

**MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
April 24, 2018**

The Bastrop City Council met in a Regular Meeting on Tuesday, April 24, 2018, at 6:30 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Schroeder, Mayor Pro Tem Schiff and Council Members Jones, Ennis, Nelson and Peterson. Officers present were City Manager Lynda Humble, City Secretary Ann Franklin and City Attorney Alan Bojorquez.

CALL TO ORDER

At 6:30 p.m. Mayor Schroeder called the meeting to order with a quorum being present.

PLEDGE OF ALLEGIANCE

Diamond Cooper, Hulisher Haywood and Evelyn Marin, Regional Day School Program for the Deaf, led the Pledge of Allegiance.

INVOCATION

Pastor Bob Long, Retired, gave the invocation.

EXECUTIVE SESSION

The City Council met at 6:36 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 551.074 of the Texas Government Code as per the written request of S. Adcock to hear his appeal from a disciplinary employment action (termination as Director of Public Safety) in accordance with Chapter 7, Section 8 of the City's Personnel Policies Manual. City Council may also convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to confer with the City Attorney.

The Bastrop City Council reconvened at 7:11 p.m. into open (public) session.

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

No action taken.

PRESENTATIONS

- 4A. A proclamation of the City Council of the City of Bastrop, Texas and Bastrop County Commissioners Court recognizing May 3, 2018, as a Day of Prayer.
The proclamation was read into record by Mayor Schroeder.
- 4B. A proclamation of the City Council of the City of Bastrop, Texas, recognizing May 4, 2018 as Firefighter Day for the City of Bastrop.
The proclamation was read into record by Mayor Schroeder and accepted by Fire Chief Mark Wobus.

- 4C. A proclamation of the City Council of the City of Bastrop, Texas, recognizing April 27, 2018, as National Arbor Day.
The proclamation was read into record by Mayor Schroeder and accepted by the Parks & Recreation Superintendent, David Junek.

- 4D. Mayor's Report

ACTIVITIES OF MAYOR SCHROEDER SINCE THE LAST COUNCIL MEETING:

- **April 11**
 - Texas Electric Power Conference
- **April 12-14**
 - Cultivating Strong Towns Workshop
- **April 15**
 - Annual Lost Pines Art Center Gala
- **April 16**
 - BECD Monthly Meeting
- **April 18**
 - NJROTC Cadet Inspection (w/Regional Commander)
- **April 19**
 - Bastrop Beer Company – Ribbon Cutting
 - Mid-Year Budget City Council Work Session
- **April 20**
 - BEDC Workforce Development Program
 - Texas Historical Foundation Annual Meeting
- **April 21**
 - Keep Bastrop County Beautiful River Rally Race
 - Crawfish on the Colorado benefiting Bastrop Animal Rescue
- **April 22**
 - River Clean-up Day
- **April 23**
 - **EARLY VOTING STARTS!**
 - Deluxe Corporation Marketing Seminar
- **April 24**
 - Rotary Speaker
 - City Council

UPCOMING EVENTS

- **April 26**
 - Ribbon Cutting; Serenity Ballistics
- **April 27**
 - BEST Breakfast
- **April 28**
 - Annual Prescription Drug Takeback
 - MS 150
- **April 29**
 - Table on Main
- **April 30**
 - Texas State Prayer Breakfast
- **May 1**
 - Last day of Early Voting

- Seton Hospital Ground Breaking
 - Bastrop Business Bash
 - **May 2**
 - Chamber Luncheon – The State of the City
 - BAIPP Monthly Meeting
 - **May 3**
 - National Day of Prayer (County Courthouse)
 - Ribbon Cutting; Hero Water Sports
 - Farm Street Opry
 - **May 4**
 - First Friday Art Walk
 - **May 5**
 - **ELECTION DAY**
 - Cinco De Mayo Pub Crawl
- 4E. Councilmembers' Report
Council Member Jones
- **Bastrop High School track team will participate in the regionals in Houston.**
- Council Member Nelson**
- **April 18 – Attended the Wheeled Sports Complex design meeting, there was a great turnout.**
- 4F. City Manager's Report
Nothing to report
- 5. WORK SESSION/BRIEFINGS**
- 5A. Discuss the proposed Ethics Ordinance and receive public comment.
Public comment was received from Connor McAnally, he expressed his satisfaction with the proposed ethics ordinance.
- 6. STAFF AND BOARD REPORTS**
- 6A. Presentation on the Quarterly Investment Report for the period ending March 31, 2018.
Presentation was made by Chief Financial Officer, Tracy Waldron.

CITIZEN COMMENTS

Bill McLean – He is the attorney representing Clinton and Cammy Burns, owners of mobile home park. He expressed that his clients are serious about addressing the situation with the mobile home park and that prior efforts were made with staff to address the issues. He pointed out: there was a break down in the effort to resolve the issues, he did not know the cause of the break down; his clients wants a safe mobile home park, one that is good for the City of Bastrop. He implored the City to look at the true wording of the statute with the City Attorney in order to get to an objective and reasonable resolution on this matter.

Vicente Gonzalez – Manager of Estate Mobile Home Park for two (2) years, resident for 13 years. Stated the mobile home park is a safe place to live.

Kay Revetta – Spoke in support of the reinstatement of Steve Adcock as Bastrop Chief of Police. Ms. Revetta stated accusations of discrimination in the City of Bastrop workplace and called for the termination of City Manager, Lynda Humble.

Richard Revetta – Mr. Revetta made the request to donate his time to the previous speaker (Kay Revetta). (The City Attorney, Alan Bojorquez stated that he was not aware of any policy or rule that allow individuals to pool or donate their time, they are allotted the time signed up for and that is it.) Mr. Revetta requested to have a video shown. (The City Attorney stated that it is the policy and practice of the City of Bastrop that the videos displayed are those of who are invited on behalf of an agenda item prepared by staff or the City's consultants, this venue is not opened up to members of the public.) The Mayor informed Mr. Revetta that he was welcome to submit the video if he would like to have it viewed at a later meeting.

Richard Kindred – Suggested a public display of time and buzzer for full disclosure. He stated if people are working in fear and intimidation, fear and intimidation creates chaos, chaos creates havoc and havoc means "I can't do my job". He stated that he is speaking today because he is a supporter of the Police Chief who in his opinion may be wrongfully terminated. He pointed out that the Police Chief was interim City Manager for a period. He asked how the Chief fell from grace. He stated that he found the Chief to be a man that was approachable, that listened, and acted. He exchanged emails with the Chief. He stated that he came to speak on the Chief's behalf but after hearing the previous speaker he realized there is a problem in this building. He stated these were strong accusations. He stated that he is very concerned, he viewed the Art Center article that was published and 260 citizens commented on the way business is being conducted at City Hall. He encouraged the Council to perform an Environmental Assessment for all city staff, get an independent third party to conduct an Environment Assessment of the work relations at this city with every city staff person.

Reverend Robert E. Wellington Sr. – Stated he was in attendance in support of the reinstatement of Chief Adcock and to show moral support of the officers.

Connor McAnally – Spoke in support of Chief Adcock.

Jeffrey Voight – Stated he owns two pieces of commercial property in Bastrop, he has worked with the Downtown Business Alliance and Bastrop Citizen Police Academy under the leadership of Chief Bill Anderson and City Manager Jeff Holberg. He stated that he recently worked with former City Engineer, Wesley Brandon on getting a public utility easement that was put into place when his current building was already in place, they were moving towards a solution when Mr. Brandon left. He stated the question the City Council and Mayor should be asking is "why are we losing this type of talent?" He stated the official reason was that he was moving to bigger and better things but he did not believe that was the true answer. He stated the Council should be asking why are there so many open positions in the City, specifically leadership positions. He suggested that the Council reach out to the city employees to find out what is really going on in the city. He stated "you have to ask yourself, do we have a hostile work environment here, are we taking care of the people who work and serve our city, why can we not retain and recruit new talent?". His final question "Why are we letting one of the best police chiefs leave the service of the city?"

Wuthipong Tantaksinanukij (Tank) – He stated that Bastrop has relational policing, which was developed under Chief Adcock. He stated he made phone calls to friends who work for the City and he has never witnessed anything like the fear of retaliation and he does not know where it stems from if it is from the elected officials, City Manager, or department head but there is a dynamic change in the culture of the city workers who are the most valued assets in the City. He stated that happy workers are productive workers but at this time there is a sense of fear among the city workers. He thanked Chief Adcock for his service.

Kay McAnally – Stated she was on the City Council when Chief Adcock came on board as the Bastrop Chief of Police. She stated that Chief Adcock turned the Bastrop Police Department around and she never heard a bad word about him. Spoke in support of Chief Adcock.

Barbara Adkins – She stated the first time she met Chief Adcock it was in a room full of upset people and by the time the meeting was over he had calmed the room. She spoke of the support that Chief Adcock gave during the Senior Center's bus accident and that he was there every step of the way. Spoke in support of Chief Adcock and requested that the Council reinstate the Chief.

Dock Jackson – Stated he was on the City Council when Chief Adcock was hired. He stated that he has worked with seven police chiefs and he ranks Chief Adcock with the best of them. He stated that the Chief brought the community together. He supported Chief Adcock's reinstatement. He asked the Council to take this serious.

Lisa Patterson – Thanked Chief Adcock for his service and stated that she has had nothing but wonderful experiences with every interaction with him and his department. She stated while she came to thank the Chief and ask for him to be reinstated; from what she heard she believes this to be a larger symptom of a larger problem that this community is facing and she reminded Council that they were elected to govern and she ask that they take it very seriously regarding some of the complaints brought forward.

Debbi Moore – Stated Chief Adcock instituted community outreach both in the African American and Hispanic community when tensions were very high, he reached out to them and let them know that he cared and it helped calm the waters. She stated that she worked closely with the Chief regarding filming projects. She thanked Chief Adcock.

Greg Gilleland – Stated that Chief Adcock came into the Bastrop Police Department and changed the direction and morale of the entire department. He stated to the Council that they were setting a precedent and scaring off every future professional not just the police chief. He asked the Council to reconsider their decision and if nothing else give him the same severance package as Ms. Humble.

Greg Coy – Stated that he did not want to speak more about Chief Adcock, his fruits are known. A leader represents people he brings up front, a leader doesn't stand up front. He stated that he is on the staff with Tank to represent the Hispanic community, the Chief allowed the Hispanics to have a voice in the community. He asked the Council to reinstate the Chief. He stated he was not there to represent the Chief because he has a good lawyer, the good Lord and the good Lord is going to work it all out. Today a difference can be made by saying we can make a difference in our community by saying we can make a difference as a group,

it is not an "I" thing it needs to be a "we" thing. The Chief is the one the good Lord is using to bring peace into the land, that's why he is an officer. He believes the whole City of Bastrop is standing behind the Chief. He stated it is ok to say we can reinstate him, it does not say you are wrong, it just says we can make a difference.

CONSENT AGENDA

A motion was made by Mayor Pro Tem Schiff to approve Items 8A, 8B and 8C listed on the Consent Agenda after being read into the record by City Secretary, Ann Franklin. Seconded by Council Member Jones, motion was approved on a 5-0 vote.

- 8A. Consider action to approve City Council minutes from the March 24, 2018 Water/Wastewater Workshop and April 10, 2018 Regular meeting.
- 8B. Consider action to approve Resolution No. R-2018-30 of the City Council of the City of Bastrop, Texas accepting a right-of-way dedication of five feet for Childers Drive, along the east property line of Bastrop Station Addition, Lot 2, located at 300 West State Highway 71, within the city limits of Bastrop, Texas, as attached in Exhibit A; and establishing an effective date.
- 8C. Consider action to approve Resolution No. R-2018-29 of the City Council of the City of Bastrop, Texas approving the authorization and recordation of a Release of Judgement in the matter of Warren v. Clampit, Cause No. 18,852, as attached in Exhibit A; and establishing an effective date.

ITEMS FOR INDIVIDUAL CONSIDERATION

- 9A. Consider action to approve the creation of a Cultural Arts Master Plan Task Force to coordinate with GO Collaborative during the development of the Cultural Arts Master Plan.

Presentation was made by Main Street Director, Sarah O'Brien.

A motion was made by Council Member Ennis to approve the creation of a Cultural Arts Master Plan Task Force, seconded by Council Member Peterson, motion was approved on a 5-0 vote.

- 9B. Consider action to approve the second reading of Ordinance No. 2018-03 of the City Council of the City of Bastrop, Texas amending the Code of Ordinances, Chapter 14 titled "Zoning," Article 14.03 titled "Historic Landmark Preservation"; and adding Appendix A titled "Fee Schedule," Section A14.01.003 titled "Fees for Historic Landmark Preservation," as attached in Exhibit A; providing for a penalty for the violation of this ordinance; providing a repealing clause; providing a severability clause; and providing an effective date.

Presentation was made by Planning Department Assistant Director, Jennifer Bills.

A motion was made by Council Member Nelson to approve Ordinance No. 2018-03, seconded by Mayor Pro Tem Schiff, motion was approved on a 3-0 vote. Council Members Ennis and Jones recused themselves.

- 9C. Consider action to approve Resolution No. R-2018-27 of the City Council of the City of Bastrop, Texas to enter a contract for the purchase through Buy Board of an emergency generator to Waukesha-Pearce Industries, Inc., in the amount of \$81,329.00 (Eighty-one thousand three hundred twenty-nine dollars and 00/100 cents); as attached in Exhibit A; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.
Presentation was made by Managing Director of Public Works & Leisure Services, Trey Job.

A motion was made by Mayor Pro Tem Schiff to approve Resolution No. R-2018-27, seconded by Council Member Ennis, motion was approved on a 5-0 vote.

- 9D. Consider action to approve Resolution No. R-2018-28 of the City Council of the City of Bastrop, Texas awarding a contract for the repainting of the 1 million gallon Stand Pipe, 250 thousand gallon Elevated Tank located at Loop 150 facility, and the 500 thousand gallon Ground Storage Tank at Willow Treatment Plant location, to Tri-State Coatings, Inc., at a cost of \$115,000.00 (One hundred fifteen thousand dollars and 00/100 cents); as attached in Exhibit A; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.

Presentation was made by Managing Director of Public Works & Leisure Services, Trey Job.

A motion was made by Council Member Jones to approve Resolution No. R-2018-28 with amendment to have change order to include the name "Mayfest Park" on the storage tank, seconded by Mayor Pro Tem Schiff, motion was approved on a 5-0 vote.

- 9E. Consider action to approve the first reading of Ordinance No. 2018-05 amending the budget for the Fiscal Year 2018 in accordance with existing statutory requirements; appropriating the various amounts herein; as attached in Exhibit A; repealing all prior ordinances and actions in conflict herewith; and providing for an effective date and move to include on the May 8, 2018, City Council agenda for a second reading.

Presentation was made by Chief Financial Officer, Tracy Waldron.

A motion was made by Council Member Ennis to approve the first reading of Ordinance No. 2018-05, seconded by Mayor Pro Tem Schiff, motion was approved on a 5-0 vote.

EXECUTIVE SESSION CONTINUED

The City Council met at 8:41 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 551.074 of the Texas Government Code as per the written request of S. Adcock to hear his appeal from a disciplinary employment action (termination as Director of Public Safety) in accordance with Chapter 7, Section 8 of the City's Personnel Policies Manual. City Council may also convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to confer with the City Attorney.

The Bastrop City Council reconvened at 10:15 p.m. into open (public) session.

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

The following statement was read into record by Council Member Ennis.

We the Council appreciate the public comments relative to Chief Adcock and his years of service to the Bastrop community. We hired our City Manager to assemble a management team that she feels will provide the best possible service to this community. The City Council stands united in support of City Manager Humble and her decision to best manage this city.

EXECUTIVE SESSION CONTINUED

The City Council met at 10:16 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 code compliance and anticipated litigation with the City Attorney regarding 2505 Main Street.

The Bastrop City Council reconvened at 11:07 p.m. into open (public) session.

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


The following statement was made by City Attorney, Alan Bojorquez.

Item 10 B is a code enforcement matter regarding the Piney Crossing Mobile Home Park. This is an issue that has been on the City's radar for many years. Documentation shows where the City has identified a number of public health and safety concerns, many of them that are quite crucial and important to the saving of lives and property. Those concerns have been communicated to various property owners over the years, there has been discussions of plans of property owners fixing the infrastructure and upgrading it to a point of meeting the codes but those concerns keep continuing. Recently the City engaged in a new dialogue with the current owners and their new lawyer about the City's concerns, those concerns stem from observations, first-hand reports regarding water utilities, wastewater utilities, electric infrastructure and fire safety issues implicating many provisions of the city of Bastrop's Code of Ordinances and also the national and international codes that the City has adopted dating back into the 70's which applies to this property. The City's mission in pursuing this dialogue has been compliance, to get the property up to code so that it is safe for those who reside there and visit the property and also safe for the surrounding community. Things like water contamination and fire danger are important, not just to the residents of that mobile home park but everyone in Bastrop. The City has been trying to engage the property owners in order for them to put forth a plan to upgrade and fix the property. This item was listed as a litigation item on today's agenda because if negotiations and cooperation fail the City has code enforcement options both criminal and civil route, the City does reserve those but hopes not to have to utilize them. The lawyer for the owners spoke during the Citizen Comment portion of this meeting today, it was very encouraging that the property owners are eager to cooperate and bring the property into compliance, that is the City's ultimate hope. As the code is looked at it is realized that they apply to other properties as well so other properties will be systematically looked at and brought to the attention of the owners and occupants anything that the City feels is a danger to the residents of the property and others nearby. A

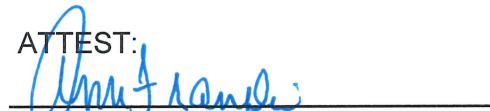
preliminary legal briefing was given in executive session regarding the facts of the law on this matter, this was the first time Council has been briefed on this and the first time this matter has been brought to the attention of Council. There was nothing presented in executive session, including the attorney's legal guidance that would be inappropriate to share publicly. If Council receives questions regarding this, it may be an issue of vital public interest, there is nothing about what was discussed in executive session that the attorney would recommend be withheld. The Council is free to comment and will not be jeopardizing the City's legal position in that regard. The City will continue to work with the property owner and communicate with their attorney. Several lists have been given by the City of what the problems are and tying to specific codes. Based on recent inspections the City is updating the list of problems and will be providing the list to the property owners and their legal counsel in hopes that they can put forth a plan that will address the property and the defects on that property. The City Attorney will keep Council informed as the City goes through this process. No City Council authorization or approval is required this was a briefing and discussion item.

ADJOURNMENT

Adjourned at 11:11 p.m. without objection.

APPROVED: 

Mayor Connie B. Schroeder

ATTEST: 

City Secretary Ann Franklin

The Minutes were approved on April 10, 2018, by Mayor Pro Tem Schiff's motion, Council Member Nelson's second. The motion was approved on a 5-0 vote.