

**BASTROP CITY COUNCIL
MINUTES OF REGULAR MEETING
April 22, 2014 at 6:30 pm**

Pursuant to the Texas Government Code, Chapter § 551, the City Council of Bastrop, Texas held a Regular Meeting on **Tuesday, April 22, 2014 at 6:30 p.m.** at the Bastrop City Hall Council Chambers located at 1311 Chestnut Street in Bastrop, Texas to consider the following matters:

1. **CALL TO ORDER** – Mayor Terry Orr called the meeting to order at 6:30 p.m. A quorum was present: Council Members Ken Kesselus, Kay Garcia McAnally, Willie De La Rosa, Dock Jackson, and Mayor Pro-Tem Joe Beal.
2. **PLEDGE OF ALLEGIANCE AND INVOCATION** – Council Member Ken Kesselus led the Pledge and Chaplin Bob Long lead us in prayer.
3. **PRESENTATIONS**
4. **PROCLAMATIONS** – The City Council Members presented a proclamation that was read by Mayor Pro-Tem Beal to honor Mayor Orr for his years of service and recognize April 22, 2014 through May 13, 2014 as “Mayor Terry Orr Days.”
5. **CITIZEN COMMENTS** - Council Member McAnally introduced Frank Nunez, Oscar Perez, Cesar Rodriguez, Jacklyn and Sandra local high school students who are interested in becoming future city leaders.
6. **ANNOUNCEMENTS** – Mayor Pro-Tem Joe Beal read a letter to the City of Bastrop in response to a comment made in regard to doing business with LCRA. The copy of the letter has been attached as addendum #1.

Mayor Orr introduced City Manager Talbot who presented his City Manager’s Report.

180-DAY MORATORIUM - City Manager Talbot referenced item #3 on the City Manager’s Report and provided the Council Members an update on the 180 Day Moratorium on the Prohibition of Code Enforcement Action against Breweries and Wineries. He requested the Council’s consideration and approval of a sixty-day (60) extension to “Resolution-2013-12” to allow time for staff to complete their assessment and make a recommendation to the City Council.

After a brief discussion amongst the Council, Mayor Terry Orr requested a motion.

MOTION – Council Member Dock Jackson made a motion to approve a sixty-day (60) extension to Resolution No. 2013-12 to allow staff time to make a recommendation to the City Council with respect to the 180 Day Moratorium.

SECONDED – Mayor Pro-Tem Joe Beal

MOTION PASSED – Unanimous vote of 5-0

COUNCIL RETREAT - City Manager Talbot provided the Council Members a copy of the Planning Retreat “Report and Top Priorities” prepared by Ms. Katherine Ray of Ray & Associates. It is recommended that a follow-up workshop be held for the Council to review the identified priorities, establish a priority ranking and consider the fiscal impact.

INSPECTION REPORT OF OLD IRON BRIDGE - City Manager Talbot provided the Council a copy of the Burgess & Niple Inc. Engineer Inspection Report of the Old Iron Bridge. The City is still pending the cost estimates on the repairs flagged in the report; a few structural components were rated as being in “poor” condition and the underwater inspection revealed the substructure was in “satisfactory condition.” Test results are still pending to determine if the paint is lead based.

Mayor Orr recognized City Manager’s Talbot’s continued effort in preparing his bi-weekly reports which were very insightful and he urged the Council Members to read it.

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(s) so request.

A.1 **APPROVAL OF MINUTES FOR THE CITY COUNCIL MEETINGS HELD ON APRIL 2ND & APRIL 8TH, 2014.**

A.2 **CONSIDERATION & DISCUSSION AND POSSIBLE ACTION ON THE SECOND READING TO AMENDING ORDINANCE IN THE CITY CODE APPENDIX A: FEE SCHEDULE; ARTICLE A4.10 VEHICLE TOWING.**

A.3 **CONSIDERATION, DISCUSSION AND POSSIBLE ACTION ON THE SECOND READING OF A PROPOSED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS TO GRANT A CONDITIONAL USE PERMIT TO ALLOW A BED AND BREAKFAST AT 605 WATER ST. BEING +/- 0.3030 ACRES BUILDING BLOCK 5, EAST OF WATER ST. AN AREA ZONED SF-7, SINGLE FAMILY RESIDENTIAL LOCATED WITHIN THE CITY LIMITS OF THE CITY OF BASTROP, TX; SETTING OUT CONDITIONS; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Orr read agenda items 2 and 3 in recognition of the second reading and requested a motion to approve all the items on the consent agenda.

MOTION – Council Member Willie DeLaRosa made the motion.

SECONDED - Council Member Kay Garcia McAnally seconded the motion.

MOTION PASSED – Unanimous vote of 5-0.

B. PUBLIC HEARINGS & ORDINANCES AND OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION – None.

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 Government Code, Vernon's Texas Code, Annotated, the item below will be discussed in closed session. SECTION 551.071 – Consultations with Attorney related to legal matters*

C. OLD BUSINESS – None.

D. NEW BUSINESS

D.1 CONSIDERATION AND ACTION WITH RESPECT TO A “A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS AUTHORIZING PROCEEDING WITH THE ISSUANCE OF CITY OF BASTROP, TEXAS CERTIFICATES OF OBLIGATION; DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION; AND OTHER RELATED MATTERS.” (Talbot)

City Manager Talbot addressed the Council and requested their consideration and approval of the Resolution authorizing the City to proceed with the notification of intention to issue Certificates of Obligation in the sum of \$7,000,000.00 for Fiscal Year 2014 Water and Wastewater Capital Improvements.

Mayor Orr invited questions and comments; with no responses he requested a motion.

MOTION – Mayor Pro-Tem Joe Beal approved the motion to include City Manager Talbot’s recommendation.

SECONDED – Council Member Kay Garcia McAnally

MOTION PASSED – Unanimous vote of 5-0

D.2 CONSIDERATION, DISCUSSION & POSSIBLE ACTION ON APPROVAL OF THE COMMUNITY SUPPORT FUNDING PROCESS FOR THE FY 2015 BUDGET AND DIRECT STAFF TO MODIFY PROCESS AS DETERMINED. (Stovall)

Chief Financial Officer Karla Stovall addressed the Council and requested their consideration and approval of the above agenda item. She provided copies for the Fiscal Year 2015 Community Support Funding Calendar and a copy of the Community Support Application.

Mayor Terry Orr invited questions and comments; with no response he requested a motion.

MOTION – Council Member Ken Kesselus

SECONDED – Council Member Willie DeLaRosa

MOTION PASSED – Unanimous vote of 5-0

D.3 CONSIDERATION, DISCUSSION & POSSIBLE ACTION ON APPROVAL OF THE (HOT) HOTEL OCCUPANCY TAX FUNDING PROCESS FOR THE FY 2015 BUDGET AND DIRECT STAFF TO MODIFY PROCESS AS DETERMINED. (Stovall)

Chief Financial Officer Stovall provided the Council copies of the FY2015 HOT Funding Calendar and a copy of the HOT Application and requested the Council’s consideration and approval for the HOT Funding process.

Council Member Kesselus acknowledged the positive feedback received from various programs on the change made last year and releasing the program funding early in the year.

Mayor Terry Orr invited questions and comments; with no response he requested a motion.

MOTION – Council Member Willie DeLaRosa

SECONDED – Council Member Kay Garcia McAnally

MOTION PASSED – Unanimous vote of 5-0

D.4 CONSIDERATION, DISCUSSION & POSSIBLE ACTION ON AMENDING FAIRVIEW CEMETERY ORDINANCE, CHAPTER 15 “CEMETERIES” OF THE BASTROP CODE OF ORDINANCES; ARTICLE 15.01 “FAIRVIEW CEMETERY” TO ADD SECTION 15.01.026 “MEMORIAL SECTION” PROVIDING FOR ENFORCEMENT; PROVIDING SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (Stovall)

Chief Financial Officer informed the Council that the amendment would provide for the addition of a Memorial section into the Fairview Cemetery, which would be located behind the gazebo.

Mayor Terry Orr requested a motion to approve the amendment to the resolution.

MOTION – Council Member Ken Kesselus made a motion to amend the resolution by replacing Sec. A15.01.01.012, number (4) the word “\$50” with the following: “12.5% of the charge for a single lot in other sections of the cemetery.” He requested that the second reading be placed on the consent agenda.

SECONDED – Council Member Kay Garcia McAnally

MOTION PASSED – Unanimous vote of 5-0

Mayor Terry Orr requested a motion to approve.

MOTION – Mayor Pro-Tem Joe Beal

SECONDED – Council Member Dock Jackson

MOTION PASSED – Unanimous vote of 5-0

D.5 CONSIDERATION, DISCUSSION & POSSIBLE ACTION ON THE FIRST READING OF A PROPOSED REVISION TO AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AMENDING SECTION A13.09.007 SERVICE FEES IN THE CODE OF ORDINANCES OF THE CITY OF BASTROP; ESTABLISHING FINES AND PENALTIES FOR VIOLATIONS; PROVIDING FOR ENFORCEMENT; PROVIDING AN EFFECTIVE DATE. (Job)

Public Works Director Trey Job requested the Council's consideration and approval on the FIRST reading of a proposed revision to an ordinance related to back flow prevention and amends the fee schedule to reflect the actual cost of testing.

Mayor Terry Orr invited questions and comments; with no response he requested a motion.

MOTION – Council Member Kay Garcia McAnally

SECOND – Council Member Willie DeLaRosa

Mayor Orr announced this was the last item on the agenda and his last meeting as Mayor, he excitedly requested a vote of the Council to certify the motion on the floor.

Mayor Pro-Tem Beal noted that this was the Mayor's last meeting and that the Mayor had never voted on an item and suggested that he have an opportunity to do so.

After a brief discussion, Mayor Orr requested the Council's vote:

Council Member Kesselus – No!

Council Member Jackson – Absolutely Not.

Mayor Pro-Tem Beal – Abstained; he had a discussion with a City member with regard to this issue.

TIED VOTE – Yes – 2 No – 2 Abstain - 1

Mayor Orr requested the City Attorney's guidance, who in turn confirmed the abstention was considered a "no vote." City Attorney JC Brown confirmed it was a tie; Mayor Orr proceeded to give his vote in stating "yes were going to inspect every single one".

MOTION PASSED – with a majority vote; **Yes – 3 No – 2 Abstention(s) - 1**

E. EXECUTIVE SESSION

E.1 The Bastrop City Council will meet in a closed/executive session pursuant to the Texas Government Code, Chapter 551, *et seq.*, to discuss the following:

1. **SECTION 551.071(1)(A) & SECTION 551.071(2)** – Consultation with Attorney concerning: (1) potential, pending, threatened, and/or contemplated litigation or claims, including but not limited to **"Pine Forest Investments Group, LLC v The City of Bastrop, et al, cause No. 29,052, In the 21st Judicial District Court of Bastrop County, Texas,"** and/or (2) matter upon which the Attorney has a duty and/or responsibility to report to the governmental body, concerning same, and/or any other matters posted on the agenda.
2. **SECTION 551.072** – Deliberation regarding real property: Regarding the purchase, exchange, lease, disposition, or value of real property.
3. **SECTION 551.074** – Personnel Matters
4. **SECTION 551.086**- Certain Public Utilities: (1) Competitive Matters

E.2 The Bastrop City Council will reconvene into open session to discuss, consider and/or take any actions necessary related to the executive sessions noted herein, or regular agenda items, noted above, and/or related items.

At 7:23 pm, Mayor Orr convened the Bastrop City Council into Executive Session. Mayor Orr reconvened the Bastrop City Council into open session to discuss, consider and/or take action(s) necessary related to the Executive Session noted herein at 8:20 pm.

City Manager Talbot recommended that the Council consider a motion to authorize the City Manager to pursue a contract to purchase real property located at 1305 State Highway 5, for further expansion of the City Cemetery.

MOTION – Council Member DeLaRosa

SECONDED – Council Member Dock Jackson

MOTION CARRIES – Unanimous vote 5-0

F. ADJOURNMENT - Mayor Orr expressed his sincere appreciation to the Council for their support during his terms of service and adjourned the meeting without a motion at 8:25pm.

APPROVED:

Terry Orr, Mayor

ATTEST:

Elizabeth Minerva Lopez, City Secretary