

Bastrop City Council
November 22, 2016 at 6:30 pm



Pursuant to the Texas Government Code, Chapter 551, the Bastrop City Council will hold a Regular Meeting on November 22, 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 on Bastrop Economic Development Corp. – Executive Director Shawn Kirkpatrick
- B. A follow up presentation by BEFCO Engineering on the waste water study related to the construction of Wastewater Treatment Plant #3 and related infrastructure, providing three alternate options to the base proposal presented in June with estimated costs and timeline considerations.
(Information Page 1)
- C. Status report on the Bastrop State Park Trail Project. City Engineer, Wesley Brandon
(Information Page 16)

5. PROCLAMATIONS

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.
 - Update sent by Mr. Tanner of Strategic Government Resources regarding City Manager recruitment.
 - The Finance Department and the City’s Financial Advisor, Dan Wegmiller of Specialized Public Finance Inc. have been working on a potential refinancing of \$3,750,000 of bonds maturing from August 1, 2017 to August 1, 2029. If the market remains favorable, the refunding will be on the City Council agenda on December 13, 2016. In anticipation of the sale, an updated bond rating has been obtained from S&P Global (\$9,700).

7. CITIZEN COMMENTS

8. WORKSHOP SESSION - The Bastrop City Council will recess the regular meeting and convene into a Workshop Session to discuss the following.

- A. Presentation on the status and future of Pine Forest Unit 6.

9. The Bastrop City Council will adjourn the Workshop Session and reconvene into the regular meeting to take any necessary action(s).

 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 Appointment by Mayor, subject to confirmation by City Council of Mitchell Hardin to Place 7 on the Parks Board/Public Tree Advisory Board for with a term of 2016 - 2019.	A.1	PG18	Mayor Kesselus
A.2 Appointment by Mayor, subject to confirmation by City Council of Diana Rose to Place 8 on the Planning & Zoning Commission/Impact Fee Advisory Committee for with a term ending 2017.	A.2	PG23	Mayor Kesselus
A.3 Approval of the unaudited Monthly Financial Reports for the period ending Oct. 31, 2016.	A.3	PG29	Chief Financial Officer, Tracy Waldron
A.4 Approval of the statutory denial, for a period of 180 days from the date of Council action on this request for the Agnes Street Addition, Lot 1, Block "A" Final Plat, being +/-4.282 acres west of Hasler Boulevard and north of Agnes Street (to be extended) located within the Bastrop City limits.	A.4	PG56	City Engineer, 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 CUP, Conditional Use Permit, to allow a manufactured home at 202 Martin Luther King Jr. Drive, within Building Block 60, East of Main St., +/-0.137 acres, approximately 6,000 square feet, defined by metes and bounds, February 1956 zoned SF-7, Sing Family Residential within the city limits of Bastrop, Texas.	B.1	PG58	City Engineer, Wesley Brandon
---	-----	------	-------------------------------

- B.2 **AN ORDINANCE GRANTING A CONDITONAL USE PERMIT TO ALLOW A MANUFACTURED HOME AT 202 MARTIN LUTHER KING BOULEVARD BEING +/- 0.137 ACRES WITHIN A PORTION OF BUILDING BLOCK 60, EAST OF MAIN STREET, AN AREA ZONED SF7, SINGLE FAMILY RESIDENTIAL-7 WITHIN THE CITY LIMITS OF BASTROP, TEXAS; SETTING OUT CONDITIONS; AND PROVIDING AN EFFECTIVE DATE AND DECLARING AN EMERGENCY.** B.2 PG64 City Engineer,
Wesley
Brandon

C. OLD BUSINESS

- C.1 Report from the Bastrop Main Street Director regarding Council direction on the 1832 Farmer’s Market and lot adjacent to the Convention Center. Staff has compiled a report pertaining to the work that has been undertaken during the last three months in working with the 1832 Farmer’s Market and developing renting the lot adjacent to the Convention Center. Council extended the current lease conditions until 12/31/16 however staff feels it is prudent to give a current update on our progress and seek guidance from the City Council. C.1 PG68 Sarah O’Brien

- C.2 Report regarding status of Amendment 3 to the City’s water purchase agreement with XS Ranch. The City Council on September 8, 2016 passed the following motion: Council Member Schiff made the motion that the Council accept the principles that are in amendment three and that the Council instruct the City Manager and the City Attorney to follow those principles but to clear up several inconsistencies that are apparent in the contract amendment and bring a new amendment that has been reviewed and accepted by XS Ranch back to Council at a future meeting, seconded by Council Member Jones. The motion was approved on a 4-1 vote: Mayor Pro Tem DeLaRosa voted nay. City Attorney David Bragg sent a suggested revised version to Amendment 3 to the Manager for XS Ranch, Mr. James Foster. After several phone calls and meeting with Mr. Foster in Bastrop on November 16, 2016, the City’s proposed rewording was approved by Mr. Foster. The Third Amendment obtains 3,000 additional acre feet of water per year upon payment of \$200,000 and then \$200,000 payments for the next 4 years. This option is to be executed no later than 90 days after the City obtains a final non-appealable order from the Groundwater District with the \$200,000 per year payment beginning June 20, 2021 and continuing to June 30, 2026. Approval of the Third Amendment as revised and approved by XS Ranch is recommended for City Council approval and City Manager execution. The permit from the Lost Pines Groundwater District was issued on October 12, 2016 and is being distributed with the agenda material. C.2 PG78 Interim City
Manager,
Marvin
Townsend

D. NEW BUSINESS

- D.1 Consideration, discussion and possible action regarding approval of minutes from Regular Council Meetings of October 11, 2016 and November 8, 2016.

D.1 PG86 City Secretary,
Ann Franklin
- D.2 Canvass of Election returns and declare results of November 8, 2016 City of Bastrop Special Election.

D.2 PG102 City Secretary,
Ann Franklin
- D.3 Consideration discussion and possible action to purchase a crossover hydraulic excavator, Model D 154 for \$266,724.14 from Waukesha-Pearce Industries Inc. using the price obtained through the TASB Buyboard. This purchase was the major piece of equipment authorized on September 27, 2016 to expand drainage ditch maintenance throughout the City. The equipment will include a 60 inch ditching bucket and a 40 inch flail mower.

D.3 PG104 Director of
Public Works,
Trey Job
- D.4 Consideration discussion and possible action to approve a contract with BEFCO Engineering from LaGrange to perform necessary engineering services associated with the completion of Water Well Number 1 located at XS Ranch for \$70,000. The work includes coordination activities with the Lost Pines Conservation District Permit requirements, survey and staking work associated with well site and proposed pipeline and submission of plans to TCEQ. Obtain all related permits, and oversee construction activities. This work will incorporate the well design which will be covered by another engineering contract which will be submitted to the City Council in the near future.

D.4 PG107 Director of
Public Works,
Trey Job
- D.5 Consideration discussion and possible action to award a contract to MWM Design Group from Austin to provide feasibility services, and a site plan for rodeo facilities at Mayfest Park for \$10,650.50. The service will include creating a base map a 2D color image, and visits to two similar facilities and the Professional Rodeo Cowboy Association. This work is included in the 2016-2017 budget

D.5 PG114 Director of
Public Works,
Trey Job

- D.6 Hotel Occupancy Tax Budget Request through April 30, 2017. Earlier this summer Council directed Main Street Program staff to develop a Hotel Occupancy Tax Budget until a tourism entity is formed. Staff has developed this proposed budget to outline expenditures through April 30, 2017. It is important that marketing efforts continue and groundwork is set out prior to the potential launch of a destination marketing or tourism organization. Staff has met and worked closely with the Hyatt and the Bastrop Marketing Corporation to create this budget. The funding for the Bastrop Marketing Corporation still sets at approximately \$230,000, and will not be depleted before 12/31/16. The following budget outlines expenditures by the Bastrop Marketing Corporation and the City of Bastrop so that an accurate picture is depicted. In FY 16 BMC payments averaged \$86,000 per month, meaning that from July, 2016 through April, 2017 \$860,000 would have typically been allocated to tourism marketing. The proposed allocations in the request total \$180,600.

D.6 PG125 Main Street Program Director, Sarah O'Brien
- D.7 **FIRST 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 PG138 Chief Financial Officer, Tracy Waldron
- D.8 Discussion, consideration, and possible action regarding a resolution of the City Council of the City of Bastrop, Texas, adopting the Comprehensive Plan in accordance with Section 12.03 of the City Charter. City Council and the Planning and Zoning Commission conducted a joint public hearing on November 10, 2016.

D.8 PG146 City Engineer, Wesley Brandon
- D.9 Consideration, discussion and possible action regarding the process to be followed to select the next city attorney.

D.9 PG195 Mayor Pro Tem DeLaRosa

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

G1. 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* municipal water supply, McCall Ranch water permit litigation, and VanDiver litigation, 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.

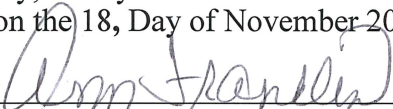
ACTION ITEMS FROM EXECUTIVE SESSION (If any are needed.)

- 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 (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. ADJOURNMENT

CERTIFICATION

I, Ann Franklin, City Secretary, certify that this notice of meeting was posted at the Bastrop City Hall on the 18, Day of November 2016 at 3:00 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