

**MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
JANUARY 12, 2016**

The Bastrop City Council met in a Regular Meeting on Tuesday, January 12, 2016 at 6:30 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Ken Kesselus, Mayor Pro Tem Willie DeLaRosa, and Council Members Dock Jackson, Gary Schiff, Kay Garcia McAnally and Kelly Gilleland.

CALL TO ORDER

Mayor Kesselus called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

Mayor Kesselus led the Pledge of Allegiance and the Pledge to the Texas Flag.

INVOCATION

Police Chaplain Phil Woods gave the Invocation.

PRESENTATIONS - NONE

PROCLAMATIONS

1. **Martin Luther King**
The proclamation was accepted by Council Member Jackson.

D. NEW BUSINESS

- D.1 **Discussion and conversation about the Mayor's intentions to deal with citizen comments in light of advice offered to him by the City Attorney, and explained by her at the December 8, 2015, City Council meeting.**

Mayor Kesselus read his views on the citizen comments process into record. Council Member Gilleland stated that she too had researched the law regarding the citizen comments process and stated that the Mayor may have misinterpreted the transparency of the Attorney General's Open Meetings Act. She also stated that the Mayor stated that he had checked with other cities and none of them did it this way and she Googled a couple of other City Councils and she found there were a few who did use the process that the City Attorney suggested. Council Member Gilleland stated the way she understood the law is that if the Council knows in advance of the agenda being published that a citizen wants to speak during citizens comments on a particular subject the Council is obligated to put it not on as an agenda item but under citizens comments with what the citizen wants to speak about with their name so that everyone in the community knows that this particular subject is going to be discussed and the citizens can determine if they want to attend the meeting. If the Council is not aware of a topic the Council does nothing and the citizen is still allowed to show up and speak, either way the citizen still says the exact same thing whether it is posted or not this does not take away from the citizen. Council Member Gilleland stated that she has read thoroughly and if the Mayor does not want to put the list of people speaking on the agenda he is putting the Council in a precarious position because the Council might be liable for participating in this action, what the City Attorney says is the law and what the Attorney General says is the law is

that the Council needs to inform someone if they know in advance of an item a citizen is going to speak on. Council Member Gilleland stated that it is not prohibiting the citizens from speaking. Council Member McAnally stated that she believed the purpose was to be inclusive not exclusive, considering the entire public in order for them to come and hear what is going on at their City Council. It is a way to include citizens not to shut them up, allow them to express themselves. Council Member McAnally stated that each of the Council Members took an oath to uphold the laws and she does not want to take any risk of breaking the law and in her opinion the Attorney General has put the law down and interpreted it very clearly, the trusted City Attorney who has been the City Attorney for the last twelve years who has led and guided the City through thick and thin for twelve years has explained how this is inclusive and she is an attorney and the Mayor is not so Council Member McAnally believes it is important that the Council listens to the City Attorney. Council Member McAnally stated that she intends to follow the directions of the City Attorney and not be a part of citizen comments that are breaking the law. Council Member Jackson stated that it is true that citizens should have the right during citizen communication to speak and the problems the Council has had at the meetings is the fact that the Council is only to listen to the comments not to engage in conversation with the citizens and this is the problem that he has seen from this Council. Council Member Jackson stated that as the Parliamentarian he has tried to keep open communication but the Council cannot go back and forth in conversation with the citizens if it is during citizen communication he stated that he feels that this will be found to be legal as well.

Karol Rice – Stated that the Attorney General Cornyn’s opinion is a fifteen year old opinion. Ms. Rice read the AG’s opinion into record.

Council Member Gilleland stated that she has the same document in her hand as the one Ms. Rice just read. She read from it and stated what the Council needs to go by what the City Attorney has told the Council and not by what the Mayor says, respectfully not by what Ms. Rice says but the Attorney or the Council is liable for their actions.

The Mayor appealed to the citizens to read what he has written concerning the citizen comment period. It has been decided that this will be put on the agenda for the annual retreat at the Hyatt Regency.

CITIZEN COMMENTS

Deborah Jones – Ms. Jones spoke on transparency and communication between the citizens and Council. She stated that she has seen and received documents that have resulted in miscommunication and has brought the City into a lawsuit. She stated in the past lawsuits have not been something that the City has been engaged in especially against its own citizens.

Judith Hoover – Ms. Hoover stated that she filled out a “how are we doing” survey on the City’s website and discussed the litter and graffiti. The website stated that someone would respond within 24 hours and asked how you would like to be communicated with...she has not as of yet heard back from anyone so she decided to come down in person. Ms. Hoover asked the council for their attention to the litter and graffiti in the City.

Karol Rice – Ms. Rice provided a letter to the council to clarify comments made during the November 24, 2015 Council meeting regarding Joe Beal’s representation as co-chair of the Capital Campaign Steering Committee of the Lost Pines Art Center. She states that Mr. Beal did not serve as co-chair, it was a typographical error and the minutes have been corrected and reposted. She expressed regrets of the board for any confusion that this error may have created. Ms. Rice asked that the letter be included as part of the public record.

Debbie Moore – Ms. Moore announced the following filming projects have been/are being shot in the City Of Bastrop: a new regional Toyota commercial and there will be the second consecutive H.E.B. regional commercial shot on Thursday, January 14TH. It will be shot at Neighbors, the Opera House and the Pledges House. The commercials will be aired during the Super Bowl.

D. NEW BUSINESS CONTINUED

- D.3 Consideration, discussion and possible action regarding approval of a resolution of the City Council of the City of Bastrop, Texas, calling for the formation of a new City Department Of Marketing, Tourism And Public Affairs; enumerating purposes and objectives related to the formation of same; providing a severability clause; and providing an effective date.**
This item was postponed to the January 23, 2016 retreat agenda without objection.

ANNOUNCEMENTS

- A. Update on Comprehensive Plan Steering Committee – Kay Garcia McAnally and Dock Jackson**
Council Member McAnally invited Connie Schraeder from the Comprehensive Plan Steering Committee to come up and speak. Ms. Schraeder informed the Council of the activities of the steering committee as follows:
- Public engagement.
 - Working on Housing and Neighborhood, Chapter 4 of the Comprehensive Plan. (“My Sidewalk” which is on the City of Bastrop website is a way to encourage public participation.”)
 - The last public engagement was the Open House on December 3, 2015.
 - Anticipate the next meeting during the end of January and will be reviewing Chapter 3 of the Comprehensive Plan at that time.
- B. Farewell Open House honoring Pat Orr and former Mayor Terry Orr, Sunday, January 24th from 2:00 p.m. – 4:00 p.m. at the Episcopal Church Parish Hall –The community is invited. – Mayor Kesselus**
Mayor Kesselus announced the open house and stated that it was a come and go event and invited everyone to come out.
- C. Election schedule for May 7, 2016 Election and official announcement of Council Member Jackson’s resignation from the council – Ann Franklin**
Ms. Franklin stated that Council Member Jackson had announced his candidacy for Commissioner and that the City would not be required to hold a special election to fill his seat on the Council. The seat will be filled during the May 7, 2016 Council Election. Ms. Franklin announced that the candidate packets were available in the Office of the City Secretary. Ms. Franklin announced that the first day to file an application for a place on the ballot will be January 20, 2016 and the deadline to file will be February 19, 2016.
- D. Statement by Council Member Jackson about his service on the Council.**
Council Member Jackson stated that it has been an honor to serve the City for 24 plus years as a Council Member. He wanted to ensure the citizens that he will continue to serve up until his last day as a Council Member. He will give his undivided attention to the City business in which he was elected to serve.
- E. Formal introduction of Mark Wobus, Fire Chief – Mike Talbot and Steve Adcock**
City Manager Talbot stated in developing the fiscal year budget for 2016 with the Council a significant change was made in the makeup of the organization by elevating Chief Adcock to

Director of Public Safety and creating for the first time the position of Fire Chief which was needed for the public safety of the community. City Manager Talbot introduced the new Director of Public Safety, Steve Adcock. The Director of Public Safety thanked the Council for their support and explained that this was a very important decision, as a City there has not ever been a paid Fire Chief. The Director announced that Mark Wobus is a local individual and it was relevant that Mr. Wobus was local and had the experience and expertise that he brings. The Director explained that Mr. Wobus has been in the Bastrop Fire Department for eight years, he has approximately 30 years of service total and prior to being hired as the Fire Chief of the Bastrop Fire Department Mr. Wobus was the District Captain with the Fire Department. The Director swore Mr. Wobus in and introduced him as the new Fire Chief.

Mayor Pro Tem DeLaRosa acknowledged former Mayor Orr as being instrumental in leading the beginning discussion on having a paid Fire Chief.

City Manager's Informational Report for the January 12, 2016 City Council Meeting:

I. Meetings and Events Attended:

- A. Attended A Special Board Meeting of the Lost Pines Groundwater District on December 21, 2015.**
- B. Attended the Monthly Meeting of the Bastrop Main Street Advisory Board on January 4, 2016**
- C. Attended the Monthly Board Meeting of the Bastrop Art in Public Places on January 6, 2016.**
- D. Attended the Form Based Task Force Meeting on January 7, 2016.**

II. Update on City Projects and Issues:

- A. Discussion and Review of Water Usage for the period of December 1, 2015 through January 11, 2016.**
- B. Update on the proposed "Deal Points" for the construction of Wastewater Plant #3 to include West Bastrop Village.**
City Manager Talbot stated that the West Bastrop Village is involved in the project for the Wastewater Plant #3.
- C. Update on the Gills Branch Drainage Project**
City Manager Talbot stated that all of the possible cleaning to this point has been done. Possibly more cleaning will be done at a later time.
- D. Update and Discussion of the Annual City Council Planning Retreat scheduled for January 23, 2016.**
City Manager Talbot gave a reminder of the upcoming retreat for January 23, 2016 at the Lost Pines Hyatt in the Baron's Ballroom E and F beginning at 9:00.
- E. Update on Removal of the Sand Bar in Front of the Boat Ramp at Fisherman's Park.**
City Manager Talbot stated that the targeted time is around the middle of May, 2016 or first of June 2016 working around the clock for removal of the sand.
- F. Update on the Water Filtration Project – Willow Park Well Field**
- G. A Summary Report of the Facts Prepared by Mr. Charles Bundren Regarding Civil Action No. 124-21. City of Bastrop, Texas v. Lynn Rhonda and Scottie Vandiver. IN THE DISTRICT COURT OF BASTROP COUNTY TEXAS.**
City Manager Talbot stated that a copy of the summary received from Mr. Bundren is attached to the City Manager's Report and it is a summary of facts regarding the enforcement of the zoning ordinances and regulations regarding the rulings by the Zoning Board of

Adjustments stating that any new buildings needing to be built had to comply with the zoning setbacks. The report shows that the Vandivers went before the Board of Adjustments three times and was told three times that any new structures had to conform with the setback requirements but did not apply to the existing structures. As a result the building that was built without a building permit encroached into the right-of-way and there is potential safety hazard.

Judy Hoover – Ms. Hoover read into record her knowledge about this project from looking at documents and listening to tapes.

Chris Rubio – Ms. Rubio continued reading the document that Ms. Hoover previously read into record.

- H. Update on filling the vacancy of the Main Street Director Position.**
- I. Update on the Texas Department of Transportation “Tahitian Village Overpass Project.**
City Manager Talbot stated that he had postponed the presentation from the TXDOT representative until the January 26th meeting.
- J. Review and Discussion Regarding the Cost Associated with Certain Repairs to the Rodeo Arena at Mayfest Park.**
- K. Update Regarding Alley D and the BEDC Main Street Project.**
- L. Discussion and Review Regarding Legal Fees.**
Judith Hoover – Ms. Hoover stated that the salaries of the City Attorney given by the City Manager doubled from one year to the next. Her opinion is that this salary is not sustainable if it doubles next year or even goes up by \$300,000.
- M. Update on the Status of the XS Ranch PID**
- N. Management/Administrative Activities**

III. Other City Activities:

- A. City of Bastrop Convention Center Activities.**
- B. The City of Bastrop Main Street Program.**
- C. Planning Department – Inspection Report.**
- D. Update on the YMCA Program**

Inviting input from the City 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.

EXECUTIVE SESSION: *The Council reserves the right to convene into Executive Session at any time during the meeting regarding any agenda item. In compliance with the Open Meetings Act, Ch. 551 Govt. Code, Vernon’s TX Code, Annotated, the item below will be discussed in closed session.* 1. SECTION 551.071 – Consultations with Attorney related to legal matters

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 so requests.

- A.1 **Consideration, discussion and possible action regarding approval of minutes from Regular Council Meetings of November 24, 2015 and December 8, 2015.**
- A.2 **Approval of the proposed tax rebates for designated Historic Landmarks.**
- A.3 **Approval of the Historic Landmark designation for 1014 Main Street.**
- A.4 **Approval of the statutory denial, for a period of 180 days from the date of Council action on a request for the Final Plat of Aldridge Place Subdivision being a +/- 1.000 acre tract out of the Mozea Rousseau Survey A-56, located east of Lone Star Circle within Area A of the Extra Territorial Jurisdiction (ETJ).**
- A.5 **Approval of the statutory denial, for a period of 180 days from the date of Council action on a request for the Final Plat of The Colony MUD 1A, Section 1, Phase 1 being a +/-23.925 acres (70 residential lots) within Area A of the Extra Territorial Jurisdiction (ETJ).**
- A.6 **Approval of the statutory denial, for a period of 180 days from the date of Council action on a request for the Preliminary Plat of XS Ranch, River Camp, Section 1 being a +/- 536.73 acres (752 single family residences) within Area A of the Extra Territorial Jurisdiction (ETJ).**
- A.7 **Approval of Bastrop Marketing Corporation's request for reimbursement of funds for November 2015 in accordance with the agreement to be spent on advertising and marketing the City of Bastrop area.**

Mayor Pro Tem DeLaRosa made the motion to approve the Consent Agenda, seconded by Council Member Schiff. The Consent Agenda was approved on a vote of 5-0.

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

- B.1 **PUBLIC HEARING: Conduct a public hearing to receive citizens input on a request to rezone +/-90.91 acres, for Piney Creek Bend, out of the A11 Bastrop Town Tract, from SF-9, Single Family Residential and A/OS, Agricultural/Open Space to PD, Residential Planned Development located north of the railroad tracks on the northwest corner of Riverwood/Hawthorne and Carter Street, within the city limits of Bastrop, Texas.**

Mayor Pro Tem DeLaRosa stated that the he asked the City Manager to explore and visit with the developer about one issue, the long and short term of the improvement of Carter Street on the North end of the railroad tracks. He stated that short term he believes that it is wrong for the City to discuss any proposal of the subdivision or zoning changes in that area until the City and/or the developer produce some sort of plan to improve the street in that area. The City Manager stated that the Mayor Pro Tem is correct, he did ask him to look into this and the City Manager did an extensive evaluation of Carter Street and developed a program for improvement to the street. The City Manager stated that he had explained to the Mayor Pro Tem that he had been provided an

opportunity to meet with the developer to determine what type of program could be put together to bring Carter Street up to City standards.

Council Member McAnally asked if the traffic study was conducted during peak hours of a regular work day or was it conducted during the Holiday period when there was less traffic. The City Engineer stated that the traffic counts that were collected as part of the study were run on Thursday, October 8, 2015 and the traffic counts were taken for an entire day and it was during the peak hours, the number of vehicles that travel through that intersection during the peak hours are taken and correlated to an average daily traffic and make an estimate as to how many trips per day would actually come through those intersections in total. Council Member McAnally asked if it was on a Holiday or a day with lower traffic. The Engineer stated no. Council Member McAnally asked how it is known that the survey was done properly. The City Engineer stated that as a precautionary measure the analysis were sent to Alliance Transportation who is sub-consultant under Halff and Associates and are responsible for preparing the Master Transportation Plan that is currently being developed, they reviewed the analysis and concurred with all of the assumptions and estimations that were provided in the analysis. Council Member McAnally asked if the City actually had any one that oversaw this or participated in the oversight in anyway of this besides sending it to Halff and Associates. The Engineer stated that throughout the process the way the analysis process development is supposed to work in terms of the ordinances is that the engineer sets up a scoping meeting with city staff and the staff defines the impact areas and the intersections that the City wants included in analysis and growth rates are included. The staff agrees on the scope of the analysis, the engineer prepares the analysis and staff reviews it and makes any comments and/or suggested changes. Council Member McAnally asked whether Halff and Associates or the City staff had any problems with the survey. The City Engineer stated no. The City Engineer added that the staff deployed some of the traffic counters in the area and they were out for over a week and part of that time was the Thanksgiving Holidays. The staff wanted to verify the traffic count and the traffic counts that staff collected were roughly half of what the analysis was. Council Member McAnally asked the Engineer if he thought that was because it was a Holiday. The Engineer stated that the staff did not do Thanksgiving, the day after Thanksgiving or the weekend, the staff mainly focused on the Monday through Wednesday before Thanksgiving. Council Member McAnally summarized the conversation as follows: the actual report was done on October the 8th on a regular day, a Thursday that was not part of a Holiday; the City's transportation consultants reviewed it and found it to be fine; the City reviewed it and found it to be fine; and the City did do some counts but it did include the Holiday period. The City Engineer agreed to the summary by Council Member McAnally. Mayor Pro Tem DeLaRosa stated that he found it odd that everything in the study graded out to an 'A'. Mayor Pro Tem DeLaRosa stated from a public safety stand point the City is responsible for making sure the road is put up to a proper standard to allow for all future traffic that was talked about in the impact study and talked about at this meeting. Mayor Pro Tem DeLaRosa stated for the City not to make a recommendation for the street to be upgraded to the area in his opinion states that no one looked at that area. Mayor Pro Tem DeLaRosa asked the City Engineer if he was correct in saying no one from the staff looked at the area. The City Engineer stated yes the staff did go out and look. Mayor Pro Tem DeLaRosa stated that the staff did not know that it was ten foot shorter on one side of the tract than the other. The City Engineer stated that the staff was aware of the shorter side. Mayor Pro Tem DeLaRosa stated to the Engineer that knowing this a recommendation still was not made by staff to ask the developer about what needed to be done to proceed with the development such as improving the street to handle the traffic. The City Engineer stated that the analysis focuses on the capacity of the street based on its width and geometry of the network and based on the resources that staff uses and other municipalities and agencies rely on to classify a collector street that has at least twenty feet of width as being able to serve up to 400 dwelling units. Mayor Pro Tem DeLaRosa stated that he does not agree with the amount of traffic recommended by the traffic study. Council Member Gilleland

asked what everything was zoned adjoining the subdivision. Council Member Gilleland asked if the property had been zoned SF9 the entire time. The Planning Director stated yes. Council Member Gilleland asked if the developer would have known that it was zoned SF9 when he purchased it. The Planning Director stated yes that all property owners know the zoning of the property when they purchase it. Council Member Schiff stated that he had asked the City Manager earlier that day if the property was built out at SF9 how many houses would fit on the property and that the City Manager responded 173 according to his count. Council Member Schiff stated that the proposed developer is planning 170 houses, if the developer did not ask for rezoning the developer could put 173 houses on the property which would have the same traffic load or three houses more than what is being proposed. The Planning Director stated that is correct. Council Member Gilleland asked for clarification in if SF9 has larger lots then how would there be less houses if the developer is wanting SF7. The Planning Director stated that she believes the developer is wanting to achieve smaller lots with less maintenance of yards which he can speak to as well as the ability to have greater open space, over half of the proposal is open space for trails. Council Member Gilleland asked the Planning Director if she was saying if the property is zoned SF7 it is 170 houses and SF9 it is 173 houses. The Planning Director stated it is a planned unit development so it is something different. Mayor Kesselus asked if the designation was changed would the number of 170 houses be solid or would it be subject to something down the road. The Planning Director stated yes it would be a solid number that is part of the planned unit application that was submitted. Council Member Schiff's comment was if the development was built out with the SF9 classification it would appear that more streets would be required, more impervious cover and the flooding issue complaints because of this development would be worse with the SF9 classification than it is with the planned development as it is proposed. The Planning Director stated that she would agree. Council Member Jackson asked with the planned development if there is more open space and more green space and more absorption which would protect some of the runoff and some of the other things that might occur in the neighborhood. The Planning Director stated yes if and when this would proceed to subdivision is when the drainage analysis would be looked at for the subdivision. Council Member McAnally stated for clarification that the reason the planned development can have fewer houses is because the foot print of each house is going to be a lot smaller and clustered. The Planning Director stated yes the developer is doing clustered development and less wide lots and in doing that the potential square footage is being cut out of actual lot size therefore the infrastructure is less so there are less roads being built. Council Member Schiff stated that the load of traffic down Carter, Wilson, Pecan and Main Streets is like one car every 30 seconds and that he does not currently see traffic as an issue. Council Member McAnally stated that she lives at Main and Cedar and she has been watching the stop signs at Cedar and Main and she has not seen a traffic problem. Mayor Pro Tem DeLaRosa stated that traffic outlets to 95 the only outlet at this time is at Cedar Street. The Mayor Pro Tem encouraged the City Manager to meet with the developer to determine the direction before making a decision.

Howard Nemerov – Stated that high density north of Bastrop is the particular issue. He stated that roof top tax revenues are not necessarily a positive on the ballot sheet. Mr. Nemerov stated that unless the traffic concern is dealt with before development it will be dealt with in a never ending cycle of catch up traffic amelioration which is very expensive. He stated there will be higher taxes for future generations. He stated the solution for Pine Creek and other subdivisions are larger lots.

Grace Garne – Ms. Garne stated that there aren't any more inventory of beautiful homes on large lots downtown. She stated that the development is being put on a street that goes nowhere which is Carter Street.

Mary Ellen Arbuckle – Ms. Arbuckle shared her experience of the downsizing of lots in her previous community prior to moving to Bastrop. She stated that when she inquired at City Hall

regarding a fence permit and was told that she could not put it out as far as she wanted because it was against the zoning and she thanked the employee for that information because it meant that she had moved to an area that respected zoning and that respected the current home owners. Ms. Arbuckle requested that the Council represent the citizens in this zoning matter and asked that they consider the Historic nature of the city. She stated that people are moving here from Austin and Houston because of less traffic.

Council Member McAnally stated that she wanted the audience to know that this is not a decision of whether to choose to build in the space or not this was decided by a previous Council, this section is going to be built one way or another. For those who oppose this development what is being looked at by the Council is making the best choice of a sad situation the City is growing and it is going to be built out, not a question of if it is going to be built out.

Stacy Woodruff – Ms. Woodruff stated that she lives on Juniper and her concern is that one of the entrances for the neighborhood lets out directly onto Juniper and traffic speeds down residential streets. She would rather have the traffic have to turn in order to slow the traffic down rather than have it go straight. Ms. Woodruff stated that the closeness of the houses seems like a fire hazard to her.

Council Member McAnally asked the Planning Director if the planning is left as it is if it is true that the Council does not get to tell the developer that they want certain things such as maybe a dead end here or there so that traffic would be rerouted but if it goes to the plan developing the Council has the opportunity to make demands of the developer and choices that can be made, homeowners association in order to have the choices put in place that is with the planning development option. The Planning Director stated correct, zoning is a discretionary tool that the City Council have through this plan development there are some give and take, negotiation or conversations about what can happen in the plan development. She stated with zoning that is another tool as well but if the development is not asking for a zoning change he could come and start the platting process and go through that process. Council Member McAnally stated the planning process as it is now would be larger lots on a grid or go with the planning development which clusters the housing and allows for more green space and not just grid there will be trails. She reiterated the Council's options which were to go with the larger home sizes and have no input or go with the clustered smaller home sizes and have some control over what goes there. The Planning Director stated that is correct. Council Member Gilleland asked the Planning Director if the picture of the grid she gave to her was the only way an SF9 could be developed. The Planning Director stated no that there are other opportunities and that is not the type of developments the developer builds and he definitely does not want to build in that way. Council Member Gilleland asked if the developer does not have to lay his plan out in a grid. The Planning Director stated that he doesn't that a plan development is an opportunity for the developer to look at it and propose a different set of standards that he wants to develop in and at this time the developer is proposing 170 lots and looking at doing his Urban 50 foot wide lot. Council Member Gilleland asked if the developer proposed the five feet in between the houses. The Planning Director stated that is correct she stated that the side set backs are something that home builders are looking to minimize, their opinion is that homeowners don't hang out in their side yards much they feel that useable lot is lost in the side yards and it allows for a larger foot print for the house. Council Member Gilleland stated that having the houses so close puts the housing right next to each other. The Planning Director stated that in total the houses would be ten feet away from one another. Council Member McAnally stated if the Council were to say that they wanted to keep the lot sizes the same the developer could still be creative with that and not have to use the grid system. The Planning Director stated yes and no, the grid system maximizes the amount the developer gets for their money. The Planning Director stated that the grid is not what the developer wants to do with the lot it was used to show

what could potentially happen on the property if the zoning standards of today were met. Mayor Pro Tem DeLaRosa asked for a comparison between the Riverside Grove subdivision and this proposed subdivision. The Planning Director stated that Riverside Grove is zoned SF7 with minimum lot size of 60 foot wide and she does not believe there were any special plans given for that particular lot. Council Member Gilleland asked where there was an SF9 that this proposed subdivision could be compared to. The Planning Director stated that there are not any subdivisions zoned SF9 in the City limits that have been designed with the existing zoning standards and Tahitian Village has some SF9 but it was platted before the zoning classifications came into existence. Mayor Pro Tem stated that the lots in Riverside Grove is SF7 and the lots are 7,000 square foot the SF9 zoning would be 9,000 square foot. The Planning Director stated correct. Mayor Pro Tem stated that is the comparison he is trying to make.

David Singleton, Applicant – Mr. Singleton explained the process that has taken place up to know he stated that the traffic engineer is licensed by the state and has been in practice for more than forty years and the planner is licensed by the state. He stated that this is a zoning case and their intent is not to change the use. Mr. Singleton discussed the development of the land. Mr. Singleton stated that this project is not a low income housing project not an assisted living no Federal tract credits proposed. It is a market rate standalone single family residential development with a variety of lot sizes. Everything around it is SF7 and the average lot size is above 7,000 square feet and there are some lots below that. Mr. Singleton stated that infill development is the most cost effective development the City can realize. This site has always been proposed for single family and this what is being proposed today. The overall density is less than two units to the acre. Mr. Singleton stated that they are proposing a plan that meets the needs of the housing study consistent with the future land use plan and more topographic responsive to the site. This development proposes to open a portion of the greenbelt to the Piney Creek that is not open today and the developers will open and maintain the trail system.

Council Member Gilleland asked when the developer says there is density of two houses per acre she asked if they were including the Greenland. Mr. Singleton explained that density is based on the gross acreage by the number of lots. Council Member Gilleland asked if there was a way to calculate the density just in the area where the houses are. Mr. Singleton stated the average lot is over 7,000 feet and what is around the proposed subdivision is all SF7 7,000 square foot lots and the developers average is above 7,000 square feet. Council Member Gilleland asked what the setback would be on the 9,000 square foot lots. Mr. Singleton stated that the development has 7-1/2 and there may be fifteen feet between houses, these are minimums. Mr. Singleton stated that their development has a variety of lot sizes. Council Member Gilleland asked what the maximum size of a house he plans to build on any lot. Mr. Singleton stated that the builders will dictate that and he is not equipped to say what the maximum size would be but based on the market study and the input from the builder there will probably be a minimum housing. Council Member Schiff stated that the market is going to drive what people will buy the builders are not going to build things that people are not going to buy. Council Member Schiff stated that people are not going to put a 6,000 square foot home on a small lot and if you don't like the side setback area don't purchase a home there this is market driven. The Mayor asked if this was composed of a mixture of the use in the design. The Planning Director stated that the development would be very responsive to the creek and to the existing drainage and trail network that is there and the point is to design around the good things that are there. Mayor Pro Tem DeLaRosa stated that the drainage issue is important and there can't be anymore runoff after the subdivision is completed than exists at this time. Council Member McAnally asked if it is correct that there is a list of things that the City has to approve before actual building would begin that would protect the people in the neighborhoods and the City. The Planning Director stated that is correct. The City Manager stated that the preliminary and final plat of the subdivision would have to be approved. Council Member McAnally asked if

the list was available she would like to hear the list to know what is demanded of a developer before houses are built. The City Engineer stated that the major elements of the process between where the project is now and when you would see homes under construction: at this time the project is in the zoning process which is a concept plan submitted and the list of development standards that apply to the plan development, the zoning request requires a zoning and planning recommendation as well as City Council approval before it becomes effective and the traffic impact analysis was submitted as part of this process but is not required until the next phase; preliminary plat phase, traffic impact analysis, preliminary lot layout, preliminary infrastructure design, preliminary drainage floodplain analysis, P&Z recommendation and City Council approval; Construction Plans - final lot layout, detailed infrastructure design, detailed drainage analysis, engineer's cost estimate, escrow fiscal deposit (if required), and must be accepted prior to final plat approval by City Council; and Final Plat – City Council approval, complete improvements, two year maintenance bond, City Council acceptance of improvements, record final plat, and home construction begins. Council Member McAnally asked at what point does the homeowners association come in so it can be decided what will/will not be allowed in the area. The Engineer stated that typically the homeowner association rules are submitted or developed during the construction and plan process but before the final plat can be recorded there is a note on the plat that requires evidence of the formation of a homeowners association. Council Member McAnally asked what powers does the homeowner association have? The Engineer stated that it depended completely on the restrictions that apply to the neighborhood and it all comes back to defining who will maintain all of the common areas and any improvements that aren't accepted by the City but still required to be maintained by someone else other than a homeowner. Council Member McAnally asked who decides how this group is set up. The Engineer stated typically the developer would prepare those and the City certainly has input when it comes to those rules. The City Manager stated that the City does not have the authority to enforce the homeowner rules. Council Member McAnally asked Shawn Kirkpatrick of the Economic Development (EDC) Department a question about the planning study regarding the type of housing needed in Bastrop she asked him to speak to Mr. Singleton's statement about this subdivision being right on target for the need of Bastrop. Mr. Kirkpatrick replied by saying what the EDC is looking at in the zero to five year range that they are in now in the housing study his development meets all of the needs within the market today. Mr. Singleton's market research lined up with the market research of the BEDC identically as to where the market was. Mr. Kirkpatrick stated from their perspective as staff it will meet the market demand that are in Bastrop today. Mayor Pro Tem DeLaRosa stated that the planning study obtained by the BEDC is not being questioned but his argument is in the old part of town in the established neighborhoods this proposal may not work but in the west of town to the undeveloped neighborhoods the development might work. He stated that the people in the neighborhood have stated that they do not want this development in their neighborhood and his opinion is that Council should not make the decision to move forward and rezone this property before the City Manager has a chance to work out how the streets are going to be improved.

Brad Woodruff – Mr. Woodruff asked if the property is rezoned will the developer be able to go back and make all the lots smaller. The Director of Planning explained that is not possible. Mr. Woodruff also stated his concern with the traffic.

Margaret Silbernagel – Ms. Silbernagel stated that she lives on Magnolia Street. She explained to Council that this property is a gem in the City and it is centrally located. She stated that there is a huge market for individuals that are 55 plus empty nesters that are moving here from surrounding areas. She asked Council to look at this closely and to vote against it.

David Bellanie – Mr. Bellanie stated that he lives on Magnolia Street and he is a stay at home dad with a one year old. He stated that he walks the neighborhood with his child every day. He asked

Council to limit the amount of houses that are put in this neighborhood. He feels more houses built there will diminish his quality of life.

Council Member Jackson asked doesn't the development have fewer houses. The Planning Director stated yes. Council Member McAnally asked if the Council has the ability to limit the number of lots in the development. Council Member McAnally asked the City Attorney if she could address this question. The City Attorney stated not at this time, it is the zoning specification that would allow for 173 structures at this time, the owner purchased it with that right and if the City acted to reduce this amount it would be a taking of his property right and the City would have to compensate him for that. The City Attorney summed it up by saying no it is not something that is possible at this time under what is being proposed. Council Member McAnally stated that the Council is back to the better of two situations. The City Attorney stated yes.

Bob Rogers – Mr. Rogers expressed his concern with the Council asking the citizens for their input...the citizens give their input so he is asking Council to listen to them. He feels that the residents know their neighborhood better than the Council. Mr. Rogers feels that it is the developer verses the citizens. Mr. Rogers stated that there were a lot of citizens that attended the Planning and Zoning meetings that were opposed to the development. Council Member McAnally asked Mr. Rogers what it is specifically that he wants. Mr. Rogers stated that he wants the Council to consider each development as it goes along if it does not fit the community and the community does not want it make sure that it is developed properly. He stated that he challenge the traffic survey. He stated that the traffic study does not address the cut through traffic.

Marie Blazek – Ms. Blazek stated that she recently purchased a home on Carter Street. Ms. Blazek questioned the credibility of the traffic study that was done. She expressed her concern for the amount of traffic this will produce in the neighborhood. She stated that she does not believe that families walking their children and dogs will enter the subdivision to access the greenbelt. She feels the greenbelt will be of more use to the subdivision residence rather than the existing residents. Ms. Blazek is disappointed that she will most likely have to sell her home and she feels that the market value will have gone down because of the traffic. Ms. Blazek expressed her disappointment and that she feels that the development is too big.

Council Member McAnally reiterated that the Council does not get to determine how many houses get built in the subdivision and that there are limitations on what the Council can do. Council Member McAnally asked Mayor Pro Tem DeLaRosa to restate what he thinks should be done before a decision is made and she asked the City Manager to let Council know if he believes what Mayor Pro Tem thinks should happen is doable. Mayor Pro Tem DeLaRosa stated: the citizens would like to have the development remain at SF9 and that is his recommendation; the City offer to buy some of the land from the property owner to create more parkland which would eliminate more lots and vehicles in that area; he would caution any of the Council Members to not make any type of vote unless they were listening to the neighbors and say no on the plan development before the City Manager and the developer had an opportunity to talk on the cost of the improvement on the street and how it would be funded. Council Member McAnally asked the City Manager if any or all of Mayor Pro Tem DeLaRosa's plan was possible. The City Manager stated that it is possible if the developer agrees to it. The City Manager encouraged the Council to be cautious as not to get into condition zoning because that relates to contract zoning which is not an acceptable criteria to approve a zoning request. The developer would have to be open to having the discussions regarding the subjects Mayor Pro Tem has mentioned there is normally a subdivision process which addresses the street issues which the City Manager stated that he believes the street is 21 foot and he feels that it is a valid concern that does need to be addressed.

Council Member Schiff asked if it would help the safety of the street if there were sidewalks that ran from Magnolia to Fisherman's Park. The City Manager stated when you put a sidewalk in it enhances the pedestrian safety. Council Member Schiff asked if that is something the developer could be asked to put in as part of this or would it get into the conditional zoning. The City Manager stated the length that Council Member Schiff is speaking of maybe in the front of the development and that would be the limit of what the developer would have to look at. Council Member McAnally stated that what she has heard is that the City Manager and the developer at this point can talk about some of the suggestions that have been made by the Mayor Pro Tem to determine if those can be worked out before the Council moves ahead. Mayor Pro Tem DeLaRosa stated that the point he was attempting to make was that those were the options if the Council did not vote no. Council Member McAnally asked the Mayor Pro Tem for clarification. The Mayor Pro Tem stated that he feels the property should be left at SF9. Council Member McAnally stated if the property is left at SF9 it is her understanding that the Council would not be able to request changes. The City Manager stated that there are issues that come up that are related to the subdivision development process that have to be addressed during the subdivision verses a zoning change when you are looking at the compatibility does that zoning change fit the surrounding zoning districts, you are trying to compare infrastructure improvements which is a subdivision issue verses a zoning issue which is the land use process. Council Member McAnally asked where that leaves the Council she wanted to know what could happen before the next meeting to address the concerns of the audience. The City Manager stated that he has found Mr. Singleton to be very open and he has been very responsive and he believes Mr. Singleton would be open to some level of discussion but he would caution that the City will ultimately have to make the decision based upon whether or not the Council thinks this is an appropriate zoning request regardless as to what the City Manager brings back to Council. Council Member McAnally asked Mr. Singleton if he would be willing to take part in a conversation with the City Manager in order to address the concerns to possibly work out something before the Council takes the next vote. Mr. Singleton stated that the discussion with the City Engineer staff has suggested if there is additional right-of-way along Carter it would be necessary for the future widening of that and is that something that the developer would consider and participate in. Mr. Singleton stated that there are State Statutes that limit what can be done but that they could voluntarily contribute more right-of-way if it is deemed appropriate and it was acknowledged to staff that they are willing to do so. He admitted that a mistake was made on their part by doing the TIA out of sequence. Mr. Singleton respectfully requested that they go back to the City's process. One of the things the developer did offer up in the PD was a sidewalk outside the right-of-way. Council Member Schiff asked if the sidewalk was part of the plan. Mr. Singleton replied yes. Council Member Gilleland asked if the developer would pay for the sidewalk. Mr. Singleton replied yes. The City Manager clarified the statement by saying "only in front of his development." The Planning Director stated that sidewalks would be part of the development internally as well as along Carter.

The Public Hearing was closed without objection.

Mayor Kesselus recessed the Council Meeting at 9:25 p.m.

Mayor Kesselus called the Council Meeting back to order at 9:30 p.m.

- B.2 **First reading of an ordinance granting a zone change for +/-90.91 acres, for Piney Creek Bend, out of the a11 Bastrop Town tract, from sf-9, single family residential and a/os, agricultural/open space to PD, residential planned development located north of the railroad tracks on the northwest corner of Riverwood/Hawthorne and Carter Street, within the city limits of Bastrop, Texas; and providing an effective date.**

Council Member Gilleland asked the Planning Director if the members of the Planning and Zoning Board that voted nay on this items expressed their concerns. The Mayor stated that there is a draft copy of the minutes from the Planning and Zoning meeting of which this item was heard in the back up and that he had spoken to the chairman of the Planning and Zoning Board who chose not to come before the Council to discuss what took place at this meeting. The Planning Director stated that she does feel that the draft minutes are accurate and reflective of what occurred at the meeting it was a 5-3 vote recommending approval of this item. Council Member Schiff suggested to the Council to approve the first reading and direct the City Manager, Planning Department staff and the developer to have a conversation regarding the street issues and place this as an item on the workshop agenda to talk about roads and street development in the future. Put this as a priority to the master plan and have the traffic individuals that have already reviewed the master plan look at the impact of this on the master plan and the impact of future growth on that road on the master plan possibly after the workshop there will be some direction by looking at the budget and what it would cost to improve that street and there needs to be a plan as to where the City is today and what will happen as the impact of this development. At the second reading hopefully this would be worked out if not the second reading isn't approved. Council Member Gilleland asked if the Council keeps the zoning at SF9 there could be 173 homes if it is changed to what the developer wants it is 170 homes either way there is a minimum of 170 homes. The Planning Director stated yes. Council Member Gilleland asked if the zoning was kept at SF9 is that the maximum and where did this number come from. The Planning Director stated that was a schematic of what could potentially be done. Council Member Gilleland asked if the zoning was left as is there is a potential of many more homes but if the zoning is changed it would be limited to 170. Council Member Jackson asked if it would be limited to 170 but what about the other amenities such as the parkland if it remains zoned as it is would the City still be afforded the amenities such as the things that were discussed that would improve the development. The Planning Director stated that the City would be afforded the sidewalks which is a minimum standard but more than likely not the forty acres of open space. Council Member Schiff stated having 173 houses on the development there would not be enough land left for forty acres of open space. Council Member Gilleland asked how that could be true if there are only an addition of three more houses. The Planning Director stated generally if the lot is being increased and additional streets are being added within a subdivision it takes up more space that would negate or lessen the forty seven acres of parkland. Council Member Gilleland stated that the things she heard were: the density of the housing and the traffic these were the two concerns of the community.

Council Member Schiff made the motion to approve the first reading of the ordinance and direct the City Manager to meet with the developer and staff and take into consideration the requests of the citizens and include them in the process, seconded by Council Member McAnally. The item was approved on a 3-2 vote. Those voting aye were: Council Members McAnally, Schiff and Jackson. Those voting nay were: Mayor Pro Tem DeLaRosa and Council Member Gilleland.

B.3 PUBLIC HEARING: Consideration, discussion and possible action on a Variance to the Subdivision Ordinance, Section 5.50.1 (A) subdivision layouts shall avoid the inclusion of flag shaped lots, 6.50.2 A – Access to Lots – Each lot in a subdivision shall abut on a public street and Section 7.10.2 (A). Suburban Subdivision Standards – minimum lot width requirements. The proposed Home Place Subdivision is +/-5.098 acres out of the Stephen F. Austin Survey, Abstract No. 2 located on Lovers Lane in the Bastrop, Texas Extra Territorial Jurisdiction (ETJ).

Council Member Gilleland asked the Planning Director if she had stated that she was not in favor of the variances because she believed there were other options to access the street and what they were. The Planning Director stated that she does believe something could be done to provide

additional access and her understanding is that the parcel of land lock actually has access through a neighboring relative's property which may be an opportunity to add on an additional right-of-way frontage.

Zachary Stephenson, Developer - Mr. Stephenson stated that lot two is approximately 2.5 acre. This land is family land which has been divided into lots. Mr. Stephenson is proposing a dwelling in the middle of the land which has caused the flag lot. He does not believe that what the Planning Director suggest in the previous paragraph is possible unless he gives up additional land. Council Member McAnally asked if this land is all in the same family. Mr. Stephenson stated yes. Council Member McAnally clarified that Mr. Stephenson is wanting to build his house between the rental houses. Mr. Stephenson agreed with Council Member McAnally's statement and stated that what the Planning Director is denying is the property owner using land owned by him to get to another piece of land also owned by him and that this is only an issue because it is in the extra territorial jurisdiction. Council Member McAnally asked if he had an easement. Mr. Stephenson stated yes. Council Member McAnally asked if all of the property owners were in agreement. Mr. Stephenson stated yes. The Mayor asked Mr. Stephenson if he was in agreement with the staff recommendation. Mr. Stephenson stated that he agrees with the flag lot but he disagrees with the Planning Department denying the approval to the easement to the back lot. Council Member McAnally asked if the Council approves this is there a way for the City to be protected from having liability if the property is sold in the future. Council Member McAnally asked the City Attorney if the City could get in trouble for doing this. The City Attorney stated it is a variance it is not in compliance with the City's regulations, the decision is made on the factors that are presented any future owner would obtain it understanding the restraints that are on it. The City Attorney stated that her argument in support of the City's decision making would be that the buyer is coming to the problem. The City Manager asked the City Attorney if the City could put a plat note on the document that would reflect the fact that the family is in agreement to this and recognizes that it land locks a particular lot and accepts the responsibility of that land lock. The City Attorney stated that she would go further and say that they are indemnifying the City of any actions brought as a result. Mayor Pro Tem DeLaRosa asked how this would meet the County standards, if this went before the County subdivision what would the County's answer be. The Planning Director stated that she is not an expert on that. James Garren, surveyor representing the Adams stated this would be exempt from platting under County rules because it is family division property. Council Member Gilleland asked the representative of the Adams family if they were willing to accept the indemnity. The representative of the Adams family stated yes.

There was a motion made by Council Member McAnally to approve the variance with the property owners indemnifying the City of Bastrop of any actions brought as a result, seconded by Council Member Schiff. The motion was approved on a 5-0 vote.

C. OLD BUSINESS - NONE

D. NEW BUSINESS CONTINUED

- D.2 **Consideration, discussion and possible action authorizing the City Manager to negotiate a new Bastrop Marketing Corporation (BMC) contract with the Hyatt Regency.**
This item was postponed to the January 23, 2016 retreat without objection.
- D.5 **Consideration, discussion, and possible action regarding the expenditure of legal fees and the possibility of hiring an in-house city attorney.**
This item was postponed to the January 23, 2016 retreat without objection.

- D.6 **Discussion regarding diversity on the City boards, commissions, committees, and task forces.**
This item was postponed to the January 23, 2016 retreat agenda without objection.
- D.7 **Discussion regarding presence of three council members on the BEDC board.**
This item was postponed to the January 26, 2016 regular Council Meeting without objection.
- D.8 **Consideration, discussion and possible action regarding clarification of appointment for Jimmy Crouch to the Construction Standards Board.**
This item was postponed to the January 26, 2016 regular Council Meeting without objection.
- D.9 **First reading of an ordinance of the City Council of the City of Bastrop, Texas, amending Chapter 8 of the city code, entitled "Offenses & Nuisances," and revising certain definitions in Section 8.07.001, amending Section 8.07.003 entitled "Carrying in City Building or Vehicle", providing for publication; providing a severability clause; and providing an effective date.**
This item was postponed to the January 26, 2016 regular Council Meeting without objection.
- D.4 **Consideration, discussion and possible action regarding instructing the City Manager to negotiate with the Greater Austin YMCA in the effort to reach an agreement for a joint venture between the City and the Y to build a recreational facility in Bastrop.**
Andrews Wiggins of the YMCA presented a presentation.

Council Member Gilleland asked Mr. Wiggins to explain where the building will be and who will own the land. Mr. Wiggins stated that the Y representatives are still working on where the building will be. The City Manager asked when this would be locked down. Mr. Wiggins stated that the representatives are working on this in the next quarter. The City Manager stated that he wants the Council to understand that this is a very important point. The City Manager stated that he felt blindsided because the Council had stated to him their desire to make sure that he had a plan to the county judge not only for the building but also the site, which he did in order to not lose the funding, the Council expressed to the City Manager that the City did not want to lose this funding. The City Manager stated that he put a time line together and he must know by March 1st if the site is locked down and can go forward if not by September 2017 his estimate is that the building will be 85% complete. The City Manager wanted to make everyone aware of this. The Mayor stated that he is comfortable with the deadline and believes it has to be met. Council Member Gilleland reiterated her question of where is the land and who does it belong to. Mr. Wiggins stated that the Y representatives absolutely do not want the City to lose the HUD funding and if the deadline the City Manager stated previously is one imposed by the county judge or the City Manager the Y is in total respect of that. The City Manager stated for clarification that this is a deadline by the grant guidelines which states the building is supposed to be completed by September 30, 2017, the City received a ninety day extension when the City Manager spoke to the judge and ask for an extension until December 30th which cut into the building time so the City Manager has laid out every step that needs to be covered to meet the grant guidelines, get a building built and get the funding for the City and if the architect is not allowed to start on March 1st when September 30, 2017 arrives the City will not be at the 85% mark which he has marked as the City having to be at in order to avoid losing the funding. The Mayor stated that the Y representatives must understand that the City will not lose the money and claw back procedures are being asked for to insure this does not happen. The Mayor stated there is no guarantee the information could be turned in on February 25th and HUD could say it is too late and pull the plug on the funding. The Mayor pointed out to the

Council that the land has to be suitable to the City. James Finkle, representative of the Y stated that the Land belongs to Seton there are two parcels of land that have been identified as a possibility for the recreation center. Mr. Finkle stated that he does agree with the City Manager regarding the hard deadline and the deadline is March 2 and if the Y cannot deliver on the land and promise that they are making they are out of the picture. The City Manager stated for a point of clarification because of the caveat that was placed upon the City Manager the 1.6 million did include furniture and fixtures and the fifty cots that will be needed in the event that the shelter will need to be opened up. The City Manager stated that the \$60,000 figure was a rough estimate that would put a person there equivalent to a clerk receptionist person that could schedule the use of the facility and possibly expand the duties to handle the special events since that would be a central location which is currently having to be spread around due to the number of special events and the salary would be around \$40,000 to \$50,000 with benefits. The City Manager added that there will be the expense of mowing, electricity, water etc. which will put the cost right at \$60,000 for a person to properly man. Council Member Schiff stated that this does not include a recreation director. Mayor Pro Tem DeLaRoas asked where the \$60,000 would come from. The City Manager stated that it would have to be pulled from the general fund. Council Member Schiff read the proposal by Council Member Schiff and Mayor Kesselus for a joint City of Bastrop/Austin YMCA recreational facility into record. Mayor Kesselus stated at the January 11, 2016 BEDC Board meeting the BEDC board members passed a resolution that Steve Mills and Shawn Kirkpatrick work with the Mayor and City Manager about the BEDC's affirmation of providing the alternative \$700,000 it is proposed that the City Council and the BEDC have a joint workshop meeting in time to inform the public before the first meeting of February. Mayor Pro Tem DeLaRosa stated that he thought the Council was in agreement to not use any general fund dollars that were generated by property taxes to help fund the YMCA other than the 1.6. He stated that he was supportive of the project but believes it should be funded with BEDC money. The Mayor responded by saying that the discussion that took place was regarding the Y wanting 2 million dollars and COs and a bond election were discussed and his point was that he does not feel that the City should sell COs for that amount of money he feels that the City should go to the citizens about it. The Mayor asked the City Manager when the City spends the \$60,000 on Plan B where is the money coming from. The City Manager stated that there are several line items that make up the general fund revenue the top two being property taxes, sales taxes, fines and fees, permits, municipal court revenues which add up to x amount of dollars. Council Member Gilleland stated that in December the Y did not have 2.5 to contribute and they have been discussing being able to raise this amount of funds since last Summer and they have not been able to come up with it yet. Council Member Gilleland asked the Y representatives if they are sure they can get the \$2.5 and if so how. Mr. Finkle stated that there has been discussion about a lot of different strategies and that is the process that you go through. Mr. Finkle stated that it was never said that there would be a capital campaign to raise the money but what was said was that it would take a partnership and the \$2.5 will come out of the Y's cash reserve. Council Member Gilleland ask Mr. Finkle if the Y has the money now and it does not have to be raised. Mr. Finkle stated that the Y does have it in cash reserve.

Tommy Claiborne – Mr. Claiborne wanted to know how the public would be notified. The Mayor stated that the BEDC proposed to the Council that a public hearing be held for a chance for the citizens to weigh in to allow both entities to be able to make an informed decision based on what is heard from the citizens and their own views.

Council Member McAnally stated that she wanted to make sure if the Council voted to approve this item that the Y representatives will deliver on their promises. Mr. Finkle stated that is correct and the clause that was put in states if the Y can't get the plan together to satisfy the City Manager the City will go to Plan B. Council Member McAnally asked the City Manager what timeframe

would the City have to come to an agreement with the Y before going to Plan B. The City Manager reiterated the timeline that he laid out earlier in the conversation.

Carlos Liriano – Mr. Liriano expressed his concern with the Y being the City's recreation partner for years to come and asked if this had been discussed. Council Member Schiff stated that a comprehensive recreation center plan has not been put together because until recently it was not evident that the City was going to spend the money. Mr. Liriano stated that if the Y is going to run the recreation department for the City there needs to be a discussion to understand what the Y's commitment will look like. Mr. Liriano stated that he previously brought an idea to Council that was to take the \$1.6 million and partner with the Y and also build a fire station on the west side of town or maybe partner with the Boys and Girls Club by building a gymnasium on the west side of town. Mr. Liriano stated that he brought to the City Manager four months ago the possibility of taking the \$1.6 million and bringing the Y as a partner into the equation. He also stated that the land next to his facility is in the PID and eventually the maintenance of the property will be the responsibility of the City he offered to donate some of his land for a building for the Y. Mr. Liriano stated that this would be option d which he stated all of the Council Members were aware of with the exception of Council Member Schiff. Mr. Liriano stated that all of the options except his was discussed at this meeting. The Mayor suggested that Mr. Liriano write up a proposal for what he spoke of. Mr. Liriano stated that he had already met individually with each Council Member. The City Manager stated that Mr. Liriano's plan is under consideration but that compliance with getting the grant to the County Judge had to be met first and the Council was briefed properly regarding Mr. Liriano's proposal.

Martha Harris – Ms. Harris wanted to follow up on Mr. Liriano's conversation and stated that Mr. Liriano had spoken with the Y representatives and she stated that she had met with Mr. Liriano. She stated that she likes Mr. Liriano's project but does not have enough information about it.

Council Member McAnally made the motion as follows, seconded by Council Member Gilleland. The motion passed on a vote of 4-0. Mayor Pro Tem DeLaRosa voted nay. The motion was to instruct the City Manager to negotiate with the Greater Austin YMCA in the effort to reach an agreement for a joint venture between the City and the Y to build a recreational facility in Bastrop; include the points read into record; and the City Manager is to handle any City deals with the YMCA for the City of Bastrop and the Y is to listen to other individuals inclusions and determine if the inclusions are an asset to the project.

D.10. Consideration, discussion and possible action on acceptance of the unaudited Monthly Financial Reports for the period ending in Nov. 30, 2015.

Council Member McAnally made the motion to approve the unaudited monthly financial reports for the period ending in November 30, 2015, seconded by Mayor Pro Tem DeLaRosa. The motion passed on a vote of 5-0.

D.11. Consideration, discussion and possible action on acceptance of the Quarterly Investment Report for the period ending in Dec. 31, 2015.

Council Member Jackson made the motion to approve the quarterly investment report for the period ending in December 31, 2015, seconded by Mayor Pro Tem DeLaRosa. The motion passed on a vote of 5-0.

EXECUTIVE SESSION

The Bastrop City Council met at 11:30 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, Section 551.072, to discuss the following:

1. **SECTION 551.071(1)(A) & SECTION 551.071(2)** – Consultation with Attorney concerning: (1) potential, pending, threatened, and/or contemplated litigation or claims, including but not limited to water permits and supply 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 including contracts.

At 11:49 p.m. the Bastrop City Council reconvened 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.

NO ACTION WAS TAKEN.

ADJOURNMENT

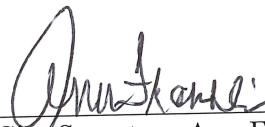
Council Member Schiff made the motion to adjourn at 11:50 p.m., Council Member Jackson seconded the motion which passed on a 4-0 vote. Mayor Pro Tem DeLaRosa was off the dais.

APPROVED:



Mayor Ken Kesselus

ATTEST:



City Secretary Ann Franklin