

**MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
JUNE 28, 2016**

The Bastrop City Council met in a Regular Meeting on Tuesday, June 28, 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, Kay McAnally, Bill Peterson, Gary Schiff and Council Member Jones.

CALL TO ORDER

At 6:34 p.m. Mayor Kesselus called the Meeting to order with a Quorum being present.

PLEDGE OF ALLEGIANCE

Council Member Jones led the Pledge.

INVOCATION

Mayor Kesselus gave the Invocation.

PRESENTATIONS

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

- Announced that Willie Delarosa left the BEDC Board and the Board recognized his service on the Board
- Board Members Camillo Chavez and Drusilla Rogers took their place on the Board.
- The Board selected officers at the last meeting and there were no changes to the Board Members.
- Shawn Kirkpatrick is now the BEDC representative on the Main Street Board.
- The Downtown Trail connecting with the 71 project will go into the 2016-2017 FY budget.
- BEDC held a budget workshop for the 2016-2017 FY.
- Another budget workshop will be held on July 11, 2016.
- The Board approved the sale of 903 Main Street.

PROCLAMATIONS

ANNOUNCEMENTS

A. Update on Comprehensive Plan Steering Committee – Kay Garcia McAnally

Wesley Brandon provided Council with an update – Halff Associates has submitted Chapter 5 which talks about Land Use and Community and are making a few changes before sending it out to the Steering Committee. The next Steering Committee meeting is scheduled for July 13, 2016 at this meeting Chapter 5 will be discussed and the schedule for the remaining meetings will be set. Halff has also provided Chapter 7.

B. Update on process for choosing consultant for DMO process – Council Member Jones and City Manager

Council Member Jones – The committee which consists of Council Members Jones and McAnally, City Manager Talbot, Bill Ennis, Lee Harle and Mike Jokovich met last week and had a unanimous agreement on DMOPro and Young Strategies. The Committee would now like to have a public meeting possibly next week and the meeting will be posted and the two candidates will be Skyped

in rather than flown in. The panel will consist of the Committee members and the Committee will receive questions from the public.

Mike Talbot – He wanted to inform the public that the process used Requests for Qualifications because it was important that individuals that had experience in creating a DMO were selected. There was a total of five responses received. Both firms are qualified and both have had experience in Texas.

C. Process for providing information not in the council packet for the Mayor, Council Members, and City Manager at council meetings - Mayor Kesselus

- If the public has information that they would like distributed to Council try to get it to Council prior to the Council meeting day, via email, phone, regular mail and/or the City Secretary.
- If a citizen is not able to get information to Council prior to the meeting and feels it is of urgency and needs to be distributed to Council on the day of the meeting, the citizen should make a request of the City Secretary to do so.
- Anyone making a presentation or has the privilege of the floor and has not provided written information in the council packet but desires to distribute something may ask the presiding officer for permission to do so.

D. Distribution of Items to Council (If Necessary) – Ann Franklin

E. Items Targeted for Future Meetings.

Transition in City Leadership

Consideration, discussion and possible action regarding reassignments of City Manager, Mike Talbot and Public Safety Director, Steve Adcock.

Council Member McAnally made the motion to amend the agreement by striking the following sentence, seconded by Council Member Schiff. The motion passed on a vote of 5-0. The sentence to be struck should read, “The Council will relieve Mike from the health threatening stress he is experiencing by shifting his roll to a less stressful but immediately more effective and needed set of functions.”

Council Member Peterson made the motion to approve the amended agreement between City Manager, Mike Talbot and the City Council, seconded by Council Member Schiff. The motion was approved on a vote of 5-0. The following agreement was written and agreed to by the City Manager, Mike Talbot and Mayor Kesselus.

AGREEMENT BETWEEN CITY MANAGER, MIKE TALBOT AND THE CITY COUNCIL

The Bastrop City Council and Bastrop City Manager Mike Talbot agree on a transitional plan that takes into account a number of important factors that Mike mentioned in his letter of resignation and that the council finds essential to the well-being of the city.

The council appreciates Mike’s following through on his commitment to remain with the city for a significant amount of time after announcing his retirement.

In order to make the best use of Mike Talbot’s remaining months of full-time employment with the city, beginning on June 30, he will transition to the position of Senior Advisor. In this role, he will provide advice, information, and other forms of assistance to the council, the staff, and citizens at large.

Public Safety Director Steve Adcock will assume responsibility for day to day operations of the city in the position of acting city manager until the council employs an interim city manager. Mike has consistently turned to Steve as acting city manager when he has been out of town, and the council follows his assessment in making this appointment.

Mike's most important function during the following two months will be to provide the necessary support for the acting and interim city managers so that by the end of August, the manager will be able to work effectively with Mike no longer available for full time support.

In addition after August, Mike will graciously assist the City at no cost by answering questions, providing information, and giving advice regarding city operations.

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

- B.1 Conduct a public hearing/town hall discussion: the City Council will hold a public hearing and town hall discussion to receive public input from the citizens of the City Of Bastrop regarding the effects of the major storm event on the citizens, which occurred on May 26 & 27 2016 in the City Of Bastrop, including discussion of the flood conditions which occurred at residences and businesses in town.**

SPEAKERS

Fred Matella – Stated he was flooded out twice and stated his concern was with the pond. The City Manager stated the City is looking at a process to control the water flow during a heavy rain.

Jane Campos – Stated the flooding in her house was due to impervious cover by the City and Gills Branch needs to be cleaned out, holding ponds need drains in order for drainage to flow. She stated the electric bills will be impacted by the flood.

Thomas Jefferson – Stated his house and his son's house was flooded. The water flows down from businesses above his property. He requested that the City do something to prevent this from happening again. He stated that the water accumulates at the railroad tracks.

Richard Kindred – A moratorium on building on the north end of town that flows down to the south including the shelter (The shelter that is being discussed being built next to the retention pond.). He encouraged Council not to put drainage on the Bond Package. Mr. Kindred suggested to Council to look at how the Smithville City Manager found a way to avoid charging the citizens for the drainage.

Herb Goldsmith – Presented a slide show of drainage into Gills Branch. He stated what should have been done in 2001 was not addressed and that is why there are so many problems with Gills Branch.

Derek Mingelder - Stated that his house was flooded due to drainage ditches not being cleaned out properly.

Belinda Williams – Stated the City should financially compensate citizens whose property flooded due to the City's negligence.

Betty Peterson – Stated that the water is running off from Popeye's Chicken.

Pamela Aldridge – Stated that her family’s land is washing away. She asked for cement to be poured to stop the erosion.

Barbara Wood – Asked the City to dig a ditch in front of their house because there is no drainage on her side of the street and asked for a culvert.

Heather Wiley – Stated her house flooded six times since 2011. She stated her home has mold from flood.

Johnny Washington – Stated that FEMA told him today that they were not eligible for FEMA funds.

Esther Washington – Spoke in favor of Macedonia First Baptist Church. She stated that the second flooding came from Gills Branch and the holding tank in front of City Hall. Would like the Core Engineer to widen and deepen Gills Branch.

Bernetta Tolbert – Stated that her property has had a lot of water on her property the last two floods which caused her to not be able to get off of her property for approximately two days after the flooding.

Johnny Sanders – Spoke in favor of the City maintaining Gills Branch.

The public hearing was closed without objection.

B.2 Consideration, discussion and possible action regarding citizens input on item B.1 the impact on flood conditions that were experienced by citizens of Bastrop during the storm event that occurred in the City of Bastrop on May 26 and 27, 2016 as well as the “Gills Branch Drainage Basin” within the City Limits of the City of Bastrop.

The question was asked of the City Manager regarding a grant the City received to clean out Gills Branch how effective it was, whether it has grown back or not and will it be a continual maintenance that needs to be performed on a regular basis. The City Manager stated that with the amount of debris that was carried back into Gills Branch as a result of the rain the majority of the work done in 2015 has been voided out, the City will have to go back and clean out the debris that was previously cleaned out. The City Manager addressed the comment regarding the trees growing in Gills Branch, he stated the grant the City received to clean out Gills Branch was a FEMA grant and FEMA for bid any trees six inches or wider to be cut down in Gills Branch. Gills Branch is now scheduled to be cleaned out annually and this time will be more extensive due to the rain. The question was asked if there was a potential FEMA grant to do more cleaning. The City Manager replied the City just got additional funding to use from approximately HWY 71 to the Colorado River and upstream from this will be incorporated into the drainage work, there isn’t any more funding available.

Council Member Peterson made the motion to instruct the City Manager to get all of the permits needed from the Core of Engineering and any other entities involved in Gills Branch water way as soon as possible in order to get the cleanup done, seconded by Council Member McAnally. The motion was approved on a vote of 5-0.

The City Manager stated that as soon as the City receives the easements the work will begin.

Mayor Kesselus recessed the Council Meeting at 8:50 p.m.

Mayor Kesselus called the meeting back to order at 9:04 p.m.

CITIZEN COMMENTS

David Siler – Stated that he is the manager at Pecan Park and is available to meet with Council and the neighborhood to address any concerns.

Joe Grady Tuck – Congratulated the Council on curbing what he considers excessive expenditures on the legal fees and believes that it is in the purview of the Council. He made it clear that he has no criticism of Ms. Brown and is sure she has done a good job but for a city of 8,000 people \$1,000,000 per year for legal fees he thinks is imprudent.

Carlos Liriano – He thanked the Council; previous Council; City Manager, Mike Talbot; Director of Public Works and Parks, Trey Job; and the Bastrop Independent School District, the City and the school system came together to open the gym for open play. Mr. Liriano thanked the Council for making recreation a priority.

City Manager's Informational Report for the June 28, 2016 City Council Meeting: - NONE

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 workshop meeting of February 16, 2016.**
- A.2 Approval of the statutory denial for a period of 180 days from the date of Council action on a Preliminary Plat for Pecan Park, Section 3A (68 residential lots) being +/-12.181 acres out of the Mozea Rousseau Survey Abstract No. 56 west of Childers Drive and south of the LCRA 100' electric easement within the city limits.**
- A.3 Approval of the statutory denial for a period of 180 days from the date of Council action on a Preliminary Plat for Pecan Park, Section 6A (44 residential lots) being +/-10.913 acres out of the Mozea Rousseau Survey Abstract No. 56 east of Childers Drive and south of the LCRA 100' electric easement within the city limits.**
- A.4 Approval of Bastrop Marketing Corporation's request for reimbursement of funds for May 2016 in accordance with the agreement to be spent on advertising and marketing the City of Bastrop area.**
- A.5 Consideration, discussion and possible action on acceptance of the unaudited Monthly Financial Reports for the period ending May 31, 2016.**

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

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

B.3 PUBLIC HEARING: conduct a public hearing on a proposed assessment to be levied against property located in the XS Ranch Public Improvement District (“PID”) as presented in the XS Ranch PID Preliminary Service and Assessment Plan (“SAP”) approved by the City Council at the May 24, 2016 Regular City Council Meeting. The public hearing was held open through July 26, 2016.

B.4 First reading of an ordinance of the City Council of the City of Bastrop, Texas, accepting and approving a service and assessment plan and assessment roll for the XS Ranch Public Improvement District; making a finding of special benefit to the property in the district; levying special assessments against property within the district and establishing a lien on such property; providing for payment of the special assessment in accordance with Chapter 372, Texas Local Government Code, as amended; providing for the method of assessment and the payment of the special assessment, providing for penalties and interest on delinquent special assessments; and providing an effective date. Mayor Pro Tem DeLaRosa made the motion to approve the first reading of the ordinance, seconded by Council Member Schiff. The motion was approved on a vote of 5-0.

B.5 PUBLIC HEARING: Receive public input on a request for an Amendment to the Zoning Ordinance, Chapter 14, Appendix A-3, Definitions.

- Section A-3 Definitions to update definitions for 270.2 Tattoo Studio, to reference micropigmentation (permanent makeup) as an allowable incidental/accessory use in definition #75, Custom Personal Service Shop definition.

The public hearing was closed without objection.

B.6 First reading of an ordinance of the City Council of the City Of Bastrop, Texas amending definitions #75 and #270.2 in appendix a-3 in Chapter 14 of the City of Bastrop Zoning Ordinance for the term “Custom Personal Service Shops” to include permanent makeup services as accessory use to barber/beauty shop uses; providing a severability clause; and providing an effective date. Council Member McAnally made the motion to postpone this item to July 12, 2016, seconded by Council Member Schiff. The motion was approved on a 5-0 vote.

B.7 PUBLIC HEARING: Receive public input on a request for an Amendment to the Zoning Ordinance, Chapter 14, Section 36.11, Zoning Use Charts, Section 43.9(B) Supplemental Regulations.

- Section 43 Supplemental Regulations, Section 43.9 (B) Uses classified as sexually oriented business or as tattoo studio or body piercing studios, to modify phrasing referencing “tattoo studio or body piercing studios”; and

- **Section 36 Use Regulation (Charts) Section 36.11 to add Tattoo Studio and Body Piercing Studio to the Use Chart; and**

Conor McAnally – Asked in the future there could be a planning map for the public to show what the districts are. The City Manager stated that this would be implemented.

The public hearing was closed without objection.

- B.8 First reading of an ordinance of the City Council of the City of Bastrop, Texas amending sections 36.11 related to zoning to add uses for tattoo studios and body piercing studio to allow tattoo and body piercing studios to be located in districts zoned c-2, ip, li and pd, and section 43.9(b) related to amend locations for piercing and tattoo studios; providing a severability clause; and providing an effective date.**

Mayor Pro Tem DeLaRosa made the motion to approve the first reading of the ordinance with the amendment of changing the distance from 500 feet to 1,000 feet for residential areas, seconded by Council Member Jones. The maker of the motion and Council Member Jones, who made the second later withdrew the motion.

Council member Schiff made the motion to deny the request, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a vote of 5-0.

Council Member McAnally made the motion to direct staff to study this item and bring it back with more information in order for Council to revisit. The motion failed for lack of a second.

OLD BUSINESS - NONE

NEW BUSINESS

- D.1 Consideration, discussion and possible action regarding purchase of the kiosk located on the City owned parking lot at the northwest corner of Spring Street and Main Street or generally located at 702 Main Street.**

Council Member Schiff made the motion to purchase the kiosk located on the City owned parking lot at the northwest corner of Spring Street and Main Street or generally located at 702 Main Street, seconded by Council Member McAnally. The motion was approved on a vote of 5-0.

- D.2 Consideration, discussion and possible action on a proposed change in the type of parking on Main Street from the intersection of Pine Street traveling south for approximately 225 feet.(FROM THE JUNE 14TH MEETING ITEM D.6)**

Council Member McAnally made the motion to approve parallel parking on Main Street from the intersection of Pine Street traveling south for approximately 225 feet, seconded by Council Member Schiff. The motion was approved on a vote of 5-0.

- D.3 Consideration, discussion and possible action regarding approval of a resolution requesting that the Texas Department of Parks and Wildlife not repurpose the Bastrop State Park Golf Course in order that it might remain a golf course.**

Council Member Jones made the motion to approve the resolution, seconded by Council Member Schiff. The motion was approved on a vote of 5-0.

D.4 Consideration, discussion and possible action regarding moving the proposed “General Obligations Bond Election” from November 2016 to May 2017.

Mayor Pro Tem DeLaRosa made the motion to set the Bond Election for May 2017, seconded by Council Member Jones. The motion was approved on a vote of 4-1. Council Member Schiff voted nay.

D.5 Consideration, discussion and possible action on approval of an application by the Bastrop Economic Development Corporation approving and authorizing BEDC’s Restated and Amended Articles of Incorporation.

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

D.7 Consideration, discussion and possible action concerning the possible use, sale(s), offer(s), and/or disposition by the City of the slab portion of property owned by the City located at 921 Main Street, including, but not limited to: (1) a proposal by/offer from the Bastrop Economic Development Corporation (BEDC) to acquire the slab portion of the lot at 921 Main Street from the City of Bastrop in order to perform necessary repairs and remediation activities and to subsequently utilize the property for purposes allowed by the authority granted to the Corporation by the Texas Economic Development Act, (2) City alternative(s) concerning offering the slab portion of the 921 Main Street lot, in conjunction with potential LGC Chpt. 380 Development Incentives, to individuals, developers, and/or non-profit entities for use/development projects to enhance downtown and benefit the Bastrop community, (3) evaluation of proposals already under consideration by the Council, previously proposed or provided by individuals, businesses, or non-profits, to enhance downtown and benefit the Bastrop community, (4) provide direction to the City Manager and staff to perform necessary work to establish a fair market value using a certified appraiser’s assessment (including consideration of costs related to repairs and condition, etc.) and/or (5) other issues concerning the disposition of the Property.

Council Member Schiff made the motion to have the City Manager get an appraisal and report back to Council as soon as possible, seconded by Council Member Jones. The motion was approved on a vote of 3-2. Mayor Pro Tem DeLaRosa and Council Member Jones voted nay. A request was made of the City Manager to go back to the original appraiser and reflect the current conditions onto the appraisal and report back to Council.

SPEAKERS

Herb Goldsmith – The 2011 report it recommended a completely different configuration of the river, it talked about the river loop etc. and that was going to be the meeting place that some people wanted along with the open space which is where people were going to gather. He stated that having it in the packet that it should not ever be used as an open space is kind of misleading because in reading the entire report the whole river area was going to be completely changed.

Conor McAnally – Stated that the council is not the only ones driving down the value of the property and if you are going to sell something you don’t announce that it is worthless. He

stated that the tax payer's money was spent on this property, \$265,000. He asked Council to please stop driving down the price of the property.

Richard Smarzik – Stated that he is next door to this property and it is his problem, the water leaks in and he feels that Shawn Kirkpatrick has come up with a great proposal. He suggested to Council that they get the appraisal find out the value and what it will take to get the property fixed and get it fixed.

Donna Cunningham – Stated that she feels Council is on the right path, get the property taken care of. She urged the Council to fix the property. She feels that the property should be open space.

Debbie Moore – Held her comments to a later date.

Carlos Liriano – Stated that he agrees that something needs to be done to the lot. He agrees with getting an appraisal and getting someone to tell the City how to fix it and get it done but is opposed to transferring this issue to the BEDC. He is opposed to the BEDC being involved.

D.6 Consideration, discussion and possible action on approval of a resolution regarding the replacement of the speed bumps on Alley A.

Council Member Peterson made the motion to direct the City Manager to obtain the cost of the replacement of the speed bumps on Alley A and report back to Council before school begins, seconded by Council Member Schiff. The motion passed on a vote of 3-0. The Mayor recused himself and Mayor Pro Tem DeLaRosa resigned over this item. Council Member McAnally was off the dais.

D.8 Discussion, consideration and possible action to approve the Final Plat for Pecan Park Section 5B consisting of 43 residential lots, totaling +/-12.63 acres out of a +/- 311.302 acre tract out of the Mozea Rousseau Survey within the city limits of Bastrop, Texas located west of Perkins Street.

This item was withdrawn without objection.

D.9 Consideration, discussion and possible action concerning a presentation from the “Bastrop 1832 Farmers Market Organization” that the City Council reconsider the resolution passed on May 17, 2016 turning the City owned property adjacent to the City of Bastrop’s Convention Center back to the City of Bastrop and under the direction of the Main Street Program.

SPEAKERS

Charles Mattern – Provided a brief presentation. He described how the market has grown and that his produce is grown without chemicals. He stated that one of the objections that he has to the people against the 1832 Market is that most of them are not farmers that have produced crops. He is asking the Council to at least give the 1832 Market the Saturday market.

Delores Leeper – Stated the market has donated over 4,000 pounds of produce to the Bastrop Emergency Food Pantry over the past eight years. Asked the Council to grant the 1832 Farmers Market a Saturday Morning lease.

Diana Teinnerd – Stated that the members of the 1832 Farmers Market have put a lot of hard work into this market and that they are like a family, she asked the Council to allow the Market to keep the Saturday Market day.

Erika Bradshaw – Stated she and her husband have served this community for thirteen years providing fresh and local produce. She stated that they are proud of the 1832 Market and it belongs to the members and they want to keep it as such.

Robert Ficas – Stated that he and his family have been serving Bastrop for over 17 years with fresh and local produce and he is one of the founding members. He stated he would not join different market on this site. He requested that Council grant the 1832 Farmers Market a rental of the property.

Council Member Schiff made the following motion, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 5-0 vote. The motion was to extend the lease to the 1832 Farmers Market for six months – Saturday from 8:00 a.m. to 3:00 p.m. and honoring any existing contracts in that space. During this time the Main Street Director will coordinate and develop a business plan with the intent of the 1832 Farmers Market and Main Street Director making the Farmers Market flourish,

D.10 Consideration, discussion and possible action regarding review of the Fy-17 Budget Calendar and setting additional City Council meeting dates.

This item was withdrawn without objection.

EXECUTIVE SESSION- WAS NOT HELD

E1. The Bastrop City Council met at 11:45 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(s) concerning: (1) potential, pending, threatened, and/or contemplated litigation, claims, and/or settlement/mediation, including (*but not limited to*) the following: municipal water supply, code enforcement matters, subdivision development, and or pending litigation matters concerning 909/ 911 Farm Street, 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.
This item was withdrawn.
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.
This item was withdrawn.

E2. The Bastrop City Council reconvened at 12:19 a.m. into open (public) session to discuss, consider and/or take any actions necessary related to the executive session(s) items noted herein, or regular agenda items, noted above, and/or related agenda items.

ACTION

In open session, the Mayor stated that the Council had received legal advice from its special attorney/litigator, Charles Bundren, concerning pending litigation concerning property at 911 Farm Street.

Council Member Schiff made a motion to authorize Charles Bundren, Esq. to contact Chris Bradford, Esq., the attorney representing the property owners of property located at 911 Farm Street, to propose a counter-offer to a settlement sent to the City by Bradford last week, regarding pending litigation, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a vote of 5-0.

ADJOURNMENT

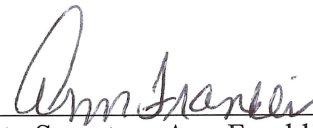
Council Member Schiff made the motion to adjourn the meeting at 12:22a.m., seconded by Council Member Peterson. The motion was approved on a 5-0 vote.

APPROVED:



Mayor Ken Kesselus

ATTEST:



City Secretary Ann Franklin