

**MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
MARCH 8, 2016**

The Bastrop City Council met in a Regular Meeting on Tuesday, March 8, 2016 at 6:30 PM at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Ken Kesselus, Mayor Pro Tem DeLaRosa, and Council Members, Dock Jackson, Kelly Gilleland, Kay Garcia McAnally, and Gary Schiff.

CALL TO ORDER

At 6:33 p.m. Mayor Kesselus called the Meeting to order with a Quorum being present.

PLEDGE OF ALLEGIANCE

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

INVOCATION

Police Chaplain Bill Hobby gave the Invocation.

PRESENTATIONS – NONE

PROCLAMATIONS – NONE

CITIZEN COMMENTS

Robert Martinez – Expressed his concerns with whether or not the Bastrop water can be sold and the ethics of the conflict of interest.

Charles Tarkett – Expressed his concerns with the water well and his water well being drained dry.

Sarah Williamson – Spoke in regards to a water well being drilled and the fact that she and her family were not notified but were notified by the City of Austin regarding a railway coming through Bastrop.

David Butler – Expressed his concerns with all of the water being drained out of the water well and the endangerment of the citizens, animals and plants.

Sarah Butler – Expressed her concerns regarding families that have water wells which may be drained and the families would not be able to drill another water well and would be forced to move.

ANNOUNCEMENTS

A. Update on Comprehensive Plan Steering Committee – Kay Garcia McAnally and Dock Jackson

Council Member McAnally reported that the next Comprehensive Plan Steering Committee is scheduled for Wednesday, March 30, 2016 at 6:00 p.m. at the Chambers at City Hall. There are more public engagement questions on mysidewalk.com which can be found at “mysidewalk.com” or at www.cityofbastrop.org.

The City Manager stated that the purpose of the Steering Committee meeting will be to go over the first four chapters that have been rewritten based upon comments received by the Steering Committee to make sure that the consultant is on track with the direction from the Steering Committee.

B. Election update regarding joint election with Bastrop Independent School District and polling locations. – Ann Franklin

The City Secretary announced that the City of Bastrop will not be in a joint election with the Bastrop Independent School District (BISD) due to the BISD being able to cancel their election because there were no opposing candidates on their ballot. Due to this change the Election Administrator for Bastrop County whom the City of Bastrop contracts with to hold Elections for the City of Bastrop has agreed to host the early voting and Election Day locations at 804 Pecan Street, the Bastrop Courthouse Annex.

Council Member Gilleland made the motion to allow the early voting and Election Day voting to be held at 804 Pecan Street, seconded by Council Member McAnally. The motion was approved on a vote of 5-0.

C. Items Targeted for Future Meetings – City Manager and Mayor**i. March 22nd Consideration of:**

- a. Proposal by City Manager for use of City property West of the Convention Center and contract with the Farmers Market Association
- b. Report by Vision Task Force regarding DMO
- c. Action on City Manager's Recommendations regarding Ally D
- d. Finalizing list of priorities for City Manager
- e. Process for allowing staff to approve requests for beer sales in City parks.

D. Special Meeting – March 15 or March 29

1. Public input about potential bond issues.

City Manager's Informational Report for the March 8, 2016 City Council Meeting:**I. Meetings and Events Attended:**

- A. None.
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II. Update on City Projects and Issues:**A. Discussion and Review of Water Usage for the period of February 22, 2016 through March 6, 2016.****B. Update on the Improvements to the Fire Department Building on Chestnut Street.****C. Discussion and Review of the Color or Colors for the Bus Shelter.**

Council Member McAnally made the motion to use powder coated black for the frame and evergreen for the roof of the Bus Shelter, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a vote of 5-0.

D. Review and Discussion of the Proposed Cost for the Infrastructure Improvements for Alley D.

This reflected the engineering cost estimate for paving the alley in Alley D. The work involves more than just paving. The total estimate is \$694,000, the current bond balance available for Alley D is \$242,590. There is an approximate shortage of \$451,141.

E. Update on filling the vacancy of the Main Street Director Position.**F. Update on the Texas Department of Transportation "Tahitian Village Overpass Project".****G. Review and Discussion Regarding Priorities for the City Manager.**

H. Update on the Water Filtration Project at the Willow –Well Field in Fisherman’s Park.**I. Update on the Status of the XS.****J. Update on Zika Virus.**

The City Manager pointed out that the Zika virus is getting a lot of attention in the media and he informed Council that he had received a correspondence from the Department of Health. The action plan that will be prepared for the community was laid out. None of the cases reported have been generated from Texas.

K. Update and Discussion on Holding a Bond Election in November 2016.

Special workshop to discuss a possible Bond Election was set for March 29, 2016.

L. 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.**

The Mayor stated that the City of Bastrop did not allow for brush pickup for commercial customers in the contract with Progressive. The Mayor asked the City Manager to research what the cost would be for the City to pick up brush for commercial customers. The City Manager stated that he would get a cost of what it would cost for the City to pick up the brush verses what it would cost if Progressive performed the pickup.

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.

A.1 Consideration, discussion and possible action regarding approval of minutes from Special Workshop of December 1, 2015 and Regular Council Meeting of February 23, 2016.

A.2 Approval of the statutory denial, for a period of 180 days from the date of Council action on a request for Hill Subdivision being a +/- 1.595 acre tract out of the Nancy Blakey Survey Abstract No. 98, located north of State Highway 21 within Area A of the Extra Territorial Jurisdiction (ETJ).

A.3 Approval of the Final Plat of Prescott Allen Subdivision being +/-0.725 acres out of the Bastrop Town Tract A-11 located on Main Street (Old Bastrop-McDade Road) in the City of Bastrop, Texas One Mile Extra Territorial Jurisdiction (ETJ).

A.4 Acknowledge receipt of the Bastrop Market Corporation fourth quarter report.

A.5 Approval of Bastrop Marketing Corporation’s request for reimbursement of funds for January 2016 in accordance with the agreement to be spent on advertising and marketing the City of Bastrop area.

A.6 Consideration, discussion and possible action on acceptance of the unaudited Monthly Financial Reports for the period ending in Jan. 31, 2016.

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

B. PUBLIC HEARINGS, ORDINANCES, & OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION - NONE

D. NEW BUSINESS

- D.8 Consideration, discussion and possible action regarding an approval of a proposal from “BEFCO Engineering” to perform engineering services for certain water system improvements including: 1.) The design of elevated water storage tank to be located on the west side of the City Of Bastrop, 2.) Design of new sixteen-inch (16”) water main approximately 5,700 feet in length from the south side of SH. 71 near Lost Pines Toyota to property owned by the City Of Bastrop at the intersection of SH 71 & SH 20 and 3. a new sixteen-inch (16”) water main from on the north side of SH 71 from the intersection of SH. 71/SH 95 crossing the Colorado River and tying into the twelve-inch (12”) existing water main at Eskew Street.**

Council Member Schiff made the motion to approve the proposal from BEFCO Engineering to design the elevated tank and perform engineering services for certain water system improvements, seconded by Council Member Gilleland. The motion was approved on a 5-0 vote. Direction was given to the City Manager to include the Bastrop Arts in Public Places in choosing the design.

C. OLD BUSINESS

- C.1 Consideration, discussion and possible action regarding approval of an agreement between the City of Bastrop and the YMCA of Austin; for the YMCA to construct a recreation facility jointly with a Seton Medical Center (Ascension Health) in the City Of Bastrop, with a portion of the funding for construction of the facility coming from the City Of Bastrop, plus the \$1.6 HUD grant.**

James Fink, YMCA Austin stated that the YMCA representatives were unable to secure land for a recreation building to be built on. In light of this turn of events the YMCA will not be able to move forward with their proposal in its current form. He stated that the YMCA is committed to working with this community.

Chris Hartle, President of North and South Market, Seton Healthcare expressed his disappointment in not being able to make the partnership with the YMCA and the City of Bastrop work regarding a building. Mr. Hartle stated that his company remains committed to the Bastrop community and they remain in conversation with the YMCA representative to see what the two can do collectively in the Bastrop community. He expressed commitment to working with the City of Bastrop in the future.

No action was taken.

- C.2 Consideration, discussion and possible action on decision to proceed with “Plan B” for building a facility to be used as shelter, to be located in Bob Bryant Park in compliance with the “HUD” Grant” requirements shelter facility, as previously accepted by the City Council or with modifications as suggested by the City Manager.**

Council Member Jackson made the motion to authorize the City Manager to move forward with the new plan for the shelter project, seconded by Council Member Gilleland. The motion passed on a 5-0 vote.

D. NEW BUSINESS CONTINUED

D.1 Consideration, discussion and possible action regarding an approval of a second amendment to the 2003 Tourism and Marketing Agreement by and between the Bastrop Resort Partners, Bastrop Marketing Corporation, and the City of Bastrop Texas.

Council Member Gilleland made the motion to approve the second amendment to the 2003 Tourism and Marketing Agreement with the following amendments and direction, seconded by Council Member McAnally. The motion was approved on a 5-0 vote. Direction was given to the City Manager to keep whomever is chosen to fulfill the CCSS position abreast of the City's plan as the DMO evolves.

The amendments are as follows:

- The Hyatt would prefer that the person hired be under the auspice of the City. The change will be made accordingly.
- Replace the word "prototype" in item number 2 with a more satisfactory word.

D.2 Consideration, discussion and possible action on replacing the Bastrop Marketing Corporation with a Destination Marketing Organization: 1.) Presentation by the City Manager, 2.) Presentation by representatives of the Bastrop Chamber of Commerce and 3.) General discussion by City Council regarding Destination Marketing Organization.

Presentation was made by City Manager Mike Talbot and Lee Harle, representative of the Bastrop Chamber of Commerce.

E. EXECUTIVE SESSION

E1. The Bastrop City Council recessed the Council Meeting to meet in Executive Session at 8:26 p.m. pursuant to the Texas Government Code, Chapter 551, *et seq*, to discuss the following:

3. SECTION 551.0-74 – Personnel Matters: City Manager Contract.

E2. The Bastrop City Council reconvened into open session at 9:05 p.m. 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.

ACTION FROM EXECUTIVE SESSION

The Mayor announced that Council anticipates having a finalized contract between the City of Bastrop and City Manager Mike Talbot which will be drawn up by the City Attorney and voted on at the March 22, 2016 Council meeting. The City Manager expressed his gratitude to the Mayor and Council for an open and honest discussion. The City Manager shared that he had reconsidered his previous decision to not extend his contract when it expires in May, 2016 and he has decided to extend his service as the City Manager of Bastrop until December, 2018, provided he remains healthy and capable of serving the community. The City Manager expressed his gratitude to the many citizens who reached out to him with words of encouragement and support in the past two weeks.

D. NEW BUSINESS CONTINUED

- D.3 Consideration, discussion and possible action on the first reading of a proposed ordinance by the City Council of the City of Bastrop Texas, amending the budget for the Fiscal Year 2016 in accordance with existing statutory requirements; appropriating the various amounts herein; repealing all prior ordinances and actions in conflict herewith; and providing for an effective date.**

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

- D.4 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.**

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

- D.5 Approval of amendment to the Contract for Election Services between Bastrop County Elections Administrator and the City of Bastrop, Texas.**

Council Member Jackson made the motion to approve the amendment to the contract for election services between Bastrop County Elections Administrator and the City of Bastrop, seconded by Council Member Gilleland. The motion was approved on a 5-0 vote.

- D.6 An ordinance amending Bastrop Code of Ordinances, Chapter 1 "General," Article 1.10 "Parks" concerning the commercial use of City of Bastrop Parks and amending Appendix A, Article A1.10 "Parks" amending and setting fees for various uses of City Parks; providing a severability clause; and providing an effective date.**

Council Member Schiff made the motion to approve the first reading of the ordinance, seconded by Council Member McAnally. The motion was approved on a vote of 5-0.

- D.7 Consideration, discussion and possible action for allocation of additional funds for the Chestnut fire station improvements.**

Council Member Jackson made the motion to authorize the City Manager to execute the contract for improvements to the fire station in the amount of \$81,239.00, seconded by Council Member Schiff. The motion was approved on a vote of 5-0.

E. EXECUTIVE SESSION CONTINUED

- E1.** The Bastrop City Council recessed the Council Meeting to meet in Executive Session at 9:25 p.m. pursuant to the Texas Government Code, Chapter 551, *et seq.*, to discuss the following:

- SECTION 551.071(1)(A) & SECTION 551.071(2)** – Consultation with Attorney concerning: (1) potential, pending, threatened, and/or contemplated litigation, claims, and/or settlement/mediation, including (*but not limited to*) *the following*: water supply/permitting, code enforcement litigation, appeal of denials of requests for variance(s) from zoning code and Zoning Board of Adjustment actions/orders, litigation related to subdivision development, and/or (2) matter upon which the Attorney(s) have 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
- E2. The Bastrop City Council reconvened into open session at 9:52 p.m. 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.

ACTION FROM EXECUTIVE SESSION

Mayor Kesselus announced that Charles Bundren, consulting attorney and Jo-Christy Brown, City Attorney had provided the Council with an update on pending claims, litigation and mediation in which the City is involved, but no action was needed. City Manager Talbot confirmed that no action by the Council was required.

No action was taken.

ADJOURNMENT

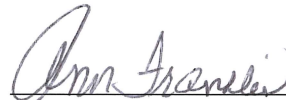
Mayor Kesselus adjourned the meeting at 9:54 on Mayor Pro Tem DeLaRosa's motion, Council Member Schiff's second. The motion was approved on a 5-0 vote.

APPROVED:



Mayor Ken Kesselus

ATTEST:



City Secretary Ann Franklin