

**Bastrop City Council
February 28, 2017 at 6:30 pm**



Pursuant to the Texas Government Code, Chapter 551, the Bastrop City Council will hold a Regular Meeting on February 28, 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. Report of Accidents on Highway 95 – Public Safety Director, Steve Adcock (Information page 1)
 - B. Chicken Sanctuary – Public Safety Director, Steve Adcock
 - C. Certificate of Appreciation – Bastrop Municipal Court – Mayor Kesselus (Information page 6)
 - 5. REPORT FROM DMO BOARD**
 1. Report from DMO Start Up Board – Anne Smarzik, Chair
 - Other items from the February 20th meeting (Information page 12)
 2. Consideration, discussion and possible action in response to this report - by the Council, City Manager and City Attorney
 - 6. PROCLAMATIONS**
 - 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. Open House will be held on March 13, 2017 at City Hall from 5:00 p.m. to 7:00 p.m. to introduce Lynda Humble the new City Manager on her first day of work.
 - 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.**

A.1 Approval of minutes from regular council meeting of February 14, 2017.

TAB PG REQUESTOR

A.1 PG13 City Secretary,
Ann Franklin

A.2 Approval of amendment to Contract for Election Services between Bastrop County Elections Administrator and the City of Bastrop, Texas. **A.2 PG21** City Secretary, Ann Franklin

A.3 Approval of resolution amending calling for and establishing procedure for a General and Special Election in Bastrop, Texas for the May 6, 2017 Election. **A.3 PG39** City Secretary, Ann Franklin

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

C. OLD BUSINESS

C.1 **SECOND READING OF AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO ALLOW STRUCTURES TO BE 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.** **C.1 PG48** Director of Planning and Engineering, Wesley Brandon

D. NEW BUSINESS

D.1 A. Consideration, discussion and possible action regarding a motion to remove Council Member DeLaRosa from his office as Mayor Pro Tem.
 B. If the motion under A prevails election of a Council Member to serve as Mayor Pro Tem. **D.1 PG87** Council Member McAnally

D.2 Report regarding the status of work regarding Pine Forest #6 redevelopment and the 10 year path to completion. **D.2 PG90** Interim City Manager, Marvin Townsend

D.3 Consideration, discussion and possible action on acceptance of the unaudited Monthly Financial Reports for the period ending January 31, 2017. **D.3 PG96** Chief Financial Officer, Tracy Waldron

D.4 Consideration, discussion and possible action on presentation and acceptance of City of Bastrop, Texas Comprehensive Annual Financial Report for the year ended September 30, 2016. **D.4 PG123** Chief Financial Officer, Tracy Waldron

- D.5 Consideration, discussion and possible action on acceptance of the FY 2017 Tier III HOT Funding Calendar and setting a funding limit.

D.5 PG274 Chief Financial Officer, Tracy Waldron
- D.6 FIRST 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.**

D.6 PG277 Public Safety Director, Steve Adcock
- D.7 Consideration, Discussion, and possible action regarding the adoption of the City of Bastrop Transportation Master Plan.

D.7 PG280 Director of Planning and Engineering, Wesley Brandon
- D.8 Consideration, discussion, and possible action regarding an Advanced Funding Agreement (AFA) for drainage improvements on SH 71 near Newton Street and the Union Pacific Railroad.

D.8 PG289 Director of Planning and Engineering, Wesley Brandon
- D.9 Consideration, discussion, and possible action awarding the contract for concrete paving work in Alley D to be performed by M&C Fonseca Construction Company. For the total price of \$ 453,480.75 work includes alternate bids A1-A5 described as excavation and installation of pervious pavement.

D.9 PG297 Parks and Wildlife & Utilities, Trey Job
- D.10 Consideration, discussion, and possible action on the official acceptance of Olaa, Homonu, and Pahala Court as City maintained roads in accordance with the interlocal agreement between BWCID #2 and the City of Bastrop. The work was authorized using \$60,000 from County FEMA money from 2011, \$15,000 from the City and \$18,000 from the District.

D.10 PG316 Parks and Wildlife & Utilities, Trey Job

- D.11 **FIRST 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.** D.11 PG319 Interim City Manager, Marvin Townsend

This proposed ordinance was discussed by the City Council on January 10, 2017 and referred to the Planning Commission for its recommendation.

- D.12 **FIRST 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.** D.12 PG322 Interim City Manager, Marvin Townsend

- D.13 **FIRST 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.** D.13 PG324 Interim City Manager, Marvin Townsend

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”.

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, 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, 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 24th, 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