MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
DECEMBER 13, 2016

The Bastrop City Council met in a Regular Meeting on Tuesday, December 13, 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
Mayor Pro Tem DeLaRosa led the Pledge of Allegiance

INVOCATION
Council Member Schiff gave the Invocation.

PRESENTATIONS
A. Update regarding ongoing drainage improvements, including Hunters Crossing.
Wesley Brandon, Director of Planning and Engineering provided the update.
B. Update on the Police Department remodel – Steve Adcock
Steve Adcock, Public Safety Director

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.
City Manager was directed to:
- **Look the litter situation - after the shredding the litter situation is bad along Highway 71, Government Street, underneath the bridge at Main and Water Street;**
- **Look into a Council Chamber Management System.**
- **Obtain a three minute timer for the dais.**

D. Announcements from Interim City Manager Marvin Townsend:
1. The McCall Ranch Group and the Odem Group, landowners who have previously protested the City's well permit application being granted by the Lost Pines Groundwater Conservation District, filed a motion for rehearing by the District. The motion was filed on December 6, 2016.
2. Travis County ESD #11 has sent a letter asking the City to consent to creation of a new overlay Fire District overlapping Bastrop's Extra-Territorial Jurisdiction (ETJ). It appears that 3 parcels, primarily in Bastrop County, extend into Travis County. These parcels were added to Bastrop's ETJ around 1985 and have since been divided. The properties are near the intersection of Highway 71 and Tucker Hill Road in the general vicinity of the CARTS

Facility. The formal request has not been received. A replat will be prepared indicating the history of the parcels and the boundaries of Bastrop.

3. Report on progress of process of creating a DMO.

CITIZENS COMMENTS

David Perkins – Suggested that the City make a TV channel where Bastrop makes its own shows. He also offered his services to help with this due to his background.

Deborah Johnson – Thanked Council for donation of $30,000 for support for the Wassail Fest.

Ann Beck – Stated the Wassail Fest was fabulous and Bastrop is a fun place. Ms. Beck stated that she is upset that Wesley Brandon's position has been joined with the City Planner and she hates that the City will not have a professional planner.

Richard Smarzik – Wanted to know when the DMO report will be released to the public. He stated the Wassail Fest was the best.

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 Approval of minutes from workshops of February 16, 2016 and August 2, 2016 and regular council meetings of July 12, 2016, September 27, 2016 and November 22, 2016. (Due to an omission from previous agendas for approval this agenda contains a large group of minutes listed for approval. Going forward a system is in place to assure timely approval of written minutes. The minutes for July 26, 2016 and September 8, 2016 will be posted for approval on the January 10, 2017 meeting. Video recordings of the minutes are available on the City web page at http://www.cityofbastrop.org/page/cc.council_agendas)

A.2 Approval of the proposed tax rebates for City designated Historic Landmarks.

A.3 Approval and adoption of the Resolution adding Multi-Bank Securities, Inc. to the Eligible Broker/Dealer List to engage in investment transactions on behalf of the City of Bastrop in accordance with the City of Bastrop's Investment Policy.

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 - NONE

C. OLD BUSINESS

C.1 A report was provided to the City Council on November 22, 2016 regarding the status of the Third Amendment to the Water Purchase Agreement with XS Ranch. The report stated that

XS Ranch has approved the revisions to the amendment recommended by Mr. Bragg. The amendment provides an option to obtain 3,000 additional acre feet with the stipulation that the option must be exercised no later than 90 days after the City obtains a final non-appealable order from the Groundwater District for Well #1. The additional $1,000,000 for the additional water rights will be paid in five annual payments of $200,000 each beginning June 20, 2021. The Amendment has been signed by Mr. Foster for XS Ranch. Recommendation that Amendment #3 to the raw water purchase contract be approved and be executed by the City Manager.
Council Member Jones made the motion to approve and authorize the City Manager to execute Amendment #3 to the raw water purchase contract, seconded by Council Member McAnally. The motion was approved on a 4-1 vote. Mayor Pro Tem DeLaRosa voted nay.

C.2 Second 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.
Ordinance No. 2016-33 was approved on Council Member Jones' motion, Council Member Schiff's second. The motion was approved on a 5-0 vote.

D. NEW BUSINESS

D.4 Consideration and discussion of the Bastrop 1832 Farmer's Market goals and objectives and future lease agreement. The Bastrop 1832 Farmer's Market board of directors has made great strides in setting goals and objectives in relationship to their evolving Business Plan development to ensure their future success as a destination market that is inclusive. Their current lease agreement expires on 12/31/16. The Board of Directors has also submitted an offer for continuation of their lease in 2017.
Mayor Pro Tem DeLaRosa made the motion to approve the Bastrop 1832 Farmer's Market lease on a month to month basis, seconded by Council Member Jones. The motion was approved on a 5-0 vote.

D.5 Consideration, discussion and possible action concerning the appointment of the Interim City Attorney to the position of City Attorney as discussed at the Council meeting on November 22, 2016 and consideration, discussion and possible action concerning a proposed Attorney and Client Agreement to be effective December 13, 2016.
Council Member Schiff made the motion to appoint the Interim City Attorney to the position of City Attorney and approval of the Attorney and Client Agreement to be effective December 13, 2016, seconded by Council Member Jones. The motion was approved on a 4-1 vote.

D.10 Consideration discussion and possible action to award a contract to MWM DESIGN GROUP from Austin to provide engineering services for design, bidding and construction phase for a field engineering project in the amount of $73,370.75 the service will reconstruction of sidewalks including ramp relocation and mill/overly of roads in Historic Downtown Bastrop.
Presentation was made by Trey Job, Director of Public Works, Parks and Utilities.

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

D.11 Consideration discussion and possible action approving the Bastrop Art in Public Places Call to Artist for the 2017 Two Dimensional Art Project.
Presentation was made by Trey Job, Director of Public Works, Parks and Utilities.

Council Member Schiff made the motion to approve the Bastrop Art in Public Places Call to Artist, seconded by Council Member McAnally. The motion was approved on a 5-0 vote.

D.13 Consideration discussion and possible action approving the draft agreement for infrastructure improvement in the Form Based Code Area of the City of Bastrop when it promotes water quality and improved fire flow.
Presentation was made by Trey Job, Director of Public Works, Parks and Utilities.

Council Member Jones made the motion to approve the draft agreement for infrastructure improvement, seconded by Council Member Schiff. The motion was approved on a 5-0 vote.

D.14 Consideration, discussion and possible action regarding the request for City approval of FORESTAR (USA) REAL ESTATE GROUP INC. application to assign its consent agreement regarding the creation of the Colony Municipal Utility District #1 and successor Districts created by division of the Colony Municipal Utility District. Consent of the City to any assignment is a requirement of Section 5.03 of the original consent agreement when the City concurred in the creation of the Colony MUD. The requested assignment is to HUNT COMMUNITIES BASTROP, LLC who will be accepting all the original duties and obligations of FORESTAR (USA) REAL ESTATE GROUP INC.
Presentation was made by Marvin Townsend, Interim City Manager.

Mayor Pro Tem DeLaRosa made the motion to approve the request for City approval of Forestar (USA) Real Estate Group Inc., seconded by Council Member Jones. The motion was approved on a 5-0 vote.

D.1 Consideration, discussion and possible action on repealing the current City Code, Section 12.06.004 regarding 2 hour parking in the downtown area and replacing it with a new ordinance limiting legal parking in the following areas to three (3) consecutive hours between the hours of 8 AM and 5 PM, except business holidays: east and west sides of Main Street from Pine Street to Farm Street. City Code, Section 12.06.011(b)(1) referring to "two-hour" parking would need to be changed to "three-hour" parking.
Council Member Schiff made the following motion, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 5-0 vote.

The motion was to repeal parking ordinance Section 12.06.004 and direct the City Manager and Director of Public Safety to develop a new parking ordinance limiting legal parking in the following areas to three consecutive hours between the hours of 8:00 a.m. and 5:00 p.m., except business holidays: east and west sides of Main Street from Pine Street to Farm Street and to bring the new ordinance back to Council for consideration and possible approval by January 10, 2017.

D.2 Consideration, discussion and possible action regarding the creation of a Charter Review Committee.
This item was withdrawn.

D.6 Consideration, discussion and possible action regarding adoption of a standard leasing agreement for attachments to Utility Facilities.
Presentation was made by Andres Rosales, Director of Information Technology.

Council Member Schiff made the motion to adopt a standard leasing agreement for attachments to Utility Facilities, seconded by Council Member Jones. The motion was approved on a 4-0 vote. Mayor was off dais, Mayor Pro Tem presided over item.

D.7 First reading of an ordinance revising the City Code of Ordinances, Chapter 13, "Utilities", by adding Article 13.12, "Licensing Agreement for Attachments to Utility Facilities"; adding Section 13.12.001, "General Provisions"; adding Section 13.12.002 "Standard Licensing Agreement for Attachments to Utility Facilities"; adding Section 13.12.003 "Application of Fees and Charges"; amending Appendix "A" "Fee Schedule," adding Section A16.01.001 "Attachments to Utility Facilities Fees and Charges"; and providing an effective date.
Presentation was given by Andres Rosales, Director of Information Technology.

Council Member Schiff made the motion to approve the first reading of an ordinance, seconded by Council Member Peterson. The motion was approved on a 4-0 vote. Mayor was off dais, Mayor Pro Tem presided over item.

D.3 Consideration, discussion and possible action regarding "Pedicab Service" in the City of Bastrop.
Presentation was made by Ann Franklin, City Secretary.

Council Member McAnally made the motion directing staff to bring forth an ordinance before Council for approval to amend the City Code to include "Pedicab Service", seconded by Council Member Jones. The motion was approved on a 5-0 vote.

D.8 Consideration discussion and possible action to purchase a 2018 freightliner dump-truck for the amount of $102,715 from FREIGHTLINER OF AUSTIN. Using the price obtained through the TASB Buyboard. This purchase was authorized in the 2016/17 Budget Year and will replace a 1986 Model International Dump Truck
Council Member Schiff made the motion to approve the purchase of a 2018 freightliner dump-truck, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 5-0 vote.

D.9 Consideration discussion and possible action for renewing the lease agreement executed by and between the CITY OF BASTROP and the BASTROP LITTLE LEAGUE for a period of five years from October 11, 2016. The lease includes City provided power, water and grounds maintenance outside the Rusty Reynold Ball Fields.
Mayor Pro Tem DeLaRosa made the motion to renew the lease agreement executed by and between the City of Bastrop and the Bastrop Little League, seconded by Council Member Schiff. The motion was approved on a 5-0 vote.

D.12 Consideration discussion and possible action to award a well engineering contract to CH2M HILL to initiate design services for Well Number 1 at XS Ranch in the Simsboro Aquifer and related monitor wells at an estimated cost of $159,342.45.
Council Member Schiff made the motion to award a well engineering contract to CH2MHill, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 4-0 vote. Council Member McAnally was off the dais.

D.15 Recommendation that plans and specification be approved and bids be received on January 5, 2016 for renovations and space build out at the Adell Powell Police and Courts Building. When the building was completed in 2000, 1,056 square feet was roughed in and set aside for future expansion. This space is now needed for both the Police Department and Municipal Court. The budget includes up to $500,000 for this renovation.
Mayor Pro Tem DeLaRosa made the motion to approve the plans and specification and bids for renovations and space build out at the Adell Powell Police and Courts Building, seconded by Council Member Jones. The motion was approved on a 4-0 vote. Council Member McAnally was off the dais.

D.16 Consideration of addressing the sign ordinance review in two segments, signage related to major state highway, and all other sign regulations. The height and square footage of signs impacted by elevated and high speed state highway, have been the basis of a number of appeals to the Municipal Sign Review Board. A staff recommendation to address sign issues involving overpasses and high speeds can be prepared more rapidly than a review of the entire ordinance.
No action was taken.

E. EXECUTIVE SESSION

E.1 Pursuant to Texas Government Code §551.071 the City Council met 8:37 p.m. 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. The Council also will discuss with the City Attorney the items described below in paragraphs A through D.

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, Open Records Act and Open Meetings Act legal issues 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.

B. **SECTION 551.074 Personnel Matters** – City Manager Selection and report from Mike Tanner of Strategic Government Resources.

C. **Section 551.072** – Deliberation about the purchase, exchange, lease, or value of real property: Project(s) 'Main Stay'

D. **Section 551.087** – Deliberation regarding economic development negotiations: Project(s) 'Main Stay'

E2. The Bastrop City Council reconvened at 10:54 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.) –No Action.

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, Open Records Act and Open Meetings Act legal issues 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.

E2.B **SECTION 551.074 Personnel Matters** – City Manager Selection and report from Mike Tanner of Strategic Government Resources.

E2.C **Section 551.072** – Deliberation about the purchase, exchange, lease, or value of real property: Project(s) 'Main Stay'

E2.D **Section 551.087** – Deliberation regarding economic development negotiations: Project(s) 'Main Stay'

ADJOURNMENT

Mayor Pro Tem DeLaRosa made the motion to adjourn the meeting at 10:56 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 10, 2117 by Council Member McAnally's motion, Council Member Schiff's second. The motion was approved on a 5-0 vote.