

**MINUTES OF SPECIAL COUNCIL MEETING  
BASTROP CITY COUNCIL  
SEPTEMBER 8, 2016**

The Bastrop City Council met in a Special Meeting on Tuesday, September 8, 2016 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.

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**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** Board appointment by Mayor Ken Kesselus and confirmation by the Bastrop City Council Members on the appointment of Tom Scott to Place 5 on the Fairview Cemetery Advisory Board with a term of 2016 - 2019.  
**Council Member Schiff made the motion to appoint Tom Scott to Place 5 on the Fairview Cemetery Advisory Board, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a vote of 5-0 vote.**
- A.2** Approval of the second reading of an ordinance of the City Council of the City of Bastrop, Texas, amending City Code, Chapter 7, Article 7.01, Section 7.01.10, related to Municipal Court prosecutions by City Attorney(S); Chapter 9, Article 9.04, related to appointment and powers and duties of the City Attorney; and Chapter 11, Article 11.04, Section 11.04.008, related to City Attorney's authority to bring suit to collect the tax imposed by the City; repealing conflicting ordinances; including a severability clause; and establishing an effective date.  
**Council Member Schiff made the motion to approve the ordinance, seconded by Council Member Peterson. The motion was approved on a 5-0 vote.**
- A.3** Approval of second reading of a proposed ordinance by the City Council of the City of Bastrop Texas, amending the budget for the Fiscal Year 2016 in accordance with existing statutory requirements; appropriating the various amounts herein; repealing all prior ordinances and actions in conflict herewith; and providing for an effective date.  
**Mayor Pro Tem DeLaRosa made the motion to approve the ordinance, seconded by Council Member Schiff. The motion was approved on a 5-0 vote.**
- A.4** Approval of second reading of a proposed ordinance by the City Council of the City of Bastrop, Texas: revising the City Code of Ordinances, Chapter 13, "Utilities," by: amending Section 13.02.008 "Billing; Discontinuance of Service" by adding Subsection 13.02.008(b) "Average Monthly Payment Plan" and by amending Section 13.07.005 by adding Subsection 13.07.005(h) "Average Monthly Payment Plan" and providing an effective date.

**Council Member Schiff made the motion to approve the ordinance, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 5-0 vote.**

- A.5** Approval of revisions to correct textual errors in the original ordinance - an ordinance of the City Council of the City of Bastrop, Texas, amending Section 1.15.151 "Creation of Ethics Commission" of the "Ethics Ordinance" in the Code of Ordinances of the City of Bastrop; providing a severability clause; and providing an effective date  
**Mayor Pro Tem DeLaRosa made the motion to approve the revisions to the ordinance, seconded by Council Member Schiff. The motion was approved on a 5-0 vote.**

- A.6** Consideration, discussion and possible action on acceptance of the unaudited Monthly Financial Reports for the period ending July 31, 2016.  
**Council Member Schiff made the motion to approve the acceptance of the unaudited Monthly Financial Reports for the period ending July 31, 2016. The motion was approved on a 5-0 vote.**

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

- B.1** Conduct a public hearing: The City Council will conduct the first "Public Hearing "on the Proposed Property Tax Rate for the City of Bastrop for Fiscal Year 2017.  
**Public hearing was closed.**

- B.2** Status of extending Bastrop's Certificate of Convenience and Necessity (CCN) - water along Highway 71. The legal work carried out by Charles Bundren is essentially complete. Trey Job will keep up with any responses to the final notice which has been distributed to CCN's in the vicinity. The CCN extension will be final in 90 days.  
**The status was given by Trey Job, Director of Public Works, Parks and Utilities and Marvin Townsend, Interim City Manager.**

**Council Member McAnally made the motion to instruct the Interim City Manager to investigate a more aggressive annexation approach, seconded by Mayor Pro Tem DeLaRosa. The second was later withdrawn by Mayor Pro Tem DeLaRosa, who made the second.**

**EXECUTIVE SESSION**

**The Bastrop City Council met at 7:25 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, et seq, to discuss the following:**

- 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, and/or (2) 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 Bastrop v. VanDiver, Watson, et al v. City of Allen, et al. and Bastrop County, et al v Pine Forest Investment's Group.

**ACTION FROM EXECUTIVE SESSION**

- 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, and/or (2) 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 *Bastrop v. VanDiver, Watson, et al v. City of Allen, et al. and Bastrop County, et al v Pine Forest Investment's Group.*

**Interim City Manager Marvin Townsend summarized the executive session discussion by stating: City Council discussed the status of the current contract, what its terms provide and a lot of discussion about the status of progress/non progress regarding the development of the next well; what the future holds and an amendment that has been suggested by the owners that would stretch out some of the deadlines and would assure the City of an additional 3,000 acres for the water. The issues that are involved in the factors have been what the Council has been discussing during this executive session.**

**The Bastrop City Council reconvened at 8:21 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. No such action was proposed.**

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

**B.3 Status update on XS Ranch water.**

**Council Member Schiff made the motion that the Council accept the principals that are in amendment three and that the Council instruct the City Manager and the City Attorney to follow those principles but to clear up several inconsistencies that are apparent in the contract amendment and bring a new amendment that has been reviewed and accepted by XS Ranch back to Council at a future meeting, seconded by Council Member Jones. The motion was approved on a 4-1 vote. Mayor Pro Tem DeLaRosa voted nay.**

**B.4 Status of Well Permit Application.**

**Interim City Manager Marvin Townsend gave a status update.**

- **Notice was received from the Administrative Law Judge that the Administrative Law Judge has issued his actions regarding the request to modify the proposal for decision and has so notified the Lost Pines Groundwater Conservation District.**
- **Mr. Townsend anticipates this item being on the Council's October agenda.**

**B.5 Horses and Parades.**

**Update was given by Interim City Manager Marvin Townsend. It was made clear that horses were not/are not prohibited by the City in parades.**

**B.6 Discussion of legal bills.**

**The discussion was led by Interim City Manager Marvin Townsend.**

**C. OLD BUSINESS**

**C.1 Consideration, discussion and possible action regarding any final adjustments to the FY 2016-2017 Budget.**

**Discussion was held.**

**D. NEW BUSINESS**

- D.1** Consideration, discussion and possible action regarding the approval to renew the lease agreement with LCRA for the Rusty Reynolds little league baseball fields. The lease of the 20.97 acre site will be for 5 years with mutual consent renewals.  
**Mayor Pro Tem DeLaRosa made the motion to approve the lease agreement with LCRA for the Rusty Reynolds little league baseball fields and an amendment to correct the City of Bastrop address in the agreement, seconded by Council Member Schiff. The motion was approved on a 5-0 vote.**
- D.2** Consideration, discussion and possible action regarding entering into a maintenance agreement between L&L Ranch LLC, through its authorized agent Robert K. Long, Sr. and the City of Bastrop. The agreement includes Gills Branch from the Colorado River to the South side of Highway 71 for approximately 3,500 feet and a maintenance working area about 40 feet on each side of the ditch. The easement will be for 9 years with the possibility of negotiating a 10 year renewal or an easement in perpetuity at the end of the first 9 year lease  
**Mayor Pro Tem DeLaRosa made the motion to approve entering into a maintenance agreement between L&L Ranch LLC, through Robert K Long, Sr, authorized agent and the City of Bastrop, seconded by Council Member McAnally. The motion was approved on a 5-0 vote.**
- D.3** Consideration, discussion and possible action on a recommendation that a public hearing be held at the September 13, 2016 regular council meeting for the closing of portions of the following unopened streets”
- 1) Mill Street (Blocks 20,21,97 and 98 generally running east/west from Paul C Bell/Pecan to Hill Street
  - 2) South Street (Blocks 98,97) generally running east/west from old city limits to Hill Street/Lovers Lane
  - 3) Paul C Bell/Pecan (Blocks 98, 99) generally running north/south from Mill Street to old city limits
  - 4) Jefferson Street (Blocks 20, 21, 97, 98) generally running north/south from Jasper to South Street
- D.4** Status Report – Pine Forest litigation
- a. Regional Presiding Judge Olen Underwood on August 11, 2016 denied the motion to recuse Judge Campbell
  - b. The hearing on those motions originally scheduled for July 27, 2016 have now been set for September 21, 2016 at 10:30 a.m.

**E. EXECUTIVE SESSION CONTINUED**

**The Bastrop City Council met AT 9:06 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, et seq, to discuss the following:**

1. **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, and/or (2) 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 Bastrop v. VanDiver, Watson, et al v. City of Allen, et al. and Bastrop County, et al v Pine Forest Investment’s Group.

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.

**D. NEW BUSINESS - CONTINUED**

**D.5** Recommendation that the City not extend the red light camera contract with American Traffic Solutions, ask the contractor to continue to pursue collection of unpaid tickets and not incur new obligations against the special camera fund until pending litigation is resolved.

**Interim City Manager Marvin Townsend made the recommendation that the contractor be advised that the City of Bastrop does not intend to extend the red light camera contract but requests that America Traffic Solution continue to collect unpaid tickets. The Interim City Manager will have a further recommendation to the Council as far as the continuing litigation.**

**Council Member Schiff made the motion to accept the recommendation, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 5-0 vote.**

**ADJOURNMENT**

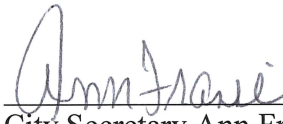
**Council Member Schiff made the motion to adjourn the meeting at 10:19 p.m., seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 5-0 vote.**

APPROVED:

ATTEST:



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Mayor Ken Kesselus



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City Secretary Ann Franklin

**Minutes were approved on January 10, 2117 by Council Member McAnally's motion, Council Member Schiff's second. The motion was approved on a 5-0 vote.**