

**BASTROP CITY COUNCIL
MINUTES OF REGULAR MEETING
November 12, 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 12, 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 Kay Garcia McAnally, Ken Kesselus, and Dock Jackson were in attendance and an excused absence from Willie De La Rosa and Mayor Pro-Tem Joe Beal.
2. **PLEDGE OF ALLEGIANCE AND INVOCATION** – City Council Member Kay Garcia McAnally led the Pledge of Allegiance. Interim Police Chief Matt Wagner introduced Chaplain Bob Long who led us in prayer.
3. **PRESENTATION** - Bastrop Elementary Student Nathan Stuart addressed the City Council to present his Character Education presentation regarding “Compassion”. He was accompanied by his parents Harry and Gina Stuart and Sister Nya Stuart. Nathan loves learning, building Legos and helping people.
4. **PROCLAMATION** - Mayor Terry Orr proclaimed “Native American Heritage Day” on Friday, November 29th, 2013. Ms. Jeannie Weigl, Chairman of the local Lost Pines Chapter NSDAR was unable to attend the meeting, but extended her appreciation for the proclamation.
5. **ANNOUNCEMENTS**

The City Council Members congratulated Main Street Program Director Nancy Wood, as the recipient of the “Susan H. Campbell Award for Professional Excellence.”

City Manager Mike Talbot noted how pleased and excited that the Bastrop Main Street Program Advisory Board selected Nancy Wood as the recipient of this award in recognition of her outstanding leadership, energy, commitment to the growth of the Bastrop’s Main Street Program.

There were no additional announcements; therefore, Mayor Terry Orr thanked everyone for their announcements and introduced City Manager Mike Talbot to present his bi-weekly recap.

City Manager’s Informational Report for November 12, 2013: Items for update, discussion & possible action:

A. Meetings and Events Attended:

1. Attended a Special Meeting “Lost Pines Groundwater Conservation District” on November 4, 2013.
2. Attended the Texas Downtown Association Annual Banquet on November 7, 2013.

B. Update on City Projects and Issues:

1. Water Usage report for the period of October 21, 2013 through November 10, 2013.
2. Update and Discussion regarding Stage II of the Drought Contingency Plan.
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 FY-14 Hotel/Motel Funding
6. Flooding of the Colorado River October 30, 2013 through November 2, 2014.
7. Colors of the Sidewalks on S.H. 304.
8. Bastrop Marketing Corporation Report for the period ending October 31, 2013.
9. Update on S.H. 71 Improvements
10. Status of Board Vacancies

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:

Update regarding Stage II of the Drought Contingency Plan: The City's daily water average has decreased during the recent two weeks as a result of the recent rain. Even prior to the rainy weather the City had maintained a lower average constant with that seen during the winter months. All water wells have been operating 5-6 hours which is well below the City's maximum run-time of 16 hours.

City Council Member Ken Kesselus noted that the citizens were in concert with the City on water conservation.

Flooding of the Colorado River on October 30, 2013: The Colorado River water level crested slightly over 28 feet in Bastrop during the heavy rains on October 30th - November 2nd, 2013. The Parks Department Personnel were unable to install the Christmas lights along the "Trail of Lights", due to the week delay taken to remove debris. The Parks Department Staff will undertake the significant task of installing the Christmas lights along the "Trail of Lights" by Thanksgiving.

Sidewalks on S.H. 304: TxDOT is in the process of improving the traffic lanes on SH 304, which will include sidewalks. They have submitted three color choices for the City's consideration on the color of the sidewalks.

Update on the SH 71 Improvements: City Manager Talbot and staff attended the local TxDOT meeting and met with the Engineer Roy Dill who noted potential projects for SH 71. They have requested grant funding for the overpass at Tahitian Village/Loop 150 intersection. TxDOT would like the City's input on the design of the 10 – 12 foot high ramp wall and the City Manager suggested it would be a great project for the Bastrop Art in Public Places Task Force.

With regard to the recent flooding of the Colorado River, City Council Member Ken Kesselus noted his concern that the LCRA's advisory missed the cresting by 20%. The City Manager referenced sites suggested by Mayor Pro-Tem Joe Beal and the City was referencing them throughout the day for up-to-date information. City Manager Mike Talbot stated he would follow up on this issue and invite the LCRA to attend a future meeting.

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 October 22, 2013.
- A.2 Consideration, discussion and possible action on the SECOND READING of a proposed ORDINANCE of the City Council of the City of Bastrop Texas, amending the budget for the Fiscal Year 2013 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.
- A.3 Consideration, discussion and possible action on the SECOND READING of a proposed ORDINANCE granting an amendment to Section 37.2 Construction Standards adding C. Residential Design Standards in Single Family Residential Districts, Chapter 14, Zoning, "Exhibit A" Zoning Ordinance, relating to the regulations of residential design standards for single family homes in residential areas; providing a severability clause; and providing an effective date.
- A.4 Consideration, discussion and possible action on the SECOND READING of a proposed ORDINANCE granting an amendment to Section A-3 Definition 123 Home Occupation and

amending the Use Chart, Section 36.3 to reflect that Home Occupations do not require a Conditional Use Permit (CUP) Chapter 14, Zoning, "Exhibit A" Zoning Ordinance, relating to the regulation of Home Occupation uses in residential areas; providing a severability clause; and providing an effective date.

- A.5 Approval of the Preliminary Plat for XS Ranch, Rivercamp Estates, Phase 2 (29 residential lots) being +/- 251.03 acres within the Extra Territorial Jurisdiction (ETJ) of Bastrop, Texas located off Sayers Road, County Road 157.
- A.6 Approval of the statutory denial, for a period of 180 days from the date of Council action on this request, for the Little Colony Subdivision being a Re-subdivision of Lot 1, Bastrop West Commercial, Section 2 consisting of approximately 1.511 acres within the city limits of Bastrop, Texas.
- A.7 Board Appointment by Mayor Terry Orr and confirmation by the City Council on the appointment of Matthew Brian Lassen as the First Alternate Member for the Zoning Board of Adjustment; a 2-year term to commence on November 2013 through November 2015.
- A.8 Adoption 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.

Mayor Terry Orr pulled consent agenda item A.8 for a first reading at the City Council Meeting on November 26, 2013. Mayor Terry Orr read items A.1 through A.7 on the consent agenda for consideration and approval.

Council Member Kay Garcia McAnally made the motion to approve the consent agenda with exception of item A.8 and the addition of City Council Member Dock Jackson's name on the Meeting Minutes of October 22, 2013. Seconded by Council Member Dock Jackson and motion carried unanimously. Vote was taken and motion passed **3-0**.

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

B.1 APPROVAL OF THE FIRST READING OF A RESOLUTION OF THE CITY COUNCIL OF BASTROP APPROVING A PROJECT (FAÇADE/MEGA GRANT TO CHARLIE AMOS IN AN AMOUNT NOT TO EXCEED \$25,000, FOR RENOVATIONS TO THE BUILDING AT 1008 MAIN ST.), USING FUNDS PROVIDED BY THE BASTROP ECONOMIC DEVELOPMENT CORPORATION, IN AN AMOUNT EXCEEDING \$10,000.

At 6:44 pm, Mayor Terry Orr read the above caption and invited the public comments. There were no public comments; therefore Mayor Terry closed the public hearing at 6:48 pm.

Council Member Kay Garcia McAnally made a motion to the FIRST READING of a Resolution of the City Council of Bastrop approving a project (façade/mega grant to Charlie Amos in an amount not to exceed \$25,000, for renovations to the building at 1008 Main Street), using funds provided by the Bastrop Economic Development Corporation, in an amount exceeding \$10,000.

Seconded by Council Member Dock Jackson and motion carried unanimously. Vote was taken and Motion passed **3-0**.

B.2 CITIZEN COMMENTS – There were no citizen comments.

C. OLD BUSINESS – No items for discussion.

D. NEW BUSINESS

D.1 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION FOR ACCEPTANCE OF THE PRESENTATION OF THE BASTROP COUNTY HISTORICAL SOCIETY MUSEUM AND VISITORS CENTER OPERATIONS AND MAINTENANCE BUDGET FOR 2014.

Chief Financial Officer Karla Stovall introduced Bastrop Historical Society Museum Director Libby Sartain who gave a brief presentation on their FY 2014 Budget. She stated that they have done well on donations and they will have a \$3.00 admission fee.

Council Member Ken Kesselus acknowledged their extraordinary staff and stated the "Volunteers are wonderful. We can't put a value on our volunteers; we have volunteers who love helping us" Museum Director Libby Sartain estimated saving approximately \$30,000-40,000 a year due to their volunteers.

Council Member Kay Garcia McAnally made a motion to accept the presentation of the Bastrop County Historical Society Museum and Visitors Center Operations and Maintenance Budget for 2014.

Seconded by Council Member Ken Kesselus and motion carried unanimously. Vote was taken and Motion passed **3-0**.

D2 APPROVAL OF BASTROP MARKETING CORPORATION'S REQUEST FOR REIMBURSEMENT OF EXPENSES.

Council Member Kay Garcia McAnally made a motion to approve the Bastrop Marketing Corporation's request for reimbursement of expenses.

Seconded by Council Member Ken Kesselus and motion carried unanimously. Vote was taken and Motion passed **3-0**.

D.3 THE BASTROP CENTRAL APPRAISAL DISTRICT HAS SUBMITTED THE OFFICIAL BALLOT FOR THE ELECTION OF THE BOARD OF DIRECTORS WITH THE TERM BEGINNING JANUARY 1, 2014 THROUGH DECEMBER 31, 2015.

Council Member Ken Kesselus made a motion to cast the City's 214 votes for Emanuel Roderick on the Official Ballot for the Election of the Board of Directors on the Bastrop Central Appraisal District.

Seconded by Council Member Dock Jackson and motion carried unanimously. Vote was taken and Motion passed **3-0**.

D.4 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF BASTROP AND DM PECAN PARK ASSOCIATES, LTD. FOR THE DEVELOPMENT OF LAND.

City Manager gave a detailed overview of the agreement. City Council Member's held a brief discussion. Council Member Kay Garcia McAnally acknowledged the City Manager's and staffs time and effort into finalizing the agreement and stated "Well Done."

Mayor Terry Orr asked the Developer Duke McDowell how he felt about the agreement. Mr. McDowell responded he was "very pleased."

Council Member Dock Jackson made a motion to approve the MEMORANDUM of UNDERSTANDING between the City of Bastrop and DM PECAN PARK Associates, Ltd. For the Development of Land.

Seconded by Council Member Ken Kesselus and motion carried unanimously. Vote was taken and Motion passed **3-0**.

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.

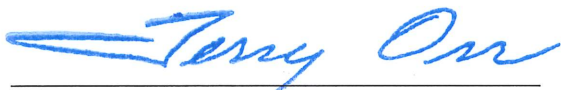
At 7:25 pm, Mayor Orr convened the Bastrop City Council into Executive Session. Mayor Orr reconvened the Bastrop City Council into open session to discuss, consider and/or take action(s) necessary related to the Executive Session noted herein at 8:49 pm.

City Manager Mike Talbot recommended that no action be taken as a result of the items posted for executive session. No action was taken.

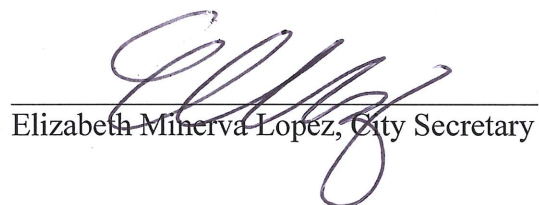
F. ADJOURN

At **8:50 pm**, Council Member Kay Garcia McAnally made the motion to adjourn the meeting. Seconded by Council Member Ken Kesselus and motion was carried unanimously, vote of **3-0**.

APPROVED:


Terry Orr, Mayor

ATTEST:


Elizabeth Minerva Lopez, City Secretary