

**Bastrop City Council
December 13, 2016 at 6:30 pm**



Pursuant to the Texas Government Code, Chapter 551, the Bastrop City Council will hold a Regular Meeting on December 13, 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

4. PRESENTATIONS

- A. Update regarding ongoing drainage improvements, including Hunters Crossing.
- B. Update on the Police Department remodel – Steve Adcock

5. PROCLAMATIONS - NONE

6. ANNOUNCEMENTS, INFORMATION AND REQUESTS BY COUNCIL MEMBERS

- A. Distribution of Items to Council (If Necessary) – Ann Franklin
- B. Items Targeted for Future Meetings.
- C. Requests by Council Members for items on future agendas and requests for information from City Manager.
- D. Announcements from Interim City Manager Marvin Townsend:
 - 1. The McCall Ranch Group and the Odem Group, landowners who have previously protested the City’s well permit application being granted by the Lost Pines Groundwater Conservation District, filed a motion for rehearing by the District. The motion was filed on December 6, 2016.
 - 2. Travis County ESD #11 has sent a letter asking the City to consent to creation of a new overlay Fire District overlapping Bastrop’s Extra-Territorial Jurisdiction (ETJ). It appears that 3 parcels, primarily in Bastrop County, extend into Travis County. These parcels were added to Bastrop’s ETJ around 1985 and have since been divided. The properties are near the intersection of Highway 71 and Tucker Hill Road in the general vicinity of the CARTS Facility. The formal request has not been received. A replat will be prepared indicating the history of the parcels and the boundaries of Bastrop.

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.*

TAB PG REQUESTOR

- A.1 Approval of minutes from workshops of February 16, 2016 and August 2, 2016 and regular council meetings of July 12, 2016, September 27, 2016 and November 22, 2016. (Due to an omission from previous agendas for approval this agenda contains a large group of minutes listed for approval. Going forward a system is in place to assure timely approval of written minutes. The minutes for July 26, 2016 and September 8, 2016 will be posted for approval on the January 10, 2017 meeting. Video recordings of the minutes are available on the City web page at http://www.cityofbastrop.org/page/cc.council_agendas)

A.1 PG1 City Secretary,
Ann Franklin
- A.2 Approval of the proposed tax rebates for City designated Historic Landmarks.

A.2 PG32 Director of
Planning and
Development,
Wesley
Brandon
- A.3 Approval and adoption of the Resolution adding Multi-Bank Securities, Inc. to the Eligible Broker/Dealer List to engage in investment transactions on behalf of the City of Bastrop in accordance with the City of Bastrop's Investment Policy.

A.3 PG36 Chief Financial
Officer, Tracy
Waldron

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

C. OLD BUSINESS

- C.1 A report was provided to the City Council on November 22, 2016 regarding the status of the Third Amendment to the Water Purchase Agreement with XS Ranch. The report stated that XS Ranch has approved the revisions to the amendment recommended by Mr. Bragg. The amendment provides an option to obtain 3,000 additional acre feet with the stipulation that the option must be exercised no later than 90 days after the City obtains a final non-appealable order from the Groundwater District for Well #1. The additional \$1,000,000 for the additional water rights will be paid in five annual payments of \$200,000 each beginning June 20, 2021. The Amendment has been signed by Mr. Foster for XS Ranch. Recommendation that Amendment #3 to the raw water purchase contract be approved and be executed by the City Manager.

C.1 PG40 Interim City
Manager,
Marvin
Townsend

- C.2 **SECOND READING OF AN ORDINANCE AMENDING THE BUDGET FOR THE FISCAL YEAR 2017 IN ACCORDANCE WITH EXISTING STATUTORY REQUIREMENTS; APPROPRIATING THE VARIOUS AMOUNTS HEREIN; REPEALING ALL PRIOR ORDINANCES AND ACTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE. (D.7 FROM 11/22/2016 MTG.)** C.2 PG41 Chief Financial Officer, Tracy Waldron

D. NEW BUSINESS

- D.1 Consideration, discussion and possible action on repealing the current City Code, Section 12.06.004 regarding 2 hour parking in the downtown area and replacing it with a new ordinance limiting legal parking in the following areas to three (3) consecutive hours between the hours of 8 AM and 5 PM, except business holidays: east and west sides of Main Street from Pine Street to Farm Street. City Code, Section 12.06.011(b)(1) referring to “two-hour” parking would need to be changed to “three-hour” parking. D.1 PG49 Council Member Schiff
- D.2 Consideration, discussion and possible action regarding the creation of a Charter Review Committee. D.2 PG59 Council Member McAnally
- D.3 Consideration, discussion and possible action regarding “Pedicab Service” in the City of Bastrop. D.3 PG60 Interim City Manager, Marvin Townsend
- D.4 Consideration and discussion of the Bastrop 1832 Farmer’s Market goals and objectives and future lease agreement. The Bastrop 1832 Farmer’s Market board of directors has made great strides in setting goals and objectives in relationship to their evolving Business Plan development to ensure their future success as a destination market that is inclusive. Their current lease agreement expires on 12/31/16. The Board of Directors has also submitted an offer for continuation of their lease in 2017. D.4 PG63 Main Street Program Director, Sarah O’Brien
- D.5 Consideration, discussion and possible action concerning the appointment of the Interim City Attorney to the position of City Attorney as discussed at the Council meeting on November 22, 2016 and consideration, discussion and possible action concerning a proposed Attorney and Client Agreement to be effective December 13, 2016. D.5 PG80 City Council
- D.6 Consideration, discussion and possible action regarding adoption of a standard leasing agreement for attachments to Utility Facilities. D.6 PG83 Director of Information Technology, Andres Rosales

- D.7

FIRST READING OF AN ORDINANCE REVISING THE CITY CODE OF ORDINANCES, CHAPTER 13, “UTILITIES”, BY ADDING ARTICLE 13.12, “LICENSING AGREEMENT FOR ATTACHMENTS TO UTILITY FACILITIES”; ADDING SECTION 13.12.001, “GENERAL PROVISIONS”; ADDING SECTION 13.12.002 “STANDARD LICENSING AGREEMENT FOR ATTACHMENTS TO UTILITY FACILITIES”; ADDING SECTION 13.12.003 “ APPLICATION OF FEES AND CHARGES”; AMENDING APPENDIX “A” “FEE SCHEDULE,” ADDING SECTION A16.01.001 “ATTACHMENTS TO UTILITY FACILITIES FEES AND CHARGES”; AND PROVIDING AN EFFECTIVE DATE.

D.7 PG125

Director of Information Technology,
Andres Rosales
- D.8

Consideration discussion and possible action to purchase a 2018 freightliner dump-truck for the amount of \$102,715 from FREIGHTLINER OF AUSTIN. Using the price obtained through the TASB Buyboard. This purchase was authorized in the 2016/17 Budget Year and will replace a 1986 Model International Dump Truck.

D.8 PG130

Director of Public Works,
Parks & Utilities, Trey Job
- D.9

Consideration discussion and possible action for renewing the lease agreement executed by and between the CITY OF BASTROP and the BASTROP LITTLE LEAGUE for a period of five years from October 11, 2016. The lease includes City provided power, water and grounds maintenance outside the Rusty Reynold Ball Fields.

D.9 PG132

Director of Public Works,
Parks & Utilities, Trey Job
- D.10

Consideration discussion and possible action to award a contract to MWM DESIGN GROUP from Austin to provide engineering services for design, bidding and construction phase for a field engineering project in the amount of \$ 73,370.75 the service will reconstruction of sidewalks including ramp relocation and mill/overly of roads in Historic Downtown Bastrop.

D.10 PG138

Director of Public Works,
Parks & Utilities, Trey Job
- D.11

Consideration discussion and possible action approving the Bastrop Art in Public Places call to artist for the 2017 Two Dimensional Art Project.

D.11 PG147

Director of Public Works,
Parks & Utilities, Trey Job
- D.12

Consideration discussion and possible action to award a well engineering contract to CH2M HILL to initiate design services for Well Number 1 at XS Ranch in the Simsboro Aquifer and related monitor wells at an estimated cost of \$159,342.45.

D.12 PG153

Director of Public Works,
Parks & Utilities, Trey Job

- D.13 Consideration discussion and possible action approving the draft agreement for infrastructure improvement in the Form Based Code Area of the City of Bastrop when it promotes water quality and improved fire flow

D.13 PG163 Director of Public Works, Parks & Utilities, Trey Job
- D.14 Consideration, discussion and possible action regarding⁹ the request for City approval of FORESTAR (USA) REAL ESTATE GROUP INC. application to assign its consent agreement regarding the creation of the Colony Municipal Utility District #1 and successor Districts created by division of the Colony Municipal Utility District. Consent of the City to any assignment is a requirement of Section 5.03 of the original consent agreement when the City concurred in the creation of the Colony MUD. The requested assignment is to HUNT COMMUNITIES BASTROP, LLC who will be accepting all the original duties and obligations of FORESTAR (USA) REAL ESTATE GROUP INC.

D.14 PG167 Interim City Manager, Marvin Townsend
- D.15 Recommendation that plans and specification be approved and bids be received on January 5, 2016 for renovations and space build out at the Adell Powell Police and Courts Building. When the building was completed in 2000, 1056 square feet was roughed in and set aside for future expansion. This space is now needed for both the Police Department and Municipal Court. The budget includes up to \$500,000 for this renovation.

D.15 PG168 Interim City Manager, Marvin Townsend
- D.16 Consideration of addressing the sign ordinance review in two segments, signage related to major state highway, and all other sign regulations. The height and square footage of signs impacted by elevated and high speed state highway, have been the basis of a number of appeals to the Municipal Sign Review Board. A staff recommendation to address sign issues involving overpasses and high speeds can be prepared more rapidly than a review of the entire ordinance.

D.16 PG170 Interim City Manager, Marvin Townsend

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. 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. The Council also will discuss with the City Attorney the items described below in paragraphs A through D.

 - 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, and Pine Forest Unit 6, Open Records Act and Open Meetings Act legal issues 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.

- B. **SECTION 551.074 Personnel Matters** – City Manager Selection and report from Mike Tanner of Strategic Government Resources.
- C. **Section 551.072** – Deliberation about the purchase, exchange, lease, or value of real property: Project(s) ‘Main Stay’
- D. **Section 551.087** – Deliberation regarding economic development negotiations: Project(s) ‘Main Stay’

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.

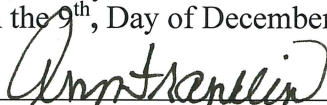
ACTION ITEMS FROM EXECUTIVE SESSION (If any are needed.)

- 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* municipal water supply, McCall Ranch water permit litigation, VanDiver litigation, and Pine Forest Unit 6, Open Records Act and Open Meetings Act legal issues 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.B **SECTION 551.074 Personnel Matters** – City Manager Selection and report from Mike Tanner of Strategic Government Resources.
- E2.C **Section 551.072** – Deliberation about the purchase, exchange, lease, or value of real property: Project(s) ‘Main Stay’
- E2.D **Section 551.087** – Deliberation regarding economic development negotiations: Project(s) ‘Main Stay’

F. ADJOURNMENT

CERTIFICATION

I, Ann Franklin, City Secretary, certify that this notice of meeting was posted at the Bastrop City Hall on the 9th, Day of December 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