

**BASTROP CITY COUNCIL
MINUTES OF REGULAR MEETING
October 8, 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, **October 8, 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: Mayor Pro-Tem Joe Beal and Council Members Kay Garcia McAnally, Ken Kesselus and Willie De La Rosa.

On October 8, 2013 at 4:26 pm, Council Member Dock Jackson advised City Manager Mike Talbot via email that he was not going to be in attendance at the City Council Meeting due to his participation in the Texas Municipal League Conference in Austin on October 8–11, 2013.

2. PLEDGE OF ALLEGEANCE AND INVOCATION

Council Member Ken Kesselus led the Pledge of Allegiance. Interim Police Chief Matt Wagner introduced Pastor Phil Woods from the First Assembly of God Church who led the invocation.

3. PRESENTATIONS

A. Character Education Presentation by Bastrop Student – Responsibility

Mayor Terry Orr welcomed Character Speaker Seth Mouser, a third-grade student at Lost Pines Elementary School; he graciously thanked the City Council for the opportunity and gave an entertaining presentation on the meaning of “Responsibility.” He stated he looked forward to the responsibility of being a productive citizen but was happy he was only 8 years old. Seth acknowledged the City’s Council’s responsibility in their roles as elected Officials and the responsibilities entrusted to them by the Community.

Seth Mouser was accompanied by his parents Carl & Carrie Mouser and Sister Madison. He plays football and is in the PAL’s program, and he enjoys being with his family and his dog.

4. PROCLAMATIONS

There were no Proclamations.

5. ANNOUNCEMENTS

Mayor Terry Orr acknowledged Council Member’s absence and welcomed Council Member Kay Garcia-McAnally from her recent trip and Mayor Pro-Tem Joe Beal.

Council Member Ken Kesselus commented on Seth Moser’s Character presentation on “Respect” by Seth Moser and stated “we all have a responsibility to environment and suggested that the Planning and Zoning Director Melissa McCollum create a resolution to be present for consideration at the upcoming meeting in October, 2013; because we need to plan for the future.

Council Member Ken Kesselus stated it was time to honor Mayor Terry Orr who had recently been featured in a full page article at the University of Texas in Austin. He thanked him for being a Longhorn. Mayor Terry Orr graciously thanked him and said "I appreciate that."

There were no additional announcements; therefore, Mayor Terry Orr introduced City Manager Mike Talbot to present his bi-weekly update.

CITY MANAGER'S INFORMATIONAL REPORT FOR SEPTEMBER 24, 2013: Items for update, discussion and possible action:

A. Meetings and Events Attended:

1. Attended the monthly meeting of the Zoning Board of Adjustment on October 2, 2013.
2. Attended the monthly meeting of the Parks Board on October 3, 2013 Review

B. Update on City Projects and Issues:

1. Water Usage report for the period of August 24, 2013 through October 3, 2013.
2. Traffic Plan for the Annual Halloween Event.
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 AMI Project.
6. City Council Utility Meeting.
7. Update on the Proposed Improvements for the Bastrop Business Park.
8. Update Wineries & Breweries in the Central Business District
9. Filling the vacancy of the Chief of Police position.
10. Review of current vacancies on City Board.
11. Update on the upcoming Issuances of Certificate of Obligations.
12. Update on Proposed Changes to the City of Bastrop's Personnel Policies.
13. Update on Golf Voucher Program
14. Update on the October 3, 2013 Parks Board Meeting

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 on related to issues 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:

- B-2 Updated Traffic Plan for Halloween Event** - City Manager Talbot provided the City Council Members with an updated traffic plan for the upcoming Halloween Event. Mayor Terry Orr stated he was very pleased with the extension of streets in the updated traffic plan for the upcoming Halloween event.
- B-6 City Council Utility Meeting** - City Manager offered consideration and direction from the City Council with regard to holding the next Utility Meeting/Workshop on the 3rd week of November 2013.

Council Member Ken Kesselus stated he like the reporting process and likes City Manager Mike Talbot's idea.

Mayor Terry Orr requested that the Council Members review the item and get back to City Manager Mike Talbot.

- B-8 **Update Wineries & Breweries in the Central Business District** – City Manager Mike Talbot drew the City Councils attention to the above item, he gave a brief update and noted that we have not yet received all the responses from the cities we have contacted; only of few of those have a downtown brewery/winery program. Our Goal is to maintain the integrity of Bastrop's Main Street Program. City Manager Mike Talbot noted he would provide additional information at the next City Council Meeting scheduled for Tuesday, October 22, 2013.

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 MINTUES for Special Utility Meeting/Workshop on September 17, 2013. *(E. Lopez)*
- A.2 Consideration, discussion and possible action on the **SECOND READING** of a proposed Ordinance of the City Council of the City of Bastrop, **Amending** Section 1.10.002 "**Park Rules**" and Amending "PROHIBITED ACTIVITIES" of Chapter 1 "General Provisions" and providing an effective date. *(T. Job)*
- A.3 Discussion, Consideration and Possible Action Regarding the **SECOND READING** Approving "an Ordinance amending and clarifying article 4.06, **Special Events Permits**, Public Gatherings and Parades of Chapter 4, Business Regulations; Providing a severability clause, a savings clause, and an effective date." *(M. Talbot)*
- A.4 Approval of Bastrop Marketing Corporation's request for reimbursement of expenses. *(K. Stovall)*
- A.5 Consideration, discussion and possible action on **SECOND READING** for approval of a request to **amend** the Bastrop **Economic Development Corporation's Fiscal Year 2013 budget** in the amount of \$50,000. *(D. Quinn)*
- A.6 Approval of the statutory denial, for a period of 180 days from the date of Council action on this request, for the Administrative Plat of Lots 165 & 166 to combine two residential lots in Lake Bastrop Pines being approximately 0.484 acres within the 1 mile Extra Territorial Jurisdiction (ETJ) of the City of Bastrop, Texas. *(M. McCollum)*
- A.7 Approval of the Special Event Permit Application submitted by the Downtown Business Alliance to host "**Veteran's Day Car Show**" on **Friday, November 8, 2013** in Fisherman's Park (movie) and on **Saturday, November 09, 2013**, in Downtown Bastrop. *(T. Job)*

Council Member Willie DeLaRosa made a motion to approve all items listed under the Consent Agenda. Seconded by Council Member Kay Garcia McAnally and motion carried unanimously. Vote was taken and motion passed 4-0.

B. PUBLIC HEARINGS AND ORDINANCES AND OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION: (M. McCollum)

B.1 CONDUCT A PUBLIC HEARING TO RECEIVE CITIZENS INPUT ON OUR REQUEST FOR A CHANGE IN ZONING/RE-ZONING FOR THE FOLLOWING ADJACENT TRACTS OF LAND:

- 1) **C2**, COMMERCIAL HEAVY TO **C1**, COMMERCIAL LIGHT FOR +/- 0.1299 ACRES WITHIN BUILDING BLOCK 118 EAST OF WATER STREET; AND
- 2) **C1**, COMMERCIAL LIGHT FOR +/-0.2131 ACRES BEING A PORTION OF VACATED NEWTON STREET SOUTH OF BUILDING BLOCK 118 AND NORTH OF BUILDING BLOCK 119; AND
- 3) **SF7**, SINGLE FAMILY RESIDENTIAL TO **C1**, COMMERCIAL LIGHT FOR +/-1.2757 ACRES WITHIN BUILDING BLOCK 119 EAST OF WATER STREET.

THESE PROPERTIES ARE LOCATED SOUTH OF STATE HIGHWAY 71 EAST, WEST OF UNOPENED PITT STREET AND NORTH OF JASPER WITHIN THE CITY LIMITS OF THE CITY OF BASTROP, TEXAS.

At 7:37 p.m., Mayor Terry Orr opened the Public Hearing.

City Manager Mike Talbot introduced the Planning and Zoning Director, Melissa McCollum, who recently returned from maternity leave. Mayor Terry Orr welcomed her back and congratulated her on the birth of her new baby.

Planning and Zoning Director Melissa McCollum requested the City Council's consideration and approval of the zoning district classification. She advised the Council that Members of the Planning and Zoning Commission conducted a Public Hearing on August 29, 2013 where they voted unanimously (8-0) to recommend the approval of a zoning district classification of the adjacent tracts of land referenced in the above agenda item.

There was no response to Mayor Terry Orr's invitation to public comment; therefore he closed the Public Hearing at 7:44 pm.

B.2 CONSIDERATION, DISCUSSION & POSSIBLE ACTION ON THE FIRST READING OF A PROPOSED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS GRANTING A ZONING/RE-ZONING DISTRICT CHANGE FOR THE FOLLOWING ADJACENT TRACTS OF LAND: (M. McCollum)

- C2**, COMMERCIAL HEAVY TO **C1**, COMMERCIAL LIGHT FOR +/- 0.1299 ACRES WITHIN BUILDING BLOCK 118 EAST OF WATER STREET; AND
- C1**, COMMERCIAL LIGHT FOR +/-0.2131 ACRES BEING A PORTION OF VACATED NEWTON STREET SOUTH OF BUILDING BLOCK 118 AND NORTH OF BUILDING BLOCK 119; AND
- SF7**, SINGLE FAMILY RESIDENTIAL TO **C1**, COMMERCIAL LIGHT FOR +/-1.2757 ACRES WITHIN BUILDING BLOCK 119 EAST OF WATER STREET IN THE CITY LIMITS OF BASTROP, TEXAS; AND ESTABLISHING AN EFFECTIVE DATE.

Council Member Ken Kesselus made a motion to accept the FIRST READING of a proposed Ordinance of the City Council of the City of Bastrop, Texas granting a Zoning/Re-Zoning District Change for the following Adjacent Tracts of Land and to have the SECOND READING on the consent agenda at the next City Council Meeting scheduled for October 22, 2013.

Seconded by Council Member Willie DeLaRosa and motion carried unanimously. Vote was taken and Motion passed 4-0.

B.3 CITIZEN COMMENTS

There were no Citizen Comments.

C. OLD BUSINESS - NONE

D. NEW BUSINESS

D.1 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION FOR SELECTING A FINANCIAL INSTITUTION TO SERVE AS THE CITY'S PRIMARY BANKING SERVICES DEPOSITORY FOR THE DEPOSIT OF CERTAIN CITY FUNDS AND PROVISION OF BANKING FUNCTIONS FOR DESIGNATED FUNDS OF THE CITY. (K. Stovall)

On October 5th, 2013 at 2:13 pm, Council Member Ken Kesselus requested via e-mail on his recusal in the formal meeting minutes. The e-mail notification was received 3 days prior to the scheduled City Council Meeting of October 8th, 2013 and it noted the following:

"I will recuse myself from the item on Tuesday's October 8th, 2013 Agenda dealing with the acceptance of a City fiduciary repository. My reason for doing so is that I own some stock in the First National Bank, one of the applications. I do not own a great deal of stock, and certainly not enough to meet the statutory requirement, but I will feel better if I do not participate in the discussion or decision."

Council Member Ken Kesselus excused himself and left the City Council Meeting and returned at 6:56 p.m.

City Manager Mike Talbot introduced Chief Financial Officer Karla Stovall who addressed the City Council with regard to the above agenda item.

CFO, Karla Stovall introduced Linda Paterson with Paterson and Associates for her evaluation and recommendation. Ms. Patterson has recommended First National Bank due to their service levels and potential earning capability. Additionally, First National had offered "Remote Scanners" for our cashier's ad not additional cost.

City Manager Mike Talbot thanked Ms. Linda Paterson for her thorough job in providing the Analysis of Bank Depository Service Proposal – *"it was a wonderful RFQ."*

Mayor Terry Orr requested a motion to accept, which followed with Council Member Kay Garcia-McAnally's motion to accept First National Bank as the financial institution to serve as the City's primary banking services depository for the deposit of certain City funds and provision of banking functions for designated funds of the City. Seconded by Council Member Willie DeLaRosa and motion passed unanimously. Vote was taken and Motion passed 4-0.

D.2 THE CALENDAR DEVELOPED AND APPROVED BY CITY COUNCIL FOR THE HOTEL MOTEL FUNDING DISTRIBUTION IDENTIFIES OCTOBER 8, 2013 FOR CITY COUNCIL TO APPROVE THE FINAL FUNDING LEVELS FOR ORGANIZATIONS. TOTAL AMOUNT TO BE DISTRIBUTED IS \$283,500. YEAR-END SUMMARY REPORTS PROVIDED AT MEETING. (K. Stovall)

Chief Financial Officer Karla Stovall reviewed the City of Bastrop Fiscal Year 2014 Hot Funding Report that reflected the funding levels for each organization. City Council Members held a brief discussion with regard to organizations that had not yet submitted their year-end summary report. After additional consideration they were in agreement to allow the organizations to submit their summaries and have the final year-end report at the next meeting in November 2013.

Council Member Ken Kesselus made a motion to approve the final funding levels for the organizations. Total amount to be distributed is \$283,500. A full year-end summary report which is to be provided at the next City Council Meeting in November 2013. Seconded by Council Member Willie DeLaRosa and motion passed unanimously. Vote was taken and Motion passed 4-0.

E. EXECUTIVE SESSION

E.1 The Bastrop City Council will meet 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.

At **9:08 pm**, Mayor Orr reconvened the Bastrop City Council into regular session to discuss, consider and/or take action(s) necessary related to the Executive Session noted herein.

There were no responses to Mayor Terry Orr’s invitation for comments; therefore, no action was taken.

A. ADJOURN

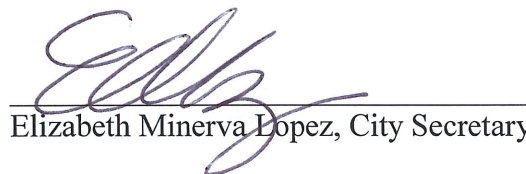
At **9:10 pm**, Council Member Kay Garcia McAnally made the motion to adjourn the meeting. Seconded by Council Member Willie DeLaRosa and motion was carried unanimously.

APPROVED:



Terry Orr, Mayor

ATTEST:



Elizabeth Minerva Lopez, City Secretary