

**MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
FEBRUARY 28, 2017**

The Bastrop City Council met in a Regular Meeting on Tuesday, February 28, 2017 at 6:30 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Kesselus and Mayor Pro Tem DeLaRosa, and Council Members Peterson, Schiff, Jones and McAnally. Officers present were Interim City Manager Marvin Townsend, Traci Chavez 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

Zigmund Urbanek, Troop 187 led the Pledge of Allegiance

INVOCATION

Council Member Peterson gave the Invocation.

PRESENTATIONS

- B. Chicken Sanctuary – Public Safety Director, Steve Adcock
Public Safety Director, Steve Adcock gave the presentation on the “Chicken Sanctuary”. The Public Safety Director stated that he has contacted PETA and SPCA and conducted a lot of research and the conclusion is that no one knows what to do about the chicken problem. The Public Safety Director was asked to: find a solution to the chicken problem;
- A. Report of Accidents on Highway 95 – Public Safety Director, Steve Adcock
Public Safety Director, Steve Adcock gave the report of accidents on Highway 95.
- C. Certificate of Appreciation – Bastrop Municipal Court – Mayor Kesselus
Mayor Kesselus presented the Certification of Appreciation to the Bastrop Municipal Court Administrator Kimberly Walters.

REPORT FROM DMO BOARD

- 1. Report from DMO Start Up Board – Anne Smarzik, Chair
 - Other items from the February 20th meeting
- 2. Consideration, discussion and possible action in response to this report - by the Council, City Manager and City Attorney

PROCLAMATIONS - NONE**ANNOUNCEMENTS**

- A. Distribution of Items to Council (If Necessary) – Ann Franklin
- B. Requests by Council Members for items on future agendas and requests for information from City Manager.
 - **There is construction around the city and construction debris is ending up in the City’s tributary. Would like for the City Manager to take a look at this problem.**
- C. Open House will be held on March 13, 2017 at City Hall from 5:00 p.m. to 7:00 p.m. to introduce Lynda Humble the new City Manager on her first day of work.

CITIZENS COMMENTS

Terry Moore – She announced that the Association Track meet is usually held in Austin but this past week it was held in Bastrop and approximately 300 people were in town to attend this event. Ms. Moore announced that the YMCA is in the middle of their annual “No One is Turned Away” campaign and the “Spinning for Support” will be held on March 8, 2017 and she is asking for volunteers to sit on a bike for 30 minutes in front of the YMCA office and help raise \$100 every 30 minutes.

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 regular council meeting of February 14, 2017.
Mayor Pro Tem DeLaRosa made the motion to approve the minutes from the regular council meeting of February 14, 2017, seconded by Council Member Schiff. The motion was approved on a 5-0 vote**
- A.2 Approval of amendment to Contract for Election Services between Bastrop County Elections Administrator and the City of Bastrop, Texas.
Mayor Pro Tem DeLaRosa made the motion to approve the amendment to the Contract for Election services between Bastrop County Elections Administrator and the City of Bastrop, seconded by Council Member Schiff. The motion was approved on a 5-0 vote**
- A.3 Approval of resolution amending calling for and establishing procedure for a General and Special Election in Bastrop, Texas for the May 6, 2017 Election.
Resolution No. R-2017-11 was approved on Mayor Pro Tem DeLaRosa’s motion, Council Member Schiff’s second. The motion was approved on a 5-0 vote**
- B. PUBLIC HEARINGS, ORDINANCES & OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION - NONE**
- C. OLD BUSINESS**
- C.1 Second reading of an ordinance granting a conditional use permit to allow structures to be three (3) stories, 44 feet, for use as the Hunters Crossing Apartments to be located on Home Depot way, approximately 300’ west of its intersection with FM 304, within the city limits of Bastrop, Texas, an area zoned HX-MR in the Hunters Crossing Planned Development, being the equivalent of MF-2, Multi-Family-2, in the code of ordinances; setting out conditions; and providing an effective date.
Director of Planning and Engineering, Wesley Brandon gave the presentation.
Council Member Schiff made the motion to approve the ordinance, seconded by Council Member Peterson. The maker of the motion later withdrew his motion.
Council Member McAnally made the motion to postpone this item until the following has been explored: the commitment that should be in writing from the developer addressing the questions that were asked; Council Member Schiff’s consideration regarding the 2 story; and the Council has a chance to discuss what they would like in writing for a CUP permit. The motion died for lack of a second.**

Ordinance No. 2017-06 was approved on Council Member Schiff's motion with the following amendment, Council Member Peterson's second. The amendment was to approve the conditional use permit subject to the developer addressing in a way acceptable to the Council: 1) drainage issue, the drainage should be designed as if it was 2 story buildings and 2) light pollution from the 3 story complex be no more than the amount of light that would have come by code from a 2 story structure. The motion was approved on a 4-1 vote. Council Member McAnally voted nay.

Mayor Kesselus recessed the Council Meeting at 8:12 p.m.

Mayor Kesselus called the meeting back to order at 8:23 p.m.

D. NEW BUSINESS

D.1 A. Consideration, discussion and possible action regarding a motion to remove Council Member DeLaRosa from his office as Mayor Pro Tem.

B. If the motion under A prevails election of a Council Member to serve as Mayor Pro Tem. This item was postponed for rewording to March 14, 2017.

D.2 Report regarding the status of work regarding Pine Forest #6 redevelopment and the 10 year path to completion.

Interim City Manager Marvin Townsend gave the report.

D.3 Consideration, discussion and possible action on acceptance of the unaudited Monthly Financial Reports for the period ending January 31, 2017.

Chief Financial Officer, Tracy Waldron made the presentation.

Council Member Schiff made the motion to accept the unaudited Monthly Financial Reports for the period ending January 31, 2017, seconded by Council Member Jones. The motion was approved on a 5-0 vote.

D.4 Consideration, discussion and possible action on presentation and acceptance of City of Bastrop, Texas Comprehensive Annual Financial Report for the year ended September 30, 2016.

Paula Lowe of Pattillo, Brown & Hillo, L.L.P. made the presentation.

Council Member Schiff made the motion to approve the Texas Comprehensive Annual Financial Report, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 5-0 vote.

D.5 Consideration, discussion and possible action on acceptance of the FY 2017 Tier III HOT Funding Calendar and setting a funding limit.

Council Member Schiff made the motion to approve the FY 2017 Tier III HOT Funding Calendar and setting a funding limit, seconded by Council Member Peterson. The motion was approved on a 5-0 vote.

D.6 First reading of an ordinance to amend Bastrop City Code, Chapter 12 – Traffic And Vehicles, Article 12.06 – Stopping, Standing And Parking (Specifically Sections 12.06.004 and 12.06.011) to delete two hour parking in the Central Business District and revise Section 12.06.01.

Council Member Jones made the motion to approve the first reading of the ordinance to amend Bastrop City Code, Chapter 12, seconded by Council Member Schiff. The motion was approved on a 5-0 vote.

- D.7** Consideration, Discussion, and possible action regarding the adoption of the City of Bastrop Transportation Master Plan.
Director of Planning and Engineering, Wesley Brandon and Project Consultant Jim Harvey gave the presentation.

Council Member Schiff made the motion to adopt the City of Bastrop Transportation Master Plan, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 5-0 vote.

- D.8** Consideration, discussion, and possible action regarding an Advanced Funding Agreement (AFA) for drainage improvements on SH 71 near Newton Street and the Union Pacific Railroad.
Director of Planning and Engineering, Wesley Brandon gave the presentation.

Council Member Jones made the motion to approve the Advanced Funding Agreement (AFA), seconded by Council Member Schiff. The motion was approved on a 5-0 vote.

- D.9** Consideration, discussion, and possible action awarding the contract for concrete paving work in Alley D to be performed by M&C Fonseca Construction Company. For the total price of \$ 453,480.75 work includes alternate bids A1-A5 described as excavation and installation of pervious pavement.
Parks and Wildlife and Utilities Director, Trey Job gave the presentation.

Council Member Schiff made the motion to award the contract for concrete paving work in Alley D to M&C Fonseca Construction Company, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 5-0 vote.

- D.10** Consideration, discussion, and possible action on the official acceptance of Olaa, Homonu, and Pahala Court as City maintained roads in accordance with the interlocal agreement between BWCID #2 and the City of Bastrop. The work was authorized using \$60,000 from County FEMA money from 2011, \$15,000 from the City and \$18,000 from the District.
Parks and Wildlife and Utilities Director, Trey Job gave the presentation.

Council Member Schiff made the motion to accept Olaa, Homonu and Pahala Court as City maintained roads, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 5-0 vote.

- D.11** First reading of ordinance amending Section 3.20 signs of the City Code to add provisions regarding signs in excess of 35 feet in height and 160 square feet of sign area when certain conditions regarding divided highways, speed limits in excess of 50 miles per hour and overpasses are met. In no case would signs over 70 feet in height or 400 square feet in area be authorized.
This proposed ordinance was discussed by the City Council on January 10, 2017 and referred to the Planning Commission for its recommendation.
Interim City Manager Marvin Townsend gave the presentation.

Council Member Schiff made the motion to approve the first reading of the ordinance to amend Section 3.20, seconded by Council Member Jones. The motion was approved on a 5-0 vote.

- D.12** First reading of ordinance amending Section 3.20.022 signs of the City Code to delete Section 3.20.022 Municipal Sign Review Board variances which will acknowledge that any appeals relating to administration of the sign section of the City Zoning Ordinance are to the Zoning Board of Appeals.

Interim City Manager Marvin Townsend gave the presentation.

Council Member Schiff made the motion to approve the first reading of the ordinance to amend Section 3.20.022 signs of the City Code, seconded by Council Member Jones. The motion was approved on a 5-0 vote.

- D.13** First reading of ordinance amending the ordinance creating the Bastrop Zoning Board Of Adjustment and deleting Section F to eliminate 1-year limitation on time period to utilize a granted variance and delete Section 9.9E first sentence to delete 4-week automatic approval provision. On January 6, 2017, a memorandum was distributed regarding suggested changes in the ordinances and practices of the Bastrop Zoning Board of Adjustment. Some of the recommended changes involved administrative activities. These changes have been implemented.

To carry out the balance of the recommendations the following ordinance amendments should be considered on first reading:

A) Delete Chapter 14, Section 9.8 the one-year limit on the unused life of a variance by deleting the following:

“F. Any rights authorized by a variance which are not exercised within one (1) year from the date of granting such variance shall lapse and may be reestablished only after application and a new hearing in accordance with this article.”

B) Delete Chapter 14, Section 9.9E first sentence which provides for automatic approval of a variance if not denied within 4 weeks of “placement on the agenda”, by deleting:

“E. The Board shall decide the appeal within four (4) weeks after placement on its agenda after which time the request shall be deemed automatically approved”.

Interim City Manager Marvin Townsend gave the presentation.

Council Member Schiff made the motion to approve the first reading of the ordinance amending the ordinance creating the Bastrop Zoning Board of Adjustment, seconded by Council Member Jones. The motion was approved on a 5-0 vote.

E. EXECUTIVE SESSION – NO EXECUTIVE SESSION WAS HELD

- E.1** Pursuant to Texas Government Code §551.071 the City Council will meet in Executive Session to consult with its attorney to seek his advice about pending or contemplated litigation, or settlement offers, discuss legal issues related to the Texas Open Meetings Act and Texas Public Information Act, and pursuant to §551.071(2) to consult on matters in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.

E1. The City Council will also meet in a closed/executive session pursuant to the Texas Government Code, Chapter 551, *et seq*, to discuss the following:

- A. **SECTION 551.071(1)(A)(B) & SECTION 551.071(2)** – Consultation with Attorney concerning: (1) potential, pending, threatened, and/or contemplated litigation, claims, and/or settlement/mediation, including *but not limited to* municipal water supply, McCall Ranch water permit litigation, Pine Forest Unit 6, and (2) other matters upon which the Attorney(s) have a duty and/or responsibility pursuant to the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas to report to the governmental body, concerning these matters, and/or any other matters posted on the agenda, including procedures and policies dealing with open records.

E2. The Bastrop City Council will reconvene 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.)

Citizens are allowed to sign up for discussion on items proposed for 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, Pine Forest Unit 6, and (2) other matters upon which the Attorney(s) have a duty and/or responsibility pursuant to the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas to report to the governmental body, concerning these matters, and/or any other matters posted on the agenda, including procedures and policies dealing with open records.

F. Observation/final comments by Council on matters listed above.

G. ADJOURNMENT

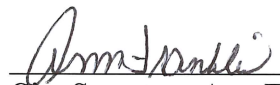
Mayor Pro Tem DeLaRosa made the motion to adjourn the meeting at 9:20 p.m., seconded by Council Member Schiff. The motion was approved on a 5-0 vote.

APPROVED:

ATTEST:



 Mayor Ken Kesselus



 City Secretary Ann Franklin

Minutes were approved on March 14, 2017 by Mayor Pro Tem DeLaRosa’s motion, Council Member Peterson’s second. The motion was approved on a 5-0 vote.