

**MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
JANUARY 24, 2017**

The Bastrop City Council met in a Regular Meeting on Tuesday, January 24, 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

Mayor Kesselus led the Pledge of Allegiance

INVOCATION

Pastor Nava gave the Invocation.

PRESENTATIONS

- A. Update on Bastrop Economic Development Corp. – Executive Director, Shawn Kirkpatrick
Update given by Executive Director, Shawn Kirkpatrick
- B. Required notification of the Bastrop Police Department's racial profile report. – Director of Public Safety, Steve Adcock
The notification in the packet provided as presentation.

PROCLAMATIONS - NONE**ANNOUNCEMENTS**

- A. Distribution of Items to Council (If Necessary) – Ann Franklin
- B. Items Targeted for Future Meetings.
- C. Requests by Council Members for items on future agendas and requests for information from City Manager.
 - Concern was expressed regarding the stretch of road between Highway 95/Chestnut and Highway 71. There is an enormous amount of traffic coming out into lanes. Staff was directed to take a look at this.

E. ANNOUNCEMENT – City Manager

City Manager brought Council up to date on projects.

- There will a series of meetings for Pine Forest – Property Owners Association will meet on Saturday, February 4, 2017.
- Time for draft contracts with the school board and County
- A draft contract will come to Council with the Water District
- The great all authorized by Council for drainage has arrived, the key people are being trained and the key project to start with will be in Hunters Crossing
- The answer was filed in the Well lawsuit, the Lost Pines Water Control District met and did not approve any rehearing. The next step for those who are contesting it is to the District Court.

- The CCN is now cleaned up and is the City's

ANNOUNCEMENTS CONTINUED**D. Report on search for city manager – Mayor Kesselus**

- The Council along with the consultant will meet next week to interview six candidates for City Manager. The Council will decide after the interviews where to go next.

CITIZENS COMMENTS

Pastor Roland Nava –Bastrop's North Area Community Concern Committee (BNACCC) will be having a community picnic at Jewel Hodge's Park on February 11, 2017, 3:00 – 5:30 p.m.

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 January 10, 2017.
- A.2** Consideration, discussion and possible action on acceptance of the Quarterly Investment Report for the period ending December 31, 2016.
- A.3** Approval of Contract for Election Services between Bastrop County Elections Administrator and the City of Bastrop, Texas.
- A.4** Approval of a Bastrop County Agreement to Conduct a Joint Election between the City of Bastrop and the Bastrop Independent School District for the May 6, 2017 Election.
- A.5** Approval of a resolution calling for and establishing procedure for a General and Special Election in Bastrop, Texas for the May 6, 2017 Election.

Council Member Schiff made the motion to approve the consent agenda, seconded by Mayor Pro Tem DeLaRosa. 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 revising the City Code Of Ordinances, Chapter 13, "Utilities", by adding Article 13.12, "Licensing Agreement For Attachments To Utility Facilities"; adding Section 13.12.001, "General Provisions"; adding Section 13.12.002 "Standard Licensing Agreement For Attachments To Utility Facilities"; adding Section 13.12.003 "Application Of Fees And Charges"; amending Appendix "A" "Fee Schedule," adding Section A16.01.001 "Attachments To Utility Facilities Fees And Charges"; and providing an effective date and

discussion and possible action regarding adoption of a standard leasing agreement for attachments to Utility Facilities.

Director of Information Technology, Andres Rosales made the presentation.

Ordinance 2016-35 was approved on Council Member Schiff's motion, Council Member McAnally's second. The motion was approved on a 5-0 vote.

- C.2** Second reading of an ordinance amending Chapter 15, "Fairview Cemetery", to the Code of Ordinances of the City Of Bastrop, Texas; in accordance with existing statutory requirements; repealing all conflicting ordinances; containing a severability clause; and providing for an effective date.

Chief Financial Officer, Tracy Waldron made the presentation.

Ordinance 2017-02 was approved on Council Member Schiff's motion, Mayor Pro Tem DeLaRosa's second. The motion was approved on a 5-0 vote.

- C.3** Investigation Report to Mayor and Members of City Council.
The report was provided in the backup for the viewing of the public.

D. NEW BUSINESS

- D.1** Consideration of the following actions related to establishing a destination marketing organization.
1. Report about the city's current tourism marketing program in place of marketing previously carried out by the Bastrop Marketing Corporation – Sarah O'Brien
 2. Consideration discussion and possible action, regarding the following report from the recently established DMO Advisory Committee:
The committee advises to Council to:
 - a. Hire DMOProz at its requested \$36,000 fee to work with the City on phase two of the plan to move toward creating a DMO.
 - b. Choose the following individuals to work as a starting board, representing the following categories:
 - i.) Hiren Patel – Hotels
 - ii.) Rick Brackett – Dining and Night Life
 - iii.) Anne Smarzik – Retail
 - iv.) Clint Howard – Arts, Culture and Heritage
 - v.) Sarah O'Brien – City
 3. Consideration discussion and possible action in response to the DMO Advisory Committee report.

Director of Main Street Program, Sarah O'Brien gave the presentation.

Resolution No. R 2017-08 was approved on Council Member Schiff's motion to approve the resolution as read into record, Mayor Pro Tem DeLaRosa's second. The maker of the motion later withdrew the motion.

Mayor Kesselus recessed the Council Meeting at 7:45 p.m.

Mayor Kesselus called the meeting back to order at 7:56 p.m

Resolution No. R-2017-08 was approved as amended below on Council Member Schiff's motion, Council Member Peterson's second. The motion was approved on a vote. The amendment was to remove the wording "serve as chair of the board and" from number 2e of the resolution to have it read "2(e) Former Mayor Tom Scott who will represent the City Council." and removing number 4(a) – (n). The motion was approved on a 4-1 vote. Council Member McAnally voted nay. The resolution should read as follows:

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF BASTROP, TEXAS, PERTAINING TO EXPENDITURES TO BE MADE PURSUANT TO TEXAS TAX CODE § 351.101 OF THE MUNICIPAL HOTEL OCCUPANCY TAX, INCLUDING THE ESTABLISHMENT OF A STARTER BOARD AND THE ASSIGNMENT OF DUTIES TO THE STARTER BOARD AND PROVIDING FOR SEVERABILITY.

WHEREAS the City of Bastrop receives a share of the municipal hotel occupancy tax levied on certain businesses in the City of Bastrop and its extra territorial jurisdiction; and

WHEREAS pursuant to Texas Tax Code § 351.101(a) such funds may be used only to promote tourism and the convention and hotel industry; and

WHEREAS for the City of Bastrop Texas Tax Code § 351.101(a)(1) – (9) limits the use of such funds for the purposes specified in these sections of the statute; and

WHEREAS Texas Tax Code § 351.101(b) provides that such funds shall be expended in a manner directly enhancing and promoting tourism and the convention and hotel industry and may not be used for the general revenue purposes or general government operations of the City of Bastrop; and

WHEREAS under Texas Tax Code § 351.101(c), the City of Bastrop may by contract delegate to a person, another governmental entity or a private organization the management or supervision of programs and activities funded with revenue from the municipal hotel occupancy tax so long as (1) the City of Bastrop in writing shall approve in advance the annual budget of the person to which it delegates those functions, (2) the person provides at least quarterly reports to the City of Bastrop listing the expenditures made by the person with revenue from the municipal hotel occupancy tax, (3) the person does not commingle such funds with any other funds, and (4) the approval of the annual budget creates a fiduciary duty on the part of the person to whom the function is delegated with respect to the revenue provided to the person; and

WHEREAS funds from the municipal hotel occupancy may be spent by the person to whom the functions described above are delegated for day-to-day operations, salaries, office rental, travel expenses and other administrative costs only if those administrative costs are incurred directly in the promotion and servicing expenditures authorized under Texas Tax Code § 351.101(a)(1) – (9) which expenditures are subject to further limitations as outlined in Texas Tax Code § 351.101(e) and (f); and

WHEREAS the City of Bastrop has a duty to insure that the person, other governmental entity or private organization to which management and supervision are delegated is organized, structured and operated in a manner consistent with Texas Tax Code § 351.101;

NOW THEREFORE; BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS:

- 1. The City Manager is instructed to execute a contract with DMO-proz at the company's regular hourly rate of \$250 per hour plus expenses, with total cost not to exceed \$36,000 plus expenses so that DMO-proz will assist the starting board created below and the city council in working through details to create a DMO;**
 - 2. The Destination Marketing Organization (DMO) starting board is hereby created composed of the following members:**
 - (a) Clint Howard – Arts Industry**
 - (b) Hiren Patel – Hotels and Lodging**
 - (c) Richard Bracket – Restaurants and night life**
 - (d) Anne Smarzik – Retail**
 - (e) Former Mayor Tom Scott who will represent the City council,**
 - 3. The Starting Board will meet in public sessions at posted meetings and at city hall whenever possible.**
- D.2 Consideration, discussion and possible action on the recommendation of the Ethics Commission that its membership be increased from 3 to 5 members. The proposed change will alter the quorum provision to require 4 members of the Commission to be present for any hearing. The proposed ordinance amendment will also eliminate several duplicate paragraphs. This item was withdrawn until the City Manager meets with the Ethics Commission to gather more information regarding the ordinance amendment.**
- NO ACTION WAS TAKEN**
- D.3 Consideration and possible action for the approval of Bastrop Art in Public Places to award a general service contract to Burditt and Associates for the design of the Culture Walk as part of phase one of a multiple year project. Director of Public Works, Parks and Utilities, Trey Job made the presentation.**
- Council Member McAnally made the motion to approve the Bastrop Art in Public Places to award a general service contract to Burditt and Associates, seconded by Council Member DeLaRosa. The motion was approved on a 5-0vote.**
- D.4 First reading of an ordinance revising the City Code of Ordinances, Chapter 4 of the Code of Ordinances of the City of Bastrop, "Bastrop Regulations", Article 4.03 "Taxicabs, Shuttles and Touring Vehicles," to add definitions of terms, add exemptions from coverage, add regulations pertaining to pedicabs, horse-drawn carriages, low speed vehicles ("LSV"),**

neighborhood electric vehicles (“NEV”), providing additional remedies for violations; and amending Appendix A4.03.001 – “License” of the Code of Ordinances of the City Of Bastrop, concerning inspection and drivers’ fees for same; providing for penalties; and establishing an effective date.

City Attorney, David Bragg made the presentation.

Council Member Schiff made the motion to approve the first reading of the ordinance, seconded by Council Member McAnally. The motion was approved on a 5-0 vote.

- D.6** Consideration and possible action for the approval of a policy that provides criteria for infill development within designated areas of the City of Bastrop.
Director of Public Works, Parks and Utilities, Trey Job made the presentation.

Council Member Jones made the motion to approve a policy that provides criteria for infill development within designated areas of the City of Bastrop, seconded by Council Member McAnally. The motion was approved on a 5-0 vote.

- D.5** Consideration, discussion, and possible action on the Final Plat and Development Agreement for the Buttonwood Subdivision, being ±0.611 acres of land out of Farm Lots 19 and 20, east of Main Street, located within the Bastrop city limits.
Director of Planning and Engineer, Wesley Brandon made the presentation.

Council Member Jones made the motion to approve the final plat and development agreement for the Buttonwood Subdivision, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 4-1 vote. Council Member McAnally voted nay.

Mayor Kesselus left the meeting at 8:53 p.m.

- D.7** Consideration, discussion and possible action by the City Council for approval and adoption of the Resolution adding Texas Term, a Local Government Investment Pool, thus creating a program for diversification of the City of Bastrop’s investments in accordance with the Public Funds Investment Act, Texas Government Code, Section 2256.001 et seq. and the City of Bastrop’s Investment Policy.
Chief Financial Officer, Tracy Waldron gave the presentation.

Resolution No. R-2017-02 was approved on Council Member Jones’ motion, Council Member Schiff’s second. The motion was approved on a 4-0 vote. Mayor Kesselus was off the dais.

- D.8** Consideration, discussion and possible action on a recommendation by the Fairview Cemetery Advisory Board that the City Council either Grant or Deny a variance request to allow for the cemetery plot(s) legally described as being (A) Block 8, Row N, Lots 16-18 (3 spaces) or (B) only Block 8, Row N, Lot 16, to have fencing erected around the perimeter of the plot(s) as prohibited in CHAPTER 15, “FAIRVIEW CEMETERY”, Code of Ordinance of the City of Bastrop, Texas, Section 15.01.15 (a) “Prohibited Activities”.
Chief Financial Officer, Tracy Waldron gave the presentation.

Council Member Jones made the motion to accept the recommendation made by the Fairview Cemetery Advisory Board, seconded by Council Member Schiff. The motion was approved on a 4-0 vote. Mayor Kesselus was off the dais.

- D.9** Consideration, discussion and possible action on acceptance of the unaudited Monthly Financial Reports for the period ending December 31, 2016.
Council Member Jones made the motion to accept the unaudited Monthly Financial Reports for the period ending December 31, 2016, seconded by Council Member Schiff. The motion was approved on a 4-0 vote. Mayor Kesselus was off the dais.

- D.10** Consideration, discussion, and possible action on a resolution approving the renewal of an existing Municipal Maintenance Agreement (MMA) between the City of Bastrop and the Texas Department of Transportation.
This item was postponed to February 14, 2017.

NO ACTION WAS TAKEN

- D.11** Consideration, discussion, and possible action on a Letter of Commitment regarding a TxDOT "Green Ribbon" Landscape project to install landscaping improvements within the city limits.
Director of Planning and Engineer, Wesley Brandon made the presentation.

Council Member Jones made the motion to approve the Letter of Commitment regarding a TxDOT "Green Ribbon" Landscape project, seconded by Council Member McAnally. The motion was approved on a 4-0 vote. Mayor Kesselus was off the dais.

- D.12** Discussion and possible action on authorizing Bastrop Fire Department to apply for four firefighters through the Staffing for Adequate Fire and Emergency Response Grant.
Council Member Schiff made the motion authorizing the Bastrop Fire Department to apply for four firefighters through the Staffing for Adequate Fire and Emergency Response Grant, seconded by Council Member Jones. The motion was approved on a 4-0 vote. Mayor Kesselus was off the dais.

- D.13** Consideration, discussion and possible action on resolution granting the request of petitioners desiring to establish Travis County ESD #15 which will be an overlay district generally following the boundaries of Travis County ESD #11. One district will provide fire services and the other emergency medical services. Bastrop's ETJ was extended into Travis County at several locations when in the 1980's property owner signed contracts with Bastrop to join Bastrop's ETJ and thus avoided feared annexation by Austin. The proposed district needs the consent of Bastrop to include area outside of Bastrop County but in Bastrop's ETJ. Both county appraisal districts report that only Travis County property will be assessed by the new district and only Bastrop County property is being assessed by Bastrop County's ESD. Consent by the City of Bastrop is recommended.
Resolution No. R-2015-05 was approved on Council Member Jones' motion, Council Member McAnally's second. The motion was approved on a 4-0 vote. Mayor Kesselus was off the dais.

- D.14** Discussion and possible action regarding resolution authorizing Bastrop Police Department to apply for storage space under the body worn camera grant through the Bureau of Justice Assistance.

Resolution No. R-2015-03 was approved on Council Member Schiff's motion, Council Member McAnally's second. The motion was approved on a 4-0 vote. Mayor Kesselus was off the dais.

- D.15** Discussion and possible action on awarding a contract to the low bidder of Royce Construction Company Inc. for the remodel of the police/court building. The following bids were received: Royce Construction-\$304,650, Ichor Construction-\$323,146, Gaeke Construction-\$323,537, ASD Consultants-\$329,300, LMC Corporation-\$372,705, HCS Inc-\$373,200, Tegrity-\$385,331, Allbrite Construction-\$420,000, Don Kruger Construction-\$431,000, Lyness Construction-\$590,000

Council Member Schiff made the motion to award a contract to Royce Construction Company Inc. for the remodeling of the police/court building, seconded by Council Member McAnally. The motion was approved on a 4-0 vote. Mayor Kesselus was off the dais.

- D.16** Discussion and possible action regarding resolution approving the police department to apply for a grant through the Office of the Governor to staff the Austin Regional Intelligence Center. **Resolution No. R-2015-04 was approved on Council Member Schiff's motion, Council Member McAnally's second. The motion was approved on a 4-0 vote. Mayor Kesselus was off the dais.**

- D.17** Consideration and possible action approving the solicitation of bids for the removal of the radio tower located at Mayfest Park.

Director of Public Works, Parks and Utilities, Trey Job made the presentation.

Council Member McAnally made the motion to approve solicitation of bids for the removal of the radio tower located at Mayfest Park, seconded by Council Member Jones. The motion was approved on a 4-0 vote. Mayor Kesselus was off the dais.

- D.18** First reading of an ordinance revising the City Code of Ordinances, Chapter 12 - Establishing A Three-Hour Parking Time Limit on Main Street and striking the portion of parking on Chestnut Street that is no longer applicable; and establishing an effective date.

Director of Public Safety, Steve Adcock made the presentation.

Council Member Schiff made the motion to approve the first reading of the ordinance, seconded by Council Member Jones. Council Member Schiff, the maker of the motion later withdrew his motion.

Council Member McAnally requested that the City Manager bring the ordinance back before Council on February 14, 2017 with unlimited parking on Main Street.

NO ACTION WAS TAKEN

- D.19** First reading of an ordinance contractually annexing Tract I and Tract II, Trinidad Business Park to the City of Bastrop and providing an effective date. (January 10, 2017 Council meeting Item D.8: Recommendation that the annexation process be completed regarding Trinidad Business Park Phase I, Lots 1 AND 2, being an approximately 8 acre Tract on the south side of highway 71 west of its intersection with FM 20. Public hearings were held on September 27, 2011 and October 11, 2011. On October 24, 2011, Mr. Richard Welch and Mr. Jason Alleyas the owners of the above described property, presented an executed contract for voluntary annexation with such voluntary annexation to occur no sooner than 3 years after the 2011

annexation was completed. The 2011 annexation was effective on November 8, 2011, the service plan presented in 2011 is still timely.)

Interim City Manager, Marvin Townsend made the presentation.

Council Member McAnally made the motion to approve the first reading of the ordinance, seconded by Council Member Peterson. The motion was approved on a 4-0 vote. Mayor Kesselus was off the dais.

F. EXECUTIVE SESSION -NONE

ADJOURNMENT

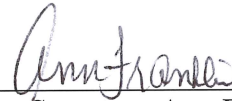
Council Member Schiff made the motion to adjourn the meeting at 9:30 p.m., seconded by Council Member McAnally. The motion was approved on a 4-0 vote. Mayor Kesselus was off the dais.

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.