.02 "Water and Wastewater Rates and Charges", repealing conflicting provisions; providing severability; and providing an effective date.**
Mayor Pro Tem DeLaRosa made the motion to approve the first reading of the ordinance, seconded by Council Member Schiff. The motion was approved on a vote of 4-0.

B.5 **The City Council will conduct a "Public Hearing on the Proposed Budget for the City of Bastrop for Fiscal Year 2016.**
City Manager Talbot presented an overview of the proposed budget.

The public hearing was closed.

B.6 **First reading of an ordinance of the City of Bastrop, Texas, adopting a budget and appropriating resources for Fiscal Year 2015-2016; beginning October 1, 2015 and ending September 30, 2016; in accordance with existing statutory requirements; repealing all conflicting ordinances; containing a severability clause; and providing for an effective date; with the second reading and final adoption of the City of Bastrop Budget for Fiscal Year 2015-2016 to be held on September 22, 2015.**
Council Member Jackson made the 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.

B.7 **First reading of an ordinance fixing the tax rate and levy for the City Of Bastrop, Texas, for the purpose of paying the current expenses of the City for the fiscal year ending September 30, 2016; and for the further purpose of creating a sinking fund to retire the principle and interest of the bond indebtedness of the City; providing for a lien on all real and personal property to secure payment of taxes due thereon; containing a severability clause; repealing all ordinances and parts thereof in conflict herewith; and providing for an effective date.**
Council Member Schiff made the motion to approve the first reading of the ordinance, seconded by Council Member Jackson. The motion was approved on a vote of 4-0.

C. OLD BUSINESS - NONE

D. NEW BUSINESS

D.2 **Consideration, discussion and possible action to recognize the City of Bastrop's Mayfest Park Rodeo Arena as a City facility eligible for improvements to be made with HOT funding, as specifically provided for by the 83rd Texas Legislative**

Regular Session (by HB 3615, presented to Governor Abbott and effective as Texas law on June 19, 2015), for the economic benefit of and the enhancement of overnight tourism and hotel industry in the City of Bastrop.
Council Member McAnally made the motion to recognize the City of Bastrop's Mayfest Park Rodeo Arena as a City facility eligible for improvements to be made with HOT funding, seconded by Council Member Jackson. The motion was approved on a vote of 4-0.

D.3 **Consideration, discussion, review and possible action regarding the submittal of project to Bastrop County for the HUD/GLO Shelter Grant Program.**
City Manager Talbot gave a presentation. He stated that he met with the YMCA(Y) representative and had a discussion regarding the feasibility of the Y coming to Bastrop.

- The Y is proposing to scale back their facility from 35,000 square feet to 20,000 and build in such a manner they could add another 15,000 at a later date. The only cost to the City would be for the City to donate to the Y the City's portion of the shelter grant, which has a commitment deadline of September 30th.
- City Manager Talbot had an extensive meeting with Judge Pape, and explained that the Y said it would take them 90 days to put their plan together and the judge agreed to go along with granting the 90 day extension to give the Y the opportunity to see if they can put the project together with the $1.6 million and be able to bring the YMCA to Bastrop. If they are not able to complete the project by the end of the 90 days the City of Bastrop will have to build the building with $1.5 million.
- The Y was also informed that the City of Bastrop is also working with the Boys and Girls Club and the Y representatives stated that they do not have a problem with extending an open hand to the Boys and Girls Club, making time available in the facility for them.
- During the 90 days in which the Y is putting together their plan the City of Bastrop will also be putting together a couple of options because there must be something in the County Judge's office on the 91st day or the funding will be lost.
- The City Manager recommended that before the next Council meeting a Memorandum of Understanding be developed between the Y and the City of Bastrop so there is no miscommunication when the 90 day mark is reached.

Council Member Schiff felt that a reasonable option C could be for the land adjacent to the Opera house (which already has a plan in place) to make the new wing compatible with the Boys and Girls club. The Boys and Girls club could use it in the afternoon hours and evening and weekends would be dedicated to the Opera house use and other opportunities.

Direction to the City Manager:

- Look at potential structure that might be built and determine the cost and will it fit within the grant parameter.
- Work on making a recommendation on how to spend the $1.5 million.

Council Member McAnally made the motion to direct the City Manager to go forward with an MOU between the City and the Y, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a vote of 4-0.

D.5 **Consideration, discussion, review and possible action regarding the approval of the terms of the Bastrop Arts in Public Places Board Members as the Bastrop Arts in Public Places understand their terms on the BAIPP board.**
Council Member Jackson made the motion to approve the list of terms submitted by the Bastrop Arts in Public Places Board as the official term list. Mayor Pro Tem DeLaRosa seconded. The motion was approved on a vote of 4-0.

D.6 **Consideration, discussion, review and possible action regarding a request from the Bastrop Arts in Public Places be authorized to purchase the bronze sculpture "Mystic Flight" from Mr. Don Pogue for $24,000.00.**
Council Member McAnally made the motion to approve the purchase of the bronze sculpture "Mystic Flight" from Mr. Don Pogue, seconded by Council Member Schiff. The motion was approved on a vote of 4-0.

D.9 **Consideration, discussion and possible action on the Boys & Girls Club of Bastrop County request for release of payment of Community Support funds approved by City Council for their organization for FY2015.**
Council Member McAnally made the motion to approve the release of payment of Community Support funds, seconded by Council Member Schiff. The motion was approved on a vote of 4-0.

D.10 **Appointments by Mayor and confirmation by Council of members to the Bastrop Art in Public Places Board.**
Council Member McAnally made the motion to approve the appointment of Jo Albers and Anne Beck to the Art in Public Places Board, seconded by Council Member Schiff. The motion was approved on a vote of 4-0.

D.7 **Consideration, discussion and possible action on acceptance of the unaudited Monthly Financial Reports and Quarterly Investment Report for the period ending in July 31, 2015.**
Mayor Pro Tem DeLaRosa made the motion to accept the unaudited Monthly Financial Reports and Quarterly Investment Report, seconded by Council Member McAnally. The motion was approved on a vote of 4-0.

D.8 **Consideration, discussion, review and possible action regarding the participation of the City Of Bastrop in Bastrop County's application to HUD for the National Disaster Resilience Competition Program and authorizing the City Manager to take any necessary action on behalf of the City Of Bastrop as it relates to Bastrop County's application for the National Disaster Resilience Competition Program.**
Council Member Jackson made the motion to approve the participation of the City of Bastrop in Bastrop County's application to HUD and authorizing the City Manager to

take necessary action on behalf of the City of Bastrop, seconded by Council Member McAnally. The motion was approved on a vote of 4-0.

E. EXECUTIVE SESSION

The Bastrop City Council met at 8:55 p.m. 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 water permits and supply 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 including contracts.

   A. Threat of litigation "criminal trespassing."

2. **SECTION 551.072** – Deliberation regarding real property: Regarding the purchase, exchange, lease, disposition, or value of real property: The Lot of 921 Main Street

At 9:41 p.m. the Bastrop City Council reconvened 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. **NO ACTION WAS REQUIRED.**

ADJOURNMENT

At 9:43 p.m. Council Member Schiff made the motion to adjourn, Mayor Pro Tem DeLaRosa seconded the motion which passed on a 4-0 vote.

APPROVED:

Mayor Ken Kesselus

ATTEST:

City Secretary Ann Franklin