

**MINUTES OF REGULAR COUNCIL MEETING  
BASTROP CITY COUNCIL  
MARCH 22, 2016**

The Bastrop City Council met in a Regular Meeting on Tuesday, March 22, 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 6:30 p.m. Mayor Kesselus called the Meeting to order with a Quorum being present.

**PLEDGE OF ALLEGIANCE**

Jillian Beck led the Pledge to the Texas Flag.

**INVOCATION**

Mayor Kesselus gave the Invocation.

**D. NEW BUSINESS**

**D.1 Concerns by citizens living on Perkins, Higgins and Jones Streets regarding the presence of a soup kitchen in their neighborhood.**

Ronnie Landrum – Expressed his opposition of the soup kitchen in his neighborhood. He feels the soup kitchen should not be in a neighborhood. He expressed his anticipation of problems being brought into the neighborhood due to the soup kitchen.

James Sparks – Spoke in opposition of the soup kitchen being located in his neighborhood. He shared incidents of the homeless trespassing on his property and unintended consequences.

J.D. Mican – Shared that he has commercial property in the area of the proposed soup kitchen. He expressed concern for the location and parking.

Roha Cydel – Stated that the ministry (soup kitchen) has out grown the present location and previously two other locations had been found but were not habitable prior to the current location being found.

Pastor Nava – Expressed that his intentions were to assist Bastrop by meeting a need of Bastrop. He stated that it is not a homeless shelter. He stated there is a total of 34 people in the facility at one time and that his organization is willing and wanting to work with the neighborhood to address their concerns.

Erin Carathers – Shared her story of the obstacles she had endured in her life and how she was able to overcome them with the help of a soup kitchen which also helped her to return to her first love who is God. She stated that she went back to school and became a corrections officer and she now volunteers at the soup kitchen.

Lyzet Castillo – Stated how Pastor Nava and the soup kitchen has helped her and her family. She is in support of the soup kitchen.

Jana Copeland Diebel – Stated that she and her daughter helps the homeless and she is in favor of the soup kitchen.

Carlos Liriano – Supported the City getting involved with helping to solve the issue of the soup kitchen.

Connie Bible Rachal – Spoke in favor of the soup kitchen.

Reverend Joe Williams – Stated that he lives in this neighborhood and volunteers on Thursdays at the soup kitchen and he is in favor of the soup kitchen.

Amy Roedl – Spoke in favor of the soup kitchen.

Robert Kridel - Spoke against the soup kitchen.

Deborah Jones – Spoke in favor of the soup kitchen.

Jimmy Mauro – Spoke in favor of the soup kitchen.

Bill Ennis – Stated that everyone must work together to make it work and that he is committed to finding a way to make it work. Spoke in favor of the soup kitchen.

James Nichols –Spoke against the soup kitchen.

Samuel Dailey – Spoke in favor of the soup kitchen.

Direction was given to the City Manager to work with the Council to find a solution that works for everyone. The City Manager gave the full force of his office to work on this pproject.

No Action Taken

Mayor Kesselus recessed the Council Meeting at 8:10 p.m.

Mayor Kesselus called the Council Meeting back to order at 8:20 p.m.

## PRESENTATIONS

A. Update on Bastrop Economic Development Corp. – Executive Director Shawn Kirkpatrick

Shawn Kirkpatrick reported the following:

- Bastrop Career date – May 18, 2016
- Adult Job Fair – October 1, 2016
- The BEDC meeting was live streamed on BTXN
- Program to visit local businesses and discuss their needs is underway

B. Presentation by the Vision Task Force regarding a Destination Marketing Organization – John Landwehr, Chair.

John Landwehr gave the presentation.

Deborah Johnson – Spoke as a business owner. Expressed her disappointment in present and past Council putting off creating a DMO. She spoke in support of the presentation provided by the Chamber of Commerce representatives for the DMO.

Jamie Haney – Stated marketing the Hyatt verses the City of Bastrop is different. She feels the City should provide services for the citizens.

Lee Harle – Explained the difference between what the Chamber of Commerce representative presented verses the presentation for the DMO given by the Vision Task Force.

#### **PROCLAMATIONS – NONE**

#### **CITIZEN COMMENTS**

Laura Hammons – Cock fighting roosters abandoned along the 1200 block of Buttonwood. **Not present when name was called.**

Deborah Johnson – Expressed her concern regarding the health issues brought about by the chicken problem. (The chickens that are not in the sanctuary.)

Debbie Moore - Informed the Council that there are two Gold Star families in the City of Bastrop. She also informed Council that she is in support of Ken Miers who is walking from Conroe through Bastrop County to Austin and will be in Bastrop on April 23, 2016 at 3:00 p.m. on the Matt Mills Bridge to bring awareness to Post Traumatic Stress in the veterans.

Becki Womble – Announced the Destination Marketing Principles Workshop will be held in Bastrop on Friday, April 29, 2016, from 8:30 a.m. to 5:00 p.m.

Carlos Liriano – Requested that the Council keep recreation as a priority for the citizens.

#### **ANNOUNCEMENTS**

- A. Update on Comprehensive Plan Steering Committee – Kay Garcia McAnally and Dock Jackson City Manager announced that the next Steering Committee is scheduled for March 30, 2016 at 6:00 p.m. in the Chambers of City Hall.
- B. Jason Alfaro received his Certified Park and Recreation Professional Certificate (CPRP) – Trey Job The City Manager presented the certificate to Jason Alfaro.
- C. Curtis Hancock received his Class B Waste Water Treatment License – Trey Job The City Manager presented the license to Curtis Hancock.
- D. Items Targeted for Future Meetings – City Manager and Mayor
  - a. March 29, 2016  
Special workshop meeting regarding Bond Election.
  - b. March 31, 2016  
Workshop meeting to gather information from citizens and Council regarding the content of a request for proposal for a consultant to assist with the process of creating a DMO.
  - c. April 12, 2016  
Proposal by City Manager for use of City property west of the Convention Center and contract with the Farmers Market Association.

#### **City Manager's Informational Report for the March 8, 2016 City Council Meeting:**

- I. **Meetings and Events Attended:**
  - A. **Attended the Monthly Meeting of the Main Street Advisory Board on March 7, 2016.**
  - B. **Attended the Vision Task Force Meeting on 2-14-16.**

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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 Water Quality Issues.**
- C. Update and Discussion on Alley D Infrastructure Improvements.**
  - \$447,000 is the amount of funds in the bond account for Alley D
  - There is a deficit of \$246,000
  - The City Manager expressed a desire to bring a proposal to Council at the April 12, 2016 Council meeting for approval to retain Mr. Kruppa of BEFCO Engineering to get the design work underway.
- D. Review and Discussion of the feasibility of refinancing some of the City’s existing debt.**
- E. Special Council Meeting of March 29<sup>th</sup>, 2016.**
- F. Update on the Texas Department of Transportation “Tahitian Village Overpass Project.**
- G. State of Texas Office of Administrative Hearing on March 23 through 25, 2016 regarding the City of Bastrop’s “Water Permit” pending before the Lost Pines Groundwater Conservation District.**
- H. Update on the DMO and the development of a RFQ.**
- I. Update on the Status of the XS PID.**
- J. Update on the FEMA Shelter Grant Building.**
- K. The City Manager anticipates bringing back to Council an alternative to address the recreational needs and have a larger facility than originally being looked at.**
- L. Management/Administrative Activities**
  - The City Manager announced that the Convention Center bookings are up.

**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.

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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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- A.1 Consideration, discussion and possible action regarding approval of minutes from Regular Council Meeting of March 8, 2015.**
- A.2 Consideration, discussion and possible action on the second 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.**

- A.3 Second 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.**
- A.4 Second reading of 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.**
- A.5 Consideration, discussion and possible action regarding authorizing the City Secretary to change the term end date for place 7 on the Bastrop Arts in Public Places Board from June 2018 to June 2019.**
- A.6 Approval of the statutory denial, for a period of 180 days from the date of Council action on a request for the Pecan Park, Section 5B Final Plat being a +/- 12.72 acre tract out of the Mozea Rousseau Survey Abstract No. 56, located within the city limits of Bastrop Texas.**
- A.7 Consideration, discussion, and possible action on a request from the Bastrop Homecoming Committee to add May 12, 2016 to the variance approved by Council on February 9, 2016, 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.**
- A.8 Consideration, discussion and possible action on acceptance and approval of the FY 2017 Hotel Funding Calendar and FY 2017 Community Support Funding Calendar.**
- A.9 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 costs associated with the operation of a visitor information center to the City's Hotel/Motel Tax Revenue "Tier One" funding.**

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

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

- B.1 PUBLIC HEARING: Consideration, discussion and possible action on the Replat of Lot #24 being +/- 5.642 acres within The Replat of Piney Ridge Subdivision, Section 3. The replat will create two single family residential lots within the City of Bastrop, Texas One Mile Extra Territorial Jurisdiction (ETJ).**

The public hearing was conducted and Council Member McAnally made the motion to approve the replat, seconded by Council Member Schiff. The motion was approved on a vote of 5-0.

### **C. OLD BUSINESS - NONE**

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

#### **D.2 Appointment by Mayor, subject to confirmation by City Council of Tresha Silva to Place 7 on the Bastrop Vision Task Force.**

Mayor Pro Tem DeLaRosa made the motion to appoint Tresha Silva to Place 7 on the Bastrop Vision Task Force, seconded by Council Member Schiff. The motion was approved on a vote of 5-0.

#### **D.3 Consideration, discussion, and possible action on the adoption of a resolution to select the proxy to represent the City of Bastrop, Texas at the Bluebonnet Electric Cooperative Annual Meeting to be held at 2:30 pm, on Tuesday, May 10, 2016 at the Sons of Hermann Hall, 1031 CR 223, in Giddings, Texas.**

No action was taken.

#### **D.4 Consideration, discussion, and possible action for approval of a May 17, 2016 special meeting and Canvass for the May 7, 2016 Election.**

Council Member McAnally made the motion to set a special meeting for canvassing of the May 7, 2016 Election and reception, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a vote of 5-0.

### **E. EXECUTIVE SESSION**

E1. The Bastrop City Council met at 9:30 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, *et seq*, to discuss the following:

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

E2. The Bastrop City Council reconvened at 9:40 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.

#### **D.5 Consideration, discussion, and possible action regarding an employment agreement by and between the City of Bastrop and City Manager Mike Talbot.**

Council Member McAnally made the motion to approve the employment agreement by and between the City of Bastrop and City Manager Mike Talbot with the following amendments, seconded by Council Member Gilleland. The motion was approved on a vote of 5-0.

Amendments to employment agreement are as follows:

- Page 1, replace the date of May 15<sup>th</sup> with May 12<sup>th</sup>
- Page 2, add an inclusion under compensation to make the annual base salary increase retroactive to October 1, 2015.
- Page 3, section 4 sub B second line replace the word “or” with the word “of”.
- Page 4, there was a reference to 92 consecutive calendar days it should be 90 calendar days.

- D.6 Consideration, discussion and possible action on acceptance and approval of the revised Hotel Motel Tax Use Policy and Hotel Occupancy Tax Funding Application.**  
Council Member McAnally made the motion to approve the revised Hotel Motel Tax Use Policy and Hotel Occupancy Tax funding application, seconded by Council Member Gilleland. The motion was approved on a vote of 5-0. Direction was given to the Chief Financial Officer to only provide the Council with the applications from the packets rather than the entire packet.
- D.7 Consideration, discussion and possible action on the approval of a resolution of the City Council of Bastrop, Texas regarding authority provided to the County of Bastrop, Texas and the Bastrop Independent School District concerning real property held in trust for the City, located in Pine Forest, Unit 6, Bastrop County, Texas and resolving matters regarding a real estate contract.**  
Council member Schiff made the motion to approve the resolution, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a vote of 5-0.
- D.8 Consideration, discussion and possible action on the approval of a resolution of the City Council of Bastrop, Texas accepting into the City's public records various communications from members of the Pine Forest Property Owners' Association, Inc.**  
Council Member McAnally made the motion to approve the resolution, seconded by Council Member Schiff. The motion was approved on a vote of 5-0.
- D.9 Consideration, discussion and possible action regarding a proposed charter amendment stating that the City of Bastrop could not sell a portion of the City's water system without voter approval.**  
No action was taken.
- D.10 Consideration, discussion and possible action on the approval on the first reading of an ordinance amending the Bastrop City Code, Chapter 1, Article 1.10 Parks, Section 1.10.002 (h) and Chapter 8, Article 8.02, Sec. 8.02.002 (a) concerning administrative approval for the sale, possession and consumption of alcoholic beverages in city parks and certain other areas, allowing for Council to grant such waivers when necessary; providing a severability clause; and establishing an effective date.**  
Council Member McAnally made the motion to approve the first reading of the ordinance, seconded by Council Member Jackson. The motion passed on a vote of 5-0.

## **E. EXECUTIVE SESSION**

E1. The Bastrop City Council met at 9:55 p.m. in a closed/executive session 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 Attorneys, by telephone and/or in person concerning: (1) potential, pending, threatened, and/or contemplated litigation or claims, including but not limited to water permits and supply, status of settlement of pending suit(s), threatened litigation, or claims, 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.
- SECTION 551.072** – Deliberation regarding real property: Regarding the purchase, exchange, lease, disposition, or value of real property

E2. The Bastrop City Council reconvened at 10:20 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**

Mr. Charles Bundren, consulting attorney was in attendance. City Manager, Mike Talbot stated that Council had been advised by Mr. Bundren of two pending litigation matters but that no action was required by the City Council at this time.

**ADJOURNMENT**

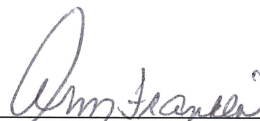
**Council Member Schiff made the motion to adjourn the meeting at 10:22 p.m., seconded by Mayor Pro Tem DeLaRosa's. The motion was approved on a 5-0 vote.**

APPROVED:

ATTEST:



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Mayor Ken Kesselus



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City Secretary Ann Franklin