

**BASTROP CITY COUNCIL
MINUTES OF REGULAR MEETING
November 26, 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, **November 26, 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** – Mayor Pro-Tem Joe Beal led the Pledge of Allegiance. Police Sergeant Daniel McManus introduced Chaplin Robert Oliver from Bastrop Bible Church who led us in prayer.
3. **PRESENTATION** – Presentation for the First Annual Adult Entrepreneur Business Plan Competition was postponed to the next City Council Meeting scheduled for December 10, 2013.
4. **PROCLAMATION** - There were no proclamations.
5. **ANNOUNCEMENTS** - There was no response to the Mayors invitation for public announcements, so he took a moment to acknowledge all our Bastrop Citizen's and Business owners on their water conservation efforts. With no additional comments, Mayor Orr introduced City Manager Mike Talbot who presented his bi-weekly recap.

City Manager's Informational Report for November 26, 2013: Items for update, discussion & possible action:

A. Meetings and Events Attended:

1. Attended a Monthly Meeting of the Historic Landmark Commission on November 13, 2013.
2. Attended the Monthly Meeting of the Bastrop Economic Development Corporation on November 18, 2013.
3. Chaired the Monthly Meeting of the Lost Pines Groundwater Conservation District on November 20, 2013.

B. Update on City Projects and Issues:

1. Water Usage report for the period of November 11, 2013 through November 24, 2013.
2. Update and Discussion Regarding Water and Wastewater Rates and FY-14 Proposed Water and Wastewater Improvements.
3. Update on the Short and Long Term Water Supply Options.
4. Update on the Top 10 Strategic Priorities as Established by the City Council for 2013-2016.
5. Update on the Texas Department of Transportation State Highway 20 Overpass Project.
6. Update on the Bastrop Economic Development Corporations Business Improvements Phase I.
7. Colors of the Sidewalks on S.H. 304.
8. Update on the Austin Street Paving Project.
9. Update on the Ethics Committee.
10. Status of Board Vacancies
11. Trail of Lights.
12. Hasler Street Improvements.
13. Provision of Wastewater Service to the local Texas Department of Transportation Area Office on Loop 150.
14. Utility Reports for the Period Ending September 30, 2013.
15. Update on the filling the City of Bastrop's Chief of Police Position.
16. City Council Calendar for 2014.
17. Update on Revising the Alcoholic Beverage Ordinance.
18. Main Street Department –Farmers Market.

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 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:

#5 Update on the Texas Department of Transportation State Highway 20 Overpass Project: City Manager Mike Talbot informed everyone that the Project Contractor would temporarily open the east bound lanes on State Highway 20 to help with additional holiday traffic. The temporary lanes will be closed after the Thanksgiving Holiday.

7 Colors of Sidewalks for the S.H. 304 Project: City Manager Talbot provided the Council Members the TxDOT color chart for their consideration on the color selection for the sidewalks along SH 304. Council Member Ken Kesselus expressed his appreciation for TxDOT eliciting our input on the color selection for the sidewalks and looks forward to the continued communication on future projects.

#11 Trail of Lights: City Manager Talbot confirmed that the installation of the Christmas lights and decorations had been completed. He extended his appreciation to the Public Works/Parks Department for their fine work in completing the "Trail of Lights" project.

#15 Update of the Filling of the City of Bastrop's Chief of Police Position: City Manager Mike Talbot was pleased to announce that Mr. Steve Adcock had accepted the offer of becoming Bastrop's new Chief of Police. He is currently the Chief of Police in Clifton, Texas but we look forward to having him begin his new position on January 2, 2014. City Manager Talbot noted upon posting the position for Police Chief, we were overwhelmed with over 60 applicants within the first few days. Throughout the interview process, Mr. Steve Adcock maintained a high ranking due to his work experience, qualifications, education and recommendations which were "nothing short of sterling."

City Manager Talbot expressed his sincere appreciation to Interim Chief of Police Matt Wagner for stepping up and taking on this important role during our search for a new Chief of Police. He also expressed his appreciation for Human Resources Director, Tanya Cantrell for an outstanding job.

#16 City Council Calendar for 2014: City Manager Talbot informed the City Council Members that a draft copy of the City Council Meeting Calendar for 2014 will be provided at the December meeting. We are requesting their meeting date recommendations on the annual retreat and the quarterly utility meetings.

#18 Main Street Department – Farmer's Market: The pilot program "Farmer's Market" at the corner of 150 and Old Austin Highway received great reviews. City Council Member Willie DeLaRosa noted that was great, however we should note the event was held on City owned property and we need to consider its value in case there is an interested buyer.

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 12, 2013.
- A. 2 Approval of the Final Plat for Hunters Crossing, Section 9C being approximately 3.102 acres of land situated in the Hunters Crossing Subdivision, located on State Highway 304 and Home Depot Way in the City limits of Bastrop, Texas

Mayor Terry Orr pulled consent agenda item A.2 for further discussion. Upon reading the agenda caption, Mayor Orr requested a motion to approve Consent Agenda Item A.1.

Council Member Willie DeLaRosa made the motion to approve the consent agenda with exception of item A.2. Seconded by Council Member Kay Garcia-McAnally and motion carried unanimously. Vote was taken and motion passed **5-0**.

The Council invited Planning and Zoning Director Melissa McCollum who offered additional insight on the request for approval on the final plat for Hunter Crossing and advised the City Council Members of the Notice of Opposition received from a property owner who was not present to offer clarification on his opposition.

After the City Council Members brief discussion and consideration of Consent Agenda Item A.2, City Council Member Willie DeLaRosa motioned to approve the Final Plat for Hunters Crossing, Section 9C being approximately 3.102 acres of land situated in the Hunters Crossing Subdivision, located on State Highway 304 and Home Depot Way in the City limits of Bastrop, Texas. Seconded by Council Member 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 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.

City Manager Mike Talbot requested the Council Members approval on the first reading to amend the Modified Work Duty Program Ordinance, which would offer clarification on the administration of the policy.

City Council Member Ken Kesselus inquired on notation with regard to the "introductory" employee. City Manager Mike Talbot noted that the amendment will reflect that new employees within six months of hire are ineligible for the Modified Work Duty Program, since staff is unable to evaluate the new employees work performance. Mayor Terry Orr, Council Member Ken Kesselus noted their support of the amendment.

Mayor Pro-Tem Joe Beal made a motion to approve the FIRST 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 hold the second reading on the Consent Agenda of the City Council Meeting scheduled for December 10, 2013.

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

D2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE FIRST 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.

City Attorney, Jo-Christy Brown addressed the Council Members with the request to consider and approve the FIRST READING of the aforementioned agenda item. She offered clarification that all three committee members were in agreement to amend the Ethics Ordinance, which would allow a quorum of two to conduct meetings.

Council Member Dock Jackson made a motion to approve the FIRST 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 hold the second reading on the Consent Agenda of the City Council Meeting scheduled for December 10, 2013.

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 A RESOLUTION FROM THE BASTROP ECONOMIC DEVELOPMENT CORPORATION RECOMMENDING THAT THE BASTROP CITY COUNCIL ADOPT THE TEXAS FREEPORT TAX EXEMPTION.

Economic Development Corporation Director Dave Quinn offered an insightful presentation on the Freeport Tax Exemption. He noted that the EDC Board unanimously recommended the adoption of the Freeport Tax Exemption. After a brief discussion, EDC Director Dave Quinn thanked the City Council Members for their

support.

Council Member Ken Kesselus made a motion to approve the Resolution from the Bastrop Economic Development Corporation recommending that the Bastrop City Council adopt the Texas Freeport Tax Exemption.

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

D.4 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 CITIZENS' 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.

No action was taken. Mayor Terry Orr requested the aforementioned agenda item be discussed and considered at the City Council Meeting scheduled for December 10, 2013. City Manager Mike Talbot stated he would provide an updated TxDOT traffic report for the Council Members consideration.

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 7:16 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 9:01 pm. No action was taken.

F. ADJOURN

At **9:02 pm**, Council Member Dock Jackson made the motion to adjourn the meeting. Seconded by Council Member Kay Garcia McAnally and motion was carried unanimously, vote of **5-0**.

APPROVED:



Terry Orr, Mayor

ATTEST:



Elizabeth Minerva Lopez, City Secretary