

**MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
May 8, 2018**

The Bastrop City Council met in a Regular Meeting on Tuesday, May 8, 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

Adie Kana and Dakota Tomaszycski, Mina Elementary School, led the Pledge of Allegiance.

INVOCATION

Minister Ben Hitzfeld, Bastrop Christian Church, gave the invocation.

- 4A. Mayor and City Council's general response to opinions expressed by employee Kay Revetta, Receptionist, alleging racial discrimination in personnel management.

The following was read into record by Mayor Schroeder.

I am sure many of you who watched the Council meeting last time and then saw this agenda item are expecting the Council to discuss discrimination and racism at Bastrop City Hall, well we are not going to do that. We are not going to indulge in this line of reasoning because no one on this dais is a racist. To question the integrity of this Council and level baseless accusations at the City Manager was inappropriate to say the least. Furthermore, to accuse this Council of being unaware of what is going on at City Hall is false and personally very insulting. On average, I myself am inside the walls of City Hall between thirty (30) and fifty (50) hours a week. I believe I have spent more time in City Hall in the last year than any previous elected official. All employees have access to the City's Policy and Procedures which includes the process to file a grievance with the Human Resources Department. None the less part-time City Receptionist, Kay Revetta chose to make accusations at the last Council meeting during Citizen Comments. Two days later, on Thursday, Ms. Revetta was told arrangements had been made for her to be interviewed the next day by an outside party. She indicated she was not interested. On Friday, April 27th Ms. Revetta was encouraged in writing by the HR Department to participate in the interview, but she refused. Therefore, we consider this matter closed. However, I want to address two (2) accusations Ms. Revetta made at the last Council meeting. The first statement, that her son Ricky Revetta was wrongfully terminated, the second a training video she found offensive. Ricky Revetta was fired from the City of Bastrop on February 13, 2018, only after being counseled on numerous occasions and being placed on a performance improvement plan which he failed to complete. Although, we would prefer to keep personnel information private, based on the circumstance of this situation we feel it is important to present the facts of this situation and the City Secretary has copies of Mr. Revetta's personnel record for distribution. You will need to fill out a form and you may get a copy. This is the same information that was provided to the press

in response to their Open Records Request. With regard to the video, the training video Ms. Revetta referenced was viewed on September 15, 2016, six (6) months prior to Lynda Humble being hired as City Manager, and over nineteen (19) months prior to sharing any concern. The City issued a press release on April 25th addressing the training and acknowledging the video as being inappropriate, apologies were made. You can be assured that no video of this nature will ever be shown again. Copies of the April 25th press release are available in the back. It is important to note, between the training video shown on September 15th of 2016 and the last Council meeting of April 24th 2018, Ms. Revetta had the opportunity to voice her concerns via the grievance procedure or speak directly to HR or by contacting any of the City administration at that time: Mayor, Ken Kesselus; Mayor Pro Tem, Willie DeLaRosa; Council Members McAnally, Schiff, Peterson or Jones; City Manager Marvin Townsend; or City Attorney David Bragg, but she chose not to. Given the nineteen (19) month period she also had access to three (3) newly elected officials: myself as Mayor; Council Member Ennis; Council Member Nelson; a new City Manager, Lynda Humble; and the new City Attorney, Alan Bojorquez. I want to make it abundantly clear, we do not have a culture of discrimination at City Hall. We have a zero tolerance for racism, we encourage all of our employees to make their concerns known. Rest assured, all complaints will be investigated in a timely manner without bias or retaliation. It's important to note, no grievances have been filed during City Manager, Humble's tenure. I can tell you about City Hall, I spend a lot of time here. It has a culture of achievement, we strive to retain and recruit high achievers who are called to public service to get things done. Which is why I believe previous Council made the decision to hire Lynda Humble as City Manager. It is my opinion it is one of the best decisions they ever made. This current Council completed her first annual performance review just a month ago and she earned our unanimous support. Just last week I made a presentation at the monthly Chamber of Commerce luncheon and talked about the form of government defined by our Home Rule City Charter and it is called council-manager. Simply put, your elected officials, those of us on the dais which you call the Council, we set policy, we enact rules and we approve the budget. The City Manager is responsible for day to day operations, basically making things happen and getting things done. One of the things Ms. Humble completed in her first six (6) months was a work plan. Each item on the work plan is tied to a City Council goal and the comprehensive plan, a first for the City of Bastrop. Later tonight during "4K" we are all going to get a chance to see a summary of what Ms. Humble and her staff have completed in just the first six months of this fiscal year. I can't think of a better way to demonstrate the current culture of achievement than by reviewing what Ms. Humble and her staff have accomplished. So tonight we will be handling public business respectively, officially, transparently, and lawfully. We have important City business ahead of us tonight. I do want to allow any of the other City Council Members who would like to share their thoughts or comments.

Mayor Pro Tem Schiff stated the following.

I would like to comment on this as well. When we hired Ms. Humble as City Manager, I was on the Council at the time. We charged her from the very start to do whatever she needed to do to make Bastrop operate more efficiently and

more effectively. We asked her to minimize the bureaucratic red tape and hone the staff into a well-oiled machine. If you look at the strategic work plan that we set for her last year you will find those goals clearly stated in writing. She empowered the department heads to lead beyond their former level of leadership and most department heads rose to the occasion. At Ms. Humbles recent one (1) year performance review, we the Council unanimously applauded her in the job she has done this far in streamlining the City team from one end to the other. We have seen no evidence, and I believe the public records will show no bias in Ms. Humble's management of our fine City.

Council Member Jones stated the following.

The integrity and dedication of this Council to the Citizens of Bastrop is outstanding. It is marked by making policy decisions that have been necessary to bring us up to the standards that we have had to meet as we've grown. It is my honor to serve with this group of people, every single one of them and I whole heartedly support Lynda Humble. We hired her to make tough decisions. She is in charge of the tax payer's dollars, we take that very seriously. I have a feeling that if there is anyone who is maybe having some fear about their position, perhaps you need to meet with your immediate superiors and make a plan to get on point so that we can responsibly spend the money that we have been given.

Council Member Ennis stated the following.

For those of you who know me well or who have been paying attention, you know that I am also a member of a minority community. That being said, I have experienced discrimination myself. I am pretty good at identifying it and I can smell it a mile off. During this last year on the City Council I have been in this building time after time after time after time and I have not seen one instance of any kind of discrimination or ill treatment. I applaud Ms. Humble's management of this team, I applaud her direction and I applaud where she is taking us.

Council Member Nelson stated the following.

An allegation is neither fact nor fiction. Until it is examined or investigated it is simply a statement. The allegation becomes truth if it is substantiated as denounced if it cannot be substantiated. It is sad that an unsubstantiated comment was made in a public forum, misleading accusations do not serve any purpose other than to distract us as a society in addressing the issues that confront us. If an investigation is conducted it must be conducted fairly, openly and with bilateral corporation.

- 4B. Presentations acknowledging the service and contributions of outgoing Councilmember Gary Schiff.
Presentation was made by Mayor Schroeder and accepted by Councilmember Gary Schiff.
- 4C. A proclamation of the City Council of the City of Bastrop, Texas recognizing May 18, 2018, as Put on Purple Day.
The proclamation was read into record by Mayor Schroeder.

- 4D. A proclamation of the City Council of the City of Bastrop, Texas, recognizing May 13-19, 2018 as National Police Week for the City of Bastrop.
The proclamation was read into record by Mayor Schroeder and accepted by Interim Police Chief, James Altgelt.
- 4E. A proclamation of the City Council of the City of Bastrop, Texas, recognizing May 6-12, 2018 as National Travel & Tourism Week in the City of Bastrop.
The proclamation was read into record by Mayor Schroeder and accepted by Clint Howard, President of Visit Bastrop Board.
- 4F. A proclamation of the City Council of the City of Bastrop, Texas, recognizing May 2018 as Motorcycle Safety and Awareness Month.
The proclamation was read into record by Mayor Schroeder and accepted by Bob Johnson.

STAFF AND BOARD REPORTS

- 6D. Receive a presentation regarding the grant awarded from State Farm to purchase fire alarms for our citizens who are hearing impaired and/or at risk of sleeping through an ordinary fire alarm.
James Alan, Marisa Garcia and Elizabeth Duggan, of State Farm Community Good Neighbor Citizenship team introduced the program.

Presentation was made by Fire Chief, Mark Wobus.

PRESENTATIONS CONTINUED

- 4G. Receive presentation on Healthy Texas Week scheduled for May 7th-13th.
Presentation was made by YMCA Director, Terry Moore.
- 4H. Mayor's Report

ACTIVITIES OF MAYOR SCHROEDER SINCE THE LAST COUNCIL MEETING:

- **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
 - Library - Voluntary Fiesta
- **May 4**

- First Friday Art Walk
- **May 5**
 - **ELECTION DAY**
 - Cinco De Mayo Pub Crawl

UPCOMING EVENTS

- **May 10**
 - Travel & Tourism Week Celebration
 - Joint City Council/Planning and Zoning Meeting
- **May 13**
 - Mother's Day!
- **May 15**
 - Special City Council Meeting
- **May 17**
 - Ribbon Cutting – Texas Tile Works
 - Imagine the Possibilities Tour
 - Annual Police Banquet
 - Kick off Bastrop Music Festival (May 17-May 20)
- **May 21**
 - BEDC Monthly Meeting

4I. Councilmembers' Report

Mayor Pro Tem Schiff

- **Attended ground breaking for new Seton facility.**

Council Member

- **Recognized Antwuan Davis for signing as a free agent with the Detroit Lions.**

4J. City Manager's Report

Nothing to report

4K. Receive presentation on the Mid-Year Update on FY 2018 Work Plan and Highlights of City Manager's First Year.

Presentations were made by:

City Manager, Lynda Humble.

Managing Director of Public Works & Leisure Services, Trey Job

Interim Public Safety Officer, Chief of Police, James Altgelt

Code Enforcement Officer, Troy Walters

Planning and Zoning Assistant Director, Jennifer Bills

Bastrop Economic Development Corporation, Jean Riemenschneider

Convention Center Director, Kathy Danielson

Interim City Engineer, Jerry Palady

Public Works Assistant Director, Curtis Hancock

Hospitality & Downtown Department Director, Sarah O'Brien

Chief Financial Officer, Tracy Waldron

Human Resource Director, Tanya Cantrell

Information Technology Director, Andres Rosales

Utilities Supervisor, Tracey Moffitt

Mayor Schroeder recessed the Council Meeting at 9:45 P.M.

Mayor Schroeder called the meeting back to order at 9:52 P.M.

ITEMS FOR INDIVIDUAL CONSIDERATION

- 9D. Consider action to approve the first reading of Ordinance No. 2018-08 of the City of Bastrop, Texas amending the Code of Ordinances, repealing and replacing Article 1.15 titled "Code of Ethics" and providing for findings of fact, repealer, severability, codification, effective date, proper notice, and meeting.
Presentation was made by City Attorney, Alan Bojorquez.

Judge Chris Duggan stated, in his opinion this is a good ordinance. It takes care of some of the deficiencies in the existing ordinance. It is a great improvement on the Ethics ordinance.

Connor McAnally spoke in favor of the ordinance.

Glen Johnson expressed his appreciation of the City Attorney's diligence in creating this ordinance. He stated there are two issues he still has concern about. 1) In section 1.15.11, he suggested a special counsel to work with the Ethics Commission when required, and 2) In section 1.115.9(c) Outside Employment, He believes the department heads and City Manager should make report if there is an outside employment of the Counsel. Other than the previous two issues he believes the ordinance is fine.

Responses from City Attorney, Alan Bojorquez.

On the point regarding legal counsel and who advises, the way that the ordinance is set up at this point it says that the city attorney shall be the legal adviser to the Board of Ethics, it also provides for a way specifically in the ordinance for there to be special counsel to the Board of Ethics. One way is when the City Attorney determines that it is necessary, which in my case would be my own individual ethics or my own obligations under the State Bar, it would require me to recuse myself and designate someone else to step in my place, the other would be when the City Council chooses to do that with or without my consent. I believe we have the frame work with which to do that. How often that comes up where I would need to recuse myself is difficult to say at this point. I think it is probably the norm in Home Rule Cities that have a Board of Ethics for the City Attorney to advise that Board of Ethics. In searching for guidance from the Supreme Court in the State Bar there is only one opinion on point, it addresses a City Attorney who operates through the law firm, which is my circumstance, it clarifies that the City Attorney represents the entity. While it may advise individual members of the entity, the clients are not those human beings the client is the entity. The opinion goes on to say, only when a majority of the City Council are named in the Ethics Opinion would it be contrary to the City Attorney's Ethical Rules to advise the Board of Ethics in that circumstance. I am not sure that I would wait to get that far before I recuse myself. The key point is if you adopt this version of the ordinance we have a process for naming special counsel. I would go about helping you identify who those people could be so that perhaps they are engaged and ready to go when something comes up and not have to go shop for services in a hurry.

Question from dais.

Can that be better defined in the rules of procedures? (Referring to Section 1.15.11 Legal Counsel)

Answer from City Attorney.

It could. The key part of this ordinance is that it does require that the Board of Ethics adopt procedural rules for how it is going to conduct business whether that is how discovery will be performed, how hearings will be conducted and how outside counsel will be engaged. They must adopt those rules and the City Council must consent to those rules. That is another reason why this ordinance is being made effective September 1st so we can then go about the process of drawing up those level of details verses having that in the ordinance.

A motion was made by Council Member Ennis to approve the first reading of Ordinance No. 2018-08 and bring back on consent for second reading, seconded by Council Member Nelson, motion was approved on a 5-0 vote.

- 9A. Consider action to approve Resolution No. R-2018-31 of the City Council of the City of Bastrop, Texas, approving the Final Plat known as Piney Creek Bend, Section One, being 37.37 acres of Bastrop Town Tract Abstract 11 (Farm Lots 21, 22, and 28), located west of Carter Street, between Riverwood Drive and Reids Bend, within the city limits of Bastrop, Texas; as shown in Exhibit A; repealing all conflicting resolutions and providing an effective date.

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

A motion was made by Mayor Pro Tem Schiff to approve Resolution No. R-2018-31, seconded by Council Member Jones, motion was approved on a 5-0 vote.

- 9B. Hold public hearing and consider action to approve the first reading of Ordinance No. 2018-07 of the City Council of the City of Bastrop, Texas, granting a Conditional Use Permit for a 120-foot standpipe, on Lot A, Tahitian Village, Unit 1, located at 113 Tahitian Drive, within the city limits of Bastrop, Texas; as shown in Exhibit A; setting out conditions; including a severability clause; and establishing an effective date and move to include on the May 22, 2018 agenda for second reading.

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

The public hearing was opened.

The public hearing was closed.

A motion was made by Council Member Jones to approve the first reading of Ordinance No. 2018-07 with the City of Bastrop logo as the signage on the the water tower, seconded by Mayor Pro Tem Schiff, motion was approved on a 5-0 vote.

It was brought to the attention of the dais that the water tower was not the property of the City of Bastrop. The City of Bastrop will need to coordinate with WCID to make sure they are in agreement with the City putting their logo on the water tower.

A motion was made by Council Member Jones to approve the first reading of Ordinance No. 2018-07 leaving the signage open ended, seconded by Mayor Pro Tem Schiff, motion was approved on a 5-0 vote.

- 9C. Consider action to approve the first reading of Ordinance No. 2018-06 of the Council of the City of Bastrop, Texas amending the Code of Ordinances, Chapter 2 Titled "ANIMAL CONTROL," Article 2.01 Titled "GENERAL PROVISIONS," Section 2.01.001 Titled "DEFINITIONS"; repealing the provision that established a sanctuary for chickens that are not owned and located in the vicinity of Farm Street and all prior ordinances that are in conflict herewith; as attached in Exhibit A; and providing for findings of fact, enactment, effective date, repealer severability, and proper notice and meeting; and move to include on the May 22, 2018 agenda for a second reading.
Presentation was made by Interim Public Safety Officer, Chief of Police, James Altgelt

A motion was made by Council Member Nelson to approve the first reading of Ordinance No. 2018-06, 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. 2018-09 amending the Code of Ordinances Chapter 7, titled "Municipal Court" Article 7.01 titled "General Provisions" to establish a municipal court of record; to provide for purpose, jurisdiction, and definitions; to provide for the appointment of the Municipal Court judges; to provide for the appointment of a court clerk; repealing all prior ordinances and actions in conflict herewith; providing for an effective date; and move to include on the May 22, 2018 City Council Agenda for a second reading.
Presentation was made by City Attorney, Alan Bojorquez.

A motion was made by Mayor Pro Tem Schiff to approve the first reading of Ordinance No. 2018-09, seconded by Council Member Ennis, motion was approved on a 5-0 vote.

5. WORK SESSION/BRIEFINGS - NONE

6. STAFF AND BOARD REPORTS

- 6A. Receive monthly report from Visit Bastrop.
Report was given by Visit Bastrop President and CEO, Dale Lockett.
- 6B. Receive presentation on the unaudited Comprehensive Monthly Financial Report for the period ending March 31, 2018.
Presentation was made by Chief Financial Officer, Tracy Waldron.
- 6C. Receive presentation on proposed Hotel Occupancy Tax Fund Disbursement Policy.
Presentation was made by Hospitality & Downtown Department Director, Sarah O'Brien.

CITIZEN COMMENTS

CONSENT AGENDA

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

8A. Consider action to approve City Council minutes from the April 24, 2018 meeting.

8B. Consider action to approve the second reading of Ordinance No. 2018-05 of the City Council of the City of Bastrop, Texas 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.

DISCUSSION ITEM

8C. Consider action to approve Resolution No. R-2018-32 amending Chapter 7, Section 8 of the Personnel Policies Manual regarding Discipline, Appeals, and Grievances; providing for a repealing clause, and providing an effective date.
Presentation was made by City Attorney, Alan Bojorquez.

Connor McAnally – Stated: He applauded City Council for following City Council City Manager form of government. He urged Council to take another look at the City Charter regarding the appeal process by someone fired by the city manager.

Glen Johnson – Stated: An appeal is necessary because mistakes can be made. The City Attorney is saying the only remedy available if the City Manager has not done it right is to terminate. That should not be the case, there should be some form of investigation or procedure for someone who has been terminated to have a review by someone other than the person making the decision. This does not seem like a true appeal.

A motion was made by Council Member Ennis to approve Resolution No. R-2018-32, seconded by Council Member Jones, motion was approved on a 5-0 vote.

EXECUTIVE SESSION

The City Council met at 11:25 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, et seq, to discuss the following:

10A. The City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to confer with the City Attorney regarding Bastrop Code of Ordinances article 3.20 (Signs), and discuss the process and standards for variances and nonconforming structures.

The Bastrop City Council reconvened at 11:40 p.m. into open (public) session.


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

No action was taken.

ADJOURNMENT


Adjourned at 11:41 p.m. without objection.

APPROVED:



Mayor Connie B. Schroeder

ATTEST:



City Secretary Ann Franklin

The Minutes were approved on May 22, 2018, by Mayor Pro Tem Nelson's motion, Council Member Peterson's second. The motion was approved on a 4-0 vote. Council Member Jones was off the dais.