

**MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
NOVEMBER 22, 2016**

The Bastrop City Council met in a Regular Meeting on Tuesday, November 22, 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.

PLEDGE OF ALLEGIANCE

David Miller led the Pledge of Allegiance

INVOCATION

Mayor Kesselus gave the Invocation.

PRESENTATIONS

- A. Update on Bastrop Economic Development Corp. – Executive Director Shawn Kirkpatrick
Presentation made by Shawn Kirkpatrick, Executive Director of BEDC
- B. A follow up presentation by BEFCO Engineering on the waste water study related to the construction of Wastewater Treatment Plant #3 and related infrastructure, providing three alternate options to the base proposal presented in June with estimated costs and timeline considerations.
Presentation was made by Chad Emmel and Gene Kruppa of BEFCO Engineering.
- C. Status report on the Bastrop State Park Trail Project. City Engineer, Wesley Brandon
Presentation was made by Wesley Brandon, City Engineer

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.
 - Update sent by Mr. Tanner of Strategic Government Resources regarding City Manager recruitment.
Update provided by Tanya Cantrell, Director of Human Resource
 - The Finance Department and the City's Financial Advisor, Dan Wegmiller of Specialized Public Finance Inc. have been working on a potential refinancing of \$3,750,000 of bonds maturing from August 1, 2017 to August 1, 2029. If the market remains favorable, the refunding will be on the City Council agenda on December 13, 2016. In anticipation of the sale, an updated bond rating has been obtained from S&P Global (\$9,700).

REQUESTS BY COUNCIL MEMBERS

- **December 13, 2016 - Update from City Engineer Wesley Brandon regarding study on flooding mitigation in Hunters Crossing and other areas.**
- **December 13, 2016 – Parking time limit downtown**
- **Direction to the Interim City Manager to meet with the Parks and Wildlife regarding a possible annexation to make it possible to preserve three holes that are par threes to make a pitch and putt that is incorporated into the trailway and report back to Council.**

CITIZENS COMMENTS

Cliff Sidell – Stated he would like to see more motorcycle parking spaces downtown.

WORKSHOP SESSION - The Bastrop City Council recessed the regular meeting and convened at 7:32 p.m. into a Workshop Session to discuss the following.

- A. Presentation on the status and future of Pine Forest Unit 6.
Presentation was given by the Interim City Manager Marvin Townsend.

The Bastrop City Council adjourned the Workshop Session and reconvened at 8:00 p.m. into the regular meeting to take any necessary action(s).

ACTION

Council Member Jones made the motion to approve the recommendation made by the Interim City Manager Marvin Townsend to move forward and for the City to have a meeting with the other three entities, seconded by Council Member Schiff. The motion was approved on a 5-0 vote.

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** Appointment by Mayor, subject to confirmation by City Council of Mitchell Hardin to Place 7 on the Parks Board/Public Tree Advisory Board with a term of 2016 - 2019.
- A.2** Appointment by Mayor, subject to confirmation by City Council of Diana Rose to Place 8 on the Planning & Zoning Commission/Impact Fee Advisory Committee for with a term ending 2017.
- A.3** Approval of the unaudited Monthly Financial Reports for the period ending Oct. 31, 2016.
- A.4** Approval of the statutory denial, for a period of 180 days from the date of Council action on this request for the Agnes Street Addition, Lot 1, Block "A" Final Plat, being +/-4.282 acres west of Hasler Boulevard and north of Agnes Street (to be extended) located within the Bastrop City limits.

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

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

- B.1 Public Hearing:** Receive public input on a request for a CUP, Conditional Use Permit, to allow a manufactured home at 202 Martin Luther King Jr. Drive, within Building Block 60, East of Main St., +/-0.137 acres, approximately 6,000 square feet, defined by metes and bounds, February 1956 zoned SF-7, Sing Family Residential within the city limits of Bastrop, Texas.

Presentation was given by City Engineer, Wesley Brandon.

The public hearing was conducted.

- B.2** An ordinance granting a conditional use permit to allow a manufactured home at 202 Martin Luther King Boulevard being +/- 0.137 acres within a portion of building block 60, east of Main Street, an area zoned sf7, single family residential-7 within the City Limits of Bastrop, Texas; setting out conditions; and providing an effective date and declaring an emergency. **Council Member Jones made the motion to approve the ordinance on first reading without an effective date declared as an emergency, seconded by Council Member Schiff. The motion was later withdrawn by the maker of the motion, Council Member Jones.**

Ordinance No. 2016-34 was approved on Mayor Pro Tem DeLaRosa's motion, Council Member McAnally's second. The motion was approved on a 5-0 vote.

C. OLD BUSINESS

- C.1** Report from the Bastrop Main Street Director regarding Council direction on the 1832 Farmer's Market and lot adjacent to the Convention Center. Staff has compiled a report pertaining to the work that has been undertaken during the last three months in working with the 1832 Farmer's Market and developing renting the lot adjacent to the Convention Center. Council extended the current lease conditions until 12/31/16 however staff feels it is prudent to give a current update on our progress and seek guidance from the City Council.

Report was given by Main Street Director Sarah O'Brien.

Direction was given to Main Street Director Sarah O'Brien to bring the 1832 business plan and what they are proposing back to Council.

- C.2** Report regarding status of Amendment 3 to the City's water purchase agreement with XS Ranch. The City Council on September 8, 2016 passed the following motion: Council Member Schiff made the motion that the Council accept the principles 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. City Attorney David Bragg sent a suggested revised version to Amendment 3 to the Manager for XS Ranch, Mr. James Foster.

After several phone calls and meeting with Mr. Foster in Bastrop on November 16, 2016, the City's proposed rewording was approved by Mr. Foster. The Third Amendment obtains 3,000 additional acre feet of water per year upon payment of \$200,000 and then \$200,000 payments for the next 4 years. This option is to be executed no later than 90 days after the City obtains a final non-appealable order from the Groundwater District with the \$200,000 per year payment beginning June 20, 2021 and continuing to June 30, 2026. Approval of the Third Amendment as revised and approved by XS Ranch is recommended for City Council approval and City Manager execution. The permit from the Lost Pines Groundwater District was issued on October 12, 2016 and is being distributed with the agenda material.

Report was given by Interim City Manager Marvin Townsend.

D. NEW BUSINESS

- D.1** Consideration, discussion and possible action regarding approval of minutes from Regular Council Meetings of October 11, 2016 and November 8, 2016.

Council Member Jones made the motion to approve the minutes from regular Council meetings of October 11, 2016 without the attachment, seconded by Council Member Schiff. The second was later withdrawn by Council Member Schiff, who made the second.

Council Member Schiff made the motion to approve the minutes from regular Council meeting of October 11, 2016, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 4-1 vote. Council Member Jones voted nay.

Council Member Schiff made the motion to approve the minutes from regular Council meeting of November 8, 2016, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 5-0 vote.

- D.2** Canvass of Election returns and declare results of November 8, 2016 City of Bastrop Special Election.

Council Member Schiff made the motion to accept the canvass of the November 8, 2016 Election returns, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 5-0 vote.

PROPOSITION 1

Shall the Charter be amended to change the percentage of signatures required of registered voters for an initiative from 20% to 5?

For 1,231

Against 1,550

PROPOSITION 2

Shall the Charter be amended by adding language in the initiative requiring that such signatures must be gathered within 180 days?

For 1,768

Against 965

PROPOSITION 3

Shall the Charter be amended to change the percentage of signatures required of registered voters for a referendum from 20% to 5%?

For 1,155

Against 1,580

PROPOSITION 4

Shall the Charter be amended by adding language in the referendum by requiring that such signatures must be gathered within 180 days?

For 1,710

Against 991

PROPOSITION 5

Shall the Charter be amended to change the percentage of signatures required of registered voters for a recall from 25% to 10%?

For 1,241

Against 1,479

- D.3** Consideration discussion and possible action to purchase a crossover hydraulic excavator, Model D 154 for \$266,724.14 from Waukesha-Pearce Industries Inc. using the price obtained through the TASB Buyboard. This purchase was the major piece of equipment authorized on September 27, 2016 to expand drainage ditch maintenance throughout the City. The equipment will include a 60 inch ditching bucket and a 40 inch flail mower.

Presentation was made by Interim City Manager Marvin Townsend.

Council Member Jones made the motion to approve the purchase of a crossover hydraulic excavator, seconded by Council Member Schiff. The motion was approved on a 5-0 vote.

- D.4** Consideration discussion and possible action to approve a contract with BEFCO Engineering from LaGrange to perform necessary engineering services associated with the completion of Water Well Number 1 located at XS Ranch for \$70,000. The work includes coordination activities with the Lost Pines Conservation District Permit requirements, survey and staking work associated with well site and proposed pipeline and submission of plans to TCEQ. Obtain all related permits, and oversee construction activities. This work will incorporate the well design which will be covered by another engineering contract which will be submitted to the City Council in the near future.

Presentation was made by Director of Public Works, Trey Job.

Council Member Jones made the motion to approve a contract with BEFCO Engineering, seconded by Council Member Schiff. The motion was approved on a 5-0 vote.

- D.5** Consideration discussion and possible action to award a contract to MWM Design Group from Austin to provide feasibility services, and a site plan for rodeo facilities at Mayfest Park for \$10,650.50. The service will include creating a base map a 2D color image, and visits to two similar facilities and the Professional Rodeo Cowboy Association. This work is included in the 2016-2017 budget

Presentation was made by Director of Public Works, Trey Job.

Council Member McAnally made the motion to award a contract to MWM Design Group, seconded by Council Member Jones. The motion was approved on a 5-0 vote.

- D.6** Hotel Occupancy Tax Budget Request through April 30, 2017. Earlier this summer Council directed Main Street Program staff to develop a Hotel Occupancy Tax Budget until a tourism

entity is formed. Staff has developed this proposed budget to outline expenditures through April 30, 2017. It is important that marketing efforts continue and groundwork is set out prior to the potential launch of a destination marketing or tourism organization. Staff has met and worked closely with the Hyatt and the Bastrop Marketing Corporation to create this budget. The funding for the Bastrop Marketing Corporation still sets at approximately \$230,000, and will not be depleted before 12/31/16. The following budget outlines expenditures by the Bastrop Marketing Corporation and the City of Bastrop so that an accurate picture is depicted. In FY 16 BMC payments averaged \$86,000 per month, meaning that from July, 2016 through April, 2017 \$860,000 would have typically been allocated to tourism marketing. The proposed allocations in the request total \$180,600.

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

Council Member Jones made the motion to approve the Hotel Occupancy Tax Budget Request, seconded by Council Member Schiff. The motion was approved on a 5-0 vote.

- D.7** First reading of an ordinance amending the budget for the Fiscal Year 2017 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.

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

- D.8** Discussion, consideration, and possible action regarding a resolution of the City Council of the City of Bastrop, Texas, adopting the Comprehensive Plan in accordance with Section 12.03 of the City Charter. City Council and the Planning and Zoning Commission conducted a joint public hearing on November 10, 2016.

Resolution No. R2016-32 was approved on Mayor Pro Tem DeLaRosa's motion, Council Member Jones' second. The motion was approved on a 5-0 vote.

- D.9** Consideration, discussion and possible action regarding the process to be followed to select the next city attorney.

Council Member Jones made the motion to keep the interim City Attorney until new City Manager is hired, seconded by Council Member Schiff. The motion was approved on a 3-2 vote. Council Members Jones, Schiff and Peterson voted aye. Mayor Pro Tem DeLaRosa and Council Member McAnally voted nay.

E. EXECUTIVE SESSION – (WAS NOT HELD)

E1. The Bastrop City Council will meet 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* municipal water supply, McCall Ranch water permit litigation, and VanDiver litigation, and (2) other 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 procedures and policies dealing with open records.**

This item was withdrawn.

E2. The Bastrop City Council will reconvene 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* municipal water supply, McCall Ranch water permit litigation, VanDiver litigation, and (2) other 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 procedures and policies dealing with open records.

ADJOURNMENT

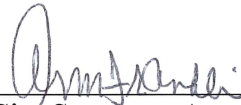
Mayor Pro Tem DeLaRosa made the motion to adjourn the meeting at 9:40 p.m., seconded by Council Member Schiff. The motion was approved on a 5-0 vote.

APPROVED:

ATTEST:



Mayor Ken Kesselus



City Secretary Ann Franklin

Minutes were approved on December 13, 2016 by Mayor Pro Tem DeLaRosa motion, Council Member Schiff second. The motion was approved on a 5-0 vote.