

**BASTROP CITY COUNCIL
MINUTES OF REGULAR MEETING
September 24, 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, **September 24, 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, Dock Jackson, Ken Kesselus, and Willie De La Rosa. Mayor Pro-Tem Joe Beal was absent.

2. PLEDGE OF ALLEGEANCE AND INVOCATION

David Quinn Executive Director for Bastrop's Economic Development Corporation led the Pledge of Allegiance. Interim Police Chief Matt Wagner introduced Police Chaplain, Jonah Beyer.

3. PRESENTATIONS

City Manager Mike Talbot presented Kay Revetta a "Day off Certificate" for her dedication, welcoming demeanor as the City's Receptionist and as the first point of contact.

Mayor Terry Orr and City Manager Mike Talbot presented a beautiful acrylic award commending Traci Chavez for an "Outstanding Job" as Interim City Secretary from April 22, 2013 through September 2, 2013. During this period, Mrs. Chavez successfully incorporated the responsibilities in addition to those as the Executive Assistant to the City Manager. The City Council expressed their appreciation and she received a standing ovation from everyone in attendance.

4. PROCLAMATIONS

There were no Proclamations.

5. ANNOUNCEMENTS

Mayor Terry Orr invited comments at which time, City Council Member Kay Garcia-McAnally commented on the film scouting for the Toyota commercial that had filmed at the Riverside Carwash on Old Austin Highway here in Bastrop.

Mayor Terry Orr introduced City Manager Mike Talbot, who presented his biweekly informational update report.

CITY MANAGER'S INFORMATIONAL UPDATE REPORT: ITEMS FOR UPDATE, DISCUSSION AND POSSIBLE ACTION:

A. Meetings and Events Attended:

1. Attended the monthly meeting of the Bastrop Economic Development Corporation on September 16, 2012.
2. City Council Utility Committee Meeting of September 17, 2013.

3. Attended the monthly meeting of the Lost Pines Groundwater Conservation District on September 18, 2013.
4. Attended the Convention Center's Open House on September.

B. Update on City Projects and Issues:

1. Water Usage report for the period of August 17, 2013 through August 23, 2013.
2. Review of the Water Loss Report for August 2013
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. A request from Ms. Mariann to rename some Streets in the City of Bastrop.
6. Review of the proposed streets for reconstruction/upgrade.
7. Review of the Street Departments Paving Projects.
8. Update of the City's Parks Board tour of the City for potential sites for a Skate Park.
9. Filling the vacancy of the Chief of Police position.
10. Update of the Special Main Street Board Meeting of September 23, 2013.
11. Update of the Local Government Corporation Meeting of September 23, 2013.

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

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

City Manager Mike Talbot drew the City Council's attention to the following items:

The Bastrop Main Street Board held a Special Meeting on September 23rd to discuss their views related to various options on the potential sale of "Beer & Wine" in the area zoned Central Business Districts.

Council Member Kay Garcia McAnally agrees to allow the winery into Central Business District.

Mayor Terry Orr stated he looked forward to seeing a written report at the next City Council meeting.

Ethics - City Manager Mike Talbot stated that the Ethics Committee had met and they had requested an amendment to add clarity to the Ethics Ordinance. City Manager Mike Talbot he would be coordinating this with the Mayor as to the place on the upcoming City Council Agenda.

Streets— City Manager Mike Talbot had recently requested the Council's consideration to Ms. Mariann's request to renaming some of our City streets recognizing historical individuals who made contributions to the City of Bastrop. City Manager Mike Talbot suggested that with the City Council's support of the project, we can forward the project request to the Historic Landmark Commission for their review and recommendation to the City Council. Mayor Terry Orr stated he would like a written report before the City Council because there would be a multitude of people for consideration.

Council Member Ken Kesselus can understand a family wanting to name a street to honor one of their own and we will try to work with the family and suggested naming a new street/subdivision

as a better idea. Council Member Ken Kesselus noted this is a very big issue that may cause a negative response within our community.

Mayor Terry Orr concurred that naming a new street was a better idea. At which time, Council Member Dock Jackson stated he was in agreement that this may cause issues within the community; however it may be something worth discussing.

PID - Council Member Ken Kesselus informed the meeting attendees that the PID Board had held a routine public hearing on Monday, September 23, 2013 to allow a public hearing to answer the community's questions. He acknowledged City Manager Mike Talbot's attendance at various meetings and thanked him for his comprehensive response to the community's inquiries.

Mayor Terry Orr stated that he wanted the public to know that the Council Members are very much engaged in the details of a variety of things that are occurring in the Community.

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 Meeting of September 10, 2013. (E. Lopez)**
- A.2 Approval of the Special Event Permit Application submitted by Anne Beck to host "Book Launch & Bus Tour" on Friday, October 18, 2013, and Saturday, October 19, 2013, in the Public Library, downtown Bastrop, and Fairview Cemetery. (T. Job)**
- A.3 Approval of the Special Event Permit Application submitted by DBA to host "Halloween Fest" on Thursday, October 31, 2013, in downtown Bastrop. (T. Job)**
- A.4 Consideration, discussion & possible action on the SECOND READING of a proposed ordinance of the City Council of the City of Bastrop, amending section 12.04.006 titled schedule v: school zones to amend & correct school zone locations, in article 2.04; "traffic schedules"; chapter 12 "traffic and Vehicles", in the code of ordinances of the city of Bastrop; directing that signs be erected to reflect this change; establishing fines and penalties for violations; providing for enforcement; providing a severability clause; & providing an effective date. (T. Job)**

Mayor Terry Orr pulled item A.3 for further discussion. Council Member Willie DeLaRosa made the motion to approve the Consent Agenda items with the exception of item A.3. Council Member Dock Jackson seconded the motion.

Mayor Terry Orr stated that the Halloween Fest event brings thousands of people to town and in their best interest we ask for a traffic control plan to ensure the safety of our trick-or-treat'ers which is approximately 600-700 children on our residential streets. Mayor Terry Orr asked Interim Police Chief Wagner to see if additional streets needed to be closed to protect the children.

City Manager Mike Talbot was in agreement with the City Councils concern and confirmed that the City anticipated expanding the traffic control plan for the event. He will be meeting with the Interim Police Chief Matt Wagner and the Public Works Director Trey Job and would provide his recommendation at the October 8th, 2013 City Council Meeting.

After a brief discussion with regard to Consent Agenda Item A-3, Council Member Willie DeLaRosa made a motion to approve Agenda Item A-3 under the Consent Agenda.

Seconded by Council Member Kay McAnally and motion carried unanimously. Vote was taken and the Motion passed 4-0.

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

B.1 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE FIRST 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. (Trey Job)

After a brief discussion, Mayor Terry Orr closed the Public Hearing.

Council Member Kay Garcia McAnally made a motion to accept the FIRST 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.

Motion was seconded by Council Member Dock Jackson and the vote carried unanimously. Vote was taken and the Motion Passed 4-0.

B.2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF A PETITION FOR A VARIANCE ALLOWING A PRIVATE WELL TO BE DRILLED WITHIN THE CITY LIMITS OF THE CITY OF BASTROP LOCATED AT 1207 CHURCH STREET BASTROP TX. 78602. (Trey Job)

Public Works Director Trey Job addressed the City Council with the request to consider and approve the above agenda item. Mayor Terry stated that it was his understanding that this item had been approved by the Water Board at which time the Public Works Director Trey Job confirmed the approval.

Council Member Ken Kesselus made a motion to approve the petition for a Variance allowing a private well to be drilled within the city limits of The City of Bastrop Located at 1207 Church street Bastrop TX. 78602.

Motion was seconded by Council Member Kay Garcia-McAnally and the vote carried unanimously. Vote was taken and the Motion Passed 4-0.

B.3 CITIZEN COMMENTS

In response to Mayor Terry Orr's request for citizen comments, Sarah Holland of Austin, Texas accepted the invitation to discuss the concern of "Air Quality." Ms. Holland offered tips on how to lower emissions during the Ozone Action Days in efforts to improve the air quality and support an ozone reducing program that would help our local region and economy.

Council Member Ken Kesselus confirmed that one of the things the City of Bastrop is involved in is the "Clean Air Coalition" in their efforts to do volunteer work that benefit our community.

Planning & Zoning Director Melissa McCollum, courteously requested the City's Councils support to pass a Resolution at the City Council Meeting set for October 22, 2013.

Mayor Terry Orr elicited further discussion at which time City Council Member Ken Kesselus noted that the City of Bastrop reflected a bad ozone layer primarily due to automobiles. Mayor Terry Orr thanked everyone for the comments.

C. OLD BUSINESS

C.1 CONSIDERATION, DISCUSSION & POSSIBLE ACTION ON APPROVAL OF THE SECOND READING OF AN ORDINANCE OF THE CITY OF BASTROP, TX, ADOPTING A BUDGET & APPROPRIATING RESOURCES FOR FY 2013-2014; BEGINNING OCTOBER 1, 2013 ENDING SEPTEMBER 30, 2014; IN ACCORDANCE WITH EXISTING STATUTORY REQUIREMENTS; REPEALING ALL CONFLICTING ORDINANCES; CONTAINING A SEVERABILITY CLAUSE; & PROVIDING FOR AN EFFECTIVE DATE. (Mike Talbot)

Upon a review of the above agenda item, City Manager Mike Talbot requested the City Council's consideration and approval on this agenda item.

Mayor Terry Orr invited citizen's comments and with no response he proceeded to extend his appreciation on behalf of the City Council to Chief Finance Officer Karla Stovall and all the Department Directors for their efforts with the budget preparation.

At 6:45 p.m., Council Member Kay Garcia-McAnally stepped out of the City Council Meeting and returned at 7:00 p.m.

Council Members held a brief discussion at which time Council Member Willie DeLaRosa motioned to approve the Second Reading of an Ordinance of the City of Bastrop, Texas, adopting a budget and appropriating resources for Fiscal Year 2013-2014; beginning October 1, 2013 ending September 30, 2014; in accordance with existing statutory requirements; repealing all conflicting ordinances; containing a severability clause; and providing for an effective date

Motion was seconded by Council Member Dock Jackson and the vote carried unanimously. Vote was taken and the Motion Passed 3-0

C.2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON RATIFYING THE PROPERTY TAX INCREASE REFLECTED IN THE ANNUAL BUDGET FOR THE FISCAL YEAR 2013-2014; BEGINNING OCTOBER 1, 2013 ENDING SEPTEMBER 30, 2014. (Mike Talbot)

City Manager Mike Talbot gave an insightful review of the agenda item which ensued in a brief discussion between the City Council Members.

Council Member Dock Jackson made a motion to approve ratifying the property tax increase reflected in the Annual Budget for the Fiscal Year 2013-2014; Beginning October 1, 2013 and ending on September 30, 2014.

Motion was seconded by Council Member Willie DeLaRosa and the vote carried unanimously. Vote was taken and the Motion Passed 4-0

C.3 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF THE SECOND READING OF AN ORDINANCE FIXING THE TAX RATE AND LEVY FOR THE CITY OF BASTROP, TEXAS, FOR THE PURPOSE OF PAYING THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING

SEPTEMBER 30, 2014, AND FOR THE FURTHER PURPOSE OF CREATING A SINKING FUND TO RETIRE THE PRINCIPLE AND INTEREST OF THE BOND INDEBTEDNESS OF THE CITY; PROVIDING FOR A LIEN ON ALL REAL AND PERSONAL PROPERTY TO SECURE PAYMENT OF TAXES DUE THEREON; CONTAINING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES AND PARTS THEREOF IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE. (Mike Talbot)

Upon City Manager Mike Talbot's confirmation that the tax rate had remained the same as last years, the City Council Members held a brief discussion and returned with the following motion:

"I Kay Garcia-McAnally move that the property tax rate be increased by the adoption of a tax rate of .584, which is effectively a .48 percent increase in the tax rate."

Motion was seconded by Council Member Willie DeLaRosa and the vote carried unanimously. Vote was taken and the Motion Passed 4-0.

D. NEW BUSINESS

D.1 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON ACCEPTANCE OF THE UNAUDITED MONTHLY FINANCIAL REPORTS FOR THE PERIOD ENDING OF AUGUST 31, 2013. (K. Stovall)

Chief Financial Officer Karla Stovall addressed the council with the presentation of the above captioned item and she requested the City Council's consideration and approval.

Mayor Terry Orr stated that the City was in pretty good shape and we have a good economic environment.

Council Member Willie DeLaRosa made a motion to accept the unaudited Monthly Financial Reports for the period ending of August 31, 2013.

Seconded by Council Member Kay Garcia-McAnally and motion passed unanimously. Vote was taken and the Motion passed 4-0.

D.2 CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON APPROVAL OF A REQUEST TO AMEND THE BASTROP ECONOMIC DEVELOPMENT CORPORATION'S FY 2013 BUDGET IN THE AMOUNT OF \$50,000. (D. Quinn)

Upon completion of the First reading of the above caption by Mayor Terry Orr, City Counselor JC Brown requested that the agenda caption be read twice. Mayor Terry Orr proceeded with the second reading of agenda item D.2.

BEDC Director Dave Quinn gave a brief overview of the item. The JAMCO project has incurred additional engineering expenses that were not originally budgeted for. Council Member Willie DeLaRosa made a motion to approve the request to amend the Bastrop Economic Development Corporation's Fiscal Year 2013 budget in the amount of \$50,000.

Seconded by Council Member Kay Garcia-McAnally, Vote was taken and the Motion passed unanimously 4-0.

D.3 DISCUSSION, CONSIDERATION & POSSIBLE ACTION REGARDING THE FIRST READING APPROVING AN ORDINANCE AMENDING & CLARIFYING ARTICLE 4.06, SPECIAL EVENT PERMITS, PUBLIC GATHERINGS & PARADES OF

CHAPTER 5, BUSINESS REGULATIONS; PROVIDING A SEVERABILITY CLAUSE A SAVINGS CLAUSE, AND AN EFFECTIVE DATE. (M. Talbot)

Mayor Terry Orr invited public comments at which time Debbie Moore expressed her request to allow alcohol in the special event areas during the upcoming Veterans Day Event. She stated she felt it would be a step back if the City did not allow this.

City Manager Mike Talbot informed Ms. Debbie Moore that each business owner within the special event area would need submit a request permit for approval to do so.

Council Member Dock Jackson expressed his support for the above agenda item and followed with a motion to accept the First Reading of a proposed ordinance of the City Council of the City of Bastrop, Approving an Ordinance amending and clarifying Article 4.06, Special Event Permits, Public Gatherings and Parades of Chapter 5, Business Regulations; Providing a Severability Clause A Savings Clause, and an Effective Date.

Seconded by Council Member Willie DeLaRosa, Vote was taken and the Motion passed unanimously 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.

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.

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 7:18 pm, Mayor Orr convened the Bastrop City Council into regular session to discuss, consider and/or take action(s) necessary related to the Executive Session noted herein.

City Manager, Mike Talbot, discussed and provided an overview of his and the Councils views and stated that the City needs to proceed with its evaluation of the various options that the City has identified, to date, for future water supply to the City.

City Manager Mike Talbot recommended that he and the City's team continue its work to identify and pursue all potential groundwater options for such future water supply. The City Manager recommended that all providers who have submitted proposals be required by the City to sign the same MOU as has been done by the XS Ranch group, in order for the city to continue its negotiations for a water supply with the various entities. Mr. Talbot confirmed that the City's Legal Counsel, Ms. Brown, has prepared a document that will be the City's "standard MOU," and that it includes text that will protect the City, so that at any point in the negotiations the work and/or partnership does not seem viable, the MOU and obligations contained in it related to permitting, may be ended.

Motion by Council Member Willie De La Rosa to "Authorize the City Manager to enter into a Memorandum of Understanding with XS Ranch, to proceed with the process of filing a joint application with XS Ranch to the Lost Pines Groundwater District for water production, under a nonexclusive, conditional permitting process , and to require any other entity, person or party who desires to enter into negotiations with the City as a beneficial end-user of a groundwater supply, to also enter into a substantially similar agreement, before that entity or person files for any type of production permit request, with the LPGWD, that relates to and/or involves the City of Bastrop. Motion was seconded by Council Member Kay McAnally.

The Mayor invited discussion, several Council Members agreed with Mr. Talbot's input.

Vote was taken and the Motion passed unanimously 4-0.

F. ADJOURN

At 9:43 pm, Council Member Willie DeLaRosa made the motion to adjourn the meeting. Motion was seconded by Council Member Kay Garcia-McAnally and motion was carried unanimously.

Mayor Terry Orr gleefully noted that the meeting had lasted only 1 hour and 3 minutes.

APPROVED:

ATTEST:


Terry Orr, Mayor


Elizabeth Minerva Lopez, City Secretary