

Bastrop, TX City Council Meeting Agenda
Bastrop City Hall City Council Chambers
1311 Chestnut Street
Bastrop, TX 78602
(512) 332-8800



May 14, 2019 at 4:30 P.M.

City of Bastrop City Council meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary at (512) 332-8800 or write 1311 Chestnut Street, 78602, or by calling through a T.D.D. (Telecommunication Device for the Deaf) to Relay Texas at 1-800-735-2989 at least 48 hours in advance of the meeting.

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session for the purposes of seeking confidential legal advice from the City Attorney on any item on the agenda at any time during the meeting.

The City of Bastrop reserves the right to reconvene, recess, or realign the Regular Session or called Executive Session or order of business at any time prior to adjournment.

PLEASE NOTE: ANYONE WISHING TO ADDRESS THE COUNCIL MUST COMPLETE A CITIZEN COMMENT FORM AND GIVE THE COMPLETED FORM TO THE CITY SECRETARY PRIOR TO THE START OF REGULAR SESSION PORTION OF THE CITY COUNCIL MEETING AT 6:30 P.M.

- 1. CALL TO ORDER – WORK SESSION – 4:30 P.M.**

 - 2. WORK SESSION**
 - 2A. Discussion on Bastrop Building Block Codes with Matt Lewis.

 - 3. CALL TO ORDER – REGULAR SESSION – 6:30 P.M.**

 - 4. PLEDGE OF ALLEGIANCE –** Cadet Commander Rena Richard; Cadet Lieutenant Alec Warby; and Cadet Senior Chief Petty Officer Dwayne Vassar, NJROTC

TEXAS PLEDGE OF ALLEGIANCE
Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

 - 5. INVOCATION –** Pastor Bernie Jackson

 - 6. INDIVIDUAL CONSIDERATION – PART 1 OF 2 (ELECTION PROTOCOL)**
 - 6A. Consider action to approve Resolution No. R-2019-42 of the City Council of the City of Bastrop, Texas to canvass the May 4, 2019 Election for Place 1 and Place 5 of the Bastrop City Council; and establishing an effective date.
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- 6B. Consider action to approve Resolution No. R-2019-43 of the City Council of the City of Bastrop, Texas, calling for a runoff Election for Place 5 of the Bastrop City Council for a term of three years, designating the date of said Election; designating polling places; designating early voting hours and places; directing posting and publication of notice for said election; and providing an effective date.
- 6C. Consider action to approve Resolution No. R-2019-48 of the City Council of the City of Bastrop, Texas, approving a contract for election services between the Elections Administrator of Bastrop County and the City of Bastrop for the June 8, 2019 Runoff Election for Bastrop, Texas, attached as Exhibit A; authorizing the City Manager to execute all necessary documents; and providing an effective date.
- 6D. Election of Mayor Pro Tem.

7. OATH OF OFFICE

- 7A. Incoming Associate Judge Caroline McClimon
- Swearing Oath of Office, The Honorable Chris Duggan, State District Judge, District 423
 - Signature of official documents, Ann Franklin, City Secretary
 - Welcome by Council
 - Comments by Judge Caroline McClimon
- 7B. Incoming Council Member Bill Peterson, Place 1
- Swearing Oath of Office, The Honorable Chris Duggan, State District Judge, District 423
 - Signature of official documents, Ann Franklin, City Secretary
 - Welcome by Council
 - Comments by Council Member Bill Peterson

RECEPTION FOR NEWLY ELECTED COUNCIL MEMBER BILL PETERSON – RECESS MEETING FOR 20 MINUTES

8. PRESENTATIONS

- 8A. Proclamation of the City Council of the City of Bastrop, Texas recognizing May as Motorcycle Safety and Awareness Month.
- 8B. Proclamation of the City Council of the City of Bastrop, Texas recognizing the week of May 19 – 25, 2019 as National Public Works Week.
- 8C. Proclamation of the City Council of the City of Bastrop, Texas recognizing May 13 - 19, 2019 as National Police Week for the City of Bastrop, Texas.
- 8D. Proclamation of the City Council of the City of Bastrop, Texas recognizing May 5 - 11, 2019 as the 50th Anniversary of Municipal Clerks Week for the City of Bastrop, Texas.
- 8E. Proclamation of the City Council of the City of Bastrop, Texas recognizing the Month of May as Building Safety Month.
- 8F. Mayor's Report

8G. Councilmembers' Report

8H. City Manager's Report

9. WORK SESSION/BRIEFINGS

9A. Update and discussion of current Legislative Session and its impact on local municipalities.

9B. Provide an update on the Chicken Relocation Project in Downtown Bastrop, Texas.

9C. Receive updated presentation and policy discussion regarding Nuisance Ordinances and proposed revisions of the Code of Ordinances.

9D. Continue discussion of Bastrop Building Block Codes with Matt Lewis.

10. STAFF AND BOARD REPORTS - NONE

11. CITIZEN COMMENTS

At this time, three (3) minute comments will be taken from the audience on any topic. To address the Council, please submit a fully completed request card to the City Secretary prior to the beginning of the Council meeting. In accordance with the Texas Open Meetings Act, if a citizen discusses any item not on the agenda, City Council cannot discuss issues raised or make any decision at this time. Instead, City Council is limited to making a statement of specific factual information or a recitation of existing policy in response to the inquiry. Issues may be referred to City Staff for research and possible future action.

To address the Council concerning any item on the agenda, please submit a fully completed request card to the City Secretary prior to the start of the meeting.

It is not the intention of the City of Bastrop to provide a public forum for the embarrassment or demeaning of any individual or group. Neither is it the intention of the Council to allow a member of the public to slur the performance, honesty and/or integrity of the Council, as a body, or any member or members of the Council individually or collectively, or members of the City's staff. Accordingly, profane, insulting or threatening language directed toward the Council and/or any person in the Council's presence will not be tolerated.

12. CONSENT AGENDA

The following may be acted upon in one motion. A Councilmember or a citizen may request items be removed from the Consent Agenda for individual consideration.

12A. Consider action to approve City Council minutes from the April 23, 2019, regular meeting and April 24, 2019, Mid-Year Budget workshop meeting.

12B. Consider action to approve the second reading of Ordinance No. 2019-10 of the City Council of the City of Bastrop, Texas, enacting Chapter 1, Article 1.20, Sections 1.02.001 through 1.20.120 of the Bastrop Code of Ordinances; establishing construction and development standards and procedures for assertion, establishment, determination, and recognition of potential grandfathered development status or vested rights claims; and

providing for the following: findings of fact; enactment; repealer; severability; effective date; codification; proper notice & hearing; popular name; purpose; and scope.

- 12C. Consider action to approve the second reading of Ordinance No. 2019-14 of the City Council of the City of Bastrop, Texas, amending Chapter 11, Taxation, Section 11.04, "Hotel Occupancy Tax", attached as Exhibit A, in accordance with Chapter 351 of the Texas Tax Code; providing for findings of fact, enactment, repealer, severability, effective date, proper notice and meeting.
- 12D. Consider action to approve the second reading of Ordinance No. 2019-15 of the City Council of the City of Bastrop, Texas amending the Code of Ordinances, Chapter 2 Titled "ANIMAL CONTROL," Article 2.01 Titled "GENERAL PROVISIONS," Sections 2.01.001 Titled "DEFINITIONS" amending the definitions of various terms; amending 2.01.004 Titled "RESTRICTIONS ON KEEPING LIVESTOCK AND FOWL" to extend application to fowl being maintained in violation of this section; Article 2.04 Titled "IMPOUNDMENT," DIVISION 2 Titled "LIVESTOCK" by requiring Animal Control to refer any impounded livestock to the County Sheriff and repealing specific procedures for impounding livestock; and amending Article 2.07 Titled "NUISANCES" Section 2.07.001 Titled "CREATING HEALTH HAZARD" to extend applicability to animals "maintained" in violation of this section and repealing all prior ordinances that are in conflict herewith; as attached in Exhibit A; and providing for findings of fact, enactment, effective date, repealer, severability, and proper notice and meeting.
- 12E. Consider action to approve the second reading of Ordinance No. 2019-16 of the City Council of the City of Bastrop, Texas, repealing Emergency Ordinance 2018-1 [*Temporary Moratorium*] and implementing enhanced permit review measures to continue a heightened level of evaluation for certain building, construction and development permits; and providing for legislative findings of fact, repealer, enactment, duration, extension, severability, enforcement, proper notice and meeting, effective date, applicability, alternate approvals, appeals, and definitions..

13. ITEMS FOR INDIVIDUAL CONSIDERATION – PART 2 OF 2

- 13A. Consider action and approve Resolution No. R-2019-44 of the City Council of the City of Bastrop, Texas, making determinations regarding certain project-specific Exceptions and/or Exemptions as provided by Emergency Ordinance 2018-1, Section 8 (Temporary Moratorium); and Emergency Ordinance 2018-2, Section 7 (Emergency Drainage Application Rules).
- 13B. Consider action to approve Resolution No. R-2019-45 of the City Council of the City of Bastrop, Texas confirming a Board and Commission appointment of the Mayor, as required in Section 3.08 of the City's Charter; and establishing an effective date.
- 13C. Conduct a public hearing and consider action to approve the first reading of Ordinance No. 2019-18 of the City Council of the City of Bastrop, Texas, granting a Conditional Use Permit to allow a brewery, distillery and winery use on 0.266 acres of Building Block 4, West of Water Street located at 919 Main Street, an area zoned Downtown Bastrop Form-Based Code - HMS, Historic Main Street within the city limits of Bastrop, Texas; as shown in Exhibits A; setting out conditions; including a severability clause; establishing an effective date, and move to include on the May 28, 2019 Consent Agenda for second reading.

- 13D. Consider action to approve the second reading of Ordinance No. 2019-17 of the City Council of the City of Bastrop, Texas, enacting a new Chapter 16, "Stormwater Drainage," of the Bastrop Code of Ordinances establishing stormwater drainage requirements in order to minimize flood risks, stabilize and decrease stream bank and channel erosion, and facilitate comprehensive watershed-based planning, and repealing Emergency Ordinance 2018-2, Amendment to Emergency Ordinance 2018-2-A, and Section 1.40, "Drainage Criteria and Design Standards," Article 5.30, "Alleys," Article 5.90, "Drainage and Storm Sewers," Section 6.80.3, "Roadside Drainage Ditches," Article 6.100 "Rural Subdivision Drainage Requirements," and Article 7.50, "Drainage" from Chapter 10, "Subdivisions" of the Bastrop Code of Ordinances; adopting a stormwater drainage design manual ("The City of Bastrop Stormwater Drainage Design Manual"); and establishing an effective date.
- 13E. Consider action to approve the first reading of Ordinance Number 2019-19 of the City Council of the City of Bastrop, Texas Hands Free Devices An Ordinance of the City of Bastrop Amending Chapter 12, "Traffic and Vehicles," of the City of Bastrop City Code of Ordinances to add Article 12.13, "Use of Portable Electronic Devices While Operating a Motor Vehicle in the City of Bastrop; providing for: findings of fact, enactment, repealer, severability, criminal fines not to exceed \$300 per offense, effective date, codification, and proper notice and meeting, and place on the May 28, 2019 Consent Agenda for a second reading.
- 13F. Consider action to approve Resolution No. R-2019-46 of the City Council of the City of Bastrop, Texas awarding a contract to relocate a sewer line near the SH71 Feeder Road Expansion to Herschap Backhoe & Ditching in the amount of One Hundred Thirty-Six Thousand One Hundred Ninety-Five Dollars and zero cents (\$136,195.00) attached as Exhibit A; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.
- 13G. Consider action to approve Resolution R-2019-49 of the City Council of the City of Bastrop, Texas authorizing the City to resolve an enforcement action from the Texas Commission on Environmental Quality (TCEQ) at a cost of Sixty-Six Thousand Four Hundred Twenty Dollars and 00 Cents (\$66,420.00); as attached in Exhibit A; authorizing the City Manager to execute all necessary documents; providing for a repealing clause; and establishing an effective date.
- 13H. Consider action to approve Resolution R-2019-50 of the City Council of the City of Bastrop, Texas supporting the co-application by the City of Bastrop and Bastrop County of an ED-900P – Proposal for Economic Development Administration (EDA) Assistance Grant requesting funding to build Bastrop Community Center and Shelter Facility at Mayfest Park; ratifying the signature of the City Manager on the co-application and authorizing the City Manager to execute all necessary documentation; and establishing an effective date.

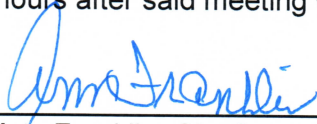
14. EXECUTIVE SESSION

- 14A. City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to discuss and deliberate litigation matters with the City Attorney regarding possible litigation regarding Davenport/Dayton drainage.
- 14B. City Council shall convene into closed executive session pursuant to Section 551.071 of the Texas Government Code to discuss and deliberate litigation matters with the City Attorney regarding Bastrop Estates, LLC v. City of Bastrop, Texas and Lynda Humble.

15. TAKE ANY NECESSARY OR APPROPRIATE ACTION ON MATTERS POSTED FOR CONSIDERATION IN CLOSED/EXECUTIVE SESSION

16. ADJOURNMENT

I, the undersigned authority, do hereby certify that this Notice of Meeting as posted in accordance with the regulations of the Texas Open Meetings Act on the bulletin board located at the entrance to the City of Bastrop City Hall, a place of convenient and readily accessible to the general public, as well as to the City's website, www.cityofbastrop.org and said Notice was posted on the following date and time: Friday, May10, 2019 at 12:00 p.m. and remained posted for at least two hours after said meeting was convened.



Ann Franklin, City Secretary

