

**MINUTES OF REGULAR COUNCIL MEETING
BASTROP CITY COUNCIL
JUNE 14, 2016**

The Bastrop City Council met in a Regular Meeting on Tuesday, June 14, 2016 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 DeLaRosa, and Council Members, Jones, McAnally, and Schiff.

CALL TO ORDER

At 6:33 p.m. Mayor Kesselus called the Meeting to order with a Quorum being present. Council Member Peterson was absent. (Council Member Peterson's absence was approved by Council as excused.)

PLEDGE OF ALLEGIANCE

Reverend C.A. Williams, Macedonia Baptist Church led the Pledge.

INVOCATION

Mayor Kesselus gave the invocation.

PRESENTATIONS

- A. The Baron de Bastrop video.

PROCLAMATIONS

- A. Juneteenth Celebration

CITIZEN COMMENTS

Barbara Clemons - Spoke in concern of recent flooding and wanted to know if there would be a public hearing for citizens regarding the flood and how FEMA money would be distributed and whether or not the City would provide tips to help citizens in case of a flood.

Richard Kindred – Spoke in concern of the continued flooding and the City not providing basic maintenance to the creeks.

Belinda Williams – Spoke concerning recent flooding.

Anne Beck – Spoke regarding the lack of volume when listening to the meetings at home and ask that everyone contact Time Warner to ask for more power to increase the volume.

Becki Womble – Complimented the City staff and gave thanks to them for hanging banners purchased by the Chamber of Commerce to decorate the City poles up and down Main Street.

Jan Hewett – Requested that the Council help the less fortunate citizens that were affected by the flood.

Pamela Aldridge – Stated the homes on MLK have been flooded many times and the City is not doing all that they can to help the residents on MLK.

ANNOUNCEMENTS

- A. Update on Comprehensive Plan Steering Committee – Kay Garcia McAnally

Council Member McAnally referred to the City Manager's Comprehensive Plan, "A draft future land use map has been reviewed by staff and modified for inclusion in Chapter 5 Land Use and

Community Image, Chapter 6 Transportation and Chapter 8 Cultural Arts Tourism are being drafted concurrently by the consultant's team and will be released to staff for review over the next few weeks." The next Comprehensive Plan Steering meeting will be scheduled following the staff level review of Chapter 5.

- B. Juneteenth activities. – Bill Peterson
- C. Items Targeted for Future Meetings.
- D. City Manager Mike Talbot made the announcement that there was a public notice in the newspaper that the City Council was going to hold a public hearing at the meeting tonight, June 14, 2016 regarding the public improvement district to be created at XS Ranch, the hearing will not be held tonight it has been rescheduled for the June 28, 2016 City Council meeting.

City Manager's Informational Report for the June 14, 2016 City Council Meeting:

I. Meetings and Events Attended:

- A. Texas Department of Transportation Pre-Construction Meeting for the S.H. 71 – S.H. 95 Overpass Project.
 - B. Monthly Meeting of the Zoning Board of Adjustment on June 1, 2016
 - C. Special City Council Meeting of June 7, 2016
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II. Update on City Projects and Issues:

- A. Discussion and Review of Water Usage for the period of April 1, 2016 through June 12, 2016.
 - B. Update on the Chestnut Fire Station Renovation Project.
 - C. Review and Update of the creation of Creating "Destination Marketing Organization".
RFQ was issued on June 1, 2016, scheduled to be returned by June 21, 2016. Since sending out the RFQ the City Manager has been contacted by three potential responders asking for clarification on some minor points related to the RFQ. The three who have submitted inquiries did express a concern that this was a very compressed time frame in which to respond to an RFQ.
 - D. Update on the Texas Department of Transportation "Tahitian Village Overpass Project.
 - E. Update on the Texas Department of Transportation "S.H.71 – S.H. 95 Overpass Project."
 - F. Update and Review of the Storm Event of May 26th & 27th 2016.
Approximately 39 homes were damaged. (Not inferring that the City has got all of the damaged properties, those are the ones that had some type of service the night of the flood or have consequently contacted the City regarding damage to their homes.) Bastrop was not included in the Presidents initial declaration for Federal disaster or FEMA funding but it is believed that Bastrop will eventually fall into this category.
 - G. Update on the Bus Shelter Project.
The Bus Shelter is complete and operational as of mid-May.
 - H. Update on the Comprehensive Plan
 - I. Update and Discussion regarding the "Boiled Water Notice" issued by the City during the Week of May 2, 2016.
 - J. Discussion and Review of the Gills Branch Wastewater Improvements Project.
 - K. Review and Discussion regarding the FY-17 Budget.
 - L. Zika Virus – Mosquito Management
The heavy rain has left bodies of standing water and a spraying schedule and action plan has been created and on the web tips are provided for citizens.
 - M. Management/Administrative Activities
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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.

A. CONSENT AGENDA - *All of 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 requests.*

- A.1 Consideration, discussion and possible action regarding approval of minutes from the regular Council Meeting of May 24, 2016.
- A.2 Consideration, discussion and possible action regarding approval of the SECOND READING of a Resolution of the City Council of Bastrop approving a (AEI Technologies Project) using funds provided by the Bastrop Economic Development Corporation, in an amount exceeding \$10,000. (FROM THE MAY 24TH MEETING ITEM D.9)
- A.3 Approval of Bastrop Marketing Corporation's request for reimbursement of funds for April 2016 in accordance with the agreement to be spent on advertising and marketing the City of Bastrop area.
- A.4 Correction of term end dates for BEDC members Drusilla Rogers and Camillo Chavez.
- A.5 Approval of the statutory denial for a period of 180 days from the date of Council action on a request for the Amending Plat of Tahitian Village, Unit 2, Block 16, Lots 2-1402, 2-1403, 2-1404, 2-1405, 2-1460, 2-1461 and 2-1462 located within the Bastrop, Texas One Mile Extra Territorial Jurisdiction (ETJ).
- A.6 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 XS Ranch Fund Subdivision being +/- 1.317 acres out of The Jose Manuel Bangs Survey A-4 within Area A of the Bastrop, Texas Extra Territorial Jurisdiction (ETJ).
- A.7 Board appointment by Mayor Ken Kesselus and confirmation by the Bastrop City Council Members on the appointment of the following:
 - A.7a Kristi Koch Bastrop Art in Public Places
Place 2 2016 - 2019
 - A.7b Corporal Wuthipong Tantaksinuaikij Ethics Commission
Place 3 2016 - 2019
 - A.7c Kathryn Lang Historic Landmark Commission
Place 6 2016 – 2019
 - A.7d Robbie Sanders Historic Landmark Commission

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| | Place 7 | 2016 – 2017 |
| A.7e | Dan Hays-Clark Place 2 | Historic Landmark Commission 2016 – 2019 |
| A.7f | Dan Hays-Clark Place 2 | Zoning Board of Adjustment 2016 – 2018 |
| A.7g | Carolyn Smith Place 4 | Hunters Crossing LGC 2016 – 2018 |
| A.7h | Becki Womble Place 4 | Bastrop Vision Task Force 2016 – 2017 |
| A.7i | Nancy Wood Place 6 | Bastrop Vision Task Force 2016 – 2017 |
| A.7j | Tresha Silva Place 7 | Bastrop Vision Task Force 2016 - 2017 |

Mayor Pro Tem DeLaRosa made the motion to approve the consent agenda, seconded by Council Member Schiff. The motion was approved on a vote of 4-0. Council Member Peterson was absent.

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

B.1 PUBLIC HEARING: Receive public input on a request for Amendment to the Zoning Ordinance, Chapter 14, Section 36.11, Zoning Use Charts, Section 43.9(B) Supplemental Regulations and A-3, Definitions.

- Section 43 Supplemental Regulations, Section 43.9 (B) Uses classified as sexually oriented business or as tattoo studio or body piercing studios, to modify phrasing referencing “tattoo studio or body piercing studios”; and
- Section 36 Use Regulation (Charts) Section 36.11 to add Tattoo Studio and Body Piercing Studio to the Use Chart; and
- Section A-3 Definitions to update definitions for 270.2 Tattoo Studio, to reference micropigmentation (permanent makeup) as an allowable incidental/accessory use in definition #75, Custom Personal Service Shop definition.

The public hearing was closed.

B.2 FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS AMENDING SECTIONS 36.11 RELATED TO ZONING TO ADD USES FOR TATTOO STUDIOS AND BODY PIERCING STUDIO TO ALLOW TATTOO AND BODY PIERCING STUDIOS TO BE LOCATED IN DISTRICTS ZONED C-2, IP, LI AND PD,; SECTION 43.9(B) RELATED TO AMEND LOCATIONS FOR PIERCING AND TATTOO STUDIOS, AND AMENDING DEFINITION #75 AND #270.2 IN APPENDIX A-3 OF THE CITY OF BASTROP ZONING ORDINANCE, FOR THE TERM “CUSTOM PERSONAL SERVICE SHOPS” TO INCLUDE PERMANENT MAKEUP SERVICES AS ACCESSORY USE TO BARBER/BEAUTY SHOP USES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Council Member Schiff made the motion to refer the ordinance back to staff for amendments, seconded by Council Member Jones. The motion was approved on a 4-0 vote. Council Member Peterson was absent.

- B.3 PUBLIC HEARING: Receive public input on Variances to the Subdivision Ordinance, Suburban Subdivision Standards Section 7.10.2 Layout Requirements A. Minimum lot width shall be one hundred and twenty five feet and Section 7.10.2 G. Lot depth to width ratio shall not exceed 3 to 1. The proposed 512 House Group Subdivision is +/-0.997 acres within the Stephen F. Austin Survey Abstract No. 3 located on Phelan Road within the City of Bastrop, Texas One Mile Extra Territorial Jurisdiction (ETJ).

The public hearing was closed.

- B.4 Consideration, discussion and possible action on Variances to the Subdivision Ordinance, , Suburban Subdivision Standards Section 7.10.2 Layout Requirements A. Minimum lot width shall be one hundred and twenty five feet and Section 7.10.2 G. Lot depth to width ratio shall not exceed 3 to 1. The proposed 512 House Group Subdivision is +/-0.997 acres within the Stephen F. Austin Survey Abstract No. 3 located on Phelan Road within the City of Bastrop, Texas One Mile Extra Territorial Jurisdiction (ETJ).

No action was taken on this item.

- B.5 PUBLIC HEARING: Receive public input on a request for Amendments to the Consent Agreement for The Colony Municipal Utility District No. 1 and Successor Districts to the Created by Division of the Colony Municipal Utility District No. 1 being +/-1,491.04 acres in the Jose Manuel Bangs Survey A-5 within Area A of the Bastrop, Texas Extra Territorial Jurisdiction (ETJ).

The public hearing was closed.

The staff coordinated discussion with the County at Mayor Pro Tem DeLaRosa's request, as a result the County engineering documented that she had no comments or concerns on this matter.

- B.6 Consideration, discussion and possible action on the proposed Amendment #1 to the Consent Agreement for The Colony Municipal Utility District No. 1 and Successor Districts to the Created by Division of the Colony Municipal Utility District No. 1, being +/-1,491.04 acres in the Jose Manuel Bangs Survey A-5 within the City of Bastrop Extra Territorial Jurisdiction (ETJ).

Council Member Schiff made the motion to approve the amendment to the consent agreement for the Colony Municipal Utility District No. 1 as defined in this item, seconded by Council Member McAnally. The motion was approved on a 4-0 vote. Council Member Peterson was absent.

The staff coordinated discussion with the County at Mayor Pro Tem DeLaRosa's request, as a result the County engineering documented that she had no comments or concerns on this matter.

OLD BUSINESS - NONE

NEW BUSINESS

- D.1 Consideration discussion and possible action regarding setting the start time for all Council meetings at 6:30 p.m.
Council Member Schiff made the motion to set the start time for all Council meetings at 6:30 p.m. with the exception of weekend workshops, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 4-0 vote. Council Member Peterson was absent.
- D.2 Election of City Council Member to fill Place 6 on the Hunters Crossing Local Government Corporation.
Council Member Schiff made the motion to elect Council Member Peterson to fill Place 6 on the Hunters Crossing Local Government Corporation, seconded by Council Member Jones. The motion was approved on a 5-0 vote. Mayor Kesselus voted due to the motion being an election. Council Member Peterson was absent.
- D.3 Consideration discussion and possible action regarding the follow up on charter changes.
Council Member Schiff made the motion to postpone this item to June 28, 2016 and instructed the City Manager to develop language for an item to be placed on the next agenda for discussion of the following suggested charter changes, seconded by Council Member Jones. The motion was approved on a 4-0 vote. Council Member Peterson was absent.
- Suggested Charter changes:**
- **Amend the way the quorum is configured for Council. He would like to have the Charter state that the Council is five people and the Mayor is a separate entity from the Council in order to have the voting amount on the Council as five.**
 - **Have separate term limits for the office of Council Member and separate term limits for the office of Mayor.**
- D.4 Consideration discussion and possible action regarding the process for selecting consultant for DMO process.
Council Member Schiff made the motion to create a schedule as follows, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 4-0 vote. Council Member Peterson was absent.
Deadline Dates (If adjustment is necessary it will be done.)
June 28, 2016 – Conduct interviews
July 5, 2016 – Conduct selection
- D.5 Consideration, discussion and possible action on a proposal to partner with various entities in promoting a celebration entitled "Bastrop County Remembers" by offering the convention center for the event with the waiver of fees as the city's contribution.
Council Member Schiff made the motion to waive the event fees for the "Bastrop County Remembers", seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 4-0 vote. Council Member Peterson was absent.
- D.13 Consider and take possible action on resolutions regarding 921 Main Street from the Downtown Business Association and the Main Street Advisory Board.
Council Member McAnally made the motion to thank, acknowledge and consider the information given from Downtown Business Association and Main Street, seconded by Council Member Jones. The motion was approved on a 4-0 vote. Council Member Peterson was absent.

- D.8 Consideration, Discussion and possible action for the City Council to offer to grant free of charge, the property at 921 Main to prospective developers who submit proposals for the best use of the property that justifies such a grant.

Council Member Schiff made the motion as follows, seconded by Council Member DeLaRosa. The motion was to have Council authorize the City Manager to advertise that the City is willing to grant free of charge to the developer or individual the property at 921 Main Street, the City reserves the right to select the Grantee (or not select any Grantee) based upon what it feels in its sole judgment is the best use of this space. Grantee would be subject to claw-back provisions (to be developed) ensuring that the Grantee performs what is proposed by Grantee. The grant announcement must be advertised by July 1, 2016 and proposals must be received no later than August 15, 2016.

Council Member Schiff revised his motion above to read as follows, seconded by Mayor Pro Tem DeLaRosa.

The motion was to have Council authorize the City Manager to advertise that the City is willing to grant an incentive to the developer, individual, non-profit or government the property at 921 Main Street, the City reserves the right to select the Grantee (or not select any Grantee) based upon what it feels in its sole judgment is the best use of this space. Grantee would be subject to claw-back provisions (to be developed) ensuring that the Grantee performs what is proposed by Grantee. Have the City Manager create a schedule and bring before Council at the June 28, 2016 meeting. Council Member Schiff, the maker of the motion withdrew his motion.

The question was asked of the City Attorney if it is legal for the City Council to give away property that belongs to the City. The City Attorney stated that Cities are required to get value for the sale of their property, the value may be established through certain things that the City gets in return the sale may be incentivized to some extent. It would require that the City determine the value of the property to set the standards for what would be received in exchange for any incentive provided.

No Action Was Taken.

- D.6 Consideration, discussion and possible action on a proposed change in the type of parking on Main Street from the intersection of Pine Street traveling south for approximately 225 feet.
This item was postponed to June 28, 2016.
- D.7 Consideration, discussion and possible action regarding use of city attorney's time and reporting on legal fees.
This item was withdrawn.
- D.9 Discussion, consideration and possible action on the Final Plat for The Colony MUD 1D, Section 1, Phase A being +/-23.301 acres out of Manuel Bangs Survey A-5 within Area A of the Bastrop, Texas, Extra Territorial Jurisdiction (ETJ).
Mayor Pro Tem DeLaRosa made the motion to approve the final plat for the Colony MUD, Section 1, Phase A, seconded by Council Member Schiff. The motion was approved on a 4-0 vote. Council Member Peterson was absent.

- D.10 Discussion, consideration and possible action on the Final Plat for The Colony MUD 1D, Section 1, Phase B being +/- 30.654 acres out of the Manuel Bangs Survey A-5 within Area A of the Bastrop, Texas, Extra Territorial Jurisdiction (ETJ).
Mayor Pro Tem DeLaRosa made the motion to approve the final plat for the Colony MUD, Section 1, Phase B, seconded by Council Member Schiff. The motion was approved on a 4-0 vote. Council Member Peterson was absent.
- D.11 Discussion, consideration and possible action on the Final Plat for The Colony MUD 1E, Section 2 Phase A being +/-15.626 acres out of the Manuel Bangs Survey A-5 within Area A of the Bastrop, Texas, Extra Territorial Jurisdiction (ETJ).
Mayor Pro Tem DeLaRosa made the motion to approve the final plat for the Colony MUD 1E, Section 2 Phase A, seconded by Council Member Schiff. The motion was approved on a 4-0 vote. Council Member Peterson was absent.
- D.12 Discussion, consideration and possible action on the Final Plat for The Colony MUD 1E, Section 2, Phase B being +/-23.918 acres out of the Manuel Bangs Survey A-5 within Area A of the Bastrop, Texas, Extra Territorial Jurisdiction (ETJ).
Council Member Schiff made the motion to approve the final plat for the Colony MUD 1E, Section 2, Phase B, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 4-0 vote. Council Member Peterson was absent.

EXECUTIVE SESSION

E1. The Bastrop City Council met at 9:21 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)(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*) the following: municipal water supply, pending and/or potential code enforcement, litigation related to subdivision development, and/or (2) matter 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.
2. **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 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. 911 Farm Street.
3. **Section 551.087** – To discuss, evaluate or deliberate regarding commercial, financial, business or other information that the City has received related to economic development opportunities or prospects in or near the territory of the City, and/or to deliberate the potential offer of economic incentives to a business prospect, as note herein.
4. **SECTION 551.074** – Personnel Matters: City Manager
This item was withdrawn.

E2. The Bastrop City Council reconvened at 11:38 p.m. 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 TAKEN

Mayor noted for the public that the Council had discussed all items identified on the Ex. Session Agenda with the exception of the Public Utilities, which was not discussed.

The City manager made the following comments and recommended that the council consider a Motion related to Economic Development negotiations to the following effect:

“The City’s Agreement with Hyatt, which provides for certain economic incentives to the Hyatt, expires on its own term on June 30, 2016. The City has spoken with representatives of the Hyatt about an extension of this current agreement and has provided a proposed draft of same to the Hyatt back in March of 2016, but, to date, the Hyatt has not been satisfied with the terms or willing to execute the proposed extension agreement as submitted by the City and an alternate agreement has not been mutually agreed upon. Accordingly, the existing Agreement will expire, as set forth in the Agreement, on June 30, 2016.

Nevertheless, the City continues to be open to consider an alternate proposal from the Hyatt, after it has been approved at the Hyatt’s Corporate level, should Hyatt determine it desires to submit same to the City.

Council Member Jones left the Chambers at 11:40 p.m.

Council Member Schiff made the motion as follows, seconded by Mayor Pro Tem DeLaRosa. The motion was approved on a 4-0 vote. Council member Jones was off the dais. The City agrees that the existing agreement between the City and the Hyatt shall expire at close of business on June 30, 2016, but that the City is open to consider and evaluate an alternate proposal from the Hyatt, to the amendment provided by the City, after the Hyatt’s alternative proposal has been approved at Hyatt’s Corporate level, should Hyatt determine it desires to submit same to the City.

ADJOURNMENT

Mayor Pro Tem DeLaRosa made the motion to adjourn the meeting at 11:42 p.m., seconded by Council Member Schiff. The motion was approved on a 3-0 vote. Council Member Jones was off the dais. Council Member Peterson was absent.

APPROVED:



Mayor Ken Kesselus

ATTEST:



City Secretary Ann Franklin