

**MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
MAY 10, 2016**

The Bastrop City Council met in a Regular Meeting on Tuesday, May 10, 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 DeLaRosa, and Council Members, Dock Jackson, and Gary Schiff. Council Member Gilleland was absent.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Mayor Pro Tem DeLaRosa led the Pledge.

INVOCATION

Council Member Schiff gave the Invocation.

PRESENTATIONS

A. Susan G. Komen Austin Ambassador Training – Eliza May

Eliza May gave a presentation to Council regarding the Ambassador Training which will be held in Bastrop on May 14, 2016.

PROCLAMATIONS

A. National Police Week – Steve Adcock, Public Safety Director, Chief of Police

The proclamation was accepted by Steve Adcock, Public Safety Director, Chief of Police

B. Motorcycle Safety Awareness Month

The proclamation was accepted by Bob Johnson

CITIZEN COMMENTS

Bonnie Coffey – Stated that three Council Members on the BEDC is a problem.

Pastor Roland Nova – Announced the Community Picnic on the North End will be held on Saturday, May 14, 2016 at the Joe Hodges Park. Pastor Nova provided invitations to the Council.

ANNOUNCEMENTS

A. Update on Comprehensive Plan Steering Committee – Kay Garcia McAnally and Dock Jackson - **None**

B. Items Targeted for Future Meetings.

June 7, 2016

- Workshop – consideration of Bond Election and Charter change proposals
Date to be determined
- Vendor use policy for property immediately west of the Convention Center
- Discussion of property at 921 Main Street

City Manager’s Informational Report for the May 10, 2016 City Council Meeting:

I. Meetings and Events Attended:

II. Update on City Projects and Issues:**A. Discussion and Review of Water Usage for the period of April 1, 2016 through May 8 2016, 2016.**

The City Manager stated that there was a severe leak in the Piney Ridge Subdivision and an employee was sent out to hand deliver the morning notices which met the stage requirements for the timeline to residents (Residents that were not accessible due to gates/fences notices were hung on the gates/fences of the closes accessibility.) and reverse 911 calls were made to the customers affected.

Jim Nodler – Stated that he has an issue with the notice for the boiled water. He stated that he did not receive a notice and the reverse 911 call came after 5:00 p.m. and he did not find anything on the City website regarding this until the next day. Mr. Nodler stated that he leaves at 197 Laurel Lane and his daughter lives at 187 Laurel Lane and his daughter did not receive notice until the following day. The City Manager stated that he would check into Mr. Nodler's concerns and report back to Council at the next Council meeting.

Charlie Schraeder - Stated that he lives at 238 Laurel Lane and he did not receive a notice for the boiled water and did not receive a reverse 911 call nor was he notified when the ban was lifted. The City Manager stated that he would check into Mr. Schraeder's concerns and report back to Council at the next Council meeting.

B. Update on the Chestnut Fire Station Renovation Project.

The City Manager stated that there have been several rainy days and the contractor did not want to work until the ground was dry. The contractor and engineer got together to enhance the integrity of the wall and the remainder of the work should be finished by the end of May of weather permits.

C. Review of the Rodeo Arena at Mayfest Park.

The City Manager expressed his desire to bring the Rodeo Arena back to a more professional setting.

D. Update on the Texas Department of Transportation "Tahitian Village Overpass Project.

The City Manager stated that all of the issues with the Union Pacific Railroad has been resolved by TexDot. TexDot is attempting to have a ground breaking ceremony either June the 1st or 2nd with the preconstruction being around this same time frame. The City Manager anticipates full construction to be in progress by the end of June.

E. Update on the Texas Department of Transportation "S.H.71 – S.H. 95 Overpass Project."**F. Update on the DMO and the development of a RFQ.****G. Update on the Bus Shelter Project.**

The City Manager stated that all materials are in and the crew will begin to install the bus shelter. The shelter is facing the corner of Linden and Main and it is being replaced as a school bus stop and a CARTs bus stop.

H. Update on the Comprehensive Plan

The City Manager stated that Chapters 1 through 4 have been reviewed by the Steering Committee and all four chapters are posted on the web site. A draft of Chapter 7, Parks and Recreation has been submitted to the staff for preliminary review; Chapter 5, Land Use and Community Image, Transportation and Cultural Arts and Tourism are being drafted currently by the consultant. The next Steering Committee meeting will be scheduled following review of Chapter 5.

I. Update on the "HUD Shelter Grant" Building.

The City Manager stated that he is moving forward with progress and he chose not to go with the “Monolithic Building” because the time did not allow for addressing an alternate way that this would need to be done with the time left to complete this project.

J. Discussion and Review Regarding the City Owned Lot Adjacent to the Convention Center.

The City Manager recommended to the Council that the Main Street Department would be responsible for overseeing the activities occurring on the lot.

Council Member Schiff made the motion to go forward with the plan as proposed (Main Street Department will be responsible for overseeing the activities occurring on the lot) and direction to the City Manager to provide the 1832 Farmers Market with a 30 day notice of the cancellation of the lease, seconded by Council Member McAnally. The motion was approved on a 4-0 vote. Council Member Gilleland was absent.

K. Review of the FY-2017 Budget Calendar

L. Management/Administrative Activities

The City Manager stated:

- Working through the bond refinancing process
- Had a rating call
Had a good review and if nothing else will maintain the current rating, the City has strong fund balances and it was agreed that the City should not get too bloated on the fund balances and were impressed that Council is allocating the funds for one time purchases.
- Going to market on May 19th
- Bastrop County, City of Bastrop and BISD vs Pine Forest Investment Group – The City Manager read into record the Judge’s Ruling.

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.

- 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 the special utility workshop meeting of September 15, 2015 regular Council Meeting of April 26, 2016.**

- A.2 Consideration, discussion and possible action approving the second reading of an ordinance amending Section 1.15.035; “Ethics Ordinance” in the Code of Ordinances of the City Of Bastrop; providing a severability clause; and providing an effective date. (From the April 26TH meeting Item D.3)
- A.4 Approval of the statutory denial for a period of 180 days from the date of Council action on a request for the Replat of Lots 21 and 22B of Suburbia Estates being a +/- 3.500 acres out of the Nancy Blakey Survey Abstract No. 98 within the City of Bastrop, Texas One Mile Extra Territorial Jurisdiction (ETJ).
- A.5 Approval of the Final Plat of Magnolia Gardens being +/-0.467 acres within Farm Lot 8, East of Main Street, also known at 704 Magnolia Street, located northwest of the intersection of Magnolia and Water Street within the city limits
- A.6 Approval of Bastrop Marketing Corporation’s request for reimbursement of funds for March 2016 in accordance with the agreement to be spent on advertising and marketing the City of Bastrop area.
- A.7 Consideration, discussion and possible action on acceptance of the unaudited Monthly Financial Reports for the period ending March 31, 2016.
- A.8 Consideration, discussion and possible action acknowledgment of the Bastrop Market Corporation Quarterly Report.

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

- A.3 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. (From the April 26TH meeting Item D.5)
Mayor Pro Tem DeLaRosa made the motion to approve the ordinance, seconded by Council Member Jackson. The motion was approved on a vote of 4-0. Council Member Gilleland was absent.

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

- B.1 **PUBLIC HEARING:** For a request that the Council grant two (2) Variances to the Fairview Cemetery Ordinance; (1) 2009-31, Sec. 15.16.f. stating that “Mausoleum and Crypts are not permitted in the Fairview Cemetery” and (2) Sec. 15.16.e. concerning maximum height of markers stating that “Height restrictions. Monuments, markers, memorials, or tombstones in the Fairview Cemetery shall be four (4) feet in height or less, unless approved by the City Manager. The two (2) variances requested ask the Council to allow: (1) construction and placement of an ‘above-ground mausoleum

structure (which will containing human remains) in the Fairview Cemetery, (2) at a total height of 7'2", which exceeds the height allowed by City Code by three feet and 2 inches. The public hearing was closed.

Terry Sanders – Spoke in favor of the variance request.

Henry Bell – Stated the background for his request of the variance.

D. NEW BUSINESS

- D.3 Consideration, discussion and possible action on a request that the Council grant two (2) Variances to the Fairview Cemetery Ordinance; (1) 2009-31, Sec. 15.16.f. stating that "Mausoleum and Crypts are not permitted in the Fairview Cemetery" and (2) Sec. 15.16.e. concerning maximum height of markers stating that "Height restrictions. Monuments, markers, memorials, or tombstones in the Fairview Cemetery shall be four (4) feet in height or less, unless approved by the City Manager. The two (2) variances requested ask the Council to allow: (1) construction and placement of an 'above-ground mausoleum structure (which will containing human remains) in the Fairview Cemetery, (2) at a total height of 7'2", which exceeds the height allowed by City Code by three feet and 2 inches.**

Council Member Jackson made the motion to approve the two variances, seconded by Council Member McAnally. The motion was approved on a vote of 4-0. Council Member Gilleland was absent. The request was made to have the whole Cemetery Ordinance looked at in order to provide more options.

C. OLD BUSINESS - NONE

D. NEW BUSINESS CONTINUED

- D.1 Consideration, discussion and possible action on a presentation by Mr. Michael Jokovich Area Vice President and General Manager of the Hyatt Regency Lost Pines Resort & spa regarding the creation of a Destination Marketing Organization as it relates to the Bastrop Marketing Corporation and the implications as it relates to the Hotel/Motel Tax.**

The presentation was made by Michael Jokovich. No action was taken.

- D.2 Consideration, discussion and possible action on the donation of a 1.7 acre tract for a pocket park.**

This item was postponed to June 2016.

- D.4 Consideration, discussion and possible action on the adoption of a resolution giving permission to the Bastrop Fire Department to apply for a grant from FEMA for three (3) full-time firefighters.**

Council Member McAnally made the motion to approve the resolution and to proceed with application for three fire fighters under the grant program and upon receiving notification of the amount being awarded come back to Council for approval of amount to accept, seconded by Council Member Schiff. The motion was approved on a vote of 4-0. Council Member Gilleland was absent.

E. EXECUTIVE SESSION

E1. The Bastrop City Council met at 8:45 p.m. 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)(B) & 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: municipal water supply, pending and/or potential code enforcement, litigation related to subdivision development, and/or (2) matter upon which the Attorney(s) have a duty and/or responsibility pursuant to the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas to report to the governmental body, concerning these matters, and/or any other matters posted on the agenda.
2. **SECTION 551.072** – Deliberation regarding real property: Regarding the purchase, exchange, lease, disposition, negotiations or value of real property.
3. **Section 551.087** – To discuss, evaluate or deliberate regarding commercial, financial, business or other information that the City has received related to economic development opportunities or prospects in or near the territory of the City, and/or to deliberate the potential offer of economic incentives to a business prospect, as note herein.
4. **SECTION 551.086** – To discuss Certain Public Power Utilities: Competitive Matters – Bastrop Power & Light Budget, and/or related electric public power utility information and matters.

This item was withdrawn.

The Bastrop City Council reconvened at 9:54 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

The City Manager stated that Council had reviewed various issues related to pending real estate matters and potential economic development projects, but that no action was needed by the Council on any item at this time.

ADJOURNMENT

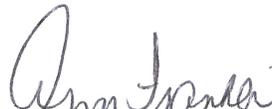
Council Member Jackson made the motion to adjourn the meeting at 9:56 p.m., seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 4-0 vote. Council Member Gilleland was absent.

APPROVED:



Mayor Ken Kesselus

ATTEST:



City Secretary Ann Franklin