

**MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
JULY 12, 2016**

The Bastrop City Council met in a Regular Meeting on Tuesday, September 27, 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 Peterson, McAnally and Jones.

CALL TO ORDER

At 6:30 p.m. Mayor Kesselus called the Meeting to order with a Quorum being present. Council Member Schiff was absent.

PLEDGE OF ALLEGIANCE

Mayor Kesselus led the Pledge of Allegiance

INVOCATION

Terry Moore gave the Invocation.

PRESENTATIONS

C. At this time, for the convenience of presenters under item D.3, we will hear from those listed.

- a. Austin Habitat for Humanity, Inc. – **John Pointer was the presenter.**
- b. Bastrop County Emergency Food Pantry & Support Center, Inc. – **Tresha Silva was the presenter.**
- c. Bastrop County Women’s Shelter, Inc. dba Family Crisis Center – **Shirley Murphy was the presenter.**
- d. Children’s Advocacy Center of Bastrop County – **Terry Bailey was the presenter.**
- e. Bastrop Pregnancy Resource Center – **Celeste Kaufman was the presenter.**
- f. Combined Community Action, Inc. – **Kelley Franky was the presenter.**
- g. Court Appointed Special Advocates (CASA) of Bastrop County, Inc. – **Christy Glass was the presenter.**
- h. Keep Bastrop County Beautiful – **Melissa Middlebrook was the presenter.**
- i. In the Streets-Hands Up High Ministry – **Pastor Roland Nava was the presenter.**
- j. Mission U-too – **Jason Bray was the presenter.**
- k. YMCA of Austin/Bastrop Branch – **Terry Moore was the presenter.**

B. Recognition of Bastrop Police and Fire Departments for services above and beyond during the flood of May 2016.

Presented by Interim City Manager Steve Adcock

A. Update on the SH 71 Corridor Improvements – City Engineer, Wesley Brandon

Mr. Brandon gave an update on the projects along Highway 71.

Tahitian Dr. Overpass

- **March 2015: the construction started**
- **July 21, 2016: traffic switch to new main-lanes**
- **August 2016: complete project (3 months ahead of schedule)**

SH 95 overpass

- **June 2016: construction started**
- **February 2017: traffic switch to new frontage roads**
- **Winter 2017/2018: traffic switch to new main-lanes, complete project**

River Bridges

- **Currently un-funded for construction (pursuing late 2018/2019 letting)**
- **30%-60% design completed**

The Mayor asked if there had been negotiation with the Highway Department regarding walkway across the new bridges. Mr. Brandon stated that is something that he is working with TxDot on.

PROCLAMATIONS

- A. Volunteer Recognition – Sarah O'Brien, Director of Bastrop Main Street Program
Accepted by Director of Bastrop Main Street Program Sarah O'Brien

ANNOUNCEMENTS

- A. Update on Comprehensive Plan Steering Committee – Kay Garcia McAnally
Meeting scheduled for July 13, 2016 at 6:00 p.m., the public was invited
- B. Distribution of Items to Council (If Necessary) – Ann Franklin
No items were distributed.
- C. Items Targeted for Future Meetings.
Budget Meeting July 19, 2016
- D. Information in response to Allegations – Mayor Kesselus
The Mayor read a statement into record. SEE EXHIBIT A

Mayor Pro Tem DeLaRosa stated it is not about water it is about all of the City's utilities. He stated that he spoke with the attorney on last year when the Council started on a resolution and she stated that adding it to the City Charter would ensure a voter vote if Council in the future chose to sell one of the City's utility systems and he stated that is why he brought it forward. He stated that the letter he and the Mayor received insinuated that he was trying to avoid the process and create a vote through a Charter that could sell one of the City's systems and that is not true.

CITIZENS COMMENTS

Sam Kien – stated the current occupants of the Farmers Market is “cliquish” and suggested giving the current group 30 days and have them participate with other groups or get them out.

Richard Kindred – Asked Council to: stop the bickering and get on with business; conduct business in a more professional manner; and respect one another as well as the citizens.

City Manager's Informational Report for the July 12, 2016 City Council Meeting:

- **Update on the Chestnut Street Fire Station Renovation Project**
- **Update on the Destination Marketing Organization**
- **Update on the Texas Department of Transportation SH 71-S95 Overpass**
- **Update and review of the storm events on May 26-27, 2016**
- **Update on Pecan Park**
- **Sales Tax**

- **Staff Reports**

Inviting input from the City Council related to these issues and 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 of 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 Member requests.*

- A.1** Approval of the statutory denial for a period of 180 days from the date of Council action on an Amended Plat of Lot 2, of the Replat of Lots 1& 2, Reserve B of the Bastrop Business and Industrial Park, Phase 1, being 4.236 +/-acres within the Stephen F. Austin Survey A-2, within the City Limits of the City of Bastrop, Texas.
- A.2** Approval of the statutory denial for a period of 180 days from the date of Council action on a Final Plat for Woodrun Subdivision, Section Two, Phase I (17 residential lots) being +/-24.927 acres out of the Stephen F. Austin Survey Abstract No. 3 within the City of Bastrop, Texas, One Mile Extra Territorial Jurisdiction.
- A.3** Approval of the statutory denial for a period of 180 days from the date of Council action on a Final Plat for Woodrun Subdivision, Section Two, Phase II (17 residential lots) being +/-25.869 acres out of the Stephen F. Austin Survey Abstract No. 3 within the City of Bastrop, Texas, One Mile Extra Territorial Jurisdiction.

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

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

- B.1** Public hearing: received recommended changes from former Council Member Kelly Gilleland and Public suggestions from citizens regarding potential charter amendments.
SUGGESTIONS

Kelly Gilleland – suggested that the Charter Amendment go through a Charter Review Committee an impartial body to decide. An elected official cannot serve as a voting member on any board with the exception of Judge Duggan, should serve on the boards as ex-officio members.

Debbie Moore – urged the Council to have a Charter Review Committee.

Dock Jackson – stated that he was in favor of a Charter Review Committee.

Herb Goldsmith – stated that he would like to have a Charter Review Committee and single member districts.

- B.2** Consideration, discussion and possible action in response to the public hearing regarding potential charter amendments, from B.1.

Council Member McAnally made the motion to create a Charter Review Committee with the instruction to the City Manager to set up a procedure to get a review on the agenda as soon as possible, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 4-0 vote. Council Member Schiff was absent.

C. OLD BUSINESS

- C.1** Consideration, discussion, and possible action regarding the replacement of speed bumps in Alley A and all associated cost.

Council Member Jones made the motion that the replacement of speed bumps in Alley A and all associated cost is decided by the City Manager, seconded by Council Member McAnally. The motion was approved on a 4-0 vote. Mayor Kesselus recused himself. Council Member Schiff was absent.

D. NEW BUSINESS

- D.1** Consideration, discussion and possible action regarding the purchase of the sculpture “Sky Shaman” designed by Gene and Rebecca Tobey as part of the City’s permanent art collection.

Council Member McAnally made the motion to approve the purchase of the sculpture “Sky Shaman” as part of the City’s permanent art collection, seconded by Council Member Jones. The motion was approved on a 4-0 vote. Council Member Schiff was absent.

- D.2** Consideration, discussion regarding utilizing funds from Progressive Waste Solutions for recycling in Bastrop.

Council Member Jones made the motion to post on a later agenda for proposals on utilizing the funds from Progressive Waste Solutions for recycling in Bastrop, seconded by Council Member McAnally. The motion was approved on a 4-0 vote. Council Member Schiff was absent.

- D.3** Presentation and possible discussion from Civic Organizations seeking Community Support Funding (CS) for services not currently provided by the City for Fiscal Year 2017 and Council setting the funding available for Community Support Services funded in FY17.

- a. Austin Habitat for Humanity, Inc.
- b. Bastrop County Emergency Food Pantry & Support Center, Inc.
- c. Bastrop County Women’s Shelter, Inc. dba Family Crisis Center
- d. Bastrop Pregnancy Resource Center
- e. Children’s Advocacy Center of Bastrop County
- f. Combined Community Action, Inc.
- g. Court Appointed Special Advocates (CASA) of Bastrop County, Inc.
- h. Keep Bastrop County Beautiful
- i. In the Streets-Hands Up High Ministry

j. Mission U-too

k. YMCA of Austin/Bastrop Branch

This item was conducted earlier in the meeting under presentations.

- D.4** Consideration, discussion and possible action regarding a resolution in support of an application to the Federal Emergency Management Agency Hazard Mitigation Grant Program.
Council Member Jones made the motion to approve the resolution supporting the grant application, seconded by Council Member McAnally. The motion was approved on a 4-0 vote. Council Member Schiff was absent.
- D.5** Consideration, discussion and possible action regarding the City's participation in the Texas Water Development Board Flood Protection Planning Program.
Council Member Jones made the motion to approve the City's participation in the Texas Water Development Board Flood Protection Planning Program, seconded by Council Member McAnally. The motion was approved on a 4-0 vote. Council Member Schiff was absent.
- D.6** Consideration, discussion, and possible action on reallocating funds from the street improvement line item and designating it to immediate drainage efforts.
Council Member Jones made the motion to transfer \$420,000 from the street improvement line item to immediate drainage efforts, seconded by Council Member McAnally. The motion was approved on a 4-0 vote. Council Member Schiff was absent.
- D.7** Consideration, discussion and possible action regarding proposal to provide a one-time bill credit to eligible FEMA-registered flood victims.
Council Member Jones made the motion to provide a one-time bill credit to eligible FEMA-registered flood victims, seconded by Council Member McAnally. The motion was approved on a 4-0 vote. Mayor Kesselus recused himself. Council Member Schiff was absent.
- D.8** Consideration, discussion and possible action regarding the possibility of providing a one-time rebate to all current BP&L Electric customers.
Council Member McAnally made the motion to instruct the Interim City Manager to immediately work with the Finance Department to disburse a one-time \$75.00 rebate to all BP&L customers who have been with BP&L for at least 30 days except for the Mayor and Council Members and to suspend penalty for late payment until August 5, 2016, seconded by Council Member Jones. The motion was approved on a 4-0 vote. Council Member Schiff was absent.
- D.9** Consideration, discussion and possible action regarding voting to hire a consultant to assist in the creation of a DMO.
Council Member Jones made the motion to approve the hiring of DMO Proz as the consultant to assist in the creation of a DMO, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 3-1 vote. Council Member McAnally voted nay. Council Member Schiff was absent. Direction was given to the Interim City Manager to bring a contract to Council.
- D.10** Consideration, discussion & possible action regarding authorization for City staff along with a representative from Langford & Associates to negotiate an agreement to award a contract to Fatter & Associates for the preparation of the plans and specifications to construct the HUD shelter building.

Council Member Jones made the motion to authorize City staff along with a representative from Langford & Associates to negotiate an agreement to award a contract to Fatter & Associates, seconded by Council Member McAnally. The motion was approved on a 4-0 vote. Council Member Schiff was absent.

- D.11** Consideration, discussion & possible action regarding Bastrop Marketing Corp. request for spending of reserve funds in accordance with terms and conditions of the agreement between the city of Bastrop and Bastrop Marketing Corp.

Council Member McAnally made the following motion, seconded by Council Member Peterson. The motion was approved on a 4-0 vote. The motion was to approve the budget submitted by the Bastrop Marketing Corporation to spend the reserved funds on the regional marketing efforts and provide a monthly report to the City Council as to how the money is being spent and Director of the Main Street Program Sarah O'Brien be authorized by the Interim City Manager to coordinate those spending activities to get a better understanding of where those monies are going

E. EXECUTIVE SESSION

E1. The Bastrop City Council met at 9:50 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. **This item was withdrawn.**
2. **SECTION 551.072** – Deliberations about Real Property.
3. **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.**
4. **SECTION 551.074** – Personnel Matters: Acting City Manager and Assistant Police Chief, New City Manager Search and Selection Process.

E2. The Bastrop City Council reconvened at 11:12 p.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 ON EXECUTIVE SESSION ITEM

2. **SECTION 551.072** – Deliberations about Real Property.
4. **SECTION 551.074** – Personnel Matters: Acting City Manager and Assistant Police Chief, New City Manager Search and Selection Process.

Council Member Jones made the motion to employ Steve Adcock as the Interim City Manager for a base salary of \$145,000 per year, seconded by Council Member McAnally. The motion passed on a vote of 4-0. Council Member Schiff was absent.

ADJOURNMENT

Mayor Pro Tem DeLaRosa made the motion to adjourn the meeting at 11:15 p.m., seconded by Council Member Peterson. The motion was approved on a 4-0 vote. Council Member Schiff was absent.

APPROVED:

ATTEST:



Mayor Ken Kesselus



City Secretary Ann Franklin

EXHIBIT A

For the sake of our fine community I am sickened by the hateful letter sent out last week to voting citizens of Bastrop. Its message is filled with lies, misrepresentation, character assassination and delusory rhetoric intended to harm me but its contemptuous naivety also damages everyone in this town. I am horrified that such a level of viciousness in the political arena has invaded our peace with an intensity not seen for many decades.

I am fearful that this kind of maliciousness if not rejected and expunged from our midst will discourage good people from a willingness to serve in elected office. My commitment to the principles of American democracy leaves me repulsed by it because I know that we are at our best when we engage in open dialogue in which everyone comes to the table with his and her ideas. Opponents express their views in turn and the whole group chooses what is best for the greatest number and greatest good.

I was tempted to ignore this hateful attack because my faith teaches me that only love can overcome evil but my grandchildren have taught me that love also requires that bullies be confronted. My daughters tell me that lies must be corrected and the record set right. I wrote a response to each appalling accusation posted it on Facebook and submitted it to the Bastrop Advertiser for publication in Thursday's issue. I appeal to all open minded and reasonable people to read my explanation of the truth and my references to facts in the actual record. I will not read it all now because we have important work to do but I feel compelled to at least defend a fine set of City Council Members who have also been dishonored by this letter.

I find it reprehensible that anyone would accuse our Council of being sneaky in regard to proposing an amendment to our Charter that would ensure that future City Council can never sell the utility without a vote of the citizens. This must especially offend Council Member McAnally who not only has voted for the proposal but has also championed the cause among us for many months. Furthermore the Council would never and could never market our relatively small amount of water. Why would any reasonable person distort this Council's intentions?

The letters questioning the Council's unanimous decision to propose a clarifying of Council offices for an important purpose is equally disgusting. All they did was respond positively to a flaw in our Charter that permits a majority of voting members to legally meet in private to discuss and effectively decide City business. True the effect of the passage of this amendment could affect me in the 2017 Mayoral Election but it would also allow Council Member McAnally to run for Mayor and if Mayor Pro Tem DeLaRosa should win the office of Mayor next year it would allow him the freedom to run for a second term in 2020.

To attempt to injure me by besmirching former Council Member Joe Beal is reprehensible. He was unanimously or overwhelmingly elected three times by the citizens to City Council his credentials are stellar. It is unconscionable to single him out for ridicule for receiving a Mayoral Proclamation of Joe Beal Day when I made similar proclamations for Kelly Gilleland and Dock Jackson and plan to do the same for Kay McAnally next May.

To accuse me and the Council of engaging in illegal meeting on June 20, 2016 because we supposedly intended to discuss the City Attorney in executive session although the posting was only about the City Manager is contemptuous. Nothing could be further from the truth. None of us sitting here on this

dais would ever engage in a discussion in an executive session on a subject other than for what it was posted.

If people want to bully me and lie about me that is one thing but to falsely indict all of us and our process is going very far beyond the bounds of civilized society. Please join me in standing up for civility and mutual respect. Stand up for open and honest debate, stand up for fair standards of judgement and reject this malicious attempt to disrupt our governmental order. Stand up and take part in a legitimate and positive process that we all know should characterize ourselves as a community of concern for one another.