

**NOTICE OF SPECIAL CALLED MEETING
BASTROP CITY COUNCIL
SEPTEMBER 8, 2016, 6:30 P.M.**

Pursuant to the Texas Government Code, Chapter 551, the Bastrop City Council will hold a Special Called Meeting on Thursday, September 8, 2016, in the City Council Chambers located at 1311 Chestnut Street, Bastrop, Texas to consider the following matters:

1. CALL TO ORDER

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.*

A.1 Board appointment by Mayor Ken Kesselus and confirmation by the Bastrop City Council Members on the appointment of Tom Scott to Place 5 on the Fairview Cemetery Advisory Board with a term of 2016 - 2019. **A.1 Pg 1** Mayor Kesselus

A.2 **APPROVAL OF THE SECOND READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AMENDING CITY CODE, CHAPTER 7, ARTICLE 7.01, SECTION 7.01.10, RELATED TO MUNICIPAL COURT PROSECUTIONS BY CITY ATTORNEY(S); CHAPTER 9, ARTICLE 9.04, RELATED TO APPOINTMENT AND POWERS AND DUTIES OF THE CITY ATTORNEY; AND CHAPTER 11, ARTICLE 11.04, SECTION 11.04.008, RELATED TO CITY ATTORNEY’S AUTHORITY TO BRING SUIT TO COLLECT THE TAX IMPOSED BY THE CITY; REPEALING CONFLICTING ORDINANCES; INCLUDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.** **A.2 Pg 5** Mayor Kesselus

A.3 **APPROVAL OF SECOND READING OF A PROPOSED ORDINANCE BY THE CITY COUNCIL OF THE CITY OF BASTROP TEXAS, AMENDING THE BUDGET FOR THE FISCAL YEAR 2016 IN ACCORDANCE WITH EXISTING STATUTORY REQUIREMENTS; APPROPRIATING THE VARIOUS AMOUNTS HEREIN; REPEALING ALL PRIOR** **A.3 Pg 14** Chief Financial Officer, Tracy Waldron

ORDINANCES AND ACTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

- A.4 **APPROVAL OF SECOND READING OF A PROPOSED ORDINANCE BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS: REVISING THE CITY CODE OF ORDINANCES, CHAPTER 13, "UTILITIES," BY: AMENDING SECTION 13.02.008 "BILLING; DISCONTINUANCE OF SERVICE" BY ADDING SUBSECTION 13.02.008(B) "AVERAGE MONTHLY PAYMENT PLAN" AND BY AMENDING SECTION 13.07.005 BY ADDING SUBSECTION 13.07.005(H) "AVERAGE MONTHLY PAYMENT PLAN" AND PROVIDING AN EFFECTIVE DATE.** A.4 Pg 18 Chief Financial Officer, Tracy Waldron
- A.5 Approval of revisions to correct textual errors in the original ordinance - **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AMENDING SECTION 1.15.151 "CREATION OF ETHICS COMMISSION" OF THE "ETHICS ORDINANCE" IN THE CODE OF ORDINANCES OF THE CITY OF BASTROP; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE** A.5 Pg 25 City Secretary Ann Franklin
- A.6 Consideration, discussion and possible action on acceptance of the unaudited Monthly Financial Reports for the period ending July 31, 2016. A.6 Pg 28 Chief Financial Officer Tracy Waldron

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

- B.1 **CONDUCT A PUBLIC HEARING:** The City Council will conduct the first "Public Hearing "on the Proposed Property Tax Rate for the City of Bastrop for Fiscal Year 2017. B.1 Pg 54 Chief Financial Officer, Tracy Waldron
- B.2 Status of extending Bastrop's Certificate of Convenience and Necessity (CCN) - water along Highway 71. The legal work carried out by Charles Bundren is essentially complete. Trey Job will keep up with any responses to the final notice which has been distributed to CCN's in the vicinity. The CCN extension will be final in 90 days. B.2 Pg 56 Interim City Manager Townsend
- B.3 Status update on XS Ranch water. B.3 Pg 60 Interim City Manager Townsend
- B.4 Status of Well Permit Application. B.4 Pg 61 Interim City Manager Townsend

- | | | | |
|------------------------|---|-----------|---|
| B.5 | Horses and Parades. | B.5 Pg 62 | Interim City Manager
Townsend |
| B.6 | Discussion of legal bills. | B.6 Pg 63 | Interim City Manager
Townsend |
| C. OLD BUSINESS | | | |
| C.1 | Consideration, discussion and possible action regarding any final adjustments to the FY 2016-2017 Budget. | C.1 Pg 65 | Mayor Ken Kesselus |
| D. NEW BUSINESS | | | |
| D.1 | Consideration, discussion and possible action regarding the approval to renew the lease agreement with LCRA for the Rusty Reynolds little league baseball fields. The lease of the 20.97 acre site will be for 5 years with mutual consent renewals. | D.1 Pg 67 | Director of PW,
Parks and
Utilities Trey
Job |
| D.2 | Consideration, discussion and possible action regarding entering into a maintenance agreement between L&L Ranch LLC, through its authorized agent Robert K. Long, Sr. and the City of Bastrop. The agreement includes Gills Branch from the Colorado River to the South side of Highway 71 for approximately 3,500 feet and a maintenance working area about 40 feet on each side of the ditch. The easement will be for 9 years with the possibility of negotiating a 10 year renewal or an easement in perpetuity at the end of the first 9 year lease. | D.2 Pg 78 | Director of PW,
Parks and
Utilities Trey
Job |
| D.3 | Consideration, discussion and possible action on a recommendation that a public hearing be held at the September 13, 2016 regular council meeting for the closing of portions of the following unopened streets”
1) Mill Street (Blocks 20,21,97 and 98 generally running east/west from Paul C Bell/Pecan to Hill Street
2) South Street (Blocks 98,97) generally running east/west from old city limits to Hill Street/Lovers Lane
3) Paul C Bell/Pecan (Blocks 98, 99) generally running north/south from Mill Street to old city limits
4) Jefferson Street (Blocks 20, 21, 97, 98) generally running north/south from Jasper to South Street | D.3 Pg 85 | City Manager
Marvin
Townsend |
| D.4 | Status Report – Pine Forest litigation
a. Regional Presiding Judge Olen Underwood on August 11, 2016 denied the motion to recuse Judge Campbell
b. The hearing on those motions originally scheduled for July 27, 2016 have now been set for September 21, 2016 at 10:30 a.m. | D4 Pg 87 | Interim City Manager,
Marvin
Townsend |

- D.5 Recommendation that the City not extend the red light camera contract with American Traffic Solutions, ask the contractor to continue to pursue collection of unpaid tickets and not incur new obligations against the special camera fund until pending litigation is resolved. D.5 Pg 94 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

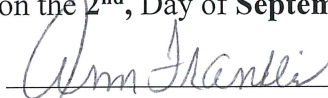
E1. The Bastrop City Council will meet in a closed/executive session pursuant to the Texas Government Code, Chapter 551, *et seq.* to discuss the following:

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, and/or (2) 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 Bastrop v. VanDiver, Watson, et al v. City of Allen, et al. and Bastrop County, et al v Pine Forest Investment’s Group.

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.

CERTIFICATION

I, Ann Franklin, City Secretary, certify that this notice of meeting was posted at the Bastrop City Hall on the 2nd, Day of September 2016 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**