

**MINUTES OF REGULAR COUNCIL MEETING  
BASTROP CITY COUNCIL  
APRIL 25, 2017**

The Bastrop City Council met in a Regular Meeting on Tuesday, April 25, 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, Mayor Pro Tem DeLaRosa and Council Members Peterson, Jones and McAnally. Officers present were City Manager Lynda Humble, 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. Council Member Schiff was absent.

**PLEDGE OF ALLEGIANCE**

Glen Johnson led the Pledge of Allegiance

**INVOCATION**

Reverend Bernie Jackson gave the Invocation.

**PRESENTATIONS**

- 4A. Proclamation recognizing "Air Quality Awareness Week."
- 4B. Proclamation recognizing "Motorcycle Safety and Awareness Month."
- 4C. Proclamation recognizing "National Firefighter Day" and declaring May 4, 2017 as Firefighter Appreciation Day for the City of Bastrop.
- 4D. Councilmembers' Report  
Council Member Jones –
  - Would like to see some type of golf activity at the State Park.
  - Excited about the work that is taking place on the north part of town.
- 4E. Mayor's Report
  - Encouraged everyone to get involved in the process and to get out and vote.
- 4F. City Manager's Report
  - Farm to Table event was a success and it is one of the things that makes this community unique. The event served as a fundraiser for Main Street.
  - Farm Street Opry is held on the first Thursday of each month at the Convention Center.
  - May 5<sup>th</sup> – Cinco De Mayo Pub Crawl

**EXECUTIVE SESSION**

The City Council met at 6:50 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, *et seq*, to discuss the following:

- 10A. City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to discuss and deliberate litigation matters with the City Attorney regarding City of Bastrop vs. Vandiver and Hoover claims.
- 10B. City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to discuss and deliberate litigation matters with the City Attorney regarding the appeal of property owners involved in water permit litigation (known as McCall Ranch) and the status of the XS Ranch Development.

The Bastrop City Council reconvened at 7:43 p.m. into open (public) session.

**TAKE ANY NECESSARY OR APPROPRIATE ACTION ON MATTERS POSTED FOR CONSIDERATION IN CLOSED/EXECUTIVE SESSION.**

- 10A. City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to discuss and deliberate litigation matters with the City Attorney regarding City of Bastrop vs. Vandiver and Hoover claims.  
**A motion was made by Council Member Peterson to approve the following motion, seconded by Mayor Pro Tem DeLaRosa, motion was approved on a 4-0 vote. Council Member Schiff was absent. The motion was to approve the settlement agreement between the City of Bastrop and Scotty and Rhonda Vandiver in the amount of \$150,000, to pay over three payments of \$50,000 each when certain requirements are met as outlined in the agreement, dismiss all City lawsuits regarding 909 and 911 Farm Street, and authorize the Mayor to execute the agreement.**

**A motion was made by Council Member Peterson to approve the following motion. Seconded by Mayor Pro Tem DeLaRosa, motion was approved on a 4-0 vote. Council Member Schiff was absent. The motion was to approve the settlement agreement between the City of Bastrop and Judy and Tommy Hoover in the amount of \$32,272.26 to settle all potential claims with respect to the permits and other services and processes for the property and utility services at 1305 and 1610 Wilson Street and authorize the Mayor to execute the agreement.**

- 10B. City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to discuss and deliberate litigation matters with the City Attorney regarding the appeal of property owners involved in water permit litigation (known as McCall Ranch).  
**A motion was made by Council Member Peterson to authorize the Mayor to sign a memorandum settlement between the City of Bastrop and the McCall Ranch group. Seconded by Mayor Pro Tem DeLaRosa, motion was approved on a 4-0 vote. Council Member Schiff was absent.**

**Addition by City Manager for public disclosure relative to funds being expended: The only monetary impact of this agreement is raising the mitigation fund associated with the City's water permit from \$100,000 to \$250,000 to ensure that should any damage occur to twelve identified property owners as a result of the permit, there is appropriate mitigation funds available. If there is no damage to the wells, that can be documented and proved within a 10 year period, the mitigation money is then returned to the City.**

- 4F City Manager's Report Continued
- **May 5<sup>th</sup> – First Friday Art Walk**

**WORK SESSION/BRIEFINGS**

- 5A. Discuss and receive consensus on an amendment to the Financial Management Policy requiring a reserve balance for the Hotel Occupancy Tax Fund.  
**Presentation was given by City Manager Lynda Humble.**
- A resolution will be brought back on May 9, 2017 for action.**
- 5B. Discuss and receive feedback regarding changes to Article 4.03, "Taxicabs and Touring Vehicles."  
**Staff was directed to bring back proposed language to Council.**
- 5C. Discuss and receive feedback regarding a protocol for Consent Agenda items.  
**In the future prior to the reading of the "Consent Agenda," the Mayor will ask the audience if there is anyone present who would like to pull an item from the "Consent Agenda".**

**STAFF AND BOARD REPORTS**

- 6A. Receive presentation on the unaudited monthly financial report for the period ending March 31, 2017.  
**Report was given by the Chief Financial Officer, Tracy Waldron.**
- 6B. Receive presentation on the Quarterly Investment Report for period ending March 31, 2017.  
**Report was given by the Chief Financial Officer, Tracy Waldron.**
- 6C. Receive monthly report from Bastrop Economic Development Corporation.  
**Report was given by the Bastrop Economic Development Corporation Executive Director Shawn Kirkpatrick.**

**CITIZEN COMMENTS**

**Walker Haynes** – Via video, promoted the First Thursday Film Festival in Bastrop.

**David Perkins** – Promoted the First Thursday Film Festival in Bastrop.

**CONSENT AGENDA**

**A motion was made by Mayor Pro Tem DeLaRosa to approve items 8A, 8B, 8C, 8D, 8E, 8F and 8J listed on the Consent Agenda after being read into the record by City Secretary Ann Franklin. Seconded by Council Member Peterson, motion was approved on a 4-0 vote. Council Member Schiff was absent.**

- 8A. Consider action to approve minutes from the March 28, 2017 and April 11, 2017 regular Council meetings.
- 8B. Consider action to approve the second reading of Ordinance 2017-11 by the City of Bastrop, Texas, ("City") responding to the application of Centerpoint Energy

- Resources Corp., South Texas Division, to increase rates under the Gas Reliability Infrastructure Program; suspending the effective date of this rate application for forty-five days; authorizing the City to continue to participate in a coalition of cities known as the "Alliance of Centerpoint Municipalities;" determining that the meeting at which the ordinance was adopted complied with the Texas Open Meetings Act; making such other findings and provisions related to the subject; and providing for an effective date.
- 8C.** Consider action to approve Resolution R-2017-18 by the City Council of the City of Bastrop, Texas authorizing the City Manager and consultants to proceed with the establishment of a nonprofit corporation to facilitate the City's destination and marketing functions; preparing any required documents and agreements necessary to effectuate the corporation's organization; and those matters necessary or incidental in connection therewith.
- 8D.** Consider action to approve the Budget Planning Calendar for the Fiscal Year 2017-2018.
- 8E.** Consider action to approve the second reading of Ordinance No. 2017-12 of the City Council of the City of Bastrop, Texas, continuing the curfew, for minors, as established in Ordinance 2008-26, and providing an effective date.
- 8F.** Consider action to approve Resolution No. R-2017-15 of the City Council of the City of Bastrop, Texas, requesting the members of the 85<sup>th</sup> Legislative Session of the State of Texas to support legislation that provides a fair and equitable distribution of the sporting goods sales tax revenue for local and state parks.
- 8H.** Consider action to approve Resolution No. R-2017-20 authorizing reimbursement of legal fees to Council Member Gary Schiff incurred in his defense against Ethics Complaint No. 2016-2; providing a precedence for future reimbursements of legal fees related to Ethics Complaints of Council Members or Staff where there are no violation(s) found; and repealing Resolution R-2017-13.  
**This item was withdrawn.**
- 8I.** Consider action to approve Resolution No. R-2017-19 authorizing reimbursement of legal fees to Council Member Deborah Jones incurred in her defense against Ethics Complaint No. 2016-3; providing a precedence for future reimbursements of legal fees related to Ethics Complaints of Council Members or Staff where there are no violation(s) found; and repealing Resolution R-2017-14.  
**This item was withdrawn.**
- 8J.** Consider action to approve Resolution No. R-2017-20 approving a Public Decorum Protocol and providing for an effective date.

#### **DISCUSSION ITEM**

- 8G.** Consider action to approve Resolution No. R-2017-17 of the City Council of the City of Bastrop, Texas, authorizing the City Manager to execute an application for \$5,800,000 to the Texas Water Development Board for low interest funding available through the State Water Implementation Fund for Texas.  
**Presentation was made by Public Works, Parks and Utilities Director Trey Job.**

**Resolution No. R-2017-17 was approved on the motion made by Council Member Jones, seconded by Mayor Pro Tem DeLaRosa on a 4-0 vote. Council Member Schiff was absent.**

**ITEMS FOR INDIVIDUAL CONSIDERATION**

- 9A. Hold public hearing and consider action to approve the first reading of Ordinance 2017-13 of the City of Bastrop, Texas updating and amending Bastrop Code of Ordinances, Chapter 10, Article 10.02, entitled "Impact Fees", updating the land use assumptions, capital improvement plan and amending impact fees for water and wastewater utilities, and providing for an effective date; and move to include on the May 9, 2017 agenda for a second reading.  
**Presentation was made by Nelisa Heddin, NH Consulting, LLC.**

**The public hearing was closed.**

**Ordinance No. 2017-13 was approved on a motion by Mayor Pro Tem DeLaRosa, seconded by Council Member Peterson on a 4-0 vote. Council Member Schiff was absent.**

**EXECUTIVE SESSION CONTINUED**

**The City Council met at 9:45 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, et seq, to discuss the following:**

- 10B. City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to discuss and deliberate litigation matters with the City Attorney regarding the status of the XS Ranch Development.
- 10C. City Council shall convene into closed executive session pursuant to Section 551.072 of the Texas Government Code to consider the purchase of five (5) parcels of land within the City of Bastrop.

**The Bastrop City Council reconvened at 11:20 p.m. into open (public) session.**

- 11. TAKE ANY NECESSARY OR APPROPRIATE ACTION ON MATTERS POSTED FOR CONSIDERATION IN CLOSED/EXECUTIVE SESSION.**  
No Action taken.

**12. ADJOURNMENT**

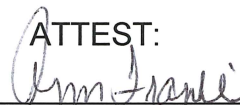
**Mayor Pro Tem DeLaRosa made the motion to adjourn the meeting at 11:21 p.m., seconded by Council Member Peterson. The motion was approved on a 4-0 vote. Council Member Schiff was absent.**

APPROVED:



\_\_\_\_\_  
Mayor Ken Kesselus

ATTEST:



\_\_\_\_\_  
City Secretary Ann Franklin

Minutes were approved on May 9, 2017 by Mayor Pro Tem DeLaRosa's motion, Council Member Schiff's second. The motion was approved on a 5-0 vote.