

**BASTROP CITY COUNCIL
May 14, 2019**

The Bastrop City Council met in a Regular Meeting on Tuesday, May 14, 2019, at 4:30 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 Ennis, and Peterson. Officers present were City Manager, Lynda Humble, City Secretary, Ann Franklin and City Attorney, Alan Bojorquez.

WORK SESSION - CALL TO ORDER

At 4:30 p.m. Mayor Schroeder called the meeting to order with a quorum being present.

Council Member Jones arrived at 4:36 p.m.

Council Member Rogers arrived at 4:41 p.m.

WORK SESSION

- 2A. Discussion on Bastrop Building Block Codes with Matt Lewis.
Discussion was led by Matt Lewis, President/CEO and Milosav Cekic of simplecitydesign.

Mayor Schroeder recessed the meeting at 5:57 p.m.

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

Cadet Commander Rena Richard; Cadet Lieutenant Alec Warby; and Cadet Senior Chief Petty Officer Dwayne Vassar, NJROTC led the pledges.

INVOCATION

Pastor Bernie Jackson gave the invocation.

INDIVIDUAL CONSIDERATION – PART 1 OF 2 (ELECTION PROTOCOL)

- 6A. Consider action to approve Resolution No. R-2019-42 of the City Council of the City of Bastrop, Texas to canvass the May 4, 2019 Election for Place 1 and Place 5 of the Bastrop City Council; and establishing an effective date.
A motion was made by Mayor Pro Tem Nelson to approve Resolution No. R-2019-42, seconded by Council Member Ennis, motion was approved on a 5-0 vote.
- 6B. Consider action to approve Resolution No. R-2019-43 of the City Council of the City of Bastrop, Texas, calling for a runoff Election for Place 5 of the Bastrop City Council for a term of three years, designating the date of said Election; designating polling places; designating early voting hours and places; directing posting and publication of notice for said election; and providing 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-2019-43, seconded by Council Member Ennis, motion was approved on a 5-0 vote.

- 6C. Consider action to approve Resolution No. R-2019-48 of the City Council of the City of Bastrop, Texas, approving a contract for election services between the Elections Administrator of Bastrop County and the City of Bastrop for the June 8, 2019 Runoff Election for Bastrop, Texas, attached as Exhibit A; authorizing the City Manager to execute all necessary documents; and providing an effective date.
Presentation was made by City Secretary, Ann Franklin.

SPEAKER

Dock Jackson
163 Tahitian
Bastrop, TX 78602

A motion was made by Council Member Rogers to approve Resolution No. R-2019-48, seconded by Council Member Peterson, motion was approved on a 5-0 vote.

- 6D. Election of Mayor Pro Tem.
A motion was made by Council Member Ennis to elect Council Member Nelson as Mayor Pro Tem, seconded by Council Member Peterson, motion was approved on a 5-0 vote.

OATH OF OFFICE

- 7A. Incoming Associate Judge Caroline McClimon
- Swearing Oath of Office, The Honorable Chris Duggan, State District Judge, District 423
 - Signature of official documents, Ann Franklin, City Secretary
 - Welcome by Council
 - Comments by Judge Caroline McClimon
- 7B. Incoming Council Member Bill Peterson, Place 1
- Swearing Oath of Office, The Honorable Chris Duggan, State District Judge, District 423
 - Signature of official documents, Ann Franklin, City Secretary
 - Welcome by Council
 - Comments by Council Member Bill Peterson

Mayor Schroeder recessed the Council Meeting at 7:00 PM

RECEPTION FOR NEWLY ELECTED COUNCIL MEMBER BILL PETERSON – RECESS MEETING FOR 20 MINUTES

Mayor Schroeder called the Council Meeting back to order at 7:20 PM

PRESENTATIONS

- 8A. Proclamation of the City Council of the City of Bastrop, Texas recognizing May as Motorcycle Safety and Awareness Month.

The proclamation was read into record by Mayor Schroeder.

- 8B. Proclamation of the City Council of the City of Bastrop, Texas recognizing the week of May 19 – 25, 2019 as National Public Works Week.
The proclamation was read into record by Mayor Schroeder and received by Trey Job and Public Work employees.
- 8C. Proclamation of the City Council of the City of Bastrop, Texas recognizing May 13 - 19, 2019 as National Police Week for the City of Bastrop, Texas.
The proclamation was read into record by Mayor Schroeder and received by Safety Director/Chief of Police and Interim Director of Downtown and Hospitality, James Altgelt and Officers.
- 8D. Proclamation of the City Council of the City of Bastrop, Texas recognizing May 5 - 11, 2019 as the 50th Anniversary of Municipal Clerks Week for the City of Bastrop, Texas.
The proclamation was read into record by Mayor Schroeder and received by City Secretary, Ann Franklin.
- 8E. Proclamation of the City Council of the City of Bastrop, Texas recognizing the Month of May as Building Safety Month.
The proclamation was read into record by Mayor Schroeder and received by Planning Director, Matt Jones and Fire Chief, Andres Rosales.
- 8F. Mayor's Report
- 8G. Councilmembers' Report
- 8H. City Manager's Report

ITEMS FOR INDIVIDUAL CONSIDERATION – PART 2 OF 2

- 13E. Consider action to approve the first reading of Ordinance Number 2019-19 of the City Council of the City of Bastrop, Texas Hands Free Devices An Ordinance of the City of Bastrop Amending Chapter 12, "Traffic and Vehicles," of the City of Bastrop City Code of Ordinances to add Article 12.13, "Use of Portable Electronic Devices While Operating a Motor Vehicle in the City of Bastrop; providing for: findings of fact, enactment, repealer, severability, criminal fines not to exceed \$300 per offense, effective date, codification, and proper notice and meeting, and place on the May 28, 2019 Consent Agenda for a second reading.
Presentation was made by Safety Director/Chief of Police and Interim Director of Downtown and Hospitality, James Altgelt.

SPEAKERS

Alexandra Rubio
114 Maegan Ln.
Cedar Creek, Texas
(512) 549-1870

Bryan Gonzalez
112 Pine Cove
Bastrop, Texas 78602
(512) 748-4341

James Etzel
115 Pheasant Trail
Bastrop, Texas 78602
(512) 549-0629

Itzel A. Martinez
111 Higgins Street
Bastrop, Texas 78602
(512) 486-0266

A motion was made by Council Member Peterson to approve the first reading of Ordinance No. 2019-19 and include on the May 28, 2019 Consent Agenda for second reading, seconded by Council Member Jones, motion was approved on a 5-0 vote.

CITIZEN COMMENTS

Cheryl Lee
801 Laurel St.
Bastrop, Texas 78602

ITEMS FOR INDIVIDUAL CONSIDERATION – PART 2 OF 2 CONTINUED

- 13A. Consider action and approve Resolution No. R-2019-44 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-2019-44 for 437 and 443 Union Chapel Road, seconded by Council Member Peterson, motion was approved on a 5-0 vote.

CONSENT AGENDA

A motion was made by Council Member Ennis to approve Items 12A, 12B, 12C, 12D and 12E listed on the Consent Agenda after being read into the record by City Secretary, Ann Franklin. Seconded by Council Member Jones, motion was approved on a 5-0 vote.

- 12A. Consider action to approve City Council minutes from the April 23, 2019, regular meeting and April 24, 2019, Mid-Year Budget workshop meeting.

- 12B. Consider action to approve the second 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.
- 12C. Consider action to approve the second 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.
- 12D. Consider action to approve the second 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.
- 12E. Consider action to approve the second reading of Ordinance No. 2019-16 of the City Council of the City of Bastrop, Texas, repealing Emergency Ordinance 2018-1 [*Temporary Moratorium*] and implementing enhanced permit review measures to continue a heightened level of evaluation for certain building, construction and development permits; and providing for legislative findings of fact, repealer, enactment, duration, extension, severability, enforcement, proper notice and meeting, effective date, applicability, alternate approvals, appeals, and definitions..

ITEMS FOR INDIVIDUAL CONSIDERATION – PART 2 OF 2 CONTINUED

- 13C. Conduct a public hearing and consider action to approve the first reading of Ordinance No. 2019-18 of the City Council of the City of Bastrop, Texas, granting a Conditional Use Permit to allow a brewery, distillery and winery use on 0.266 acres of Building Block 4, West of Water Street located at 919 Main Street, an area zoned Downtown Bastrop Form-Based Code - HMS, Historic Main Street within the city limits of Bastrop, Texas; as shown in Exhibits A; setting out conditions; including a severability clause; establishing an effective date, and move to include on the May 28, 2019 Consent Agenda for second reading.
Presentation was made by Planning Assistant Director, Jennifer Bills.

A motion was made by Council Member Jones to approve the first reading of Ordinance No. 2019-18 and include on the May 28, 2019 Consent Agenda for second reading, seconded by Council Member Rogers, motion was approved on a 5-0 vote.

- 13F. Consider action to approve Resolution No. R-2019-46 of the City Council of the City of Bastrop, Texas awarding a contract to relocate a sewer line near the SH71 Feeder Road Expansion to Herschap Backhoe & Ditching in the amount of One Hundred Thirty-Six Thousand One Hundred Ninety-Five Dollars and zero cents (\$136,195.00) attached as Exhibit A; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.
Presentation was made by Managing Director of Public Works and Utilities, Trey Job.

A motion was made by Council Member Jones to approve Resolution No. R-2019-46, seconded by Mayor Pro Tem Nelson, motion was approved on a 5-0 vote.

WORK SESSION/BRIEFINGS

- 9A. Update and discussion of current Legislative Session and its impact on local municipalities.
Update was provided by Mayor Schroeder and discussion was held.
- 9B. Provide an update on the Chicken Relocation Project in Downtown Bastrop, Texas.
Update was provided by Safety Director/Chief of Police and Interim Director of Downtown and Hospitality, James Altgelt.
- 9C. Receive updated presentation and policy discussion regarding Nuisance Ordinances and proposed revisions of the Code of Ordinances.
Presentation was made by Safety Director/Chief of Police and Interim Director of Downtown and Hospitality, James Altgelt.
- 9D. Continue discussion of Bastrop Building Block Codes with Matt Lewis.
This item was pulled from the agenda.

10. STAFF AND BOARD REPORTS - NONE

ITEMS FOR INDIVIDUAL CONSIDERATION – PART 2 OF 2 CONTINUED

- 13B. Consider action to approve Resolution No. R-2019-45 of the City Council of the City of Bastrop, Texas confirming a Board and Commission appointment of the Mayor, as required in Section 3.08 of the City's Charter; and establishing an effective date.
A motion was made by Council Member Ennis to approve Resolution No. R-2019-45, seconded by Council Member Rogers, motion was approved on a 5-0 vote.
- 13D. Consider action to approve the second reading of 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 Section 1.40, "Drainage Criteria and Design Standards," 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; adopting a stormwater drainage design manual ("The City of Bastrop Stormwater Drainage Design Manual"); and establishing an effective date.

Presentation was made by Managing Director of Public Works and Utilities, Trey Job.

A motion was made by Mayor Pro Tem Nelson to approve the second reading of Ordinance No. 2019-17, seconded by Council Member Rogers, motion was approved on a 5-0 vote.

- 13G. Consider action to approve Resolution R-2019-49 of the City Council of the City of Bastrop, Texas authorizing the City to resolve an enforcement action from the Texas Commission on Environmental Quality (TCEQ) at a cost of Sixty-Six Thousand Four Hundred Twenty Dollars and 00 Cents (\$66,420.00); as attached in Exhibit A; authorizing the City Manager to execute all necessary documents; 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 Ennis to approve Resolution No. R-2019-49, seconded by Council Member Peterson, motion was approved on a 5-0 vote.

- 13H. Consider action to approve Resolution R-2019-50 of the City Council of the City of Bastrop, Texas supporting the co-application by the City of Bastrop and Bastrop County of an ED-900P – Proposal for Economic Development Administration (EDA) Assistance Grant requesting funding to build Bastrop Community Center and Shelter Facility at Mayfest Park; ratifying the signature of the City Manager on the co-application and authorizing the City Manager to execute all necessary documentation; and establishing an effective date.

Presentation was made by City Manager, Lynda Humble.

A motion was made by Council Member Ennis to approve Resolution No. R-2019-50, seconded by Mayor Pro Tem Nelson, motion was approved on a 5-0 vote.

EXECUTIVE SESSION

The City Council met at 9:08 p.m. in a closed/executive session pursuant to the Texas Government Code, Chapter 551, et seq, to discuss the following:

- 14A. City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to discuss and deliberate litigation matters with the City Attorney regarding possible litigation regarding Davenport/Dayton drainage.
- 14B. City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to discuss and deliberate litigation matters with the

City Attorney regarding Bastrop Estates, LLC v. City of Bastrop, Texas and Lynda Humble.

The Bastrop City Council reconvened at 9:45 p.m. into open (public) session.

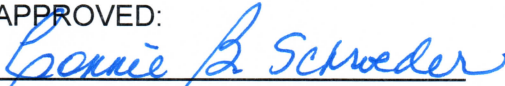
TAKE ANY NECESSARY OR APPROPRIATE ACTION ON MATTERS POSTED FOR CONSIDERATION IN CLOSED/EXECUTIVE SESSION

There was no action taken.

ADJOURNMENT


Adjourned at 9:46 p.m. without objection.

APPROVED:



Mayor Connie B. Schroeder

ATTEST:



City Secretary Ann Franklin

The Minutes were approved on May 28, 2019, by Council Member Peterson's motion, Council Member Roger's second. The motion was approved on a 5-0 vote.