**MINUTES OF REGULAR MEETING**
**BASTROP CITY COUNCIL**
**June 25, 2013 6:15 P.M.**

Pursuant to the Texas Government Code, Chapter 551, the City Council of Bastrop, Texas will hold a regular meeting on June 25, 2013 at 6:15 p.m. at Council Chambers of City Hall, 1311 Chestnut Street, Bastrop, Texas and will consider the following matters to wit:

**ANNOUNCEMENTS**

1. Call to Order

At 6:20 PM Mayor Terry Orr called the meeting to order with all members being present except Willie DeLaRosa.

2. Pledge of Allegiance and Invocation

Mr. Joe Beal led the pledges of allegiance to the U.S. and Texas Flags. Reverend Robert Oliver of Bastrop Bible Church led the invocation.

3. Presentations

There were no presentations

4. Proclamations

There were no proclamations.

5. Announcements

Mayor Orr announced that Mr. DeLaRosa was absent as he is expecting a grandchild. He reported that the sales tax is up .76% higher than the same period last year. He attending the ground breaking ceremony of a new 25,000 square foot medical facility which should be a huge benefit to Bastrop. He commented that he is very pleased with the job Public Works is doing on the street striping project. Dock Jackson commented that the Reverend R.D. Smith family wanted to express their sincere appreciation for all the help from the City and its staff with respect to Reverend Smith's funeral.

**CITY MANAGER INFORMATIONAL UPDATE REPORT: Items for update, discussion and possible action:**

A. Meetings and Events Attended:
   1. Attended the Monthly Meeting of the Pine Forest Unit #6 Homeowners Association on June 13, 2013.
   2. Attended the Monthly Meeting of the Bastrop Economic Development Corporation on June 17, 2013.
   3. Special City Council Budget Workshop on June 18, 2013.
   4. Attended the Monthly Meeting of the Lost Pines Groundwater Conservation District on June 19, 2013.
   5. Attended the Annual Texas City Manager's Association Conference – June 20, through June 23, 2013.

B. Update on City Projects:
   1. Update on the Bob Bryant Park Water Facilities Improvements Project.
   2. Update on Long Term Water Supply.
   3. Update on the Construction of Sidewalks across the Rail Road Tracks on Chestnut Street.
   4. Update on the State Park Voucher Program.
   5. Update on the Hotel/Motel Funding Process.
   6. Water Consumption Report.
   7. The Texas Department of Transportation Proposed Improvements for S.H. 71.
   8. Discussion Regarding Municipal Bond Financing.
   9. Update on the Pecan Park Subdivision.
   10. Update on the Top 10 Strategic Priorities for 2013 – 2016.
   11. Update on the Texas Capital Fund for Buc-ee's and the Texas Main Street Sidewalk improvements Project.
   12. Update on the Fayette Street Community Development Block Grant Wastewater improvements Project.
   13. Chamber of Commerce – film commission hot funds.
   14. Bastrop Art in Public Places Task Force proposed budget.

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

D. Department and Board Reports.

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

Mr. Talbot stated that item A.5 fulfilled his ethics training requirements for two years. He informed the Council that the pump for item B.1 will be here and installed this week. Item B.3, the Rail Road promises they will be here next with respect to the sidewalk/track crossing on Chestnut. Regarding item B.6 he explained we are starting to see an increase in usage and we are monitoring daily the well levels as it is predicted we will continue in a drought situation. Regarding item B.7 he advised that there are copies of this report available for their review at City Hall. Mr. Talbot brought to the attention of the Council that a mistake had been made regarding Ms. McAnally's vision meeting which states the date at June 28, but should be June 26, 2013.

Item B.10 Mayor Orr appointed John Koslowsky, recommended by Mr. Kesselus, to the Form Based Code Committee. Mayor asked Council for confirmation. Mr. Kesselus made motion to confirm Mr. Koslowsky, seconded by Ms. McAnally. Motion carried unanimously.

Item B.13 Mr. Talbot references at letter, included in your City Manager Report, from the Chamber of Commerce requesting an extension on the expenditures for the Bastrop Film Commission. Mr. Talbot recommends approving their request. Ms. McAnally made the motion to approve their request. Seconded by Mr. Kesselus. Motion carried unanimously.

Item B.14 Mr. Talbot stated that the BAIPP has submitted their budget for review. Mr. Kesselus stated that overall the written report from Mr. Talbot has been a tremendous help in keeping everyone in the loop.

## 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 Members so requests.

A.1 Approval of the statutory denial, for a period of 180 days from the date of Council action on this request, for the Preliminary and Final Plat of Hunters Crossing, Section 5B (55 residential lots) located north of Hunters Point Drive and west of Highway 304 within the City limits of Bastrop, Texas

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A.2 Approval of the statutory denial, for a period of 180 days from the date of Council action on this request, for the Preliminary and Final Plat of Hunters Crossing, Section 3E (17 residential lots) located south of Hunters Point Drive and west of Highway 304 within the City limits of Bastrop, Texas

A.3 **SECOND READING:** Adoption of an "Ordinance granting a zoning district change from MH, Manufactured Housing to C-1, Commercial District (Light) for approximately 3.973 acres, commonly known as 2801 E. Highway Loop 150, in the City limits of Bastrop, Texas; and establishing an effective date."

A.4 Approval of the Special Event Permit Application submitted by the Bastrop Homecoming Committee, Inc. to host "Bastrop Homecoming & Rodeo", on Wednesday, July 31, 2013 through Sunday, August 4, 2013 in downtown Bastrop, Mayfest Park and Fireman's Park.

A.5 Approval of the Special Event Permit Application submitted by Lee Harle, owner of Bastrop River Company, to host "Stand-Up Paddle Cup" on Friday, August 16th and Saturday, August 17, 2013 in Fisherman's Park, Riverwalk, Colorado River and Bastrop Brewhouse.

A.6 **SECOND READING:** Adoption of an "Ordinance 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 on conflict herewith; and providing for an effective date."

Mayor Orr read the captions from item A.3 and item A.6. Mayor Orr requests that Agenda items A.4 and A.5 be pulled from the agenda. Mr. Jackson made a motion to approve the remainder of the consent agenda. Seconded by Mr. Beal. Motion carried unanimously.

Mayor Orr referred to Item A.4 Approval of the Special Event Permit Application submitted by the Bastrop Homecoming Committee, Inc. to host "Bastrop Homecoming & Rodeo", on Wednesday, July 31, 2013 through Sunday, August 4, 2013 in downtown Bastrop, Mayfest Park and Fireman's Park. Mayor asked about the variance request. He makes note that according to the application, the parks board voted not to allow alcohol in Fireman's Park. He asked for clarification from Mr. Talbot. Mr. Talbot explained the Special Events Ordinance requires that when alcohol is involved that they must get council approval and our Parks Ordinance prohibits alcohol in the parks. Mr. Talbot then explained the process. Mr. Talbot also explained that he had spent considerable time in discussions with TML underwriters with respect to general liability under our ordinance. It was determined that an incident involving alcohol in a park would not be covered under the City insurance. It was recommended that if it was the desire of the Council to grant this approval that they also should require the applicant to obtain additional insurance to cover an alcohol incident. TML suggested that the City look at the risk to determine the additional insurance requirement. Basically if the event is in a closed area we are able to control the people coming in and out with patrol officers, therefore the risk would be less vs. no enclosed area which is very difficult to control people entering or leaving the park which would increase the risk. On the first application Mr. Talbot recommends a $1,000,000.00 insurance policy. With the second application for Fisherman's Park proved much more difficult as it is not enclosed and would be much more difficulty to control. Due to the increased exposure I would recommend a $5,000,000.00 insurance policy. Discussion continued. Ms. Brown stated that Council could approve the variance tonight with a stipulation condition upon revision of the insurance with a level you feel is appropriate. Mr. Beal wanted clarification between the two applications. Mr. Talbot explained that on Mayfest Hill they would have TABC compliance sellers and sellers however, at Fisherman's Park it would be BYOB sitation. Trey Job stated that the Alcohol Variance at Fireman's Park has been withdrawn. Mr. Talbot verified with Mr. Job that the Parks Board vote of no was on the Fireman's Park request only and Mr. Job confirmed.

Mr. Kesselus moved to approve item A.4 with the Variance for Mayfest Park only and under the controls that Mr. Talbot stated and the stipulation that the $1,000,000 liability insurance policy in effect. Seconded by Ms. Garcia McAnally. Motion carried unanimously.

The Mayor explained that Item A.5 was very similar to item A.4. The application is seeking a variance to allow alcohol to be brought into Fisherman's Park as a BYOB type of event.

Mr. Beal moved to approve item A.5 with the Variance for Fisherman's Park with the stipulation that the $5,000,000 liability insurance policy is in effect. Seconded by Mr. Jackson. Motion carried unanimously.

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

B.1 Citizen Comments.

Susan Hotte addressed the council and stated that Mr. Kesselus suggested she come before the council to make Them aware that she has 700 acres and that the City may be interested purchasing water from the Carrizo Wilcox Aquifer from her. Mr. Talbot asked that she contact him.

Bill Peterson addressed the Council and thanked the Council for all the Juneteenth Activities and stated it was a big success.

John Adams with the Holiday Inn Express addressed the Council and thanked the Council on behalf of all of the hotels, for all the special events. It is good for all the business' here and they see an increase in people each year.

**C. OLD BUSINESS**

None

**D. NEW BUSINESS**

D.1 Consideration, discussion and possible action for selecting a firm for Consulting and Brokerage Services for Employee Benefits for the City of Bastrop, Texas.

Mr. Talbot explained to the Council the process of the RFQ, reviewing applicants and interviews of complaint companies. Recommendation of the Committee goes to IPS Advisors, Inc. Many hours went into this decision. IPS has a lot of experience with City's our size. Mr. Brian Wilson, Account Manager for IPS was available if Council had any questions. Mr. Beal stated that Mr. Talbot and staff did a tremendous job on the RFQ process.

Mr. Jackson moved to approve Mr. Talbot recommendation to hire IPS for Consulting and Brokerage Services for Employee Benefits. Seconded by Ms. McAnally. Motion carried unanimously.

D.2 Presentation and possible discussion by Organizations seeking funding from Hotel Occupancy Tax for the 2014 Fiscal Year. Chief Financial Officer, Karla Stovall gave overview of the process. Mayor Orr requested that presentations be limited to not more than 3 minutes unless Council wishes to discuss. Council Member Dock Jackson left the diocese at 7:07 PM. and Mayor Orr indicated that in the past he had served on a board on the following organizations: Historical Society, Family Crisis Center and Chamber of Commerce. The following is a list of organization and the representative who spoke/presented on their behalf:

1. Bastrop Association of the Arts – Represented by: Sherrie Gilmore
2. Bastrop Chamber of Commerce – Represented by Amy Bruder
3. Bastrop Downtown Business Alliance – Debra Johnson
4. Bastrop Fine Arts Guild – Represented by Jeanette Corday
5. Bastrop County Historical Society – Represented by Libby Sartain
6. Bastrop Homecoming Committee - Represented by Lori Chapman
7. Bastrop Juneteenth Committee – Represented by Bill Peterson
8. Bastrop Old Town Visitors Center – No Representative
9. Bastrop Opera House – Represented by Chester Itze
10. Family Crisis Center – Represented by Sherry Murphy
11. Keep Bastrop County Beautiful – Represented by Dorothy Skarnulis
12. RETREET America - Represented by Brian McGahan
13. Upstart, Inc. – Represented by Donald Barron
    They presented a video about Bastrop
14. YMCA of Austin - Represented by Terry Moore

Each representative gave a brief overview of their organization and reason for request.

D.3 Consideration, discussion and possible action regarding the approval of a "Resolution" of the City Council of Bastrop, Texas regarding funding and reporting requirements for Hotel/Motel Tax Revenue Grants by the City for Publicity and Tourism Grants and processes for future grant cycles.

Mr. Talbot reviewed Mr. Kesselus 3-tier report and created a Resolution. Mr. Kesselus thanked Mr. Talbot for a great job on the Resolution. Mr. Kesselus pointed out a spelling error on item C-2 and other than that he is fine with the resolution.

Mr. Kesselus made the motion to approve the resolution. Ms. Garcia McAnally seconded. Motion carried unanimously.

D.4 Consideration, discussion and possible action regarding the approval of a "Resolution" of the City Council of Bastrop, Texas regarding support and acceptance of funding from the Department of Defense Office of Economic Adjustment (OEA) for a Joint Land Use Study (JLUS) for Camp Swift and the surrounding County, Cities and other local agency jurisdictions.

Mr. Talbot gave an overview of this ordinance and explained that some time ago the City was approached by Camp Swift about participating in the study and stated that just recently the City was contacted about moving forward with the study. I have prepared this Resolution if the Council so chooses to move forward.

Mr. Beal made the motion to approve the resolution. Mr. Jackson seconded. Motion carried unanimously.

D.5 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 FY2014.

Mr. Talbot pulled item D.5 from the agenda.

**E. EXECUTIVE SESSION**

E.1 At 7:55 PM Mayor Orr convened The Bastrop City Council 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) – Consultations with Attorney: (1) threatened and/or contemplated litigation, (including but not limited to "Pine Forest Investments Group, LLC vs. the City of Bastrop and other Trustees"); and (2) matters upon which the Attorney has a duty and/or responsibility to report to the governmental body.
2. Section 551.072 – Deliberation regarding real property: Regarding the purchase, exchange, lease, disposition, or value of real property.
3. Section 551.087 - Deliberation Regarding Economic Development Negotiations
4. Section 551.0-74 - Personnel Matters: City Manager.

E.2 At 9:25 PM The Bastrop City Council reconvened into open session to discuss, consider and/or take action necessary related to the executive session noted herein, or regular agenda items, notes above, and/or related items.

Mr. Kesselus made the motion to Authorize the law firm of McCreary, Veselka, Bragg and Allen, P.C., to represent the City, as a governmental taxing entity, in the lawsuit that has been filed against the City by the Pine Forest Investment Group, *et al,* with the representation by this firm being provided un the contract that is in place at this time with the firm. Ms. Garcia McAnally seconded the motion. Motion passed unanimously.

**F. ADJOURNMENT**

At 9:27 PM, Mr. Jackson made the motion to adjourn. Mr. Kesselus seconded the motion. Motion carried unanimously.

Approved:

Terry Orr

Terry Orr, Mayor

Attest:

Traci Chavez

Traci Chavez, Interim City Secretary