

MINUTES
BASTROP CITY COUNCIL -REGULAR MEETING
October 28, 2014 at 6:30 pm



Pursuant to the Texas Government Code, Chapter § 551, the Bastrop City Council held a Regular Meeting on the aforementioned date at the City Hall Council Chambers located at 1311 Chestnut Street in Bastrop, Texas to consider the following matters:

1. **CALL TO ORDER** – At 6:31 pm, Mayor Kesselus called the meeting to order. A quorum was present; Council Members Jackson, Beal, McAnally, Gilleland, and Mayor Pro-Tem DeLaRosa were in attendance.
2. **PLEDGE OF ALLEGIANCE**– Executive Assistant to the City Manager, Traci Chavez led the Pledge.
3. **INVOCATION** – Mayor Kesselus stated that Marie Blazek, Buddhist was not in attendance and he read the “Golden Chain Payer.”
4. **PRESENTATION(S)** – Mayor Kesselus invited Texas District 14, Senator Kirk Watson, who presented Former Mayor Terry Orr with a Proclamation on behalf of “The Senate of The State of Texas” in recognition of his retirement as Mayor of Bastrop, Texas. He was elected to office in May 2008 through May 2014, he played an instrumental role in the city’s ability to withstand the collapse of the United States Economy in 2008 and in the recovery from the devastating wildfires in 2011. Senator Watson acknowledged Former Mayor Orr’s educational endeavor to return to college to earn a bachelor’s degree in Liberal Arts, almost 40 years after receiving a Master’s Degree in Engineering. Senator Watson commended Former Mayor Terry Orr on his exemplary service to the community and wished him continued success with all his future endeavors.

Former Mayor Orr expressed a sincere appreciation for the acknowledgement and stated that this was a great day and in true form to his modesty, he thanked each Council Member and acknowledged the role they each played during his tenure as Mayor. He extended a heartfelt appreciation for City Manager Michael H. Talbot and his accomplishments and other City Staff Members. He concluded his speech acknowledging Senator Watson for his support during the wildfires which was before his installment as a Texas State Senator.

The Council each expressed their appreciation and the honor of having Senator Watson as our State Representative and most importantly as a friend. Former Mayor Terry Orr received a standing ovation in honor of this recognition.

5. **PROCLAMATION(S)** - Upon reading the Proclamations, Mayor Kesselus presented the “*America Recycles Day November 15, 2014*” Proclamation to Council Member Gilleland. He presented the “*National Municipal Court Week November 3-7, 2014*” Proclamation to The Honorable Judge Hinds and Court Administrator Phyllis Mathison.
6. **CITIZEN COMMENTS** – President of Keep Bastrop County Beautiful, Dorothy Skarnulis gave a video presentation on recycling and educating people on the importance of saving our resources. She thanked Council Member Gilleland and the Council in the collaboration of the upcoming cleanup project and stated she look forward to future collaborations with Council Member Gilleland.

Mayor Pro-Tem DeLaRosa congratulated Council Member Beal on the newest member to his family. Everyone joined him in welcoming Grandbaby Beal. Council Member Beal thanked everyone and stated that his daughter and grandbaby are doing well.

Council Member Jackson encouraged everyone to participate in the upcoming Sounds of Sharing Event on November 1, 2014.

Council Member Beal also encouraged meeting attendees to join the 100th Year Celebration of the Kerr Center on Thursday, October 30 at 6:30 pm.

7. **ANNOUNCEMENTS** - Mayor Kesselus invited City Manager Talbot to present his bi-weekly informational report for October 14, 2014. City Manager Talbot provided the Council Members a brief outline on the following projects:

C. Review, Discussion, and Possible Action Regarding Bastrop Arts in Public Places “Transformer Project”– City Manager Talbot informed the Council that the Bastrop Art in Public Places had requested funding of \$1,000 to award the winning artist of the Transformer Project. He advised the

Council that the funds would derive from the Hotel/Motel Tax Fund and if the Council approved the request the BAIPP would like for them to present the financial award to the winning artist at the first City Council Meeting in November.

After the Council consideration, they were in agreement to help with the \$1,000 fund and recognized the success of the project. A majority of the Council suggested the importance of securing funding beforehand on future projects.

MOTION – Council Member McAnally made the motion to approve the Bastrop Art In Public Places request to provide the \$1,000 funding for the winning artist of the Transformer Project.

SECOND – Council Member Gilleland seconded the motion.

VOTE– Motion passed unanimously 5-0; *Aye: McAnally, Gilleland, DeLaRosa, Beal, and Jackson,*

D. Review and Discussion Regarding the “Public Forum on the S.H. 71 Project Improvements and the Main Street Project”. – City Manager Talbot provided the Council Members a handout and informed them that the Public Forum held on October 23, 2014 was well attended. He will be providing a written update at the upcoming City Council Meeting.

F. Update on the City Wide Clean-Up Project – Council Member Gilleland provided an update on the upcoming City Wide Clean-up Project which already had ten teams who have signed up to participate. Many of the participants have expressed their enthusiasm in the program. Mayor Kesselus commended Council Member Gilleland on her efforts.

H. Discussion and Possible Action on the Bastrop Arts in Public Places Proposed “Pedestal Projects”– City Manager Talbot provided the Council an advance notice on the upcoming project proposed by the BIAPP for a \$17,000 Sculpture Project that will place sculptures at various locations within the City. City Manager requested the Council’s approval to pay the costs for the construction pads to place each sculpture. The Council agreed to use the allocated BIAPP Project Fund for the costs.

I. Special City Council Meetings – November 18, 2014 – Mayor Pro-Tem DeLaRosa advised the YMCA of the Councils intent to hold a Bond Election for this project. The YMCA suggested a November Election, but City Manager Talbot reminded them of the Councils schedule during this time of year. Mayor Kesselus requested this item be placed on the agenda for the upcoming City Council Retreat.

L. Review and Discussion Regarding parking and Transportation Issues in the Central Business District and Surrounding Area – Mayor Kesselus requested to discuss this item along with agenda item D-2.

M. Update on developing an RFQ for the Operation of the PEG Channel and Amendment to the Agreement for Filming Services – Mayor Kesselus requested to discuss this item in Executive Session.

A. *All the following items are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member(s) so request.*

A.1 Consideration, discussion, and possible action on the SECOND READING of a proposed ORDINANCE of the City Council of the City of Bastrop, Texas for a zoning district change from LI, (Light Industrial) to SF-7, (Single Family Residential-7) comprising of all properties in Building Block 5 surrounded by Cypress, Linda and Rosanky Streets within the Young Subdivision more particularly described as

1. Being a +/-0.182 acres within Young Subdivision, Building Block 5, Lot 1, also known as 1508 Rosanky St (R33333)
2. Being a +/-0.364 acres within Young Subdivision, Building Block 5, Lot 2, also known as 1710 Linda St (R41403)
3. Being a +/-0.182 acres within Young Subdivision, Building Block 5, Lot 3, also known as 1702 Linda St. (R33325)

in the city limits of Bastrop, Texas; and establishing an effective date.

- A.2 Consideration, discussion, and possible action on the SECOND READING of a proposed ORDINANCE of the City Council of the City of Bastrop Texas, amending the budget for the Fiscal Year 2014 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.
- A.3 Consideration, discussion, and possible action on the SECOND READING of an ORDINANCE of the City Council of the City of Bastrop Texas, amending Ch. 6, of the Code of Ordinances of the City of Bastrop, Texas, entitled "Health & Sanitation" Sec. 6.04.001, 6.04.004, and 6.06.009, to provide for mowing private property up to edge of public pavements(s) and right-of-way; establishing fines for the violation of said articles; establishing enforcement authority, repealing any inconsistent provisions; and providing an effective date.
- A.4 Consideration, discussion, and action with respect to the SECOND READING of an ORDINANCE of the City Council of the City of Bastrop, Texas, amending Ordinance 2005-22, which adopted the City of Bastrop's Personnel Policies Manual; related to Employee Benefits; repealing conflicting ordinances, resolutions and policies; including a savings clause; and establishing an effective date.
- A.5 Consideration, discussion, and possible action on the SECOND READING of a RESOLUTION, on a project of the Bastrop Economic Development Corporation to commission a Bastrop Area Housing Study by Robert Charles Lesser & Co., LLC, (RCLCO), in an amount not to exceed \$35,000.
- A.6 Consideration, discussion, and possible action on a request for approval of a STATUTORY DENIAL, for a period of 180 days from the date of Council action on this request for the Administrative Plat of Haywood 1 Subdivision, to create 1 residential lot located in Area A of the Extra Territorial Jurisdiction (ETJ) of Bastrop, Texas.
- A.7 Consideration, discussion, and possible action on a request for approval of a STATATUTORY DENIAL, for a period of 180 days from the date of Council action on this request, for the Replat of Lot 1-506 in Tahitian Village, Unit 1 to create 2 residential lots located east of Kukui Court within the city limits of Bastrop, Texas.
- A.8 Consideration, discussion, and possible action on a request for approval of the expiration of the Preliminary Plat for XS Ranch Rivercamp Estates, Phase 2 (29 residential lots) within the Extra Territorial Jurisdiction (ETJ) of Bastrop, Texas.
- A.9 Consideration, Discussion and possible action on a request to grant a variance to the Cemetery Ordinance, which is recommended for approval by the Cemetery Advisory Board. The variance requested would allow a plot owner to cover a cemetery plot in the Fairview Cemetery, legally described as being Block 7, Row C, Lot B (2 spaces), with a material (i.e., crushed rock) that is otherwise prohibited by the City's Cemetery Ordinance, "Fairview Cemetery", Section 15.01.015 (e) and (f), "Prohibited activities".

Mayor Kesselus read agenda item captions A-1 through A-5 in recognition of the Second Reading and followed with a request for a motion.

MOTION – Mayor Pro-Tem DeLaRosa made the motion to approve all items on the Consent Agenda.

SECOND – Council Member McAnally seconded the motion.

VOTE– Motion passed unanimously 5-0; *Ayes: DeLaRosa, McAnally, Gilleland, Beal and Jackson.*

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 Vernons TX Code, annotated, the item below will be discussed in closed session. SEC. 551.071 Consultations w/Attorney related to legal matters*

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

C. OLD BUSINESS – NONE

D. NEW BUSINESS

D.1 CONSIDERATION AND ACTION WITH RESPECT TO "ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF BASTROP, TEXAS GENERAL OBLIGATION REFUNDING BONDS; LEVYING AN AD VALOREM TAX IN SUPPORT OF THE BONDS; ESTABLISHING PROCEDURES FOR SELLING AND DELIVERY OF ONE OR MORE SERIES OF THE BONDS; AND AUTHORIZING OTHER MATTERS RELATING TO THE BONDS". (CITY MANAGER TALBOT)

City Manager Talbot advised the Council that the underwriters were prepared to begin the process. He introduced Mr. Dan Wegmiller, City's Bond Consultant who informed the Council of the improved market and the City's ability to break even.

The Council held a discussion acknowledging the City Manager's efforts and Council Member Beal stated "Good Job!"

Mayor Kesselus read the agenda caption and requested a motion.

MOTION – Council Member Gilleland made the motion to authorize the issuance of the City of Bastrop, Texas General Obligation Refunding Bonds; levying an Ad Valorem Tax in support of the bonds; and establishing procedures for selling and delivery of one or more series of the bonds and authorizing other matters relating to the bonds.

SECOND – Council Member McAnally seconded the motion.

VOTE–Motion passed unanimously 5-0; *Aye: Gilleland, McAnally, DeLaRosa, Beal & Jackson*

City Manager Talbot thanked Council Member Beal who planted the seed a year ago.

D.2 CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION BY THE BASTROP CITY COUNCIL ON A REQUEST FROM THE BASTROP MAIN STREET PROGRAM DESIGN COMMITTEE TO CONDUCT A PUBLIC TEST OF A "2-POINT PARKING" VARIANT IN THE 700 BLOCK OF PINE ST. IN SPACES CURRENTLY MARKED FOR "3-POINT PARKING." (MAIN STREET ADVISORY BOARD)

Mayor Kesselus introduced the Main Street Advisory Board Chairman who provided a PowerPoint Presentation with reference to various Parking Studies in the Bastrop Downtown District. He suggested a two-week public test that could commence in sixty days if the Council approved.

The Council held a discussion with regard on various aspects of the project and recommended that the City Manager hire a Consultant who could advise us of the project costs. Mayor Kesselus requested a motion.

MOTION – Council Member Beal made the motion to authorize an "interim two-month period to conduct the parking test and authorizing the City Manager to find a Consultant to offer the projected costs of the project.

SECOND – Council Member McAnally seconded the motion.

VOTE–Motion passed unanimously 5-0; *Aye: Beal, McAnally, DeLaRosa, Gilleland, & Jackson*

Mayor Kesselus then brought forward Item (L) as listed under the City Manager's bi-weekly report.

(L) REVIEW AND DISCUSSION REGARDING PARKING AND TRANSPORTATION ISSUES IN THE CENTRAL BUSINESS DISTRICT AND SURROUNDING AREA

After a brief discussion by the Council, the Mayor requested a motion.

MOTION – Council Member Beal made the motion to authorize the City Manager to approach the Bastrop Economic Development Corporation on a joint venture to address the Transportation Issues in the Central Business District and the surrounding Area.

SECOND – Mayor Pro-Tem DeLaRosa seconded the motion.

VOTE–Motion passed unanimously 5-0; *Aye: Beal, DeLaRosa, McAnally, Gilleland, & Jackson*

D.3 CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION ON THE INSTALLATION OF RECREATIONAL VEHICLE STATIONS CONNECTED WITH THE CONVENTION CENTER. (CITIZEN RICHARD KESSELUS)

Richard Kesselus Officer of the Texas Cushman Club and a member of the America Cushman Club thanked the Council for the opportunity to request their consideration on allotting recreational vehicle spaces at the Convention Center. That this would allow the organization a new meeting site which would bring in numerous members and additional revenue to local businesses.

The Council held a discussion in consideration to the impacts on the local Farmer's Market and the funding for the project. The Council requested that the City Manager research this request further.

City Manager Talbot acknowledged he had already made a note of the Council's directive.

D.4 CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION REGARDING THE RELEASE OF HOT FUNDING TO UPSTART. (Council Member Gilleland)

Council Member Gilleland requested the Council's consideration and approval on the aforementioned item. Mayor Kesselus requested a motion.

MOTION – Council Member Gilleland made the motion to release the Hot Funding to Upstart.

SECOND – Mayor Pro-Tem DeLaRosa seconded the motion.

VOTE–Motion passed unanimously 5-0; *Aye: Gilleland, DeLaRosa, McAnally, Beal & Jackson*

Mayor Kesselus moved Agenda Item D. 6 up for discussion, as suggested by Council Member Jackson.

D.6 BOARD APPOINTMENT BY MAYOR KESSELUS, SUBJECT TO CONFIRMATION BY THE BASTROP CITY COUNCIL, ON THE APPOINTMENT OF MICHELLE ADAMS, AS PL. 1 MEMBER OF THE BASTROP MAIN STREET PROGRAM ADVISORY BOARD; FILLING AN UNEXPIRED TERM VACATED BY STEVE DEWIRE THAT EXPIRES JUNE 2015. (MAYOR KESSELUS)

Mayor Kesselus requested the Councils confirmation on the appointment of Michelle Adams as the Place 1 Member on the Bastrop Main Street Program Advisory Board.

MOTION – Council Member Jackson made the motion to confirm the appointment of Michelle Adams as the Place 1 Member on the Bastrop Main Street Program Advisory Board filling the unexpired term vacated by Steve Dewire that expires June 2015.

SECOND – Council Member McAnally seconded the motion.

VOTE–Motion passed unanimously 5-0; *Aye: Jackson, McAnally, DeLaRosa, Gilleland and Beal.*

D.5 CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION ON THE ADOPTION OF A RESOLUTION OF SUPPORT TO CONVEY THE FOLLOWING PROPERTIES WHICH ARE HELD IN TRUST BY BASTROP INDEPENDENT SCHOOL DISTRICT, BASTROP COUNTY AND CITY OF BASTROP TO HABITAT FOR HUMANITIES TO BUILD NEW SINGLE FAMILY RESIDENTIAL STRUCTURES (CITY MANAGER TALBOT)

- R34561-BUILDING BLOCK 24 EAST OF WATER STREET BEING +/-0.165 ACRES ALSO KNOWN AS 1011 EMILE STREET.
- R35849 – BUILDING BLOCK 59 EAST OF WATER STREET BEING +/-0.219 ACRES ALSO KNOWN AS 306 MLK DRIVE.
- R28887 – FARM LOT 5 WEST OF MAIN STREET BEING +/-0.191 ACRES ALSO KNOWN AS 1905 WILSON STREET.

City Manager Talbot advised the Council the addressed listed herewith were the homes to be used by the BISD, Bastrop County and Bastrop City for the Habitat for Humanity Program.

Mayor Kesselus followed with a request a motion.

MOTION – Mayor Pro-Tem DeLaRosa made the motion to approve the adoption of a Resolution of Support to convey the following properties which are held in trust by Bastrop Independent

School District, Bastrop County and City of Bastrop to Habitat for Humanities to build new single family residential structures

- R34561 - Building Block 24 East of Water Street being +/-0.165 acres also known as 1011 Emile Street.
- R35849 – Building Block 59 East of Water Street being +/-0.219 acres also known as 306 MLK Drive.
- R28887 – Farm Lot 5 West of Main Street being +/-0.191 acres also known as 1905 Wilson Street

SECOND – Council Member McAnally seconded the motion.

VOTE–Motion passed unanimously 5-0; *Aye: DeLaRosa, McAnally, Gilleland, Beal, and Jackson*

D.7 CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION ON THE APPROVAL OF A RESOLUTION BY THE CITY OF BASTROP, TEXAS AND THE BASTROP ECONOMIC DEVELOPMENT CORPORATION”. (MAYOR KESSELUS)

Mayor Kesselus requested to discuss the aforementioned item in executive session.

At 8:44 pm, Mayor Kesselus moved into Executive Session.

E. EXECUTIVE SESSION

E.1 THE BASTROP CITY COUNCIL WILL MEET IN A CLOSED/EXECUTIVE SESSION PURSUANT TO THE TEXAS GOVERNMENT CODE, CHAPTER 551, *ET SEQ*, TO DISCUSS THE FOLLOWING:

1. SECTION 551.071(1)(A) & SECTION 551.071(2) – CONSULTATION WITH ATTORNEY CONCERNING:
 - (1) POTENTIAL, PENDING, THREATENED, AND/OR CONTEMPLATED LITIGATION OR CLAIMS, INCLUDING BUT NOT LIMITED TO AND/OR
 - (2) MATTER UPON WHICH THE ATTORNEY HAS A DUTY AND/OR RESPONSIBILITY TO REPORT TO THE GOVERNMENTAL BODY, CONCERNING SAME, AND/OR ANY OTHER MATTERS POSTED ON THE AGENDA.
2. SECTION 551.072 – DELIBERATION REGARDING REAL PROPERTY: REGARDING THE PURCHASE, EXCHANGE, LEASE, DISPOSITION, OR VALUE OF REAL PROPERTY
3. SECTION 551.074 – PERSONNEL MATTERS – CITY MANAGER
4. SECTION 551.086 – CERTAIN PUBLIC POWER UTILITIES; COMPETITIVE MATTERS

E.2 THE BASTROP CITY COUNCIL WILL RECONVENE INTO OPEN SESSION TO DISCUSS, CONSIDER AND/OR TAKE ANY ACTIONS NECESSARY RELATED TO THE EXECUTIVE SESSIONS NOTED HEREIN, OR REGULAR AGENDA ITEMS, NOTED ABOVE, AND/OR RELATED ITEMS.

At 10:40 pm, Mayor Kesselus reconvened in open session to discuss, consider, and/or take necessary action(s) related to the Executive Session noted herein.

Mayor Kesselus requested a motion on the Bastrop Economic Corporation Joint Resolution posted as agenda item D-7; none was made. The Mayor stated that he would inform the BEDC Chairman of the Council’s decision not to act on the Resolution.

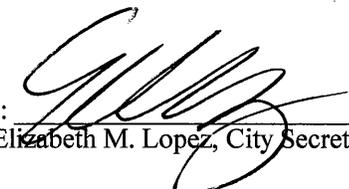
F. ADJOURNMENT - Mayor Kesselus requested a motion to adjourn the meeting. Council Member Jackson made the motion that was seconded by Council Member Gilleland and the meeting adjourned at 10:40 pm.

APPROVED:



Ken Kesselus, Mayor

ATTEST:



Elizabeth M. Lopez, City Secretary