

**MINUTES OF REGULAR COUNCIL MEETING  
BASTROP CITY COUNCIL  
FEBRUARY 23, 2016**

The Bastrop City Council met in a Regular Meeting on Tuesday, February 23, 2016 at 5:30 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Ken Kesselus, and Council Members Dock Jackson, Gary Schiff, Kay Garcia McAnally and Kelly Gilleland. Mayor Pro Tem Willie DeLaRosa was absent.

**CALL TO ORDER**

Mayor Kesselus called the meeting to order at 5:30 p.m.

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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

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**EXECUTIVE SESSION**

The Bastrop City Council recessed the Council Meeting to meet in Executive Session at 5:38 p.m. 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, 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.

The Bastrop City Council reconvened at 6:35 p.m. 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 TAKEN

**PLEDGE OF ALLEGIANCE**

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

**INVOCATION**

Council Member Gilleland gave the Invocation.

**PRESENTATIONS**

- A. Update on Bastrop Economic Development Corp. – Executive Director Shawn Kirkpatrick**  
Shawn Kirkpatrick reported the following:

- The BEDC regular meeting was held on February 22, 2016.
  - Held public hearing for the Y funding.
  - Held public hearing for 903 Main Street.
  - Appointed the first three members of the five member ADHOC Committee to look at the bylaws of the BEDC. From the BEDC Board Kristy Koch and Steve Mills were appointed as well as the BEDC liaison Shawn Kirkpatrick. The board will meet in the next two weeks to fill the community seats.
  - Housekeeping matter related to personnel.

Council Member Gilleland Asked for an update on the student job fair. Mr. Kirkpatrick stated that the Youth Career Day has been set for May 18, 2016. Council Member Gilleland asked for information on the adult job fair. Mr. Kirkpatrick stated that the adult job fair is scheduled for October 1, 2016 at the Bastrop Convention Center.

## **PROCLAMATIONS**

### **A. Black History Month**

Mayor Kesselus read the proclamation into the record.

## **CITIZEN COMMENTS**

Bonnie Coffey – Congratulated Council on the BXTX and Collin Guerra and Andres Rosales on their fine work.

Roland Nava – Expressed concerns regarding lighting in Bastrop’s North Area, bus stops, CARTS and structures. Mr. Nava asked the City Manager about the status of the structures being made. The City Manager stated that the Council approved that the bus structure be constructed out of metal, the services of a metal manufacturer has been retained and the structure is being manufactured at this time, the last item to be completed is for the Council to make a choice about the color which will be presented to Council at the March 8, 2016 meeting. The time frame is approximately 30 to 45 days to finish up the metal and painting after Council makes a choice about the color and approximately 30 days after delivery for installation. Mr. Nava inquired about the citizens getting on the agenda. The Mayor instructed the citizens to call him at (512) 940-7897 to discuss if they are interested in getting on the agenda. The City Manager pointed out that the Mayor rejuvenated the Farm Based Task Force Code to look at the area north of town and announced that there is a meeting coming up in March which he suggested the citizens attend and address the committee.

Council Member Gilleland asked that the City Manager put Mr. Nava’s concerns mentioned above on the City Manager’s report for March 8, 2016 to give an update.

Lee Harle – Represented the Bastrop Chamber of Commerce requesting to be put on the March 8, 2016 agenda to present the work that the Chamber has done for Council’s consideration.

## **ANNOUNCEMENTS**

### **A. Update on Comprehensive Plan Steering Committee (CPSC)– Kay Garcia McAnally and Dock Jackson**

The City Manager stated the consulting team has completed edits of Chapter 1-4 of the Bastrop Comprehensive Plan update and is providing their edits to City Staff for distribution to the Comprehensive Plan Steering Committee to work on Chapter 5 and Chapter 6 has begun. A new online public comment period via mySidewalk will be initiated in the near future. The next CPSC

meeting will be scheduled for early March, at this time the CPSC will review plan recommendations related to public facilities, housing and neighborhoods.

**B. Items Targeted for Future Meetings.**

- i. March 8<sup>th</sup> Consideration of:
  - a. Contract for partnership with YMCA
  - b. Revised contract for Bastrop Marketing Corporation
  - c. New contract with City Manager
- ii. March 22<sup>nd</sup> Consideration of:
  - a. Proposal by City Manager for use of City property West of the Convention Center and contract with the Farmers Market Association

Mayor Kesselus announced that the Council was informed today by the City Manager that he has decided that his tenth anniversary at the City of Bastrop on May 12, 2016 will be the end of his position as City Manager at the City of Bastrop. The Mayor stated that the City Manager has offered to stay on to make the resignation a full ninety day notice. The Mayor announced that Council will recess as follows to discuss this matter in executive session.

**EXECUTIVE SESSION CONTINUED**

The Bastrop City Council recessed the Council Meeting to meet in Executive Session at 6:55 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.**

The Bastrop City Council reconvened at 7:50 p.m. 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.

**ACTION FROM EXECUTIVE SESSION**

The Mayor announced that Council has refused to accept the City Manager's resignation and the City Manager has agreed to rethink his resignation and provide more conversation in two weeks.

**City Manager's Informational Report for the February 23, 2016 City Council Meeting:**

**I. Meetings and Events Attended:**

- A. **Attended the Annual Membership Meeting of the Pine Forrest Home Owners Association on February 6, 2016.**
- B. **Attended a Special Meeting of the Pine Forrest Home Owners Association on February 15 & 17, 2016**
- C. **Attended the Monthly Board Meeting of the Lost Pines Groundwater Conservation District on February 17, 2016.**

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**II. Update on City Projects and Issues:**

- A. **Discussion and Review of Water Usage for the period of February 1, 2016 through February 21, 2016.**

- B. Update on the Improvements to the Fire Department Building on Chestnut Street.**
  - C. Update on the Gills Branch Drainage Project**
  - D. Update on the Comprehensive Plan.**
  - E. Update on the Water Filtration Project – Willow Park Well Field**
    - February 23, 2016 – start of new water filtration project.
  - F. Update on the Gills Branch Wastewater Improvements Project.**
  - G. Update on filling the vacancy of the Main Street Director Position.**
  - H. Update on the Texas Department of Transportation “Tahitian Village Overpass Project.**
  - I. Discussion Regarding Proposed Revisions to the City of Bastrop Parks Ordinance and City of Bastrop Park Policies.**
  - J. Update on the “Elevated Water Storage Facility” on the West Side of the City of Bastrop.**
    - Council will see in the audit that the water and wastewater fund ended up in a favorable position at the end of FY 2015
  - K. Update on the Construction of New Restrooms in Fisherman’s Park.**
  - L. Update Regarding the proposed Improvements to Alley D.**
  - M. Update on the Status of the XS Ranch PID**
  - N. Review of Current Project and Critical Needs and Holding a Bond Election in November 2016**
  - O. Management/Administrative Activities**
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### **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**

### **D. NEW BUSINESS**

- D.5 Consideration, discussion and possible action regarding items under the City Manager’s informational report:**
  - **Elevated Water Storage Facility on the West Side of the City of Bastrop.**
  - **Update on the Construction of New Restrooms in Fisherman’s Park.**

This item was withdrawn without objection.

**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 Council Retreat of January 23, 2016 and Regular Council Meeting of February 9, 2016.**
- A.2 Approval of the second reading of an 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.**

- A.3 **Consideration, discussion and possible action regarding the approval and acceptance of a resolution of the City Council of the City of Bastrop, Texas establishing a vehicle and replacement fund for the City of Bastrop, Texas and making various provisions related to the future funding of this fund.**
- A.4 **Approval of City of Bastrop, Texas vehicle and equipment replacement policy.**
- A.5 **Approval of the statutory denial, for a period of 180 days from the date of Council action on a request for the Re-subdivision of Lot 1, Woehl Subdivision being a +/- 0.429 acre tract out of Building Block 35, East of Main Street within the city limits of Bastrop, Texas.**
- A.6 **Approval of the statutory denial, for a period of 180 days from the date of Council action on a request for the Zavodny Final Plat being a +/- 1.621 acre tract out of Farm Lot 38 East of Main within the city limits of Bastrop, Texas.**

Item A.7 was pulled for discussion.

- A.8 **Consideration, discussion, and possible action on a request from the Bastrop Family Rodeo Club 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 Yesterfest/Naturefest Rodeo event scheduled for April 29-30, 2016 at the Mayfest Park and Rodeo Arena located at 25 American Legion Drive.**
- A.9 **Approval of a resolution establishing the City of Bastrop will pay a 25 percent match of a grant provided by the Criminal Justice Division of the Governor's office for body-worn cameras.**

Council Member Gilleland made the motion to approve the consent agenda, seconded by Council Member Schiff. The motion was approved on a vote of 4-0. Mayor Pro Tem DeLaRosa was absent.

#### **DISCUSSION ITEM**

- A.7 **Approval of the Final Plat of Pecan Park Residential Revised Section 4, being +/-14.62 acres within the Mozea Rousseau Survey A-56 located west of Childers Drive within the city limits of Bastrop, Texas.**  
Council Member Gilleland made the motion to approve the final plat of Pecan Park, seconded by Council Member Schiff. The motion was approved on a vote of 4-0. Mayor Pro Tem DeLaRosa was absent.

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

#### **C. OLD BUSINESS**

- C.1 **Consideration, discussion and possible action regarding legal fees paid by the City Of Bastrop for FY-15.**  
Bonnie Coffey – Spoke on the breakdown of the legal fees.

Glenn Johnson – Spoke in response to Council Member Schiff stating at a previous meeting his desire to have a licensed attorney discuss the breakdown of the legal fees being paid by the City of Bastrop to the current City Attorney. Mr. Johnson spoke in favor of the legal fees and in favor of keeping the current City Attorney.

Council Member Schiff made a motion to instruct the City Manager as follows, seconded by Council Member Jackson. The motion was approved on a vote of 4-0. Mayor Pro Tem DeLaRosa was absent. The City Manager was instructed to put together a plan that will be in the FY2017 budget on how to best spend the money for legal services and to ensure by analyzing the efficient and effective way to do so.

#### **D. NEW BUSINESS CONTINUED**

**D.1 Appointment by Mayor, subject to confirmation by City Council of Georgina Ngozi to Place 6 on the Bastrop Art in Public Places Board.**

Council Member Jackson made the motion to approve the appointment of Georgina Ngozi to Place 6 on the Bastrop Art in Public Places Board, seconded by Council Member Schiff. The motion was approved on a vote of 4-0. Mayor Pro Tem DeLaRosa was absent. Staff was instructed to include the potential conflict of interest form in the packet for all board/commission/committee appointments on the agenda going forward.

**D.2 Consideration, discussion and possible action on presentation and acceptance of City of Bastrop, Texas Comprehensive Annual Financial Report for the year ended September 30, 2015.**

Council Member Jackson made the motion to approve the acceptance of the Bastrop, Texas Comprehensive Annual Financial Report, seconded by Council Member Gilleland. The motion was approved on a vote of 4-0. Mayor Pro Tem DeLaRosa was absent.

**D.3 Public hearing: Consideration, discussion and possible action on a Variance to the Subdivision Ordinance, Section 7.10.1 Suburban Subdivision Standards – minimum lot size of one acre for an onsite sewage facility requirement. The proposed Prescott Allen Subdivision is +/-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).**

Council Member Schiff made the motion to approve the variance, seconded by Council Member Gilleland. The motion was approved on a vote of 4-0. Mayor Pro Tem DeLaRosa was absent.

**D.4 Consideration, discussion and possible action on setting a permanent start time for all meetings and workshops.**

Council Member Schiff made the motion to set all meeting start times (workshop and regular Council) for 6:30 p.m. with the option to amend as needed. The motion failed for lack of a second.

#### **EXECUTIVE SESSION CONTINUED**

The Bastrop City Council recessed the Council Meeting to meet in Executive Session at 8:50 p.m. pursuant to the Texas Government Code, Chapter 551, *et seq.*, to discuss the following:

2. **SECTION 551.072** – Deliberation regarding real property: Regarding the purchase, exchange, lease, disposition, or value of real property  
Council Member Jackson recused himself from this executive session.

The Bastrop City Council reconvened into open session at 8:51 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**

**City Manager Talbot recommended to the Council that action be taken to provide him with the authority to take the necessary action to acquire real property for City purposes.**

Council Member Gilleland made the motion to give the City Manager the authority to acquire real property for City purposes, seconded by Council Member Schiff. The motion was approved on a 3-0 vote. Mayor Pro Tem DeLaRosa was absent. Council Member Jackson recused himself.

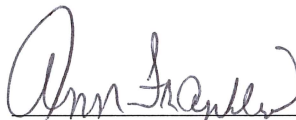
**ADJOURNMENT**

**Council Member Gilleland made the motion to adjourn at 8:52 p.m., Council Member Schiff seconded the motion which passed unanimously.**

APPROVED:

  
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Mayor Ken Kesselus

ATTEST:

  
\_\_\_\_\_  
City Secretary Ann Franklin