

Bastrop City Council
September 27, 2016 at 6:30 pm



In compliance with the requirements of Chapter 551 of the Texas Government Code, the public is hereby provided notice that it is possible that a quorum, or more, of the membership of the Bastrop Economic Development Corporation may be in attendance, to observe and/or participate in the above-referenced meeting of the Bastrop City Council.

Pursuant to the Texas Government Code, Chapter 551, the Bastrop City Council will hold a Regular Meeting on September 27, 2016, in the City Council Chambers located at 1311 Chestnut Street, Bastrop, Texas to consider the following matters:

- 1. **CALL TO ORDER**
- 2. **PLEDGE OF ALLEGIANCE**
- 3. **INVOCATION** The Reverend Bill Hobby, Police Chaplain and Deacon at Ascension Catholic Church
- 4. **PRESENTATIONS**
 - A. Update on Bastrop Economic Development Corp. – Executive Director, Shawn Kirkpatrick
 - B. Presentation from Progressive Waste – Steve Shannon
 - C. Presentation of the annual report from the Bastrop Art in Public Places board
- 5. **PROCLAMATIONS - NONE**
- 6. **ANNOUNCEMENTS, INFORMATION AND REQUESTS BY COUNCIL MEMBERS**
 - A. Update on Comprehensive Plan Steering Committee – Kay Garcia McAnally
 - B. Distribution of Items to Council (If Necessary) – Ann Franklin
 - C. Items Targeted for Future Meetings.
November 1, 2016
 - Recreation Workshop
 - D. Requests by Council Members for items on future agendas and requests for information from City Manager.
- 7. **CITIZEN COMMENTS**

EXECUTIVE SESSION: The Council reserves the right to convene into Executive Session at any time during the meeting regarding any agenda item. In compliance with the Open Meetings Act, Ch. 551 Govt. Code, Vernon’s TX Code, Annotated, the item below will be discussed in closed session. 1. SECTION 551.071 – Consultations with Attorney related to legal matters

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.*

	<u>TAB</u>	<u>PG</u>	<u>REQUESTOR</u>
A.1 Approval of minutes from regular council meeting of January 26, 2016 and special called meetings of May 17, 2016, June 7, 2016, August 16, 2016, and September 20, 2016.	A.1	PG1	City Secretary, Ann Franklin
A.2 Board appointment by Mayor Ken Kesselus and confirmation by the Bastrop City Council Members on the appointment of Diedre Ciriello to Place 2 on the Vision Task Force with a term of 2016 - 2017.	A.2	PG17	Mayor, Kesselus
A.3 Board appointment by Mayor Ken Kesselus and confirmation by the Bastrop City Council Members on the appointment of Paul “Pablo” Serna to Place 5 on the Vision Task Force with a term of 2016 - 2017.	A.3	PG22	Mayor, Kesselus
A.4 Board appointment by Mayor Ken Kesselus and confirmation by the Bastrop City Council Members on the appointment of Alyssa Halle-Schramm to Alternate 1 on the Zoning Board of Adjustment with a term of 2016 – 2018.	A.4	PG25	Mayor, Kesselus
A.5 Board appointment by Mayor Ken Kesselus and confirmation by the Bastrop City Council Members on the appointment of Edward Skarnulis to Place 6 on the Bastrop Arts in Public Places with a term of 2016 - 2019.	A.5	PG30	Mayor, Kesselus
A.6 Consideration, discussion and possible action on acceptance of the unaudited Monthly Financial Reports for the period ending Aug. 31, 2016.	A.6	PG34	Chief Financial Officer, Tracy Waldron
A.7 Approval of the statutory denial for a period of 180 days from the date of Council action on a Preliminary Plat for Pecan Park, Section 6A (44 residential lots) being +/-10.913 acres out of the Mozea Rousseau Survey Abstract No. 56 east of Childers Drive and south of the LCRA 100’ electric easement within the city limits	A.7	PG90	Director of Planning and Development, Melissa McCollum
A.8 Approval of the statutory denial for a period of 180 days from the date of Council action on a Final Plat for Pecan Park, Section 3A (68 residential lots) being +/-12.181acres out of the Mozea Rousseau Survey Abstract No. 56 west of Childers Drive and south of the LCRA 100’ electric easement within the city limits.	A.8	PG93	Director of Planning and Development, Melissa McCollum

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

- B.1 Consideration, discussion and possible action on the Award of Contract to Langford Community Management Services for grant writing services to prepare FEMA Hazard Mitigation Grant Program (HMGP) applications and the subsequent project management/administration of the grant for drainage improvements, buy-outs of flood damaged properties, and emergency generators if the City is awarded a State HMGP contract. **B.1 PG96** City Engineer, Wesley Brandon
- B.2 Consideration, discussion and possible action on the Award of Contract for engineering services related to the preparation of FEMA Hazard Mitigation Grant Program (HMGP) applications, and the subsequent preliminary and final design plans and necessary inspections required by the City for the implementation of the Hazard Mitigation Grant Program (HMGP) project(s) of drainage improvements, buy-outs of flood damaged properties, and/or emergency generators if the City is awarded a State HMGP contract. **B.2 PG99** City Engineer, Wesley Brandon

C. OLD BUSINESS

- C.1 **SECOND READING OF AN ORDINANCE GRANTING A CONDITONAL USE PERMIT TO ALLOW A DISTILLERY AT 601 CHESTNUT STREET, SUITE #E CONSISTING OF +/- 2.69 ACRES OUT OF AND A PART OF BUILDING BLOCKS NINE AND FOURTEEN AN AREA ZONED DMU, DOWNTOWN MIXED USE WITHIN THE CITY LIMITS OF BASTROP, TEXAS; SETTING OUT CONDITIONS; AND PROVIDING AN EFFECTIVE DATE.** **C.1 PG106** Director of Planning and Development, Melissa McCollum
- C.2 **PUBLIC HEARING:** To consider a request for a variance to Bastrop Code of Ordinances Article 4.02.004 “Sale of Alcoholic Beverages, Distance from Church, School or Hospital” on property located at 601 Chestnut Street, Suite #E, Bastrop, Texas to be known as Copper Shot Distillery. **C.2 PG110** City Secretary, Ann Franklin
- C.3 Consideration, discussion and possible action regarding a request for a variance to Bastrop Code of Ordinances Article 4.02.004 “Sale of Alcoholic Beverages, Distance from Church, School or Hospital” on property located at 601 Chestnut Street, Suite #E, Bastrop, Texas to be known as Copper Shot Distillery. **C.3 PG111** City Secretary, Ann Franklin

- C.4 **SECOND READING OF AN ORDINANCE AUTHORIZING THE VACATION, ABANDONMENT, AND CONVEYANCE OF A PORTION OF UNOPENED PAUL C. BELL STREET, JEFFERSON STREET, MILL STREET, AND SOUTH STREET AT THE INTERSECTION OF BUILDING BLOCKS 20, 21, 99, 98, AND 97; AUTHORIZING THE CONVEYANCE OF A PART OF THE NORTH AND SOUTH PORTION OF BLOCK 20 AND PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH; AUTHORIZING THE CITY MANAGER TO EXECUTE QUITCLAIM DEEDS; AND PROVIDING FOR AN EFFECTIVE DATE.** C.4 PG127 Public Works and Utilities, Trey Job
- C.5 **SECOND READING OF AN ORDINANCE ON RATIFYING THE PROPERTY TAX INCREASE REFLECTED IN THE ANNUAL BUDGET FOR THE FISCAL YEAR 2016-2017, BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017.** C.5 PG135 Chief Financial Officer, Tracy Waldron
- C.6 **SECOND READING OF AN ORDINANCE FIXING THE TAX RATE AND LEVY FOR THE CITY OF BASTROP, TEXAS, FOR THE PURPOSE OF PAYING THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2017, AND FOR THE FURTHER PURPOSE OF CREATING A SINKING FUND TO RETIRE THE PRINCIPLE AND INTEREST OF THE BOND INDEBTEDNESS OF THE CITY; PROVIDING FOR A LIEN ON ALL REAL AND PERSONAL PROPERTY TO SECURE PAYMENT OF TAXES DUE THEREON; CONTAINING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES AND PARTS THEREOF IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.** C.6 PG295 Chief Financial Officer, Tracy Waldron
- C.7 **SECOND READING OF AN ORDINANCE SETTING THE CONTRACTUAL RATES PAID TO PROGRESSIVE WASTE SOLUTIONS FOR RESIDENTIAL AND COMMERCIAL GARBAGE COLLECTION SERVICE PERFORMED BY PROGRESSIVE WASTE SOLUTIONS; AMENDING THE RATE OF RESIDENTIAL AND COMMERCIAL GARBAGE SERVICE CHARGED TO THE CITIZENS OF BASTROP, TEXAS FOR ADMINISTRATIVE COSTS AND SOLID WASTE DISPOSAL SERVICE RATES; AND PROVIDING AN EFFECTIVE DATE.** C.7 PG299 Chief Financial Officer, Tracy Waldron

D. NEW BUSINESS

- D.1 Consideration, discussion and possible action on utilizing \$350,000 of early retirement of Bastrop Economic Development Fund balances to augment an expanded drainage program throughout the City. BEDC would transfer \$350,000 to the General Fund and thus eliminate BEDC's obligation to pay off the bonds. General obligation debt service would pay off the certificate of obligations as they mature. The general fund would be able to immediately initiate an expanded drainage improvement program before the master drainage plan recommendations have been completed, which is now estimated to be in February. A number of projects could be started early in 2016-17 if this recommendation is approved. The program includes the purchase of an excavator (\$255,000), approximately \$95,000 of contractor improvements, and \$87,300 of reallocated general fund resources to provide 2 additional drainage crew members.
D.1
PG313
Interim City Manager, Marvin Townsend
- D.2 Discussion on record retention for audio/visual recordings of open meetings.
D.2
PG316
Mayor Kesselus/City Secretary, Ann Franklin
- D.3 **CONSIDERATION, DISCUSSION AND POSSIBLE ACTION REGARDING FIRST READING OF AN ORDINANCE REQUESTING PARKING MODIFICATIONS ALONG MAIN STREET, CONVERTING PARKING FROM ANGLE TO PARALLEL ON THE WEST SIDE OF MAIN STREET BETWEEN PINE STREET AND CHESTNUT STREET.**
D.3
PG318
Mayor Kesselus
- D.4 **CONSIDERATION, DISCUSSION AND POSSIBLE ACTION REGARDING FIRST READING OF AN ORDINANCE REQUESTING TRAFFIC MODIFICATIONS ALONG ALLEY A, LIMITING VEHICLES TRAVELING SOUTH ON ALLEY A TO RIGHT TURNS ONLY.**
D.4
PG321
Mayor Kesselus
- D.5 Consideration, discussion and possible action regarding City Manager aggressive research annexations that will be beneficial to the City.
D.5
PG324
Council Member McAnally
- D.6 Consideration, discussion and possible action regarding request of Duke McDowell on behalf of DM Pecan Park Associates, Ltd. to vacate an unused 20 foot utility easement across the middle of Lot 1 Schafer West Subdivision be approved. The lot is adjacent to State Highway 71 and also to South Schaeffer Road. The easement now lies in the middle of Lot 1 and was not vacated when the lots on both sides of the easement were consolidated in an amended plat. The easement was identified by the title company in its title review. The City, its power and light department, Bluebonnet Electric, Centerpoint Energy, AT&T, and Time Warner recommend vacating the easement.
D.6
PG325
Interim City Manager, Marvin Townsend

- D.7 Consideration, discussion and possible action regarding approval of the revised Main Street Advisory Board By-Laws. **D.7 PG384** Director of Main Street, Sarah O'Brien
- D.8 Consideration, discussion and possible action regarding approval of contract with the YMCA for recreation activities as provided in the 2016-2017 City Budget. **D.8 PG391** Interim City Manager, Marvin Townsend
- D.9 Consideration, discussion and possible action regarding City Council expectations of boards, committees and task force and cooperative relationships. **D.9 PG393** Council Member Jones
- D.10 Consideration, discussion and possible action to approve the Emergency Communication Services Contract between the City and the County. It is recommended that a 2-year contract be approved with Bastrop County to continue to utilize the emergency communication services provided by the County. The annual cost will be \$233,783 which is included in the 2016-2017 Police Department budget. The contract provides for regular review of performance and adjustments to service levels as needed. Either party can cancel the contract with a 90-day written notice. **D.10 PG394** Interim City Manager, Marvin Townsend
- D.11 Consideration discussion and possible action regarding awarding the contract for engineering to BEFCO Engineering for the amount of \$28,000 for basic engineering work associated with drainage improvements to take place on Riverwood Drive and Bush Cove. The city of Bastrop Public Works department has determined the work necessary to make repairs to the drainage structure & erosion concerns along Riverwood drive & Bush cove due to flooding that took place in May 2015. The cost of the proposed improvements is \$239,000.00. The total estimated cost for engineering services is \$28,000. **D.11 PG405** Interim City Manager, Marvin Townsend

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. The City Council also will meet with its attorney to discuss legal issues related to the Texas Open Meetings Act and Texas Public Information Act. The City Council also will meet with its attorney pursuant to Texas Government Code §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.

E. EXECUTIVE SESSION

E1. The Bastrop City Council will 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*) the following: municipal water supply, pending and/or potential code enforcement, litigation related to subdivision development, Pine Forest Unit 6 Lawsuit and Vandiver Lawsuit, 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.

B. SECTION 551.074 – Personnel matters: City Manager - selection of consultant.

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.)

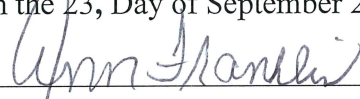
E2.A SECTION 551.071(1)(A)(B) & SECTION 551.071(2) – Consultation with Attorney concerning: (1) potential, pending, threatened, and/or contemplated litigation, claims, and/or settlement/mediation, including (*but not limited to*) the following: municipal water supply, pending and/or potential code enforcement, litigation related to subdivision development, Pine Forest Unit 6 Lawsuit and Vandiver Lawsuit, 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.

E2.B SECTION 551.074 – Personnel matters: City Manager - selection of consultant.

F. ADJOURNMENT

CERTIFICATION

I, Ann Franklin, City Secretary, certify that this notice of meeting was posted at the Bastrop City Hall on the 23, Day of September 2016 at 3:30 p.m.



NOTICE OF ASSISTANCE AT PUBLIC MEETINGS; THE CITY OF BASTROP IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. BASTROP CITY HALL COUNCIL CHAMBERS ARE WHEELCHAIR ACCESSIBLE AND SPECIAL MARKED PARKING IS AVAILABLE. PERSONS WITH DISABILITIES WHO PLAN TO ATTEND A MEETING AND WHO MAY NEED ASSISTANCE ARE ENCOURAGED TO CONTACT THE CITY SECRETARY AT 512-332-8800. PLEASE PROVIDE A FORTY-EIGHT (48) HOUR NOTICE. Confirmed by **TC**