

**BASTROP CITY COUNCIL**  
**April 23, 2019**

The Bastrop City Council met in a Regular Meeting on Tuesday, April 23, 2019, at 5:00 p.m. at the Bastrop City Hall Council Chambers, located at 1311 Chestnut Street, Bastrop, Texas. Members present were Mayor Schroeder, Mayor Pro Tem Nelson and Council Members Jones, Ennis, Rogers and Peterson. Officers present were City Manager Lynda Humble, City Secretary Ann Franklin and City Attorney Alan Bojorquez.

**EXECUTIVE SESSION - CALL TO ORDER**

At 5:00 p.m. Mayor Schroeder called the meeting to order with a quorum being present.

**The City Council met at 5:01 p.m. in closed/executive session pursuant to the Texas Government Code, Chapter 551, et seq, to discuss the following:**

- 2A. City Council shall convene into closed executive session pursuant to Section 551.074 of the Texas Government Code to discuss the appointment of an Associate Judge.
- 2B. City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to confer with City Attorney regarding status of Building Bastrop Codes.

**The City Council came out of closed/executive session at 6:20 p.m.**

**TAKE ANY NECESSARY OR APPROPRIATE ACTION ON MATTERS POSTED FOR CONSIDERATION IN CLOSED/EXECUTIVE SESSION**

- 2A. City Council shall convene into closed executive session pursuant to Section 551.074 of the Texas Government Code to discuss the appointment of an Associate Judge. **A motion was made by Council Member Rogers to appoint Carolyn McClimon as Associate Judge, seconded by Council Member Peterson, motion was approved on a 4-0 vote. Council Member Jones recused herself.**

**REGULAR SESSION - CALL TO ORDER**

At 6:30 p.m. Mayor Schroeder called the meeting to order with a quorum being present.

**PLEDGE OF ALLEGIANCE**

Dylan Redmon, Cedar Creek Intermediate School led the pledges.

**INVOCATION**

Bob Long, Police Chaplain gave the invocation.

**PRESENTATIONS**

- 7A. Mayor's Report
- 7B. Councilmembers' Report
- 7C. City Manager's Report

- 7D. Proclamation of the City Council of the City of Bastrop, Texas recognizing May 8, 2019 as School Nurse Day.  
**The proclamation was read into record by Mayor Schroeder and received by Bastrop Independent School District Nurses.**
- 7E. Proclamation of the City Council of the City of Bastrop, Texas recognizing April 29, 2019 – May 3, 2019 as Air Quality Awareness Week.  
**The proclamation was read into record by Mayor Schroeder and received by Mayor Pro Tem Nelson.**
- 7F. Proclamation of the City Council of the City of Bastrop, Texas, recognizing April 26, 2019, as National Arbor Day.  
**The proclamation was read into record by Mayor Schroeder and received by Managing Director of Public Works & Leisure Services, Trey Job.**
- 7G. Proclamation of the City Council of the City of Bastrop, Texas recognizing May 4, 2019 as Firefighter Appreciation Day in City of Bastrop, Texas.  
**The proclamation was read into record by Mayor Schroeder and received by Fire Chief, Andres Rosales.**
- 7H. Presentation of The Great Places in Texas designation by the Texas Chapter of the American Planning Association.  
**Presentation was made by Director of Planning, Matt Jones and Chance Sparks, AICP, CNU-A, Urban Planning & Design Group Freese and Nichols, Inc.**

#### INDIVIDUAL CONSIDERATION

- 12F. Consider action to approve Resolution R-2019-38 of the City Council of the City of Bastrop, Texas, recognizing May 11, 2019, as World Migratory Bird Day and authorizing the Bird City Coalition and appropriate City staff to continue pursuit of certification in the Texas "Bird City" program; providing for a repealing clause; and establishing an effective date.  
**Presentation was made by Managing Director of Public Works & Leisure Services, Trey Job.**

**A motion was made by Council Member Rogers to approve Resolution No. R-2019-38, seconded by Mayor Pro Tem Nelson, motion was approved on a 5-0 vote.**

- 12J. Consider action to approve Resolution No. R-2019-40 of the City Council of the City of Bastrop, Texas supporting The Daughters of the Republic of Texas to pursue funding for the Stephen F. Austin and The Baron de Bastrop sculptures to be created by Clint Howard, owner of Deep in the Heart Art Foundry with no matching funds from the City of Bastrop; providing for a severability and repealing clause; and establishing an effective date.  
**Presentation was made by Vicky Rose, Daughters of Republic of Texas and Clint Howard, Deep In The Heart Art Foundry.**

**A motion was made by Council Member Ennis to approve Resolution No. R-2019-40, seconded by Council Member Jones, motion was approved on a 5-0 vote.**

**WORK SESSION/BRIEFINGS**

- 8E. Update on Chicken/Rooster Relocation.  
**Update was provided by Safety Director/Chief of Police and Interim Director of Downtown and Hospitality, James Altgelt.**

**INDIVIDUAL CONSIDERATION – CONTINUED**

- 12K. Consider action to approve the first reading of Ordinance No. 2019-15 of the City Council of the City of Bastrop, Texas amending the Code of Ordinances, Chapter 2 Titled “ANIMAL CONTROL,” Article 2.01 Titled “GENERAL PROVISIONS,” Sections 2.01.001 Titled “DEFINITIONS” amending the definitions of various terms; amending 2.01.004 Titled ‘RESTRICTIONS ON KEEPING LIVESTOCK AND FOWL” to extend application to fowl being maintained in violation of this section; Article 2.04 Titled “IMPOUNDMENT,” DIVISION 2 Titled “LIVESTOCK” by requiring Animal Control to refer any impounded livestock to the County Sheriff and repealing specific procedures for impounding livestock; and amending Article 2.07 Titled “NUISANCES” Section 2.07.001 Titled “CREATING HEALTH HAZARD” to extend applicability to animals “maintained” in violation of this section and repealing all prior ordinances that are in conflict herewith; as attached in Exhibit A; and providing for findings of fact, enactment, effective date, repealer, severability, and proper notice and meeting, and move to include on the May 14, 2019 agenda for a second reading.  
**Presentation was made by Safety Director/Chief of Police and Interim Director of Downtown and Hospitality, James Altgelt.**

**A motion was made by Council Member Ennis to approve the first reading of Ordinance No. 2019-15 and place on May 14, 2019 consent agenda for a second reading, seconded by Mayor Pro Tem Nelson, motion was approved on a 5-0 vote.**

**STAFF AND BOARD REPORTS**

- 9D. Receive Monthly Report from Visit Bastrop.  
**Presentation was made by President and CEO, Susan Smith and Director of Sales, Ashton LaFuente of Visit Bastrop.**

**CITIZEN COMMENTS – NONE**

**Mayor Schroeder recessed the Council Meeting at 7:35 p.m.**

**Mayor Schroeder called the Council Meeting back to order at 7:45 p.m.**

**CONSENT AGENDA**

**A motion was made by Council Member Peterson to approve Items 11A,11B, 11C and 11D listed on the Consent Agenda after being read into the record by City Secretary, Ann Franklin. Seconded by Mayor Pro Tem Nelson, motion was approved on a 5-0 vote.**

- 11A. Consider action to approve City Council minutes from the April 9, 2019, regular meeting and April 10, 2019 and April 17, 2019, special called meetings.
- 11B. Consider action to approve the second reading of Ordinance No. 2019-06 of the City Council of the City of Bastrop, Texas, granting a Conditional Use Permit to allow a 400 square foot accessory structure on Tahitian Village, Unit 1, Block 19, Lot 598, 599, and 600, located at 149 Mahalo Court, an area zoned SF-9, Single Family 9, within the city limits of Bastrop, Texas; as shown in Exhibits A and B; setting out conditions; including a severability clause; and establishing an effective date.
- 11C. Consider action to approve the second reading of Ordinance No. 2019-07 of the City of Bastrop, Texas ("City") implementing a Pilot Program to authorize the sale of food from Mobile Food Vendors within the city limits and to establish a Mobile Food Vendor Permit process for the Pilot Program; providing for findings of fact, purpose, expiration date; enactment, variance, repealer, severability, effective date, and proper notice and meeting.
- 11D. Consider Action to approve the second reading of Ordinance Number 2019-11 of the City Council of the City of Bastrop, Texas amending the Code of Ordinances, Chapter 2 Titled "ANIMAL CONTROL," Article 2.01 Titled "GENERAL PROVISIONS," Sections 2.01.001 Titled "DEFINITIONS"; amending the definitions of "Feral," "Livestock," "Poultry /Fowl," and Wild Birds," and 2.01.007 Titled "Injury or destruction of wild birds;" amending the provision amending the provision for the exclusion of certain birds from this section by adding chickens and repealing all prior ordinances that are in conflict herewith; as attached in Exhibit A; and providing for findings of fact, enactment, effective date, repealer, severability, and proper notice and meeting.

#### **STAFF AND BOARD REPORTS - CONTINUED**

- 9A. Receive Monthly Development Update.  
**Update was provided by Director of Planning, Matt Jones.**

#### **INDIVIDUAL CONSIDERATION - CONTINUED**

- 12E. Consider action to approve Resolution R-2019-39 of the City Council of the City of Bastrop, Texas ("City") responding to the application of CenterPoint Energy Resources Corp., South Texas Division, to increase rates under the gas reliability infrastructure program; suspending the effective date of this rate application for forty-five days; authorizing the city to continue to participate in a coalition of cities known as the "Alliance of CenterPoint Municipalities;" determining that the meeting at which the resolution was adopted complied with the Texas Open Meetings Act; making such other findings and provisions related to the subject; and declaring an effective date.  
**Presentation was made by City Secretary, Ann Franklin.**

**A motion was made by Mayor Pro Tem Nelson to approve Resolution No. R-2019-39, seconded by Council Member Rogers, motion was approved on a 5-0 vote.**

- 12A. Consider action and approve Resolution No. R-2019-37 of the City Council of the City of Bastrop, Texas, making determinations regarding certain project-specific

Exceptions and/or Exemptions as provided by Emergency Ordinance 2018-1, Section 8 (Temporary Moratorium); and Emergency Ordinance 2018-2, Section 7 (Emergency Drainage Application Rules).

**Presentation was made by Assistant Director of Planning and Zoning, Jennifer Bills.**

**A motion was made by Council Member Jones to approve Resolution No. R-2019-37 for 1700 Main Street, seconded by Council Member Ennis, motion was approved on a 5-0 vote.**

**A motion was made by Council Member Jones to approve Resolution No. R-2019-37 for 120 Akala Lane, seconded by Mayor Pro Tem Nelson, motion was approved on a 5-0 vote.**

- 12D. Consider action to approve the first reading of Ordinance No. 2019-10 of the City Council of the City of Bastrop, Texas, enacting Chapter 1, Article 1.20, Sections 1.02.001 through 1.20.120 of the Bastrop Code of Ordinances; establishing construction and development standards and procedures for assertion, establishment, determination, and recognition of potential grandfathered development status or vested rights claims; and providing for the following: findings of fact; enactment; repealer; severability; effective date; codification; proper notice & hearing; popular name; purpose; and scope; and move to include on the May 14, 2019 consent agenda for second reading.

**Presentation was made by City Attorney, Alan Bojorquez.**

**A motion was made by Council Member Jones to approve the first reading of Ordinance No. 2019-10 and place on the May 14, 2019 consent agenda for second reading, seconded by Mayor Pro Tem Nelson, motion was approved on a 5-0 vote.**

- 12H. Consider action to approve on first reading Ordinance No. 2019-17 of the City Council of the City of Bastrop, Texas, enacting a new Chapter 16, "Stormwater Drainage," of the Bastrop Code of Ordinances establishing stormwater drainage requirements in order to minimize flood risks, stabilize and decrease stream bank and channel erosion, and facilitate comprehensive watershed-based planning, and repealing Emergency Ordinance 2018-2, Amendment to Emergency Ordinance 2018-2-A, and Article 5.30, "Alleys," Article 5.90, "Drainage and Storm Sewers," Section 6.80.3, "Roadside Drainage Ditches," Article 6.100 "Rural Subdivision Drainage Requirements," and Article 7.50, "Drainage" from Chapter 10, "Subdivisions" of the Bastrop Code of Ordinances; and establishing an effective date.

**Presentation was made by Managing Director of Public Works & Leisure Services, Trey Job.**

**A motion was made by Mayor Pro Tem Nelson to approve the first reading of Ordinance No. 2019-17 and to include the repealing of Section 1.40 with the following directions, seconded by Council Member Jones, motion was approved on a 5-0 vote.**

**The direction to staff was to have cleanup issues completed prior to the second reading, identify changes made to ordinance and place on the May 14, 2019 individual consideration agenda for second reading.**

- 12L. Consider action to approve the first reading of Ordinance No. 2019-16 of the City Council of the City of Bastrop, Texas, repealing Emergency Ordinance 2018-1 (*Temporary Moratorium*, as extended), and enacting procedural rules and criteria for Enhanced Permit Review consistent with Building Bastrop policy directives, including heightened evaluation of certain permit applications for building, construction and development projects, and move to include on the May 14, 2019 consent agenda for a second reading.

**Presentation was made by City Attorney, Alan Bojorquez.**

**A motion was made by Mayor Pro Tem Nelson to approve the first reading of Ordinance No. 2019-16 with the following friendly amendment and place on the May 14, 2019 consent agenda for second reading, seconded by Council Member Jones, motion was approved on a 5-0 vote.**

**A friendly amendment was made to have Section 3 of the ordinance read, "Section 3. Duration: The duration of the Enhanced Permit Review measures implemented by this Ordinance shall be through December 10, 2019, unless repealed earlier because of the adoption of Building Bastrop Code".**

- 12I. Consider action to approving resolution No. 2019-41 of the City Council of the City of Bastrop, Texas, awarding a contract in the amount of one hundred eighteen thousand two hundred eight dollars and zero cents (\$118,208.00) to Jimmy Evans company for the relocation of a ten-inch wastewater line within the TxDOT right of way as shown; attached in exhibit (A) authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.  
**This item was withdrawn from the agenda.**

**Items 12B and 12C were taken together.**

- 12B. Consider action to approve Resolution No. R-2019-33 of the City Council of the City of Bastrop, Texas, adopting a standardized wholesale water agreement; attached in Exhibit A; providing for a repealing clause; and establishing an effective date.  
**Presentation was made by City Manager, Lynda Humble.**

**A motion was made by Council Member Jones to approve Resolution No. R-2019-33, seconded by Council Member Ennis, motion was approved on a 5-0 vote.**

- 12C. Consider action to approve Resolution No. R-2019-32 of the City Council of the City of Bastrop, Texas, adopting a standardized wholesale wastewater agreement; attached in Exhibit A; providing for a repealing clause; and establishing an effective date.

**Presentation was made by City Manager, Lynda Humble.**

**A motion was made by Council Member Jones to approve Resolution No. R-2019-32, seconded by Council Member Ennis, motion was approved on a 5-0 vote.**

- 12G. Consider action to approve the first reading of Ordinance No. 2019-14 of the City Council of the City of Bastrop, Texas amending Chapter 11, Taxation, Section 11.04, "Hotel Occupancy Tax," attached as Exhibit A, in accordance with Chapter 351 of the

Texas Tax Code; providing for findings of fact, enactment, repealer, severability; effective date, proper notice and meeting and move to include on the May 14, 2019 consent agenda for a second reading.

**Presentation was made by Chief Financial Officer, Tracy Waldron.**

**A motion was made by Mayor Pro Tem Nelson to approve the first reading of Ordinance No. 2019-14 and place on the May 14, 2019 consent agenda for second reading, seconded by Council Member Ennis, motion was approved on a 5-0 vote.**

**Mayor Schroeder recessed the Council Meeting at 8:59 p.m.**

**Mayor Schroeder called the Council Meeting back to order at 9:04 p.m.**

#### **WORK SESSION/BRIEFINGS - CONTINUED**

8C. Discuss Building Bastrop Codes with Matt Lewis.  
**Presentation was made by Matt Lewis and Milosav Cekic, simpledesign and discussion was held.**

8A. Update and discussion of current Legislative Session and its impact on local municipalities.  
**Update was provided by Mayor Schroeder and discussion was held.**

8B. Presentation and Discussion regarding Public Realm/Open Spaces vs. Parkland Dedication  
**Presentation was made by Managing Director of Public Works & Leisure Services, Trey Job and discussion was held.**

8D. Presentation and policy discussion regarding nuisance ordinances and how they relate to public education and enforcement.  
**Presentation was made by Safety Director/Chief of Police and Interim Director of Downtown and Hospitality, James Altgelt and discussion was held.**

#### **STAFF AND BOARD REPORTS - CONTINUED**

9B. Receive presentation on the Quarterly Investment Report for the period ending March 31, 2019.  
**Presentation was made by Chief Financial Officer, Tracy Waldron.**

9C. Receive presentation on the unaudited Monthly Financial Report for the period ending March 31, 2019.  
**Presentation was made by Chief Financial Officer, Tracy Waldron.**

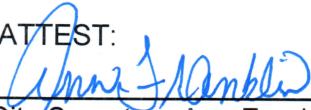
#### **ADJOURNMENT**

**Adjourned at 11:11 p.m. without objection.**

APPROVED:

  
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Mayor Connie B. Schroeder

ATTEST:

  
\_\_\_\_\_  
City Secretary Ann Franklin

**The Minutes were approved on May 14, 2019, by Council Member Ennis' motion, Council Member Jones' second. The motion was approved on a 5-0 vote.**