

Bastrop City Council
March 14, 2017 at 6:30 pm



Pursuant to the Texas Government Code, Chapter 551, the Bastrop City Council will hold a Regular Meeting on March 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** – Council Member Jones
- 4. Judge Paul Pape will perform the Swearing in of the new City Manager, Lynda Humble.**
- 5. “Thanks” to the Interim City Manager, Marvin Townsend.**
- 6. PRESENTATIONS**
 - A. Report on the completion of the replacement of the Library’s roof – Mickey DuVall
(Information page 1)
 - B. “Thanks” for City of Bastrop’s partnership and support of the area youth. – Carlos Liriano
 - C. Water Quality in Bastrop – Trey Job
- 7. REPORT FROM DMO BOARD**
 1. Report from DMO Start Up Board – Anne Smarzik, Chair
 - Other items from the February 27th meeting (Information page 2)
 2. Consideration, discussion and possible action in response to this report - by the Council, City Manager and City Attorney
- 8. PROCLAMATIONS**
- 9. 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.
- 10. 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.*

	<u>TAB</u>	<u>PG</u>	<u>REQUESTOR</u>
A.1 Approval of minutes from regular council meeting of February 28, 2017 and amendment to approved June 28, 2016 minutes.	A.1	PG3	City Secretary, Ann Franklin
A.2 Appointment by Mayor, subject to confirmation by City Council of Dawn Kana to the Impact Fee Board Special Member on the Planning and Zoning Commission/Impact Fee Advisory Committee fulfilling an unexpired term ending June 2018.	A.2	PG22	Mayor Kesselus

B. PUBLIC HEARINGS, ORDINANCES & OTHER ITEMS ELIGIBLE FOR CONSIDERATION AND/OR ACTION - NONE

C. OLD BUSINESS

C.1 SECOND READING OF AN ORDINANCE TO AMEND BASTROP CITY CODE, CHAPTER 12 – TRAFFIC AND VEHICLES, ARTICLE 12.06 – STOPPING, STANDING AND PARKING (SPECIFICALLY SECTIONS 12.06.004 AND 12.06.011) TO DELETE TWO HOUR PARKING IN THE CENTRAL BUSINESS DISTRICT AND REVISE SECTION 12.06.01.	C.1	PG25	Public Safety Director, Steve Adcock
C.2 SECOND READING OF ORDINANCE AMENDING SECTION 3.20 SIGNS OF THE CITY CODE TO ADD PROVISIONS REGARDING SIGNS IN EXCESS OF 35 FEET IN HEIGHT AND 160 SQUARE FEET OF SIGN AREA WHEN CERTAIN CONDITIONS REGARDING DIVIDED HIGHWAYS, SPEED LIMITS IN EXCESS OF 50 MILES PER HOUR AND OVERPASSES ARE MET. IN NO CASE WOULD SIGNS OVER 70 FEET IN HEIGHT OR 400 SQUARE FEET IN AREA BE AUTHORIZED. THIS PROPOSED ORDINANCE WAS DISCUSSED BY THE CITY COUNCIL ON JANUARY 10, 2017 AND REFERRED TO THE PLANNING COMMISSION FOR ITS RECOMMENDATION.	C.2	PG28	Interim City Manager, Marvin Townsend

- C.3

SECOND READING OF ORDINANCE AMENDING SECTION 3.20.022 SIGNS OF THE CITY CODE TO DELETE SECTION 3.20.022 MUNICIPAL SIGN REVIEW BOARD VARIANCES WHICH WILL ACKNOWLEDGE THAT ANY APPEALS RELATING TO ADMINISTRATION OF THE SIGN SECTION OF THE CITY ZONING ORDINANCE ARE TO THE ZONING BOARD OF APPEALS.

C.3 PG33 Interim City Manager, Marvin Townsend

- C.4

SECOND READING OF ORDINANCE AMENDING THE ORDINANCE CREATING THE BASTROP ZONING BOARD OF ADJUSTMENT AND DELETING SECTION F TO ELIMINATE 1-YEAR LIMITATION ON TIME PERIOD TO UTILIZE A GRANTED VARIANCE AND DELETE SECTION 9.9E FIRST SENTENCE TO DELETE 4-WEEK AUTOMATIC APPROVAL PROVISION.

On January 6, 2017 a memorandum was distributed regarding suggested changes in the ordinances and practices of the Bastrop Zoning Board of Adjustment. Some of the recommended changes involved administrative activities. These changes have been implemented.

To carry out the balance of the recommendations the following ordinance amendments should be considered on first reading:

A) Delete Chapter 14, Section 9.8 the one-year limit on the unused life of a variance by deleting the following:
“F. Any rights authorized by a variance which are not exercised within one (1) year from the date of granting such variance shall lapse and may be reestablished only after application and a new hearing in accordance with this article.”

B) Delete Chapter 14, Section 9.9E first sentence which provides for automatic approval of a variance if not denied within 4 weeks of “placement on the agenda”, by deleting:
“E. The Board shall decide the appeal within four (4) weeks after placement on its agenda after which time the request shall be deemed automatically approved”.

C.4 PG37 Interim City Manager, Marvin Townsend

- C.5

Report regarding developer acceptance of the two additional requirements included in the February 28, 2017 motion to approve 3 story apartments, rather than 2-1/2 story at the Hunters Crossing Apartments at Home Depot way approximately 300 feet west of F M 304.

C.5 PG41 Interim City Manager, Marvin Townsend

- C.6

Status Report regarding drainage improvements in the Hunters Crossing Subdivision.

C.6 PG45 Public Works, Parks and Wildlife & Utilities, Trey Job

D. NEW BUSINESS

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| D.1 | Consideration, discussion and possible action regarding election of a mayor pro tem. | D.1 PG58 | Council Member
McAnally |
| D.2 | Discussion of bills which would have a direct impact on the City of Bastrop.
1. Senate Bill 2 by Senator Paul Bettencourt will, if passed, limit property tax revenue to a 4% increase cap per year.
2. HB2322 by Representative John Cyrier specifically aimed at Bastrop County. It appears to make it more difficult for property owners owning more than 25 acres to obtain Certificate of Convenience and Necessity (CCN) declaration of inability to serve so that the City of Bastrop could commence service. | D.2 PG61 | Interim City Manager,
Marvin Townsend |
| D.3 | Consideration and possible action approving the change order for the WW plant improvements, and lift station rehabilitation project, the additional work includes additional piping required for Mona Loa, and Gills Branch Lift Stations, and modifications to the headworks at Waste Water Treatment Plant 1. The new fine screen equipment increase back pressure on the existing force main and required additional support structure and piping modifications. The change order will increase the previous contract amount from \$932,396 to \$1,034,457.00, the project will still be under the original budgeted amount. | D.3 PG75 | Director of Public Works and Utilities,
Trey Job |
| D.4 | Consideration and possible action amending the original contract for engineering services for the design of a 16'' water main and elevated storage tank. The changes include an additional 2,700 l.f. of 16'' water main that will go west from the elevated storage tank site at Hwy 20. The original contract price of \$380,000 will increase by \$24,000. | D.4 PG77 | Director of Public Works and Utilities,
Trey Job |
| D.5 | Consideration and possible action approving the timeline shown in the update regarding the City of Bastrop Shelter Grant to be constructed at 1209 Linden Street Bastrop Tx. | D.5 PG80 | Director of Public Works and Utilities,
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) 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.

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) 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.

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 March 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**