MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
JANUARY 10, 2017

The Bastrop City Council met in a Regular Meeting on Tuesday, January 10, 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
Andres Rosales led the Pledge of Allegiance

INVOCATION
Mayor Kesselus gave the Invocation.

PRESENTATIONS

A. Cost of Service and Rate Design Study – Tracy Waldron, Chief Financial Officer
Nelisa Heddin, NH Consulting, LLC gave the presentation.

B. Recognition of two Bastrop Police Officers for Heroic Action – Steve Adcock, Public Safety Director, Chief of Police
Steve Adcock, Public Safety Director, Chief of Police recognized Chris Chavez and Charles Sanford for their heroic actions.

PROCLAMATIONS

A. Martin Luther King Day
Proclamation was read into record by Mayor Kesselus.

PRESENTATIONS CONTINUED

C. At 7:00 p.m. – 7:45 p.m. Conversation with Mr. Bill Geist of DMO Pro regarding his Phase 2 report on the potential creation of a DMO. (Two way telephone will be available for City Council questions.)
Discussion was held via Skype with Bill Geist, DMOproz.

C. OLD BUSINESS

C.1 Thoughts for discussion. Continuing discussion and possible action related to the phase 2 Report on the possible creation of a Destination Marketing Organization.

a. What type of organization? Texas non-profit corporation, 501C6 federally recognized entity, City Board with overlapping terms.
b. What type of annual contract is contemplated? Proposed advertising program based on estimated allocation for advertising? City Council approval of major changes?
c. Should an initiating committee be established to recommend structure of continuing board, number of members, groups to provide nominations for City Council approval?

The consultant contract provides for a phase 2 and phase 3 of the contract. Phase 1 is basically complete. Does the City Council wish to authorize phase 2 or some portion of phase 2?

Council Member Jones made the motion as follows, seconded by Council Member Schiff. The motion was approved on a 5-0 vote.

MOTION:
Approve the DMO formation as an independent non-profit organization (legal designation to be determined by Council at the direction of legal counsel) with the following stipulations:

1. **DMOproz be hired on an hourly basis or lump sum as to be determined by the appointed board.**
2. **A Phase 2 advisory committee be assembled that includes:**
   a. **Bastrop City Mayor;**
   b. **Phase 1 advisory committee organizations: Members to be selected by organizations, with the recommendation that the Vision Task Force be represented by Councilwoman Kay McAnally because of her deep involvement in the DMO concept from its inception, Bill Ennis of Main Street, Mike Jokovich of the Hyatt Regency Lost Pines, and Lee Harle of the Chamber of Commerce; and**
   c. **Additional members representing restaurants, retail, and/or any other group the advisory committee deems appropriate.**
3. **That the Phase 2 process begin within 10 days from today and all advisory members including new members, if any, be selected by the Phase 1 organizations prior to Phase 2 commencement.**

ANNOUNCEMENTS

A Distribution of Items to Council (If Necessary) – Ann Franklin

B. Items Targeted for Future Meetings.
January 24, 2017 –
- **Place the beginnings of plan for new sign ordinance for the City of Bastrop on the agenda.**
- **Place status of the project for Terry Sanders on the agenda.**

C. Requests by Council Members for items on future agendas and requests for information from City Manager.

D. Election candidate packets. – Ann Franklin
An announcement was made by Ann Franklin, City Secretary stating the Candidate Packets would be available on January 11, 2017 at City Hall.

CITIZENS COMMENTS

Glen Johnson – Mr. Johnson voiced a complaint regarding what he perceived as an open meetings act violation by the City. He stated that a November 29th meeting was held without posting and that a quorum was present. Mr. Johnson stated that he was tendering to the City Secretary an open meetings request for all video and recordings of the meetings of November 29, 2016 and December 5 and 7, 2016 and the notes taken by the Mayor and Council Members present at those meetings.

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.2 Consideration, discussion and possible action by the City Council to select the Bastrop County Emergency Food Pantry & Support Center as the Social Service Agency designated to administer the funds of the City of Bastrop's "Good Neighbor Fund".

A.3 Consideration, discussion and possible action on the Final Plat for the Beck, N.H.P. & Prokop Subdivision, Section Three, being +/-4.813 acres within the Nancy Blakey Survey, Abstract No. 98, located within the Bastrop City limits.

A.4 Consideration, discussion and possible action on the Final Plat for 512 House Group Subdivision being +/-0.997 acres, within the Stephen F. Austin Survey Abstract No.3, to create one residential lot east of Phelan Road located within the City of Bastrop, Texas, One Mile Extra Territorial Jurisdiction (ETJ).

A.5 Consideration, discussion and possible action to approve the street name M. Bennight Boulevard, being a publicly-accessed, privately-owned roadway located between State Highway 71 and Old Austin Highway, and within the City Limits of Bastrop, Texas.

A.6 Appointment by Mayor, subject to confirmation by City Council of Dixie West to Place 9 on the Bastrop Public Library Board fulfilling an unexpired term ending June 2018.

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

CONSENT ITEMS CONTINUED

A.1 Approval of minutes from special meeting of September 8, 2016 and regular council meetings of July 26, 2016 and December 13, 2016.
The July 26, 2016 minutes were withdrawn.

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

Council Member Schiff made the motion to approve the minutes from regular council meeting of December 13, 2016, seconded by Council Member Peterson. The motion was approved on a 5-0 vote.

B. PUBLIC HEARINGS, ORDINANCES & OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION - NONE

B.1 **Public Hearing to:** Receive public input on the submission of an application to the Texas Department of Agriculture for a Texas Community Development Block Grant Program

(TxCDBG). The purpose of this meeting is to allow citizens an opportunity to discuss the citizen participation plan, the development of local housing and community development needs, the amount of TxCDBG funding available, all eligible TxCDBG activities, and the use of past TxCDBG funds.
Presentation was made by Trey Job, Director of Public Works, Parks & Utilities.

The public hearing was conducted.

B.2 Consideration, discussion and possible action regarding a resolution allocating funding and approving the submittal of an application for A Texas Community Development Block Grant for the amount of $300,000 with the Texas Department of Agriculture and allocation of $150,000.00 from the Water Waste Water Fund for the repair & replacement of waste water infrastructure approximately 4,500 feet in length.
Resolution No. 2017 R-01 was approved on Council Member Peterson's motion, Council Member Schiff's second. The motion was approved on a 5-0 vote.

B.3 Consideration, discussion and possible action to award a contract for engineering services to Strand and Associates to provide preparation of an application and project implementation if awarded for a Texas Community Development Block Grant to the Texas Department of Agriculture.
Council Member McAnally made the motion to award a contract for engineering services to Strand and Associates, seconded by Council Member Peterson. The motion was approved on a 5-0 vote.

B.4 Consideration, discussion and possible action to award a contract for grant administration services to Langford and Associates to prepare and submit an application for a Texas Community Development Block Grant to the Texas Department of Agriculture.
Council Member Schiff made the motion to award a contract for grant administration services to Langford and Associates, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 5-0 vote.

B.5 Consideration and discussion of DRAFT Amendment to the City of Bastrop Sign Ordinance Section 3.20 regarding certain provisions related to pylon signs.
The presentation was made by Wesley Brandon, Director of Planning and Engineering.

The discussion was held.

B.6 **Public Hearing**: "Request by Buc-ee's LTD to overturn a prior decision of the Bastrop Municipal Sign Review Board, made December 7, 2016, denying a request by Buc-ee's LTD for waiver "variances" to the City of Bastrop Sign Ordinance, to allow a pylon sign with a maximum height of 70 feet where a maximum height allowance is 35 feet and a maximum sign area of 400 square feet, where a maximum sign area of 160 square feet is allowed.
The presentation was made by Wesley Brandon, Director of Planning and Engineering.

The public hearing was held.

B.7 Consideration, discussion and possible action to grant "Request by Buc-ee's LTD to overturn a prior decision of the Bastrop Municipal Sign Review Board, made December 7, 2016, denying a request by Buc-ee's LTD for waiver "variances" to the City of Bastrop Sign Ordinance, to allow a pylon sign with a maximum height of 70 feet where a maximum height

allowance is 35 feet and a maximum sign area of 400 square feet, where a maximum sign area of 160 square feet is allowed.
Council Member Schiff made the motion to grant the request by Buc-ee's LTD, seconded by Council Member Jones. The motion was approved on a 5-0 vote.

B.8 The need for revisions in the ordinances creating the Zoning Board of Appeals and the Sign Board of Appeals have been identified in appeal activities during the last few years. Since there are no pending cases before either board it is timely to consider changes at this time. The need for changes will be discussed with each board and the Planning Commission before a recommendation will be submitted to the City Council for consideration.
Presentation made by Interim City Manager.

Mayor Kesselus recessed the Council Meeting at 8:21 p.m.

Mayor Kesselus called the meeting back to order at 8:26 p.m.

D. NEW BUSINESS

D.1 Consideration, discussion and possible action regarding 2017 City Council Meeting schedule.
Mayor Pro Tem DeLaRosa made the motion to approve the 2017 City Council Meeting schedule, seconded by Council Member Schiff. The motion was approved on a 5-0 vote.

D.2 Consideration, discussion and possible action approving the solicitation of bids for construction related to the Alley D Parking Lot Concrete Paving Project. The bids will be opened on February 16, 2017 at 1311 Chestnut Street beginning at 10:30 a.m.
Presentation was made by Trey Job, Director of Public Works, Parks & Utilities.

Council Member Schiff made the motion to give permission to move forward with the solicitation of bids for construction related to the Alley D Parking Lot Concrete Paving Project, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 5-0 vote.

D.3 Consideration, discussion and possible action for the approving the solicitation of bids for the installation of two sections 16-inch water main. the limits of construction for section (1) are from an existing connection west of the intersection of Hwy 95 and Hwy 71 and connecting at Eskew Street, and section (2) from an existing connection south of Hwy 71 and traveling west along Hwy 71 until the City of Bastrop new elevated storage tank location is reached.
Presentation was made by Trey Job, Director of Public Works, Parks & Utilities.

Council Member Schiff made the motion to give permission to move forward with the solicitation of bids for the installation of two sections, seconded by Council Member Jones. The motion was approved on a 5-0 vote.

D.4 Consideration and discussion regarding amendment to 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.
Presentation was made by David Bragg, City Attorney.

D.5 Consideration, discussion and possible action with respect to "Ordinance Authorizing The Issuance of the City Of Bastrop, Texas General Obligation Refunding Bonds; Levying An Ad Valorem Tax in Support of the Bonds; Establishing Procedures for Selling and Delivery of One or More Series of the Bonds; and Authorizing Other Matters Relating to the Bonds".
Presentation was made by Dan Wegmiller, Managing Director at Specialized Public Finance Inc.

Ordinance No. 2017-01 was approved on Mayor Pro Tem DeLaRosa's motion, Council Member Schiff's second. The motion was approved on a 5-0 vote.

D.6 First 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.
Presentation was made by Tracy Waldron, Chief Financial Officer.

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

D.7 Consideration, discussion and possible action on acceptance of the unaudited Monthly Financial Reports for the period ending November 30, 2016.
Presentation was made by Tracy Waldron, Chief Financial Officer.

Mayor Pro Tem DeLaRosa made the motion to accept the unaudited Monthly Financial Reports for the period ending November 30, 2016, seconded by Council Member Peterson. The motion was approved on a 5-0 vote.

D.8 Recommendation that the annexation process be completed regarding Trinidad Business Park Phase I, Lots 1 AND 2, being an approximate 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 Alley presented an executed contract for voluntary annexation as the owners of the above described property, with such voluntary annexation to occur no sooner than 3 years after the 2011 annexation was completed, but no sooner than October 26, 2014. the 2011 annexation was effective on November 8, 2011. The service plan presented in 2011 at the public hearings is still timely. All abutting property was annexed in 2011. If this recommendation is approved, the ordinance completing this annexation will be scheduled for first reading on January 24, 2017.
Presentation was made by Marvin Townsend, Interim City Manager.

Council Member Schiff made the motion directing the Interim City Manager, Marvin Townsend to proceed with the annexation process, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 5-0 vote.

D.9 Update: Consideration, discussion and possible action approving the proposed design provided by Deep in the Heart Foundry and approved by the Bastrop Art in Public Places Board for the Toads in Town project.

Presentation was made by Deborah Johnson, Chair of Bastrop Arts in Public Places.

Council Member McAnally made the motion to approve the proposed design provided by Deep in the Heart Foundry, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 5-0 vote.

E. EXECUTIVE SESSION

Pursuant to Texas Government Code §551.071 the City Council will meet in Executive Session to consult with its attorney to seek his advice about pending or contemplated litigation, or settlement offers. The City Council also will meet with its attorney to discuss legal issues related to the Texas Open Meetings Act and Texas Public Information Act. The City Council also will meet with its attorney pursuant to Texas Government Code §551.071(2) to consult on matters in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.

E1. The Bastrop City Council met at 8:50 p.m. 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, VanDiver litigation, and Pine Forest Unit 6, 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.

B. **SECTION 551.074 Personnel Matters** – City Manager applications.

E2. The Bastrop City Council reconvened at 9:37 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.

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 Pine Forest Unit 6, 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.
NO ACTION.

E2.B **SECTION 551.074 Personnel Matters** – City Manager applications.
NO ACTION.

ADJOURNMENT

Mayor Pro Tem DeLaRosa made the motion to adjourn the meeting at 9:39 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 January 24, 2017 by Council Member Schiff motion, Mayor Pro Tem DeLaRosa second. The motion was approved on a 5-0 vote.