MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
APRIL 28, 2015

The Bastrop City Council met in a Regular Meeting on Tuesday, April 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 and Council Members, Kelly Gilleland, Kay Garcia McAnally, Joe Beal, Willie DeLaRosa and Dock Jackson.

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

Council member Joe Beal led the pledge of allegiance to the U.S. Flag.

3. INVOCATION

Mayor Kesselus read the words of the Sesquicentennial Song, "No Place but Texas", written by Alex Harvey

4. PRESENTATIONS:
   Flag Ceremony – Performed by Chief David Canales (USN Ret.) And Cadets Garrett Batot, Alan Beck, Brandon Buck, Allen Dyer, Noah Diaz, John Harrison, Dakota Patterson and Natasha Stelter of the Bastrop High School Naval Junior Reserved Officer Training Corps:

The Cadets retired our present Texas Flag and installed a new Texas Flag, once flown over the capitol, In Austin and donated to the City by Representative John Cyrier, District 17.

5. PROCLAMATIONS - None

6. CITIZEN COMMENTS

1. Howard Nemeroc spoke to the Council about unfair property taxes in the New Addition.
2. Pastor Roland Nava spoke about building a bus shelter area on the North side of town.
3. Ann Beck spoke about (1) business' cluttering the sidewalks on Main Street with goods and tables Making it difficult to walk and it looks tacky; (2) she is concerned about the lack of action on Getting the Bastrop TV Station active, CM Talbot told her he would call her and discuss it with Her; (3) There are trees growing up between the street and the Old Iron Bridge and would like To see some maintenance to clean it up.
4. Terry Hagerty spoke about a new public website, www.bastropmarketplace.com and welcomed Citizens to visit and use it.
5. Terry Moore, Bastrop YMCA Director gave an update on activities and success stories about the Bastrop YMCA and thanked the City for continued partnership.

7. ANNOUNCEMENTS

Police Chief Adcock introduced Bastrop Police Sergeant Dale Hamilton.

Ms. Nancy Wood introduced Ms. Kaylie Head, the City's new Main Street Director.

Mayor Kesselus asked CM Talbot to report to Council an update on the TV Station 5-12-15
Council Member Gilleland reminded all about the Job Fair. May 8, 2015 is for students and May 9, 2015 is for adults. She stated there are 70+ employees scheduled to participate.

City Manager's Informational Report Items for update, discussion & possible action:

I. Update on City Projects and Issues:

A. Update on Long Term Water Supply

CM Talbot explained to the Council that he has recently been appointed to the TML Risk Pool Board and attending a meeting in Ft. Worth which is why his CM Report is short.

CM Talbot informed the Council that staff is currently working on Street Light Mapping Project. He also stated that the City was excited about the school bus shelter project and Would like to expand to cover additional areas in the city limits. Mayor Kesselus stated That the Bastrop Community Cares team has discussed this project as well and would Like to build the first one. They would also like to include children so that we could have Hand prints of the kids in the cement base. Ms. McAnally stated that the BAIPP has also Discussed this project and would like to work with student to decorate the shelters.

CM Talbot reminded the Council and audience that the LPGCD Permit Hearing on the XS Ranch Permit will be held Wednesday April 30, 2015 at Bastrop City Hall. CM Talbot also Informed the Council that he presented them with a DRAFT of the Press Release in response To Jo Goertz full page advertisement in the Bastrop Advertiser. CM Talbot gave overview of The release. Mayor Kesselus thanked Mr. Talbot for such a detailed response.

Joe Beal asked CM Talbot if the BAIPP sculpture project had received any claims. CM Talbot Explained that we have had one claim on a smaller piece. He directed Council to the lobby where he piece has now been placed.

Ms. Gilleland asked CM Talbot if a report on the Street Light in Alley's Project could be included on the next agenda and CM Talbot stated he was working on it currently.

A. CONSENT AGENDA - *All 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 Members so requests.*

A. CONSENT AGENDA

All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Members so requests.

A.1 Approval of the Final Plat for the 969 Subdivision being +/- 51.02 acres within the Josiah Wilbarger Survey, Abstract No 70, located within Area A of the Bastrop, Texas ETJ.

Dock Jackson made the motion to approve the consent agenda, Ms. Gilleland seconded the Motion. Motion carried unanimously.

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

B.1 **PUBLIC HEARING** to Replat of Lots 1-3, Block C, Lot 1, Block D, Reserve E4 and a Portion of Reserve E3, The Colony MUD 1E, Section 1 to redesign Sam Houston Drive being +/-6.333 acres out of the Jose Manuel Bangs Survey Abstract Number 5 within Area A of the Bastrop, Texas Extra Territorial Jurisdiction (ETJ). Mayor Kesselus read the caption and Wesley Brandon, City Engineer gave overview of the item and informed the Council that of the notices mailed that they received 4 in favor and 2 opposed. No public comments. Mayor closed the public hearing.

B.2 Consideration, discussion and possible action by the City Council on a Replat of Lots 1-3, Block C, Lot 1, Block D, Reserve E4 and a Portion of Reserve E3, The Colony MUD 1E, Section 1 to redesign Sam Houston Drive being +/-6.333 acres out of the Jose Manuel Bangs Survey Abstract Number 5 within Area A of the Bastrop, Texas Extra Territorial Jurisdiction (ETJ).

Mayor Kesselus read the caption. Darlene Louk and Bill Linsim from Forestar gave overview of item which would start a new phase to the Colony for a new neighborhood. Mayor Kesselus thanked the Forestar team for working well with the homeowners for a smooth project.

Mr. DeLaRosa made the motion to accept the replat. Mr. Jackson seconded the motion. Motion passed unanimously.

C. OLD BUSINESS

C.1 Consideration, discussion and possible action on the additional funding request by the Bastrop Homecoming Committee.

C.2 Consideration, discussion and possible action on the additional funding request by Upstart for $85,148 for program enhancements/improvements.

C.3 Consideration, discussion and possible action on the additional funding request by Bastrop Opera House for $100,000 for a new roof.

C.4 Consideration, discussion and possible action on the additional funding request by the Downtown Business Alliance.

Mayor Kesselus stated that due to a miscommunication, an item regarding HOT Funding was left off of the agenda which was tied to these items. Ms. Gilleland suggested that perhaps we wait to discuss these items until the HOT Funding Item was on the agenda. Mr. Jackson would like to discuss items and make funding contingent upon the Tier 3 available funds. Mayor Kesselus stated that originally none of organizations asked specifically for HOT funding just extra funding. Mr. DeLaRosa asked if there would be something for council to review what funds are available. Mayor Kesselus stated that CM Talbot is working on 7 year spreadsheet. CM Talbot also reminded Council that the funds committed to the TxDOT Tahitian Overpass Project would be accounted for in that figure.

Ms. Gilleland made the motion to postpone all Item C until the May 12, 2015 Council meeting with the understanding that HOT Fund Tier 3 funding would be a joint item with C.1-C.4 items above. Ms. McAnally seconded the motion. Motion passed unanimously.

D. NEW BUSINESS

D.1 Consideration, discussion and possible action on the approval of Community Support funding application and process for the Fiscal Year 2016 budget and direct staff to modify as determined.

Ms. Stovall gave a brief overview of the item and attachments and asked Council if they wished to make changes. Mr. DeLaRosa verified that the forms would be available on May 18, 2015 and due back to Finance by June 5, 2015. Ms. Gilleland asked if Council had agreed to a dollar amount. Mayor Kesselus responded that normally it is $ 80,000.00, however Council could change that amount either way and suggested that Council set the dollar amount at the Utility Council Meeting scheduled for May 19, 2015. Mayor Kesselus thanked Ms. Stovall and her staff for all the hard work.

Joe Beal made motion to approve the Community Support funding application and process for Fiscal Year 2016. Ms. McAnally seconded the motion. Motion passed unanimously.

D.2 Consideration, discussion and possible action on the approval of the Hotel Motel funding application and process for the Fiscal Year 2016 budget and direct staff to modify as determined.

Ms. Stovall gave a brief overview of the item and attachments and asked Council if they wished to make changes. Mayor Kesselus explained why the word modification is included. Last year at the beginning of our process we had an organization that had multiple events. The modification would allow for each event to be listed separately so that Council may vote on them separately in the event that they wished to drop an event and then the funding can be adjusted if necessary. Ms. Stovall went on to explain other areas of the application process.

Dock Jackson made the motion to approve the HOT/MOTEL Funding application and process for the Fiscal Year 2016 budget as modified. Ms. Gilleland seconded the motion. Motion passed unanimously.

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

Mr. DeLaRosa asked about G/F Revenue. Karla explained that due to the collection of property taxes for the 4th. Qtr. 2014 the revenue is higher, however that will not be the case moving forward and she expects the City to be in line with 2015 budget.

Mr. DeLaRosa made a motion to accept the unaudited Monthly Financial Reports and Quarterly Investment Report for the period ended in March 31, 2015. Ms. Gilleland seconded the motion. Motion passed unanimously.

Mayor Kesselus announced a break from 8:00 PM – 8:07 PM

D.4 Consideration, discussion and possible action regarding critical needs identified by the City Manager, does the critical needs meet the requirements of the City Council as set forth at the March 31, 2015 Special City Council workshop and consideration by the City Council to issue certificate obligations.

CM Talbot gave an overview of the item. He discussed Option 1 (Total Street Project) and explained each section of the outline. This option would include MLK Street being a concrete street, sidewalks from Chestnut to the school and replacing a wastewater main. The reconstruction of an asphalt paved street for Water Street from Pine Street to College Street and the reconstruction of an asphalt paved street on Laurel Street from Wilson Street to Pecan Street. This is the most practical plan since the TxDOT Hwy 95/71 Hwy Project is still moving forward. CM Talbot explained that although there has been a lot of discussion about the condition of Jefferson Street, Option 1 as is the most compatible with the changes the TxDOT Project will be brining. Jefferson Street will not be used as a thoroughfare from Hwy 71. Pecan and MLK will be the most common route, especially when they move the sign to DOWNTOWN BASTROP. CM Talbot discussed Option II. In Option II we kept MLK Street and Water Street from Option I. But we removed Laurel Street and replaced it with the Build-Out for the Police Department Facility to include a 911 Call Center. CM Talbot said we are moving toward a "Big Boy City" and the decisions we are making are going in that direction and our Police Department needs to follow. CM Talbot told the Council that these on two options, they are not set in concrete. He asks that the Council study them and call him with questions, suggestion or ideas. Ms. McAnally is concerned about the residents who live on Jefferson as they have been asking for repairs for some time. CM Talbot stated that with the limitation in traffic that will be coming to Jefferson Street it simply does not warrant improvements at this time. Our goal would be to fix Jefferson Street at the correct time in accordance with our Comprehensive Plan. Mr. DeLaRosa stated that he felt if we could find a way to Jefferson Street, MLK Street and Water Street we could hit a home run with this. Mr. Talbot also stated that when construction starts TxDOT will be tearing up the streets and he does not want new streets to be torn up. CM again asked that the Council give him their comments, concerns and ideas. CM Talbot also explained that the reason concrete was chosen for MLK is the heavy traffic including school buses. He also stated that another driving the price up on MLK is the need for storm drainage which at present is lacking. He also stated he feels very strong about the build out of the Police Building. Mr. Beal, Mayor Kesselus and Mr. Jackson both feel the Police Building should be a priority. CM Talbot also stated that it is a pleasure to work with Chief Adcock and Chief Altgelt because they are truly devoted to this community and want what is best for the citizens.

There was no action taken on this item.

D.5 Consideration, discussion and possible action on a Resolution of the City Council of the City of Bastrop, Texas in support of an application to receive funding to construct bicycle and pedestrian transportation pathways under the TxDOT 2015 Transportation Alternatives Program.

Wesley Brandon, City Engineer provided an overview of the item. He explained that the area of sidewalk has been identified through our Parks Master Plan. This grant will provide for 7000 Linear Feet and will be near the High School. If the City is awarded this grant it qualified for a 74% discount to its matching dollar amount for a disadvantaged city. Basically our matching amount could be as low as $65,000.00 plus engineering. This brought excitement to the Council. CM Talbot gave Mr. Brandon kudos for seeking out this grant. Mr. Brandon thanked Mr. Talbot but shared the credit with Trey Job and Melissa McCollum for being so instrumental in finding this grant.

Mr. Beal made the motion that the City do a resolution in support of the application to received funding to construct bicycle and pedestrian transportation under the TxDOT 2015 Transportation Alternatives Programs. Mr. Jackson seconded the motion. Motion passed unanimously.

D.6 Consideration, discussion and possible action regarding the approval of the FIRST READING an ordinance of the City Council of the City of Bastrop, Texas amending chapter 1, article 1.04.001 of the City's code of ordinances, entitled "boards, committees and commissions, related to service by council members on City boards, committees, commissions, task forces and all other bodies of the City of Bastrop; providing a savings clause; and providing an effective date.

Mayor Kesselus read the caption of the item and introduced Ms. McAnally to provide overview of the item. Ms. McAnally stated that she and Ms. Gilleland had been working together on this possible ordinance. Since Ms. McAnally has been ill and asked that Ms. Gilleland speak on her behalf. Ms. Gilleland reminded the Council that at the last meeting the presented a form that was very comprehensive that addresses some of the potential ethic issues that we could face on boards, commissions and task forces. Ms. Gilleland stated that she and Ms. McAnally feel that the Council should be held to the same strict standards as board members. There have been many questions and comments from citizens regarding the placement of Council Members on Boards which gives them a vote on that Board. It feels like they would be double dipping. Since the Council is the ultimate authority over these, that if we vote on that Board and then it comes before the Council and we vote again it just does not seem like a proper action. We in no way are saying that Council Members are not useful on these boards it just seems that we should not be voting unless we are breaking a tie. Discussion was held. They Mayor felt like the BEDC is different and perhaps this would not apply. According to Ms. JC Brown, it may or may not include BEDC as currently worded. She feels that if BEDC is to be included that it be named rather that included under "Boards" for clarity sakes. Ms. McAnally suggests that the BEDC be added to the Ordinance and that Council Members on the BEDC Board not be allowed to vote but can remain on the board. Mayor Kesselus asked Ms. Brown if BEDC would have to re-write the By-Laws she believes that the Ordinance, if passed, would supersede the bylaws. Mayor Kesselus stated that in addition the BEDC board that a Council Member on a board with voting abilities is limited to the Hunter's Crossing Local Government Corp. Mayor Kesselus does not understand why a Council Member not having a vote on a board would be a good thing and feels like he would not want to appoint a Council Member to a board if they were not allowed to vote. It just does not make any sense. There was discussion regarding number of Council Members that could be appointed to the BEDC Board. Ms. McAnally stressed that per state law we could have up to 4 Council Members on the BEDC Board with 7 total Board Members would create a quorum even though the By-Laws say 3 Council Members it could easily be changed to 4 and if that happened than Council would have an undo influence which could be a bad thing. Mayor Kesselus asked Ms. Brown to explain what would be necessary to prevent having 4 Council Members on the BEDC Board. Ms. Brown explained that we have prevented it by changing the By-Laws to reflect a limit of 3 Council Members. She stated that State Law does not trump our By-Laws, however by the changing those By-Laws you can have up to 4 Council Members. CM Talbot made reference to a bill currently in the legislature that is designed to make Home Rule Cities not be able to pass ordinances or laws that are more stringent than State laws. CM Talbot suggested that now is the time to contact our State Representative and voice our concerns about this law because it is gaining momentum. Mr. Jackson agreed with CM Talbot and stated that it is the worst attack against cities that he has ever seen. It basically will strip cities of any power they have. Mr. Jackson asked for clarification on the suggested ordinance. I am on the Hunters Crossing LGC and Main Street Board, so does this ordinance suggest that I can't vote because I am a voting Council Member? If that is the case I can't support this ordinance. Ms. Gilleland addressed his concerns. Plenty of citizens are applying for these board let us let them make these decisions. Council has enough decisions to make on its own. Discussion continued. Mr. Beal stated that he does not feel that a rule like this will keep someone from being ethical or unethical and does not see a need for this ordinance. Ms. McAnally stated that if this does not pass I would like to invite other boards and commissions, especially BEDC to look at the wisdom in this ordinance and decide what they would like to have.

Ms. McAnally made the motion to adopt the ordinance as written. Seconded by Ms. Gilleland. Beal, Jackson, DeLaRosa – all nay. Motion fails 3 to 2.

E. EXECUTIVE SESSION

At 9:00 PM, Mayor Kesselus convened the Bastrop City Council into 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 and/or (2) matter upon which the Attorney has a duty and/or responsibility to report to the governmental body, concerning same, and/or any other matters posted on the agenda.
2. **SECTION 551.072** – Deliberation regarding real property: Regarding the purchase, exchange, lease, disposition, or value of real property – property acquisition for public purpose.
3. ~~**SECTION 551.074** – Personnel Matters – Administration~~
4. **SECTION 551.086** - Certain Public Power Utilities: Competitive Matters
5. **SECTION 551.087**–Deliberations regarding economic development negotiations, regarding the ongoing discussions with economic development prospect.

At 10:40 PM, Mayor Kesselus reconvened the Bastrop City Council into regular 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. (Dock Jackson had not returned from a break)

No action taken.

F. ADJOURNMENT

At 10:41 PM, Council Member Gilleland made the motion to adjourn. Ms. McAnally seconded the motion. Motion carried unanimously.

APPROVED:

Mayor Ken Kesselus

ATTEST:

Interim City Secretary Traci Chavez