

**MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
MARCH 14, 2017**

The Bastrop City Council met in a Regular Meeting on Tuesday, March 14, 2017 at 6:30 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Kesselus and Mayor Pro Tem DeLaRosa, and Council Members Peterson, Schiff, Jones and McAnally. Officers present were Interim City Manager Marvin Townsend, City Secretary Ann Franklin and City Attorney David Bragg.

CALL TO ORDER

At 6:30 p.m. Mayor Kesselus called the Meeting to order with a Quorum being present.

PLEDGE OF ALLEGIANCE

Interim City Manager Marvin Townsend led the Pledge of Allegiance

INVOCATION

Council Member Jones gave the Invocation.

Judge Paul Pape will perform the Swearing in of the new City Manager, Lynda Humble.
City Manager Lynda Humble was sworn in by Judge Paul Pape.

“Thanks” to the Interim City Manager, Marvin Townsend.

Mayor Kesselus thanked Interim City Manager Marvin Townsend for his service to the City of Bastrop and presented him with a proclamation. Mayor Pro Tem DeLaRosa presented Mr. Townsend with a key to the City on behalf of the Council.

PRESENTATIONS

- A. Report on the completion of the replacement of the Library’s roof – Mickey DuVall
Interim City Manager Marvin Townsend gave the report.
- B. “Thanks” for City of Bastrop’s partnership and support of the area youth. – Carlos Liriano
Carlos Liriano thanked the Council for taking steps to provide recreation to the youth of this community by way of a youth tennis camp which will begin in a few weeks. Mr. Liriano also gave thanks to the Public Works, Parks and Wildlife and Utilities Director Trey Job for the part he played in this endeavor.
- C. Water Quality in Bastrop – Trey Job
Public Works, Parks and Wildlife and Utilities Director Trey Job gave a report on the water quality in Bastrop.

REPORT FROM DMO BOARD

1. Report from DMO Start Up Board – Anne Smarzik, Chair
 - Other items from the February 27th meeting
2. Consideration, discussion and possible action in response to this report - by the Council, City Manager and City Attorney

Main Street Director Sarah O’Brien stated that the Chair Anne Smarzik was not able to attend the meeting and that the DMO board had not met since the last Council meeting of February 28, 2017. The Interim DMO Director Dale Lockett started on Monday, March 13, 2017 and will be housed out of the Main Street Office. The next DMO Start Up Board meeting is scheduled for Monday, March 20, 2017 at 8:30 a.m.

City Attorney, David Bragg reported that he spoke with Ms. Lauren Ferrero an attorney out of San Antonio who recently finished forming a DMO in San Antonio as a 501(c)(6) and is very up to date on the regulations. Mr. Braggs stated that Ms. Ferrero satisfied his concerns regarding the DMO becoming a 501(c)(6), he believes this can be done and done successfully and he no longer have the concerns that he previously had.

PROCLAMATIONS - NONE

ANNOUNCEMENTS, INFORMATION AND REQUESTS BY COUNCIL MEMBERS

- A. Distribution of Items to Council (If Necessary) – Ann Franklin
- B. Requests by Council Members for items on future agendas and requests for information from City Manager.

March 28, 2017 Agenda

- Would like to have a report brought to Council on the progress being made towards the establishment of the YMCA facility in Bastrop.
- City Manager Lynda Humble meet with Planning and Engineering Director Wesley Brandon and give the Council an update on the status of the FEMA grants and assistance for the people who flooded including proposals that would possibly buy out some of the properties or elevate the others in order to keep the citizens updated on the progress.

Request for Information

- Information on what is happening with the drainage on Water Street (near Austin Street).

CITIZENS COMMENTS

Joe Grady Tuck – Mr. Tuck welcomed the new City Manager Lynda Humble and offered advice to Ms. Humble to get rid of existing cases before they become her own. Mr. Tuck suggested to Council to get the City out of mitigation.

Hilary Bravenec – Ms. Bravenec spoke to advocate for pedestrian safety and sidewalks on the north side of town.

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. Approval of minutes from regular council meeting of February 28, 2017 and amendment to approved June 28, 2016 minutes.

Mayor Pro Tem DeLaRosa made the motion to approve the minutes from regular council meeting of February 28, 2017 and amendment to approved June 28, 2016 minutes, seconded by Council Member Peterson. The motion was approved on a 5-0 vote.

A.2 Appointment by Mayor, subject to confirmation by City Council of Dawn Kana to the Impact Fee Board Special Member on the Planning and Zoning Commission/Impact Fee Advisory Committee fulfilling an unexpired term ending June 2018.

Mayor Pro Tem DeLaRosa made the motion to approve Dawn Kana to the Impact Fee Board, seconded by Council Member Peterson. The motion was approved on a 5-0 vote.

B. PUBLIC HEARINGS, ORDINANCES & OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION - NONE**C. OLD BUSINESS**

- C.1** Second reading of an ordinance to amend Bastrop City Code, Chapter 12 – Traffic and Vehicles, Article 12.06 – stopping, standing and parking (Specifically Sections 12.06.004 and 12.06.011) to delete two hour parking in the central business district and revise Section 12.06.01.

Ordinance 2017-05 was approved on Council Member Schiff's motion, Council Member Jones' second. The motion was approved on a 5-0 vote.

- C.2** Second reading of ordinance amending section 3.20 Signs of the City Code to add provisions regarding signs in excess of 35 feet in height and 160 square feet of sign area when certain conditions regarding divided highways, speed limits in excess of 50 miles per hour and overpasses are met. In no case would signs over 70 feet in height or 400 square feet in area be authorized. This proposed ordinance was discussed by the City Council on January 10, 2017 and referred to the planning commission for its recommendation.

This item was postponed for 90 days on Council Member Schiff's motion, Council Member McAnally's second. The motion was approved on a 4-1 vote. Council Member Jones voted nay.

- C.3** Second reading of ordinance amending Section 3.20.022 Signs of the City Code to delete Section 3.20.022 Municipal Sign Review Board variances which will acknowledge that any appeals relating to administration of the sign section of the City Zoning Ordinance are to the Zoning Board of Appeals.

Ordinance 2017-09 was approved on Council Member Jones' motion, Mayor Pro Tem DeLaRosa's second. The motion was approved on a 5-0 vote.

- C.4** Second reading of ordinance amending the ordinance creating the Bastrop Zoning Board Of Adjustment and deleting Section F to eliminate 1-year limitation on time period to utilize a granted variance and delete Section 9.9E first sentence to delete 4-week automatic approval provision.

On January 6, 2017 a memorandum was distributed regarding suggested changes in the ordinances and practices of the Bastrop Zoning Board of Adjustment. Some of the recommended changes involved administrative activities. These changes have been implemented.

To carry out the balance of the recommendations the following ordinance amendments should be considered on first reading:

A) Delete Chapter 14, Section 9.8 the one-year limit on the unused life of a variance by deleting the following:

“F. Any rights authorized by a variance which are not exercised within one (1) year from the date of granting such variance shall lapse and may be reestablished only after application and a new hearing in accordance with this article.”

B) Delete Chapter 14, Section 9.9E first sentence which provides for automatic approval of a variance if not denied within 4 weeks of “placement on the agenda”, by deleting:

“E. The Board shall decide the appeal within four (4) weeks after placement on its agenda after which time the request shall be deemed automatically approved”.

Ordinance 2017-08 was approved on Council Member Jones' motion, Council Member Schiff's second. The motion was approved on a 5-0 vote.

- C.5 Report regarding developer acceptance of the two additional requirements included in the February 28, 2017 motion to approve 3 story apartments, rather than 2-1/2 story at the Hunters Crossing Apartments at Home Depot way approximately 300 feet west of F M 304.
Interim City Manager Marvin Townsend gave the report.
- C.6 Status Report regarding drainage improvements in the Hunters Crossing Subdivision.
Public Works, Parks and Wildlife and Utilities Director Trey Job gave the report.

D. NEW BUSINESS

- D.1 Consideration, discussion and possible action regarding election of a mayor pro tem.
Council Member McAnally made the motion to nominate Council Member Peterson as the Mayor Pro Tem until a new Council is elected in May. The motion died for lack of a second.

Council Member McAnally made the motion to have Council put on record its desire to have the next Charter Review Committee add the following amendment to the City Charter under Section 3.08 "The office of the Mayor Pro Tem of the City may not be held by a Council Member who has resigned to run for another office and such resignation shall cause an immediate vote of the City Council to elect a new Mayor Pro Tem to serve the remainder of the calendar year or words to that affect." The motion died for lack of a second.

- D.2 Discussion of bills which would have a direct impact on the City of Bastrop.
1. Senate Bill 2 by Senator Paul Bettencourt will, if passed, limit property tax revenue to a 4% increase cap per year.
 2. HB2322 by Representative John Cyrier specifically aimed at Bastrop County. It appears to make it more difficult for property owners owning more than 25 acres to obtain Certificate of Convenience and Necessity (CCN) declaration of inability to serve so that the City of Bastrop could commence service.

Interim City Manager gave the presentation.

- D.3 Consideration and possible action approving the change order for the WW plant improvements, and lift station rehabilitation project, the additional work includes additional piping required for Mona Loa, and Gills Branch Lift Stations, and modifications to the headworks at Waste Water Treatment Plant 1. The new fine screen equipment increase back pressure on the existing force main and required additional support structure and piping modifications. The change order will increase the previous contract amount from \$932,396 to \$1,034,457.00, the project will still be under the original budgeted amount.
Council Member Jones made the motion to approve the change order for the WW plant improvements and lift station rehabilitation project, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 5-0 vote.

- D.4 Consideration and possible action amending the original contract for engineering services for the design of a 16" water main and elevated storage tank. The changes include an additional 2,700 l.f. of 16" water main that will go west from the elevated storage tank site at Hwy 20. The original contract price of \$380,000 will increase by \$24,000.

Mayor Pro Tem DeLaRosa made the motion to amend the original contract for engineering services, seconded by Council Member Schiff. The motion was approved on a 5-0 vote.

- D.5** Consideration and possible action approving the timeline shown in the update regarding the City of Bastrop Shelter Grant to be constructed at 1209 Linden Street Bastrop Tx.
Public Works, Parks and Wildlife and Utilities Director Trey Job gave the presentation.

Council Member Peterson made the motion to approve the timeline shown in the update, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 5-0 vote.

E. EXECUTIVE SESSION

- E.1** Pursuant to Texas Government Code §551.071 the City Council will meet in Executive Session to consult with its attorney to seek his advice about pending or contemplated litigation, or settlement offers, discuss legal issues related to the Texas Open Meetings Act and Texas Public Information Act, and pursuant to §551.071(2) to consult on matters in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.

E1. The City Council met at 8:10 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, *et seq.*, to discuss the following:

- A.** **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* municipal water supply, McCall Ranch water permit litigation, VanDiver litigation, Hoover claim and Pine Forest Unit 6, and (2) other matters 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, including procedures and policies dealing with open records.

E2. The Bastrop City Council reconvened at 9:00 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 ITEMS FROM EXECUTIVE SESSION (If any are needed.)

Citizens are allowed to sign up for discussion on items proposed for action.

- E2.A** **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* municipal water supply, McCall Ranch water permit litigation, VanDiver litigation, Hoover claim and Pine Forest Unit 6, and (2) other matters 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, including procedures and policies dealing with open records.

No Action.

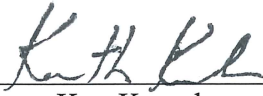
F. Observation/final comments by Council on matters listed above.

G. ADJOURNMENT

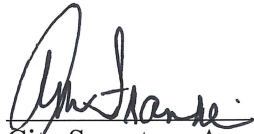
Council Member Schiff made the motion to adjourn the meeting at 9:01 p.m., seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 5-0 vote.

APPROVED:

ATTEST:



Mayor Ken Kesselus



City Secretary Ann Franklin

Minutes were approved on March 28, 2017 by Mayor Pro Tem DeLaRosa's motion, Council Member Schiff's second. The motion was approved on a 5-0 vote.