

**Bastrop City Council
February 14, 2017 at 6:30 pm**



Pursuant to the Texas Government Code, Chapter 551, the Bastrop City Council will hold a Regular Meeting on February 14, 2017, 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**
- 4. PRESENTATIONS**
 - A. Buc'ee's Kiosk – Director Bastrop Economic Development Corporation, Shawn Kirkpatrick
 - B. S&P Global Ratings and an update on the savings recognized by the City through the recent bond refunding transaction– Chief Financial Officer, Tracy Waldron (**Information page 1**)
 - C. Distribution of utility bills to customers - Chief Financial Officer, Tracy Waldron
 - D. Announcement of new items on webpage – City Secretary, Ann Franklin
- 5. REPORT FROM DMO BOARD**
 1. Report from DMO Start Up Board – Anne Smarzik, Chair
 - Austin Attorney familiar with non-profit corporations and 501(c)(6) not for profit associations under the supervision of the City Attorney (**Information page 5**)
 - Other items from the February 13th meeting
 2. Consideration, discussion and possible action in response to the report by the Council, City Manager and City Attorney
- 6. PROCLAMATIONS**
 - A. Black History Month.
- 7. ANNOUNCEMENTS, INFORMATION AND REQUESTS BY COUNCIL MEMBERS**
 - 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.
 - C. 2017 Annual Council Workshop - Ken Kesselus
- 8. CITIZEN COMMENTS**
 - 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.*

AGENDA- REGULAR COUNCIL

FEBRAURY 14, 2017

- A.1 Approval of minutes from regular council meetings of July 26, 2016 and January 10, 2017. A.1 PG6 City Secre
Ann Franklin
- A.2 Appointment by Mayor, subject to confirmation by City Council of Cynthia Meyer to Place 5 on the Planning and Zoning Commission/Impact Fee Advisory Committee fulfilling an unexpired term ending June 2018. A.2 PG25 Mayor
Kesselus
- A.3 Appointment by Mayor, subject to confirmation by City Council of Alyssa Halle-Schramm to Place 9 on the Planning and Zoning Commission/Impact Fee Advisory Committee fulfilling an unexpired term ending June 2017. A.3 PG31 Mayor
Kesselus
- A.4 Appointment by Mayor, subject to confirmation by City Council of Jamie Creacy to Place 9 on the Parks Board/Public Tree Advisory Board fulfilling an unexpired term ending June 2018. A.4 PG41 Mayor
Kesselus
- A.5 Approval of designation of 1005 Hill Street as a Historic Landmark. A.5 PG47 Director of
Planning and
Engineering,
Wesley
Brandon
- A.6 Approval of designation of 1201 Main Street as a Historic Landmark. A.6 PG50 Director of
Planning and
Engineering,
Wesley
Brandon

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

- B.1 **PUBLIC HEARING:** Receive public input on a request for a Conditional Use Permit (CUP) to Section 43.4 special height regulations to allow for structures of 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, currently zoned Hx-MR in the Hunters Crossing Planned Development, being the equivalent of MF-2, Multi-Family-2, in the Code of Ordinances. B.1 PG53 Director of
Planning and
Engineering,
Wesley
Brandon
- B.2 **THE FIRST READING OF AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR STRUCTURES OF 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.** B.2 PG90 Director of
Planning and
Engineering,
Wesley
Brandon

C. OLD BUSINESS

- C.1 SECOND READING OF AN ORDINANCE REVISING THE CITY CODE OF ORDINANCES, CHAPTER 4 OF THE CODE OF ORDINANCES OF THE CITY OF BASTROP, “BASTROP REGULATIONS”, ARTICLE 4.03 “TAXICABS, SHUTTLES AND TOURING VEHICLES,” TO ADD DEFINITIONS OF TERMS, ADD EXEMPTIONS FROM COVERAGE, ADD REGULATIONS PERTAINING TO PEDICABS, HORSE-DRAWN CARRIAGES, LOW SPEED VEHICLES (“LSV”), NEIGHBORHOOD ELECTRIC VEHICLES (“NEV”), PROVIDING ADDITIONAL REMEDIES FOR VIOLATIONS; AND AMENDING APPENDIX A4.03.001 – “LICENSE” OF THE CODE OF ORDINANCES OF THE CITY OF BASTROP, CONCERNING INSPECTION AND DRIVERS’ FEES FOR SAME; PROVIDING FOR PENALTIES; AND ESTABLISHING AN EFFECTIVE DATE.**

C.1 PG93 City Attorney,
David Bragg
- C.2** Consideration, discussion, and possible action approving a 75-year lease with Bastrop County for a 2.35 acres of land located at Mayfest Park to be used as an emergency shelter and multiuse facility of approximately 12,000 square feet with approximately 150 all-weather parking spaces. Compensation for the 75-year lease is \$102,366. The City responsibility includes removal of the existing radio tower and delivery of the property within 30 days of the agreement commencement.

C.2 PG112 Public Works
Director, Trey
Job
- C.3 SECOND READING OF AN ORDINANCE CONTRACTUALLY ANNEXING TRACT 1 AND TRACT II, TRINIDAD BUSINESS PARK TO THE CITY OF BASTROP AND PROVIDING AN EFFECTIVE DATE. (January 10, 2017 Council meeting Item D.8: Recommendation that the annexation process be completed regarding Trinidad Business Park Phase I, Lots 1 AND 2, being an approximately 8 acre Tract on the south side of highway 71 west of its intersection with FM 20. Public hearings were held on September 27, 2011 and October 11, 2011. On October 24, 2011, Mr. Richard Welch and Mr. Jason Alleyas the owners of the above described property, presented an executed contract for voluntary annexation with such voluntary annexation to occur no sooner than 3 years after the 2011 annexation was completed. The 2011 annexation was effective on November 8, 2011, the service plan presented in 2011 is still timely.)**

C.3 PG118 Interim City
Manager,
Marvin
Townsend

D. NEW BUSINESS

- D.1** Consideration, Discussion, and possible action recording a request from the Bastrop Homecoming Committee regarding possible funding.

D.1 PG130

- D.2

Consideration, discussion and possible action to retain DP Consulting to conduct a hotel feasibility study for the Bastrop Convention and Exhibit Center. The Bastrop EDC has been approached by developers with interest in developing a full-service hotel in conjunction with the Bastrop Convention and Exhibit Center. A hotel feasibility study is recommended by both the potential developers and staff. The EDC and Main Street staff solicited three proposals from CBRE Hotels, DP Consulting, and HVS, all highly recommended and respected as hotel and convention center consultants. After evaluating the proposals, the recommendation is to select DP Consulting at a cost of \$19,500 plus fees for the project. Funding for the study has been previously allocated in the current Hotel Occupancy Tax budget and is an eligible expense.

D.2 PG132 EDC Executive Director, Shawn Kirkpatrick
- D.3

RECOMMENDATION that the proposal from HALFF Associates to carry out a Drainage Study for Pine Forest Unit 6 for \$75,100 be accepted. The first 3 tasks at a cost of \$39,307 are proposed to be advanced from the General Fund. The actual expenses for the first 3 phases are proposed to be reimbursed by the Bastrop Economic Development Corporation if the Corporation approves the necessary steps to undertake the project. The Corporation would then authorize tasks 4 through 6 at a cost of \$35,793 for a total cost of \$75,100. All tasks should be completed within 4 months.

D.3 PG145 Interim City Manager, Marvin Townsend
- D.4

Consideration, discussion and possible action by the City Council for approval and adoption of a Resolution expressing official intent to reimburse certain expenditures for initiation of a drainage master plan for Pine Forest Unit 6 Subdivision.

D.4 PG153 Chief Financial Officer, Tracy Waldron
- D.5

Consideration, discussion and possible action on a Resolution approving amendments to the Bastrop Economic Development Corporation bylaws.

D.5 PG155 EDC Executive Director, Shawn Kirkpatrick
- D.6

Consideration discussion and possible action approving a mural design including approval to enter a contract for \$4,300. The project is located in Fisherman’s Park on the north wall of the restroom. This is a budgeted project.

D.6 PG170 Public Works Director, Trey Job
- D.7

Consideration discussion and possible action approving the (Art Fund). The fund will be used to stabilize budgeting for major purchases, ensure funds are available for future maintenance, and ensure adequate funds are available to fund the replacement of art work and increasing the collection.

D.7 PG172 Public Works Director, Trey Job

- D.8 Consideration, discussion, and possible action granting a variance to Mr. Frank Wise at 1410 Willow Street to drill a well for the purpose of irrigation as provided in Article 4.09 Drilling or Mining and in accordance with Sec. 4.09.002 Variances. D.8 PG176 Public Works Director, Trey Job

- D.9 Consideration, discussion, and possible action granting a variance to Mr. Billy Davis at 303 B Cedar Street to drill a well for the purpose of irrigation as provided in Article 4.09 Drilling or Mining, and in accordance with Sec. 4.09.002 Variances D.9 PG186 Public Works Director, Trey Job

- D.10 Consideration, discussion, and possible action approving the replacement of a submersible pump for well (i) located at Bob Bryant Water Treatment Plant. The replacement will increase water production by approximately 400 gallons per minute. The cost of replacement is \$29,030. D.10 PG197 Public Works Director, Trey Job

E. EXECUTIVE SESSION

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, VanDiver litigation, Hoover claim and Pine Forest Unit 6, and (2) the expenditure of HOT funds and 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. **SECTION 551.074 Personnel Matters** – Consideration and discussion of recruiting, evaluation of applications, and possible offer concerning City Manager candidates.

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, VanDiver litigation, Hoover claim and Pine Forest Unit 6,

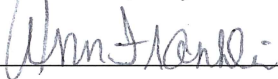
and (2) the expenditure of HOT funds and other matters upon which the Attorney(s) have a duty and/or responsibility pursuant to the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas to report to the governmental body, concerning these matters, and/or any other matters posted on the agenda, including procedures and policies dealing with open records. **SECTION 551.074 Personnel Matters** – Consideration and discussion of recruiting, evaluation of applications, and possible offer concerning City Manager candidates.

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

G. ADJOURNMENT

CERTIFICATION

I, Ann Franklin, City Secretary, certify that this notice of meeting was posted at the Bastrop City Hall on the 10th, Day of February 2017 at 5:00 pm



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**