

**MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
FEBRUARY 9, 2016**

The Bastrop City Council met in a Regular Meeting on Tuesday, February 9, 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

Terry Hagerty led the Pledge of Allegiance and the Pledge to the Texas Flag.

INVOCATION

Police Chaplain Jimmie Cottle gave the Invocation.

PRESENTATIONS - NONE

PROCLAMATIONS - NONE

CITIZEN COMMENTS - NONE

ANNOUNCEMENTS

- A. Update on Comprehensive Plan Steering Committee – Kay Garcia McAnally and Dock Jackson
The City Manager stated that The Director of Planning is in the process of calling a comprehensive meeting.
- B. The City Manager announced a special Council workshop on February 16, 2016 to discuss the Piney Creek zoning change and to begin discussion regarding the bond issue.
- C. Council Member McAnally thanked the Film Commission and H.E.B. for recognizing Bastrop during the Super Bowl commercials and for bringing the economy to Bastrop.

 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 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 Members so requests.*

- A.1 **Consideration, discussion and possible action regarding approval of minutes from Regular Council Meeting of January 12, 2016.**

- A.2 **Approval of a resolution related to preparation of City Council meeting agendas in compliance with the State's Open Government Statues and Laws; providing a severability clause; and providing an effective date.**
- A.3 **Approval of Bastrop Marketing Corporation's request for reimbursement of funds for December 2015 in accordance with the agreement to be spent on advertising and marketing the City of Bastrop area.**
- A.4 **Approval of the statutory denial, for a period of 180 days from the date of Council action on a request for the Administrative Plat of Sayers Estates Subdivision being a +/- 3.797 acre tract out of the Stephen F, Austin Survey, A-3, located east of Sayers Road within Area A of the Extra Territorial Jurisdiction (ETJ).**
- A.5 **Approval of the second reading of an ordinance of the City of Bastrop amending the zoning ordinance, Chapter 14, Section 36.2, zoning use charts and a.3 definitions regulating the movement of existing building(s)/structure(s); adopting a conditional use permit process within residential zoning classifications for relocation and rehabilitation of such moved buildings; amending Chapter 3, "Building Regulations" Article 3.16.002 and 3.16.006; providing a severability clause; and providing an effective date.**
- A.6 **Consideration, discussion and possible action on acceptance of the unaudited Monthly Financial Reports for the period ending in December 31, 2015.**
- A.7 **Consideration, discussion and possible action regarding the approval and acceptance of a resolution of the City Council of the City of Bastrop, Texas adding the City's expenses associated with the operation of the Rodeo Arena to the City's Hotel/Motel Tax Revenue "Tier One" funding.**
- A.8 **Approval of request to accept the Public Improvements for Pecan Park, Section 5A located east of Childers Drive within the City limits of Bastrop, Texas.**

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

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

- B.1 **A public hearing on approval of significant BEDC expenditures and potential contribution to a joint City/YMCA recreation building.**
The public hearing was closed without objection.
- B.2 **A public hearing on the city's potential contributions to a joint City/YMCA recreation building and related requirements.**
The public hearing was closed without objection.

C. OLD BUSINESS

- C.1 **Consideration, discussion and possible action on a contract with the YMCA.**
The City Manager reported that he met with the representatives of the Y. The Y has asked the City Manager to provide them with the deal points from the Council in order for the Y to put together a

rough draft of the contract for Council to look at. The Y informed the City Manager that the best that the Y would be able to get as far as the property would be a letter of intent from the property owner, the City Manager informed the Y that it would be the Council's authority to examine the strength or weakness of the letter of intent to see if they felt comfortable in going forward based upon the letter of intent. This item will be scheduled for the March 8th Council agenda. The City Manager explained that in the agreement there will be language that explains the appropriations will be dealt with during the appropriation of the annual budget each year, it will be up to the Council to appropriate the funds. The Mayor asked the City Manager to assess the risk of the letter of intent once it is received.

Crystal Smith – Spoke in favor of the YMCA.

Discussion was held, no action was taken on this item.

D. NEW BUSINESS

- D.1 **Resolved that the council instructs the city manager to proceed with finishing a parking lot on all available and appropriate square footage of Alley D, and that he make necessary repairs to the vacant lot at 921 Main Street so that this lot can continue to be used as a gathering place.**

It was stated that this project will be paid for with bond funds. The City Manager was directed to pave only the parking lot around Alley D.

Council Member Schiff made the motion to instruct the City Manager to move forward the paving of the lot around Alley D, seconded by Council Member McAnally. This motion was later withdrawn by the maker of the motion, Council Member Schiff.

Richard Smarzik – expressed his concern with the start date for repair of Alley D.

The City Manager expects to bring back estimate within 60 days for Council to look at.

Council Member Schiff made the motion to instruct the City Manager to develop a cost estimate for paving the lot in Alley D and bring back the cost estimate to Council for review and consideration, seconded by Council Member McAnally. The motion passed on a vote of 5-0.

- D.2 **Consideration, discussion, and possible action regarding the expenditure of legal fees and the possibility of hiring an in-house city attorney and a proposed resolution.**

Council gave direction to the City Manager as follows:

- Provide document reports for the last three months for the legal fees.
- Provide a more detailed list broken down by category.
- Include realistic costs on what it would cost to have an in-house attorney including the benefits that are not being paid for the City Attorney at this time, transportation cost, mileage, etc. in order to have a fair comparison.
- Comparison with other cities regarding how/how much is spent on legal service.

Bring the information listed above to the February 23rd Council meeting.

Council Member Schiff made the motion to approve the resolution with the following amendment. The amendment was to add a third resolve in the resolution to read any legal issue involving the City Manager would be presented by a Council Member to the Mayor who would address it with the City Attorney directly. The motion failed for lack of a second.

No action was taken.

- D.3 **Required reporting of the Police Departments racial profile reporting for 2015.**
Chief Adcock, Public Safety Officer presented the Police Department's Racial Profile Report for 2015.
- D.4 **Consideration, discussion and possible action on approving a resolution regarding the lease termination and development of a vendor and lease program on the property west of Bastrop Convention Center.**
Presentation was given by Mayor Kesselus.
- Genny Smith Wildebrandt - Voiced her concern and spoke in support of the Farmers Market being kept at the property next to the Convention Center.
- Katheryn Neal – Spoke in support of the resolution.
- Direction was given to the City Manager to review the contractual/insurance for the Farmers Market building.
- D.5 **Discussion, consideration and possible action on the Preliminary Plat for the Colony MUD 1A, Section 1 being +/-45.487 acres out of the Manuel Bangs Survey A, within Area A of the Bastrop, Texas Extra Territorial Jurisdiction (ETJ).**
The Planning Director presented an overview.
- Council Member Schiff made the motion to approve the preliminary plat for the Colony MUD, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 5-0 vote.
- David Grassel – Spoke in opposition to the preliminary plat.
- D.6 **Appointment by Mayor, subject to confirmation by City Council of Jimmy Crouch to Place 3 on the Construction Standards Board.**
Mayor Pro Tem DeLaRosa made the motion to approve the appointment of Jimmy Crouch to Place 3 on the Construction Standards Board, seconded by Council Member Schiff. The motion passed on a vote of 5-0.
- D.7 **Consideration, discussion, and possible action on a request from the Bastrop Homecoming Committee for a variance to Section 8.02.001 of the City of Bastrop Code of Ordinances to allow for the sale and consumption of alcoholic beverages during the Mayfest Hill Disaster Relief Rodeo event scheduled for May 13-14, 2016 at the Mayfest Hill Park located on American Legion Drive.**
Mayor Pro Tem DeLaRosa made the motion to grant the variance, seconded by Council Member Gilleland. The motion passed on a vote of 5-0.
- D.8 **Resolved that the city council create a process for forming a Destination Marketing Corporation and operating during the period leading up to such a creation, following the outline included on page 104 of the council packet.**
This item was withdrawn from the agenda pending a signed contract by the Bastrop Marketing Corporation.

Lee Harle – Spoke in favor of a DMO. Requested to be put on the next agenda to share findings of creating a DMO. The Mayor stated that no items will be posted for the DMO before hearing from the City Manager.

- D.9 **Consideration, Discussion, and Possible Action Regarding Approval to Award a Construction Contract to Facilities Rehabilitation, Inc. for the SH 71/95 Water Line Replacement Project.** Presentation was made by the City Engineer.

Council Member Jackson made the motion to award the construction contract to the Facilities Rehabilitation, Inc., seconded by Mayor Pro Tem DeLaRosa. The motion passed on a vote of 5-0.

- D.10 **Consideration, discussion and possible action on the first reading of a proposed ordinance of 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 Gilleland. The motion passed on a vote of 4-0. Council Member McAnally was off the dais.

- D.11 **Consideration, discussion and possible action regarding internal access between properties to driveways that connect to Hunters Crossing Boulevard shared between Toyota and Best Western located within the Hunters Crossing Subdivision.**

This item was withdrawn without objection.

Mayor Kesselus recessed the Council Meeting to go into Executive Session at 8:48 p.m.

E. EXECUTIVE SESSION

The Bastrop City Council met at 8:48 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, Section 551.071(1)(A) and Section 551.071(2) (Consultations with Attorney); Section 551.072, to deliberate concerning the purchase, exchange, lease, or value of real property owned by the City; and Section 551.074 (Personnel Matters) to discuss the following:

- A. **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, Pine Forest Unite 6 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.
- B. **SECTION 551.072** – Deliberation regarding real property: Regarding the purchase, exchange, lease, disposition, or value of real property
- C. **SECTION 551.0-74** – Personnel Matters: City Manager

The Bastrop City Council reconvened into open session at 10:11 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.

No Action Was Taken.

ADJOURNMENT

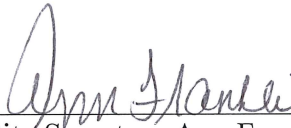
Council Member Schiff made the motion to adjourn at 10:13 p.m., Council Member McAnally seconded the motion which passed on a 5-0 vote.

APPROVED:



Mayor Ken Kesselus

ATTEST:



City Secretary Ann Franklin