

**MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
JULY 28, 2015**

The Bastrop City Council met in a Regular Meeting on Tuesday, July 28, 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, Gary Schiff and Dock Jackson.

CALL TO ORDER

At 6:30 PM Mayor Kesselus called the Meeting to order with a Quorum being present.

PLEDGE OF ALLEGIANCE

Victor Gonzalez led the Pledge of Allegiance and the Pledge to the Texas Flag.

INVOCATION

Mayor Ken Kesselus gave the Invocation.

PRESENTATIONS

1. Character Trait – Patriotism – Ms. Danielle Huber
Mayor Kesselus introduced Ms. Huber as an outstanding citizen who is a resident of Oldtown Bastrop, a homeschool student, an accomplished actress, dancer, singer and pianist. Ms. Huber thanked the Council for her invitation and shared her understanding of Patriotism.
2. Partnership dialogue – Aqua Water Supply Corporation – General Manager Dave McMurry
Mayor Kesselus invited Mr. McMurry to come forward and share information with the council. Mr. McMurry stated that there is a lot of planning going on which is going to affect how we get our water in the future. He gave an overall perspective on where everyone is at in the water industry.
3. Marc Conselman – Plan for a City-wide event.
Mayor Kesselus invited Mr. Conselman to share his vision with the council. Mr. Conselman shared his vision of a cultural attachment and devotion as for the way things can be and he would like to see a music event.
4. Update on Bastrop Economic Development Corp. – Executive Director Shawn Kirkpatrick
Mr. Kirkpatrick gave a presentation on the Economic Development Corporation meeting for June.
5. **City of Bastrop 2015 Platinum Leadership Circle Award** - City Manager Mike Talbot read the proclamation and presented it to Traci Waldron, Chief Financial Officer.

CITIZEN COMMENTS

Mr. Lance Reed and Ms. Johnnie Grench thanked the City of Bastrop for the help in sponsoring the recent Clean Up The River, The Bastrop River Rally.

ANNOUNCEMENTS

Mayor Kesselus stated that former Mayor Scott and former Council Members Neil Gurwitz, Martha Harris and Johnny Sanders were visiting the Council meeting and thanked them for being in attendance.

CITIZEN COMMENTS CONTINUED

Wayne Gerami – expressed thank you from Austin Habitat for Humanity regarding the land contribution from the City of Bastrop this past year and to inform Council that the organization had submitted an application for funds for the upcoming year.

Ellen Denny – expressed her concerns as a mother regarding the second hand smoke at the playgrounds and the risk that it brings.

ANNOUNCEMENTS CONTINUED

The Mayor gave direction to the City Secretary to include a reoccurring item on the Council agenda going forward for the next year under “Announcements” as an update on the Comprehensive Plan Steering Committee to be presented by Council Members Garcia McAnally and Jackson.

A. Update on Comprehensive Plan Steering Committee – Kay Garcia McAnally and Dock Jackson
Council Member McAnally stated that the results were successful, the people were enthusiastic, full of ideas and visions and there was a lot of participation. The attendees were divided up into three groups using the SWOT analysis to determine what they thought the opportunities, strengths and weaknesses were with the City. The three group’s top points were almost identical: Strengths - charm, natural resources, fantastic HOT (Hotel Occupancy Tax) revenue, well managed City Hall and location (between Austin and Houston); Opportunities – become an arts community or tourism, destination marketing opportunity to utilize the highest and best use of the HOT money, building a YMCA to bring more programs and indoor pool and to connect the City with the unified message desired to send to the people; Threat – losing our sense of self and becoming an Austin subdivision; and Weaknesses – lack of unified message of who we are to tourists; too little access to our wonderful river; not enough housing for all ages and budgets; and the State Park is no longer as beautiful as it was.

Council Member Jackson shared that this was basically an orientation meeting and there is a very strong group of proponents in our community and grateful that the process was conducted to select the people and having the representatives throughout the community be a part of the process. This process is anticipated to take approximately a year.

CITY MANAGER’S INFORMATIONAL REPORT FOR THE JULY 14, 2015 CITY COUNCIL MEETING:

I. Meetings and Events Attended:

- A. Attended the Special Meeting of the Bastrop Economic Development Corporation on July 24, 2015.
- B. Attended the Special Meeting of the Lost Pines Groundwater Conservation District on July 24, 2015
- C. Special City Council Budget Workshop on July 7, 2015.

II. Update on City Projects and Issues:

- A. Discussion and Review of Water Usage for the period of June 1, 2015 through July 13, 2015

- B. **Update on the AMI Project.** – The following individuals were recognized as being part of the team that worked on and achieved the completion of the Meter Reading Information System: Andres Rosales, Trey Job, Traci Waldron, and Tracey Moffett. (This was not an inclusive list of the team.) The project was brought in on time and under budget.
- C. **Update on the FY-16 Budget**
- D. **Update on Current City Infrastructure Projects:**
 - A. **Farm Street Reconstruction Project** [Smith Construction]
 - B. **Water, Haysel & Spring Streets Infrastructure Project.** [Facility Maintenance]
 - C. **Tahitian Village Overpass Project**
 - D. **Alley D Improvements**
- E. **Update on the Comprehensive Plan.** – Last week was the kick-off of the Comprehensive Plan. There were a total of 11 stakeholder meetings as well as a special council meeting and the steering committee got together to hear what happened over the last three days. There will be a survey distributed to the youth of the community via the schools and to the residents, the goal is to have as many people as possible respond to the survey. There will possibly be sites set up at the public library and utility office to distribute the survey.
- F. **Update on the work Accomplished in the Northern area of the City.** – City Manager Talbot arranged a meeting between Dave Marsh and Pastor Nava to discuss CARTS.
- G. **Update on the Downtown Parking & Main Street Parking Issues.** – Received a letter from Texas Department of Transportation to inform the City that the bid letting for State Highway 71, 95 overpass was being postponed from August to December. City Manager contacted the Texas Department of Transportation and was informed that the bid delay does not delay the construction date of February.
- H. **Rules & Regulations Regarding the “Rodeo Arena”.** - The City Manager attended a meeting with the Bastrop Family Rodeo Club regarding the arena on July 23, 2015.
- I. **Bastrop Art In Public Places Call for “Sculpture Project”.**
- J. **Request from the Bastrop Marketing Corporation to make Expenditures of Hotel/Motel Funds.**
- K. **Update on House Bill 910 and Senate Bill 11.**
- L. **Update on Bastrop Opera House**
- M. **Management/Administrative Activities**

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.**

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 July 14, 2015.

- A.2 Approval of a request for a one hundred and eighty (180) day extension for the Grove Final Plat, Phase 1 Lot 5 Block A being a +/-1.020 acre tract located approximately 1,450' east of the intersection of Highway 304 (The Centers of Woodland) within the city limits of Bastrop, Texas.
- A.3 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 Taylor Lane Subdivision being +/- 2.999 acres out of the Nancy Blakey Survey, Abstract No. 98 located within the Bastrop, Texas Extra Territorial Jurisdiction (ETJ).
- A.4 Approval of the statutory denial, for a period of 180 days for the date of Council action on a request for Lot 1, Block B and Lots 1&2, Block A, Bastrop West Commercial Section Three Replat of Lot 1, Block A to create two commercial lots located 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 a request for the Preliminary Plat of Woodrun Sudivision, Section Two Phases I, II, III, and IV to create 62 residential lots located east of Smith Road within the Bastrop, Texas Extra Territorial Jurisdiction (ETJ).
- A.6 Approval of the Final Plat for The Colony MUD 1D, Section 1 Phase A being +/-23.301 acres out of the Manuel Bangs Survey A-5 within Area A of the Bastrop, Texas, Extra Territorial Jurisdiction (ETJ).
- A.7 Approval of the Final Plat for The Colony MUD 1D, Section 1, Phase B being +/- 30.654 acres out of the Manuel Bangs Survey A-5 within Area A of the Bastrop, Texas, Extra Territorial Jurisdiction (ETJ).
- A.8 Approval of the Final Plat for The Colony MUD 1E, Section 2 Phase A being +/-15.626 acres out of the Manuel Bangs Survey A-5 within Area A of the Bastrop, Texas, Extra Territorial Jurisdiction (ETJ).
- A.9 Approval of the Final Plat for The Colony MUD 1E, Section 2, Phase B being +/-23.918 acres out of the Manuel Bangs Survey A-5 within Area A of the Bastrop, Texas, Extra Territorial Jurisdiction (ETJ).
- A.10 Consideration, discussion and possible action regarding the SECOND READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AMENDING CHAPTER 1, GENERAL PROVISIONS OF THE BASTROP CITY CODE OF ORDINANCES, TO AMEND ARTICLE 1.16 'ART IN PUBLIC PLACES', MAKING THE ART IN PUBLIC PLACES TASK FORCE A CITY BOARD, PROVIDING FOR MEMBERSHIP, POLICIES AND REGULATIONS RELATED TO SAME; PROVIDING A SEVERABILITY CLAUSE, REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

A.12 Consideration, discussion and possible action regarding A Resolution approving and adopting the Investment Policy for the City of Bastrop, Texas, and making various provisions related to the subject.

A.13 Approval of the statutory denial, for a period of 180 days from the date of Council action on a request for Lot 1, Block B and Lots 1&2, Block A, Bastrop West Commercial Section Three Replat of Lot 1, Block A to create two commercial lots located within the city limits of Bastrop Texas

Mayor Pro Tem DeLaRosa made the motion to approve the Consent Agenda with the exception of items 11 and 14 which were pulled for discussion, seconded by Council Member Garcia-McAnally. The Consent Agenda was approved on a vote of 5-0.

Items A.11 and A.14 were discussion items removed and voted on separately from the consent agenda.

A.11 Consideration, discussion and possible action regarding the SECOND READING OF AN ORDINANCE AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES OF THE CITY OF BASTROP, TEXAS, ENTITLED "HEALTH AND SANITATION," SECTION 6.04.001, AND SECTION 6.04.004(a)(4), RELATED TO WEED ABATEMENT ON PRIVATE PROPERTY UP TO EDGE OF ROADWAYS AND/OR CURB(S); ESTABLISHING FINES FOR THE VIOLATION OF SAID ARTICLES; ESTABLISHING ENFORCEMENT AUTHORITY, REPEALING ANY INCONSISTENT PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

Council Member Schiff made the motion to approve the second reading of the Ordinance, seconded by Council Member Jackson. Motion passed on a vote of 5-0.

Mayor Pro Tem DeLaRosa asked Chief Adcock and Code Enforcement to have some flexibility with the older residents. Chief stated that the ordinance did not change, the purpose of the item was to clean up the language. The Chief assured Mayor Pro Tem DeLaRosa that it is the Police Department's policy to work with all code enforcement issues with good results for all.

A.14 Consideration, discussion and possible action on a request from CircleVille General Store for a variance to Section 8.02.001 of the City of Bastrop Code of Ordinances to allow for the Sale of Alcoholic Beverages at Mayfest Park on August 9, 2015 for the Benny Boyd Bull Riding Event.

Mayor Pro Tem DeLaRosa made the motion to approve the variance, seconded by Council Member Gilleland. Motion passed on a vote of 5-0.

Council Member Gilleland asked City Manager Talbot if he was ok with the item and he assured her that he was.

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

- B.1 CONDUCT A PUBLIC HEARING to receive citizens input on a Replat of Lot 1, J & T/W-2 Subdivision and Lot 2A, Amended Plat of Morris Addition to create residential Lot 1-A being +/-0.418 acres east of Wilson Street and residential Lot 2-A being +/-0.165 west of Church Street within the city limits of Bastrop, Texas

There was a presentation made by Melissa McCollum, Planning Director and Henry Bell, neighbor to the property and William Terry Stringer, owner addressed the Council. The public hearing was conducted and closed.

Mr. Bell expressed his opposition to the requested approval of the re-plat. Mr. Stinger addressed Mr. Bell's concerns and assured him they would be good neighbors.

- B.2 Consideration, discussion and possible action on a Replat of Lot 1, J & T/W-2 Subdivision and Lot 2A, Amended Plat of Morris Addition to create residential Lot 1-A being +/-0.418 acres east of Wilson Street and residential Lot 2-A being +/-0.165 west of Church Street within the city limits of Bastrop, Texas.

Council Member Shiff made the motion, seconded by Mayor Pro Tem DeLaRosa to approve the re-plat. The motion passed on a vote of 5-0.

City Manager Mike Talbot committed to verifying that the re-plat is in compliance with the code.

Mayor Kesselus recessed the Council Meeting at 8:33 p.m.

Mayor Kesselus called the Meeting back to order at 8:37 p.m.

C. OLD BUSINESS - NONE

D. NEW BUSINESS

New Business items consisted of D.1 through D.6, the items were not conducted in numerical order but each item was discussed.

- D.1 Consideration, discussion and possible action regarding July 14, 2015 Preliminary Report on Convention Center Marketing and Bastrop Vision Task Force Report.

Mayor Pro Tem DeLaRosa made the motion, seconded by Council Member Gilleland to postpone until: the City Manager has determined what needs to happen with this item; has time to select a tourism professional; and the Manager and Mayor have time to set a workshop session. The motion with the following amendment passed on a vote of 5-0.

Council Member Garcia McAnally made a motion to amend the main motion as follows, seconded by Council Member Gilleland. The amendment was to have a workshop before the next opportunity to bring this item before Council which will include the assistance of a tourism professional consultant who understands how to make responsible structures for handling this much money who will be chosen by the City Manager to give guidance and answer questions in order to avoid wasting time in the workshop, this workshop is to be held as soon as possible. The amendment passed on a vote of 5-0.

Mayor Pro Tem DeLaRosa requested a report on the next meeting with the General Manager of the Hyatt Regency.

The Mayor informed Mayor Pro Tem DeLaRosa that he and the City Manager were only going to have a courtesy conversation with the new general manager and inform him that the City Council is interested in what is going on out there. The Mayor would like to see a workshop be held if this item is postponed because there is a lot of conversation that is needed to be had.

Council Member Shiff asked the question whether or not the City Manager will have time in the next two weeks to pull together a professional, bring them up to speed on all the history of this and coordinate getting the council members together in a workshop.

The Mayor stated if Mayor Pro Tem DeLaRosa's motion passed he would not be calling a meeting until the City Manager is ready to go because that is his responsibility. The Mayor also stated that he did not know when the City Manager would be ready but that he would not call a meeting until he and the City Manager agreed that it was time to call it. The Mayor stated that this was his position.

The City Manager stated that the next two weeks were the most critical two weeks because the city would not be getting the certified tax roll until maybe Thursday or Friday and he has to focus his efforts on getting the budget balanced because the Council will probably change it which is clearly the Council's job and prerogative. Possible changes must be taken into account and there are statutory guidelines that have to be met and if not by law the budget in effect today automatically goes into effect for the next fiscal year. The tax roll is arriving approximately a week and a half later than it usually arrives. A lot of work has to be done once the roll arrives. The City Manager said he is not sure how he could work on the roll and the workshop simultaneously and still make the workshop productive.

The Mayor state that he did not believe the City Manager was being asked to perform this duty in two weeks. The Mayor also stated he was declaring that he would not call the meeting until the City Manager was ready and that the City Manager was saying it was not going to be in two weeks and the Mayor said that was good enough for him.

Council Member Garcia McAnally asked if it was critical to have the discussion before the budget is finalized and if so could it be ready by the end of September?

The City Manager stated that a preliminary budget must be in the City Secretary's office by the last Friday of August. The workshop will be broken into 2 sessions. The City Manager stated that Council would go through the general fund and that will be time consuming for the Council to digest this information and come back to the City Manager with their feedback then Council can take up the rest of the funds: water; waste water; electric; and hotel/motel taxes. The City Manager informed Council that this could be done the first part of September and that the budget can be

amended up until the final reading which technically is September 30th as long as it is adopted on second reading by September 30th.

The Mayor pointed out there was no time certain on Council Member Garcia McAnally's motion and he wanted to declare that he was going to be very careful that he comes up with it in a timely fashion and follows whatever Council's direction is.

The City Manager stated that one of the other things that can be done is that in the area of concern there will be no budgeting and everything will be rolled into the contingency line items like the hotel/motel tax and in October or November go back and amend the budget take the money out of the contingency fund and put into the categories Council would like to have it in.

Mayor Pro Tem DeLaRosa had originally seconded Council Member Garcia McAnally's motion but later withdrew.

Council Member Garcia McAnally stated that she was withdrawing the part of her motion about two weeks if she had said it. She state what she was really stressing was that workshop be held in order for council to make informed decisions and ask informed questions because billions of dollars every year are going to be spent according to however Council decides to take it forward and it is too important not to be totally informed about what is being done. Council Member Garcia McAnally said if it takes more than two weeks that is fine and she does not want to make decisions without guidance and that the City Manager knows who to call.

Mayor Kesselus summarized Council Member Garcia McAnally's amendment to the main motion and acknowledged the second made by Council Member Gelleland. The Mayor stated that it is very important for Council to take their time and get this right because it was too much riding on it and that the community should be engaged, professionals and anybody else that can be thought of. This is a good way to move ahead and although the Mayor stated he could not vote for this he does support it.

- D.5 Consideration, Discussion And Possible Action Regarding A Request From The Hyatt Regency Lost Pines Resort & Spa That The Bastrop Marketing Corporation Provide Additional Funding To The Hyatt Regency Lost Pines Resort & Spa.
Council Member Jackson made the motion, seconded by Mayor Pro Tem DeLaRosa to approve the request from the Hyatt Regency Lost Pines Resort & Spa. The motion passed on a vote of 5-0.

City Manager Talbot explained the item and gave the history of the original agreement between Woodbine and City of Bastrop.

Council Member Gilleland confirmed with the City Manager that the funds would be used for marketing the region.

- D.2 Consideration, discussion and possible action regarding the FIRST READING OF AN ORDINANCE SETTING THE CONTRACTUAL RATES PAID TO PROGRESSIVE WASTE SOLUTIONS FOR RESIDENTIAL AND COMMERCIAL GARBAGE COLLECTION SERVICE PERFORMED BY PROGRESSIVE WASTE SOLUTIONS;

AMENDING THE RATE OF RESIDENTIAL AND COMMERCIAL GARBAGE SERVICE CHARGED TO THE CITIZENS OF BASTROP, TEXAS TO INCLUDE APPLICABLE ADMINISTRATIVE COSTS AND SOLID WASTE DISPOSAL SERVICE RATES; AND PROVIDING AN EFFECTIVE DATE.

Council Member Gilleland made the motion, seconded by Mayor Pro Tem DeLaRosa to approve the first reading of the ordinance and place as Old Business for second reading. The motion passed on a vote of 5-0.

Mayor Kesselus read the caption and City Manager Talbot gave an overview of the item.

Mayor Pro Tem DeLaRosa confirmed that the rate would be \$15.91.

- D.3 Consideration, discussion and possible action on the 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 the motion, seconded by Council Member McAnally to approve the first reading of the ordinance. The motion passed on a vote of 5-0.

Mayor Kesselus read the caption and Shawn Kirkpatrick gave an overview.

- D.4 Consideration, discussion and possible action on the approval of the FIRST READING of a Resolution of the City Council of Bastrop approving a project (Elliott Electric Supply Project) using funds provided by the Bastrop Economic Development Corporation, in an amount exceeding \$10,000.

Council Member McAnally made the motion, seconded by Council Member Gilleland to approve the first reading of the resolution. The motion passed on a vote of 5-0.

- D.6 Consideration, Discussion And Possible Action Regarding Annual Funding And Budgeting For The Local Organizations Who Received Hotel/Motel Tax Funding By The City Of Bastrop And Annual Funding And Budgeting For Community Social Service Agencies By The City Of Bastrop, And Directing Staff Regarding This Year's Process For Same
- Council Member Jackson made the motion, seconded by Mayor Pro Tem DeLaRosa to set the amount of dollars for Hotel/Motel Tax Funding at \$300,000. The motion passed on a vote of 5-0.**

Council Member Gilleland made the motion, seconded by Mayor Pro Tem DeLaRosa to set the amount of dollars for Community Social Service Agencies Funding at \$80,000 for FY 2015-2016. The motion passed on a vote of 5-0.

E. EXECUTIVE SESSION

The Bastrop City Council met at 9:30 PM 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.
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:

At 10:50 PM 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

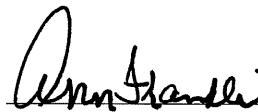
At 11:01 PM, Council Member Schiff made the motion to adjourn, Council Member Gilleland seconded the motion which passed on a 5-0 vote.

APPROVED:



Mayor Ken Kesselus

ATTEST:



City Secretary Ann Franklin