

**MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
July 26, 2016**

The Bastrop City Council met in a Regular Meeting on Tuesday, July 26, 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 and Mayor Pro Tem DeLaRosa and Council Members Peterson, Schiff and Jones.

CALL TO ORDER

At 6:30 p.m. Mayor Kesselus called the Meeting to order with a Quorum being present. Council Member McAnally was absent. Council approved the absence as excused.

E. EXECUTIVE SESSION

E1. The Bastrop City Council met at 6:35 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.

E2. The Bastrop City Council reconvened at 7:05 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

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.

Interim City Manager Steve Adcock summarized the discussion: Pending litigation with the VanDiver, Red Light and Pine Forest cases.

Senior Advisor Mike Talbot made the announcement that today the Administrative Law Judge O'Malley issued his proposal for the decision concerning the City's well permit at XS Ranch. The Judge's conclusion was that all evidence show that the City's application for its operating permit for Well Number 1 should be granted with the full amount requested of 2,000 acre feet and pumping at a 150 gallons per minute by the Lost Pines Groundwater District with

a spacing drainage granted and the City's proposed mitigation fund will protect all well owners in the area affected in any way.

Council Member Jones made the motion to have the City Council put under review the local cases that the City has in litigation with an attorney to be determined by the Mayor, City Manager and one Council Member of the Mayor's choice for the merits on how the Council moves forward, seconded by Council Member Schiff. The motion was approved on a vote of 4-0. Council Member McAnally was absent.

Council Member Jones made the motion that going forward the City Manager is instructed to make sure all invoices for legal fees are in a form that will allow the invoices to be published for the public upon request, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 4-0 vote. Council Member McAnally was absent.

Council Member Jones made the motion directing the City Manager to determine how all previous invoices may be made available to the public without jeopardizing any sort of strategy or previous information provided in the invoices that might create some sort of compromising situation, seconded by Council Member Schiff. Additional direction was given to the City Manager to look at the cost associated with carrying out the direction above and bring this information back to the City Council with the information on how far back it is practical to go in retrieving this information without an undue expense. Council Member Schiff who made the second later withdrew his second.

Council Member Jones made the motion that previous invoices up to six months be made available to the public understanding that those need to be resubmitted to the Attorney, opportunity for redacting in order to avoid jeopardizing any pending litigation and if it needs to go further than six months Council Member Jones would look to the City Manager to determine if it is reasonable, seconded by Council Member Schiff. The motion was approved on a 4-0 vote. Council Member McAnally was absent.

PLEDGE OF ALLEGIANCE

Mayor Kesselus led the Pledge of Allegiance

INVOCATION

Council Member Jones gave the Invocation.

PRESENTATIONS

- A. Update on Bastrop Economic Development Corp (BEDC). – Executive Director, Shawn Kirkpatrick **Shawn Kirkpatrick gave the update.**
- B. Presentation and possible discussion from organizations seeking 2017 Hotel Occupancy Funding (HOT Funds) – Chief Financial Officer, Tracy Waldron
 - a. Tough Mudder Event Production, Inc. – **Via video**
 - b. Bastrop Opera House –**David Bragg was the presenter.**
 - c. Bastrop Fine Arts Guild (Lost Pines Art League) –**Patricia Rendulic and Jeannette Condray were the presenters.**
 - d. Bastrop Family YMCA –**Terry Moore was the presenter.**

- e. Bastrop Downtown Business Alliance - **Brad Cook and Kathileen Queso were the presenters.**
- f. Bastrop County Women's Shelter, dba Family Crisis Center - **Charlotte Pietsch was the presenter.**
- g. Bastrop County Historical Society - **Georgina Ngozi was the presenter.**
- h. Bastrop Chamber of Commerce - **Becki Womble was the presenter.**

PROCLAMATIONS - NONE

ANNOUNCEMENTS AND INFORMATION

- A. Update on Comprehensive Plan Steering Committee – Kay Garcia McAnally
- B. Distribution of Items to Council (If Necessary) – Ann Franklin
- C. Items Targeted for Future Meetings.
- D. Communication regarding offer of “BALD KNOB.”

7. City Manager's Informational Report for the July 26, 2016 City Council Meeting:

I. Meetings and Events Attended:

- Met with Judge Pape
- DMO Interviews
- City Council 7-12-16
- Comp Plan Steering Committee
- Certified Public Manager Training in Round Rock
- Water Rate and Impact Fees Meeting
- EDC Board Meeting
- Joint City Council/P&Z Meeting
- Chamber of Commerce Board Meeting
- YMCA Meeting
- Bastrop West Developer Meeting
- Pecan Park Developer Meeting
- Open Forum with Citizens about Pecan Park
- Bastrop County Office of Emergency Management
- Numerous Citizen Meetings
- Cemetery Board Meeting
- Numerous staff meetings

II. Update on City Projects and Issues:

- Staff Reports

Announcement by JC Brown, City Attorney – Ms. Brown announced her resignation effective immediately.

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

Mayor Kesselus called the meeting back to order at 9:00 p.m.

8. CITIZEN COMMENTS

Jane Sanders – Ms. Sanders is with the Bastrop Homecoming, she stated that she thought they were on the agenda for receiving HOT Funds from the City of Bastrop but they were not because of an oversight on their part. She requested to submit the application at this time.

Bonnie Coffey – Stated there is a lack of supporting documents and the agenda has vague items.

Lee Harle – Voiced his concern with some of the bickering.

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 Member so requests.*

- A.1** Consideration, discussion and possible action regarding approval of minutes from the regular Council Meeting of June 28, 2016.
Mayor Pro Tem DeLaRosa made the motion to approve the minutes from the regular Council Meeting of June 28, 2016, seconded by Council Member Peterson. The motion was approved on a vote of 4-0. Council Member McAnally was absent.
- A.2** Approval of Bastrop Marketing Corporation's request for reimbursement of funds for June 2016 in accordance with the agreement to be spent on advertising and marketing the City of Bastrop area.
Mayor Pro Tem DeLaRosa made the motion to approve the Bastrop Marketing Corporation's request for reimbursement of funds for June 2016, seconded by Council Member Schiff. The motion was approved on a vote of 4-0. Council Member McAnally was absent.
- A.3** Consideration, discussion and possible action on acceptance of the unaudited Monthly Financial Reports for the period ending June 30, 2016.
Council Member Schiff made the motion to accept the unaudited Monthly Financial Reports for the period ending June 30, 2016, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a vote of 4-0. Council Member McAnally was absent.
- A.4** Appointment by Mayor, subject to confirmation by City Council of Steve Adcock to Place 1 on the Hunters Crossing Local Government Corporation Board.
Mayor Pro Tem DeLaRosa made the motion to appoint Steve Adcock to Place 1 on the Hunters Crossing Local Government Corporation Board, seconded by Council Member Schiff. The motion was approved on a vote of 4-0. Council Member McAnally was absent.
- A.5** Consideration, discussion and possible action regarding the release of the City Attorney's legal fees to the public.
This item was withdrawn.
- A.6** Consideration, discussion and possible action on setting the funding available for Community Support Services funded in FY 17 in the amount of \$80,000.

Council Member Schiff made the motion to set the funding available for Community Support Services funded in FY 17 in the amount of \$80,000, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a vote of 4-0. Council Member McAnally was absent.

- A.7 Consideration, discussion and possible action regarding the revision to correct textual errors in the original ordinance - an ordinance granting a zone change from SF9, single family residential-9 and A/OS – agricultural/open space to PD, residential planned development for approximately 90.91 acres within a11 Bastrop Town Tract, located north of the railroad tracks on the northwest corner of Riverwood/Hawthorne and Carter Street within the city limits of Bastrop, Texas as part of the Piney Creek Bend; setting out conditions and establishing an effective date.

Council Member Schiff made the motion to correct textual errors, seconded by Council Member Peterson. The motion was approved on a vote of 3-1. Mayor Pro Tem DeLaRosa voted nay. Council Member McAnally was absent.

- A.8 Consideration, discussion and possible action regarding the approval of the Bastrop Art in Public Places 2017 Transformer Cabinet Mural Project Call to Artist.

Council Member Schiff made the motion to approve the Bastrop Art in Public Places 2017 Transformer Cabinet Mural Project Call to Artist, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a vote of 4-0. Council Member McAnally was absent.

- A.9 Consideration, discussion and possible action regarding the approval of the Bastrop Art in Public Places 2017 Sculpture Project Call to Artist

Council Member Schiff made the motion to approve the Bastrop Art in Public Places 2017 Sculpture Project Call to Artist, seconded by Council Member Peterson. The motion was approved on a vote of 4-0. Council Member McAnally was absent.

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

- B.1 **CONDUCT A PUBLIC HEARING** to receive citizens input on a Replat of Lots 21 and 22-B being +/- 9.8665 acres in Surburbia Estates Subdivision and +/- 3.500 acres out of the Nancy Blakey Survey, Abstract No. 98 located within the Bastrop, Texas One Mile Extra Territorial Jurisdiction (ETJ).

Public hearing was conducted.

- B.2 Discussion, consideration and possible action by the City Council on a Replat of Lots 21 and 22-B being +/- 9.8665 acres in Surburbia Estates Subdivision and +/- 3.500 acres out of the Nancy Blakey Survey, Abstract No. 98 located within the Bastrop, Texas One Mile Extra Territorial Jurisdiction (ETJ).

Council Member Schiff made the motion to approve the replat, seconded by Council Member Peterson. The motion was approved on a vote of 4-0. Council Member McAnally was absent.

C. OLD BUSINESS - NONE

D. NEW BUSINESS

- D.1** Consideration, discussion and action regarding the creation of a Charter Review Committee. **Council Member Peterson made the motion to create a Charter Review Committee selected as outlined below with a deadline of August 9, 2016 for Council Members to turn in their appointments, seconded by Council Member Jones. The motion was approved on a vote of 4-0. Council Member McAnally was absent.**

Selection process for Charter Review Committee:

- **Mayor appoint and Council approve a Council Member as the Chair.**
- **Each Council Member make one appointment.**
- **The Mayor appoint a single appointment.**
- **Mayor may have up to an additional two appointments of qualified citizens if the Mayor feels one or both will help the committee better reflect the overall nature of the citizenry with the approval of Council.**

Council Member Jones made the motion to appoint Council Member Schiff as the chair of the Charter Review Committee, seconded by Council Member Peterson. The motion was approved on a vote of 4-0. Council Member McAnally was absent.

- D.2** 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.

Council Member Jones made the motion to approve the Final Plat for Pecan Park Section 5B and authority be given to the Planning Department to enforce the proposed construction schedule provided by the contractor and to pursue and work with the developer to get a more detailed set of construction plans for the proposed drainage plan, seconded by Council Member Schiff. Council Member Jones later withdrew her motion.

Council Member Jones made the motion to approve the Final Plat for Pecan Park Section 5B and authority be given to the Planning Department to enforce the proposed construction schedule provided by the contractor and to pursue and work with the developer to get a more detailed set of construction plans for the proposed drainage plan and to give specific attention to cleaning out the area along Perkins Street, seconded by Council Member Schiff. The motion was approved on a 4-0 vote. Council Member McAnally was absent.

- D.3** First reading of an ordinance of the City Council of the City of Bastrop, Texas amending definitions #75 and #270.1 and adding a new definition #77.1 in Appendix A-3 in Chapter 14 of the City of Bastrop zoning ordinance for the term "Custom Personal Service Shops" to include dermapigmentation services as accessory use to barber/beauty shop uses and add definition of dermapigmentation (A/K/A permanent makeup); providing a severability clause; and providing an effective date.

Council Member Jones made the motion to approve the first reading of the ordinance, seconded by Council Member Schiff. The motion was approved on a 3-1 vote. Mayor Pro Tem DeLaRosa voted nay. Council Member McAnally was absent.

- D.4** Consideration, discussion and possible action regarding the vote to accept offer from BEDC to purchase the 921 Main Street property.
Council Member Jones made the motion to instruct the City Manager to negotiate and execute a contract with BEDC to accept the BEDC offer, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 4-0 vote. Council Member McAnally was absent.
- D.5** Consideration, discussion, and possible action on the Council setting the funding amount available for organizations requesting the use of 2017 Hotel Occupancy Tax funds (HOT Funds).
Council Member Schiff made the motion to set \$225,000 HOT Fund Tier 2 for 2017, seconded by Council Member Jones. The motion was approved on a 4-0 vote. Council Member McAnally was absent.
- D.6** First reading of an ordinance of the City Council of the City of Bastrop, Texas, amending City Code, Chapter 7, Article 7.01, Section 7.01.10, related to Municipal Court prosecutions by City Attorney(S); Chapter 9, Article 9.04, related to appointment and powers and duties of the City Attorney; and Chapter 11, Article 11.04, Section 11.04.008, related to City Attorney's authority to bring suit to collect the tax imposed by the City; repealing conflicting ordinances; including a severability clause; and establishing an effective date.
This item was withdrawn.
- D.7** Consideration, discussion and possible action regarding the creation of a Sign Ordinance Committee.
This item was withdrawn.
- D.8** Consideration, discussion, and possible action regarding JC Brown, City Attorney.
Council Member Jones made the motion to direct the City Manager and Mayor to hire an interim City Attorney until further direction from the Council, seconded by Council Member Schiff. The motion was approved on a 3-1 vote. Mayor Pro Tem DeLaRosa voted nay. Council Member McAnally was absent.
- D.9** Consideration, discussion, and possible action regarding the process that City will use to search for and select a permanent City Manager.
Council Member Jones made the motion to have the Mayor, City Manager, Libby Sartain and Mayor Pro Tem DeLaRosa form a committee; over the next week input from staff and commissions and boards a list of describing the desired city manager in order for the list to be provided to the prospective head hunter, seconded by Council Member Schiff. The motion was later withdrawn by Council Member Jones, the maker of the motion.
- Council Member Jones made the motion to approve the following procedure regarding the search and selection of a permanent City Manager, seconded by Council Member Schiff. The motion was approved on a 4-0 vote. Council Member McAnally was absent.**
- Creating a Request for Proposal (RFP) for consultants to help find a City Manager:**
(1) On July 26, the Council will authorize a drafting-only committee composed of the Mayor, Council Member DeLaRosa and Libby Sartain, with staff support from the Human Resource Director Tanya Cantrell.

- (2) **The drafting committee will begin immediately by soliciting emailed or written suggestions from Council Members, all employees, and all members of boards, commissions, and task forces regarding ingredients to be considered in the writing of a draft RFP.**
- (3) **The drafting committee will propose a draft RFP to be presented to the Council on August 2, 2016.**
- (4) **August 2, 2016 Meeting:**
 - (a) **The committee will present a draft RFP.**
 - (b) **Citizens may offer their input.**
 - (c) **The Council will decide on the final version of the RFP.**
- (5) **After making any required adjustments, the Human Resources Director will expeditiously advertise the search for assistance in finding candidates for City Manager and promulgate the RFP to specific, identified consultants and firms.**

E. EXECUTIVE SESSION

E1. The Bastrop City Council met at 11:00 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.
This item was withdrawn.
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.
This item was withdrawn.
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.
5. **SECTION 551.074** – Personnel Matters - City Manager

E2. The Bastrop City Council reconvened 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.

Mayor Kesselus stated the Council would place the discussion of hiring a City Attorney on the August 2, 2016 agenda.

ACTION ITEMS FROM EXECUTIVE SESSION (If any are needed.) –NO ACTION NEEDED

- E.2.2. SECTION 551.072 – Deliberation regarding real property: Regarding the purchase, exchange, lease, disposition, negotiations or value of real property.
- E.2.4 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.
- E.2.5 SECTION 551.074 – Personnel Matters - City Manager

ADJOURNMENT

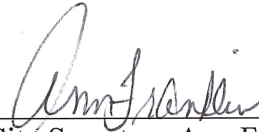
Council Member Schiff made the motion to adjourn the meeting at 11:30 p.m., seconded by Council Member Peterson. The motion was approved on a 4-0 vote. Council Member McAnally was absent.

APPROVED:



Mayor Ken Kesselus

ATTEST:



City Secretary Ann Franklin

Minutes were approved on February 14, 2017 by Mayor Pro Tem DeLaRosa's motion, Council Member McAnally's second. The motion was approved on a 5-0 vote.