

**MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
SEPTEMBER 27, 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, Bill Peterson, Gary Schiff and Council Member Jones. Council Member McAnally arrived at 7:25 p.m.

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Mayor Kesselus led the Pledge of Allegiance

INVOCATION

Mayor Kesselus gave the Invocation.

PRESENTATIONS

- A. Update on Bastrop Economic Development Corp. – Executive Director, Shawn Kirkpatrick – **This report was postponed by Council.**
- B. Presentation from Progressive Waste – Steve Shannon – **Postponed to October 11, 2016**
- C. Presentation of the annual report from the Bastrop Art in Public Places board
Chair Deborah Johnson gave the presentation and stated there was one typo in the presentation under number three it says “Public Art acquisitions included two or three” the words “or three” should be deleted.

PROCLAMATIONS - NONE**ANNOUNCEMENTS**

- A. Update on Comprehensive Plan Steering Committee – Kay Garcia McAnally – **No update given.**
- B. Distribution of Items to Council (If Necessary) – Ann Franklin
- C. Items Targeted for Future Meetings.
November 1, 2016
 - Recreation Workshop
- D. Requests by Council Members for items on future agendas and requests for information from City Manager.
Requests of City Manager:
 - **In anticipation of the ground water well permit have a plan and revisit the numbers from two/three years ago to determine what today's cost is and how to address them in order to lessen the shock of the anticipated higher water rates; see if it can be done in phases; and bring back updated information to Council at some point.**
 - **Provide an update on the Hill Street Shelter building at the October 11, 2016 Meeting.**
 - **Look at what it would take to get Jewell Hodges Park up to speed and on the same level as other parks for kids in town find where the funding could come from for that.**
 - **Move work yard off Jackson Street.**
 - **A third round of HOT Fund applications for possibly January.**

Report from the City Manager: The Pine Forest Six lawsuit received a final decision by the court last week. The court ruled in favor of the City of Bastrop in all regards and held that the other side would need to pay the court costs, each side would pay their own attorney fees. The complicated lawsuit involved a contract with a developer who had certain conditions to meet amongst those putting up money and having a drainage plan, court found that those things were not done and the involvement with the homeowners association was inappropriate and the judge ruled in favor of the local governments. The first call upon any proceeds of the sale of the property will be to pay the City of Bastrop back for the court cost and attorney fees that have been involved.

7. CITIZENS COMMENTS

Conner McAnally –Concerned with update on finding new attorney.

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.2 Board appointment by Mayor Ken Kesselus and confirmation by the Bastrop City Council Members on the appointment of Diedre Ciriello to Place 2 on the Vision Task Force with a term of 2016 - 2017.
- A.3 Board appointment by Mayor Ken Kesselus and confirmation by the Bastrop City Council Members on the appointment of Paul “Pablo” Serna to Place 5 on the Vision Task Force with a term of 2016 - 2017.
- A.4 Board appointment by Mayor Ken Kesselus and confirmation by the Bastrop City Council Members on the appointment of Alyssa Halle-Schramm to Alternate 1 on the Zoning Board of Adjustment with a term of 2016 – 2018.
- A.5 Board appointment by Mayor Ken Kesselus and confirmation by the Bastrop City Council Members on the appointment of Edward Skarnulis to Place 6 on the Bastrop Arts in Public Places with a term of 2016 - 2019.
- A.6 Consideration, discussion and possible action on acceptance of the unaudited Monthly Financial Reports for the period ending August 31, 2016.
- A.7 Approval of the statutory denial for a period of 180 days from the date of Council action on a Preliminary Plat for Pecan Park, Section 6A (44 residential lots) being +/-10.913 acres out of the Mozea Rousseau Survey Abstract No. 56 east of Childers Drive and south of the LCRA 100’ electric easement within the city limits.
- A.8 Approval of the statutory denial for a period of 180 days from the date of Council action on a Final Plat for Pecan Park, Section 3A (68 residential lots) being +/-12.181acres out of the Mozea Rousseau Survey Abstract No. 56 west of Childers Drive and south of the LCRA 100’ electric easement within the city limits.

Mayor Pro Tem DeLaRosa made the motion to approve the consent agenda, second by Council Member Peterson. The motion was approved on a vote of 4-0. Council Member McAnally was off the dais.

DISCUSSION ITEM

A.1 Approval of minutes from regular council meeting of January 26, 2016 and special called meetings of May 17, 2016, June 7, 2016, August 16, 2016, and September 20, 2016.

Mayor Pro Tem DeLaRosa made the motion to approve the minutes from regular council meeting of January 26, 2016 and special called meetings of May 17, 2016, June 7, 2016, August 16, 2016, and September 20, 2016, second by Council Member Schiff. The motion was approved on a 4-0 vote. Council Member McAnally was off the dais.

C. OLD BUSINESS

C.1 Second reading of an ordinance granting a conditional use permit to allow a distillery at 601 Chestnut Street, Suite #E consisting of +/-2.69 acres out of and a part of building blocks nine and fourteen an area zoned DMU, downtown mixed use within the City limits of Bastrop, Texas; setting out conditions; and providing an effective date.

Ordinance No. 2016-26 was approved on Mayor Pro Tem DeLaRosa's motion, Council Member Jones' second. The motion was approved on a 4-0 vote. Council Member McAnally was off the dais.

C.2 Public hearing: To consider a request for a variance to Bastrop Code of Ordinances Article 4.02.004 "Sale of Alcoholic Beverages, Distance from Church, School or Hospital" on property located at 601 Chestnut Street, Suite #E, Bastrop, Texas to be known as Copper Shot Distillery.

The public hearing was closed.

C.3 Consideration, discussion and possible action regarding a request for a variance to Bastrop Code of Ordinances Article 4.02.004 "Sale of Alcoholic Beverages, Distance from Church, School or Hospital" on property located at 601 Chestnut Street, Suite #E, Bastrop, Texas to be known as Copper Shot Distillery.

Mayor Pro Tem DeLaRosas made the motion to grant the variance, second by Council Member Schiff. The motion was approved on a 4-0 vote. Council Member McAnally was off the dais.

C.5 Second reading of an ordinance on ratifying the property tax increase reflected in the annual budget for the Fiscal Year 2016-2017, beginning October 1, 2016 and ending September 30, 2017.

Ordinance No. 2016-21 was approved on Mayor Pro Tem DeLaRosa's motion, Council Member Schiff's second. The motion was approved on a 4-0 vote. Council Member McAnally was off the dais.

C.6 Second reading of an ordinance fixing the tax rate and levy for the City of Bastrop, Texas, for the purpose of paying the current expenses of the City for the Fiscal Year ending September 30, 2017, and for the further purpose of creating a sinking fund to retire the principle and

interest of the bond indebtedness of the City; providing for a lien on all real and personal property to secure payment of taxes due thereon; containing a severability clause; repealing all ordinances and parts thereof in conflict herewith; and providing for an effective date.

Council Member Schiff made the motion to approve the second reading of the ordinance by increasing the property tax rate by adopting a tax rate of .5640 which is effectively a 1.13 percent increase in the tax rate, second by Council Member Peterson. The motion was approved on a 4-0 vote. Council Member McAnally was off the dais.

D. NEW BUSINESS

D.2 Discussion on record retention for audio/visual recordings of open meetings.

The discussion was had. Council Member Schiff made the motion to write into policy that all audio/visual recordings of the City Council meetings will be retained permanently, second by Mayor Pro Tem DeLaRosa. The motion was approved on a 4-0 vote. Council Member McAnally was off the dais.

D.6 Consideration, discussion and possible action regarding request of Duke McDowell on behalf of DM Pecan Park Associates, Ltd. to vacate an unused 20 foot utility easement across the middle of Lot 1 Schafer West Subdivision be approved. The lot is adjacent to State Highway 71 and also to South Schaeffer Road. The easement now lies in the middle of Lot 1 and was not vacated when the lots on both sides of the easement were consolidated in an amended plat. The easement was identified by the title company in its title review. The City, its power and light department, Bluebonnet Electric, Centerpoint Energy, AT&T, and Time Warner recommend vacating the easement.

Council Member Schiff made the motion to grant the request of Duke McDowell on behalf of DM Pecan Park Associates, Ltd. To vacate an unused 20 foot utility easement, second by Mayor Pro Tem DeLaRosa. The motion was approved on a 4-0 vote. Council Member McAnally was off the dais.

D.7 Consideration, discussion and possible action regarding approval of the revised Main Street Advisory Board By-Laws.

Council Member Jones made the motion to approve the revised Main Street Advisory Board By-Laws, second by Council Member Schiff. The motion was approved on a 4-0 vote. Council Member McAnally was off the dais.

D.8 Consideration, discussion and possible action regarding approval of contract with the YMCA for recreation activities as provided in the 2016-2017 City Budget.

Council Member Peterson made the motion to approve the contract with the YMCA, second by Mayor Pro Tem DeLaRosa. The motion was approved on a 4-0 vote. Council Member McAnally was off the dais.

D.9 Consideration, discussion and possible action regarding City Council expectations of boards, committees and task force and cooperative relationships.

This item will be discussed at a meeting to be determined in February.

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

- B.1** Consideration, discussion and possible action on the Award of Contract to Langford Community Management Services for grant writing services to prepare FEMA Hazard Mitigation Grant Program (HMGP) applications and the subsequent project management/administration of the grant for drainage improvements, buy-outs of flood damaged properties, and emergency generators if the City is awarded a State HMGP contract.

Council Member Jones made the motion to award the contract to Langford Community Management Services, second by Council Member Peterson. The motion was approved on a 4-0 vote. Council Member McAnally was off the dais.

- B.2** Consideration, discussion and possible action on the Award of Contract for engineering services related to the preparation of FEMA Hazard Mitigation Grant Program (HMGP) applications, and the subsequent preliminary and final design plans and necessary inspections required by the City for the implementation of the Hazard Mitigation Grant Program (HMGP) project(s) of drainage improvements, buy-outs of flood damaged properties, and/or emergency generators if the City is awarded a State HMGP contract.

Council Member Jones made the motion to award the contract for engineering services to BEFCO Engineering, second by Council Member Schiff. The motion was approved on a 4-0 vote. Council Member McAnally was off the dais.

Council Member McAnally arrived at 7:25 p.m.

E. EXECUTIVE SESSION

E1. The Bastrop City Council will met at 7:30 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, *et seq*, to discuss the following:

E2.B SECTION 551.074 – Personnel matters: City Manager - selection of consultant.

E2. The Bastrop City Council reconvened at 8:28 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.)

**E2.B SECTION 551.074 – Personnel matters: City Manager - selection of consultant
Council Member Schiff made the motion to retain SGR as the firm to search for a city manager for the City of Bastrop, second by Council Member Jones. The motion was approved on a 5-0 vote. Mayor Kesselus stated that Mike Tanner would be the main contact person working with the City.**

C. OLD BUSINESS CONTINUED

- C.4** Second reading of an ordinance authorizing the vacation, abandonment, and conveyance of a portion of unopened Paul C. Bell Street, Jefferson Street, Mill Street, and South Street at the intersection of Building Blocks 20, 21, 99, 98, AND 97; authorizing the conveyance of a part of the north and south portion of Block 20 and providing for the terms and conditions of such; authorizing the City Manager to execute Quitclaim Deeds; and providing for an effective date.

Ordinance No. 2016-25 was approved on Council Member Jones' motion, Mayor Pro Tem DeLaRosa's second. The motion was approved on a 5-0 vote.

- C.7 Second reading of an ordinance setting the contractual rates paid to Progressive Waste solutions for residential and commercial garbage collection service performed by Progressive Waste Solutions; amending the rate of residential and commercial garbage service charged to the citizens of Bastrop, Texas for administrative costs and solid waste disposal service rates; and providing an effective date.

Ordinance No. 2016-23 was approved on Council Member Schiff's motion, Mayor Pro Tem DeLaRosa's second. The motion was approved on a 5-0 vote.

D. NEW BUSINESS - CONTINUED

- D.1 Consideration, discussion and possible action on utilizing \$350,000 of early retirement of Bastrop Economic Development Fund balances to augment an expanded drainage program throughout the City. BEDC would transfer \$350,000 to the General Fund and thus eliminate BEDC's obligation to pay off the bonds. General obligation debt service would pay off the certificate of obligations as they mature. The general fund would be able to immediately initiate an expanded drainage improvement program before the master drainage plan recommendations have been completed, which is now estimated to be in February. A number of projects could be started early in 2016-17 if this recommendation is approved. The program includes the purchase of an excavator (\$255,000), approximately \$95,000 of contractor improvements, and \$87,300 of reallocated general fund resources to provide 2 additional drainage crew members.

Council Member Jones made the motion to approve utilizing \$350,000 of early retirement of Bastrop Economic Development Fund balances to augment an expanded drainage program throughout the City, second by Council Member Schiff. The motion was approved on a 5-0 vote.

- D.3 Consideration, discussion and possible action regarding first reading of an ordinance requesting parking modifications along Main Street, converting parking from angle to parallel on the west side of Main Street between Pine Street and Chestnut Street.

Mayor Pro Tem DeLaRosa made the motion to approve the first reading of the ordinance, second by Council Member Schiff. The motion was approved on a 4-1 vote. Council Member Jones voted nay.

- D.4 Consideration, discussion and possible action regarding first reading of an ordinance requesting traffic modifications along Alley A, limiting vehicles traveling south on Alley A to right turns only.

Council Member Schiff made the motion to approve the first reading of the ordinance, second by Mayor Pro Tem DeLaRosa. The motion was withdrawn by Council Member Schiff, who made the motion.

No action was taken.

- D.5 Consideration, discussion and possible action regarding City Manager aggressive research annexations that will be beneficial to the City.

This item was withdrawn.

- D.10** Consideration, discussion and possible action to approve the Emergency Communication Services Contract between the City and the County. It is recommended that a 2-year contract be approved with Bastrop County to continue to utilize the emergency communication services provided by the County. The annual cost will be \$233,783 which is included in the 2016-2017 Police Department budget. The contract provides for regular review of performance and adjustments to service levels as needed. Either party can cancel the contract with a 90-day written notice.

Council Member Schiff made the motion to approve the Emergency Communication Services contract between the City and the County, second by Council Member Peterson. The motion was approved on a 5-0 vote.

- D.11** Consideration discussion and possible action regarding awarding the contract for engineering to BEFCO Engineering for the amount of \$28,000 for basic engineering work associated with drainage improvements to take place on Riverwood Drive and Bush Cove. The City of Bastrop Public Works Department has determined the work necessary to make repairs to the drainage structure & erosion concerns along Riverwood Drive & Bush Cove due to flooding that took place in May 2015. The cost of the proposed improvements is \$239,000.00. The total estimated cost for engineering services is \$28,000.

Council Member Peterson made the motion to award the contract for engineering to BEFCO Engineering, second by Council Member McAnally. The motion was approved on a 5-0 vote.

E. EXECUTIVE SESSION

E1. The Bastrop City Council met at 9:10 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*) the following: municipal water supply, pending and/or potential code enforcement, litigation related to subdivision development, Pine Forest Unit 6 Lawsuit and Vandiver Lawsuit, 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 10:18 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.)

- 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*) the following: municipal water supply, pending and/or potential code enforcement, litigation related to subdivision development, Pine Forest Unit 6 Lawsuit and Vandiver Lawsuit, 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.

NO ACTION

ADJOURNMENT

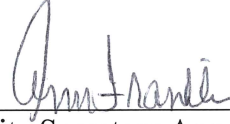
Council Member Schiff made the motion to adjourn the meeting at 10:20 p.m., seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 5-0 vote.

APPROVED:

ATTEST:



Mayor Ken Kesselus



City Secretary Ann Franklin