

**MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
AUGUST 25, 2015**

The Bastrop City Council met in a Regular Meeting on Tuesday, August 25, 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, Council Members, Kelly Gilleland, Kay Garcia McAnally, Gary Schiff and Dock Jackson.

CALL TO ORDER

At 6:00 p.m. Mayor Kesselus called the Meeting to order with a Quorum being present.

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EXECUTIVE SESSION

The Bastrop City Council met at 6:01 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, *et seq*, to discuss the following:

1. 551.086 – Certain Public Power Utilities – Competitive Matters – Bastrop Power and Light

The Bastrop City Council reconvened into open session at 6:30 p.m. to discuss, consider and/or take any actions necessary related to the executive sessions noted herein, or regular agenda items, noted below, and/or related items.

PLEDGE OF ALLEGIANCE

Ann Franklin led the Pledge of Allegiance and the Pledge to the Texas Flag.

INVOCATION

Marie Blazek, Practicing Buddhist

PRESENTATION

Update on Bastrop Economic Development Corp. – Executive Director Shawn Kirkpatrick
Mr. Kirkpatrick gave a presentation on the Economic Development Corporation meeting for August and informed the Council that the board approved the FY16 budget at this meeting.

- The Bastrop Economic Development Corporation will meet in a joint meeting with the Bastrop City Council in October.
- Comptroller Haggard will host a town hall meeting at the Bastrop Convention Center on September 16, 2015 from 3:00p.m.-4:00p.m.

PROCLAMATIONS

Honoring newly inducted members of the Bastrop High School Sports Hall of Fame.

Jane Wright and Anthony Hubbard each accepted their proclamation. Mayor Pro Tem DeLaRosa expressed his congratulations to each of the honorees.

CITIZEN COMMENTS

Deborah Moore expressed concern with the differentiation of in city/out of city residents for the use of the Y.

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

Council Member McAnally reported that the representatives of the Halff and Associates will be in attendance and providing direction at the open house at City Hall on September 3, 2015 from 4:00 p.m. to 8:00 p.m. Council Member Jackson promoted the Comprehensive Plan survey and urged individuals to fill out the survey.

CITY MANAGER'S INFORMATIONAL REPORT FOR THE AUGUST 11, 2015 CITY COUNCIL MEETING:**I. Meetings and Events Attended:**

- A. Attended the Monthly Meeting of the Bastrop Arts in Public Places Monthly Meeting.
 - B. Attended a Meeting Held by the Bastrop Volunteer Fire Department on August 13, 2015.
 - C. Attended Hunters Crossing Public Improvement District Meeting on August 17, 2015.
 - D. Attended the Monthly Meeting of the Bastrop Economic Development Corporation on February 17, 2015.
 - E. Attended the Special Meeting of the City Council on February 18, 2015 Regarding the Proposed FY-16 Budget.
 - F. Attended the Monthly Meeting of the Lost Pines Groundwater Conservation District on August 19, 2015.
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II. Update on City Projects and Issues:

- A. Discussion and Review of Water Usage for the period of August 11, 2015 through August 29, 2015.
- B. Update on the Long Term Water Supply Project.
- C. Review and Discuss Upcoming Meetings of the City Council
- D. Discussion and Review Regarding the FY-16 Annual City Council Annual Planning Retreat.
 - At the Council's request the City Manager has brought forward three possible dates for the annual retreat which are, January 23, 2016, January 30, 2016, and February 6, 2016. The Council requested that the City Manager choose between January 23 or 30, 2016 for the retreat date.
- E. Update on Current City Infrastructure Projects:
 - A. Farm Street Reconstruction Project [Smith Construction]
 - Project was completed ahead of schedule and open for the first day of school. There is one more phase left.
 - B. Water, Haysel & Spring Streets Infrastructure Project. [Facility Maintenance]
 - C. Tahitian Village Overpass Project
 - E. Water Filtration Project
- F. Update on the Comprehensive Plan.
 - Surveys are due on September 15, 2015, as of today there have been 908 adults and 34 youth surveys returned. Council Member Jackson pointed out that the surveys are available on-line as well as in paper form.
- G. Update on the Transition of Solid-waste/Recycling Companies for the City of Bastrop.
- H. Discussion and Review of the City of Bastrop's Sign Ordinance as it Relates to Business Located S.H. 71 and Authorizing/Granting the City Manager a Waiver to the Variance Process.

- There was a miscommunication and the City Manager is requesting authorization from the Council to work with the developer of the Retail Station. If the director wants to come before Council he is granted a 30 day waiver because it was not his fault. The City Manager explained that under the ordinance there is 30 days to appeal to Council and the developer was not aware of this.
- Mayor Kesselus asked the City Manager if this would be his way of suggesting a change to the ordinance. The City Manager replied yes.

Council Member Schiff made the motion to grant authorization to the City Manager and to grant the variance of the 30 days to appeal. Seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a vote of 5-0.

I. Update on the Process Changing Solid-Waste/Recycling Companies for the City of Bastrop.

J. Update on the Quiet Zone Project.

K. Update on the Gills Branch Brach Fuel Reduction Project.

L. Discussion and Review Regarding the Issuance of Certificates of Obligations.

- The City Manager informed the Council of the time frame as follows. In order to go to the bond market at an appropriate time and to meet the statutory requirements of the notice the last date Council could do it before the Christmas season would be at the September 22 meeting then approve sale of bonds on December 8, 2015.

M. Review and Discussion Regarding Special Events Held in the City of Bastrop.

- The City Manager provided the Council with the list of special events held in the City of Bastrop for the years 2013 through 2015.
- Mayor Kesselus stated that maybe it is time to figure out a procedure for how special events are done: what the events are; what the City should sponsor; whether or not some of the cost of the police and staff for some of the events can be returned and maybe tie it in to the DMO and Hot fund conversations. This will be a planning retreat topic.

N. Management/Administrative Activities

- Council Member McAnally asked that an item of discussion and possible action regarding controlling the length of the Council meetings be put on the next Council meeting agenda. The City Manager informed Council that he has implemented a new procedure. He meets with the staff that has an item on the agenda at 4:30p.m. the day of the meeting to discuss the item and be better prepared in order to help move the meeting along quicker.

III. Other City Activities:

- A. City of Bastrop Convention Center Activities.**
- B. The City of Bastrop Main Street Program.**
- C. Planning Department – Inspection Report.**
- D. Update on the YMCA Program.**

Inviting input from the City 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.

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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CONSENT AGENDA

All of the following items 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 the budget workshop of August 4, 2015.
- A.2 Approval of the statutory denial, for a period of 180 days from the date of Council action on a request for the Pecan Park Residential, Section 4, being 70 lots located on Childers Drive.
- A.3 Approval of the Final Plat for the Subdivision of a Northwest Portion of Farm Lot 11, East of Main Street being +/- 1.413 acres located on the southeast corner of Mesquite and Pecan Streets, within the city limits of Bastrop, Texas
- A.4 Second reading of an ordinance granting a zone change from C1, commercial-1 and C2, commercial-2 to PD, commercial planned development allowing for commercial and multi-family development for approximately 66.494 acres within the Nancy Blakey survey, abstract no. 98, located South of Orchard Parkway and North of the proposed extension of Hasler Boulevard within the city limits of Bastrop, Texas as part of the overall Pecan Park conceptual plan; setting out conditions; and providing an effective date.

Mayor Pro Tem DeLaRosa made the motion to approve the Consent Agenda, seconded by Council Member McAnally. The Consent Agenda was approved on a vote of 5-0.

NEW BUSINESS

- D.1 Consideration, discussion and possible action on approving the proposed funding allocation to those entities who submitted a request to the City Council by the Application due date for requesting Hotel Motel Funding for Fiscal Year 2015-16, as well as the fact that the Bastrop Fine Arts Guild was not considered for receiving Hotel Motel funds for FY 2015-16. The Chief Financial Officer shared her findings with the Council. She explained the Bastrop Fine Arts Guild's application was dated June 15, 2015 and the deadline was on June 5, 2015, all documents have been returned to the applicant with a letter of explanation to inform them of why the application was not accepted.

Council Member McAnally made the motion to approve the proposed funding allocation with the requirement that the organizations receiving the funds submit a revised budget to the Finance Department based upon the actual money that was received. Seconded by Council Member Gilleland. The motion was approved on a 5-0 vote.

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

- B.1 PUBLIC HEARING: Conduct a 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 the portions of the 90.91 Healy Tract located on the northwest corner of Carter and Railroad Tracts.

The public hearing was closed and no action was taken.

- B.2 Second reading of an ordinance granting a zone change from SF7, single family residential and A/OS – agricultural/open space to PD, residential planned development for approximately 204.576 acres within the Mozea Rousseau survey, abstract number 56, located at the terminus of Childers Drive within the city limits of Bastrop, Texas as part of the overall Pecan Park conceptual plan; setting out conditions; and establishing an effective date.**

Jacob Henry spoke and acknowledged that he is a neighbor to this property and that he has reservation regarding the PD and single family attached which is the townhomes. He requested this be removed from under single family dwelling as well. He would like to see section 6 developed in the same manner as section 5.

Council Member McAnally asked if these are in the city limits. Melissa replied yes.

Council Member Schiff asked Melissa what her thoughts were on the request. Melissa stated that the ordinance was revised after the first reading to exclude both the patio and condo designation in section 6.

Mayor Kesselus asked the owner what his feelings were.

The owner stated that he would rather stay with what was agreed to and approved on first reading.

Council Member McAnally made the motion to approve the second reading of the ordinance, seconded by Council Member Jackson. The motion was approved on a 4-1 vote. Council Member Schiff voted nay.

- B.3 The City Council will conduct the first “Public Hearing “on the Proposed Property Tax Rate for the City of Bastrop for Fiscal Year 2016.**

The public hearing was closed and no action was taken. Mayor Kesselus read into record 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 at 6:30 pm at City Hall, 1311 Chestnut Street, Bastrop Texas 78602.

OLD BUSINESS - NONE

NEW BUSINESS - CONTINUED

- D.2 Consideration, discussion and possible action on 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.**

Council Member Jackson made the motion to approve the ordinance as posted, seconded by Council Member McAnally. The motion was approved on a vote of 5-0.

- D.3 Consideration, discussion and possible action on approving the transfer of \$102,000 of available Art Funds from Hotel Motel Tax Fund to the General Fund. These funds will partially reimburse the General Fund for a grant paid to the Bastrop Art Guild.**

Council Member Gilleland made the motion to approve the transfer of \$102,000 of available art fund to the general fund, seconded by Council Member Schiff. The motion was approved on a vote of 5-0.

Council Member Gilleland asked what portion of the \$300,000 was still outstanding in the general fund. The City Manager stated \$244,000, \$56,000 short.

D.4 Consideration, discussion and possible action on approving a Resolution of the City of Bastrop Authorizing and Creating XS Ranch Public Improvement District, establishing the boundaries for same.

Council Member McAnally made the motion to approve the resolution, seconded by Council Member Schiff. The motion was approved on a vote of 5-0.

D.5 Consideration, discussion and possible action by the City Council to Suspend for FY-16 the current process which is "Termed Tier II Funding" for HOT Funds Grants and this suspension shall remain in effect until the City Council takes action to remove the suspension.

Council Member Schiff made the motion to suspend all funding except mandatory requirements until further Council approval, seconded by Mayor Pro Tem DeLaRosa. The motion passed on a vote of 5-0.

Council Member McAnally stated that a decision should be made quickly in order to have funds to spend on marketing. Council Member Schiff agreed and stated that there needs to be a look at the whole DMO, Tier I, II and III, and all things on the table except for the things that Council have to spend funds on except for the Convention Center and Visitors Center.

Council Member Gilleland stated that she is not sure that a resolution is needed to not spend Tier II money does not want to tie anyone's hands that might need to market while this process is in place.

D.6 Consideration, discussion and possible action on parallel parking on Main between the East side of Chestnut and Pine and extending the backline of the West side of the same area.

Council Member Schiff made a motion to direct the City Manager to prepare an ordinance for parallel parking on Main between the East side of Chestnut and Pine and extending the backline of the West side of the same area, seconded by Council Member Gilleland. The motion passed on a vote of 4-1. Mayor Pro Tem DeLaRosa voted nay.

E. EXECUTIVE SESSION

The Bastrop City Council met at 8:00 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, including open government issues, and/or any other matters posted on the agenda including contracts.
2. **SECTION 551.072** – Deliberation regarding real property: Regarding the purchase, exchange, lease, disposition, or value of real property
3. **SECTION 551.0-74** – Personnel Matters – Administration

At 9:20 p.m. 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.

Council Member Gilleland made a motion to authorize the City Manager and the City Attorney to organize an Ethics training workshop for the City Council prior to the September 15, 2015 Special Utility meeting, seconded by Council Member Jackson. The motion was approved on a vote of 5-0

Mayor Pro Tem DeLaRosa moved to place an item to discuss the extension of the City Manager's agreement with the City of Bastrop on an upcoming agenda in September, seconded by Council Member Jackson. The motion was approved on a vote of 5-0.

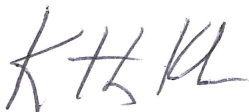
City Manager Talbot clarified a point that was made by him earlier in the meeting regarding his recommendation to the Council about the work that needed to be done in the evaluation and ultimately the creation of the DMO. The City Manager indicated that the pre-creation work was as important to the success of the project as the DMO itself, and therefore the Council should not rush this effort. He stated that the contractor would be retained under the professional service component of the Local Government Code, and that this would expedite the process overall. Council Member Schiff requested that the City Manager bring his recommendations for potential consultants to the Council in September, possibly the next meeting. Mayor Pro Tem DeLaRosa stated that would be rushing the City Manager, since he had work to do to evaluate and interview the professionals. The City Manager agreed that it would be the Council's decision on who to hire but he would start putting a short list of possible consultants together for the Council in order for them to have the input and guidance of an independent third-party consultant to advise them on this critically important process. The City Manager emphasized objectivity is critical to the process.

Council Member Schiff stated that he would like to discuss as part of the next City Manager's report increasing the City Manager's role in agenda meetings. He would also like to see the City Manager take on a more active and involved role in the meetings so that he presents the issue and his recommendation to the Council prior to each agenda item in order for the Council to benefit from his expertise prior to taking up any agenda item. Council Member Schiff also stated that this would likely expedite the Council meetings. He also noted that increased involvement from the staff, as per the City Manager's direction would also be an assistance. There was an agreement from other Council Members regarding this recommendation. City Manager Talbot stated that this was the process that he had used in other municipalities and he would be pleased to do so in Bastrop as well, if Council so desired. The Council Members stated that this was their overall desire. Mayor Kesselus noted that some agenda items might not be best handled in that way, but generally, the Council agreed it was the approach they wanted the City Manager to implement.

ADJOURNMENT

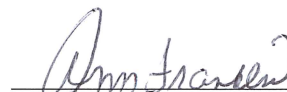
At 9:35 p.m., Mayor Pro Tem DeLaRosa made the motion to adjourn, Council Member Schiff seconded the motion which passed on a 5-0 vote.

APPROVED:



Mayor Ken Kesselus

ATTEST:



City Secretary Ann Franklin