

**MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
NOVEMBER 10, 2015**

The Bastrop City Council met in a Regular Meeting on Tuesday, November 10, 2015 at 6:30 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Ken Kesselus, Mayor Pro Tem DeLaRoas, and Council Members Dock Jackson, Gary Schiff, Kay Garcia McAnally and Kelly Gilleland.

CALL TO ORDER

Mayor Kesselus called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

Veterans City Manager Mike Talbot, Victor Gonzales and Terry Haggerty led the Pledge of Allegiance and the Pledge to the Texas Flag.

INVOCATION

Mayor Kesselus gave the Invocation.

PRESENTATIONS

Georgina Ngozi presented the Bastrop Museum & Visitor Center of the Bastrop County Historical Society Operations and Maintenance Budget.

PROCLAMATIONS

1. Recycling -

Mayor Kesselus read the proclamation and Dorothy Skarnulis accepted it.

2. Arbor Day -

Mayor Kesselus read the proclamation. The Mayor presented the proclamation at the annual Arbor Day event on November 7, 2015.

ANNOUNCEMENTS

1. Council Member Jackson gave a presentation at the Red, White and Blue Banquet honoring the Veterans. Council Member Jackson stated that the banquet was very inspiring. The speaker was Captain Jerry Yellin, a ninety one year old World War II Veteran who was a Fighter Pilot and he told an amazing story about his bombing of Pearl Harbor. Council Member Jackson stated that it was an honor for him to represent the City of Bastrop.

CITIZEN COMMENTS

Roland Nava – Mr. Nava expressed the concern of the covered bus shelters not being completed as of yet and why the stones with the children's imprints are not being used yet. The covered bus shelters were on the City Manager's report, City Manager Talbot responded to Mr. Nava's concern. The City Manager stated that he had initially taken a design to the Council, a shelter that was made of wood and the Council requested that the City Manager look into getting a metal constructed shelter. The design specifications were drawn up, the desire was to have them designed in a manner in which the shelters could be bought as

kits. There was difficulty in finding a metal manufacturer but one was found, Council was advised of this at the October 27, 2015 meeting and was given the comparison between the metal and the wood. On the City Manager's report this issue is listed because it was not clear in which direction the Council wanted the City Manager to go and the City Manager's plan is to get this direction tonight and once he has this information he will order the appropriate kit. Mr. Nava asked if there was any way he could be informed because the people are concerned and would like to know what is going on. The City Manager replied "sure". The Mayor stated that half of the tiles are ready to go and the other half are being made. The City Manager stated that he was not aware that all of the tiles were not complete. The City Manager stated that the shelter could be constructed with a temporary base until the rest of the tiles were complete. The City Manager stated that he is committed to putting the first one in and working with the person that the Mayor has been working with to get the hand prints.

Mr. Nava announced that there will be a community picnic on November 14, 2015 and he invited the Mayor, Council and City Manager to attend. Mr. Nava suggested that maybe the Mayor, Council and City Manager could attend in rotation because of the possible questions that the citizens may have. He believes that it would be respectful to the citizens if someone from the Council could be there to answer the questions. The City Manager asked the date. Mr. Nava stated that it would be on November 14th on Main and Linden from 2:00 p.m. to 5:00 p.m. The City Manager stated that he would be there.

Danielle Huber – Ms. Huber spoke on behalf of the Bastrop Opera House and reported the successful launch of the Bastrop Academy of Performing Arts for Young People. Ms. Huber reported special achievements of the Opera House. On October 6th the Bastrop Academy of Performing Arts for Young People was initiated, two classes meet every Tuesday through December 22nd. Curriculum include: Performing Arts Technique and discipline as well as plays, musicals and contest entry. Ages six through sixteen are involved in the two classes.

Shawn Pletsch – Reminded everyone of the Main Street celebration set for Thursday, November 12, 2015 at Neighbors Yard for State and National awards.

ANNOUNCEMENTS CONTINUED

- A. Update on Comprehensive Plan Steering Committee– Kay Garcia McAnally and Dock Jackson**
Council Member Jackson reported that a Steering Committee meeting is coming up on Friday, November 20, 2015. After the meeting there will be a more in-depth report for the public as well as the Council.

Council Member Schiff announced that he had received a tour of all the City facilities from City Manager Mike Talbot. Council Member Schiff stated that it was very educational. City Manager Talbot made the offer of the tour to the Mayor and other Council Members. The City Manager stated that he feels the tour will be helpful going forward by giving a frame of reference on some issues. Mayor Kesselus suggested to the City Manager that he schedule three council members at a time for the tour, this will save on the trips.

Council Member Jackson announced:

- Veterans Car Show on November 14, 2015.
- Community Picnic on November 14, 2015.
- Huston Tillotson University is looking at expanding into the Bastrop area by offering classes and possibly a facility. They are putting together a study to get City, County and Community involvement.

- TML Region X meeting on December 9, 2015, Senator Kirk Watson is being honored.

Council Member Gilleland announced that the “Team Up To Clean Up” is in the final week of competition. The awards will be presented to the winners at the November 24, 2015 Council meeting.

E. EXECUTIVE SESSION

The Bastrop City Council met at 7:13 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) & SECTION 551.071(2)** – (1) consultation with attorney concerning: pending litigation, including but not limited to issues related to code enforcement actions, municipal water rights, and SOAH hearing on City’s LPGCD water permit for Well No. 1, and (2) matters upon which the attorney has a duty and/or responsibility to report to the governmental body.

At 8:17 p.m. the Bastrop City Council reconvened into open session to discuss, consider and/or take any actions necessary related to the executive sessions noted herein, or regular agenda items noted below, and/or related items.

City Manager Talbot stated that he understood based upon the discussion and review that the Council was satisfied with the manner in which he has handled the permitting process to date. The direction is to continue in the direction that has been set and to continue to put the same effort that has been put forth so far as the process goes forward in preparation for the January meeting.

City Manager’s Informational Report for the November 10, 2015 City Council Meeting:

I. Meetings and Events Attended:

- A. **Attended the Texas Water Law Conference in Austin October 29-30, 2015**
- B. **Attend mediation regarding SOAH Hearing October 26, 2015**
- C. **Taped the First Episode of Moving Bastrop Forward with CM Mike Talbot November 4, 2015**

II. Update on City Projects and Issues:

- A. **Discussion and Review of Water Usage for the period of October 26, 2015 through November 7, 2015.**
- B. **Update on the City of Bastrop’s Long Term Water Supply Project.**
- C. **Update Regarding the FY-16 Annual City Council Planning Retreat**
- D. **Update on Upcoming Meetings and Events.**
 - City Manager Talbot had a request for Council to have a joint meeting with the Planning and Zoning Commission on Thursday, November 19th or Monday, November 23rd. The City Manager stated that issues have come up and this is an area that Council placed emphasis on as a redevelopment area. The City Manager believes that this meeting would be beneficial. The Mayor asked the City Manager how long he anticipated the meeting to take. The City Manager stated that he will do his best to limit it to two hours or shorter. The Mayor asked the City Manager if he was advising the Council that it is of importance to have the special meeting. The City Manager stated that he does believe it is important. The City Manager stated that he believes that this meeting will set the framework for future issues such as this because it has

been such a long time sense there has been a project such as this. He believes that once there is a general understanding between Council and the Planning and Zoning he does not foresee having this being a reoccurring matter. The Mayor stated that he will call the meeting on behalf of the City Council and he believes that Ms. Patterson will call it on behalf of the Planning and Zoning Commission. The Council had a consensus from the dais to set the meeting for November 23, 2015.

E. Update on the Comprehensive Plan – Next Steering Comm. Meeting November 20, 2015 @ 8:00 AM at City Hall

F. Update on the Water Filtration Project – Willow Park Well Field

G. Update on the Bus Shelters in the Northern area of the City.

- City Manager Talbot stated that he did not want any miscommunication between him and the Council, he is asking for direction on what the Council would like for him to do and how to proceed on this project. There has not been a conclusive decision on whether or not to go metal. Mayor Pro Tem DeLaRosa asked about the dollar amount. The City Manager stated that the metal is about \$5,000 and the wood is approximately \$1,500 to \$2,000. City Manager Talbot stated that what he initially agreed to in order to jump start the program was that the City would put the first shelter in and leave it up to organizations and groups to raise funds to install additional shelters. Council Member Gilleland asked the City Manager if he was saying that prefab kits would be available upon request or would the City wait for the organizations or groups to come forward before ordering. The City Manager stated that the City would wait for the organizations or groups to come forward but his understanding is that there is not going to be a lot of production time since the a kit will have already been made. Council Member Gilleland asked if the City could do the first one as metal and an organization could do a wood one later. The City Manager replied “if that is acceptable to the Council.” The Mayor stated that someone came up with the idea that there should be a uniform look among the shelters others have said not necessarily. The Mayor stated that he was working on this with the City Engineer, the Chairman of the Construction Standards Board and a local carpenter, everyone in the group except him said it would not be a good idea to use wood. The Mayor stated that this project was agreed upon because the North area had been neglected for a while and that this needs to be done and the initial one should be put up and fulfill the Council’s pledge.

Council Member Gilleland made the motion to instruct the City Manager to use metal for the bus shelters in the Northern area of the City, seconded by Council Member Jackson. The motion passed on a vote of 4-0. Council Member McAnally was off the dais.

H. Update and Discussion Regarding the West Bastrop Village Municipal Utility District.

I. Update on the Texas Department of Transportation “Tahitian Village Overpass Project.

J. Update on Removing the “Sand Bar” in Front of the Boat Ramp at Fisherman’s Park.

K. Update on Bastrop Marketing Corporation/Hyatt Lost Pines

L. Discussion and review of the Boys and Girls Club Agreement

- City Manager Talbot stated that the City is currently working with the YMCA(Y) but is not sure if the plan is going to work so he is still moving forward with Plan B. The Plan B footprint will fit on the site. The extension of the agreement is still unsettled and this was the question being asked of the City Manager. The Mayor asked if it was true that the agreement could be extended at any time. The City Manager replied yes. If the Council goes another route there is nothing prohibiting the Council from resurrecting the agreement with the Y by an extension or another time frame for them to do their Capital Fund Program that is referenced in their presentation. Council Member Schiff asked what the length of time is that is being requested. The City Manager stated that they are asking for five years. The Mayor asked the City Manager

if the door is being closed by letting the agreement expire. The City Manager replied “no.” The Mayor asked the City Manager when the Council could expect a recommendation from him on the Plan B. The City Manager stated by December the 8th.

M. Chestnut Street Fire Station Renovation

N. Appointment of a Board Member to the Bastrop County Appraisal District

- The City Manager informed the Council that if they have a desire to exercise the right to appoint a board member to the Bastrop County Appraisal District they will need to inform the City Manager or the City Secretary prior to the November 24th meeting. The deadline to get the information in to the Appraisal District is November 30th.

O. Update on the PEG Channel

P. Management/Administrative Activities

III. Other City Activities:

A. City of Bastrop Convention Center Activities.

B. The City of Bastrop Main Street Program.

C. Planning Department – Inspection Report.

D. Update on the YMCA Program

Inviting input from the City Council related to issues for possible inclusion on future agendas related to issues such as (but not limited to) municipal projects, personnel, public property, development and other City/public business.

EXECUTIVE SESSION: *The Council reserves the right to convene into Executive Session at any time during the meeting regarding any agenda item. In compliance with the Open Meetings Act, Ch. 551 Govt. Code, Vernon's TX Code, Annotated, the item below will be discussed in closed session.* 1. SECTION 551.071 – Consultations with Attorney related to legal matters

A. CONSENT AGENDA

All of the following items on the Consent Agenda 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 Consideration, discussion and possible action regarding approval of minutes from Special Called Meeting of October 8, 2015 and Regular Council Meeting of October 27, 2015.
- A.2 Consideration, discussion and possible action regarding approval of the second reading of an ordinance amending City Code Section 12.06.002, implementing a parallel parking zone in the Central Business District of the city, along the east side of Main Street [between Pine Street

and Chestnut Street]; providing enforcement authority related to same; containing a severability clause; and establishing an effective date.

- A.3 Consideration, discussion and possible action regarding approval of a standard 'Conflict of Interest' forms, approved by the Ethics Commission, for all City boards, commissions, task force members and other City officials.
- A.5 Approval of Bastrop Marketing Corporation's request for reimbursement of funds for September 2015 in accordance with the agreement to be spent on advertising and marketing the City of Bastrop area.
- A.7 Consideration, discussion and possible action by the City Council for approval and adoption of the resolution adding Financial Northeastern 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.
- A.8 Approval of the statutory denial, for a period of 180 days from the date of Council action on a request for the Administrative Plat of Allen Subdivision located on North Main and Old McDade Road within the City of Bastrop, Texas One Mile Extra Territorial Jurisdiction (ETJ).
- A.9 Approval of the statutory denial, for a period of 180 days from the date of Council action on a request for the Washington No. 2 Final Plat located north of Mesquite Street and west of an unopened portion of Hill Street within the city limits of Bastrop, Texas.
- A.10 Approval of the Final Plat for XS Ranch Road, Section One located within the City of Bastrop, Texas Extra Territorial Jurisdiction (ETJ).

Council Member Schiff made the motion to approve the Consent Agenda, seconded by Mayor Pro Tem DeLaRosa. The Consent Agenda was approved on a vote of 4-0. Council Member McAnally was off the dais.

DISCUSSION ITEM

Items A.4 and A.6 were discussion items removed and voted on separately from the consent agenda.

- A.4 Consideration, discussion and possible action regarding the second reading of an ordinance amending Chapter 5 and Chapter 9 of the City Of Bastrop Code Of Ordinances and re-codifying portions of Chapter 5 into Chapter 9; creating and enumerating the powers and duties of the positions of Director of Public Safety, Fire Chief and Assistant Police Chief; adding provisions concerning the administration of the Bastrop Volunteer Fire Department; repealing provisions of Chapter 5 regarding the position of Fire Marshal; creating the position of Fire Inspector; amending provisions related to the powers and duties of City Of Bastrop Volunteer Firefighters; providing a savings and a repeal clause; and providing an effective date.

Council Member Gilleland made the motion to approve the ordinance with the amendment to uniformly list "City of Bastrop Volunteer Fire Department" throughout the ordinance, seconded by Mayor Pro Tem DeLaRosa. The motion passed on a vote of 4-0. Council Member McAnally was off the dais.

- A.6 **Consideration, discussion and possible action by the City Council for approval and adoption of the resolution adding Texas Cooperative Liquid Assets Securities System Investment Pool (Texas Class), a Local Government Investment Pool administered by Public Trust Advisors, LLC, thus creating a program for diversification of the City of Bastrop's investments in accordance with the Public Funds Investment Act, Texas Government Code, Section 2256.001 Et Seq. and the City Of Bastrop's Investment Policy.** Mayor Pro Tem DeLaRosa made the motion to approve the resolution, seconded by Council Member Jackson. The motion passed on a vote of 4-0. Council Member McAnally was off the dais.

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

- B.1 **PUBLIC HEARING: Consideration, discussion and possible action on a Variance to the Subdivision Ordinance, Section 6.50.2 (A) requiring that each lot in a subdivision abut on a public street. The proposed Taylor Lane Subdivision is a +/- 2.97 acre out of the Nancy Blakey Survey A98 located on Taylor Lane in the Bastrop, Texas Extra Territorial Jurisdiction (ETJ).**

Council Member Schiff made the motion to approve the variance, seconded by Mayor Pro Tem DeLaRosa. The motion passed on a vote of 4-0. Council Member McAnally was off the dais.

- B.2 **Conduct a public hearing to receive citizens input on an amendment to the Zoning Ordinance, Chapter 14, Section 36.2, Zoning Use Charts and A-3, Definitions. Amend to define moving of existing building(s)/structure(s) with a Conditional Use Permit (CUP) within residential zoning classifications and to amend Chapter 3, Building Regulations, Article 3.16.002 and 3.16.006.**

The Mayor asked if the City of Bastrop were to bring in manufactured homes there are standards that it must have met when being manufactured, it has met all the necessary codes as it is being manufactured but if an individual desires to move in a house from another property this will allow the City to inspect and make sure it is up to code prior to the house being moved. The Planning Director stated yes, it looks at inspecting and getting a good parameter of the structure prior to being moved and it would allow neighbors to be notified. Council Member Gilleland asked if someone wanted to move a structure into the City it must be inspected first. The Director of Planning responded yes. Council Member Gilleland asked what the parameters were for inspection. The Director of Planning stated a certified inspector to establish and look at the structure and determine whether or not the structures needs to be brought up to compliance. Council Member Gilleland asked if the opportunity was there to deny a structure that the City did not feel was able to be brought up to standard with the code. The Director of planning stated yes and the Planning and Zoning Commission as well as the Council would have the ability to look at the shape of the structure. The Mayor stated that it also sounds like it would prevent a house being on the ground in the City that is in bad shape and not up to code and the individual moving a structure would have an advanced notice as to what the construction cost would be regarding moving the structure. Council Member Gilleland asked at what point will an individual be told that the structure cannot be moved into the City. The Director of Planning stated that this allows a lot of information to be shared prior to a structure being moved to see what condition the structure is in and what the outcome is going to be. It will give not only the staff but the Council what the purview is on what is going on with the structure. The Mayor stated and the owner of the structure. Council Member Schiff asked if a structure does not meet code requirements in the City would the staff inform the owner of what it would require for the structure to meet the standards of the City and would you not restrict the owner from moving the house as long as they make the upgrades. The Director of Planning replied absolutely although the approval of moving the structure would be through the

conditional use permitting process. It does reside with the Planning Department to a certain degree but it also has to get approval from the Planning and Zoning Commission and the Council. Council Member Schiff asked but if it is rejected it would state "this is why we are rejecting it" and then the owner could mitigate it and go round and round until they achieved acceptance to bring the structure in. The Director of Planning stated yes. Council Member Gilleland asked the Director if she was saying the conditional use permit will only be issued once the owner has made the upgrades that the City approves or only when they agree to make them once the structure is moved into town. The Director stated that the conditional use permit establishes a process, it starts with an inspection of the structure which has been lacking before and it gives the property owner time to start thinking about what improvements would need to be made to the structure once it is moved in. It also establishes a timeline. Council Member Gilleland stated that she still was not clear, if the owner comes to the City with a building that does not meet the code at this time and the owner plans to make it meet the code can the structure be moved into the City based on the rules of this item is there anything that would prevent the owner from moving the structure. The Director replied nothing would prevent the owner from moving the structure if the structure meets the condition use requirements as long as the owner gets the approval of the Planning Commission and Council.

The public hearing was closed without objection.

- B.3 First reading of an ordinance granting amendments to the zoning ordinance, Chapter 14, Section 36.2 Zoning Use Charts and A.3 Definitions Defining The Movement Of Existing Building(s)/Structures(s) with a Conditional Use Permit (CUP) within residential zoning classifications and amending Chapter 3, "Building Regulations" Article 3.16.002 AND 3.16.006; providing a severability clause; and providing an effective date.**

Mayor Pro Tem DeLaRosa made the motion to approve the first reading of the ordinance, seconded by Council Member Schiff. The motion passed on a vote of 4-0. Council Member McAnally was off the dais.

- B.4 PUBLIC HEARING: Conduct a public hearing to receive citizens input on a request to rezone +/-1.774 acres out of a +/-2.837 acre tract within Farm Lot 10 East of Main Street, from MF-2, Multi Family-2 to SF-7, Single Family Residential-7 located north of Mesquite Street also known as 1006 Mesquite within the city limits of Bastrop, Texas.**

The public hearing was closed without objection.

- B.5 First reading of an ordinance granting a zone change for +/-1.774 acre tract out of farm lot 10 East of Main Street, from MF-2, Multi Family-2 TO SF-7, Single Family Residential-7 located North Of Mesquite Street also known as 1006 Mesquite within the city limits of Bastrop, Texas; and providing an effective date.**

Council Member Jackson made the motion to approve the first reading of the ordinance, seconded by Council Member Jackson. The motion passed on a vote of 4-0. Council Member McAnally was off the dais.

- B.6 Conduct a public hearing to receive citizens input on a request for a CUP, Conditional Use Permit to allow a manufactured home at 1006 Mesquite Street, being +/-0.500 acres out of Farm Lot 10 East of Main Street, Lot 2 of the proposed Washington No. 2 Subdivision an area zoned SF-7, Single Family Residential-7 within the city limits of Bastrop, Texas.**

The public hearing was closed without objection.

- B.7 First reading of an ordinance granting a CUP, Conditional Use Permit to allow a manufactured home at 1006 Mesquite Street, being +/-0.500 acres out of Farm Lot 10 East of Main Street, lot 2 of the proposed Washington NO. 2 subdivision an area zoned SF-7, Single**

Family Residential-7 within the city limits of Bastrop, Texas; setting out conditions; and providing an effective date.

Mayor Pro Tem DeLaRosa made the motion to approve the first reading of the ordinance, seconded by Council Member Schiff. The motion passed on a vote of 4-0. Council Member McAnally was off the dais.

B.8 CONDUCT A PUBLIC HEARING: “Request by CSW Development to overturn a prior decision of the Bastrop Municipal Sign Review Board, made on April 1, 2015, denying a request by CSW for Variances to the City of Bastrop Code of Ordinances – Sign Ordinance Section 3.20.016 (4) Poly signs on S.H. 71 to: (1) allow for an increase in the total square footage allowed, from the standard 160 square feet up to 224 square feet (i.e., an increase of 64 square feet), and (2) increase the height of the sign from the standard 35 feet height up to a height of 50 feet (i.e., a 15 foot increase).

Mayor Pro Tem DeLaRosa asked if the Planning Director would be a part of the discussion. The City Manager stated that the ordinance just says that the item comes to the City Manager. The City Manager stated that he put all of the Planning Director’s staff reports in the packet. Mayor Pro Tem DeLaRosa stated this item has gone before the BEDC several months ago and whether the Council overturns the decision or not the meeting regarding the sign ordinance because of the overpass will still take place. The City Manager stated that Mayor Pro Tem DeLaRosa did instruct him to conduct an evaluation and this has begun and the information is forthcoming. Mayor Kesselus stated that if this item is approved it should be the start to an effort to amend the sign ordinance. The Mayor stated that this is not to say that the Sign Review Board made a mistake, they were following rules that were antiquated. Council Member Gilleland asked why the BEDC is involved. Council Member Schiff stated that it came up at the BEDC and the board was disappointed that the rules do not allow for signs to be seen from the highway and there is a sign ordinance that is forty three pages long that seems overly restrictive and it is time to look at it. Council Member Gilleland stated if the BEDC wants to bring their opinion forward it should be done so formally and not because three of the Council Members are on the BEDC and have knowledge about it. Council Member Schiff stated that he takes offense to the statement because whether he does or does not sit on the BEDC board it does not have anything to do with the sign ordinance being adequate or inadequate. Anyone can look at the sign ordinance and the conditions in the field and say the old rules do not make sense for the current conditions it has nothing to do with BEDC. Council Member Gilleland reiterated that she does not understand why the BEDC was brought into the discussion at this point. Council Member Schiff stated that the developer who was doing the project came to BEDC and asked why they were not allowed to use the desired square footage. Council Member Schiff stated “It was brought to us because it was brought to us and I don’t know why it was brought to us.” The Mayor stated that Council Member Gilleland’s question was a good one and the place for the BEDC to weigh in is when the sign ordinance is discussed and Mayor Pro Tem DeLaRosa and Council Member Schiff are giving information about a conversation that took place at one of the next most important public entity. The Mayor feels that if the BEDC wanted to represent in this variance case they would be at the meeting, he does feel that the conversation had to do with a broader issue and the City Manager is working on that issue under the instructions of the Council. The Mayor is hopeful that the BEDC will be represented as a body with weighing in with their opinion during the conversation of the sign ordinance. Council Member Gilleland stated that she agrees with the Mayor’s comments but that there is a perception that the three Council Members who sit on the BEDC are privy to different information than what the Council is privy to. Ms. Gilleland stated if BEDC would like to weigh in they should weight in through their director who addresses the issue with Council. The City Manager stated that he advised the Council that this is not the only business that has contacted the City Manager’s office regarding the sign ordinance and based upon that information the Council instructed the City Manager to start analyzing and looking at this issue as it relates to the overpasses. The City

Manager has started the process and the report will be submitted to the Council. Council Member Gilleland stated that she was trying to separate BEDC business from Council business unless it is brought as the body of the BEDC addressing Council.

Council Member Jackson stated in addition to the signs on the highway the City of Bastrop worked out an agreement with TXDot for signs to list businesses that are coming up at the next exit. He asked the applicant if that was something his businesses was anticipating doing because that is another way of marketing and it is effective. The applicant stated that he would be looking into this but that he had not done it before. Council Member Jackson stated to the applicant that he is hopeful that this would be included in the marketing.

Mayor Pro Tem DeLaRosa stated that there were signs that were grandfathered in and he asked if anyone had checked the sites to determine how many 50 or above signs there are. The City Manager stated that it was referenced in the sign ordinance hearing, there were approximately four to six but the exact height was not given but they were above the 35 foot. Mayor Pro Tem DeLaRosa asked if there were any above 50. The City Manager stated that he believes the signs were right at 50.

The public hearing was closed without objection.

- B.9 Consideration, discussion and possible action regarding granting a variance to the City of Bastrop Code of Ordinances – Sign Ordinance Section 3.20.016 (4) Poly signs on S.H. 71 to: (1) allow for an increase in the total square footage allowed, from the standard 160 square feet up to 224 square feet (i.e., an increase of 64 square feet), and (2) increase the height of the sign from the standard 35 feet height up to a height of 50 feet (i.e., a 15 foot increase.**

Council Member Schiff made the motion to approve the variance with the findings of the City Manager, seconded by Council Member Gilleland. The motion passed on a vote of 4-0. Council Member McAnally was off the dais.

Mayor Kesselus stated for the record that he is very appreciative of the Sign Review Board, it is a hard working board and he feels that they do a good job of trying to apply the law, the ordinances that have been set. He encourages the Council to vote yes and if so he hopes that the City Manager, the Citizens of the community and the Sign Review Board take it as an indication that the sign ordinance is antiquated in regards at least to this issue and the City Manager stated clearly what some of the parameters can be if it is changed. This is a way to make a statement not just about this issue but it may be the first of what needs to be for everyone going forward.

C. OLD BUSINESS - NONE

D. NEW BUSINESS

- D.1 Consideration, discussion and possible action regarding approval of the first reading of an ordinance of the City Council of the City of Bastrop, Texas, amending Section 1.15.501 “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**

Council Member Gilleland made the motion to approve the first reading of the ordinance, seconded by Council Member Schiff. The motion passed on a vote of 4-0. Council Member McNally was off the dais.

D.2 Consideration, discussion and possible action regarding approval of a resolution of the City Council of Bastrop, Texas, an opportunity for the City to address and correct the inaccuracy of the forecasts of the flood's crest level and coordination between agencies responsible for forecasting flood levels on the Lower Colorado River.

Mayor Pro Tem DeLaRosa made the motion to approve the first reading of the ordinance, seconded by Council Member Jackson. The motion passed on a vote of 4-0. Council Member McNally was off the dais.

D.3 Consideration, discussion and possible action on acceptance of the unaudited Monthly Financial Reports and Quarterly Investment Report for the period ending Sept 30, 2015.

Mayor Pro Tem DeLaRosa made the motion to approve the first reading of the ordinance, seconded by Council Member Jackson. The motion passed on a vote of 4-0. Council Member McNally was off the dais.

D.4 Consideration, discussion and possible action regarding approval of the First Amendment to Amended and Restated Development Agreement.

Mayor Pro Tem DeLaRosa asked for an explanation regarding the debt liability. The City Manager stated as part of issuing the PID Bonds as he understands it, the applicant must put their property up for collateral as issuance of the bonds to secure their investments and to make sure that the return is received. After going through the process that has been going on for the last few months of putting this together it is financial protection for the applicants to ensure that they receive their investment back. Council Member DeLaRosa asked the City Manager to explain the liability and debt for the Citizens of Bastrop. The City Manager explained if the City annexed there will be no liability other than the City would be dealing with the same issue that was dealt with in Hunters Crossing, there would be City taxes and a PID tax. Mayor Pro Tem DeLaRosa asked if the City will assume any debts or liabilities, he wanted it stated into the record. The City Manager stated that he has struggled with from Hunters Crossing to any PID how the City is not liable but is the vehicle that issues the bonds. The City Manager stated that it is the way the law is written, the City does not have any liability. The way the law is structured the municipality is the only authorized vehicle to issue the PID Bonds so the applicants must come through the City but there is no liability to the City. The City Manager stated for the record that this is his answer to the best of his ability but if the Mayor Pro Tem wanted a more concrete answer he would suggest getting a PID expert to explain the law because the City Manager is not a PID attorney. The City Manager stated that the conversation was now getting above the interpretation of the law and he does not want to be accused of misleading the Council. The Mayor Pro Tem stated that he was not accusing the City Manager and that he did not ask for PID information and that Hunters Crossing should be enough for the Council to take notice. The City Manager reiterated that his understanding of Hunters Crossing there is an assessment now for Capital Reassessment the City has no liability whether the FourStar gets it or not the City is just a vehicle that assessing the Capital reimbursement and turn it over to FourStar. As the City Manager understands with the bonds the applicant must go through a city to issue the bonds especially since the project is with the City's ETJ. As the City Manager understands the law there is no liability to the City. The City Manager stated that he can only repeat what the attorney has told him. The City Manager took the time to speak with the Bond Counsel because of the change and this was the Bond Counsel's layman explanation to the City Manager.

Council Member Jackson stated that he is not a PID authority either although he serves on the PID Board for Hunters Crossing but that does not make him an expert nor does he profess to be but his understanding of the situation is that the City would have no liability unless the City were to annex and if that were to happen there would be costs that would come into play. As the City Manager has explained and as Council Member Jackson understands the mechanism has to be executed by a City and that is why the City is contemplating taking the action in this case.

The City Manager wanted to make one point of clarification, if the Council does annex this property the Council has one of two decisions to make: 1) to continue to assess the PID or 2) to pay the PID Bonds off, in essence the City would then be issuing Certificates of Obligations or some other method of financing to pay the PID off and if the City did not pay the PID off it would have to carry the assessment forward. The Mayor stated that he understood if the PID and the land the houses are on inside the PID were annexed how is it different from what the City has in Hunters Crossing. The City Manager stated that it would not be. The City Manager stated when it is annexed there are two options, you can continue to assess the PID fund on top of the City taxes or you can issue bonds and pay off the PID Bonds and the PID assessment will no longer be in existence and that would be a financial analyses that would have to be made at that time to see if there is an increase revenue being received and offsetting the issuance of bonds. It could be at least five years before this would occur after annexing but the City Manager stated that he did not know. The Mayor asked what the length of time is that the City is bound to not annex. The City Manager replied that the City has agreed to not annex up to ten years. The City Manager stated that the City could have annexed up front. The Mayor stated that he wanted to say for the people following the Council that it would make no sense except for the City's concern for the people living in that area to not annex it immediately in terms of money. The Mayor stated if the City had the chance to annex Hunters Crossing at this time and get the revenue from the Ad valorem tax it would not hurt the City in any way the same is true with this property which is the reason for the owner asking for the ten years and whatever the condition of the PID after ten years in terms of money it would make no sense for the City not to annex. The Mayor wanted to make everyone aware of the vulnerability of the owner doing this. The Mayor stated that he is not advising anyone to do this but he believes this is the way the situation is.

John Landwier the representative for XS Ranch stated that the development agreement was reinstated in November, 2015. This item is an amendment to the development agreement not an amendment to what was discussed per the PID these are things that were a part of the PID discussion and it came from previous discussions with Council regarding the MUD and annexation.

Council Member Jackson made the motion to approve the first reading of the ordinance, seconded by Council Member Schiff. The motion passed on a vote of 4-0. Council Member McNally was off the dais.

D.5 Consideration, discussion and possible action regarding waiving all City Of Bastrop Building Permits for those individuals who lost their residential structures from the recent fire or flood and decide to rebuild to rebuild their homes back in the city limits of the City Of Bastrop.

Council Member Schiff made the motion to approve the first reading of the ordinance, seconded by Mayor Pro Tem DeLaRosa. The motion passed on a vote of 4-0. Council Member McNally was off the dais.

D.6 Update from the City Manager on the status of the SOAH Hearing, pending before the Honorable Michael J. O'Malley, related to the City's Production Permit for Water Well No. 1.

The City Manager stated that the SOAH Hearing that was scheduled for November 9, 2015 had been rescheduled by the Judge to January 6, 2016.

E. EXECUTIVE SESSION - NONE

ADJOURNMENT

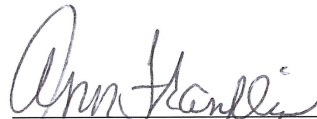
At 10:05 p.m., Council Member Gilleland made the motion to adjourn, Council Member Schiff seconded the motion which passed on a 4-0 vote. Council Member McNally was off the dais.

APPROVED:



Mayor Ken Kesselus

ATTEST:



City Secretary Ann Franklin