

**BASTROP CITY COUNCIL
MINUTES OF REGULAR MEETING
December 10, 2013 at 6:15 pm**

Pursuant to the Texas Government Code, Chapter § 551, the City Council of Bastrop, Texas held a Regular Meeting on Tuesday, **December 10th, 2013 at 6:15 p.m.** at the Bastrop City Hall Council Chambers located at 1311 Chestnut Street in Bastrop, Texas to consider the following matters:

1. **CALL TO ORDER** - Mayor Terry Orr called the meeting to order at 6:15 p.m. A full quorum was present: Council Members Ken Kesselus, Kay Garcia McAnally, Dock Jackson, Willie De La Rosa and Mayor Pro-Tem Joe Beal.
2. **PLEDGE OF ALLEGIANCE AND INVOCATION** -Ms. McDaniel's 1st Grade Class from Mina Elementary led the Pledge of Allegiance and Chaplain Bob Long led us in prayer.

The 1st Grade students from Mina Elementary added to the Christmas ambiance by singing Rudolf the Red Nosed Reindeer. The Mayor and Council Member's took turns reading letters addressed to the Mayor with ideas/suggestions for the City of Bastrop. The Council Members acknowledged their depicting drawings for the following:

- ✚ Gayle would like to see a wrestling show in Bastrop,
- ✚ Cooper would like to see flying vehicles in Bastrop,
- ✚ Kenton would like to see shoes that walk up the wall,
- ✚ David, Garrett, Ophelia, Arisa and Bryan were all in agreement about adding a waterpark in Bastrop.

The Council Members extended their appreciation for Mrs. McDaniel's 1st Grade Students time and they all acknowledged the children's talent.

3. PRESENTATIONS

- A. Bastrop High Student, Chelsea Perry gave a perceptive presentation on "Perseverance" as a character trait. She was accompanied by her proud parents, Henry & Faith Perry. Bastrop Fire Chief Perry, expressed how proud he was of his daughter's speech.
- B. Presentation of prize package to the First Annual Adult Entrepreneur Business Plan Competition to winner Jennifer Johnson & Johnson's Bakery was postponed until January 14, 2014.

4. PROCLAMATIONS - None

5. **ANNOUNCEMENTS** - Council Member Kay Garcia McAnally accepted Mayors invitation for public announcements and stated that The Bastrop Arts In Public Places Task Force had initially planned to hold all its meetings at the City Council Chambers, which has proved to be difficult due to some task force members due to schedule conflicts. Therefore, in an effort to organize meeting times and increase attendance to have a quorum; the BAIPP Task Force is advising that it will meet at various times and locations which are suitable for its task force members.

With no additional comments, Mayor Orr introduced City Manager Mike Talbot who presented his bi-weekly recap.

City Manager's Informational Report for December 10, 2013: Items for update, discussion & possible action:

A. Meetings and Events Attended:

1. Attended a Monthly Meeting of the Main Street Advisory Board on December 2, 2013.

B. Update on City Projects and Issues:

1. Water Usage report for the period of November 25, 2013 through December 9, 2013.
2. Update on the Short and Long Term Water Supply Options.
3. Update on the Top 10 Strategic Priorities as Established by the City Council for 2013-2016.

4. Update on the Bastrop Economic Development Corporations Business Improvements Phase I.
5. Status of Board Vacancies.
6. Holiday Events for the Month of December.
7. City of Bastrop Holiday Schedule.
8. City Council Calendar for 2014.
9. Update on FEMA Grant for Gill Branch Drainage.
10. Main Street Department –Farmers Market.
11. Texas Water Law Seminar December 5 & 6, 2013.
12. Update on CARTS Agreement.
13. Parking in Bastrop Central Business District

C. Update on City Various City Operations:

1. Convention Center Activities
2. Main Street Program
3. Commercial/Residential Construction Projects in the City
4. YMCA Activities

Inviting input from the City Council Inviting input from the City Council related to issues for possible inclusion on future agenda's related to items such as (but not limited to) municipal projects, personnel, public property, development and other City/public business.

City Manager Mike Talbot pointed out the following items on his City Manager's report:

#8 City Council Calendar for 2014: City Manager Mike Talbot presented the draft calendar for the Council Meetings for their review and input. He reminded City Council Members of the upcoming City Council Retreat Meeting date for their consideration and approval.

#9 Update on FEMA Grant for Gills Branch Drainage: City Manager Talbot and staff met with members of the Texas Emergency Management Department to discuss this project. They advised that the City had cleared approximately 85% of the requirements on improvements to "Gills Branch". We are now pending was an environmental assessment of Gills Branch Area from SH 95 to the railroad tracks near SH 71. The City expects to hear notification in June/July 2014 if the project has been approved by FEMA and the State.

#11 Texas Water Law Seminar December 5 & 6, 2013: City Manager Talbot attended the UT Annual Water Law Conference in Austin on December 5 & 6, 2013. It was an excellent conference that provided useful insight on the reorganization of the "Texas Water Development Board" and the Boards approach to spending the 2 billion dollars on water projects, none of which will be given in a form of grants; rather they will do only low interest loans. During the Holidays, the City Manager will undertake a complete review of the City's Water Conservation Plan and Ordinance to ensure that it is up to date.

#13 Parking in Bastrop Central Business District: Per City Council's request, City Manager Mike Talbot prepared a map of the Central Business District to discuss the parking concern. Council Member Ken Kesselus thanked City Manager and suggested it would be a good idea to set up a task force to take comprehensive look and consider alternative ways to expand. It would be appropriate to have the Council and BEDC Members to participate. Council Member Willie DeLaRosa supported Council Member Ken Kesselus suggestions.

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(s) so request.

A.1 Approval of meeting Minutes for the Regular Council Meetings held on November 26, 2013.

A.2 Consideration, discussion and possible action on the SECOND READING of an ORDINANCE by the City Council of the City of Bastrop, Texas, Amending and Clarifying the City's Personnel Policies Manual: Chapter 5, Section 14; "Modified Work Duty Program," repealing conflicting Resolutions and Policies including a severability clause; and establishing an effective date.

A.3 Consideration, discussion and possible action on the SECOND READING of an ORDINANCE of the City Council of the City of Bastrop, Texas, AMENDING Section 1.15.126; "Ethics Ordinance –

Chair/Quorum” in the Code of Ordinances of the City of Bastrop; providing a severability clause; and providing an effective date.

A.4 Approval of the statutory denial, for a period of 180 days from the date of Council action on this request, for the Amending Plat of Bluebonnet Acres, Section 1, Block 1 consisting of approximately 1.271 acres within the Extra Territorial Jurisdiction (ETJ) of Bastrop, Texas.

A.5 Approval of the proposed tax rebates for Historic Landmarks.

A.6 Approval of Bastrop Marketing Corporation’s Request for reimbursement of expenses.

There was no response to Mayor Terry Orr’s inquiry to withdraw a consent agenda item(s) for further discussion/consideration. Mayor Orr read the caption items on the consent agenda and requested that the minutes reflect that on Agenda Item A.5; he is the proprietor of 1109 Pecan Street, Bastrop, Texas and Mayor Pro-Tem Joe Beal is the proprietor of 1311 Pecan Street, Bastrop Texas. Mayor Terry Orr requested a motion to approve the items on the consent agenda.

Council Member Willie DeLaRosa made a motion to approve the consent agenda items A.1 through A.6. Seconded by Kay Garcia McAnally and motion carried unanimously. Vote was taken and motion passed **5-0**.

B. PUBLIC HEARINGS AND ORDINANCES AND OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION - No items for consideration.

C. OLD BUSINESS – No items for consideration.

D. NEW BUSINESS

D.1 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE FIRST READING OF A PROPOSED REVISION TO AN ORDINANCE OF THE CITY COUNCIL OF BASTROP, TEXAS AMENDING SECTION 3.06.041 TITLED “CROSS-CONNECTION CONTROL PROGRAM”; CHAPTER 3 “BUILDING REGULATIONS”, IN THE CODE OF ORDINANCES OF THE CITY OF BASTROP; ESTABLISHING FINES AND PENALTIES FOR VIOLATIONS; PROVIDING FOR ENFORCEMENT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Public Works Director Trey Job requested the City Council’s consideration on the approval of the First Reading of the proposed revision to Ch. 3 Section 3.06.041 of the Building Regulations.

Mayor Pro-Tem Joe Beal made a motion to approve the First Reading of a proposed revision to an ordinance of the City Council of Bastrop, Texas amending Section 3.06.041 Titled “CROSS-CONNECTION CONTROL PROGRAM”; Chapter 3 “BUILDING REGULATIONS”, in the Code of Ordinances of the City of Bastrop; establishing fines and penalties for violations; providing for enforcement; providing a severability clause; and providing an effective date; and hold the **SECOND READING** on the Consent Agenda of the City Council Meeting scheduled for **January 14th, 2014**

Seconded by Council Member Ken Kesselus and motion carried unanimously. Vote was taken and Motion passed **5-0**.

D2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION REGARDING AUTHORIZING THE CITY MANAGER TO PROVIDE A LETTER TO THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) EXPRESSING THE CITY COUNCIL’S AND CITIZEN’S STRONG CONCERN OVER TXDOT’S FUTURE PLAN TO ROUTE ADDITIONAL VEHICULAR TRAFFIC ONTO GUTIERREZ STREET, PARALLEL TO AND SOUTH OF HIGHWAY 71, IN BASTROP, TEXAS.

The Council held an insightful discussion at which time Council Member Ken Kesselus requested the letter to TxDOT should reflect Gutierrez Street, Austin Street and the inclusion of Emile Street and request a map that reflects the impact to traffic on these streets.

After a continued discussion, Council Member Willie DeLaRosa made a motion to amend agenda item

to reflect authorizing the City Manager to provide a letter to the Texas Department of Transportation (TxDOT) expressing the City Council's and Citizen's strong concern over TxDOT's future plan to route additional vehicular traffic onto Gutierrez Street, Austin, Street and inquire on the inclusion of Emile Street, parallel to and south of S.H. 71, in Bastrop, Texas and have TxDOT provide a map elaborating the envisioned traffic flow at these street intersections. Seconded by Council Member Kay Garcia-McAnally and motion carried unanimously. Vote was taken and Motion passed 5-0.

D.3 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON ACCEPTANCE OF THE UNAUDITED MONTHLY FINANCIAL REPORTS FOR THE PERIOD ENDING OF SEPTEMBER 30, 2013.

In response to the Council's inquiry of the percentage of taxes collected on the financial report, Chief Financial Officer Karla Stovall stated the report reflected approximately 97% of taxes collected.

Council Member Kay Garcia McAnally made a motion to accept the unaudited monthly financial reports for the period ending of September 30, 2013.

Seconded by Council Member Willie DeLaRosa and motion carried unanimously. Vote was taken and Motion passed 5-0.

E. EXECUTIVE SESSION

E.1 The Bastrop City Council met 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) and SECTION 551.071(2) – Consultation with Attorney concerning: (1) potential, pending, threatened, and/or contemplated litigation or claims, including but not limited to **“Pine Forest Investments Group, LLC v The City of Bastrop, et al, cause No. 29,052, In the 21st Judicial District Court of Bastrop County, Texas,”** 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.

E.2 The Bastrop City Council will reconvene 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.

At 7:11 pm, Mayor Orr convened the Bastrop City Council into Executive Session. Mayor Orr reconvened the Bastrop City Council into open session to discuss, consider and/or take action(s) necessary related to the Executive Session noted herein at 9:03 pm.

Council Member Willie DeLaRosa motioned to have City Manager Mike Talbot authorized to take actions as deemed necessary to prosecute actions and to hold any persons who have responsibility for the damage that is occurring at the Bastrop Fire Station, concerning the failing brick veneer. Seconded by Council Member Kay Garcia McAnally and motion passed unanimously 5-0.

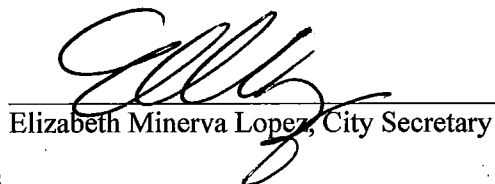
F. ADJOURN

At 9:05 pm, Council Member Willie DeLaRosa made the motion to adjourn the meeting. Seconded by Council Member Kay Garcia McAnally and motion was carried unanimously, vote of 5-0.

APPROVED:

ATTEST:


Terry Orr, Mayor


Elizabeth Minerva Lopez, City Secretary