

**BASTROP CITY COUNCIL
MINUTES OF REGULAR MEETING
October 22, 2013 at 6:15 pm**

Pursuant to the Texas Government Code, Chapter § 551, the City Council of Bastrop, Texas held a Regular Meeting on Tuesday, **October 22, 2013 at 6:15 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 6:15 p.m. A full quorum was present: Mayor Pro-Tem Joe Beal and Council Members Kay Garcia McAnally, Ken Kesselus, Willie De La Rosa and Dock Jackson.
2. **PLEDGE OF ALLEGIANCE AND INVOCATION** – City Council Members led the Pledge of Allegiance. Interim Police Chief Matt Wagner introduced Chaplain Grady Chandler who led us in prayer.
3. **PRESENTATIONS** – None.
4. **PROCLAMATIONS**
 - A. Proclaim October as National Breast Cancer Awareness Month
 - B. Proclaim Arbor Day on November 1st, 2013 at the Bryant Park in Bastrop, Texas
5. **ANNOUNCEMENTS**

Council Member Dock Jackson expressed his approval of the new proclamation format.

City Manager Mike Talbot announced that Chestnut St. through Main Street will be closed for the Veteran's Day Special Event.

Mayor Pro-Tem Joe Beal encouraged participation at the Bridge Dedication for Chief Petty Officer Stephen "Matt" Mills on Friday, October 25th at 10:00 a.m.

Council Member Dock Jackson extended a courtesy reminder of the Capital Area Rural Transportation System's Groundbreaking Ceremony on Friday, October 25th, 2013 from 1:00 pm – 3:00 pm at 5300 Tucker Hill Lane, Cedar Creek, Texas.

There were no additional announcements; therefore, Mayor Terry Orr thanked everyone for their announcements and introduced City Manager Mike Talbot to present his bi-weekly recap.

CITY MANAGER'S INFORMATIONAL REPORT FOR OCTOBER 22, 2013: Items for update, discussion and possible action:

- A. Meetings and Events Attended:
 1. Attended the Boy Scouts of America Community Leaders Meeting on October 9, 2013.
 2. Attended a Special Meeting of the Lost Pines Groundwater Conservation District on October 15, 2013.
 3. Attended the monthly meeting of the Bastrop Main Street Advisory Board on October 8, 2013.
 4. Attended the monthly meeting of the Lost Pines Groundwater Conservation District on October 16, 2013.
 5. Gave a presentation to the Best Leadership Class on October 18, 2013.
- B. Update on City Projects and Issues:

1. Water Usage report for the period of August 24, 2013 through October 3, 2013.
2. Update and Schedule regarding the AMI Project.
3. Update on the Short and Long Term Water Supply Options/.
4. Update on the Top 10 Strategic Priorities as Established by the City Council for 2013-2016.
5. Meeting with Dave Marsh General Manager Capital Area Rural Transportation District.
6. Flood Levels of the Colorado River October 14th & 15th, 2013.
7. Filling the vacancy of the Chief of Police position.
8. Purchase of Police Vehicles for the Police Department.
9. Status of the Chief of Police Vacancy.
10. Energy Emergency Alert Coordination Agreement between Bluebonnet Electric Co-Op and the City of Bastrop.

C. Update on City Various City Operations:

1. Convention Center Activities
2. Main Street Program
3. Commercial/Residential Construction Projects in the City
4. YMCA Activities

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

City Manager Mike Talbot pointed out the following items on his City Manager's report:

Capital Area Rural Transportation Route Change – Effective November 4, 2013 there will a bus route expansion that will increase the bus route to one-hour that will result in a cost increase. Mr. Dave Marsh, General Manager at CARTS is working on a program to provide shuttle service during special events. We anticipate presenting a preliminary proposal at the City Council Meeting scheduled for November 12, 2013.

Flood Levels of the Colorado River October 14th & 15th, 2013 – We had several inquiries regarding the possible flooding in Bastrop on Monday, October 14 and Tuesday, October 15, due to heavy rains upstream of the Colorado River, we contacted the LCRA who advised that the Colorado River would crest at approximately 22 feet on the above dates in question. A map will be provided and updated regularly on the encroachment effects in the City due to heavy rain.

Purchase of Police Vehicles for the Police Department – City Manager Mike Talbot informed the City Council that we were in the process of expediting the purchase of the Police Department vehicles from the Buy Board. City Manager noted that the maintenance costs are less expensive for the Chevy Tahoe.

Mayor Terry Orr requested to have the price and specifications on both vehicle options presented at the next City Council Meeting, so the Council could make a decision. During National Night Out, he personally rode in a Chevy Tahoe Police vehicle and it offers officers a good view and it is comfortable with consideration that our officer's 12-hour shifts. In his opinion, buying a Tahoe would be a positive.

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 meeting Minutes for the Regular Council Meetings held on September 24, 2013 and October 8, 2013. (*E. Lopez*)

- A.2 Consideration, discussion and possible action on the **SECOND READING** of a proposed Ordinance of the City Council of the City of Bastrop, Texas granting a zoning/re-zoning district change for the following adjacent tracts of land: **C2**, Commercial Heavy to C1, Commercial Light for +/- 0.1299 acres within Building Block 118 East of Water Street; and **C1**, Commercial Light for +/-0.2131 acres being a portion of vacated Newton Street South of Building Block 118 and North of Building Block 119; and **3) SF7**, Single Family Residential to C1, Commercial Light for +/- 1.2757 acres within Building Block 119 East of Water Street in the City limits of Bastrop, Texas; and establishing an effective date. (*M. McCollum*)
- A.3 Consideration, discussion and possible action on an adoption of a **RESOLUTION** to participate in the **Regional Ozone Advance Program**. (*M. McCollum*)
- A.4 Consideration, discussion and possible action on adoption of a **RESOLUTION** approving **Mr. Roderick Emanuel's** request to continue serving as a member of the Bastrop Central Appraisal District Board Directors. (*E. Lopez*)

Mayor Terry Orr pulled consent agenda item A.3 upon Council Member's Ken Kesselus request; Mayor read items A.1, A.2 and A.4 on the consent agenda for consideration and approval.

Council Member Willie DeLaRosa made the motion to approve the consent agenda items with the exception of item A.3. Seconded by Council Member Kay Garcia McAnally and motion carried unanimously. Vote was taken and motion passed 5-0.

Mayor Terry Orr invited Planning and Zoning Director Melissa McCullough to speak. Council Member Ken Kesselus and Council Member Willie DeLaRosa requested additional details and clarification of the resolution to participate in the Regional Ozone Advance Program. Planning & Zoning Director Melissa McCullough offered an insightful presentation and offered clarification on the resolution, she noted that this is our region's opportunity to adopt a new plan to demonstrate to the Texas Commission on Environmental Quality and to the United States Environmental Protection Agency our region's commitment to improved air quality.

After City Council's consideration, Council Member Ken Kesselus motion to adopt the resolution to participate in the Regional Ozone Advance Program. Seconded by Council Member Dock Jackson and motion carried unanimously. Vote was taken and motion passed 5-0.

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

- B.1 **CONDUCT A PUBLIC HEARING** to receive citizens input on an amendment to Chapter 14 Exhibit "A" of the Code of Ordinances of the City of Bastrop, Section 37.2 Construction Standards to add residential design standards in single family residential districts. (*M. McCollum*)

At 7:07 p.m., Mayor Terry Orr opened the Public Hearing.

City Manager Mike Talbot introduced the Planning and Zoning Director, Melissa McCollum who informed the City Council Members that the Planning and Zoning Commissions had held a public hearing on August 29th, 2013 and voted unanimously to recommend approval to the amendment. This was in addition to the Planning & Zoning Workshops held on April 25th, May 30th and June 27th, 2013. Planning and Zoning Director Melissa McCollum requested the City Council's approval of the amendment to Chapter 14

Exhibit "A" of the Code of Ordinances of the City of Bastrop, Section 37.2 Construction Standards.

At 7:13 p.m., Mayor Terry Orr closed the Public Hearing.

B.2 CONDUCT A PUBLIC HEARING to receive citizens input on an amendment to Chapter 14 of the Zoning Ordinance to amend the definition of Home Occupation in Section A-3 and amend the Use Charts in Section 36.3 to reflect that a Home Occupation does not require a Conditional Use Permit (CUP).

At 7:14 p.m., Mayor Terry Orr opened the Public Hearing.

Planning and Zoning Director Melissa McCullough offered an insightful presentation on the request to consider the approval to amend the above referenced agenda item. In support of this request, the Planning and Zoning Commission had conducted workshops in April, May and June, 2013 in addition to a public hearing on August 29, 2013 where they unanimously voted to recommend approval to amend the definition of Home Occupation in Section A-3 and amend the use of Charts in Section 36.3 to reflect that a Home Occupation does not require a Conditional use permit (CUP).

City Council Members Ken Kesselus, Kay Garcia-McAnally and Willie DeLaRosa discussed at length the definition of business related vehicles and the limit of. In discussion with regard to allowed number of business and customer vehicles, the Council Member voiced their concerns and Council Member Willie DeLaRosa stated he did not think two vehicles were enough as referenced in the amendment.

Mayor Pro-Tem Joe Beal offered additional insight the clause noting the difference between customer vehicles and business vehicles.

Council Member Ken Kesselus confirmed with Planning and Zoning Director Melissa McCullough that the amendment recommendation had been unanimously approved by the Planning and Zoning Commission.

At 7:33 p.m., Mayor Terry Orr closed the Public Hearing.

B.3 CONDUCT A PUBLIC HEARING to receive citizens input on a replat of the west half of Lot 11 in the Young Subdivision being +/-0.366 acres south of Gordon Street, west of Linda Street and north of Delano Street within the city limits of Bastrop, Texas.

At 7:34 p.m., Mayor Terry Orr opened the Public Hearing.

There were no comments; therefore, Mayor Terry Orr closed the Public Hearing at 7:35 p.m.

Mayor Terry Orr stepped out at 7:36 p.m. and returned at 7:39 p.m.

B.4 CITIZEN COMMENTS

Ms. Glenda Dayton, Board Member of the Bastrop County Emergency Food Pantry and Chairperson of the Resource & Fundraising Committee for the Food Pantry, provided information on the "Sounds of Sharing" event a Community Concert that will benefit the

Bastrop County Emergency Food Pantry. They have a great line-up planned and organized by Mr. Ron DeShay an American Idol Producer who grew up in Bastrop.

She requested the communities support at the “Sounds of Sharing” event on Tuesday, November 19, 2013 at 6:00 p.m. at the Jerry Fay Wilhelm Performing Arts Center in Bastrop.

Mayor Terry Orr thanked Ms. Dayton for her presentation.

C. OLD BUSINESS - NONE

D. NEW BUSINESS

- D.1** Consideration, discussion and possible action on the **FIRST READING** of a proposed Ordinance of the City Council of the City of Bastrop Texas, amending the budget for the Fiscal Year 2013 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.

Council Member Dock Jackson made a motion to accept the **FIRST READING** of a proposed Ordinance of the City Council of the City of Bastrop Texas, amending the budget for the Fiscal Year 2013 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; and conduct the **SECOND READING** on the consent agenda at the next City Council Meeting scheduled for **November 12, 2013**.

Seconded by Council Member Willie DeLaRosa and motion carried unanimously. Vote was taken and Motion passed 5-0.

- D2** Consideration, discussion and **POSSIBLE ACTION** on a request for a **REPLAT** of Lot 11 in the Young Subdivision being +/-0.366 acres south of Gordon Street, west of Linda Street and north of Delano Street within the city limits of Bastrop, Texas.

Council Member Willie DeLaRosa made a motion to approve the replat of Lot 11 in the Young Subdivision being +/-0.366 acres south of Gordon Street, west of Linda Street and north of Delano Street within the city limits of Bastrop, Texas.

Seconded by Council Member Kay Garcia McAnally and motion carried unanimously. Vote was taken and Motion passed 5-0.

- D.3** Consideration, discussion and possible action on the **FIRST READING** of a proposed Ordinance granting an amendment to Section 37.2 Construction Standards adding C. Residential Design Standards in Single Family Residential Districts, Chapter 14, Zoning, “Exhibit A” Zoning Ordinance, relating to the regulations of residential design standards for single family homes in residential areas; providing a severability clause; and providing an effective date.

Council Member Willie DeLaRosa made a motion to accept the **FIRST READING** of a proposed Ordinance granting an amendment to Section 37.2 Construction Standards adding C. Residential Design Standards in Single Family Residential Districts, Chapter 14, Zoning, “Exhibit A” Zoning Ordinance, relating to the regulations of residential design standards for single family homes in residential areas; providing a severability clause; and

providing an effective date; and conduct the **SECOND READING** on the consent agenda at the next City Council Meeting scheduled for **November 12, 2013**.

Seconded by Council Member Kay Garcia McAnally and motion carried unanimously. Vote was taken and Motion passed 5-0.

- D.4** Consideration, discussion and possible action on the **FIRST READING** of a proposed Ordinance granting an amendment to Section A-3 Definition 123 Home Occupation and amending the Use Chart, Section 36.3 to reflect that Home Occupations do not require and Conditional Use Permit (CUP) Chapter 14, Zoning, "Exhibit A" Zoning Ordinance, relating to the regulation of Home Occupation uses in residential areas; providing a severability clause; and providing an effective date.

Council Member Willie DeLaRosa made a motion to accept the **FIRST READING** of a proposed Ordinance granting an amendment to Section A-3 Definition 123 Home Occupation and amending the Use Chart, Section 36.3 to reflect that Home Occupations do not require and Conditional Use Permit (CUP) Chapter 14, Zoning, "Exhibit A" Zoning Ordinance, relating to the regulation of Home Occupation uses in residential areas; providing a severability clause; and providing an effective date; and conduct the **SECOND READING** on the consent agenda at the next City Council Meeting scheduled for **November 12, 2013**.

Seconded by Council Member Kay Garcia-McAnally and motion carried unanimously. Vote was taken and Motion passed 5-0.

Council Member Ken Kesselus made a motion to recommend an amendment to have home occupations/business register with the City's Planning and Development. Motion died due to lack of a second.

- D.5** Consideration, discussion and **POSSIBLE ACTION** with respect to "An **ORDINANCE** of the City Council of the City of Bastrop, Texas, **Authorizing the issuance** and Sale of City of Bastrop, Texas, Combination Tax and Revenue **Certificates of Obligation**, Series 2013; Providing for the Security for and Payment of Said Certificates; Prescribing the Form of Said Certificates; Awarding the Sale Thereof; Approving the Paying Agent/Registrar Agreement, and the Official Statement; and Enacting Other Provisions Relating to the Subject".

City Manager Mike Talbot introduced Wade Miller and J. Bart Fowler of McCall, Parkhurst & Horton L.L.P addressed the City Council Members and informed them of the a notable credit rating the City had received. He stated this is a credit rating is a reflection of a strong economy, budget and revenue in addition to a strong management team.

Council Member Kay Garcia McAnally acknowledged City Manager Mike Talbot's efforts and stated "*Well done Mike.*"

Mayor Terry Orr acknowledged that the notable rating of AA+ was a result of a strong economy, City Manager and City Council. He thanked the Mr. Miller and Mr. Fowler for their efforts, presentation, and fantastic news.

Council Member Dock Jackson echoed the accolades expressed by the Mayor and acknowledged the leadership of City Manager Mike Talbot and Chief Financial Officer Karla Stovall.

City Manager Mike Talbot noted that the City's credit rating was also a reflection of our partnership and support of our EDC, this collaboration has proven to be a positive factor. He challenged staff to help attain a higher credit rating of AA++ or AAA for next year.

Council Member Dock Jackson made a motion to approve an **ORDINANCE** of the City Council of the City of Bastrop, Texas, **Authorizing the issuance** and Sale of City of Bastrop, Texas, Combination Tax and Revenue **Certificates of Obligation**, Series 2013; Providing for the Security for and Payment of Said Certificates; Prescribing the Form of Said Certificates; Awarding the Sale Thereof; Approving the Paying Agent/Registrar Agreement, and the Official Statement; and Enacting Other Provisions Relating to the Subject".

Seconded by Council Member Kay Garcia-McAnally and motion carried unanimously. Vote was taken and Motion passed 5-0.

At 8:00 p.m., Mayor Terry Orr convened into executive session. At 8:26pm, Mayor Terry Orr closed the executive session and reconvened into open session.

- D.6** Consideration, discussion and possible action approving a **RESOLUTION ENACTING A 180-DAY MORATORIUM** on the **PROHIBITION** of and Code Enforcement Actions against Breweries and Wineries, holding either a current and valid Texas Alcohol and beverage commission type "G" Permit or Type "B" Permit for such businesses operating within the central Business District of the City of Bastrop, Texas; providing for expiration of the moratorium; and providing an effective date.

Mayor Terry Orr invited public comments at which time Mr. Bradley K. Cook addressed the Council. He has lived in Bastrop five years and he loves the area and the town and he believes that a winery would benefit to the City. He acknowledged he was aware of some concerns and noted this was a big investment on his part. He informed the Council that he was pending a 30-day wait time to finalize the TABC paperwork with TABC. Mr. Cook requested the City Council Members consideration to this request as he "would like to get his business up and running."

Council Member Ken Kesselus noted that wineries require a Federal Permit and noted that this would be a "leap of faith" and recognized it would be a long process. City Council JC Brown noted that the resolution currently referenced type B in the resolution but we would include "G" Permit "BP for Brew Pub."

City Manager Mike Talbot noted we would amend the resolution prior to extending the cities permit.

Council Member Kay Garcia-McAnally made a motion to approve the **AMENDED RESOLUTION ENACTING A 180-DAY MORATORIUM** on the **PROHIBITION** of and Code Enforcement Actions against Breweries and Wineries, holding either a current and valid Texas Alcohol and beverage commission type "G" Permit or Type "B" Permit for such businesses operating within the central Business District of the City of Bastrop, Texas; providing for expiration of the moratorium; and providing an effective date.

Seconded by Council Member Dock Jackson and motion carried unanimously. Vote was taken and Motion passed 5-0.

E. EXECUTIVE SESSION

E.1 The Bastrop City Council met 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) and 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.

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 **9:20 pm**, 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.

After consideration of all the above items, no action was taken

F. ADJOURN

At **9:22 pm**, Council Member Kay Garcia McAnally made the motion to adjourn the meeting. Seconded by Council Member Willie DeLaRosa and motion was carried unanimously.

APPROVED:



Terry Orr, Mayor

ATTEST:



Elizabeth Minerva Lopez, City Secretary