

**MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
AUGUST 9, 2016**

The Bastrop City Council met in a Regular Meeting on Tuesday, August 9, 2016 at 6:30 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Kesselus, 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.

PLEDGE OF ALLEGIANCE

Mary Huber Led the Pledge.

INVOCATION

Mayor Kesselus gave the Invocation.

PRESENTATIONS - NONE**PROCLAMATIONS - NONE****ANNOUNCEMENTS**

- A. Update on Comprehensive Plan Steering Committee – Kay Garcia McAnally
- B. Celebration for Mike Talbot – September 7, 2016, 5:00 p.m. at the Bastrop Convention Center
- C. Bastrop County Remembers – Commemoration of the Bastrop County Complex Wildfire
- D. Signing up for reverse 911 with cell phone
- E. Distribution of Items to Council (If Necessary) – Ann Franklin
- F. Resignation of David Bragg from Planning and Zoning Commission
- G. Explanation of purchase of property, a part of which is the concrete slab known as 921 Main Street, and the majority of which is now included in the parking lot known as Alley D. – City Manager Townsend
- H. Items Targeted for Future Meetings.
- I. Future Meetings:
Special Called Meeting – August 16, 2016

7. City Manager's Informational Report for the August 9, 2016 City Council Meeting:

- A. Meetings and Events Attended:
 1. Met with Staff on fee structure
 2. DMO Proz phone conference
 3. City Council 8-2-16
 4. Livewire Communications meeting
 5. Joint meeting with County Judge, DA and Sheriff
 6. JLUS Meeting
 7. Sculpture dedication at City Hall
 8. FirstNet Meeting
 9. Attended Ethics Board Meeting

B. Updates on City Projects and Issues:

1. Sarah O'Brian, Mike Talbot and I met with DMO Proz late last week for the initial contract and scope of work process. We will be meeting with them towards the end of this week to finalize the scope of work and present it to council for approval. We will then need to finalize a contract.
2. Tanya Cantrell and Sarah O'Brian are working on a program that all employees of the City will be required to attend. The training will be over customer service. I feel that our staff does an outstanding job on customer service but we can always improve.
3. I have turned over pressing needs to our newly appointed City Attorney for review. We are prioritizing these needs. Several ORR's are taking priority at the moment.

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.

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 Board appointment by Mayor Ken Kesselus and confirmation by the Bastrop City Council Members on the appointment of Patrick Connell to Place 8 on the Parks Board/Public Tree Advisory Board with a term of 2016 - 2018.

This item was withdrawn without objection.

A.1a Board appointment by Mayor Ken Kesselus and confirmation by the Bastrop City Council Members on the appointment of Bob Rogers to Place 4 on the Zoning Board of Adjustment/Municipal Sign Review Board with a term of 2016 - 2018. (Bob Rogers is being moved up to Place 4 from his current position as Alternate 1 on the Zoning Board of Adjustment/Municipal Sign Review Board.)

A.1b Board appointment by Mayor Ken Kesselus and confirmation by the Bastrop City Council Members on the appointment of Marvin Townsend to Place 1 on the Hunters Crossing Local Government Corporation.

A.2 Approval of the statutory denial for a period of 180 days from the date of Council action on a Administrative Plat for Block 48 N.E. ¼ Subdivision being +/- .645 acres out of Building Block 48, East of Main Street, South of Chestnut Street, within the city limits.

A.3 Approval of the statutory denial for a period of 180 days from the date of Council action on an Amended Plat of Lots 34 and 35, Block A, Riverside Grove Subdivision, Phase 1, being +/- 2.254 acres west of Hassler Shores Dr. within the city limits.

A.4 Second 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.

- A.6 Approval of acceptance of the Quarterly Investment Report for the period ending in June 30, 2016.
- A.7 Approval of a resolution and adopting the Investment Policy for the City of Bastrop, Texas, and making various provisions related to the subject.
- A.8 Approval of acceptance of the Revised Utility Policy.

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

DISCUSSION ITEM

- A.5 Approval of request to accept the Public Improvements for Pecan Park, Section 4 located west of Childers Drive within the City limits of Bastrop, Texas.
Mayor Pro Tem DeLaRosa made the motion to approve the public improvements for Pecan Park, Section 4, seconded by Council Member Schiff. The motion was approved on a 4-0 vote. Council Member McAnally was absent.

CITIZEN COMMENTS

SPEAKERS

JUDY HOOVER - Stated Bastrop needed a local attorney.

JOE GRADY TUCK – Congratulated the City on hiring David Bragg.

SHAWN PLETSCH- Commented on Mr. Bragg being a friend of the Mayor and asked the question as to whether the Mayor should recuse himself on everything now. She also wanted to know what happened to the funds for the YMCA.

JILL HELMCAMP – Stated that she would like to keep the City Council more transparent and thanked the Council for what they do.

VICTOR GONZALES – Thanked Council for the hard work they have done in the last few months and for trying to make the City of Bastrop a better place.

LEE HARLE – Stated that he noticed there had not been a mention of the YMCA in the budget. He stated that it appears that Council is moving away from a partnership with the YMCA and moving more towards handling recreation in house. He suggested that Council look at what neighboring communities are doing.

MICHELL HARDEN – Asked how much is going to the YMCA from the budget; what are the tradeoffs for the cuts; if a cost benefits analysis has been done please make it public; and if it is a policy change who is going to be responsible for implementing it.

DEBBIE MOORE – Stated that the City needs to move on from the change of City Attorney. Asked that discussions be had openly and honest.

EXECUTIVE SESSION

E1. The Bastrop City Council met at 7:00 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, *et seq*, to discuss the following:

5. SECTION 551.074 – Personnel Matters: City Attorney

Terms of a Letter of Engagement and Duties of
Interim City Manager

E2. The Bastrop City Council reconvened at 7:10 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

Council Member Schiff made the motion to adopt the letter (EXHIBIT A) into record as being the new agreement terms for the City Attorney, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 4-0 vote. Council Member McAnally was absent.

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

OLD BUSINESS - NONE

NEW BUSINESS

D.1 Consideration, discussion and possible action on the 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.

Council Member Schiff made the motion to approve the first reading of the ordinance, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 4-0 vote. Council Member McAnally was absent.

D.9 Consideration, discussion and possible action on a variance request submitted by owner (and family members) of the cemetery plots legally described as being Block 1, Section 2, Lots 98 & 98A to allow the placement of polished pebbles (over commercial weed control fabric) as prohibited in City of Bastrop Ordinance No. 2009-31, Section 15.15 (e) Prohibited Activities. **Council Member Jones made the motion to approve the variance request, seconded by Council Member Peterson. The motion was approved on a 4-0 vote. Council Member McAnally was absent.**

Council Member Schiff suggested that staff take a look at some weed control measures and encourage the assembly of the new technique in a way that has the longest lasting anti-weed care characteristics.

- D.3** Consideration, discussion and possible action regarding request from the Planning and Zoning Commission regarding the creation of development agreements.
Council Member Schiff made the motion to instruct the City Manager to work with the Planning and Zoning Commission to put together a means of collaborating on the development agreements, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 4-0 vote. Council Member McAnally was absent.
- D.2** Consideration, discussion and possible action regarding approval of a resolution regarding the creation of a Sign Ordinance review process.
Mayor Pro Tem DeLaRosa made the motion to approve the resolution with Council Member Schiff as the leader of this group, seconded by Council Member Schiff. The motion was approved on a 4-0 vote. Council Member McAnally was absent.
- D.4** Consideration, discussion and possible action regarding the City Secretary's submission of a Charter amendment petition to the City Council and certifying as to the sufficiency and compliance of the petition with the provisions in Article X of the City Charter.
The City Secretary submitted the information certifying the petition to the City Council.
- D.5** Consideration, discussion and possible action on the first reading of an ordinance of the City of Bastrop, Texas, calling for a Special Election to be held in the City of Bastrop, Texas on November 8, 2016 for the purpose of submitting charter amendments to the voters; providing that this ordinance shall be cumulative of all ordinances; providing a severability clause; providing for publication in a newspaper of general circulation; and providing an effective date.
Council Member Schiff made the motion to approve the first reading of the ordinance, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 4-0 vote. Council Member McAnally was absent.
- D.6** Approval of a contract for Election services between the Elections Administrator of Bastrop County and the City of Bastrop for the November 8, 2016 Election.
Council Member Schiff made the motion to approve the contract for Election services between the Elections Administrator of Bastrop County and the City of Bastrop for the November 8, 2016 Election, seconded by Council Member Peterson. The motion was approved on a 4-0 vote. Council Member McAnally was absent.
- D.7** Consideration, discussion and possible action regarding postponement of process to create a Charter Review Committee as a result of the successful filing of a petition to cause a Charter amendment election in November thereby prohibit any future such elections prior to November 2018, which if passed by the voters will leave thereby.
Council Member Schiff made the motion to postpone the process to create a Charter Review Committee as a result of the successful filing of a petition to cause a Charter amendment election in November thereby prohibit any future such elections prior to November 2018, if passed by the voters, seconded by Council Member Peterson. The motion was approved on a 4-0 vote. Council Member McAnally was absent.

- D.10** Consideration, discussion and possible action on the first 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.

Council Member Schiff made the motion to approve the first reading of the ordinance, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 4-0 vote. Council Member McAnally was absent.

- D.8** Consideration, discussion and possible action on the first reading of a proposed ordinance by the City Council of the City of Bastrop, Texas: revising the City Code of Ordinances, Chapter 13, "Utilities," by: amending Section 13.02.008 "Billing; Discontinuance of Service" by adding Subsection 13.02.008(B) "Average Monthly Payment Plan" and by amending Section 13.07.005 by adding Subsection 13.07.005(H) "Average Monthly Payment Plan" and providing an effective date.

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

- D.11** Consideration, discussion, and possible action regarding XS Ranch / City of Bastrop Contract for water.

Mayor Pro Tem DeLaRosa made the motion that the City exercise its option under Section 6.3, seconded by Council Member Peterson. The motion was later withdrawn by Mayor Pro Tem DeLaRosa, the maker of the motion.

No Action Was Taken.

- D.12** Board appointment by Mayor Ken Kesselus and confirmation by the Bastrop City Council Members on the appointment of Daniel Ducloux to Place 8 on the Parks Board/Public Tree Advisory Board with a term of 2016 - 2018.

Mayor Pro Tem DeLaRosa made the motion to approve the appointment of Daniel Ducloux to Place 8 on the Parks Board Public Tree Advisory Board, seconded by Council Member Schiff. The motion was approved on a 3-0 vote. Council Member Jones recused herself. Council Member McAnally was absent.

- D.13** Board appointment by Mayor Ken Kesselus and confirmation by the Bastrop City Council Members on the appointment of Kevin Plunkett to Place 4 on the Bastrop Economic Development Corporation Board.

Council Member Schiff made the motion to appoint Kevin Plunkett to Place 4 on the Bastrop Economic Development Corporation Board, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 4-0 vote. Council Member McAnally was absent.

- D.14** Consideration, discussion and possible action regarding the approval of an Interlocal Agreement between Bastrop County and the City of Bastrop regarding the Disaster Recovery Grant Program Project.

Council Member Schiff made the motion to approve the interlocal agreement between Bastrop County and the City of Bastrop, seconded by Council Member Peterson. The motion was approved on a 4-0 vote. Council Member McAnally was absent.

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.
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.
- 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.

E2. The Bastrop City Council reconvened at 9:25 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.

NO ACTION AS A RESULT OF THE EXECUTIVE SESSION

ADJOURNMENT


Council Member Schiff made the motion to adjourn the meeting at 9:26 p.m., seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 4-0 vote. Council Member McAnally was absent.

APPROVED:

ATTEST:



 Mayor Ken Kesselus



 City Secretary Ann Franklin